John D. Lee, First Trial

Preliminary Material

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[*These documents are part of a large group of loose, disorganized papers found with Rogerson's last shorthand notebook of the first Lee trial. Rogerson did not transcribe any of this material.*]

RS

[Beaver, April 5, 1875]

[1] [*entire page is in ink*] **BEAVER APL 5/75** [*space*] 11 **AM**. [*space*] SECOND DISTRICT COURT BEAVER CITY TERRITORY OF UTAH. JUDGE JACOB S BOREMAN PRESIDING. [*space*] MEMBERS OF BAR PRESENT **W W** BISHOP FROM PIOCHE. **E D** HOGE.[1] DENNY AND SWIFT. CHRISTIAN WHEDON. SPICER LOPER. JOHN MCFARLANE AND **M C HAWLEY** [*space*] FIRST MOTION OF COURT BY HOGE THAT **W W** BISHOP BE ADMITTED TO PRACTICE THIS COURT. JUDGE ORDERED BE ADMITTED. USUAL OATH ADMINISTERED BY CLERK WILKINS. [*space*] MOTION BY SPICER JOHN D LEE BE BROUGHT INTO COURT AND ARRAIGNED. [*space*] WALKER **VS** *SEARLES*[?]. MOTION TO SET ASIDE SUIT **&C** BY DENNY AND SWIFT. [*space*] MOTION BY BEADLE THAT IT BE SET OFF [*space*] BY PROSECUTION TO GRAND JURY. IT IS PROPER TO ASK YOU IF YOU HAVE ANY BIAS OR PREJUDICE WITH REGARD TO ANY MAN THAT MIGHT BE BROUGHT BEFORE YOU. 1[2] "GRAY" RESIDENT WASHINGTON COUNTY. LIVED THERE 10 OR 11 YEARS. CITIZEN UNITED STATES NATIVE. READ AND WRITE. [*space*] ANY BIAS OR PREJUDICE AGAINST FINDING PERSON GUILTY WHERE THE CHARGE IS MURDER. CHARGED WITH THE CRIME OF POLYGAMY WITH ADULTERY LASCIVIOUS COHABITATION LIVING WITH 2 **OR** MORE WOMEN AS HIS WIFE, NO SIR. MAKE ANY DIFFERENCE IF PERSON LIVING WITH ANY SOCIETY YOU MAY BELONG TO, "I HAVE". QUESTION BY PROSECUTION OBJECTED TO BY BISHOP REFERENCE ≤FIGHTING BEADLE WITHOUT EVIDENCE≥ DAVIS [*space*] READ AND WRITE. FREE TO ACT IF BELONG TO SAME SECRET SOCIETY WITHOUT PREJUDICE BIAS ON ACCOUNT OF ASSOCIATION. [*space*] 2. ROSENCRANTZ **ROSENCRANS**. FOREIGN BORN FATHER IN ILLINOIS 14 GOING ON 15 WHEN CAME TO UNITED STATES. CAME FROM GERMANY. ACCOMPANIED WITH MY BROTHERS, FATHER WAS IN UNITED STATES 4 OR 5 YEARS BEFORE I CAME. NO BIAS OR PREJUDICE AGAINST FINDING PARTY GUILTY WERE HE CHARGED WITH CRIME OF MURDER IF PENALTY WOULD BE DEATH, I COULD. OR CHARGED WITH THE CRIME OF POLYGAMY LASCIVIOUS COHABITATION LIVING WITH ONE OR MORE WOMEN. BELONG TO NO RELIGIOUS OR SECRET SOCIETY WOULD PREVENT YOU FROM SITTING ON CASE. ACCEPTED [*space*] 3 EPHRAIM WILSON LIVE IN WASHINGTON COUNTY, NATIVE BORN. READ AND WRITE. NO BIAS OR PREJUDICE. [*space*] ≤{**KERSHAW**}[p]≥ 11[3] KERSHAW. 19 YEARS, NATURALIZED, READ AND WRITE. [*space*] 4 HARROUN CITIZEN IRON COUNTY BEEN THERE 18 MOST YEAR AND A HALF. 5 **JONES**. HANDED PROSECUTION ~~STATEMENT~~

1. Hoge was written phonetically: Hoje.
2. Numbers preceding names are in margin.
3. Name in longhand and number 11 in the left margin.

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≤CERTIFICATE≥ FROM PHYSICIAN PREVENT HIM FROM SERVING AS JUROR. COURT RULED BE DISCHARGED. [*space*] **TANNER** NATIVE BORN CITIZEN RESIDENT BEAVER 12 **OR** 14 YEARS. CAN'T READ OR WRITE ENGLISH LANGUAGE. EXCUSED. 6 **VAN BUREN** READ AND WRITE. NOT QUESTIONED AS TO BIRTH OR PARENTAGE. ACCEPTED [*space*]

[April 6–7, 1875][4]
[5] **2ND JUD DIST COURT. IN JNO D LEE AND OTHER CASES** [*space*] **1875** [*space*] BY SPICER SAID THAT THIS CASE WAS **NO** 40 SEEMED TO BE OUT OF ITS PLACE AND IN DATE OF APPEALS IN COURT IT STANDS AHEAD OF MANY CASES THAT ARE AHEAD OF IT ON THE DOCKET. IT WILL BE REMEMBERED THAT AT THE DECEMBER TERM I APPEARED FOR THIS CASE. BUT THE COURT SAID ONLY FEW CASES WERE AHEAD OF IT NUMBER IN THE 30**S** SAID **W F**[S] WAS NUMBER ~~30~~ ~~≤~~40~~≥~~ [*space*] TO PROSECUTION ATTORNEY HOW DID THAT HAPPEN? [*space*] BY PROSECUTION ATTORNEY [*space*] I WILL STATE HERE THAT PROSECUTION WILL BE UNABLE TO TAKE THAT CASE UP THIS TERM OF COURT I GIVE THAT INFORMATION NOW BUT THEY CAN GOVERN THEMSELVES FOR WITNESSES *AGREE*[?]. [*space*][5] BY BISHOP FOR DEFENSE; WE WILL BE READY ~~FOR TRIAL~~ AND ~~WOULD~~ ≤WILL≥ PRESS THE CASE FOR TRIAL. [*space*] CIVIL SUIT **SILAS S SMITH VS THOS J *WIM/WINR*[?]** [*space*] **DENNY FOR DEFT READ A DEMURRER** AND PLEAD CLEAR AND FORCEABLE MANNER AS TO CASE RELATIVE LOST EQUITY. ~ <DEFENDING **SANDTFORDS** FINDINGS.> PAGE 121-3 **&** 5 NEW YORK CODE. ~ **WHEDON FOR PLTFF.** [*space*] SAID THIS WAS BROUGHT UNDER SECTION 114 **UTAH CODE**. CALIFORNIA CODE WAS TAKEN FROM **NY** CODE AND UTAH IS DUPLICATE OF CALIFORNIA. READ FROM THE FOLLOWING AUTHORITIES RELATIVE TO THE CASE **14TH CALA** 522 AND 53~~3~~9. [*space*] I TAKE THIS COMPLAINT FORM *MHNDS*[?] FROM **NY** PRACTICE. FORM ESTABLISHED THERE. THIS BOOK BEEN IN USE SINCE 1872; PAGE 128 **&** 39 PLAINTIFF COMPLAINS ON BEHALF OF HIMSELF AND ALL OTHERS WHO SHALL IN DUE TIME GET IN AND SEEK RELIEF ON COST OF ACTION. READ[6] FORM AS IT IS PRACTICE OF **NY**. ONLY ONE OF SEVERAL PLAINTIFFS REFUSE TO SEE THE CODE MAKES SEVERAL EXCEPTIONS. [*space*] CODE SECTION 119. ONE PRISONER CAN'T BE BOTH PLAINTIFF AND DEFENDANT IN THE SAME ACTION; ONLY ONE OR BOTH PRISONERS ARE ENGAGED IN BUSINESS. UNDERSTAND THAT THE NECESSITY INVOLVED IS GIVEN TO ALL. THERE ARE CASES WHICH IN CONSEQUENCE OF THE NUMBER OF PLAINTIFFS CONCERNED IT WOULD BE IMPROPER TO BRING THEM ALL BEFORE THE COURT. [*space*] BY THE COURT BY COURT *CHANCERY*[?] RULE IS OF THIS CHARACTER THAT RULE SAID THERE WAS IN CODE THE PRECEDING

4. The manuscript gives only date of Wednesday as second day of these proceedings; in the *Salt Lake Tribune* the dates are given as: Tuesday and Wednesday, April 6–7 1875.

5. In the margin of next 4 lines: // **BATES FILES AFFDVT AS TO HIS CONTEMPT ON PAGE 2**. //

6. In left margin.

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SECTION. *PT*[?] IS WHY. THE *CHANCERY/CHMSR*[?] RULE WAS COMMON SMITH AGAINST -*MST*[?] AND POE. [*space*] THAT RULE IS LAW WORKING IN CHANCERY. IT SEEMS THAT IN CALIFORNIA IN THE SAME SECTION THERE A CLAUSE SAYS THAT IT APPLIES ONLY TO CHANCERY PROCEEDINGS. [*space*] 115 PARTIES WELL KNOWN *COULD BE*[?] DISCOUNTED. IF THE JURY WERE SUING IT WOULD BE UTTERLY IMPOSSIBLE TO BRING THEM IN [*space*] AND IN SUCH CASE AS THAT IT WOULD BE ALLOWED BUT HERE IT WOULD NOT BE IMPRACTICAL AND NO GREAT DIFFICULTY TO BRING THOSE PARTIES ALL IN AND NAME THEM AS PLAINTIFFS. THEY ARE ALL KNOWN AND NO REASON WHY THEY SHOULD NOT ALL BE MADE PLAINTIFFS. BY HAWLEY. COURT RULED [*space*] *[6]* **WALKER AGNST SEARLES** CALLED BY THE COURT [*space*] BY WHEDON. SET TO TAKE UP CASE OF *DUPY*[?] AGAINST BILL. DENNY SAID JUDGE STRICKLAND WAS CALLED *TO*[?] COUNSEL WITH BILL. *COULD NOT*[?]. COURT ASKED MR. DENNY IF THEY COULD BE READY FOR TRIAL *DUPY*[?] AGAINST BILL. ANSWERED BY JUDGE STRICKLAND SET FOR **ONE OCLOCK** =[7] [*space*] GOVERNMENT RECOVERED 47^{00} **DOLLS** FOR LABOR ETC. ON MINE CLAIM THIS *GOOD*[?]. BISHOP WHEDON CHRISTIAN FOR PLAINTIFF; DENNY SWIFT AND HAWLEY FOR DEFENDANT. MAN ARGUED SET ASIDE *SUMMONS*[?] THIS AFTERNOON [*space*] ABLY ANSWERED BY BISHOP. **BATES CONTEMPT.** {**WEDNESDAY 10 AM COURT**}[i8] MET PURSUANT ADJOURNMENT. GEORGE **C** BATES FILED AFFIDAVIT WITH CLERK RELATIVE CONTEMPT OF COURT. CLERK READ MINUTES OF TUESDAY'S PROCEEDINGS. [*space*] **GEO C. BATES** APPEARED IN OPEN COURT AND READ AFFIDAVIT OF SUTHERLAND RELATIVE CONTEMPT OF COURT. AFFIDAVIT OF BATE'S RELATIVE HIS COUNSEL IN THIS MATTER *MSSRS*.[?] TILFORD AND HAGAN OF SALT LAKE CITY. [*space*] {**COURT.**}[i9] BY THE COURT IF I ENTER THAT CONTINUANCE THE ATTORNEYS CAN'T TRANSACT ANY BUSINESS IN THIS COURT UNTIL ITS DISPOSITION, I WILL MAKE THE CONTINUANCE, NO DOUBT ABOUT THAT I HAVE NO DISPOSITION TO DO OTHERWISE [*space*] BY BATES THAT WILL BE ENTIRELY SATISFACTORY TO ME. REFERRED TO CASE OF WHITNEY THE RULE BEING DISCHARGED BY COURT I WILL MAKE *ONLY/ONE*[?] NO TECHNICAL OBJECTIONS TO IT. [*space*] WHILE YOU ARE *WON'T*[?] EXCLUDE SUTHERLAND IN THIS MATTER AS HE WAS NOT IN THE *FIELD*[?] OF BLAME [*space*] JUDGE WISHED TO READ SUTHERLAND'S AFFIDAVIT. [*space*] SAID ORDER BE DISCHARGED AS TO JUDGE SUTHERLAND AND WITH REGARD TO BATES IT BE CONTINUED. [*space*] I DO WANT AN ORDER OF CONTINUANCE UNLESS THERE BE SOME TIME FIXED IN RELATION TO TRIAL OF MR. DAME. [*space*] BY[10] COURT **US** AGAINST **THOMAS** DEMURRER SUSTAINED THEY PETITION ON THE GROUND OF THE STATUTES OF

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7. Longhand is written in left of three lines, separated from shorthand text by vertical wiggly line: **WYTHE WALKER VS SEARLES**.

8. "**WEDNESDAY**" is partially in left margin.

9. In left margin.

10. In left margin.

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LIMITATIONS. [*space*] CASE OF HARMONY *RMN*[?] AGAINST LOPER DEMURRER AND CONTINUANCE FOR YEARS WERE MADE LIABLE THEREFORE AFTER HOWEVER THE STATUTE OF 60 AFTER THE ANCIENT COMMON LAW WAS RESTORED TO SUCH AN EXTENT SEE THE LAW SET AT THE TIME OF BLACKSTONE **3RD** THE ENGLISH LAW WAS THAT THE GENERAL ENGLISH STATUTES STATED *AND BECAUSE COMMONLY*[?] ADOPTED IN THIS COUNTRY BY GENERAL CONSENT UNDER THIS STATE OF THE LAW THE DEFENDANT WOULD BE LIABLE EXCEPT FOR MERE ACCIDENT. SECTION 360 CAN'T THEREFORE BE SUSTAINED AND DEMURRER IS THEREFORE OVERRULED. [*space*] BY PROSECUTOR I SHOULD LIKE TO HAVE MR. DAME BROUGHT IN THIS MORNING [*space*] BY BILL IN THE CASE OF FISH AND WARREN[11] THERE ARE WITNESSES HERE FROM JUAB COUNTY HERE POINT *EXPLAINED*[?] BY THE DEFENDANT FISH THAT WE REPRESENT IS UNDER BONDS HEAVY BONDS AND DESIRES TO REMOVE FROM THE TERRITORY INDICTMENT WAS FOUND OF SEPTEMBER LAST AND AT THE INSISTENCE OF THE DISTRICT ≤ATTORNEY≥ AND SIMPLY TO REQUEST HIS BONDING CONTINUED TWICE. THESE PARTIES ARE HERE WITH US [*space*] *[7]* NAMES OF JURORS CALLED CALLED ALL PRESENT [*space*] THOMAS *W-N/S-N*[?] JOHN HUNTER, STEPHEN THORNTON, HYRUM S STEVENS. SUMMONED BY COURT ON MONDAY LAST APPEARED AND ANSWERED THOMAS *W-N/S-N*[?] BY PROSECUTION CITIZEN NATIVE READ AND WRITE ENGLISH LANGUAGE. ANY BIAS OR PREJUDICE AGAINST FINDING INDICTMENT AGAINST PARTY FOR MURDER WHERE PENALTY IS DEATH [*space*] AGAINST DEFENDANT INDICTMENT AGAINST PERSON WHERE CHARGE IS POLYGAMY LASCIVIOUS COHABITATION NOT MEMBER OF SECRET SOCIETY RULES OF WHICH WOULD PREVENT YOU BEING *OBJECTION*[?] TO. ACCEPTED [*space*] **J^{NO}** HUNTER NATIVE BORN. READ AND WRITE NO BIAS OR PREJUDICE ACCEPTED [*space*] STEPHEN **S** THORNTON 25 YEARS IN THIS TERRITORY IRON COUNTY. READ AND WRITE NATIVE. ACCEPTED [*space*] PROSECUTION ATTORNEY SAID WOULD LIKE HAVE DAME BROUGHT IN TO PLEAD TO INDICTMENT. [*space*] STEVENS RESIDENT UTAH LIVED IRON COUNTY 6 YEARS READ AND WRITE ENGLISH LANGUAGE. ACCEPTED GRAND JURY WERE DULY SWORN OF *CLERK*[?] WILLIAMS AS TO SECRECY ETC. [*space*][12] KERSHAW APPOINTED FOREMAN. USUAL OATH ADMINISTERED. YOU AS FOREMAN OF THIS GRAND JURY DO YOU SOLEMNLY SWEAR YOU WILL DILIGENTLY INQUIRE ANY MATTERS THAT SHALL BE GIVEN INTO YOUR CHARGE, KEEP SECRET

11. This case was recorded by Rogerson.
12. "1875" in left margin.

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RS	Deseret News
{**CHARGE TO GRAND JURY.**}[13] [*space*]	[*Jacob S. Boreman, charge to grand jury, April 9, 1875, excerpt in "More Boremanism,"* Deseret News, *April 14, 1875.*]
	The following is Judge Boreman's attack on 'Mormon leaders, 'depravity of polygamic offspring,' etc., in his charge to the grand jury last Wednesday. In reference to polygamy, Mountain Meadow massacre, etc., he said—
BY THE COURT GENTLEMEN OF THE GRAND JURY YOU ARE NOW IMPANELED UNDER THE LAWS OF THE UNITED STATES AND THIS TERRITORY BOTH AS A GRAND JURY [*space*] UPON CAREFUL AND *DLFL*[?] EXAMINATION INTO ALL CRIMES CRIMINAL OFFENSES THAT HAVE BEEN COMMITTED IN THIS DISTRICT AND ALL OFFENSES ACCOUNTABLE IN THIS COURT. THERE ARE SOME CRIMES THAT ARE ACCOUNTABLE IN THIS COURT THAT WERE NOT COMMITTED IN THIS DISTRICT. CRIMINAL LAWS CAN'T BE ENFORCED ⪡EXCEPT⪢ FROM THE MEDIUM OF A GRAND JURY AND IF THE GRAND JURY FAILS IN ITS SOLEMN AND GRAND JURY DUTY *THE/HE*[?] COMMITTED *SEVERELY/SEVERAL*[?]. IF THEY DO NOT WANT THE LAWS EN FORCED[14] THEY LET THAT BE KNOWN THROUGH THE GRAND JURY. THE GRAND JURORS COME FROM THE PEOPLE AND IF THEY ARE FALSE TO THEIR OATH THE CONCLUSION HAS BEEN REACHED THAT THE PEOPLE THE GREAT BODY OF THE PEOPLE	

13. In the left margin of the next 4 lines in ink over pencil: **BOREMANS CHRGE TO GRAND JURY**.

14. "EN FORCED" written as two separate words.

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RS	Deseret News
OF THIS COUNTY OF THIS DISTRICT DO NOT DESIRE THE LAWS TO BE ENFORCED. BUT DESIRE THAT CRIMINALS SHALL GO UNPUNISHED AND CRIME BE COMMITTED WITH IMPUNITY *TO/AND*[?] THE LAWS *SET A DEFIANCE*[?]. THE PEOPLE ALL OVER THE NATION ARE NOW LOOKING TO UTAH TO SEE WHETHER THERE IS A MANIFEST DESIRE FOR THE ENFORCEMENT OF THE LAW OR WHETHER IT TO BE TRUE THAT THEY *WILL/WHICH*[?] AS IS FOUND LIBERATED HOSTILE *WOULD*[?] ITS ENFORCEMENT AND OPPOSED TO THE LAWS OF ORDER. A TERRITORY IS NOT[15] LIKE A STATE ALTHOUGH IT IS OTHERWISE REPRESENTED ALL OVER THIS TERRITORY. EACH STATE MAKES AND ENFORCES HIS OWN LOCAL LAWS WITHOUT ANY INTERFERENCE OR CONTROL FROM ANY OTHER SOURCE. A TERRITORY LIKE A MAN WHO IS UNDER AGED IT IS SUBJECT TO THE CONTROL AND SUPERINTENDING CARE OF THE *FULL BIAS*[?] OF A GENERAL GOVERNMENT. AS CONSEQUENCE THE WHOLE PEOPLE OF THE NATION FEEL SOME RESPONSIBILITY IN REFERENCE TO A TERRITORY AND DESIRE THAT THE LAWS SHOULD BE SO *LEGAL/REGULATED*[?] AND ENFORCED JUST AS MUCH AS ELSEWHERE INJUSTICE AND RIOT DO NOT REIGN HERE AS RESULT. —[?] *LAWS/LOSSES*[?]. [*space*] ALTHOUGH YOU CAN HEAR ALMOST DAILY MISREPRESENTATIONS OF THE GOVERNMENT AND THIS SOCIETY	

15. Word is possibly crossed out.

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RS	Deseret News
YOU CAN REST ASSURED GENTLEMEN THAT THE GOVERNMENT AND THE PEOPLE OF THE UNITED STATES ARE NOT PROMPTED BY ANY—*BUT THE*[?] KINDEST FEELINGS TOWARDS THE PEOPLE THEY HAVE NO DESIRE TO GOVERN IN *SSR/SLR*[?] RULE. WE HEAR OCCASIONALLY IN MISREPRESENTATIONS OF THE REMARKS OF THE PEOPLE IT TAUGHT ALL OVER THESE *PARTS*[?] THAT THE GOVERNMENT AND PEOPLE OF THIS UNITED STATES ARE NOT THEIR FRIENDS BUT ARE VIRTUALLY A FOREIGN POWER AND THEY WANT TO PERSECUTE THEM SIMPLY FOR THEIR RELIGION *[8]* THEY KNOW FULL WELL THAT THE MASS OF THIS PEOPLE WERE MOSTLY FOREIGNERS THAT GOVERNMENT OF THE UNITED STATES ARE DESIROUS ONLY FOR THE REIGN OF PEACE THE POWER OF THE LEADERS WILL BE BROKEN AND MANY BY THE FAIR ENFORCEMENT OF THE LAW WILL FIND THEMSELVES IN FELONS' CELLS. THE IDEA OF PERSECUTION IS PREPOSTEROUS NOBODY DESIRES ANYTHING OF THE KIND AND ANY FEDERAL OFFICIAL WHO WOULD FAVOR ANY SUCH A THING[16] DESIRE *WHEN*[?] THE AUTHORITY OF THE GOVERNMENT AND SHOULD BE PULLED FROM HIS AUTHORITY AND [*space*] HAVE NOT HAD ANY DESIRE AT ANY TIME AND HARASS ANY ONE TO OR PUNISH ANY ONE IF THEY ARE NOT GUILTY AND THEY	

16. Included in Rogerson Shorthand Book 12 is a loose page written in longhand that replicates some of the same material. The page fits at the end of Baskin's closing argument. See Trial matrix, p. 3052 fn. 571.

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RS	Deseret News
CONSIDER IT AFFIRM NO MAN WILL EVER BE SENTENCED IN THIS COURT AT ANY TIME UNLESS THE COURT AS WELL AS THE JURY SHALL BE FIRMLY CONVINCED OF HIS GUILT AND THIS RULE I HAVE ALWAYS ACTED UPON [*space*] I HAVE BEEN ON THE BENCH FOR 8 YEARS AND THIS RULE HAS ALWAYS BEEN FOLLOWED BY ME. IF HE IS NOT PROVEN GUILTY OF A PARTICULAR CHARGE THE COURT WILL NOT HESITATE TO SET THE VERDICT ASIDE. THE COURT CAN NOT BE AFFECTED WITH PRINCIPLES OR BIAS OR BY ANY OUTSIDE POWER SO GENTLEMEN SHOULD YOU DISREGARD ALL PRINCIPLES AND BIAS. THINK YOU CAN BE SWAYED BY ANY DEFENDANT OR *MATTER IN/YOUR OWN*[?] JUDGMENT AN ASSURANCE UNDER THE SOLEMN OATH YOU ~~MADE~~ HAVE LEST YOU COMMENCE A JUDGMENT. NO MATTER WHETHER IT STRIKES FRIEND OR FOE. IT IS NOW AND HAS BEEN FOR YEARS SAID THAT THE BULK OF THE PEOPLE OF THIS TERRITORY *NO/KNOW*[?] NATURAL FEELING OF INDEPENDENCE AND HAVE VIOLATED EVERY PRINCIPLE OF HONOR AND JUSTICE DO YOU GENTLEMEN PERHAPS HAVE AS MUCH PERSONAL INDEPENDENCE AND MANHOOD AS ELSEWHERE IN AMERICA. PAY —[?] CAREFUL HEED TO YOUR OATH UNDER SUCH OATH YOU WILL WITH THE MOST SPEEDY MANNER KNOWN TO LAW AND THIS OFT REPEATED CHARGE IN DISCHARGE YOUR DUTY YOU MUST KNOW NEITHER FRIEND NOR ENEMY NOR BE CONTROLLED BY	

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RS	Deseret News
FEAR FAVOR OR AFFECTION. IF YOU DO AS I SUGGEST YOU WILL GO A LONG WAY TOWARD PREVENTING ANY FURTHER ALLEGATIONS IN CONGRESS AND IF YOU DO NOT DO WHAT YOUR OATH REQUIRES THE PUBLIC WILL NOTE IT AND EACH STEP WILL GO FURTHER FURTHER ON TO MORE RIGID ENFORCEMENT OF THE LAWS. IF THE GRAND JURORS AS NOW CONSTITUTED BY LAW DO NOT SHOW PROPER REGARD THOUGH ≤TO≥ THEIR DUTY THAT THE LAWS WILL BE ENFORCED. A WHOLE PEOPLE SHOULD NOT BE WILLFULLY BLIND TO THESE FACTS. I URGE THIS MATTER UPON YOU [*space*] THAT THERE IS STILL A WIDE SPREAD HOSTILITY TO FEDERAL RULE IN THIS TERRITORY AND TO A PEOPLE GENERALLY DELUDED AND DECEIVED BY THE WILD MISREPRESENTATIONS OF OTHERS AND [*space*] ~~*IF/FOR*~~[?] ~~YOU ARE~~ DELIBERATIONS *YET*[?] YOU ARE CONSIDER OFFENSES MADE AS I STATED AGAINST THE UNITED STATES AND AGAINST THE TERRITORY IN ALL THE TERRITORIES IN THE DISTRICT COURTS HAVE A DOUBLE POWER *THEY ARE*[?] REQUIRED TO ENFORCE THE LAWS OF THE FEDERAL GOVERNMENT AND OF THE TERRITORY BOTH HENCE YOUR DUTIES COVER BOTH OF THESE GROUNDS IN THE STATE AND DUTIES —[?] IN THE TERRITORY THEY LABOR TOGETHER TERRITORIAL LAWS BOTH. AS TO *GOVERN*[?] INFLUENCE OF THE LAWS OF THE TERRITORY *NOT SET*[?] *THE WAY*[?] OR	

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RS	Deseret News
PTNTD/PATENTED[?]. THE TEMPER OF THE PUBLIC LAWS BELONGS TO THE GOVERNMENT AND NO ONE SHOULD SUPPLY THIS TEMPER WITHOUT POSITION. [*space*] [9] SET MISSION IN THIS DISTRICT NOTWITHSTANDING THE OATH MIGHT HAVE BEEN TAKEN AT SALT LAKE CITY [*space*] WHEREVER THE PARTIES ARE ARRESTED HE CAN BE INDICTED AND TRIED UNDER UNITED STATES LAWS MEN THAT THUS SECURED NUMEROUS PARCELS OF LAND WHEN THE LAW SAYS THEY SHALL ONLY HAVE ONE. THE MEN WHO ACT FOR THE INSTRUMENTS OF SUCH LAND ROBBERS ARE GUILTY OF PERJURY. *MLS*[?] MUST BE SECURELY KEPT PRIVATE AND THERE MUST BE THE MOST PERFECT SECURITY THEREIN. PRIVACY AND SECURITY CAN ONLY BE SECURED BY A FIRM PURPOSE AND DETERMINATION TO ENFORCE THE LAWS.	"POLYGAMY OR BIGAMY WILL REQUIRE YOUR ATTENTION. THIS IS A CRIME THAT IS VERY PREVALENT IN THIS DISTRICT AND THROUGHOUT THE TERRITORY. ITS POLLUTING EFFECTS ARE SEEN ON EVERY SIDE AND IN EVERY COMMUNITY. THE CHILDREN OF SAID MARRIAGES ARE GENERALLY GROWING UP AS WILD ANIMALS, WITHOUT TRAINING, INSTRUCTION, OR PARENTAL CARE. IT IS OF COURSE UTTERLY IMPOSSIBLE FOR ONE FATHER, EXCEPT IN ISOLATED CASES, TO LOOK AFTER THE TRAINING OF CHILDREN SEPARATED INTO VARIOUS FAMILIES, AND THERE IS GENERALLY LITTLE OR NO

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RS	Deseret News
	ATTEMPT TO LOOK AFTER THEM. THE CONSEQUENCES MAY BE SEEN ALL OVER THE TERRITORY
POLYGAMY IN EVERY FACE OF ITS CHARACTER IS DEGRADING AND BEASTLY IT DRIVES MAN DOWN TO THE LEVEL OF THE BRUTES AND WOMAN IS PLACED IN THE SAME SOCIAL POSITION AS WE FIND AMONG THE SAVAGES OF THE FOREST AND AMONG SOME PARTLY *CIVILIZED*[?] RACES AND LOOKED	POLYGAMY, IN EVERY PHASE OF ITS CHARACTER, IS DEGRADING AND BEASTLY. IT DRAGS MAN DOWN TO THE LEVEL OF THE BEAST. WOMAN IS PLACED IN THE SAME SOCIAL POSITION.
UPON AS A DRUDGE AND A SLAVE	SHE IS LOOKED UPON AS A DRUDGE AND SLAVE, FIT ONLY TO PERFORM THE HARDEST WORK TO GRATIFY THE SLAVISH PASSIONS OF THOSE TO WHOM SHE BELIEVES HERSELF MARRIED.
SHE NEVER HEARS THE ENDEARING NAME OF WIFE	SHE NEVER HEARS THE ENDEARING NAME OF WIFE, BUT WE ALWAYS
THE NAME OF MY WOMAN IS HEARD SHE KNOWS OF CONNUBIAL LOVING THE CHARMS OF LOVE ARE STRANGERS TO HER NO OTHER SECTION OF THE WHOLE UNITED STATES IS FILLED WITH PEOPLE AS NEGLIGENT OF THEIR CHILDREN AND THEIR FAMILIES. VICE AND	HEAR HER CHEERLESS TITLE OF ‘MY WOMAN.’ SHE KNOWS NOTHING OF LOVE, AND THE CHARMS OF HOME ARE STRANGERS TO HER. NO SECTION IN THE WHOLE UNITED STATES IS FILLED WITH PEOPLE SO NEGLIGENT AS FAMILIES IN UTAH. VICE IS VERY PREVALENT, AND
DEGRADATION EVERYWHERE MARKS THE FOOTSTEPS OF THIS LOATHSOME CRIME AND IT IS A CRIME YOU KNOW IS PRACTICED ALL AROUND YOU	GENERAL DEGRADATION EVERYWHERE MARKS THE FOOTSTEPS OF THIS LOATHSOME CRIME. IT IS A CRIME THAT EACH OF YOU KNOW IS PRACTISED ALL AROUND YOU. EVERY COMMUNITY HAS NUMEROUS PERSONS LIVING IN
AND THE LEADERS BEING NEARLY ALL GUILTY OF THIS CRIME AND PERSISTENTLY THEIR DELUDED POWERS TO COMMIT THE SAME DEGRADING OFFENSE YET THESE VERY SAME MORMONS WILL TELL THE WORLD WHEN BROUGHT INTO COURT THAT THEY ARE LAW	POLYGAMY, AND THE LEADERS ARE NEARLY ALL GUILTY OF THIS CRIME, PERSISTENTLY URGING THEIR DELUDED FOLLOWERS IN COMMITTING THE SAME DEGRADING OFFENSE. YET THESE VERY SAME MEN WILL TELL THE WORLD THAT THEY ARE LAW

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RS	Deseret News
ABIDING CITIZENS AND TESTIFY TO THE COURT THAT THEY ARE LAW ABIDING CITIZENS AND THE MEN DON'T HESITATE TO PERJURE THEMSELVES IN THIS OFFENSE THERE WAS ONE MAN ON THE GRAND JURY AT THE LAST TERM OF COURT HE THAT HE HAD NO CONSCIOUS SCRUPLES TO PUNISH ANY PERSON FOR THE CRIME OF POLYGAMY [*space*] YET THIS MAN HAS SINCE GONE INTO POLYGAMY. THERE ARE SOME MEN IN POLYGAMY WHOM I WOULD NOT LIKE TO SEE PUNISHED. [*space*] IT IS NO PLEASURE TO SEE MEN PUNISHED FOR ANY OFFENSE. AND IF COMMITTED THAT THIS WHOLE SYSTEM OF POLYGAMY SHALL CEASE OF ITS OWN ACCORD. IN PUTTING DOWN THE PRACTICE IT IS NOT EXPECTED THAT EVERY MAN WHO IS GUILTY SHALL BE PUNISHED BUT IT IS EXPECTED THAT THE LEADERS SHALL BE BROUGHT TO JUSTICE. [*space*] SO FAR AS AS MOST INTELLIGENT ARE CONCERNED THIS IS ALL NONSENSE. ELEVATED TO A BETTER CIVILIZATION [*space*] SHED THIS THE DAY IS RAPIDLY APPROACHING WHEN THESE HIDEOUS MONSTERS WILL BE PUT OUT OF	ABIDING CITIZENS. SUCH FALSEHOODS ARE BUT TOO COMMON, AND MEN DO NOT EVEN HESITATE SOMETIMES TO PERJURE THEMSELVES IN REGARD TO THIS OFFENSE. THERE ARE SOME MEN IN POLYGAMY THAT I SHOULD NOT LIKE TO SEE PUNISHED. I REFER TO A FEW IN WHICH AN HONEST AND PERFECT SEPARATION HAS TAKEN PLACE BETWEEN THE PARTIES, AND I BELIEVE ALL GOOD PEOPLE WOULD RATHER THAT NONE SHOULD BE PUNISHED IF THEY WILL BUT CUT LOOSE FROM THE SYSTEM. SOME TALK ABOUT POLYGAMY AS A PART OF THEIR RELIGION. SO FAR AS THE MORE INTELLIGENT ARE CONCERNED, THIS IS THE SILLIEST NONSENSE. THEY DO NOT THINK IT TO BE SO. THEY USED TO CLAIM THAT BLOOD ATONEMENT WAS PART OF THEIR RELIGION, BUT THE ELEVATING INFLUENCE OF A BETTER CIVILIZATION SHOWED THIS TO BE SANCTIONING COLD-BLOODED MURDER. IT IS NOW ALMOST IF NOT ENTIRELY DEAD. SO WILL THIS TWIN CRIME, POLYGAMY, SOON LOOK TO THE EYES OF THE NOW DELUDED MASSES. THE DAY IS FAST APPROACHING WHEN THIS HIDEOUS MONSTER WILL BE PUT OUT OF

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SIGHT AS A THING TOO LOATHSOME FOR *TO*[?] PUBLIC VIEW. THE LEADERS FREQUENTLY BOAST THAT THEY CAN GO FREE BECAUSE THEY WENT INTO POLYGAMY BEFORE LAW OF 62. [*space*] IF THE LAWS BE NOT RESPECTED *FURTHER*[?] TYRANNY OR ANARCHY WILL BE THE RESULT WHERE THERE IS NO ORDER POWER FOR THE LEGAL *AUTHORITY*[?]. THE COMMUNITY WHICH WILL ALLOW A COMMON DISREGARD FOR LAW WILL SOON FIND THAT THEIR LEADERS HAVE MADE SLAVES OF THEM AND THEY WILL BE RULED BY A ROD OF IRON. ≤IT IS PUTTING≥ AND UTAH WILL THEN STAND LIKE ANY OTHER DECENT TERRITORY WITH CLEAN HANDS AND A PURE HEART. [*space*] *[10]* NOW AS TO TERRITORIAL OFFENDERS AMONGST THE FIRST OFFENSES AGAINST THE LIVES OR INDIVIDUALS SUCH AS MURDER MANSLAUGHTER ETC. I DESIRE TO CALL YOUR SPECIAL ATTENTION TO *JOHN*[?] *HLV/HRV/HRTV*[?] WHO WAS KILLED NEAR THIS CITY A YEAR AGO LAST FALL. IT WAS A COLD BLOODED AND COWARDLY MURDER AND THE ASSASSINS CONSISTED OF SOME HALF DOZEN PERSONS AT LEAST AND EVERY EFFORT TO DISCOVER THE PERPETRATORS OF SUCH DEED HAVE BEEN FRUITLESS THE PERPETRATORS WOULD KNOW NO DOUBT RESIDENTS OF THIS COMMUNITY AND THERE ARE MEN NOW HERE WHO SHOULD KNOW AND DIVULGE THE WHOLE MATTER AND THEIR OWN SAFETY DEPENDS THAT THEY SHOULD TELL THE	SIGHT AS A THING TOO LOATHSOME FOR PUBLIC VIEW.

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RS	Deseret News
WHOLE MATTER. IT MAY BE THAT SOME MATTERS RESPECTING THE MOUNTAIN MEADOW MASSACRE WILL BE CALLED TO YOUR SPECIAL ATTENTION AND IF YOU KNOW ANYTHING OF THIS BLOODY AND INHUMAN BUTCHERY YOU SHOULD MAKE IT KNOWN.	"SOME MATTERS RESPECTING THE MOUNTAIN MEADOWS MASSACRE WILL BE CALLED TO YOUR ATTENTION. IF SO, OR IF EITHER OF YOU KNOW ANYTHING OF THIS BLOODY AND INHUMAN BUTCHERY, DIVULGE IT ALL. IT IS YOUR SWORN DUTY TO DO SO. IT IS NOT EXPECTED THAT ALL WHO WERE ENGAGED IN THAT BUTCHERY WILL BE PUNISHED.
SOME YOUNG MEN WENT INTO IT WITH THE FEAR THAT THEIR LIVES WERE IN DANGER IF THEY DID NOT GO IN IT.	SOME VERY YOUNG MEN WENT INTO IT, NO DOUBT WITH FEAR THAT THEIR OWN LIVES WOULD BE TAKEN. THIS IS SAID TO HAVE BEEN THE CASE IN NUMEROUS INSTANCES. YOUNG MEN NOT OUT OF THEIR TEENS WHERE FORCED INTO PARTICIPATION IN THIS HORRIBLE DEED, A DEED THE VERY THOUGHT OF WHICH MAKES HUMAN BLOOD TO CURDLE ON ACCOUNT OF ITS ATROCITY. THE
LEADERS AND ACTIVE MEN OF THIS CRIME SHOULD BE PUNISHED TO THE UTMOST EXTENT OF THE LAW. [*space*]	LEADERS AND ACTIVE MEN IN THIS CRIME SHOULD BE PUNISHED TO THE UTMOST EXTENT OF THE LAW. THOSE WHO WERE THEN MERE BOYS AND FORCED INTO IT SHOULD NOW COME FORTH AND, AS LAW-ABIDING MEN, TELL YOU THE
YOU SHOULD ASK THEM TO DO SO AND IF THEY DO THEY WILL CLEAN THEIR OWN CONSCIENCES AND HELP TO BRING TO JUSTICE THE LEADERS AND SAVE THE WHOLE PEOPLE THE CHARGE OF PARTICIPATION AND CONNIVANCE AT THIS TIME. [*space*] *SMLT*[?] *DESIGN*[?] AND ADULTERY ALSO LASCIVIOUS COHABITATION. READ THE STATUTE RESPECT LASCIVIOUS COHABITATION LAWS OF THE LAND	WHOLE CASE. YOU SHOULD ASK THEM TO DO SO. BY SO DOING THEY WOULD CLEAR THEIR OWN CONSCIENCES, HELP TO BRING TO JUSTICE THE LEADERS, AND SAVE THE WHOLE PEOPLE FROM THE CHARGE OF PARTICIPATION OF, OR CONNIVANCE IN, THIS TERRIBLE CRIME."

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RS	Deseret News
DO NOT RECOGNIZE ANY MARRIAGE WHEN *THERE IS ONE*[?]. YOU HAVE SWORN NOT TO GO ABOUT YOUR OWN NOTIONS OF THE LAW AND IF THE COURT IS MISTAKEN IN ANY POINT TAKEN *WILL*[?] BE CORRECTED IN THAT MATTER. THEN YOUR DUTIES LOOK —/*YES*[?] TO INVESTIGATE A CASE OF SEDUCTION. GAMBLING AND GAMBLING AND HOUSES. LARCENY ROBBERY EMBEZZLEMENT ETC., ANY SUCH CHARACTERS SHOULD BE BROUGHT TO JUSTICE IMMEDIATELY. [*space*] THERE MUST BE GOOD SEMBLANCE OF SAFETY TO LIFE AND PROPERTY OR THEY ARE UNFIT TO *FORM*[?] GOVERNMENT [*space*] FORGERY BRIBERY ETC. WHEN YOU MEET IN THE GRAND JURY ROOM ELECT ONE OF YOUR NUMBER CLERK OF THE WHOLE PROCEEDINGS YOUR OATH REQUIRES ABSOLUTE SECRECY ON YOUR PART AND ANY MEMBER WHO DIVULGES ANYTHING SHOULD BE INDICTED BY YOU NO COURT WILL ALLOW YOU TO DIVULGE ANY THING IN RELATION TO THE CASE BEFORE YOU IN THE COURT. SHOULD ANY PERSON OUTSIDE OF THE GRAND JURY TRY TO INFLUENCE YOU IN ANY MATTER BRING THAT UP BEFORE THE COURT AND THAT PARTY WILL BE DEALT WITH. YOU WILL NOT ALLOW ANY ONE BE PRESENT *HEAR*[?] *IN/ANY*[?]. NOR SHALL ANY ONE BE PRESENT AT ANY TIME WHEN ANY VOTING IS TAKEN. [*space*] PARTIES WHO BEEN REQUIRING THEM TO APPEAR AT THIS TIME THEY OUGHT TO BE INDICTED SO THEY BE NOT *HELD*[?]. —[?] I REFERRED POLICIES OF JUDGE	

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RS	Deseret News
MCKEAN ADOPTED\\\. *IN*[?] THE THIRD DISTRICT WAS A GOOD ONE. [*space*] PRAY AS INDEPENDENT AND FEARLESS FREE MEN YOU WILL DISCHARGE YOUR DUTY AND GIVE ≤TO THE WORLD≥ THE NOTION THAT IN UTAH THE LAWS WILL BE ENFORCED. [*space*]	

RS

STOKES TOOK OATH TOOK CHARGE OF GRAND JURORS. [*space*] *[11]* BY THE PROSECUTOR [*space*] *WHOEVER*[?] HAD EXITED TO THE JAIL TO SHOW CAUSE WHY THEY PERMITTED WILLIAM **HD** TO BE RELEASED THIS MORNING THE SHERIFF IS IN THE ROOM [*space*] BY THE SHERIFF I BROUGHT BY MR. HUNT TO MAKE THIS STATEMENT [*space*] THE JAIL IS USED IN COMMON FOR THE COUNTY PRISONERS BY THE UNITED STATES MARSHALS FOR KEEPING HIS PRISONERS ALSO. SHERIFF SENT HERE ALSO AND GOT A COAT FOR HIM YESTERDAY AND SINCE THAT TIME HE KNOWS NOTHING ABOUT IT. HE HAS NOT BEEN TO THE JAIL SINCE HE WENT TO THE JAIL LAST EVENING. IT IS USED IN COMMON FOR KEEPING TERRITORIAL AND COUNTY PRISONERS. [*space*] BY THE COURT. THEY HAD BETTER GET ANOTHER PLACE TO KEEP THEM.[17] [*space*] BY PROSECUTION I WOULD LIKE TO KNOW WHO DISCHARGED HIM? BY THE COURT [*space*] THE COURT DIDN'T CONVEY. [*space*] BY THE *PRATT/FRAT*[?] DID YOU GO TO JAIL THIS MORNING AFTER THE PRISONER *AND/I*[?] DID NOT FIND HIM THERE. I WAS SENT FOR *OTHER/THEIR*[?] ≤2≥ PRISONERS THERE AND THEY MADE A STATEMENT THAT MR. DAME HAD GONE THAT 3 OF HIS WIVES CAME FOR HIM AND HE WENT SAID HE WAS OVER TO SOME HOUSE DIDN'T KNOW WHAT HOUSE IT WAS [*space*] *STARFIELD/STRFLT*[?] TOOK THEM AND GAVE EVIDENCE. BY PROSECUTION WAS IN JAIL LAST NIGHT WHO LET HIM OUT THIS MORNING [*space*] THE SON OF THE JAILER CAME AND TOLD HIM HIS BREAKFAST WAS READY AND 3 LADIES CAME AND TOOK HIM OVER TO HIS BREAKFAST. SON CAME I LEFT BEFORE HE CAME BACK. [*space*] BY THE COURT HOW DID HE GET THE KEY I DO NOT KNOW MR. JONES BILLETS THE PRISONERS. [*space*] BY THE COURT TO MAXWELL DOES HE BOARD YOUR PRISONER I DO NOT KNOW SIR. [*space*] BY THE COURT MR. HUNT I DISCHARGED. BY PROSECUTORS I MOTION MR. HUNT BE BROUGHT TO COURT. [*space*] BY MAXWELL [*space*] BY LOPER I TAKE AN EXCEPTION TO YOUR RULING ON THE DEMURRER LOPER **VS** THOMAS ROMNEY. PROSECUTORS MR. DAME IS HERE AND I SHOULD LIKE HIM TO PLEAD. BY

17. "TH" apparently added later; original shorthand possibly read "HIM" or "'EM".

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THE COURT TO MR. DAME ARE YOU READY TO PLEAD[18] MCFARLANE SAID I SPEAK FOR MR. DAME [*space*] WE ARE NOT READY TO PLEAD AND WON'T BE TILL MONDAY [*space*] BY THE COURT TO PROSECUTION ANY OBJECTION? IF THE COUNSEL ARE HERE I SHOULD LIKE MR. DAME TO PLEAD THIS WEEK. BY THE PROSECUTORS RESPECTING MEALS BEING CONVEYED TO PRISONERS IN THE JAIL, ALSO AS TO NUMBERS OF SHERIFFS DEPUTY SHERIFFS AND AS TO OFFICERS BEING SWORN SO PRISONERS MAY BE KEPT IN LARGER LOCALITY [*space*] AND I OBJECT TO THEIR BEING TAKEN OUT OF ANY PRISON. [*space*] BY THE COURT, NO ONE NOR OFFICER HAS ANY RIGHT TO LET OUT THE PRISONERS IN CHARGE OF AN OTHER OFFICER EXCEPT BY PERMISSION OR ORDER. NO RIGHT TO TAKE PRISONER OUT EXCEPT BY PERMISSION OF THE PARTY WHO BRINGS HIM THERE. [*space*] BY HUNT IF ANY STATEMENT IS WANTED FROM ME OR ANY OF THE WITNESSES ON BEHALF OF THIS MATTER I SHOULD MAKE IT WILLINGLY. [*space*]

RS [**14–15 April 1875** (pages 5–6, 9–17)**]**
[5][19] VERY MANY OF THEM ARE IN COURT AND UNTIL HE SHOWS UNTIL PROSECUTION SHOW BY *NOTICING*[?] HERE THAT THEY ARE RELYING ON OTHER WITNESSES GIVING THE NAMES AND THE TESTIMONY THEY HAVE NOT A RIGHT TO USE THIS AS A CASE. THIS GREAT AMERICAN NATION THE UNITED STATES THE PEOPLE HAVE NOT MONEY TO PAY THE PROSECUTION. [*space*] WE UNDERSTAND VERY WELL THAT THE MACHINERY IN THIS COURT IS IN FULL MOTION IN GOOD ORDER IS ALL ALL POWERFUL AND SUBPOENAS THAT GO FROM THIS COURT COMPEL WITNESSES TO ATTEND HERE COMPEL JURORS MONEY OR NO MONEY THEY HAVE NO RIGHT TO REFUSE AND CERTAIN IT IS THAT THESE UNITED STATES OF AMERICA THAT WAS ABLE TO BORROW MONEY AND CARRY ON THIS GREAT WAR OF THE REBELLION HAVE CERTAINLY CREDIT ENOUGH LEFT TO PROCURE THE ATTENDANCE OF WITNESSES TO THIS DISTRICT OF LITTLE UTAH TERRITORY. IF THEY HAVE NOT THEY HAVE NOT AS MUCH CREDIT AS I HAVE. AT THE TERMINATION OF SPICER AND DURING HIS REMARKS LEE WEPT LOOKED AROUND. [*space*]-**BISHOP**[20] THE COURT PLEASE IN THIS CASE WE RELY UPON THE CERTAINTY OF THE LAW AND CLAIM THAT THE RULE BEING CERTAIN HAVING BEEN ESTABLISHED FOR A NUMBER OF YEARS. THOSE RULES THAT CONTROL MOTIONS OF THIS KIND. WE COME BEFORE THE COURT WITH A GREAT DEAL OF CONFIDENCE ASKING THAT THE RULE OF LAW AS WE UNDERSTAND IT BE ENFORCED IN THIS INSTANCE AND SAY THAT THE GOVERNMENT THE REPRESENTATIVE OF THE PEOPLE ON THIS OCCASION HAS NOT PLACED HIMSELF WITHIN THE RULE THAT HE HAS NOT AGREED TO OUR JUDGMENT AFTER CAREFUL EXAMINATION OF THE SUBJECT MADE THE

18. In the left margin next to MacFarlane's name: {**W H DAME**}i COUNSEL FOR DAME.

19. Apparently Spicer is speaking, see the Rogerson note at the end of the speech.

20. In left margin with vertical line from name to bottom of page.

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STATEMENT SHOWING SUCH A CONDITION OF AFFAIRS AS JUSTIFIES THE PEOPLE IN ASKING THAT THIS CASE BE FURTHER POSTPONED AND THE DEFENDANT RETAINED IN CUSTODY. THE GOVERNMENT ASKS A CONTINUANCE UPON FOLLOWING GROUNDS. THAT I CONSIDER WHERE THE APPLICATION FOR A DELAY AS I SHALL TRY TO SHOW TO YOUR HONOR BUT THE SECOND PAPER FILED THIS MORNING IS NOT SUCH A DOCUMENT ≤THAT THIS COURT≥ HAS A RIGHT TO CONSIDER. FIRST DOCUMENT FILED THEY CLAIM THERE ARE LARGE NUMBER THAT HAVE NOT BEEN SERVED WITH THE PROCESS OF THIS COURT. NEXT UNITED STATES MARSHAL HAS TRAVELED BEEN GREAT EXPENSE PURPOSE OF SERVING SUBPOENAS AND SAID WITNESSES ARE MATERIAL AND IMPORTANT. WITHOUT SHOWING IN WAY THE TESTIMONY WOULD BE MATERIAL OR IN WHAT RESPECT IT WOULD BE IMPORTANT IN THE TRIAL OF THIS CASE. THAT THE UNITED STATES AND TERRITORIAL GOVERNMENT ARE BOTH TOO IMPECUNIOUS [*space*] AND DECIDE THAT THE GOVERNMENTS OF THE UNITED STATES AND TERRITORY OF UTAH HAVE THE RIGHT IN A PROCEEDING OF THIS KIND TO COME INTO COURT AND PLEAD [*4 lines blank*] *[6]*[21] THAT THEY ARE BEING AGREED TO. IF DEFENDANT WAS NOT ARRAIGNED AT THE FIRST TERM OF COURT THAT IS CERTAINLY NOT THE DEFENDANT'S FAULT [*space*] BECAUSE A DEFENDANT INCARCERATED IN JAIL IS NEVER EXPECTED TO *HIM/COME*[?] INTO COURT OR DO ANYTHING OF THE KIND NOT GOT ANY COUNT TO CHARGE AGAINST HIM. IT IS THEIR DUTY TO BRING HIM AT THE EARLIEST PRACTICAL OPPORTUNITY. EARLIEST MOMENT POSSIBLE. THEN THE DEFENDANT HAVING BEEN READY FOR TRIAL AND STILL BEING READY FOR TRIAL WE CLAIM THAT THE PROSECUTION IN THIS CASE MUST SHOW THE SAME STATE OF FACTS TO ENTITLE THEM TO A CONTINUANCE THAT WOULD BE NECESSARY TO SHOW IN A CIVIL PROCEEDING. RULE IS CERTAINLY WELL SETTLED ON THIS CODE BORROWED FROM CALIFORNIA BY THE TERRITORY OF UTAH AND THE RULE AS I UNDERSTAND BEING THE SAME IN ALL THEM THE RULE DOES NOT DIFFER UPON APPLICATION UPON THE CONTINUANCE OF A CIVIL OR CRIMINAL CASE. THERE MUST BE SOMETHING SHOWN BY THE PARTY MOVING FOR A CONTINUANCE THAT IT IS IMPOSSIBLE FOR THE PARTY TO PROCEED TO TRIAL OR GREAT INJUSTICE WILL BE DONE. [*space*] WE CLAIM THAT THE APPLICATION ON THE PART OF THE GOVERNMENT IN THIS CASE IS INSUFFICIENT. THAT THE MARSHAL HAS NOT USED DUE DILIGENCE. IF THE MARSHAL HAS TRAVELED THE HUNDREDS OF MILE HE SAYS HE HAS TRAVELED HOW CAN IT BE CLAIMED THAT THE WITNESSES HAVE NOT BEEN FOUND. THIS STATEMENT FAILS TO SHOW ANY REASON WHY MARSHAL AND SERVED HIS PROCESS UPON THEM. IF THE PARTIES HAVE BEEN SERVED WITH THE PROCESS OF THIS COURT CAN THE GENTLEMAN CLAIM [*space*] CAN ANY MAN CLAIM THAT THEY ARE EXCUSED FROM ATTENDING BECAUSE GOVERNMENT IS POOR THERE IS NO PROVISION OF LAW THAT EXCUSES A PARTY FROM ATTENDING TO TESTIFY IN A CRIMINAL PROCEEDING

21. Vertical wiggly line in left column, a continuation of line from page 5.

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WITHOUT MONEY OR EXCUSED FROM NOT COMING BECAUSE THEIR FEES ARE NOT PAID. IT IS THE DUTY OF EVERY CITIZEN TO AID IN THE DISCOVERY AND PROSECUTION OF CRIME IT IS A DUTY THAT A CITIZEN OWES TO HIS NATION TO OBEY ITS EVERY PROCESS TO GO TO COURT WHEN CALLED UPON [*space*] RENDER HIS SERVICE FOR THE PURPOSE OF DISCOVERING AND PROSECUTING THOSE THAT VIOLATE THE LAW. [*space*] THERE IS NO REWARD HELD OUT TO MEN FOR DOING THEIR DUTY IT IS NOT THE POLICY OF OUR GOVERNMENT NOR IS IT THE POLICY OF ANY CIVILIZED GOVERNMENT TO GIVE REWARDS FOR —[?] DEEDS. BUT IS THE POLICY OF THOSE TO PUNISH THOSE WHO VIOLATE THE LAW [*space*] [*pages 7 and 8 are not extant*] *[9]* THEN THE LEGAL PRESUMPTION IS THERE ARE MANY PEOPLE THAT CAN TESTIFY TO THE SAME *EVIDENCE/WORDS*[?] THAT HE EXPECTS THOSE COWARDLY WITNESSES THAT ARE LURKING HIDING AWAY MANY WITNESSES TO TESTIFY TO THE SAME FACTS THAT HE EXPECTS TO PROVE BY THEM. WITNESSES THAT ARE AFRAID TO ENTER A COURT OF JUSTICE AFRAID OF THE LAWS ARE SKULKING HIDING LIKE THOSE WITNESSES ARE SAID TO BE AFRAID TO TESTIFY UNLESS THEY ARE PAID FOR IT THAT IT WILL REQUIRE A PECULIAR JURY FIND A VERDICT BASED UPON THE TESTIMONY OF SUCH WORTHLESS AND LAW BREAKING CHARACTERS. [*space*] THE COURT PLEASE NOW AS TO THE SECOND STATEMENT CLAIM THEN THAT THE FIRST STATEMENT FILED IS THE SAME AS AN AFFIDAVIT FOR A CONTINUANCE *THAT AS THIS*[?] IS BEING THE LAW THAT AN AFFIDAVIT FOR A CONTINUANCE IS NOT SUBJECT TO AN AMENDMENT. THAT THE PARTY FILING THIS MUST MAKE IT PERFECT IN THE FIRST INSTANCE AND IN NO CASE UNDER NO CIRCUMSTANCES WILL A COURT PERMIT THE PARTIES TO AMEND THIS AFFIDAVIT AFTER THE MOTION HAS BEEN RESISTED. THEN THIS AMENDED STATEMENT COMES IN AFTER THE FIRST MOTION HAS BEEN MADE FOR THE CONTINUANCE OF THE TRIAL BISHOP EXPLAINED AS TO THE DOUBT IN FAVOR OF DEFENDANT. HE READ SECTION 18 PAGE 65 FROM THE STATUTES OF UTAH INDICTMENT MUST BE MADE IN THE NAME OF THE PEOPLE MUST STATE THE NAMES OF THE OFFENDER AND OFFENSE MANNER HE COMMITTED IT AND AS NEAR AS MAY BE THE TIME HE COMMITTED IT AND BE PRESENTED TO THE COURT WHO MAY CORRECT MISTAKES THAT DON'T PREJUDICE THE TRIAL [*space*] SECTION 26 IT IS PECULIAR STATUTE OF LIMITATION IF IT MAY BE SO CALLED PROSECUTION FOR THE OFFENSE MUST BE COMMENCED SOON AFTER THE OFFENSE HAS BEEN COMMITTED. IF IT BE NECESSARY THAT THE NAMES OF THE WITNESSES MUST BE PLACED UPON THE INDICTMENT NOT SIMPLY THE WITNESSES THAT ARE EXAMINED BEFORE THE GRAND JURY BUT THE NAMES OF THE REQUIRED WITNESSES MUST BE PLACED UPON THE BACK OF THE INDICTMENT [*space*] *[10]* THEREFORE WE *CLAIM*[?] THAT THE PROSECUTION IN THIS CASE MUST PLACE THE NAME OF EVERY IMPORTANT WITNESS ON THIS INDICTMENT. [*space*] IN REGARD TO DILIGENCE THAT MUST BE USED APPLICATION FOR CONTINUANCE, ASK LEAVE TO REFER TO PAGE 403 PEOPLE AGAINST BAKER FIRST

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CALIFORNIA. APPEAL FROM THE DISTRICT COURT FROM THE COUNTY SAN *RAMON*[?] OPINION OF THE SUPREME COURT. OPINION BY COURT WE CLAIM IN THIS CASE THAT THEY MUST SET OUT THE MATERIALITY WHAT THE PARTIES WILL TESTIFY TO. [*space*] WILL READ FROM 24TH CALIFORNIA PAGE 26 PEOPLE AGAINST WILLIAMS. [*space*] IN THIS CASE THERE IS NOTHING SET FORTH WHY THE MARSHAL HAS NOT SERVED THE SUBPOENAS. THEY COULD NOT DO SO LEGALLY BECAUSE THE PAPER *ONCE/ONES*[?] IN THEIR POSSESSION THEN IT BECOMES THEIR DUTY TO SERVE THAT PAPER AT ALL EXPENSE OF TIME TROUBLE AND MONEY. [*space*] IF THEY ARE NOT WILLING TO SERVE THE PROCESS ON THESE PARTIES RESIDENTS OF YOUR JUDICIAL DISTRICT AND CALL UPON THE PEOPLE OF YOUR DISTRICT TO AID IN SERVING PROCESS OF THE COURT AND FERRETING OUT THOSE UNWILLING WITNESSES THEY MUST MAKE A GREATER SHOWING THAN THEY HAVE IN THIS CASE TO ENTITLE THEM A CONTINUANCE. [*space*] 29 CALIFORNIA PAGE 562 CASE OF THE PEOPLE AGAINST WILLIAM **JOSSON** = POINT IN THIS CASE IS THAT THEY MUST SHOW DUE DILIGENCE AND THAT WITNESSES CAN'T BE OBTAINED. IF LEGAL SUBPOENAS HAD BEEN SERVED ON WITNESSES THEY WOULD BE IN ATTENDANCE. [*space*] PEOPLE AGAINST *FRANCIER*[?] 38 CALIFORNIA PAGE 183 READ FROM THE PAGE 185. OPINION BY **CROCKETT** COMMENCES PAGE 185. DEFENDANT INDICTED *F/FOR/IF*[?] ONE *OLIVER*[?] 1856. TRIAL COMMENCED ON 28TH MAY TRIAL COMMENCED DEFENDANT MOVED FOR CONTINUANCE HE HAS NO AFFIDAVIT THAT HIS IMPORTANT ABSENT WITNESS RESIDING IN CANADA. [*space*] *[11]*[22] CALL ATTENTION OF THE COURT 4TH CALIFORNIA PAGE 342. [*space*] JUDGE HOGE CALLED MY ATTENTION SECTION 22 GOVERNMENT PRACTICE ACT. LAWS OF UTAH. [*space*] IN THIS CASE I SUPPOSE WE WOULD HARDLY WAIVE [*space*] I HARDLY THINK I WOULD DO THAT; THAT THE DEPOSITIONS OF WITNESSES MIGHT BE TAKEN [*space*] PAGE 239 IN PLACE OF 242 [*space*] OPINION BY CHIEF JUSTICE *MURRAY/M-R*-[?]. APPEAL PROSECUTED FROM THE DISTRICT. [*space*] 3RD SUB DEFINITION OF HIS OPINION ON PAGE 241. [*space*] HERE DID NOT CLAIM TO HAVE EXHAUSTED THE PROCESS OF THE COURT BUT THEY EXHAUSTED FUNDS OF THE GOVERNMENT. THEY DO NOT CLAIM THAT THE PROCESS HAS BEEN SERVED AND EXHAUSTED BUT THAT THEY HAVE EXHAUSTED THE FUNDS OF THE COURT. THAT IS A VERY STRONG AUTHORITY UPON THAT POSITION. [*space*] READ FROM 40 CALIFORNIA PAGE 653. PEOPLE AGAINST *M-LNGR*[?]. [*space*] I WILL READ FROM 46 CALIFORNIA PAGE 114 CASE PEOPLE AGAINST -*SMD-MORE*/—[?]. READ FROM PAGE 119. [*space*] COURT ERRED IN DENYING PLAINTIFF'S

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22. At top of page in crossed out shorthand: 10 CLAIM THAT THE —[?] MUST RECORD —[?] THE. The verso of page 11 reads:

THE PEOPLE
VS **THOMAS FISH**
FISH
WARREN **PUT DOWN FOR TRIAL**
THOMAS FISH **THURSDAY MORNING**

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MOTION FOR A CONTINUANCE. [*space*] IN THIS CASE WE CLAIM THE APPLICATION IS MADE FOR DELAY. IF NOT FOR DELAY WHY IS IT MADE AND WHAT IS THE OBJECT. [*space*] SHALL CALL ATTENTION NOW THAT THE FIRST APPLICATION IS CERTAINLY INSUFFICIENT TO JUSTIFY THE RULING THIS COURT THAT IS ASKED IN THE MOTION WE WILL THEN TAKE THE SECOND APPLICATION BECAUSE IT IS CERTAINLY A VERY PECULIAR DOCUMENT. THAT THERE ARE LARGE NUMBER OF WITNESSES PART OF THE PROSECUTION THIS CASE OTHER THAN THOSE WHOSE NAMES ARE ON THE INDICTMENT *RULING*[?] WHOSE TESTIMONY ARE NECESSARY AND *IMPORTANT*[?] AND THAT PROSECUTION CAN'T GO TRIAL THIS COURT WITHOUT THE ATTENDANCE OF SUCH WITNESSES. IN THIS CASE THERE IS NO STATEMENT THAT TESTIFIED BEFORE THE GRAND JURY AREN'T PRESENT IN COURT AND READY TO TESTIFY TO THE SAME STATEMENT THAT WERE TESTIFIED TO BEFORE THE GRAND JURY AND UPON WHICH THE GRAND JURY FOUND BASED THE INDICTMENT NOW ON FILE IN THIS CASE. THEN CAN THE GOVERNMENT CLAIM THAT IT HAS A RIGHT TO PILE UP AN ACCUMULATION OF TESTIMONY THAT IT *IS/HAS*[?] THE EVIDENCE UPON WHICH IT FOUND THE INDICTMENT SO THAT IT CAN BE BROUGHT HOME TO THE KNOWLEDGE OF THE COURT GIVEN BEFORE THE JURY BY THE WITNESSES IN PERSON CAN IT BE CLAIMED THAT THEY HAVE A RIGHT TO RUN OUT AND PICK OUT THIS THAT AND THE OTHER —[?] BECAUSE THEY KNOW SOMETHING THAT THEIR WITNESSES HAVE TESTIFIED TO I THINK NOT. TRIAL OF THIS CASE WILL INVOLVE INVESTIGATION OF THE MASSACRE OF 118 DIFFERENT PERSONS WILL YOU PLEASE LET ME SEE THE INDICTMENT OR ABOUT THAT NUMBER IN ONE SLAUGHTER DURING THE MONTH OF SEPTEMBER 1857 [*space*] AND THAT MURDER OF WHICH PRISONER NOW STANDS INDICTED IS THE KILLING OF ONE OF THESE PERSONS AND SAID TRIAL WILL CONSUME OVER 2 WEEKS. ~~I DON'T KNOW~~ ≤WHY DID THE UNITED STATES NOT TAKE UP THIS CASE 18 YEARS AGO.≥ THE LONGER THE TRIAL WILL TAKE THE MORE NECESSITY FOR IT TO START AT ONCE. IF 118 PEOPLE WERE KILLED WHY HAVE THE GOVERNMENT. WHY HAS NOT JOHN **D** LEE BEEN INDICTED FOR KILLING 118 HE HAS NOT BEEN AS THE EVIDENCE SHOWS INDICTMENT ITSELF [*space*] BISHOP READ THE INDICTMENT TO SHOW IT DID NOT CHARGE JOHN **D** LEE WITH HAVING KILLED BUT ONE PERSON. [*space*] THERE IS NOTHING IN THAT INDICTMENT JUSTIFIES THE PROSECUTION IN CLAIMING THAT THEY CAN GET WITHIN 100 MILES OF THE MOUNTAIN MEADOW MASSACRE THERE IS NOTHING TO JUSTIFY THE PROSECUTION IN THIS CASE WITH SAYING THAT THAT INDICTMENT IS PART AND PARCEL OF THE MOUNTAIN MEADOW MASSACRE SO CALLED THROUGH THE LENGTH AND BREADTH OF THE LAND [*space*] *[12]* BUT THIS APPLICATION COMES AS A PART OF THE PROSECUTION IN KEEPING IF I MAY SO SAY WITH THE COURSE PURSUED BY ENEMIES OF THIS DEFENDANT WHO ARE TRYING AND NOT ONLY IN UTAH BUT THROUGHOUT THE LENGTH AND BREADTH OF THE LAND TO PREJUDICE HIS RIGHTS BEFORE THE AMERICAN PEOPLE THEN HERE COMES A STATEMENT DRAWN BY THE GENTLEMAN TO TAINT

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THAT INDICTMENT AND IN THE INDICTMENT LEAVES OUT ALL THE MATERIAL FACTS OF THE MASSACRE AND THEN CLAIMING IN YOUR INDICTMENT HE CONSPIRED ON ANY THING OF THAT KIND *NO/AFTER*[?] CLAIM THAT HE WAS AIDED BY ANY OTHER PERSON ALUDED AND HAD EVERY OTHER INGREDIENT NECESSARY TO BE PLACED IN THE INDICTMENT OF THAT KIND AND SIZE AND EVIDENCE UPON THIS CASE WILL GO TO SHOW THAT THIS MAN JAMES WILSON UNKNOWN WAS ONE OF THE PARTY CRUELLY MURDERED UPON THAT DAY OR *CONNECTED MOTIVES*[?] WHY DOES THIS APPLICATION COME IN THIS SHAPE AND [*space*] WHO IS IT THAT IS UPON TRIAL HERE IS IT A GREAT PRINCIPLE AT STAKE OR IS IT THE RIGHTS AND WRONGS OF THIS DEFENDANT IN OTHER WORDS RIGHTS AND WRONGS OF THE CASE AS CONNECTED WITH THIS DEFENDANT CAN THE STATE GO OR THE TERRITORIAL GO OUTSIDE OF THE LINE MARKED BY THEIR INDICTMENT CAN THEY INTRODUCE A WORD OF TESTIMONY AS TO THE DEATH OF ANY OTHER PARTY EXCEPT JAMES *WILSON*[?] MOST CERTAINLY NOT BUT THIS SOUNDS WELL THE SALT LAKE TRIBUNE WILL PAY THEM AND PROMULGATE THEM WITH SUCCESS IN HIS MOTION AND OTHER PAPERS PARTIES THAT WRITE OF THE MOUNTAIN MEADOW MASSACRE LIKE THEY WERE FAMILIAR WITH THE SITUATION WHEN IN FACT THEY NEVER SAW THE GROUND THAT WRITE ABOUT THIS QUESTION THAT WERE LIKE THIS *AS A HEADING*[?] TO AN INCENDIARY ARTICLE TO SEND FORTH THROUGHOUT THE LENGTH AND BREADTH OF THE LAND I TRULY PROTEST AGAINST A STATEMENT OF THAT KIND. TO PLACE IN JEOPARDY THE RIGHTS OF THIS DEFENDANT AND CALL UPON THE DEPRAVED PUBLIC SENTIMENT TO COME INTO COURT AND OUT OF COURT AND TRY *THIS MAN/THESE MEN*[?] FROM NOW UNTIL NEXT JULY UPON THE CHARGE OF HAVING BEEN ONE OF THE PARTIES OF THE MOUNTAIN MEADOW MASSACRE WHEN THE INDICTMENT IS SILENT ON THAT QUESTION. [*space*] WHY ARE WITNESSES NOT HERE, WHOSE TESTIMONY IS NECESSARY AND IMPORTANT WITHOUT WHICH TESTIMONY THE PROSECUTION CAN'T GO TO TRIAL WHY NOT GO TO TRIAL HOW DID YOU FIND THE INDICTMENT [*space*] DID YOU FIND THE INDICTMENT UPON THE SAME KIND OF TESTIMONY [*space*] DID THEY FIND IT UPON GENERAL RUMOR HOW DID THEY GET IT. WE ARE ALLOWED TO PRESUME THEY MUST HAVE FOUND IT UPON PUBLIC RUMOR BECAUSE THEY CAN'T PROCEED TO TRIAL WITH THE 10 MEN WHO ARE SWORN BEFORE THE GRAND JURY. SAYS HE BELIEVES HE MIGHT PROCURE THEIR ATTENDANCE AT THE NEXT TERM OF COURT. WHY DOES HE BELIEVE IT WHERE IS REASON FOR BELIEVING HE CAN PROCURE THEIR ATTENDANCE AT THE NEXT TERM OF COURT, THIS TERM I BELIEVE LAST AT LEAST 3 MONTHS AND IT IS PLENTY OF TIME TO SCOUR THIS DISTRICT EXAMINE EVERY SECRET CANYON WITHIN THE DISTRICT AND IF NECESSARY TO BRING THESE FORWARD. CALL YOUR TROOPS FROM THE FORT CAMERON AND SEND THEN AS THE AGENTS OF THE GOVERNMENT TO BRING ≺THESE≻ WITNESSES IN IRONS IF NEEDS BE TO TESTIFY IN THIS CASE. [*space*] *[13]* ARE THE LAWS SO POWERLESS IN UTAH THAT A MAN IS NOT

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SAFE WHO HAS COURAGE TO TELL THE TRUTH [*space*] THEY SAY THE QUICKER IT IS WIPED FROM THE MAP OF UNITED STATES THE BETTER FOR THE CAUSE OF GOD [*space*] MANKIND. DON'T SAY TO ALL THAT WE ARE LIVING WITHIN THE LIMITS OF THE UNITED STATES GOVERNMENT SUPPOSED TO BE PROTECTED BY ITS LAWS AND THAT THERE CAN BE SUCH A CONDITION OF AFFAIRS AS THAT A MAN IS IN DANGER OF DOING HIS LAWFUL DUTY NO THAT DAY HAS GONE BY. NO MAN KNOWS IT BETTER THAN MY FRIEND WHEDON THAT THE WITNESSES WOULD BE AS SAFE IN BEAVER TO DAY AS THEY WOULD BE IN THEIR SUPPOSED HIDING PLACES. DANGER FROM WHAT IT MAY BE THIS THAT THE PARTIES THAT THE GENTLEMAN PROPOSES TO PROVE THESE FACTS BY ARE MEN NOW UNDER INDICTMENT AND SEEKING TO TURN STATE'S EVIDENCE THEY ARE THE ONLY KIND OF MEN THAT WOULD BE IN ANY DANGER THEY MIGHT IF THEY CAME UP TO IT BE COMPELLED TO WEAR CHAINS TO KEEP THEM IN SAFETY UNTIL THEIR TRIAL MIGHT GO ON. [*space*] UPON BACK OF THIS INDICTMENT I FIND THE NAMES OF 10 MEN [*space*] THAT HAVE BEEN PUBLISHED TO THE WORLD AS THE ACCUSERS OF THIS MAN THEY ARE THE PARTIES THAT STAND BEFORE THE WORLD STAND BEFORE THIS COURT AS THE ACCUSERS OF JOHN **D** LEE WHERE HAVE THEY BEEN INJURED WHO HAS ATTACKED EITHER ONE OF THEM WHERE IS THE DANGER WILLIAM ROBERTS ETC. [*space*] ROBERT KEYES THOMAS WILLIS CHARLES SOLOMON ROBERT BULLOCK NORIS **E C** MATTHEWS AND ROBERT KERSHAW ALL ALIVE AND WELL. HAVE THEY BEEN ASSASSINATED BECAUSE OF GOING BEFORE THE GRAND JURY TO TESTIFY MOST CERTAINLY NOT NOTHING OF THAT KIND OR CHARACTER. THEN IF 10 MEN ARE SAFE SURROUND THEM WITH THE REMAINDER OF THEIR CREW TAKE ALL OF THOSE MEN THE UNKNOWN WITNESSES AND BRING THEM INTO THE CITY OF BEAVER AND LET THEM COMPANION WITH THE 10 AND THEY WILL BE A CROWD SUFFICIENT TO PROTECT THEMSELVES EVEN AGAINST THE SOLDIERS AT FORT CAMERON. THERE IS NO DANGER [*space*] NO DANGER IN THE WORLD. *MY/I*[?] MIGHT CLAIM THAT THEY WERE GOING TO RELY UPON SWORN TESTIMONY THAT WE WOULD BE PREPARED TO PROVE HIS WITNESSES HAD LIED TO HIM. [*space*] REFERRED[23] AGAIN TO PART SAYING MARSHALL HAD TRAVELED 300 MILES AND MADE DILIGENT EFFORT TO SUBPOENA THEM SEVERALLY. [*space*] WHAT IS THE PRESUMPTION AS TO THE NEXT TERM? LIKELY PRESUMPTION WOULD BE HE WILL NOT BE ABLE TO FIND THEM NEXT TERM. ONE WAY I SEE FOR THEM TO GET THESE WITNESSES IS TO TAKE THAT 23 THOUSAND DOLLARS AND PUBLISH A REWARD. [*space*] SUPPOSE HE HAD A 100 PEOPLE THAT WITNESSED THE MOUNTAIN MEADOW MASSACRE WE DO NOT WANT THEM IN THIS CASE UNLESS THEY CONNECT THE DEFENDANT WITH FACT WITH THE KILLING OF THIS MAN NAMED IN THE INDICTMENT THAT SOME OF THEM CAN'T TESTIFY AND HE DOESN'T SAY THAT THEY CAN'T. THAT MARSHAL THIS TERRITORY HAS ALREADY INCURRED LARGE INDEBTEDNESS THAT THE SAME REMAIN

23. The word is in the left margin.

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UNPAID NO MONEY REMAINS IN HIS POSSESSION OUT OF WHICH HE IS AUTHORIZED OUT OF WHICH HE CAN PAY THE SAME EXPENSES. TRIAL OF SAID LEE WILL INVOLVE THE EXPENDITURE. MARSHAL SOON DEAD SO AM I [*space*] LASTLY THE WITNESSES OF THIS CASE ARE ALL UNAVAILABLE AND LIABLE TO BE SUED IF THEY ARE ABROAD. LEADING WITNESSES UNABLE TO ATTEND COURT. TO TAKE THE POSITION BECAUSE MY FRIEND MAXWELL SOON DEAD AND HAS NO MONEY TO PAY THIS EXPENSE WITH IN MY JUDGMENT IS ON PAR WITH SOME OTHER STATEMENTS IN THIS CASE AND IS NOT MATERIAL. MAN THAT WILL HOLD TONGUES FOR 8 OR TEN YEARS IS LIABLE TO BE POOR NEVER SAW ANY ONE THAT WAS *NOT*[?] EXCEPT INDIAN AGENT *[14]* NECESSARY THIS CASE BE INVESTIGATED AT ONCE AND THOROUGHLY INVESTIGATED REGARDLESS OF EXPENSE. [*space*] READING FROM MOTION FOR CONTINUANCE; JURY NECESSARY TO BE KEPT APART ETC. KEEP JURY TOGETHER IN CRIMINAL CASE THAT THE TERRITORIAL AUTHORITIES WHOSE DUTY IT IS TO PAY EXPENSE OF SAID TRIAL HAVE REFUSED TO PAY ANY EXPENSES INCURRED AND STILL REFUSE TO PAY ANY PART OF SAID EXPENSE IN CONSEQUENCE OF WHICH VERY MANY OF SAID JURORS AND WITNESSES BECOME PREJUDICED THEREBY WHICH GREATLY INJURES AND RETARDS JUSTICE. THERE IS NOTHING IN THIS STATEMENT TO SHOW THE TERRITORY HAS NO FUNDS AND IF THE TERRITORY HAS THE FUNDS IN THE HANDS OF THE PROPER PARTIES YOUR SUPREME COURT HAVE THE RIGHT TO COMPEL THOSE PARTIES TO PAY WHEN MY FRIEND JUDGE WHEDON PRESENT HIMSELF IN COURT AND ASK THEM TO DO SO. IF THIS STATEMENT WAS PUBLISHED THIS WOULD BE A VERY BAD SHOWING TO PEOPLE WHO ARE DESIROUS OF COMING HERE. PROPOSITION RESOLVES ITSELF AS THE PROSECUTION IN THIS CASE BROUGHT ITSELF TO THE STRICT RULE OF THE LAW. HAS THERE HAS BEEN SUCH A SHOWING THAT THEY MADE BY THE DEFENDANT ANXIOUS AND READY FOR TRIAL THAT THE GOVERNMENT WOULD BE FORCED TO GRANT THE CONTINUANCE. I TAKE IT THEY HAVE NOT. BY WHEDON.[24] THREATS COUNSEL REFERRED TO ARE ALL INAPPLICABLE. THEY EXAMINED ALL THREATS AND FOUND NO PLACE WHAT WAS RULED NECESSARY TO IMMEDIATELY GIVE STATEMENT IN WRITING. HAVE NOT FOUND IT. COUNSEL REFERRED TO ONE CASE IN SUPREME COURT OF CALIFORNIA BUT MAKES NO MENTION OF WHAT HE IS REQUIRED TO PRODUCE WHAT HE SHALL STATE AND WHAT HE SHALL FIND ALL IN WRITING. SOME REMARK BEEN MADE ABOUT STATUTE OF LIMITATIONS WHICH SAYS CASE SHALL BE PROSECUTED AS SOON AS CIRCUMSTANCE WILL ADMIT. [*space*] AS LONG AS THEY HAVE GONE INTO THIS I MEAN GO INTO THIS MYSELF. I HOLD IN MY HAND A LETTER FROM WILLIAM CLAYTON IN WHICH HE REFUSES TO PAY ANY PERSON OF THIS COURT UNLESS [*space*] AND THAT LEGISLATOR THEY HAD ELECTED LAST SEASON J M MCFARLANE. NOW GENTLEMEN WHEN THE LEGISLATURE OF THE TERRITORY TAKE THAT POSITION THAT THEY REFUSE TO PROSECUTE REFUSE TO FURNISH MEN TO PROSECUTE CRIMES THAN THE MEN THAN

24. “BY WHEDON.” is in the left margin.

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THEY SELECT AND WHEN THOSE THEY SELECT COME HERE AND DEFEND THE SAME ACT THAT THEY HAVE COMPLAINED OF. THAT SHOWS WHY THIS CASE NEVER WAS PROSECUTED BEFORE WHY THE DELAY OF 17 YEARS HAS ELAPSED BEFORE THIS INDICTMENT WAS FOUND IT SHOWS ALSO THE EMBARRASSMENT THE PROSECUTION LABOR UNDER HERE IN THIS CASE AND GET THIS —/*TASK*[?]. I TAKE THE GROUND HERE AND *W-/THAT*[?] I DO NOT RECOLLECT IT WAS PLACED IN THE HANDS OF THE CLERK IT MIGHT HAVE BEEN COUNTED TO HAVE BEEN FILED BUT HE HAVEN'T HAD IT FILED UNTIL THIS MORNING. I TAKE THE POSITION AND BELIEVE I AM CORRECT THAT THE GOVERNMENT IS OBLIGED TO GIVE THE NAMES OF THE WITNESSES *HE/OR/AND*[?] STATE THAT HE MAY USE TO PROSECUTE I HAVE BEEN AN OBSERVER OF THE PRACTICE OF THE COURTS FOR MANY YEARS AND NEVER YET OF ANY PLACE KNEW OF A PROSECUTOR BEING CALLED UPON TO STATE IN WRITING HIS EARLY STATEMENTS WERE TAKEN AS SWORN STATEMENTS OF THE CASE. IT WOULD PREJUDICE THE GOVERNMENT VERY MUCH IF THEY HAD TO GO INTO THE COURT AT THE FIRST TIME AND MAKE STATEMENT OF ALL THE WITNESSES. [*space*] THERE IS NO SUCH THING AS A STATUTE OF LIMITATIONS IN THIS TERRITORY ALL THERE IS IS THAT THEY SHALL PROSECUTE AS SOON AS THE CIRCUMSTANCES WILL PERMIT AND I THINK I HAVE SHOWED HERE THAT A DELAY IS NECESSARY TO PROSECUTE THIS CASE. IT WOULD HAVE BEEN YET ASLEEP IF CONGRESS HAD NOT TAKEN THE MATTER —[?][25] IN BY PASSING THE POLAND BILL. IT HAS NOT ELAPSED YET SUFFICIENTLY TO GET THAT APPROPRIATION HERE FOR THE BENEFIT OF THIS COURT HAVE JUSTICE DONE WITH FAIRNESS THAT WITNESSES MAY COME HERE AND GET MONEY AND PAID FOR IT. [*space*] COUNSEL AUTHORITIES READ DO NOT APPLY TO PROSECUTION THEY APPLY TO DEFENSE ENTIRELY DEFENSE RULE THEN WHAT THERE IS FOR THE DEFENDANT. THEY TAKE POSITION HERE WHETHER WITNESS NAMES OR NOT ON THE INDICTMENT DISCHARGE DUTY OF *KNMS/ENCONOMIZE*[?] TO SUBPOENA BEST WITNESSES HE CAN WHETHER THEIR NAMES ARE ON THE INDICTMENT OR NOT. IT IS DUTY THEN TO HAVE THESE WITNESSES IN COURT THAT IS ALL I ASK. [*space*] *[15]* THIS MURDER WAS COMMITTED IN THE MOUNTAIN MEADOW AND WHEN TRIAL GOES ON IT CAN'T TRANSPIRE BUT IN DEVELOPING THAT FACT. THIS CRIME WAS COMMITTED THERE AND I THANK THE COUNSEL WHILE I WAS VERY MUCH PLEASED WITH HIS REMARKS BUT YET THE MAJORITY OF THEM WERE ENTIRELY INAPPLICABLE TO THE TRIAL OF THIS CASE. WERE BROUGHT HERE WITH A VIEW TO GET YOUR HONOR TO ESTABLISH THAT RULE IF YOU DID IT WOULD BE IMPOSSIBLE TO DO JUSTICE IN THIS CASE OR ANY OTHER OF THESE CASES IN THIS TERRITORY. [*space*] I HAVE NO AUTHORITIES TO SUBMIT BECAUSE THERE ARE NONE LAID DOWN AS TO WHAT THE PROSECUTION SHALL SUBMIT. [*space*] FIRST STATEMENT CONTAINS ALL THAT IS NECESSARY AND I FEEL THE 2^{D} IS —[?]. DID JUSTICE TO THE DEFENDANT HERE AS WELL AS DID JUSTICE TO THE

25. Word crossed out until illegible.

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COUNTRY AND IF HE IS NOT GUILTY I AM PERFECTLY WILLING HE SHOULD BE ACQUITTED. MARSHAL TRAVELED OVER 300 MILES *IS NOT*[?] RESISTANCE OF PARTIES HE WISHED TO HAVE COME HERE. THEY ARE AFRAID TO COME HERE CONSEQUENCE OF NO FUNDS AND EXPENSES. [*space*] NOT FOR PURPOSE OF DELAY. IF LEE GUILTY PARTY HE WILL BE CONVICTED AS ANY OTHER MAN SHOULD BE. [*space*] BY SPICER WISHED THE COURT TO LOOK AT THE SUBPOENAS ISSUED AND SEE IF THEY HAVE NOT BEEN SERVED AND WHAT TIME ETC.. PROSECUTION ASSENTED COURT BY JUDGE BOREMAN I SHALL CONFINE ≤MYSELF≥ TO THE STATEMENTS MADE. [*space*] **COURT** TOOK WRITTEN STATEMENT ON THE PART OF PROSECUTION FOR CONTINUANCE INTO CONSIDERATION READING THE SAME ON THE BENCH AS ALSO STATEMENTS ON PART OF DEFENSE IN ANSWER TO THAT FILED BY PROSECUTION. [*space*] BY THE COURT WE'LL TAKE A RECESS UNTIL TWO O'CLOCK. [*space*] COURT MET PURSUANT ADJOURNMENT 2 **PM**. BY BOREMAN[26] SEVEN OBJECTIONS RAISED BY *INDIVIDUAL*[?] STATEMENT BY PROSECUTION ATTORNEY [*space*] 2 OR 3 OF THEM HOWEVER ARE SIMILAR. [*space*] FIRST OBJECTION IS THAT IT DOESN'T STATE MARSHAL HAS USED DUE DILIGENCE TO OBTAIN WITNESSES. [*space*] DILIGENCE USED WAS THAT THE MARSHAL ~~WAS UNABLE~~ HAS TRAVELED OVER SOME THREE HUNDRED MILES TO FIND AND SUBPOENA THESE WITNESSED BUT WAS UNABLE TO FIND THEM [*space*] SHOWS THEN THAT THE MARSHAL SAYS HE USED DUE DILIGENCE AND THAT IT CONSTITUTED IN HUNTING FOR THE WITNESSES TRAVELING SOME THREE HUNDRED MILES IN SEARCHING FOR THEM AND WAS UNABLE TO FIND THEM [*space*] I THINK HE THOUGHT IT IS SUFFICIENTLY STATED. [*space*] 2^{D} IT DOESN'T STATE OR SHOW THAT THE WITNESSES ARE MATERIAL OR IF MATERIAL IT FAILS TO STATE IN WHAT RESPECT THEY ARE MATERIAL. PROSECUTION DOES NOT IN ANY MANNER SET FORTH WHEREIN THE WITNESSES ARE MATERIAL VIRTUALLY SAME THING IT DOESN'T STATE THAT THE WITNESSES ARE MATERIAL THAT STATEMENT SAYS HE IS NOT ABLE TO FIND AND SUBPOENA A NUMBER OF THE WITNESSES. ≤WHO WAS≥ NECESSARY MATERIAL AND IMPORTANT ON THE PROSECUTION OF THE *PL*[?] OF THIS CASE AND DEPENDENT BECAUSE HE KNEW NO OTHER BY WHOM HE CAN PROVE THE SAME FACTS CAN'T GO TO TRIAL WITHOUT THEIR TESTIMONY. [*space*] IT IS NOT NECESSARY IN APPLICATION TO STATE ESPECIALLY UPON THE FIRST APPLICATION IN WHAT RESPECT THE EVIDENCE IS MATERIAL IT IS NOT NECESSARY TO STATE THAT. ON THE FIRST APPLICATION ESPECIALLY IN EITHER THE CIVIL OR CRIMINAL CASES [*space*] IT DOESN'T STATE WHO THE WITNESSES ARE OR *WHETHER*[?] THEY WILL TESTIFY *WHY/IF*[?] MATERIAL IN THIS CASE, OR WHAT THEY WILL TESTIFY ON CONCERNING THE STATEMENT THAT THESE WITNESSES ARE MATERIAL AND NECESSARY AND IMPORTANT AND THAT THE PROSECUTION CAN'T GO TO TRIAL WITHOUT THEM [*space*] *[16]* HE SAYS THERE IS NO REASON OR LOGIC OR JUSTICE IN THE STATEMENT THAT THE CASE IS POOR BECAUSE THE GOVERNMENT IS

26. "BY BOREMAN" is in left margin.

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POOR THAT IS NO REASON WHY DEFENDANT SHOULD BE RETAINED IN CUSTODY TO ENABLE GOVERNMENT TO CONDUCT PROSECUTION I WILL ≼STATE≽ THAT THE STATEMENT FILED DOESN'T PUT UP ANY SUCH GROUNDS AS I UNDERSTAND IT THAT THE NATION IS POOR OR UNABLE FURNISH THE MONEY FOR THIS PROSECUTION BUT IT SETS UP THE GROUND THAT THE TERRITORY HAS FAILED IN ITS DUTY IN PROVIDING FUNDS IN THE CARRYING ON THIS PROSECUTION THE GOVERNMENT HAS MADE SOME PREPARATION WHICH THE GOVERNMENT IT WAS NOT THE DUTY OF THE GENERAL GOVERNMENT TO DO BUT THAT WOULD NOT BE VERY MATERIAL. [*space*] STATEMENTS DOESN'T ≼STATE≽ THAT THE WITNESSES ARE WITHIN JURISDICTION OF THE COURT OR RESIDING IN THEIR KNOWN LOCALITY. AND THAT THEIR ATTENDANCE CAN BE PROCURED AT THE NEXT OR ANY OTHER TERM OF COURT [*space*] AS TO THE LAST POINT MATERIALITY IS REFERRED TO BEFORE HE STATES THEY ARE MATERIAL. IT IS NOT NECESSARY THAT THE WITNESSES SHOULD STATE WITHIN THE JURISDICTION OF THE COURT PRESUMPTION IS THAT THEY ARE WITHIN THE JURISDICTION OF THE COURT [*space*] IF SUBPOENAS ISSUED OFFICERS UNABLE TO FIND THEM THAT WOULD BE SUFFICIENT OF THAT. [*space*] THAT STATEMENT OUGHT TO HAVE BEEN IN THE STATEMENT OR SOMETHING SIMILAR TO THAT. [*space*] THE STATEMENT *DESIGNED*[?] FILED BY ATTORNEY THAT THERE ARE THERE ARE OTHER ≼NO≽ WITNESSES BY WHOM THE MATERIAL ALLEGATIONS IN THIS CASE CAN BE PROVED HE KNOWS OF NO OTHER WITNESSES BY WHOM HE CAN PROVE THE SAME FACTS AND CAN'T GO TO TRIAL WITHOUT THIS TESTIMONY. SAY THAT IS DIRECTLY NEGATIVE. [*space*] THERE IS *IN/NOT*[?] ONLY ONE OF 6 GROUNDS 7 GROUNDS BUT WHAT THE STATEMENT IS SUFFICIENT UPON AND THAT ONE IS SUFFICIENT UPON EXCEPTING ONE PARTICULAR *FURNISH*[?] IN STATING THAT THEIR ATTENDANCE COULD BE PROCURED AT THE NEXT TERM OF THIS COURT OR ANY OTHER TERM OF THE COURT THEN THE QUESTION ARISES WITH ME WHETHER THE SIMPLE FACT WHETHER THAT POINT IS LAWFUL POINT IS LEFT OUT OF THE 5TH OBJECTION WHETHER THAT WOULD BE SUFFICIENT GROUND FOR CONTINUING THE CASE [*space*] THE COURT IN LOOKING AT A MATTER OF THIS KIND MUST TAKE INTO CONSIDERATION THE CONDITION OF THE COUNTRY AND THE FINANCIAL CONDITION AS WELL AS ANY OTHER CONDITION AND THE QUESTION ARISES WHETHER UNDER THE CIRCUMSTANCES THE FAILURE TO PUT THAT IN THE COURT OUGHT TO CONTINUE THIS CASE. IF THIS WERE A CIVIL CASE I SHOULD REQUIRE THAT TO BE STATED PLAINLY BUT HERE *A/THE*[?] PROSECUTING OFFICER I HAVE REQUIRED HIM TO MAKE A STATEMENT IN WRITING WHICH THE LAW DOESN'T REQUIRE HIM TO MAKE AND WHICH THE DEFENSE HAS NO CLAIM UPON HIM FOR THE DEFENSE CAN'T DEMAND THAT THIS STATEMENT BE MADE IN WRITING BUT IN ORDER TO HAVE THE MATTER SQUARELY AND PLAINLY BEFORE ME I HAVE REQUESTED HIM TO PUT IT INTO WRITING WHICH HE HAS DONE. HERE IS A CASE WHICH HAS BEEN 17 YEARS SINCE THE ACT WAS COMMITTED [*space*] SINCE IT WAS URGED TO

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HAVE BEEN COMMITTED IN THAT TIME WE ARE WELL AWARE THE ACTS HAVE NOT BEEN *INDICTED*[?] THE *DESIGN/*—[?] TO PROSECUTE ANYBODY LEGISLATURE OF THE TERRITORY IS VERY UNPLEASANT FOR FORTUNE AND SO SAY THEY ACTED IN HOSTILITY TO THE GOVERNMENT ALL THE WAY THERE [*space*] *PT/BUT*[?] THE COURTS NEEDED FACTS SO THEY CAN EXECUTE THE LAWS [*space*] NO MATTER WHETHER IT IS PLEASANT OR UNPLEASANT IT IS NEVER THE LESS A FACT THE STATUTE BOOKS SHOW THIS *[17]* QUESTION ARISES TERRITORIAL LEGISLATURE BEEN ENGAGED TO CLOG THE WHEELS OF THE COURT [*space*] *OVERTLY/APPARENTLY*[?] THEIR WHOLE SYSTEM OF LAW IS TO CLOG THE WHEELS IN GOING AHEAD WITH THIS COURT IN GETTING OTHER JURORS. FEDERAL COURT HAVE AIDED US IN RESPECTS THAT THIS COURT HAS A DEFINITE RESPONSIBILITY FOR THIS [*space*] WE ASSUME HE IS NOT RESPONSIBLE FOR THIS AND THE QUESTION ARISES WOULD NOT THAT BE *SAME/SOME*[?] REASON WHY THE FEDERAL AUTHORITIES WOULD NOT BE ABLE TO PROSECUTE THIS CASE WOULD NOT BE ABLE TO PROSECUTE THIS CASE NO MATTER [*space*] WE ASSUME THAT THE DEFENDANT HAD NOTHING TO DO WITH IT [*space*] AS THE PROSECUTING OFFICERS COULD COME BEFORE A COURT FREELY THIS TERM THE DEFENDANT HAD NOTHING TO DO WITH THIS [*space*] WE ARE IN JUST THIS SITUATION THAT THERE MUST HAVE BEEN PERPETUATOR AS IS WELL KNOWN TO ALL BUT THEY ARE NOT HERE YET. I WILL STATE HERE AS I STATED IN REGARD TO MR. DAME'S CASE THE OTHER DAY I HAVE UNIVERSALLY WHENEVER THIS QUESTION HAS COME UP I TOLD EVERYBODY I WANTED THIS CASE TRIED VERY FIRST OPPORTUNITY. I HEARD WHEDON ABOUT TWICE TELEGRAPH HE WOULD NOT BE READY TO —[?] *BUT AS/BTS*[?] *HE*[?] YOU WAS ANXIOUS TO HAVE THEM DISPOSED OF IT IS NOT FAIR TO HAVE CASES HANGING AND HANGING ON TO HAVE PRISONERS DETAINED IN PRISON. THE LAW SAYS A MAN SHALL HAVE A SPEEDY TRIAL AND THE STATUTES OF THE TERRITORY SAYS A TRIAL SHALL BE HAD AS SOON AS THE CIRCUMSTANCES OF THE CASE WILL PERMIT. PROSECUTORS STATE HERE THAT THEY WILL BE READY TO TRY THIS CASE IN JULY AS THEY BELIEVE. I WILL STATE HERE IT WILL HAVE TO BE A REMARKABLY STRONG CASE TO CONTINUE IT ANOTHER TERM. THERE WAS SOME TALK ABOUT A CONTINUANCE I FIND THE CONTINUANCE WAS BY THE CONSENT OF BOTH PARTIES THE NEXT TERM WAS TO HAVE BEEN IN FEBRUARY WITHOUT ANYTHING I HAD TO DO WITH IT SAW PROPER TO CHANGE THAT TERM *TO*[?] JULY THIS IS THE FIRST APPLICATION FOR CONTINUANCE [*space*] THE DEFENDANT HAS BEEN IN PRISON SINCE LAST FALL SOMETIME IT IS NO PLEASURE OF THE COURT TO HAVE ONE PRISONER MORE THAN ANOTHER [*space*] I WILL STATE TO THE PROSECUTION I WILL GRANT THE APPLICATION THIS TIME I EXPECT THE PROSECUTION TO BE READY IN JULY IF IT TAKES ALL NEXT SUMMER. LET THE CASE BE CONTINUED. BY BISHOP LET THE CASE BE CONTINUED. [*space*]

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[1] ~~[18]~~ **WEDNESDAY APL 14/75 2 PM** [*space*] BY MAXWELL IT IS NECESSARY FOR ME TO PRESENT SOME ACCOUNTS TO THIS COURT. WE ARE NOT GOT READY TO FIX UP THESE ACCOUNTS. ADJOURNED COURT UNTIL TOMORROW MORNING TEN O'CLOCK. [*space*] ~ [*space*]

THURSDAY APL 15 1875 COURT MET PURSUANT ADJOURNMENT 10 **AM**. CLERK READ MINUTES TUESDAY 13TH. GENERAL MAXWELL I PRESENT ACCOUNTS CURRENT AS THEY BEEN *TKS/TAX*[?] VOUCHERS **US** MARSHALL SEPTEMBER TERM 1875 I HAVE SWORN TO THEM BEEN APPROVED ONCE BUT I UNDERSTAND NOW IT IS BETTER TO BE APPROVED BY YOUR HONOR. BY PROSECUTION I HAVE EXAMINED THESE COURT LATE —[?] I I RECOGNIZE ALL PROCEEDINGS AND BELIEVE THEM TO BE CORRECT. CLERK READ NAMES OF THE JURORS 10 PRESENT ALBERT LOMREAUX ABSENT MARSHALL CALLED HIM THREE TIMES. [*space*] CLERK ADMINISTERED OATH THOMAS DAVENPORT. BY PROSECUTION *HE/THE*[?] I DO NOT KNOW ANYTHING OF THE CASE RESIDENT IRON COUNTY ABOUT 20 YEARS NATURALIZED ENGLAND NATURALIZED FIRST PAPERS CLERK DISTRICT COURT ST. GEORGE SECOND PAPERS GOT HERE FROM JUDGE HAWLEY. READ AND WRITE. NO OBJECTIONS; HOGE OBJECTED TO MANNER PROSECUTION'S PUTTING QUESTION ~~BY HOGE~~ ≤DAVENPORT≥ ACCEPTED; ASKED JUDGE COURT ASKED THOMPSON QUESTION OR TWO. UNDERSTOOD YOU TO SAY YOU HAD HAD SOME DISCUSSION ABOUT THIS MATTER. [*space*] DIDN'T YOU EXPRESS YOURSELF AT THAT TIME THAT DEFENDANT OUGHT TO BE PUNISHED. DO YOU RECOLLECT SOME DURING THAT DISCUSSION WAS NOT MR. WILLIAMS THE CLERK PRESENT AT THAT TIME, I THINK HE WAS NOT. HAVE NOT EXPRESSED OPINION THAT DEFENDANT OUGHT TO BE PUNISHED FOR VOTING. HE EXCUSED MR. THOMPSON BY COURT STAND ASIDE. BY HOGE IF YOUR HONOR PLEASE WE'LL TAKE THE JURY AS IT NOW STANDS AND TRY THE CASE. BY PROSECUTION WE WISH TO HAVE THE PANEL FILLED UP. ≤**BP**≥ THE COURT PLEASE IN THE CASE PEOPLE AGAINST *BKN/PKN*[?] THAT MR. HAWLEY'S CASE AND NOT KNOWING WHO THE PARTIES WERE IN INTEREST I FIND CLIENTS OF MINE ARE PARTIES IN THE CASE IMPOSSIBLE FOR ME TO ACT UPON THE CASE I WOULD ASK LEAVE TO WITHDRAW AS ATTORNEY FOR DEFENSE AND ENTER ON PART OF PROSECUTION. BY *WHEDON/EATEN*[?] THAT IS CORRECT IF THE COURT PLEASE AS AFTER CONSULTING WITH US, **12 M**[27] GENTLEMEN OF THE JURY CHARGED UNDER THE SAME INSTRUCTIONS ~ ABSENT JUROR CALLED BY STOKES.[28] **LOMREAUX**. . NAMES PRICE LEMUEL BUTLER HORTON BILLY CAMERON RICHARD *BSNS*[?] BURTON EVERETT *HITE/HYDE*[?] DAVENPORT. ADJOURNED UNTIL 2 **PM**] *L*[?] [*space*] 2 PM BY MAXWELL LET ME HAND ACCOUNTS NOVEMBER 1874 VOUCHERS ALL SIGNED EXCEPTING ONE KEEPING * 3464.67 *[29] JOHN **D** LEE FORT CAMERON. BY COURT ARE THEY SIMILAR TO THE ONES I

27. "**12 M**" is in the left margin.
28. "WHEDON" written and repeatedly crossed out.
29. "*" is in the left margin.

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SIGNED BY MAXWELL YES SIR YES SIR . [*space*] BY PROSECUTION I LOOKED THESE OVER AS FAR AS I CAN JUDGE THEY ARE NEARLY ALL FAMILIAR TO ME AND BELIEVE THEM TO BE CORRECT [*space*] BY MAXWELL THEY ARE MADE IN TRIPLICATE. COURT EXAMINED ACCOUNTS SIGNING SEVERAL OF THEM BY MAXWELL I SAY YOUR HONOR PLEASE THAT THE ≤AMOUNT≥ OF THIS ACCOUNT CURRENT SHOULD BE GONE OVER WITH BY MR. WILLIAMS HIMSELF AND THAT A RECORD BE KEPT OF EACH SEPARATE AMOUNT I THINK IT IS CORRECT HOWEVER. [*space*] CLERK CALLED NAMES OF JURY. **S R** BURTON ABSENT AND BUTLER ABSENT. [*space*] BY THE PROSECUTION I THINK OTHER JURORS WILL NOT BE ABLE TO GET HERE BEFORE TONIGHT UNLESS THEY HAVE HORSES IT WOULD BE ~~IMPOSSIBLE~~ ALMOST IMPOSSIBLE FOR THEM TO GET HERE BEFORE THAT TIME ANYWAY. BY COURT THIS CASE WILL HAVE TO GO OVER UNTIL TOMORROW MORNING. ADJOURNED COURT UNTIL TOMORROW MORNING TEN O'CLOCK. [*space*]

[2] **THURSDAY APL 16/75** [*space*] STRIKING OUT 5TH AND SEVENTH COUNTS IN WHICH IT IS ALLEGED PARTIES SELLING LIQUORS HAD NO LICENSE THEREFORE SALE WAS VOID. [*space*] I HAVE EXAMINED AUTHORITIES PRETTY CAREFULLY SATISFIED RULE THIS *COUNTRY/COUNTY*[?] WOULD NOT WARRANT HIM IN TAKING POSITION THAT THOSE SALES WERE ILLEGAL AND VOID AS FAR AS DEFENDANT IS CONCERNED AS FAR AS PUBLIC IS CONCERNED IT WOULD. IT IS TRUE *ALLEGED*[?] DONE NOT BECAUSE SMITH AND PARSONS ALSO *CLIENT*[?] AND CONTRACTING IS ILLEGAL COURTS WILL NOT GRANT ANY RELIEF TO PARTIES IN THAT CASE AND BOTH OF THEM REFERRED TO FACT THEY HAVE NEVER KNOWN A CASE UNLESS CIRCUMSTANCES OR THING TO BE DONE WAS LEGAL IF THE CIRCUMSTANCES AND THE THING TO BE PERFORMED IS IF BOTH ARE LEGAL THEN CONTRACT WILL BE ENFORCED IN THE CASE *THIS/THUS*[?] OF THE *PRL*[?] *REVENUE*[?] CASE THIS —[?] CASE THAT COMES UNDER THE COMMON LAW RULE SEEING THIS IS PUBLIC POLICY OR MERELY IT IS UNDER THE RULE IN REFERENCE TO *REFUSING*[?] ENTIRELY HERE A PENALTY IS ATTACHED TO PARTY FOR SELLING WITHOUT LICENSE AND THAT PENALTY CAN BE ENFORCED BUT IF THE CONSIDERATION IS *GOT*[?] THERE IS NO DISPUTE THE PAYMENT OF THE MONEY FACT IS NO WRONG EXCEPT BY MAKING CONTRACT HAD NO RIGHT TO MAKE IT ON ONE SIDE. CONTRARY PUBLIC POLICY ON SIMPLE CONTRACT WE COULD NOT THEN ENFORCE IT BUT WHERE IT IS POOR *PR/PURE*[?] REVENUE CASE I COULD NOT SAY IT HAS ANY DEFENSE BUT THE STATUTE THE *BRD/BRT/PART*[?] PARTIES THE GOVERNMENT TAKES CARE ITSELF IN THAT CASE *BUT HE*[?] BY LOOKING IN A MATTER THIS KIND HE DON'T INQUIRE WHETHER MAN IS LICENSED OR NOT HE LOOKS TO WHETHER HIS CONTRACTING IS GOOD IS RIGHT ALL THE WAY THROUGH OR NOT [*space*] IF THE PARTY HAS NOT COMPLIED WITH THE LAW; LET THE LAW BE ENFORCED AGAINST HIM SO ≤THEN≥ FAR AS THE MOTION GOES 5TH AND 7 COUNTS IT WILL BE SUSTAINED OTHERWISE IT WILL BE OVERRULED. [*space*] BY JUDGE

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STRICKLAND ~~IN THIS~~ IN CASE A B TAYLOR AND OTHERS STIPULATED AGREEMENT RECALLING EXECUTION I MOVE THAT THE NAME OF MR. BISHOP BE ADDED TO ATTORNEY FOR A B TAYLOR AND OTHERS. BY BISHOP I ASK THAT THE STIPULATION BE FILED AND RECORDED ACCORDING TO THE ORDER OF THE COURT. [*space*] BY HOGE I HAVE A DEMURRER TO FILE IN THE CASE UNITED STATES AGAINST *ALFRED*[?] FORD. AND ALSO IN THE CASE OF RITCHIE [*space*] BY PROSECUTION INDICTMENTS ARE THE SAME ONE DECISION WILL DECIDE BOTH OF THEM. WE'LL JUST SIMPLY STIPULATE DECISION IN CASE OF FORD WILL STAND SAME IN BOTH CASES BOTH BE SUBMITTED AT THE SAME TIME. —/*AND*[?] I AM READY NOW TO TAKE UP ONE IF THE COURT IS READY. [*space*] BY PROSECUTION I MOVE THIS COURT LET CASE OF *LIGHT*[?] BE CONTINUED OVER UNTIL THE NEXT TERM CONSEQUENCE NOT BEING ABLE TO GET JURY ANSWERED BY HOGE WHO AGREED EXCEPT IF PRISONER BE PERMITTED GO ON HIS ON RECOGNIZANCE. COURT WOULD NOT BE WILLING LET THE CASE STOP NOW THAT THE JURY ARE SO NEARLY IMPANELED [*space*] ~~BY STRICKLAND~~]. REFUSE -*L-S*[?] OF COUNTRY. PETER FOUTS PAROWAN. GEORGE WILSON. JAMES A *ST TN/STATON*[?] KANE COUNTY VIRGIN CITY. [*space*] MR WILSON QUESTIONED NATIVE BORN RESIDENT **B**_ COUNTY NOT FORMED ANY OPINION REGARD TO CASE [*space*]

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John D. Lee, First Trial

Examination of Jurors

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RT	RS	BT	PS
[*Rogerson begins his transcript with copies of the indictments. See* MMMCLP, *chapter 18, "Indictments and Introduction to Legal Proceedings," for the original indictments.*]	*[Bk 1 2]*[30] {**EXAMINATION OF PETIT JURORS** [*space*] **BOOK 1** [*space*] **PLEAS IN ABATEMENT AND COMMENCEMENT OF CAREY'S OPENING SPEECH**}[p] BY WHEDON WE HAVE SUBPOENAED 110 WITNESSES WE CAN'T TELL HOW LONG IT WILL TAKE. BY SPICER REMARKS. BY COURT IT WILL BE WELL ENOUGH NOT TO LET ANY WITNESSES GO UNTIL WE GET INTO THE TRIAL BECAUSE WE'LL KNOW BETTER THEN. BY COURT *PR*[?] THERE WILL BE NO FAILURE TOMORROW MORNING I AM ANXIOUS TO HAVE THIS CASE GO ON. ≤BY		*[[Bk 1 1]]* **NO 2**[31] [*space*] **MONDAY 19TH** [*space*] ON MOTION OF

30. Page 1 is not extant. "**COMPARED**" in longhand is written across the page. The page is dirty, smudged, and extremely difficult to read.

31. Appears to be in Rogerson's hand.

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RT	RS	BT	PS
	COURT➢ LEE CASE WILL BE TAKEN UP TOMORROW MORNING TEN O'CLOCK PROMPTLY UNTIL THAT TIME WITNESSES WILL BE DISCHARGED. BY COURT TAKE RECESS UNTIL 2 **P. M** [*space*] **TUESDAY JULY 20 2 P M 1875.** JOHN D LEE CAME INTO *COURT*[?] PRECISELY AT TEN O'CLOCK A M. TEN A M. *SWORN/CERTAIN*[?] TEN PAST TEN A M. CLERK READ MINUTES YESTERDAY'S PROCEEDING. MOTION FILED *BS*-[?] CASE PEOPLE AGAINST **JOSHUA FIELDING** TO DISMISS BOND. [*space*] BY COURT JUDGE WHEDON ARE YOU READY YES SIR. BY SPICER		WELLS SPICER TO COURT CASE CONTINUED UNTIL TOMORROW 10 O'CLOCK [*space*] **TUES DAY 20TH** [*space*]

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RT	RS	BT	PS
	WE ARE READY [*space*] YOU WILL REMEMBER PROSECUTION CALLED NUMBER OF WITNESSES YESTERDAY 107 WERE ASKED THEY ARE TO FURNISH US NAMES OF THOSE WITNESSES *INTRODUCED*[?] UPON THE BACK OF INDICTMENT. CAREY IF GENTLEMEN ARE ENTITLED TO ANYTHING OF THAT KIND WE ARE WILLING IF NOT WE DO NOT WISH TO FURNISH IT. CAREY THERE WAS TWO INDICTMENTS HERE AND I WISH TO HAVE DEFENDANT ARRAIGNED ON THE SECOND INDICTMENT CLERK WILL		IF YOUR HONOR PLEASE CALLED THE LIST OF THEIR WITNESSES TO THE NUMBER OF 106 OR 7 AND ASKED FOR AN ORDER OF COURT FOR A LIST OF THOSE WITNESSES OTHER THAN THOSE ON BACK OF THE INDICTMENT. [*space*] CAREY. [*space*] THERE ARE TWO INDICTMENTS HERE [*space*] AND I WISH TO HAVE THE DEFENDANT ARRAIGNED ON THE SECOND INDICTMENT. ~~CLERK READ.~~

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RT	RS	BT	PS
	PLEASE READ IT. BY HOGE WE HAVE NOT BEEN FURNISHED WITH COPY OF THAT INDICTMENT AND WE ASK FOR A COPY IT TO LOOK INTO IT.[32] BY COURT IT IS NOT NECESSARY TO HAVE HIM ARRAIGNED. COURT DO YOU WISH IT READ CAREY YES SIR WOULD LIKE TO HAVE IT READ. BISHOP I WOULD LIKE TO KNOW BY WHAT RULE INDICTMENT CAN BE READ BEFORE HE HAS BEEN NOTIFIED OF THE INDICTMENT. HOGE WE WISH TO HAVE COPY OF INDICTMENT BEFORE IT IS READ IF WE GET COPY WE PROBABLY MAY BE READY TOMORROW MORNING WHEN WE CAN MAKE ANSWER TO IT.		[*space*]

32. This is the first time the defense has seen the joint indictment.

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RT	RS	BT	PS
	CAREY SUPPOSE GENTLEMEN CAN GET COPY ANY TIME IF THEY SEE FIT TO. BY COURT IF THE CHARGE IS MURDER IN FIRST DEGREE *I*[?] ALWAYS REQUIRE THEM TO HAVE COPY SO THEY MAY BE READY TO PLEAD. BY **SUTHERLAND TO COURT** SUTHERLAND IF YOUR HONOR PLEASE I AM COUNSEL IN CASE AGAINST DAME IT HAS BEEN ANNOUNCED THAT THE CASE AGAINST LEE WOULD BE TRIED AND IT WAS EXPECTED THAT TRIAL WILL PROCEED FROM TODAY. IT IS EVIDENT NO OTHER TRIAL INVOLVING SAME TRANSACTION CAN OCCUR AT THE PRESENT		IF YOUR HONOR PLEASE I AM COUNSEL IN THE CASE AGAINST MR. WILL DAME IT HAS BEEN ANNOUNCED THAT THE CASE AGAINST LEE WILL BE TRIED AND IT IS EXPECTED THAT THAT TRIAL WILL PROCEED FROM TODAY [*space*] IT IS EVIDENT THAT NO OTHER TRIAL INVOLVING THE SAME TRANSACTION CAN OCCUR AT THE PRESENT

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RT	RS	BT	PS
	[*corner of page missing*] *TERM*[?]. I HAVE LOOKED OVER THE INDICTMENT IN THE CASE AND I FIND A FATAL DEFECT IN IT IT WAS MY INTENTION TO OVERLOOK THAT DEFECT PROCEED TO TRIAL [*corner of page missing*] THAT THE PARTY SHOULD BE ACTED UPON TESTIMONY RATHER THAN TAKE ADVANTAGE OF ANY DEFECT IN THE INDICTMENT. I HAVE WAITED UNTIL IT HAS BECOME CERTAINTY *[3]*[33] HE CAN'T HAVE TRIAL AT THE PRESENT TERM AND I THEREFORE BEG LEAVE TO BRING TO YOUR HONOR'S ATTENTION THIS FATAL		TERM I HAVE LOOKED OVER THE INDICTMENT IN THE CASE AND I FIND A FATAL DEFECT IN IT IT WAS MY INTENTION TO OVERLOOK THAT DEFECT AND TO PROCEED TO TRIAL PREFER THAT THE PARTY SHOULD BE ACTED UPON THE TESTIMONY RATHER THAN TO TAKE ADVANTAGE OF ANY DEFECT IN INDICTMENT I HAVE WAITED UNTIL IT HAS BECOME A CERTAINTY THAT HE CAN'T HAVE A TRIAL AT THE PRESENT TERM I THEREFORE BEG LEAVE TO BRING TO YOUR HONOR'S ATTENTION THIS FATAL

33. Each of the following words is written multiple times across the top of the page: THEREFORE, I HAVE, REFER.

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RT	RS	BT	PS
	DEFECT THE BARE MOTION OF *IT*[?] WILL INDUCE YOUR HONOR TO QUASH IT. AN ARREST OF JUDGMENT AND WHICH THEREFORE HAS NOT BEEN WAIVED BY PEOPLE THE CRIME IS NOT ALLEGED TO HAVE BEEN COMMITTED IN THIS TERRITORY, NOR THIS DISTRICT NOR IN ANY COUNTY. I TAKE IT I NEED {NOT}[i] READ AUTHORITIES UPON THE POINT. THAT AN INDICTMENT WHICH DOES NOT STATE THE LOCUS OF THE CRIME AND COMMITTED THIS {WITHIN THE}[i] JURISDICTION OF THE COURT HAS FATAL DEFECT		DEFECT [*space*] IT IS AN OBJECTION WHICH GOES TO THE JURISDICTION WHICH HAS GIVEN AN ARREST OF JUDGMENT *[[2]]* AND WHICH THEREFORE [*space*] THE CRIME IS NOT ALLEGED TO HAVE BEEN COMMITTED IN THIS TERRITORY NOR IN THIS DISTRICT NOR IN ANY COUNTY [*space*] I TAKE IT THAT I NEED NOT READ AUTHORITIES UPON THE POINT THAT AN INDICTMENT WHICH DOES NOT STATE THE LOCUS OF THE CRIME AND THAT IT WAS COMMITTED WITHIN THE JURISDICTION OF THE COURT IS FATALLY DEFECTIVE

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RT	RS	BT	PS
	IF YOUR HONOR HAS ANY DOUBT UPON IT THE AUTHORITIES HERE ARE CLEAR AND COGENT AND UNANIMOUS. INDICTMENT STATES CRIME WAS COMMITTED IN MOUNTAIN MEADOW VALLEY WITHOUT ANY OTHER DESIGNATION OF PLACE BUT *YOURSELF*[?] HAVE SAID IF PROCEED UNDER ANY STATUTE WE MUST BE WHEREVER IT WAS COMMITTED THERE YOUR HONOR CAN'T TAKE JUDICIAL NOTICE MOUNTAIN MEADOW VALLEY IS EXCLUSIVELY ANY PART OF IT IN THE TERRITORY OF UTAH. UNDER REGULATION		[*space*] IF YOUR HONOR HAS ANY DOUBT UPON IT THE AUTHORITIES ARE HERE CLEAR COGENT AND UNANIMOUS THE INDICTMENT STATES THAT THE CRIME WAS COMMITTED IN MOUNTAIN MEADOW VALLEY BUT WITHOUT ANY OTHER DESIGNATION OF PLACE AND YOUR HONOR CAN'T TAKE JUDICIAL NOTICE THAT MOUNTAIN MEADOW IS EXCLUSIVELY OR ANY PART OF IT IN UTAH [*space*] IT IS NOT A PLACE WHICH COMES

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RT	RS	BT	PS
	IN ANY PUBLIC LAW I WILL THEREFORE *WE SAY*[?] THAT THERE IT IS A FATAL DEFECT I WILL REFER TO THE AUTHORITIES *IF*[?] COUNSEL ON THE OTHER SIDE HAVE ANY DESIRE DISCUSS THAT QUESTION. BY CAREY I WILL MAKE A STATEMENT. COURT PLEASE INDICTMENT HAS BEEN READ AS I HAVE SUGGESTED THAT INDICTMENT ALSO HELD MR. DAME I PRESUME WHEN WE COME TO THE TRIAL THAT MR. DAME WILL ALSO BE TRIED UPON THAT INDICTMENT INSTEAD OF THE ONE HE SPEAKS OF SUTHERLAND IF I UNDERSTAND COUNSEL		IN ANY PUBLIC LAW AND THEREFORE AS WE SAY IT IS A FATAL DEFECT [*space*] I WILL REFER TO THE AUTHORITIES IF COUNSEL ON THE OTHER SIDE HAVE ANY DESIRE TO DISCUSS THE QUESTION OR IF YOUR HONOR HAS ANY DESIRE TO HEAR IT [*space*] CAREY [*space*] IF THE COURT PLEASE WE HAVE INDICTMENT ALSO [*space*] I PRESUME THAT WHEN WE COME TO THE TRIAL THAT MR. DAME WILL ALSO BE TRIED UPON THAT INDICTMENT INSTEAD OF THE ONE HE SPEAKS OF [*space*]

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RT	RS	BT	PS
	ARIGHT HE CONFESSES THE DEFECT IN THIS INDICTMENT MY MOTION IS NOT FOR THE DISCHARGE OF MR. DAME OR TO QUASH THIS INDICTMENT. IF HE IS TO BE TRIED GOOD FAITH REASONABLE NOTICE TO THE ACCUSED *MERE/SOME*[?] SENSE OF FAIRNESS IT SEEMS TO ME OUGHT TO HAVE PROMPTED GOVERNMENT ATTORNEY TO GIVE US SOME INTIMATION OF THE REAL INDICTMENT ON WHICH MR. DAME WAS EXPECTED TO BE TRIED. IT WAS ANNOUNCED WEEK AGO YOUR HONOR THE CASE AGAINST **W H** DAME AND THE CASE AGAINST JOHN D LEE		HE CONFESSES THE DEFECT IN THIS INDICTMENT ~~*M*~~[?] [*space*] DO NOT CONFESS ANYTHING [*space*] ~~≺~~SUTHERLAND~~≻~~ IF HE IS TO BE[34] TRIED GOOD FAITH REASONABLE NOTICE TO THE ACCUSED A MERE SENSE OF FAIRNESS OUGHT TO HAVE PROMPTED THE GOVERNMENT ATTORNEY TO GIVE US SOME INTIMATION OF THE REAL INDICTMENT UPON WHICH MR. DAME WAS TO BE TRIED IT WAS ANNOUNCED A WEEK AGO YOUR HONOR THAT THE CASE AGAINST DAME *[[3]]* AND LEE

34. "TO BE" was apparently added later.

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RT	RS	BT	PS
	SHOULD BE TRIED THIS WEEK. DID HE MOTION THIS BECAUSE HE GOES ON SUPPOSING INDICTMENT WHICH MY *MOTION*[?] ALLUDES OR DOES HE NOW REFER TO THE INDICTMENT WHICH HAS NEVER BEEN MADE PUBLIC. I THINK I HAVE A RIGHT TO COMPLAIN BEHALF OF THE DEFENDANT OF THE INTENTION TO PRESS INTO A TRIAL WITHOUT ANY PREPARATION. THIS INDICTMENT HAS BEEN THE ONLY PRETEXT OF THE DEFENDANT'S IMPRISONMENT FOR 8 MONTHS. HE IS LOOKING FORWARD TO THIS TRIAL ONLY COULD *EVERYBODY*[?] OBTAIN A TRIAL LEE'S		SHOULD BE TRIED THIS WEEK DID HE MOTION THIS BECAUSE OR DOES HE NOW REFER TO THE INDICTMENT WHICH HAS NEVER BEEN MADE PUBLIC [*space*] I THINK I HAVE A RIGHT TO COMPLAIN ON BEHALF OF THE INDICTMENT AND OF THE INTENTION TO PRESS INTO A TRIAL WITHOUT ANY PREPARATION THIS INDICTMENT HAS BEEN THE ONLY PRETENSE FOR THE IMPRISONMENT OF DEFENDANT FOR 8 MONTHS [*space*]

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RT	RS	BT	PS
	INDICTMENT WHICH COUNSEL PRESUMES TO —[?] IS THAT WHICH HAS BEEN PENDING HERE ALL THAT TIME AND THAT WITHHELD FROM [4] OUR KNOWLEDGE AND IS EXPECTED TO BRING MR. DAME TO TRIAL ON THIS TRIAL THIS IS SO EXPEDIENT AND VITAL *WITH*[?] US. [*space*] IT IS NO PART OF THE POWERS OF THE GOVERNMENT TO HAVE SIMPLE PRETEXT FOR PROPERLY IMPRISONMENT BEFORE TRIAL. WHY HAS HE NOT MADE THAT INDICTMENT		IS THAT THE INDICTMENT WHICH HAS BEEN PENDING HERE DURING ALL THAT TIME AND HAS BEEN WITHHELD FROM OUR KNOWLEDGE AND IS IT THE INDICTMENT UPON WHICH HE IS EXPECTED TO BRING MR. DAME TO TRIAL [*space*] I SUPPOSE IT IS NOT ANY PART OF THE GOVERNMENT TO [*space*] IF HE HAD INTENDED ~~HIM~~ TO BRING HIM TO TRIAL DURING THIS TERM AND

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RT	RS	BT	PS
	PUBLIC ANNOUNCED 'EM TO THE PRISONER'S COUNSEL GIVE HIM SOME OPPORTUNITY TO MAKE THE PREPARATIONS FOR THIS TRIAL AND WOULD PLEDGE THAT THIS INDICTMENT TO WHICH MY MOTION ALLUDES WHICH SHARES THEM WITH THAT ONLY WHEN ONE *TERM*[?] ARRIVES ONE MAN WILL EXPECT TRIAL AND WHICH HE KNEW NOW ALLUDES HE WILL NOT ABANDON THAT SIMPLY AS A PRETENSE FOR IMPRISONMENT BEFORE TRIAL I SAY YOUR HONOR TO QUASH THIS INDICTMENT. WOULD WHATEVER OTHER CAUSE THEY HAVE		ANNOUNCED IT TO THE PRISONER'S COUNSEL GIVE HIM SOME OPPORTUNITY FOR PREPARATION DURING THIS TRIAL [*space*] WE PLEDGE IF THIS IS THE INDICTMENT TO WHICH MY *MATTER*[?] INDICTMENT THAT SHARES[35] THEM WITH THAT WHEN ANOTHER TERM ARRIVES WHEN WE MAY [*space*] THAT HE WILL NOT ABANDON THAT AND HAVE SOME 3RD CHARGE SIMPLY AS SOME [*space*] ASK YOUR HONOR TO QUASH THIS INDICTMENT WHATEVER OTHER CAUSE~~S~~ THEY HAVE TO

35. "NS" added later rendered the word "ASSURANCES".

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RT	RS	BT	PS
	WE'LL CONSIDER IN CONNECTION. CAREY I HAVE SUPPOSITION UNTIL *THIS DAY AND TOO*[?] MR. DAME AND LEE WOULD BE TRIED ON SEPARATE INDICTMENTS REASON ~~IT HAS BEEN~~ OTHER HOWEVER HAS NOT BEEN PUBLIC THERE ARE SO MANY INDICTED IN IT THAT HAVE NOT BEEN ARRESTED. ON EXAMINATION OF WITNESSES WE THINK EQUAL AND EXACT JUSTICE CAN BE BETTER DONE BY TRYING CASE ON JOINT INDICTMENT RATHER THAN ON THE OTHER. SO FAR AS FIRST		IMPRISON MR. DAME WE'LL CONSIDER IN *THAT[?]* CONNECTION [*space*] CAREY I HAVE SUPPOSED THEY INTENDED IT AND TOO THAT MR. DAME AND LEE SHALL NOT [*space*] THE REASON THAT IT HAS NOT BEEN MADE PUBLIC *[[4]]*[36] IS THAT THERE ARE SO MANY INDICTED IN IT THAT HAVE NOT BEEN ARRESTED AND THE EXAMINATION OF THE WITNESSES WE THINK THAT ACCURATE AND EXACT JUSTICE CAN BE DONE BETTER BY TRYING THE CASE ON THE JOINT INDICTMENT RATHER THAN ON THE OTHER. [*space*]

36. There is a profile of a man with stubble smoking a pipe on the verso of page 4.

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RT	RS	BT	PS
	INDICTMENT IS CONCERNED I HAVE NOT EXAMINED THAT MYSELF BEFORE *G/K*[?] PASSED UPON IT. {BY}[i] COURT DO I UNDERSTAND PROSECUTION {TO}[i] SAY THEY INTEND TRY BOTH THESE PARTIES TOGETHER. CAREY NO SIR. SPICER YOUR HONOR PLEASE WE WISH INQUIRE INTENTION OF PROSECUTION INTENTION OF PROSECUTION WHETHER MR. LEE IS TO BE FROM THIS PENDING INDICTMENT OR THIS WHICH HAS COME TO LIGHT. BY COURT I SUPPOSE HIS OBJECT IS AS SOON AS {THE}[i] PARTIES ARE ARRAIGNED TO		JUDGE DO I UNDERSTAND THE PROSECUTION THAT THEY INTEND TO TRY BOTH THESE PARTIES TOGETHER [*space*] NO SIR PROPOSE TO TRY MR. LEE FIRST [*space*] SPICER [*space*] WHETHER MR. LEE IS TO BE TRIED ON THIS PENDING INDICTMENT OR THE NEW ONE THAT HAS JUST COME TO ME [*space*] COURT [*space*]

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RT	RS	BT	PS
	ENTER NOLLE PROSEQUI IN THE CASE. BY SUTHERLAND LET'S SEE ORIGINAL INDICTMENT.		SUTHERLAND
	LET'S SEE ORIGINAL INDICTMENT THE JOINT ONE. CLERK HANDED SUTHERLAND THE ~~COPY~~ INDICTMENT.		LET'S SEE THE ORIGINAL JOINT INDICTMENT [*space*]
	SPICER IF YOUR HONOR PLEASE I WOULD SUGGEST FURTHER ~~IF~~ IF IT IS INTENTION UNDER NOLLE OF WHICH MR. LEE HAS BEEN HELD LAST 6 MONTHS IT IS BETTER WE SHOULD KNOW IT AT ONCE A LITTLE TIME GIVEN PRIOR FOR IT. BY COURT YOU LOOK AT INDICTMENT IF IT IS NECESSARY TO HAVE TIME COURT WILL GIVE TIME.		SPICER WE NOTICE THE [*space*] NOLLE IN THIS INDICTMENT WHICH IS *TENDING*[?] UPON WHICH [*space*] IT IS BETTER THAT WE SHOULD KNOW IT AT ONCE THAT WE MAY BE FURNISHED WITH THIS SECOND INDICTMENT AND LITTLE TIME GIVEN US TO PREPARE FOR IT WE HAVE NO KNOWLEDGE OF IT ~~IF THE~~.
	COURT DOESN'T		[*space*] COURT [*space*] DO NOT

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RT	RS	BT	PS
	WANT TO FORCE THESE MATTERS BUT WISH ALL PARTIES ~~BE~~ TO BE READY. [*space*] [5] SUTHERLAND YOUR HONOR PLEASE WE DESIRE TO HAVE UNTIL TOMORROW MORNING EXAMINE THIS INDICTMENT DETERMINE WHAT PLEAS TO MAKE TO IT. COURT COPIES WILL BE FURNISHED TO YOU THIS AFTERNOON. SUTHERLAND WE SHOULD PREFER ORIGINAL. BY SPICER HE IS SPEAKING FOR MR. LEE AS WELL AS FOR DEFENSE. BISHOP I DO NOT KNOW RECORD SHOWS		PROPOSE TO FORCE YOU BUT WANT THEM TO BE TRIED AS SOON AS POSSIBLE THAT BOTH PARTIES BE FULLY READY SUTHERLAND [*space*] IF YOUR HONOR PLEASE [*space*] WE DESIRE TO HAVE UNTIL TOMORROW MORNING TO EXAMINE THIS INDICTMENT AND TO DETERMINE WHAT PLEA TO MAKE TO IT ~~I SUPPOSE IN A *MINUTE*[?]~~ [*space*] BISHOP I DO NOT KNOW THAT THE RECORD SHOWS THAT THE RECORD SHOWS

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RT	RS	BT	PS
	THAT MR. BATES AND SUTHERLAND WAS ATTORNEYS FOR LEE I WISH TO HAVE RECORD SHOW BATES AND SUTHERLAND SHOW THEY ARE ATTORNEYS IN DEFENSE OF JOHN D. LEE. I BELIEVE RECORD SHOWS IT AND THERE HAS BEEN SOME TALK BUT IF NOT I WISH IT TO SHOW IT. BY COURT IF THERE IS NO FURTHER MOTION WE'LL ADJOURN COURT UNTIL TOMORROW MORNING TEN O'CLOCK. PROSECUTION I THINK THERE ARE SOME DEMURRERS THAT WILL HOLD ATTENTION THIS AFTERNOON. [*space*] TAKE RECESS UNTIL O'CLOCK. [*space*]	*[1]*	THAT MR. BATES AND SUTHERLAND SHOWS THAT AND THEY ARE ATTORNEYS FOR JOHN D. LEE [*space*]. BATES AND SUTHERLAND NOTED AS ATTORNEYS FOR THE DEFENSE *OF*[?] LEE. INQUIRE TO ALL THESE MATTERS. YES SIR [*space*] RECESS UNTIL TWO O'CLOCK.

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RT	RS	BT	PS
		FIRST LEE TRIAL (BOOK 1) IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT OF THE TERRITORY OF UTAH. PEOPLE OF THE TERRITORY OF UTAH VS. JOHN D. LEE. BEFORE HON. J. S. BOREMAN AND JURY.	
	WEDNESDAY JULY 21 1875. 10 AM	WEDNESDAY, JULY 21ST, 1875. A. M.	*[[5]]* ~~**TUESDAY**~~ **WEDNESDAY 22/75**[37] [*space*]
	TWELVE MINUTES PAST TEN JUDGE BOREMAN CAME INTO COURT. BY COURT ANY PAPERS TO BE FILED THIS MORNING OF ATTORNEYS. ANY EX PARTE MOTIONS. Q PROSECUTION **≺COURT≻**	JUDGE BOREMAN ASKED THE PROSECUTION AND DEFENSE IF THEY WERE READY FOR TRIAL IN THE LEE CASE. COUNSEL	
	READY IN CASE OF LEE		

37. This is incorrectly identified as the 22nd of July.

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RT	RS	BT	PS
	A YES SIR. IS THE DEFENSE READY BY SUTHERLAND WE DESIRE YOUR HONOR PLEASE *MOTION*[?] MADE YESTERDAY MORNING REGARD TO INDICTMENT THERE WAS MOTION MADE IN FAVOR OF DAME AND DAME IS PARTY IN THIS INDICTMENT BY COURT I UNDERSTAND DAME IS NOT TO BE TRIED AT THIS TERM BY CAREY NO SIR HE IS NOT TO BE. BY SUTHERLAND	REPLIED **"**YES; AND ~~JUDGE~~ **MR J. G**. SUTHERLAND **OF COUNSEL THE DEFENCE ASKED** FOR ACTION UPON HIS MOTION OF YESTERDAY IN THE DAME CASE. THE ~~JUDGE~~ **COURT** ANNOUNCED THAT DAME WAS NOT TO BE TRIED NOW. **J. G.** SUTHERLAND **OF COUNSEL FOR DEFENDANT**: IT IS AN IMPORTANT MOTION AND SHOULD BE	[*space*] IF I UNDERSTAND IT RIGHT DAME IS NOT TO BE TRIED NOW [*space*] CAREY NO [*space*] ≤COURT≥ I UNDERSTAND THEM *BECAUSE*[?] LEE WAS *GETTING ON*[?] [*space*] DO NOT SUPPOSE IT MADE MUCH OF [*space*] *GO HOME*[?] YOUR HONOR AS THAT MOTION SHOULD BE

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RT	RS	BT	PS
	IT IS VERY DESIRABLE SINCE INDICTMENT COVER SAME TRANSACTION THAT ALL SHOULD NOT BE COMBINED TAKE PLACE UPON 2 INDICTMENTS WE DO NOT PROPOSE ARRAIGN MR. DAME UNDER SAME INDICTMENT. SUTHERLAND IF TRIAL IS TO TAKE PLACE ON THIS JOINT INDICTMENT THAT THEY ENTER NOLLE ON THE OTHER. BY COURT BEFORE TRIAL TAKES PLACE THEY MAY DO THAT OR NOT. {BY}[i] CAREY	DECIDED NOW. I UNDERSTAND THAT THE INDICTMENTS COVER THE SAME TRANSACTION,	DETERMINED [*space*] IT IS VERY DESIRABLE SINCE THE INDICTMENTS COVER THE SAME TRANSACTIONS THAT THEY ALL SHOULD NOT BE COMBINED AND ARRAIGNMENTS TAKE PLACE UPON TWO INDICTMENTS [*space*] COURT WE DO NOT PROPOSE TO ARRAIGN MR. DAME *SOON*[?] [*space*] WE DESIRE IF THE TRIAL IS TO TAKE PLACE ON THIS JOINT INDICTMENT THAT THEY ENTER A NOLLE UPON THE OTHER [*space*] COURT BEFORE THE TRIAL TAKES PLACE THEY CAN DO THAT OR NOT JUST AS THEY PLEASE. [*space*] COURT IT DON'T MAKE ANY DIFFERENCE *BECAUSE*[?]

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RT	RS	BT	PS
	WILL STAND UNTIL THE OTHER PARTIES ARE ARRAIGNED IF YOU PLEASE. BY COURT FURTHER I UNDERSTAND THIS IS THE TRIAL OF MR. LEE. SUTHERLAND SO FAR AS MR. LEE IS CONCERNED —[?].		THIS IS TRIAL OF MR. LEE [*space*] SO FAR AS MR. LEE IS ARRAIGNED WOULD NOT
	WE MAY HAVE SOMETHING TO SAY IN PROCEEDING WITH THIS INDICTMENT AGAINST LEE ALONE. {AND}[i] THIS INDICTMENT IS FOUND AGAINST SEVERAL PERSONS AND 3 OF THEM ARE IN CUSTODY THERE IS A COUNT FOR A CONSPIRACY IN THIS INDICTMENT AND WE INSIST THEY HAVE NO RIGHT TO PROCEED TO TRIAL AGAINST	AND WE MAY HAVE SOMETHING TO SAY ABOUT THIS INDICTMENT AGAINST LEE.	BUT WE MAY HAVE SOMETHING TO SAY IN RESPECT TO PROCEEDING TO TRIAL ON THIS INDICTMENT AGAINST LEE ALONE [*space*] THIS INDICTMENT IS FOUND AGAINST SEVERAL PERSONS AND 3 OF THEM ARE IN CUSTODY AND THERE IS A COUNT FOR CONSPIRACY IN THIS INDICTMENT AND WE INSIST THAT THEY HAVE NO RIGHT TO PROCEED TO TRIAL AGAINST

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RT	RS	BT	PS
	ONE AND NOT AGAINST ALL. BY COURT IF THAT QUESTION SHOULD GO UP IT WILL BE A DIFFERENT QUESTION. SUTHERLAND I ASK THE QUESTION WHICH WAS DISCUSSED YESTERDAY BE NOW DETERMINED. COURT IS NOT PREPARED TO DETERMINE HIS QUESTION NOW UNTIL THIS OTHER MATTER IS DISPOSED OF. SPICER THEN AGAIN YOUR HONOR IN RELATION WHOLE MATTER *LN/LS/ALONE*[?] WE ARE DESIROUS TO KNOW WHAT PROSECUTION INTEND TO DO *[6]* ABOUT INDICTMENT	<u>COURT</u>: WE ARE NOT PREPERED TO SETTLE THAT MATTER NOW TILL OTHER THISNG ARE DISPOSED OF. **WELLS** SPICER **OF COUNSEL FOR DEFENDANT**— WANTED TO KNOW WHAT THE PROSECUTION INTENDED TO DO IN RELATION TO THE NEW INDICTMENT.	ONE AND NOT AGAINST ALL [*space*] COURT IF THAT QUESTION SHOULD GO UP IT WOULD BE A DIFFERENT THING [*space*] SUTHERLAND IT IS FOR THAT REASON THAT I ASK THAT QUESTION BE DETERMINED [*space*] COURT *DO/DID*[?] NOT CONSIDER IT NECESSARY UNTIL THIS OTHER MATTER WAS DISPOSED OF. [*space*] SPICER [*space*] IN RELATION TO THE WHOLE MATTER *LN/LS/ALONE*[?] WE ARE DESIROUS OF *[[6]]* HAVING IT UNDERSTOOD WHAT THE PROSECUTION INTEND TO DO WITH THIS INDICTMENT

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RT	RS	BT	PS
	THEY BROUGHT INTO COURT YESTERDAY MORNING IF THEY ARE GOING TO PROCEED FROM ONE OR THE OTHER. BY COURT I UNDERSTAND THEY INTEND TO PROCEED ON THE OTHER. BASKIN THERE IS NOTHING TO SHOW.	**R.N.** BASKIN **ASSISTANT U.S. DISTRICT ATTORNEY, FOR PROSECUTION.**: THERE IS NOTHING TO SHOW THAT THERE IS A CONNECTION BETWEEN THE INDICTMENTS.	WE WERE BROUGHT INTO COURT UPON IF THE PROSECUTION INTEND TO PROCEED UNDER THIS NEW ONE OR *STILL*[?] *BUMP*[?] TO THE OTHER ONE [*space*] THEY PROPOSE TO PROCEED UPON THE ONE BROUGHT FORTH YESTERDAY BASKIN THERE IS NOTHING TO SHOW TO THIS COURT THAT THERE IS ~~NOTHING~~ *ANYTHING/NOTHING*[?] TO ACQUIT THEMSELVES OF INDICTMENTS NOTHING TO SHOW THAT THEY HAVE ANY NECESSARY CONNECTION

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RT	RS	BT	PS
	BY COURT I GLANCED OVER THIS INDICTMENT ONLY YESTERDAY.		[*space*] COURT I NEVER READ THIS INDICTMENT [*space*]
	[*space*] BASKIN I UNDERSTAND		BASKIN I UNDERSTAND THE QUESTION TO BE IS UPON THE
	INDICTMENT PRESENTED YESTERDAY WILL BE PROCEEDED WITH TODAY.		INDICTMENT YESTERDAY *ONE*/*WHEN*[?] THE GENTLEMAN PRESENT HAD NO LEGAL
	WE ARE READY WHEN COURT DECIDES TO PROCEED.		SHOW FOR WE ARE READY THEN TO *MEET IT/OUT*[?] BUT THE QUESTION NOW IS ON THE
	WE DESIRE TO ARRAIGN LEE ON THE INDICTMENT		INDICTMENT WE DESIRE TO ARRAIGN LEE ON THE INDICTMENT THAT WAS
	PRESENTED YESTERDAY THEY MAY PLEAD OR TAKE SUCH COURSE AS THEY SEE PROPER.		PRESENTED YESTERDAY AND IF THEY PLEAD AND TAKE SUCH SUPPOSE —[?] THINK PROPER [*space*]
	SPICER COURT WILL INDULGE ME MOMENT IN REPLY TO THAT WE NOW IN	**WELLS** SPICER: THIS IS NOW	SPICER [*space*] THIS UNDERSTANDIN G THAT WE ARE NOW

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RT	RS	BT	PS
	THE SECOND WEEK OF THIS THING PROPER BUSINESS *NOT ONLY*[?] THIS COURT WAS TO TRY LEE UPON THE INDICTMENT FOR WHICH HE HAD THEN BEEN HELD FOR THE LAST 8 MONTHS. LAST WEEK WE CAME INTO COURT IT WAS ENTERED UPON RECORD THIS CASE PEOPLE AGAINST JOHN D LEE SET FOR	THE SECOND WEEK OF THIS TER M OF COURT. WE HAVE UNDER~~W~~STOOD —AND THE PUBLIC GE~~L~~NERALLY HAVE UNDERSTOOD THA T THE TRAIL OF JOHN D. LEE WOULD BE PROCEEDED WITH; IT WAS SET A WEEK AGO AND HAS BE**I**EN POST**T**PONED SEVERAL TIMES.	ON THE SECOND WEEK OF THIS COURT AND THE PROPER BUSINESS OF THIS COURT WAS TO TRY JOHN D. LEE UPON THE INDICTMENT UPON WHICH HE HAD BEEN HERE FOR 8 MONTHS [*space*] WAS ENTERED ON RECORD THAT THIS CASE PEOPLE AGAINST JOHN D. LEE SHOULD BE TAKEN OUT AND SET FOR

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RT	RS	BT	PS
	TRIAL.		TRIAL ON MONDAY OF THIS WEEK MONDAY IMMEDIATELY THROWED OVER UNTIL NEXT MORNING [*space*]
	WE CAME INTO COURT FOR PURPOSE OF HAVING THAT TRIAL PROCEED UPON THAT INDICTMENT	WE CAME HERE FOR TRIAL THIS MORNING, AND WE WANT THE TRIAL TO PROCEED.	WE CAME INTO COURT FOR THE PURPOSE OF HAVING THE TRIAL PROCEED UPON THAT INDICTMENT [*space*] THE
	INDICTMENT UNDER WHICH HE HAD BEEN ARRESTED AND HELD FOR A LONG TIME PREPARED FOR TRIAL THEN THE NEXT MORNING TUESDAY		INDICTMENT UNDER WHICH HE HAD BEEN ARRESTED AND HAD PREPARED FOR THE TRIAL [*space*] NEXT MORNING
	WE CAME INTO COURT AND THERE IS ENTIRE CHANGE OF EVENTS A NEW INDICTMENT IS PRESENTED TO US WE WANT TO KNOW IF WE ARE GOING TO	WE WANT TO KNOW WHETHER WE ARE TO	WE CAME INTO COURT AND THERE IS AN ENTIRE CHANGE OF THE TO THE *PROSECUTION*[?] [*space*] THIS MORNING WE WANT TO KNOW *[[7]]*[38] WHETHER WE ARE GOING TO

38. A man's profile drawn labeled "**PROFILE OF GEORGE CAESAR BATES**" in longhand with "THEN WHAT WAS DONE WITH THE RECORD OF EVIDENCE" on the verso of page 7.

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RT	RS	BT	PS
	BE TRIED ON THAT INDICTMENT OR THE OTHER WE ARE READY FOR EITHER WE ARE PREPARED TO TAKE PLACE AND ACT. BASKIN WANT THE GENTLEMAN PLEAD THEN WE ARE READY TO PROCEED TO TRIAL. BY COURT WE HAVE NEVER SET *THEIR TIME*[?] FOR TRIAL. COURT CONSENTED AND WOULD IF ARRANGEMENT S COULD BE MADE. YOU PLEAD YET FOR CONTINUANCE. BASKIN GENTLEMEN PRONOUNCE THEY ARE READY TO PROCEED TO	BE TRI~~A~~ED UPON THE OLD OR NEW INDICTMENT. WE ARE READY FOR EITHER. COURT: YOU ARE MISTAKEN IN SAYING THAT I SET THE CASE FOR TRIAL; IT WAS CONTINUED BY CONSENT OF COUNSEL.	BE TRIED ON THAT INDICTMENT OR WHETHER THIS NEW INDICTMENT IS THE ONE THAT WE ARE TO BE HERE UPON THIS TIME [*space*] WE ARE READY FOR EITHER WE WANT IT DETERMINED [*space*] BASKIN WE ARE READY ON THIS NEW INDICTMENT TO GO TO TRIAL [*space*] COURT [*space*] THE COURT HAS NOT SET ANY TIME CONSENTED TO DIFFERENT ARRANGEMENT SPICER *TO/BUT*[?] [*space*] COURT HAD NO OBJECTIONS [*space*] AND [*space*] GENTLEMEN ANNOUNCED THEMSELVES [*space*] WE ASK [*space*]

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RT	RS	BT	PS
	TRIAL. BY COURT ALL THESE MOTIONS MUST BE REDUCED TO WRITING. MOTION NOT REDUCED TO WRITING YESTERDAY I DID NOT PASS ON IT. BASKIN GENTLEMEN HAVE ANNOUNCED THEMSELVES READY FOR TRIAL AND WE ARE READY ALSO. BY BISHOP WE ARE LABORING UNDER MISPERCEPTION BY PROSECUTION HOWEVER WE HAVE NEVER SAID WE WERE READY FOR TRIAL UNTIL THE FIRST IS DISPOSED OF.	SOME FURTHER MOTIONS WERE OFFERED WHEN THE COURT ANNOUNCED THAT MOTIONS MUST BE IN WRITNING OR HE COULD NOT NOTICE THEM.	I WOULD STATE ALL MOTIONS MADE IN THIS CASE THAT MUST BE REDUCED TO WRITING [*space*] ALL MOTIONS [*space*] MOTION NOT BE REDUCED TO WRITING [*space*] BASKIN THE GENTLEMEN READY TO HAVE THIS CASE TRIED [*space*] WE ARE LABORING UNDER A MISPERCEPTION [*space*] WE DO NOT CONSIDER THAT WE EVER SAID WE WERE READY TO HAVE TRIAL UNTIL THE FIRST WAS DISPOSED OF. I

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RT	RS	BT	PS
			DO NOT CONSIDER THE SECOND INDICTMENT BEFORE THE COURT YET
	BY COURT SPICER SAID HE WAS READY TO GO ON EITHER OF THEM *BUT WANTS*[?] THE FIRST ONE TO BE DISPOSED OF FIRST.		
			[*space*] YOU ASK UNTIL THIS MORNING WHETHER YOU WOULD PLEAD OR NOT WE SAY THE ONLY QUESTION BEFORE THE COURT [*space*]
	ONLY QUESTION BEFORE GO IS THAT LEE CASE WAS SET FOR TRIAL ON SECOND INDICTMENT IF YOU ARE READY TO PLEAD FOR THAT INDICTMENT IF THEY ARE INCONSISTENT		IF THE TWO INDICTMENTS ARE INCONSISTENT OR ANYTHING OF THAT KIND
	LET IT BE SHOWN. ONLY CONSIDER SAY ONE THING WAS CONSIDERED AS		LET THESE THINGS BE SHOWN IN THE WAY THEY SHOULD BE *DONE*[?] [*space*]

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RT	RS	BT	PS
	WAS THE OTHER. BY BISHOP I UNDERSTAND MATTER OF ARRAIGNMENT OF MR. LEE THEN THESE MOTIONS WILL GO UP PROPERLY IN ORDER. *[7]* BY COURT TO BISHOP ARE YOU PREPARED TO PLEAD YES SIR. BY COURT LET MR. LEE BE ARRAIGNED. BY CAREY COURT PLEASE THERE ARE *2*[?] COUNTS IN THIS INDICTMENT AND WE ONLY WISH TO {HAVE HIM}[i] ARRAIGNED AND TRIED MR. LEE ON ONE COUNT.	*[2]* HE THEN ORDERED LEE TO BE ARRAIGNED FOR TRIAL. **W[M]** CAREY **U.S. DISTRICT ATTORNEY**: WE WILL TRY LEE ON THE FIRST COUNT OF THE INDICTMENT, ONLY—NOT ON THE SECOND. WHEREUPON	COURT IS *ONE/N*[?] GOING TO TAKE THIS THING UP *MORE/SOME*[?] TIME. [*space*] I UNDERSTAND THAT THE QUESTION OF ARRAIGNMENT OF MR. LEE THEN THESE MOTIONS WERE [*space*] ~~WHETHER YOU~~ [*space*] COURT ARE YOU PREPARED TO PLEAD [*space*] YES SIR [*space*] COURT LET HIM BE ARRAIGNED CAREY WE ONLY WISH TO ARRAIGN MR. LEE ON FIRST COUNT [*space*]

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RT	RS	BT	PS
	LEE STOOD UP AND ~~WAS ARRAIGNED~~ INDICTMENT WAS READ TO HIM BY THE CLERK.[39] . LEE STANDING UP ALL THE TIME INDICTMENT OF CONSPIRACY CHARGED HIM WITH BEING CONNECTED WITH OTHERS IN KILLING 58 PERSONS {BY CLERK}[i] TO THIS CHARGE DO YOU PLEAD GUILTY OR NOT GUILTY. LEE MY ATTORNEY WILL MAKE THE PLEA. HOGE YOUR HONOR PLEASE WE HAVE A PLEA IN ABATEMENT TO OFFER. WHICH HE READ. BY HOGE WE ASK	LEE AROSE AND CLERK, J. R. WILKINS LREAD THE ~~FOLLOWING~~ INDICTMENTAS FOLLOWS: [*INDICTMENT FOLLOWS*][40] *[4 middle of page]* IMMEDIATELY AFTER THE INDICTMENT HAD BEEN READ **E. D. HOGE, OF COUNSEL FOR DEFENCE** ~~HOAG~~ AROSE AND PRESENTED THE FOLLOWING PLEAS IN ABATEMENT:[41]	*[[8]]*42 ARRAIGNED ~~PLEAD NOT GUILTY~~ [*space*] HOGE READ PLEAS IN ABATEMENT .

39. Multiple newspaper accounts concur with the reporters' notes that Lee was arraigned on the first count of the indictment. The *Salt Lake Tribune* reported specifically that only the first count of the indictment was read, though apparently the first count was read from the "new" indictment, which included both counts. "Lee's Trial," *Salt Lake Tribune,* July 24, 1875.

40. For the full text of the original indictment, see *MMMCLP,* chapter 18, "Indictments and Introduction to Legal Proceedings."

41. For the original pleas (dated July 21, 1875), see *MMMCLP,* chapter 27, "Legal Proceedings against John D. Lee."

42. On the verso of page 8: BASKIN CAREY SUTHERLAND BATES SPICER.

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RT	RS	BT	PS
	TO HAVE THAT FILED COURT ORDERED IT TO BE FILED TO JUDGE CAREY PERHAPS WE HAD BETTER HAVE THAT REMARK FILED. PROSECUTION TALKING OVER LAW WITH EACH OTHER. TOMORROW. *SUMMONED*[?] LEE NONPLUSSED. BY CAREY *PARTY'S/PARTIES'*[?] INDICTMENT ALONG MR. *WILKINS*[?]. BY COURT WHAT HAS THE PROSECUTION TO SAY.		FILED [*space*]
[begins pg 8] AFTER THE READING OF THE FOREGOING PLEAS CAREY SAID THAT THE PROSECUTION DESIRED TIME TO MAKE	≼CAREY≽ COURT PLEASE *WELL*[?] WE WISH TO HAVE[43] FULL APPLICATION[44] IT WILL TAKE SOME LITTLE TIME TO PREPARE THEM	*[8 middle of page]* AFTER READING THE PLEAS, **W^{M}** CAREY **U.S. DISTRICT ATTORNEY** SAID THAT THE PROSECUTION DESIRED TIME TO MAKE	

43. Apparently added later.
44. Probable intent is "REPLICATIONS".

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RT	RS	BT	PS
REPL~~I~~**I**CATIONS,	BY COURT CAN YOU DO IT BY TWELVE O'CLOCK BY CAREY WILL TRY TO DO SO COURT THAT WILL BE 3 HOURS ENOUGH YES SIR. IF THERE IS NO FURTHER MATTERS WILL	REPLICATIONS,	
WHEREUPON THE COURT GRANTED THEM TILL TWO O'CLOCK P.M. TO WHICH TIME COURT TOOK A RECESS.	TAKE RECESS BY COURT WILL TAKE RECESS UNTIL TWO O'CLOCK. *[Bk 2 1]*[45] [*page torn*] **NO.** [*space*] **2** {**BOOK 2**}[1] **WEDNESDAY JULY 21/75. PM CONTINUATION & CON—[?]** [*corner torn*] **"NUNC PRO TUNC" PLEAS IN ABATEMENT —KEYES TESTIMONY A BENNETTS TESTIMONY COMMENCT KLIGENSMITH' S DIR EXAMIN.**	WHEREUPON COURT GRANTED THEM TILL TWO P.M. TO WHICH TIME COURT TOOK A RECESS.	RECESS UNTIL TWO O'CLOCK [*space*]
[9] TWO O'CLOCK P.M. COURT MET AS PER	**2** O'CLOCK SECOND JUDICIAL [*corner*	COURT REASSEMBLED AT TWO P.M.	

45. The afternoon of Wednesday, July 21, is found at the beginning of Rogerson's shorthand book 2. He likely forgot or misplaced notebook 1 in the afternoon and then returned to notebook 1 the next morning and continued until it was full. There are purple pencil transcription lines across each page through page 7. The page is in very poor condition, torn, smudged, dirty, and extremely difficult to read.

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RT	RS	BT	PS
ADJOURNMENT.	*torn*] FIFTEEN MINUTES PAST TWO JUDGE[46] BOREMAN CAME INTO COURT. MR.	**W^{M}**	
CAREY FOR THE PROSECUTION	CAREY HANDED ~~≤BOREMAN≥~~ CLERK PAPER	CAREY **U.S. DISTRICT ATTORNEY**	CAREY.
PRESENTED	WHICH APPARENTLY WAS FILED IF THE COURT PLEASE I HAVE PREPARED	PRESENTED	IF THE COURT PLEASE I HAVE PREPARED
A DEMURRER TO THE FIRST AND SECOND PLEAS IN ABATEMENT AND A	DEMURRER ON THE FIRST SECOND PLEAS	A DEMURER TO THE FIRST AND SECOND PLEAS IN ABATEMENT, AND A	DEMURRER TO THE 1ST AND 2 AND
REPLECATION TO THE THIRD.	REPLICATION TO THE THIRD FILED THIS MORNING WHICH WILL READ. PROCEEDED READ WHEREUPON WILLIAM CAREY AS TO THE FIRST AND SECOND PLEAS MATTERS THEREIN CONTAINED SECOND FORM ARE NOT SUFFICIENT IN *PR/BR*[?] PRECLUD{ING}[i] SAID PEOPLE	REPLICATION TO THE THIRD.	REPLICATION TO THE THIRD [*space*] READ [*space*]

46. Word apparently added later.

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RT	RS	BT	PS
JUDGE SUTHERLAND	FROM PROSECUTING SAID INDICTMENT SAID PEOPLE ARE NOT BOUND BY THE LAW OF THE LAND PROSECUTE THE SAME THEREFORE ON ACCOUNT OF INSUFFICIENT SAID PLEA IN THIS BEHALF *PRAYS*[?] JUDGMENT THAT SAID INDICTMENT MAY BE CONSIDERED GOOD AND THE SAID JOHN D. LEE BE MADE TO ANSWER THERE TO. SECOND PLEA SAID INDICTMENT BY REASON OF *NNGST/KNGST/—* [?] CAUSED *SAYS*[?] SAID INDICTMENT WE *REFER*[?] ETC. **&** **C** BASKIN WE ARE READY AT ANY TIME ≤GENTLEMAN WISH TO≥ DISCUSS THIS. SUTHERLAND	**J. G.** SUTHERLAND **ATTORNEY FOR**	

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RT	RS	BT	PS
ASSERTED THAT THE REPLECATION MERELY CONTAINED A TRAVERSE AND CONCLUDED WITH A VERIFICATION OF THE PLEA. THE PLEADING UNDER SUCH CIRCUMSTANCES DOES NOT REACH AN ISSUE	REPLICATION YOUR HONOR PLEASE CONTENTS OF THE [*space*] IN THE THIRD PLEA [*space*] IT SHOULD PROPERLY CONCLUDE TO THE CONTRARY IN ORDER COMPLETE ISSUE. CONCLUDING AS IT DOES WITH VERIFICATION REQUIRES SOME FURTHER PLEADING WITH REGARD TO THE ISSUE. BUT THE PLEADING NEVER REACHES FINALITY NEVER REACHES AN ISSUE WHEN IT CONCLUDES WITH THE VERIFICATION MADE. TRIAL MAY BE AFFECTED BY THE	**DEFENDANT** ASSERTED THAT THE REPLICATION MERELY CONTAINED A TRAVERSE AND CONCLUDED WITH A VERIFICATION OF THE PLEA. THE PLEADING, UNDER SUCH CIRCUMSTANCES, DOES NOT REACH AN I**S**SUE,	THE REPLICATION CONTAINS ONLY A TRAVERSE AND YET IT CONCLUDES WITH A VERIFICATION [*space*] IT SHOULD PROPERLY CONCLUDE TO THE *K/G*[?] IN ORDER TO PLEA THE ISSUE [*space*] CONCLUDING AS IT DOES WITH A VERIFICATION IT REQUIRES SOME FURTHER PLEADING TO REACH THE ISSUE. AND PLEADING NEVER REACHES FINALITY [*space*] AN ISSUE WHEN IT [*space*] CONCLUDES WITH A VERIFICATION [*space*] AND *MODE*[?] OF TRIAL MAY BE AFFECTED BY THE

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RT	RS	BT	PS
	CHARACTER OF EVIDENCE, PARTIES ARE IN NO SITUATION RESORT TO EVIDENCE CONCLUDED WITH VERIFICATION I WISH TO HAVE GENTLEMAN SHOW BY A TRAVERSE *IT/WHICH*/—[?] SEEMS AND SOME OF REFUTATION OF WHAT WOULD *EXPLAIN*[?] [*page torn*] WITHOUT TAKING UP ANY		CHARACTER OF THE EVIDENCE [*space*] AND THE PARTIES ARE IN NO SITUATION TO RESORT TO EVIDENCE *WITH/WITHOUT*[?] THE *LEAST*[?] PLEADING ARE CALLING FOR A VERIFICATION I WISH THEREFORE HAVE THE GENTLEMAN SHOW BY A TRAVERSE SEEMS TO BE A SOURCE OF *REFUTATION*[?] OF THE MATTER URGED AND [*space*] HEAR THEM WITHOUT TAKING ANY
AND ‘E MUST JOIN ISSUE BY TRAVERSE, WHICH I NOW MAKE ORALLY AND WILL REDUCE IT TO WRITING HEREAFTER.	TIME “I WILL FILE THE TRAVERSE WHEN THEY REACH THE ISSUE. I WILL REDUCE IT TO WRITING AFTERWARDS I NEED NO PARTIES HERE TO DO SO. SUTHERLAND	AND WE MUST JOIN ISSUE BY A TRAVERSE, WHICH I NOW MAKE ORALLY AND WILL REDUCE TO WRITING HEREAFTER.	TIME WILL FILE TRAVERSE THE IN ORDER TO REACH AN ISSUE IF MY BRETHREN AGREE [*space*] YOU WILL REDUCE IT TO WRITING AND WE NEED NO PARTIES HERE TO DO SO. [*space*] SUTHERLAND

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RT	RS	BT	PS
	WE HAVE NO ARGUMENT TO MAKE WITH DEMURRER. BASKIN PROMPTED CAREY *DURING*[?] THIS		WE HAVE NO ARGUMENT TO MAKE ON THE DEMURRER. [*space*]
CAREY	TIME. BY CAREY SAID JOHN D LEE IS IN HIS OWN PROPER PERSON HAVING HEARD INDICTMENT READ SAYS HE OUGHT NOT TO ANSWER BY REASON ETC. WERE NOT AT TIME OF FINDING SAID INDICTMENT. PROCEEDED TO READ PORTION	*[9]* **W^{M}** CAREY **U.S. DISTRICT ATTORNEY**	~~≤~~CAREY~~≥~~ SAID JOHN D. LEE IN HIS OWN PROPER PERSON **&** ~~PLEAS IN REPLICATION~~
THEN READ THE PLEAS IN ABATEMENT	OF DEFENDANT'S IN ABATEMENT BY CAREY THAT IS THE FIRST PLEA THAT IS DEMURRED TO. PROCEEDED TO READ SECOND PLEA, THAT IS THE PLEA IN DEMURRER BY PROSECUTION WE DEMUR TO	THEN READ THE PLEAS IN ABATEMENT,	~~≤~~**1ST** PLEA IN ABATEMENT~~≥~~ READ 1ST [*space*] THAT IS THE FIRST PLEA THAT IS DEMURRED TO [*space*] 2ND PLEA READ [*space*] THAT IS THE OTHER PLEA TO WHICH WE HAVE DEMURRED. [*space*]

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RT	RS	BT	PS
	THESE TWO *PLEAS*[?] MAY IT PLEASE YOUR HONOR IN AS MUCH BY COURT DO YOU PROPOSE TO TAKE UP THIS IN REGARD TO THE PLEA ALSO. BY BASKIN I CAN READ THAT PLEA BASKIN I UNDERSTOOD		BASKIN [*space*] ~~DO~~ NOW MAY IT PLEASE YOUR HONOR [*space*] COURT DO YOU PROPOSE TO TAKE UP THE ~~PLEA~~ REPLICATION *[[9]]* I UNDERSTOOD
AND THE ARGUMENT ON THE DEMURRERS WAS WAIVED BY BOTH SIDES.	THAT WE DISPOSED OF THE DEMURRER AND WE ARE READY TO TAKE THEM *WND/WNT/NRT/NRD*[?]. BASKIN	AND ARGUEMENTS ON THE DEMURRERS WAS WAIVED ON BOTH SIDES.	THAT THEY WERE READY TO DISPOSE OF THE DEMURRER
	AS WE ARE MOVING PARTIES WE DESIRE TO MAKE SOME REMARKS ON THESE PLEAS. BY COURT I THINK THESE MOTIONS HAVE BEEN DISPOSED OF HERETOFORE. WHEDON QUESTION ASKED. BASKIN WE DESIRE TO SUBMIT IT WITHOUT ANY ARGUMENT.		AS WE ARE MOVING PARTIES WE DESIRE TO MAKE SOME REMARKS I THINK ALL THE QUESTIONS RAISED IN THESE TWO ACTS HAVE BEEN RAISED HERETOFORE AND DECIDED. I FULLY EXAMINED THEM AND DECIDED THEM
THE COURT	BY COURT WE	COURT	IN TWO CASES.

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RT	RS	BT	PS
SUSTAINED THE DEMURRERS TO WHICH RULING JUDGE SUTHERLAND FOR DEFENSE EXCEPTED. THE REPLECATION WAS THEN TAKEN UP. SUTHERLAND ASSERTED THAT THE PROSECUTION WERE THE MOVING PARTY. THAT BASKIN	SUSTAIN DEMURRER [*page torn*] WHAT SHALL WE DO WITH THE PLEAS. SUTHERLAND YOUR HONOR MAY ENTER THE EXCEPTION. COURT WHAT SHALL WE DO WITH THE PLEAS. BASKIN WE ARE READY TO DISPOSE OF IT [*space*] [2][47] BY COURT ARE YOU READY DEFENSE YES SIR BY COURT TAKE IT UP THEN. CAREY. TO DEFENSE HAVE YOU ANYTHING TO SAY ON THIS SUBJECT YOU ARE THE MOVING PARTYS IN THIS MATTER BY SUTHERLAND NO SIR. BY BASKIN.	SUSTAINED THE DEMURRERS TO WHICH ~~JUD~~ RULING **J. G.** ~~JUDGE~~ SUTHERLAND **FOR DEFENSE** ASKED **THAT** THEIR ~~RULINGS~~ **EXCEPTIONS TO THE RULINGS OF THE COURT** TO BE NOTED. THE REPLICATION WAS THEN TAKEN UP. **J.G.** SUTHERLAND **FOR DEFENSE** ASSERTED THAT THE PROSECUTION WERE THE MOVING PARTY, BUT **R. N.** BASKIN	[*space*] DEMURRERS SUSTAINED. EXCEPTION. [*space*] WHAT SHALL WE DO WITH THE PLEA [*space*] BASKIN WE ARE READY. GO TAKE IT UP THEN. [*space*] BASKIN

47. "**COMPARED**" is written in longhand at the top of the page.

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RT	RS	BT	PS
		ASSISTANT U. S. DISTRICT ATTORNEY	
CLAIMED THE DEFENSE WERE THE AFFIRMATIVE	I CLAIM THEY ARE THE MOVING PARTIES IN THIS MATTER	CLAIMED THAT THE DEFENSE WERETHE AFFIRMATIVE	WE CLAIM THAT THEY ARE THE MOVING PARTIES THEY ALLEGE THAT THIS WAS NOT DONE AND THE BURDEN IS UPON THEM
AND UNLESS THEY THE DEFENSE MOVED THE PROSECUTION HAD NOTHING TO SAY.	AND UNLESS THEY MAKE A MOVE WE HAVE NOTHING TO SAY. CAREY WE SUBMIT ALL THE PAPERS TO THE COURT. INDICTMENT PLEA AND REPLICATION BY HOGE THAT IS SOMETHING OUTSIDE	AND UNLESS THEY |THE DEFENSE| MOVED THEY ~~T~~|THE PROSECUTION| HAD NOTHING TO SAY.	AND UNLESS THEY MAKE A MOVEMENT WE HAVE NOTHING TO SAY. CAREY WE SUBMIT PAPERS
THE COURT ASKED COUNSEL FOR THE PAPERS AND A DISCUSSION ENSUED AS TO WHICH WAS THE AFFIRMATIVE ~~MA~~ PARTY, WHICH THE COURT DECIDED TO BE THE DEFENSE.	PAPERS. CAREY COURT ASKED TO HAVE PAPERS PASSED UP AND WE DID SO REMARKS BY BISHOP CAREY COURT INQUIRED FOR CERTAIN PAPERS AND WE PASSED THEM. CAREY WE ONLY PASSED UP PAPERS ON	THE COURT ASKED FOR THE PAPERS AND A DISCUSSION ENSUED AS TO WHICH WAS THE AFFIRMATIVE PARTY AFTER WHICH THE COURT DECIDED **IT** TO BE THE DEFENSE.	TO THE COURT . [*space*]

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RT	RS	BT	PS
	FILE. BY COURT. YOU SAY YOU SUBMITTED PAPERS CAREY YES SIR. BY SUTHERLAND THEY INSIST WE HOLD THE AFFIRMATIVE WE INSIST THAT THEY THE AFFIRMATIVE. IF THEY SUBMIT IT WITHOUT PROOF WE DO. BASKIN I DID NOT HEAR THE PROPOSITION [*space*] BY COURT PROPOSITION IS THEY SUBMIT IT WITHOUT PROOF AND YOU SUBMIT IT WITHOUT PROOF BASKIN THEY ALLEGE THE FACT AND WE		SUTHERLAND WHAT DOES YOUR HONOR REFER TO [*space*] THEY INSIST THAT WE HOLD THE AFFIRMATIVE AND WE INSIST THAT THEY DO IF THEY SUBMIT IT THEY PROVE WE DO. COURT WHAT DO YOU SAY MR. CAREY WE HAVE NO OBJECTION TO ~~IT~~ THAT. [*space*] DID NOT HEAR THE ~~=~~BUT I HEARD THE~~=~~ PROPOSITION THAT WAS MADE [*space*] COURT THAT IF YOU WILL SUBMIT IT *WITHOUT*[?] PROOF THEY ~~YOU~~ DO [*space*] BASKIN WE MOST CERTAINLY DO [*space*] THEY ALLEGE THE FACT AND WE

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RT	RS	BT	PS
	ENTER A DENIAL. [*space*] SUTHERLAND MY REJOINDER IS NOT PREPARED WHICH IS SIMPLY A TRAVERSE. CAREY WE INSIST THERE IS NO REJOINDER NECESSARY. BY COURT IF THEY DESIRE TO FILE IT IT WILL BE CONSIDERED ON. BY COURT THIS IS ≤THE PLEA≥ AS JOHN D. LEE IN HIS OWN PROPER PERSON AFTER HEARING SAID INDICTMENT READ HAVE FURTHER PLEA ON THIS BEHALF SAYS HE OUGHT NOT TO BE TRIED ON THIS INDICTMENT BECAUSE IT HAS NOT BEEN PRESENTED TO THIS COURT OR ANY OTHER COURT OR GRAND JURY. REPLY SAYS SAID INDICTMENT BY		DENY IT THEY THREATENING TO BRING PROOF TO SUSTAIN THEIR ALLEGATION COURT [*space*] THE PLEA [*space*] *WHOLE*[?] REJOINDER IS NOT IN YET. SAID NO. THIS PLEADS THAT JOHN D LEE IN HIS OWN PROPER PERSON " READ 3 PLEA [*space*] THE REPLY SAYS [*space*] "THAT THE SAID INDICTMENT **&C**

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RT	RS	BT	PS
	REASON OF ANYTHING ALLEGED REASON JOHN D. LEE SAID PLEA OUGHT NOT TO BE QUASHED BECAUSE SAID INDICTMENT IS A LEGAL INDICTMENT IN THIS COURT. 24 DAY SEPTEMBER 1874		[*space*] RECORD IN THIS COURT" [*space*]
	I AM INCLINED TO THINK THE BURDEN[48] OF THE DEFENDANT MUST SHOW IT IS NOT A LEGAL INDICTMENT ALLEGES IT IS NOT A LEGAL INDICTMENT		I AM INCLINED TO THINK THAT THE BURDEN ~~≤~~OF PROOF~~≥~~ IS UPON THE DEFENDANT TO SHOW THAT IT IS ~~NOT~~ NOT A LEGAL INDICTMENT HE ALLEGES IT IS [*space*]
	EITHER[?] PARTY COMES UP AND IT IS A LEGAL		OTHER PARTIES SAYS IT IS ~~NOT~~ —[?] A LEGAL
TO WHICH RULING JUDGE SUTHERLAND FOR DEFENSE	INDICTMENT BY SUTHERLAND	**J.G.** SUTHERLAND **FOR DEFENSE**	INDICTMENT [*space*] ~~I FIND FOR THE~~ PLAINTIFF ON THE PLEA. [*space*]
EXCEPTED.	PLEASE ENTER AN EXCEPTION.	EXCEPTED. **R.N.**	EXCEPTION [*space*] *[[10]]*
BASKIN	*IIII*BASKIN MAY IT	BASKIN **FOR PROSECUTION**	BASKIN [*space*] NOW MAY IT
THEN SPOKE IN	PLEASE YOUR	THEN SPOKE ~~IN~~	PLEASE YOUR

48. Word apparently added later.

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RT	RS	BT	PS
FAVOR OF THE PLEA.	HONOR COURT JUST READ AMENDMENT*IIII* BASKIN IN AN INSPECTION OF THE JOURNAL ENTRIES OF THE COURT UNDER WHICH THIS INDICTMENT GIVEN WITH OTHERS AND IN ALL THEIR RETURNING THEY ARE NOT FULL AND COMPLETE YET THEY ARE IDENTIFIED AS WHOLE *PR*[?] THE NUMBER ON INDICTMENT RETURN IS NOT FULL AND COMPLETE AS IT SHOULD BE I DESIRE TO ASK YOUR HONOR TO AMEND THE ORDER OR ISSUE ORDER NUNC	~~FAVOR OF THE PLEA.~~	HONOR [*space*] IN AN INSPECTION OF THE JOURNAL ~~*ENTRIES*[?]~~ OF THE COURT IN WHICH THE ~~*ENTRY*[?]~~ OF THEIR RETURN ~~≤~~INTO COURT I FIND~~≥~~ THEY ARE NOT FULL AND COMPLETE AND YET THEY ARE IDENTIFIED AND THE INDICTMENT BEING NUMBERED AND THE NUMBER OF THE INDICTMENT BEING ON THE RECORD IT SEEMS TO ME THAT THE RETURN IS *NOT*[?] AS FULL AND COMPLETE AS IT SHOULD BE AND I ASK YOUR HONOR ~~TO AMEND~~ ~~≤~~TO MAKE~~≥~~ AN ORDER ~~A GENERAL ORDER~~ NUNC
HE WANTED THE JUDGE TO ISSUE A NUNC	**AND** HE WANTED THE ~~JUDGE~~ **COURT** TO ISSUE A NUNC	

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RT	RS	BT	PS
PRO TUNC ORDER TO SUPPLY ANY DEFICIENCY IN THE INDICTMENT. HE QUOTED FROM BISHOPS CRIMINAL PROCEDURE IN SUPPORT OF HIS PROPOSITION AND CITED OTHER AUTHORITIES.	PRO TUNC TO SUPPLY ANY INFORMALITY IN THAT RECORD IT IS SOMETHING IN THE DISCRETION OF YOUR HONOR PUT IN AS MUCH OF THE PROCEEDING THERE AFTER OR BEFORE THE PROCEEDING. *IT/FOR*[?] RECORD *HAD BEEN*[?] ENTIRELY SILENT ON THIS MATTER. REFER YOUR HONOR TO 1158 BISHOP CRIMINAL PROCEEDINGS *[3]* AFTER THERE HAS BEEN A TRIAL THE CONVICTION OF THE COURT MAY DIRECT CLERK TO ENDORSE AN INDICTMENT FILED AT THE TIME ENDORSEMENT AND THE FACT FILED. MAY ENTER UPON THE MINUTES THAT	PRO TUNC ORDER TO SUPPLY ANY DEFICIENCY IN THE **FILING OF THE** INDICTMENT. HE QUOTED FROM BISHOPS CRIMINAL PROCEDURE IN SUPPORT OF HIS PROPOSITION.	PRO TUNC TO SUPPLY ANY UNIFORMITY IN THAT RECORD AND IT IS SOMETHING THAT IS IN THE DISCRETION OF YOUR HONOR ~~I WISH~~ [*space*] *BEFORE AND*[?] UNDER JUDGMENT [*space*] I WISH TO CALL YOUR HONOR'S ATTENTION TO AUTHORITIES ((" 1158 OF BISHOP CRIMINAL PROCEEDING. [*space*] HERE LET ME SAY THAT THE RECORD IS NOT MADE UP FROM TERM TO TERM BUT THE FINAL RECORD MAY BE MADE UP AT THE TIME OF TRIAL. [*space*]

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RT	RS	BT	PS
	INDICTMENT WAS RETURNED INTO COURT. "OVER SUCH MATTERS COURT HAS CONTROL IT MAY BE ALTERED AMENDED *THEY SAID THEY SAID*[?] AS JUSTICE MAY REQUIRE. CONTINUED TO READ WITH REGARD TO AMENDING ERRORS. WHEN TERM OF COURT IS CLOSED IT IS TOO LATE TO UNDO ETC. NEITHER CAN CLERK CORRECT CERTAIN MATTERS. NOW THEN SIR THERE WAS EFFORT MADE BY THE CLERK ENTRY COULD READ AMENDED BY CLERK THAT THIS INDICTMENT WAS RETURNED AND REFERRED TO IT BY THE NUMBER. I UNDERSTAND IT		NOW THEN SIR THERE WAS NOT EFFORT MADE BY THE CLERK HERE TO ENTER THE ORDER TO CLERK TO INTERSPERSE THE NAME INDICTMENT *UPON*[?] [*space*] HE REFERRED TO IT BY THE NUMBER AND I UNDERSTAND IT

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RT	RS	BT	PS
	WAS RETURNED IN OPEN COURT		WAS RETURNED IN OPEN COURT [*space*] AND CERTAINLY IN THIS DECISION ~~IT WAS~~ IT IS ONE
	IT IS ONE OF THE CASES WHICH PRESENT ITSELF IF THE COUNSEL SAYS TO THE CLERK MAY ORDER THE		WHICH REFERS ITSELF TO THE DISCRETION OF THE COURT [*space*] THE COURT MY ENTER IT ~~IT IS~~
	ENTRY NUNC PRO TUNC THIS CAN BE DONE AT ANY SUCH PROCEEDING		ENTRY NUNC PRO TUNC EVEN AFTER JUDGMENT WHEN THE FINAL RECORD OF THE CASE BE MADE UP IF
	IF THERE IS OMISSION KIND IT MAY BE AMENDED.		THERE IS ~~ANY~~ AN OMISSION OF THAT KIND IT MAY BE AMENDED —[?]
JUDGE SUTHERLAND:	SUTHERLAND IF YOUR HONOR PLEASE LAW JUST READ BY *SB*[?] BASKIN I THINK IS THE LAW UPON THE SUBJECT. THEY *CONSIDER*[?] IT AS READ	**J. G.** SUTHERLAND **FOR DEFENSE**:	[*space*] SUTHERLAND [*space*] THE LAW JUST READ BY MR. BASKIN I THINK IS THE LAW UPON THE SUBJECT [*space*] I CONSIDER IT AS READ
THE CONCLUSION MR. BASKIN ARRIVES AT IS ERRONE~~I~~OUS,	BUT THE CONCLUSION THAT HE ARRIVES AT	THE CONCLUSION THAT ~~B~~MR. BASKIN ARRIVES AT IS ERONEOUS.	BUT THE CONCLUSION THAT HE ARRIVES AT

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RT	RS	BT	PS
[10] WHEN HE ASKS FOR A MODIFICATION AND CORRECTION OF THE PROCEEDINGS OF A FORMER COURT, HE GOES DIRECTLY IN THE FACE OF THE AUTHORITIES QUOTED FROM. WHILE PROCEEDINGS ARE IN FIERI THEY MAY BE CORRECTED,	WHEN HE REQUESTS YOUR HONOR MODIFY THE RECORD OF PROCEEDING SIGNED AND CONCLUDED OF THIS COURT AT FORMER TERM HE GOES DIRECTLY IN THE FACE OF THAT AUTHORITY. HE ASKS YOUR HONOR TO DO WHAT THAT AUTHORITY DISTINCTLY SAYS THE COURT CAN'T DO. BASKIN INTERRUPTED HIM HERE. WHILE THE PROCEEDING ARE IN FIERI THEY MAY BE CORRECTED ORDERS MAY SUPPLY DEFICIENCIES NUNC PRO TUNC ORDERS. ~~*WHEN DO YOU LET*~~[?] WHEN DO PROCEEDINGS CEASE TO BE IN FIERI FOR THE ACTION OF THIS	WHEN HE ASKS FOR A MODIFICATION OF THE PROCEEDINGS OF A FORMER COURT, HE GOES DIRECTLY IN THE ~~CAF~~ FACE OF THE AUTHORITY QUOTED FROM. WHILE PROCEEDINGS ARE IN FIERI, THEY MAY BE CORRECTED;	WHEN HE REQUESTS YOUR HONOR TO MODIFY THE RECORD OF PROCEEDINGS SIGNED AND CONCLUDED OF THIS COURT AT A FORMER TERM HE GOES DIRECTLY IN THE FACE OF THAT AUTHORITY HE ASKS YOUR HONOR THAT THAT AUTHORITY DISTINCTLY SAYS THE COURT CAN'T DO *[[11]]* [*space*] WHILE THE PROCEEDING ARE IN FIERI THEY MAY BE CORRECTED ORDERS MAY BE MADE TO SUPPLY DEFICIENCIES NUNC PRO TUNC ORDERS MAY BE MADE [*space*] NOW WHEN DO PROCEEDINGS CEASE BE IN FIERI [*space*]

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RT	RS	BT	PS
AND THAT AUTHORITY DECIDES THE QUESTION.	COURT THAT AUTHORITY DECIDES THE QUESTION. WHEN THE TERM. THIS COURT	THAT AUTHORITY D~~I~~ECIDES THE QUESTION.	THAT AUTHORITY DECIDES THE QUESTION WHEN THE TERM ENDS THIS COURT
NO COURT	AND NO OTHER COURT OF	NO COURT	AND NO OTHER COURT OF GENERAL OR
THAT SITS HAS ANY AUTHORITY	LIMITED JURISDICTION THAT SIT BY TERMS HAS ANY AUTHORITY AFTER THE TERM CLOSES	THAT SITS **H**AS ANY AUTHORITY	LIMITED JURISDICTION THAT SITS BY TERMS HAS ANY AUTHORITY AFTER THE TERM CLOSES
TO GO BACK AND AMEND ITS PROCEEDINGS.	TO GO BACK AND AMEND THE RECORD IN MATTERS OF	TO GO BACK AND AMEND PROCEEDINGS,	TO GO BACK AND AMEND THE RECORD IN MATTERS AND
IT IS SO HELD BY THE SUPREME COURT OF THE UNITED STATES	[*space*] IT HAS BEEN SO HELD BY THE SUPREME COURT OF THE UNITED STATES IN RESPECT TO ITS OWN PROCEEDING.	IT IS SO HELD BY THE SUPREME COURT OF THE UNITED STATES, AND	SUBSTANCE IT HAS BEEN SO HELD BY THE SUPREME COURT OF THE UNITED STATES IN RESPECT TO ITS OWN[49]
AND SO HELD BY THE COURTS OF GENERAL JURISDICTION THROUGHOUT	IT HAS BEEN HELD SO BY THE HIGHEST COURTS OF THE STATES. IT HAS BEEN HELD BY THE COURTS OF GENERAL JURISDICTION TRIED FACTS THROUGHOUT	IS SO HELD BY THE COURTS OF GENERAL JURISDICTION THROUGHOUT	PROCEEDINGS [*space*] IT HAS BEEN HELD SO BY THE HIGHEST COURTS OF THE STATES IT HAS BEEN HELD BY THE COURTS ON GENERAL JURISDICTION TRYING FACTS THROUGHOUT

49. Word apparently added later.

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RT	RS	BT	PS
THE UNION,	THE —[?] ~~UNION~~.	THE UNION;	THE NATION
	LAW JUST		THE LAW JUST
	READ FROM		READ FROM
	BISHOP IS BUT A		BISHOP IS BUT
	REITERATION IS		REITERATION
			OF THE LAWS
	HELD		HELD
	EVERYWHERE		EVERYWHERE
	IT IS COMMON		IT HAS COMMON
THAT A	—[?] IF YOUR	AND	MEANING THAT
DEFAULT	HONOR PLEASE	A DEFALT	A DEFAULT
	IF IT IS IT FILED		
ENTERED AT	ENTERED AT	ENTERED AT	ENTERED AT
ONE TERM	ONE TERM AND	ONE TERM	ONE TERM AND
	PASSED A		PASSING A
	JUDGMENT		JUDGMENT
CANNOT BE SET	CAN NOT BE SET	CAN NOT BE SET	CAN NOT BE SET
ASIDE AT A	ASIDE AT A	ASIDE AT A	ASIDE AT A
SUCCEEDING	SUCCEEDING	SUCCEEDING	SUCCEEDING
TERM. I	TERM. I THINK I	TERM. I	TERM I THINK I
	HAD OCCASION		HAD OCCASION
REFERRED TO	TO REFER	REFERED TO	TO REFER
THIS	SOMEWHAT AT	THIS	SOMEWHAT AT
PREVIOUSLY	LARGE TO THAT	PREVIOUSLY	LARGE TO THAT
	CLASS OF		CLASS OF
	DECISIONS ON		DECISIONS ON
	ONE OCCASION		ONE OCCASION
BEFORE YOUR	BEFORE YOUR	~~BEFORE~~ YOUR	BEFORE YOUR
HONOR AND	HONOR AND	HONOR;	HONOR AND
THE	THE	THE	THE
AUTHORITIES	AUTHORITIES	AUTHORITIES	AUTHORITIES
UPON THE	WERE SO	UPON THE	WERE SO
SUBJECT ARE	ABUNDANT SO	SUBJECT ARE	ABUNDANT SO
VERY			
NUMEROUS,	NUMEROUS	NUMEROUS,	NUMEROUS
THOUGH I	THAT I HAD TO	THOUGH I CITED	THAT I HAD TO
CITED BUT	CONTENT	BUT	CONTENT
	MYSELF WITH		MYSELF WITH
	BUT A PARTIAL		A PARTIAL
	LIST INCLUDING		LIST INCLUDING
FIFTY	PERHAPS 50	50	PERHAPS 50
OR SEVENTY	**OR** SEVENTY	OR 75	75
FIVE,	FIVE CASES I		CASES I
	FORBORE TO		FORBORE TO

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RT	RS	BT	PS
NOT HAVING TIME TO PRESENT OTHERS. THE COUNSEL HAVE JOINED ISSUE UPON THE PLEA THAT THE INDICTMENT WAS NOT PRESENTED TO THE GRAND JURY, BUT YOUR HONOR DECIDED THAT IT WAS SO PRESENTED. LET THEM BE CONTENT.	STATE OTHER CASES FOR WANT OF TIME. HERE COUNSEL HAVE JOINED ISSUE *[4]* TO A PLEA ALLEGING THAT THIS INDICTMENT WAS NOT PRESENTED TO THIS COURT BY THE GRAND JURY. THAT HAS BEEN DETERMINED YOUR HONOR HAS DECIDED IN FACT THE GRAND JURY DID PRESENT THIS INDICTMENT TO THE COURT. LET THEM BE CONTENT WITH THAT DETERMINATIO N. THEY ARE NOT YET HOWEVER. THEY SEEK TO FORTIFY YOUR HONOR'S DECISION *BY NOW*[?] PRESENTING OPEN MOTION. PROVED THAT IT IS NOT CONTAINED IN	HAVING NO TIME TO PRESENT OTHER~~W~~S. THE COUNSEL HAVE JOINED ISSUE UPON THE ~~L~~PLEA THAT THE INDICTMENT WAS NOT PRESENTED TO ~~TO~~ THE GRAND JURY; YOUR HONOR DE**C**IDED THAT IT WAS SO PRESENTED — LET THEM BE CONTENT.	STATE OTHER CASES FOR WANT OF TIME TO IT NOW HERE COUNSEL HAVE JOINED ISSUE TO A PLEA ALLEGING THAT THIS INDICTMENT WAS NOT PRESENTED TO THIS COURT BY THE GRAND JURY THAT ISSUE HAS BEEN DETERMINED YOUR HONOR HAS DECIDED IN FACT THAT THE GRAND JURY DID PRESENT THIS INDICTMENT TO THE COURT [*space*] LET THEM BE CONTENT WITH THAT DETERMINATIO N THEY ARE NOT HOWEVER THEY SEEK TO FORTIFY YOUR HONOR'S DECISION BY *NOW*[?] PRESENTING OPEN MOTION PROVED THAT IS NOT CONTAINED IN

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RT	RS	BT	PS
	THE RECORD AND IT WOULD NOT APPEAR UPON THE TRANSCRIPT OF ALL THE PROCEEDING IN THIS CASE. THEY HAVEN'T BUT A *DETERMINATION* [?] UPON THIS ISSUE TO INDICATE THAT THE INDICTMENT WAS PRESENTED BY THE GRAND JURY. THEY KNOW VERY WELL THERE IS NO RECORD OF IT. CAN THEY MAKE THAT RECORD		THE RECORD AND WHICH WOULD NOT APPEAR UPON THE TRANSCRIPT OF THE PROCEEDINGS IN THIS CASE [*space*] *[[12]]* THEY HAVE NOT ANYTHING BUT A DETERMINATIO N UPON THIS ISSUE TO INDICATE THAT THE INDICTMENT WAS PRESENTED BY THE GRAND JURY THEY KNOW VERY WELL THAT THERE AIN'T ANY RECORD OF IT [*space*] CAN THEY MAKE THAT RECORD
NOW, CAN THEY COME HERE	NOW? CAN THEY COME INTO THIS COURT AT THIS SUCCEEDING THIS SECOND TERM AFTER THIS INDICTMENT	BUT CAN THEY CCOME HERE	NOW CAN THEY ~~M~~ COME INTO THIS COURT ~~OF~~ AT THIS SECOND TERM AFTER THIS INDICTMENT
AND DO WHAT THE LAW SAYS CANNOT BE DONE —ALLEGE	WAS FILED AND DO WHAT THE LAW SAYS CANNOT BE DONE ALLEGE	AND DO WHAT THE LAW *[10]* SAYS CANNOT BE DONE—ALLEGE	WAS FILED TO DO WHAT THE LAW SAYS CAN'T BE DONE ALLEGE

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RT	RS	BT	PS
A FORMER RECORD FALSE ?	THAT THE RECORD OF THE FORMER TERM IS FALSE? THAT RECORD IS CLOSED. IT IS NO LONGER IN FIERI. EVERY SINCE THAT TERM CLOSED RECORD OF EACH ITS PROCEEDINGS IN IMPARTED ABSOLUTE VERITY. NO ALLEGATION IN ANY COURT IN THIS NATION WOULD BE ALLOWED AGAINST WHAT IT ASSERTS IF AFFIRMATIVELY OR	A FORMER RECORD FALSE.	THAT THE RECORD OF THE FORMER TERM IS FALSE [*space*] THAT RECORD IS CLOSED IT IS NO LONGER IN FIERI EVERY SINCE THAT TERM CLOSED THE RECORD OF EACH OF ITS PROCEEDINGS IS IMPARTED ABSOLUTE VERITY [*space*] NO ALLEGATION OF ANY COURT IN THIS NATION WOULD BE ALLOWED ~~N~~ AGAINST WHAT IT ASSERTS AFFIRMATIVELY OR WHAT IT ASSERTS
THEY WOULD NOT BE ALLOWED TO SAY ANYWHERE THAT WHAT IS RECORDED NEVER TOOK PLACE, OR THAT ANYTHING THAT DID TAKE PLACE IS	NEGATIVELY NO ONE WOULD BE PERMITTED TO SAY ANYTHING THEY RECORDED AS HAVING TAKEN PLACE DID NOT TAKE PLACE NO ONE WOULD BE PERMITTED TO ALLEGE IN COURT ANYTHING TOOK PLACE WHICH	THEY WOULD NOT BE ALLOWED TO SAY ANY WHERE THAT WAS RECORDED **WHICH NEVER** ~~NEVER~~ TOOK PLACE, OR THAT ANYTHING TOOK PLACE THAT IS	NEGATIVELY NO ONE WOULD BE PERMITTED TO SAY THAT ANYTHING *THERE*[?] TOOK PLACE WOULD BE *ALLOWED*[?] TO SAY IT DID NOT TAKE PLACE

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RT	RS	BT	PS
NOT RECORDED. YOUR HONOR HAS NO MORE POWER OVER THE RECORD THAN HAS A PERSON OUTSIDE THIS COURT. IT IS A SEALED RECORD	THERE IS NOT THERE RECORDED BECAUSE THE RECORD CAME IMPARTING ABSOLUTE VERITY WHATEVER IS THERE RECORDED IS TRUE BEYOND QUESTION EVERYWHERE AND WHAT IS NOT RECORDED THERE DID NOT OCCUR. AND YET COUNSEL ASK NOW THAT YOUR HONOR SHALL IMPUGN THAT RECORD. THAT YOUR HONOR SHALL MAKE A CHANGE IN IT I RESPECTFULLY SUBMIT YOUR HONOR HAS NO POWER OVER THAT RECORD THAN HAS ANY OTHER OFFICER OR PERSON IT IS A CLOSED PROCEEDING IT IS *INDEED/HANDED*	NOT RECORDED. YOUR HONOR HAS NO MORE POWER OVER THE RECORD THAN HAS A PERSON OUTSIDE THIS COURT. IT IS A SEALED RECORD	 (OR IF IT IS OTHERWISE) BECAUSE THE RECORD IN IMPARTING ABSOLUTE VERITY IMPARTS THAT WHATEVER IS THERE RECORDED IS TRUE EVERYWHERE AND WHAT IS NOT RECORDED THERE DID NOT TAKE PLACE [*space*] AND YET COUNSEL ASK NOW THAT YOUR HONOR SHALL IMPUGN THAT RECORD THAT YOUR HONOR SHALL MAKE A CHANGE IN IT NOW I RESPECTFULLY SUBMIT THAT YOUR HONOR HAS NO MORE POWER OVER THAT RECORD THAN ANY OTHER OFFICER OR PERSON IT IS A CLOSED PROCEEDING [*space*] IT IS

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RT	RS	BT	PS
AND CANNOT BE CHANGED OR GAINSAID. THE MOTION OF THE PROSECUTION OUGHT NOT TO BE GRANTED. BASKIN AGAIN QUOTED FROM BISHOP,	[?] OUT OF THE JURISDICTION OF THE COURT WHAT IT FAILS TO SHOW MUST REMAIN ALWAYS NOT SHOWN AND WHAT IT SHOWS CAN NEVER BE GAINSAID. FOR THIS REASON I SAY UPON THE AUTHORITY WHICH COUNSEL HAS READ HIS MOTION OUGHT NOT TO BE GRANTED INVOLVING A CHANGE TO THE RECORD OF A FORMER TERM. BASKIN GENTLEMAN ASSUMES WE ARE ASKING TO DO SOMETHING THAT CONTRADICTS THE RECORD OR SETS ASIDE A PROPOSITION. *IF SOME ORDER MADE*[?]	AND CANNOT BE GAINSAID. THE MOTION OF THE PROSECUTION OUGHT NOT TO BE GRANTED. **M**[R] BASKIN AGAIN QUOTED FROM BISHOP;	OUT OF THE JURISDICTION OF THE COURT WHAT IT FAILS TO SHOW MUST REMAIN ALWAYS NOT SHOWN AND WHAT IT SHOWS CAN NEVER BE GAINSAID FOR THIS REASON I SAY UPON THE AUTHORITIES WHICH COUNSEL HAS READ HIS MOTION SHOULD NOT BE GRANTED INVOLVING A CHANGE OF THE RECORD OF A FORMER TERM *[[13]]* BASKIN [*space*] THE GENTLEMAN ASSUMES THAT THE [*space*] WE ARE [*space*] ASK TO DO SOMETHING WHICH CONTRADICTS THE RECORD AND CONTRADICTS THE JUDGMENT [*space*] THE FIRST CASES I READ WERE

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RT	RS	BT	PS
			CASES WITHOUT ANY PLACE STATING AUTHORITY [*space*]
	BUT THE GENTLEMAN ASSERTS AUTHORITY FROM WHICH I READ SUSTAINS THE EXACT OPPOSITE OF WHICH I CLAIM. HE MUST HAVE BEEN —[?] IN HAVING IDEA OF THE AUTHOR. WHEN A TERM OF THE COURT IS CLOSED IT IS TOO LATE TO UNDO A SUBSEQUENT TERM.		GENTLEMAN ASSERTS THAT THE AUTHORITY I READ STATES THE VERY OPPOSITE OF WHAT I ASSERT IT DOES CLAIM READS "[*space*]"
	[5] THIS AUTHOR WRITES WHILE YOU CAN NOT REVERSE OR MODIFY JUDGMENT FOR INSTANCE AT A FORMER TERM THE CLERK		THIS IS NOT OUR CASE WE DO NOT SEEK TO UNDO ANYTHING THAT WAS DONE AT A FORMER TERM [*space*] WHAT WAS DONE ~~D~~ BY A NUNC PRO TUNC ORDER [*space*] "NEITHER CAN THE CLERK **&C"** [*space*] NOW THEN THIS AUTHOR HOLDS THAT WHILE YOU CAN NOT REVERSE OR MODIFY A JUDGMENT MADE AT A FORMER TRIAL THE CLERK

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RT	RS	BT	PS
	CAN'T MAKE ANY MODIFICATION THIS REFERS TO THE POWER OF THE CLERK PROCEEDING ON HIS OWN MOTION. THE COURT MAY ORDER NUNC PRO TUNC ENTRIES OF WHAT WAS DONE AT THE PROCEEDING TERM. HE REFERS MAY IT PLEASE YOUR HONOR TO SOME 20 OR 30 CASES THAT *SUPPLIES*[?] THAT OMISSION. I DO NOT HAVE ANY OTHER BOOKS HERE IN TOWN.		CAN'T MAKE ANY [*space*] "BUT THIS REFERS TO THE ABILITY OF THE CLERK [*space*] TERM" [*space*] NOW THE GENTLEMAN [*space*] HE MUST HAVE BEEN UNFORTUNATE IN MAKING THIS OTHERS MEANING UNDERSTOOD [*space*] HE REFERS TO 20 OR 30 CASES UNFORTUNATELY WE ARE DOWN HERE I DO NOT THINK THAT IF ALL THE BOOKS WERE IN TOWN IF WE WERE FORTUNATE ENOUGH TO GET

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RT	RS	BT	PS
			THE BOOKS
SAYING: WE DON'T SEEK TO AMEND WHAT WAS DONE BUT TO SET FORTH MORE CLEARLY		SAYING WE DONT SEEK TO AMEND WHAT WAS DONE BUT TO SET FORTH MORE CLEARLY	
	YOU WILL FIND UNDER THE APPLICATION OF THAT *DKTR*[?]		
WHAT WAS DONE, THROUGH A NUNC PRO TUNC ORDER.	EXERCISE OF THESE NUNC PRO TUNC ORDERS WERE MADE TO APPLY TO SUCH CASES AT BAR.	WHAT WAS DONE**.** A NUNC PRO TUNC ORDER.	*GET/GIVE*[?] THE EXERCISE OF THOSE NUNC PRO TUNC ORDERS WERE MADE TO MEET SUCH CASES AT BAR [*space*] BECAUSE IT IS DESIRABLE THAT WHEN THE COURT RECORD GOES UP ABOVE THAT IT SHOULD BE CLEAR AND EXPLICIT [*space*]
	I DO NOT THINK THAT THE RECORD AS IT WAS MADE UP AT THE LAST		I DO NOT THINK THE RECORD DOES THIS AND COURT ABOVE MAY NOT
WHEN A COURT RECORD GOES ABOVE IT SHOULD BE EXPLICIT. WE ASK THE ORDER TO SHOW WHAT WAS DONE.	TERM CLEARLY EXPRESSES WHAT WAS DONE. WE ASK A NUNC PRO TUNC ORDER TO EXPRESS WHAT WAS CLEARLY DONE WHICH	WHEN THE COURT RECORD GOES ABOVE**,** IT SHOULD BE EXPLICIT. WE ASK THE ORDER TO SHOW WHAT WAS DONE;	UNDERSTAND IT OR BE MISLED BY IT [*space*] NOW WE ASKING A NUNC PRO TUNC ORDER TO SHOW WHAT WAS DONE [*space*]

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RT	RS	BT	PS
	YOUR HONOR HAS A RIGHT TO MAKE.		YOUR HONOR HAS RIGHT [[14]] TO MAKE AN NUNC PRO TUNC ORDER TO SHOW THE ACTUAL PROCEEDINGS [*space*] ~~NOW~~
	IT IS ENTIRELY DIFFERENT PROPOSITION OF A CASE FROM WHERE JUDGMENT OR ORDER IS *SET*[?] TO BE CHANGED OR MODIFIED IT IS SIMPLY DONE FOR THE PURPOSE OF SUPPLYING AN OMISSION. THERE IS A RECORD BUT IT DON'T EXPRESS IT EXPLICITLY AND FAIRLY.		IT IS ENTIRELY DIFFERENT CASE TO WHERE THE ORDER IS CHANGED OR MODIFY SIMPLY FOR THE PURPOSE OF SUPPLYING AN OMISSION [*space*] THERE IS A RECORD BUT IT DON'T EXPRESS ITSELF EXPLICITLY AND FULLY
LET THE RECORD GO UP ACCORDING TO THE FACTS.		LET THE RECORD GO UP ACCORDING TO THE FACTS.	
	WE DESIRE THERE CAN'T BE ANY HARM DERIVED FROM IT IT *WAS*[?] A MOTION FOR		[*space*] *IT*[?] *COMPELS/PLEAS ES*[?] US TO THE REASON THERE CAN'T BE ANY HARM DERIVED FROM IT [*space*] IT IS A FACT THAT YOUR HONOR MUST KNOW

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RT	RS	BT	PS
	THE REASON WHY IT DON'T		[*space*] THE REASON THAT IS DOES NOT APPEAR IS THAT IT WAS AN OMISSION [*space*] *IF IT DOES/THAT IS*[?] APPEAR FULLY
[11] THE COURT RULED ALL THE INDICTMENTS WERE PRESENTED IN OPEN COURT	APPEAR FULLY THEREFORE	COURT. ALL THE INDICTMENTS WERE PRESENTED ~~U~~ IN OPEN COURT	
	IT AIN'T MODIFYING ANYTHING BUT SIMPLY SUPPLYING THE OMISSION. I SIMPLY THROW THAT OUT IT THIS IS AN IMPORTANT CASE RECORD GO UP ACCORDING TO THE FACTS, CAREY IT IS UNNECESSARY FOR THE COURT PASSING UPON IT NOW.		<IT DON'T MODIFY ANYTHING BUT> SIMPLY SUPPLY AN OMISSION [*space*] I MERELY THROW THAT OUT WITH THIS BEING AN IMPORTANT CASE THAT THE RECORD GO UP ACCORDING TO THE FACT AND THE CLERK NOT HAVING MADE IT FULLY OUT TO YOUR HONOR IT WOULD BE PLAIN [*space*] IT IS A MATTER THAT
	WE DO NOT DESIRE TO URGE PASSAGE UPON IT NOW IF THE		WE DO NOT URGE THE PASSAGE OF IT NOW IF THE

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RT	RS	BT	PS
AND HE DID AS HE WAS INSTRUCTED.	COURT DESIRES. COURT I KNOW ALL THESE INDICTMENTS WERE PRESENTED IN OPEN COURT NO QUESTION ABOUT IT. CLERK JUST FILLED OUT *PRNS*/–[?] IN COURT DID JUST AS HE WAS INSTRUCTED. OTHER WISE. WHEN THE PARTIES ARE ARRESTED NAMES ARE ENTERED IN THE RECORD FACT OF THE FILLING UP OF THE RECORD AFTERWARDS IS ONLY FILLING IT UP IN CORRESPONDEN CE WITH THE FACTS THERE CAN BE NO DOUBT AS TO	AND THE CLERK DID AS HE WAS INSTRUCTED.	COURT DESIRES IT. [*space*] COURT I KNOW THAT ALL THESE INDICTMENTS WERE PRESENTED IN OPEN COURT THERE IS NO QUESTION ABOUT THAT THE CLERK JUST FILLED OUT THE AND [*space*] AND IN THE COURT WHEN THE PARTY IS NOT ARRESTED [*space*] NOT TO GIVE THE NAME [*space*] WHEN THE PARTY IS ARRESTED TO ENTER THEIR NAME ON THE RECORD [*space*] AND THE FACT THAT THE FILLING UP OF THE RECORD AFTERWARDS IS ONLY FILLING IT UP IN CORRESPONDEN CE WITH THE FACTS THERE CAN BE NO DOUBT ABOUT ~~I~~

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RT	RS	BT	PS
	ITS CORRECTNESS.[50] IT IS ONLY MAKING IT MORE DEFINITE I DO NOT THINK ANY COURT WOULD CONSIDER IT A DEFECT IN THE COMMON PRACTICE.		~~DO NOT THINK~~ [*space*] IT IS ONLY MAKING MORE DEFINITE WHAT WAS BEFORE SUFFICIENTLY DEFINITE [*space*] YET IF THE PROSECUTION THINK THAT IT WOULD MAKE THE MATTER
I HAVE OBJECTIONS TO THE ENTRY BEING MADE. SUTHERLAND:	I DESIRE THE RECORD BE MADE. *III*SUTHERLAND	I HAVE NO OBJECTIONS TO THE ENTR Y BEING ~~MADE~~ MAND. **J.G.** SUTHERLAND	MORE PLAIN I HAVE NO OBJECTION TO THE PROSECUTION HAVING A NUNC PRO TUNC ORDER MADE
YOUR HONOR WILL PLEASE GRANT US THE BENEFIT OF AN EXCEPTION TO YOUR RULING.	WILL YOUR HONOR GIVE US BENEFIT OF AN EXCEPTION.*IIIII* BY COURT ARE THE PROSECUTION READY WHAT DOES THE DEFENSE SAY SUTHERLAND THE DEFENSE PLEADS NOT GUILTY. CLERK SAID YOU	**FOR DEFENSE**: YOUR HONOR WILL PLEASE GRANT US THE BENEFIT OF AN EXCEPTION.	*[[15]]* DEFENSE [*space*] EXCEPTIONS. PROSECUTION READY TO. TO THE CHARGE

50. The original grand jury entry did not list names or charges. As the individuals were arrested, their names and charges were entered into the record. See Grand Jury Indictment Minute Book 1, p. 57.

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RT	RS	BT	PS
	DESIRE TO SAY TO THIS INDICTMENT YOU PLEAD GUILTY OR NOT GUILTY JOHN		CONTAINED IN THIS INDICTMENT DO YOU ≤PLEAD GUILTY OR NOT GUILTY.≥ JOHN
LEE WAS THEREUPON ARRAIGNED AND PLEAD NOT GUILTY.	D. LEE SAID NOT GUILTY. BY CAREY WE'LL PREPARE THAT ORDER FOR THE CLERK.	LEE ~~WAS~~ **THEN** ~~HERE ARRAIGNED AND~~ PLEAD "NOT GUILTY."	D LEE PLEADS NOT GUILTY. [*space*]
	SUTHERLAND I DESIRE TO MAKE A FEW REMARKS AS TO WHETHER YOUR HONOR PERMITS THE BLANKS TO BE [6] FILLED UP.		I DESIRE [*space*] THAT IS WHETHER YOUR HONOR PERMITS BLANKS IN THE RECORDS BE FILLED UP COURT THIS IS BY NUNC PRO TUNC ENTRY [*space*]
	SUTHERLAND		SUTHERLAND [*space*] WITHOUT ANY EXPRESS DIRECTIONS TO THAT EFFECT. I
	BLANKS ARE LEFT IN RECORD IS IT TO FILL UP THESE BLANKS. BY COURT IT *MAY/MIGHT*[?] BE DONE ≤SUTHERLAND≥ THERE HAVE BEEN		NOTICE BLANKS IN THE RECORD IS IT YOUR HONOR'S [*space*] THERE HAVE BEEN NAMES *IN*

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RT	RS	BT	PS
	ENTRIES HERE AT ODD TIMES AND WITH DIFFERENT INK. SO THEIR ENTRY SHOULD HAVE BEEN *ACCUSTOMED/KSTMD*[?] TO SAY IN THIS CASE IS FOR THE ENTRY TO SAY THE GRAND JURY CAME INTO COURT AND MADE SUNDRY PRESENTIMENTS . PRESENTING IN OPEN COURT BEFORE THE GRAND JURY AND *FILLED/FILED*[?] AT SUCH TIME. THIS RECORD SEEMS TO BE FRAGMENTARY SEEMS TO BE MADE INCOMPLETE WITH BLANKS WHICH MAY BE AFTERWARD CHANGED BY THE INSERTION OF NAMES AND DESTROYING THE IDENTITY OF THE RECORD		*IT/ENTERED*[?] [*space*] MY INSTRUCTIONS TO THE CLERK IS WHEN A PARTY IS NOT UNDER ARREST [*space*] SUTHERLAND TO SHOW ENTRY IS THAT THE GRAND JURY ~~HAS~~ CAME INTO COURT AND ~~MADE~~ PRESENTED SUNDRY INDICTMENTS [*space*] ~~AND HOW~~ RECORD AS FILED BY THE CLERK —[?] AND THE INDICTMENT AND IT *FILED/FILLED*[?] **&C** THIS SEEMS TO HAVE BEEN MADE DESTROYING THE IDENTITY OF THE RECORD

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RT	RS	BT	PS
JUDGE SUTHERLAND THEN MADE ANOTHER ARGUMENT IN FAVOR OF LEE AND DAME BEING TRIED JOINTLY, CONTENDING THAT IT WAS DAME'S ONLY CHANCE FOR TRIAL AT THIS TERM; THAT HE HAD ALREADY BEEN IN JAIL EIGHT MONTHS	AS IT STOOD WHEN YOUR HONOR SERVED. BY COURT ARE THE DEFENSE READY. SUTHERLAND I DESIRE TO REQUEST IN AS MUCH AS THE INDICTMENT IS AGAINST WILLIAM **H D** ALSO THAT HE BE TRIED JOINTLY WITH THE OTHER DEFENDANT HE HAS BEEN IN PRISON FOR THE LAST 8 MONTHS AND UNLESS HE CAN OBTAIN TRIAL CONNECTION WITH OTHER DEFENDANT THERE IS NO PROBABILITY HE CAN BE TRIED AT THE PRESENT TERM FOR REASONS THAT ARE TOO OBVIOUS TO BE	**J. G.** SUTHERLAND **FOR DEFENSE** THEN MADE ANOTHER ARGUEMENT IN FAVOR OF LEE AND DAME BEING TRIED JOINTLY, CONTENDING THAT IT WAS DAMES ONLY CHANCE FOR TRIAL AT THIS TERM; THAT HE HAD ALREADY BEEN IN JAIL EIGHT MONTHS.	WHEN YOUR HONOR SIGNED IT [*space*] ≤COURT≥ IS THE DEFENSE READY [*space*] I DESIRE TO REQUEST IN AS MUCH AS THE INDICTMENT IS AGAINST WILLIAM H DAME ALSO THAT HE BE TRIED JOINTLY WITH THE OTHER DEFENDANT [*space*] HE HAS BEEN IMPRISONED FOR THE LAST 8 MONTHS AND UNLESS HE CAN OBTAIN A TRIAL IN CONNECTION WITH THE OTHER DEFENDANT THERE IS NO PROBABILITY THAT HE CAN BE TRIED AT THE PRESENT TERM [*space*] AND JURORS THAT DO NOT SIT IN THIS CASE WILL

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RT	RS	BT	PS
	MENTIONED. UNDOUBTEDLY BE DISQUALIFIED TO SIT ON FURTHER CASE. I SUBMIT TO YOUR HONOR THAT IT IS FOLLY TO KEEP MR. DAME IN IMPRISONMENT UNTIL ANOTHER TERM OR UNTIL ANOTHER GRAND LIST OF JURORS CAN BE MADE UP. PROSECUTION *HAVE*[?] –[?][51] CAUSED THIS INDICTMENT TO BE FOUND		UNDOUBTEDLY HEAR ALL THE TESTIMONY IN THE CASE AND UNDOUBTEDLY BE UNQUALIFIED *[[16]]* AND I SUBMIT TO YOUR HONOR IF IT IS FAIR TO KEEP MR. DAME IN IMPRISONMENT UNTIL ANOTHER TERM OR ANOTHER LIST OF GRAND JURORS CAN BE MADE UP. PROSECUTION HAVE FOUND THIS INDICTMENT
AND THAT BOTH WERE INDICTED FOR THE SAME ACTS.)	AGAINST BOTH CHARGING THEM EQUALLY IN THE SAME MANNER WITH THE SAME ACTS MR. LEE IS READY FOR TRIAL MR. DAME IS READY FOR TRIAL IT IS A MATTER OF COURSE EXCEPT	THAT BOTH WERE INDICTED FOR THE SAME ACTS.	AGAINST BOTH [*space*] WITH THE SAME ACTS [*space*] LEE IS READY FOR TRIAL DAME READY FOR TRIAL [*space*] IT IS A MATTER OF COURSE

51. Word may be crossed out.

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RT	RS	BT	PS
	YOUR HONOR MAKES A RULING ALLOWING ONE TO BE TRIED SEPARATELY TO TRY TO BOTH ALL THAT ARE JOINTLY INDICTED AND ARRESTED THAT YOUR HONOR WILL NOT PERMIT AND SUPPORT THAT MOTION OF THE PEOPLE. CIRCUMSTANCE THAT MR. DAME HAS BEEN SO LONG IN PRISON HIS DEFENSE IS SO IDENTICAL WITH THE PRISONER AT THE BAR THERE IS A STRONG CLAIM THAT EXPRESSES ITSELF TO YOUR HONOR IN FAVOR OF A ≤JOINT TRIAL≥ AND AGAINST A SEPARATE TRIAL		ALLOWING ONE TO BE TRIED SEPARATELY IT IS A MATTER OF COURSE ~~TO BE~~ TO TRY BOTH AND WE ASK THAT YOUR HONOR WILL NOT PERMIT SEPARATE TRIAL ON THE MOTION OF THE PEOPLE. [*space*] THE CIRCUMSTANCES THAT MR. DAME HAS BEEN SO LONG IN PRISON AND HIS DEFENSE IS SO IDENTICAL WITH THE PRISONER AT THE BAR THERE IS A STRONG CLAIM IN FAVOR OF A JOINT TRIAL AND AGAINST A SEPARATE TRIAL. [*space*] AND ONLY SOME VERY COGENT

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RT	RS	BT	PS
			REASON IS SUGGESTED ON THE OTHER SIDE
	WHY/WHILE[?] FOR THE INTERESTS OF PUBLIC JUSTICE		WHY FOR THE INTEREST OF PUBLIC JUSTICE
A CONTENTION THEREUPON ENSUED BETWEEN THE OPPOSING COUNSEL, IN THE MIDST OF WHICH SPICER	THIS SEPARATE TRIAL SHOULD GO ON WE INSIST THAT A TRIAL [*space*] SHOULD TAKE PLACE FOR BOTH. SPICER YOUR HONOR PLEASE AT THE SAME CONNECTION WE	A CONTENTION ENSUED BETWEEN THE OPPOSING COUNSEL IN THE MIDST OF WHICH **M$^{\underline{R}}$** SPICER **FOR DEFENSE**	WE INSIST THAT A TRIAL TAKE PLACE ON BOTH [*space*] SPICER [*space*]
INSISTED THAT	INSIST THERE IS ANOTHER IN THE COURT ROOM	INSISTED THAT	WE WOULD INSIST THAT ANOTHER OF THE DEFENDANTS IN THAT INDICTMENT AND I UNDERSTAND UNDER AN
PHILIP KLINGENSMITH BE ALSO PLACED ON TRIAL.	PHILIP K. SMITH HE SHOULD BE TRIED WITH THE OTHER DEFENDANT.	PHILIP KLINGENSMITH BE ALSO PLACED ON TRIAL.	ARREST P ~~P~~ K SMITH THAT HE SHOULD BE TRIED CONJOINTLY WITH THEM
CAREY	CAREY COURT PLEASE THIS IS A MATTER I	**W$^{\underline{M}}$** CAREY **U.S. DISTRICT ATTORNEY**	CAREY THIS IS A MATTER I
ASSERTED THAT THE CHOICE RESTED WITH THE PROSECUTION AND BASKIN	SUPPOSE IS LEFT PRINCIPALLY LEFT WITH THE PROSECUTION AS I	ASSERTED THAT THE CHOICE ~~TOOK~~ RESTED WITH THE PROSECUTION, AND **M^{R}** BASKIN	SUPPOSE THAT IS LEFT PRIMARILY WITH THE PROSECUTION

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RT	RS	BT	PS
INTIMATED THAT SOME OF THE WITNESSES WERE NOT READY FOR DAMES TRIAL.	UNDERSTAND IT [*space*] *[7]*[52] COURT IN ITS DISCRETION MAY ALLOW TO PARTIES TO FIRST ON CRIMINAL LAW 433 AMERICAN. PROCEEDED TO READ SECTIONS COURT IN ITS DISCRETION MAY GRANT IT WE DO NOT WISH TO TRY THESE PARTIES TOGETHER.	INTIMATED THAT SOME OF THE WITNESSES MIGHT NOT BE READY FOR DAMES TRIAL.	AND COURT IN ITS DISCRETION MAY ALLOW ~~TWO~~ [*space*] WHERE TWO DEFENDANTS ARE INDICTED [*space*] FIRST *RLTS/WRTS*[?] CRIMINAL LAW 433 "WHEN SEVERAL PERSONS [*space*]. —[?] [*space*] . [*space*]
JUDGE SUTHERLAND DENIED THAT THE PROSECUTION HAD ANY SUCH RIGHT TO SELECT FOR THEMSELVES.	SUTHERLAND I DENY THEIR PLEA. DOCTRINE IS INVOKED BY STATUTE	**J. G.** SUTHERLAND: I DENY THAT THE PROSECUTION HAVE A RIGHT TO SELECT FOR THEMSELVES;	SUTHERLAND [*space*] I DENY THEIR CLAIM TO HAVE A RIGHT TO ELECT FOR THEMSELVES THE DOCTRINE IS *[[17]]* INVOKED BY STATUTE
YOUR HONOR HAS THE DECISION.	THAT YOUR HONOR HAS RIGHT TO ALLOW THE APPLICATION UNLESS SPECIAL APPLICATION IS MADE	YOUR HONOR HA~~V~~S THE DECISION.	THAT YOUR HONOR HAS THE DISCRETION TO ALLOW SEPARATE TRIALS UNLESS [*space*] *UNITED*[?] [*space*] *BUT THE LAW*[?] IF THEY

52. The verso of page 7 contains doodling: EVIDENTLY EVIDENCE IN THE.

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RT	RS	BT	PS
	BISHOP SAYS FIRST VOLUME HIS CRIMINAL PROCEDURE SECTION 10 18 WHEN AN INDICTMENT IS PROPERLY MADE JOINT AGAINST MORE PERSONS THAN ONE IT IS INDIVIDUAL RIGHT OF A DEFENDANT TO DEMAND SEPARATE TRIALS YET SEPARATE TRIALS MAY BE PERMITTED BY THE JUDGE ON CAUSES SHOWN. IT IS NOT TO BE DONE ON MERE REQUESTS BUT ON CAUSES SHOWN THIS IMPLIES LIGHT *ON*[?] *FELONY/*—[?]. IT MAY EQUALLY BE MADE ON BEHALF OF THE STATE. IT IS THE *DOCTRINE*[?] SOME OF OUR STATES SEPARATE TRIAL MAY BE DEMANDED SOME STATES		ARE NOT [*space*] BISHOP SAYS [*space*] 1 [*space*] SECTION 10 18 "WHEN AN INDICTMENT IS MADE PROPERLY AGAINST MORE PERSON THAN ONE **&C**" [*space*]

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RT	RS	BT	PS
	DEFENSE[?] ARE OTHERWISE GENERALLY IN SOME CASES DEMAND SEPARATE TRIALS AS MATTER OF RIGHT. WHERE IT IS ALLOWED TO THE STATE TO DEMAND IT AS MATTER OF RIGHT IT IS EXCEPTION WHERE IT IS MATTER OF RIGHT IN THE DEFENSE IT IS EXPRESSLY AND INTRODUCED BY STATUTE GENERAL *DOCTRINE*[?] AS IT STAND *IT/OUT*[?] COMMON LAW THUS IT STANDS HERE IT IS MATTER DISCRETION OF THE JUDGE SHOULD BE ACTED UPON IN FAVOR OF A SEPARATE TRIAL UPON CAUSE SHOWN CONTRARY *AS YOU TAKE IT*[?] A VERY		BUT WHERE IT IS ALLOWED TO THE STATE AS A MATTER OF RIGHT IT IS EXCEPTIONAL [*space*] AND *OTHERWISE*[?] *THAT IS THEIR/THIS IS OTHER*[?] [*space*] *BUT*[?] GENERAL *DOCTRINE*[?] AS THE OTHER SAYS IS A MATTER IN THE DISCRETION OF THE JUDGE AND TO BE ACTED UPON IN FAVOR OF SEPARATE TRIAL UPON CAUSE SHOWN [*space*] HERE WHEN *CAUSES/CASES*[?] HAS SHOWN UPON THE TRIAL A VERY

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RT	RS	BT	PS
	WEIGHTY AND COGENT SUGGESTION HAS BEEN MADE. BASKIN I HAVE THIS TO SAY TO YOUR HONOR SOME MATERIAL WITNESSES REFLECTING ON		WEIGHTY COGENT REASON IS MADE [*space*] BASKIN ≤~~I~~ HAVE THIS TO SAY YOUR HONOR≥ SOME MATERIAL WITNESSES REFLECTED ON THE
AS TO WITNESSES BEING ABSENT	COMPLICITY OF DAME ARE ABSENT. THERE IS A DIFFERENCE IN THE TWO CASES. SUTHERLAND	AS TO WITNESSES BEING ABSENT	COMPLICITY OF DAME ARE ABSENT [*space*] WE DO NOT FEAR *CAUSE*[?] YOUR HONOR AND HAVE NO
THEY HAVE HAD EIGHT MONTHS TIME IN WHICH TO PROCURE THEM AND THE ASSERTION	THEY HAVE HAD 8 MONTHS TO PREPARE FOR TRIAL	THEY HAVE HAD EIGHT MONTHS IN WHICH TO SECURE THEM, AND THE ASSERTION	SHOW OF DILIGENCE AND MERE ANNOUNCEMEN T
THAT THEY ARE NOT HERE HAS NO WEIGHT WHATEVER.	THAT IS NOT ENTITLED TO ANY WEIGHT WHATEVER. FOR IF *CASE/KS*[?] THAT SOME WITNESSES NOT HERE IS A MATTER NOT ENTITLED TO ANY WAIT WHATEVER. ~~I HAVE STATED~~ BY COURT I HAVE STATED THAT I WILL HAVE	THAT THEY ARE NOT H RE HAS NO WEIGHT WHATE~~O~~VER.	THAT [*space*] IS ENTITLED TO NO WEIGHT WHATEVER. [*space*] COURT IT WAS STATED IN COURT THE OTHER DAY THAT ONLY ONE OF THESE CASES ~~IS~~ WOULD BE TRIED THIS TERM [*space*] I HAVE NOT SAID SO I HAVE SAID ALWAYS THAT I

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RT	RS	BT	PS
			INTENDED TO HAVE BOTH OF THESE CASES
THE COURT	THESE TWO CASES TRIED THIS TERM IF IT TAKES EVERY JURYMAN IN THE BOX	*[11]* THE COURT HERE	
ANNOUNCED THAT IF THE TERM WAS EXHAUSTED BEFORE THESE CASES WERE DISPOSED OF HE SHOULD ASK THE GOVERNOR TO CONTINUE IT,AS HE WANTED THESE CASES OUT OF THE WAY.	IF THIS CASE LASTS UNTIL THE FIRST OF SEPTEMBER I SHALL ASK GOVERNOR TO PUT OFF THE OTHER TERM FOR ONE MONTH AND COMPLETE THIS TRIAL	ANOUNCED THAT IF THE TERM WAS E ~~S~~XHAUSTED BEFORE THESE ~~CASS~~ CASES WERE DISPOSED OFF, HE SHOULD ASK THE GOVERNOR TO CONTINUE IT; AS HE WANTED THESE CASES OUT OF THE WA~~U~~Y.	IF THIS CASE IS LIKELY TO LAST UNTIL THE FIRST OF SEPTEMBER I SHALL ASK THE GOVERNOR TO PUT OFF THE TERM FOR ONE MONTH SO THAT WE CAN HAVE THIS TRIAL THIS TERM [*space*]
HE THEN DECIDED THE POINT UNDER DISCUSSION IN FAVOR OF THE PROSECUTION. ~~TO~~ TO WHICH RULING COUNSEL FOR DEFENSE THEN AND THERE EXCEPTED.		HE THEN DECIDED THE POINT ~~UND~~ UNDER DISCUSSION IN FAVOR OF THE PROSECUTION.	
	I CAN'T SEE WE ARE LIKELY TO USE OVER A 100 MEN TO GET THIS JURY I CAN'T SEE IT IS LIKELY		I CAN SEE THAT WE ARE LIKELY TO EXCEED 100 MEN [*space*]

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RT	RS	BT	PS
	BECAUSE I DO NOT BELIEVE. SUTHERLAND I AM VERY OBLIGED TO YOUR HONOR THAT YOU ARE ANXIOUS TO HAVE DAME TRIED THIS TERM. SUTHERLAND I DO NOT THINK WE WILL PRESENT ANY SHOWING IN THIS MATTER AT ALL. BY COURT THESE MATTERS ARE GENERALLY LEFT TO THE DISCRETION OF THE COURT TO A GREAT EXTENT [8] YET COURT HAVE ALMOST ENTIRELY LEFT THIS MATTER		I AM VERY MUCH OBLIGED TO YOUR HONOR FOR THE ASSURANCE THAT WE SHALL HAVE A TRIAL THIS TERM [*space*] COURT WHAT I MEAN IS THAT IF YOU ON THE PROSECUTION EVER WANT A CONTINUANCE YOU WILL HAVE TO SHOW PRETTY SIGNIFICANT CAUSE BEFORE YOU GET IT [*space*] THESE MATTERS ARE GENERALLY LEFT TO THE DISCRETION OF THE [[18]] COURT TO SOME EXTENT YET THE COURT ALMOST INVARIABLY IN MY PRACTICE

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RT	RS	BT	PS
	TO PROSECUTION. IF PROSECUTION WISH TO TRY THEM SEPARATELY THE COURT WILL GRANT IT ~~ALTHOUGH~~ THERE MIGHT BE *CAUSE*[?]. AS GENERAL RULE THAT IS NOT THE PRACTICE. ≤**COURT RULED**≥ LET THE ENTRY BE MADE THAT MR. LEE BE TRIED SEPARATELY. [*space*] ARE THE DEFENSE READY. BISHOP WE'LL ASK YOUR HONOR WHICH INDICTMENT HE IS TO BE TRIED ON BY COURT ON THE SECOND INDICTMENT. BY COURT PROSECUTION IN ANSWER TO BISHOP ANNOUNCED		HAS ALWAYS ASKED THE PROSECUTION IF THEY WANT TO TRY THEM JOINTLY OR SEPARATELY UNLESS SOME VERY EXCELLENT REASON IS SHOWN AND [*space*] TRY THEM SEPARATELY [*space*] AS A GENERAL RULE HOWEVER THAT IS NOT THE PRACTICE [*space*] LET THE ENTRY BE MADE THEN THAT MR. LEE BE TRIED SEPARATELY. [*space*] IS THE DEFENSE READY. [*space*] BISHOP WHICH INDICTMENT WILL BE PROCEEDED ON. [*space*] ON THE JOINT INDICTMENT ~~*IF/FOR JOINT*~~[?] [*space*]

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RT	RS	BT	PS
BISHOP: WE ANNOUNCED THAT WE WERE READY FOR TRIAL ON THE FIRST INDICTMENT BUT NOT ON THE SECOND. WE NOW ASK TILL TO-MORROW TO PREPARE FOR *[12]*	ITSELF READY. CAREY HAS THE PLEA BEEN ENTERED BY COURT YES SIR. BY BISHOP COURT PLEASE WE HAVE ANNOUNCED OURSELVES READY FOR TRIAL UPON THE FIRST INDICTMENT WE CAN'T SAY AT THIS TIME WE ARE READY FOR TRIAL UPON THE INDICTMENT THAT THE DEFENDANT HAS BEEN ARRAIGNED UPON TODAY. IF THE PROSECUTION INSISTS UPON LETTING BOTH INDICTMENT STAND UPON THE RECORD WE WOULD ASK OF YOUR HONOR UNTIL TOMORROW MORNING TO	**M^r^ BASKIN** ~~BISHOP:~~ WE ANNOUNCED THAT WE WERE READY FOR TRIAL ON THE FIRST INDICTME~~N~~T BUT NOT ON THE SECOND. WE NOW ASK T~~O~~ TILL TO-MORROW TO PREPARE FOR	BISHOP WE HAVE ANNOUNCED OURSELVES AS READY FOR TRIAL UNDER ON THE FIRST INDICTMENT ON THAT INDICTMENT WE ARE NOW READY FOR TRIAL WE CAN'T SAY AT THIS TIME THAT WE ARE READY FOR TRIAL UPON THE INDICTMENT THAT THE DEFENDANT HAS BEEN ARRAIGNED UPON TODAY AND IF THE PROSECUTION ~~ASKS~~ DECIDES THAT BOTH INDICTMENTS STAND [*space*]

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RT	RS	BT	PS
THE SECOND.	DECIDE WHETHER WE WE WILL GO TO TRIAL UPON THIS SECOND INDICTMENT OR NOT. EITHER PARTY HAS A RIGHT TO A CONTINUANCE DURING THE TERM WITHOUT A SHOWING AND WE ARE CERTAINLY NOT COMPELLED TO MAKE A SHOW OF IT UNTIL WE ASK FOR A CONTINUANCE. AT THE LAST TERM OF COURT CASE OF JOHN D. LEE WE INSISTED UPON A TRIAL. COURT NOTIFIED US AT THAT TIME IT HAD BEEN THE RULE UNLESS I AM MUCH MISTAKEN IN THE ANNOUNCEMEN T OF THE COURT THAT EITHER PARTY WOULD	THE SECOND.	EITHER PARTY HAS A RIGHT FOR CONTINUANCE DURING THE TERM WITHOUT A SHOWING AND WE ARE CERTAINLY NOT COMPELLED TO MAKE ANY SHOWING FOR A CONTINUANCE [*space*] COURT I DO NOT UNDERSTAND [*space*] AT THE LAST TERM OF COURT THE ~~DEFENSE~~ CASE OF JOHN D LEE HE INSISTED UPON TRIAL AND COURT NOTIFIED US AT THAT TIME THAT IT HAD BEEN THE RULE THAT EITHER PARTY WOULD

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RT	RS	BT	PS
	BE PERMITTED CONTINUANCE FOR ONE TERM AFTER ARRAIGNMENT. IT WAS INSISTED AT THAT TIME *I*[?] BY PROSECUTION WE COULD NOT BE FORCED TO GO TO TRIAL DEFENDANT WAS NOT ARRAIGNED UNTIL THE COMMENCEMENT OF THE TERM. WE INSISTED HOWEVER UPON A TRIAL MATTER WAS AT LENGTH [*space*] IF THAT IS NOT THE RULE OF THE COURT WE HAVE BEEN LABORING UNDER VERY SERIOUS MISAPPREHENSION.		BE PERMITTED A CONTINUANCE FOR ONE TERM AFTER ARRAIGNMENT IT WAS INSISTED AT THAT TIME BY THE PROSECUTION THAT THEY COULD NOT BE FORCED TO GO TO TRIAL BECAUSE THE DEFENDANT WAS NOT ARRAIGNED UNTIL THE COMMENCEMENT OF THE TERM WE INSISTED UPON A TRIAL THE MATTER WAS HEARD AT GREAT LENGTH AND IF THIS IS NOT THE RULE WITH THE COURT WE HAVE BEEN LABORING UNDER A VERY SERIOUS MISAPPREHENSION [*space*] WE HAD A RIGHT TO CONTINUE WITHOUT ANY SHOWING DURING THE TERM THE

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RT	RS	BT	PS
	IF THEY WERE DISPOSED TO TRY ON THE FIRST INDICTMENT WILL THEN MAKE OUR INDICTMENT UNTIL THAT IS DONE WE MUST ASK INDULGENCE OF COURT UNTIL TOMORROW MORNING. WE COME HERE ASK FOR A TRIAL EXPECTING TRIAL UPON INDICTMENT WE HAVE STUDIED AND ARE PREPARED FOR. WE SHALL NOT BE READY FOR TRIAL UPON THIS INDICTMENT UNTIL FURTHER CONSULTATION. BASKIN. THIS INDICTMENT		PARTY WAS ARRAIGNED NOW *[[19]]* IF THEY ARE DISPOSED TO THE FIRST INDICTMENT IN SOME WAY WE WILL THEN MAKE OUR ANNOUNCEMENT WE MUST THEN ASK THE INDULGENCE OF THE COURT WE CAME HERE EXPECTING A TRIAL ON THE INDICTMENT THAT WE HAD STUDIED AND PREPARED FOR WE CAN'T TELL UNTIL HAVE FURTHER CONSULTATION [*space*] BASKIN UNLESS GENTLEMEN [*space*] IT MUST BE SUPPOSED THE FACT OF THIS NEW INDICTMENT IT

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RT	RS	BT	PS
	EVENTUALLY REFERS TO SAME TRANSACTION. KILLING OF ONE MAN. QUESTION OF OUR ELECTION IS A MATTER THEY HAVE NO RIGHT TO DICTATE TO US ABOUT. UNLESS SOME VERY COGENT REASON IS SHOWN "770 BISHOP FIRST CRIMINAL PROCEDURE." READ FROM BISHOP RESPECTING QUASHING OF INDICTMENT PREVIOUS TO GOING TO TRIAL ON ANOTHER.		IS NOT ANOTHER CASE [*space*] AND WHILE IT DON'T APPEAR UPON THE FACE OF THE INDICTMENT THAT HE INDICTED ON EVENTUALLY REFERS TO THE SAME TRANSACTION HE HAS [*space*] THE QUESTION OF OUR ELECTION IS ONE THAT WE DO NOT THINK THEY HAVE ANY RIGHT TO DICTATE TO US [*space*] THE COURT WILL NOT QUASH THE SECOND INDICTMENT UNLESS SOME VERY COGENT" [*space*] 770 BISHOP CRIMINAL PROCEDURE **1ST** "*THAT*[?] IS INFORMANT'S [*space*] *PARTICULAR/OP PORTUNITY*[?]" AND DID NOT APPEAR THAT THERE IS IN ANY OTHER OR ANY

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RT	RS	BT	PS
	THEY ANNOUNCED THEMSELVES READY FOR TRIAL CAME IN HERE AND PLEAD.		*SPS*[?] WORK AND WE HAVE BEEN HERE A GREAT MANY DAYS AND GENTLEMEN HAVE ANNOUNCED THEMSELVES READY FOR TRIAL THEY WAS YESTERDAY MORNING AND I UNDERSTOOD TO ANNOUNCE THEMSELVES READY FOR TRIAL AND I MUST CONFESS THAT I DO NOT WANT ~~CONFESS~~ TO STAY DOWN HERE ANY LONGER I DO NOT WANT ANY FURTHER DELAY AND WHILE WE DESIRE GIVE THE DEFENSE A FAIR TRIAL AND CERTAINLY WILL NOT URGE ANY PROPOSITION OF LAW OR EVIDENCE THAT THE LAW WILL NOT WARRANT [*space*] I HOPE YOUR HONOR WILL BRING
	I WANT THIS CASE TO GO ON DON'T WANT ANY FURTHER DELAY WHILE WE DESIRE GIVE PROSECUTION FAIR TRIAL CERTAINLY WILL NOT URGE ANY PROPOSITION OF LAW OR EVIDENCE THAT THE LAW DOESN'T WARRANT IN THE CASE PRAY YOUR HONOR [9] WILL BRING		

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RT	RS	BT	PS
	THIS TO AN ISSUE. ≼BY COURT≽ I WILL GIVE THEM UNTIL TOMORROW MORNING TO DECIDE. BASKIN SITTING DOWN WE ARE READY IN ANY SHAPE OF COURSE IT IS UNDERSTOOD THEY WILL COME INTO COURT WITH A SHOW TOMORROW MORNING.		THIS TO A SHOW [*space*] AND IT IS NOT A QUESTION OF ELECTION TO THEM BUT IN THE DISCRETION OF THE COURT. [*space*] ~~COURT~~ I WILL GIVE THEM UNTIL TOMORROW MORNING ≼10 O'CLOCK≽ TO DECIDE [*space*] ~~BASKIN THERE IS THIS *BUT/ABOUT*[?] WILL YOUR HONOR~~ BASKIN OF COURSE IT IS UNDERSTOOD THAT THEY WILL COME IN WITH A SHOWING. YES SIR[53]

53. The verso of page 19 contains a page of writing that appears to be random doodling and the profile of an unidentified man. The shorthand is as follows: REFERRED TO BY THE COUNSEL ON THE OTHER SIDE IF YOU WILL *BE/UP*[?] *MINE/MOTION/MAN*[?] I WILL NOT ASK YOU IF YOU FIND THE MINUTES INTELLIGENT. MISS *FANNY*[?] *SRLS/STRLS*[?] IS A VERY PRETTY GIRL AND THE LAW PROPOSES MAKE SOME GOOD *MOTION*[?] OVER HER IF IT IS A *K*[?] BUT SHE HAD NOT GOT ANY BIAS TO SPEAK OF. [*space*] MINISTERING WIVES [*space*] I AM HAPPY TO ASSUME HEALTH IS MUCH BETTER THAN IT WAS AND I AM NOW FEELING WELL *AND/BUT*[?] WE DO NOT HAVE MY DISCHARGE FROM THE *REST/RESOLUTION*[?] *NONE*[?] UNTIL CAME YESTERDAY I SHOULD HAVE BEEN DEAD GOOD WHILE BUT I SHALL MAKE ENOUGH TO LAST FOR A FEW MONTHS AT LEAST UNTIL I CAN MAKE SOME MORE [*space*] IF HE MEANT TO *ACCOMPANY ME/MEETING*[?] *NOT/UNDER*[?] LEGAL AND MAY GRANT [*space*] CAN'T *OFFER*[?] EXPENSE TO *GO*[?] TO *OUR*[?] —/*RESTING*[?] PLACE AND GIVE GENTLEMAN *COME*[?] *ANY*[?] MORE EXCUSES [*space*] ORDER.

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RT	RS	BT	PS
	SUTHERLAND MADE SOME SARCASTIC REMARKS. BASKIN WE ARE PERFECTLY *COOL*[?] AND THINK WE UNDERSTAND OURSELVES. ADJOURNED UNTIL TOMORROW MORNING ≤TEN≥ O'CLOCK.		
ANOTHER CONTENTION ENSUED WHEREIN JUDGE SUTHERLAND REMARKED THAT THE PROSECUTION SEEMED TO BE AFRAID FROM ONE INDICTMENT AND WANTED ANOTHER ON HAND TO ALIGHT UPON. TO WHICH MR. BASKIN REPLIED: I THINK YOU WILL FIND THAT WE UNDERSTAND	MR. SUTHERLAND MADE THE REMARK TO PROSECUTION YOU MUST B AFRAID OF BEING UNHORSED ON ONE INDICTMENT AND WISH TO HAVE OTHER ONE TO JUMP ASTRIDE AS SOON AS YOU ARE DEFEATED ON ONE.	ANOTHER CONTENTION ENSUED WHEN MR. SUTHERLAND REMARKED THAT THE PROSECUTION SEEMED TO BE AFRAID OF BEING UNHORSED ON ONE INDICTMENT AND WANTED ANOTHER ON HAND TO ALIGHT UPON. **M^r^** BASKIN: I THINK YOU WILL FIND THAT WE UNDERSTAND	*[[20]]* SUTHERLAND IT LOOKS AS THOUGH THEY THINK THEY WOULD BE UNHORSED AND WANT HAVE OTHER READY TO LAND UPON. [*space*]

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RT	RS	BT	PS
OURSELVES. THE COURT GRANTED THE CONTINUANCE AND ADJOURNED TILL TEN O'CLOCK TO-MORROW MORNING.	*[Bk 1 7 cont.]* **THURSDAY JULY 22/75 10 AM** = TEN PASSED TEN JUDGE BOREMAN CAME INTO COURT. CLERK READ MINUTES YESTERDAY'S PROCEEDINGS. JOHN D LEE AND HIS 3 WIVES WERE IN COURT. BY SPICER YOUR HONOR I WAS NOT IN COURT YESTERDAY WHEN JUDGMENT WAS TAKEN AGAINST *DUPAY*[?] AND SUPPOSE SUBSTANCE OF AGREEMENT WAS 65 DAYS. THAT IS UNDERSTANDIN G. BY COURT EXECUTION BE STAYED FOR 75	OURSELVES. THE COURT GRANTED THE CONTINUENCE**;** AND ADJOURNED TILL 10 O'CLOCK TO-MORROW.	**THURSDAY** JULY 22/75 [*space*] ~~IF YOUR HONOR PLEASE I DO NOT KNOW~~ [*space*]

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RT	RS	BT	PS
	DAYS SUTHERLAND I HAVE NOT *HEARD/READ*[?] ORDER GRANTED YESTERDAY NUNC PRO TUNC. BISHOP COURT PLEASE WILL ASK PERMISSION NOW TO FILE REJOINDER OF JOHN D LEE TO REPLICATION OF PLEA. BY WHEDON COURT PLEASE WE WOULD LIKE TO OBJECT TO THE FILING OF THAT PAPER ON THE GROUND IT IS NOT PROPER. SUTHERLAND I WOULD LIKE TO KNOW WHAT THE OBJECTION IS. BY COURT THEY SAID IT WAS UNNECESSARY YESTERDAY. SUTHERLAND I SHOULD LIKE TO HAVE RULING ON THAT [*space*] BY COURT THEY DID NOT OBJECT		~~YOUR HONOR I~~ ~~HAVE NOT~~ ~~*HEARD/READ*~~[~~?~~] ~~THE ORDER~~ ~~WHICH WAS~~ [*space*] BISHOP [*space*] ASKED LEAVE TO FILE REJOINDER AS OF YESTERDAY [*space*] GRANTED [*space*] PROSECUTION OBJECTED TO THE FILING OF THAT PAPER AS OF YESTERDAY ON THE GROUND THAT IT IS NOT PROPER. SUTHERLAND I LIKE TO KNOW WHAT THE OBJECTION IS. I SHOULD HAVE TO HAVE A RULING ON THAT. [*space*]

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RT	RS	BT	PS
	BUT SAID IT WAS UNNECESSARY. BY HOGE THEY NOW OBJECT BY COURT WE CONSIDER IT AS FILED AT THAT TIME. BY SUTHERLAND WE DO NOT WANT THE RECORD TO SAY THERE WAS UNDER *TONED*[?] OBJECTION OUGHT TO BE DETERMINED. BY COURT IF YOU WANT OBJECTION ADDED THERE I WILL HAVE ONE NOTED. BY WHEDON COURT PLEASE NOTE OUR OBJECTIONS. BY COURT *RDV*[?] READ PEOPLE AGAINST LEE.		AS WE DO NOT WANT THE RECORD TO SHOW THAT THERE IS UNDETERMINED OBJECTION. [*space*]
			OBJECTION OVERRULED. EXCEPTION [*space*] IS THE DEFENSE READY YES SIR [*space*]
	SPICER YES SIR. BY COURT LET THE JURY BE CALLED. [*space*] [8] CAREY IF THE COURT PLEASE I THINK		IF THE COURT PLEASE I THINK

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RT	RS	BT	PS
	PROBABLY IT IS ADVISABLE IN MAKING THIS ORDER OF CORRECTION TO MAKE IT APPLY TO ALL INDICTMENTS FILED ON THAT DAY. BY COURT IF YOU FILED ANOTHER *FR*—[?] YOU HAD BETTER HAVE IT ENTERED. SUTHERLAND I LIKE TO HAVE ORDER READ IN COURT BEFORE IT IS GIVEN THE CLERK IF AT ALL. BY COURT DO YOU PREFER TO HAVE NAMES OF THE JURORS AS THEY ARE DRAWN FROM THE BOX MARSHALL IS DRAWING THEM NOW. BISHOP WE SHOULD		IT IS PROBABLY ADVISABLE IN MAKING THIS ORDER FOR CORRECTION TO MAKE IT APPLY TO ALL INDICTMENTS FILED ON THAT DAY [*space*] COURT IT WAS ONLY ASKED AS TO THIS INDICTMENT. BETTER HAVE IT ENTERED SEPARATELY. SUTHERLAND WOULD LIKE TO HAVE THE ORDER READ IN COURT BEFORE IT IS GIVEN TO THE CLERK TO RECORD [*space*] COURT LET JURY BE DRAWN [*space*] WE WOULD WISH TO HAVE THE NAME OF EACH JURYMAN CALLED AS THEY ARE DRAWN FROM THE BOX AND LET'S PASS UPON EACH ONE SEPARATELY [*space*]

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RT	RS	BT	PS
	LIKE TO HAVE EACH NAME DRAWN SEPARATELY BY COURT WE GENERALLY ALLOW CLERK TO DRAW TWELVE NAMES *ARE/HERE*[?] ALL THOSE PRESENT WILL COME FORWARD IF THERE IS NOT SUFFICIENT PRESENT WILL DRAW OTHERS. [*space*] ≤BY CLERK≥ JOSEPHUS WADE HERE. SUTHERLAND I WISH TO INQUIRE YOUR HONOR IF 50 BALLOTS BELONG TO THIS TERM IF THE NAME IN EACH CASE ARE TO BE DRAWN FROM THE BOX. BY COURT WE HAVE ALLOWED CLERK TO DRAW THEM FROM THE BOX SUTHERLAND WE DESIRE TO		GENERALLY ALLOW THE CLERK TO DRAW TWELVE NAMES AND THEN HAVE THEM COME FORWARD BUT YOU CAN HAVE EACH ONE CALLED SEPARATELY. [*space*] **JOSEPHUS WA~~ITED~~E** PRESENT [*space*] I WISH TO INQUIRE IF 50 BALLOTS ARE PLACED IN THE BOX AND THE NAMES FOR EACH AS IS DRAWN BE HELD FROM THAT BOX ~~NO~~ YES [*space*] BUT I WANT TO KNOW WHETHER YOU WANT EACH NAME ANNOUNCED AS THEY ARE DRAWN WE DESIRE TO

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RT	RS	BT	PS
	HAVE NAMES DRAWN ANNOUNCED [*space*] **JOSEPHUS ≤1≥ WADE** HERE. **J ≤C≥ HIESTER ≤2≥** [54] HERE. DAVID ≤3≥ ROGERS HERE. BY COURT IS DAVID ROGERS IN THE BOX BY CLERK YES SIR. ISAAC DUFFIN ≤4≥ HERE. **C J** ARTHUR ≤5≥ HERE. **J P** CHIDESTER ≤6≥ HERE **LOUIS HESSENGER ≤7≥** HERE **J C ROBINSON ≤8≥** HERE. **HENRY HOLING ≤9≥** HERE. **W G MCMULLAN** BY COURT HE IS EXCUSED HIS WIFE IS SICK IN DANGEROUS SITUATION ABSOLUTE NECESSARY HE		HAVE THEM [*space*] **J C ~~HEAI~~IESTER** PRESENT [*space*] *[[20 verso]]* **DAVID ROGERS** HERE [*space*] **ISAAC DUFFIN** HERE [*space*] **CHRISTOPHER J ARTHUR** HERE [*space*] **JOHN R CHIDDESTER** HERE [*space*] **LOUIS HEERCHENGER** HERE [*space*] **JAMES C ROBINSON** HERE [*space*] **HENRY HOLING** HERE [*space*] **WILLARD G MCMULLIN** EXCUSED ON ACCOUNT OF SICKNESS OF HIS WIFE

54. The name is written over illegible shorthand.

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RT	RS	BT	PS
	SHOULD GO HOME I TOLD HIM IF HE WOULD SWEAR OUT AFFIDAVIT HE MADE AFFIDAVIT FILED IT WITH CLERK ALLOWED HIM TO GO UNDER THESE CIRCUMSTANCES EXCUSED FOR THE TERM. SAID HE LIVED SOME DISTANCE FROM HERE. [*space*] **JAMES LOW** EXCUSED. **G W CROUCH** ≤**10**≥ HERE. **FRED J HALLER** ≤**11**≥ HERE **JAMES HUNTER** ≤**12**≥ HERE. [*space*] BY PROSECUTION MR. WADE BY COURT WAIT WE'LL HAVE THEM SWORN. [*space*] [9] GRAND JURY WERE SWORN BY CLERK. BY PROSECUTION MR.WADE AGAIN INTERRUPTED BY BASKIN. BY COURT		EXCUSED FOR THE TERM. **JAMES LOWE SR.** [*space*] EXCUSED [*space*] **G W CROUCH** HERE [*space*] **FRED J. HALLOM** [*space*] HERE **JAMES HUNTER** HERE [*space*] SWORN TO ~~ANSWER QUESTIONS~~ ON THEIR VOIR DIRE [*space*]

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RT	RS	BT	PS
	HAVE[?] YOU TO DEFENSE ANY OBJECTION TO MODE OF SWEARING REASON I ASK AS IT WAS NOT PROPER COURT RULE WHEN THAT ONE WAS TRIED ALTHOUGH OTHER WAS NEVER ARRESTED THAT IS THE REASON I HAD THEM SWORN THAT WAY. [*space*] CAREY AGAIN INTERRUPTED. *IIIII* BISHOP FOR DEFENSE COURT PLEASE WE PRESENT OUR OBJECTION *N/NOT*[?] TO FURTHER PROCEED DISTRICT SECOND JUDICIAL DISTRICT TERRITORY UTAH PEOPLE AGAINST JOHN D. LEE RESPONDENT BEING IN COURT TRIAL BEING NOW ORDERED JURY BEING NOW CALLED		BISHOP OBJECTED TO FURTHER PROCEEDING [*space*]

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RT	RS	BT	PS
	SAID RESPONDENT OBJECTS CHALLENGES ARRAY *THR*[?] ON FOLLOWING GROUNDS TO WIT 50 JURORS WERE DRAWN SAID 50 JURORS HAVE ACCORDINGLY BEEN SUMMONED JURORS SO IMPANELED ARE TWELVE SAID TWELVE JURORS WERE NOT FIRST OF SAID JURORS ETC. WHEREFORE SAID RESPONDENT SAYS IS NOT A LAWFUL JURY PRAYS COURT HAVE		READ CHALLENGES TO ARRAY [*space*] THAT ON THE 14 MAY 1875 BY *AND* *PURSUANT*[?] [*space*] 50 JURORS WERE DRAWN TO SERVE AT THE JULY TERM FOR THE YEAR 1875 AND SAID 50 JURORS HAVE BEEN CALLED SWORN TO ATTEND SAID JURORS THAT THE JURORS HERE ARE 12 OF THE 50 THAT THE SAID 12 JURORS ARE NOT OF THE FIRST 18 THAT THE SAID 12 JURORS SELECTED IMPANELED AND AS AFORESAID AND NOT OTHERWISE [*space*] THAT THE JURY SO IMPANELED IS NOT A LAWFUL JURY AND PRAYS THAT THE

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RT	RS	BT	PS
	JUDGMENT BE QUASHED ON SAID ARRAY. BY COURT MOTION BE OVERRULED. BY BISHOP PLEASE NOTE OUR EXCEPTIONS BY COURT WHAT IS THE *STYLE/SL/STL*[?] OF YOUR MOTION BY BISHOP IT IS TO CHALLENGE ARRAY. BY HOGE *COURT MIGHT*[?] CONSIDER THEN GENTLEMAN'S DEMURRER FILED *IIIII* BY COURT GO AHEAD FOR THE PEOPLE. [*space*] MR. WADE WHERE DO YOU RESIDE UTAH PIUTE COUNTY BY SUTHERLAND WE OBJECT *YOUR HONOR*[?] TO ANY QUESTIONS		BE QUASHED. ~~MOTION OVERRULED. EXCEPTION~~. ~~≤~~DEMURRER CONSIDERED FILED TO THE CHALLENGE.~~≥~~ DEMURRER SUSTAINED. EXCEPTION [*space*] *[[21]]* QUESTION ~~BY THE~~ BY CAREY FOR PROSECUTION [*space*] **WADE** [*space*] WHERE DO YOU RESIDE UTAH WHAT COUNTY PIUTE. SUTHERLAND OBJECTED TO ANY QUESTIONS

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RT	RS	BT	PS
	BEING ASKED UNTIL THE CHALLENGE IS INTERPOSED OTHERWISE THERE IS NOTHING TO TRY WE FIND NO BOOKS HERE BECAUSE ARE OBLIGED TO STATE LAW UPON RECOLLECTION. ~~M~~ BY COURT MY RECOLLECTION S IS OTHER WAY. [*space*] CAREY HOW LONG YOU RESIDED THIS DISTRICT 2 YEARS CAN READ AND WRITE ENGLISH LANGUAGE. ARE CITIZEN OF THE UNITED STATES NATIVE. HAVE TAXABLE PROPERTY. ~~≤~~THIS QUESTION WAS REPEATED~~≥~~ HAVE YOU ANY CONSCIOUS SCRUPLES		BEING ASKED INTERVIEW JURORS UNTIL CHALLENGE MADE. OBJECTION OVERRULED EXCEPTION [*space*] HOW LONG HAVE YOU RESIDED IN THIS DISTRICT 2 YEARS READ AND WRITE THE ENGLISH LANGUAGE YES SIR ARE YOU CITIZEN OF THE UNITED STATES YES SIR NATIVE OR NATURALIZED NATIVE HAVE TAXABLE PROPERTY YES SIR HAVE YOU ANY CONSCIOUS SCRUPLES AGAINST

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RT	RS	BT	PS
	FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH BY BISHOP I OBJECT TO THAT QUESTION IN STYLE GENTLEMAN PUTS IT. I KNOW OF NO AUTHORITY TO ASK GENTLEMAN ABOUT PUNISHMENT OF DEATH UNLESS HE *COMPLIES/KPLS*[?] CAREY UNNECESSARY PRESSURE. BISHOP CONTINUED. CAREY WE HAVE NOT HAD ANY STATUTE OF THE KIND GENTLEMAN REFERS TO. BY BISHOP PLEASE NOTE OUR EXCEPTIONS. CAREY TO WADE I DO NOT KNOW AS I HAVE		FINDING VERDICT OF GUILTY WHERE THE PUNISHMENT MIGHT BE DEATH OBJECTED TO THAT QUESTION IN THE STYLE THAT THE GENTLEMAN POSED IT [*space*] UNLESS ASKS WHERE THE EVIDENCE WILL JUSTIFY THE VERDICT. OBJECTION OVERRULED EXCEPTION [*space*] QUESTION REPEATED [*space*] NO SIR I DO NOT KNOW THAT I HAVE. [*space*]

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RT	RS	BT	PS
	MR. HEISTER RESIDE PIUTE COUNTY LIVED THERE 2 YEARS TAXABLE PROPERTY CAN READ AND WRITE ENGLISH LANGUAGE CITIZEN NATIVE. HAVE YOU ANY CONSCIOUS SCRUPLES FINDING VERDICT ~~I HAVE~~ I HAVE NOT. MR. ROGERS WHERE YOU RESIDE WASHINGTON COUNTY LIVED THERE 13 1/2 YEARS TAXABLE PROPERTY READ AND WRITE CITIZEN UNITED STATES NATIVE. NO CONSCIOUS SCRUPLES WERE PUNISHMENT		*HEISTER/HISN*[?] [*space*] WHERE DO YOU RESIDE PIUTE COUNTY HOW LONG LIVED THERE NEARLY 2 YEARS TAXABLE PROPERTY YES SIR READ AND WRITE ENGLISH LANGUAGE I DO CITIZEN OF THE UNITED STATES YES SIR NATIVE HAVE YOU ANY CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE PENALTY MIGHT BE DEATH I HAVE NOT [*space*] ROGERS [*space*] WHERE DO YOU RESIDE WASHINGTON COUNTY HOW LONG RESIDED THERE 13 YEARS AND HALF TAXABLE PROPERTY YES SIR READ AND WRITE YES SIR CITIZEN YES SIR NATIVE OR NOT NATIVE CONSCIOUS SCRUPLE NO SIR [*space*]

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RT	RS	BT	PS
	MIGHT BE DEATH. MR. DUFFIN WHERE YOU RESIDE KANE COUNTY LIVED THERE TEN YEARS TAXABLE PROPERTY READ AND WRITE CITIZEN ~~NATIVE~~ NATURALIZED IN THIS DISTRICT JUDGE MCCURDY'S COURT THIS DISTRICT. JUDGE WAS PRESENT WHEN NATURALIZED. NO CONSCIOUS SCRUPLES **C** **J** ARTHUR BY WHEDON MR. ARTHUR IS SUBPOENAED AS WITNESS IN CASE. TO MR. WADE HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO GUILT OF *[10]* THE		DUFFIN [*space*] *[[22]]* WHERE DO YOU RESIDE KANE COUNTY [*space*] HOW LONG RESIDED THERE 10 YEARS A LITTLE OVER TAXABLE PROPERTY YES SIR CITIZEN YES SIR NATURALIZED WHERE NATURALIZED IN THIS DISTRICT JUDGE MCCURDY'S COURT IS IT CHARGED IN OPEN COURT YES SIR HAVE YOU ANY CONSCIOUS SCRUPLES NO SIR [*space*] CHRISTOPHER ~~D~~J ARTHUR [*space*] WERE YOU SUBPOENAED AS A WITNESS IN THE CASE YES SIR [*space*] WADE HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE GUILT OR INNOCENCE AS TO THE —[?]

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RT	RS	BT	PS
	PRISONER AT BAR. I HAVE ONE WAY PROVED HE IS GUILTY ACCORDING TO EVIDENCE OUGHT TO BE PUNISHED. **EASTES** HAVE YOU FORMED OR EXPRESSED ANY OPINION WITH REGARD PRISONER AT BAR I HAVE AT ONE TIME I HAVE NO OPINION AT THE PRESENT. MR. ROGERS DO YOU KNOW ANYTHING OF THE MERITS OF THIS CASE		PRISONER AT THE BAR I HAVE IN ONE WAY PROVING HE WAS GUILTY THAT HE OUGHT TO SUFFER [*space*] WHAT IS THE GENERAL OPINION [*space*] WHETHER YOU HAVE FORMED OR EXPRESSED AN OPINION OF THE GUILT OR INNOCENCE OF THE PARTY I COULD NOT SAY THAT I HAVE MR. HEISTER HOW IS IT WITH YOU [*space*] HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE GUILT OR INNOCENCE I DID AT ONE TIME HAVE YOU AN OPINION NOW AT THE PRESENT TIME NO SIR I HAVE NOT [*space*] MR. ROGERS [*space*] DO YOU KNOW ANYTHING ABOUT THE MERITS OF THIS CASE NOTHING

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RT	RS	BT	PS
			MORE THAN RUMOR [*space*]
	HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO THE INNOCENCE OR GUILT OF JOHN D LEE		HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE GUILT OR INNOCENCE OF JOHN D. LEE
	NO SIR.		PRISONER AT THE BAR NO SIR
			YOU KNOW WHAT THE CHARGE IS YES SIR [*space*]
	MR. DUFFIN HAVE YOU FORMED OR EXPRESSED ANY OPINION. I HAVE NOT		DUFFIN HAVE YOU FORMED OR EXPRESSED OPINION I HAVE NOT THAT I KNOW OF [*space*]
	I		
	HAVE HEARD OF THE CASE. [*space*] BY SUTHERLAND I DO NOT UNDERSTAND ANY CHALLENGE TO BE PENDING.		*[[23]]* YOU HAVE HEARD OF THE CASE YES SIR [*space*]
	MR. ARTHUR WHERE DO YOU RESIDE		ARTHUR WHERE DO YOU RESIDE CEDAR CITY HOW LONG HAVE YOU
	LIVED THERE 21 YEARS. YOU WERE THEN IN 57 YES SIR.		LIVED THERE 21 YEARS LIVED THERE IN 57 YES SIR [*space*]
	NATURALIZED CITIZEN IN THIS COURT IN THIS		NATURALIZED WHERE IN THIS COURT IN

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RT	RS	BT	PS
	PLACE CAN READ AND WRITE ENGLISH LANGUAGE. HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO GUILT OF DEFENDANT. SAY LIKE SEVERAL OTHERS HAVE I DO NOT KNOW I HAVE EXPRESSED ANY OPINION. YOU KNOW MR. ARTHUR WHETHER YOU HAVE FORMED OPINION ON WHETHER PARTY IS INNOCENT OR GUILTY. ≤ARTHUR≥ IT IS DOUBTFUL UPON THAT POINT. BY COURT QUESTION IS WHETHER YOU		WHOSE TIME JUDGE BOREMAN'S READ AND WRITE THE ENGLISH LANGUAGE I DO HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE GUILT OR INNOCENCE OF THE PRISONER AS SOME OTHERS HAVE FORMED IMPRESSIONS RECEIVED IMPRESSIONS I DO NOT KNOW THAT I HAVE EXPRESSED OPINION YOU KNOW WHETHER YOU HAVE FORMED OPINION IN YOUR OWN MIND AS TO WHETHER PARTY IS INNOCENT OR GUILTY OF THE CHARGE WELL IT IS DOUBTFUL I AM DOUBTFUL ON THAT POINT QUESTION IS WHETHER YOU

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RT	RS	BT	PS
	HAVE FORMED ANY OPINION AS TO GUILT OR INNOCENCE. ARTHUR I CAN NOT SAY I HAVE. I WAS LIVING AT CEDAR AT TIME CIRCUMSTANCES HAPPENED I WAS. DO YOU SAY YOU HAVE NOT SINCE FORMED OPINION I DO NOT THINK I HAVE. SPICER I UNDERSTAND IT IS ONLY MR. LEE UPON TRIAL NOW. HAVE YOU CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH NONE. MR. CHIDESTER LIVED		HAVE FORMED AN OPINION AS TO THE GUILT OR INNOCENCE I CAN'T SAY I HAVE [*space*] YOU WERE LIVING AT CEDAR AT THE TIME YES SIR KNEW OF THE CIRCUMSTANCES YES SIR DO YOU SAY YOU DID NOT AT THAT TIME OR HAVE NOT SINCE HAD AN OPINION AS TO WHETHER THE PARTY WAS IMPLICATED IN IT OR NOT NO SIR I DO NOT THINK I HAVE [*space*] HAVE YOU ANY CONSCIOUS SCRUPLES [*space*] WHERE THE PENALTY MIGHT BE DEATH NO SIR [*space*] MR. CHIDESTER [*space*] WHERE DO YOU RESIDE

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RT	RS	BT	PS
	WASHINGTON LIVED THERE 12 YEARS CITIZEN UNITED STATES NATIVE READ AND WRITE TAXABLE PROPERTY. ANY SCRUPLES AGAINST FINDING VERDICT. DO YOU KNOW PRISONER AT THE BAR I AM NOT ACQUAINTED WITH HIM I KNOW HIM WHEN I SEE HIM. HAVE NOT FORMED ANY OPINION OR EXPRESSED. WHERE WERE YOU LIVING AT THIS TIME I WAS LIVING AT SPANISH FORK. HESSINGER RESIDE BEAVER COUNTY		WASHINGTON HOW LONG THERE 12 YEARS CITIZEN YES SIR NATIVE OR NOT NATIVE TAXABLE PROPERTY YES SIR READ AND WRITE YES SIR CONSCIOUS SCRUPLES NO SIR [*space*] DO YOU KNOW THE PRISONER AT THE BAR I AM NOT ACQUAINTED WITH HIM I KNOW WHEN I SEE HIM [*space*] FORMED OR EXPRESSED OPINION AS TO GUILT OR INNOCENCE NO SIR WHERE WERE YOU LIVING AT THE TIME SPANISH FORK [*space*] MR. HESSINGER [*space*] WHERE DO YOU RESIDE BEAVER COUNTY HOW LONG [*space*]

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RT	RS	BT	PS
	HERE 3 YEARS. MY FATHER WAS CITIZEN BEFORE I WAS OF AGE. BY CAREY IN MISSOURI? YES SIR. HAVE YOU ANY CONSCIOUS SCRUPLES AGAINST FINDING VERDICT NO SIR I DO NOT KNOW PRISONER AT THE BAR. ≤HAVE YOU FORMED ANY OPINION≥ IN MATTER IF SUCH THING HAPPENED AS PAPER STATES AND PEOPLE SPEAKING ABOUT SHAME IF GOVERNMENT HAD NOT DONE SOMETHING IN CASE		HERE 3 YEARS CITIZEN OF THE UNITED STATES MY FATHER WAS A CITIZEN BEFORE I WAS OF AGE YOU ARE FROM MISSOURI YES SIR [*space*] *[[24]]* READ AND WRITE THE ENGLISH LANGUAGE YES SIR HAVE YOU ANY CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE PENALTY MIGHT BE DEATH NO SIR ACQUAINTED [*space*] WITH THE PRISONER NO SIR [*space*] FORMED OR EXPRESSED NO MORE THAN IF I HAVE SAID IF SUCH THING IT WAS A SHAME IF THE GOVERNMENT HAD NOT DONE ANYTHING ABOUT THE CASE YEARS

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RT	RS	BT	PS
	BEFORE I HAVE NOT FORMED ANY OPINION. MR. ROBINSON LIVED PARAGONAH 18 YEARS NATIVE BORN READ AND WRITE TAXABLE PROPERTY. NO CONSCIOUS SCRUPLES I BELIEVE NOT. I HAVE SAW HIM SEVERAL TIMES KNOW HIM WHEN I HIM. I OWNED WERE ACQUAINTED SOME I HAVE SEEN SEVERAL TIMES NO CONNECTION OF HIS EITHER BY MARRIAGE.		AGO I HAVE NOT FORMED AN OPINION MR. ROBINSON [*space*] IRON COUNTY HOW LONG 18 YEARS WHAT PLACE PARAGONAH [*space*] CITIZEN YES SIR NATIVE READ AND WRITE YES SIR TAXABLE PROPERTY YES SIR CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE PENALTY MIGHT BE DEATH NO SIR DO YOU KNOW THE PRISONER AT THE BAR I HAVE SEEN HIM SEVERAL TIMES HOW LONG BEEN ACQUAINTED WITH HIM I AM NOT REALLY ACQUAINTED WITH HIM BUT I HAVE SEEN HIM 6 OR 7 YEARS AGO ANY CONNECTION OF HIS NO SIR FORMED OR EXPRESSES

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RT	RS	BT	PS
	I HAVE FORMED OPINION BY COURT YOU WILL STAND ASIDE. **HOLING** LIVED HERE 3 YEARS CITIZEN UNITED STATES NATURALIZED **SIERRA** COUNTY CALIFORNIA NOT FORMED ANY OPINION		OPINION AS TO HIS GUILT [*space*] I HAVE FORMED AN OPINION CHALLENGED AND EXCUSED [*space*] WHERE DO YOU RESIDE BEAVER COUNTY HOW LONG HERE 3 [*space*] YEARS CITIZEN YES NATURALIZED WHERE CALIFORNIA DO YOU READ AND WRITE THE ENGLISH LANGUAGE YES SIR TAXABLE PROPERTY YES SIR CONSCIOUS SCRUPLES NO SIR [*space*] ~~SPICER~~ SPICER YOU CAN ASK HIM ANY QUESTION YOU WISH TO ROBINSON [*space*] NOT ANY CONNECTION OF HIS HAVE YOU FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR

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RT	RS	BT	PS
			INNOCENCE ~~NO~~ I HAVE NOT
	BY SPICER I UNDERSTAND MR. ROBINSON WAS EXCUSED BY MOTION OF COURT RULE OF LAW AND UNDERSTAND AS HE HAS FORMED OPINION. BY SUTHERLAND WE HAVE NOT ASKED HIM ANY *[11]* QUESTIONS YET. **HOLING** I HAVE SEEN PRISONER. HAVE NOT FORMED OR EXPRESSED ANY OPINION ABOUT MATTER. **G W** CROUCH.		GEORGE W CROUCH [*space*] WHERE DO YOU RESIDE BEAVER HOW LONG FIVE OR 6 YEARS READ AND WRITE ENGLISH LANGUAGE YES SIR CITIZEN YES SIR *[[25]]* NATIVE CONSCIOUS SCRUPLES NO SIR
	RESIDE BEAVER LIVED HERE 5 OR 6 YEARS READ AND WRITE		
	CITIZEN NATIVE. ANY CONSCIOUS SCRUPLES WHERE PUNISHMENT IS DEATH I KNOW THE PRISONER		KNOW THE PRISONER

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RT	RS	BT	PS
	AT THE BAR. I HAVE FORMED AN OPINION AS TO GUILT OR INNOCENCE. **HELLER** LIVE PIUTE COUNTY 5 OR 6 YEARS CITIZEN NATIVE READ AND WRITE ENGLISH LANGUAGE. HAVE YOU SCRUPLES AGAINST FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH I DO NOT KNOW PRISONER AT BAR AM NO CONNECTION OF HIS. MR. **HUNTER** LIVED BEAVER COUNTY		AT THE BAR HAVE YOU FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR INNOCENCE YES SIR [*space*] FRED J HALLER WHERE DO YOU LIVE PIUTE COUNTY HOW LONG 6 YEARS CITIZEN NATIVE READ AND WRITE YES SIR HAVE YOU ANY CONSCIOUS SCRUPLES I HAVE NOT DO YOU KNOW THE PRISONER AT THE BAR NO SIR ANY CONNECTION WITH HIS HAVE YOU FORMED OR EXPRESSED ANY OPINION I HAVE NOT [*space*] ~~MR.~~ ~~HAMILTON~~ [*space*] HUNTER [*space*] WHERE RESIDE BEAVER COUNTY

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RT	RS	BT	PS
	BEAVER 5 OR 6 YEARS CITIZEN UNITED STATES NATIVE BORN READ AND WRITE ENGLISH LANGUAGE SCRUPLES AGAINST FINDING VERDICT NONE SIR. I ONLY KNOW PRISONER AT BAR BY SIGHT I HAVE FORMED OPINION YES SIR [*space*] MR. ROGERS ARE YOU CONNECTION OF MR. LEE'S *REMARKED*[?] NONE OF JURORS WERE CONNECTION EITHER BY MARRIAGE. MR. ROBINSON MR. CROUCH AND MR. HUNTER ALL SAY THEY HAVE FORMED AND EXPRESSED OPINIONS. BY COURT TO DEFENSE DO		FIVE OR 6 YEARS [*space*] CITIZEN UNITED STATES YES SIR NATIVE BORN READ AND WRITE THE ENGLISH LANGUAGE YES SIR CONSCIOUS SCRUPLES *YES*[?] SIR KNOW THE PRISONER BY SIGHT HAVE YOU FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR INNOCENCE YES SIR I HAVE [*space*] ROGERS ARE YOU A CONNECTION OF MR. LEE'S ARE YOU NO SIR *PREJUDICED*[?] NO SIR [*space*] DEFENSE [*space*]

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RT	RS	BT	PS
	YOU WISH TO ASK ANY QUESTIONS. *IIIII* CAREY IF GENTLEMEN WISH TO MAKE POINT OF THAT MATTER I WILL CHALLENGE MR. ROBINSON FIRST.*IIIII* SPICER MR. ROBINSON IN ANSWER TO QUESTIONS OF PROSECUTION YOU SAY YOU HAVE FORMED OPINION IS THAT ONE YOU HAVE MADE UP IN YOUR MIND IS IT SUBJECT TO BE CHANGED SO OR SO IS IT AN UNQUALIFIED OPINION. I WILL ASK WITNESS IF IT IS FIXED DECIDED OPINION ~~. BY CAREY~~		MR. ROBINSON IN ANSWER TO QUESTION OF PROSECUTION SAY YOU HAVE FORMED AN OPINION INQUIRED OF YOU IF THAT OPINION IS ONE THAT YOU HAVE MADE UP IN YOUR MIND OR ONE *UPON*[?] *GENTLEMEN/GENTLEMAN*[?] SPOKEN OF WHETHER THE EVIDENCE MAY *BE SO AND SO*[?] WHETHER IT IS AN UNQUALIFIED OPINION OBJECTED TO [*space*] IF YOU HAVE DETERMINED *HAVE SAID*[?] A CERTAIN FIXED DECIDED OPINION OBJECTED TO

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RT	RS	BT	PS
	WAY I LOOK AT IT MAN THAT HAS HEARD REMARKS AROUND CAN'T HELP BUT HAVE FORMED OPINION IN HIS OWN MIND CAN NOT JUDGE UNTIL HE HEARS CASE FROM BOTH SIDES MAN THAT HAS GOT EARS IS BOUND TO HEAR WHEN HE HEARS WHAT MAN HAS DONE HE HAS GOT MIND OF HIS OWN AND THINKS FOR HIMSELF SO FAR I HAVE FORMED OPINION I DO NOT KNOW WHETHER YOU WILL CALL IT FIXED YOU MIGHT CALL IT IMPRESSION OR HEAR SAY. IT IS YOUR		~~*THINK*~~[?] ~~I HAVE A RIGHT TO~~ THE WAY I LOOK AT IT A MAN THAT HAS HEARD THE RUMORS AROUND CAN'T HELP BUT FORM AN OPINION [*space*] HE HAS GOT OPINION IF IT IS OPINION WHEN HE HEARS THE OTHER SIDE HE IS CAPABLE OF JUDGING FOR HIMSELF [*space*] A MAN HAS GOT EARS HE IS BOUND TO HEAR ~~WHERE~~ WHEN HE HEARS WHAT MEN HAVE DONE HE HAS GOT A MIND OF HIS OWN AND THINKS FOR HIMSELF SO FAR I HAVE FORMED AN OPINION [*space*] HAVE YOU A FIXED OPINION *[[26]]* IS IT A MERE IMPRESSION OR OPINION [*space*] YOU MIGHT CALL IT AN IMPRESSION OR HEARSAY [*space*]

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RT	RS	BT	PS
	OPINION THAT YOU ARE PREPARED TO DECIDE IT NOW WITHOUT ANY FURTHER TESTIMONY. WOULD IT REQUIRE SWORN TESTIMONY TO REMOVE THAT OPINION OBJECTED TO BY CAREY SUTHERLAND WILL TAKE THE RULINGS OF THE COURT. BY SPICER HAVE YOU SUCH AN OPINION NOW AS IT WOULD REQUIRE SWORN TESTIMONY TO REMOVE "I CAN NOT SAY IT WOULD" I HAVE NOT HEARD WHAT YOU MIGHT SAY BOTH SIDES JUST HEARD FLYING REPORT I HAVE OPINION OF MY OWN AS FAR AS I HAVE		~~PREPARED~~ [*space*] WOULD IT REQUIRE SWORN TESTIMONY TO REMOVE THAT IMPRESSION [*space*] OBJECTED TO [*space*] OVERRULED [*space*] HAVE YOU SUCH AN OPINION NOW AS IT WOULD REQUIRE SWORN TESTIMONY TO REMOVE IN ORDER THAT YOU MIGHT RENDER FAIR AND IMPARTIAL VERDICT [*space*] I CAN'T SAY THAT IT WOULD BECAUSE I HAVE NOT HEARD WHAT YOU MIGHT CALL BOTH SIDES I HAVE ONLY HEARD FLYING REPORTS [*space*] THEN

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RT	RS	BT	PS
	HEARD HAVE MADE UP MY MIND UPON WHAT I HAVE HEARD. [*space*] I HAVE CONCLUDED MY MIND UPON WHAT I HAVE HEARD. BY CAREY IF THE COURT PLEASE I WILL WITHDRAW MY CHALLENGE. ≼SPICER≽ WE HAVE NO CHALLENGE TO MAKE BY COURT HAVE YOU ANY QUESTIONS TO ASK WITH REGARD TO MR. CROUCH AND HUNTER. SPICER AND CAREY DO YOU CHALLENGE MR. CROUCH WE DO NOT CHALLENGE ANY BODY *[12]* BY SPICER WE CHALLENGE MR. CROUCH FOR CASE. MR. CAREY ASKED CROUCH		YOU HAVE MADE UP YOUR MIND UPON WHAT YOU HAVE HEARD YES SIR [*space*] UPON WHAT YOU HAVE HEARD YOU HAVE MADE UP YOUR MIND CONCLUDING A CONCLUSION OF GUILT OR INNOCENCE OF THE PARTY YES SIR [*space*] CAREY WITHDRAWS CHALLENGE [*space*] PASSED [*space*] MR. CROUCH CHALLENGED FOR CASE BY DEFENSE [*space*] ≼CAREY TO

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RT	RS	BT	PS
	QUESTION JUDGE OBJECTED TO THE QUESTION. BY CAREY HAVE YOU FIXED OPINION YES SIR I HAVE WELL DEFINED OPINION ABOUT IT. BY COURT YOU WILL STAND ASIDE THAT IS SUFFICIENT. CLERK READ NAME OF JOSEPH KNIGHT HERE. SWORN BY CLERK. BY CAREY WHERE DO YOU LIVE IRON COUNTY PANGUITCH 3 ≤LIVED THERE≥ 3 YEARS HOW HAVE YOU LONG LIVED THIS DISTRICT 7 OR 8 YEARS. CITIZEN UNITED STATES NATIVE HOW LONG YOU LIVED IN TERRITORY ≤SOME≥ 20 YEARS.		MR. CROUCH≥ IS YOUR OPINION AN UNQUALIFIED ONE I HAVE A PRETTY WELL DEFINED OPINION ABOUT IT [*space*] CHALLENGE SUSTAINED [*space*] DRAWN **JOSEPH** **KNIGHT** SWORN ON HIS VOIR DIRE [*space*] WHERE DO YOU LIVE IRON COUNTY WHAT PLACE PANGUITCH HOW LONG YOU LIVED THERE 3 YEARS HOW LONG IN THIS DISTRICT 7 OR 8 YEARS CITIZEN UNITED STATED YES SIR NATIVE OR NATURALIZED NATIVE HOW LONG IN THE TERRITORY SOME 20 YEARS YOU

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RT	RS	BT	PS
	READ AND WRITE YES SIR ANY SCRUPLES AGAINST FINDING VERDICT NO SIR DO YOU KNOW PRISONER AT THE BAR I AM SOMEWHAT ACQUAINTED WITH HIM I HARDLY KNOW WHERE HE DOES LIVE PORTION OF HIS FAMILY LIVE SAME PLACE MINE NO CONNECTION TO ME EITHER BY MARRIAGE. I KNOW NOTHING ABOUT HIS GUILT OR INNOCENCE HAVE NOT FORMED ANY OPINION HAVE HEARD IT TALKED ABOUT. AT TIME OF		READ AND WRITE THE ENGLISH LANGUAGE YES SIR ANY CONSCIOUS SCRUPLES WHERE THE PENALTY [*space*] NO SIR DO YOU KNOW THE PRISONER AT THE BAR I AM SOME ACQUAINTED WITH HIM [*space*] I LIVE IN THE SAME TOWN WITH HIM [*space*] I HARDLY KNOW WHERE HE DOES LIVE A PORTION OF HIS FAMILY LIVES IN THE SAME TOWN I BELIEVE [*space*] NO CONNECTION OF HIS NOR SIR NEITHER BY MARRIAGE NOR OTHERWISE NO SIR [*space*] HAVE YOU FORMED OR ~~EXPRESSED~~ [*space*] ABOUT THE GUILT OR INNOCENCE [*space*] NO SIR I HAVE FORMED NO OPINION HAVE YOU HEARD IT TALKED ABOUT YES SIR

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RT	**RS**	**BT**	**PS**
	CIRCUMSTANCE		
			WHERE WERE
			YOU
			LIVING IN 57
	I WAS MAKING		⩽MAKING MY
	HOME IN		HOME⩾
	PROVO CITY BY		PROVO CITY
	SPICER WILL		[*space*] DEFENSE
	CHALLENGE		CHALLENGED
	JAMES		MR. JAMES
	HUNTER FOR		HUNTER FOR
	CASE		CASE [*space*]
	BY COURT		COURT THE
	WHILE AGO YOU		COUNSEL HELD
	SAID IT		THAT THERE
	WAS NOT		WAS NOT
	SUFFICIENT		SUFFICIENT
	GROUND		GROUND IN THE
	BY HOGE WE		CASE OF
	HAVE		ROBINSON *[[27]]*
	NOT		DEFENSE
	CHALLENGED		QUESTIONED
	MR. HUNTER AT		MR. HUNTER
	ALL. SOME		[*space*]
	DEBATE		
	BETWEEN		
	HOGE AND		
	COURT ABOUT		
	OBJECT OF		
	OBJECTION.		
	THERE SEEMS TO		
	BE SOME		
	MISTAKE		
	BETWEEN —/*YOU*		
	AND[?] COURT.		
	MR. HUNTER IS		IS
	THAT OPINION		THAT OPINION
			OF YOURS
	BASED UPON		BASED UPON
	WHAT YOU		WHAT YOU
	HAVE HEARD		HAVE HEARD
	TALKED OVER		TALKED OVER IN
	ABOUT		CONNECTION TO
	THIS CASE YES		THIS CASE YES

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RT	RS	BT	PS
	SIR IS IT A DECIDED OPINION YES SIR BY COURT YOU WILL STAND ASIDE. CLERK CALLED NAME OF **ELIJAH ELLMORE.**[55] CLERK SWORE HIM. BY COURT REFERENCE TO ARTHUR BEING WITNESS IN CASE. CAREY MR. ELMORE RESIDE PANGUITCH HOW LONG YOU LIVED THERE 2 YEARS LAST MAY. HOW LONG YOU LIVED THIS TERRITORY 25 YEARS I AM CITIZEN NATIVE READ AND WRITE CONSCIOUS SCRUPLES FINDING VERDICT WHERE PENALTY MIGHT		SIR IS IT A DECIDED OPINION YES SIR IT IS STAND ASIDE CHALLENGED SUSTAINED ~~**ALDEN**~~ **ELIJAH ELMO~~RE~~OR** SWORN ON HIS VOIR DIRE WHERE RESIDE IN PANGUITCH HOW LONG LIVED THERE ~~3~~ 2 YEARS HOW LONG HAVE YOU LIVED IN THIS TERRITORY 25 YEARS ARE YOU CITIZEN OF THE UNITED STATES YES SIR NATIVE READ AND WRITE THE ENGLISH LANGUAGE YES SIR CONSCIOUS SCRUPLES ~~NO SIR~~

55. *Salt Lake Tribune* gives the name as Elizar Helmer.

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RT	RS	BT	PS
	BE DEATH I HAVE NOT. ARE YOU CONNECTION EITHER BY MARRIAGE OR OTHERWISE NO SIR I HAVE FORMED OPINION OF CASE. BY CAREY WE CHALLENGE HIM BY COURT YOU WILL STAND ASIDE. CLERK CALLED NAME OF **JOHN E PACE** BY COURT I THINK I HAVE TELEGRAM FROM HIM CERTIFYING HE IS SICK COURT READ TELEGRAM FROM ST. GEORGE DOCTOR *HIGGINS*[?]. COURT HE IS EXCUSED FOR		I HAVE NOT [*space*] ARE YOU ANY CONNECTION EITHER BY MARRIAGE OR OTHERWISE WITH LEE THE DEFENDANT NO SIR HAVE YOU HEARD ANYTHING OF THE CASE YES SIR ≤HAVE YOUR FORMED OR EXPRESSED OPINION AS TO THE≥ GUILT OR INNOCENCE OF THE PARTY I HAVE A FIXED OPINION I HAVE [*space*] I HAVE **JOHN E PACE** SICK AND EXCUSED [*space*]

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RT	RS	BT	PS
	THE TERM. **PAUL PRICE** CALLED BY ~~COURT~~ CLERK. SWORN IN. CAREY WHERE YOU RESIDE PIUTE COUNTY ABOUT 4 YEARS I AM CITIZEN OF THE UNITED STATES READ AND WRITE NATIVE CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH I HAVE NONE I DO NOT KNOW PRISONER OF BAR. HAVE HEARD RUMORS ABOUT IT BUT NOT FORMED ANY OPINION OR PROFESSED BEFORE		**PAUL PRICE** SWORN ON HIS VOIR DIRE WHERE RESIDE PIUTE COUNTY HOW LONG LIVED THERE ABOUT 4 YEARS CITIZEN OF THE UNITED STATES I AM READ AND WRITE THE ENGLISH LANGUAGE YES SIR NATIVE YES SIR CONSCIOUS SCRUPLES NO SIR [*space*] ARE YOU ACQUAINTED WITH THE PRISONER AT THE BAR NO SIR HAVE YOU HEARD ANYTHING OF THIS CASE I HAVE RUMORS ABOUT IT ENOUGH ~~I HEARD ENOUGH~~ FROM WHAT YOU HAVE

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RT	RS	BT	PS
	HAVE NOT FORMED OR EXPRESSED ANY OPINION AS TO GUILT OR INNOCENCE. SPICER TO MR. WADE HOW LONG YOU SAY YOU HAVE RESIDED PIUTE COUNTY 2 YEARS MADE MY RESIDENCE THERE 2 YEARS LIVED NEVADA BEFORE THAT [13] I HAVE BEEN AT WHITE PINE BULLION NORTH PART OF THE STATE I HAVE BEEN RESIDING THERE ON AND OFF FOR LAST 8 YEARS I GUESS CORRECTED UNTIL I CAME HERE. WHAT BUSINESS YOU ENGAGED IN PIUTE COUNTY I HAVE GOT STOCK RANCHING LITTLE. I HAVE		HEARD ≤ HAVE YOU FORMED OR EXPRESSED AN OPINION AS TO THE≥ GUILT OR INNOCENCE I HAVE NOT [*space*] DEFENSE SPICER MR. WADE [*space*] HOW LONG DID YOU SAY YOU HAVE RESIDED IN PIUTE COUNTY 2 YEARS MADE MY RESIDENCE [*space*] WHERE DID YOU RESIDE BEFORE THAT IN NEVADA WHAT PART OF NEVADA I HAVE BEEN AT WHITE PINE AND BULLION NORTH PART OF STATE I HAVE BEEN RESIDING THERE OFF AND ON FOR THE LAST 8 YEARS I GUESS UNTIL I CAME HERE WHAT BUSINESS ARE YOU ENGAGED IN IN PIUTE COUNTY I HAVE GOT STOCK FARM A LITTLE *ONLY*[?] RANCHES YES SIR HAVE YOU

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RT	RS	BT	PS
	NO FAMILY. WHAT PART OF PIUTE COUNTY CIRCLE VILLE. DID I UNDERSTAND YOU TO SAY YOU HAD NOT FORMED OR EXPRESSED ANY OPINION RELATIVE GUILT OF DEFENDANT I SAID I HAD NOT PROVIDED WHAT I HAVE HEARD WAS NOT FACTS. THEN YOU HAVE HEARD SOMETHING OF IT YES SIR I HAVE HEARD GOOD DEAL ABOUT IT I HAVE HEARD IT IN NEVADA AND HERE. YOU HAVE FORMED OR EXPRESSED YES SIR I HAVE EXPRESSED OPINIONS AND THEN GONE OTHER WAY AND THEN IF HE WAS NOT GUILTY HE OUGHT NOT TO BE PUNISHED.		FAMILY NO SIR WHAT PART OF PIUTE COUNTY DO YOU LIVE CIRCLE VILLE DID I UNDERSTAND YOU TO SAY THAT YOU HAD FORMED OR EXPRESSED NO OPINION AS TO THE GUILT [*space*] I SAID I HAD NOT PROVIDING THAT WHAT I HAVE HEARD WAS NOT FACTS THEN YOU HAVE HEARD SOMETHING OF IT YES SIR HEARD GOOD DEAL ABOUT IT WHERE HAVE YOU HEARD IT NEVADA AND HERE *[[28]]* YOU HAVE FORMED OR EXPRESSED NO OPINION PROVIDED [*space*] I HAVE EXPRESSED OPINIONS AND THEN GONE THE OTHER WAY IF HE WAS NOT GUILTY SHOULD NOT BE PUNISHED

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RT	RS	BT	PS
	THEN I HAVE HEARD REPORTS. "UPON STATEMENTS YOU TOOK TO BE FACTS DID YOU EXPRESS DECIDED OPINION AT THAT TIME" AT THAT TIME I DID. HAVE YOU A DECIDED OPINION NOW NO SIR I HAVE NOT. HAVE YOU DECIDED OPINION UPON THAT STATEMENT OF FACTS OBJECTION BY CAREY. ~~<~~SPICER~~>~~ IF YOU HAVE AT THIS TIME ANY OPINION THAT WOULD REQUIRE TESTIMONY TO REMOVE? NO SIR I HAVE NOT. I HAVE NO OPINION ON THE CASE WHATEVER NOW AT ALL. I UNDERSTAND		[*space*] I FIRST THOUGHT IT WAS FACTS AND THEN FLOATING REPORTS [*space*] UPON THAT STATEMENT ~~DID YOU~~ THAT YOU TOOK TO BE FACTS DID YOU FORMED OR EXPRESS DECIDED OPINION AT THAT TIME [*space*] AT THAT TIME I DID [*space*] HAVE YOU A DECIDED OPINION NOW NO SIR HAVE YOU A DECIDED OPINION NOW UPON THAT STATEMENT OF FACTS OBJECTED TO OVERRULED [*space*] IF YOU HAVE AT THIS TIME ANY OPINION THAT IT WOULD REQUIRE TESTIMONY TO REMOVE NO SIR I HAVE NOT [*space*] I HAVE NO OPINION ON THE CASE WHATEVER NOW I UNDERSTAND

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RT	RS	BT	PS
	YOU TO SAY YOU HAVE HEARD THIS MATTER TALKED OVER IN UTAH AND NEVADA YES SIR HOW MANY YEARS AGO WAS IT WHEN YOU FIRST HEARD OF IT I THINK IN ABOUT 71 WAS MY FIRST KNOWLEDGE OF THE FACTS I MIGHT HAVE HEARD REPORTS BEFORE THAT I MAY HAVE HEARD OF IT SEVERAL YEARS AGO BUT NOTHING IN RELATION TO FACTS. BY SPICER IN 71 YOU HEARD IT RELATED THE FACTS AS I UNDERSTAND IT YES SIR. DO YOU THINK YOU KNOW WHAT		YOU TO SAY YOU HAVE HEARD THIS MATTER TALKED OVER BOTH IN UTAH AND NEVADA YES SIR FOR HOW MANY YEARS PASSED HOW MANY YEARS AGO WAS IT WHEN YOU FIRST HEARD OF THIS TO THE BEST OF YOUR RECOLLECTION I THINK IN ABOUT 71 WAS MY FIRST KNOWLEDGE OF FACTS I COULD HAVE HEARD REPORTS BEFORE THAT ~~YOU THINK~~ ~~THEN IN 71~~ AS RELATED TO THE FACTS UNTIL 71 YES SIR THEN IN 71 YOU HAD HEARD IT RELATED AS A STATEMENT OF FACTS AS YOU UNDERSTAND IT YES SIR DO YOU ~~KNOW~~ THINK YOU KNOW WHAT THE

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RT	RS	BT	PS
	FACTS IN RELATION TO IT ARE. BY CAREY THAT IS DECIDEDLY IMPROPER QUESTION. JUDGE SPICER WHETHER OR NOT HE THINKS HE KNOWS THE FACTS. BY CAREY WE OBJECT DECIDEDLY TO THAT MR. WADE DO YOU THINK YOU KNOW AT THIS TIME THE FACTS NO SIR I DO NOT. HAVE YOU HEARD IT SINCE THAT TIME. I HAVE HEARD PEOPLE SAY SUCH AND SUCH HAD HAPPENED AND MR. LEE WAS THE LEADER INTERRUPTED. BY COURT YOU NEED NOT STATE WHAT YOU HAVE HEARD. SPICER		FACTS IN RELATION TO IT ARE NOW OBJECTED TO OVERRULED [*space*] NO SIR I DO NOT BUT HEARD IT TALKED OVER THEN IN 71 WHAT YOU CONSIDERED A RELATION OF THE FACTS HAVE YOU EVER HEARD IT SINCE THAT TIME [*space*] I HAVE HEARD PEOPLE SAY THAT SUCH AND SUCH BE DONE AND THAT MR. LEE WAS THE LEADER [*space*]

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RT	RS	BT	PS
	STATEMENT HE HAS JUST MADE YOUR HONOR WE HAVE RIGHT TO MAKE USE OF IT. BY COURT YOU HAD NO RIGHT TO DRAW IT OUT. I SHALL ASK WITNESS IF AT THIS TIME HE BELIEVES IT BY COURT I THINK HE HAS NEXT QUESTION OBJECTED BY CAREY. SPICER MR. WADE HAVE YOU ANY PREJUDICE OR BIAS OR SUCH A STATE OF MIND PREVENT YOU FROM DOING JUSTICE TO PARTY ON TRIAL. NO SIR I HAVE NOT WILL PASS MR. WADE. SPICER IF AT TIME IN RELATION CIRCUMSTANCE S FACTS THIS		IF AT THIS TIME HE BELIEVES THAT OR ANY *PROOF/SUPPOSIT ION*[?] OF WHAT HE HEARD TO BE TRUE OBJECTED TO [*space*] HAVE YOU ANY PREJUDICE OR BIAS OR DO YOU HAVE SUCH A STATE OF MIND AS WOULD PREVENT YOU FROM RENDERING A FAIR AND IMPARTIAL VERDICT TO THE PARTY IN THIS CASE NO SIR I HAVE NOT [*space*] ~~PASS~~ IF AT THE TIME OF HEARING RECITAL AND WHAT HE CONSIDERED THEN A RELATION TO THE FACTS IN THIS

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RT	RS	BT	PS
	CASE HE THEN FORMED AN OPINION DECIDED OPINION IN 71 ANSWERED YOU MIGHT SAY THAT I DID I HAVE REFERENCE OF LATE YEARS. YES SIR I DID HAVE DEFINITE OPINION THAT [*space*] WE CHALLENGE HIM. CAREY JUROR STATES IF COURT PLEASE HE FORMED HIS OPINION ON WHAT HEARD AT THAT TIME STATES NOW THAT HE HAS NO OPINION. BY BISHOP YOUR HONOR PLEASE UNDERSTAND RULE OF LAW TO BE MAN[~~?~~] ONCE FORMED OR EXPRESSED UNQUALIFIED OPINION TOUCHING PARTY ON		CASE HE FORMED A DECIDED OPINION IN 71 YOU MIGHT SAY THAT I DID I SAID AT FIRST THAT I DID NOT WHICH I HAD REFERENCE TO LATE YEARS [*space*] WHAT I AM ASKING THAT WHETHER YOU FORMED OR EXPRESSED A DECIDED OPINION

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RT	RS	BT	PS
	TRIAL HE IS UNFIT JUROR NO RULE OF LAW [14] NO RULE OF PRINCIPLES PERMITS THAT PARTY QUALIFY HIMSELF AFTER ONCE HAVING EXPRESSED DECIDED OPINION AS TO WHETHER GUILTY OR INNOCENCE OF DEFENDANT. COURT CAN UNDERSTAND WHY WE CHALLENGE THIS JUROR. HE STATES 71 HE HEARD WHAT HE THEN BELIEVED TO BE FACTS IN CASE IN ANSWER TO BISHOP DID YOU THEN. YOU HAVE ANSWERED YES ON SEVERAL OCCASIONS YOU HAD AT THAT TIME FORMED OR EXPRESSED DECIDED OPINION		IN 71 AT THE TIME YOU HEARD WHAT YOU SUPPOSED TO BE A DETAIL OF FACTS CHALLENGED FOR CASE OBJECTED TO [*space*] DID YOU NOT SAY THAT YOU HAD FORMED OR EXPRESSED A DECIDED OPINION AT THAT TIME

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RT	RS	BT	PS
	WAS THAT SO OR NOT I DO NOT KNOW WHETHER IT WAS SO OR NOT. 71 DID YOU FORM DECIDED OPINION UPON WHAT YOU HAD HEARD ON THIS CASE I DO NOT KNOW I HAVE HAD A DECIDED AND POSITIVE OPINION OF THE GUILT OR INNOCENCE IN THE CASE. BY BISHOP DID YOU AT THAT TIME BELIEVE UNDERSTOOD WHAT SHOULD BE DONE YES SIR I DID I DID NOT SAY WHETHER DEFENDANT SHOULD BE		BELIEVE **& C** ~~I~~ ~~EXPRESSED~~ *[[29]]* YOU HAVE ANSWERED SO THAT YOU DID [*space*] WAS THAT SO OR NOT I DON'T KNOW WHETHER IT WAS SO OR NOT IT IS THE SAME [*space*] IN 1871 DID YOU FORM A DECIDED OPINION UPON WHAT YOU HAD HEARD RELATING TO THE CASE TO THE GUILT OR INNOCENCE OF THE DEFENDANT I DO NOT KNOW AS I HAVE HAD DECIDED AND POSITIVE OPINION AS TO THE GUILT OR INNOCENCE OF THE PARTY [*space*] DID YOU BELIEVE THAT ~~UPON~~ WHAT YOU HEARD WAS TRUE AND STATE WHAT YOU THOUGHT SHOULD BE DONE [*space*] DID YOU EXPRESS AN OPINION THAT HE SHOULD BE

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RT	RS	BT	PS
	ACQUITTED DID YOU EVER EXPRESS DECIDED OPINION ONE WAY OR THE OTHER COULD NOT SAY THAT I HAVE DID YOU FORM DECIDED OPINION AT THAT TIME HEARD FACTS AS TO GUILT OR INNOCENCE OF DEFENDANT NO SIR I DID NOT. BY BISHOP YOU CHOP FASTER THAN I CAN. ~~**HOLING**~~ **≤HESSENGER≥** RESIDE SOUTH CEDAR LIVED THERE OFF AND ON FOR 3 YEARS ENGAGED MINING. BY SPICER RELATIVE TO		CONVICTED OR ACQUITTED NO SIR DID YOU EVER EXPRESS DECIDED OPINION ONE WAY OR THE OTHER I COULD NOT SAY THAT I DID [*space*] DID YOU FORM A DECIDED OPINION AT THE TIME THAT YOU HEARD THE FACTS IN 71 AS TO THE GUILT OR INNOCENCE OF THIS DEFENDANT NO SIR I DID NOT CHALLENGED OVERRULED EXCEPTION [*space*] LOU HESSINGER [*space*] WHERE DID YOU SAY YOU RESIDE IN CEDAR DISTRICT WHAT PART OF CEDAR SOUTH CEDAR HOW LONG [*space*] OFF AND ON FOR ~~4~~**3** YEARS ENGAGED IN MINING I BELIEVE YES SIR [*space*] IN RELATION TO

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RT	RS	BT	PS
	YOUR CITIZENSHIP I UNDERSTAND YOUR FATHER WAS NATURALIZED AM I CORRECT YES SIR. I WAS ABOUT 9 YEARS WHEN HE WAS NATURALIZED. MY FATHER HAD PROPERTY THERE. SPICER HOW LONG HAD YOU BEEN IN COUNTRY AT TIME YOUR FATHER WAS NATURALIZED I CAME		YOUR CITIZENSHIP I UNDERSTAND THAT YOU ≼YOUR≽ FATHER WAS NATURALIZED BUT NOT YOURSELF YES SIR HOW OLD WAS YOU WHEN YOUR FATHER WAS NATURALIZED ABOUT 9 YEARS [*space*] HOW LONG HAD YOU LIVED IN THE COUNTRY AT THAT TIME I WAS A BOY I DID NOT PAY MUCH ATTENTION TO POLITICS BUT I BELIEVE HE WAS NATURALIZED RIGHT AWAY WANTED TO [*space*] HOW LONG HAD YOU BEEN IN THE COUNTRY AT THE TIME YOUR FATHER WAS NATURALIZED [*space*] DID YOU COME TO THE

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RT	RS	BT	PS
	COUNTRY WHEN MY FATHER DID I WAS ABOUT 9 YEARS OF AGE I HAVE NEVER TAKEN ANY OATH OF CITIZENSHIP.		COUNTRY WHEN HE DID YES SIR YOU SAY ABOUT 9 YEARS OLD YES SIR HAVE YOU EVER TAKEN ANY OATH OF CITIZENSHIP ANYTHING OF THAT KIND NO SIR [*space*] TAKEN ANY STEPS ON YOUR PART NO SIR [*space*] WAS YOU PRESENT IN COURT WHEN YOUR FATHER WAS NATURALIZED I BELIEVE NOT I CAN'T REMEMBER CAN YOU STATE IN WHAT COUNTY HE WAS NATURALIZED [*space*] HE WAS NATURALIZED IN MADISON COUNTY AT THE TOWN OF FREDRICKTOWN MISSOURI THE COUNTY SEAT [*space*] HOW LONG AGO GOOD WHILE AGO I NEVER [*space*] HOW OLD ARE YOU NOW OVER 41 THIS WAS DONE
	WAS YOU PRESENT IN COURT WHEN YOUR FATHER WAS NATURALIZED I BELIEVE NOT I DO NOT REMEMBER		
	HE WAS NATURALIZED *IN*[?] MADISON COUNTY		
	COUNTY SEAT MISSOURI. HOW LONG AGO GOOD WHILE AGO HOW OLD ARE YOU NOW OVER 41 ~~THIS WAS DONE~~		

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RT	RS	BT	PS
	MY FATHER WAS NATURALIZED DURING HIS 5 YEARS REMOVED TO AMERICA. DO YOU KNOW ANYTHING IN RELATION THIS NATURALIZATIO N OF YOUR OWN KNOWLEDGE I KNOW HE WENT TO TOWN AND GOT IT BEFORE I CAME OF AGE. I DID NOT SEE IT DONE.		WHEN YOU WERE 9 YEARS OLD NO I CAME HERE WHEN I WAS 9 [*space*] *[[30]]* YOU CAN'T STATE HOW MANY YEARS AGO IT WAS DONE [*space*] I BELIEVE MY FATHER GOT NATURALIZED IN THE FIRST FIVE YEARS THAT MOVED TO AMERICA DO YOU KNOW ANYTHING ABOUT THIS OR CAN'T YOU STATE ANYTHING ABOUT IT OF YOUR OWN KNOWLEDGE I KNOW HE WENT TO TOWN AND THAT HE DID BEFORE I CAME OF AGE [*space*] CAN'T YOU STATE ANYTHING OF YOUR OWN KNOWLEDGE IN RELATION TO THIS NATURALIZATIO N DID YOU SEE IT DONE NO SIR I DID NOT SEE IT DONE CAN YOU

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RT	RS	BT	PS
			STATE THAT YOU KNEW ANYTHING FURTHER ABOUT IT THAN WHAT YOU HAVE HEARD ANYTHING MORE THAN HEARSAY [*space*]
	CAN YOU STATE ANY FACT YOU KNOW OF YOUR OWN KNOWLEDGE NOT MORE THAN WHAT I HAVE SEEN AT THE TIME.		CAN'T YOU STATE ANY FACT THAT YOU HAVE OF YOUR OWN KNOWLEDGE [*space*] NO MORE THAN WHAT I HAVE SEEN AT THE TIME I HAVE SEEN HIM HAVE TO GO TO TOWN WHEN ELECTION CAME [*space*]
	SAW POLK'S ELECTION COME DID NOT PAY MUCH ATTENTION TO IT I KNOW MY FATHER VOTED. I DID NOT SEE THE PAPERS. DO YOU KNOW ANYTHING FURTHER THAN THAT YOUR FATHER VOTED I DO NOT KNOW HE NEVER HAD ANY OFFICE I KNOW OF. BY SPICER WE DO		YOU SIMPLY KNEW YOUR FATHER VOTED I NEVER SAW HIS PAPERS DO YOU KNOW ANYTHING FURTHER THAN THAT YOUR FATHER VOTED HE NEVER HELD ANY OFFICE THAT I KNOW OF [*space*]

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RT	RS	BT	PS
	NOT THINK IT IS SUFFICIENT EVIDENCE HE IS NATURALIZED GREAT MANY VOTE WITHOUT THEIR PAPERS BE JUROR AND HAVE BEEN REGISTERED. [*space*] SPICER GIVE US YOUR NAME IN FULL. ~~FREDERICK~~ <*FREDERICK*[?]> LEWIS HESSENGER OBJECTED TO BY SPICER ON ACCOUNT OF NAME NOT BEING ON LIST BY COURT ON FIRST GROUND I THINK IS NOT GOOD ON THE SECOND I THINK IS GOOD. YOU WILL STAND ASIDE. [*space*] [15] BY CAREY MY NAME IS JOSEPHUS WADE. JAMES **C**		~~CHALLENGED FOR CASE~~ GIVE US YOUR NAME FREDERICK LEWIS HESSINGER <TO THE CLERK> HOW IS IT ON YOUR LIST [*space*] CHALLENGED FOR CASE BECAUSE HE IS NOT A CITIZEN AND THAT HIS NAME IS NOT ON THE LIST. ~~<~~COURT~~>~~ FIRST GROUND NOT GOOD SECOND I THINK IS GOOD CHALLENGE SUSTAINED [*space*] WADE WHAT IS YOUR NAME JOSEPHUS WADE WHAT IS YOURS MISTER [*space*] JAMES **C**

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RT	RS	BT	PS
	HIESTER. DAVID ROGERS. ISAAC DUFFIN. CHRISTOPHER **J** ARTHUR. MR. JOHN *P*[?] CHICHESTER. JAMES ***C*** ROBINSON. MR. HENRY HOLING. MR. HALLER JACOB FREDERICK HALLER BY SUTHERLAND BY WHAT CHRISTIAN NAME ARE YOU COMMONLY CALLED I AM SOMETIMES CALLED ONE AND ANOTHER I AM ACTUALLY CALLED FRED. MR. KNIGHT JOSEPH KNIGHT. MR. PAUL PRICE. BY SPICER ONLY 11 MEN IN JURY BOX BY SUTHERLAND WE CHALLENGE MR. **HALLER**. **GEO F** **JARVIS** SWORN BY CLERK. WHERE YOU		HEISTER MR. ROGERS DAVID ROGERS MR. DUFFIN ISAAC DUFFIN MR. ARTHUR CHRISTOPHER J ARTHUR MR. CHIDESTER JOHN P CHIDESTER ROBINSON JAMES **C** MR. *HOLINGS*[?] ~ [*space*] HALLER JACOB FREDERICK HALLER ~~MR.~~ ~~HUNTER~~ BY WHAT CHRISTIAN NAME ARE YOU COMMONLY CALLED I SOMETIMES BY ONE SOMETIMES ANOTHER CALLED AS *FKRK*[?] NOT FREDERICK OR FRED MR. KNIGHT [*space*] JOSEPH MR. PRICE PAUL PRICE DEFENSE CHALLENGED MR. HALLER **GEORGE F** **JARVIS** WHERE DO YOU

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RT	RS	BT	PS
	LIVE ST. GEORGE 14 YEARS TERRITORY 15 YEARS I AM CITIZEN NATURALIZED ST. GEORGE BY JUDGE HAWLEY PRESIDING HIMSELF. READ AND WRITE I DO. ANY CONSCIOUS SCRUPLES WHERE PUNISHMENT MIGHT BE DEATH NOT ANY. ONLY KNOW PRISONER AT BAR BY SIGHT AM NO CONNECTION HAVE NOT FORMED OR EXPRESSED ANY OPINION HAVE HEARD OF THE CASE HAVE NOT TALKED ABOUT IT		LIVE ST. GEORGE HOW LONG 14 YEARS HOW LONG IN THE TERRITORY 15 YEARS CITIZEN I AM NATURALIZED WHERE NATURALIZED ST. GEORGE THE JUDGE HAWLEY PRESIDING [*space*] *[[31]]*[56] DO YOU READ AND WRITE THE ENGLISH LANGUAGE I DO CONSCIOUS SCRUPLES [*space*] NONE SIR DO YOU KNOW THE PRISONER AT THE BAR ONLY BY SIGHT ANY CONNECTION NO SIR HAVE YOU FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR INNOCENCE NO SIR EVER HEARD OF THE CASE I HAVE TALKED ABOUT IT NO SIR NEVER TALKED WITH

56. The verso of page 31 contains only a drawn profile labeled: W SPICER.

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RT	RS	BT	PS
	HAVE ANY OPINIONS ≼NO≽ SIR BY SPICER HENRY **HOLLING** HE SPELLED HIS NAME. LIVED CEDAR ON AND ON LAST 3 YEARS LIVED CALIFORNIA BEFORE THAT. I AM MINER FLOW MINING. CAME FROM CALIFORNIA TO UTAH. BY SPICER HOW IS THAT NAME ON THE LIST CLERK ANSWERED **HOLING** HAVE YOU EVER HEARD THIS MATTER TALKED OVER. YES SIR SOME. I THOUGHT WAS		ANYBODY NOT THAT I KNOW OF [*space*] HAVE NO OPINION ?[57] NONE SIR [*space*] PASSED HOLLING [*space*] **HOLLING** WHERE DID YOU SAY YOU LIVE IN CEDAR ON AND ON FOR THE LAST 3 YEARS WHERE DID YOU LIVE BEFORE THAT CALIFORNIA YES SIR MINER YES SIR CAME FROM CALIFORNIA TO UTAH YES SIR HOW DID YOU SAY YOU SPELLED YOUR NAME H **HOLLING** ≼TO CLERK≽ HOW IS THAT NAME ON THE LIST [*space*] ONE **S** [*space*] HAVE YOU EVER HEARD THIS MATTER TALKED OVER YES I HAVE HEARD IT TALKED [*space*] WHEN DID YOU FIRST HEAR OF IT WHEN I CAME

57. Question mark appears to be in Rogerson's hand.

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RT	RS	BT	PS
	FIRST IN UTAH BUT I DO NOT RECOLLECT. —[?] YOU BEEN IN UTAH LAST 3 YEARS. HAVE YOU IN MIND ANY PARTICULAR TIME OR PLACE OR PERSONS YOU HAVE TALKED IT OVER I DO NOT REMEMBER. HAVE YOU DISTINCT MEMORIES OF ANY TIME OR CIRCUMSTANCES WHEN YOU TALKED IT OVER. I HAVE NOT FORMED OR EXPRESSED ANY OPINION. IF YOU HAVE HEARD IT TALKED OVER		TO UTAH I MIGHT HAVE HEARD OF IT IN CALIFORNIA BUT I DO NOT RECOLLECT YOU HAVE ONLY BEEN IN UTAH 3 YEARS IF YOU HEARD IT IN UTAH IT IS IN THE LAST 3 YEARS DO YOU HAVE IN MIND ANY PARTICULAR TIME OR PLACE OR WITH ANY PARTICULAR PERSONS YOU HAVE HEARD IT TALKED OVER NO SIR HAVE YOU ~~ANY~~ DISTINCT MEMORIES OF CIRCUMSTANCES NO SIR I HAVE NOT DO I UNDERSTAND YOU TO SAY THAT YOU HAVE FORMED OR EXPRESSED ANY DECIDED OPINION ≤AS TO THE GUILT OR INNOCENCE≥ I HAVE NOT [*space*] HAVE YOU EVER HEARD IT TALKED OVER

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RT	RS	BT	PS
	FREQUENTLY THAT YOU KNOW OF. OBJECTED BY CAREY. ~~IT WAS AT THE~~ HAVE HEARD IT TALKED HERE IN BEAVER SINCE I HAVE BEEN HERE IN COURT. HAVE HEARD IT TALKED EVER BEFORE HAVE HEARD SEVERAL PERSONS SPEAKING OF IT. SPICER FROM THEIR SPEAKING OF IT AND WHAT YOU HEARD AT TIME DID YOU EXPRESS DECIDED OPINION I DID NOT *ONLY*[?] DID NOT AT THE TIME. HAVE YOU ANY BIAS PREJUDICE TO PREVENT YOUR GIVING FAIR IMPARTIAL VERDICT		FREQUENTLY THAT YOU REMEMBER OF [*space*] OBJECTED TO OVERRULED [*space*] ~~IT WAS~~ I HAVE HEARD IT TALKED IN BEAVER SINCE I WAS HERE [*space*] EVER BEFORE YES SIR I THINK I HAVE [*space*] ~~EVER~~ MORE THAN ONCE BEFORE I HAVE HEARD SEVERAL PERSONS SPEAK ABOUT IT [*space*] FROM THEIR SPEAKING OF IT AND WHAT YOU HEARD AT THE TIME DID YOU FORM OR EXPRESS A DECIDED OPINION AS TO THE GUILT OR INNOCENCE OF DEFENDANT ~~NO~~ ~~SIR~~ I HAVE NOT *ONLY*[?] DID NOT AT THE TIME NO SIR HAVE YOU ANY BIAS OR PREJUDICE OR STATE OF MIND SUCH AS WOULD PREVENT YOU FROM GIVING FAIR AND IMPARTIAL VERDICT FROM

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RT	RS	BT	PS
	PREVENT ME GIVING VERDICT AGAINST DEFENDANT. BY HOGE YOU SAY YOU HAVE LIVED THESE LAST THREE YEARS ≤OFF AND≥ ON IN THIS TERRITORY CEDAR DISTRICT WHEN YOU WERE NOT LIVING IN CEDAR DISTRICT I WAS IN ARIZONA I WENT 5TH NOVEMBER “LAST” IN YEAR LAST NOVEMBER BEFORE LAST. REMAINED IN ARIZONA ABOUT 9 MONTHS. CAME BACK TO UTAH FROM FORT DEFIANCE TO UTAH. I WAS THERE		THE TESTIMONY PRODUCED NO SIR I HAVE NOT [*space*] MR. HOGE [*space*] YOU SAY THAT YOU HAVE LIVED OFF AND ON IN THIS TERRITORY IN CEDAR DISTRICT WHEN YOU WERE NOT LIVING IN CEDAR DISTRICT WHERE WERE YOU LIVING IN ARIZONA [*space*] WHEN LAST I WENT 5TH OF LAST NOVEMBER LAST NOVEMBER A YEAR HOW LONG REMAINED THERE ABOUT 9 MONTHS WHERE DID YOU GO TO WHEN YOU LEFT ARIZONA I CAME BACK TO UTAH [*space*] DIRECTLY I CAME FROM FORT DEFIANCE DIRECTLY WHEN WERE YOU AT FORT DEFIANCE I WAS THERE

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RT	RS	BT	PS
	LAST 4TH JULY A YEAR AGO. CAME ~~<~~ACROSS~~>~~ MR. LEE'S FERRY BACK TO UTAH. I WENT TO CEDAR DISTRICT. I THINK I ARRIVED THERE IN AUGUST. WHAT TIME IN AUGUST ABOUT MIDDLE OF AUGUST. I HAVE NO FAMILY. IF YOUR HONOR PLEASE WE PROPOSE TO CHALLENGE THIS JUROR BECAUSE HE DID NOT RESIDE IN UTAH 6 SIX MONTHS PREVIOUS TO THIS TRIAL.BY SPICER HAVE YOU EVER PAID TAXES I HAVE NOT SINCE I HAVE BEEN *[16]* HERE.		LAST 4TH JULY A YEAR AGO THEN WHAT PART OF UTAH DID YOU COME BACK TO [*space*] I CAME ACROSS MR. LEE'S FERRY *[[32]]* WHAT PART OF THE TERRITORY DID YOU STOP IN CEDAR DISTRICT WHEN DID YOU ARRIVE THERE I THINK IT WAS IN AUGUST WHAT TIME IN AUGUST I THINK IT WAS ABOUT THE MIDDLE OF AUGUST HAVE YOU GOT ANY FAMILY NO SIR ~~CHALLENGED FOR CASE~~ [*space*] ARE YOU TAX PAYER IN THIS TERRITORY I HAVE GOT SOME MINING PROPERTY HAVE YOU EVER PAID TAXES HAVE YOU TAXABLE PROPERTY AND HAVE YOU PAID TAXES I HAVE NOT SINCE I HAVE BEEN HERE [*space*]

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RT	RS	BT	PS
			WHAT KIND OF MINING PROPERTY IS THAT PROSPECTS AND CLAIMS LOCATIONS YES SIR ~~NO~~ HAVE YOU ANY PREJUDICE I HAVE NOT [*space*] CHALLENGED [*space*]
	WE CHALLENGE HIM BECAUSE HIS NAME IS NOT PROPERLY SPELLED ON THE LIST AND HAS NOT PAID TAXES. MY PROPERTY IS JUST CLAIMS I HAVE NO PATENT.		~~CHALLENGED FOR THE~~ [*space*]
	BY CAREY WHEN YOU WENT FROM UTAH TO ARIZONA DID YOU GO WITH INTENTION OF LEAVING UTAH.		WHEN YOU WENT FROM UTAH TO ARIZONA DID YOU GO WITH THE INTENTION OF LEAVING UTAH YES SIR ABANDONING YOUR HOME HERE AND GOING THERE TO LIVE YES SIR
	YES SIR.		WHEN DID YOU RETURN HERE LAST AUGUST [*space*] BEEN LIVING HERE
	RETURNED LAST AUGUST BEEN LIVING HERE		

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RT	RS	BT	PS
	EVERY SINCE. BACK DEFENSE HE DID NOT HERE SIX MONTHS PRIOR TO LISTING. CHALLENGE IS SUSTAINED ON THAT GROUND YOU ARE EXCUSED FOR THE TERM. BY CAREY I WISH ASK LAST JUROR ANOTHER QUESTION. WHAT TIME DID YOU COME INTO TERRITORY FROM ARIZONA I MUST HAVE BEEN AT FERRY ABOUT 4TH OF AUGUST THAT WILL DO. [*space*] CLERK READ NAME WILLIAM		EVERY SINCE YES SIR [*space*] CHALLENGED BY DEFENSE ON THE GROUND THAT THE JUROR'S NAME IS NOT SPELLED RIGHT AND THAT HE IS NOT ~~BEEN~~ A TAXPAYER. CHALLENGE SUSTAINED ON THE GROUND THAT HE HAS NOT BEEN 6 MONTHS IN THE DISTRICT BEFORE LISTING [*space*] CAREY [*space*] WHAT TIME DID YOU COME INTO THE TERRITORY FROM ARIZONA ABOUT THE 4TH OF AUGUST. — **WM**

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RT	RS	BT	PS
	THOMPSON SENIOR. SPICER MR. HALLER HOW LONG YOU SAY YOU RESIDED IN UTAH ABOUT 6 YEARS. HOW LONG YOU BEEN TERRITORY WHEN I FIRST MET YOU I HAD BEEN OVER A YEAR. YOU SAY YOUR NAME IS JACOB FREDERICK HALLER THAT IS THE WAY I SIGN MY NAME. DID NOT YOU ANSWER ONCE BEFORE SOMETIMES THEY CALL YOU FRED SOMETIMES *FRANK*[?] THEY CALL ME IN THIS COUNTRY FRED AT ALL TIMES. OTHER PLACES THEY CALL ME JACOB I HAVE A PARTNER CALLED JACOB.		**THOMPSON** **SENR.** [*space*] HALLER HOW LONG DID YOU SAY YOU HAD RESIDED IN UTAH ABOUT 6 YEARS HOW LONG IN ≤SPICER≥ THE TERRITORY WHEN I FIRST MET YOU [*space*] OVER A YEAR [*space*] YOU SAY YOUR NAME IS JACOB FREDERICK THAT IS THE WAY I SIGN MY NAME [*space*] YOU ANSWERED ONCE BEFORE THAT SOMETIMES THEY CALL YOU FRED AND SOMETIMES JACOB [*space*] THEY DO THEN THEY CALL ME FRED AT ALL TIMES THAT IS HOW I AM KNOWN [*space*] THEY SOMETIMES CALL ONE NAME AND SOMETIMES ANOTHER [*space*]

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RT	RS	BT	PS
	HAVE/IF[?] FORMERLY YEAR OR TWO IF YOU DID NOT GET TO GO BY NAME OF JACOB NO SIR NOT IN UTAH REFRESH YOUR MEMORY AT TIME WE FIRST BECAME ACQUAINTED YOUR FULL NAME WAS NOT JAKE HALLER NO SIR. I SIGN MY NAME JACOB **F** **HALLER** WE CHALLENGE THE JUROR *KNOW*[?] THAT HIS NAME HAS NOT BEEN PROPERLY LISTED AND DRAWN SIGNS HIS NAME JACOB **F** HALLER AND IT IS NOT SO ON THE LIST. ≤BY COURT≥ CHALLENGE IS SUSTAINED YOU ARE EXCUSED FOR THE TERM. MR. WILLIAM THOMPSON STOOD UP AND		ASK YOU IF FORMERLY A YEAR OR TWO PRIOR TO THE PRESENT TIME IF YOU DID NOT GO ALL THE TIME BY THE NAME OF JACOB NO SIR NOT IN UTAH [*space*] TO REFRESH YOUR MEMORY AT THE TIME I WAS JUST SPEAKING OF IF YOUR NAME WAS NOT JAKE HALLER I SIGN I SIGN MY JACOB **F** HALLER [*space*] CHALLENGE THE JUROR ON THE COUNT THAT HE HAS NOT BEEN PROPERLY *[[33]]* LISTED AND DRAWN. CHALLENGE SUSTAINED [*space*] ~~WILLIAM~~ ~~THOMAS SWORN~~ ~~ON HIS VOIR~~ ~~DIRE~~ [*space*] ~~WILLIAM~~ MR. THOMPSON SWORN ON HIS

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RT	RS	BT	PS
	WAS SWORN BY CLERK. ≼CAREY≽ LIVE BEAVER LIVED HERE LAST 16 OR 17 YEARS CORRECTED TO 16. CITIZEN UNITED STATES NATURALIZED HERE IN OPEN COURT IN BEAVER READ AND WRITE ANY SCRUPLES AGAINST FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH NO SIR I DO NOT THINK I HAVE I AM ACQUAINTED WITH PRISONER I HAVE KNOWN HIM EVERY SINCE HE WAS ARRESTED BROUGHT TO BEAVER I HAVE		VOIR DIRE [*space*] WHERE DO YOU LIVE IN BEAVER HOW LONG LIVED HERE 16 OR 17 YEARS ARE YOU CITIZEN OF THE UNITED STATES YES SIR NATURALIZED WHERE HERE IN BEAVER IN OPEN COURT YES SIR READ AND WRITE THE ENGLISH LANGUAGE YES SIR CONSCIOUS SCRUPLES NO SIR [*space*] ARE YOU ACQUAINTED WITH THE PRISONER AT THE BAR YES SIR HOW LONG HAVE YOU KNOWN HIM I HAVE KNOWN HIM EVERY SINCE HE WAS ARRESTED AND BROUGHT TO BEAVER YES SIR HAVE YOU

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RT	RS	BT	PS
	HEARD CONSIDERABLE ABOUT CASE I DO NOT KNOW THAT I HAVE OR WHAT EVIDENCE WOULD CONTROL ME I CERTAINLY HAVE FORMED OPINION AS TO HIS GUILT OR INNOCENCE IT IS NOT FIXED. SPICER I THINK YOUR HONOR WITNESS IS EXCUSABLE WHILE AT THIS TIME CHALLENGED FOR CASE AND ASK THE COURT MOVE HAVE COURT APPOINT TRIERS TO TRY FOR		HEARD ANYTHING ABOUT THIS CASE [*space*] FROM WHAT YOU HAVE HEARD ~~<~~HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE~~>~~ GUILT OR INNOCENCE OF THE DEFENDANT I DO NOT KNOW THAT I HAVE OR WHAT EVIDENCE MIGHT CONTROL ME WHETHER YOU HAVE FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR INNOCENCE I CERTAINLY HAVE [*space*] IS THAT A FIXED OPINION NO SIR IT IS NOT FIXED EVIDENCE MAY CHANGE IT. CHALLENGED FOR CASE ~~<FAVOR OR PREJUDICE>~~ HAVE ACTUAL BIAS AND ASK THE COURT TO APPOINT TRIERS TO TRY HIM.

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RT	RS	BT	PS
	CASE. BY CAREY WE HAVE NOT CHALLENGED HIM. BY HOGE YOUR HONOR PLEASE CAN GO AND EXAMINE THIS IF WE GO AND EXAMINE THIS ~~*WITNESS*~~[?] JUROR WE LOOSE EVERY POINT WE HAVE ARGUED HOW TO RULE ON CHALLENGE FOR FAVOR. WE WOULD PREFER TO HAVE IT TRIED OTHER WAY. WE ARE ENTITLED TO TRIERS FALL BACK UPON WHAT IS COMMON LAW. WE NOW FALL BACK ON OUR COMMON LAW RIGHT. SPICER I CHALLENGE JUROR FOR ACTUAL BIAS TRY QUESTION AS TO HIS ACTUAL BIAS OR PREJUDICE [*space*] [17] BY COURT IT IS MY IMPRESSION YOU HAVE RIGHT OF TRIAL AS TO THE TRIERS. HOGE		DEFENSE

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RT	RS	BT	PS
	WE INSIST ON TRIERS ON BOTH COUNTS. BY COURT IF YOU DO NOT SHOW ANY AUTHORITY SO FAR AS OPINION OF THE CASE ~~I SHALL~~ I SHALL NOT DECIDE ON POINT YOU MUST SHOW ME SOME AUTHORITIES TO THAT EFFECT OR I SHALL RULE AGAINST. HOGE WE ASK EXCEPTION BE NOTED TO YOUR RULING. BY SPICER WE WISH TO ASK JUROR SOME QUESTIONS COURT EXPLAINED YOU HAVE CHALLENGED JUROR YOU MUST FIRST WITHDRAW YOUR CHALLENGE THEN PROCEED ON THAT GROUND. BY SPICER IF COURT WILL PERMIT WE WILL WITHDRAW OUR CHALLENGE		INSISTED APPOINT TRIERS FOR BOTH QUESTIONS. [*space*] COURT REFUSED TO GIVE THE DEFENDANT TRIERS ON THE QUESTION OF ~~<~~HAVING FORMED AN OPINION~~>~~. EXCEPTION [*space*] ASKED THAT ~~TRIERS~~ [*space*] WE WITHDRAW THE CHALLENGE FOR THE TIME BEING [*space*] SPICER

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RT	RS	BT	PS
	AND PROCEED TO EXAMINE JUROR. TO MR. THOMPSON AM OLD SETTLER MY BUSINESS IS SELLING GRAIN AND FLOUR AND BUYING. HAVE YOU HAD OPPORTUNITY OF SEEING MANY OF PEOPLE FROM MANY PARTS OF THE COUNTRY YES SIR I HAVE SEEN MANY OF THEM I HAVE TALKED WITH THEM I DO NOT KNOW WHAT THEY HAVE SAID DO NOT KNOW ANYTHING ABOUT IT. HAVE HEARD GREAT MANY REPORTS. UPON THAT TALK AND		YOU ARE AN OLD SETTLER HERE YES SIR PRETTY WELL ACQUAINTED THROUGHOUT THE COUNTRY YES SIR WHAT IS YOUR BUSINESS HERE SELLING GRAIN AND FLOUR AND OF BUYING IT YES SIR HAVE YOU HAD THE OPPORTUNITY OF SEEING MANY PEOPLE FROM PARTS OF THE COUNTRY FAR AND NEAR YES SIR HAVE YOU TALKED WITH THEM IN RELATION TO THIS MATTER YES I HAVE INDEED ON WHAT I HAVE —[?][58] HEARD GREAT DEAL SAID [*space*] *BEFORE/BUT*[?] I GOOD DEAL OF REPORTS UPON THAT TALK

58. May be crossed out.

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RT	RS	BT	PS
	CONVERSATION WHAT YOU HAVE HEARD HAVE YOU FORMED OR EXPRESSED DECIDED OPINION AGAINST MR. LEE NO SIR I HAVE NOT THERE HAS BEEN TOO MUCH RUMOR FOR THAT. UPON THIS RUMOR FACTS —/ *EXPLANATION*[?] ETC. DID YOU FORM OPINION AS TO TRUTH OF IT NO SIR I DID NOT KNOW WHETHER ANY OF IT WAS TRUE OR NOT DID NOT PAY BUT VERY LITTLE ATTENTION TO IT DID NOT FORM ANY OPINION UPON IT. ~~BY HOGE~~ ~~<~~SPICER~~>~~ WE		CONVERSATION THAT YOU HAVE HEARD RELATED IN RELATION TO THIS HAVE YOU FORMED OR EXPRESSED A DECIDED OPINION AS TO THE GUILT OR INNOCENCE OF MR. LEE NO SIR I HAVE NOT THERE HAS BEEN TOO MUCH RUMOR FOR THAT [*space*] UPON THIS RUMOR THAT YOU HAVE HEARD DID YOU FORM ANY OPINION AS TO THE TRUTH OF IT NO SIR I DID NOT KNOW WHAT THE TRUTH THERE WAS SO MUCH *[[34]]* OF YOU MEAN TO SAY YOU DID NOT PAY ANY ATTENTION TO IT [*space*] VERY LITTLE [*space*] FORMED ANY OPINION ABOUT IT NO [*space*] ~~MR. HOGE~~ [*space*]

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RT	RS	BT	PS
	RENEW OUR ORIGINAL MOTION FOR TRIERS TO BE APPOINTED TO TRY UPON QUESTION OF BIAS. SPICER DO YOU REMEMBER ANY PERSON IN PARTICULAR YOU HAVE TALKED TO ABOUT IT I DID NOT PAY ANY REGARD TO MATTER I DO NOT REMEMBER MR. LEE AND I HAVE TALKED BUT I DO NOT REMEMBER ANYTHING PARTICULAR HE SAID TO ME. DO YOU REMEMBER ANYTHING YOU HAVE SAID NO SIR.		RENEW THAT ORIGINAL MOTION TO HAVE TRIERS APPOINTED TO TRY THE QUESTION OF BIAS [*space*] DO YOU REMEMBER ANY PERSON IN PARTICULAR THAT HAVE TALKED WITH YOU ABOUT THIS MATTER OR THAT YOU HAVE TALKED WITH NO SIR I DO NOT REMEMBER PERSONALLY I DID NOT PAY ANY REGARD [*space*] ~~I HAVE~~ MR. LEE HAS TALKED TO ME AND I HAVE TALKED TO HIM BUT NOT ANYTHING TO INFLUENCE MY MIND EITHER WAY DO YOU REMEMBER ANYTHING THAT YOU HAVE SAID TO ANY PARTICULAR PERSON TOUCHING THIS MATTER AS TO HOW IT WAS [*space*] ~~I HAVE MADE~~ NO SIR I

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RT	RS	BT	PS
	PROCEEDED TO STATE HOW HE HAD EXPRESSED HIS MIND INTERRUPTED BY CAREY INSTRUCTED BY COURT. I WAS GOING TO TELL YOU WHAT IT WAS BEFORE INSTRUCTED BY COURT. WHAT I HAVE EXPRESSED I CAN EXPRESS AGAIN ≺HOGE≻ HAVE YOU EXPRESSED AN OPINION NEVER FORMED AN OPINION TO MY KNOWLEDGE. SPICER ASKED ANOTHER QUESTION YOU SPOKE OF HAVING EXPRESSED YOUR MIND		HAVE ALWAYS EXPRESSED IT THIS WAY ~ NOTHING ABOUT THAT [*space*] YOU SEEM TO EXPRESS YOURSELF JUST NOW THAT YOU HAD A MIND ON IT I WAS JUST GOING TO TELL YOU THAT [*space*] WHAT I HAVE EXPRESSED I CAN EXPRESS AGAIN BY THE LEAVE OF THE COURT [*space*] HAVE YOU EXPRESSED AN OPINION NO SIR HAVE YOU FORMED AN OPINION NEVER TO MY KNOWLEDGE YOU SUPPOSED TO SAY ALL YOUR MIND ON MATTER I SUPPOSE THIS LAST QUESTION ANSWERED THAT [*space*] YOU SPOKE OF HAVING EXPRESSED YOUR MIND

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RT	RS	BT	PS
	WHAT DID YOU MEAN BY HAVING MIND ON THE MATTER. THOMPSON IF YOU WILL ALLOW ME TO TELL YOU I HAD BEEN TOLD THERE HAD BEEN MOUNTAIN MEADOW MASSACRE COMMITTED DOWN THERE I HAVE NEVER SEEN THE PLACE AND I DO NOT KNOW WHETHER HE IS GUILTY OR NOT I DO NOT KNOW WHO DONE IT HAVE NOT PASSED ANY OPINION ON ANYTHING ABOUT IT. I BELIEVE THERE IS		WHAT DID YOU MEAN BY EXPRESSING OR HAVING A MIND ON THE MATTER CAN YOU EXPLAIN YOU WHAT MEAN BY A MIND ON IT [*space*] IF YOU WOULD ALLOW ME TO TELL YOU I WILL *YOU*[?] WHAT YOU [*space*] I HAVE BEEN TOLD THAT THERE AT MOUNTAIN MEADOW MURDERING GOOD MANY PEOPLE I DID NOT KNOW WHETHER IT WAS TRUE I HEARD THE RUMOR AND DID NOT KNOW ANYTHING ABOUT IT I DID NOT KNOW WHO DONE IT OR ANYTHING ABOUT IT THAT IS WHAT YOU MEAN BY SAYING YOU HAVE EXPRESSED YOUR MIND I BELIEVE THERE IS —[?]

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RT	RS	BT	PS
	BECAUSE OF REPORTS I HAVE HEARD FROM MEN WHO HAVE SEEN I HAVE SEEN THE PLACE. I HAD TO BELIEVE THEM REPORTS I COULD NOT CONTRADICT THEM I DID NOT FORM OPINION ON THAT BELIEF. I BELIEVED THEM BECAUSE I COULD NOT DISPROVE THEM. BY CAREY I OBJECT TO THESE QUESTIONS WHETHER THERE WAS EVER SUCH ≤PLACE≥ AS MOUNTAIN MEADOW MASSACRE. REMARKS BY COURT INSTRUCTING		*BEFORE*[?] I DID *NOT*[?] BECAUSE OF REPORTS THAT I HAVE HEARD FROM MEN THAT HAVE SAW THE PLACE [*space*] DID YOU BELIEVE THESE REPORTS OF COURSE I HAD TO BELIEVE THEM I COULD NOT CONTRADICT THEM UPON THAT BELIEF DID YOU FORM AN OPINION NO SIR [*space*] YOU SAY YOU BELIEVE THESE REPORTS [*space*] I BELIEVE THEM BECAUSE I COULD NOT DISPROVE THEM ~~OBJECTED TO~~ OBJECTED TO ~ [*space*] WHETHER IN THOSE REPORTS YOU HAVE HEARD HERETOFORE ≤ON MOUNTAIN MEADOWS MASSACRE≥

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RT	RS	BT	PS
	SPICER AS TO QUESTION. [*space*] WHETHER DEFENDANT MR. LEE WAS CONNECTED WITH THESE REPORTS. IN THESE REPORTS YOU HAVE HEARD RELATIVE THIS AFFAIR MOUNTAIN MEADOWS WAS MR. LEE AS PARTICIPANT *EXCEED* *ANYTHING*[?] *[18]* FROM I HAVE HEARD IN SEVERAL INSTANCES HE WAS THE ≤FOREMAN≥ MAN IN THE BUSINESS. SPICER WE THINK ON THIS POINT EXPRESSES VERY DECIDED OPINION. [*space*] BY SPICER WE CHALLENGE HIM FOR CASE. BY CAREY FROM WHAT YOU HAVE HEARD HAVE YOU EXPRESSED OR FORMED OPINION AS TO		 WHETHER MR. LEE WAS CONNECTED WITH THEM AS [*space*] I HEARD IN SEVERAL INSTANCES THAT HE WAS VERY FOREMAN IN THE BUSINESS [*space*] *[[35]]* CHALLENGE HIM FOR EXPRESSING [*space*] HAVE YOU FORMED OR EXPRESSED OPINION AS TO THE GUILT OR

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RT	RS	BT	PS
	MR. LEE I HAVE NOT SIR. BY COURT WHAT DO YOU MEAN BY SAYING YOU HAVE HEARD MR. LEE WAS FOREMAN I HEARD THESE REPORTS AND I BELIEVED THEM SO FAR AS I COULD NOT CONTRADICT THEM THERE WAS SOME OF THAT KIND TRANSPIRE BECAUSE I HAD REASON TO BELIEVE THERE WAS. BY COURT DID YOU BELIEVE MR. LEE GUILTY OR INNOCENT I DO NOT TO BE		INNOCENCE OF MR. LEE [*space*] COURT WHAT DO YOU MEAN BY THAT YOU BELIEVED THESE RUMORS AND THAT MR. LEE WAS THE LEADER DO YOU MEAN TO SAY THAT MR. LEE WAS GUILTY NO SIR I HAD HEARD THESE REPORTS AND BELIEVED SO FAR AS I COULD NOT CONTRADICT THEM IT IS SO MUCH RUMOR THAT I COULD NOT BELIEVE ANYTHING DID NOT KNOW WHAT TO BELIEVE WHO DONE IT I COULD NOT TELL [*space*] IT IS CLAIMED BECAUSE YOU BELIEVED ~~IT~~ THESE REPORTS THAT MR. LEE WAS GUILTY OR INNOCENT THAT IS NOT MY MEANING I DO NOT WISH TO BE

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RT	RS	BT	PS
	UNDERSTOOD SO THAT IN MY MIND ~~I~~ ~~BELIEVE~~ FROM THESE REPORTS I BELIEVE THERE WAS MOUNTAIN MEADOW COMMITTED I DO NOT KNOW WHETHER IT IS TRUE OR NOT I HAVE NO REASON TO BELIEVE IT WAS TRUE. I BELIEVE BY REPORTS THERE HAD BEEN SOMETHING DONE I DO NOT CONSIDER IT TO BE KNOWLEDGE. BY COURT HE SIMPLY BELIEVES FACT THAT OCCURRENCE OF THIS KIND TOOK PLACE. BISHOP MR. THOMPSON DID YOU NOT BELIEVE WHEN YOU HEARD		BELIEVED SO [*space*] I BELIEVE THERE WAS A MOUNTAIN MEADOW MASSACRE COMMITTED I DO NOT KNOW WHETHER MR. LEE DONE IT OR WHO DONE IT DID NOT YOU SAY THAT YOU BELIEVED THESE REPORTS [*space*] I BELIEVED THAT BECAUSE THESE MEN WERE TRUTHFUL MEN AND I COULD NOT HELP BELIEVING THEM [*space*] COURT ~~*THIS I*~~[?] BELIEVED ALL THESE FACTS ONLY ONE OF THE FACT THAT THERE WAS AN OCCURRENCE OF THIS KIND TOOK PLACE BUT AS TO MR. LEE HE IS GUILTY INNOCENT [*space*] BISHOP DID YOU NOT BELIEVE WHEN YOU HEARD

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RT	RS	BT	PS
	THESE REPORTS MR. LEE WAS THERE AT THE TIME I NEITHER BELIEVED NOR DISBELIEVED IT. YOU STATE YOU COULD NOT DISPROVE REPORTS COULD YOU DISPROVE REPORT AS TO WHO WAS THERE *NO/ANY*[?] MORE THAN REPORT SAYING IT WAS NOT COMMITTED I DO NOT KNOW WHETHER IT WAS TRUE OR FALSE I COULD ONLY HAVE SLIGHT BELIEF AT THE TIME. DID NOT YOU THINK AT THE TIME IT WAS SO. OF COURSE I COULD NOT BELIEVE		THESE REPORTS THAT MR. LEE WAS THERE AT THE TIME AS THE REPORTS STATED I DID NOT BELIEVE IT OR DISPROVE IT [*space*] COULD YOU DISPROVE THE REPORTS THAT HE WAS THERE ANY MORE THAN THE REPORT THAT THE MURDER HAD BEEN COMMITTED DID YOU NOT BELIEVE THAT THE SAME AS THE OTHER PORTION OF IT I DID NOT KNOW WHETHER IT WAS TRUE OR FALSE IT WAS A VERY SLIGHT BELIEF DID NOT YOU BELIEVE THAT HE WAS THERE DIDN'T YOU THINK AT THE TIME THAT IS WAS SO[59] [*space*] OF COURSE I COULD NOT BELIEVE

59. Word apparently added later.

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RT	RS	BT	PS
	OTHERWISE SO OF COURSE I BELIEVED IT WAS SO. I SUBMIT COURT HE IS AN IMPROPER JUROR. COURT OVERRULED. YOU SAY YOU BELIEVED THESE REPORTS BECAUSE YOU COULD NOT DISPROVE THEM AND THAT J D LEE WAS PRESENT AND THE LEADER YOU BELIEVED THESE REPORTS BELIEVED HE WAS THERE AS MUCH AS		OTHERWISE DO NOT YOU STILL BELIEVE THIS WAY WHY I OF COURSE I DO [*space*] IF I UNDERSTAND YOUR QUESTION I WOULD LIKE TO UNDERSTAND IT [*space*] YOU SAY THAT YOU HEARD THESE REPORTS AND BELIEVED THAT THEY WERE TRUE BECAUSE YOU COULD NOT DISPROVE THEM THAT WHEN YOU HEARD THESE REPORTS THAT PARTIES THAT PRETENDED TO DETAIL FACTS TO YOU [*space*] JOHN D LEE WAS PRESENT AND THE LEADER THAT YOU BELIEVED THESE REPORTS *[[36]]* AND THAT YOU BELIEVED HE WAS THERE AS MUCH AS YOU BELIEVED

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RT	RS	BT	PS
	THE CRIME WAS COMMITTED I BELIEVED THAT AS MUCH AS THE CRIME WAS COMMITTED I BELEIVED THAT AS MUCH AS I BELIEVED ALL THE REST. [*space*] I HAVE HAD NOTHING TO CAUSE ME TO CHANGE BY COURT YOU WILL STAND ASIDE. **ROBERT HEYBORNE AND JAMES H HUNT** CLERK SWORE BOTH OF THEM. WRONG MEN THESE MEN WAS SWORN AND RETIRED. **HUNT** WAS SWORN. **JAMES WILSON HUNT** BY CAREY WE CHALLENGE HIM HIS NAME ~~IS~~ WAS ON THE CLERK'S LIST **JAMES H. HUNT** CHALLENGE SUSTAINED BY COURT OBJECTED TO BY DEFENSE.		THAT THE CRIME WAS COMMITTED I BELIEVED THAT AS MUCH AS THE REST [*space*] HAVE YOU CHANGED YOUR OPINION I HAVE HAD NOTHING TO CAUSE ME TO CHANGE IT. [*space*] COURT SUSTAINED CHALLENGE. [*space*] **ROBERT HAYNARD JAMES H. HUNT** SWORN ON THEIR VOIR DIRE [*space*] WHAT IS YOUR NAME JAMES WILSON HUNT CLERK HOW IS IT THAT NAME LISTED CHALLENGED ON ACCOUNT OF THE DIFFERENCE BETWEEN THE LIST AND REAL NAME OBJECTED TO ~~BY THE~~ SUTHERLAND ON THAT

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RT	RS	BT	PS
	JAMES GIBSON. BY CAREY RESIDE CEDAR CITY IRON COUNTY LIVED THERE 18 YEARS IN THE COUNTY. CITIZEN UNITED STATES NATURALIZED NATURALIZED SECOND DISTRICT BY JUDGE HAWLEY READ AND WRITE ANY CONSCIOUS SCRUPLES FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH I HAVE NOT I KNOW PRISONER AT BAR BY SIGHT NOT ANY CONNECTION BY		GROUND. EXCEPTION [*space*] **J**JAMES **GIBSON** SWORN ON HIS VOIR DIRE [*space*] HENRY [*space*] WHERE RESIDE CEDAR CITY IRON COUNTY HOW LONG HAVE YOU LIVED THERE 18 YEARS ABOUT [*space*] CITIZEN NATURALIZED WHERE NATURALIZED IN THIS COURT JUDGE HAWLEY CAN YOU READ AND WRITE THE ENGLISH LANGUAGE I DO CONSCIOUS SCRUPLES AGAINST FINDING VERDICT I HAVE NOT ACQUAINTED WITH THE PRISONER AT THE BAR I KNOW HIM BY SIGHT ARE YOU ANY CONNECTION OF

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RT	RS	BT	PS
	MARRIAGE OR OTHER WISE I HAVE NOT FORMED OR EXPRESSED ANY OPINION AS TO HIS GUILT OR INNOCENCE I WAS LIVING SAN BERNARDINO CALIFORNIA IN 1857 *[19]* I LANDED THIS TERRITORY 19 DAY OF DECEMBER 1857. I HAVE NOT TALKED WITH ANYONE HAVE HEARD IT RUMORED AROUND. I HAVE NOT LIVED IN CEDAR CITY ~~SINCE~~ EVER SINCE THAT TIME. I CAME THROUGH WHAT IS TERMED MOUNTAIN MEADOWS, IN DECEMBER 57 THAT IS IF THAT		HIS MARRIAGE OR OTHERWISE NO SIR ~~N~~ FORMED OR EXPRESSED OPINION AS TO HIS GUILT OR INNOCENCE I HAVE NOT [*space*] WHERE LIVING IN 57 SAN BERNARDINO CALIFORNIA I LANDED HERE 19 DECEMBER 57 DID YOU EVER TALK WITH ANYONE ABOUT THIS CASE I HAVE NOT I HAVE HEARD RUMORS AROUND HAVE YOU LIVED IN CEDAR CITY SINCE THAT TIME NO SIR WHERE DID YOU RESIDE WHEN YOU FIRST CAME BACK *I DID/ID*[?] [*space*] DID YOU COME OVER THE GROUND I CAME OVER WHAT IS TERMED MOUNTAIN MEADOWS [*space*] IN DECEMBER 57 THAT IS IF THAT

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RT	RS	BT	PS
	IS THE YEAR THAT WAS DONE I AM NOT POSITIVE. DID YOU SEE ANY OF THE REMAINS OF THAT AFFAIR OBJECTED TO DEFENSE BY COURT THAT IS NOT PROPER QUESTION. BY BISHOP REASON WE OBJECT MORE PARTICULARLY TO HIS ASKING THIS QUESTION IS FROM SUBPOENAS THAT HAVE BEEN ISSUED WE FIND NAME SAME AS HIS AMONG LIST OF WITNESS AMONG PROSECUTION WE ARE NOT WILLING FOR THEM TO TAKE DOUBLE ADVANTAGE SO RATHER HE IS NOT JUROR IF THEY RATHER HE IS NOT WITNESS AND THEN SELECT WHICH PLACE THEY WILL USE		IS THE YEAR THAT THIS WAS DONE I AM NOT POSITIVE THAT THIS IS THE YEAR DID YOU SEE ANY OF THE REMAINS OF THAT AFFAIR THERE OBJECTED TO OVERRULED I DID SIR DID YOU *HAVE/KNOW*[?] *NT-/—*[?] ABOUT

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RT	RS	BT	PS
	HIM. BY COURT THEY HAVE RIGHT TO USE HIM AS WITNESS. I CAME OVER THAT GROUND. I COULD NOT TELL YOU WHERE I FIRST HEARD OF IT. HEARD OF IT WHEN FIRST CAME FROM SAN BERNARDINO. BY HOGE WE OBJECT TO THAT STYLE OF ASKING QUESTIONS. HE ASKED HIM IF HE KNEW OF THE MASSACRE. YOU HAVE HEARD OF IT AND SAY BEFORE YOU LEFT BERNARDINO YES SIR. I SUPPOSE I PASSED OVER GROUND I PASSED OVER MOUNTAIN MEADOW VALLEY. ~~NEVER~~		THAT MATTER AFTER YOU ARRIVED *[[37]]* I DID NOT WHERE DID YOU FIRST HEAR OF IT I COULD NOT TELL YOU DID YOU HEAR OF IT AFTER YOU CAME FROM SAN BERNARDINO I DID [*space*] YOU KNEW ABOUT THIS MASSACRE THEN BEFORE YOU CAME HERE [*space*] I HEARD THAT A MASSACRE HAD TAKEN PLACE BEFORE I LEFT SAN BERNARDINO YOU PASSED RIGHT OVER THE GROUND I SUPPOSE SO I PASSED THROUGH MOUNTAIN MEADOW VALLEY [*space*] NEVER HAD CURIOSITY ~~<~~TO

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RT	RS	BT	PS
			ASK➢ IF YOU ASK MY AGE YOU WILL NOT SUPPOSE I HAD CURIOSITY [*space*] I WAS A BOY OF 14 THEN DID YOU HEAR ANYTHING ABOUT IT AFTER YOU ARRIVED AT CEDAR CITY I DID HEAR SOMETHING [*space*]
	I WAS 14 YEARS OF AGE WHEN I PASSED OVER THAT VALLEY		
	I DID NOT HAVE ANY CURIOSITY OF THIS MATTER. SOMETIME AFTER I HEARD OF OCCURRENCE COULD NOT TELL YOU HOW LONG AFTER.		
	THROUGH ALL THESE YEARS YOU HAVE NOT HEARD CURIOSITY TO TALK ABOUT IT. I HAVE NOT RESIDED IN CEDAR CITY DURING THIS TIME I HAVE TRAVELED GOOD DEAL THROUGH TERRITORY DURING THAT TIME I HAVE BEEN IN ENGLAND 2		AND FROM ALL THIS I MIGHT HAVE NOT HAD CURIOSITY *HOW*[?] TO TALK ABOUT IT [*space*] WHERE HAVE YOU RESIDED I HAVE TRAVELED GOOD DEAL I HAVE BEEN IN ENGLAND TWO

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RT	RS	BT	PS
	YEARS I HAVE NEVER BEEN TO MOUNTAIN MEADOWS DURING THIS TIME. I HAVE LIVED SINCE I RETURNED FROM TRAVELING *ANYWHERE*[?]. MY HOME HAS ALWAYS BEEN THERE. I HAVEN'T CURIOSITY TO INQUIRE ANYTHING ABOUT IT NEVER TALKED WITH ANYBODY ABOUT IT. YOU HAVE NO OPINION ABOUT IT WHATEVER.		YEARS WHAT IS YOUR OCCUPATION *FARMER*[?] HAVE YOU EVER BEEN TO THE MOUNTAIN MEADOWS SINCE THAT TIME I NEVER HAVE HOW LONG HAVE YOU LIVED IN CEDAR CITY THIS TIME ~~SINCE I~~ MY HOME HAS ALWAYS BEEN THERE AND STILL LIVING RIGHT THERE YOU HAVE NOT HAD CURIOSITY TO INQUIRE ANYTHING ABOUT IT I HAVE NOT HAVE NOT TALKED WITH ANYBODY I HAVE NOT [*space*] YOU HAVE NO OPINION ABOUT IT WHATEVER I HAVE NO OPINION [*space*]

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RT	RS	BT	PS
	HAVE YOU FREQUENTLY MET DEFENDANT NO SIR. NEVER TALKED WITH DEFENDANT IN MY LIFE THAT I KNOW OF. AND NEVER HAVE SPOKEN OF IT TO ANY PERSON WITH ANY VIEW OF GETTING INFORMATION. IN CONNECTION WITH OTHERS PERHAPS I HAVE SPOKEN OF IT I COULD NOT TELL WHOM IT WAS. I DO NOT KNOW I HAVE TALKED ABOUT IT MORE THAN		HAVE YOU FREQUENTLY MET THE DEFENDANT NO SIR EVER SEEN HIM BEFORE ~~LAST~~ YES SIR EVER TALKED WITH HIM NEVER THAT I KNOW OF FOR THE 18 YEARS YOU HAVE RESIDED IN THIS TERRITORY YOU NEVER HAVE SPOKE OF IT TO ANY PERSON NOT WITH THE VIEW OF GETTING INFORMATION [*space*] IN CONNECTION WITH OTHERS PERHAPS I HAVE REFERRED TO IT WHOM HAVE YOU SPOKE WITH I CAN'T TELL YOU WHOM I HAVE SPOKE TO HAVE YOU TALKED ABOUT IT MORE THAN ONCE I DO NOT KNOW THAT I HAVE NOT CERTAIN THAT I HAVE SPOKE OF IT

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RT	RS	BT	PS
	ONCE AND I COULD NOT BE SURE I HAVE TALKED ABOUT IT ONCE. I THINK YOU CAN TAKE THAT JUROR. MR. GIBSON RESIDE BEAVER LIVED HERE 5 OR 6 YEARS CITIZEN UNITED STATES NATURALIZED IN JUDGE HAWLEY'S COURT. READ AND WRITE CONSCIOUS SCRUPLES AGAINST FINDING VERDICT NO I BELIEVE NOT I KNOW PRISONER AT BAR BY SIGHT ONLY I BELIEVE		ONCE [*space*] PASSED [*space*] **GIBSON** RESIDE IN BEAVER HOW LONG FIVE OR 6 YEARS CITIZEN NATURALIZED WHERE JUDGE HAWLEY'S COURT HERE IN THIS CITY READ AND WRITE THE ENGLISH LANGUAGE YES SIR CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE PUNISHMENT MIGHT BE DEATH NO I BELIEVE NOT DO YOU KNOW THE PRISONER AT THE BAR BY SIGHT ONLY *[[38]]*[60] NO CONNECTION WITH HIM HAVE YOU [*space*] GUILT OR INNOCENCE YES

60. "**BOOK 2**" on verso of page 38.

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RT	RS	BT	PS
	I HAVE FORMED OPINION PROVIDED WHAT I HAVE HEARD IS TRUE IT WOULD BE FIXED HAVE NO KNOWLEDGE OF CIRCUMSTANCES EXCEPT WHAT I HAVE HEARD FROM OTHERS I HAVE TALKED GOOD DEAL ABOUT IT HAVE HAD SOME CURIOSITY ABOUT IT. IS YOUR OPINION OF MANNER THAT WOULD REQUIRE EVIDENCE TO CHANGE YES SIR IT WOULD REQUIRE EVIDENCE TO CHANGE IT. HAVE YOU ANY OPINION THAT WOULD AFFECT THE VERDICT I AM VERY LITTLE PREJUDICED IF CIRCUMSTANCES WENT OTHER WAY I BELIEVE I COULD GIVE		I THINK I HAVE PROVIDED WHAT I HAVE HEARD BE TRUE I THINK I HAVE I HAVE NO KNOWLEDGE EXCEPT WHAT I HAVE HEARD FROM OTHERS [*space*] I HAVE TALKED GOOD DEAL ABOUT IT [*space*] IS YOUR OPINION ONE THAT IT WOULD REQUIRE EVIDENCE TO CHANGE YES SIR I THINK IT WOULD [*space*] IS IT AN OPINION THAT WOULD AFFECT YOUR VERDICT OR INFLUENCE YOUR VERDICT [*space*] I AM A VERY LITTLE PREJUDICED ALTHOUGH IF CIRCUMSTANCES SHOULD GO THE OTHER WAY I THINK I COULD GIVE A ≤STRAIGHT

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RT	RS	BT	PS
	VERDICT *[20]* I THINK I COULD TRY CASE ON EVIDENCE IN COURT I THINK I COULD. BY SPICER I HAVE HEARD THIS THING TALKED OVER VERY GREAT DEAL. I HAVE FORMED AN OPINION A FIXED TOLERABLY DECIDED BUT EVIDENCE I SEE COULD CHANGE IT. WE CHALLENGE JUROR FOR CASE BY COURT YOU WILL STAND ASIDE. [*space*] **JOHN BREWER** SWORN BY CLERK. BY CAREY CITIZEN UNITED STATES NATIVE READ AND WRITE		VERDICT➢ COULD YOU TRY THIS CASE UPON THE EVIDENCE PRODUCED IN COURT I THINK I COULD [*space*] SPICER YOU SAY JAMES YOU HAVE HEARD THIS THING TALKED OVER [*space*] A GREAT DEAL YES SIR UPON WHAT YOU HAVE HEARD YOU HAVE FORMED A FIXED OPINION [*space*] I HAVE FORMED AN OPINION TOLERABLY SO EVIDENCE I THINK [*space*] CHALLENGED FOR CASE CHALLENGE SUSTAINED [*space*] **JOHN BREWER** SWORN ON HIS VOIR DIRE [*space*] ARE YOU A CITIZEN YES SIR NATIVE DO YOU READ AND WRITE THE ENGLISH LANGUAGE YES

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RT	RS	BT	PS
	CONSCIOUS SCRUPLES AGAINST FINDING VERDICT NO SIR I HAVE SEEN PRISONER NO CONNECTION HAVE YOU FORMED EXPRESSED OPINION AS TO INNOCENCE OR GUILT I HAVE NOT. SPICER WHERE YOU RESIDE CIRCLEVILLE PIUTE COUNTY. ~~LIVED~~ RESIDED THERE LITTLE OVER 2 YEARS. ARE YOU CERTAIN THAT PART OF CIRCLEVILLE YOU LIVE IN IS PIUTE COUNTY YES SIR. LIVED NEVADA BEFORE THAT TIME LIVED THERE		SIR ANY CONSCIOUS SCRUPLES AGAINST FINDING A VERDICT NO SIR [*space*] DO YOU KNOW THE PRISONER AT THE BAR ~~NO~~ YES SIR I HAVE SEEN HIM ANY CONNECTION NO SIR GUILT OR INNOCENCE NO SIR *BROTHER*[?] SPICER [*space*] WHERE ARE YOU RESIDING CIRCLE VILLE PIUTE COUNTY WHAT COUNTY PIUTE COUNTY HOW LONG HAVE YOU RESIDED THERE LITTLE OVER 2 YEARS ARE YOU CERTAIN THAT THAT PART OF CIRCLE VILLE YOU LIVE IN IS IN PIUTE COUNTY WHERE DID YOU LIVE BEFORE THAT TIME NEVADA HOW LONG IN

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RT	RS	BT	PS
	ONE YEAR BEFORE THAT AT CALIFORNIA CAME FROM CALIFORNIA TO NEVADA. LIVED IN NAPA VALLEY CALIFORNIA. YOU HAVE LIVED CIRCLEVILLE LAST 2 YEARS. I AM FARMING LITTLE GOT SOME STOCK. SINCE YOUR RESIDENCE IN UTAH HAVE YOU FORMED MUCH OF AN ACQUAINTANCE WITH THE PEOPLE I HAVE NOT I HAVE NOT BEEN AROUND MUCH. MADE SPEECHES OR VISITS ETC. I HAVE NOT.		NEVADA ONE YEAR WHERE BEFORE THAT TIME CALIFORNIA CAME FROM CALIFORNIA TO NEVADA YES SIR [*space*] WHAT PART OF CALIFORNIA DID YOU LIVE IN IN NAPA VALLEY YOU HAVE LIVED IN CIRCLE VILLE 2 YEARS YES SIR WHAT BUSINESS FARMING A LITTLE AND HAVE SOME STOCK *[[39]]*[61] RANCHING? YES SIR [*space*] SINCE YOUR RESIDENCE IN UTAH HAVE YOU FORMED MUCH OF AN ACQUAINTANCE WITH THE PEOPLE NO NOT VERY MUCH BEEN AROUND MUCH NO SIR HAVE YOU MADE SPEECHES VISITS TRAVELS IN ANY OTHER PART OF UTAH

61. "W. L. COOK ESQ. BEAVER CITY UTAH. C/O CLERK J. R. WILKINS" on verso of page 39.

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RT	RS	BT	PS
			NO SIR [*space*] WHERE ABOUTS IN NEVADA DID
	LIVED IN EUREKA PREVIOUS TO COMING HERE. WAS MINING SOME THERE.		YOU LIVE [*space*] IN EUREKA WHAT BUSINESS THERE MINING
	WHEN WAS FIRST TIME YOU HEARD OF THIS AFFAIR MOUNTAIN MEADOW AFFAIR THIS CASE		WHEN WAS THE FIRST TIME YOU HEARD OF THIS AFFAIR AT MOUNTAIN MEADOWS THIS CASE THE SUBSTANCE OF IT I COULD NOT
	I COULD NOT SAY WHEN HEARD OF IT OUT IN NEVADA.		SAY WHEN I HEARD IT IN NEVADA [*space*] THAT WAS THE YEAR BEFORE YOU CAME HERE
	DO YOU REMEMBER MANNER OR CIRCUMSTANCE S WHO TALKED OF IT ETC. I DO NOT. ONLY KNOW I HAVE HEARD OF IT THERE.		[*space*] DO YOU REMEMBER ANYTHING OF THE MANNER OR CIRCUMSTANCE S IN WHICH YOU HEARD IT NO SIR YOU ONLY KNOW THAT YOU HEARD OF IT THERE [*space*]
	DO YOU REMEMBER WHAT YOU HEARD AND HOW YOU HEARD IT NO I COULD NOT DID		DO YOU REMEMBER WHAT YOU HEARD AND HOW YOU HEARD IT DID IT

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RT	RS	BT	PS
	NOT MAKE ANY IMPRESSION ON MY MIND. DO NOT SUPPOSE I FORMED OPINION AT THAT TIME OR EXPRESSED. DO NOT REMEMBER WHO TALKED OF IT TO ME I HAVE HEARD IT TALKED OF SINCE I CAME TO UTAH COULD NOT TELL YOU NOW WHO BY. CAN'T REMEMBER ANY PARTICULAR CONVERSATION		MAKE SUCH AN IMPRESSION ON YOUR MIND THAT YOU REMEMBER ANYTHING OF WHAT WAS TALKED ABOUT AT THAT TIME NO SIR DID YOU FORM OR EXPRESS ANY OPINION AT THAT TIME AS TO THE GUILT OR INNOCENCE OF THE DEFENDANT NO SIR I DO NOT KNOW THAT I DID DON'T REMEMBER WHO TALKED WITH YOU NO SIR HAVE YOU HEARD IT TALKED OVER SINCE YOU CAME TO UTAH I HAVE DO YOU REMEMBER WHO BY [*space*] NO SIR DO YOU REMEMBER ANY PARTICULAR CONVERSATION YOU HAVE HEARD IN RELATION TO IT NO SIR HAVE YOU HEARD IT TALKED OVER

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RT	RS	BT	PS
	ONLY IN GENERAL CONVERSATION. DO NOT REMEMBER NUMBER OF TIMES HAVE HEARD IT SPOKEN OF HAVE HEARD GOOD MANY TIMES. DO YOU REMEMBER WHAT DRIFT TONE SUBSTANCE THAT TALK IN RELATION TO IT WAS. "YES I REMEMBER THAT.' [*space*] DID THESE CONVERSATIONS MAKE IMPRESSION ON YOUR MIND OBJECTED TO BY CAREY COURT ~~PARTIALLY SUSTAINED~~ ≤SUSTAINED≥ AND		ANY MORE THAN IN GENERAL CONVERSATION INCIDENTALLY NO SIR DO YOU REMEMBER ANYTHING OF THE NUMBER OF TIMES YOU HAVE HEARD IT TALKED ABOUT NO SIR CAN YOU REMEMBER WHETHER FEW OR MANY TIMES I HAVE HEARD IT GREAT MANY TIMES [*space*] DO YOU REMEMBER WHAT THE DRIFT OR TONE OR SUBSTANCE OF THAT TALK IN RELATION TO IT WAS YES [*space*] DID THESE CONVERSATIONS OR ANY OF THEM MAKE AN IMPRESSION ON YOUR MIND IN RELATION TO IT OBJECTED TO SUSTAINED EXCEPTION

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RT	RS	BT	PS
	AFTERWARD OVERRULED QUESTION BEING ASKED. AFTER HEARING THESE CONVERSATION S AFTER HAVING HEARD THIS MATTER TALKED OVER DID YOU AT ANY TIME FORM OR EXPRESS ANY OPINION WITH RELATION TO GUILT OR INNOCENCE OF DEFENDANT "I HAVE". WAS THAT DECIDED POSITIVE CERTAIN OPINION. DID YOU EXPRESS IT DECIDEDLY AS TO HIS GUILT OR INNOCENCE I DO NOT THINK I DID. [*space*] YOU SAY YOU FORMED OR EXPRESSED OPINION YOU SAY YOU FORMED SOME OPINION.		[*space*] AFTER HEARING THESE CONVERSATION S AFTER HAVING HEARD THIS MATTER TALKED OVER DID YOU EVER AT ANY TIME FORM OR EXPRESS OPINION IN RELATION TO THE GUILT OR INNOCENCE OF THE DEFENDANT YES [*space*] WAS THAT OPINION A DECIDED ONE OR POSITIVE ONE OR CERTAIN OPINION I FORMED OR EXPRESSED IT DECIDEDLY AND WAS IT AN OPINION AS TO THE GUILT OR INNOCENCE I DO NOT THINK I DID [*space*] BUT YOU SAY YOU FORMED OR EXPRESSED OPINION WAS YOUR OPINION A DECIDED ONE [*space*] SAY YOU HAVE FORMED OR EXPRESSED AN OPINION AS

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RT	RS	BT	PS
			TO THE GUILT OR THE INNOCENCE OF THE DEFENDANT WAS THAT OPINION A DECIDED ONE *[[Bk 2 1]]* **NO 3**[62] IS YOUR ANSWER THEN THAT AFTER HEARD THESE CONVERSATIONS YOU HAD A OPINION IN RELATION TO IT YOU HAVE FORMED SOME OPINION OR EXPRESSED SOME OPINION IN RELATION TO IT [*space*] I MIGHT AT THAT TIME [*space*] I WILL ASK YOU [*space*] DO NOT YOU REMEMBER ALL THAT YOU DID AFTER HEARING THIS TALKED OVER THAT YOU FORMED OR EXPRESS AN OPINION OBJECTED TO
	I MIGHT AT THAT TIME. BREWER DO NOT YOU REMEMBER YOU DID AT THE TIME WHEN HEARD CONVERSATION TALKED OF OBJECTED TO CAREY [*space*] SPICER I HAVE ASKED WITNESS IF UPON HEARING MATTER		

62. "**NO 3**" is in Rogerson's longhand.

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RT	RS	BT	PS
	TALKED OF HE FORMED AN OPINION RELATIVE TO IT. MR. BREWER OPINION OR THE EXPRESSIONS YOU MADE AT THE TIME OF HEARING *[21]*[63] FOR INSTANCE DID IT ~~HAVE~~ FORM ANY OPINION WITH RELATION TO GUILT OR INNOCENCE OF THE DEFENDANT NO. I UNDERSTAND YOU YOU HEARD THIS MATTER TALKED OF HAVE YOU HEARD IT SINCE YOU CAME TO TOWN I HAVE AFTER WHAT YOU HAVE HEARD WHEN IT HAS BEEN BROUGHT		UNLESS RELATED TO THE GUILT OR INNOCENCE [*space*] AN OPINION OR THE *EXPRESSIONS*[?] YOU MADE AT THE TIME OF HEARING RELATED THESE CIRCUMSTANCES DID YOUR OPINIONS AT THAT TIME HAVE ANY RELATION TO THE GUILT OR INNOCENCE OF THE DEFENDANT?[64] NO [*space*] I UNDERSTAND YOU THAT YOU HAVE HEARD THIS MATTER TALKED OVER SEVERAL TIMES HAVE YOU HEARD IT SINCE YOU CAME TO TOWN I HAVE [*space*] AFTER WHAT YOU HAVE HEARD

63. "~~WE~~ THURSDAY JULY 22/75 2 PM." is at the top of the page.
64. "?" in Rogerson's hand.

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RT	RS	BT	PS
	HOME TO YOUR MIND HAVE YOU ANY PREJUDICE OR BIAS I HAVE NOT. IS YOUR MIND PERFECTLY FREE FROM SO AS TO PERMIT YOU TO RENDER IMPARTIAL VERDICT, I THINK IT IS. ⊲BY COURT⊳ GENTLEMEN OF THE JURY YOU WILL NOT TALK TO ANYBODY WITH REGARD TO THIS CASE ETC. WILL TAKE RECESS UNTIL THIS AFTERNOON 2 **O'CLOCK** JUDGE ENTERED COURT FIFTEEN MINUTES PAST TWO. CLERK READ LIST OF NAMES. MR. JAMES **C ROBINSON** WAS ABSENT BY WHARDON IF COURT PLEASE HE WOULD LIKE		HAVE YOU ANY ACTUAL BIAS OR PREJUDICE AGAINST THE DEFENDANT I HAVE NOT IS YOUR MIND PERFECTLY FREE AS TO MATTER SO AS TO PERMIT YOU TO RENDER A TRUE AND IMPARTIAL VERDICT WHEN THE LAW AND EVIDENCE MAY BE GIVEN TO YOU I THINK IT IS [*space*] RECESS UNTIL TWO O'CLOCK [*space*]

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RT	RS	BT	PS
	TO HAVE NAMES OF DENNY AND HAWLEY APPEAR ON RECORD PART OF THE PROSECUTION. BY SPICER **J C HEISTER** LIVE PIUTE COUNTY CIRCLEVILLE LIVED THERE NEARLY 2 YEARS WHAT BUSINESS ARE YOU ENGAGED IN RANCHING WHERE DID YOU LIVE BEFORE YOU CAME THERE I LIVED STATE MICHIGAN I WAS THERE ON A VISIT. WHERE DID YOU RESIDE PRIOR COMING PIUTE COUNTY I MADE MY RESIDENCE MICHIGAN ON A VISIT. HAVE YOU		C MYRON HAWLEY ENTERED AS ATTORNEY FOR THE PROSECUTION [*space*] J **C** HEISTER WHERE DO YOU RESIDE PIUTE COUNTY IN THIS TERRITORY CIRCLE VILLE HOW LONG HAVE YOU RESIDED THERE NEARLY 2 YEARS WHAT BUSINESS DO YOU ENGAGE IN RANCHING WHERE DID YOU LIVE BEFORE YOU CAME THERE I LIVED IN THE STATE OF MICHIGAN THE WINTER BEFORE I CAME HERE WHAT WAS YOUR BUSINESS THERE I WAS ON A VISIT THERE WHERE DID YOU RESIDE PRIOR TO COMING TO PIUTE COUNTY I COUNT MY RESIDENCE IN MICHIGAN ON A VISIT [*space*] HAVE YOU

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RT	RS	BT	PS
	HEARD OF THIS AFFAIR MOUNTAIN MEADOWS TALKED OVER SINCE YOU HAVE BEEN HERE I HAVE HEARD OF IT FREQUENTLY I HAVE. TALKED OVER NUMBER OF TIMES DIFFERENT PERSONS YES SIR. DID YOU HEAR WHAT WAS SUPPOSED TO BE FACTS RELATIVE TO IT YES SIR I THINK I HAVE. UPON HEARING THAT DID YOU FORM OR EXPRESS DECIDED OPINION REGARD MATTER I DID NOT. DID YOU FORM OR EXPRESS ANY OPINION I DID. WAS THAT OPINION A DECIDED ONE IT WAS NOT. BY BASKIN MAY IT PLEASE YOUR		HEARD THIS AFFAIR OF THE MOUNTAIN MEADOW TALKED OVER SINCE YOU CAME HERE [*space*] I HAVE HEARD OF IT [*space*] FREQUENTLY I HAVE [*space*] TALKED OVER NUMBER OF TIMES WITH DIFFERENT PERSONS YES SIR [*space*] DID YOU HEAR WHAT WAS SAID TO BE THE FACTS IN RELATION TO IT AT THE TIME YES SIR I THINK I HAVE ON HEARING THAT DID YOU FORM OR EXPRESS A DECIDED OPINION AS TO THE GUILT OR INNOCENCE OF THE DEFENDANT HERE I DID NOT DID YOU FORM OR EXPRESS ANY OPINION I DID [*space*] WAS THAT OPINION A DECIDED ONE IT WAS NOT

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RT	RS	BT	PS
	HONOR IT MUST BE OPINION AS TO THE GUILT OR INNOCENCE OF THE PARTY. [*space*] BY SPICER DID IT RELATE TO GUILT OR INNOCENCE OF DEFENDANT YES SIR THAT IS HOW I UNDERSTOOD QUESTION EXPRESSED. BY SPICER WE CHALLENGE HIM FOR CASE. BY BISHOP I WOULD LIKE REPORTER TO READ HIS ANSWERS TO QUESTIONS. "BY WHEDON COURT PLEASE I WOULD LIKE ONLY ONE QUESTION BE ASKED AT A TIME." [*space*] BY CAREY MR. *HEISTON*[?] YOU SAY YOU LIVE IN PIUTE COUNTY YES SIR LIVED THERE NEARLY TWO YEARS. WHAT DID YOU SAY ABOUT HAVING FORMED OR EXPRESSED OPINION		DID YOUR OPINION RELATE TO THE GUILT OR INNOCENCE OF THE DEFENDANT ≤THAT IS THE WAY≥ I UNDERSTOOD THE QUESTION *[[2]]* IN THE FIRST PLACE [*space*] CHALLENGED FOR CASE [*space*] MAY [*space*] CAREY [*space*] YOU SAY YOU LIVE IN PIUTE COUNTY YES SIR LIVE THERE TWO YEARS NEARLY TWO YEARS WHAT DID YOU SAY AS TO HAVING FORMED OR EXPRESSED AN OPINION AS TO THE GUILT OF

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RT	RS	BT	PS
	I SAY I HAD FORMED AN OPINION. I UNDERSTOOD YOU TO SAY YOU HAD NOT FORMED AN OPINION I SAID I HAD NOT FORMED A DECIDED OPINION. I MEAN BY THAT FIXED OPINION CAN NOT BE CHANGED. HAVE YOU FORMED SUCH AN OPINION SO THAT YOU COULD NOT TRY THE CASE I HAVE NOT. ≼BY CAREY≽ HAVE YOU FORMED SUCH AN OPINION AS WOULD REQUIRE EVIDENCE TO REMOVE IT I HAVE NOT. I SUBMIT JUROR IS QUALIFIED JUROR BY		MR. LEE [*space*] I SAID I HAD FORMED ONE [*space*] I SAID I HAD NOT FORMED A DECIDED OPINION [*space*] WHAT DO YOU MEAN BY A DECIDED OPINION [*space*] A FIXED OPINION [*space*] THAT CAN NOT BE CHANGED [*space*] HAVE YOU FORMED SUCH AN OPINION THAT YOU COULD NOT TRY THE CASE UPON LAW AND EVIDENCE AS PRODUCED IN THE COURT I HAVE NOT OBJECTED TO [*space*] HAVE YOU FORMED SUCH AN OPINION AS WOULD REQUIRE EVIDENCE TO REMOVE IT I HAVE NOT [*space*]

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RT	RS	BT	PS
	COURT DOES YOUR OPINION AFFECT THE VERDICT. NO SIR. BY COURT CHALLENGE IS OVERRULED BY HOGE WE EXCEPT TO THE CHALLENGE. [*space*] BY SPICER YOU SAY YOU OBJECT TO FURTHER EXAMINATION BY CAREY. BY SPICER HAVE YOU ANY BIAS OR PREJUDICE OBJECTED TO BY CAREY BY COURT YOU MUST GET DONE EXAMINING HIM BEFORE YOU CHALLENGE HIM. MUST ASK ALL YOUR QUESTIONS GET DONE BEFORE YOU CHALLENGE HIM. COURT WILL [22] NEVER GET DONE IN THAT STYLE. SPICER I RESIDE		IS YOUR OPINION SUCH AS WOULD AFFECT YOUR VERDICT NO SIR NOT AT ALL CHALLENGED OVERRULED. EXCEPTION SPICER [*space*] ~~I UNDERSTAND~~ HAVE YOU ANY BIAS OR PREJUDICE AGAINST THE DEFENDANT OBJECTED TO ~~AS THEY~~ AS A MATTER OF CHALLENGE HAS BEEN SUBMITTED [*space*] OBJECTION SUSTAINED [*space*] PAUL PRICE [*space*] SPICER WHERE DID YOU SAY YOU RESIDE

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RT	RS	BT	PS
	PIUTE COUNTY LIVED THERE 4 YEARS AND LIVED IN MISSOURI BEFORE THAT TIME. CAME FROM MISSOURI DIRECTLY THERE. WAS ENGAGED IN TWO OR 3 KINDS OF BUSINESS RANCHING THERE MINING LITTLE. I DO NOT KNOW WHAT PART YOU WOULD CALL IT BETWEEN CIRCLEVILLE AND MARYSVALE. WHAT DISTRICT ARE YOU MINING IN. I MAKE MY HOME ON THE RIVER BETWEEN CIRCLEVILLE AND MARYSVALE		PIUTE COUNTY HOW LONG HAVE YOU RESIDED THERE FOUR YEARS WHERE DID YOU LIVE BEFORE THAT TIME MISSOURI DID YOU COME FROM MISSOURI DIRECTLY THERE YES SIR WHAT BUSINESS ARE YOU ENGAGED IN RANCHING LITTLE AND MINING LITTLE WHAT PART OF PIUTE COUNTY DO YOU LIVE IN I LIVE BETWEEN CIRCLEVILLE AND MARYSVALE WHAT DISTRICT ARE YOU MINING IN OBJECTED TO [*space*] WHEREABOUTS DO YOU MAKE YOUR HOME WHEN YOU ARE THERE [*space*] BETWEEN CIRCLEVILLE AND MARYSVALE

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RT	RS	BT	PS
	PIUTE COUNTY. MINES I AM ENGAGED IN ARE ABOUT 15 MINES. I HAVE MINES THERE. HAVE YOU TENT THERE OBJECTED TO BY PROSECUTION TO COURT. SPICER HAVE YOU HEARD THIS MATTER TALKED OVER I HAVE HEARD IT SPOKEN OF I COULD NOT SAY I HAVE HEARD IT VERY MANY TIMES. I HAVE HEARD IT SPOKEN OF TWO OR 3 DIFFERENT TIMES. DID YOU EVER HEAR WHAT WAS SAID TO BE INTENDED STATEMENT OF IT NEVER HEARD ANYTHING ABOUT IT		[*space*] ABOUT HOW FAR FROM YOU ARE THE MINES YOU REFER 15 MILES ~~HAVE YOU A CAMP OBJECTED~~ HOW MUCH OF YOUR TIME DO YOU SPEND IN THE CAMP OBJECTED TO SUSTAINED [*space*] *[[3]]* HAVE YOU HEARD THIS MATTER TALKED OVER I HAVE HEARD IT SPOKE OF [*space*] FREQUENTLY I CAN'T SAY THAT I HAVE VERY MANY TIMES HAVE YOU HEARD DIFFERENT PERSONS TALKING OF I HAVE HEARD IT SPOKEN OF TWO OR 3 DIFFERENT TIMES ~~HAVE YOU~~ DID YOU EVER HEAR WHAT WAS SAID TO BE A STATEMENT OF IT I HAVE ONLY HEARD

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RT	RS	BT	PS
	PERSON SPEAKING ABOUT IT I DID NOT SUPPOSE THEY KNEW ANYTHING ABOUT IT DID NOT KNOW WHETHER THEY DID OR NOT. NEVER HEARD ANYONE SPEAKING OF IT WHO PROFESSED TO BE AUTHORITY. DID YOU EVER HEAR ANY ONE GIVE AN ACCOUNT OF IT OBJECTED TO BY PROSECUTION BY COURT I DO NOT THINK IT WOULD BE IMPROPER QUESTION. SPICER ANY ONE YOU TALKED WITH PRETEND TO GIVE ACCOUNT OF AFFAIR I NEVER TALKED WITH ANYONE WHO PRETENDED TO KNOW ANYTHING ABOUT IT TALK		PERSONS SPEAKING ABOUT IT THEY DID NOT KNOW ANYTHING ABOUT IT NEVER HEARD ANYONE SPEAK OF IT THAT PROFESSED TO BE THERE <DID YOU EVER HEAR ANYONE SPEAK OF IT WHO> PRETENDED TO GIVE AN ACCOUNT OF IT OBJECTED TO OVERRULED [*space*] I DID NOT KNOW WHAT THEY WAS GIVING AN ACCOUNT OF IN FACT I NEVER TALKED TO ANYONE THAT I RECALL *WHO KNEW/BUT WHEN*[?] THE SUBJECT TALKING OF OTHER PARTIES

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RT	RS	BT	PS
	AMONG THEMSELVES. DID YOU EVER FORM OR EXPRESS ANY OPINION AS TO GUILT OF THIS DEFENDANT. NO SIR I DID NOT. HAVE YOU ANY BIAS PREJUDICE AGAINST DEFENDANT I AM NOT ACQUAINTED WITH DEFENDANT NEVER SAW HIM UNTIL I CAME INTO THE COURT ROOM. MR. PRICE ARE YOU TAX PAYER OF PIUTE COUNTY WE HAVE NO FURTHER QUESTION AT PRESENT. I HAVE PAID TAXES. BY COURT IT IS NOT MATERIAL WHETHER HE HAS PAID TAXES OR NOT. [*space*] MR.		AMONG THEMSELVES [*space*] FROM WHAT YOU HAVE HEARD OF IT *PROFESSEDLY*[?] DID YOU EVER FORM OR EXPRESS AN OPINION AS TO THE GUILT OR INNOCENCE OF THIS PARTY NO SIR I DID NOT HAVE YOU ANY BIAS OR PREJUDICE AGAINST THE DEFENDANT NO SIR ARE YOU ACQUAINTED WITH HIM I AM NOT ~~NO~~ NEVER SAW HIM UNTIL I CAME INTO THE COURT ROOM [*space*] ARE YOU A TAXPAYER IN PIUTE COUNTY I AM HAVE YOU PAID TAXES I HAVE [*space*] ~~≤~~CAREY~~≥~~ MR.

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RT	RS	BT	PS
	ARTHUR YOU LIVE AT CEDAR DO YOU YES SIR. ARE YOU SON IN LAW OF ISAAC **C** HAIGHT I AM SIR. MR. HAIGHT IS ONE OF THE DEFENDANTS IS HE NOT. OBJECTED TO BY HOGE MR. HAIGHT IS NOT ONE OF THE DEFENDANTS. MR. HAIGHT WAS FORMERLY BISHOP [*space*] BY HOGE NOTE OUR EXCEPTIONS TO THESE QUESTIONS DOES HE HOLD SOME POSITION DOWN THERE DID HE EVER YES SIR PRESIDENT. WHERE WERE YOU LIVING IN 57 IN CEDAR CITY		*HAYBORNE*[?][65] [*space*] YOU LIVE AT CEDAR I DO ARE YOU A SON IN LAW OF ISAAC **C** HAIGHT I AM MR. HAIGHT IS ONE OF THE DEFENDANTS OBJECTED TO [*space*] MR. HAIGHT WAS FORMERLY BISHOP OBJECTED TO OVERRULED EXCEPTION DOES HE HOLD SOME POSITION DOWN THERE NOT THAT I AM AWARE OF DID HE EVER [*space*] IN CEDAR CITY PRESIDENT SOME POSITION IN THE MILITIA NOT THAT I AM AWARE OF [*space*] WHERE YOU WERE LIVING IN 57 ~~YES SIR~~ IN CEDAR

65. *Salt Lake Tribune* gives the name as Christopher J. Arthur. The shorthand reads "*HBRN*[?]". C. J. Arthur is Haight's son-in-law.

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RT	RS	BT	PS
	BEEN LIVING THERE EVERY SINCE I WAS ABOUT 25 YEARS OLD. DID YOU KNOW ANYTHING ABOUT ANY ONE OF PERSONS GOING FROM CEDAR CITY DOWN THERE AT THAT TIME I HAVE NOT. WHAT WERE YOU DOING THERE AT THAT TIME I WAS BOOK KEEP FOR DESERET IRON COMPANY THERE AND THIS WAS SITUATED IN CEDAR CITY. I WAS PART OF MILITIA AT THAT TIME I WAS NOT ORDERED OUT MYSELF HEARD NOTHING OF IT I DID NOT KNOW THERE WERE MEN ORDERED		DID YOU KNOW ANYTHING ABOUT PERSONS GOING FROM CEDAR DOWN TO MOUNTAIN MEADOWS AT THAT TIME [*space*] NEVER HEARD OF IT YES I HEARD OF IT [*space*] WHAT WERE YOU DOING THERE AT THAT TIME I WAS BOOKKEEPER FOR WHO FOR THE DESERET IRON COMPANY WHERE WAS THEIR OFFICE SITUATED CEDAR CITY [*space*] WERE YOU A MEMBER OF THE MILITIA AT THAT TIME YES SIR WERE YOU NOT ORDERED OUT AT THAT TIME NO SIR [*space*] *[[4]]* DID NOT YOU KNOW THAT MEN WERE ORDERED ~~UP~~

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RT	RS	BT	PS
	OUT AT THAT TIME. DID NOT KNOW ANY WENT FROM CEDAR CITY. I WAS AT MOUNTAIN MEADOWS I HAVE BEEN THERE SEVERAL TIMES YES SIR [23] YOU SAY YOU HAVE BEEN THERE SEVERAL TIMES YES SIR WERE YOU THERE ABOUT TIME OF MASSACRE NO SIR I WAS THERE AFTERWARDS I CAN NOT SAY HOW LONG AFTERWARDS I CAN'T SAY PARTICULARLY I HAD MARE RUNNING THERE I OWNED AND I HAD TO GO AFTER HER. I WISH YOU WOULD FIX TIME AS NEAR AS POSSIBLE WHEN I WAS THERE IT MIGHT		OUT AT THAT TIME NO SIR DON'T KNOW THAT ANY WENT FROM CEDAR CITY NO SIR WERE YOU EVER AT THE MOUNTAIN MEADOWS YES SIR WHEN I HAVE BEEN THERE SEVERAL TIMES [*space*] WERE YOU THERE ABOUT THE TIME OF THE MASSACRE NO SIR NEITHER BEFORE NOR AFTER [*space*] I WAS THERE AFTER [*space*] HOW SOON AFTER [*space*] I HAD A MARE RUNNING THERE THAT I OWNED AND I HAD TO GO AFTER IT [*space*] I WISH YOU WOULD FIX THE TIME AS NEARLY AS YOU CAN [*space*] IT MAY

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RT	RS	BT	PS
	BE TEN YEARS I WAS NOT THERE WITHIN TEN DAYS AFTER. WE CHALLENGE MR. ARTHUR BECAUSE HE IS CONNECTED BY MARRIAGE WITH ONE OF THE PARTIES INDICTED [*space*] MR. SUTHERLAND WE EXCEPT BECAUSE HE HAS NO PROPER GROUNDS FOR CHALLENGE. SUBPOENA ISSUED SEVERAL WEEKS AGO. IT WAS SOME TIME AFTER I WAS SUMMONED ANSWER TO MR. HOGE IT MAY BE 2 WEEKS AGO SINCE I WAS SUMMONED. ~~≤~~HOGE~~≥~~ BECAUSE HE WAS SUBPOENAED AS		BE TEN YEARS [*space*] WAS IT TEN DAYS AFTER WAS YOU IN THERE WITHIN TEN DAYS NO SIR I BELIEVE NOT [*space*] CHALLENGED FOR CASE [*space*] THAT HE IS CONNECTED BY MARRIAGE WITH ONE OF THE PARTIES INDICTED AND HAS BEEN SUBPOENAED ~~IN~~ AS A WITNESS IN THE CASE [*space*] CHALLENGE [*space*] OBJECTED TO WHEN WERE YOU SUBPOENAED SOMETIME AFTER I WAS SUMMONED AS A JURROR ~~3 OR FOUR~~ 2 OR 3[66] WEEKS AGO [*space*]

66. "3 OR FOUR" was apparently written over "2 OR 3" by Rogerson.

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RT	RS	BT	PS
	WITNESS IS NOT SUFFICIENT GROUND SET HIM ASIDE AND OBJECT TO THE EXAMINATION. CAREY READ FIRST BISHOP **BP** CRIMINAL PROCEDURE. HOGE WISHED TO SEE PARAGRAPH HE HAD JUST READ [*space*] BY COURT ABOVE ALL OTHERS WE SHOULD GET JURY JUST AS IMPARTIAL AS POSSIBLE WHERE PARTY HAVE BEEN SUMMONED AS WITNESS IT IS NOT ABSOLUTELY NECESSARY HE SHOULD BE EXCLUDED WHERE THERE IS NO. TO SHOW SELECTION OF THAT MAN AS WITNESS WAS DONE FOR PURPOSE OF		**1ST** BISHOP PAGE 1027 [*space*] COURT IN A CRIMINAL CASE WHERE A PARTY'S LIFE IS AT STAKE ABOVE ALL OTHERS IS A CASE IN WHICH WE SHOULD GET A JURY AS IMPARTIAL AS POSSIBLE AND WHERE A PARTY HAS BEEN SUMMONED AS A WITNESS IT IS NOT AN ABSOLUTELY[67] NECESSARY THAT HE SHOULD BE EXCLUDED WHERE THERE IS NOTHING TO SHOW THAT THAT THE SELECTION OF THAT MAN AS A WITNESS OR ANY SUSPICIOUS CIRCUMSTANCE

67. "LY" apparently added later.

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RT	RS	BT	PS
	EXCLUDING HIM AS WITNESS. COURT WILL BE DISPOSED TO SET HIM ASIDE HOGE YOUR HONOR WILL NOTE OUR EXCEPTIONS. BY COURT CALL ANOTHER JUROR. **MILTON DAILY** PRESENT. CLERK SWORN HIM. WHAT IS YOU NAME MILTON DAILY I LIVE IN HORSEBACK. WASHINGTON COUNTY LIVED THERE OVER 11 YEARS. LIVED FARMINGTON NORTH OF SALT LAKE WENT FROM THERE TO WASHINGTON. LIVED IN 57 IN OGDEN CITY. I AM CITIZEN OF UNITED STATES NATIVE READ AND WRITE		S [*space*] OBJECTED[68] I WOULD SET HIM ASIDE. EXCEPTION DEFENSE DRAWN [*space*] **MILTON DALEY** SWORN ON HIS VOIR DIRE [*space*] WHERE DO YOU LIVE HORSEBACK WASHINGTON COUNTY WHERE DID YOU LIVE PREVIOUS TO THAT ⋖IN⋗ FARMINGTON NORTH WHERE WERE YOU LIVING IN 57 I THINK IN OGDEN ARE YOU A CITIZEN OF THE UNITED STATES YES SIR NATIVE YES SIR READ AND WRITE THE ENGLISH LANGUAGE YES SIR HAVE YOU

68. Word apparently added later.

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RT	RS	BT	PS
	ANY CONSCIOUS SCRUPLES TO FINDING VERDICT WHERE SENTENCE MIGHT BE DEATH I BELIEVE NOT I AM NOT PERSONALLY ACQUAINTED WITH PRISONER AT BAR I AM NO CONNECTION WITH HIM I DO NOT KNOW ANYTHING OF THE CASE AT BAR JUST HEARD RUMORS *NST*[?] TALKED NO MORE THAN ABOUT RUMORS JUST PASSING ACCOUNT SAY WHOM I HAVE TALKED WITH GOOD MANY HERE ON STREETS. I HAVE HEARD SPOKE OF IT SEVERAL TIMES		ANY CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE SENTENCE MIGHT BE DEATH ACQUAINTED WITH THE PRISONER AT THE BAR I JUST SAW THE MAN [*space*] ANY CONNECTION OF HIS NO SIR DO YOU KNOW ANYTHING ABOUT THE CASE AT BAR JUST HEARD THE RUMORS JUST THE SAME AS HEARD HERE [*space*] NEVER TALKED WITH ANYONE ABOUT IT ONLY JUST THE RUMORS WHOM HAVE YOU TALKED WITH I COULD NOT SAY [*space*] I HAVE TALKED WITH GOOD MANY HERE UPON THE STREETS [*space*] HAVE YOU NOT TALKED

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RT	RS	BT	PS
	BEFORE I CAME HERE HAVE NOT TALKED WITH ANY ONE ENGAGED IN MATTER THAT I KNOW OF. HAVE YOU HEARD SCENES DESCRIBED ANY *PLACE*[?] THERE NO SIR HAVE YOU EVER FORMED OR EXPRESSED OPINION AS TO GUILT OR INNOCENCE OF DEFENDANT NO SIR. YOU WENT DOWN THERE YOU SAY ABOUT 11 YEARS AGO YES SIR ABOUT THEN. DO YOU RECALL WHERE YOU FIRST HEARD OF THIS AFFAIR I CAN NOT SAY POSITIVELY GOOD MANY YEARS AGO I SUPPOSE IT WAS *INDIANS*[?] WHEN I FIRST HEARD		BEFORE ABOUT IT I MIGHT HAVE TALKED ABOUT IT [*space*] *[[5]]* ANYONE THAT KNEW ANYTHING ABOUT IT NO SIR ANYONE THAT WAS IN IT NO SIR HAVE YOU HEARD THE SCENES DESCRIBED NO SIR HAVE YOU EVER [*space*] GUILT OR INNOCENCE OF THE DEFENDANT NO SIR YOU WENT DOWN THERE ABOUT 11 YEARS AGO YES SIR SOMEWHERES ABOUT 11 YEARS AGO DO YOU RECALL WHERE YOU FIRST HEARD OF IT I COULD NOT SAY IT IS SO MANY YEARS AGO [*space*] I SUPPOSED IT WAS INDIANS THAT IS THE WAY I HEARD

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RT	RS	BT	PS
	OF REPORT. I HEARD RUMOR WHITE MEN SUPPOSED TO BE ENGAGED IN IT COULD NOT FIND ANY PERSON WHO KNEW ANYTHING ABOUT IT. DO YOU THINK YOU COULD TRY CASE ON LAW AND EVIDENCE I THINK ~~I~~ COULD [24] IN THESE RUMORS AND REPORTS YOU HAVE HEARD DID YOU EVER HEAR PRISONER AT BAR WAS IN THE CASE OBJECTED TO BY DEFENSE BY CAREY I THINK		THE REPORT [*space*] AFTERWARDS HEARD OF ANY OTHER RUMOR I HEARD FLOATING RUMORS THAT SUPPOSED TO BE WHITE MEN ENGAGED IN IT NEVER KNEW ANY PERSON THAT KNEW ANYTHING ABOUT IT DO YOU THINK YOU COULD TRY THE CASE UPON THE LAW AND EVIDENCE AS IT WOULD BE PRESENTED HERE IN COURT YES SIR GIVE A VERDICT ACCORDING TO THE LAW AND EVIDENCE YES SIR I THINK I COULD [*space*] THOSE RUMORS AND REPORTS YOU HAVE HEARD DID YOU EVER HEAR THAT THE PRISONER AT THE BAR WAS IN THE CASE OBJECTED TO OVERRULED [*space*]

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RT	RS	BT	PS
	YOU HAVE ASKED THAT QUESTION ABOUT THOUSAND TIMES I DO NOT KNOW BUT I HAVE HEARD SUCH RUMORS. DID YOU HEAR IT FROM ANY ONE WHO PROFESSED TO KNOW I DID NOT. SPICER HAVE NOT FORMED OR EXPRESSED ANY OPINION HAVE NO BIAS OR PREJUDICE. BY CAREY I UNDERSTAND MR. DAILY ~~I AM~~ YOU ARE NO CONNECTION EITHER BY MARRIAGE OR OTHERWISE "NOT AT ALL". BY COURT TO CAREY ARE YOU THROUGH QUESTIONING OF JURORS. CAREY **≤TO JARVIS≥** WHERE DID YOU LIVE AT THE TIME		I DO NOT KNOW BUT I HAVE HEARD SUCH RUMORS DID YOU HEAR IT FROM ANYONE WHO PROFESSED TO KNOW I DID NOT [*space*] PASSED ≤SPICER≥ HAVE YOU ANY BIAS PREJUDICE AGAINST THE DEFENDANT PASSED [*space*] I UNDERSTAND YOU THINK YOU ARE NO CONNECTION BY MARRIAGE OR OTHERWISE WITH THE DEFENDANT NO NOT AT ALL [*space*] MR. JARVIS [*space*] WHERE DID YOU SAY YOU LIVED AT THE TIME THIS

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RT	RS	BT	PS
	IN 57 I CAME FROM ENGLAND IN FALL OF 57 SOMETIME IN THE YEAR I DO NOT EXACTLY REMEMBER. I FIRST SETTLED IN BOSTON MASSACHUSETT S I LIVED IN STATES 4 OR 5 YEARS I CAME HERE IN 60 I HAVE LIVED IN THE TERRITORY EVERY SINCE LIVED IN SALT LAKE CITY 14 YEARS THIS FALL. ~~I HAVE~~ I HAVE NOT ANY CONVERSATION ANY MORE THAN COMMON		AFFAIR OCCURRED I LIVED IN ENGLAND IN 57 WHEN DID YOU COME FROM ENGLAND IN THE FALL OF 57 WHAT TIME IN THE FALL SOMETIME DURING THE YEAR I DO NOT REMEMBER [*space*] WHERE DID YOU FIRST SETTLE WHEN YOU FIRST CAME HERE BOSTON MASSACHUSETT S DID NOT COME HERE UNTIL 60 I THINK [*space*] LIVED HERE EVERY SINCE IN THE TERRITORY YES WHERE DID YOU FIRST SETTLE SALT LAKE CITY HOW LONG IN ST. GEORGE 14 YEARS THIS FALL [*space*] YOU SAY MR. JARVIS YOU HAVE NEVER HAD ANY CONVERSATION ABOUT THIS THING NO SIR ONLY COMMON

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RT	RS	BT	PS
	RUMORS GOING AROUND NEVER TALKED WITH ANYONE WHO PROFESSED TO KNOW ANYTHING ABOUT IT NO SIR HAVE NOT FORMED OR EXPRESSED ANY OPINION. NATURALIZED BEFORE JUDGE HAWLEY IN **ST GEORGE** [*space*] BY PROSECUTION I BELIEVE WE HAVE NO FURTHER CHALLENGES FOR CASE. COURT TO SPICER ANY FURTHER QUESTIONS <**ANS** NONE> //EXCEPTING AS TO CHALLENGE FOR CASE ~~NO SIR~~ MR. HAYBORNE WERE *YOU*[?] NOT SUBPOENAED AS WITNESS IN THIS CASE I WAS SIR SINCE I ARRIVED IN		RUMORS HAVE YOU EVER TALKED WITH ANYONE THAT PROFESSED TO KNOW ANYTHING ABOUT IT NO SIR FORMED OR EXPRESSED ANY OPINION AS TO THE GUILT OR INNOCENCE NO SIR WHERE WERE YOU NATURALIZED IN ST GEORGE BEFORE JUDGE HAWLEY [*space*] *[[6]]* MR. HAYBORNE WERE YOU NOT SUBPOENAED IN THIS CASE YES SIR ONLY SINCE I ARRIVED IN

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RT	RS	BT	PS
	BEAVER. BY CAREY SUBPOENAS WE ISSUED FOR MR. HAYBORNE SAME TIME AS ALL WERE. WE EXPECT WANT TO USE THIS WITNESS "BY SUTHERLAND WE EXCEPT TO RULING IN REGARD TO THIS JUROR". CLERK READ NAME OF **WILLIAM A CARLOW** SWORN BY CLERK. WHERE YOU LIVE IN BEAVER LIVED HERE SINCE 58 CITIZEN UNITED STATES NATIVE NATURALIZED READ AND WRITE NO CONNECTION WITH PRISONER AT BAR. ANY CONSCIOUS SCRUPLES		BEAVER —[?] PRINCIPLES WITNESSES THAT THEY EXPECT TO USE [*space*] COURT EXCUSED JUROR TO WHICH DEFENSE EXCEPTED (EXCEPTION **W^{M} A CARLOW** SWORN ON HIS VOIR DIRE [*space*] WHERE DO YOU LIVE BEAVER HOW LONG HAVE YOU LIVED HERE SINCE 58 CITIZEN OF THE UNITED STATES YES SIR NATIVE READ AND WRITE THE ENGLISH LANGUAGE YES SIR ANY CONNECTION NONE NEITHER BY MARRIAGE NOR CONSANGUINITY [*space*] CONSCIOUS SCRUPLES

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RT	RS	BT	PS
	AGAINST FINDING VERDICT [*space*] I HAVE EMPHATICAL IF EVIDENCE SHOULD SHOW MAN VIOLATED LAW ETC. COULD YOU FIND VERDICT I COULD AGAINST HIM. ARE YOU ACQUAINTED WITH PRISONER ONLY BY SIGHT. *ANY/NO*[?] THING ABOUT HIM PRISONER HAVE YOU FORMED OR EXPRESSED OR FORMED OPINION AS TO HIS GUILT OR INNOCENCE I HAVE A DECIDED OPINION. WE PASS JUROR OVER TO OTHER SIDE BY SPICER WE CHALLENGE FOR CASE THEN.		~~<~~AGAINST FINDING VERDICT WHERE THE PUNISHMENT MIGHT BE DEATH~~>~~ I HAVE ~~IF THE LAW~~ [*space*] IF THAT WAS THE LAW AND THE EVIDENCE SHOULD SHOW THAT A MAN HAD VIOLATED ~~THEM~~ THAT LAW I COULD AGAINST HIM [*space*] ARE YOU ACQUAINTED WITH THE PRISONER ONLY BY SIGHT HAVE YOU FORMED OR EXPRESSED TO HIS GUILT OR INNOCENCE I HAVE [*space*] A DECIDED OPINION [*space*] A DECIDED OPINION PASSED CHALLENGED BY DEFENSE FOR CASE

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RT	RS	BT	PS
	JOHN C DUNCAN. SWORN BY CLERK. BY CAREY WHERE YOU LIVE CEDAR CITY IRON COUNTY LIVED THERE ABOUT 4 YEARS LIVED PREVIOUS TO THAT TIME IN SALT LAKE CITY. CITIZEN UNITED STATES NATIVE. READ AND WRITE. ANY CONSCIOUS SCRUPLES FINDING VERDICT WHERE PUNISHMENT MIGHT BE DEATH NO SIR I HAVE SEEN PRISONER ONCE BEFORE. NEVER		CHALLENGE SUSTAINED [*space*] **JOHN C DUNCAN** SWORN ON HIS VOIR DIRE [*space*] WHERE DO YOU LIVE CEDAR CITY IRON COUNTY HOW LONG LIVED THERE ABOUT 4 YEARS WHERE DID YOU LIVE PREVIOUS TO THAT SALT LAKE CITY [*space*] ARE YOU CITIZEN UNITED STATES NATIVE OR NATURALIZED NATIVE READ AND WRITE THE ENGLISH LANGUAGE YES SIR CONSCIOUS SCRUPLES AGAINST FINDING VERDICT WHERE THE PENALTY COULD BE DEATH NO SIR ARE YOU ACQUAINTED WITH THE PRISONER AT THE BAR I BELIEVE I SAW HIM ONCE BEFORE HAVE YOU EVER

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RT	RS	BT	PS
	HAD ANY CONVERSATION WITH HIM. NO CONNECTION TO HIM HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO INNOCENCE OR GUILT NO SIR I BELIEVE [25] NOT. IN ANOTHER REGARD TO MATTER WHEN WHAT HAVE HEARD. NEVER HEARD OF IT IN SALT LAKE CITY. LIVED SALT ~~I THINK~~ I THOUGHT FROM 48 I HAVE BEEN HERE MAYBE 5 YEARS. NEVER HEARD *ONLY*[?] UNTIL I CAME DOWN		HAD ANY CONVERSATION WITH HIM NO SIR ANY CONNECTION WITH HIM NO SIR HAVE YOU FORMED OR EXPRESSED AN OPINION AS TO HIS GUILT OR INNOCENCE [*space*] NO SIR [*space*] KNOW ANYTHING OF THE MATTER NO SIR ONLY WHAT I HAVE HEARD WHEN AND WERE DID YOU HEAR SINCE I HAVE BEEN DOWN IN THIS PART OF THE COUNTRY NEVER HEARD OF IT IN SALT LAKE CITY NO SIR HOW LONG DID YOU LIVE THERE I THINK IT WAS ABOUT 48 [*space*] YOU LIVED FROM [*space*] 48 UP TO [*space*] DID NOT KNOW THERE WAS SUCH A TRANSACTION OCCURRED IN THE TERRITORY UNTIL YOU CAME DOWN

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RT	RS	BT	PS
	HERE. HAVE TALKED WITH VARIOUS PERSONS NUMBER OF PERSONS THOMAS WALKER WILLIAM WALKER. THINK MIGHT HAVE GIVEN ME SOME ACCOUNT. AFTER TALKING WITH THESE PARTIES HEARING ALL ABOUT IT HAVE NOT YOU EXPRESSED SOME OPINION ON THE MATTER OBJECTED TO BY HOGE. BY COURT THAT IS NOT THE BEST WAY OF PUTTING QUESTION. HAVE YOU TALKED MUCH ABOUT MATTER WITH		HERE NO SIR [*space*] WHOM DID YOU TALK WITH SINCE YOU CAME DOWN HERE VARIOUS GENTLEMEN CAN YOU NAME ANY OF THEM JOHN WALKER WILLIAM *[[7]]* WALKER [*space*] THEY LIVED IN CEDAR CITY YES SIR DID NOT THEY GIVE YOU AN ACCOUNT OF THE AFFAIR THEY MIGHT HAVE GIVEN YOU AN ACCOUNT AFTER TALKING WITH THESE PERSONS AND HEARING ALL ABOUT IT FROM THEM DID NOT YOU FORM OR EXPRESS AN OPINION NO SIR [*space*] HOGE OBJECTED TO THE FORM OF THIS QUESTION [*space*] HAVE YOU TALKED MUCH ABOUT THE MATTER WITH

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RT	RS	BT	PS
	WALKER I DO NOT KNOW PROBABLY 2 OR 3 TIMES COULD NOT SAY WHO ELSE BESIDES WALKER THAT I HAVE TALKED WITH. I BELIEVE WALKERS ARE WITNESSES IN CASE HAVE NOT FORMED ANY OPINION. I WAS THERE ABOUT SIX WEEK AGO MOUNTAIN MEADOWS DID YOU HEAR DESCRIPTION FROM ANY ONE. *GREATEST*[?] DESCRIPTION I HEARD ABOUT		THE WALKERS I DO NOT KNOW PROBABLY 2 OR 3 TIMES WHOM ELSE BESIDES WALKERS HAVE YOU TALKED WITH ABOUT IT I COULD NOT SAY I DO NOT KNOW THAT I EVER TALKED WITH ANYONE THAT SAID THEY WERE THERE WALKERS ARE WITNESSES IN THE CASE I BELIEVE THEY HAVE BEEN SUMMONED [*space*] WERE YOU EVER AT MOUNTAIN MEADOWS YES SIR SEVERAL TIMES WHEN WERE YOU THERE I WAS THERE ABOUT 6 WEEKS AGO DID YOU HEAR A DESCRIPTION OF WHAT OCCURRED THERE FROM ANYONE THE GREATEST DESCRIPTION I EVER HEARD OF

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RT	RS	BT	PS
	IT WAS IN THE SONG. I DO NOT SING SONGS. SONG GAVE DESCRIPTION OF IT I DO NOT KNOW AS TO ITS TRUTH. HAVE YOU EVER TALKED WITH ANY ONE THAT WAS THERE. NOT THAT I KNOW OF. WHOM HAVE YOU TALKED WITH IN CEDAR CITY BESIDES WALKERS DO NOT KNOW AS I CAN TELL ANYBODY IT HAS BEEN OFTEN TALKED ABOUT. DO NOT KNOW AS I COULD FIX UPON ANY DEFINITE PERSON. YOU NOT HAVE		WAS THE SONG YOU SING SONGS ABOUT IT DO YOU I DO NOT YOU HAVE HEARD THE SONGS YES SIR THEY GIVE DESCRIPTION OF IT *DID*[?] IT THEY SAY SO [*space*] HAVE YOU EVER TALKED WITH ANYONE THAT WAS THERE AT THE SCENE NOT THAT I KNOW OF NO ONE EVER TOLD ME THEY *WAS*[?] THERE WHO HAVE YOU TALKED WITH IN CEDAR BESIDES THE WALKERS I DO NOT KNOW THAT I COULD TELL YOU PROBABLY SOME PARTIES IT IS OFTEN TALKED ABOUT I DO NOT KNOW THAT I COULD FIX IT UPON ANY DEFINITE PERSON TALKED ABOUT A GOOD DEAL YES SIR STILL YOU NEVER HAVE

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RT	RS	BT	PS
	HAD ANY OPINION IN REGARD TO MATTER I HAVE HAD OPINION SUCH OCCURRENCE MIGHT HAVE TAKEN PLACE FROM FACT THERE HAS BEEN SO MUCH SAID ABOUT IT I HAVE SEEN MONUMENT WHICH HAS BEEN RAISED ON THE SUPPOSED PLACE. I HAVE NEVER INQUIRED ABOUT IT. DO NOT KNOW I HAVE ASKED A QUESTION. HAVE NOT HEARD PROOFS. BEING DOWN THERE IN MIDST OF IT HAVING SEEN IT AND BEING WITH		HAD ANY OPINION AT ALL UPON MATTER I HAVE HAD AN OPINION THAT THERE MIGHT HAVE BEEN SUCH AN OCCURRENCE TAKE PLACE FROM THE FACT THAT THERE HAS BEEN SO MUCH TALK OF THE PLACE AND I HAVE SEEN THE MONUMENT RAISED THERE AND SUPPOSED TO BE THE PLACE [*space*] DID YOU EVER INQUIRE MUCH ABOUT IT YOURSELF I DO NOT KNOW THAT I EVER ASKED A QUESTION [*space*] HAD NOT VERY MUCH CURIOSITY ABOUT IT NO SIR ONLY HEARD RUMORS [*space*] BEING RIGHT DOWN THERE IN THE MIDST OF IT AND HAVING SEEN IT BEING WITH

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RT	RS	BT	PS
	PERSONS WHO PRETENDED TO KNOW SOMETHING ABOUT *IT WOULD*[?] BE NATURAL TO HAVE ≤ASKED≥ SOMETHING —[?] ABOUT IT. OBJECTED TO BY DEFENSE. COULD NOT SAY WHOM HAVE ASKED. DO NOT KNOW I REMEMBER PERSON WHOM I HAVE ASKED THE QUESTION. YOU CAN SWEAR YOU HAVE NO OPINION WHATEVER AS TO GUILT OR INNOCENCE OF PARTY AND HAVE NEVER HAD ONE YES SIR. "BY SPICER HAVE YOU ANY		PERSONS THAT PRETENDED TO KNOW SOMETHING ABOUT IT WOULD NOT IT BE NATURAL FOR YOU TO ~~IN FORM~~ ASK SOME QUESTION ABOUT IT OBJECTED TO [*space*] I MIGHT HAVE ASKED [*space*] AND WHOM DID YOU ASK I COULD NOT SAY IF YOU HAVE ASKED ANYONE YOU CAN PROBABLY RECALL SOMETHING ABOUT WHOM TO [*space*] I DO NOT KNOW THAT I CAN REMEMBER THE PERSON THAT I ASKED THE QUESTION YOU CAN SWEAR THAT YOU HAVE NO OPINION WHATEVER AS TO THE GUILT OR INNOCENCE OF THAT PARTY WHATEVER YES SIR AND HAVE NEVER HAD ONE YES SIR *[[8]]* SPICER [*space*] HAVE YOU ANY

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RT	RS	BT	PS
	BIAS OF MIND OR PREJUDICE IN REGARD TO MR. LEE NO SIR BY CAREY HAVE YOU ANY IN HIS FAVOR NO SIR" CAREY COURT PLEASE I SUPPOSE SAME METHOD OF CHALLENGE IS ADOPTED HERE AS IN OTHER DISTRICTS THAT IS CHALLENGING ALTERNATELY WAIVING THE CHALLENGE WOULD ONLY BE WAIVING ONE. COURT PLEASE THERE IS ANOTHER JUROR WHO HAS BEEN SUBPOENAED AS WITNESS I WISH TO HAVE MR. CHIDESTER EXCUSED. LIVED IN THAT COUNTY 12 YEARS MOVED FROM WHAT IS CALLED PARLEY'S PARK THERE. [*space*]		BIAS OF MIND OR PREJUDICE AGAINST MR. LEE NO SIR HAVE YOU ANY IN HIS FAVOR NO SIR [*space*] CAREY IF THE COURT PLEASE I SUPPOSE THE SAME METHOD OF CHALLENGE IS ADOPTED HERE AS IN THE OTHER DISTRICTS WAIVING ONE CHALLENGE BUT ONLY WAIVING ONE [*space*] I UNDERSTAND THERE IS ONE JUROR MR. CHIDESTER THAT HAS BEEN SUBPOENAED IN THE CASE I SHOULD LIKE TO HAVE MR. CHIDESTER EXCUSED [*space*] HOW LONG HAVE YOU LIVED IN THAT COUNTY 12 YEARS I MOVED FROM WHAT IS CALLED PARLEY'S PARK [*space*]

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RT	RS	BT	PS
	SPICER WISH PROSECUTION BE AS SPARING AS COULD BE [*space*] BY COURT MR. CHIDESTER YOU WILL BE EXCUSED MR. SUTHERLAND WE OBJECT TO HIS ~~BEING~~ BEING EXCUSED ON ACCOUNT OF HIS NOT BEING INCAPABLE OF SERVING AS JUROR SOME EXPLANATIONS BY COURT BY SUTHERLAND YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION. *[26]* BY COURT CALL ANOTHER JUROR **SMITH D ROGERS** CALLED. BY WHEDON COURT PLEASE HIS NAME IS ON THE WITNESS LIST SUBPOENAED BY		CHIDESTER EXCUSED OBJECTED TO OBJECTION OVERRULED EXCEPTION ~~<~~SUTHERLAND~~>~~ WE UNDERSTAND THAT HE APPEARS UPON EXAMINATION TO HAVE BEEN NOT BIASED OR DISQUALIFIED [*space*] DISCHARGED ON THE GROUND SIMPLY THAT THE JUROR WAS DISCHARGED SIMPLY THAT HE WAS SWORN AS A JUROR IN GOOD FAITH [*space*] EXCEPTION [*space*] **SMITH D ROGERS** [*space*] WE HAD NOT SAID HE WAS SUBPOENAED AS

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RT	RS	BT	PS
	COURT IF YOU WANT TO USE HIM *WON'T*[?] *QUESTION*[?]. BY HOGE I WISH TO CALL THAT JUROR BACK WHICH HAS JUST BEEN DISCHARGED HOGE WHEN WERE YOU SUBPOENAED HERE AS WITNESS ABOUT 9 O'CLOCK ON THE 12TH. WHEDON TO STOKES I SENT SUBPOENA DOWN TO *LDS/LEEDS/LLOYDS*[?] AND ~~I BELIEVE~~ *BURTON*[?] SUBPOENAED HIM HERE. [*space*] ***S D R*** SWORN. ≤BY CAREY≥ LIVED PAROWAN IRON COUNTY LIVED THERE 18 OR 20 YEARS I SUPPOSE. LIVING THERE IN 57 I SUPPOSE SO.		A WITNESS [*space*] ≤LAST **WITNESS** QUESTIONED BY≥ HOGE WHEN WERE YOU ~~SM~~ SUBPOENAED TO APPEAR HERE AS WITNESS CALLED ON THE 12 WHEN WAS THIS SUBPOENA SERVED [*space*] I SENT THE SUBPOENA DOWN BY MY DEPUTY AND IT WAS RETURNED NOT ~~SERVED~~ FOUND *BECAUSE*[?] **D ROGERS** SWORN ON HIS VOIR DIRE [*space*] WHERE DO YOU LIVE PAROWAN IRON COUNTY HOW LONG THERE 18 OR 20 YEARS LIVING THERE IN 57 I SUPPOSE SO

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RT	RS	BT	PS
	NATIVE BORN CITIZEN BORN UTAH TERRITORY LIVED AT LEHI BEFORE SENT TO IRON COUNTY. READ AND WRITE. THIS IS INDICTMENT AGAINST VARIOUS PERSONS ARE YOU ANY CONNECTION OF MR. LEE'S NO SIR NEITHER BY MARRIAGE OR OTHERWISE HOW IS IT TO MR. DAME NO RELATION TO HIM. IT DEPENDS ON WHAT KIND OF BUSINESS BY SUTHERLAND THAT QUESTION IS IMMATERIAL COURT OVERRULED SUTHERLAND EXCEPTED.		[*space*] CITIZEN YES SIR NATIVE WHERE WERE YOU BORN BORN IN UTAH TERRITORY WHERE DID YOU LIVE BEFORE YOU WENT DOWN TO PAROWAN LEHI READ AND WRITE THE ENGLISH LANGUAGE YES SIR THIS IS AN INDICTMENT AGAINST VARIOUS PARTIES ARE YOU ANY CONNECTION OF MR. LEE'S NEITHER BY MARRIAGE OR OTHERWISE [*space*] HOW IS IT WITH MR. DAME NO RELATION OF HIS [*space*] ANY BUSINESS RELATION WITH HIM IT DEPENDS ON WHAT KIND OF BUSINESS OBJECTED TO AS IMMATERIAL OBJECTION OVERRULED EXCEPTION [*space*] WHAT

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RT	RS	BT	PS
	IN CHURCH CAPACITY I MAY HAVE BUSINESS THAT WAY WITH HIM THAT WOULD BE ALL I AM COUNSELOR. HAVE NO CONSCIOUS SCRUPLES ABOUT FINDING VERDICT KNOW *ANYTHING*[?] ABOUT CASE AT BAR ONLY BY RUMORS. HAVE YOU FORMED OR EXPRESSED OPINION ON THESE RUMORS. I HAVE HEARD MORE ABOUT THESE RUMORS MORE IN **B** THAN ANY OTHER PLACE. HAVE HEARD OF SUCH AN CASE IN EXISTENCE		CONNECTION HAVE YOU WITH MR. DAME NO MORE THAN IN A CHURCH CAPACITY I SUPPOSE I HAVE BUSINESS THAT WAY WITH HIM [*space*] COUNSELOR YES SIR [*space*] HAVE YOU ANY CONSCIOUS SCRUPLES WHERE THE PENALTY MIGHT BE DEATH NO SIR I BELIEVE NOT *[[9]]*[69] KNOW ANYTHING ABOUT THE CASE AT BAR NO SIR ONLY FROM RUMORS [*space*] FROM RUMORS HAVE YOU FORMED [*space*] GUILT OR INNOCENCE ~~I HAVE~~ NO SIR [*space*] WHERE DID YOU HEAR THESE RUMORS HEARD MORE AT BEAVER [*space*] DID YOU HEAR ANYTHING AT

69. Verso of page 9 is blank except for a very roughly drawn profile.

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RT	RS	BT	PS
	UP/TO[?] PAROWAN NEVER TALKED WITH ANYONE WHO PROFESSED TO KNOW ANYTHING ABOUT IT I HAVE HEARD IT GOING AROUND. DO YOU THINK YOU CAN SIT HERE AND HEAR EVIDENCE AND DECIDE THIS CASE UPON THE LAW AND EVIDENCE YOU SHALL HEAR IN THIS COURT "I THINK SO" GIVE VERDICT ACCORDING TO LAW EVIDENCE "I THINK SO". WHAT ≼CIVIL≽ OFFICE DO YOU HOLD OUTSIDE OF ONE YOU SPOKEN ABOUT ONE SIR I AM ≼MEMBER≽ OF CITY COUNCIL. *NOT* *ONE*[?] OF SELECT MEN. HAVE YOU ANY		PAROWAN YES I HAVE HEARD OF THE CASE ~~TALKED~~ WITH [*space*] TALK WITH ANYONE [*space*] I COULD NOT SAY THAT I TALKED WITH ANYBODY ON THE SUBJECT BUT I HAVE HEARD IT [*space*] DO YOU THINK YOU CAN SIT AND HEAR THE EVIDENCE AND DECIDE THE CASE ON THE LAW AND EVIDENCE YES SIR I THINK I CAN GIVE A VERDICT ACCORDING TO THE EVIDENCE AND LAW CAN YOU YES SIR [*space*] WHAT CIVIL OFFICE DO YOU HOLD DOWN THERE ANY OFFICE DOWN THERE I AM A MEMBER OF THE CITY COUNCIL ≼YOU HAVE ANY≽ SELECTMEN THERE NO SIR HAVE YOU ANY

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RT	RS	BT	PS
	OTHER POSITION THERE ≼EXCEPT≽ MEMBER OF CITY COUNCIL I BELIEVE NOT. WENT PAROWAN TO LIVE I THINK IT WAS IN 54 I WAS SO YOUNG I CAN'T REMEMBER I WAS 22 17TH OF LAST **DEC.** ONLY HAVE MY PARENTS' SAY SO. NEVER CONVERSED WITH ANY ONE WHO KNEW ANYTHING ABOUT THAT. I HAVE HEARD OF THE CASE NEVER BEEN TO MOUNTAIN MEADOWS. BY SPICER HAVE YOU FORMED OR EXPRESSED ANY OPINION ABOUT GUILT OF MR. LEE NO SIR NO BIAS OR		OTHER POSITION THERE EXCEPT AS MEMBER OF THE CITY COUNCIL I BELIEVE NOT [*space*] WHEN DID YOU SAY YOU WENT TO PAROWAN TO LIVE I THINK IT WAS IN 54 I AM NOT CERTAIN I WAS SO YOUNG I CAN'T REMEMBER HOW OLD ARE YOU 22 17 LAST DECEMBER I ONLY HAVE MY PARENTS' SAY SO YOU SAY YOU NEVER HAVE CONVERSED WITH ANYONE THAT KNEW ANYTHING ABOUT IT [*space*] YOU HAVE HEARD OF IT YES SIR HAVE YOU EVER BEEN THERE AT MOUNTAIN MEADOWS NO SIR [*space*] SPICER HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO THE GUILT OF MR. LEE NO SIR BIASED FOR OR

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RT	RS	BT	PS
	PREJUDICE. ~~≤~~CAREY~~≥~~ ONLY OBJECTION I SEE TO MR. ROGERS HE IS ONE OF THE *6*[?] WITNESSES WE WANT TO USE HIM BY COURT HE WILL BE EXCUSED THEN "BY SUTHERLAND WE OBJECT TO THE DISCHARGE OF THIS JUROR" *[27]* **JAMES P ~~TAYLOR~~ TERRY** CALLED NEXT JUROR. SWORN. BY CAREY RESIDE KANE COUNTY LIVED THERE 12 YEARS LIVED PREVIOUS TO THAT TIME PART TIME IN SALT LAKE COUNTY **ROCKVILLE**. I		AGAINST HIM NO SIR [*space*] ASK ~~≤~~THAT HE~~≥~~ BE EXCUSED ON GROUND THAT HE IS A WITNESS AND EXPECT TO USE HIM COURT EXCUSE HIM [*space*] DEFENSE EXCEPTS [*space*] (EXCEPTION)[70] **JAMES ~~B~~ P TERRY** SWORN ON HIS VOIR DIRE [*space*] WHERE RESIDE KANE COUNTY HOW LONG HAVE YOU LIVED THERE 12 YEARS WHAT IS YOUR FULL NAME JAMES P TERRY HOW LONG IN KANE COUNTY 12 YEARS WHERE DID YOU LIVE PREVIOUS TO THAT TIME PART TIME IN SALT LAKE PART AT KANE COUNTY ARE

70. "(EXCEPTION)" written very large in very light pencil; apparently added later.

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RT	RS	BT	PS
	AM CITIZEN BORN IN UPPER CANADA MY PARENTS WAS AMERICAN CITIZEN BORN NEW YORK STATE MOVED TO CANADA WHEN I WAS 7 YEARS BORN AND LIVED THERE UNTIL I WAS 7 YEARS OF AGE. HOW LONG BEFORE YOU WERE BORN DID HE GO THERE CAN NOT TELL EXACTLY. BY CAREY I DO NOT THINK THIS IS QUALIFIED JUROR. SEEMS FAMILY WENT THERE WENT FROM NEW YORK STATE. BY COURT I AM INCLINED TO THINK AS LONG AS PARENTS ARE CITIZENS CHILD IS CITIZEN.		YOU CITIZEN OF THE UNITED STATES YES SIR BORN IN NORTH CANADA MY PARENTS WERE AMERICAN CITIZENS MOVED TO CANADA ≼FROM NEW YORK STATE≽ THEN BACK AGAIN WHEN I WAS 7 YEARS OLD THEN CAME WITH MY PARENTS BACK TO THE STATES [*space*] BEFORE I WAS BORN UNTIL I WAS 7 YEARS OLD [*space*] I COULD NOT TELL EXACTLY [*space*] *[[10]]* ≼COURT≽ [*space*] I AM INCLINED TO THINK THAT AS LONG AS THE PARENTS ARE CITIZENS THE CHILD IS CITIZEN [*space*]

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RS

BY CAREY MY UNDERSTANDING IS SO FAR SO VERY DIFFERENT FROM COURT I LIKE TO STATE. HERE IS PARTY WHO MOVES OUT OF COUNTRY APPARENTLY WITH IDEA OF ADOPTING COUNTRY AS HIS HOME DID NOT KNOW HOW MANY YEARS BUT FROM JUROR'S OWN STATEMENT IT IS MORE THAN 7 YEARS. CITIZEN WHO HAS LEFT COUNTRY MERELY TEMPORARILY OR VISITED STILL UNDER —/*MBLT*[?] OF GOVERNMENT CHILDREN BORN THEN WOULD BE CITIZENS, BUT WHERE PARTY LEAVES COUNTRY [*space*] ~~<~~THE WORD OF –[?] WITH REGARD TO NATURALIZATION~~>~~ BY SUTHERLAND CHILD FOLLOWS STATE TIES OF THE PARENT CHILDREN ARE BORN ABROAD BY PARENTS WHO HAVE EITHER PERMANENTLY OR TEMPORARILY TO RESIDE IF IN THE FORMER CASE THEY RETURN AND RESUME THEIR CITIZENSHIP HAS CAUSAL REFERENCE TO MULTITUDES OF JURORS IN THIS COUNTRY HE SAYS ARE NOT CITIZENS HERE THAT IS TRUE AS TO ALL WHO HAVE NOT BEEN NATURALIZED THEY DO NOT BECOME CITIZENS HERE WITHOUT NATURALIZATION. AND IF WITHOUT NATURALIZATION HERE THEY RETURN TO THEIR MOTHER COUNTRY THEY RESUME THEIR ORIGINAL CHARACTER THERE WITHOUT ANY NATURALIZATION OF THAT THERE IS NOT THE LEAST DOUBT. RULE IN ENGLAND IS ONCE A CITIZEN ALWAYS A CITIZEN WITHOUT RESPECT TO NATURALIZATION ABROAD. WHERE CITIZEN GOES ABROAD WITHOUT REGARD HIS INTENTION WHEN HE WENT ABROAD IF HE RETURNS TO HIS NATIVE COUNTRY AND SETTLES HE RESUMES HIS ORIGINAL CHARACTER AS NATIVE BORN CITIZEN IT WOULD BE *SPECTACLE*[?] TO SAY NATIVE OF THIS COUNTRY BECAME NATURALIZED IN ORDER TO BECOME CITIZEN IT WOULD BE A CASE NOT PROVIDED FOR ~~BY~~ PER NATURALIZATION LAWS. HE WOULD NOT OWE ALLEGIANCE TO ANY OTHER GOVERNMENT UNLESS HE HAD BECOME NATURALIZED THERE. HERE THERE IS NO EVIDENCE AT ALL GENTLEMAN'S PARENTS HAD BECOME NATURALIZED IN CANADA OR HAD ANY FOREIGN ALLEGIANCE TO RENOUNCE WHEN THEY CAME BACK THEY CAME TO THEIR ORIGINAL STATUS AS NATIVE BORN CITIZENS. [*space*] BY CAREY REMARKS IN ANSWER REFERENCE TO DECISIONS MADE BY ATTORNEY GENERAL DURING LAST FEW WEEKS. MR. *PEERBENT/PIERPONT*[?] HAS JUST MADE DECISION THE CHILD IS A CITIZEN OF THE COUNTRY WHERE HE IS BORN AND ONLY BECOMES CITIZEN OF ANOTHER COUNTRY BY EITHER BECOMING NATURALIZED OR RENOUNCING THIS ALLEGIANCE TO GOVERNMENT WHERE CHILD WAS BORN HAS TO RENOUNCE THAT. *[28]* BY COURT HE WOULD BE CITIZEN OF THAT COUNTRY UNLESS HE RESUMED HIS RIGHTS AS AMERICAN CITIZEN IT WOULD REQUIRE NO NATURALIZATION. REFERRED TO RULE OF *PEERBENT/PIERPONT*[?] BY HOGE CASE WAS THIS THERE WAS GERMAN CAME INTO THIS COUNTRY SETTLING IN ST. LOUIS CHILD WAS BORN NATIVE IN THIS COUNTRY LIVED HERE 4 YEARS THEY WENT BACK TO PRUSSIA PUT HIM INTO PRUSSIAN ARMY CLAIMED PROTECTION OF AMERICAN GOVERNMENT. ATTORNEY GENERAL WAS TO THIS EFFECT

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THAT THE CHILD'S NATIONALITY FOLLOWED THAT OF HIS PARENTS UNTIL HE ARRIVED AT 21 HE WAS TO ALL INTENTS AND PURPOSES CITIZEN OF PRUSSIA. BY BASKIN THERE IS STATUTES OF THE UNITED STATES UPON THIS SUBJECT ONLY QUESTION IS WHETHER THIS CASE COMES WITHIN IT OR NOT. BY SUTHERLAND THERE IS STATUTE HERE IF PARENTS BECOME NATURALIZED AND A CHILD BEFORE HE EXCEEDS 18 YEARS OF AGE THAT NATURALIZES CHILD. ANY OTHER RULE THAN THE ONE *WE TEND*[?] FOR WOULD MAKE HIM UNNATURALIZED. BY COURT QUESTION IS WHETHER HIS FATHER WAS CITIZEN OF UNITED STATES AT THAT TIME.

RT	RS	BT	PS
	BY BASKIN WHEN DID YOUR PARENTS REMOVE TO CANADA I DO NOT KNOW EXACTLY I KNOW THEY REMOVED BY THEIR SAY SO AND BY MY SISTERS AND BROTHERS. BY **BASKIN** REMARKS AS TO CHILDREN BORN WITHOUT LIMITS OF UNITED STATES. [*space*] TO TERRY DO YOU KNOW WHETHER YOUR FATHER DURING TIME LIVED IN CANADA EXERCISED ALLEGIANCE VOTED FOR OFFICE ETC. I DO NOT		BASKIN WHEN DID YOUR PARENTS MOVE TO CANADA HOW DO YOU KNOW THEY MOVED FROM THE UNITED STATES TO CANADA ~~IT~~ ~~WAS~~ ONLY BY WHAT THEY SAID AND THAT MY BROTHERS AND SISTERS SAID. DO YOU KNOW WHETHER YOUR FATHER WHILE HE REMAINS <EXERCISED THE RIGHTS OF A CITIZEN> IN CANADA VOTED OR HELD OFFICE I DO NOT

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RT	RS	BT	PS
	KNOW HOWEVER. [*space*] BY SUTHERLAND		KNOW. SUTHERLAND

RS

THIS WITNESS ONLY KNOWS BY HEAR SAY THAT HIS PARENTS FORMERLY LIVED IN NEW YORK AND THEN WENT TO CANADA. CASE WAS DISPOSED OF THIS FORENOON CHILD WHO WAS FOREIGNER BY BIRTH AS HE HEARD HIS FATHER WAS NATURALIZED IN MISSOURI HE NEVER HAD SEEN PAPERS AND KNEW NOTHING OF IT EXCEPT BY HEAR SAY YOUR HONOR SAID HE WAS EVIDENTLY A CITIZEN AND FACTS IN THAT CASE WERE LEARNED BY HEARSAY WITNESS DID NOT KNOW ANYTHING OF THE *UNUSUAL EVENTS*[?] TO MAKE HIMSELF A CITIZEN EXCEPT BY HIS FATHER. [*space*] BY COURT HE SAID HIS FATHER WAS CITIZEN. BY SUTHERLAND HE HAS NO PROOF OF HIS NATURALIZATION. THESE CIRCUMSTANCES BEEN ADMISSIBLE ALL HEARSAY. THERE ARE CERTAIN FACTS BEFORE US PROVED BY HEARSAY.

RT	RS	BT	PS
	WE'LL ASK THE WITNESS DID YOU AFTER MOVING BACK YOU KNOW YOUR FATHER EXERCISED RIGHTS OF CITIZENSHIP THERE BY BASKIN WE OBJECT TO THAT IT MIGHT HAVE BEEN THAT HE REMOVED TO THIS COUNTRY AND TOOK OUT HIS NATURALIZATION PAPERS. ≤BY SUTHERLAND≥		≤ASK YOU≥ IF AFTER THEY MOVED BACK TO NEW YORK YOU KNOW OF YOUR FATHER EXERCISING RIGHTS OF CITIZENSHIP VOTING **& C** [*space*] OBJECTED TO BY BASKIN [*space*] YES SIR

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RT	RS	BT	PS
	DID HE HOLD ANY OFFICE NOT THAT I KNOW OF HE CONSIDERED HIMSELF AMERICAN CITIZEN BY COURT		DID HE HOLD ANY OFFICE NOT THAT I KNOW OF [*space*]
			DID YOU KNOW OF HIS VOTING ~~NO~~ YES SIR
	DO YOU KNOW WHETHER HE WAS NATURALIZED OR NOT		WAS HE EVER NATURALIZED NOT THAT I KNOW OF [*space*] I SUPPOSED HE DID NOT NEED IT [*space*] DO YOU KNOW OF HIS GOING THROUGH THE CEREMONY OF BEING NATURALIZED
	NO SIR HE DID NOT RETURN FROM NEW YORK RETURN FROM ILLINOIS FROM MISSOURI BY SUTHERLAND IT WAS IN THOSE STATES HE EXERCISED THIS ALLEGIANCE AS CITIZEN HE CAME BACK IN 18~~<~~28~~>~~.		NO SIR HE RETURNED TO ILLINOIS AND MISSOURI AND IT WAS IN THESE STATES THAT HE EXERCISED THE RIGHT OF CITIZEN [*space*] WHEN DID YOUR FATHER GO TO ST. LOUIS IN *37/38*[?] [*space*] CAREY IT WAS

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RT	RS	BT	PS
	BY SUTHERLAND TO CAREY I OBJECT I OBJECT TO YOUR GIVING ANY EVIDENCE. BY SUTHERLAND THIS COURT OUGHT NOT TAKE *JUDGMENT*[?] IN THIS OF THE LAWS OF ILLINOIS AND OF ITS CONSTITUTION.		NOT NECESSARY TO BE NATURALIZED THEN IN MISSOURI. SUTHERLAND ~~YOU ARE NOT GIVING EVIDENCE MR. CAREY~~ I OBJECT TO YOUR GIVING EVIDENCE MR. CAREY. ARGUED BY MR. SUTHERLAND AND MR. BASKIN [*space*] CHALLENGED OVERRULED COURT PLEASE HE WAS NOT A CITIZEN EXCEPTION [*space*]

RS

MERE SUGGESTION OF THAT OUGHT NOT BRING THEM BEFORE YOUR HONOR *[29]* BY SUTHERLAND I WISH TO DIFFER THERE ARE CERTAIN FACTS WHICH THE LAW PERMITS PERSON TO PROVE BY HEARSAY AND THESE FACTS ARE ALLOWED TO PROVE MARRIAGE WHEN AND IF IT IS NECESSARY AND *BELONGING*[?] TO SUBJECT OF LEGITIMATE {AND}[i] REPUTATION IN FAMILY HAS ALWAYS BEEN SUFFICIENT PROOF OF ALL THESE FACTS. THE PLACE OF BIRTH MAY BE PROVEN BY REPUTATION IN THE FAMILY MARRIAGE MAY BE PROVEN BY REPUTATION IN THE FAMILY

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AND BIRTH OF CHILD. AND IF WE REASON TESTIMONY OF THIS WITNESS IS COMPETENT. IT FREQUENTLY IS IMPOSSIBLE TO PROVE THOSE FACTS IN ANY OTHER WAY. THERE ARE IN THE NATURE OF THINGS PROOF OF THEM IS LOST AFTER LAPSE OF TIME BY DESIRE OF PARENTS AND THEREFORE WHAT IS TAKEN FOR GRANTED IN FAMILY SPOKEN OF AS TRUE. IS REGARDED AS PROPER PROOF FACT THAT THEY ARE SO TAKEN FOR GRANTED. BY BASKIN QUESTION IS WHETHER OR NOT THIS CASE COMES UP UNDER THE EXCEPTION. GENERAL RULE EXCLUDING HEARSAY IT SEEMS REASON DOESN'T APPLY AS IT DOES IN *REGARDS TO/RECORDS OF*[?] THE FAMILY. THIS JUROR SAYS WAS BORN IN CANADA REMAINED THERE 7 YEARS. COULD NOT KNOW WHERE HIS FATHER WAS BORN ONLY BY REPUTATION. " COURT ASKED FOR FIRST VOLUME OF **GREENLEAF** ON EVIDENCE." FURTHER REMARKS BY BASKIN RELATIVE TO FRANCHISE. BASKIN READ SYLLABUS ABOUT PERSON BORN ABOARD ON AN AMERICAN VESSEL. ≤READING≥ FROM FEDERAL DIGEST PAGE 17. REFERENCE TO AUTHORITY *BLKSRT/BLKSRD*[?] CIRCUIT COURT REPORTS BY SUTHERLAND THERE IS NO DOUBT CIRCUMSTANCES LAID DOWN IN THAT CASE BUT CHILD WOULD BE CITIZEN OF UNITED STATES. ~~CHILD BORN OF~~ RULE IS LAID DOWN IN GREENLEAF IF FURTHER VOLUMES WERE HERE THIS PROPOSITION IS LAID DOWN IN GREENLEAF IF I HAVE NOT MISRECOLLECTED THE BOOK IF I AM IN ERROR WITH REFERRING TO GREENLEAF "WHERE AMERICAN CITIZEN GOES ABROAD NO MATTER WITH WHAT INTENTION AND AFTERWARDS RETURNS TO THIS COUNTRY HE RETURNS TO HIS ORIGINAL RIGHTS AS A CITIZEN. BY COURT FIRST IF HE GOES NOT WITH PURPOSE OF RETURNING HE WOULD NOT BE CITIZEN SO FAR AS THIS COUNTRY IS CONCERNED. IT IS ALL AS TO WHETHER HE HAD ANY INTENTION OR NOT. BY SUTHERLAND HE WOULD NOT REQUIRE TO BE RENATURALIZED IF HE COMES BACK WITH HIM. CHILD THAT WILL *TURN/TRAIN*[?] MORE *AS MNRS/—*[?] FOLLOW HIS CONDITION. ANSWERED BY BASKIN. WHEN DOES HE CEASE BECOME CITIZEN OF UNITED STATES CAUSES ARE NUMEROUS THERE WAS ATTACHMENT AGAINST FOREIGN CITIZENS IN ALL UNIFORM RULINGS WE CAN ONLY REFER TO IT UNDER THIS *HASTY*[?] TIME READ FROM *BRIGHT'S*[?] DIGEST GENERAL EVIDENCE OF EXPATRIATION IS ACTUAL IMMIGRATION. BY BISHOP WELL KNOWN AS BROTHER BASKIN STATES THE RULE WHEN HE SAYS PRESUMPTION IS WHEN MAN LEAVES GOVERNMENT AND INTENDS TO REMAIN ABSENT FOREVER IS RETURNING AFTERWARD TAKING UP HIS ABODE WITHIN GOVERNMENT UNITED STATES EXERCISE RIGHTS OF CITIZENSHIP WITHIN GOVERNMENT CLAIMING THAT RIGHT SHOWED HE LEFT THE GOVERNMENT NOT WITH THE INTENTION *[30]* OF REMAINING ABROAD. THEREFORE HE LOST NOTHING BY HIS DEPARTURE. {BY}[1] SUTHERLAND <**SUTHERLAND**> I DESIRE TO MAKE ≤FEW REMARKS≥ SOME LITTLE ≤I WILL READ≥ **2ND VOL** PAGE 49 **GREENLEAF** ACT OF FEBRUARY TENTH 1855 QUESTIONS PERSONS BORN ETC. WHOSE FATHERS WERE OR SHALL BE CITIZENS OF UNITED STATES AT TIME OF BIRTH SHALL BE DEEMED DECLARED TO BE CITIZENS OF UNITED STATES THAT APPLIES TRULY TO

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THIS CASE BY COURT I DO NOT BELIEVE THAT APPLIES TO THIS CASE. THERE BEING NO EVIDENCE HIS FATHER WAS NATURALIZED ABROAD AND ACTUALLY CAME BACK AS WAS NOT NATURALIZED ABROAD THAT TENDS TO SHOW HE DID NOT INTEND RENOUNCE HIS CHARACTER AS AMERICAN CITIZEN. TO SHOW DOES APPLY I WILL READ IT AGAIN. ATTORNEY GENERAL 356-33 VICTORIA **SCOTT** AGAINST **SCHWARTZ** DECIDED IN *UNITED STATES*[?] COURT 13TH CHARGE SECOND. **WILSON** AGAINST **MARYATT**. [*space*] BUSINESS OF THIS JUROR'S FATHER WAS A TEMPORARY ABSENCE THERE ARE NO ACTS OF HIS PROOF SIGNIFY IN HIS DENUNCIATION OF HIS ALLEGIANCE TO THIS COUNTRY. HE RETURNED AND RESUMED EXERCISED RIGHTS AMERICAN CITIZEN THEREFORE WE SAY IS MATTER OF IF WHEN HE WENT AWAY INTENDED THAT RETURN. FORBORE TO BECOME CITIZEN OF CANADA AND DID NOT INTEND MAKE IT PLACE OF PERMANENT RESIDENCE. ~~IT IS NOT~~ OUR NATURALIZATION LAWS CONTAIN NO PROVISION FOR SUCH A MAN WHO HAD NOT BECOME NATURALIZED ABROAD WHO HAD NOT BECOME CITIZEN ABROAD WHO OWED ALLEGIANCE TO NO OTHER GOVERNMENT BY BECOMING NATURALIZED HERE. REMARKS BY BASKIN WE ARE TRYING COMPETENCY OF JUROR WHO MUST BE CITIZEN OF THE UNITE STATES THAT IS *AN AFFIRMATIVE*[?] OF QUALIFICATION CAN NOT BE MADE PER *NEGATIVE*[?]. IT AIN'T SUFFICIENT THAT THERE BE NO EVIDENCE HE HAS NOT BEEN A CITIZEN IT MUST AFFIRMATIVELY PROVE HE WAS *HE/AND*[?] IS A CITIZEN. THEY SEEK TO USE THAT EVIDENCE BY PRESUMPTIONS FROM BEGINNING TO END. BY SUTHERLAND JUROR IS CALLED UP BY REGULAR LISTING CAN ONLY BE DISCHARGED BY LEGAL CAUSE BEING MADE TO APPEAR BY CHALLENGING PARTY IN ABSENCE OF ALL PROOF HE IS ENTITLED TO SIT HERE. ANSWERED BY BASKIN THEY SEEK TO USE THAT PROOF ENTIRELY BE AS HIS KNOWING HIS FATHER WAS IN CANADA ESTABLISH HIS COMPETENCE ENTIRELY BY HEARSAY TESTIMONY. $\{^{IIIII}\}^{i}$ BY COURT GENERAL RULE NOTES HEARSAY TESTIMONY CAN NOT BE ADMITTED GENERAL RULE ~~IF WE~~ *THEREFORE/THINK IF*[?] WE ADMIT TESTIMONY THIS CASE HAD GONE TO CANADA HE WENT THERE LIVED THERE FOR 7 YEARS AS A CITIZEN THAT COUNTRY THIS PARTY WAS BORN THERE AT THAT TIME PRESUMPTION IS THAT THIS MAN WAS LIVING THERE AT LEAST JURYMAN DOES NOT KNOW ANY THING TO THE CONTRARY DOES NOT WHETHER HE WAS NATURALIZED THERE OR NOT DID NOT KNOW OF HIS EXERCISING ANY ACTS THERE ANY ALLEGIANCE OF A CITIZEN SUCH AS VOTING DID NOT KNOW ANYTHING ABOUT THAT. HE COMES BACK INTO THIS COUNTRY BRINGS SON HERE IN THIS COUNTRY WE FIND HIS FATHER VOTING HE HAS UNDERSTAND HIS FATHER NEVER CLAIMED TO HAVE BEEN NATURALIZED NEVER CLAIMED BEEN NATURALIZED UNDER ANY OF OUR LAWS IN ANY SHAPE IN FACT WE DO NOT KNOW WHETHER HE WAS VOTING AS CITIZEN OR NOT *[31]*[71] I AM INCLINED TO THINK ~~IF THE~~ IF WE FIND JUROR IS BORN ABROAD THERE OUGHT TO BE SOME TESTIMONY TO SHOW NOTWITHSTANDING HE WAS BORN ABROAD ~~HE WAS~~ HE IS

71. Shorthand doodling on verso.

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CITIZEN OF THIS COUNTRY ~~I THINK~~. AND THAT IS GOING LONG WAYS BECAUSE HIS PARENTS SAID THEY LIVED IN NEW YORK PRIOR TO THAT TIME IT WAS A FIXED FACT. I CAN NOT FIND IN GREENLEAF THAT IS ONE OF THE EXCEPTIONS IT MAY BE HOWEVER BUT I CAN'T FIND IT IF HE WAS BORN ABROAD PRESUMPTION IS HE WAS FOREIGNER *IS APPARENT/AS PARENTS*[?]. IF HE COMES HERE CLAIMS BEEN NATURALIZED. PARTY HERE STATED IT WAS UNDERSTOOD HIS FATHER WAS NATURALIZED HAD BEEN NATURALIZED STATED PLACE, ALL ABOUT IT WAS NOT PRESENT HIMSELF LEARNED THIS FROM HIS FATHERS GENTLEMAN *INTERRUPTED*[?]. ALTHOUGH IN MY STATEMENT IF QUESTION CAME UP I WOULD CONSIDER HIM CITIZEN YET I DID NOT RULE THAT WAY AND PLACED IT ONLY UPON ONE OF THE GROUNDS I GRANTED IT UPON ONE GROUND ALONE. UNDER ALL CIRCUMSTANCES IT HAS NOT BEEN SHOWN THIS PARTY IS PROPERLY A JURYMAN THAT IS ENTITLED TO BE JURYMAN. BY SUTHERLAND IF YOUR HONOR PRESUMES THAT FATHER BECAME CITIZEN OF CANADA IN ABSENCE OF ANY PROOF BY COURT NO LIVED THERE ACTED AS CITIZEN ALTHOUGH HE SAYS DID NOT SEE HIM EXERCISE RIGHT OF VOTING. BY SUTHERLAND HE LIVED IN THIS COUNTRY EXERCISED RIGHTS OF CITIZENSHIP BY COURT THAT IS ONLY HEARSAY. BY SUTHERLAND AFTER HIS RETURN HE LIVED LONGER IN THIS COUNTRY THAN DURING AS EMIGRANT IN CANADA THEREFORE PRESUMPTION ARISES HE IS CITIZEN OF THIS COUNTRY. BY COURT IF HE HAD COME HERE CLAIMING TO BE NATURALIZED CITIZEN UNDER THESE CIRCUMSTANCES I WOULD ALLOW HIM TO BE SWORN AS JUROR. PARTY ONLY SWEARS HE KNEW HIM IN CANADA. JUDGE BOREMAN TO CLERK YOU WILL CALL ANOTHER

RT	RS	BT	PS
	JURYMAN [*space*] **DENNIS RYAN** SPICER UNDERSTAND YOUR HONOR DENNIS NOT IN TOWN. BY BISHOP HE WAS NOT HERE 1 O'CLOCK IF COURT PLEASE WE WILL HAVE NO OBJECTIONS IN LETTING MR. RYAN GO UNTIL ~~<HE COMES>~~ ~~ANOTHER JUROR~~ CALLED.		**DENNIS RYAN** [*space*] NOT IN TOWN BUT EXPECTED SHORTLY [*space*] IF THE COURT PLEASE WE HAVE NO OBJECTION TO HAVING HIM PASSED AND ANOTHER CALLED AND I

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RT	RS	BT	PS
			DO NOT THINK THE PROSECUTION WILL USE HIM IF HE WERE HERE
	WE HAVE NO OBJECTION IN HAVING ANOTHER. BY BISHOP WE WITHDRAW OBJECTION IF PROSECUTION WISH TO BRING HIM. BY CAREY WILL CONSENT MR. RYAN TO BE PASSED FOR THE TIME. BY DEFENSE WILL NOT CONSENT TO IT NOW. BY SUTHERLAND WE CONSENT HIS BALLOT BE		CONSENT WITHDRAWN. DEFENSE CONSENT THAT IT SHALL BE
	LAID ASIDE AND ANOTHER BALLOT BE CALLED IN HIS PLACE. BY COURT SUPPOSE HE COMES WE WON'T TAKE ANY NOTICE WILL CONSIDER HIM BLANK BALLOT BISHOP WILL		LAID ASIDE AND ANOTHER JUROR DRAWN IN PLACE AND CONSIDER THAT IT WAS A BLANK BALLOT.

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RT	RS	BT	PS
	CONSIDER HIS NAME HAS NOT BEEN TAKEN FROM THE BOX AT ALL. *IIIII* BY BISHOP CLERK MAY THROW BACK NAME OF DENNIS RYAN IS FOUND AS HE DRAWS IT UNTIL DENNIS RYAN COMES *IIIII* [*space*] *[32]* **~~MAN~~ ≤EM≥** PERKINS RESIDED ST. GEORGE LIVED THERE LITTLE OVER 13 YEARS LIVED IN SALT LAKE PREVIOUS TO THAT TIME I AM CITIZEN NATIVE READ AND WRITE NO CONSCIOUS SCRUPLES AGAINST FINDING VERDICT. I KNOW PRISONER AT		UNDERSTOOD THAT IT BE LAID BACK IN THE BOX BUT WHENEVER DENNIS RYAN CAST *T/CH*[?] BOX SHOULD IT BE RETURNED. [*space*] **N D** **PERKINS SR** SWORN ON HIS VOIR DIRE [*space*] WHERE RESIDE ST. GEORGE WASHINGTON COUNTY HOW LONG HAVE YOU LIVED THERE 13 YEARS WHERE PREVIOUS SALT LAKE CITY *[[11]]* ARE YOU CITIZEN YES NATIVE READ AND WRITE THE ENGLISH LANGUAGE CONSCIOUS SCRUPLES WHERE THE PENALTY MIGHT BE DEATH NO SIR [*space*] ACQUAINTED WITH THE PRISONER AT THE BAR I KNOW

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RT	RS	BT	PS
	BAR NEVER HAVE BEEN INTIMATELY ACQUAINTED WITH HIM I KNOW HIM. NEVER LIVED SAME TOWN WITH HIM NEVER LIVED NEAR HIM. KNOW NOTHING OF CASE ONLY THROUGH RUMOR. BY CAREY WHERE AND WHEN DID YOU HEAR RUMORS OF IT IN SALT LAKE CITY HEARD THERE WAS SUCH A THING FROM WHAT YOU HEARD DID YOU FORM OR EXPRESS OPINION AS TO GUILT OR INNOCENCE AS TO		HIM [*space*] HOW LONG BEEN ACQUAINTED WITH HIM I HAVE NEVER BEEN INTIMATELY ACQUAINTED WITH HIM I KNOW HIM YOU KNOW HAVE YOU EVER LIVED IN THE SAME TOWN WITH HIM NO SIR DO YOU KNOW ANYTHING ABOUT THE CASE AT BAR NO SIR ONLY WHAT I HAVE HEARD RUMORS [*space*] WHERE AND WHEN HAVE YOU HEARD RUMORS SALT LAKE CITY BEFORE I MOVED DOWN FROM WHAT YOU HEARD AT THAT TIME DID YOU FORM OR EXPRESS OPINION AS TO THE GUILT OR INNOCENCE OF THE ~~*ACT*~~[?]

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RT	RS	BT	PS
	PARTY CHARGED. NO SIR I HAVE NOT SINCE. I HAVE HEARD MEN TALK BACK AND FORTH. NEVER TALKED WITH ANY MAN SAID TO BE THERE. HAVE YOU EVER TALKED WITH ANY MAN ABOUT TRANSACTION I MAY HAVE TALKED ABOUT IT BACK AND FORTH I COULD NOT SAY WITH WHOM. HAVE NOT TALKED WITH ANY OF WITNESSES IN THIS MATTER NO SIR. DID YOU AT TIME YOU HEARD THIS CONVERSATION		PARTY ~~SN~~ NO SIR HAVE YOU SINCE NO SIR HAVE YOU TALKED WITH ANYBODY ABOUT THE MATTER I HAVE ONLY HEARD MEN TALK BACK AND FORTH [*space*] HAVE YOU EVER TALKED WITH ANY OF THEM NEVER WITH ANY MAN THAT SAID HE WAS THERE DID YOU EVER TALK WITH ~~ONE~~ ANYONE ABOUT THE TRANSACTION I MAY HAVE TALKED ~~SOME~~ ABOUT IT BACK AND FORTH [*space*] WITH WHOM I COULD NOT SAY HAVE YOU TALKED WITH ANY WITNESSES IN THIS MATTER NO SIR FROM THOSE VARIOUS CONVERSATION S DID YOU AT THE TIME YOU HEARD THEM

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RT	RS	BT	PS
	HAVE ANY OPINION		HAVE ANY OPINION AS TO GUILT OR INNOCENCE OF THESE PARTIES
	OBJECTED TO BY HOGE. DID YOU EVER TALK WITH ANY ONE REGARD TO DEFENDANT'S CONNECTION WITH THIS AFFAIR HAVE NOT I MAY HAVE HEARD HIS NAME MENTIONED WITH IT.		OBJECTED TO [*space*] HAVE YOU EVER TALKED WITH ANYONE IN REGARD TO THE DEFENDANT JOHN D. LEE NO SIR NEVER HEARD HIS NAME MENTIONED WITH IT DID YOU MEAN TO SAY [*space*] WHILE I DO NOT KNOW I MAY HAVE HEARD HIS NAME MENTIONED HAD YOU THEN AT THE TIME YOU HEARD IT ANY OPINION AS TO HIS GUILT OR INNOCENCE NO
	I DID NOT FORM ANY OPINION AS TO GUILT OR INNOCENCE. CAN YOU SIT HERE HEAR EVIDENCE INSTRUCTIONS OF COURT GIVE		SIR I DID NOT FORM ANY OPINION AS TO HIS GUILT OR INNOCENCE CAN YOU SIT HERE AND HEAR THE EVIDENCE INSTRUCTIONS OF THE COURT AND GIVE A

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RT	RS	BT	PS
	VERDICT ACCORDING TO LAW AND EVIDENCE YOU SHALL RECEIVE YES SIR. BY SPICER HAVE YOU ANY BIAS OF MIND OR PREJUDICE REGARD TO DEFENDANT. BY CAREY I AM NOT ANY CONNECTION HAVE NO BIAS IN FAVOR OF DEFENDANT. *IIIII* BY COURT I BELIEVE THERE ARE 12 JURORS IN THE BOX NOW MAKE YOUR CHALLENGES. *IIIII* 45 MINUTES PAST 4. BY CAREY WILL WAIVE FIRST CHALLENGE. COURT TO DEFENSE MAKE YOUR CHALLENGE IN THE DEFENSE. SUTHERLAND IF I UNDERSTAND		VERDICT ACCORDING TO THE LAW AND EVIDENCE AS YOU SHALL HEAR IT HERE AND INSTRUCTIONS OF THE COURT YES SIR [*space*] SPICER HAVE YOU ANY BIAS OR PREJUDICE AGAINST MR. LEE NO SIR PASSED [*space*] YOU HAVE ANY CONNECTION WITH MR. LEE NO SIR ANY BIAS OR PREJUDICE IN FAVOR OF MR. LEE ~~YES SIR~~ NO SIR [*space*] . [*space*] JURY FULL [*space*] PROSECUTION WAIVE FIRST PREEMPTORY CHALLENGE [*space*] SUTHERLAND IF

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RT	RS	BT	PS
	POSITION IN THIS COURT IS THEY WAIVED ALL CHALLENGES <BY PROSECUTION NO SIR> *IN THEIR*[?] CASE. < WE MAY BE SATISFIED WITH ALL THE JURORS SITTING HERE. UNTIL WE HAVE OCCASION TO EXORCISE ANY ONE OF THEM WE MAY NOT WISH TO DO IT IF WE WERE SATISFIED WITH THE TWELVE PERSONS HERE BY COURT IF YOU SAY YOU ARE SATISFIED I WILL HAVE PERSONS SWORN. IF WE ARE SATISFIED WITH ALL THESE JURORS		WE WAIVE ONE CHALLENGE WE DO NOT PROPOSE BEING DEPRIVED OF ANY CHALLENGE WE EXPECT OUR 15 EVEN IF WE DID WAIVE SOME NOW [*space*] COURT GENERALLY ISSUED IN THAT

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RT	RS	BT	PS
	COURT OVERRULED IDEA OF MR. SUTHERLAND BY COURT PROSECUTION SIMPLY WAIVED THEIR FIRST CHALLENGE. COUNSEL FOR DEFENSE CONSULTED FEW MOMENTS THEY RETIRED INTO CLERK'S PRIVATE ROOM FOR THE CONSULTATION. BY SPICER IF YOUR HONOR PLEASE *THEN*[?] WE'LL CONSENT TO LET THE JURY STAND BY CAREY WE CONSENT TO THAT. ≤**JURY ACCEPTED AND EMPANNELED**≥ NAMES WERE CALLED BY THE CLERK. 5 TO 5 CLERK SWORE THEM TO TRY THE CASE OF J D LEE OF JOHN D LEE AND OTHERS IN CONNECTION		LIGHT AND SAVING EXCEPTION [*space*] *[[12]]* IF YOUR HONOR CONSENT TO *DO*[?] THE JURY AS IT STANDS WITHOUT WAIVING ANY OBJECTIONS HERETOFORE MADE. [*space*]

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RT	RS	BT	PS
	WITH OTHERS WHOSE NAMES HE READ. DEPUTY MARSHALS WERE SWORN. COURT INSTRUCTED JURY AS TO NOT PERMITTING ANYONE TALK WITH YOU UPON CASE. JURY WOULD NOT BE ALLOWED TO TALK WITH ANYONE DURING THIS INSTRUCTION FROM THE		JOSEPHUS WADE[72] J **C** *HARRISON/HSN/HEISTER*[?] DAVID ROGERS ISAAC DUFFIN JAMES **C** ROBINSON JOSEPH KNIGHT PAUL PRICE GEORGE F. JARVIS JOHN BREWER MILTON DAILY JOHN **C** DUNKIN 3 OFFICERS SWORN TO TAKE CHARGE OF JURY [*space*] **UD** PERKINS SENIOR [*space*] SWORN IN CHIEF [*space*]

72. Juror's names are written in a column.

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RT	RS	BT	PS
	COURT CLOCK STOPPED. ~~*MARSHALL DESIRES ME TO SEE/SAY LEE/L*~~[?] [*space*] [33] COURT CONTINUED TO INSTRUCT JURYMEN. BY BISHOP I WOULD FIRST SUGGEST THEY ARE DISCHARGED FOR 2 WEEKS. BY COURT MY OWN IMPRESSION IS TO HAVE THEM DISCHARGED FOR 3 WEEKS. DEFENSE OFFERED SUGGESTION ABOUT JURORS LIVING AT DISTANCE. CAREY I THINK WE SHALL GET THROUGH IN THIS CASE IN 2 WEEKS FROM NEXT MONDAY. <**BY COURT**> GENTLEMEN OF THE JURY THOSE WHO ARE NOT ON THIS PANEL WILL BE DISCHARGED UNTIL TWO WEEKS FROM NEXT MONDAY AT TEN O'CLOCK BE HERE UNTIL THAT TIME YOU		OTHER JURORS DISCHARGED FOR TWO WEEKS FROM NEXT MONDAY AT TEN O'CLOCK. [*space*]

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RT	RS	BT	PS
	ARE DISCHARGED. [*space*] ~~BY COURT THERE IS NO~~ DEFENDANT ASKED LEAVE PERMISSION WRITE HOME FEW LINES TO HIS FAMILY NO OBJECTIONS. ADJOURNED COURT UNTIL TOMORROW MORNING TEN O'CLOCK 545 **PM** [*space*]	*[11 middle of page]* T H U R S,D A Y	COURT ADJOURNED UNTIL TOMORROW TEN O'CLOCK [*space*]
*[**12** cont]*FRIDAY MORNING, JULY 23RD 1875. COURT MET AS PER ADJOURNMENT. AT TEN O'CLOCK A.M. JUDGE BOREMAN ASKED THE DEFENSE IF THEY WERE READY. TO WHICH THEY REPLIED AFFIRMATIVELY.	**FRIDAY MORNING JULY 23/75**[73] [*space*]	COURT OPENED AT 10 ~~AM~~ A. M.	*[[13]]* **FRIDAY JULY 23RD 75** [*space*]
	BY BASKIN ENTRY BEEN SUBMITTED	**M<u>R</u>.** BASKIN	BASKIN THE ENTRY MAY IT PLEASE YOUR HONOR I HAVE PUT IT IN FORM AND SUBMITTED

73. There is a "1" here which begins a second set of page numbers. They are numbered through page nine. We will continue with original page numbers.

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RT	RS	BT	PS
	TO OPPOSING COUNSEL THERE IS OBJECTION TO FORM OF IT. OBJECTION IS THIS. PROCEEDED TO READ. [*space*] OBJECTION IS MADE TO FIRST PORTION TO THE RECITATION UPON WHICH THIS PLEA IS FILED. MR. SUTHERLAND AROSE AND REMARKED ORDER WAS MADE *THAT*[?] YOUR HONOR PLACED OVER IT NUNC PRO TUNC BUT THE RECITAL WAS NOT DECIDED UPON AT THAT TIME IT IS THE RECITAL TO WHICH WE NOW OBJECT. AND WE OBJECT TO IT FOR PURPOSE PROPOSING AMENDMENT. RECITAL IS AND IT APPEARING	READ THE NUNC PRO TUNC ORDER FOR CORRECTING THE RECORD , A PORTION OF WHICH HAD BEEN OBJECTED TO. **M**R SOUTHERLAND ~~AROSE AND~~ STATED THE OBJECTION WHICH HE PROCEEDED TO ~~AR~~ ARGUE AT GREAT LENGTH;	IT TO THE OPPOSING COUNCIL AND DESIRE TO HAVE IT ENTERED THERE IS OBJECTION TO THE FORM OF IT THE FORM IS THIS “ READ THE TEXT [*space*] JUDGE SUTHERLAND [*space*] THE ORDER —[?] ISSUED IF YOU PLEASE NUNC PRO TUNC BUT THE RECITAL WAS NOT DECIDED UPON AT THAT TIME IT IS THE RECITAL TO WHICH WE NOW OBJECT AND WE OBJECT TO IT FOR THE PURPOSE OF PROPOSING AN AMENDMENT THE RECITAL IS “AND IT APPEARING

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RT	RS	BT	PS
	THAT THE INDICTMENT IN THIS CASE WAS ON THE 24TH DAY SEPTEMBER 74 DULY RETURNED BY THE GRAND JURY IN OPEN COURT IN THE PRESENCE OF THE JUDGE. YOUR HONOR WE RESPECTFULLY DENY THAT ANY SUCH THING APPEARS. NO PROOF HAS BEEN INTRODUCED ON THIS MOTION. IF ANYTHING APPEARS NOW IT HAS APPEARED HERETOFORE. NOTHING ON THE RECORD HAS BEEN SUBMITTED TO YOUR HONOR IF THAT RECORD MADE WHEN THE INDICTMENT FIRST OPENED FILE SHOWS IT WAS RETURNED BY THE GRAND JURY THEN THERE IS NO		THAT THE INDICTMENT IN THIS CASE WAS ON THE 24 DAY OF SEPTEMBER 1874 DULY RETURNED BY THE GRAND JURY IN OPEN COURT IN THE PRESENCE OF THE JUDGE" NOW YOUR HONOR WE RESPECTFULLY DENY THAT ANY SUCH THING APPEARS NO PROOF HAS BEEN INTRODUCED ON THIS MOTION IF ANYTHING APPEARS NOW IT HAS APPEARED HERETOFORE NOTHING ON THE RECORD HAS BEEN SUBMITTED TO YOUR HONOR IF THAT RECORD MADE WHEN THE INDICTMENT ~~WAS~~ CAME FIRST OPENED THE FILES SHOWS THAT IT WAS RETURNED BY THE GRAND JURY THEN THERE IS NO

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RT	RS	BT	PS
	NECESSITY HAVE THIS ORDER. FURTHER BY THE RECORD AS THEN MADE IN THE JOURNAL AND THAT INDICTMENT IT DOESN'T APPEAR THAT THE INDICTMENT WAS RETURNED BY THE GRAND JURY IT DOESN'T APPEAR NOW. BECAUSE NO ADDITIONAL PROOF HAS BEEN SUBMITTED. I ASSUME WE HAVE RIGHT TO ASSUME YOUR HONOR IS NOT {WILLING}[i] THAT THEY COULD PLACE UPON THIS RECORD ANY GENERAL STATEMENT OF FACTS THAT COVERS MORE GROUND THAN THE TRUTH WILL WARRANT YOUR HONOR WOULD NOT DO THAT THEREFORE I OBJECT TO ANY		NECESSITY OF THIS ORDER IF UPON RECORD AS THEN MADE IN THE JOURNAL AND ON THE INDICTMENT IT DOES NOT APPEAR THAT THE INDICTMENT WAS RETURNED BY THE GRAND JURY IT DOESN'T APPEAR IN THE BOOKS NO ADDITIONAL PROOF HAS BEEN SUBMITTED NOW I ASSUME TO HAVE A RIGHT TO ASSUME THAT YOUR HONOR IS NOT WILLING TO PLACE UPON THIS RECORD ANY GENERAL STATEMENT OF FACTS THAT COVERS MORE GROUND THAN THE TRUTH WILL WARRANT THEREFORE I OBJECT TO ANY

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RT	RS	BT	PS
	SUCH SWEEPING STATEMENT AS THAT IT APPEARS THAT THE GRAND JURY RETURNED THIS INDICTMENT. BY ASKING FOR THIS ORDER THE PROSECUTION BY IMPLICATION AT LEAST GIVE YOUR HONOR UNDERSTAND RECORD MADE SEPTEMBER 74 DOES NOT SHOW THAT FACT. THAT BEING ALL THE EVIDENCE TO MAKE FACT APPEAR NOW IF IT DID NOT APPEAR THEN IT DOES NOT NOW [*space*] *[34]* ALL THAT I ASK IN CONNECTION WITH THIS RECITAL IF THEY CLAIM IT DOES APPEAR THAT THEY SHALL SPECIFY HOW THEY CLAIM IT. THAT THIS SWEEPING STATEMENT		SUCH AS THAT [*space*] AS IT APPEARS THAT THE GRAND JURY RETURNED THE INDICTMENT [*space*] BY ASKING FOR THIS ORDER THE PROSECUTION BY IMPLICATION AT LEAST GIVE YOUR HONOR TO UNDERSTAND THAT THE RECORD DOESN'T SHOW THAT FACT THAT BEING ALL THE EVIDENCE TO MAKE THE FACT APPEAR NOW IF IT DID NOT APPEAR THEN IT DOES NOT NOW [*space*] NOW ALL THAT I ASK IN CONNECTION WITH THIS RECITAL IS THAT IF THEY CLAIM THAT IT DOES APPEAR THAT THEY SHALL SPECIFY HOW IT APPEARS THAT THESE SWEEPING STATEMENTS

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RT	RS	BT	PS
	MAY DO THE DEFENDANT NO WRONG. NEXT RECITAL IS AND IT FURTHER APPEARING TO THE COURT THAT THE CLERK HAS FAILED TO ENTER SUCH *ARRAIGNMENT*[?] IN FULL UPON MINUTES RECORDS OF THE COURTS BLANKS HAVING BEEN LEFT IN THE ENTRY MADE YOUR HONOR THAT IS NOT TRUE. I HAVE COPY OF THE RECORD OF THIS COURT MADE ON THAT DAY. THIS RECITAL IMPARTS THAT THERE IS SOME ENTRY UPON THE JOURNAL RELATIVE TO THIS INDICTMENT BUT ONLY PARTIAL DEFECTIVE STATEMENT FACT IS RECORD IS		MAY DO THE DEFENDANT NO WRONG [*space*] AND WHERE NEXT RECITAL IS [*space*] AND IT FURTHER APPEARING TO THE COURT THAT THE CLERKS ~~HAVE~~ HAS FAILED TO ENTER [*space*] ENTRY MADE READ [*space*] INDEED YOUR HONOR THIS IS NOT TRUE I HAVE A COPY OF THE RECORD OF THIS COURT MADE ON THAT DAY [*space*] THIS RECITAL IMPARTS THAT THERE IS SOME ENTRY UPON THE JOURNAL *[[14]]* RELATIVE TO THIS INDICTMENT BUT ONLY A PARTIAL AND DEFECTIVE STATEMENT THE FACT IS THE RECORD IS

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RT	RS	BT	PS
	ENTIRELY BLANK. THERE IS NOT REMOTEST ALLUSION TO IT. [*space*] INDICTMENT IN THIS CASE IS THE 31 AS MARKED NOW. *KLR/CLEAR*[?] SERVICE OF THAT INDICTMENT FILED SEPTEMBER ~~24≤~~31≥ 1874 I HAVE COPY OF THE RECORD SHOWING ALL THE PROCEEDING OF THAT DAY. THURSDAY SEPTEMBER 31 1874 9 **AM** COURT PURSUANT TO ADJOURN WHEN THE FOLLOWING PROPOSITION WERE HAD TO WIT BILLS OF INDICTMENT PRESENTED ON THIS DAY GRAND JURY BROUGHT AND PRESENTED BILLS OF INDICTMENT AGAINST BLANK		ENTIRELY BLANK THERE IS NOT THE REMOTEST ALLUSION TO IT [*space*] THE INDICTMENT IN THIS CASE IS NUMBER 31 AS MARKED NOW [*space*] *AND/A*[?] *WRK/WORK/–*[?] SERVICE ON THAT INDICTMENT FILED SEPTEMBER 24 1874 SIGNS HIS NAME TO IT I HAVE A COPY OF THE RECORD SHOWING ALL THE PROCEEDINGS OF THAT DAY "THURSDAY SEPTEMBER 24 1874~~"~~ [*space*]

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RT	RS	BT	PS
	NUMBER 32 FOR THE CRIME OF BLANK AND NUMBERING *SEQUENTIARY*[?] OTHER INDICTMENTS WITH SUCCESSIVE AND SUBSEQUENT NUMBERS. INDICTMENT IN QUESTION IS NUMBER 31. NUMERATION IN RECORD COMMENCED AFTER 31 IN AS MUCH AS RECORD OF THIS COURT IMPARTS ABSOLUTE VERITY *NO OTHER/ANOTHER* [?] —[?] COURT NUMBER 31 WAS NOT PRESENTED AS THE RECORD STANDS. IN THE MARGIN O'ER THESE NUMBERS WITHOUT ANY OTHER WORDS TO EXPLAIN 30. THIS RECORD DOES NOT SHOW		THE INDICTMENT IN QUESTION IS NUMBER 31 THE NUMERATION IN THIS INDICTMENT COMMENCES WITH NUMBER 32 ~~THAT NUMBER~~ [*space*] AND AS THE RECORD OF THIS COURT IMPARTS ABSOLUTE VERITY NUMBER 31 WAS NOT PRESENTED AS THE MATTER STANDS [*space*] IN THE MARGIN ARE THESE NUMBERS [*space*] ≤WITHOUT ANY WORDS OF EXPLANATION≥ 30 [*space*] THIS RECORD DON'T SHOW

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RT	RS	BT	PS
	WHAT 30 STANDS FOR IT MAY BE 30 DOLLARS. 31 AND 9 TOGETHER DOES THAT MEAN 31 IS 9 INDICTMENTS ALL TOGETHER OR NINE COUNTS GIVEN OR DOES IT MEAN ~~THERE WAS~~ THERE ARE 9 DEFENDANTS IN IT. THEN FOLLOW THE NUMBERS MENTIONED IN THE RECORD IN *POSITION/PSL*[?] FROM 32 TO 40. IF IT BE SAID THESE NUMBERS REFER TO INDICTMENT OR TO THE INDICTMENTS THAT HAVE BEEN PROPOSED TO THE GRAND JURY AND IGNORED BY THEM OR INDICTMENTS FOUND BY THEM		WHAT THIS STANDS FOR IT MAY BE 30 DOLLARS 3 SHEEP [*space*] 31 9 TOGETHER DOES THAT MEAN [*space*] DOES THAT MEAN 9 INDICTMENTS TOGETHER OR 9 AND [*space*] THEN FOLLOW THEN FOLLOW] THE NUMBERS MENTIONED IN THE RECORD IN *POSITION/PSL*[?] FROM 32 TO 40 [*space*] INDEED IF IT BE SAID THAT THESE NUMBERS REFER TO AN INDICTMENT —[?] *OF* *WHICH/IT*[?] ARE THE INDICTMENTS THAT HAVE BEEN PROPOSED TO THE GRAND JURY AND [*space*] OR *SOME/SAME*[?] TO THE GRAND JURY FOUND BY THEM [*space*]

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RT	RS	BT	PS
	AND STILL WRITTEN BY THEM. IT CERTAINLY FAILS TO SAY 31 9 TOGETHER HAVE BEEN PRESENTED TO THIS COURT BY THE GRAND JURY [*space*] *[35]* IT SAYS NOTHING ABOUT IT. I ∓ SEE SECOND RECITAL HERE WHICH SAYS THE CLERK HAS FAILED ENTER SUCH RETURN IN FULL CONVEYS AN ERRONEOUS IDEA. THE CLERK HAS FAILED TO ENTER RETURN OF ANY SUCH INDICTMENT. NOT THAT HE HAS OMITTED TO RETURN IT IN FULL. I PROPOSE TO SUBSTITUTE FOR BOTH OF THESE RECITALS WHAT I REGARD AS A DETAILED STATEMENT OF WHAT DOES APPEAR AND NO		≤IT CERTAINLY DON'T SAY THAT NUMBER 31 WAS PRESENTED≥ [*space*] IT SAYS NOTHING ABOUT IT [*space*] 2ND RECITAL IT SAYS THAT THE CLERK HAS FAILED TO ENTER SUCH RETURN IN FULL CONVEYS AN ERRONEOUS IDEA [*space*] THE RECITAL SHOULD BE THE CLERK HAS FAILED TO ENTER ANY SUCH INDICTMENT NOT THAT [*space*] IN FULL NOW I PROPOSE TO SUBSTITUTE FOR BOTH THOSE OF THOSE RECITALS WHAT I REGARD AS A DETAILED STATEMENT OF WHAT DOES APPEAR AND NO

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RT	RS	BT	PS
	MORE WE ARE WILLING RECORD SHOULD SHOW JUST WHAT DOES APPEAR AND ALL SOURCES OF INFORMATION UPON WHICH THIS NUNC PRO TUNC ORDER IS FOUND STRIKE OUT LINES 11 TO 23 INCLUSIVE. IT APPEARING THAT THERE IS NO RECORD OF THE PRESENTATION TO THE COURT BY GRAND JURY ON FILE IN THIS CASE EXCEPT THAT SAID INDICTMENT WAS SERVED BY CLERK OF THIS COURT SEPTEMBER 31 1874 MEMORANDUM APPEARS 31 9		MORE WE ARE WILLING THAT THE RECORD SHOULD SHOW JUST WHAT DOES APPEAR AND ALL THE SOURCES OF INFORMATION UPON WHICH [*space*] I PROPOSE STRIKE OUT LINES 11 TO 23 INCLUSIVE BEING BOTH OF THESE RECITALS AND INSERT [*space*] "IT APPEARING THAT THERE IS NO RECORD OF THE PRESENTATION TO THE COURT BY THE GRAND JURY OF THE INDICTMENTS WHICH APPLY IN THIS CASE EXCEPT THAT SAID INDICTMENT WAS SERVED BY THE CLERK OF THIS *[[15]]* COURT TO HAVE BEEN FILED AND MEMORANDUM APPEARS IN THE MARGIN OF THE [*space*] 31 9

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RT	RS	BT	PS
	TOGETHER THEREFORE ON THE RECOLLECTION OF THE JUDGE OF THIS COURT TO THE FILING THE MEMORANDUM AFORESAID IT IS ORDERED. ARE THERE ANY OTHER SOURCES OF INFORMATION *DOES IT*[?] APPEAR IN ANY OTHER WAY BY INSPECTION OF THIS RECORD TO YOUR HONOR'S RECOLLECTION IT DOES NOT. I ASK THAT THAT RECITAL BE SUBSTITUTED FOR THEM WHICH COUNSEL HAS PREPARED. [*space*] BY BASKIN AS TO POINT OBJECTION GENTLEMAN MAKES IT IS SIMPLY QUIBBLE ON WORDS I HAVE SINCE I HEARD	HE CONCLUDED BY PROPOSING A SUBSTITUTE IN LIEU OF OF THE PORTION OF THE DOCUMENT OBJECTED TO. **M**$^{\underline{R}}$ BASKIN CONTENDED THAT **M**$^{\underline{R}}$ SOUTHERLAND**'**S OBJECTION, WAS A MERE QUIBBLE ON WORDS**.** HE , HOWEVER, CONSENTED TO	TOGETHER THEREFORE TO THE RECOLLECTION OF THE JUDGE OF THIS COURT ON THE FILING OF MEMO AFORESAID IT IS ORDERED ARE THERE ANY OTHER SOURCES OF INFORMATION DOES IT APPEAR IN ANY OTHER WAY AND IS THAT *CERTIFY*[?] *TO/BUT*[?] *FILE/FL*[?] AND YOUR HONOR'S RECOLLECTION IT DOES NOT [*space*] I ASK THAT THAT RECITAL BE SUBSTITUTED FOR THE RECITAL WHICH COUNSEL HAS PREPARED. [*space*] BASKIN <WHO SIGNED *ON THE*[?]> IT IS SIMPLY A QUIBBLE ON WORDS [*space*] I HAVE

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RT	RS	BT	PS
	GENTLEMAN MAKE HIS REMARKS MADE THIS INTERPOLATION IN THE ENTRY AND OF IT BEING WITHIN KNOWLEDGE OF COURT PERSONAL KNOWLEDGE OF COURT INDICTMENT WAS PRESENTED IT BEING WITHIN PERSONAL KNOWLEDGE OF COURT INDICTMENT WAS FOUND ETC.. YOUR HONOR DID STATE YOU REMEMBERED FACTS AND CIRCUMSTANCES AND I SUPPOSE IT IS IN YOUR MEMORY. AS TO OTHER POINT IT IS SIMPLY POINT WITHOUT ANY BEARING	A MODIFICATION BEING MADE, WHICH HE INSISTED WAS MORE LAWYERLIKE THAN **M**$^{\underline{R}}$ SOUTHERLANDS AMENDMENT.	MADE THIS INTERPOLATION [*space*] *AND/SHOULD*[?] MOTION *MORE WHOLE*[?] & AND IT BEING WITHIN THE ≼PERSONAL≽ KNOWLEDGE OF THE COURT THAT SAID INDICTMENT WAS AND *SAID*[?] HE HAD ~~&C~~ [*space*] BECAUSE YOUR HONOR DID STATE THAT YOU REMEMBERED THE FACTS AND CIRCUMSTANCES AND I SUPPOSE IT APPEARS UPON YOUR MINUTES *TO/BUT*[?] *TKRT*[?] [*space*] 2 [*space*] IT IS SIMPLY A POINT WITHOUT ANY BEARING CAN'T POSSIBLY HAVE ANY

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RT	RS	BT	PS
			BEARING ON THE INTEREST OF THE PRISONERS TO SUBSTANTIATE THOSE IDEAS THAT THE JOINT MEMORANDUM DOES.
	BECAUSE WHEN THIS CASE GOES UP IF THERE IS ANY *DOUBTS/POINTS*[?] —/*VALID*[?] IT CARRIES RECORDS UP WITH IT. RECORDS MUST APPEAR SUSTAINED AS IT GOES BY COURT BELOW THEREFORE RETURN GRAND JURY ON THAT DAY SPEAKS FOR ITSELF. IT IS NOT NECESSARY TO GIVE LONG LUMBERING ORDER. FIRST RETURN ON THAT DAY RECORDS WHEN THEY GO UP WILL SHOW IT. COURT WILL REVIEW TO SEE IF THERE BLANK ENTRY ON THAT FACT THIS ENTRY		THEREFORE THE RETURN OF THE GRAND JURY *SHOWN*[?] FOR ITSELF. [*space*]
		M^{R} SUTHERLAND:	

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RT	RS	BT	PS
	DOES WHAT GENTLEMAN CLAIMS AND IT CERTAINLY IS *NO/IN/ANY*[?] MORE LAWYERLIKE FORM HIS QUIBBLE IS WITHOUT FORM. [*space*] *[36]* BASKIN ONLY IMPLICATION IS IT APPEARING WITHIN PERSONAL KNOWLEDGE OF COURT I JUST INTERPOLATED IT THERE. STRIKE OUT WORD APPEARING AND INSERT OF BEING WITHIN KNOWLEDGE OF THE COURT BY SUTHERLAND I THINK HE HAS OBVIATED MY OBJECTION MATERIALLY. GOOD SENSE MAY *APPROBATE*[?] THIS IT IS A MORE CORRECT FORM AND IT IS NOW ACCEPTABLE. [*space*] **BY** COURT	SINCE THE GENTLEMAN SAYS IT IS MORE LAWYERLIKE MY MODESTY PREVENTS ME FROM SAYING IT IS NOT. I THINK HOWEVER HE HAS OBVIATED MY OBJECTION.	SUTHERLAND [*space*] I THINK HE HAS OBVIATED MY OBJECTION DULY AND FULLY SATISFIED ME [*space*]

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RT	RS	BT	PS
CLERK WILKINS THEN CALLED THE FOLLOWING JURORS, WHO WERE SWORN ON THEIR VOIR DIRE AND EXAMINED AS TO THEIR COMPETENCY.	LET THE ENTRY BE MADE. NAMES OF JURORS CALLED BY CLERK ALL PRESENT.	THE ROLL OF THE JURY WAS CALLED , ALL BEING PRESENT. THE FOLLOWING ARE THE NAMES, RESIDENCES AND **RELIGIOUS** ~~SOCIAL~~ DISTINCTIONS OF THE ~~PANNEL:~~ **SEVERAL MEMBERS.** *[12]* MORMONS. NAME. RESIDENCE. DAVID ROGERS...WASHINGTON. ISAAC DUFFIN …TOKER. GEORGE F. JARVIS…ST. GEORGE. JAMES C. ROBINSON …PARAGOONAH. MILTON DALEY... HARRISBURG. JOHN C. DUNCAM … CEDAR CITY. JOSEPH KNIGHT…ST. GEORGE. UTE PERKINS,S~~MR~~… ST. GEORGE. GENTILES.	JURY CALLED ALL PRESENT

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RT	RS	BT	PS
JOSEPHUS WADE, L.C. HIESTER, DAVID ROGERS, ISAAC DUFFIN, CHRISTOPHER J. ARTHUR, JOHN B. CHIDESTER, LOUIS HERTINGER, JAMES C. ROBINSON, HENRY HALLING, G.W. CROUCH, FRED. J. HALLER, JAMES HUNTER, JAMES KNIGHT, ELIJAH ELMORE, PAUL PRICE, GEORGE ~~S~~ F. JARVIS, WILLIAM THOMPSON SR. , ROBERT HAYBORNE, JAMES A. THOMPSON, JAMES GIBSON, JOHN BREWER. THE FOLLOWING WERE EXCUSED. LEWIS HURTINGER, FRED. J. HALLER, JAMES C. ROBINSON, GEORGE W. CROUCH, JAMES GIBSON, JAMES HUNTER, WILLIAM A.		JOSEPHUS WADE…PIUTE COUNTY. J. C. HEISTER …PIUTE COUNTY. PAUL PRICE …PIUTE COUNTY JOHN BREWER …PIUTE COUNTY.	

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RT	RS	BT	PS
THOMPSON, SR. JAMES A. HUNT, JOHN BREWER, JAMES KNIGHT, HENRY HOLLING. COURT TOOK A *[13]* RECESS TILL TWO O'CLOCK P.M.[74]		JOHND. .LEE THE DEFENDANT WAS CALLED. H**E** WAS SIT**T**ING AT THE ~~S AE~~ TABLE WITH HIS ATTORNEYS, BETWEEN JUDGES SOUTHERLAND AND SPICER, ~~OF~~ <**OF**> HIS COUNSEL , AND ANSWERED "HERE."	PRISONER CALLED

74. Pages 14–21 are the Brigham Young deposition and George A. Smith affidavit. See originals in *MMMCLP,* chapter 36, "Documents Introduced into Evidence for John D. Lee's Second Trial."

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John D. Lee, First Trial

William Carey Opening Statement

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RT	RS	BT	PS
[33] C.S. 1 **CAREYS OPENING SPEECH.**	*[Bk 1 36 cont.]*[75] **"CAREY'S SPEECH"** *[76] BY CAREY	*[Bk 1 12 cont.]* JUDGE CAREY FOR THE PROSECUTION, THEN AROSE AND DELIVERED TO FOLLOWING OPENING ADDRESS: ——— — [*missing fd 1 last 2 pages*] [1] **(Book ~~1~~) 2** FIRST TRIAL OF JOHN D. LEE. IN THE DISTRICT COURT FOR THE SECOND J~~T~~UDICIAL DISTRICT OF THE TERRITORY OF UTAH. PEOPLE OF THE TERRITORY OF UTAH, VS. JOHN D. LEE. BEFORE HON. JACOB S. BOREMAN AND JURY. FRIDAY JULY 28TH 1875.[77] ~~THE JURY HAVING BEEN EMPANNELED AND SWORN TO TRY THE SACE,~~	*[[Bk 2 15 cont.]]* **CAREY'S OPENING ADDRESS**[78] ≤CAREY≥

75. There is a diagonal line in purple pencil across each page throughout the book that indicates a completed transcription. Rogerson also restarted the book's pagination with Carey's speech, in addition to the printed page numbers in the top left-hand corner of the notebook. This transcription continues the preprinted pagination for consistency.

76. An asterisk in Pitman shorthand indicates material continued from another place; here it indicates that this portion of Carey's speech is out of chronological order in the shorthand.

77. This should be July 23.

78. "**CAREY'S OPENING ADDRESS**" is apparently in Rogerson's hand.

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RT	RS	BT	PS
		~~MR. CAREY FOR THE PEOPLE DELIVERED THE FOLLOWING <OPENING> ADDRESS. ON BEHALF OF THE PEOPLE:~~	
	GENTLEMEN OF THE JURY	GENTLEMEN OF THE JURY:	
EIGHTEEN YEARS AGO TO-DAY, A TRAIN OF EMIGRANTS, WAS WENDING ITS WAY WESTWARD FROM ARKANSAS, TO FIND MORE OF A GENIAL CLIME IN SOUTHERN CALIFORNIA. IT WAS A TRAIN CONSISTING OF NEARLY 150 PERSONS. IT IS SAID TO HAVE BEEN THE BEST EQUIPPED AND RICHEST TRAIN THAT HAD EVER CROSSED THE ROCKY MOUNTAINS. FOR THREE LONG AND WEARY MONTHS THEY HAD BEEN TRAVELING FROM	EIGHTEEN YEARS AGO TODAY TRAIN OF EMIGRANTS WAS WENDING HIS WAY WESTWARD FROM ARKANSAS TO FIND MORE OF A GENIAL CLIME OF SOUTHERN CALIFORNIA. IT WAS A TRAIN CONSISTING OF NEARLY 150 PERSONS. IT IS SAID TO BE THE BEST EQUIPPED RICHEST TRAIN THAT HAD EVER CROSSED ROCKY MOUNTAINS. FOR THREE LONG WEARY MONTHS THEY HAD BEEN TRAVELING FROM	EIGHTEEN YEARS AGO TO-DAY A TRAIN OF ~~EMIGT~~ EMIGRANTS WAS WENDING ITS WAY FROM ARKANSAS TO FIND A MORE GENIAL CLIME IN SOUTHERN CALIFORNIA. IT WAS A TRAIN CONSISTING OF NEARLY 150 PERSONS. IT IS SAID THE BEST EQUIPPED AND RICHEST THA**T** HAD EVER CROSSED THE ROCKY MOUNTAINS. AFTER **THE** THREE LONG AND WEARY MONTHS **THAT** THEY HAD BEEN TRAVELING FROM	18 YEARS AGO TODAY A TRAIN OF EMIGRANTS WAS WENDING ITS WAY WESTWARD FROM ARKANSAS TO FIND A HOME IN THE GENIAL CLIME IN SOUTHERN CALIFORNIA IT WAS A TRAIN CONSISTING OF NEARLY 150 PERSONS IT IS SAID THE BEST EQUIPPED AND RICHEST TRAIN THAT HAD EVER CROSSED THE ROCKY MOUNTAINS FOR 3 LONG AND WEARY MONTHS THEY HAD BEEN TRAVELING FROM

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RT	RS	BT	PS
ARKANSAS ACROSS THE FERTILE PLAINS OF NEBRASKA, OVER THE WIDE SPREADING FIELDS OF WYOMING, AND ACROSS THE ROCKY MOUNTAINS, TILL AT LENGTH ABOUT THE FIRST OF SEPTEMBER, TIRED AND WEARY THEY AGAIN CAME TO THE HABITATIONS OF PERSONS OF THEIR RACE. THIS TRAIN ENTERED THE CITY OF SALT LAKE, WORN OUT IN THE DESERT AND THE WILDS THEY HAD CROSSED OVER, THE GREEN GARDENS AND FRESH STREAMS OF THAT BEAUTIFUL CITY GAVE	ARKANSAS ACROSS THE FERTILE PLAINS OF NEBRASKA OVER THE WIDE SPREAD HILLS OF WYOMING, AND ACROSS THE ROCKY MOUNTAINS, TILL AT LENGTH ABOUT FIRST OF SEPTEMBER *WORN*[?] AND WEARY THEY AGAIN CAME TO THE HABITATIONS OF PERSON OF THEIR RACE. THIS TRAIN ENTERED CITY OF SALT LAKE WORN OUT WEARIED IN THE DUST AND THE WILDS THEY HAD CROSSED OVER HOMES OF THEIR BROTHERS GREEN GARDENS FRESH STREAMS OF THAT BEAUTIFUL CITY GAVE	~~CALIFORNIA~~ ARKANS~~Z~~AS ACROSS THE FERTILE PLAINS OF NEBRASKA**,** OVER THE WIDE BROAD WILDES OF WYOMING**,** ACROSS THE ROCKY MOUNTAINS, AND AT LENGTH BY THE FIRST OF SEPTEMBER**,** WORN AND WEARY, THEY AGAIN CAME TO THE HABITATIONS OF PERSONS OF THEIR OWN RACE. THIS TRAIN ENTERED THE CITY OF SALT LAKE, WORN **OU**T AND WEARY OF THE DAYS AND **OF** THE WILDS THEY HAD CROSSED. THE LANDS OF THEIR BROTHERS**,** THE GREEN ~~TREES~~ GARDENS, **&** THE FRESH **STREAMS** ~~STREAMS~~ OF THAT BEAUTIFUL CITY GAVE	ARKANSAS ACROSS THE FERTILE PLAINS OF NEBRASKA OVER THE WIDE SPREAD WILDS OF WYOMING ACROSS THE ROCKY MOUNTAINS AND AT LENGTH BY THE FIRST OF SEPTEMBER WORN AND WEARY THEY AGAIN CAME TO THE HABITATIONS OF PERSONS OF THEIR OWN RACE THIS TRAIN ENTERED THE CITY OF SALT LAKE WORN OUT WEARY OF THE DUST *[[16]]* AND WILDS THAT THEY HAD CROSSED THE HOMES OF THEIR BROTHERS THE GREEN GARDENS AND FRESH STREAMS OF THAT BEAUIFUL CITY GAVE

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RT	RS	BT	PS
THEM A PROMISE OF WELCOME, OF PROTECTION AND OF SUPPLIES. THEY ARRIVED THERE. THEY LOOKED AROUND FOR A PLACE TO ENCAMP, WHERE THEY MIGHT FIND WATER AND FEED FOR THEIR TEAMS, WHERE THEY MIGHT PURCHASE PROVISIONS FOR THEIR ALREADY EXHAUSTED TEAMS; THEY FOUND IT ON THE BANKS OF THE ~~K~~JORDAN AND THERE THEY ENCAMPED. THEY TURNED LOOSE THEIR TEAMS, WENT TO THE CITY FOR SUPPLIES, AND	THEM A PROMISE OF WELCOME OF PROTECTION OF SUPPLIES THEY ARRIVED THERE. THEY LOOKED AROUND FOR A PLACE TO ENCAMP WHERE THEY MIGHT FIND WATER AND FEED FOR THEIR TEAMS WHERE THEY MIGHT PURCHASE PROVISIONS FOR THEIR ALREADY EXHAUSTED STOCKS THEY FOUND IT ON THE BANKS OF THE JORDAN, AND THEY ENCAMPED THERE. THEY TURNED LOOSE THEIR TEAMS WENT TO THE CITY FOR SUPPLIES MET. HOW	THEM A PROMISE OF WELCOME **,** OF PROTECTION**,** OF SUPPLIES. HAVING ARRIVED ~~TO~~ THERE THEY LOOKED AROUND, ~~THEY LOOKED AROUND THERE~~ FOR A PLACE TO ~~CCAMOPC~~ ENCAMP WHERE THEY MIGHT FIND WATER AND FEED FOR THEIR ~~HORSES~~ T~~A~~EAMS; AND WHERE THEY MIGHT PURCHASE PROVISIONS FOR THEIR OWN NECESSITY. THEY FOUND IT ON THE BRINK**S** OF THE JORDEN. THEY ENCAMPED; THEY TURNED ~~LOOSE THEIR TEAMS~~ *[2]* LOOSE THEIR TEAMS, AND WENT TO THE CITY FOR SUPPLIES. HOW WERE	THEM A PROMISE OF WELCOME OF PROTECTION OF SUPPLIES THEY ARRIVED THERE THEY LOOKED AROUND FOR A PLACE TO ENCAMP WHERE THEY MIGHT FIND WATER AND FEED FOR THEIR TEAMS AND WHERE THEY MIGHT PURCHASE PROVISIONS FOR THEIR ALREADY EXHAUSTED STOCKS THEY FOUND IT ON THE BANKS OF THE JORDAN THEY ENCAMPED THEY TURNED LOOSE THEIR TEAMS AND THEY WENT TO THE CITY FOR SUPPLIES HOW WERE

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RT	RS	BT	PS
THEY WERE WORSE TREATED THAN THEY HAD BEEN TREATED BY THE WILD INDIANS. THEY HAD COME ACROSS THE LONG WEARY PRARIES OF THE PLAINS, AND SUPPLIES WERE REFUSED THEM: THEY WERE ORDERED TO MOVE THEIR ENCAMPMENT AND MOVE ON, NOT KNOWING WHY SUCH AN ORDER SHOULD BE ISSUED, NOT BELIEVING IT WAS POSSIBLE, AS THE BARNS AND GRANARIES WERE FULL TO OVERFLOWING, NOT BELIEVING IT WAS POSSIBLE THAT THEY SHOULD BE REFUSED SUPPLIES, THEY	THEY WORSE THAN THEY HAD BEEN TREATED BY THE *FEW*[?] WILD INDIANS THEY HAD COME ACROSS AS THEY CROSSED THE LONG WEARY ROAD OVER THE PLAINS SUPPLIES WERE REFUSED THEM. THEY WERE ORDERED TO LEAVE THEIR ENCAMPMENT AND MOVE ON. NOT KNOWING WHY SUCH AN ORDER WAS ISSUED, NOT BELIEVING IT WAS POSSIBLE, SITUATED AS THEY WERE WITH BARNS GRANARIES OF WHEAT WITH GRAIN TO OVERFLOWING NOT BELIEVING IT WAS POSSIBLE THEY SHOULD BE REFUSED SUPPLIES THEY	THEY MET? WORSE THAN THEY HAD BEEN TREATED BY THE WI~~O~~LD INDIANS THEY HAD **COME** ACROSS AS THEY COURSED ALONG THE WEARY ROAD ACROSS THE PLAINS. SUPPLIES WERE REFUSED THEM. THEY WERE ORDERED TO LEAVE THEIR ENCAMPMENT AND MOVE ON. NOT KNOWING WHY SUCH A BITTER FEELING ~~S~~WAS SHOWN, NOT BELIEVING IT POSSIBLE THAT **WHIILE** THE BINS OF UTAH **WERE** FILLED TO OVERFLOWING, NOT BELIEVING IT WAS POSSIBLE THAT THEY SHOULD BE REFUSED SUPPLIES, THEY	THEY MET WORSE THAN THEY HAD BEEN TREATED BY THE WILD INDIANS THEY HAD COME ACROSS AS THEY CROSSED LONG AND WEARY ROAD ACROSS THE PLAINS [*space*] SUPPLIES WERE REFUSED THEM THEY WERE ORDERED TO LEAVE THEIR ENCAMPMENT AND MOVE ON NOT KNOWING WHY SUCH AN ORDER WAS ISSUED NOT BELIEVING IT WAS POSSIBLE [*space*] WITH THE BARNS OF UTAH FULL TO OVERFLOWING NOT BELIEVING IT WAS POSSIBLE THAT THEY SHOULD BE REFUSED SUPPLIES THEY

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RT	RS	BT	PS
PASSED ON. THEY WENT THROUGH LEHI, AMERICAN FORK, BATTLE CREEK, PROVO, SPRINGVILLE AND PAYSON — NO SUPPLIES TO BE PURCHASED. WAS IT BECAUSE THE CITI- *[34]* C.S. 2 ZENS OF ALL THESE PLACES HADN'T COMMON HUMANITY TO SUPPLY THE SUFFERING EMIGRANTS WITH SUCH PROVISIONS AS THEY NEEDED ? DO YOU BELIEVE THIS	PASSED ON. THEY WENT THROUGH LEHI AMERICAN FORK *B*–[?] CREEK PROVO SPRINGVILLE AND PAYSON. NO SUPPLIES COULD BE PURCHASED. WAS IT BECAUSE CITIZENS OF THESE PLACES HAD WHEREWITHAL TO FURNISH THEM THEY WERE WILLING TO PAY. WAS IT BECAUSE CITIZENS OF ALL THOSE PLACES HADN'T COMMON HUMANITY TO SUPPLY THE SUFFERING HUNGRY EMIGRANTS SUCH AS THEY NEEDED DO YOU BELIEVE THIS	PASSED ON. THEY WENT THR**O**UGH LEEHI, ~~MORGAN~~ AMERICAN FORK, AND BATTLE CREEK, PROVO AND PAYSON BUT**;** NO SUPPLIES COULD BE PURCHASED. WAS IT BECAUSE THE CITIZENS OF THESE PLACES HADN'T THE WHEREWITH TO FURNISH THEM IF THEY WERE WILLING TO PAY~~?~~**?** WAS IT BECAUSE THE CITIZENS OF ALL THESE PLACES HADN'T <COMMON HUMANITY> ~~GOT THE AMOUNT TO SUPPLY~~ TO SUPPL~~U~~Y THE SUFFERING AND HUNGRY EMIGRANTS WITH SUCH AS THEY NEEDE~~S~~D? DO YOU BELIEVE THAT	PASSED ON THEY WENT THROUGH LEHI AMERICAN FORK AND BATTLE CREEK PROVO SPRINGVILLE AND PAYSON NO SUPPLIES COULD BE PURCHASED WAS IT BECAUSE THE CITIZENS OF THESE PLACES HADN'T THE WHEREWITHAL TO FURNISH THEM IF THEY WERE WILLING TO PAY WAS IT BECAUSE THE CITIZENS OF ALL THESE PLACES HADN'T COMMON HUMANITY TO SUPPLY THE SUFFERING AND HUNGRY EMIGRANTS WITH SUCH AS ~~<~~*THEY*[?]~~>~~ NEEDED [*space*] DO YOU BELIEVE THIS

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RT	RS	BT	PS
WAS THE REASON? YOUR OWN HUMANITY TELLS YOU NO. YOUR OWN HUMANITY TELLS YOU IF YOU HAD SEEN YOUR BROTHERS FROM THE EAST IN A STARVING CONDITION, WHETHER THEY HAD MEANS TO PAY YOU OR NOT YOU WOULD HAVE FURNISHED THEM. THERE MUST HAVE BEEN AN ORDER ~~GIVEN~~ GONE FORTH PROHIBITING THE FURNISHING OF THESE EMIGRANTS WITH SUCH SUPPLIES AS THEY NEEDED. THEY FINALLY REACHED CORN CREEK, AND THERE I SUPPOSE WE SHALL SHOW YOU	WAS THE REASON YOUR OWN HUMANITY TELLS YOU NO [*space*] *[37]* YOUR OWN HUMANITY TELLS YOU IF YOU HAD SEEN YOUR BROTHERS FROM THE EAST IN STARVING CONDITION WHETHER THEY HAD MEANS TO PAY WITH OR NOT YOU WOULD HAVE. THERE MUST *HAVE BEEN*[?] ORDER GONE FORTH PROHIBITING FURNISH THESE EMIGRANTS WITH SUCH SUPPLIES AS THEY NEEDED. THEY FINALLY REACHED CORN CREEK AND THERE I SUPPOSE WE SHALL SHOW YOU	~~W~~THIS WAS THE REASON? YOUR OWN **HUMANITY** ~~MIND~~ TELLS YOU NO?. YOUR OWN **HUMANITY** ~~MIND~~ TELLS YOU THAT IF YOU HAD <**SEEN YOUR**> ~~SENT YOUR~~ BROTHER~~S~~ ~~FROM~~ **IN** THE CITY IN A STARVING CONDI~~A~~TION YOU WOULD HAVE SUPPLIED THEM**?** NO, THERE MUST HAVE BEEN AN ORDER GON**E**FORTH PROHIBITING THE FURNISHING OF THESE EMIGRANTS WITH SUCH SUPPLIES AS THEY NEEDE~~S~~D. THEY F~~U~~INALLY REACHED CORN CREEK, AND THERE I SUPPOSE WE SHALL SHOW YOU THAT ~~THAT~~	WAS THE REASON YOUR OWN HUMANITY TELLS YOU NO YOUR OWN HUMANITY TELLS YOU THAT IF YOU HAD SEEN YOUR BROTHERS FROM THE EAST IN A STARVING CONDITION YOU WOULD HAVE SUPPLIED THEM [*space*] NO THERE MUST HAVE BEEN AN ORDER GONE FORTH PROHIBITING THE FURNISHING OF THESE EMIGRANTS WITH SUCH SUPPLIES AS THEY NEED THEY FINALLY REACHED CORN CREEK AND THERE I SUPPOSE WE SHALL SHOW YOU THAT

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RT	RS	BT	PS
THEY MET THE COMMANDER OF ALL THE FORCES IN SOUTHERN UTAH.[79] THEY ENCAMPED BY THE SIDE OF HIM. THEY ASKED WHERE THEY COULD FIND SUPPLIES AND WHERE THEY COULD UNMOLESTED TURN OUT THEIR TEAMS. THEY WERE NEARLY WORN OUT AND EXHAUSTED, AND WHERE THEY COULD TURN THEM OUT TO BE RECRUITED, AND FURNISHED WITH SUPPLIES; THEY WERE ANSWERED AT THE MOUNTAIN MEADOWS. TOWARDS THE MOUNTAIN MEADOWS THEY WENT~~T~~DED **THEIR** ~~THERE~~ WEARY WAY. COMING TO PAROWAN THERE THEY	THEY MET THE COMMANDER OF ALL THE FORCES OF SOUTHERN UTAH. THEY ENCAMPED BY THE SIDE OF HIM; THEY ASKED WHERE THEY COULD FIND SUPPLIES {AND}[i] WHERE THEY COULD UNMOLESTED TURN THEIR TEAMS THAT WERE NEARLY WORN OUT EXHAUSTED WHERE THEY COULD TURN THEM OUT TO BE RECRUITED AND FURNISHED SUPPLIES THEY WERE ANSWERED AT THE MOUNTAIN MEADOWS. TOWARDS THE MOUNTAIN MEADOWS THEY WENDED THEIR WEARY WAY. THEY CAME TO PAROWAN; AND THERE THEY	THEY MET **THE** ~~A~~ COMMANDER OF ALL THE FORCES OF SOUTHERN UTAH.. THEY ENCAMPED BY THE SIDE OF HIM. THEY ASKED WHERE THEY COULD FIN~~S~~D SUPPLIES; WHERE THEY COULD UNMOLESTED TURN THEIR TEAMS. THEY WERE NEAR WORN OUT~~, INSISTED~~ **& EXHAUSTED AND ENQUIRED** WHERE THEY COULD TURN THEN OUT TO BE RECRUITED AND FUNRISHED SUPPLIES. THEY WERE ANSWERED AT THE MOUNTAIN MEADOWS. TOWARDS THE MOUNTAIN MEADOWS THEY WENDED THEIR ~~WAY~~ WEARY WAY. THEY CAME TO PAROWAN AND THERE THEY	THEY MET THE COMMANDER OF ALL THE FORCES OF SOUTHERN UTAH THEY ENCAMPED BY THE SIDE OF HIM THEY ASKED WHERE THEY COULD FIND SUPPLIES WHERE THEY COULD UNMOLESTED TURN THEIR TEAMS THEY WERE NEAR WORN OUT EXHAUSTED WHERE THEY COULD TURN THEN OUT TO BE RECRUITED AND FURNISHED SUPPLIES THEY WERE ANSWERED AT THE MOUNTAIN MEADOWS *[[17]]* TOWARDS THE MOUNTAIN MEADOWS AND WENDED THEIR WEARY WAY THEY CAME TO PAROWAN AND THERE THEY

79. Carey is alluding to George A. Smith. William H. Dame replaced Smith as commander of the Southern Utah Militia in 1854.

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RT	RS	BT	PS
WERE FORBIDDEN TO ENTER WITHIN THEIR TOWN. WHY WAS THIS ? WAS IT BECAUSE THEY FEARED THESE EMIGRANTS WOULD HARM THEM ? NOT AT ALL. THEY HAD HARMED NO ONE. THEY HAD PASSED THROUGH NUMEROUS SETTLEMENTS AND SOME OTHER CAUSE MUST BE GIVEN. AFTER THESE EMIGRANTS WERE NOT PERMITTED TO ENTER THE TOWN FO PAROWAN. WA~~Z~~S IT BECAUSE GHE FORCES HAD BEEN COLLECTED FOR THEIR DESTRUCTION, IF SO THAT WILL BE SEEN, IF IT WAS NOT SO I CAN GIVE NO	WERE FORBIDDEN TO ENTER WITHIN THE TOWN. WHY WAS THIS. WAS IT BECAUSE THEY FEARED THESE EMIGRANTS WOULD HARM THEM. NOT AT ALL; THEY HAD HARMED NO ONE. HAD PASSED THROUGH NUMEROUS SETTLEMENTS AND SOME OTHER CAUSE MUST BE GIVEN. *WHY*[?] THESE EMIGRANTS WERE NOT PERMITTED TO ENTER *WILD*[?] TOWN OF PAROWAN, WAS IT BECAUSE FORCES HAD BEEN COLLECTED FOR THEIR DESTRUCTION {IF SO}[i] THEY WOULD BE SEEN IF WAS NOT I CAN GIVE NO	WERE FORBIDEN TO ~~TO~~ ENTER THE TOWN. WHY WAS THIS? WAS I**T** BECAUSE THEY FE~~Z~~ARED THESE EMIGRANTS WERE ANARMY? THEY HAD HARMED NO ONE. THEY HAD PASSED THROUGH NUMEROUS SETTLEMENTS, NOTHING O F THIS KIND WAS DONE. WHY **WERE** THESE ~~EMIGRANTSS WERE NOT PER~~ *[3]* EMIGRAN~~S~~TS ~~WERE~~ NOT PERMITTED INTO THE HOLY TOWN OF PAROWAN? IF IT WAS NOT FOR THESE REASONS THEN I CAN GIVE NO	WERE FORBIDDEN TO ENTER EVEN THE TOWN [*space*] WHY WAS THIS? WAS IT BECAUSE THEY FEARED THESE EMIGRANTS WOULD HARM ‘EM THEY HAD HARMED NO ONE THEY HAD PASSED THROUGH NUMEROUS SETTLEMENTS NOTHING OF THIS KIND SOME OTHER CAUSE MUST BE GIVEN WHY THESE EMIGRANTS WERE NOT PERMITTED TO ENTER THE *WILD*[?] TOWN OF PAROWAN [*space*] WAS IT BECAUSE THE FORCES HAD BEEN THERE COLLECTED FOR THEIR DESTRUCTION AND THAT THEY WOULD BE *SEEN*[?] IF IT WAS NOT THAT I CAN GIVE NO

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RT	RS	BT	PS
OTHER REASON; BEFORE THIS, HOWEVER THEY HAD BEEN ABLE TO PURCHASE THIRTY BUSHELS OF CORN TO SUPPLY THESE I50 HUNGRY MEN, WOMEN AND CHILDREN. FROM WHOM AND WHERE~~.~~**?** YOU WILL ~~SEE~~ SAY SOME WHITE MAN, WHO, REALIZING THE GREAT NEED THAT WAS PRESSING ON THEM FURNISHED IT. NOT SO, NOT SO, BUT *[35]* AT CORN CREEK AN INDIAN SHOULD DO IT, WHO SAW THEIR NEED AND FURNISHED	REASON. BEFORE THAT PLACE HOWEVER BEFORE THIS THEY HAD BEEN ENABLED PURCHASE 30 BUSHELS OF CORN REPEATED TO SUPPLY THESE HUNDRED 50 HUNGRY MEN WOMEN AND CHILDREN. FROM WHOM AND WHERE YOU WILL SAY SOME WHITE MAN WHO HAD SUPPLY WHO REALIZED GREAT NEED THAT WAS PRESSING ON THEM FURNISHED IT. NOT SO NOT SO; BUT AT CORN CREEK AN INDIAN WHO HAD IT ~~WHO~~ SAW THEIR NEED AND FURNISHED	~~Z~~ANSWER. BEFORE THIS HOWEVER— BEFORE THIS THEY HAD BEEN ENABLED ~~O~~TO PURCHASE 30 BUSHELS OF CORN TO SUPPLY THESE 150 **HUNGRY** MEN WOMEN AND CHILD~~ERR~~REN. VERY HARD**,** — **“**BUT ~~WHERE YOU WILL SEE SOME MEN HAD A SUPPLY~~ WHERE**,** **“**YOU WILL SAY**,** **“**SOME WHITE MEN WHO HAD ~~A~~ A SUPPLY AND WHO REALIZED THE GREAT NEED THAT WAS PRESSING UPON THEM , THEY WOULD FURNISH IT.**”** NOT SO, NOT SO~~.~~;BUT AT CORN CREEK **A**N ~~THE~~ INDIAN THAT HAD IT SAW THEIR NEED AND FURNISHED ~~IT~~	REASON BEFORE THIS HOWEVER BEFORE THIS THEY HAD BEEN ENABLED TO PURCHASE 30 BUSHELS OF CORN TO SUPPLY THESE 150 HUNGRY MEN WOMEN AND CHILDREN FROM WHOM AND WHERE YOU WILL SAY THAT SOME WHITE MEN WHO HAD A SUPPLY AND WHO REALIZED THE GREAT NEED THAT WAS PRESSING UPON THEM FURNISHED IT NOT SO NOT SO BUT AT CORN CREEK AN INDIAN WHO HAD IT SAW THEIR NEED AND FURNISHED

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RT	RS	BT	PS
THEM WITH THIS MEAGER SUPPLY. AT OTHER PLACES SOME KIND HEARTED PERSON, IN THE DARKNESS OF THE NIGHT, WOULD STEAL INTO THE CAMP AND FURNISH SUCH AS HE COULD, AND FINALLY ONE MAN SOLD THEM A SMALL SUPPLY., BUT HIS NAME WAS CUT FROM THE RECORDS OF THE CHURCH. ~~C~~ AT CEDAR CITY THEY PASSED THROUGH THE TOWN, AND ARRIVED AT THE MOUNTAIN MEADOWS. ~~TA~~ IT WAS IN SEPTEMBER, WHEN THE RICH FOLIAGE, THE SUPPLY OF FEED FOR ANIMALS WAS SUFFICIENT. HERE THEY DETERMINED TO REAST, AND	THEM WITH THIS MEAGER SUPPLY. AT OTHER PLACES SOME KIND HEARTED PERSON IN THE DARKNESS OF THE NIGHT WOULD STEAL INTO THE CAMP FURNISH SUCH AS HE COULD, FINALLY ONE MAN SOLD SOME SMALL SUPPLY AND HIS NAME WAS CUT FROM THE RECORDS HE REVERED. AT CEDAR THEY PASSED THROUGH THE TOWN AND ARRIVED AT MOUNTAIN MEADOWS. IT WAS IN SEPTEMBER. WHEN THE RICH FOLIAGE THE SUPPLY OF FEED FOR ANIMALS WAS SUFFICIENT. HERE THEY DETERMINED TO REST	THEM WITH THIS MEAGER SUPPLY. AT OTHER PLACES SOME MEN UNDER THE DARKNESS OF NIGHT WOULD STEAL INTO A CAMP AND FURNISH THEM WITH SUCH AS THEY COULD; AND FINALLY ONE MAN SOLD THEM A SMALL SUPPL~~U~~Y AND HIS NAME WAS CUT FROM THE RECORDS. **OF THE CHURCH** THEY ARRIVED AT CEDAR, PASSED THROUGH~~T~~ THE TOWN AND WENT TO MOUNTAIN MEADOWS. IT WAS SEPTEMBER WHEN THEY REACHED THE VALLEY THERE~~,~~**;** AND THE SUPPLY OF FEED FOR THEIR ANIMALS WAS SUFFICIENT. HERE THEY DETERMINED TO REST AND	THEM WITH THIS MEAGER SUPPLY AT OTHER PLACES SOME KIND HEARTED PERSON UNDER THE DARKNESS OF THE NIGHT WOULD STEAL INTO THE CAMP AND FURNISH THEM SUCH AS HE COULD AND FINALLY ONE MAN SOLD THEM A SMALL SUPPLY AND HIS NAME WAS CUT FROM THE RECORDS THAT HE REVERED. AT CEDAR THEY PASSED THROUGH THE TOWN AND ARRIVED AT MOUNTAIN MEADOWS IT WAS IN SEPTEMBER WHEN THE RICH FOLIAGE AND THE SUPPLY OF FEED FOR THEIR ANIMALS WAS SUFFICIENT HERE THEY DETERMINED TO REST AND

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RT	RS	BT	PS
RECRUIT THEIR WEARY TEAMS, PREPARATORY TO THE JOURNEY ACROSS THE DESERT TO SOUTHERN CALIFORNIA. ON THE MORNING OF THE 7TH OF SEPTEMBER, ABOUT, AT DAY BREAK, WHILE THE EMIGRANTS WERE RESTING IN THEIR SLUMBERS, UNAWARES AND WITHOUT NOTICE FROM ANY SOURCE, A SHOT WAS FIRED, AND SEVEN MEN FELL DEAD AND FIFTEEN WOUNDED, BENEATH THE MURDEROUS FIRE. OF COURSE IT RAISED THEM ALL. THEY LOOKED OUT ~~TO SEE~~ AND SAW THE ROCKY EMBANKMENTS	RECRUIT THEIR WEARY TEAMS PREPARATORY JOURNEY ACROSS THE DESERT TO SOUTHERN CALIFORNIA. [*space*] [38] ON THE MORNING OF ABOUT 7^{TH} OF SEPTEMBER AT DAY BREAK WHILE THE EMIGRANTS WERE RESTING QUIET SLUMBER, UNAWARES {AND}[i] WITHOUT NOTICE FROM ANY SOURCE A SHOT WAS FIRED AND 7 MEN FELL DEAD AND 15 WOUNDED BENEATH MURDEROUS FIRE. OF COURSE IT RAISED THEM ALL. THEY LOOKED OUT AND SAW AROUND THE ROCKY EMBANKMENTS	RECRUIT **THEIR** TEAMS PREPARATORY FOR THE TRIP ACROSS THE DESERT BUT ASSAILED WHEN ON THE GROUND**,** ABOUT THE 7TH OF SEPTEMBER**,** AT ~~DAYBREAK~~ DAYBREAK**,** WHILE THE EMIGRANTS WERE RESTING IN A QUITET SLUMBER, A SERIES OF SHOTS WERE FIRED AND SEVEN MEN FELL DEAD AND ~~F~~ FIFTEEN WOUNDED BENEATH THE MURDEROUS FIRE. OF COURSE IT ~~**COULD R**~~OUSED **ROUSED** THEM UP; THEY LOOKED OUT AND SAW AROUND THE~~**M**~~ ROCK EMBANKMENTS	RECRUIT THEIR WEARY TEAMS PREPARE FOR THE TRIP ACROSS THE DESERT TO SOUTHERN CALIFORNIA ON THE MORNING OF ABOUT THE 7^{TH} OF SEPTEMBER AT DAYBREAK WHILE THE EMIGRANTS WERE RESTING IN QUIET SLUMBER UNAWARES WITHOUT NOTICE FROM ANY SOURCE A SHOT WAS FIRED AND 7 MEN FELL DEAD AND 15 WOUNDED BENEATH THE MURDEROUS FIRE [*space*] OF COURSE IT ROUSED THEM ALL THEY LOOKED OUT AND SAW AROUND THE ROCK EMBANKMENTS

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RT	RS	BT	PS
OF THE MOUNTAIN MEADOWS FILLED WITH INDIANS; NONE BUT BRAVE MEN, NONE BUT RESOLUTE MEN, WHO WERE DETERMINED TO DEFEND THEIR LIVES, THE LIVES OF THOSE WHO WERE DEARER TO THEM THAN LIFE, WOULD HAVE DONE AS THEY DID. IMMEDIATELY THE WAGONS WERE SOON GOT INTO A CORRALL SHAPE, A KIND OF FORT, A RIFLE PIT WAS DUG AND THEY WERE SAFE FOR THE TIME BEING. DURING ALL THAT DAY THE BULLETS OF THE MURDEROUS FOE WERE	OF MOUNTAIN MEADOWS HILLS FILLED WITH INDIANS NONE BUT BRAVE MEN, NONE BUT RESOLUTE MEN WHO WERE DETERMINED TO DEFEND THEIR LIVES THE LIVES OF THOSE WHO WERE DEAR UNTO THEM THAN LIFE WOULD HAVE DONE AS THEY DID. IMMEDIATELY WAGONS WERE SWUNG INTO CORRAL KIND OF FORT, RIFLE PIT WAS DUG AND THEY WERE SAFE FOR THE TIME BEING. DURING ALL THAT DAY BULLETS OF THE MURDEROUS FOE WERE	AND THE HILLS F~~U~~ILLED WITH INDIANS. NONE BUT BRAVE MEN ~~AND~~,—NONE BUT RESOLUTE MEN**,**—WHO WERE DE~~R~~TERMINED TO DEFEND THEIR LIVES AND THE LIVES OF THOSE WHO WERE WERE DEARER TO ~~TO~~ THEM THAN LIFE**,**—WOULD HAVE DONE AS THEY DID. IMMEDIATELY THE WAGONS WERE SWUNG INTO A CORRAL, BEGAN TO THROW UP THE EARTH IN AN EMBANKMENT AROUND THEM AND THEY WERE SAFE FOR THE ~~THE~~ TIME BEING. DURING ALL THE DAY THE FIRING W**A**S KEPT UP AND THE BULLETS CAME	OF MOUNTAIN MEADOWS THE HILLS FILLED WITH INDIANS NONE BUT BRAVE MEN NONE BUT RESOLUTE MEN WHO WERE DETERMINED TO DEFEND THEIR LIVES AND THE LIVES OF THOSE WHO WERE DEARER *[[18]]* TO THEM THAN LIFE WOULD HAVE DONE AS THEY DID IMMEDIATELY THE WAGONS WERE SWUNG INTO A CORRAL KIND OF FORT A RIFLE PIT WAS DUG AND THEY WERE SAFE FOR THE TIME BEING DURING ALL THAT DAY THE BULLETS OF THE MURDEROUS FOE WERE [*space*]

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RT	RS	BT	PS
WHISTLING THROUGH THE COVERINGS OF THEIR WAGONS,	WHISTLING OVER THE COVERS OF THEIR WAGONS,	WHIZING THROUGH THEIR COVERS**,** AND OVER THEIR WAGONS AND THROUGH *[4]* THEIR WAGONS	*WHISTLING*[?] THROUGH THE COVERS OF THEIR WAGONS AND THROUGH THEIR WAGONS
BUT THEY COULD NOT BE DISLODGED. AT NIGHT AN INDIAN RUNNER	BUT THEY COULD NOT BE DISLODGED. AT NIGHT AN INDIAN RUNNER	BUT THEY COULD NOT BE D~~O~~ISLODGED. AT NIGHT AN INDIAN RUNNER	BUT THEY COULD NOT BE DISLODGED AT NIGHT AN INDIAN RUNNER
LEAVES, TAKING A PARTY, GOES TO CEDAR AND INFORMS THE COMMANDER OF THE STATE	LEAVES ATTACKING PARTY GOES TO CEDAR AND INFORMS THE COMMANDER	LEAVES THE CAMP AND LEAVES THE ATTACK. AND ~~I~~OUT HE GOES TO CEDAR CITY AND INFORMES THE COMMANDER	LEAVES THE CAMP AND LEAVES THE ATTACKING PARTY AND GOES TO CEDAR AND INFORMS THE COMMANDER
OF AFFAIRS THERE WITH THE EMIGRANTS, AND THAT THE EMIGRANTS	OF THE AFFAIRS THERE, THAT THE EMIGRANTS	OF THE AFFAIRS THERE. THE EMIGRANTS	OF THE FORCES THERE THAT ~~THEY~~ THE EMIGRANTS
WERE FORTIFYING TO	HAD FORTIFIED	HAD FORTIFIED AND WERE	HAD FORTIFIED AND WERE
DEFAND THEMSELVES,	DEFEND THEMSELVES	DEFENDAIN **THEMSELVES** ~~THEMSELS SELVES~~, AND	DEFENDING THEMSELVES
AND THAT THEY COULD NOT DISLODGE THEM.	THEY COULD NOT DISLODGE THEM.	THEY COULD NOT DISLODGE THEM.	AND THAT THEY COULD NOT DISLODGE THEM [*space*]
NOW HOW DOES IT HAPPEN THAT AT *[36]*	NOW HOW DOES IT HAPPEN THAT	NOW**,** HOW DOES IT HAPPEN THAT AT TH~~I~~S~~X~~FORT —	NOW HOW DOES IT HAPPEN THAT AT THIS PARTICULAR
THIS PLACE THIS ATTACK	AT THIS PLACE THIS ATTACK	A**T** THIS PLACE**,** THIS ATTACK	AT THIS PLACE THIS ATTACK

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RT	RS	BT	PS
WAS MADE — HOW DOES IT HAPPEN THAT ALL THIS HOARD OF INDIANS HAD GATHERED TO ATTACK THIS TRAIN. OTHER TRAINS HAD PASSED THROUGH UNMOLESTED, AND OTHER TRAINS HAD PASSED THROUGH UNMOLESTED AFTER. HOW DID THIS HAPPEN. FOR SOME UNACCOUNTAB LE REASON THAT COMPANY HAD BEEN DOOMED TO DESTRUCTION AND THESE INDIANS WERE GATHERED FROM ALL THE REGION AROUND. WHO WAS THE INDIAN AGENT AT THAT PLACE ? WHO HAD MORE	WAS MADE~~.~~? HOW DOES IT HAPPEN THAT ALL THIS HOARD OF INDIANS HAD GATHERED TO ATTACK THIS TRAIN~~,~~. OTHER TRAINS HAD PASSED THROUGH UNMOLESTED BEFORE OTHER TRAINS PASSED THROUGH UNMOLESTED AFTER. HOW DID IT HAPPEN. FOR SOME UNACCOUNTAB LE REASON THAT OUTFITTED COMPANY HAD BEEN DOOMED DESTRUCTION THESE INDIANS WERE GATHERED FROM ALL THE REGION AROUND. WHO WAS THE INDIAN SUB AGENT AT THAT PLACE. [*space*] WHO HAD MORE	WAS MADE? HOW DOES IT HAPPEN THAT ALL OF THIS HOARD OF INDIANS HAD COME THERE TO ATTACK THIS TRAIN? OTHER TRAINS HAD PASSED THROUGH UNMOLESTED THERE BEFORE. OTHER TRAINS PASSE D THROUGH ~~AFTER~~ UNMOLESTED AFTER. HOW DID IT HAPPEN? FOR SOME UNACCOUNTAB LE REASON THAT COMPANY HAD BEEN DOOMED TO DESTRUCTION. THESE INDIANS ~~WOULD~~ COME FROM **A**LL~~L~~ THE REGION AROUND THERE. W~~O~~HO WAS THE INDIAN AGENT AND SUB-AGENT AT THAT P~~A~~LACE? WHO HAD MORE	WAS MADE HOW DOES IT HAPPEN THAT ALL OF THIS HOARD OF INDIANS HAD GATHERED THERE TO ATTACK THIS TRAIN OTHER TRAINS HAD PASSED THROUGH UNMOLESTED THERE BEFORE OTHER TRAINS PASSED THROUGH UNMOLESTED AFTER [*space*] HOW DID IT HAPPEN FOR SOME UNACCOUNTAB LE REASON THAT OUTFITTED COMPANY HAD BEEN DOOMED TO DESTRUCTION THESE INDIANS WERE GATHERED FROM ALL THE REGION AROUND WHO WAS THE INDIAN AGENT OR SUB AGENT AT THAT PLACE? WHO HAD MORE

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RT	RS	BT	PS
CONTROL OVER THIESE INDIANS THAN ANY OTHER MAN PROBABLY IN SOUTHERN UTAH, THE NAME OF THAT MAN WAS JOHN D. LEE. HE WENT OUT THERE AND HE GATHERED IN THE SAVAGE WARRIORS FROM ALL THAT PLACE, FROM ALL THAT REGION, AND THE INTENTION WAS NOT TO HAVE TO CALL IN ANY WHITE MEN TO DO WITH THAT MSASSACRE. THE INTENTION WAS TO HAVE ~~THIS THING~~ THESE INHUMAN, BLOODTHIRSTY INDIANS MURDER THEM ALL AT THE FIRST ATTACK AND THEN IT WOULD GO FORTH TO THE WORLD THAT THE INDIANS DID IT.	CONTROL OVER THESE INDIANS THAN ANY OTHER MAN PROBABLY IN SOUTHERN UTAH. THE NAME OF THAT MAN WAS {JOHN}[i] D. LEE. [*space*] HE WENT OUT AND HE GATHERED IN THE SAVAGE WARRIORS FROM ALL THAT PLACE FROM ALL THAT REGION AND THE INTENTION WAS NOT TO HAVE TO CALL IN ANY WHITE MEN TO CONSUMMATE WITH THAT MASSACRE; INTENTION WAS TO HAVE THOSE INHUMAN BLOODY INDIANS MURDER THEM ALL AT THE FIRST ATTACK AND THEN IT WOULD GO FORTH TO THE WORLD INDIANS DID IT.	CONTROL OVER THOSE INDIANS THAN ANY OTHER MAN PROBABLY IN SOUTHERN UTAH? THE NAME OF THAT MA**N** IS JOHN D. LEE. HE WENT OUT AND HE GOT IN THE SAVAGE WARIORS OVE**R** ALL THAT PLACE — OVER ALL THAT **RE**GOIN; AND THEIR INTENTION WAS**,** NOT TO HAVE ANY OF THEIR WHITE MEN KILLED TO CONSUMATE THAT ~~MURDER~~ MASSACRE. IT WAS INTENDED TO MURDER THAM OFF AT THE FIRST ATTACK; AND THEN IT WOULD GO FORTH TO THE WORLD THAT THE IND~~A~~IANS COMMITTED IT.	CONTROL OVER THOSE INDIANS THAN ANY OTHER MAN PROBABLY IN SOUTHERN UTAH? THE NAME OF THAT MAN WAS JOHN D. LEE [*space*] HE WENT OUT AND HE GATHERED IN THE SAVAGE WARRIORS FROM ALL THAT PLACE FROM ALL THAT REGION AND THEIR INTENTION WAS NOT TO HAVE TO CALL IN ANY WHITE MEN TO CONSUMMATE THAT MASSACRE THE INTENTION WAS TO HAVE THOSE INHUMAN BLOODY INDIANS MURDER THEM ALL AT THE FIRST ATTACK AND THEN IT WOULD GO FORTH TO THE WORLD THAT THE INDIANS DID IT

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RT	RS	BT	PS
BUT THESE BRAVE MEN WERE DETERMINED IF THEY HAD TO DIE TO SELL THEIR LIVES DEARLY.	BUT THESE BRAVE MEN WERE DETERMINED IF THEY HAD TO DIE TO SELL THEIR LIVES DEARLY [*space*]	BUT THESE BRAVE MEN WERE DETERMINED ~~THAT~~ , IF THEY HAD TO DIE, TO SELL THEIR LIVES DEARLY. AT CEDAR	BUT THESE BRAVE MEN WERE DETERMINED IF THEY HAD TO DIE TO SELL THEIR LIVES DEARLY AT CEDAR
A MILITARY ORDER WAS ISSUED, COMMANDING THE MEN TO APPEAR, THEN AND THERE, ARMED AND EQUIPPED, WITH AMUNITION, AND TO MARCH IMMEDIATELY TO THE MOUNTAIN MEADOWS. WE SHALL BE ABLE TO SHOW YOU WHO GAVE YOU THESE ORDERS.	[39] MILITARY ORDER WAS ISSUED COMMANDING MEN TO APPEAR WITHIN AN HOUR ARMED AND EQUIPPED WITH AMMUNITION AND TO MARCH IMMEDIATELY TO MOUNTAIN MEADOWS. WE SHALL BE ABLE TO SHOW YOU WHO GAVE YOU THESE ORDERS	A MILITARY ORDER WAS ISSUED COMMANDING THE MEN TO APPEAR THAT ~~I~~NIGHT AND ARMED AND EQUIPPED WITH AMUNITION TO M~~Z~~ARCH TO MOUNTAIN MEADOWS. WE SHALL BE ABLE TO SHOW YOU WHO GAVE THESE ORDERS. WE SHALL BE	A MILITARY ORDER WAS ISSUED COMMANDING MEN TO APPEAR WITHIN AN HOUR ARMED AND EQUIPPED WITH AMMUNITION AND TO MARCH IMMEDIATELY TO MOUNTAIN MEADOWS WE SHALL BE ABLE TO SHOW YOU WHO GAVE THESE ORDERS WE SHALL BE
TO SHOW YOU NEARLY ALL THE MEN WHO WENT FORTH FROM THERE, AND WHO WERE THERE.	SHOW YOU NEARLY NUMBER OF MEN WHO WENT FORTH AND WHO THEY WERE.	ABLE TO SHOW YOU NEARLY THE NUMBER OF MEN THAT WENT FORTH. AND THAT THE	ABLE TO SHOW YOU NEARLY THE NUMBER OF MEN THAT WENT FORTH AND WHO THEY WERE [*space*]
MEN TO-DAY, WHO WILL TELL YOU THAT THEY KNEW NOTHING ABOUT THE MOUNTAIN MEADOWS	MEN TODAY, WHO WILL TELL YOU THAT THEY NOTHING ABOUT MOUNTAIN MEADOWS	MEN TO DAY WILL TELL YOU THAT THEY KNOW NOTHING ABOUT THE MOUNTAIN MEADOWS	MEN TODAY WHO WILL TELL YOU THAT THEY KNOW NOTHING ABOUT THE MOUNTAIN MEADOWS

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RT	RS	BT	PS
EXCEPT MERE RUMORS, BUT WE SHALL BE ABLE TO SHOW YOU, BY UNDOUBTFUL EVIDENCE, SOME OF THESE MEN WHO TALK IN THIS WAY WERE THOSE WHO PARTICIPATED IN THAT, THE DARKEST OF CRIME WHICH BLOTS THE AMERICAN NAME, IF YOU CAN CALL THEM AMERICANS. THESE MEN WENT FORTH AND THE ORDER WAS GIVEN. WHAT WAS THE ORDER ? IT WAS SAID THE INDIANS HAD MASSACRED THIS COMPANY OF EMIGRANTS *[37]* AND THAT THEY MUST GO TO THE GROUND WHERE THEY WERE CALLED	EXCEPT SOME RUMORS. WE SHALL BE ABLE TO SHOW YOU BY UNDOUBTABLE EVIDENCE SOME OF THESE MEN WHO TALK IN THIS WAY WERE THOSE PARTICIPATED IN THAT DARKEST CRIME WHICH BLOTS THE AMERICAN NAME IF YOU CALL IT AMERICAN. THOSE ~~WOMEN~~ MEN WENT FORTH {AND THE}[i] ORDER WAS GIVEN. WHAT WAS THE ORDER IT WAS SAID INDIANS HAD MASSACRED THIS COMPANY OF EMIGRANTS AND THAT THEY MUST GO MEN WERE CALLED	EXCEPT **FROM** MERE RUMOR~~S~~. WE SHALL BE ABLE TO SHOW YOU BY UNDISPUTABLE EVIDENCE THAT SOME OF THESE WHO TALK IN THIS WAY WERE THERE PARTICIPATING IN THIS CRIME.THESE MEN WENT FORTH ; THE ORDER WAS GIVEN — AND WHAT WAS THE WORD? ≤WHY, IT WAS SAID THAT THE INDIANS HAD~~≥~~ *[5]* MASSACRED THIS COMPANY OF EMIGRANTS, AND THAT MEN WERE CALLED	EXCEPT MERE RUMORS WE SHALL BE ABLE TO SHOW YOU BY INDISPUTABLE EVIDENCE THAT SOME OF THOSE *[[19]]* MEN WHO TALK IN THIS WAY WERE THERE PARTICIPATING IN THAT *DARKEST*[?] CRIME THAT BLOTS THE AMERICAN NAME IF YOU CALL IT MORMON[80] THESE MEN WENT FORTH THE ORDER WAS GIVEN AND WHAT WAS THE WORD WHY IT WAS SAID THAT THE INDIANS HAD MASSACRED THIS COMPANY OF EMIGRANTS AND THAT ~~THEY~~ MEN WERE CALLED

80. Written “MRMN”, Mormon.

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RT	RS	BT	PS
TO BURY THE DEAD. THAT ONE MAN FROM CEDAR THERE, NOT UNDERSTANDING, OR NOT WISHING TO UNDERSTAND THE ORDER WENT AND TOOK HIS SPADE, AND WHEN HE GOT THERE HE WAS TOLD BY THE COMMANDER THAT HE WAS A FOOL AND WAS NOT WANTED, AND HE HAD BETTER GO HOME. HE WAS ASKED WHERE HIS GUN WAS AND WHAT HE HAD BROUGHT HIS SPADE THERE FOR. AT LENGTH THE COMPANY MARCHED DOWN FROM THE CITY TO THE SCENE OF THE CONFLICT.	TO BURY DEAD, BUT ONE MAN FROM CEDAR THERE NOT UNDERSTANDING OR NOT WISHING TO UNDERSTAND ORDER WENT TOOK HIS SPADE TO PLACE AND WENT HE WAS TOLD BY COMMANDER THAT HE WAS A FOOL HE WAS NOT WANTED BETTER GO HOME, WAS ASKED WHERE HIS GUN WAS WHAT HE HAD BROUGHT HIS SPADE THERE FOR. AT LENGTH COMPANY MARCHED DOWN FROM CEDAR TO THE SCENE OF THE CONFLICT.	FOR TO GO OVER THERE TO BURY THE DEAD. AND ONE MAN FROM CEDAR THERE NOT UNDERSTANDING OR NOT WISHING TO UNDERSTAND TAKES HIS SPADE AND WENT TO THE PLA CE, AND WAS TOLD BY THE COMMANDER ~~AND WAS NOT WANTED~~ THAT HE WZAS A FOLL AND WAS NOT WANTED AND THAT HE HAD BETTER GO HOME. HE WAS ASKED WHERE HIS GUN WAS AND WHAT HE HAD BROUGHT HIS SPADE THERE FOR. AT LENGTH THE COMPANY MARCHED DOWN FROM CEDAR TO THE SCENE OF THE CONFLICT.	FOR TO GO FORTH TO BURY THE DEAD AND ONE MAN FROM CEDAR THERE NOT UNDERSTANDING OR NOT WISHING TO UNDERSTAND WHAT THE ORDER TOOK HIS SPADE AND WENT TO THE PLACE OF RENDEZVOUS AND WAS TOLD BY THE COMMANDER THAT HE WAS A FOOL AND WAS NOT WANTED IN THAT COMPANY AND HAD BETTER GO HOME HE WAS ASKED WHERE HIS GUN WAS AND WHAT HE HAD BROUGHT HIS SPADE THERE FOR [*space*] AT LENGTH THE COMPANY MARCHED DOWN FROM CEDAR TO THE SCENE OF THE CONFLICT

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RT	RS	BT	PS
THEY KNEW FULL WELL WHAT AN ATTACK MEANT. THEY KNEW, FOR THEY TOOK THE WEAPONS OF BRAVE MEN, WHO WOULD FIGHT TILL THE LAST MAN FELL, AND TO MAKE AN ATTACK ON THE FORTIFIED CAMP WOULD BE THE RISK OF THEIR LIVES, IF NOT OF ALL WHO SHOULD ATTACK THEM, AND THEREFORE THEY RESORTED TO VARIOUS STRATEGY. IN THE FIRST PLACE THEY CUT OFF ALL SUPPLIES. EVEN THE WATER	THEY KNEW FULL WELL WHAT THE ATTACK MEANT. THEY KNEW FOR THEY ATTACKED THAT COMPANY OF BRAVE MEN WHO WOULD FIGHT TILL THE LAST MAN FELL IT MEANT NOT AN IMMEDIATE ATTACK TO A VICTORY IT MEANT LONG DESPERATE STRUGGLE DEATH TO ALL WHO ATTACKED THEM AND THEREFORE THEY RESORT TO VARIOUS STRATEGY. IN THE FIRST PLACE THEY CUT OFF ALL SUPPLIES OF *WARFARE*[?] KNOWING FAMINE AND THIRST ARE THEIR ALLIES	THEY ~~NKEW~~ **KNEW** FULL WEL**L** WHAT **THIS** ~~THES~~ ONFLICT MENT. TH~~E~~AY KNEW IF THEY ATTAC~~T~~**K**ED THAT COMPANY OF BRAVE MEN WHO WOULD FIGHT TILL THE LAST MAN FELL**,** THAT IT MENT NOT AN IMMEDIATE ARTTACK AND A VICTORY BUT IT MENT A LONG AND DESPERATE STRUGGLEIT-MENT DE~~T~~ATH TO THE ~~MAN~~ **MEN** WHO ATTACKETD THEM AND THEREFOR THEY RES~~F~~ORTED TO **VARIOUS** ~~VERIOUS~~ STRATEGIES**.** IN THE FIRST PLACE THEY CUT OFF ALL THE SUPPLIES OF WATER; KNOWING THAT FAMEN AND THIRST ~~....~~**ARE THERE ALLIES.**	THEY[81] KNEW FULL WELL WHAT THE ATTACK MEANT THEY KNEW THAT IF THEY ATTACKED THAT COMPANY OF BRAVE MEN WHO WOULD FIGHT TILL THE LAST MAN FELL THAT IT MEANT NOT AN IMMEDIATE ATTACK AND VICTORY BUT IT MEANT A LONG AND DESPERATE STRUGGLE IT MEANT DEATH TO THE MEN WHO ATTACKED THEM AND THEREFORE THEY RESORTED TO VARIOUS STRATEGIES IN THE FIRST PLACE THEY CUT OFF THE SUPPLIES OF WATER KNOWING THAT FAMINE AND THIRST ARE THEIR ALLIES

81. Rogerson's longhand is above most shorthand symbols from this point on.

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RT	RS	BT	PS
FROM THE SPRING NEAR BY, AND THE WHITES AND THEIR INDIAN ALLIES STAND DAY AFTER DAY INCREASING THE THIRST OF THE COMPANY AND THEIR SUFFERINGS,	GUARD EVERY SPRING EVERY STREAM AND THERE THE WHITES AND THEIR INDIAN ALLIES STAND DAY AFTER DAY LETTING FAMINE THIRST DO ITS WORK. THEY AMUSED THEMSELVES IN VARIOUS GAME WHILE BELEAGUERED EMIGRANTS DAY BY DAY HOUR BY HOUR SAW THEIR SUPPLIES OF PROVISIONS BECOME EXHAUSTED	**THEY ARE CUT OFF FROM EVERY SPRING & EVERY STREAM.** THE WHTES AND TH~~I~~EIR INDIAN ALLIES STAND DAY AFTER DAY LETTING F**A**MIN AND THIRST DO ITS WORK. THEY AMUSED THEMSELVES IN VARIOUS GAMES WHILE THE BELEAGURE~~S~~**D** EMIGRANTS**,** DEBATED AND HOUR BY HOUR WAS THEIR SUPPLY OF PROVISIONS BECOMING EXHAUSTED.	THEY GUARD EVERY SPRING AND EVERY STREAM AND THERE THE WHITES AND THEIR INDIAN ALLIES STAND DAY AFTER DAY LETTING FAMINE AND THIRST DO ITS WORK. THEY AMUSED THEMSELVES IN VARIOUS GAMES WHILE THE BELEAGUERED EMIGRANTS DAY BY DAY AND HOUR BY HOUR SAW THEIR SUPPLY OF PROVISIONS BECOMING EXHAUSTED
FINALLY THESE EMIGRANTS, EVER ON THE LOOKOUT, LOOKING UP THE VALLEY, THEY SAW A COMPANY MARCHING DOWN UNDER THE STARS AND STRIPES. THEY	FINALLY THOSE EMIGRANTS EVER ON THE LOOKOUT LOOK UP VALLEY AND THEY SEE COMPANY MARCHING DOWN UNDER THE STARS AND STRIPES; THEY	FINALLY THESE EMIGRAN~~E~~TS EVER ON THE LOOKOUT**,**— LOOKED ~~TO THE FIELD AND THEY SA W A COMPANY~~ UP THE VALLEY AND THEY SAW **A COMPANY** ~~COMING~~ MARCHING DOWN UNDER THE STARS AND STRIPES. THEY	FINALLY THOSE EMIGRANTS EVER ON THE LOOKOUT LOOK UP THE VALLEY AND THEY SEE A COMPANY MARCHING DOWN UNDER THE STARS AND STRIPES THEY

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RT	RS	BT	PS
SAW NOW RELIEF COMES. THERE COMES THE AMERICAN FLAG, WHICH PROMISES PROTECTION. THEY HAIL IT WITH JOY, BECAUSE IT MEANS RELIEF, IT MEANS LIFE, LIBERTY, RESCUE, FROM THE TERRIBLE SAVAGES WHO ARE AROUND THEM. WHO HEADS THAT COMPANY, MARCHING DOWN UNDER THE GUISE OF FRIENDS AT LENGTH THEY COME TO THE HOLLOW AND THE FLAG IS UNFURLED BY THESE PERSONS WHO ARE MARCHING DOWN THIS VALLEY.	SAY NOW RELIEF COMES THERE COMES AMERICAN FLAG WHICH PROMISES PROTECTION. TO ALL WHO HAVE ANY RIGHT TO CALL FOR ITS PROTECTION. THEY HAIL IT WITH JOY BECAUSE IT MEANS RELIEF IT MEANS LIFE AND LIBERTY RESCUE FROM THE TERRIBLE SAVAGES WHO ARE AROUND THEM. WHO HEADS THAT COMPANY MARCHING DOWN UNDER THE GUISE OF FRIENDS. AT LENGTH THEY COME TO A HALT AND THEY COME TO A HALT AND THE FLAG IS UNFURLED BY THOSE PERSONS WHO ARE MARCHING DOWN THIS VALLEY WHICH	SAW NOW RELIEF, BECAUSE THERE COMES THE AMERICAN FLAG WHICH PROMISES PR~~L~~OTECTION TO A LL WHO HAVE ANY RIGHT TO CALL FOR ITS PROTECTION. THEY HAILED IT WITH JOY BECAUSE IT MEANS RELIEF. IT~~M~~ MEANS LIFE AND LIBERYT AND RESCUE FROM THE TERRIBLE SAVAGES~~N~~ WHO ARE AROUND THEM. WHO HEADS THAT COM~~A~~PANY? MARCHI**I**NG DOWN UNDER THE GUI~~L~~**S**E OF FRIENDS? AT LENGTH THEY COME TO **A** ~~THE HILL~~ **HALT** THEY COME TO **A HALT** ~~THE HILL~~ AND A FLAG IS UNFURLED BY THOSE PERSONS WHO ARE MARCHING DOWN TO THIS VALLEY. IT	SAY NOW RELIEF COMES THERE COMES THE AMERICAN FLAG WHICH PROMISES PROTECTION TO ALL WHO HAVE ANY RIGHT TO CALL FOR ITS PROTECTION THEY HAILED IT WITH JOY BECAUSE IT MEANS RELIEF IT MEANS LIFE AND LIBERTY AND RESCUE FROM THE TERRIBLE SAVAGES WHO ARE AROUND THEM WHO HEADS THAT COMPANY MARCHING DOWN UNDER THE GUISE OF FRIENDS? AT LENGTH THEY COME TO A HALT THEY COME TO A HALT AND A FLAG IS UNFURLED BY THOSE PERSONS WHO ARE MARCHING DOWN —[?] THIS VALLEY WHICH

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RT	RS	BT	PS
THE WHITE FLAG WHICH MEANS PEACE AND PROTECTION TO ALL. SURELY NO COMPANY OF MEN WOULD COME WITH THE GLORIOUS BANNER OF LIBERTY AND PEACE AND UNFURL THE WHITE FLAG AND MEAN ANYTHING BUT FRIENDSHIP AND PROTECTION, COMING IN *[38]* SUCH A WAY. THAT FLAG IS CARRIED TO THESE MEN, WOMEN AND CHILDREN, AND ITS IS HAILED WITH DELIGHT, AS THE HARBINGER OF	IS RECEIVED BY ALL MEN UNDER SUN IN ALL TIMES. [*space*] *[40]* THE WHITE FLAG WHICH MEANS PEACE AND PROTECTION TO ALL. SURELY NO COMPANY OF MEN WHO CAME WITH THE GLORIOUS FLAG WOULD COME WAVING OVER THEIR HEADS UNFURL A WHITE FLAG BANNER OF PEACE NO COMPANY OF MEN CAN MEAN ANYTHING BUT FRIENDSHIP BUT PROTECTION WOULD COME IN SUCH A WAY. THAT FLAG IS CARRIED TO THOSE MEN WOMEN AND CHILDREN IT IS HAILED WITH DELIGHT. AS A HARBINGER OF	IS RESPECTED BY ALL MEN AND **IN** ~~BY A~~ **ALL** CLIMES. A FLAG OF TRUCE, A WHITE FLAG. IT MEANS TRUCE , *[6]* PROTECTION TO ALL. SHOTRLEY IN CAME A MAN ~~WHO CAME~~ WITH THE GLORIOUS FLAG COMING WAVING OVER THEIR HEADS, AND THEN UNFURLED A WHITE FLAG~~.~~**,** THE BANNER OF PEACE. **IN** NO COUNTRY CAN IT MEAN ANYTING BUT FRIENDSHIP AND PROTECTION. THEY CAME IN SUCH A WAY WITH FLAGS CARRIED TO THESE MEN AND WOMEN AND CHILDREN~~.~~ **THAT** IT IS HAILED WITH DELIGHT AS A HARBENGER OF	IS RESPECTED BY ALL MEN AND IN ALL CLIMES A FLAG OF TRUCE A WHITE FLAG *[[20]]* WHICH MEANS TRUCE AND PROTECTION TO ALL NO COMPANY OF MEN WHO CAME WITH THE GLORIOUS FLAG CAME WAVING OVER THEIR HEADS AND THEN UNFURLED A WHITE FLAG THE BANNER OF PEACE NO COMPANY CAN MEAN ANYTHING BUT FRIENDSHIP AND PROTECTION THEY COME IN SUCH A WAY THAT FLAG IS CARRIED TO THOSE MEN AND WOMEN AND CHILDREN. IT IS HAILED WITH DELIGHT AS A HARBINGER OF

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RT	RS	BT	PS
SAFETY; AND WHAT DID THE MAN WHO BORE THAT FLAG IN THE GUI~~Z~~SE OF FRIENDS. THEY SAY, THESE INDIANS HAVE MADE THE ATTACK. THEY DEMAND YOUR STOCK, YOUR GUNS, YOUR PROPERTY, YOUR ARMS, YOUR AMUNITION. DELIVER THESE UP, ALL THESE AND WE PROMISE TO PROTECT YOU FROM THEIR ASSAULTS. WHO IS THE MAN THAT PROMISES THIS ? THAT IS THE MAN, THAT IS PROMISING, GIVING JOY AND HOPE TO THESE EMIGRANTS.	SAFETY AND WHAT DO THE MEN WHO BEAR THAT FLAG PROMISE IN THE GUISE OF FRIENDS THEY SAY THESE INDIANS HAVE MADE THE ATTACK THEY DEMAND YOUR STOCK YOUR GUNS YOUR PROPERTY *THEIR*[?] —[?] GOODS YOUR ARMS YOUR AMMUNITION DELIVER THESE UP ALL THESE AND WE PROMISE TO PROTECT YOU FROM THEIR ASSAULTS. {WHO}[i] IS THE MAN THAT PROMISES THIS. WHO IS THE MAN THAT IS PROMISING GIVING JOY HOPE TO THESE EMIGRANTS.	SAFETY; AND THAT WHITE MEN,— MEN THAT BY THAT FLAG PROMISE**D** THAT COMPANY ~~PROMISE~~ ALL THAT UNDER THE GUYS OF FRIENDS. AND THEY SAY ~~NOW~~ THAT THESE INDIANS , NOW THAT MADE THE ATTACK DEMAND YOUR STOCK, YOUR GUNS, YOUR PROPERTY, YOUR HOUSEHOLD GOODS, YOUR ARMS AND YOUR AMUNITION. DELIVER THESE UP TO US AND WE PROMISE TO PROTECT YOU FROM THEIR ASS~~Z~~AULTS. WHO I~~Z~~S THE MAN THAT PROMISES THIS? WHO IS THE MAN THAT IS PROMISING,— THAT IS GIVING JOY AND HOPE TO THESE EMIGRANTS?	SAFETY AND WITH IT THE MEN THAT BEAR THAT FLAG PROMISE THEY COME TO THEM THAT UNDER THE GUISE OF FRIENDS AND THEY SAY THAT THESE INDIANS NOW THEY MADE THE ATTACK AND THEY DEMAND YOUR STOCK YOUR GUNS YOUR PROPERTY YOUR HOUSEHOLD GOODS YOUR ARMS AND YOUR AMMUNITION DELIVER THESE UP TO US AND WE PROMISE TO PROTECT YOU FROM THEIR ASSAULTS. WHO IS MAN THAT PROMISES THIS WHO IS THE MAN THAT IS PROMISING THAT IS GIVING JOY AND HOPE TO THESE EMIGRANTS?

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RT	RS	BT	PS
THAT IS THE MAN UNDER THE GUISE OF FRIENDSHIP, HE IS PLANNING THE DESTRUCTION OF THAT WHOLE COMPANY, AND THAT MAN IS NOW BEFORE YOU. HIS FATE, GENTLEMEN, IS IN YOUR HANDS, IT IS JOHN D. LEE. SOME OF THE EMIGRANTS STILL DOUBTING, STILL HESTATING AND FEARING TREACHERY FROM SOME OF THESE MEN, BUT THE MAJORITY BELIEVING HIM. THE MAN THAT TALKS AS HE DOES, A MAN THAT COMES WITH A WHITE FLAG OF PEACE, WHICH HAS RESPECT EVERYWHERE, EVEN AMONG THE SAVAGE NATION, THAT MAN	WHO IS THE MAN UNDER THE GUISE OF FRIENDSHIP IS PLANNING DESTRUCTION OF THAT WHOLE COMPANY; THAT MAN IS NOW BEFORE YOU. HIS FATE GENTLEMEN IS IN YOUR HANDS IT IS JOHN D. LEE. SOME OF THE EMIGRANTS, STILL DOUBT, STILL SEE AND FEAR TREACHERY, THERE ARE SOME OF THESE MEN BUT THE MAJORITY SAY WHY CERTAINLY THE MAN THAT TALKS AS HE DOES; THE MAN THAT COMES WITH A WHITE FLAG OF PEACE WHICH HAS RESPECT EVERYWHERE CIVILIZED SAVAGE NATION, THAT MAN	WHO IS THE MAN UNDER THE GU~~Y~~IS OF FRIEND~~HA~~SHIP **THAT** IS PLANNING THE DESTRUCTION OF THAT WHOLE COMPANY? THAT MAN IS NOW BEFORE YOU. HIS FATE**,** GENTLEMEN**,** IS IN YOUR **H**ANDS. IT IS JOHN D .LEE.. SOME MIGHT GO, SOME DO, SOME HESITATE AND FEAR TRECHERY FROM SOME REASON OR OTHER; BUT THE MAJORITY SAY, “WHY CERTAINLY, A MAN THAT TALKS AS HE DOES~~;~~, THE **A** MAN THAT COMES WITH THAT WHITE FLAG OF PE~~A~~ACE WHICH IS RESPECTED EVERYWHERE IN CIVILIZED AND SAVAGE NATIONS, THAT MAN	WHO IS THE MAN UNDER THE GUISE OF FRIENDSHIP THAT IS PLANNING THE DESTRUCTION OF THAT WHOLE COMPANY? THAT MAN IS NOW BEFORE YOU HIS FATE GENTLEMEN IS IN YOUR HANDS IT IS JOHN D. LEE SOME EMIGRANTS STILL DOUBT STILL HESITATE AND FEAR TREACHERY FROM SOME REASON OR OTHER BUT THE MAJORITY SAY WHY CERTAINLY A MAN THAT TALKS AS HE DOES A MAN THAT COMES WITH THAT WHITE FLAG OF PEACE WHICH IS RESPECTED EVERYWHERE IN CIVILIZED AND SAVAGE NATIONS THAT MAN

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RT	RS	BT	PS
CERTAINLY CAN PROMISE AND FULFILL ALL PROMISES, AND CAN MEAN NO HARM. THEY ACCEPT. THEY ACCEPT THE TERMS TO DELIVER UP THEIR ARMS AND ALL THEY HAVE. THEN JOHN D. LEE ARRANGES THE ORDER THAT THEY SHALL MARCH OUT, ARRANGES THE WHOLE PLAN, HOW EVERYTHING SHALL BE DONE. THEY ARE TO BE MARCHED BACK TO CEDAR, FIRST COMES THE WAGONS, THE WOUNDED MEN, LITTLE CHILDREN AND THE ARMS TAKEN FROM THE EMIGRANTS BEHIND THEM. THEY FOLLOW	CERTAINLY CAN PROMISE FULFILL ALL THE PROMISES CAN MEAN NO HARM. THEY ACCEPT. THEY ACCEPT THE TERMS AND DELIVER UP THEIR ARMS AND ~~<~~ALL THEY HAVE~~>~~ THEN JOHN D. LEE ARRANGES ORDER THAT THEY SHALL MARCH OUT ARRANGES WHOLE PLAN HOW EVERYTHING SHALL BE DONE THEY ARE TO BE MARCHED BACK TO CEDAR; FIRST COMES WAGONS TWO WAGONS IN WHICH ARE PLACED WOUNDED MEN LITTLE CHILDREN AND THE ARMS TAKEN FROM THE EMIGRANTS BEHIND THEM FOLLOW	CERTAINLY CAN~~'T~~ PROMISE US AND FULFILL ALL THE PROMISES; HE CAN'T MEAN ANY HURT TO US," THEY SAY. THEY ACCEPT THE TERMS AND DELIVER UP ~~ALL~~ THEIR ARMS. THEN JOHN D. LEE ARRANGES THE ORDER THEY SHALL MARCH OUT IN —ARRANGES THE WHOLE PLAN AND ~~O~~HOW EVERYTHING S~~W~~HALL BE DONE. THEY ARE TO BE MARCHED BACK TO CEDAR. FIRST COMES TWO WAGONS INTO WHICH ARE PLACED THE WOUNDED MEN AND LITTLE CHILDREN AND THE ARMS TAKEN FROM THE EMIGRANTS. BEHIND THEM	CERTAINLY CAN PROMISE US AND FULFILL ALL HE PROMISES HE CAN'T MEAN ANY HURT, THEY SAY [*space*] THEY ACCEPT THE TERMS AND DELIVER UP THEIR ARMS. THEN JOHN D. LEE ARRANGES THE ORDER THAT THEY SHALL MARCH OUT IN ARRANGES THE WHOLE PLAN AND HOW EVERYTHING SHALL BE DONE THEY ARE TO BE MARCHED BACK TO CEDAR. FIRST COMES TWO WAGONS IN WHICH ARE PLACED THE WOUNDED MEN AND LITTLE CHILDREN AND THE ARMS TAKEN FROM THE EMIGRANTS BEHIND THEM FOLLOW

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RT	RS	BT	PS
ONE BY ONE. THE WOMEN AND THE LITTLE CHILDREN OF THE TRAIN BEHIND THEM ALL. AT SOME DISTANCE MARCHED THE MEN. ON THEIR WAY, AS THEY SUPPOSED, TO CEDAR CITY; THAT WAY, AS THE ~~SO~~ SEQUEL PROVES TO-DAY. NOW LET US SEE HOW THIS ~~PAL~~ PLAN IS CARRIED OUT. HOW THIS CRUELEST OF ALL CRUEL DEVICES IS CONSUMMATED. *[39]* AT THE MOUNTAIN MEADOWS NORTH OF THE EMIGRANT TRAIN THERE RUNS DOWN A LOW HILL. BEHIND THIS HILL, UNDER THE COMMAND AND DIRECTION OF THE PRISONER AT THE BAR WERE CONCEALED	ONE BY ONE, WOMEN AND THE LITTLE CHILDREN OF THE TRAIN BEHIND THEM ALL AT SOME DISTANCE MARCH THE MEN. {ON}[i] THEIR WAY AS THEY SUPPOSED TO CEDAR ON THEIR WAY AS THE SEQUEL PROVES TO DEATH. {BUT}[i] NOW LET US SEE HOW THIS PLAN IS CARRIED OUT HOW THIS CRUELEST OF ALL CRUEL DEVICES IS CONSUMMATED. AT THE MOUNTAIN MEADOWS NORTH OF THE EMIGRANT TRAIN THERE RUNS DOWN LOW HILL. BEHIND THIS HILL UNDER THE COMMAND AND DIRECTION OF THE PRISONER AT BAR ARE CONCEALED	ONE BY ONE FOLLOW THE WOMEN AND THE BIGGER CHILDREN; AND THE TRAIN BEHIND THEM ALL AT SOME DISTANCE MARCHING THE MEN AND ~~E~~THEIR WAY AS THEY SUPPOSE TO CEDAR; ON THEIR WAY**,** AS THE CRUEL PROOF IS**,** TO DEATH. NOW LET US S~~T~~EE *[7]* HOW THIS PLAN IS CARRIED OUT; HOW THIS CRUELIST OF ALL CRUEL DEVICES IS ~~V~~CONSUMATED. AT MOUNTAIN MEADOWS, NORTH OF THE EMIGRANT TRAIN, THERE RUNS DOWN A LOW HILL, AND BEHIND THIS HILL UNDER THE COMMAND AND DIRECTION OF THE PRISONER AT THE BAR**,** ARE CONCEALED	ONE BY ONE THE WOMEN AND THE OLDER CHILDREN OF THE TRAIN BEHIND THEM ALL AT SOME DISTANCE MARCH THE MEN ON THEIR WAY AS THEY SUPPOSE TO CEDAR ON THEIR WAY AS THE SEQUEL PROVES TO DEATH [*space*] NOW LET US SEE HOW THIS PLAN IS CARRIED OUT HOW THIS CRUELEST OF ALL CRUEL DEVICES IS CONSUMMATED [*space*] AT MOUNTAIN MEADOWS NORTH OF THE EMIGRANT TRAIN THERE RUNS DOWN A LOW HILL [*space*] BEHIND THIS HILL UNDER THE COMMAND AND DIRECTION OF THE PRISONER AT THE BAR ARE CONCEALED

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RT	RS	BT	PS
THESE INDIAN ALLIES AND THE WHITE SOLDIERS. IT IS GIVEN TO HIM AND TO THE OTHER OF THE MEN, THE DISAGREEABLE PART OF THE WHOLE TRANSACTION, OF MURDERING IN COLD BLOOD. THAT THE EMIGRANTS, WOMEN AND CHILDREN OF THAT COMPANY, THAT ARE OLD ENOUGH TO TELL THE FEARFUL TALE ~~O~~N~~F~~ THAT DAY AS THEY MARCH OUT, THE MEN FOLLOWING ALONG IN SINGLE FILE, BY THE SIDE OF EACH IS PLACED A SOLDIER, FROM THESE GATHERED FROM THE SETTLEMENTS, OF CEDAR, PAROWAN,	THESE INDIAN ~~≤~~ALLIES~~≥~~ AND THE WHITE SOLDIER. IT IS GIVEN TO HIM AND TO THEM THE MOST THE DISGRACEFUL PART OF THE WHOLE TRANSACTION TO MURDER IN COLD BLOOD, WITHOUT MOMENTS WARNING WOMEN CHILDREN THAT ARE OLD ENOUGH TO TELL THE FEARFUL TALE ON THAT DAY [41] AS THEY MARCH OUT AS THE MEN FILE ALONG IN SINGLE FILE BY THE SIDE OF EACH IS PLACED A SOLDIER FROM THOSE GATHERED FROM THE WHITES OF CEDAR OF PAROWAN	THESE INDIANS, OR ELSE WHITE SOLDIERS. I**T** IS GIVEN TO ME AND OF THAT THE MOST DISGRACEFUL PART OF THIS WHOLE TRANSACTION OF MURDER IN COLD BLOOD~~.~~**,**—THAT THE EMIGRANTS, MEN WOMEN AND CHILDREN THAT ARE O~~K~~LD ENOUGH TO TELL THE FEARFUL TALE ON THAT DAY AS THEY MARCHED OUT , AS THE MEN FILED ALONG IN SINGLE FILE, BY THE SIDE OF EACH IS PLACED A SOLDIER FROM THOSE GOT FROM THE WHITES OF CEDAR AND PAROWAN AND	THOSE INDIANS ALLIES OF THE WHITE SOLDIERS IT IS GIVEN TO HIM AND TO THEM THE MOST DISGRACEFUL PART OF THIS WHOLE TRANSACTION OF MURDER IN COLD BLOOD WITHOUT A MOMENT'S WARNING [[21]] THE WOMEN AND THE CHILDREN THAT ARE OLD ENOUGH TO TELL THE FEARFUL TALE. ON THAT DAY AS THEY MARCH OUT AS THE MEN FILE ALONG IN SINGLE FILE BY THE SIDE OF EACH IS PLACED A SOLDIER FROM THOSE GATHERED FROM THE WHITES OF CEDAR AND PAROWAN AND

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RT	RS	BT	PS
HARMONY AND ADJACENT PLACES. AS THEY MARCH ALONG THESE SOLDIERS EACH HAS HIS RIFLE LOADED AND READY AT A GIVEN SIGNAL TO SHOOT DOWN EVERY MAN. THEY MARCH SOMETHING LIKE A QUARTER TO HALF A MILE FROM THE PLACE OF THEIR ENCAMPMENT. AS THE SIGNAL IS GIVEN TO FIRE [*space*] AND EVERY WHITE MAN FALLS. THESE THAT HAVE BEEN PROMISED PROTECTION SURRENDER, ON PROMISE OF THEIR LIVES, THESE MEN THAT HAD FOUGHT FOR	HARMONY AND ADJACENT PLACES. AS THEY MARCH ALONG THOSE SOLDIERS EACH HAS HIS RIFLE LOADED AND READY AT THE GIVEN SIGNAL TO SHOOT DOWN EVERY MAN. THEY MARCH SOMETHING LIKE QUARTER {TO}[i] HALF MILE FROM THE PLACE OF THEIR ENCAMPMENT. AS THE SIGNAL IS GIVEN TO FIRE THOSE WHITE TROOPS FIRE AND EVERY WHITE MAN FALLS. THOSE THAT HAD BEEN PROMISED PROTECTION SURRENDER ON PROMISE OF THEIR LIVES *OF PRS/PRST/PRSD*[?] THOSE MEN THAT HAD FOUGHT FOR A	HARMONY AND THE ADJACENT PLACES. AS THEY MARCH ALONG THESE SOLDIERS EACH HAS HIS RI~~L~~FLE LO~~S~~ADED, AND WHICH HE HAD AT THE GIVEN SIGNAL**,** TO SHOOT DOWN EVERY MAN. THEY MARCH SOMETHING LIKE A QUARTER OR A HALF A M~~U~~ILE, AND AS THE SIGNAL IS GIVEN **T**O FIRE, THESE WHITE TROOPS FIRE AND EVERY WHITE MAN FALLS. THOSE THAT HAD BEEN PROMISED PROTECTION THOS**E** THAT HAD SURRENDERED ON THE PROMISE OF THEIR LIVES AND ~~PRESSE D~~ **TRUSTED** THE~~X~~SE MEN TH~~Z~~AT HAD FOUGHT FOR A	HARMONY AND THE ADJACENT PLACES [*space*] AS THEY MARCH ALONG THESE SOLDIERS EACH HAS HIS RIFLES LOADED AND HE HAD AT THE GIVEN SIGNAL TO SHOOT DOWN EVERY MAN. THEY MARCH SOMETHING LIKE A QUARTER TO HALF A MILE AND AS THE SIGNAL IS GIVEN TO FIRE THESE WHITE TROOPS FIRE AND EVERY WHITE MAN FALLS. THOSE THAT HAD BEEN PROMISED PROTECTION THOSE THAT HAD SURRENDERED ON PROMISE OF THEIR LIVES AND *PRS*[?] THOSE MEN THAT HAD FOUGHT FOR A

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RT	RS	BT	PS
THE WEAK, FINALLY GAVE UP THEIR ARMS UNDER THIS FLAG OF TRUCE, CARRIED BY THE PRISONER AT THE BAR. THEN THIS HOARD OF SAVAGES FALL DOWN UPON THE WOMEN AND CHILDREN AND IN LESS THAN FIVE MINUTES THE WHOLE OF THAT UNFORTUNATE COMPANY ARE LYING ON THE GROUND EITHER DEAD OR DYING AND OF ALL THAT COMPANY ONLY SEVENTEEN LITTLE CHILDREN LESS THAN EIGHT YEARS OF AGE SURVIVE TO TELL THE TERRIBLE TALE. IN ALL THE ANNALS OF WARFARE I NEVER HAVE HEARD SO BLOODY A	WEEK FINALLY GAVE UP THEIR ARMS UNDER THIS FLAG OF TRUCE AT THEIR FIRING FELL IMMEDIATELY PRISONER BAR WITH HIS HOARD OF SAVAGES FELL UPON WOMEN AND ≺CHILDREN≻ AND IN LESS THAN 5 MINUTES WHOLE OF THAT *DIVIDED/OUTFIT TED*[?] COMPANY ARE LYING ON THE GROUND EITHER DEAD OR DYING. OUT OF ALL COMPANY ONLY 17 LITTLE CHILDREN LESS THAN 8 YEARS OF AGE SURVIVE TO TELL THE TERRIBLE TALE. IN ALL THE ANNALS OF WARFARE I NEVER YET HAVE HEARD SO BLOODY	WEEK AND FINALLY GAVE UP THEIR ARMS UNDER THIS FLAG OF TRUCE, AT ONE FIRE**,** FELL. IMMEDIATELY THIS PRISONER AT THE BAR WITH HIS HOARD OF SAVAGES FELL UPON THE WOMEN AND CHILDREN, AND IN LESS THAN FIVE MINUTES THE WHOLE OF THAT COMPANY ARE LAYING ON THE GROUND. THEY ARE DEAD AND DYIN⊣G. OUT OF THE WHOLE COMPANY ONLY 17 LITTLE CHILDREN LESS THAN EIGHT YEARS OLD SURVIVE TO TELL THE TERRIBLE TALE. IN ALL THE ANNALS OF WARFARE I NEVER YET HAVE HEARD OF SO BLO**O**DY A	WEEK AND FINALLY GAVE UP THEIR ARMS UNDER THIS FLAG OF TRUCE AT ONE FIRING FELL IMMEDIATELY THIS PRISONER AT THE BAR WITH HIS HOARD OF SAVAGES FELL UPON THE WOMEN AND CHILDREN AND IN LESS THAN FIVE MINUTES THE WHOLE OF THAT *DIVIDED/OUTFIT TED*[?] COMPANY ARE LAYING ON THE GROUND EITHER DEAD OR DYING OUT OF THE WHOLE COMPANY ONLY 17 LITTLE CHILDREN LESS THAN 8 YEARS OLD SURVIVE TO TELL THE TERRIBLE TALE IN ALL THE ANNALS OF WARFARE I NEVER YET HAVE HEARD OF SO BLOODY A

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RT	RS	BT	PS
PICTURE, WITH SO LITTLE PROVOCATION AS THIS WAS. WE READY OF THE BLACK HOLE OF CALCUTTA WHERE I46 BRITISH SOLDIERS WERE THROWN INTO A ROOM TWENTY-THREE FEET SQUARE AND BEFORE MORNING ALL BUT TWENTY THREE OF THEM WERE DEAD. ONE HUNDRED *[40]* AND TWENTY THREE PERISHED.	PICTURE AS THIS WITH SO LITTLE CAUSE. WE READ OF THE BLOODY HOLE OF CALCUTTA WHERE 146 PRISONERS WERE ENCLOSED IN A ROOM 23 FEET SQUARE AND BEFORE MORNING ALL BUT 23 OF THEM WERE DEAD. 123 BRITISH SOLDIERS IN ONE NIGHT OF THE BLOODY HOLE OF CALCUTTA BUT THEY WERE PLACED THERE AS PRISONERS OF ≤WAR≥ AND PROBABLY FIEND WHO PLACED THEM THERE WAS NOT AWARE IT WOULD KILL THEM BEFORE MORNING [*space*] [*end RS Bk 1, Bk 2 9*]	~~DEED~~ PICTURE AS THIS**,** WITH SO LITTLE A **CAUSE** ~~COUSE~~. WE READ OF THE BLACK HOLE OF CALCUTTA WHERE ~~A~~ 146 PERSONS THAT WERE ENCLOSED IN A ROOM 23 FEET AQUARE; AND BEFORE MORNING ALL **BU**T 23 OF THEM WERE DEAD. 123 BRITISH SOLDIERS DI~~D~~ED IN ONE NIGHT IN THE BALCK HOLE OF CALCUTTA; BUT THEY WERE PLACED THERE AS PRISONERS OF WAR; *[8]* AND PROBABLY THE FIEND WHO PLACED THEM THERE WAS NOT AWARE THAT FOUL AIR WOULD KILL THEM BEFORE MORNING.	PICTURE AS THIS WITH SO LITTLE CAUSE WE READ OF THE BLACK HOLE OF CALCUTTA WHERE HUNDRED AND 46 PRISONERS WERE ENCLOSED IN A ROOM 23 FEET SQUARE AND BEFORE MORNING ALL BUT 23 OF THEM WERE DEAD 123 BRITISH SOLDIERS DIED IN ONE NIGHT IN THE BLACK HOLE OF CALCUTTA BUT THEY WERE PLACED THERE AS PRISONERS OF WAR AND PROBABLY THE FIEND WHO PLACED THEM THERE WAS NOT AWARE THAT FOUL AIR WOULD KILL THEM BEFORE MORNING

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RT	RS	BT	PS
	CAREY'S SPEECH[82] **{CONTINUATIO**		
WE READ OF THE	**N}**[p] WE READ OF ALL THE		WE *HL*[?]
HORRORS OF ST.	HORRORS OF ST.		HORRORS OF ST.
BARTHOLMEW	BARTHOLOMEW		BARTHOLOMEW
WHERE	WHERE		WHERE
THOUSANDS	THOUSANDS		THOUSANDS
WERE	WERE ≺10.≻		WERE
SLAIN	SLAIN *TOO*[?]		SLAIN
TO THEIR	THROUGH		THROUGH
RELIGIOUS	RELIGIOUS		RELIGIOUS
BIGOTRY,	BIGOTRY *TO BE SURE DUTEOUS PEOPLE*[?]		BIGOTRY DUTEOUS PEOPLE
AND THEY HAD	THEY HAD		BUT THEY HAD
ONLY THE	THEIR		THE [*space*] AND
MISERABLE	MISERABLE		WERE
EXCUSE UNDER	EXCUSE OF		DISOBEYING
THE DELUSIVE	THE DELUSIVE		[*space*]
DOCTRINE	DOCTRINE		
THAT THE	THAT ALL THE		
RESI~~DENCE~~	RESIDENTS		
DENTS OF	OF		
FRANCE MUST	FRANCE MUST		
BE ALL	EITHER BE ALL		EITHER BE ALL
CATHOLIC OR	CATHOLIC OR		CATHOLIC OR ALL
PROTESTANT,	PROTESTANT.		PROTESTANT
	THE PLANNERS		THE PLANNERS
AND THE	AND		AND
PERPETRATORS	PERPETRATORS	THE	PLOTTERS AND
WERE	EXECUTORS OF	EXECUTORS OF	EXECUTORS OF
	THAT FOUL	THAT FOUL	THAT FOUL
	DEED HAVE	DEED HAVE	DEED HAVE
	GONE DOWN	GONEDOWN	GONE DOWN
	IN HISTORY	INTO HISTORY	IN HISTORY
	WITH THEIR	WITH THEIR	WITH THEIR
	NAMES	NAMES	NAMES
COVERED WITH	COVERED WITH	COVERED WITH	COVERED WITH

82. Rogerson dated this transcription in longhand noting: **(TRANSCRIBED JAN. 1884. JR.)**.

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RT	RS	BT	PS
INFAMY AND WILL SO GO ON TILL THE END OF TIME.	INFAMY AND WILL SO GO ON TO THE END OF TIME. BUT ONLY INSTANCE I AM	~~HISTORY~~ INFAMY. BUT LET **US** ~~BU~~ GO ON TO THE END OF IT. BUT ONE INSTANCE THAT I AM	INFAMY AND WILL SO GO ON TO THE END OF TIME [*space*] *[[22]]* BUT ONLY INSTANCE THAT I AM
NOT ONLY IN THE HISTORY OF WAR OR MURDER HAS THERE BEEN ~~OR~~ AN ORDER GONE FORTH TO KILL WOMEN AND CHILDREN.	AWARE OF IN ALL HISTORY OF WARS AND OF MURDERS HAS THERE BEEN ORDER GONE FORTH TO KILL WOMEN AND CHILDREN. AND THAT WE FIND IN THE CASE OF THE INHABITANTS	AWARE OF IN THE HISTORY OF WARES AND OF MURDERS HAS THER BEEN SUCH A CASE OF KILLING MEN**,** WOMEN AND CHILDREN, AND THAT IS IN THE CASE OF THE INHABITANTS	AWARE OF IN ALL THE HISTORY OF WARS AND OF MURDERS HAS THERE BEEN AN ORDER GONE FORTH TO KILL MEN WOMEN AND CHILDREN AND THAT IS FOUND IN THE CASE OF THE INHABITANTS
WHEN JOSHUA MARCHED INTO CAINAAN, HE WANTED THE DWE~~L~~LLING PLACES OF HIS OPPONENTS AND THEREFORE THEY SLEW THEM, BUT NOT EVEN THIS MISERABLE	OF **AI**[83] WHEN JOSHUA WAS MARCHING INTO CANAAN THEY WANTED THE LAND THEY WANTED DWELLING PLACES OF THEIR OPPONENTS AND THEREFORE THEY SLEW THEM BUT NOT EVEN THIS MISERABLE	OF AI WHEN JOSHUA WAS MARCHING INTO KANAN. THEY WANTED THE LAND; THEY WANTED THE DWELLING PLACES OF THEIR OPPONENTS, AND THEREFORE THEY SLEW THEM. NOT EVEN THIS	OF **AI** WHEN JOSHUA WAS MARCHED INTO CANAAN THEY WANTED THE LAND THEY WANTED THE DWELLING PLACES OF THEIR OPPONENTS AND THEREFORE THEY SLEW THEM AND [*space*] NOT EVEN THIS MISERABLE

83. Ai is a biblical city two miles southeast of Bethel taken by Joshua and his forces (see Genesis 12:8, 13:3; Joshua 7–12; Ezra 2:28; and Nehemiah 7:32).

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RT	RS	BT	PS
EXCUSE FOR THIS FOULEST MURDER ON THE ANNALS OF WAR. THESE EMIGRANTS WERE HARMING ANY ONE.	EXCUSE IS GIVEN FOR THIS FOULEST MURDER ON THE ANNALS OF HISTORY. THESE EMIGRANTS WERE HURTING NO ONE WERE NOT PRETENDING TO TAKE HOMES OFF FROM WHO SETTLED THEM THEY	EXCUSE CAN BE GIVESN FOR THIS FOULEST OF MURDERS. THESE EMIGRANTS WERE NOT HARMING ANYONE—	EXCUSE CAN BE GIVEN FOR THIS FOULEST OF MURDERS [*space*] THESE EMIGRANTS WERE NOT HARMING ANYONE AND TAKING HOMES
WERE NOT EVEN PROPOSING TO SETTLE HERE, BUT WERE	WERE NOT EVEN PROPOSING TO SETTLE AMONGST THEM	IN A PEACABLE MANNER	AND NOT SETTLE AMONGST THEM [*space*] PEACEABLE MANNER
MARCHING THROUGH THE COUNTRY AND ON THEIR WAY TO MAKE THEIR HOMES IN SOUTHERN CALIFORNIA AND NO; POSSIBLE EXCUSE CAN BE GIVEN FOR THE COMMISSION OF THIS FOUL DEED. NEITHER WERE THEY ENEMIES. THEY WERE NOT MEN OF A FOREIGN	MARCHING THROUGH THE COUNTRY {AND}[i] ON THEIR WAY A HOME IN SOUTHERN CALIFORNIA NO POSSIBLE EXCUSE CAN BE GIVEN FOR COMMISSION OF THIS FOUL DEED. NEITHER WERE THEY ENEMIES THEY WERE NOT MEN OF A FOREIGN	MARCHING THROUGH THE COUNTRY ON THEIR AWAY TO SOUTHERN CALIFORNIA. NO POSSIBLE EXCUSE COULD BE GIVEN FOR THE COMMISSION OF THIS FOUL D ED. NEITHER WERE THEY ENEMIES. THEY WERE NOT MEN OF A FOREIGN	MARCHED THROUGH THE COUNTRY ON THEIR WAY TO SOUTHERN CALIFORNIA NO POSSIBLE EXCUSE COULD BE GIVEN FOR THE COMMISSION OF THIS FOUL DEED NEITHER WERE THEY ENEMIES THEY WERE NOT MEN OF A FOREIGN

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RT	RS	BT	PS
NATION, WHO WERE AT WAR WITH THIS PEOPLE; THEY WERE MEN OF THEIR OWN RACE OF THEIR OWN LINEAGE. PERHAPS MANY OF THEM OF THEIR OWN BLOOD. CITIZENS OF THE SAME GREAT NATION EMIGRATING FROM ONE STATE TO ANOTHER MERELY PASSING THROUGH THE COUNTRY. DO THE ANNALS OF BUTCHERY OR WAR SHOW ANYTHING EQUAL TO IT. IF SO I HAVE FAILED TO FIND IT OUT. NOW THEN, AFTER THESE VICTIMS WERE SLAIN, WHAT WAS DONE. SEVENTEEN LITTLE CHILDREN, WHO WERE TOO YOUNG TO TELL	NATION WHO WERE AT WAR WITH THIS PEOPLE THEY WERE MEN OF THEIR OWN RACE OF THEIR OWN LINEAGE PERHAPS MANY OF THEM OF THEIR OWN BLOOD. CITIZENS OF THE SAME GREAT NATION. EMIGRATING FROM ONE STATE TO ANOTHER MERELY PASSING THROUGH COUNTRY DO THE ANNALS OF BUTCHERY OR WAR SHOW ANYTHING EQUAL TO IT IF SO I HAVE FAILED TO FIND IT. [*space*] [10] NOW THEN AFTER THESE VICTIMS WERE SLAIN WHAT WAS DONE. 17 LITTLE CHILDREN WHO WERE TOO YOUNG TO TELL	NATION WHO WERE OUT WITH THESE PEOPLE. THEY WERE MEN OF THEIR OWN RACE , ~~OF THEIR OWN RANGE~~, PERHAPS MANY OF THEM OF THEIR OWN BLOOD. CITI~~X~~**Z**ENS OF THE SAME GREAT NATION EMIGRATING FROM STATE TO ANOTHER; OR MERELY PASSING THROUGH THE COUNTRY. WAS THERE ANY CAUSE ~~O~~FOR ~~C~~IT? IF SO I HAVE FAILED TO FIND IT. NOW, THEN AFTER THESE VICTIMS WERE SLAIN, WHAT WAS DONE? 17 LITTLE CHILDREN WHO WERE TOO YOUNG TO TELL	NATION WHO WERE AT WAR WITH THIS PEOPLE THEY WERE MEN OF THEIR OWN RACE OF THEIR OWN LINEAGE PERHAPS MANY OF THEM OF THEIR OWN BLOOD CITIZENS OF THE SAME GREAT NATION EMIGRATING FROM ONE STATE TO ANOTHER AND MERELY PASSING ~~THROUGH THE~~ {DO}[i] COUNTRY DO THE ANNALS OF BUTCHERY SHOW ANYTHING EQUAL TO IT IF SO I HAVE FAILED TO FIND IT [*space*] NOW THEN AFTER THESE VICTIMS WERE SLAIN WHAT WAS DONE? 17 LITTLE CHILDREN WHO WERE TOO YOUNG TO TELL

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RT	RS	BT	PS
THE HORRID TALE WERE ALL THAT REMAINED. THEY WERE GATHERED AND TAKEN TO RANCH IN THE NEIGHBORHOOD . THE VICTIMS WERE LEFT ON THE FIELD OF BATTLE, NOT ON THE FIELD OF BATTLE BUT ON THE FIELD OF MURDER, UNBURIED AND UNCARED FOR. TWO WEEKS AFTER THE HORRIBLE TRAGEDY WE WISH TO SHOW YOU BY RELIABLE CITIZEN *[41]* OF THIS TERRITORY[84] WHO PASSED BY THAT HORRID FIELD, AND THERE IN TWO ~~GASL~~ GHASTLY PILES, THROWN EVERY WAY ACROSS EACH OTHER, PILED UP, WERE THE BODIES OF	THE HORRID TALE WERE ALL THAT REMAINED. THEY WERE GATHERED AND TAKEN TO RANCH IN THE NEIGHBORHOOD . VICTIMS WERE LEFT ON THE FIELD OF BATTLE, NOT ON FIELD OF BATTLE BUT THE FIELD OF MURDER UNBURIED AND UNCARED FOR. TWO WEEKS AFTER HORRIBLE TRAGEDY WE SHALL SHOW YOU BY RELIABLE CITIZEN OF THIS TERRITORY WHO PASSED BY THAT HORRID FIELD, AND THERE IN TWO GHASTLY PILES THROWN EVERY WAY ACROSS EACH OTHER PILED UP WERE THE BODIES OF	OF THE HORRID TALE WERE ALL THAT REMAINED. THEY WERE GATHERED AND TAKEN TO A RANCH IN THE NEIGHBORHOOD . THE VICTIMS WERE LEFT ON THE FIELD OF BATTLE — IN THE FIELD OF HELL, — ON THE FIELD OF MURDER — UNBERRIED, UNCARED FOR AND WEEKS AFTER THE HORRIBLE TRAGEDY, WE SHALL SHOW YOU BY A RELIABLE CITIZEN OF THIS TERRITORY, THAT HE PASSED BY THAT HORRID FIELD, AND THERE ~~SAW~~ IN TWO GHASTLY PILES THROWN EVERY WAY ACROSS EACH OTHER , BUILT UP WITH THE BODIES OF	THE HORRID TALE WERE ALL THAT REMAINED THEY WERE GATHERED AND TAKEN TO A RANCH IN THE NEIGHBORHOOD THE VICTIMS WERE LEFT ON THE FIELD OF BATTLE IN THE FIELD OF BATTLE ON THE FIELD OF MURDER UNBURIED UNCARED FOR TWO WEEKS AFTER THE HORRIBLE TRAGEDY WE SHOULD SHOW YOU BY A RELIABLE CITIZEN OF THIS TERRITORY THAT HE PASSED BY THAT HORRID FIELD AND THERE IN TWO GHASTLY PILES THROWN EVERY WAY ACROSS EACH OTHER AND PILED UP WERE THE BODIES OF

84. See trial one witness Asahel Bennett.

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RT	RS	BT	PS
THESE WOMEN AND THESE CHILDREN. THE WOLVES HAD GATHERED FROM SURROUNDING HILLS AND THE VULTURES HAD COME FROM THE MOUNTAINS AND WERE FEEDING UPON THEIR DECAYING CARCASES. TWO GHASTLY PILES OF SLAUGHTERED WOMEN AND CHILDREN, HALF OF THEM WITH THEIR THROATS CUT, THE OTHER WITH GUN SHOT, PISTOL WOUNDS, STABS FROM KNIVES AND SWORDS. OUT OF ALL THIS COMPANY, AND THE WOMEN THAT WERE LAVING THERE, BEREFT OF EVERY SHRED	THESE WOMEN AND THESE CHILDREN. WOLVES HAD GATHERED FROM SURROUNDING HILLS VULTURES HAD COME FROM THE MOUNTAINS AND WERE FEEDING UPON DECAYING CORPSES. TWO GHASTLY PILES OF SLAUGHTERED WOMEN CHILDREN, MORE THAN HALF OF THEM WITH THEIR THROATS CUT, THE OTHER WITH GUN SHOTS PISTOL WOUNDS STABS FROM KNIVES AND SWORDS. OUT OF ALL THIS COMPANY WOMEN THAT WERE LAYING THERE BEREFT OF EVERY SHRED	THESE **MEN** WOMEN AND THESE CHILDREN. THE WOLVES HAD COME FROM THE SURROUNDING HILLS, AND VULCHERS HAD COME FROM THE *[9]* MOUNTAINS AND WERE FEEDING UPON THE DECAYING CORPSES. TWO GHASTLY PILES OF SLAUGHTERED WOMEN AND CHILDREN, MORE THAN HALF OF THEM WITH THEIR THROATS CUT, AND OTHERS WITH GUN-SHOT AND PISTOL WOUNDS, AND STABS FROM KNIVES AND SWORDS. ADDED TO ALL THIS THE WOMEN WERE LAYING THERE BEREFT OF EVERY SHRED	THESE WOMEN AND THESE CHILDREN AND WOLVES HAD COME FROM THE SURROUNDING HILLS AND VULTURES HAD COME FROM THE MOUNTAINS AND WERE FEEDING UPON THE DECAYING CORPSES TWO GHASTLY PILES OF SLAUGHTERED WOMEN AND CHILDREN MORE THAN HALF OF THEM WITH THEIR THROATS CUT AND OTHERS WITH GUNSHOT AND PISTOL WOUNDS AND STABS FROM KNIVES AND SWORDS OUT OF ALL THIS COMPANY ALL THE WOMEN THAT WERE LAYING THERE BEREFT OF EVERY SHRED

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RT	RS	BT	PS
OF CLOTHING, THE SAVAGES HADN'T EVEN LEFT ENOUGH TO COVER THE NAKEDNESS OF THE WOMEN. AMONG THEM ALL, BY SOME UNACCOUNTAB LE REASON, THAT NO MAN CAN TELL, THERE LAY ONE BEAUTIFUL WOMEN, AS OUR WITNESS CAN SWEAR, ON WHOSE COUNTENANCE WAS THE PLACID SMILE OF PEACE, AS THOUGH SHE WERE LYING ~~CC~~ ~~AL~~ ASLEEP. NO WOLF HAD MARRED HER BODY. NO VULTURE HAD PECKED OUT HER EYES, BUT SHE LAY THERE A MONUMENT ALONE, ALL THE REST HAD BEEN	OF CLOTHING THE SAVAGES HADN'T EVEN LEFT ENOUGH TO COVER THE NAKEDNESS OF THE WOMEN. AMONG THEM ALL, BY SOME UNACCOUNTAB LE REASON, THAT NO MAN CAN TELL THERE LAY ONE BEAUTIFUL WOMAN AS OUR WITNESS CAN SWEAR ON WHOSE COUNTENANCE WAS A PLACID SMILE OF PEACE AS THOUGH SHE WERE LYING ASLEEP. NO WOLF HAD MARRED HER FLESH NO VULTURE HAD PECKED OUT HER EYES, BUT SHE LAY THERE A MONUMENT ALONE, ALL THE REST HAD BEEN	OF CLOTHING. THE SAVAGES HAD N**OT** EVEN LEFT ENOUTH TO COVER THE NAKED REMAINS OF THE WOMEN. AMONG THEM TOO FOR ~~BY~~ SOME UNACCOUNTAB LE REASON THAT NO MAN CAN TELL, THERE LAY ONE BEAUTIFUL WOMEN ~~WILL SWEAR~~ AS OU~~T~~**R** WITNESS WILL SWEAR , ON WHOS**E** COUNTENANCE **WORE** ~~WAS~~ A PLACID SMILE OF PEACE, AS THOUGH SHE WAS ~~LA~~LYING ASLEEP. NO WOLFE HAD MARRED HER FLESH, NO VULTURE HAD PECKED ~~AT HER~~ OUT HER EYES, BUT SHE LAY THERE A MONUMENT ALONE; ALL THE REST HAD BEEN	OF CLOTHING *[[23]]*[85] THE SAVAGES HAD NOT EVEN LEFT ENOUGH TO COVER THE NAKEDNESS OF THE WOMEN AMONG THEM BUT FOR BY SOME UNACCOUNTAB LE REASON THAT NO MAN CAN TELL THERE LAY ONE BEAUTIFUL WOMAN AS OUR WITNESS WILL SWEAR ON WHOSE COUNTENANCE A WAS A PLACID SMILE OF PEACE AS THOUGH SHE WERE LYING ASLEEP NO WOLF HAD MARRED HER FLESH NO VULTURE HAD PECKED OUT HER EYES BUT SHE LAY THERE A MONUMENT ALONE ALL THE REST HAD BEEN

85. There is no longhand above the shorthand on this page.

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RT	RS	BT	PS
MUTILATED, BUT THAT WOMAN ALONE, THAT WOMAN IN A PERFECT STATE OF PRESERVATION. THIS WITNESS WILL TESTIFY TO THESE FACTS. HE WAS SO SHOCKED, SO HORRIFIED, WITH THE SIGHT OF THE WOMAN ALONE, HE DID THEN WITHDRAW TO FROM A QUARTER OF A MILE DISTANCE PERHAPS, FROM THE MEN, AS THEY WERE LEFT AT THE TIME OF THE MASSACRE, BUT THE TERRIBLE SIGHT WAS TOO MUCH FOR HIM TO BEAR AND HE HASTENED AWAY FROM THE FIELD OF DEATH, WITH	MUTILATED BUT THAT WOMAN ALONE THAT WOMAN IN HER PERFECT STATE OF PRESERVATION. THIS WITNESS WILL TESTIFY TO THESE FACTS WAS SO SHOCKED SO HORRIFIED WITH THE SIGHT OF THE WOMAN ALONE SAW ALL HE DID *THEN WITHDREW*[?] TO [*space*] FROM A QUARTER OF A MILE —[?] DISTANCE PERHAPS ~~LITTLE~~ LESS LAY THE MEN AS THERE WERE LEFT AT THE TIME OF THE MASSACRE BUT THE TERRIBLE SIGHT WAS TOO MUCH FOR HIM TO BEAR AND HE HASTENED AWAY FROM THE FIELD OF DEATH WITH	MUTILATED BUT THAT WOMAN ALONE. AND THAT WOMAN IN HER PERFECT STATE OF PRESERVATION. . THIS WITNESS WILL TESTIFY TO THESE FACTS — **HE** WAS SO ~~HO~~SHOCKED, SO HORRIFIED **WITH** ~~THAT~~ THE SIGHT OF THE WOM~~A~~**E**N ALONE THAT WAS THERE**,** THAT HE COULD FEIGN **TO** ~~TO~~ LOOK UPON**.** ~~**ONE**~~ **FROM THERE** ~~FROM~~ ABOUT A QUARTER OF A MILE DISTANT LAY THE MEN AS THEY WERE LEFT AT THE MASSACRE; BUT THE TERRIBLE SIGHT WAS TOO MUCH FOR HIM TO BEAR AND HE HASTENED AWAY FROM THE FIELD OF DEATH WITH	MUTILATED BUT THAT WOMAN ALONE AND THAT WOMAN IN HER PERFECT STATE OF PRESERVATION. THIS WITNESS WILL TESTIFY TO THESE FACTS WAS SO SHOCKED SO HORRIFIED WITH THE SIGHT OF THE WOMAN ALONE *SAW ALL*[?] THAT HE COULD FEIGN TO LOOK UPON FROM A ABOUT QUARTER OF A MILE DISTANT LAY THE MEN AS THEY WERE LEFT AT THE TIME OF THE MASSACRE BUT THE TERRIBLE SIGHT WAS TOO MUCH FOR HIM TO BEAR AND HE HASTENED AWAY FROM THE FIELD OF DEATH WITH

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RT	RS	BT	PS
THAT HORRIBLE SIGHT, WITH THAT HORRIBLE VIEW PERFECTLY UPON HIS **M**IND, HE SAYS WILL THERE REMAIN TILL HIS EYES ARE CLOSED IN DEATH. WHAT WAS DONE WITH THE PROPERTY OF THESE EMIGRANTS ? PERHAPS WHAT BECAME OF ALL WILL NEVER BE KNOWN. THE BLOODY, THE TORN, THE USELESS CLOTHING WAS TURNED OVER TO THE INDIAN [42] ALLIES OF THESE PARTIES AND THE BETTER PORTION OF SUCH PROPERTY AS THEY TOOK WAS PLACED WITHIN THE TITHING CELLAR AT CEDAR CITY,	THAT HORRIBLE SIGHT, THAT HORRIBLE VIEW PRESSED UPON HIS MIND AND THERE IT WILL REMAIN TILL HIS EYES ARE CLOSED IN DEATH. [*space*] [11] ≤WHAT WAS≥ DONE WITH THE PROCEEDS OF THE PROPERTY OF THOSE EMIGRANTS. PERHAPS WHAT BECAME OF IT ALL WILL NEVER BE KNOWN. THE ≤WORN OUT≥ THE BLOODY THE USELESS WAS TURNED OVER TO THE INDIAN ALLIES OF THESE PARTIES, AND THE BETTER PORTION OF SUCH PROPERTY AS THEY TOOK WAS PLACED <WITHIN THE> ~~UPON~~ TITHING HOUSE AT CEDAR CITY	THAT HORRIBLE SIGHT,— THAT HORRIBLE VIEW— IMPRESSED UPON HIS MIND**,** AND THERE IT WILL REMAIN UNTIL THE HIS EYES ARE CLOSED IN DEATH. WHAT WAS DONE WITH THE PROCEEDS OF THE PROPERTY OF THESE EMIGRANTS? PERHAPS WHAT BECOME OF IT WILL NEVER BE KNOWN. THE GARMENTS THAT WERE TORN AND BLOODY AND USELESS WAS THROWN OVER TO THE INDIAN ALLIES. THE BETTER PORTION OF SUCH PROPERTY WAS PLACED IN THE TITHING YARD AT CEDA~~T~~R CITY	THAT HORRIBLE SIGHT THAT HORRIBLE VIEW PRESSED UPON HIS MIND AND THERE IT WILL REMAIN UNTIL THE HIS EYES ARE CLOSED IN DEATH WHAT WAS DONE WITH THE PROCEEDS OF THE PROPERTY OF THOSE EMIGRANTS PERHAPS WHAT BECOME OF IT ALL WILL NEVER BE KNOWN A *PART*[?] THE TORN THE BLOODY AND USELESS WAS TURNED OVER TO THE INDIAN ALLIES OF THOSE PARTIES THE BETTER PORTION OF SUCH PROPERTY AS THEY TOOK WAS PLACED IN THE TITHING HOUSE AT CEDAR CITY

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RT	RS	BT	PS
AND AFTERWARDS SOLD AT AUCTION. THE CATTLE PORTION OF THEM WENT TO SALT LAKE CITY AND WERE SOLD THERE FOR A STOCK OF GOODS, WHICH WAS BROUGHT SOUTH AND SOLD OUT HERE. SOME TWO OR THREE HUNDRED OF THESE CATTLE WERE BRANDED WITH THE ~~CATTLE~~ ~~<~~MARK~~>~~ OF JOHN D. LEE, WHICH HE TURNED OUT ON THE RANGE. WHAT DID ONE OF THE LEADERS OF THIS TERRIBLE MASSACRE DO AFTERWARDS ? HE WENT TO SALT LAKE CITY, HE HAD TWO BULLET HOLES IN A COAT HE WORE. AS HE PASSED THROUGH THE SETTLEMENTS	AND AFTERWARDS SOLD AT AUCTION. THE CATTLE PORTION OF THEM WENT TO SALT LAKE CITY WERE SOLD THERE FOR A STOCK OF GOODS WHICH WAS BROUGHT SOUTH AND SOLD OUT HERE. SOME TWO OR THREE HUNDRED OF THOSE CATTLE WERE BRANDED WITH THE MARK OF JOHN D. LEE WHICH HE TURNED OUT ON THE RANGE. WHAT DID ONE OF THE LEADERS OF THIS TERRIBLE MASSACRE DO AFTERWARDS SENT TO SALT LAKE CITY HE HAD TWO BULLET HOLES IN A COAT HE WORE AS HE PASSED THROUGH THE SETTLEMENTS	AND AFTERWARDS SOLD AT AUCTION. THE CATTLE A PORTION OF THEM WENT TO SALT LAKE CITY AND WERE SOLD THERE FOR A STOCK OF GOODS WHICH WAS BROUGHT SOUTH AND SOLD HERE. SOME TWO OR THREE HUNDRED OF THESE CATTLE WERE BRANDED WITH THE MARK OF JOHN D. LEE AND TURNED OUT ON THE RANGE. *[10]* WHAT DID ONE OF THE LEADERS IN THIS TERRIBLE MASSACRE DO AFTERWARDS? HE WENT TO SALT LAKE CITY**;** HE HAD TWO BULLET HOLES IN THE COAT THAT HE WORE**;** AND AS HE PASSED THROUGH THE SETTLEMENTS	AND AFTERWARDS SOLD AT AUCTION. THE CATTLE A PORTION OF THEM WENT TO SALT LAKE CITY AND WERE SOLD THERE FOR A STOCK OF GOODS WHICH WAS BROUGHT SOUTH AND SOLD OUT HERE [*space*] SOME TWO OR 3 HUNDRED OF THOSE CATTLE WERE BRANDED WITH THE MARK OF JOHN D. LEE AND TURNED OUT ON THE RANGE [*space*] WHAT DID ONE OF THE LEADERS IN THIS TERRIBLE MASSACRE DO AFTERWARDS HE WENT TO SALT LAKE CITY HE HAD TWO BULLET HOLES IN THE COAT THAT HE WORE AND AS HE PASSED THROUGH THE SETTLEMENTS

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RT	RS	BT	PS
HE BOASTED THAT THAT COAT CAME FROM THE FIELD OF THE MOUNTAIN MEADOWS AND WHEN HE ARRIVED AT THE CITY OF SALT LAKE HE FOUND THAT THAT KIND OF BOASTING WAS GETTING A LITTLE TOO NEAR CIVILIZATION, A LITTLE TOO NEAR THE PLACE WHERE IT WOULD BE PROCLAIMED TO THE WORD, THAT A WHITE MAN WHO WAS ENGAGED IN THE TERRIBLE MASSACRE WAS WEARING GARMENTS OF THESE EMIGRANTS WITH BULLET HOLES IN THEM, AND THAT BOASTING CEASED. WHAT BECAME OF THE GOLD AND SILVER ? IF ANY MAN	HE BOASTED THAT THAT COAT CAME FROM THE FIELDS OF MOUNTAIN MEADOWS, BUT WHEN HE ARRIVED AT THE CITY OF SALT LAKE HE FOUND THAT THAT KIND OF BOASTING WAS GETTING A LITTLE TOO NEAR CIVILIZATION LITTLE TOO NEAR THE PLACE WHERE IT WOULD BE PROCLAIMED TO THE WORD, THAT A WHITE MAN WHO WAS ENGAGED IN THAT TERRIBLE MASSACRE WAS WEARING GARMENTS OF THOSE EMIGRANTS WITH BULLET HOLES IN THEM, AND THAT BOASTING CEASED. THAT BECAME OF THE GOLD AND SILVER FOR NO MAN	HE BOASTED THAT THAT COAT CAME FROM THE FIELDS OF THE MOUNTAIN MEADOWS; BUT WHEN HE ARRIVED AT THE CITY OF SALT LAKE HE FOUND THAT THAT KIND OF BOASTING WAS GETTING A LITTLE TOO NEAR ~~H~~CIVILIZATION —IT WAS GETTIN A LITTLE TOO NEAR THE PLACE WHERE ~~HE~~IT WOULD BE PROCLAIMED TO THE WORLD THAT A WHITE MAN THAT WAS ENGAGE~~T~~**D** IN THAT MASSACRE WAS WEARING THE GARMENTS OF THOSE EMIGRANTS WITH BULLET HOLES IN THEM**;** AND THAT BOASTING CEASED. WHAT BECAME OF THE G**O**LD AND SILVER? FOR NO MAN	HE BOASTED THAT THAT COAT ~~CAME~~ CAME FROM THE FIELDS OF MOUNTAIN MEADOWS BUT WHEN HE ARRIVED AT THE CITY OF SALT LAKE HE FOUND THAT THAT KIND OF BOASTING WAS GETTING A LITTLE TOO NEAR CIVILIZATION IT WAS GETTING A LITTLE TOO NEAR THE PLACE WHERE IT WOULD BE PROCLAIMED TO THE WORLD THAT A WHITE MAN WHO WAS ENGAGED IN THAT WHITE MAN WAS WEARING THE GARMENTS OF THOSE EMIGRANTS WITH BULLET HOLES IN THEM AND THAT BOASTING CEASED [*space*] WHAT BECAME OF THE GOLD AND SILVER? FOR NO MAN

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RT	RS	BT	PS
WILL PRETEND THAT I50 EMIGRANTS WITH A TRAIN AS RICH AND AS WELL SUPPLIED AS THOSE EMIGRANTS, WHICH IS AN EVIDENCE THAT THEY WERE IN FINE CIRCUMSTANCES AT THE TIME AND WHO WERE GOING TO PURCHASE HOMES IN SOUTHERN CALIFORNIA, NO MAN WOULD PRETEND TO SAY THAT THERE WAS NOT MONEY THERE. WAS IT EVER HEARD OF ? WE HAVEN'T BEEN ABLE TO TRACE IT. ~~SOME TRACE~~ ; NO MONEY WAS HEARD OF. AFTER THE PARTIES	WILL PRETEND THAT 150 EMIGRANTS WITH A TRAIN AS RICH WELL SUPPLIED AS THAT EMIGRANTS MORE EVIDENTLY IN FINE CIRCUMSTANCES AT HOME WHO WERE GOING PURCHASE HOME IN SOUTHERN CALIFORNIA, NO MAN WOULD PRETEND ~~<~~TO SAY~~>~~ THERE WAS NOT MONEY THERE WAS IT EVER HEARD OF, THAT WE HAVEN'T BEEN ABLE TO TRACE SOME TRACE NO MONEY WAS HEARD OF AFTER PARTIES	WILL PRETEND THAT I50 EMIGRANTS WITH A TRAIN AS RICH AND WELL SUPPLIED AT THAT EMIGRANT TRAIN WAS —— —— NO MAN WILL PRETEND TO SAY THAT ~~THEY HAD NO MONEY~~ THERE WAS NO MONEY THERE. WAS IT BROUGHT HERE? ALL THAT WE HAVE NOT BEEN ABLE TO ~~FIND OUT~~ TRACE. SOME CLAIM THAT NO MONEY WAS HEARD OF, AFTER THE PARTIES	WILL PRETEND THAT A HUNDRED AND FIFTY *[[24]]*[86] EMIGRANTS WITH A TRAIN AS RICH AND WELL SUPPLIED AT THAT AND EMIGRANT WHO WERE EVIDENTLY WELL TO DO AT HOME NO MAN WILL PRETEND THAT THERE WAS NO MONEY THERE WAS IT EVER HEARD OF THAT WE HAVE NOT BEEN ABLE TO TRACE. SOME CLAIM THAT NO MONEY WAS HEARD OF AFTER THE PARTIES

86. Rogerson's longhand reappears above the shorthand and continues until the end of Carey's opening; Rogerson's hand symbol is at the top of the page.

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RT	RS	BT	PS
MARCHED OUT OF THEIR INTRENCHMENT, WHO WAS THE MAN WHO WENT INTO THIS INTRENCHMENT AND SELECTED WHATEVER HE PLEASED AND DISPOSED OF IT AS HE SAW FIT.	MARCHED OUT OF THEIR ENTRENCHMENT IF NOT WHO WAS THE MAN WHO WENT INTO THIS ENTRENCHMENT AND SELECTED WHATEVER HE PLEASED AND DISPOSED OF IT AS HE SAW FIT	MARCHED OUT OF THEIR ENTRENCHMENT. .	MARCHED OUT OF THEIR ENTRENCHMENT IF NOT WHO WAS THE MAN THAT WENT INTO ≺THIS≻ ENTRENCHMENT AND SELECTED WHATEVER HE PLEASED AND DISPOSED OF IT AS HE SAW FIT
THESE EMIGRANTS WERE WILLING TO DO ANYTHING IN REASON	PLACED IN THE POSITION THEY WERE THESE EMIGRANTS WERE WILLING TO DO ANYTHING IN WILLING TO DO ANYTHING *WHATEVER RISK/OUT OF REASON*[?] TO	PLACED IN THE POSITION THAT THEY WERE, THESE EMIGRANTS WERE WILLING TO DO ANYTHING IN REASON**,** AND TO DO ANYTHING	PLACED IN THE POSITION THAT THEY WERE THESE EMIGRANTS WERE WILLING TO DO ANYTHING IN REASON [*space*] TO DO ANYTHING
TO SAVE THEIR LIVES AND THE LIVES OF *[43]* THOSE THEY WERE PROTECTING. WHO WAS THE MAN WHO WENT THERE AND MADE TERMS AND ~~EX~~ ≺**ACC**≻CEPTED SUCH REMUNERATION FORM THE AS HE SAW FIT ;	SAVE THEIR LIVES AND THE LIVES OF THOSE THEY WERE PROTECTING. WHO WAS THE MAN WHO WENT THERE AND MADE TERMS AND ACCEPTED SUCH REMUNERATION FROM THEM HE SAW FIT	OUT OF REASON TO SAVE THEIR LIVES AND THE LIVES OF THOSE THAT THEY WERE PROTECTNG. WHO WAS THE MAN THAT WENT THERE AND MADE TERMS AND ACCEPTED SUCH REMUNERATIONS FROM THEM AS HE SAW FIT?	OUT OF REASON TO SAVE THEIR LIVES AND THE LIVES OF THOSE THAT THEY WERE PROTECTING WHO WAS THE MAN THAT WENT THERE AND MADE TERMS AND ACCEPTED SUCH REMUNERATION FROM THEM AS HE SAW FIT

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RT	RS	BT	PS
— THAT MAN WAS JOHN D. LEE, THE PRISONER AT THE BAR. WHO, WENT HE WENT TO SALT LAKE REPORTED THE PROCEEDINGS THAT HAD TAKEN PLACE THERE — WHO WAS THE MAN THAT REPORTED THESE PROCEEDINGS AND WAS DIRECTED WHAT TO DO WITH THE PROPERTY — WHO DIRECTED HIM ? JOHN D. LEE WAS THE MAN, AND WHAT WAS HE TOLD TO DO WITH THE PROPERTY IN THE TITHING OFFICE AT CEDAR ? HE WAS TOLD TO DISPOSE OF IT AND GIVE THE CHURCH ALL OF IT. HE WAS THE INDIAN	THAT MAN WAS JOHN D. LEE; PRISONER AT THE BAR. [*space*] WHO WHEN HE WENT TO SALT LAKE CITY REPORTED PROCEEDINGS THAT HAD TAKEN PLACE THERE WHO WAS THE MAN THAT REPORTED THESE PROCEEDINGS WAS DIRECTED WHAT TO DO WITH THE PROPERTY WHO DIRECTED HIM JOHN D. LEE WAS THE MAN AND WHAT WAS HE TOLD TO DO WITH THE PROPERTY IN THE TITHING OFFICE AT CEDAR HE WAS TOLD TO DISPOSE OF IT TAKE CHARGE OF IT HE WAS THE INDIAN	THAT MAN WAS JOHN D. LEE, THE PRISONER AT THE BAR, WHO**,** WHEN HE WENT TO SALT LAK~~S~~E ~~AND~~ REP~~R~~ORTED THE PROCEEDINGS THAT HAD TAKEN PLACE THERE. WHO WAS THE MAN THAT REPORTED THESE PROCEEDINGS AND WAS DIRECTED WHAT TO DO WITH THE PROPERTY, AND DID AS HE WAS DIRECTED? JOHN D. LEE WAS THE MAN. WHAT WAS HE TOLD TO DO WITH THE PROPERTY TH~~Z~~**A**T WAS IN THE TITHING OFFICE? HE WAS TO;LD TO TAKE CHARGE OF IT?	THAT MAN WAS JOHN D. LEE THE PRISONER AT THE BAR WHO WHEN HE WENT TO SALT LAKE AND REPORTED THE PROCEEDINGS THAT HAD TAKEN PLACE THERE [*space*] WHO WAS THE MAN THAT REPORTED THESE PROCEEDINGS AND WAS DIRECTED WHAT TO DO WITH THE PROPERTY AND DID DO AS HE WAS DIRECTED?[87] JOHN D. LEE WAS THE MAN. AND WHAT WAS HE TOLD TO DO WITH THE PROPERTY THAT WAS IN THE TITHING OFFICE [*space*] HE WAS TOLD TO TAKE CHARGE OF IT [*space*]

87. "?" apparently in Rogerson's hand.

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RT	RS	BT	PS
AGENT THERE AND THE PROPER MAN TO DO IT. WHO TOLD HIM TO DO IT ? THAT WE SHALL SHOW YOU. THAT ORDER WAS GIVEN BY BRIGHAM YOUNG. WE SHALL SHOW YOU BY THE WITNESSES PRESENT AT THAT INTERVIEW THAT THEY WERE FURTHER TOLD IT WAS THE SUBJECT THEY WERE NOT TO TALK ABOUT, NOR EVEN MENTION IT AMONG THEMSELVES. THAT MAY ACCOUNT FOR THE FACT THAT SOME MEN HAVE LIVED HERE FOR EIGHTEEN YEARS AND WILL INSIST THAT THEY NEVER TALKED OF THIS	AGENT THERE PROPER MAN TO DO IT. WHO TOLD HIM TO DO THAT AND SHALL SHOW TO YOU THAT ORDER WAS *[12]* GIVEN BY BRIGHAM YOUNG. WE SHALL SHOW YOU BY THE WITNESS PRESENT THAT INTERVIEW THAT THEY WERE FURTHER TOLD IT WAS SUBJECT THEY WERE NOT TO TALK ABOUT {NOR}[i] EVEN AMONG THEMSELVES. THAT MAY ACCOUNT FOR THE FACT THAT SOME MEN HAVE LIVED HERE FOR EIGHTEEN YEARS AND WILL INSIST THAT THEY NEVER TALKED OF THIS	WHO TOLD HIM TO DO THAT? WE SHALL SHOW TO YOU THAT THAT ORDER WAS GIVEN BY BRIGHAM YOUNG. WE SHALL SHOW TO YOU TOO, BY A WITNESS THAT WAS PRESENT AT THAT INTERVIEW THAT THEY ~~W~~WERE FU~~T~~RTHER *[11]* TOLD THAT IT WAS ~~NOT~~ A SUBJECT THAT THEY WERE NOT TO TALK ABOUT EVEN AMONG THEMSELVES. THAT MA~~N~~**Y** ACCOUNT FOR THE FACT THAT SOME MEN HAVE LIVED ~~T~~HH~~E~~RE FOR 18 YEARS AND STILL INSIST THAT THEY NEVER TALKED ~~ABOUT IT~~ ABOUT THIS	WHO TOLD HIM TO DO THAT WE SHALL SHOW TO YOU THAT THAT ORDER WAS GIVEN BY BRIGHAM YOUNG WE SHALL SHOW TO YOU TOO BY A WITNESS WHO WAS PRESENT AT THAT INTERVIEW THAT THEY WERE FURTHER TOLD THAT IT WAS **A** SUBJECT THAT THEY WERE NOT TO TALK ABOUT EVEN AMONG THEMSELVES. THAT MAY ACCOUNT FOR THE FACT THAT SOME MEN HAVE LIVED HERE FOR 18 YEARS AND STILL INSIST THAT THEY NEVER TALKED OF THIS

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RT	RS	BT	PS
MATTER — NEVER HEARD OF IT EXCEPT BY THE MEREST RUMOR. DOES THAT ACCOUNT FOR IT ? IT SEEMS REMARKABLE THAT SUCH A CRIME COULD HAVE BEEN COMMITTED AND NOT BE KNOWN BY SO. MANY PERSONS FOR SO LONG A TIME, AND SO LITTLE KNOWN ABOUT IT.	MATTER; NEVER HEARD OF IT BY THE MEREST RUMOR. DOES THAT ACCOUNT FOR IT. IT SEEMS INCREDIBLE THAT SUCH A CRIME COULD HAVE BEEN COMMITTED ≤COULD HAVE≥ BEEN KNOWN BY SO MANY PERSONS FOR SO LONG A TIME AND SO LITTLE KNOWN ABOUT IT AS HERETOFORE	MATTER AND NEVER HEARD ABOUT IT EXCEPT BY THE MEREST RUMORS. DOES THAT ACCOUNT ~~O~~FOR IT? IT SEEMS INCALCULABLE THAT SUCH A CRIME COULD HAVE BEEN COMMITTED, COULD HAV4**E** BEEN KNOWN BY **SO** MANY PERSONS FOR SO L~~A~~ONG A TIME, AND STILL SO LITTLE KNOWN ABOUT IT AS HAS BEEN HERETOFORE~~;~~ BUT GENTLEMEN OF THE JURY , IT IS ONE OF THOSE TERRIBLE **SECRETS** ~~SEFCT~~**R**~~ERS~~ THAT MEN CANNOT KEEP. THERE ARE SECRETS THAT ARE TOO OVERPOURING AND TOO CRUSHING IN THEIR NATURE FOR ALL MEN TO KE~~D~~**E**P. IT SEEMS THAT THERE **ARE** A	MATTER AND NEVER HEARD ABOUT IT EXCEPT BY THE MEREST RUMOR DOES THAT ACCOUNT FOR IT [*space*] IT SEEMS INCALCULABLE THAT SUCH A CRIME COULD HAVE BEEN COMMITTED COULD HAVE BEEN KNOWN BY SO MANY PERSONS FOR SO LONG A TIME AND STILL SO LITTLE KNOWN ABOUT IT AS HAS BEEN HERETOFORE BUT GENTLEMEN OF THE JURY IT IS ONE OF THOSE TERRIBLE SECRETS THAT MEN CANNOT KEEP. THERE ARE SECRETS THAT ARE TOO OVERPOWERING AND TOO CRUSHING IN THEIR NATURE FOR ALL MEN TO KEEP IT SEEMS THAT THERE ARE A
IT IS ONE OF THOSE TERRIBLE SECRETS MEN CANNOT KEEP; THERE ARE SECRETS TOO OVERBEARING, TOO CRUSHING IN THEIR NATURE FOR ALL MEN TO KEEP, AND	IT IS ONE OF THOSE TERRIBLE SECRETS MEN CANNOT KEEP THERE ARE SECRETS TOO OVERBEARING TOO CRUSHING IN THEIR NATURE FOR ALL MEN TO KEEP AND *IT SEEMS*[?] THERE HAVE		

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RT	RS	BT	PS
IT HAS BEEN A BURDEN TOO GREAT FOR THEM TO BEAR; I HAVE STATED WE EXPECTED TO PROVE HOW THE MILITIA OF CEDAR CITY AND SOME ADJOINING SETTLEMENTS WERE ORDERED OUT. WE SHALL SHOW TO YOU WHO ORDERED THAT MILITIA AND THE EXTENT OF THE SERIOUS TROUBLES IN THE COUNTRY AT THAT TIME, AND THE COMMANDER OF THIS WHO~~U~~LE SOUTHERN COUNTRY AT THAT TIME, FROM FILMORE TO THE NORTHERN BOUNDARY OF	BEEN FEW WHO CAN'T KEEP IT. IT HAS BEEN BURDEN TOO GREAT FOR THESE TO BEAR. NOW I HAVE STATED WE EXPECT TO PROVE TO YOU MILITIA OF CEDAR CITY SOME ADJOINING SETTLEMENTS WAS ORDERED OUT WE SHALL SHOW TO YOU WHO ORDERED THAT MILITIA. HOW HIGH THE SOURCE AND SHALL BE ABLE TO TRACE I CAN'T TELL BUT THE COMMANDER OF THIS WHOLE SOUTHERN COUNTRY AT THAT TIME FROM FILMORE NORTHERN BOUNDARY OF	FEW NEN WHO HAVE BEEN ABLE TO KEEP IT. IT I~~AS~~ A BURDEN TOO GREAT FOR OTHERS TO BEAR. NOW**,** I HAVE STATED THAT WE EXPECT TO PROVE TO YOU THAT THE MILITIA OF CEDAR CITY AND SOME ADJOINING SETTLEMENTS W~~Z~~**A**S ORDEED OUT. WE SHALL SHOW ~~TO~~ YOU WHO ORDERED OUT THAT MILITIA, AND HOW HIGH THE SOURCE. WE SHALL BE ABLE TO TRACE OUT THAT THE COMMANDER OF THIS ~~HERE ARMY~~ SOUTHERN COMPANY AT THAT TIME FROM FILLMORE,	FEW WHO HAVE BEEN ABLE TO KEEP IT. IT HAS BEEN BURDEN TOO GREAT FOR OTHERS TO BEAR [*space*] NOW I HAVE STATED THAT WE EXPECT TO PROVE —/*TO YOU*[?] THAT THE MILITIA OF CEDAR CITY AND SOME ADJOINING SETTLEMENTS WAS ORDERED OUT WE SHALL SHOW TO YOU WHO ORDERED THAT MILITIA OUT *[[25]]* AND HOW HIGH THE SOURCE WE SHALL BE ABLE TO TRACE IT [*space*] BUT THE COMMANDER OF THIS HERE SOUTHERN COUNTRY AT THAT TIME FROM FILLMORE AND TO ~~NORTHERN BOUNDARY~~ OF

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RT	RS	BT	PS
ARIZONA AT THAT TIME WAS [44] GEORGE A. SMITH, AND HOW HIGH OR FARTHER WE SHALL BE ABLE TO TRACE IT I CANNOT TELL. THE COMMANDER OF THE MILITIA OF IRON COUNTY WAS WILLIAM H. DAME, AND ISAAC C. HAIGHT AND J. M. HIGBEE WERE THE FORCES IMMEDIATELY UNDER THEM, ~~BUT~~ ~~<~~**HO**~~>~~ HOW HIGH THE AUTHORITY WE SHALL BE ABLE TO TRACE THESE COMMANDS, THESE MILITARY ORDERS, THE ~~TRUTH~~ PROOF WILL ONLY DEVELOP ; WE PURPOSE TO TRACE IT TO THE REAL	ARIZONA AT THAT TIME WAS **G A** SMITH; COMMANDER OF THE MILITIA OF IRON COUNTY WAS WILLIAM **H** D AND ISAAC **C** HAIGHT, J M HIGBEE WERE THE OFFICERS IMMEDIATELY UNDER HIM. TO HOW HIGH AN AUTHORITY WE SHALL ~~<~~BE ABLE TO~~>~~ TRACE THESE COMMANDS THESE MILITARY ORDERS THE PROOF WILL ONLY DEVELOP WE HOPE TO TRACE IT IF POSSIBLE TO THE REAL	WAS GEORGE A. SMITH WILLIAM H. DAME, ISAAC C. HAIGHT AND JOHN M. HIGBEE WERE THE OFFICERS IMMEDIATE~~O~~LY UNDER HIM. BUT HOW HIGH THE AUTHORITY WE SHALL BE ABLE TO TRACE THIS COMMAND**,** THESE MILITARY ORDERS, <**TO**> T~~O~~HE PROOF WILL ONLY DEVELOPE; BUT WE H~~P~~OPE TO TRA~~F~~CE IT IF POSSIBLE TO THE REAL	[*space*] WAS[88] GEORGE **A** SMITH IRON COUNTY WILLIAM H DAME [*space*] ISAAC **C** HAIGHT AND JOHN M HIGBEE WERE THE OFFICERS IMMEDIATELY UNDER HIM BUT HOW HIGH AN AUTHORITY WE SHALL BE ABLE TO TRACE THESE COMMANDS THESE MILITARY ORDERS THE PROOF WILL ONLY DEVELOP BUT WE HOPE TO TRACE IT IF POSSIBLE TO THE REAL

88. From this point on, much (though not all) of the longhand written above the shorthand is in ink.

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RT	RS	BT	PS
SOURCE OF AUTHORITY,. IN ORDER THAT NO SINGLE EMIGRANTS SHOULD ESCAPE PREPARATIONS HAVE BEEN MADE; AT THE SCENE OF THE MASSACRE THEY WERE STATIONED AT THE SPRINGS, SO THAT IF BY CHANCE ANY ONE SHOULD ~~EC~~ ESCAPE HE WAS CERTAIN TO BE MURDERED, IF NOT AT THE FIELDS OF THE MOUNTAIN MEADOWS AT SOME OF THESE SPRINGS. TWO MEN DID LEAVE THE SCENE OF THE DISASTER, THAT DID ESCAPE, BUT THE SAVAGE	SOURCE OF AUTHORITY WHENCE IT CAME ¶ IN ORDER THAT NO SINGLE ONE OF THESE EMIGRANTS SHOULD ESCAPE, PREPARATIONS HAD BEEN MADE NOT ONLY AT THE SCENE OF THE MASSACRE THEY WERE STATIONED AT THE SPRINGS SO THAT IF BY CHANCE ANY ONE SHOULD ESCAPE HE WAS CERTAIN TO BE MURDERED IF NOT AT THE FIELDS OF MOUNTAIN MEADOWS AT SOME OF THESE SPRINGS. TWO MEN DID LEAVE SCENE OF THE DISASTER THAT DID ESCAPE WATCHFUL EYES OF THE SAVAGE	SOURCE FROM WHENCE IT CAME.. IN ORDER THAT NOT A SINGLE ONE OF THESE EMIGRANTS SHOULD ESCAPE, PREPARATIONS HAD BEEN MADE NOT ONLY AT THE SCENE OF THE MASSACRE BUT THEY WERE STATIONED AT THE SPRINGS AND STREAMS OF THE WATERING PLACES OF MEN. SO THAT , IF BY CHANCE ANYONE SHOULD ESCAPE HE WAS CERTAIN TO **BE** ~~ME~~ MURDERED IF NOT AT THE FIELDS OF **THE** MOUNTAIN MEADOWS AT SOME OF THOSE SPRINGS. TWO MEN DID LEAVE THE SCENE OF THE DISASTER. THEY HAD ESCAPED THE WATCHFUL EYES OF THE SAVAGE	SOURCE FROM WHENCE IT CAME IN. ORDER THAT NO SINGLE ONE OF THESE EMIGRANTS SHOULD ESCAPE PREPARATIONS HAD BEEN MADE NOT ONLY AT THE SCENE OF THE MASSACRE BUT THEY WERE STATIONED AT THE SPRINGS AND STREAMS AND THE WATERING PLACES OF MEN. SO THAT IF BY CHANCE ANYONE SHOULD ESCAPE HE WAS CERTAIN TO BE MURDERED IF NOT AT THE FIELDS OF THE MOUNTAIN MEADOWS AT SOME OF THOSE SPRINGS. ≤TWO> MEN DID LEAVE THE SCENE OF THE DISASTER THEY HAD ESCAPED THE WATCHFUL EYES OF THE SAVAGE

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RT	RS	BT	PS
HORDS ARRIVED AT THE SPRING BETWEEN THERE AND CEDAR CITY AND WHEN HE STOPPED TO WATER HIS HORSE, WITHOUT THE LAST WARNING THAT PERSON WAS SHOT DOWN, BY ONE OF THE PARTIES ~~IN~~ HERE INDICTED. THREE MEN VOLUNTEERED TO GO TO CALIFORNIA TO MAKE THEIR WAY THROUGH THE SETTLEMENTS TO SOUTHERN CALIFORNIA TO TRY AND BRING IN AID FROM THERE. ~~ALL~~ ≤TWO≥ OF THEM WERE KILLED A SHORT TIME AFTER THEY LEFT, BUT ONE	HOARDS ARRIVED AT A SPRING BETWEEN THERE CEDAR CITY AND WHEN HE STOPPED TO WATER HIS HORSE WITHOUT THE LEAST NOTICE OR THE LEAST WARNING THAT PERSON WAS SHOT DOWN BY ONE OF THE PARTIES HERE INDICTED. THREE MEN VOLUNTEERED GO TO CALIFORNIA TO MAKE THEIR WAY THROUGH SETTLEMENTS SOUTHERN CALIFORNIA TRY TO BRING IN AID FROM THERE TWO OF THEM WERE KILLED SHORT TIME AFTER THEY LEFT, BUT ONE	HOARDS, AND HAD ARRIVED *[~~123~~12]* AT A SPRING BETWEEN THERE AND CEDAR CITY. WHEN HE STOPPED TO WATER HIS HORSES, W**I**THOUT THE LEAST NOTICE O~~T~~R THE LEAST WARNING ONE OF THEM WAS SHOT DOWN BY ONE OF THE PARTIES OF THIS HOARD. **THREE** ~~THERE~~ MEN VENTURED TO GO TO CALIFORNIA AND MAKE THEIR WAY THROUGH THE SETTLEMENTS OF SOUTHERN CALIFORNIA, AND **FROM** THERE TO BRING AID ~~FROM THERE~~. TWO OF THEM WERE KILLED A SHORT TI~~,~~ME AFTER THEY LEFT; BUT ONE	HOARDS AND HAD ARRIVED AT A SPRING BETWEEN THERE AND CEDAR CITY AND THERE WHEN HE STOPPED TO WATER HIS HORSE WITHOUT THE LEAST NOTICE OR THE LEAST WARNING THAT PERSON WAS SHOT DOWN BY ONE OF THE PARTIES HERE INDICTED. 3 MEN VOLUNTEERED TO GO TO CALIFORNIA TO MAKE THEIR WAY THROUGH TO THE SETTLEMENTS OF SOUTHERN CALIFORNIA AND TRY TO BRING IN AID FROM THERE [*space*] TWO OF THEM WERE KILLED A SHORT TIME AFTER THEY LEFT BUT ONE

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RT	RS	BT	PS
ESCAPED AND GOT SOME SEVENTY MILES SOUTH OF THE SCENE OF THE MURDER, WITH A TERRIBLE WOUND IN HIS ARM. HE WAS MET BY A COUPLE OF MEN BY THE NAME OF YOUNG AND THEY FURNISHED HIM WITH A HORSE AND PROVISIONS AND ARMS TO PURSUE HIS WAY TO THE SOUTHERN SETTLEMENTS OF CALIFORNIA, BUT HIS WOUND WAS SO FEARFUL, SO PAINFUL, AFTER LEAVING THEM FOR A SHORT DISTANCE HE TURNED BACK TO THE WATER, TRYING TO MAKE HIS WAY BACK, THINKING HE WOULD NOT BE KNOWN; HE	ESCAPED AND GOT SOME 70 MILES SOUTH OF THE SCENE OF THE MURDER WITH A TERRIBLE WOUND IN HIS ARM HE WAS MET BY COUPLE OF MEN BY THE NAME OF YOUNG AND THEY FURNISHED HIM WITH HORSE PROVISIONS [13] ARMS PURSUE HIS WAY TO THE SOUTHERN SETTLEMENTS OF CALIFORNIA BUT HIS WOUND WAS SO FEARFUL SO PAINFUL AFTER LEAVING THEM FOR {**A**}[i] SHORT DISTANCE TURNED CHANGED THINKING WOULD TRY MAKE HIS WAY BACK THINK{ING}[i] HE WOULD NOT BE KNOWN. HE	ESCAPED AND GOT O SOME 70 MILES SOUTH OF THE SANTA CLARA. WITH A TERRIBLE ~~WOUL~~WOU~~L~~ND IN HIS ARM HE WAS MET BY A COUPLE OF MEN BY THE NAME OF YOUN~~D~~**G** AND THEY FURNISHED HIM **WITH** A HORSE**,** WITH PROVISIONS AND WITH ARMS TO PUSH HIS WAY ON TO THE SOUTHERN SET**T**LEMENTS OF CALIFORNIA. BUT HIS WOUND WAS SO FEARFULLY SHOT AND SO PAINFULL THAT AFTER LEAVING THEM HE STARTED TO MAKE HIS WAY BACK. HE	ESCAPED AND GOT SOME 70 MILES SOUTH OF THE SCENE OF THE MURDER WITH A TERRIBLE WOUND IN HIS ARM HE WAS MET BY A COUPLE OF MEN BY THE NAME OF YOUNG AND THEY FURNISHED HIM WITH A HORSE WITH PROVISIONS WITH ARMS TO PURSUE HIS WAY ON TO THE SOUTHERN SETTLEMENTS OF CALIFORNIA BUT HIS WOUND WAS SO FEARFUL SO PAINFUL THAT AFTER LEAVING THEM STARTED TO MAKE HIS WAY BACK [*space*]

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RT	RS	BT	PS
HAD GONE BUT A SHORT DISTANCE BEFORE HE WAS MET BY MEN WHO WERE PURSUING HIM *[45]* AT THE PRICE OF THEIR LIVES THE TWO MEN WOULD HAVE PROTECTED HIM, BUT THEY HAD TO GIVE HIM UP AND HE WAS SLAIN IN COLD BLOOD. THEY DID THEIR WORK. THAT FEARFUL, BLOODY WORK PERFECTLY. THEY BELIEVED THERE WERE NONE LEFT TO TELL THE TALE, BUT THE FEARFUL TALE WOULD OUT, AND TO-DAY, AFTER EIGHTEEN LONG AND WEARY YEARS YOU ARE CALLED UPON, ON YOUR OATHS, AS CITIZENS OF THE UNITED STATES IN THE	HAD GONE BUT SHORT DISTANCE BEFORE WAS MET BY THOSE WHO WERE PURSUING HIM AT THE PRICE OF THEIR OWN LIVES THE TWO HANDS WOULD HAVE PROTECTED HIM BUT THEY HAD TO GIVE HIM UP AND HE WAS SLAIN IN COLD BLOOD. THEY DID THEIR WORK. THEIR FEARFUL BLOODY WORK PERFECTLY. THEY BELIEVED THERE WAS NONE LEFT TO TELL THE TALE BUT THE FEARFUL TALE WOULD OUT. AND TODAY AFTER 18 LONG WEARY YEARS YOU ARE CALLED UPON ON YOUR OATHS AS CITIZENS OF THE UNITED STATES IN	HAD GONE BUT A SHORT DISTANCE BEFORE HE WAS MET BY THOSE WHO ~~WAS MET~~ WERE PURSUEING HIM HAND TO HAND, AND WAS SLAIN IN COLD BLOOD. THEY DID THEIR WORK, THEIR FE**A**RFUL BLOODY WORK**,** PERFECTLY. THEY BELIEVED THERE WAS NONE LEFT TO TELL THE TALE; BUT THE FEARFUL TALE WOULD OUT. AND TO DAY AFTER 18 LONG ~~A~~AND WEARY YEARS YOU ARE CALLED UPON**,** ON YOUR OATHS, AS CITIZENS OF THE UNITED STATE~~W~~S IN	GONE BUT A SHORT DISTANCE BEFORE HE WAS MET BY THOSE WHO WERE PURSUING HAND [*space*] THE TWO HANDS [*space*] WAS SLAIN IN COLD BLOOD THEY DID THEIR WORK THEIR FEARFUL BLOODY WORK PERFECTLY [*space*] THEY BELIEVED THAT THERE WAS NONE LEFT TO TELL THE TALE *[[26]]* BUT THE FEARFUL TALE WOULD OUT [*space*] AND TODAY AFTER 18 LONG AND WEARY YEARS YOU ARE CALLED UPON ON YOUR OATHS AS CITIZEN OF THE UNITED STATES IN

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RT	RS	BT	PS
TERRITORY OF UTAH, TO SAY WHETHER THIS FEARFUL CRIME SHALL BE PUNISHED OR NOT. IT IS SAID THE MILLS OF THE GODS GRIND SLOWLY, BUT THEY GRIND EXCEEDING FINE. FOR EIGHTEEN YEARS THE LEADERS OF THIS TERRIBLE TRAGEDY HAVE BORN THIS FEARFUL SECRET. THEY HAVE SHUNNED THE LIGHT OF CIVILIZATION. THEY HAVE FEARED THE INVESTIGATION OF THE COURTS. THEY HAVE SKULKED AND HID FROM THE GAZE OF THEIR FELLOW MAN. GRADUALLY, AS CIVILIZATION AND EMIGRATION CAME INTO THE TERRITORY, PRESSING SOUTH, THEY HAVE FALLEN BACK, BACK,	TERRITORY OF UTAH TO SAY WHETHER THIS FEARFUL CRIME SHALL BE PUNISHED OR NOT. IT IS SAID MILLS OF THE GODS GRIND SLOWLY BUT THEY GRIND EXCEEDING FINE. FOR 18 YEARS LEADERS OF THIS TERRIBLE TRAGEDY HAVE BORNE THIS FEARFUL SECRET. THEY HAD SHUNNED THE LIGHT OF CIVILIZATION. THEY HAVE FEARED INVESTIGATION OF COURTS. THEY HAVE SKULKED AND HID FROM THE GAZE OF THEIR FELLOW MAN. GRADUALLY AS CIVILIZATION IMMIGRATION CAME INTO THE TERRITORY PRESSED SOUTH THEY HAVE FALLEN BACK BACK	THE TERRITORY OF UTAH TO SAY WHETHER THIS FEARFUL CRIME SHALL BE PUNISHED OR NOT. IT IS SAID THAT THE MILLS OF THE GODS GRIND; SOME OF THEM GRIND EXCEEDING FINE. FOR 18 YEARS THE LEADERS OF THIS TERRIBLE TRAGEDY HAVE BORNE THIS FEARFUL SE~~F~~CRET. THEY HAVE SHUNNED THE LIGHT OF CIVILIZATION. THEY HAVE FEARED THE INVESTIGATION OF THE COURTS. THEY HAVE SKULKED AND HID FROM THE GAZE OF THEIR FELLOW MEN. GRADUALLY AS CIVILIZED ~~IMMIGRATION~~ **IMMIGRATION** CAME INTO THE TERRITORY AND PRESSED SOUTH THEY HAVE FALLEN BACK! BACK!	THE TERRITORY OF UTAH TO SAY WHETHER THIS FEARFUL CRIME SHALL BE PUNISHED OR NOT. IT IS SAID THAT THE MILLS OF THE GODS GRIND SLOW BUT THEY GRIND EXCEEDING FINE. FOR 18 YEARS THE LEADERS OF THIS TERRIBLE TRAGEDY HAVE BORNE THIS FEARFUL SECRET. THEY HAVE SHUNNED THE LIGHT OF CIVILIZATION THEY HAVE FEARED THE INVESTIGATION OF THE COURTS THEY HAVE SKULKED AND HID FROM THE GAZE OF THEIR FELLOW MEN GRADUALLY AS CIVILIZATION IMMIGRATION CAME INTO THE TERRITORY AND PRESSED SOUTH THEY HAVE FALLEN BACK BACK

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RT	RS	BT	PS
BACK, TILL UTAH NO LONGER IS A SAFE HIDING PLACE, AND MANY OF THEM ARE TO-DAY CONCEALED AND SKULKING FROM THE FEAR OF JUSTICE IN THE WILDS OF ARIZONA. BUT NOT LONG WILL EVEN THAT TERRITORY PROTECT THEM. WHERE WILL THEY GO; — WHERE SHALL THEY LOOK FOR ~~SF~~ SAFETY. THEY MAY TAKE THE WINGS OF THE MORNING AND FLEE TO THE UTTERMOST PARTS OF THE EARTH, BUT JUSTICE WILL FOLLOW THEM AND THE OFFICERS OF THE LAW WILL FIND THEM. THERE. IF THEY MAKE THEIR BEDS IN	BACK TILL UTAH NO LONGER IS A SAFE HIDING PLACE AND MANY OF THEM ARE TODAY SEEKING CONCEALMENT SKULKING FROM THE OFFICERS OF JUSTICE IN THE WILDS OF ARIZONA. BUT NOT LONG WILL EVEN THAT PROTECT THEM. WHERE WILL THEY GO WHERE SHALL THEY LOOK FOR SAFETY. THEY TAKE THE *WINGS OF A* *CRANE*[?] FLEE UTTERMOST PARTS OF THE EARTH JUSTICE WILL FOLLOW THEM AND THE OFFICERS OF THE LAW WILL FIND THEM THERE IF THEY MAKE THEIR BEDS IN	BACK! UNTIL UTAH IS NO LONGER A SAFE HIDING PLACE. AND MANY OF THEM ARE TO DAY SEEKING ~~THE~~ CONCEALMENT AND SKULKING FROM THE OFFICERS OF JUSTICE IN THE WILDS OF ARIZONA; BUT NOT LONG WILL EVEN *[13]* THAT PROTECT THEM. WHERE WILL THEY GO**?** WHERE CAN THEY LIVE IN SAFETY? IF THEY TAKE THE WINGS OF THE CRANE AND FLY TO THE UTTERMOST PARTS OF THE EARTH, JUSTICE WILL FOLLOW THEM AND THE OFFICERS OF THE LAW WILL FIND THEM. IF THEY MAKE THEIR BEDS IN	BACK UNTIL UTAH NO LONGER IS A SAFE HIDING PLACE AND MANY OF THEM ARE TO DAY SEEKING CONCEALMENT AND SKULKING FROM THE OFFICERS OF JUSTICE IN THE WILDS OF ARIZONA BUT NOT LONG WILL EVEN THAT PROTECT THEM [*space*] WHERE WILL THEY GO [*space*] WHERE SHALL THEY LIVE IN SAFETY [*space*] IF THEY TAKE THE WINGS OF A CRANE AND FLY TO THE UTTERMOST PARTS OF THE EARTH JUSTICE WILL FOLLOW THEM AND THE OFFICERS OF THE LAW WILL FOLLOW ~~◅~~FIND THEM~~▻~~ THEM THERE [*space*] IF THEY MAKE THEIR BEDS IN

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RT	RS	BT	PS
HELL THEIR GUILTY CONSCIENCES WILL STILL HAUNT THEM, AND THERE IS NO PEACE FOR THEM FOREVER.	HELL THEIR OWN GUILTY CONSCIENCES WILL STILL HAUNT THEM AND THERE IS NO PEACE FOR THEM FOREVER. **CLOSE**	HELL THEIR OWN GUILTY CONSCIENCES WILL ~~FOLLOW THEM~~ STILL FOLLOW THEM. THERE IS NO PEACE FOR THEM	HELL THEIR OWN GUILTY CONSCIENCES WILL STILL FOLLOW THEM THERE IS NO PEACE FOR THEM FOREVER[89]

89. The longhand above the shorthand ends at this point.

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John D. Lee, First Trial

Robert Keyes and Asahel Bennett Testimonies

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RT	RS	BT	PS
	[Bk 2 13][90] BY COURT DO DEFENSE WISH TO MAKE THEIR OPENING STATEMENT NOW OR WHILE INTRODUCING THEIR TESTIMONY. BY HOGE WHILE THEY INTRODUCE OUR TESTIMONY. BY BASKIN WITNESSES HAD BETTER BE KEPT APART OUT OF COURT ROOM IF DEFENSE DESIRE IT. BY COURT CALL THE WITNESSES FOR PROSECUTION AND DEFENSE. **CLERK READ** NAMES OF WITNESSES FOR PROSECUTION AND DEFENSE ALL STOOD UP	*[Bk 2 13]* COURT: CALL THE WITNESSES FOR THE PROSECUTION AND FOR THE DEFENSE. ~~ALL THE WITNESSES THAT ARE PRESENT ARE CALLED~~	*[[Bk 2 26 cont.]]* [*space*] DEFENSE MAKE OPENING STATEMENT WHEN THEY INTRODUCE THEIR TESTIMONY [*space*] PROSECUTION THINK THE WITNESSES BETTER BE KEPT APART [*space*] COURT SO ORDERED [*space*] COURT CALL THE WITNESSES FOR THE PROSECUTION AND WITNESSES FOR THE DEFENSE [*space*] [91]JOHN THOMPSON ✓

90. There is a crossed out 14 in the middle of the page.

91. The following names—apparently witnesses—are in three columns of three names each; four names are followed by check marks, as indicated.

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RT	RS	BT	PS
	AND WERE SWORN.	~~AND SWORN. BY REQUEST OF COUNSEL ALL THE WITNESSES EXCEPT THE ONE TESTIFYING ARE TO BE EXCLUDED FROM THE COURT ROOM DURING THE TRIAL PROGRESS OF THE TRIAL. COURT TAKES A RECESS TILL 2 O'CLOCK~~ ~~———O———~~ ~~JURY CALLED ALL PRESENT; THE WITNESSES ARE ALL CALLED AND EXCUSED EXCLUDED FROM THE COURT ROOM.~~ *[[14]]* AFTER	JOSIAH ✓ REEVES ✓ MR. S RIGGS ✓ [*space*] ROBERT HEYBORNE JOSEPH WOODS ✓ JOHN SHERRIF HERE [*space*] GEORGE HUNTER ROBERT BULLOCK DANIEL MACFARLANE **&C** *[[27]]* WITNESSES SWORN .

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RT	RS	BT	PS
		WHICH THE ROLL OF WITNESS S WAS CALLED AND AN	AND
	COURT TO WITNESSES DO NOT GO OFF WITHOUT NOTIFYING MARSHALL AND NO ONE WILL BE ALLOWED COME INTO COURT ROOM EXPECT NO ONE WILL TRY COME INTO COURT ROOM AFTER TRIAL IS GOING ON	ORDER WAS MADE EXCL UDING ALL OF THEM FROM THE COURT ROO**M** EXCEPT ONE WHO WAS ON THE JUTY	EXCLUDED FROM THE FROM THE WITH THE EXCEPTION SON OF ONE JUROR [*space*] AND
		AND MR. M~~C~~ MACFARLANE, ONE OF THE ATTORNE~~S~~YS FOT THE DEFENDANT.	COUNSELOR MACFARLANE [*space*]
	IT DEPENDS TO SOME EXTENT MANNER OF MEN WHILE THEY ARE HERE REMAIN WITHIN REASONABLE DISTANCE.	THE COURT ORDERED THE EXCLUDED WITNESSES TO BE WITHIN CALL SO NO TIME WOULD BE LOST IN SECURING THEIR ATTENDANCE.	
	BY SUTHERLAND WE HAVE NOT YET LIST OF WITNESSES.	**M**~~r~~ ~~SOU~~**SU**THERLAN D **FOR DEFENSE**	WE HAVE NOT YET LIST OF OUR WITNESSES WE HAVE BEEN *UNABLE*[?] TO FURNISH IT I DESIRE TO CALL

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RT	RS	BT	PS
			YOUR HONOR'S ATTENTION TO .
	ANY TRIAL SO PROTRACTED AS THIS IS LIKELY TO BE ~~PARTIES~~ BOTH PARTIES WILL BE LIKELY TO NEED WITNESSES OF WHICH THEY DO NOT KNOW OF NOW. I REPEAT DURING COURSE OF SO PROTRACTED TRIAL BOTH PARTIES WILL SEE NECESSITY [14] HEREAFTER WHEREIN THEY CAN'T NOW I DESIRE THIS ORDER SHALL BE SO AS NOT TO PLACE EITHER UNDER ANY DISABILITY TO SWEAR IN THAT THEY SHALL FIND NECESSITY TO SWEAR HEREAFTER IT MAY NOT BE PRINCIPLES ARE EXCLUDED WITNESSES ONLY MAKE IT SUBJECT OF WITNESSES FOR VIOLATING		IN A TRIAL SO PROTRACTED AS THIS WILL BE WE DOUBTLESS FIND NECESSITY FOR WITNESSES OF WHICH THEY HAVE NO NOTION NOW BUT HAVE ≼TO≽ AND I DESIRE THAT THIS ORDER SHALL BE SO CONSTITUTED AS NOT TO PLACE EITHER UNDER ANY DISABILITY IN SWEARING WITNESSES THEY MIGHT FIND HEREAFTER [*space*] JUDGE ARREST THE THE WITNESSES FOR VIOLATION OF

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RT	RS	BT	PS
	ORDER OF COURT. BY COURT WE GENERALLY EXCLUDE WITNESSES SOMETIMES WE ADMIT THEM. BY BASKIN WHAT RIGHT DOES IT HAVE UPON EVIDENCE OF THOSE WHO MAY BE IN COURT ROOM. THEY MIGHT DISQUALIFY THEMSELVES BY VIOLATION OF THE ORDER OF COURT. BY COURT IT IS NOT UNIVERSAL RULE THERE HAVE BEEN EXCEPTIONS. BY SUTHERLAND IN CASE WITNESS SHOULD BE FOUND TO BE NECESSARY BY FACTS WHICH COME OUT OF PARTIES DID NOT KNOW BEFOREHAND SHOULD HAD HAVE OCCASION FOR	DID NOT WANT ANY BAR PLACED UPON	ORDER OF THE COURT [*space*] SOMETIMES WE ADMIT THEM BUT GENERALLY EXCLUDE [*space*] GENERAL RULE WE EXCLUDE [*space*] BASKIN IN THAT CASE AN IMPORTANT WITNESS MIGHT DISQUALIFY THEMSELVES BY VIOLATING AN ORDER OF THE COURT UNLESS THERE IS SOMETHING TO SAY [*space*] SUTHERLAND IN CASE WITNESS SHOULD BE FOUND TO BE NECESSARY BY FACTS SHOULD COME OUT ON THE TRIAL HE DID NOT HAVE ANY OCCASION FOR

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RT	RS	BT	PS
	OUGHT NOT TO BE EXCLUDED BECAUSE HE HAS UP TO THIS TIME BEEN EXCLUDED AS WITNESS. BY CAREY WE DO NOT WANT TO MAKE THAT EXCEPTION SO BROAD AS TO ALLOW DEFENSE TO HAVE COMPANY OF WITNESSES IN HERE AND THEN MAKE IT NECESSITY TO USE THEM. IF THEY KNOW ANY WITNESSES THEY SPEAK OF WE SHALL CERTAINLY EXPECT THEM TO BE EXCLUDED. MY ORDER DON'T REFER TO ANY SUCH WITNESS BY COURT ALL THOSE WHO HAVE BEEN SUBPOENAED AND THEY ARE HERE ALL THOSE WILL BE	THOSE WHO HAVE BEEN O~~T~~R MAY BE PRESENT IF THEY REQUIRED THEM AS WITNESSES HEREAFTER.	SHOULD NOT BE EXCLUDED BECAUSE HE HAS UP TO THE DISCOVERY THAT HE WILL BE A WITNESS BEEN PRESENT IN THE ROOM [*space*] CAREY WE DO NOT WANT TO MAKE THAT EXCEPTION SO BROAD AS TO ALLOW THE DEFENSE TO HAVE A COMPANY OF WITNESSES IN HERE TO SEE WHAT OUR WITNESSES TESTIFY AND THEN CALL THEM AS WITNESSES [*space*] WITNESSES THAT THEY EXPECT TO USE [*space*] SUTHERLAND I DO NOT REFER TO ANY SUCH WITNESSES ALL THOSE WHO HAVE BEEN SUBPOENAED OR FOR WHOM SUBPOENAS HAVE

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RT	RS	BT	PS
	EXCLUDED.		BEEN OUT [*space*] CAREY I *DON'T/DIDN'T*[?] UNDERSTAND THAT THE WITNESSES ARE SUMMONED
	BISHOP WE HAVE SUBPOENAED LARGE NUMBER OF WITNESSES AND WE EXPECT THESE WITNESSES TO BE PLACED		[*space*] BISHOP THE CHARACTER OF EVIDENCE
	UNDER RULE IT WILL PARTICULARLY BECOME NECESSARY FOR PURPOSE OF GRAND JURYMEN		RULED DOWN BY THE PROSECUTION IT WILL BE NECESSARY FOR US TO HAVE
	IMPEACHMENT IF WE HAVE ANY SUCH		IMPEACHING
	WITNESSES WILL		WITNESSES. WE SHALL MAKE IT KNOWN TO THE COURT AND
	HAVE THEM PLACED UNDER RULE. ALL THAT WE PROPOSE TO USE WE'LL FURNISH LIST OF THEM. BY COURT PUT UPON LIST ALL	AFTER SOME DISCUSSION THIS WAS AGREED TO, ON CONDITION THAT THE DEFENSE FURNISH THE PROSECUTION WITH A LIST OF ALL THE	HAVE THEM PLACED UNDER RULE [*space*] ALL THAT WE KNOW OF WILL MAKE A LIST AND HAVE THAT [*space*] ALL THAT WE

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RT	RS	BT	PS
	OF THOSE YOU HAVE PROBABILITY OF USING. BY HAWLEY THEY HAVE NOT FURNISHED LIST OF THEIR WITNESSES AND WE PROPOSE THEY DO SO. [*space*] BY COURT *IS THAT SO/AS THAT WAS*[?] *FRL WN*[?] *SSP*[?] BEFORE PROCEED TO EXAMINATION IT IS AN HOUR BEFORE ADJOURNING TIME, I DO NOT WISH TO ADJOURN. BY BISHOP IT WAS IMPOSSIBLE FOR US MAKE OUT FULL LIST UNTIL WE HAVE HEARD STATEMENT FROM PROSECUTION. BASKIN WE HAVE SOME OTHER WITNESSES ALSO COMING AND WILL SEE TO IT AS FAST AS	WITNESS THEY EXPECTED *[[15]]*[92]	PROPOSE TO USE NOW [*space*] WE'LL FURNISH MAKE LIST OF [*space*] COURT TAKE A RECESS ~~UNTIL HALF PAST ONE~~ UNTIL 2 O'CLOCK [*space*] IT IS IMPOSSIBLE FOR US TO MAKE A FULL LIST UNTIL AFTER WE HAD HEARD THE STATEMENT OF THE PROSECUTION [*space*] BASKIN WE HAVE SOME OTHER WITNESSES THAT ARE COMING IN AND WILL SEE TO THAT. [*space*]

92. Page is incorrectly labeled 13.

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RT	RS	BT	PS
	THEY COME ORDER OF COURT WILL BE SWORN RESPONDED TO BY COURT. THEY WILL BE SWORN AND *RETIRED/RTR*[?] TAKE RECESS UNTIL TWO O'CLOCK **2 PM** [*space*] *[15]*	**COURT TOOK A RECESS TILL 2 ' O CLOCK** OR WERE LIKE**LY** TO C ALL. AT 11:40 A. M. COURT TOOK A RECESS TILL TWO P.M..	
[46] JULY 23RD 1875, TWO O'CLOCK P.M. COURT MET PURSUANT TO ADJOURNMENT.	**FRIDAY JULY** <**23**> **2:07 PM** {**<u>1875</u>**}[p]	AFTER RECESS	
COURT ORDERED THE CLERK TO CALL THE NAMES OF THE JURORS. LIST WAS READ,	JUDGE BOREMAN CAME INTO COURT ORDERED CALL —[?] *AND*[?] CAREY. SON OF ONE JUROR WANT TO SPEAK TO HIS FATHER "COURT TO DEFENSE" WE HAVE NO OBJECTION. SON OF MR. DUFFIN. CLERK READ NAMES OF THE JURYMEN.		*[[28]]* JURY CALLED [*space*] DEFENSE PRESENTS LIST OF ~~JURORS~~

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RT	RS	BT	PS
ALL PRESENT. THE COURT ASKED IF THERE WERE ANY WITNESSES SUMMONED ON THE PART OF THE PROSECUTION AND THAT WERE IN THE ROOM, WHOSE NAMES HAD NOT BEEN CALLED. ALL PRESENT. CAREY: ARE THE DEFENSE READY WITH THEIR LIST ? HOGE: WE HAVE A LIST OF WITNESSES WHICH WE WILL ASK THE MARSHAL TO CALL. NAMES READ ON THE PART OF THE DEFENSE, VIZ.: P.T. FARNSWORTH, SR. W. FOTHERINGHAM,	COURT ASKED TO HAVE ANY PROSECUTING WITNESSES *DOCKET*[?] IN. ~~≤~~BY COURT~~≥~~ ARE THERE ANY WITNESSES IN ROOM FOR PROSECUTION WHOSE NAMES HAVE NOT BEEN CALLED. ARE THE DEFENSE READY ~~WITH THEIR~~ WITH THEIR LIST. HOGE WE HAVE LIST IF YOUR HONOR PLEASE OF WITNESSES WHICH WILL ASK MARSHALL TO CALL. BY COURT THOSE WHOSE NAMES ARE CALLED WILL STAND UP. P T FARNSWORTH SR. FORTHERINGHA	~~THE~~ ~~PROSECTUION~~ THE PROSECUTION PRESENTED THEIR LIST OF WITNESSES WHICH WAS CALLED BY **DEPUTY** **MARSHAL** ~~MARTIAL~~ STOKES.	WITNESSES FOR DEFENSE CALLED BY THE OFFICER [*space*] CHARLES WHITAKER [*space*] MR. BURTON —[?] [*space*] P T FARNSWORTH SENIOR [*space*] MR. FOTHERINGHAM

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RT	RS	BT	PS
SR., JAMES SIMPKINS, MINOR PRISBY, HEZEKIAH SIMKINS, AND OTHERS TO THE EXTENT OF THE LIST.	M ≤JAMES≥ SIMKINS. MINOR PRESBY. HEZEKIAH SIMKINS. THOMAS [*space*] JOHN ROBINSON WILLIAM CAINE ELIZABETH HAMILTON CHARLES DALTON MRS. HENDERSON WILLIAM YOUNG JACOB HAMBLIN JOHN WILLIS LEMUEL WILLIS JAMES *SPKS/SPKNS/PEAKS*[?] JOSEPH WOODS DANIEL MACFARLANE ROBERT KEYES ROBERT KERSHAW HENRY DARROW JOHN HAMILTON JR. JOHN MANGRAM SAMUEL POLLOCK GEORGE ADAIR SAMUEL ADAIR STEPHEN WALKER WILLIAM WALKER JESSE N SMITH SILAS S SMITH		[*space*] JAMES SIMKINS MINOR PRESLY HEZEKIAH SIMKINS THOMAS *KSTR/KLSR/NRSR*/—[?] JOHN ROBINSON. WILLIAM CAINE ELIZABETH HAMILTON CHARLES DALTON MRS. HENDERSON WILLIAM YOUNG JACOB HAMBLIN LEMUEL WILLIS [*space*] JOSEPH WOODS DANIEL MCFARLANE [*space*] ROBERT KEYES ROBERT KERSHAW HENRY DARROW JOHN HAMILTON JR. JOHN MANGRAM SAMUEL POLLOCK GEORGE ADAIR SAMUEL ADAIR STEPHEN WALKER WILLIAM WALKER JESSE N SMITH SILAS S SMITH [*space*]

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RT	RS	BT	PS
	GEORGE A SMITH BENJAMIN ARTHUR CHRISTOPHER J ARTHUR WILLIAM **J** MCMELLIN WILLIAM HAWLEY **E** *W*[?] THOMPSON ROBERT HEYBORNE ELISHA HOOPS WHITE MRS. WHITE MRS. ROBERT WILEY ASHAEL BENNETT. **A C** MATTHEWS *DUTCH*[?] **S B** ROGERS JOHN HAMILTON SR.. IRA ALLEN. **J H** MARTINEAU CURTIS **H** PETERS NONE OF THEM ANSWERED. BY CAREY PLEASE COURT IT IS POSSIBLE		GEORGE **A** SMITH BENJAMIN ARTHUR S L *DLS/DMS/DLRS/T* *HOMAS*[?] AND CHRISTOPHER J. ARTHUR WILLIAM J. MCMELLIN WILLIAM — /*L*[?][93] HAWLEY **E** W THOMPSON ROBERT *P/B*/*PT/PD*[?] HEYBORNE. ELISHA HOOPS. MRS. WHITE [*space*] MRS. ROGER WILEY ~~AS HAD~~ ASAEL BENNETT. **A C** MATTHEWS [*space*] THE *BCH/—*[?] [*space*] S B ROGERS JOHN HAMILTON SENIOR IRA ALLEN J H MARTINEAU [*space*] CURTIS [*space*] H *PREECE*[?] [*space*] NONE ANSWERED EXCEPT *BCH/—* [?] ~~IT IS~~ [*space*] CAREY IT IS POSSIBLE
CAREY NOTIFIED THE COURT THAT THE			

93. Character may be crossed out.

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RT	RS	BT	PS
PROSECUTION WOULD WANT TO EXAMINE SOME WITNESSES NOT NAMED IN THEIR LIST, AND THAT WE EXPECT TO USE WITNESSES NAMED IN THE LIST FOR THE DEFENSE WHOM WE WISH TO EXCLUDE FROM THE COURT ROOM DURING THE TRIAL TILL WE NEED THEM, AND THAT	WE MAY WANT TO EXAMINE WILLIAM STOKES *WANTED TWO*[?] OF OFFICERS THEY WILL NOT WANT TO HAVE THEM EXCLUDED BY SPICER NO SIR FOR SAME REASON WE WANT TO EXAMINE THEM OURSELVES. BY COURT THAT INCLUDES ALL WITNESSES ON BOTH SIDES YOU EXPECT TO USE. BY CAREY THERE IS ONE DEFENDANT ON INDICTMENT		WE'LL HAVE TO EXAMINE WILLIAM STOKES OURSELVES [*space*] I SUPPOSE YOU WILL NOT ASK THAT THEY BE EXCUSED [*space*] SPICER NO SIR FOR THE REASON THAT WE WISH TO EXAMINE THEM OURSELVES. [*space*] COURT THAT INCLUDES SOME OTHER [*space*] CAREY WE EXPECT HAVE ONE DEFENDANT INDICTED *[[29]]*

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RT	RS	BT	PS
WE INTEND TO USE WITNESSES THAT ARE NOT NAMED ON THE INDICTMENT, AND WISH THEM EXCLUDED ALSO.	WE INTEND USE AS A WITNESS THAT IS NOT ON LIST OF WITNESSES HE WILL BE EXCLUDED ALSO. ≤BY BASKIN≥ ROBERT KEYES **1ST WITNESS**. [*space*]	~~ROBERT KEYS WAS THE FIRST WITNESS CALLED~~.[95] *[[Bk 3 1]]*[96] ~~**(BOOK 2)**~~ **(BOOK 3) TRIAL** JURY CALLED. ALL PRESENT. WITNESSES CALLED ~~N~~A~~A~~ND EXCLUDED FROM THE CO~~R~~URT ROOM.	WE EXPECT TO USE ANOTHER [*space*]
[47]			
ROBERT KEYES	**ROBERT KEYES**:[94] BY BASKIN HAVE YOU BEEN SWORN ≤NO SIR≥ MR. KEYES HOW DO YOU PRONOUNCE YOUR NAME. ROBERT KEYES. STAND UP TO BE	ROBERT KEYS, **A WITNESS**	**ROBERT KEYS** [*space*] HAVE YOU BEEN SWORN MR. KEYES NO SIR
SWORN FOR THE	SWORN CLERK ADMINISTERED OATH. BY	SWORN **ON BEHALF OF** ~~FOR~~ THE	SWORN FOR

94. There are diagonal transcription lines in purple pencil on each page from the beginning of Keyes' testimony to the end of the notebook.

95. The last page of the book is written in longhand: **TRANSCRIBED AT TANNERS[?] (BOOK 2) (1ST LEE TRIAL).**

96. The top of page 1 is ripped off and glued to page two. Only "JURY" and "SENT" are visible.

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RT	RS	BT	PS
PROSECUTION.	SUTHERLAND WE OBJECT TO THAT OATH EXPLAINED BY COURT HAS THE NAME OF **P K SMITH** BY SUTHERLAND I DID NOT OBSERVE THAT FORM OR I SHOULD NOT HAVE OBJECTED TO IT OBJECTION WITHDRAWN	PROSECUTI ON. **WAS EXAMINED IN CHIEF AS FOLLOWS**:	PROSECUTION [*space*] ~~AND PHILIP K. SMITH~~ *SR NT*[?] OBJECTED TO FORM OF OATH [*space*]
EXAMINED BY R.N. BASKIN, ESQ.	~~<~~BY BASKIN~~>~~		
Q. WHERE DID YOU RESIDE, MR. KEYES, IN 1857 ? A. PART OF 1857 IN CALIFORNIA AND PART IN UTAH.	WHERE DID YOU RESIDE, IN 1857 PART OF 1857 IN CALIFORNIA PART IN UTAH.	Q. W**H**ERE DID YOU RESIDE IN 1857? A. PART OF '57 IN CALIFORNIA, PART IN UTAH.	WHERE DID YOU RESIDE IN 1857 PART OF 57 IN CALIFORNIA PART IN UTAH
Q. WHEN DID YOU COME TO UTAH ? A. I CAME HERE ABOUT THE FIRST OF OCTOBER. Q. IN COMING TO UTAH DID YOU PASS THROUGH THE MOUNTAIN MEADOWS —	WHEN DID YOU COME TO UTAH I CAME HERE ABOUT FIRST OCTOBER. IN COMING TO UTAH DID YOU PASS THROUGH MOUNTAIN MEADOWS	Q. WHEN DID YOU COME TO UTAH? A. I CAME TO UTAH ALONG ABOUT THE FIRST OF OCTOBER. Q. IN COMING TO UTAH DID YOU PASS THROUGH THE MOUNTAIN MEADOWS? A. YES, SIR. Q.	WHEN DID YOU COME TO UTAH I CAME TO UTAH ALONG ABOUT THE FIRST OF OCTOBER IN COMING TO UTAH DID YOU PASS THROUGH THE MOUNTAIN MEADOWS YES SIR
WHERE ARE THEY SITUATED ? A. SOUTHWEST OF CEDAR CITY, IRON COUNTY. COURT:	WHERE ARE THEY SITUATED SOUTHWEST {OF}[i] CEDAR CITY IRON COUNTY	WHERE ARE THEY SITUATE~~E~~D? A. SOUTH WEST FROM CEDAR CITY, IRON COUNTY.	WHERE ARE THEY SITUATED SOUTH WEST FROM CEDAR CITY IRON COUNTY

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RT	RS	BT	PS
ARE YOU SURE WHETHER THEY ARE REALLY IN IRON OR WASHINGTON COUNTY ? A. I DID NOT KNOW THEN. Q. YOU DID NOT KNOW WHETHER THE MOUNTIAN MEADOWS WERE IN IRON OR WASHINGTON COUNTY ? A. I AM NOT SURE. Q. I WISH YOU WOULD STATE TO THE JURY WHAT YOU SAW UPON THE MOUNTAIN MEADOWS WHEN YOU WERE PASSING ON THAT JOURNEY ? A. I WAS COMING FROM CALIFORNIA, CAMPING AT THE	I AM NOT SURE WHETHER THEY ARE REALLY IN IRON OR WASHINGTON COUNTY YOU DO NOT KNOW WHETHER MEADOWS ARE IN IN IRON OR WASHINGTON COUNTY I AM NOT SURE I WISH YOU WOULD STATE JURY WHAT YOU SAW *[16]*97 UPON MOUNTAIN MEADOWS WHEN YOU WERE PASSING ON THAT JOURNEY. I WAS COMING FROM CALIFORNIA CAME TO	I AM NOT SHURE WHETHER THEY ARE IN IRON CO~~N~~UNTI OR NOT. Q. YOU DON'T KNOW WHETHERR THE MEADOWS ARE IN ———— **~~ARE~~ THY[?] ~~ARE~~ IN** ~~THEY ARE IN~~ IRON COUNTY OR IN WASHINGTON COUNTY? A. I THINK IT IS. Q. I WISH YOU TO STATE TO THE JURY WHAT YOU S~~O~~AW UPON ~~UPON~~ THE MOUNTAIN MEADOWS WHEN YOU WERE PASSING ON THAT JOURNEY ? A. RETURNING FROM CALIFORNI~~S~~A I CAME TO	I AM NOT SURE WHETHER THEY ARE IN ~~CEDAR CITY~~ IRON COUNTY OR NOT [*space*] YOU DON'T KNOW WHETHER THE MEADOWS ARE IN [*space*] THEY ARE IN IRON COUNTY OR WASHINGTON COUNTY [*space*] IT IS IN ONE OF THOSE COUNTIES I THINK IT IS [*space*] I WISH YOU TO STATE TO THE JURY WHAT YOU SAW UPON THE MOUNTAIN MEADOWS WHEN YOU ~~<~~WERE~~>~~ PASSING ON THAT JOURNEY [*space*] RETURNING FROM CALIFORNIA I CAME TO

97. Verso of page 16 contains shorthand doodling. "BASKIN" is written six times, "INQUIRED" is written five times, and other characters are illegible.

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RT	RS	BT	PS
MOUNTAIN MEADOWS; SAW TWO PILES OF WOMEN AND CHILDREN, THROWN TOGETHER PROMISCUOUSLY, AND CROSS-WAYS, EVERY WAY THROWN PROMISCUOUSLY;	MOUNTAIN MEADOWS SAW TWO PILES OF WOMEN AND CHILDREN THROWN TOGETHER PROMISCUOUSLY AND CROSSWAYS EVERY WAY THROWN *PROMISCUOUSLY* [?] TOGETHER. *EMIGRANTS*[?]	MOUNTAIN MEADOWS. I WENT TO **THE** ~~THE~~ PLACE AND WOMEN AND CHILDREN WERE THROWN TOGETHER PROMISCUOUSLY, CROSSWISE AND EVERY OTHER WAY. THE EMIGRANTS	MOUNTAIN MEADOWS I SEEN TWO PILES OF WOMEN AND CHILDREN THROWN TOGETHER PROMISCUOUSLY AND CROSS WAYS AND EVERY WAY [*space*] EMIGRANTS
SEEMED TO BE MASSACRED AND MURDERED. Q. HOW MANY WERE THERE ? A. IT APPEARED TO ME, AND TO THOSE WITH ME THERE MIGHT BE SIXTY OR SEVENTY. Q. WHAT PROPORTION WERE WOMEN AND WHAT PROPORTION WERE CHILDREN ? *[48]* A. I COULD NOT SAY, SEEMED TO BE A GOOD MANY CHILDREN.	SEEMED TO BE MASSACRED MURDERED. {Q}[p] HOW MANY WERE THERE APPEARED TO ME THOSE WITH ME THERE MIGHT BE 60 TO 70. WHAT PROPORTION WERE WOMEN AND WHAT PROPORTION WERE CHILDREN [A] I COULD NOT SAY SEEMED TO BE GOOD MANY CHILDREN.	SEEMED TO BE MASSACRE OR MORDERED. Q. ABOUT HOW MANY WERE T**H**ERE THERE? A. IT APPEARED TO ME T**H**AT THERE MIGHT BE SOMETHING OVER 60 OR 70. Q. WHAT PROPORTION WERE WOMEN AND WHAT PROPORTION WERE CHILDREN? A. I COULD NOT SAY POSITIVELY ABOUT THAT; THERE MIGHT BE A GOOD MA[*page torn*]Y CHILDREN AS	SEEMED TO BE MASSACRE OR MURDERED [*space*] ABOUT HOW MANY WERE THERE [*space*] IT APPEARED TO ME THAT THERE COULD BE SOMETHING FROM 60 TO 70 WHAT PROPORTION WERE WOMEN AND WHAT PROPORTION CHILDREN I COULD NOT SAY POSITIVELY ABOUT THAT THERE SEEMED TO BE A GOOD MANY OF CHILDREN AS

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RT	RS	BT	PS
Q. ABOUT WHAT SIZE WERE THE CHILDREN ? A. SOME OF THEM APPEARED TO BE A MONTH TO TWO MONTHS OLD AND FROM THAT TO TWELVE AND FOURTEEN. Q. DO YOU REMEMBER HOW MANY SEEMED TO BE TWO MONTHS OLD ? A. I COULD NOT SAY; SMALLER ONES SEEMED TO BE MORE TORN UP, BY THE WOLVES AND CROWS, THAN THE LARGER ONES. Q. DID YOU SEE ANY MARKS OF VIOLENCE UPON THEM, IF SO DESCRIBE IT ? A. I SEEN SOME BY	? ~ SEEN ONE MAN ~ {Q}[p] ABOUT WHAT SIZE WERE THE CHILDREN {A}[p] SOME OF THEM APPEARED TO BE MONTH TO 2 MONTHS OLD AND FROM THAT TO 12 TO 14. DO YOU REMEMBER HOW MANY SEEMED TO BE TWO MONTHS OLD I COULD NOT SAY SMALLER SEEMED TO BE MORE TORN UP BY WOLVES CROWS THAN THE LARGER ONES. DID YOU SEE ANY MARKS OF VIOLENCE UPON THEM IF SO DESCRIBE A I SEEN SOME BY	WELL AS WOMEN.. Q. DID YOU SEE ~~MAN~~ MEN AMONG THEM? A. ONE MAN. Q. ABOUT WHAT SIZE WERE THE CHILD[*page torn*]. *[2]* A. SOME OF THEM A**P**PE~~Z~~ARED TO BE A MONTH O~~T~~R TWO MONTHS OLD TO MAY BE 12 ~~+~~OR 14 YEAR S. Q. DO YOU RWMEMBER HOW MANY OF THEM SEEMED TO BE TWO MONTHS OLD? A. I COULD NOT SAY THE SMALLER ONES SE**E**MED TO BE MORE TORN UP BY THE WOLVES AND CROWS AND MAGPIES TH**A**N THE LARGER ONES. Q. DID YOU SEE ~~N~~ANY MARKS OF VIOLEN~~V~~CE UPON THEM, IF SO DESCRIBE THEM TO THE JURY. A. I SEEN SOME BY	WELL AS WOMEN DID YOU SEE ANY MEN AMONG THEM ONE MAN [*space*] ABOUT WHAT SIZE WERE THE CHILDREN SOME OF THEM APPEARED TO BE MONTH 2 2 MONTHS OLD TO MAYBE 12 OR 14 ~~=~~YEARS~~=~~ DO YOU REMEMBER HOW MANY OF THEM THAT SEEMED TO BE 2 MONTHS OLD I COULD NOT SAY THE SMALLER ONES SEEMED TO BE MORE TORN UP BY THE WOLVES AND CROWS AND MAGPIES THAN LARGEST ONES [*space*] DID YOU SEE ANY MARKS OF VIOLENCE UPON THEM AND IF SO DESCRIBE THEM TO THE JURY [*space*] I SEEN *[[30]]* SOME BY

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RT	RS	BT	PS
APPEARANCE, WITH THEIR THROATS CUT, OTHER APPEARED TO BE STABBED BY A KNIFE, OTHERS HAD BEEN SHOT.	APPEARANCE THEIR THROAT CUT APPEARED TO BE STABBED BY KNIFE OTHERS HAD BEEN SHOT.	APPEARANCE HAD THEIR THROATS CUT; SOME APPEARED TO BE STABBED BY A KNIFE OTHERS APPEARED TO BE SHOT FROM THE SIZE **O**F THE BULLET HOLES. Q. SCALPED WITH A NIFE? A. NO, STABBED.	APPEARANCE HAD THEIR THROAT CUT SOME APPEARED TO BE STABBED BY KNIFE OTHERS APPEARED TO BE SHOT FROM SIZE OF THE BULLET HOLES [*space*] SCALPED WITH A KNIFE NO STABBED
Q. WILL YOU DESCRIBE TO THE JURY THE APPEARANCE OF THOSE BODIES YOU SAW THERE WITH REFERENCE TO THE STATE OF DECOMPOSITION ? A. ONLY JUST WHAT I SEEN SEEMED TO BE — EXCEPTING SOME — TO BE LEFT**,** SOME TORN TO PIECES WITH WOLVES, TORN LESS OR MORE, EXCEPTING ONE BODY ONE FEMALE, LYING UPON THE	**Q**WILL YOU DESCRIBE TO JURY APPEARANCE OF THOSE BODIES YOU SAW THERE WITH REFERENCE TO THE STATE OF DECOMPOSITIO N. ONLY GENERALLY I SEEN SEEMED TO BE EXCEPTING SEEM TO BE LEFT SEEMED TORN TO PIECES WITH WOLVES TORN LESS OR MORE EXCEPTING ONE BODY ONE FEMALE LYING UPON	Q. WELL, DESCRIBE TO THE **J**URY THE APPEARANCE OF THOSE BODIES YOU SAW THERE WITH ~~T~~REFERENCE TO ~~DECOMP OSITION~~ THEIR STATE OF DECOMPOSITIO N A. THEY ALL SEEMED TO BE EXCEPT ONE — SEEMED TO BE LESS OR MORE TORN TO PIECES WITH WOLVES. SOME OF THEM TORN LESS O~~T~~**R** MORE EXCEPT ONE BODY. THERE WAS ~~N~~ONE FEMALE THAT LAY UPON THE	APPEARANCE HAD THEIR THROAT CUT SOME APPEARED TO BE STABBED BY KNIFE OTHERS APPEARED TO BE SHOT FROM SIZE OF THE BULLET HOLES [*space*] SCALPED WITH A KNIFE NO STABBED [*space*] WELL DESCRIBE TO THE JURY THE APPEARANCE OF THOSE BODIES YOU SAW THERE WITH REFERENCE TO THEIR STATE OF DECOMPOSITIO N [*space*] THEY ALL SEEMED TO BE EXCEPTING ONE SEEMED TO BE LESS OR MORE TORN TO PIECES WITH WOLVES SOME OF THEM TORN LESS OR MORE EXCEPTING ONE BODY THERE WAS ONE FEMALE THAT LAY UPON THE

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RT	RS	BT	PS
SOUTHWEST SIDE OF THE ~~M~~PILE THAT LAY NORTHERMOST, SHE DIDN'T SEEM TO HAVE BEEN KILLED THERE,	SOUTHWEST SIDE OF THE PILE THAT LAY NORTH-MOST SHE DIDN'T SEEM TO HAVE BEEN {**FIND OUT**}[i] *THERE/TORN*[?], ANY WAY	SOUTH WEST SIDE OF THE ~~L~~PILE THAT LAY NEAR THIS MAN.. THAT DID NOT SEEM AS THOUGH IT HAD BEEN MUTILATED AT ALL. SHE	SOUTH WEST SIDE OF THE PILE THAT LAY NORTH MOST THAT DID NOT SEEM AS THOUGH HAD BEEN *TO LOOK AT*[?]
SEEMED ALMOST	SEEMED ALMOST	LOOKED ALMOST AS THOUGH SHE HA**D** GONE TO	*FACT/NT*[?] ALMOST AS IF SHE HAD GONE TO
SLEEPING. ALL THE REST WERE LESS OR MORE TORTURED.	ASLEEP ALL REST WERE LESS OR MORE TORTURED.	SLEEP. ALL THE REST WERE MORE O R LESS DESTROYED.	SLEEP ALL THE REST WERE MORE OR LESS DESTROYED
Q. WHAT LENGTH OF TIME FROM THE APPEARANCE HAD THEY BEEN THERE ?	WHAT LENGTH OF TIME FROM APPEARANCE HAD THEY BEEN THERE	Q. WHAT LENGTH OF TI**M**E FROM THEIR A**P**PEARANCE HAD THEY BEEN THERE?	[*space*] WHAT LENGTH OF TIME FROM THEIR APPEARANCE HAD THEY BEEN THERE [*space*] I COULD NOT SAY
OBJECTED TO BY COUNSEL FOR DEFENDANT AS IMMATERIAL AND IRRELEVANT.	OBJECTED TO BY HOGE IMMATERIAL	OBJECTED TO..	OBJECTED TO ~~AS IMMATERIAL~~ INCOMPETENT [*space*]
BASKIN: WE WANT TO SHOW BY THE WITNESS ABOUT HOW LONG THEY HAD BEEN THERE.	**Q**BY BASKIN WE WANT TO SHOW BY WITNESS ABOUT HOW LONG		COURT
COURT: HE MAY TELL IF IT WAS FRESHLY DONE.	BY COURT HE MAY TELL IF IT WAS FRESHLY DONE.	Q. COULD YOU TELL WHETHER IT WAS FRESHLY DONE?	*CAN/CAN'T*[?] TELL WHETHER IT WAS FRESHLY [*space*]
A. IT DIDN'T APPEAR TO	**A**IT DIDN'T APPEAR TO	A. IT DIDN'T APPEAR TO	IT DIDN'T APPEAR TO

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RT	RS	BT	PS
BE FRESHLY DONE; SEEMED TO BE DONE I2 OR I5 DAYS. WE PASSED THERE THE SECOND OF OCTOBER 1856~~6~~7. Q. DID YOU SEE MORE THAN ONE MAN THERE ? *[49]*	BE FRESHLY DONE SEEMED TO BE DONE 12 OR 15 DAYS. PASSED THERE SECOND DAY OCTOBER 1857. **Q**DID YOU SEE MORE THAN ONE MAN THERE **A**NO ONLY ONE MAN THERE WAS SOME 7 OTHER MEN WITH US 7 WENT LOOKED UP ROAD A PIECE, *WHERE/WERE*[?] CERTAIN NUMBER OF MEN I DID NOT SEE THEM. I DID NOT SEEN THEM AT ALL. **Q** WERE THEY CLOTHED OR IN A NUDE CONDITION NO	HAVE BEEN FRESHLY DONE —SEEMED AS THOUGH IT MIGHT HAVE BEEN DONE 15 OR 16 DAYS. Q. WHA~~R~~**T** DAY DID YOU PASS THERE? A. 2ND OF OCTOBER 1857. Q. DID Y OU SEE MORE THAN ONE MAN THERE? ~~A. NO, ONLY ONE MAN THERE; THERE WERE SOMW OTHER ME~~ *[3]* A. NO, O LY ONE MAN. THERE WERE SOME SEVEN OTHER M~~A~~E~~M~~N. THERE WERE SEVEN WENT TO LOOK AND WHERE THEY STOOD THERE WERE A NUMBER OF MEN LAYING. I DIDN'T SEE THEM AT ~~L~~ALL; I COULD NOT SEE THEM FROM WHERE WE WERE. Q. WERE THEY CLOTHED OR IN A NUDE CONDITION ? A. THERE WERE NO	HAVE BEEN FRESHLY DONE SEEMED AS IF IT MIGHT HAVE BEEN 15 OR 16 DAYS [*space*] WHAT DAY DID YOU PASS THERE 2 OCTOBER ~~6~~{5}[i]7 DID [*space*] YOU SEE MORE THAN ONE MAN THERE NO ONLY ONE MAN THERE WERE SOME 7 OTHER MEN THERE WERE 7 WENT AND LOOKED TO WHERE THEY SAID THERE WAS A NUMBER OF MEN LAYING I DIDN'T SEE THEM AT ALL COULD NOT SEE THEM FROM WHERE WE WERE [*space*] WERE THEY CLOTHED OR IN A NUDE CONDITION THERE WAS NO

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RT	RS	BT	PS
CLOTHING UPON THEM AT ALL; ALL I SAW WAS THE LEG OF ONE SOCK. Q. WERE ANY OF THEM SCALPED ? A. NONE THAT I SAW. Q. I WISH YOU WOULD DESCRIBE THE CHARACTER OF THE WOUNDS YOU SAW THERE WITH WHAT SORT OF AN IMPLEMENT OR IMPLEMENTS DID THEY SEEM TO BE MADE A. A PORTION OF THEM SEEMED TO HAVE THEIR THROATS CUT ACROSS. THE LAST PART OF THE QUESTION	CLOTHING UPON THEM AT ALL ALL I SAW WAS THE LEG OF ONE SOCK Q NONE OF THEM SCALPED NONE THAT I SAW. I WISH YOU DESCRIBE CHARACTER OF WOUNDS YOU SAW THERE WITH WHAT SORT OF IMPLEMENTS THEY SEEMED TO BE MADE APORTION OF THEM SEEMED TO HAVE THEIR THROATS CUT ACROSS BY HOGE YOUR HONOR PLEASE WE OBJECT TO LAST PART OF THAT QUESTION.	CLOTHING ON THEM AT ALL. ALL THAT I SAW IN THE SHAPE OF CLOTHING WAS A LEG OF **O**NE SOCK THAT WAS THERE ON THIS ~~WO~~MAN THAT WAS THERE WITH THIS WOMAN. Q. WERE ANY OFTHEM SCALPED?? **A.** NO, NONE THAT I SEEN. Q. DESCRIBE THE CHARACTER OF THE WOUNDS YOU SAW THERE; WHAT WERE THE SORT OF IMPLEMENTS THEY A~~T~~PPEARED TO BE MADE WITH? A. A PO~~T~~RTION OF THEM SEEMED TO HAVE THEIR THROATS CUT RIGHT ACROSS. **E.D.** HOG~~U~~E **FOR DEFENSE**: WE OBJECT **TO** ~~OT~~ THE LAST PART OF THAT WQUESTION.	CLOTHING ON THEM AT ALL [*space*] ALL THAT I SAW IN THE SHAPE OF CLOTHING WAS A LEG OF ONE SOCK THAT WAS ON THIS MAN THAT WAS THERE WITH THE WOMEN [*space*] WERE ANY OF THEM SCALPED NO NONE THAT I SEEN. [*space*] DESCRIBE THE CHARACTER OF THE WOUNDS YOU SAW THERE WITH WHAT SORT OF IMPLEMENTS THEY APPEARED TO BE MADE? A PORTION OF THEM SEEMED TO HAVE THEIR THROATS CUT RIGHT ACROSS <HOGE> OBJECT TO THE LAST PART OF THAT QUESTION

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RT	RS	BT	PS
OBJECTED TO BY COUNSEL FOR DEFENDANT, AS THE WEAPONS, WHATEVER USED, HE COULD ONLY KNOW BY SUPPOSITION.	OBJECT TO WITNESS DESCRIBING KIND OF WEAPONS USED ETC. DESCRIPTION OF INSTRUMENTS USED BY		[*space*]
Q. WHAT CHARACTER OF WOUNDS, AND BY WHAT INSTRUMENTS DID THEY APPEAR TO BE MADE ? A. THROATS CUT, SEEMED TO BE DONE BY A KNIFE, OR SOMETHING OF THAT KIND, IT SEEMED TO ME;	BASKIN CHARACTER OF WOUNDS WHAT INSTRUMENT DID THEY APPEAR TO BE MADE WITH A THROATS SEEMED TO BE DONE BY KNIFE SOMETHING OF THAT KIND IT SEEMED TO ME	Q. THE CHARACTER OF THE WOUNDS WHAT SORT OF AN INSTRUMENT DID THEY ~~A~~ APPEAR TO BE MADE WITH.. A. THE THROATS ~~W~~THAT WERE CUT SEEMED TO HAVE BEEN CUT WITH A SHARP INSTRUMENT LIKE A KN~~O~~IFE.	THE CHARACTER OF THE WOUNDS WHAT INSTRUMENT DID THEY APPEAR TO BE MADE WITH [*space*] THE THROATS THAT WERE CUT SEEMED TO HAVE BEEN *[[31]]* CUT WITH SHARP WEAPON LIKE A KNIFE [*space*]
THOSE STABBED SEEMED TO BE STABBED BY A KNIFE OR DAGGER, OTHERS TO HAVE BEEN	*[17]*[98] THOSE STABBED SEEMED STABBED BY KNIFE OR DAGGER OTHERS TO BE	Q. THOSE THAT WERE STABBED SEEMED TO HAVE BEEN STABBED WITH A KNIFE OR A DAGER; OTHERS APPEARED TO HAVE BEEN	THOSE THAT WERE STABBED SEEMED TO HAVE BEEN STABBED WITH KNIFE OR DAGGER OTHERS APPEARED TO HAVE BEEN

98. There is shorthand doodling at the top of page 17—"JURORS, INJURED, RULING"—and illegible characters.

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RT	RS	BT	PS
SHOT BY GUN BALL OR PISTOL BALL. Q. WERE THERE ANY WOUNDS ON THE BODY OF THIS WOMAN YOU SPEAK OF THAT WAS NOT MARRED BY THE WOUNDS ? A. THE ONLY THING SEEMED TO BE — ——— QUESTION AND ANSWER	SHOT BY GUN BULLET OR PISTOL BULLET. WERE THERE ANY WOUNDS ON BODY OF THIS WOMAN YOU SPOKE OF THAT WAS NOT MARRED BY THE WOLVES ONLY THING ≤SEEMED≥	**SHOT** ~~SHOW~~ WITH A GUN BULLET OR A PISTOL BULLET. **Q.** WERE THERE ~~N~~ANY WOUNDS ON THE BODY OF THIS WOMAN YOU SPOKE OF THAT HADN'T BEEN BOTHERED BY THE WOLVES.?	SHOT WITH GUN BULLET OR PISTOL BULLET [*space*] WERE THERE ANY WOUNDS ON THE BODY OF THIS WOMAN YOU SPOKE OF WERE THAT HADN'T BEEN DEVOURED BY THE WOLVES
OBJECTED TO BY COUNSEL FOR DEFENDANT. COURT ~~RUL~~: I DO NOT TH INK THE QUESTION IS IMPROPER. BASKIN Q. I ASK YOU IF THERE	OBJECTED BY DEFENSE BY COURT UNDER CIRCUMSTANCE S I DO NOT THINK IT IS IMPROPER AT ALL I ASK IF THERE WERE YOU IF	OBJECTED TO AS LEADING.	OBJECTED TO AS LEADING [*space*]
WERE ANY WOUNDS ON HER BODY ?	THERE WERE ANY WOUNDS ON HER BODY	Q. WERE THERE ANY WOUNDS ON THE BODY OF THE WOMAN OF WHOM I HAVE SPOKEN. OBJECTED TO AS LEADING. OBJECTION OVERRULED. EXCEPTION.	WERE THERE ANY WOUNDS ON THE BODY OF THE WOMAN ~~OBJECTION~~ OF WHOM I HAVE SPOKE OBJECTED TO AS LEADING OBJECTION OVERRULED EXCEPTION
I SPEAK OF THE WOMAN THAT	I SPEAK OF THE WOMAN BEING	Q. I SPEAK OF THE WOMAN BEING	[*space*] I SPEAK OF THE WOMAN BEING

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RT	RS	BT	PS
WAS LYING ON THE SOUTHWEST SIDE ? A. IT SEEMED TO BE A BALL WOUND, ABOUT THE LEFT SIDE, ABOUT THERE. *[50]* ∴ WI TNESS SHOWING THE POSITION OR LOCALITY ON HIS OWN PERSON, BELOW THE HEART ∴ CROSS-EXAMINATION WAIVED. [*space*]	LYING ON THE SOUTHWEST SIDE IT SEEMED TO BE BULLET WOUND ABOUT LEFT SIDE ABOUT THERE. SHOWING POSITION AND BELOW HEART. THAT IS ALL TAKE THE WITNESS BY BASKIN BY DEFENSE WE HAVE NO QUESTIONS TO ASK YOUR HONOR. [*space*] **ASAHEL BENNETT** BY STOKES WITNESS NOT NEAR HAVE SENT *PT*[?] TO HOUSE AFTER HIM. BY PROSECUTION CALL **H H NORRIS** BY COURT HAS	O~~T~~**R** LAYING ON THE SOUTH SIDE OF THE PILE. WAS THERE ANY WOUNDS ON THE BODY OFTHAT WOMAN? A. THERE SEEMED TO BE A BULLET HOLE ON THE LEFT SIDE, UNDER THE HEART—LEFT SIDE A LITTLE BELOW THE HEART. **CROSS-EXAMINATON WAIVED.**	OR LAYING ON THE ~~≤~~CORNER *OF THE*[?]~~≥~~ SOUTH PILE [*space*] WAS THERE ANY WOUNDS ON THE BODY OF THAT WOMAN THERE SEEMED TO BE A BULLET HOLE ON THE LEFT SIDE UNDER HEART LEFT SIDE LITTLE BELOW THE HEART NO CROSS EXAMINATION ~~BY~~ [*space*] ~~**ISHEL**~~ ~~**≤ASAHEL≥**~~ **BENNETT** NOT PRESENT [*space*] **H~~≤~~ENRY~~≥~~ H~~≤~~ARRISON~~≥~~ NORRIS** HE HAS ALREADY

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RT	RS	BT	PS
	BEEN SWORE YES SIR. TAKE YOUR SEAT. BY BASKIN WHAT IS YOUR NAME ANSWERED **H H N** . [*space*] MR. CAREY *WOULD*[?] LIKE TO DELAY MOMENT SEE IF MR. BENNETT WILL COME. BISHOP I WOULD SUGGEST THE PROPRIETY SOME WATER BEING PROVIDED FOR MEMBERS OF THE BAR. BY CAREY I UNDERSTAND IT WILL CHANGE OUR PLANS VERY MUCH IF WE HAVE TO EXAMINE **NORRIS** BEFORE MR. BENNETT. MARSHALL SENT FOR HIM. MR. NORRIS BY COURT YOU WILL STAND ASIDE. [*space*] **A BENNETT**: BEGINS: "CAREY HAS BEEN SWORN YES SIR.		BEEN SWORN
[51] ASHAEL BEENETT, SWORN FOR PROSECUTION. EXAMINED BY		*[4]* ASAHEL BENNETT CALLED **& SWORN** FOR THE PROSECUTION.	WITHDRAWN [*space*] **ASAHEL BENNETT** HAVE YOU BEEN SWORN YES SIR [*space*]

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RT	RS	BT	PS
R.N. BASKIN, ESQ.	BASKIN MR. BENNETT		
Q. WERE YOU EVER ON THE MOUNTAIN MEADOWS ? A. YES SIR,	WERE YOU EVER AT MOUNTAIN MEADOWS YES SIR	Q. WERE YOU EVER AT MOUNTAIN MEADOWS? A. YES, SIR. Q. WHEN? A. I WAS THERE IN '**45**7. Q.	WERE YOU EVER AT MOUNTAIN MEADOWS YES SIR WHEN I WAS
IN 1847,	IN 1847 WHAT DAY IN 47 ~~<~~IT WAS~~>~~	WHAT DAY IN '**45**7?. A. IT WAS	THERE IN 47 WHAT DAY IN 47 IT WAS
NOT FAR FROM TWO MONTHS AFTER THAT MASSACRE IN DECEMBER, ~~WITNESS~~ — NOT 1847 BUT	NOT FAR FROM TWO MONTHS AFTER THAT MASSACRE IN DECEMBER, CORRECTED HIMSELF DECEMBER	NOT FA~~T~~R AFTER TWO MONTS AFTER THE MASSACRE —— ——	NOT FAR AFTER 2 MONTHS AFTER THAT MASSACRE [*space*]
1857 — ABOUT THE FIRST OR	1857 ABOUT FIRST DECEMBER	'57 I MEAN. Q. IN WHAT MONT~~S?~~**HS?** A. I THINK IT WAS IN	57 I MEAN [*space*] IN WHAT MONTH I THINK IT WAS IN
FORE PART OF DECEMBER.	FORE PART OF DECEMBER	THE FOR**E**PART OF DECEMBER.	THE FOREPART OF DECEMBER
Q. IN WHAT COUNTY ARE THE MOUNTAIN MEADOWS LOCATED ? A. I DO NOT KNOW. I CANNOT TELL YOU.	IN WHAT COUNTY ARE THE MOUNTAIN MEADOWS LOCATED I DO NOT KNOW <AND I CANNOT TELL YOU.	Q. DO YOU KNO**W** IN WHAT COUNTY THE MOUNTAIN MEADOWS IS LOCATED? A. I CAN'T TELL YOU.	DO YOU *KNOW/IN*[?] WHAT COUNTY ARE THE MOUNTAIN MEADOWS LOCATED I CAN'T TELL YOU [*space*]
Q. IN WHAT TERRITORY ? A. IN UTAH.	IN WHAT TERRITORY> IN UTAH.	Q. IN ~~TA~~WHAT ~~E~~TERRITORY? A. IN UTAH TERRITORY.	IN WHAT TERRITORY IN UTAH TERRITORY
Q. I WISH YOU TO DESCRIBE TO THE JURY WHAT	I WISH YOU DESCRIBE TO JURY WHAT	Q. I WISH YOU TO DESCRIBE TO THE JURY WHAT	[*space*] I WISH YOU TO DESCRIBE TO THE JURY WHAT

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RT	RS	BT	PS
YOU SAW THERE ? A. I WAS DRIVING ALONG IN MY BUGGY, SAW SOME BONES, RIGHT DOWN FROM THE ROAD; I JUMPED OUT OF MY BUGGY, WENT DOWN TO EXAMINE THEM.	YOU SAW THERE. $_{A}$I WAS DRIVING ALONG MY BUGGY AND SAW SOME BONES RIGHT DOWN ~~OFF~~ ≤FROM THE≥ ROAD I JUMPED OUT OF MY BUGGY WENT DOWN EXAMINED THEM	YOU SAW THERE? A. I WAS RIDING ALONG IN A BUGGY AND I SAW SOME BONES DOWN FROM THE ROAD. I HAD HEARD OF THIS MASSAC ~~RE~~ BEFORE. I WENT DOWN TO EXAMINE. TWO OTHER GENTELMEN WERE WITH ME AT THE SAME TIME., AND	YOU SAW THERE [*space*] I WAS RIDING ALONG IN A BUGGY AND I SAW SOME BONES DOWN FROM THE ROAD AND HAD HEARD OF THIS MASSACRE BEFORE I WENT DOWN TO EXAMINE WERE *PACKERS OF SALT LAKE CITY*[?] WAS WITH ME AT THE SAME TIME AND
I SAW A PRETTY HORRIBLE SIGHT TO ME; I SAW SKEL~~L~~ETONS OF WOMEN AND CHILDREN,	I SAW PRETTY HORRIBLE SIGHT TO ME I SAW SKELETONS OF WOMEN CHILDREN	I SAW A PRETTY HORRIBLE SIGHT TO ME. I SAW THE SKELETONS OF WOMEN AND CHILDREN — SMALL CHILDREN. ,	I SAW A PRETTY HORRIBLE SIGHT TO ME [*space*] I SAW THE SKELETONS OF WOMEN AND CHILDREN SMALL CHILDREN
LONG TRESSES OF BEAUTIFUL HAIR LAYING THERE, CURDLED IN BLOOD — DRIED UP.	LONG TRESSES BEAUTIFUL HAIR LAYING THERE CURDLED IN BLOOD DRIED UP.	AND LONG TRESSES OF BEAUTHIFUL HAIR LAID THERE, COLORED WITH DRIED-ON BLOOD — PI**E**CES OF CALICO.. Q.	LONG TRESSES OF BEAUTIFUL HAIR LAID THERE CURDLED ≤AND DRIED≥ IN BLOOD SOME PIECES OF CALICO [*space*]
Q. WONT YOU DESCRIBE THE SIZE OF THE SMALLEST	WONT YOU DESCRIBE SIZE OF SMALLEST	DESCRIBE THE ~~SKELETON~~ SIZE OF THE SMALLEST	DESCRIBE THE SIZE OF THE SMALLEST

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RT	RS	BT	PS
CHILD ? A. I COULD NOT DO THAT. THERE WAS CHILDREN NOT OVER TEN OR TWELVE YEARS OLD. I COULD NOT GIVE THE DESCRIPTION; APPEARED AS FAR AS THAT IS CONCERNED SOME SMALL AND SOME GREAT, WOMEN AND CHILDREN'S BONES. Q. WERE THERE ANY FLESH UPON THE BONES ? A. THERE WAS SOME SKULLS THAT APPEARED TO BE DRIED, APPEARED TO BE HUNG TO FLESH BUT NOT MUCH. Q. ABOUT HOW MANY ?	CHILD ? AI COULD NOT DO THAT THERE WAS CHILDREN NOT OVER TEN OR TWELVE YEARS OLD I COULD NOT GIVE DESCRIPTION APPEARED AS FAR AS THAT IS CONCERNED SOME SMALL AND SOME GREAT WOMEN'S AND CHILDREN'S BONES. WERE THERE ANY FLESH UPON BONES A THERE WAS SOME SKULLS THAT IT APPEARED TO BE DRIED APPEARED TO BE HUNG BUT NOT MUCH. QABOUT HOW MANY	SKELETONS? A. I COULD NOT DO THAT; THERE WAS A LOT THERE; I THINK NOT OVER 10 OR 12 YEARS OLD. I COULD NOT GIVE YOU A PARTICULAR DESCRIPTION.. THERE WAS SOME SMALL AND SOME ~~AL~~LARGE BONES OF WOMEN AND CHILDREN. Q. WAS THERE ANY FLESH ~~Y~~UPON THE BONES? A. THERE WAS SOME ~~T~~OF THE SKULLS THAT APPEARED TO BE DRIED UP WITH THE HAIR ON. THERE WAS NOTHING BUT SOME LITTLE PARTICLES OF FLESH — NOT MUCH EXCEPT THAT. Q. A**B**OUT HOW MANY SKELETONS? *[5]*	SKELETON I COULD NOT DO THAT THERE WAS CHILDREN THERE I SHOULD THINK NOT OVER 10 *[[32]]* 12 YEARS OLD I COULD NOT GIVE YOU A PARTICULAR DESCRIPTION [*space*] THERE WAS SOME SMALL AND SOME GREAT ~~<~~BONES OF~~>~~ WOMEN AND CHILDREN WAS THERE ANY FLESH UPON THE BONES THERE WAS SOME OF THE SKULLS THAT HAD APPEARED TO BE DRIED UP WITH THE HAIR WAS NOTHING BUT SOME LITTLE PARTICLES NOT MUCH EXCEPT THAT [*space*] ABOUT HOW MANY SKELETONS

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RT	RS	BT	PS
A. I COULD NOT TELL AS TO THAT. I WAS PRETTY WELL BUSTED JUST THEN. [52] IT SEEMED AS THOUGH I WAS THERE AN HOUR, BUT I WAS ONLY THERE ABOUT TWO MINUTES.	AI COULD NOT TELL AS TO THAT I WAS PRETTY WELL BUSTED AND JUST THEN IT SEEMED AS THOUGH I WAS THERE AN HOUR BUT I WAS ONLY ABOUT 2 MINUTES.	A. I COULD NOT TELL AS TO THAT; I WZAS PRETTY WELL EXCITED BY THAT TIME	I COULD NOT TELL AS TO THAT I WAS PRETTY WELL *BUSTED*[?] BY THAT TIME [*space*]
Q. WHAT PART OF THE MOUNTAIN MEADOWSWAS IT WHERE YOU SAW THESE BONES A. I SHOULD THINK IT WAS NEAR THE CENTRAL PART, FROM NORTH TO SOUTH.	I SHOULD THINK IT WAS NEAR THE CENTRAL PART FROM NORTH TO SOUTH.	Q. DESCRIBE WHERE IN THE MOUNTAIN MEADOWS YOU SAW THEM? A. NEAR THE CENTER OF THE VALLEY FROM THE SOUTH TO THE NORTH.. Q. WERE THE BONES ALL AT ONE POINT?	DESCRIBE WHERE IN THE MOUNTAIN MEADOWS DID YOU SEE THAT I SHOULD THINK IT WAS NEAR THE CENTER OF THE VALLEY FROM THE NORTH TO THE SOUTH WERE THE BONES ALL AT ONE POINT ACCORDING TO ALL THAT I UNDERSTOOD ~ OBJECTED TO
THE BONES HAD BEEN BROUGHT THERE FROM ALL APPEARANCE. THERE WAS SOME IN THE HOLE THAT THE WATER HAD WASHED OUT	THE BONES HAD BEEN BURIED FROM ALL APPEARANCE THERE WAS SOME IN A HOLE THAT WATER HAD WASHED IT OUT	A. THE BONES HAD BEEN BURIED FROM ~~THE~~ **THEIR** APPEARANCES, FOR THERE WAS SOME IN THE HOLE. THEY HAD BEEN COVERED UP	[*space*] THE BONES HAD BEEN BURIED FROM ALL APPEARANCES FOR THERE WAS SOME IN A HOLE THEY HAD BEEN COVERED UP

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RT	RS	BT	PS
AND THE WOLVES HAD THROWN THEM OUT. Q. WERE ALL THE SKELETONS LOCATED AT THE SAME POINT ? A. YES SIR. Q. WHAT DAY DI D YOU SEE THEM ? A. I CANNOT REMEMBER. CROSS-EXAMIN**ATION WAIVED.** COURT: ARE THE MOUNTAIN MEADOWS NORTH OR SOUTH OF THIS PLACE N A. IT IS SOUTH OF THIS PLACE. BASKIN: Q. YOU SAY THESE BONES WERE — HOW ARE THE MEADOWS LOCATED WITH REFERENCE TO CEDAR CITY ? A.	WOLVES HAD THROWN THEM OUT *[18]* WERE ALL THE SKELETONS LOCATED SAME POINT A YES SIR. WHAT DAY I CANNOT REMEMBER. THAT IS ALL TAKE THE WITNESS BY SPICER ≤WE HAVE NO QUESTIONS TO ASK≥ BY COURT IS THEY NORTH OR SOUTH THIS PLACE IT IS SOUTH OF THIS PLACE [*space*] BY BISHOP COURT PLEASE BY BASKIN YOU SAW THESE BONES ~ HOW IS IT LOCATED WITH REFERENCE TO CEDAR CITY A.	BUT THE WOLVES HAD DRAWN T**H**EM OUT IN SOME PLACES? Q. WERE ALL THE SKELETIONS THAT YOU SAW LOCATED AT ~~H~~ THE SAME PLACE OR NOT? A. YES, SIR. ALL I SAW. Q. WHAT DAY IN DECEMBER? I CAN'T REMEMBER. Q. <COURT:> IS THAT NORTH OR SOUTH OF THIS PLACE? A. SOUTH OF THIS PLACE. Q. YOU SAW THESE BONES — HOW IS IT LOC**A**TED **WI**TH REFERENCE **TO** CEDAR CITY? A.	BUT THE WOLVES HAD DRAWN THEM OUT IN THE SMALL SPACES [*space*] WERE ALL THE SKELETONS YOU SAW LOCATED AT THE SAME POINT YES SIR ALL I SAW [*space*] WHAT DAY IN DECEMBER I CAN'T REMEMBER [*space*] ~~NO CROSS EXAMINATION~~ [*space*] COURT IS THAT NORTH OR SOUTH OF THIS PLACE SOUTH OF THIS PLACE YOU SAW THESE BONES HOW IS IT LOCATED WITH REFERENCE TO CEDAR CITY

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RT	RS	BT	PS
SOUWEST BY WEST, ABOUT THIRTY MILES. SPICER: Q. ABOUT THIRTY MILES ? A. YES SIR.	SOUTHWEST BY WEST AND ABOUT 30 MILES BY SPICER ABOUT 30 MILES. BY SPICER I WISH MR BENNETT TO REMAIN WITH SOME INSTRUCTIONS ON DEFENSE BY COURT YOU WILL NOT BE WANTED THIS AFTERNOON.	IT WAS ABOUT SOUTH WEST OF CEDAR CITY. Q. HOW FAR FROM CEDAR CITY? A. ~~Z~~ABOUT 30 MILES TO MOUNTAIN MEADOWS — NOT FAR FROM THAT. THAT IS WHAT THEY USED TO CALL IT THEN. NO CROSS-EXAMINATION. THE DEFENSE WISH MR. BENNETT TO REMAIN AS A WITNESS F OR THE PROSECUTION.	IT WOULD BE SOUTH WEST BY WEST HOW FAR FROM CEDAR CITY ABOUT 30 MILES TO THE MOUNTAIN MEADOWS NOT FAR FROM THAT THAT IS WHAT THEY USED TO CALL IT THEN DEFENSE WE WISH MR. BENNETT TO REMAIN AS YOUR WITNESS. [*space*]

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John D. Lee, First Trial

Philip Klingensmith Testimony

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RT	RS	BT	PS
[*Bk 2 52 cont.*] CAREY: THIS INDICTMENT IS AGAINST WILLIAM H. DANE AND OTHERS; I MOTION THE COURT TO HAVE A NOLLE PROSEQUI ENTERED IN THE CASE OF PHILIP KLINGENSMITH. REPORTER: THIS MOTION WAS NOT MADE IN WRITING BY THE ORDER OF THE COURT. SUTHERLAND: DOES YOUR HONOR PERMIT THE PROSECUTION TO ENTER A NOLLE *[53]* IN THIS CASE AS TO KLINGENSMITH ? COURT: YES SIR.	*[Bk 2 18 cont.]* BY SPICER WILL MAKE AN OBJECTION TO ~~≤~~CALLING~~≥~~ KLINGEN SMITH WHO HAS NOT BEEN SWORN YET. [*space*] ~~≤~~BY CAREY~~≥~~ COURT PLEASE THIS INDICTMENT IS AGAINST WILLIAM DAME AND OTHERS I ~~HERE~~ ~~≤~~MOTION~~≥~~ FOR A NOLLE PROSEQUI ENTERED IN THE CASE OF PHILIP K SMITH. ““THIS MOTION WAS NOT MADE IN WRITING”” P K SMITH ENTERED COURT ROOM 307 PM. ~~≤~~BY SUTHERLAND~~≥~~ DOES YOUR HONOR PERMIT THEM TO ENTER NOLLE PROSEQUI BY COURT YES SIR.		*[[Bk 2 32 cont.]]* **PHILIIP KLINGENSMITH** CALLED [*space*] JUDGE CAREY IF THE COURT PLEASE THIS INDICTMENT IS AGAINST DAME **& C** [*space*] I MIGHT MOVE FOR A NOLLE PROSEQUI IN THE CASE OF PHILLIP K SMITH [*space*] I BELIEVE THE MOTION WAS TO ENTER ~~A~~ NOLLE PROSEQUI IN THE CASE OF PHILIP K SMITH [*space*] ~~**PHILIP**~~ [*space*] SUTHERLAND DOES YOUR HONOR PERMIT THEM TO DO IT [*space*] COURT YES SIR

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RT	RS	BT	PS
[*space*]	NO FURTHER OBJECTION.		
[54] PHILIP KLINGENSMITH, SWORN FOR	BY BASKIN LET MR. SMITH BE SWORN CLERK READ AND ADMINISTERED OATH. BY BASKIN LET US GET YOUR CORRECT NAME MY NAME IS PHILLIP KLINGEN SMITH IN RATHER EXCITED TONE HE YELLED IT OUT ≤BASKIN≥	*[Bk 3 cont. 1]*[99] PHILIP KLINGENSMITH SWORN FOR THE	*[[33]]* **PHILIP KLINGENSMITH** SWORN FOR THE
PROSECUTION. EXAMINED BY R.N. BASKIN, ESQ.		PROSECUTIOM.	PROSECUTION [*space*]
Q. WHERE DID YOU RESIDE IN 1857 ?	WHERE DID YOU RESIDE IN 1857	Q. WHERE DID YOU RESIDE IN I857?	WHERE DID YOU RESIDE IN THE YEAR 1857
A. AT CEDAR CITY. Q. HOW LONG DID YOU PREVIOUSLY RESIDE THERE ? A. I WASTHERE FROM 1852 — 1851 OR 1852. Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE LOCATED ? A. YES SIR. Q. DESCRIBE TO THE ~~JURY ARE~~ ≤JURY≥ AND STATE WHERE	{**KLINGENSMITH**}[p] AT CEDAR CITY, HOW LONG HAD YOU PREVIOUSLY RESIDED THERE, I WAS THERE FROM 52, 51 OR 2. DO YOU KNOW WHERE MOUNTAIN MEADOWS ARE LOCATED YES SIR ≤DESCRIBE≥ TO JURY. STATE WHERE	A. AT CEDAR CITY. Q. HOW LONG HAD YOU P~~E~~REVIOUSLY RESIDED THERE? A. I BELIEVE FROM ‘52 — 5I OR ‘2. Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE LOCATED? A. YES SIR. Q. DESCRIBE TO THE JURY WHERE	AT CEDAR CITY HOW LONG HAD YOU PREVIOUSLY RESIDED THERE I BELIEVE FROM 52 [*space*] 51 OR 2 DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE LOCATED YES SIR DESCRIBE TO THE JURY WHERE [*space*] WHERE

99. The first five pages of Boreman Transcript, book 3, are numbered sequentially 1 through 5. Philip Klingensmith's testimony begins at the top of page 6. Pagination of Klingensmith's testimony starts over with page 1. However, the first page also has a crossed out, handwritten page 6 at the center top of the page.

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RT	RS	BT	PS
THE MOUNTAIN MEADOWS ARE LOCATED ? A. MOUNTAIN MEADOWS ARE LOCATED ABOUT FORTY FIVE OR FIFTY MILES BELOW CEDAR CITY ON THE OLD CALIFORNIA ROAD. Q. IN WHAT COUNT Y ? A. ~~DOWN~~ ≤NOW≥ IN WASHINGTON COUNTY—THEN IN IRON COUNTY. Q. IN WHAT TERRITORY?? A. UTAH TERRITORY. Q. AND ARE YOU ACQUAINTED WITH JOHN D. LEE ? A. I AM. Q. WERE YOU ACQUAINTED WITH HIM IN 1857 ? A. YES SIR. Q. WERE YOU EVER AT THE MOUNTAIN MEADOWS ? A. I WAS. Q. WERE YOU THERE DURING THE YEAR 1857 ? A. YES SIR.	THE MOUNTAIN MEADOWS ARE LOCATED. MOUNTAIN MEADOWS LOCATED {ABOUT}[i] 45 50 BEYOND {***SEE**}[i] CEDAR CITY ON THE OLD CALIFORNIA ROAD IN WHAT COUNTY NOW IN WASHINGTON COUNTY THEN IN IRON COUNTY ~~AQ~~IN WHAT TERRITORY IN UTAH TERRITORY. ARE YOU ACQUAINTED WITH JOHN D. LEE I AM AND WERE YOU ACQUAINTED WITH HIM IN 1857 YES SIR WERE YOU EVER AT MOUNTAIN MEADOWS I WAS ≤WERE YOU THERE DURING THE YEAR 1857≥ I WAS THERE IN 1857 YES SIR.	THE MOUNTAIN MEADOWS ARE LOCATED? A. LOCATED ABOUT 45 MILES, BETWEEN THAT AND 50 FROM CEDAR CITY ON THE OLD CALIFORNIA ROAD. Q. IN WHAT COUNTY? A. NOW, IN WASHINGTON COUNTY, THEN IN IRON. Q. IN WHAT TERRITORY? A. IN UTAH TERRITORY. Q. ARE YOU ACQUAINTED WITH JOHN D. LEE? A. I AM. Q. WERE YOU ACQUAINTED WITH HIM IN I857? WITNESS:	THE MOUNTAIN MEADOWS LOCATED [*space*] LOCATED ABOUT 45 MILES BETWEEN THAT AND 50 FROM CEDAR CITY ON THE OLD CALIFORNIA ROAD IN WHAT COUNTY NOW IN WASHINGTON COUNTY THEN IN IRON COUNTY IN WHAT COUNTRY UTAH TERRITORY ARE YOU ACQUAINTED WITH JOHN D. LEE I AM WERE YOU ACQUAINTED WITH HIM IN 1857 YES SIR I WAS [*space*] WERE YOU EVER AT THE MOUNTAIN MEADOWS I WAS WERE YOU THERE DURING THE YEAR 1857 [*space*]

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RT	RS	BT	PS
Q. AT WHAT TIME ?	≤AT WHAT TIME≥	AT WHAT TIME? COUNSEL: ‘57.	AT WHAT TIME
[55] A. I WAS THERE AT THE TIME OF THE MASSACRE. Q. WONT YOU STATE TO THE JURY WHAT YOU KNOW IN RELATION TO THAT MASSACRE AND ABOUT WHAT TIME IT WAS ? A. AS NEAR AS I CAN RECOLLECT IT WAS SEPTEMBER — CANNOT TELL THE DAY AND DATE — I THINK IT WAS TOWARDS THE FIRST.	I WAS THERE AT THE TIME OF MASSACRE WANT TO STATE TO THE JURY WHAT YOU KNOW IN RELATION TO THAT MASSACRE AND ABOUT WHAT TIME IT WAS A AS NEAR AS I CAN RECOLLECT IT WAS SEPTEMBER CANNOT TELL DAY AND DATE I THINK IT WAS TOWARDS THE FIRST.	A. YES, SIR, I WAS THERE AT THE MASSACRE. Q. I WA~~S~~NT YOU TO STATE TO THE JURY WHAT YOU KNOW IN RELATION TO THAT MASSACRE, AND ABOUT WHAT TIME IT WAS? A. AS NEAR AS I CAN RECOLLECT IT WAS IN ~~W~~SEPTEMBER, I CAN’T TELL THE DAY AND DATE, I THINK IT WAS TOWARDS THE LAST— PROBABLY ABOUT THE MIDDLE. Q.	I WAS THERE AT THE TIME OF THE MASSACRE ~~STATE TO THE JURY ALL YOU KNOW IN RELATION~~ [*space*] ABOUT WHAT TIME WAS IT AS NEAR AS I CAN RECOLLECT IT WAS IN SEPTEMBER FIRST OR LAST OF SEPTEMBER I THINK IT WAS TOWARDS THE FIRST PROBABLY ABOUT THE MIDDLE [*space*]
Q. WHAT YEAR WAS IT ? A. IT WAS IN 1857. Q. WONT YOU RELATE TO THE JURY THE CIRCUMSTANCES IN RELATION TO THE MASSACRE IN	WHAT YEAR WAS IT IT WAS IN 57 WANT YOU RELATE TO JURY CIRCUMSTANCE S IN RELATION TO MASSACRE IN	WHAT YEAR WAS IT? A. IT WAS IN ‘57. *[2]* Q. WON’T YOU RELATE TO THE JURY THE CIRCUMSTANCE S AS YOU KNOW THEM IN RELATION TO THE MASSACRE OF	WHAT YEAR WAS IT [*space*] IN 57 IF I UNDERSTOOD MYSELF [*space*] RELATE TO THE JURY THE CIRCUMSTANCE S AS YOU KNOW THEM IN RELATION TO THE MASSACRE OF

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RT	RS	BT	PS
WHICH MR. LEE WAS ENGAGED —JUST COMMENCE IN YOUR OWN WAY AND RELATE THE CIRCUMSTANCES ?	WHICH MR. LEE JUST COMMENCE IN YOUR OWN WAY AND RELATE CIRCUMSTANCE S. [*space*]	WHICH YOU SPEAK. JUST COMMENCE IN YOUR OWN WAY AND RELATE THE CIRCUMSTANCE S? WITNESS: THE FIRST THAT I KNEW OF THE COMPANY COMING IN ~~&C?&~~ **&C?—** COUNSEL **FOR PROSECUTION**: YES, SIR.	WHICH YOU SPEAK COMMENCE IN YOUR OWN WAY AND RELATE THE CIRCUMSTANCE S [*space*] THE FIRST THAT I KNEW OF THE COMPANY COMING IN **& C** YES SIR [*space*]
OBJECTED TO BY COUNSEL DEFENDANT, AS BEING TOO SWEEPING AND GIVING NO OPPORTUNITY FOR OBJECTION, IF HE MAKES AN INCOMPETENT STATEMENT. WE SUGGEST THAT A MORE LIMITED QUESTION BE PUT TO THE WITNESS COURT: HE ASKS HIM WHETHER ON THE ROAD — THAT IS WHAT HE SA¥W TO BE STATED .	BY SUTHERLAND THAT SWEEPING QUESTION GIVES NO OPPORTUNITY FOR OBJECTION IN CASE OF INCOMPETENT STATEMENT WE SUGGEST ~~≤~~**A**~~≥~~ MORE LIMITED QUESTION BE PUT TO WITNESS BY COURT HE ASKS HIM WHETHER ALL HE HEARD OR SAW TO BE STATED. OR NOT ALL HE	**J. G.** SUTHERLAND: WE SUGGEST T**H**AT A MORE LIMITED QUESTION BE PUT TO THE WITNESS. **R. N.** BASKIN **FOR PROSECUTION,** TO WITNESS: Q. STATE WHAT YOU KNOW	SUTHERLAND THAT SWEEPING QUESTION GIVES NO CHANCE FOR AN OBJECTION IN CASE OF INCOMPETENT TESTIMONY [*space*] BASKIN WHAT YOU KNOW

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RT	RS	BT	PS
SUTHERLAND: THAT WOULD INCLUDE HEARSAY TE~~Z~~STIMONY. IF THERE WERE ANYTHING ORDERED THE WITNESS HE MAY STATE THAT BUT HE CANNOT GIVE ANY HEARSAY, UNLESS FROM MR. LEE.	HEARD BY SUTHERLAND THAT WOULD INCLUDE HEARSAY IF THERE WERE ANYTHING ORDERED HE CAN GIVE NO HEARSAY UNLESS FROM MR. LEE [*space*] *[19]* BY BASKIN WON'T YOU GO ON STATE	ABOUT IT? ~~BY THE COURT? YOU ARE AS~~ **J. G.** SUTHERLAND: CAN'T GIVE ANY TESTIMONY EXCEPT FROM JOHN D/ LEE. **M^{R}** BASKIN: GO ON AND STATE THE DETAILS.	ABOUT IT [*space*] SUTHERLAND CAN'T GIVE ANY TESTIMONY EXCEPT FROM JOHN D. LEE [*space*] GO ON AND STATE THE DETAILS.
IF HE GOES TO NARRATE WHAT HE SAW AND HEARD	BY SUTHERLAND IF HE GOES ON NARRATE IN HIS OWN WAY *NOT ESTABLISH GENERALLY A*[?]	**M^{R}** SUTHERLAND: IF HE GOES ON AND NARRATES IN HIS OWN WAY	SUTHERLAND IF HE GOES ON TO NARRATE IN HIS OWN WAY *NS/NSH*[?]
WE SHALL HAVE NO; OPPORTUNITY TO OBJECT TO ANYTHING HE MAY SAY TILL THIS~~.~~ MATTER GOES TO THE JURY.	PROTECTION WE WILL HAVE NO OPPORTUNITY TO OBJECT TO ANYTHING HE MAY SAY TILL ~~≤~~OBJECTIONED~~≥~~ MATTER GOES TO THE JURY. IT IS THE FIRST TIME IN THE PROGRESS OF TRIAL THAT	WE WILL HAVE NO CHANCE TO OBJECT TILL THE OBJECTIONABLE MATTER HAS GONE TO THE JURY. **M^{R}** BASKIN: IT IS THE FIRST TIME IN THE PROGRESS OF THE TRIAL THAT THE	GENERAL OBJECTION WE WILL HAVE CHANCE TO OBJECT TILL THE OBJECTIONABLE MATTER HAS GONE TO THE JURY. COURT I HAVE NOT [*space*]

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RT	RS	BT	PS
	DEFENSE HAVE ATTEMPTED TO DIRECT ~~MATTER~~ MANNER OF PROSECUTION.	DEFENDANTS HAVE ATTEMPTED TO DIRECT THE MANNER OF THE PROSECUTION.	
COURT INSTRUCTED THE WITNESS NOT TO DETAIL ANY HEARSAY MATTER.	BY COURT DO NOT DETAIL ANY HEARSAY MATTER THOUGH.	**THE** COURT TO WITNESS: DON'T DETAI~~N~~**L** ANY HEARSAY MATTER.	COURT GIVE EVERYTHING HE HEARD AND SAW RELATED TO THIS TRANSACTION [*space*]
Q. GO ON AND STATE WHAT YOU KNOW OF THAT MASSACRE —	**M**[**R**] BASKIN GO ON STATE WHAT YOU KNOW OF THAT MASSACRE	BASKIN. GO ON AND STATE WHAT YOU KNOW OF THAT MASSACRE; AND WHO WERE ENGAGED IN IT,	STATE ALL YOU KNOW OF THAT MASSACRE AND WHO WERE ENGAGED IN IT
DON'T STATE ANY HEARSAY ?	DON'T STATE ANY HEARSAY	BUT DON'T STATE ANY HEARSAY TESTIMONY.	AVOID HEARSAY TESTIMONY
A. I WILL, AS FAR AS I KNOW. THE FIRST THING I SHALL MENTION IS — WHEN I HEARD OF THIS COMPANY COMING FROM SALT LAKE, I HEARD OF THE *[56]* EMIGRANTS BEING COMING DOWN HERE, ALSO THAT	I WILL AS FAR AS I KNOW. ONE FIRST THING I SHALL MENTION IS ~~<~~WHEN~~>~~ I HEARD OF THIS COMPANY COMING FROM SALT LAKE CITY. I HEARD OF THE EMIGRANT COMPANY COMING DOWN HERE AND ALSO THAT	WITNESS: I WILLAS FAR AS I KNOW. THE FIRST THING I SHALL MENTIN IS WHEN I HEARD OF THIS C**O**MPANY COMING FROM SALT LAKE, I HEARD OF THE EMIGRANTS COMING DOWN HERE AND LEARNED THAT	*[[34]]*[100] I WILL GIVE IT AS FAR AS I KNOW [*space*] THE FIRST THING I SHALL MENTION IS WHEN I HEARD OF THIS COMPANY COMING FROM SALT LAKE I HEARD OF EMIGRANT COMPANY COMING DOWN HERE AND *LEARNED*[?]

100. Verso of page 34 has shorthand doodling.

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RT	RS	BT	PS
THE PEOPLE WERE FORBIDDEN TO TRADE WITH THEM, AND THAT THERE WAS A GREAT DEAL OF FEELINGS SOMEWHERE OR OTHER, AND IT ~~MAY BE~~, MADE ME ~~B~~ TO TELL THE TRUTH, FEEL VERY BAD ABOUT IT WHEN I HEARD IT, FINALLY THE COMPANY CAME ON TO CEDAR CITY. I HAPPENED TO BE DOWN AT THE LOWER TOWN—THERE IS TWO MILES DIFFERENCE BETWEEN THE TWO TOWNS— DIDN'T SEE BUT A FEW OF THEM— THERE OR FOUR AT THE MILL, WITH SOME WHEAT BOUGHT FROM MR. JACKSON.	THE PEOPLE * WERE FORBIDDEN TRADE WITH THEM * ≤THAT THERE WAS A≥ GREAT DEAL OF FEELINGS SOMEWHERE OR ANOTHER. AND IT MADE ME FEEL TO TELL THE TRUTH BAD ABOUT IT WHEN I HEARD IT, FINALLY COMPANY CAME ON TO CEDAR CITY I HAPPENED TO BE DOWN AT LOWER TOWN THERE IS ABOUT MILE DIFFERENCE BETWEEN TWO TOWNS DIDN'T SEE BUT A FEW OF THEM THREE **OR** 4 AT MILL WITH SOME WHEAT BOUGHT FROM MR. JACKSON.	THE~~R WERE~~ PEOPLE WERE FORBIDDEN TO TRA~~I~~D**E** WITH THEM; THAT THERE WAS A GREAT DEAL OF FEELING SOME WAY OR OTHER, AND IT MADE ME FEEL, TO TELL THE TRUTH, BAD ABOUT IT WHEN I HEARD IT. FINALLY THE COMPANY CAME ON TO CEDAR CITY AND I HAPPENED TO BE DOWN AT THE **LITTLE** **TOWN**. THERE IS ABOUT A MILE DIFFERENCE BETWEEN THE TWO TOWN~~W~~S. DIDN'T AT FIRST SEE BUT A FEW OF THEM— THREE OR FOUR AT THE MILL~~L~~ GETTING A GRIST DOWN **OF** ~~WITH~~ SOME WHEA~~R~~**T** THAT TH~~A~~EY HAD BOUGHT FROM MR. JACKSON. ~~I~~	PEOPLE WERE FORBIDDEN TO TRADE WITH THEM THAT THERE WAS A GREAT DEAL OF FEELINGS SOME WAY OR ANOTHER AND IT MADE ME FEEL TO TELL THE TRUTH BAD ABOUT IT FINALLY THE COMPANY CAME ON TO CEDAR CITY AND I HAPPENED TO BE DOWN AT THE *LOWER/LITTLE*[?] TOWN MILE DIFFERENCE BETWEEN UPPER TOWN AND LOWER TOWN DIDN'T SEE BUT A FEW OF THEM I SAW A FEW OF THEM AT THE MILL GETTING GRIST GROUND AND

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RT	RS	BT	PS
I WENT ON UP HOME TO THE UPPER CITY — THIS WAS PROBABLY MIGHT HAVE BEEN FRIDAY—I HEARD THERE WAS SOME DISTURBANCE FROM THE EMIGRANTS SWEARING IN TOWN AND I HEARD JOHN M. HIGBEE HAD FINED THEM ———— JUDGE SUTHERLAND FOR DEFENSE OBJECTED TO THE WITNESS RELATING HEARSAY TESTIMONY. WIT.: HOWEVER, LET THAT GO AS IT WILL, DON'T MATTER MUCH HERE OR THERE — HOW~~W~~EVER, THIS I THINK WAS ABOUT FRIDAY. I REMEMBER IT MUST HAVE BEEN ABOUT FRIDAY, TO THE NEAREST OF MY RECOLLECTION.	I WENT ON UP HOME TO THE UPPER CITY THIS WAS PROBABLY MIGHT HAVE BEEN FRIDAY I HEARD THERE WAS SOME ≤DISTURBANCE ≥ FROM EMIGRANTS SWEARING IN TOWN {AND I HEARD THAT JOHN M. HIGBEE HAD FINED THEM}[i] BY SUTHERLAND WE DO NOT CONSENT THAT HEARSAY. HOWEVER LET THAT GO AS IT WILL DON'T MATTER MUCH HERE OR THERE HOWEVER. THIS I THINK WAS ABOUT FRIDAY, {I REMEMBER}[i] MUST HAVE BEEN ABOUT FRIDAY. {TO THE NEAREST OF MY RECOLLECTION.	~~WENT~~ [3] I WENT ON UP HOME TO THE UPPER CITY. THIS WAS PROBABL~~E~~**Y**— MIGHT HAVE BEEN **F**RIDAY. I HEARD THERE WAS SOME DISTURBANCE THROUGH THE EMIGRANTS SWEARING IN T~~W~~OWN AND I HEARD THAT JOHN M. HIGBEE HAD FINED THEM. **M**[R] SUTHERLAND: WE DON'T WANT THAT HEARSAY. WITNESS:— HOWEVER LET THAT GO AS IT WILL, IT DON'T MAKE MUCH DIFFERENCE HERE NOR THERE. THIS I THINK WAS ABOUT **F**RIDAY — IF I REMEMBER IT MUST HAVE BEEN ABOUT FRIDAY TO THE NEAREST OF MY RECOLLECTIO~~J~~N	WENT ON UP HOME IN THE UPPER CITY [*space*] THIS WAS PROBABLY FRIDAY. I HEARD THERE WAS SOME DISTURBANCE THESE EMIGRANTS SWEARING IN TOWN AND I HEARD THAT JOHN M HIGBEE HAD FINED THEM OBJECTED TO HEARSAY [*space*] ~~I DO THINK~~ HOWEVER LET THAT GO AS IT WILL [*space*] THIS I THINK WAS ABOUT FRIDAY I REMEMBER MUST HAVE BEEN ABOUT FRIDAY TO THE NEAREST OF MY RECOLLECTION

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RT	RS	BT	PS
THIS COMPANY WENT ON FROM THERE AND STILL I HEARD HARD RUMORS —	}[i] THIS COMPANY WENT ON FROM THERE AND STILL {I}[i] HEARD HARD RUMORS	. THIS COMPANY WENT ON FROM THERE AND I STILL HEARD RUMORS THAT	THIS COMPANY WENT ON FROM THERE AND I STILL HEARD RUMORS THAT IS NOT EVIDENCE NOW
I SHANT SAY NOTHING ABOUT,	I SHALL NOT SAY ANYTHING ABOUT.	I SHALL NOT SAY ANYTHING ABOUT NOW.	I AM ONLY TELLING —[?] GO ALONG FURTHER [*space*]
BUT ON THE SUNDAY IT WAS THE USUAL CUSTOM TO HAVE MEETINGS OF THE PRESIDENTS AND HIS COUNSEL,— THE HIGH COUNCIL—	ON {THE}[i] SUNDAY {AS}[i] WAS CUSTOM OF HAVING MEETINGS PRESIDENT IN COUNCIL HIGH COUNCIL BISHOP AND	ON THE SUNDAY, AS WAS THE **USUAL** CUSTOM **WAS** OF HAVING MEETINGS, AND PRESIDENT AND COUN~~CE~~SIL, HIGH COUNCILS, BISHOPS	ON SUNDAY AS WAS THE USUAL CUSTOM WAS OF HAVING MEETINGS AND PRESIDENT AND COUNSELOR AND *BISHOP*[?] AND COUNSELOR AND HIGH
THEY MEET AND TALK	COUNCIL TALK	COUNCILS **ALL** ~~IN~~ THE AFTERNOON AND TALKING THINGS AND	COUNCIL IN THE AFTERNOON AND TALKED
MATTERS AND THING OVER, AND DIRECTLY WHEN THE COUNCIL MET THIS THING CAME UP;	MATTERS THINGS OVER, AND DIRECTLY WHEN COUNCIL MET {THIS THING CAME UP}[i]	MATTERS OVER; AND DIRECTLY WHEN THE COUNCIL MET THIS THING CAME UP. Q. I WILL ASK YOU IF YOU HELD ANY POSITION AND	MATTERS AND THINGS OVER AND DIRECTLY WHEN THE COUNCIL MET THIS THING CAME UP $_{Q}$[101] IF YOU ~~HEAR~~ HELD ANY POSITION AND

101. Most of the $_{Q}$ and $_{A}$ additions are in Rogerson's hand.

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RT	RS	BT	PS
I ACTED AS BISHOP, NOT IN ANY MILITARY WAY OR ORDER. SUTHERLAND FOR DEFENSE OBJECTED TO THE STATEMENT WITH RESPECT TO THAT COUNCIL AS BEING A MATTER BETWEEN OTHER PARTIES, UNLESS THE QUESTION IS PUT IN ANOTHER FORM WE OBJECT TO IT. COURT: THE PROSECUTION PROPOSE TO CONNECT THE QUESTION WITH IT AND THE COURT RULES HE MAY STATE REASONS. *[57]* SUTHERLAND: - THIS IS NOT A CHARGE OF COMBINATION.	I DID AS BISHOP, NOT IN ANY MILITARY WAY BY SUTHERLAND I OBJECT TO STATEMENT {OF THE}[i] COUNCIL. THAT IS MATTER BETWEEN OTHER PARTIES UNLESS QUESTION IS PUT WE OBJECT TO IT BY COURT THEY PROPOSE TO CONNECT QUESTION WITH IT {THE}[i] COURT RULE STATING REASONS. BY SUTHERLAND THIS IS NOT A CHARGE OF COMBINATION IF YOUR HONOR PLEASE.	IF SO WHAT? A. I WAS NOT IN ANY MILITARY ORDER, I WAS A BISHOP. **M**$^{\underline{R}}$ SUTHERLAND: WE OBJECT TO THE STATEMENT ABOUT~~E~~ THE COUNCIL. THAT IS A MATTER BETWEEN OTHER PARTIES. UNLESS THE QUESTION IS PUT IN ANOTHER FORM WE OBJECT TO IT. **M**$^{\underline{R}}$ BASKIN: WE WILL CONNECT IT. ~~WITH IT..~~ COURT: THEY PROPOSE TO CONNECT THE QUESTION WITH IT. **M**$^{\underline{R}}$ SUTHERLAND: THIS IS NOT A CHARGE OF COMBINATION;	IF SO WHAT [*space*] I WAS NOT IN ANY MILITARY ORDER I A BISHOP [*space*] SUTHERLAND OBJECTED TO THE STATEMENT OF THAT THE COUNCIL AS IT IS A MATTER BETWEEN OTHER PARTIES [*space*] ~~COURT~~ BASKIN WE WILL CONNECT IT WITH IT. SUTHERLAND JOHN D. LEE IS CHARGED IN THIS INDICTMENT IN THAT COUNT OF IT ON WHICH HE

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RT	RS	BT	PS
JOHN D. LEE IS CHARGED WITH MURDER, NOT WITH COMBINING WITH ANYBODY, BUT THESE NINE PERSONS ARE CHARGED WITH HAVING COMMITTED MURDER AND NOW THERE IS ONLY ONE OF THEM ON TRIAL. MY OBJECTION TO THE WITNESSES EVIDENCE IS, HE IS PROCEEDING TO GIVE THE DETAILS OF A MEETING OF A CHURCH COUNCIL, MR. LEE WAS NOT THERE, AND IT IS BETWEEN OTHER PARTIES, AND INCOMPETENT. IT MUST FIRST APPEAR THAT JOHN D. LEE WAS THERE. IT IS YOUR DUTY TO CONNECT HIM WITH IT, BEFORE YOU TELL THAT, AND UNTIL IT	JOHN D. LEE IS CHARGED WITH MURDER NOT WITH COMBINING WITH ANYBODY AND {OF}[i] THESE 9 PERSONS COMMITTED MURDER ONLY ONE OF THEM ON TRIAL NOW MY OBJECTION TO EVIDENCE HE IS PROCEEDING TO GIVE *HIS/AS*[?] IS MEETING OF A CHURCH COUNCIL IF MR. LEE WAS NOT THERE IT IS BETWEEN OTHER PARTIES AND INCOMPETENT IT MUST FIRST APPEAR THAT JOHN D. LEE WAS THERE. {BY}[i] SUTHERLAND IT IS YOUR DUTY TO CONNECT HIM WITH {IT}[i] BEFORE HAND UNTIL THAT	JOHN D. LEE IS CHARGED WITH MURDER, NOT WITH COMBINING WITH ANYBODY. IF MR. LEE WAS NOT THERE**,** IT IS INCOMPETENT. IT IS YOUR DUTY TO CONNECT ~~IT~~ HIM WITH IT.	IS NOW BEING TRIED —[?] WITH MURDER NOT WITH COMBINING WITH ANYONE. IF MR. LEE WAS NOT THERE IT IS INCOMPETENT. SUTHERLAND IT IS YOUR DUTY TO CONNECT IT *IN*[?]

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RT	RS	BT	PS
MANIFESTLY APPEARS IT IS USELESS TO TAKE THE WITNESSES EVIDENCE OF WHAT TOOK PLACE AT THAT~~MEEEING~~ ~~<~~MEETING~~>~~	MANIFESTLY APPEARS IT IS USELESS TO TAKE WITNESSES EVIDENCE,		
UNLESS HE CAN SAY JOHN D. LEE WAS ONE OF THAT COUNCIL. THE	UNLESS HE CAN SAY JOHN D. LEE WAS ONE OF THAT COUNCIL	UNLESS YOU CAN **SHOW** ~~SHWO~~ THAT JOHN D. LEE WAS ONE OF THAT COUNCIL THE STATEMENT OF THE	UNLESS HE CAN SHOW THAT JOHN D. LEE WAS ONE THE STATEMENT
PROCEEDINGS OF THAT COUNCIL ARE INCOMPETENT. COURT: EITHER PARTY CAN COMMENCE EITHER AT THE MIDDLE, BEGINNING OR THE END OF THE MATTER, IT IS THE RULE I HAVE BEEN USED TO FOR MANY YEARS AND I THINK IT IS THE BEST RULE.	PROCEEDINGS OF *[20]* OF THAT COUNCIL IS INCOMPETENT. BY COURT EITHER PARTY CAN COMMENCE EITHER MIDDLE BEGINNING OR END OF THE MATTER. IT IS RULE I HAVE BEEN USED TO FOR MANY YEARS I THINK IT IS BEST RULE.	PRO~~V~~CEEDINGS OF THAT COUNCIL IS INCOMPETENT. COURT: EITHER PARTY CAN COMMENCE EITHER AS THE BEGINNING OR MIDDLE OR END OF ANY OF THEIR TESTIMONY. IT IS A RULE I HAVE BEEN USED *[4]* TO FOR MANY YEARS AND I THINK IT IS THE BEST RULE. THEY PROMISED TO CONNECT THE DEFENDANT WITH THIS, IF	PROCEEDINGS OF THAT COUNCIL IS INCOMPETENT [*space*] COURT EITHER PARTY CAN COMMENCE AT THE BEGINNING OR MIDDLE OR *[[35]]* END OF THEIR TESTIMONY [*space*] I THINK IT IS THE BEST RULE THEY PROMISE TO CONNECT THE DEFENDANT WITH THIS IF

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RT	RS	BT	PS
SUTHERLAND:	BY SUTHERLAND:	THEY DON'T THE COURT WILL HAVE IT STRICKE N OUT. — **M**$^{\underline{R}}$ SUTHERLAND: ~~UNTIL IT APPEARS THAT JOHN~~	THEY DON'T THE COURT WILL {STRIKE IT OUT}[i]
YOUR HONOR WILL NOTE OUR EXCEPTIONS TO THAT RULE, UNTIL IT APPEARS THAT JOHN D. LEE WAS A PART OF THAT COUNCIL OR WAS PRESENT.	YOUR HONOR WILL NOTE OUR EXCEPTIONS TO THAT RULING UNTIL IT APPEARS THAT JOHN D. LEE WAS PART OF THAT COUNCIL OR PRESENT.	YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION TO THAT RULING TILL IT APPEARS THAT JOHND. LEE WAS A MEMBER OF THAT COUNCIL OR WAS PRESENT. ~~OBJECTION OVERRULED EXCEPTION.~~ **M**$^{\underline{R}}$	<*BUT/TO*[?] *I/HE/THEY*[?] UNTIL IT APPEARS THAT JOHN D. LEE WAS MEMBER OF IT> [*space*] OBJECTION OVERRULED EXCEPTION [*space*]
BASKIN. Q. GO ON AND STATE ?	BY BASKIN GO ON AND STATE {**SMITH**}[i]	BASKIN: GO ON AND STATE WHAT TOOK PALCE AT THAT COUNCIL? A.	STATE WHAT TOOK PLACE AT THAT COUNCIL [*space*]
A. THIS QUESTION OF THESE EMIGRANTS AND THEIR DESTRUCTION CAME BEFORE US AT THAT TIME AND THERE WAS ———— Q. OF WHOM WAS THAT COUNCIL	THIS QUESTION OF THESE EMIGRANTS AND THEIR DESTRUCTION CAME BEFORE US THAT TIME AND THERE WAS {BASKIN OF}[i] WHOM WAS THAT COUNCIL	THIS QUESTION OF THESE EMIGRANTS AND THEIR DESTRUCTION CAME BEFORE US AT THAT TIME AND THERE WAS ———— Q. OF WHOM WAS THAT COUNEIL	THIS QUESTION OF THESE EMIGRANTS AND THEIR DESTRUCTION CAME BEFORE US *THAT DIDN'T*[?] [*space*] OF WHOM WAS THAT COUNCIL

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RT	RS	BT	PS
COMPOSED ? A. HAIGHT, HIGBEE, ~~AND~~MYSELF, COULD NOT TELL THE NAMES. I THINK MORRILL WAS THERE, IRE ALLEN AND WESLEY WILLIS WAS THERE. Q. WHAT IS HIS FULL NAME ? A. IT IS FIRST NAME IS I.C. HAIGHT. Q. WHAT OCCURRED ? *[58]* A. THIS THING WAS TALKED OVER. QUESTION OBJECTED TO BY JUDGE SUTHERLAND FOR DEFENSE. HE IS NOT CONNECTING LEE WITH THIS MATTER. COURT:	COMPOSED $_{A}$ HAIGHT HIGBEE MYSELF COULD NOT TELL ALL THE NAMES I THINK MORRILL {WAS THERE}[i] ~~WAS THERE~~ IRA ALLEN AND WESLEY WILLIS I THINK WAS THERE. {BASKIN WHAT IS HAIGHT'S FULL NAME}[i] HEIGHT'S FIRST NAME IS **I C H** {BASKIN WHAT OCCURRED}[i] THIS THING WAS TALKED OVER {BY}[i] SUTHERLAND WE OBJECT TO THAT QUESTION {BY}[i] SUTHERLAND HE IS NOT CONNECTING HIM WITH IT. COURT RULED	COMPOSED? A. HAIGHT, HIGBEE, M~~I~~YSELF—I COULD NOT TELL ALL THE NAMES OF THEM; MORRILL WAS THERE, IRA ALLEN AND **W**ESSLEY WILLIS I THINK WAS THERE. Q. WHAT IS HAIGHT'S FULL NAME? A. HIS FIRST NAME IS ISAAC C. HAIGHT. Q. WHAT OCCURRED? A. THIS THING WAS TALKED OVER. **M**$^{\underline{R}}$ SUTHERLAND: WE OBJECT TO THAT QUESTION. NOW IT APPEARS AFFIRMATIVELY THAT JOHN D. LEE WAS NOT THERE; AND HE IS NOT CONNECTING HIM WITH IT. COURT: ON THE SAME GROUND THAT THEY HAVE PROMISED TO CONNECT IT	COMPOSED HAIGHT HIGBEE MYSELF AND I COULD NOT TELL ALL THE NAMES I MORRILL WAS THERE IRA ALLEN WESLEY WILLIS I THINK WAS THERE WHAT IS HAIGHT'S NAME [*space*] ISAAC **C** HAIGHT [*space*] WHAT OCCURRED THIS THING WAS TALKED OVER [*space*] SUTHERLAND OBJECT TO [*space*] NOW IT ~~IS~~ APPEARS AFFIRMATIVELY THAT JOHN LEE WAS NOT THERE [*space*] COURT ON THE SAME GROUND THAT THEY HAVE PROMISED TO CONNECT IT

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RT	RS	BT	PS
		THEY MAY DO IT BY SOME OTHER WITNESS.	THEY MAY DO IT BY SOME OTHER WITNESS. THAT IS THE *PRKR/PRM*[?][102] ~~WE HAVE~~ [*space*]
I WILL OVERRULE THE OBJECTION.			OBJECTION OVERRULED
DEFENDANTS COUNSEL THEN AND THERE EXCEPTED TO THE RULING OF THE COURT. AND REMARKED:		DEFENDANTS COUNSEL TAKE AN EXCEPTION TO THE RULING OF THE COURT.	EXCEPTION [*space*]
BASKIN PROPOSES TO CONNECT THIS TESTIMONY	BASKIN WAS GOING TO CONNECT		
WITH THE PROCEEDING WITNESS.	WITH THIS AND PROCEED WITNESS.		
SU THERLAND STRONGLY ARGUED THE GROUNDS OF THE OBJECTION AND ASKED THE COURT TO ~~DO~~ DIRECT THE REPORTER TO NOTE HIS OBJECTIONS. Q.	REMARKS BY SUTHERLAND OVERRULED BY COURT I WISH EXCEPTION CONTRARY. BASKIN	Q.	
GO ON AND STATE WHAT HAPPENED THERE? A. THIS QUESTION CAME UP. THERE WAS	GO ON AND {STATE WHAT HAPPENED}[1] THERE THIS QUESTION CAME UP. THERE WAS	GO ON AND STATE WHA**T** HAPPENED THERE? A. THIS QUESTION CAME UP, AND THERE WAS	STATE WHAT HAPPENED THERE THIS QUESTION CAME UP AND THERE WAS

102. Possible intent is “PROBLEM”.

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RT	RS	BT	PS
SOME BRETHREN THERE THAT WERE OPPOSED TO SUCH A PROPOSITION; I OPPOSED IT, OTHERS OPPOSED IT. HAIGHT JUMPED UP IN A ROW AND BROKE UP THE MEETING, AND WENT OUT OF DOORS. THE PROPOSITION WAS MADE THERE THAT QUESTION I ASKED THEM WAS THIS: WHAT WOULD BE THE CONSEQUENCES PROVIDED SUCH A THING SHOULD TAKE PLACE. Q. WHAT DID THEY PROPOSE TO DO? A. THEY DID NOT PROPOSE ANYTHING THERE, IN PARTICULAR.	SOME BRETHREN ~~HOWEVER~~ {? THAT WERE}[i] OPPOSED SUCH A PROPOSITION I OPPOSED IT. OTHERS OPPOSED HAIGHT JUMPED UP IN ROW BROKE UP MEETING {AND}[i] WENT OUT DOORS. PROPOSITION {WAS MADE THERE QUESTION I ASKED}[i] THE{M}[i] WAS THIS. WHAT WOULD {BE THE}[i] CONSEQUENCES PROVIDED SUCH A THING SHOULD TAKE PLACE. {WHAT DID THEY PROPOSE TO DO}[i] THEY DID NOT PROPOSE ANYTHING THERE IN {PARTICULAR}[i]	SOME **OF THE** BRETHREN OPPOSED TO SUCH A PROPOSITION~~:~~**;** AND WHEN IT CAME TO MY TURN I OPPOSED IT **T**HERE WERE OTHERS THAT WERE **OPPOSED TO IT** TOO. HAIGHT JUMPED UP AND BROKE UP THE MEETING AND WENT OUT DOORS. THERE A PROPOSITION WAS MADE THERE**.** **T**THE QUESTION I ASKED THEM WAS THIS: WHAT WOULD BE THE CONSEQUENCES PROVIDED SUCH A THING SHOULD TAKE PLACE. Q. WHAT DID THEY PROPOSE TO DO? *[5]* A. THEY DIDN'T PROPOSE TO DO ANYTHING IN PARTICULAR	SOME OF THE BRETHREN THAT WERE VERY OPPOSED SUCH A PROPOSITION AND WHEN IT CAME TO MY TURN I OPPOSED IT THERE WAS *OTHER/VERY*[?] FEW THAT [*space*] HAIGHT JUMPED UP AND BROKE UP THE MEETING AND WENT OUT DOORS THERE WAS A PROPOSAL MADE THERE [*space*] THE QUESTION I ASKED THEM WAS WHAT WOULD THE CONSEQUENCES PROVIDED SUCH A THING SHOULD TAKE PLACE [*space*] WHAT DID THEY PROPOSE TO DO [*space*] THEY DIDN'T PROPOSE ANYTHING PARTICULAR PROPOSED

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RT	RS	BT	PS
THIS THING WAS TALKED OVER AFTER. Q. WHAT WAS SAID ? A. I HAVE STATED ALL I CAN REMEMBER. Q. WHAT WAS THE SUBSTANCE OF WHAT WAS SAID ? A. IT WAS THEIR DESTRUCTION, AND I OPPOSED IT. Q. BY WHOM ? A. THEIR DESTRUCTION WAS PROPOSED BY INDIANS, I CANNOT SAY POSITIVELY THAT WHITES WERE GOING INTO IT FROM THERE. MEETING BROKE UP. ON MONDAY *[59]* MORNING DOWN BELOW THE OLD FORT THERE	THIS THING WAS TALKED OVER WHAT WAS SAID I STATED I HAVE STATED {ALL I CAN REMEMBER}[i] WHAT WAS SUBSTANCE OF WHAT WAS SAID IT WAS THEIR DESTRUCTION, AND I OPPOSED IT. {BASKIN BY WHOM}[i] THEIR DESTRUCTION WAS PROPOSED BY INDIANS I *CAN/CANNOT*[?] SAY POSITIVELY THAT WHITES WERE GOING INTO IT FROM THERE. MEETING BROKE UP ON MONDAY MORNING DOWN BELOW OLD FORT THERE	WHEN THIS THING WAS TALKED ABOUT . Q. WHAT WAS SAID? A. I HAVE STATED ALL THAT I CAN REMEMBER . Q. WHAT WAS THE ~~SUPBSTANCE~~ OF WHAT WAS SAID? A. IT WAS THEIR—THE SUBSTANCE WAS FOR THEIR DESTRUCTION, AND I OPPOSED IT. Q. FOR THEIR DESTRUCTION BY WHOM? A. THEIR DESTRUCTION WAS PROPOSE~~S~~D BY THE **I**NDIANS. I CANNOT SAY POSITIVELY THAT THE WHITES WERE GOING INTO IT FROM THERE. THEN THE MEETING BROKE UP. AND ON MONDAY MORNING DOWN BELOW THE OLD FORT WALL**,** THERE	ONLY THIS THING WAS TALKED ABOUT [*space*] WHAT WAS SAID I HAVE STATED ALL THAT I CAN REMEMBER [*space*] AND WHAT WAS THE SUBSTANCE [*space*] THE SUBSTANCE WAS FOR THEIR DESTRUCTION [*space*] FOR THEIR DESTRUCTION BY WHOM [*space*] BY INDIANS I *CAN/CANNOT*[?] SAY THAT THEY POSITIVELY SAID WHITES THEN [*space*] THEN THE MEETING BROKE UP AND ON MONDAY MORNING DOWN BELOW THE OLD FORT WALL DOWN *[[36]]* BY THE FIELD THERE

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RT	RS	BT	PS
WAS SEVERAL OF US MET TOGETHER AGA IN; I. C. HAIGHT, HIGBEE, MYSELF, JOEL WHITE — DON'T RECOLLECT ANYONE ELSE; TALK CAME OVER AGAIN ABOUT THESE EMIGRANTS COMING. THEY WERE NOT YET AT CEDAR, I GOT ON THE SAME SUBJECT AGAIN AND OPPOSED IT, ASKED QUESTIONS ABOUT IT AND SAID FOR MY PART I WOULD LIKE TO SEE THESE PEOPLE GO THROUGH UNMOLESTED. HAIGHT THEN REPLIED TO ME "YOU MAY GO	WAS SEVERAL OF US MET TOGETHER AGAIN {$_{Q}$WHO $_{A}$}^{i} I **C** **H**, HIGBEE MYSELF JOEL **JOEL** WHITE DON'T RECALL ~~ANYBODY~~ {ANYONE}^{i} ELSE AND THE TALK CAME OVER AGAIN ABOUT EMIGRANTS COMING. THEY WERE NOT THEY WERE NOT {AS YET}^{i} AT CEDAR. I GOT ON SAME SUBJECT AGAIN AND OPPOSED IT ASKED QUESTIONS {ABOUT IT}^{i} AND SAID FOR MY PART I WOULD LIKE TO SEE THIS PEOPLE GO THROUGH UNMOLESTED {|? * * *|}^{i} ~~T~~ ~~UNMOLESTED~~ {HAIGHT THEN REPLIED}^{i} YOU MAY GO	WAS SEVERAL OF US MET TOGETHER AGAIN. Q. WHO? A. ISAAC C. HAIGHT, HIGBEE, MYSELF, **J**OEL WHITE AND I DON'T RECOLLECT ANYONE ELSE; AND THE TALK CAME UP AGAIN ABOUT THESE EMIGRANTS COMING. THEN THEY WERE NOT YET AT CEDAR.. I GOT ON THE SAME SUBJECT AGAIN AND OPPOSED IT, AND ASKED QUESTIONS ABOUT IT, AND SAID FOR MY PART I WOULD LIKE TO SEE THIS PEOPLE GO THROUGH UNM~~P~~OLESTED. HAIGHT THEN REPLIED, "YOU MAY GO	WAS SEVERAL OF US MET TOGETHER AGAIN WHO [*space*] HAIGHT HIGBEE MYSELF JOEL WHITE I DON'T RECOLLECT ANYONE ELSE THE TALK CAME OVER AGAIN ABOUT THESE EMIGRANTS COMING [*space*] THEN THEY WERE NOT YET AT CEDAR [*space*] I GOT ~~THAT WAS~~ ON THE SAME SUBJECT AGAIN AND OPPOSED THEM AND ASKED QUESTIONS ABOUT IT AND SAID FOR MY PART I WOULD LIKE TO SEE THIS PEOPLE GO THROUGH UNMOLESTED HAIGHT THEN REPLIED YOU MAY GO

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RT	RS	BT	PS
WITH MR. WHITE OVER TO PAINTER CREEK, HE WILL TELL THE PEOPLE THERE. THIS IS THE SUBJECT. WE WAS GOING THERE TO TRY TO PACIFY THE INDIANS, AND HAVE THAT PEOPLE GO THROUGH, THAT IS ALL; I WENT OVER THERE, STARTED IN THE AFTERNOON; JOEL WHITE WENT WITH ME; WE STARTED IN THE AFTERNOON, MET JOHN D. LEE ABOUT THE LOWER END OF THE VALLEY PROBABLY TWO AND A HALF MILES FROM TOWN, HE INQUIRED **"**WHERE ARE	WITH MR. WHITE {OVER}[i] TO PINTO CREEK AND HE WILL TELL PEOPLE THERE THIS PEOPLE WAS GOING THROUGH TRY {AND}[i] PACIFY INDIANS HAVE THAT PEOPLE GO THROUGH THAT IS ALL. <DID YOU GO OVER THERE> I WENT OVER THERE STARTED IN THE AFTERNOON <Q WHO ACCOMPANIED YOU> JOEL WHITE WENT WITH ME WE STARTED IN AFTERNOON MET JOHN D. LEE *[21]* ≤DOWN≥ AT THE LOWER END OF FIELD PROBABLY 2 1/2 MILES FROM TOWN. {**LEE ASKS**}[i] WHERE ARE	WITH MR. WHITE OVER TO PINTO~~WITH~~ CREEK WITH A LETTER AND TELL THE PEOPLE THERE THAT THIS PEOPLE SHALL GO THROUGH, AND TRY AND PACIFY THE **I**NDIANS— FOR THAT PEOPLE TO GO THROUGH." THAT IS ALL. Q. DID YOU GO OVER THERE? A. I DID; I WENT OVER THERE; I STARTED IN THE AFTERNOON. Q. WHO ACCOMPANIED YOU? A. JOEL WHITE WENT WITH ME. WE STARTED IN THE ~~IN THE~~ AFTERNOON AND MET JOHN D. LEE DOWN AT THE LOWER END OF THE FIELD — ~~PROBA~~ PROBABLY TWO AND A HALF MILES FROM TOWN. LEE ASKED, ' WHERE **ARE**	WITH MR. WHITE OVER TO PINTO CREEK AND HE WILL TELL THE PEOPLE THERE OVER ~~TO~~ THAT THE PEOPLE SHOULD GO THROUGH THERE TRY TO PACIFY THE INDIANS AND HAVE THAT PEOPLE GO THROUGH THERE [*space*] Q DID YOU GO OVER THERE I DID I STARTED IN THE AFTERNOON WHO ACCOMPANIED YOU JOEL WHITE [*space*] WE STARTED IN THE AFTERNOON AND MET JOHN D. LEE DOWN AT THE LOWER END OF THE FIELD PROBABLY 2 1/2 MILES FROM TOWN. LEE ASKS WHERE ARE

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RT	RS	BT	PS
YOU GOING**”** WHITE REPLIED “WE ARE GOING TO SEE THIS PEOPLE GETS THROUGH UNMOLESTED” HE SAID “ I HAVE SOMETHING TO SAY IN THAT MATTER AND WILL SEE TO IT” WE MADE NO REPLY. WE WENT ON. HE WENT TO CEDAR; I KNEW NOT ANYTHING MORE OF HIM TILL AFTERWARDS.. Q. DID HE SAY ANYTHING MORE TO YOU THEN ? A. IT WAS ALL HE SAID AT THAT TIME. I WENT OUT THAT EVENING, GOT THERE IN THE NIGHT, PASSED THOSE EMIGRANTS, THE COMPANY, AT IRON SPRINGS, FIVE MILES THIS SIDE OF PAINTER	YOU GOING WHITE REPLIED WE ARE GOING TO SEE {THAT}[i] THIS PEOPLE GETS THROUGH UNMOLESTED HE SAID I HAVE SOMETHING TO SAY IN THAT MATTER AND {I}[i] WILL SEE TO IT, WE MADE NO REPLY WE WENT ON HE WENT TO CEDAR I KNEW NOT ANYTHING MORE OF HIM TILL AFTERWARDS. {QUESTION BY BASKIN WAS THAT ALL HE SAID AT THAT TIME}[i] IT WAS ALL HE SAID AT THAT TIME. [*space*] NOW THEN I WENT OUT THAT EVENING GOT THERE IN THE NIGHT PASSED ~~≤~~THOSE~~≥~~ EMIGRANTS COMPANY AT IRON SPRINGS 5 MILES THIS SIDE OF PINTO	YOU GOING?” WHITE REPLIED, THAT **“**WE ARE GOING TO SEE THAT THIS PEOPLE GO THROUGH UNMOLESTED**”**. HE SAID , “I HAVE SOMETHING TO SAY *[6]* IN THAT MATTER AND I WILL SEE TO IT.” WE MADE NO REPLY. WE WENT ON. HE WENT TO CEDAR. I KNEW NOT ANYTHING MORE OF HIM TILL AFTERWARDS. Q. WAS THAT **ALL** HE SAID AT THEA TIME? A. IT WAS ALL HE SAID AT THAT TIME. NOW THEN I WENT OUT THAT EVENING AND GOT THERE IN THE NIGHT— PASSED TH~~EE~~**I**S EMIGRANT~~S~~ COMPANY AT IRON SPRINGS, FIVE MILES OUTSIDE OF PINTO	YOU GOING WHITE REPLIED THAT WE ARE ~~TO~~ GOING TO SEE THAT THIS PEOPLE GO THROUGH UNMOLESTED HE SAID I HAVE SOMETHING TO SAY IN THAT MATTER AND I WILL SEE TO IT [*space*] THEN I KNEW NOT ANYTHING ABOUT HIM UNTIL AFTERWARDS WAS THAT ALL HE SAID AT THAT TIME [*space*] THAT WAS ALL [*space*] I WENT OUT THAT EVENING AND GOT THERE IN THE NIGHT PASSED THIS EMIGRANT COMPANY AT IRON SPRINGS FIVE MILE THIS SIDE OF THE PINTO

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RT	RS	BT	PS
CREEK. NEXT MORNING AS THEY WAS DRAWING OUT FROM CAMP WE PASSED BACK, ON OUR WAY TO GO BACK. Q. HOW MANY OF THE EMIGRANTS WERE THEY ? A. I DIDN'T COUNT THEM. THERE WAS A GOOD MANY. *[60]* Q. HOW MANY WAGONS ? A. I SUPPOSE THEY COMPOSED TWENTY TO THIRTY WAGONS. Q. ABOUT HOW MANY PEOPLE ? A. I COULD NOT TELL YOU HOW MANY; APPEARED AS THOUGH THERE MUST BE A HUNDRED OR MORE. Q. HOW WITH REFERENCE TO	CREEK NEXT MORNING AS THEY WAS {DRAWING}[i] OUT FROM CAMP WE PASSED BACK ON {AND}[i] WENT ON OUR WAY TO GO BACK HOW MANY OF THE EMIGRANT WERE THEY? I DIDN'T COUNT THEM THERE WAS GOOD MANY. {BASKIN OF WHAT CLASS}[i] I {SHOULD}[i] SUPPOSE THEY COMPOSED 20 30 WAGONS ABOUT HOW MANY PEOPLE I COULD NOT TELL YOU HOW MANY? {APPEARED}[i] AS THOUGH THERE MUST BEEN 100 OR MORE. HOW WITH REFERENCE TO	CREEK. AND THE NEXT MORNING AS THEY WAS DRAWING OUT FROM CAMP WE PASSED BACK ~~ON~~ **AND** WENT ON OUR WAY TOGETHER BACK TO CEDAR. Q. HOW MANY OF THE EMIGRANTS WERE T**H**ERE? A. I NEVER COUNTED THEM, THERE WAS A GOOD MAN~~T~~Y. Q. OF WHAT CLASS? A. I SHOULD SUPPOSE THE TRAIN COMPOSED 20 OR 30 WAGONS. Q. ABOUT HAW MANY PEOPLE? A. I COULD NOT TELL YOU. Q. APP~~O~~ROXIMATE ? A. IT APPEARED AS THOUGH THERE WAS A HUNDRED OR MORE. Q. HOW WAS IT WITH REFERENCE TO	CREEK AND NEXT MORNING AS THEY WAS DRAWING OUT FROM CAMP WE PASSED BACK AND WENT ON OUR WAY TO GO BACK [*space*] HOW MANY OF THE EMIGRANTS WERE THERE [*space*] I NEVER COUNTED THEM THERE WAS A GOOD MANY $_{Q}$OF WHAT CLASS [*space*] I SHOULD SUPPOSE TRAIN COMPOSED 20 OR 30 WAGONS ABOUT HOW MANY PEOPLE I COULD NOT TELL YOU [*space*] APPROXIMATE [*space*] APPEARED AS THOUGH HUNDRED OR MORE HOW WAS IT WITH REFERENCE TO

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RT	RS	BT	PS
SEX AND AGE ? A. THERE WERE OLD MEN, MIDDLE AGED MEN, YOUNG WOMEN AND CHILDREN. I CAME ON TOWARDS HOME. MET A MAN NAMED IRA ALLEN BEYOND WHERE WE MET LEE, FOUR MILES. THAT WAS THE DAY FOLLOWING. WE DID NOT KNOW WHAT WAS UP. IRA ALLEN STARTED RIGHT OUT ———— OBJECTED TO BY COUNSEL FOR DEFENDANT. OBJECTION OVERRULED BY THE COURT AND WITNESS INSTRUCTED TO PROCEED WITH HIS EVIDENCE.	SEX AND AGE ? THERE WERE OLD MEN MIDDLE AGED MEN {OLD MEN}[1] YOUNG WOMEN AND CHILDREN. <AFTER YOU PASSED ALONG STATE WHAT OCCURRED> I CAME ON TOWARDS HOME MET MAN NAMED IRA ALLEN BEYOND WHERE WE MET LEE 4 MILES THAT WAS THE DAY FOLLOWING. WE DID NOT KNOW WHAT WAS UP. IRA ALLEN STATED RIGHT OUT *III* OBJECTED TO BY DEFENSE*II* BY COURT GO	SEX AND AGE? A. THERE WAS OLD MEN, MIDDLE AGED MEN, OLD WOMEN, YOUNG WOMEN AND CH**I**LDREN.. Q. AFTER YOU PASSED THEM S**T**ATE WHA**T** OCCURRED? A. I CAME ON TOWARDS HOME AND MET A MAN NAMED IRA ALLEN **BEYOND** WHERE WE MET **L**EE **ABOU**T FOUR MILES. THAT WAS THE DAY FOLLOWING. WE DIDN'T ~~WAS~~ KNOW WHAT WAS UP AND IRA ALLEN STATED **R**IGHT OUT ———— OBJECTED TO BY MR. SUTHERLAND. **M**$^{\underline{R}}$ BASKIN: WE WILL CONNECT MR. ALLEN AS ONE OF THE CONSPIRATORS IN THIS AFFAIR. COURT: GO	SEX AND AGE THERE WERE OLD MEN MIDDLE AGED MEN OLD WOMEN YOUNG WOMEN AND CHILDREN *[[37]]*[103] AFTER YOU PASSED THEM STATE WHAT OCCURRED I CAME ON HOME AND MET MAN NAMED IRA ALLEN BEYOND WHERE WE MET LEE ABOUT 4 MILES BEYOND THAT [*space*] THAT WAS THE DAY FOLLOWING [*space*] WE DIDN'T KNOW WHAT WAS UP AND IRA ALLEN STATED RIGHT OUT OBJECTED TO [*space*] WE WILL CONNECT MR. ALLEN AS ONE OF THE CONSPIRATORS IN THIS AFFAIR

103. Doodling on the verso of page 37.

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RT	RS	BT	PS
DEFENDANTS COUNSEL THEN AND THERE DULY EXCEPTED TO THE RULING OF THE COURT. Q. GO ON AND STATE WHAT OCCURRED ? A. HE STATED THE EMIGRANTS DOOM — OF THE~~S~~M EMIGRANTS — THAT WHEN THEY GOT OUT THERE — WAS SEALED. THAT THEIR DIE WAS CAST FOR THEIR DESTRUCTION. JOHN D. LEE HAD ORDERS FROM HEAD-QUARTERS AT PAROWAN TO TAKE MEN, GO AROUND BELOW AND GO OUT. HE HAD ORDERS TO GO TO PAINTER CREEK AND	AHEAD NOTE OUR EXCEPTION BY DEFENSE. *IIII* {GO ON AND STATE WHAT OCCURRED}[i] BASKIN HE STATED {THE EMIGRANTS}[i] DOOM {OF THE}[i] EMIGRANTS {THAT WENT}[i] OUT THERE WAS SEALED THAT THEIR DIE WAS CAST FOR THEIR {DESTRUCTION}[i] . JOHN D. LEE HAD ORDERS FROM HEAD QUARTERS AT PAROWAN {*IIII*}[i] TAKE ~~WOMEN~~ ~~<~~MEN~~>~~ ~~WOMEN~~ TO GO AROUND BELOW AND GO OUT. ~ {*IIII* HE HAD}[i] ORDERS TO GO TO PINTO CREEK AND	AHEAD, THE OBJECTION IS OVERRULED. **M**[R] SUTHERLAND: NOTE OUR EXCEPTION . Q. GO ON AND STATE WHAT OCCURRED. *[7]* A. HE SAID THAT THE **DOOM OF** ~~EMIGRANTS DOOMED —~~ THE EMIGRANTS THAT WENT OUT THERE WAS SEALED, THAT THE~~IR~~ DIE WAS CAST, THE DOOM FIXED FOR THEIR DESTRUCTION, THAT JOHN ~~E~~D. LEE HAD ORDERS FROM HEAD QUARTERS AT PAROWAN TO TAKE MEN — GO AROUND BELOW AND GO OUT. HE HAD ORDERS TO GO TO PINTO CREEK AND	OBJECTION OVERRULED EXCEPTION [*space*] ~~BASKIN I NOW SUGGEST WHENEVER THERE IS~~ [*space*] GO ON AND STATE WHAT OCCURRED HE STATED THAT THE *D*[?] ~~EMIGRANTS~~ DOOM OF THE EMIGRANTS THAT WENT OUT THERE WAS SEALED THAT THE DIE WAS CAST THE DOOM FIXED FOR THEIR DESTRUCTION THAT JOHN D. LEE HAD ORDERS FROM HEAD QUARTERS {AND}[i] FROM PAROWAN TO TAKE MEN GO AROUND AND GO OUT

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RT	RS	BT	PS
COUNTERMAND WHAT I AND MR. WHITE HAD BEEN TO PAINTER CREEK AND DONE. Q. WHAT ELSE WASDONE THEN ? A. I KNOW NOTHING MORE ABOUT IT. I WENT HOME; WHITE LIVED IN THE LOWER PART OF THE TOWN AND I WENT UP TO MY PLACE VERY FATIGUED FROM RIDING. *[61]* I DON'T KNOW ANYTHING MORE ABOUT WHAT WAS GOING ON, ONLY RUMORS, TILL ABOUT THREE DAYS AFTERWARDS. THEN HAIGHT, LIVING OVER AT THE IRON WORKS IN A LITTLE HOUSE, SENT DAN MACFARLANE THERE TO ME TO COME OVER THERE. I	{**COUNTERMAN D**}[i] RE MAND WHAT {MR. WHITE AND}[i] I HAD BEEN TO PINTO CREEK AND DONE. {*IIII* WHAT ELSE WAS DONE}[i] THEN. I KNOW NOTHING MORE ABOUT IT I WENT HOME WHITE LIVED IN LOWER TOWN I WENT UP MY PLACE VERY FATIGUED {FROM}[i] RIDING. DIDN'T KNOW ANYTHING MORE ABOUT WHAT WAS GOING ON ONLY RUMORS TILL ABOUT THREE DAYS AFTERWARDS. [*space*] THEN HAIGHT LIVING OVER {AT THE}[i] IRON WORKS IN LITTLE HOUSE SENT DAN MACFARLANE {OVER}[i] TO ME TO COME OVER THERE I	COUNTERMAND WHAT I AND MR. WHITE HAD BEEN TO PINTO CREEK AND TRIED TO DO. Q. WHAT ELSE WAS DONE THEN? A. I KNOW NOTHING MORE ABOUT IT. I WENT HOME. WHITE LIVED IN THE LOWER TOWN AND I WENT UP TO MY PLACE PRETTY FATIGUED FROM RIDING. I DON'T KNOW ANYTHING MORE ABOUT WHAT WAS GOING ON ONLY ABOUT RUMORS TILL ABOUT THREE DAYS AFTERWARDS; THEN HAIGHT LIVING OVER AT THE IRON WORKS IN A LITTLE HOUSE**,** SENT DOWN MACFARLANE THERE ~~TO ME~~ TO ME TO COME OVER THERE. I	RE≺COUNT≻MA ND WHAT I AND MR. WHITE HAD TRIED TO DO [*space*] WHAT ELSE WAS DONE I KNEW NOTHING MORE ABOUT IT I WENT HOME WHITE LIVED IN THE LOWER TOWN AND I WENT UP TO MY PLACE PRETTY FATIGUED FROM RIDING I DIDN'T KNOW ANYTHING MORE ABOUT WHAT WAS GOING ON ≺ONLY BY RUMORS≻ UNTIL ABOUT 3 DAYS AFTERWARDS AND THEN HAIGHT LIVING OVER AT THE IRON WORKS SENT DAN MACFARLANE OVER TO ME TO COME OVER THERE I

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RT	RS	BT	PS
WENT OVER BEHIND HIS HOUSE. HE THERE TOLD ME THIS STORY: DEFENSE INTERPOSE OBJECTION AS TO ANYTHING THAT HAIGHT MAY HAVE TOLD THIS WITNESS. THE COURT OVERRULED THE OBJECTION. DEFENDANTS COUNSEL THEN AND THERE DULY EXCEPTED TO THE RULING OF THE COURT. DEFENDANTS COUNSEL: IT IS ENTIRELY HEARSAY TESTIMONY AND DOES NOT AFFECT MR. LEE IN THIS CASE, AND THERE IS NO CONCERT OF ACTION ALLEGED IN THE INDICTMENT.	WENT OVER {BEHIND HIS}[i] HOUSE HE THERE TOLD {TO}[i] ME THIS STORY [*space*] *[22]* BY HOGE WE OBJECT TO ANYTHING MR. HAIGHT MAY HAVE TOLD THIS WITNESS. OBJECTION OVERRULED OBJECTION NOTED. THIS IS HEARSAY TESTIMONY WE OBJECT TO IT BECAUSE IT IS HEARSAY AND DOES NOT AFFECT MR. LEE HEARSAY IN THE CASE. NO CONCERT OF ACTION ALLEGED IN INDICTMENT.	WENT OVER BEHIND HIS HOUSE. HE THERE TOLD TO ME THIS STORY. **E. D.** H**O**G~~U~~E **FOR DEFENSE**: WE OBJECT TO ANYTHING MR. HAIGHT MAY HAVE TOLD THIS WITNESS. OBJECTION OVERRULED. DEFENDANTS TAKE EXCEPTION.	WENT OVER BEHIND HIS HOUSE HE THERE THEN TO ME THIS STORY ~~<~~HOGE~~>~~ OBJECTED TO <ON THE GROUNDS [*space*] BECAUSE IT IS HEARSAY AND BECAUSE IT DOES NOT AFFECT MR. LEE RELATIVE TO THE CASE UPON ANY CONCERT OF ACTION ALLEGED IN THE INDICTMENT AND NONE ESTABLISHED

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RT	RS	BT	PS
			SO FAR> ANYTHING MR. HAIGHT MAY HAVE TOLD THIS WITNESS OBJECTION OVERRULED EXCEPTION
WIT.: LEE, HE TOLD ME, SAYS HE “THERE WAS ORDERS CAME IN FROM CAMP LAST NIGHT” SAYS HE “THEY HADN’T GOT ALONG AS THEY ANTICIPATED” NEWS CAME IN TO ME FOR RE- INFORCEMENTS, AND I IMMEDIATELY WENT UP TO PAROWAN, AND THERE GOT FURTHER ORDERS WHAT TO DO. Q. DID HE SAY WHO GAVE THESE ORDERS ? A. YES SIR. I WILL SAY BY AND BY. HE SAID HE CAME HOME IN THE NIGHT WITH THESE	WELL HE TOLD ME SAYS HE THERE WAS ORDERS CAME IN FROM CAMP LAST NIGHT SAYS HE THEY HAD NOT GOT ALONG AS THEY ANTICIPATED NEWS CAME IN TO ME FOR RE- INFORCEMENTS AND I IMMEDIATELY WENT UP TO PAROWAN, AND THERE GOT FURTHER ORDERS WHAT TO DO. {Q DID HE}^{i} SAY {WHO}^{i} GAVE THESE ORDERS YES SIR I WILL SAY BY AND BY. HE SAID {HE}^{i} CAME HOME IN THE NIGHT WITH THESE	WITNESS: HE TOLD ME THERE WAS ORDERS CAME IN FROM CAMP LAST NIGHT . SAYS HE, “ THEY HADN’T GOT ALONG AS THEY EX~~PECTED~~ ANTICIPATED, AND THE NEWS CAME IN TO ME FOR REINFORCEMEN TS AND I” SAYS HE, “ IMMEDIATELY WENT OVER TO **P**AROWAN AND THE**R**E GOT FURTHER ORDERS WHAT TO DO.” Q. DID HE SAY WHO GAVE THESE ORDERS? A. YES ,SIR, I WILL SAY BY AND BY. HE SAID HE CAME HOME IN THE NIGHT WITH THESE	[*space*] WITNESS [*space*] HE TOLD ME THAT WAS WELL THERE WAS ORDERS CAME IN FROM CAMP LAST NIGHT THEY HADN’T GOT ALONG AS THEY ANTICIPATED AND THE NEWS CAME IN TO ME FOR REINFORCEMEN TS AND I SAYS HE IMMEDIATELY WENT UP TO PAROWAN, AND THERE GOT FURTHER ORDERS WHAT TO DO [*space*] DID HE SAY WHO GAVE THESE ORDERS YES SIR I WILL SAY BY AND BY [*space*] HE SAID HE CAME HOME IN THE NIGHT WITH THESE

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RT	RS	BT	PS
ORDERS FROM COL.DANE THAT IN ORDER TO FINISH THE MASSACRE WAS TO DECOY THEM OUT, AND TO SPARE NOTHING BUT THE SMALL CHILDREN THAT COULD NOT TELL THE TALE. THAT IS WHAT HE TOLD ME. Q. PROCEED ? A. I WENT DOWN TO THE OLD TOWN DIRECTLY. LEE TOLD ME TO GO DOWN THERE. I HAPPENED TO COME RIGHT IN FRONT OF IRA ALLEN'S HOUSE AND SAW JOHN M. HIGBEE AND IRA ALLEN, CHARLES HOPKINS WAS RIGHT	ORDERS FROM COLONEL {DAME}[i] ~~MK~~ {THAT}[i] IN ORDER TO FINISH MASSACRE THEY WAS TO DECOY THEM OUT AND TO SPARE NOTHING BUT THE SMALL CHILDREN THAT COULD NOT TELL THE TALE. THAT IS WHAT HE TOLD ME. BY BASKIN PROCEED I WENT DOWN TO THE OLD TOWN THEN DIRECTLY TOLD ME GO DOWN THERE I HAPPENED COME RIGHT IN FRONT OF IRA ALLEN'S HOUSE ≤*≥ THERE J M HIGBEE *IRA ALLEN*[?] FIRST RUNNER OUT CHARLES HOPKINS WAS RIGHT	ORDERS FROM COLONEL DAME THAT IN ORDER TO FINISH THE MASSACRE THEY WAS TO DECOY THEM OUT AND TO SPARE NOTHING BUT THE SMALL CHILDREN THAT COULD NOT TELL THE TALE. THAT IS WHAT HE ~~M~~TOLD ME. I WENT DOWN TO THE OLD TOWN THEN DIRECTLY. HE TOLD ME ~~OT~~ **TO** GO DOWN THERE AND I HAPPENED TO COME RIGHT IN FRONT OF IRA ALLEN'S HOUSE. THERE JOHN M. HIGBEE, IRA ALLEN, **&** CHARLEY HOPKINS WERE RIGHT ~~IN FRONT OF HIS DOORYARD, AND AS I~~	ORDERS FROM COLONEL DAME THAT IN ORDER TO FINISH MASSACRE WAS TO DECOY THEM OUT *[[38]]*[104] AND TO SPARE NOTHING BUT THE SMALL CHILDREN THAT COULD NOT TELL THE TALE THAT IS WHAT HE TOLD ME.[105] I WENT DOWN TO THE OLD TOWN THEN DIRECTLY HE TOLD ME TO GO DOWN THERE AND I HAPPENED TO COME RIGHT IN FRONT OF IRA ALLEN'S HOUSE HIGBEE IRA ALLEN AND CHARLEY HOPKINS WAS RIGHT

104. On the verso of p. 38: (I WILL DESCRIBE).
105. Rogerson's hand symbol.

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RT	RS	BT	PS
IN FRONT OF HIS DOOR *[62]* YARD. I SPOKE UP TO THEM — JOHN M. HIGBEE SAYS HE "YOU ARE ORDERED OUT ARMED AND EQUIPPED AS THE LAW DIRECTS TO GO TO THE MOUNTAIN MEADOWS," SO I WENT. OBJECTED TO BY DEFENDANT'S COUNSEL. :THIS IS NO PART OF THE EVIDENCE AND NOTHING TO DO WITH THE EVIDENCE. IT SHOWS ONLY THAT HE HEARD THE STATEMENT OF JOHN M. HIGBEE, AND THAT IS NOT CONNECTED WITH MR. LEE. OBJECTION OVERRULED BY THE COURT ON THE SAME GROUNDS AS THE OTHER. DEFENDANTS COUNSEL THEN	IN FRONT OF HIS DOOR YARD I STEPPED UP TO THEM JOHN M HIGBEE SAYS HE YOU ARE ORDERED OUT ARMED EQUIPPED AS LAW DIRECTS TO GO MOUNTAIN MEADOWS. SO I WENT. BY HOGE IF YOUR HONOR PLEASE THIS IS AN OTHER PARTY ~~PART~~ OF {EVIDENCE THE}[i] WITNESS BROUGHT IN. SHOWS NOW HERE IS STATEMENT OF J M HIGBEE NOT CONNECTED WITH MR. LEE COURT OVERRULED ON THE SAME GROUNDS AS THE OTHER.	~~STEPPED UP TO THEM~~ *[8]* ~~WERE RIGHT~~ IN FRONT OF HIS DOORYAR~~S~~D AND AS I STEPPED UP. JOHN M: HIGBEE SAYS HE, ~~Y~~"YOU ARE ORDERED OUT ARMED AND EQUIPPED AS THE LAW DIRECTS TO GO TO THE MOUNTAIN MEADOWS," AND SO I WENT. **E. D.** HOGE: IF YOUR HONOR PLEASE THIS IS ANOTHER PARTY THAT THE WITNESS HAS BROUGHT IN AND MAKES STATEMENTS OF JOHN M.HIGBEE THAT ARE NOT CONNECTED WITH MR. LEE. COURT I WILL OVERRULE THE OBJECTION ON THE SAME GROUND AS BEFORE.	IN FRONT OF HIS DOORYARD AND AS I STEPPED UP SAYS HE YOU ARE ORDERED OUT ARMED AND EQUIPPED AS THE LAW DIRECTS TO GO TO THE MOUNTAIN MEADOWS AND SO I WENT [*space*] THIS IS ANOTHER PARTY THAT THE WITNESS HAS NOT BROUGHT IN [*space*] IT SHOWS NOW THAT HERE IS A STATEMENT OF JOHN M HIGBEE ON THE SAME GROUNDS AS BEFORE [*space*] OBJECTION OVERRULED

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RT	RS	BT	PS
AND THERE DULY EXCEPTED TO THE RULING OF THE COURT.		EXCEPTION.	EXCEPTION [*space*]
WIT.: I WENT AND FITTED UP MY ANIMAL, MY GUN AND AMUNITON AND WENT OUT;	I WENT AND FITTED UP MY ANIMAL {X}[i] MY GUN AMMUNITION AND WENT OUT. <Q{WHO}[i] WENT ALONG> A	A. I WENT AND FITTED UP, GOT MY ANIMAL AND GUN AND AMUNITION AND WENT OUT. Q. WHO WENT WITH YOU? A.	I WENT AND FITTED UP GOT MY ANIMAL AND GUN AND AMMUNITION AND WENT OUT [*space*] WHO WENT WITH YOU [*space*]
CHARLEY HOPKINS WENT OUT WITH ME AND JOHN M. HIGBEE, AND I THINK POSSIBLY JOHN WILLIS, WITH A WAGON AND SAM PURDY	CHARLEY HOPKINS WENT OUT WITH ME J M HIGBEE AND I THINK POSSIBLY JOHN WILLIS WITH WAGON AND SAM PURDY ≤**SAM MCMURDY**≥	CHARLEY HOPKINS WENT OUT WITH ME; AND JOHN M. HIGBEE, AND I THINK POSSIBL~~E~~Y THAT JOHN WILLIS WENT WITH A WAGON AND SAM MC MURDY	CHARLEY HOPKINS AND JOHN M HIGBEE AND I THINK POSITIVELY THAT JOHN WILLIS WITH A WAGON AND SAM MURDY
WITH THE BAGGAGE WAGON Q. WHERE DID YOU GO TO ? A. WE STARTED— THE REST I COULD NOT REMEMBER, BUT WE STARTED OVER THERE AND WENT TO HAMBLIN'S RANCH IN THE	WITH BAGGAGE WAGON {WHERE DID YOU GO TO}[i] WE STARTED. {THE}[i] REST I COULD NOT REMEMBER WE STARTED OVER THERE AND WENT GOT TO HAMBLIN'S RANCH IN THE	WITH A BAGGAGE WAGON. Q. WHERE DID YOU GO TO? A. WE STARTED— THE REST I CANNOT REMEMBER . WE STARTED OVER THERE AND WHEN WE GOT TO HAMBLIN'S RANCH IN THE	WITH A BAGGAGE WAGON [*space*] WHERE DID YOU GO TO [*space*] WE STARTED [*space*] THE REST ≤OF THE NAMES≥ I CANNOT REMEMBER [*space*] WE STARTED OVER AND WENT AND GOT TO HAMBLIN'S RANCH IN THE

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RT	RS	BT	PS
NIGHT; SOMETIME IN THE NIGHT, I DON'T RECOLLECT. Q. WAS IT JACOB HAMBLIN'S RANCH ? A. YES SIR, THE RANCH IS TWO OR THREE MILES OUTSIDE OF WHERE THE MATTER TOOK PLACE, OR WHERE THE EMIGRANTS CAMPED; WELL, THERE WAS LEE AND SOME OTHERS, NOT A GREAT MANY FROM THE CAMP, WHERE THE GENERAL CAMP WAS, AND PASSED FROM THERE BY THE SPRING.—— —— ~~Q.~~ WHEN THIS PARTY WENT OUT FROM CEDAR	NIGHT SOME TIME IN THE NIGHT DON'T RECOLLECT. {JACOB HAMBLIN'S YES SIR,}[i] RANCH WAS ABOUT THREE MILES THIS SIDE OF WHERE MATTER TOOK PLACE, {EMIGRANT CAMP}[i]. WELL THERE WAS LEE AND SOME OTHERS NOT GREAT MANY FROM CAMP WHERE GENERAL CAMP WAS POSTED {UP}[i] FROM THEIR BY THE SPRING. WHEN THIS PARTY WENT {OUT}[i] FROM CEDAR	NIGHT SOME TIME—IN THE NIGHT— DON'T EXACTLY RECOLLECT—Q. JACOB HAMBLIN'S? A. YES, SIR~~,~~ THE RANCH WAS ABOUT THREE MILES THIS SIDE OF WHERE THE EMIGRANTS WERE CAMPED. WELL THERE WAS LEE AND SOME OTHERES — NOT A GREAT MANY FROM THE CAMP**,** WHERE THE GENERAL CAMP WAS**,**—PASSED UP FURTHER BY A SPRING. WHEN THIS PARTY THAT HAD GONE OUT FROM CEDAR— THEY	NIGHT SOME TIME IN THE NIGHT JACOB HAMBLIN'S YES SIR ≤THE *R*[?]≥ IT WAS ABOUT 3 MILES THIS SIDE OF WHERE THE EMIGRANTS WERE CAMPED THERE WAS LEE AND SOME OTHERS NOT A GREAT MANY FROM THE CAMP WHERE THE GENERAL CAMP WAS UP FURTHER BY A SPRING WHEN THIS PARTY THAT HAD GONE OUT FROM CEDAR
COMPOSED QUITE A LITTLE NUMBER OF MEN; THEN THEY BEGAN TO FIND OUT THEY WERE NOT ALL KILLED AS WAS	COMPOSED QUITE LITTLE NUMBER OF MEN. THEN BEGAN TO FIND OUT THEY WERE NOT ALL KILLED AS IT WAS	COMPOSED QUITE A LITTLE NUMBER OF MEN. THEN WE BEGAN TO FIND OUT THAT THEY WAS NOT ALL KILLED AS IT WAS	COMPOSED QUITE A LITTLE NUMBER OF MEN THEN BEGAN TO FIND OUT THAT THEY WAS NOT ALL KILLED AS IT WAS

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RT	RS	BT	PS
REPRESENTED **, BY SOME**	REPORTED	REPRESENTED; THAT THERE WAS A FEW MORE. SOME MORE THAN — ——— **M^{R}** HOGE	REPRESENTED THAT THERE WAS A FEW SOME *THAN/THEN*[?] *KILL/CALL*[?]
[63] OBJECTED TO BY COUNSEL FOR DEFENSE AS HEARSAY.	{BY DEFENSE}[i] WE OBJECT TO STATEMENTS OF INDIVIDUALS	**FOR DEFENSE**: WE OBJECT TO THE STATEMENTS OF INDIVIDUALS.	TOLD 'EM TO BURY THE DEAD OBJECTED TO [*space*] SOME
Q. WHOM DO YOU BY MY "SOME" A. THOSE THAT I MENTIONED.	BY BASKIN ~~Q~~WHOM DO YOU BE MY SOME? {THOSE THAT I MENTIONED}[i] [*space*]	**M^{R}** BASKIN: WHO DO YOU MEAN BY "SOME~~E~~"? A. THOSE THAT I MENTIONED.	WHO [*space*] THOSE THAT I MENTIONED THOSE NAMES [*space*]
I CAN MENTION SOME OF THE NAMES,	*[23]* I CAN MENTION SOME OF NAMES WHO WENT	*[9]* I CAN MENTION SOME NAMES THAT WAS THERE.	OBJECTED TO [*space*] I CAN MENTION SOME NAMES THAT WAS THERE THAT I RECALL
THERE WAS JOHN D. LEE, JOHN M. HIGBEE, MYSELF, THERE WAS HOPKINS, IRA ALLEN AND THERE WAS ANOTHER MAN I SAW, WILEY; I DON'T RECOLLECT NOW ANYBODY ELSE, AND LEE CALLED US OUT TO ONE SIDE.	THERE {WAS}[i] JOHN D. LEE J M HIGBEE MYSELF THERE WAS HOPKINS IRA ALLEN AND THERE {WAS}[i] ANOTHER MAN DID I SAY WILEY I DON'T RECOLLECT ANYBODY ELSE {AND}[i] LEE CALLED US OUT TO ONE SIDE. BY BASKIN	THERE WAS JOHN D. LEE, JOHN M. HIGBEE, MYSELF, THERE WAS HOPKINS, IRA ALLEN AND THERE WAS ANOTHER MAN DIED HERE, WILEY. I DON'T RECOLLECT ANY BODY ELSE. LEE CALLED US OUT TO ONE SIDE — ~~BASKIN~~ Q.	THERE WAS JOHN D. LEE JOHN M HIGBEE MYSELF HOPKINS. IRA ALLEN THERE WAS ~~ANOTHER~~ [*space*] WILEY. I DON'T RECOLLECT ANY BODY ELSE AND LEE CALLED US OUT TO *[[39]]*[106]

106. On verso of page 39 in longhand: **ORDER GIVEN TO MARCH ON**.

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RT	RS	BT	PS
Q. WAS GEORGE ADAIR THERE ? A. I DON'T THINK HE WAS; I COULD NOT SAY. Q. WAS WILLIAM C. CTEWART THERE ? SUTHERLAND: I OBJECT TO SUGGESTIONS BY COUNSEL AS TO OTHER NAMES. WIT.: A. THEY WERE NOT AT THAT PLACE.	WAS GEORGE ADAIR THERE I DON'T THINK HE WAS I COULD NOT SAY. {WAS}[i] WILLIAM **C** STEWART THERE BY SUTHERLAND OBJECT TO SUGGESTIONS IN THESE NAMES THEY WERE NOT AT THAT PLACE.	WAS GEORGE ADAIR THERE? A. I DON'T THINK HE WAS; I COULD NOT SAY. Q. WAS WILLIAM C/ STEWART . OBJECTED TO AS LEADING. A. THEY WERE NOT AT THIS PLACE~~A~~. WHAT I WAS GOING TO REFERR TO — Q.	WAS GEORGE ADAIR THERE I DON'T THINK HE WAS I COULD NOT SAY [*space*] WAS WILLIAM **C** STEWART THERE *AND*[?] NOT AT THAT PLACE THAT I WAS GOING TO REFER TO [*space*] ≤OBJECTED TO AS LEADING≥ [*space*] YOU
Q. GO ON — IF THAT IS ALL YOU CAN REMEMBER,EXPLAIN TO THE JURY WHAT PLACE.?	GO ON BY BASKIN THAT IS ALL YOU CAN REMEMBER EXPLAIN TO JURY WHAT PLACE	GO ON AND EXPLAIN TO THE JURY WHAT PLACE YOU REFERR TO?	≤SAY≥ YOU SAW ≤THE≥ *DRDM/*— [?] THERE WHAT YOU MEAN BY THERE [*space*] AFTER YOU GONE UP THERE
A. WE WERE CALLED OUT A LITTLE TO ONE SIDE— HAD A CONSULTATION ABOUT THE INSTRUCTIONS THAT CAME THROUGH HIGBEE TO HIM FROM DANE AT PAROWAN.	WE WERE CALLED OUT LITTLE ONE SIDE HAD A CONSULTATION ABOUT INSTRUCTIONS THAT CAME THROUGH HIGBEE TO HIM FROM DAME AT PAROWAN.	A. HE CALLED US OUT —THESE NAMES —A LITTLE TO ONE SIDE AND WE HAD A CONSULTATION ABOUT THE INSTRUCTIONS THAT CAME THROUGH HIGBEE TO HIM FROM DAME AT PAROWAN.	[*space*] HE CALLED US OUT THESE NAMES A LITTLE TO ONE SIDE ABOUT THE *NSNS/KSKS/EXECUTIONS*[?] THAT CAME THROUGH HIGBEE FROM PAROWAN

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RT	RS	BT	PS
		Q. A LITTLE TO ONE SIDE OF WHAT? A. OF THE RANCH. Q. YOU	[*space*] LITTLE TO ONE SIDE OF WHAT OF THE RANCH [*space*] YOU
Q. OF THE BRANCH BRETHREN ? A. MIGHT HAVE BEEN TEN OR FIFTEEN RODS FROM THE REST.	OF A *BROWNISH/BARN* [?] MIGHT BEEN 10 15 RODS FROM THE REST ≤UP IN THE MOUTH OF AN OLD WASH≥	SPEAK OF A BRANCH OF THE BRETHREN . A. THEY MIGHT HAVE BEEN TEN OR FIFTEEN RODS FROM THE REST UP IN THE MOUTH OF A LITTLE WASH;	SPEAK OF A *BARN*[?] —[?] MIGHT HAVE BEEN 10 OR 15 RODS FROM THE REST UP IN THE MOUTH OF LITTLE WASH
THERE LEE STATED THE CIRCUMSTANCES . SAID	THERE LEE STATED CIRCUMSTANCE S SITUATION	THERE LEE STATED THE CIRCUMSTANCE S OF THE SITUATION AND ~~AT THE END OF~~	[*space*] THERE LEE STATED THE CIRCUMSTANCE S OF THE SITUATION AND
THAT THE EMIGRANTS TRAIN———— Q. RELATE WHAT HE STATED AS NEAR AS YOU CAN REMEMBER ? A. HE STATED THEY HAD STRONG FORTIFICATIONS AND NO POSSIBLE CHANCE TO GET THEM AS HE KNEW OF. THEN HIGBEE, HAVING ORDERS SAYS “ORDERS IS	THAT EMIGRANT TRAIN RELATE WHAT HE STATED AS NEAR AS YOU CAN REMEMBER STATED THEY HAD STRONG FORTIFICATION ≤THAT THERE WAS≥ NO POSSIBLE CHANCE GET ≤THEM OUT≥ CHANCE AS HE KNEW OF THEN HIGBEE HAVING ORDERS SAYS ORDERS IS	THAT THE EMIGRANT TRAIN—— Q. RELATE WHAT HE STATED AS NEAR A~~Z~~S YOU CAN REMEMBER? A. HE STATED THEY HAD STRONG FORTIFICATION S; THAT THERE WAS NO POSSIBLE CHANCE TO GET THEM OUT THAT HE KNEW OF. THEN HIGBEE HAVING ORDERS, SAYS “ORDERS IS	THAT EMIGRANT TRAIN [*space*] ~~NEAR~~ HE SAID THEY HAD *STRONG*[?] FORTIFICATION, THAT THERE WAS NO POSSIBLE CHANCE TO GET THEM OUT THAT HE KNEW OF THEN HIGBEE HAVING ORDERS [*space*] THE ORDERS IS

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RT	RS	BT	PS
FROM ME TO YOU FOR THEM TO BE DECOYED OUT[22] , DISARMED, GOT OUT IN ANY WAY, THE BEST WAY WE CAN," THERE IT WAS AGREED UPON AND COMMANDS GIVEN TO JOHN D. LEE TO CARRY OUT THE OLD SCHEME; I SUPPOSED BEFORE THAT *[64]* HIGBEE HAD AUTHORITY DELIVERED TO LEE. WE WENT BACK, ORDERS WERE TO GO UP TO THE SPRING, WHERE SOUTHERN SOLDIERS, PEOPLE,	FROM ME TO YOU THAT THEY ARE TO BE DECOYED OUT AND DISARMED AND GOT OUT IN ANY MANNER BEST WAY YOU CAN. THERE IT WAS AGREED UPON AND COMMANDS GIVEN TO JOHN D. LEE CARRY OUT OLD SCHEME I SUPPOSED BEFORE THAT HIGBEE HAD HAD THE AUTHORITY BUT ~~≤~~I FOUND~~≥~~ BELONGED TO LEE. <~~Q~~WHAT WAS DONE THEN> WE WENT BACK ~~≤~~CAPTAINS~~≥~~ AND THE ORDERS WERE TO GO UP TO SPRING, WHERE THE <INDIANS SOLDIERS> SOUTHERN PEOPLE SOLDIERS WAY OF	FROM ME TO YOU THAT THEY ARE TO BE DECOYED OUT AND DISARMED **& GOT OUT** IN ANY MANNER THE BEST WAY YOU CAN.**"** THERE IT WAS AGREED UPON AND **THE** COMMAND **WAS** GIVEN TO JOHN D/LEE TO CARRY OUT THE **WHOLE** ~~OLD~~ SCHE~~A~~ME. I SUPPOSE THAT ~~HIGBEE HAD~~ BEFORE THAT ~~THAT~~ HIGBEE HAD THE AUTHORITY BUT I FOUND IT BELONGED TO LEE. Q. WHAT WAS ~~F~~DONE THEN? A. WE WENT BACK AND THE ORDERS WERE TO GO UP TO THE SPRINGS ~~W~~W HERE THE **I**NDIANS AND THESE SHOUTHERN SOLDIERS WERE CAMPED.	FROM HIM TO YOU THEY ARE TO BE DECOYED OUT AND DISARMED AND GOT OUT IN ANY MANNER THE BEST WAY YOU CAN THERE IT WAS AGREED UPON AND THE COMMAND WAS GIVEN TO JOHN D. LEE TO CARRIED OUT THE WHOLE SCHEME I SUPPOSED BEFORE THAT THAT HIGBEE HAD HAD THE AUTHORITY BUT I FOUND IT BELONGED TO LEE [*space*] WHAT WAS DONE THEN [*space*] WE WENT BACK, AND THE ORDERS WAS TO GO UP TO THE SPRING TO WHERE THE INDIANS AND THOSE SOUTHERN PEOPLE SOLDIERS WAS ENCAMPED

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RT	RS	BT	PS
SOLDIERS WAY OFF THIS SIDE OF THE GROUND. Q. WHAT DO YOU MEAN BY SOLDIERS ETC ? A. I MEAN ALL THOSE WHO CAME FROM WASHINGTON AND AROUND; ~~D~~DIRECTLY AFTER WE GOT UP THERE LEE CALLED THEM IN A HOLLOW SQUARE; HE THERE TALKED TO THEM; CALLED ALL THE SOLDIERS THAT WAS THERE, AND I DID NOT—— ——— Q. HOW MANY WERE THERE ? A. I DO NOT KNOW, THOUGH THERE MIGHT HAVE BEEN SOMEONE BESIDES ME	THIS SIDE OF THE GROUND. <Q *WHAT DO YOU*[?] MEAN BY THOSE>. I MEANT BY THOSE THOSE WHO CAME FROM WASHINGTON AND AROUND. DIRECTLY AFTER WE GOT UP THERE LEE CALLED THEM IN HOLLOW SQUARE, AND THERE TALKED TO THEM CALLED ALL THE SOLDIERS THAT WAS THERE AND I WAS NOT THERE {Q}[i] THINK THERE MIGHT HAVE BEEN SOMEONE BESIDES ME	[10] AT THE SPRING, AWAY OFF , THIS SIDE OF THE GROUND. Q. WHAT DO YOU MEAN BY THESE "SOLDIERS?" A. WHITE MEN — SOUTHERN SOLDIERS, THOSE THAT CAME FROM WASHINGTON COUNTY AND AROUND SO FAR AS I KNOW. DIRECTLY AFTER WE GOT UP THERE, LEE CALLED THEM INTO A HOLLOW AQUARE AND THERE TA~~K~~LKED TO THEM—TO THE SOLDIERS THAT WAS THERE; BUT I DON'T REMEMBER ALL THAT WERE THERE. OF ~~WHOM~~	*GR/MR PR*[?] AT THE SPRING OPPOSITE THE MASSACRE GROUND WHAT DO YOU MEAN BY SOUTHERN SOLDIERS I MEAN THOSE THAT CAME ≤WASHINGTON COUNTY≥ FROM THE SOUTHERN COUNTRY AS FAR AS I KNEW [*space*] DIRECTLY AFTER WE GOT UP THERE, LEE CALLED THEM IN A HOLLOW SQUARE AND THERE [*space*] CALLED WHOM [*space*] ALL THE SOLDIERS THAT WAS THERE [*space*] I DID NOT SEE THINK THERE MIGHT HAVE BEEN [*space*]

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RT	RS	BT	PS
AND OLD MAN SLADE. Q. OF WHOM WAS THIS HOLLOW SQUARE FORMED ? A. IT WAS FORMED OF WHITE MEN; I COULD NOT GIVE THE NAMES OF THE PERSONS WITH THE EXCEPTION OF A FEW; I SHOULD JUDGE THERE WAS FIFTY. Q. WERE THERE ANY INDIANS. AMONG THEM ? A. THERE WAS NOT IN THAT HOLLOW SQUARE, THE INDIANS WERE OFF SOMEWHERE ELSE. Q. GIVE THE NAMES OF AS MANY PERSONS IN THAT SQUARE AS YOU CAN OF THAT SOLDIERY,	AND OLD MAN SLADE {Q}[i]IT WAS FORMED OF WHITE MEN I COULD NOT GIVE NAMES OF PERSONS WITH EXCEPTION OF FEW <{Q}[i] HOW MANY IN NUMBER> I SHOULD JUDGE THERE WAS 50. ANY INDIANS. AMONG THEM ≤IN THAT HOLLOW SQUARE≥ ATHERE WAS NOT IN THAT HOLLOW SQUARE; INDIANS WERE OFF SOMEWHERE ELSE. BASKIN GIVE NAMES OF AS MANY PERSONS IN THAT SQUARE OF THAT SOLDIERY	Q. HOW AND OF WHOM WAS THAT HOLLOW SQUARE FORMED? A. IT WAS FORMED OF WHITE MEN, BUT I COULD NOT GIVE THE NAMES OF ~~A~~ **THE** PERSONS WITH THE EXCEPTION OF A FEW. Q. ABOUT HOW MANY IN NUMBER? A. I SHOULD JUDGE THERE WAS 50 SO FAR AS I RECOLLECT. Q. WAS THERE ANY **I**NDIANS IN THAT HOLLOW SQUARE? A. THERE WASN'T IN THAT HOLLOW SQUARE; THE **I**NDIANS WERE OFF SOME WHERE ELSE. Q. GIVE THE NAMES OF AS MANY PERSONS IN THAT AQUARE OF THAT SOLDIERY	QOF WHOM WAS THAT FORMED THAT HOLLOW SQUARE IT WAS FORMED OF WHITE MEN QAND BY HOW MANY IN NUMBER AI SHOULD JUDGE 50 SO FAR AS I RECOLLECT [*space*] WAS THERE ANY INDIANS NOT IN THAT HOLLOW SQUARE. GIVE THE NAMES OF AS MANY OF THOSE PERSONS IN THAT SQUARE

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RT	RS	BT	PS
AS NEAR AS YOU CAN REMEMBER ? A. SLADE, HE WAS NOT IN THE SQUARE. Q. GIVE US THE NAMES OF THESE PARTIES OR THOSE WHO COMPOSED THAT SQUARE A. I COULD NOT REMEMBER ALL THE NAMES . I ONLY RECOLLECT SOME THAT I NOTICED THERE, AND THAT WAS SLADE AND	AS YOU CAN REMEMBER. SLADE HE WAS NOT IN THE SQUARE. GIVE US NAMES THOSE COMPOSED <THAT SOLDIERY> $_{A}$I COULD NOT REMEMBER ALL OF THEIR NAMES I RECALL SOME I NOTICED THERE. THAT WAS SLADE	AS YOU CAN REMEMBER— COMPOSING THAT SOLDIERY? A. I COULD NOT REMEMBER ALL OF THEIR NAMES; I RECOLLECT SOME I NOTICED THERE. THERE WAS **M**R. SLADE. ~~WE~~ ~~**HE**~~ **I** WAS NOT IN THE SQUARE. I WENT OFF FROM WHAT I WAS TE**L**LING YOU JUST TO TELL SOMETHING THAT I WANTED —COUNSEL: YOU CAN GO BACK ~~OF~~ **TO** THAT. A. I NOTICED THERE SLADE AND I	AS YOU CAN REMEMBER COMPOSING THAT MILITARY [*space*] THERE WAS MR. SLADE THAT WAS NOT IN THE SQUARE I WANT TO JUST TELL YOU SOMETHING DIFFERENT THAT *YOU MIGHT*[?] WANT [*space*] YOU CAN COME BACK TO THAT *[[40]]*[107] I CAN'T REMEMBER RECALL SOME THAT I NOTICED THERE THAT WAS SLADE I
I	I		

107. On verso of the page, in Rogerson's hand: 4000+~~24~~=16000.

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RT	RS	BT	PS
THINK HIS SON,AND I THINK JIM. PEARCE. I THINK A NUMBER OF HIS SONS; I WOULD NOT BE POSITIVE, AS I AM *[65]* MORE PARTICULARLY ACQUAINTED WITH HIM AND DONE BUSINESS WITH HIM. I REMEMBERED THOSE WHOM I HAVE MENTIONED BEFORE FROM CEDAR. SOME ONES WERE THERE ———— Q. WAS GEORGE ADAIR THERE ? A. I COULD NOT SAY POSITIVELY THAT HE WAS OR WAS NOT. WILLIAM STEWART WAS THERE.	THINK HIS SON AND I THINK JIM PEARCE I THINK PROBABLY HIS SONS I WOULD NOT BE POSITIVE AS I MORE PARTICULARLY ACQUAINTED WITH HIM DONE BUSINESS WITH HIM. I REMEMBER THOSE WHOM I HAVE MENTIONED BEFORE FROM CEDAR SAME ONES WERE THERE . WAS GEORGE ADAIR THERE I COULD NOT POSITIVELY THAT HE WAS OR WAS NOT. WILLIAM STEWART WAS THERE [*space*]	THINK HIS SON; AND I THINK JIM PEARCE AND BROTHER AND HIS SONS BUT I WOULD NOT BE POSITIVE;[108] BUT HE RECOGNIZED ME ; I HAD DONE BUSINESS WITH HIM. Q. CAN YOU REMEMBER ANY OTHERS? A. I REMEMBER THOSE WHOM I HAVE MENTIONED BEFORE FROM DCEDAR AND SOME OTHER ONES WAS THERE. Q. WAS GEORGE ADAIR THERE? *[II]* A. I COULD NOT SAY POSITIVELY THAT HE WAS OR WAS NOT ONLY BY RUMOR. Q. WAS WILLIAM STEWART THERE? A. MR.	THINK HIS SON AND JIM PEARCE I THINK AND PROBABLY HIS SONS BUT HE I RECOGNIZED MORE PARTICULARLY I HAD DONE BUSINESS WITH HIM Q CAN YOU REMEMBER ANY OTHERS I REMEMBER THOSE THAT I MENTIONED BEFORE FROM CEDAR THE SAME ONES WAS THERE Q WAS GEORGE ADAIR THERE A I COULD NOT POSITIVELY ONLY BY RUMOR Q WILLIAM STEWART WILLIAM

108. James Pearce was eighteen at the time of the massacre. He did not have any sons. It is possible Klingensmith is referring to James's father, Harrison Pearce. James did not have a brother at the meadows. Tom Pearce was twelve years old at the time.

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RT	RS	BT	PS
Q. STATE AS MANY OTHERS AS YOU CAN REMEMBER ? A. THERE WAS SWEN JACOBS THERE. Q. WAS JOHN WILLIS THERE ? A. HE IS DOWN AT THE HAMLIN'S RANCH, WHETHER HE WAS THERE OR NOT I CANNOT SAY. Q. WAS DAN MC FARLANE THERE ? A. I WOULD NOT BE POSITIVE WHETHER HE WAS ON THE GROUND OR NOT; IT SEEMS TO RUN IN MY MIND HE WAS, BUT I WOULD NOT BE POSITIVE. WE STEPPED TO ONE SIDE, UP BY THE HOLLOW SQUARE AND	*[24]* STATE AS MANY OTHERS AS YOU CAN REMEMBER. THERE WAS ONE SWEN JACOBS THERE. Q WAS JOHN WILLIS THERE A HE WAS DOWN AT THE HAMLIN'S RANCH WHETHER HE WAS OUT THERE OR NOT I CANNOT SAY. WAS DAN MC FARLANE I WOULD NOT BE POSITIVE WHETHER HE WAS ON THE GROUND OR NOT; IT SEEMS TO RUN IN MY MIND HE WAS, BUT I WOULD NOT BE POSITIVE. WE STEPPED ONE SIDE UP ABOVE THE HOLLOW SQUARE ≤THAT WAS ME AND	STEWART WAS THERE. Q. STATE **IF** ~~AS~~ MANY OTHERS IF YOU REMEMBER ANY OTHERS? A. THERE WAS SWEN JACOBS WAS UP THERE. Q. WAS JOHN WILLIS THERE? A. HE WAS DOWN AT THE HAMBLIN RANCH, BUT WHETHER HE WAS OUT THERE OR NOT I COULD NOT SAY. Q. WAS DAN MACFARLANE THERE? A. I WOULD NOT BE POSITIVE WHETHER HE WAS ON THE GROUND OR NOT; IT SEEMS TO RUN IN MY MIND THAT HE WAS, BUT I WOULD NOT BE POSITIVE. WE STEPPED TO ONE SIDE OUT OF THE HOLLOW SQUARE,—THAT WAS M~~U~~**Y**SELF	STEWART WAS THERE Q STATE AS MANY OTHERS IF YOU REMEMBER ANY ~~REMEMBER~~ OTHERS THERE WAS SWEN JACOBS WAS UP THERE Q WAS JOHN WILLIS THERE HE WAS DOWN AT THE HAMBLIN RANCH, BUT WHETHER OUT THERE OR NOT I COULD NOT SAY Q WAS DAN MACFARLANE THERE I WOULD NOT BE POSITIVE WHETHER HE WAS ON THE GROUND ~~THOUGHT THAT[?] HE WAS;~~ IT SEEMS TO RUN SO IN MY MIND Q WE STEPPED TO ONE SIDE OUT OF THE HOLLOW SQUARE THAT WAS MYSELF

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RT	RS	BT	PS
	OLD MAN SLADE≒	AND OLD MAN SLADE—WE STEPPED TO ONE SIDE UP ABOVE THE HOLLOW SQUARE AND	AND OLD MAN SLADE WE STEPPED TO ONE SIDE UP ABOVE THE HOLLOW SQUARE
TALKED THE MATTER OVER.	TALKED THE MATTER OVER.	TALKED THE MATTER OVER	
THE THINGS WE WERE ABOUT TO ENTER INTO. H~~I~~E HAD SOME FEELINGS. I THOUGHT IT RUN CONTRARY TO OUR NATURAL FEELINGS. SAYS I TO HIM “WHAT CAN WE DO” — “HOW CAN HE HELP OURSELVES” HE SAYS “WE CANNOT,” AND DIRECTLY ORDERS WAS GIVEN TO MARCH DOWN AND WE WITH THE REST WENT ALONG. Q. HOW FAR NOW WAS THE COMPANY FROM THE HOLLOW SQUARE, AND	≺OF THE HORRIBLE THINGS≒ THINGS WE WERE ABOUT WERE ENTER INTO. HE HAD SAME FEELINGS I HAD THAT RAN CONTRARY TO OUR NATURAL FEELINGS. SAYS I TO HIM WHAT CAN WE DO— HOW CAN HE HELP OURSELVES. SAYS HE WE CANNOT, AND DIRECTLY ORDER WAS GIVEN MARCH DOWN, AND WE WITH THE REST WENT ALONG. HOW FAR NOW WAS COMPANY FROM THE HOLLOW SQUARE	AND THE HORRIBLE THING THAT WE WERE ABOUT TO ENTER INTO. HE HAD SOME FEELINGS AND I HAD~~:~~; THAT RUN CONTRARY TO OUR NATURAL FEELINGS SAYS I, “WHAT CAN WE DO, HOW CAN WE HELP OURSELVS~~,~~?” SAYS HE, “WE CAN’T.” AND DIRECTLY ORDER WAS GIVEN TO MARCH DOWN AND WE WITH THE REST WENT ALONG . Q. HOW FAR WAS THE HOLLOW SQUARE FROM	THE HORRIBLE THING THAT WE WAS ABOUT TO ENTER INTO AND HE HAD THE SAME FEELINGS CONTRARY TO OUR NATURAL FEELINGS. SAYS I; WHAT CAN WE DO? HOW CAN WE HELP OURSELVES?[109] SAYS HE WE CAN’T DIRECTLY THE ORDER WAS GIVEN TO MARCH ON <AND WE WITH THE REST WENT ALONG> Q HOW FAR THE HOLLOW SQUARE FROM

109. The question marks for the preceding questions are in Rogerson’s hand, “WHAT CAN WE DO? HOW CAN WE HELP OURSELVES?”

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RT	RS	BT	PS
THAT TO THE EMIGRANTS ? A. PROBABLY ABOUT A MILE AND A HALF, AND THERE WE WAS PUT INTO DOUBLE FILE BY THE ORDERS THAT CAME, AND JOHN M. HIGBEE TOOK COMMAND OF THAT PORTION WITH HIS OTHER OFFICERS UNDER HIM IN THAT ORGANIZATION, WHICH I MEAN——— [66] Q. GO ON AND STATE WHAT KIND OF AN ORGANIZATION IT WAS ? A. IT WAS AN ORGANIZATION CALLED THE NAUVOO LEGION, ORGANIZED FROM TENS UP TO HUNDREDS. Q. GO ON AND STATE WHAT	TO EMIGRANTS. PROBABLY ABOUT <MILE QUARTER TO> ABOUT MILE AND HALF, AND THERE WE WAS PUT INTO DOUBLE FILE BY THE ORDERS THAT CAME AND J M HIGBEE TOOK COMMAND OF THAT PORTION, WITH HIS OTHER OFFICERS UNDER HIM IN THAT ORGANIZATION. WHICH I MEAN Q GO ON STATE WHAT KIND OF AN ORGANIZATION IT WAS. A IT WAS ORGANIZATION CALLED NAUVOO LEGION ORGANIZED FROM TENS UP TO HUNDREDS GO ON STATE WHAT	THE EMIGRANTS? A. PROBABLY A MILE AND A QUARTER TO A MILE AND A HALF— DON'T THINK IT IS MORE THAN A MILE AND A HALF. THERE WE WERE PUT INTO DOUBLE FILE BY THE ORDERS THAT CAME AND JOHN M. HIGBEE TOOK THE COMMAND OF THAT PORTION, WITH HIS OTHER OFFICERS UNDER HIM IN THAT ORGANIZATIN Q. GO ON AND STATE WHAT KIND OF ORGANIZATION IT WAS? A. IT WAS AN ORGANIZATION THAT WAS CALLED THE NAUVOO LEGION THAT IS ORGANIZED FROM TENS UP TO HUNDREDS. Q. GO ON AND STATE WHAT	THE EMIGRANTS PROBABLY MILE AND QUARTER TO MILE AND A HALF, DON'T THINK IS MORE THAN MILE AND HALF; THERE WE WERE PUT INTO DOUBLE FILE BY ORDERS THAT CAME, AND JOHN M HIGBEE TOOK THE COMMAND OF THAT PORTION WITH HIS OTHER OFFICERS THAT WERE UNDER HIM IN THAT ORGANIZATION Q ≤WHAT KIND OF AN ORGANIZATION ≥ A IT WAS AN ORGANIZATION THAT WAS CALLED THE NAUVOO LEGION, THAT IS ORGANIZED FROM TENS UP TO HUNDREDS Q STATE WHAT

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RT	RS	BT	PS
WAS DONE ? A. THERE WE HALTED, PROBABLY NEAR A QUARTER TO A HALF A MILE THIS SIDE OF THE ENCAMPMENT; THESE EMIGRANTS WERE .IN SIGHT; SOME ONE WENT OUT WITH TRUCE, WHITE FLAG. Q. DO YOU KNOW WHO ? A. I COULD NOT TELL YOU WHETHER IT WAS JOHN D. LEE OR WILLIAM BATEMAN. WHOEVER IT WAS THEY CAME BACK AFTER HAVING COMMUNICATIO N WITH SOME MAN WHO CAME OUT AND MET THEM. THEY CAME OUT FROM THE EMIGRANTS ENCAMPMENT. JOHN D. LEE	WAS DONE, THERE WE HALTED PROBABLY BETWEEN QUARTER HALF MILE THIS SIDE OF THE ENCAMPMENT THOSE EMIGRANTS IN SIGHT. SOMEONE WENT OUT <WITH WHITE FLAG> WITH TRUCE WHITE FLAG. Q DO YOU KNOW WHO ? AI COULD NOT TELL YOU WHETHER IT WAS JOHN D LEE OR WILLIAM BATEMAN WHOEVER IT WAS CAME BACK AFTER HAVING COMMUNICATIO N WITH SOME MAN WHO CAME OUT AND MET THEM CAME OUT FROM EMIGRANTS ENCAMPMENT. JOHN D LEE	WAS DONE? A. THERE WE HALTED PROBABL~~E~~**Y** BETWEEN A QUARTER AND A HALF A MILE *[12]* THIS SIDE OF THE ENCAMPMENT OF THESE EMIGRANTS IN SIGHT; AND SOME ONE WENT OUT WITH A FLAG OF TRUCE. Q. DID YOU KNOW WHO? A. I COULD NOT TELL YOU WHETHER IT WAS JOHN D. LEE OR WILLIAM BATEM~~E~~AN; WHOEVER IT WAS, T**H**EY CAME BACK AFTER**, A** ~~THAT~~ COMMUNICATIO N WITH SOME MAN WHO CAME OUT AND MET THEM — CAME OUT FROM THE EMIGRANT ENCAMPMENT. JOHN	WAS DONE [*space*] ATHERE WE HALTED PROBABLY BETWEEN A QUARTER AND HALF MILE THIS SIDE OF THE CAMP OF THOSE EMIGRANTS IN SIGHT, AND SOMEONE WENT OUT WITH A WHITE FLAG OF TRUCE [*space*] QDID YOU KNOW WHO AI COULD NOT TELL YOU WHETHER IT WAS JOHN D. LEE AT THAT TIME OR WILLIAM BATEMAN, AND WHOEVER IT WAS CAME BACK AFTER HAVING COMMUNICATIO N WITH SOME MAN THAT CAME OUT FROM THE EMIGRANT CAMPMENT AND [*space*]

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RT	RS	BT	PS
WENT DOWN THERE AND THAT MAN AND JOHN D. LEE SAT DOWN, HAD A LONG TALK WITH THE MAN THAT CAME OUT AND MET THE FLAG OF TRUCE. IT WAS TWO HUNDRED YARDS, MAY BE A LITTLE MORE FROM THE CAMP IN THE VALLEY. WHAT HE SAID TO THAT MAN OR TO THAT PEOPLE I KNOW NOT, ONLY AS I SAW THE PLOT CARRIED OUT; CAME FROM HAIGHT TO HIM FROM PAROWAN, AND JOHN M. HIGBEE TO ME. Q. WHAT OCCURRED ? A. LEE WENT DOWN WITH THAT MAN IN THE CAMP, IN THEIR INTRENCHMENT	WENT DOWN {THERE,}[i],THERE AND THAT MAN AND —[?] JOHN D. LEE SAT DOWN HAD LONG TALK WITH THE MAN THAT CAME OUT TO MEET THE FLAG OF TRUCE. IT WAS TWO HUNDRED YARDS, MAY BE LITTLE MORE, FROM CAMP IN THE VALLEY. WHAT HE SAID TO THAT MAN OR TO THAT PEOPLE, I KNOW NOT. ≼?≽ ONLY AS I SAW THE PLOT CARRIED OUT, CAME FROM HAIGHT TO HIM FROM PAROWAN, J M. HIGBEE TO HIM {Q}[i]≼THEN≽ WHAT OCCURRED. LEE WENT DOWN WITH THAT MAN INTO THE CAMP IN THEIR ENTRENCHMEN	WENT DOWN THERE, AND THAT MAN AND JOHN D. LEE SAT DOWN AND HAD A LONG TALK WITH THE MAN THAT CAME OUT OF THE EMIGRAN~~Y~~T CAMP TO MEET THE FLAG OF TRUCE. IT WAS TWO HUNDRED YARDS, MAY BE A LITTLE MORE FROM THE CAMP IN THE VALLEY. WHAT HE SAID TO THAT MAN OR TO THAT PWOPLE I KNOW NOT, ~~,~~ONLY AS I SAW THE ~~PLPT~~ **PLOT** CARRIED OUT THAT CAME ~~TO HAIGHT FROM~~ FROM HAIGHT TO HIM FROM PAROWAN — JOHN M; HIGBEE TO HIM. Q. THEN WHAT OCCURRED ? A. LEE WENT DOWN WITH THAT MAN TO THE CAMP IN THEIR ENTRENCHMEN	[*missing page*]

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RT	RS	BT	PS
— THEIR WAGON CAMP, HE WAS UP THERE SOMETIME, I DON'T KNOW HOW MANY HOURS BEFORE ANYBODY CAME OUT. BASKIN: - MAY IT PLEASE THE COURT THIS TESTIMONY IS VERY IMPORTANT AND I SEE THAT ONE OF THE JURORS SEEMS TO BE NAPPING. COURT: THEY ARE ALL WIDE AWAKE. *[67]* Q. FROM THAT POINT ? A. WELL AFTER SOMETIME— AFTER STANDING IN THE RANKS THERE SOMETIME— WELL PROBABLY IN ALL THREE OR FOUR HOURS— LEE WAS DOWN AT THEIR ENCAMPMENT AND STAYED THERE UNTIL HE BROUGHT THE EMIGRANTS	T THEIR WAGON CAMP HE WAS UP THERE SOMETIME ~~A~~I DON'T KNOW HOW MANY HOURS BEFORE ANYBODY CAME OUT. BY BASKIN MAY IT PLEASE YOUR HONOR THIS TESTIMONY IS VERY IMPORTANT. ~~<~~I SEE~~>~~ ONE OF THE JURORS SEEMS TO BE NAPPING BY COURT THEY ARE ALL WIDE AWAKE. GO FROM THAT POINT [*space*] *[25]* WELL AFTER SOMETIME AFTER STANDING IN RANKS THERE SOMETIME, WELL PROBABLY IN ALL THREE OR FOUR HOURS. LEE WAS DOWN AT THEIR ENCAMPMENT *SNT R/IS NOT HERE*[?]**?** UNTIL HE BROUGHT THE EMIGRANTS	T~~S~~. THERE A WAGON CAME THAT WAS UP THERE SOME TIME. I DON'T KNOW HOW MANY HOURS BEFORE ANYBODY CAME OUT. **M**R BASKIN: MA~~Y~~ IT PLEASE YOUR HONOR THIS TESTIMONY IS VERY IMPORTANT I SEE THAT ONE OF THE JURORS SEEM TO BE NAPPING. COURT**:** THEY ARE ALL WIDE AWAKE. Q/ GO ON FROM WHERE YOU LEFT OFF? A. WELL AFTER SOME TIME— AFTER STANDING IN THE RANKS THERE SOME TIME— WELL PROBABLY IN ALL THREE OR FOUR HOURS— LEE WAS DOWN AT THEIR ENCAMPMENT AND STAID THERE UNTILL HE BROUGHT THE EMIGRANTS	

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RT	RS	BT	PS
OUT; I THINK, AS I HAVE JUST STATED, THREE OR FOUR HOURS, BEFORE HE CAME OUT. AFTER HE CAME UP THE WORD WAS UNDERSTOOD, COMMAND GIVEN, FROM HIGBEE TO US, THAT LEE GOT UP AND STARTED IN THE MO~~N~~RNING, THAT THIS COMPANY CAME UP, AND LED AHEAD THE BAGGAGE WAGON. Q. WHAT WERE IN THOSE WAGONS ? A. CHILDREN MOSTLY IN THEM — THE WOMEN WAS LED AHEAD, AND THOSE THAT HAD BEEN WOUNDED PREVIOUS IN THE ATTACKS	OUT <HOW LONG WAS HE THERE> $_{Q}$I $_{A}$I HAVE JUST STATED THREE OR FOUR HOURS BEFORE HE CAME OUT. AFTER HE CAME UP WORD WAS UNDERSTOOD COMMAND GIVEN FROM HIGBEE TO US *THAT*[?] LEE GOT PUT UP AND HE STARTED IN THE MORNING, THAT WHEREVER THIS COMPANY CAME UP WOMEN WERE LED AHEAD TWO BAGGAGE WAGONS ≤AND THE LAME≥ WITH {? WHAT WERE MOSTLY IN THEM}[i] CHILDREN MOSTLY IN THEM. WOMEN WAS LED AHEAD THOSE THAT HAD BEEN WOUNDED <WHILE IN> PREVIOUS ATTACKS?	OUT . Q. HOW LONG WAS HE THERE? A. I HAVE JUST STATED THREE OR FOUR HOURS ~~.~~BEFORE HE CAME OUT. AFTER HE CAME UP IT WAS UNDERSTOOD— COMMAND GIVEN FROM HIGBEE TO US THAT LEE GOT **IT** PUT UP IN THE START IN THE MORNING THAT WHEREVER THIS COMPANY**,** WOMEN WERE TO BE LED AHEAD **AFTER THE** FIRST TWO BAGGAGE *[13]* ~~W~~ WAGONS, AND THE LAME AND THE CHILDREN WERE MOSTLY IN THEM. WOMEN WERE LED AHEAD~~.~~ THOSE THAT HAD BEEN WOUNDED IN THE PREVIOUS ATTACKS	

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RT	RS	BT	PS
THREE DAYS BEFORE I KNEW ANYTHING ABOUT IT. Q. STATE WHAT OCCURRED ? OBJECTED TO BY DEFENSE, ON THE GROUND THAT HE WAS NOT THERE AT THAT TIME. OBJECTION OVERRULED BY THE COURT. DEFENDANTS COUNSEL THEN AND THERE DULY EXCEPTED TO THE RULING OF THE COURT. Q. DID LEE SAY ANYTHING ABOUT ANY PREVIOUS ATTACK ? A. HE WAS NOT THERE TO GIVE ANY COMMAND WHERE I WAS. Q. DID LEE SAY ANYTHING ABOUT THE PREVIOUS ATTACK ? THIS	3 DAYS BEFORE ~~I~~ {WHICH I}[i] KNEW ANYTHING ABOUT IT. {Q}[i] STATE WHAT OCCURRED {THEN}[i] OBJECTED TO BY DEFENSE FOR SAME REASON AS BEFORE {WITNESS CANNOT TELL WHAT HE DID NOT SEE}[i] COURT OVERRULED. DID LEE SAY ANYTHING ABOUT ANY PREVIOUS ATTACK A HE WAS NOT THERE TO GIVE ANY COMMAND WHERE I WAS DID LEE SAY ANYTHING ABOUT PREVIOUS ATTACK <BY	THREE DAYS BEFORE WHICH I KNEW NOTHING ABOUT. ~~IT~~. Q. TELL WHAT OCCURRED THEN? OBJECTED TO FOR THE SAME REASONS AS BEFORE THAT A WITNESS CANNOT TELL WHAT HE DIDN'T SEE. MOTION OVERRULED/ EXCEPTION. Q. DID YOU HEAR LEE SAY ANYTHING ABOUT ANY PREVIOUS ATTACK?	*[[41]]*[110] —[?] (3) DID YOU HEAR LEE SAY ANYTHING ABOUT ≤ANY≥ PREVIOUS ATTACK [*space*]

110. Page is in very poor condition. It is torn around the edges with a portion of the page missing.

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RT	RS	BT	PS
QUESTION WAS REPEATED WITH EMPHASIS BY COUNSEL THE SECOND TIME. COUNSEL: AND IF SO STATE WHAT IT WAS ?	BASKIN> STATE WHAT IT WAS. {EMPHATICALLY REPEATED}[i]		
A. AS I STATED BEFORE IT WAS TO CARRY OUT THE ORDER THAT CAME FROM *[68]* PAROWAN TO HIGBEE AND FROM HIGBEE TO HIM, WHICH WAS GIVEN IN MY PRESENCE TO LEE. I HEARD HIM SAY THAT MORNING THAT THEY HAD BEEN ATTACKED AND COULD NOT BE ROUTED. Q. BY WHOM ATTACKED ? A. BY MORMONS THAT WENT OUT WITH THE INDIANS.	AS I STATED BEFORE WAS TO CARRY OUT ORDER THAT CAME FROM PAROWAN TO HIGBEE AND FROM HIGBEE TO HIM WHICH WAS GIVEN IN MY PRESENCE TO LEE I HEARD HIM SAY THAT MORNING THEY HAD BEEN ATTACKED COULD NOT BE ROUTED BASKIN BY WHOM ATTACKED {Q}[i] BY MORMONS THAT WENT OUT WITH THE INDIANS..	A. YES, SIR, I HEARD HIM SAY THAT MORNING~~A~~ THAT THEY HAD BEEN ATTACKED AND COU~~N~~LD NOT BE ROUTED. Q. ~~BASKIN~~ ATTACKED BY WHOM? A. BY THE **M**~~M~~ORMONS WHO WENT OUT WITH THE **I**NDIANS. Q. WELL, GO ON FROM THAT POINT WHERE YOU WERE BEFORE WHEN HIGBEE WAS	YES SIR I HEARD HIM SAY THAT MORNING THEY THEY HAD BEEN ATTACKED AND COULD NOT BE ROUTED Q BY WHOM ATTACKED A BY THE MORMONS THEY WENT OUT WITH THE INDIANS [*space*] GO ON FROM THE POINT WHERE YOU WERE BEFORE WHEN HIGBEE WAS

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RT	RS	BT	PS
		GIVING THE ORDERS. A~~Q~~.	GIVING ORDERS [*space*]
WE ALL MARCHED ON A LITTLE WAYS;	WELL WE ALL MARCHED ON LITTLE WAYS EMIGRANTS	WELL, WE WERE TO MARCH ALONG A LITTLE WAYS WITH THIS PEOPLE	WE WERE TO MARCH ALONG A LITTLE WAYS, WITH THIS PEOPLE
ALONGSIDE OF US [*space*] WHEN THE ORDER CAME TO HAULT. IT WAS THE ORDER TO FIRE, AND EVERY MAN FIRED AS FAR AS I KNOW. I FIRED ONCE. Q. WHERE DID THE EMIGRANTS WALK ?	ALONGSIDE OF US < WORD CAME HALT IT WAS THE ORDER FIRE, EVERY MAN FIRED AS FAR AS I KNOW, I FIRED ONCE. {QUESTION WAS BY PROSECUTION}[i]	ALONG SIDE OF **U**S AND WHEN THE WORD ~~CAME HALT~~ "HALT" CAME WE WERE TO FIRE. EVERY MAN FIRED AS FAR AS I KNOW, WHETHER I DID OR NOT I ~~CAN~~ CAN'T TELL. Q. DESCRIBE THE ORDER.	ALONG SIDE OF US AND WHEN THE WORD CAME HALT AND THE WORD CAME FIRE AND WERE TO FIRE WHETHER I DID OR NOT I CAN'T TELL [*space*] DESCRIBE THE ORDER [*space*] THE
A. THEY WALKED I BELIEVE BEHIND THE BAGGAGE WAGONS. THE MEN, THEY WERE AHEAD— THE MEN WERE AHEAD OF ALL THE COMPANY. THE WOMEN WAS BEHIND;	≤WERE WOMEN WALKING≥ THEY WALKED I BELIEVE BEHIND BAGGAGE WAGONS. {*}[i] ON THE MAIN ROAD {*}[i] THEY WERE AHEAD OF THE COMPLETE COMPANY OF MEN THE WOMEN WAS IN	A. THE WOMEN WALKED BEHIND THE BAGGAGE WAGONS ON THE MAIN ROAD. **T**~~T~~HEY WERE AHEAD OF ALL THE COMPANY OF MEN— THE WOME~~S~~**N** WA~~W~~S.	WOMEN WALKED BEHIND THE BAGGAGE WAGONS THEY WERE AHEAD OF OF THE COMPANY $_{Q}$AS A GENERAL THINGS CLOSE UP DESCRIBE HOW [*space*]
AFTER THEY CAME UP FROM	AFTER THEY CAME UP FROM	AFTER THEY CAME UP FROM	AFTER THEY CAME UP FROM

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RT	RS	BT	PS
THEIR ENCAMPMENT AND PASSED US THEY KIND OF HALTED THERE.	THE ENCAMPMENT AND PASSED US KIND OF A HALT THERE	THEIR ENCAMPMENT AND PASSED U~~X~~S — A KIND OF A HALT **TOOK PLACE**	CAMPMENT AND PASSED US *COMMAND TO*[?] HALT
THE WOMEN AND THE BAGGAGE WAGONS WENT ON AHEAD. JOHN D. LEE WAS THERE.	WOMEN AND BAGGAGE WAGONS SENT ON AHEAD JOHN D. LEE ~~≤~~WITH THEM~~≥~~ Q	THERE AND THE WOMEN AND BAGGAGE WAGONS WENT ON AHEAD ~~ND~~ **AND** JOHN D. LEE WENT ON AHEAD WITH THEM. Q.	THERE AND THE WOMEN AND BAGGAGE WAGONS SENT ON AHEAD JOHN D. LEE WITH THEM [*space*]
Q. THE WOMEN, WERE THEY	WOMEN WERE THEY FOLLOWING AFTER	THE WOMEN, WERE THEY FOLLOWING AFTER?	WERE THE WOMEN WHO FOLLOWED [*space*] WHO FOLLOWED
AFTER ? A. ~~SO~~ AS FAR AS I RECOLLECT EVERY ONE OF THEM. Q. DESCRIBE HOW THEY WERE MARCHING ?	AS FAR AS I RECOLLECT EVERY ONE OF THEM. DESCRIBE HOW THEY WERE ~~≤~~SITUATED~~≥~~ Q ~~≤~~WITH REFERENCE EACH OTHER~~≥~~	A. AS FAR AS I RECOLLECT**,** EVERY ONE OF THEM. Q. DESCRIBE HOW THEY WERE— STATE HOW THEY WERE WITH REFERENCE TO EACH OTHER?	SO FAR AS I RECOLLECT EVERY ONE OF THEM DESCRIBE HOW THEY WERE SITUATED WITH REFERENCE TO EACH OTHER
A. THEY WERE MARCHING UP AHEAD OF THE MEN, BUT BEHIND THESE WAGONS, AND WENT ON AROUND TOWARDS THE SUMMIT,	A THEY WERE MARCHING UP AHEAD OF MEN BEHIND THESE WAGONS, WENT ON AROUND TOWARDS SUMMIT	A. THEY WERE ~~WALKING~~ MARCHING UP AHEAD OF THE MEN BEHIND THESE WAGONS. THEY WENT ON AROUND TOWARDS THE SUMMIT ~~WERE~~	THEY WERE MARCHING UP AHEAD OF THE WOMEN BEHIND THESE WAGONS[111] WENT UP THE SUMMIT

111. X in a circle above the line.

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RT	RS	BT	PS
WHERE THERE IS A BEND; WHEN THE ORDER TO FIRE CAME I WENT UP THERE. I SAW THEM LYING THERE. Q. IN WHAT CONDITION ? A. I FOUND THEM IN ALMOST EVERY CONDITION. SOME THROATS CUT, SOME WITH THEIR HEADS SMASHED, SOME SHOT; THAT IS THE WAY IT LOOKED TO ME. I DID NOT SEE ANY CHILDREN RIGHT IN A BODY, WHERE THEY WAS MASSACRED; I SAW A YOUNG GIRL PROBABLY SOME SEVEN OR EIGHT YEARS OLD THAT SOMEBODY HAD	WHERE THERE IS BEND WHEN THE ORDER FIRE CAME AND I WENT UP THERE I SAW THEM LAYING ALONG THERE. $_{Q}$IN WHAT CONDITION $_{A}$I FOUND THEM IN ALMOST EVERY CONDITION, SOME THROATS CUT SOME HEADS SMASHED SOME SHOT THAT IS WAY IT LOOKED TO ME. ≤DID YOU SEE ANY CHILDREN THERE≥ $_{A}$≤I DID NOT SEE≥ ANY CHILDREN RIGHT IN A BODY WHERE ≤THEY≥ WAS MASSACRED. [*space*] I SAW YOUNG GIRL PROBABLY 7 **OR** 8 YEARS OLD SOME BODY	~~THERE~~ *[14]* WHERE THERE IS A BEND, WHEN I HEARD THE WORD "FIRE". ~~CAME AND~~ I WENT UP THERE AND I SAW THEM LAYING ALONG THERE. Q. IN WHAT CONDITION? A. I FOUND THEM IN ALMOST EVERY CONDITION: SOME WITH THEIR TH**R**OATS CUT, SOME HEADS SMASHED, SOME SHOT. THAT IS THE WAY IT LOOKED TO ME. Q. DID YOU SEE ANY CHILDREN THERE.? A. I DIDN'T SEE ANY RIGHT IN THE BODY OF WHERE THEY WERE MASSACRED I SAW A YOUNG GIRL THAT WAS PROBABLY SEVEN OR EIGHT YEARS OLD — SOMEBODY	WHERE THERE WAS A BEND WHEN THE WORD FIRE CAME <WHEN I WENT UP THERE> I SAW THEM LAYING ALONG THERE $_{Q}$IN WHAT CONDITION DID YOU FIND THEM $_{A}$ALMOST EVERY CONDITION, SOME THROATS CUT SOME HEADS SMASHED AND SOME SHOT; THAT IS THE WAY I *F*[?] THEM [*space*] DID YOU SEE ANY CHILDREN THERE I DIDN'T SEE ANY RIGHT IN A BODY WHERE THEY WAS MASSACRED. I SAW A YOUNG GIRL THAT WAS PROBABLY 7 OR 8 YEARS OLD SOMEBODY

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RT	RS	BT	PS
[69] KILLED; I COULD NOT TELL WHO KILLED HER; I DIDN'T SEE IT.	KILLED HER I COULD NOT TELL WHO KILLED HER I DIDN'T SEE IT	KILLED HER. I COULD NOT TELL WHO KILLED HER. I DID NOT SEE IT.	KILLED HER
		Q. Y OU SAY SOMEBODY KILLED HER~~E~~ ? A. I DID. Q. DO YOU KNOW WHO IT WAS? A. NO, IT WAS A KIND OF DUSK AND I DID NOT	~~Q~~YOU SAY SOMEBODY KILLED HER ~~Q~~I DID ~~Q~~DO YOU KNOW WHO IT WAS NO IT WAS KIND OF DUSK AND I DID NOT
Q. WHERE WAS THE MEN IN THE TRAIN—	*[Bk 2 26]* ~~Q~~ WHERE WAS THE MEN IN THE TRAIN	SEE IT. Q. WHERE WERE THE MEN OF THE TRAIN—	SEE IT [*space*]
THE EMIGRANTS THAT WERE KILLED ? A. BEHIND, PROBABLY TWO OR THREE HUNDRED YARDS —	THE EMIGRANTS THAT WERE KILLED ~~A~~ BEHIND PROBABLY 2 OR 3 HUNDRED YARDS	THE EMIGRANTS THAT WERE KILLED? A. BEHIND PROBABL~~U~~**Y** TWO OR THREE HUNDRED YARDS. Q. HOW WERE THEY KILLED? A.	~~≤~~EMIGRANTS~~≥~~ THAT WERE KILLED BEHIND [*space*] PROBABLY 2 OR 3 HUNDRED YARDS HOW WERE THEY KILLED
THEY WERE SHOT. Q. BY WHOM ? A. BY THOSE THAT SHOT THEM— THIS COMPANY I WAS SPEAKING OF.	THEY WERE SHOT BY WHOM BY THOSE THAT SHOT 'EM THIS COMPANY I WAS SPEAKING OF.	THEY WERE SHOT. A. BY WHOM? A. BY THOSE THAT SHOT THEM.— THIS COMPANY THAT I HAVE DISCRIBED .	THEY WERE SHOT BY WHOM [*page torn*] THAT SHOT THEM THIS COMPANY THAT I HAVE DESCRIBED
Q. IN WHAT ORDER DID THEY MARCH— DESCRIBE IT— A. I DID, I THINK, DESCRIBE IT—	IN WHAT ORDER DID THEY MARCH OUT I DID I THINK DESCRIBE IT. ~~≤~~WHEN I SPOKE OF THE MEN	Q. IN WHAT ORDER DID THEY MARCH OUT? A. I DID, I THINK DESCRIBE IT WHEN I SPOKE OF THE MEN	[*space*] IN WHAT ORDER DID THEY MARCH OUT [*space*] I DID [*page torn*] I SPOKE OF THE MEN

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RT	RS	BT	PS
IN DOUBLE FILE AS NEAR AS I CAN RECOLLECT. THEY WERE PROBABLY THROWN IN A SINGLE FILE BEFORE THEY WAS FIRED UPON. I COULD NOT RECOLLECT ALL THESE THINGS. THERE WAS A KIND OF DUMFUSTICATIO N, IN MY MIND. THEY WERE ACCOMPANIED BY LEE, BEING AT THE HEAD OF THESE WAGONS. I DIDN'T REMEMBER ANYBODY ELSE. Q. DID YOU KNOW WHO GAVE THE ORDER TO FIRE ?	WHO WAS MASSACRED≥. IN DOUBLE FILE AS NEAR AS CAN RECOLLECT PROBABLY WAS THROWN INTO SINGLE FILE BEFORE WORD WAS {GIVEN}^{i} FIRE {UPON}^{i} ≤?≥ ≤$_{Q}$ BY WHOM WERE THEY ACCOMPANIED **RATHER** MARCHED OUT≥ ≤$_{A}$≥ I COULD NOT RECOLLECT ALL THESE THINGS, THERE WAS A KIND OF DUMFUSTICATI ON IN MY MIND, THEY WERE ACCOMPANIED BY LEE BEING AT THE HEAD OF THOSE WAGONS I DON'T REMEMBER ANYBODY ELSE. $_{Q}$DID YOU KNOW WHO GAVE ORDER TO FIRE	THAT WAS MASSACRED. IN DOUBLE FILE AS NEAR AS I CAN RECOLLECT. AND PROBABLY THEY WERE THROWN INTO SINGLE FILE BEFORE THE WORD WAS GIVEN "FIRE" . Q. BY WHOM WERE THEY ACCOMPANIED , OR RATHER MARCHED OUT~~A~~? A. I COULD NOT RECOLLECT ALL THESE THINGS; THERE WAS A KIND OF A *[15]* DUMFUSTICATI ON IN MY MIND. THEY WERE ACCOMPANIED BY LEE BEING AT THE HEAD OF THE ~~SO~~ WAGONS; I DON'T REMEMBER A NYBODY ELSE. Q. DO YOU KNOW WHO GAVE THE ORDER TO FIRE?	THAT WAS MASSACRED [*page torn*] FILE NEAR AS I CAN [*page torn*] RECOLLECT *[[Bk 3 1]]*[112] AND PROBABLY WAS THROWED INTO SINGLE FILE BEFORE THE WORD WAS GIVEN FIRE TO $_{Q}$ BY WHOM WERE THEY ACCOMPANIED RATHER MARCHED OUT THEY WERE ACCOMPANIED BY LEE BEING AT THE HEAD WITH THESE WAGONS I DON'T REMEMBER ANYBODY ELSE. [*space*] $_{Q}$DO YOU KNOW WHO GAVE THE ORDER TO FIRE

112. New book, "**OK**" written in large longhand over several lines of shorthand and "TRANSCRIBED" written in shorthand.

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RT	RS	BT	PS
A. JOHN M. HIGBEE GAVE THE ORDERS. Q. WHERE WAS LEE ? A. HE WAS WITH THE WOMEN— AHEAD—WHERE THEY WERE SLAUGHTERED. Q. DID HE HAVE ANY ARMS ON HIS PERSON ? A. I PRESUME HE HAD — I COULD NOT SAY AT THAT TIME, BECAUSE I DID NOT SEE HIM IN THE ACTION; HE CARRIED HIS FIRE ARMS LIKE ANY OTHER MAN DID Q. WHAT KIND OF ARMS WERE THEY THESE MEN HAD ? A. THERE WERE	A J M HIGBEE GAVE ORDERS. Q WHERE WAS LEE ≤WHEN THIS FIRING WAS DONE≥ HE WAS WITH MOST SOME WOMEN AHEAD WHERE *THR/THEY'RE*[?] WERE SLAUGHTERED. HAD HE ANY ARMS ON HIS PERSON ? I PRESUME HE DID ≤WHAT IS YOUR REMEMBRANCE OF IT≥ AI COULD NOT SAY AT THAT TIME BECAUSE I DID NOT SEE HIM IN ACTION. HE CARRIED HIS FIRE ARMS LIKE ANY OTHER MAN DID. {QUESTION BY PROSECUTION WHAT KIND OF ARMS WERE THEY}[i] BALANCE OF THOSE SOLDIERS ARMED WITH≥ THERE WERE	A. JOHN M .HIGBEE GAVE THE ORDERS. Q. WHERE WAS ~~HE~~ **LEE** WHEN THIS FIRING WAS DONE.? A. WITH THE WOMEN ON HEAD, WHEN THEY WERE SLAUGHTERED. Q. HAD HE ANY ARMS ON HIS PERSON? A. I PRESUME HE HAD. Q. WHAT IS YOUR REMEMBERENCE OF IT? A. I COULD NOT SAY AT THAT ~~A~~TIME BECAUSE I DID NOT HEAR HIM IN THE ACT~~O~~ION/ Q. DID YOU SEE ANY AT ALL? A. HE CARRIED HIS FIREARMS LIKE ANY OTHER MAN DID. Q. WHAT SORT OF ARMS WERE THE BALANCE OF THESE SOLDIERS ARMED WITH. A. THEY WERE	A JOHN M HIGBEE WHERE WAS LEE WHEN THIS FIRING WAS DONE [*space*] WITH THE WOMEN AHEAD WHERE THEY WERE SLAUGHTERED Q HAD HE ANY ARMS ON HIS PERSON AI PRESUME HE DID Q WHAT IS YOUR REMEMBRANCE OF IT AI COULD NOT SAY AT THAT TIME Q DID YOU SEE ANY OTHER TIME [*space*] I BELIEVE HE *LEE*[?] HAD A REVOLVER [*space*] WHAT SORT OF ARMS WERE THE BALANCE OF THOSE SOLDIERS ARMED WITH

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RT	RS	BT	PS
SOLDIERS ARMED WITH REVOLVERS, UNITED STATES YAUGERS, AND SUCH GUNS AS SETTLERS GENERALLY HAVE THROUGH THIS TERRITORY; SOME REVOLVERS, YAUGERS, SHOT GUNS ETC. Q. HOW MANY MEN WERE KILLED THERE ? A. I COULD NOT TELL YOU — I SUPPOSE THERE WAS FIFTY — MIGHT HAVE ~~BEE~~ BEEN MORE, BECAUSE I NEVER COUNTED THEM—DIDN'T HEAR ONLY BY HE~~S~~ARSAY *[70]* AFTERWARDS AT DIFFERENT TIMES. Q. DID ANY ONE	SOLDIERS ARMED WITH REVOLVERS **US** YAUGERS ~~<~~**YOGERS**~~>~~ AND SUCH GUNS AS SETTLERS GENERALLY HAVE THROUGH THIS TERRITORY SOME REVOLVERS YAUGERS SHOT GUNS SO FORTH. STATE HOW MANY MEN WERE KILLED THERE $_{A}$I COULD NOT TELL YOU ~~<~~POSITIVE~~>~~ <Q WELL ABOUT HOW MANY> . I SUPPOSE THERE WAS 50 MIGHT BEEN MORE BECAUSE I NEVER COUNTED THEM DIDN'T HEAR ONLY BY HEARSAY AFTERWARDS AT DIFFERENT TIMES. {QUESTION DID ANY	ARMED WITH REVOLVER~~W~~S, AND UNITED STATES Y~~O~~**A**UGERS; AND SUCH GUNS AS SETTLERS GENERALLY HAVE THROUGH THIS TERRITORY. SOME REVOLVERS, Y~~O~~**A**UGERS, SHOTGUNS AND SO FORTH. Q. STATE HOW MANY MEN WERE KI**L**LED THERE? A. I COULD NOT TELL YOU POSITIVELY. Q. WELL, ABOUT HOW MANY? A. I SUPPOSE THERE WAS 50 , THERE MIGHT HAVE ~~M~~BEEN MORE , BECAUSE I NEVER COUNTED THEM. I ONLY KNOW BY HEARSAY. AFTERWARDS AT DIFFERENT TIMES. Q. DO YOU KNOW WHETHER ANY	REVOLVERS UNITED STATES YAUGER AND SUCH GUNS AS SETTLERS GENERALLY HAVE THROUGH THIS TERRITORY SOME REVOLVERS SOME *PR*[?] SHOTGUNS AND **& C.** $_{Q}$ HOW MANY WERE KILLED THERE $_{~~Q~~A}$I COULD NOT TELL YOU POSITIVELY ABOUT [*space*] ABOUT HOW MANY I SUPPOSE THERE WAS 50 MIGHT HAVE BEEN MORE BECAUSE I DID NOT COUNT THEM, ONLY KNOW BY HEARSAY $_{Q}$DO YOU KNOW WHETHER ANY

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RT	RS	BT	PS
ESCAPE OR GET AWAY ? A. NONE GOT AWAY, AS FAR AS I HAVE HEARD, NONE ESCAPED FROM THERE. Q. DID YOU SEE ANY ONE OF THEM ATTEMPTING TO ESCAPE ? A. I SAW SOME MEN ON HORSES FOR THE PURPOSE OF TAKING THOSE ON THE WING THAT MIGHT GET AWAY, NOT BEING FIRED UPON BY THE FIRST SHOT. I SAW A MAN RUNNING DOWN ACROSS FROM THE FIRE; I SAW BILL STEWART GOING AFTER HIM, AND I SUPPOSE AS FAR AS I COULD FIND OUT I THINK—I RECOLLECT——	 GET AWAY}[i] NONE GOT AWAY AS FAR AS I HAVE HEARD NONE ESCAPED FROM THERE. DID YOU SEE ANY ONE OF THEM ATTEMPTING TO ESCAPE? {I}[i] SAW SOME MEN ON HORSES FOR PURPOSE OF TAKING THOSE ON THE WING THAT MIGHT GET AWAY NOT BEING FIRED UPON BY FIRST SHOT I SAW A MAN RUNNING DOWN ACROSS FROM THE FIRE, I SAW BILL STEWART GOING AFTER HIM ON A HORSE AND I SUPPOSE AS FAR AS I CAN I THINK I RECOLLECT	ESCAPED OR NOT**?** ~~WHEN~~ ~~THEY GOT~~ ~~AWAY?~~ A. NONE GOT AWAY AS FAR AS ~~A~~ I RECOLLECT. NONE ESCAPED FROM THERE. Q. DID YOU SEE ANY ONE OF THEM ATTEMPTING TO ESCAPE? A. I DID: I SAW SOME MEN ON HORSES FOR THE PURPOSE TO TAKE THOSE ON THE WING THAT MIGHT RUN AWAY— THAT MIGHT NOT HAVE BEEN KILLED—NOT FIRED UPON BY THE FIRST SHOT. I SAW A MAN RUNNING ~~ACROSS FROM~~ ~~THE FIRE~~**ING** *[16]* ACROSS FROM THE FIRE**ING**; I SAW BILL STEWART GOING AFTER HIM ON A HORSE AND I SUPPOSE — ~~I~~ THINK AS FAR AS I CAN RECOLLECT	ESCAPED OR ANY THAT GOT AWAY $_{A}$I HAVE HEARD [*space*] NONE ESCAPED FROM THERE [*space*] Q DID YOU SEE ANY OF THEM ATTEMPTING TO ESCAPE $_{A}$I DID, I SAW SOME MEN ON HORSES PURPOSE TO TAKE THOSE ON THE WING THAT MIGHT RUN AWAY THAT MIGHT NOT HAVE BEEN KILLED FIRST SHOT, I SAW MAN RUNNING ACROSS —[?], I SAW BILL STEWART GOING AFTER HIM ON A HORSE, AND I SUPPOSE I THINK AS I RECOLLECT

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RT	RS	BT	PS
——		THAT HE SHOT HIM THERE OF COURSE.	THAT HE SHOT HIM THERE OF COURSE
OBJECTED TO BY COUNSEL FOR DEFENDANT AS A SUPPOSITION OF THE WITNESS.	OBJECTED TO WHAT HE SUPPOSES BY DEFENSE	OBJECTED TO WHAT WITNESS SUPPOSES. Q:. STATE WHAT WAS ~~F~~DONE	Q STATE WHAT WAS DONE
WIT.: HE SHOT HIM THERE OF COURSE. YES, ABOUT THAT TIME I WAS TOLD TO TAKE CHARGE OF THE CHILDREN.	HE SHOT HIM THERE OF COURSE {YES}[i]. A ABOUT THAT TIME I WAS TOLD TO TAKE CHARGE OF CHILDREN.	ABOUT THAT TIME? A. I WAS TOLD TO TAKE CHARGE OF THE CHILDREN.	ABOUT THAT TIME A I WAS TOLD TO TAKE CHARGE OF THE CHILDREN
	~~<~~Q YOU SAW THE MAN STEWART GOING AFTER **A** MAN~~>~~ {QUESTION BY PROSECUTION	Q. YOU SAW THE MAN, STEWART, GOING AFTER A MAN?	[*space*] YOU SAW THE MAN STEWART GOING AFTER A MAN
Q. WHO DID YOU SAY STEWART WAS AFTER ? A.	WHO DID YOU SAY HE WAS AFTER}[i]		
HE WAS AFTER A MAN. THE MAN WAS ON FOOT. I THINK I SAW THE MAN FALL IT SEEMS TO BE SO IN MY MIND.	HE WAS AFTER MAN ON FOOT, I THINK I SAW THE MAN FALL IT SEEMS TO BE SO IN MY MIND	A. THE MAN WAS ON FOOT. I THINK I SAW THE MAN FALL. IT MUST BE SO IN MY MIND	MAN WAS ON FOOT I THINK I SAW THE MAN FALL IT MUST BE SO IN MY MIND
~~B~~ ~~<~~HE~~>~~ DIDN'T GO FA.R I	DIDN'T GO FAR. I	BECAUSE HE DIDN'T ~~F~~GO FAR. Q. WHAT ELSE? ~~-~~A. I	HE DIDN'T GO FAR Q WHAT ELSE I
DIDN'T SEE ANY OTHER MAN. I SAW IRA ALLEN ON THE LEFT WING ON HORSEBACK—	DIDN'T SEE ANY OTHER MAN I SAW IRA ALLEN ON THE LEFT WING ON HORSEBACK,	DIDN'T SEE ANY OTHER MAN. I SAW IRA ALLEN ON THE LEFT WING ON HORSEBACK,	DIDN'T SEE ANY OTHER MAN, I SAW IRA ALLEN ON THE LEFT WING ON HORSEBACK

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RT	RS	BT	PS
THAT IS ALL I REMEMBER OF THAT. Q. YOU SPOKE OF SOME MEN BEING IN WAGONS — WHAT WAS DONE WITH THEM ? A. WHEN I G~~O~~ET UP TO THE WAGONS I SHALL TELL YOU. I WAS TOLD TO GO AND TAKE CHARGE OF THE LITTLE CHILDREN—TO GATHER THEM UP AND TAKE CHARGE OF THEM. Q. LET ME CALL YOUR ATTENTION AGAIN TO THE ORDER IN WHICH MEN MARCHED OUT OF THE CORRALL AND IN WHAT POSITION DID THE SOLDIERS OCCUPY TO THEM ? A. DIDN'T OCCUPY ANY TILL THE	THAT IS ALL I REMEMBER OF THAT. $_{Q}$YOU SPOKE OF SOME MEN BEING IN WAGONS WHAT WAS DONE WITH THEM $_{Q}$WHEN I GOT UP TO WAGONS I SHALL STATE YOU I GOT THERE = I WAS TOLD AFTER ≤I HAD MADE **A** FIRE≥ TO GO TAKE CHARGE OF LITTLE CHILDREN GATHER THEM UP TAKE CHARGE OF THEM. BY BASKIN LET ME CALL YOUR ATTENTION AGAIN ≤ORDER≥ IN WHICH MEN MARCHED OUT OF CORRAL WITH WHAT POSITION *[27]* DID SOLDIERS OCCUPY TO THEM AS THEY ≤MARCHED OUT≥ $_{A}$ DIDN'T OCCUPY ANY TILL	AND THAT I~~AS~~ ALL I REMEMBER OF THAT / Q. YOU SPOKE OF SOME MEN BEING IN THE WAGONS, WHAT W**A**S DONE WITH THEM? A. WHEN I GOT UP TO THE WAGONS— I SHALL TELL YOU NOW HOW I GO~~T~~T ~~THE~~ THERE. [*space*] I WAS TOLD AFTER I HAD MADE A FIRE TO GO AND TAKE CHARGE OF THE LITTLE CHILDREN—TO GATHER THEM UP AND TAKE CHARGE OF THEM Q. LET ME CALL YOUR ATTENTION AGAIN TO THE ORDER IN WHICH THE MEN MARCHED OUT OF THE CORRAL. WHAT POSITION DID THE SOLDIERS OCCUPY TO THEM AS THEY MARCHED ~~YOU?~~ **OUT?** A. THEY DIDN'T OCCUPY ANY TILL THE	AND THAT IS ALL I REMEMBER OF THAT YOU SPOKE OF SOME MEN BEING IN THE WAGONS WHAT WAS DONE WITH THEM WHEN I GOT UP TO THE WAGON I SHALL TELL YOU NOW HOW I GOT THERE [*space*] I WAS TOLD AFTER I HAD MADE A FIRE TO GO AND TAKE CHARGE OF THE LITTLE CHILDREN [*space*] *[[2]]* $_{Q}$LET ME CALL YOUR ATTENTION AGAIN TO THE ORDER IN WHICH THE MEN MARCHED OUT OF THE CORRAL WHAT POSITION DID THE SOLDIERS OCCUPY TO THEM AS THEY MARCHED OUT, THEY OCCUPIED NONE TO THEM

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RT	RS	BT	PS
SOLDIERS CAME UP TO WHERE THE EMIGRANTS *[71]* WERE STATIONED. Q. WONT YOU DESCRIBE TO THE JURY HOW THE SOLDIERS WERE STATIONED AND HOW THE MEN WERE MARCHED UP ? A. I WILL STATE AGAIN AS I THINK I DID BEFORE. THEY WERE MARCHED UP THERE IN SINGLE OR DOUBLE FILE, BEHIND THE WOMEN AND THE BAGGAGE WAGONS AND CAME UP TO WHERE WE WAS ABOUT A MILE RO SO. I WAS NEVER DOWN AT THE PLACE. Q. HOW WERE YOU ? A. I WILL TELL YOU. I WAS THERE IN THE RANKS	SOLDIERS CAME UP, ≤THAT IS≥ WHERE SOLDIERS WERE STATIONED. WONT YOU DESCRIBE JURY HOW SOLDIERS WERE STATIONED AND HOW ≤HOW THE≥ MEN WERE MARCHED UP $_{A}$I WILL STATE AGAIN AS I THINK I DID {BEFORE}[i] MARCHED UP THERE SINGLE OR DOUBLE FILE, BEHIND WOMEN BAGGAGE WAGONS CAME UP TO WHERE WE WAS ABOUT MILE OR SO I WAS NEVER DOWN AT THE PLACE. HOW WERE YOU I WILL TELL YOU I WAS THERE IN THE RANKS	SOLDIERS CAME UP. THAT IS WHERE THE SOLDIERS WERE STATIONED . Q. DESCRIBE TO THE JURY HOW THE SOLDIERS WERE STATIONED AND HOW ~~THE~~ THE MEN WERE MARCHED UP.? A. I WILL STATE AGAIN AS I HAVE. THEY WERE MARCHED UP THERE ~~IS~~ **IN** SINGLE OR DOUBLE FILE BEHIND THE WOMEN AND BAGGAGE WAGONS AND CAME UP TO WHERE WE WAS IN A BEND— PROBABLY A QUARTER OF A MILE OR SO I CAN'T TELL EXACTLY. Q. HOW WERE YOU LOCATED? A. I WAS IN THE RANKS	UNTIL THEY CAME UP TO WHERE THE SOLDIERS WERE STATIONED [*space*] DESCRIBE TO THE JURY HOW THE SOLDIERS WERE STATIONED AND HOW THE MEN MARCHED UP [*space*] MARCHED UP THERE IN SINGLE OR DOUBLE FILE BEHIND THE BAGGAGE WAGONS AND CAME UP TO WHERE WE WAS IN A BEND PROBABLY A QUARTER MILE OR SO I CAN'T TELL EXACTLY $_{Q}$HOW WERE YOU LOCATED[113] $_{A}$ I WAS IN RANKS

113. A circle was drawn around this question.

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RT	RS	BT	PS
WITH THE BALANC~~O~~E.	WITH THE BALANCE ~~<~~IN SINGLE OR DOUBLE FILE~~>~~	WITH THE BALANCE. [17] Q. IN SINGLE OR DOUBLE FILE? A.	WITH THE BALANCE Q IN SINGLE OR DOUBLE FILE
I THINK WE WAS IN DOUBLE FILE—I WOULD NOT BE POSITIVE, BUT THAT IS HOW IT	I THINK WE WAS IN DOUBLE FILE I WOULD NOT BE POSSIBLE	I THINK WE WERE IN [*space*] DOUBLE FILE, I WOULD NOT BE POSITIVE. IT	A I THINK WE WERE IN DOUBLE FILE I WOULD NOT BE POSITIVE [*space*]
APPEARS TO ME TO-DAY. THE EMIGRANTS CAME UP. WOMEN AND BAGGAGE	APPEARS TO ME TODAY. THE EMIGRANTS CAME UP WOMEN AND BAGGAGE	APPEARS TO ME SO TO-DAY. THE EMIGRANTS CAME UP AND THE WOMEN AND THE BAGGAGE WAGONS A LITTLE WAYS	THE EMIGRANTS CAME UP THE WOMEN AND WAGONS
AHEAD, AND DIRECTLY WE MARCHED WITH THEM, PROBABLY A HUNDRED OR TWO HUNDRED YARDS—COULD NOT TELL YOU.	AHEAD AND DIRECTLY WE MARCHED WITH THEM PROBABLY HUNDRED TWO HUNDRED YARDS COULD NOT TELL YOU *STOOD/STAYED*[?]	**AHEAD**. WE MARCHED WITH THEM PROBABLY A HUNDRED OR TWO HUNDRED YARDS ON THE RIGHT SIDE OF THEM. THEY CAME UP ON THE LEFT TILL	AHEAD. WE MARCHED WITH THEM PROBABLY HUNDRED OR 200 YARDS
AT THIS PLACE THE WOMEN WAS AGAIN AHEAD A LITTLE WAYS.	THIS PLACE WOMEN WAS GONE AHEAD LITTLE WAYS.	THEY CAME TO THIS PLACE WHERE THEY ~~WS~~ **WERE** KILLED, AND THE WOMEN WAS AHEAD A LITTLE WAYS. Q. PLEA~~W~~**S**E EXPLAIN HOW THAT WA~~X~~S; A.	UNTIL THIS PLACE WHERE THEY WAS KILLED AND THE WOMEN WAS AHEAD A LITTLE WAYS [*space*] HOW *SL*[?]
WE MARCHED	WE MARCHED	WE MARCHED	MARCHED AND

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RT	RS	BT	PS
ON THE RIGHT SIDE OF THEM . THEY CAME UP ON THE LEFT. Q. PLEASE EXPLAIN HOW THAT WAS —	ON THE RIGHT SIDE OF THEM THEY CAME UP ON LEFT {PLEASE}[i] EXPLAIN HOW THAT WAS.	TO THE RIGHT S~~A~~IDE OF THEM WHILE THEY KEPT TO THE LEFT.	ON THE RIGHT SIDE OF THEM WHILE THEY THEY CAME UP ON THE LEFT [*space*] EXPLAIN JUST HOW IT WAS DONE EXACTLY
DESCRIBE	DESCRIBE [*sic*]	Q. DESCRIBE EXACTLY	[*space*] $_{Q}$DESCRIBE EXACTLY
HOW EACH SOLDIER WAS SITUATED TO SOME OTHER MAN ? A. THE SOLDIERS WAS COMMANDED TO BE READY	HOW EACH SOLDIER WAS SITUATED TO SOME OTHER MAN. {SOLDIERS}[i] WAS COMMANDED TO BE READY	HOW EACH SOLDIER WAS SITUATED TO SOME OTHER MAN -A. THE SOLDIERS WERE COMMANDED TO BE READY AT THE WORD	HOW EACH SOLDIER WAS SITUATED TO SOME OTHER MAN $_{A}$THE SOLDIER WAS COMMANDED TO BE READY AT THE WORD
AT A MINUTES WARNING, AT THE ORDER “HALT”, WITH HIS LEFT ARM ACROSS HIS ARMS—FIRE ARMS,—	AT MINUTES WARNING AT ORDER HALT WITH HIS {LEFT ARM}[i] ACROSS HIS ARMS	“HALT” AT A MINUTES WARNING, WITH HIS GUN ACROSS HIS ARM	HALT < WITH HIS GUN OVER HIS ARM
MARCHING SIDE BY SIDE, WITH THESE EMIGRANTS,	MARCHING SIDE BY SIDE WITH THESE EMIGRANTS.	MARCHING SIDE BY SIDE WITH THESE EMIGRANTS. Q. YOU SAY Y~~OU WERE~~ THEY WERE	MARCH SIDE BY SIDE WITH THESE EMIGRANTS. YOU SAY THEY WERE
MARCHING WITH THE GUNS ON THE IR ARMS.	MARCHING WITH THE GUNS ON THEIR ARMS.	MARCHING WITH THEIR GUNS OVER THEIR ARMS~~Z~~. DESCRIBE THE THING FROM	MARCHING WITH THEIR GUNS ON THEIR ARMS DESCRIBE THE THING FROM

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RT	RS	BT	PS
THESE EMIGRANTS THOUGHT AT THE SAME TIME THEY WAS PROTECTED AND MADE SOME REMARKS OF GLADNESS AND SO ON. WHEN THE ORDER HALT WAS GIVEN THAT WAS THE ORDER TO FIRE. THEN AND THERE THEY WERE KILLED. Q. DID THEY ALL FIRE — ALL FALL AT THE FIRST SHOT ? A. NO SIR, NOT ALL, SOME RAN AWAY. Q. WHAT WAS DONE WITH THOSE WHO RAN AWAY ? *[72]* A. THE ONE I SAW RUNNING WAS KILLED AT THE FIRST SHOT , AND A GREAT PORTION OF THEM FELL. I DIDN'T SEE	THOSE ? EMIGRANTS THOUGHT SAME TIME THEY WAS PROTECTED MADE SOME REMARKS OF GLADNESS AND SO ON. ? WHEN ORDER HALT WAS GIVEN THAT WAS ORDER FIRE THEN AND THERE THEY WERE KILLED. DID THEY ALL FIRE ALL FALL FIRST SHOT NO SIR NOT ALL SOME RAN AWAY {Q}[i]WHAT WAS DONE WITH THOSE WHO RAN AWAY {THE ONE I SAW RUNNING HE}[i] WAS KILLED {AT THE FIRST SHOT A}[i] GREAT PORTION OF THEM FELL I DIDN'T SEE	THAT TIME? Q. THESE EMIGRANTS THEY WERE PROTECTING MADE SOME REMARKS OF GLAD~~NESS & C~~ **THEY WERE OUT OC** ; WHEN THE WORD "HALT " WAS GIVEN THAT WAS THE WORD **TO** "FIRE**"** ~~2~~ AND THE**R**E AND THEN THEY WERE KILLED. Q. DID THEY ALL FALL AT THE FIRST SHOT? A. NO, SIR~~?~~**,** SOME RAN AWAY. Q. WHAT WAS DONE WITH THOSE THAT RAN AWAY? A. THE ONE I SAW RUNNING**,** HE WAS KILLED. Q. DID THE GREATER PORTION OF THEM FALL THE FIRST SHOT? HOW WERE THEY KILLED? A. I DIDN'T SEE	THAT TIME THOSE EMIGRANTS THOUGHT AT THE SAME TIME THAT THEY WAS PROTECTED <AND REMARKS> HOW GLAD THEY WAS **& C** FROM THE EMIGRANTS WHEN THE WORD HALT WAS GIVEN THAT WAS THE WORD FIRE AND THERE AND THEN THEY WERE KILLED ~~Q~~DID THEY ALL FALL THE FIRST SHOT ~~A~~ NO SIR NOT ALL, SOME RAN AWAY. [*space*] WHAT WAS DONE WITH THOSE WHO RAN AWAY [*space*] THEY WERE KILLED BUT THE GREAT PORTION OF THAT FELL ~~<~~AT FIRST SHOT~~>~~ HOW WERE THEY KILLED I DIDN'T SEE

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RT	RS	BT	PS
ANY KILLED BUT ONE MAN, AND THAT MAN WAS WOUNDED A LITTLE. HE WAS LYING ON THE GROUND AND JOHN M. HIGBEE WENT UP TO HIM, DREW HIS KNIFE OUT AND CUT HIS THROAT. THIS MAN BEGGED FOR HIS LIFE. HE WAS LYING ON THE GROUND WHEN THAT WAS DONE. Q. HOW FAR WAS YOU FROM HIM ? A. NOT MORE THAN A ROD. HE SAID "HIGBEE, I WOULDN'T DO THIS TO YOU" HE KNEW HIGBEE. HIGBEE REPLIED "YOU HAVE DONE SOMETHING	ANY KILLED BUT ONE MAN AND THAT MAN WAS WOUNDED LITTLE WAS LYING {ON THE GROUND. ~~≤?≥~~}[i] JOHN M HIGBEE WENT UP TO HIM DREW HIS KNIFE OUT CUT HIS THROAT THIS MAN BEGGED FOR HIS LIFE WAS LYING ON THE GROUND WHEN THAT WAS DONE {QUESTION HOW FAR WAS YOU FROM HIM}[i] NOT MORE THAN ROD HE SAID HIGBEE I ~~WOULD NOT~~ *D*[?] WOULDN'T DO THIS TO YOU ~~Q~~HE KNEW HIGBEE ~~≤~~IT APPEARS~~≥~~ ~~A≤~~HE~~≥~~ REPLIED YOU HAVE DONE SOMETHING	BUT ONE MAN KILLED—AND THAT MAN WAS WOUNDED~~.~~, A LITTLE AND WAS LYI~~I~~NG ON THE GROUND AND JOHN M .HIGBEE WENT UP TO HIM AND DRUE HIS KNIFE OUT AND CUT HIS THROAT. THIS MAN BEGGED FOR HIS LIFE AND HE WAS LYING ON THE GROUND WHEN THAT WAS ~~I~~DONE. *[18]* Q. HOW FAR FROM THE RANKS WAS HE WHEN THAT WAS DONE? A. NOT MORE THAN A ROD. HE SAID, "HIGBEE, I WOULDN'T DO THIS TO YOU."HE KNEW HIGBEE IT APPEARS. AND THE REPLY WAS THAT YOU **WULD HAVE DONE THE SAME TO ME** ~~QAVEDODOKNE WAHOIGBEETHE~~	ANY KILLED BUT ONE MAN AND THAT MAN WAS WOUNDED A LITTLE AND WAS LYING AND JOHN M HIGBEE WENT UP TO HIM AND DREW A KNIFE AND CUT HIS THROAT. THIS MAN BEGGED FOR HIS LIFE. [*space*] WAS HE LYING ON THE GROUND WHEN THAT WAS DONE YES [*space*] HOW FAR FROM THE RANKS NOT MORE THAN ROD [*space*] SAID HE HIGBEE I WOULDN'T DO THIS TO YOU [*space*] HE KNEW HIM IT APPEARS [*space*] THE REPLY WAS AND THAT YOU HAVE DONE THE SAME *TO/BUT*[?] YOU

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RT	RS	BT	PS
JUST AS BAD" AT THAT TIME I WENT AWAY. I WILL STATE HERE ONE PARTICULAR THING FURTHER IN THAT RESPECT. ONE LARGE WOMAN, ABOUT THAT TIME, CAME RUNNING DOWN THE HILL, CRYING FOR HER HUSBAND, AND CHILD; SOME MAN ON THE LEFT OF ME SHOT HER IN THE BACK AND SHE FELL DEAD. NEVER MOVED. WHO IT WAS I DO NOT KNOW. THAT IS THE ONLY WOMAN I SAW DOWN THERE THAT GOT SHOT. AFTER THE KILLING WAS ENDED, THAT WAS DONE	JUST AS BAD AT THAT TIME I WENT AWAY. I WILL STATE HERE ONE PARTICULAR THING FURTHER IN THAT RESPECT < THAT ONE LARGE WOMAN ABOUT THAT TIME CAME RUNNING DOWN HILL HOLLOWING {CRYING}[i] FOR HER HUSBAND AND CHILD, SOME MAN ON THE LEFT OF ME SHOT HER IN THE BACK AND SHE FELL DEAD NEVER MOVED WHO IT WAS I DO NOT KNOW. THAT IS ONLY WOMAN I SAW DOWN THERE THAT GOT SHOT. AFTER KILLING WAS ENDED WHAT WAS DONE	~~ITSAMEAPPEAR STOME~~ OR JUST AS BAD, AT THAT TIME I WENT AWAY. I WILL STATE HERE ONE THING FURTHER IN THAT RESPECT, THAT ONE LARGE WOMAN ABOUT THAT TIME CAME RUNNING DOWN FROM THE WOMEN AND HOLLOWING FOR HER HUSBAND AND CHILDREN, AS I RECOLLECT**,** AND SOME MAN ON THE LEFT OF ME SHOT HER IN THE BACK AND SHE FELL DEAD AND NEVER MOVED. WHO IT WAS I DO NOT KNOW.. THAT WAS THE ONLY WOMAN THAT I SAW DOWN THERE THAT WAS SHOT. ~~A~~ Q. AFTER THE KILLING WAS ENDED WHAT WAS DONE	*[[3]]* JUST AS BAD. AT THAT TIME I WENT AWAY. I WILL STATE HERE ONE THING FURTHER THAT ONE LARGE WOMAN —[?] ABOUT THAT TIME CAME RUNNING DOWN FROM THE WOMEN [*space*] AND HOLLOWING FOR HIS HUSBAND AND CHILDREN AS I RECOLLECT AND SOME MAN ON THE LEFT OF ME SHOT HER IN THE BACK, AND SHE FELL DEAD; AND NEVER MOVED; BUT WHO IT WAS I DO NOT KNOW THAT WAS THE ONLY WOMAN THAT I SAW DOWN THERE THAT WAS SHOT. Q AFTER THE KILLING WAS ENDED WHAT WAS DONE

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RT	RS	BT	PS
THEN. I WAS TOLD BY HIGBEE TO TAKE CHARGE OF THE CHILDREN AND THE BAGGAGE WAGONS. I WENT OUT THERE AND TOOK CHARGE OF THEM. THESE MEN THAT WAS WOUNDED WAS KILLED AND OUT OF THE WAGONS BEFORE I GOT THERE. Q. WHO KILLED THEM ? A. I KNOW NOT ONLY BY RUMOR. Q. WHAT DO YOU MEAN BY THESE MEN ? A. I MEAN THOSE MEN WOUNDED IN THE FIRST ATTACK — IN THEIR FORTIFICATIONS	THEN. I WAS TOLD BY HIGBEE TAKE CHARGE OF CHILDREN BAGGAGE WAGONS. <BY WHOM HIGBEE MY COMMANDER $_{Q}$WHAT DID YOU DO> I WENT UP THERE TOOK CHARGE OF THEM THOSE MEN THAT {WOUNDED}[i] WAS KILLED AND OUT OF WAGONS BEFORE I GOT *[28]* THERE WHO KILLED THEM, I KNOW NOT ONLY BY RUMOR, I MEAN THOSE MEN WOUNDED IN FIRST ATTACK IN THEIR FORTIFICATION S	TH~~A~~EN? A. THERE I WAS TOLD BY HIGBEE TO TAKE CHARGE OF THE CHILDREN AND THE BAGGAGE WAGONS. Q. BY WHOM? A. HIGBEE, MY COMMANDER. Q. WHAT DID YOU DO? A. I WENT UP THERE AND TO**O**K CHARGE OF THEM. THESE MEN THEY WERE ~~KILL~~ KILLED AND OUT OF THE WAGONS BEFORE I GOT THERE. Q. WHO KILLED THEM? A. I KNOW NOT ONLY BY RUMOR. Q. WON'T YOU DESIGNATE WHO YOU MEAN BY **"**THESE MEN**"** — THOSE MEN THAT WAS KILLED IN THE FIRST ATTACK IN THEIR FORTIFICATION S? A. THESE MEN THAT WERE	THEN [*space*] THERE I WAS TOLD GO AND TAKE CHARGE OF THE CHILDREN [*space*] ~~*BY WHOM*~~ —[?] $_{Q}$BY WHOM $_{A}$ HIGBEE MY COMMANDER [*space*] WHAT DID YOU DO? I WENT UP THERE AND TOOK CHARGE OF IT THOSE MEN THAT WERE KILLED AND OUT OF THE WAGONS BEFORE I GOT THERE WHO KILLED THEM I KNOW NOT [*space*] WON'T YOU DESIGNATE WHO YOU MEAN BY THOSE MEN = THOSE MEN THAT WAS WOUNDED IN THE FIRST ATTACK IN THEIR FORTIFICATION S THOSE MEN THAT WERE

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RT	RS	BT	PS
		WITH THE BAGGAGE WAGONS.	WITH THE BAGGAGE WAGONS
WHEN THAT WAGON PASSED OUR RANKS. Q. WHO WAS IN CHARGE OF THEM ? A. LEE WAS WITH THEM.	WHEN THAT WAGON PASSED YOUR RANKS WHO WAS IN CHARGE OF THEM $_{A}$LEE WAS WITH THEM.	Q. WHEN THAT WAGON PASSED YOUR RANKS WHO WAS TI~~H~~TH THEM? A. LEE WAS WITH THEM, AND AHEAD OF THE MAN THAT DROVE THE WAGON. Q. WAS HE IN THE WAGON OR ON THE GROUND?	$_{Q}$WHEN THAT WAGON PASSED YOUR RANKS WHO WAS WITH THEM $_{A}$LEE WAS WITH THEM AND AHEAD OF THE MEN THAT DROVE THE WAGONS $_{Q}$WAS HE IN THE WAGON OR ON THE GROUND
[73] I DIDN'T KNOW, COULD NOT SAY WHETHER HE WAS IN THE WAGONS OR NOT. Q. WHAT OCCURRED WHEN YOU WENT UP TO TAKE CHARGE OF THE CHILDREN ? A. I DON'T RECOLLECT SEEING LEE. I SAW SAM MC MURDY, AND SAM KNIGHTS AND	I DON'T KNOW COULD NOT SAY WHETHER HE WAS IN WAGON OR NOT. WHAT OCCURRED WHEN YOU WENT UP TOOK CHARGE OF CHILDREN $_{A}$<WHEN I WENT UP THERE> I DON'T RECOLLECT SEEING LEE. I SAW SAM MC MURDY ≤~~THEY HAD A TEAM THERE~~≥ AND SAM KNIGHTS I THINK ≤~~AND~~	A. I DO NOT KNOW—COULD NOT SAY WHETHER HE WAS IN THE WAGON OR NOT. Q. WHAT OCCURRED WHEN YOU WENT UP TO TAKE CHARGE OF THE CHILDREN? *[I9]* A. WHEN I WENT UP THERE I DON'T RECOLLECT SEEING LEE; THEY HAD A TEAM THERE — SAM ~~KNIGHTS'~~ **MC MURDY**, I THINK **AND—SAM**	I COULD NOT SAY $_{Q}$WHAT OCCURRED WHEN YOU WENT UP TO TAKE CHARGE OF THE CHILDREN $_{A}$WHEN I WENT UP THERE I DON'T RECOLLECT SEEING LEE, I SAW SAM MCMURDY THEY HAD A TEAM THERE AND SAM KNIGHT I THINK OTHER

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RT	RS	BT	PS
	THOSE~~>~~	KNIGHTS FROM THE CLARA WAS UP WITH THEIR WAGON**S**—AND	WAS, KNIGHT FROM THE CLARA UP WITH A WAGON AND
THESE CHILDREN AND SOME OTHER THINGS WAS PUT INTO THESE ~~WG~~ WAGONS. WE WENT DOWN TO HAMLIN'S HOUSE. THAT IS THE END OF MY KNOWING OR SEEING ANYTHING MORE THERE. Q. WHAT WAS THE SOLDIERS DOING THERE ?	THE CHILDREN SOME OF THE THINGS WAS PUT INTO THOSE WAGONS, AND WE WENT DOWN TO HAMLIN'S HOUSE. THAT IS THE END OF MY KNOWING OR SEEING ANYTHING MORE THERE. WHAT WAS THE SOLDIERS DOING THERE ?	THESE CHILDREN WITH SOME OF THE THINGS WAS PUT INTO THESE WAGONS , AND WE WENT DOWN TO HAMBLIN'S HOUSE. AND THAT IS THE END OF MY KNOWING OR SEEING ANYTHING MORE THERE. Q. WELL, WHAT WERE THE SOLDIERS DOING THERE?	THOSE CHILDREN WITH SOME OF THEIR THINGS WAS PUT IN THESE WAGONS AND, WE WENT DOWN TO HAMBLIN'S HOUSE, AND THAT IS THE END OF MY KNOWING OR SEEING ANYTHING MORE THERE. WHAT WAS THE SOLDIERY DOING —[?] *MINUTE/COMMU NITY*[?] THEY OF COURSE
A. THESE	THOSE	A. THEY	
DISPERSED THERE, GOING SOUTH TO CEDAR AND	DISPERSED THERE GOING SOUTH TO CEDAR AND	DISPERSED— GOING SOUTH TO CEDAR AND SOME TO	DISPERSED AND *ONE OF/ONLY*[?] *SS*[?] THOSE FROM THE COUNTRY DOWN TO
HAMLIN'S RANCH. Q. DID YOU SEE ANY ONE OR KNOW ANY OF THESE PERSONS FROM THE SOUTH OF HAMLIN'S	HAMLIN'S RANCH. {QUESTION DID YOU SEE ANY ONE FROM SOUTH AT HAMLIN'S	HAMBLINS RANCH.	HAMBLINS RANCH

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RT	RS	BT	PS
RANCH ? A. I	RANCH}^{1} $_{A}$I	I	I
	DO NOT	DON'T	DON'T
	RECALL	~~T~~RECOLLECT OF	REMEMBER
SAW	SEE	SEEING	SEEING
NOBODY	ANYBODY	**ANYBODY**	ANYONE
		~~ABNYBODY~~	
ELSE FROM THE	ELSE FROM THE	ELSE FROM THE	ELSE [*space*]
SOUTHERN	SOUTHERN	SOUTHERN	
DISTRICTS,	DISTRICTS	DISTRICTS	
EXCEPT	EXCEPT	EXCEPT	
NIGHTS.	KNIGHTS. $_{Q}$DID	KNIGHTS. Q. DID	DID
	YOU SEE JOHN	YOU SEE JOHN	YOU SEE JOHN
	D. LEE AFTER	D. LEE AFTER	D. LEE AFTER
	YOU STARTED	YOU STARTED	YOU STARTED
	AWAY WITH	AWAY WITH	AWAY WITH
	THESE	TH~~R~~ESE	THESE
	CHILDREN $_{A}$I	CHILDREN? A. I	CHILDREN I
I	DID WHERE $_{A}$> I	DID. Q. WHERE?	DID WHERE
SAW JOHN D.	SAW JOHN D.	A. I SAW HIM	I SAW HIM
LEE THERE.	LEE THERE	THERE.	THERE [*space*]
	~~<~~$_{Q}$QUESTION	Q.	
	DID YOU HAVE	DID YOU HAVE	DID YOU HAVE
	ANY	ANY	ANY
	CONVERSATION	CONVERSATION	CONVERSATION
I	WITH HIM~~>~~. $_{A}$I	WITH HIM? A. I	WITH HIM I
DIDN'T HAVE	DIDN'T HAVE	DID NOT HAVE	DID NOT
ANY	ANY	ANY	
CONVERSATION	CONVERSATION	CONVERSATION	
WITH HIM.	WITH HIM.	WITH HIM. Q.	
	~~<~~WHAT WAS HE	WHAT WAS HE	WHAT WAS HE
	DOING UP TO	DOING UP TO	DOING TO
	THAT TIME~~>~~.	THAT TIME? A. I	THAT TIME? I
COULD NOT	COULD NOT	COULD NOT	CAN'T
TELL YOU	TELL YOU	TELL Y**O**U	TELL YOU
WHAT HE WAS	WHAT HE WAS		
DOING, OR WHAT	DOING WHAT HE		
HE DID	DID <—[?]		
	BECAUSE I	BECAUSE I	BECAUSE I
		WENT	
	IMMEDIATELY	IMMEDIATELY	IMMEDIATELY
	WENT AWAY.>.	—WENT AWAY	WENT AWAY
		AND COULD	AND COULD
		NOT RECOGNIZE	NOT RECOGNIZE
		ANY	ANY

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RT	RS	BT	PS
Q. I WANT YOU TO GO ON FROM THAT POINT AND TELL WHAT WAS DONE AND HOW THESE MEN WERE DISPOSED OF ? A. I DON'T KNOW HOW THEY WERE DISP~~U~~ERSED. I LEFT THERE WITH THE CHILDREN AND WAGONS. I HAD GOT MY HANDS FULL. SOME OF THE CHILDREN WERE WOUNDED. Q. HOW MANY WERE WOUNDED ? A. I THINK THERE WAS TWO OF THEM. ONE DIED. Q. WHEREABOUTS WERE THEY	I WANT YOU TO GO ON FROM, THAT POINT AND TELL WHAT WAS DONE AND {HOW THESE MEN WERE DISPERSED}[i] I DON'T KNOW HOW THEY WAS DISPERSED, I LEFT THERE ≤AS I TOLD YOU≥ WITH CHILDREN AND WAGONS I GOT MY HANDS FULL SOME OF CHILDREN WERE WOUNDED ≤AND CRYING≥. HOW MANY ≤WOUNDED≥ AI THINK THERE WAS 2 I THINK ONE DIED. WHEREABOUTS WERE THEY	PARTICULAR THING THAT HE DID. [*space*] [20.] Q. I WANT YOU TO GO ON FROM THAT POINT AND STATE WHAT WAS DONE, AND HOW THESE MEN WERE DISPERSED? A. I DON'T KNOW HOW THEY WAS DISPERSED; I LEFT THERE AS I TOLD YOU WITH THE CHILDREN IN THE WAGONS. I HAD MY HANDS FULL. SOME OF THE CHILDREN WERE WOUNDED AND CRYING. Q. SOME OF THE CHILDREN WOUNDED. ~~Q.~~ HOW MANY WOUNDED.? A. I THINK ONE DIED AT **H**AMBLINS RANCH: I THINK THERE WAS TWO **DIED,** BUT ONE DI~~D~~ED THERE. Q. WHERE ABOUTS WERE THEY	PARTICULAR THING THAT HE DID [*space*] I DON'T KNOW HOW THEY WAS DISPERSED, I LEFT THERE AS I TOLD YOU [[4]] WITH THE CHILDREN IN THE WAGONS, ≤I≥ HAD MY HANDS FULL, SOME OF THEM WOUNDED AND CRYING [*space*] SOME OF THE CHILDREN WOUNDED YES SIR HOW MANY WOUNDED I THINK ONE DIED AT HAMBLINS I LEFT *TWO*[?] AT LEAST Q WHERE ABOUTS WERE THEY

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RT	RS	BT	PS
WOUNDED ? A. I THINK IN THE ARM — A BAD WOUND, ANOTHER SOMEWHERE ELSE. COULD NOT TELL YOU EXACTLY. I KNOW I HAD TO MOVE IT. Q. OF WHAT WAS THE EMIGRANT TRAIN COMPOSED— WHAT KIND OF TRAIN WAS *[74]* IT —MULE TRAIN OR OTHERWISE ? A. THEY HAD SOME MULES— THE MAJORITY WERE OX WAGONS. THERE WAS SOME MULES AND HORSE TEAMS. Q. HOW MANY WAGONS HAD THEY ? A. I DON'T RECOLLECT — DON'T REMEMBER. I	WOUNDED I THINK IN THE ARM BAD WOUND, ANOTHER SOMEWHERE ELSE COULD NOT TELL YOU EXACTLY. I KNOW I HAD TO LEAVE IT. OF WHAT WAS THE EMIGRANT TRAIN COMPOSED, WHAT KIND OF TRAIN WAS IT, MULE TRAIN <**OR** OX TRAIN> ? THEY HAD SOME MULES MAJORITY WERE OXEN= OX WAGONS, THERE WAS SOME MULES HORSE TEAMS. Q ABOUT HOW MANY WAGONS HAD THEY ? A I DON'T RECALL DON'T REMEMBER I	WOUNDED? A. I THINK THAT IT WAS WOUNDED IN THE ARM—A BAD WOUND; AND ONE SOMEWHERE ELSE; I COULD NOT TELL EXACTLY, AND I KNOW I HAD TO LEA~~C~~VE IT. Q. OF WHAT WAS T**H**E EMIGRANT TRAIN COMPOSED— WHAT KIND OF A TRAIN ~~W~~WAS IT—MULE TRAIN OR OX TRAIN? A. THEY HAD SOME MULES. THE MAJORITY WERE OXEN— OX WAGONS. ~~Q.~~ ~~THER~~E THERE WERE SOME MULES AND SOME HORSE TEAMS. Q. ABOUT HOW MANY WAGON~~G~~S HAD THEY? A. I DON'T RECOLLECT. ~~Q.~~ I COULD NOT TELL YOU; I DON'T REMEMBER; I	WOUNDED A I THINK THAT IT WAS WOUNDED IN THE ARM = BAD —[?] WOUND AND ONE SOMEWHERE ELSE ≤I CAN'T EXACTLY REMEMBER≥ AND I KNEW I *HAD*[?] TO LEAVE IT. Q OF WHAT WAS THE EMIGRANT TRAIN COMPOSED WHAT KIND OF A TRAIN WAS IT = MULE TRAIN OX TRAIN A THEY HAD SOME MULES THE MAJORITY WERE OX WAGONS THERE WERE SOME MULE AND HORSE TEAMS. QABOUT HOW MANY WAGONS HAD THEY A I DON'T RECOLLECT I COULD TELL YOU MORE THAN I HAVE ABOUT THAT I

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RT	RS	BT	PS
NEVER WAS THERE NEAR ENOUGH TO COUNT THEM. I NEVER SAW THEM GO AWAY FROM THE SLAUGHTER; KNOW NOTHING ABOUT THAT, CONSEQUENTLY COULD NOT TELL HOW MANY THERE WAS. I DON'T KNOW HOW MANY CATTLE THERE WAS. Q. ABOUT HOW MANY WAGONS, AS NEAR AS YOU CAN TELL ? A. I STATED I THINK BETWEEN 25 AND 30, WHEN I PASSED THEM AT IRON SPRINGS. Q. WHEN YOU PASSED THEM AT IRON SPRINGS HOW MANY DID YOU SEE THERE ?	NEVER WAS THERE NEAR ENOUGH TO COUNT THEM, I NEVER SAW THEM GO AWAY FROM THE SLAUGHTER, KNOW NOTHING ABOUT THEM CONSEQUENTLY COULD NOT TELL HOW MANY THERE WAS. Q<DO YOU KNOW HOW MANY CATTLE THEY HAD> I DON'T KNOW HOW MANY CATTLE THERE WAS. QABOUT HOW MANY WAGONS STATE AS NEAR AS YOU CAN I STATED I THINK BETWEEN 25 AND 30 WHEN I PASSED THEM {AT}[i] IRON SPRINGS. WHEN YOU PASSED THEM AT IRON SPRINGS. ≤DID YOU SEE WHAT STOCK THEY	NEVER WAS NE~~Q~~AR ENOUGH TO THEM TO COUNT THEM. I NEVER SAW THEM GOING AWAY FROM THE SLAUGHTER— KNOW NOTHING ABOUT THAT CONSEQUENTLY I COULD NOT TELL YOU HOW MANY THERE WAS. Q. DO YOU KNOW HOW MANY CATTLE THEY HAD? A. I DON'T KNOW HOW MANY CATTLE THERE WAS. Q. ABOUT HOW MANY WAGONS —STATE AS NEAR AS YOU CAN? **A.** I STATED I THINK, BETWEEN 25 AND 30 WHEN I PASSED THEM AT IRON SPRINGS. *[21]* Q. WHEN YOU PASSED THEM AT IRON SPRINGS, DID YOU SEE **THE** ~~WHAT~~ STOCK THEY	NEVER WAS NEAR ENOUGH TO COUNT THEM I NEVER SAW THEM GO AWAY FROM THE SLAUGHTER I NEVER KNEW ANYTHING ABOUT THAT CONSEQUENTLY I(= —[?] = COULD NOT TELL YOU HOW MANY THERE WAS [*space*] QDO YOU KNOW HOW MANY CATTLE THEY HAD AI DON'T KNOW HOW MANY CATTLE THERE WAS. QABOUT HOW MANY WAGONS STATE AS NEAR AS YOU CAN AI STATED THAT I THOUGHT BETWEEN 25 AND 30 WHEN I PASSED THEM AT IRON SPRINGS. [*space*] DID YOU SEE WHAT STOCK THEY

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RT	RS	BT	PS
A. THERE WAS PART THERE AND PART OUT— THEY WAS HUNTING SOME STOCK— COULD NOT RECOLLECT ONLY THE TEAMS —THEY WERE HITCHED UP READY TO MOVE ON. Q. HOW MANY CATTLE HAD THEY ?	HAD ~~WHEN~~ {OUT}^{i} YOU PASSED THEM THERE~~>~~ $_{A}$THERE WAS PART THERE AND PART OUT THEY WAS HUNTING SOME STOCK COULD NOT RECALL ONLY THE TEAMS; THEY WERE HITCHED UP READY TO MOVE ON. {$_{Q}$}^{i} HOW MANY CATTLE HAD THEY	HAD WHEN YOU PASSED THEM THEM THERE? **A.** THERE WAS A PART THERE AND A PART OUT. THEY WAS HUNTING SOME STO~~C~~K AND I CANNOT RECOLLECT ONLY THE TEAMS; THEY WERE HITCHED UP READY TO MOVE ON. Q. HOW MANY CATTLE HAD THEY? A. I CAN'T RECOLLECT ONLY THOSE TEAMS THAT W**A**S HITCHED UP READY TO MOVE ON.	HAD WHEN YOU PASSED THEM THERE [*space*] THERE PART OF THEM PART THEY WERE OUT HUNTING [*space*] $_{Q}$ HOW MANY STOCK DID YOU SEE IN THEIR POSSESSION $_{A}$I CANNOT RECOLLECT ONLY THE TEAMS THAT THEY WAS HITCHED UP AND READY TO MOVE ON [*space*] HOW MANY CATTLE HAD THEY [*space*] I
A. I COULD NOT SAY —THE CATTLE WAS BELOW. THEY WAS AWAY. Q. AFTER THE MASSACRE DID YOU SEE ANY STOCK BELONGING TO THAT TRAIN? A.	I COULD NOT SEE THE CATTLE WAS BELOW *YOU*[?] THEY WAS AWAY AFTER MASSACRE DID YOU SEE ANY STOCK BELONGING TO THAT TRAIN	I COULD NOT SEE THE CATTLE T**H**AT WAS BELOW YET. THEY WAS AWAY. Q. AFTER THIS MASSACRE DID YOU **EVER** SEE ANY STOCK THAT BELONGED TO THAT TRAIN? A.	COULD NOT SAY THE CATTLE WAS BELOW [*space*] AFTER THIS MASSACRE DID YOU EVER SEE ANY STOCK THAT BELONGED TO THAT TRAIN

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RT	RS	BT	PS
I DID NOT PARTICULARLY KNOW WHAT WAS DONE WITH THEM; A PART I ———— SUTHERLAND: WE OBJECT———— BASKIN: THE QUESTION REFLECTS UPON THE MOTIVE BY WHICH IT WAS DONE—THE MALICE ETC. WIT.: AS REGARDS WHAT WAS DONE WITH THEM CATTLE I DO NOT KNOW. I KNOW SOME. Q. I WOULD LIKE TO MAKE A LITTLE FURTHER	I DID ~~<~~DO YOU ~~Q~~KNOW WHAT WAS DONE WITH THEM~~>~~ ~~A~~ONE PART I KNOW ~~<~~AND ONE PART I DO NOT~~>~~ WHAT WAS DONE WITH THEM PART YES WHAT WAS DONE *[29]* OBJECTED TO BY SUTHERLAND BY BASKIN HE IS AGAIN REFLECTING UPON MOTIVE BY WHICH IT WAS DONE MALICE ETC. ~~QA~~AS REGARDS WHAT WAS DONE WITH THE LAME CATTLE I DO NOT KNOW I KNOW SOME. I WOULD LIKE TO MAKE A LITTLE FURTHER	I DID? Q. DID YOU KNOW WHAT WAS DONE WITH THEM? A. ~~IN~~ **P~~P~~**ART I DID ; ~~IN~~ **AND** PART I DIDN'T KNOW WHAT WAS DONE WITH T HEM. **M**<u>**R**</u> SUTHERLAND : WE OBJECT TO THAT ~~I~~AS IMMATERIAL. OBJECTION OVERRULED. EXCEPTION. Q. WHAT WAS **D**ONE WITH THESE CATTLE~~.~~**?** A. AS REGARDS WHAT WAS DONE WITH THEM CATTLE, I DON'T KNOW. ~~I~~ ~~KNOW SOME~~ Q. DO YOU KNOW WHAT WAS DONE WITH ANY OF THEM? A. I KNOW SOME. I WOULD LIKE TO TELL YOU A LITTLE FARTHER RIGHT	I DID DO YOU KNOW WHAT WAS DONE WITH THEM ~~A~~PART I DO AND PART I DO NOT KNOW <WHAT WAS DONE WITH THEM SUTHERLAND> OBJECTED TO AS IMMATERIAL OBJECTION OVERRULED EXCEPTION [*space*] WHAT WAS DONE WITH THOSE CATTLE AS REGARDS TO TELL YOU [*space*] DO YOU KNOW WHAT WAS DONE WITH ANY OF THEM I KNOW SOME I HAVE TO TELL YOU A LITTLE FURTHER RIGHT

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RT	RS	BT	PS
INQUIRY AS TO WHERE YOU WENT *[75]* FROM HAMLIN'S RANCH ? A. WELL NEXT MORNING I STARTED WITH THE CHILDREN FOR CEDAR CITY. I PUT THEM ON SAM MC MURDY'S WAGON AND JOHN WILLIS' WAGON, AND WE WENT ON TO PAINTER CREEK, I THINK I LEFT ONE LITTLE CHILD THERE; ONE THAT WAS WOUNDED— LEFT ONE OR TWO THERE. THEN I WENT HOME. PASSED A TRAIN FROM SAN BERNARDINO, WHICH WAS OLD BILLY MATTHEWS, AND I COULD NOT TELL YOU ALL THAT WAS IN THE TRAIN,FROM THE FACT I DID NOT SEE HIM; HE	{INQUIRY}[1] FROM HAMLIN'S. WELL NEXT MORNING I STARTED WITH THE CHILDREN FOR CEDAR CITY. PUT THEM ON SAM MC MURDY'S WAGON AND JOHN WILLIS' WAGON, AND WE WENT ON TO PINTO CREEK I THINK I LEFT ONE LITTLE CHILD THERE, ONE THAT WAS WOUNDED LEFT ONE OR TWO THERE. THEN I WENT HOME PASSED TRAIN FROM SAN BERNARDINO WHICH WAS OLD BILLY MATTHEWS AND I COULD NOT TELL YOU ALL THAT WAS IN, FROM THE FACT I DID NOT SEE 'EM, I	FROM HAMBLINS. Q. GO ON THEN? A. WELL, THE NEXT MORNING I STARTED WITH THE CHILDREN ~~FRO~~ FOR CEDAR CITY—I PUT THEM ON SAM MC MURDYS WAGON AND JOHN WILL~~ASES~~**IS'S** WAGON AND WENT ONTO ~~P~~PINTO CREEK, AND I THINK I LEFT ONE LITTLE CHI~~L~~D THERE—ONE THAT WAS WOUNDED; I LEFT ONE OR TWO THERE; THEN I WENT HOME, **I** PAST A TRAIN FROM SANBARNARDIN O. IT WAS OLD BILLEY MATHEWS. I COULD NOT TEL**L** YOU WHO ALL WAS IN FROM THE FACT **THAT** I D**I**DN'T SEE THEM *[22]* ~~W~~WE	FROM HAMBLINS. COUNSEL GO ON THEN [*space*] THE NEXT MORNING I STARTED WITH THE CHILDREN FOR CEDAR CITY, PUT THEM ON SAM MC MURDYS WAGON AND JOHN WILLIS'S WAGON, AND WENT ON TO PINTO CREEK, AND I THINK I LEFT ONE LITTLE CHILD THERE ONE THAT WAS WOUNDED I LEFT ONE OR TWO THERE *[[5]]* THEN I WENT HOME PAST A TRAIN FROM ~~THIS~~ SAN BERNARDINO WHICH WAS OLD BILLY MATHEWS, I COULD NOT TELL YOU WHO ALL WAS IN FROM THE FACT THAT I DIDN'T SEE THEM

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RT	RS	BT	PS
WAS A LITTLE OFF THE ROAD TO THE RIGHT ON WATER. THEY PASSED ON; AFTER HE WAS GONE WE WENT ON TO CEDAR CITY; IT WAS SOMETIME IN THE NIGHT BEFORE I GOT THERE. HAD TO STOP THERE TO GET SOME WATER FOR THE REST OF THE CHILDREN; THESE MEN ~~LIVING~~ LIVE HERE— A PORTION OF THEM— THESE FREIGHT TEAMS—THE TANNERS, THE MATTHEWS AND THE SHEPPARDS AND THESE GENTLEMEN FREIGHTING AT THAT TIME; I STARTED ON AGAIN, DOING THE BEST I COULD WITH THE	WAS LITTLE OFF ROAD TO RIGHT ON WATER. THEY PASSED ON AND AFTER THEY WAS GONE WE WENT ON TO CEDAR CITY {AND IT WAS}[i] SOMETIME IN NIGHT BEFORE I GOT THERE. HAD TO STOP THERE GET SOME WATER FOR THE REST OF THE CHILDREN THOSE MEN LIVE HERE PORTION OF THEM THOSE FREIGHT TEAMS TANNERS MATTHEWS SHEPPARDS I THINK AND THOSE GENTLEMEN FREIGHTING AT THAT TIME I STARTED ON AGAIN DOING BEST I COULD WITH	WAS OF**F** THE ROAD A LITTLE TO THE RIGHT WHERE THERE WAS WATER. THEY PASSED ON WHILE I WAS IN THERE. AFTER THEY WAS GON**E** WE WENT ~~ON~~ ON TO CEDAR CITY. IT WAS IN THE NIGHT BEFORE I GOT THERE. I **H**AD TO STOP THERE TO GET SOME WATER FOR THE CHILDREN. THESE MEN ~~LIVING~~ **LIVED** HERE IN BEAVER—MOST OF THEM — THESE FREIGHT TEAMS — TANNERS, **M**~~M~~ATHEWS AND SHEPHERD**'**S I THINK AND THESE OLD GENTLEMEN**,** FREIGHTING AT THAT TIME. I STARTED ON AT THAT TIME DOIN~~T~~**G** THE BEST I COULD WITH THE	I WAS OFF TO THE RIGHT WHERE THERE WAS WATER. THEY PASSED WHILE I WAS IN THERE, AFTER THEY WAS GONE THROUGH WE WENT ON TO CEDAR CITY. IT WAS IN THE NIGHT BEFORE I GOT THERE I HAD TO STOP THERE TO GET WATER FOR THE CHILDREN MEN WHO LIVE HERE IN BEAVER MOST OF THEM TANNERS AND MATTHEWS AND SHEPHERD I THINK AND THOSE OLD GENTLEMEN FREIGHTING AT THAT TIME. I STARTED ON AGAIN DONE BEST I COULD WITH THE

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RT	RS	BT	PS
CHILDREN; WENT ON AND	CHILDREN WENT ON AND	CHILDREN— WENT ON**,** PASSED THEM AND GOT SOMETHING TO EAT AND DRINK AND WENT ON	CHILDREN PACIFIED THEM GAVE THEM SOMETHING TO EAT AND DRINK AND WENT ON
GOT INTO CEDAR CITY AT NIGHT. I WENT TO A PLACE CALLED HOPKINS PLACE, AN OLD LADY,	GOT INTO CEDAR CITY AT NIGHT I WENT TO A PLACE CALLED HOPKINS PLACE AN OLD LADY	AND GOT **TO**~~AT~~ CEDAR CITY IN THE NIGHT. I WENT TO A PLACE CALLED HOPKIN'S PLACE**,** , ~~AND OLD~~ AN OLD LADY ~~H~~THAT WAS A	GOT TO CEDAR CITY IN THE ~~<~~NIGHT~>~ I WENT TO A PLACE CALLED HOPKIN'S, A LADY THAT WAS THEN OLD
MIDWIFE[114] THERE AT THAT TIME. A MOTHERLY KIND OF WOMAN, WHO HAD	MIDWIFE THERE *D/HAD*[?] MOTHERLY KIND OF WOMAN HAD	MIDWIFE THERE —A MOTHERLY KIND OF WOMAN WHO HAD MIDWIFED	MIDWIFE THERE WHO HAD ~~<~~MIDWIFED~>~
INFLUENCE THERE AMONG THE SISTERS; I TOLD HER I HAD SO MANY CHILDREN, GOT FROM THAT PLACE; I DIDN'T TELL HER ANY PARTICULAR STORY,	INFLUENCE THERE AMONG THE SISTERS I TOLD HER I HAD SO MANY CHILDREN GOT FROM THAT PLACE. I DIDN'T TELL HER ANY PARTICULAR STORY	AROUND AMONG THE SISTERS THERE. I TOLD HER I HAD SO ~~K~~MANY CHILDREN GOT FROM THAT PLACE **BU**T I DIDN'T TELL HER ANY PARTICULAR**S** ~~STORY~~ ABOUT IT ; **THOUGH**	INFLUENCED AROUND AMONG THE SISTERS I TOLD HER I HAD SO MANY CHILDREN GOT FROM THAT PLACE I DIDN'T TELL HER ANY PARTICULARS ABOUT IT,
SHE PERFECTLY WELL UNDERSTOOD IT	SHE PERFECTLY WELL UNDERSTOOD IT	SHE PERFECTLY WELL UNDERSTOOD	SHE PERFECTLY WELL UNDERSTOOD

114. Lydia Hopkins was married to Charles Hopkins and was the Relief Society president in Cedar City.

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RT	RS	BT	PS
THOUGH; HER HUSBAND WAS IN AND OUT. SHE UNDERSTOOD THE PARTICULARS OF IT AT LEAST; THERE I STOPPED WITH THESE CHILDREN; SHE RUSTLED AROUND, GOT GOOD PLACES FOR THEM AND NEXT DAY—OF COURSE NOT THAT NIGHT I THINK I TOOK ONE HOME; DON'T KNOW PARTICULARLY WHAT BECAME OF IT AFTERWARDS — A NICE LITTLE GIRL. MY WOMAN RAISED IT, PARTLY SUCKLED IT, AFTERWARDS THAT CHILD WAS GIVEN TO BIRKBECK AT CEDAR CITY~~.~~**,** *[76]* BECAUSE THEYNHAD NO	THOUGH HER HUSBAND WAS IN AND OUT; SHE UNDERSTOOD PART OF IT AT LEAST. THERE I STOPPED WITH THESE CHILDREN SHE RUSTLED AROUND GOT PLACES NEXT DAY OF COURSE NOT THAT NIGHT I THINK I TOOK ONE HOME DON'T KNOW *HOW*[?] BECAME OF IT AFTERWARDS {HAD}[i] ~~≤~~**A**~~≥~~ NICE LITTLE GIRL. MY WOMAN RAISED IT PARTLY {?}[i] SUCKLED IT AFTERWARDS THAT CHILD WAS GIVEN TO BIRKBECK CEDAR CITY BECAUSE THEY HAD NO	THAT **,** BECAUSE HER HUSBAND WAS IN AND OUT. SHE UNDERSTOOD PART OF IT AT LEAST. THERE I STOPPED WITH THESE CHILDREN, AND SHE RUSTLED AROUND AND GOT PLACE~~W~~S NEXT DAY, AND I THINK I T**O**OK ONE HOME I THINK I TOOK ONE HOME OR GOT IT AFTERWARDS I DON'T KNOW — **WHICH** A NICE LITTLE BABY GIRL AND MY WOMAN RAISED IT— SUCKLED IT— AND AFTERWARDS THAT CHILD WAS GIVEN TO BIRKBECK[115] AT CEDAR CITY BECAUSE THEY HAD NO	THAT BECAUSE HER HUSBAND WAS IN *AND* *OUT/ON IT*[?] [*space*] THERE I STOPPED WITH THESE CHILDREN AND SHE RUSTLED AROUND AND GOT PLACES NEXT DAY AND I THINK I TOOK ONE HOME I THINK I TOOK ONE HOME OR GOT IT AFTERWARDS I DON'T KNOW A NICE LITTLE BABY GIRL, AND MY WOMAN RAISED IT PARTLY [*space*] SUCKLED IT; AND AFTERWARDS THAT CHILD WAS GIVEN TO *BIRKBECK*[?] AT CEDAR CITY, BECAUSE THEY HAD NO

115. Richard Birkbeck.

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RT	RS	BT	PS
CHILD; I TOLD MY WIFE ~~M~~ "LET 'EM HAVE IT," THEY HADN'T NONE; IT WAS A BABE AT THE BREAST.	CHILD. TOLD MY WIFE LET 'EM HAVE IT THEY HADN'T NONE IT WAS **A** BABE AT BREAST.	CHILDREN. IT WAS A BABE AT THE BREST . Q. DO YOU KNOW WHAT BECAME OF ITS MOTHER?	CHILDREN. IT WAS A BABE AT THE BREAST [*space*] DO YOU KNOW WHAT BECAME OF ~~OF HIS~~ ITS MOTHER
I NEVER KNEW WHAT BECAME OF ITS MOTHER.	I NEVER KNEW WHAT BECAME OF ITS MOTHER.	A. I DO NOT. I NEVER KNEW WHAT BECAME OF ITS MOTHER.	$_{A}$I DO NOT I NEVER KNEW
I GOT THEM PLACES AROUND; EVERY ONE GOOD PLACES, AS SOON AS POSSIBLE, AND	I GOT THEM PLACES AROUND EVERY ONE GOOD PLACE AS SOON AS POSSIBLE	I GO T THEM PLACE~~DS~~ AROUN~~E~~D OF COURSE EVERY ONE GOOD PLACES AS SOON AS POSSIBLE—AS SOON AS ~~H~~I COULD; BUT AS A GENERAL THING THEY WERE WELL TREATED AS	I GOT THEM PLACES AROUND OF COURSE EVERY ONE GOOD PLACE AS SOON AS POSSIBLE, AS SOON AS I COULD GET AND AS A GENERAL THING THEY WERE WELL TREATED AS
AS FAR AS I KNEW THEY WERE WELL TREATED; I MADE IT MY BUSINESS TO GET THEM PLACES;	AS FAR AS I KNEW WERE WELL TREATED I MADE IT MY BUSINESS TO GET THEM PLACES.	FAR AS ~~A~~I KNOW. I MADE IT MY BUSINESS TO GET THESE CHILDREN PLACES WHERE THERE WAS NOT MANY	FAR AS I KNEW I MADE IT MY BUSINESS TO GET THESE CHILDREN PLACES; WHERE THERE WAS NOT MANY
IN THAT WAY I DISPOSED OF THEM AROUND IN	IN THAT WAY I DEPOSITED THEM AROUND IN	CHILDREN. IN THAT WAY I DISPOSED OF THEM AROUND IN	CHILDREN. IN THAT WAY I DISPOSED THEM AROUND ~~IN~~ MANY

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RT	RS	BT	PS
DIFFERENT PLACES.	DIFFERENT PLACES.	DIFFERENT PLACES. WHO ALL HAD THEM I COULD NOT ~~TL~~ **TELL** *[23]*	≤DIFFERENT≥ PLACES, WHO ALL HAD THEM I COULD NOT TELL. [*space*]
Q. AFTER YOU GOT BACK TO CEDAR CITY DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE ABOUT THE MATTER IN CEDAR CITY ? A. I DON'T RECOLLECT OF MEETING WITH HIM AFTER THAT OCCURRED THERE.	AFTER YOU GOT BACK CEDAR CITY DID YOU EVER <MEET JOHN D LEE> AND HAVE ANY CONVERSATION IN CEDAR CITY ≤{WITH JOHN D. LEE ABOUT THE MATTER}[i] ON THE SUBJECT OF WHAT OCCURRED≥ DON'T RECOLLECT MEETING WITH HIM AFTER THAT OCCURRED THERE. <Q WHEN DID YOU FIRST MEET WITH HIM AFTER THAT>	Q. AFTER YOU GOT BACK TO CEDAR CITY**,** DID YOU EVER MEET JOHN D. LEE AND HA~~G~~VE ANY CONVERSATION WITH HIM ON THE SUBJECT OF WHAT OCCURRED? A. I DON'T RECOLLECT MEETING WITH HIM AFTER THAT OCCURRED THERE—NOT AT THAT PLACE. Q. WHEN DID YOU FIRST MEET HIM AFTER THAT? A.	₀AFTER YOU GOT BACK TO CEDAR CITY DID YOU EVER MEET JOHN D. LEE AND HAVE ANY CONVERSATION WITH HIM ON THE SUBJECT OF WHAT HAD OCCURRED [*space*] I DON'T RECOLLECT OF ANY ANY AFTER THAT OCCURRED THERE NOT AT THAT PLACE. [*space*] AND WHEN DID YOU FIRST MEET HIM AFTER THAT [*space*] IN
I MET HIM IN SALT LAKE AFTERWARD.	I MET HIM IN SALT LAKE AFTERWARD. <Q DID YOU GO SALT LAKE CITY TOGETHER NO SIR> *I/HE*[?]	I MET HIM IN SALT LAKE AFTER. Q. DID YOU GO TO SALT LAKE TOGETHER? A. NO, SIR , WE	SALT LAKE CITY DID YOU GO TO SALT LAKE TOGETHER NO SIR
WE DIDN'T GO TO SALT LAKE CITY TOGETHER. Q. STATE WHAT	DIDN'T GO TO SALT LAKE CITY TOGETHER. STATE WHAT	DIDN'T GO TO SALT LAKE TOGETHER. Q. STATE WHAT	STATE WHAT

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RT	RS	BT	PS
OCCURRED RELATIVE TO THIS MATTER IN SALT LAKE CITY ? A. YOU MIGHT CALL IT HEARSAY. MY NEXT IS FROM JOHN M.HIGBEE, HE TOLD ME —————	OCCURRED <IF ANYTHING> RELATIVE TO THIS MATTER IN SALT LAKE CITY. <PREVIOUS TO THIS> YOU MIGHT CALL IT HEARSAY. MY INFORMATION *[30]* IS FROM J M HIGBEE HE TOLD ME <Q STATE WHAT HIGBEE AND THOSE PARTIES YOU REFER TO SAID ABOUT THIS MATTER>	OCCURRED , IF ANYTHING , RELATIVE TO THIS MATTER IN SALT LAKE CITY? A. PREVIOUS TO THIS , YOU MAY CALL IT, HEARSAY,I COULD SAY WHAT I HEARD HAIGHT SAY TO JOHN M . ~~H~~HIGBEE. Q. STATE WHAT HIGBEE AND THESE PARTIES YOU REFERR TO SAI D ABOUT THIS MATTER. **M^R^** SUTHERLAND:	OCCURRED IF ANYTHING RELATIVE TO THIS MATTER IN SALT LAKE CITY? PREVIOUS TO THIS YOU MAY CALL IT *[[6]]*[116] HEARSAY I COULD SAY WHAT I HEARD HAIGHT SAY *TO/AND*[?] JOHN M HIGBEE [*space*] STATE WHAT HIGBEE AND THOSE PARTIES YOU REFER TO SAID ABOUT THIS MATTER [*space*]
OBJECTED TO BY COUNSEL FOR DEFENDANT AS HEARSAY. BASKIN: I THINK THIS SHOWS IT IS A CONSPIRACY BETWEEN JOHN D. LEE, HIGBEE AND OTHERS TO COMMIT MUR~~E~~DER; I ASK THE COURT TO NOT PASS UPON THAT QUESTION	*II* OBJECTED TO BY SUTHERLAND HEARSAY TESTIMONY. BY BASKIN I THINK THIS SHOWS IT IS CONSPIRACY BETWEEN JOHN D. LEE HIGBEE AND OTHERS TO COMMIT THIS MURDER. I ASK THE COURT TO NOT PASS UPON THAT QUESTION	WE OBJECT TO THAT AS HEARSAY AS TO JOHN D. LEE AND HE IS THE ONLY PARTY ON TRIAL.	OBJECTED TO AS HEARSAY AS TO JOHN D. LEE AND HE IS THE ONLY PARTY ON TRIAL.[117] [*space*]

116. Written partially on the verso of page 5 and on the top of page 6: BASKIN REFERS 1*S* **GREENLEAF III** [*space*] **PHILLIPS ON EVIDENCE 206** [*space*] **WHARTON** AMERICAN CRIMINAL 702 and 3 *[6] 39/29*[?] **CAL** PEOPLE AGAINST *TRM*[?] 76.

117. Patterson did not record the ensuing legal argument.

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RT	RS	BT	PS
TILL WE CAN GET AUTHORITY UPON IT.	UNTIL WE CAN GET AUTHORITY UPON IT BISHOP WENT OUT FOR A BOOK. QUESTION BY COUNSEL AS TO ADMISSIBILITY OF EVIDENCE HEARSAY. BY		
THE ALLEGATION THERE AS CHARGED IN THE INDICTMENT IS	BASKIN THE ALLEGATION THERE IS		
COMBINING IN CONCERT OF ACTION.	COMBINING IN CONCERT OF ACTION. THEY		
THE DEFENSE ASSERT YOU CANNOT PROVE COMBINATION	TAKE IT FOR ASSUMED YOU CAN'T PROVE COMBINATION OR CONSPIRACY		
WITHOUT YOU ALLEGE IT. THE COMBINATION REPLECATED	WITHOUT YOU ALLEGE IT. THE COMBINATION REFLECTED		
SHOWS IT TO HAVE BEEN MALICE, AND IT IS NOT	SHOWS {IT TO HAVE BEEN}[i] MALICE IT IS NOT		
NECESSARY TO ALLEGE CONSPIRACY.	NECESSARY TO ALLEGE CONSPIRACY		
WE ALLEGE IT WAS DONE IN COMBINED CONCERT AND HAVE PROVED IT WAS DONE.	WE ALLEGE IT WAS DONE IN COMBINED CONCERT IT WAS DONE		
IF WE ARE PERMITTED TO	{HAVE ~~BEEN~~ PROVEN IT IF WE ARE PERMITTED		

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RT	RS	BT	PS
INTRODUCE THIS TESTIMONY WE CAN PROVE THE FACT OF COMBINATION. THE ALLEGATION IS THAT THEY WILFULLY, PREMEDITATEDLY AND WITH MALICE, DID COMBINE AND WE *[77]* CAN PROVE THEY MET TOGETHER. COURT: THE OBJECTION RAISED BY THE DEFENSE IS THAT THIS WAS DONE AFTER THE MASSACRE. BASKIN: THE GENERAL RULE IS WHERE YOU HAVE CONSPIRACY IT SHOWS IT WAS DONE BY VIRTUE OF PRE-CONCERTED ARRANGEMENT AND WHEN YOU HAVE ESTABLISHED THAT FACT THE DECLARATION OF ONE ARE THE DECLARATIONS	INTRODUCE THIS TESTIMONY}[i] WE CAN PROVE FACT OF COMBINATION ALLEGATION IS FOR WILLFULLY PREMEDITATED LY WITH MALICE FORETHOUGHT {DID COMBINE}[i] IF WE CAN PROVE THEY MET TOGETHER ETC. IT IS A *TRNGS*[?] PROOF [*space*] ⪦BY COURT⪧ OBJECTION RAISED BY DEFENSE IS THAT IT WAS AFTER THE MASSACRE. BASKIN GENERAL IS WHERE YOU HAVE SHOWN CONSPIRACY SHOWS IT WAS DONE BY VIRTUE OF PRECONCERTED ARRANGEMENT WHEN YOU HAVE ESTABLISHED THAT FACT DECLARATION OF ONE IS THE DECLARATION		

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RT	RS	BT	PS
OF THE OTHER. THE ACTS OF ONE IS BEFORE THE EFFECT; THIS EVIDENCE WE SEEK TO INTRODUCE NOW, SO FAR AS THE DECLARATION OF HIGBEE IS CONCERNED WAS AFTER THE EFFECT, BUT NOW ITS EFFECT IS NOTICED.	OF THE OTHER ACTS OF ONE IS BEFORE THE FACT. THIS EVIDENCE WE SEEK TO INTRODUCE NOW SO FAR AS DECLARATION OF HIGBEE IS CONCERNED WAS AFTER THE FACT BUT NOW THIS FACT IS NOTICED THIS EVIDENTLY WAS NOT ONLY COMBINED TO KILL THESE PERSONS BUT ENTERING INTO THAT COMBINATION *WAS/S*[?] *PROPORTION*[?] OF THEIR PROPERTY THIS SAME MATERIAL SHOWING THEIR MALICE IN THEIR WORDS WHEN WAS IT CARRIED OUT.		
CONSPIRACY WE ARE GOING TO PROVE, AND COVERING UP THE CRIME AS WELL AS CONSPIRACY. CITING VARIOUS AUTHORITIES IN	CONSPIRACY WAS GOING PROVE COVERING UP THIS CRIME AS WELL AS CONSPIRACY. RULE ≺GENERAL≻ HAS		

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RT	RS	BT	PS
SUPPORT OF HIS ARGUMENT.	ESTABLISHED IT MUST BE PART OF A "RES GESTAE" RES GESTAE AND THAT IS PART OF RES GESTAE THERE IS ANOTHER EXCEPTION TO THAT RULE TO WHICH I DESIRE TO CALL YOUR HONOR'S ATTENTION. READ FROM **1ST GREENLEAF** ON EVIDENCE *III* <CRIMINAL PROCEDURE> SECTION *III* SOME PARTS APPLY. *IIII* IT MAKES NO DIFFERENCE AT WHAT TIME THE PARTIES ENTERED INTO THE CONSPIRACY *IIII* UP TO VERY ACT WHICH WAS AFTERWARDS DONE BY ANY OTHERS IN FURTHERANCE OF THE COMMON WILL. THERE IS NOW *OF OUR*[?] HAVING LAID PROPER FOUNDATION. THE QUESTION IS DOES THE		

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RT	RS	BT	PS
	EVIDENCE WE SEEK TO INTRODUCE NOW COME WITHIN THAT GENERAL RULE AND THE EXPLANATION *RATHER/RTH*[?] I SHALL MAKE BY AUTHORITIES. READ FROM **2ND BISHOP** [*space*] STATES GENERAL PRINCIPLE. {GREEN}[i]LEAF ON EVIDENCE SOME OTHER PRECEDED READ FURTHER IN THE CASE *KRASL*[?] **C & P** IT WAS A CASE FOR FALSE IMPRISONMENT *[31]* THERE IS ONE CASE IN WHICH REFLECTING QUESTION OF MALICE IT WAS ADMITTED. I READ NOW FROM **2ND BP** CRIMINAL LAW SECTION 230 I HOLD EVIDENCE WE SEEK INTRODUCE HERE IS ABOUT DISPOSITION OF PROPERTY AFTER FACT		

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RT	RS	BT	PS
	WHICH WAS ≤CONSUMMATION≥ AFTER ORIGINAL DESIGN AND REFLECTS ON THE MALICE IT SHOWS REASON THIS WAS DONE WAS TO GET THEIR PROPERTY. IT WAS DONE FOR FOR PURPOSE OF KILLING THOSE MEN ROBBING THEM OF THEIR GOODS COVERING UP CRIME. " READ FURTHER WHEN MATTER IS COMPLETELY OVER ETC. IT MUST BE THING WE DEMAND THE FACTS ON PARTICULAR CASE. WILL ADMIT EVIDENCE OR REJECT IT *ACCORDING*[?] AS IT IS BROUGHT WITHIN SPIRIT OF RULE. BISHOP GAVE THESE GREAT MANY CASE, IN *LB-M*-[?] CASE EVIDENCE HAVING BEEN		

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RT	RS	BT	PS
	INTRODUCED ETC. ACCOMPLICE NOT ONLY TO STEAL WAGES ETC. IT WAS HELD FACTS OF HIS ACCOMPLICE AFTER HIS STEALING IS ADMISSIBLE EVIDENCE AGAINST PRISONER *KILLING*[?] TRIAL FOR *MORRISON*[?] *FOR/HAVE*[?] *WHICH/WATCHED [?]*. WE EXPECT TO PROVE THIS CONSPIRACY CONTINUED UNTIL PROPERTY WAS DISPOSED OF. READ **PHILLIPS** ON EVIDENCE THESE NOTES ARE BY JUDGE *COWEN*[?] AND *HEELY*[?]. TESTIMONY {OF}[i] THIS WITNESS WILL SHOW {THE}[i] DISPOSITION {OF THE}[i] PROPERTY *TH/F*[?] MASSACRE *WHO HAVE*[?] IT IS PART OF EVIDENCE. [*space*] **WHARTONS** CRIMINAL LAW		

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RT	RS	BT	PS
	READ FROM. CASE IN CALIFORNIA 39TH **CALA** PEOPLE AGAINST *TRM/THRM*[?] 75 OR 76 [*space*]		
SUTHERLAND:	SUTHERLAND READS YOUR HONOR PLEASE		
EARLY IN THE EXAMINATION OF THIS WITNESS WE MADE OBJECTIONS TO THE DECLARATIONS AND ACTS OF OTHER PERSONS THAN JOHN D. LEE, WITH CONSPIRACY CHARGED IN THE INDICTMENT WHICH HAD NOT BEEN PROVEN. THAT NOTHING IN HIS EVIDENCE HAD BEEN GIVEN TENDING TO PROVE SUCH CONFEDERATION, BECAUSE THE PROSECUTION UNDERTOOK TO PROVE THE CONSPIRACY AFTERWARDS AND CONNECT JOHN D. LEE WITH IT. YOUR HONOR	EARLY <IN THE> EXAMINATION OF THIS WITNESS WE MADE OBJECTION TO THE DECLARATIONS ACTS OF OTHER PERSONS THAN JOHN D. LEE WITH CONSPIRACY CHARGED IN THE INDICTMENT HAD NOT BEEN PROVED THAT NONE EVIDENCE HAD BEEN GIVEN TEND TO PROVE. BECAUSE PROSECUTION UNDERTAKE TO PROVE THAT CONSPIRACY AFTERWARD CONNECT JOHN D. LEE WITH IT YOUR HONOR		

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RT	RS	BT	PS
THOUGHT IT PROPER TO ALLOW THAT EVIDENCE TO GO IN ON THOSE TERMS. WHAT IS THAT EVIDENCE THAT IS REQUIRED TO SHOW CONSPIRACY ? WHAT IS THE EVIDENCE IN TENDING TO SHOW IT ? THEY ARE THE ALLEGED DECLARATIONS OF ISAAC C. HAIGHT THAT TWO OF THE PERSONS DID COMBINE AND MAY TEND TO PROVE AN ALLEGED DECLARATION OF ISAAC C. HAIGHT, THAT JOHN D. LEE AND THIS WITNESS DID COMBINE TO COMMIT THIS CRIME. WOULD SUCH TESTIMONY TEND TO PROVE THAT COMBINATION ? CERTAINLY NOT. DECLARATIONS OF ONE WHO IS ALLEGED TO BE A	THOUGHT IT PROPER {TO}[i] ALLOW THAT EVIDENCE TO GIVE IN AND WHAT IS THAT EVIDENCE THAT IS REQUIRED TO SHOW A CONSPIRACY WHAT IS THAT EVIDENCE TEND TO SHOW IT. ALLEGED DECLARATIONS OF ISAAC **C** HAIGHT THAT TWO OTHER PERSONS HAD COMBINED TEND TO PROVE OR ALLEGED DECLARATIONS OF *EITHER*[?] **C** HAIGHT WITH JOHN D. LEE AND THIS WITNESS DID COMBINE COMMIT THIS CRIME WOULD SUCH TESTIMONY TEND TO PROVE THAT HE COMBINED CERTAINLY NOT DECLARATIONS OF ONE ALLEGED TO BE		

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RT	RS	BT	PS
CO-CONSPIRATOR, AND WHO IS HERE BEFORE THE COURT, CANNOT [78] BE PUT IN AS EVIDENCE TO AFFECT	CO-CONSPIRATOR BECOMES *HERE/HEARD*[?] CAN NOT BE PUT IN EVIDENCE TO AFFECT FRIENDS. AND ANY EVIDENCE OF DECLARATIONS OF THE PERSONS CHARGED TO BE CO-CONSPIRATORS ARE NOT ADMISSIBLE TO		
OTHERS THAN THE PERSONS MAKING THE DECLARATIONS, TILL AFTER THE COMBINATION OR CONSPIRACY HAS BEEN ESTABLISHED. I STATED THAT RULE BEFORE, THEN YOUR HONOR ANNOUNCED THAT IT HAD BEEN THE LAW FOR FIFTEEN YEARS.	EFFECT OTHERS THAN PERSONS MAKING DECLARATIONS UNTIL THAT COMBINATION OR CONSPIRACY HAS BEEN ESTABLISHED. I STATED THAT RULE BEFORE YOUR HONOR ANNOUNCED THAT HAD NOT BEEN LAW FOR 15 YEARS COUNSELOR? HAS HAD KINDNESS READ TO YOUR HONORS ? WHAT IS PUBLISHED IN		

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RT	RS	BT	PS
COURT: I SAID THE RULE WAS TO ALLOW PARTIES TO COMMENCE AT WHICH END THEY SAW PROPER. SUTHERLAND: THE COMBINATON HAD NOT BEEN PROVEN, AND STATEMENTS OF OTHER PARTIES, OTHER THAN JOHN D. LEE WAS NOT ADMISSABLE. COURT: WHEREVER I HAVE BEEN FOR THE LAST FIFTEEN OR EIGHTEEN YEARS IT HAS ALWAYS BEEN SO AND THAT HAS BEEN THE PRACTICE HERE.	EDITION OF GREENLEAF'S EVIDENCE OF 1866 BY COURT I SAID RULE WAS TO ALLOW PARTIES TO COMMENCE WHICH END THEY SEE PROPER. [*space*] *[32]* COMBINATION HAD NOT BEEN PROVED STATEMENTS OF OTHER PARTIES THAN JOHN D. LEE WAS INADMISSIBLE. BY COURT WHEREVER I HAVE BEEN FOR LAST 15 18 YEARS THAT HAS BEEN PRACTICE AND HERE. HONOR {I INTRODUCED AND REQUEST}[i] AND UNDERSTOOD YOUR HONOR TO MAKE THAT REMARK *WARRANT*[?] OVERRULING ALL MY JUDGMENT		

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RT	RS	BT	PS
	WHERE IT IS LAID DOWN IN THIS BOOK ACTS DECLARATIONS ONE OR MORE CONSPIRATORS IS *AFFECTING*[?] HIS *FELLOWS*[?] IS ADMISSIBLE HERE. AND FOUNDATION MUST FIRST BE LAID BY THE PROOF SUFFICIENT IN OPINION OF JUDGE TO SO —/*AFFIRM*[?] [*space*] PROPER TO BE LAID BEFORE JURORS AS TEND TO ESTABLISH SUCH FACTS. READ SOMETIMES FOR SAKE OF EVIDENCE, IT MAY BE ADMITTED IN EVIDENCE BEFORE ETC.		
THIS INDICTMENT IS FOUND AGAINST NINE PERSONS ; THEY ARE CHARGED WITH HAVING COMMITTED THE MURDER IN QUESTION BY A CONCERT ~~+~~OF	THIS INDICTMENT IS FOUND AGAINST 9 PERSONS THEY ARE CHARGED TO HAVE COMMITTED MURDER IN QUESTION BY CONCERT OF		

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RT	RS	BT	PS
ACTION; ONLY ONE OF THOSE PERSONS IS ON TRIAL.	ACTION ONLY ONE OF THESE PERSONS IS UPON TRIAL OTHERS WILL NOT BE AFFECTED BY ANY EVIDENCE TEND CONNECT THEM WITH IT THEY CAN ONLY BE AFFECTED BY THAT EVIDENCE WHEN THEY ARRAIGNED PUT UPON OWN TRIAL THIS EVIDENCE CAN AFFECT NOBODY BUT JOHN D. LEE. IF HE COMMITTED THIS MURDER HIS OWN HAND HE CAN BE CONVICTED UPON THIS INDICTMENT NO COMBINATION IS REQUIRED SO FAR AS ~~HIS OWN~~ {HIS OWN}[1] ACTS ARE CONCERNED. *WHY*[?] THIS ATTEMPT TO PROVE ANY COMBINATION AT ALL. WHY THIS PARADE OF WITNESSES		
THIS EVIDENCE CAN AFFECT NOBODY BUT JOHN D. LEE, IF HE OR THEY COMMITTED THIS MURDER OR GAVE COMMAND, CAN HE BE CONVICTED UPON THIS INDICTMENT; NO COMBINATION IS REQUIRED SO FAR AS HIS OWN ACTS ARE CONCERNED; WHY THIS ATTEMPT TO PROVE ANY COMBINATION AT ALL—WHY THIS PARA~~C~~DE OF WITNESSES.			

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RT	RS	BT	PS
A, B, C ARE INDICTED AND NOT CONNECTED WITH THIS MURDER,BUT I CAN INTERPRET THE CAUSE, JOHN D. LEE IS ONLY A ~~PROSECUTION~~ FIGURE HEAD IN THIS PROSECUTION. THE PROSECUTION INTEND PRIMARY TO AFFECT SOMEBODY ELSE, BUT THE QUESTION AT ISSUE UPON THIS OBJECTION— THE PROSECUTION HAVE ENDEAVORED TO SAY THE MASSACRE TOOK PLACE AT THE MOUNTAIN MEADOWS. THE QUESTION PUT TO THIS WITNESS NOW IS RESPECTING A CONVERSATION WITH OTHER PARTIES—WITH JOHN D. LEE AFTERWARDS,	A {**B C**}[i] INDICTED AND NOT INDICTED WITH THIS MURDER. I CAN INTERPRET THE CAUSE {JOHN D. LEE}[i] IS ONLY FIGURE HEAD IN THIS PROSECUTION. PROSECUTION IS INTENDED PRIMARILY TO AFFECT SOMEBODY ELSE. BUT TO GO TO THE QUESTION MADE AT ISSUE HERE UPON THIS OBJECTION. THEY HAVE *INDUCED*[?] TO SHOW MASSACRE TOOK PLACE AT MOUNTAIN MEADOWS QUESTION PUT TO THIS WITNESS NOW HAS RESPECT TO CONVERSATION WITH OTHER PARTIES WITH JOHN D. LEE AFTERWARDS.		

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RT	RS	BT	PS
TO SHOW JOHN D. LEE AND THEY WERE IN CONSPIRACY *[79]* FOR THE PURPOSE OF SHOWING A CONSPIRACY ~~THE CONSPIRACY~~ I SUPPOSE, OR IN SOME SENSE TO AFFECT THE ALLEGED CONSPIRATORS, IN ORDER TO SUPPORT WHAT THE COUNSEL READ IN THE AUTHORITIES THAT ALLOW DECLARATIONS BY ONE CONSPIRATOR, AFTER THE OBJECT OF THE CONSPIRACY HAS BEEN ACCOMPLISHED. WILL YOU ALLOW SUCH DECLARATIONS TO BE PUT IN EVIDENCE ? NO, YOUR HONOR; ALL THE AUTHORITIES JUST READ U~~M~~S ACCORD AND HARMONIZE TO THIS. SUCH DECLARATIONS ARE INADMISSABLE WHEN THE	TO SHOW JOHN D. LEE AND THEY WERE IN CONSPIRACY FOR THE PURPOSE OF SHOWING CONSPIRACY I SUPPOSE OR IN SOME SENSE TO AFFECT THE ALLEGED CONSPIRATORS IN ORDER TO SUPPORT WHAT COUNSEL READ IN AUTHORITIES THAT ALLOW DECLARATIONS BY ONE CONSPIRATOR AFTER THE OBJECT OF CONSPIRACY HAS BEEN COMPLETED ALLOW SUCH DECLARATIONS TO BE PUT IN EVIDENCE NO YOUR HONOR. AUTHORITIES JUST READ ACCORD HARMONIZE TO THIS SUCH DECLARATIONS ARE INADMISSIBLE WHEN		

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RT	RS	BT	PS
CONSPIRACY OR THE OBJECT OF IT HAS BEEN ACCOMPLISHED. NEITHER CAN MAKE ANY DECLARATIONS BINDING ANY OTHER. THIS IS THE REVERSE OF LEE. THIRD ABBOTS NATIONAL DIGEST, IN THE SECOND CIRCUIT OF NEW YORK. 5TH OF BLATCHFORD'S REPORTS. THE CONVERSATION IN QUESTION WHICH THEY SEEK TO CALL OUT IS BETWEEN THIS WITNESS AND HAIGHT; THEY OFFER IT TO AFFECT THE DEFENDANT. THE DECISIONS ARE THAT IT CANNOT BE DONE. THE CASES COUNSEL HAVE REFERRED TO TEND TO PARTICULAR APPLICATIONS AND DO NOT &FFECT THIS CASE.	CONSPIRACY OBJECT OF IT HAS BEEN COMPLETED NEITHER CAN MAKE ANY DECLARATIONS BINDING ON OTHER. <THAT IS THE REVERSE OF LAW THIRD ABBOTS NATIONAL DIGEST IN THE SECOND CIRCUIT OF NEW YORK REPORT 5TH OF BLATCHFORD REPORT. [*space*] *[33]* CONVERSATION IN QUESTION WHICH THEY SEEK TO CALL OUT IS BETWEEN THIS WITNESS AND HAIGHT THEY OFFER IT TO AFFECT THE DEFENDANT. THIS DECISION IS IT CAN NOT BE DONE. CASES COUNSEL HAS REFERRED TO AS TEND TO PRACTICAL APPLICATIONS DO NOT AFFECT THIS CASE. [*space*] IT WAS AN ACT		

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RT	RS	BT	PS
	HOW WAS ~~IT~~ IN CALIFORNIA CASE DID HE SEEK OFFER PROVE DECLARATIONS OF ALLEGED CONSPIRACY MADE AFTER OBJECT OF CONSPIRACY HAD BEEN COMPLETED NO YOU HONOR THEY SET TO PROVE AN ACT DONE AFTER THE FIRE AFTER THE ARSON WAS COMMITTED TEND TO SHOW THE INTEREST OF THAT PARTY *IN*[?] THE *COMMON BOOKS*[?] THEY ARE NOT THEREFORE ILLUSTRATIONS OF THE APPLICATIONS OF THIS PRINCIPLE NOR CAN THEY BE REGARDED *IN/IF*[?] THIS CASE *AS/IS*[?] DECIDED UPON AN EXCEPTION TO THE EDICT ANNOUNCED BY THESE WRITERS. WE THEN REST OUR OBJECTION		

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RT	RS	BT	PS
	SOLELY UPON THE *EDICT*[?] LAID DOWN IN THE 3 AUTHORITIES REFERRED TO LAID DOWN IN THE CASE MENTIONED IN THIS DIGEST ADMISSIONS OF ALLEGED CO-CONSPIRATOR MADE AFTER CONSPIRACY IS TERMINATED NOT IN PRESENCE OF ACCUSED ARE NOT EVIDENCE CAN'T {BE GIVEN AGAINST THE}[i] LATTER.		
WHEN THE TESTIMONY IN REGARD TO THAT COUNCIL AT CEDAR WAS ADMITTED THE PROSECUTION STATED THAT THEY WOULD CONNECT JOHN D. LEE WITH THE CONSULTATION THAT TOOK PLACE AT THAT TIME AND PLACE, SO THAT WHAT WAS SAID TO JOHN D. LEE MIGHT	WHEN TESTIMONY REGARDING THAT COUNCIL CEDAR CITY WAS ADMITTED {PROSECUTOR STATED}[i] THAT {THEY}[i] WOULD CONNECT JOHN D. LEE WITH THE CONSULTATION THAT TOOK PLACE AT THAT PLACE SO THAT WHAT WAS THERE SAID TO JOHN D. LEE WOULD		

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RT	RS	BT	PS
PROPERLY AFFECT HIM. COUNSEL, IN HIS CLOSING REMARKS FOR THE PROSECUTION, RESPECTING THIS COMBINATION, SAID IT HAS BEEN PROVEN. WHEN DID HE PROVE IT , OR WHAT THEIR TESTIMONY WAS, OR ANYTHING TENDING TO ESTABLISH IT HAS NOT TRANSPIRED. HE WILL PROBABLY ADDRESS THIS JURY AND ENDEAVOR TO IMPRESS UPON THEM THE EFFECT OF WHAT WAS SAID IN LEES BUSINESS ACCOMPLISHED THAT COMBINATION.	PROPERLY AFFECT HIM. COUNSEL IN HIS CONCLUDING REMARKS THIS COMBINATION HAS BEEN PROVEN. WHEN DID PROVE IT WHAT THEIR TESTIMONY WAS TENDING TO ESTABLISH IT HAS NOT TRANSPIRED. PROBABLY HE WILL ADDRESS THIS JURY AND ENDEAVOR IMPRESS UPON THEM THE FACT[118] THAT WHAT WAS SAID IN LEE'S ABSENCE COMPLETED THAT COMBINATION. WERE THESE ALL CONNECTED TOGETHER MAY BE REGARDED AS IN PURSUANCE OF THE COMMON		

118. The vowels added later in ink would render the word "EFFECT".

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RT	RS	BT	PS
BASKIN: I BELIEVE I HAVE PERMISSION OF THE COURT TO MAKE THIS CLOSING *[80]* REMARK. I DO NOT DESIRE TO DISCUSS THE MAIN PROPOSITION OF WHAT THE GENTLEMAN MADE, WHICH WAS INTENDED RATHER TO AFFECT THE JURY, AS HE SAID. THE	*COOPERATE/—* [?] BUT THE EFFECT OF THAT EVIDENCE IS NOT TO {CON}^{i}NECT EITHER OF THE ACTORS THERE WITH ANYTHING THAT HAD BEEN SAID OR DONE AT ANY PREVIOUS TIME OF WHICH THEY HAD ANY KNOWLEDGE. BY BASKIN THAT SAME THING. BY SUTHERLAND I BELIEVE WE HAVE *THE*[?] CLOSE OF OUR OBJECTION. BY BASKIN I BELIEVE I HAVE PERMISSION OF THE COURT TO MAKE THIS THE CLOSING REMARK. DO NOT DESIRE DISCUSSION MAIN PROPOSITION OF WHAT GENTLEMAN MADE WHICH WAS INTENDED RATHER {HAS}^{i} TO AFFECT THE JURY.		

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RT	RS	BT	PS
OBJECTS OF MYSELF IN THIS PROSECUTION, IS SIMPLY TO ARRIVE AT THE TRUTH, LET IT IMPLICATE WHOM IT WILL. I APPREHEND HE IS AFRAID HIS REAL CLIENT MAY BE TOUCHED IN THIS CASE. COURT: THE RULING I MADE A WHILE AGO WITH REGARD TO ADMITTING THE STATEMENT OF OTHER PARTIES PRIOR TO PROVING CONSPIRACY, IS FULLY SUSTAINED BY THE AUTHORITIES READ BY THE DEFENSE. IT SAYS IT IS LEFT TO THE DISCRETION OF THE COURT AND IS ALLOWABLE IN URGENT CASES. IF THIS IS NOT AN URGENT CASE I DO NOT KNOW	OBJECTIONS {OF}[i] *HIMSELF/AIMS*[?] *TO*[?] THIS PROSECUTION IS SIMPLY TO ARRIVE AT TRUTH LET IMPLICATE WHAT IT WILL. I APPREHEND ETC. HE IS AFRAID HIS REAL CLIENT MAY BE TOUCHED IN THIS CASE. BY COURT RULING I MADE WHILE AGO WITH REGARD ADMITTING THESE STATEMENTS OF OTHER PARTIES PRIOR TO PROVING CONSPIRACY IS FULLY SUSTAINED BY AUTHORITY READ BY DEFENSE IT SAYS IT IS LEFT TO THE *[34]* DISCRETION OF THE COURT AND IS ALLOWABLE IN URGENT CASES IF THIS IS NOT URGENT CASE I DO NOT KNOW		

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RT	RS	BT	PS
OF ANY. THE PROSECUTION HAVE HAD A DIFFICULT MATTER IN GETTING WITNESSES TOGETHER IN THIS CASE, WHICH HAS BEEN EIGHTEEN YEARS. THE AUTHORITIES READ FULLY SUSTAIN THE POSITION AND THIS QUESTION SHOULD BE ALLOWED. THE OBJECT OF THE CONSPIRACY HERE AS IS STATED BY THE PROSECUTION WAS NOT CLOSED TILL THE FINAL DISPOSITION WAS MADE OF THIS PROPERTY. IN THAT CASE IN CALIFORNIA, IN REGARD TO ARSON, THE CRIME CHARGED WAS ARSON; THE CRIME CHARGED HERE IS MURDER THERE	OF ANY. PROSECUTION HAVE HAD DIFFICULT MATTER GETTING TOGETHER WITNESSES IT HAS BEEN 18 YEARS. AUTHORITIES READ ALSO FULLY SUSTAIN POSITION THAT THIS QUESTION SHOULD BE ALLOWED. OBJECT OF THE CONSPIRACY HERE AS IS STATED BY PROSECUTION WAS NOT CLOSED UNTIL FINAL DISPOSITION WAS MADE OF THIS PROPERTY. IN THAT CASE IN CALIFORNIA IN REGARD TO ARSON CRIME CHARGED WAS ARSON CRIME CHARGED IS MURDER. IN THAT CALIFORNIA CASE CRIME		

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RT	RS	BT	PS
HE ALLOWED IT, OR THEM TO GO ON AND PROVE MATTERS THAT OCCURRED AFTERWARD, SHOWING THE PURPOSE OF THIS ARSON, OR OF THIS MURDER HERE; NOW THE PROSECUTION WISH TO GO ON AND PROVE MATTERS THAT OCCURRED AFTERWARD AND SHOW THE PURPOSE OF THIS WHOLE CONSPIRACY.	WAS ARSON CRIME CHARGED HERE IS MURDER THERE HE ALLOWED IT GO AND PROVE MATTERS THAT OCCURRED AFTERWARD. [*space*] SHOWING THE PURPOSE OF THIS ARSON HERE THEY GO AND PROVE MATTERS THAT OCCURRED AFTERWARD SHOW PURPOSE OF THIS WHOLE CONSPIRACY THERE THE CONSPIRACY WAS NOT COMPLETED THE WHOLE CONSPIRACY WAS NOT COMPLETED UNTIL PROPERTY WAS DISPOSED OF AND INSURANCE MONEY OBTAINED. [*space*] THIS WAS A PART OF RES		

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RT	RS	BT	PS
	GESTAE UNTIL FINAL DISPOSITION OF PROPERTY IS MADE EXCEPTIONS COULD BE MADE FROM *FS/FSS*[?] BY PARTY ON		
IF THERE IS ANY DOUBT IN MY RULING IT IS IN FAVOR OF THE DEFENDANT. LET THE EVIDENCE GO ON UP.	TRIAL IF THERE IS ANY DOUBT ABOUT IT IT IS IN FAVOR OF THE DEFENDANT LET THE EVIDENCE GO UP.		
	FURTHER/—[?] ARGUED ON COURT ON BY	ARGUED BY	ARGUED BY
Q. MR. SMITH, GO ON AND RELATE WHAT CONVERSATION IF ANY YOU HAD—IN	BASKIN MR. SMITH GO ON RELATE WHAT CONVERSATION IF ANY YOU HAVE.	**M^{R}** BASKIN;	BASKIN
ANSWER TO A QUESTION BY COUNSEL THE COURT REPLIED.		REPLIED TO BY **MR** SUTHERLAND.	REPLIED TO BY SUTHERLAND.
THE RULING OF THE COURT WAS THAT THE	RULING OF COURT SAY		~~THE RULE I~~
QUESTION BE ALLOWED, TO WHICH THE DEFENSE	QUESTION BE ALLOWED	OBJECTION OVERRULED.	OBJECTION OVERRULED
EXCEPTED, AND	OTHER PARTY EXPECTED.	EXCEPTION.	EXCEPTION [*space*] ~~GO ON AND RELATE WHAT CONVERSATION~~

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RT	RS	BT	PS
			[*space*] ~~WILL YOU STATE WHAT~~
JUDGE BISHOP IN BEHALF OF THE DEFENDANT	BY BISHOP	# BISHOP: I WILL MAKE A FURTHER	BISHOP
OBJECTED TO THE *[81]*	I NOW OBJECT	OBJECTION TO THE	OBJECTED TO THE
QUESTION ASKED BECAUSE THE INDICTMENT	QUESTION BEING ASKED	QUESTION BEING ANSWERED ON THE GROUND	QUESTION BEING ANSWERED ON THE GROUND
ASKED BECAUSE THE INDICTMENT	INDICTMENT DOESN'T	THAT THE INDICTMENT DOES NOT	THAT THE INDICTMENT DOES NOT
WARRANT THE ADMISSION	WARRANT THAT	WARRANT AN ~~INTRO DUCTION~~ **INTRODUCTION**	WARRANT THE INTRODUCTION
OF ANY SUCH TESTIMONY.	KIND OF TESTIMONY. BY COURT PARTIES MAKING OBJECTIONS MUST STATE THEIR GROUNDS.	OF THAT CHARACTER OF TESTIMONY.	OF THAT CHARACTER OF TESTIMONY AND COUNT ~~HAVING~~ CHARGE OTHERWISE HAVING BEEN NOLLED [*space*]
	[*space*] BY COURT GO AHEAD.	OBJECTION OVERRULED. EXCEPTION.	OBJECTION OVERRULED EXCEPTION
Q. WILL YOU STATE WHAT CONVERSATION YOU HAD	~~Q~~WILL YOU STATE WHAT CONVERSATION	Q. WILL YOU STATE NOW WHAT CONVERSATION,	[*space*] WILL YOU STATE NOW WHAT CONVERSATION
AFTER THIS MASSACRE WITH ANY OF THE PARTIES YOU REFERRED TO HIGBEE AND HAIGHT	AFTER THIS MASSACRE WITH ANY OF THE PARTIES YOU REFER TO HIGBEE AND HAIGHT	AFTER THIS MASSACRE, YOU HAD WITH ANY OF THE PARTIES; THAT IS, YOU REFERR TO ~~H~~HAIGHT AND ~~H~~ HIGBEE	AFTER THIS MASSACRE YOU HAD WITH ANY OF THE PARTIES THAT IS ~~THERE~~ YOU REFER TO HIGBEE AND HAIGHT

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RT	RS	BT	PS
I BELIEVE— WHAT CONVERSATION DID YOU HAVE WITH THEM IN RELATION TO THE DISPOSITION OF PROPERTY BELONGING TO THE 'MASSACRED TRAIN ;? A. I WOULD HAVE TO GIVE A LITTLE FURTHER DETAIL. Q. BE AS BRIEF AS YOU CAN, AND AVOID ANY OUTSIDE MATTERS, AS MUCH AS POSSIBLE ? A. AFTER SEVERAL DAYS HAIGHT TOLD ME TO GO TO IRON SPRINGS, THAT IS ABOUTSEVEN MILES FROM CEDAR CITY ON THE OLD EMIGRANT ROAD THAT USED TO BE— THE OLD	I BELIEVE WHAT CONVERSATION YOU HAD WITH THEM IN RELATION TO DISPOSITION OF PROPERTY BELONGED TO MASSACRED TRAIN. I WOULD HAVE TO GIVE LITTLE FURTHER DETAIL BE AS BRIEF AS AVOID ANY OUTSIDE MATTERS AS MUCH AS POSSIBLE. AFTER ≤*SOME*[?] AFTER≥ AFTER SEVERAL DAYS = HAIGHT TOLD ME {GO OVER}[i] IRON SPRINGS. THAT IS ABOUT 7 MILES FROM CEDAR CITY {ON THE}[i] OLD EMIGRANT ROAD THAT USED TO BE. USED TO BE OLD	I BELIEVE— WHAT CONVERSATION YOU HAD WITH THEM IN RELATI~~O~~N TO THE DISPOSITI N OF THE PROPERTY BELONGING TO THAT MASSACRED TRAIN.? A. I ~~E~~**W**OULD HAVE TO GIVE A LITTLE FURTHER DETAIL TO COME TO THAT POINT. *[24]* Q. BE AS BRIEF AS YOU CAN AND AVOID AS MUCH AS POSSIBLE ANY OUTSIDE MATTERS. A. SOME TIME AFTER THAT — SEVERAL DAYS — HAIGHT TOLD ME TO GO OV~~R~~E**R** TO THE IRON SPRINGS, THAT IS ABOUT SEVEN MILES FROM CEDAR CITY ON THE OLD EMIGRANT ROAD— THAT WOULD BE	I BELIEVE WHAT CONVERSATION YOU HAD WITH THEM IN RELATION TO THE DISPOSITION OF THE PROPERTY BELONGING TO THE MASSACRED TRAIN [*space*] I WOULD HAVE TO GIVE A LITTLE FURTHER DETAIL TO COME TO THAT POINT ~~BE BRIEF AND~~ AFTER SEVERAL DAYS HAIGHT TOLD ME TO GO OVER TO THE IRON SPRINGS 7 MILES FROM CEDAR CITY ON THE OLD EMIGRANT ROAD

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RT	RS	BT	PS
EMIGRANT ROAD OF ALL IN EARLY DAYS. HE TOLD ME TO GO OVER THERE. THERE WAS A PART OF THE THINGS, WAGONS, CATTLE AND OTHER THINGS, GOODS AND CLOTHING THAT WAS THERE AT IRON SPRINGS AND THAT I SHOULD GO OVER THERE AND GET THAT PROPERTY AND PUT IT IN THE TITHING OFFICE CELLAR; I ACCORDINGLY WENT AND ALSO WAS TO BRAND THE CATTLE THAT WAS THERE, WHICH WAS PROBABLY FIFTY HEAD. I WENT AND THERE WAS JOHN URIE, GEORGE HUNTER AND I THINK IF I MISTAKE NOT	EMIGRANTS BUILT IN EARLY DAYS. TOLD ME GO OVER THERE THERE WAS BROUGHT IN WAGONS CATTLE AND OTHER THINGS GOODS CLOTHING AND WAS THERE AT THE IRON SPRINGS, I SHOULD GO OVER THERE AND GET THAT PROPERTY PUT INTO THE *[35]*119 TITHING OFFICE CELLAR. I ACCORDINGLY WENT, AND ALSO WAS TO BRAND CATTLE THAT WAS THERE, WHICH WAS PROBABLY 50 HEAD. I WENT AND THERE SAW JOHN **URIE** GEORGE HUNTER, I THINK IF I MISTAKE NOT	IN THE EARLY DAYS. HE TOLD ME TO GO OVER THERE THAT THEY HAD BROUGHT IN WAGONS CA**T**TLE AND OTHER THINGS, GOODS AND CLOTHING AND WAS AT THE IRON SPRINGS; AND I SHOULD GO OVER THERE AND GET THAT PROPERTY AND PUT THEM INTO THE TITHING OFFICE CELLAR. I ACCORDINGLY WENT**.** AND I ALSO WAS TO BRAND THE CATTLE THAT WAS THERE WHICH WAS PROBABLY 50 HEAD. I WENT AND THERE I SAW JOHN URIE AND GEORGE HUNTER, AND I THINK IF I MISTAKE NOT	IN THE EARLY DAYS. HE TOLD ME TO GO OVER THERE ~~THAT THERE~~ THAT THEY HAD BROUGHT IN WAGONS CATTLE AND OTHER GOODS AND CLOTHING AND WAS THERE AT THE IRON SPRINGS AND I SHOULD GO OVER THERE AND GET THAT PROPERTY AND PUT IT IN THE TITHING OFFICE CELLAR. I ACCORDINGLY WENT, AND ALSO WAS TO BRAND THE CATTLE THAT WAS THERE WHICH WAS PROBABLY 50 HEAD. I WENT AND THERE WAS JOHN **URE** GEORGE HUNTER AND I THINK IF I MISTAKE NOT

119. The verso of page 35 contains only crossed-out shorthand doodling.

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RT	RS	BT	PS
IRA ALLEN.	IRA ALLEN	~~IRIS ALLEN~~	
		OTHER MEN WERE THERE WHO HELPED TO GET IT THERE;	OTHER MEN WERE THERE HELPED TO GET IT THERE AND TOLD THAT IT WAS THERE
		AND IRA ALLEN,	AND IRA ALLEN
I WOULD NOT BE POSITIVE ON THAT.	I WOULD NOT BE POSITIVE ON THAT	BUT I WOULD NOT BE POSITIVE ABOUT THAT.	[*space*] I WOULD NOT BE POSITIVE ON THAT;
HOWEVER THESE TWO MEN WAS THERE WITH PROBABLY ALL THE WAGONS.	HOWEVER THESE 2 MEN WAS THERE WITH PROBABLY ALL WAGONS	HOWEVER**,** THESE TWO MEN WAS THERE WITH A NUMBER OF WAGONS.	FOR THESE TWO MEN WAS THERE WITH A NUMBER OF WAGONS
Q. HOW MANY WAGONS WERE THERE ?			
A. I COULD NOT TELL YOU NOW.	I COULD NOT TELL YOU NOW.	I COULD NOT TELL YOU ~~KND~~ NOW THE NUMBER	I COULD NOT TELL YOU NOW THE NUMBER
I PRESUME SOME WERE DESTROYED, AS I UNDERSTOOD.	I PRESUME SOME WERE DESTROYED I UNDERSTOOD.	EXACTLY BUT I PRESUME THE BIGGER PART OF THEM.	EXACTLY NOW BUT I PRESUME THE BIGGER PART OF THEM I PRESUME [*space*]
	BY BASKIN	**M**$^{\underline{R}}$ BASKIN:	
Q. TELL WHAT YOU KNOW ?	TELL YOU WHAT YOU KNOW	TELL WHAT YOU KNOW.	*[[7]]* $_{Q}$TELL WHAT YOU KNOW
A. I WAS THERE WITH THESE MEN AND THESE MEN WERE ENGAGED IN IT *[82]* PICKING OUT AT THE PLACE OF THE	I WAS THERE THOSE MEN WERE ENGAGED IN IT, PICKED IT UP AT PLACE OF	WITNESS: I WAS THERE . THESE MEN WERE ENGAGED IN IT — PICKING IT UP AT THE PLACE OF THE	$_{A}$THOSE MEN WERE ENGAGED IN IT PICKING IT UP AT THE PLACE OF

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RT	RS	BT	PS
EMIGRANTS.	EMIGRANTS,	EMIGRANT	ENCAMPMENT OF THE EMIGRANTS
WE TOOK THE WAGONS AWAY, BROUGHT THE CATTLE AND	TOOK WAGONS AWAY BROUGHT CATTLE AND ~~DRAWS~~	ENCAMPMENT. THEY TOOK THE WAGONS AWAY**,** BROUGHT THE CATTLE AND	BROUGHT
DRAWED THEM TO THAT SPRING. I ACCORDINGLY WENT UNDER THESE ORDERS, BROUGHT IT FROM THERE IN THE EVENING AND PUT THE THINGS IN THE TITHING OFFICE CELLAR, ALL THE TRAPS AND SUCH LIKE, WHICH WAS AMONG THE COMPANY THAT WE GOT THERE, FROM THE PLACE OF	DRAWED THEM TO THAT SPRING. I ACCORDINGLY WENT UNDER THESE ORDERS BROUGHT IT FROM THERE IN THE EVEN{ING AND}[i] PUT IT IN THE TITHING OFFICE CELLAR ALL TRAPS ≤AND CLOTHING≥ AND SUCH LIKE WHICH WAS AMONG THE COMPANY THAT GOT THERE FROM PLACE OF	DRAWED THEM TO THAT SPRING. I ACCORDINGLY WENT UNDER THESE ORDERS AND BROUGHT IT FROM THERE ~~IS N~~ **IN** THE EVENING AND PUT IT IN THE TITHING OFFICE CELLAR —ALL THE TRAPS AND CLOTHING AND SUCH LIKE **THAT** ~~WHICH~~ WAS AMONG THE COMPANY THAT GOT THERE FROM THE PLACE OF THE	THEM THERE TO THAT SPRING. I ACCORDINGLY WENT UNDER THESE ORDERS, AND BROUGHT IT FROM THERE IN THE EVENING AND PUT IT IN THE TITHING OFFICE CELLAR, ALL THE TRAPS AND CLOTHING AND SUCH LIKE THAT WAS AMONG THE COMPANY THAT GOT THERE FROM THE PLACE OF
ENCAMPMENT TO IRON SPRINGS, HITCHED UP SOME OF THE CATTLE, ENOUGH TO DRAW THE WAGONS FROM THERE, THESE WAGONS REMAINED	ENCAMPMENT TO IRON SPRINGS. HITCHED UP SOME OF CATTLE ENOUGH TO DRAW WAGONS FROM THERE. THESE WAGONS REMAINED	ENCAMPMENT **TO** ~~FROM~~ THE IRON SPRINGS. HITCHED UP SOME OF THE CATTLE — ENOUGH TO **DRAW** ~~DRICVE~~ THESE WAGONS OVER THERE. THESE WAGONS REMAINED	ENCAMPMENT TO THE IRON SPRINGS. HITCHED UP SOME CATTLE ENOUGH TO DRAW THOSE WAGONS FROM THERE. THOSE WAGONS REMAINED

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RT	RS	BT	PS
AROUND THE TITHING OFFICE AND THOSE GOODS REMAINED THERE UNTIL AFTERWARDS — TILL AFTER DISPOSITION WAS MADE OF THEM. Q. STATE WHAT THAT DISPOSITION WAS AND WHAT THEY WERE ? A. AFTER THIS OCCURRED I ~~ABANDONED~~ ≤BRANDED≥ THEM WITH THE CHURCH BRAND THAT IS, A CROSS. Q. STATE WHAT ELSE WAS DONE . A. I WILL NOW GO TO ANOTHER	AROUND THE TITHING OFFICE AND THOSE GOODS REMAINED THERE UNTIL AFTERWARDS UNTIL TILL AFTER DISPOSITION WAS MADE OF THEM. Q STATE WHAT THAT WAS. AAFTER THIS OCCURRED I BRANDED THEM WITH THE CHURCH {BRAND}^{i} <Q WHAT SORT OF BRAND> {AA}^{i} CROSS. WHAT ELSE WAS DONE ≤YOU SAID THERE WAS ANOTHER DISPOSITION MADE≥ I WILL *N*[?] GO TO ANOTHER	THERE AROUND THE TITHING OFFI~~C~~E AND THESE GOODS REMAINED THERE TILL AFTERWARDS TILL A DIFFERENT DISPOSITION WAS MADE OF THEM. ~~Q~~Q. STATE WHAT ~~THAT WAS?~~ **ELSE WAS DONE YOU STATED A DIFFERENT DISPOSITION WAS MADE, STATE WHAT THAT WAS.** *[25]* A. AFTER THIS OCCURRED I BRANDED THEM WITH THE ~~C~~CHURCH BRAND. Q. WHAT SORT OF A BRAND WAS THAT? A. WITH THE CHURCH BRAND — A CROSS. Q. STATE WHAT ELSE WAS DONE? YOU SAID THERE WAS ANOTHER DISPOSIT~~IO~~N MADE. A. I WILL NOW GO BACK TO ANOTHER	THERE AROUND THE TITHING OFFICE AND THESE GOODS REMAINED THERE UNTIL AFTERWARDS, A DIFFERENT DISPOSITION WAS MADE Q STATE <WHAT THAT WAS? ~~AFTER THIS THE≥~~ ≤LET ME CALL YOU BACK LITTLE≥ Q WHAT SORT A BRAND AWITH THE CHURCH BRAND **A CROSS** STATE WHAT ELSE WAS DONE YOU SAID THERE WAS ANOTHER DISPOSITION MADE [*space*]

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RT	RS	BT	PS
D ISPOSITION. I DON'T RECOLLECT OF BUT ONCE SEEING MR. LEE, HE WAS UP THERE AT CEDAR CITY IN THAT CELLAR WITH ME AND SAW THESE GOODS IN THE CELLAR; AFTERWARD I HAD NO MORE CONVERSATION WITH HIM AS I RECOLLECT TILL WE WENT TO SALT LAKE CITY; WAS TOLD BY HAIGHT AND HIGBEE THAT THEY HELD COUNCIL AND COUNSELED MATTERS OVER, BUT I WAS NOT PRESENT. SUTHERLAND: WE OBJECT TO THAT TESTIMONY ON THE SAME GROUNDS AS BEFORE. WIT.: AND THAT TO	DISPOSITION I DON'T RECOLLECT OF BUT ONCE SEEING MR. LEE HE WAS UP THERE CEDAR CITY IN THAT CELLAR WITH ME, AND SAW THESE GOODS IN THE CELLAR. AND AFTERWARDS I HAD NO MORE CONVERSATION WITH HIM THAT I RECALL UNTIL *I/HE*[?] WENT TO SALT LAKE CITY. BUT WAS TOLD BY HAIGHT AND HIGBEE THAT THEY HELD {CHURCH}[i] COUNCIL AND COUNSELED MATTERS OVER, I WAS NOT PRESENT = BY SUTHERLAND WE OBJECT TO THAT SAME GROUNDS AS BEFORE. ≤**A**≥ AND THAT TO	DISPOSITION. I DON'T RECOLLECT OF BUT ON~~S~~CE SEEING MR/LEE AND HE WAS UP THERE AT CEDAR CITY AND WAS IN THAT CELLAR WITH ME AND SAW THESE GOODS IN THE CELLAR. ~~A~~AFTERWARDS I HAD NO MORE CONVERSATION WITH HIM THAT I RECOLLECT TIL**L** HE WENT TO SALT LAKE. I WAS TOLD BY HAIGHT AND HIGBEE THAT THEY HELD A COUN~~C~~I~~H~~SEL, AND COUNSELED MATTERS OVER. I WAS NOT PRESENT. **M**[R] SUTHERLAND: WE OBJECT TO WITNESS DETAILING AS TO MATTERS THAT HE D~~D~~I**D** NOT HEAR. OBJECTION OVERRULED. EXCEPTION. A/**.** AND THAT TO	I DON'T RECOLLECT OF BUT ONCE SEEING MR. LEE AND HE WAS UP THERE AT CEDAR CITY AND WAS IN THAT CELLAR WITH ME AND SAW THESE GOODS IN THE CELLAR. AFTERWARDS I HAD NO MORE CONVERSATION WITH HIM THAT I RECOLLECT UNTIL *I/HE*[?] WENT TO SALT LAKE. I WAS TOLD BY HAIGHT AND HIGBEE THAT THEY HELD A COUNCIL, AND COUNSELED MATTERS OVER, I WAS NOT PRESENT [*space*] OBJECTED TO [*space*] OVERRULED EXCEPTION AND THAT TO

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RT	RS	BT	PS
DIVULGE AND TELL THE CIRCUMSTANCES AND ALL ABOUT IT THIS WAS PUT UPON JOHN D. LEE TO GO TO PRESIDENT YOUNG. Q. FOR WHAT PURPOSE ? A. TO TELL HIM FROM FIRST TO LAST EVERYTHING PERTAINING TO THAT MASSACRE — THAT IS WHAT WAS SAID. *[83]* Q. GO ON ? A. HE WENT AHEAD DON'T KNOW WHEN HE STARTED, HE WAS AHEAD OF ME AND HAIGHT. WE WENT DOWN TO THE SAME CONFERENCE THAT FALL; I SUPPOSE WE STARTED THE LATTER PART OF SEPTEMBER. IT	DIVULGE TELL CIRCUMSTANCES ALL ABOUT WAS PUT UPON JOHN D. LEE TO GO TO PRESIDENT YOUNG. FOR WHAT PURPOSE? TO TELL HIM FROM FIRST TO LAST, EVERYTHING PERTAINING TO THAT MASSACRE THAT IS WHAT WAS SAID. GO ON ~~<~~A~~>~~ HE WENT AHEAD DON'T KNOW WHEN HE STARTED HE WAS AHEAD OF ME AND HAIGHT, WE WENT DOWN TO SAME CONFERENCE THAT FALL SUPPOSE WE STARTED LATTER PART OF SEPTEMBER Q<Q WHAT YEAR WAS THAT	DIVULGE AND TELL THE CIRCUMSTANCES AND ALL ABOUT IT WAS PUT UPON JOHN D. LEE TO GO TO PRESIDENT YOUNG. Q. FOR WHAT PURPOSE? A. TO TELL HIM FROM FIRST TO LAST EVERYTHING PERTAINING TO THAT MASSACRE .:. THAT IS WHAT WAS SAID~~X~~. HE WENT ~~H~~AHEAD. I DON'T KNOW WHEN HE STARTED B~~Y~~UT HE WAS AHEAD OF ME AND HAIGHT. WE WENT DOWN **TO** THE SAME CONFERENCE THAT FALL. I SUPPOSE WE STARTED **IN** ~~ON~~ THE LATTER PART OF SEPTEMBER. Q. WHAT YEAR WAS THAT	DIVULGE AND TELL THE CIRCUMSTANCES AND ALL ABOUT IT THAT IT WAS PUT UPON JOHN D. LEE TO GO TO PRESIDENT YOUNG = QFOR WHAT PURPOSE A TO TELL HIM FROM FIRST TO LAST AND EVERYTHING PERTAINING TO THAT MASSACRE. THAT IS WHAT THEY SAID. HE WENT AHEAD[120], DON'T KNOW WHEN HE STARTED, BUT HE WAS AHEAD OF ME AND HAIGHT WE WENT DOWN TO THE SAME CONFERENCE OF COURSE WE STARTED IN THE LATTER PART OF SEPTEMBER [*space*] ~~WHAT WAS~~ WHAT YEAR WAS THAT

120. A circle is drawn around "HE WENT AHEAD".

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RT	RS	BT	PS
	CONFERENCE>	CONFERENCE? A.	CONFERENCE
WAS IN	ₐIT WAS IN		
THE SAME	THAT SAME	THE SAME	THE SAME
YEAR THE	YEAR	YEAR THAT THE	YEAR [*space*]
MASSACRE	MASSACRE	MASSACRE	
WAS.	WAS ≤{THE}[i]	WAS — THE	
Q.	SIXTH **OF OCT**≥	6TH OF OCTOBER.	≤6 OF OCTOBER≥
DO YOU KNOW	DO YOU KNOW		
IN WHAT	≤WHEN IT WAS≥		
MONTH ? A. IT	ₐIT	Q. THEN IT	THEN IT
WAS THE SIXTH	WAS SIX	WAS THE 6TH	WAS THE 6
OF OCTOBER	OF OCTOBER	OF OCTOBER	OF OCTOBER
FOLLOWING.	FOLLOWING	FOLLOWING	FOLLOWING
Q. THEN YOU	THEN YOU	THEN THAT YOU	THEN THAT YOU
WERE AT SALT	WERE AT SALT	WERE AT SALT	WERE AT SALT
LAKE CITY	LAKE CITY	LAKE CITY	LAKE CITY TO
DURING	≤GOING	GOING **THERE**	GO
THAT	TO THAT	TO THAT	TO THAT
CONFERENCE ?	CONFERENCE≥	CONFERENCE?	CONFERENCE
A. YES SIR,	YES SIR	A. YES, SIR,	[*space*] YES SIR
I WAS THERE	I WAS THERE	I WAS THERE	I WAS THERE
PROBABLY A	PROBABLY A	PROBABLY A	PROBABLY A
DAY OR SO	DAY OR SO	DAY OR TWO	DAY OR TWO
BEFORE.	BEFORE.	BEFORE.	BEFORE [*space*]
	<ᵩWELL GO ON>	Q. WELL, GO ON .	WELL GO ON
	BY	*[26]* ~~Q. WELL GO~~	[*space*]
SUTHERLAND:	SUTHERLAND	~~ON.~~[121]	
WE OBJECT TO	WE OBJECT TO	OBJECTED TO ON	OBJECTED TO
THE WITNESS	THAT {WITNESS	THE GROUND	AS
STATING	STATING	THAT	
ANYTHING	ANYTHING		
THAT	THAT		
OCCURRED	OCCURRED IN		
THERE AT SALT	SALT		
LAKE CITY,	LAKE CITY}[i]		
BECAUSE THIS	BECAUSE THIS	THIS	
MATTER IS NOT	MATTER NOT	MATTER IS NOT	NOT MATTER
CHARGED IN	CHARGED IN	CHARGED IN	CHARGED IN
THE		THE	THE
INDICTMENT.	INDICTMENT	INDICTME~~M~~NT.	INDICTMENT
THERE IS NO	THERE IS NO	THERE IS NO	

121. An extended circular doodling is over the crossed-out phrase and extends to the right margin.

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RT	RS	BT	PS
CONSPIRACY HERE CHARGED WITH BRIGHAM YOUNG. THIS IS ENTIRELY OUTSIDE OF THE ALLEGATIONS IN THE INDICTMENT, AND IT IS IMMATERIAL AND IRREL~~A~~EVANT. BASKIN: THIS CALIFORNIA CASE IS THE SAME. COURT: LET ME SEE THE CALIFORNIA REPORT. SUTHERLAND: THE INDICTMENT	CONSPIRACY HERE CHARGED WITH BRIGHAM YOUNG THIS IS ENTIRELY OUTSIDE OF ALLEGATIONS IN INDICTMENT IT IS IMMATERIAL IRRELEVANT. [*space*] BY BASKIN THIS CALIFORNIA CASE IS THE SAME. BY COURT LET ME SEE THE CALIFORNIA REPORT.	CONSPIRACY CHARGED WITH BRIGHAM YOUNG. THIS IS ENTIRELY OUTSIDE OF THE ALLEGATIONS IN THE INGICTEMENT. IT IS IMMATERIAL AND IRRELEVANT. **M**$^{\underline{\mathbf{R}}}$ BASKIN ; **T~~T~~**HIS CALIFORNIA CASE WAS THE SAME. COURT: LET ME **HEAR** THE CASE **~~S~~**CITED IN THE CALIFORNIA REPORT. **M**$^{\underline{\mathbf{R}}}$ BASKIN: THE QUESTION WAS **REALLY** ~~RULED~~ THUS: THAT IT WAS AT THE 6TH OF OCTOBER CONFERENCE OF THE SAME YEAR THAT THE MASSACRE OCCURRED THAT YOU WENT TO SALT LAKE CITY. THAT WAS THE QUESTION. OBJECTION	AND IT IS ENTIRELY OUTSIDE OF THE ALLEGATIONS IN THE INDICTMENT AND IS IMMATERIAL AND IRRELEVANT. [*space*] *[[8]]* ~~≤~~BASKIN~~≥~~ THE QUESTION WAS REALLY THIS THAT IT WAS AT THE 6 OCTOBER CONFERENCE OF THE SAME YEAR THAT THE MASSACRE OCCURRED THAT *YOU/HE*[?] WENT TO SALT LAKE CITY THAT WAS THE [*space*] OBJECTION

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RT	RS	BT	PS
CHARGES MURDER AND THIS IS NO PART NOR SIMILAR TO THE CASE REFERRED TO.	*[36]* THIS IS NO PART OF SAME FACT INDICTMENT CHARGE IS MURDER. BY BASKIN IT DOESN'T MAKE ANY DIFFERENCE BY WHOM IT IS PROVED HE		
SUTHERLAND: WE OBJECT TO ANY STATEMENTS OF WITNESS AS TO WHAT HE WAS GOING TO STATE OR WHAT MAY HAVE BEEN SAID TO BRIGHAM YOUNG.	DISPOSED OF OBJECTION MADE AS TO WHAT HE WAS GOING TO STATE WAS SAID TO BRIGHAM YOUNG ETC.		
OBJECTION OVERRULED. DEFENDANTS COUNSEL THEN AND THERE EXCEPTED TO THE RULING OF THE COURT.	COURT OVERRULED [*space*]	OVERRULED. EXCEPTION. Q. GO ON ?	OVERRULED EXCEPTION [*space*] GO ON [*space*]
A. AFTER I GOT TO SALT LAKE CITY I MET MR. LEE I THINK ON THE EAST SIDE OF THE TEMPLE WALL. WE HAD SOME TALK ABOUT IT. I ASKED HIM	AFTER I GOT SALT LAKE CITY I MET MR. LEE I THINK ON THE EAST SIDE OF THE TEMPLE WALL WE HAD SOME TALK ABOUT IT. I ASKED HIM	A. AFTER I GOT TO SALT LAKE CITY I MET MR. LEE.I THINK ON THE EAST SIDE OF THE TEMPLE WALL AND WE HAD SOME TALK ABOUT IT. I ASKED HIM	AFTER I GOT TO SALT LAKE CITY I MET MR. LEE I THINK ON THE EAST SIDE OF THE TEMPLE WALL AND WE HAD SOME TALK ABOUT IT ~~THAT WAS~~ I ASKED HIM

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RT	RS	BT	PS
WHETHER HE *[84]* HAD DELIVERED THAT MESSAGE WHICH HE WAS TO DELIVER TO BRIGHAM YOUNG. HE SAID HE DID, VERBATIM, EVERYTHING THAT TRANSPIRED, THAT IS WHAT HE TOLD ME; THEN PROBABLY THE SAME DAY, OR IT MIGHT BE A DAY AFTER, BUT I THINK IT WAS THE SAME DAY, I AND MR. LEE AND CHARLEY HOPKINS WENT IN TO SEE PRESIDENT YOUNG; HE WENT AROUND WITH US THROUGH THE BARN YARD AND ONE PLACE AND ANOTHER AND SHOWED US HIS FINE THINGS; WE CAME BACK IN HIS HOUSE,AND THERE IN MY	WHETHER HE HAD DELIVERED THAT MESSAGE WHICH HE WAS TO DELIVER TO BRIGHAM YOUNG HE SAID HE HAD VERBATIM EVERYTHING THAT TRANSPIRED THAT IS WHAT HE TOLD ME. <Q WHAT ELSE> THEN PROBABLY THE SAME DAY OR MIGHT NOT BE DAY AFTER, I THINK IT WAS SAME DAY I AND MR. LEE AND CHARLEY HOPKINS WENT IN TO SEE PRESIDENT YOUNG HE WENT AROUND WITH US BARN YARD ONE PLACE ANOTHER SHOWED US HIS FINE THINGS, WE CAME BACK INTO HIS HOUSE AND THERE IN MY	WHETHER HE HAD DELIVERED THAT MESSAGE WHICH HE WAS TO DELI~~C~~VER TO BRIGHAM ~~Y~~YOUNG. HE SAID HE HAD VERBATEM, EVERYTHING THAT TRANSPIRED, THAT IS WHAT HE TOL~~L~~D ME. Q. WHAT ELSE? A. THEN PROBABLY THE SAME DAY, OR IT MIGHT BE THE DAY AFTER, BUT I THINK IT WAS THE SAME DAY, I AND MR. LEE AND CHARLEY HOPKINS WENT IN TO SEE PRESIDENT Y**O**UNG, AND HE WENT WITH US IN HIS BARNYARD TO ONE PLACE AND ANOTHER AND SHOWED US HIS FINE THINGS, AND WE CAME BACK IN**TO** HIS HOUSE AND THERE IN MY	WHETHER HE HAD DELIVERED THAT ~~SAME~~ MESSAGE <THAT I HEARD HE HAD TO DELIVER> TO BRIGHAM YOUNG ~~<~~HE SAID~~>~~ VERBATIM EVERYTHING THAT TRANSPIRED **Q**WHAT ELSE [*space*] PROBABLY THE SAME DAY OR DAY AFTER PROBABLY THE SAME DAY, I AND MR. LEE AND CHARLEY HOPKINS WENT IN TO SEE PRESIDENT YOUNG AND HE WENT AROUND WITH US IN HIS BARNYARD AND SHOWN US HIS FINE THINGS AND WE CAME BACK IN HIS HOUSE AND THERE IN MY

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RT	RS	BT	PS
PRESENCE ≤AND≥ MR. LEE, MR. HOPKINS HE TURNED AROUND TO ME — AS I HAD POSSESSION OF THAT PROPERTY —	PRESENCE MR. LEE MR. HOPKINS, HE TURNED AROUND TO ME AS I HAD POSSESSION OF THAT PROPERTY	PRESENCE**,** MR. LEE**'S &** MR. **H~~H~~**OPHIN'S , HE TURNED AROUND TO ME, A**~~W~~S** I HAD POSSESSION OF THAT PROPERTY. AFTER ~~HE~~ DOING THIS,	PRESENCE AND MR. LEE'S MR. HOPKINS HE TURNS AROUND TO ME AS I HAD POSSESSION OF THAT PROPERTY AFTER HE DONE THIS AND
SAYS HE "DISPOSE OF THAT PROPERTY, LET JOHN D. LEE TAKE CHARGE OF IT,	SAYS HE DISPOSITION OF THAT PROPERTY, LET JOHN D. LEE TAKE CHARGE OF IT ≤Q WHO SAID **THAT**? BRIGHAM YOUNG SAID	SAYS HE, "DISPOSE OF THAT PROPERTY, LET JOHN D. LEE TAKE CHARGE O~~T~~**F** IT." Q. WHO SAID THAT? A. BRIGHAM YOUNG SAID	HE SAID DISPOSITION OF THE PROPERTY, LET JOHN D. LEE TAKE CHARGE OF IT WHO SAID THAT BRIGHAM YOUNG SAID
IN AS MUCH AS HE IS THE INDIAN AGENT AND INTERPRETER"	THAT≥ IN $_{Q}$AS MUCH AS HE IS INDIAN AGENT INTERPRETER.	THAT.	THAT AS HE IS THE INDIAN AGENT
JUDGE SUTHERLAND OBJECTED TO ASSERTIONS OF THIRD PARTIES, WHICH CANNOT BE RECEIVED.	BY SUTHERLAND ASSERTIONS OF THIRD PARTIES BY COURT TO SUTHERLAND	**M$^{\underline{R}}$** SUTHERLAND: WE OBJECT TO ASSERTIONS OF THIRD PARTIES.	OBJECTED TO
OBJECTION OVERRULED. DEFENDANTS COUNSEL THEN AND THERE DULY EXCEPTED TO THE RULING; OF THE COURT	OVERRULED.	*[27]* OBJECTION OVERRULED. EXCEPTION.	OVERRULED [*space*]
A. NEXT WORD IS HE TURNED	$_{A}$NEXT WORD WAS TURNED	A. NEXT WORD WAS—HE TURNED	$_{A}$NEXT WORD HE TURNED

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RT	RS	BT	PS
AROUND TO? US AND SAID "WHAT YOU KNOW ABOUT THIS DON'T SAY ANYTHING ABOUT IT, EVEN DON'T TALK ABOUT IT AMONG YOURSELVES;	AROUND TO US AND SAID WHAT YOU KNOW ABOUT THIS {=}^{i} SAY NOTHING ABOUT IT EVEN DON'T TALK ~~ABOUT~~ ≤AMONG≥ YOURSELVES ABOUT IT ≤$_{Q}$DID YOU RELATE TO HIM THE CIRCUMSTANCES≥ $_{A}$I DIDN'T TELL HIM ANYTHING ABOUT IT. HE TURNED TO ME AS THERE HAD BEEN THIS CONVERSATION	AROUND TO US AND SAID WHAT YOU KNOW ABOUT THIS, SAY NOTHING ABOUT IT; EVEN DON'T TALK AMONG YOURSELVES ABOUT IT. Q. DID YOU RELATE TO HIM THE CIRCUMSTANCES ? A. I DIDN'T TELL HIM ANYTHING ABOUT IT. HE TURNED TO ME **LEE** AS THERE HAD BEEN THIS CONVERSATION < AND IT WAS THE UNDERSTANDIN G ———— Q. THEY HAD A CONVERSATION HAD THEY	AROUND TO US AND SAID WHAT YOU KNOW ABOUT THIS SAY NOTHING ABOUT IT EVEN DON'T TALK AMONG YOURSELVES [*space*] DID YOU RELATE TO HIM THE CIRCUMSTANCE S I DIDN'T TELL HIM ANYTHING ABOUT IT $_{A}$HE TURNED TO ME AND LEE AND IT WAS THE UNDERSTANDIN G ~~THEY HELD~~ THEY HAD CONVERSATION
BEFORE THAT LEE WAS TO CARRY THE IN~~T~~STRUCTIONS. Q. STATE IF YOU KNOW WHAT DISPOSITION WAS MADE OF THAT PROPERTY ? A. AFTER WE	BEFORE THAT LEE WAS TO CARRY UNDERSTANDIN G. STATE IF YOU KNOW WHAT DISPOSITION WAS MADE OF THAT PROPERTY. AFTER WE	BEFORE THAT ? A. YES, AND LEE WAS TO CARRY OUT THE UNDERSTANDIN G. Q. STATE IF YOU KNOW WHAT DISPOSITION WAS MADE OF THAT PROPERTY? A. AFTER WE	BEFORE THAT [*space*] STATE IF YOU KNOW WHAT DISPOSITION WAS MADE OF THAT PROPERTY? AFTER WE

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RT	RS	BT	PS
CAME HOME I WENT TO HIM, BUT I DIDN'T SEE HIM, AS I RECOLLECT, ANY MORE, FOR SOMETIME AFTER I GOT HOME. I WAS CALLED ON TO GO DOWN TO THE VEGAS LEAD MINES WITH SOME TEAMS AND GET A LOAD OF ORE AS I HAD BEEN ONE OF THE DISCOVERERS OF THE POTOSI MINES IN EARLY DAYS AND SO THREE TEAMS OF US WENT; WHILE I WAS GONE LEE — I AM ONLY TEL- *[85]* LING THIS NOW FROM WHAT I HEARD, FOR I KNOW NOTHING ABOUT IT ONLY AS I WAS TOLD; THERE IS OTHER WITNESSES WHO WILL TELL. Q. WHO WERE YOU	CAME HOME I WENT HOME <I EXPECT BEFORE MR. LEE> I DIDN'T SEE HIM AS I RECALL ANY MORE FOR SOMETIME AFTER I GOT HOME I WAS CALLED ON GO DOWN TO THE VEGAS LEAD MINES, WITH SOME TEAMS AND GET LEAD ORE AS I HAD BEEN ONE OF THE DISCOVERERS OF THE POTOSI MINES IN EARLY DAYS, AND SO THREE TEAMS OF US WENT. ~~<~~WHILE~~>~~ I WAS GONE LEE; I AM ONLY TOLD THIS *NOW FROM*[?] I KNOW NOTHING BUT ONLY AS I WAS TOLD THERE IS OTHER WITNESSES WHO WILL TELL. {~ BASKIN}[i] WHO WERE YOU	CAME HOME I WENT , I WENT HOME I EXPECT BEFORE MR. LEE. I DIDN'T SEE HIM ANY MORE THAT I RECOLLECT FOR SOME TIME. AFTER I GOT HOME I WAS CALLED ON TO GO DOWN TO THE VEGAS TO THE **L~~O~~L~~L~~**EAD MINES WTH SOME TEAMS ~~Y~~**T**O GET A LOAD OF ORE AS **I~~I~~** HAD BEEN ONE OF THE DISCOVERORS OF THE POTOSI MINES IN EARLY DAYS. AND SO THREE TEAMS OF US WENT. WHILE I WAS GONE LEE — I AM ONLY TELLING THIS NOW AS IT WAS TOLD ME , I KNOW NOTHING ABOUT IT ONLY AS I WAS TOLD. THERE IS OTHER WITNESSES WHO WILL TELL. Q. WERE YOU	CAME ~ HOME I WENT HOME I EXPECT BEFORE MR. LEE, I DIDN'T SEE HIM THAT I RECOLLECT ANYMORE FOR SOME TIME AFTER I GOT HOME I WAS CALLED ON *TO*[?] GO DOWN TO THE VEGAS TO THE LEAD MINES TO GET LEAD ORE AS I HAD BEEN ONE OF THE DISCOVERERS OF THE POTOSI MINES IN EARLY DAYS 3 TEAMS OF US WENT [*space*] ~~I WAS~~ WHILE I WAS GONE LEE ~~=~~ I ONLY TELL THIS FROM [*space*] WERE YOU

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RT	RS	BT	PS
TOLD IT BY ?	TOLD IT BY	TOLD BY HIGBEE OR ANY OF THESE PERSONS?	TOLD BY HIGBEE OR ANY OF THESE PERSONS ENGAGED OBJECTED TO— [?] WHO WERE YOU TOLD BY *[[9]]* TO GO FOR LEAD [*space*] NO [*space*] YOU SAID YOU WERE TOLD BY SOME PERSON WHILE YOU WERE
A. I HAD A CONVERSATION WITH HIGBEE AND HAIGHT AT DIFFERENT TIMES HE SAID IT WAS TURNED OVER TO HIM— THE PROPERTY IN THE CELLAR —TO TAKE CHARGE OF IT, AND WHILE I WAS GONE IT WAS SOLD.	I HAD CONVERSATION WITH HIGBEE AND *AT/HAIGHT*[?] DIFFERENT TIMES SAID IT WAS TURNED OVER HIM TOOK CHARGE OF IT WHILE I WAS GONE IT WAS SOLD. ≤DID YOU KNOW WHAT WAS DONE WITH THE CATTLE≥ $_{A}$I	A. I HAD A CONVERSATION WITH HIGBEEAND HAIGHT/ IT WAS TURNED OVER TO HIM TO TAKE CHARGE OF IT AND WHILE I WAS GONE THEY HAD AN AUCTION AND IT WAS SOLD:. Q. DO YOU KNOW WHAT WAS DONE WITH THE CATTLE.? A. I	GONE I HAD CONVERSATION WITH HIGBEE AND HAIGHT AND IT WAS TURNED OVER TO HIM AND WHILE I WAS GONE THEY HAD AN AUCTION AND TURNED IT ALL [*space*] DO YOU KNOW WHAT WAS DONE WITH THE CATTLE [*space*]
I DON'T KNOW ANYTHING ABOUT THIS ONLY THOSE WHO WENT TO SALT	DON'T KNOW ANYTHING ABOUT THIS ONLY THOSE WHO WENT TO SALT	DON'T KNOW ONLY THOSE THAT WENT TO SALT	KNOW ONLY THOSE ~~THAT~~ THEY WENT TO SALT

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RT	RS	BT	PS
LAKE—THE STOCK HAIGHT HAD CHARGE OF THEM. HE TRADED THEM OFF FOR BOOTS AND SHOES WHICH WENT TO CEDAR CITY. HOOPER WAS THE GENTLEMAN REPRESENTATIV E FROM UTAH TO CONGRESS. I PRESUME FORTY OR FIFTY HEAD WERE SOLD. Q. WHAT WAS DONE WITH THE STOCK OF GOODS ? A. I NEVER KNEW. WHEN I CAME BACK THESE GOODS WERE ALL GONE. SOME FEW BOOTS LEFT.	LAKE; HAIGHT HAD CHARGE OF THEM HE TRADED THEM TO ~~<~~MR. HOOPER~~>~~ FOR BOOTS AND SHOES WHICH WENT TO CEDAR CITY. HOOPER WAS GENERAL REPRESENTATIV E FROM UTAH TO CONGRESS ~~<~~Q HOW MANY CATTLE WERE DISPOSED OF IN THAT WAY~~>~~ I PRESUME A40 OR 50 HEAD WAS SOLD. WHAT WAS DONE WITH STOCK OF GOODS AI NEVER KNEW WHEN I CAME BACK THESE GOODS WERE ALL GONE. SOME FEW BOOTS LEFT.	LAKE. HAIGHT HAD ~~CHAR~~ CHARGE OF THEM AND TRADED THEM TO MR/ HOOPER FOR BOOTS AND SHOES, WHICH WENT TO CEDAR CITY. Q. WHO, WHICH MR. HOOPER? A. THE MAN THAT WAS GENERALLY THE REPRESENTATIV E FROM UTAH TO CONGRESS. Q. HOW MANY CATTLE WERE DISPOSED OF IN THAT WAY? *[28]* A. I PRESUME 40 OR 50 HEAD WAS SOLD. Q. WHAT WAS DONE WITH THE STO~~V~~CK OF GOODS GOT BY THESE CATTLE? .A. I NEVER KNEW. WHEN I CAME BACK THESE GOODS WERE ALL GONE. SOME FEW GOOD BOOTS THAT I SAW I TRADED WHEAT FOR THEM — THERE WAS	LAKE HAIGHT HAD THEM AND TRADED THEM TO TO MR. HOOPER FOR BOOTS AND SHOES **&C** [*space*] WHO WHICH MR. HOOPER THE MAN THAT WAS GENERAL REPRESENTATIV E FROM UTAH TO CONGRESS HOW MANY CATTLE DISPOSED OF IN THAT WAY [*space*] 40 OR 50 HEAD [*space*] WHAT WAS DONE WITH THE STOCK OF GOODS GOT BY THESE CATTLE [*space*] SOME FEW GOT BOOTS THAT I SAW AND TRADED WHEAT FOR THEM

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RT	RS	BT	PS
Q. WHO TOLD YOU OF THE DISPOSITION OF THE PROPERTY ? A. HAIGHT AND HIGBEE TOLD ME ALL ABOUT IT. Q. WERE THERE ANY INDIANS PRESENT AT THE MASSACRE ? A. YES SIR. Q. HOW MANY ? A. I COULD NOT TELL YOU, THE HILLS WERE PRETTY FULL DOWN THERE. Q. AND THEY DID THE MASSACREING OF THE WOMEN GENERALLY ? A. I UNDERSTOOD THEY WERE TO ACCOMPLISH IT. I SAW ONE MAN	WHO TOLD YOU OF THIS DISPOSITION OF PROPERTY *[37]* HAIGHT AND HIGBEE TOLD ALL ABOUT IT. WERE THERE ANY INDIANS PRESENT AT THAT MASSACRE AYES SIR. Q HOW MANY AI COULD NOT TELL YOU BUT THE HILLS APPEARED PRETTY FULL DOWN THERE. AND THEY DID THE MASSACRE OF THE WOMEN GENERALLY; I UNDERSTOOD THEY WERE TO ACCOMPLISH IT. I SAW ONE MAN	SOME FEW BOOTS LEFT. Q. WHO DID I UNDERSTAND YOU TO SAY TOLD YOU OF THE DISPOSITION OF THIS PROPERTY? A. HAIGHT AND HIGBEE TOL~~L~~D ME ALL ABOUT IT. Q. WERE THERE ANY INDIANS PRESENT AT THAT MASSACRE? A. YES, SI~~T~~R. Q. HOW MANY? A. I COULD NOT TELL YOU BUT THE HILLS WERE PRETTY FULL AROUND THERE, AND THEY DONE THE MASSACREING OF THE WOMEN GENERALLY. I UNDERSTOOD THEY WERE TO ACCOMPLISH IT. I SAW ONE MAN	Q WHO DID I UNDERSTAND YOU TOLD YOU OF THIS DISPOSITION OF THE PROPERTY? YOU SAID HAIGHT AND HIGBEE [*space*] QWERE THERE ANY INDIANS PRESENT AT THAT MASSACRE AYES SIR Q HOW MANY I COULD NOT TELL YOU BUT THE HILLS APPEARED PRETTY FULL AROUND THERE AND THEY DONE THE MASSACRE OF THE WOMEN GENERALLY I ~~UNDERSTAND~~ UNDERSTOOD THEY WERE TO ACCOMPLISH IT I SAW ONE MAN BY THE NAME OF MY[122]

122. This word is phonetically written *m long i*; it is an apparent reference to Indian named Myack, who appears in several summaries of Philip Klingensmith's testimony during the first Lee trial.

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RT	RS	BT	PS
CUT A LITTLE BOYS THROAT WITH A KNIFE. HE WAS AN INDIAN.	CUT LITTLE BOY'S THROAT WITH A KNIFE WHO WAS AN INDIAN.	CUT A LITTLE BOYS THROAT WITH A KNIFE, ~~HE WAS LI AN INDIAN,~~[123] JUST AS I LEFT ~~THE~~ **THE** RANKS ~~AND~~ **TO** T~~OOK~~**AKE** CHARGE OF THE CHILDREN.	CUT A LITTLE BOYS THROAT JUST I LEFT THE RANKS AND ≤TOOK≥ CHARGE OF THE CHILDREN
ALSO SAW OTHERS— A GOOD MANY —COULD NOT TELL THEIR NAMES, PARTICULARY, ONLY BY THEIR WOUNDS.	ALSO SAW OTHERS GOOD MANY COULD NOT TELL THEIR NAMES PARTICULARLY ONLY BY THEIR *WOUNDS* [?].	I ALSO **SAW** OTHERS— A GOOD MANY BUT COULD NOT TELL THE NAMES BUT AFTERWARDS I HE**A**RD ~~O~~ OF THEM.	[*space*] I ALSO SAW OTHERS THAT I COULD NOT TELL THEIR NAMES AND AFTERWARDS HEARD OF THEM
Q. DID YOU SEE ANY REMONSTRANCE OR EFFORTS TO RESTRAIN THE INDIANS THERE ? *[86]* A. I DID NOT. I UNDERSTOOD AT THE TIME THAT CARL SCHURTZ HAD A KIND OF CHARGE OF THEM. OBJECTED TO BY JUDGE SUTHERLAND : OBJECT TO ALL SUCH HEARSAY	DID YOU SEE ANY REMONSTRANCE OR EFFORTS RESTRAIN INDIANS THERE $_{A}$I DID NOT. I UNDERSTOOD AT THE TIME THAT CARL SHIRTS HAD KIND OF CHARGE OF THEM ≤{AND KEPT}[i] THEM IN THE BRUSH≥ BY SUTHERLAND <**SUTH**> THIS IS HEARSAY.	Q. DID YOU SEE OR HEAR OF ANY REMONSTRANCES OR EFFORTS TO RESTRAIN THE **I**NDIANS THERE? A. I DID~~N'T~~ **NOT.**. I UNDERSTOOD AT THE TIME THAT CARL SHIRTS HAD A KIND OF C~~A~~HARGE OF THEM AND KEPT THEM IN THE BRUSH. **M**$^{\underline{R}}$ SUTHERLAND : WE OBJECT TO THIS AS HEARSAY. NO	DID YOU SEE OR ~~ANY~~ HEAR ANY REMONSTRANCES OR EFFORTS TO RESTRAIN INDIANS I DID NOT I UNDERSTOOD AT THE TIME THAT CARL SHIRTS HAD A KIND OF CHARGE OF THEM KEEPING THEM IN THE BRUSH [*space*] OBJECTED TO AS HEARSAY

123. Newspaper reports name as "Myack".

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RT	RS	BT	PS
TESTIMONY. Q. DID YOU HEAR ANYTHING SAID ON THE SUBJECT OF THE INDIANS ON THE GROUND ? A. I DID NOT. Q. WERE YOU EVER TOLD WHAT PART THEY TOOK IN IT ? A. I PRESUME I?WAS. Q. WERE THERE ANY INDIANS WOUNDED THERE ? A. YES SIR, THREE WOUNDED THAT I KNOW OF. TWO DIED.	{Q}[i] DID YOU HEAR ANYTHING SAID ON SUBJECT OF INDIANS ON THE GROUND {A}[i]≤I DID NOT≥. WERE YOU EVER TOLD WHAT PART THEY TOOK IN IT {A}[i] I PRESUME I WAS. {Q}[i] WERE THERE ANY INDIANS WOUNDED THERE {A}[i]YES SIR THREE WOUNDED THAT I KNOW OF, 2 DIED ≤QAFTER THE MASSACRE WHERE DID THE INDIANS GO TO AOVER TO CEDAR CITY WHERE THEY CAME FROM≥	RULING. **Q.** DID YOU HEAR ANYTHING SAID ON THE SUBJECT OF THE **I**NDIANS ON THE GROUND HERE? A. I DID NOT. Q. WERE YOU EVER TOLD WHAT PART THEY TO**O**K IN IT BY ANY WHO WERE ~~ENGA~~ ENGAGED IN IT? A. YES, SIR. *[29]* Q/ **W**~~W~~ERE ANY OF THE INDIANS WOUNDED THERE? A. YES, SIR , THREE WOUNDED THAT I KNOW OF. ~~TWO DIED AFTERWARDS OF THEIR WOUNDS.~~ **Q. WHAT WAS DONE WITH THEM? A. TWO DIED AFTERWARDS OF THEIR WOUNDS** Q. AFTER THE MASSACRE WHERE DID THE **I**NDIANS GO TO? A. OVER TO **C**~~C~~EDAR CITY WHERE THEY WERE FROM.	[*space*] DID YOU HEAR ANYTHING SAID ON THE SUBJECT OF THE INDIANS ON THE GROUND THERE I DID NOT WERE YOU EVER TOLD ANYTHING ABOUT IT BY ANY WHO WERE ENGAGED IN IT YES SIR WERE ANY OF THE INDIANS WOUNDED THERE YES SIR WHAT WAS DONE WITH THEM DIED AFTERWARDS OF THEIR WOUNDS [*space*] AFTER THE MASSACRE WHERE DID THE INDIANS GO TO *[[10]]* OVER TO CEDAR WHERE THEY WAS FROM

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RT	RS	BT	PS
THE INDIANS CAME OVER THERE FROM CEDAR, ONE WAS NAMED BILL AND THE OTHER NAMED TOM. ONE WAS A CHIEF.	$_{Q}$<INDIANS> CAME OVER FROM CEDAR, ONE WAS NAMED BILL OTHER NAMED TOM, ONE WAS A CHIEF. $_{Q}$HOW NEAR TOWN DID THEY GO $_{QA}$THEY	**THEY WERE BOTH CHIEFS** ONE WAS NAMED BILL AND THE OTHER TOM. ~~ONE WAS A CHIEF.~~ Q. HOW NEAR TO T HE TOWN DID THEY COME? A. THEY	THEY WERE BOTH CHIEFS ONE WAS BILL AND ONE TOM[124] HOW NEAR TO THE TOWN DID THEY COME $_{A}$
THEY CAMPED BACK OF THE TOWN, THAT IS PROBABLY FROM WHERE I LIVE~~ED~~ A HALF A MILE, SOME LOW HILLS THAT IS NOW IN CEDAR FIELD,	CAMPED BACK OF THE TOWN THAT IS PROBABLY FROM WHERE I LIVED HALF MILE, SOME LOW HILLS THAT IS NOW IN CEDAR FIELD. ≤{$_{Q}$}^{i}HOW LONG DID THEY REMAIN THERE≥ $_{QA}$THEY	CAME BAC K OF THE TOWN— THAT IS PROBABLY **FROM** ~~OVER~~ WHERE ~~I~~ I LIVE A HALF A MILEIN**.** ~~SOME~~ **THAT IS NO DOUBT NEAR THE** ~~LOW HILLS THAT IS NOW~~ IN CEDAR FIELD. Q. HOW LONG DID THEY REMAIN THERE? A. THEY	BACK TO THE TOWN PROBABLY FROM WHERE I LIVE HALF A MILE THAT IS NOW NEAR THE CEDAR FIELD [*space*] HOW LONG DID THEY REMAIN THERE
REMAINED THERE A CONSIDERABLE LENGTH OF TIME. Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS IN THEIR POSSESSION ? A. I SAW A WAGON COVER	REMAINED THERE CONSIDERABLE LENGTH OF TIME. $_{Q}$DID YOU SEE ANY PROPERTY OF EMIGRANTS IN THEIR POSSESSION? {$_{A}$}^{i}I SAW WAGON COVER	REMAINED THERE **A** CONSIDERABLE LENGTH OF TIME. Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS IN THEIR POSSESSION? A. **I**~~I~~ SAW A WAGON COVER	CONSIDERABLE TIME. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS IN THEIR POSSESSION I SAW A WAGON COVER

124. There is a circle drawn around "THEY WERE BOTH CHIEFS ONE WAS BILL AND ONE TOM".

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RT	RS	BT	PS
THAT THEY HAD TO PUT AROUND THEIR WICKIUPS AND I SAW SOME CLOTHING IN POSSESSION OF THE INDIANS. Q. WONT YOU DESCRIBE THE LOOKS AND APPEARANCE OF THE CLOTHING ? A. IT WOULD BE A HARD MATTER TO DO. GENERALLY THE CLOTHING WAS A HOMELY KIND OF MEN'S WEAR. Q. WAS THERE ANYTHING PECULIAR ? A.	THEY HAD TO PUT AROUND WICKIUPS, I SAW SOME CLOTHING IN THE POSSESSION OF THE INDIANS. {Q}[i]WONT YOU DESCRIBE LOOKS APPEARANCE OF CLOTHES {A~~T~~HINK}[i] IT WOULD BE A HARD MATTER TO DO GENERAL CLOTHING WAS HOMELY KIND OF MEN'S WEAR. WAS THERE ANYTHING PECULIAR ~~≤~~ON THE CLOTHES OR ABOUT THEM~~≥~~ {A}[i]	THAT THEY HAD, AND THAT THEY PUT AROUND THE~~I~~R WICKIUPS. Q. DID YOU SEE ANY CLOTHE~~R~~S? A. I DID, I SAW SOME CLOTHING IN THE POSSESSION OF THE **I**NDIANS, BUT I COULD NOT TELL YOU HOW MUCH. Q. WON'T YOU DESCRIBE THE LOO~~L~~KS AND APPEARANCE OF THE CLOTHES? A. THAT WOULD BE A HARD MATTER TO DO. IN ~~THE~~ GENERAL THE CLOTHING ~~WAS A HOMELY KIND OF~~ **WERE A KIND OF HOME MADE** MEN'S WARE. Q. WAS THERE ANYTHING PECULIAR ON THE CLOTHE~~R~~S O~~T~~R ABOUT THEM? A.	[*space*] DID YOU SEE ANY CLOTHES YES I DID BUT I COULD NOT TELL YOU HOW MUCH I SAW SOME CLOTHING IN THE POSSESSION *OF OUR*[?] OF THE INDIANS WON'T YOU DESCRIBE LOOKS AND APPEARANCE OF THE CLOTHES BE A PRETTY ~~HARD~~ GENERAL CLOTHING[125] WAS KIND OF HOMEMADE CLOTHING OF MEN'S WEAR {Q}WAS THERE ANYTHING PECULIAR ON THE CLOTHES OR ABOUT THEM {A}

125. The phrase "BE A PRETTY ~~HARD~~ GENERAL CLOTHING" is circled.

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RT	RS	BT	PS
NOTHING VERY PECULIAR THAT I RECOLLECT OF. Q. ANY BULLET HOLES IN THEM ? A. I COULD NOT TELL, ONLY BLOOD STAINS ON THEM; I GUESS THERE WAS, BUT *[87]* COULD NOT TELL WITH REGARDS TO THE INDIANS ~~WHAT KIND~~ Q. WHAT KIND OF CLOTHES DID JOHN D. LEE WEAR WHEN HE WENT TO SALT LAKE A. I BELIEVE HE HAD A CHECK SHIRT ON. Q. DID HE HAVE ANY COAT ? A. I PRESUME HE HAD; I DIDN'T SEE HIM START — DIDN'T NOTICE. Q. DID HE HAVE ANY COAT ?	NOTHING VERY PECULIAR THAT I RECOLLECT. {WAS THERE}^{i} ANY BULLET HOLES IN THEM? {$_{A}$}^{i}I COULD NOT TELL {WAS THERE}^{i} ANY BLOOD STAINS ON THEM $_{A}$I GUESS, THERE WAS {BUT}^{i} COULD NOT TELL THAT WITH REGARDS TO INDIANS. {WHAT OF}^{i} KIND OF CLOTHES DID JOHN D. LEE WEAR WHEN HE WENT TO SALT LAKE $_{A}$ BELIEVE HE HAD CHECK SHIRT ON. DID HE HAVE ANY COAT {$_{A}$}^{i}I PRESUME HE HAD I DIDN'T SEE HIM START DIDN'T NOTICE. <{$_{Q}$}^{i} DID YOU KNOW WHERE HE GOT IT>	NOTHING VERY PEVULIAR THAT I RECOLLECT. Q. WA S THERE ANY BULLET HOLES IN THEN — ANY OF THEM? A. I COULD NOT TELL. Q: WAS THERE ANY BLOOD STAINS ON THEM? A. YES THERE WAS I BELIEVE, BUT I COULD NOT TELL YOU AS REGARDS TO THAT**,** OF THE **I**NDIANS. Q. WHAT KIND OF CLOTHE~~R~~S DID JOHN D. LEE WEAR WHEN HE WENT TO SALT LAKE CITY? *[30]* A. I BELIECVE HE HAD A CHEC~~H~~K SHIRT ON. Q. DID HE HAVE ANY COAT? A. I PRESUME HE HAD, I DIDN'T ~~SEE~~ **NOTICE** HIM. Q. DID YOU EVER SEE HIM WITH A COAT? A. YES, A COAT DOWN THERE**,** OF COURSE. Q. DO YOU KNOW	NOTHING VERY PECULIAR THAT I RECALL WAS THERE IN ANY BULLET HOLES IN THEM ANY OF THEM I COULD NOT TELL WAS THERE ANY BLOOD STAINS ON THEM YES THERE WAS I BELIEVE I COULD NOT TELL AS REGARDS THAT OF THE INDIANS ~ NOT AT ALL $_{Q}$WHAT KIND OF CLOTHES DID JOHN D. LEE WEAR WHEN HE WENT TO SALT LAKE CITY I BELIEVE HE HAD A CHECK SHIRT ON. DID HE HAVE ANY COAT $_{A}$I PRESUME HE DID DID YOU EVER SEE HIM WITH A COAT IN A COAT DOWN THERE OF COURSE DID YOU KNOW

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RT	RS	BT	PS
A. I PRESUME HE HAD. I DON'T KNOW WHERE HE GOT THE COAT. Q. DID YOU EVER SEE JOHN D. LEE IN THE POSSESSION OF CLOTHING THAT CAME FROM THAT TRAIN ? A. I DID. I SAW HIM GET SOME DRESSES, SOME ~~G~~**J**EANS IN THE CELLAR. Q. WHAT DID HE DO WITH THEM ? A. I DON'T KNOW WHAT HE DID WITH THEM. Q. WAS THERE ANYTHING SAID WHAT HE WAS TO DO WITH THEM ? A. HE SAID HE WANTED THEM FOR CLOTHING. Q. I WISH TO CALL YOUR ATTENTION AGAIN TO THE	I DON'T KNOW WHERE HE GOT THE COAT. $_{Q}$DID YOU EVER SEE JOHN D. LEE IN THE POSSESSION OF ≤ANY≥ CLOTHING THAT CAME FROM THAT TRAIN <AND IF SO WHAT> I DID <$_{Q}$WHAT> {$_{A}$}^{i}I DID, I SAW HIM GET SOME DRESSES, SOME JEANS IN THE CELLAR {$_{Q}$}^{i}WHAT DID HE DO WITH THEM $_{A}$I DON'T KNOW WHAT HE DID WITH THEM. WAS THERE ANYTHING SAID WHAT HE WAS TO DO WITH THEM {$_{A}$}^{i}SAID HE WANTED THEM FOR CLOTHING. ≤I WISH≥ CALL YOUR ATTENTION AGAIN TO	WHERE HE ~~D~~GOT IT? A. I DON'T KNOW WHERE HE GO~~R~~T THE COAT. Q. DID YOU EVER SEE JOHN D. LEE IN POSSESSION OF ANY CLOTHING THAT CAME FROM THAT TRAIN AND IF SO, WHAT? A. I DID. Q. WHAT? A. I SAW HIM GET SOME DRESSES; **AND** SOME JEANS IN THE CELLAR. Q. WHAT DID HE DO WITH THEM? A. I DON'T KNOW. BUT HE TOOK THEM AWAY. Q. WAS THERE ANYTHING SAID WHAT HE WAS TO DO WITH THEM? A. HE SAID HE WANTED IT FOR SOME CLOTHING , THAT IS WHAT HE SAID. Q. I WISH TO CALL YOUR ATTENTION AGAIN TO THE	WHERE HE GOT IT I DON'T $_{Q}$DID YOU EVER SEE JOHN D. LEE IN POSSESSION OF ANY CLOTHING THAT CAME FROM THAT TRAIN AND IF SO WHAT I DID WHAT I SAW HIM GET SOME DRESSES AND SOME JEANS IN THE CELLAR WHAT DID HE DO WITH THEM HE TOOK THEM AWAY I DON'T KNOW WHAT HE DONE WITH THEM [*space*] WAS THERE ANYTHING SAID ABOUT WHAT HE WANTED TO DO WITH THEM [*space*] HE SAID HE WANTED IT FOR SOME CLOTHING THAT IS WHAT HE SAID $_{Q}$≤I WISH TO≥ CALL YOUR ATTENTION AGAIN TO THE

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RT	RS	BT	PS
INDIANS. STATE IF YOU KNOW ANYTHING OF THEIR PARTICIPATION, AND HOW THEY CAME TO PARTICIPATE IN ANY OF IT ? A. I DO NOT, ONLY AS I HEARD MR. ALLEN SAY; IT APPEARED TO ME THAT MR. ALLEN BROUGHT IT TO ME AND WHITE, WHEN HE MET US. DEFENDANTS COUNSEL OBJECTED TO WITNES TELLING STATEMENTS OF OTHERS. OBJECTION OVERRULED. WIT.: AND THERE ALLEN TOLD US AS HE CAME UP THAT	INDIANS, STATE IF YOU KNOW ANYTHING OF THEIR PARTICIPATION, HOW THEY CAME TO PARTICIPATE IN ANY {OF}[i] IT, $_{A}$I DO NOT ONLY AS I *HEARD*[?] MR. ALLEN BROUGHT TO ME THAT MR. ALLEN *[38]* BROUGHT TO ME AND WHITE WHEN HE MET US. {DEFENSE COUNSEL}[i] OBJECTED TO BY DEFENSE OVERRULED BY COURT {$_{A}$AND}[i] THERE ALLEN TOLD US AS HE CAME UP THAT	**I**NDIANS. STATE IF Y~~OU~~**OU** KNOW ANYTHING IN RELATION TO THEIR PARTICIPATION**,** **IN THAT** **MASSACRE—** **TELL WHAT** **YOU KNOW** **ABOUT IT.** ~~AFTER~~ ~~THAT~~. STATE IF YOU KNOW HOW THEY CAME TO PARTICIPATE IN IT? A~~I~~. I DON'T**,** ONLY BY THE STORIES THAT MR.ALLEN BROUGHT TO ME — THAT MR. ALLEN BROUGHT TO ME AND JOEL WHITE WHEN HE MET US. HE SAID WHAT IT WAS. OBJECTED TO. OBJECTION OVERRULED. EXCEPTION. A. ALLEN TOLD US AS HE CAME UP THAT	INDIANS; AND STATE IF YOU KNOW ANYTHING IN RELATION TO THEIR PARTICIPATION IN THAT —/*FS*[?] WHAT YOU KNOW ABOUT IT [*space*] STATE IF YOU KNOW HOW THEY CAME TO PARTICIPATE IN IT I DON'T ONLY BY THE STORIES THAT MR. ALLEN BROUGHT TO ME AND JOEL WHITE WHEN HE MET US HE SAID WHAT IT WAS OBJECTED TO OVERRULED EXCEPTION *[[11]]*126 ~~THERE~~ ALLEN TOLD US AS HE CAME UP THAT

126. At the lower right corner of page, in longhand: **GGGGGUN**.

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RT	RS	BT	PS
HE WAS GOING OUT TO PINTO CREEK. JOHN D. LEE HAD HIS ORDERS TO GO AROUND BELOW GATHER UP THE INDIANS AND GO OUT AND DESTROY THAT COMPANY, THAT IS WHAT HE TOLD ME. I MADE NO REPLY. *[88]* Q. DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE ON THE SUBJECT A. YES SIR. Q. WHAT WAS IT ? A. I DON'T RECOLLECT THE CONVERSATION ABOUT IT; THERE WASN'T MUCH SAID ABOUT IT NO TIME;	*F/V*[?] HE WAS GOING OUT PINTO CREEK JOHN D. LEE HAD HIS ORDERS GO AROUND BELOW GATHER UP INDIANS GO OUT DESTROY THAT COMPANY THAT IS WHAT HE TOLD ME. I MADE NO REPLY. DID YOU EVER HAVE CONVERSATION WITH JOHN D. LEE ON SUBJECT {**A**}^{i}YES SIR {**Q**WHAT WAS IT}^{i} I DON'T RECOLLECT THE CONVERSATION ABOUT IT WASN'T MUCH SAID ABOUT IT NO TIME	HE WAS TO GO OUT THERE TO PINTO CREEK AND THAT JOHN D. LEE HAD HIS ORDERS TO GO AROUND BELOW AND GATHER UP THE **I**NDIANS. *[31]* AND THAT HE WAS TO GO AROUND AND DESRTOY THAT COMPANY. THAT IS WH~~A~~T HE TOLD ME~~A~~. I MADE NO REPLY. Q. DID YOU EVER HAVE A CONVERSATION WITH JOHN ~~Z~~D. LEE ON THAT SUBJECT? A. YES, SIR, I HAD A CONVERWATION ABOUT IT AFTERWARDS. Q. WHAT WAS IT? A. I DON 'T RECOLLECT THE CONVERSATION ABOUT IT BECAUSE THERE WAS NOT MUCH SAID ABOUT IT AT ~~NO~~ **ANY** TIME;	HE WAS TO GO OUT THERE PINTO CREEK AND THAT JOHN D. LEE HAD HIS ORDERS TO GO AROUND BELOW AND GATHER UP THE INDIANS GO AROUND AND DESTROY ~~THAT~~ COMPANY [*space*] A CONVERSATION WITH JOHN D. LEE [*space*] I HAD ~~VARIOUS~~ CONVERSATIONS ABOUT IT AFTERWARDS I DON'T RECOLLECT PARTICULAR CONVERSATIONS BECAUSE THERE WAS NOT MUCH SAID ABOUT IT ~~ANY~~ AT ANY TIME [*space*]

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RT	RS	BT	PS
THERE WAS VERY LITTLE TALK ABOUT IT.	THERE WAS VERY LITTLE TALK ABOUT IT.	THERE WAS VERY LITTLE TA~~KLL~~K AT ~~NOTIME~~; **ANY TIME** BUT I KNEW THE THING WAS	ENOUGH HE KNEW AND I KNEW THE THING WAS
Q. IF YOU CAN REMEMBER ANY CONVERSATION THAT YOU HAD WITH HIM ?	{Q}[i] IF YOU CAN REMEMBER ANY CONVERSATION YOU HAD WITH HIM	DONE. Q. STATE IF YOU CAN REMEMBER ANY CONVERSATION YOU HAD WITH HIM ABOUT IT — IF YOU CAN	DONE [*space*] Q IF YOU CAN REMEMBER ANY CONVERSATION THAT YOU HAD ABOUT IT
A. I DON'T REMEMBER ANYTHING THAT WOULD LEAD TO——— —	{AI}[i] DON'T REMEMBER ANYTHING THAT WOULD LEAD TO ~~<~~ANYTHING MORE PARTICULAR ABOUT IT.~~>~~	STATE IT. A. I DON'T REMEMBER ANYTHING THAT WOULD LEAD TO ANYTHING MORE PARTICULAR ABOUT IT.	STATE IT AI DON'T REMEMBER ANYTHING THAT WOULD LEAD TO ANYTHING MORE PARTICULAR ABOUT IT
Q. WAS THERE ANY PERSON IN CONTROL OF THE INDIANS THERE AND IN COMMAND OF THEM ? A. YES SIR, CARL SHIRTS WAS INTERPRETER;	QWAS THERE ANY PERSON IN CONTROL OF INDIANS THERE IN COMMAND OF THEM {A}[i] YES SIR <Q**WHO**> ACARL SHIRTS WAS INTERPRETER,	Q. WAS THERE ANY PERSON IN CONTROLL O~~N~~F THE **I**NDIANS THERE , AND IN COMMAND OVER THEM? A. YES, SIR. Q. WHO? A. CARL SHIRTS WAS INTERPRETER **HE HAD COMMAND OF THEM**. ~~I~~	QWAS THERE ANY PERSON IN THE CONTROL OF THE INDIANS THERE COMMAND OVER THEM YES SIR WHO CARL SHIRTS HAD COMMAND
I THINK THAT IS THE NAME.	I THINK THAT IS THE NAME.	~~THINK THAT WAS THE HAME. HE HAD COMMAND OF THEM.~~	OF THEM
Q. DO YOU KNOW WHAT	{Q}[i]DO YOU KNOW WHAT	Q. DO YOU KNOW WHAT	DO YOU KNOW WHAT

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RT	RS	BT	PS
CONNECTION IF ANY MR. LEE HAD WITH THE INDIANS ? A. HE WAS THEIR AGENT AT HARMONY AS FAR AS I UNDERSTOOD IT. Q. IN WHAT DID HIS DUTY CONSIST— WHAT DUTY DID HE PERFORM ? A. THE AGENT HAD THE PRIVILEGE OF TRADING WITH THE INDIANS, AND ISSUING OUT ANYTHING ACCORDING TO THE LAWS OF THE UNITED STATES, TO TRADE AMUNITION, GUNS OR ANYTHING. BASKIN DESIRED THE COURT TO ADJOURN AT THIS STAGE OF THE EXAMINATION TILL TO-MORROW	CONNECTION IF ANY MR. LEE HAD WITH THE INDIANS ~~A~~HE WAS THEIR AGENT AT HARMONY AS FAR AS I UNDERSTOOD IT. IN WHAT —[?] DUTY DID HE PERFORM {~~A~~}[i] AGENT HAD THE PRIVILEGE TO TRADE WITH {THE}[i] INDIANS {AND}[i] ISSUING OUT ANYTHING ACCORDING {TO THE}[i] LAWS {OF}[i] UNITED STATES {TO}[i] TRADE AMMUNITION GUNS {OR}[i] ANYTHING. ~~≤~~BY BASKIN~~≥~~ IF YOUR HONOR PLEASE IT IS ALMOST TIME TO ADJOURN NOW WE WOULD LIKE TO ~~EXAMINATION~~ ~~≤~~ADJOURN~~≥~~ THIS EXAMINATION UNTIL	CONNECTION IF ANY MR. LEE HAD WITH THE **I**NDIAND? A. . HE WAS AGENT AT HARMONY**,** SO FAR AS I UNDERSTOOD IT. Q. AS AGENT WHAT DUTIES DID HE PERFORM? A. THE AGENT HAD THE PRIVILEGE OF TRADING WITH THE **I**NDIANS AND TO ISSUE OUT ANYTHING ACCORDING TO THE LAWS OF THE UNITED ~~A~~ STATES AND TO TRADE THEM AMMUNITION OR ANYTHING.	CONNECTION IF ANY MR. LEE HAD TO THE INDIANS ~~A~~HE WAS AGENT AT HARMONY SO FAR AS I UNDERSTOOD IT [*space*] ~~N~~ YOU SAY AGENT WHAT DUTIES DID HE PERFORM [*space*] THE AGENT HAD PRIVILEGE TO TRADE WITH INDIANS AND TO ISSUE OUT ANYTHING ACCORDING TO THE LAW OF THE UNITED STATES A GUN AMMUNITION ~~THAT IS WHAT HE SAID~~ [*space*]

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RT	RS	BT	PS
MORNING AS THIS WAS A VERY IMPORTANT WITNESS AND THAT HE MIGHT HAVE OMITTED SOME POINTS IN THE EXAMINATION AND	MORNING AS MAY HAVE OMITTED SOME POINTS. THIS IS VERY IMPORTANT WITNESS		
	IT WOULD BE VERY SATISFYING TO ADJOURN NOW. BY BASKIN I THINK IF WE COMMENCE VERY EARLY HERE IN THE MORNING CONTINUE IT IN THE COOL OF EVENING. BY COURT BETTER THAN BE RUSHING AT FIRST. I THINK WE HAD BETTER COMMENCE 9 O'CLOCK IN MORNING *TO ALL THAT SAT/SET DOWN*[?]		
THE COURT SAID TO THE JURY: I WILL NOT INSTRUCT YOU FROM DAY TO DAY AS TO YOUR OBLIGATIONS,	COURT TO JURY I WILL NOT INSTRUCT YOU FROM DAY TO DAY.		

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RT	RS	BT	PS
BUT WILL STATE TO YOU THAT I HAVE BEEN TOLD THERE IS SOME INCLINATION, ON THE PART OF SOME CITIZENS TO TALK WITH YOU. THEY HAVE NO RIGHT TO TALK TO THE JURY, AND IF THEY PERSIST THEY WILL BE ARRESTED AND PUT TO TROUBLE AND EXPENSE. I WILL ONLY REPEAT THE PREVIOUS REQUEST THAT YOU WILL HAVE NOTHING TO DO OR SAY TO THEM.	I WILL STATE TO CITIZENS I HAVE BEEN TOLD SOME INCLINATION ON PART OF SOME OF THEM THEY HAVE NO RIGHT TO TALK TO JURY THEY WILL BE ARRESTED IF THEY ATTEMPT TO TALK TO JURY THEY WILL BE TO SOME TROUBLE SOME COST IF ANYTHING TO DO WITH THEM. ONLY WAY FOR {THE}[i] JURY {TO}[i] BE APPROACHED IS THROUGH MARSHALL. HOGE SUGGESTED IT BE ANNOUNCED PARTIES WHO WANT THEM MUST COME INTO OPEN COURT. THERE IS TO BE NO LETTERS OR ANYTHING OF THAT KIND. IF ANY PERSON		

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RT	RS	BT	PS
ADJOURNED UNTIL TOMORROW MORNING AT 9 A.M.	WILL COME INTO OPEN COURT ANNOUNCE THEIR BUSINESS IT *CAN/CAN'T*[?] BE DONE. BY SUTHERLAND CONSENT IS NOW IT SHALL BE DONE ONLY IN OPEN COURT. THERE WILL BE NO ATTENTION TO THEM ONLY IN OPEN COURT. [*space*] [*End of shorthand book 2*]. *[[Bk 4 25 middle of page]]* [127]{* This should occur prior to Book 3}[i]	~~BASKIN~~ COURT ADJOURNED TILL TO~~)~~MORROW MORNING AT 90'CLOCK. ———0000————	COURT ADJOURNED TILL TOMORROW MORNING 9 0'CLOCK [*space*]

127. The Boreman Transcript includes thirty pages of Klingensmith cross-examination testimony taken the morning of July 24—which is completely missing from Rogerson's shorthand and transcript. BT T1 book 3, pp. 38–68; PS T1 images 107–26. Rogerson apparently transcribed these pages for the Boreman Transcript from the Patterson Shorthand. Rogerson's handwriting is visible on the shorthand images, indicating questions and answers, with corrections in Cook's handwriting.

Rogerson was absent at the beginning of court on July 24. Both Patterson and Rogerson note his absence in their shorthand reports. PS T1 image 105; BT T1 book 3, p. 34; RS T1 book 4, p. 25. Rogerson wrote in his own shorthand that he arrived forty-five minutes after court began. Rogerson Shorthand Notebook 2 ends with the closing of court on July 23; Shorthand Notebook 3 begins with the afternoon session on July 24. On Monday, July 26, after court closed, Rogerson copied a small part of Patterson's shorthand notes for the morning of July 24 into Rogerson Shorthand Notebook 4, after his notes for July 26. See Rogerson Shorthand Book 4, pp. 25–26; these are transcribed in Rogerson Transcript Book 1, pp. 97–100. However, he copied only two pages of Patterson's shorthand, which answers questions on Klingensmith's biographical history. The Rogerson Transcript also includes biographical testimony by Klingensmith beyond what he copied. Rogerson Transcript Book 1, pp. 100–105;

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RT	RS	BT	PS
		~~SATURDAY JULY 24TH~~ *[32]* ~~MINUTES READ BY CLERK~~ **MINUTES WERE READ BY THE CLERK.**	
[89] SATURDAY, JULY 24TH 1875. 9 O'CLOCK A.M. COURT' MET PURSUANT TO ADJOURNMENT.	**SATURDAY, JULY 24 = 1875 = 9 AM** (—[?] NOTE I FORGOT THE COURT TOOK UP AT 9 **AM** AND DID NOT GET THERE UNTIL 9:45 AM AND THE FOLLOWING NOTES ARE FROM MR. PATTERSON'S REPORT)[128]	SATURDAY , JULY 24TH I875. 9 A.M. **M**$^{\underline{R}}$ SUTHERLAND: THE RECORD STATES THAT THE DEFENDANT FAILED TO REJOIND~~ER~~**URE** THEREUPON ISSUE WAS	**SATURDAY JULY 24 1875** [*space*] SUTHERLAND [*space*] THE RECORD STATES THAT THE DEFENDANT FILED A JOINDER THEREUPON ISSUE WAS

(Fn 127 cont.) Random Rogerson Transcript, 25–31. There is no additional shorthand for the morning of July 24 anywhere in the Rogerson collection.

Rogerson later wrote to the LDS First Presidency saying he intentionally left out "some Cross examination of Klingsmith, relative to some matters that took place at Cedar City, immediately before and at the time Smith went to the Meadows." Rogerson to First Presidency, Feb. 27, 1884, copy in CHL.

128. If Rogerson attended court on July 24, he arrived at least forty-five minutes late. He originally recorded no shorthand for the morning court session, which would indicate he did not attend this session at all. As he stated, he copied a portion of Patterson's notes into Shorthand Book 4.

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RT	RS	BT	PS
		JOINED. I DESIRE THE RECORD TO BE SO AMENDED AS TO STATE THAT IT WAS SUBMITTED WITHOUT BEING PRESENTED ON EITHER SIDE. **M^{R}** CAREY: THAT IS NOT LITERALLY TRUE. THE RECORDS WERE SUBMITTED IN EVIDENCE. **M^{R}** SUTHERLAND: THEY WERE NOT . IT DOES NOT APPEAR UPON THE RECORD THAT THE INDICTMENT WAS READ TO THE PRISONER. CO~~U~~**U**RT TO CLERK: READ THAT PART OF THE RECORD REFERRED TO. CLERK READS**:** “ AND THE SAID INDICTMENT BEING READ TO HIM —” **M^{R}** HOGE: IT WAS READ BEFORE THESE PLEAS WERE FILED. COURT: YOU	JOINED [*space*] I DESIRE RECORD BE SO AMENDED AS TO STATE THAT IT WAS SUBMITTED WITHOUT EVIDENCE BEING PRESENTED ON EITHER SIDE [*space*] CAREY THAT IS NOT LITERALLY TRUE THE RECORDS WERE SUBMITTED IN EVIDENCE SUTHERLAND THEY WERE NOT. [*space*] . IT DOES NOT APPEAR UPON THE RECORD AS HERE THAT THE INDICTMENT WAS READ TO THE PRISONER [*space*] COURT CLERK “AND THE SAID INDICTMENT BEING READ TO HIM HOGE IT WAS READ BEFORE THESE PLEAS WERE FILED. COURT YOU

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RT	RS	BT	PS
EXAMINEATION OF PHILIP KLINGENSMITH, RESUMED.	**P KLINGENSMITH RESUMES** <~~CAREY~~ BY BASKIN **1ST** QUESTION	MIGHT INTERLINE AND STATE THAT THE PLEAS WERE FILED. PHILIP KLINGENSMITH RE-CALLED FOR THE PROSECUTION. **FOR FURTHER DIRECT EXAMINATION:**	MIGHT INTERLINE BEFORE AND STATE PLEAS WERE FILED. [*space*] JURY CALLED ALL PRESENT [*space*]
Q. DO YOU KNOW THE NAMES OF ANY PERSONS THAT WERE CALLED TO THE MOUNTAIN MEADOWS ? A. I DO NOT. Q. HOW LONG DID YOU STATE JOHN D. LEE REMAINED IN CONSULTATION WITH THE PARTIES — THE ONES HE MET FROM THE CORRALL WHEN HE CARRIED THE FLAG OF TRUCE, OR WHEN IT WAS CARRIED ? A. I COULD NOT SAY, IT WAS AN HOUR OR TWO AS FAR AS I	DO YOU NAMES OF ANY PERSONS THAT WERE KILLED TO MOUNTAIN MEADOWS I DO NOT> HOW LONG DID YOU STATE THAT JOHN D. LEE REMAINED IN CONSULTATION WITH THE PARTY HE MET FROM THE CORRAL WHEN HE CARRIED FLAG OF TRUCE OR WHEN IT WAS CARRIED I COULD NOT SAY IT WAS AN HOUR OR TWO AS FAR AS I	Q. DO YOU KNOW THE MANES OF ANY PERSONS THAT WERE KILLED AT THE MOUNTAIN MEADOWS? A. I DO NOT; Q. HOW LONG DID YOU STATE THAT JOHN D. LEE REMAINED IN CONSULTATION WITH THE PARTY HE MET FROM THE EMIGRANT CAMP WHEN HE CARRIED THE FLAG OF TRUCE OR WHEN IT WAS CARRIED? A. I COULD NOT SAY; IT WAS AN HOUR OR TWO AS FAR AS I	*[[12]]* DO YOU KNOW THE NAMES OF ANY PERSONS THAT WERE KILLED AT MOUNTAIN MEADOWS I DO NOT HOW LONG DID YOU STATE THAT JOHN D. LEE REMAINED IN CONSULTATION WITH THE PARTY HE MET FROM THE CORRAL WHEN HE CARRIED THE FLAG OF TRUCE OR WHEN IT WAS CARRIED I COULD NOT SAY IT WAS AN HOUR OR TWO AS FAR AS I

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RT	RS	BT	PS
CAN RECOLLECT. Q. DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT OCCURRED BETWEEN HIM AND THE EMIGRANTS IN THAT CONSULTATION ? A. NO SIR,NOT THAT I RECOLLECT, NEVER TALKED WITH HIM ON THE SUBJECT IF I DID IT SLIPPED MY MIND. Q. DID YOU EVER HAVE ANY CONVERSATION WITH HIM SUBSEQUENT TO THE MASSACRE AS TO WHAT OCCURRED DURING HIS NEGOTIATIONS WITH THE EMIGRANTS AT THE TIME HE WAS THERE. WIT.: YOU MEAN	CAN RECOLLECT DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT OCCURRED BETWEEN HIM AND THE EMIGRANT IN THAT CONSULTATION NO SIR NOT THAT I RECOLLECT. NEVER TALKED WITH HIM ON SUBJECT. IF I DID IT SLIPPED MY MIND DID YOU EVER HAVE ANY CONVERSATION WITH HIM SUBSEQUENT TO THE MASSACRE AS TO WHAT OCCURRED DURING HIS COMMUNICATIO NS WITH THE EMIGRANTS AT THE TIME HE WAS THERE. BY WITNESS	CAN RECOLLECT Q~~L~~ . DID YOU HAVE ANY CONVERSATION WITH JOHN ~~D.L EE~~ **D. LEE** AS TO WHAT O~~F~~CCURRED BETWEEN HIM AND THE EMIGRANTS IN THAT CONSULTATION ? A. NO, SIR, NOT~~N~~ THAT I RECOLLECT. Q. NEVER TALKED WITH HIM O~~F~~N THAT SUBJECT~~.~~ A. —IF I **DID** ~~HAD~~ IT SLIPPED MY MIND. Q.— ON THAT OCCASION? A. NOT THAT I RECOLLECT OF. Q. DID YOU EVER HAVE ANY CONVERSATIOH WITH HIM SUBSEQUENT *[33]* TO THE MASSACRE AS TO WHAT OCCURRED DURING HIS COMMUNICATIO NS WITH THE EMIGRANTS AT THE T IME HE WAS THERE. THAT IS	COULD RECOLLECT DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT OCCURRED BETWEEN HIM AND THE EMIGRANT IN THAT CONSULTATION NO SIR NOT THAT I RECOLLECT [*space*] NEVER TALKED WITH HIM ON THAT SUBJECT [*space*] IF I DID IT SLIPPED MY MIND ~~<~~ON THAT OCCASION NOT THAT I RECOLLECT~~=~~ DID YOU EVER HAVE ANY CONVERSATION WITH HIM SUBSEQUENT TO THE MASSACRE AS TO WHAT OCCURRED DURING HIS COMMUNICATIO NS WITH THE EMIGRANTS AT THE TIME HE WAS THERE [*space*] THAT IS

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RT	RS	BT	PS
AFTER THE MASSACRE OCCURRED. Q. DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT OCCURRED BETWEEN HIM AND THE EMIGRANTS WHEN HE WAS IN THEIR CAMP ? A. I HAVE TALKED WITH HIM BUT TO RECOLLECT IT I CANNOT.	AFTER MASSACRE OCCURRED DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT OCCURRED BETWEEN HIM*[[26]]*[129] AND THE EMIGRANTS WHEN HE WAS IN THERE I HAVE HAD TALKS WITH HIM BUT TO RECOLLECT IT I CANNOT.	AFTER THE MASSACRE OCCURRED— DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE AS TO WHAT HAPPENED BETWEEN **THEM** ~~HIM~~ WHEN HE WAS IN THERE? A~~?~~. I HAVE HAD A TALK WITH HIM BUT TO RECOLLECT WHAT HE SAID ABOUT IT I COULD NOT REMEMBER.	AFTER THE MASSACRE OCCURRED DID YOU EVER HAVE ANY CONVERSATION ~~BETWEEN~~ WITH JOHN D. LEE AS TO WHAT HAPPENED BETWEEN HIM AND EMIGRANTS WHEN HE WAS IN THERE [*space*] I HAVE HAD TALK WITH HIM BUT TO RECOLLECT ~~WHAT WAS~~ WHAT HE SAID ABOUT IT I COULD NOT REMEMBER
Q. WHO WAS THE COMMANDER OF THE NAUVOO LEGION IN SOUTHERN UTAH ? WIT.: YOU MEAN WHO WAS THE GENERAL COMMANDER ? A. I ALWAYS UNDERSTOOD GEORGE A. SMITH WAS THE GENERAL COMMANDER. Q.	WHO WAS THE COMMANDER OF NAUVOO LEGION SOUTHERN UTAH. WITNESS WHO WAS THE GENERAL COMMANDER I ALWAYS UNDERSTOOD GEORGE SMITH WAS GENERAL COMMANDER	Q. WHO WAS THE COMMANDER OF THE NAUVOO LEGION FOR SOUTHERN UTAH? WHO WAS THE GENERAL COMMANDER? A. I ALWAYS UNDERSTOOD THAT GEORGE A. SMITH WAS THE **GG**ENERAL C~~C~~OMMANDER.	[*space*] WHO WAS THE COMMANDER OF THE NAUVOO LEGION FOR SOUTHERN UTAH [*space*] WHO WAS THE GENERAL COMMANDER YES SIR I ALWAYS UNDERSTOOD THAT GEORGE **A** SMITH WAS THE GENERAL COMMANDER

129. Above the first line of the page in the margin: GEORGE A SMITH.

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RT	RS	BT	PS
WHO WAS THE LOCAL COMMANDERS —	WHO WAS THE LOCAL COMMANDERS DOWN THERE THE COMMANDERS OVER YOUR COMPANY—	Q. WHO WAS THE LOCAL COMMANDERS DOWN THERE— THE COMMANDERS~~S~~ FROM YOUR COUNNTY—	WHO WAS THE LOCAL COMMANDERS DOWN THERE THE COMMANDERS OVER YOUR COMPANY
WHO WAS THE COMMANDER OF THE FORCES THAT WERE ON THE GROUND THERE ? A.	WHO WAS THE COMMANDER OF THE FORCES THAT WERE ~~<~~ON THE~~>~~ GROUND THERE	WHO WAS THE COMMANDER OF THE FORCES THAT WERE ON THE GROUND THERE? A.	WHO WAS THE COMMANDER OF THE FORCES THAT WERE ON THE GROUND THERE [*space*]
LEE WAS THE HEAD COMMANDER, HE WAS THE COMMANDER OF THE NAUVOO *[90]* ~~LEGION~~	LEE WAS THE HEAD COMMANDER HE WAS THE COMMANDER OF NAUVOO	ON THE GROUND, LEE WAS THE COMMANDER. Q. WHO WAS THE COMMANDER OF THE NAUVOO	~~<~~ON THE GROUND~~>~~ LEE WAS THE HEAD COMMANDER WHO WAS THE COMMANDER OF THE NAUVOO
FORCES OF WHICH THAT WAS A PART IN IRON COUNTY. DAME WAS THE COL. OF THAT ORGANIZATION DOWN THROUGH THERE Q. WHO WAS THE LIEUTENANT COL. ? A. ISAAC C. HAIGHT. Q. HAD HIGBEE ANY OFFICE ? A. YES, HE WAS THE MAJOR. Q.	FORCES OF WHICH THAT WAS A PART IN IRON COUNTY — DAME WAS THE COLONEL OF THAT ORGANIZATION DOWN THROUGH THERE WHO WAS THE LIEUTENANT COLONEL ISAAC **C** HAIGHT. HAD HIGBEE ANY OFFICE YES HE WAS MAJOR	FORCES**,** OF WHICH THAT WAS A PART, FOR IRON COUNTY? A. DAME WAS THE COLONEL OF THAT ORGANIZATION DOWN FROM THERE. Q. WHO WAS THE LIEUTENANT CLOLONEL? A. ISAAC C. HAIGHT. Q. DID HIGBEE HAVE ANY POSITION? A. YES, HE WAS MAJOR. Q.	FORCES OF WHICH THAT WAS A PART FOR IRON COUNTY DAME WAS THE COLONEL OF THAT ORGANIZATION DOWN THOUGH THERE WHO WAS THE LIEUTENANT COLONEL ISAAC **C** HAIGHT [*space*] HIGBEE ANY OFFICE YES HE WAS MAJOR

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RT	RS	BT	PS
WAS GEORGE A. SMITH DOWN THERE ABOUT THAT TIME ? A. NOT THAT I RECOLLECT; I DIDN'T SEE HIM. Q. DID YOU SEE HIM BEFORE THIS OCCURRENCE ? A. NOT TO MY KNOWLEDGE. Q. DO YOU KNOW WHETHER ANY OF THOSE ORDERS WHICH LED TO THAT MASSACRE EMANATED FROM GEORGE A. SMITH, AND IF SO STATE WHAT IT WAS ? A. NO SIR, NOT THAT I KNOW OF. SUTHERLAND: THE WITNESS STATED THAT IT WAS UNDERSTOOD THAT GEORGE A. SMITH WAS IN COMMAND OF THE NAUVOO LEGION IN SOUTHERN UTAH; THAT IS	WAS GEORGE A SMITH DOWN THERE ABOUT THAT TIME NOT THAT I RECOLLECT I DIDN'T SEE HIM DID YOU SEE HIM BEFORE THIS OCCURRENCE NO SIR NOT TO MY KNOWLEDGE. DO ~~ANY CONVERSATION~~ YOU KNOW WHETHER ANY OF THOSE ORDERS WHICH LED TO THAT MASSACRE EMANATED FROM GEORGE A SMITH AND IF SO STATE WHAT IT WAS NO SIR NOT THAT I KNOW OF SUTHERLAND WITNESS STATED THAT IT WAS UNDERSTOOD ≼THAT≽ GEORGE A. SMITH WAS IN COMMAND OF NAUVOO LEGION SOUTHERN UTAH THAT IS	WAS GEORGE A. SMITH DOWN THERE ABOUT THAT TIME? A. NOT THAT I RECOLLECT; I DIDN'T SEE HIM. Q. DO YOU REMEMBER BEFORE THIS OCCURRENCE~~L~~ A. NO, SIR, NOT TO MY KNOWLEDGE. Q. DO YOU KN**O**W WHETHER ANY OF THESE ORDERS WHICH LED TO THAT MASSACRE EMINATED FROM GEORGE A. SMITH, AND IF SO STATE WHAT IT WAS? [34] A. NO, SIR, NOT THAT I KNOW ABOUT. **M**[R] SUTHERLAND: WITNESS STATED THAT IT WAS UNDERSTOOD THAT GEORGE A. SMITH WAS COMMANDER; THAT BEING	WAS GEORGE **A** SMITH DOWN THERE ABOUT THAT TIME NOT THAT I RECOLLECT I DIDN'T SEE HIM [*space*] SAW YOU HIM BEFORE THIS OCCURRENCE NO SIR NOT TO MY KNOWLEDGE DO YOU KNOW WHETHER ANY OF THOSE ORDERS WHICH LED TO THAT MASSACRE EMANATED FROM GEORGE **A** SMITH AND IF SO STATE WHAT IT WAS [*space*] NO SIR NOT THAT I KNOW ABOUT SUTHERLAND WITNESS STATED THAT IT WAS UNDERSTOOD THAT GEORGE **A** SMITH WAS COMMANDER ≼*WITHOUT/THAT*[?]≽ BEING

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RT	RS	BT	PS
SIMPLY HEARSAY AND WE ASK THE COURT TO HAVE IT STRICKEN OUT. Q. DID YOU KNOW WHO WAS THE GENERAL COMMANDER ? A. I KNOW THAT GEORGE A. SMITH WAS THE GENERAL COMMANDER OF IRON COUNTY AT THAT TIME, FROM THE BEGINNING OF IT TILL I LEFT IRON COUNTY.	HEARSAY WE ASK TO HAVE IT STRICKEN OUT — BASKIN DID YOU KNOW WHO WAS THE GENERAL COMMANDER I KNOW THAT GEORGE A SMITH WAS THE GENERAL COMMANDER OF IRON COUNTY AT THAT TIME FROM THE BEGINNING OF IT UNTIL I LEFT IRON COUNTY.	HEARSAY WE ASK TO HAVE IT STRICKEN OUT. Q. DO YOU KNOW WHO WAS THE GENERAL COMMANDER? A. I KNOW THAT GEORGE A. SMITH WAS THE GENERAL COMMANDER. OF THAT IRON COUNTY AT THAT TIME FROM THE BEGINNING OF IT TILL THE TIME I LEFT IRON COUNTY. **M**[R]	~~ASKED~~ HEARSAY WE ASK TO HAVE IT STRICKEN OUT [*space*] DO YOU KNOW WHO WAS THE GENERAL COMMANDER I ~~<~~DO[?]~~>~~ KNOW THAT GEORGE **A** SMITH WAS THE GENERAL COMMANDER OF THAT IRON COUNTY ~~FROM~~ AT THAT TIME FROM THE BEGINNING OF IT UNTIL THE TIME I LEFT IRON COUNTY *[[13]]*
SUTHERLAND: AND WE ASK ALSO THAT THE TESTIMONY BE STRICKEN OUT OF THIS WITNESS AS TO WHAT TOOK PLACE IN THE TWO CONVERSATION S PRIOR TO THE MASSACRE WHEN LEE WAS NOT PRESENT, AS THE COUNSEL FOR PROSECUTION UNDER TOOK TO CONNECT LEE	SUTHERLAND AND WE ASK ALSO THAT THE TESTIMONY BE STRICKEN OUT OF THIS WITNESS AS TO WHAT TOOK PLACE IN THE TWO CONVERSATION S PRIOR TO THE MASSACRE WHEN LEE WAS NOT PRESENT AS COUNSEL UNDERTOOK CONNECT LEE	SUTHERLAND: WE ASK ALSO, THAT IT BE STRICKEN OUT , THE TESTIMONY AS TO WHAT TOOK PLACE IN THE TWO CONFERENCES PRIOR TO THE MASSACRE WHEN LEE WAS NOT PRESENT. COUNSEL UNDERTOOK TO CONNECT LEE	~~<~~SUTHERLAND~~>~~ ASK ALSO THAT IT BE STRICKEN OUT TESTIMONY WHAT TOOK PLACE IN THE TWO CONFERENCES PRIOR TO THE MASSACRE WHEN LEE WAS NOT PRESENT ~~<~~AS COUNSEL UNDERTOOK TO CONNECT LEE

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RT	RS	BT	PS
WITH IT AND THEY HAVE NOT DONE SO.	WITH IT AND HAVE NOT DONE SO.	WITH IT AND LEE HAS NOT BEEN CONNECTED WITH IT. COURT: I THINK THAT IS A PART AND PARCEL OF THE WHOLE TRANSACTION.	WITH IT~~≥~~ AS LEE HAS NOT BEEN CONNECTED WITH IT COURT I THINK THERE IS PART AND PARCEL OF THE WHOLE TRANSACTION ~~OBJECTION~~
OBJECTION OVERRULED. DEFENDANTS COUNSEL THEN AND THERE	MOTION OVERRULED.	~~OBT~~ MOTION OVERRULED.	MOTION OVERRULED
EXCEPTED TO THE RULING OF THE COURT.	EXCEPTION.	EXCEPTION.	EXCEPTION. [*space*]
		~~**BISHOP**~~ MR. ROGERSON ONE OF THE REPORTERS IN THE CASE	~~CROSS EXAMINATION~~ ROGERSON
		~~**BISHOP**~~ BEING ABSENT **BISHOP** ASKED TO SUSPEND PROCEEDING TILL HE COULD BE SENT FOR.	BEING ABSENT SOMEONE WAS SENT FOR HIM. [*space*]
	~~≤~~CAREY~~≥~~ I UNDERSTAND THAT A WITNESS WAS IN THE COURT ROOM WE WISH TO USE. CAREY ASK TO HAVE WITNESS WITHDRAW FROM THE STAND BEFORE	**M**~~**R**~~ **C**ARY: I UNDERSTAND THAT	CAREY UNDERSTAND THAT

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Random RT	RT	RS	BT	PS
*[Random RT 1]*130 FIRST LEE TRIAL. IN THE SECOND JUDICIAL		CROSS EXAMINATION AS HE WAS UNDER CARE OF PHYSICIAN WHO ADVISED HIM HE WAS HARDLY WELL ENOUGH TO BE PUT ON THE STAND AND SUGGESTS THAT HE BE ALLOWED TO GO COME INTO MORROW. WITNESS I DO NOT FEEL WELL ENOUGH AS I HAVE BEEN TAKING MEDICINE LAST NIGHT BASKIN I THINK EXAMINATION BETTER GO RIGHT ON. [*space*]	THE WITNESS WAS UNDER THE CARE OF A PHYSICIAN ALL LA~~X~~ST NIGHT AND THE DOCTOR ADVISES ME THAT HE IS HARDLY ABLE TO APPEAR ON THE STAND AND I WOULD SUGGEST THAT THERE BE AS LITTLE DELAY AS POSSIBLE ON THAT ACCOUNT.	THE WITNESS WAS UNDER THE CARE OF PHYSICIAN ALL LAST NIGHT AND DOCTOR ADVISES HIM THAT IT WAS HARDLY —[?] TO APPEAR ON THE STAND AND SUGGESTS THAT THERE BE A LITTLE DELAY AS POSSIBLE ON THAT ACCOUNT [*space*] WITNESS I DO NOT FEEL WELL ENOUGH I FEEL KIND OF WEAK HAVE BEEN TAKING MEDICINE LAST NIGHT [*space*] BASKIN I THINK THE EXAMINATION BETTER ~~BE~~ GO RIGHT ON. [*space*]

130. This small portion of Klingensmith's testimony was found in Rogerson Shorthand Book 6. The first page is an original and the following pages are carbon paper copies. After the first page it skips to page 25.

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Random RT	RT	RS	BT	PS
DISTRICT COURT . TERRITORY OF UTAH. COUNTY OF BEAVER. JACOB. S. BOREMAN .JUDGE .PRESIDING.		**DEFENSE TOOK WITNESS**		
CROSS EXAMINATION OF PHILLIP KLINGENSMITH; WITNESS FOR THE PROSECUTION. JULY 24TH; 1875;	*[91]* CROSS-EXAMINED	CROSS-EXAMINED	CROSS-EXAMINATION	CROSS EXAMINATION [*space*]
945, AM. BY W. W. BISHOP. A ATTORNEY, FOR THE DEFENSE.	BY W. W. BISHOP, ESQ.	BY BISHOP	BY W. W. BISHOP. **FOR DEFENSE**	BISHOP [*space*]
Q. HOW OLD ARE YOU MR SMITH? A. I AM SIXTY ONE THIS THIRD DAY OF APRIL ;BORN THE YEAR 16.	Q. HOW OLD ARE YOU MR. SMITH A. I AM 6I, THAT IS ON THE THIRD DAY OF APRIL; I WAS BORN IN ‘I6.	Q HOW OLD ARE YOU MR. SMITH A I AM SIXTY [*space*][131]	Q. MR. SMITH, HOW OLD ARE YOU? A. I BELIEVE I AM GOING ON 6I. I WAS BORN IN ‘I5; I UNDERSTAND THE 3D OF APRIL. Q. WHERE WAS YOU BORN?	HOW OLD ARE YOU I BELIEVE I AM GOING ON 61 I WAS BORN 15 I UNDERSTAND 3 APRIL WHERE WAS YOU BORN
Q. WHERE WERE YOU BORN? A. PENNSYLVANIA. Q. HOW LONG	Q. WHERE WERE YOU BORN ? A. I WAS BORN IN PENNSYLVANIA. Q. HOW LONG		Q. PENSYLVANIA. Q. HOW LONG	PENNSYLVANIA HOW LONG

131. This is the end of material copied by Rogerson from Patterson’s shorthand. There is no Rogerson Shorthand for the remainder of the court session on the morning of July 24. Rogerson’s shorthand resumes with the start of the afternoon session.

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Random RT	RT	RS	BT	PS
DID YOU RE SIDE IN PENNSYLVANIA AFTER YOU WERE BORN? A. GUESS I WAS ABOUT 23 OR 24 YEARS OLD. Q. WHERE DID YOU REMOVE TO IT FROM THERE? A. REMOVED TO INDIANA. Q. HOW LONG DID YOU REMAIN THERE? A. MAY BE FOUR YEARS ;MAY BE FIVE. ~~Q.~~. Q. WHERE DID YOU GO TO NEXT? A. MOVED FROM THERE TO MICHIGAN. YOU SAY? A. YES SIR ;AND FROM THERE TO NAUVOO. Q. WHAT YEAR DID YOU GO TO NAUVOO IN? A. 44 I BELIEVE. Q. HOW LONG DI~~D~~ DID YOU REMAIN IN NAUVOO? A.	DID YOU RESIDE IN PENNSYLVANIA AFTER YOUR BIRTH ? A. I GUESS I WAS ABOUT 23 OR 24 YEARS OLD WHEN I LEFT HOME. Q. WHERE DID YOU REMOVE TO FROM PENNSYLVANIA ? A. REMOVED TO INDIANA. Q. HOW LONG DID YOU REMAIN THERE ? A. MAY BE FOUR YEARS, MAY BE FIVE. Q. WHERE DID YOU GO TO NEXT ? A. I MOVED FROM THERE TO MICHIGAN, AND FROM THERE TO NAUVOO. Q. IN WHAT YEAR DID YOU GO TO NAUVOO ? A. IN I844 I BELIEVE. Q. HOW LONG DID YOU REMAIN IN NAUVOO ? A. TILL THE YEAR 1844, WHEN THE MORMON'S LEFT.		DID YOU RESIDE IN PENSYLVANIA AFTER YOUR BIRTH? A. I GUESS I WAS ABOUT 23 OR 24 YEARS OLD *[35]* Q. WHERE ~~F~~DID YOU REMOVE TO FROM P~~P~~ENSYLVANIA? A. INDIANA. Q. HOW LONG DID YOU REMAIN THERE? A. MAY BE FOUR, MAY BE FIVE YEARS. Q. WHERE DID YOU GO NEXT? A. I MOVED TO MICHIGAN~~.~~**,** AND FROM THERE TO NAUVOO. Q. WHAT YEAR DID YOU GO TO NAUVOO IN? A. IN '44, I BELIEVE / Q. HOW LONG DID YOU REMAIN IN NAUVOO? A. TILL ABOUT '46, WHEN THE MORMONS LEFT NAUVOO.	DID YOU RESIDE IN PENNSYLVANIA AFTER YOUR BIRTH I GUESS I WAS ABOUT 23 OR 4 YEARS OLD WHERE DID YOU REMOVE TO FROM PENNSYLVANIA INDIANA HOW LONG REMAIN THERE 3 OR 4 *YEARS*[?] MAYBE 5 WHERE DID YOU GO NEXT I MOVED TO ~~FROM~~ MICHIGAN WHERE FROM MICHIGAN NAUVOO WHAT YEAR DID YOU GO TO NAUVOO IN 44 I BELIEVE HOW LONG DID YOU REMAIN IN NAUVOO UNTIL 46 WHEN THE MORMONS LEFT NAUVOO

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RT	RS	BT	PS
Q. AFTER LEAVING NAUVOO WHERE DID YOU GO TO ? A. STOPPED A YEAR IN IOWA. Q. HOW LONG DID YOU REMAIN THERE ? A. ABOUT A YEAR I BELIEVE, SOMETHING LIKE THAT. Q. WHERE DID YOU GO TO FROM THERE ? A. FROM THERE TO COUNCIL BLUFFS. Q. HOW LONG DID YOU REMAIN THERE ? A. I THINK I REMAINED IN THAT COUNTRY SOMETHING NEAR TWO YEARS. *[92]* Q. WHERE DID YOU GO TO FROM COUNCIL BLUFFS ? A. I CAME TO SALT LAKE CITY. Q. WHEN DID YOU ARRIVE IN SALT LAKE CITY ? A. IN I849. Q.		Q. AFTER LEAVING NAUVOO, WHERE DID YOU GO TO? A. I WENT TO GARDEN GROVE, AND STOPPED A WHILE IN IOWA~~.~~**,** AND I REMAINED THERE ABOUT A YEAR. Q. FROM THE~~FF~~ERE WHERE DID YOU GO ? A. COUNCIL **B**LUFFS. Q:. HOW LONG DID YOU REMAIN THERE? A. I THINK I REMAINED IN THAT COUNTRY SOMEWHERE ABOUT A YEAR. Q. WHERE DID YOU GO TO FROM COUNCIL BLUFFS? A. I CAME TO SALT LAKE . Q. WHEN DID YOU ARRIVE IN SALT LAKE? A. IN ‘49. Q.	AFTER LEAVING NAUVOO WHERE DID YOU GO TO I WENT ON TO GARDEN GROVE I STOPPED A WHILE IN IOWA [*space*] *I*[?] *AND/HOW*[?] I REMAIN THERE ABOUT A YEAR FROM THERE WHERE DID YOU GO COUNCIL BLUFFS HOW LONG REMAIN THERE I THINK I REMAINED IN THAT COUNTRY SOMEWHERE NEAR TWO YEARS [*space*] *[[14]]* WHERE DID YOU GO TO FROM COUNCIL BLUFFS I CAME TO SALT LAKE WHEN DID YOU ARRIVE IN SALT LAKE 49

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RT	RS	BT	PS
WHAT MONTH ? A. IN AUGUST. Q. HOW LONG DID YOU REMAIN IN SALT LAKE CITY ? A. REMAINED THERE PROBABLY THREE MONTHS, NOT MORE, WAS NOT ALL THE TIME IN SALT LAKE. I HAD A LOT THERE. Q. WHERE DID YOU GO TO FROM SALT LAKE ? A. WENT TO SAN PETE IN THE YEAR 1849. Q. HOW LONG DID YOU REMAIN THERE ? A. TILL I RAISED TWO CROPS. Q. WHERE DID YOU GO TO NEXT ? A. I CAME DOWN HERE TO PAROWAN. Q. HOW LONG HAVE YOU REMAINED THERE ? A. REMAINED THERE ONE WINTER AND THE NEXT SPRING OF		WHAT MO~~T~~NTH? A. AUGUST. Q. HOW LONG DID YOU REMAIN IN SALT LAKE. ~~Q~~A. I REMAINED THERE PROBABLY THREE MO~~T~~NTHS; NOT ALL THE TIME IN SALT LAKE; I LIVED IN SALT LAKE, I HAD A LOT THERE. Q. WHERE DID YOU GO TO FROM THERE? *[36]* A. SANPETE, IN THE YEAR ‘49. Q. HOW LONG DID YOU REMAIN IN SANPETE? A. I WAS THERE TO MAKE TWO CROPS. Q. WHERE DID YOU GO NEXT? A. CAME DOWN HERE TO **P~~P~~**AROWAN. Q. HOW LONG DID YOU REMAIN AT PAROWAN? A. REMAINED THERE ONE WINTER TILL NEXT SPRING AND	WHAT MONTH IN AUGUST HOW LONG DID YOU REMAIN IN SALT LAKE I REMAINED THERE PROBABLY THREE MONTHS NOT ALL THE TIME IN SALT LAKE BUT I LIVED SALT LAKE I HAD A LOT THERE [*space*] WHERE DID YOU GO TO THERE **≺SAN P≻** SANPETE IN THE YEAR 49 HOW LONG REMAIN AT SANPETE I WAS THERE TO MAKE TWO CROPS WHERE DID YOU GO NEXT CAME DOWN HERE TO PAROWAN HOW LONG DID YOU REMAIN AT PAROWAN REMAINED THERE ONE WINTER UNTIL NEXT SPRING

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RT	RS	BT	PS
THE SAME YEAR. Q. WHERE DID YOU GO TO FROM THERE ? A. CEDAR CITY, THE OLD FORT THEN. Q. WHAT YEAR DID YOU SETTLE IN CEDAR CITY ? A. I THINK IN I852. Q. HOW LONG DID YOU MAKE THAT YOUR HOME – ? A. I REMAINED TILL THE YEAR AFTER THIS AFFAIR TOOK PLACE. Q. YOU LIVED THERE THEN TILL I858 ? A. YES SIR. *[93]* Q. DID YOU LEAVE THERE IN 1858 ? A. I THINK IT MUST HAVE BEEN FIFTY NINE WHEN I LEFT THERE. Q. WHERE DID YOU GO TO FROM THERE ? A. I MOVED DOWN TO A LITTLE TOWN OVER THE		THE SAME YEAR. Q. WHERE DID YOU GO TO FROM THERE? A. CEDAR CITY OR CEDAR FORT THEN. Q. WHAT YEAR DID YOU SETTLE THERE IN CEDAR CITY? A. I THINK IT WAS IN ‘52. Q. HOW ~~N~~LONG DID YOU MAKE THAT YOUR HOME? A. I REMAINED THERE SOME EIGHT OR NINE YEARS IN ALL , UNTIL A YEAR AFTER THIS AFFAIR TOOK PLACE, WHEN I LEFT THERE . Q. YOU LIVED THERE THEN TILL ‘58? A. YES, SIR. Q. DID YOU LIVE THERE IN ~~58~~ ‘58? A. I THINK IT MUST HAVE BEEN ‘59, WHEN I LEFT THERE. Q. WHERE DID YOU GO TO THEN? A. I WENT TO A LITTLE TOWN OVER THE	THE SAME YEAR WHERE DID YOU GO TO FROM THERE CEDAR CITY OR CEDAR FORT THEN WHAT YEAR DID YOU SETTLE IN CEDAR CITY I THINK IT WAS IN 52 HOW LONG DID YOU MAKE THAT YOUR HOME I REMAINED THERE SOME 8 OR 9 YEARS IN ALL AND UNTIL A YEAR AFTER THIS AFFAIR TOOK PLACE WHEN I LEFT THERE LIVED THERE THEN UNTIL 58 YES SIR ~~WHERE DID~~ DID YOU LEAVE THERE IN 58 I THINK IT MUST HAVE BEEN 59 WHEN I LEFT THERE WHERE DID YOU GO TO AND I WENT TO LITTLE TOWN OVER THE

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RT	RS	BT	PS
MOUNTAINS CALLED TOQUERVILLE Q. DID YOU REMAIN THERE VERY LONG ? A. A SHORT TIME. Q. WHERE DID YOU GO FROM TOQUERVILLE ? A. I MOVE~~R~~D HERE TO THIS PLACE. Q. HOW LONG DID YOU REMAIN HERE ? A. WAS HERE ABOUT A YEAR AND A HALF. Q. WHERE FROM HERE ? A. WENT BACK ON TO THE LIVERKIN. Q. HOW LONG DID YOU STAY THERE ? A. REMAINED UP IN THAT COUNTRY ABOUT TWO YEARS. Q. WHERE DID YOU GO TO FROM THERE ? A. CAME BACK TO TOQUERVILLE. LIVED THERE A		MOUNTAINS— TO~~Q~~KERVILLE. Q. HOW LONG DID YOU REMAIN THERE? A. NOT VERY LONG AT THAT TIME. Q. W~~SQ~~HERE DID YOU GO TO FROM TOQUERV~~U~~ILLE ? A. TO THIS PLACE . Q. HOW LONG DID YOU REMAIN HERE? A. A YEAR AND A HALF. Q. WHERE DID YOU GO FROM HERE? A. BACK ON THE VIRGIN.[132] *[37]* Q. HOW LONG THERE? A. TWO YEARS, I THINK. Q. AFTER THAT WHERE DID YOU GO ? A. I CAME BACK TO ~~T~~TOQUERVILLE AGAIN AND LIVED THERE A	MOUNTAINS TOQUERVILLE HOW LONG DID YOU REMAIN THERE NOT VERY LONG AT THAT TIME WHERE DID YOU GO TO FROM TOQUERVILLE TO THIS PLACE HOW LONG REMAIN HERE YEAR AND HALF WHERE DID YOU GO FROM HERE BACK ON THE VIRGIN HOW LONG THERE 2 YEARS I THINK ~~Q~~AFTER THAT WHERE DID YOU GO I CAME BACK TO TOQUERVILLE AND LIVED THERE A

132. Adventure, Utah, now Rockville.

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RT	RS	BT	PS
LITTLE WHILE. Q. HOW LONG DID YOU REMAIN THERE ? A. THE LAST TIME ABOUT SIX MONTHS. Q. WHERE DID YOU NEXT SETTLE ? A. WENT UP ON A RANCH EAST OF THERE ON THE BENCH. Q. HOW LONG DID YOU REMAIN THERE ? A. REMAINED THERE I THINK ABOUT ONE YEAR AS NEAR AS I CAN RECOLLECT REMAINED ONE YEAR. Q. WHERE DID YOU NEXT GO TO ? *[94]* A. MOVED TO PAROWAN. Q. HOW LONG DID YOU REMAIN THERE ? A. I STAYED THERE A YEAR. Q. WHERE DID YOU GO NEXT ? A. MOVED TO THE MUDDY, WHEN THE SETTLEMENT WAS MADE ON		LITTLE WHILE. Q. HOW LONG AT TOQUERVILLE? A. THE LAST TIME ABOUT SIX MONTHS. Q. WHERE DID YOU NEXT SETTLE. A. I WENT UP ON THE RANCH THEN, EAST FROM THERE ON THE BENCH COUNT**R**Y Q. HOW LONG DID YOU REMAIN ON THAT RANCH? A. I THINK ABOUT ONE YEQR . Q. WHERE DID YOU NEXT GO? A. I MOVED TO PAROWAN. Q. HOW LONG DID YOU REMAIN IN PAROWAN AT THAT TIME? A. I TH**I**NK I STAID THERE A YEAR PROBABLY. Q. WHERE DID YOU GO NEXT, A. I MOVED TO THE MUDDY WHEN THE SETTLEMENTS WAS MMADE ON	LITTLE WHILE HOW LONG AT TOQUERVILLE LAST TIME ABOUT 6 MONTHS WHERE DID YOU NEXT SETTLE I WENT UP ON A RANCH THEN EAST FROM THERE ON THE BENCH COUNTY HOW LONG DID YOU REMAIN ON THAT RANCH I THINK ABOUT ONE YEAR WHERE DID YOU NEXT GO I MOVED TO PAROWAN HOW LONG DID YOU REMAIN IN PAROWAN AT THAT TIME I THINK I STAYED THERE A YEAR PROBABLY WHERE DID YOU GO NEXT I MOVED TO THE MUDDY WHEN THE SETTLEMENTS WAS MADE ON

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RT	RS	BT	PS
THE MUDDY. Q. IN WHAT YEAR DID YOU SETTLE ON THE MUDDY ? A. CANNOT TELL EXACTLY NOW; PROBABLY IN I862 OR I863. Q. HOW LONG DID YOU REMAIN AT THE MUDDY ? A. REMAINED THERE TILL I RAISED TWO CROPS. Q. HOW MANY CROPS A YEAR DO YOU MAKE THERE ? A. SOMETIMES TWO; I REMAINED THERE A PART OF TWO YEARS FROM THE TIME OF GOING THERE. Q. WELL WHEN DID YOU LEAVE THERE ? A. LEFT THERE THE FIFTEENTH OF APRIL. Q. CAN YOU GIVE ME THE YEAR YOU LEFT IN ? A. IN I865.		THE MUDDY. Q. IN WHAT YEAR DID YOU SETTLE ON THE MUDDY? A. MUST HAVE BEEN — I COULD NOT TELL EXACTLY —IN ABOUT ‘62 OR ‘3, I THINK. Q. HOW LONG DID YOU REMAIN ON THE MUDDY? A. I REMAINED THERE TO MAKE TWO CROPS. Q. HOW MANY CROPS A YEAR? A. I WENT THERE IN MAY AND THE NEXT SEASON I LEFT THERE ON THE I5TH OF APRIL. Q. GIVE THE YEAR YOU LEFT THERE IN? A. I THINK IT WAS IN ‘65, PROBABLY; BUT I DIDN’T KEE P A	THE MUDDY IN WHAT YEAR DID YOU SETTLE ON THE MUDDY MUST HAVE BEEN I COULD NOT TELL EXACTLY IN ABOUT 62 OR 3 *[[15]]* I THINK ₀HOW LONG DID YOU REMAIN AT THE MUDDY I REMAINED THERE TO MAKE TWO CROPS HOW MANY CROPS A YEAR [*space*] I WENT THERE IN MAY AND NEXT 2 YEARS HAVE LEFT THERE ON THE 15 APRIL GIVE THE YEAR YOU LEFT THERE IN I THINK IT WAS IN 65 PROBABLY ~~I COULD NOT~~ I DIDN’T KEEP A

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RT	RS	BT	PS
Q. WHERE DID YOU GO FROM THE MUDDY ? A. I MOVED TO PAROWAN AGAIN. Q. HOW LONG DID YOU REMAIN AT PAROWAN ? A. I DON'T RECOLLECT, BUT OVER A YEAR THOUGH. Q. WHERE DID YOU GO NEXT ? A. THEN I MOVED TO MEADOW VALLEY. Q. WHERE IS MEADOW VALLEY ? A. IN LINCOLN COUNTY, NEVADA. Q. HOW LONG DID YOU RESIDE AT MEADOW VALLEY ? A. LIVED THERE A YEAR. *[95]* Q. WHERE DID YOU GO FROM THERE		RECORD. Q. WHERE DID YOU GO TO FROM THE MUDDY? A.I MOVED TO PAROWAN. *[38]* Q. HOW LONG DID YOU REMAIN IN PAROWAN? A. I DON'T RECOLLECT. Q. THEN WHERE DID YOU MOVE TO? A. ~~OUT TO~~ ~~THE MUDDY~~ ~~VALLEY WHERE~~ ~~I LIVE NOW.~~ ~~**MEADOW**~~ ~~**VALLEY**~~ ~~**MEADOW**~~ ~~**MUDDY**~~ ~~**VALLEY**~~ **A OUT** **TO MUDDY** **VALLEY** **WHERE I LIVE** **NOW.** Q. THAT IS IN LINCOLN COUNT**Y**, NE~~A~~VADA? A . YES~~?~~**,** SI~~T~~R. Q. HOW LONG DID YOU RESIDE IN ~~MEADOW~~ **MUDDY** VALLEY? A. I RESIDED THERE A YEAR~~.~~**,**	RECORD [*space*] WHERE DID YOU GO TO FROM THE MUDDY I MOVED TO PAROWAN HOW LONG REMAIN IN PAROWAN I DON'T RECOLLECT OVER A YEAR THOUGH THEN WHERE DID YOU MOVE TO OUT TO MUDDY VALLEY WHERE I LIVE NOW THAT IS IN LINCOLN COUNTY NEVADA YES SIR HOW LONG DID YOU RESIDE IN MUDDY VALLEY I RESIDED THERE YEAR

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RT	RS	BT	PS
? A. MOVED DOWN ON THE LOWER WASH ON MY RANCH. Q. HOW FAR IS YOUR PLACE YOU NOW RESIDE AT FROM THE COUNTY SEAT AT PIOCHE ? A. WE CALL IT GENERALLY TWENTY TWO OR TWENTY FOUR MILES. Q. WHAT TIME AND IN WHAT YEAR DID YOU SETTLE AT THIS PLACE WHICH YOU CALL YOUR. PRESENT HOME ? A. I THINK IT WAS IN 1870, IF I MISTAKE NOT. Q. DO YOU REFER TO THE PLACE CALLED NEW MAN'S RANCH ? A. NO SIR, IT IS GENERALLY KNOWN BY THE NAME OF THE DUTCH FLAT, 22 MILES FROM PIOCHE.		DOWN ON THE ~~W~~WASH DAM RANCH. Q. HOW FAR IS THAT PLACE THAT YOU NOW RESIDE AT FROM THE COUNTY SEAT OF LINCOLN **C**~~C~~OUNTY? A. UP TO PIOCHE**,** WE GENERALLY CALL IT 22 MILES MAY BE 24. Q. WHAT YEAR DID YOU SETTLE AT THIS PLACE? THAT YOU CALL YOUR PRESENT HOME? A. I THINK IT WAS IN '70 , IF ~~I~~I MISTAKE NOT. Q. DO YOU REFER TO THE PLACE CALLED NEWMANS RANCH AS YOUR HOME? A. IT IS GENERALLY KNOWN AS DUTCH FLAT. Q. 22 MILES FROM PIOCHE? A. YES, SIR OR	DOWN ON THE WASH DAM RANCH HOW FAR IS THAT PLACE THAT YOU NOW RESIDE AT FROM THE COUNTY SEAT OF LINCOLN COUNTY DOWN TO PIOCHE WE GENERALLY CALL IT 22 MILES MAY BE 24 WHAT YEAR DID YOU SETTLE AT THIS PLACE THAT YOU CALL YOUR PRESENT HOME I THINK IT WAS IN 70 IF I MISTAKE NOT [*space*] DID YOU REFER TO THE PLACE CALLED NEWMANS RANCH AS YOUR HOME IT IS GENERALLY KNOWN BY THE NAME OF DUTCH FLAT **Q**22 MILES FROM PIOCHE YES SIR OR

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RT	RS	BT	PS
Q. HOW MANY YEARS HAVE YOU LIVED THERE [*space*]		24. Q. HOW MANY YEARS HAVE YOU LIVED THERE? A. FIVE YEARS. Q. HOW MUCH OF THAT TIME DURING THE LAST FIVE YEARS HAVE YOU BEEN AT THAT PLACE? A. HALF OF IT , PROBABLY; PART OF THE TIME I LIVED AT BULLION. Q. WHERE HAVE YOU REMAINED THE OTHER PORTION OF THE TIME? A. BEEN OUT PROSPECTING AND MINING. Q. YOU SAY YOU WENT TO NAUVOO IN '44, AND REMAINED THERE TILL '46? A. YES, SIR. Q. THEN YOU DESCRIBE HOW YOU GOT TO SALT LAKE, AND VARIOUS MOVES AT THE TIME YOU LEFT SALT LAKE TO GO WITH THE COMPANY THAT WERE *[39]* MAKING NEW SETTLEMENTS.	24 HOW MANY YEARS HAVE YOU LIVED THERE 5 YEARS HOW MUCH OF THAT TIME DURING THE LAST FIVE YEARS HAVE YOU BEEN AT THAT PLACE HALF *OF*[?] IT PROBABLY PART OF THE TIME LIVED AT BULLION WHERE HAVE YOU REMAINED THE OTHER PORTION OF THE TIME **A**BEEN OUT PROSPECTING AND MINING **Q** YOU SAY YOU WENT TO NAUVOO IN 44 AND REMAINED THERE UNTIL 46 YES SIR THEN YOU DESCRIBE HOW YOU GOT TO SALT LAKE VARIOUS MOVES AT THE TIME YOU LEFT SALT LAKE TO GO WITH THE COMPANY THAT WERE MAKING NEW SETTLEMENTS

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RT	RS	BT	PS
		DID YOU THEN HOLD ANY OFFICE IN ~~THIS~~ WHAT IS KNOWN AS THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS? A. YES, ~~I~~I WAS AN ~~E~~ELDER AND BELONGED TO THE ~~S~~SEVENTIE~~D~~S AT THAT TIME; ORDAINED IN ~~N~~NAUVOO TO THAT OFFICE — THE NINTH QUORUM OF SEVENTIE~~D~~S AT THE RE-ORGANIZATION OF THE OLD STAN~~E~~D. Q. IN WHAT YEAR WERE YOU ORDAINED? A/ IN THE YEAR I WENT THERE— IN A MONTH OR SO AFTER I WENT THERE. Q. WHEN YOU GOT TO THE NEW SETTLEMENTS STATE WHETHER YOU HAD ANY OFFICE IN THE CHURCH THERE	DID YOU THEN HOLD ANY OFFICE IN WHAT IS KNOWN AS THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS YES I WAS AN ELDER AND BELONGED TO THE 70^{S} AT THAT TIME ORDAINED IN NAUVOO TO THAT OFFICE THE 9^{TH} QUORUM OF 70 AT THE RE-ORGANIZATION OF THE OLD STAND [*space*] IN WHAT YEAR WAS YOU ORDAINED IN THE YEAR I WENT THERE IN A MONTH OR SO AFTER I WENT THERE *[[16]]*[133] WHEN YOU GOT TO THE NEW SETTLEMENTS STATE WHETHER YOU HAD ANY OFFICE IN THE CHURCH THERE

133. There is shorthand doodling on the top of the page.

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RT	RS	BT	PS
		AT THAT PLACE? A. IN ~~S~~SANPETE I HAD NOT. Q. AT CEDAR CITY IN THE YEAR '57, DID YOU HOLD ANY OFFICE IN THE CHURCH THEN? A. I WAS A BISHOP THERE. Q. OF THAT PLACE? A. OF CEDAR CITY. Q. DID YOU HAVE ANY **JURISDICTION** ~~DIRECTION~~ AS SUCH BISHOP OVER ANY OTHER SETTLEMENTS~~?~~ THAN THE TOWN OR SETTLEMENT OF CEDAR? A. NO, SIR. Q. HOW LONG HAD YOU BEEN BISHOP AT **THAT** POINT**.** IN THE MONTH OF SEPTEMB~~E~~R ~~A.~~ 57? A. FROM THE DAY I ~~D~~HAD BEEN MADE BISHOP TILL THIS———— I COULD NO**T** TELL WITHOUT COUNTING UP . Q. THAT WOULD BE ABOUT HOW LONG? A.	AT THAT PLACE IN SANPETE I DID NOT [*space*] AT CEDAR CITY [*space*] IN THE YEAR 57 DID YOU HOLD ANY OFFICE IN THE CHURCH THEN I WAS BISHOP THERE [*space*] OF THAT PLACE OF CEDAR CITY [*space*] DID YOU HAVE JURISDICTION AS SAID BISHOP OVER ANY OTHER SETTLEMENTS THAN THE TOWN OR SETTLEMENT OF CEDAR NO SIR [*space*] HOW LONG HAD YOU BEEN BISHOP AT THAT POINT IN THE MONTH OF SEPTEMBER 57 FROM THE DAY I HAD BEEN MADE BISHOP UNTIL THIS I COULD NOT TELL WITHOUT COUNTING UP THAT BE HOW LONG

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RT	RS	BT	PS
		PROBABLY SIX YEARS — FIVE OR SIX, SO~~M~~ETHING LIKE THAT IT MUST HAVE BEEN. Q. AS BISHOP OF THAT CHURCH WHAT WAS YOUR DUTY? A. MY DUTY AS THE BISHOP WAS TO ACT WITH THE TEMPORAL AFFAIRS AND TITHING AND LEAD OUT AS A FATHER AMONG THE PEOPLE, MAKING FIELDS AND WATER DITCHES AND SUCH THINGS, THAT WAS MY DUTY AND I DONE IT. *[40]* Q. DID YOU AS SUCH BISHOP HAVE THE GENERAL SUPERVISSION OF ALL TEMPORAL MATTERS WITHIN YOUR JURISDICTION? A. I HAD OF ALL TEMPORAL MATTERS **UNDER** ~~IN~~ THE PRESIDENCY. Q. WERE THERE ANY ~~OTHER~~	PROBABLY 6 YEARS FIVE OR 6 SOMETHING LIKE THAT MUST HAVE BEEN [*space*] AS BISHOP OF THAT CHURCH WHAT WAS YOUR DUTY MY DUTY AS THE BISHOP WAS TO ACT WITH THE TEMPORAL AFFAIRS AND TITHING AND LEAD OUT AS A FATHER AMONG THE PEOPLE MAKING FIELDS AND WATER DITCHES AND SUCH THINGS THAT WAS MY DUTY AND I DONE IT [*space*] DID YOU IN SUCH BISHOP HAVE THE GENERAL SUPERVISION OF ALL TEMPORAL MATTERS WITHIN YOUR JURISDICTION I DID OF ALL TEMPORAL MATTERS UNDER THE PRESIDENCY WERE THERE ANY

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RT	RS	BT	PS
		PARTIES WITHIN YOUR JURISDICTION THAT HAD THE RIGHT TO COUNTERMAND YOUR ORDERS? A. YES, SIR. Q. WHO HAD THAT POWER? A. THE PRESIDENT , ISAAC C. HAIGHT. Q. ASIDE FROM HIM **IN** YOU**R** GIVING ~~THE~~ AN ORDER , HAD ANY OTHER PERSON THE RIGHT TO COUNTERMAND IT? A. NOT IF I GOT IT FROM HIM. Q. BUT IF YOU GAVE AN ORDER OF YOUR OWN VOLITION? A. ~~I~~**HE** HAD NOT. Q. IF YOU GA~~G~~**V**E AN ORDER REQUESTING THEM TO DO ANYTHING, COULD ANY ONE STEP IN AND PREVENT THIS EXCEPT THIS PRESIDENT YOU ~~P~~SPEAK OF? A. NO, SIR. Q. WA S IT CUSTOMARY	PARTIES WITHIN YOUR JURISDICTION THAT HAD THE RIGHT TO COUNTERMAND YOUR ORDERS YES SIR WHO HAD THAT POWER THE PRESIDENT ISAAC **C** HAIGHT [*space*] ASIDE FROM HIM YOUR GIVING AN ORDER HAD ANY OTHER PERSON THE RIGHT TO COUNTERMAND ~~HIM~~ IT NOT IF I GOT IT FROM HIM [*space*] BUT IF YOU GAVE AN ORDER ~~=~~OF YOUR OWN VOLITION~~=~~ I HAD NO [*space*] IF YOU GAVE AN ORDER REQUESTING THEM TO DO ANYTHING COULD ANY ONE STEP IN AND PREVENT THIS EXCEPT THIS PRESIDENT YOU SPEAK OF NO SIR [*space*] WAS IT CUSTOMARY

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RT	RS	BT	PS
		FOR THE PEOPLE TO MEET TOGETHER AND DECIDE UPO~~NN~~**N** ANY ACT WITHOUT THE CONSENT OF THE BISHOP OR PRESIDENT. ~~A.~~ NOT ON ANY TEMPORAL MATTERS? A. NO, SIR, < IT WAS CUSTOMARY FOR THE PRESIDENT OR BISHOP TO COUNCIL MATTERS AND THINGS PERTAINING TO THE PEOPLE. Q. AS BISHOP DID YOU HAVE ANY **PEERS WHO WERE** ~~DIRECTIONS GIVEN WITH~~ YOUR ADVISORS AND COUNCILORS? A. I HAD. Q. WHO OCCUPIED THAT POSITION **TO** ~~BEFORE~~ YOU IN '57? A.~~A~~ JAMES WHITAKER, SENIOR~~.~~**,** AND	FOR THE PEOPLE TO MEET TOGETHER AND DECIDE UPON ANY ACT WITHOUT THE CONSENT OF THE BISHOP OR PRESIDENT NOT ON ANY TEMPORAL MATTERS NO SIR IT WAS THE CUSTOM FOR THE PRESIDENT OR BISHOP TO COUNSEL MATTERS AND THINGS PERTAINING TO THE PEOPLE [*space*] AS BISHOP DID YOU HAVE ANY PEERS WHO WERE YOUR ADVISORS AND COUNSELORS I DID [*space*] *[[17]]* WHO OCCUPIED THAT POSITION TO YOU IN 57 JAMES *WHITAKER*[?] SENIOR WITH THE MAN *PML*[?] WHO WERE SELECTMEN

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RT	RS	BT	PS
		OLD ~~D~~**D**ADDY MORRIS[134] WERE MY COUNSELORS. Q. WHERE DID ISAAC C. HAIGHT RESIDE AT THAT TIME? A. HE RESIDED IN CEDAR CITY IN UPPER TOWN. *[41]* Q. YOU SAY IT WAS THE CUSTOM FOR THE PEOP~~L~~LE TO A~~F~~CT AS DIRECTED BY THE COUNSEL? A. YES, SIR. Q. DID THEY AT ANY TIME DURING THE YEAR '57, PERFORM ANY ACT OR ACTS OF A TEMPORAL NATURE WITHOUT BEING FIRST P~~R~~ERMITTED TO ~~F~~ DO SO BY THE BISHOP AND COUNSEL? A. NO, SIR. Q. YOU SAY THAT YOU HEARD THAT THE EMIGRANTS WERE COMING? A. YES, SIR. Q.	OLD DADDY MORRIS **Q**WHERE DID ISAAC **C** HAIGHT RESIDE AT THAT TIME HE RESIDED IN CEDAR CITY IN UPPER TOWN **Q**YOU SAY IT WAS THE CUSTOM FOR THE PEOPLE TO ACT AS DIRECTED BY THEIR COUNSEL **A**YES SIR **Q** DID THEY AT ANY TIME DURING THE YEAR 57 PERFORM ANY ACT OR ACTS OF A TEMPORAL NATURE WITHOUT BEING FIRST PERMITTED TO DO SO BY THE BISHOP AND COUNCIL **A** NO SIR [*space*] YOU SAY THAT YOU HEARD THAT THE EMIGRANTS WERE COMING YES SIR

134. John Morris, father of Elias Morris (Isaac Haight's second counselor in the stake presidency). Barbara Morris was John's wife. She was allegedly threatened by the emigrants in Cedar City. Both John and Elias ended up with children of the massacre.

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RT	RS	BT	PS
		FROM WHOM DID YOU OBTAIN THAT FIRST INFORMATION? A. I COULD NOT TELL YOU; IT WAS THE RUMOR AROUND; FROM WHOM IT FIRST CAME I COULD NOT TELL YOU. Q. WHAT WAS IT THAT YOU FIRST HEARD CONCERNING TH~~Z~~**A**T COMPANY OF EMIGRANTS? A. I HEARD THAT THERE WAS AN EMIGRANT TRAIN COMING FROM SALT LAKE THAT WAS ORDERED OUT FROM THERE, AND THAT THEY WAS COMING **DOWN** ~~DOW N~~ THROUGH THE SETTLEMENTS ~~F~~GOING TO CALIFORNIA. Q. WHO GAVE YOU THAT INFORMATION —TRY AND REFRESH YOUR MEMORY? A I COULD NOT TELL YOU **PARTICULARLY**	FROM WHOM DID YOU OBTAIN THAT FIRST INFORMATION I COULD NOT TELL YOU IT WAS A RUMOR AROUND FROM WHOM IT FIRST CAME I COULD NOT TELL YOU **Q**WHAT WAS IT THAT YOU FIRST HEARD CONCERNING THAT COMPANY OF EMIGRANTS I HEARD THAT THERE WAS AN EMIGRANT TRAIN COMING FROM SALT LAKE THAT WAS ORDERED OUT FROM THERE AND THAT THEY WAS COMING DOWN THROUGH THE SETTLEMENTS GOING CALIFORNIA WHO GAVE YOU THAT INFORMATION TRY AND REFRESH YOUR MEMORY I COULD NOT TELL YOU *PARTICULARLY/*

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RT	RS	BT	PS
		; ~~REMEMBER~~ ONLY IT WAS THE GENERAL THING**,** UNDERSTOOD BY EVERYBODY. IT HAD COME ALONG THE WAY AND IT HAD GOT OUT YOU KNOW . Q. FROM WHOM HAD YOU HEARD THAT THE ~~EMI~~ PEOPLE WERE FORBIDDEN TO TRADE WITH THESE PARTIES? A. I HEARD IT FROM THE PRESIDENT, MR . HAIGHT, HE GOT IT. Q. WHAT DID MR. HAIGHT SAY TO YOU AT THE TIME HE GAVE YOU THIS INFOR~~A~~MATION ? A. I DON'T REMEMBER; I COULD NOT TELL YOU WHAT HE SAID AT THAT TIME. THERE WAS NOT ~~K~~MUCH SAID ABOUT IT. *[42]* Q. DID YOU NATURALLY TAKE THIS INFORMATION	*REMEMBER*[?] ONLY IT WAS A GENERAL THING, UNDERSTOOD BY EVERYBODY [*space*] IT HAD GOT IN THE AIR [*space*] YES IT HAD GOT OUT YOU KNOW [*space*] FROM WHOM DID YOU HEAR THAT THE PEOPLE WERE FORBIDDEN TO TRADE WITH THOSE PARTIES I HEARD IT FROM THE PRESIDENT [*space*] MR HAIGHT [*space*] HE GOT IT OUT **Q**WHAT DID MR. HAIGHT SAY TO YOU AT THE TIME HE GAVE YOU THIS INFORMATION **A**I DON'T REMEMBER I COULD NOT TELL YOU WHAT HE SAID AT THAT TIME THERE WAS NOT MUCH SAID ABOUT IT **Q** DID YOU NATURALLY TAKE THIS INFORMATION

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RT	RS	BT	PS
		BY OBSERVATION WITHOUT WORDS UPON THE SUBJECT? A. BY WORDS BEING SPOKEN. Q. WHAT WERE THE~~I~~**O**SE WORDS; WHERE DID YOU RECEIVE THAT INFORMATION; WHERE ~~S~~DID YOU RECEIVE THIS INFORMATION , IN CEDAR CITY? A. IN CEDAR CITY. Q.WAS IT IN THE COUN~~SE~~**CI**L AT CEDAR? A. I THINK THE PRINCILAL PLACE WAS IN THE AFTERNOON MEETING IN COUN~~SE~~**CI**L. Q. ~~W~~WHAT MEN WERE PRESENT AT THAT AFTERNOON MEETING? A. I COULD NOT REMEMBER THEM ALL. I REMEMBER A FEW; THERE WAS ISAAC C. HAIGHT, JOHN	BY OBSERVATION —[?] WITHOUT WORDS *BEING SPOKE*[?] [*space*] BY WORDS *BEING*[?] SPOKEN. ≤WHAT WERE THOSE WORDS~~>~~ WHERE DID YOU RECEIVE THAT INFORMATION [*space*] WHERE DID YOU RECEIVE THIS INFORMATION IN CEDAR CITY [*space*] WAS IT IN COUNCIL OF CEDAR I THINK THE PRINCIPAL PLACE WAS AFTERNOON MEETING IN COUNCIL [*space*] WHAT MEN WERE PRESENT AT THAT AFTERNOON MEETING I COULD NOT REMEMBER THEM ALL [*space*] I REMEMBER A FEW [*space*] THERE WAS ISAAC HAIGHT J

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RT	RS	BT	PS
		M. HIGBEE AND IRA ALLEN, AND I THINK MY COUNSEL. Q. WHO PRESIDES~~S~~D AT THAT MEETING? A. ISAAC C. HAIGHT AND I THINK LABAN MORRILL AND WILEY.[135] Q. CAN'T YOU TELL ANYTHING ~~A~~THAT WAS SAID AT THA T MEETING? A. YES, I DON'T KNOW BUT I CAN. Q. TELL ME SOMETHING THAT WAS SAID ABOUT THE EMIGRANTS THAT WERE COMING? A. I THINK THAT ~~H~~**H**AIGHT PREACHED AND THE MAIN PART —MOST—IT WAS HIS BUSINESS AS PRESIDENT TO PREACH UP ~~THE~~ **ANY** SUBJECT HE WANTED TO	M HIGBEE MYSELF AND IRA ALLEN AND I THINK MY COUNSELOR [*space*] WHO PRESIDED AT THAT MEETING ISAAC **C** HAIGHT *[[18]]* AND I THINK ~~*BRM*[?]~~ LABRAN[136] MORRIL AND WILEY [*space*] CAN YOU TELL ANYTHING THAT WAS SAID AT THAT MEETING YES I DON'T KNOW BUT I CAN TELL ME SOMETHING THAT WAS SAID ABOUT THE EMIGRANTS THAT WERE COMING I THINK THAT HAIGHT PREACHED THE MOST PART HIMSELF IT WAS HIS BUSINESS AS PRESIDENT TO PREACH ANY SUBJECT HE WANTED TO

135. Robert Wiley.

136. Written "LBRNM". "M" is crossed out; "N" was apparently added when the "M" was crossed out.

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RT	RS	BT	PS
		AT SUCH A MEETING. I THINK THAT WAS WHERE IT FIRST STARTED FROM IF I RECOLLECT ~~FROM~~. **RIGHT** Q. SOMETHING YOU KNOW HE SAID OR SOMEBODY ELSE SAID; I WANT A FEW FACTS. [*space*] TELL ME WHAT SOMEBODY SAID AT THAT MEETING CONCERNI~~N~~G THIS EMIGRANT TRAIN? A. ~~A~~I KNOW WHAT I ~~A~~SAID. Q. TELL ME WHAT YOU SAID? A. I KNOW SOME WORDS; I KNOW THAT I SAID SOME WORDS. *[43]* Q. TELL ME WHAT HE SAID AND WHAT YOU SAID. A. HE SAID THAT THE EMIGRANTS WAS COMING DOWN, AND THE RUMOR WAS— ~~THAT~~ THE IDEA WAS TO HAVE THEM DESTROYED. THAT WAS THE	AT SUCH A MEETING I THINK THAT WAS WHERE IT FIRST STARTED FROM IF I RECOLLECT RIGHT ₀SOMETHING YOU KNOW HE SAID OR SOMEBODY ELSE SAID I WANT A FEW FACTS TELL ME WHAT SOMEBODY SAID AT THAT MEETING CONCERNING THIS EMIGRANT TRAIN I KNOW WHAT I SAID TELL ME WHAT YOU SAID I KNOW SOME WORDS I KNOW WHAT HE SAID SOME WORDS TELL ME WHAT HE SAID AND WHAT YOU SAID HE SAID THAT THE EMIGRANTS WAS COMING DOWN AND THE RUMOR WAS THAT THE IDEA WAS TO HAVE THEM DESTROYED THAT WAS THE

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RT	RS	BT	PS
		SUM AND SUBSTANCE AS FAR A~~W~~S I RECOLLECT. Q. WHAT DID YOU SAY? A. THEY SPOKE AROUND IN TURNS IN SUCH MEETINGS. Q. WHAT DID ANYBODY ELSE SAY? A. I COULD NOT TELL YOU JUST WHAT THEY SAID. I KNOW IRA ALLEN WAS IN FAVOR WITH HAIGHT. Q. WHERE IS IRA ALLEN NOW? DO YOU KNOW WHETHER HE IS LIVING OR DEAD? A. I DO NOT. HE MOVED NORTH FROM CEDAR CITY. ~~A~~Q. DO YOU KNOW WHERE HE SETTLED? A. NO, SI~~T~~R. Q. WHO ELSE ADVISED THE KILLING OF THEM OFF? A. I THINK JOHN M. HIGBEE. Q. WHAT REASONS DID HE	SUM AND SUBSTANCE AS FAR AS I RECOLLECT WHAT DID YOU SAY [*space*] THEY SPOKE AROUND IN TURNS IN SUCH MEETINGS Q WHAT DID ANYBODY ELSE SAY I COULD NOT TELL YOU JUST WHAT THEY SAID I KNOW IRA ALLEN WAS IN FAVOR WITH HAIGHT Q WHERE IS IRA ALLEN NOW DO YOU KNOW WHETHER HE ALIVE OR DEAD I DO NOT [*space*] HE MOVED NORTH FROM CEDAR CITY DO YOU KNOW WHERE HE SETTLED NO SIR[137] WHO ELSE ADVISED KILLING THEM *ALL/OFF*[?] I THINK J M HIGBEE WHAT REASONS DID *THEY/HE*[?]

137. "NO SIR" may have been added later.

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RT	RS	BT	PS
		GIVE? A. I DON'T KNOW AS THERE WAS ANY PRINCIPAL REASON. Q. DID ALLEN GIVE ANY REASON? A. NO PARTICULAR REASON. Q. DID HAIGHT GIVE ANY PARTICULAR REASON THAT THE IDEA OF THE DESTRUCTION WAS COMING ALONG? DO YOU SAY THAT AT YOUR CHURCH COUNSEL WHERE ~~W~~YOU WAS ACTING BISHOP THAT YOU MET AND COOLLY DISCUSSED AND PROPOSED THE MURDER OF THE ENTIRE TRAIN WITHOUT ANY CAUSE WHATEVER? A. NO, THAT WAS NOT THE I~~M~~NTENTION. Q. THEN TELL ME WHAT YOUR	GIVE I DON'T KNOW AS THERE WERE ANY PARTICULAR REASON DID ALLEN GIVE ~~PARTICULAR~~ ~~≤~~ANY~~≥~~ REASON NO PARTICULAR REASON DID HAIGHT GIVE ANY PARTICULAR REASON [*space*] THAT THE IDEA OF THE DESTRUCTION WAS *COMING*/— [?] *ALONG*[?] DO YOU SAY THAT AT YOUR CHURCH COUNCIL WHERE YOU WAS ACTING BISHOP THAT YOU MET AND COOLLY DISCUSSED AND PROPOSED THE MURDERING ENTIRE TRAIN WITHOUT ANY CAUSE WHATEVER NO THAT WAS NOT THE INTENTION THEN TELL ME WHAT YOUR

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RT	RS	BT	PS
		INTENTION WAS~~?~~ AND HOW YOU CAME TO DO IT IF THERE WAS ANY REASON FOR IT. ~~A. I COULD NOT TELL YOU ANY~~ *[44]* A. I CAN TELL YOU NOW AS I TOLD YOU BEFORE, THAT HE PRES**A**CHED TH~~E~~IS~~E~~ MATTER, AND SOME WERE WITH HIM AND OTHERS OPPOSED TO ~~HIM~~ IT.. Q. WAS HE SIMPLY ADVISING THEM TO BE KILLED WITHOUT GIVING ANY REASON FOR IT? A. HE DIDN'T GIVE ANY PARTICULAR CAUSE, AND FOR THAT REASON I OPPOSED ~~IT~~HIM. Q. YOU THINK THEY OUGHT TO	INTENTION WAS[138] ~~THAT WAS THE *FEELING/* [?] OF PEOPLE OF SETTLEMENTS~~ [*space*] HOW YOU CAME TO DO IT IF THERE WAS NO REASON FOR IT I CAN TELL YOU NOW AS I SAID BEFORE *[[19]]* THAT HE PREACHED THIS MATTER AND SOME WAS IN WITH HIM AND OTHERS OPPOSED TO IT [*space*] DID HE SIMPLY ADVISE THEM TO BE KILLED WITHOUT GIVING ANY REASON FOR IT HE DIDN'T GIVE ANY PARTICULAR CAUSE AND WHAT WAS <THE REASON I OPPOSED> HIM [*space*] YOU THOUGHT THEY OUGHT TO

138. Line drawn from "WAS" to the following "HOW".

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RT	RS	BT	PS
		HAVE GIVEN YOU SOME REASON FOR IT? A. YES, SI~~T~~R. Q. WAS THERE ANYTHING SAID ABOUT THE PROPERTY OF THAT TRAIN? A. NO, SIR. Q. WEALTH? A. NO, SIR. Q. WHERE THEY WERE FROM? A. I DON'T KNOW AS THERE WAS; IF THERE WAS I DON'T REMEMBER. Q. HOW MANY OF THAT COUNSEL VOTED TO KILL THAT TRAIN. A. THERE WAS NO VOTE TAKEN. Q. HOW MANY TALKED IN FAVO~~T~~R OF IT. A. THOSE THAT I MENTIOH~~E~~NED — THREE OR FOUR Q. HOW MANY OPPOSED IT? A . THERE WAS NEARLY AS MAN Y. Q. WHO WERE THE~~Y?~~ ~~THEM EN~~ MAIN ONES THAT DIDN'T WANT THAT USELESS SLAUGHTER? A. I THINK MR.	GIVE YOU SOME REASON FOR IT YES SIR [*space*] ANYTHING SAID ABOUT THE PROPERTY OF THAT TRAIN NO SIR WEALTH NO SIR [*space*] WHERE THEY WERE FROM I DON'T KNOW AS THERE WAS I DON'T REMEMBER [*space*]. $_{Q}$HOW MANY OF THAT COUNCIL VOTED TO KILL THAT TRAIN $_{A}$ THERE WAS NO VOTE TAKEN HOW MANY TALKED IN FAVOR OF IT $_{A}$ THOSE THAT I MENTIONED 3 OR 4 HOW MANY OPPOSED IT THERE WAS NEARLY AS MANY WHO WERE THE KIND HEARTED ONES THAT DIDN'T WANT THAT USELESS SLAUGHTER A I THINK MR.

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RT	RS	BT	PS
		MORRILL AND MY COUNSEL[139] AND MYSELF. Q. YOU OPPOSED IT? A. I DID. Q. DID YOU HAVE THE RIGHT TO APPEAL FROM THE DECISION OF THAT PRESIDENT TO ANY OTHER POWER? A. YES, I WOULD HAVE I SUPPOSE IN SOME THINGS. Q. WOULD YOU IN ANY MATTER OF THAT CHARACTER? *[45]* A. YES, I EXPECT THAT I MIGHT HAVE HAD . Q. DID YOU MAKE AN EFFORT TO APPEAL TO ANY HIGHER POWER, OR ASK ANY PERSON T O ~~HAVE~~ REPEAL~~ED~~ THE A~~F~~CTIONS OF PRESIDENT HAIGHT, TO STOP HIS ACTIONS WITH REGARD TO THAT EMIGRANT TRAIN? ~~A. I~~	MORRILL AND MY COUNSELOR AND MYSELF **Q**YOU OPPOSED IT I DID **Q** HAD YOU THE RIGHT TO APPEAL FROM THE DECISION OF THAT PRESIDENT TO ANY OTHER POWER YES I WOULD HAVE I SUPPOSE IN SOME THINGS[140] WOULD NOT YOU IN ANY MATTER OF THAT CHARACTER YES I EXPECT I MIGHT HAVE HAD DID YOU MAKE AN EFFORT TO APPEAL TO ANY HIGHER POWER OR ASK THAT ANY PERSON THAT *REPEAL*[?] THE ACTION OF PRESIDENT HAIGHT TO STOP HIS ACTIONS WITH REGARD TO THAT EMIGRANT TRAIN

139. Elias Morris was Haight's second counselor.
140. Multiple lines in both directions cross out the page.

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RT	RS	BT	PS
		~~DIDN'T HAVE ANY PERSON~~ A. I DIDN'T KNOW OF ANY POWER THAT I COULD RESORT TO FOR THAT PURPOSE. Q.DIDN'T KNOW OF ANY? A. NO, SIR. Q. YOU SAY T**H**AT YOU HEARD THAT THE PEOPLE WERE FORBIDDEN TO TRADE WITH THE EMIGRANTS AND IT MADE YOU FEEL BAD. TELL ME HOW YOU OBTAINED THAT INFORMATION? A. I OBTAINED IT IN THE SAME MANNER, FROM THE AUTHORITIES OVER ME, I HEARD IT TALKED OVER AND PRESCHED OVER. Q. WHO DID YOU HEAR PRE~~S~~ACH OVER IT? A. I HEARD HAIGHT PRESCH OVER IT IN PUBLIC. Q. HOW MANY TIMES BEFORE THIS TRAIN ARRIVED	I DIDN'T KNOW OF ANY POWER THAT I COULD RESORT TO IN THAT *OPERATION*[?] DIDN'T KNOW OF ANY NO SIR YOU SAY THAT YOU HEARD THAT THE PEOPLE WERE FORBIDDEN TO TRADE WITH THE EMIGRANTS AND IT MADE YOU FEEL BAD TELL ME HOW YOU OBTAINED THAT INFORMATION I OBTAINED ~~IN~~ IT IN THE SAME MANNER FROM THE AUTHORITIES OVER ME THAT THAT WAS THE CASE HEARD IT TALKED OVER AND PREACHED OVER WHO DID YOU HEAR PREACH OVER IT I HEARD HAIGHT PREACH OVER IT IN PUBLIC HOW MANY TIMES BEFORE THIS TRAIN ARRIVED

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RT	RS	BT	PS
		AT CEDAR CITY DID YOU HEAR HAIGHT PREACH THAT YOU ~~W~~SHOULD NOT FURNISH THESE PEOPLE WITH SUPPLIES— THAT T~~H~~RAIN? A. I THINK ONCE AT LEAST; I COULD NOT SAY HOW MANY TIMES. Q. HOW LONG WAS IT BEFORE THE EMIGRANTS ARRIVED BEFORE YOU FIRST HEARD THAT THEY WERE COMING? A. IT WAS ONLY A FEW DAYS~~??~~ I THINK. Q. HOW MANY DAYS? A. PROBABLY THREE OR FOUR. Q. HOW OFTEN DID YOU HOLD CHURCH MEETINGS WHEN HAIGHT PREACHED.? A. SEVERAL EVENINGS. Q. HOW COULD YOU HEAR HAIGHT PREACH SEVERAL TIMES WHEN THERE WAS ONLY THREE OR FOUR	AT CEDAR CITY DID YOU HEAR HAIGHT PREACH THAT YOU SHOULD NOT FURNISH THOSE PEOPLE WITH SUPPLIES THAT TRAIN I THINK ONCE AT LEAST *[[20]]* I COULD NOT SAY HOW MANY TIMES HOW LONG WAS IT BEFORE THE EMIGRANTS ARRIVED *THAT*[?] YOU FIRST HEARD THAT THEY WERE COMING IT WAS ONLY A FEW DAYS I THINK HOW MANY DAYS PROBABLY 3 OR FOUR HOW OFTEN DID YOU HOLD CHURCH MEETINGS WHEN HAIGHT PREACHED SUNDAY AFTERNOONS [*space*] HOW COULD YOU HEAR HAIGHT PREACH SEVERAL TIMES WHEN THERE WAS 3 OR ~~4~~

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RT	RS	BT	PS
		DAYS? A. THERE WAS SEVERAL ONE ~~S~~SUNDAY. *[46]* Q. WHAT DID YOU MEAN BY SAYING THAT YOU HEARD HIM FREQUENTLY — SEVERAL TIMES PREVIOUS TO THAT? A. THERE WAS SUCH AN ORDER OF THINGS**: Q** IT WAS ~~I~~NOT IN REGARD TO THIS TRAIN THEN. ~~Q~~A. NOT ALL THE TIME AB**O**UT THAT SAME TRAIN? **M**[R] BISHOP: YOU WILL PLEASE HEREAFTER CONFINE YOURSELF IN SPEAKING OF THE TRAIN**,** TO THINGS PERTAINING TO THIS TRAIN, NOT TO OTHER TRAINS BUT TO THIS PARTICULA~~T~~R SET OF MEN. IT WILL SAVE YOU TROUBLE AND ME TROUBLE. A. I DON'T KNOW OF ANY MORE THAN THAT ONE TIME.	DAYS THERE WAS ONLY THAT ONE SUNDAY WHAT DID YOU MEAN BY SAYING THAT YOU HEARD HIM PREACH SEVERAL TIMES PREVIOUS TO THAT THERE WAS SUCH AN ORDER OF THINGS IT WAS NOT IN REGARD TO THIS TRAIN THEN NOT ALL THE TIME ABOUT THAT SAME TRAIN [*space*] YOU WILL PLEASE HEREAFTER CONFINE YOURSELF IN SPEAKING OF TRAIN AND OF OPINIONS SUCH THINGS OF THAT KIND TO THIS PARTICULAR SET OF MEN IT WILL SAVE YOU TROUBLE AND ME TROUBLE I DON'T KNOW OF ANY MORE THAN THAT ONE TIME THAT

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RT	RS	BT	PS
		Q. DID YOU HEAR THIS ORDER FOR THE PEOPLE TO ~~TO~~ HAVE NO DEALING WITH THE EMIGRANTS; DID YOU HEAR THEM PRESCHING **THAT** BEFORE YOU HAD THIS MEETING IN COUNSEL? A. YES, SIR. Q. HOW LONG BEFORE YOU HAD THAT ~~MEETING~~ COUNSEL? A. ON THE SAME SUNDAY. Q. DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THIS COUNSEL WAS HELD ON FRIDAY? A. I SAID ON SUNDAY AFTERNOON.Q. HAD YOU BEEN ABSENT FROM CEDAR CITY A SHORT TIME PRIOR TO THE ARRIVAL OF THIS EMIGRANT TRAIN? A. NO, SIR, NOT THAT I RECOLLECT	SUNDAY THAT MEETING WAS HELD DID YOU HEAR THIS ORDER FOR THE PEOPLE TO ~~MAKE~~ HAVE NO DEALING WITH THE EMIGRANTS DID YOU HEAR THAT PREACHING BEFORE YOU HAD THIS MEETING IN COUNCIL YES SIR HOW LONG BEFORE YOU HAD THAT COUNCIL? ON THE SAME SUNDAY [*space*] DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THIS COUNCIL WAS HELD ON FRIDAY I SAID ON SUNDAY AFTERNOON HAD YOU BEEN ABSENT FROM CEDAR CITY A SHORT TIME PRIOR TO THE ARRIVAL OF THIS EMIGRANT TRAIN NO SIR NOT THAT I RECOLLECT

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RT	RS	BT	PS
		ANYTHING ABOUT. Q. HOW LONG HAD YOU BEEN IN CEDAR CITY WITHOUT LEAVING OR WITHOUT BEING ABSENT PREVIOUS TO THE ARRIVAL OF THE EMIGRANTS? A. I WAS NOT AWAY THAT I KNOW OF. Q. GO ON AND STATE WHAT YOU KNOW OF THAT MASSACRE. DON'T STATE ANY HEARSAY? A. THE FIRST THING I SHALL MENTION IS, I HEARD OF THIS COMPANY ~~THEE~~ COMING FROM SALT LAKE; HAD HEARD ALSO THAT THE	ANYTHING ABOUT HOW LONG HAD YOU BEEN IN CEDAR CITY WITHOUT LEAVING THE VICINITY PREVIOUS TO THE ARRIVAL OF THE EMIGRANTS I WAS NOT AWAY AT ALL THAT I KNOW OF THAT ALL WILL YOU EXPLAIN THIS ANSWER THAT YOU GAVE TO THE FOLLOWING QUESTION AS PROPOUNDED [*space*] GO ON AND STATE WHAT YOU KNOW OF THAT MASSACRE DON'T STATE ANY HEARSAY [*space*] YOUR ANSWER I WILL AS FAR AS I KNOW THE FIRST THING I SHALL MENTION IS I HEARD OF THIS COMPANY ~~<~~(IS)~~>~~ THEY ARE COMING FROM SALT LAKE HAD *NOT*[?] HEARD ALSO THAT THE

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RT	RS	BT	PS
		PEOPLE WERE FORBIDDEN TO TRADE WITH THEM, AND A GREAT DEAL OF FEELING SOME WAY. [47] Q. NOW, THEN, TELL ME IF YOU EVER HEARD OF THIS EMIGRANT TRAIN UNTIL YOU HEARD OF IT IN THE MEETING ON THE SUNDAY PREVIOUS TO THE ARRIVAL OF THE EMIGRANT TRAIN? A. THE EMIGRANT TRAIN PASSED THROUGH CEDAR CITY BEFORE THAT MEETING. Q. IT DID? A. YES, SIR. Q. HOW LONG HAD THEY PASSED BEFORE THAT MEETING? A. PROBABLY TWO DAYS; I THINK IT WAS ON FRIDAY THAT THEY PASSED THROUGH:. Q. DID YOU NOT STATE IN	PEOPLE WERE FORBIDDEN TO TRADE WITH THEM A GREAT DEAL OF FEELING *SOME/SAME*[?] WAY" NOW THEN TELL ME IF YOU EVER HEARD OF THIS EMIGRANT TRAIN UNTIL YOU HEARD OF IT IN THE MEETING ON THE SUNDAY PREVIOUS TO THE ARRIVAL OF THE EMIGRANT TRAIN *[[21]]* THE EMIGRANT TRAIN HAD PASSED THROUGH CEDAR BEFORE THAT MEETING [*space*] IT HAD YES SIR HOW LONG HAD THEY PASSED THROUGH BEFORE THAT MEETING PROBABLY 2 DAYS I THINK IT WAS ON FRIDAY THAT THEY PASSED THROUGH DID YOU NOT STATE IN

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RT	RS	BT	PS
		ANSWER TO A QUESTION I ASKED YOU, THAT YOU HAD HEARD HAIGHT PREACH THAT THE PEOPLE SHOULD FURNISH THE EMIGRANTS NO SUPPLIES BEFORE THEY ARRIVED?? A. I DID AT DIFFERENT TIMES.. Q. TELL ME WHEN YOU HEARD HAIGHT PREACH FIRST TO THE PEOPLE OF CEDAR CITY FORBIDDING THEM TO FURNISH TH~~E~~**IS**~~E~~ EMIGRANT~~S~~ TRAIN **SUPPLIES** THAT THEY AFTERWARDS MASSACRED? A. I COULD NOT TELL YOU EXACTLY~~;~~, MORE THAN THAT WAS THE PREACHING THAT HE PREACHED. Q. DID YOU EVER HEAR ANY PERSON PREACH PREVIOUS TO NOT FURNISH	ANSWER TO A QUESTION THAT I ASKED YOU THAT YOU HAD HEARD HAIGHT PREACH THAT THE PEOPLE SHOULD FURNISH THE EMIGRANTS NO SUPPLIES BEFORE THEY ARRIVED [*space*] I HAD AT DIFFERENT TIMES [*space*] TELL ME WHEN YOU HEARD HAIGHT PREACH FIRST TO THE PEOPLE OF CEDAR CITY FORBIDDING THEM TO FURNISH THIS EMIGRANT TRAIN ~~<~~TRAIN THAT THEY AFTERWARDS MASSACRED~~>~~ ANY PROVISION [*space*] I COULD NOT TELL YOU EXACTLY MORE THAN I KNOW THAT THAT WAS THE PREACHING THAT HE PREACHED DID YOU EVER HEAR ANY PERSON PREACH ~~<~~TO NOT FURNISH

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RT	RS	BT	PS
		SUPPLIES~~?~~ BEFORE THEIR PASSING THROUGH THERE? A. I MIGHT HAVE DONE **A** ~~TWO~~ WEEK~~S~~. Q. THEN YOU WAS WRONG WHEN YOU SAID YOU ONLY HEARD HIM PREACH ABOUT THIS TRAIN ONCE~~,~~**?** A. I DON'T KNOW AS I SAID SO. Q. DO YOU SAY YOU DIDN'T SAY SO? A. I DON'T KNOW AS I SAID I ONLY HEARD HIM ONCE; I SAID A MUNBER OF TIMES. Q. REFERRING TO THIS IDENTICAL TRAIN? A. *[48]* A. YES, BUT JUST WHERE OR WHAT PLACE I WOULD NOT SAY. Q. HOW LONG ~~WAS IT~~ BEFORE THE EMIGRANTS A**R**RIVED AT CEDAR ~~Z~~CITY, WAS IT THAT YOU HEARD	SUPPLIES~~>~~ PREVIOUS TO ~~THIS~~ BEFORE THEIR PASSING THROUGH THERE [*space*] MIGHT HAVE BEEN A WEEK THEN YOU WAS WRONG WHEN YOU SAID THAT YOU ONLY HEARD HIM PREACH ABOUT THIS TRAIN ONCE I DON'T KNOW AS I SAID SO DO YOU SAY YOU DIDN'T SAY SO I DON'T KNOW AS I SAID THAT I ONLY HEARD HIM ONCE I SAID A NUMBER OF TIMES [*space*] REFERRING TO THIS IDENTICAL TRAIN YES [*space*] BUT JUST WHERE *OR*[?] VERY PLACE I WOULD NOT SAY [*space*] HOW LONG WAS IT BEFORE THE EMIGRANTS ARRIVED AT CEDAR CITY WAS IT THAT YOU HEARD

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RT	RS	BT	PS
		HAIGHT MENTION THAT TRAIN?? A. I COULD NOT SAY; IT MIGHT HAVE BEEN A WEEK, MI~~T~~GHT HAVE BEEN LESS. Q. HOW LONG WAS THE TRAIN OF EMIGRANTS AT CEDAR CITY WHEN THEY PASSED THROUGH? A. I COULD NOT TELL EXACTLY , IT WAS NOT VERY LONG. I HAPPENED TO~~B~~ BE DOWN ON THE LOWER TOWN, AND SAW A FEW OF THEM THAT WAS AT THE MILL. I THINK TH~~A~~EY PASSED RIGHT ALONG, I COULD NOT SAY BUT I THINK SO. Q. WHAT DAY OF THE WEEK DID THEY PASS THROUGH THERE? A. I THINK IT WAS ON FRIDAY AS NEAR AS I CAN	HAIGHT MENTION THAT TRAIN I COULD NOT SAY MIGHT HAVE BEEN A WEEK MIGHT HAVE BEEN LESS HOW LONG DID THE TRAIN OF EMIGRANTS REMAIN AT CEDAR CITY WHEN THEY PASSED THROUGH I COULD NOT TELL YOU EXACTLY IT WAS NOT VERY LONG I HAPPENED TO BE DOWN ON THE LOWER TOWN AND ONLY SAW A FEW OF THEM THAT WAS AT THE MILL I THINK THEY PASSED RIGHT ALONG THE FIRST DAY <I COULD NOT SAY BUT> I THINK SO [*space*] WHAT DAY OF THE WEEK DID THEY PASS THROUGH THERE I THINK IT WAS ON FRIDAY NEAR AS I CAN

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RT	RS	BT	PS
		RECOLLECT. Q. WHEN WAS IT YOU HAD YOUR FIRST COUNSEL AFTER THEY PASSED THROU~~G~~H A. IT WAS ON SUNDAY FOLLOWING. ~~Q~~. Q. DID YOU HAVE ANY COUNSEL IN WHICH THIS EMIGRANT TRAIN WAS REFERRED TO PREVIOUS TO THE ARRIVAL OF THE EMIGRANT TRAIN, OR PREVIOUS TO THEIR PASSING THROUGH CEDAR CITY? ~~Q~~A. NO, SIR. Q. DID YOU EVER HEAR **TILL AFTER THEY** ~~TELL OF THE THE MASS THEM~~ PASS~~ING~~**ED** THROUGH CEDAR CIT~~Y~~? A. YES S~~I~~R; IT WAS A RUMOR. Q. FROM WHOM DID YOU GET THAT RUMOR? A. FROM ~~A~~HAIGHT? Q. IN COUNSE~~L~~?	RECOLLECT [*space*] WHEN WAS IT THAT YOU HAD YOUR FIRST COUNCIL AFTER THEY PASSED THROUGH WAS ON SUNDAY FOLLOWING [*space*] DID YOU HAVE ANY COUNCIL IN WHICH THIS EMIGRANT TRAIN WAS REFERRED TO PREVIOUS TO ARRIVAL OF EMIGRANT PASSING THROUGH CEDAR CITY ~~DID YOU~~ NO SIR DID YOU EVER *HEAR*[?] UNTIL AFTER THEY PASSED THROUGH CEDAR CITY YES IT WAS A RUMOR FROM WHOM DID YOU GET THAT RUMOR FROM HAIGHT [*space*] IN COUNCIL *[[22]]*

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RT	RS	BT	PS
		OR OUT OF COUNSEL? A. OUT OF COUNSEL. Q. ~~W~~WHO WAS PRESENT WHEN HAIGHT TALKED TO YOU ABOUT IT? A. I DON'T KNOW AS ANYBODY WAS EXCEPT IN THAT COUNSEL. Q. THEN ALL THE CONVERSATION YOU HAD WITH HAIGHT WAS IN PRIVATE. A. YES, SIR. *[49]* Q. WHAT DID HE SAY TO YOU IN HIS PRIVATE CONVERSATION S? A. I DISREMEMBER THE WORDS. Q. CAN'T GIVE THE WORDS? A. I CANNOT. Q. THE NEXT DAY AFTER YOU HAD THAT CONSULTATION, THAT COUNSEL YOU SAY THAT YOU MET DOWN TO THE OLD FIELD? A. YES, SIR. Q. WHO WERE WITH YOU THERE? A. HAIGHT	OR OUT OF COUNCIL OUT OF COUNCIL WHO WAS PRESENT WHEN HAIGHT TALKED TO YOU ABOUT IT I DON'T KNOW AS ANYBODY WAS EXCEPT IN THAT COUNCIL THEN ALL THE OTHER CONVERSATION YOU HAD WITH HAIGHT WAS IN PRIVATE YES SIR WHAT DID HE SAY TO YOU IN HIS PRIVATE CONVERSATION S I DISREMEMBER THE WORDS CAN'T GIVE THE WORDS I CANNOT THE NEXT DAY AFTER YOU HAD THAT CONSULTATION THAT COUNCIL YOU SAY THAT YOU ~~<~~MET~~>~~ DOWN TO THE ~~WENT~~ OLD FIELD ~~<~~YES SIR~~>~~ WHO WERE ~~WITH YOU~~ THERE [*space*] HAIGHT

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RT	RS	BT	PS
		HIGBEE AND JOEL WHI~~GH~~T**E**. Q. WHAT WAS SAID THERE CON~~V~~CERNING THE EMIGRANT TRAIN?. A. THE SUBJECT CAME UP THERE AGAIN ABOUT THIS EMIGRANT TRAIN. Q. WHO INTRODUCED IT? A. I DON'T KNOW; I COULD NOT SAY WHETHER I DID OR NOT; I COULD NOT SAY. Q. WHAT WAS SAID ABOUT THE EMIGRANTS? **A.** I REMEMBER SPEAKING UP AN D SAYING, "FOR MY PART I WOULD LIKE TO SEE THAT EMIGRANT TRAIN GO AND GO WITHOUT ANY BODY BEING MOLESTED.**"** Q. WHO REPLIED TO YOU? A. THERE WAS NOBODY MADE ANY REPLY PARTICULARLY ABOUT THAT T IME. Q. HOW LONG	HIGBEE AND JOEL WHITE WHAT WAS SAID THERE CONCERNING EMIGRANT TRAIN THE SUBJECT CAME UP THERE AGAIN ABOUT THIS EMIGRANT TRAIN WHO INTRODUCED IT I DON'T KNOW I COULD NOT SAY AND WHETHER I DID I COULD NOT SAY WHAT WAS SAID ABOUT THE EMIGRANTS I REMEMBER SPEAKING UP AND SAYING FOR MY PART I WOULD LIKE TO SEE THAT EMIGRANT TRAIN GO OUT GO WITHOUT ANY BODY BEING MOLESTED WHO REPLIED TO YOU THERE WAS NOBODY MADE ANY REPLY PARTICULARLY ABOUT THAT TIME HOW LONG

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RT	RS	BT	PS
		AFTERWARDS BEFORE ANYBODY REPLIED? A. VERY SHORTLY; A LITTLE MORE SAID ABOUT IT, AND REASONED ABOUT IT A VERY SHORT TIME. WHY SAYS HAIGHT TO MR. WHITE AND ME, "YOU ~~MAY~~ **MAY** *[50]* GO OVER THERE TO BEAR OF~~F~~ LEE AND STOP IT. I SUPPOSED IT COULD BE NOTHING ELSE. ~~YOU MAY~~ **I MIGHT** GO WITH MR.WHITE OVER TO PINTO CREEK. Q. HOW FAR WAS IT OVER THERE? A. ABOUT 35 MILES. Q. DID HE GIVE YOU ANY FURTHER ORDERS? A. HE GAVE ME NO FURTHER ORDERS. HE GAVE THEM TO WHITE. A. IN YOUR	AFTERWARDS BEFORE ANYBODY REPLIED VERY SHORTLY A LITTLE MORE SAID ABOUT IT AND REASONED ABOUT IT A VERY SHORT TIME WHY SAYS HE TO MR. WHITE AND ME, YOU MAY GO OVER[141] BEARING *WORD/LETTER*[?] TO BEAR OFF *LEE*[?] *OUT*[?] AND STOP IT I SUPPOSED IT COULD BE NOTHING ELSE I MAY GO WITH MR.WHITE OVER TO PINTO CREEK. $_{Q}$HOW FAR FROM OVER THERE ABOUT 35 MILES $_{Q}$DID HE GIVE YOU ANY FURTHER ORDERS HE GAVE ME NO FURTHER ORDERS $_{A}$HE GAVE THEM TO WHITE [*space*] IN YOUR

141. Rogerson's hand symbol.

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RT	RS	BT	PS
		PRESENCE? A. HE DIDN'T ONLY I ~~P~~REMEMBER **,** **ONLY** ~~ONLY~~ TO TRY TO SEE THAT THE PEOPLE WOULD EXERT THEIR INFL~~Y~~UENCE THAT THIS EMIGRANT TRAIN COUL~~E~~**D** PASS ~~TH~~ THROUGH THERE WITH**OU**T MOLESTATION. Q. ~~I~~~~F~~HOW DID YOU COME TO GO IF YOU HAD HEARD NOTHING BUT RUMORS; AND THAT THESE RUMORS WERE FOR THEIR DESTRUCTION~~.~~**?** A. THAT WAS SIMPLY RUMOR. Q. HAD YOU SEEN ANY MOVEMENTS ON THE PART OF ANY PARTY THAT CAUSED YOU TO BELIEVE THAT THE TRAIN WAS IN DANGER? A. ONLY THE SPI~~T~~RIT OF THE TH~~E~~ING THAT W**A**S	PRESENCE [*space*] HE DIDN'T ONLY I REMEMBER ONLY TO TRY TO SEE THAT THE PEOPLE WOULD EXERT THEIR INFLUENCE THAT THIS EMIGRANT TRAIN COULD PASS THROUGH THERE WITHOUT MOLESTATION Q~~.~~HOW DID YOU COME TO GO IF YOU HAD HEARD NOTHING BUT RUMORS THAT THESE RUMORS WAS FOR THEIR DESTRUCTION [*space*] THAT WAS SIMPLY RUMOR HAD YOU SEEN ANY MOVEMENTS ON THE PART OF ANY PARTY THAT CAUSED YOU TO BELIEVE THAT THE TRAIN WAS IN DANGER [*space*] ONLY THE SPIRIT OF THE THING THAT WAS

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RT	RS	BT	PS
		AMONG SOME. Q. WHAT WAS THE ~~PROMPTINGS OF THE~~ SPIRIT~~?~~ **OF THINGS?** A. I DON'T KNOW. Q. HAD YOU SEEN ANY **I**NDIANS AROUND THERE ANY MORE THAN LIVED AROUND CEDAR. A. NO. Q. UP TO THAT TIME HAD YOU SEEN NO **SAVAGE I**NDIANS IN AROUND CEDAR? A. NO/ Q. AND THIS WAS THREE DAYS AFTER T**H**E TRAIN HAD PASSED THERE; ARE YOU AS CERTAIN ABOUT THAT AS ~~Z~~**A**NYTHING ELSE YOU HAVE TESTIFIED TO ~~TO~~ ME~~,~~**?** STATE NOW THE FACT~~?~~**,** THAT LARGE BANDS OF INDIANS HAD COLLECTED IN AND AROUND CEDAR CITY FOR HOSTILE PURPOSES. A.	AMONG SOME YOU WAS AFRAID OF THE INFLUENCE OF *THE/THEIR*[?] SPIRIT I WAS HAD YOU SEEN INDIANS AROUND THERE NO MORE THAN LIVED AROUND *[[23]]* CEDAR [*space*] UP TO THAT TIME YOU HAD SEEN NO STRANGE INDIANS NO SIR AROUND CEDAR [*space*] AND THIS WAS THREE DAYS AFTER THE TRAIN PASSED THERE ARE YOU AS CERTAIN OF THAT AS OF ANYTHING ELSE YOU HAVE TESTIFIED TO I AM [*space*] ~~IT IS~~ IS IT NOT A FACT [*space*] THAT LARGE BANDS OF INDIANS HAD COLLECTED IN AND AROUND CEDAR CITY FOR HOSTILE PURPOSES

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RT	RS	BT	PS
		NOT TO MY KNOWLEDGE. Q. DID YOU NOT KNOW THAT THE **I**NDIANS WERE GATHERING FROM ALL POINTS OF THE COMPASS, AND HAD THREATENED THE DESTRUCTION OF THAT TRAIN AT THAT TIME? *[51]* A. I DID~~N'T~~, **NOT** I DIDN'T KNOW IT. Q. IF YOU WERE IN CHARGE OF THAT SETTLEMENT AND HAVING CONTROLL OF~~T~~ THE TEMPORAL AFFAIRS OF THAT PEOPLE, WOULD IT HAVE BEEN POSSIBLE FOR LARGE BANDS OF INDIANS TO HAVE COLLECTED IN THAT VICINITY FOR ~~THE~~ HOSTILE PURPOSES WITHOUT YOUR KNOWING IT? A. NO , SI~~T~~R. Q. THEN WHAT WAS SUCH	NOT TO MY KNOWLEDGE DID YOU NOT KNOW THAT THE INDIANS WERE GATHERING FROM ALL POINTS OF THE COMPASS THREATEN THE DESTRUCTION OF THAT TRAIN AT THAT TIME [*space*] I DID NOT I DO NOT KNOW IT IF YOU WAS IN CHARGE OF THAT SETTLEMENT HAVING CONTROL OF THE TEMPORAL AFFAIRS OF THAT PEOPLE WOULD IT HAVE BEEN POSSIBLE FOR LARGE BANDS OF INDIANS TO HAVE COLLECTED IN THAT VICINITY FOR A HOSTILE PURPOSE WITHOUT YOUR KNOWING IT NO SIR [*space*] THEN WERE THERE SUCH

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RT	RS	BT	PS
		BANDS OF INDIANS THER FOR OR IN AT THE TIME THE EMIGRANT TRAIN PASSED, **OR** ~~AND~~ WITHIN THREE DAYS THEREAFTER? A. THEY WAS NOT AROUND CEDAR THAT I KNOW OF. Q. HAD THERE BEEN ANY SUCH HOSTILE BANDS THERE IMMEDIATELY PRECEDING THEIR ARRIVAL OR WITHIN A WEEK OF THAT TIME? ~~A.~~ IF THEY HAD BEEN THERE WITHIN TWO WEEKS BEFORE, OR THREE DAYS AFTER THEY PASSED, COULD SUCH HAVE BEEN THE CASE WITHOUT YOUR HAVING KNOWN IT? A. ~~YES, SIR~~. **NO SIR.** Q. AND NONE WERE THERE? A. NONE WERE THERE TO MY KNOWLEDGE. Q. WHAT D~~O~~**ID** YOU	BANDS OF INDIANS THERE OR NOT AT THE TIME THE EMIGRANT TRAIN PASSED OR WITHIN 3 DAYS THEREAFTER $_{A}$THEY WAS NOT AROUND CEDAR THAT I KNOW OF [*space*] HAD THERE BEEN ANY SUCH HOSTILE BANDS THERE IMMEDIATELY PRECEDING THEIR ARRIVAL OR WITHIN A WEEK OF THAT TIME [*space*] IF THEY HAD BEEN THERE WITHIN TWO WEEKS BEFORE OR 3 DAYS AFTER YOUR POSITION WOULD HAVE BEEN SUCH THAT YOU WOULD HAVE KNOWN IT YES SIR [*space*] AND NONE WERE THERE [*space*] NONE WERE THERE TO MY KNOWLEDGE [*space*] WHAT DID YOU

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RT	RS	BT	PS
		MEAN THEN BY YOUR ANSWER YESTERDAY THAT HAIGHT DIRECTED YOU TO GO TO PINTO CREEK TO PASSIFY THE **I**NDIANS? A. IT APPEARS THAT T**H**ERE WAS A BAND OF **I**NDIANS — THAT THIS THING WAS UP —THAT THERE WAS A FUSS AHEAD SOMEWHERE. A. FROM WHOM DID YOU GATHER THIS THAT THEY WERE TO BE DISPATCHED AHEAD? A. THIS WAS A KIND OF RUMOR, AND LEARNED IN A KIND OF CONVERSATION WITH HAIGHT . Q. WAS IT USUAL FOR YOU TO LET THINGS OF THAT IMPORTANCE PASS AND KNOW NOTHING OF THE FACTS CONNECTED WITH THE TRANSACTION?	MEAN BY YOUR ANSWER THEN ON YESTERDAY THAT HAIGHT DIRECTED YOU TO GO TO PINTO CREEK *WITH*[?] PACIFY INDIANS $_{A}$IT APPEARS THAT THERE WAS A BAND OF INDIANS THAT THIS THING WAS TO BE ACCOMPLISHED AHEAD SOMEWHERE $_{Q}$ FROM WHOM DID YOU GATHER THIS THAT THEY WERE TO BE DISPATCHED AHEAD $_{A}$THIS WAS A KIND OF RUMOR AND LEARNED IN KIND OF CONVERSATION WITH HAIGHT $_{Q}$WAS IT USUAL FOR YOU TO LET THINGS OF THAT IMPORTANCE PASS AND KNOW NOTHING OF THE FACTS CONNECTED WITH THE TRANSACTION

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RT	RS	BT	PS
		Q. AS REGARDS THE FACTS OF THE SCHEME OF THE MATTER I NEVER KNEW ANYTHING ABOUT ITONLY AS I HAD THESE IMPRESSIONS . *[52]* Q. HOW DID IT OCCUR THAT YOU DIDN'T INQUIRE OF HAIGHT? A. I SAY WHEN I GOT LEAVE **T**~~C~~O GO AND PA~~SS~~**C**IFY THE **I**NDIANS —Q. TELL ME WHAT HE SAID OF THE FACTS OF THE PREVIOUS DETERMINA~~N~~TION TO KILL THESE EMIGRANTS. A. I DIDN'T SAY THAT HE TOLD ME POSITIVE~~,~~LY THAT THEY SHOULD BE KILLED. Q. WHAT DID HE TELL YOU. A. THERE HAD BEEN NO PARTICULAR DETERMINATIO N THEN.	**A**AS REGARDS FACTS OF THE SCHEME OF THE MATTER I NEVER KNEW ANYTHING ABOUT IT ONLY AS I HAD THESE IMPRESSIONS [*space*] *[[24]]*[142] HOW DID IT ~~INQUIRE~~ ≤OCCUR≥ THAT YOU DIDN'T INQUIRE OF HAIGHT [*space*] I *DID*[?] WHEN I GOT LEAVE TO GO AND PACIFY INDIANS ~~HE~~ **Q** TELL ME WHAT HE SAID OF THE FACTS OF THE PREVIOUS DETERMINATIO N TO KILL THESE EMIGRANTS **A** I DIDN'T SAY THAT HE TOLD ME POSITIVELY THEY SHOULD BE KILLED [*space*] WHAT DID HE TELL YOU **A** THERE HAD BEEN NO PARTICULAR DETERMINATIO N THEN [*space*]

142. "INQUIRE" written in shorthand in light pencil across the top of the page.

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RT	RS	BT	PS
		Q. TELL ME WHAT YOU SAID TO HIM? A. I THERE AND THEN SAID THAT I , FOR MY PART**,** WOULD LIKE TO SEE THE~~Z~~SE PEOPLE GO THROUGH, AND WOULD LIKE TO HAVE THE **I**NDIANS PA~~SS~~**C**IFIED. Q. **D**ID HAIGHT OR ANYBODY SAY TO YOU THAT THERE HAD BEEN A DETERMINATIO N FORMED FOR THE PURPOSE OF KILLING THE EMIGRANTS? A. NOT AT THAT TIME. Q. WHY, IF YOU KNEW THAT THIS— WHY, DID YOU **NOT** ~~KNOW~~ AS BISHOP OF THE CHURCH INQUIRE PARTICULARLY CONCERNING IT? A. SO FAR AS I HAD POWER I DID. Q. HADN'T YOU THE POWER TO	₀TELL ME WHAT YOU SAID TO HIM I THERE AND THEN SAID THAT I ≼=≽ I FOR MY PART WOULD LIKE TO SEE THESE PEOPLE GO THROUGH AND WOULD LIKE TO HAVE THE INDIANS PACIFIED. [*space*] ₀DID HAIGHT OR ANYBODY SAY TO YOU THAT THERE HAD BEEN A DETERMINATIO N FORMED FOR THE PURPOSE OF KILLING THE EMIGRANTS *AND/OR*/–[?] *SKPL*[?] NOT AT THAT TIME [*space*] WHY IF YOU KNEW THAT THIS DISPATCH [*space*] ≼WHY≽ DID YOU NOT AS BISHOP OF THE CHURCH INQUIRE PARTICULARLY CONCERNING IT [*space*] SO FAR AS I HAD POWER I DID HADN'T YOU THE POWER TO

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RT	RS	BT	PS
		ASK HIM HOW THEY WERE TO BE KILLED~~?~~**,** AND HOW THEY WERE TO BE DISPATCHED A. IF HE HAD TOLD ME THESE THINGS I WOULD. Q. WHY D**I**D YOU NOT ASK HIM WHY THEY WERE TO BE KILLED AND WHO WAS TO KILL THEM? A. I ASKED THAT **PARTICULARLY** ~~PART~~ IN THE MEETING BEFO**R**E? Q. WHAT DID HE SAY? A. I TOLD YOU ~~K~~H ~~N~~OW; THAT W~~E~~HEN WE HELD THIS MEETING AND THIS SUBJECT CAME UP AND IT CAME MY TURN TO SPEAK I ASKED IF SUCH A THING SHOULD TAKE PLACE WHAT WOULD THE CONSEQUENCES BE OF SUCH A THING. *[53]* Q. YOU OR I ONE,	ASK HIM HOW THEY WERE TO BE KILLED AND HOW THEY WERE TO BE DISPATCHED [*space*] IF HE HAD TOLD ME THESE THINGS I WOULD **Q**WHY DID YOU NOT ASK HIM WHY THEY WERE TO BE KILLED AND WHO WAS TO KILL ‘EM I ASKED THAT *PART/PARTICULARLY*[?] IN THE MEETING BEFORE [*space*] **Q** WHAT DID HE SAY **A**I ~~≤~~WILL~~≥~~ TELL YOU NOW [*space*] THAT WHEN WE HELD THIS MEETING AND THIS SUBJECT CAME UP AND IT CAME MY TURN TO SPEAK I ASKED IF SUCH A THING SHOULD TAKE PLACE WHAT WILL THE CONSEQUENCES BE OF SUCH A THING **Q**[143] YOU OR I ONE

143. In contrast to the other “Q” and “A”s that are clearly in Rogerson’s hand, this “Q” is in a different hand.

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RT	RS	BT	PS
		CAN'T UNDERSTAND WHAT THE OTHER IS DRIVING AT. I WANT TO KNOW IF YOU THERE ASKED MR. HAIGHT THE QUESTION OR IF YOU THERE HEARD HIM GIVE THE ANSWER TO IT, IF HE WAS ASKED WHY THE PEOPLE WERE TO BE KILLED AND WHO WAS TO KILL THEM? A. NO, HE DIDN'T SAY WHO OR WHY; HE GAVE NO ANSWER AND BROKE UP THE MEETING AND WENT OUT HOME. I DID THERE ~~W~~SAY WHAT I TOLD YOU. Q. YOU SIMPLY ASKED HIM WHAT THE CONSEQUENCES WOULD BE~~,~~ DID YOU ASK HIM WHY THE PEOPLE SHOU~~L~~LD BE KILLED? A. IF I DID IT ~~WAS THE~~	OR THE OTHER ~ CAN'T UNDERSTAND WHAT THE OTHER IS DRIVING AT ~ [*space*] IF YOU EVER ASKED MR. HAIGHT THE QUESTION ~~<~~OR~~>~~ IF YOU EVER HEARD HIM GIVE THE ANSWER TO IT IF ~~IT~~ HE WAS ASKED WHY THE PEOPLE WERE TO BE KILLED AND WHO WAS TO KILL THEM NO HE DIDN'T SAY WHO OR WHY HE GAVE NO ANSWER AND BROKE UP MEETING AND WENT OUT HOME. [*space*] I DID THERE SAY WHAT I TOLD YOU [*space*] YOU SIMPLY ASKED HIM WHAT THE CONSEQUENCES WOULD BE DID YOU ASK HIM WHY THE PEOPLE SHOULD BE KILLED IF I DID IT

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RT	RS	BT	PS
		~~SAME THING~~ WOULD BE THE SAME THING. ~~A~~**Q**. IT IS VERY DIFFERENT, THE REASON FOR COMMIT ING THE ACT AND RESULT OF THE ACT. I WANT TO KNOW WHETHER YOU ~~S~~UNDERSTOOD AT THE TIME YOU WENT TO PINTO CREEK— WHETHER **YOU** UNDERSTOOD THEN OR HAD EVER BEEN INFORMED WHY THE EMIGRANTS WERE TO BE KILLED, AND WHO WERE ORDERED TO KILL THEM; OR AT WHAT POINT THEY WERE TO BE ATTACKED? A. NO BODY GAVE ANY REASON WHY THEY ~~H~~SHOULD BE KI LLED. Q. YOU ARE POSITIVE ABOUT THAT? A. I AM. Q. DID YOU EVER HEAR	WAS THE SAME THING [*space*] *[[25]]* IT IS VERY DIFFERENT ~ ONE IS THE REASON FOR COMMITTING THE ACT AND THE OTHER IS THE RESULT OF THE ACT $_{Q}$I WANT TO KNOW WHETHER YOU UNDERSTOOD AT THE TIME YOU WENT TO PINTO CREEK ~ WHETHER YOU UNDERSTOOD THEN OR HAD EVER BEEN INFORMED WHY THE EMIGRANTS WERE TO BE KILLED WHO WERE ORDERED TO KILL THEM OR AT WHAT POINT THEY WERE TO BE ATTACKED? ~~THAT IS THE~~ [*space*] NOBODY GAVE ANY REASON WHY THEY SHOULD BE KILLED YOU ARE POSITIVE ABOUT THAT I AM $_{Q}$DID YOU EVER HEAR

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RT	RS	BT	PS
		ANY REA**S**ONS GIVEN BEFORE OR AFTERWARDS? A. I DID **NOT** BEFORE. Q. DID YOU AFTERWARDS? ~~A.~~? A. NOR AFFTERWARDS THAT I KNOW OF . Q. HAD YOU NO PARTICULAR REASON WHY THEY WERE TO BE KILLED? A. I DID~~N'T~~ **NOT**— NEVER HAD. Q. YOU SAY THAT ~~W~~YOU WERE ORDERED TO GO TO PINTO CREEK —TELL US WHAT YOU DID THERE? A. I WENT WITH MR. WHITE— ACCOMPANIED HIM THERE AND HAD THE ORDERS GIVEN FROM HAIGHT WHAT TO TELL THE PEOPLE. I TOL~~L~~**D** NOTHING I SIMPLY WENT WITH HIM AS COMPAN~~;~~Y~~;~~ HE TOLD ME WE WERE TO TELL THE *[54]* PRESIDENT THAT HE	ANY REASONS GIVEN BEFORE OR AFTERWARDS $_{A}$I DID NOT BEFORE DID YOU AFTERWARDS $_{A}$NOR AFTERWARDS THAT I *KNOW*[?] $_{Q}$DID YOU KNOW PARTICULAR REASON WHY THEY WERE KILLED I DID NOT ~ NEVER DID YOU SAY THAT YOU WERE ORDERED TO GO TO PINTO CREEK TELL US WHAT YOU DID THERE I WENT WITH MR. WHITE ~ ACCOMPANIED HIM THERE AND HE HAD THE ORDERS GIVEN FROM HAIGHT WHAT TO TELL THE PEOPLE. I TOLD NOTHING I SIMPLY WENT WITH HIM AS COMPANY [*space*] HE TOLD ME THAT HE TOLD THE PRESIDENT THAT HE

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RT	RS	BT	PS
		SHOULD SEE THAT THE PEOPLE WENT THROUGH THERE AND ALLAY THE EXCITEMENT OF THE INDIANS AND FOR THE PEOPLE TO GO THROUGH CLEAR. Q. THEN YOU CAN'T TELL ME **ANYTHING** ABOUT WHAT TOOK PLACE AT PINTO CREEK AT ALL~~.~~**? A NO SIR.** Q. HOW LONG DID YOU REMAIN AT PINTO CREEK? ~~Q~~A. WHICH PLACE DO YOU REFER TO, PAINTER CREEK SETTLEMENT? Q. HOW LONG DID YOU REMAIN AT PINTO CREEK? A. GOT THERE IN THE NIGHT AND IN THE MORNING WE LEFT. Q. HOW MANY PEOPLE DID YOU S~~T~~EE AT PINTO CREEK? A. I DON'T RECOLLECT OF SEEING A	SHOULD SEE THAT THE PEOPLE WENT THROUGH THERE AND ALLAY THE EXCITEMENT OF THE INDIANS AND FOR THE PEOPLE GO THROUGH CLEAR. THEN YOU CAN'T TELL ME ANYTHING ABOUT WHAT TOOK PLACE AT PINTO CREEK AT ALL NO SIR HOW LONG DID YOU REMAIN AT PINTO CREEK WHICH PLACE DO YOU REFER TO PAINTER CREEK SETTLEMENT [*space*] HOW LONG DID YOU REMAIN AT PAINTER CREEK ~~<~~GOT THERE~~>~~ IN THE NIGHT AND MORNING WE LEFT ~~Q~~HOW MANY PEOPLE DID YOU SEE AT PAINTER CREEK I DON'T RECOLLECT OF SEEING

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RT	RS	BT	PS
		GREAT MANY. Q. DID YOU SEE ANY PARTICULAR EXCITEMENT THERE DIRECTED TOWARDS THESE EMIGRANTS? A. NO, SIR. Q. DID YOU SEE ANY EVIDENCES THERE OF ILLWILL OF ANY KIND AGAINST THE EMIGRANTS? A. NO, SIR~~?~~ Q. DID YOU CONVERSE WITH THESE PEOPLE? A. I DIDN'T PARTICULARLY ABOUT IT. Q. DID YOU TALK WITH THEM ABOUT ANYTHING? A. NOTHING MORE THAN A MAN OR TWO THAT I TALKED WITH ; I DIDN'T TALK ABOUT THIS THING. Q. GOING AS A SPECIAL MESSENGER, WHY DID YOU REMAIN S~~C~~ILENT ABOUT IT—WHY DID YOU REMAIN	GREAT MANY DID YOU SEE ANY PARTICULAR EXCITEMENT THERE DIRECTED TOWARDS THESE EMIGRANTS NO SIR DID YOU SEE ANY EVIDENCES THERE OF ILL WILL ~~≤~~OF ANY~~≥~~ KIND AGAINST EMIGRANTS NO SIR DID YOU CONVERSE WITH THESE PEOPLE I DON'T REMEMBER ABOUT IT DID YOU TALK WITH THEM ABOUT ANYTHING NOTHING MORE THAN A MAN OR TWO THAT I TALKED WITH [*space*] I DIDN'T ~~TALK WITH~~ ABOUT THIS THING GOING AS A SPECIAL MESSENGER [*space*] WHY DID YOU REMAIN SILENT ~~ON THE MISSION OBJECTED TO~~

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RT	RS	BT	PS
		S~~C~~ILENT ABOUT YOUR MISSI**O**N? OBJECTED TO. A. IT WAS GIVEN TO ~~TELL~~ **JOEL** WHITE AS OFFICER. I ACCOMPANIED HIM BUT HAD NOTHING TO SAY; HE WENT TO THE PRESIDENT.[144] *[55]* Q. YOU SAY YOU MET JOHN D. LEE, WHAT DAY OF THE WEEK WAS THAT? A. I MET IRA ALLEN COMING BACK ABOUT SEVEN OR EIGHT MILES THIS SIDE OF CEDAR. Q. WHAT DID IRA ALLEN SAY ABOUT IT? A. WHEN IRA ALLEN CAME RIDING ALONG **ALONE** HE MENTIONED ABOUT WHAT HAD PASSED. Q. PASSED WHERE? A. IN THE COUNSEL.	~~<~~OBJECTED TO~~>~~ ON YOUR MISSION IT WAS GIVEN TO JOEL WHITE AS OFFICER [*space*] AND I ACCOMPANIED HIM BUT HAD NOTHING TO SAY. HE WENT TO THE PRESIDENT YOU SAY YOU MET JOHN D. LEE WHAT DAY OF THE WEEK WAS THAT [*space*] I MET IRA ALLEN COMING BACK *[[26]]* WHERE DID YOU MEET IRA ALLEN ABOUT 7 OR 8 MILES OTHER SIDE OF CEDAR WHAT DID IRA ALLEN SAY ABOUT IT WHEN IRA ALLEN CAME RIDING ALONG ALONE HE MENTIONED ABOUT WHAT HAD PASSED [*space*] PASSED WHERE IN THE COUNCIL

144. Richard Robinson was branch president or presiding elder at Pinto.

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RT	RS	BT	PS
		Q. AT WHAT PLACE? A. AT PAROWAN. HE SAID THAT ~~THEIR THE~~ **THE** DOOM WAS FIXED AND DIE ~~WAS~~ CAST FOR THE~~IR~~ DESTRUCTION —OF THAT EMIGRANT TRAIN. Q. WHAT WAS IRA ALLEN THEN DOING? A. THEN GOING OUT TO PAINTER CREEK OR TO THE MOUNTAIN MEADOWS, I SUPPOSE. Q. DID YOU HAVE ANY FURTHER CONVER~~W~~SATIO N WITH HIM ABOUT IT? A. NO, SIR. Q. DID YOU TELL HIM WHAT YOU WERE DO**I**NG? A. YES, WE TOLD HIM WHAT WE WERE DOING. Q. DID YOU SEE JOHN D. LEE THAT TRIP WHILE YOU WERE OUT? A. NO, HE MENTIONED HIS NAME. Q. YOU DIDNT SEE HIM ON THAT	AT WHAT PLACE AT PAROWAN ~ HE SAID THAT THE DOOM WAS FIXED AND THE DIE CAST FOR THE DESTRUCTION OF THAT EMIGRANT TRAIN WHAT WAS IRA ALLEN THEN DOING **A** THEN GOING OUT TO PAINTER CREEK OR TO MOUNTAIN MEADOWS I SUPPOSE DID YOU HAVE ANY FURTHER CONVERSATION WITH HIM ABOUT IT NO SIR DID YOU TELL HIM WHAT YOU WERE DOING YES WE TOLD HIM WHAT WE WERE DOING DID YOU SEE JOHN D. LEE THAT TRIP WHILE YOU WERE OUT NO [*space*] I MENTIONED HIS NAME [*space*] YOU DIDN'T SEE HIM ON THAT

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RT	RS	BT	PS
		TRIP? A. YES, I SAW HIM GOIN**G** OUT. Q. YOU SAID GOING BACK? A. NO, I SAID ON THE TRIP. Q. YOU DON'T UNDERSTAND ME. DID YOU SEE JOHN ~~E~~D/LEE FROM THE TIME YOU LEFT CEDAR TILL THE TIME YOU RETURNED? A . YES, SIR. Q. WHERE DID YOU SEE HI~~J~~M? A. ABOUT TWO MILES AND A HALF BELOW CEDAR. *[56]* Q. TELL ME WHAT HE WAS DOING —WHAT WAS SAID WHEN YOU MET HIM? A. HE ~~S~~SAS~~H~~KED US WHERE WE WAS GOING; AND THE REPLY WAS FROM MR. WHITE THAT WE WAS GOING OUT TO SEE THAT THE EMIGRANT TRAIN GO~~R~~**T** THROUGH SAFE AND TO TALK TO THE PEOPLE AT PAINTER	TRIP YES I SAW HIM GOING OUT [*space*] YOU SAID COMING BACK ~~NO~~ NO I SAID ON THE TRIP I DO NOT UNDERSTAND YOU DID YOU SEE JOHN D. LEE FROM THE TIME YOU LEFT CEDAR TILL YOU RETURNED YES SIR WHERE DID YOU SEE HIM [*space*] ABOUT 2 MILES AND HALF BELOW OLD CEDAR. TELL ME WHAT HE WAS DOING WHAT WAS SAID WHEN YOU MET HIM $_{A}$HE ASKED US WHERE WE WAS GOING AND THE REPLY WAS FROM MR. WHITE THAT WE WAS GOING OUT TO SEE THAT THAT EMIGRANT TRAIN GOT THROUGH SAFE, AND TO TALK TO THE PEOPLE AT PAINTER

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RT	RS	BT	PS
		CREEK. HE SAID HE ~~A~~WOULD SEE ABOUT IT, THAT HE HAD SOMETHING TO SAY ABOUT THAT MATTER. Q. WAS THAT ALL HE SAID? A. SAYS HE, " I HAVE SOMETHING TO SAY IN THAT MATTER." Q. WAS THAT ALL? A. ABOUT ALL; HE LEFT AND WE WENT ON. Q. DIDN'T YOU SAY IN YOUR **DIRECT** EXAMINATION THAT HE SAID **"**I HAVE SOMETHING TO ~~SEE TO~~ **SAY TOO** ABOUT THAT MATTER?**"** A. THAT IS WHAT I SAID NOW. IT MIGHT BE THAT ~~H~~ I HAVE MENTIONED IT THAT WAY. Q. PLEASE GIVE THE LANGUAGE THAT JOHN D. LEE USED IN THAT CONVERSATION AS YOU WANT	CREEK HE SAID HE WOULD SEE ABOUT IT ~ THAT HE HAD SOMETHING TO SAY ABOUT THAT MATTER WAS THAT ALL HE SAID SAYS HE I HAVE SOMETHING ~~SAY~~ TO SAY IN THAT MATTER WAS THAT ALL? ABOUT ALL HE LEFT AND WE WENT ON. DIDN'T YOU SAY IN YOUR EXAMINATION ~~THAT YOU SAID~~ THAT HE SAID I HAVE SOMETHING TO SAY ABOUT THAT MATTER THAT IS WHAT I SAID NOW [*space*] IT MIGHT BE THAT I MIGHT HAVE MENTIONED IT THAT WAY [*space*] PLEASE GIVE THE LANGUAGE THAT JOHN D. LEE USED IN THAT CONVERSATION AS YOU WANT

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RT	RS	BT	PS
		IT TO STAND? A. I GAVE IT AS NEAR AS I RECOLLECT , OF COURSE. WHEN WE MET HE ASKED, "WHERE ARE YOU GOING" AND WHAT THE BUSINESS WAS OVER THERE, AND WHITE REPLIED WE WAS GOING OUT TO PAINTER CREEK TO SEE THAT THE EMIGRANT TRAIN GOT THROUGH SAFE; AND TO TALK TO THE PEOPLE AND TO EXERT AN INFLUENCE WITH THEM THAT THEY MIGHT GO THROUGH SAFE AND TO TALK TO THE PRESIDENT FULLY ABOUT IT. Q. WHAT DID HE SAY THEN? A. "IHAVE ~~SOM~~ GOT SOMETHING TO SAY ABOUT THAT MATTER." THAT IS WH~~A~~T HE SAID. Q.	IT TO STAND I GAVE IT AS NEAR AS I RECOLLECT OF COURSE [*space*] WHEN WE MET HE ASKED "WHERE ARE YOU GOING" AND WHAT THE BUSINESS WAS *OVER THERE*[?] AND WHITE REPLIED WE WAS GOING OUT TO PAINTER CREEK TO SEE THAT THAT EMIGRANT TRAIN GOT THROUGH SAFE *[[27]]* AND TO TALK TO THE PEOPLE TO EXERT AN INFLUENCE THAT THEY MIGHT GO THROUGH SAFE AND TO TALK TO THE PRESIDENT *OF THE PEOPLE*[?] ABOUT IT WHAT DID HE SAY THEN "I HAVE GOT SOMETHING TO SAY ABOUT THAT MATTER" THAT IS WHAT HE SAID [*space*]

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RT	RS	BT	PS
		HOW LONG DID YOU REMAIN IN CONVERSATION WITH HIMZ? A. NOT LONG. Q. WHAT TIME OF THE ~~X~~DAY WAS ~~H AHT~~ THAT? A. IN THE AFTERNOON PROBABLEY. Q. THAT WAS ABOUT TWO AND A HALF MILES FROM CEDAR THAT YOU MET *[57]* JOHN D. LEE. WHAT TIME DID YOU LEA~~C~~VE CEDAR CITY TO GO TO PAINTER CREEK. A. ABOUT THE MIDDLE OF THE DAY I SUPPOSE —PRETTY NEAR . Q. WHAT TIME DID YOU SA**Y** YOU GOT TO PAINTER CREEK? A. SOME TIME IN THE NIGHT. Q. ABOUT WHAT TIME? A. PROBABLE MIDNIGHT. Q. YOU SAY ALLEN TOLD YOU THAT THE DIE WAS CAST IN ~~THE~~ COUNSEL ~~OF~~ **AT**	HOW LONG DID YOU REMAIN IN CONVERSATION WITH HIM NOT LONG WHAT TIME OF DAY WAS THAT IN THE AFTERNOON PROBABLY THAT WAS ABOUT 2 1/2 MILES FROM CEDAR THAT YOU MET JOHN D. LEE [*space*] WHAT TIME DID YOU LEAVE CEDAR CITY TO GO TO PAINTER CREEK ABOUT THE MIDDLE OF THE DAY I SUPPOSE PRETTY NEAR WHAT TIME DID YOU SAY YOU GOT TO PAINTER CREEK SOME TIME IN THE NIGHT ABOUT WHAT TIME PROBABLY MIDNIGHT [*space*] YOU SAY ALLEN TOLD YOU THAT THE DIE WAS CAST IN COUNCIL AT

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RT	RS	BT	PS
		PAROWAN; DID HE TELL YOU **WHO** HAD CAST THAT DIE, AND GAVE THE ORDER? A. HE DIDN'T MANTION ANY PARTICULAR NAME THAT I REMEMBER— NOT THAT I RECOLLECT . Q. DID HE MENTION ANY NAME~~D~~S? A. I THINK THE EXPRESSION WAS, SIMPLY BY THE AUTHORITIES. Q. WHAT AUTHORITIES DID HE REFER TO, CIVIL OR MILITARY? A. WELL, THEY WERE BOTH IN ONE~~; IT WAS A KIND~~ Q. IT WAS A KIND OF CONSOLIDATIO N OF CHURCH AND STATE? A. YES, SIR. Q. THE MEMBERS OF THE CHURCH COUN~~Z~~SEL CONSTITUTED THE MEMBERS OF THE MILITARY COUNSEL THEN? A. WELL, THE~~R~~Y	PAROWAN [*space*] DID HE TELL YOU WHO HAD CAST THAT DIE AND GAVE THE ORDER HE DIDN'T MENTION ANY PARTICULAR NAME THAT I RECALL DID HE MENTION ANY NAMES? I THINK THE EXPRESSION WAS SIMPLY BY THE AUTHORITIES [*space*] WHAT AUTHORITIES DID HE REFER TO CIVIL OR MILITARY ~~<~~WELL~~>~~ THEY WERE BOTH IN ONE IT WAS A KIND OF CONSOLIDATIO N OF CHURCH AND STATE YES SIR THE MEMBERS OF THE CHURCH COUNCIL CONSTITUTED THE MEMBERS OF THE MILITARY COUNCIL THEN ~~<~~WELL~~>~~ THOSE

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RT	RS	BT	PS
		WERE OFFICERS IN THE MILLITARY. Q. WHAT DID YOU DO WHEN YOU RETURNED TO CEDAR CITY; WHO DID YOU GO TO SEE? A. I DIDN'T GO TO SEE ANYBODY; I WENT HOME. Q. WHAT DAY OF THE WEEK WAS IT YOU GOT BACK FROM PAINTER CREEK? A. IT MUST HAVE BEEN ~~T~~**T**UESDAY— MONDAY I WENT OUT TUESDAY **I GOT** BACK. Q. GOT HOME ~~T~~**T**UESDAY? A. YES, SIR. Q. WHAT TIME **OF** ~~IN THE~~ DAY DID YOU GET H**OM**E ON TUESDAY? *[58]* A. I THINK IT WAS ABOUT NOON OR THE MIDDLE OF THE AFTERNOON. Q. NOW, YOU SAY THAT THE INSTRUCTIONS HAD BEEN GIVEN IN THE	THAT WERE OFFICERS IN THE MILITARY [*space*] WHAT DID YOU DO WHEN YOU RETURNED TO CEDAR CITY WHO DID YOU GO TO SEE I DIDN'T GO TO SEE ANYBODY I WENT HOME [*space*] WHAT DAY OF THE WEEK WAS IT YOU GOT BACK FROM PAINTER CREEK IT MUST HAVE BEEN ~~MONDAY *SN/SNG*[?] *NOT*[?]~~ TUESDAY ~ MONDAY I WENT OUT TUESDAY BACK GOT HOME TUESDAY YES SIR WHAT TIME OF DAY DID YOU GET HOME TUESDAY I THINK IT WAS ABOUT NOON OR MIDDLE AFTERNOON NOW YOU SAY THAT THE INSTRUCTIONS HAD BEEN GIVEN IN THE

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RT	RS	BT	PS
		MEETING T~~H~~A T THE PEOPLE SHOULD NOT FURNISH GRAIN AND WHEAT O R CORN TO THE EMIGRANTS: NOW , SIR, THE PEOPLE THAT FURNISHED THAT WHEAT WERE THEY CUT OF**F FROM** THE CHURCH AND KILLED BY YOUR DIRECTION AFTERWARDS **.** A. I GAVE NO DIRECTION ABOUT IT. Q. DID THE PEOPLE AT CEDAR CITY? A. THERE WAS ONLY ONE PERSON THAT I KNOW OF—SAM JACKSON THAT TRADED WITH THEM. Q. WAS HE CUT OFF THE CHURCH? A. I DISREMEMER. Q. WAS THE MATTER OF HIS SELLING THAT WHEAT MADE A SUBJECT OF DISCUSSION IN THE COUNSEL~~,~~? A. IT WAS A	MEETING THAT THE PEOPLE SHOULD NOT FURNISH [*space*] CORN AND WHEAT AND OR GRAIN OVER TO THE EMIGRANTS NOW SIR THE PEOPLE THAT FURNISHED THAT WHEAT WERE THEY CUT OFF THE CHURCH AND KILLED BY YOUR DIRECTION AFTERWARDS I GAVE NO DIRECTION ABOUT IT [*space*] ~~DID THE PEOPLE AT CEDAR CITY~~ [*space*] THERE WAS ONLY ONE PERSON THAT I KNOW <SAM ~~KNIGHT~~ JACKSON THAT TRADED WITH THEM> WAS HE CUT OFF THE CHURCH I DISREMEMBER WAS THE MATTER OF HIS SELLING THAT WHEAT MADE A SUBJECT OF DISCUSSION IN COUNCIL IT ~~IS~~ WAS A

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RT	RS	BT	PS
		MATTER OF COURSE**,** OF FELLOW-SHIP? Q. WAS THE MATTER BROUGHT TO ANY COUNSEL AND TALKE~~X~~D OVER BY THE COUNSEL? A. I DON'T RECOLLECT THAT IT WAS. Q. DID ANY PERSON EVER PRESENT **A** ~~THE~~ CHARGE TO THE COUNSEL FOR SELLING THAT WHEAT? A. NOT THAT I KNOW OF. Q. WA S IT NOT YOUR DUTY TO BE PRESENT A~~I~~T ALL COUNSELS? A. NO, SIR. Q. DID THAT PARTY REMAIN THERE AF~~T~~EDRWARDS, OR NOT, THE MAN THAT SO~~LD~~**LD** THE WHEAT? Q. HE REMAINED THERE A WHILE AND MOVED HERE. Q. HOW LONG DID HE LIVE IN CEDAR AFTER THAT? A. I THINK HE LEFT	MATTER OF COURSE OF FELLOWSHIP *[[28]]* WAS THE MATTER BROUGHT UP IN COUNCIL AND TALKED OVER BY THE COUNCIL I DON'T RECOLLECT THAT IT WAS [*space*] DID ANY PERSON EVER PRESENT A CHARGE TO THE COUNCIL FOR SELLING THAT WHEAT NOT THAT I KNOW OF WAS IT NOT YOUR DUTY TO BE PRESENT AT ALL COUNCILS NO SIR DID THAT PARTY REMAIN THERE AFTERWARDS OR NOT THE MAN THAT SOLD THE WHEAT HE REMAINED THERE A WHILE AND THEN MOVED HERE Q HOW LONG DID HE ~~<~~LIVE~~>~~ IN CEDAR AFTER THAT I THINK HE LEFT

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RT	RS	BT	PS
		THAT SPRING OR THE WINTER FOLLOWING. Q. DO YOU KNOW WHERE HE IS? A. I DON'T BUT HE WA~~R~~**S** HERE IN T HIS PLACE. [59] Q. WHAT WAS THE NAME? A. SAM JACKSON. Q. WHEN DID YOU NEXT H~~Z~~AVE A CONVERSATION WITH HAIGHT AFTER YOU RETURNED FROM PINTO CREEK? ~~Q~~**A.** THEY SENT AFTER THIS NEWS CAME IN FOR RE-INFORCEMENTS THAT I RECOLLECT OF. Q. THEN HAD SOME PEOPLE LEFT CEDARCITY BEFORE THAT? A. YES, IT APPEARS SO. Q. HAD THEY LEFT WITH**O**UT YOUR KNOWLEDGE? A. YES, SIR. Q. HOW LONG HAD THEY BEEN GONE BEFORE	THAT SPRING OR WINTER FOLLOWING DO YOU KNOW WHERE HE IS I DON'T <LAST ACCOUNT I HAD OF HIM HE WAS HERE IN THIS PLACE> WHAT WAS THE NAME SAM JACKSON WHEN DID YOU NEXT HAVE A CONVERSATION WITH HAIGHT AFTER YOUR RETURN FROM PINTO CREEK THEY ~~SAID~~ ≤SENT≥ AFTER THIS NEWS CAME IN FOR REINFORCEMENTS THAT I RECOLLECT OF [*space*] THEN HAD SOME PEOPLE LEFT CEDAR CITY BEFORE THEN YES IT APPEARS SO DID THEY LEAVE WITHOUT YOUR KNOWLEDGE YES SIR HOW LONG HAD THEY BEEN GONE BEFORE

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RT	RS	BT	PS
		YOU KNEW IT. A. I DON'T KNOW WHO WENT IN THE BEGINNING. Q. WHAT DID ~~H~~**H**AIGHT SAY TO YOU WHEN HE SAID RE-INFORCEMENTS HAD BE~~E~~N SENT FOR? A. HE TOLD ME THAT THE THING HADN'T WORKED ALTOGETHER AS THEY ANTICI~~B~~**P**ATED. THEY HAD MADE **A** BALK OF IT. AN ORDER CAME IN FROM THE~~R~~E TO ME LAST EVENING AND SAYS HE, "IWENT UP TO PAROWAN, THEN TO SEE AND GET FUTHER INSTRUCTIONS AND ORDERS ABOUT IT AND GO BACK ~~TO~~ BEFORE DAY THIS MORNING; WAS GONE ALL NIGHT." Q. WHAT ELSE? A. AND THEN HE TOLD WHAT THE COUNSEL	YOU KNEW IT I DON'T KNOW WHO WENT OUT IN THE BEGINNING WHAT DID HAIGHT SAY TO YOU WHEN HE SAID REINFORCEMEN TS HAD BEEN SENT FOR HE TOLD ME THAT THE THING HADN'T WORKED ALTOGETHER AS THEY ANTICIPATED. THEY HAD MADE A *BK/BALK*[?] OF IT. AN ORDER CAME IN FROM THERE TO HIM LAST EVENING AND SAYS HE "I WENT UP TO PAROWAN THEN TO SEE AND GET FURTHER INSTRUCTIONS AND ORDERS ABOUT IT AND GOT BACK BEFORE DAY THIS MORNING. WAS GONE ALL NIGHT Q WHAT ELSE HE THEN TOLD WHAT THE COUNCIL

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RT	RS	BT	PS
		HAD AGREE~~N~~D UPON; HE SAID THAT THE COUNSEL WAS TO DECOY THEM AND SAVE NOTHING BUT THE SMALL CHI LDREN. Q. WHAT REPLY DID YOU MAKE? A. I MADE NO REPLY TO IT. Q. DID YOU OBJECT TO IT AT THAT TIME? A A. I DON'T REMEMBER OB~~F~~**J**ECTING TO IT. I DON'T KNOW THAT I HAD TIME THERE FOR ANY WORDS. Q. WHAT WAS ~~F~~DONE NEXT, NOW, AFTER THAT? *[60]* A. THEN I WENT DOWN TO THE LOWER TOWN. Q. DID YOU MAKE ANY EFFORT TO RALLEY THE PEOPLE TO GO OUT AND SAVE THAT TRAIN OF EMIGRANTS? A. I DID NOT. Q. WHY? A. I HAD NO POWER. Q. WERE YOU NOT	HAD AGREED UPON [*space*] HE SAID THE COUNSEL WAS THERE TO DECOY THEM OUT AND SAVE NOTHING BUT THE SMALL CHILDREN WHAT REPLY DID YOU MAKE I MADE NO REPLY TO IT DID YOU OBJECT TO IT AT THAT TIME I DON'T REMEMBER OBJECTING TO IT I DON'T KNOW THAT I HAD TIME *THERE FOR*[?] ANY WORDS WHAT WAS DONE NEXT NOW AFTER THAT THEN I WENT DOWN TO THE LOWER TOWN DID YOU MAKE ANY EFFORT TO RALLY THE PEOPLE TO GO OUT AND SAVE THAT TRAIN OF EMIGRANTS I DID NOT WHY I HAD NO POWER WERE YOU NOT

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RT	RS	BT	PS
		A BISHOP? A. BECAUSE THE AUTHORITIES WAS OVER ME AND I WAS UNDER THEM. Q. BUT AS A MAN CASTING ASIDE YOUR ALLEGIANCE, COULD ~~N~~YOU NOT HAVE DONE IT IN SAFETY? DID YOU DO ANYTHING IN THAT COUNSEL MORE THAN SIMPLY ASK THE QUESTION AS TO WHAT WOULD BE THE CONSEQUENCES OF THE ACT? A. I STATED I WAS ENTIRELY OPPOSED TO IT; AND THAT MADE HIM MAD. Q. THAT WAS ALL YOU ~~D~~SAID ABOUT IT? A. YES, SIR. Q. DID YOU TELL HIM WHEN THE ORDERS CAME THAT YOU WERE OPPOSED TO IT? A. NO, SIR. Q. YOU TOLD NO MAN IN CEDAR CITY YOU WERE	BISHOP BECAUSE THE AUTHORITIES WAS OVER ME AND I WAS UNDER THEM [*space*] BUT AS A MAN CASTING ASIDE YOUR ALLEGIANCE TO THE CHURCH COULD YOU NOT HAVE DONE IN SAFETY ~~NO~~ ~ DID YOU DO ANYTHING IN THAT COUNCIL ≤MORE THAN≥ SIMPLY ASKING QUESTION AS TO THE CONSEQUENCES OF THE ACT *[[29]]* I STATED I WAS ENTIRELY OPPOSED TO IT. THAT MADE HIM MAD [*space*] THAT WAS ALL YOU SAID ABOUT IT YES SIR [*space*] DID YOU TELL HIM WHEN THE ORDERS CAME THAT YOU WERE OPPOSED TO IT NO SIR YOU TOLD NO MAN IN CEDAR CITY YOU WAS

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RT	RS	BT	PS
		OPPOSED TO ~~TH~~IT? A. NO, SI~~T~~**R** Q. YOU TRIED TO PREVENT NO ONE FROM GO**I**NG? A. NO, SIR. Q. WHY COULD YOU NOT DO IT; THERE MUST BE SOME RE**A**SON~~L~~? A. BECAUSE I WAS AFRAID IF I WAS ~~U~~TO UNDERTAKE THAT THAT IT WOULD BE BAD FOR ME. Q. THERE MUST BE SOME REASON —WHO WAS YOU AFRAID OF? **NAME THEM.** A. I WAS AFRAID OF THE AUTHORITIES, **Q** ~~NAME THEM?~~ ~~A~~. THE AUTHORITIES IMMEDIATELY OVER ME. *[61]* Q. WHICH DO YOU REFER TO~~X~~, CHURCH OR MILITARY? A. CHURCH AND MILLITARY BOTH. A. FOR WHAT REASON HAD YOU TO BE	OPPOSED TO IT NO SIR YOU TRIED TO PREVENT NO ONE FROM GOING NO SIR WHY COULD NOT YOU DO IT THERE MUST BE SOME REASON? BECAUSE I WAS AFRAID IF I WAS TO UNDERTAKE THAT THAT IT WOULD BE BAD WITH ME [*space*] THERE MUST BE SOME REASON ~ WHO WAS YOU AFRAID OF I WAS AFRAID OF THE AUTHORITIES WHAT AUTHORITIES NAME THEM THE AUTHORITIES IMMEDIATELY OVER ME[145] WHICH DO YOU REFER TO CHURCH OR MILITARY CHURCH AND MILITARY BOTH WHAT REASON HAD YOU TO BE

145. Rogerson's hand symbol.

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Random RT	RT	RS	BT	PS
[Random RT 25] A. I MIGHT HAVE BEEN ,I BELIEVE I WOULD .BE | IF I DIDN'T OBEY COUNSEL. Q. AND THAT CAUSED YOU TO KEEP Y OUR TONGUE STILL, AND OBEYRD ORDERS TO SAVE			AFRAID **OF** ~~OFO~~ DISOBEYING THE AUTHORITIES? A. I HAD THIS REASON T~~H~~A T IF A MAN DIDN'T **WALK** ~~WAKL~~ UP TO WHAT HE WAS TOLD TO**,** IT WOULD NOT BE WELL FOR HIM. Q. DO YOU MEAN THAT HE WOULD SUFFER PERSONAL VIOLENCE. A. YES, I DO. Q. YOU MEAN THAT IF YOU DIDN'T OBEY COUNSEL YOU WOULD BE KILLED? A. I MIGHT HAVE BEEN. Q. YOU WAS AFRAID YOU MIGHT HAVE BEE~~M~~N KILLED? A. YES, ~~W~~**S**IR. Q. THEN IF I UNDERSTAND YOU , YOU DID WHAT ACTS YOU COMMITTED AND YOU KEPT YOUR TONGUE SILENT AND OBEYED ORDERS FOR THE P~~A~~URPOSE OF SAVING	AFRAID OF DISOBEYING THE AUTHORITIES I HAD THIS REASON THAT IF A MAN DIDN'T WALK UP TO WHAT HE WAS TOLD TO IT WOULD NOT BE WELL FOR HIM DO YOU MEAN THAT HE WOULD SUFFER PERSONAL VIOLENCE YES I DO YOU MEAN THAT IF YOU DIDN'T OBEY COUNSEL YOU WOULD BE KILLED I MIGHT HAVE BEEN ₀YOU WAS AFRAID YOU MIGHT BE KILLED *YES*[?] SIR THEN IF I UNDERSTAND YOU YOU DID WHAT ACTS YOU COMMITTED AND YOU KEPT YOUR ~~TALK~~ TONGUE SILENT AND OBEYED ORDERS FOR THE PURPOSE OF SAVING

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Random RT	RT	RS	BT	PS
YOUR OWN LIFE ? HOW WAS IT WITH OTHER PEOPLE THERE? A. THE SAME WAY , EXCEPT THOSE IN AUTHORITY Q. IF YOU - BEING ABOUT THE THIRD MAN IN POSITION THERE COULDNT DISOBEY THE AUTHORITY ?HAD YOU THE RIGHT TO GIVE DIRECTIONS TO THOSE UNDER YOU ? A. NOT IN ANTHTHING , ONLY IN SMALL TEMPORAL AFFAIRS. Q.TYE KILLING OF OTHER PEOPLE OR INDIVIDUALS WASNT A TEMPORAL MATTER WITH YOU THEN ? WHO WERE THE AUTHORITIES YOU			YOUR OWN LIFE? A. YES, IT WAS MY RIGHT. Q. HOW WAS IT WITH OTHER PEOPLE THERE? A. THE SAME WAY, AS FAR AS I KNOW OF . Q. EXCEPT THOSE IN AUTHORITY? A. YES, SIR. Q. IF YOU BEING ABOUT THE THIRD MAN IN POSITION , COULD NOT ~~H~~DISOBEY AUTHORITY, HAD YOU THE RIGHT TO GIVE DIRE~~V~~CTIONS TO THOSE UNDER YOU IN ANYTHING? A. ONLY IN SMALL TEMPORAL AFFAIRS. Q. KILLING A FEW PEOPLE OF THAT KIND WAS A TEMPORAL MATTER WITH YO~~U~~? A. NO, SI~~T~~**R**, I HAD TO. Q. WHO WERE THE AUTHORITIES THAT YOU	YOUR OWN LIFE YES OF COURSE IT WAS MY RIGHT. HOW WAS IT WITH OTHER PEOPLE THERE THE SAME WAY AS FAR AS I ~~KNOW OF~~ KNEW [*space*] EXCEPT THOSE IN AUTHORITY YES SIR IF YOU BEING ABOUT THE 3RD MAN IN POSITION COULD NOT DISOBEY AUTHORITY HAD YOU THE RIGHT TO GIVE DIRECTION TO THOSE UNDER YOU IN ANYTHING ONLY IN SMALL TEMPORAL AFFAIRS ~ KILLING A FEW PEOPLE OF THAT KIND WAS NOT A TEMPORAL MATTER WITH YOU NO SIR NOT AT ALL [*space*] WHO WERE THE AUTHORITIES THAT YOU

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Random RT	RT	RS	BT	PS
CLAIMED YOU HAD TO OBEY ? A. HAIGHT AND HIS COUNCIL .JOHN . M .HIGBEE .AND ELIAS MORRIS . Q. MORRIS OCCUPIED A DOUBLE POSITION AS YOUR COUNCIL - AND COUNCIL TO HAIGHT . A. ELIAS.MORRIS WAS A SON OF OLD MORRIS ANS COUNCILOR TO HAIGHT . Q. YOU SAY YOU WAS AFRAID OF YOUR LIFE, IF YOU DISOBEYED . IF YOU WAS AFRAID TO ≤OBEY≥ OBEY ORDERS, WHAT REASON			CLAIMED YOU HAD TO OBEY? A. HAIGHT. [62] Q. HAIGHT WAS THE MAN? A. YES, AND HIS COUN~~SE~~**CI**L. Q. WHOM WERE HIS COUN~~SE~~**CI**L? A. JOHN M. HIGBEE AND ELIAS MORRIS. ELIAS MORRIS WAS THE SON OF OLD MAN MORRIS THAT WAS MY COUNSEL .[146] Q. YOU SAY THAT YOU WAS AFRAID ~~Y~~OF YOUR LIFE IF YOU REFUSED TO OBEY ORDERS—IT IS RATHER A PECULIAR ANSWER. I ASKED YOU WHAT REASON	CLAIM YOU HAD TO OBEY HAIGHT [*space*] HAIGHT WAS THE MAN YES AND HIS COUNSELORS WHO WERE HIS COUNSELORS JOHN M HIGBEE AND ELIAS MORRIS ~~THEN ELIAS MORRIS~~ ~ ELIAS MORRIS WAS THE SON OF OLD MAN MORRIS $_{A}$THAT WAS MY COUNSELOR [*space*] YOU SAY THAT YOU WAS AFRAID OF YOUR LIFE IF YOU REFUSED TO OBEY ORDERS ~ IT IS RATHER A PECULIAR ANSWER I ASKED ABOUT WHAT REASON

146. John Morris.

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Random RT	RT	RS	BT	PS
HAD YOU TO FORM SUCH AN OPINION? A. IT WAS A LONG AQUAINTANCE , AND THINGS I HAD HEARD VARIOUS WAYS. Q. DID YOUR PERSONAL OF THESE MATTERS ENABLE YOU TO FORM A MORE CORRECT OPINION ON THAT SUBJECT ? A. I HAD NO PERSONAL KNOWLEDGE OF ANYBODYS PUTTING AWAY ANYTHING OF			YOU HAD TO FORM SUCH AN OPINION. DID YOU FORM ~~YO~~ THAT OPINION FROM THE LONG ACQUAINTANCE WITH THE O~~F THE COUNTRY~~ INSTITUTIONS OF THE COUNTRY AND THE MANNER OF ENFORCING DISCIPLIN**E**. A. IT WAS WITH THE LONG ACQUAINTANCE WITH THINGS I HAD HERE IN VARIOUS WAYS. Q. DID YOUR PERSONAL KNOWLEDGE OF THESE MATTERS ~~I~~**E**NABLE YOU TO FORM A MORE AC**C**URATE IDEA OF THE MANNER OF INFORCING DISCIPLIN**E**? A. I HAD NO PARTICULAR PERSONAL KNOWLEDGE OF ANY BODYS BEING PUT OUT OF THE WAY OR ANYTHING OF	YOU HAD TO FORM SUCH AN OPINION ~ DID YOU FORM THAT OPINION FROM YOUR *[[30]]* LONG ACQUAINTANCE WITH THE INSTITUTIONS OF THE COUNTRY AND THE VIOLENT MANNER OF ENFORCING DISCIPLINE [*space*] IT WAS OF LONG ACQUAINTANCE OF THINGS I HAD HEARD IN VARIOUS WAYS. [*space*] DID YOUR PERSONAL KNOWLEDGE OF THOSE MATTERS ENABLE YOU TO FORM A MORE CORRECT IDEA OF THE MANNER OF ENFORCING DISCIPLINE [*space*] I HAD NO PARTICULAR PERSONAL KNOWLEDGE OF ANYBODY'S BEING PUT OUT OF THE WAY OR ANYTHING OF

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Random RT	RT	RS	BT	PS
THAT WAY . NEV R HAVE HAD. SEEN ONE MAN PUT AWAY I THOUGHT WAS DONE IN THAT MANNER - NOT IN THIS CUONTRY. *[26]* Q. WELL IN THIS COUNTRY? A. I SUPPOSE SO, IN THIS COUNTRY- I NEVER HAD HEARD OF THAT SORT BEING DONE- YES I HAD HEARD OF SUCH THINGS. Q. THEN YOU ACTED UPON THAT BELIEVE WHEN YOU SURRENDERED YOU MAN- HOOD AND TOOK PART IN THAT TRANSACTION? A. OF COURSE. Q. YOU SAY YOU HAD HEARD OF THINGS OF			THAT KIND. Q. YOU SAY YOU NEVER KNEW OF ANYTHING OF THAT KIND? A. I HAVE ~~H~~SEEN WHEN ONE MAN WAS PUT OUT OF THE WAY IN THAT MANNER BUT NOT **OUT HERE** IN THIS COUN~~R~~T**R**Y; I SAW A MAN DIE. Q. IN THIS COUNTRY YOU NEVER HAD HEARD OF SUCH A THING BEING DONE ? A. I HAD HEARD OF IT. Q. DO YOU BELIEVE IT? A. YES, SIR. Q . THEN YOU ACTED UPON THAT BELIEF WHEN YOU SURREN~~C~~DERED ~~UP~~ YOUR MANHOOD AND TOOK PART IN THIS TRANSACTION? A. YES, OF COURSE. Q. YOU SAY YOU HAD HEARD OF THI~~S~~NGS OF	THAT KIND [*space*] YOU NEVER DID <KNOW OF ANYTHING OF THAT KIND?> I HAVE SEEN WHEN —[?] ONE MAN WAS PUT OUT OF THE WAY IN THAT MANNER BUT NOT IN THIS COUNTRY I SAW A MAN DIE [*space*] IN THIS COUNTRY YOU NEVER HAD HEARD OF SUCH A THING BEING DONE I HAD HEARD OF IT DO YOU BELIEVE IT YES SIR THEN YOU ACTED UPON THAT BELIEF WHEN YOU SURRENDERED YOUR MANHOOD AND TOOK PART IN THIS TRANSACTION YES OF COURSE YOU SAY YOU HAD HEARD OF THINGS OF

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Random RT	RT	RS	BT	PS
THIS KIND BEING DONE; TELL ME SOME THING OF THIS? WHAT HAD YOU HEARD CONCERNING THE ACTION OF THE COUNCIL, THAT LED YOU TO BELIEVE THAT YOUR LIFE WAS IN DANGER? HAD YOU DISOBEYED THEIR INSTRUCTIONS? A. DONT KNOW I CAN'T REFER YOU TO ANY PARTICULAR THING; THAT WAS THE GENERAL RUMOR.			THIS KIND BEING DONE; TELL ME SOMETHING YOU HAD HEARD AND THE REASONS FOR ACTING THIS WAY; WHAT HAD YOU HEARD CONCERNING THE ACTION OF THE COUNSEL THAT LED Y~~O~~U *[63]* YOU TO BELIEVE THAT YOUR LIFE WAS IN DANGER IF YOU DISOBEYED INSTRUCTIONS? A. I DON'T KNOW AS I COULD REFER YOU TO ANY PARTICULAR THING. Q. THAT WAS THE GENERAL FEELING THAT PERVADED THE ATMOSPHERE? THE SAME AS THIS RUMOR~~,~~ **OR** THAT **OUGHT TO** ~~IT WOULD~~ BE DONE? A. THAT IS THE WAY OF IT MOSTLY.	THIS KIND BEING DONE, TELL ME SOMETHING YOU HAD HEARD AND REASONS FOR ~~ACTIONS ACTION~~ ACTING IN THIS WAY ~ WHAT HAD YOU HEARD CONCERNING THE ACTION OF THE COUNCIL THAT LED YOU TO BELIEVE THAT YOUR LIFE WAS IN DANGER IF YOU DISOBEYED THEIR INSTRUCTIONS I DON'T KNOW AS I COULD REFER YOU TO ANY PARTICULAR ~~ACT~~ THING. THAT WAS THE GENERAL FEELING ~~OF FEAR~~ THAT PERVADED THE ATMOSPHERE THE SAME AS THIS RUMOR ON WHAT SHOULD BE DONE ~~A~~THAT WAS THE WAY OF IT MOSTLY

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Random RT	RT	RS	BT	PS
Q. YOU SAY YOU HAD BEEN BISHOP THERE FOR SIX YEARS? AND HAD HEARD OF PEOPLE PUT OUT OF THE WAY? BUT NEVER EHARD OF ANY AUTHORITY BEING PUT OUT OF THE WAYBY COUNSEL?			Q. YOU SAY YOU HAD BEEN BISHOP THERE FOR SIX YEARS; HAD HEARD OF MEN BEING PUT OUT OF THE WAY BY THE ORDER OF THE COUNSEL? A. NEVER BY ORDER OF ~~THE~~ COUNSEL. Q. DO YOU SAY YOU KNEW OF ANY MEMBER OF THE COUNSEL ACTING AGAINST THE INSTITUTIONS OF THE CHURCH OR MILITARY?	YOU SAY YOU HAD BEEN BISHOP THERE FOR 6 YEARS HAD HEARD OF MEN BEING PUT OUT OF THE WAY BY ORDER OF COUNCIL NEVER BY ORDER OF COUNCIL ~~DID~~ DO *YOU SAY*[?] KNEW A MEMBER OF THE COUNCIL *HAD*[?] ACTING AGAINST THE INSTITUTIONS OF CHURCH OR MILITARY
I DIDNT AT CEDAR; AROUND CEDAR I HAVE HEARD OF MEN'S BEING PUT OUT OF THE WAY, ONE I SAW PUT OUT OF THE WAY- I MEAN BEING KILLED;			A. NOT AT CEDAR. ~~A~~Q. AROUND CEDAR IN SOUTHERN UTAH? **(NO ANSWER)** ~~A I DON'T~~	NOT AT CEDAR AROUND CEDAR IN SOUTHERN UTAH [*space*] —/*WHERE*[?] YOU *SAY/SAW*[?] *PUT*[?] WAY *YOU*[?] MAN KILLED[147] [*space*]
I HEARD OF RUFUS ANDERSON, BEING PUT OUT OF THE WAY, ;			Q. DID YOU EVER HEAR OF RASMUS ANDERSON BEING PUT OUT OF THE WAY? A.	DID YOU EVER HEAR OF RASMUS ANDERSON BEING PUT OUT OF THE WAY

147. The phrase "AROUND CEDAR IN SOUTHERN UTAH" and the phrase "—/WHEN[?] YOU SEE PUT WAY YOU MAN KILLED" are both circled.

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Random RT	RT	RS	BT	PS
I BELIEVE HE HAD BEEN FOULLY DEALT WITH. Q. FOR WHAT PARTICULAR REASON WAS HE PUT OUT OF THE WAY? A. HE WASN'T OPPOSED TO THE AUTHORITIES. Q. WAS IT BECAUSE HE DIDN'T FOLLOW COUNSEL, AND OBEY THE ORDERS AS ~~WSA~~ <**WAS**> GIVEN ? A. NOT PARTICULARLY FOR THAT. Q. WHAT PARTICULAR REASON THEN? *[27]* A. IT WAS FOR ADULTERY - I BELIEVE. TTHAT IS ALL I KNOW ABOUT IT. ONE OF THE ORDERS			I DID. Q. DID YOU UNDERSTAND THAT HE ~~D~~HAD BEEN FOULLY DELT WITH? A. YES, SIR, I BELIEVE HE WAS PUT OUT OF THE WAY. Q. FOR WHAT REASON? BECAUE HE WAS OPPOSED TO THE PRINCI~~L~~PLES? A. NO, SIR, HE WAS NOT OPPOSED TO THE PRINCIPLES. Q. WAS IT BECAUSE HE DIDN'T OBEY THE ORDERS GIVEN? A. NOT PARTICULARLY FOR THAT. ~~Q~~Q. WHAT PARTICULAR REASON THEN WAS IT FOR? A. ADULTERY**,** I BELIEVE~~. Q.~~ THEN ~~WHEN~~ **ONE** **OF** THE ORDERS	I DID DID YOU UNDERSTAND THAT HE HAD BEEN FOULLY DEALT WITH YES SIR I BELIEVE HE WAS PUT OUT OF THE WAY [*space*] FOR WHAT REASON ~ BECAUSE HE WAS OPPOSED TO THE PRINCIPLES NO SIR HE WAS NOT OPPOSED TO THE PRINCIPLES WAS IT BECAUSE HE DIDN'T OBEY THE ORDERS GIVEN NOT PARTICULARLY FOR THAT ~~<.>~~ *[[31]]* WHAT PARTICULAR REASON THEN ~~IT WAS~~ WAS IT FOR [*space*] ADULTERY I BELIEVE [*space*] THEN ONE OF THE ORDERS

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Random RT	RT	RS	BT	PS
OF THE PRESIDENT OR PRIESTHOOD WAS THAT CRIME SHOULD NOT BE -- IT WAS FOR THIS VIOLATION THAT HE WAS PUT OUT OF THE WAY; I BELIEVED IT . Q. DO YOU KNOW OF OTHER PARTIES THAT YOU HAD REASON TO BELEIVE HAD BEEN PUT OUT OF THE WAY? A. I HEARD OF SOME OTHER PARTIES, ONLY HEARD BY RUMOR. Q. IF FROM RUMORS HAD YOU HEARD OF OTHER PARTIES THAT HAD BEEN FOULLY DEALT WITH? A. THAT WAS RUMOR.			OF THE PRIESTHOOD WAS THAT THAT CRIME SHOULD NOT BE COMMITTED? Q. THEN IT WAS FOR A VIOLATION OF THE CHURCH DISCIPLINE THA T HE WAS PUT OUT OF THE WAY— AND YOU BELIEVE IT? A. YES, SIR. *[64]* Q. DON'T YOU KNOW OF OTHER PARTIES YOU BELIEVE **HAVE** ~~HAD~~ BEEN PUT OUT OF THE WAY? A. YES, SIR, OF SOME OTHER PARTIES. Q. ~~C~~DID YOU BELIEVE THEY HAD BEEN FOULLY DEALT WITH , OR NOT? A. ONLY BY RUMOR. Q. WERE THE RUMORS SUFFICIE~~H~~NTLY ACURATE OF	OF THE PRIESTHOOD WAS THAT THAT CRIME SHOULD NOT BE COMMITTED THEN IT WAS FOR VIOLATION OF THE CHURCH DISCIPLINE THAT HE WAS PUT OUT OF THE WAY ~ YOU BELIEVE IT YES SIR [*space*] DON'T YOU KNOW OF OTHER PARTIES YOU BELIEVE HAD BEEN PUT OUT OF THE WAY I HEARD OF SOME OTHER PARTIES DID YOU BELIEVE THAT THEY HAD BEEN FOULLY DEALT WITH OR NOT $_{A}$ONLY BY RUMOR WERE THE RUMORS SUFFICIENTLY ACCURATE OF

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Random RT	RT	RS	BT	PS
Q. YOU | SAY THAT YOU HEARD OF RASMUS ANDERSON, BEING PUT OUT OF THE WAY, DO YOU NOT KNOW HE WAS MURDERED OR KILLED BY AUTHORITY, AT OR NEAR CEDAR CITY, ? I KNOW OF NO SUCH ORDERS			DETAIL AS TO ENABLE YOU TO FORM AN OPINION AS TO WHETHER THEY HAD OR HAD NOT BEEN FOULLY DEALT WITH? A. THERE WA S THREE OTHER MEN SAID TO HAVE BEEN PUT OUT OF THE WAY WHEN I WAS AT SALT LAKE, THAT I DIDN'T KNOW ANYTHING ABOUT. Q. YOU HEARD THAT RASMUS ANDERSON WAS PUT OUT OF THE WAY; DO YOU KNOW OF YOUR OWN KNOWLEDGE— OF YOUR OWN PERSONAL KNOWLEDGE— THAT HE WAS KILLED BY THE ORDER OF THE AUTHORITIES AT OR NEAR CEDAR CITY? A. I HEARD NO SUCH ORDERS	DETAIL AS TO ENABLE TO [*space*] FORM AN OPINION AS TO WHETHER THEY HAD OR HAD NOT BEEN FOULLY DEALT WITH? THERE WAS 3 OTHER MEN SAID TO BE PUT OUT OF THE WAY WHEN I WAS AT SALT LAKE THAT I DIDN'T KNOW ANYTHING ABOUT [*space*] YOU HEARD ~~THIS~~ THAT RASMUS ANDERSON WAS PUT OUT OF THE WAY ~ DO YOU KNOW ANYTHING OF YOUR OWN PERSONAL KNOWLEDGE THAT HE WAS KILLED BY ORDER OF THE AUTHORITIES AT OR NEAR CEDAR CITY I HEARD NO SUCH ORDERS

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Random RT	RT	RS	BT	PS
GIVEN AS TO HIS BEING KILLED, I DONT KNOW OF ORDERS FOR HIM TO BE KILLED, I DONT KNOW HOW HE WAS KILLED, Q. DONT YOU KNOW OF YOUR OWN KNOWLEDGE THAT HIS THROAT WAS CUT, AND HIS BODY THROWN INTO A HOLE THAT HAD BEEN DUG BEFORE IT, AND DIDNT YOU SEE IT ALL DONE? A. I DID NOT. BY BASKIN. I DO NOT SEE THE NECESSITY OF THIS EVIDENCE, ETC' BY BISHOP. HERE WE HAVE DEVELOPED A STAPECUEIARFA ORSND WITH THE WIT-NESS,			GIVEN TO ANY MAN THAT KILLED HIM. Q. DO YOU NOT KNOW HOW HE WAS KILLED? A. NO, SIR. DON'T YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE THAT HIS GRANVE WAS DUG AND HIS THROAT CUT UPON THE BANK , AND THE BODY THROWN IN AND DID YOU NOT SEE IT DONE? A. I DID NOT. **M^{R}.** BASKIN: I OBJECT TO THE QUESTION AS NOT CROSS - EXAMINATION. **M^{R}** BISHOP: IF YOUR HONOR	GIVEN TO ANY MAN THAT KILLED HIM DO YOU KNOW ~~NOT~~ ~ HOW HE WAS KILLED NO SIR DON'T YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE THAT HIS ~~GRAVE~~ GRAVE WAS ~~CUT~~ DUG AND THROAT ~~CUT~~ CUT UPON THE BANK AND THE BODY THROWN IN I DON'T ~~≤~~AND DID YOU NOT SEE IT DONE~~≥~~ [*space*] BASKIN OBJECTED TO ~~≤~~*MATERIAL/IMMATERIAL*[?]~~≥~~ IS NOT IN CROSS-EXAMINATION [*space*] ~~≤~~—[?]~~≥~~ ~~IF YOUR HONOR~~

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Random RT	RT	RS	BT	PS
A MAN WHO ACKNOWLEDGES HE IS THE SECOND MAN IN AUTHORITY AND IN THE NEIGHBORHOOD, NOT FEARFUL OF AUTHORITY BETWEEN HIM AND ANY OTHER MAN, THAT HE STAINS HIS OWN HANDS WITH MURDER, STANDS SILENTLY BY – AND SEES A MURDER COMMITTED- THE LIKE OF WHICH HAS NEVER BEFORE DISGRACED THE ANNALS OF			PLEASE, I DISAGREE WITH THE GENTLEMAN. I CONSIDER THAT IT THROWNS GREAT LIGHT ON THE INTENTION AND THE COMMISSION OF THE CRIME. HERE WE HAVE A PECULIAR STATE OF AFFAIRS; A MAN THAT ACKNOWLEDGES THAT HE IS THE SECOND MAN IN AUTHORITY IN THE NEIGHBORHOOD AND WAS COMPELLED TO STAIN HIS HANDS FOR FEAR OF HIS OWN LIFE. HE STAINED HIS OWN HANDS WITH MURDER AND STANDS A CSILENTLY BY AND WITNESSES A MURDER	~~PLEASE I DISAGREE WITH THE GENTLEMAN I CONSIDER THAT IT THROWS GREAT LIGHT ON THE COMMISSION OF THE CRIME HERE WE HAVE A PECULIAR STATE OF AFFAIRS A MAN THAT ACKNOWLEDGES THAT HE IS THE SECOND MAN IN THE NEIGHBORHOOD WHO WAS FEARFUL TO DO~~ [*space*] STAINS HIS OWN HANDS WITH MURDER AND STANDS SILENTLY BY AND WITNESSES A MASSACRE [*space*]

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Random RT	RT	RS	BT	PS
HUMANITY. STANDS SILENTLY BY, BECAUSE HE IS AFRAID OF HIS OWN LIFE, I CLAIM TO HAVE THE RIGHT TO THIS CHARACTER OF EVIDENCE | AS INTRODUCED, AND WE PROPOSE TO FOLLOW *[28]* IT UPAND SHOW THE METHODS OF A NUMBER OF PARTIES AS WELL AS SILENT ACTORS IN THE TRANSACTION. I HAVE THE RIGHT TO PROBE THIS MANS MIND TO THE UTMOST, AND FIND OUT ALL ABOUT THE ACT WHY HE DID <**THE**> ACT. HE			SIMPLY BECAUSE HE IS AFRAID OF HIS OWN LIFE. I CLAIM THAT I HA~~F~~VE THE RIGHT IN ACCORDAN~~C~~E *[65]* WITH THE STATEMENTS AND ~~T~~UNDER THE STATUTES OF THE UNITED STATES TO F~~E~~U~~U~~LLY FOLLOW THIS UP AND SHOW THE MOTIVES ~~A~~THAT ACTUATED THE PRINCI~~PLLE~~**PAL** PARTIES AS WELL AS THE ACTORS IN THAT TRANSACTION**;** THAT I HAVE THE RIGHT TO PROBE THIS MAN'S MIND TO THE UTMOST AND FIND WH~~U~~Y HE ~~HAD~~ DID ACT FROM A SEN~~C~~**S**E OF FE~~Z~~AR AND GUILTY INTENTIONS. THAT IS MY MOTIVE. HE	SIMPLY ~~BECAUSE~~ AFRAID OF HIS OWN LIFE. I CLAIM THAT I HAVE THE RIGHT IN ACCORDANCE WITH THE STATEMENTS AND UNDER THE STATEMENTS OF THE UNITED STATES —[?] TO FULLY FOLLOW THIS THING UP AND SHOW THE MOTIVES THAT ACTUATED THE PRINCIPAL PARTIES AS WELL AS ACTORS IN THAT TRANSACTION. THAT I HAVE A RIGHT TO PROBE THIS MAN'S MIND TO THE UTMOST FIND WHETHER HE DID ACT FROM A SENSE OF FEAR OR GUILTY INTENTION; THAT IS MY MOTIVE. HE IS

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Random RT	RT	RS	BT	PS
IS NOT OCCUPYING THE POSITION OF A SUBORDINATE? HE IS A MAN THAT IS USED TO GIVING COMMANDO THAT PEOPLE, FOR YEARS – WHOSE ADVICE WOULD BE FOLLOWEDBY THOSE UNDER HIM, IN ALL TEMPORAL MATTERS AND AFFAIRS, AND HIST ORDERS WHEN DISOBEYED – MEANT DEATHTO THE MAN OR MEN WHO DID SO. WE WISH TO KNOW HOW IT WAS HE CAME TO THIS			WAS NOT OCCUPYING A POSITION OF A SUBORDINATE ;HE IS A MAN THAT IS USED TO GIVING COMMANDS TO THAT PEOPLE OFFICIALLY; A MAN WHOSE ADVICE WOULD BE FOLLOWED BY THOSE U NDER HIM UPON ALL TEMPORAL AFFAIRS, AND THAT HIS ORDERS WHEN DISOBEYED MENT DEATH, AND THE MAN THAT DARED TO RAISE MANHOOD SUFFICIENT TO DENY THAT SMITH HAD THE RIGHT TO GIVE THE ORDER. THAT BEING SO, SIR, THEN WE HAVE THE RIGHT TO KNOW HOW IT WAS THAT HE CAME TO THIS	NOT OCCUPYING A POSITION OF SUBORDINATE HE IS A MAN THAT IS USED *[[32]]*[148] ~~TO GIVING COMMANDS TO THAT PEOPLE~~ *~~OFFICIALLY~~* ~~A MAN WHOSE ADVICE WOULD BE FOLLOWED BY THOSE UNDER HIM UPON ALL TEMPORAL~~ ~~AFFAIRS AND THAT HIS ORDERS WHEN DISOBEYED MEANT DEATH TO THE MAN THAT DARED TO RAISE MANHOOD SUFFICIENTLY TO DENY THAT SMITH HAD THE RIGHT TO GIVE THE ORDER~~ [*space*] ~~THAT BEING SO SIR THEN WE HAVE THE RIGHT TO KNOW HOW IT WAS THAT HE CAME TO THIS~~

148. The verso of page 32 has a large *.

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Random RT	RT	RS	BT	PS
CONCLUS<**I**>ON; AND WHAT CIRCUMSTANCES LED HIM TO BELIEVE THAT HIS LIFE WAS IN DANGER.. THERE MUST HAVE BEEN A PECULIAR STATE OF AFFARS EXISTING IN <**T**>HE COMMUNITY <,> WHEN THE SECOND MAN IN ~~THE~~ AUTHORITY IS AFRAID OF HIS LIFE'. IT IS SOMETHING THAT AMERICAN PEOPLE CANNOT UNERSTAND , TILL AFTER THEY HAVE TESIMONY UPON IT. YET RATHER THAN CONSUME TIME - I WILL WITHDRAW THE QUESTION. Q. DONT YOU KNOW OF YOUR PERSONAL KNOWLE DGE , .OF HIS GRAVE BEING BUG THERE, HIS THROAT CUT - AND HIS BODY THROWN IN -			CO~~M~~NCLUSION THAT CIRCUMSTANCES LED HIM TO BELIEVE THAT HIS LIFE WAS IN DANGER. THERE MUST BE A PECULIA~~L~~R STATE OF AFFAIRS IN THE COMMUNITY WHEN THE SECOND MAN IN AUTHORITY IS AFRAIDD OF HIS LIFE, AND SOMETHING THAT THE ~~M~~AMERICAN PEOPLE CANNOT UNDERSTAND. ARGUED AT LENGTH BY COUNSEL ON BOTH~~E~~ SIDES AFTER WHICH THE OBJECTI~~O~~N WAS WITHDRAWN.	~~CONCLUSION THAT AFFIARS CIRCUMSTANCES LED HIM TO BELIEVE THAT HIS LIFE WAS IN DANGER THERE MUST BE A PECULIAR STATE OF AFFAIRS IN THE COMMUNITY WHEN THE SECOND MAN IN AUTHORITY IS AFRAID OF HIS LIFE SOMETHING THAT AMERICAN PEOPLE CANNOT UNDERSTAND *AT ALL*~~ IF THE TESTIMONY [*space*] OBJECTION WITHDRAWN *OBJECTED*[?] THEN SOME TIME [*space*]

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Random RT	RT	RS	BT	PS
AND DID YOU NOT STAND BY AND SEE IT DONE, --- WITNESS INTERRUPTING COUNSEL A. I DID NOT. Q. HAD YOU ANY OTHER REASONS THAN FEAR OF DISOBEYING COUNSEL OF YOUR LEADER | FOR PARTICIPATING IN THAT TRANSACTION AT THE MOUNTAIN MEADOW ? A. NO SIR. Q. YOU HAVE STATED THAT YOU KNEW RASMUS ANDERSON,AND YOU BELIEVED HE WAS PUT OUT OF THE WAY BECAUSE			Q. HAD YOU ANY OTHER REASONS THAN FEAR OF DISOBEYING ~~COUN~~COUNCIL FOR JOINING IN THAT TRANSACTION— HAD YOU ANY OTHER REASONS THAN T~~HE~~**HE** REASON THAT YOU FEARED TO DISOBEY **THE** COUNCIL OF YOUR LEADERS ~~FOR~~ **IN** PARTICIPATING IN THAT TRANSACTION AT THE MOUNTAIN MEADOWS . A. NO, SIR. Q. YOU SAI**D** THAT YOU KNEW RASMUS ANDERSON? A. YES, SIR. Q. DID YOU BELIEVE HE WAS PUT OUT OF THE WAY BECAUSE	HAD YOU ANY OTHER REASONS THAN THE FEAR OF DISOBEYING COUNCIL FOR JOINING IN THAT TRANSACTION ~~?~~ HAD YOU ANY OTHER REASONS THAN THE REASON THAT YOU FEARED TO DISOBEY COUNCIL OF YOUR LEADERS FOR PARTICIPATING IN THAT TRANSACTION AT THE MOUNTAIN MEADOWS NO SIR YOU HAVE STATED THAT YOU KNEW RASMUS ANDERSON YES SIR THAT YOU BELIEVE HE WAS PUT OUT OF THE WAY BECAUSE

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Random RT	RT	RS	BT	PS
HE WAS CHARGED AS HAVING COMMITED *[29]* ADULTERY, DID YOU NOT ACCOMPANY THOSE THAT WENT TO TAKE HIM OUT FOR EXECUTION . AND GO TO HIS HOUSE - AND IN PERSON IN THE DARKNESS OF THE NIGHT ------ BY BASKIN. I SHALL HAVE TO OBJECT, FOR			HE WAS CHARGED WITH HAVING COMMITTED ADULTERY? A. YES~~?~~, SIR. *[66]* Q. DID YOU NOT ACCOMPANY THOSE THAT WENT TO TAKE HIM OUT FOR EXECUTION~~?~~ —— ~~———~~ A. — NO , SIR. Q. — GO TO HIS HOUSE AND IN PERSON IN THE DARKNESS OF THE NIGHT, TAKE THIS MAN FROM HIS HOUSE**,** ~~AND~~ ACCOMPANY THE PARTY T~~H~~A T H**A**D BEEN ORDERED TO EXECUTE HIM**,** — GO WITH **THEM** ~~HIM~~ TO THE SCEN~~T~~**E** OF THE EXECUTION AND ASSIST IN HIS EXECUTION BECAUSE ~~T~~OF THE WRONG YOU BELIEVED HE HAD DONE TO YOUR FAMILY? A. I ANSWER, NO. ~~OBJECTED TO~~ **M**[R] BASKIN: WE OBJECT TO THE	HE WAS CHARGED WITH HAVING COMMITTED ADULTERY YES SIR DID YOU NOT ACCOMPANY THOSE THAT WENT TO TAKE HIM OUT FOR EXECUTION ~ ~~NO~~ ~~SIR~~ GO TO HIS HOUSE AND IN PERSON IN THE DARKNESS OF THE NIGHT ~~OBJECTED~~ TAKE THIS MAN FROM HIS HOUSE ACCOMPANY THE PARTY THAT HAD BEEN ORDERED TO EXECUTE HIM GO WITH THEM TO THE SCENE OF EXECUTION AND ASSIST IN HIS EXECUTION BECAUSE OF THE WRONG THAT YOU BELIEVED HE HAD DONE TO YOUR FAMILY? I ANSWER NO OBJECTED TO

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Random RT	RT	RS	BT	PS
ANOTHER CAUSE AND GET THE QUESTION DOWN . IF IT IS TRUE AS COUNSEL SAYS,-- THEY TAKE THIS MAN FROM HIS HOUSE AND ACCOMPANY HIM UP THERE - THAT IT HAD BEEN ORDERED TO EXECUTE HIM - TO GO WITH THEM TO THE SCENE OF THE EXECUTION, AND ASSIST IN HIS EXECUTION. . . . . .I ANSWER NO' BY THE COURT. ATTORNEYS CANNOT PLEAD THAT THEYDO NOT KNOW THAT IT IS A VIOLATION OF ALL THE RULES OF EVIDENCE . IT IS A WELL KNOWN RULE THATAN AUTHORITY HAS NO RIGHT TO OBTAIN IND<I>RECTLY, WHAT HE HAS THE RIGHT TO OBTAIN DIRECTLY, THAT IS			QUESTION.	

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Random RT	RT	RS	BT	PS
SUFFICIENT GROUND. THE MOTION IS SUSTAINED. BY BISHOP. WHERE A WITNESS COMES AS THIS WITNESS DOES, AND VOLUN-TEERS TO GIVE US A PORTION OF A TRANSACTION, THEN EVERYTHING CONNECTED THEREWITH HE CAN BE FORCED TO ANSWER IT ,AND I WISH THIS EVIDENCE FOR THE PURPOSE OF IMPEACHMENT. BY BASKIN. IF THEY HAVE THE RIGHT TO PROVE THESE FACTS, THEN IN RE-BUTTAL WE HAVE THE~~R~~ RIGHT TO GO INTO THE WHOLE QUESTION, AND THEN THIS TRIAL WOULD NEVER END. BY THE			IF THEY HAVE THE RIGHT TO PROVE THESE FACTS , WHY, THEN WE WOULD HAVE THE RIGHT TO GO INTO THE WHOLE QU**E**STION AND THE RIGHT TO GO INTO **THE** ~~ANY OTHER~~ **ENTIRE** HOMICIDE AND THE TRIAL WOULD NEVER END.	~~IF HE~~ IF THEY HAVE THE RIGHT TO PROVE THESE FACTS WHY THEN IN REBUTTAL WE WOULD HAVE THE RIGHT TO GO INTO THE WHOLE QUESTION AND THE RIGHT TO GO INTO THE ENTIRE HOMICIDE AND THE TRIAL WOULD NEVER END.

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Random RT	RT	RS	BT	PS
COURT. WHEN HE VIOLATES THE RULE. BY HOGE. DOES THAT RULE APPLY YOUR HONOR, TO THE WITNESS ON THE STAND? AND WHO HAS CONFESSED HIS OWN GUILT ? HE IS NOT BOUND TO ANSWER ANYTHING TO CRIMINATE HIMSELF ? COURT RULED. THE OBJECTION IS SUSTAINED.			OBJECTION SUSTAINED.	OBJECTION SUSTAINED [*space*] ~~I UNDERSAND THE OF LAW IF THE INTENT ANSWER QUESTIONS OR IF HE ANSWERS ONE QUESTION~~
[30] Q. YOU SAY MR. SMITH, THAT MR HAIGHT, TOLD YOU ORDERS HAD BEEN GIVEN AT PROOWAN. THAT THE EM<I>GRANTS SHOULD BE DECOYED, FROM THIER STRONG-HOLD AND ALL OF THEM KILLED			Q. YOU SAY THAT MR. HAIGHT TOLD YOU THAT ORDERS HAD BEEN GIVEN AT PAROWAN THAT THE EMIGRANTS SHOUL~~E~~D BE DECOYED FROM THEIR STRONGHOLD AND ALL OF THEM KILLED	[*space*] YOU SAY THAT MR. HAIGHT TOLD YOU THAT ORDERS HAD BEEN GIVEN AT PAROWAN THAT THE EMIGRANTS SHOULD BE DECOYED FROM THEIR STRONGHOLD AND ALL OF THEM KILLED

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Random RT	RT	RS	BT	PS
~~EXCEPY~~ EXCEPT ALL WHICH WOULD BE TOO SMALL TO GIVE TESTIMONY ? DID MR HIGHT, INFORM YOU WHO HAD BEEN PRESENT AT THE COUNCIL AT PAROWAN, WHEN THIS DECISION WAS RENDERED ? A. I UNDERSTOOD HIM FROM COLONEL DAME. Q. DID HE STATE WHO, HAD BEEN PRESENT AT THE COUNCIL?OR IN THE COUNCIL WHEN THESE ORDERS WERE GIVEN OR NOT ? A. HE DID NOT. Q. DID YOU SEE ANY ORDERS IN WRITING TO THAT EFFECT? A. HE DID NOT. Q. DID YOU SEE ANY ORDERS IN WRITING TO THAT EFFECT?			EXCEPT THEIR CHILDREN THAT WOULD BE TOO SMALL TO GIVE TESTIMONY**,—** **D~~D~~**ID MR/ HAIGHT INFORM YOU **~~THAT~~ HE** HAD BEEN PRESENT AT THE COUNCIL AT PAROWAN WHEN THIS DECISION WAS RENDERED? A. I UNDERSTOOD THAT HE GOT IT FROM DAME , WHO WAS THE COLONEL. Q. DID HE STATE WHO HAD BEEN PRESENT IN THE COUNCIL WHEN THESE ORRERS WERE GIVEN OR NOT? A. HE DIDN'T . Q. DID YOU SEE ANY ORDERS IN WRITING TO THAT EFFECT? A. I DIDN'T Q. DID YOU EVER SEE ANY WRITTEN ORDERS CONCERNING THAT MATTER?	EXCEPT THE CHILDREN THAT WOULD BE TOO SMALL TO GIVE TESTIMONY ~ DID MR HAIGHT INFORM YOU WHO HAD BEEN PRESENT AT THE COUNCIL AT PAROWAN WHEN THIS DECISION WAS RENDERED? I UNDERSTOOD HIM THAT HE GOT IT *[[33]]* FROM DAME WHO WAS THE COLONEL. [*space*] DID HE STATE WHO HAD BEEN PRESENT IN THE COUNCIL WHEN THESE ORDERS WERE GIVEN OR NOT? HE DIDN'T DID YOU SEE ANY ORDERS IN WRITING TO THAT EFFECT I DIDN'T DID YOU EVER SEE ANY WRITTEN ORDERS CONCERNING THAT MATTER

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Random RT	RT	RS	BT	PS
A. I DID NOT. Q. HOW LONG AFTER YOU HAD THIS CONVERSATION WITH HAIGHT, WAS IT BEFOR E YOU SAW HIM AGAIN? A. I THINK IT WAS - - WHEN WE WENT OUT THAT DAY - NEXT DAY THE SLAUGHTER TOOK PLACE, - NEXT DAY IN THE EVENING, I SAW HIM . Q. DO YOU MEAN THE EVENING OF THE DAY OF THE SLAUGHTER OF THE EVEN-ING AFTER ? A. IT WAS THE EVENING AFTER AT HAMBLINS RANCHE. Q. HOW DID YOU COME TO GO TO THE			A. I DID NOT. Q. HOW LONG AFTER YOU HAD THIS CONVERSTAION WITH HAIGHT WAS IT BEF~~O~~R**E** YOU SAW HIM AGAIN? *[67]* A. I THINK WE WENT **OU**T THAT DAY, AND NEXT D~~S~~**A**Y THE SLAUGHTER TOOK PLACE; AND THE NEXT DAY ~~OF THE~~ **AFTER OF THE** EVENING ~~AFTER~~ **OF** THE SLAUGHTER ~~**THERE**~~. **HE GOT THERE** Q. YOU MEAN THE EVENING OF THE DAY OF THE SLAUGHTER O~~T~~R THE EVENING OF THE DAY AFTER IT? A. THE EVENING OF IT/ Q. YOU SAW HIM THAT SAME NIGHT? A. YES, SIR, AT HAMBLINS RANCH. Q. HOW DID YOU COME TO GO TO THE SCENE OF	I DID NOT HOW LONG AFTER YOU HAD THIS CONVERSATION WITH HAIGHT WAS IT BEFORE YOU SAW HIM AGAIN? I THINK ~~IT WAS BEFORE~~ WE WENT OUT THAT DAY AND NEXT DAY SLAUGHTER TOOK PLACE AND NEXT DAY IN THE EVENING AFTER THE SLAUGHTER HE CAME THERE [*space*] ~~THAT WAS THE~~ DO YOU MEAN THE EVENING OF THE DAY OF THE SLAUGHTER OR EVENING OF THE DAY AFTER IT [*space*] THE EVENING OF IT YOU SAW HIM THAT SAME NIGHT YES SIR AT HAMBLIN'S RANCH $_{Q}$HOW DID YOU COME TO GO TO THE SCENE OF

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Random RT	RT	RS	BT	PS
SLAUGHTER-- TO THAT FEARFUL SCENE, BY WHOSE DIRECTIONS ? ~~Q.~~ Q. BY MR ALLENS AND ~~JOHNSAND~~ JOHN M HIGBEES, Q. DID YOU RECEIVE ORDERS FROM MR LEE, TO GO TO THE SLAUGHTER ? A. NO SIR. JOHN M HIGBEE, GAVE ME THEM ORDERS AT CEDAR CITY. *[31]* Q. WHY DID YOU SAY THAT YOU LEFT CEDAR CITY , AND WENT TO THE MOUNT-MEADOWS, BY THE ORDER OF JOHN D, LEE ? A. I DIDNT SAY SO. Q. I ASK<**ED**> YOU THE QUESTION , BY WHOSE ORDERS DID YOU LEAVE CEDAR CITY AND WENT TO THE SCENE OF			THE SLAUGHTER— ~~W~~BY WHOS**E** DIRECTIONS? A . BY MR. LEE'**S** AND JOHN M.HIGBEE' S. Q. DID YOU RECEIVE ORDERS FROM MR. LEE TO GO TO THE SLAUGHTER— TO LEAVE CEDAR CITY. A. NO, SIR, JOHN M.HIGBEE GAVE ME THOSE ORDERS. Q. WHY DID YOU SAY YOU LEFT CEDAR CITY AND WENT TO THE MOUNTAIN MEADOWS BY THE ORDER OF JOHN D. LEE? A. I DIDN'T STATE SO, DID I? ~~A~~**Q**. I ASK YOU BY WHOS**E** ORDERS**,**	THE SLAUGHTER; BY WHOSE DIRECTIONS BY MR. LEE'S AND JOHN M HIGBEE'S DID YOU RECEIVE ORDERS FROM MR. LEE TO GO TO THE SLAUGHTER TO LEAVE CEDAR CITY NO SIR J M HIGBEE GAVE ME THOSE ORDERS (ORDERS) [*space*] ~~WHY DID YOU~~ <WHY DID YOU> SAY YOU LEFT CEDAR CITY AND WENT TO MOUNTAIN MEADOWS BY ORDER OF JOHN D. LEE I DIDN'T STATE SO DID I [*space*] I ASK YOU BY WHOSE ORDERS

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Random RT	RT	RS	BT	PS
THE SKAAUGHTER, AND YOU SAID BY VIRTUE OF THE ORDERS OF JOHN D LEE AND JOHN M, HIGBEE ? A. JOHN M HIGBEE GAVE ME ORDERS LIKE THIS, WHEN I STEPPED UP TO WHERE HE WAS ARMING AND EQUIPPING HIMSELF, TO GO OUT THERE AS THE LAW DIRECTED, THAT TIME - THAT WAS A LITTLE IN THE FOREPART-- Q. WHAT DID YOU SAY? A. I ONDT KNOW AS I MANDE ANY REPLY, BUT I WOULD GO			YOU SAID~~?~~**,** BY LEE'S AND JOHNM.HIGBEE'S/ A. HIGBEE GAVE THE ORDER AT CEDAR CITY. HE GAVE ME ORDERS LIKE THIS~~?~~ WHEN I STEPPED UP TO WHERE HE WAS DOWN AT THE **O**LD FORT**: "**TO ARM AND AQUIP MYSELF AND GO OUT THERE AS THE LAW DIRECTED.**"** Q. WHAT TIME OF~~THE~~ DAY WA S THA T? A. THAT WAS IN THE FORE PART OF THE DAY, PROBABLY? Q. WHAT DID YOU SAY TO HIGBEE WHEN ~~TH~~ HE GAVE YOU THAT OR~~F~~DER? A. I DON'T THINK I MADE ANY REPLY. Q. WHAT DID YOU DO.? A.	YOU SAID ~~BY JOHN D. LEE'S ≤~~BY LEE'S AND JOHN M.HIGBEE~~>~~ **?** HIGBEE GAVE THE ORDERS AT CEDAR CITY. HE GAVE ME ORDERS LIKE THIS: WHEN I STEPPED UP WHERE HE WAS DOWN AT THE OLD FORT "TO ARM AND EQUIP MYSELF AND TO GO OUT THERE AS THE LAW DIRECTED" WHAT TIME OF DAY WAS THAT? THAT WAS PROBABLY IN THE FORE PART OF THE DAY. [*space*] WHAT DID YOU SAY TO HIGBEE WHEN HE GAVE YOU THAT ORDER I DON'T THINK I MADE ANY REPLY [*space*] WHAT DID YOU DO

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Random RT	RT	RS	BT	PS
AND DO AS I WAS TOLD, I WANTE<**D**> TO GET MY GUN AND AMMUNITION, AND I WENT. Q. WHO WENT WITH YOU ? A. I CANT RECOLLECT ALL, BUT QUITE A NUMBER, Q. WELL ABOUT HOW MANY ? A. TWO BAGGAGE WAGONS , SOME ON HORSEBACK, COULDNT TELL ABOUT THE NUMBER EXACTLY, ABOUT TWELVE OR FIFTEEN AS NEAR AS I CAN RECOLLECT. Q. WHO WAS IN COMMAND OF THAT BODY OF MEN ? A. JOHN M, HIGBEE. Q. WERE YOU <**A**> REGULARLY EN- ROLLED MEMBER OF			I WENT TO DO AS I WAS TOLD . Q. WHAT DID YOU DO THEN? A. I WENT AND GOT MY GUN AND AMUNITION AND WENT. *[68]* Q. WHO WENT WITH YOU? A. I COULD NOT RECOLLEC**T** ALL WHO WENT OUT AT THAT TIME ; THERE WAS A NUMBER . ~~A~~Q. ABOUT HOW MANY? A. THERE WAS TWO BAGGAGE WAGONS, AND SOM~~W~~E WAS ON HORSEBAC~~H~~K AND SOME ON THE WAGONS~~?~~. — PROBABLY TWELVE OR FIFTEEN. Q. WHO WAS IN COMMAND OF THAT BODY OF MEN? AA. HIGHEE. Q. WAS YOU A MEMBER OF THE REGULAR MILITARY?	I WENT TO DO AS I WAS TOLD [*space*] WHAT DID YOU DO THEN I WENT AND GOT MY GUN AND AMMUNITION AND WENT [*space*] WHO WENT WITH YOU I COULD NOT RECOLLECT ALL WHO WENT OUT AT THAT TIME THERE WAS A NUMBER ABOUT HOW MANY THERE WAS TWO BAGGAGE WAGONS AND SOME WAS ON HORSEBACK AND ~~I~~ SOME ON THE WAGONS BEEN PROBABLY *[[34]]* 12 OR 15 [*space*] WHO WAS IN COMMAND OF THAT BODY OF MEN HIGBEE [*space*] WAS YOU A MEMBER OF THE REGULAR MILITARY

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Random RT	RT	RS	BT	PS
THAT COMPANY ? A. I WAS A PRIVATE IN THE REGULAR MILITIA. Q. WHAT COMPANY DID YOU BELONG TO OR REGIMENT ? A. I COULD NOT HARDLY TELL YOU, IT WAS IN COMPANY OF TENS. Q. I MEAN A REGULAR MILITARY COMPANY, OF HUNDREDS THOUSANDS, OR SOMETHING OF THAT KIND ? *[32]* A. THEY WENT FROM TENS TO FIFTIES, AND FROM THAT TO ONE HUNDREDS, HAIGHT COMMANDED THAT COMPANY.			A. I WAS A PRIVATE. Q. WHAT COMPANY DID YOU BELONG TO, OR RIGIMENT OR DIVISION~~?~~**,** AT THE TIME YOU WENT OUT? A. I COULD NOT HARDLY TELL YOU. IT WAS IN COMPANIES OF TENS.[149] Q. I ME~~Q~~**A**N REGULAR COMPANIES— HUNDREDS OR WHATEVER IT WAS. A. THERE WERE FROM TENS TO FIFTIES AND FROM TH**A**T TO HUNDREDS Q. WHO COMMANDED THE HUNDRED THAT YOU BELONGED TO? A: HAIGHT COMMANDED THEM.	I WAS A PRIVATE WHAT COMPANY DID YOU BELONG TO OR REGIMENT OR DIVISION WHATEVER YOU CALL IT I COULD NOT HARDLY TELL YOU IT WAS IN COMPANIES OF TENS I MEAN REGULAR COMPANIES 100 OR WHATEVER IT WAS THEY WENT FROM TENS TO 50**S** AND FROM THAT TO HUNDREDS WHO COMMANDED THE HUNDRED THAT YOU BELONGED TO HAIGHT COMMANDED THEM [*space*]

149. Klingensmith was a private in the 2nd Battalion, Company D, 1st Platoon of the Iron Military District. Haight was a major in the 2nd Battalion.

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Random RT	RT	RS	BT	PS
Q. WHO WAS YOUR IMMEDIATE COMMANDER? A. JOHN M, HIGBEE, WAS NEXT IN COMMAND, HAD UNDER CAPTAINS IN THAT ORGANIZATION IF I UNDERSTAND YOUR MEANING THEN ?? A. YES SIR. BY THE COURT. IN REGARD TO WHAT MR HOGE SUGGE STED, HE WAS RIGHT IN THAT RESPECT,			Q. WHO WAS YOUR CAPTIAN? A. JOHN M . HIGBEE WAS THE NEXT IN COMMAND. Q. WHO WAS YOUR CAPTAIN? A . HIGBEE.[150] Q. WHO WAS YOUR MAJOR? A. ~~THE M~~,, **THEY** WE CALLED CAPTAINS AND MAJORS BOTH. Q. IN THAT ORGANI~~X~~ZATIO N THERE WAS A KIND OF MULTIPLIED OFFICES THEN**?** A. I GUESS SO I COULD NOT TELL.	WHO WAS YOUR CAPTAIN J M HIGBEE WAS THE NEXT IN COMMAND WHO WAS YOUR CAPTAIN HIGBEE WAS YOUR MAJOR THEY WERE CALLED MAJORS AND CAPTAINS BOTH. IN THAT ORGANIZATION KIND OF MULTIPLIED THE OFFICES THEN I GUESS SO I COULD NOT TELL [*space*] ≤COURT I *EVEN*[?] THINK JUDGE HOGE WOULD STRIKE OUT HIS OWN STATEMENT≥[151] [*space*] STATE THIS THAT TESTIMONY OF WITNESS BE THROWN OUT THE WITNESSES

150. Joel W. White was captain of Company D. Higbee was a major in the 3rd Battalion.
151. There is a circle around the material between the carets.

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Random RT	RT	RS	BT	PS
THIS WITNESS WANTS TO RETIRE FOR A FEW MINUTES, AND I HAVE ASSENTED .				SHOULD BE INFORMED.[152] [*space*] WITNESS WISHED TO RETURN FOR A MOMENT BUT COURT STATED THAT THE POSITION TAKEN BY JUDGE HOGE THAT THE QUESTION *IF*[?] WITNESS ANSWER QUESTIONS IT WOULD TEND TO HIS *NFRM/NFM/NPM*[?] AS A PRIVILEGE FOR THE WITNESS.
THE REPORTERS HAVE MADE THE SUGGESTION TO HAVE A LONG RECESS AT NOON, AND THE ATTORNEYS SEEM TO FAVOR IT ADJD TILL HALF PAST TWO P.M.			COURT ADJOURNED TILL HALF PAST TWO O'CLOCK.	~~REPORTERS ASKED FOR A LONGER TIME AT NOON IT DON'T MAKE MUCH DIFFERENCE TO ME I AM HERE ALL THE TIME I WANT~~ ADJOURNED TILL HALF PAST TWO O'CLOCK [*space*]
	[96] CROSS-EXAMINATION CONTINUED.		*[69]* **EXAMINATION OF SMITH CONTINUED BY**	JURY CALLED ALL PRESENT [*space*]

152. A circle was drawn around this phrase, beginning with "STATE THIS" to "BE INFORMED".

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RT	RS	BT	PS
Q. MR. SMITH WHAT WAS YOUR OBJECT IN GOING TO PINTO CREEK WHEN YOU LEFT CEDAR CITY. WIT.: AT WHAT TIME DO YOU MEAN ? A. THE FIRST TIME YOU WENT WITH WHITE ? A. THE OBJECT WAS AS I STATED BEFORE GOING WITH WHITE SO THAT THE PEOPLE AT PINTO WOULD TELL THEIR PEOPLE ~~THAT~~ THESE EMIGRANTS COULD GO CLEAR THROUGH, CLEAR; ON. Q. HOW MANY PEOPLE RESIDED AT PINTO ? A. I COULD NOT TELL EXACTLY HOW		**BISHOP** 2 O'CLOCK P.M. Q. MR. SMITH, WHAT WAS YOUR OBJECT IN GOING TO PAINTER O~~T~~R PINTO CREEK WHEN YOU LEFT CEDAR CITY? A. WHAT TIME DO YOU MEAN**?** T~~HE~~ Q. THE FIRST TIME THAT YOU WENT WITH WHITE. A. MY OBJECT WAS, AS I STATED BEFORE TO GO WITH WHITE AND SEE THAT THE PEOPLE AT PAINTER WERE TOLD THERE THAT THESE EMIGRANTS SHOULD GO THROUGH CLEAR— THROUGH CLEAR WITHOUT ANY TROUBLE. Q. HOW MANY PEOPLE RESIDED AT PINTO? ~~S~~A. I COULD NOT TELL EXACTLY ~~TELL~~ HOW	WHAT WAS YOUR OBJECT IN GOING TO PAINTER OR PINTO CREEK WHEN YOU LEFT CEDAR CITY [*space*] WHAT TIME DO YOU MEAN [*space*] FIRST TIME THAT YOU WENT ~ OUT WITH WHITE [*space*] YES SIR (WITNESS) MY OBJECT WAS AS I HAVE STATED BEFORE TO GO WITH WHITE AND SEE THAT THE PEOPLE AT PAINTER WERE TOLD THAT THESE EMIGRANTS SHOULD GO THROUGH CLEAR WITHOUT ANY TROUBLE [*space*] HOW MANY PEOPLE RESIDED AT PINTO I COULD NOT TELL EXACTLY

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RT	RS	BT	PS
MANY, PROBABLY FIFTEEN FAMILIES. Q. HOW MANY MEN TO THE FAMILY ? A. I COULD NOT TELL YOU HOW MANY MEN. Q. WELL TO THE BEST OF YOUR JUDGMENT TELL US WHO RESIDED AT THAT SETTLEMENT AT THAT TIME CAPABLE OF BEARING ARMS ? A. I COULD NOT TELL YOU HOW MANY. Q. WERE THERE MORE THAN THIRTY ? A. THERE WAS NOT THAT MANY THERE. Q. DID YOU KNOW AT THAT TIME WHO RESIDED THERE ? A. I PRESUME THERE WAS BETWEEN TEN AND		MANY. PROBABLY MIGHT HAVE BEEN FIFTEEN FAMILIES. Q. HOW MANY **MEN TO** ~~OF~~ A FAMILY? A. I COULD NOT TELL YOU WH~~T~~E~~H~~THER THERE WAS MOR**E** THAN ONE—I COULD NOT TEL**L** YOU. Q. WELL, STATE TO THE BEST OF YOUR JUDG~~E~~MENT~~?~~HO W MANY MEN RESIDE~~C~~D THERE IN THAT SETTLEMENT AT THAT TIME CAPABLE OF BEARING ARMS? A. I COULD NOT TELL YOU ~~K~~**H**OW MAN~~E~~Y THERE WAS. Q. WERE THERE MORE THAN THIRTY? A. THERE WAS NOT THAT MANY THERE. Q. DID YOU KNOW AT THAT TIME HOW MANY M~~K~~EN RESIDED THERE? A. I PRESUME THERE WAS BETWEEN **TE**N AND	PROBABLY MIGHT HAVE BEEN 15 FAMILIES [*space*] HOW MANY MEN TO A FAMILY I COULD NOT TELL YOU WHETHER WAS MORE THAN ONE I COULD NOT TELL YOU [*space*] TO THE BEST OF YOUR JUDGMENT HOW *[[35]]* MANY MEN RESIDED IN THAT SETTLEMENT AT THAT TIME CAPABLE OF BEARING ARMS I COULD NOT TELL YOU HOW MANY THERE WAS WERE THERE MORE THAN 30 THERE WAS NOT THAT MANY THERE DID YOU KNOW AT THAT TIME HOW MANY MEN RESIDED THERE I PRESUME THERE WAS BETWEEN 10 AND

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RT	RS	BT	PS
FIFTEEN THERE. Q. HOW MANY MEN WERE THERE IN THAT EMIGRANT TRAIN ? A. I DON'T KNOW, NEVER DID KNOW, ONLY BY HEARSAR. Q. TELL US NOW HOW MANY YOU HEARD BY HEARSAY ? A. I HEARD THERE WAS I30 ALL TOGETHER, OLD AND YOUNG. Q. HOW MANY MEN? A. I DON'T KNOW AS I EVER HEARD PARTICULARLY**.** ———— *[97]* HOW MANY Q. DO YOU BELIEVE AT THAT TIME THERE WERE AT PINTO FIFTEEN MEN OR MORE ? A. THERE MAY HAVE BEEN, BUT I DON'T KNOW ANYTHING ABOUT THAT.		FIFTEEN THAT LIVED THERE . Q. HOW MANY MEN WERE THERE IN THAT EMIGRANT TRAIN? A. I DON'T KNOW— NEVER DID KNOW~~.~~**,** ONLY BY HEARSAY. Q. WELL, TELL US NOW HOW MANY YOU KNOW BY HEARSAY? A. I HEARD THERE WAS I30 ALL TOGETHER, OLD AND YOUNG? Q. HOW MANY MEN? A. I DON'T KNOW AS I EVER HEARD PARTICULARLY HOW MANY MEN. Q. ~~DO~~ **DID** YOU BELIEVE , SIR, AT THAT TIME**,** THAT THE I5 MEN AT PINTO COULD OVERPOWER THAT TRAIN OF EMIGRANTS? A. NO, I DON'T KNOW; I ~~D~~HAD NO IDEA ABOUT IT.	15 THAT LIVED THERE [*space*] HOW MANY MEN WERE THERE IN THAT EMIGRANT TRAIN I DON'T KNOW NEVER DID KNOW ONLY BY HEARSAY [*space*] WELL TELL US NOW HOW MANY YOU KNOW BY HEARSAY I HEARD THERE WAS 130 ~~≤~~ALL TOGETHER OLD~~>~~ ~~OLD~~ AND YOUNG HOW MANY MEN I DON'T KNOW AS I EVER HEARD PARTICULARLY HOW MANY MEN DID YOU BELIEVE SIR AT THAT TIME THAT THE I5 MEN AT PINTO OR PAINTER COULD OVERPOWER THAT TRAIN OF EMIGRANTS? NO I DIDN'T KNOW ANYTHING ABOUT THEM WHETHER THEY

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RT	RS	BT	PS
Q. WELL SIR, PLEASE EXPLAIN TO THE JURY YOUR REASON FOR GOING TO SEE TEN OR FIFTEEN MEN— YOU DIDN'T BELIEVE IT WOULD TAKE TEN OR FIFTEEN MEN TO INDUCE THE INDIANS TO KEEP FROM THE EMIGRANTS AT MOUNTAIN MEADOWS ?		**I DIDN'T THINK THEY WOULD UNDERTAKE THE LIKE,** *[70]* Q. PLEASE EXPLAIN TO THE JURY, IF YOU CAN, YOUR REASON T~~O GO~~ FOR GOING TO SEE TEN OR FIFTEEN **MEN** T~~H~~A T YOU DIDN'T BELIEVE ~~Y~~WOULD ATTACK THE EMIGRANTS TO INDUCE THAT I0 OR I5 TO KEEP FROM IT?	COULD OR NOT I DID NOT THINK THEY WOULD UNDERTAKE THE LIKE I HAD NO IDEA ABOUT IT [*space*] PLEASE EXPLAIN TO THE JURY IF YOU CAN, YOUR REASON FOR GOING TO SEE 10 OR 15 MEN THAT YOU DIDN'T BELIEVE WOULD ATTACK THE EMIGRANTS TO INDUCE THAT TEN OR 15 TO KEEP FROM IT
A. THIS PROPOSITION WAS INTRODUCED BY MR. HAIGHT TO GO OUT THERE. HE INTRODUCED THIS; HE TOLD ME I MIGHT GO WITH THE WAGONS.	[*Rogerson Shorthand Notebook 3, page 1 is not extant*.] *[Bk 3 2]*153 HE INTRODUCED THIS TOLD ME I MIGHT GO WITH WAGONS.	A. THIS PROPOSITION WAS INTRODUCED BY MR. HAIGHT TO GO OUT THERE. HE INTRODUCED THIS SUBJECT AND TOLD ME I MIGHT GO OUT THERE. Q. WHEN I ASKED HOW, HE SAID TO LET	THIS PROPOSITION WAS INTRODUCED BY MR. HAIGHT TO GO OUT THERE WHEN I ASKED [*space*] TO LET

153. "**COMPARED**" is written in the top margin in longhand. A diagonal line in purple pencil runs across the page from the top left-hand corner to the bottom right-hand corner throughout the book.

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RT	RS	BT	PS
		THESE PEOPLE GO THROUGH AND TO~~L~~D ME I COULD GO WITH ~~WHIGHT~~ WHITE.	THESE PEOPLE GO THROUGH AND TOLD ME I COULD GO WITH WHITE.
Q. DID YOU KNOW OF ANY SETTLEMENT OR STATEMENT THAT MIGHT BE INDUCED TO LET THEM GO THROUGH QUIETLY—	{Q}[i] DID YOU KNOW OF ANY SETTLEMENT THAT MIGHT BE INTRODUCED TO LET THEM GO THROUGH QUIETLY?	Q. DO YOU KNOW OF ANY OTHER SETTLEMENTS BEING NOTIFIED TO LET THEM GO THROUGH PEACABL~~E~~**Y,** THAT MIGHT BE INDUCED TO LET THEM GO THROUGH QUIETLY? A. I DON'T KNOW**;** THERE WAS NONE BEYOND. Q. THAT WAS THE OUTPOST OF YOUR SETTLEMENTS AT THAT TIME? A. YES, SI~~T~~R. Q.	DO YOU KNOW OF ANY OTHER SETTLEMENTS BEING NOTIFIED TO LET THEM GO THROUGH PEACEABLY I DON'T KNOW THERE WAS NONE BEYOND [*space*] THAT WAS THE OUTPOST OF YOUR SETTLEMENTS AT THAT TIME YES SIR
DID MR. HAIGHT OR ANY ONE ELSE THAT HAD AUTHORITY AT CEDAR CITY NOTIFY THE PEOPLE AT CEDAR THE PLACE YOU THEN LIVED AT THAT THE EMIGRANTS WERE TO BE LEFT	DID MR. HAIGHT OR ANY ONE ELSE THAT HAD AUTHORITY AT CEDAR CITY NOTIFY PEOPLE CEDAR {THE}[i] PLACE YOU THEN LIVED AT {THAT THE}[i] EMIGRANTS WERE TO BE LEFT	DID MR. HAIGHT TO YOUR KNOWLEDGE, OR ANY ONE ELSE THAT HAD AUTHORITY AT CEDAR CITY**,** NOTIFY THE PEOPLE AT CEDAR, THE PLACE YOU THEN LIVED AT**,** THAT THE EMIGRANTS WERE TO BE LEFT	DID MR. HAIGHT TO YOUR KNOWLEDGE OR DID ANY ONE ELSE THAT HAD AUTHORITY AT CEDAR CITY NOTIFY THE PEOPLE AT CEDAR THE PLACE YOU THEN LIVED AT THAT THE EMIGRANTS WERE TO BE LEFT

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RT	RS	BT	PS
UNMOLESTED ? A. NOT THAT I KNOW OF. Q. HOW FAR IS THE TOWN OF HARMONY FROM THAT OF CEDAR CITY ? A. I8 OR 20 MILES. Q. HOW FAR IS PAROWAN FROM CEDAR CITY ? A. THAT I BELIEVE IS CALLED EIGHTEEN MILES. Q. YOU SAID IN YOUR DIRECT EXAMINATION THAT THE MOUNTAIN MEADOWS ARE FROM 45 TO 50 MILES FROM CEDAR CITY. A. YES SIR. Q. WHICH POINT IS THE NEAREST TO THE MOUNTAIN MEADOWS -- CEDAR CITY OR PAROWAN? A. CEDAR CITY. *[98]* Q. DID YOU PASS THROUGH PINTO CREEK WHEN ON YOUR	UNMOLESTED {A}^{p} NOT AS I KNOW OF. {Q}^{i}HOW FAR IS THE TOWN OF HARMONY FROM THAT OF CEDAR CITY {A}^{p}18 OR 20 MILES. {Q}^{i}HOW FAR IS PAROWAN FROM CEDAR CITY THAT I BELIEVE IS CALLED 18 MILES YOU SAY IN YOUR DIRECT EXAMINATION MOUNTAIN MEADOWS ARE FROM 45 **TO** 50 MILES FROM CEDAR CITY {A}^{i}YES SIR {WHICH}^{i} POINT IS THE NEAREST TO THE MOUNTAIN MEADOWS CEDAR CITY OR PAROWAN. {A}^{i}CEDAR CITY DID YOU PASS THROUGH PINTO CREEK WHEN ON YOUR	UNMOLESTED~~.~~**?** A. NOT AS I KNOW OF. Q. HOW FAR IS THE TOWN OF HARMONY FROM THAT OF CEDAR CITY? A. I8 OR 20 MILES. Q. HOW FAR IS PAROWAN FROM CEDAR CITY? A. THAT I BELIEVE IS ONLY I8 MILES. Q. YOU SAY IN YOUR DIRECT EX~~Z~~**A**MINATION THAT THE MOUNTAIN MEADOWN ARE FROM 40 TO 50 MILES FROM CEDAR CITY? A. YES, SIR. Q. WHICH POINT I~~N~~S THE NEAREST TO THE MOUNTAIN MEADOWS, CEDA~~T~~**R** CITY O~~T~~R PAROWAN?? A. CEDAR CITY. Q. ~~DO Y~~ DID YOU PASS THROUGH PINTO **OR PAINTER CREEK** WHEN ON YOUR	UNMOLESTED NOT AS I KNOW OF [*space*] HOW FAR IS THE TOWN OF HARMONY FROM THAT OF CEDAR CITY IT IS 18 OR 20 MILES HOW FAR IS PAROWAN FROM CEDAR CITY THAT I BELIEVE IS CALLED 18 MILES YOU SAY IN YOUR DIRECT EXAMINATION THAT THE MOUNTAIN MEADOWS ARE FROM 40 OR FIFTY MILES FROM CEDAR CITY YES SIR [*space*] WHICH POINT IS THE NEAREST TO THE MOUNTAIN MEADOWS CEDAR CITY OR PAROWAN? CEDAR CITY [*space*] DID YOU PASS THROUGH PAINTER OR PINTO CREEK *[[36]]* WHEN ON YOUR

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RT	RS	BT	PS
WAY TO CEDAR CITY WITH HIGBEE AND OTHERS TO THE MOUNTAIN MEADOWS, AFTER YOU HAD BEEN ORDERED, AS THE LAW DIRECTED ? A. YES SIR. Q. DID ANY POSSE GO WITH YOU FROM THAT PLACE ? A. YES, THERE WAS SOME WENT RIGHT ALONG. Q. WHO WENT WITH YOU ? A. I DON'T RECOLLECT, THERE WAS SOME THOUGH. I RECOLLECT HIGBEE , JOHN WILLIS WITH THE WAGON AND MC MURDY. Q. ANYBODY FURTHER ?	WAY TO CEDAR CITY WITH HIGBEE AND OTHERS TO THE MOUNTAIN MEADOWS AFTER YOU HAD BEEN ORDERED AS LAW DIRECTED {A}[i] YES SIR DID ANY PARTIES GO WITH YOU FROM THAT PLACE YES THERE WAS SOME WENT RIGHT ALONG. {Q}[i] WHO WENT WITH YOU I DON'T RECOLLECT THERE WAS SOME THOUGH. I RECOLLECT HIGBEE, JOHN WILLIS WITH WAGON AND MC MURDY. [*space*]	WAY FROM CEDAR CITY TO THE MEADOWS WITH HIGBEE AFTER YOU HAD BEEN ORDERED **TO ARM YOURSELF** AS THE LAW DIRECTED? *[7I]* A. YES, SIR. Q. DID ANY PARTIES GO WITH YOU FROM THAT PLACE? A. YES, THERE WA S SOME WENT RIGHT ALONG. Q. WHO WENT WITH YOU FROM THERE? A. I DON'T RECOLLECT ALL OF THEM, BUT I RECOLLECT SOME THAT WENT—I RECOLLECT HIGBEE; I THINK JOHN WILLIS WENT WITH A WAGON**,** AND MC MURDY. Q. FROM PINTO—I ASKED FROM PINTO CREEK? A. I MISUNDERSTOO D YOU.	WAY FROM CEDAR CITY TO MOUNTAIN MEADOWS WITH HIGBEE AFTER YOU HAD BEEN ORDERED TO ARM YOURSELF AS THE LAW DIRECTS YES SIR DID ANY PARTIES GO WITH YOU FROM THAT PLACE YES THERE WAS SOME WENT ALONG WHO WENT WITH YOU FROM THERE I DON'T RECOLLECT ALL OF THEM I RECOLLECT SOME FEW ~ I RECOLLECT HIGBEE I THINK JOHN WILLIS WITH WAGON MC MURDY [*space*] FROM PINTO ~ ≤I ASK FROM PINTO CREEK≥ I ~~UNDERSTOOD~~ MISUNDERSTOO D YOU ~

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RT	RS	BT	PS
A. NO, NOT THAT I KNOW OF THAT WENT ALONG. Q. WHAT TIME OF THE DAY OR NIGHT DID YOU ARRIVE AT THE MEADOWS ? A. I COULD NOT TELL YOU, IT WAS IN THE NIGHT SOMETIME. Q. CAN'T YOU GIVE AN IDEA WHETHER IT WAS IN THE FORE PART OR AFTER PART ? A. I RATHER THINK IT WAS IN THE FORE PART, ABOUT MID NIGHT. Q. WHEN YOU GOT TO THE MEADOWS DID YOU SEE ANY INDIANS THERE A. NO SIR. Q. DID YOU SEE ANY INDIANS AT THE MEADOWS BEFORE THE EMIGRANTS CAME OUT OF THE CORRALL ? A.	NOBODY FROM THERE{$_{A}$}^{i} AS I KNOW OF THAT WENT ALONG. WHAT TIME OF THE DAY OR NIGHT DID YOU ARRIVE AT THE MEADOWS ? {$_{A}$}^{p}I COULD NOT TELL YOU IT WAS IN THE NIGHT SOMETIME. CAN'T YOU GIVE AN IDEA WHETHER {IT WAS}^{i} IN THE FORE PART OR AFTER PART {$_{A}$}^{p} I RATHER THINK IT WAS THE FORE PART ABOUT MIDNIGHT {$_{Q}$}^{i} WHEN YOU GOT TO MEADOWS DID YOU SEE ANY INDIANS THERE {$_{A}$}^{p} NO SIR {$_{Q}$}^{i}DID YOU SEE ANY INDIANS AT THE MEADOWS BEFORE EMIGRANTS CAME OUT OF CORRAL.	NOBODY FROM THERE THAT I KNOW OF THAT WENT ~~L~~ALONG. Q. WHAT TIME OF THE DAY OR NIGHT DID YOU ARRIVE AT THE MEADOWS? A. I COULD NOT TELL YOU ; IT WAS IN THE NIGHT SOME TIME. Q. CAN'T YOU GIVE US AN IDEA WHETHER IT WAS IN THE FORE PART OR THE AFTER PART OF THE NIGHT? A. I RATHER THINK IT WAS IN THE FORE PART, TOWARDS MI~~G~~DNIGHT. Q. WHEN YOU GOT TO THE MEADOWS, DID YOU SEE ANY INDIANS THERE? A. NO, SI~~T~~R, I DON'T KNOW AS I DID. Q. DID YOU SEE ANY INDIANS AT THE MEADOW~~N~~S BEFORE THE EMIGRANTS CAME OUT OF THEIR CORRAL? A. YES, SIR,	NOBODY FROM THERE THAT I KNOW OF WENT ALONG [*space*] WHAT TIME OF DAY OR NIGHT DID YOU ARRIVE AT THE MEADOWS I COULD NOT TELL YOU IT WAS IN THE NIGHT SOMETIME [*space*] CAN'T YOU GIVE AN IDEA WHETHER IN THE FORE PART OR THE AFTER PART OF THE NIGHT I THINK IT WAS IN THE FORE PART TOWARDS MIDNIGHT WHEN YOU GOT TO THE MEADOWS DID YOU SEE ANY INDIANS THERE NO SIR I DON'T KNOW AS I DID [*space*] DID YOU SEE ~~ANY~~ INDIANS AT THE MEADOWS BEFORE THE EMIGRANTS CAME OUT OF THE CORRAL [*space*] YES ~~I DID~~

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RT	RS	BT	PS
I SAW SOME, BUT NOT THERE, BUT AROUND IN THAT VICINITY AT THE SPRING. Q. AT THIS COUNCIL YOU HAVE SPOKEN OF AS BEING HELD IN THE FIELD DID YOU NOT HEAR HIGBEE STATE THAT THE INDIANS WERE THERE IN LARGE NUMBERS A. I HEARD SOME ONE SAY THEY WERE; IT WAS SPOKEN OF IN THE COUNCIL AT *[99]* THAT TIME. IT WAS LEE'S STATEMENT. Q. YOU RECOLLECT WHAT LEE SAID BETTER THAN WHAT ANYBODY ELSE SAID ? A. I DON'T	I SAW SOME BUT NOT THERE AROUND IN THAT VICINITY AT THE SPRING. {Q}[i] AT THIS COUNCIL YOU HAVE SPOKEN OF AS BEING HELD ON THE FIELD DID YOU NOT HEAR HIGBEE STATE THAT THE INDIANS WERE THERE IN LARGE NUMBERS {AI}[i] HEARD SOMEONE SAY THEY WERE; IT WAS ≤NOT≥ SPOKEN OF IN THE COUNCIL AT THAT TIME IT WAS LEE'S STATEMENT. {Q}[i] YOU RECOLLECT WHAT LEE SAID BETTER THAN WHAT ANYBODY ELSE SAID {A}[i] DON'T	I SAW SOME BUT NOT THERE. Q. AROUND IN THAT VICINITY? A. UP IN THE VICINITY OF THE SPRINGS. Q. AT THIS COUNCIL YOU HAVE SPOKEN OF AS BEING HELD ON THE FIELD, DID YOU NOT HEAR HIGBEE STATE THAT THE **I**NDIAN~~DS~~ WERE THERE IN LARGE NUMBERS? A. I HEARD SOMEONE SAY THAT THEY WERE, BUT IT WAS NOT SPOKEN O~~N~~**F** IN THE COUNSEL AT THAT TIME; I THINK IT WAS LEE 'S STATEMENT. Q. YOU CAN RECOL**L**ECT WHAT LEE SAID BETTER THAN WHAT ANYBODY ELSE SAID IN REFERENCE TO THIS MATTER. *[72]* A. I DON'T	I SAW SOME BUT NOT THERE [*space*] AROUND IN THAT VICINITY UP IN THE VICINITY OF THE SPRINGS [*space*] AT THIS COUNCIL YOU HAVE SPOKE OF AS HAVING BEEN HELD THERE ON THE FIELD DID YOU NOT HEAR HIGBEE STATE THAT THE INDIANS WERE THERE IN LARGE NUMBERS I HEARD SOMEONE SAY THAT THERE WERE [*space*] IT WAS SPOKEN OF IN THE COUNCIL AT THAT TIME I THINK SO I THINK IT WAS LEE'S STATEMENT [*space*] ~~CAN YOU~~ YOU CAN RECOLLECT WHAT LEE SAID BETTER THAN WHAT ANYBODY ELSE SAID IN REFERENCE TO THIS MATTER I DON'T

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RT	RS	BT	PS
KNOW THAT I CAN, ONLY SOME POINTED THINGS. Q. DID YOU HEAR ANY ORDERS GIVEN TO LEE AT THAT COUNCIL ? A. I DID. Q. WHO GAVE THEM ? A. JOHN M. HIGBEE. Q. HOW DID HE GIVE THESE ORDERS, VERBALLY OR OTHERWISE ? A. I DIDN'T SEE ANY WRITINGS. Q. WHAT DID HIGBEE SAY TO LEE ? A. HE TOLD HIM ~~TO GO~~ OVER, ~~AND~~ THESE ORDERS HE HAD FROM HAIGHT AND CAME FROM. PAROWAN. Q. PLEASE REPEAT THEM ? A. ORDERS HAD COME FROM THERE TO BE DECOYED OUT AND DESTROYED, WITH THE EXCEPTION OF	KNOW THAT I CAN ONLY SOME POINTED THINGS DID YOU HEAR ANY ORDERS GIVEN TO LEE AT THAT COUNCIL $\{_{A}\}^{p}$ I DID. {WHO GAVE THEM}^{p} JOHN M. HIGBEE $\{_{Q}\}^{i}$ HOW DID HE GIVE THESE ORDERS VERBALLY {OR OTHERWISE $_{A}\}^{p}$ I DIDN'T SEE ANY WRITINGS. WHAT DID HIGBEE SAY TO LEE $\{_{A}\}^{p}$HE TOLD HIM FROM THOSE ORDERS HE HAD FROM HAIGHT CAME FROM PAROWAN $\{_{Q}\}^{i}$ PLEASE REPEAT THEM $\{_{A}\}^{p}$ ORDERS HAD CAME FROM THERE TO BE DECOYED OUT AND DESTROYED WITH EXCEPTIONS OF	KNOW AS I CAN. Q. DID YOU HEAR ANY ORDERS GIVEN **TO** ~~FROM~~ LEE AT THAT COUNCIL? A. I DID. Q. WHO GAVE THEM? A. HIGBEE. Q. HOW DID HE GIVE THOSE ORDERS~~?~~ , VERBALLY, OR IN WRITING OR OTHERWISE? A. **VERBALLY,** I DIDN'T SEE ANY WRITINGS. Q. WHAT DID HIGBEE SAY TO LEE? A. HE TOLD HIM FROM THESE ORDERS HE HAD FROM HAIGHT THAT THEY CAME FROM PAROWAN. Q. PLEASE REPEAT THAT? A. THAT THE ORDERS HAD COME ~~FROM THERE~~, THAT THEY WAS TO BE DECOYED OUT AND DESTROYED WITH THE EXCEPTION OF	KNOW AS I CAN ~~ONLY WHERE IT IS~~ ~ [*space*] DID YOU HEAR ANY ORDERS GIVEN TO LEE AT THAT COUNCIL I DID WHO GAVE THEM HIGBEE HOW DID HE GIVE THOSE ORDERS VERBALLY OR IN WRITING VERBALLY I DIDN'T SEE ANY WRITINGS WHAT DID HIGBEE SAY TO LEE HE TOLD HIM FROM THOSE ORDERS THAT HE HAD FROM HAIGHT THAT CAME FROM PAROWAN PLEASE REPEAT THAT THAT THE ORDERS HAD COME THAT THEY WAS TO BE DECOYED (OUT) AND DESTROYED WITH THE EXCEPTION OF

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RT	RS	BT	PS
THE SMALL CHILDREN. Q. DID HE GIVE ANY COMMANDS TO YOU, OR ORDERS FROM WHAT HE HAD ? A. NOT AT ALL.	SMALL CHILDREN {Q}[i] DID HE GIVE ANY COMMANDS TO LEE WHAT HE SHOULD DO {A}[i]NOT AT ALL.	THE **SMALL** CHILDREN. Q. DID HE GIVE ANY COMMANDS TO LEE WHAT HE SHOULD DO? A. NO~~T AT ALL~~ **SIR**; NOT THAT I KNOW OF. Q. ~~E~~DON'T REMEMBER ~~HIM~~ HIM GIVING ANY ORDERS TO LEE? A. NO, SIR, NOT ANY COMMANDING ORDERS. Q.	THE SMALL CHILDREN DID HE GIVE ANY COMMANDS TO LEE WHAT HE SHOULD DO NO SIR NOT THAT I KNOW OF DIDN'T HEAR HIM GIVING ANY ORDERS TO LEE NO SIR NOT ANY COMMANDING ORDERS *[[37]]* DID
Q. DID YOU HEAR? IT TALKED OVER AT THAT COUNCIL ?	DID YOU HEAR IT TALKED OVER AT THAT COUNCIL *[3]*	DID YOU HEAR THIS TALKED OVER IN THIS COUNCIL~~?~~, HOW THIS WAS TO BE DONE, AND WHO WAS TO DO IT?	YOU HEAR THIS TALKED OVER IN THIS COUNCIL HOW THIS WAS TO BE DONE AND WHO WAS TO DO IT
A. YES, I HEARD THERE AS I STATED, HE WAS TO TAKE CHARGE OF IT BY HIGBEE.	{A}[p]YES I HEARD THERE AS I STATED HE WAS TAKE CHARGE OF IT BY HIGBEE	A. YES, I HEARD THERE **THESE** ~~THOSE~~ ORDERS **DELIVERED OVER TO HIM BY HIGBEE.** ~~.AS ISTATED HE WAS TO T AKE CHARGE OF BY HIGBEE.~~ Q. WHO	YES I HEARD THERE THOSE ORDERS DELIVERED OVER TO HIM [*space*] BY HIGBEE [*space*]
Q. WHO DID HIGBEE GIVE HIS ORDERS TO ? A. JOHN D. LEE. Q. WHAT DID HE SAY TO HIM ?	WHO DID HIGBEE GIVE HIS ORDERS TO {A}[p]JOHN D LEE WHAT DID HE SAY TO HIM	DID HIGBEE GIVE HIS ORDERS TO? A. JOHN D. LEE. Q. WHAT DID HE SAY TO HIM? A. I TOLD	WHO DID HIGBEE GIVE HIS ORDERS TO JOHN D. LEE TELL ME WHAT HIGBEE SAID TO LEE

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RT	RS	BT	PS
A. I ONLY KNOW IN SUBSTANCE.	{A}[p] I DO NOT WANT ANY SUBSTANCE	YOU THAT HIGBEE SAID TO ~~A~~LEE—Q. I DON'T WANT THE SUBSTANCE I WANT THE WORDS HE	~~≤~~I DON'T WANT THE SUBSTANCE
I DON'T KNOW THE WORDS. HE TOLD HIM THAT THE ORDERS WAS TO DECOY THEM OUT AND DESTROY THEM. THAT WAS HIS WORDS, ALL I KNOW ABOUT IT.	I WANT THE WORDS HE TOLD HIM THAT THE ORDERS WAS DECOY THEM OUT AND DESTROY THEM. THAT WAS HIS WORDS ALL I KNEW ABOUT IT.	TOLD HIM; I WANT THE ORDERS? A. ~~I~~HE TOLD HIM THAT THE ORDERS WAS TO DECOY THEM OUT AND DESTROY THEM, THAT THAT WAS HIS ORDERS. THAT IS ALL I KNOW ABOU**T** IT. *[73]*	~~≥~~ I WANT THE ORDERS? HE TOLD HIM THAT THE ORDERS WAS TO DECOY THEM OUT AND DESTROY THEM ~ THAT THAT WAS HIS ORDERS ~ THAT IS ALL I KNOW ABOUT IT ~
[100]		THAT WAS HIGBEE'S GENERAL ORDERS. Q.	THAT WAS HIGBEE'S GENERAL ORDERS [*space*]
THAT WAS HIGBEE'S ORDERS TO LEE.	THAT WAS HIGBEE'S ORDERS TO LEE.	THAT WAS HIGBEE'S ORDERS TO LEE?	THAT WAS HIGBEE'S ORDERS TO LEE ~~[?] THAT WAS HIGBEE'S~~ YES SIR [*space*]
Q. WHAT DID YOU MEAN BY SAYING A FEW MINUTES AGO HE DIDN'T GIVE ANY ORDERS— WHAT DID HE TELL LEE TO DO ?	~~≤~~YES SIR~~≥~~ {Q}[i]WHAT YOU MEAN BY SAYING FEW MINUTES AGO HE DIDN'T GIVE HIM ANY ORDERS. WHAT DID HE TELL LEE TO DO.	A. YES, SIR. Q. WHAT DO YOU MEAN BY SAYING A FEW MINUTES AGO HE DIDN'T GIVE HIM ANY ORDERS— WHAT DID HE TELL LEE TO DO? A. YOU	WHAT DID HE TELL LEE TO DO YOU
A. HE DELIVERED THESE ORDERS	HE DELIVERED THESE ORDERS	MISUNDERSTOOD ME. HE DELIVERED THESE ORDERS	MISUNDERSTOOD ME ~ HE DELIVERED THESE ORDERS

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RT	RS	BT	PS
TO HIM, BUT NEVER GAVE ORDERS. Q. HOW COULD HE DELIVER THEM TO HIM WITHOUT GIVING WORD —	TO HIM NOT GAVE ORDERS HOW COULD HE DELIVER THEM TO HIM WITHOUT GIVING WORD	TO HIM~~.~~**,** ~~QNEVER~~ **NOT** GAVE THEM. Q. HOW COULD HE DELIVER THEM TO HIM WITH**O**UT GIVING THEM TO HIM,	TO HIM NOT GAVE THEM HOW COULD HE DELIVER THEM TO HIM WITHOUT GIVING THEM TO HIM [*space*]
DID HE TELL LEE WHAT HE WAS TO DO ?	DID HE TELL LEE WHAT HE WAS TO DO <I SUPPOSE HE DID> {A}[i]I	DID HE TELL LEE WHAT HE WAS TO DO? A. I SUPPOSE HE DID; I	DID HE TELL LEE WHAT HE WAS TO DO I SUPPOSE HE DID [*space*] I
A. I KNOW HE DID. Q. TELL IS WHAT HE SAID ?	KNOW HE DID. {Q}[i]TELL US WHAT HE SAID	KNOW HE DID. Q. TELL US WHAT HE SAID?	KNOW HE DID TELL US WHAT HE SAID
A. HE SAID HE HAD THESE ORDERS FROM HAIGHT, AND IT WAS TO DECOY THEM OUT AND TAKE CHARGE OF IT — THEY WAS TO BE DESTROYED.	{A}[p] SAID HE HAD THOSE ORDERS FROM HAIGHT WAS TO DECOY THEM OUT TAKE CHARGE OF IT THEY WAS TO BE DESTROYED.	A. HE SAID THAT HE ~~D~~HAD THESE ORDERS FROM HAIGHT THAT HE WAS TO DECOY THEM OUT—HE WAS TO TAKE CHARGE O~~T~~**F** IT**,** AND THAT THEY WERE TO BE DESTROYED~~.~~	HE SAID THAT HE HAD THOSE ORDERS FROM HAIGHT "THAT HE WAS TO DECOY THEM OUT HE WAS TO TAKE CHARGE OF IT AND THAT THEY WERE TO BE DESTROYED ~~*TO BE*~~[?] ~~DESTROYED~~
HIGBEE TOLD LEE THE ORDERS HAD COME FROM HAIGHT TO HIGBEE. HIGBEE THEN DIRECTED LEE THAT HE MUST DECOY THE EMIGRANTS OUT AND THEY MUST BE	HIGBEE TOLD LEE {THE}[p] ORDERS HAD COME FROM HAIGHT TO {HIGBEE.}[i] HIGBEE THEN DIRECTED LEE HIMSELF DECOY EMIGRANTS OUT THEY MUST *ALL*[?] BE	**Q** - HIGBEE TOLD LEE THAT THE ORDERS HAD COME FROM HAIGHT TO HIGBEE AND DIRECTED LEE THAT HE MUST TAKE CHA~~T~~RGE OF IT? A. YES, SIR. THEY MUST BE	[*space*] HIGBEE TOLD LEE THAT THE ORDERS HAD COME FROM HAIGHT TO HIGBEE AND DIRECTED LEE THAT HE MUST TAKE CHARGE OF IT [*space*] YES SIR [*space*]

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RT	RS	BT	PS
ALL DESTROYED. Q. DID HIGBEE STATE AT THAT TIME WHO WAS TO	{ALL}^{i} DESTROYED. {Q}^{i}DID HIGBEE STATE AT THAT TIME WHO WAS TO	ALL DESTROYED. Q. DID HIGBEE STATE AT THAT TIME WH O WAS TO	DID HIGBEE STATE AT THAT TIME WHO WOULD DESTROY THE EMIGRANTS AFTER THEY HAD BEEN
DECOY THEM OUT ?	DECOY THEM OUT AND TO ASSIST	DECOY THEM OUT FROM THEIR STRONG HOLD AND DESTROY THE EMIGRANTS? A.	DECOYED FROM THEIR STRONGHOLD
A. HE DIDN'T STATE THE SOLDIERS SHOULD DO IT. Q. WAS ANYTHING SAID ABOUT THE INDIANS AT THAT TIME ?	DIDN'T STATE SOLDIERS SHOULD DO IT. {A}WAS}^{i} THERE ANYTHING SAID ABOUT INDIANS AT THAT TIME	NOT ANY MORE THAN THAT THE SOLDIERS SHOULD DO IT. Q. WAS THE**R**E ANYTHING SAID ABOUT THE **I**NDIANS AT THAT TIME?	NO MORE THAN THAT THE SOLDIERS SHOULD DO IT ANYTHING SAID ABOUT INDIANS AT THAT TIME
A. NOT ANYTHING MUCH SAID ABOUT THEM THAT I RECOLLECT. Q. DIDN'T YOU STATE IN YOUR EXAMINATION IN CHIEF THAT THE INDIANS WERE TO RUSH IN,	ANOT ANYTHING MUCH SAID ABOUT THEM THAT I RECOLLECT. ≼DIDN'T≽ YOU STATE IN EXAMINATION IN CHIEF {THAT THE}^{i} INDIANS {WERE}^{i} RUSH IN	A. NO, NOT ANYTHING MUCH SAID ABOUT THEM THAT I RECOLLECT. Q. DIDN'T YOU STATE IN YOUR EXAMINATION IN CHIEF THAT THE INDIANS WERE TO RUSH IN AND	NO NOT ANYTHING MUCH SAID ABOUT THEM THAT I RECOLLECT DIDN'T YOU STATE IN YOUR EXAMINATION IN CHIEF THAT THE INDIANS
DECOY THE WOMEN AND CHILDREN AND	DECOY WOMEN AND CHILDREN [*space*]	DESTROY THE WOMEN AND CHILDREN ACCORDING TO	DESTROYED THE ~~INDIANS~~ ≼WOMEN≽ ACCORDING TO

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RT	RS	BT	PS
		PREVIOUS ARRANGEMENT ? A. NOT TILL AFTE**R** THEY WAS COME OUT.	PREVIOUS ARRANGEMENT NOT UNTIL AFTER THEY WAS COME OUT
WASN'T IT AGREED UPON IN COUNCIL, WHEN YOU WERE PRESENT, THE EXACT PART THE INDIANS SHOULD TAKE AFTER THE EMIGRANTS HAD BEEN DECOYED FROM THEIR CORRALL ? A. I DO NOT RECOLLECT.	WASN'T IT AGREED UPON IN COUNCIL WHERE YOU WAS PRESENT, THE EXACT PART THE INDIANS SHOULD TAKE AFTER EMIGRANTS HAD BEEN DECOYED FROM THEIR CORRAL {A}[p]I DO NOT RECOLLECT.	Q. WASN'T IT AGREED UPON IN COUNCEL , WHERE YOU WAS PRESENT **,** —THE EXACT PART THE **I**NDIANS COULD TAKE WHEN THE EMIGRANTS HAD BEEN DECOYED FROM THEIR CORRAL? A. I DON'T RECOLLECT PARTICULARLY.	PREVIOUS ARRANGEMENT NOT UNTIL AFTER THEY WAS COME OUT WASN'T IT AGREED UPON IN COUNCIL WHERE YOU WAS PRESENT ~ THE EXACT PART THAT THE INDIANS SHOULD TAKE AFTER THE EMIGRANTS HAD BEEN DECOYED FROM THEIR CORRAL I DON'T RECOLLECT PARTICULARLY
Q. DON'T YOU UNDERSTAND THE PARTICULAR TIME YOU FORMED IN LINE SOME HALF MILE FROM THE CORRALL THAT YOU AND OTHERS THERE UNDER ARMS WITH *[101]* THE EMIGRANTS, THAT THE WHITES SHOULD KILL THE MEN AND	DID NOT YOU UNDERSTAND *PARTICULAR*[?] TIME YOU FORMED IN LINE SOME HALF MILE FROM THE CORRAL THAT YOU AND OTHERS THERE UNDER ARMS OF THE WHITES SHOULD KILL THE MEN AND	Q. DIDN'T YOU UNDERSTAND AT THE TIME YOU FORMED INTO LINE, SOME *[74]* HALF MILE FROM THE CORRAL , THA**T** YOU AND OTHERS THERE UND**E**R ARMS**,**— OF THE WHITE~~X~~S**,** SHOULD **~~KILL THE~~ KILL** THE MEN, AND THAT	DIDN'T YOU UNDERSTAND AT THE TIME THAT YOU FORMED INTO LINE SOME HALF MILE FROM THE CORRAL THAT YOU AND OTHERS THERE UNDER ARMS OF THE WHITES *[[38]]* SHOULD KILL THE MEN AND THAT

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RT	RS	BT	PS
THE INDIANS WOULD KILL THE WOMEN AND CHILDREN AND THAT IS THE ORDERS THEE ?	THE INDIANS WOULD KILL THEIR WOMEN AND CHILDREN AND THAT IS THE ORDERS THERE IT WAS THE UNDERSTANDIN G	THE INDIANS SHOULD KILL THEIR WOMEN AND CHILDREN? A. WHAT I KNOW IS, THAT WAS THE ORDER AND UNDERSTANDIN G.	THE INDIANS SHOULD KILL THE WOMEN AND CHILDREN <**WHAT I KNOW**[154] IS THAT THERE WAS AN ORDER AND AS THE UNDERSTANDIN G> WHAT I UNDERSTOOD IS THERE WAS THE ORDER AND WAS THE UNDERSTANDIN G[155] [*space*] THAT
A. THAT ORDER WAS NOT FROM HIGBEE THERE ON THE FIELD; IN LINE AFTER WE HAD BEEN PLACED IN LINE.	THAT ORDER WAS GOT FROM HIGBEE THERE ON THE FIELD IN LINE ~~Q~~AFTER WE HAD BEEN PLACED IN LINE <YES SIR>.	Q. THAT ORDER WAS DELIVERED BY HIGBEE THERE ON THE FIELD ~~IN LINE~~. ~~Q.~~ AFTER YOU HAD BEEN PLACED IN LINE~~A~~? A. YES, SI~~T~~R. Q. THAT WAS THE FIRST YOU HAD HEARD OF T**H**AT ? A. YES~~?~~**,** SIR.	ORDER WAS DELIVERED BY HIGBEE [*space*] THERE ON FIELD IN LINE AFTER YOU HAD BEEN PLACED IN LINE YES SIR [*space*] THAT WAS THE FIRST YOU HEARD OF THAT YES SIR [*space*]
Q. WAS LEE WITH YOU AFTER YOU HAD BEEN PLACED IN LINE, BEFORE THE PARTIES WERE ALL KILLED ? A. HE WENT DOWN FROM	WAS LEE WITH YOU AFTER YOU HAD BEEN PLACED IN LINE BEFORE PARTIES WERE ALL KILLED {A}^{i}HE WENT DOWN FROM THE	Q. WAS LEE WITH YOU AFTER YOU HAD BEEN PLACED IN LINE BEFORE THE PARTIES WERE **ALL** KILLED. A. HE WENT DOWN FROM	WAS LEE WITH YOU AFTER YOU HAD BEEN PLACED IN LINE BEFORE THE PARTIES WERE ALL KILLED HE WENT DOWN FROM

154. Insertion apparently by Rogerson.
155. "WHAT I UNDERSTOOD . . . UNDERSTANDING" is circled in pencil.

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RT	RS	BT	PS
THE LINES. Q. DID HE LEAVE THE LINES AFTER THESE ORDERS WERE GIVEN OR BEFORE THEY WERE GIVEN ? A. I DON'T KNOW WHAT ORDERS YOU MEAN. Q. I MEAN THE ORDERS THAT HE GAVE THEN IN THE MASSACRE ? A. IT WAS AFTERWARDS OF COURSE. Q. WAS HE PRESENT AT THE TIME THESE ORDERS WERE GIVEN ? A. THEY WERE GIVEN AT THE HOLLOW SQUARE. Q. I DON'T WANT TO KNOW WHAT YOU UNDERSTOOD	LINES. DID HE LEAVE THE LINE AFTER THESE ORDERS WERE GIVEN OR BEFORE THEY WERE GIVEN {A}[p]I DON'T KNOW WHAT ORDERS YOU MEAN {Q}[p]I MEAN THE ORDERS THAT SHOULD CONTROL YOUR ACTION IN THE MASSACRE {A}[p]IT WAS NOT AFTERWARDS OF COURSE. WAS HE PRESENT AT TIME THESE ORDERS WERE GIVEN [*space*] {A}[i]THEY WERE GIVEN AT HOLLOW SQUARE WE UNDERSTOOD IT I DON'T WANT HOW YOU UNDERSTOOD	THE LINES. Q. DID HE LEAVE THE LINES AFTER **THESE**[156] ~~LEE'S~~ ORDERS WERE GIVEN OR BEFORE LEES ORDERS WERE GIVEN? A. I DON'T KNOW WHAT ORDERS YOU MEAN. Q. I MEAN THE ORDERS THAT SHOULD CONTROLL YOUR ACTION IN THE MASSACRE? A. IT WAS AFTERWARDS OF COURSE. Q. WAS HE PRESENT AT THE TIME THESE ORDERS WERE GIVEN? A. THESE ORDERS WERE GIVEN IN THE HOLLOW AQURE AS I UNDERSTOOD IT. ~~. WAS LEE PRESENT WHEN HIGBEE GAVE THESE ORDERS TO HIS MEN. **A.** I DON'T WHAT TO KNOW HOW YOU UNDERSTOOD~~	THE LINES DID HE LEAVE THE LINE AFTER THESE ORDERS WERE GIVEN OR BEFORE THE ORDERS WERE GIVEN I DON'T KNOW WHAT ORDERS YOU MEAN I MEAN THE ORDERS THAT SHOULD CONTROL YOUR ACTION IN THE MASSACRE AFTER THAT OF COURSE [*space*] WAS HE PRESENT AT THE TIME THAT THESE ORDERS WERE GIVEN ~ THESE ORDERS WERE GIVEN IN THE HOLLOW SQUARE AS I UNDERSTOOD IT [*space*]

156. "**THESE**" in Cook's handwriting.

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RT	RS	BT	PS
ABOUT IT, I WANT THE FACTS — WAS LEE PRESENT WHEN HE GAVE THESE ORDERS TO THE MEN —	IT I WANT FACTS. WAS LEE PRESENT WHEN LEE [4] HE GAVE THESE ORDERS TO THE MEN.	~~IT I~~ ~~IWAS T T E~~ ~~FACTS.~~ Q. WAS LEE PRESENT WHEN HIGBEE GAVE THESE ORDERS TO HIS MEN? A. I DON'T KNOW WH~~I~~ETHER HE WAS PRESENT AT THAT TIME OR NOT. Q. DO YOU KNOW WHETHER LEE HEARD THE~~R~~SE ORDERS OR NOT —THE PARTICULARS AS TO HOW THIS WORK WAS TO BE DONE? A. I DO NOT KNOW. Q.	WAS LEE PRESENT WHEN HIGBEE GAVE THESE ORDERS TO HIS MEN I DO NOT KNOW WHETHER HE WAS PRESENT AT THAT TIME OR NOT DO YOU KNOW WHETHER LEE HEARD THESE ORDERS OR NOT I DO NOT ≤KNOW≥ ~~DONE IN LINE~~
DO YOU KNOW HE ORDERED THEM AT ALL — THE PARTICULARS AS TO HOW THIS WORK SHOULD BE DONE ? A. OF MY OWN KNOWLEDGE I KNOW WHAT WAS SAID TO THE COUNCIL BEFORE THEY STARTED OUT; IT WAS THAT JOHN D. LEE WAS TO	DO YOU KNOW HE HEARD THEM AT ALL THE PARTICULARS AS TO HOW THIS WORK SHOULD BE DONE. [*space*] {A}[i]OF MY OWN KNOWLEDGE I KNOW WHAT WAS SAID IN THE COUNCIL BEFORE THEY STARTED OUT TO COMPLETE {IT WAS}[i] THAT JOHN D. LEE WAS TO	DO YOU KNOW THAT HE HEARD THEM AT ALL? [75] A. OF MY OWN KNOWLEDGE — I KNOW WHAT W**A**S ~~D~~SAID THERE IN THE COUNCIL BEFORE THEY STARTED OUT TO ACCOMPLISH IT~~X~~, THAT HE WAS TO	DO YOU KNOW THAT HE HEARD THEM AT ALL PARTICULARS AS TO HOW THIS WORK SHOULD BE DONE OF MY OWN KNOWLEDGE ~ I KNOW WHAT WAS SAID THERE IN THE COUNCIL BEFORE THEY STARTED OUT TO ACCOMPLISH IT ~ THAT HE WAS TO

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RT	RS	BT	PS
TAKE CHARGE OF THE WHOLE MATTER ACCORDING TO HIS AUTHORITY HE WAS TO TAKE CHARGE OF IT; HIGBEE WAS TO ASSIST HIM. HIGBEE BROUGHT THEM ORDERS TO LEAVE. Q. WHO DO YOU SAY GAVE THE ORDERS ON THE FIELD AFTER YOU HAD ASSEMBLED THERE—HIGBEE OR LEE ? A. HIGBEE. *[102]* Q. DID YOU GET THAT WORD WHEN YOU WERE IN LINE DOWN THE FIELD ? A. WE UNDERSTOOD SO AND	TAKE CHARGE OF THE WHOLE MATTER ACCORDING TO HIS AUTHORITY HE WAS TO TAKE CHARGE OF IT HIGBEE ASSISTED HIM. HIGBEE BROUGHT THEM ORDERS TO LEE WHO DO YOU SAY GAVE THE ORDERS ON THE FIELD AFTER YOU HAD ASSEMBLED THERE HIGBEE OR LEE {A}[p]HIGBEE {Q}[p] WHILE WE WERE IN LINE DOWN THE FIELD.	TAKE CHARGE OF THE WHOLE MATTER ACCORDING TO HIS AUTHORITY THAT HE HAD OR PRETENDED TO HA~~C~~VE. HE WAS TO TAKE CHARGE OF IT; HIGBEE ASSISTED HIM. Q. WHO GAVE THE ORDERS? A. HIGBEE — HIGBEE BROUGHT THOSE ORDERS TO LEE. Q. WHO DO YOU SAY GAVE THE ORDERS ON THE FIELD, AFTER YOU HAD ASSEMBLED THERE, HIGBEE OR LEE? A. HIGBEE, WHEN WE WAS IN THE SQUARE. Q. AFTER YOU HAD BEEN DRAWN UP INTO LINE— AFTER THE EMIGRANTS	TAKE CHARGE OF THE WHOLE MATTER AND CARRY IT OUT ACCORDING TO HIS AUTHORITY THAT HE HAD OR PRETENDED TO HAVE. [*space*] HE WAS TO *RG*—[?] HIGBEE [*space*] HIGBEE ASSISTED HIM [*space*] WHO GAVE THE ORDERS HIGBEE [*space*] HE BROUGHT THOSE ORDERS TO LEE WHO DID YOU SAY GAVE THE ORDERS ON THE FIELD AFTER YOU HAD ASSEMBLED THERE I UNDERSTAND YOU TO *PN/OPINE*[?] HIGBEE [*space*] HIGBEE [*space*] WHEN WE WAS IN THE <SQUARE> ~~LINE ON THE FIELD~~ [*space*] AFTER YOU HAD BEEN DRAWN UP IN LINE ~~AS TO~~ AFTER THE EMIGRANTS

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RT	RS	BT	PS
JOHN M. HIGBEE GAVE THE ORDERS WHEN WE WERE IN LINE. Q. IF LEE WAS PRESENT HOW DID HIGBEE GIVE THE ORDERS ? A. HE WAS THE COMMANDER OVER THE MEN THERE, HIGBEE WAS THE COMMANDER. Q. WHAT WAS YOU THERE AS, A MILITARY COMPANY OR OTHERWISE ? A. WE WERE THERE IN MILITARY ARRAY, SO FAR AS I; KNOW WE WERE. Q. WHAT OFFICE DID JOHN D. LEE	JOHN M HIGBEE GAVE ORDERS WHEN WE WERE IN LINE. {Q}^{i} IF LEE WAS PRESENT HOW DID HIGBEE COME TO GIVE ORDERS {A}^{p} HE WAS THE COMMANDER OVER THE MEN THERE HIGBEE WAS COMMANDER. [*space*] {Q}^{i} WHAT WAS YOU THERE AS A MILITARY COMPANY OR OTHERWISE {A}^{p} WERE THERE IN MILITARY ARRAY <Q THEN UNDER MILITARY ORDERS>. SO FAR AS I KNOW WE WERE. {Q}^{i} WHAT OFFICE DID JOHN D LEE	MARCHED OUT ~~W~~—WHO GAVE THE ORDERS? A. JOHN M. HIGBEE GAVE THE ORDERS WHEN WE WERE IN LINE. Q. IF LEE WAS ~~PRESENT~~ THE PERSON IN COMMAND ~~Z~~AT THE TIME HOW DID HIGBEE COME TO GIVE THE ORDERS? A. HE WAS THE COMMANDER OVER THE MEN —LEE WAS UNDER HIGBEE —OVER ALL THESE SOLDIERS. Q. WERE YOU THERE AS A MILITARY COMPANY OR OTHERWISE? A. WE **WERE** ~~WAS NOT~~ IN MILITARY ARRAY. Q. WERE YOU UNDER MILITARY ORDERS? A. SO FAR ~~I~~AS I KNEW WE HAD MILITARY ORDERS. Q. WHAT OFFICE DID JOHN D. LEE	MARCHED OUT WHO GAVE THE ORDERS HIGBEE IF LEE WAS PERSON IN COMMAND AT THE TIME HOW DID HIGBEE COME TO GIVE THE ORDERS [*space*] HE WAS THE COMMANDER OVER THE MEN ~ LEE WAS UNDER HIGBEE ~ OVER ALL THESE SOLDIERS [*space*] WERE YOU THERE AS A MILITARY COMPANY OR OTHERWISE WE WAS IN *[[39]]* MILITARY ARRAY [*space*] WERE YOU UNDER MILITARY ORDERS SO FAR AS I KNEW WE HAD MILITARY ~~WAS UNDER THOSE~~ ORDERS [*space*] WHAT OFFICE DID JOHN D. LEE

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RT	RS	BT	PS
HOLD IN THE MILITARY AT THAT TIME ? A. I DO NOT KNOW. Q. DON'T YOU KNOW HE HELD NONE ? A. I DO NOT. I UNDERSTOOD HE WAS MAJOR OR CAPTAIN OF FIFTY	HOLD IN MILITARY AT THAT TIME I DO NOT KNOW. DON'T YOU KNOW HE HELD NONE {A}[p] I DO NOT. I UNDERSTOOD HE WAS MAJOR OR CAPTAIN OF 50	HOLD ~~TO THE~~ IN THE MILLITARY AT TH~~A~~T TIME? A. I DON'T KNOW. Q. DON'T YOU KNOW THAT HE HELD NONE? A. I DO NOT; I UNDERSTOOD THAT HE WAS MAJOR O~~F~~R CAPTAIN OVER ~~%~~ 50.[157] Q. WHEN ~~I~~DID YOU UNDERSTAND IT~~.~~**?** A.	HOLD IN THE MILITARY AT THAT TIME I DON'T KNOW DON'T YOU KNOW THAT HE HELD NONE I DO NOT *I/WE*[?] UNDERSTOOD THAT HE WAS A MAJOR OR CAPTAIN OVER 50 WHEN DID YOU UNDERSTAND
FROM HARMONY. Q. WHEN DID YOU LEARN THAT FACT ? A. I HEARD IT RUMORED, BEFORE EVER THAT THING HAPPENED.	FROM HARMONY {Q}[i] WHEN DID YOU LEARN THAT FACT ? {A}[p] HEARD IT RUMORED BEFORE EVER THAT THING HAPPENED.	FROM HARMONY. Q. WH~~V~~EN DID YOU LEARN THAT FACT? A. I HEARD IT FROM RUMOR BEFORE EVER THAT THI~~S~~NG HAPPENED.	IT FROM HARMONY WHEN DID YOU LEARN THAT FACT I HEARD IT FROM RUMOR BEFORE THAT THING HAPPENED
Q. WHAT MAN HAS EVER TOLD YOU THAT JOHN D. LEE WAS MAJOR AT THE TIME THIS M~~S~~ASSACRE TOOK PLACE ? A. I COULD NOT TELL YOU	{Q}[i] WHAT MAN HAS EVER TOLD YOU JOHN D. LEE WAS MAJOR AT THE TIME THIS MASSACRE TOOK PLACE {A}[p]I COULD NOT TELL YOU	*[76]* Q. WHAT MAN HAS EVER TOLD YOU THAT JOHN D. LEE WAS A MAJOR AT THE TIME T~~H~~A T THIS MASSACRE TOOK PLACE? A. I COULD NOT TELL YOU THAT BECAUSE I DO NOT KNOW	[*space*] WHAT MAN HAS EVER TOLD YOU THAT JOHN D. LEE WAS A MAJOR AT THE TIME THAT THIS MASSACRE TOOK PLACE I COULD NOT TELL YOU THAT BECAUSE I DO NOT KNOW
WHAT MAN. Q. DO~~-~~N'T YOU KNOW	{Q}[i]DON'T YOU KNOW	THAT MAN. Q. DON'T YOU KNOW	THAT MAN [*space*] DON'T YOU KNOW

157. John D. Lee was a major in the 4th Battalion of the Iron Military District.

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RT	RS	BT	PS
AT THAT TIME HE HELD NO MILITARY POSITION WHATEVER A. I DO NOT KNOW IT. Q. WHAT ORDERS WERE GIVEN TO YOU IN THE HOLLOW SQUARE BEFORE YOU MARCHED OUT FROM YOUR CAMPING PLACE ? A. I DIDN'T HEAR ANY PARTICULAR ORDERS, I WAS NOT IN THE SQUARE. Q. DID YOU HEAR WHAT WAS SAID TO THE MEN IN THAT SQUARE ? A. I DIDN'T HEAR IT. Q. DO YOU KNOW IF ANY ORDERS WERE GIVEN TO THE MEN OR NOT ? *[103]* A. ONLY WHAT WAS SAID, I DIDN'T HEAR IT. I	AT THAT TIME HE HELD NO MILITARY AT THAT TIME WHATEVER I DO NOT KNOW IT. WHAT ORDERS WERE GIVEN TO YOU IN HOLLOW SQUARE BEFORE YOU MARCHED OUT FROM YOUR CAMPING PLACE $\{_{A}\}^{p}$I DIDN'T ~~KNOW~~ HEAR ANY PARTICULAR ORDERS ~~WAS NOT~~ I WAS NOT IN THE SQUARE. DID YOU HEAR WHAT WAS SAID TO MEN IN THAT SQUARE $\{_{A}\}^{i}$I DIDN'T HEAR IT. DO YOU KNOW IF ANY ORDERS WERE GIVEN TO THE MEN OR NOT $\{_{A}\}^{p}$ THAT WAS SAID I DIDN'T HEAR IT I	AT THAT TIME HE HELD NO MILITARY COMMAND WHATEVER? A. I DIDN'T KNOW IT. Q. WHAT ORDERS WERE GIVEN TO YOU IN THE HOLLOW SQUARE BEFORE YOU MARCHED OUT FROM YOUR CAMPING PLACE? A. I DIDN'T HEAR ANY PARTICULAR ORDERS THERE; I WAS NOT IN THE HOLLOW SQUARE. Q. YOU DIDN'T HEAR THE ORDERS? DO YOU KNOW WHAT WAS SAID TO THE MEN WHILE THEY WERE IN THAT SQUARE? A. NO, I SAID I DIDN'T HEAR IT. Q. DO YOU KNOW IF ANY ORDERS WERE GIVEN TO THE MEN THERE THEN OR NOT? A. IT WAS SAID SO BUT I DIDN'T HEAR IT. I TOLD YOU BEFORE I	THAT AT THAT TIME HE HELD NO MILITARY COMMAND WHATEVER I DIDN'T KNOW IT WHAT ORDERS WERE GIVEN TO YOU IN THE HOLLOW SQUARE BEFORE YOU MARCHED OUT FROM YOUR CAMPING PLACE I DIDN'T HEAR ANY PARTICULAR ORDERS THERE I WAS NOT IN THE HOLLOW SQUARE YOU DIDN'T HEAR THE ORDERS ~ DO YOU KNOW WHAT WAS SAID TO THE MEN WHILE THEY WERE IN THAT SQUARE NO I SAID I DIDN'T HEAR IT DO YOU KNOW WHETHER ANY ORDERS WERE GIVEN TO THEM THEN IT WAS SAID SO. I DIDN'T HEAR IT. I TOLD YOU BEFORE I

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RT	RS	BT	PS
WAS OUTSIDE OF THAT SQUARE AND I DON'T KNOW WHAT THEY SAID INSIDE, IN THAT HOLLOW SQUARE. Q. WASN'T YOU PRESENT AND AIDED IN DESIGNING THIS ~~ENCOUNTER~~ IN COUNCIL ? A. NO, NOR ON THE FIELD. Q. DURING THE TIME THAT HIGBEE, HOPKINS, ALLEN AND OTHERS WERE IN COUNCIL ON THE FIELD AT THE CAMPING PLACE, AT THE TIME THAT HIGBEE NOTIFIED LEE WHAT ORDERS HE HAD RECEIVED FROM HAIGHT, DID YOU NOT JOIN IN THE	WAS OUTSIDE OF THAT SQUARE I DON'T KNOW WHAT WAS SAID INSIDE IN THAT HOLLOW SQUARE YOU WASN'T YOU PRESENT AIDING IN DESIGN THIS THING ≤AS A MEMBER OF THE≥ COUNCIL WHILE ON THE FIELD. DURING THE TIME THAT HIGBEE, HOPKINS, ALLEN AND OTHERS WERE IN COUNCIL ON THE FIELD AT THE CAMPING PLACE AT THE TIME THAT HIGBEE NOTIFIED LEE WHAT ORDERS HE HAD RECEIVED FROM HAIGHT, DID YOU NOT JOIN IN THE	WAS OUTSIDE OF THAT HOLLOW SQUARE.. I DIDN'T KNOW WHAT WAS SAID INSIDE OF THE SQUARE. ~~WAS~~ Q. WASN'T YOU PRESENT AI~~F~~DING, ADVISING AND COULCILING AS A MEMBER OF THE COUNCIL WHIL~~R~~**E** ON THE FIELD? A. NO, SIR. Q. WASN'T YOU ADVISING THAT **D**URING THE TIME THAT HIGBEE, HOPKINS, ALLEN AND OTHERS WERE IN COUNCIL ON THE FIELD AT THE CAMPING PLACE AT THE TIME T~~H~~A T HIGBEE NOTIFIED LEE WHAT ORDERS HE HAD RECEIVED; DID YOU NOT JOIN IN THE	WAS OUTSIDE OF THAT HOLLOW SQUARE. I DON'T KNOW WHAT WAS SAID INSIDE OF THE SQUARE WASN'T YOU PRESENT AIDING AND COUNSELING AS A MEMBER OF THE COUNCIL WHILE ON THE FIELD ≤NO SIR≥ WASN'T YOU ADVISING THAT ~ [*space*][158] DURING THE TIME THAT HIGBEE AND HOPKINS ALLEN AND OTHERS WERE IN COUNCIL ON THE FIELD AND AT THE CAMPING PLACE AT THE TIME THAT HIGBEE NOTIFIED LEE WHAT ORDERS HE HAD RECEIVED FROM HAIGHT DID YOU NOT JOIN IN THE

158. There is an "X" in the left margin.

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RT	RS	BT	PS
DISCUSSION THAT THEN TOOK PLACE ? A. I JOINED THIS AFFAIR. Q. IF HE HAD SUCH ORDERS—ANY AUTHORITY TO GIVE, OR CARRY THEM OUT ACCORDING TO <THEIR> ORDERS , DIDN'T YOU KNOW OF IT ? A.	DISCUSSION THAT THEN TOOK PLACE {A}[i]I JOINED THIS FAR IF HE HAD SUCH ORDERS ANY AUTHORITY TO GO AND CARRY THEM OUT ACCORDING TO THEIR ORDERS *[5]*	DISCUSSION THAT THEN TOOK PLACE? A. I JOINED THIS FAR, THAT THEY HAD SUCH ORDERS AND AUTHORITY TO GO AND CARRY THEM OUT ACCORDING TO THEIR ORDERS.	DISCUSSION THAT THEN TOOK PLACE I JOINED THIS FAR THAT THEY HAD SUCH ORDERS AND AUTHORITY "TO GO *THERE*[?] AND CARRY THEM OUT ACCORDING TO THEIR ORDERS
THAT IS WHAT I SAID. Q. DID YOU NOT ALSO STATE AT THAT TIME AND PLACE THAT IT WAS TOO LATE TO STOP NOW ? A. I DON'T RECOLLECT OF EVER SAYING SO. Q. DID YOU NOT STATE THAT TWO MEN OR HAD BEEN KILLED OR THAT ONE MAN HAD BEEN KILLED AND ANOTHER WOUNDED AT SOME SPRING BETWEEN LYNCH'S SPRING, BETWEEN THE MOUNTAIN	THAT IS WHAT I SAID. {Q}[i]DID YOU NOT ALSO STATE AT THAT TIME AND PLACE THAT IT WAS TOO LATE TO STOP NOW? {A}[i]I DON'T RECOLLECT OF EVER SAYING SO {Q}[i]DID YOU NOT STATE THAT TWO MEN HAD BEEN KILLED OR THAT ONE MAN HAD BEEN KILLED {AND}[i] ANOTHER WOUNDED AT SOME SPRING BETWEEN RITCHIE'S {**RITCHIES**}[i] SPRING BETWEEN MOUNTAIN	THAT IS WHAT I I SAID. *[77]* Q. DID YOU NOT ALSO STATE AT THAT TIME A~~M~~ND PLACE THAT IT WAS TOO LATE TO STOP NOW? A. I DON'T RECOLLECT OF SAYING SO. Q. DID YOU NOT STATE THAT ~~W~~TWO MEN HAD BEEN KILLED OR THAT ONE MAN HAD BEEN KILLED AND ANOTHER MAN WOUNDED AT SOME SPRING BETWEEN RITCHIE'S SPRINGS AND BETWEEN THE MOUNTAN	THAT IS WHAT I SAID DID YOU NOT ALSO STATE AT THAT TIME AND PLACE THAT IT WAS TOO LATE TO STOP NOW I DON'T RECOLLECT OF EVER SAYING SO DID YOU NOT STATE THAT TWO MEN HAD BEEN KILLED OR THAT ONE MAN HAD BEEN KILLED AND ANOTHER MAN WOUNDED AT SOME ~~<~~AT RITCHIE'S~~>~~ SPRING BETWEEN MOUNTAIN

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RT	RS	BT	PS
MEADOWS AND CEDAR AND THAT THIS MAN HAD BEEN KILLED BY STEWART AND THAT THE WOUNDED MAN HAD ESCAPED AND RETURNED TO THE CAMP OF THE EMIGRANTS. THAT THE EMIGRANTS NOW KNEW THE WHITES WERE AIDING THE INDIANS; THAT UNLESS THEY WERE ALL KILLED THEY WOULD EXCITE THE PEOPLE OF CALIFORNIA TO COME IN THE TERRITORY AND ATTACK THE MORMONS FROM THE SOUTH AND WEST ? A. NO, I DO NOT KNOW AS I KNOW ANYTHING ABOUT THAT. I KNEW IN GOING *[104]* WHAT HIGBEE	MEADOWS AND CEDAR AND THAT THIS MAN HAD BEEN KILLED BY STEWART AND THAT THE WOUNDED MAN HAD ESCAPED AND RETURNED TO CAMP OF THE EMIGRANTS THAT THE EMIGRANTS NOW KNEW {THE}[i] WHITES WERE AIDING INDIANS; THAT UNLESS THEY WERE ALL KILLED THEY WOULD CAUSE THE PEOPLE OF CALIFORNIA TO COME IN A HOSTILE ATTITUDE AND ATTACK THE MORMONS FROM THE SOUTH AND WEST {A}[p]NO I DO NOT KNOW AS I KNOW ANYTHING ABOUT THAT I KNEW IN GOING WHAT HIGBEE	MMEADOWS AND CEDAR, AND THAT THIS MAN HAD BEEN KILLED BY STEWART, AND THAT THE WOUNDED MAN HAD ESCAPED AND RETURNED TO THE EMIGRANT CAMP; THAT THE EMIGRANTS NOW KNEW THAT THE WHITES WERE AI~~F~~DING THE **I**NDIAND; THAT UNLESS THEY WERE ALL KILLED THEY WOULD EXCITE THE PEOPLE OF ~~C~~**C**ALIFORNIA TO COM~~T~~**E IN A** ~~INTO THE AN~~ HOSTILE ATTITUDE AND ATTACK THE MORMONS FROM THE SOUTH AND WEST? A. NO, I DON'T KNOW AS I KNOW ANYTHING ABOUT THAT; I KNOW THAT IN GOING WHAT HI**G**BEE	MEADOWS AND CEDAR THAT THIS MAN HAD BEEN KILLED BY STEWART AND THAT THE WOUNDED MAN HAD ESCAPED AND RETURNED TO THE CAMP OF THE EMIGRANTS THAT THE EMIGRANTS NOW KNEW THAT THE WHITES WERE AIDING THE INDIANS *[[40]]* AND THAT UNLESS THEY WERE ALL KILLED THEY WOULD CAUSE THE PEOPLE OF CALIFORNIA TO COME IN A HOSTILE ATTITUDE AND ATTACK THE MORMONS FROM THE SOUTH AND WEST NO I DON'T KNOW AS I KNOW ANYTHING ABOUT THAT I KNEW IN GOING WHAT HIGBEE

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RT	RS	BT	PS
SAID ON THE ROAD ABOUT ONE MAN WAS KILLED AND ANOTHER WOUNDED AT LYNCH'S SPRINGS. HE HAD BEEN UP BEFORE THE FIRST ATTACKS. WHEN WE GOT TO THAT POINT HE SPOKE OF THAT THING GOING OUT.)**2** DURING THIS COUNCIL IN THE FIELD DID YOU NOT SAY IN SUBSTANCE AS THAT I HAVE STATED ? A. NO MORE THAN WHAT I HAVE SAID. Q. AT THIS SAME COUNCIL DID YOU NOT ARGUE THAT IT WOULD BE RIGHT TO EXTERMINATE THE EMIGRANTS BECAUSE JOHNSON'S ARMY WAS ON THE EAST AND THAT THIS WAS	SAID ON THE ROAD ABOUT ONE MAN WAS KILLED AND ANOTHER AT RITCHIE'S SPRINGS WHO HAD BEEN *BY/UP*[?] *PARTS/PRTS/*—[?] BEFORE FROM THE FIRST ATTACKS WHEN WE GOT TO THE POINT HE SPOKE OF THAT THING GOING OUT {Q}^{i}DURING THIS COUNCIL ON THE FIELD DID YOU NOT SAY IN SUBSTANCE AS THAT I HAVE STATED {A}^{p} NO MORE THAN WHAT I HAVE SAID. {~~A~~}^{i}{Q}^{p}AT THIS SAME COUNCIL DID YOU NOT ARGUE THAT IT WOULD BE RIGHT TO EXTERMINATE EMIGRANTS BECAUSE JOHNSTON'S ARMY WAS ON THE EAST AND THAT THIS WAS	SAID ON THE ROAD ABOUT WHERE ~~W~~ONE MAN WAS KILLED AND ANOTHER AT RITCHIE'S SPRINGS. HE HAD BEEN OUT IT APPEARS BEFORE THE FIRST ATTACKS AND WHEN WE GOT TO THAT POINT HE SPOKE OF THAT THING GOING OUT. Q. DURING THIS COUNCIL ON THE FIELD DID YOU NOT SAY IN SUBSTANCE AS THAT I HAVE STATED? A. NOTHING MORE THAN WHAT I HAVE SAID. Q. AT THAT SAME COUNCIL DID YOU NOT ARGUE THAT IT WOULD BE RIGHT TO EXTERMINATE THE EMIGRANTS BECAUSE JOHNSON'S ARMY WAS ON THE EAST AND THAT THIS WAS	SAID ON THE ROAD ABOUT WHERE ONE MAN WAS KILLED AND ANOTHER AT RITCHIE'S SPRINGS. HE HAD BEEN OUT IT APPEARS BEFORE AT THE FIRST ATTACKS AND WHEN WE GOT TO THAT POINT HE SPOKE OF THAT THING GOING OUT DURING THIS COUNCIL ON THE FIELD DID YOU NOT SAY IN SUBSTANTIVE <THE SAME AS> AS THAT I HAVE STATED [*space*] NOTHING MORE THAN WHAT I HAVE SAID [*space*] AT THAT SAME COUNCIL DID YOU NOT ARGUE THAT IT WOULD BE RIGHT TO EXTERMINATE THE EMIGRANTS BECAUSE JOHNSON'S ARMY WAS ON THE EAST AND THAT THIS WAS

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RT	RS	BT	PS
NECESSARY ? A. NO SIR, I DID NOT. Q. DID YOU MAKE ANY EFFORT AFTER YOU ARRIVED AT THE FIELD TO PREVENT THE ATTACK ON THE EMIGRANTS ? A. NO. Q. DID YOU CONVERSE WITH ANY PERSON OR PERSONS REQUESTING THAT THE MATTER BE STOPPED OR SUGGE~~Z~~ST ANY OTHER DIFFERENT LINE OF ACTION THAN THAT WHICH WAS MARKED OUT BY HIGBEE'S INSTRUCTIONS ? A. NO SIR, THERE WAS NO CHANCE FOR ANY. Q. WHAT DO YOU MEAN BY SAYING THERE WAS NO CHANCE WHEN YOU HAD THE RIGHT AND PRIVILEGE	NECESSARY WAR MEASURE NO SIR I DID NOT. {Q}^{i}DID YOU MAKE ANY EFFORT AFTER YOU ARRIVED AT FIELD TO PREVENT THE ATTACK ON THE EMIGRANTS {A}^{i} NO DID YOU CONVERSE WITH ANY PERSON OR PERSONS REQUESTING THAT THE MATTER BE STOPPED OR SUGGESTING ANY OTHER DIFFERENT LINE OF ACTION THAN THAT WAS MARKED OUT BY HIGBEE'S INSTRUCTIONS {A}^{p} NO THERE WAS NO CHANCE FOR ANY. Q WHAT DO YOU MEAN BY SAYING THERE WAS NO CHANCE WHEN YOU HAD THE RIGHT AND PRIVILEGE	A NECESSA**R**Y~~R~~ WAR MEASURE? A. NO, SIR, I DID NOT. Q. DID YOU MAKE ANY EFFORT AFTER YOU ARRIVED ON THE FIELD TO PREVENT THE ATTACK ON THE EMIGR**A**NTS OUT THERE? A. NO. Q. **D**ID YOU CONVERSE WITH ANY PERSON OR PERSONS REQUESTING THAT THE MATTER BE STOPPED OR SUGGEST ANY OTHER DIFFERENT LINE OF ACTION THAN THAT MARKED OUT BY HIGBEES INSTRUCTIONS? *[78]* A. NO, THERE WA~~X~~S NO CHANCE FOR ME THERE. Q. WHAT DO YOU MEAN BY SAYING THAT THERE WAS NO CHANCE WHEN YOU HAD THE RIGHT AND PRIVILEGE OF	A NECESSARY WAR MEASURE NO SIR I DID NOT DID YOU MAKE ANY EFFORT AFTER YOU ARRIVED AT THE FIELD TO PREVENT THE ATTACK UPON EMIGRANTS OUT THERE ~~YES~~ ~~SIR~~ NO DID YOU CONVERSE WITH ANY PERSON OR PERSONS REQUESTING THAT THE MATTER BE STOPPED OR SUGGEST ANY OTHER DIFFERENT LINE OF ACTION THAN THAT MARKED OUT BY HIGBEES INSTRUCTIONS NO THERE WAS NO CHANCE FOR ANY OTHER WHAT DO YOU MEAN BY SAYING THAT THERE WAS NO CHANCE WHEN YOU HAD THE RIGHT AND PRIVILEGE OF

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RT	RS	BT	PS
TO DO AS YOU PLEASED ? A. I HADN'T THE RIGHT AND PRIVILEGE TO DEMAND TO TALK ANYTHING THAT WAS NOT ORDERED. Q. YOU HAVE SPOKEN ABOUT THE FLAG OF TRUCE BEING SENT IN SIR — CAN YOU STATE POSITIVELY WHO CARRIED THAT FIRST FLAG ? A. WELL, AS TO THAT FIRST FLAG GOING FROM THE RANKS I COULD NOT POSITIVELY TELL, ONLY AS MY MIND WAS REFRESHED. IT WAS A MAN BY THE NAME *[105]* OF WILLIAM BATEMAN. Q. AFTER BATEMAN RETURNED FROM THE EMIGRANT CAMP WHAT WAS SAID IN	TO DO AS YOU PLEASED $\{_{\mathbf{A}}\}^{\mathrm{p}}$I HADN'T THE RIGHT AND PRIVILEGE TO DEMAND OR TALK ANYTHING THAT WAS NOT ORDERED. [*space*] $_{\mathbf{Q}}$YOU HAVE SPOKEN ABOUT THE FLAG OF TRUCE BEING SENT IN SIR, CAN YOU STATE POSITIVELY WHO CARRIED THAT FIRST FLAG $\{_{\mathbf{A}}\}^{\mathrm{i}}$ WELL AS TO THAT FIRST FLAG GOING FROM THE RANKS $\{_{\mathbf{A}}\}^{\mathrm{p}}$ I COULD NOT POSITIVELY STATE, ONLY AS MY MIND WAS REFRESHED. IT WAS A MAN BY NAME OF WILLIAM BATEMAN. AFTER BATEMAN RETURNED FROM THE EMIGRANT CAMP WHAT WAS SAID IN	TALKING TO THEM AND TO DO AS YOU PLEASED? A. I HADN'T THE RIGHT AND PRIVILEGE TO COUNTERMAND ~~WHA~~ WHAT WAS ~~OR~~ ORDERED. Q. YOU HAVE SPOKEN OF THE FLAG OF TRUCE BEING SENT; NOW, SIR**,** CAN YOU TELL POSITIVELY WHO CARRIED THAT FIRST FLAG? A. WELL, AS TO THAT FIRST FLAG GOING FROM THE RANKS I COULD NOT POSITIVELY TELL ONLY AS MY MIND WAS REFRESHED; IT WAS A MAN BY THE NAME OF WILLIAM BATEMEN. Q. AFTER BATEMEN RETURNED FROM THE EMIGRANT CAMP WHAT WAS SAID IN**T**O	TALKING TO *WHOM/HIM*[?] YOU PLEASED I HADN'T THE RIGHT TO COME IN THERE AND COUNTERMAND WHAT WAS ORDERED YOU HAVE SPOKEN OF THE FLAG OF TRUCE BEING SENT [*space*] NOW SIR CAN'T YOU STATE POSITIVELY WHO CARRIED THAT FIRST FLAG ~~AS TO THAT~~ ~~FIRST FLAG~~ ~~GOING FROM~~ ~~THE RANKS~~ I COULD NOT POSITIVELY TELL ONLY AS MY MIND WAS REFRESHED. IT WAS A MAN BY THE NAME OF WILLIAM BATEMEN AFTER BATEMEN RETURNED FROM THE EMIGRANT CAMP WHAT WAS SAID IN

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RT	RS	BT	PS
YOUR HEARING CONCERNING THIS MATTER ? A. NOTHING IN MY HEARING.	YOUR HEARING CONCERNING THIS MATTER {A}p NOTHING IN MY HEARING.	YOUR HEARING CONCERNIGG THIS MATTER? A. NOTHING IN MY HEARING; I WASN'T DOWN WHERE THEY STARTED FROM, AND I COULD	YOUR HEARING CONCERNING THIS MATTER NOTHING IN MY HEARING. I WASN'T DOWN WHERE THEY STARTED FROM AND CAME
Q. DID YOU HEAR THE ORDERS IF ANY WERE GIVEN THAT HIGBEE GAVE ATBTHE TIME LEE STARTED WITH THE SECOND FLAG OF TRUCE ? A. I DIDN'T HEAR ANY ORDERS GIVEN AT THAT TIME.	{Q}i DID YOU HEAR THE ORDERS IF ANY WERE GIVEN THAT HIGBEE GAVE TO LEE AT THE TIME [6] LEE STARTED WITH THE SECOND FLAG OF TRUCE {A}p I DIDN'T HEAR ANY ORDERS GIVEN AT THAT TIME.	NOT GIVE IT. Q. DID YOU HEAR THE ORDERS IF ANY WERE GIVEN THAT HIGBEE GAVE TO LEE AT THE TIME LEE STARTED WITH THE SECOND FLAG OF TRUCE? A. I DIDN'T HEAR ANY ORDERS GIVEN AT THAT TIME.	TOGETHER DID YOU HEAR THE ORDERS ~~ON THE~~ IF ANY WERE GIVEN THAT HIGBEE GAVE TO LEE AT THE TIME THAT LEE STARTED WITH THE SECOND FLAG OF TRUCE I DIDN'T HEAR ANY ORDERS GIVEN THERE BY THEM [*space*]
Q. YOU SAY THE TROOPS THERE WERE A PART OF THE NAUVOO LEGION ? A. THEY WERE CALLED SO IN THAT ORGANIZATION.	{Q}i YOU SAY THE TROOPS THERE WERE PART OF THE NAUVOO LEGION {A}p THEY WERE CALLED SO IN THAT ORGANIZATION.	A. Y OU SAY THAT THE TROOPS THERE WERE A PART OF THE NAUVOO LEGION? A. THEY WERE CALLED SO IN THAT ORGANIXZATIO N / Q. YOU HAD	[41] YOU SAY THAT THE TROOPS THERE WERE A PART OF THE NAUVOO LEGION THEY WERE CALLED SO IN THAT ORGANIZATION
Q. YOU HAD BEEN PRETTY WELL ACQUAINTED WITH THAT LEGION FROM ITS VERY FIRST ORGANIZATION, HAD YOU NOT ?	YOU HAD BEEN PRETTY WELL ACQUAINTED WITH THAT LEGION FROM ITS VERY FIRST ORGANIZATION {HAD YOU NOT	BEEN PRETTY WELL ACQUAINTED WITH THAT LEGION FROM ITS VERY FIRST ORGANIZATION HAD YOU NOT?	[*space*] YOU HAD BEEN PRETTY WELL ACQUAINTED WITH THAT LEGION FROM ITS FIRST ORGANIZATION HAD YOU ~~<~~NOT~~>~~

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RT	RS	BT	PS
A. NO SIR,	ₐ}ᵖ NO SIR	A. NO, SIR. Q. DID YOU NOT LIVE IN NAUC~~C~~VOO WHEN IT WAS FORMED? A. NO,	NO SIR [*space*] DID YOU NOT LIVE IN NAUVOO WHEN IT WAS FORMED NO
I DIDN'T BELONG TO ANY LEGION IN NAUVOO. Q. WHAT WAS YOUR BUSINESS THERE ? A. I WAS A BLACKSMITH. I DIDN'T BELONG TO ANY COMPANY, OR CONCERN;	I DIDN'T BELONG TO ANY LEGION IN NAUVOO ᵩ WHAT WAS YOUR BUSINESS {ₐ}ᵖ THERE I WAS A BLACKSMITH I DIDN'T BELONG TO ANY COMPANY OR CONCERN.	SIR, I DIDN'T BELONG TO ANY LEGION THERE IN NAUVOO. Q. WHAT WAS YOUR BUSINESS IN NAUVOO . A. I WAS A BLACKSMITH~~:~~; I DIDN'T BELONG TO ANY COMPANY IN THE LEGION. *[79]* ~~Q. WHAT WAS YOUR BUSINESS IN NAUVOO.~~ Q.	SIR I DIDN'T BELONG TO ANY LEGION THERE WHAT WAS YOUR BUSINESS IN NAUVOO I WAS BLACKSMITH ≤I DIDN'T BELONG TO ANY LEGION≥[159] [*space*]
I WAS A MEMBER OF THE MORMON CHURCH; HELD A POSITION AS LEADER.	I WAS A MEMBER OF THE MORMON CHURCH, HELD POSITION AS ELDER.	WAS NOT A MEMBER OF THE MORMON CHURCH THERE WAS YOU?? A . YES, SIR, I WAS.	WAS NOT A MEMBER OF THE MORMON CHURCH THERE WAS YOU YES SIR I WAS ~~BUT I DID NOT~~
Q. WHAT TIME IN THE DAY WAS IT YOU AND YOUR COMPANIES WERE ORDERED INTO LINE TO MARCH DOWN THE VALLEY TO WHERE THE EMIGRANTS WERE CAMPED A. I SHOULD	WHAT TIME ≤IN THE≥ DAY WAS IT YOU AND YOUR COMPANIES WERE ORDERED INTO LINE TO MARCH DOWN THE VALLEY WHERE THE EMIGRANTS WERE CAMPED {ₐ}ᵖI SHOULD	Q. WHAT TIME IN THE DAY WAS IT THAT YOUR COMPANIONS WERE ORDERED INTO LINE TO MARCH DOWN THE VALLEY WHERE THE EMIGRANTS WERE CAMPED? A. I SHOULD	WHAT TIME IN THE DAY WAS IT THAT YOU AND YOUR COMPANIONS WERE ORDERED INTO LINE TO MARCH DOWN THE VALLEY ≤WHERE THE≥ EMIGRANTS WERE CAMPED? I SHOULD

159. Rogerson's hand symbol.

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RT	RS	BT	PS
THINK IT WAS THE MIDDLE OF THE DAY AS NEAR AS I CAN RECOLLECT. Q. HOW NEAR TO THE ENCAMPMENT DID YOU ~~B~~ GO. ? A. I SHOULD JUDGE FROM WHAT I COULD SEE DOWN TO THE CAMP BETWEEN A QUARTER AND A HALF A MILE. Q. YOU SAY YOU STAYED THERE BETWEEN TWO AND THREE HOURS UNDER ARMS ? A. YES. Q. WHAT TIME OF THE DAY WAS IT WHEN THE EMIGRANTS CAME OUT ? *[106]* A. I COULD NOT TELL EXACTLY,	THINK IT WAS MIDDLE OF THE DAY AS NEAR AS I CAN RECOLLECT. Q HOW NEAR TO THE ENCAMPMENT DID YOU GO A I SHOULD JUDGE FROM WHAT I COULD SEE DOWN TO THE CAMP BETWEEN QUARTER AND HALF A MILE. QYOU SAY YOU STOOD THERE BETWEEN 2 AND 3 HOURS UNDER ARMS {A}P YES WHAT TIME OF {THE}P DAY WAS IT WHEN EMIGRANTS CAME OUT. {A}PI COULD NOT TELL EXACTLY	THINK IT WAS ABOUT THE MIDDLE OF THE DAY AS NEAR AS I CAN RECOLLECT. Q. HOW NEAR TO THE ENCAMPMENT DID YOU **GO** ~~DO~~? A. I SHOULD JUDGE FROM WHAT I COULD SEE FRO M A QUARTER TO A HALF A MILE. Q. YOU SAY YOU STOOD THERE TWO OR THREE HOURS UNDER ARMS? A. YES. Q. WHAT TIME OF THE DAY WAS IT WHEN THE EMIGRANT**S** CAME OUT.? A. I COULD NOT TELL EXACTLY	THINK IT WAS ABOUT THE MIDDLE OF THE DAY AS NEAR AS I CAN RECOLLECT HOW NEAR TO THE ENCAMPMENT DID YOU GO I SHOULD JUDGE ~~FROM WHAT I SEEN~~ [*space*] ~~COULD SEE DOWN TO THE CAMP~~ BETWEEN QUARTER TO HALF A MILE YOU SAY THAT YOU STOOD THERE 2 OR 3 HOURS UNDER ARMS WHAT TIME OF DAY WAS IT WHEN THE EMIGRANTS CAME OUT BETWEEN 2 AND 3 HOURS IT WAS SOMETIME I KNOW [*space*] WHAT TIME OF THE DAY WAS IT THE EMIGRANTS CAME OUT OF THE CORRAL I COULD NOT TELL EXACTLY

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RT	RS	BT	PS
I HAD NO WATCH OR TIME PIEC~~,~~E, IN THE AFTERNOON SOMETIME. Q. HOW MANY MEN STOOD IN THE RANKS WITH YOU ? A. I NEVER COUNTED THEM, BUT AS FAR AS I COULD LOOK BACK; IN MY MIND AND LOOK AT IT IT LOOKS TO ME THERE MUST HAVE BEEN FORTY TO FIFTY MEN. Q. HOW MANY MEN CAME OUT FORM THE EMIGRANT CAMP ? A. COULD NOT TELL YOU THAT. Q. WELL ABOUT HOW MANY ? A. WELL I COULD NOT SAY, BECAUSE I DIDN'T SEE THEM ALL. Q. HOW MANY DID YOU SEE ?	I HAD NO WATCH OR TIME PIECE. IN THE AFTERNOON SOMETIME. $_{Q}$HOW MANY MEN STOOD IN THE RANKS WITH YOU ? NEVER COUNTED THEM. BUT AS FAR AS I CAN LOOK BACK AND LOOK AT IT LOOK TO ME THERE MUST HAVE BEEN FORTY TO FIFTY MEN $_{Q}$ HOW MANY MEN CAME OUT FROM EMIGRANT CAMP. $\{_{A}\}^{p}$ COULD NOT TELL YOU THAT $\{_{Q}\}^{i}$ ABOUT HOW MANY $\{_{A}\}^{p}$ WELL I COULD NOT SAY BECAUSE I DIDN'T SEE THEM ALL $_{Q}$HOW MANY DID YOU SEE	I HAD NO W~~H~~ATCH OR TIME PIECE TO KEEP I~~T~~. IT WAS IN THE AFTERNOON CONSIDERABL~~E~~ Y. Q. HOW MANY MEN STOOD IN THE RANKS WITH YOU? A. I NEVER COUNTED THEM, BUT SO FAR AS I CAN JUDGE MAY BE 40 OR 50. MEN.Q. HOW MANY MEN CAME OUT FROM THE EMIGRSNT CAMP? A. I COULD NOT TELL THAT. Q. ABOUT HOW MAN~~T~~Y? A. WELL, I COULD NOT SAY BECAUSE I DIDN'T SEE THEM ALL? Q. DIDN'T SEE ALL THE MEN? A. NO, SIR. Q. HOW MANY DID YOU SEE?	WHAT TIME I HAD NO WATCH TO KEEP TIME IT WAS IN THE AFTERNOON CONSIDERABLE HOW MANY MEN STOOD IN THE RANKS WITH YOU I NEVER COUNTED THEM BUT AS FAR AS I ~~CAN'T~~ ~~LOOK BACK~~ JUDGE AND LOOK AT IT *LIKE*[?] 40 OR 50 MEN HOW MANY MEN CAME OUT FROM THE EMIGRANT CAMP I COULD NOT TELL YOU THAT ABOUT HOW MANY WELL I COULD NOT SAY BECAUSE I DIDN'T SEE THEM ALL [*space*] DIDN'T SEE ALL THE MEN NO SIR HOW MANY DID YOU SEE

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RT	RS	BT	PS
A. I MIGHT HAVE SEEN TWENTY OR THIRTY, MAY BE. Q. DIDN'T YOU SEE FIFTY ? A. I DON'T KNOW AS I DID. I WAS AT THE HEAD OF THE COLUMN, HADN'T MUCH CHANCE TO LOOK AROUND BEHIND. Q. DIDN'T YOU WALK OVER THAT FIELD AFTERWARDS ? A. NO SIR, I DID NOT. Q. DID YOU PAY ANY ATTENTION TO ANYTHING ON THAT FIELD, SO THAT YOU COULD DESCRIBE IT ACCURATELY ? A. I DID, WHEN THE ORDER TO FIRE WAS GIVEN I WENT AHEAD OF THEM AND TOOK CHARGE OF THE CHILDREN, WHERE	{A I}^{p} MIGHT HAVE SEEN 20 OR THIRTY MAYBE Q DIDN'T YOU SEE 50 {A}^{p} DON'T KNOW AS I DID I WAS AT THE HEAD OF THE COLUMN HADN'T MUCH CHANCE TO LOOK AROUND BEHIND. Q DIDN'T YOU WALK OVER THAT FIELD AFTERWARDS {A}^{i}NO SIR I DID NOT. Q DID YOU PAY ANY ATTENTION TO ANYTHING ON THAT FIELD SO COULD DESCRIBE IT ACCURATELY {A}^{p} I DID WHEN THE ORDER TO FIRE WAS GIVEN, I WENT AHEAD OF THEM TOOK CHARGE OF CHILDREN WHERE	A. 20 OR 30. Q. DID YOU SEE 50? A. I DON'T KNOW AS I DID; I **WAS** ~~SAW~~ AT THE HEAD OF THE COLUMN AS THEY CAME ALONG; I DIDN'T GET A CHANCE TO COUNT THEM. Q. DID YOU WALK OVER THAT FIELD AFTERWARDS? *[80]* A. NO, SIR, I DID~~N'T~~. **NOT.** Q. DID YOU PAY ANY ATTENTION TO ANYTHING ON THAT FIELD SO THAT YOU COULD DESCRIBE IT CORRECTLY? A. I DID. WHEN THE WORD "TO FIRE" WAS GIVEN I WENT **AHEAD** ~~AGHEAD~~ OF THEM ~~Q.~~AS I WAS TOLD TO GO AND TAKE CHARGE OF THE CHILDREN WHERE	20 MAYBE 30 DIDN'T YOU SEE FIFTY A I DON'T KNOW AS I DID I WAS AT THE HEAD OF THE COLUMN AND THEY CAME ALONG. I DIDN'T HAVE CHANCE TO COUNT DID NOT YOU WALK OVER THAT FIELD AFTERWARDS NO SIR I DID NOT DID YOU PAY ATTENTION TO ANYTHING ON THAT FIELD SO THAT YOU COULD DESCRIBE IT CORRECTLY I DID ~~WHERE THEY~~ *HOW*[?] FIRE WAS GIVEN AND WHEN I WAS TOLD TO GO AND TAKE CHARGE OF THE CHILDREN WENT AHEAD ~~<~~*TO*[?]~~>~~ WHERE

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RT	RS	BT	PS
THE WAGONS WAS.	WAGONS WAS.	THE TWO WAGONS WERE, AND LEFT	THE TWO WAGONS WERE AND LEFT
Q. WHEN THEY QUIT SHOOT~~I~~ING ——— ——YOU RECOLLECT ABOUT ~~TH~~ PUTTING THE CHURCH BRANDS ON THE CATTLE — YOU CAN RECOLLECT THAT ? NO ANSWER.	Q ~~AFTER YOU~~ WHEN THEY QUIT SHOOTING YOU RECOLLECT ABOUT PUTTING CHURCH BRAND ON CATTLE YOU CAN RECOLLECT THAT. **(NO ANSWER)** [*space*]	THEM**.** Q. AFTER YOU GOT AWAY FROM THEM YOU RECOLLECT **VERY WELL** OF PUTTING THE CHURCH BRAND ON THE CATTLE—YOU CAN RECOLLECT THAT ? A. YES , SIR. Q. ~~DID~~ **Y**OU **CAN** RECOLLECT BRANDING THESE CATT~~L~~LE SO THAT THERE **IS** ~~WAS~~ NO QUESTION ABOUT THAT? **A. YES SIR.**	THEM AFTER YOU GOT AWAY FROM THAT YOU RECOLLECT VERY WELL PUTTING THE CHURCH BRAND ON IT ~ *EVERYTHING*[?] WAS SAFE YES SIR YOU CAN RECOLLECT BRANDING THESE CATTLE SO THAT THERE IS NO QUESTION *[[42]]* ABOUT THAT NO SIR [*space*]
Q. HOW FAR DID THE EMIGRANTS LINE MARCH FROM YOUR COMPANY OF MEN, AS *[107]* THEY CAME PAST YOU ?	Q HOW FAR DID THE EMIGRANT LINE MARCH FROM YOUR COMPANY OF MEN AS THEY CAME PAST YOU	Q. HOW FAR DID THE EMIGRANTS IN LINE MARCH FROM YOUR COMPANY OF M~~EN~~**EN** AS THEY CAME PAST YOU~~?~~ — **CAME** ~~GOT~~ UP TO YOU~~?~~**?**	HOW FAR DID THE EMIGRANTS LINE MARCH FROM YOUR COMPANY OF MEN AS THEY CAME PAST YOU ~~UP~~ CAME UP TO YOU ~
A. THEY MIGHT HAVE MARCHED SOME DISTANCE, ~~HOW~~	{A}[p] THEY MIGHT HAVE MARCHED {SOME DISTANCE.}[p]	A. THEY MIGHT HAVE MARCHED SOME DISTANCE.	
Q. HOW FAR DID THEY MARCH ?	QHOW FAR DID THEY MARCH	Q. HOW FAR DID THEY MARCH FROM YOUR	HOW FAR DID THEY MARCH FROM YOUR

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RT	RS	BT	PS
A. I CANNOT TELL YOU, I NEVER MEASURED IT; COULD NOT TELL YOU HOW FAR IT IS; IT WOULD BE ONLY GUESS WORK.	{A}I CANNOT TELL YOU I NEVER MEASURED IT, COULD NOT TELL YOU FAR IT IS IT WOULD BE ONLY GUESS WORK	CAMP? A. I COULD NOT TELL YOU, I NEVER MEASURED IT~~,~~ COULD NOT TELL YOU HOW FAR IT IS ; IT WOULD BE ONLY GU~~R~~ESS WORK. Q. WELL, GUESS. A. I C**O**ULD NOT TELL YOU. Q:.	COLUMN I COULD NOT TELL YOU GUESS AT IT [*space*] I COULD NOT TELL THAT [*space*]
Q. WITHIN TEN TO TWENTY FEET OR TWO HUNDRED YARDS ? A. I DO NOT KNOW. Q. I MEAN SIR IF YOUR COLUMN WAS REPRESENTED BY THIS JURY AND THE	[7] WITHIN TEN TO 20 FEET OR TWO HUNDRED YARDS I DO ~~<~~NOT KNOW.~~>~~ I MEAN SIR IF YOUR COLUMN WAS REPRESENTED BY THIS JURY	WERE YOU STATIONED I0 FEET OR 20 FEET OR 200 YARDS? A. I CANNOT SWEAR IN REGARD TO THAT;	WERE YOU WITHIN I0 FEET OR 20 FEET OR 2 HUNDRED YARDS ~ I CANNOT SWEAR ~~<~~WHEN THEY~~>~~ ~~WHEN THEY CAME~~
EMIGRANTS WERE MARCHED ALONG HERE — HOW FAR WOULD IT BE FROM THE EMIGRANTS TO YOUR COLUMN ? A.; I DON'T THINK THERE WAS OVER EIGHT OR TEN FEET. Q. WHAT WAS DONE AFTER THEY CAME UP	EMIGRANTS WERE MARCHED ALONG HERE, HOW FAR {A}P <WOULD IT BE FROM THE EMIGRANTS TO YOUR COLUMN> I DON'T THINK THERE WAS OVER 8 OR TEN FEET. WHAT WAS DONE AFTER THEY CAME UP	WE WERE MARCHED OUT WHEN THEY GOT ABRE**A**ST~~-~~ I MISUNDERSTOO D I DON'T THINK THAT WAS OVER 8 OR ~~IO0~~ OR I0 FEET~~.~~ **PROBABLY.** Q. WHAT WS DONE AFTER THEY CAME UP	WERE MARCHED OUT ~ WHEN THEY GOT ABREAST ~ I MISUNDERSTOO D ~ I DON'T THINK THAT THERE WAS OVER 8 OR 10 FEET PROBABLY WHAT WAS DONE AFTER THEY CAME UP

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RT	RS	BT	PS
IN FRONT OF YOUR COLUMN — AFTER THE HEAD OF THEIR COLUMN HAD COME UP IN FRONT OF YOUR COLUMN ? A. WE MARCHED ALONG WITH THEM A PIECE. THEY MIGHT HAVE WENT FIFTY YARDS, MAY BE A HUNDRED. Q. WHAT IS YOUR BEST RECOLLECTION ? A. I SHOULD THINK IT WOULD BE A HUNDRED YARDS. Q. DON'T YOU BELIEVE YOU MARCHED A QUARTER OF A MILE IN THAT WAY ? A. I DON'T THINK WE DID, BUT IT	FRONT OF YOUR COLUMN AFTER THE HEAD OF THEIR COLUMN HAD COME UP IN FRONT OF YOUR COLUMN {A}[P] WE MARCHED ALONG WITH THEM A PIECE, WE MIGHT HAVE WENT 50 YARDS, MAYBE **A** HUNDRED WHAT IS YOUR BEST RECOLLECTION {A}[P]I SHOULD THINK IT WOULD BE 100 YARDS. Q DON'T YOU BELIEVE YOU MARCHED QUARTER OF A MILE IN THAT WAY. {A}[P]I DON'T THINK WE DID IT	TO THE **POINT** ~~FROMT~~ OF YOUR COLUMN AFTER THE HEAD OF THEIR COLUMN HAD COME UP TO YOUR COLUMN? A. WE MARCHED ALONG WITH THEM A PACE; MIGHT HAVE WENT 50 YARDS MAY BE A I00. Q. WHAT IS YOUR BEST RECOLLECTION IN REGARD TO THAT WHETHER 50 YARDS OR MORE? A. I SHOULD THINK IT WOULD BE A HUNDRED YARDS *[8I]* Q. DON'T YOU BELIEVE YOU MARCHED A QUARTER OF A MILE WITH THEM IN ~~A~~ THAT WA~~T~~Y? A. I DON'T THINK IT IS THAT FAR ~~IT MIGHT~~ Q. IT MIGHT HAVE BEEN A HUNDRED YARDS? A. IT	TO THE FRONT OF YOUR COLUMN ~ AFTER THE HEAD OF THEIR COLUMN HAD COME UP TO YOUR COLUMN ~ DID YOU MARCH? WE MARCHED ALONG WITH THEM BIT ~ MIGHT HAVE WENT 50 YARDS MAYBE HUNDRED [*space*] WHAT IS YOUR BEST RECOLLECTION IN REGARD TO THAT WHETHER 50 HUNDRED YARDS OR MORE I SHOULD THINK HUNDRED YARDS DON'T YOU BELIEVE YOU MARCHED A QUARTER OF A MILE WITH THEM IN THAT WAY I DON'T THINK IT WAS THAT FAR YOU THINK ABOUT HUNDRED YARDS

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RT	RS	BT	PS
MIGHT HAVE BEEN MORE THAN ONE HUNDRED YARDS. Q. HOW FAR WAS HIGBEE FROM YOU AT THE TIME THE ORDER WAS GIVEN? A. HE WAS CLOSE BY AT THE HEAD OF THE COLUMN —	MIGHT BEEN MORE THAN HUNDRED YARDS. Q HOW FAR WAS HIGBEE FROM YOU AT THE TIME ORDER WAS GIVEN. {A}[p] HE WAS CLOSE BY AT HEAD OF THE COLUMN	MIGHT HAVE BEEN MORE T~~H~~AN THAT I COULD NOT TELL . Q. HOW FAR WAS HIGBEE FROM YOU AT THE TIME ~~H~~THE ORDER WAS GIVEN? A. HE WAW CLOS~~T~~E BY AT THE HEAD OF THE COLUMN. Q. YOU SAY HE WAS AT THE HEAD OF THE COLUMN? A. NOT QUITE CLOSE TO IT.	MIGHT HAVE BEEN MORE THAN THAT I COULD NOT TELL HOW FAR WAS HIGBEE FROM YOU AT THE TIME THE ORDER WAS GIVEN CLOSE BY AT THE HEAD OF THE COLUMN YOU SAY AT THE HEAD OF THE COLUMN NOT QUITE CLOSE TO IT THEY ~~*WHERE THE*~~[?] ≤GAVE THE≥[160] ORDER ~
HE WAS CLOSE BY.	HE WAS CLOSE BY.		
Q. STATE THE WORDS USED BY HIGBEE WHEN HE GAVE THE COMMAND TO ATTACK THE EMIGRANTS ? A. I AM GOING TO STATE.	Q STATE THE WORDS USED BY HIGBEE WHEN HE GAVE THE COMMAND TO ATTACK THE EMIGRANTS ? {A}[p] I AM GOING TO STATE.	Q. STATE THE WORDS USED BY HIGBEE WHEN HE GAVE THE COMMAND TO ATTACK THE EMIGRANTS? A. IT WAS UND**E**RSTOOD— Q. I DON'T WANT WHAT WAS UNDERSTOOD—	STATE THE WORDS USED BY HIGBEE WHEN HE GAVE THE COMMAND TO ATTACK THE EMIGRANTS IT WAS UNDERSTOOD ~ I DON'T WANT WHAT WAS UNDERSTOOD ~
[108] Q. GIVE MYE HIGBEE'S WORDS THAT HE USED ON THAT FIELD	Q GIVE ME HIGBEE'S WORDS THAT HE USED ON THE FIELD	GIVE ME HIGBEE~~X~~'S WORDS THAT HE USED ON THE FIELD? A.	GIVE ME HIGBEE'S WORDS THAT HE USED ON THE FIELD

160. Apparently added later.

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RT	RS	BT	PS
WHEN HE STOOD AT THE HEAD OF THE COLUMN AT THE TIME THE NAUVOO LEGION TOOK THE EMIGRANTS ? A. HALT AND ~~FO~~ FIRE. Q. WHERE WAS JOHN D. LEE AT THIS TIME ? Q. HE WAS WITH THE WOMEN AHEAD. Q. HOW FAR FROM YOU ? A. I COULD NOT SAY EXACTLY, MIGHT HAVE BEEN TWO HUNDRED OR THREE HUNDRED YARDS. Q. WAS HE IN SIGHT OF YOU ? A. NO, HE WAS HIDDEN FROM US AROUND A POINT LIKE. Q. HOW FAR WERE THE WOMEN, THE HINDMOST	WHEN HE STOOD AT HEAD OF HIS COLUMN AT THE TIME THE NAUVOO LEGION ATTACKED THE EMIGRANTS HALT AND FIRE. Q WHERE WAS JOHN D. LEE AT THIS TIME {Q}[P] HE WAS WITH THE WOMEN AHEAD Q HOW FAR FROM YOU {A}[P] I COULD NOT SAY EXACTLY MIGHT BEEN 200 3 HUNDRED YARDS Q WAS HE IN SIGHT OF YOU {A}[P] NO HE WAS HIDDEN FROM US AROUND POINT LIKE. Q HOW FAR WERE THE WOMEN HINDMOST	WELL HE **SAID** ~~SAID~~**,** AT THE HEAD **OF** ~~OD~~ HIS COLUMN AT THE TIME THE NAUVOO LEGION ATTACKED THE EMIGRANTS, "HALT," AND, "FIRE." Q. WHERE WAS JOHN D/LEE AT THE TIME? A. HE WAS WITH THE WOMEN AHEAD. Q. HOW FAR FROM YOU? A. I COULD NOT SAY EXACTLY; MIGHT HAVE BEEN TWO OR THREE HUNDRED YARDS. Q. WAS HE IN SIGHT OF YOU? A. NO , HE WAS HIDDEN FROM US BEHIND A POINT LIKE Q. AN ELEVATION IN THE GROUND CONCEALED HIM? A. YES, SIR. Q. HOW FAR WERE THE WOMEN, THAT IS THE HINDMOST	WELL HE *SAID/STOOD*[?] ON THE HEAD OF HIS COLUMN AT THE TIME THE NAUVOO LEGION ATTACKED THE EMIGRANTS "HALT AND FIRE" WHERE WAS JOHN D LEE AT THIS TIME HE WAS WITH THE WOMEN AHEAD HOW FAR FROM YOU I COULD NOT SAY EXACTLY MIGHT HAVE BEEN 2 OR 3 HUNDRED YARDS WAS HE IN SIGHT OF YOU HIDDEN FROM US BEHIND A POINT LIKE [*space*] AN ELEVATION IN THE GROUND CONCEALED HIM YES SIR HOW FAR WERE THE WOMEN THAT IS THE HINDMOST

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RT	RS	BT	PS
WOMEN, IN ADVANCE OF THE FOREMOST MEN OF THE COLUMN ? A. JUST A LITTLE BEFORE THEY HALTED, THEY WASN'T FAR, BUT THE WOMEN WAS HURRIED AHEAD. Q. HOW LONG DID THE EMIGRANTS STANDIN LINE AFTER THEY WERE FIRST HALTED ? A. NEVER STOOD IN LINE, HALT AND FIRE WAS ALL THEY SAID; THEN THEY WERE ATTACKED AS SOON AS THE WORD HALT. Q. AND HOW LONG AFTER YOU MADE THE ATTACK UPON THE MEN BEFORE THE WOMEN WERE ATTACKED ? A. ALL DONE AT THE SAME TIME AS FAR AS I KNOW. Q. YOU	WOMEN IN ADVANCE OF THE FOREMOST MEN OF THE COLUMN {A}p JUST LITTLE BEFORE THEY HALTED THEY WASN'T FAR BUT WOMEN WAS HURRIED AHEAD. Q HOW LONG DID THE EMIGRANTS STAND IN LINE AFTER THEY WAS FIRST HALTED {?}i ANEVER STOOD IN LINE HALT AND FIRE WAS ONE. THEN THEY WERE ATTACKED AS SOON AS HALT. QHOW LONG AFTER YOU MADE THE ATTACK UPON THE MEN BEFORE WOMEN WERE ATTACKED {A}p ALL DONE AT THE SAME TIME AS FAR AS I KNOW. QYOU	WOMEN, IN ADVANCE ~~OF~~ **OF** THE FOREMOST MEN THAT WAS IN THE COLUMN JUST A LITTLE BEFORE THEY ~~A.HAILUTSEDT?~~ **HALTED?** A. THEY WASN'T FAR ~~**OFF** OFF~~, BUT THE WOMEN WAS ~~G~~**RI**GHT AHEAD. *[82]* Q. HOW LONG DID THE EMIGRANTS STAND IN LINE **AFTER** ~~BEFORE~~ THEY WERE FIRST HALTED? A. THEY NEVER STOOD IN LINE~~,~~ "~~H~~**H**ALT" AND "FIRE" WAS **ONE.** ~~CALLED.~~ Q. THEN THEY WERE ATTACKED AS SOON AS "HALT"? A. YES, SIR. Q. HOW LONG AFTER YOU MADE THE ATTACK O~~F~~N THE MEN BEFORE THE WOMEN WERE ATTACKED? A. ALL DONE AT THE SAME TIME SO FAR AS I KNOW. Q. YOU	WOMEN IN ADVANCE THE FOREMOST MEN THAT WAS IN THE COLUMN JUST A LITTLE BEFORE THEY HALTED THEY WASN'T FAR BUT WOMEN WAS *HURRIED/RIGHT*[?] AHEAD HOW LONG DID THE EMIGRANTS STAND IN LINE AFTER THEY WERE FIRST HALTED THEY NEVER STOOD IN LINE "HALT AND FIRE" WAS ONE THEN THEY WERE ATTACKED AS SOON AS HALTED YES SIR *[[43]]* HOW LONG AFTER YOU MADE THE ATTACK ON THE MEN BEFORE THE WOMEN WERE ATTACKED ALL DONE AT THE SAME TIME AS FAR AS I KNOW YOU

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RT	RS	BT	PS
SAID ON YESTERDAY THAT THE MORMON'S WERE SENT OUT WITH THE INDIANS ~~?~~ —— —— ~~A.~~ IN THE FIRST INSTANCE AND THEY HAD ATTACKED THE EMIGRANTS SOME *[109]* THREE DAYS BEFORE THE TIME YOU HAVE LAST BEEN SPEAKING OF — HOW DID YOU KNOW THE MORMONS WENT OUT WITH THE INDIANS ? A. THESE MEN I HEARD SAY THOSE CAME BACK, ALLEN, HIGBEE AND CHARLEY HOPKINS. Q. THEN YOU HEARD THEM TALKING ABOUT WHAT WAS TAKING PLACE ON THE FIELD ? A. WHILE I WAS AT	SAID ON YESTERDAY THAT THE MORMONS WERE SENT OUT WITH THE INDIANS FIRST INSTANCE AND HAD ATTACKED EMIGRANTS SOME 3 DAYS BEFORE TIME YOU HAVE LAST BEEN SPEAKING OF, HOW DID YOU KNOW MORMONS WENT OUT INDIANS ~~A~~THESE MEN I HEARD SAY THOSE WHO CAME BACK, ALLEN, HIGBEE AND CHARLEY HOPKINS. THEN YOU HEARD THEM TALK ABOUT WHAT WAS TAKING PLACE ON THE FIELD WHILE I WAS AT	SAID YESTERDAY THAT THE MORMONS THAT WENT OUT WITH THE **I**NDIANS IN THE FIRST INSTANCE HAD ATTACKED THE EMIGRANTS SOME THREE ~~OR~~ DAYS BEFORE THE LAST TIME YOU HAVE SPOKEN OF. HOW DO YOU ~~N~~KNOW THAT MORMONS WENT OUT WITH INDIANS? A. WHAT I HEARD THEM SAY. Q. WHO WERE THOSE THAT WENT OUT FIRST AND THOSE THAT CAME BACK? A. WELL, **ALLEN** HIGBEE AND CHARLEY ~~WHITE~~ HOPKINS. Q. THEN YOU HEARD THEM TALK ABOUT WHAT WAS TAKING PLACE **ON** ~~OF~~ THE FIELD WHILE YOU STILL	SAID ON YESTERDAY THAT THE MORMONS THAT WENT OUT WITH THE INDIANS IN THE FIRST INSTANCE HAD ATTACKED THE EMIGRANTS SOME 3 DAYS BEFORE THE TIME YOU HAVE LAST BEEN SPEAKING HOW DO YOU KNOW THAT MORMONS WENT OUT WITH INDIANS WHAT I HEARD THEM SAY WHO WERE THOSE THAT WAS OUT FIRST AND THOSE THAT CAME BACK ALLEN HIGBEE AND CHARLEY HOPKINS THEN YOU HEARD THEM TALK ABOUT WHAT WAS TAKING PLACE ON THE FIELD WHILE YOU STILL

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RT	RS	BT	PS
CEDAR WHEN I WAS ORDERED OUT. Q. THEN YOU HAD A CONVERSATION WITH MORE PEOPLE THAN HAIGHT BEFORE YOU STARTED ? A. ONLY WITH HIGBEE AND THE THREE MEN. Q. HOW FAR WAS YOU STANDING FROM THE NEAREST EMIGRANT ? A. MAY BE TWENTY FEET, MAY BE MORE. Q. YOU FIRST SHO~~W~~**T** OVER HIS HEAD I PRESUME ? A. I DIDN'T THINK I DID. I WOULD NOT SWEAR I HIT HIM OR	CEDAR WHEN I WAS ORDERED OUT. Q THEN YOU HAD CONVERSATION WITH MORE PEOPLE [8] THAN HAIGHT BEFORE YOU STARTED {A}[p] ONLY WITH HIGBEE AND THE THREE MEN. Q HOW FAR WAS YOU STANDING FROM THE NEAREST EMIGRANT {A}[p] MAYBE 20 FEET MAYBE MORE. Q YOU SHOT OVER HIS HEAD I PRESUME ? A I DO NOT THAT I DID I WOULD NOT SWEAR I HIT HIM OR	REMAINED AT CEDAR? A. I HEARD THEM AT CEDAR BEFORE I WAS ORDERED OUT. Q. THEN YOU HAD A CONVERSATION WITH HAIGHT BEFORE YOU STARTED OUT? A. I HAD ONE WITH HIGBEE AND THOSE THREE MEN . Q. HOW FAR WAS YOU STANDING FROM THE NEAREST EMIGRANT AT THE TIME YOU FIRED YOUR GUN? A . WELL, STANDING IN LINE, MAY BE TEN FE~~D~~ET, MAY BE MORE, I CAN'T SAY E~~A~~ZACTLY. Q. YOU SHOT OVER HIS HEAD I PRESUME? A. I DON'T KNOW AS I DID. Q. DO YOU THINK YOU **HIT** ~~HIS~~ HIM? A. PROBABLY I DID I WOULD NOT SWEAR THAT I HIT HIM OR	REMAINED AT CEDAR I HEARD THEM AT CEDAR BEFORE I WAS ORDERED OUT THEN YOU HAD CONVERSATION WITH HAIGHT BEFORE YOU STARTED OUT I HAD ONE WITH HIGBEE AND THOSE THREE MEN HOW FAR WAS YOU STANDING FROM THE NEAREST EMIGRANT AT THE TIME YOU FIRED YOUR GUN WELL STANDING IN LINE MAYBE TEN FEET MAY BE MORE I CAN'T SAY EXACTLY YOU SHOT OVER HIS HEAD I PRESUME I DON'T KNOW AS I DID [*space*] DID YOU THINK YOU HIT HIM PROBABLY I DID I WOULD NOT SWEAR THAT I HIT HIM OR

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RT	RS	BT	PS
NOT; I MIGHT HAVE HIT HIM. Q. DIDN'T YOU MAKE AN EFFORT TO HIT HIM ? A.	NOT I HIT HIM DIDN'T YOU MAKE AN EFFORT TO HIT HIM {A}p	N~~E~~OT HIT HIM. Q. DIDN'T YOU MAKE AN EFFORT TO HIT HIM? [83] A A. ~~YES,~~ I DID;	NOT *HIT*[?] HIM DIDN'T YOU MAKE AN EFFORT TO HIT HIM YES I DID
OF COURSE I DID, OBEYING ORDERS ACCORDING TO THE FULLEST CAPACITY.	OF COURSE I DID [*space*] OBEYING ORDERS ACCORDING TO FULLEST CAPACITY.	CERTAINLY I DID. Q. OBEYING ORDERS ACCORDING TO YOUR FULLEST CAPACITY? A. YES, SIR, I DID.	CERTAINLY I DID [*space*] OBEYING ORDERS ACCORDING TO THE FULLEST OF YOUR CAPACITY YES SIR I DID
Q. I WISH YOU WOULD REFRESH YOUR MEMORY AND TELL US WHETHER THE EMIGRANTS WERE MARCHED IN DOUBLE FILE OR SINGLE FILE AT THE TIME OF THE ATTACK ? A.	QI WISH YOU WOULD REFRESH YOUR MEMORY AND TELL US WHETHER THE EMIGRANTS WERE MARCHED IN DOUBLE FILE OR SINGLE FILE TIME OF THE ATTACK {A}p	Q. I WISH YOU WOULD REFRESH YOUR MEMORY AND TELL US WHETHER THE EMIGRANTS WERE MARCHED IN DOUBLE FILE OR SINGLE FILE AT THE TIME YOU FIRED UPON THEM? A.	I WISH YOU WOULD REFRESH YOUR MEMORY AND TELL US WHETHER THE EMIGRANTS WERE MARCHED IN DOUBLE FILE OR SINGLE FILE AT THE TIME YOU FIRED UPON THEM
AS NEAR AS I CAN REMEMBER OR RECOLLECT THEY WERE IN DOUBLE FILE. Q. WHAT MEN OR MAN IF ANY IN YOUR COMPANY CAME WITH THE EMIGRANTS ?	AS NEAR AS I CAN RECALL THEY WERE IN DOUBLE FILE. Q WHAT MEN IF ANY IN YOUR COMPANY CAME WITH THE EMIGRANTS	AS NEAR AS I CAN RECOLLECT IN DOUBLE FILE Q. WHAT MEN , IF ANY, FROM YOUR COMPANY CAME WITH THE EMIGRANTS UP TO WHE~~F~~ERE **YOUR** ~~THAT~~ COMPANY WAS	AS NEAR AS I CAN RECOLLECT IN DOUBLE FILE WHAT MEN IF ANY FROM YOUR COMPANY <CAME WITH THE> EMIGRANTS UP TO WHERE YOUR COMPANY WAS
A. I DON'T KNOW	{A}p I DON'T KNOW	STATIONED? A. I DON'T KN**O**W OF	STATIONED? I DON'T KNOW

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RT	RS	BT	PS
OF ANY BUT JOHN D. LEE. HE CAME WITH THE COMPANY AS THEY MARCHED ALONG, THE WOMEN AHEAD. Q. WHERE WAS LEE ? *[110]* A. WITH THE WAGONS. Q. I MEAN WAS THERE ANY MAN SPECIALLY DIRECTING THE MOVEMENTS OF THE EMIGRANTS OR OF THESE MEN ? A. I DON'T KNOW OF ANYBODY ELSE BUT LEE. I DON'T KNOW OF ANYBODY ELSE THAT WAS DOWN AT THE	ANY BUT JOHN D. LEE HE CAME WITH THE COMPANY AS THEY MARCHED ALONG THE WOMEN AHEAD. Q WHERE WAS LEE A WITH THE WAGONS. Q I MEAN WAS THERE ANY MAN SPECIALLY DIRECTING EMIGRANT *MOVEMENTS OF*[?] THESE MEN A I DON'T KNOW ANYBODY ELSE BUT LEE. Q DON'T KNOW ANYBODY ELSE THAT WAS DOWN AT THE	ANY EXCEPT JOHN D. LEE. Q. DID HE COME WITH THE MEN? ~~ALONG~~ A. ~~NOT~~ **YES,** WITH THE COMPANY — WITH THE WOMEN AHEAD. Q. WHERE WAS LEE? A. IN THE WAGONS. Q. YOU SAY THE WOMEN WERE BETWEEN THE WAGONS AND THE MEN— WAS **THERE** ~~THERE~~ ANY MAN SPECIALLY DIRECTING THE MOVEMENTS OF THESE EMIGRANT MEN? A. WHY OF COURSE; I DIDN'T KNOW ANY ONE ELSE THAT GUIDED THEIR MOVEMENTS BUT LEE. Q. NOW, DIDN'T ANY BODY ELSE GO DOWN INTO THE	ANY BUT JOHN D. LEE DID HE COME WITH THE MEN YES WITH THE COMPANY ~ WITH THE WOMEN AHEAD WHERE WAS LEE IN THE WAGONS YOU SAY THE WOMEN AND CHILDREN WERE BETWEEN WAGONS AND MEN ~ WAS THERE ANY MAN SPECIALLY DIRECTING THE MOVEMENTS OF THESE EMIGRANT MEN WHY OF COURSE I DIDN'T KNOW ANY ONE ELSE THAT *DID/HAD*[?] THAT MOVEMENT BUT LEE [*space*] ~~DON'T KNOW~~ DON'T KNOW ANY BODY ELSE ~~THAT WAS~~ <GO> DOWN INTO

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RT	RS	BT	PS
CAMP BUT LEE.	CAMP BUT LEE	CAMP BUT LEE? A. NOT THAT I KNOW OF. Q. DO YOU KNOW OF ANYBODY~~?~~ GOING DOWN TO THE CAMP WHILE LEE WAS THERE BUT LEE?	CAMP BUT LEE? ≤NOT THAT I KNOW OF≥ DO YOU KNOW OF ANYBODY *[[44]]* GOING DOWN TO THE CAMP WHILE LEE WAS THERE BUT LEE
I DON'T KNOW OF ANYBODY ELSE THAT WENT DOWN INTO THE CAMP BUT LEE.	I DON'T OF ANYBODY ELSE THAT WENT DOWN INTO CAMP BUT LEE.	A. I DON'T UNLESS IT **WAS** THOSE WITH THE WAGONS; THERE WAS THE	I DON'T UNLESS IT WAS THOSE WITH THE WAGONS THERE WAS TWO ≤2≥
Q. DO YOU KNOW WHO DROVE THESE WAGONS ? A. YES, SAM MC MURDY WAS ONE AND THE OTHER I BELIEVE BELONGED TO THE SAME COMMAND.	Q DO YOU KNOW WHO DROVE THESE WAGONS {A}[i] YES, SAM MC MURDY WAS ONE AND THE OTHER I BELIEVE BELONGED TO SAM KNIGHT	WAGONS WENT DOWN THERE. Q. WHO DROVE THESE WAGONS ? A. SAM MC MURDY WAS ONE; AND THE OTHER I BELIEVE BELONGED TO SAM KNIGHT.	WAGONS WENT DOWN THERE WHO DROVE THESE WAGONS SAM MC MURDY WAS ONE AND THE OTHER I BELIEVE BELONGED TO SAM KNIGHT
Q. WELL SIR, STATE YOUR BEST RECOLLECTION — WAS ANY MAN ALONG IN YOUR COMPANY SENT OR WENT TO THE CORRALL WHILE LEE WAS THERE ? A.	Q WELL SIR IS IT YOUR BEST RECOLLECTION NO MAN LEFT YOUR COMPANY SENT TO CORRAL WHILE LEE WAS THERE {A}[p]	Q. IS IT YOUR BEST RECOLLECTION THAT NO MAN WENT TO THE CORRAL WHILE LEE WAS THERE? A. NOT THAT I KNOW OF; IF I DID I	IS IT YOUR BEST RECOLLECTION THAT NO MAN LEFT YOUR COMPANY AND WENT TO THE CORRAL WHILE LEE WAS THERE NOT THAT I KNOW OF IF HE DID I
IF THEY DID I DON'T REMEMBER.	IF DID I DON'T REMEMBER.	DON'T REMEMBER ANYTHING	DON'T REMEMBER ANYTHING

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RT	RS	BT	PS
Q. DID YOU NOT STATE YESTERDAY IN YOUR EXAMINATION IN CHIEF LEE STAYED THERE SOME TWO HOURS AND A MAN WAS SENT TO TELL HIM TO HURRY UP ?	Q DID YOU NOT STATE YESTERDAY YOUR EXAMINATION IN CHIEF LEE ≤STAYED THERE≥ SOME TWO HOURS MAN WAS SENT TO TELL HIM TO HURRY UP.	ABOUT IT. [84] Q. DID YOU NOT STATE YESTERDAY IN YOUR EXAMINATION IN CHIEF, THAT L~~L~~EE STAYED THERE SOME TWO HOURS, AND A MAN WAS SENT TO TELL HIM TO HURRY UP? A. I DON'T KNOW AS I DID. Q. MADE NO SUCH ANSWER?	ABOUT IT [*space*] DID YOU NOT STATE YESTERDAY IN YOUR EXAMINATION IN CHIEF THAT LEE STAYED THERE SOME TWO HOURS AND A MAN WAS SENT TO TELL HIM TO HURRY UP I DON'T KNOW AS I DID [*space*] MADE NO SUCH ANSWER
A. NO SIR. Q. HOW MANY OF YOUR MEN WERE UPON HORSEBACK ? A. I DON'T RECOLLECT OF SEEING MORE THAN TWO. Q. YOU STATED I BELIEVE YOU DIDN'T KNOW THE NAMES OF ANY OF THE PEOPLE THAT WERE THERE KILLED ? A. I DID NOT. Q. WHAT NAME IF ANY WAS THIS TRAIN KNOWN BY PREVIOUS TO THE TIME THEY WERE	NO SIR. {Q}[i] HOW MANY OF YOUR MEN WERE UPON HORSEBACK. I DON'T RECOLLECT OF SEEING MORE THAN TWO. Q STATED I BELIEVE YOU DIDN'T KNOW NAMES OF ANY PEOPLE THAT WERE THERE KILLED {A}[p]I DID NOT. [*space*] QWHAT NAME IF ANY WAS THIS TRAIN KNOW BY PREVIOUS TO THE TIME THEY WERE	A. NO, SIR. Q. HOW MANY OF YOUR MEN WERE ON HORSEBACK? A . I DON'T RECOLLECT OF SEEING MORE THAN T~~O~~WO. Q. YOU STATED , I BELIEVE**,** THAT YOU DIDN'T KNOW THE NAMES OF ANY OF~~T~~ THE PAOPLE THAT WERE THERE KILLED? A. I DON'T KNOW. Q.. WHAT NAME , IF ANY, ~~WERE~~ WAS THIS TRAIN KNOWN BY PREVIOU~~W~~**S** TO THE DAY THEY WERE	NO SIR [*space*] HOW MANY OF YOUR MEN WERE UPON HORSEBACK I DON'T RECOLLECT OF SEEING MORE THAN TWO YOU STATED I BELIEVE THAT YOU DIDN'T KNOW THE NAMES OF ANY OF THE PEOPLE THAT WERE THERE KILLED I DIDN'T KNOW WHAT NAME IF ANY WAS THIS TRAIN KNOWN BY PREVIOUS TO THE TIME THEY WERE

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RT	RS	BT	PS
ATTACKED ? A. I NEVER KNEW ANY NAME. Q. DID YOU EVER HEAR ANY SPECIAL NAME GIVEN TO IT ? A. NOT AS I RECOLLECT; I MIGHT HAVE HEARD THE NAME; IF I DID IT SLIP- *[111]* PED MY MIND. Q. ISN'T IT A FACT YOU PEOPLE AT THAT TIME WENT OUT THERE TO KILL THESE EMIGRANTS FOR THEIR PROPERTY ? A. NO SUCH THOUGHT ENTERED MY MIND. I NEVER HEARD IT TALKED OF BY ANY ONE. Q. TO WHOM DID THE EMIGRANTS SPEAK OF GRATITUDE AT THE TIME THEY CA~~R~~ME UP TO	ATTACKED {A}^{p} I NEVER KNEW ANY NAME. Q DID YOU EVER HEAR ANY SPECIAL NAME GIVEN TO IT {A}^{p} NOT AS I RECOLLECT MIGHT HAVE HEARD NAME IF I DID IT SLIPPED MY MIND. QIS IT NOT FACT YOU PEOPLE AT THAT TIME WENT OUT THERE TO KILL THOSE PEOPLE FOR THEIR PROPERTY {A}^{i} NO {SUCH}^{p} THOUGHT IN MY MIND I NEVER HEARD IT TALKED OF BY ANY ONE. [*space*] *[9]* QTO WHOM DID THE EMIGRANTS SPEAK OF GRATITUDE AT THE TIME THEY CAME UP TO	ATTACKED? A. I NEVER KNEW ANY NAME. Q. HAD YOU EVER HEARD ANY SPECIAL NAME GIVEN TO THEM? A. NOT AS I RECOLLECT; I MIGHT HAVE HEARD A ~~M~~NAME, BUT IF I DID IT HAS SLIPPED MY ~~MEMORY~~ MIND. Q. IS IT NOT A FACT THAT ALL OF YOU MADE UP THE ARRANGEMENT TO GO OUT AND KILL THESE PEOPLE FOR THEIR PROPERTY? A. NO, SIR, THERE WAS NO SUCH A THOUGH**,** IN MY MIND AT LEAST. Q. AND YOU NEVER HEARD IT TALKED OF BY ANYONE? A. I DID~~N'T~~. **NOT.** Q. TO WHOM DID THE EMIGRANTS SPEAK **OF GRATITUDE** AT THE TIME THEY CAME UP TO	ATTACKED I NEVER KNEW ANY NAME HAD YOU EVER HEARD ANY SPECIAL NAME GIVEN TO THEM NOT AS I RECOLLECT I MIGHT HAVE HEARD A NAME BUT IF I DID IT HAS SLIPPED MY MIND [*space*] IS IT NOT ~~≤~~**A**~~≥~~ FACT THAT ALL OF YOU MADE UP THE ARRANGEMENT TO GO OUT AND KILL THOSE PEOPLE FOR THEIR PROPERTY NO SIR THERE WAS NO SUCH A THOUGHT IN MY MIND AT LEAST AND YOU NEVER HEARD IT TALKED OF BY ANYONE I DID NOT [*space*] TO WHOM DID THE EMIGRANTS SPEAK OF GRATITUDE AT THE TIME THEY CAME UP TO

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RT	RS	BT	PS
YOUR COMPANY ? A. I DON'T KNOW THAT THEY SPOKE TO ANY ONE IN PARTICULAR. Q. AFTER THE EMIGRANTS LEFT THEIR CORRALL AND WHILE THEY WERE MARCHING UP TO WHERE YOU STOOD IN LINE — DID YOU SEE ANY INDIANS ON THE FIELD ? A. I SAW INDIANS ON THE RIGHT OF US. Q. HOW MANY DID YOU SEE ? A. I COULD NOT TELL YOU HOW MANY. Q. DID YOU UNDERSTAND FROM THOSE IN ~~OUAH~~ AUTHORITY ? A. I SAW A GOOD MANY AROUND THERE.	YOUR COMPANY {A}P I DON'T KNOW THEY SPOKE TO ANY ONE IN PARTICULAR. Q AFTER THE EMIGRANTS LEFT THE CORRAL WHILE THEY WERE MARCHING UP TO WHERE YOU STOOD IN LINE DID YOU SEE ANY INDIANS ON THE FIELD {A}P SAW INDIANS ON THE RIGHT OF US QHOW MANY DID YOU SEE {A}P COULD NOT TELL HOW MANY QDID YOU UNDERSTAND FROM THOSE IN AUTHORITY AI SAW GOOD MANY *THERE*[?] AROUND.	YOUR COMPANY? A . I DON'T KNOW AS THEY SPOKE TO ANYONE IN PARTICULAR, THAT I REMEMBER ANYTHING ABOUT. Q. AFTER THE EMIGRANTS LEFT THE CORRAL , WHILE THEY WERE MARCHING UP TO WHERE YOU STOOD IN LINE, DID YOU SEE ANY **I**NDIANS UPON THE ~~FIELD~~ **FIELD.** A. SAW **I**NDIANS ON THE RIGHT ABOVE US. Q. HOW MANY DID YOU SEE. *[85]* A. I COULD NOT TELL. Q. HOW MANY DID YOU UNDERSTAND FROM THOSE IN AUTHORITY ? A. I SAW A GOOD AMNY AROUND THERE. Q. HOW MANY DID YOU UNDERSTAND	YOUR COMPANY I DON'T KNOW AS THEY SPOKE TO ANYONE ~~PARTY~~ IN PARTICULAR THAT I REMEMBER ANYTHING ABOUT [*space*] AFTER THE EMIGRANTS LEFT CORRAL WHILE THEY WERE MARCHING UP TO WHERE YOU STOOD IN LINE DID YOU SEE ANY INDIANS UPON THE FIELD I SAW INDIANS ON THE RIGHT ABOVE US [*space*] HOW MANY DID YOU SEE I COULD NOT TELL YOU HOW MANY DID YOU UNDERSTAND FROM THOSE IN AUTHORITY I SAW A GOOD MANY AROUND THERE HOW MANY DID YOU UNDERSTAND

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RT	RS	BT	PS
Q. ANY IN AUTHORITY THAT WERE THERE ? A. I HEARD IT TALKED OF THAT THERE WAS SOMETHING LIKE A HUNDRED INDIANS. Q. DON'T YOU KNOW OF YOUR OWN KNOWLEDGE THERE WERE OVER THREE HUNDRED THERE ? A. I CAN'T SAY. Q. WERE ANY INDIANS PRESENT AT THE TIME THIS COUNCIL WAS HELD ON THE FIELD ? A. NO, NONE IN SIGHT. *[112]* Q. DO YOU KNOW OF ANY MESSAGES BEING RECEIVED FROM THE INDIANS AFTER YOU WERE IN	Q*ANY/IN*[?] AUTHORITY WERE THERE {A}[i] I HEARD IT TALKED OF THERE WAS SOMETHING LIKE HUNDRED INDIANS THERE. Q DON'T YOU KNOW OF YOUR OWN KNOWLEDGE THERE WERE OVER THREE HUNDRED THERE. A{I CAN'T SAY.}[p] QWERE ANY INDIANS PRESENT AT TIME THIS COUNCIL WAS HELD ON THE FIELD {A}[p] NO, ≤SIR≥ —[?] NONE IN SIGHT. QDID YOU KNOW OF ANY MESSAGES BEING RECEIVED FROM THE INDIANS WHILE YOU WERE IN	FROM THOSE IN AUTHORITY ~~WAS~~ **WERE** THERE? A. I THINK I HEARD IT TALKED OF THAT THER~~D~~**E** WAS SOMETHING MORE THAN A HUNDRED **I**NDIANS THERE. Q. DON'T YOU KNOW OF YOUR OWN KNOWLEDGE~~X~~ THAT THERE WAS ~~SOMETHING~~ OVER THREE HUNDRED THERE? A. I DO NOT. Q. WERE THERE ANY **I**NDIANS PRESENT AT THE TIME THIS COUNSEL WAS HELD ON THE FIELD? A. NO, ~~W~~SIR . Q. NOT ANY? A. NO, SIR. NONE **INSIDE** ~~INSIDE~~ ~~**SIDE**~~ THAT I KNOW OF. Q. DO YOU KNOW OF ANY MESSAGES BEING RECEIVED FROM THE **I**NDIANS WHILE YOU WERE IN	FROM THOSE IN AUTHORITY WERE THERE I HAVE HEARD IT TALKED OF THAT THERE WAS SOMETHING MORE THAN HUNDRED INDIANS THERE DON'T YOU KNOW OF YOUR OWN KNOWLEDGE THAT THERE WERE OVER 3 HUNDRED THERE I DO NOT WERE ANY INDIANS PRESENT AT THE TIME THIS COUNCIL WAS HELD ON THE FIELD NO SIR [*space*] NOT ANY [*space*] NO SIR NONE IN SIGHT THAT I KNOW OF DO YOU KNOW OF ANY MESSAGES *[[45]]* BEING RECEIVED FROM THE INDIANS WHILE YOU WERE IN

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RT	RS	BT	PS
COUNCIL OR WHILE YOU WERE ON THE FIELD ? A. NO. Q. WHEN DID YOU SEE LEE NEXT ~~?~~AFTER THE PEOPLE HAD BEEN KILLED ? A. ~~A~~ I COULD NOT TELL YOU WHETHER I SAW THEM THERE ANY MORE AFTER THE COMPANY PASSED UP OR NOT. Q. DID YOU SEE HIM ON THE FIELD AT ALL AFTER THAT A. I DON'T RECOLLECT NOTICING. THEM AT ALL, NOT THEN. Q. DIDN'T YOU SEE HIM AT HAMBLIN'S THE FIRST TIME YOU DID SEE ~~THEM~~ HIM AFTER THE PEOPLE HAD BEEN KILLED ? A. I DON'T REMEMBER WHETHER HE CAME DOWN THERE OR NOT.	COUNCIL OR WHILE YOU WERE ON THE FIELD. {$_{A}$NO}^{p} WHEN DID YOU SEE LEE NEXT {$_{~~A~~}$}^{p} AFTER THE PEOPLE HAD BEEN KILLED ? {$_{A}$}^{p}I COULD NOT TELL YOU WHETHER I SAW THEM ~~<~~THERE~~>~~ ANY MORE AFTER COMPANY PASSED UP OR NOT. $_{Q}$DID YOU SEE HIM ON THE FIELD AT ALL AFTER THAT. $_{A}$I DON'T RECOLLECT NOTICING THEM AT ALL NOT THEN. $_{Q}$ DIDN'T YOU SEE HIM AT HAMBLIN'S THE FIRST TIME YOU DID SEE HIM AFTER THE PEOPLE HAD BEEN KILLED {$_{A}$}^{p} I DON'T REMEMBER WHETHER HE CAME DOWN THERE OR NOT IT MAY BE POSSIBLE	COUNCIL, WHILE YOU WERE IN THE FIELD? A. NO, SIR. Q. WHEN DID YOU SEE LEE NEXT AFTER THE PEOPLE HAD BEEN KILLED? A. I COULD NOT TELL YOU WHETHER I SAW THEM ANY MORE AFTER THE COMPANY PASSED UP OR NOT. Q. DID YOU SEE HIM ON THE FIELD AT ALL AFTER THAT? A. I DON'T RECOLLECT NOTICING THEM AT ALL, **THERE** ~~NOT~~ THEN. Q. DIDN'T YOU SEE HIM AT HAMBLINS THE FIRST TIME T~~H~~AT YOU DID SEE HIM AFTER THE PEOPLE HAD BEEN KILLED? A. I DISREMEMBER WHETHER HE CAME DOWN THERE OR NOT; IT MAY BE POSSIBLE, BUT	COUNCIL WHILE YOU WERE IN THE FIELD NO SIR [*space*] WHEN DID YOU SEE LEE NEXT AFTER THE PEOPLE HAD BEEN KILLED? I COULD NOT TELL YOU WHETHER I SAW ~~THEM~~ ~~<~~HIM~~>~~ THERE ANY MORE AFTER THE COMPANY PASSED UP OR NOT DID YOU SEE HIM ON THE FIELD AT ALL AFTER THAT I DON'T RECOLLECT NOTICING THEM AT ALL THERE THEN [*space*] DIDN'T YOU SEE HIM AT HAMBLIN'S THE FIRST TIME THAT YOU DID SEE HIM AFTER THE PEOPLE HAD BEEN KILLED I DISREMEMBER WHETHER HE CAME DOWN THERE OR NOT IT MAY BE POSSIBLE BUT

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RT	RS	BT	PS
IT IS NOT CLEAR IN MY MIND. Q. HOW MANY CHILDREN DID YOU TAKE WITH YOU FROM THE FIELD TO HAMBLIN'S A. AS NEAR AS I CAN RECOLLECT THERE WAS FROM FIFTEEN TO SEVENTEEN. Q. HOW OLD WAS THE OLDEST CHILD YOU SHOULD JUDGE ? A. I COULD NOT TELL YOU EXACTLY, BUT I THINK THE .BOY MUST HAVE BEEN TWO OR TWO AND A HALF YEARS OLD. Q. TWO AND A HALF YEARS OF AGE WOULD BE ABOUT THE AGE OF THE OLDEST CHILD — IS THAT CORRECT ? A. I DON'T THINK THERE WAS ANY MORE THAN THAT,	NOT IN MY MIND. Q HOW MANY CHILDREN DID YOU TAKE WITH YOU FROM THE FIELD TO HAMBLIN'S {A}[p] AS NEAR AS I CAN RECOLLECT ≤THERE WAS≥ FROM 15 TO SEVENTEEN. QHOW OLD WAS THE OLDEST CHILD YOU SHOULD JUDGE {A}[p]I COULD NOT TELL YOU EXACTLY BUT I THINK THE BOY MUST HAVE BEEN 2 YEARS OR 2 1/2 OLD. [*space*] Q 2 1/2 YEARS OF AGE WOULD BE ABOUT THE AGE OF THE OLDEST CHILD IS THAT IT {A}[p] I DON'T THINK THERE WAS ANY OLDER THAN THAT	IT IS NOT IN MY MIND. Q. HOW MANY CHILDREN DID YOU TAKE WITH YOU FROM THE FIELD TO HAMBLINS? A. **AS~~A~~** NEAR AS I CAN RECOLLECT BETWEEN I5 AND I7. Q. HOW OLD WAS THE OLDEST CHILD AND HOW LARGE? *[86]* ~~Q. HOW OL D WAS THE OLDEST CHI~~ A. I COULD NOT TELL YOU EXACTLY BUT I THINK THE BOY MUST HAVE BEEN TWO YEARS OR TWO AND A HALF YEARD OLD , THE OLDEST. Q. THEN TWO AND A HALF YEARS OF AGE WOULD BE ABOUT THE **AGE OF THE** OLDEST CHILD SAVED? A. I DON'T THINK THERE WAS ANY OLDER THAN THAT —	IT IS NOT IN MY MIND HOW MANY CHILDREN DID YOU TAKE WITH YOU FROM THE FIELD TO HAMBLIN'S NEAR AS I CAN RECOLLECT BETWEEN 15 AND 17 [*space*] HOW OLD WAS THE OLDEST CHILD YOU SHOULD JUDGE I COULD NOT TELL YOU EXACTLY BUT I THOUGHT A BOY MUST HAVE BEEN 2 YEARS OR 2 1/2 YEARS OLD THE OLDEST [*space*] THEN 2 1/2 YEARS WOULD BE THE AGE OF THE OLDEST CHILD SAVED I DON'T THINK THERE WAS ANY OLDER THAN THAT I

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RT	RS	BT	PS
ALL UNDER THAT. Q. HOW MAN~~T~~Y DAYS DID YOU SEE THE WAGONS [*space*] BY THESE EMIGRANTS PREVIOUS TO THE TIME THEY WERE ATTACKED AND KILLED ? A. I ONLY SAW THEM ONCE. Q. WHERE WERE THEY THEN ? A. THEY WAS THEN AT IRON CREEK, MOVING OUT OF THE WAY; THEY **<HAD>** STOPPED *[113]* AND GATHERED UP THEIR STOCK AND I PASSED THEM. Q. DID YOU HAVE ANY CONVERSATION WITH THEM AT THAT TIME ? A. NO, I ONLY PASSED THE TIME OF THE DAY WITH SOME OF THEM. Q. DID YOU NOTIFY THE EMIGRANTS	ALL UNDER THAT. HOW MANY TIMES DID YOU SEE THE WAGONS OWNED BY THOSE EMIGRANTS PREVIOUS TO THE TIME THEY WERE ATTACKED AND KILLED $\{_{A}\}^{p}$ I ONLY SAW THEM ONCE. $_{Q}$ WHERE WERE THEY THEN $_{A}$ THEY WAS THEN AT IRON CREEK MOVING OUT WITH HERD. HAD STOPPED TO GATHER UP THEIR STOCK AND I PASSED THEM. $_{Q}${DID YOU}^{p} HAVE ANY CONVERSATION WITH THEM AT THAT TIME ? $\{_{A}\}^{p}$ NO ONLY PASSED TIME OF DAY WITH SOME OF THEM. $_{Q}$DID YOU NOTIFY EMIGRANTS	ALL UNDER THAT. Q/ HOW MANY TIMES DID YOU SEE THE WAGONS OWNED BY THESE EMIGRANTS PREVIOUS TO THE TIME THEY WERE ATTACKED AND KILLED.? A. I ONLY SAW THEM ONCE. Q. WHERE WERE THEY THEN. A. THEY WERE THEN AT IRON CREEK, MOVING OUT ON THE**IR**WAY; HAD STOPPED TO GATHER UP THEIR STOCK WHEN I PASSED THEM. Q. DID YOU HAVE ANY CONVERSATION WITH ANY OFTHE EMIGRANTS AT THAT TIME? A. NO MORE THAN PASS THE TIME OF THE DAY WITH SOME OF THEM. Q. DID ~~O~~YO~~O~~U NOTIFY THE EMIGRANTS	THINK ALL UNDER THAT HOW MANY TIMES DID YOU SEE THE WAGONS OWNED BY THESE EMIGRANTS PREVIOUS TO THE TIME THEY WERE ATTACKED AND KILLED I ONLY SAW THEM ONCE WHERE WERE THEY THEN THEY WERE THEN AT IRON CREEK MOVING OUT ≤ON THEIR≥ WAY. HAD STOPPED TO GATHER UP THEIR STOCK WHEN I PASSED THEM DID YOU HAVE ANY CONVERSATION WITH ANY OF THE EMIGRANTS AT THAT TIME NO MORE THAN PASSED TIME OF DAY DID YOU NOTIFY THE EMIGRANTS ~~*THAT*~~[?] WITH

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RT	RS	BT	PS
THAT THEY WERE IN DANGER OF BEING ATTACKED BY THE PEOPLE ? A. ~~I~~ DIDN'T SAY ANYTHING IN MY HEARING. Q. WHY DID YOU NOT NOTIFY THEM OF THEIR DANGER — YOUR PURPOSE BEING TO SAVE THEIR LIVES ? A. I HAD NO ORDERS. Q. THEN YOU DID NOTHING EXCEPT BY VIRTUE OF AN ORDER ? NO ANSWER. Q. YOU SAY YOU PASSED THE TRAIN OF MR. MATTHEWS ON YOUR WAY HOME FROM HAMBLIN'S — WHEREABOUTS WAS IT YOU MET MATTHEWS TRAIN ? A. IT WAS ABOUT	THEY WERE IN DANGER OF BEING ATTACKED BY THE PEOPLE $_{A}$ DIDN'T SAY ANYTHING IN MY HEARING $_{Q}$ WHY ~~DID NOT~~ DID YOU NOT NOTIFY THEM OF THEIR DANGER YOUR PURPOSE BEING TO SAVE THEIR LIVES $_{A}$ I HAD NO ORDERS. $_{Q}$ THEN YOU DID NOTHING EXCEPT BY VIRTUE OF AN ORDER ~~**NO ANSWER**~~ **SIR** YOU SAY YOU PASSED THE TRAIN OF MR. MATTHEWS ~~<~~ON~~>~~ YOUR WAY HOME FROM HAMBLIN'S YES SIR WHEREABOUTS WAS IT YOU MET MATTHEWS TRAIN $\{_{A}\}^{P}$ IT WAS ABOUT	THAT THEY WERE IN DANGER OF BEING ATTACKED BY THE PEOPLE? A. DIDN'T S~~Z~~AY ANYTHING IN THEIR HEARING ABOUT IT. Q. WHY DID YOU NOT NOTIFY THEM OF THEIR DANGER— YOUR PURPOSE BEING TO SAVE THEIR LIVES? A. I HAD NO ORDERS THAT I KNOW OF . Q. THEN YOU DID NOTHING EXCEPT BY VIRTUE OF AN ORDER.? A. NO, SI~~T~~R. Q. YOU SAY YOU PASSED THE TRAIN OF MR. MATHEWS ON YOUR WAY HOME FR**OM** HAMBLINS? A YES~~?~~**,** SIR. Q. WHERE ABOUTS WAS IT THAT YOU MET MATHEWS TRAIN? A. IT WAS ABOUT	YOU THEY OR THE MEN THAT WAS WITH YOU THEY WAS IN DANGER OF ATTACK BY THE PEOPLE DIDN'T SAY ANYTHING IN THEIR HEARING ABOUT IT WHY DID YOU NOT NOTIFY THEM OF THEIR DANGER YOUR PURPOSE BEING TO SAVE THEIR LIVES HAD NO ORDERS THAT I KNEW OF [*space*] THEN YOU DID NOTHING EXCEPT BY VIRTUE OF AN ORDER NO SIR [*space*] YOU SAY YOU PASSED THE TRAIN OF MR. MATHEWS ON YOUR WAY FROM MR. HAMBLINS YES SIR WHERE ABOUTS WAS IT THAT YOU MET MATHEWS TRAIN IT WAS ABOUT

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RT	RS	BT	PS
FIFTEEN MILES THE OTHER SIDE OF CEDAR CITY;	15 MILES OTHER SIDE OF CEDAR CITY	I5 MILES THE OTHER SIDE OF CEDAR.	15 MILES ON OTHER SIDE OF CEDAR
	Q ~~≤~~DID HAVE ANY CONVERSATION WITH MR. MATTHEWS~~≥~~	Q. DID YOU HAVE ANY CONVERSATION WITH MR/ MATHEWS~~?~~ *[87]*	DID YOU HAVE ANY CONVERSATION WITH MR MATHEWS
I HAD A CONVERSATION WITH MR. MATTHEWS;	A I HAD NO CONVERSATION WITH MR. MATTHEWS	A. I HAD NO CONVERSATION WITH MR. MATHEWS; I HAD DRAWN THE WAGONS OF THE ROAD TO THE RIGHT,	NO I HAD DRAWN THE WAGONS OFF THE ROAD TO THE RIGHT
THEY PASSED ON THE WAY ON THE MAIN ROAD; THE	THEY PASSED ON WAY ON THE MAIN ROADS *[10]*	AND THEY P~~S~~AA~~A~~SED ALONG THE MAIN ROAD TO THE RIGHT;	AND THEY PASSED ALONG THE MAIN ROAD
PARTIES WERE IN SIGHT BUT NOT MEETING THEM.	PASSED IN SIGHT BUT NOT MEETING ‘EM	PASSED IN SIGHT B~~V~~**U**T NOT MEETING HIM.	PASSED IN SIGHT BUT NO MEETING ‘EM? NO MEETING ‘EM
Q. YOU SAY WHEN YOU GOT TO CEDAR SISTER HOPKINS TOOK CHARGE OF SOME CHILDREN — GOT THEM PLACES — HOMES — TOOK THEM HOME AND SO ON, AND THAT SHE UNDERSTOOD IT ALL — HOW DO YOU KNOW	Q YOU SAY WHEN YOU GOT TO CEDAR SISTER HOPKINS TOOK CHARGE SOME CHILDREN, GOT THEM PLACES HOMES THERE ~~≤~~TOOK~~≥~~ THEM HOME SO ON AND SHE UNDERSTOOD IT ALL; HOW DID YOU KNOW	Q. YOU SAY THAT WHEN YOU GOT TO CEDAR SISTER HOPKINS TO**O**K CHARGE OF SOME OF THE CHILDREN AND GOT **THEM** ~~THE~~ P~~K~~LACES, HOMES, AND SO ON, AND THAT SHE UNDERSTOOD IT ALL. HOW DID YOU KNOW	[*space*] YOU SAY THAT WHEN YOU GOT TO CEDAR SISTER HOPKINS TOOK CHARGE OF SOME OF THE CHILDREN AND GOT THEM PLACES ~ HOMES AND SO ~~ON AND~~ THAT SHE UNDERSTOOD IT ALL HOW DID YOU KNOW

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RT	RS	BT	PS
SHE UNDERSTOOD IT ALL ?	SHE UNDERSTOOD ~~THIS~~ IT ALL $_{A}$≤I SUPPOSE≥	THAT SHE UNDERSTOOD IT ALL? A. I SUPPOSE	THAT SHE UNDERSTOOD IT ALL I SUPPOSED
A. HER HUSBAND MUST HAVE TOLD HER. Q. HOW DO YOU KNOW — HAVEN'T YOU GOT THAT IN THE AIR LIKE YOU GET A GREAT MANY OTHER THINGS —	{$_{A}$}^{p}HER HUSBAND ≤MUST HAVE≥ TOLD HER. $_{Q}$ HOW DO YOU KNOW HAVEN'T YOU GOT THAT IN {THE}^{p} AIR LIKE YOU GET[161] GREAT MANY OTHER THINGS <$_{A}$I DON'T KNOW ONLY I SUPPOSED IT	HER HUSBAND TOLD HER. Q. HOW DO YOU KNOW THAT; HAVEN'T YOU GOT THAT IN THE AIR LIKE YOU GET A GREAT MANY OTHER THINGS? A. I DON'T KNOW ONLY I SUPPOSED IT . Q. DID YOU EVER HEAR HIM TELL HER? A. I	HER HUSBAND TOLD HER HOW DO YOU KNOW I DON'T KNOW ONLY I SUPPOSED IT DID YOU EVER HEAR HIM TELL HER I
DID YOU EVER HEAR HER SAY SHE KNEW ANYTHING ABOUT IT ? A. I DIDN'T	DID YOU EVER HEAR HER SAY SHE KNEW ANYTHING ABOUT IT. {$_{A}$}^{p} I DIDN'T	DID NOT. Q. DID YOU EVER HEAR HER SAY ~~H~~SHE KNEW ANYTHING A**B**OUTIT? A. NO, I DIDN'T	DID NOT DID YOU EVER HEAR HER SAY SHE KNEW ALL ABOUT IT *[[46]]*[162] NO I DO NOT KNOW AS I EVER
HEAR HER SAY SHE KNEW ANYTHING ABOUT IT. Q. DID YOU EVER HEAR THE OLD LADY SAY SHE KNEW ANYTHING	HEAR HER SAY SHE KNEW ANYTHING ABOUT IT. $_{Q}$ DID YOU EVER HEAR OLD LADY SAY SHE KNEW ANYTHING	HEAR HER SAY SHE KNEW ANYTHING ABOUT IT? Q. DID YOU EVER HEAR THE OLD LADY SAY THAT SHE KNEW ANYTHING	HEARD HER SAY SHE KNEW ALL ABOUT IT DID YOU EVER HEAR THE OLD LADY SAY THAT SHE KNEW ANYTHING

161. The vowel was added later in ink; the original shorthand could be "GET" or "GOT".

162. Written on verso in longhand: **3 . . . BOOK 3**. There is an accounting of names and cash paid in shorthand and longhand. It is erased and crossed out. "JOHN D. LEE" is in shorthand.

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RT	RS	BT	PS
ABOUT IT ~~?~~, *[114]* OR WHAT WAS DONE ON THE FIELD ? A. I DO NOT. SHE COULD NOT KNOW ANYTHING WHAT WAS DONE ON THE FIELD UNLESS SHE HEARD IT FROM SOMEBODY. Q. WHY DID YOU SAY THEN SHE KNEW ALL ABOUT IT ? A. I DON'T KNOW THAT I SAID SO. Q. IF YOU DID SAY SO WHAT DID YOU MEAN ? A. I DON'T THINK I SAID SO. Q. WAS IT CUSTOMARY FOR THOSE ENGAGED IN THIS	ABOUT{,}^{p} ≤WHAT WAS DONE ON THE FIELD≥ {$_{A}$}^{p} I DID NOT {$_{A}$}^{p} SHE COULD NOT KNOW ANYTHING WHAT WAS DONE ON THE FIELD ≤WITHOUT A SOURCE KNOW OF≥ UNLESS SHE HEARD IT FROM SOMEBODY. [*space*] WHY DID YOU SAY THEN SHE KNEW ALL ABOUT IT. {$_{A}$}^{p} I DON'T KNOW I SAID SO. $_{Q}$IF YOU DID SAY SO WHAT DID YOU MEAN {$_{A}$}^{p} I DON'T THINK I SAID SO. $_{Q}$WAS IT CUSTOMARY FOR THOSE ENGAGED IN THIS	ABOUT WHAT WAS DONE ON THE FIELD.? A. SHE COULD NOT KNOW ANYTHING T~~H~~A T WAS DONE O N THE FIELD THAT I KNOW OF UNLESS SHE HEARD IT FROM SOMEBODY . Q. WHY DID YOU SAY THEN THAT SHE KNEW ALL ABOUT IT. A. I DON'T KNOW WHY I SAID SO. Q. IF YOU DID SAY ~~SAY~~ SO WHAT DID YOU MEAN. A. I DON'T THINK I SAID SO. **M**$^{\underline{R}}$ BISHOP: I WOULD LIKE TO HAVE THE REPORTER READ THE NOTES AS TO WH~~T~~**AT** HE SAID.) (REPORTER READ NOTES TO WITNESS-) Q. WAS IT ~~S~~CUSTOMARY FOR THOSE ENGAGED IN THIS	ABOUT WHAT WAS DONE ON THE FIELD SHE DID NOT KNOW ANYTHING ABOUT WHAT WAS DONE ON THE FIELD THAT I KNEW OF UNLESS SHE HEARD IT FROM SOMEBODY WHY DID YOU SAY THEN THAT SHE KNEW ALL ABOUT IT I DON'T KNOW WHETHER I DID SAY [*space*] IF YOU DID SAY SO WHAT DID YOU MEAN I DON'T THINK I SAID SO (TESTIMONY READ BY REPORTER ≤(PROVING THAT HE SAID IT BECAUSE HER HUSBAND WAS IN IT)≥ WAS IT CUSTOMARY FOR THOSE ENGAGED IN THIS

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RT	RS	BT	PS
TRANSACTION TO TELL THEIR ~~WA~~ WIVES ALL ABOUT WHAT WAS DONE ON THE FIELD ? A. I DON'T KNOW AS IT WAS. Q. DID YOU TELL YOUR WIFE THE FACTS CONNECTED WITH THE TRANSACTION ? A. SOMETHINGS PROBABLY I DID AND SOMETHINGS I DID NOT. Q. DID YOU TELL HER THE PARTICULARS — HOW MANY WERE KILLED AND WHO KILLED THEM ? A. NO SIR, I NEVER TALKED WITH HER MUCH ABOUT SUCH THINGS. DIDN'T WANT TO BOTHER HER MIND ABOUT SUCH THINGS. Q. IF YOU DIDN'T WANT TO BOTHER YOUR WIFE'S MIND	TRANSACTION TO TELL THEIR WIVES ALL ABOUT WHAT WAS DONE ON THE FIELD {A}p I DON'T KNOW AS IT WAS. Q DID YOU TELL YOUR WIFE THE FACTS CONNECTED WITH THE TRANSACTION {A}p SOMETHINGS PROBABLY I DID SOMETHINGS I DID NOT. Q DID YOU TELL HER PARTICULARS HOW MANY WERE KILLED AND WHO KILLED THEM A NO SIR I NEVER TALKED WITH HER MUCH ABOUT SUCH THINGS DIDN'T WANT TO BOTHER HER MIND ABOUT SUCH THINGS. QIF YOU DIDN'T WANT TO BOTHER YOUR WIFE'S MIND	TRANSACTION TO TELL THEIR WIVES ALL ~~A~~BOUT WHAT WAS DONE ON THE FIELD? A. I DON'T KNOW AS IT WAS. Q. DID YOU TELL YOUR WIFE THE FACTS **C**O**NN**ECTED WITH THE TRANSACTION? *[88]* A. SOME ONES **I** ~~I~~ PROBABLY DID , AND SOME ONES I DIDN'T. Q. DID YOU TELL HER THE PARTICULARS HOW MANY WERE KILLED , AND WHO KILLED THEM? A. NO SIR, I NEVER TALKED WITH HER MUCH ABOUT SUCH THINGS; I DIDN'T WANT TO BOTHER HER **MIND** ~~MIDN~~ WITH S~~H~~U~~U~~CH THINGS Q. IF YOU , SIR, DIDN'T WANT TO BOTHER YOUR WIFE'S MIND	TRANSACTION TO TELL THEIR WIVES ALL ABOUT WHAT WAS DONE ON THE FIELD I DON'T KNOW AS IT WAS [*space*] DID[163] YOU TELL YOUR WIFE THE FACTS CONNECTED WITH THE TRANSACTION SOME THINGS PROBABLY I DID AND SOME I DIDN'T DID YOU TELL HER THE PARTICULARS ~ HOW MANY WERE KILLED AND WHO KILLED THEM NO SIR I NEVER TALKED WITH HER MUCH ABOUT IT I DIDN'T WANT TO BOTHER HER MIND WITH SUCH THINGS [*space*] THEN SIR IF YOU DIDN'T WANT TO BOTHER YOUR OWN WIFE'S MIND

163. Apparently added later.

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RT	RS	BT	PS
WITH SUCH THINGS WHAT MAKES YOU THINK HOPKINS WANTED TO BOTHER HIS WIFE'S MIND WITH SUCH THINGS ? A. THEY WANTED SOME PLACE FOR THE CHILDREN AND PROBABLY IT WAS UNDERSTOOD I SHOULD GO THERE. Q. DO YOU KNOW WHETHER SHE DID UNDERSTAND IT OR NOT ? A. I DON'T KNOW ANY MORE THAN I OUGHT TO ASK THAT PARTICULAR QUESTION, OR REQUEST TO A SISTER. Q. WAS	WITH SUCH THINGS WHAT MAKES YOU THINK HOPKINS WANTED TO BOTHER HIS WIFE'S MIND {WITH SUCH THINGS $_{A}\}^{p}$ THEY WANTED SOME PLACE FOR THE CHILDREN AND PROBABLY IT WAS UNDERSTOOD I SHOULD GO THERE $_{Q}$ DIID YOU KNOW WHETHER SHE DID UNDERSTAND IT OR NOT. $\{_{A}\}^{p}$ I DON'T KNOW ANY MORE THAN I SHOULD ASK PARTICULAR QUESTION REQUEST TO ≼OF≽ $\{_{A}\}^{p}$ SISTER. WAS	WITH SUCH THINGS WHAT MAKES YOU THINK HOPKINS W~~H~~A~~A~~NTED TO BOTHER HIS WIFES MIND, WITH SUCH THINGS? A: WELL, THERE HAD ~~BE~~ **TO** BE A PLACE FOR THESE CHILDREN— PROBABLY IT WAS UNDDRSTOOD, FOR I WAS DIRECTED TO GO THERE AS FAR AS I RECOLLECT. Q. PROBABLY IT WAS UNDERSTOOD. Q. DID YOU KNOW WHETHER SHE DID UNDERSTAND IT O~~T~~R NOT.? A. I DON'T KNOW ANYTHING M ORE THAN SHE DIDN'T ASK ANY PARTICULAR QUESTIONS AND WAS WILLING TO A**S**SIST. Q. WAS	WITH SUCH THINGS [*space*] ≼WHY≽ DID YOU PRESUME THAT HOPKINS BOTHERED HIS WIFE [*space*] WELL THERE HAD TO BE A PLACE FOR THOSE CHILDREN ~ PROBABLY IT WAS UNDERSTOOD FOR I WAS DIRECTED TO GO THERE AS FAR AS I RECOLLECT [*space*] PROBABLY IT WAS UNDERSTOOD DID YOU KNOW WHETHER SHE DID UNDERSTAND ABOUT IT OR NOT I DON'T KNOW ANYTHING MORE THAN SHE DIDN'T ASK ANY PARTICULAR QUESTIONS AND WAS WILLING TO ASSIST WAS

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RT	RS	BT	PS
IT ANY MORE REMARKABLE THAT A WOMAN SHOULD OBEY COUNSEL ANY *[115]* MORE READILY THAN A MAN ? A. NO, I DO NOT KNOW THAT IT IS. Q. IS IT ALL SURPRISING THAT A WOMAN SHOULD TAKE SEVENTEEN CHILDREN PART OF WHICH WERE WOUNDED AND ALL OF THEM HUNGRY AND THEY BEING DELIVERED TO HER — WOULD IT BE AN~~H~~Y MORE STRANGE IF SHE SHOULD REACH A HELPING HAND TO THEM THAN IT WOULD BE IF A MAN WOULD KILL THE	IT ANYTHING MORE REMARKABLE A WOMAN SHOULD OBEY COUNSEL ANY MORE READILY THAN A MAN $_{A}$NO I DO NOT THAT IT IS. IS IT ~~<~~AT ALL~~>~~ SURPRISING A WOMAN SHOULD TAKE 17 CHILDREN PART OF WHICH WERE WOUNDED ALL OF THEM HUNGRY BE ~~<~~DELIVERED~~>~~ TO HER WOULD IT BE ANY MORE STRANGE SEE SUCH REACH A HELPING HAND TO THEM THAN IT WOULD BE *FOR* *MAN/MEN*[?] WOULD KILL THE	IT ANYTHING MORE REMARKABLE OR UNLIKELY FOR A WOMAN TO OBEY COUNSEL, AS READILY AS A MAN? A. SOME PROBABL~~U~~Y WOULD AND SOME PROBABLY WOULD NOT. Q. IS IT AT ALL SURPRISING THAT A WOMAN SHOULD TAKE I7 CHILDREN PART OF WHICH WERE WOUNDED— ALL OF THEM HUNGRY THAT WOULD BE DELIVERED TO HER TO TAKE CARE OF THEM — WOULD IT BE MORE STRANGE FOR HER TO REACH OUT A HELPING HAND TO THEM THAN IT WOULD BE FOR A MAN TO KILL THE	IT ANYTHING MORE <UNLIKELY> THAT A WOMAN SHOULD OBEY COUNSEL AS READILY AS A MAN SOME PROBABLY WOULD ~~NOT~~ AND SOME PROBABLY WOULD NOT (THAT IS SO) IS IT SURPRISING THAT A WOMAN COULD TAKE 17 CHILDREN PART OF WHICH WERE WOUNDED ALL OF THEM HUNGRY THAT WOULD BE DELIVERED TO HER TO TAKE CARE OF THEM *P PRK/*—[?][164] WOULD IT BE MORE STRANGE THAT A MAN WOULD BE COUNSELED TO KILL THE

164. A rectangle is drawn around the illegible symbols.

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RT	RS	BT	PS
FATHER OF THESE CHILDREN ? A. NO ANSWER.	FATHER OF THOSE CHILDREN ~~NO ANSWER~~ <A —> SHE DID NOT HAVE THEM ALL AT ONCE~~>~~.	PARENTS OF THESE CHILDREN? A. SHE DID NOT HAVE THEM ALL AT ONCE. Q. ANSWER MY QUESTION. OBJECTED TO AS NOT PROPER CROSS-EXAMINATION. OBJECTION WITHDRAWN. Q.	PARENTS OF THOSE CHILDREN SHE DID NOT HAVE THEM ALL AT ONCE ANSWER MY QUESTION OBJECTED TO IN CROSS-EXAMINATION AND NOT PROPER QUESTION OBJECTION WITHDRAWN [*space*]
Q. WHO TOOK CARE OF THESE CHILDREN AFTER THAT — WHERE DID THEY GET HOME ? A. WELL THAT IS MORE THAN I CAN TELL YOU ALL AT ONCE	WHO TOOK CARE OF THOSE CHILDREN AFTER THAT WHERE DID THEY GET HOMES? ~~A~~WELL THAT IS MORE THAN I CAN TELL YOU ALL AT ONCE,	WHO TOOK CARE OF THESE CHILDREN AFTER THAT? WHERE **DID** THEY GET HOMES? *[89]* A. THAT IS MORE THAN I COULD TELL YOU ALL AT ONCE; I HAVE FORGOTTE~~N~~. Q. TAKE YOUR TIME TO IT?	WHO TOOK CARE OF THOSE CHILDREN AFTER THAT WHERE DID THEY GET HOMES THAT IS MORE THAN I COULD TELL YOU JUST ALL AT ONCE TAKE YOUR TIME ABOUT IT I AM HERE FOR THE SUMMER ~ I
<I HAVE FORGOTTEN>; **2** HAVING BEEN PLACED IN CHARGE OF THE CHILDREN ~~<I HAVE~~	I HAVE FORGOTTEN ~~Q~~ HAVING BEEN PLACED IN CHARGE OF THE CHILDREN	A. I HAVE FORGOTTEN IT. Q. HAVING BEEN PLACED IN CHARGE OF THE CHILDREN	HAVE FORGOTTEN THAT [*space*] HAVING BEEN PLACED IN CHARGE OF THE CHILDREN

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RT	RS	BT	PS
~~FORGOTTEN~~ ON THE FIELD OF THE MASSACRE, WITH DIRECTIONS TO TAKE CARE OF THEM, HOW DOES IT COME YOU DISPOSED OF THEM IN A MANNER THAT YOU CANNOT ACCOUNT FOR THEM ? A. I GOT THEM AT DIFFERENT PLACES AROUND AMONG THE PEOPLE AND I DID CONSIDER IT A SERIOUS MATTER. Q. WASN'T IT YOUR DUTY TO GET THEM A HOME? A. I DID DO SO. Q. WAS NOT THE MATTER OF SUFFICIENT IMPORTANCE TO	UPON THE FIELD OF THE MASSACRE WITH DIRECTIONS TO TAKE CARE OF THEM HOW DOES IT COME YOU DISPOSED OF THEM IN A MANNER YOU CANNOT ACCOUNT FOR THEM $_{A}$I GOT THEM DIFFERENT PLACES AROUND AMONG THE *[11]* PEOPLE I DID CONSIDER IT A SERIOUS MATTER. $_{Q}$WAS IT YOUR DUTY TO GET THEM A HOME $\{_{A}\}^{p}$ I DID DO SO. $_{Q}$~~<~~WAS NOT~~>~~ MATTER OF SUFFICIENT IMPORTANCE TO	UPON THE FIELD OF THE MA~~C~~S~~C~~SACRE, WITH DIRECTIONS TO TAKE CARE OF THEM, HOW DOES IT COME THAT YOU DISPOSED OF THEM ~~?~~ IN A MANNER THAT YOU CAANNOT ACCOUNT FOR THEM? A. I GOT THEM ~~IN~~ DIFFERENT PLACES AROUND AMONGST THE PEOPLE. I CONSIDERED IT A ~~C~~SERIOUS MATTER. Q. WASN'T YOUR DUTY TO GET THEM A HOME ? A. I DID DO ~~C~~SO. Q. WASN'T IT A MATTER OF SUFFICIENT IMPORTANCE TO	UPON THE FIELD OF THE MASSACRE WITH DIRECTIONS TO TAKE CARE OF THEM HOW DOES IT COME THAT YOU DISPOSED OF THEM IN A *[[47]]*165 MANNER THAT YOU CAN CAN'T ACCOUNT FOR [*space*] I GOT THEM PLACES AROUND AMONG DIFFERENT PEOPLE [*space*] *BUT TO RECALL THE PLACES*[?] IT IS SOME MOMENT [*space*] IT IS MATERIAL MAY YOU CONSIDER IT ~ ~~GO ON~~ [*space*] WAS IT ~~<~~NOT~~>~~ YOUR DUTY TO GET THEM A HOME I DID IT WAS [*space*] WAS IT A MATTER OF SUFFICIENT IMPORTANCE FOR YOU TO

165. The page is in very poor condition; it is torn and part of the bottom left-hand corner is missing.

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RT	RS	BT	PS
IMPRESS IT ON YOUR MEMORY TO KNOW WHOM TO DELIVER THEM TO — SO YOU COULD HOLD THEM TO ACCOUNT FOR THE DELIVERY OF THESE CHILDREN ? JUDGE ~~SUTHERLAND~~ BASKIN OBJECTED TO FURTHER CROSS-EXAMINATION OF WITNESS ON THIS POINT AS HE HAD ALREADY ANSWERED. Q. BEGIN AND GIVE ME NAMES OF THE PARTIES YOU LEFT THESE CHILDREN WITH ? *[116]* A. I NAME MYSELF FOR ONE,[166] I NAME ANOTHER ONE MAN	IMPRESS IT ON YOUR MEMORY TO KNOW WHOM SHOULD DELIVER THEM TO SO YOU COULD HOLD THEM TO ACCOUNT FOR THE DELIVERY OF THESE CHILDREN? **≺BASKIN OBJ≻** BY COURT GO AHEAD {Q}[P] CAN YOU GIVE ME THE NAMES {OF THE PARTIES YOU LEFT THESE CHILDREN WITH}[P] {A}[P] I NAME MYSELF FOR ONE. I NAME ANOTHER ONE	IMPRESS IT UPON YOUR MEMORY TO KNOW WHO YOU DELIVERED THEM TO, SO YOU COULD HOLD THEM TO ACCOUNT FOR THE DELIVERY OF ~~THE DELIVERY OF~~ THESE CHILDREN. OBJECTED TO. COURT: GO AHEAD. Q. CAN YOU GIVE ME THE NAMES OF THESE PARTIES THAT YOU LEFT THE CHILDREN WITH? A. I NAME MYSELF FOR ONE; I NAME ANOTHER	IMPRESS IT UPON YOUR MEMORY SO THAT YOU COULD TELL WHOM YOU DELIVERED THEM OVER TO ~~SO THAT THEY~~ — CAN YOU GIVE ME THE NAMES OF ANY PEOPLE [*space*] MYSELF FOR ONE I NAME~~S~~ ANOTHER ONE [*space*] TWO TO

166. Georgia Ann Dunlap.

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RT	RS	BT	PS
INGRAM; GOT A PLACE THERE FOR A COUPLE; THEY HAD NO CHILDREN. THEY CAME A GOOD WAYS TO GET THEM. Q. WHAT DID YOU DO WITH THE OTHERS THIRTEEN LEFT — FIFTEEN LEFT ? A. JOHN M. HIGBEE GOT ONE, THE BIGGEST BOY.[167] Q. WHO GOT THE OTHERS — WHO ELSE GOT ANY ? A. I LEFT ONE AT HAMBLINS[168]— LEFT ONE AT PINTO CREEK. Q. THAT IS FIVE — DO YOU RECOLLECT WHO GOT THE OTHER	INGRAM GOT PLACE THERE FOR A COUPLE {THEY}^{p} HAD NO CHILDREN, THEY CAME GOOD WAYS TO GET IT. $_{Q}$ WHAT DID YOU DO WITH THE OTHERS THIRTEEN LEFT —FIFTEEN LEFT $\{_{A}\}^{p}$ JOHN M HIGBEE GOT ONE, THE BIGGEST BOY WHO GOT THE OTHERS WHO ELSE GOT ANY $_{A}$LEFT ONE AT HAMBLIN, LEFT ONE AT PINTO CREEK $_{Q}$THAT IS FIVE DO YOU RECOLLECT WHO GOT THE OTHER	INGRAM;[169] ÷ THEY GOT A COUPLE , AS THEY HAD NO CHIDREN: THEY CAME A GOOD WAYS TO GET THEM. Q. WHAT DID YOU DO WITH THE OTHERS; ISN'T THERE I3 LEFT OR I5 LEFT.? A. JOHN M. . HIGBEE GOT ONE, THE BIGEST BOY. Q. WHO GOT THE OTHERS — WHO ELSE GOT ANY? A. LEFT ONE AT HAMBLINS; LEFT ONE AT PINTO CREEK. Q. THAT IS FIVE, DO YOU RECOLLECT WHO GOT THE OTHER	YOUNG ≤**YOU**NG≥ HIS WIFE HAS —[?] [*space*] INGRAM. I GOT A PLACE THERE THEY WAS A COUPLE THAT HAD NO CHILDREN THEY CAME GOOD HOURS TO GET IT WHAT DID YOU DO WITH THE OTHERS 15 LEFT JOHN M HIGBEE GOT ONE THE BIGGEST BOY WHO GOT THE OTHERS WHO ELSE GOT ANY I LEFT ONE AT HAMBLIN'S THAT WAS WOUNDED AND I LEFT ONE AT PINTO CREEK BUT I DO NOT RECOLLECT THE NAME ANY MORE DO YOU RECOLLECT WHO GOT THE OTHER

167. Emberson Milum Tackitt, age four. There was one older boy.

168. Three children were left at Hamblin's: Rebecca J. Dunlap, Louisa Dunlap, and Sarah E. Dunlap.

169. Alexander and Agnes Ingram of Harmony. They later moved to Pocketville (now Virgin) when the child, Joseph Miller, was recovered. They most likely received only one child, as reflected in the next sentence in the RS and PS.

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RT	RS	BT	PS
TWELVE ? A. I DO NOT RECOLLECT BUT I TOOK PAINS TO GET THEM AS GOOD PLACES AS I COULD. Q. WHEN DID YOU NEXT SEE LEE AFTER YOU RETURNED HOME ? A. AT CEDAR CITY. Q. HOW LONG WAS THAT AFTER THE TRANSACTION ? A. IT MIGHT HAVE BEEN A WEEK, MIGHT HAVE BEEN LONGER, I COULD NOT TELL YOU. Q. DID YOU HAVE A CONVERSATION WITH HIM AT THAT TIME ? A. YES, SOME Q. CONCERNING THIS MATTER ? A. NOTHING PARTICULAR CONCERNING IT. Q. WHO HELPED YOU TO BRAND	12 $_{A}$I DO NOT RECOLLECT $\{_{A}\}^{p}$ I TOOK PAINS TO GET THEM AS GOOD PLACES AS I COULD ~~DID YOU~~ $_{Q}$WHEN DID YOU NEXT SEE LEE AFTER YOUR RETURN HOME $\{_{A}\}^{p}$ AT CEDAR CITY $_{Q}$HOW LONG WAS THAT AFTER TRANSACTION $\{_{A}\}^{p}$ IT MIGHT BEEN A WEEK MIGHT BEEN LONGER COULD NOT TELL YOU. $_{Q}$ DID YOU HAVE CONVERSATION WITH HIM AT THAT TIME ? $_{A}$YES SOME WORDS $_{Q}$ CONCERNING THIS MATTER $\{_{A}\}^{p}$ NOTHING PARTICULAR CONCERNING IT. $_{Q}$ WHO HELPED YOU TO BRAND	TWELVE.? A. I DON'T RECOL**L**ECT; I TOOK PAINS TO GET THEM AS GOOD PLACES AS I COULD. Q. WHERE DID YOU NEXT SEE LEE AFTER YOU RETURNED HOME ? *[90]* A. AT CEDAR CITY. Q. HOW LONG IS THAT ~~AT~~ **AFTER** THE TRANSACTION? A. IT MIGHT HAVE BEEEN A WEEK ; IT MIGHT HAVE BEEN LONGER; I COULD NOT TELL YOU? Q. DID YOU HAVE ANY CONVERSATION WITH HIM AT THAT TIME? A. YES, SIR, SOME. Q. CONCERNING THIS MATTER? A. NO**,** NOT PARTICULARLY CONCERNING IT. Q. WHO HELPED YOU TO BRAND	TWELVE IF YOU DO NOT RECOLLECT SAY SO I DO NOT I TOOK THE *POSITION*[?] TO GET THEM AS GOOD PLACES AS I COULD [*space*] WHEN DID YOU NEXT SEE LEE AFTER YOUR RETURN HOME I SAW HIM AT CEDAR CITY NEXT [*space*] HOW LONG WAS THAT AFTER THE TRANSACTION IT MIGHT HAVE BEEN WEEK MIGHT HAVE BEEN LONGER I COULD NOT TELL YOU [*space*] DID YOU [*page torn*] CONVERSATION WITH HIM AT THAT TIME YES SIR CONCERNING THIS MATTER NOTHING PARTICULAR CONCERNING IT WHO HELPED YOU BRAND

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RT	RS	BT	PS
THE CATTLE ? A. JOHN URIE, GEORGE HUNTER, IRA ALLEN — DON'T RECOLLECT OF AN~~H~~YBODY ELSE.	THE CATTLE {A}[p] JOHN **URIE**,[170] GEORGE HUNTER, IRA ALLEN. DON'T RECOLLECT OF ANYBODY ELSE.	THE CATTLE? A. JOHN URIE, GEORGE HUNTER AND IRA ALLEN. I DON'T RECOLLECT OF ANY BODY ELSE.	THE [*page torn*] JOHN **URE** GEORGE HUNTER AND I THINK IRA ALLEN I DO NOT RECOLLECT OF ANYBODY ELSE [*space*] [*page torn*]
Q. WHERE WERE THE CATTLE CORRALLED FOR BRANDING ? A. AT THE IRON SPRINGS, SEVEN MILES WEST OF CEDAR CITY. Q. WHO WAS PLACED IN CHARGE OF THE CATTLE FROM THAT TIME ? *[117]* A. THIS MAN CAME TO BOARD AND HELPED TO BRAND THEM AND PUT THE CHURCH BRAND UPON THEM BY HAIGHT'S ORDERS. Q. HOW LONG WERE YOU ENGAGED IN BRANDING CATTLE ? A. WE WENT THERE IN THE MORNING	Q WHERE WERE CATTLE CORRALLED FOR BRANDING {A}[p] AT IRON SPRINGS, 7 MILES WEST OF CEDAR CITY WHO WAS PLACED IN CHARGE OF CATTLE FROM THAT TIME THOSE MEN WHO BROUGHT AND HELPED BRAND THEM AND PUT CHURCH BRAND UPON THEM BY HAIGHT'S ORDERS. Q HOW LONG WERE YOU ENGAGED IN BRANDING CATTLE {A}[p]WE WENT THERE IN THE MORNING	Q. WHERE WERE THE CATTLE CORRALLED FOR BRANDING? A. AT IRON SPRINGS SEVEN MILES FROM CEDAR CITY. Q. WHO WAS PLACED IN CHARGE OF THE CATTLE FR ~~J~~M THAT TME? A. THOSE MEN WHO BROUGHT AND HE~~P~~LPED TO BRAND ~~H~~THEM AND PUT THE CHURCH BRAND UPON THEM BY HAIGHT'S ORDERS . Q. HOW LONG WERE YOU ENGAGED IN BRANDING CATTLE.? A. WE WENT THERE IN THE MORNING	THE [*page torn*] JOHN **URE** GEORGE HUNTER AND I THINK IRA ALLEN I DO NOT RECOLLECT OF ANYBODY ELSE [*space*] [*page torn*] WHERE WERE THEY CORRALLED FOR BRANDING OVER AT IRON SPRINGS 7 MILES WEST OF CEDAR CITY [*space*] [*part of page missing*] PLACED IN CHARGE OF CATTLE AT THAT TIME GEORGE HUNTER A [*space*] [*page torn*] DIRECTION DID YOU PUT CHURCH BRAND UPON THE CATTLE BY HAIGHT'S HOW LONG WERE YOU ENGAGED IN BRANDING [*page torn*] DOWN IN THE MORNING

170. Word possibly crossed out.

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RT	RS	BT	PS
AND CAME AWAY IN THE EVENING. Q. DID YOU EVER SEE ANY MORE OF THE STOCK EXCEPT THAT WHICH YOU BRANDED THERE ? A. I DO NOT THINK I HAVE, NOT TO MY RECOLLECTION, TO; KNOW ANYTHING ABOUT THEM, BUT SOME HORSES AND SOME MULES. Q. HOW MANY HORSES DID YOU SEE ? A. I DON'T RECOLLECT HOW MANY; MULES I RECOLLECT OF THREE. Q. WHAT WAS DONE WITH THE MULES ? A. THESE THREE WENT TO CEDAR CITY; TWO WERE LEFT IN MY CHARGE; ONE JOHN M. HIGBEE	CAME AWAY IN THE EVENING. $_{Q}$DID YOU EVER SEE ANY OF STOCK EXCEPT THAT YOU BRANDED THERE $\{_{A}\}^{p}$I DID NOT I HAVE NO MORE RECOLLECTION AND KNOW NOTHING ABOUT {THEM}^{p}. $_{Q}$SOME HORSES AND SOME MULES $_{Q}$HOW MANY HORSES DID YOU SEE $_{A}$I DON'T RECOLLECT HOW MANY MULES I RECOLLECT OF 3 $_{Q}$ WHAT WAS DONE WITH THE MULES $\{_{A}\}^{p}$ THESE 3 WENT TO CEDAR CITY 2 LEFT IN MY CHARGE, {**&**}^{p} ONE JOHN M. HIGBEE	AND CAME AWAY IN THE EVENING. Q. DID YOU EVER ~~W~~**S**EE ANY OF THE STOCK EXCEPT THAT YOU BRANDED THERE? A. I DIDN'T, NOT TO MY RECOLLECTION. **I DON'T** KNOW ANYTHING ABOUT THAT . Q. HOW MANY HORSES DID YOU SEE? A. I DON'T RECOLLECT. Q. HOW MANY MULES? A. I RECOLLECT OF THREE. Q. WHAT WAS DONE WITH THE MULES? A. THESE THREE WENT TO **C**EDAR CITY; TWO WAS LEFT IN MY CHARGE AND ONE JOHN ~~M.~~MHIGBEE	AND CAME AWAY IN THE EVENING DID YOU EVER SEE ANY STOCK EXCEPT THAT YOU BRANDED THERE [*page torn*] *AND*[?] NOT TO MY RECOLLECTION TO KNOW ANYTHING ABOUT IT YOU SAY THERE WERE SOME HORSES AND SOME ~~<~~MULES~~>~~ *[[Bk 4 1]]*[171] [*space*] $_{Q}$HOW MANY HORSES DID YOU SEE $_{A}$I DON'T RECOLLECT HOW MANY MULES I RECOLLECT OF 3 WHAT WAS DONE WITH THE MULES THESE THREE WAS AT CEDAR CITY TWO WAS LEFT IN MY CHARGE AND ONE JOHN M HIGBEE [*space*]

171. In orange pencil longhand at top of the page: **-BOOK N. 4-**. It appears to be in Rogerson's hand.

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RT	RS	BT	PS
GOT;	GOT	GOT. Q. HOW LONG DID YOU KEEP THESE TWO **M**ULES? *[91]*	HOW LONG DID YOU KEEP THESE TWO MULES
I KEPT THEM ALL THE TIME; THEY WERE LEFT IN MY CHARGE TO ~~FEED.~~	I KEPT THEM ALL THE TIME, THEY WERE LEFT IN MY CHARGE TO FIT	A. I KEPT THEM ALL THE TIME; THEY WERE LEFT IN MY CHARGE TO FI~~R~~**T**	$_{A}$I KEPT THEM ALL THE TIME THEY WERE LEFT IN MY CHARGE TO ≤MAKE AN≥ FIT
OUT AND GO AND GET LEAD AT THE VEGAS	OUT GO GET LEAD AT THE VEGAS.	OUT AND GO AND GET A LOAD **OF LEAD** AT THE VEGAS.	OUT ≤AND GO AND GET≥ FOR LEAD
Q. HOW LONG DID YOU USE THEM HAULING LEAD FROM THE VEGAS —	$_{Q}$HOW LONG DID YOU USE THEM HAULING LEAD FROM THE VEGAS <MADE ONE TRIP>	Q. HOW LONG DID YOU SAY YOU WERE HAULING LEAD FROM THE VEGAS? A. MADE ONE TRIP.	HOW LONG DID YOU USE THEM HAULING LEAD FROM THE VEGAS MADE ONE TRIP
WHAT DID YOU DO WITH THEM AFTERWARDS ?	$_{Q}$WHAT DID YOU DO WITH THEM AFTERWARDS	Q. WHAT DID YOU DO WITH THEM AFTER.	WHAT DID YOU DO WITH THEM AFTER
A. I KEPT THEM.	{$_{A}$}^{p}KEPT THEM.	A. KEPT THEM.	$_{A}$KEPT THEM
Q. HOW DID THAT CLOTHING AND LINSEY AND SUCH THINGS AS	$_{Q}$ HOW DID THAT CLOTHING LINSEY SUCH THINGS AS THAT	Q. HOW DID THAT CLOTHING, LINSEY, AND SUCH THINGS AS THAT	HOW DID THAT CLOTHING LINSEY AND SUCH THINGS[172] ~~YOU~~ AS THAT
YOU SPOKE OF GET INTO YOUR CELLAR AT CEDAR ? A. I PUT IT THERE	YOU SPOKE OF GET INTO YOUR CELLAR AT CEDAR {$_{A}$}^{p} I PUT IT THERE	YOU SPOKE OF GET INTO YOUR CELLAR? A. I PUT IT THERE; I PUT IT THERE	YOU SPOKE OF GET INTO YOUR CELLAR WHO PUT IT THERE I PUT IT THERE
WITH THE HELP OF THOSE AT IRON SPRINGS	WITH HELP OF THOSE *[12]* AT ~~IRON SPRINGS~~ IRON SPRINGS	WITH THE HELP OF THOSE THAT WERE AT IRON SPRINGS	WITH THE HELP OF THOSE THAT WERE AT IRON SPRINGS

172. Word apparently added later.

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RT	RS	BT	PS
WHO PUT IT INTO THE WAGONS,	WHO PUT IT INTO WAGON. {Q}P WHO HELPED YOU PUT IT IN THE CELLAR≓	WHO BROUGHT IT IN THW~~W~~E WAGONS. Q. WHO HELPED YOU PUT IT IN THE CELLAR?	BROUGHT IT OVER ON THE WAGONS WHO HELPED YOU PUT IT IN THE CELLAR
JOHN URIE, GEORGE HUNTER AND IRA. ALLEN.	AJOHN **URIE** GEORGE HUNTER AND ALLEN	A. JOHN URIE, GEORGE HUNTER AND IRA ALLEN~~;~~, AS FAR AS I RECOLL~~L~~ECT**;** THERE MIGHT HAVE BEEN SOME MORE?	AJOHN **U** GEORGE HUNTER AND ALLEN AS FAR AS I CAN RECOLLECT MIGHT HAVE BEEN SOME MORE
Q. HOW LONG DID IT REMAIN THERE IN THE CELLAR ? A. IT REMAINED THERE TILL I WENT TO CONFERENCE AND WAS	QHOW LONG DID IT REMAIN THERE IN THE CELLAR {A}P REMAINED THERE UNTIL AFTER I WENT TO CONFERENCE	Q. HOW LONG DID IT REMAIN THERE IN THE CELLAR? A. IT REMAINED THERE TILL AFTER I WENT UP TO CONFERENCE AND CAME BACK; IT WAS	[*space*] HOW LONG DID IT REMAIN THERE IN THE CELLAR UNTIL AFTER I WENT TO CONFERENCE AND CAME BACK AIT WAS
THERE WHEN I WENT FOR A LOAD AGAIN AND THERE WHEN I CAME BACK. Q. HOW LONG DID YOU REMAIN IN SALT LAKE ? *[118]* A. I DON'T KNOW, MAY BE FOUR OR FIVE DAYS, MAY BE A WEEK, I COULD NOT SAY EXACTLY TO A DAY OR TWO. Q. WHILE	THERE WHEN I WENT FOR A LOAD GONE ≤AND THERE≥ WHEN I CAME BACK. QHOW LONG DID YOU REMAIN IN SALT LAKE {A}P I DON'T KNOW MAY BE FOUR OR FIVE DAYS. MAYBE WEEK COULD NOT SAY EXACTLY TO DAY OR TWO. {Q}PWHILE	THERE WHEN I WENT FOR LEAD AND THERE WHEN I CAME BACK. Q. HOW LONG DID YOU REMAIN IN SALT LAKE? A. MAY BE FOUR OR FIVE DAYS— MAY BE A WEEK, I COULD NOT SA~~U~~Y EXACTLY**,** FOR A DAY OR TWO. Q. WHILE	THERE WHEN I WENT FOR LEAD AND GONE WHEN I CAME BACK HOW LONG DID YOU REMAIN IN SALT LAKE MAYBE 4 OR FIVE DAYS = MAYBE A WEEK I COULD NOT SAY EXACTLY TO *A*[?] DAY OR TWO WHILE

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RT	RS	BT	PS
IN SALT LAKE DID YOU INFORM THE AUTHORITIES THERE AS TO THE EXACT MANNER IN WHICH THAT TRAIN OF EMIGRANTS HAD BEEN DISPOSED OF ? A. NO SIR, I SAID NOTHING ABOUT THEM AT ALL.	AT SALT LAKE DID YOU INFORM AUTHORITIES THERE AS TO THE EXACT MANNER IN WHICH THAT TRAIN OF EMIGRANTS HAD BEEN DISPOSED OF {A}[p] NO SIR I SAID NOTHING ABOUT THEM	IN SALT LAKE DID YOU INFORM THE AUTHORITIES THERE AS TO THE EXACT MANNER IN WHICH THAT T~~H~~RAIN OF EMIGRANTS HAD BEEN DISPOSED OF? A. NO, SIR. Q. YOU ~~X~~SAID NOTHING ABOUT IT TO ANYBODY? A. NO, SIR/ ~~Q. DIDN'T YOU SUPPOSE AT THAT TIME~~ Q.	AT SALT LAKE DID YOU INFORM THE AUTHORITIES THERE AS TO THE EXACT MANNER IN WHICH THAT TRAIN OF EMIGRANTS HAD BEEN DISPOSED OF ANO SIR. I SAID NOTHING ABOUT IT TO ANYBODY ANO SIR
Q. YOU DID NOT ? A. NO SIR.	DID NOT SPEAK ABOUT IT AT ALL {I DID NOT}[p] NO SIR	YOU DIDN'T SPEAK ABOUT IT A~~L~~T ALL AT THAT TIME? A. NO, ~~D~~SIR. Q. NOT TO ANYBODY IN SALT LAKE? A. NO, SIR. Q.	DIDN'T SPEAK ABOUT IT AT ALL A NO SIR NOT TO ANYBODY IN SALT LAKE
Q. DIDN'T YOU SUPPOSE AT THAT TIME THE CHIEF AUTHORITIES OF THE TERRITORY RESIDED AT SALT LAKE CITY ? A. I KNEW THAT. Q. WHY DID YOU REMAIN SILENT UPON THAT SUBJECT ?	Q DIDN'T YOU SUPPOSE AT THAT TIME CHIEF AUTHORITIES OF THE TERRITORY RESIDED AT SALT LAKE CITY {A}[p] I KNEW THAT. WHY DID YOU REMAIN SILENT UPON THAT SUBJECT	DIDN'T YOU SUPPOSE AT THAT TIME THAT THE CHIEF AUTHORIT IES IN *[92]* IN THE TERRITORY RESIDED IN SALT LAKE? A. I KNEW THAT. Q. WHY DID YOU REMAIN S~~C~~ILENT UPON THAT SUBJECT?	DIDN'T YOU SUPPOSE AT THAT TIME THAT THE CHIEF AUTHORITIES IN THE TERRITORY RESIDED IN SALT LAKE ANO I KNEW THAT [*space*] WHY DID YOU REMAIN SILENT UPON THAT SUBJECT

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RT	RS	BT	PS
A. BECAUSE I HAD NO RIGHT OR AUTHORITY TO SPEAK ABOUT IT. Q. YOU WERE STILL UNDER THE AUTHORITY OF HAIGHT — UNDER RESTRICTION AND AUTHORITY AT THAT TIME — HOW FAR DID HAIGHT'S RESTRICTIVE AUTHORITY EXTEND AT THAT TIME ? A. I EXPECT IT EXTENDED PRETTY WELL. Q. BUT WHAT DO YOU MEAN BY THAT — DO YOU MEAN NORTH EAST OR WEST OR SOUTH OR; HOW — WHAT ? A. WELL I DON'T KNOW AS I CAN ANSWER THAT EXACTLY. Q. DID HE HAVE AUTHORITY IN	{A}[p] BECAUSE I HAD NO RIGHT OR AUTHORITY TO SPEAK ABOUT IT. {YOU}[p] STILL UNDER AUTHORITY OF HAIGHT UNDER RESTRICTION OF THE AUTHORITY AT THAT TIME <YES SIR>. HOW FAR DID HAIGHT'S RESTRICTIVE AUTHORITY EXTEND AT THAT TIME {A}[p] I EXPECT IT EXTENDED PRETTY WELL. BUT WHAT DO YOU MEAN BY THAT MEAN NORTH EAST WEST SOUTH OR HOW WHAT {A}[p] WELL I DON'T KNOW AS I CAN ANSWER THAT EXACTLY DO NOT ~~KNOW~~ HOW. DID HE HAVE AUTHORITY IN	A. BECAUSE I HAD NO RIGHT OR AUTHORITY TO SPEAK A**B**OUT IT. Q. YOU WERE STILL UNDER THE AUTHORITY OF HAIGHT ? A. YES, SIR. Q. UNDER THE RESTRICTION OF THAT AUTHORITY AT THAT TI ME? A. YES, SIR. Q. HOW FA~~T~~R DID HAIGHT'S RESTRICTION OF THE AUTHORITY EXTEND AT THAT TIME? A. I EXPECT IT EXTENDED PRETTY WELL UP IN THAT THING. Q. WHAT DO YOU MEAN BY THAT; DO YOU MEAN EAST , WEST, NORTH OR SOUTH, HOW, AND WHAT? A. WELL, I ~~I~~DON'T KNOW AS I CAN ANSWER THAT EXACTLY; I DON'T KNOW HOW. Q. DID HE HAVE ANY AUTHORITY AT	[A]BECAUSE I HAD NO RIGHT AND AUTHORITY TO SPEAK ABOUT IT STILL UNDER THE AUTHORITY OF HAIGHT YES SIR UNDER THE *RESTRICTION*[?] OF THE AUTHORITY [*space*] HOW FAR DID HAIGHT'S AUTHORITY EXTEND AT THAT TIME [*space*] I EXPECT IT EXTENDED PRETTY WELL UP IN THAT THING [*space*] WHAT DO YOU MEAN DO YOU MEAN NORTH EAST WEST AND HOW I DON'T KNOW AS I CAN ANSWER THAT EXACTLY I DON'T KNOW HOW [*space*] DID HE HAVE AUTHORITY IN

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RT	RS	BT	PS
SALT LAKE CITY ? A. NO, DIDN'T HAVE ANY AUTHORITY IN SALT LAKE AS I KNOW OF. Q. DID ANY PERSON ASK YOU ANYTHING ABOUT IT IN SALT LAKE ? A. I DON'T RECOLLECT ANYTHING OUTSIDE THERE. Q. DID ANY INSIDER TALK WITH YOU ABOUT IT ? A. I DON'T RECOLLECT OF ANYBODY ASKING ANYTHING ABOUT IT IN PARTICULAR. *[119]* Q. DID THEY ASK YOU ANYTHING ABOUT IT AT ALL ? A. I RECOLLECT OF ONE MAN NOW TALKING TO ME SOMETHING ABOUT IT. Q. WHAT MAN WAS THAT THAT HAD	SALT LAKE CITY {A}p NO DIDN'T HAVE ANY AUTHORITY IN SALT LAKE AS I KNOW OF. DID ANY PERSON ASK YOU ANYTHING ABOUT IT IN SALT LAKE ADON'T RECOLLECT ANYONE OUTSIDER ≤THERE≥ QDID ANY INSIDER TALK WITH YOU ABOUT IT {A}p I DON'T RECOLLECT OF ANYBODY ASKING ANYTHING ABOUT IT IN PARTICULAR QDID THEY ASK YOU ANYTHING ABOUT IT AT ALL AI RECOLLECT OF ONE MAN NOW TALKED SOME ABOUT IT Q WHAT MAN WAS THAT HAD	SALT LAKE? A.NO, I DON'T KNOW. HE DIDN'T HAVE ANY AUTHOROITY IN SALT LAKE AS I KNOW OF. Q. DID ANY PERSON ASK YOU ANYTHING ABOUT IT IN SALT LAKE ? A. I DON'T RECOLLECT OF ANY OUTSIDER. Q. DID ANY OUTSIDER TALK WITH YOU ABOUT IT? A. I DON'T KNOW WHAT YOU MEAN BY OUTSIDE OR INSIDE. I DON'T RECOLLECT ANYBODY ASKING ME ANYTHING ABOUT IT IN PARTICULAR. I RECOLLECT OF ONE MAN TALKING SOME ABOUT IT. Q. WHAT MAN WAS THAT THAT HAD	SALT LAKE NOT THAT I KNOW OF [*space*] *[[2]]* DID ANY PERSON ASK YOU ANYTHING ABOUT IT IN SALT LAKE I DON'T RECOLLECT OF ANY OUTSIDER ~~I DON'T~~ DID ANY INSIDER TALK TO YOU ABOUT IT I DON'T KNOW WHAT YOU MEAN BY OUTSIDE OR INSIDE I DON'T RECOLLECT OF ANYBODY ASKING ME ANYTHING ABOUT IT IN PARTICULAR ~ I RECOLLECT OF ONE MAN NOW TALKED SOME ABOUT IT WHAT MAN WAS THAT THAT HAD

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RT	RS	BT	PS
THE AUDACITY TO TALK TO YOU UPON THAT SUBJECT — WAS THERE SUCH A MAN ? A. YES SIR. Q. WHO WAS IT ? A. IT WAS CHARLEY D~~O~~**A**LTON, AND I ~~THOUGHT~~ ~~≤~~TALKED~~≥~~ SOME ABOUT IT.	AUDACITY TO TALK TO YOU UPON THAT SUBJECT {WAS THERE SUCH A MAN YES WHO WAS IT $_{A}\}^{p}$ IT WAS CHARLEY DALTON AND I TALKED SOME ABOUT IT.	THE AUDACITY TO TA~~K~~L~~L~~K WITH YOU ON THAT SUBJECT? ~~Q~~**A**. IT WAS ~~C~~CHARLEY DALTON AND I TALKED SOMETHING ABOUT IT. Q. DID YOU GIVE HI M THE FACTS ? *[93]* A. NO, I	THE AUDACITY TO TALK TO YOU ON THAT SUBJECT IT WAS CHARLEY DALTON AND I TALKED SOMETHING ABOUT IT DID YOU GIVE HIM THE FACTS NO I
I DIDN'T GIVE HIM ANY PARTICULAR FACTS. HE ASKED ME ABOUT IT. HE SAID HE WAS	I DIDN'T GIVE HIM ANY PARTICULAR FACTS, ASKED ME ABOUT IT HE SAID HE WAS	DIDN'T GIVE HIM ANY PARTICULAR FACTS; HE ASKED ME ABOUT I~~T~~. HE SAID HE WAS	DIDN'T GIVE HIM ANY PARTICULAR FACTS HE ASKED ME ABOUT IT HE SAID HE WAS GLAD THAT HE
AWAY FROM THERE AND HE LIVED NORTH THEN. Q. DID YOU TELL HIM HOW THE PEOPLE HAD BEEN KILLED OR WHO KILLED THEM A. LIKE ENOUGH I DID. Q. DO YOU THINK YOU DID TELL HIM THAT ? A. I	AWAY FROM THERE LIVED NORTH THEN. $_{Q}$DID YOU TELL HIM HOW PEOPLE HAD BEEN KILLED WHO KILLED THEM $\{_{A}\}^{p}$ LIKE ENOUGH I DID. DO YOU THINK YOU DID TELL HIM THAT $\{_{A}\}^{p}$ I	AWAY FROM THERE, LIVED NORTH THEN. Q. DID YOU TELL HIM HOW THE PEOPLE HAD BEEN KILLED AND WHO KILLED THEM? A. LIKE ENOUGH I DID IN PART. Q. DO YOU THINK YOU DID TELL HIM? A. I	AWAY FROM THERE[173] HE LIVED NORTH THEN DID YOU TELL HIM HOW THE PEOPLE HAD BEEN KILLED AND WHO KILLED THEM LIKE ENOUGH I DID IN PART DO YOU THINK YOU DID I TOLD HIM BELIEVE I

173. A circle is drawn around "HE SAID HE WAS GLAD THAT HE AWAY FROM THERE".

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RT	RS	BT	PS
EXPECT I TOLD HIM SOMETHING ABOUT IT. Q. HAVEN'T YOU AS MUCH RIGHT TO TALK TO BRIGHAM YOUNG AND GEORGE A. SMITH AND CANNON AND OTHER PARTIES IN SALT LAKE AS YOU HAD TO TALK TO THAT MAN ? A. NO, I DIDN'T KNOW AS I HAD. THEY DIDN'T ASK ME TO TALK OF SUCH THINGS. Q. THEN HE IS THE ONLY MAN YOU TALKED TO IN SALT LAKE ? A. HE WAS INTERESTED ABOUT IT, JOHN D. LEE BEING HIS	EXPECT I TOLD HIM SOMETHING ABOUT IT. QHAVEN'T YOU AS MUCH RIGHT TO TALK TO BRIGHAM YOUNG GEORGE SMITH CANNON OTHER PARTIES IN SALT LAKE AS YOU HAD TO TALK TO THAT MAN. {A}P NO I DON'T KNOW AS I HAD. THEY DIDN'T ASK ME TO TALK OF SUCH THINGS. [*space*] [13] THEN HE IS THE ONLY MAN YOU TALKED TO IN SALT LAKE. {A}P ~~I WAS INTERESTED~~ HE WAS INTERESTED ABOUT IT. JOHN D. LEE BEING HIS	EXPEECT I DID TELL HIM SOMETHING AB OUT IT; BUT JUST WHAT I TOLD HIM I CANNOT SAY. Q. HA~~N~~VN'T YOU JUST AS MUCH RIGHT TO TALK TO BRIGHAM YOUNG, TO GEORGE A. SMITH AND SUCH OTHER PARTIES AS YOU HAD TO HIM. A. I DON'T KNOW AS I HAD BECAUSE THEY DIDN'T ASK ME TO TALK ABOUT SUCH THINGS. Q. THEN HE IS THE ONLY MAN YOU HAVE TALKED TO ABOUT IT IN SALT LAKE CITY? A. THE MAN THAT WAS INTERESTED IN IT BECAUSE OF JOHN D. **L**EE BEING HIS	EXPECT I TOLD HIM SOMETHING ABOUT IT BUT JUST WHAT I TOLD HIM I CANNOT SAY HAVEN'T YOU JUST AS MUCH RIGHT TO TALK TO GEORGE **A** SMITH YOUNG CANNON AND SUCH PARTIES ~~=~~AND OTHER PARTIES SALT LAKE~~>~~ AS YOU HAD TO HIM I DON'T KNOW AS I HAD BECAUSE THEY DIDN'T ASK ME TO TALK OF SUCH THINGS THEN HE IS THE ONLY MAN TALKED TO ~~A~~ABOUT IT IN SALT LAKE CITY [*space*] THE MAN THAT WAS INTERESTED IN IT BECAUSE BEING A FATHER-IN-LAW OF JOHN D. LEE.

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RT	RS	BT	PS
FATER-IN-LAW. Q. HOW LONG AFTER YOU RETURNED FROM CEDAR CITY FROM CONFERANCE BEFORE YOU SAW JOHN D. LEE AGAIN ? A. I DON'T KNOW AS I RECOLLECT SEEING HIM AT ALL ANY MORE TILL I CAME BACK?FROM THE CITY. Q. YOU SAY YOU WENT WITH HOPKINS AND LEE TO VISIT PRESIDENT YOUNG ? *[120]* A. YES SIR. Q. WHILE IN THE PRESENCE OF PRESIDENT YOUNG WAS NOT THE MATTER MENTIONED BY ALL THE PARTIES ? A. NO SIR. Q. WHO INTRODUCED THE SUBJECT AT	FATHER-IN-LAW $_{Q}$ HOW LONG AFTER YOU RETURNED FROM CEDAR CITY FROM CONFERENCE BEFORE YOU SAW JOHN D. LEE AGAIN $\{_{A}\}^{p}$I DON'T KNOW AS I RECALL SEEING HIM AT ALL ANY MORE UNTIL I CAME BACK FROM THE SOUTH. YOU SAY YOU WENT WITH HOPKINS AND LEE TO VISIT PRESIDENT YOUNG. $\{_{A}$YES SIR.$\}^{p}$ $_{Q}$ WHILE IN THE PRESENCE OF PRESIDENT YOUNG WAS NOT MATTER MENTIONED BY ALL PARTIES $\{_{A}\}^{p}$ NO SIR. $_{Q}$WHO INTRODUCED SUBJECT AT	FATHER-IN-LAW. Q. HOW LONG AFTER YOU RETURNED **TO** ~~FROM~~ CEDAR CITY FROM THE CONFERENCE BEFORE YOU SA~~Y~~**W** JOHN D. LEE AGAIN? A. I DON'T ~~RECOLLECT~~ KNOW AS I RECOLLECT SEEING HIM AT ALL ANY MORE TILL AFTER I CAME BACK **SOUTH THAT I** ~~FROM THE SHOUT, I DON'T~~ RECOLLECT. Q. YOU SAY THAT YOU ~~READ~~ WENT WITH HOPKINS AND LEE TO VISIT PRESIDENT YOUNG? A. YES , SIR/ Q. WHILE IN THE PRESENCE OF PRESIDENT YOUNG WASN'T THE MATTER MENTIONED BY ANY OF THE PARTIES? A. NO, SIR. Q. WHO INTRODUCED THE SUBJECT AT	HOW LONG AFTER YOU RETURNED TO CEDAR CITY FROM THE CONFERENCE BEFORE YOU SAW JOHN D. LEE AGAIN I DON'T KNOW AS I RECOLLECT SEEING HIM AT ALL ANY MORE UNTIL AFTER I CAME BACK SOUTH I DO NOT RECOLLECT [*space*] YOU SAY THAT YOU WENT WITH HOPKINS AND LEE TO VISIT PRESIDENT YOUNG YES SIR WHILE IN THE PRESENCE OF PRESIDENT YOUNG WASN'T THE MATTER MENTIONED BY ANY OF THE PARTIES? NO SIR WHO INTRODUCED THE SUBJECT AT

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RT	RS	BT	PS
THAT VISIT, CONCERNING THE PROPERTY FORMERLY BELONGING TO THE EMIGRANTS ? A. PRESIDENT YOUNG. Q. WHAT DID HE SAY CONCERNING THAT PROPERTY ? A. HE SAID CONCERNING THAT PROPERTY LET JOHN D. LEE TAKE CHARGE OF THEM, IN AS MUCH AS HE IS THE INDIAN AGENT AND KNEW HOW, THAT IS WHAT HE SAID. Q. DID HE GIVE ANY DIRECTIONS AS TO WHAT SHOULD FINALLY BE DONE WITH THE PROPERTY ? A. NO, DON'T KNOW AS HE DID ANY MORE THAN THAT. Q. YOU SAY THAT BRIGHAM	THAT VISIT CONCERNING PROPERTY FORMERLY BELONGING TO THE EMIGRANTS ? A PRESIDENT YOUNG {Q}[p] WHAT DID HE SAY CONCERNING THAT PROPERTY ? AHE SAID CONCERNING THAT PROPERTY {A}[p] HE SAID CONCERNING THAT PROPERTY LET JOHN D. LEE TAKE CHARGE OF THEM IN AS MUCH AS HE IS THE INDIAN AGENT NOW. THAT IS WHAT HE SAID QDID HE GIVE ANY DIRECTIONS AS TO WHAT SHOULD FINALLY BE DONE WITH THE PROPERTY. A NO DON'T KNOW AS HE DID ANY MORE THAN THAT. Q YOU SAY THAT BRIGHAM	THAT VISIT CONCERNING THE PROPERTY FORMERLY BEL~~L~~ONGING TO THE EMIGRANTS? A. PRESIDENT YOUNG. Q. WHAT DID HE SAY CONCERNING T~~H~~A T PROPERTY? *[94]* A. HE SAID CONCERNING THAT PROPERTY OF THAT PEOPLE, "LET JOHN D. LEE TAKE CHARGE OF IT, IN AS MUCH AS HE IS THE INDIAN AGENT,NOW". THAT IS WHAT HE SAID. Q. DID HE GIVE ANY DIRECTIONS AS TO WHAT SHOULD ~~BE~~ FINALLY BE DONE WITH THE PROPERTY? A. NO, I DON'T KNOW AS HE DID ~~S~~ANY MORE THAN THA T. Q. YOU SAY THAT BRIGHAM	THAT VISIT CONCERNING THE PROPERTY FORMERLY BELONGING TO THE EMIGRANTS PRESIDENT YOUNG WHAT DID HE SAY CONCERNING THAT PROPERTY AHE SAID CONCERNING THAT PROPERTY OF THAT PEOPLE LET JOHN D. LEE TAKE CHARGE OF IT IN AS MUCH AS HE IS INDIAN AGENT NOW THAT IS WHAT HE SAID [*space*] AND DID HE GIVE ANY DIRECTIONS AS TO WHAT SHOULD FINALLY BE DONE WITH THE PROPERTY NO I DON'T KNOW AS HE DID ANY MORE THAN THAT *[[3]]* YOU SAY THAT BRIGHAM

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RT	RS	BT	PS
YOUNG SAID TO YOU AND TO HOPKINS AND LEE, SAY NOTHING OF WHAT YOU KNOW ABOUT THIS MATTER ? A. YES SIR. Q. DID HE SAY THAT ~~THING~~ ≤LANGUAGE≥ AT THAT TIME THAT YOU HAVE REFERRED TO ? A. HE DID. Q. WAS ANYTHING ELSE SAID BY HIM OR THROUGH THEM TO HIM BY WAY OF ADVICE OR COUNSEL ? A. I MADE NO REPLY. Q. WHAT REPLY DID YOU MAKE ? A. I MADE NONE. Q. YOU CONSIDERED IT YOUR DUTY TO OBEY THAT COUNSEL, THE SAME AS YOU *[121]* HAD OBEYED HAIGHT —	YOUNG SAID TO YOU AND TO HOPKINS AND LEE, ///SAY NOTHING OF WHAT YOU KNOW ABOUT THIS MATTER\\\ A YES SIR Q DID HE USE THAT LANGUAGE AT THAT TIME THAT YOU HAVE REFERRED TO A HE DID Q WAS ANYTHING ELSE SAID BY HIM THROUGH HIM TO HIM BY WAY OF ADVICE OR COUNSEL ≤A NO SIR Q WHAT REPLY DID YOU MAKE≥ A I MADE NO REPLY Q WHAT REPLY DID YOU MAKE A I MADE NONE. [*space*] Q YOU CONSIDERED IT YOUR DUTY TO OBEY THAT COUNSEL THE SAME AS YOU HAD OBEYED HAIGHT	YOUNG SAID TO YOU AND TO HOPKINS AND TO LEE, “SAY NOTHING OF WHAT YOU KN**O**W ABOUT THIS MA~~C~~TTER~~?~~”**?** A. YES SI~~T~~R. Q. DID HE USE THAT LANGUAGE AT THAT TIME THAT YOU HAVE REFERRED TO? A. HE DID. Q. WAS ANYTHING ELSE SAID BY HIM THERE TO YOU BY WAY OF ADVICE OR COUNSEL? A. NO, SIR. Q. WHA~~R~~**T** REP~~,~~LY DID YOU MAKE? A. I MADE NONE. Q. YOU CONSIDERED IT YOUR DUTY TO OBEY THAT COUN~~CI~~SEL THE SAME AS YOU HAD OBEYED THE COUN~~CI~~SEL OF HAIGHT?	YOUNG SAID TO YOU AND TO HOPKINS AND TO LEE SAY NOTHING OF WHAT YOU KNOW ABOUT THIS MATTER YES SIR DID HE USE THAT LANGUAGE AT THAT TIME THAT YOU HAVE REFERRED TO? HE DID WAS ANYTHING ELSE SAID BY HIM TO YOU BY WAY OF ADVICE OR COUNSEL NO SIR WHAT REPLY DID YOU MAKE I MADE NONE YOU CONSIDERED IT YOUR DUTY TO OBEY THAT COUNSEL THE SAME AS YOU DID THE COUNSEL OF HAIGHT AT

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RT	RS	BT	PS
HOW LONG DID YOU REMAIN IN THAT STATE OF MIND CONCERNING YOUR DUTIES TO YOUR SUPERIOR ? A. I COULD NOT TELL, BUT NOT A GREAT WHILE, I WAS NOT CATCHED AGAIN AFTER THAT. ONE OR TWO LITTLE TRANSACTIONS OF THAT KIND WOULD SATISFY ALMOST ANYBODY. Q. WHEN DID YOU FIRST MAKE PUBLIC THE FACTS CONNECTED WITH THEAT TRANSACTION ? A. I EXPECT SOMETHING LIKE THREE YEARS AGO IN BULLIONVILLE, TO CHARLEY WANDELL. Q. WAS THAT AFFIDAVIT	{A I DID OF COURSE}P. HOW LONG DID YOU REMAIN IN THAT STATE OF MIND CONCERNING YOUR DUTIES TO YOUR SUPERIOR. {A}P I COULD NOT TELL NOT A GREAT WHILE. I WAS NOT CATCHED AGAIN AFTER THAT. Q ONE OR TWO LITTLE TRANSACTIONS OF THAT KIND WOULD SATISFY ALMOST ANYBODY. Q WHEN DID YOU FIRST MAKE PUBLIC THE FACTS CONNECTED WITH THAT TRANSACTION ? AI EXPECT SOMETHING LIKE 3 YEARS AGO IN BULLIONVILLE, TO WANDELL TO CHARLEY WANDELL. QWAS THAT AFFIDAVIT	A. I DID, OF COURSE. Q. HOW LONG DID YOU REMAIN IN THAT SAME STATE OF MIND CONCERNING YOUR DUTIES TO YOUR SUPERIORS? A. I COULD NOT TELL YOU; NOT A VERY GREAT WHILE~~.~~; I NEVER WAS CATCHED AGAIN AFTER T~~H~~A T, I KNOW THAT.. Q. ONE O~~T~~**R** TWO LITTLE TRANSACTIONS **LIKE THAT** WOULD SATISFY ALMOST ANYBODY. WHEN DID YOU FIRST MAKE PUBLIC THE FACTS CONNECTED WITH THAT TRANSACTION? A. I EXPECT SOMETHING LIKE THREE YEARS AGO~~.~~**,** IN **BULLIONVILLE** ~~BULLION VILLE~~ TO CHARLEY WANDELL. Q. WAS THAT AFFIDAVIT	THAT TIME I DID OF COURSE HOW LONG DID YOU REMAIN IN THAT SAME STATE OF MIND CONCERNING YOUR DUTY TO YOUR SUPERIORS? I COULD NOT TELL. NOT A VERY GREAT WHILE. I NEVER WAS CATCHED AGAIN AFTER THAT I KNOW THAT (BISHOP ONE OR TWO LITTLE TRANSACTIONS OF THAT KIND WOULD SATISFY MOST ANYBODY) WHEN DID YOU FIRST MAKE PUBLIC THE FACTS CONNECTED WITH THAT TRANSACTION? I EXPECT SOMETHING LIKE 3 YEARS AGO IN BULLIONVILLE TO CHARLEY WANDELL [*space*] WAS THAT AFFIDAVIT

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RT	RS	BT	PS
MADE WHICH YOU REFER TO IN EVERY PARTICULAR TRUE OR NOT ? A. IT WAS AS FAR AS I CAN RECOLLECT. Q. BEFORE WHAT OFFICER DID YOU TAKE YOUR OATH AT THE TIME THAT AFFIDAVIT WAS MADE ? A. THE COUNTY CLERK IN PIOCHE, I BELIEVE HIS NAME WAS MILLER. Q. THEN YOU KEPT ABSOLUTE SILENCE CONCERNING THE FACTS CONNECTED WITH THE TRAGEDY SOMETHING OVER THIRTEEN YEARS ? A. I DIDN'T MAKE PUBLIC TALK ABOUT IT THOUGH I MIGHT HAVE HAD SOME TALK WITH	YOU REFER TRUE IN EVERY PARTICULAR TRUE OR NOT {A}p IT WAS AS FAR AS I CAN RECOLLECT Q BEFORE WHAT OFFICER DID YOU TAKE YOUR OATH AT THE TIME THAT AFFIDAVIT WAS MADE {A}p COUNTY CLERK IN PIOCHE AND I BELIEVE HIS NAME WAS MILLER. QTHEN YOU KEPT ABSOLUTE SILENCE CONCERNING FACTS CONNECTED WITH TRAGEDY SOMETHING OVER THIRTEEN YEARS {A}p I DIDN'T MAKE PUBLIC TALK OF IT I MIGHT HAVE HAD SOME TALK WITH	YOU REFER TO DRAWING**,**IN EVERY PART TRUE OR **NOT?** *[95]*174 A. IT WAS AS FAR AS I CAN RECOLLECT. Q. BEFORE WHAT OFFICER ~~D~~DID YOU TAKE YOUR OATH AT THE TIME THAT AFFIDAVIT WAS MADE~~A~~? A. IN THE COUNTY CLERKS IN PIOCHE; I BELIEVE HIS NAME WAS MILLER, PETER MILLER. Q. THEN YOU KEPT **IN** ABSOLUTE S~~C~~ILENCE CONCER~~I~~NING THE FACTS CONCERNING THE TRAGEDY SOMETHING OVER I3 YEARS? A. I DIDN'T MAKE A PUBLIC TALK OF IT; I MIGHT HAVE HAD SOME TALK WITH	YOU REFER TO TRUE IN EVERY PARTICULAR OR NOT? IT WAS FAR AS I CAN RECOLLECT BEFORE WHAT OFFICER DID YOU TAKE YOUR OATH AT THE TIME THAT AFFIDAVIT WAS MADE [*space*] IN THE COUNTY CLERKS IN PIOCHE I BELIEVE HIS NAME WAS MILLER ~~≤~~**PETER B MILLER**~~≥~~ [*space*] THEN YOU KEPT ABSOLUTE SILENCE CONCERNING THE FACTS CONNECTED WITH THE TRAGEDY SOMETHING OVER 13 YEARS I DIDN'T MAKE A PUBLIC TALK OF IT I MIGHT HAVE HAD SOME TALK WITH

174. "57 75 52 18" are written vertically in the upper margin.

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RT	RS	BT	PS
PEOPLE AT TIMES. Q. HOW LONG DID YOU REMAIN IN FULL FELLOWSHIP IN THE MORMON CHURCH AFTER SEPTEMBER I857 ? A. WELL I WAS KEPT ON TILL FOUR OR FIVE YEARS AGO, BUT I WAS NOT CONSIDERED IN FULL FELLOWSHIP. I DIDN'T CONSIDER MYSELF THAT WAY. Q. HOW LONG DID YOU REMAIN FULL FELLOWSHIP ? A. I CONSIDERED MYSELF OFF WHEN I RESIGNED THE OFFICE OF BISHOP — I NEVER ATTENDED MEETINGS	PEOPLE SOMETIMES QHOW LONG DID YOU REMAIN IN FULL FELLOWSHIP OF THE MORMON CHURCH AFTER SEPTEMBER 1857 ? [14] {A}p WELL I WAS NOT CUT OFF TILL 4 OR 5 YEARS AGO I WAS NOT CONSIDERED IN FULL FELLOWSHIP I DIDN'T CONSIDER MYSELF THAT WAY. HOW LONG DID YOU REMAIN IN FULL FELLOWSHIP {A}p I CONSIDERED MYSELF OFF WHEN I WAS ≤RESIGNED≥ OF A BISHOP I NEVER ATTENDED MEETINGS	PEOPLE SOME TIMES A LITTLE. Q. HOW LONG DID YOU REMAIN IN FULL FELLOWSHIP **WITH** ~~OF~~ THE MORMON CHURCH AFTER SEPTEMBER '57? A. WELL, I WAS NOT CUT OFF TILL SOME FOUR OR FIVE YEARS AGO , I BELIEVE; I WAS NOT CONSIDERED IN FULL FELLOW~~H~~SHIIP; I DIDN'T CONSID~~E~~R MYSELY THAT WAY? Q. HOW LONG DID YOU REMAIN IN FULL FELLOWSHI~~O~~P? A. I CONSIDERED MYSELF **IN** I NE~~C~~VER ATTENDED MEETINGS ANY MORE— HARDLY EVER AFTER I RESIGNED MY OFFICE OF BISHOP.	SOME PEOPLE SOME TIMES A LITTLE HOW LONG DID YOU REMAIN IN FULL FELLOWSHIP IN THE MORMON CHURCH AFTER SEPTEMBER 57 WHILE WAS NOT CUT OFF UNTIL SOME FOUR OR FIVE YEARS AGO I BELIEVE BUT I WAS NOT CONSIDERED IN FULL FELLOWSHIP I DIDN'T CONSIDER MYSELF THAT HOW LONG DID YOU REMAIN IN FULL FELLOWSHIP I CONSIDERED MYSELF I NEVER ATTENDED MEETING ANY MORE HARDLY EVER I RESIGNED MY OFFICE OF BISHOP

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RT	RS	BT	PS
AFTER THAT.	AFTER THAT. ≤Q WHEN DID YOU RESIGN OFFICE AS BISHOP≥ QI	Q. WHEN DID YOU RESIGN YOUR OFFICE OF BISHOP?	WHEN DID YOU RESIGN THE OFFICE OF BISHOP
[122] I RESIGNED MY OFFICE AS BISHOP IN I858 OR I859. Q. WHAT TIME IN 1858 ? A. I THINK IT WAS SOME TIME ABOUT ————	RESIGNED ≤MY OFFICE≥ BISHOP IN 58 OR 59 Q WHAT TIME IN 58 AI THINK IT WAS SOME TIME	A. WELL, IT WAS IN '58, ~~OR89~~ OR '9. Q. WHAT TIME IN '58? A. I THINK IT WAS SOME TIME ABOUT — ——— Q. CAN'T YOU GIVE ME THE DATE WHEN YOU RESIGNED AS BISHOP? **M**R	WELL I THINK IT WAS IN 58 OR 9 WHAT TIME IN 58 I THINK IT WAS SOME TIME ABOUT ~ CAN'T YOU GIVE ME THE DAY WHEN YOU DID RESIGN AS BISHOP
OBJECTED TO BY BASKIN FOR PROSECUTION. I CANNOT SEE THE RELEVANCY OF THIS QUESTION.	BY BASKIN I CANNOT SEE RELEVANCE OF THESE QUESTIONS.	BASKIN: I CANNOT SEE THE RELEVANCY OF THESE QUESTIONS . **M**R	
BISHOP: THE GENTLEMAN WILL SEE IT BEFORE WE GET THROUGH. Q. CAN YOU GIVE ME THE DATE WHEN ~~D~~ YOU DID RESIGN THAT POSITION	BISHOP; GENTLEMAN WILL SEE IT BEFORE WE GET THROUGH {Q}P CAN YOU GIVE ME THE DATE WHEN YOU DID RESIGN THAT OFFICE	BISHOP: YOU WILL SEE IT BEFORE WE GET THROUGH.	
? A. I DON'T KNOW AS I CAN UNLESS I GO AND GET THE RECORDS . Q. ARE YOU. POSITIVE IT	{A}P I DON'T KNOW AS I CAN UNLESS I GO AND GET RECORDS. Q ARE YOU POSITIVE IT	A. I DON'T KNOW AS I CAN UNLESS I GO AND GET THE RECORDS . Q. ARE YOU POSITIVE THAT	I DON'T KNOW AS I CAN UNLESS I WOULD GO AND GET THE RECORDS *[[4]]* ARE YOU POSITIVE THAT

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RT	RS	BT	PS
WAS IN 1858 ? A. NO, I AM NOT, IT MAY BE IN I859, IT WAS SOMETIME IN THE SUMMER TIME, AND SOME OF THE AUTHORITIES WERE DOWN THERE I THINK. Q. WHAT TIME WAS YOU CUT OFF FROM THE CHURCH ? A. I DON'T KNOW. ONLY THAT I HEARD IT WHEN I WAS LIVING OUT THERE AT MY RANCH, SOME FOUR OR FIVE YEARS AGO BEFORE I MADE THIS AFFIDAVIT. Q. HAVE YOU EVER ATTEMPTED TO RE-UNITE YOURSELF WITH THAT CHURCH SINCE THAT TIME ? A. NO SIR. Q. ARE YOU NOW A MEMBER	WAS IN 1858 {A}[p] NO I AM NOT IT MAY BE IN 59. IT WAS SOMETIME IN THE SUMMER TIME GEORGE AND SOME OF THEM WERE DOWN THERE I THINK QWHAT TIME WAS YOU CUT OFF FROM THE CHURCH I DON'T KNOW I HEARD IT WHEN I WAS LIVING OUT THERE AT MY RANCH SOME 4 OR FIVE YEARS AGO BEFORE I MADE THIS AFFIDAVIT ~~<~~YES SIR~~>~~. QHAVE YOU *EVER*[?] *TAKEN STEPS*[?] TO REUNITE YOURSELF WITH THAT CHURCH SINCE THAT TIME ? <A**NO SIR**> QARE YOU NOW A MEMBER	IT WAS IN '58? A. NO, I AM NOT, IT MAY HAVE BEEN IN '59, I ~~M~~AM NOT POSITIVE TO THAT PERHAPS IT WAS IN '59. IT WAS SOME TIME IN THE SUMMER TIME, WHEN GEORGE A. SMITH AND SOME OF THEM WAS DOWN THERE. Q. WHAT T IME WAS YOU CUT OF FROM THE CHURCH? [96] A. I DON'T KNOW I HEARD IT. I WAS LIVING OUT ON MY RANCH SOME FOUR OR FIVE YEARS AGO. Q. THAT WAS BEFORE YOU MADE THIS AFFI~~C~~DAVIT? A. YES, SIR. Q. HAVE YOU EVER TAKEN STEPS TO RE-UNITE YOURSELF WITH THAT CHURCH SINCE THAT TIME ? A. NO, SIR. Q. ARE YOU NOW A MEMBER	IT WAS IN 58 NO I AM NOT IT MAY BE IN 59 I AM NOT POSITIVE TO THAT PERHAPS IT WAS IN 59 IT WAS THE TIME THAT GEORGE **A** AND SOME OF THEM WAS DOWN THERE WHAT TIME WAS YOU CUT OFF FROM THE CHURCH I DON'T KNOW. I HEARD IT. I WAS LIVING OUT ON MY RANCH SOME FOUR OR FIVE YEARS AGO THAT WAS BEFORE YOU MADE THIS AFFIDAVIT YES SIR HAVE YOU EVER TAKEN STEPS TO REUNITE YOURSELF WITH THAT CHURCH SINCE THEN NO SIR ARE YOU NOW A MEMBER

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RT	RS	BT	PS
OF THAT CHURCH ? A. I AM NOT AND I NEVER EXPECT TO BE. Q. YOU SAY YOU KNOW OF THE CATTLE THAT WAS SOLD — 40 OR 50 HEAD THAT HAIGHT SOLD TO HOOPER FOR GOODS ? A. I DIDN'T SEE HIM SELL THEM, HE TOLD ME HIMSELF. Q. WHEN DID HE TELL YOU THAT HE HAD SOLD THE CATTLE ? A. I DON'T EXACTLY REMEMBER, WHETHER HE TALKED ABOUT IT IN SALT LAKE OR AFTER HE GOT HOME. *[123]* Q. DID YOU EVER TALK WITH HAIGHT	OF THAT CHURCH. ≤$_{A}$I AM NOT≥ AND NEVER ≤& NEVER≥EXPECT TO BE. $_{Q}$ YOU SAY YOU KNOW NOTHING OF THE CATTLE ≤EXCEPT≥ 40 OR 50 HEAD THAT HAIGHT SOLD TO HOOPER FOR GOODS <HOW DID YOU KNOW THAT HAIGHT SOLD THESE CATTLE TO HOOPER> {$_{A}$}^{p} I DIDN'T SEE HIM SELL 'EM, HE TOLD ME HIMSELF. $_{Q}$WHEN DID HE TELL YOU THAT HE HAD SOLD THE CATTLE $_{A}$I DON'T KNOW EXACTLY WHETHER HE TALKED ABOUT IT IN SALT LAKE OR AFTER HE GOT HOME $_{Q}$ DID YOU EVER TALK WITH HAIGHT	OF THAT CHURCH IN FULL STANDING? A. I AM NOT AND NEVER EXPECT TO BE. Q. YOU SAY THAT YOU KNOW NOTHING OFTHE CATTLE EXCEPT 40 OR 50 HEAD THAT HAIGHT SOLD TO HOOPER FOR GOODS? ~~Q~~. HOW DO YOU KNOW THAT HAIGHT SOLD THESE CATTLE TO HOOPER? A. I DIDN'T SEE HIM SELL THEM BUT HE TOLD ME HE SOLD THEM HIMSELF. Q. WHEN DID HE TELL YOU HE HAD SOLD THE CATTLE? A. WELL, I DON'T KNOW EXACTLY WHETHER HE TALKED ABOUT IT IN SALE LAKE OR AFTER HE GOT H~~I~~OME. Q. DID YOU HAVE A TALK ~~A~~WITH HAIGHT	OF THAT CHURCH IN FULL STANDING? I AM NOT AND NEVER EXPECT TO BE. [*space*] YOU SAY THAT YOU KNOW NOTHING OF THE CATTLE EXCEPT 40 OR 50 HEAD THAT HAIGHT SOLD TO HOOPER FOR GOODS HOW DO YOU KNOW THAT HAIGHT SOLD THESE CATTLE TO HOOPER I DIDN'T SEE HIM SELL THEM BUT HE TOLD ME HIMSELF WHEN DID HE TELL YOU THAT HE HAD SOLD THE CATTLE WELL I DON'T KNOW EXACTLY WHETHER HE TALKED ABOUT IT IN SALT LAKE OR AFTER HE GOT HOME DID YOU HAVE A TALK WITH HAIGHT

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RT	RS	BT	PS
ABOUT THIS MATTER IN SALT LAKE ? A. I DON'T RECOLLECT ABOUT IT. Q. DID YOU EVER HAVE ANY TALK WITH HOOPER ABOUT THIS MATTER ?	ABOUT THIS MATTER IN SALT LAKE {A}pI DON'T RECOLLECT ABOUT IT. Q DID YOU EVER HAVE ANY TALK WITH HOOPER ABOUT THIS MATTER	ABOUT THIS MATTER IN SALT LAKE? A. I DON'T RECOL**L**ECT ABOUT IT. Q. DID YOU EVER HAVE A TALK WITH HOOPER ABOUT THIS MATTER? A. I DID~~N'T~~ **NOT;** I AM NOT ACQUAINTED WITH HOOPER.	ABOUT THIS MATTER IN SALT LAKE I DON'T RECOLLECT ABOUT IT DID YOU EVER HAVE ANY TALK WITH HOOPER ABOUT THIS MATTER I DID NOT I AM NOT ACQUAINTED WITH HOOPER
DID YOU SEE THE CATTLE OF YOUR OWN KNOWLEDGE SOLD TO HOOPER, OR AFTER THEY WERE DELIVERED THERE ?	DID ~~YOU~~ SEE THE CATTLE ON YOUR WAY TO SALT LAKE OR AFTER THEY WERE DELIVERED THERE ≤AnoSIR.≥	Q. DID YOU SEE THE CATT~~LL~~**LE** ON THE WAY TO SALT **LAKE** ~~LKAE~~ OR AFTER THEY WE~~RE~~**RE** DELIVERED THERE? A. NO, SIR. Q. DID YOU KNOW ANYTHING— HAVE ANY KNOWLEDGE	DID YOU SEE THE CATTLE ON THEIR WAY TO SALT LAKE OR AFTER THEY WERE DELIVERED THERE NO SIR DID YOU KNOW ANYTHING ANY KNOWLEDGE
A. I DON'T KNOW ANYTHING ABOUT IT ONLY WHAT HAIGHT SAID. Q. DID YOU EVER SEE THE GOODS SAID TO BE PAID FOR THE STOCK ? A. I THINK I ~~C~~SAW SOME OF THE	{A}p I DON'T KNOW ANYTHING BUT ONLY WHAT HAIGHT SAID. QDID YOU EVER SEE GOODS BEEN ≤~~SAID~~≥ TO BE PAID FOR BY STOCK {A}pI THINK I SAW SOME	ABOUT THAT? A. I DON'T KNOW ANYTHING **A**BOUT IT ONLY WHAT HAIGHT SAID. Q. DID YOU EVER SEE THE GOODS THAT WERE SAID TO HAVE BEEN PAID FOR BY STOCK? A. I THINK I SAW SOME	ABOUT THEM I DON'T ONLY WHAT HAIGHT SAID [*space*] DID YOU EVER SEE THE GOODS THAT WERE SAID TO HAVE BEEN PAID FOR THE STOCK I THINK I SAW SOME

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RT	RS	BT	PS
~~GOODS~~ BOOTS. THERE WERE SOME BOOTS IN THE TITHING OFFICE AFTER I CAME BACK FROM THE SOUTH. Q. DID YOU KNOW WHERE THESE BOOTS CAME FROM ? A. THAT IS ~~NO,~~ ~~<~~A THING~~>~~ I COULD NOT SWEAR TO. Q. YOU KNOW NOTHING OF WHAT BECAME OF THE CATTLE AFTER YOU HAD THE CHURCH BRAND PUT UPON THEM ? A. I DIDN'T SEE THE CATTLE SOLD. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE WHAT BECAME OF ANY CATTLE AFTER THEY WERE BRANDED BY THE CHURCH	BOOTS, THERE WAS SOME BOOTS IN THE TITHING OFFICE AFTER I CAME BACK FROM THE SOUTH ~~Q~~DID YOU KNOW WHERE THESE BOOTS CAME FROM ~~A~~THAT IS A THING I COULD NOT SWEAR TO IT MIGHT BEEN ANOTHER THING. ~~Q~~ IS NOT FACT YOU KNOW NOTHING OF WHAT BECAME OF THE CATTLE AFTER YOU HAD CHURCH BRAND PUT UPON THEM ~~{A}~~P I DIDN'T SEE CATTLE SOLD ~~Q~~DO YOU KNOW OF YOUR OWN KNOWLEDGE WHAT BECAME OF ANY CATTLE AFTER THEY WERE BRANDED BY CHURCH	BOOTS — THERE WAS SOME BOOTS IN THE TITHING OFFICE AFTER I CAME BACK **TO** ~~FROM~~ THE SOUTH. *[97]* Q. DO YOU KNOW WHERE THESE BOOTS CAME FROM? A. THAT IS A THING I COULD NOT SWEAR TO~~.~~**:** — THAT MIGHT HAVE BEEN ANOTHER THING. Q. THEN ISN'T IT A FACT THAT YOU KNOW NOTHING OF WHAT BECAME OF THE CATT~~L~~LE OF YOUR OWN KNOWLEDGE AFTER YOU HAD THE CHURCH BRAND PUT UPON THEM.? A. I DIDN'T SEE TH~~A~~E~~T~~ CATTLE SOLD. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE WHAT BECAME OF ANY CATTLE AFTER THEY WERE BRA~~H~~NDED BY THE CHURCH	GOODS THERE WAS SOME BOOTS THERE IN THE TITHING OFFICE AFTER I CAME BACK FROM THE SOUTH DO YOU KNOW WHERE THESE BOOTS CAME FROM I COULD NOT SWEAR TO IT ~ THAT MIGHT HAVE BEEN ANOTHER THING THEN ISN'T IT A FACT THAT YOU KNOW NOTHING OF WHAT BECAME OF THE CATTLE OF YOUR OWN KNOWLEDGE AFTER YOU HAD THE CHURCH BRAND PUT UPON THEM I DIDN'T SEE THE CATTLE SOLD DO YOU KNOW OF YOUR OWN KNOWLEDGE WHAT BECAME OF ANY CATTLE AFTER THEY WERE BRANDED WITH THE CHURCH

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RT	RS	BT	PS
BRAND ? A. NO, ONLY BY HEARSAY. Q. I AM NOT TRYING TO BOTHER YOU AT ALL — DO YOU KNOW WHAT BECAME OF THE CATTLE ? A. I DO NOT. Q. YOU SAY THE HILLS WERE FULL OF INDIANS AT THE TIME THE EMIGRANTS CAME OUT OF THEIR CORRALL AND THEY WERE TO KILL WOMEN AND CHILDREN ? A. ~~THIS WAS~~ ≼THESE WERE≽ THE FIRST ORDERS THAT WERE GIVEN ? ∈ I UNDERSTOOD THAT WHEN THE COUNCIL WAS HELD BEFORE THEY STARTED OUT FOR THE EMIGRANTS CAMP. Q. WHO GAVE THE ORDERS FROM	BRAND? $_{A}$NO ONLY BY HEARSAY. $_{Q}$I AM *NOT*[?] TRYING TO BOTHER YOU AT ALL DO YOU KNOW WHAT BECAME OF THE CATTLE $\{_{A}\}^{p}$I DO NOT. *[15]*[175] $_{Q}$YOU SAY THE HILLS WERE FULL OF INDIANS AT THE TIME EMIGRANTS CAME OUT OF THEIR CORRAL AND THEY WERE TO KILL WOMEN AND CHILDREN THIS WAS THE FIRST ORDERS WHERE WERE THESE ORDERS GIVEN.≼?≽ I UNDERSTOOD THAT WHEN COUNCIL WAS BEFORE THEY STARTED OUT *THEY/FOR*[?] *COMPLETE/COMPEL*[?] $_{Q}$WHO GAVE THE ORDERS FROM	BRAND? A. NO, ONLY BY HEARSAY. Q. DO YOU KNOW IT OF YOUR OWN KNOWLEDGE? A. BY HEARSAY. Q. DO YOU KNOW WHAT BECAME OF THE CATTLE? A. I DO NOT. Q. YOU SAY THAT THE HILLS WERE FULL OF **I**NDIANS AT THE TIME THAT THE EMIGRANTS CAME OUT OF THEIR CORRAL, AND THAT THEY WERE TO KILL THE WOMEN AND CHILDREN~~;~~, THAT THESE WERE THE ORDERS. WERE THESE ORDERS GIVEN? A. I UNDERSTOOD THAT **IN** ~~WHEN~~ THE COUNCIL ~~WAS~~ , **LONG** BEFORE THEY STA~~T~~RTED OUT TO ACCOMPLISH IT. Q. WHO GAVE THE ORDERS FROM	BRAND NO [*space*] ONLY BY HEARSAY ~ DO YOU KNOW IT OF YOUR OWN KNOWLEDGE BY HEARSAY DO YOU KNOW WHAT BECAME *[[5]]* OF THE CATTLE I DO NOT YOU SAY THAT THE HILLS WERE FULL OF INDIANS AT THE TIME THAT THE EMIGRANTS CAME OUT OF THEIR CORRAL AND THAT THEY WERE TO KILL THE WOMEN AND CHILDREN THAT THIS WAS THE FIRST ORDERS ~ WHERE WERE THESE ORDERS GIVEN I UNDERSTOOD THAT IN THE COUNCIL BEFORE *THEY*[?] WERE STARTED OUT TO ACCOMPLISH IT WHO GAVE THE ORDERS FROM

175. At the top of the page: WAS HE.

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RT	RS	BT	PS
WHICH YOU GATHERED THAT UNDERSTANDIN G ? *[124]* A. I UNDERSTOOD LEE HAD THE CHARGE OF IT.	WHICH YOU GATHERED THAT UNDERSTANDIN G {A}^{p} I UNDERSTOOD LEE HAD THAT CHARGE OF IT	WHICH YOU GATHERED THA T UNDERSTANDIN G. A. I UNDERTOOD THAT LEE ~~HAD~~ HAD CHARGE OF IT. Q. DON'T FALL BACK **ON** ~~OF~~ THAT. WHO GAVE THE ORDERS ~~?~~ TO THE **I**NDIANS. A. I ~~H~~KNOW NOT.	WHICH YOU GATHERED THAT UNDERSTANDIN G I UNDERSTOOD THAT LEE HAD CHARGE OF IT DON'T FALL BACK ON THAT ~ WHO GAVE THE ORDERS [*space*] TO THE INDIANS I KNOW NOT
Q. WHO GAVE THE ORDERS ? A. THAT WAS TO BE DONE; I DON'T UNDERSTAND THAT I KNOW WHO GAVE THE ORDERS TO THE INDIANS. Q. WHO GAVE THE ORDERS IN COUNCIL THAT THE INDIANS SHOULD ATTACK THE EMIGRANTS AND WHO SHOULD BE DIRECTED TO DO THIS THING ? A. I DON'T REMEMBER	$_{Q}$WHO GAVE THE ORDERS THAT THAT WAS TO BE DONE. $_{A}$ I DON'T UNDERSTAND THAT I KNOW WHO GAVE ORDERS TO THE INDIANS $_{Q}$ WHO GAVE THE ORDERS IN COUNCIL THAT THE INDIANS SHOULD BE DIRECTED TO DO THIS THING $\{_{A}\}^{p}$I DON'T REMEMBER	Q. WHO GAVE THE ORDERS THAT IT WAS TO BE DONE? A. WELL, I DIDN'T UNDERSTAND: I DON'T' KNOW WHO GAVE THE ORDERS TO THE **I**NDIANS? Q. WHO GAVE THE ORDERS IN THE COUNCIL THAT THE **I**NDAINS SHOULD BE DIRECTED TO DO THIS THING? *[98]* A. I DON'T KNOW	[*space*] WHO GAVE THE ORDERS THAT THAT WAS TO BE DONE WELL NOW I DON'T UNDERSTAND ~ I DON'T' KNOW WHO GAVE THE ORDERS TO THE INDIANS WHO GAVE THE ORDERS ~~IN~~FOR THE COUNCIL ~ THAT THE INDAINS SHOULD BE DIRECTED TO DO THIS THING I DON'T KNOW OF ANY PARTICULAR

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RT	RS	BT	PS
WHETHER THERE WAS ANY PARTICULAR ORDERS GIVEN TO THAT EFFECT OR NOT — I DON'T RECOLLECT OF ANY. Q. WHAT DO YOU MEAN THEN BY SAYING THAT WAS THE ORDERS — WHAT DO YOU MEAN BY THE FIRST ORDERS — WERE THEY THE ORDERS THAT WERE GIVEN IN COUNCIL OR THE ORDERS GIVEN ON THE FIELD ? A. I DON'T KNOW WHERE THE INDIANS GOT THEIR ORDERS FOR TO ACT — I DIDN'T HEAR ANYTHING OF THE INDIANS. Q. HOW DID YOU	WHETHER THERE WAS ANY PARTICULAR ORDERS TO THAT EFFECT. DON'T RECOLLECT OF ANY {Q}[P]WHAT YOU MEAN THEN BY SAYING THAT WAS THE ORDERS WHAT DO YOU MEAN BY FIRST ORDERS — WERE THEY THE ORDERS GIVEN IN COUNCIL OR THE ORDERS GIVEN ON THE FIELD {A}[P]I DON'T KNOW WHERE THE INDIANS GOT THEIR ORDERS FOR THE ACT I DIDN'T HEAR ANYTHING OF THE INDIANS —[?]. [*space*] ~~WHO~~ HOW DID YOU	WHETHER THERE WAS ANY PARTICULAR ORDERS GIVEN TO THAT EFFECT — DONT RECOLLECT OF ANY. Q. WHA~~R~~T DID YOU MEAN THEN BY SAYING THAT THAT WAS THE "FIRST ORDERS"**?** **—** I WANT ~~T~~JUST TO CORRECT **.** — **W**HAT DO YOU MEAN BY THE "FIRST ORDERS?" WERE THEY ~~E~~THE ORDERS GIVEN IN COUNCIL OR THE ORDERS GIVEN IN THE FIELD? A. I DON'T KNOW WHERE THE INDIANS G~~I~~OT THEIR ORDERS FOR THE ACT; I WAS NOT WITH THE **I**IND~~A~~IANS AND DIDN~~A~~'T HEAR ANY ORDER GIVEN TO THE **I**IND~~A~~IANS. Q. HOW ~~I~~DID YOU	WHETHER THERE WAS ANY PARTICULAR ORDERS TO THAT EFFECT WHAT DID YOU MEAN BY SAYING THAT WAS THE FIRST ORDERS ~ I WANT TO GIVE YOU CHANCE TO CORRECT ~ WHAT DO YOU MEAN BY FIRST ORDERS WERE THEY THE ORDERS GIVEN IN COUNCIL OR ORDERS GIVEN ON THE FIELD I DON'T KNOW WHERE THE INDIANS GOT THEIR ORDERS FROM I WAS NOT WITH THE INDIANS DIDN'T HEAR ANY ORDER GIVEN TO THE INDIANS [*space*] WHO DID YOU

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RT	RS	BT	PS
UNDERSTAND CARL SHIRTS HAD CHARGE OF THE INDIANS ON THE GROUND ? A. COULD NOT TELL WHO TOLD THAT — THAT WAS TALKED ABOUT — THAT WAS NOTHING TO ME OR ANYBODY. IT WAS TOLD ME UPON THE FIELD, OR IN THAT COUNCIL, THAT CARL SHIRTS HAD CHARGE OF THE INDIANS, ON THE GROUND, AND I EXPECT THEY DID. DIDN'T RECOLLECT ANY POSITIVE PARTICULARS. Q. HOW DID YOU COME TO SAY IN YOUR DIRECT EXAMINATION CARL SHIRTS HAD CHARGE	UNDERSTAND CARL SHIRTS HAD CHARGE OF THE INDIANS ON THE GROUND A COULD NOT TELL WHO TOLD THAT THAT WAS TALKED ABOUT THAT WAS ANOTHER MATTER ≤THAT WAS IN THE AIR≥ DID ANYBODY TELL YOU ON THE FIELD OR IN THAT COUNCIL THAT CARL SHIRTS HAD CHARGE OF THE INDIANS ON THE GROUND I EXPECT THEY DID. DON'T RECOLLECT ANY POSITIVE PARTICULARS Q HOW DID YOU COME TO SAY IN YOUR TESTIMONY CARL SHIRTS HAD CHARGE	UNDERSTAND THAT CARL SHIRTS HAD CHAR~~D~~GE OF **THE I**NDIANS ON THE GROUND**?** ~~A WHO TOLD THAT — BUT THAT WAS THE TALK AROUND~~. **A I COULD NOT TELL WHO TOLD THAT, BUT IS WHAT WAS TALKED AROUND.** Q. THAT WAS ANOTHER MATTER THAT WAS IN THE AIR — DID ANYBODY TELL YOU UPON THE FIELD OR IN THAT COUNCIL THAT CARL SHIRTS HAD CHARGE OF THE **I**NDIANS ON THE GROUND? A. I EXPECT THEY DID BUT I DON'T RECOLLECT ANY PERSON PARTICULARLY. Q. HOW DID YOU COME TO SAY IN YOUR TESTIMONY THAT CARL SHIRTS HAD CHARGE	UNDERSTAND FROM THAT CARL SHIRTS HAD CHARGE OF THE INDIANS ON THE GROUND? I COULD NOT TELL WHO TOLD THAT BUT THAT WAS TALK AROUND THAT WAS ANOTHER MATTER THAT WAS IN THE AIR ~ DID ANYBODY TELL YOU UPON THE FIELD OR IN THAT COUNCIL THAT CARL SHIRTS HAD CHARGE OF THE INDIANS ON THE GROUND I EXPECT THEY DID I DON'T RECOLLECT ANY PERSON PARTICULARLY HOW DID YOU COME TO SAY IN YOUR TESTIMONY THAT CARL SHIRTS DID HAVE CHARGE

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RT	RS	BT	PS
OF THE INDIANS ? A. BECAUSE I WAS SO	OF THE INDIANS BECAUSE I HEARD SO ~ ≤$_{A}$ I HEARD SO.	OF THE **I**NDIANS? A . I HEARD SO.	OF THE INDIANS BECAUSE I HEARD SO
TOLD BY ONE OF THEM.	WHO FROM. OUT OF ONES THAT WAS THERE≥ - TELL ME ~ ONE OF THEM.	Q. WHO FROM? A. DIFFERENT ONES T**H**AT WAS THERE? Q. TELL ME ONE OF THEM? A. I COU~~N~~LD NOT TELL YOU THE PARTICULARS.	WHO FROM DIFFERENT ONES THAT WAS THERE TELL ME ONE OF THEM I COULD NOT TELL YOU THE PARTICULARS
Q. HOW MANY INDIANS DID YOU SEE WOUNDED THERE ? A. I DIDN'T SEE ANY WOUNDED THERE.	$_{Q}$HOW MANY INDIANS DID YOU SEE WOUNDED THERE {$_{A}$}^{p} I DIDN'T SEE ANY WOUNDED AROUND THERE.	Q. HOW MANY **I**NDIANS W~~AS~~**ERE** WOUNDED THERE? A. ~~TH~~ I DIDN'T SEE ANY WOUNDED AROUND THERE . Q.	HOW MANY INDIANS DID YOU SEE WOUNDED THERE I DIDN'T SEE ANY WOUNDED AROUND THERE [*space*] ~~ONE~~
Q. WHERE WAS IT YOU SAW THESE WOUNDED INDIANS ? A. I SAW A COUPLE AT CEDAR —?SAID TO BE WOUNDED THERE.	$_{Q}$ WHERE WAS IT YOU SAW THOSE WOUNDED INDIANS {$_{A}$}^{p} SAW COUPLE AT CEDAR SAID TO BE WOUNDED THERE.	WHERE WAS IT YOU SAW THE**R**E WOUNDED **I**NDIANS? A. I SAW A COUPLE OVER AT CEDAR: THEY WAS SAID TO BE WOUNDED THERE~~R~~. ~~Q. THIESE TTHHAATT YYOOUUSSAAU Y~~	WHERE WAS IT YOU SAW THOSE WOUNDED INDIANS OVER AT CEDAR THERE WAS COUPLE THAT WAS SAID TO BE WOUNDED THERE
[125] Q. THOSE THAT YOU SAW —THAT HAD BEEN WOUNDED ? A. BILL AND	$_{Q}$THOSE THAT YOU SAW THAT HAD BEEN WOUNDED BILL AND	Q. THESE THAT YOU SAY WERE BILL AND	THOSE THAT YOU SAW THAT HAD BEEN WOUNDED WERE BILL AND

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RT	RS	BT	PS
TOM, CHIEFS. Q. WHEN DID YOU SEE THIS PROPERTY YOU SPEAK OF AS BEING IN THE POSSESSION OF THE INDIANS — BEFORE OR AFTER YOUR DEPARTURE FOR SALT LAKE TO ATTEND THE CONFERENCE ? A. I THINK IT WAS AFTERWARDS.	TOM CHIEF <A **YES**> WHEN DID YOU SEE THIS PROPERTY YOU SPEAK OF AS BEING IN POSSESSION OF INDIANS, BEFORE OR AFTER YOUR DEPARTURE FOR SALT LAKE TO ATTEND CONFERENCE {A}P I THINK WAS AFTERWARDS	TOM~~?~~**,** CHIEFS? A. YES. Q. WHEN ~~I~~DID YOU SEE THIS PROPERTY YOU SPEAK OF AS BEING IN *[99]* THE POSSESSION OF THE **I**NDIANS BEFORE OR AFTER ~~T~~YOUR DEPARTURE TO A SALT LAKE TO ATTEN~~T~~**D** THE CONFERENCE? A . I THINK IT WAS AFTERWARDS.	TOM CHIEFS YES[176] [*space*] *[[6]]* WHEN DID YOU SEE THIS PROPERTY THAT YOU SPEAK OF AS BEING IN THE POSSESSION OF THE INDIANS BEFORE OR AFTER YOUR DEPARTURE TO SALT LAKE TO ATTEND CONFERENCE [*space*] I THINK IT WAS AFTERWARDS IMMEDIATELY AFTER YOUR RETURN? *PROBABLY*[?] AFTERWARDS
Q. DIDN'T YOU FREQUENTLY HAVE CONVERSATION S WITH THE INDIANS CONCERNING THE PROPERTY OF THE EMIGRANTS ? A. NO, I NEVER DID. Q. DID YOU HEAR CONVERSATION S WITH ANY OF THE PARTIES THAT	QDIDN'T YOU FREQUENTLY HAVE CONVERSATION WITH INDIANS CONCERNING PROPERTY OF EMIGRANTS ANO NEVER DID QDID YOU HEAR CONVERSATION WITH ANY OF THE PARTIES THAT	Q. **D**IDN'T YOU FREQUE~~M~~NTLY HAVE CONVERATIONS WITH THE **I**NDIANS CONCERNINT THE PROPERTY OF THE ~~INDIANS?~~ **EMIGRANTS?** A. NO, ~~X~~SIR. Q. NEVER DID? Q. NO, SIR. Q. DID YOU HEAR CONVERWATIO NS BETWEEN ANY OF THE PARTIES THAT	DIDN'T YOU FREQUENTLY HAVE CONVERSATION S WITH THE INDIANS CONCERNING THE PROPERTY OF THE EMIGRANTS NO SIR NEVER DID NO SIR DID YOU HEAR CONVERSATION S BETWEEN ANY OF THE PARTIES THAT

176. The underlined text is actually enclosed in a box.

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RT	RS	BT	PS
TOOK A HAND IN THAT AFFAIR —	TOOK A HAND IN THAT AFFAIR	HAD A A HAND IN THAT AFFAIR AND THE ~~H~~IND~~A~~IAN**S** AND	TOOK A HAND IN THAT AFFAIR AND THE INDIANS AND
TALK THE MATTER OVER ? NO ANSWER.	TALK MATTER OVER.	TALKED THE MATTER OVER? A. NO, SIR. Q. NEVER HEARD ANYTHIJG ABOUT THAT QUESTION(? A.	TALK THE MATTER OVER NO SIR NEVER HEARD ANYTHING OF THAT KIND
Q. I ASKED YOU YESTERDAY HOW JOHN D. LEE WAS DRESSED WHEN HE STARTED TO SALT LAKE AT THE TIME YOU SAY YOU SAW HIM THERE AND HAD THE MEETING WITH BRIGHAM YOUNG—WHAT MADE YOU KNOW HE HAD A CHECKED SHIRT ON AT THAT TIME ? A. I DO NOT THINK HE HAD IT ON WHEN I SAW HIM IN SALT LAKE CITY AND	Q I ASKED YOU YESTERDAY HOW JOHN D. LEE WAS DRESSED WHEN HE STARTED TO SALT LAKE AT THE {TIME }[i] YOU SAY YOU SAW HIM THERE {AND}[i] HAD MEETING WITH BRIGHAM YOUNG WHAT MAKES YOU KNOW THAT HE HAD A CHECKED SHIRT {ON}[i] AT THAT TIME ~~A~~I DO NOT THINK HE HAD IT ON WHEN I SAW HIM IN SALT LAKE CITY	NO, SIR. Q. THEY ASKED YOU YESTERDAY HOW JOHN D. LEE WAS DRESSED WHEN HE WENT TO SALT LAKE AT THE TIME YOU SAY YOU SAW HIM THERE AND HAD THE MEETING WITH ~~B~~**B**RIGHAM ~~Y~~**Y**OUNG. WHAT MAKES YOU KNOW THAT HE HAD A CHECK ~~C~~SHI~~T~~RT ON AT THAT TIME? A. I DON'T THINK HE HAD IT ON WHEN I SAW HIM IN SALT LAKE CITY. Q. IT WAS IN SALT LAKR CITY YOU SAW HIM	NO SIR THEY ASKED YOU YESTERDAY HOW JOHN D. LEE WAS DRESSED WHEN HE STARTED TO SALT LAKE AT THE TIME YOU SAY YOU SAW HIM THERE AND HAD THE MEETING WITH BRIGHAM YOUNG. WHAT MAKES YOU KNOW THAT HE HAD A CHECKED SHIRT ON AT THAT TIME I DON'T THINK HE HAD IT ON WHEN I SAW HIM IN SALT LAKE CITY IT WAS WHEN HE WAS IN SALT LAKE CITY YOU SAW HIM
I	*[16]* I	WITH IT ON. A. I	WITH IT ON I

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RT	RS	BT	PS
DID NOT SAY SO. Q. WHERE WAS HE WHEN HE HAD THIS CHECKED SHIRT ON ? A. IT WAS SAID HE STARTED WITH THAT AND HAD BULLET HOLES IN IT. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE HOW HE WAS DRESSED ? A. I DO NOT. I DIDN'T SEE HIM ON THE WAY TO SALT LAKE. THAT WAS THE TALK BUT I DIDN'T SEE HIM GO, LEE TOLD THAT HIMSELF; I DIDN'T SEE HIM OR TALK WITH HIM ABOUT THIS.	DID NOT SAY SO. WHERE WAS HE WHEN HE HAD THIS CHECKED SHIRT ON {A}PIT WAS SAID HE STARTED WITH THAT AND HAD BULLET HOLES IN IT {Q}PDO YOU KNOW OF YOUR OWN KNOWLEDGE HOW HE WAS DRESSED {A}PI DO NOT I DIDN'T SEE HIM ON WAY TO SALT LAKE CITY THAT WAS THE TALK BUT I DIDN'T SEE HIM GO. LEE TOLD THAT HIMSELF. I DIDN'T SEE HIM ABOUT THIS.	DIDN'T SAY SO AS I ~~RECOLLECT.~~ **KNOW OF.** Q. WHERE WAS HE WHEN HE HAD THIS CHEC~~H~~K SHIRT ON? A. IT WAS SAID THAT HE STARTED WITH THEM AND SHOWED THE BULLET HOLE~~D~~S ON THE WAY? Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE HOW HE WAS DRESSE~~D~~?. ~~I~~A. I DO~~N'T~~. **NOT.** Q. DID YOU SEE HIM ON HIS WAY TO SALT LAKE CITY.. **A. I DID NOT** *[I00]* Q. WHY DID YOU SA~~T~~Y THAT HE HAD A CHECK SHIRT ON? A. BECAUSE T~~H~~A T WAS THE TALK~~?~~ BUT I DIDN'T SEE HIM. **HE TOLD THAT HIMSELF.** Q. TOLD **YOU** ~~THAT~~ HIMSELF? DID YOU HEAR HIM DO THIS? A. I DID NOT. Q. I DON'T WANT ANY MORE **OF THIS** ~~FTHHIO~~	DIDN'T SAY SO AS I KNOW OF [*space*] IT WAS SAID THAT HE STARTED WITH THAT AND SHOWED THE BULLET HOLES ON THE WAY DO YOU KNOW OF YOUR OWN KNOWLEDGE HOW HE WAS DRESSED I DO NOT DID YOU SEE HIM ON HIS WAY TO SALT LAKE CITY I DID NOT WHY DID YOU SAY THAT HE HAD A CHECK SHIRT ON BECAUSE THAT WAS THE TALK HE TOLD THAT HIMSELF TOLD YOU THAT HIMSELF DID YOU SEE HIM DO THIS I DID NOT ~~P~~ I DON'T WANT ANY MORE OF THIS

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RT	RS	BT	PS
[126] Q. YOU SAY YOU DIDN'T SEE HIM ON HIS WAY TO SALT LAKE AT ALL — HOW WAS HE DRESSED IN SALT LAKE ? A. I DISREMEMBER HIS DRESS, IT IS SO LONG I CAN'T DESCRIBE IT AT ALL. ANY MORE THAN HE WAS DRESSED AS USUAL; I COULD NOT TELL WHAT KIND OF CLOTHES HE DID HAVE ON. Q. IS YOUR MEMORY ANY BETTER YESTERDAY THAN IT IS TO-DAY UPON THAT POINT? A. MY	$_{Q}$YOU SAY YOU DIDN'T SEE HIM ON HIS WAY TO SALT LAKE AT ALL. HOW WAS HE DRESSED IN SALT LAKE CITY $\{_{A}\}^{p}$ I DISREMEMBER HIS DRESS I CANNOT REMEMBER HIS DRESS SO LONG CAN'T DESCRIBE IT AT ALL NO MORE HE WAS DRESSED SOMEWHAT. COULD NOT TELL WHAT KIND OF CLOTHES HE DID HAVE ON $\{_{Q}\}^{p}$ IS YOUR MEMORY ANY BETTER YESTERDAY THAN IT IS TODAY UPON THAT POINT. I WOULD LIKE AN ANSWER $_{A}$MY	ATMOSPHERE THAT YOU HAVE BEEN IMBIBING. YOU SAY YOU DID NOT SEE HIM ON HIS **WAY** ~~AW~~ TO SALT LAKE AT ALL**?** A. I DID NOT. Q. HOW W~~Z~~AS HE DRES~~X~~SED IN SALT LAKE? A. I DISREMEMB~~E~~R; I CANNOT TELL YOU HOW HE WAS DRESSED**I;** IT IS SO LONG AGO. Q. YOU CAN'T DESCRIBE IT AT ALL? A. NO MORE THAN THAT HE WAS DRE**S**SED SO~~E~~ME WAS — COULD NOT ETLL WHAT KIND OF CLOHES HE DID HA~~V~~VE ON. Q. ~~I~~**WA**S YOUR MEMORY YESTERDAY TH~~A~~**E**N **AS GOOD AS** IT IS TO DAY UPON THAT POINT? A. MY	ATMOSPHERE THAT YOU HAVE BEEN IMBIBING ~ YOU SAY YOU DID NOT SEE HIM ON HIS WAY TO SALT LAKE AT ALL I DID NOT ~~YOU~~ HOW WAS HE DRESSED IN SALT LAKE [*space*] I DISREMEMBER I COULD NOT TELL YOU HIS DRESS IT IS SO LONG AGO YOU CAN'T DESCRIBE IT AT ALL NO MORE THAN THAT HE WAS DRESSED SOME WAY I COULD NOT TELL WHAT KIND OF CLOTHES HE HAD ON [*space*] WAS YOUR MEMORY ANY BETTER YESTERDAY THAN TODAY ON THAT POINT MY

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RT	RS	BT	PS
MEMORY IS BETTER TO-DAY THAN IT WAS YESTER~~A~~DAY. Q. WELL OVER THE POINT AS TO HOW JOHN D. LEE WAS DRESSED WHEN HE STARTED TO SALT LAKE AFTER THE MASSACRE TO GIVE A REPORT — I AM SIMPLY ASKING YOU NOW ABOUT YOUR MEMORY — WAS YOUR MEMORY ANY BETTER THEN THAN IT IS TO-DAY ?	MEMORY IS BETTER TODAY THAN IT WAS YESTERDAY $\{_{Q}\}^{p}$ OVER THE POINT HOW JOHN D. LEE WAS DRESSED WHEN HE STARTED TO SALT LAKE CITY AFTER THE MASSACRE TO GIVE A REPORT. I AM SIMPLY ASKING YOU NOW ABOUT YOUR MEMORY WAS YOUR MEMORY ANY BETTER THEN THAN IT IS TODAY	MEMORY IS BETTER TO DAY THAN IT WAS YESTERDAY. Q. FROM THAT POINT HOW WAS JOHN D. LEE DRESSEE WHEN HE CAME FROM SALT LAKE TO GIVE THE REPORT. I AM SIMPL Y ASKING YOU NOW ABOUT YOUR ME~~N~~MORY. I ASK YOU NOW WHETHER YOUR MEMORY WAS ANY BETTER YESTERDAY THAN TO-DAY ON THAT POINT ?	MEMORY IS BETTER TODAY THAN IT WAS YESTERDAY I ASK YOU WHETHER YOUR MEMORY ~~IS~~ WAS BETTER YESTERDAY THAN TODAY ~~<~~ON THAT POINT~~>~~ ~~I FEEL AS BEFORE~~? ~~<~~WITNESS~~>~~ TO GIVE REPORT OF TRANSACTION? WAS YOUR MEMORY WAS BETTER YESTERDAY THAN IT IS TODAY ~~<~~ON THAT POINT~~>~~ I
A. I DO NOT KNOW AS IT IS. Q. DID YOU	$\{_{A}\}^{p}$ I DO NOT KNOW AS IT IS. DID YOU	A. I DON'T KNOW AS I~~R~~T WAS. Q. THEN **WHAT** D~~O~~**ID** YOU	DON'T KNOW AS IT WAS [*space*] THEN DID YOU

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RT	RS	BT	PS
MEAN YESTERDAY WHEN YOU ANSWERED THE QUESTION AS TO HOW HE WAS DRESSED BY SAYING HE HAD A CHECKED SHIRT ON THAT YOU HAD HEARD THAT AND STATED THAT BY RUMOR — HOW DID YOU KNOW IT TO BE SO ? A. HE TOLD ME THAT HIMSELF. Q. WHERE DID HE TELL YOU THAT ? A. HE TOLD ME THAT SINCE I CAME UP HERE IN JAIL. Q. IS IT FROM THAT — WHAT HE TOLD YOU SINCE HE CAME FROM TOWN YOU KNEW HOW HE WAS DRESSED ? A. I DO NOT KNOW AS I DID.	MEAN ON YESTERDAY WHEN YOU ANSWERED QUESTION AS TO HOW HE WAS DRESSED BY SAYING HE HAD A CHECKED SHIRT ON YOU HAD HEARD THAT AND STATED THAT BY RUMOR YOU KNEW IT TO BE SO {A}P HE TOLD ME THAT HIMSELF A WHERE DID HE TELL YOU THAT TOLD ME THAT SINCE I CAME UP HERE IN JULY. Q ASIDE FROM THAT WHAT HE TOLD YOU SINCE HE CAME FROM TOWN YOU KNEW NOTHING HOW HE WAS DRESSED <ON THAT TRIP> {A}P I DO NOT KNOW AS I DID.	MEAN ~~ON~~ YESTERDAY WHEN YOU ~~ASKE~~ ANSWERED THE QUESTION AS TO HOW ~~YOU~~ **HE** WAS DRESSED BY SAYING THAT HE HAD A CHE**C**K SHIRT ON**,** THAT YOU HAD HEARD THAT AND SAID THAT FROM RUMOR; O~~T~~R THAT YOU KNEW IT TO BE SO? A. HE TOLD ME THAT ~~M~~HIMSELF~~,~~. Q. WHERE DID HE TELL YOU THAT? A. T~~E~~**O**LD ME THAT SINCE I CAME UP HERE, IN THE JAIL. Q. ASIDE FROM WHAT HE TOLD YOU SINCE YOU CAME TO TOWN HERE YOU ~~KNWE~~ **KNOW** NOTHING OF HOW HE WAS DRESSED ON THAT TRIP? A. I DON'T KNOW AS I D~~ID~~**O** . *[I0I]*	MEAN ON YESTERDAY WHEN YOU *[[7]]* ANSWERED THE QUESTION AND ANSWERED THAT HE HAD A CHECK SHIRT ON THAT YOU HAD HEARD THAT HE SAID THAT FROM RUMOR OR THAT YOU KNEW IT FROM RUMOR [*space*] HE TOLD ME THAT HIMSELF. HE TOLD ME THAT HERE SINCE I CAME UP = IN THE JAIL [*space*] ASIDE FROM WHAT HE TOLD YOU SINCE YOU CAME TO TOWN HERE YOU KNEW NOTHING OF HOW HE WAS DRESSED ON THAT TRIP I DON'T KNOW AS I DO [*space*]

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RT	RS	BT	PS
Q. HOW DO YOU KNOW LEE WAS THE INDIAN AGENT AT HARMONY ? A. I DON'T KNOW, ONLY BY WHAT JONES SAID; I HAVE NO OTHER KNOWLEDGE, ONLY WHAT PRESIDENT YOUNG SAID AT THE TIME THAT HE HAD BETTER TAKE *[127]* CHARGE OF THAT PROPERTY; HE WAS THE INDIAN AGENT ANYWAY; THAT IS ALL I KNOW ABOUT IT. Q. DID YOU HEAR JOHN D. LEE GIVE ANY COMMAND TO THE TROOPS ?ON THE FIELD A. NO, I DO NOT KNOW AS I DID ON THE FIELD ~~Y~~Q. YOU SAY YOU WAS SENT	QHOW DO YOU KNOW LEE WAS {THE}P INDIAN AGENT AT HARMONY AI DON'T KNOW ONLY KNOW BY WHAT JONES SAID I HAVE NO OTHER KNOWLEDGE WHAT PRESIDENT YOUNG SAID AT THE TIME HE HAD BETTER TAKE CHARGE OF THAT PROPERTY. HE WAS THE INDIAN AGENT ANYWAY THAT IS ALL I KNOW ABOUT IT. QDID YOU HEAR JOHN D. LEE GIVE ANY COMMAND TO THE TROOPS ON THE FIELD {A}P NO I DO NOT KNOW AS I DID ON {THE}P FIELD QYOU SAY YOU WAS SENT	~~A~~Q. ~~I~~HOW DO YOU KNOW THAT LEE WAS THE **I**NDAIN AGENT AT HARMONY? A. I DON'T KNOW ONLY BY ~~WHAT YOUNG SZU~~ WHAT YOUNG SAID; I HAD NO OTHER KNOWLEDGE. Q. WHO WAS IT THAT GAVE Y**O**U THE INFORMATION? A. WHAT PRESIDENT YOUNG SAI~~D~~D AT THE TIME WHEN HE SAID, HE HAD BETTER TAKE CHARGE OF THAT PROPERTY AS ~~T~~HE WAS THE **I**NDIAN AGENT, THAT IS ALL I KNOW ABOUT IT NOW? Q. DID YOU HEAR JOHN D. LEE GIVE ANY COMMAND TO THE TROOPS ON THE FIELD? A. NO, I DON'T KNOW AS I DID ON THE FIELD. Q. YOU SAY YOU WAS SENT	HOW DO YOU KNOW THAT LEE WAS THE INDIAN AGENT AT HARMONY I ONLY KNOW BY WHAT YOUNG SAID I HAD NO OTHER KNOWLEDGE WHO WAS IT GAVE YOU THE INFORMATION ~~ONLY FROM~~ WHAT PRESIDENT YOUNG SAID AT THE TIME WHEN HE SAID HE BETTER TAKE CHARGE OF THAT PROPERTY AS HE WAS INDIAN AGENT NOW THAT IS ALL I KNOW ABOUT IT DID YOU HEAR JOHN D. LEE GIVE ANY COMMAND TO THE TROOPS ON THE FIELD? NO I DON'T KNOW AS I DID ON THE FIELD [*space*] YOU SAY YOU WAS SENT

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RT	RS	BT	PS
DOWN TO THE VEGAS FOR LEAD — WHO SENT YOU FOR THE LEAD ? A. ISAAC C. HAIGHT. Q. FOR WHAT PURPOSE WAS THAT LEAD TO BE USED ? A. I DON'T KNOW, MOST OF IT WENT UP TO SALT LAKE. Q. WHERE DID YOU HAUL YOUR LEAD TO ? A. I HAULED THE ORE TO CEDAR CITY — HAD TO HAVE IT SMELTED OUT TO CEDAR CITY IN THE SMELTER. Q. AND YOU NEVER HAD ANY TROUBLE WITH THE INDIANS ABOUT THE PROPERTY TAKEN — DID YOU SAY YOU NEVER HAD ANY	DOWN TO {THE}^{p} VEGAS FOR LEAD, WHO SENT YOU FOR THE LEAD $\{_{A}\}^{p}$ ISAAC {**C.**}^{p} HAIGHT $\{_{Q}\}^{p}$ FOR WHAT PURPOSE WAS THAT LEAD TO BE USED $\{_{A}\}^{p}$ I DON'T KNOW MOST OF IT WENT UP TO SALT LAKE CITY WHERE DID YOU HAUL YOUR LEAD TO $\{_{A}\}^{p}$ I HAULED ORE TO CEDAR CITY. HAD TO HAVE IT SMELTED OUT AT CEDAR CITY IN SMELTER ~~QA~~ <$\{_{A}\}^{p}$ DID YOU EVER HAVE ANY TROUBLE WITH THE INDIANS ABOUT THAT PROPERTY THAT WAS *DONE*[?] FROM THE EMIGRANTS> NEVER HAD TROUBLE WITH INDIANS ABOUT PROPERTY TAKEN ~~NEVER~~ HAVE HAD ANY	DOWN TO THE VEGAS FOR LEAD~~?~~**.** WHO WENT WITH YOU FOR LEAD? A. ISAAC C. HAIGHT~~A~~. Q. FOR WHAT PURPOSE WAS THAT LEAD ~~F~~TO BE USED? A. I DON'T KNOW BUT MOST OF IT WENT UP TO **S**ALT LAKE. Q. WHERE DID YOU HAUL YOUR LEAD TO? A. I HAULED HER **(IT)** TO CEDAR CIT~~X~~Y, AND SMELTED IT OU~~R~~T BY THE TON OR LOAD. Q. DID YOU EVER HAVE ANY TROUBLE WITH THE **I**NDIANS ABOUT THAT PROPERTY THAT WAS TAKEN FR**O**M THE ~~I~~**E**MIGRANTS? A. NEVER KNEW OF ANY TROUBLE WITH THE **I**NDIANS ABOUT THE PROPERTY TAKEN. NEVER KNEW ANY	DOWN TO THE VEGAS FOR LEAD; WHO SENT YOU FOR THE LEAD ISAAC HAIGHT [*space*] FOR WHAT PURPOSE WAS THAT LEAD TO BE USED I DON'T KNOW, MOST OF IT WENT UP TO SALT LAKE WHERE DID YOU HAUL YOUR LEAD TO I HAULED THE ORE TO CEDAR CITY AND SMELTED IT OUT BY THE TON *TO/OR*[?] LOAD DID YOU EVER HAVE ANY TROUBLE WITH THE INDIANS ABOUT THAT PROPERTY THAT WAS TAKEN FROM EMIGRANTS NEVER KNEW OF ANY

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RT	RS	BT	PS
TROUBLE BETWEEN THE PEOPLE AND THE INDIANS CONCERNING IT ? A. NO. Q. HOW MANY INDIANS RETURNED WITH THESE TWO INDIAN CHIEFS WHEN THEY RETURNED TO CEDAR CITY ? A. I CANNOT TELL YOU THAT , —THEY WENT AWAY WITHOUT MY KNOWLEDGE AND CAME BACK WITHOUT MY KNOWLEDGE. Q. HOW MANY MEN BELONGED TO THE TROUPS OF THAT CHIEF ? A. I COULD NOT TELL THAT NEITHER — THEY WAS NOT A VERY GREAT TRIBE. Q. WHAT TRIBE WAS IT ? A. THE PIUTE TRIBE OF INDIANS. Q. DON'T YOU KNOW ABOUT	TROUBLE BY PEOPLE WITH THE INDIANS CONCERNING {NO}^{p} IT $_{Q}$HOW MANY INDIANS RETURNED WITH THESE TWO INDIAN CHIEFS WHEN THEY RETURNED TO CEDAR CITY $\{_{A}\}^{p}$ CANNOT TELL YOU THAT THEY WENT AWAY WITHOUT MY *[17]* KNOWLEDGE AND CAME BACK WITHOUT MY KNOWLEDGE. $_{Q}$HOW MANY MEN BELONGED TO THE TRIBES OF THAT CHIEF $\{_{A}\}^{p}$ COULD NOT TELL THAT NEITHER THERE WAS NOT VERY GREAT TRIBE. $_{Q}$ ≤WHAT TRIBE WAS HE CHIEF OF≥ $\{_{A}\}^{p}$PIUTE TRIBE OF INDIANS. $_{Q}$ DON'T YOU KNOW ABOUT	TROUBLE BY THE AUTHORITIES CONCERNING IT. Q. HOW MANY **I**NDIANS RETURNED WITH THESE TWO **I**NDIAN~~S~~ CHIEFS WHEN TH~~E Y~~**EY** RETURNED TO CEDAR CITY. A. I CAN'T TELL YOU THAT ; THEY WENT AWAY WITHOUT MY ~~K~~KNOWLEDGE. Q. HOW MANY MEN BELONGED TO THE TRIBE~~D~~S OF THAT CHIEF? A. I COULD NOT TELL YOU THAT EITHER; THEY WASN'T A VERY GREAT TRIBE. *[102]* Q. WHAT TRIBE OF **I**NDIANS WAS THE CHIEFS OF? A. THE PIUTE TRIBE O~~D~~F **I**NDIANS. Q. DON'T YOU KNOW ABOUT	TROUBLE BY THE AUTHORITIES THERE CONCERNING IT HOW MANY INDIANS RETURNED WITH THOSE TWO INDIAN~~S~~ CHIEFS THAT RETURNED TO CEDAR CITY I DO NOT KNOW THEY WENT AWAY WITHOUT MY KNOWLEDGE AND CAME BACK WITHOUT ANY KNOWLEDGE HOW MANY MEN BELONGED TO THE TRIBES OF THOSE TWO CHIEFS I COULD NOT TELL THEY WASN'T VERY GREAT TRIBE WHAT TRIBES OF INDIANS WERE THEY CHIEFS OF PIUTES DON'T YOU KNOW ABOUT

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RT	RS	BT	PS
THE TIME OF THE MASSACRE THE INDIANS FROM *[128]* CORN CREEK AND OTHER PARTS OF THE TERRITORY HAD GATHERED IN THE VICINITY OF CEDAR CITY AND HAD CAMPED THERE FOR SEVERAL DAYS HAVING A DANCE A. I DO NOT. Q. DID YOU NOT KNOW AS A MATTER OF FACT AFTER THE MASSACRE MANY INDIANS CAMPED AROUND CEDAR NEAR THE VICINITY AND HAD A GREAT FEAST DANCE ? A. NOTHING MORE THAN THE COMMON RUN OF THINGS THAT I KNEW OF. Q. IN REGARD TO THE CHILDREN HOW	TIME OF MASSACRE ≤THAT THE≥ INDIANS FROM CORN CREEK AND OTHER PARTS OF TERRITORY HAD GATHERED VICINITY CEDAR CITY, ≤AND THAT THEY WERE HAD≥ CAMPED THERE FOR SEVERAL DAYS AND HAVING $\{_{A}\}^{p}$ DANCE $\{_{A}\}^{p}$I DO NOT KNOW $_{Q}$DID YOU NOT KNOW AS MATTER OF FACT AFTER MASSACRE MANY INDIANS CAMPED AROUND CEDAR ≤IN THE≥ NEAR VICINITY HAD GREAT FEAST DANCES $\{_{A}\}^{p}$ NOTHING MORE THAN THE COMMON RUN OF THINGS THAT I KNEW OF. $_{Q}$WITH REGARD CHILDREN HOW	THE TIME OF THE MASSACRE THA**T** THE **I**NDIANS FROM CORN CREEK AND OTHER PARTS OF THE TERRITORY HAD GATHERED IN THE VICINITY OF CEDAR CITY AND THAT THEY WERE COMING THERE FOR SEVERAL DAYS AND HAVING DANCES? A. I DID NOT. Q. DO YOU NOT KNOW AS A MATTER OF FACT THAT AFTER THE MASSACRE MANY **I**NDIANS CAME AROUND **C**EDAR **OR** IN **T**HE NEAR VICINITY AND HAD ~~A~~GREAT FEASTS AND DANCES? A. NO, SIR; NOTHING MORE THAN THE COMMON RUN OF THINGS THAT I KNOW OF. Q. IN REGARD TO THE CHILDREN, HOW	THE TIME OF THE MASSACRE THAT INDIANS FROM CORN CREEK AND OTHER POINTS THROUGHOUT THE TERRITORY HAD GATHERED IN THE VICINITY OF CEDAR CITY AND THEY WERE CAMPED THERE FOR SEVERAL DAYS HAVING DANCES I DO NOT DO YOU NOT KNOW AS A MATTER OF FACT THAT AFTER THE MASSACRE MANY INDIANS CAMPED AROUND CEDAR IN THE NEAR VICINITY *[[8]]* AND HAD GREAT FEASTS AND DANCING NO SIR NOTHING MORE THAN COMMON THING THAT I KNEW OF [*space*] IN REGARD TO THE CHILDREN HOW

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RT	RS	BT	PS
LONG AFTER THE MASSACRE WAS IT BEFORE THEY WERE DELIVERED TO DR. FORNEY ? A. I COULD NOT TELL EXACTLY — IT MUST HAVE BEEN OVER A YEAR THOUGH. Q. HOW MANY OF THE CHILDREN THAT WERE FIRST PLACED IN YOUR POSSESSION ON THE FIELD OF THE MASSACRE WERE AFTERWARDS DELIVERED TO DR. FORNEY ? A. I DIDN'T SEE THEM, IT WAS NOT BY ME THEY WAS COLLECTED — I DIDN'T COLLECT THEM TOGETHER. Q. AFTER THE CHILDREN HAD BEEN DELIVERED TO YOU AS YOU HAVE DESCRIBED DID YOU OR DID YOU NOT DELIVER ONE	LONG AFTER THE MASSACRE WAS IT BEFORE THEY WERE DELIVERED TO DR. FORNEY ? {A}[P]I COULD NOT TELL EXACTLY BUT IT MUST HAVE BEEN OVER YEAR THOUGH [Q]HOW MANY OF THE CHILDREN ~~<~~THAT~~>~~ WERE FIRST PLACED IN YOUR POSSESSION ON THE FIELD OF THE MASSACRE WERE AFTERWARD DELIVERED TO DR. FORNEY {A}[P] I DIDN'T SEE THEM. IT WAS NOT BY ME THEY WAS COLLECTED, I DIDN'T COLLECT THEM TOGETHER. AFTER THE CHILDREN HAD BEEN DELIVERED TO YOU AS YOU HAVE DESCRIBED DID YOU OR DID YOU NOT DELIVER ONE	LONG WAS IT AFTER THE MASSACR~~E~~**E** BEFORE THEY WERE DELIVERED TO DR. FORNEY? A. I COULD NOT TELL EXACTLY, BUT IT MUST HAVE BEEN OVER A YEAR **THOUGH.** ~~AGO.~~ Q. HOW MANY OFTHE CHILDREN THA**T** WERE FIRST PLACED IN YOUR POSSESSION ON THE FIELD OF THE MASSACRE WERE AFTERWARDS DELIVERED TO DR. FORNEY? A. I DIDN'T SEE THEM. IT WASN'T BY ME THEY WAS COLLECTED. I DIDN'T COLLECT THEM TOGETHER. Q. AFTER THE CHILDREN HAD BEEN DELIVERED TO YOU, AS YOU HAVE DESCRIBED, DID YOU OR DID YOU NOT, DELIVER ON~~W~~E	LONG AFTER THE MASSACRE WAS IT BEFORE THEY WERE DELIVERED TO DR. FORNEY I COULD NOT TELL IT MUST HAVE BEEN OVER A YEAR THOUGH [*space*] HOW MANY OF THE CHILDREN THAT WERE FIRST PLACED IN YOUR POSSESSION ON THE FIELD OF THE MASSACRE WERE AFTERWARDS DELIVERED TO DR. FORNEY I DIDN'T SEE THEM IT WASN'T BY ME THAT THEY WAS COLLECTED ~ I DIDN'T SEE I DO NOT KNOW [*space*] AFTER THE CHILDREN HAD BEEN DELIVERED TO YOU AS YOU HAVE DESCRIBED DID YOU OR DID YOU NOT DELIVER ONE

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RT	RS	BT	PS
OR MORE OF THE WOUNDED CHILDREN TO THE INDIANS FOR THE PURPOSE ~~LF~~ OF BEING KILLED ? A. NO SIR, I DID NOT Q. DID YOU NOT SAY IN THE PRESENCE OF WILLIAM H. DAME AND SAMUEL KNIGHTS, AT HAMILTON'S RANCH, THAT MORNING AFTER THE MASSACRE, THAT YOU HAD GIVEN A WOUNDED CHILD TO THE INDIANS TO BE KILLED ? A. I DID NOT. Q. AS YOU DID NOT WANT TO BE BOTHERED WITH THEM ? A. NO SIR, I NEVER SAID SO. I NEVER KNEW ANYTHING ABOUT IT. Q. ARE YOU ACQUAINTED	OR MORE OF THE WOUNDED CHILDREN TO THE INDIANS FOR THE PURPOSE OF BEING KILLED {A}[p] NO SIR I DID NOT. [*space*] {Q}[p] DID YOU NOT SAY IN THE PRESENCE OF WILLIAM **H** DAME SAMUEL KNIGHT AT HAMILTON'S RANCH ON THE MORNING AFTER THE MASSACRE THAT YOU HAD GIVEN WOUNDED *CHILD/CHILDRE N*[?] TO THE INDIANS TO BE KILLED {A}[p] I DID NOT. Q AS YOU DID NOT WANT TO BE BOTHERED WITH THEM {A}[p] NO SIR I NEVER SAID SO I NEVER KNEW ANYTHING ABOUT IT. Q ARE YOU ACQUAINTED	OR MORE ~~TO~~ OF THE WOUNDED CHILDREN TO THE **INDIANS** ~~EMIGRANTS~~ FOR THE PURPOSE OF BEING KILLED? A. NO, **S**IR~~.~~**,** Q. DID YOU NO~~I~~**T** SAY IN THE PRESENCE OF WILLIAM H/ DAME AND SAMUEL KNIGHTS AT HAMBLI~~M~~NS RANCH, ON THE MORNING AFTER THE MASSACRE, THAT YOU HAD GIVEN A WOUNDED CHILD TO THE **I**NDIANS TO BE KILLED? *[104]*[177] A. I DID NOT. Q. AS YOU DIDN'T WANT TO BE BOTHERED WITH THEM? A. NO , SIR, I NEVER SAID SO; I NE~~C~~VER KNEW ANYTHING **A**BOUT IT. Q. ARE YOU ACQUAINTED	OR MORE OF THE WOUNDED CHILDREN TO THE INDIANS FOR THE PURPOSE OF BEING KILLED NO SIR I DID NOT [*space*] DID YOU NOT SAY IN THE PRESENCE OF WILLIAM H DAME AND SAMUEL KNIGHT TO HAMBLINS RANCH ON THE MORNING AFTER THE MASSACRE THAT YOU HAD GIVEN A WOUNDED CHILD TO THE INDIANS TO BE KILLED I DID NOT AS YOU DIDN'T WANT TO BE BOTHERED WITH THEM NO SIR I NEVER SAID SO I NEVER KNEW ANYTHING ABOUT IT ARE YOU ACQUAINTED

177. There is no page 103. It's actually "10~~3~~#**4**". "103" is typed with a "#" over the "3" and a "**4**" written over the top. The following page is labeled both "**104**" and "105".

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RT	RS	BT	PS
WITH A MAN BY THE NAME OF JACOB HAMBLIN ? A. YES SIR. *[129]* Q. DID YOU SEE HIM SHORTLY AFTER THE MAS~~A~~SACRE AT CEDAR CITY AND HAVE A CONVERSATION WITH HIM CONCERNING THE MASSACRE ? A. NO SIR, NOT THAT I HAVE ANY KNOWLEDGE OR RECOLLECTION OF. Q. DID YOU NOT SEE HIM THERE AT THAT TIME AND DID HE NOT SAY TO YOU HE HAD RATHER BUCHANNAN WOULD HEAR OF ALL THE MEN IN UTAH BEING KILLED THAN THAT HE WOULD GIVE HIS CONSENT TO THE KILLING OF WOMEN AND CHILDREN, AND THEN DID YOU NOT SAY, IF YOU BREAK OUT THAT WAY AROUND THE	WITH MAN BY NAME OF JAKE HAMBLIN ≤YES $_{A}$SIR.≥ $\{_{A}\}^{p}$ $_{Q}$DID YOU SEE HIM SHORTLY AFTER THE MASSACRE AT CEDAR CITY {AND}^{p} HAVE A CONVERSATION WITH HIM CONCERNING THE MASSACRE $\{_{A}\}^{p}$ NO SIR NOT THAT I HAVE ANY KNOWLEDGE OR RECOLLECTION OF. $\{_{Q}\}^{p}$ DID YOU NOT SEE HIM THERE AT THAT TIME AND DID HE NOT SAY TO YOU HE HAD RATHER BUCHANNAN WOULD HEAR OF ALL THE MEN IN UTAH BEING KILLED THAN THAT HE WOULD GIVE HIS CONSENT TO THE KILLING OF WOMEN CHILDREN ≤AND THEN DID YOU NOT SAY≥ IF YOU BREAK OUT THAT WAY AROUND THE	WITH A MAN BY THE NAME OF JACOB HA~~B~~MBLIN? A. YES, SIR. Q. DID YOU SEE HIM SHORTLY AFTER THE MASSACRE AT CEDAR CITY AND HAVE A CONVERSATION WITH HIM CONCERNING THE MASSACRE? A. NO, ~~I~~SIR**,** NOT THAT I HAVE ANY KNOWLEDGE OR RECOLLECTION OF. A. DID YOU NOT SEE ~~HINMT~~ HIM THERE AT THAT TIME, AND ~~H~~DID HE NOT SAY TO YOU THAT HE HAD RATHER BUCHANAN WOULD HEAR OF ALL THE MEN IN ~~U~~UTAH BEING KILLED THAN THAT HE WOULD GIVE HIS CONSENT TO THE KILLING OF WOMEN AND CHILDREN; AND THEN DID YOU NOT REPL~~U~~Y, "IF YOU BREAK OUT THAT WAY AROUND THE	WITH A MAN BY THE NAME OF JACOB HAMBLIN ≤YES SIR≥ DID YOU SEE HIM SHORTLY AFTER THE MASSACRE AT CEDAR CITY AND HAVE A CONVERSATION WITH HIM CONCERNING THE MASSACRE? NO SIR NOT THAT I HAVE ANY KNOWLEDGE OR RECOLLECTION OF DID YOU NOT SEE HIM THERE AT THAT TIME AND DID HE NOT SAY TO YOU THAT HE HAD RATHER BUCHANAN WOULD HEAR OF ALL THE MEN IN UTAH BEING KILLED THAN THAT HE WOULD GIVE HIS CONSENT TO THE KILLING OF WOMEN AND CHILDREN AND THEN DID YOU NOT REPLY "IF YOU BREAK OUT THAT WAY AROUND THE

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RT	RS	BT	PS
MOUTH WE WILL HAVE TO TAKE CARE OF YOU ? A. NO SIR. Q. DID YOU EVER HAVE ANY CONVERSATION IN SUBSTANCE LIKE THAT WITH HIM A. NO SIR. Q. ARE YOU ACQUAINTED WITH ROBERT KEYES THE WITNESS ON THE STAND YESTERDAY, WHO FORMERLY RESIDED AT CEDAR CITY AND IS NOW A RESIDENT OF BEAVER CITY ? A. I AM ACQUAINTED WITH HIM. Q. YOU SAY YOUR PLACE OF RESIDENCE IS ABOUT TWENTY TWO MILES SOUTHERLY FROM PIOCHE ? A. I BELIEVE SO SIR. Q. WHEN DID YOU FIRST AGREE TO BECOME A WITNESS IN THIS PROSECUTION ?	MOUTH WILL HAVE TO TAKE CARE OF YOU {A}[P]NO SIR Q DID YOU HAVE ANY CONVERSATION SUBSTANTIALL Y LIKE THAT WITH HIM {ANO SIR}[P]. Q ARE YOU ACQUAINTED WITH ROBERT KEYES {THE}[P] WITNESS ON STAND YESTERDAY FORMERLY RESIDED CEDAR CITY NOW A ~~<~~RESIDENT~~>~~ BEAVER CITY. {A}[P] I AM ACQUAINTED WITH HIM [*space*] *[18]* {Q}[P] SAY YOUR PLACE OF RESIDENCE IS ABOUT 22 MILES SOUTHERLY FROM PIOCHE {A}[P]I BELIEVE, YES SIR Q WHEN DID YOU FIRST AGREE TO BECOME A WITNESS IN THIS PROSECUTION A ~~I COULD NOT~~	MOUTH WE WILL HAVE TO TAKE CARE OF YOU?" A. NO, SIR. Q. DID YOU HAVE ANY CONVERSATION SUBSTANTIALL Y LIKE **THAT** ~~THT~~ WITH HIM? A. NO, SIR. Q. ARE YOU ACQUAINTED WITH ROBERT KEYS THAT WAS A WITNESS ON THE STAND YESTERDAY AND FORMERLY RESIDED AT CEDAR CITY, BUT NOW A RESIDENT OF BEAVER? A. I AM ACQUAINTED WITH HIM, YES**,**~~?~~ SIR. Q. YOU SAY YOUR PLACE OF RESIDENCE IS ABOUT 22 MILES SOUTHERLY FROM PIOCHE? A. YES, SIR. Q. WHEN DID YOU FIRST AGREE TO BECOME A WITNESS IN THIS PROSECUTIO~~N~~?	MOUTH WE WILL HAVE TO TAKE CARE OF YOU NO SIR [*space*] DID YOU HAVE ANY CONVERSATION SUBSTANTIALL Y LIKE THAT WITH HIM ~ ARE YOU ACQUAINTED WITH ROBERT KEYES THAT WAS A WITNESS ON THE STAND ON YESTERDAY FORMERLY RESIDED AT CEDAR CITY NOW RESIDENT OF BEAVER? I AM ACQUAINTED WITH HIM YES SIR YOU SAY YOUR PLACE OF RESIDENCE IS ABOUT 22 MILES SOUTHERLY FROM PIOCHE I BELIEVE ~ WHEN DID YOU FIRST AGREE TO BECOME A WITNESS IN THIS PROSECUTION?

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RT	RS	BT	PS
A. I DON'T KNOW THAT IT WAS AT ANY TIME — I COULD NOT SAY WHAT.	~~SAY THAT~~ ~~A~~I DON'T KNOW THAT IT WAS AT ANY TIME I COULD NOT SAY THAT. ~~HAVE YOU~~	A. I DON'T KNOW AS AT ANY TIME; I COULD NOT **S**AY AS TO THAT . **M**~~R~~ BASKIN: WE OBJECT TO COU~~L~~NSEL ASKING THAT~~;~~ THERE WAS AN AGREEMENT THAT HE SHOULD COME.	I DON'T KNOW AS AT ANY TIME I COULD NOT SAY THAT. BASKIN TO OBJECT TO HIS COUNSEL ASSUMING THAT THERE WAS AN AGREEMENT THAT HE SHOULD COME [*space*] ~~HAVE YOU HAD~~
Q. WHAT OFFICERS OF THE GOVERNMENT IF ANY HAVE YOU TALKED TO BEFORE COMING INTO THIS TERRITORY CONCERNING THIS CASE, AND RELATING TO THE QUESTION OF YOUR BACKING THE WITNESSES FOR THE PROSECUTION UPON THIS TRIAL ? CAREY FOR PROSECUTION OBJECTED TO THE QUESTION, BECAUSE	{Q}[P] WHAT OFFICERS OF THE GOVERNMENT IF ANY HAVE YOU TALKED WITH, BEFORE COMING INTO THIS TERRITORY CONCERNING THIS CASE AND RELATING TO THE QUESTION OF YOUR BECOMING THE WITNESSES FOR THE PROSECUTION UPON THIS TRIAL, ≤**OBJ CAREY**≥ BY CAREY COURT PLEASE I WISH OBJECT TO THAT QUESTION BECAUSE	*[I05]* Q. WHAT OFFICERS OF THE GOVERNMENT , IF ANY, HAVE YOU TALKED WITH BEFORE COMING INTO THIS TERRIT~~I~~**O**RY CONCERNING THIS CASE~~?~~**,** AND RELATING TO THE QUESTION OF YOUR BECOMING A WITNESS FOR THE PROSECUTION UPON THIS TRIAL~~.~~**?** **M**~~R~~ **BASKIN.** OBJECTED TO THE QUESTION FOR THE	WHAT OFFICERS OF THE GOVERNMENT IF ANY HAVE YOU TALKED WITH BEFORE COMING INTO THIS TERRITORY CONCERNING THIS CASE *[[9]]* AND RELATING TO THE QUESTION OF YOUR BECOMING A WITNESS FOR THE PROSECUTION UPON THIS TRIAL? ≤CAREY≥ OBJECT TO [*space*] FOR THE

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RT	RS	BT	PS
HE SAYS WHAT *[130]* OFFICER HAVE YOU TALKED WITH WITH ETC.	HE SAYS WHAT OFFICER HAVE YOU TALKED WITH WITH THE *SAME*[?] EXCEPTION IS PROSECUTOR IN THIS CASE. AS I UNDERSTAND IT PROSECUTOR IS ONLY ONE WHO HAS AUTHORITY TO SAY	REA~~C~~SON THAT HE SAYS WHAT OFFICER HAVE YOU TALKED WITH. ~~IT~~ **WHICH** IS IMMATERIAL.	REASON THAT *HE*[?] SAYS OFFICER AS IT IS IMMATERIAL UNLESS IT IS A PROSECUTOR BECUASE IT WOULD NOT BIND THE PROSECUTION UNLESS IT WAS A PROSECUTOR.
COURT ~~OVERRULED~~ ~~<~~SUSTAINED~~>~~ THE OBJECTION..	WHETHER HE WILL USE HIM AS WITNESS OR ANYTHING OF THIS KIND. BY COURT I DO NOT THINK IT WOULD BE PROPER QUESTION PROSECUTION WOULD NOT BE BOUND	OBJECTION SUSTAINED.	OBJECTION SUSTAINED.
DEFENDANTS COUNSEL EXCEPTED TO THE RULING OF THE COURT. Q.	THEREBY PLEASE NOTE OUR EXCEPTION {Q}[p 178]	EXCCEPTION. Q.	EXCEPTION. [*space*]
HAVE YOU HAD ANY CONVERSATION WITH THE UNITED STATES ATTORNEY OR WITH ANY OFFICER	HAVE YOU HAD ANY CONVERSATION WITH THE UNITED STATES ATTORNEY OR WITH ANY OFFICER	HAVE YOU HAD ANY CONVERSATION WITH THE UNITED ~~SS~~STATES ATTORNEY OR WITH ANY OTHER OFFICER	HAVE YOU HAD ANY CONVERSATION WITH THE UNITED STATES ATTORNEY OR WITH ANY OTHER OFFICER

178. Either double underlined or crossed out.

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RT	RS	BT	PS
WHO PRETENDED TO HAVE THE AUTHORITY TO BIND THE GOVERNMENT AND PROTECT YOU FROM PROSECUTION ?	THAT PRETENDED TO HAVE THE AUTHORITY TO BIND THE GOVERNMENT AND PROTECT YOU FROM PROSECUTION *[179]	THAT PRETENDED TO HAVE THE AUTHORITY TO BIND THE GOVERNMENT TO PROTECT YOU FROM PROSECUTION?	THAT PRETENDED TO HAVE THE AUTHORITY TO BIND THE GOVERNMENT AND PROTECT YOU FROM PROSECUTION ~~≤~~BEFORE YOU CAME ON THE STAND AS A WITNESS IN THIS CASE~~≥~~ ~~OBJECTED~~ TO
OBJECTED TO BY PROSECUTION.	OBJECTED TO BY CAREY IF THE	OBJECTED TO	OBJECTED TO
BISHOP:	GENTLEMAN WILL CONFINE THAT QUESTION TO UNITED STATES ATTORNEY OR ANY OF HIS ASSISTANTS THEN I SHALL NOT OBJECT TO IT*	UNLESS IT IS CONFINED TO THE UNITED STATES ATTORNEY~~?~~.	UNLESS CONFINED TO THE ~~PROSECUTOR~~ ~~≤~~UNITED STATES ATTORNEY~~≥~~ OR ASSISTANT. ~~OBJECTED TO~~
		OBJECTION SUSTAINED .	OBJECTION SUSTAINED .
Q. BEFORE YOU CAME ON TO THE STAND AS A WITNESS IN THIS CASE COURT OVERRULED THE OBJECTION.	~~Q~~DID BEFORE YOU CAME ON TO THE STAND AS A WITNESS IN THIS CASE COURT OVERRULED DEFENSE EXCEPTED	EXC~~Z~~EPTION.	EXCEPTION.~~≥~~
Q. HAVE YOU HAD ANY CONVERSATION	~~Q~~HAVE YOU HAD ANY CONVERSATION	Q. HAVE YOU HAD ANY CONVERSATION	[*space*] HAVE YOU HAD ANY CONVERSATION

179. There is a line drawn from * to the * in the next line of shorthand.

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RT	RS	BT	PS
WITH THE UNITED STATES ATTORNEY OR EITHER OF HIS ASSISTANTS PREVIOUS TO COMING ON THE STAND AS A WITNESS IN WHICH CONVERSATION THEY AGREED OR EITHER OF THEM AGREED THAT IN THE EVENT OF YOUR GIVING A FULL STATEMENT OF ALL YOU KNEW CONCERNING THE MATTER THE GOVERNMENT WOULD NOT PROCEED AGAINST YOU FOR YOUR INDIVIDUAL ACTS ? CAREY INTERPOSED ANOTHER OBJECTION TO HIS ANSWERING THAT QUESTION. A. I SAY I ~~HVAE~~ HAVE. Q. DID THEY OR EITHER OF THEM AGREE TO	WITH THE UNITED STATES ATTORNEY OR EITHER OF HIS ASSISTANTS PREVIOUS TO YOUR COMING ON THE STAND AS A WITNESS IN WHICH CONVERSATION THEY AGREED OR EITHER OF THEM AGREED THAT IN THE EVENT OF YOUR GIVING A FULL STATEMENT OF ALL YOU KNEW CONCERNING THE MATTER THE GOVERNMENT WOULD NOT PROCEED AGAINST YOU FOR YOUR INDIVIDUAL ACTS BY CAREY ANOTHER OBJECTION TO HIS ANSWERING THAT QUESTION. $\{_{\mathbf{A}}\}^{\mathrm{p}}$ *III* I SAY I DID *III* $\{_{\mathbf{Q}}\}^{\mathrm{p}}$ DID THEY OR EITHER OF THEM AGREE TO	WITH THE UNITED STATES ATTORNEY OR EITHER OF HIS ASSISTANCE PREVIOUS TO ~~HIS C~~ YOUR COMING ON THE STAND AS A WITNESS IN WHICH CONVERSATION THEY AGREED OR E~~O~~**I**THER OF THEM AGREED THAT IN THE EVENT OF YOUR GIVING A FULL STATEMENT OF ALL YOU KNEW CONCERNING THE MATTER, THE GOVERN~~K~~MENT WOULD NOT PROCEED AGAINST YOU FOR YOUR INDIVIDUAL ACTS? **M**$^{\underline{\mathbf{R}}}$ CAREY: WE HAVE NO OBJECTION TO WITNESSES ANSWERING THAT QUESTION. A. WELL, I SAY I HAD. Q. DID THEY OR EITHER OF THEM AGREE TO	WITH THE UNITED STATES ATTORNEY OR EITHER OF HIS ASSISTANTS PREVIOUS TO YOUR COMING ON THE STAND AS A WITNESS IN WHICH CONVERSATION THEY AGREED OR EITHER OF THEM AGREED THAT IN THE EVENT OF YOUR GIVING A FULL STATEMENT OF ALL THAT YOU KNEW CONCERNING THE MATTER THAT THE GOVERNMENT WOULD NOT PROCEED AGAINST YOU FOR YOUR INDIVIDUAL ACTS? WELL I SAY I DID [*space*] DID THEY OR EITHER OF THEM AGREE TO

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RT	RS	BT	PS
ENTER A NOLLE TO THE INDICTMENT AGAINST YOU IF YOU WOULD BE A WITNESS TO TELL ALL YOU KNOW ? A. I BELIEVE SO. I CANNOT SHOW THE PAPERS FARTHER BACK THAN THAT~~.~~**,** THAN THAT EVENT — NO SIR. Q. ARE YOU HERE AS A WITNESS BY REASON OF ANY AGREEMENT OR ANY PROMISE YOU HAVE RECEIVED ? A. NO, THERE WAS NO PARTICULAR PROMISE FROM ANY PERSON. Q. ONLY THAT YOU SHOULD NOT BE PROSECUTED ? *[131]* CAREY: I OBJECT TO THAT QUESTION FOR THE SAME REASON, AND TO THE WORDS, FROM ANY PERSON. A. NO SIR;	ENTER A NOLLE TO THE INDICTMENT AGAINST YOU IF YOU WOULD BE COME A WITNESS AND TELL ALL YOU KNOW {**A**}^{p} I BELIEVE SO I *CAN*[?] SHOW THE PAPERS FURTHER BACK THAN THAT IF IT IS NECESSARY {**Q**}^{p} ARE YOU HERE AS A WITNESS BY REASON OF ANY AGREEMENT OR ANY PROMISE YOU HAVE RECEIVED NO THERE WAS NO PARTICULAR PROMISE [*space*] FROM ANY PERSON {**Q**}^{p} THAT YOU SHOULD NOT BE PROSECUTED ≼**CAREY**≽ I OBJECT TO THAT QUESTION FOR SAME REASON, {“}^{p}FROM ANY PERSON.” {**A**}^{p} NO SIR	ENTER A NOLLE TO THE ~~E~~INDICTMENT AGAINST YOU IF YOU WOULD BECOME A WITNESS AND TELL ALL YOU KNEW? A. I BELIEVE SO, I CAN SHOW A PAPER FURTHER BACK THAN THAT. Q. ARE YOU HE~~AR~~**RE** AS A WITNESS BY REASON OF ANY AGREEMENT OR ANY PROMISE YOU HAVE RECEIVED FROM ANY PERSON T~~A~~H**A**T YOU ~~W~~SHOULD NOT BE PROSECUTED? A. NO, SIR~~.~~**;** THERE WAS NO	ENTER A NOLLE TO THE INDICTMENT AGAINST YOU IF YOU WOULD BECOME A WITNESS AND TELL ALL YOU KNEW I BELIEVE SO I CAN SHOW A PAPER ≼FURTHER≽ ~~FOR THE~~ BACK ~~THAT~~ THAN THAT. ARE YOU HERE AS A WITNESS BY REASON OF ANY AGREEMENT OR ANY PROMISE YOU HAVE RECEIVED FROM ANY PERSON THAT YOU SHOULD NOT BE PROSECUTED? ~~OBJECTED TO~~ NO SIR

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RT	RS	BT	PS
I CAME VOLUNTARILY WHEN I WAS NOTIFIED.	I CAME VOLUNTARILY WHEN I WAS NOTIFIED."	PARTICULAR PROMISE; I CAME VOLUNTARILY WHEN I WAS NOTIFIED.	I CAME VOLUNTARILY WHEN I WAS NOTIFIED ~~VOLUNTARILY~~ ~~VOLUNTARILY~~
Q. DID YOU EXPECT WHEN YOU CAME INTO THE TERRITORY LAST WE~~K~~EK IN COMPANY WITH MR. CROSS DEPUTY MARSHAL THAT YOU WOULD BE TRIED UPON THE INDICTMENT THAN PENDING AGAINST FOR THE ACTS COMMITTED BY YOU AT THE MOUNTAIN MEADOWS IN UTAH ? CAREY: WE DON'T CARE WHETHER HE DID OR NOT, IT DON'T MAKE MUCH DIFFERENCE, BUT WE OBJECT TO THE QUESTION. COURT OVERRULED THE OBJECTION.	~~Q~~DID YOU EXPECT WHEN YOU CAME INTO THE TERRITORY LAST WEEK IN COMPANY WITH MR. CROSS DEPUTY MARSHAL THAT YOU WOULD BE TRIED UPON THE INDICTMENT THEN PENDING AGAINST YOU FOR THE ACTS COMMITTED BY YOU AT MOUNTAIN MEADOWS IN UTAH ? [*space*] [19] BY CAREY WE DON'T CARE WHETHER ~~IT MAKES~~ IT DON'T MAKE MUCH DIFFERENCE BY COURT HE CAN ANSWER THE QUESTION	[106] Q. DID YOU EXPECT WHEN Y**O**U CAME INTO T HE TERRITORY LAST WEEK IN COMPANY WITH ~~AA~~MR/CROSS, A DEPUTY MARSHAL, THAT YOU WOULD BE TRIED UPON AN INDICTMENT THEN PENDING AGAINST YOU FOR THE ACTS COMMITTED BY YOU AT THE **M**OUNTAIN **M**EADOWS IN UTAH. OBJECTED TO AS IMMATERIAL ~~COURT~~ OBJECTION WITHDRAWN~~?~~.	[*space*] DID YOU EXPECT WHEN YOU CAME INTO THE TERRITORY LAST WEEK IN COMPANY WITH MR CROSS DEPUTY MARSHAL THAT YOU WOULD BE TRIED UPON THE INDICTMENT THEN PENDING AGAINST YOU FOR THE ACTS COMMITTED BY YOU AT MOUNTAIN MEADOWS IN UTAH? OBJECTED TO AS IMMATERIAL OBJECTION WITHDRAWN
A. I CANNOT, AS I	{**A**}[P] I CANNOT ~~≺~~SAY~~≻~~ AS I	A. I CANNOT SAY AS I	I CANNOT SAY AS I

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RT	RS	BT	PS
KNEW WHAT WAS GOING TO BE DONE; I CAME HERE TO SEE THE THING OUT, OR SEE MYSELF IN OR OUT — THAT IS WHAT I CAME HERE FOR. Q. I WILL ASK YOU A FEW MORE. WHAT PROMISE HAS BEEN MADE YOU ON BEHALF OF THE PROSECUTION HERE ? BASKIN OBJECTED TO THE FORM OF THE QUESTION, BECAUSE IT ASSUMES THINGS WITHOUT ANY FOUNDATION IN TRUTH. THE COURT RULED: ASK HIM IF THERE WERE PROMISES — IF THERE WERE PROMISE IT MUST HAVE BEEN MADE BY JUDGE	KNEW WHAT WAS GOING TO BE DONE; I CAME HERE TO SEE THE THING OUT OR SEE MYSELF IN OR OUT THAT IS WHAT I CAME HERE FOR. [*space*] {Q}[P]I WILL ASK YOU FEW MORE. {Q}[P]WHAT PROMISES HAVE BEEN MADE ON BEHALF OF THE PROSECUTION HERE ? BASKIN I OBJECT TO THAT FORM BECAUSE THEY ASSUME THINGS WITHOUT ANY FOUNDATION IN TRUTH. BY COURT ASK HIM IF THERE PROMISES. IF THERE PROMISES. IF THERE WERE PROMISE MADE IT MUST HAVE BEEN MADE EITHER BY MYSELF JUDGE	KNEW WHAT WAS GOING TO BE DONE; I CAME HERE TO SEE THE THING OUT, OR SEE MYSELF IN OR OUT; THAT IS WHAT I AM HERE FOR. Q. I WILL ASK YOU IF YOU AGREED — WHAT PROMISES HAVE BEEN MADE YOU ON BEHALD~~D~~F OF THE PROSECUTION HERE~~.~~**? M**[R] BASKIN: WE OBJECT TO THAT FORM OF QUESTION; BECAUSE THEY ASSUME THINGS WITHOUT ANY FOUNDATION OF TRUTH.	KNEW WHAT WAS GOING TO BE DONE I CAME HERE TO SEE THE THING OUT AND SEE MYSELF IN OR OUT THAT IS WHAT I AM FOR [*space*] WHAT PROMISES HAVE BEEN MADE ON BEHALF OF THE PROSECUTION HERE ~~≤~~BASKIN~~≥~~ OBJECTED TO THE FORM ~~CAREY [?] CAREY~~ IF WERE ANY PROMISES MADE ~~ON THE PART OF.~~ TO BIND PROSECUTION IT MUST HAVE BEEN MADE *[[10]]* BY MYSELF OR MR.

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RT	RS	BT	PS
BASKIN OR MR. WHEDON, ANY ONE ELSE HAS NO SUCH RIGHT	BASKIN OR MR. WHEDON NO ONE ELSE HAS SUCH RIGHTS BUT THOSE AND MYSELF. [*space*] BY BISHOP IT IS ABOUT THE FIRST TIME I EVER SAW OBJECTION COME IN THE MIDDLE OF A QUESTION PUTS HIS HAND IN HIS POCKET AND SAYS I HAVE PAPERS HERE I SUPPOSE GOING TO ASK HIM AGAIN HE IS NOTIFIED NOT TO ANSWER UNTIL AFTER PROSECUTION HAVE RIGHT TO OBJECT BY COURT THEY HAVE ONLY OBJECTED TO FORM. HE SPOKE ABOUT ~~≤~~HAVING~~≥~~ SOMETHING FURTHER BACK.		BASKIN OR MR. WHEDON WOULD LIKE TO HAVE THE QUESTION CONFINED TO US ~~WHAT PROMISES ≤~~IF ANY~~≥~~ ~~HAVE BEEN MADE ON THE PART OF THE PROSECUTION HERE OR ELSEWHERE~~

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RT	RS	BT	PS
			~~AND BY~~ WHOM [*space*]
Q. WHAT PROMISES HAVE BEEN MADE UPON THE PART OF THE PROSECUTION HERE OR ELSEWHERE TO INDUCE YOU TO TESTIFY, AND BY WHOM ? COURT: WHAT PROMISES IF ANY WERE MADE YOU — OR YOU CAN HAVE A RULING ON IT IN THAT SHAPE IF YOU DESIRE.	{Q}[P]WHAT PROMISES HAVE BEEN MADE ON PART OF PROSECUTION ~~<~~HERE OR~~>~~ ELSEWHERE TO INDUCE YOU TO TESTIFY AND BY WHOM?" BY COURT WHAT PROMISES IF ANY WERE MADE AND YOU CAN HAVE RULE ON IN THAT SHAPE IF YOU DESIRE.	Q. WHAT PROMISE~~WS~~ HAVE BEEN MADE TO YOU ON BEHALF OF THE PROSECUTION OR ELSEWHERE TO INDUCE YOU TO TESTIFY AND BY WHOM? COURT: WHAT PROMISES IF ANY WERE MA DE TO YOU; YOU CAN HAVE A RULING ON THE QUESTION IN THAT SHAPE IF YOU DESIRE.	WHAT PROMISES HAVE BEEN MADE ~~<~~ON THE~~>~~ BEHALF OF THE PROSECUTION HERE OR ELSEWHERE TO *THE*[?] INDUCE YOU TO TESTIFY AND BY WHOM?
	COURT OBJECTS TO THAT I THINK QUESTION IS NOT IN THE RIGHT SHAPE [*space*] BY HOGE RECORD ALREADY SHOWS HE SAID THERE WAS PROMISES COURT OBJECTED TO IT		OBJECTED TO ~~OBJECTION OVERRULED OBJECTION OF~~
Q. WHAT	PROSECUTION CONSENTED WITNESS MIGHT ANSWER. {Q}[P] WHAT	OBJECTION WITHDRAWN.	OBJECTION WITHDRAWN [*space*]

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RT	RS	BT	PS
PROMISES HAVE BEEN MADE ON BEHALF OF THE PROSECUTION HERE OR ELSEWHERE ? A. NONE AT ALL.	PROMISE HAVE BEEN MADE ON BEHALF OF PROSECUTION HERE OR ELSEWHERE {A}^{p} NONE AT ALL. I HAVE ONE MORE QUESTION UPON THAT POINT {Q}^{p}	A. NONE AT ALL.	**ANS** [*space*] NONE AT ALL [*space*]
[132] Q. WERE YOU NOT REQUIRED TO TESTIFY TO CERTAIN FACTS AND DID YOU NOT AGREE TO TESTIFY TO THEM IN CONSIDERATIO N OF BEING EXEMPTED FROM PROSECUTION ON THE INDICTMENT AGAINST YOU ? A. NO SIR. Q. DID YOU NOT STATE TO MR. CAREY UNITED STATES ATTORNEY	WERE YOU NOT REQUIRED TO TESTIFY TO CERTAIN FACTS AND DID YOU NOT AGREE TO TESTIFY TO THEM IN CONSIDERATIO N OF BEING EXEMPT FROM PROSECUTION ON THE INDICTMENT AGAINST YOU {A}^{p} NO SIR. Q DID YOU STATE TO MR. CAREY UNITED STATES ATTORNEY	Q. WERE YOU NOT REQUIRED TO TESTIFY TO CERTAIN FACTS AND DID YOU N~~T~~OT AGREE TO TESTIFY TO THEM IN CONSIDERATIO N FOR BEING **EXEMPTED** FROM PROSECUTI~~O~~N ON THE INDICTMENT AGAINST YOU? A. NO, SIR. Q. DID YOU NOT STATE TO MR. CAREY, THE UNITED STATES ATTORNEY**,**	WERE YOU NOT REQUIRED TO TESTIFY TO CERTAIN FACTS AND DID YOU NOT AGREE TO TESTIFY TO THEM IN CONSIDERATIO N OF BEING EXEMPTED FROM PROSECUTION ON THE INDICTMENT AGAINST YOU? NO SIR [*space*] DID YOU NOT STATE TO MR. CAREY THE UNITED STATES ATTORNEY THAT YOU
WHAT YOU COULD TESTIFY TO PREVIOUS TO HIS ENTERING A NOLLE IN YOUR CASE, OR IN HIS PRESENCE ? A. I MIGHT HAVE SAID THAT	WHAT YOU COULD TESTIFY TO PREVIOUS TO HIS ENTERING THE NOLLE IN YOUR CASE OR IN HIS PRESENCE {A}^{p} I MIGHT HAVE SAID THAT	WHAT YOU COULD TESTIFY TO PREVIOUS TO HIS ENTRING THE NOLLE IN HIS CA~~W~~SE OR IN HIS PRESENCE? A. I MIGHT HAVE STATED THAT	~~≤~~WHAT YOU~~≥~~ COULD TESTIFY TO PREVIOUS TO HIS ENTERING THE NOLLE IN YOUR CASE OR IN HIS PRESENCE? I MIGHT HAVE SAID THAT

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RT	RS	BT	PS
TO SOMEBODY —I MIND MR. KAREY HERE AS THE ATTORNEY. Q. DID YOU NOT CONVERSE WITH HIM FULLY CONCERNING THE MOUNTAIN MEADOWS MASSACRE AND TELL HIM ALL YOU KNEW ABOUT IT AFTER YOU ARRIVED IN BEAVER THIS TIME AND BEFORE YOU WERE PLACED UPON THE WITNESS STAND ? A. I SAY YES. Q. WHAT PROMISES IF ANY WERE MADE TO YOU IN NEVADA OR CALIFORNIA, TO INDUCE YOU TO COME HERE AND TESTIFY. BISHOP: I WILL STRIKE OFF THE WORD 'TESTIFY'	TO SOMEBODY I MEAN{*}[p] MR. CAREY HERE UNITED STATES ATTORNEY DID YOU NOT CONVERSE MORE FULLY CONCERNING MOUNTAIN MEADOW MASSACRE {AND}[p] TELL HIM ALL YOU KNEW ABOUT IT AFTER YOU ARRIVED IN BEAVER THIS TIME AND BEFORE YOU WERE PLACED UPON WITNESS STATED, {A}[p] I SAY YES. Q WHAT PROMISES IF ANY WERE MADE TO YOU IN NEVADA OR CALIFORNIA TO INDUCE YOU TO COME HERE AND TESTIFY I WILL STRIKE OFF THE WORD TESTIFY *[20]* BY COURT ANY OBJECTION TO	TO SOMEBODY. Q. I MEAN MR. CAREY, THE UNITED STATES ATTORNEY HERE? DID YOU NOT HAVE A CONVERSATION W ITH HIM FULLY CONCERNING THE MOUNTAIN MEADOW MASASACRE AND TELL HIM ALL ABOUT IT AFTER YOU ARRIVED IN BEAVER *[I07]* THIS TI ~~E~~ME AND BEFORE YOU WERE PLACED UPON THE WITNESS STAND? A. I SAY YES. Q. WHAT PROMISES , IF ANY, WERE MADE TO YOU IN NEVADA OR CALIFORNIA, TO INDUCE YOU TO COME HERE TO TES~~I~~TIFY? **OBJECTED TO.** **M[R]** BISHOP: I WILL STRIKE O F THE WORD "TESTIFY."	TO SOMEBODY [*space*] I MEAN MR. CAREY UNITED STATES ATTORNEY DID YOU NOT CONVERSE WITH HIM FULLY CONCERNING MOUNTAIN MEADOW MASSACRE AND TELL HIM ALL YOU KNEW ABOUT IT AFTER YOU ARRIVED IN BEAVER THIS TIME AND BEFORE YOU WERE PLACED UPON WITNESS STAND? I SAY YES. WHAT PROMISES IF ANY WERE MADE TO YOU IN NEVADA OR CALIFORNIA TO INDUCE YOU TO COME ~~≤~~HERE~~≥~~ ~~*TESTIFY*~~[?] ?

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RT	RS	BT	PS
A. THERE WA~~C~~S NO PARTICULAR ASSURANCE HELD OUT TO ME. I WAS REQUESTED TO COME FORTH TO THIS COUNTRY; IF I WAS REQUIRED TO TESTIFY ON WHATEVER MIGHT COME UP. Q. YOU SAY YOU HAVE PAPERS; CONCERNING THIS MATTER — WHAT PAPERS DO YOU REFER TO ? BASKIN: THAT IS GOING AWAY BEYOND ALL RULES. Q. WHAT PAPERS DO YOU	QUESTION IN THAT SHAPE. BASKIN I THINK WE WILL HAVE NO OBJECTION LET QUESTION BE ASKED. {A}[P] SMITH [*space*] THERE WAS NO PARTICULAR ASSURANCE HELD OUT TO ME I WAS REQUESTED TO COME COME FORTH TO THIS COUNTY FOR I WAS REQUIRED TO TESTIFY ON WHATEVER MIGHT COME UP. ? YOU SAY YOU HAVE PAPERS CONCERNING THIS MATTER ? WHAT PAPERS DID YOU REFER TO BASKIN THAT IS GOING WAY BEYOND ALL RULES OF COURTS HOWEVER {HE}[P] JUST ONE MOMENT BY BASKIN WILL LET IT GO FOR THE PRESENT. {Q}[P] WHAT PAPERS DO YOU	A. THERE WAS NO PARTICULAR ASSURANCES HELD OUT TO ME, BUT I WAS REQUESTED TO COME FORTH TO THIS COU~~N~~RT; IF I WAS REQUIRED TO TESTIFY OR WHATEVER MIGHT COME UP. THAT IS ALL I KNOW A BOUT IT. Q. YOU SAY YOU HAVE PAPERS CONCERNING THIS MATTER? WHAT PAPERS DO YOU REFER TO?	THERE WAS NO PARTICULAR ASSURANCES HELD OUT TO ME BUT I WAS REQUESTED TO COME AND CAME FORTH TO THIS COUNT FOR I WAS REQUIRED TO TESTIFY ON WHATEVER MAY COME UP THAT IS ALL I KNOW ABOUT IT YOU SAY THAT YOU HAVE PAPERS CONCERNING THIS MATTER WHAT PAPERS DO YOU REFER TO? ~~OBJECTED TO~~

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RT	RS	BT	PS
REFER TO ? WIT.: DO YOU WANT TO SEE THE PAPERS ? BISHOP: I DO. *[133]* SMITH HANDED THE PAPERS TO THE PROSECUTION FIRST TO EXAMINE THEM.	REFER TO? DO YOU WANT TO SEE THE PAPERS BY BISHOP I DO. SMITH HANDED PAPERS TO PROSECUTION FIRST WHO EXAMINED THEM.	A. DO YOU WANT TO SEE THE PAPERS? Q. YES, I DO. ~~W(~~ - (WITNESS HANDS PAPERS TO MR. BISHOP)	DO YOU WANT TO SEE THE PAPERS? I DO (WITNESS HANDS THEM OVER TO MR. BISHOP [*space*] ~~BISHOP WE ASK LEAVE TO HAVE THAT FILED AS TESTIMONY~~
DEFENSE ASKED THE COURT TO HAVE THEM FILED AS TESTIMONY	BY BISHOP WE'LL ASK LEAVE TO HAVE THAT FILED AS TESTIMONY PROSECUTION [*space*] BISHOP IF YOUR HONOR PLEASE	**M**$^{\underline{R}}$ BISHOP: WE ASK LEAVE TO HAVE	[*space*] BISHOP WE ASK THAT A
	COPY OF THAT LETTER BE FILED AS TESTIMONY IN THIS CASE AS ~~ONE OF THE REASONS WHY~~ TO SHOW REASON WHY HIS PARTY IS HERE WANT ONE OF THE ORIGINAL ON FILE AND COPY.	THAT LETTER FILED WITH THE TESTIMONY AS HIS TESTIMONY IN THIS CASE, AND TO SHOW THE REASON WHY THIS PAR~~T~~Y IS HERE. WE OFFER THE ORIGINAL AND FILE THE COPY.	COPY OF THAT LETTER BE FILED WITH THE TESTIMONY AND AS TESTIMONY IN THIS CASE ~~AS~~ — [?] *[[11]]* TO SHOW THE REASON WHY THIS PARTY IS HERE [*space*] WE OFFER THE ORIGINAL AND FILE THE COPY. [*space*] ~~<~~OBJECTED TO~~>~~
	BASKIN BEFORE THEY CAN HAVE COPY THEY	**M**$^{\underline{R}}$ BASKIN : BEFORE THEY CAN OFFER THAT THEY	BASKIN BEFORE THEY OFFER THAT THEY

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RT	RS	BT	PS
	WILL HAVE TO PROVE THAT IS THE SIGNATURE OF GEORGE **C** BATES AND PROVE HE WAS THE PROSECUTOR AUTHORIZED TO WRITE SUCH A LETTER HE WAS NOT PROSECUTOR AT THAT TIME. THEN AGAIN THIS IS WRITTEN THAT LETTER IS BY ONE OF THE ATTORNEYS AT RECORD ON THIS BAR WHILE HE MAY NOT HAVE BEEN ATTORNEY FOR DEFENDENT I THINK HE WAS ATTORNEY FOR SOME OF DEFENDANTS IMPLICATED BECOMES UNITED STATES ATTORNEY WAS	WILL HAVE TO PROVE THA**T** THAT IS THE SIGNATURE OF GEORGE C. BATES, AND PROVE THAT HE WAS THE PROSSECUTING ATTORNEY , AND ~~T~~HI~~H~~AD THE AUTHORITY TO WRITE SUCH A LETTER. HE WAS NOT THE PROSECUTOR AT THAT TIME. THEN AGAIN THIS IS WRITTEN BY ONE OF THE ATTORNEYS OF RECORD WHO MAY NOT HAVE BEEN THE ATTORNEY AT THAT TIME.	WILL HAVE TO ~~OFFER~~ PROVE THE SIGNATURE OF GEORGE **C** BATES AND THAT HE WAS THE PROSECUTING OFFICER AND HAD AUTHORITY TO WRITE SUCH A LETTER AND NOT ONLY THAT [*space*] HE WAS NOT PROSECUTOR AT THAT TIME. THEN AGAIN THIS IS —[?] WRITTEN BY ONE OF THE ATTORNEYS OF RECORD ~~OF THIS~~ TO THE DEFENDANT AND WHILE HE ~~MIGHT HAVE BEEN~~ MIGHT NOT HAVE BEEN THE ATTORNEY OF THAT PARTY AT THAT TIME HE MIGHT HAVE BEEN ATTORNEY TO SOME OF THOSE PARTIES IMPLICATED.

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RT	RS	BT	PS
	NOT IN TERRITORY TO PROSECUTE LETTER WRITTEN IN 1871 BY ONE OF THE ATTORNEYS OF THIS PRISONER AT THE TIME WHEN HE HAD NO AUTHORITY OR CONTROL ON PROSECUTION IF HE ACTED IN ANY CAPACITY BESIDES IT WAS A LETTER MADE LONG BEFORE THIS PROSECUTION AND IT WAS NOT ADDRESSED TO THIS PROSECUTING ATTORNEY. [*space*] BY HOGE *NS*[?] WAS PROSECUTING ATTORNEY OF THIS TERRITORY AT THE TIME THAT LETTER WAS WRITTEN.	THE LETTER WAS WRITTEN IN '7I, BY ONE OF THE ATTORNEYS **OF** ~~TO~~ THIS PERSON. NOW, THE ATTORNEY AT THE TIME HAD NO A~~T~~UTHORITY OR CONTROL~~L~~ OF THE PROSECUTION AND **THE LETTER** WAS MADE LONG BEFORE THIS INDICTMENT WAS MADE. IT WAS NOT ADDRESSED TO HIM . **M**$^{\underline{\mathbf{R}}}$ HOGE: AT THE TIME THE LETTER WAS **W**RITTEN**,** HE WAS UNITED STATES ATTORNEY IN	LETTER WRITTEN IN 1871 BY ONE OF THE ATTORNEYS OF THIS PRISONER NOW THE ATTORNEY AT THE TIME WHEN HE HAD NO AUTHORITY OR CONTROL OF THE PROSECUTION. AND WAS MADE ~~BISHOP~~ LONG BEFORE THIS INDICTMENT WAS MADE AND IT WAS NOT ADDRESSED TO HIM. HOGE AT THE TIME THAT LETTER WAS WRITTEN THAT THE UNITED STATES ATTORNEY

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RT	RS	BT	PS
		THIS TERRITORY AND	~~*D/T*[?] WAS PROSECUTOR~~
	PRACTICING AT THAT TIME. WRITTEN DURING THAT TIME AFTER IT WAS WRITTEN	PRACTI~~SE~~CING AT THAT TIME; AFTER IT WAS WRITTEN	HAD THE RIGHT OF PROSECUTING OFFICER. IT WAS WRITTEN AT THE TIME
	HE WAS OFFICER DE FACTO PERFORMING FUNCTIONS OF OFFICE MR. CAREY IS PERFORMING BY COURT I DO NOT THINK OUGHT TO BE ADMITTED UNDER ANY CIRCUMSTANCE S. ~~WE'LL~~ BY BISHOP WE'LL TAKE AN EXCEPTION. [*space*] MR. SMITH BY COURT IF YOU ARE LIKELY TO FINISH WE'LL GO ON IF NOT — [?] ADJOURN OVER THEN IT WILL TAKE US SOME TIME YET MARSHALL	HE WAS OFFICER <u>DE FAC</u>TO, AND PERFORMING THE FUNCTIONS OF **THE** OFFICE MR. CAREY IS NOW P~~R~~ERFORMIN~~F~~G. *[108]* COURT: I DON'T THINK IT OUGHT TO BE ADMITTED UNDER ANY CIRCUMSTANCE S. EXCEPTION TO THE RULING OF THE COURT.	THAT HE WAS THE OFFICER DE FACTO OF OFFICE THAT CAREY HAS NOW. [*space*] COURT I DON'T THINK IT OUGHT SHOULD BE ADMITTED UNDER ANY CIRCUMSTANCE S. ~~<~~OBJECTION SUSTAINED~~>~~ GIVE EXCEPTION [*space*]
COURT ADJOURNED UNTIL TO-MORROW	ADJOURNED COURT UNTIL ~~TOMORROW~~	COURT ADJOURNED TILL	COURT ADJOURNED UNTIL

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RT	RS	BT	PS
MORNING AT NINE O'CLOCK.	≺MONDAY≻ MORNING 9 **OCLOCK** [*space*]	MONDAY MORNING AT 9'O8CLOCK. ——— ———000————	MONDAY MORNING 9'O CLOCK [*space*]
	*[21]*180		
MONDAY, JULY 26TH, 1875. 9 A.M.	**MONDAY JULY 26 1875 9:07 AM**	MONDAY**,** ~~;~~ JULY 26TH ~~;~~ I875.	**MONDAY 26, 75** [*space*]
COURT MET PURSUANT TO ADJOURNMENT.		COURT MET PURSUANT TO ADJOURNMENT.	
	NAMES OF JURYMEN CALLED ALL PRESENT [*space*]		JURY CALLED ALL PRESENT [*space*]
		CROSS EXAMINATION OF K SMITH CONTINUED	
Q. MR. SMITH WHAT PLACE DID YOU RESIDE AT IMMEDIATELY PREVIOUS TO YOUR STARTING FOR THIS PLACE ——— WIT.: DO YOU MEAN	MR. SMITH WHAT PLACE DID YOU RESIDE AT IMMEDIATELY PREVIOUS TO YOUR STARTING FOR THIS PLACE? DO YOU MEAN	Q. MR . SMITH, WHAT PLACE DID YOU RESIDE AT IMMEDIATELY PREVIOUS TO YOUR STARTING TO THIS PLACE~~A,~~? A. DO YOU MEAN NOW, AT PRESENT, ON	WHAT PLACE DID YOU RESIDE AT IMMEDIATELY PREVIOUS TO YOUR STARTING FOR THIS PLACE [*space*] NOW YOU MEAN AT PRESENT
COMING HERE. Q. WHERE WAS YOU WHEN THE OFFICER FOUND YOU — MR. CROSS, THE	COMING HERE {A}P WHERE WAS YOU WHEN OFFICER FOUND YOU MR. CROSS ≺THE	COMING HERE? Q. WHERE WERE YOU WHEN THE OFFICER~~S~~ FOUND YOU, MR. CROSS~~?~~ ~~THE~~	COMING HERE [*space*] WHERE WAS YOU WHEN THE OFFICER FOUND YOU MR. CROSS

180. On the verso of page 21, in ink: Q AS A BISHOP OF THE CHURCH *DIDN'T*[?] YOU CONSIDER YOURSELF RESPONSIBLE FOR ALL THE PROPERTY PLACED IN YOUR CHARGE NOT OF THAT KIND I NEVER BEFORE OR SINCE.

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RT	RS	BT	PS
DEPUTY MARSHAL ? A. SAN BARNARDINO COUNTY, TWENTY FIVE MILES WEST OF FORT MOJAVE. Q. HOW FAR IS THAT POINT FROM PIOCHE, LINCOLN COUNTY, NEVADA ? A. IT IS IN THE NEIGHBORHOOD OF THREE HUNDRED MILES. Q. HOW LONG DID YOU RESIDE AT THAT PLACE OR IN THAT VICINITY ? A. I HAVE BEEN IN THAT VICINITY PROSPECTING AND MININFG SINCE LAST SEPTEMBER — NOT JUST AT THAT PLACE OR THAT MINE — BUT IN THAT COUNTRY AROUND WHERE MR. CROSS AND PARTY	DEPUTY MARSHAL≥ SAN BERNARDINO COUNTY 3525 MILES WEST OF FORT MOJAVE. Q HOW FAR ≤IS THAT≥ POINT FROM PIOCHE LINCOLN COUNTY NEVADA {A}PIT IS IN THE NEIGHBORHOOD OF 300 MILES SIR Q HOW LONG DID YOU RESIDE AT THAT PLACE OR IN THAT VICINITY {AHAD}P BEEN THAT VICINITY PROSPECT MINING SINCE LAST SEPTEMBER, NOT JUST AT THAT PLACE OR THAT MINE BUT IN THAT COUNTRY AROUND. {A}P WHERE MR. CROSS AND PARTY	DNEPUTY UNITED STATES MARSHAL? A. INSAANBARNAR DINO COUNTY, 25 MILES WEST OF FORT MOHAVOVVE MOHAVE. Q. HOW FAR IS THAT POINT FROM PIOCHE, LINCOLN COUNTY, NEVADA? A. IT IS NIN THE NEIGHBORHOOD OF 300 MILES. Q. HOW LONG DID YOU RESIDE IN THA T PLACE OR IN THAT VICINITY? A. I HAVE BEEN IN THAT VICINITY PROSPECTING AND MINING SINCE THE LAST OF SEPTEMBER; NOT JUST AT THAT PLACE, ON THAT MINE, BUT IN THAT COUNTRY AROUND THERE. Q. THIS PLACE WHERE MR. CROSS, OR THIS PARTY	DEPUTY MARSHAL IN SAN BERNARDINO COUNTY 45 MILES WEST OF FORT MOHAVE. [*space*] HOW FAR IS THAT POINT FROM PIOCHE LINCOLN COUNTY NEVADA IT IS IN THE NEIGHBORHOOD OF 300 MILES [*space*] HOW LONG DID YOU RESIDE AT THAT PLACE OR IN THAT VICINITY I HAVE BEEN IN THAT VICINITY PROSPECTING AND MINING SINCE LAST SEPTEMBER [*space*] NOT JUST AT THAT PLACE IN THAT MINE BUT IN THAT COUNTRY AROUND *[[12]]* THIS PLACE WHERE MR. CROSS OR THIS PARTY

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RT	RS	BT	PS
FOUND ME. Q. WAS NOT YOU THEN THERE LAST SPRING — THE 23RD DAY OF MARCH ? BASKIN OBJECTED AS TO THE RELEVANCY OF THAT QUESTION. Q. HOW LONG SINCE YOU RESIDED ON THE RANCH YOU SPEAK OF AS TWENTY FIVE MILES SOUTHERLY FROM PIOCHE AT THE PLACE GENERALLY KNOWN AS DUTCH FLAT ? A. ∈ I SAID BEFORE ABOUT FIVE YEARS. Q. I THINK YOU MISUNDERSTAN D ME. — HOW LONG SINCE YOU LAST RESIDED THERE — THE LAST TIME ? A. I WAS THERE MYSELF ABOUT A YEAR	FOUND ME {Q}P WAS NOT YOU FOUND *STRUCK/SK/SSK*[?] SPRING 23D OF MARCH. BASKIN I CAN NOT SEE RELEVANCE OF THAT TESTIMONY. QHOW LONG SINCE YOU RESIDED ON RANCH YOU SPOKE OF AS 22 MILES SOUTHERLY FROM PIOCHE AT THE PLACE GENERALLY KNOWN AS DUTCH FLAT {A}P I SAID BEFORE ABOUT 5 YEARS. QI THINK YOU MISUNDERSTAN D ME; HOW LONG SINCE YOU LAST RESIDED THERE LAST TIME {A}P WAS THERE MYSELF ABOUT YEAR	FOUND YOU; WASN'T YOU FOUND THERE LAST SPRING? A. THE 23RD OF MARCH. **M**R BASKIN: I CANNOT S**E**E THE RELEVANCY OF THAT TESTIMONY. Q. HOW LONG SINCE YOU LA~~X~~ST RE∈SIDED ON THE RANCH YOU SPOKE OF AS BEING 22 MILES SOUTHERLY FROM PIOCHE, AT THE PLACE GENERALLY KNOWN AS DUTCH FLAT. A. I STATED BEFORE ABOUT FIVE YEARS AS NEAR AS I CAN RECOLLECT. Q. I THINK YOU MISUNDERSTAN D ME. HOW LONG SINCE YOU LAST RESIDED THERE — LAST TIME? A. ABOUT A YEAR	FOUND ME WAS A NEW MINE I *STRUCK*[?] THIS SPRING THE 23RD OF MARCH BASKIN I CANNOT SEE THE RELEVANCY OF THAT TESTIMONY [*space*] HOW LONG ~~DID YOU~~ ≤SINCE YOU LAST≥ RESIDED ON THE RANCH YOU SPOKE OF 22 MILES SOUTHERLY FROM PIOCHE AT THE PLACE GENERALLY KNOWN AS DUTCH FLAT I STATED BEFORE ABOUT FIVE YEARS AS NEAR AS I CAN RECOLLECT [*space*] I THINK YOU MISUNDERSTAN D ME ABOUT A YEAR

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RT	RS	BT	PS
LAST JULY — NEAR A YEAR IT MIGHT *[134]* HAVE BEEN.	LAST JULY NEAR A YEAR [*space*]	LAST JULY.	LAST JULY
		I WAS DOWN AT THE LOWER COUNTRY. *[109]* Q. TWO YEARS THIS JULY DO YOU MEAN? A. NO, ~~A~~SIR; ABOUT A YEAR WHEN I CAME BACK. Q.	I WAS DOWN AT THE LOWER COUNTRY [*space*] ~~<~~TWO YEARS THIS JULY DO YOU MEAN NO SIR~~>~~ ~~2 YEARS A YEAR~~ ABOUT A YEAR WHEN I CAME BACK
Q. AT THAT PLACE YOU CALL 'HOME' DURING THAT YEAR OR HAD YOU BEEN ABSENT ALL THE TIME ? A. ALL THE TIME ABSENT. Q. YOU SAY THAT THINGS WERE PUT IN THE CELLAR OF THE TITHING HOUSE BY YOU AND OTHERS ~~B~~ AND THAT THEY WERE THE GOODS	HAD YOU BEEN ~~Q~~AT THAT PLACE YOU CALL HOME DURING THAT YEAR OR HAD YOU BEEN ABSENT ALL THE TIME {~~A~~}[p] ALL THE TIME ABSENT. ~~Q~~YOU SAY GOODS WERE PUT IN CELLAR OF THE TITHING HOUSE BY YOU AND OTHERS AND THAT THEY WERE GOODS THAT	HAD YOU BEEN ~~T~~AT THAT PLACE THA T YOU CALL HOME DURING THAT YEAR; OR HAD YOU BEEN ABSENT ALL THE T IME? A. ALL THE TIME ABSENT. Q. YOU SAY THAT THE GOODS WERE PUT IN THE CELLAR OF THE TITHING HOUSE BY YOU AND OTHERS AND THAT THEY WER~~D~~**E** ~~D~~GOODS THAT	HAD YOU BEEN AT THAT PLACE THAT YOU CALL HOME DURING THAT YEAR OR HAD YOU BEEN ABSENT ALL THE TIME ALL THE TIME ABSENT YOU SAY THAT GOODS WERE PUT IN THE CELLAR IN THE TITHING HOUSE BY YOU AND OTHERS AND THAT THEY WERE
DELIVERED YOU AT IRON SPRINGS — AND THAT YOU BRANDED THE CATTLE — NOW DESCRIBE THE CHARACTER OF	WERE DELIVERED YOU AT IRON SPRINGS AND THAT YOU BRANDED THE CATTLE, NOW DESCRIBE CHARACTER OF	WERE DELIVERED TO YOU AT IRON SPRINGS, OR WHERE YOU BRANDED THE CATTLE. NOW DESCRIBE THE CHARACTER OF	GOODS THAT WERE DELIVERED TO YOU AT IRON SPRINGS OR WHERE YOU BRANDED THE CATTLE NOW DESCRIBE THE CHARACTER OF

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RT	RS	BT	PS
THE THINGS AND THE AMOUNT OF THEM YOU PLACED IN THE TITHING CELLAR AS THE GOODS TAKEN FROM THAT EMIGRANT TRAIN ? A. I COULD NOT DESCRIBE THEM ALL. THERE WAS SOME CLOTHING AND TRAPS AND ONE THING AND ANOTHER BELONGING TO THE WAGONS PUT IN THERE — I DISREMEMBER HOW MUCH. Q. WHAT DID YOU DO WITH THE WAGON COVERS ? A. I DIDN'T HAVE ANY AS I KNOW OF. I DON'T RECOLLECT OF HAVING ANY WAGON COVERS IN MY .POSSESSION. Q. WHEN YOU PASSED THE	THE GOODS AND THE AMOUNT {OF}^{p} THEM YOU PLACE IN TITHING CELLAR AS GOODS TAKEN FROM THAT EMIGRANT TRAIN $\{_{A}\}^{p}$ I COULD NOT DESCRIBE THEM ALL THERE WAS CLOTHING SOME TRAPS AND ONE THING AND ANOTHER BELONGED WAGONS PUT IN THERE, I DISREMEMBER HOW MUCH $_{Q}$WHAT DID YOU DO WITH WAGON COVERS $\{_{A}\}^{p}$ I DIDN'T HAVE ANY AS I KNOW OF I DON'T RECOLLECT OF HAVING ANY WAGON COVERS IN MY POSSESSION. $_{Q}$ WHEN YOU PASSED	THE GOODS AND THE AMOUNT OF THEM THAT YOU PLACED IN THE TITHING CELLAR , ~~AND~~ AS THE GOODS **WERE** TAKEN FROM THAT EMIGRANT TRAIN? A. I COULD NOT DESCRIBE THEM ALL; THERE WAS SOME CLOTHING, SOME TRAPPS— ONE THING OR ANOTHER BELONGING TO THE WAGONS, AND PUT IN THERE , BUT I DISREMEMBER HOW MUCH — I DISREMEMBER. Q. WHAT DID YOU DO WITH THE WAGON COVERS? A. I DIDN'T HAVE ANY AS I KNOW OF; I DON'T ~~H~~RECOLLECT OF HAVING ANY WAGON COVERS IN MY POSSESSION. Q. WHEN YOU PASSED THE	THE GOODS AND THE AMOUNT OF THEM THAT YOU PLACED IN THE TITHING CELLAR AS GOODS TAKEN FROM THAT EMIGRANT TRAIN I COULD NOT DESCRIBE THEM ALL ~ SOME CLOTHING SOME TRAPS AND ONE THING OR ANOTHER THAT WAS PUT IN THERE BUT ALL ABOUT IT I DISREMEMBER AND —[?] I DISREMEMBER [*space*] WHAT DID YOU DO WITH THE WAGON COVERS I DIDN'T HAVE ANY AS I KNOW OF~ I DON'T RECOLLECT OF ANY WAGON COVERS THAT I HAD IN MY POSSESSION. WHEN YOU PASSED THE

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RT	RS	BT	PS
EMIGRANT TRAIN ON YOUR WAY FROM CEDAR CITY OUT TO PINTO OR PAINTER CREEK DID THE WAGONS HAVE COVERS ON THEM ? A. THEY APPEARED TO BE COVERED. WHEN WE PASSED BACK WE MET THEM FROM PINTO CREEK. Q. DID THEY HAVE COVERS UPON THE WAGONS AT THE TIME THE ATTACK WAS MADE ? A. I DIDN'T SEE THAT — WAS NOT DOWN TO THE WAGONS. Q. WERE YOU IN SIGHT OF THE WAGONS AS THEY STOOD IN THE CORRALL, OR STOOD IN POSITION FORMING THE CORRALL AT ONE TIME ? A. I CANNOT SAY. THERE WAS A	EMIGRANT TRAIN ON YOUR WAY FROM CEDAR CITY OUT TO PINTO OR PAINTER CREEK, DID THE WAGONS HAVE COVERS ON THEM {A}P APPEARED TO BE COVERED. WHEN WE PASSED BACK WE MET 'EM FROM PINTO CREEK. QDID THEY HAVE THEIR COVERS UPON WAGONS AT THE TIME ATTACK WAS MADE ≤UPON THE TRAIN≥ {A}P I DIDN'T SEE THAT WAS NOT DOWN TO WAGONS. Q WERE YOU IN {EYE}P SIGHT OF THE WAGONS AS THEY STOOD IN CORRAL OR STOOD IN POSITION FORMING CORRAL AT ANY TIME {A}PI CANNOT SAY THE	EMIGRANT TRAIN ON YOUR WAY OVER FROM CEDAR CITY OUT TO PINTO OR PAINTER CREEK, DID THE WAGONS HAVE COVERS ON THEN? A. THEY APPEARED TO BE COVERED WHEN **I** ~~WE~~ PASSED BACK~~;~~ ~~WE~~ & MET THEM FROM PINTO CREEK. Q. DID THEY HAVE THEIR COVERS UPON THEIR WAGONS A T THE TIME THE ATTACK WAS MADE UPON THE TRAIN? A. I DIDN'T SEE THAT; I WAS NOT DOWN TO THE WAGONS. Q. WERE YOU IN SIGHT OF THE WAGONS AS THEY STOOD IN THE CORRAL OR STOOD IN POSITIO~~H~~N FORMING THE CORRAL AT ANY TIME? A. I CAN'T SAY~~;~~ I COULD SEE THE	EMIGRANT TRAIN ON YOUR WAY FROM CEDAR CITY OUT TO PINTO OR PAINTER CREEK DID THE WAGONS HAVE COVERS ON THEN THEY APPEARED TO BE COVERED WHEN I CAME BACK AND MET THEM FROM PINTO DID THEY HAVE COVERS ON THEIR WAGONS AT THE TIME THE ATTACK WAS MADE UPON THE TRAIN I DIDN'T SEE THAT I WAS NOT DOWN TO THE WAGONS WERE YOU IN SIGHT OF THE WAGONS AS THEY STOOD IN THE CORRAL OR STOOD IN POSITION FORMING THE CORRAL ≤AT ANY TIME≥ I *WAS*[?] I COULD SEE THE

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RT	RS	BT	PS
CORRALL OFWAGONS A LITTLE WAYS BELOW *[135]* WHERE WE WAS. Q. WERE THESE COVERED OR NOT ? A. I COULD NOT SAY POSITIVELY, BUT I THINK THEY WAS. Q. CAN'T YOU SAY POSITIVELY THEY WERE NOT ? A. I COULD NOT TELL YOU EITHER WAY. Q. I WISH TO GET YOU TO SAY HOW FAR THESE WAGON BEDS WERE APART OR SOLID PARTS OF WAGONS OR COVERED OR NOT ? A. IT SEEMED LIKE A BODY OF CORRALLED WAGONS. Q. WITH OR WITHOUT	CORRAL OF WAGONS LITTLE WAYS BELOW WHERE WE WAS. Q WERE THESE COVERED OR NOT AI COULD NOT TELL YOU POSITIVELY BUT WHAT THEY WAS. CAN YOU SAY POSITIVELY THEY WERE NOT AI COULD NOT TELL YOU EITHER WAY. QWHICH COULD YOU SEE FARTHEST WAGON BED WHEELS SOLID PARTS OF WAGON OR THE COVER {A}p IT SEEMED LIKE BODY OF CORRALLED WAGONS Q WITH OR WITHOUT	CO RRAL AND WAGONS A LITTLE WAY BELOW ~~S~~WHERE WE WA~~W~~S. *[II0]* Q. WERE THESE WAGONS COVERED OR NOT? A. I COULD NOT TELLYOU P~~A~~OSITIVELY BUT WHAT THEY WA~~X~~S. Q . COULD YOU TELL ~~B~~ME POSITIVELY THAT THEY WERE NOT. A. I COULD NOT TELL POSITIVELY EITHER WAY. Q . WHICH COULD YOU SEE FARTHEST THE WAGON BED, WHE~~A~~ELS — SOL~~D~~ID PARTS OF THE WAGON OR THE COVER? A:. IT JUST LOOKED ~~K~~LIKE A BODY OF CORRALLED WAGONS. Q. WITH OR WITHOUT	CORRAL OF WAGONS LITTLE WAY BELOW WHERE WE WAS [*space*] WERE THESE WAGONS COVERED OR NOT I COULD NOT TELL YOU POSITIVELY [*space*] COULD YOU TELL ME POSITIVELY THAT THEY WERE NOT ~~NO~~ ~~<~~WELL~~>~~ I COULD NOT TELL EITHER WAY [*space*] WHICH COULD YOU SEE FARTHEST THE WAGON BED WHEELS SOLID PARTS OF THE WAGON OR COVER[181] IT JUST LOOKED LIKE A CORRAL OF WAGONS WITH OR WITHOUT

181. "WHICH COULD YOU SEE THE FARTHEST THE WAGON BED WHEELS SOLID PARTS OF THE WAGON OR COVER" is encircled in light pencil.

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RT	RS	BT	PS
COVERS ? A. I CANNOT SAY THAT THEY HAD — I CANNOT DESCRIBE IT. Q. WERE THERE ANY COVERS ON THESE WAGONS WHEN THE TRAIN WAS TURNED OVER TO YOU ? A. NONE. Q. HOW MANY BOLTS OF CLOTH DID YOU GET FROM THESE WAGONS — AND WHICH YOU TOOK TO THE TITHING CELLAR ? A. I SAW SOME LITTLE FRAGMENTS OF JEANS. Q. ABOUT HOW LARGE ? A. I COULD NOT TELL YOU HOW MANY YARDS. Q. DID YOU MAKE ANY MEMORANDUM ? A. I THINK NOT. Q. WAS NOT IT YOUR	COVERS ? $_{A}$I CANNOT SAY WITH AN OATH CANNOT DESCRIBE IT $_{Q}$WERE THERE ANY COVERS *[22]* ON THOSE WAGONS WHEN ≤THAT TRAIN APPEARED≥ TURNED OVER TO YOU $\{_{A}\}^{p}$ NONE. $_{Q}$HOW MANY BOLTS OF CLOTH DID YOU GET FROM THOSE WAGONS AND $\{WHICH\}^{p}$ YOU TOOK TO THE TITHING CELLAR $\{_{A}\}^{p}$ SAW SOME LITTLE FRAGMENTS OF JEANS $_{Q}$ ABOUT HOW LARGE $\{_{A}\}^{p}$ COULD NOT TELL YOU HOW MANY YARDS ≤I NEVER MEASURED IT≥. $_{Q}$DID YOU MAKE ANY MEMORANDUM $\{_{A}\}^{p}$I THINK NOT $_{Q}$WAS NOT IT YOUR	COVERS. A. I COULD NOT SAY — THAT I CAN'T DESCRIBE? Q. WERE THERE ANY COVERS UPON THESE WAGONS **AS** ~~WHEN~~ THAT TRAIN APPEARED TO YOU? A. NO, SIR. Q. HOW MANY BOLTS OF CLOTHING DID YOU GET FROM THESE WAGONS WHICH YOU TOO K TO THE TITHING CELLAR? A. I DIDN'T SEE ANY PARTICULAR PIECES OF CLOTHING; THERE WAS SOME LITTLE FRAGMENTS OF JEANS. Q. HOW MUCH? A. I COULD NOT TELL YOU BBE~~A~~CAUSE I NEVER MEASURED IT. Q. DID YOU MAKE ANY MEMORANDA? A. I THINK NOT. Q. WASN'T THAT YOUR	COVERS I COULD NOT SAY ANY COVERS ON THOSE WAGONS WHEN THEY WERE TURNED OVER TO YOU *[[13]]* NO SIR HOW MANY BOLTS OF CLOTH DID YOU GET FROM THOSE WAGONS I DIDN'T SEE ANY PARTICULAR BOLTS OF CLOTH THERE WAS SOME LITTLE FRAGMENTS OF JEANS ABOUT HOW MUCH I COULD NOT TELL YOU BECAUSE I NEVER MEASURED IT [*space*] DID YOU MAKE ANY MEMORANDA I DID NOT WAS IT NOT YOUR

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RT	RS	BT	PS
DUTY AS BISHOP, AND AS THE PARTY TO TAKE CHARGE OF THE PROPERTY, GOING INTO THE TITHING OFFICE TO TAKE AN ACCOUNT ? A. IT WAS NOT PUT IN MY CHARGE IN THAT WAY. Q. EXPLAIN HOW IT WAS ? A. I WAS SENT OUT THERE TO GET THEM AND I PILED THEM IN.	DUTY AS BISHOP AS THE PARTY TAKING CHARGE OF PROPERTY GOING INTO THE TITHING OFFICE TO TAKE AN ACCOUNT {A}p IT WAS NOT PUT IN MY CHARGE IN THAT WAY Q EXPLAIN HOW IT WAS A I WAS SENT OUT THERE TO GET 'EM AND ~~PILED~~ ≤PILE IT≥ THEM IN. [*space*]	DUTY AS BISHOP AT THAT **POINT** ~~POINT~~ AND AS THE PARTY ~~TO TAKE~~ **TAKING** CHARGE OF THE PROPERTY GOING INTO THE TITHING OFFICE TO TAKE AN ACCOUNT? A. IT WASN'T PUT IN MY CHARGE IN THAT WAY. Q. E~~D~~XPLAIN WHAT WAY— HOW IT WAS. A. I WAS SENT OUT TO GET THEM AND PILE IT IN THERE; **WITH** ~~WERE~~ THE ORDERS OF HAIGHT. THEY GOT THESE THINGS AND GOODS AND PUT THEM IN THE CELLAR.	DUTY AS BISHOP AT THAT *POINT/TIME*[?] AND AS THE PARTY TAKING CHARGE OF THE PROPERTY GOING INTO TITHING OFFICE TO TAKE AN ACCOUNT NOT PUT IN MY CHARGE IN THAT WAY EXPLAIN WHAT WAY I WAS SENT OUT TO GO ALONG AND PILE IT IN THERE WITH ORDERS OF HAIGHT [*space*] THEY GOT THESE THINGS AND GOODS AND PILE IT IN THE CELLAR
[136] Q. WHO HAD CHARGE OF THE PROPERTY BELONGING TO THE CHURCH KNOWS AS THE TITHING ? A. I HAD CHARGE OF THE PROPERTY — CHARGE OF THE.PROPERTY AROUND THERE, THE TITHING	Q WHO HAD CHARGE OF THE PROPERTY BELONGING TO THE CHURCH KNOWN AS TITH{ING A}p I HAD CHARGE OF PROPERTY CHURCH PROPERTY AROUND THERE TITHING	Q. WHO HAD CHARGE OF THE P~~E~~ROPERTY BELONGING TO THE CHURCH KNOWN AS THE TITHING?	WHO HAD CHARGE OF THE PROPERTY BELONGING TO THE CHURCH KNOWN AS THE TITHING I HAD CHARGE OF THE PROPERTY CHURCH PROPERTY AROUND THERE

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RT	RS	BT	PS
ETC. Q. WHO HAD THE RIGHT TO TAKE THE PROPERTY OUT OF THE TITHING HOUSE AFTER IT WAS ONCE PLACED THERE ; A. NOBODY HAD ANY RIGHT TO GO IN UNLESS THEY GOT ORDERS FROM ME OR HAIGHT WITH THE KEYS. Q. WHO KEPT THE KEY ? A. I KEPT THE KEY WHILE I WAS THERE. Q. HOW DID IT COME YOU PUT A LARGE AMOUNT OF PROPERTY THERE WITHOUT TAKING ANY MEMORANDUM OF IT ? A. I DIDN'T THINK IT WAS MY DUTY TO DO SO; DIDN'T WANT ~~T~~ ANYTHING TO DO	ETC. {Q}^{p} WHO HAD THE RIGHT TO TAKE PROPERTY OUT OF THE TITHING HOUSE AFTER WAS ONCE PLACED THERE {A}^{p} NOBODY HAD ANY RIGHT TO *GO IN/GET ANY*[?] UNLESS THEY GOT ORDERS FROM ME OR HAIGHT AND THE KEYS. $_{Q}$WHO KEPT THE KEY {A}^{p} I KEPT THE KEY WHILE I WAS THERE. $_{Q}$HOW DID IT COME YOU PUT LARGE AMOUNT OF PROPERTY THERE WITHOUT TAKING ANY MEMORANDUM OF IT {A}^{p} I DIDN'T THINK IT WAS MY DUTY TO DO SO, DIDN'T WANT ANYTHING TO DO	*[III]* A. NOBODY HAD THE RIGHT TO GET ANY UNLESS THEY GOT ORDERS FROM EITHER ME OR FROM HAIGHT OR A KEY. Q. WHO KEPT THE KEY? A. I KEPT THE KEY WHILE I WAS THERE. Q. HOW DID IT COME THAT YOU PUT A LARGE AMOUNT OF PROPERTY THERE WITHOUT TAKING ANY MEMORANDA OF IT.? A. I WASN'T TOLD TO DO IT; I DIDN'T THINK IT WAS MY DUTY TO DO SO? Q. WASN'T IT YOUR DUTY TO DO SO? A. I DIDN'T WAS~~N~~T ANYTHING TO DO WITH IT~~;~~,	WHO HAD THE RIGHT TO TAKE PROPERTY OUT OF THE TITHING HOUSE AFTER IT WAS ONCE PLACED THERE NOBODY HAD ANY RIGHT TO *GET ANY/GO IN*[?] UNLESS THEY GOT ORDERS FROM EITHER ME OR FROM HAIGHT AND THE KEY WHO KEPT THE KEY I KEPT THE KEY WHILE I WAS THERE HOW DID IT COME THAT YOU PUT A LARGE MASS OF PROPERTY THERE WITHOUT TAKING ANY *MEMORANDA*[?] OF IT I WASN'T TOLD TO DO IT WASN'T IT YOUR DUTY TO DO SO I DIDN'T WANT ANYTHING TO DO WITH IT

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RT	RS	BT	PS
			IN THAT LIGHT [*space*] NOTHING TO DO WITH THE MATTER AT ALL
WITH THE MATTER AT ALL — NOT ANY	WITH THE MATTER AT ALL NOT ANY	WITH THE MATTER AT ALL**,**	NOTHING
FURTHER THAN I WAS TOLD.	FURTHER THAN I WAS TOLD.	NOTHING FURTHER THAN I WAS TOLD. Q. YOU SAY YOU WANTED NOTHING TO DO WITH THE MATTER AT ALL? A. NOTHING FURTHER THAN I HAD TO DO**.** ~~A~~	FURTHER THAN I HAD TO DO [*space*]
Q. AS THE BISHOP OF THE CHURCH DIDN'T YOU CONSIDER YOURSELF RESPONSIBLE FOR ALL THE PROPERRTY PLACED IN YOUR CHARGE ? A. NOT OF THAT KIND ,	{Q}[p]AS BISHOP OF THE CHURCH DIDN'T YOU CONSIDER YOURSELF RESPONSIBLE FOR ALL THE PROPERTY PLACED IN YOUR CHARGE {A}[p]NOT OF THAT KIND {<}[i]	Q. AS BISHOP OF THE CHURCH DIDN'T YOU CONSIDER YOURSELF RESPONSIBLE FOR ALL THE PROPERTY P~~P~~LACED IN YOUR CHARGE? A. NOT OF THAT KIND. Q. HOW OFTEN HAD YOU PROPERTY OF THAT KIND PLACED IN YOUR CHARGE?	CONSIDER YOURSELF RESPONSIBLE FOR THE PROPERTY PLACED IN YOUR CHARGE [*space*] NOT OF THAT KIND HOW OFTEN HAD YOU PROPERTY OF THAT KIND PLACED IN YOUR CHARGE
I HAVE NEVER BEFORE OR SINCE HAD PROPERTY PLACED IN MY CHARGE OF THAT KIND.	I NEVER BEFORE OR SINCE HAVE HAD PROPERTY PLACED IN MY CHARGE OF THAT KIND.	A. NEVER BEFORE NO~~T~~**R** SINCE.	NEVER BEFORE NOR SINCE
Q. WHERE DID	[*space*] {Q}[p]WHERE DID	Q. WHERE DID	WHERE DID

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RT	RS	BT	PS
YOUR FAMILY RESIDE WHILE YOU HAVE BEEN OUT PROSPECTING ? A. IN DUTCH FLAT. Q. ANY PORTION OF YOUR FAMILY WITH YOU — THE PLACE SPOKEN OF AS THE LAST RESIDENCE ? A. ONLY ME ME, MYSELF. Q. WERE YOU A WITNESS BEFORE THE GRAND JURY WHICH FOUND THE INDICTMENT IN THIS CASE ? *[137]* A. I WAS NOT. Q. HAVE YOU EVER BEEN A WITNESS OR GIVEN TESTIMONY CONCERNING THIS MATTER IN THE TERRITORY OF UTAH PREVIOUS TO THE COMMENCEMEN T OF THIS TRIAL ? A. NO SIR. Q. YOU SAY IN THAT COUNTY WHERE YOU	YOUR FAMILY RESIDE WHILE YOU HAVE BEEN OUT PROSPECTING {A}[p]IN DUTCH FLAT. Q ANY PORTION OF YOUR FAMILY WITH YOU PLACE SPOKEN OF AS LAST RESIDENCE MY MINES NO SIR. QWERE YOU WITNESS BEFORE GRAND JURY THAT FOUND INDICTMENT IN THIS CASE {A}[p] I WAS NOT. QHAVE YOU EVER BEEN WITNESS OR GIVEN TESTIMONY CONCERNING THIS MATTER IN TERRITORY OF UTAH PREVIOUS COMMENCEMEN T OF THIS TRIAL. {A}[p] NO SIR. QYOU SAY IN THAT COUNTY WHERE YOU	YOUR FAMILY RESIDE WHILE YOU HAD BEEN ~~Y~~OUT PROSPECTING? A. IN DUTCH FLAT. Q. ANY PORTION OF YOUR FAMILY WITH YOU AT THE PLACE SPOKEN OF AS YOUR LAST RESIDENCE? A. AT MY MINES? Q. NO, SIR. WERE YOU A WITNESS BEFORE THE GRAND JURY THAT FOUND THE INDICTMENT IN TH~~A~~IS CASE? A. NO, SIR; I WAS NOT. Q. HAVE YOU E VER BEEN A WITNESS OR GIVEN TESTIMONY CONCERNING THIS MATTER IN THE TERRITORY OF ~~Y~~UTAH PREVIOUS TO THE COMMENCEMEN T OF THIS TRIAL? A. NO, SIR. *[112]* Q. YOU SAY IN **THE** COUNTRY WHERE YOU	YOUR FAMILY RESIDE WHILE ~~WENT~~ YOU HAVE BEEN OUT PROSPECTING ON DUTCH FLAT ANY PORTION OF YOUR FAMILY WITH YOU AT THE PLACE SPOKEN OF AS YOUR LAST RESIDENCE ~~≤~~AT MY MINES?~~≥~~ NO SIR WERE YOU A WITNESS BEFORE THE GRAND JURY THAT FOUND THE INDICTMENT IN THIS CASE I WAS NOT HAVE YOU EVER BEEN A WITNESS OR GIVEN TESTIMONY CONCERNING THIS MATTER IN THE TERRITORY OF UTAH PREVIOUS TO THE COMMENCEMEN T OF THIS TRIAL NO SIR THEN IN THAT COUNTRY WHERE YOU

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RT	RS	BT	PS
LIVED EVERYTHING WAS DONE BY VIRTUE OF PREVIOUS COUNSEL ? A. YES SIR. Q. YOU ALSO SAID THAT MANY A MAN HAD BEEN PUT OUT OF THE WAY AS YOU HAD BEEN INFORMED AND THAT THEY HAD BEEN PUT OUT OF THE WAY BY VIRTUE OF COUNSEL ? A. NO SIR. Q. STATE WHETHER YOU WERE OR WERE NOT PRESENT AT ANY COUNCIL WHEN PARTIES WERE ORDERED TO DRAW MEN OUT OF THE WAY ? A. I WAS NOT, NEVER AT ANY TIME. Q. YOU SAY YOU TOOK CHARGE OF THE CHILDREN ON THE FIELD THE EVENING AFTER THE MASSACRE ? A. YES SIR. Q. WHEN DID YOU	LIVE EVERYTHING WAS DONE BY VIRTUE OF PREVIOUS COUNSEL {A}[p] YES SIR. Q YOU ALSO STATE THAT MANY MEN HAD BEEN PUT OUT OF WAY AS YOU HAD BEEN INFORMED AND THAT THEY HAD BEEN PUT OUT OF WAY BY VIRTUE OF COUNCIL {A}[p] NO SIR. Q STATE WHETHER YOU WERE OR WERE NOT PRESENT AT ANY COUNCIL WHEN PARTIES WERE ORDERED TO PUT OTHER MEN OUT OF WAY {A}[p] I WAS NOT NEVER AT ANY TIME. [*space*] *[23]* QYOU SAY YOU TOOK CHARGE OF CHILDREN ON THE FIELD EVENING AFTER MASSACRE AYES SIR Q WHEN DID YOU	LIVED EVERYTHING WAS DONE BY VIRTUE OF PREVIOUS COUNSEL? **A. YES SIR ~~A~~Q**. YOU ALSO STATED THAT MANY A MAN HAD BEE~~H~~N PUT OUT OF THE WAY AS YOU HAD BEEN INFORMED, AND THAT THEY HAD BEEN PUT OUT OF THE WAY BY VIRTUE OF COUNCIL~~?~~ ~~Q A. NO, SIR. Q.~~ STATE WHETHER YOU WERE OR WERE NOT PRESENT AT ANY COUN~~S~~CIL WHEN PARTIES WERE ORDERED TO PUT OTHER MEN OUT OF THE WAY? A. I WAS NOT, NEVER AT ANY TIME~~A~~. Q. YOU SAY YOU TOOK CHARGE OF THE LITTLE CHILDREN ON THE FIELD THE EVENING AFTER THE MASSACRE? A. YES, SIR. Q. WHEN DID YOU	LIVED EVERYTHING WAS DONE BY VIRTUE OF PREVIOUS COUNSEL YES SIR YOU ALSO STATED THAT MANY MEN HAD BEEN PUT OUT OF THE WAY AS YOU HAD BEEN INFORMED AND THAT THEY HAD BEEN PUT OUT OF THE WAY BY VIRTUE OF COUNCIL ~ STATE WHETHER YOU WERE OR WERE NOT *[[14]]* PRESENT AT ANY COUNCIL WHEN PARTIES WERE ORDERED TO PUT OTHER MEN OUT OF THE WAY I WAS NOT NEVER AT ANY TIME YOU SAY YOU TOOK CHARGE OF THE CHILDREN ON THE FIELD THE EVENING AFTER THE MASSACRE YES SIR WHEN DID YOU

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RT	RS	BT	PS
FIRST RECEIVE ORDERS TO TAKE CHARGE OF THE CHILDREN ? A. RIGHT THERE FROM HIGBEE. Q. WAS IT NOT ARRANGED PREVIOUS TO STARTING TO THE CAMP AND FORMING IN LINE UPON THE FIELD THAT YOU SHOULD TAKE CHARGE OF THE CHILDREN AFTER THE ADULTS SHOULD BE KILLED ? A. WELL I CAN'T REMEMBER ANYTHING PARTICULARLY ABOUT THAT; IT MIGHT HAVE BEEN THE UNDERSTANDIN G., BUT NO WORDS WERE SAID THERE TILL WE WENT OUT TO THE WAGONS. *[138]* Q. SPEAKING OF THOSE WAGONS TURNED OVER	FIRST RECEIVE ORDERS TAKE CHARGE OF CHILDREN {A}[P] RIGHT THERE FROM HIGBEE. {Q}[P]WAS IT NOT ARRANGED PREVIOUS TO STARTING FOR THE CAMP FORMING LINE UPON THE FIELD THAT YOU SHOULD TAKE CHARGE OF THE CHILDREN AFTER THE ADULTS SHOULD BE KILLED A WELL I CAN'T REMEMBER OF ANYTHING PARTICULAR ABOUT THAT, MIGHT HAVE BEEN UNDERSTANDIN G BUT HAVE NO ORDERS UNTIL THERE WHEN WENT OUT TO WAGONS. SPOKE OF THOSE WAGONS TURNED OVER	RECEIVE ORDERS FIRST TO TAKE CHARGE OF THE CHILDRE~~N~~? A. RIGHT THERE FROM HIGBEE. Q. WAS IT NOT ARRANGED PREVIOUS~~LY~~ TO STARTING FOR THE CAMP IN FORMING THE LINE UPON THE FIELD**,** THAT YOU SHOULD TAKE CHARGE OF THE CHILDREN AFTER THE ADULTS SHOULD BE **KILLED** ~~LIKKED~~? A. WELL, I CAN'T REMEMBER ANYTHING PARTICULAR ABOUT THAT ; IT MAY HAVE BEEN THE UNDERSTANDIN G~~.~~; BUT I HAD NO ORDERS TILL **THEN** ~~THERE, WHEN~~ **AND** I WENT ~~OUT WITH~~ **RIGHT TO** THE WAGONS. Q. YOU SPOKE OF ~~THEISE~~ **THIS** WAGON~~NS~~ TRAIN	FIRST RECEIVE ORDERS FIRST TO TAKE CHARGE OF THE CHILDREN RIGHT THERE FROM HIGBEE WAS IT NOT ARRANGED PREVIOUS TO STARTING FROM YOUR CAMP IN FORMING A LINE UPON THE FIELD THAT YOU SHOULD TAKE CHARGE OF THE CHILDREN AFTER THE ADULTS SHOULD BE KILLED WELL I CAN'T REMEMBER IN ANYTHING PARTICULAR ABOUT THAT IT MIGHT HAVE BEEN UNDERSTANDIN G BUT I HAD NO ORDERS TILL THERE AND I WENT RIGHT TO THE WAGONS YOU SPOKE OF THOSE WAGONS TURNED OVER

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RT	RS	BT	PS
TO YOU BEING FROM TWENTY FIVE TO THIRTY — WHAT CHARACTER — WHAT KIND OF MARK — WERE THEY WOODEN OR IRON AXLE A. I THINK THEY WERE ALL WOODEN AXLES. Q. WHAT AFTERWARDS BECAME OF THOSE WAGONS ? A. I DO NOT KNOW. THEY WERE LEFT AROUND THE TITHING OFFICE THERE. AFTERWARDS I UNDERSTOOD THEY WERE SOLD WHILE I WAS AWAY. Q. WERE THERE ANY OTHER BUGGIES TURNED OVER TO YOU ?	TO YOU BEING FROM 25 TO 30, WHAT CHARACTER, WHAT KIND OF WAGON ≤WERE THEY≥ WOODEN OR IRON *AXEL*[?] $_{A}$I THINK THEY WERE ALL WAGON *AXEL*[?] $_{Q}$WHAT AFTERWARDS BECAME OF THOSE WAGONS $_{A}$I DO NOT KNOW LEFT AROUND THE TITHING OFFICE THERE AFTERWARDS I UNDERSTOOD SOLD, WHILE I WAS AWAY $_{Q}$WERE THERE ANY OTHER VEHICLES ≤OF THE≥ TURNED OVER TO YOU	NUMBERING ABOUT—BEING FROM 25 TO 30~~;~~ ~~WHAT~~ **WHAT** CHARACTER OF WAGONS WERE THEY— **WHAT** ~~THE~~ KIND OF MAKE~~;~~,, ~~AND~~ WODDEN OR IRON AXE~~.~~**?** **A. I THINK** **THEY WERE** **ALL WOODEN** **AXES.** Q. WHAT AFTERWARDS BECAME OF THESE WAGONS? A. I DON'T KNOW; THEY WAS LEFT AROUND THE TITHING OFFICE THERE AND AFTERWARDS I UNDERSTOOD ,SOLD WHILE I WAS AWAY. Q. WAS THERE ANY OTHER VEHICLES ~~BROU~~ OF THE TRAIN BROUGHT TO YOU EXCEPT	TO YOU BEING FROM 25 TO 30 WHAT CHARACTER OF WAGONS WERE THEY WHAT KIND OF MAKE WOODEN OR IRON *AXELS*[?] I THINK THEY ALL WOODEN *AXELS*[?] WHAT AFTERWARDS BECAME OF THESE WAGONS I DON'T KNOW THEY WAS LEFT AROUND THE TITHING OFFICE AND AFTERWARDS I UNDERSTOOD SOLD WHILE I WAS AWAY [*space*] WERE THERE ANY OTHER VEHICLES TURNED OVER TO YOU AT THAT TIME EXCEPT

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RT	RS	BT	PS
A. NO SIR. Q. WASN'T THERE SOME CARRIAGES TURNED OVER TO YOU ? A. NO SIR. Q. ARE YOU POSITIVE OF THAT ? A. YES SIR, I AM POSITIVE. Q. NO CARRIAGE, NO BUGGY, NOTHING OF THAT?KIND ? A. NO SIR. Q. DID YOU SEE ANYTHING OF THAT KIND IN THE TRAIN ? A. IF THERE WAS I NEVER NOTICED IT. Q. WHAT DID YOU DO WITH THE GUNS THAT WERE IN THE WAGONS WHEN YOU TOOK CHARGE OF THE CHILDREN ? A. I DON'T REMEMBER	$_{A}$NO SIR $_{Q}$WAS NOT SOME CARRIAGES TURNED OVER TO YOU $_{A}$NO SIR. ≤ARE YOU POSITIVE OF THAT≥ $\{_{A}\}^{p}$ I AM POSITIVE OF THAT $_{Q}$NO CARRIAGE NO BUGGY NOTHING OF THAT KIND. $\{$NO SIR$\}^{p}$. DID YOU SEE ANYTHING OF THAT KIND IN THE TRAIN $_{A}$ IF THERE WAS I NEVER NOTICED IT. [*space*] $_{Q}$WHAT DID YOU DO WITH GUNS *WERE*[?] IN WAGONS WHEN YOU TOOK CHARGE OF SOME CHILDREN $_{A}$I DON'T REMEMBER	THE WAGONS? A. NO , SIR. *[[113]]*[182] Q. WASN'T THERE SOME CARRIAGES OF THE TRAIN BROUGHT TO YOU? A. NO, SIR. Q. ARE YOU POSITIVE OF THAT? A. I AM POSITIVE OF THAT . Q. NO, CARRIAGE? **A. NO SIR.** A. NO, BUGGY? A. ~~NO ,~~ **N**OTHING OF THE KIND~~.~~**, NO, SIR.** Q. DID YOU SEE ANYTHING OF THAT KIND IN THE TRAIN? A. IF THERE WAS I NEVER NOTICED IT. Q. WHAT DID YOU DO WITH THE GUNS WHEN YOU TOOK CHARGE OF THE WAGONS AND THE CHILDREN? A. I DON'T REMEMBER OF DOING	WAGONS NO SIR WAS THERE NOT SOME CARRIAGES TURNED OVER TO YOU NO POSITIVE I AM NO CARRIAGE NO NO BUGGY NOTHING OF THAT KIND ~ NO SIR DID YOU SEE ANYTHING OF THAT KIND IN THE TRAIN I DID NOT IF THERE WAS I DID NOT SEE IT OR NOTICE IT WHAT DID YOU DO WITH THE GUNS WHEN YOU TOOK CHARGE OF THE WAGONS AND CHILDREN I DID NOT DO

182. The page is incorrectly marked "~~105~~ 103".

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RT	RS	BT	PS
		ANYTHING WITH THIM; DON'T	ANYTHING WITH THEM I DO NOT
OF HAVING ANY GUNS THERE, THOUGH THERE MIGHT HAVE BEEN; I HAD NOTHING TO DO WITH THE M. Q. WHAT BECAME OF THE GUNS THE EMIGRANTS SURRENDERED ? A. I DO NOT KNOW ANYTHING ABOUT THEM. Q. DID YOU EVER SEE THE GUNS AFTER THEY HAD BEEN SURRENDERED ? A. NO.	OF HAVING ANY GUNS THERE, MIGHT HAVE BEEN I HAD NOTHING TO DO WITH THEM Q WHAT BECAME OF GUNS EMIGRANTS SURRENDERED A I DO NOT KNOW ANYTHING ABOUT THEM Q DID YOU EVER SEE GUNS AFTER THEY HAD BEEN SURRENDERED {A NO}P.	REMEMBER OF THEIR BEING ANY GUNS THERE; THERE MIGHT HAVE BEEN BUT I HAD NOTHING TO DO WITH THEM. Q. WHA~~R~~T BECAME OF THE GUN~~D~~S THAT THE EMIGRANTS SURRENDERED? A. I DON'T KNOW. Q. DID YOU EVER SEE THESE GUNS AFTER THEY WERE SU~~T~~RREND**E**RED ? A. NO, NOT ~~THAT I~~ OF A~~H~~NY THAT WERE THEIR GUNS? Q. DON'T YOU KNOW AS A MATTE**R** OF FACT THAT THE GUNS WHICH THE EMIGRANTS SURREND~~D~~**E**RED WERE IN THE WAGONS WITH THE WOMEN AND CHILDREN IN WHICH YOU	REMEMBER OF THERE BEING ANY GUNS THERE THERE MIGHT HAVE BEEN BEFORE I HAD NOTHING TO DO WITH THEM WHAT BECAME OF THE GUNS THAT THE EMIGRANTS SURRENDERED I DON'T KNOW DID YOU EVER SEE THOSE GUNS AFTER THEY WERE SURRENDERED NOT TO KNOW THAT THEY WERE THEIR GUNS DON'T YOU KNOW AS A MATTER OF FACT THAT THE GUNS WHICH THE EMIGRANTS SURRENDERED WERE IN THE WAGONS WITH THE WOMEN AND CHILDREN [*space*]
[139] Q. DON'T YOU KNOW AS A MATTER OF FACT THAT THE GUNS THE EMIGRANTS HAD AND WHICH THEY SURRENDERED WERE IN THE WAGONS IN WHICH YOU	Q DON'T YOU KNOW AS MATTER OF FACT THAT THE GUNS THE EMIGRANTS HAD IN WHICH THEY SURRENDERED WERE IN THE WAGONS IN WHICH YOU		

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RT	RS	BT	PS
FOUND THE CHILDREN ? A.	FOUND THE CHILDREN $_{A}$	FOUND THE CHILDREN? A. IF THEY WERE ~~THEY WERE~~	IF THEY WERE
THEY MIGHT HAVE BEEN	THEY MIGHT HAVE BEEN	THEY MIGHT HAVE BEEN GATHERED ~~OUT~~ **UP** A ND TAKEN	THEY MIGHT HAVE BEEN COVERED OR TAKEN
TAKEN OUT AT HAMBLIN'S RANCH. I KNEW NOTHING ABOUT THEM.	TAKEN OUT AT HAMBLIN'S RANCH I KNEW NOTHING ABOUT THEM.	OUT AT HAMBLIN'S RANCH; I KNEW NOTHING ABOUT THEM.	OUT AT HAMBLIN'S RANCH [*space*]
Q. DID YOU GET	$<_{Q}$HOW MUCH MONEY DID YOU GET	Q. HOW MUCH MONEY ~~I~~DID YOU GET	HOW MUCH MONEY DID YOU GET
ANY MONEY ? A. NO SIR.	THERE> $_{Q}$GOT ANY MONEY <NO SIR HOW MUCH DID ANYBODY ELSE	THERE**?** **—A.** NONE . Q. HOW MUCH DID ANYBODY ELSE	THERE NONE HOW MUCH DID ANYBODY ELSE
Q. AND YOU SAW NOBODY GET ANY MONEY ? A. NO SIR. Q. THEN OR AT ANY TIME ? A. NO SIR. Q. AND YOU	GET> $_{Q}$*YOU*[?] SEE ANYBODY GET ANY MONEY {NO SIR}^{p}. $_{Q}$THEN OR AT ANY TIME $_{A}$NO SIR	GET? A. I DIDN'T SEE ANYBODY ELSE GET ANY.	GET I DIDN'T SEE ANYBODY ELSE GET ANY.
CANNOT SAY	CANNOT SAY	Q. CAN YOU STATE ANYTHING	CAN YOU STATE ANYTHING
HOW MUCH WAS GOT THERE ? A. I NEVER KNEW.	HOW MUCH WAS GOT THERE $_{A}$ NEVER KNEW.	ABOUT HOW MUCH MONEY WAS GOT THERE? A. NO, SIR, I NEVER KNEW.	ABOUT HOW MUCH MONEY WAS GOT THERE NO SIR NEVER KNEW
Q. I WILL ASK YOU TO STATE AGAIN HOW OLD THE LARGEST CHILD WAS WHICH	$_{Q}$I WILL ASK YOU STATE AGAIN HOW OLD LARGEST CHILD WAS WHICH	*[II4]* Q. I WILL ASK YOU TO STATE AGAIN HOW OLD THE LARGEST CHILD WAS WHICH	STATE AGAIN HOW OLD THE LARGEST CHILD WAS THAT

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RT	RS	BT	PS
WAS SAVED FROM THAT COMPANY ? A. I SUPPOSE AT THE TIME PROBABLY TWO YEARS OLD — THAT WOULD HAVE BEEN ABOUT THE OLDEST. Q. HOW FAR WAS IT FROM WHERENTHE MEN WERE KILLED TO YOUR COMPANY AND THE PLACE WHERE THE WOMEN WERE KILLED BY THE INDIANS ? A. WELL IT WAS NOT A GREAT WAYS — COULD NOT TELL. WE STROWED ALONG FROM THE MEN TO THE WAGONS. Q. HOW FAR WAS THAT ? A. I DO NOT THINK	WAS SAVED FROM THAT COMPANY {A}[p] I SUPPOSE AT TIME PROBABLY TWO YEARS OLD WOULD HAVE BEEN ABOUT OLDEST. Q HOW FAR WAS IT FROM WHERE MEN WERE KILLED BY YOUR COMPANY, TO THE PLACE WHERE THE WOMEN WERE KILLED BY THE INDIANS ? {A}[p] WELL IT WAS NOT GREAT WAYS COULD NOT TELL, WE STROWED ALONG FROM ≤BETWEEN THE≥ MEN[183] TO WAGONS Q HOW FAR WAS THAT A I DO NOT THINK	WAS SAVED FROM THAT COMPANY? A. IT WOULD BE A HARD MATTER FOR ME TO TELL. I SUPPOSED AT THE TIME PROBABLY TWO YEARS WOULD HAVE BEEN THE OLDE~~S~~T[184] Q. AND HOW FAR WAS IT FR**O**M WHERE THE MEN WERE KILLED **BY** ~~UP TO~~ YOUR COMPANY TO THE PLACE WHERE THE WOMEN WERE KILLED BY THE INDIANS? A. ~~THERE~~ **IT** WAS NOT A GREAT WAYS; I COULD NOT TELL; WE WERE STRIDING ALONG BETWEEN THE WOMEN AND WAGONS, I DIDN'T THINK	WAS SAVED [[15]] FROM THAT COMPANY IT WOULD BE HARD MATTER FOR ME TO TELL I SUPPOSED AT THE TIME PROBABLY 2 YEARS WOULD HAVE BEEN ABOUT THE OLDEST HOW FAR WAS IT FROM WHERE THE MEN WERE KILLED BY YOUR COMPANY TO THE PLACE WHERE THE WOMEN WERE KILLED BY THE INDIANS WELL IT WAS NOT A GREAT WAYS I COULD NOT TELL ~ THEY WERE STREWED ALONG ~~FROM~~ BETWEEN THE MEN AND THE WAGONS I DIDN'T THINK

183. A "W" added later to the beginning of "MEN" renders the word "WOMAN"; the word was originally written "MEN".

184. The oldest children were probably John Calvin Miller and Rebecca Dunlap. They were six years old.

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RT	RS	BT	PS
IT WAS OVER THREE HUNDRED YARDS, IT MAY BE MORE — MAY BE LESS. Q. WHAT DISTANCE WAS THERE BETWEEN THE NEAREST MAN AND THE MAN FURTHEST UP TO THE HEAD OF THE COLUMN AND THE WOMEN KILLED AT THE BACK OF *[140]* THE COLUMN ? A. I COULD NOT TELL YOU. Q. ONE HUNDRED YARDS OR TWO HUNDRED YARDS ? A. I COULD NOT TELL YOU THE DISTANCE THERE. Q. BUT, WALKING OVER THE GROUND AFTER THE MASSACRE, FOLLOWING RIGHT	IT WAS OVER THREE HUNDRED YARDS {IT}^{p} MAYBE MAYBE MORE MAY BE LESS. $_{Q}$ WHAT DISTANCE WAS THERE BETWEEN NEAREST MAN AND THE MAN FURTHEST UP HEAD OF *[[24]]* COLUMN AND THE WOMEN KILLED AT THE BACK OF THE COLUMN {$_{A}$}^{p} COULD NOT TELL YOU $_{Q}$ONE HUNDRED YARDS TWO HUNDRED YARDS {$_{A}$}^{p} COULD NOT TELL YOU DISTANCE THERE $_{Q}$*BUT*[?] WALKING OVER GROUND AFTER MASSACRE FOLLOWING RIGHT	IT WAS OVER THREE**E** HUNDRED YARDS — MAY BE MORE ~~OR~~ **MAY BE** ~~M~~LESS. Q. WHAT DISTANCE WAS THERE BETWEEN THE NEAREST MAN— THE MAN FURTHEST UP TO THE HEAD OF THE COLUMN OF THE MENS COLUMN, AND ~~DTHE WOMEN~~ THE HINDMOST WOMAN ~~A~~OF THE WOMEN THAT WAS KILLED? A. ~~A.~~ I COULD NOT TELL YOU. Q. A HUNDRED YARDS— TWO HUNDRED YARDS? A. I COULD NOT REMEMBER SUCH THINGS. Q. WALKING OVER THE GR**O**UND AFTER THE MASSACRE, FOLLOWING THE ROUTE	IT WAS OVER 300 YARDS MAYBE MORE MAYBE LESS. WHAT DISTANCE WAS THERE BETWEEN THE NEAREST MAN ~~<NEAREST WOMAN>~~ MAN FURTHEST UP TO THE HEAD OF THE COLUMN AND THE WOMAN THAT WAS KILLED AT THE BACK OF THE COLUMN THE WOMEN I COULD NOT TELL YOU [*space*] 100 YARDS 200 YARDS I COULD NOT REMEMBER SUCH THINGS [*space*] WALKING OVER THE GROUNDS AFTER THE MASSACRE FOLLOWING THE ROAD

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RT	RS	BT	PS
ALONG IN THE LINE, THAT THAT TRAIN OF EMIGRANTS HAD PASSED, LEAVING THE DEAD MEN AND COMING UP TO THE DEAD WOMEN, WOULD NOT THAT ENABL E YOU TO FORM A PROPER IDEA HOW FAR THEY HAD GONE IN COMING JUST BEFORE AND CLOSE TO THE WAGONS ? A. WE DIDN'T FOLLOW UP THE WAY THEY WENT. Q. HOW FAR DID THE WAGONS PASS FROM YOUR COLUMNS ? A. NOT FAR OFF, CLOSE BY, A LITTLE NARROW VALLEY. Q. DID THE WAGONS	ALONG IN THE LINE THAT THAT TRAIN OF EMIGRANTS HAD PASSED, LEAVING DEAD MEN AND COMING UP TO DEAD WOMEN, WOULD NOT THAT ENABLE YOU FORM PROPER IDEA AS TO HOW FAR THEY HAD GONE [*space*] IN COMING JUST BEFORE CLOSE TO WAGONS $_{A}$WE DIDN'T FOLLOW UP WAY THEY WENT. $_{Q}$HOW FAR DID WAGONS PASS FROM YOUR COLUMNS $_{A}$NOT FAR OFF CLOSE BY LITTLE NARROW VALLEY. $_{Q}$DID THE WAGONS	ALONG IN THE LINE THAT THAT TRAIN H~~AD~~ OF EMIGRANTS HAD PASSED LEAVING — FINDING DEAD MEN AND COMING UP TO THE DEAD WOMEN, WOULDN'T THAT ENABLE YOU TO FORM **A** ~~THE~~ PROPER IDEA AS TO ABOUT HOW FAR YOU HAD GONE? A. I DINN'T TAKE THAT LI~~K~~NE, I WENT AROUND A LITTLE — ~~DOWN.~~ I **DIDN'T** CAME IN WHERE THE WOMEN LAY. Q. HOW FAR DID THE WAGONS PASS FROM YOU**R** COLUMN? A. THEY PASSED BY CLOSE **TO** A LITTLE NARROW VALLEY. Q. DID THE WAGONS	ALONG ~~<~~IN THE~~>~~ LINE THAT THAT TRAIN OF EMIGRANTS HAD PASSED LEAVING ~ ~~<~~FINDING~~>~~ DEAD MEN AND COMING UP TO THE DEAD WOMEN COULD NOT ~~<~~WOULD NOT~~>~~ THAT ENABLE YOU TO FORM IDEA AS TO ABOUT HOW FAR *YOU*[?] HAD GONE I DIDN'T TAKE THAT LINE I WENT AROUND A LITTLE DOWN AND CAME IN WHERE THE WOMEN LAY [*space*] HOW FAR HAD THE WAGONS PASSED FROM YOUR COLUMN AS THEY PASSED BY [*space*] NEAREST PARTY [*space*] DID THE WAGONS

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RT	RS	BT	PS
GO AS NEAR TO YOU AS THE EMIGRANTS DID ? A. I COULD NOT SAY AS TO THAT. Q. IS NOT IT A MATTER OF FACT, TAKING THAT SHEET OF PAPER, LETTING IT REPRESENT THE VALLEY AND THE CORRALL BEING DOWN AT THIS POINT, THE MEN MARCHED UP TO YOUR COMPANY THIS WAY AND THAT THE WAGONS THAT HAD THE CHILDREN WOUNDED IN THEM WENT ACROSS THE VALLEY IN THIS WAY — STRAIGHT LINES AND STRUCK THE ROAD SOMETHING LIKE A	GO AS NEAR TO YOU AS EMIGRANTS DID $_{A}$I COULD NOT SAY AS TO THAT $_{Q}$IS NOT MATTER OF FACT, TAKING THAT SHEET OF PAPER LETTING IT REPRESENT VALLEY CORRAL BEING DOWN AT THIS POINT, THE MEN MARCHING UP TO YOUR COMPANY THIS WAY AND THAT THE WAGONS THAT HAD THE CHILDREN AND WOUNDED IN THEM WENT ACROSS VALLEY IN THIS WAY STRAIGHT LINES AND STRUCK ROAD SOMETHING LIKE	COME AS NEAR TO YOU AS THE PEOPLE DID— AS THE EMIGRANTS DID? A. I COULD NOT SAY AS REGARDS TO THAT. Q. ISN'T IT A MATTER O F FACT, TAKING THAT SHEET OF PAPER , HOLDI~~NG~~ IT, REPRESENTS THE FIELD — CORRAL, BEING DOWN AT THIS POINT **(ILLUSTRATING)**, YOUR MEN STANDING HERE, THE MEN MARCHINE UP TO YOUR COMPANY, COMING IN *[II5]* THIS WAY, AND THAT THE WAGONS THAT HA D THE CHILDREN IN THEM WENT ACROSS THE VALLEY IN THIS WAY, IN A STRAIGHT LINE STRIKING THE ROAD S**O**METHING LIKE A	COME AS NEAR TO YOU AS THE PEOPLE DID AS THE EMIGRANTS I COULD NOT SAY AS REGARDS THAT~~.~~ ISN'T IT A MATTER OF FACT THAT THEY WAS ~ TAKE THAT SHEET OF PAPER LETTING IT REPRESENT VALLEY ~ CORRAL AT THIS POINT ~ YOUR MEN STANDING HERE ~ THE MEN MARCH UP TO YOUR COMPANY IN THIS WAY AND THAT THE WAGONS THAT HAD THE CHILDREN AND WOUNDED IN THEM WENT ACROSS ~~VALLEY~~ IN THIS WAY ~ IN A STRAIGHT LINE STRIKING THE ROAD SOMETHING LIKE

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RT	RS	BT	PS
QUARTER TO A HALF A MILE, INSTEAD OF COMING UP AROUND YOUR COLUMN ? A. I DIDN'T SEE IT IN THAT WAY, BUT THAT IS THE WAY THEY CAME — SEEMED TO BE STRAIGHT WAY UP, AND CAME UPON THE COMPANY WHERE I WAS. Q. DIDN'T THE WAGONS PASS NEAR TO YOU AND NOT FAR OFF ? A. MIGHT BE FIFTY YARDS, MIGHT HAVE BEEN ONE HUNDRED YARDS. Q. DIDN'T THE MEN WALK RIGHT IN THE TRACKS OF THE WAGONS ? *[141]* A. THEY CAME	QUARTER TO HALF MILE INSTEAD OF COMING UP AROUND YOUR COLUMN $_{A}$ I DIDN'T SEE IT IN THAT WAY [*space*] WAY THAT IS THE WAY THEY CAME; SEEMED TO BE STRAIGHT WAY UP THE ~~CAME~~ POINT WHERE I WAS $_{Q}$DIDN'T WAGONS ≤WITH THE WOMEN AND CHILDREN IN THEM PASS RIGHT UP CLOSE BY YOU≥ PASS NEAR TO YOU AND NOT FAR OFF $\{_{A}\}^{p}$ MIGHT BE 50 YARDS MIGHT HAVE BEEN 100 YARDS. $_{Q}$ DIDN'T THE MEN WALK RIGHT IN TRACKS OF WAGONS. $\{_{A}\}^{p}$THEY CAME	QUARTER OF HALF A MILE FROM WHE~~R~~E THE CORRAL STOOD AND COMING UP BY YOUR COLUMN? A. NO, I DIDN'T S**E**E IT IN THAT WAY; THE WAY THAT WE STOOD, AND THE WAY THAT WE CAME, SEEMED TO BE A STRAIGHT WAY UP TO THE EMIGRANT COMPANY. Q. DIDN'T THE WAGONS WITH THE CHILDREN IN THEM PASS RIGHT UP CLOSE BY YOU? A. CLOSE BY ME, — MIGHT HAVE BEEN 50 YARDS — I00 YARDS. Q. DIDN'T THE MEN WALK RIGHT IN THE TRACKS OF THE WAGONS.? A. THEY ALL MOVED ALONG; AND CAME A	A QUARTER TO HALF A MILE FROM WHERE ≤THE≥ CORRAL STOOD AND CAME UP BY YOUR COLUMN NO I DIDN'T SEE IT IN THAT WAY. THE WAY THAT WE STOOD AND WAY THAT WE CAME SEEMED TO BE A STRAIGHT WAY *UP*[?] TO THE COMPANY [*space*] DID THE WAGONS WITH THE CHILDREN IN THEM PASS RIGHT UP CLOSE BY YOU ≤CLOSE BY≥ MIGHT HAVE BEEN 50 YARDS 100 YARDS DIDN'T THE MEN WALK IN THE TRACKS OF THE WAGONS *[[16]]* THEY ALL MOVED ALONG TOGETHER

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RT	RS	BT	PS
IN BELOW WHERE WE WAS, ALL MOVING ALONG TOGETHER, A LITTLE WAYS; THE WAGONS ALL MOVED ALONG TOGETHER, MEN WAS BEHIND AND THE WOMEN NEXT TO THE WAGONS Q. WERE THE WOMEN FOLLOWING ALONG IN THE TRACKS OF THE WAGONS AND THE MEN IN THE TRACKS OF THE WOMEN?	IN BELOW WHERE WE WAS, ALL MOVING FORWARD TOGETHER, LITTLE WAYS, WAGONS ALL MOVING ALONG TOGETHER. MEN WAS BEHIND, WOMEN NEXT TO WAGONS **Q** WERE WOMEN FOLLOWING ALONG IN TRACKS OF WAGONS AND WOMEN IN TRACKS OF MEN? * **A**WELL THAT BE IN *GETTING/GOING TO*[?] *POINT/COMPANY* [?] *WHEN*[?] YOU KNOW —[?] IT COULD NOT	LITTLE WAYS BELOW WHE**R**E WE WAS; THE MEN TOGETHER UP BY THE SIDE OF THE WAGONS. Q. SOME WERE FOLLOWING RIGHT AFTER THE TRACKS OF THE WAGONS? A. YES, SIR.MEN FOLLOWING. Q. HOW DID YOU SAY THAT THE WAGONS MIGHT HAVE BEEN A HUNDRED YARDS OFF? A. THEY MIGHT HAVE BEEN COMING UP. Q. ISN'T IT A	A LITTLE WAYS ~ MEN ALL TOGETHER *AND/TO*/—[?] UP BY THE SIDE OF THE WAGONS [*space*] ~~SOME~~ <WHILE> FOLLOWING RIGHT IN THE TRACKS OF THE WAGONS YES SIR MEN FOLLOWING THE — *N/WAGON*[?] TRACKS *AND*[?] WOMEN[185] HOW DID YOU SAY THAT THE WAGONS MIGHT HAVE BEEN HUNDRED YARDS OFF THEY MIGHT HAVE BEEN COMING UP <~~IT~~ IS NOT IT>

185. The phrase beginning with "MEN FOLLOWING . . . " and ending with the footnote is circled.

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RT	RS	BT	PS
	BEEN PHYSICALLY IMPOSSIBLE FOR MEN TO BE FOLLOWING IN TRACKS OF WAGONS MEN AND WOMEN WITHIN 8 FEET OF ME AND WAGONS HUNDRED YARDS OFF PLEASE EXPLAIN THAT	PHYSICAL IMPOSSIBILITY THAT THE MEN WERE WITHI~~I~~N EIGHT FEET OF YOU AND THE WAGONS A HUNDRED YARDS OFF —	PHYSICAL IMPOSSIBILITY THAT THE ~~WOMEN~~ MEN AND WOMEN WERE SOME WITHIN 8 FEET OF YOU AND WAGONS HUNDRED YARDS OFF ~
TELL ME HOW FAR THE WAGONS WERE IN — PLEASE TELL ME THE POSITION THESE PARTIES OCCUPIED ? A. I COULD NOT TELL YOU HOW IT WAS EXACTLY. Q. HOW DOES IT COME MR. SMITH YOU HAVE SUCH A VIVID RECOLLECTION,	TELL ME HOW FAR WAGONS WERE IN PLEASE TELL ME POSITION THESE PARTIES OCCUPIED A I COULD NOT TELL YOU HOW IT WAS {EXACTLY}[P] Q HOW DOES IT COME MR. SMITH YOU HAVE SUCH VIVID RECOLLECTION	TELL ME HOW FAR THE WAGONS WERE FROM YOU— YOU ARE THE MAN THAT WAS THERE— TELL ME THE POSITION OF THESE WAGONS AND THE POSITION THAT THESE MEN O~~V~~CCUPIED.? A. I COU~~N~~LD NOT DESCRIBE THAT EXACTLY. Q. HOW DOES IT COME MR. SMITH THAT YOU HAVE SUCH A VIVID RECOLLECT~~IO~~N OF EVERYTHING	TELL ME HOW FAR THE WAGONS WERE FROM YOU ARE THE MAN THAT WAS THERE ~ TELL THE POSITION THAT THOSE WAGONS AND THOSE MEN OCCUPIED. I COULD NOT DESCRIBE THAT EXACTLY HOW DOES IT COME THAT YOU HAVE SUCH A VIVID RECOLLECTION OF ~~ANY~~ EVERYTHING

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RT	RS	BT	PS
YOU WISH TO TESTIFY TO EVERYTHING, ONLY WHAT I WISH YOU TO TESTIFY TO ?	YOU WISH TO TESTIFY ABOUT HAVE NO RECOLLECTION WHAT I WISH YOU TO TESTIFY.	THAT YOU WISH TO TESTIFY TO, BUT YOU CANNOT REMEMBER ANYTHING THAT I WISH YOU TO TESTIFY TO? OBJECTED TO. Q. HOW DOES IT COME THAT YOU CANNO~~R~~**T** TECOLLECT WHERE THE WAGONS WERE AS WELL A~~W~~S WHERE THE MEN WERE? *[II6]*	THAT YOU WISH TO TESTIFY TO BUT YOU CANNOT REMEMBER ANYTHING I WISH YOU TO TELL OBJECTED TO THEN HOW DOES IT COME THAT YOU CANNOT RECOLLECT WHERE THE WAGONS WERE AS WELL AS WHERE THE MEN WERE
A. AS NEAR AS I CAN RECOLLECT <AS> THE COMPANY CAME UP THE SOLDIERS WERE HERE — THEY KIND OF DRAWED UP TOGETHER — THE WAGONS GOT AHEAD IN THE ROAD — THAT THROWED THEM	~~<~~A I WILL TELL YOU~~>~~ AS NEAR AS I CAN RECOLLECT. AS THE COMPANY CAME UP *[[25]]* SOLDIERS WERE HERE, THEY KIND DRAWED UP TOGETHER, WAGONS GOT AHEAD IN THE ROAD THAT THROWED THEM	A. I WILL TELL YOU AS NEAR AS I CAN RECOLLECT: AS THE COMPANY CAME UP THE SOLDIERS WERE HERE **(SHOWING)**[186] AND MARCHED ALONG TOGETHER; THEY KIND OF DRAWED UP TOGETHER AND THE WAGONS GOT AHEAD IN THE ROAD. THAT THROWED THEM	I WILL TELL YOU AS NEAR AS I CAN RECOLLECT ~ AS THE COMPANY CAME UP THE SOLDIERS WAS HERE AND MARCHED ALONG TOGETHER THEY KIND OF DREW UP TOGETHER AND TOWARDS THE END THE WAGONS GOT AHEAD IN THE ROAD. THAT THROWN THEM

186. Unfortunately, there are no known extant visual aids.

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RT	RS	BT	PS
IN THAT POSITION. Q. ACCORDING TO THE BEST OF YOUR RECOLLECTION HOW FAR WERE THE WAGONS FROM YOU AS THEY; PASSED BY — HOW NEAR DID THEY COME TO WHERE YOU STOOD IN THE COLUMN ? A. I DO NOT KNOW THAT. Q. DID THEY COME WITHIN THIRTY FIVE YARDS OF YOU ? A. I COULD NOT SAY THAT. Q. CAN YOU SAY IF THEY CAME WITHIN TWENTY FIVE YARDS OF YOU ? A. I CANNOT SAY. RE-DIRECT. BY BASKIN. Q. YOU SAID IN CROSS-EXAMINATION	IN THAT POSITION. $_{Q}$ACCORDING BEST OF YOUR RECOLLECTION HOW FAR WERE WAGONS FROM YOU AS THEY PASSED BY, HOW NEAR DID THEY COME TO YOU WHERE YOU STOOD IN COLUMN $\{_{A}\}^{p}$I DO NOT KNOW THAT $_{Q}$DID THEY COME WITHIN **25** YARDS OF YOU $_{A}$I COULD NOT SAY $_{Q}$CAN YOU SAY IF THEY CAME ≤WITHIN≥ ~~25~~100 YARDS OF YOU I CANNOT SAY. BY BISHOP THAT WILL DO FOR THE PRESENT. [*space*] ≤**REDIRECT**≥ [*space*] BY BASKIN $_{Q}$YOU STATED IN CROSS-EXAMINATION	IN THAT POSITION. **(ILLUSTRATING)** Q. ACCORDING TO YOUR BEST RECOLLECTION, HOW FAR WERE THE WAGONS FR~~O~~M YOU AS THEY PASSED BY; HOW NEAR DID THEY COME TO YOU, WHER YOU STOOD IN THE COLUMN? A. I DON'T KNOW THAT. Q. DID THEY COME WITHIN 25 YARDS OF YOU? A. I COULD NOT SAY THAT? Q. CAN YOU SAY THAT THEY CAME WITHIN A HUNDRED YARDS OF YOU? A. I DON'T KNOW THE DISTANCE? **M^{R}.** BISHOP: THAT WILL DO FOR THE PRESENT. RE-DIRECT EXAMINATION BY **M^{R}** BASKIN. Q. YOU STATED IN YOUR CROSS-EXAMINATION	IN THAT POSITION ACCORDING TO THE BEST OF YOUR RECOLLECTION HOW FAR WERE THE WAGONS FROM YOU AS THEY PASSED BY; HOW NEAR DID THEY ~~PASS~~ COME TO YOU WHERE YOU STOOD IN THE COLUMN I DON'T KNOW THAT [*space*] DID THEY COME WITHIN 25 YARDS OF YOU COULD NOT SAY CAN YOU ~~IF THEY~~ SAY THAT THEY CAME WITHIN A HUNDRED YARDS OF YOU ≤I COULD NOT SAY≥ I DON'T KNOW THE DISTANCE. [*space*] RE-DIRECT ≤BY BASKIN≥ YOU STATED

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RT	RS	BT	PS
THERE WAS SOME INDIANS — HOSTILE INDIANS ABOUT THERE — IF YOU KNOW STATE HOW THEY CAME TO BE THERE AND WHAT THEY WERE THERE FOR ? A. I DO NOT KNOW AS I CAN TELL ANYTHING ABOUT IT. IT WAS ALL RUMOR TO *[142]* ME WHAT THEY WAS THERE FOR. Q. WHERE DID YOU OBTAIN THAT RUMOR ? A. I OBTAINED IT ON THE GROUND FROM LEE BEFORE I WENT OUT. Q. DID YOU HEAR ANY OF THE SOLDIERS UPON THE GROUND SPEAK OF IT, IT SO WHAT WAS SAID ? A. I DO NOT REMEMBER	THERE WAS SOME INDIANS, HOSTILE INDIANS ABOUT THERE. IF YOU KNOW STATE HOW THEY CAME TO BE THERE AND WHAT THEY WERE THERE FOR. AI DO NOT KNOW AS I CAN TELL ANYTHING ABOUT IT. IT WAS ALL RUMOR TO ME WHAT THEY WAS THERE FOR Q WHERE DID YOU OBTAIN THAT RUMOR AI OBTAINED *THING*[?] ON THE GROUND FROM MR. LEE BEFORE I WENT OUT Q DID YOU HEAR ANY OF SOLDIERS UPON GROUND IF SO WHAT WAS SAID A≤I DO≥ NOT REMEMBER	THAT THERE WAS SOME **I**NDIANS — HOSTILE **I**NDIANS UP THERE. Q. IF YOU KNOW, STATE HOW THEY CAME TO BE THERE AND WHAT THEY WERE THERE FOR? A. I DON'T KNOW AS I CAN TEL L ANYTHING ABOUT IT; IT WAS ALL RUMOR TO ME WHAT THEY WAS TH ERE FOR. Q. WHERE DID YOU HEAR THAT RUMOR? A. I HEARD IT OU**T** ON THE GROUND. Q. FROM WHOM? A. FROM MR. LEE THAT MORNING BEFORE HE WENT OUT. Q. DID YOU HEAR ANY SOLDIERS ON THE GROUND S**T**PEAK OF IT AND IF SO WHAT WAS SAID? A. I DON'T EXACTLY	THAT THERE WAS SOME INDIANS ~ HOSTILE INDIANS UP THERE IF YOU KNOW STATE HOW THEY CAME TO BE THERE AND WHAT THEY WERE THERE FOR I DON'T KNOW AS I CAN TELL ANYTHING ABOUT IT IT IS ALL RUMOR TO ME WHAT THEY WAS THERE FOR [*space*] WHERE DID YOU HEAR THAT RUMOR I HEARD IT OUT ON THE GROUND FROM WHOM FROM LEE THAT MORNING BEFORE WE WENT OUT DID YOU HEAR ANY SOLDIERS ON THE GROUND SPEAK OF IT AND IF SO *[[17]]* WHAT WAS SAID I DON'T REMEMBER

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RT	RS	BT	PS
EXACTLY	EXACTLY ~~WHAT WERE THEY~~	REMEMBER ABOUT IT . I MIGHT HAVE HEARD IT BUT I DON'T REMEMBER. Q.	ABOUT IT I MIGHT HAVE HEARD IT BUT I DON'T REMEMBER
WHAT THEY WERE THERE FOR, BUT THEY WAS THERE TO HELP FINISH THE MASSACRE AS I SUPPOSE.	WHAT WERE THEY THERE FOR, THEY WAS THERE TO HELP FINISH MASSACRE AS I SUPPOSE.	WHAT WERE THEY THERE FOR? A. THEY WAS THERE FOR TO HELP FINISH THE MASSACRE AS I SUPPOSED; SO FAR AS I KNOW ABOUT IT. *[II7]* Q. DO YOU KNOW ANYTHING **ABOU**T ~~AB UT~~ IT? A. AT THE TIME WE MARCHED UP — WAS ALL DOWN THERE BEFORE — AND WHERE THE WOMEN WAS MORE PARTICULARLY	WHAT WERE THEY THERE FOR THEY WAS THERE FOR TO HELP FINISH MASSACRE AS FAR AS I KNOW ABOUT IT [*space*] DID YOU KNOW ANYTHING ABOUT IT [*space*] AT THE TIME WE MARCHED UP ~ WAS ALL DOWN THERE BEFORE AND ~ WHERE THE WOMEN WAS MORE PARTICULARLY
I SAW THEM GO OUT; THEY CAME DOWN THERE AND WASALL OVER AND AROUND THAT;MORNING MORE PARTICULARLY.	I SAW THEM GO OUT; THEY CAME DOWN AND WAS ALL THERE AROUND THAT MORNING MORE PARTICULARLY.	— I SAW THEM COME OUT— THERE WAS THE **I**NDIANS. **(ILLUSTRATING)**	THERE WAS INDIANS
Q. WHAT DO YOU KNOW ABOUT THEIR BEING THERE — THE OBJECT OF THEIR BEING	Q WHAT DO YOU KNOW ABOUT THEIR BEING THERE THE OBJECT OF THEIR BEING	Q. WHAT DO YOU KN**O**W OF THEIR BEING THERE — THE OBJECT OF THEIR BEING	WHAT DID YOU KNOW ABOUT THEIR BEING THERE AND OBJECT OF THEIR BEING

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RT	RS	BT	PS
THERE ? A. I COULD NOT SAY ANYTHING MORE — THE OBJECT WAS WHAT I SAY,SOME OF THEM HAD TO DO IN THE ACT OF KILLING. Q. DID YOU HEAR ANYTHING SAID ABOUT WHAT PART THEY WERE TO TAKE ? A. NO SIR,NOT THAT I REMEMBER. Q. WHAT DID LEE SAY ON THAT SUBJECT ? A. HE MENTIONED THEY WAS THERE AT THAT TIME. THESE INDIANS — THEY HAD BEEN WORKING ON THE EMIGRANTS — THE INDIANS WERE AROUND THERE — HAD	THERE ₐI COULD NOT SAY ANYTHING MORE OBJECT WAS WHAT I SAW; AND SOME OF THEM DO IN THE ACT OF KILLING ᵩDID YOU HEAR ANYTHING SAID ABOUT WHAT PART THEY WERE TO TAKE ₐNO SIR NOT THAT I REMEMBER. ᵩWHAT DID LEE SAY ON THAT SUBJECT ₐHE MENTIONED THEY WAS *THERE*[?] AT THAT TIME THOSE INDIANS THEY HAD BEEN WORKING ON EMIGRANTS INDIANS WERE AROUND THERE HAD	THERE? A. I COULD ~~H~~NOT SAY ANYTHING MORE THAN THE OBJECT WAS WHAT I SAW—SOME OF THEM DOING THE KILLING. Q. DID YOU HEAR ANYTHING SAID ABOUT IT ON THE GROUND AS TO WHAT PART THEY WERE TO TAKE? A. NO , SIR, NOT THAT I RECOLLECT. Q. WHAT DID LEE SA~~U~~Y ON THAT SUBJECT.? A. HE MENTIONED THAT THEY WAS OUT THERE AT THAT TIME — THESE **I**NDIANS **AND** THA**T** **THEY** HAD BEEN WORKING ~~ON~~ **AGAINST** THE EMIGRANTS. IT WAS REPORTED **THAT THERE WERE** A HUNDRED OR SO AROUND THERE AND **THEY** HAD	THERE I COULD NOT SAY ANYTHING MORE THAN THE OBJECT WAS THAT ≤WHAT I≥ SAW SOME OF THEM DO IN THE KILLING ≤EVENING≥ [*space*] DID YOU HEAR ANYTHING SAID ABOUT IT ON THE *GROUND*[?] AS TO WHAT PART THEY WERE TO TAKE NO SIR NOT THAT I RECOLLECT [*space*] WHAT DID LEE SAY ON THAT SUBJECT HE MENTIONED THAT THEY WAS OUT THERE AT THAT TIME THOSE INDIANS AND THAT THEY HAD BEEN WORKING ON THE EMIGRANTS ~ ≤*REPEATED*[?] FOR HOGE≥ AROUND THERE AND HAD

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RT	RS	BT	PS
BEEN SHOOTING AND WORKING ON THE EMIGRANTS AND KILLING THEM. Q. I WISH NOW TO CALL YOUR ATTENTION TO A CONVERSATION BETWEEN YOURSELF, BRIGHAM YOUNG AND MR. LEE — STATE THAT CONVERSATION AS YOU REMEMBER IT ? DEFENSE BY HOGE ENTERED AN OBJECTION AS BEFORE AS TO WHAT WAS SAID~~P~~, AS WITNESS WAS EXAMINED ON THE SAME GROUND BEFORE IN HIS EXAMINATION IN CHIEF. *[143]* COURT: WHAT IS YOUR OBJECT IN GOING INTO	BEEN SHOOTING WORKING ON EMIGRANTS AND KILLING PART [*space*] QI WISH NOW TO CALL YOUR ATTENTION TO CONVERSATION BETWEEN YOURSELF, BRIGHAM YOUNG MR. LEE, AND {STATE}[i] THAT CONVERSATION AS YOU REMEMBER IT. BY HOGE WE ENTER OBJECTION AS BEFORE AS TO WHAT WAS SAID. IT IS GOING OVER SAME GROUND HE WAS EXAMINED HERE BEFORE EXAMINATION IN CHIEF. COURT TO BASKIN. WHAT IS YOUR OBJECT GOING INTO	BEEN SHOOTING AND WORKING AGAINST THE EMIGRANTS AND KILLING THEM~~?~~. Q. I WISH NOW, TO CALL YOUR ATTENTION TO THE CONVERSATION BETW**E**EN BRIGHAM YOUNG, YOURSELF AND MR. LEE, AND STATE TH**A**T CONVERSATION AS YOU REMEMBER IT. **M**[R] HOG~~U~~E: WE ENTER AN OBJECTION AS BEFORE IN REGARD TO WHAT WAS SAID. IT IS GOING OVER THE SAME GROUND THAT HE WAS EX~~Z~~AMINED ON BEFORE IN HIS EXAMINATION IN CHIEF . COURT: WHAT IS YOUR OBJECT IN GOING INTO	BEEN SHOOTING AND WORKING AGAINST THE EMIGRANTS AND KILLING ~~≤~~THEM~~≥~~ CALL YOUR ATTENTION TO CONVERSATION BETWEEN BRIGHAM YOUNG YOURSELF AND MR. LEE AND STATE THAT CONVERSATION AS YOU REMEMBER IT OBJECTED TO OVERRULED EXCEPTION AND ALSO ON ANOTHER GROUND THAT IT IS GOING OVER THE SAME GROUND AGAIN HIS EXAMINATION IN CHIEF ~~OBJECTED)~~ [*space*] ~~BASKIN~~ —[?] [*space*]

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RT	RS	BT	PS
THIS QUESTION ? BASKIN: FOR THE REASON THE LAST STATEMENT MADE BY THE WITNESS IN THAT CO~~J~~NVERSATIO N, HE RELATED THE FIRST PORTION OF IT AND OMITTED THE LATTER. COURT OVERRULED THE OBJECTION.	THIS AGAIN ≤**BASKIN**≥ FOR THE REASON LAST STATEMENT MADE BY WITNESS IN THAT CONVERSATION HE RELATED FIRST PORTION OF IT AND OMITTED LATTER BY COURT I SEE NO OBJECTION TO THAT BASKIN	THIS AGAIN ? **M**$^{\underline{R}}$ BASKIN: FOR THE REASON THAT THE LAST STATEMENTS MADE BY THE WITNESS IN THAT CONVERSATION, HE RELATED THE FIRST PORTION OF IT AND OMITTED THE LATTER. COURT: I S**E**E NO OBJECTION TO THAT. EXCEPTION TO THE RULING OF THE COURT~~.~~BY DEFENDANTS. Q.	
Q. NOW THEN STATE WHAT OCCURRED ? A. WELL WHEN I MET MR. LEE DOWN AT SALT LAKE AS I HAVE STATED BEFORE AS I UNDERSTOOD HE WAS TO GO AND TELL PRESIDENT YOUNG ALL ABOUT IT AND THEY ASKED HIM, DID YOU TELL HIM ALL ABOUT	NOW THEN $_{Q}$STATE WHAT OCCURRED $_{A}$ WELL WHEN I MET MR. LEE DOWN AT SALT LAKE CITY AS I STATED BEFORE [*space*] *[[26]]* AS I UNDERSTOOD HE WAS GOING TO TELL PRESIDENT YOUNG ALL ABOUT IT, AND THEY ASKED HIM DID YOU TELL HIM ALL ABOUT	NOW, THEN STATE WHAT OCCURRED? *[II8]* A. WELL, WHEN I MEN MR. LEE DOWN AT SALT LAKE , AS I SAID BEFORE~~?~~**,** AS I UNDERSTOOD, HE WAS TO GO AND TELL PRESIDENT YOUNG ALL ABOUT I~~T~~. I THINK I ASKED HIM, " DID YOU TELL HIM ALL A**B**OUT	STATE WHAT OCCURRED WELL WHEN I MEN MR. LEE DOWN AT SALT LAKE AS I SAID BEFORE FOR I UNDERSTOOD HE WAS TO GO AND TELL PRESIDENT YOUNG ALL ABOUT IT. I THINK I ASKED HIM DID YOU TELL HIM ALL ABOUT

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RT	RS	BT	PS
IT. HE SAID, VERBATIMLY I ASKED HIM WHAT DID PRESIDENT YOUNG SAY; LEE,HE SAID IT WAS ALL RIGHT, ALL SATISFAC~~O~~TOR Y. Q. I CALL YOUR ATTENTION TO THE CONVERSATION HAD IN BRIGHAM YOUNG'S OFFICE ? A. THAT WAS AFTERWARDS. Q. STATE THAT ? A. WELL, MR. LEE MR. HOPKINS AND MYSELF WAS IN HIS OFFICE AS I STATED BEFORE, HE TOOK US OUT TO THE BARN YARD AND SHOWED US HIS BARNS AND FINE THINGS,AFTER THAT WE WENT BACK AGAIN. THEN HE MENTIONED THIS THING HIMSELF ABOUT	IT, HE SAID VERBATIMLY, I ASKED HIM WHAT DID PRESIDENT YOUNG SAY, HE SAID IT WAS ALL RIGHT ALL SATISFACTORY. BASKIN I CALL YOUR ATTENTION CONVERSATION HAD IN BRIGHAM YOUNG'S OFFICE $_{A}$ THAT WAS AFTERWARDS. STATE THAT? WELL MR. LEE MR. HOPKINS MYSELF WAS IN HIS OFFICE AS I STATED BEFORE; TOOK US OUT BARNYARD SHOWED US BARNS FINE THINGS; WE WENT BACK AGAIN; THEN MENTIONED THIS THING HIMSELF ABOUT	IT?" HE SAID**,** **"**VERBATIMLY,**"** I ASKED HIM **"**WHAT DID PRESIDENT YOUNG SAY;**"** HE SAID, **"** IT WAS ALL RIGHT**,** **IT WAS** ALL SATISFACTORY. **"** Q. I CALL YOUR ATTENTION TO THE CONVERSATION HAD IN BRIGHAM YOUNG'S OFFICE. A. THAT WAS AFT**E**RWARDS. MR. LEE AND MR. HOP~~N~~KINS AND M~~U~~YSELF WAS IN HIS OFFICE AS I STATED BEFORE, HE TOOK US TO THE BARN, SHOWED UW HIS BARNYARD AND FINE THINGS, AND T**H**EN HE TOOK US IN THE HOUSE, AND MENTI**O**NED THIS THING HIMSELF ABOUT	IT HE SAID VERBATIM~~LY~~.[187] WHAT DID PRESIDENT YOUNG SAY HE SAID IT WAS ALL RIGHT IT WAS ALL SATISFACTORY [*space*] I CALL YOUR ATTENTION TO THE CONVERSATION HAD IN BRIGHAM YOUNG'S OFFICE MR. LEE AND MR. HOPKINS AND MYSELF WAS IN HIS OFFICE AS I STATED BEFORE HE TOOK US TO THE BARN SHOWS US HIS BARN AND FINE THINGS AND THEN HE TOOK IN THE HOUSE AND MENTIONED THIS THING HIMSELF ABOUT

187. "LY" on "VERBATIMLY" appears to have been added later, then crossed out.

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RT	RS	BT	PS
THIS PROPERTY,SAID THIS PROPERTY OF THE EMIGRANTS LEE WOULD TAKE CHARGE OF IT,IN AS MUCH AS HE IS INDIAN AGENT. NOW,	THIS PROPERTY; ≤SAID≥ THIS PROPERTY OF EMIGRANTS, LEE WILL TAKE CHARGE OF IT IN AS MUCH AS HE IS INDIAN AGENT, *NOW*[?]	THIS PROPERTY. HE SAID**, "**THIS PROPERTY OF THE EMIGRANTS, LEE WILL TAKE CHARGE OF IT, ~~IN~~ IN AS MUCH AS HE I~~N~~S THE INDIAN AGENT NOW;**"** AND THEN HE TURNED AROUND—	THIS PROPERTY. THIS PROPERTY SAID HE "LEE BETTER TAKE CHARGE OF IT IN AS MUCH AS HE IS INDIAN AGENT" AND THEN TURNED AROUND
LOOKING AROUND TO US,	LOOKED AROUND TO US	LOOKING AROUND TO US, AND SAID,	TO US THEN SAID <KEEP ~~TO YOURSELVES~~
WHAT YOU KNOW ABOUT THIS KEEP TO YOURSELF, EVEN DON'T TALK ABOUT IT ANY AMONG YOURSELVES.	WHAT YOU KNOW ABOUT THIS KEEP TO YOURSELVES EVEN DON'T TALK ABOUT IN AMONG YOURSELVES. BY BASKIN THAT IS ALL BY BASKIN THAT IS ALL WE'LL CALL JOEL WHITE BY DEFENSE WE WISH THIS WITNESS TO REMAIN. BY	**"**WHAT YOU KNOW ABOUT THIS THING DON'T EVEN TALK ABOUT IT AMONG YOUSELVES.**"** **M**$^{\underline{R}}$ BASKIN: THAT IS ALL.	WHAT YOU KNOW ABOUT THIS THING TO YOURSELVES> EVEN DO NOT TALK ABOUT IT ≤AMONG≥ YOURSELVES. [*space*]
BISHOP: I WISH TO ASK WITNESS ONE MORE QUESTION. Q. YOU SAY MR.	**M**$^{\underline{R}}$ BISHOP I WISH ASK ONE QUESTION NOW Q YOU SAY MR.	**M**$^{\underline{R}}$ BISHOP: I WISH TO ASK ONE QUESTION. YOU SAY MR.	*[[18]]* BISHOP [*space*] YOU SAY MR.

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RT	RS	BT	PS
LEE TOLD YOU ON THE GROUND THE INDIANS HAD BEEN FIRST ATTACKING AND FIRING UPON THE ~~MI~~ EMIGRANTS —- WHERE WAS LEE WHEN HE TOLD YOU THIS ? *[144]* A. IT WAS DOWN AT THAT COUNCIL, BEFORE WE WENT TO DO IT. Q. AT THE TIME THE SQUARE WAS FORMED ? A. BEFORE THE HOLLOW SQUARE WAS FORMED.	LEE TOLD YOU ON GROUND INDIANS HAD BEEN ATTACKING FIRING UPON EMIGRANTS; WHERE WAS LEE WHEN HE TOLD YOU THIS ~~Q~~**A**IT WAS DOWN AT THAT COUNCIL BEFORE WE WENT TO DO IT. {AT THE TIME}[i] ~~<~~SQUARE WAS FORMED~~>~~ **A**BEFORE HOLLOW SQUARE WAS FORMED.--	LEE TOLD YOU ON THE GROUND THAT THE **I**NDIANS HAD BEEN ATTACKING AND **FIRED** ~~FIRING~~ UPON **BY** THE EMIGRANTS. WHERE WAS LEE WHEN HE TOLD YOU THIS.? A. THIS WAS DOWN AT THE COUNCIL BEFORE WE WENT TO DO IT. Q. AT THE TIME THE HOLLOW SQUARE WAS FORMED THERE? A. ~~B~~**B**EFORE THE HOLLOW SQUARE WAS FORMED.	LEE TOLD YOU ON THE GROUND THAT THE INDIANS HAD BEEN THERE ATTACKING AND FIRING UPON EMIGRANTS WHERE WAS LEE WHEN HE TOLD YOU THIS THIS WAS DOWN AT THAT COUNCIL BEFORE WE WENT OUT TO DO IT AT THE TIME THE HOLLOW SQUARE WAS FORMED THERE? BEFORE [*space*]

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John D. Lee, First Trial

Joel White Testimony

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RT	RS	BT	PS
[145] JOEL WHITE SWORN FOR THE PROSECUTION. EXAMINED BY R. N. BASKIN, ESQ.	[[Bk 3 26 cont.]] BY COURT CALL MR. WHITE [*space*] **JOEL WHITE** SWORN BY CLERK. —[?] NAME	[Bk 3 119] JOEL WHITE SWORN **F**OR THE PROSECUTION.	[[Bk 4 18 cont.]] **JOEL WHITE** SWORN FOR THE PROSECUTION [*space*]
Q. WHAT IS YOUR CORRECT NAME ? A. JOEL W. WHITE. Q. WHAT IS YOUR AGE ? A. I WAS 44 YEARS LAST MARCH. Q. WHERE DO YOU RESIDE ? A. IN CEDAR VALLEY — CEDAR FORT. Q. HOW LONG HAVE YOU RESIDED THERE ? A. WELL I2 OR I3 YEARS.	BASKIN Q WHAT IS YOUR NAME WHAT IS YOUR CORRECT NAME A JOEL **W** WHITE. Q WHAT IS YOUR AGE A I WAS 44 LAST MARCH Q WHERE DO YOU RESIDE A IN CEDAR VALLEY CEDAR FORT Q HOW LONG HAVE YOU RESIDED THERE A WELL TWELVE OR 13 YEARS.	BY **M**R BASKIN: Q. WHAT ~~DID~~ **IS** YOUR NAME— WHAT IS YOUR CORRECT NAME? A. JOEL W. WHITE/ Q. WHAT IS Y**O**UR AGE ~~?~~, MR. WHITE? A. I WAS 44 LAST MARCH. Q. WHERE DO YOU RESIDE, CEDAR VALLEY, CEDAR FORT**?** Q. HOW LONG HAVE YOU RESIDED THERE? A. WELL, I2 OR I3 YEARS.	WHAT IS YOUR FIRST NAME JOEL W WHITE WHAT IS YOUR AGE MR. WHITE I WAS 44 LAST MARCH WHERE DO YOU RESIDE CEDAR VALLEY CEDAR FORT HOW LONG ~~≤~~HAVE YOU~~≥~~ RESIDED THERE I2 YEARS ~~≤~~OR 13~~≥~~ NOW I CAN'T SAY EXACTLY WITHOUT RECKONING UP
Q. IN WHAT COUNTY IS CEDAR FORT ? A. UTAH COUNTY, THAT IS NORTH. Q. WHERE DID YOU RESIDE IN 1857 ? A. IN CEDAR	IN WHAT COUNTY IS CEDAR FORT A UTAH COUNTY ~~≤~~THAT IS~~≥~~ NORTH {OF HERE}[1]. Q WHERE DID YOU RESIDE IN 1857 A IN CEDAR	Q. IN WHAT COUNTY IS CEDAR FORT? A . IN UTAH COUNTY; THAT IS NORTH OF HERE. Q. WHERE D~~O~~ID YOU RESIDE IN '57? A. IN CEDAR CITY,	IN WHAT COUNTY IS CEDAR FORT IN UTAH COUNTY THAT IS NORTH YES SIR WHERE DID YOU RESIDE IN 1857 IN CEDAR

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RT	RS	BT	PS
CITY IRON COUNTY. Q. WHERE DID YOU RESIDE IN SEPTEMBER OF THAT YEAR ? A. SAME PLACE. Q. HOW LONG DID YOU RESIDE IN SEPTEMBER OF THAT YEAR ? A. SAME PLACE.	CITY IRON COUNTY $_{Q}$ WHERE DID YOU RESIDE IN SEPTEMBER OF THAT YEAR; $_{A}$ SAME PLACE	IRON COUNTY. Q. WHERE DID YOU RESIDE IN SEPTEMBER OF THAT YEAR? A. IN THE SAME PLACE.	CITY IRON COUNTY WHERE DID YOU RESIDE IN SEPTEMBER OF THAT YEAR $_{A}$ IN THE SAME PLACE
Q. HOW LONG DID YOU RESIDE THERE PREVIOUS TO THAT TIME ? A. I MOVED THERE IN THE FALL OF I854. I WAS THERE UP TO THAT TIME, TILL THE NEXT SPRING, I THINK, AFTERWARDS Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE SITUATED, OR WHERE THEY WERE ? A. FROM CEDAR CITY AS NEAR AS I CAN REMEMBER, SOUTHWEST, I BELIEVE. I HAVE BEEN THROUGH THERE SEVERAL TIMES. *[146]* Q.	$_{Q}$HOW LONG DID YOU RESIDE THERE PREVIOUS TO THAT TIME $_{A}$ I MOVED THERE IN FALL OF 54 WAS THERE UP TO THAT TIME UNTIL NEXT SPRING I THINK AFTERWARDS. $_{Q}$DO YOU KNOW WHERE MOUNTAIN MEADOWS ARE SITUATED $<_{A}$ YES SIR> WHERE THERE WAS? WELL $_{A}$FROM CEDAR CITY AS NEAR AS I {REMEMBER}[i] SOUTHWEST I BELIEVE I HAVE BEEN THROUGH THERE SEVERAL TIMES. $_{Q}$	Q. HOW LONG DID YOU RESIDE THERE PREVIOUS TO THAT TIME? A. I MOVED THERD IN THE FALL OF ‘54, AND WAS THERE UP TO THAT TIME~~;~~, TILL THE NEXT SPRING~~;~~; I THINK AFTERWARDS. Q. DO YOU KNOW~~X~~ WHERE THE MOUNTAIN MEADOWS ARE SITUATED? A. YES, SI~~T~~R. Q. WHERE? A. WELL, FROM CEDAR CITY AS NEAR AS I CAN REMEMBER, SOUTH WEST I BELIEVE. I HAVE BEEN THROUGH THERE SEVERAL TIMES. Q.	HOW LONG RESIDED THERE PREVIOUS TO THAT TIME I MOVED THERE IN THE FALL OF 54 AND WAS THERE UP TO THAT TIME UNTIL THE NEXT SPRING I THINK AFTERWARDS DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE SITUATED YES SIR WHERE WELL FROM CEDAR CITY AS NEAR AS I CAN *RECALL*[?] SOUTH WEST I BELIEVE ABOUT

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RT	RS	BT	PS
HOW MANY MILES SOUTH OF IT ? A. I THINK IT IS THIRTY FIVE MILES, SUCH A MATTER AS NEAR AS I CAN RECOLLECT. Q. WHAT COUNTY IS IT IN ? A. I DON'T KNOW AS I KNOW THAT; IT WAS NOT LAID OFF IN COUNTIES WHEN I WAS THERE. Q. WERE YOU EVER UPON THE GROUND OF THE MOUNTAIN MEADOWS ? A. YES SIR. Q. I WISH YOU WOULD STATE TO THE JURY IN YOUR OWN WAY WITHOUT MY ASKING QUESTIONS HOW YOU CAME TO BE THERE AND THE CIRCUMSTANCES CONNECTED WITH IT ? HOGE: THE	HOW MANY MILES SOUTH OF IT? I THINK IT IS 35 MILES, OR SUCH A MATTER AS NEAR AS I CAN RECOLLECT **Q**WHAT COUNTY IS IT IN **A**I DON'T KNOW AS I KNOW THAT IT WAS NOT LAID OFF IN COUNTIES WHEN I WAS THERE. **Q** WERE YOU EVER UPON THE GROUND OF MOUNTAIN MEADOWS **A** YES SIR. **Q** WOULD YOU STATE JURY IN YOUR OWN WAY WITHOUT MY ASKING QUESTIONS HOW YOU CAME TO BE THERE ~~≤~~AND THE~~≥~~ CIRCUMSTANCE S CONNECTED WITH IT [*space*] BY HOGE YOUR HONOR PLEASE. WISH	HOW MANY MILES SOUTH OF IT? A. I THINK IT IS 35 MILES, OR SUCH A MATTER AS NEAR AS I CAN RECOLLECT FROM CEDAR CITY. Q. WHAT COUNTY IS IT IN? A. I DON'T KNOW AS I KNOW THAT; IT WAS NOT LAID OFF IN COUNTIES WHEN I WAS THERE~~?~~. *[120]* Q. WERE YOU EVER UPON THE GROUND O~~D~~F THE MOUNTAIN MEADOWS? A. YES, SIR. Q. WON'T YOU STATE TO THE JURY IN YOUR OWN WAY WITHOUT MY KEEP~~ING~~ ASKING YOU QUESTIONS**,** HOW YOU CAME TO ~~N~~BE THERE AND ~~G~~THE CIRCUMSTANC~~E~~S CONNECTED WITH IT~~.~~**?** **M**~~R~~ HOGE: IF YOUR **H**ONO~~E~~**R** PLEASE, WE WISH THE	HOW MANY MILES SOUTH OF IT I THINK IT IS ABOUT 35 MILES OR SUCH A MATTER FROM CEDAR [*space*] WHAT COUNTY IS IT IN I DON'T KNOW AS I KNOW THAT IT WAS NOT LAID OFF IN COUNTIES WHEN I WAS THEN [*space*] WHERE YOU EVER UPON THE GROUND OF THE MOUNTAIN MEADOWS YES SIR STATE TO THE JURY IN YOUR OWN WAY WITHOUT OUR ASKING QUESTIONS HOW YOU CAME TO BE THERE AND THE CIRCUMSTANCE S CONNECTED WITH IT ~~OBJECTED~~ TO ~~≤~~HOGE~~≥~~

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RT	RS	BT	PS
QUESTION OUGHT TO BE PUT AS TO WHETHER HE WAS EVER THERE OR NOT. [*space*] THE PROSECUTION TAKE IT FOR GRANTED THAT HE WAS THERE AT THE TIME OF THE ALLEGED MASSACRE; AT THIS POINT WE ASK THE COURT TO NOTIFY HIM THAT HE NEED NOT ANSWER ANY QUESTIONS THAT WILL HAVE A TENDENCY TO FIX CRIME UPON HIMSELF. BASKIN OBJECTED THAT DEFENDANTS HAD NO RIGHT	QUESTION TO BE PUT AS TO WHETHER HE WAS EVER THERE OR NOT. THEY TAKE IT FOR GRANTED WAS HE THERE {AT THE TIME}[i] OF *[[27]]* ALLEGED MASSACRE AT THIS PLACE ASK THE COURT NOTIFY HIM NEED NOT ANSWER NO[188] QUESTIONS THAT WILL HAVE TENDENCY TO FIX CRIME UPON HIMSELF. BY BASKIN IT IS MY *OPINION*[?] DEFENSE HAS NO RIGHT	QUESTION TO BE PUT TO THE WITNESS AS TO WHETHER HE WAS EVER THERE OR NOT. COUNSEL TAKE**S** IT FOR GRANTED THAT HE WAS THERE AT THE TIME ALLEGED; AND AT THE MASSACRE AT THIS PLACE. WE ASK THE COURT TO NOTIFY HIM THAT HE NEED NOT ANSWER ANY QUESTIONS , AND THAT SUCH IS HIS PRIVILEGE, ~~AND~~ **THAT HE NEED NOT STATE ANYTHING** THAT WILL HAVE A TENDEN~~V~~CY TO FIX CRIME UPON HIMSELF. **M**$^{\underline{R}}$ BASKIN: GO ON AND ANSWER MY QUESTION.	~~≤~~*I*[?]~~≥~~ ASK THAT THE COURT NOTIFY HIM WHAT HIS PRIVILEGE IS THAT HE NEED NOT ANSWER ANY QUESTION TENDING TO CRIMINATE HIMSELF AND TEND TO FIX CRIME ON HIMSELF. [*space*]

188. Vowel indicates the word is "NO".

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RT	RS	BT	PS
TO CLAIM ANY SUCH INSTRUCTIONS.	TO CLAIM [*space*] BY HOGE WE HAVE {A}[i] RIGHT {TO SAY TO WITNESS}[i] THAT HE MAY NOT CRIMINATE HIMSELF OR ANSWER ANY QUESTION THAT WILL TEND TO CRIMINATE HIMSELF NEED NOT FURNISH SINGLE	**M^{R}** HOG~~G~~E: WE HAVE A RIGHT TO SAY TO THE WITNESS THAT HE NEED NOT CRIMINATE HIMSELF OR ANSWER ANY QUESTION THAT WILL TEND TO CRIMINA~~T~~E HIMSELF AND NEED NOT FURNISH A SINGLE	
THE COURT INSTRUCTED THE WITNESS THAT HE NEED NOT TESTIFY AS TO MATTERS THAT WOULD CRIMINATE HIM. ~~WIT.: IN REFERENCE TO WHAT HAPPENED AS TO THE COMPANY PASSING THROUGH CEDAR CITY I WASN'T AT HOME AT THE TIME THEY PASSED THROUGH; I HEARD ABOUT A TROUBLE AND DIFFICULTY THAT THEY HAD HAD IN THE PLACE; I THINK THE NEXT DAY I~~	LINK. BY COURT WITNESS NEED NOT CRIMINATE HIMSELF IF HE SEES PROPER	LINK. **THE C~~Q~~OURT: WITNESS NEED NOT CRIMINATE HIMSELF UNLESS ~~IF~~** HE SEES PROPER.	

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RT	RS	BT	PS
~~CAME HOME, AS NEAR AS I CAN RECOLLECT; THE NEXT DAY~~ *[147]* Q. GO ON MR. WHITE AND ANSWER MY QUESTION, THAT IS I WANT TO CALL YOUR ATTENTION TO THE MOUNTAIN MEADOWS MASSACRE AND WISH YOU TO TELL WHAT YOU KNOW ABOUT IT AND TELL WHAT CONNECTION IF ANY YOU HAD WITH IT, AND COMMENCE IN THE ORDER IN WHICH THE EVENTS OCCURRED, TELL IT IN YOUR OWN WAY ? WIT.: IN REFERENCE TO WHAT HAPPENED AS TO THE COMPANY PASSING THROUGH CEDAR CITY, I WAS NOT AT HOME AT THE TIME	Q GO ON MR. WHITE ANSWER MY QUESTION; THAT IS I WANT CALL YOUR ATTENTION TO MOUNTAIN MEADOWS MASSACRE TELL WHAT YOU KNOW ABOUT IT AND TELL WHAT CONNECTION IF ANY YOU HAD WITH IT, AND COMMENCE IN THE ORDER IN WHICH {THE}[i] <THING THERE OCCURRED> THE EVENTS OCCURRED TELL IT IN YOUR OWN WAY. [*space*] ~~Q~~A WHEN THIS COMPANY PASSED THROUGH CEDAR CITY I WAS NOT AT HOME TIME	M^{R} BASKIN: I WANT TO CALL YOUR ATTENTION TO THE MOUNTAIN MEADOW MASSACRE, AND HAVE YOU TELL WHAT YOU KNOW ABOUT IT , AND WHAT CONNECTION IF ANY YOU HAD WITH IT. COMMENCE IN THE ORDER IN WHICH THE THING OCCURRED; AND TELL IN YOUR OWN WAY WHEN THIS COMPANY PASSED THROUGH TO CEDAR CITY? A. I WAS NOT AT HOME AT THE TIME ; I WAS NOT AT HOME	GO ON AND ANSWER MY QUESTION Q I WANT TO CALL YOUR ATTENTION TO THE MOUNTAIN MEADOW MASSACRE AND TELL WHAT YOU KNOW ABOUT IT AND WHAT CONNECTION IF ANY YOU HAD WITH IT AND COMMENCE IN THE ORDER IN WHICH THE THING OCCURRED AND TELL IT IN YOUR OWN WAY WHEN THIS COMPANY PASSED THROUGH CEDAR CITY A I WAS NOT AT HOME AT THE TIME

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RT	RS	BT	PS
THEY PASSED THROUGH THERE; I HEARD ABOUT A TROUBLE AND DIFFICULTY THEY HAD IN THE PLACE; I THINK THE NEXT DAY I CAME HOME, AS NEAR AS I CAN RECOLLECT,	THEY PASSED THROUGH THERE I HEARD CONSIDERABLE TROUBLE DIFFICULTY THEY HAD IN PLACE. I THINK NEXT DAY I CAME HOME, AS NEAR AS I CAN RECOLLECT	AT THE TIME THEY PASSED THROUGH THERE. I HEARD CONSIDERABLE TROUBLE — DIFFICULTY THEY HAD IN THE PLACE. I THINK THE NEXT DAY— I THINK I CAME HOME	THEY PASSED THROUGH *[[19]]* THERE I HEARD CONSIDERABLE TROUBLE AND DIFFICULTY THEY HAD HAD IN THE PLACE UNTIL THE NEXT DAY I THINK I CAME HOME [*space*]
THE NEXT DAY AFTER THIS COMPANY HAD PASSED THROUGH.	NEXT DAY AFTER THIS COMPANY HAD PASSED THROUGH;	THE NEXT DAY THIS COMPANY PASSED THROUGH THERE AS NEAR AS I CAN RECOLLECT. MR.	NEXT DAY AFTER THIS COMPANY PASSED THROUGH
MR. HAIGHT ,MR. SMITH AND TWO OR THREE OTHER MEN WAS THERE TOGETHER; I DON'T RECOLLECT WHO ONE WAS, WE	MR. HAIGHT, MR. SMITH TWO OR THREE OTHER MEN WAS THERE TOGETHER; <Q>WHERE> I DON'T RECOLLECT BUT ONLY SAY	HAIGHT, MR. SMITH AND TWO OR THREE OTHER MEN WAS THERE TOGETHER. Q. WHERE?	MR. HAIGHT MR. SMITH AND TWO OR THREE OTHER MEN WAS THERE TOGETHER [*space*] WHERE [*space*]
WERE IN THE CITY CLOSE TO THE OLD SCHOOL HOUSE AND WHEN I SAW THEM MR. HAIGHT WANTED TO KNOW IF I WOULD TAKE A	WERE IN THE CITY CLOSE TO {THE}[i] OLD SCHOOL HOUSE THERE. WHEN I SAW THEM MR. HAIGHT WANTED TO KNOW IF I WOULD TAKE	A. IN THE CITY, CLOSE TO THE OLD SCHOOL HOUSE THERE; AND WHEN I SAW THEM**,** MR. **H**AIGHT WANTED TO KNOW IF I WOULD TAKE A	~~WAS IN~~ IN THE CITY CLOSE TO THE OLD SCHOOL HOUSE THERE WHEN I SAW THEM MR. HAIGHT WANTED TO KNOW IF I WOULD TAKE A

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RT	RS	BT	PS
LETTER, HE WANTED TO SEND AN EXPRESS TO PAINTER CREEK AND WANTED TO KNOW IF I WOULD GO WITH HIM — BISHOP SMITH. I TOLD HIM I WOULD. Q. WAS THERE ANYTHING SAID AS TO THE OBJECT OF SENDING THE LETTER ? A. THE OBJECT OF SENDING THE LETTER WAS TO A MAN THERE, KINDER HEAD OF THE CHURCH, THE SUPERINTENDEN T OF THE INDIANS, TO PACIFY THE INDIANS AND LET THE COMPANY PASS BY UNMOLESTED. Q. I WISH YOU WOULD REMEMBER THE PARTIES WHO WERE	LETTER; {HE}[i] WANTED {TO}[i] SEND {AN}[i] EXPRESS TO PINTO CREEK {AND}[i] WANTED {TO}[i] KNOW IF I WOULD GO WITH HIM, {MR. SMITH}[i] I TOLD HIM I WOULD. WAS THERE Q ANYTHING SAID {AS TO THE}[i] OBJECT OF SENDING {THE}[i] LETTER? A {THE}[i] OBJECT OF SENDING LETTER WAS TO MAN THERE KINDER HAD CHARGE THE SUPERINTENDE NCY OF INDIANS; TO PACIFY INDIANS {AND}[i] LET THE COMPANY PASS BY UNMOLESTED Q I WISH YOU WOULD REMEMBER {THE}[i] PARTIES {WHO}[i] WERE	LETTER. HE SAID *[I2I]* HE WANTED TO SEND AN EXPRESS OVER TO PINTO CREEK; I TOLD HIM——— — Q. WAS THERE ANYTHING SAID WHAT THE OBJECT OF THE LETTER W AS? A. WELL, HE TOLD ME THE OBJECT OF SENDING THE LETTER, WAS TO THE MAN THERE THAT KIND OF HAD CHARGE, AND SUPERINTENCD ENCY OF THE INDIANS, TO PACIFY THE INDIANS AND LET THE COMPANY PASS BY UNMOLESTED. Q. I WISH Y OU WOULD TRY AND REMEMBER THE PARTIES, ALL THAT WERE	LETTER SAID HE WANTED TO SEND AN EXPRESS OVER TO PINTO CREEK AND I TOLD HIM [*space*] QWAS THERE ANYTHING SAID WHAT THE OBJECT OF THE LETTER WAS AWELL HE TOLD ME THE OBJECT OF SENDING THE LETTER WAS TO THE MAN THERE THAT KIND OF HAD *CHARGE*[?] LET THE COMPANY PASS BY UNMOLESTED QREMEMBER WHO THE PARTIES THE PERSON

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RT	RS	BT	PS
PRESENT TALKING WHEN THAT PARTICULAR MATTER WAS BROUGHT UP AT THAT TIME WITH MR. HAIGHT ? A. I AM NOT POSITIVE THAT I COULD CALL THEIR NAMES FOR CERTAIN, ONLY MR. SMITH AND MR. HAIGHT. I THINK THERE WAS ABOUT TWO OR THREE MORE;	PRESENT TALKING WHEN {THE}[i] PARTICULAR MATTER {WAS BROUGHT UP}[i] AT THAT TIME WITH MR. HAIGHT ~~A~~I AM NOT POSITIVE THAT I COULD CALL THEIR NAMES {FOR}[i] CERTAIN, ONLY MR. SMITH {AND}[i] MR. HAIGHT. I THINK THERE WAS {TWO}[i] TWO OR 3 MORE,	PRESENT TALKING WHEN THE MATTER WAS BROUGHT UP AT THAT TIME WITH MR. HAIGHT? A. I AM NOT POSITIVE THAT I COULD CALL THEIR NAMES FOR CERTAIN~~.~~**,** ~~Q. MR~~ ONLY MR. SMITH AND MR. HAIGHT. Q. ANY MO~~E~~RE? A. I THINK THERE WAS TWO O~~T~~**R** THREE MO~~T~~RE THERE. Q. DID Y**O**U HEAR THEIR CONVERSATION	TALKING WHEN YOU CAME UP AT THAT TIME WITH MR. HAIGHT ~~A~~I AM NOT POSITIVE OF ANY MORE [*space*] ONLY MR. SMITH AND MR. HAIGHT *BUT*[?] I THINK THERE WAS TWO OR 3 MORE THERE DID YOU HEAR THEIR CONVERSATION
I DIDN'T HEAR THE CONVERSATION, BUT JUST AS I CAME ALONG HE ASKED ME *[148]* THAT QUESTION.	{I}[i] DIDN'T HEAR {THE}[i] CONVERSATION, BUT JUST AS {I}[i] CAME ALONG HE ASKED ME THAT QUESTION,	? A. NO, SIR~~?~~**,** I DIDN'T HEAR THEIR CONVERSATION, BUT JUST AS I CAME ALONG HE ASKED ME THAT QUESTION. Q. DO YOU KNOW WHAT THEY WERE TALKING	NO SIR JUST AS I CAME ALONG HE ASKED ME THAT QUESTION DO YOU KNOW WHAT THEY WERE TALKING
I KNOW NOTHING AT ALL MORE THAN THAT. Q. WELL STATE	I KNOW NOTHING AT ALL MORE THAN THAT. **Q**	ABOUT? A. NO, SIR. Q.	ABOUT NO SIR
WHAT WAS DONE ? A. MR.	WHAT WAS DONE? MR.	WHAT WAS DONE? A. MR.	WHAT WAS DONE ~~A~~MR.

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RT	RS	BT	PS
SMITH VOLUNTEERED TO GO WITH ME; SAYS HE I WILL GO OVER WITH YOU. WE WENT, SADDLED UP OUR HORSES AND WENT OVER THERE AS WE GOT DOWN TO THE SIDE OF THE FIELD	SMITH VOLUNTEERED TO GO WITH ME; SAYS HE I WILL GO OVER WITH YOU; WE WENT SADDLED UP OUR HORSES {AND}[i] WENT OVER THERE. AS WE GOT DOWN TO {THE}[i] SIDE OF {THE}[i] FIELD;	SMITH VOLUNTEERED TO GO WITH ME; SAID HE, "IWILL GO OVER WITH YOU." WE WENT AND SADDLED UP OU~~T~~**R** HORSES AND WENT OVER THERE. AS WE GOT DOWN BY THE SIDE OF THE FIELD, BEFORE WE TURNED OFF FROM THE	SMITH VOLUNTEERED TO GO WITH ME SAID HE I WILL GO OVER WITH YOU WE WENT AND SADDLED UP OUR HORSES AND WENT OVER AS WE GOT DOWN BY THE SIDE OF THE FIELD BEFORE WE TURNED OFF *ON*[?] THE
WE MET MR. LEE, DRIVING UP IN A WAGON. HE WANTED TO KNOW WHERE WE WAS GOING. WE TOLD HIM. HE ASKED THE QUESTION SOMETHING ABOUT THIS COMPANY	WE MET MR. LEE DRIVING UP IN {A}[i] WAGON; HE WANTED TO KNOW WHERE WE WAS GOING, WE TOLD HIM. {HE}[i] ASKED A QUESTION SOMETHING ABOUT THIS COMPANY	FIELD , WE MET MR. LEE DRIVING UP IN A WAGON. HE WA~~S~~NTED TO KNOW WHERE WE WERE GOING, AND WE TOLD HIM. HE ASKED THE QUESTION SOMETHING AB OUT THIS **COMPANY** ~~QUESTION~~	FIELD WE MR. LEE DRIVING UP IN A WAGON. WANTED TO KNOW WHERE WE WERE GOING, AND WE TOLD HIM. ASKED QUESTION SOMETHING ABOUT THIS COMPANY
PASSING,WHAT WAS THE FEELINGS OF THE PEOPLE ABOUT IT. WE TOLD HIM IT WAS TO LET THEM PASS.	PASSING, WHAT WAS THE FEELINGS {OF THE}[i] PEOPLE ABOUT IT, WE TOLD HIM IT WAS TO LET THEM PASS,	PASSING~~M~~, AND WHAT WAS THE FEELINGS OF THE PEOPLE ABOUT IT. WE TOLD HIM IT WAS TO LET THEM PASS, AND FOR THE **I**NDIANS TO BE PA**C**~~SS~~IFIED,	PASSING AND WHAT FEELINGS OF THE PEOPLE WAS. WE TOLD HIM LET IT PASS HAVE THE INDIAN PACIFIED
WE	WE	AND THAT WE	AND

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RT	RS	BT	PS
WERE GOING ON THAT BUSINESS, AND TO HAVE THE INDIANS PACIFIED AND ME AND SMITH WAS TO HAVE THEM PASS. SAYS HE, “I DON’T BELIEVE IT, I HAVE SOMETHING TO DO WITH IT” I CAN’T REMEMBER JUST EXACTLY WHICH ONE OF THEM WORDS HE USED. IT WAS SOMETHING OR OTHER LIKE THAT. HE TURNED AND RODE ON. WE WENT TO ~~PINTO~~ ~~≤~~PAINTER~~≥~~ CREEK. I GAVE THE LETTER I HAD, A SEALED LETTER, TO A MAN	WERE GOING ON THAT BUSINESS THEN TO HAVE {THE}[i] INDIANS PACIFIED AND *MY/ME*[?] *[[28]]* WAS TO LET THEM PASS; ~~≤~~WELL~~≥~~ SAYS HE; I DON’T BELIEVE IT OR I HAVE SOMETHING TO DO WITH IT. ~~≤~~I CAN’T REMEMBER~~≥~~ JUST EXACTLY WHICH ONE OF THEM WORDS HE USED, IT WAS SOMETHING OR OTHER AFTER THAT HE TURNED RODE ON, HE RODE ON. WE WENT TO PINTO CREEK, I GAVE LETTER I HAD, ~~≤~~**A**~~≥~~ SEALED LETTER, TO MAN	WERE GOING ON THAT BUSINESS; THAT IS**,** TO HAVE THE **I**NDIAN~~XS~~ ~~PASSI~~ PACIFIED; AND MY ORDERS WERE TO LET THEM PASS. WELL, SAYS HE, “ I DON’T BELIEVE IN THAT**”**, OR , “IHAVE SOMETHING TO DO WITH IT;**”**~~2~~ I CAN’T REMEMBER *[I22]* JUST EXACTLY WHICH ONE OF **THESE** ~~THEM~~ WORDS HE USED. **“**I BELIEVE IT THAT WAY” OR , “IHAVE SOMETHING TO DO WITH IT.” IT WAS SOMETHING OR OTHER AND HE DROVE ON — TURNED AND RODE ON. WE WENT TO PINTO CREEK, AND I GAVE ~~THE~~ **A SEALED ~~A~~ ~~SEALED~~** LETTER I HAD**,** TO THE MAN	LET THEM PASS. WELL SAYS HE I DON’T BELIEVE IN THAT OR I HAVE SOMETHING TO DO WITH IT [*space*] JUST WHICH OF THOSE WORDS [*space*] I DON’T BELIEVE IT THAT WAY OR I HAVE SOMETHING TO DO WITH IT [*space*] AND HE DROVE ON WE HEADED ON [*space*] WENT TO PINTO CREEK AND GAVE THE SEALED LETTER TO THE MAN

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RT	RS	BT	PS
THERE, I THINK IT WAS RICHARD ROBERTS ON THAT HAD THE OVERSIGHT OF THE INDIANS. THERE HAD BEEN TWO OR THREE DIFFERENT ONES THAT HAD CHARGES~~S~~ THERE AT DIFFERENT TIMES FROM TIME TO TIME. Q. WHO WAS THE PERSON THAT HAD CHARGE OF THAT TIME, AND WHAT POSITION DID HE HOLD IN THE MILITIA OR THE CHURCH ? A. I DIDN'T KNOW HE HAD ANY IN THE MILITIA, OR HELD ANY ONE ~~PO~~ PARTICULARLY IN THE CHURCH. THERE WAS SOME INDIAN MISSIONARIES THAT WAS LOOKING	THERE I THINK IT WAS RICHARD ROBINSON THAT HAD OVERSIGHT OF INDIANS. THERE HAD BEEN TWO OR 3 DIFFERENT ONES THAT HAD —[?] CHARGE FROM TIME TO TIME. ~~Q~~WHO WAS PERSON HAD CHARGE AT THAT TIME WHAT POSITION DID HE HOLD IN MILITIA OR CHURCH ~~A~~I DIDN'T KNOW HE HAD ANY IN MILITIA HELD ANY PARTICULAR IN CHURCH. THERE WAS SOME INDIAN MISSIONARIES THERE THAT WAS LOOKING	THERE. I THINK IT WAS RICHARD ROBINSON. I THINK HE WAS A KIND O~~D~~F **I**NDIAN MISSIONARY**;** HAD THE OVERSIGHT OF THE **I**NDIANS; HE WAS THE ONE THAT HAD CHARGE AT TH~~E~~AT TIME. THE LETTER WAS DIRECTED **TO HIM.** Q. WHAT POSITION DID HE HOLD IN THE MILLITIA OR IN THE CHURCH AT THAT TIME? A. I DON'T KNOW THAT HE HELD ANY IN THE MILLITIA OR HELD ANY PARTICULARLY **POSITION** IN THE CHURCH. THERE WAS **SOME I**NDIAN MISSIONAR~~Y~~**IES** THERE THAT WAS LO**O**KING	THERE I THINK RICHARD *ROBINSON/RBSNS* [?] *[[20]]* I THINK THAT HAD A KIND OF INDIAN MISSIONARY HE WAS THE ONE THAT HAD CHARGE AT THAT TIME [*space*] LETTER WAS DIRECTED WHAT POSITION DID HE HOLD IN THE MILITIA OR IN THE CHURCH I DON'T KNOW THAT HE HELD ANY IN THE MILLITIA NOR I DO NOT KNOW THAT HE HELD ANY PARTICULARLY IN THE CHURCH THERE WAS SOME INDIAN MISSIONARIES THERE THAT WAS LOOKING

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RT	RS	BT	PS
AFTER THE INDIANS LIKE, THAT IS THEY WERE MISSIONARIES. Q. BY ~~WGOP~~ WHOM WERE THEY SENT ? A. FROM THE CHURCH, THEY WERE SENT DOWN THERE AS INDIAN MISSIONARIES AND HAD BEEN AMONG THE INDIANS. THIS LETTER WAS SENT TO HIM AS HE HAD A KINDER OVERSIGHT OF THE INDIANS. THE INDIANS WERE KINDER HOSTILE	AFTER {THE}[1] INDIANS LIKE. THAT IS THEY WERE MISSIONARIES Q BY WHOM? FROM THE CHURCH THEY WAS SENT DOWN THERE AS INDIAN MISSIONARIES AND HAD BEEN AMONG INDIANS. THIS LETTER WAS SENT TO HIM AS HE HAD KINDER OVERSIGHT OF INDIANS INDIANS WERE KINDER HOSTILE	AFTER THE **I**NDIANS THERE LIKE. Q. MISSIONARIES FROM WHOM? A. FROM THE CHURCH**,** THAT WAS SENT DOWN THERE AS **I**NDIAN MISSIONARIES, AND HAD BEEN AMONG THE **I**NDIAND. THIS LETTER WAS SENT TO HIM AS HE HAD KIND OF OVERSIGHT OF THE **I**NDIANS. THE **I**NDIANS WAS VERY **H**OSTILE; A GREAT **DEAL** OF TALK AMONG	AFTER THE INDIANS MISSIONARIES OF WHOM [*space*] FROM THE CHURCH THEY WAS SENT DOWN THERE AS INDIAN MISSIONAR*Y* THIS LETTER WAS TO HIM AS HE KIND OF HAD OVERSIGHT OF THEM INDIANS INDIANS WAS VERY HOSTILE A GREAT DEAL OF TALK AMONG
AND *[149]* THIS LETTER WAS SENT TO HIM TO PACIFY THEM.	THIS WAS TO HIM TO PACIFY THEM. [*space*]	THEM, AND THIS LETTER WAS ~~FROM~~ FOR HIM TO PACIFY THE **I**NDIANS, AND LET THEM PASS DOWN THROUGH THERE~~.~~**.** Q. YOU	THEM AND THIS LETTER WAS FOR HIM TO PACIFY THE INDIANS AND LET THEM PASS WAS WHAT I WAS TOLD [*space*]
Q. WHO WAS IT TOLD YOU — BY WHOM ?	Q YOU WAS TOLD THAT BY WHOM	SAY ~~YOU TOLD HIM BY WHOM?~~ **THAT WAS DELIVERED TO YOU BY WHOM?** A. BY	TOLD THAT BY WHOM
A. BY MR. HAIGHT. MR.	A BY MR. HAIGHT.	MR. HAIGHT**,**	BY MR. HAIGHT

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RT	RS	BT	PS
SMITH AND I TOOK THE LETTER. HE SAYS I WILL GO WITH YOU. WE HAD TO GO OVER IN THE NIGHT. Q. DID YOU AND MR. SMITH HAVE ANY CONVERSATION ABOUT THE CONTENTS OF THE LETTER ? A. NOTHING MORE THAN WHAT WAS SAID THAT IT WAS THE CONTENTS OF A LETTER FOR THAT PURPOSE AND THE LETTER WAS SEALED. Q. AFTER YOU DELIVERED THE LETTER WHAT DID YOU DO THEN ? — WITH WHOM DID YOU SAY ?	MR. SMITH {AND}[i] I TOOK LETTER; HE SAYS I WILL GO WITH YOU, WE HAD TO GO OVER IN THE NIGHT. Q DID YOU AND MR. SMITH HAVE ANY CONVERSATION ABOUT CONTENTS OF THE LETTER ANOTHING MORE THAN WHAT WAS SAID THAT IT WAS CONTENTS OF LETTER FOR THAT PURPOSE LETTER WAS SEALED. AFTER YOU DELIVERED LETTER WHAT DID YOU DO THEN?[189] WITH WHOM [*space*]	AND MR. SMITH. MR . SMITH SAID, “I WILL GO ALONG WITH YOU.” WE HAD TO GO OVER IN THE NIGHT. Q. DID YOU AND MR. SMITH HAVE ANY CONVERSATION ABOUT THE CONTENTS OF THAT LETTER? A. NO, NOTHING MORE THAN **WHAT WAS** **SAID AS TO** **WHAT ~~THE~~** **PURPOSES** ~~THAT IT WAS~~ ~~THE CONTENTS~~ ~~OF THE LETTER~~ ~~AND IT WAS~~ ~~SEALED; BUT~~ **THE LETTER** **WAS.** I DIDN’T KNOW NOTHING WHAT WAS IN IT. Q. AFTER YOU DELIVERED THE LETTER WHAT DID YOU DO THEN? A. WE TURNED ROUND AND CAME	AND MR. SMITH [*space*] MR . SMITH SAID I WILL GO WITH YOU WE HAD TO GO OVER IN THE NIGHT DID YOU AND MR. SMITH HAVE ANY CONVERSATION ABOUT THE CONTENTS OF THAT LETTER NO NOTHING MORE THAN WHAT WAS SAID THAT IT WAS WAS TO THAT PURPOSE LETTER WAS SEALED I DIDN’T KNOW THING THAT WAS IN IT AFTER YOU DELIVERED THE LETTER WHAT DID YOU DO THEN [*space*] WE TURNED ROUND AND CAME

189. There is a period placed beneath the question mark. Also above previous phrase is written: **AUG 3-10AM RESTED HERE** TRANSCRIBING.

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RT	RS	BT	PS
A. MR. SMITH AND ME. Q. BY MR. SMITH WHOM DO YOU MEAN — IS IT IS FULL NAME ? A. IT IS KLINGENSMITH. Q. WHAT DID YOU DO ? A. WE CAME BACK HOME THE NEXT DAY I WENT TO MY WORK AND HEARD NOTHING MORE OF IT. Q. IN RETURNING HOME DID YOU MEET ANY PERSON, IF SO WHOM ? A. I CAN'T RECOLLECT OF MEETING ANYBODY, OR SEEING ANYBODY, NOT TILL I GOT HOME. Q. WELL NOW, THEN, GO ON ? A. AFTER I HAD BEEN HOME TWO OR THREE DAYS — DON'T RECOLLECT EXACTLY HOW LONG, I WAS	MR. SMITH AND ME BY MR. SMITH WHOM DO YOU MEAN STATE HIS FULL NAME IT IS KLINGEN SMITH WHAT DID YOU DO $_{A}$ WE CAME BACK HOME AGAIN NEXT DAY I WENT TO MY WORK HEARD NOTHING MORE OF IT. $_{Q}$IN RETURNING HOME DID YOU MEET ANY PERSON IF SO WHOM $_{A}$I CAN'T RECOLLECT OF MEETING ANYBODY SEEING ANYBODY, NOT UNTIL I GOT HOME <INTO THE SETTLEMENT> $_{Q}$WELL NOW THEN GO ON $_{A}$ AFTER I HAD BEEN HOME TWO TO THREE *DAYS*[?], DON'T RECOLLECT EXACTLY HOW LONG I WAS	BACK~~.~~, MR. SMITH AND ME. Q. BY MR. SMITH, WHOM DO YOU MEAN? STATE HIS FULL NAME? A. ~~BY~~ **MR** KLINGENSMITH. Q. WHAT DID YOU DO? *[123]* A. WE CAME BACK HOME AGAIN THE NEXT DAY; AND I WENT HOME TO WORK~~.~~**,** AND HEARD NOTHING MORE OF IT. Q. IN RETURNING HOME DID YOU MEET ANY P~~R~~ERSON, AND IF SO WHOM? A. I CAN'T RECOLLECT MEETING ANYBODY OR SEEING ANYBODY, NOT TILL AFTER I GOT INTO THE SETTLEMENT. **Q.** **GO ON? A=** AFTER I HAD BEEN AT HOME TWO OR THREE DAYS — I DON'T RECOLLECT HOW LONG~~.~~**,** — I WAS	BACK WHO MR. SMITH AND ME STATE HIS FULL NAME ~~*PHL/FL*[?]~~ P KLINGEN SMITH WHAT DID YOU DO WE CAME BACK HOME AGAIN THE NEXT DAY AND I WENT TO MY WORK [*space*] $_{Q}$IN RETURNING HOME DID YOU MEET ANY PERSON AND IF SO WHOM $_{A}$I CAN'T RECOLLECT OF MEETING ANYBODY OR SEEING ANYBODY UNTIL AFTER I GOT INTO THE SETTLEMENT AFTER I HAD BEEN AT HOME 2 OR 3 DAYS I DON'T RECOLLECT EXACTLY HOW LONG I WAS

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RT	RS	BT	PS
IN THE FIELD, HAULING WHEAT — MR. HAIGHT CAME TO ME	IN FIELD HAULING WHEAT; MR. HAIGHT CAME TO ME	IN THE FIELD HAULING WHEAT; MR. HAIGHT CAME TO ME — BEFORE THAT I DON'T REMEMBER WELL ENOUGH	IN THE FIELD HAULING WHEAT MR. HIGBEE CAME TO ME BEFORE THAT REMEMBER WELL ENOUGH
WE WAS ORGANIZED IN MILITARY COMPANIES, CAPTAINS OF TENS, ORGANIZED IN TENS. EACH TEN HAD A BAGGAGE WAGON, BELONGING TO THAT TEN, SO WHEN ANYTHING CAME UP	WE WAS ORGANIZED IN MILITARY COMPANIES CAPTAINS OF TENS ORGANIZED IN TENS EACH TEN HAD BAGGAGE WAGON BELONGED TO THAT TEN, SO WHEN ANY THING CAME UP	T O SAY—WE WAS ORGANIZED IN MILLITARY COMPANIES OF CAPTIANS**,** OF TENS— ORGANIZED IN T~~H~~ENS. ~~W~~ EACH COMPANY HAD A BAGGAGE WAGON BELONGING TO THAT TEN , SO THAT WHEN ANYTHING CAME UP THEY KNEW RIGHT	TO SAY = WE WAS ORGANIZED IN MILITARY COMPANIES OF CAPTAINS OF TENS ORGANIZED IN TENS AND EACH TEN HAD A BAGGAGE WAGON BELONGING TO THAT TEN SO THAT WHEN ANYTHING CAME UP THEY KNEW RIGHT
I ONLY HAD TO REPORT TO GET A BAGGAGE WAGON STARTED OUT.	I ONLY HAD REPORT TO GET BAGGAGE WAGON START OUT,	WHERE TO GO; I WENT TO REPORT AND ~~T~~GET THE BAGGAGE WAGONS TO START OUT.	WHERE TO GO [*space*]
[150] WE WAS OFTEN CALLED OUT FROM TIME TO TIME OF INDIAN FUSSES,	WE WAS *OFTEN*[?] CALLED OUT FROM TIME TO TIME, ON INDIAN FUSSES,	WE WAS DEPENDING UPON THEM FOR RESOURCES, AS WE WERE OF~~E~~TEN CALLED **O**UT FROM TIME TO TIME ON **I**NDIAN FUSSES	WE WAS DEPENDING UPON THEM IN *RSRSTION*[?] HAVING BEEN CALLED OUT FROM TIME TO TIME ON INDIAN UPRISES

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RT	RS	BT	PS
THE WAY EVERYTHING WAS FIXED UP WE KNEW RIGHT WHERE TO GET A WAGON, AND HAIGHT HE SAID " I WANT YOU TO BE ON THE GROUND AS SOON AS POSSIBLE WITH A BAGGAGE WAGON TO GO TO THE MOUNTA IN MEADOWS, THE INDIANS AND THE EMIGRANTS ARE IN TROUBLE"	 WAY EVERYTHING WAS FIXED UP WE KNEW RIGHT WHERE TO GET WAGON, AND *SAID HE*[?] *[[29]]* I WANT YOU TO BE ON GROUND AS SOON AS POSSIBLE WITH BAGGAGE WAGON GO MOUNTAIN MEADOWS, THE INDIANS AND THE EMIGRANTS ARE IN TROUBLE.	THAT WAS THE WAY EVERYTHING WAS FIXED. WE KNEW RIGHT WHERE TO GO AND GET THE WAGONS AND START. HIGBEE CAME TO ME, AND SAID HE, "I WANT YOU TO BE ON THE GROUND , AND GET THE**R**E AS SOON AS POSSIBLE WITH THE BAGGAGE WAGON AND GO TO THE MOUNTAIN MEADOWS , THAT THE **I**NDIANS AND EMIGRANTS ARE FIGHTING AND ARE IN TROUBLE.**"** HE RODE ON AND DIDN'T SAY ANYTHING MORE. Q. DID HE SAY ANYTHING ~~A A~~BOUT THE OBJECT? A. NOT A THING. I NEVER ASKED ANY MORE QUESTIONS; SAID NOTHING ABOUT THE	 RIGHT WHERE TO GO *[[21]]* [*space*] HIGBEE CAME TO ME AND SAID HE WANTED ME TO BE ON THE GROUND IN THE CITY AS SOON AS POSSIBLE WITH MY BAGGAGE WAGON THAT THE INDIANS AND EMIGRANTS WERE FIGHTING [*space*] AND RODE ON DIDN'T ASK ANYTHING MORE [*space*] $_{Q}$DID HE SAY ANYTHING ABOUT THE OBJECT $_{A}$NOT A THING

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RT	RS	BT	PS
OBJECT. I WENT HOME AS SOON AS I GOT FIXED UP AND GOT MY WAGON FIXED UP I WENT TO THE SQUARE AND THERE WAS SEVERAL WAGONS AND SEVERAL MEN IN THEM. Q. WONT YOU NAME SOME OF THE MEN WHO WERE IN THESE WAGONS AS NEAR AS YOU CAN REMEMBER ? A. I CANNOT RECOLLECT BECAUSE IT HAS BEEN A GOOD WHILE AGO. IT WAS THEN GETTING ABOUT DUSK. I NEVER SEEN THEM AT ALL THAT NIGHT, TO RECOLLECT NAMES AND THINGS. IT WAS JUST THE PROMINENT CIRCUMSTANCES .	OBJECT. I WENT HOME AS SOON AS I COULD FIXED UP GOT MY WAGON FIXED UP WENT UP TO SQUARE, AND THERE WAS SEVERAL WAGONS AND SEVERAL MEN IN THEM. Q WONT YOU NAME SOME OF MEN WHO WERE IN THOSE WAGONS AS NEAR AS YOU REMEMBER A I CANNOT RECOLLECT BECAUSE IT HAS BEEN GOOD WHILE AGO IT WAS THEN GETTING ABOUT DUSK I NEVER SEEN THEM THAT NIGHT AT ALL, TO RECOLLECT NAMES AND THINGS IT IS JUST PROMINENT ⪦MEN AND PROMINENT⪧ CIRCUMSTANCE S THAT I REMEMBER	OBJECT. I WENT HOME AS SOON AS I COULD I FIXED UP — GOT MY WAGON FIXED UP AND WENT UP TO THE SQUARE IN THE CITY. THERE WAS SEVERAL WAGONS AND SEVERAL MEN IN THEM. Q. NOW, WON'T YOU NAME SOME OF THE MEN IN THESE WAGONS , AS NEAR AS YOU REMEMBER? A. I CAN'T RECOLLECT BECAUSE IT HAS BEEN A GOOD WHILE AGO. IT WAS THEN GETTING ABOUT DUSK; I NEVER SEEN THEM THAT NIGHT AT ALL; AND TO RECOLLECT NAMES AND THINGS THAT TRANSPIRED IT IS ONLY THE PROMINENT MEN AND PROMINENT CIRCUMSTANCE S THAT I CAN RECOLLECT. *[I24]*	A I WENT HOME AS SOON AS I COULD AND FIXED UP, GOT MY WAGON FIXED UP AND WENT UP TO THE SQUARE. THERE WAS SEVERAL WAGONS THERE AND SEVERAL MEN IN THEM. NAME THE MEN WHO WERE IN THESE WAGONS A I CAN'T RECOLLECT BECAUSE IT HAS BEEN A GOOD WHILE AGO. IT WAS THEN GETTING ABOUT DUSK I NEVER SEEN THEM THAT NIGHT AT ALL AND TO RECOLLECT NAMES AND THINGS THAT TRANSPIRED IT IS ONLY PROMINENT MEN AND *PROMINENT*[?] CIRCUMSTANCE S I CAN RECOLLECT

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RT	RS	BT	PS
Q. GO ON AND STATE WHAT YOU DID FROM THAT POINT ? A. I DROVE UP THERE,DROVE AROUND IN THE REAR OF THE WAGONS THAT WAS AHEAD. THERE WAS SOME BAGGAGE THERE WHICH I LOADED IN. THERE WAS ONE MAN, HIS NAME I RECOLLECT, HE RODE WITH ME, THAT WAS JIMMY WILLIAMSON, AN OLD MAN, A SCOTCHMAN. Q. WHERE IS HE NOW ? A. I DO NOT KNOW, I BELIEVE THOUGH HE IS IN CACHE VALLEY. HE IS THE ONE THAT LOADED THE WAGON WITH ME. Q. GO ~~OA~~ ON AND STATE WHAT	Q GO ON STATE WHAT YOU DID FROM THAT POINT A DROVE UP THERE DROVE AROUND IN REAR OF WAGON THAT WAS AHEAD THERE WAS SOME BAGGAGE THERE I LOADED IN. THERE WAS ONE MAN HIS NAME I RECOLLECT HE RODE WITH *ME*[?] THAT WAS JIMMY WILLIAMSON OLD SCOTCHMAN <Q WHERE IS HE NOW> AI DO NOT KNOW I BELIEVE THOUGH HE WAS IN CACHE VALLEY. HE IS ONE ONE LOADED WAGON WITH ME. QGO ON STATE WHAT	Q. GO ON AND STATE WHAT YOU DID FURTHER FROM THAT POINT? A. I DROVE UP THERE AND DROVE AROUND TO THE REAR OF THE WAGONS, THAT WAS AHEAD; THERE WAS SOME BAGGAGE THERE THAT I LOADED IN. THERE WAS ONE MAN THAT ROAD OVER WITH ME; HIS NAME I RECOLLECT— HE RODE WITH ME.— THAT WAS JIMMY WILLIAMSON, AND OLD SCOTCHMAN. Q. WHERE IS HE NOW? A. I BELIEVE HE IS IN CHCHE VALLEY;[190] HE IS THE ONLY ONE THAT RODE IN THE WAGON WITH ME. Q. GO ON AND STATE WHAT	Q GO ON STATE WHAT YOU DID FROM THAT POINT A I DROVE UP THERE AND DROVE AROUND TO THE REAR OF THE WAGONS, THAT WAS AHEAD; THERE WAS SOME BAGGAGE THERE THAT I LOADED IN; THERE WAS ONE MAN THAT RODE OVER WITH ME; HIS NAME I RECOLLECT BECAUSE HE ROAD WITH ME CALLED JIMMY WILLIAMSON —[?] OLD SCOTCHMAN Q WHERE IS HE NOW I BELIEVE HE WAS IN CACHE VALLEY HE IS THE ONLY ONE THAT RODE IN THE WAGON WITH ME. STATE WHAT

190. Williamson ended up in Wellsville, Utah.

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RT	RS	BT	PS
WAS FURTHER DONE ? A. WE GOT ON TO THE GROUND THEN. Q. ON TO WHAT GROUND ? A.	WAS FURTHER DONE. $_{A}$WE GOT ON TO THE GROUND THEN AND $_{Q}$ON TO WHAT GROUND	WAS FURTHER DONE ? A. WE GOT ONTO THE GROUND THEN . Q. WHAT GROUND? A . THE MOUNTAIN ME~~D~~ADOW~~N~~**S**.	WAS FURTHER DONE $_{A}$WE GOT ON TO THE GROUND $_{Q}$ WHAT GROUND MOUNTAIN MEADOWS
WITHIN PROBABLY A MILE OR A HALF A MILE, SUCH A MATTER, WHERE THE EMIGRANTS WAS CAMPED; A	WITHIN PROBABLY A MILE OR HALF MILE, SUCH MATTER WHERE EMIGRANTS CAMP WAS CAMPED; <AND MADE OUR CAMP THERE>	WE WENT PROBABLY A MILE OR ~~A HALF, **FROM**~~ A MILE **& A HALF TO** WHERE THE EMIGRANT CAMP WAS CAMPED AND MADE OUR CAMP THERE~~.~~.	WITHIN PROBABLY A MILE AND HALF A MILE TO WHERE THE EMIGRANT CAMP WAS CAMPED. MADE OUR CAMP THERE.
GOOD MANY INDIANS AROUND THERE, NOTHING WAS *[151]* GOING ON, THE CAMP WAS FORTIFIED WITH WAGONS. INDIANS LAYING AROUND ✓ THERE, [*space*]	GOOD MANY INDIANS AROUND THERE NOTHING WAS GOING ON; THE CAMP WAS FORTIFIED WITH WAGONS, INDIANS LAYING AROUND THERE SHADE {*}^{p} LOAFING *AROUND*[?] WE MADE OUR CAMP HAD BEEN TRAVELING ALL NIGHT AROUND	GOOD MANY **I**NDIANS AROUND THERE BUT N**O**THING W~~Z~~AS GOING ON. THE CAMP WAS FORTIFIED WITH THE WAGONS; **I**NDIANS LYING AROUND IN THE SHADE~~.~~, AND WE MADE OUR CAMP. I HAD BEEN TRAVELING ALL NIGHT.	GOOD MANY INDIANS AROUND THERE NOTHING WAS GOING. *THE*[?] CAMP WAS FORTIFIED WITH THE WAGONS, INDIANS LYING AROUND THERE IN THE SHADE AND WE MADE OUR CAMP I HAD BEEN TRAVELING ALL NIGHT [*space*] LOAFING AROUND WHERE AROUND THE

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RT	RS	BT	PS
THEY CAME AROUND WHERE OUR WAGONS WERE. SOME WERE LYING IN THE BRUSH.	PLACES {*}[p] THEY CAME AROUND WHERE OUR WAGONS WERE SOME WERE LYING IN BRUSH OR SHADE {*}[p] DIFFERENT	THEY CAME AROUND WHERE OUR WAGONS WERE. SOME WAS LYING IN THE BRUSH OR SHADE IN DIFFERENT	PLACE THEY CAME AROUND WHERE OUR WAGONS WAS. SOME WAS LYING IN THE BRUSH AND SHADE IN DIFFERENT
Q. DID THEY MAKE ANY DEMONSTRATIO N OF ANY KIND AGAINST YOU, IF SO WHAT A. NOT ANYTHING THAT I HEARD OF. Q. WERE THEY FRIENDLY OR HOSTILE ? A. THEY WERE ~~FREI~~ FRIENDLY.	PLACES Q DID THEY MAKE ANY DEMONSTRATIO N OF ANY KIND AGAINST YOU IF SO WHAT A NOT ANYTHING THAT I HEARD OF Q WERE THEY FRIENDLY OR HOSTILE {TO YOU}[i] A THEY WERE FRIENDLY.	PLACES. Q. DID THEY MAKE ANY DEMONSTRATIO N OF ANY ~~KN~~IND AGAINST YOU, IF SO, WHAT? A. NOTHING THAT I HEARD OF. Q. WERE THEY FRIENDLY OR HOSTILE TO YOU~~?~~ —A. THEY WERE F~~I~~RIENDLY.	PLACES Q DID THEY MAKE ANY DEMONSTRATIO NS OF ANY KIND AGAINST YOU AND IF SO WHAT NOTHING THAT I HEARD OF WERE THEY FRIENDLY OR HOSTILE TO YOU THEY WERE FRIENDLY [*space*] [[22]] AT
WE CAMPED THERE THAT DAY,NOTHING GOING ON AND I SLEPT CONSIDERABLE THAT DAY,BEING UP ALL THE NIGHT BEFORE. I DON'T KNOW ANYTHING PARTICULAR TRANSPIRING FOR TWO DAYS.	WE CAMPED THERE THAT DAY NOTHING GOING ON I SLEPT CONSIDERABLE THAT DAY BEING UP ALL NIGHT I DON'T KNOW ANYTHING PARTICULAR TRANSPIRING FOR TWO DAYS	Q. AT THE POINT WHERE YOU PITCHED YOUR CAMP? A. WE CAMPED THERE THAT DAY; NOTHING GOING ON~~,~~**;** I SLEPT THAT DAY BEING UP THE NIGHT BEFORE. I DON'T KNOW OF ANYTHING TRANSPIRING FOR TWO DAYS.	THE POINT TO WHERE YOU REACHED YOUR CAMP A CAMPED THERE THAT DAY NOTHING GOING ON, I SLEPT CONSIDERABLE THAT DAY BEING UP ALL NIGHT I DON'T KNOW OF ANYTHING PARTICULAR TRANSPIRING FOR TWO DAYS

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RT	RS	BT	PS
I CANNOT SAY WHETHER IT WAS TWO OR THREE DAYS, OR HOW MANY DAYS IT WAS. I KNOW I WAS THERE ONE, MAY BE MORE,BUT I COULD NOT SAY,THEN WE WAS ORDERED TO GO AND MARCH DOWN TO THEIR CAMP. Q. TO WHOSE CAMP ? A. THIS EMIGRANT CAMP, IN SINGLE FILE, MR. LEE FOLLOWED BEHIND AND CARRIED A FLAG OF TRUCE. Q. HOW FAR WAS IT FROM WHERE YOUR FIRST ENCAMPMENT WAS ? A. PROBABLY A QUARTER OF A MILE, SOMETHING	I CANNOT SAY WHETHER IT WAS 2 3 OR HOW MANY DAYS IT WAS I KNOW I WAS THERE ONE MAYBE MORE BUT I COULD NOT SAY. THEN WE WAS ORDERED TO GO MARCH DOWN TO THEIR CAMP Q TO WHOSE CAMP A THIS EMIGRANT CAMP IN SINGLE FILE. MR. LEE FOLLOWED BEHIND CARRIED FLAG OF TRUCE I WISH YOU WOULD STATE FROM WHERE YOUR FIRST CAMP WAS A PROBABLY QUARTER OF MILE, SOMETHING	I CAN'T SAY WHETHER IT WAS TWO OR THREE OR HOW MANY DAYS IT WAS. I KNOW I WAS THERE ONE **DAY** AND MAY BE MORE, I COULD NOT SAY;, THEN WE WAS ORDERED TO GO AND MARCH DOWN TO THIS EMIGRANT CAMP IN SINGLE FILE. MR. LEE WAS THERE, AND HE FOLLOWED AND CARRIED A *[125]* FLAG OF TRUCE. IT WAS MET BY ONE OF THE EMIGRANTS ~~BY A~~ **WITH** A WHITE FLAG. Q. STATE HOW FAR YOU MARCHED FROM WHERE THAT FIRST **ENCAMPMENT** ~~CAMP~~ WAS, ~~AN~~ TO WHERE YOU STOPPED? A. PROBABLY A QUATER OF A MILE.	ONLY I CAN'T SAY WHETHER IT WAS TWO 3 OR MORE DAYS, I KNOW I WAS THERE ONE AND MAYBE MORE, THEN WE WAS ORDERED TO MARCH DOWN TO THEIR CAMP [*space*] TO THIS EMIGRANT CAMP, IN SINGLE FILE. MR. LEE WAS THERE IT WAS HIM THAT CARRIED THE FLAG OF TRUCE ON IN [*space*] STATE HOW FAR YOU MARCHED FROM WHERE YOUR FIRST ENCAMPMENT WAS TO WHERE YOU STOPPED A PROBABLY A QUARTER OF A MILE

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RT	RS	BT	PS
LIKE THAT. Q. WHAT WAS DONE AT THE END OF THE QUARTER OF A MILE ? A. WE HALTED, FLAG OF TRUCE WAS SENT IN. Q. HOW FAR WAS IT FROM WHERE YOU HALTED TO WHERE THE EMIGRANTS CAMP WAS ? A. PROBABLY TWO OR THREE HUNDRED YARDS. Q. AFTER YOU HALTED WHAT WAS DONE ? A. MR. LEE WAS SENT IN. A MAN CAME OUT IN ORDER TO MEET HIM. HE WAS *[152]* IN THERE AND GONE SOMSETIME. Q. ABOUT HOW LONG ? A. I	LIKE THAT *[[30]]* QWHAT WAS DONE AT END OF QUARTER OF A MILE AWE HALTED FLAG OF TRUCE WAS SENT IN Q HOW FAR WAS IT FROM WHERE YOU HALTED TO WHERE THE EMIGRANT CAMP WAS {A}P PROBABLY TWO OR 3 HUNDRED YARDS Q AFTER YOU HALTED Q WHAT WAS DONE A MR. LEE WAS SENT IN MAN CAME OUT HE WENT AND MET HIM. HE WAS IN THERE GONE SOMETIME QABOUT HOW LONG? AI	Q. WAHAT WAS DONE AT THE END OF THAT QUARTER OF A MILE? A. WE WAS HALTED, AND A FLAG OF TRUCE WAS SENT IN. Q. HOW FAR WAS IT FROM WHERE YOU HALTED TO WHERE THE EMIGRANTS CORRAL WAS? A. TWO OR THREE HUNDRED YARDS. Q. AFTER YOU HALTED THERE WHAT WAS DONE? A. THE FLAG OF TRUCE WAS SENT IN; MR. LEE WAS SENT IN AND A MAN CAMD OUT. HE WENT AND MET HIM; THEY HAD A LITTLE TALK AND HE WENT INTO THE CAMP OUT OF SIGHT. HE WAS IN THERE GONE QUITE A WHILE. Q. ABOUT HOW LONG? A. I	WHAT WAS DONE AT THE END OF THE QUARTER MILE AWE WAS HALTED THERE AND FLAG OF TRUCE SENT [*space*]. [*space*] HOW FAR FROM WHERE YOU HALTED WAS IT TO WHERE THE EMIGRANT CORRAL WAS A 2 OR 3 HUNDRED YARDS. AFTER YOU HALTED THERE WHAT WAS DONE A FLAG OF TRUCE SENT IN MR. LEE WENT AND MAN CAME OUT. HE WENT AND MET HIM [*space*] THEY HAD A LITTLE TALK AND TALKED WENT INTO CAMP OUT OF SIGHT AND WAS GONE A GOOD WHILE

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RT	RS	BT	PS
COULD NOT GIVE MUCH OF AN IDEA; I HAVEN'T NOW MUCH OF AN IDEA ABOUT THE LENGTH OF TIME IT WAS,	COULD AIN'T GIVE MUCH OF AN IDEA NOT MUCH IDEA ABOUT LENGTH OF TIME IT WAS,	COULD NOT STATE — GIVE MUCH ~~AON~~F AN IDEA— ~~THERE AIN'T MUCH I~~ **MUCH** IDEA ABOUT THE LENGTH OF TIME. PROBABLY AN HOUR; MAY BE MORE THAN THAT; DON'T KNOW HOW LONG IT WAS.	PROBABLY AN HOUR MAYBE *NO*[?] MORE THAN THAT I HAVE NOT MUCH IDEA OF WHAT LENGTH OF TIME THEY WAS IT SEEMED THEY WAS GONE SOME TIME
BUT HE SEEMED TO BE GONE SOME LITTLE TIME. Q. DO YOU KNOW WHAT THAT FLAG OF TRUCE WAS SENT IN THERE FOR ? A. I SUPPOSE IT WAS A TREATY OF SOME KIND. SUTHERLAND	BUT HE SEEMED TO BE GONE SOME LITTLE TIME. Q DID YOU KNOW WHAT THAT FLAG OF TRUCE WAS SENT THERE FOR AI SUPPOSE IT WAS TREATY OF SOME KIND SUTHERLAND	IT SEEMED THEY WAS GONE SOME TIME. Q. DO YOU KNOW WHAT THAT FLAG OF TRUCE WAS SENT IN THERE FOR? A. I SUPPOSED IT WAS FOR A TREATY OF SOME KIND. **M**R SUTHERLAND: WE OBJECT TO THE FORM OF THE EXPRESSION AS IT IMPLIES A SUPPOSITION,	DID YOU KNOW WHAT THAT FLAG OF TRUCE WAS SENT THERE FOR AI SUPPOSED IT WAS FOR A TREATY OF SOME KIND THAT IS FOR TO BRING THEM OUT
OBJECTED TO THE WITNESSES SUPPOSING. Q. I MEAN WHAT DO YOU KNOW IT WAS — OR	WE OBJECT TO WITNESS CONJECTURING QI MEAN WHAT KNOW IT WAS OR	AND OBJECT TO THE WITNESS~~E~~'S CONJECTURE. Q. DO YOU KNOW ~~FOR~~ WHAT IT WAS FOR~~,~~? OR WHAT YOU	OBJECT TO THE WITNESS'S CONJECTURE [*space*] DID YOU KNOW WHAT IT WAS FOR OR

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RT	RS	BT	PS
WHAT YOU SAW IT WAS, OR IF TOLD OR WHAT WAS TALKED OF WAS OF THE OBJECT OF IT ? A. WHAT WE UNDERSTOOD WAS IT WAS TO GET THEM OUT OF THEIR CAMP.	WHAT YOU SAW TOLD WHAT WAS TALKED OF $_{A}$WELL WHAT WE UNDERSTOOD IT WAS TO GET THEM OUT OF THEIR CAMP.	UNDERSTOOD BY THIS OF YOUR OWN KNOWLEDGE? A. WELL, WHAT WE UNDERSTOOD, IT WAS TO GET THEM OUT OF THEIR CAMP. **M**$^{\underline{R}}$	WHAT YOU UNDERSTOOD BY THOSE ENGAGED IN IT THERE FROM WHAT WE UNDERSTOOD IT WAS TO GET THEM OUT OF THEIR CAMP OBJECTED TO
SUTHERLAND: IF ANYBODY TOLD HIM ANYTHING HE MUST STATE WHO TOLD IT.	SUTHERLAND IF ANYBODY TOLD HIM ANYTHING HE MUST STATE WHO TOLD IT. SUTHERLAND MERE FORM OF EXPRESSION IMPLIES IT WAS SUPPOSITION	SUTHERLAND : IF ANYBODY TOLD HIM ANYTHING HE MUST STATE WHO TOLD IT, AS THIS EXPRESSION IMPLIES THAT IT W**A**S SUPPOSITION.	≼SUTHERLAND≽ UNLESS TELL WHO TOLD HIM [*space*]
Q. WAS THERE ANYTHING SAID AMONG THOSE WHO WERE AROUND ENGAGED AROUND THERE ABOUT THE OBJECT OF THAT FLAG OF TRUCE, BEFORE IT WAS SENT DOWN ? A. I DON'T KNOW OF ANYTHING BEING SAID ABOUT IT BEFORE WE	$_{Q}${WERE THERE}^{i} ANYTHING SAID AMONG THOSE WHO WERE ENGAGED AROUND THERE ABOUT OBJECT OF THAT FLAG OF TRUCE BEFORE IT WENT DOWN. $_{A}$I DON'T KNOW OF ANYTHING BEING SAID ABOUT BEFORE WE	Q. WAS THERE ANYTHING SAID AMONG THOSE WHO WERE ENGAGED AROUND THERE ABOUT THE OBJECT **O**F THAT FLAG OF TRUCE~~?~~ BEFORE IT WENT DOWN?	WAS[191] THERE ANYTHING SAID AMONG THOSE WHO WERE ENGAGED AROUND THERE ABOUT THE OBJECT OF THAT FLAG OF TRUCE BEFORE IT WENT DOWN I DO NOT KNOW OF ANYTHING BEING SAID ABOUT IT BEFORE WE

191. X in left margin.

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RT	RS	BT	PS
WENT DOWN, WHILE WE WAS STANDING THERE IN LINE, I THINK IT WAS THEN THAT WE WAS TOLD THAT IF THE COMPANY CAME OUT TO MARCH WITH US ~~THEY~~ ≼THERE≽ WOULD~~N'T~~ BE A SIGNAL GIVEN, HALT, TO LEE, WHEN THAT WORD "HALT" WAS GIVEN IT WAS FOR TO FIRE, THAT WAS ALL I HEARD Q. PROCEED FROM THE POINT WHERE JOHN D. LEE WENT FROM THE CAMP — STATE WHAT HAPPENED THEN AFTER ? A. AFTER HE HAD BEEN THERE SOMETIME. I DON'T KNOW HOW LONG, THERE WAS A WAGON CAME	WENT DOWN. WHILE ≼WE≽ WAS STANDING THERE IN LINE I THINK IT WAS THEN THAT WE WAS TOLD THAT IF THE COMPANY CAME OUT MARCHED WITH US THEY WOULD BE SIGNAL GIVEN HALT WHEN THAT WORD HALT WAS GIVEN IT WAS FOR TO FIRE THAT WAS ALL I HEARD [*space*] Q PROCEED FROM THE POINT WHERE —[?] JOHN D. LEE WENT FROM CAMP, TELL WHAT HAPPENED THEN A AFTER HE HAD BEEN THERE SOMETIME, I DON'T KNOW HOW LONG THERE WAS WAGON CAME	*[126]* A. I THINK IT WAS THEN THAT WE WAS TOLD THAT I~~O~~F THE COMPANY CAME OUT THEY WERE TO MARCH WITH US. ~~THEY WERE TO~~ THERE WOULD BE A SIGNAL GIVEN— "HALT"— AND WHEN THE WORD "HALT" WAS GIVEN IT WAS FOR US TO FIRE. THAT WAS ALL I HEAR~~E~~D OR ANYTHING ABOUT THAT. Q. PROCEED FROM THE POINT WHERE JOHN D. LEE WENT FROM THE CAMP, AND TELL WHAT HAPPENED THEN? A. AFTER HE HAD BEEN THERE SOME TIME—I DON'T KNOW HOW LONG— THERE WAS A WAGON CAME	WENT DOWN OR WHILE WE WAS STANDING THERE IN A LINE THERE I THINK IT WAS THEN THAT WE WAS TOLD THAT IF THE COMPANY CAME OUT THE COMPANY CAME OUT AND OUT THEY MARCHED WITH US THERE WOULD BE A SIGNAL *[[23]]* GIVEN HALT AND WHEN THAT WORD HALT WAS GIVEN IT WAS FOR US TO FIRE <.> THAT WAS ALL I HEARD ANYTHING ABOUT THAT PROCEED FROM THE POINT WHERE JOHN D. LEE INTO THE CAMP AND TELL WHAT HAPPENED THEN AFTER HE HAD BEEN THERE SOME TIME I DON'T KNOW HOW LONG THERE WAS WAGON DROVE

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RT	RS	BT	PS
DOWN — A LOADED WAGON, SEEMED TO BE SOMETHING OF THAT KIND — THREE OR FOUR HUNDRED YARDS OFF – IT CAME DOWN FROM ABOVE THE	DOWN, **A** LOADED WAGON SEEMED TO BE SOMETHING OF THAT KIND, THREE OR 4 HUNDREDS OFF, IT CAME DOWN FROM ABOVE	DOWN AND ~~HALTED~~LOADED WITH ARMS OR SOMETHING OF THAT KIND LIKE. Q. DROVE DOWN WHERE? A. IT CAME DOWN FROM ABOVE THE CAMP, OUR ~~COMPANY~~	DOWN AND LOADED IN ARMS OR SOMETHING OF THAT KIND LIKE [*space*] DROVE DOWN FROM WHERE [*space*] CAME DOWN FROM ABOVE OUR COMPANY FROM OUR CAMP *BUT NOT*[?] [*space*] ~~I~~
[153] CAMP, DOWN PAST THERE. I DIDN'T NOTICE IT TILL IT CAME NEAR WHERE I WAS IT	CAMP, DOWN PAST THERE, I DIDN'T NOTICE UNTIL *HAD GOODS AND MEN/IT GOES*—[?] *FROM/OVER*[?]	CAMP, BUT NOT LOADED; I DIDN'T NOTICE TILL THE MEN AND GOODS WERE	
WAS LOADED I SUPPOSE; I SAW SOME	WAS LOADED IN THIS, I SUPPOSE, I SAW SOME	LOADED IN THIS. I SUPPOSE SOME	LOADED IN THIS; I SUPPOSED SOME ~~RULING~~ ~~<~~WOUNDED~~>~~
MEN IN THE WAGON; THEY DROVE ON BY AND THESE PEOPLE CAME OUT OF THE CAMP, THEN FOLLOWED ON AFTER THIS WAGON,RIGHT ALONG PAST THAT. Q. WHAT WAS DONE THEN ? A. THEN WE	MEN IN WAGON, THEY DROVE ON BY AND THESE PEOPLE CAME OUT OF THE CAMP, THEN FOLLOWED ON AFTER THIS WAGON, RIGHT ALONG EVEN WITH Q WHAT WAS DONE THEN A THEN WE	MEN WERE IN THE WAGON. A WHITE MAN DROVE ON BY AND THESE PEOPLE CAME ON OUT OF THE CAMP, AND THEN FOLLOWED ON AFTER THESE WAGONS RIGHT UP ALONG PAST US. Q. WELL, WHAT WAS ~~I~~DONE THEN? A . THEN WE	MEN THEY DROVE ON BY AND THOSE PEOPLE CAME OUT OF THE CAMP AND FOLLOWED ON AFTER THESE WAGONS RIGHT UP ALONG PAST US [*space*] WELL ~~?~~ WHAT WAS DONE THEN WE

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RT	RS	BT	PS
TURNED AND MARCHED ALONG WITH THEM, PERHAPS FOR THE DISTANCE OF HALF A MILE OR THREE QUARTERS. I WOULD NOT SAY CERTAIN, BUT SOMEWHERE ABOUT THAT. Q. WONT YOU STATE TO THE JURY IN WHAT WAY YOU MARCHED, LETTING THE JURY SEE IN WHAT ORDER IT WAS ?	TURNED AND MARCHED ALONG WITH THEM, PERHAPS DISTANCE OF HALF A MILE THREE QUARTERS. I WOULD NOT SAY CERTAIN BUT SOMEWHERE Q WONT YOU DESCRIBE TO JURY IN WHAT ORDER YOU MARCHED LETTING ~~<~~JURY SEE~~>~~ ORDER THE JURYMEN A REPRESENT YOUR RANKS	TURNED AND MARCHED ALONG WITH THEM, PERHAPS A DISTANCE OF HALF A MILE OR THREE QUARTERS. I WASN'T SO CERTAIN ABOUT SOME OF ~~THAT~~. **THE WAYS.** Q. WON'T YOU DESCRIBE TO THE JURY IN WHAT ORDER YOU MARCHED, LETTING THE JUDGE AND JURYMEN SEE**?** ~~FIRST~~. THAT REPRESENTS YOUR RANKS.[192] **(ILLUSTRATING) A.** WE WAS MAR~~,~~CHED IN SINGLE FILE AND THE COMPANY WAS MARCHED IN SINGLE FILE BY THE SIDE OF US. ~~**(ILLUSTRATING)**~~ Q. HOW CLOSE TO YOU WERE THEY? A. FOUR OR FIVE FEET; JUST	TURNED AND MARCHED ALONG WITH THEM PERHAPS A DISTANCE OF HALF A MILE TO 3 QUARTERS I WOULD NOT SAY CERTAIN BUT SOME WAYS DESCRIBE TO THE JURY IN WHAT ORDER YOU MARCHED LETTING THE JUDGE AND JURYMEN A WE WAS MARCHED IN SINGLE FILE AND COMPANY WAS MARCHED IN SINGLE FILE BY THE SIDE OF US HOW CLOSE TO YOU ~~OR HOW CLOSE~~ FOUR OR FIVE FEET JUST
A. WE WERE MARCHING IN SINGLE FILE, I DON'T KNOW THE NUMBER, BUT FOUR OR FIVE FEET	A WE WERE MARCHING IN SINGLE FILE I DON'T KNOW PROBABLY *[[31]]* 4 OR 5 FEET		

192. There is a line drawn from the period after "RANKS" to just before "WE". The line is crossed out, but it appears that they are trying to move the placement of "**(ILLUSTRATING)**".

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RT	RS	BT	PS
APART, PROMISCUOUSLY WALKING ALONG. Q. IN WHAT POSITION WERE THE SOLDIERS YOU WERE WITH — DID THEY HAVE ANY ARMS ? A. THEY HAD RIFLES AND GUNS. Q. IN WHAT POSITION DID THEY CARRY THEIR GUNS ? A. AS NEAR AS I CAN RECOLLECT THEY CARRIED THEM TO SUIT THEIR CONVENIENCES. Q. WHAT WAS DONE ? A. THE WORD OF COMMAND WAS GIVEN TO HALT, THE COMPANY TURNED AND THE MEN FIRED	PROMISCUOUSLY WALKING ALONG $_{Q}$IN WHAT POSITION WERE SOLDIERS YOU WERE ≤DID THEY≥ WITH HAVE ANY ARMS $_{A}$ HAD RIFLES AND GUNS $_{Q}$IN WHAT POSITION ≤DID THEY≥ CARRY THEIR GUNS ? $_{A}$ AS NEAR AS I CAN RECOLLECT ~~IT~~ RIGHT THEY CARRIED THEM TO SUIT THEIR OWN CONVENIENCES. $_{Q}$ WHAT WAS DONE? $_{A}$WORD OF COMMAND WAS GIVEN HALT COMPANY TURNED AND MEN FIRED	PROMISCUOUSLY WALKING ALONG. Q. IN WHAT POSITION WERE THE SOLDIERS? DID THE SOLDIERS HAVE ANY ARMS? A. THEY HAD GENERALLY THEIR RIFLES AND GUNS. *[127]* Q. IN WHAT POSITION DID THEY CARRY THEIR GUNS? A. AS NEAR AS I CAN RECOLLECT THEY CARRIED THEM TO SUIT THEIR OWN CONVENIENCES ~~AND~~ BEST. Q. WHAT WAS DONE THEN WHEN YOU MARCHED ALONG A QUARTER OF A MILE WHEN THE WORD WAS GIVEN “HALT”? A.THE WORD OF COMMAND WAS GIVEN “HALT”; THE COMPANY TURNED AND THERE WAS A ROUND FIRED	PROMISCUOUSLY WALKING ALONG ~~WHAT POSITION~~ DID THE SOLDIERS HAVE ANY ARMS $_{A}$ GENERALLY RIFLES AND GUNS IN WHAT POSITION DID THEY CARRY THEIR GUNS $_{A}$ AS NEAR AS I CAN RECOLLECT THEY CARRIED THEM TO SUIT THEIR OWN CONVENIENCE THE BEST. WHAT WAS DONE THEN WHEN YOU MARCHED ALONG QUARTER MILE WORD WAS GIVEN HALT COMPANY TURNED AND THERE WAS A ROUND FIRED

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RT	RS	BT	PS
AT THAT ~~OMM~~ MOMENT.	AT THAT MOMENT	AT THAT MOMENT.. I HADN'T SEEN ANY **I**NDIANS;	JUST AT THAT MOMENT I HADN'T SEEN ANY INDIANS
I DON'T KNOW WHERE LEE WAS;	I DON'T KNOW WHERE THEY WAS HAD NOT	DON'T KNOW ~~E~~WHERE THEY WAS.	DON'T KNOW WHERE THEY WAS
JUST AS THIS ROUND WAS FIRED THE INDIANS BROKE OUT FROM A SMALL HILL;	SEEN JUST AS THIS ROUND WAS FIRED INDIANS BROKE OUT FROM SMALL HILL.	JUST AS THIS ROUND WAS FIRED THE **I**NDIANS BROKE OUT **FROM** ~~IN~~ THE SMALL HILL**S**, AND	JUST AS THIS ROUND WAS FIRED THE INDIANS BROKE OUT FROM *SMALL*[?] HILL THERE
THEY CAME DOWN HO~~P~~OPING AND YELLING AND CHARGING RIGHT HERE AND FINISHED UP WHAT WAS DONE.	THEY CAME DOWN WHOOPING YELLING CHARGING RIGHT HERE FINISHED UP WHAT WAS ≤NOT≥ DONE. [*space*]	THEY CAME DOWN WHOOPING, YELLING AND CHARGING RIGHT HERE AND FINISHED UP WHAT WAS NOT DONE BY THE FIRST ROUND. Q.	WAS CAME DOWN WHOOPING YELLING AND CHARGING AND FINISHED WHAT WAS NOT DONE WITH THE FIRST ROUND
Q. BEFORE, THAT IS A WHILE AGO, YOU STATED	**Q** BEFORE A WHILE AGO YOU STATED	BEFORE THEY MARCHED UP, YOU STATED A WHILE AGO THAT THE	BEFORE YOUR MARCHED UP YOU STATED A WHILE AGO THAT THE
THE INDIANS WERE LYING AROUND IN BUSHES	INDIANS WERE LYING AROUND IN BUSHES	**I**NDIANS WERE LAYING AROUND IN THE BUSHES AND AROUND YOUR FIRST CAMP? A.	INDIANS WERE LYING AROUND IN THE BUSHES AND AROUND THAT FIRST CAMP **A**
PREVIOUS TO YOUR BEING MARCHED UP AND HALTED IN FILE — WHAT *[154]* HAD	**A** ~~≤~~YES SIR~~≥~~ PREVIOUS TO YOUR BEING MARCHED UP AND HALTED IN FILE WHAT HAD	YES, SIR. Q. PREVIOUS TO YOUR BEING MARCHED UP AND BEING HALTED AND **THE** FIR~~ED~~**ING,** WHAT HAD	YES SIR PREVIOUS TO YOUR BEING MARCHED UP AND HALTED IN FILE, WHAT HAD

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RT	RS	BT	PS
BECOME OF THE INDIANS ? A. I DIDN'T NOTICE THEM THAT AFTERNOON AT ALL. THEY HAD GONE.	BECOME OF INDIANS $_{A}$I DIDN'T NOTICE THEM THAT AFTERNOON AT ALL. THEY HAD GONE.	BECOME OF THE **I**NDIANS? A. I DIDN'T NOTICE THEM THAT AFTERNOON AT ALL. THEY HAD GONE; AT LEAST THEY WAS NOT AROUND CAMP .	BECOME OF THE INDIANS $_{A}$I DIDN'T NOTICE THEM THAT AFTERNOON AT ALL THEY HAD GONE AT LEAST NOT AROUND OUR CAMP *[[24]]*
Q. WHEN DID YOU FIRST NOTICE THEIR DISAPPEARANCE ?	$_{Q}$WHEN DID YOU FIRST NOTICE THEIR DISAPPEARANCE {I CAN NOT RECALL MUCH}[i]	Q. WHEN DID YOU FIRST NOTICE THEIR DIASAPPEARANCE? A. I CAN'T RECOLLECT BUT SOME TIME	WHEN DID YOU FIRST NOTICE THEIR DISAPPEARANCE I CAN'T RECOLLECT SOME TIME
A. SOMETIME DURING THE DAY. Q. DID YOU SEE ANY OF THEM IN SIGHT AT ALL ? A. I DON'T RECOLLECT OF SEEING ANY, AND WAS WONDERING WHERE THEY WAS. Q. PREVIOUS TO THAT TIME	$_{A}$SOMETIME DURING DAY $_{Q}$DID YOU SEE ANY OF THEM IN SIGHT AT ALL $_{A}$ DON'T RECOLLECT OF SEEING ANY INDIAN AND WAS WONDERING WHERE THEY WAS $_{Q}$ PREVIOUS TO TIME	DURING THAT DAY. Q. DID YOU SEE ANY OF THEM IN SIGHT AT ALL? A. I DON'T RECOLLECT SEEING ANY AT ALL, AND WAS WONDERING WHERE TH~~E~~**Y** WAS. Q. PREVIOUS TO THE TIME BEFORE THEIR	DURING THAT DAY DID YOU SEE ANY OF THEM IN SIGHT AT ALL NO SIR I DON'T RECOLLECT SEEING ANY AT ALL AND WAS WONDERING WHERE THEY WAS PREVIOUS TO THE TIME OF
HAD YOU SEEN ANY INDIANS AROUND THERE,	HAD YOU SEEN ANY INDIANS AROUND THERE	DISAPPEARANCE HAD YOU SEEN ANY **I**NDIANS AROUND THERE , ~~AND IS FOR~~	DISAPPEARANCE HAD YOU SEEN ANY INDIANS AROUND THERE
IF SO HOW MANY ?	IF SO HOW MANY.	AN~~S~~D IF SO HOW MANY UP TO THE ~~DAY~~ **TIME** OF THAT	AND IF SO HOW MANY UP TO THE TIME OF THAT
A. I COULD HAVE	$_{A}$I COULD HAVE	MORNING? A. I COULD HAVE	MORNING I COULD HAVE

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RT	RS	BT	PS
BUT VERY LITTLE IDEA, THEY WAS PASSING AROUND AMONG THE INDIANS, AND WHEN THEY ARE PASSING AROUND I CANNOT TELL ONE INDIAN FROM ANOTHER,SO I CANNOT TELL. I DO NOT KNOW, THERE MIGHT BE FORTY OR FIFTY, SOMEWHERE ALONG THERE, A GOOD MANY INDIANS THERE; THERE MIGHT HAVE BEEN A GOOD MANY MORE BUT I COULD NOT TELL AS TO THAT.	BUT VERY LITTLE IDEA, THEY WAS PASSING AROUND AMONG INDIANS WHERE THEY ARE PASSING HE CANNOT TELL ONE INDIAN FROM ANOTHER {HOW MANY INDIANS WERE THERE}[i] I CANNOT TELL I DO NOT KNOW THERE MIGHT BE 40 OR 50, SOMEWHERES ALONG THERE, GOOD MANY INDIANS THERE, THERE MIGHT HAVE BEEN GOOD MANY MORE I COULD NOT TELL AS TO THAT.	VERY LITTLE IDEA; BECAUSE A PERSON MEE**T**ING AN **I**NDIAN ONCE HE MUST BE WELL ACQUAINTED OR HE CAN'T TELL ONE **I**NDIAN FROM ANOTHER. *[I28]* Q. HOW MANY **I**NDIANS WERE THERE? A. I CAN'T TELL I DON'T KNOW; THERE MIGHT HAVE BEEN 40 OR 50, SOME WHERES ALONG THERE —GOOD MANY **I**NDIANS THERE ; AND THERE MIGHT HAVE BEEN A GOOD MANY MORE; I COULD NOT TELL AS TO THAT, BECAUSE **OF NOT** ~~NOT~~ SEEING THEM AROUND THE CAMP—THEY WAS NOT ALL AROUND THE CAMP AT ONCE BUT PASSING A ROU~~J~~ND.	VERY LITTLE IDEA BECAUSE [*space*] A PERSON AMONG INDIANS UNLESS A MAN IS WELL ACQUAINTED HE CAN'T TELL ONE INDIAN FROM ANOTHER [*space*] THERE MIGHT HAVE BEEN 40 OR 50 GOOD MANY INDIANS THERE THERE MIGHT HAVE BEEN A GOOD MANY MORE I COULD NOT TELL AS TO THAT BECAUSE IN SEEING THEM AROUND CAMP THEY WAS NOT ALL AROUND AT ONCE BUT PASSING AROUND AND

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RT	RS	BT	PS
Q. WERE THERE ANY WOMEN IN THE EMIGRANT TRAIN ? A. YES SIR. Q. WERE THERE ANY CHILDREN ? A. YES SIR. Q. IN WHAT ORDER DID THE WOMEN MARCH OUT, WITH REFERENCE TO THE MEN A. I DON'T RECOLLECT AS TO THAT MATTER, WHETHER THEY WERE PROMISCUOUSLY OR NOT; I WAS NEAR THE HIND PART OF THE TRAIN, AND I DON'T RECOLLECT ANY WOMEN AROUND WHERE I WAS, WHETHER THEY WERE IN THE REAR AND IN FILE OR PROMISCUOUSLY MIXED UP I DO NOT KNOW. Q. DID YOU SEE ANY WOMEN	Q WERE THERE ANY WOMEN IN THE EMIGRANT TRAIN A YES SIR Q WERE THERE ANY CHILDREN A YES SIR Q ~~WERE ANY~~ Q IN WHAT ORDER DID THE WOMEN MARCH OUT WITH REFERENCE TO THE MEN A I DON'T RECOLLECT TO THAT MATTER WHETHER THERE WAS PROMISCUOUSLY OR NOT, I WAS NEAR THE HIND PART OF THE TRAIN, I DON'T RECOLLECT SEEING ANY WOMEN AROUND WHERE I WAS WHETHER IN REAR OR PROMISCUOUSLY MIXED UP I DO NOT KNOW Q DID YOU SEE ANY WOMEN	Q. WERE THERE ANY WOMEN IN THAT EMIGRANT TRAIN? A. YES, SIR. Q. WERE THERE ANY CHILDREN? A. YES, SIR. Q. IN WHAT ORDER DID THE WOMEN MARCH OUT FROM THAT EMIGRANT TRAIN WITH REFERENCE TO THE MEN? A. I DON'T RECOLLECT AS TO THAT MATTER WHETHER THEY WAS APPROXIMATELY OR NOT. I WAS NEAR THE HIND END OF THE TRAIN. ~~Q.~~ DON'T RECOLLECT SEEING ANY WOMEN WHERE I WAS. WHETHER THEY WAS IN FRONT OR IN THE REAR OR APPROXIMATELY MIXED UP I DONT KNOW. Q. DID YOU SEE ANY WOMEN	[*space*] WERE THERE ANY WOMEN IN THAT EMIGRANT TRAIN A YES SIR WERE THERE CHILDREN YES SIR Q IN WHAT ORDER DID THE WOMEN MARCH OUT FROM THAT TRAIN WITH REFERENCE TO THE MEN A I DON'T RECOLLECT FOR THAT MATTER WHETHER THEY WAS PROMISCUOUSLY OR NOT I WAS NEAR THE HIND PART OF THE TRAIN I DON'T RECOLLECT OF SEEING ANY WOMEN ALONG WHERE I WAS WHETHER THEY WAS IN FRONT OR IN THE REAR OR PROMISCUOUSLY MIXED UP I DON'T KNOW DID YOU SEE ANY WOMEN

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RT	RS	BT	PS
KILLED ON THAT OCCASION ? A. YES SIR, I DID. AFTER THE INDIANS CAME IN THOUGH THERE WAS SUCH A **W**HO~~P~~OPING AND HOLLERING FOR A FEW MINUTES A PERSON COULD HARDLY SEE AN *[155]* INDIAN OR ANYTHING; WHEN THE INDIANS FIRST CAME OUT IT KIND OF STARTLED MY MIND. THEY CA~~P~~ME SO WHOOPING AND HOLLERING. Q. DID THE INDIANS ATTACK ANY EXCEPT EMIGRANTS ? A. NO SIR. NO PERSONS EXCEPT THE EMIGRANTS WERE KILLED THERE, NOT	KILLED ON THAT OCCASION $_{A}$ YES SIR I DID AFTER INDIANS CAME IN THOUGH THERE WAS SUCH A WHOOPING AND HOLLERING FOR ABOUT A MINUTE PERSON COULD HARDLY SEE INDIAN. WHEN INDIANS FIRST CAME OUT IT KINDER STARTLED MY MIND CAME IN WHOOPING AND HOLLERING. $_{Q}$DID THE INDIANS *[[32]]* ATTACK ANY EXCEPT EMIGRANTS A NO SIR NO PERSONS EXCEPT EMIGRANTS WERE KILLED THERE NOT	KILLED ON THAT OCCASION? A. I DID, AFTER THE **I**NDIANS CAME IN; THOUGH THERE WAS SUCH ~~S~~ WH~~PPO~~**OOP**ING AND SUCH HOLLOWING AND SUCH RUSTELING FOR ABOUT A MINUTE, A PERSON COULD NOT HARDLY SEE ANYTHING FOR ABOUT A MINUTE OR CONTROLL HIMSELF; WHEN THE **I**NDIANS FIRST CAME OUT IT KIND OF STARTLED ME~~.~~ **FOR I IMAGINED THERE WAS NONE AROUND** Q. DID THE **I**NDIANS ATTACK ANY EXCEPT THE EMIGRANTS? A. NO, SIR. Q. NO PERSONS EXCEPT THE EMIGRANTS WERE KILLED THERE? A. NOT	KILLED ON THAT OCCASION YES SIR I DID AFTER THE INDIANS CAME IN ALTHOUGH THERE WAS SUCH WHOPPING SUCH HOLLOWING AND SUCH RUSTLING FOR ABOUT A MINUTE A PERSON COULD NOT IT KIND OF STARTLED ME ~~<~~MYSELF~~>~~ FOR I DID NOT KNOW THERE WAS ANY AROUND DID THE INDIANS ATTACK ANY EXCEPT THE EMIGRANTS NO SIR [*space*] NO PERSON EXCEPT THE EMIGRANTS WERE KILLED THERE NOT

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RT	RS	BT	PS
TO MY KNOWLEDGE. Q. DID YOU SEE ANY CHILDREN KILLED THERE ? A. I COULD NOT SAY WHETHER I DID OR NOT. I DON'T RECOLLECT OF ANY CHILDREN BEING ALONG IN THE REAR WHERE I WAS. Q. DID YOU SEE THE BODIES OF ANY CHILDREN UPON THE GROUND AFTER THE HUBBUB PASSED AWAY ? A. I THINK I DID SOME, THOUGH I DIDN'T GO AROUND. I KEPT MY POST IN THE REAR TILL THE THING WAS OVER, NEVER MOVED OUT OF IT. Q. DID YOU KNOW HOW MANY MEN WERE IN THAT TRAIN ? A. NO S IR, I	TO MY KNOWLEDGE. QDID YOU SEE ANY CHILDREN KILLED THERE A I COULD NOT SAY WHETHER I DID OR NOT I DON'T RECOLLECT OF ANY CHILDREN BEING ALONG IN REAR WHERE I WAS QDID YOU SEE BODIES OF ANY CHILDREN SLAIN UPON GROUND AFTER HUBBUB PASSED AWAY AI THINK I DID SOME THOUGH I DIDN'T GO AROUND, I KEPT MY POST IN THE REAR TILL THE THING WAS OVER NEVER MOVED OUT OF. Q DO YOU KNOW HOW MANY MEN WERE IN THAT TRAIN ANO SIR I	TO MY KNOWLEDGE. Q. DID YOU SEE ANY CHILDREN KILLED THERE? A. WELL, I COULD NOT SAY WHETHER I DID OR NOT; I DON'T RECL~~O~~LECT ANY CHILDREN BEING ALONG IN THE REAR WHERE I WAS. *[129]* Q: DID YOU SEE THE BODIES OF ANY CHILDREN SLAYN UPON THE GROUND AFTER THE HUBBUB PASSED AWAY? A. I THINK I DID SOME, THOUGH I DIDN'T GO AROUND AMONGST THEM. I KEPT MY POST IN THE REAR TILL THE THING WAS OVER; NEVER MOVED OUT FROM THERE. Q. DO YOU KNOW HO~~E~~W MANY MEN WERE IN THAT EMIGRANT TRAIN ? A. I DON'T**.** I	TO MY KNOWLEDGE DID YOU SEE ANY CHILDREN KILLED THERE WELL I COULD NOT SAY WHETHER I DID OR NOT I DON'T RECOLLECT OF ANY CHILDREN BEING ALONG IN THE REAR WHERE I WAS DID YOU SEE THE BODIES OF ANY CHILDREN SLAIN UPON THE GROUND AFTER THE HUBBUB PASSED AWAY AI THINK I DID SOME ALTHOUGH I DIDN'T GO AROUND AMONGST THEM [*space*] DO YOU KNOW HOW MANY MEN WERE IN THAT EMIGRANT TRAIN NO SIR I DON'T

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RT	RS	BT	PS
COULD GIVE BUT VERY LITTLE IDEA, FOR THIS REASON. Q. WHEN MR. SMITH CAME BACK --—	COULD GIVE BUT VERY LITTLE IDEA FOR THIS REASON WHEN MR. SMITH CAME BACK FROM [*space*]	COULD ONLY GIVE YOU A VERY LITTLE IDEA, FOR THIS REASON; WHEN MR. SMITH CAME BACK FROM——— —— Q. ABOUT ~~M~~HOW MANY DO YOU THINK THERE WAS? A. I COULD GIVE BUT A VERY LITTLE IDEA. WHEN MR. SMITH AND ME CAME BACK FROM THE MOUNTAIN MEADOWS——— —— Q. FROM WH**A**T YOU **SAW,** ~~SAYW~~	[*space*] ABOUT HOW MANY DO YOU THINK THERE WAS I COULD GIVE BUT VERY LITTLE IDEA WHEN MR. SMITH AND ME CAME *[[25]]* BACK FROM THE MOUNTAIN MEADOWS [*space*] FROM WHAT YOU SAW
ABOUT HOW LONG, AS NEAR AS YOU CAN JUDGE, WERE THEY MARCHING OUT, AND HOW MANY WERE THERE ? A. I THINK PROBABLY THERE MIGHT HAVE BEEN TWENTY FIVE OR THIRTY, I COULD NOT GIVE MUCH OF AN IDEA. Q. ABOUT HOW MANY	ABOUT HOW MANY AS YOU CAN JUDGE THEY MARCHED OUT WAS THERE ~~<~~HOW MANY WERE THERE~~>~~ A I THINK PROBABLY THEY MIGHT HAVE BEEN 25 OR 30 I COULD NOT GIVE MUCH OF AN IDEA Q ABOUT HOW MANY	ABOUT HOW MANY WOULD YOU JUDGE WAS THERE AS THEY MARCHED OUT? A. I SHOULD THIN~~G~~K PROBABLY THERE MIGHT HAVE BEEN 25 OR 3;0, I COULD NOT GIVE MUCH OF AN IDEA. Q. ABOUT HOW MANY	ABOUT HOW MANY DID YOU JUDGE AS THEY MARCHED OUT WERE THERE [*space*] I SHOULD THINK PROBABLY THERE MIGHT HAVE BEEN 25 OR 30 I COULD NOT GIVE MUCH OF AN IDEA [*space*] ABOUT HOW MANY

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RT	RS	BT	PS
WOMEN AND CHILDREN WERE THERE ? A. THERE WAS SEVERAL, I COULD NOT GUESS AT IT. Q. HOW MANY SOLDIERS WERE THERE IN YOUR COMPANY ? A. THAT IS MORE THAN I KNOW. Q. AS NEAR AS YOU CAN GIVE IT ? A. THERE MIGHT HAVE BEEN THIRTY, FORTY OR FIFTY, SOMEWHERE ALONG THERE Q. AT THE FIRST FIRE THAT YOU SPEAK OF DID ANY EMIGRANTS FALL BEFORE *[156]* THE INDIANS ARRIVED THERE ? A. YES SIR, THERE WAS SOME FELL. Q. WHAT DID THE BALANCE DO ? A. THEY MADE SOME OF THEM A RUSH TO RUN. SOME OF THEM BROKE FROM	WOMEN AND CHILDREN WERE THERE, A THERE WAS SEVERAL I COULD NOT GUESS AT IT Q HOW MANY SOLDIERS WERE THERE IN YOUR COMPANY A THAT IS MORE AS I KNOW Q AS NEAR AS YOU CAN GIVE IT A WELL THERE MIGHT HAVE BEEN 30 40 50 SOMEWHERE ALONG THERE Q AT THE FIRST FIRE THAT YOU SPOKE OF, DID ANY EMIGRANTS FALL BEFORE THE INDIANS ARRIVED THERE A YES SIR THERE WAS SOME FELL. Q WHAT DID BALANCE DO A THEY MADE SOME OF THEM = MADE RUSH TO RUN SOME BROKE	WOMEN AND CHILDREN WERE THERE? A. I DON'T KNOW; APPROXIMATELY; THERE WAS SEVERAL, BUT I COULD NOT GUESS AT IT. Q. HOW MANY SOLDIERS WERE THERE IN YOUR COMPANY? A. THAT IS MORE THAN I KNOW. ~~OF?~~ Q. WELL, AS NEAR AS YOU COULD GIVE IT? A. WELL THERE MIGHT HAVE BEN 3 0 , 4 0 OR 50; SOMEWHERE ALONG THERE. Q. AT THE FIRST FIRE THAT YOU SPOKE OF, DID ANY OF THE EMIGRANTS FALL BEFORE THE INDIANS ARRIVED THERE? A. YES, SIR, THERE WAS SOME FELL. Q. WHAT DID THE BALANCE DO? ~~Q~~A. THEY MADE , SOME OF THEM—MADE A RUSH TO RUN—, SOME BROKE TO	WOMEN AND CHILDREN WERE THERE I DON'T KNOW APPROXIMATE THERE WAS SEVERAL HOW MANY SOLDIERS WERE THERE IN YOUR COMPANY A THAT IS MORE THAN I KNOW Q AS NEAR AS YOU CAN GIVE IT A THERE MIGHT HAVE BEEN 30 40 50 SOMEWHERE ALONG THERE AT THE FIRST FIRE THAT YOU SPOKE OF DID ANY EMIGRANTS FALL BEFORE THE INDIANS ARRIVED THERE YES SIR THERE WAS SOME FELL Q WHAT DID THE BALANCE DO A THEY MADE SOME OF THEM MADE A RUSH AND RAN SOME BROKE

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RT	RS	BT	PS
THE RANKS <AND RUN> AND THE INDIANS CAME IN. I RECOLLECT ONE THAT GOT AWAY, AS NEAR AS I CAN JUDGE FOR HALF A MILE, OFF TOWARDS THE MOUNTAINS, SOME OF THE INDIANS WERE AFTER HIM WITH BOWS AND ARROWS AND THEY CATCHED HIM BEFORE HE GOT TO THE MOUNTAINS. THE FURTHEST WAS ONLY TWENTY STEPS OR FROM THAT TO ONE HUNDRED YARDS WHEN THEY CAUGHT HIM. Q. WHAT WAS DONE ? A. I WAS WATCHING HIM WHEN THE INDIANS WERE	AND RAN, AND THE INDIANS CAME IN. I RECOLLECT ONE THAT GOT AS NEAR AS I CAN —[?] THINK HALF MILE OFF FAR AS MOUNTAINS. SOME INDIANS AFTER HIM WITH BOWS ARROWS THEY FINALLY CATCHED HIM BEFORE GOT TO MOUNTAINS. THE FURTHEST WAS ONLY 20 STEPS FROM THAT TO HUNDRED YARDS WHEN THEY CAUGHT HIM $_{Q}$ WHAT WAS DONE $_{A}$I WAS WATCHING HIM WHEN INDIANS WAS RUNNING	RUN AND THE **I**NDIANS CAME IN, RUNNING THEM DOWN; AND I RECOLLECT ONE THAT GO~~R~~**T** AS NEAR AS I CAN THINK — NEAR A HALF A MILE OFF— *[~~120~~30]* NEAR THE MONTAINS; AND SOME **I**NDIANS WENT AFTER HIM WITH BOW~~N~~**S** AND ARROWS AND THEY FINALLY CATCHED HIM BEFORE HE GOT TO THE MOUNTAINS. THAT WAS THE FURTHE~~X~~ST I SAW OFF. SOME WAS WITHIN~~G~~ 20 STEPS AND SOME A HUNDRED YARDS WHEN THEY CAUGHT ~~HIM~~. **THEM.** Q. THEN WHAT WAS DONE. A. I WAS WATCHING HIM WHEN THE **I**NDIANS WAS RUNNING AFTER	AND RAN INDIANS CAME IN RUNNING THEM DOWN AND I RECOLLECT ONE THAT GOT I SHOULD THINK THAT GOT NEAR HALF A MILE OFF NEAR THE MOUNTAINS BUT INDIANS WAS AFTER HIM WITH BOWS AND ARROWS ~~<~~THEY GOT HIM BEFORE HE GOT TO THE MOUNTAINS~~>~~ THAT WAS THE FIRST FURTHEST I SAW *OF/OFF*[?] [*space*] SOME WAS WITHIN 20 STEPS AND SOME HUNDRED YARDS WHAT WAS DONE I SEEN HIM FALL THEY WAS RUNNING

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RT	RS	BT	PS
SHOOTING AFTER HIM, AND I SAW THE MAN FALL.	<SHOOTING AND W—[?]> AFTER HIM I SAW THE MAN FALL.	HIM AND SHOOTING HIM; I COULD SEE THE MAN FALL; THAT IS ALL I COULD SEE. ~~AND AFTER~~, **IN A WHILE** THE **I**NDIANS CAME	AND SHOOTING I COULD SEE THE MAN FALL THAT IS ALL I COULD SEE AFTER A WHILE THE INDIANS CAME
Q. WHAT WAS DONE THEN ? A. WE WENT BACK DOWN TO OUR CAMP AND CAMPED THERE THAT NIGHT, THE NEXT MORNING AFTER BREAKFAST I HAD THE TEAM AND THE BAGGAGE WAGON, GOT THE TEAM UP AND FIXED FOR MOVING THE MEN PRETTY MUCH ALL OF THEM; ONE OF THE TEAMSTERS WENT BACK TO BURY THE DEAD. HITCHED UP OUR TEAMS AND GOT THE THINGS READY THERE FOR MOVING HOME. Q. DID THE	$_{Q}$WHAT WAS DONE THEN $_{A}$WENT WENT BACK DOWN TO OUR CAMP CAMPED THERE THAT NIGHT. THE NEXT MORNING AFTER BREAKFAST I HAD TEAM AND THE BAGGAGE WAGON GOT UP TEAM FIXED FOR MOVING MEN PRETTY MUCH ALL. ALL ONLY TEAMSTERS WENT UP BURY DEAD. HITCHED UP OUR TEAMS AND GOT THE THINGS READY THERE FOR MOVING HOME. $_{Q}$DID THE	BACK. Q. WHAT WAS DONE THEN? A. WE WENT BACK DOWN TO OUR CAMP — CAMPED THERE THAT NIGHT. THE NEXT MORNING AFTER BREAKFAST—I HAD A TEAM AND A BAGGAGE WAGON — AND BEGAN TO FIX UP FOR THE MOVE; AN~~I~~**D** THE MEN PRETTY MUCH ALL, ONLY THE TEAMSTERS, WENT UP TO BURY THE DEAD. WE HITCHED UP OUR TEAMS AND GOT THINGS READY THERE FOR MOVING HOME. Q. DID THE	WHAT WAS DONE THEN WE WENT BACK DOWN TO OUR CAMP CAMPED THERE THAT NIGHT NEXT MORNING AFTER BREAKFAST I TOOK TEAM BAGGAGE WAGON AND BEGAN TO FIX UP FOR THE MOVE THE MEN PRETTY MUCH ALL ONLY THE TEAMSTERS WENT UP TO BURY THE DEAD. WE HITCHED UP OUR TEAMS AND GOT THINGS READY THERE FOR THE MOVE HOME [*space*] DID THE

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RT	RS	BT	PS
INDIANS SCALP ANY PERSONS WHO WERE KILLED ? A. I NEVER SEEN OR HEARD OF ANY; THEY WERE NOT DONE AT THE TIME I WAS ON THE GROUND. Q. DID YOU SEE THE THROATS OF ANY OF THEM CUT? A. NO SIR.	INDIANS SCALP ANY PERSONS WHO WERE KILLED $_{A}$I NEVER SEEN OR HEARD OF ANY, NOT DONE AT THE TIME I WAS ON GROUND $_{Q}$DID YOU SEE THE THROATS OF ANY OF THEM CUT *[[33]]* $_{A}$NO SIR	INDIANS SCALP ANY PERSONS THAT WERE KILLED THERE? A. I DIDN'T HEAR OF ANY OF THEM BEING SCALPED; IT WAS NOT DONE AT THE TIME I WAS ON THE GROUND. Q. DID YOU SEE THE THROATS OF ANY OF THEM CUT? A. NO, SIR. I SAW NOTHING; THERE WAS ONLY GUNS AND BOWS AND ARROWS Q. DO YOU KNOW WHAT PROPERTY THE EMIGRANTS HAD , AND IF SO, DESCRIBE THAT? A. WAGONS, OXEN, SOME FEW HORSES— . AS FAR AS ~~THEY HAD~~ ANYTHING THEY HAD IN THEIR CAMP I KNOW NOTHING AB OUT IT . Q. DO YOU KNOW HOW MANY WAGONS THEY HAD? A. NOTHING MORE THAN A KIND OF	INDIANS SCALP ANY PERSONS KILLED THERE $_{A}$I DIDN'T HEAR OF ANY OF THEM BEING SCALPED $_{Q}$DID YOU SEE THE THROATS OF ANY OF THEM CUT $_{A}$NO SIR I SAW NOTHING SAW ONLY GUNS BOWS AND ARROWS DO YOU KNOW WHAT PROPERTY THE EMIGRANTS HAD AND IF SO DESCRIBE THAT $_{A}$WAGONS OXEN SOME FEW HORSES AS FAR AS ANYTHING THEY HAD IN THEIR CAMP I KNOW NOTHING ABOUT DO YOU KNOW HOW MANY WAGONS THEY HAD ONLY

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RT	RS	BT	PS
GUESS SO. THERE MAY HAVE BEEN SOMEWHERES ABOUT TWENTY WAGONS. Q. ~~HAVE~~ HAD YOU EVER SEEN THE EMIGRANTS TRAIN BEFORE THAT DAY ? A. JUST AS I MET THEM COMING OUT OF THEIR CAMPS AND AS I WENT ON THE ROAD FROM PINTO CREEK. MR. SMITH WAS WITH ME WHEN WE MET THEM. Q. ABOUT HOW MANY STOCK HAD THEY ? A. I DON'T RECOLLECT WHETHER THEY HAD THE LOOSE HERD, DRIVING THEM OR NOT; I THINK THOUGH THEY HAD. Q. YOU THINK, YOU COULD NOT SAY ABOUT THAT ? A. THEY HAD THREE	GUESS SO; THERE MIGHT HAVE BEEN SOMEWHERES ABOUT 20 WAGONS $_{Q}$ HAD YOU EVER SEEN EMIGRANT TRAIN BEFORE THAT DAY $_{A}$ JUST AS I MET 'EM COMING OUT OF THEIR CAMPS AS I WENT ON ROAD FROM PINTO CREEK, MR. SMITH WAS WITH ME WHEN WE MET THEM *THERE*[?] $_{Q}$ABOUT HOW MANY STOCK HAD THEY $_{A}$I DON'T RECOLLECT WHETHER THEY HAD THE LOOSE HERD DRIVING THEM OR NOT I THINK THOUGH THEY HAD. ≤AND THINK≥ $_{Q}$IF YOU COULD NOT SAY ABOUT THAT $_{A}$THEY HAD THREE	GUESS SO; I SUPPOSE MAY BE THERE MIGHT HAVE BEEN SOMEWHERES ABOUT 20 WAGONS. Q. HAD YOU EVER SEEN THE EMIGRANT TRAIN BEFORE THET DAY? A. ONLY AS I MET THEM COMING OUT OF THEIR CAMPS WHEN I WAS COMING BACK FROM **P**INTO CREEK; MR. SMITH WAS WITH ME WHEN I MET THEM. Q. ABOUT H~~A~~OW MANY CATTLE HAD THEY? *[I3I]* A. I DON'T RECOLLECT WHETHER THEY HAD A LOOSE HERD DRIVING THEM OR NOT; I THINK THOUGH THEY HAD A FEW; I COULD NOT SAY THOUGH ABOUT THAT. THEY HAD GOOD LOOKING TEAMS , THREE	GUESS I SHOULD SUPPOSE *[[26]]* MAYBE THERE MIGHT HAVE BEEN SOMEWHERES ABOUT 20 WAGONS HAD YOU EVER SEEN THE EMIGRANT TRAIN THAT DAY JUST AS I MET THEM WHEN I WAS COMING BACK FROM PINTO CREEK WAS ANYBODY WITH YOU THEN MR. SMITH ABOUT HOW MANY CATTLE HAD THEY I DON'T RECOLLECT WHETHER THEY HAD A LOOSE HERD DRIVING I THINK THEY HAD A FEW I COULD NOT SAY ABOUT THAT THEY HAD GOOD LOOKING TEAMS 3

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RT	RS	BT	PS
OR FOUR YOKE OF CATTLE TO A WAGON. THEY WAS DRAWING OUT THEIR CAMP AS I PASSED THEM.	FOUR YOKE OF CATTLE TO WAGON. THEY WAS DRAWING OUT THEIR CAMP AS WE PASSED THEM. ≤WALKING UP **A** HILL WHEN MR. SMITH AND ME PASSED THEM≥	OR FOUR YOKE OF CATTLE TO THE WAGON. THEY WAS COMING UP A HILL WHEN MR. SMITH AND ME PASSED THEM.	AND 4 YOKE OF CATTLE TO THE WAGON THEY WAS COMING UP A HILL WHEN MR. SMITH AND ME PASSED THEM [*space*]
THEY HAD GOT STRONG TEAMS. Q. DO YOU KNOW WHAT WAS DONE WITH THAT PROPERTY ? A. I NEVER SEEN THEM ANY MORE, AFTER I LEFT THEM THAT DAY,	THEY HAD GOOD STRONG TEAMS. $_{Q}$DO YOU KNOW WHAT WAS DONE WITH THAT PROPERTY $_{A}$I NEVER SEEN THEM ANY MORE AFTER I LEFT THEM THAT DAY	Q. DO YOU KNOW WHAT WAS DONE WITH THAT PROPERTY? A. I NEVER SEEN THEM ANY MORE AFTER I LEFT	DO YOU KNOW WHAT WAS DONE WITH THAT PROPERTY I NEVER SEEN THEM ANY MORE
TILL I SAW THEM ON T~~;~~HE RANCH NEAR HARMONY, BELOW KANNARRA~~H~~**A**.	UNTIL I SAW THEM ON RANGE NEAR HARMONY BELOW KANARRA	TILL I SAW THEM ON THE RANGE DOWN NEAR HARMONY BELOW ~~C~~KANNARAH;	UNTIL I SAW ≤THEM≥ ON THE RANGE DOWN NEAR HARMONY
I SAW STOCK THERE; I COULD TELL THEM AND THAT THEY WERE FRESH STOCK; THEY WERE	I SAW STOCK THERE I COULD TELL THEM FROM OUR STOCK THEY WERE	DOWN IN THAT COUNTRY; I SEEN STOCK**,** A GOOD MANY OF THEM THERE THAT I COULD TELL FROM **O**UR STOCK BECAUSE THEY WAS MOSTLY WORK	DOWN IN THAT COUNTRY I SEEN STOCK GOOD MANY OF THEM THERE THAT I COULD TELL FROM OUR STOCK BECAUSE THEY WAS MOSTLY WORK

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RT	RS	BT	PS
THIN. Q. IN WHOSE POSSESSION OR CONTROL WERE THEY ?	THIN $_{Q}$ IN WHOSE POSSESSION OR CONTROL WERE THEY	CATTLE AND QUITE THIN. Q. IN WHOS**E** POSSESSION OR CONTROLL WERE THEY? **A. I SAID THEY WERE IN MR LEE'S POSSESSION M^{R}**	CATTLE AND *G*[?] [*space*] IN WHOSE POSSESSION OR CONTROL WERE THEY I UNDERSTOOD THEY WERE IN MR LEE'S POSSESSION
SUTHERLAND OBJECTED TO THE WITNESS STATING WHAT HE UNDERSTOOD. [*space*]	≼**SUTH OBJ**≽ DEFENSE OBJECTED TO HIS STATING WHAT HE UNDERSTOOD IT HAS GOT PAST POINT OF RUMOR AND WE *SHALL/WISH/SAY*[?] *NO/KNOW*[?] HIM TO STATE	SUTHERLAND: I OBJECT TO HIS STATING ~~THAT~~ WHAT HE UNDERSTOOD**,** WHICH IS SIMPLY RUMOR.	[*space*] OBJECTION TO UNDERSTOOD [*space*]
✓ A. I NEVER HEARD ANYBODY SAY THAT I KNOW OF. THEY ~~BROUGHT~~ ≼WERE APPARENTLY≽ IN ~~HIS~~ **LEE'S** CHARGE AND HE WAS LETTING THE INDIANS HAVE THEM OCCASIONALLY ALONG. I KNOW THAT. *[158]* Q. STATE THE CIRCUMSTANCES THAT YOU	{*}^{P} $_{A}$I NEVER HEARD ANYBODY SAY THAT I KNOW OF. THEY WERE APPARENTLY IN HIS CHARGE, HE WAS LETTING THE INDIANS HAVE 'EM OCCASIONALLY, ALONG I KNOW THAT. $_{Q}$ STATE CIRCUMSTANCE S THAT YOU	A.. I NEVER HEARD ANYBODY SAY T~~H~~A T I KNOW OF. THEY WAS IN HIS CHARGE AND HE HAD CHARGE OF THEM. HE USED TO LET THE **I**NDIANS HAVE SOME OCCASIONALLY ALONG, I KNOW THAT. Q. STATE **ALL** THE CIRCUMSTANCE S THAT YOU	I NEVER HEARD ANYBODY SAY THAT I KNOW OF THAT THEY WAS IN HIS CHARGE OR HE HAD CHARGE OF THEM AND HE LET THE INDIANS HAVE THEM OCCASIONALLY ALONG ≼I HAVE *S FR*[?] THAT≽ STATE THE CIRCUMSTANCE S CONNECTED

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RT	RS	BT	PS
KNOW ABOUT IT ?	KNOW ABOUT IT	KNOW ABOUT IT. A. ALL THE CIRCUMSTANCES THAT I KNOW.	WITH IT [*space*] ALL THE CIRCUMSTANCES I KNOW
A. I KNOW THE STOCK WAS THERE; I KNOW THE INDIANS WERE KEPT AROUND THERE AND LIVED THERE.	~~A~~I KNOW STOCK WAS THERE, I KNOW THE INDIANS WERE KEPT AROUND THERE LIVED THERE, HAD BEEF OCCASIONALLY	I KNOW THAT THE STOCK WAS AROUND THERE, AND I KNOW THAT THE **I**NDIANS WERE KEPT AROUND THERE— LIVED AROUND THERE AN~~E~~D HAD BEEF OCCASIONALLY.	I KNOW THAT THE STOCK AROUND THERE AND I KNOW THAT THE INDIANS KEPT AROUND THERE WHO LIVED AROUND THERE AND HAD BEEF OCCASIONALLY
Q. STATE HOW YOU KNOW THAT FACT ? A. I HAD BEEN PASSING THROUGH THE COUNTRY AND AROUND THERE,HAD SEEN THEM,AND I KN~~O~~EW OF IT	~~Q~~STATE HOW YOU KNOW THAT FACT ~~A~~I HAD BEEN PASSING THROUGH COUNTRY AROUND THERE, HAD SEEN THEM AND A YEAR OR TWO	Q. STATE HOW YOU KNOW THAT FACT. A. I ~~D~~HAD BEEN PASSING THROUGH THE COUNTRY AROUND THERE ~~AID~~**AND** I HAD SEEN THEM, AND IN A YEAR OR TWO AFTER THAT —	[*space*] STATE HOW YOU KNOW THAT FACT I HAVE BEEN PASSING THROUGH THE COUNTRY AROUND THERE AND HAVE SEEN THEM {AND}[i] A YEAR YEAR OR TWO
SOMETIME AFTER. I HEARD MR. LEE SAY HE HAD ISSUED OUT MEAT TO THE INDIANS, BUT THE INDIANS WERE	SOMETIME AFTER THAT JOURNEY I HEARD MR. LEE SAY HE HAD KEPT ~~≤~~BOOKS~~≥~~ AND ISSUED OUT MEATS TO THE INDIANS AND I READ BOOKS	SOME TIME AFTER I HEARD MR. LEE SAY THAT HE HAD KEPT BOOKS AND ISSUED OUT MEATS AND MEANS TO THE **I**NDIANS, THAT	SOMETIME AFTER THAT I HEARD MR. LEE SAY THAT HE HAD KEPT BOOKS AND HAD ISSUED OUT MEANS TO THE INDIANS AND BY HIS BOOKS THAT

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RT	RS	BT	PS
GUARDING ALL THE PROPERTY THAT BELONGED TO THAT COMPANY, OR HAD ANYTHING TO DO WITH IT, OR SOMETHING OF THE KIND. THE BOOKS WOULD SHOW. HE HAD DELIVERED OVER TO THE INDIANS FROM TIME TO TIME SUCH THINGS AS THEY NEEDED AND THE AMOUNT OF CATTLE. Q. WAS THERE ANYTHING SAID FURTHER AS TO THAT ? A. NOT THAT I KNOW OF. Q. DO YOU KNOW HOW LEE CAME TO ISSUE THESE GOODS ? A. NO SIR, I DID NOT. Q. DID YOU EVER	THEY HAD NOW GOT ALL THE PROPERTY THAT BELONGED TO THAT OUTFIT OR HAD ANYTHING TO DO WITH OR SOMETHING OF THE KIND HIS BOOKS WOULD SHOW HE HAD —[?] TURNED OVER TO INDIANS FROM TIME TO TIME SUCH THINGS AS THEY NEEDED AND AMOUNT OF CATTLE. Q WAS THERE ANYTHING ELSE SAID A NOT THAT I KNOW OF Q DO YOU KNOW HOW LEE CAME TO ANYTHING ISSUE THOSE GOODS A NO SIR I DO NOT DID YOU EVER	THEY HAD NOW GOT ALL THE PROPERTY THAT BELONGED TO THEM AT THE TIME; THAT HE HAD NOTHING TO DO WITH IT NOW ; THAT HIS BOOKS WOULD SHOW THAT HE HAD TURNED OVER TO THE INDIANS FROM TIME TO TIME SUCH THINGS AS THEY NEEDED, AND THAT AMOUNTED TO THE AMOUNT OF THAT PROPERTY. [132] Q. WAS THERE ANYTHI~~G~~NG ELSE SAID? A. NOT THAT I KNOW OF AT THAT TIME? Q. DO YOU KNOW HOW L~~L~~EE CAME TO ISSUE THOSE GOODS TO THE INDIANS? A. NO, SIR, I DO NOT. Q. DID YOU EVER	THEY HAD NOW GOT ALL THE PROPERTY THAT BELONGED TO THAT OUTFIT THAT HE HAD ANYTHING TO DO WITH THAT HIS BOOKS WOULD SHOW THAT HE HAD TURNED OVER TO THE INDIANS FROM TIME TO TIME SUCH THINGS AS THEY NEEDED THAT AMOUNTED TO THE AMOUNT OF THAT PROPERTY[193] WAS THERE ANYTHING ELSE SAID NOT THAT I KNOW OF AT THAT TIME [*space*] DO YOU KNOW ~~*IF*[?]~~ ~~≤~~HOW HE~~≥~~ CAME TO ISSUE THOSE GOODS AND NO SIR I DO NOT DID YOU EVER

193. Rogerson's hand symbol.

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RT	RS	BT	PS
HAVE A CONVERSATION WITH HIM IN RELATION TO THAT ? A. NONE AT ALL. Q. DO YOU KNOW	HAVE CONVERSATION WITH HIM RELATION TO THAT $_{A}$NOT AT ALL $_{Q}$DO YOU KNOW	HAVE ANY CONVERSATION WITH HIM IN RELATION TO THAT. A. NOT AT ALL. Q. DO YOU KNOW	HAVE ANY CONVERSATION WITH HIM IN RELATION TO THAT NOT AT ALL DO YOU KNOW
IN WHAT CAPACITY ? A. HE DID	IN WHAT CAPACITY ~~A~~ HE DID IT	ANYTHING ABOUT IN WHAT CAPACITY HE DID IT.	ANYTHING ABOUT IN WHAT CAPACITY HE DID IT
NOTHING MORE, AS I SUPPOSE,	$_{A}$ NOTHING MORE ~~<~~THAN~~>~~ AS ~~<~~I STATED~~>~~ I SUPPOSED	A. NOTHING MORE; NO SIR~~.~~, — AS I SUPPOSED ONLY AS I UNDERSTOOD IT: AND THAT	NO SIR *[[27]]* NOTHING MORE THAN AS I UNDERSTOOD IT THAT
ONLY TAKE CHARGE OF THE STOCK, RIGHT THERE AT THE TIME [*space*] ***[159]*** I DID NOT SEE IT DONE. THE NEXT TIME I SAW THE STOCK THEY WERE	HE TOOK CHARGE OF THE STOCK RIGHT THERE AT THE TIME *[[34]]*[194] I DID NOT SEE IT DONE THE NEXT TIME I SAW STOCK ~~FROM~~	HE TOOK CHARGE OF THE STOCK RIGHT THERE AT THE TIME OR ~~TH~~ NEXT DAY; AND THE NEXT TIME I SAW THE STOCK, I SAW THEM THERE AROU~~L~~D THAT COUNTRY	HE TOOK CHARGE OF THE STOCK RIGHT THERE AT THE TIME OR THE NEXT DAY. I SAW THE STOCK I SAW THEM THERE AROUND THAT COUNTRY
WITHIN TEN MILES, AND FROM THAT THEY WERE AROUND MORE CLOSELY. Q. DID	WITHIN TEN MILES AND FROM THAT AROUND CLOSELY $_{Q}$}^{P}DID	WITHIN TEN MILES AND FROM THAT AROUND **CLOSER** ~~CLOSELY~~ TO WHERE I LIVED. Q . DO	WITHIN TEN MILES AND FROM THAT CLOSER TO WHERE *HE/I*[?] LIVED DID

194. At the top of the page: {**MNG NOV 29/83**}^{P}. There is illegible doodling on the verso.

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RT	RS	BT	PS
YOU KNOW IF MR. LEE HELD ANY OFFICE OR POSITION WITH REFERENCE TO THE INDIANS ?	YOU KNOW IF MR. LEE HELD ANY OFFICIAL POSITION WITH REFERENCE TO THE INDIANS	YOU KNOW WHETHER MR. LEE HELD ANY OFFICIAL POSITION IN REFERENCE TO THE **I**NDIANS? **M**$^{\underline{R}}$	YOU KNOW WHETHER MR. LEE HELD ANY OFFICIAL OFFICE IN REFERENCE TO THE INDIANS
DEFENDANTS COUNSEL OBJECTED TO THE QUESTION, AS THE OBJECT IS	SUTHERLAND OBJECTED TO QUESTION	SUTHERLAND: WE OBJECT TO THE QUESTION AS IMPLYING	~~≤~~SUTHERLAND~~≥~~ OBJECTED TO AS IT ~~≤~~MATERIAL IS IRRELEVANT~~≥~~ IS
TO IMPLICATE SOMEBODY NOT MENTIONED IN THIS INDICTMENT.	TO IMPLICATE SOMEBODY NOT IMPLICATED IN THIS INDICTMENT	SOMEBODY NOT IMPLICATED IN THIS INDICTMENT, AND WHO	DESIGNED TO IMPLICATE SOMEBODY WHO IS NOT INDICTED.
	OUGHT NOT TO BE AFFECTED BY ANY OF	WOULD NOT BE EFFECTED BY ANY OF THE	
IT DON’T TEND AT ALL TO ANY CONNECTION OF THE DEFENDANT HERE WITH THE TRANSACTION, AND ITS ONLY OBJECT CAN BE	EVIDENCE IT DON’T TEND AT ALL TO ILLUSTRATE CONNECTION TO THE DEFENDANT THE WITH TRANSACTION OF QUESTION STILL OBJECT TO IT	**I**NDIANS; IT DON~~E~~’T TEND AT ALL TO ILLUSTRATE OR CONNECT ~~WITH~~ THE DEFENDANT HERE WITH THE TRANSACTIO~~H~~N; AND WE OBJECT TO THE ~~W~~QUESTION BECAUSE THE	
TO IMPLICATE SOMEBODY WHO IS NOT BEFORE THE	IS TO IMPLICATE SOMEBODY WHO IS NOT BEFORE THE	OBJECT IS TO IMPLICATE SOMEBODY WHO IS NOT BEFORE THE	

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RT	RS	BT	PS
COURT.	COURT BASKIN GENTLEMAN ASSERTS ROLE IN PROTECTING OTHERS HE IS PRESERVING WHETHER I AM DESIROUS IN PROTECTING SOMEBODY ELSE OR NOT IT IS MY BUSINESS TO PROTECT THIS DEFENDANT FROM IRRELEVANT EVIDENCE. EVIDENCE SHALL BE CONFINED TO ISSUE TO BE TRIED AND IN RAISING THAT OBJECTION I DID I AM LIABLE TO NO CRITICISM OUTSIDE OF MY PROFESSIONAL —[?] BUSINESS OUT OF TENDERNESS TO ANYBODY GENTLEMAN'S PROCESS OF REASON IS SOMEWHAT SIMPLE. ASSUMES THIS PROCESS OF REASONING IS [*space*]. THIS	COURT. ARGUED BY BASKIN.	

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RT	RS	BT	PS
	WITNESS TESTIMONY IS JOHN D. LEE ISSUED OUT ABOVE GOODS ETC. MY QUESTION IS TO SHOW WHY AND HOW IT WAS DONE IS NOT IRRELEVANT IN AS MUCH AS GENTLEMAN FAILED TO STATE HOW IT WAS IRRELEVANT HOW IT WOULD BRING ANYBODY ELSE IN I AM AT A LOSS TO KNOW. I NEVER HEARD SUTHERLAND OBJECT TO TO QUESTION AS FAR AS IT IS ALLEGED IS TO SHOW OUGHT TO HAVE HAD HERE ON TRIAL THAT PROPERTY THAT WAS OBTAINED FROM THOSE EMIGRANTS IT WAS LEGITIMATE FOR THEM TO ASK FOR ANY CONTROL HE ASSUMED OVER THAT ANY ACTS HE DID IN THE		

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RT	RS	BT	PS
	DISPOSING OF IT ANY ATTEMPT TO SHOW ANY CONNECTION TO THAT DISPOSING OF IT ANY OFFICE HE HELD OR ANY ROLES HE HELD OR OTHER OFFICE IS WHOLLY IMMATERIAL I RAISED THIS OBJECTION *SSGBL/*—[?] WITH THE *ANIMUS*[?] OF PROSECUTION BEFORE THAT PUT IN BEFORE JURY. ≤**COURT RULED**≥ BY		
THE COURT RULED THAT THE PROSECUTION MAY PROVE HOW	COURT IT MAY BE TO HIS ADVANTAGE	COURT: IT MAY BE TO HIS ADVANTAGE **& NOT HIS DISADVANTAGE TO SHOW**	
HE HELD THIS POSSESSION,	HOW HE HELD THIS POSITION WHY HE HELD IT	~~HOW HE HELD THIS~~ **WHAT** POSITION, **HE HELD** WHY AND HOW HE	
IF HE HELD IT AT ALL. TO WHICH RULING OF THE COURT DEFENDANTS COUNSEL THEN AND THERE DULY EXCEPTED.	AND IF HE HELD IT AT ALL. SUTHERLAND GIVE US BENEFIT OF AN EXCEPTION	HELD IT, AND IF HE HELD IT AT ALL. **OBJ OVERRULED.** DEFENSE EXCEPTED TO THE RULING OF	OBJECTION OVERRULED EXCEPTION ~~WITNESS I~~

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RT	RS	BT	PS
WIT.: I DO NOT KNOW HOW HE HELD IT OR ANYTHING OF THE KIND. I KNOW NOTHING ABOUT IT AT ALL, OR HOW HE CAME IN POSSESSION OF IT. Q. DO YOU KNOW WHETHER HE HELD ANY OFFICE AT THAT TIME IN CONNECTION WITH THE INDIANS ? A. I DO NOT. Q. OR WHETHER HE DISCHARGED ANY DUTIES OF OFFICE IN CONNECTION WITH THE INDIANS ? A. I DO NOT.	{A}[p]I DO NOT KNOW ABOUT HE HELD OR ANYTHING OF THE KIND, I KNOW NOTHING ABOUT IT AT ALL HOW HE CAME IN POSSESSION OF IT. {Q}[p]DO YOU KNOW WHETHER HE HELD ANY OFFICE AT THAT TIME IN CONNECTION WITH INDIANS <OR DISCHARGED ANY DUTIES CONNECTED WITH THE OFFICE, WHETHER> AI DO NOT {Q}[p] HE DISCHARGED ANY DUTIES OF	THE COURT. A. I DON'T KNOW ANYTHING ABOUT HOW HE ~~L~~HELD IT OR ANYTHING OF THE KIND IN REGARD TO THAT BUT I SUPPOSE———— — **M**[R] SUTHERLAND: WE OBJECT TO WITNESS~~ES~~ TELLING WHAT HE SUPPOSED. A. I KNOW NOTHING ABOUT IT AT ALL OR HOW HE CAME IN POSSESSION OF IT. Q. DO YOU KNOW WHETHER HE HELD ANY OFFICE AT THAT TIME IN CONNECTI~~O~~N [133] WITH THE **I**NDIANS; OR DISCHARGED ANY DUTIES CONNECTED WITH THE OFFICE? A. I DON'T KNOW WHETHER HE DID OR NOT:	~~NEVER~~ I DO NOT KNOW ANYTHING ABOUT HOW HE HELD IT OR ANYTHING OF THE KIND NO MORE THAN I SUPPOSED [*space*] OBJECTED TO I KNOW NOTHING ABOUT IT AT ALL HOW HE CAME IN POSSESSION OF IT. [*space*] DO YOU KNOW WHETHER HE HELD ANY OFFICE AT THAT TIME IN CONNECTION TO THE INDIANS OR DISCHARGED ANY DUTIES CONNECTED WITH THE OFFICE AI DON'T KNOW WHETHER HE DID OR NOT

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RT	RS	BT	PS
	OFFICE IN CONNECTION WITH INDIANS {A}p I DO NOT		[*space*]
I NEVER HEARD OF ANYTHING OF THAT KIND.	*[[35]]*[195] I NEVER HEARD OF ANYTHING OF THAT KIND,	I NEVER HEARD OF ANY	I NEVER HEARD OF ANY
NEVER KNEW OF HIS HAVING AN AGENCY.	≤OWN AGENCY NEVER KNEW OF HIS HAVING ANY AGENCY≥	AGENCY NEVER KNEW OF HIS	AGENCY NEVER KNEW OF ANY AGENCY OR ANYTHING OF THAT KIND
	NEVER KNEW OF HIS HAVING AGENCY,	HAVING ANY AGENCY.	NEVER KNEW OF HIS HAVING ANY AGENCY
HE WAS ALWAYS	HE WAS ALWAYS	HE WAS ALWAYS FRIENDLY —	HE WAS ALWAYS GREAT FRIEND
VERY FRIENDLY TO THE INDIANS,	VERY FRIENDLY TO INDIANS	VERY F~~I~~RIENDLY TO THE **I**NDIANS; AND **I**NDIANS	TO THE INDIANS
ALWAYS A GREAT MANY OF THEM AROUND HIM.	ALWAYS A GREAT MANY OF THEM AROUND HIM.	**WERE** ALWAYS**,** A GREAT MANY**,** F~~I~~FRIENDLY TO HIM.	AND ALWAYS [*space*]
Q. STATE THE SUBSTANCE OF WHAT~~?~~OCCURRED IN RELATION TO JOHN D. LEE AND THIS MAN ?	{Q}p STATE THE SUBSTANCE OF WHAT OCCURRED IN RELATION TO JOHN D. LEE AND THIS MAN	Q. STATE THE SUBSTANCE OF WHAT OCCURRED IN RELATION TO JOHN D. LEE IN THE CONVERSATION ABOUT THIS QUESTION?	QREPEAT SUBSTANCE IN THE CONVERSATION ABOUT THOSE ACCOUNTS AGAIN
[160] A. HE WAS TALKING TO ANOTHER MAN — I	{A}pHE WAS TALKING TO ANOTHER MAN	A. HE WAS TA~~K~~L~~L~~KING TO **ANOTHER** ~~ANYTHIN~~ MAN, I	AHE WAS TALKING TO ANOTHER MAN I

195. A lot of shorthand and longhand doodling on the verso side of the page.

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RT	RS	BT	PS
DON'T KNOW WHAT MAN IT WAS, GOING OVER THERE. THE CONVERSATION WAS GOING ON SOMETHING ABOUT THIS PROPERTY AND THE INDIANS HAD MADE A CALL FOR SO MANY MORE, AND HE SAYS, NOW, I HAVE GIVEN TO THEM ALL OR NEARLY, SOMETHING TO THAT AMOUNT, DIDN'T SAY IT TO ME PARTICULARLY. Q. YOU SAID SOMETHING ABOUT HAVING SOME CATTLE SLAUGHTERED AND DISTRIBUTED TO THE INDIANS BY MR. LEE, NOW EXPLAIN ?	DON'T KNOW WHAT MAN IT WAS GOING OVER THERE, I STEPPED OVER CONVERSATION WAS GOING ON SOMETHING ABOUT THIS PROPERTY AND THE INDIANS HAD MADE CALL FOR SOMETHING MORE MY BOOKS THEY SHOW NOW THAT I HAVE GIVEN TO THEM ALL OR NEARLY ALL SOMETHING TO THAT AMOUNT ~~<HE>~~ DIDN'T SAY IT TO ME PARTICULARLY. Q YOU SAID SOMETHING ABOUT HAVING SOME CATTLE SLAUGHTERED AND DISTRIBUTED TO INDIANS BY MR. LEE NOW EXPLAIN	DON'T KNOW WHAT MAN IT WAS GOING THROUGH THERE. I STOPPED THERE AND THE CONVERSATION WAS GOIN**G** ON — SOMETHING ABOUT THIS PROPERTY AND THE **I**NDIANS HAVING IT ; AND IT CAL**L**ED FOR SOME REMARK**.** "MY BOOKS**,** THEY SHOW ~~ALL~~ NOW THAT I HAVE GIVEN TO THEM ALL OR NEARLY ALL OF THAT PROPERTY." SOMETHING OF THAT KIND. HE DIDN'T SAY IT TO ME PARTICULARLY. Q. YOU SAID SOMETHING ABOUT THEIR BEING SOME CATTLE SLAUGHTERED AND DISTRIBUTED TO THE **I**NDIANS BY MR. LEE. NOW, PLEASE EXPLAIN ABOUT	DON'T KNOW WHAT MAN IT WAS; I STOPPED THERE AND THE CONVERSATION WAS GOING ON SOMETHING ABOUT THIS PROPERTY AND THE INDIANS HAVING IT THE INDIANS HAD MADE A CALL FOR SOMETHING MORE AND ~~HE~~ [*space*] MY BOOKS BEFORE THAT SHOW HOW THAT I *HAVE*[?] ISSUED TO THEM ALL OR NEARLY ALL THAT PROPERTY. HE DIDN'T SAY IT TO ME PARTICULARLY. YOU SAID SOMETHING ABOUT THERE BEING SOME CATTLE SLAUGHTERED AND DISTRIBUTED TO THE INDIANS

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RT	RS	BT	PS
A. I KNOW OCCASIONALLY THEY GOT A BEEF, SOMETIMES THEY KILLED IT THEMSELVES BUT SOMETIMES IT WAS KILLED FOR THEM. Q. HOW DO YOU KNOW ? A. THE CATTLE — I HAVE SEEN THEM KILLED BEFORE, AND DIVIDED IT UP. I HAVE SEEN LEE AT ONE TIME KILL ONE AND GIVE IT TO THEM OUT ON THE RANGE. Q. DID YOU EVER HAVE ANY CONVERSATION WITH MR. LEE AS TO WHAT	$_{A}$I KNOW OF THAT THEY OCCASIONALLY GOT A BEEF, SOMETIMES THEY KILLED IT THEMSELVES BUT SOMETIMES ~~THEY~~ {LEE}[i] KILLED IT FOR THEM $\{_{Q}\}^{P}$HOW DO YOU KNOW THAT FACT; I HAVE SEEN THEM KILL BEEF THERE AND DIVIDED TIME TO TIME. I HAVE SEEN LEE AT ONE TIME KILL ONE AND GIVE IT TO THEM OUT ON THE RANGE. $_{Q}$DID YOU EVER HAVE ANY CONVERSATION WITH MR. LEE AS TO	THAT. A. THERE IS NO EXPLE~~M~~NATION THAT I KNOW OF**,** ONLY THAT THEY OCCASIONAL~~Y~~**L Y** GOT A BEEF ONCE IN A WHILE; WHEN THERE**,** THEY GO~~R~~T A BEEF. SOMETIMES THEY KILLED IT THEMSELVES AND SOMETIMES LEE KILLED IT FOR THEM. Q. HOW DO YOU KNOW THAT FACT? A. I HAVE SEEN THEM KILL A BEEF THERE; AND SEEN IT DIVIDED OUT AND THEY GOT IT. Q. DID YOU EVER SEE LEE KILL ANY? A. YES, SIR; I HAVE SEEN LEE AT ONE TIME KILL ONE AND GIVE IT OUT **TO** THEM ON THE RANGE. Q. DID YOU HAVE ANY CONVERSATION WITH MR. LEE AS TO	$_{A}$THERE IS NO EXPLANATION ~~NO~~ MORE THAN THEY OCCASIONALLY GOT A BEEF ONCE IN A WHILE WENT THERE AND GOT A BEEF [*space*] SOMETIMES THEY KILLED IT THEMSELVES AND SOMETIMES HE KILLED IT FOR THEM HOW DO YOU KNOW THAT FACT $_{A}$I HAVE SEEN THEM KILL BEEF THERE AND SEEN THEM GIVE IT OUT TO THE INDIANS DID YOU EVER SEE LEE KILL ANY YES ~~SIR; I HAVE~~ —[?] [*space*] I SAW ~~≤~~THEM~~≥~~ AT ONE TIME KILL WHEN WENT OUT ON THE RANGE DID YOU HAVE ANY CONVERSATION *[[28]]* WITH MR. LEE AS TO

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RT	RS	BT	PS
HE ————. AFTER HE KILLED ONE OUT THERE — WHAT DID HE DO WITH IT ? A. I SAW THE INDIANS KILLING ONE. I RODE UP TO THEM AND ASKED THEM WHAT THEY WAS DOING. THEY SAID IT WAS BEEF THEY HAD GOT FROM JOHN D. LEE, THEY WAS KILLING IT; I RODE ON, BUT I SAID TO THEM I WILL SEE, THAT IS ALL I SAID TO THEM. Q. DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE ? DEFENSE MOVES TO STRIKE OUT THE LAST ANSWER OF THE WITNESS WHERE IN HE SAID THAT THE INDIANS TOLD HIM THEY HAD GOT THE BEEF FROM JOHN D. LEE AND	WHAT HE WAS DOING AFTER HE KILLED ONE OUT THERE WHAT DID HE DO WITH IT ? {A}[P] I SAW INDIANS KILLING ONE; I RODE UP TO THEM ASKED THEM WHAT THEY WAS DOING, THEY SAID IT WAS BEEF THEY HAD GOT FROM JOHN D. LEE, THEY WAS KILLING IT, I RODE ON THAT IS ALL I SAID TO THEM Q DID YOU EVER HAVE ANY CONVERSATION WITH JOHN D. LEE ≼**DEF**≽ I MOVE TO STRIKE OUT LAST ANSWER OF WITNESS WHEREIN HE SAID INDIANS TOLD HIM THEY HAD GOT THE BEEF FROM JOHN D. LEE	WHAT HE WAS DOIN~~D~~**G,** AFTER HE KILLED ONE ~~?~~**,** WHAT DID HE DO WITH IT? A. I SAW THE **I**NDIANS KILL ONE; I RODE UP TO THEM AND ASKED THEM WHAT THEY WAS DOING; THEY SAID IT WAS BEEF THAT THEY HAD GOT FROM *[I34]* JOHN D. LEE AND THEY WAS KILLING IT. I RODE ON AND THAT IS ALL I SAID TO THEM. Q. DID YOU HAVE ANY CONVERSATION WITH JOHN D: .LEE? **M**[R] SUTHERLAND: WE MOVE TO STRIKE OUT ALL OF THE LAST ANSWER OF THE WITNESS WHEREIN HE SAID THE **I**NDIANS TOLD HIM HE HAD GOT **THE** ~~TO~~ BEEF FROM JOHN .D LEE;	WHAT HE WAS DOING [*space*] WHAT DID HE DO WITH IT [*space*] I RODE UP TO THEM AND ASKED THEM ≼WHAT≽ THEY WAS DOING. THEY SAID IT WAS A BEEF THAT THEY HAD GOT OF JOHN D. LEE AND WAS —[?] KILLING IT. I RODE ON THAT IS ALL I SAID TO THEM [*space*] ~~DID YOU EVER HAVE~~ [*space*] MOVED TO STRIKE OUT THE LAST ANSWER OF THE WITNESS [*space*]

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RT	RS	BT	PS
THAT WAS WHEN HE SAYS I SAW THE INDIANS KILLING ONE AND I HAD SEEN HIM KILL ONE, THAT IS HE HAD SEEN JOHN D. LEE KILL ONE AND ISSUE IT TO *[161]* THE INDIANS. Q. DID YOU EVER HAVE ANY CONVERSATION ABOUT HIS ISSUING BEEF TO THE INDIANS ? A. NO SIR, NOT THAT I RECOLLECT OF. Q. YOU SPOKE OF	THAT WAS ONLY $_{A}$I SAW THE INDIANS KILL ONE AND I HAD SEEN HIM KILL THEM THAT IS YOU HAD SEEN JOHN D. LEE KILL THEM AND ISSUE OUT TO THE INDIANS. $\{_{Q}\}^{p}$ DID YOU EVER HAVE ANY CONVERSATION ABOUT HIS ISSUING BEEF TO THE INDIANS $\{_{A}\}^{p}$NO SIR NOT THAT I RECOLLECT OF. $\{_{Q}\}^{p}$YOU SPOKE OF	THAT WAS WHEN HE SAW ~~THE INDIANS ONLY~~, ~~**ONLY**~~ **THE INDIANS HE SAID;** " I SAW THE INDIANS KILL ONE AND I HAD SEEN LEE KILL THEM**." THE COURT: LET IT BE STRICKEN OUT.** Q. YOU HAD SEEN JOHN D. LEE KILL THAT AND ISSUE IT OUT TO THE **INDIANS** ~~INSINS~~ A. YES, SIR, TO THE **I**NDIANS. Q. DID YOU EVER HAVE ANY CONVERSATI**O**N WITH HIM ABOUT HIS ISSUING BEEF TO THE **I**NDIANS? A. NO, SIR, NOT THAT I RECOLLECT OF. Q. YOU SPEAK OF	STRICKEN OUT [*space*] THAT WAS ONLY TO SUBSTANTIATE HOW I KNEW THAT HE GAVE THEM I SAID I HAD ~~KNEW~~ SEEN THE INDIANS YOU HAD SEEN JOHN D. LEE KILL THAT AND ISSUE TO 'EM ≤YES SIR≥ TO THE INDIANS [*space*] DID YOU EVER HAVE ANY CONVERSATION WITH HIM ABOUT HIS ISSUING BEEF TO THE INDIANS NO SIR NOT THAT I RECOLLECT OF [*space*] YOU SPEAK OF

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RT	RS	BT	PS
PARTIES GOING OVER TO BURY THE DEAD ? A. YES SIR. Q. DID YOU GO WITH THEM ? A. NO SIR. Q. DID YOU SEE THEM BURIED ? A. NO SIR. Q. DID YOU KNOW WHETHER THEY BURIED THE DEAD OR NOT ? A. THAT IS ALL I KNOW. THEY TOLD ME SO. Q. YOU DON'T KNOW THAT OF YOUR OWN PERSONAL KNOWLEDGE ? A. THEY CAME UP AND TOLD ME. CROSS-EXAMINED BY	PARTIES GOING OVER TO BURY DEAD {A}[P] YES SIR {Q}[P]DID YOU GO WITH THEM {A}[P] NO SIR {Q}[P]DID YOU SEE THEM BURY OF THE DEAD ~~<~~NO SIR~~>~~ DID YOU KNOW WHETHER THEY DID BURY THEM OR NOT {A}[P] THAT IS ALL I KNOW THEY TOLD ME SO YOU DON'T KNOW THAT OF YOUR OWN PERSONAL KNOWLEDGE A THEY CAME ~~<~~AND SAID THEY BURIED THE DEAD WAS READY TO GO HOME~~>~~ BY BASKIN YOU CAN TAKE THE WITNESS [*space*] **CROSS** EXAMINED BY DEFENSE [*space*] *[[36]]*	PARTIES ~~F~~GOING OVER TO BURY THE DEAD? A. YES, SIR. Q. DID YOU **G**O **W**~~W~~ITH THEM? A. NO, SIR. Q. DID YOU SEE THEM BURY ANY OFTHE DEAD THERE? A. NO, SIR. Q. DO YOU KNOW WHETHER THEY DID BU~~T~~**R**Y THEM OR NOT? A. THAT IS ALL I KNOW; THEY TOLD ME SO. Q. ~~G~~THEN YOU DON'T KNOW THAT OF YOUR OWN PERSONAL KNOWLEDGE? Q. NO, SIR; THEY CAME BACK AND STATED THAT THEY HAD BURIED THE DEAD. ~~CROSS)EXAMINATION BY M~~**R** ~~SUTHERLAND~~. *[Bk 4 3]*[196] **(BOOK 4 ~~3~~) 1ST LEE TRIAL** CROSS-~~)~~EXAMINATION	PARTIES GOING OVER TO BURY THE DEAD [A] YES SIR DID YOU GO WITH THEM NO SIR DID YOU SEE THEM BURY ANY DEAD NO SIR DO YOU KNOW WHETHER THEY DID BURY THEM THAT TIME THEY DID YOU DON'T KNOW THAT OF YOUR OWN PERSONAL KNOWLEDGE [*space*] NO SIR THEY CAME BACK AND SAID THAT THEY HAD BURIED THE DEAD AND WAS READY TO GO HOME. [*space*] CROSS-EXAMINATION

196. There is no page 1 or 2 for Book 4. This page is torn around the edges. Beginning with the bottom fourth of the page, there are missing letters and possibly words. There are also several lines of crossed out material at the beginning of this notebook. It repeats the same material at the end of Notebook 3.

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RT	RS	BT	PS
JUDGE SUTHERLAND Q. MR. WHITE, WHERE DID YOU SAY YOU LIVED IN 1857 ? A. CEDAR CITY, IRON COUNTY. Q. YOU WERE THEN PRETTY WELL THEN ACQUAINTED WITH MR. SMITH ? A. YES SIRM. QM AND BOTHNBELONGED TO THE SAME CHURCH — YOU STILL BELONG TO IT ? A. YES SIR. Q. YOU REMEMBER THE DAY OF YOUR MEETING SMITH AND HAIGHT NEAR THE SCHOOL HOUSE ? A. NO SIR, I CAN'T RECOLLECT ANY DATE, IT WAS ABOUT ——— *[162]* JUST AFTER THIS EMIGRANT	**SUTHERLAND** {**XEXAM**}^{p}**INATION** ~~AQ~~MR. SUTHERLAND MR. WHITE WHERE DID YOU SAY YOU LIVED 1857 ~~A~~ CEDAR CITY IRON COUNTY. {~~Q~~}^{p} YOU WERE PRETTY WELL THEN ACQUAINTED WITH MR. SMITH ~~A~~YES SIR ~~Q~~ AND ~~≤~~BOTH BELONGED~~≥~~ LONG TO THE SAME CHURCH ~~≤~~YES SIR~~≥~~ YOU STILL BELONG TO IT ~~A~~YES SIR {~~Q~~}^{p} YOU REMEMBER THE DATE OF YOUR MEETING SMITH AND HAIGHT NEAR THE SCHOOL HOUSE {~~A~~}^{p} NO SIR I CAN'T RECOLLECT ANY DATE IT WAS ABOUT NO MORE JUST AFTER THIS EMIGRANT	BY MR/ SUTHERLAND. Q. MR. WHITE, WHERE DO YOU SA Y YOU LIVED IN I857? A. CEDAR CITY, IRON COUNTY. Q. YOU ARE THEN PRETTY WELL ACQUAINTED WITH MR. SMITH? A. YES, SIR. ~~AQ~~**Q.** DID THEY BELONG TO THE SAME CHURCH THAT YOU BELONGED TO? A. YES, SIR. Q. YOU STILL BELONG TO IT. ~~Q~~A. YES, SIR. Q. D~~ID~~**O** YOU REMEMBER THE DATE OF YOUR MEETING HAIGHT AND **S**MITH WHEN THAT SCHEME WAS— A. NO, SIR, I CAN'T RECOLLECT~~,~~, ANY DATES ABOUT IT~~.~~ , ANY MORE THAN IT WAS JUST AFTER THIS EMIGRANT	~~≤~~BY SUTHERLAND~~≥~~ [*space*] WHERE DID LIVE IN 1857 CEDAR CITY IRON COUNTY [*space*] YOU WERE THEN PRETTY WELL ACQUAINTED WITH MR. SMITH YES SIR BOTH BELONGED TO THE SAME CHURCH DID YOU YES SIR YOU STILL BELONG TO IT YES SIR DO YOU REMEMBER THE DATE OF YOUR MEETING SMITH AND HAIGHT NEAR THAT SCHOOL HOUSE NO SIR I CAN'T RECOLLECT ANY DATES ABOUT IT NO MORE THAN IT WAS JUST AFTER THIS EMIGRANT

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RT	RS	BT	PS
COMPANY HAD PASSED THROUGH AND CAMPED SOMEWHERE BETWEEN THERE AND PAINTER CREEK. Q. IT WAS THE DAY BEFORE YOU SAW THEM PASS ? A. I SAW THEM PASS; I CAME HOME THAT DAY,	COMPANY HAD PASSED THROUGH ≤AND≥ CAMPED SOMEWHERE BETWEEN THERE AND PINTO CREEK. Q IT WAS THE DAY BEFORE YOU SAW THEM PASS A ≤I DID NOT≥ SEE THEM PASS I CAME HOME THAT DAY	COMPANY HAD PASSED THROUGH AND CAMPED SOM~~W~~EWHERE BETWEEN THERE AND **P**INTO CREEK. Q. IT WAS THE DAY BEFORE YOU SA~~Y~~W THEM PAS~~S~~. ~~Q~~A. I DIDN'T SEE THEM PASS — I CAME HOME THAT DAY; I HEARD IT BUT I DIDN'T SEE THEM PASS	COMPANY HAD PASSED THROUGH AND CAMPED SOMEWHERE BETWEEN THERE AND PINTO CREEK [*space*] IT WAS THE DAY BEFORE THAT YOU SAW THEM PASS I DIDN'T SEE THEM PASS ~~K K~~ HOME THAT DAY [*space*] AND HEARD IT BUT I DIDN'T SEE THEM PASS
I WAS NOT THERE AT THE TIME. Q. YOU WENT THAT SAME EVENING TO CARRY THAT LETTER —	I WAS NOT THERE AT THE TIME. Q YOU WENT SAME EVENING TO CARRY THAT LETTER ≤TO MR. ROBINSON≥ YES SIR FROM	THERE; I WASN'T THERE AT THE TIME. Q. YOU WENT THE SAME EVENING AND CARRIED THAT LETTER TO MR. ROBINSON? A. YES, SIR. Q. WHAT HOUR OR	THERE [*space*] YOU WENT THE SAME EVENING TO CARRY THAT LETTER TO MR. ROBINSON A YES SIR [*space*] WHAT HOUR
WHAT TIME ON THAT DAY DID YOU START ? A. SOMEWHERE ABOUT SUNDOWN. Q. WHERE DID YOU PASS THE EMIGRANT CAMP ? A. THEY	≤WHAT≥ TIME ON THAT DAY DID YOU START {A}P SOMEWHERE ABOUT SUNDOWN Q WHERE DID YOU PASS THE EMIGRANT CAMP ATHEY	WHAT TIME OF THAT DAY DID YOU START? A. SOMEWHERE ABOUT SUNDOWN~~.~~. ~~Q:~~ Q. **W**HERE ABOUTS ~~S~~DID ~~U~~YOU PASS THE ENIGRANT CAMP? A. THEY	DID YOU START A SOMEWHERE ABOUT SUNDOWN WHERE DID YOU PASS THE EMIGRANT CAMP ATHEY

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RT	RS	BT	PS
WERE CAMPED OFF FROM THE ROAD AT THE SPRING, PROBABLY; I DON'T RECOLLECT THE DISTANCE, IT WAS OFF THE ROAD. Q. ABOUT HOW FAR FROM CEDAR CITY ? A. ABOUT EIGHTEEN MILES AS NEAR AS I CAN RECOLLECT, FROM THERE TO THAT SPRING — FIFTEEN OR EIGHTEEN. Q. ABOUT HOW FAR FROM PINTO ? A. THAT WAS ABOUT EIGHT MILES I SHOULD GUESS, FROM THERE, IT HAS BEEN SO LONG SINCE I HAVE BEEN OVER THERE I DON'T RECOLLECT. Q. YOU PASSED THEM IN THE NIGHT ? A. I DIDN'T SEE THEIR CAMMP AT	WAS CAMPED OFF FROM THE ROAD AT A SPRING, PROBABLY, ≤I DON'T≥ RECOLLECT DISTANCE, <THE CAMP> IT WAS OFF THE ROAD Q ABOUT HOW FAR FROM CEDAR CITY ABOUT EIGHTEEN MILES AS NEAR AS I CAN RECOLLECT OVER TO THAT SPRING 15 ON 18 Q ABOUT HOW FAR FROM PINTO {A}P THAT WAS ABOUT 8 MILES I GUESS FROM THERE BEEN SO LONG SINCE I BEEN OVER THERE DON'T RECOLLECT Q YOU PASSED ≤THEM≥ IN THE NIGHT A DIDN'T SEE THEIR CAMP	WAS CAMPED OFF THE ROAD AT A SPRING. PROBABLY — I DON'T RECOLLECT THE DISTANDCE, THE CAMP WAS OFF THE RAOD. Q. ABOUT HOW FAR FROM CEDAR CITY? A. ABOUT I8 MILES AS NEAR AS I CAN RECOLLECT TO THAT [S]PRING — I5 OR I8. Q. ABOUT HOW FAR FROM PINTO? A. THAT WAS [A]BOUT EIGHT MILEW OVER TO PINTO; I DON'T RECOLLECT THE DISTANCE[S] [*page torn*] FOR CERTAIN. IT HAS BEEN SO LONG SINCE I WAS THERE THAT I [*page torn*] DON'T RECOLLECT. Q. YOU PASSED THEM IN THE NIGHT — [34] DIDN'T SEE THEIR CAMP	WAS CAMPED [[29]] OFF THE ROAD AT A SPRING PROBABLY I DON'T RECOLLECT THE DISTANCE CAMP WAS OFF THE ROAD HOW FAR FROM CEDAR CITY ABOUT 18 MILES AS NEAR AS I CAN RECOLLECT 15 OR 18 ABOUT HOW FAR FROM PINTO ABOUT 8 MILES OVER TO PINTO I DON'T RECOLLECT THE DISTANCE CERTAIN YOU PASSED THEM IN THE NIGHT DIDN'T SEE THEIR CAMP

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RT	RS	BT	PS
ALL. I NEVER HAD SEEN THE CAMP. I MET THEM ON THE ROAD NEXT DAY. Q. YOU RETURNED THE NEXT DAY ? A. YES SIR. Q. AND MET THEM ABOUT HOW FAR THIS SIDE OF PINTO ? A. I THINK THEY WAS ABOUT SIX OR SEVEN MILES — JUST PULLING UP A LITTLE HILL. I CANNOT SAY FOR CERTAIN, SOMEWHERE ALONG IN THERE. Q. THEY WERE THEN TRAVELING ? **A.** **YES, SIR.** *[163]* Q. DID MR. SMITH RETURN WITH YOU ? A. YES SIR	AT ALL <$_{Q}$WHEN DID YOU> I NEVER HAD SEEN THEIR CAMP MET THEM ON THE ROAD NEXT DAY $_{Q}$YOU RETURNED NEXT DAY $_{A}$ YES $_{Q}$ AND MET THEM ABOUT HOW FAR THIS SIDE OF PINTO $_{A}$I THINK IT WAS ABOUT 6 **OR** 7 MILES JUST PULLING UP LITTLE HILL CANNOT SAY CERTAIN, SOMEWHERE ALONG IN THERE $_{Q}$THEY WERE THEN TRAVELLING $_{A}$ YES SIR ON THE ROAD TRAVELLING $_{Q}$ ≤DID≥ MR. SMITH RETURN WITH YOU $_{A}$ YES SIR DO YOU KNOW IRA ALLEN {~~**WILLIS**~~}^{p} **IRA** **ALLEN** {$_{A}$}^{p} USED TO KNOW	AT ALL, DID YOU? A. GOING THERE, I NEVER HAD SEEN THEIR CAMP AT ALL, BUT I MET THEM ON THE RAOD THE NEXT DA~~Y~~. Q. YOU RETURNED THE NEXT DAY? A. YES, WIR. Q. AND MET THEM ABOUT HOW FAR THIS SI~~I~~DE OF PINTO? A. I THINK IT WAS ABOUT SIX O~~T~~R SEVEN MILES; THEY WAS JUST PULLING UP A LITTLE HILL. I CAN'T SAY FOR CERTAIN ABOUT THE DISTANCE . Q. THEY WERE THEN TRAVELING ? A. ON THE ROAD, YES, SIR. Q. DID MR. SMITH RETURN WITH YOU? A. YES, SIR. Q. DO YOU KNOW IRA ALLEN? A. I USED TO KNOW	DID YOU GOING OVER I NEVER HAD SEEN THEIR CAMP AT ALL THEY WERE WELL ON THE ROAD NEXT DAY YOU RETURNED NEXT DAY $_{A}$ YES SIR $_{Q}$ MET THEM ABOUT HOW FAR THIS SIDE OF PINTO I THINK ABOUT 6 OR 7 MILES THEY WAS JUST PULLING UP A LITTLE HILL AND I CAN'T SAY CERTAIN ABOUT THE DISTANCE THEY WERE THEN TRAVELLING ON THE ROAD YES SIR DID MR. SMITH RETURN WITH YOU YES SIR [*space*] DID YOU KNOW IRA ALLEN I USED TO KNOW

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RT	RS	BT	PS
	{HIM}^{P}	HIM; I DID KNOW HIM AT THAT TI ME,	HIM I DID KNOW HIM AT THAT TIME
	BUT HAVEN'T SEEN HIM FOR GOOD MANY YEARS	BUT I HAVN'T SEEN HIM FOR A GOOD MANY YEARS. Q. DID MR. SMITH RETURN WITH YOU THAT DAY? A. YES, SIR.. ~~Q. DO YOU KNOW IRA ALLEN~~ Q.	
Q. DID YOU AND MR. SMITH MEET THEM	AND DID YOU AND MR. SMITH MEET IRA ALLEN {~~**WILLIS**~~}^{P} **IRA**	DID YOU AND MR. SMITH RETUR~~H~~N WITH IRA ~~A~~ALLEN	DID YOU AND MR. SMITH MEET IRA ALLEN
THAT DAY ? A. I CANNOT RECOLLECT, IF WE DID IT HAS GONE FROM MY MIND. I DON'T RECOLLECT MEETING OR SEEING THE PARTY, NOR THAT COMPANY ON THE ROAD. Q. BUT YOU KNEW FROM WHAT HA~~Y~~**IGH**T TOLD YOU WHEN HE GAVE YOU THAT LETTER WHAT THE OBJECT OF SENDING YOU OUT WAS ? A.	**ALLEN** THAT DAY $_{A}$I CANNOT RECOLLECT THAT WE DID IF WE DID, IT HAS GONE FROM MY MIND DON'T RECOLLECT MEETING OR SEEING PARTY NOR THAT COMPANY ON THE ROAD. $_{Q}$YOU KNEW FROM WHAT HAIGHT TOLD YOU WHEN HE GAVE YOU THAT LETTER WHAT THE OBJECT SENDING YOU OUT WAS $_{A}$	THAT DAY? A. I CAN'T RECOLLECT OF IT; IF WE DID IT HAS GONE FROM MY MIND: I DON'T RECOLLECT OF MEETING HIM ~~HIM~~ OR SEEING A PER~~W~~**S**ON WHEN WE CAME ON THAT ROAD. Q. YOU KN~~WE~~OW ~~D~~FROM WHAT HAIGHT TOLD YOU WHEN HE GAVE YOU THAT LETTER, WH AT THE OBJECT OF SENDING YOU OUT WAS? A.	THAT DAY $_{A}$I CAN'T RECOLLECT OF IT IF WE DID IT HAS GONE FROM MY MIND I DON'T RECOLLECT OF MEETING OR SEEING A PERSON WHEN WE CAME ON THE ROAD YOU KNEW FROM WHAT HAIGHT TOLD YOU WHEN HE GAVE YOU THAT LETTER WHAT THE OBJECT OF SENDING YOU OUT WAS $_{A}$

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RT	RS	BT	PS
YES SIR, THAT IS WHAT HE TOLD ME, THAT IS THE REASON I VOLUNTEERED TO GO. Q. DID YOU DELIVER THAT LETTER TO MR. ROBINSON ? A. YES SIR. Q. WERE YOU PRESENT WHEN HE OPENED IT ? A. I DON'T THINK I WAS. Q. DID YOU HAVE A CONVERSATION WITH HIM AFTER HE HAD RECEIVED IT, OR OF HEARING HIM READ IT ? A. I DON'T BELIEVE I DID. Q. YOUR OBJECT WAS TO CARRY THE LETTER TO FACILITATE THE PEACEFUL PASSAGE OF THE	YES SIR THAT IS WHAT HE TOLD ME THAT IS THE REASON I VOLUNTEERED TO GO Q DID YOU DELIVER THAT LETTER TO MR. ROBINSON ≤A I DID≥ YES SIR Q WERE YOU PRESENT WHEN HE OPENED IT A <I DO NOT RECALL> I DON'T THINK I WAS QDID YOU HAVE CONVERSATION WITH HIM AFTER HE HAD OPPORTUNITY OF READING IT A I DON'T BELIEVE I DID [*space*] Q~~YOUR~~ ≤THE≥ OBJECT OF JOURNEY WAS TO CARRY LETTER <WITH HAIGHT'S DIRECTIONS> TO FACILITATE PEACEFUL PASSAGE OF	YES, SIR~~.~~ ; THAT IS WHAT HE TOLD ME AND THAT IS THE REASON I VOLUNTEERED TO GO—I WAS KIND OF ANXIOUS. Q. T~~HAT~~ DID YOU DELIVER THAT LETTER TO MR: ROBINSON? A. I DID, YES, SIR. Q. WERE YOU PRESENT W**H**EN HE ~~POENED~~ **OPENED** IT? ~~Q~~A. I DON'T RECOLLECT; I DON'T THINK I WAS. Q. DID YOU HAVE A CONVERSATION WITH HIM **AFTER HE READ IT?** ~~AN OPORTUNITY OF READING IT~~ A. NO , SIR, I DON'T BELIEVE I DID/ Q. THE OBJECT OF YOUR JOURNEY WAS TO CARRY HAIGHT'S INSTRUCTIONS AND FACILITATE THE POSSIBILITY OF THE PASSAGE OF THE	YES SIR THAT IS WHAT HE TOLD ME AND THAT WAS THE REASON I VOLUNTEERED TO GO = I WAS KIND OF ANXIOUS DID YOU DELIVER THAT LETTER TO MR. ROBINSON A I DID Q WERE YOU PRESENT WHEN HE OPENED IT A I DON'T RECOLLECT I DON'T THINK I WAS DID YOU HAVE CONVERSATION WITH HIM AFTER HE HAD HAD OPPORTUNITY TO READ IT ANO SIR I DON'T BELIEVE I DID THE OBJECT OF YOUR JOURNEY WAS TO CARRY HAIGHT'S DIRECTIONS TO FACILITATE PEACEABLE PASSAGE OF THE

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RT	RS	BT	PS
EMIGRANTS ?	EMIGRANTS YES SIR	EMIGRANTS? A. YES, SIR. Q. THAT IS BEFORE HE GAVE YOU THE INSTRUCTIONS TO CARRY THE MESSAGE? A. YES, SIR. Q. AND THAT IS HOW MR. SMITH CAME TO	EMIGRANTS YES SIR Q THAT IS WHAT GAVE YOU THE INTEREST TO CARRY THE MESSAGE A YES SIR AND MR. SMITH AS THAT —[?] TO GO IN THE NIGHT
A. I WENT WITH MR. SMITH; AT THE SAME TIME	AI WENT WITH MR. SMITH AT SAME TIME	VLOLUNTEER TO GO WITH YOU? A. I WENT WITH MR. SMITH IT SEEMS HE WAS INTERESTED AS WELL AS	VOLUNTEERED TO GO WITH [*space*] IT SEEMS HE WAS INTERESTED AS WELL AS
HE VOLUNTEERED TO GO WITH ME.	HE VOLUNTEERED TO GO WITH ME.	MUYSELF; HE VOLUNTEERED TO GO WITH ME.	MYSELF [*space*]
Q. YOU WERE CONSIDERABLEY EXCRSI	QYOU WERE CONSIDERABLY	[5] Q. YOU WERE CONSIDERABLY	YOU WERE CONSIDERABLY
EXERCISED ON THE SUBJECT AND THOUGHT THEY WERE IN GREAT DANGER OR THAT	EXERCISED ON THE SUBJECT AND THOUGHT THEY WERE IN SOME GREAT DANGER ≤YES SIR≥	EXERCISED ON THE SUBJECT THAT THEY WERE IN GREAT DANGER? A. YES, SIR.	EXERCISED ON THE SUBJECT THAT THEY WERE IN GREAT DANGER A YES SIR [*space*]
THEY HADBEEN ? A. I HEARD A GREAT DEAL OF THE INDIANS:; HAD BEEN THERE A WEEK	ATHEY HAD BEEN GREAT DEAL OF INDIANS HAD BEEN WEEK	THE INDIANS HAD BEEN FOR A Q.WEEK NEARLY	THE INDIANS HAD BEEN FOR A WEEK NEARLY
BEFORE . THEY HAD	BEFORE THAT	BEFORE THAT GOING THERE	BEFORE THEY CAME THERE

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RT	RS	BT	PS
RUN AHEAD AND THE EXCITEMENT HAD GOT OUT THERE LARGE. WE HAD HEARD FROM THE COMPANY ALL THE WAY FROM THE CORN CREEK UP. THE INDIANS *[164]* HAD COME IN AHEAD; THEY SAID THEY HAD TO SEND AROUND THERE, AS THEY WERE KILLING THE INDIANS. Q. DID THEY SAY THAT THEY WERE THERE IN THE DEFENSE OF THE EMIGRANTS A. DON'T KNOW. THEY SEEMED TO BE RUNNING ALONG, AND STARTING UP THE INDIANS. Q. FOR WHAT PURPOSE ?	RUNNING AHEAD EXCITEMENT HAD GOT TO BE LARGE, *[[37]]* WE HAD HEARD FROM COMPANY ALL WAY FROM CORN CREEK UP, INDIANS HAD COME IN AHEAD; THEY SAID THEY HAD POISONED WATER THERE AND KILLED INDIANS Q DID THEY SAY WHAT THEY WERE IN ADVANCE OF THE EMIGRANTS ~~<~~**FOR**~~>~~ ~~A~~DON'T KNOW THEY SEEMED TO BE RUNNING ALONG STIRRING UP INDIANS ~~Q~~FOR WHAT PURPOSE BECAUSE THEY	WITH RUNNERS AHEAD; THE EXCEITMENT HAD GOT TO BE PRETTY LARGE B~~F~~EFORE THEY GOT THERE. THEY HAD HEARD FROM THE COMPANY ALL THE WAY FROM C~~RO~~ORN CREE~~P~~**K** UP. AT CORN CREEK THE **I**NDIAN~~D~~S HAD COME IN AHEAD AND SIAD THAT THEY HAD P~~I~~OISONED ALL THE WATER AND KILLED SOME **I**NDIANS, AND GENERAL RUMORS. Q. D~~U~~ID THEY SAY THAT THEY WERE IN ADVANCE OF THE EMIGRANTS? A. THEY SEEMED TO BE RUNNING AHEAD STARTING UP THE **I**NDIANS ALONG. Q. FOR WHAT PURPOSE? A. BECAUSE THEY	WITH RUNNERS AHEAD AND EXCITEMENT GOT *[[30]]* TO BE PRETTY LARGE BEFORE THEY GOT THERE AND WE HAD HEARD FROM THE COMPANY ALL THE WAY FROM CORN CREEK UP, AT CORN CREEK THE INDIANS CAME IN AHEAD AND SAID THAT THEY HAD POISONED THE WATER THERE AND HAD KILLED SOME INDIANS AND DIFFERENT RUMORS [*space*] DID THEY SAY THAT THEY WERE IN ADVANCE OF THE EMIGRANTS THEY SEEMED TO BE RUNNERS AHEAD STIRRING UP THE INDIANS ALONG [*space*] FOR WHAT PURPOSE BECAUSE THEY

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RT	RS	BT	PS
A. I UNDERSTOOD TO MEET THIS EMIGRANT COMPANY, BEHIND, OR AFTER THEY CAME UP.	WERE MAD ≤AT≥ THIS EMIGRANT COMPANY BOUND TO USE THEM UP	WERE MAD AT ~~THESE~~ **THIS** ~~THATS~~ EMIGRANT COMPANY, AND WAS BOUND TO USE THEM UP.	WERE MAD AT THIS EMIGRANT COMPANY AND WAS BOUND TO USE THEM UP [*space*]
Q. ABOUT HOW MANY INDIANS WERE THERE OF THAT CHARACTER ?	~~Q~~ABOUT HOW MANY INDIANS WERE THAT CHARACTER ~~≤I DO NOT KNOW≥~~	Q. ABOUT HOW MANY **I**NDIANS OF THAT CHARACTER	ABOUT HOW MANY INDIANS OF THAT CHARACTER
A. I DON'T KNOW.			
Q. DID YOU SAY BEFORE YOU UNDERTOOK TO CARRY THIS MESSAGE YOU SAW THEM	~~Q~~DID YOU SEE BEFORE YOU UNDERTOOK TO CARRY THIS MESSAGE	DID YOU SEE BEFORE YOU UNDERTOOK TO CARRY THIS M~~A~~ESSAGE THROUGH?	DID YOU SEE BEFORE YOU UNDERTOOK TO CARRY THIS MESSAGE THROUGH
A. I DON'T KNOW. I MIGHT HAVE SEEN TWO OR THREE	~~A~~I DON'T KNOW MIGHT SEEN 2 OR THREE OF	A. I HAD SEEN TWO OR THREE ~~INDIANS~~ ~~INDIANS~~	I HAD SEEN 2 OR 3 AND
DIFFERENT INDIANS. THEY DIDN'T LIVE THERE. SOME LIVED OVER THERE AND AT DIFFERENT PLACES ON THE ROAD.	DIFFERENT INDIANS THAT DID NOT LIVE THERE, SOME LIVE OVER HERE AT BEAVER DIFFERENT PLACES ON ROAD THERE THROUGH COUNTRY AROUND.	DIFFERENT **I**NDIANS THAT DIDN'T LIVE THERE. SOME OF TH~~E~~M LIVED OVER HERE AT BEAVER; AND AT DI~~D~~FFERENT PLACES ON THE ROAD ~~THERE~~ FROM THE COUNTRY AROUN~~F~~D	DIFFERENT INDIANS THAT DIDN'T LIVE THERE SOME THAT LIVED OVER HERE AT BEAVER AND ON THE WAY THERE THROUGH THE *M/L*[?] AROUND.
THE FIRST I ~~SAW~~ ~~≤~~HEARD~~≥~~ OF THIS COMPANY, ~~OR HEARD OF THEM~~ WAS FROM	FIRST I HEARD OF THIS COMPANY WAS FROM	THERE. THE FIRST I HEARD OF THIS COMPANY WAS FROM	THE FIRST I HEARD OF THE COMPANY WAS FROM

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RT	RS	BT	PS
THE INDIANS. Q. WHAT DID YOU LEARN FROM THESE RUNNERS — WHAT THEY INTENDED TO DO IN ORDER TO PUNISH THE EMIGRANTS ? PROSECUTION OBJECTED TO THE QUESTION AS BEING WHOLLY IRRELEVANT AND THEREFORE DECLARATIONS IN FA~~O~~VOR OF THE PARTICIPANTS IS NEVER ALLOWED. WE DIDN'T CALL OUT ANYTHING IN REFERENCE TO THESE INDIANS OR WHAT OCCURRED.	THE INDIANS WHAT DID YOU LEARN FROM THESE RUNNERS WHAT THEY INTENDED TO DO IN ORDER TO PUNISH EMIGRANTS BASKIN I OBJECT TO THAT AS BEING WHOLLY IRRELEVANT. THEREFORE DECLARATIONS IN FAVOR OF THE PARTICIPANT IS NEVER ALLOWED WE DID NOT CALL OUT ANYTHING REFERENCE TO THESE INDIANS ON WHAT OCCURRED. IT IS IRRELEVANT. COUNSEL TAKE WIDE LATITUDE PROVING HEARSAY OF EVERY DESCRIPTION IT MAY BE INFERRED FROM SCOPE THEIR EXAMINATION	THE **I**NDIANS. Q. WHAT DID YOU LEARN FROM THESE RUNNERS, THAT THEY INTENDED TO DO? A. THEY WANTED TO PUNISH THE EMIGRANTS. BY MR. BASKIN: I OBJECT TO THAT AS BEING WHOOLY IRRELEVANT AND NOT CROSS EXAMINATION. ARGUED BY COUNSEL.	THE COMPANY [*space*] WHAT DID YOU LEARN FROM THESE RUNNERS ~~THEY THAT WHAT THEY~~ THAT THEY INTENDED TO DO IN ORDER TO PUNISH THE EMIGRANTS OBJECTED TO AS IRRELEVANT AND NOT CROSS-EXAMINATION

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RT	RS	BT	PS
	OF MR. SMITH THEY REGARD EVERYTHING AS OPPORTUNITY OF RES GESTAE FROM TIME EMIGRANT WAS HEARD OF UNTIL EVERYTHING WAS DESTROYED EVERYTHING WAS SAID THAT ANYONE EVER PARTICIPATED IN THEIR FINAL DESTRUCTION I AM NOT PREPARED TO SAY THAT IT IS WHOLLY WRONG INDIANS HAD PARTICIPATION IN THEIR FINAL DESTRUCTION WHETHER INDIANS WERE *MASTERS*[?] OF SITUATION OR WHETHER WHITES WHO ASSUME SOME PARTICIPATION ROLE IS NOT EASILY DETERMINED JURY MUST FINALLY DETERMINE IF INDIANS WERE IN GREAT NUMBERS AND		

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RT	RS	BT	PS
	OVER —[?] THOSE WHO WENT THERE AS MERCIFUL MIND AS THIS WITNESS SEEM TO HAVE GONE TO SAVE THESE EMIGRANTS WHILE THE *WRR/RLR*[?] THAT ACTUAL WITNESSES UNDER *IMPULSE*[?] OF LARGE COMPANY OF INDIANS TO DO WHAT THEY DID IT IS VERY IMPORTANT TO ASCERTAIN FACT IT IS COMPETENT EVIDENCE OF COURSE ONLY THE ACT IS COMPETENT TESTIMONY TO PUT IN EVIDENCE NO DECLARATION OF INTENTION MADE BY THE PERSONS DOING THAT ACT BECAUSE IT *REMAINS*[?] PART OF PARTY AND TENDS TO CHARACTERIZE AND ASSISTS THE JURY AND COURT IN		

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RT	RS	BT	PS
	JUDGING ABOUT IT IF THERE INDIANS GOING SOUTH IN ADVANCE OF THIS EMIGRANT COMPANY IRRITATED EXCITED MAD DENOUNCING THE EMIGRANTS THREATENING THEIR DESTRUCTION *[[38]]* HAD MANY OTHER THINGS SAY THEY WERE INTENDING TO AMASS ALL THEM NEIGHBORING TRIBES FOR PURPOSE OF MAKING ATTACK ON THESE EMIGRANTS IS PART OF A RES GESTAE WE ARE ENTITLED TO PROVE IT THAT IS THE OBJECT IN THIS QUESTION. BY COURT I DESIRE PARTIES ON BOTH SIDES TO GET IN ALL THE EVIDENCE ALL *TESTIMONY*[?] THEY POSSIBLY CAN I WOULD LIKE HOWEVER *OFFER*[?] IN THIS		

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RT	RS	BT	PS
OBJECTION OVERRULED.	COURT OBJECT OF THIS QUESTION IS NOT PROBABLY LEGITIMATE CROSSEXAMINATION AS PROSECUTION BROUGHT OUT NOTHING OF KIND REGARD TO RUMORS PROCEED *THOSE MEN*[?] FROM THIS WITNESS AND NOTHING REGARD TO PERSONS ROUTE AND THEY DID NOT BRING OUT ANYTHING OF THAT KIND IT SEEMS TO ME IT WOULD NOT BE PROPER QUESTION OF THAT KIND. BY SUTHERLAND THAT WAS OF *ANY/NO*[?] CONSEQUENCE TO US ≼YOUR HONOR≽ ≼Q**YOU**≽ HE SAID THERE WAS GOOD DEAL OF EXCITEMENT ≼YES SIR≽ ABOUT THAT TIME QAND BETWEEN YOUR RETURN FROM PINTO AFTER	OBJECTION SUSTAINED. Q . YOU SAID THERE WAS A GOOD DEAL OF EXCITEMENT? A. YES, SIR. Q. AND WHEN YOU RETURNED FROM PINTO AFTER	OBJECTION SUSTAINED [*space*] YOU SAID THERE WAS A GOOD DEAL OF EXCITEMENT YES SIR AND WHEN YOU RETURNED FROM PINTO AFTER

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RT	RS	BT	PS
Q. DO YOU THINK IF YOU HAD MET ONE OF YOUR ACQUAINTANCES WHO MADE AN ANNOUNCEMENT ENTIRELY CONTRARY TO THE PURPORT OF .YOUR MESSAGE, AND TO THE EFFECT THAT THE EMIGRANTS WERE TO BE DESTROYED THAT YOU WOULD FAIL *[165]* TO REMEMBER IT ? A. IT DOESN'T SEEM TO ME THAT I WOULD. AFTER I GOT HOME I HEARD THIS REPORT. Q. I DIDN'T ASK YOU TO STATE ANY HEARSAY ? A. I CAN'T RECOLLECT OF MEETING ANYBODY ON THE ROAD. Q. DON'T YOU THINK IF YOU HAD HEARD SUCH AN ANNOUNCEMENT	DELIVERING THIS LETTER, Q DO YOU THINK IF YOU HAD MET ONE OF YOUR ACQUAINTANCE S WHO MADE AN ANNOUNCEMEN T ENTIRELY CONTRARY TO THE PURPORT OF YOUR MESSAGE AND TO THE EFFECT THAT THE EMIGRANTS WERE TO BE DESTROYED THAT YOU WOULD FAIL TO REMEMBER IT {A}PIT DON'T SEEM TO ME THAT I MIGHT AFTER I GOT HOME I HEARD THIS REPORT QI DIDN'T ASK YOU TO STATE HEARSAY AI CAN'T RECOLLECT OF MEETING ANYBODY ON THE ROAD Q DON'T YOU THINK IF YOU HAD HEARD SUCH ANNOUNCEMEN	DELIVERING THIS LETTER, DO YOU THINK IF YOU HAD MET ONE OF YOUR ACQUAINTANCE S **WHO MADE AN ANNOUNCEME NT** ENTIRELY CONTRARY TO THE PURPORT OF YOUR MESSAGE, AND TO THE FACT THAT THE EMIGRANTS WERE TO BE DESTROYED, THAT YOU WOULD FAIL TO REMEMBER IT? A. IT DON'T SEEM TO ME THAT I COULD. AFTER I GOT HOME I HEARD THIS REPORT. *[6]* Q. I DIDN'T ASK YOU TO STATE ANY HEARSAY? A. I CAN 'T RECOLLECT OF MEETING ANY BODY ON THE ROAD. Q. DO YOU **NOT** THI~~J~~NK **~~NOT~~** IF YOU HAD HEARD SUCH ANNOUNCEMEN	DELIVERING THIS LETTER DO YOU THINK IF YOU HAD MET ONE OF YOUR ACQUAINTANCE S WHO MADE AN ANNOUNCEMEN T ENTIRELY CONTRARY TO THE PURPORT OF YOUR MESSAGE AND TO THE EFFECT THAT THE EMIGRANTS WERE TO BE DESTROYED THAT YOU WOULD FAIL TO REMEMBER IT [*space*] IT DON'T SEEM TO ME THAT I COULD AFTER I GOT HOME I HEARD THIS REPORT THAT ~ [*space*] AND I CAN'T RECALL OF MEETING ANYBODY ON THE ROAD [*space*] DO YOU THINK IF YOU HAD HEARD ANY SUCH ANNOUNCEMEN

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RT	RS	BT	PS
ON THE ROAD IT WOULD CERTAINLY HAVE IMPRESSED IT ON YOUR MIND ?	T ON THE ROAD IT WOULD CERTAINLY HAVE IMPRESSED ON YOUR MIND	T ON THE ROAD IT WOULD CERTAINLY HAVE IMPRESSED IT ON YOUR MIND, AND YOU WOULD HAVE REMEMBERED IT? A. I	T YOU WOULD HAVE REMEMBERED IT I
A. I THINK I DID HEAR IT, AND IF I DID HEAR IT I THINK I WOULD HAVE REMEMBERED IT.	A I THINK I DID HEAR IT IF I DID HEAR IT I THINK I WOULD HAVE REMEMBERED IT.	THINK I WOULD BECAUSE WHEN I **DID** ~~HAD~~ HEAR~~D~~ IT IT ~~HAD~~ **MADE** A GREAT IMPRESSION ON ME. Q. DID YOU	THINK I WOULD BECAUSE WHEN I DID HEAR IT IT HAD A GREAT IMPRESSION ON
Q. DID YOU REPORT ANYTHING OF IT ON THE DELIVERY OF THAT LETTER ?	Q DID YOU REPORT ANYTHING OF IT ON THE DELIVERY OF THAT LETTER	REPORT TO ANY BODY WHEN YOU RETURNED AND DELIVERED THAT LETTER? A. NO, SIR, I HAD **NO** ~~NOT~~ RETURN~~ED~~ BACK —	ME DID YOU REPORT TO ANY BODY WHEN YOU RETURNED THE DELIVERY OF THAT LETTER NO SIR I HAD NO RETURN BACK
A. ANOTHER WAS SENT BACK BY HIM.	A NOTHING WAS SENT BACK BY HIM Q YOU WENT RIGHT HOME.	NOTHING ~~SA~~ WAS SENT BACK BY ME, I WENT RIGHT HOME. Q. AND	NOTHING SENT BACK BY ME I WENT RIGHT HOME AND
Q. WHEN YOU WERE CALLED OUT AGAIN, WHO WERE YOU CALLED UPON BY — WHEN YOU WERE CALLED TO RETURN ?	WHEN YOU WERE CALLED OUT AGAIN YOU WERE CALLED UPON BY ≤HIGBEE≥ WHEN YOU WERE CALLED TO RETURN YOU WERE CALLED ON BY HIGBEE	WHEN YOU WERE CALLED OUT AGAIN, YOU WERE CALLED UPON BY **H**IGBEE? A. YES, SIR.	WHEN YOU WERE CALLED OUT AGAIN YOU WERE CALLED OUT BY HIGBEE YES SIR
A. BY HIGBEE.			

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RT	RS	BT	PS
Q. YOU WERE CALLED ON BY HIGBEE TO REPORT AGAIN — WHAT DID HE SAY TO YOU ? A. I WAS IN THE FIELD AT WORK. HE CAME RIDING THROUGH ON HORSEBACK AND SAYS TO ME THE INDIANS AND EMIGRANTS HAVE HAD A FIGHT AT THE MOUNTAIN MEADOWS, I WANT YOU WITH THE BAGGAGE WAGON TO BE ON THE GROUND AS SOON AS POSSIBLE, AND TO GO FORTHWITH. I SAID "I HAVE TO CUT MY GRAIN, AND I HAVE GOT NO ~~?~~ GUN." HE SAYS; "IT MAKES NO DIFFERENCE, I WANT YOU WITH THE BAGGAGE WAGON." SO CONSEQUENTLY I WENT. Q. DID	REPEAT AGAIN WHAT HE SAID TO YOU A I WAS IN FIELD AT WORK; HE CAME RIDING THROUGH ON HORSEBACK SAYS THE INDIANS AND EMIGRANTS ARE HAVING FIGHT MOUNTAIN MEADOWS. I WANT YOU WITH BAGGAGE WAGON TO BE ON GROUND AS SOON AS POSSIBLE TO GO FORTHWITH. I SAID I HAVE GOT NO GUN ≤HE SAYS≥ IT MAKES NO DIFFERENCE I WANT YOU WITH BAGGAGE WAGON SO CONSEQUENTLY I WENT Q DID	Q. REPEAT AGAIN WHAT HE SAID TO YOU? A. I WAS IN THE FIELD AT WORK HE CAME RIDING THROUGH ON HORSEBACK, AND SAID, HE, "THE INDIAN~~D~~S AND EMIGRANTS ARE FIGHTING AT THE MOUNTAIN MEADOWS; I WANT YOU WITH YOUR BAGGAGE WAGONS TO BE ON THE GROUNDS AS SOON AS POSSIBLE, TO GO THERE FORTHWITH." A. I SAID I HAVE GOT NO GUN; SAID HE, IT MAKES NO DIFFERENCE, I WANT YOU WITH ~~WITH~~ YOUR BAGGAGE WAGON SO CONSEQUENTLY I WENT. Q. DID	REPEAT AGAIN WHAT HE SAID TO YOU [*space*] I WAS IN THE FIELD AT WORK HE CAME RIDING THROUGH HORSEBACK AND SAID HE INDIANS AND EMIGRANTS ARE FIGHTING AT THE MOUNTAIN MEADOWS I WANT YOU WITH YOUR BAGGAGE *[[31]]* WAS TO GO TO BE ON THE GROUND AS SOON AS POSSIBLE FORTHWITH [*space*] I SAID I HAVE GOT NO GUN SAID HE IT MAKES NO DIFFERENCE I WANT YOU WITH YOUR BAGGAGE WAGON SO CONSEQUENTLY I WENT DID

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RT	RS	BT	PS
YOU DRIVE ? A. YES SIR. Q. DID YOU CAR RY OUT A LOAD OF MEN ? *[166]* A. ONLY ONE MAN WAS RIDING OUT WITH ME. ~~Q~~. THE RE~~Z~~ST OF MY LOADING WAS BAGGAGE. Q. WHAT DID IT CONSIST OF ? A. BEDDING, PROVISIONS ETC. Q. DID YOU CARRY ANY SPADES OR ANYTHING OF THAT SORT ? A. NO , NOTHING OF THAT KIND IN MY WAGON THAT I RECOLLECT OF. Q. WHO WAS THE MAN THAT RODE WITH YOU ? A. IT WAS WILLIAMSON, SCOTCHMAN. Q. DO YOU KNOW WHERE HE IS ? A. I DO NOT KNOW. THE LAST I HEARD OF HIM HE MOVED TO CACHE VALLEY. Q. AND YOU	YOU DRIVE ~~A~~YES SIR DID YOU CARRY OUT LOAD OF MEN ~~A~~ ONLY ONE MAN THAT RODE OUT WITH ME REST OF MY LOADING WAS BAGGAGE ~~Q~~ WHAT DID IT CONSIST OF BEDDING PROVISIONS SO FORTH ~~Q~~ DID YOU CARRY ANY SPADES ANYTHING OF THAT SORT ~~A~~NOTHING IN MY WAGON RECOLLECT OF *[[39]]* WHO WAS THE MAN THAT RODE WITH YOU ~~A~~WAS WILLIAMSON SCOTCHMAN ~~Q~~ DO YOU KNOW WHERE HE IS ~~A~~I DO NOT KNOW LAST I HEARD OF HIM HE MOVED TO CACHE VALLEY ~~Q~~	YOU DRIVE **OUT** ~~O UT~~ THERE? A. YES, SIR. Q. DID YOU CARRY OUT A LOAD OF MEN? A. ONLY ONE MAN THAT ROAD OUT WITH ME; THE REST OF ~~OF~~ MY LOAD WAS BAGGAGE. Q. WHAT DID IT SCONSIST OF? A. BEDDING,PROVISIONS &C. Q. DID YOU CARRY ANY SUPPLIES OR ANYTHING OF THAT SORT? A. NONE IN MY WAGON THAT I REMEMBER OF. Q. WHO WAS THE MAN THAT ROAD WITH YOU IN YOUR WAGON? ~~-~~**A** IT WAS WILLIAMSON, YES A SCOTCHMAN. Q. DO YOU KNOW WHE**R**E HE IS? A. I DO NOT. THE LAST I HEAR**D** OF HIM HE MOVED TO CACHE VALLEY. Q. YOU	YOU DRIVE YES SIR DID YOU CARRY OUT A LOAD OF MEN ~~A~~ ONLY ONE MAN THAT RODE OUT WITH ME; REST OF MY LOAD WAS BAGGAGE WHAT DID IT CONSIST OF BEDDING AND PROVISION **&C** DID YOU CARRY ANY SUPPLIES OR ANYTHING OF THAT SORT NONE IN MY WAGON I REMEMBER OF [*space*] THE MAN THAT RODE WITH YOU IN YOUR WAGON WAS WILLIAMSON [*space*] YES A SCOTCHMAN DO YOU KNOW WHERE HE IS I DO NOT THE LAST I HEARD OF HIM HE MOVED TO CACHE VALLEY YOU

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RT	RS	BT	PS
NEVER HAVE HEARD OF HIS DECEASE ? A. NO SIR, NOT THAT I RECOLLECT OF. HE WAS AN OLDISH MAN THEN. Q. DID ANY OTHER WAGONS GO OUT IMMEDIATELY WITH YOU ? A. YES SIR, THERE WAS A GOOD MANY — COMPANY AHEAD OF ME — MAY BE FOUR OR FIVE OR HALF A DOZEN — THERE WAS SEVERAL. Q. HOW WERE THEY LOADED ? A. THEY HAD MEN IN MOST OF THEM. Q. HOW MANY MEN ALTOGETHER ? A. I COULD NOT TELL YOU THAT. Q. WELL GIVE YOUR BEST RECOLLECTION OF THE NUMBER ? A. PROBABLY,	NEVER HAVE HEARD OF HIS DECEASE A NOT THAT I RECOLLECT OF HE WAS AN OLDISH MAN THEN Q DID ANY OTHER WAGONS GO OUT IMMEDIATELY WITH YOU A YES SIR THERE WAS GOOD MANY COMPANY AHEAD OF ME Q ≤HOW MANY≥ MAYBE 4 OR 5 A HALF DOZEN THERE WAS SEVERAL Q HOW WERE THEY LOADED A THEY HAD MEN IN MOST OF THEM Q HOW MANY MEN ALTOGETHER A I COULD NOT TELL YOU THAT Q GIVE YOUR BEST RECOLLECTION OF THE NUMBER A PROBABLY	NEVER HAVE HEARD OF HIS DECEASE? A. NOT THAT I RECOLLECT OF; HE WAS AN OLD MAN THEN. Q. DID ANY ~~OF~~ OTHER WAGONS GO OUT IMMEDIATELY WITH YOU? A. YES , SIR. THERE WAS A GOOD MANY AHEAD OF ME? ~~A~~Q. HOW MANY? A. MAY BE FOUR OR FIVE — HALF A DOZEN. Q. YOU HAD A GOOD MANY? A. YES, SEVERAL. Q. HOW WERE T**T**HEY LOADED? THEY HAD MEN IN MOST OF TH~~E~~M [7] Q. ABOUT HOW MANY MEN TOGETHER? A. I COULD NOT TELL FOR CERTAIN. Q. GIVE YOUR BEST RECOLLECTION OF THE NUMBER? A. PROBABL~~E~~Y	NEVER HAVE HEARD OF HIS DECEASE NOT THAT I RECOLLECT OF HE WAS AN OLDISH MAN THEN DID ANY OTHER WAGONS GO OUT IMMEDIATELY WITH YOU YES SIR GOOD MANY ≤AHEAD OF ME≥ HOW MANY MAYBE FOUR OR FIVE HALF A DOZEN *I HAD IDEA*[?] HOW GOOD MANY I MEAN SEVERAL HOW WERE THEY LOADED [*space*] MEN IN MOST OF THEM ABOUT HOW MANY MEN ALL TOGETHER I CAN'T TELL CERTAIN GIVE YOUR BEST RECOLLECTION OF THE NUMBER PROBABLY

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RT	RS	BT	PS
FROM THE LOOKS, BUT IT WAS DARK ABOUT THE TIME I CAME UP THERE — I DROVE BEHIND. THOSE AHEAD OF ME ALL SEEMED TO HAVE MEN IN THE WAGONS. I NOTICED ONE GOING UP THE HILLS. THE MEN JUMPED OUT AND WALKED ON AHEAD. *[167]* Q. DIDN'T THE MEN IN THE DIFFERENT WAGONS COMMUNICATE WITH EACH OTHER ON THE ROAD ? A. I DON'T KNOW THAT THEY DID PARTICULARLY. NEVER MADE ANY HAULT OR LAY OVER, ANYTHING OF THAT KIND. Q.	FROM THE LOOKS = IT WAS DARK ABOUT THE TIME I GOT UP THERE I DROVE BEHIND THOSE AHEAD OF ME LOOKED TO BE FOUR OR THAT HAD MEN IN WAGONS I NOTICED WHEN GOING UP HILLS THEY JUMPED OUT WALKED ON AHEAD $_{Q}$DIDN'T {THE}^{p} MEN {IN THE}^{p} DIFFERENT WAGONS COMMUNICATE WITH EACH OTHER ON THE ROAD $_{A}$I DON'T KNOW THAT THEY DID PARTICULARLY $_{Q}$NEVER MADE ANY HALT LAY OVER ANYTHING OF KIND $_{Q}$	FROM **THEIR** THE LOOKS — IT WAS DARK ABOUT THE TIME I ~~D~~GOT UP THERE — I DROVE BEHIND THOSE AHEAD OF ME — THERE LOOKED TO BE FOUR O~~F~~R FIVE MEN IN A WAGON; DIDN'T SEEM TO BE CROWDED. I NOTICED GOING UP THE HILLS THAT THEY JUMPED OUT AND WAS WALKING ALONG AHEAD. Q. DIDN'T THE MEN IN THE DIFFERENT WAGONS COMUNICATE WITH EACH ~~OTHER COMUNICATE WITH OTHER~~ **OTHER** ON THE ROAD? A. I DON'T KNOW AS THEY DID, WE DROVE RIGHT ALONG; WE DIDN'T MAKE ANY HALTS. Q.	FROM THEIR LOOKS IT WAS DARK ABOUT THE TIME I GOT THERE LOOKED TO BE 4 OR 5 MEN IN A WAGON DIDN'T SEEM TO BE CROWDED I NOTICED GOING UP THE HILLS THEY JUMPED OUT AND WAS WALKING ALONG AHEAD DIDN'T THE MEN IN THE DIFFERENT WAGONS COMMUNICATE WITH EACH OTHER ON THE ROAD I DON'T KNOW AS THEY DID WE DROVE RIGHT ALONG ~~THEY~~ DIDN'T MAKE ANY HALTS [*space*]

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RT	RS	BT	PS
DO YOU REMEMBER WHO DROVE THE OTHER WAGONS ? A. NO SIR, I DO NOT.	DO YOU REMEMBER WHO DROVE OTHER WAGONS $_{A}$NO SIR I DO NOT	DO YOU REMEMBER WHO DROVE THE OTHER WAGONS? A. NO, SIR, I DO N~~O~~T ~~Q. YOU MUST HAVE KNOWN AT THAT TIME.~~	DO YOU REMEMBER WHO DROVE THE OTHER WAGONS NO SIR ~~I~~
Q. YOU MUST HAVE KNOWN AT THAT TIME, MOST OF THEM ? A. PROBABLY ALL	$_{Q}$YOU MUST HAVE KNOWN AT THAT TIME THE MOST OF THEM PROBABLY ALL	Q. YOU MUST HAVE KNOWN AT THAT TIME? A. I MIGHT HAVE AT THAT TIME ~~;~~ THE	YOU MUST HAVE KNOWN AT THAT TIME I MIGHT HAVE AT THAT TIME [*space*] ~~YOU MUST HAVE~~ THE
OF THEM THAT HAD BAGGAGE WAGONS. Q. ARE YOU NOT GENERALLY ACQUAINTED WITH THE MEN THAT LIVED AT CEDAR CITY ? A. YES SIR, PRETTY MUCH AL~~O~~L, BUT IT HAS BEEN A GOOD WHILE SINCE, AND I HAVE BEEN ALL OVER THE COUNTRY IN DIFFERENT OCCUPATIONS,	OF THEM THAT HAD BAGGAGE WAGONS. $_{Q}$ ARE YOU NOT GENERALLY ACQUAINTED WITH THE MEN THAT LIVED AT CEDAR CITY $_{A}$ YES SIR PRETTY MUCH ALL IT HAS BEEN GOOD WHILE I HAVE BEEN ALL OVER COUNTRY IN DIFFERENT OCCUPATIONS MET	MOST WHO HAD BAGGAGE WAGONS. Q. WERE YOU NOT GENERALLY ACQUAINTED WITH THE MEN WHO LIVED AT CEDAR CI TY? A. YES, SIR, PRETTY MUCH ALL; BUT IT HAS BEEN QUITE A WHILE; BUT I HA~~G~~VE BEEN ALL OVER THE COUNTRY IN DIFFERENT OCCUPATIONS, BUT I HAVE	MOST WHO HAD THE BAGGAGE WAGONS [*space*] WERE YOU NOT GENERALLY ACQUAINTED WITH THE MEN THAT LIVED AT CEDAR CITY YES SIR PRETTY MUCH ALL, BUT IT HAS BEEN A GOOD WHILE AND I HAVE BEEN ALL OVER THE COUNTRY IN DIFFERENT OCCUPATIONS UNTIL I HAVE
DIFFERENT SCENES, PLACES AND PEOPLE. Q. BUT YOU DID PROBABLY AT	{DIFFERENT}^{p} SCENES PLACES AND PEOPLE $_{Q}$ YOU DID KNOW PROBABLY AT	FORGO~~RR~~TTEN MOST OF THE FACES OF PEOPLE. Q. YOU DID KNOW AT	FORGOT *NUMEROUS*[?] FACES AND PEOPLE YOU DID KNOW AT

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RT	RS	BT	PS
THAT TIME — ALL THAT WENT OUT ? A. I MIGHT HAVE KNOWN ALL AT THAT PLACE. THERE WAS SOME STRANGERS THAT I THINK CAME FROM BELOW. Q. WHAT DO YOU MEAN BY BELOW ? A. DOWN IN THE COTTON COUNTRY. THERE WAS MEN THERE I DID KNOW. Q. NAME THE PLACE YOU SPEAK OF IN IRON COUNTY ? A. THERE WAS TWO TEAMS, CLEAR FROM WASHINGTON. Q. WAS ALL THE SETTLEMENTS FILLED	THAT TIME ALL THE ≤MEN≥ THAT WENT OUT {A}PI MIGHT HAVE KNOW ≤ALL THAT WENT NOT≥ FROM THAT PLACE THERE WAS SOME STRANGERS THAT I THINK CAME FROM BELOW Q WHAT DO YOU MEAN BY BELOW A DOWN IN COTTON COUNTRY THERE WAS MEN THERE I DID KNOW Q NAME PLACE YOU SPEAK OF IN IRON COUNTY A THERE WAS TWO SETTLEMENTS CLARA FORT AND WASHINGTON I THINK QWAS ALL THE SETTLEMENTS FILLED	THAT TIME ALL THE MEN THAT WENT OUT? A. I MIGHT HAVE KNOWN, ALL THAT WENT FROM THAT PLACE; THERE WAS SOME STRANGERS, ~~I~~ON THE GROUND THAT PROBABLY CAME FROM BELOW. Q. WHAT DO YOU MEAN BY "BELOW"? A. DOWN IN THE COTTON COUNTR~~U~~Y. Q. NAME THE C~~OUN~~ PLACES YOU SPEAK OF, IN WHAT COUNTRY? A. THERE WAS TWO SETTLEMENTS, THE CLARA FORT AND WASHINGTON, WAS ALL THE SETTLEMENTS FILLED	THAT TIME PROBABLY ALL THE MEN THAT WENT OUT I MIGHT HAVE KNOWN ALL THAT WENT FROM THAT PLACE *[[42]]*[197] THERE WAS SOME STRANGERS ON THE GROUND THAT PROBABLY CAME FROM BELOW WHAT DO YOU MEAN BY BELOW A DOWN IN THE COTTON COUNTRY [*space*] NAME THE TOWNS [*space*] THERE WAS TWO SETTLEMENTS CLARA FORT AND WASHINGTON WAS ALL THE SETTLEMENTS THAT WAS

197. On verso of page 42: **TRANSCRIBED**.

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RT	RS	BT	PS
UP THERE THEN ? A. NO,. Q. YOU ~~WAS~~ ≺SAW≻ ON THE GROUND MEN FROM THERE — WHAT DO YOU MEAN UPON THE GROUND — THE MEADOWS ? A. YES SIR. *[168]* Q. DID YOU NOTICE ANY WAG ONS ON THE WAY TO THAT CAMP FROM THAT PART OF THE TERRITORY ? A. NO SIR. Q. WHAT DID YOU UNDERSTAND TO BE THE OBJECT OF YOUR COMING OUT THIS SECOND TIME ? A. I HEARD NOTHING	UP THERE THEN $_{Q}$YOU SAW ON THE GROUND MEN FROM THERE $_{Q}$WHAT DO YOU MEAN BY THE GROUND MEADOWS $_{A}$ YES SIR $_{Q}$ DID YOU NOTICE ANY WAGONS ON THAT WAY THAT CAME FROM THAT PART {OF THE}^{p} TERRITORY, $_{A}$ NO SIR. <$_{Q}$ WHAT DID YOU UNDERSTAND TO BE THE OBJECT OF YOUR GOING OUT THIS SECOND TIME $_{A}$I HEARD NOTHING	UP THERE THEN. Q. YOU SAW ON THE GROUND MEN FROM THERE.~~?~~ WHAT DO YOU MEAN BY THE “GROUND”, MEADOWS? A. YES, SIR. Q. DID YOU NOTI~~V~~CE ANY OF THESE WAGONS ON THE ROAD THAT CAME FROM THAT PART OF THE TERROTORY? A. NO, SIR. Q. WHAT DID YOU UNDERSTAND TO BE THE OBJECT OF YOUR GOING OUT THIS SECOND TIME? A. I HEARD NOTHING **AND NOTHING** ~~AS WE WENT ALONG WHAT~~	BUILT UP [*space*] YOU SAW ON THE GROUND MEN FROM THERE [*space*] WHAT DO YOU MEAN BY THE GROUND MEADOWS YES SIR DID YOU NOTICE ANY OF THESE WAGONS ON THE ROAD THAT CAME FROM THAT PART OF THE TERRITORY NO SIR WHAT DID YOU UNDERSTAND TO BE THE OBJECT OF YOUR GOING OUT THIS SECOND TIME I HEARD NOTHING WENT NOTHING
SAID WHAT WE WERE GOING FOR, ONLY THE INDIANS AND SOME EMIGRANTS WERE FIGHTING. I DIDN’T	WAS SAID WHAT WE WERE GOING FOR INDIANS EMIGRANTS WERE FIGHTING I DIDN’T	WAS SAID **ABOUT WHAT** WE WAS GOING ~~FOR~~ **FOR ONLY** — THAT THE **I**NDIANS WAS FIGHTING. I DIDN’T	WAS SAID WHAT WE WAS GOING FOR THAT THE INDIANS AND EMIGRANTS WAS FIGHTING AND DIDN’T

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RT	RS	BT	PS
KNOW WHETHER WE WAS GOING TO TAKE THE EMIGRANTS. PART OR THE INDIANS PART. I DIDN'T KNOW WHAT THE INTENTION OF THE ORDER CALLING US OUT THERE, ONLY THE EMIGRANTS AND INDIANS ARE FIGHTING — THEY ARE FIGHTING THE EMIGRANTS. Q. YOU SAY YOU WENT WITH THE BA~~BB~~**GG**AGE WAGONS AND NEVER STOPPED TO TELL ANY MORE ? A. I NEVER KNEW WHAT THE INTENTIONS WAS. Q. AND YOU GOT NO FURTHER LIGHT ON THE SUBJECT TILL YOUR ARRIVAL AT THE MOUNTAIN MEADOWS.	KNOW WHETHER WE WAS GOING TO TAKE EMIGRANTS' PART OR, THE INDIANS PART, I DIDN'T KNOW WHAT INTENTION OF OUR CALL US WAS OUT THERE EMIGRANTS INDIANS, ARE FIGHTING I WANT YOU WITH BAGGAGE WAGONS NEVER STOPPED TO TELL ANY MORE $_{A}$I NEVER INQUIRED WHAT INTENTIONS WAS $_{Q}$ YOU GOT NO FURTHER LIGHT ON SUBJECT UNTIL YOUR ARRIVAL AT MOUNTAIN MEADOWS. $_{A}$ <NO SIR>	KNOW *[8]* WHETHER WE WAS GOING TO TAKE THE EMIGRANTS PART OR THE **I**NDIANS PART; I DIDN'T KNOW WHAT THE INTENTION OF OU~~T~~R CALL WAS OUT THERE. ~~Q.~~ HE SAYS THE **I**NDIANS OUT THERE ARE FIGHTING THE EMIGRANTS; I WANT YOU WITH A BAGGAGE WAGON: NEVER STOPPED TO TELL ANY MORE; AND I NEVER ENQUIRED WHAT THE INTENTION WAS. Q. YOU GOT NO FURTHER LIGHT ON THE SUBJECT U**N**ILL YOUR ARRIVAL AT T~~E~~H**E** MEADOWS? A. NO, SIR.[198] Q.	KNOW WHETHER WE WAS GOING TO TAKE THE EMIGRANTS PART NOR THE INDIANS PART DIDN'T KNOW WHAT THE INTENTION OF OUR CALL WAS HE SAYS [*space*] INDIANS AND EMIGRANTS FIGHTING [*space*] **&** C [*space*] NEVER STOPPED TO TELL ANY MORE AND NEVER INQUIRED ANY MORE THAN [*space*] GOT NO FURTHER LIGHT ON THE SUBJECT BEFORE YOUR ARRIVAL AT THE MEADOWS NO SIR

198. X in left margin.

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RT	RS	BT	PS
WHEN YOU ARRIVED THERE DID ALL THE PERSONS THAT ACCOMPANIED YOUR TRAIN CAMP TOGETHER ? A. WE CAMPED CLOSE ALONG, NOT VERY FAR APART. Q. YOU ARRIVED IN THE MORNING ? A. YES SIR. Q. DID ALL THESE PERSONS REMAIN IN CAMP AND SLEEP TILL THE NEXT DAY ? A. I GUESS THAT IS SO. I DIDN'T SEE ANY GO OUT. Q. DID YOU FIND ANY OTHER WHITE PERSONS ON TOUR ARRIVAL, EXCEPT THE	WHEN YOU ARRIVED THERE DID ALL THE *[[40]]*[199] PERSONS THAT ACCOMPANIED YOUR TRAIN CAMP ALL TOGETHER $_{A}$ WE CAMPED CLOSE ALONG NOT VERY FAR APART $_{Q}$YOU [*page torn*] IN MORNING $_{A}$YES SIR $_{Q}$DID ALL THESE PERSONS REMAIN IN CAMP AND SLEEP UNTIL THE NEXT DAY $_{A}$I GUESS [*page torn*] I DID NOT SEE ANY GO —[?] OFF <OR ANY MOTIONS AT ALL> $_{Q}$DID YOU FIND ANY OTHER WHITE PERSONS ON YOUR ARRIVAL EXCEPT THE	WHEN YOU ARRIVED THERE DID ALL THE PERSONS THAT ACCOMPANIED YOUR TRAIN CAMP TOGETHER? A. WE CAMPED CLOSE ALONG; NOT VERY FAR APART. Q. YOU ARRI~~V~~ED IN THE MORNING? A. YES, SIR; Q. DID ALL THESE PERSONS REMAIN IN CAMP, AND SL~~PP~~EEP DURING THAT NEXT DAY. A.I GUESS THEY WAS; I DIDN'T SEE ANY GO OFF OR ANY MOVEMENTS AT ALL OUT THERE. Q. DID YOU FIND ANY OTHER WHITE PERSONS ON THE GROUND ON YOUR ARRIV~~L~~AL EXCEPT THE	WHEN YOU ARRIVED THERE DID ALL THE PERSONS THAT ACCOMPANIED YOUR TRAIN CAMP TOGETHER $_{A}$ CLOSE ALONG NOT VERY FAR APART ALONG YOU ARRIVED IN THE MORNING YES SIR DID ALL THOSE PERSONS REMAIN IN CAMP AND SLEEP DURING THAT NEXT DAY I GUESS THEY WAS I DIDN'T SEE ANY GO OFF OR ANY MOVEMENTS AT ALL DID YOU FIND ANY OTHER WHITE PERSONS ON THE GROUND ON YOUR ARRIVAL ~~ON THE GROUND~~ EXCEPT

199. Page 40 was torn loose, and badly torn; part of the right edge is missing. There are a number of sums on the verso equaling 22.53, 26.22, and 30.25. Those were likewise totaled to equal 79.00.

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RT	RS	BT	PS
EMIGRANTS THERE — ON YOUR ARRIVAL ? A. NO SIR, I DON'T KNOW THAT I DID. SOON AFTER WE GOT THERE, AND WE HAD BEEN AND GOT UNHITCHED, MR. LEE CAME TO US, AND THAT IS ALL, ONLY AS I *[169]* RECOLLECT. WHICH WAY HE CAME I COULD NOT TELL YOU. Q. DID YOU LEARN WHERE HE CAME FROM ? A. I HAD NO TALK WITH HIM; SAW HIM TALKING TO SOME OF THE MEN. Q. WHEN DID YOU FIRST NOTICE AT THE MEADOWS, <ANY STRANGERS>	EMIGRANTS ON YOUR ARRIVAL ~~N~~NO SIR I DO NOT KNOW THAT I DID, SOON AFTER WE GOT THERE AFTER HAD BEEN GOT UNHITCHED AWHILE, MR. LEE CAME TO US THAT IS ALL [*page torn*] AS NEAR AS I RECALL ~~<~~WHICH WAY~~>~~ HE CAME I COULD NOT TELL YOU Q DID YOU LEARN FROM HIM WHERE HE CAME FROM A I HAD NO TALK WITH HIM ~~<~~THEN~~>~~ *TIME*[?] I SAW HIM TALK TO SOME OF THE MEN Q WHEN DID YOU FIRST NOTICE AT MEADOWS ANY STRANGERS	EMIGRANTS? ~~N~~A. NO, SIR, I DON'T KNOW AS WE DID. SOON AFTER WE GOT THERE AND GOT UNHITCHED A WHILE, MR. LEE CAME TO US; THAT IS ALL **THE ONE ~~I~~ ~~SEEN —~~** I RECOLLECT OF SEEING/. Q. WHICH WAY DID, HE COME FROM? A. THAT I COULD NOT TELL YOU. Q. DID YOU LEARN FROM HIM WHERE HE CAME FROM THEN? A. NO, SIR, I HAD NO TALK WITH HIM THEN; I SAW HIM THERE TALKING WITH SOME OF THE MEN. Q. WHEN DID YOU FIRST NOTI~~V~~CE AT THE MOUNTA~~I~~N MEADOWS ANY STRANGERS,	EMIGRANTS A NO I DON'T KNOW AS WE DID SOON AFTER WE GOT THERE AND GOT UNHITCHED A WHILE MR. LEE CAME TO US THAT IS ALL THE *ONE*[?] I RECOLLECT OF SEEING WHICH WAY DID HE COME FROM THAT I COULD NOT DID YOU LEARN FROM HIM WHERE HE CAME FROM THEN NO SIR I HAD NO TALK WITH HIM THEN I SAW HIM THERE TALKING WITH SOME OF THE MEN [*space*] *[[Bk 5 1]]*[200] WHEN DID YOU FIRST NOTICE AT THE MEADOWS ANY STRANGERS

200. "JOHN D. LEE" is written in shorthand on the cover of the notebook, along with "**JOHN SHURRATT**" in longhand and a series of numbers.

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RT	RS	BT	PS
FROM THE WAY YOU CALLED THE COTTON COUNTRY ? A. I DON'T KNOW WHETHER IT WAS THE SAME NIGHT OR THE NEXT DAY. IT MIGHT HAVE BEEN AFTER I WENT TO SLEEP. I KNOW WE HAD BEEN TRAVELING ALL NIGHT. NOTHING WAS GOING ON AND THE TEAMS HAD BEEN TAKEN CARE OF. WE HAD HAD BREAKFAST, WENT TO BED AND FELL ASLEEP. Q. WAS THAT THE CASE WITH ALL THAT WENT OUT WITH THE SAME TRAIN, TO LIE BY AND REST DURING THAT DAY ? A. YES SIR, THEY ALL LA ID OVER. I	FROM THE [*page torn*] YOU CALL COTTON COUNTRY $_{A}$I DO NOT KNOW WHETHER IT WAS SAME NIGHT OR NEXT DAY, IT MIGHT HAVE BEEN AFTER I WENT TO SLEEP. I KNOW AFTER BEEN TRAVELLING ALL NIGHT NOTHING WAS GOING ON AND THE TEAMS BEEN ~~TAKEN <~~HAD BEEN~~>~~ CARE OF, HAD BREAKFAST WENT TO BED FELL ASLEEP Q WAS THAT THE CASE WITH ALL THAT WENT [*page torn*] THAT SAME TRAIN THAT WITH ME TO LIE BY REST DURING THAT DAY $_{A}$YES SIR THEY ALL LAID OVER; I	FROM WHAT YOU CALL THE "COTTON COUNTRY"? A. I DON'T KNOW WHETHER IT WAS THE SAME NIGHT OR THE NEXT DAY. IT MIGHT HAVE BEEN AFTER I WENT TO SLEEP MAY **BE,** BEFORE THE TALK OCCURRED**,** OR **AT** ~~HAD~~ BREAKFAST . I LAID DOWN AND **W**ENT ~~WENT~~ ~~GO~~ TO SLEEP AND SLEPT **A LONG** ~~THE ENTIRE~~ PORTION OF THE DAY. Q. NOW, THEN WAS THAT THE CASE WITH ALL THAT WENT OUT IN THE SAME TRAIN, WITH YOU — THAT YOU LAID BY AND RESTED THAT DAY? A. YES, SIR, I DON'T	FROM WHAT CALL THE COTTON COUNTRY $_{A}$I DON'T KNOW WHETHER IT WAS THE SAME NIGHT OR THE NEXT DAY IT MIGHT HAVE BEEN AFTER I WENT TO SLEEP -*M*[?] HAD THE TEAM CARED OF HAD BREAKFAST LAID DOWN AND WENT TO SLEEP AND SLEPT GOOD PORTION OF THE DAY WAS THAT THE CASE WITH ALL THAT WENT OUT IN THE SAME TRAIN WITH YOU LAID BY AND RESTED DURING THAT DAY YES SIR I DON'T

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RT	RS	BT	PS
KNOW OF NO ONE GOING OUT OF THE CAMP. Q. DO YOU REMEMBER HEARING ANY FIRING DURING THAT DAY ? A. I REMEMBER HEARING IN THE MORNING, AN OCCASIONAL SHOT FIRED. Q. WAS IT IN VIEW, OR COULD YOU SEE FROM WHENCE IT CAME ? A. NO SIR, COULD NOT SEE WHETHER IT WAS IN THE EMIGRANT CAMP OR NOT. I SAW AFTER I GOT UP ALONG TOWARDS NIGHT, I SAW SOME INDIANS GO DOWN THE HILL INTO THE HOLLOW, SOMEWHERES DOWN FROM WHERE WE WAS AND I HEARD TWO OR THREE GUNS FIRED.	KNOW OF NO ONE GOING OUT OF CAMP QDO YOU REMEMBER HEARING ANY FIRING DURING THAT DAY A I REMEMBER HEARING IN ≤**FORENOON**≥ AFTERNOON OCCASIONAL SHOT AND FIRING QWAS IT IN VIEW FROM WHENCE IT CAME {A}PNO SIR COULD NOT ~~HEAR~~ SEE ≤WHETHER≥ IT WAS IN EMIGRANT CAMP OR NOT. {A}PI SAW AFTER I GOT UP [*page torn*] ALONG TOWARDS NIGHT I SAW SOME INDIANS GO DOWN LITTLE HILL INTO HOLLOW, SOME WAYS DOWN FROM WHERE WE WAS AND I HEARD 2 OR 3 GUNS FIRED	KNOW OF ANYBODY GOING OUT OF THE CAMP THAT DAY Q. D~~I~~O YOU REMEMBER OF HEARING ANY FIRING DURING THAT DAY? [9] A. I HEARD IN THE FORENOON ONCE IN A WHILE A SHOT FIRED? Q. WAS IT IN VIEW SO YOU COULD SEE FROM WHENCE IT CAME? A. NO, SIR ~~I~~**Q.** COULD **YOU** ~~NOT~~ SEE **WHETHER IT WAS** IN THE EMIGRANT CAMP OR NOT. **A.** — WELL, I SAW AFTER I GOT UP ALONG TOWARDS NIGHT — I SAW OME **I**NDIAN~~D~~S ~~F~~GO DOWN A LITTLE HILL INTO A HOLLOW, SOME WAYS DOWN FROM WHERE WE WAS AND I HEARD TWO OR THR**E**E GUNS FIRED UP	KNOW OF ANYBODY GOING OUT OF CAMP DURING THAT DAY [*space*] DO YOU REMEMBER HEARING ANY FIRING DURING THAT DAY I HEARD IN THE AFTERNOON ONCE IN A WHILE A SHOT FIRED WAS IT IN VIEW SO YOU COULD SEE WHENCE IT CAME NO SIR COULD YOU SEE WHETHER IT WAS IN THE EMIGRANT CAMP OR NOT [*space*] WELL I SAW AFTER I GOT UP ALONG TOWARDS NIGHT I SAW SOME INDIANS GO DOWN A LITTLE HILL INTO A HOLLOW SOME WAYS DOWN FROM WHERE WE WAS I HEARD TWO OR 3 GUNS FIRED

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RT	RS	BT	PS
[*space*] SOME FROM THE EMIGRANTS AND SOME FROM THAT HOLLOW. Q. THAT WAS THE FIRING BETWEEN THE EMIGRANTS AND THE INDIANS ? A. IT WAS ALONG IN THAT AFTERNOON. Q. WHAT WAS DONE BY YOUR FORCES DURING THAT NIGHT ? A. NOTHING MORE, ONLY JUST STAYED THERE ON THE GROUND. Q. DID YOU HAVE ANY DISCUSSION IN REGARD TO THE SITUATION ? *[170]* A. NONE AT ALL. I DON'T KNOW WHETHER THE LEADING MEN HAD OR NOT. I DIDN'T HEAR ANYTHING OF THAT KIND Q.	BOTH WAYS SOME FROM EMIGRANTS AND SOME FROM THAT HOLLOW Q THAT WAS THE FIRING BETWEEN EMIGRANTS AND INDIANS ~~≤~~YES SIR~~≥~~ ~~≤~~Q~~≥~~ AIT WAS ALONG IN AFTERNOON WHAT WAS DONE BY YOUR FOLKS DURING THAT NIGHT {A}p NOTHING MORE ONLY JUST STAYED THERE ON THE GROUND. Q DID YOU HAVE ANY DISCUSSION IN REGARD SITUATION {A}p NONE AT ALL I DO NOT KNOW WHETHER LEADING MEN DID OR NOT. I DID NOT HEAR ANYTHING OF THAT KIND Q	THAT WAY, SOME FROM THE EMIGRANTS AND SOME FROM THAT HOLLOW. Q. THAT WAS THEN THE FIRING BETWEEN THE EMIGRANTS AND THE **I**NDIAN~~D~~S? **A- YES SIR ~~Q. YES, SIR.~~** **Q** ~~T~~**W**HAT WAS DONE DURING THAT NIGHT FOLLOWING YOUR ARRIVAL BY YOUR FOLKS~~Z~~? A. NOTHING ONLY STAID REIGHT THERE ON THE GROUND THAT I KNOW OF. Q. DID YOU HAVE ANY DISCUSSION IN REGARD TO THE SITUATION? A. NONE AT ALL; I DON~~S~~T KNOW WHETHER ~~H~~THE HEAD MEN HAD OR NOT.. I DIDN'T HEAR ANYTHING OF THAT KIND. Q.	BOTH WAYS SOME FROM THE CAMP AND SOME ~~FROM THE~~ [*space*] THAT WAS THEN THE FIRING BOTH FROM EMIGRANTS AND INDIANS YES SIR WHAT WAS DONE DURING THAT NIGHT FOLLOWING YOUR ARRIVAL BY YOUR FOLKS NOTHING ONLY STAYED RIGHT THERE ON THE GROUND THAT I KNOW OF [*space*] ANY DISCUSSION IN REGARD TO THE SITUATION NONE AT ALL I DONT KNOW WHETHER THE HEAD MEN DID OR NOT ~~≤~~OFFICERS AND **&** THE~~≥~~ [*space*]

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RT	RS	BT	PS
GIVE THE NAMES OF YOUR PARTY, AND WHO WAS IN CHARGE OF THEM — OF THAT COMPANY OF MEN — AND IF MR. HIGBEE AND MR. SMITH WERE ? A. I DON'T KNOW WHO WAS THE PROMINENT MEN THERE. Q. JUST STATE ANY OF THE NAMES OF PERSONS, IF YOU REMEMBER THEM ? A. MR. HIGBEE AND MR. SMITH AND MR. LEE, IS ALL THE NAMES THAT I CAN RECOLLECT OF THE PROMINENT MEN AT THAT TIME. Q. GO ON AND	WHO SEEMED {TO HAVE}[p] DIRECTION OF YOUR PARTY TO BE IN CHARGE OF IT COMPANY OF MEN MR. HIGBEE MR. SMITH A I DID NOT SEE PROMINENT MEN THERE. JUST Q STATE ANY NAMES OF PERSONS WHOM NOW REMEMBER A THEM TWO AND MR. LEE IS ALL NAMES I RECOLLECT PROMINENT MEN [[Bk 4 1]]201 AT THAT TIME Q CAN YOU	WHO SEEMED TO HAVE THE DIRECTION OF YOUR PARTY, CHARGE OF IT OR COMMAND? A. MR. HIGBEE AND MR. SMITH, WAS THE PROMINENT MEN THERE. Q. JUST STATE THE NAM~~E~~S O~~D~~F ANY PERSONS THAT YOU NOW REMEMBER AMONGST THEM? A. THESE TWO AND MR. ,LEE IS ALL THE NAMES I RECOLLECT OF THE PROMINENT MEN THAT WAS THERE AT THAT TIME. Q. CAN'T YOU	WHO SEEMED TO HAVE THE DIRECTION OF YOUR PARTY CHARGE OF IT THE COMMAND A MR. HIGBEE AND MR. SMITH WAS PROMINENT MEN STATE THE NAMES OF ANY PERSONS THAT YOU NOW REMEMBER AMONGST THEM A THOSE TWO AND MR. LEE IS ALL THE NAME THAT I RECOLLECT OF PROMINENT MEN THAT WAS THERE AT THAT TIME [*space*] CAN'T YOU

201. Written in longhand at beginning of page: **{BOOK NO. 4}[i] SECOND JUDICIAL DISCTRICT COURT BEAVER BEAVER TERRITORY OF UTAH MRS. HOGES TESTIMONY IS IN THIS BOOK. COMPARED.** To the right of "**MRS. HOGES TESTIMONY IS IN THIS BOOK**." and continued in between lines in purple pencil: **"CONTINUATION JOEL WHITES TESTIMONY W^M MATTHEWS. W^M YOUNGS. THOS E. WILLIS MRS HOGES SAML POLLOCKS TESTIMONY."** On the verso of the page "DO YOU KNOW ANYTHING OF THE AFFAIR" was written repeatedly with minor variation. There is illegible crossed-out shorthand doodling on verso. There are purple transcription marks on each page through the end of White's testimony.

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RT	RS	BT	PS
GIVE NAMES OF ANY OTHER IN THAT REGARD AND THEIR PROMINENCE ? A. I DON'T KNOW AS I CAN CORRECTLY. Q. THE SECOND MORNING AFTER YOUR ARRIVAL WHAT WAS DONE BY YOUR PARTY A. ABOUT THE SAME AS THE FIRST DAY, NOTHING, NO MOVEMENT, NOTHING GOING ON, AS NEAR AS I CAN RECOLLECT. Q. YOU LAID IN CAMP AND RESTED ? A. YES SIR. Q. DID SMITH GO BACK WITH YOU WHEN YOU SENT BACK THAT WAGON ? A. I DON'T KNOW WHETHER HE DID OR NOT; IF HE DID I DIDN'T SEE HIM THAT NIGHT. Q. DID YOU SEE	GIVE NAMES OF ANY OTHER PARTY WITHOUT REGARD TO THEIR PROMINENCE $_{A}$I DO NOT KNOW AS I CAN CORRECTLY. $_{Q}$ SECOND MORNING AFTER YOUR ARRIVAL WHAT WAS DONE BY YOUR PARTY $_{A}$ ABOUT SAME AS THE FIRST DAY NOTHING, NO MOVEMENT NOTHING GOING ON, AS NEAR AS I CAN RECOLLECT $_{Q}$ YOU LAID IN CAMP AND RESTED YOU $_{A}$ YES SIR DID SMITH GO BACK WITH YOU WHEN YOU WENT BACK WITH WAGONS? $_{A}$I DO NOT KNOW WHETHER HE DID OR NOT IF HE DID I DID NOT SEE HIM THAT NIGHT $_{Q}$ DID YOU SEE	GIVE THE NAMES OF ANY OTHERS OF THE PARTY WITHOUT REGARD TO THEIR PROMINENCE? A. I DON'T KNOW AS I CAN CORRECTLY. Q. THE SECOND MORNING AFTER YOUR ARRIVAL, WHAT WAS DONE THEN BY YOUR PARTY? A. ABOUT THE SAME AS THE FIRST DAY— NO MOVEMENT— NOTHING GOING ON AS NEAR AS I CAN RECOLLECT. Q. YOU LAID IN CAMP? A. YES, SIR. Q. DID SMITH GO BACK WITH YOU WHEN YOU WENT BACK WITH THE WAGONS? A. I DON'T KNOW WHETHER HE DID OR NOT; IF HE DID I DIDN'T SEE HIM THAT NIGHT. Q. DID YOU SEE	GIVE THE NAMES OF ANY OTHERS OF THE PARTY WITHOUT REGARD TO THEIR PROMINENCE I DON'T KNOW AS I CAN CORRECTLY THE SECOND MORNING AFTER YOUR ARRIVAL WHAT WAS DONE THEN BY YOUR PARTY ABOUT THE SAME AS THE FIRST DAY NO MOVEMENT NOTHING GOING ON AS NEAR AS I RECOLLECT YOU LAID IN CAMP YES SIR [*space*] *[[2]]* $_{Q}$DID SMITH GO BACK WITH YOU WHEN YOU WENT BACK WITH THE WAGONS $_{A}$I DON'T KNOW WHETHER HE DID OR NOT IF HE DID I DIDN'T SEE HIM THAT NIGHT DID YOU SEE

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RT	RS	BT	PS
HIM THERE IMMEDIATELY ON YOUR ARRIVAL ? A. I DON'T RECOLLECT OF SEEING HIM THERE IMMEDIATELY ON MY ARRIVAL, BUT SOMETIME DURING THAT DAY, I THINK IT MIGHT HAVE BEEN THE NEXT DAY BUT I AM NOT POSITIVE. Q. YOU SPOKE OF YOUR PARTY REMAINING IN CAMP DURING THAT DAY, NEXT NIGHT AND NEXT DAY — WERE THEY ALL THERE OR DID SOME OF THE MEN GO *[171]* AWAY ? A. IT MAY BE SO OR ALTOGETHER, BUT I THINK THERE WAS SOME FEW WENT DOWN TO HAMBLIN'S RANCH THE NEXT DAY TO GET SOME MILK,	HIM THERE IMMEDIATELY ON YOUR ARRIVAL <NEXT DAY> {A}[P]I DO NOT RECALL OF SEEING HIM THERE IMMEDIATELY ON MY ARRIVAL BUT SOMETIME DURING THAT DAY I THINK, IT MIGHT HAVE BEEN NEXT DAY I AM NOT POSITIVE Q YOU SPEAK OF YOUR PARTY REMAINING IN CAMP DURING THAT DAY NEXT NIGHT AND NEXT DAY WERE ALL THERE OR DID SOME OF MEN GO AWAY A MAYBE IT MAY BE OR ALL TOGETHER <NOT THAT I KNOW OF> I THINK THERE WAS SOME FEW WENT DOWN TO HAMBLIN'S RANCH NEXT DAY GOT SOME MILK	HIM THERE IMEDIATELY ON YOUR AR**R**IVAL THE NEXT DAY? A. I DON'T RECOLLECT OF SEEING HIM IMMEDIATELY UPON OUR ARRIVAL BUT SOME TIME DURING THAT D**A**Y, I THINK IT MIGHT HAVE BEEN THE NEXT MORNING, BUT I AM NOT POSITIVE. Q. YOU SPEAK OF YOUR PARTY REMAINING IN CAMP DURING THAT DAY, AND NEXT NIGHT AND NEXT DAY; WERE THEY ALL *[10]* THERE OR DID SOME OF THE MEN GO AWAY TEMPORARILY OR ALL TOGETHERL A. NOT THAT I KN ~~W~~OW OF.. I THINK THERE WAS SOME FEW WENT DOWN TO HAMBLIN'S RANCH THE NEXT DAY AND GOT SOME	HIM THERE IMMEDIATELY ON YOUR ARRIVAL NEXT DAY I DON'T RECOLLECT IMMEDIATELY ON OUR ARRIVAL BUT SOMETIME DURING THAT DAY [*space*] NEXT MORNING [*space*] YOU SPEAK [*space*] WERE THEY ALL THERE OR DID SOME OF THE MEN GO AWAY TEMPORARILY OR ALL TOGETHER NOT THAT I KNOW OF I THINK THERE WAS SOME FEW WENT DOWN TO HAMBLIN'S RANCH AND GOT SOME

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RT	RS	BT	PS
BUTTERMILK. Q. DID HIGBEE REMAIN IN YOUR CAMP ALL THE FIRST AND SECOND DAY ? A. I COULD NOT SAY POSITIVELY WHETHER HE WAS OR NOT, BUT I SAW HIM AROUND OCCASIONALLY. I COULD NOT SAY WHETHER HE WAS ALL DAY, OR NOT. Q. YOUR CAMP; WAS IN A VERY ~~JADED~~ AGITATED AND UNSETTLED CONDITION DURING THESE TWO NIGHTS ? A. YES SIR. Q. CAN YOU GIVE ANY IDEA OF THE NUMBER OF INDIANS YOU SAW THERE DURING THAT TIME IN THE	BUTTER MILK. DID HIGBEE REMAIN YOUR CAMP DURING ≤ALL OF≥ THE FIRST AND SECOND DAY? {A}I CAN'T SAY POSITIVE WHETHER HE WAS OR NOT. BUT I SAW HIM AROUND OCCASIONALLY. I COULD NOT. SAY WHETHER HE WAS ALL DAY OR NOT {*}P YOUR CAMP WAS NOT IN A VERY AGITATED OR BUSTLING CONDITION WERE RATHER QUIET DURING THESE TWO ≤DAYS **&** ONE NIGHT≥ NIGHTS ANIGHT YES SIR {Q}P CAN YOU GIVE ANY IDEA OF THE NUMBER OF INDIANS YOU SAW THERE DURING THAT TIME IN	BUTTERMILK. Q. DID HIGBEE REMAIN ~~IN A~~ IN YOUR CAMP DURING THE FIRST AND SECOND DAY~~I~~**? A. I** **C**OULD NOT TELL YO~~U~~**U**; I SAW HIM AROUND BUT I COULD NOT TELL WHETHER HE WAS THERE OR NOT ALL DAY. ~~Q. YOUR CAMP WASN'T IN A VERY.~~ Q. YOUR CAMP WAS NOT IN A VERY AGITATED OR BUSTLEING CONDITION? A. NO, SIR. Q. QUIET DURING THESE TWO DAYS AND ONE NIGHT? A. YES, SIR. Q. ~~WHAT KIND~~ Q. COULD YOU GIVE ANY IDEA OF THE NUMBER OF **I**NDIANS YOU SAW DURING THAT TIME?	BUTTERMILK **&C** DID HIGBEE REMAIN IN YOUR CAMP DURING ALL THE FIRST AND SECOND DAY I COULD NOT TELL I SAW HIM AROUND BUT I COULD NOT TELL WHETHER ALL DAY OR NOT YOUR CAMP WAS NOT IN A VERY AGITATED OR BUSTLING CONDITION NO SIR QUIET DURING THESE TWO DAYS AND ONE NIGHT YES SIR [*space*] IDEA OF NUMBER OF INDIANS YOU SAW THERE DURING THAT TIME

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RT	RS	BT	PS
CAMP ? A. NO, I COULD NOT GIVE ANY IDEA ACCURATELY. IF IT HAD BEEN YESTERDAY OR A WEEK AGO IT WOULD HAVE BEEN POSSIBLE FOR ME TO GIVE AN ACCURATE ACCOUNT, BUT IT HAS BEEN NEARLY SEVENTEEN YEARS. Q. GIVE US THE SIDE OF THE ROAD ON WHICH YOU MADE YOUR CAMP ? A. THE EAST SIDE AS YOU ARE GOING DOWN — ON THE EAST SIDE OF THE ROAD. Q. THE LEFT HAND SIDE AS YOU WAS GOING FROM CEDAR CITY ? A. YES SIR. Q. WHERE WAS THE EMIGRANTS CAMP WITH REFERENCE TO THE ROAD ? A. THEY WAS CAMPED I THINK A LITTLE TO THE RIGHT	CAMP $_{A}$NO I COULD GIVE NO CORRECT IDEA OF IT IF IT HAD BEEN YESTERDAY OR WEEK AGO IT WOULD HAVE BEEN IMPOSSIBLE FOR ME TO GIVE CORRECT COUNT BUT IT HAS BEEN NEARLY 17 YEARS. AGO $_{Q}$ WHICH SIDE OF THE ROAD DID YOU MAKE YOUR CAMP MADE $_{A}$THE EAST SIDE AS YOU ARE GOING DOWN ON THE EAST SIDE OF THE ROAD, LEFT HAND SIDE AS YOU ARE GOING FROM CEDAR CITY $_{A}$YES SIR. WHERE WAS THE EMIGRANT CAMP WITH REFERENCE TO THE ROAD? THERE WAS CAMP I THINK LITTLE RIGHT	A. N**O**, SIR, NO CORRECT IDEA OF IT. IF IT HAD BEEN BUT YESTERDAY OR A WEEK AGO IT WOULD HAVE BEEN POSSIBLE FOR A MAN TO GIVE A CORRECT ACCOUNT OF IF , BUT IT HAS BEEN I6 OR I7 YEARS AGO. Q. WHICH SIDE OF THE ROAD DID YOU MAKE YOUR CAMP? A. ON THE EAST SIDE OF THE ROAD; ON THE LEFT HAND SIDE AS **WE** ~~YOU~~ WAS GOING FROM CEDAR CITY. Q. WHERE WAS THE EMIGRANT CAMP WITH REFERENCE TO THE ROAD? A. A LITTLE TO THE RIGHT	NO SIR NO CORRECT IDEA OF IT IF IT HAD BEEN BUT YESTERDAY OR A WEEK AGO IT WOULD HAVE BEEN IMPOSSIBLE FOR A MAN TO GIVE A CORRECT COUNT OF IT BUT IT HAS BEEN I6 OR I7 YEARS AGO [*space*] WHICH SIDE OF THE ROAD DID YOU MAKE YOUR CAMP ON THE SIDE OF THE ROAD ON THE LEFT HAND SIDE AS YOU WAS GOING FROM CEDAR CITY [*space*] WHERE WAS THE EMIGRANT CAMP WITH REFERENCE TO THE ROAD $_{A}$LITTLE TO THE RIGHT

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RT	RS	BT	PS
OF THE ROAD. THEY HAD TURNED OUT CLOSE BY THE HEAD OF THE SPRING. Q. AND YOUR CAMP WAS ABOUT HOW FAR ? A. I SHOULD THINK ABOUT HALF A MILE AS NEAR AS I CAN RECOLLECT, AND WAS UPON A LEVEL. IT WAS CLOSE TO THEM. *[172]* Q. WAS THERE A LARGE EXTENT OF COUNTRY THERE THAT WAS LEVEL FROM WHICH YOU COULD SEE PLAINLY ? A. I SHOULD THINK FROM AROUND WHERE THE CAMP WAS THERE WAS FOUR OR FIVE HUNDRED	OF ROAD THEY HAD —[?] TURNED OUT CLOSE BY {THE}[i] HEAD OF THE SPRING. QAND YOUR CAMP WAS ABOUT HOW FAR? <FROM THE EMIGRANT CAMP> AI SHOULD THINK ABOUT HALF MILE AS NEAR AS I CAN RECALL WAS UPON **A** LEVEL IT WAS BETWEEN US ~~TO THEM~~ AND THEM. QWAS THERE LARGE EXTENT OF COUNTRY THERE THAT WAS LEVEL FROM WHICH YOU COULD SEE PLAINLY AI SHOULD THINK FROM AROUND WHERE CAMP WAS THREE OR 4 HUNDRED YARDS SUCH A MATTER OR 5 HUNDRED	OF THE ROAD. I THINK THEY HAD DRAWN UP FROM THE ROAD CLOSE UP THERE TO THE HEAD OF THE SPRING. Q. AND YOUR CAMP WAS ABOUT HOW FAR FROM THE EMIGRANT CAMP? A. I SHOULD THINK ABOUT A HALF A MILE AS NEAR AS I CAN RECOLLECT. Q. SO THAT YOU WERE IN PLAIN VIEW? A. YES, SIR. Q. WAS THERE A LARGE EXTENT OF COUNTRY THERE ~~? A. THERE~~ THAT WAS LEVE~~R~~L OVER WHICH YOU COULD SEE PLAINLY**?** I SHOULD THINK FROM AROUND WHERE THE CAMP WAS THAT IT WAS THREE OR FOUR HUNDRED YARDS**,** F~~O~~ROM TH~~A~~T TO FIVE HUNDRED	OF THE ROAD I THINK THEY HAD TURNED OUT FROM THE ROAD CLOSE BY THE HEAD OF THE SPRING AND YOUR CAMP WAS ABOUT HOW FAR FROM THE EMIGRANT CAMP ABOUT A HALF A MILE [*space*] OPEN SO THAT YOU WERE IN PLAIN VIEW YES SIR LARGE EXTENT OF COUNTRY THERE THAT WAS LEVEL OVER WHICH YOU COULD SEE PLAINLY [*space*] I SHOULD THINK FROM AROUND WHERE THE CAMP WAS THAT IT WAS 3 OR FOUR HUNDRED YARDS FROM THAT TO FIVE HUNDRED

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RT	RS	BT	PS
YARDS OR SUCH A MATTER, OF GROUND, PRETTY LEVEL, PRETTY CLEAR, OF BRUSH BY A LITTLE SPRING LYING AT THE LOWER END OF THE MEADOWS.	YARDS AROUND *PRETTY*[?][202] LEVEL PRETTY CLEAR OF VERY BRUSH BY LITTLE SPRING LYING LOWER END OF THE MEADOWS. [*space*] SPRING LOWER IN MEADOWS	YARDS ALL AROUND THAT WAS PRETTY LEVEL— PRETTY CLEAR OF BRUSH.	YARDS ALL AROUND THAT WAS PRETTY LEVEL PRETTY CLEAR OF BRUSH [*space*]
Q. HOW FAR WAS YOUR CAMP FROM HAMBLIN'S RANCH ? A. I CAN'T RECOLLECT THE DISTANCE FOR CERTAIN, BUT I SHOULD THINK THREE OR FOUR MILES.	[*space*][203] *[[2]]* {**Q**}[p] HOW FAR WAS YOUR CAMP FROM HAMBLIN'S RANCH {**A**}[p] CAN'T RECOLLECT DISTANCE CERTAIN, BUT I SHOULD THINK 3 OR 4 MILES	Q. H**O**W FAR WAS YOUR CAMP FROM ~~THE EMIGRANTS~~ HAMBLIN'S RANCH? A. I CAN'T RECOLLECT THE DISTANCE FOR CERTAIN, BUT I SHOULD THINK THREE OR FOUR MILES	HOW FAR WAS YOUR CAMP FROM HAMBLIN'S RANCH I COULD RECOLLECT BUT I SHOULD THINK 3 OR FOUR MILES
Q. WAS HIS RANCH IN VIEW ? A. NO SIR. Q. WHAT WAS DONE IN YOUR CAMP DURING THE SECOND NIGHT ?	**Q** WAS HIS RANCH IN VIEW **A**NO SIR **Q**WHAT WAS DONE IN YOUR CAMP DURING SECOND NIGHT	PROBABLE. Q. WAS HIS RANCH IN VIEW? A. NO, SIR. Q. WHAT WAS DONE IN YOUR CAMP THERE DURING THE SECOND NIGHT? A.	PROBABLY WAS HIS RANCH IN VIEW NO SIR RIDGE BETWEEN THEM [*space*] *[[3]]* WHAT WAS DONE IN YOUR CAMP DURING THE SECOND NIGHT

202. Written "PRTL"; "L" added later.

203. At the bottom of the page is written: 35+17 =135 and ~~325~~225+355=*485*[?]; both vertically.

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RT	RS	BT	PS
A. NOTHING, ONLY AS I TOLD YOU, THE INDIANS WHOOPING, YELLING AND HOLLERING AROUND. NOTHING MORE THAN THAT. Q. WAS THERE ANY FIRING ? A. NOT THAT I RECOLLECT OF. Q. WHERE WERE THE INDIANS PRINCIPALLY DURING THE TIME YOU WERE LYING AT REST IN YOUR CAMP ? A. I DON'T KNOW. THEY HAD A KIND OF KAMPING PLACE IN THE BRUSH AROUND AT DIFFERENT PLACES, AROUND THE SIDES OF THE HILLS. THEY WERE OVER AND AROUND THE WATER	ₐNOTHING ONCE IN WHILE HEARD INDIANS[204] WHOOPING YELLING HOLLERING AROUND, NOTHING MORE THAN THAT WAS THERE ANY FIRING {**NO**}ᵖ NO FIRING AT NIGHT ₐTHAT I RECOLLECT OF. ₀WHERE WERE INDIANS PRINCIPALLY DURING TIME YOU WERE LYING AT REST IN YOUR CAMP {ₐ}ᵖI DON'T KNOW THEY HAD KIND CAMPS PLACES IN BRUSH AROUND ⊰DIFFERENT⊱ PLACES AROUND THE SIDES OF THE HILLS FROM AROUND WATER	NOTHING. ALL QUIET; ONCE IN A WHILE I HEARD *[III]* THE **I**NDIANS **W**HOOPING AND YELLING— MAY BE HOLLOWING AROUND— NOTHING MORE THAN THAT. Q. ANY FIRING? A. NOT THAT I RECOLLECT OF. Q. WHERE WERE THE **I**NDIANS PRINCIPALLY, DURING THE TIME THAT YOU WERE LAYING AT REST IN YOUR CAMP? A. I DON'T KNOW**,** THEY HAD KIND OF CAMPS OR PLACES IN THE BR~~I~~USH AROUND DIFFERENT PLACES, AROUND THE SIDES OF HILL~~W~~S AND AROUND THE WATER	NOTHING ALL QUIET ONCE IN A[205] WHILE HEARD THE INDIANS WHOOPING AND YELLING MAYBE HOLLERING AROUND NOTHING MORE THAN THAT ANY FIRING? NOT THAT I RECOLLECT OF WHERE WERE THE INDIANS PRINCIPALLY DURING THE TIME THAT YOU WERE LAYING AT REST IN YOUR CAMP I DON'T KNOW THEY HAD KIND OF CAMPS OR PLACES IN THE BRUSH AROUND DIFFERENT PLACES AROUND SIDES OF HILLS AND AROUND THE WATER

204. Rogerson's hand symbol. It is in the same location in the Patterson Shorthand.
205. Rogerson's hand symbol. It is also in the same location in the Rogerson Shorthand.

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RT	RS	BT	PS
COURSES WHERE WE WAS, DIFFERENT PLACES. Q. ON THE SAME SIDE OF THE ROAD ?	COURSES AROUND WHERE WE WAS DIFFERENT PLACES $_{Q}$ON SAME SIDE OF ROAD	COURSES. Q. ON THE SAME SIDES OF THE R~~AO~~OADS OR OPPOSITE SIDES?	COURSES [*space*] ON THE SAME SIDE OF THE ROAD OR OPPOSITE ~~ROAD~~ SIDE [*space*]
A. A GOOD MANY ON THE SAME SI~~Z~~DE. I DON'T KNOW BUT MOST OF THEM MUST HAVE BEEN.	$\{_{A}\}^{p}$GOOD MANY ON SAME SIDE I DON'T KNOW BUT MOST OF THEM MUST HAVE BEEN	A. GOOD MANY ON THE SAME S~~A~~IDE.; I DON'T KNOW BUT THE MOST OF THEM MUST HAVE BEEN.	GOOD MANY ON THE SAME SIDE I DON'T BUT THE MOST OF THEM MUST HAVE BEEN [*space*]
Q. MOST OF THEM WERE ON THE SAME SIDE OF THE ROAD AS YOU WERE ?	$_{Q}$MOST OF THEM WERE ON SAME SIDE OF THE ROAD AS YOU $\{_{A}\}^{p}$	Q. MOST ON THE SAME SIDE OF THE ROAD AS YOU? A. YES,	MOST ON THE SAME SIDE OF THE ROAD AS YOU YES
[173] Q. DID YOU NOTICE ANY CAMPS ON THE OTHER SIDE ?	AS NEAR AS I CAN RECOLLECT $_{Q}$ DID YOU NOTICE ANY CAMPS ON OTHER SIDE	SIR~~.~~, ~~Q.~~ AS NEAR AS I CAN RECOLLECT.. Q. DID YOU NOTICE ANY CAMPS ON THE OPPOSITE SIDE? A. NOT THAT I RECOLLECT OF.	SIR NEAR AS I CAN RECOLLECT DID YOU NOTICE ANY CAMPS ON THE OPPOSITE SIDE NOT THAT I RECOLLECT OF
A. NOT THAT I RECOLLECT OF NOW. Q. YOU SAW INDIANS ON THE OTHER SIDE ? ✓A. WELL I SAW THEM PASSING AROUND Q. WAS NOT IT	$_{A}$NOT THAT I RECOLLECT OF NOW $_{Q}$YOU SAW INDIANS ON OTHER SIDE $_{A}$WELL I SAW THEM PASSING AROUND {BACKWARDS AND FORWARDS}^{p}. WAS NOT IT	A. NOT THAT I RECOLLECT OF NOW. Q. YOU SAW **I**NDIANS ON THE OTHER SIDE? A. WELL, I SAW THEM PASSING AROUND BACKWARDS AND FORWARDS. Q. WASN'T	[*space*] DID YOU SEE INDIANS [*space*] WASN'T

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RT	RS	BT	PS
THIS PARTY THAT FIRED ON THE EMIGRANTS FROM THE OTHER SIDE. Q. THEY WENT DOWN FROM THE SOUTH AS NEAR AS I CAN RECOLLECT FROM A QUARTER TO A HALF A MILE FROM WHERE WE WAS. THAT BROUGHT THEM PRETTY WELL AROUND TO WHERE WE WAS. Q. ABOUT WHAT WAS THAT DIRECTION FROM THE EMIGRANT CAMP ? A. ABOUT NORTHEAST. Q. AND THE INDIANS WHEN THEY FIRED ON THE SOUTH OF THE	THIS PARTY THAT FIRED ON EMIGRANTS FROM OTHER SIDE {A}PTHEY WENT DOWN FROM SOUTH AS NEAR AS I CAN RECOLLECT A QUARTER TO HALF MILE FROM WHERE WE WAS THAT BROUGHT THEM PRETTY WELL AROUND TO WHERE WE WAS ABOUT WHAT DIRECTION WHAT WAS YOUR DIRECTION FROM EMIGRANT CAMP? A TO *NEAR/NORTH*[?] EAST QAND INDIANS WHEN THEY FIRED ON SOUTH	THIS **LOWER** PARTY OF **I**NDIANS FIRING ON THE EMIGRANTS ON THE OTHER SIDE? A. THEY WENT DOWN ON THE ~~OTHER SIDE~~ SOUTH PROBABLY AS NEAR AS I CAN RECOLLECT A QUARTER OR A HALF A MILE FROM WHERE WE WAS; ~~WE~~ **THAT** BROUGHT THEM AROUND PRETTY WELL TOWARDS THE LOWER SIDE OF THE CAMP. Q. WHAT DIRECTION DID T**H**EY CAMP FROM THE EMIGRANT CAMP? A. ABOUT TO THE NORTH EAST. Q. THE **I**NDIANS WHEN THEY WERE FIRING ON THE ~~CAMPS~~ EMIGRANTS WERE SOUTH	THIS LITTLE PARTY OF INDIANS THAT FIRED ON THE EMIGRANTS ON THE OTHER SIDE [*space*] THEY WENT DOWN TO THE SOUTH PROBABLY NEAR AS I CAN RECOLLECT QUARTER HALF A MILE FROM WHERE WE WAS THAT BROUGHT THEM AROUND PRETTY WELL TOWARDS THE LOWER SIDE OF THE COUNTRY WHAT DIRECTION WAS YOUR FROM THE EMIGRANT CAMP ABOUT NORTHEAST I SHOULD THINK [*space*] THE INDIANS ≤WHEN THEY WERE FIRED ON THE EMIGRANTS≥ WERE SOUTH

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RT	RS	BT	PS
EMIGRANTS WERE FROM BOTH CAMPS ? A. YES SIR.	OF CAMPS WERE FROM BOTH CAMPS ≤$_{A}$YES SIR≥	OF BOTH CAMPS? A. NO, SIR, GENERALLY IN A SOUTHERLY DIRECTION.	OF BOTH CAMPS [*space*] NO SIR GENERALLY IN A SOUTHEAST DIRECTION
Q. DURING THE TIME YOU WERE RESTING THE SECOND DAY AND THE SECOND NIGHT, DURING THAT PERIOD DID YOUR PARTY FIRE ON THE EMIGRANTS ? A. NOT TO MY KNOWLEDGE. Q. WOULDN'T YOU HAVE KNOWN IT IF THEY DID ? A. I WOULD NOT, FOR I HAD BEEN ASLEEP. Q. YOU DIDN'T HEAR OF ANYTHING ELSE BEING DONE BY YOUR PARTY ? A. NO SIR, I DID NOT. Q. WHEN, WITH REFERENCE TO THE MORNING OF THE SECOND DAY AFTER	$_{Q}$DURING THE TIME YOU WERE THERE FROM FIRST NIGHT SECOND DAY AND SECOND NIGHT DURING THAT PERIOD DID YOUR PARTY FIRE ON EMIGRANTS $_{A}$NOT TO MY KNOWLEDGE $_{Q}$WOULDN'T YOU HAVE KNOWN IT IF THEY DID $\{_{A}\}^{p}$ I WOULD ~~HAVE~~ NOT, IF I HAD BEEN ASLEEP $_{Q}$YOU DIDN'T HEAR OF ANY ≤SHOOTING≥ SUCH THING BEING DONE BY YOUR PARTY $_{A}$NO SIR I DID NOT. $_{Q}$ ONLY WITH REFERENCE TO THE MORNING OF THE SECOND DAY AFTER	DU~~T~~RING THE TIME WE WERE THERE THE FIRST DAY. Q. THE SECOND DAY OR SECOND NIGHT DID YO~~U~~R PARTY FIRE ON THE EMIGRANTS?? A. NOT TO MY ~~N~~KNOWLEDGE. Q. WOULDN'T YOU HAVE KNOWN IT IF THEY DID?? A. YES, I WOULD UNLESS IT WAS WHILE I WAS ASLEEP.. Q. YOU DIDN'T HEAR ~~A~~OF ANY SUCH THING BEING DON~~W~~E BY YOUR PARTY? A. NO, SIR, I DIDN'T.. Q. ONLY WITH REFERENCE TO THE MORNING OF THE SECOND DAY AFTER	OF BOTH CAMPS [*space*] DURING THE TIME YOU WERE THERE FIRST DAY AND [*space*] SECOND NIGHT DID YOUR PARTY FIRE ON THE EMIGRANTS NOT TO MY KNOWLEDGE WOULD YOU NOT HAVE KNOWN IT ≤I WOULD≥ UNLESS IT WAS WHILE I WAS ASLEEP YOU DIDN'T HEAR OF ANY SUCH THING BEING DONE BY YOUR PARTY NO SIR I DIDN'T [*space*] ONLY WITH REFERENCE TO THE MORNING OF THE SECOND DAY AFTER

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RT	RS	BT	PS
YOUR ARRIVAL — AFTER YOU ARRIVED IN THE MORNING, STAYED IN CAMP ALL THAT DAY AND STAYED IN CAMP THE NEXT ~~DAY~~ NIGHT AND THE SECOND DAY, AND THE SECOND NIGHT OR THE THIRD MORNING, WHAT DID YOU DO ? *[174]* A. WELL, I AM NOT POSITIVE, TO THE DAY, WHETHER THAT WAS THE DAY THE EXECUTION WAS DONE OR NOT. THERE WAS NOTHING GOING ON IN PARTICULAR THAT I KNOW OF IN THE FORENOON; IT WAS IN THE AFTERNOON. Q. ONLY YOUR IMPRESSIONS AS TO THE FIRST	YOUR ARRIVAL YOU ARRIVED IN MORNING, STAYED IN CAMP ALL THAT DAY AND STAYED IN CAMP NEXT NIGHT AND SECOND DAY, AND SECOND NIGHT ON THIRD MORNING, WHAT DID YOU DO {A}PWELL, I AM NOT POSITIVE ABOUT DAY, WHETHER THAT WAS DAY EXECUTION WAS DONE OR NOT, THERE WAS NOTHING GOING PARTICULAR THAT I KNOW OF IN THE FORENOON IT WAS IN THE AFTERNOON. QWHEN YOUR *PROCEEDINGS*[?] FIRST	YOUR ARRIVAL. YOU ARRIVED IN THE MORNING STAID IN THE CAMP THE NEXT ~~DAY~~ NIGHT, THE SECOND DAY, AND THEN THE SECOND NIGHT**;** ON THE THIRD MORNING, WHAT DID YOU DO? A. WELL, I AM NOT POSITIVE TO THE DAY, WHETHER THAT WAS THE DAY THE EXECUTION WAS ~~N~~DONE ~~OR NOOT~~ **OR NOT** , IF IT WAS I DON'T *[12]* KNOW. THERE WAS NOTHING GOING ON PARTICULARLY IN THE FORENO ON; IT WAS IN THE AFTERNOON WHEN WE MARCHED DOWN, **Q- W**HEN ~~THEM~~ **YOUR** PROCEEDI NGS FIRST	YOUR ARRIVAL YOU ARRIVED IN THE MORNING STAYED IN CAMP NEXT NIGHT SECOND DAY AND THEN SECOND NIGHT ON THE 3 MORNING WHAT DID YOU DO I AM NOT POSITIVE TO THE DAY WHETHER THAT WAS THE DAY THAT THE EXECUTION WAS DONE IF IT WAS OR WAS NOT THERE WAS NOTHING GOING ON PARTICULARLY IN THE FORENOON IT WAS IN THE AFTERNOON WHEN WE MARCHED DOWN WHEN YOUR PROCEEDINGS FIRST

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RT	RS	BT	PS
COMMENCEMENT TOWARDS EXECUTION AS YOU KNEW IT — WHAT WAS THE WORD ANNOUNCED AND BY WHOM, IN YOUR CAMP ? A. I THINK BY. MR. HIGBEE,	COMMENCED TOWARDS EXECUTION AS YOU NAMED IT WHAT WAS FIRST ANNOUNCED AND BY WHOM IN YOUR CAMP $_{A}$I THINK BY MR. HIGBEE ~~MARCHED~~ ~~CALLED THEM~~	COMMENCED TOWARDS THE EXECUTION? A. YES, SIR. Q. WHEN WAS IT FIRST ANNOUNCED AND BY WHOM IN YOUR CAMP ?? A. I THINK ~~M~~BY MR. HIGBEE.	COMMENCED TOWARDS THE EXECUTION YES SIR WHEN WAS IT FIRST ANNOUNCED AND BY WHOM *[[4]]* I THINK BY MR. HIGBEE [*space*]
WHO CALLED THE COMPANY OUT.	CALLED THE COMPANY OUT	**HE** CALL**ED** THE COMPANY OUT INTO LINE?	WHO CALLED THE COMPANY OUT INTO LINE
Q. HOW DID HE DO IT—DID HE CALL ALL TOGETHER TO SOME ONE PLACE ADDRESS ALL TOGETHER —	$_{Q}$HOW DID HE DO IT? DID HE CALL ‘EM ALL TOGETHER TO SOME ONE PLACE, ADDRESS ALL TOGETHER *[[3]]*	**Q-** HOW DID HE DO IT, DID HE CALL THEM TO~~F~~GETHER IN THE SAME PLACE?	HOW DID HE DO IT DID HE CALL THEN ALL TOGETHER *ON*[?] SOME ONE PLACE [*space*]
WHO CALLED THEM TOGETHER, OR FORMED THEM INTO LINE — WHAT WAS HIS STATEMENT THEN ? A. I DO NOT KNOW AS I RECOLLECT ANY PARTICULAR STATEMENTS ONLY WE WAS MARCHED DOWN FROM OUR CAMP. Q. HAD YOU SEEN	WHO CALLED THEM ALL TOGETHER OR FORMED THEM INTO LINE, WHAT WAS HIS STATEMENT THEN $\{_{A}\}^{p}$ I DO NOT KNOW AS I RECOLLECT ANY PARTICULAR STATEMENT, ONLY WE WAS MARCHED DOWN FROM OUR CAMP. $_{Q}$ HAVE YOU SEEN	A. CALLED THEM TOGETHER AND ~~AND~~ FORMED THEM IN A LINE. Q. WHAT WAS HIS STATEMENT THEN? A. I DON’T KNOW AS I RECOLLECT ANY PARTICULAR ~~A~~STATEMENT , ONLY THAT WE WAS TO MARCH DOWN TO THE CAMP. Q. HAD YOU SEEN	CALLED THEM TOGETHER AND FORMED THEM INTO LINE WHAT WAS HIS STATEMENT THEN I DON’T KNOW AS I RECOLLECT ANY PARTICULAR STATEMENT ONLY THAT WE WAS TO MARCH DOWN TO THE CAMP [*space*] HAD YOU SEEN

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RT	RS	BT	PS
SMITH THAT MORNING OR THAT DAY ? A. YES SIR, I THINK I HAD. Q. HAD YOU HAD ANY CONVERSATION WITH HIM ? A. VERY LITTLE. Q. STATE IF YOU LEARNED IN THE CAMP, BY CONVERSATION AMONG YOUR PARTY, WHAT THE PLAN WAS ? A. NO SIR, I HADN'T HEARD NONE OF THE CONVERSATION GOING ON AT ALL. Q. HAD ANY PERSONS FROM THE EMIGRANT CAMP BEEN TO YOUR CAMP WHILE YOU WERE OVER THERE ? A. NOT THAT I KNOW OF — NOT THAT I EVER HEARD OF. Q. DO YOU KNOW OF ANY OF YOUR PARTY BEING TO THE EMIGRANT CAMP ? A. NO SIR. *[175]* Q. THERE	SMITH THAT MORNING OR THAT DAY $_{A}$YES SIR I THINK I HAD $_{Q}$HAD ANY CONVERSATION WITH HIM $_{A}$ VERY LITTLE. $_{Q}$STATE IF YOU LEARNED IN THE CAMP BY CONVERSATION AMONG YOUR PARTY WHAT THE PLAN WAS $\{_{A}\}^{p}$NO SIR I HADN'T HEARD NONE OF CONVERSATION GOING ON AT ALL $_{Q}$HAD ANY PERSONS FROM THE EMIGRANT CAMP BEEN TO YOUR CAMP WHILE YOU WERE OVER THERE $\{_{A}\}^{p}$ NOT THAT I KNOW OF, NOT THAT I EVER HEARD OF. $_{Q}$DO YOU KNOW OF ANY OF YOUR PARTY BEING EMIGRANT CAMP $\{_{A}\}^{p}$ NO SIR $_{Q}$THERE WAS	SMITH THAT MORNING**,** BEFORE THAT DAY? A. YES, SIR, I TH**I**NK **I** HAD. Q. HAVE ANY CONVERSATION WITH HIM? A. VERY LITTLE. Q. HAD YOU LEARNED IN THE CAMP BY CONVERSATION AMONG YOUR PARTY, WHAT THE PLAN WAS? A. NO, SIR., I DIDN'T**,** I HAD HEARD NONE OF THE ~~PA~~ CONVERSATION THAT WAS GOING ON OUT THERE. Q. HAD ANY P~~A~~ERSONS FROM THE EMIGRANT CAMP BEEN TO YOUR CAMP WHEN YOU WERE THERE? A. NOT THAT I KNOW OF**,** OR HEARD O~~R~~F. Q. ANY OF YOUR PARTY BEEN ~~THE~~ **TO** THE EMIGRANT CAMP? A. NO, SIR. Q.	SMITH THAT MORNING BEFORE THAT DAY YES SIR I THINK I HAD HAD ANY CONVERSATION WITH HIM VERY LITTLE [*space*] HAD YOU LEARNED IN THE CAMP BY CONVERSATION AMONG YOUR PARTY WHAT THE PLAN WAS NO SIR I HAD NOT I HAD HEARD NONE OF THE CONVERSATION THAT WAS GOING ON AT ALL HAD ANY PERSONS FROM THE EMIGRANT CAMP BEEN TO YOUR CAMP WHILE YOU WERE THERE NOT THAT I KNOW OF OR HEARD OF ANY OF YOUR PARTY HAVING BEEN TO THE EMIGRANT CAMP NO SIR

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RT	RS	BT	PS
WAS NO COMMUNICATIO N BETWEEN THE EMIGRANTS AND YOURSELVES A. NOT THAT I KNOW OF. Q. DO YOU KNOW OF ANY COMMUNICATIO N BETWEEN YOUR PARTY AND THE INDIANS WITH REFERENCE TO THE INDIANS ? A. I DON'T KNOW; THEY WAS AROUND, I DON'T KNOW, THEY WAS AROUND MIXED UP TOGETHER OCCASIONALLY. Q. HAD YOU NO LEADING INDIANS THAT HAD THE MOST INFLUENCE AMONG THEM A. I DON'T KNOW AS I COULD TELL YOU WHAT INFLUENCE THERE WAS. THERE WAS NO VERY HIGH CHIEF OR NOTED CHIEF	NO COMMUNICATIO N BETWEEN EMIGRANTS AND YOURSELVES {A}[p] NOT THAT I KNOW OF Q DO YOU KNOW OF ANY COMMUNICATIO N BETWEEN YOUR PARTY AND INDIANS WITH REFERENCE TO THE INDIANS A I DON'T {KNOW}[p] THERE WAS AROUND MIXED UP ALL TOGETHER OCCASIONALLY Q DID YOU KNOW LEADING INDIANS THAT HAD MOST INFLUENCE AMONG THEM {A}[p] I DON'T KNOW AS I COULD TELL YOU NOW WHAT ONES THEY WAS. THERE WAS NO VERY HIGH CHIEF OR NOTED CHIEF	ANY COMMUNICATIO N BETWEEN THE EMIGRANT CAMP AND YOUR CAMP? A. NO, SIR. Q. DID YOU KNOW OF ANY COMMUNICATIO N BETWEEN YOUR PARTY AND THE EMIGRANTS? WITH REFERENCE TO THE INDIANS ? A. NO, SIR, I DIDN'T ; THEY WAS AROUND THE EMIGRANTS' PARTY TOGETHER OCCASIONALLY. . Q. DO YOU KNOW THE LEADING INDIANS THAT HAD THE MOST INFLUENCE AMONG THEM?? A. I DON'T KNOW AS I COULD TELL NOW WHAT ONES THERE WAS, BECAUSE THERE WAS NO VERY HIGH CHIEFS OR ANY CHIEFS	NO COMMUNICATIO N BETWEEN EMIGRANT CAMP AND YOUR CAMP NO SIR DID YOU KNOW OF ANY COMMUNICATIO N BETWEEN YOUR PARTY AND EMIGRANTS NO SIR I DIDN'T THEY WAS AROUND MIXED UP TOGETHER OCCASIONALLY [*space*] DID YOU KNOW THE LEADING INDIANS THAT HAD THE MOST INFLUENCE AMONGST THEM I DON'T KNOW AS I COULD TELL NOW WHAT ONES THEY WAS BECAUSE THERE WAS NO VERY HIGH CHIEFS OR NOTED CHIEFS

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RT	RS	BT	PS
AMONG THE INDIANS THERE. Q. DID YOU KNOW THESE INDIANS ? A. I KNEW A GREAT MANY OF THEM, AND THERE WAS INDIANS THERE I DID NOT KNOW, OF OTHER TRIBES. I THINK THEY WERE MOSTLY ALL PIUTES. I DON'T KNOW OF ANY	AMONG INDIANS THERE. Q. DID YOU KNOW THESE INDIANS {A}[p]I KNEW GREAT MANY OF THEM, THERE WAS INDIANS THERE I DID NOT KNOW {OF OTHER}[p] TRIBES. I THINK THEY WERE MOSTLY ALL PIUTES. I DON'T KNOW OF ANY	AMONG THE **I**NDIANS THERE.. Q. DID YOU KNOW ANY OF THESE **I**NDIANS? A. I KNEW A GOOD MANY OF THEM . ~~A~~Q. OF WHAT TRIBES WER~~E~~**E** THEY? A. I THINK THEY WERE MOSTLY OF THE PAHUTES. ~~I~~ ~~DON'T KNOW~~ I DON'T KNOW THAT THERE WAS ANY — MIGHT BE	[*space*] DID YOU KNOW THOSE INDIANS I KNEW GOOD MANY OF THEM OF WHAT TRIBES WERE THEY I THINK THEY WAS MOSTLY ALL PIUTES I DON'T KNOW THAT THERE WAS ANY FROM
OTHER TRIBES OF INDIANS FROM BELOW, FROM THE SOUTH, BUT THEY MIGHT BE THERE. THERE WAS INDIANS I UNDERSTOOD FROM UP THERE, BUT I WAS NOT ACQUAINTED WITH THEM, ONLY WITH A FEW OF THE INDIANS AROUND OUR	OTHER TRIBES INDIANS FROM BELOW, FROM THE SOUTH FROM BEAVER INDIANS I UNDERSTOOD FROM BEAVER THERE BUT I WAS NOT ACQUAINTED WITH ONLY WITH FEW INDIANS AROUND OUR	OTHER TRIBES FROM BELOW — OTHER TRIBES OF **I**NDIANS FROM THE SOUTH OF BEAVER THAT I WAS NOT ACQUAINTED WITH—**THERE WAS** A FEW **I**NDIANS THAT I WAS ACQUAINTED WITH RIGHT AROUND OUR	OTHER TRIBES INDIANS FROM THE SOUTH AND BEAVER FEW INDIANS THAT WAS RIGHT AROUND OUR

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RT	RS	BT	PS
PLACE. THEY TOLD ME THERE WAS INDIANS FROM UP THERE, THE ~~CLAREY~~ ~~≺~~CLARA~~≻~~ AND OTHER PLACES. Q. WAS IT THE PIUTE INDIANS THAT YOU SAW THAT WERE THERE ? A. YES SIR. THEY ARRANGED FROM SOMEWHERE UP THERE FROM THE CLARA. AND ON THE CLARA. I DON'T KNOW HOW MUCH FURTHER SOUTH, CLEAR DOWN FROM THE MUDDY, I DON'T KNOW WHERE THE DIVISION IS. Q. THEN THE PIUTE OR PIEEED INDIANS WERE THE MOST NUMEROUS ? A.	PLACE. THEY TOLD ME THERE WAS OTHER INDIANS FROM *BEAVER*[?] CLARA AND OTHER PLACES Q WAS IT PIUTE INDIANS YOU SAY WERE THERE AYES SIR QTHEY RANGED THEN FROM SOMEWHERE ABOUT BEAVER HERE CLEAR DOWN ON CLARA I DON'T KNOW HOW MUCH FURTHER SOUTH CLEAR DOWN FROM MUDDY; I DON'T KNOW WHERE DIVISION IS. QTHEN PIUTE INDIANS ~~≺~~OR PIEDE~~≻~~ WERE THE MOST NUMEROUS	PLACE**,** THAT I WAS ACQUAINTED WITH . THEY TOLD ME *[13]* THERE WAS OTHER **I**NDIAND FROM BEAVER AND CLARA AND DIFFERENT PARTS OF THE COUNTRY. Q. WHERE DID THE PAHUTE **I**NDIANS BELONG? A. THEY RANGED THEN FROM T~~HE~~ SOMEWHERE ABOUT BEAVER, AND BETW~~N~~EEN HERE AND CORNCREEK CLEAR DOWN TO THE CLARA **&** THE RIO VIRGIN. I DON'T KNOW HOW MUCH FARTHER — CLEAR DOWN TO THE MUDDY PROBABLY. Q. THEN THE PAHUTE **I**NDIANS WERE THE MOST NUMEROUS? A.	PLACE THAT I WAS ACQUAINTED WITH THEY TOLD ME THERE WAS OTHER INDIANS FROM BEAVER TO CLARA AND DIFFERENT PARTS OF THE COUNTRY WHERE DID *YOUR*[?] PIUTE INDIANS BELONG THEY RANGED THEN FROM SOMEWHERE ABOUT BEAVER AND BETWEEN HERE AND CORN CREEK CLEAR DOWN TO THE CLARA THE RIO VIRGIN DON'T KNOW HOW MUCH FARTHER CLEAR DOWN TO THE MUDDY PROBABLY [*space*] THEN THE PIUTES INDIANS WERE THE MOST NUMEROUS

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RT	RS	BT	PS
THEY KEPT COMING FROM ALL THROUGH THE SOUTH AND INCLUDING THE MEADOWS, ~~AND THE OTHER~~ Q. AND THE OTHER INDIANSWERE FROM WHAT OTHER PLACES ? *[176]* A. THEY WAS PIUTE INDIANS. AL L THE INDIANS THAT WAS THERE FROM DIFFERENT PARTS OF THE COUNTRY. Q. IS THAT THE GENERAL NAME, INCLUDING BANDS THAT ARE KNOWN BY OTHER NAMES ? A. NOT THAT I KNOW OF. Q. YOU SPOKE OF THERE BEING INDIANS FROM THE CORN CREEK COUNT~~Y~~RY THAT WERE THERE	THEY OCCUPIED COUNTRY FROM BEAVER SOUTH AND INCLUDING THE MEADOWS QAND THE OTHER INDIANS WERE FROM WHAT OTHER PLACES THEY WAS *PIUTE/ PIEDE*[?][206] INDIANS ALL THE INDIANS THAT WAS THERE FROM ≤DIFFERENT≥ PARTS OF THE COUNTRY QIS THAT GENERAL NAME INCLUDING BANDS THAT ARE KNOWN BY OTHER NAMES ANOT THAT I KNOW OF. Q YOU SPOKE OF THERE BEING INDIANS FROM CORN CREEK COUNTRY AND THAT WERE	NO, SIR. Q. THEY OCCUPIED~~?~~ THE COUNTRY FROM ~~THE~~ BEAVER SOUTH? A. YES, SIR. ~~A~~Q. TO AND INCLUDING THE MUDDY? A. YES, SIR.. Q. ALL THE OTHER **I**NDIANS, WHERE WERE THEY **FROM**?. A. ALL PAHUTE **I**NDIANS, I SAID, BUT FROM DIFFERENT PARTS OF THE COUNTRY. .Q. IS THAT THE GENERAL NAME THEY ARE KNOWN BY; ARN'T THEY KNOWN BY OTHER NAMES? A. NOT THAT I KNOW OF.. Q. YOU SPOKE OF THEIR BEING **I**NDIANS FROM THE CORN CREEK COUNTRY. WERN'T	YES SIR [*space*] THEY OCCUPIED THE COUNTRY FROM BEAVER SOUTH YES SIR TO AND INCLUDING MEADOWS YES SIR *[[5]]* ALL THE OTHER INDIANS WHERE WERE THEY [*space*] ALL PIUTE INDIANS I UNDERSTOOD BUT FROM DIFFERENT PARTS OF THE COUNTRY [*space*] IS THAT THE GENERAL NAME INCLUDING BANDS THAT ARE KNOWN BY OTHER NAMES NOT THAT I KNOW OF [*space*] YOU SPOKE OF THEIR BEING INDIANS FROM CORN CREEK COUNTRY [*space*]

206. A long "E", added later in blue pencil, renders word "PIEDE"; original shorthand could be read "PIUTE" or "PIEDE".

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RT	RS	BT	PS
WITH YOU ? A. I DON'T KNOW WHETHER THERE WAS ANY OF THAT KIND ON THE GROUND OR NOT; I CANNOT SAY, AT THAT TIME. Q. WERE YOU FAMILIAR WITH THESE INDIANS ? A. NOT PARTICULARLY, I WOULD NOT KNOW THEM FROM THE OTHERS. Q. DID YOU LEARN OF THE MEN FROM YOUR PARTY THAT THEY WERE INDIANS FROM CORN CREEK ? A. I DON'T RECOLLECT TO BE CERTAIN,	THERE CALLED PAHVANTS $_{Q}$I DON'T KNOW WHETHER THERE WAS ANY OF THAT KIND ON THE GROUND OR NOT, I CANNOT SAY AT THAT TIME WERE YOU FAMILIAR WITH THESE INDIANS *[[4]]* $_{A}$NOT PARTICULARLY, I WOULD NOT KNOW 'EM FROM THE OTHERS DID YOU LEARN OF THE MEN FROM YOUR PARTY THAT *THEY/THERE*[?] WERE INDIANS FROM CORN CREEK $\{_{A}\}^{p}$ I DON'T RECOLLECT TO BE CERTAIN,	THEY CALLED PAHVANTS? A. I DON'T KNOW WHETHER THERE WAS ANY OF THEM **THERE** OR NOT. THERE WAS SOME RUNNERS BUT I ~~E~~**D**ON'T KNOW WHETHER THERE WAS ANY OTHERS OR NOT. Q. ARE YOU FAMILIAR WITH THOSE **I**NDIANS? A. NO, SIR, I AM NOT.. Q. HAD YOU LEARNED ON THE GROUND WHETHER THERE WERE **I**NDIANS FROM CORN CREEK? A. I HAD NOT. ~~Q.~~ I DON'T RECOLLECT FOR CERTAIN	PAHVANTS [*space*] I DON'T KNOW WHETHER THERE WAS ANY OF THEM THERE OR NOT THERE WAS SOME RUNNERS FROM THAT —/*PART*[?] AND OTHER PARTS DON'T KNOW WHETHER THERE WAS ANY OTHER OR NOT [*space*] WERE YOU FAMILIAR WITH THOSE INDIANS NO SIR WOULD KNOW *IF/ANY*[?] [*space*] DID YOU LEARN ON THE GROUND FROM YOUR PARTY WHETHER IT WAS INDIANS FROM CORN CREEK I DO NOT KNOW [*space*][207]

207. Rogerson's hand symbol. It is in the same position in the Rogerson Shorthand.

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RT	RS	BT	PS
THAT FAR BACK, WHETHER THERE WERE OR NOT.	THAT FAR BACK WHETHER THERE OR NOT[208]	WHETHER THERE WAS OR NOT. QQ. THERE W~~AS~~**ERE** **I**NDIANS THERE YOU DIDN'T KNOW? A. YES,	THERE WAS INDIANS THERE YOU DIDN'T KNOW YES SIR
Q. DID YOU UNDERSTAND THEY WERE FROM THERE — THESE PIUTE INDIANS ? A. NO, I DON'T KNOW THAT I DID. I WOULDN'T RECOLLECT AS TO THAT. Q. DID YOU ~~HEAR~~ SEE SOME OF THE CHIEFS THERE WHO SEEMED TO HAVE INFLUENCE WITH THE INDIANS ? A. NO, I DON'T RECOLLECT OF ANY CHIEFS WHO SEEMED TO BE IN CHARGE, OR SEEMED TO HAVE MUCH CONTROL, SO MANY PIUTES LYING DOWN THERE, NO	~~Q~~DID YOU UNDERSTAND THEY WERE OTHER THAN PIUTE INDIANS ~~A~~NO I DON'T KNOW THAT I DON'T DON'T RECOLLECT AS TO THAT. ~~Q~~DID YOU SEE SOME OF THE CHIEFS THERE SEEMED TO HAVE INFLUENCE WITH INDIANS {~~A~~}[p]NO I DON'T RECOLLECT OF ANY CHIEFS SEEMED TO BE *IN/ANY*[?] ORDERS AND SEEMED TO HAVE MUCH CONTROL SO MANY PIUTES ALONG DOWN THERE, NO	SIR, I DON'T RECOLLECT AS TO THAT. Q. DID YOU SEE SOME CHIEFS THERE WITH SOME OF THEM? A. I DON'T RECOLLECT OF ANY CHIEFS; THEY SEEMED TO BE IN HERDS; NO ONE SEEMED TO HAVE MUCH CONTROLL AMONG THE PAHUTES, ALONG DOWN THERE THERE WAS NO	SIR I DON'T RECOLLECT AS TO THAT DID YOU SEE SOME CHIEFS THERE THAT SEEMED TO HAVE INFLUENCE WITH THE INDIANS I DON'T RECOLLECT OF ANY CHIEFS THAT SEEMED ~~TO BE IN/ANY *ORDER*[?]~~ [*space*] SEEMED TO HAVE MUCH CONTROL [*space*] AMONG THE PIUTES ALONG DOWN THERE THERE WAS NO

208. Rogerson's hand symbol; the same symbol is in the same place in the Patterson shorthand.

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RT	RS	BT	PS
DISTINCT CHIEFS AMONG THEM WHICH YOU COULD HARDLY TELL. Q. DID YOU SEE ANY OF YOUR PARTY HAVE ANY COMMUNICATIO N WITH ANY OF THE INDIANS THAT SEEMED TO ASSUME THE OFFICE OR TO SPEAK OF THEM AS CHIEF ? *[177]* A. NO SIR, THERE WAS ONE INDIAN THAT WAS CONSIDERED A KIND OF CHIEF AMONG THEM WHO WAS THERE; WHETHER HE WAS THE HEAD CHIEF OR NOT I DON'T RECOLLECT. I	DISTINGUISHED CHIEFS AMONGST THEM HARDLY AT ALL. Q DID YOU SEE ANY OF YOUR PARTY HAVE ANY COMMUNICATIO N WITH ANY OF INDIANS THAT SEEMED TO ASSUME OFFICE YOU SPEAK OF AS CHIEF {A}P NO SIR Q THERE WAS ONE INDIAN THAT WAS CONSIDERED **A** KIND OF CHIEF AMONG THEM. WHETHER HE WAS HEAD CHIEF OR NOT I	DISTIN~~C~~G~~T~~U~~O~~IS HED CHIEFS AMONG THEM THEY ROAMED OUT THERE. Q. DID YOU SEE ANY OF YOUR PARTY HAVING ANY COMMUNICATIO N WITH ANY OF THE **I**NDIANS THAT S~~EEMED TO THAT~~ ASSUMED TO HAVE CONTROLL OF THE OTHER **I**NDIANS? A. ~~NO, WIR., THAT WAS C9NSIDERED QA. KIND OF CHIEF AMONG THEM; WHETHER HE WAS A CHIEF OR NOT I DON'T KNIOW. I RECOLLECT HIM WANTED~~ *[14]* A. NO, SIR.THERE WAS ~~I~~ONE INDIAN THAT SEEMED TO H~~AVE KIND~~ BE A KIND OF CHIEF AMONG THEM; AND I	DISTINGUISHED CHIEFS AMONG THEM HARDLY AT ALL DID YOU SEE ANY OF YOUR PARTY HAVING ANY COMMUNICATIO N WITH [*space*] INDIANS THAT SEEMED TO LEAD TO HAVE CONTROL OF OTHER INDIANS NO SIR THERE WAS ONE INDIAN THAT WAS KIND OF CHIEF AMONG THAT I

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RT	RS	BT	PS
RECOLLECT HE HAD BEEN WOUNDED, HE HAD HIS LEG BROKE AND WAS LYING IN THE BRUSH NEAR WHERE WE CAMPED. HE WAS A KIND OF A CHIEF, AS NEAR AS I CAN RECOLLECT. Q. DID YOU SEE ANY COMMUNICATIO N BETWEEN THE WHITES AND HIM ? A. NOTHING MORE THAN THE MEN GOING AND SEEING HIS LEG AND EXAMINING IT AND SEEING IT. Q. WAS THERE ANY CONFERENCE IN YOUR CAMP, AMONG YOUR PARTY, BEFORE YOU MARCHED TO THE EMIGRANT CAMP ? A. NOTHING	RECOLLECT HIM HE HAD BEEN WOUNDED, HAD HIS LEG BROKE LYING IN BRUSH NEAR WHERE WE CAMPED. {HE WAS A}^{p} KIND OF A CHIEF AS NEAR AS RECOLLECT $_{Q}$ DID YOU SEE ANY COMMUNICATIO N BETWEEN WHITES AND HIM {$_{A}$}^{p} NOTHING MORE THAN MEN GOING AND SEEING HIS LEG EXAMINING IT SEEING $_{Q}$WAS THERE ANY CONFERENCE IN YOUR CAMP AMONG YOUR PARTY BEFORE YOU MARCHED TO {EMIGRANT}^{p} CAMP $_{A}$NOTHING	RECOLLECT HE HAD BEEN WOUNDED — HAD HIS LEG BROKEN. HE WAS LAYING IN THE BRUSH CLOSE TO WHERE WE CAMPE~~A~~D. HE WAS A KIND OF CHIEF AS NEAR AS I CAN RECOLLECT. Q. DID YOU SEE ANY COMMUNIACTIO N BETWEEN THEM AND HIM? A. NOTHING MORE THAN EXAMINING — GOING AND ~~EXAMINING~~ LOOKING AT HIS LEG AND EXAMINING IT.. Q. WAS THERE ANY CONFERENCE IN YOUR CAMP OR AMONG YOUR PARTY BEFORE YOU MARCHED DOWN TO THE EMIGRANT'S CAMP? A. IF THERE WAS IT WAS PRIVATE~~LL~~LY; THERE WAS NOTHING	RECOLLECT HE HAD BEEN WOUNDED HAD HIS LEG BROKE WAS LAYING IN THE BRUSH CLOSE TO WHERE WE CAMPED HE WAS KIND OF CHIEF NEAR AS I CAN RECOLLECT DID YOU SEE ANY COMMUNICATIO N BETWEEN THE WHITES AND HIM NOTHING MORE THAN MORE THAN GO AND LOOK AT HIS LEG AND EXAMINE IT [*space*] WAS THERE ANY CONFERENCE IN YOUR CAMP OR AMONG YOUR PARTY BEFORE YOU MARCHED DOWN TO CAMP IF IT ~~IS~~ ~~<~~WAS~~>~~ IT WAS PRIVATELY THERE WAS NOTHING

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RT	RS	BT	PS
PUBLIC, IF THERE WAS THEY WENT OFF AND ≺**HAD**≻ IT PRIVATELY, NOT TO. MY KNOWLEDGE. Q. DID YOU GO TO HAMBLIN'S RANCH AT ANY TIME DURING THAT PERIOD OF RESTING ? A. I BELIEVE I WENT OVER THE SECOND DAY. Q. DID YOU SEE ANY CONFERENCE THERE ? A. THERE WAS ~~ONLY A MAN AND A~~≤NO MAN THERE ONLY A≥ WOMAN AND A CHILD THERE. I WENT TO GET SOME SALT, WANTED TO GET A LITTLE SALT AND CAME BACK AGAIN, DIDN'T SEE ANY MAN ABOUT THE PLACE. Q. WHEN DID YOU SAY YOU	PUBLIC IF THERE WAS THEY WENT OFF AND HAD IT PRIVATELY, NOT TO MY KNOWLEDGE. $_{Q}$DID YOU GO TO HAMBLIN'S RANCH AT ANY TIME DURING THAT PERIOD OF RESTING. $\{_{A}\}^{p}$I BELIEVE I WENT OVER THE SECOND DAY $_{Q}$DID YOU SEE ANY CONFERENCE THERE $_{A}$ THERE WAS NO MEN FOLKS IN THERE ONLY THE WOMEN CHILDREN I WENT TO GET SOME SALT, WHEN I GOT LITTLE SALT CAME BACK AGAIN. DIDN'T SEE ERE A MAN ABOUT THE PLACE $_{Q}$ ≤WHEN DID YOU≥ SAY YOU	PUBLIC; THERE WAS NONE TO MY KNOWLEDGE. Q. DID YOU GO TO HAMBLIN'S RANCH AT ANY TIME DURING THAT PERIOD OF REST? A. I BELIEVE I WENT OVER THERE THE SECOND DAY.. Q. DID YOU SEE ANY CONFERENCE THERE? A. NO, SIR, THERE WAS NOT MEN FOLKS ENOUGH THERE, ONLY SOME WOMEN AND CHILDREN. I WENT TO GET SOME SALT AND WHEN I GOT A LITTLE SALT I CAME BACK AGAIN.. I DIDN'T SEE AN~~A~~**Y** MAN ABOUT THE PLACE.. Q. WHEN DID YOU SAY YOU	PUBLIC [*space*] NOT TO MY KNOWLEDGE [*space*] DID YOU GO TO HAMBLIN'S RANCH AT ANY TIME DURING THAT PERIOD OF REST I BELIEVE I WENT OVER THERE THE SECOND DAY [*space*] *[[6]]* DID YOU SEE ANY CONFERENCE THERE NO SIR THERE WAS NOT MEN FOLKS ENOUGH THERE ONLY SOME WOMEN AND CHILDREN I WENT TO GET SOME SALT WENT TO GET A LITTLE SALT AND CAME BACK AGAIN I DIDN'T SEE A MAN ABOUT THE PLACE [*space*] WHEN DID YOU SAY YOU

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RT	RS	BT	PS
FIRST SAW MR. LEE THERE ? A. DURING THE DAY AFTER WE HAD FIRST ARRIVED THERE, I THINK SOON AFTER WE GOT THERE.	FIRST ~~LEE~~ SAW MR. LEE THERE {A}P DURING THE DAY AFTER WE HAD FIRST ARRIVED THERE I THINK ~~SOME~~ SOON AFTER WE GOT THERE	FIRST SAW MR. **L**EE THERE? A. DURING THE DAY AFTER WE HAD FIRST ARIVED THERE, I THINK SOON AFTER WE GOT THERE,	FIRST SAW MR.LEE THERE DURING THE DAY WHEN WE HAD FIRST ARRIVED THERE I THINK SOON AFTER WE HAD GOT THERE I DO NOT RECALL HOW SOON BUT SOMETIME
DURING THAT DAY. Q. DID ~~YOU REMAIN~~ ≤**THEY CONTINUE**≥ AT YOUR CAMP THEN ? A. I DON'T KNOW. I SAW HIM THERE OCCASIONALLY~~.~~**, OF AND ON-** *[178]* Q. WHO WAS HE STOPPING WITH ? A. I DON'T KNOW WHERE SEEMED TO BE HIS CAMP — I DON'T RECOLLECT NOW. Q. DID YOU SEE HIM AS OFTEN AS YOU SAW HIGBEE AND SMITH ? A. YES SIR, I THINK I DID. Q. DID HE SEEM TO HAVE CORDIAL RELATIONS WITH THE PARTY THAT WAS THERE A.	DURING THAT DAY QDID HE CONTINUE AT YOUR CAMP THEN AI DON'T KNOW I SAW HIM THERE OCCASIONALLY OFF AND ON QWHOM HE STOPPED WITH WHERE HE MADE HIS CAMP AI DON'T RECOLLECT. QDID YOU SEE HIM AS OFTEN AS YOU SAW HIGBEE AND SMITH A YES SIR I THINK I DID Q DID HE SEEM TO BE CORDIAL RELATIONS WITH THE PARTY THAT WAS THERE A	DURING THAT DAY.. Q. DID HE CONTINUE AT YOUR CAMP THEN? A. I DON'T KNOW , I SAW HIM THERE OCCASIONALLY. **Q.** MOST OF THE TIME WOULD HE STOP SROUND THE CAMP? A. I COULD NOT SAY.. Q. DID YOU SEE HIM AS OFTEN AS YOU SAW HIGBEE AND **S**MITH? A. YES, SIR, I THINK I DID. Q. DID HE SEEM TO BE **IN** CORDIAL RELATIONS WITH THE PARTY AROUND THERE? A.	DURING THAT DAY [*space*] DID HE CONTINUE AT YOUR CAMP THEN I DON'T KNOW I SAW HIM THERE OCCASIONALLY MOST OF THE TIME WHOM HE SPOKE WITH OR WHERE HE MADE HIS CAMP ≤I —[?]≥ COULD NOT SAY [*space*] DID YOU SEE HIM AS OFTEN AS YOU SAW HIGBEE AND SMITH YES SIR DID HE SEEM TO BE IN CORDIAL RELATIONS WITH PARTY THERE

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RT	RS	BT	PS
YES SIR. Q. WITH HIGBEE AND SMITH ? A. YES SIR. Q. WHEN THE PARTY CAMPED, AS YOU HAVE SPOKEN OF, AND AS COMING FROM WASHINGTON, WHERE DID THEY CAMP IN REFERENCE TO YOURS, DID THEY ADJOIN YOUR PARTY ? A. I DON'T RECOLLECT WHETHER THEY CAMPED RIGHT BY US OR NOT. Q. WHEN YOU WERE CALLED OUT TO MARCH DOWN TO THE CAMP WERE YOU CALLED WITH THEM ? A. YES SIR, THEY ALL MARCHED DOWN TOGETHER. Q. THEY WERE ALL THEN UNDER HIGBEE'S COMMAND ? A. YES SIR. Q.	YES SIR $_{Q}$ WITH HIGBEE AND SMITH $_{A}$YES SIR $_{Q}$WHEN PARTY CAME AS YOU HAVE SPOKEN OF {AS}^{p} COMING FROM WASHINGTON WHERE DID THEY CAMP IN REFERENCE TO YOURS DID THEY JOIN YOUR PARTY $_{A}$I DON'T RECOLLECT WHETHER THEY CAMPED RIGHT BY US OR NOT. $_{Q}$WHEN YOU WERE CALLED OUT TO MARCH DOWN TO CAMP WERE THEY CALLED WITH YOU $_{A}$YES SIR THEY ALL MARCHED DOWN TOGETHER $_{Q}$ THEY WERE ALL THEN UNDER HIGBEE'S COMMAND $_{A}$ YES SIR. $_{Q}$	YES, SIR. Q. WITH HIGBEE AND SSMITH? A. YES, SIR. Q. WHEN THE ~~A~~PARTY CAME AS YOU HAVE SPOKEN OF AS BELONGING TO WASHINGTON, WHERE DID THEY CAMP **DID THEY JOIN YOUR PARTY**?? A. I DON'T RECOLLECT WHETHER THEY CAMPED RIGHT B~~E~~Y US OR NOT.. Q. WHEN YOU WERE CALLED OUT FINALLY TO MARCH DOWN TO THE EMIGRANT CAMP, WERE THEY CALLED WITH YOU? A. YES, SIR, THEY ALL MARCHED DOWN ~~IN HIGBEES COMMAND~~ .TOGETHER. Q. THEY WERE NOT THEN UNDER HIGBEE 'S COMMAND? A. YES, SIR. Q.	YES SIR [*space*] AND WITH HIGBEE AND SMITH YES SIR WHEN THE PARTY CAME THAT YOU SPOKE OF AS BELONGING TO WASHINGTON WHERE DID THEY CAMP I DON'T RECOLLECT WHETHER THEY CAMPED RIGHT BY US OR NOT [*space*] WHEN YOU WERE CALLED OUT FINALLY TO MARCH DOWN TO THE CAMP WERE THEY CALLED WITH YOU YES SIR THEY WERE ALL THEN UNDER HIGBEE'S COMMAND YES SIR [*space*]

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RT	RS	BT	PS
AFTER THE FIRING COMMENCED DID YOU SEE THE INDIANS IN GREATER NUMBERS THAN YOU HAD SEEN THEM BEFORE ? A. YES SIR, THERE SEEMED TO BE MORE OF THEM THAN I HAD KNOWN TO BE AROUND THERE	AFTER THE FIRING COMMENCED DID YOU SEE INDIANS IN GREATER NUMBERS THAN *[[5]]*[209] YOU HAD SEEN THEM BEFORE A YES SIR SEEMED TO BE MORE OF THEM THAN I HAD KNOWN TO BE AROUND THERE.	AFTER THE FIRING CO**M**MENCED DID YOU SEE **I**NDIANS IN GREATER NUMBERS THAN YOU HAD SEEN THEM BEFORE? *[θI5]* A. YES, SIR, A GREAT DEAL MORE OF THEM THAN I HAD ANY IDEA WAS AROUND THERE, CAME OUT, AND MADE THEIR APPEARANCE	AFTER THE FIRING COMMENCED DID YOU SEE THE INDIANS IN GREATER NUMBERS THAN YOU HAD SEEN THEM BEFORE YES SIR SEEMED TO BE MORE OF THEM THAN I HAD KNOWN WAS AROUND THERE CAME OUT *AND/WHO*[?] *SPST/SURPRISED*[?] THEN [*space*]
Q. I WISH YOU WOULD STATE ACCORDING TO THE BEST OF YOUR RECOLLECTION ABOUT HOW MANY THERE WERE THERE THEN ? A. I DON'T KNOW,	Q I WISH YOU WOULD STATE ≤ACCORDING TO BEST OF YOUR RECOLLECTION ≥ ABOUT HOW MANY THERE WERE THERE THEN A I DON'T KNOW,	THEN. Q. I WISH YOU WOULD STATE ACCORDING TO YOUR BEST RECOLLECTION, ABOUT HOW MANY **I**NDIANS THERE W~~AS~~**ERE** THE**R**E THEN?? A. I DON'T KNOW, IT WOULD BE	STATE ACCORDING TO YOUR BEST RECOLLECTION ABOUT HOW MANY INDIANS THERE WERE THERE THEN I DON'T KNOW IT WOULD BE
HARD TO SAY. *[179]* Q. I DON'T EXPECT YOU TO STATE EXACTLY AS TO THE NUMBER, BUT GIVE US THE BEST IDEA	HARD TO SAY Q I DON'T EXPECT YOU TO STATE EXACT NUMBER GIVE BEST IDEA	HARD TO SAY. A. I DON'T EXPECT YOU TO STATE THE EXACT NUMBER. GIVE THE BEST IDEA OF	HARD TO SAY [*space*] GIVE THE BEST IDEA OF

209. Date of transcription noted at the top of the page in longhand: {**TRANSCRIBING 945 AM DEC 6/83—**}[p]

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RT	RS	BT	PS
YOU CAN ? A. AS A GENERAL THING THE INDIANS IN THAT WAY SEEMED TO REPRESENT MORE THAN THE OTHERS, BY A GREATER NUMBER. Q. YOU SAW ALL OF THEM IN FULL VIEW ? A. NO. Q. NOW GIVE THE BEST IDEA YOU CAN ? A. I SHOULD THINK THERE WOULD BE SOMEWHERE BETWEEN 40 AND 50, THERE MAY HAVE BEEN A GOOD MANY MORE. Q. ISN'T IT LIKELY THERE WERE A GREAT MANY MORE ? A. VERY PROBABLY THERE WERE A GREAT	YOU CAN $_{A}$ GENERAL THING OF INDIANS IN THAT WAY THEY ARE REPRESENTED MORE THAN THERE IS GREATER NUMBER $_{Q}$YOU SAW ALL OF THEM IN FULL VIEW $_{A}${NO}^{p} NOW GIVE BEST IDEA YOU CAN $_{A}$I SHOULD THINK THERE WOULD BE SOMEWHERE FORTY OR FIFTY, THERE MAY HAVE BEEN GOOD MANY MORE THERE MIGHT HAVE BEEN $_{Q}$ IS NOT IT LIKELY THERE WERE GREAT MANY MORE $_{A}$ VERY PROBABLY THERE WERE GREAT	THEIR NUMBER YOU CAN. A. GENERALLY A HUNDRED **I**NDIANS THAT W~~Q~~AY ARE REPRESENTED AS MORE OF THEM THEN THERE ARE. Q. YOU SAW ALL OF T**H**EM, PRETTY NEAR? A. YES, SIR. Q . IN ~~V~~FULL VIEW? A. YES, SIR. Q. NOW GIVE THE BEST IDEA YOU CAN? A. I SHOULD THIN~~G~~**K** THERE WOULD BE SOM~~W~~EWHERE ABOUT 40 OR 50, THERE MIGHT HAVE BEEN A GOOD MANY MORE, AND THERE MIGHT HAVE BEEN LESS. I DON'T THINK THERE WERE LESS THAN 40. Q. IS IT NOT LIKELY THEY WERE A G OOD MANY MORE A. YES, SIR, VERY PROBABLE THAT THERE WERE A GREAT	THEIR NUMBER YOU CAN GENERAL THING INDIANS THAT WAY ARE REPRESENTED AS MORE OF THEM THAN THAT THEY ARE [*space*] YOU SAW ALL THE THEM PRETTY NEAR YES SIR IN ONE VIEW YES SIR GIVE THE BEST IDEA YOU CAN I SHOULD THINK SOMEWHERE ABOUT 40 OR 50 MIGHT HAVE BEEN [*space*] I DON'T THINK THERE WAS LESS THAN 40 IS IT NOT LIKELY THEY WERE GOOD MANY MORE YES SIR VERY PROBABLE GOOD

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RT	RS	BT	PS
MANY MORE. THEY MADE A RUSH OUT, AND CAME DOWN TO THEM. I DIDN'T HAVE MUCH CHANCE TO SEE; THEY RUSHED RIGHT ON AND TO GIVE ANY IDEA I COULD NOT WELL, AS IT HAS BEEN SO LONG AGO. THERE MIGHT HAVE BEEN A GOOD MANY MORE FOR ALL I KNOW. Q. AFTER THE EMIGRANTS WERE SLAUGHTERED WHERE DID YOU GO THEN ? A. WE WENT BACK. Q. TO YOUR CAMP, OR DID YOU GO TO HAMBLIN'S RANCH ? A. NO SIR. Q. DID YOU GO UP THERE THE NEXT MORNING ? A. WE WENT CLOSE BY THERE.	MANY MORE, THEY MADE RUSH OUT CAME DOWN ONTO THEM. I DIDN'T HAVE MUCH CHANCE, THEY RUSHED RIGHT ON, TO GIVE ANY IDEA AS IT HAS BEEN SO LONG AGO, THERE MIGHT HAVE BEEN GOOD MANY MORE FOR AUGHT I KNOW $_{Q}$AFTER EMIGRANTS WERE SLAUGHTERED WHERE DID YOU GO THEN IMMEDIATELY $_{A}$WE WENT BACK. TO YOUR $_{Q}$CAMP DID YOU GO UP THERE TO HAMBLIN'S RANCH $_{A}$NO SIR $_{Q}$DID YOU GO NEXT MORNING $_{A}$ WE WENT CLOSE BY THERE	MANY MORE. ~~THEY RUSHED~~ THEY MADE A RUSH AND CAME DOWN ONTO THEM. THEY DIDN'T HAVE MUCH CHANCE, THEY RUSHED RIGHT ON. IT IS HARD TO GIVE ANY IDEA , IT HA~~S~~D BEEN SO LONG AGO. THERE MIGHT HAVE BEEN A GOOD MANY FOR AUGHT I KNOW. Q. AFTER THE EMIGRANTS WERE SLAUGHTERED, WHERE DID YOU GO IMMEDIATELY? A.WE WENT RIGHT BACK TO OUT CAMP.. Q. DID YOU GO BACK TO HAMBLIN'S RANCH? A. NO, SIR.. Q. DID YOU GO UP THERE THE NEXT MORNING? A. WE WENT CLOSE TO IT AS WE WENT HOME; BUT I DIDN'T ~~D~~GO	MANY MORE THEY MADE A RUSH AND CAME DOWN ONTO THEM I DIDN'T HAVE MUCH CHANCE TO *[[7]]* SEE HOW MANY THERE WAS AND IT HAS BEEN SO LONG AGO MIGHT HAVE BEEN GOOD MANY MORE FOR ALL I KNOW AFTER THE EMIGRANTS WERE SLAUGHTERED WHERE DID YOU GO IMMEDIATELY [*space*] WENT BACK TO OUR CAMP [*space*] DID YOU GO BACK TO HAMBLIN'S RANCH NO SIR DID YOU GO UP THERE THE NEXT MORNING WENT CLOSE BY AS WE WENT HOME BUT I DIDN'T GO

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RT	RS	BT	PS
Q. DID YOU DROVE DOWN THEROUGH THE RANCH. A. I DON'T KNOW WHETHER ANHY OF THE OTHERS DID OR NOT. Q. IS THE HOUSE SOME DISTANCE FROM THE ROAD ? A. NOT VERY FAR, AS NEAR AS I CAN RECOLLECT IT MAY BE ONE HUNDRED YARDS, SOMETHING LIKE THAT FROM THE ROAD. *[180]* Q. DID YOU SEE ANY HOLLOW UP THERE ? A. I DON'T RECOLLECT OF SEEING ANY. Q. WHO RETURNED WITH YOU ? A. I DO NOT KNOW THAT. I DON'T RECOLLECT AS ANYBODY GOING BACK IN THE WAGONS WITH ME. WE WENT BACK PROMISCUOUSLY , JUST AS IT HAPPENED. I	Q DIDN'T DRIVE DOWN THROUGH THE RANCH? AI DON'T KNOW WHETHER ANY OTHERS DID OR NOT Q IS THE HOUSE SOME DISTANCE FROM THE ROAD {A}P NOT VERY FAR AS NEAR AS RECOLLECT MAYBE HUNDRED YARDS, SOMETHING FROM THE ROAD QDID YOU SEE ANY OF YOUR PARTY THERE AI DON'T RECOLLECT OF SEEING ANY Q WHO RETURNED WITH YOU {A}P I DON'T KNOW THAT I DON'T RECOLLECT AS ANYBODY GOING BACK IN THE WAGONS WITH ME, WE WENT BACK PROMISCUOUSL Y JUST AS HAPPENED I	CLOSE.. .Q. DIDN'T DRIVE DOWN THROUGH THE RANCYH? A. I DON'T KNOW WHETHER ANY OF US DID OR NOT?. Q. IS THE HOUSE SOME SDISTANCE FROM THE ROAD? A. NOT VERY FAR , AS NEAR AS I CAN RECOLLECT IT WAS MAY BE A HUNDRED OR TWO HUNDRED YARDS FROM THE ROAD:. Q . DID YOU SEE ANY OF YOUR PARTY THERE ?. A. I DON'T RECOLLECT OF SEEING ANY. Q. WHO RETURNED WITH YOU? A. I DON'T KNOW THAT. I DON'T RECOLLECT AS ANYBODY CAME BACK IN THE WAGON WITH ME. WE WENT BACK PROMISCUOUSL Y JUST ABOUT AS IT HAPPENED. I	CLOSE [*space*] IS THE HOUSE SOME DISTANCE FROM THE ROAD NOT VERY FAR IT WAS MAYBE HUNDRED OR 2 HUNDRED YARDS FROM THE ROAD DID YOU SEE ANY OF YOUR PARTY THERE I DON'T RECOLLECT OF SEEING ANY WHO RETURNED WITH YOU I DON'T KNOW THAT I DON'T RECOLLECT OF ANYBODY GOING BACK IN THE WAGON WITH ME WE WENT BACK PROMISCUOUSL Y JUST AS IT HAPPENED I

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RT	RS	BT	PS
LOADED UP THE BAGGAGE-TRUCK, ONE THING AND ANOTHER, INTO MY WAGON AND STARTED OUT. Q. WHEN YOU WENT FROM THERE WERE YOU SINGLE OR ALL TOGETHER ? A. I DON'T RECOLLECT WHETHER OTHERS WERE WITH ME OR BEHIND ME. WE WENT ALONG PROMISCUOUSLY . Q. DID SMITH GO BACK ALONG WITH YOU ? A. NO SIR. Q. DID YOU SEE HIM THAT MORNING, AT THE TIME OF THE FIRING ? A. I SEEN HIM JUST BEFORE; I DON'T KNOW AS I SAW HIM JUST AT THAT TIME. Q. DID YOU SEE HIM THAT NIGHT, AFTER THE SLAUGHTER ? A. COULD NOT SAY	LOADED UP THE BAGGAGE TRUCK, ONE THING AND ANOTHER INTO MY WAGON STARTED OUT Q≤WHEN WE≥ WENT OVER WE WENT ALL TOGETHER AI DON'T RECOLLECT WHETHER OTHERS WERE WITH ME OR BEHIND ME; WENT BACK PROMISCUOUSLY. QDID SMITH GO BACK *N*[?] YOU ANO SIR QDID YOU SEE HIM THAT MORNING AT THE TIME OF THE FIRING AI SAW HIM JUST BEFORE DON'T KNOW AS I SAW HIM JUST AT THAT TIME QDID YOU ≤SEE≥ HIM THAT NIGHT AFTER THE SLAUGHTER? A COULD NOT SAY	LOADED UP THE BAGGAGE AND TRUCK — ONE THING AND *[I6]* ANOTHER THERE INTO MY WQAGON AND STARTED OUT. WHEN WE WENT OVER THERE WE WENT ALL TOGETHER BUT COMING BACK, I DON'T RECOLLECT HOW THE TEAMS CAME ON BEHIND ME — WE W~~N~~ENT BACK PROMISCUOUSLY. Q. DID SMITH GO BACK WITH YOU?? A. NO, SIR. Q. DID YOU SEE HIM ON THE GROUND AT THE **T**IME OF THE FIRING?. A. I SAW HIM JUST BEFORE; I DON'T KNOW AS I SAW HIM JUST AT T~~H~~AT TIME. . Q. DID YOU SEE HIM THAT NIGHT AFTER THE SLAUGHTER? A. I COULD NOT SAY **FOR**	LOADED UP THE BAGGAGE AND TRUCK ONE THING AND ANOTHER THERE INTO MY WAGON WE STARTED OUT AND ~~WHEN~~ [*space*] WHEN WE ~~WENT BACK~~ OVER WERE ALL TOGETHER BUT COMING BACK DON'T RECOLLECT OF TEAM BEING BEFORE OR BEHIND ME BUT PROMISCUSOUSLY DID SMITH GO BACK WITH YOU NO SIR DID YOU SEE HIM ON THE GROUND AT THE TIME OF THE FIRING I SAW HIM JUST BEFORE I DON'T KNOW AS I SAW HIM JUST *ABOUT*[?] THAT TIME [*space*] DID YOU SEE HIM THAT NIGHT AFTER THE SLAUGHTER? I COULD NOT SAY

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RT	RS	BT	PS
WHETHER I DID OR NOT. Q. DID YOU SEE HIM AT ALL AFTER THE SLAUGHTER ? A. I THINK I DID, YES, I DID, JUST AFTER THE SLAUGHTER;	CERTAIN WHETHER I DID OR NOT $_{Q}$DID YOU SEE HIM AT ALL AFTER SLAUGHTER $_{A}$ I THINK I DID YES I DID JUST AFTER SLAUGHTER.	**CERTAIN** WHETHER I DID OR NOT.. Q. DID YOU SEE HIM AT ALL AFTER THE SLAUGHTER.. A. I THINK I DID — YES, I DID, JUST AFTER THE SLAUGHTER~~Z~~. Q. WHAT WAS HE DOING?? A. HE	CERTAIN WHETHER I DID OR NOT DID YOU SEE HIM AT ALL AFTER THE SLAUGHTER I THINK I DID YES I DID SAW HIM THEN AFTER THE SLAUGHTER WHAT WAS HE DOING
HE WAS GATHERUNG UP SOME CHILDREN AND TAKING CARE OF THEM. I RECOLLECT OF SEEING HIM	HE WAS GATHERING UP SOME CHILDREN TAKING CARE OF THEM I RECOLLECT OF SEEING HIM	WAS GATHERING UP SOME CHILDREN**,** TAKING CARE OF THEM.	HE WAS GATHERING UP SOME CHILDREN TAKING CARE OF THEM
THEN. Q. WHAT WAS HE DOING WITH THE CHILDREN ? A. I DIDN'T KNOW, ONLY SEEMED TO BE TAKING 'EM TO THE WAGONS.	~~THEN~~ $_{Q}$WHAT WAS HE DOING WITH CHILDREN $_{A}$I DIDN'T KNOW TOOK 'EM TO WAGON	Q. WHAT WAS HE DOING WITH THE~~E~~ CHILDREN? A. I DON'T KNOW, HE TOOK THEM TO THE WAGON — CARRIED THEM TO SOME	WHAT WAS HE DOING WITH THE CHILDREN [*space*] I DON'T KNOW HE TOOK THEM TO THE WAGON CARRYING THEM TO SOME
Q. DID YOU SEE HIM PUT THEM IN THE WAGONS AFTER THE SLAUGHTER ? A. I DIDN'T KNOW WHETHER HE PUT THEM INTO THE WAGON BUT HE WAS THERE	$_{Q}$DID YOU SEE HE PUT THEM IN WAGON AFTER SLAUGHTER $_{A}$I DON'T KNOW WHETHER HE PUT 'EM INTO WAGON HE WAS THERE	WAGON~~X~~.. Q. DID YOU SEE HIM PUT THEM INTO THE WAGON AFTER THE SLAUGHTER? A. I DON'T KNOW WHETHER HE PUT THEM IN~~T~~O THE WAGON; HE WAS THERE	WAGON DID YOU SEE THAT HE PUT THEM INTO THE WAGON AFTER THE SLAUGHTER I DON'T KNOW WHETHER HE PUT THEM INTO THE WAGON HE WAS THERE

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RT	RS	BT	PS
[[81]] BY THE WAGON WITH SOME CHILDREN. Q. WHERE WERRE THE WAGONS AT THE TIME OF THE SLGUHTER — WERE THEY IN VIEW ? A. I DIDN'T KNOW. FROM WHERE I WAS THEY WASN'T IN VIEW. AT LEAST I DIDN'T SEE THEM ANYHOW. Q. WERE NOT ALL THESE EMIGRANTS TOGETHER. THAT IS IN COMPACT, WHEN THE ATTACK WAS MADE UPON THEM ? A. YES SIR, THEY WERE IN SINGLE FILE, WOMEN AND CHILDREN ALL MIXED UP TOGETHER. Q. WERE THEY ALL IN VIEW AT THAT TIME ? . A.	BY WAGON WITH SOME CHILDREN $_{Q}$ WHERE WERE THE WAGONS AT TIME OF SLAUGHTER WERE IN VIEW $_{A}$I DON'T KNOW FROM WHERE I WAS THEY WASN'T IN VIEW AT LEAST I DIDN'T SEE 'EM ANYHOW. *[[6]]* $\{_{Q}\}^{p210}$ WERE NOT ALL THESE EMIGRANTS ALL TOGETHER IN COMPACT WHEN THE ATTACK WAS MADE UPON THEM $\{_{A}\}^{p}$ YES SIR THEY WERE IN SINGLE FILE WOMEN AND CHILDREN ALL MIXED UP ALL TOGETHER $\{_{Q}\}^{p}$ WERE THEY ALL IN VIEW AT THAT TIME $\{_{A}\}^{p}$	BY THE WAGON WITH SOME CHILDREN. Q. WHERE WERE THE WAGONS AT THE TIME OF THE SLAUGHTER — IN VIEW? A. FROM ~~K~~WHERE I WAS THEY WAS NOT IN VIEW, AT LEAST I DIDN'T SEE ANY OF THEM. Q. WERE NOT ALL THESE EMIGRANTS CLOSE TOGETHER, COMPACT, WHEN THE ATTACK WAS MADE. UPON THEM? A. YES, SIR, THEY WERE IN SINGLE FILE.. Q. MEN WOMEN AND CHILDREN MIXED UP TOGETHER? A. NOT WHERE I WAS.. Q. WERE THEY ALL IN ~~F~~VIEW AT THAT TIME? A.	BY THE WAGON AND WITH SOME CHILDREN WHERE WERE THE WAGONS AT THE TIME OF THE SLAUGHTER IN VIEW [*space*] FROM WHERE I WAS AT THE BACK NOT THEY WAS NOT IN VIEW WERE NOT ALL THESE EMIGRANTS CLOSE TOGETHER COMPACT WHEN THE ATTACK WAS MADE ON THEM ~~YES WERE THEY IN~~ YES SIR IN SINGLE FILE [*space*] *[[8]]* MEN WOMEN AND CHILDREN MIXED UP TOGETHER NOT WHERE I WAS [*space*] WERE THEY ALL IN VIEW

210. Dark pencil over purple pencil.

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RT	RS	BT	PS
A PERSON MIGHT HAVE SEEN THEM, I DON'T RECOLLECT. Q. WERE THEY SO THAT YOU COULD HAVE SEEN THEM ? A. THEY WERE PROMISCUOUSLY TRAVELING. THERE HAPPENED TO BE MORE MEN IN THE REAR, BUT I COULD NOT SAY POSITIVELY, AS I COULD NOT SEE. ~~JOHN~~ Q. YOU DID SEE WOMEN AT THAT TIME ? A. YES SIR, AND I THINK I SAW SOME CHILDREN. Q. DID YOU RECOLLECT WHETHER THE WOMEN AND MEN DID	PERSON MIGHT HAVE SEEN THEM I DON'T RECOLLECT $_{Q}$WHETHER I SAW HOW THEY WAS $_{A}$THEY WERE PROMISCUOUSL Y TRAVELING, {THERE}^{p} HAPPENED TO BE MORE MEN ON THE REAR BUT THAT ~~≤~~POSITIVELY~~≥~~ I COULD NOT SEE $_{Q}$YOU DID SEE WOMEN AT THAT TIME THERE {$_{A}$}^{p} YES SIR {AND}^{p} I THINK I SAW SOME CHILDREN $_{Q}$ DID YOU RECOLLECT WHETHER THAT THE MEN AND WOMEN DID	NOT WITHOUT A PERSON STEPPED OUT OF THE RANKS — HE MIGHT HAVE SEEN THEM IF HE HAD THEN PROBABL~~E~~**Y**. Q. CHILDREN A~~L~~ND ALL? A. I DON'T ~~KNOW THAT~~. RECOLLECT THAT.. WHETHER THEY WAS PROMISC~~A~~UOUS LY SCATTERED ALONG; BUT THERE WERE MORE MEN ON THE REAR I KNOW. Q. BUT YOU DID SEE WOMEN AT THETIME? A. YES, SIR/ ~~Q.~~ Q. THINK YOU SAW CHILDREN? A. I SAW SOME CHILDREN. Q. DO YOU RECOLLECT WHETHER THE MEN AND WOMEN DID	NOT THAT A PERSON STEPPING OUT OF THE RANKS MIGHT HAVE SEEN THEM PROBABLY CHILDREN AND ALL [*space*] I DON'T RECOLLECT THAT [*space*] WHETHER THEY WAS PROMISCUOUSL Y HAPPENED TO BE MORE MEN ON THE REAR OR IN [*space*] BUT YOU DID SEE WOMEN AT THE TIME [*space*] AND MIGHT THINK YOU SAW CHILDREN I SAW SOME CHILDREN DO YOU RECOLLECT THAT THE MEN AND WOMEN DID

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RT	RS	BT	PS
WALK TOGETHER OR NOT ? A. I RECOLLECT THEY WAS WALKING ALONG, I DON'T RECOLLECT WHETHER THEY WAS MIXED UP OR ALONG BY ~~THSE~~ THEMSELVES. I SAW THEM ALONG THERE, BUT WHETHER THE WOMEN WAS AHEAD, OR HOW IT WAS, OR JUST PROMISCUOUSLY , I COULD NOT SAY. JOHN D. LEE LOOKED MORE EASY AND COMPOSED THIS MORNING — BETTER DRESSED. Q. YOU SAY THERE WERE SOME WAGONS DRIVEN DOWN TO THE EMIGRANT CAMP ?	WALK TOGETHER {A}[p] I RECOLLECT THEY WAS WALKING ALONG, I DON'T RECOLLECT WHETHER THERE WAS MIXED UP OR ALONG BY THEMSELVES I SAW THEM ALONG BUT WHETHER WOMEN WAS AHEAD OR HOW IT WAS, OR JUST PROMISCUOUSL Y I COULD NOT SAY. JOHN D. LEE LOOKED MORE EASY AND COMPOSED THIS MORNING BETTER DRESSED {Q}[p] YOU SAY THERE WERE SOME WAGONS DRIVEN DOWN TO THE EMIGRANT CAMP ABOUT TIME YOU	**WALK** ~~WLAK~~ TOGETHER? A. I RECOLLECT THA**T** THEY WERE W~~LA~~**AL**KING ALONG; BUT I DON'T RECOL**L**ECT WHETHER THEY WAS MIXED UP**,** OR EACH ONE BY THEMSELVES. I SAW THEM BOTH, BUT I DON'T KNOW WHETHER THE WOMEN WERE AHEAD OR BEHIND OR *[17]* JUST PROMISCUOUSL Y MIXED UP., I COULD NOT SAY. ~~Q.~~JOHN D/ LEE LOOKED MORE COMPOSED AND EASY AND MARCHED WITH THE BETTER DRESSED. Q. YOU SAY THERE WERE ~~O~~SOME WAGONS DRIVEN DOWN TO THE EMIGRANT CAMP BY THE T IME YOU	WALK TOGETHER I RECOLLECT THAT THEY WERE WALKING ALONG THERE BUT I DON'T RECOLLECT WHETHER THEY WAS MIXED UP OR EACH ONE BY THEMSELVES [*space*] AND I SAW THEM DID THEY —[?] WHETHER WOMEN AHEAD OR BEHIND OR JUST PROMISCUOUSL Y I COULD NOT SAY [*space*] YOU SAY THERE WERE SOME WAGONS DRIVEN DOWN TO THE EMIGRANT CAMP BY THE TIME YOU

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RT	RS	BT	PS
[182] A. THERE WAS ONE, I THINK.	MARCHED DOWN $_{A}$ THERE WAS ONE I THINK	MARCHED DOWN? A. THERE WAS ONE OF THEM MIGHT H**A**VE BEEN OVER I DON'T RECOLLECT..	MARCHED DOWN THERE WAS ONE MIGHT HAVE BEEN MORE I DON'T RECOLLECT
Q. WHERE WAS YOUR COMPANY STANDING FIRST WHEN THE WAGONS PASSED THROUGH ? A. PROBABLY A COUPLE OF HUNDRED YARDS FROM THE CAMP WHEN THEY PASSED.	$_{Q}$ WHERE WERE YOUR COMPANY STANDING WHEN WAGONS PASSED THROUGH $\{_{A}\}^{p}$ PROBABLY $\{\mathbf{A}\}^{p}$ COUPLE HUNDRED YARDS FROM CAMP WHEN THEY PASSED.	Q. WHERE WAS YOUR PARTY STANDING WHEN THE WAGONS PASSED YOU?? A. PROBABLY A COUPLE OF HUNDRED YARDS FROM THE CAMP.	WHERE WAS YOUR PARTY WHEN THE WAGONS PASSED YOU PROBABLY COUPLE OF HUNDRED YARDS FROM THE CAMP
Q. WERE YOU STANDING WHEN THE EMIGRANTS PASSED YOU ? A. YES SIR. JUDGE SUTHERLAND HERE PRESENTED WITNESS WITH A DIAGRAM,	$_{Q}$ WERE YOU STANDING WHEN EMIGRANTS PASSED YOU $_{A}$ {YES SIR}^{p} SUTHERLAND WALKED UP TO WITNESS WITH DIAGRAM	Q. WERE YOU STANDING WHERE YOU STOOD WHEN THE EMIGRANTS PASSED YOU? A. YES, SIR. **(**~~Q.~~MR. SUTHERLAND HERE PRODUCED A MAP OF THE GROUNDS WHERE THE ~~MASSICUR~~ **MASSACREE** TOOK**,** PLACE, AND PROCEEDED TO SHOW IT TO THE WITNESS.**)**	WERE YOU STANDING WHERE YOU STOOD WHEN THE EMIGRANTS PASSED YOU YES SIR [*space*]
TO WHICH THE PROSECUTION OBJECTED.	{TO WHICH}^{p} THE PROSECUTION OBJECTED.	~~BY~~ MR. BASKIN**:** I OBJECT TO THE MAP BEING EXHIBITED TO	OBJECTED TO MAP BEING EXHIBITED TO

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RT	RS	BT	PS
		THE WITNESS UNLES~~X~~S IT WAS MADE BY THE WITNESS.	WITNESS UNLESS MADE BY THE WITNESS
JUDGE SUTHERLAND INSISTED ON SHOWING THE DIAGRAM TO THE WITNESS TO ASCERTAIN IF IT WAS CORRECT	SUTHERLAND INSISTED TO SHOW THIS TO HIM TO SEE IF THIS IS CORRECT	~~BY~~ MR. SUTHERLAND: I INSIST, YOUR HONOR, UPON SHOWING THIS MAP TO THE WITNESS AND ASKING HIM WHETHER IT IS A CORRECT REPRESENTATIO N O~~N~~F THE	[*space*] SUTHERLAND I INSIST UPON SHOWING THIS TO HIM AND ASKING HIM WHETHER IT IS CORRECT
OR NOT.	OR NOT.	GROUNDS OR NOT.. **(**MAP ~~SHOWING GDIAGRAM~~	OR NOT [*space*] OFFERED TO SHOW DIAGRAM ~~OBJECTED~~
THE COURT SUSTAINED THE OBJECTION OF THE PROSECUTION TO WHICH THE DEFENSE EXCEPTED.	COURT OVERRULED. SUTHERLAND. OBJECTED HE WISHED OBJECTION NOTED.	MADE BY COUNSEL FOR DEFENSE ~~REFUSED~~ **EXCLUDED** BY THE COURT.**)** ~~BY~~**MR** SUTHERLAND: I TAKE AN ~~A~~EXCEPTION TO THE RULING.	MADE BY COUNSEL FOR DEFENSE REFUSED BY COURT [*space*] EXCEPTION.
Q. I WISH YOU WOULD MAKE A DIAGRAM OF THE DIFFERENT POINTS THAT YOU HAVE MENTIONED ON THE MEADOWS WHERE THE EMIGRANT CAMP WAS, WHERE YOU	{Q}[p] I WISH YOU WOULD MAKE DIAGRAM OF THE DIFFERENT POINTS YOU HAVE MENTION{ED}[p] ON MEADOWS, WHERE THE EMIGRANT CAMP WAS, WHERE YOU	Q. I WISH YOU WOULD MAKE A DIAGRAM OF THE DIFFERENT POINTS YOU HAVE MENTIONED — WHE**R**E THE EMIGRANT CAMP WAS, WHERE THE	[*space*] WITNESS I WISH YOU WOULD MAKE A DIAGRAM OF THE DIFFERENT POINTS YOU HAVE MENTIONED WHERE THE EMIGRANT CAMP WAS WHERE THE

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RT	RS	BT	PS
WERE CAMPED AND WHERE THE INDIANS WERE PRINCIPALLY COLLECTED BEFORE THE FIRING COMMENCED AND THE ROUTE TAKEN BY THE EMIGRANTS WHEN THE EMIGRANTS MARCHED OUT OF THEIR CAMP, AND PLEASE HAVE IT HERE AFTER RECESS ? A. I AM A VERY POOR HAND TO DO THAT. I MIGHT IF I WAS THERE ON THE GROUND.	WERE CAMPED. AND WHERE INDIANS PRINCIPALLY WERE COLLECTED BEFORE FIRING WHAT ROUTES TAKEN BY THE EMIGRANTS WHEN THEY MARCHED OUT OF CAMP AND BRING IT IN AFTER RECESS {A}[p] I AM VERY POOR HAND TO DO THAT. I MIGHT IF I WAS THERE ON THE GROUND AT THAT SAME *M/R/HOUR*[?] I MIGHT	ROAD RUNS, WHERE THE INDIANS PRINCIPALLY WERE COLLECTED BEFORE THE FIRING AND THE ROUTES TAKEN BY THE EMIGRANTS WHEN THEY MARCHED OUT OF CAMP, AJD BRING IT IN AFTER RECESS? A. I WOULD BE A VERY POOR HAND AT DRAWING A MAP OF ANYTHING. I MIGHT IF I WAS THERE ON THE GROUND. I DON'T KNOW THAT I COULD TELL FROM MY RECOLLECTION HOW THE LAND LAID. I MIGHT GO ALL OVER THAT GROUND AND THE DIRECTION THAT I USED TO THINK WAS NORTH AND SOUTH I MIGHT	ROAD RUNS WHERE THE INDIANS PRINCIPALLY WERE COLLECTED BEFORE THE FIRING AND THE ROUTES FROM THE EMIGRANTS ~~CAMP~~ WHEN THEY MARCHED OUT [*space*] AND BRING IT IN AFTER THE RECESS [*space*] I WOULD BE A VERY POOR HAND TO DRAW A MAP OF ANYTHING I MIGHT TELL ACCORDING TO THE BEST OF MY *[[9]]* RECOLLECTION HOW THE THING LAID I MIGHT GO OVER ON TO THAT GROUND AND THE DIRECTION THAT I WOULD THINK NOW WOULD BE NORTH AND SOUTH I MIGHT

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RT	RS	BT	PS
SUTHERLAND: JUST DO THE BEST YOU CAN.	JUST DO {THE}^{P} BEST YOU CAN	BE MISTAKEN IN NOW. Q. JUST DO THE BEST YOU CAN?	BE MISTAKEN. [*space*] DO THE BEST YOU CAN [*space*] YOUR *BEST*[?] IDEA OF NORTH SOUTH EAST AND WEST AND IMPORTANT MATTERS [*space*]
Q. DID THE EMIGRANTS FOLLOW IN THE SAME TRACK OF THE WAGONS ? A. YES SIR, FOLLOWED RIGHT ALONG BEHIND THEM. Q. DID THEY FOLLOW THE ROAD OR DID THEY GO TOWARDS THE CALIFORNIA ROAD A. WHEN THEY WENT OUT OF THE CAMP THEY FOLLLOWED RIGHT BACK. *[183]* Q. YOU REMEMBER AT A CERTAIN DISTANCE FROM THE CAMP THERE WAS A RISE IN THE	$_{Q}$DID THE EMIGRANTS FOLLOW IN SAME TRACK OF THE WAGONS $_{A}$YES SIR FOLLOWED RIGHT ALONG BEHIND THEM $_{Q}$ DID THEY FOLLOW THE ROAD DID THEY GO TOWARDS CALIFORNIA ROAD WHEN THEY WENT OUT OF THE CAMP FOLLOWED ROAD RIGHT BACK. ~~DO YOU~~ ~~REMEMBER~~ $_{Q}$YOU REMEMBER AT {**A**}^{P} CERTAIN DISTANCE FROM CAMP THERE WAS RISE IN THE	Q. DID THE EMIGRANTS FOLLOW IN THE SAME TRACK AS THE WAGONS? A. YES, SIR. *[18]* Q. FOLLOWED RIGHT ALONG BEHIND THEM? A. YES, SIR. Q. DID THEY FOLLOW THE ROAD THAT LED TOWARDS CALIFORNIA — THE ROAD THAT THEY TOOK WHEN THEY WENT OUT OF CAMP? A. THEY FOLLOWED ~~THE~~ **THE** ROAD RIGHT BACK — THE ROAD THEY WENT DOWN. Q. DO YOU REMEMBER THAT AT A CERTAIN DISTANCE FROM THE CAMP THERE WAS A RAISE IN THE	DID THE EMIGRANTS FOLLOW IN THE SAME TRACK AS THE WAGONS YES SIR FOLLOWED RIGHT ALONG BEHIND THEM YES SIR [*space*] DID THEY FOLLOW THE ROAD DID THEY GO TOWARDS THE CALIFORNIA ROAD WHEN THEY WENT OUT OF CAMP THEY FOLLOWED THE ROAD RIGHT BACK THE ROAD THEY WENT DOWN [*space*] DO YOU REMEMBER THAT AT A CERTAIN DISTANCE FROM THE CAMP THERE WAS A RISE IN THE

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RT	RS	BT	PS
GROUND AHEAD OF THE EMIGRANTS AS THEY MARCHED OUT AHEAD OF THE WAGONS ? A. I DON'T RECOLLECT AS THERE WAS, OR WHETHER IT WAS UP ~~A HOLL~~ HILL FROM THE CAMP, OR WHETHER THERE WAS ANY RISE OR NOT. Q. WELL, BEFORE YOU ~~F~~ GO OVER TO HAMBLIN'S, IS THERE A RIDGE OR NOT ?	GROUND AHEAD OF EMIGRANTS AS THEY MARCHED OUT AHEAD OF WAGONS {A}P I DON'T RECOLLECT AS THERE WAS, WHETHER IT WAS UP HILL FROM CAMP WHETHER THERE WAS ANY RISE Q≤WELL≥ BEFORE YOU GO FROM MAIN [[7]] RIDGE	GROUND AHEAD OF THE EMIGRANTS AS THEY MARCHE~~R~~D OUT~~?~~ , AHEAD OF THE WAGONS?? A. I DON'T **RECOLLECT** AS THERE WAS, WHETHER IT WAS UP HILL FROM THE CAMP, WHETHER THERE WAS ANY RIDGE TO GO OVER~~. Q.~~ BEFORE YOU GET TO THE MAIN RIDGE**,**~~?? A.~~	GROUND AHEAD OF THE EMIGRANTS AS THEY MARCHED OUT AHEAD OF THE WAGONS I DON'T RECALL ~~AS THEY~~ IT WAS UP HILL FROM THE CAMP WHETHER THERE WAS ANY RIDGE TO GO OVER BEFORE THE MAIN RIDGE
A. I DO NOT REMEMBER POSITIVELY.	I DO NOT KNOW	I DON(8T KNOW	I DON'T KNOW
Q. WAS THERE NOT A RIDGE TO GO OVER ?	Q WAS NOT RIDGE TO GO OVER	Q. ISN'T THERE A HILL TO GO OVER ~~OVER~~ BEFORE YOU GET TO HAMBLIN'S	WAS NOT THERE A ~~RIDGE~~ HILL TO GO OVER BEFORE YOU GOT TO HAMBLIN'S
A. YES, THERE WAS A KIND OF A RIDGE TO GO OVER. Q. HOW FAR OFF WAS THAT ? A. I DO NOT KNOW, MAY BE ABOUT A MILE FROM THE CAMP, MIGHT HAVE	A YES THERE WAS RIDGE TO GO OVER Q HOW FAR OFF WAS THAT {A}P I DO NOT KNOW, ABOUT MILE FROM CAMP MIGHT HAVE	RANCH? A. YES, THERE WAS A RIDGE TO GO OVER. Q. HOW FAR IS THAT**?** A. I DON'T KNOW, ABOUT A MILE**,** ~~AND A HALF~~ MAY BE IT MIGHT	RANCH YES THERE WAS A RIDGE TO GO OVER ≤YES SIR≥ IT MIGHT HAVE

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RT	RS	BT	PS
BEEN A MILE AND A HALF. Q. DIDN'T THE WAGONS GET OVER THAT RIDGE BEFORE THE FIRING COMMENCED A. I COULD NOT SAY WHETHER THEY DID OR NOT. I DIDN'T KEEP TRACK OF THE WAGONS; THEY HAD DROVE ON. SEEMED TO BE GOING A GOOD DEAL FASTER THAN ME. THEY HAD PASSED WHEN I GOT THERE. Q. DO YOU KNOW WHO DROVE THESE ~~WG~~ WAGONS ? A. NO. Q. DID YOU SEE LEE AFTER THEY HAD STARTED FROM THE EMIGRANT CAMP	BEEN MILE HALF $_{Q}$DIDN'T WAGONS GET OVER THAT RIDGE BEFORE FIRING COMMENCED {$_{A}$}^{p}I COULD NOT SAY WHETHER THEY DID OR NOT I DIDN'T KEEP TRACK OF WAGONS THEY HAD DROVE ON; SEEMED TO BE GOING GOOD DEAL FASTER THAN ME. THEY HAD PASSED WHEN I GOT {THERE. $_{Q}$}^{p} DO YOU KNOW WHO DROVE THOSE WAGONS {NO}^{p}. $_{Q}$DID YOU SEE LEE AFTER THEY HAD STARTED FROM THE EMIGRANT CAMP	BE A MILE AND A HALF. Q. DID THE WAGONS GET OVER THAT RIDGE BEFORE THE FIRING COMMENCED? A. I COULD NOT SAY WHETHER THEY DID OR NOT. ~~Q.~~; I DIDN'T KEEP TRACK OF THE WAGON~~W~~S; THE WAGONS DROVE ON— SOMEBODY GOING A GOOD DEAL FASTER THAN WE.. THEY HAD PSSED WHEN I GOT THERE. Q. DO YOU KNOW WHO DROVE THIS WAGON? A. NO, SIR. I DIDN'T. I **D**IDN'T KNOW WHETHER THAT WAS ONE WAGON OR NOT.. Q~~;~~. DID YOU SEE LEE AFTER THE WAGONS STARTED FROM THE EMIGRANT CAMP	BEEN A MILE *FROM/OVER*[?] THE RIDGE [*space*] DID NOT WAGONS GET OVER THAT RIDGE BEFORE THE FIRING COMMENCED I COULD NOT SAY WHETHER THEY DID OR NOT BECAUSE I DIDN'T KEEP TRACK OF THE WAGONS [*space*] WAGONS DROVE ON SEEMED TO BE GOING GOOD DEAL FASTER THAN WE [*space*] DO YOU KNOW WHO DROVE THOSE WAGONS NO SIR I DON'T [*space*] I DON'T KNOW WHETHER THAT WAS ONE WAGON OR NOT [*space*] DID YOU SEE LEE AFTER THE ~~EMIGRANT~~ WAGONS STARTED FROM THE EMIGRANT CAMP

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RT	RS	BT	PS
WHEN HE CAME OUT OF THEIR CAMP ? A. HE FOLLOWED CLOSE BEHIND THEM THEY PASSED WHERE WE WAS, WENT ON DIDN'T SEE HIM OR THE WAGONS ANY MORE, NOR PAY ANY MORE ATTENTION TO 'EM. Q. YOU SAY HE WAS NEXT BEHIND ? A. I THINK HE WAS. HE WAS AHEAD OF THE COMPANY. *[184]* Q. DO YOU REMEMBER WHAT WAS IN THE WAGONS ? A. I SEE 'EM PUTTING IN SOME GUNS	{A}[P]WHEN HE CAME OUT OF THEIR CAMP {A}[P] HE FOLLOWED CLOSE BEHIND THEM. Q THEY PASSED WHERE WE WAS; WENT ON. I DIDN'T SEE HIM OR {THE}[P] WAGONS ANY MORE NOR PAY ANY MORE ATTENTION TO 'EM Q YOU SAY HE WAS NEXT BEHIND A I THINK HE WAS HE WAS AHEAD OF COMPANY Q DO YOU REMEMBER WHAT WAS IN WAGONS {A}[P] I SEE 'EM PUT IN SOME GUNS	WHEN HE CAME OUT OF THEIR CAMP?~~?~~ A. THEY ROAD BEHIND, AND HE FOLLOWED ON AFTER **THESE** ~~THIS~~ WAGON**S**~~—~~ CLOSE BEHIND THEM**,** THEY PASSED ~~WHER WE WAS, WENT ON;~~ **RIGHT ON DOWN,** I DIDN'T SEE ANY MORE OF THE WAGONS OR HIM**,** NOR PAY ANY MORE ATTENTION TO HIM. Q. WAS HE ~~E~~THE NEXT BEHIND THE WAGON? A. I THINK HE WAS, AT LEAST HE WAS AHEAD OF THE COMPANY THAT WAS GOING OUT Q. DO YOU REMEMBER WHAT WAS IN THE WAGONS? A. NO, I SEEN THEM PUTTING SOME GUNS I~~H~~N THE WAGONS ~~WHEN~~ **AND**	WHEN HE CAME UP THAT ROAD BEHIND AND HE FOLLOWED ON AFTER THOSE WAGONS [*space*] CLOSE BEHIND ALONG [*space*] *WERE/WHEN*[?] *WE/THEY*[?] BEHIND THEN THEN PASSED ON I DIDN'T SEE ANY MORE [*space*] HE WAS NEXT BEHIND [*space*] I THINK HE WAS AT LEAST HE WAS AHEAD OF THE COMPANY THAT WAS *[[10]]* GOING OUT [*space*] DO YOU REMEMBER WHAT WAS IN THE WAGONS NO I SEEN THEM PUTTING SOME GUNS IN THE WAGONS AND

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RT	RS	BT	PS
WHEN THEY PASSED BY, AND I SEEN SOMETHING SITTING UP WHICH I SUPPOSED TO BE WOUNDED MEN. I UNDERSTOOD THAT THE WAGONS WAS FOR TO TAKE IN THE ARMS. Q. WASN'T LEE AHEAD OF THE WAGONS ? A. NOT WHEN HE CAME OUT OF THE FORT HE WAS NOT.	WHEN THEY PASSED BY, AND I SEEN SOMETHING SITTING UP, SUPPOSED TO BE WOUNDED MEN. ~~Q~~A I UNDERSTOOD WAGONS WAS FOR TO TAKE IN THE ARMS Q WASN'T LEE AHEAD OF WAGONS {A}P NOT WHEN HE CAME OUT OF THE FORT HE WAS NOT.	WHEN THEY PASSED BY I SAW SOME MEN SITTING UP, I SUPPOSED THEY WERE WOUNDED MEN. Q. WASN'T LEE AHEAD OF THE WAGONS? A. NOT WHEN HE CAME OUT OF THE FORTRESS HE WASN'T.. Q. HE CAME OUT IMMEDIATELY BEHIND? A. YES, SIR. *[19]*	WHEN THEY PASSED BY I SAW SOME MEN IN THERE I SUPPOSED WAS WOUNDED MEN [*space*] WASN'T LEE AHEAD OF THE WAGONS NOT WHEN HE CAME OUT OF THE QUARTERS HE WAS NOT [*space*] HE CAME OUT IMMEDIATELY BEHIND [*space*] YES SIR [*space*]
Q. DO YOU REMEMBER SEEING ANY CHILDREN IN THESE WAGONS ? A. NOT TO MY RECOLLECTION. I RECOLLECT THERE WAS ONLY TWO MEN'S HEADS STICKING UP OUT OF THE WAGON.	Q DO YOU REMEMBER SEEING ANY CHILDREN IN THOSE WAGONS {A}P NOT TO MY RECOLLECTION, I RECOLLECTION SEEING ONLY THE 2 MEN HEADS; STICKING UP OUT OF WAGON.	Q. DO YOU REMEMBER SEEING ANY CHILDREN IN THAT WAGON? A. I DON 'T REMEMBER.	DO YOU REMEMBER SEEING ANY CHILDREN IN THAT WAGON I DON ' T REMEMBER [*space*]
Q. HOW FAR WERE YOU	{Q}P HOW FAR WERE YOU	Q. HOW FAR WERE YOU	HOW FAR WERE YOU

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RT	RS	BT	PS
WHEN THE WAGONS STARTED FROM THE CAMP ? A. WE WAS A COUPLE OF HUNDRED YARDS PROBABLY. WHEN THEY PASSED, MAY BE WITHIN FIFTY YARDS OF US, OR SUCH A MATTER; I COULD NOT SAY CERTAIN ABOUT HOW THAT WAS. THEY WASN'T VERY FAR OFF WHEN WE STARTED. Q. WHERE WERE YOU, IN THE RAN~~R~~KS, AT THE TIME OF THE FIRING ? A. PRETTY WELL TO THE BACK END, TOWARDS THE NORTHWEST END. WE MARCHED DOWN THERE PRETTY WELL TO THE FRONT END AS THEY	WHEN WAGONS STARTED FROM CAMP {A}[P]WE WAS COUPLE HUNDRED YARDS, PROBABLY WHEN THEY PASSED, MAYBE WITHIN 50 YARDS OF US SUCH A MATTER. I COULD NOT SAY CERTAIN ABOUT HOW THAT WAS THEY WASN'T VERY FAR OFF WHEN WE STARTED Q WHERE WERE YOU IN THE RANKS AT THE TIME OF THE FIRING {A}[P] PRETTY WELL {TO THE}[P] BACK END TOWARDS THE NORTHWEST END WE MARCHED DOWN THERE PRETTY WELL TO FRONT END AS THEY	FROM THE WAGONS AT THE I TIME THEY STARTED FROM CAMP? A. WE WAS A COUPLE OF HUNDRED YARDS PROBABLY; WHEN THEY PASSED MAY BE WITHIN 50 YARDS OF US. I COULD NOT SAY FOR CERTAIN ABOUT HOW THAT WAS. THEY WAS NOT ~~EV~~ VERY FAR OFF WHEN ~~WHEN~~ WE STARTED.. Q. WHERE WERE YOU IN THE RANKS AT THE T IME OF THE FIRING? A. PRETTY WELL TO THE BACK END~~.~~, AS WE MARCHED DOWN; THAT WAS THE NORTH-WEST END; AS WE MARCHED DOWN THERE I WAS PRETTY WELL TOWARDS THE FRONT END AS WE	FROM THE WAGONS AT THE TIME THEY STARTED FROM CAMP WE WAS COUPLE OF HUNDRED YARDS AND THEY PASSED MAYBE WITHIN 50 YARDS ~~PASSED~~ [*space*] I COULD NOT SAY CERTAIN ABOUT HOW THEY WAS THEY WAS NOT VERY FAR OFF NONE OF THE TIME [*space*] WHERE WERE YOU IN THE RANKS AT THE TIME OF THE FIRING PRETTY WELL TO THE BACK END THAT WAS THE NORTH WEST END NO WE MARCHED DOWN THERE I WAS PRETTY WELL TOWARDS THE FRONT END AS WE

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RT	RS	BT	PS
WENT DOWN, AS THEY WENT BACK WE GOT IN TOWARDS THE REAR. Q. THAT WAS HEAREST TO THE CAMP ? A. YES SIR. Q. WAS NOT SMITH IN THE RANKS CLOSE TO YOU ? A. I DON'T RECOLLECT WHETHER HE WAS CLOSE TO ME OR NOT. I RECOLLECT OF SEEING HIM THERE ON OR ABOUT THE TIME WE WAS WAITING FOR THEM TO COME OUT. Q. WAS HE ARMED ? A. I COULD NOT SAY AS TO THAT. *[185]* Q. WERE YOU ALONG AND ARMED SIR ? A. I HAD NO GUN. I TOLD MR. HIGBEE I HAD NO GUN; HE SAYS NO DIFFERENCE, I WANT YOU TO GO ALONG WITH THE BAGGAGE	WENT DOWN. AS THEY WENT BACK GOT IN TOWARDS THE REAR, {Q}^{p} THAT WAS {THE}^{p} NEAREST TO THE CAMP {A}^{p} YES SIR QWAS NOT SMITH IN THE RANKS CLOSE TO YOU {A}^{p} I DON'T RECOLLECT WHETHER HE WAS CLOSE TO ME OR NOT. I RECOLLECT OF SEEING HIM THERE ON ABOUT {THE}^{p} TIME WE WAS WAITING FOR THEM COME OUT QWAS HE ARMED {A}^{p} I COULD NOT SAY AS TO THAT QWERE YOU NO SIR {A}^{p} I HAD NO GUN. I TOLD MR. HIGBEE I HAD NO GUN. HE SAYS NO DIFFERENCE **A** I WANT YOU GO ALONG WITH BAGGAGE	MARCHED DOWN, A~~N~~S WE CAME BACK IT BROUGHT ME PRETTY WELL TOWARDS THE REAR. Q. THAT WAS NEARER TO THE CAMP? A. YES, SIR. Q. WAS NOT SMITH IN THE RANKS CLOSE TO YOU? **A**. I DON'T RECOLLECT WHETHER HE WAS CLOSE TO ME OR NOT; I RECOLLECT OF SEEING HI~~I~~M THERE ABOUT THE TIME ~~THAT~~ WE WAS WAITING FOR THEM TO COME OUT. Q. WAS HE ARMED? A. I COULD NOT SAY AS TO THA**T**. ~~Q.~~ Q. WERE YOU ~~ALONG, SIR? A~~. **A. NO SIR;** I HAD NO GUN. I TOLD MR. HIGBEE I HAD NO GUN; HE SAID IT WAS NO DIFFERENCE HE WANTED ME TO GO ALONG WITH THE BAGGAGE	MARCHED DOWN AS WE CAME BACK BROUGHT ME PRETTY WELL TOWARDS THE REAR NEAREST TO THE CAMP YES SIR WAS NOT SMITH IN THE RANKS CLOSE TO YOU I DON'T RECOLLECT I RECOLLECT OF SEEING HIM THERE ABOUT THE TIME WE WAS WAITING FOR THEM TO COME OUT [*space*] I DON'T WAS HE [*space*] ARMED I COULD NOT SAY AS TO [*space*] WERE YOU NO SIR I HAD NO GUN I TOLD MR. HIGBEE I HAD NO GUN HE SAID IT WAS NO DIFFERENCE HE WANTED ME TO GO ALONG WITH THE BAGGAGE

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RT	RS	BT	PS
TRAIN. IT WAS AT THAT TIME I TOLD HIM. HE SAYS GO IN THE RANKS ANYWAY. Q. WHEN YOU MARCHED DOWN TO THE CAMP WERE YOU STATIONED IN A STRAIGHT COLUMN ? A. YES SIR. Q. AFTER YOU HAD BEEN MARCHED OUT IN THE HOLLOW SQUARE BY ANYBODY DID LEE COMMUNICATE WITH THE RANKS AT ALL IN ANY MANNER ? A. NOT WHEN I WAS WITH THEM. Q. YOU WERE WITH THE RANKS ALL THE TIME; DID LEE ADDRESS THE COMPANY A. NO SIR. Q. HE GAVE NO COMMANDS TO IT ? A. NOT TO MY	TRAIN. {IT WAS}^{p} AT THAT TIME I TOLD HIM HE SAYS, GO IN THE RANKS ANYWAY $\{_{Q}\}^{p}$ WHEN YOU MARCHED DOWN TO THE CAMP WERE YOU STATIONED IN STRAIGHT COLUMN $_{A}$ YES SIR *[[8]]* $\{*\}^{p}$ WERE YOU AT ANY TIME MARCHED OUT IN HOLLOW SQUARE BY ANYBODY, DID LEE COMMUNICATE WITH RANKS AT ALL IN PUBLIC MANNER $\{_{A}\}^{p}$ NOT WHEN I WAS WITH THEM. $_{Q}$YOU WERE WITH RANKS ALL THE TIME, DID LEE ADDRESS THE COMPANY $\{_{A}\}^{p}$ NO SIR ~~NO~~ $_{Q}$ GAVE ANY COMMANDS TO IT $\{_{A}$NOT$\}^{p}$ TO MY	WAGON; AT THAT TIME I TOLD HIM I HAD NONE; HE ~~DA~~ SAID MARCH DOWN, IT DON'T MAKE ANY DIFFERENCE. Q. WHEN YOU MARCHED DOWN TO THE CAMP WERE YOU STATIONED IN A STRAIGHT COLUMN? A. YES, SIR. Q. WERE YOU AT ONE TIME MARCHED OUT INTO A HOLLOW SQUARE?? A. NOT THAT I RECOLLECT OF. .Q . DID LEE COMMUNICATE WITH THE RANKS AT ALL IN ANY PUBLIC MANNER? A. NOT WHILE I WAS WITH THEM. Q. YOU WERE WITH THE RANKS ALL THE TIME? A. YES, SIR. Q. DID LEE ADDRESS THE COMPANY? A. NO, SIR. Q. GIVE ANY COMMANDS TO YOUR	WAGON AT THAT TIME I TOLD HIM I HAD NONE HE SAID MARCH DOWN IT DON'T MAKE ANY DIFFERENCE WHEN YOU MARCHED DOWN TO THE CAMP WERE YOU STATIONED IN A STRAIGHT COLUMN YES SIR WERE YOU AT ANY TIME MARCHED OUT INTO A HOLLOW SQUARE NOT THAT I RECOLLECT OF DID LEE COMMUNICATE WITH THE RANKS *AT ALL*[?] IN A PUBLIC MANNER NOT WHILE I WAS WITH THEM YOU WAS WITH THEM ALL THE TIME YES SIR DID LEE ADDRESS THE COMPANY NO SIR GIVE ANY COMMANDS TO YOUR

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RT	RS	BT	PS
KNOWLEDGE, NONE TO MY RECOLLECTION. Q. YOU DIDN'T SEE HIM AFTER THE EMIGRANTS MARCHED OUT OF THE CAMP A. THEY CAME OUT WITH HIM, AND ~~THEY~~ ≤HE≥ PASSED BY WHERE I WAS WITH THEM. WE WAITED THERE TILL THE REAR OF THEM CAME OUT THEN WE MARCHED ALONG. SUTHERLAND ASKED THE COURT FOR RECESS TO GIVE WITNESS TIME TO PREPARE THE DIAGRAM WHICH HE HAD PREVIOUSLY REQUESTED. RECESS UNTIL TWO O'CLOCK P.M. TWO O'CLOCK P.M. JULY 26TH 1875. COURT MET PURSUANT TO ADJOURNMENT.	KNOWLEDGE NONE TO MY RECOLLECTION ₀YOU DIDN'T SEE HIM AFTER EMIGRANT MARCHED OUT OF CAMP {ₐ}ᵖ THEY CAME OUT WITH *HIM*[?] OUT THERE HAD PASSED BY WHERE I WAS WITH THEM, WE WAITED THERE UNTIL {THE}ᵖ REAR OF THEM CAME OUT, THEN WE MARCHED ALONG. IF YOUR HONOR PLEASE I WOULD LIKE NOW TO GET WITNESS TO PREPARE THAT DIAGRAM IT IS NOW TIME TO TAKE RECESS [*space*] TAKE RECESS THEN UNTIL TWO O'CLOCK. [*space*] **MONDAY JULY 26/75 230 PM.**	KNOWLEDGE? A. NONE TO MY RECOLLECTIO~~N~~. Q. AND YOU DIDN'T SEE HIM AFTER THE EMIGRANTS ~~OF CAMP~~ MARCHED OUT OF CAMP? A. WHEN THEY CAME OUT**,** WE MET OUT THERE AND ALL PASSED BY WHERE I WAS; WE WAITED THERE TILL THE REAR OF THEM CAME UP AND THEN WE MARCHED WITH THEM.. RECESS TILL TWO O'CLOCK. *[20]* MONDAY JULY 26TH, I875 ,2:30 P.M.	KNOWLEDGE NONE TO MY RECOLLECTION *[[11]]* AND YOU DIDN'T SEE HIM AFTER THE EMIGRANT MARCHED OUT OF CAMP FOR THEY CAME THEY WITH HIM AT THEIR HEADS AND LAST THAT I RECALL SEEING THEM WE WAITED THERE UNTIL THE REAR OF THEM CAME UP AND THEN WE MARCHED ALONG. [*space*] RECESS UNTIL HALF PAST 2 [*space*]

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RT	RS	BT	PS
CROSS-EXAMINATION OF JOEL WHITE RESUMED. Q. DID YOU PREPARE THE DIAGRAM ? A. ONLY THE OUTLINES OF ONE. [186] WITNESS	CLERK READ NAMES OF JURORS ALL PRESENT. [*space*] **JOEL WHITE** RESUMED HIS TESTIMONY. BY SUTHERLAND {Q}PDID YOU PREPARE DIAGRAM A ONLY THE OUTLINES OF ONE LET ME SEE IT. SUTHERLAND WENT UP TO WITNESS AND EXAMINED IT	CROSS EXAMINATION **OF JOEL WHITE** CONTINUED BY MR. SUTHERLAND.. Q. DID YOU P~~E~~REPARE A DIAGRAM? A. KIND OF AN OUTLINE OF ONE. Q. LET ME SEE IT? **(**WITNESS PRESENTS DIAGRAM TO M~~E~~R/ SUTHERLAND.**)** Q. EXPLAIN THIS MAP? A. THERE IS NO EXPLENATION MUCH. **(**MR. SUTHERLAND AND MR. BASKIN HERE ~~W~~EXAMINED THE MAP PREPARED BY THE WITNESS	≤CROSS EXAMINATION≥ CONTINUED BY SUTHERLAND DID YOU PREPARE A DIAGRAM KIND OF AN OUTLINE OF ONE A LITTLE [*space*] LET'S SEE IT [*space*] WITNESS PRESENTS DIAGRAM SUTHERLAND EXPLAINS MAP ≤(WITNESS)≥ THERE IS NOT *KS/KST*[?] MUCH DIFFERENCE BETWEEN *THEM*[?] PARALLEL TO THE OTHERS [*space*]

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RT	RS	BT	PS
PRESENTED TO COUNSEL DIAGRAM SHOWING THE LOCALITY OF HAMBLINS RANCH, THE SUMMIT BETWEEN THE MEADOWS, LOCATION OF THE EMIGRANTS CAMP AND THE SPRING, AND WHERE THE WAGONS WERE PLACED. DIAGRAM EXAMINED BY PROSECUTION.	DESCRIBING WHERE HAMBLIN'S RANCH WAS SUMMIT IN THE VALLEYS LOCALITY OF THE EMIGRANTS CAMP SPRING WHERE THE WAGONS WERE ETC. IT WAS ALSO EXAMINED BY BASKIN SUTHERLAND REMARKED THIS IS NOT *EXACTLY WROTE*[?] SUTHERLAND I WILL KEEP THIS DIAGRAM. WHEDON ALLOW ME TO SEE IT. QBY SUTHERLAND	AND HAD THE WITNESS POINT OUT THE DIFFERENT PLACES— WHERE THE EMIGRANTS CAMP ~~A~~WAS, WHERE THE WAGONS WERE, AND THE INDIANS AND WHERE THE ROAD WAS.)	
Q. DID YOU PREPARE THIS DIAGRAM ? A. YES SIR. Q. DID YOU HAVE ANY ASSISTANCE IN PREPARING IT ? A. NO SIR, NOTHING MORE THAN I GOT A GENTLEMAN TO WRITE DOWN A	DID YOU PREPARE THIS DIAGRAM $\{_{A}\}^{P}$ THAT ONE YES SIR. QDID YOU HAVE ANY ASSISTANCE IN IT ANO SIR NOTHING MORE THAN I GOT GENTLEMAN WRITE DOWN	Q. DID YOU PREPARE THIS DIAGRAM? A. THAT ONE, YES, SIR/ Q. DID YOU HAVE ANY ASSISTANCE IN IT? A. NO, SIR, NOTHING MORE THAN I GOT A GENTLEMAN TO WRITE DOWN	DID YOU PREPARE THIS DIAGRAM YES SIR DID YOU HAVE ANY ASSISTANCE IN IT NO SIR NOTHING MORE THAN I GOT A GENTLEMAN TO WRITE DOWN

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RT	RS	BT	PS
FEW WORDS. Q. WAS THERE ANY PERSON TO MAKE A SUGGESTION TO YOU ? A. NO SIR, SMITH WAS MAKING ONE AND I LOOKED OVER HIS. I GOT ONE MORE COMPLETE THAN THAT. Q. DID YOU STATE IN YOUR EXAMINATION THE EMIGRANTS FOLLOWED IMMEDIATELY BEHIND THE WAGONS, BEHIND, VERY NEAR ON THE SAME TRACK, BUT THE WAGONS DIDN'T COME IN THE ROAD SOMETIMES BUT THE EMIGRANTS DID ? A. I SAID I FOLLOWED BEHIND THE WAGONS. Q.	FEW WORDS $_{Q}$WAS THERE ANY PERSON TO MAKE SUGGESTION TO YOU $\{_{A}\}^{p}$NO SIR SMITH WAS MAKING ONE AND I LOOKED OVER HIS AND MADE ONE MORE COMPLETE THAN THAT $_{Q}$ DID YOU STATE IN YOUR EXAMINATION EMIGRANTS FOLLOWED IMMEDIATELY BEHIND WAGONS BEHIND VERY NEAR ON SAME TRACK WAGONS DIDN'T COME IN THE ROAD SAME TIME EMIGRANTS DID $\{_{A}\}^{p}$ I SAID I FOLLOWED BEHIND $\{THE\}^{p}$ WAGONS $_{Q}$	THREE OR FOUR WORDS FOR ME . Q. WAS THERE ANY PERSON PRESENT TO MAKE SUGGESTIONS FOR YOU? A. NO, SIR. ~~Q.~~ MR. SMI~~G~~**T**H WAS PRESEN~~,~~T ~~.~~**,** ~~MAKING ONE~~ AND ~~I~~ LOOKED OVER ~~**MY**~~ AND WANTED ONE MORE COMPLETE THAN THAT.. Q. DIDN'T YOU STATE IN YOUR EXAMINATION IN THE FORENOON THAT THE EMIGRANTS FOLLOWED IMMEDIATELY BEHIND IN THE SAME TRACK? ~~A~~. VERY NEAR IN THE SAME TRACK; THE **WAGONS** ~~EMIGRANTS~~ DIDN'T GO INTO THE ROAD SOMETIMES, THE EMIGRANTS DID.? A. I S~~H~~AID I FOLLOWED BEHIND THE WAGONS. Q.	3 OR FOUR WORDS FOR ME [*space*] WAS THERE ANY PERSON PRESENT TO MAKE SUGGESTIONS FOR YOU NO SIR MR. SMITH WAS PRESENT AND MADE ONE MORE COMPLETE [*space*] DIDN'T YOU STATE IN YOUR EXAMINATION THIS FORENOON THAT THE EMIGRANTS FOLLOWED IMMEDIATELY BEHIND ON THE SAME TRACK VERY NEAR THE SAME TRACK [*space*] THE EMIGRANTS DIDN'T COME IN BECAUSE AS SOON ~~AS~~ [*space*]

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RT	RS	BT	PS
I ASK YOU IF THEY FOLLOWED THE SAME TRACK AND YOU SAID YES ? A. I DON'T RECOLLECT WHETHER I SAID YES OR NOT. IT IS PRETTY HARD TO SEE MEN STANDING OFF AT A DISTANCE. WHETHER THEY FOLLOWED IN THE SAME TRACK OR NOT, BUT THE WAGONS DIDN'T COME IN THE ROAD THE SAME TIME AS THE EMIGRANTS DID. Q. HOW MUCH SPACE WAS THERE BETWEEN THE GROUND AND THE TRACK OF THE WAGONS WHEN THE EMIGRANTS PASSED ? WIT.: I WANT IT UNDERSTOOD	I ASKED YOU IF THEY FOLLOWED THE SAME TRACK AND YOU SAID YES A≤I DON'T≥ RECOLLECT WHETHER I SAID YES OR NOT. {IT IS}^{p} PRETTY HARD TO SEE MEN STANDING OFF AT {A}^{p} DISTANCE {SEE}^{p} WHETHER THEY FOLLOWED IN THE SAME TRACK OR NOT WAGONS DIDN'T COME IN THE ROAD THE SAME TIME AS THEY DID QHOW MUCH SPACE WAS THERE BETWEEN THE CROWD AND THE TRACK OF THE WAGONS WHEN EMIGRANTS PASSED AI WANT IT UNDERSTOOD	I ASKED YOU IF YOU FOLLOWED IN THE SAME TRACK AND YOU SAID , YES", DID YOU NOT? A. I DON'T RECOLLECT **WHETHER I SAID SO OR NOT**. IT WOULD BE PRETTY HARD FOR A MAN TO ~~SAY~~ ~~TO~~ STAND OFF AT A ~~S~~DISTANCE AND SEE WHETHER THEY FOLLOWED IN THE SAME TRACK OR NOT. THE WAGONS DIDN'T COME INTO THE TRACK AS SOON AS ~~THE~~ THEY DID——— —Q. HOW MUCH SPACE WAS ~~WAS~~ THERE BETWEEN THE CROWD AND THE TRACK ~~OF~~ OF THE WAGONS WHEN THE EMIGRANTS P~~S~~ASSED? A. I WANT IT UNDERSTOOD THAT I SAID ~~I DIDN'T~~	I ASKED YOU IF THEY FOLLOWED IN THE SAME TRACK AND YOU SAID YES DID YOU NOT I DON'T RECOLLECT IT WOULD BE PRETTY HARD FOR A MAN TO SEE A TEAM GOING ON AND FOLLOWING AT SOME DISTANCE THEY [*space*] TO SEE THE WAGONS DIDN'T COME INTO THE ROAD *KS*[?] AS SOON AS THEY DID [*space*] HOW MUCH SPACE WAS THERE BETWEEN THEM [*space*] I WANT IT UNDERSTOOD THAT I SAID

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RT	RS	BT	PS
AT THE TIME, I DIDN'T SUPPOSE I COULD MARK OUT A DIAGRAM VERY CORRECT AS IT IS A LONG TIME AGO. *[187]* Q. HOW MUCH OF A SPACE WAS THERE ON THE GROUND BETWEEN THE TRACK OF THE WAGONS WHERE THEY WENT OUT AND WHERE THE EMIGRANTS MARCHED OUT ? A. IT WAS NOT A GREAT DEAL, THOUGH I COULD NOT TELL EXACTLY. THE WAGONS STARTED OUT AND DROVE RIGHT ALONG. WE WAS ON THE OTHER SIDE OF THE ROAD. THEY	AT THE TIME I DIDN'T SUPPOSE I COULD MARK OUT A DIAGRAM FROM REMEMBRANCE AS IT IS LONG TIME AGO. [*space*] {HOW MUCH OF A}^{p} HOW MUCH SPACE WAS THERE ON THE GROUND BETWEEN TRACK OF THE WAGONS ~~A~~WHERE THEY WENT OUT AND WHERE THE EMIGRANTS MARCHED OUT ~~A~~IT WAS NOT GREAT DEAL THOUGH I COULD NOT TELL ~~≤~~EXACTLY~~≥~~. *[[9]]* WAGONS STARTED OUT DROVE {DRIVING}^{p} RIGHT ALONG. WE WAS ON THE OTHER SIDE OF THE ROAD.	~~SIUPPOSE~~ AT THE TIME**,** THAT I DIDN'T SUPPOSE THAT I COULD MAKE OUT A DIAGRAM PERFECTLY CORRECT; IT WAS ONLY FROM *[21]* REMEMBERENC E AS IT IS A LONG TIME AGO. I D IDN'T MAKE IT OUT — I SUPPOSED I COULD ———— Q. HOW MUCH SPACE WAS THERE ON THE GROUND BETWEEN THE TRACK OF THE WAGON WHERE THEY WENT OUT AND WHERE THE EMIGRANTS MARCHED OUT? A. IT WAS NOT A GREAT DEAL; I COULD NOT TELL EXACTLY; THE WA~~F~~GONS STARTED OUT AND DROVE RIGHT ALONG; WE WAS ON THE OTHER SIDE OF THE ROAD;	AT THE TIME THAT I DIDN'T SUPPOSE THAT I COULD MAKE OUT A DIAGRAM PERFECTLY CORRECT IT WAS ONLY FROM REMEMBRANCE SOME TIME AGO I WOULD MAKE IT OUT THE BEST I COULD [*space*] HOW MUCH SPACE WAS THERE ON THE GROUND BETWEEN THE TRACK OF THE WAGON WHERE THEY WENT OUT AND WHERE THE EMIGRANTS MARCHED *[[12]]* OUT IT WAS NOT A GREAT DEAL I COULD NOT TELL EXACTLY THE WAGONS STARTED AND OUT WITH THOSE BEHIND WE WAS ON OTHER SIDE OF THE ROAD AND

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RT	RS	BT	PS
TURNED IN IN THE OTHER SIDE OF THE ROAD. THERE WAS SOME SPACE, BUT HOW MUCH SPACE, THIS MORNING, I CAN'T TELL. Q. YOU CAN TELL WHETHER IT IS ONE ROD OR TEN ? A. AS NEAR AS I CAN RECOLLECT IT MIGHT HAVE BEEN A LITTLE FURTHER; IT HAS BEEN A LONG TIME SINCE AND IT HAS SLIPPED MY MEMORY. Q. DID ANYBODY SUGGEST TO YOU HOW TO MAKE THIS DIAGRAM ? A. NO	THEY TURNED {AND}^{p} IN TURNED OTHER {SIDE OF THE}^{p} ROAD. THERE WAS SOME SPACE {BUT}^{p} HOW MUCH SPACE THAT IS MORE THAN I CAN TELL $_{Q}$ YOU CAN'T TELL WHETHER IT IS A {**ONE**}^{p} ROD OR TEN {$_{A}$}^{p}AS NEAR AS I CAN RECOLLECT MIGHT HAVE BEEN LITTLE FURTHER IT HAS BEEN LONG TIME SINCE {AND IT HAS}^{p} SLIPPED MY MEMORY $_{Q}$ DID ANYBODY SUGGEST TO YOU {HOW TO MAKE}^{p} THIS DIAGRAM $_{A}${NO	THEY TURNED IN TOWARD THE OTHER SIDE OF THE ROAD:. THERE WAS SOME SPACE BETWEE~~H~~N THE ROAD AND THE WAGONS AND THE EMIGRANTS BUT HOW MUCH THAT WAS IS MORE THAN I CAN TELL. Q. YOU CANNOT TELL WHETHER THERE WAS ONE ROD OR TEN? A. NO, SIR, IT MIGHT HAVE BEEN A LITTLE FARTHER ~~EISTACN~~ **EITHER** ~~DISTANC~~ **WAY**; IT WAS PRETTY CLOSE — IT HAS SLIPPED MY MEMORY.. Q. HAD ANY BODY SUGGESTED TO YOU WHEN YOU DREW THIS DIAGRAM,	FELL IN THE WAGONS *TOOK*[?] A LITTLE WHILE *STAYED/START*[?] IN [*space*] HOW MUCH SPACE BETWEEN THE ROUTE OF THE WAGONS AND THE EMIGRANTS THAT IS MORE THAN I CAN TELL YOU CANNOT TELL WHETHER IT WAS ONE ROD OR 10 NO SIR IT WAS SIMPLY A LITTLE DISTANCE IT WAS PRETTY CLOSE MIGHT HAVE BEEN LITTLE FARTHER THINGS HAVE SLIPPED MY MEMORY [*space*] DID ANYBODY SUGGEST TO YOU WHEN YOU DREW THIS DIAGRAM

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RT	RS	BT	PS
SIR. Q. THAT DAY YOU FOLLOWED EACH OTHER IMMEDIATELY — WHERE WERE THE WAGONS ? A. NO SIR, I NEVER THOUGHT OF THE WAGONS TILL I CAME IN HERE, JUST NOW, BUT AS NEAR AS I CAN RECOLLECT THE WAGONS WENT A LITTLE FURTHER UP. Q. YOU SAY YOU DIDN'T HAVE ANY GUN AT ALL ? A. NO SIR. Q. NOT ON THAT TRIP ? A. NO SIR. Q. YOU DODN'T CARRY ANY GUN ? A. NO SIR, I DIDN'T USE ANY GUN WHILE I WAS THERE. Q. AND YOU DON'T KNOW HOW MANY OF THE PARTY HAD THERE GUNS OR NOT ? A. NO SIR, THE GUNS AND PISTOLS THEM	SIR}^{p} THAT DAY {YOU}^{p} DID NOT FOLLOW EACH OTHER IMMEDIATELY {WERE THE WAGONS THERE? $_{A}$}^{p}NO SIR I NEVER THOUGHT OF THE WAGONS UNTIL I CAME IN HERE, JUST NOW BUT AS NEAR AS I CAN RECOLLECT WAGON WENT LITTLE FURTHER UP $_{Q}$YOU SAY YOU DIDN'T HAVE ANY GUN AT ALL $_{A}$NO SIR $_{Q}$ ON THAT TRIP $_{A}$ NO SIR DIDN'T CARRY ANY GUN $_{A}$NO SIR; DIDN'T USE ANY GUN WHILE I WAS THERE $_{Q}$ HOW MANY OF THE PARTY HAD ANY {OF}^{p} THEIR GUNS OR NOT {$_{A}$ GUNS AND}^{p} PISTOLS THEM	THAT THEY DIDN'T FOLLOW EACH OTHER IMMEDIATELY? A. NO, SIR; I NEVER THOUGHT OF THE WAGONS AT ALL UNTIL I CAME IN HERE.. AS NEAR AS I CAN RECOLLECT THE WAGONS WENT A LITTLE FARTHER UP. Q. YOU SAY YOU DIDN'T HAVE ANY GUN AT ALL OUT THERE ON THAT TRIP? A. NO, SIR/ Q. DIDN'T CA∓RRY ANY GUN FROM HOME? A. NO, SIR.. Q. DIDN'T USE ANY GUN W HILE THERE EITHER? A. NO, SIR. Q. HOW MANY OF THE PARTY WERE THERE THAT HAD GUNS?	THAT THEY DIDN'T FOLLOW EACH OTHER IMMEDIATELY NO SIR I NEVER THOUGHT OF THE DIAGRAM IT JUST STRUCK MY MIND THAT THE WAGONS WENT A LITTLE FARTHER ON UP [*space*] YOU SAY YOU DIDN'T HAVE ANY GUN AT ALL ON THAT TRIP NO SIR DIDN'T CARRY ANY GUN FROM HOME NO SIR DIDN'T USE ANY GUN WHILE THERE YOU WAS NO SIR HOW MANY OF THE PARTY WERE ~~*FURNISHED*~~[?] WITHOUT GUNS

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RT	RS	BT	PS
DAYS WAS VERY SCARCE, I DON'T KNOW WHETHER THEY HAD GUNS OR NOT.	DAYS WAS VERY SCARCE I DON'T KNOW WHETHER THEY HAD GUNS OR NOT	A. I DON'T KNOW WHETHER THERE WAS ANY OR NOT. PISTOLS THEM DAYS WAS VERY SCARCE, AND GUNS WAS TOLERABLE	I DON'T KNOW WHETHER THERE WAS ANY OTHERS OR NOT [*space*] PISTOLS IN THAT DAYS WAS VERY SCARCE AND GUNS WAS TOLERABLY
MY GUN GOT BROKEN BY SOME MAN OR OTHER. *[188]* Q. MR. WHITE, DURING THIS RECESS, WHY DID YOU	{A}^{p} MY GUN HAS GOT BROKEN BY SOME MAN OR OTHER $_{Q}$MR. WHITE DID YOU THIS RECESS	SCARCE; MINE HAD GOT BROKE. Q. DIDN'T YOU DURING THIS RECESS	SCARCE MINE HAD GOT BROKE [*space*] DIDN'T YOU DURING THIS RECESS
DECLINE TO HAVE ANY INTERVIEW WITHOUT BILL HICKMAN'S CONSENT ? A. I TOLD THEM MR. HICKMAN BROUGHT ME HERE; I AM IN HIS HANDS,	DECLINE TO HAVE ANY INTERVIEW WITHOUT BILL HICKMAN'S CONSENT {A}^{p} I TOLD THEM HE MR. HICKMAN {BROUGHT ME HERE. I AM}^{p} IN HIS HANDS,	DECLINE TO HAVE ANY INTERVIEW WITH THE DEFENDANT'S ATTORNEYS WITHOUT BILL HICKMAN 'S CONSENT. A. I TOLD THEM I ~~W~~AM IN THE HANDS OF MR. HICK~~A~~MAN; HE BROUGHT ME HERE, BUT I	DECLINE TO HAVE ANY INTERVIEW WITH THE DEFENDANT ATTORNEYS WITHOUT BILL HICKMAN 'S CONSENT I SAID I AM IN THE HANDS OF MR. HICKMAN HE BROUGHT ME HERE AND I
I WILL HAVE HIM SEE YOU, AND ARRANGE TO MEET YOU; HE ADVISED ME	I WILL HAVE HIM SEE YOU AND *WANTED*[?] MEET YOU HE ADVISED ME	SAID I WILL HAVE HIM SEE YOU, AND IF HE SAID IT WAS ALL RIGHT I WILL GO.	SAID I WILL HAVE HIM SEE YOU IF HE SAID IT WAS ALL RIGHT I WILL GO AND

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RT	RS	BT	PS
NOT TO GO. HE SAID I HAD BETTER NOT GO.	NOT TO GO HE SAID I HAD BETTER NOT GO	HE SAID I HAD BETTER NOT GO; HE SAID HE WAS THE MARSHAL~~L~~ AND ~~A AND~~ I HAD BETTER NOT GO . ~~BY~~ MR.	[*space*] HE SAID I HAD BETTER NOT GO HE SAID HE WAS THE MARSHAL AND I HAD BETTER NOT GO [*space*]
SUTHERLAND: WE DESIRE TO MAKE HIM OUR OWN WITNESS. PROSECUTION ASSENTED AFTER WE GET THROUGH WITH HIM.	<u>SUTHERLAND</u> IF THE COURT PLEASE WE DESIRE TO MAKE HIM OUR OWN WITNESS. BY BASKIN AFTER WE GET THROUGH WITH HIM. [*space*]	SUTHERLAND: I~~F~~F THE COURT PLEASE, WE DESIRE TO MAHE HIM OUR OWN WITNESS. AND	SUTHERLAND
	{**WE**}^{p} WANT TO HAVE THE BENEFIT OF HIS TESTIMONY WE DESIRE GOVERNMENT OFFICERS SHOULD THROW NO IMPEDIMENTS AS FAR AS WHAT HE KNOWS THAT SHALL BE FOR OUR BENEFIT	WE DESIRE THAT THE GOVERMENT OFFICERS THROW ~~M~~ NO IMPEDIMENT IN THE WAY.	WE WANT TO HAVE THE BENEFIT OF HIS TESTIMONY WE DESIRE THAT THE GOVERNMENT OFFICERS LET NO IMPEDIMENTS IN THE WAY OF OUR [*space*]
COURT: MY IMPRESSION IS HE IS	<u>BY COURT</u> MY IMPRESSION IS HE IS	*[22]* BY COURT : I DON'T SUPPOSE THE OFFICERS WILL DO ANYTHING OF T**H**AT KIND. MY IMPRESSION I S THAT ~~T~~HE IS	~~<~~COURT~~>~~ I DON'T SUPPOSE THE OFFICERS WILL DO ANYTHING OF THAT KIND MY IMPRESSION IS THAT HE IS

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RT	RS	BT	PS
UNDER ATTACHMENT. SUTHERLAND: WERE YOU UNDER ATTACHMENT OR ARREST WHEN YOU CAME HERE ? A. I DON'T KNOW, I BELIEVE IT IS AN ATTACHMENT HE READ TO ME. Q. HAD YOU BEEN SUBPOENAED BEFORE YOU WERE ASKED TO COME BY HICKMAN ? A. NO SIR, THAT WAS THE FIRST. Q. SO ~~THAT~~ IF YOU WERE ATTACHED THAT IS THE FIRST SUMMONS TO APPEAR HERE ~~?~~AS A WITNESS ? A. YES SIR, IT IS SOMETHING I DON'T UNDERSTAND	UNDER ATTACHMENT {Q}[p] WERE YOU UNDER ATTACHMENT OR ARREST WHEN YOU CAME HERE {A}[p] I DON'T KNOW I BELIEVE IT IS AN ATTACHMENT HE READ TO ME {Q}[p] HAD YOU BEEN SUBPOENAED BEFORE YOU WERE ASKED TO COME BY HICKMAN A NO SIR THAT WAS THE FIRST Q SO IF YOU WERE ATTACHED THAT IS FIRST SUMMONS TO APPEAR HERE WITNESS {A IT IS}[p] SOMETHING I DON'T UNDERSTAND	UNDER ~~BONDS~~ ATTACHMENT. Q. WERE YOU UNDER ATTACHMENT AND ARRESTED WHEN YOU CAME HERE? A. I DON'T KNOW**,** I BELIEVE IT WAS AN ATTACHMENT THAT HE READ TO ME.. I DON'T KNOW OF ANY RESTRICTIONS. Q. HAD YOU BEEN SUBPOENAED BEFORE YOU WERE ASKED TO COME HERE BY MR. HICKMAN A. NO, SIR, THAT WAS THE FIRST.. Q. SO THAT IF YOU WERE ATTACHED THAT WAS THE FIRS~~E~~T SUMMONS TO BRING YOU HERE AS A WITNESS? A. YES, SIR. BY THE COURT: I DESIRE TO STATE TO THE OFFICERS THAT THEY MUST NOT	UNDER ATTACHMENT [*space*] WERE YOU UNDER ATTACHMENT OR ARREST WHEN YOU CAME *[[13]]* *I REMEMBER*[?] I BELIEVE IT WAS AN ATTACHMENT THAT HE READ TO ME I WAS NOT PUT UNDER ANY RESTRICTIONS HAD YOU BEEN SUBPOENAED BEFORE YOU WERE ASKED TO COME BY HICKMAN [*space*] SO THAT IF YOU WERE ATTACHED THAT WAS THE FIRST SUMMONS TO APPEAR HERE AS WITNESS YES SIR [*space*] COURT THE ~~OBJECTION~~ OFFICERS LET IS

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RT	RS	BT	PS
		THOROW ANY OBSTACLES ON EITHER SIDE.. BY MR. SUTHERLAND:	THROW NO —[?] ON EITHER SIDE SUTHERLAND
Q. .MR. WHITE I WILL ASK YOU NO FURTHER QUESTIONS NOW BUT YOU WILL CONTINUE IN ATTENDANCE AFTER THE COURT ADJOURNS, WHEN WE SHALL WISH TO INTERVIEW YOU TO KNOW HOW MUCH FURTHER YOU CAN TESTIFY. ~~SUTHERLAND: Q. I UNDERSTOOD YOU~~	{Q}[i]MR. WHITE WILL ASK YOU NO FURTHER QUESTIONS NOW YOU WILL CONTINUE IN ATTENDANCE AFTER {THE}[p] COURT ADJOURNS. WE SHALL BE GLAD TO HAVE INTERVIEW WITH YOU TO KNOW HOW FURTHER YOU CAN TESTIFY. ~~≤~~BY COURT ARE YOU THROUGH WITH WITNESS SUTHERLAND YES SIR~~>~~ BY BASKIN. SUTHERLAND IF THERE IS ANY ATTACHMENT FOR THIS WITNESS IT MAY NOT BE ISSUED ON SOME APPREHENSION I WOULD SUGGEST BE	MR. WHITE, WE WILL ASK YOU NO FURTHER QUESTIONS NOW, ~~W~~YOU W~~U~~ILL CONTINUE IN ATTENDANCE AFTER THE COURT ADJOURNS. WE SHALL WANT YOU AGAIN TO KNOW HOW MUCH FURTHER YOU CAN TESTIFY.. BY COURT: ARE YOU THROUGH WITH TH~~E~~IS WITNESS? ~~BY~~**M**[R] SUTHERLAND, YE~~W~~,S SIR. ~~BY~~**M**[R] SUTHERLAND: IF THERE IS ANY ATTACHMENT FO~~T~~**R** THIS WITNESS IT MUST BE ISSUED ~~ON~~ **UNDER** SOME **MIS-**APPREHENSION. I SHOULD SUGGEST THAT	WILL ASK YOU NO FURTHER QUESTIONS AND AFTER COURT ADJOURNS WE SHALL BE GLAD OF A LONG INTERVIEW WITH YOU [*space*] BASKIN RE-DIRECT [*space*] ~~≤~~SUTHERLAND IF THERE IS ANY ATTACHMENT FOR THIS WITNESS IT MUST HAVE BEEN UNDER SOME MISAPPREHENSION I ASK THAT IT BE DISCHARGED

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RT	RS	BT	PS
		THE WITNESS BE ALLOWED TO	
	ENTIRELY AT LIBERTY TO GO WHERE HE {WILL}^{p} BY COURT	GO ENTIRELY AT LIBERTY**,** TO GO WHERE HE PLEAS~~E~~. BY COURT: IT WAS	COURT IT WAS
	APPLICATION ON PROSECUTION BY WHEDON NO OPPOSITIONS FOUND BEING DISCHARGED.	ON APPLICATION OF THE PROSECUTION, I SUPPOSE.	ON APPLICATION OF THE PROSECUTION AND I SUPPOSED≥ [*space*]
RE-DIRECT.	≤**REDIRECT**≥	RE-DIRECT BY	
Q. I UNDERSTOOD YOU TO SAY IN YOUR CROSS-EXAMINATION, AFTER	{**Q**}^{p} I UNDERSTOOD YOU TO SAY IN YOUR CROSS-EXAMINATION AFTER	MR. BASKIN. Q. I UNDERSTAND YOU TO SAY **ON YOUR CROSS-EXAMINATION** THAT AFTER	I UNDERSTOOD TO SAY THAT AFTER
YOU RETURNED HOME FROM PINTO CREEK, THAT IS WHEN YOU WENT DOWN TO PINTO CREEK TO CARRY THAT MESSAGE YOU HEARD SOMETHING ABOUT THE ~~DISCOVERY~~ ≤DISCUSSION≥	YOU RETURNED HOME FROM PINTO CREEK WHEN YOU WENT DOWN THERE TO PINTO CREEK TO CARRY THAT MESSAGE YOU HEARD SOMETHING ABOUT DESTRUCTION	YOU RETURNED FROM PINTO CREEK **TO** ~~THAT YOU HEARD SOMETHING TO~~ CARRY TH**A**T MESSAGE YOU HEARD SOMETHING ABOUT A **DESTRUCTION** ~~DISCUSSION~~ O~~T~~**R** INTENDED **DESTRUCTION** ~~DISCUSSION~~	YOU RETURNED HOME FROM PINTO CREEK THAT YOU HEARD SOMETHING ABOUT THE DESTRUCTION OR INTENDED DESTRUCTION
OF THE EMIGRANT TRAIN—WHOM DID YOU HEAR TALK ABOUT IT	OF EMIGRANT TRAIN. WHOM DID YOU HEAR TALK	OF THE EMIGRANT TRAIN. WHO DID YOU HEAR TALK ABOUT THAT ~~THAT~~	OF THE EMIGRANT TRAIN WHO DID YOU HEAR TALK ABOUT THEIR

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RT	RS	BT	PS
		DESTRUCTION ~~DISCUSSION~~	DESTRUCTION
	{**OBJ. SUTHERLAND**}[p] BY SUTHERLAND I	AFTER YOU ~~T~~RETURNED? BY MR. SUTHERLAND: I	AFTER YOU RETURNED
[189] OBJECTED TO BY COUNSEL FOR DEFENDANT. IT	OBJECT TO THAT *[[10]]*[211] IT	OBJECT TO THAT AS RUMOR. IT	OBJECTED TO AS RUMOR
WAS SAID IN SPITE OF MY OBJECTION HERETOFORE	WAS SAID IN SPITE OF MY OBJECTION	WAS STATED IN SPITE OF MY OBJECTION —	AND WAS OBJECTED TO [*space*]
RAISED IN HIS CROSS-EXAMINATION, NOTWITHSTANDING THE	SAID IT IN CROSS-EXAMINATION, NOTWITHSTANDING	STATED IT IN CROSS-EXAMINATION NOTWITHSTANDING THE	
CAUTION I GAVE HIM THAT I DIDN'T WISH ANY EVIDENCE OF HEARSAY.	CAUTION I GAVE HIM I DIDN'T WISH ANY EVIDENCE OF.	CAUTION I GAVE HIM **THAT** I DIDN'T WISH THAT EVIDEN CE.	
WIT.: I COULD NOT TELL, IT WAS ONLY RUMOR.	[A]I COULD NOT {TELL}[p] IT WAS ONLY RUMOR	A. ~~IT~~ I COULD NOT TELL, IT WAS ONLY A RUMOR I HEARD WHEN I GOT IN *[23]*	I COULD NOT IT WAS ONLY A RUMOR ONE I HEARD WHEN I GOT IN
Q. DID YOU SEE MR. DANIEL MACFARLANE AFTER YOU RETURNED ? A. NO SIR.	{[Q]}[p] DID YOU SEE MR. DANIEL MACFARLANE AFTER YOUR RETURN {[A]}[p] NO SIR [*space*] ~~AFTER YOU~~	TOWN. Q. DID YOU SEE MR. DANIEL MCFARLANE AFTER YOUR ~~T~~RETURN? A. NO, SIR, NOT THAT I	TOWN [*space*] DID YOU SEE MR. DANIEL MCFARLANE AFTER YOUR RETURN NO SIR NOT THAT I
Q. THEN AFTER YOU MARCHED TO THE	{**THEN YOU**}[p] [Q]AFTER YOU REACHED {THE}[p]	~~C~~RECOLLECT OF. Q. AFTER YOU REACHED THE	RECOLLECT OF [*space*] AFTER YOU REACHED THE

211. Illegible shorthand characters in red and normal pencil on verso.

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RT	RS	BT	PS
MOUNTAIN MEADOWS ON THE MORNING OF THE NIGHT AFTER YOU STARTED THERE, AND WHILE YOU WERE REMAINING FOR TWO OR THREE DAYS TIME, THAT YOU SPOKE OF, IN THE CAMP THERE, DID ANY OTHER SOLDIERS COME IN THERE IN THE MEAN TIME ? OBJECTED TO BY JUDGE HOGE, AS ~~THE~~ THIS IS ALL IN THE EXAMINATION IN CHIEF.	MOUNTAIN MEADOWS ON THE MORNING OF THE NIGHT AFTER YOU STARTED THERE; AND WHILE YOU WERE REMAINING FOR THE TWO OR 3 DAYS TIME YOU SPOKE OF IN CAMP THERE, DID ANY OTHER SOLDIERS COME IN IN THE MEAN TIME BY HOGE THIS IS IN THE EXAMINATION IN CHIEF BY OH NO BASKIN OH NO	MOUNTAIN MEADOWS ON THE MORNING ~~FOR~~ **OR** THE NIGHT AFTER YOU STARTED THERE, AND WHILE YOU WERE REMAINI~~N~~GF THERE **FOR** TWO OR THREE DAYS TIME, YOU HAVE SPOKEN OF ENCAMPING THERE. DID ANY OTHER SOLDIERS COME IN IN THE MEAN TIME. BY **M**$^{\underline{R}}$ HOG~~U~~E: I OBJECT TO THAT. THAT WAS NOT IN ~~THE EXAMINATION IN~~ THE EXAMINATION IN CHIEF. BY MR. BASKIN: HE SAID — THE QUESTION WAS ASKED HIM WHETHER HE SAW MR. SMITH ON THAT DAY THERE; HE SAID HE DIDN'T SEE HI~~J~~M UNTIL THE NEXT DAY — THE NEXT DAY AFTER THAT. ~~BY MR. BASKIN:~~ NOW I	MOUNTAIN MEADOWS ON THE MORNING OF THE NIGHT AFTER YOU STARTED THERE AND WHILE YOU WERE REMAINING UP THERE TWO OR 3 DAYS TIME YOU HAVE SPOKE OF IN CAMP THERE DID ANY OTHER SOLDIERS COME IN IN THE MEAN TIME OBJECTED TO AS IN EXAMINATION IN CHIEF [*space*] BASKIN [*space*] HE STATED THE QUESTION WAS ASKED TO HIM WHETHER HE SAW MR. SMITH ON THAT DAY THERE HE SAID HE DIDN'T SEE HIM UNTIL THE NEXT DAY OR NEXT DAY AFTER THAT [*space*]

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RT	RS	BT	PS
WHICH THE PROSECUTION DENIED.		ASK HIM W~~HETHER~~	
DEFENSE BY HOGE ASK IF ANYTHING OF THAT KIND WAS DRAWN OUT IN THE	BY HOGE WAS ANYTHING OF THAT KIND WAS DRAWN OUT IN		
EXAMINATION ? TO WHICH BASKIN REPLIED, WITNESS SAID IT WAS HIS	EXAMINATION BY BASKIN HE SAID IT WAS HIS *COMPREHENSIO N*[?]		
IMPRESSION, HE SAW THEM THE NEXT DAY, BUT WAS NOT	{IMPRESSION}[p] HE SAW THEM[212] NEXT DAY BUT WAS NOT		
CERTAIN, WHILE HE WAS DOWN THERE IN THE CAMP~~.~~, ON THE MOUNTAIN MEADOWS, WHETHER OR NOT ANY OTHER SOLDIERS CAME THERE IN THE MEAN TIME.	CERTAIN WHILE HE WAS DOWN THERE IN CAMP ON MOUNTAIN MEADOWS WHETHER OR NOT ANY OTHER SOLDIERS CAME THERE IN THE MEAN TIME.	WHILE HE WAS DOWN THERE IN CAMP ON THE M~~E~~OUNTAIN MEADOWS, WHETHER OR NOT ANY OTHER SOLDIERS CAME IN ~~THEIRE~~ THERE? OBJECTED TO BY MR. HOGUE. **& OBJECTION SUSTAINED.**	THAT WHILE HE WAS DOWN THERE IN CAMP ON THE MOUNTAIN MEADOWS WHETHER OR NOT ANY OTHER SOLDIERS CAME IN ~~IN~~ *[[14]]* MEANTIME OBJECTED TO [*space*]
HOGE FOR DEFENSE INS~~I~~ISTED THAT THE SAME QUESTION WAS ASKED IN THE EXAMINATION AND THE SAME ANSWER GIVEN, AND IT WAS AN	BY HOGE SAME QUESTION WAS ASKED IN THE EXAMINATION AND HE ANSWERED. IT WAS		

212. Original shorthand character reads "'EM"; "TH" is added in purple pencil.

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RT	RS	BT	PS
ANSWER TO MR. BASKINS QUESTION. BASKIN:Q. THESE MEN WHO CAME IN FROM THAT DIRECTION, WHAT WERE THEY, WHERE DID THEY COME FROM ? *[190]* A. I SAID I DIDN'T KNOW WHEN THEY CAME IN; I SAID I SUPPOSED THEY CAME IN WHILE I WAS SLEEPING; I DON'T RECOLLECT WHEN THEY DID. Q. WHAT PARTICIPATION DID THEY TAKE IN THIS AFFAIR —JUST THE SAME AS THE REST—THEY WERE ARMED ? A. YES SIR. Q. WERE THERE ANY OTHER PARTIES	ANSWERED TO MR. BASKINS QUESTION. BY BASKIN $\{_{\mathbf{Q}}\}^{p}$ THOSE MEN WHO CAME IN FROM THAT DIRECTION, WHAT WERE THEY, WHERE DID THEY COME FROM $\{_{\mathbf{A}}\}^{p}$ I SAID I DIDN'T KNOW WHEN THEY CAME IN. I SAID I SUPPOSED THEY CAME IN WHILE I WAS ASLEEP I DON'T RECOLLECT NOR DID NOT THEN. Q WHAT PARTICIPATION DID THEY TAKE IN THIS AFFAIR JUST SAME AS THE REST THEY WERE ARMED $_{\mathbf{A}}$YES SIR $_{\mathbf{Q}}$ WERE THERE ANY OTHER PARTIES	Q. THESE MEN WHO CAME IN FROM THE COTTON COUNTRY, FROM WHERE DID THEY COME? A. I THINK I SAID I DIDN'T SEE THEM COME IN; I SUPPOSED THEY CAME IN WHEN I WAS ASLEEP; I DIDN'T SEE THEM THERE ~~THE~~ **TILL** MORNING. I DON'T RECOLLECT SEEING THEM COME. Q. WHEN TH EY CAME IN WHAT STEPS DID THEY TAKE IN THIS AFFAIR? A. JUST THE SAME AS THE REST. Q. WERE THEY ARMED? A. YES, ~~Z~~**S**IR. Q. WERE THERE ANY OTHER PARTIES	THOSE MEN WHO CAME IN FROM THE COTTON COUNTRY FROM WHERE DID THEY COME I THINK I SAID THAT I DIDN'T SEE THEM WHEN THEY CAME IN I SUPPOSED THEY CAME IN WHEN I WAS ASLEEP I SAW THEM THERE ON THE GROUND I DON'T RECOLLECT SEEING THEM COMING [*space*] ~~WERE THEY~~ AFTER THEY CAME IN WHAT PARTICIPATION DID THEY TAKE IN THIS AFFAIR JUST THE SAME AS THE REST THEY WERE ARMED YES SIR [*space*] IF THERE WERE ANY OTHER ~~COME~~ PARTIES

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RT	RS	BT	PS
COMING IN THE MEANTIME ? A. NONE THAT I RECOLLECT. Q. HOW DO YOU KNOW THESE PARTIES CAME FROM THE SOUTH ? A. ONLY AS IT WAS STATED TO ME BY SOMEONE THERE, THAT THEY WAS FROM THE SOUTH. Q. LET ME ASK YOU AGAIN, WHEN DID YOU FIRST SEE KLINGENSMITH ? A. I THINK AS I TOLD YOU HERE TO-DAY, I WAS NOT POSITIVE WHEN I FIRST SAW HIM, BUT I SAW HIM DURING THE TIME, I DON'T KNOW AS I	COMING IN THE MEANTIME {A}[p] NONE THAT I RECOLLECT Q HOW DID YOU KNOW THESE PARTIES CAME FROM THE SOUTH A WELL THERE WAS STATED TO ME BY SOME THERE THEY WAS FROM THE SOUTH Q LET ME ASK YOU AGAIN WHEN DID YOU FIRST SEE KLINGENSMITH {A}[p] I THINK AS I TOLD YOU HERE TODAY I WAS NOT POSITIVE WHEN I FIRST SAW HIM I SAW HIM DURING THE TIME I DON'T KNOW AS I	COMING IN ~~IN~~ THE MEAN TIME?? A. NONE THAT I RECOLLECT OF.. Q. HOW DID YOU KNOW THAT THESE PARTIES CAME FROM THE SOUTH? A. FROM WHAT WAS TOLD TO ME—I GATHERED THAT THEY WERE FROM THE SOUTH; WHEN I SAW THEM THERE I THOUGHT THEY WERE FROM THE SOUTH?. Q. LET ME ASK YOU TH~~E~~**IS** QUESTION,— WHERE DID YOU FIRST SEE KLINGENSMITH THERE? A. I DON'T KNOW POSITIVELY WHEN I FIRST SAW HIM, BUT I SAW HIM DURING THE DAY THAT WE WAS LAYING THERE. I DON'T KNOW WHETHER I [24]	COMING IN IN THE MEAN TIME NONE THAT I RECOLLECT OF [*space*] HOW DID YOU KNOW THAT THESE PARTIES CAME FROM THE SOUTH THAT WAS TOLD TO ME BY SOME THERE WHEN I SAW THEM THERE THAT THEY WAS FROM THE SOUTH [*space*] WHERE DID YOU FIRST SEE KLINGEN SMITH THERE I DON'T KNOW POSITIVE WHEN I FIRST SAW HIM BUT I SAW HIM DURING THE TIME THAT WE WAS LAYING OVER ~~I KNOW~~ I DON'T KNOW WHETHER I

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RT	RS	BT	PS
MENTIONED THE TIME AND I COULD NOT NOW. Q. WAS THAT THE FIR~~Z~~ST TIME YOU HAD SEEN KLINGENSMITH ?	MENTION{ED}^{p} THE TIME {AND}^{p} I COULD NOT NOW. $_{Q}$ WAS THAT FIRST TIME YOU HAD SEEN KLINGENSMITH	MENTIONED THE TIME; I COULD NOT NOW.. Q. WAS THAT THE FIRST TIME YOU HAD SEEN KLINGENSMITH AFTER LEAVING CEDAR? A. YES,	MENTIONED THE TIME [*space*] WAS THAT THE FIRST TIME YOU HAD SEEN KLINGEN SMITH AFTER LEAVING CEDAR YES
A. YES SIR, THAT WAS THE FIRST TIME AFTER I HAD LEFT CEDAR CITY. Q. DID HE GO DOWN WITH YOU ON THAT OCCASION FROM CEDAR CITY TO THE MOUNTAIN MEADOWS ? A. I THINK NOT, NEVER SEED HIM THERE. Q. DO YOU KNOW WHETHER	$_{A}$YES SIR THAT WAS THE FIRST TIME AFTER I HAD LEFT CEDAR $_{Q}$ DID HE GO DOWN WITH YOU ON THAT OCCASION FROM CEDAR CITY TO MOUNTAIN MEADOWS {$_{A}$}^{p} I HAVEN'T NEVER SEED HIM THERE. $_{Q}$≤DO YOU KNOW≥ WHETHER	SIR, THAT WAS THE FIRST TIME AFTER WE HAD LEFT CEDAR. Q. DID HE GO DOWN WITH YOU ON THAT OCCASION~~?~~ TO THE MOUNTAIN MEADOW MASSACRE? A. I DON'T THINK SO; I DIDN'T SEE HIM ON THE ROAD . Q. DID YOU KNOW WHERE	SIR THAT WAS THE FIRST TIME AFTER WE HAD LEFT CEDAR DID HE GO DOWN WITH YOU ON THAT OCCASION FROM CEDAR CITY TO THE MOUNTAIN MEADOW MASSACRE I DON'T THINK SO I DIDN'T SEE HIM ON THE ROAD DID YOU KNOW ~~WHETHER KLINGEN~~ WHERE
KLINGENSMITH WAS IN OR WHERE HE WAS WHEN YOU LEFT ? A. I DO NOT, IT WAS AFTER DARK WHEN I GOT UP THERE AND I WAS	KLINGENSMITH WAS IN OR WHERE HE WAS WHEN YOU LEFT {$_{A}$}^{p} I DO NOT; IT WAS AFTER DARK WHEN I GOT UP THERE AND I WAS	KLINGENSMITH WAS WHEN YOU LEFT THERE? A. I DID NOT. IT WAS AFTER DARK WHEN I GOT UP THERE AND I WAS	KLINGEN SMITH WAS WHEN YOU ~~LEFT AND ARRIVED~~ AND LEFT THERE NO SIR BECAUSE IT WAS AFTER DARK THAT NIGHT

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RT	RS	BT	PS
READY TO START. DON'T RECOLLECT SEEING HIM THERE THAT NIGHT. I MIGHT HAVE DONE, BUT I DON'T RECOLLECT IT NOW. Q. HOW MANY DAYS WAS IT AFTER YOU RETURNED HOME BEFORE YOU SAW KLINGEN- *[191]*	READY TO START DON'T RECOLLECT SEEING HIM THERE THAT NIGHT. I MIGHT HAVE DONE I DON'T RECOLLECT IT NOW. ~~<~~HOW MANY DAYS WAS IT AFTER YOU RETURNED HOME BEFORE YOU SAW ~~KLINGEN~~ K	READY TO START; I DON'T RECOLLECT SEEING HIM THERE THAT NIGH T; I MIGHT HA~~D~~VE DONE **SO,** I DON'T RECOL~~L~~LECT IT NOW.	I DON'T REMEMBER OF SEEING HIM THERE [*space*]
SMITH ? A. I HAVEN'T GOT IT CLEARLY IN MY MEMORY HOW MANY DAYS. Q. YOU SAID IT WAS AFTER YOU ARRIVED ON THE MOUNTAIN MEADOWS THAT THE MASSACRE OCCURRED, WILL YOU PLEASE STATE IT AGAIN ? A. I COULD NOT TELL POSITIVELY. I THINK, AS I SAID TO-DAY, IT WAS TWO DAYS; THIS WAS ON THE THIRD, I AM NOT POSITIVE OF THAT, IT	SMITH~~>~~ $_{A}$I HAVEN'T GOT CLEARLY IN MEMORY HOW MANY DAYS. $_{Q}$YOU SAID IT WAS AFTER YOU ARRIVED ON THE MOUNTAIN MEADOWS THAT THE MASSACRE OCCURRED WILL YOU PLEASE STATE IT AGAIN $\{_{A}\}^{p}$ I COULD NOT STATE POSITIVE I THINK AS I SAID TODAY, IT WAS TWO DAYS THIS WAS ON THE THIRD, I AM NOT POSITIVE OF THAT AND IT	Q. I HAVE NOT GOT IT CLEAR IN M~~U~~Y MIND HOW MANY DAYS YOU STATED IT WAS AFTER YOU ARRIVED ON THE MOUNTAIN MEADOW~~N~~S THAT THE MASSAC~~U~~R**EE** OCCURRED. W~~U~~ILL YOU PLEASE STATE AGAIN? A. I COULD NOT TELL POSITIVELY. I THINK AS I SAID WE LAID THERE TWO DAYS AND THIS WAS ON THE THIRD DAY; IT	I HAVE NOT GOT CLEAR IN MY MIND HOW MANY DAYS YOU STATED IT WAS AFTER YOU ARRIVED ON THE MOUNTAIN MEADOWS THAT THE MASSACRE OCCURRED WILL YOU PLEASE STATE IT AGAIN I COULD NOT TELL POSITIVELY MOST I THINK THAT WE HAD LAID THERE TWO DAYS AND THIS WAS ON THE 3RD IT

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RT	RS	BT	PS
MIGHT HAVE BEEN ON THE THIRD OR FOURTH DAY. Q. AT WHAT TIME IN THE DAY DID IT OCCUR ? A. SOMETIME IN THE AFTERNOON, BEFORE NIGHT OR BEFORE SUN-DOWN . SUTHERLAND: Q. HOW LONG HAD YOU BEEN THERE AT HOME AFTER YOU RETURNED FROM THE JOURNEY CARRYING THAT LETTER BEFORE YOU RECEIVED ORDERS TO GO WITH THE BAGGAGE WAGON ? A. I CANNOT	MIGHT HAVE BEEN ON THE 3RD OR 4TH DAY BY SUTHERLAND. WHAT TIME IN THE DAY DID IT OCCUR {A}[p] SOMETIME IN THE AFTERNOON, BEFORE NIGHT OR BEFORE SUNDOWN *[[11]]*[213] BY BASKIN YOU CAN GO MR. WHITE ONE MOMENT FOR DEFENSE. BY SUTHERLAND HOW LONG HAD YOU BEEN AT HOME AFTER RETURNED FROM THE JOURNEY CARRY THAT LETTER BEFORE YOU RECEIVED SUMMONS {ORDERS}[p] TO GO WITH BAGGAGE WAGON {A}[p] I CANNOT	MIGHT HAVE BEEN ON THE SECOND DAY ~~AND~~ , OR IT MIGHT HAVE BEENON THE FOURTH DAY. BY MR. SUTHERLAND: WHAT TIME IN THE DAY DID IT COMMENCE? A. SOMETIME IN THE AFTERNOON— ~~BEFORE NIGHT OR BEFORE SUNDOWN~~ Q. WHAT TIME DID IT FINISH? A. SOME TIME BEFORE SUNDOWN. Q. HOW LONG HAD YOU BEEN AT HOME AFTER RETURINING FROM THE JOURNEY TO CARRY THAT LET**T**ER**,** BEFORE YOU RECEIVED THE SUMMONS TO GO WITH A BAGGAGE WAGON? A. I COULD NOT	MIGHT HAVE BEEN ON THE 2ND DAY OR MIGHT HAVE BEEN ON THE FOURTH *[[15]]* SUTHERLAND WHAT TIME IN THE DAY DID IT COMMENCE [*space*] AFTER WE HAD THE DINNER IN THE AFTERNOON WHAT TIME DID IT FINISH SOME TIME BEFORE SUNDOWN ~~AT NIGHT~~. [*space*] HOW LONG HAD YOU BEEN AT HOME AFTER RETURNING FROM THE JOURNEY TO CARRY THAT LETTER BEFORE YOU RECEIVED THE SUMMONS TO GO WITH THE BAGGAGE WAGON I COULD NOT

213. At the top of the page in longhand, double underlined in purple pencil: **ANNIE E HOGE**.

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RT	RS	BT	PS
TELL THAT EITHER, MIGHT HAVE BEEN TWO OR THREE DAYS PROBABLY, BUT I COULD NOT SAY AS TO THE TIME, I KNOW I WORKED AROUND IN THE FIELD, GETTING UP WHEAT, I DON'T RECOLLECT HOW LONG, AND I COULD NOT SAY. [*space*]	TELL THAT NEITHER {**A**}[i] IT MIGHT HAVE BEEN TWO OR 3 DAYS PROBABLY I COULD NOT SAY AS TO {THE}[p] TIME. I KNOW I WORKED AROUND IN THE FIELD GETTING UP WHEAT I DON'T RECOLLECT HOW LONG I COULD NOT SAY. BY COURT AM I LIKELY TO BE CALLED THIS AFTERNOON IF YOU WANT TO GO SOME DISTANCE OFF LET THE MARSHALL KNOW. BY COURT CALL THE NEXT WITNESS OATH ADMINISTERED BY CLERK ~~<~~READ THE~~>~~ NAME OF PHILIP ~~T~~ **K** SMITH UNAVAILABLE. *SS PR*[?] [*space*]	TELL THAT ~~K~~NOW; IT MIGHT HAVE BEEN TWO OR THREE DAYS PROBABL~~E~~Y; I COULD NOT SAY AS TO THE TIME. I KNOW I WAS TO WORK DOWN IN THE FIELD QUITE A BIT ~~B~~**G**ETTING UP MY WHEAT, BUT HOW MANY DAYS I COULD NOT SAY. *[25]*	TELL THAT NEITHER IT MIGHT HAVE BEEN 2 OR 3 DAYS PROBABLY I COULD NOT SAY AS TO THE TIME I KNOW I WAS TO WORK DOWN IN THE FIELD GETTING UP MY WHEAT BUT HOW MANY DAYS I COULD NOT SAY. [*space*]

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John D. Lee, First Trial

Annie Hoge Testimony

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RT	RS	BT	PS
[*Rogerson did not transcribe the testimony of Annie Hoge*.]	*[Bk 4 11 cont.]*214 $_{Q}$WHAT IS YOUR NAME **ANNIE** **E** **HOAG** <WHERE RESIDE> WHERE DO I LIVE $_{A}$IN SALT LAKE CITY 14TH WARD WHERE WERE YOU LIVING IN 57 $_{A}$IN FORT HARMONY WHAT COUNTY WASHINGTON COUNTY IS IT WASHINGTON OR IRON SUTHERLAND WE OBJECT TO ANY SUGGESTION I DO NOT KNOW WHETHER IT MAKES VERY MUCH DIFFERENCE ON WHICH SIDE WAS WASHINGTON	*[25]* ANNIE ELIZABETH HOAG SWORN FOR THE PLAINTIFF.~~——~~ **TH** **PROSECUTION.** **EXAMINED BY** **M^{R}**. Q. WHAT IS YOUR ~~H~~NAME? A . ANNIE ELIZABETH HOAG.. Q. WHERE DO YOU LIVE? A. IN SALT LAKE CITY WHEN I AM HOME — I4TH WARD. Q. WHERE WERE YOU LIVING IN I857? A. FORT HARM~~A~~ONY. Q. WHAT COUNTY? A. W~~H~~ASHINGTON COUNTY. Q. WASHINGTON OR IRON? ~~A.~~MR. SUTHERLAND: WE OBJECT TO ANY SUGGESTIONS.. Q. WAS IT WASHINGTON	*[[Bk 5 15]]* **ANNIE** **ELIZABETH** **HOAG** SWORN FOR THE PROSECUTION [*space*] WHAT IS YOUR NAME **ANNIE** ELIZABETH HOAG [*space*] WHERE DO YOU LIVE IN SALT LAKE CITY WHEN I AM HOME 14 WARD WHERE WERE YOU LIVING 1857 FORT HARMONY WHAT COUNTY WASHINGTON COUNTY WASHINGTON OR IRON? OBJECTED TO ANY SUGGESTIONS [*space*] WAS IT WASHINGTON

214. There are no transcription marks in Hoge's testimony.

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RT	RS	BT	PS
	OR IRON IT WAS IN IRON COUNTY FORT HARMONY THE OTHER SIDE OF CEDAR. WERE YOU LIVING THERE THE YEAR OF 57 YES SIR. ALL YEAR NO ASSENT TO THIS ~~<~~**NO ANSWER**~~>~~ I WENT THERE ABOUT CHRISTMAS CHRISTMAS OF WHAT YEAR OF 56 HOW LONG DID YOU LIVE THERE ~~A~~OVER YEAR PRETTY NEAR TWO YEARS ABOUT YEAR AND HALF DID YOU KNOW OR HEAR OF THE EMIGRANTS THAT WENT THROUGH THERE OF THE MOUNTAIN MEADOW MASSACRE ~~A~~YES SIR I WAS MEETING ONE CALLED BEFORE	COUNTY OR IRON COUNTY? A. IT WAS IRON COUNTY. IT WAS IN FORT HARMONY, THE OTHER SIDE OF CEDAR.. Q. WERE YOU LIVING THERE IN ALL OF THE YEAR OF I857? A. YES, SIR. Q. THE WHOLE YEAR? A. YES, SIR; WENT THERE ABOUT CHRISTMAS. Q. WHAT YEAR? A. ‘56. Q. HOW LONG DID YOU LI~~N~~VE THERE? A. PRETTY NEAR TWO YEARS — ABOUT A YEAR AND A HALF. Q. DID YOU KNOW OR ~~RHEAR~~ **HEAR** OF THE EMIGRANT COMPANY THAT WENT THROUGH THERE**,** AT THE MOUNTAIN MEADOW MASSA CRE? A. YES, SIR, I WAS IN THE MEETING**,** ONE CALLED BY	COUNTY OR IRON IT WAS IRON COUNTY IT WAS IN FORT HARMONY THE OTHER SIDE OF CEDAR WERE YOU LIVING THERE IN ALL THE YEAR OF 57 YES SIR WHOLE ~~YES~~ SIR YEAR YES SIR WENT THERE ABOUT CHRISTMAS [*space*] WHAT YEAR 56 [*space*] HOW LONG DID YOU LIVE THERE PRETTY NEAR TWO YEARS ABOUT A YEAR AND HALF DID YOU KNOW OR HEAR OF THE EMIGRANTS THAT WENT THROUGH THERE AT THE MOUNTAIN MEADOW MASSACRE YES SIR I WAS IN THE MEETING THAT WAS CALLED

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RT	RS	BT	PS
	JOHN D LEE TO GO TO THE MASSACRE AND THE INDIANS GATHERED AND THEY WENT ALL THE FORT THEN WAS THERE MEETING AT THAT FORT A YES SIR THERE WAS MEETING WERE YOU AT THE MEETING A I WAS AT THE MEETING WHO ELSE A IT WAS CALLED FOR ALL THE PEOPLE IN THE FORT CAN YOU NAME ANY OF THE PEOPLE THAT WERE THERE A I CAN RECOLLECT THERE WAS PRETTY NEAR ALL THE PEOPLE IN THE FORT MR. INGRAM'S FAMILY MR. BARNES MR. GROVES I BELIEVE MR. YOUNG WAS LIVING THERE AT THE TIME	JOHN D. LEE BEFORE THEY STARTED THE MASSACRE AND THE INDIANS CAME AND MEN FROM THE FORT. Q.WAS THERE A MEETING AT THAT FORT? A. A. YES, SIR, THERE WAS A MEETING .? Q. WERE YOU AT THE MEETING? A. YES, SIR. Q. WHO ELSE WAS THERE? A. IT WAS CALLED FOR ALL THE PEOPLE IN THE FORT. Q. CAN YOU NAME ANY PEOPLE THAT WERE THERE? A. I CAN'T RECOLLECT, THERE WAS PRETTY NEAR ALL THE PEOPLE THAT WAS IN THE FORT: MR. INGRAM'S FAMILY, MR. BARNES, MR. CROFTS, I BELIEVE MR. YOUNG WAS LIVING THERE AT THE TIME,	BEFORE THAT [*space*] STARTED TO MASSACRE AND THE INDIANS GATHERED AND MEN FROM THE FORT [*space*] WAS THERE A MEETING YES SIR AT HARMONY YES SIR WERE YOU AT THE MEETING YES SIR WHO ELSE WAS THERE IT WAS CALLED FOR ALL THE PEOPLE IN THE FORT CAN YOU NAME ANY PEOPLE THAT WERE THERE I CAN RECOLLECT THERE WAS PRETTY NEAR ALL THE [*space*] MR. INGRAM'S FAMILY MR. BARNES MR. GROVES I BELIEVE MR. YOUNG WAS LIVING THERE NOT EXACTLY

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RT	RS	BT	PS
	MR. JOHN D LEE'S FAMILY MR. SHIRTS AND HIS CHILDREN[215] BISHOP DAVIS. WHAT WAS DONE AT THAT MEETING ₐWHY JOHN D LEE SPOKE THERE ABOUT {IN}[i] REGARD MOUNTAIN MEADOW MASSACRE IN REGARD GOING TO THIS MOUNTAIN MEADOW MASSACRE WHAT DID HE SAY HE OPENED MEETING. MR. SHIRTS CAME HOME ≤AT NIGHT≥ TOLD ME TO GO TO MEETING ≤THERE WAS GETTING UP FOR	MR. JOHN D. LEE'S FAMILY. MR. SHI~~T~~RT~~Z~~**S** AND HIS FAMILY, BISHOP DAVIS AND HIS FAMILY. Q. WHO WAS ~~WAS~~ DOWN AT THAT MEETING? ? A. JOHN D. LEE STOPPED THERE ~~TO ENQUIRE~~ IN REGARD TO THIS MOUNTAIN MEADOW MASSACRE—IN REGARD TO GOING TO THIS MOUNTAIN MEADOW MASSACRE.. Q. WHAT DID HE SAY ON OPENING THE MEETING?. A. HE OPENED THE MEETING, MR. SHIRT~~Z~~**S** CAME HOME AT NIGHT ~~AND T OLD JHIM HIM AT NIGHT~~ AND TOLD HIM THERE WAS GOING TO BE A MEETING FOR	SURE JOHN D. LEE AND HIS FAMILY *[[16]]* MR. SHIRTS AND HIS FAMILY ~~MR. BISHOP~~ DAVIS HIS FAMILY *BUT THE ONE*[?] [*space*] WHAT WAS DONE AT THAT MEETING JOHN D. LEE SPOKE THERE IN REGARD TO GOING TO THIS MOUNTAIN MEADOW MASSACRE WHAT DID HE SAY HE OPENED THE MEETING MR. SHIRTS CAME HOME TO ME AT NIGHT AND TOLD ME THERE WAS GOING TO BE A MEETING FOR

215. Peter Shirts and Annie Hoge were married at the time. Peter apparently also released a statement about the massacre. [Peter Shirts], statement, ca. 1876, manuscript 3141, Smithsonian Institution, National Anthropological Archives, Suitland, MD.

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RT	RS	BT	PS
	THE SAINTS THERE WANTED PEOPLE TO GATHER≥ OBJECTED TO BY SUTHERLAND BY BISHOP WE OBJECT TO HER TALK WHAT HER HUSBAND SAID TO HER ≤WITNESS GOES ON MR. SHIRTS TOLD ME THAT IT WAS IN REGARDS TO SOME EMIGRANTS≥ I WANT HER TO ANSWER YOUR QUESTION AND NOTHING ELSE. BY CAREY SHE ONLY ~~SHIRTS SHIRTS TOLD ME~~ *REMARKED*[?] I ~~WAS~~ ≤WENT≥ IN ≤TO THE≥ MEETING NEXT MORNING AND JOHN D. LEE GOT UP ON STAND SAID HE CALLED MEETING IN CONSEQUENCE OF {AN EMIGRANT}[i] COMPANY OF GENTILES THAT	THE SAINTS THERE, AND THAT HE WANTED THE PEOPLE TO GATHER THA~~A~~ERE. [26] AND MY HUSBAND TOLD ME ———OBJECTED TO WHAT HER HUSBAND TOLD HER OR ANYBODY ELSE. A. ME SHIRT~~Z~~S TOLD ME THAT IT WAS IN REGARD TO SOME EMIGRANTS. I WENT TO THE MEETING NEXT MORNING; AND JOHN D. LEE GOT UP ON THE STAND AND SAID HE CALLED THE MEETING IN CONSEQUENCE OF AN EMIGRANT COMPANY OF **G**ENTILES,	THE SAINTS THERE THAT HE WANTED THE PEOPLE TO GATHER THERE OBJECTED TO HER TALK WHAT HER HUSBAND SAID TO HER AND ANYBODY ELSE [*space*] MR SHIRTS TOLD ME THAT IT WAS IN REGARDS TO SOME EMIGRANTS [*space*] I WENT TO THE MEETING NEXT MORNING AND JOHN D LEE GOT UP ON THE STAND AND SAID HE CALLED THE MEETING IN CONSEQUENCE OF AN EMIGRANT COMPANY OF GENTILES THAT

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RT	RS	BT	PS
	WAS GOING THROUGH HE SAID THEY HAD CONSIDERABLE {TROUBLE}[p] WITH GENTILES IN NAUVOO SOME TWO OR 3 {FAMILIES}[i] THAT WAS IN NAUVOO AND *CROSSED*[?] THE RIVER *[[12]]* TO PERISH WITH —[?] STARVATION. WE CALLED MR. ~~<~~BISHOP~~>~~ SMITH DAME AT PAROWAN WERE GOING TO GO OVER THERE AND GET MEN ~~<~~OVER THERE A NUMBER OF THE MEN WERE TO GO~~>~~ IN THE CANYON <THAT THEY HAD GONE OVER> TO	GOING THROUGH. HE SAID THAT THEY HAD ~~S~~CONSID~~P~~ERABL E TROUBLE WITH **G**ENTILES IN NAUVOO SOME TWO OR THREE FAMILIES THAT WAS IN NAUVOO ~~AND~~ CROSSED THE RIVER **AND** WERE DRIVEN OUT BY THE **G**ENTILES AND PERISHED FROM STARVATION. AND HE WANTED ALL ~~ALL~~ OF THEM — THAT MR. HAIGHT AND MR. DAME FROM PAROWAN WAS GOING ~~WAS~~ ~~GOING TO GO~~ OVER THERE AND A NUMBER OF THE MEN WERE TO GO IN THE MORNING; THAT THEY HAD GONE OVER TO	WAS GOING THROUGH THAT THEY HAD HAD ALREADY *SUFFERED*[?] CONSIDERABLE [*space*] ~~WITH~~ SOME TWO OR 3 *CROSSED/ACROSS* [?] THE RIVER TO PERISH WITH STARVATION AND COLD AND THAT MR. HAIGHTS AND MR. DAME FROM PAROWAN AND BISHOP SMITH WAS BISHOP AT THE TIME WAS GOING TO GO OVER THERE AND THAT THEY HAD ALREADY GONE OVER TO

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RT	RS	BT	PS
	STOP ‘EM FROM GOING INTO THE CANYON JOHN D. LEE ~~WAS~~ HAD GONE AWAY AND COME BACK FROM CEDAR CITY. ≤THE NIGHT BEFORE≥ THEY HAD HAD LITTLE DIFFICULTY AS IT WAS DID NOT THINK THEY COULD GET TO SOME UNLESS THEY SENT SOME MORE ≤TO THE≥ GROUND BECAUSE [*space*] ≤HAIGHT WAS GOING TO SEND SOME ONE MR. SHIRTS≥ GEORGE [*space*] SHIRTS[216] WAS ORDERED BY DISPATCH TO GATHER {THE}[1] INDIANS ≤ALL AROUND≥ THEY WAS, AND MEET TOGETHER IN THE MORNING SOMEWHERE OUTSIDE OF	STOP THEM FROM **GETTING** ~~GOING~~ INTO THE MOUNTAIN. MR. SMITH WAS BISHOP AT THE TIME; AND JOHN D. LEE HAD GONE AWAY AND CAME BACK FROM CEDAR CITY**,** AHD THE NIGHT BEFORE HE HAD HAD A LITTLE DIFFICULTY AS IT WAS.. AFTER THEY SENT SOME MORE MEN, **B**ISHOP DAME, ISAAC HAIGHT AND MR. SMITH NOT **A** STRONG ENOUGH BODY, AND GEORGE SHIRT~~ZS,~~ TO GET **I**NDIANS ALL AROUND; THEY WAS TO MEET TOGETHER IN THE MORNING SOMEWHERES OUTSIDE O~~G~~F	STOP THEM FROM GOING INTO THE CANYON THAT JOHN D. LEE HAD GONE AWAY AND HAD COME BACK FROM CEDAR THE NIGHT BEFORE HAD LITTLE DIFFICULTY AS IT WAS [*space*] HAVE THEM SEND SOME OTHER MEN AND BISHOP DAME ISAAC HAIGHT AND MR. SMITH NOT STRONG ENOUGH BODY GEORGE SHIRTS ALREADY DISPATCHED TO GATHER INDIANS ALL AROUND THEY WAS TO MEET TOGETHER IN THE MORNING SOMEWHERES OUTSIDE

216. George Shirts was a son of Peter Shirts who died June 21, 1857, at the age of twenty-five. Hoag’s reference is likely Don Carlos, who gathered Indians for the massacre. Another son of Peter Shirts, King Darius Shirts (age twenty-four in 1857), was also subpoenaed for the trial.

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RT	RS	BT	PS
	THE FORT. JOHN D. LEE AND SOME OTHER MEN WAS TO GO OVER BY SUTHERLAND SHE IS ASSUMING TO GIVE JOHN D. LEE'S STATEMENT BY COURT ONLY AS SHE STATED WHAT WAS ~~<~~SAID~~>~~ IN THE MEETING SUTHERLAND SHE HAS SPOKEN OF JOHN D. LEE'S GOING TO PAROWAN AND RETURNING THAT DID NOT APPEAR TO BE ETC. COURT OVERRULED [*space*]. GO ON. HE SAID THEY HAD BEEN THAT ~~<~~NIGHT IN CEDAR CITY~~>~~ SOME OF THE MEN	THE FORT. JOHN D. LEE AND SOME MEN WAS TO GO OVER ———— BY MR. SUTHERLAND: SHE IS ASSUMING TO GIVE JOHN D. LEE'S STATEMENT. BY COURT : ONLY AS SHE STATE~~S~~D WHAT WAS S~~t~~AID IN **THE MEETING.** ~~COURT~~. OBJECTION OVERRULED. A. HE SAID THAT THEY HAD BEEN CAROUSING THA T NIGHT IN CEDAR CITY. SOME MAN	THE FORT I FORGET WHERE JOHN D. LEE AND MEN FROM THE FORT WAS TO GO OVER AND HASTEN ON SAYING THAT PRESIDENT HAIGHT'S WISH THAT THEY SHOULD OBJECTED TO BY SUTHERLAND AS HEARSAY [*space*] GO ON [*space*] HE SAID THAT THEY HAD BEEN CAROUSING THAT NIGHT IN CEDAR *[[17]]* CITY AND [*space*] SOME

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RT	RS	BT	PS
	≼EMIGRANTS≽ HAD GOT DRUNK AND WENT TO CURSING AND ≼WENT TO≽ HAIGHT'S PLACE CALLED HIM OUT HE WOULD NOT GO THE MEN TOLD HIM IF HE WAS {A}[i] MAN TO COME OUT ≼THERE≽ PRESIDENT HAIGHT SAID WOULD NOT GO. HAIGHT WENT OUT THROUGH BACK DOOR GOT SOME MEN TO ARREST THESE MEN THAT WAS DRUNK. THEY TOLD ISAAC HAIGHT IF HE DID NOT COME OUT TO SPEAK TO 'EM THAT THEY WOULD SHOW HIM WHAT THEY COULD DO *M*[?]. THEY WAS GOING TO CALIFORNIA AND SEND AN ARMY OF	HAD GOT DRUNK, AND CURSING AROUND PRESIDENT'~~S~~ **H**AIGHT'S PLACE AND CALLED HIM OUT AND HE WOU LD NOT GO; THE MAN TOLD HIM IF HE WAS A MAN ~~HE~~ ~~WOULD~~ TO COME OUT THERE./ PRESIDENT **H**AIGHT WOULD NOT GO OUT; BUT HE WENT OUT THROUGHT THE BACK DOOR AND GOT SOME MEN TO ARREST THIS MAN THAT HAD GOT DRUNK. THEY TOLD ISAAC HAIGHT THAT IF THEY DIDN'T COME OUT AND SPEAK TO THEM THAT *[27]* THEY WOULD ~~W~~SHOOT HIM.. THAT TH~~A~~EY WERE GOING TO CALIFORNIA AND SEND AN ARMY OF	EMIGRANTS HAD GOT DRUNK WENT TO PRESIDENT HAIGHT'S PLACE AND CALLED HIM OUT [*space*] MEN TOLD HIM IF HE WAS A MAN TO COME OUT THERE [*space*] PRESIDENT HAIGHT WOULD NOT COME OUT BUT WENT OUT THROUGH THE BACK DOOR AND GOT SOME MEN TO GO AND ARREST THOSE MEN THAT HAD GOT DRUNK TOLD ISAAC HAIGHT THAT IT WAS NOT MUCH CONSEQUENCE THAT THEY WAS GOING TO CALIFORNIA SEND AN ARMY OF

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RT	RS	BT	PS
	SOLDIERS TO ATTACK ANY <HAIGHT> DAMN MORMONS IN THE COUNTRY PRESIDENT ~~<~~*NG/N*[?] HAIGHT~~>~~ SO THOUGHT IT WAS BEST TO PUT THEM OUT OF WAY BEFORE THEY WENT ON; ~~<~~BEFORE THEY DID ANY MORE HARM~~>~~ SO DID MR. DAMES HE WANTED NOW FOR ALL OF THEM TO LIFT UP THEIR HANDS THAT IT SHOULD BE CARRIED OUT. SO OF COURSE THEY LIFTED UP THEIR HANDS AS THAT WAS	SOLDIERS TO TAKE BRIGHAM YOUN~~D~~G, DAME, HAIGHT AND EVERY OTHER DAMN MORMO~~H~~N IN THE COUNTRY. PRESIDENT HAIGHT SO THOUGHT IT WAS BEST TO PUT THEM OUT OF THE WAY BEFORE THEY DID ANY HARM, SO DID BISHOP DAME, SO HE WISHED TO KN~~9~~**O**W IF THE SAIN~~T~~S WAS WILLING**,** — FOR THEM TO LIFT UP THEIR HANDS IN REGARD TO THE MATTER**,** THAT IT SHOULD BE CARRIED OUT~~.~~**, — IF** ~~IF~~ THE SAINTS ~~OF~~ ~~COU RSE~~ LIFTED UP THEIR HANDS, ~~SO OF COURSE THEY LIFTED UP THEIR HANDS,~~ ~~**HOW**~~ **HE KNEW THAT HIS WORD WAS**	SOLDIERS —[?] TO ATTACK BRIGHAM YOUNG DAME HAIGHT AND EVERY OTHER DAMN MORMON IN THE COUNTRY [*space*] PRESIDENT HAIGHT THOUGHT IT WAS BEST TO PUT THEM OUT OF THE WAY BEFORE THEY DONE ANY MORE HARM SO DID BISHOP DAME SO HE WISHED TO KNOW IF THE SAINTS WAS NOT WILLING FOR THEM TO LIFT UP THEIR HANDS IN REGARD TO THE MATTER [*space*] FOR THE SAINTS OF COURSE LIFTED THEIR HANDS UP FOR *HE/THEY*[?] KNEW THAT HIS *WORD*[?] WAS

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RT	RS	BT	PS
	LAW THEY LIFTED UP THEIR HANDS JOHN D. LEE I *WENT*[?] UP —[?] ONLY *LIFTED*[?] MINE UP BUT ~~<~~&~~>~~ LET IT DROP WHEN HE CAME TO ASK FOR CONTRARY I LET IT DROP SOME WAS ONLY [*space*] IT WAS DECIDED, ON NEXT MORNING THAT JOHN D. LEE AND INDIANS SHOULD START FOR THERE IN THE MORNING I BELIEVE PRETTY	**LAW.** ~~AS THAT WAS LAW~~ **SO OF COURSE** — THEY LIFTED ~~Y~~UP THEIR HANDS. JOHN D. LEE ASKED IF THERE WAS ANY TO THE CO~~H~~NTRARY**.** I LIFTED MY HAND UP; BUT I WAS SO GUILTY **OF** CONSCIENCE THAT I COULD NOT KEEP IT UP. HE ASKED FOR THE CONTRARY AND I COULD NOT LIFT M~~U~~INE BUT **THERE WERE** ~~TO~~ **TWO** OR THREE TO THE CONTRARY. IT WAS **T**U~~R~~RESDAY THEN THAT JOHN D. LEE**,** AND THE **I**NDIANS SHOULD START **TOO,** THE NEXT MORNING AND THE MEN FROM THE FORT. I BELIEVE THE MEN PRETTY	THE LAW [*space*] JOHN D. LEE ASKED IF THEY IF THERE WAS ANY CONTRARY I WAS SO GUILTY OF CONSCIENCE THAT I COULD NOT KEEP IT [*space*] ASKED CONTRARY I *COULD NOT*[?][217] *LIFT/LEAVE*[?] MINE TWO OR THREE AND LIFT ~~THEIR HANDS~~ [*space*] CONTRARY [*space*] IT WAS DECIDED ON THEN THAT JOHN D. LEE AND THE INDIANS SHOULD START TOO IN THE MORNING AND THE MEN FROM THE FORT I BELIEVE THE MEN PRETTY

217. Shorthand symbol is illegible; could possibly mean "could not", but is a questionable transcription.

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RT	RS	BT	PS
	NEAR ALL THE MEN WENT EXCEPT <**MR.** SHIRTS> SOME OF MR. SHIRT'S SONS ~~Q~~THEY WAS GONE. {QUESTION HOW LONG WERE THEY GONE}[i] I DO NOT KNOW 3 OR 5 DAYS I WOULD NOT SWEAR TO THIS WHEN THEY CAME BACK WOMEN WAS VERY ANXIOUS WHEN WORD CAME ≤WHEN THEY HEARD≥ THEY WAS COMING. I THINK IT WAS ABOUT 2 O'CLOCK WE WERE ALL UP IN THE MEETING HOUSE THEN —[?] WE WAS ALL VERY STILL SITTING THERE	NEAR ALL WENT EXCEPTING MR. SHIRT~~ZS~~ AND ONE OF ~~TH~~HIS SONS. Q. HOW LONG WERE THEY GONE? A. THEY WAS GONE — I DON'T KNOW— THREE OR FIVE DAYS, I WOULDN'T SWEAR.. WHEN THEY CAME BACK THE ~~MEN WOMIES WERE VERY ANXIOUS THE~~ WOMEN WAS VERY ANXIOUS TO KNOW I F THEY WAS COMING BACK. THE WORD CAME THAT THEY WAS CO MING ABOUT TWO O'CLOCK. WE WAS ALL UP IN THE MEETING HOUSE THEN TO BE CERTAIN WHEN THEY CAME AND THE RUMOR WAS WHILE WE WERE SITTING THERE	NEAR ALL WENT EXCEPTING MR. SHIRTS AND ONE OF HIS SONS ~~THEY~~ WAS GONE I THINK FIVE DAYS THE WOMEN WAS VERY ANXIOUS TO KNOW IF THEY WAS COMING BACK THE WORD CAME THAT THEY WAS COMING ABOUT TWO O'CLOCK WE WAS ALL UP IN THE MEETING HOUSE TO BE THERE WHEN THEY CAME ACCOUNT OF THE RUMOR WE WAS ALL SITTING THERE

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RT	RS	BT	PS
	AND RUMOR CAME THEY HAD COME I LOOKED OUT OF {THE}[i] WINDOW SAW JOHN D LEE AT HEAD *[[13]]* OF INDIANS THEY HAD ALL GATHER{ED}[p] THERE. {HE}[p] WAS GIVING THEM {A}[i] TREAT; THERE WITH SQUASH PUMPKIN PIES ETC. THEY HAD LOTS OF BLANKETS THERE SHOES ONE THING AND ANOTHER {**&**}[i] SO ON JOHN D LEE HE CAME UP IN THE MEETING ROOM SO DID THE MEN HE OPENED THE MEETING HE SAID THANK GOD HE HAD COME BACK ALL RIGHT. <& HE THANKED GOD HE> HAD HE HAD HAD A VERY	THAT THEY HA D COME. I LOOKED OUT OF THE WINDOW TO S~~EE~~**AW** JOHN D. LEE WAS AT THE HEAD OF THE **I**NDIANS THE **I**NDIANS ALL GATHERED ~~THERE~~ ABOUT US THERE. HE WAS GIVING THEM A TREAT WITH MELLONS, SQUASH**ES,** PUNKINS AND PIES. THEY HAD LOTS OF BLANKETS SHOES AND ONE THING AND ANOTHER AND SO ON. JOHN D. LEE, HE CAME UP INTO THE MEETING ROO~~K~~M, SO DID THE MEN. HE OPENED THE MEETING AND SAID T~~H~~A T HE HAD COME-BACK ALL RIGHT AND HE THANKED GOD THAT NOTHING HAD HAPPENED; BUT THAT HE HAD HAD A VERY	RUMOR WAS THAT THEY HAD COME I LOOKED OUT AND SAW JOHN D. LEE AT THE HEAD OF THE INDIANS INDIANS ALL GATHERED ABOUTS THERE HE WAS *ACT*[?] GIVING THEM TREAT THEM [*space*] THEM *WITH*[?] MELONS [*space*] BLANKETS HATS SHOES AND ONE THING *[[18]]* ANOTHER GUNS AND SO ON AND JOHN D. LEE HE CAME UP IN THE MEETING ROOM SO DID THE MEN HE OPENED THE MEETING AND SAID THAT HE HAD COME BACK <AND HE THANKED GOD> THAT NOTHING HAD HAPPENED THAT HE HAD A VERY

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RT	RS	BT	PS
	NARROW ESCAPE FOR THEY WAS SO ENTRENCHED TOGETHER SO THAT HE COULD NOT GET TO THEM,	NARROW ESCAPE FOR THEY WA~~W~~**S** SO ENTRENCHED~~OT~~ *[28]* THAT THEY COULD NOT GET TO THEM.	NARROW ESCAPE FOR THEY WAS ENTRENCHED SO THAT THEY COULD NOT GET TO THEM [*space*]
		ALL THE WAGONS WERE ENTRENCHED TOGETHER.	ALL THE WAGONS WAS ENTRENCHED TOGETHER
	THEY HAD ~~≤~~DUG~~≥~~ PIT ~~≤~~DIRT TO THE~~≥~~ TOP OF ~~≤~~OF THE~~≥~~ WAGON WHEELS SO THEY COULD NOT GET TO THEM.	THEY HAD DUG AND PUT UP THE DIRT TO THE TOPS OF THE WAGON WHEELS: SO THE **I**NDIANS**,** POINTING TO TOWN SAID	THEY HAD DUG AND PUT THE DIRT TO THE LIPS OF THE WAGON WHEELS ASKED THE INDIANS TO ~~TO~~ GO TOGETHER AND POINT *TO TOWN*[?]
	THEY WAS NOT GOING TO DO THE DIRTY WORK ALONE.	THEY WAS NOT GOING TO DO THEIR ~~DI~~ DAMN DIRTY WORK ALONE.	THEY WAS NOT GOING TO DO THEIR DAMN DIRTY [*space*]
	HE WENT TO THE COMPANY TENT AS HE WAS TRYING TO OPEN TENT THERE WAS TWO BULLETS WENT <THROUGH HIS HAT AND CROWN OF HIS>. BUT IT DIDN'T HURT HIM, ~~≤~~DIDN'T~~≥~~ ~~≤~~EVEN~~≥~~ AS	HE WENT TO THE ~~COMPANIES~~ **COMPANIES** TENT AS HE WAS TRYING TO ~~P~~OPEN THE TENT; THERE WAS TWO BULLETS WENT THROUGH **THE** H~~IS HAT~~ CROWN OF HIS HAT BUT IT DIDN'T HURT HIM — DIDN'T EVEN AS	HE HAD TAKEN THEM THERE [*space*] —[?] [*space*] ONE WENT THROUGH THE CROWN OF HIS HAT BUT IT DIDN'T HURT HIM DIDN'T EVEN AS

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RT	RS	BT	PS
	MUCH AS ~~HIS~~ HURT AS {GRAZE}[i] HIS HEAD. THE LORD HAD BLESSED HIM HE SAID HE WOULD LIKE PUT {UP}[p] FLAG OF TRUCE JOHN D. LEE PUT IT UP WHEN HE WENT TO OPEN TENT HE SHOT AT HIM. {HE}[p] TOOK HIS HANDKERCHIEF {AND}[i] PUT IT ON A STICK AS A FLAG OF TRUCE ONE OF THE GENTLEMEN CAME OUT FROM THE COMPANY ASKED HIM IF HE MEANT WHAT HE SAID YES HE MEANT PEACE *AND/TO*[?] THE GENTLEMAN DO YOU GIVE	MUCH AS ~~HURT~~ GRAZE HIS HEAD, THAT THE LORD HAD BLESSED HIM. THERE WAS ONE WENT THROUGH THE SHAWL OF HIS BLANKET. HE SAID HE WOULD LIKE TO PUT UP A FLAG OF TRUCE — JOHN D. LEE PUT IT UP. WHEN HE WENT TO ~~P~~ OPEN THE TENT, THEY SHOT AT HIM AND AFTER HE PASSED BACK HE TOOK HIS HANKERCHIEF AND PUT IT ON A STICK AS A FLAG OF TRUCE. ONE OF THE GENTLEMEN CAME OUT FR~~O~~M THE COMPANY AND AS~~N~~KED ~~IF HE MEANT WHAT HE MEANT~~ IF HE MEANT WHAT HE SHOWED BY THE FLAG.. HE SAID YES. HE SAID DO YOU PROMISE	MUCH AS GRAZE HIS HEAD THAT THE LORD HAD BLESSED HIM OTHER ONE WENT THROUGH THE SHAWL OF HIS BLANKET *GOT*[?] ONE MAN PUT UP FLAG OF TRUCE [*space*] WHO JOHN D. LEE WHEN HE WENT TO OPEN TENT THEY SHOT AT HIM —[?] AND AFTER HE PASSED BACK TOOK HIS HANDKERCHIEF PUT IT ON A STICK AS A FLAG OF TRUCE ONE OF THE GENTLEMEN CAME OUT FROM THE COMPANY AND ASKED HIM IF HE MEANT WHAT HE SHOWED BY THE FLAG HE SAID YES *HE*[?] MEANT PEACE DO YOU PROMISE

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RT	RS	BT	PS
	US PEACE HE SAID YES AND SAYS ANOTHER ONE NO ≤BUT HE SAYS≥ ALL I WISH YOU IS TO SURRENDER YOUR ARMS AND WE WE {WILL SEE}^{p} THAT YOU GO UNHURT ANOTHER MAN SAYS NO SAYS HE HE IS WHITE MAN <HE IS ONLY A WHITE MAN PAINTED LIKE AN INDIAN>. AND SO JOHN D. LEE HE SPOKE {"}^{p} IF YOU GIVE UP YOUR ARMS HE IS FOOLING THIS MAN SAYS I DON'T KNOW HE PROMISES PEACE IF WE —/*SL*[?] WILL GIVE UP YOUR ARMS DON'T YOU BE	US PEACE, LEE SAID YES~~.~~**,** WE MEAN PEACE. HE SAID DO YOU PROMISE US PEACE, HE SAID YES, I WISH YOU TO SURRENDER YOUR ~~YOUR~~ ARMS AND WE WILL SEE THAT YOU GO UNHARMED. ANOTHER MAN AMONG THE EMIGRANTS SAYS, NO, DON'T YOU DO IT, DON'T YOU SEE THAT THAT MAN IS NOT AN **I**NDIAN — ONLY A WHITE MAN PAINTED LIKE AN **I**NDIAN, AND IF YOU GIVE UP YOUR ARMS**,** YOU ARE ~~A~~ FOOL**S**. THIS MAN SAYS I DON'T KNOW, HE PROMISES U~~P~~S PEACE.. THEN THE OTHER MAN SAID IF YOU GIVE UP YOUR ARMS YOU ARE ~~A~~ FOOL**S,** ANOTHER ONE SAID DON'T YOU	US PEACE HE SAID YES [*space*] ANOTHER ONE CAME OUT AND [*space*] ALL I WISH YOU IS TO GIVE UP YOUR ARMS AND WE WE'LL LET YOU GO UNHURT ANOTHER MAN SAID DON'T YOU SEE THAT THAT MAN IS NOT AN INDIAN ONLY WHITE MAN PAINTED LIKE AN INDIAN GIVE UP YOUR ARMS YOU ARE A FOOL [*space*] THIS MAN SAYS [*space*] IF YOU GIVE UP YOUR ARMS YOU ARE A FOOL ANOTHER ONE SAID YOU

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RT	RS	BT	PS
	SUCH GOD DAMNED FOOL AS THAT IF YOU DO YOU ARE DEAD MEN JOHN D LEE SAYS IF YOU WILL GIVE UP YOUR ARMS I PROMISE THEM PEACE <ALL I WANT IS THE —[?]> AND THEY COULD {TO}[i] GO ON EVERYBODY UNARMED. JOHN D LEE WENT TO TAKE THEIR ARMS ONE BY ONE AS THEY GAVE THEM HE SET AND PASSED THEM TO THE INDIANS {WELL}[i] AFTER INDIANS HAD GOT THEIR ARMS THEY TOOK THEM OUT ONE BY ONE {ON THE}[p] ~~<~~SIDE~~>~~ INDIANS ON THE OTHER SIDE	BE SUCH GOD DAMN FO~~L~~OLS AS THAT, IF YOU DO YOU ARE DEAD MEN. JOHN D. LEE SAYS IF YOU WILL GIVE UP YOUR ARMS, I PROMISE THEM PEACE — ALL I WANT~~S~~ IS THE ARMS**,** AND THEY SURRENDERED UP THEIR ARMS ON THE PROMISE OF PEACE. JOHN D. LEE THEN WENT TO TAKE THEIR ARMS ONE BY ONE AND AS THEY GAVE THEM UP AND PASSED THEM TO THE **I**NDIANS; AND THE **I**NDIANS HAD ALL THE ARMS**,** HE GOT THE MEN TO TAKE THEM OUT ONE BY ONE. WHEN THEY GOT THE MEN OUT UP THERE, HE HAD THE **I**NDIANS ALL IN THE REAR ON THE OTHER SIDE	ARE GOD DAMN FOOL IF YOU DO JOHN D. LEE SAYS NO I WILL PROMISE YOU PEACE ALL I WANT IS YOUR ARMS *[[19]]* —[?] AND SURRENDERED UP THEIR ARMS [*space*] PROMISED PEACE [*space*] JOHN D. LEE THEN TOOK ARMS ~~THEN~~ ONE BY ONE AND PASSED THEM TO THE INDIANS AS THEY GAVE THEM AFTER THE INDIANS HAD ALL THE ARMS HE GOT THE MEN TO GO OUT ONE BY ONE WHEN THEY GOT THE MEN OUT *UP*[?] THERE HE HAD THE INDIANS ALL IN A ROW ON THE OTHER SIDE

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RT	RS	BT	PS
	TO SHOOT EVERY ONE WITH THEIR OWN ARMS AND AFTER THAT HE SAID THERE WAS SEVERAL THAT WAS HID OUT AND DID NOT GO YET AND WHEN THEY CAME TO ONE MAN THAT HAD HIS CHILD IN HIS ARMS AN INFANT BABE SAYS {HE}[i] GIVE UP THAT CHILD NO LEE I KNOW YOU I {RECOGNIZE YOU}[i] IF YOU {ARE}[i] PAINTED DO YOU KNOW PENALTY OF SHEDDING INNOCENT BLOOD IF YOU KILL ME ~~YOU~~ ~~WILL~~ YOU KILL MY LITTLE	TO SHOOT EVERY ON [*page torn*] [29] EMIGRANTS WITH THEIR OWN ARMS WHAT THEY HAD DELIVERED TO THE **I**NDIANS, AND AFTER THAT HE SAID THERE WAS SEVERAL THAT WAS HID ~~SO~~ THAT HE DIDN'T GET AND WHEN THEY CAME TO ONE MAN THAT HAD HIS CHILD IN HIS ARMS AN INFANT BABE, HE SAYS GIVE UP THAT CHILD. NO, **L**EE, SAYS THE MAN, I KNOW YOU, I RECOGNISE YOU IF YOU ARE PAINTED AND YOU KNOW THE PENALTY OF SHEDDING INNOCENT BLOOD. IF YOU KILL ME YOU KILL MY	AND THERE IS WHITE MEN TOO [*space*] IN ROW AND SHOT THEM DEAD SHOT THEM EVERY ONE WITH THEIR OWN ARMS THAT THEY HAD DELIVERED TO THE INDIANS THERE WAS SEVERAL THAT WAS HID OUT THAT THEY DIDN'T GET THERE WAS ONE MAN HAD HIS CHILD IN HIS ARMS HE SAYS TO HIM [*space*] SAYS LEE GIVE UP THAT CHILD [*space*] NO LEE I RECOGNIZE YOU IF YOU ARE PAINTED YOU KNOW THE PENALTY OF SHEDDING INNOCENCE BLOOD

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RT	RS	BT	PS
	CHILD I WILL PART WITH {THE}[i] LAST {DROP}[i] *[[14]]* DROP OF BLOOD THERE IS IN MY BODY BEFORE I GIVE UP MY CHILD. THEN JOHN D. LEE SAID IT WAS HIS TURN TO SHOOT AND HE SHOT HIM THROUGH THE HEART {AND}[i] KILLED {THE}[i] CHILD AT THE SAME TIME. HE SAID HE WAS NOT UNDER PENALTY OF SHEDDING INNOCENT BLOOD. ~ {BECAUSE THE MAN DID NOT GIVE UP HIS CHILD AND HE WANTED MEETING TO HOLD HIM GUILTLESS}[i] ≤I SEEN THE	CHILD, I WILL PART WITH THE LAST DROP OF BLOOD THERE IS IN MY BODY BEFORE I GIVE UP MY CHILD. . L~~3~~EE ASKED HIM AGAIN IF HE WOULD GIVE UP HIS CHILD AND HE SAID NO; THEN JOHN D. LEE SAID IT WAS HIS TURN TO ASSIST AND HE SHOT HIM THROUGH THE HEART AND KILLED THE CHILD AT THE SAME TIME. HE SAID HE DIDN'T CONSIDER HIMSELF UNDER THE PENALTY OF SHEDDING INNOCENT BLOOD, HE COULD NOT HELP IT**,** BECAUSE THE MAN WOULD NOT GIVE UP HIS CHILD. I SEEN THE	I WILL PART WITH THE LAST DROP OF BLOOD IN MY BODY [*space*] LEE ASKED HIM IF HE WOULD NOT GIVE UP HIS CHILD NO [*space*] HIS TURN TO SHOOT *IF/FOR*[?] HE [*space*] HE SHOT HIM THROUGH THE HEART AND KILLED THE CHILD AT THE SAME TIME [*space*] DIDN'T CONSIDER HIMSELF UNDER THE PENALTY OF SHEDDING INNOCENCE BLOOD COULD NOT HELP *AS WELL* *AS/SEEMS*[?] MAN WOULD NOT GIVE UP CHILD [*space*] I SEEN THE AN

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RT	RS	BT	PS
	EXPRESS TO BRIGHAM~~=~~ ABOUT THIS TIME JUST WHILE THEY WAS IN THE MEETING. DID HE SAY ANYTHING MORE ABOUT TRANSACTION ABOUT DIFFICULTY AT {THE}[i] MASSACRE [*space*] ABOUT KILLING {OF}I EMIGRANTS <[A] **NO SIR FOR THE**> FOR THE EXPRESS CAME ~~THEN~~ JUST THEN. DID YOU SEE THE EXPRESS [A]YES SIR I SAW THE PAPER BROUGHT UP {DID}[i] YOU READ IT {?}[i] NO SIR. DO YOU KNOW ANYTHING ABOUT WHAT WAS DONE WITH	EXPRESS TO BRIGHAM AT SALT LAKE ABOUT THIS TIME THE EXPRESS CAME BACK JUST WHILE WE WERE IN THE MEETING — Q. DID HE SAY ANYTHING MORE ABOUT THE DIFFICULTY AT THE MASSACRE.? ABOUT KILLING ALL THE EMIGRANTS? A. NO, SIR, FOR THE EXPRESS CAME JUST THE~~M~~N. Q. DID YOU SEE THE EXPRESS? A. YES, SIR, I SAW THE PAPER BROUGHT UP. Q. DID YOU READ IT? A. NO, SIR. Q. THEN YOU NEED NOT SAY ANYTHING A**B**OUT IT. Q. DO YOU KNOW A~~H~~NYTHING ABOUT ~~T~~WHAT WAS DONE WITH	EXPRESS TO BRIGHAM TO SALT LAKE ABOUT THIS TIME EXPRESS CAME BACK JUST WHILE IN THE MEETING [*space*] DID HE SAY ANYTHING MORE ABOUT THE ~~TRANSACTION~~ DIFFICULTY AT THE MASSACRE AND THE KILLING OF THE EMIGRANTS NO SIR NOT AT THE TIME FOR THE EXPRESS CAME AT THAT TIME [*space*] DID YOU SEE THE EXPRESS YES SIR I SAW THE PAPER BROUGHT UP DID YOU READ IT NO SIR THEN YOU NEED NOT SAY ANYTHING ABOUT IT [*space*] *[[20]]* DO YOU KNOW ANYTHING ABOUT WHAT WAS DONE WITH

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RT	RS	BT	PS
	{THE}[i] CHILDREN ATHERE WAS SOME CHILDREN BROUGHT IN THE FORT I BELIEVE 4 AT LEAST I KNOW MRS. INGRAM HAD ONE LIVING WITH HER A YOUNG BABE <WAS VERY SICK FOR A LENGTH TIME> I EXPECT IT DIED. JOHN D. LEE HAD ONE AND GROVES HAD ANOTHER I SAW THEM WHEN I ≤CAME≥ DOWN FROM MEETING LITTLE FELLOW WAS CRYING SAID ≤THAT WAS≥ THE INDIAN HAD KILLED HIS PA. {HOW}[i] OLD THE CHILD WAS ATHINK {IT MUST HAVE BEEN}[i] BEEN ABOUT 7 **OR** 8 GOOD TALL LITTLE FELLOW WHO HAD	THE CHILDREN. A. THERE WAS SOME CHILDREN BROUGHT IN THE FORT, I BELIEVE FOUR, AT LEAST I KNOW MRS. INGRAM HAD ONE LITTLE INFANT BABE, IT WAS VERY SICK FOR A LENGTH OF TIME, I EXPECT IT DIED.. JOHN D. LEE HAD ONE AND **G**ROVES HAD ONE. I SAW THEM WHEN I CAME DOWN FROM MEETING— THE LITTLE FELLOW WAS ~~S~~CRYING THERE AND SAID THAT WAS THE **I**NDIAN THAT HAD KILLED HIS PA IF HE DOES PUT HIS COAT AND PANTS ON. *[30]* Q. HOW OLD A CHILD WAS THAT? A. IT MUS~~L~~T HAVE BEEN BETWEEN 7 AND8 QUITE A TALL LITTLE FELLOW. Q. WHO HAD	THE CHILDREN [*space*] SOME CHILDREN BROUGHT IN THE FORT I BELIEVE 4 AT LEAST 3 I KNOW MRS. INGRAM HAD ONE LITTLE INFANT BABE WAS VERY SICK FOR A LENGTH OF TIME [*space*] JOHN D. LEE HAD ONE AND GROVES HAD ANOTHER I SAW THEM WHEN I CAME DOWN FROM THE MEETING LITTLE FELLOW WAS CRYING THERE AND SAID THAT WAS THE INDIAN THAT HAD KILLED HIS PA FOR HE HAD HIS BEST COAT AND PANTS ON [*space*] HOW OLD CHILD WAS THAT BETWEEN 7 AND 8 QUITE A TALL LITTLE FELLOW [*space*] WHO HAD

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RT	RS	BT	PS
	THAT CHILD ≤A**GROVES**≥ AWHAT BECAME OF THAT CHILD AI DO NOT KNOW WHAT BECAME OF HIM AFTER THAT. <THE EXPRESS CAME INTO THE MEETING.> JOHN D LEE TOOK EXPRESS IN HIS HAND LOOKED AT IT QNEVER MIND EXPRESS I WANT TO KNOW WHAT BECAME OF ~~THE~~ {THAT}[i] CHILD AI DO NOT KNOW NEVER SAW HIM AFTER THAT BECAUSE JOHN D LEE SAID WE WAS NOT TO ASK 'EM ANY QUESTIONS WHATEVER IN NO TIME. NOTHING SAID TO 'EM AT ALL THEY	THAT CHILD? A. GROVES. Q. WHAT BECAME OF THAT CHILD? A. I DON'~~Y~~T KNOW WHAT BECAME OF ~~T~~ HIM AFTER THA T. THE EXPRESS CAME IN THE MEETING, JOHN D. LEE TOOK THE EXPRESS **MESSAGE** IN HIS HANDS AND LOOKED AT IT— — Q. NEVER MIND THE EXPRESS, I WANT TO KNOW WHAT BACAME OF THAT CHIL~~D~~. A. I DON'T KNOW , I ~~Y~~NEVER SAW HIM AFTER THAT**,** BECAUSE JOHN D. LEE SAID BECAUSE WE WAS NOT TO ASK ANY QUESTIONS WHATEVER — NOT ANY TIME— NOTHING SAID TO THEM AT ALL BECAUSE I REMEMBER THAT THEY	THAT CHILD GROVES WHAT BECAME OF HIM I DON'T KNOW EXPRESS CAME IN THE MEETING JOHN D. LEE TOOK THE EXPRESS IN HIS HAND AND LOOKED AT IT [*space*] NEVER MIND [*space*] WHAT BECAME OF THE CHILD I NEVER SAW HIM AFTER THAT BECAUSE JOHN D. LEE SAID WE WAS NOT TO ASK 'EM QUESTIONS WHATEVER [*space*] *NOT ANY/IN NO*[?] TIME NOTHING SAID TO THEM AT ALL TO CAUSE THEM TO REMEMBER THAT THEY

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RT	RS	BT	PS
	WANTED 'EM TO FORGET EVENTS THAT HAD TRANSPIRED FROM THE ~~<~~THIS~~>~~ AFFAIR WHO HAD THIS CHILD ~~A~~GROVES ~~<~~DID GROVES~~>~~ LIVE IN HARMONY OVER THE CORNER OVER THE SAME ROW AS JOHN D LEE <~~Q~~YOU NEVER SAW THE CHILD AFTER THAT DID YOU> I NEVER SAW THE CHILD THAT VERY SAME AFTERNOON ~~A~~I NEVER SAW IT AFTERWARD ~~A~~THEY SAID THEY HAD TO KEEP {IT SECRET}[i] SECRET. BY BISHOP YOU MAY THAT IS ALL YOU CAN GO. BY COURT I WOULD LIKE TO ASK YOU ONE QUESTION ~~<~~**COURT**~~>~~ WHO WAS	WANTED THEM TO FORGET ~~A~~EVERYTHING THA T HAD TRANSPIRED THROUGH THIS AFFAIR. Q. WHO HAD THIS CHILD? A. GROVES'. Q. DID GROVES LIVE IN HARMONY? A . YES, SIR~~.~~**,** OVER THE CORNER OVER THE SAME ROW AS JOHN D. LEE. Q. YOU NEVER SA~~V~~**W** THE CHILD AFTER THAT, DID YOU? A. THAT VERY SAME AFTERNOON I— I NEVER SAW IT AFTER THAT. THEY SAID THEY HAD TO KEEP IT SECRETED. BY MR. BISHOP: YOU MAY GO, THAT IS ALL, YOU MAY GO. BY COURT: WHO WAS THE	WANTED THEM TO FORGET EVERYTHING THAT HAD TRANSPIRED FROM THIS AFFAIR [*space*] WHO HAD THIS CHILD GROVES [*space*] DID GROVES LIVE IN HARMONY YES SIR YOU NEVER SAW THE CHILD AFTER THAT DAY [*space*] THAT VERY SAME AFTERNOON I NEVER SAW THE CHILD AFTER THAT *FOR*[?] THEY SAID THEY HAD TO KEEP THE CHILD SECRETED [*space*] CROSS EXAMINATION [*space*] COURT [*space*] WHO WAS THE

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RT	RS	BT	PS
	PARTY WHO HAD THESE CLOTHES ON IT WAS INDIAN JOE I SAW THE CLOTHES ~~OF~~ MR. GROVES. I SAW THE CLOTHES THAT HE HAD ON **&** PANTS AND COAT. [*space*]	PARTY THAT HAD THESE CLOTHES ON? A. IT WAS THE **I**NDIAN JOE, THAT WAS HERE**,** OF MR. GROVES' I SAW THE CLOTHES THAT HE HAD ON AND PANTS AND COAT.	PARTY THAT HAD THOSE CLOTHES ON [*space*] IT WAS AN INDIAN JOE THAT WAS HERE *TO/OF*[?] MR. GROVES I SAW THE CLOTHES THAT HE HAD ON MYSELF THE PANTS AND COAT.

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John D. Lee, First Trial

Thomas Willis, John Willis, William Matthews, and William Young Testimonies

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RT	RS	BT	PS
[192]	*[[Bk 4 15]]* ≺**BASKIN**≻	*[31]*	*[[21]]*
THOMAS E. WILLIS, SSWORN FOR PROSECUTION. EXAMINED BY R.N. BASKIN ESQ.	[*space*] **THOMAS T. WILLIS**.	THOMAS T. WILLIS SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R}**	**THOS. T. WILLIS** BEEN SWORN [*space*]
Q. WHERE DO YOU LIVE MR. WILLIS ? A. BEAVER CITY.	{Q}^{p}WHERE DO YOU LIVE MR. WILLIS {A}^{p} BEAVER CITY.	Q. WHERE DO YOU LIVE? A. BEAVER CITY.	WHERE DO YOU LIVE BEAVER CITY
Q. HOW LONG HAVE YOU LIVED HERE ? A. SINCE 1864. Q.	Q HOW LONG HAVE YOU LIVED HERE {A}^{p}SINCE 64 {Q}^{p}	Q. HOW LONG HAVE YOU LIVED HERE? A. SINCE ‘64. Q.	HOW LONG LIVED HERE SINCE 64
WHERE WERE YOU LIVING IN THE FALL OF 1857 ? A. CEDAR CITY. Q. DID YOU KNOW, OR DID YOU HEAR ANYTHING OF THE MOUNTAIN MEADOWS MASSACRE AT THAT TIME ? A.	WHERE WERE YOU LIVING FALL OF 1857 {A}^{p}CEDAR CITY {Q}^{p}DID YOU KNOW HEAR ANYTHING OF MOUNTAIN MEADOWS MASSACRE AT THAT TIME A	WHERE WERE YOU LIVING IN THE FALL OF ‘57? A. CEDAR CITY. Q. DID YOU KNOW OR HEAR ANYTHINGOF THE MOUNTAIN MEADOW MASSACRE AT THAT TIME? **A.**	WHERE WERE YOU LIVING FALL 57 CEDAR CITY DID YOU KNOW OR HEAR ANYTHING OF THE MOUNTAIN MEADOW MASSACRE AT THAT TIME
YES SIR, I DID. Q. WELL, STATE IN YOUR OWN WAY WHAT OCCURRED AT CEDAR IN CONNECTION WITH THAT MATTER, WHICH CAME TO YOUR KNOWLEDGE;? A. I HEARD	YES SIR I DID. Q WELL STATE IN YOUR OWN WAY WHAT OCCURRED AT CEDAR CONNECTION WITH THAT MATTER WHICH CAME IN YOUR OWN KNOWLEDGE {A}^{p}I HEARD	YES, SIR, I DID. Q. STATE IN YOUR OWN WAY WHAT OCCURRED AT **C**EDAR IN CONNECTION WI~~T~~H THAT MATTER THAT CAME TO YOUR OWN KNOWLEDGE. I HEARD THAT	YES SIR HEARD OF IT [*space*] STATE IN YOUR OWN WAY WHAT OCCURRED AT CEDAR IN CONNECTION WITH THAT MATTER THAT CAME IN YOUR OWN KNOWLEDGE I HEARD THAT

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RT	RS	BT	PS
THE MASSACRE WAS GOING ON ; THEY HAD MADE AN ATTACK UPON THE TRAIN. OBJECTION TO BYNJUDGE SUTHERLAND AS HEARSAY. COURT: STATE WHAT YOU KN~~,~~OW, MR. WILLIS ? A. I SAW THE TRAIN, WHEN ~~WE~~ ≤THEY≥ WENT THROUGH CEDAR, THEN I SAW THE GOODS THEY SAID CAME FROM THERE. Q. HOW LARGE AND WHAT KIND OF A TRAIN WAS IT—ABOUT HOW MANY WAGONS A. I SHOULD SAY THERE WAS FIFTEEN OR TWENTY, QUITE A TRAIN, MIGHT HAVE BEEN MORE,	MASSACRE WAS GOING ON, THAT[218] THEY HAD MADE AN[219] ATTACK UPON TRAIN. {**SUTHERLAND OBJ**}^{p} WE OBJECT TO THIS HEARSAY. BY COURT STATE WHAT YOU KNOW MR. WILLIS {$_{A}$}^{p}I SAW {THE}^{p} TRAIN WHEN THEY WENT THROUGH CEDAR. THEN I SAW THE GOODS THAT[220] THEY SAID CAME FROM {THERE.}^{p} $_{Q}$ HOW {LARGE}^{p} OF A TRAIN WAS IT $_{A}$ABOUT HOW MANY WAGONS; {$_{A}$}^{p}I SHOULD SAY THERE WAS 15 OR TWENTY <OR SUCH A MATTER> QUITE TRAIN, MIGHT HAVE BEEN MORE	THE MASSACRE WAS GOING ON, THAT THEY HAD MADE THE ATTACK ON THE TRAIN BY SOUTHERLAND: WE OBJECT TO THAT AS HEARSAY. BY COURT: STATE WHAT YOU KNOW MR. WILLIS . A. I SAW THE TRAIN WHEN THEY WENT THROUGH **C**EDAR AND THEN **I** SAW THE GOODS THAT THEY SAID CAME FROM THERE. **Q. H**OW MUCH OF A TRAIN WAS IT—ABOUT HOW MANY WAGONS **A.** I SHOULD SAY THERE WAS I5 OR 20 OR SUCH A MATTER **OF WAGONS** — MIGHT HAVE BEEN MORE —	THE MASSACRE WAS GOING ON THAT THEY HAD MADE AN ATTACK ON THE TRAIN [*space*] OBJECTED TO AS HEARSAY [*space*] I SAW THE TRAIN WHEN IT WENT THROUGH CEDAR AND THEN I SAW THE GOODS THAT WERE SAID TO HAVE COME FROM THAT TRAIN [*space*] HOW LARGE OF A TRAIN WAS IT ABOUT HOW MANY WAGONS I SHOULD SAY 15 OR 20 OR SUCH MATTER MIGHT HAVE BEEN MORE

218. Apparently added later.
219. "AN" was apparently added later.
220. Apparently added later.

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RT	RS	BT	PS
PROBABLY NOT SO. MANY. Q. HOW MUCH STOCK WAS THERE ? A. I SHOULD JUDGE THERE WAS SOME FIVE HUNDRED HEAD OF LOOSE STOCK, AND A BIG HERD OF CATTLE BESIDES. WHAT THEY HAD IN THE WAGONS I COULD *[193]* NOT SEE. Q. STATE WHAT KIND OF CATTLE IT WAS ? A. IT WAS PRETTY LARGE. Q. SUCH KIND OF CATTLE WE HAVE HERE ? A. SOME NICER LOOKING CATTLE. Q. ANY HORSES ? A. WELL I SAW RIDING HORSES. SOME OF THEM WAS HORSEBACK AND ON MULES. DIDN'T NOTICE ANY LOOSE HORSES. I DIDN'T	PROBABLY NOT SO MANY $_{Q}$ HOW MUCH STOCK WAS THERE $\{_{A}\}^{P}$I SHOULD JUDGE THERE WAS SOME ~~≤~~4 OR 500~~>~~ ~~5~~4 FIVE HUNDRED HEAD OF LOOSE STOCK, AND A BIG HERD OF CATTLE $_{Q}$ BESIDES. WHAT THEY HAD ON THE WAGONS I COULD NOT SEE. $_{Q}$AND STATE WHAT KIND OF STOCK IT WAS IT WAS PRETTY MUCH. SUCH KIND OF CATTLE WE HAVE HERE ? $\{_{A}\}^{P}$SOME NICER LOOKING CATTLE <SOME LARGER>. $_{Q}$ ANY HORSES $\{_{A}\}^{P}$WELL I SAW RIDING HORSES, SOME OF THEM WAS HORSEBACK MULES. DIDN'T NOTICE ANY LOOSE HORSES. I DIDN'T	MIGHT NOT HAVE BEEN SO MANY. **Q.** **H**OW MUCH STOCK WAS THERE? **A. I** SHOULDL JUDGE THERE WAS SOME FOUR OR FIVVE HU~~,~~NDRED HEAD ~~OD~~**OF** LOOSE STOCK. — A GOOD BIG HERD OF LOOSE STOCK~~.~~, **Q-** **B**ESIDES WHAT THEY HAD ON THE WAGONS**? A.** YES, SIR,. **Q. S**TATE WHAT KIND OF STOCK IT WAS? **A.** IT WAS PRETTY MUCH **THE** KIND OF CATTLE AS THEY HAVE HERE; SOME NICER LOOKING CATTLE, SOME LARGER **Q.** **AN**Y HORSES**?** **A.** WELL, I SAW THEIR RIDING HORSES. THERE WAS SOME OF THEM ON HORSEBACK, AND MULES. I DIDN'T NOTICE ANY LOOSE HORSES — I DIDN'T	MIGHT NOT HAVE BEEN SO MANY [*space*] HOW MUCH STOCK I SHOULD JUDGE THERE WAS SOME 4 OR FIVE HUNDRED HEAD OF *LOOSE*[?] STOCK GOOD BIG HERD OF LOOSE STOCK BESIDES WHAT WERE ON WAGONS YES SIR WHAT KIND OF STOCK IT WAS PRETTY MUCH SUCH KIND OF CATTLE AS WE HAVE HERE SOME NICER LOOKING SOME LARGEST [*space*] ANY HORSES I SAW *THEIR*[?] RIDING HORSES SAW *SOME*[?] RIDING HORSEBACK I DIDN'T NOTICE ANY LOOSE HORSES

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RT	RS	BT	PS
NOTICE ANY. Q. HOW MANY MEN DID YOU SEE ? A. WELL I COULD NOT SAY. COULD NOT TELL YOU HOW MANY THERE WAS. COULD NOT FORM ANY IDEA, WITHOUT JUST JUDGING FROM THE TRAIN. I SUPPOSE THERE WAS SOME THIRTY OR FORTY MEN IN THE TRAIN. Q. AND WOMEN AND CHILDREN ? A. I SAW WOMEN AND CHILDREN. Q. DID YOU EVER PREVIOUS TO THAT TIME, OR AFTER THAT TIME, HEAR MR. LEE HAIGHT OR HIGBEE GIVE ANY ORDERS ABOUT IT ? A. I HEARD MR. HAIGHT TALK ABOUT	NOTICE ANY. Q HOW MANY MEN DID YOU SEE A WELL I COULD NOT SAY COULD NOT TELL HOW MANY THERE WAS. COULD NOT FORM ANY IDEA WITHOUT JUST JUDGING FROM THE TRAIN I SUPPOSE THERE WAS SOME 30 40 MEN IN THE TRAIN Q WOMEN AND CHILDREN A I SAW WOMEN AND CHILDREN. Q DID YOU EVER PREVIOUS TO THAT TIME OR TO THAT TIME ≤OR AFTERWARDS≥ HEAR MR. LEE HAIGHT OR HIGBEE GIVE ANYONE ORDERS ABOUT IT {A}P I HEARD MR. HAIGHT TALK ABOUT	NOTICE ANY. **Q. A**NY MULES**? A.** I DIDN'T NOTICE ANY. **Q. H**OW MANY MEN DID YOU SEE. **A. W**ELL, **I** COULD NOT SAY, COULD NOT TELL YOU HOW MANY THERE WAS ; COULD NOT FORM ANY IDEA, WITHOUT JUST JUDGING FROM THE TRAIN. **I** SHOULD THINK THERE WAS SOME 3**0**, **OR 4**0 MEN IN THE TRAIN . [32] Q. **ANY** WOMEN AND CHILDREN? A. YES, SIR, I SAW WOMEN AND CHILDREN. Q. DID YOU EVER PREVIOUS TO THAT TIME, AND UP TO THAT TIME OR AFTERWARDS HEAR MR. LEE AND **H**AIGHT OR **H**IGBEE GIVE ANY ORDERS, SAY ANYTHING ABOUT IT? **A.** I HEA~~D~~RD MR. HAIGHT TALKING ABOUT	ANY MULES I DIDN'T NOTICE ANY HOW MANY MEN DID YOU SEE I COULD NOT SAY ~~I~~ COULD NOT TELL HOW MANY MEN I COULD NOT FORM ANY IDEA *WITHOUT*[?] JUST JUDGING FROM THE SIZE OF TRAIN I SHOULD THINK SOME 30 FORTY MEN IN THE TRAIN [*space*] WOMEN AND CHILDREN YES SIR I SAW WOMEN AND CHILDREN DID YOU EVER PREVIOUS TO THAT TIME AND *UP/TO*[?] THAT TIME OR AFTERWARDS HEAR MR. LEE AND HAIGHT OR HIGBEE SAY ANYTHING ABOUT THE [*space*] I HEARD MR. HAIGHT TALKING ABOUT

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RT	RS	BT	PS
IT PREVIOUS TO THE ATTACK, BEFORE I HEARD THE ATTACK WAS BEING MADE. I COULD NOT SAY WHETHER IT WAS BEFORE THE TRAIN WENT THROUGH CEDAR OR NOT. CAN'T RECOLLECT THAT. HE CAME TO MY FATHER'S HOUSE AND SPOKE ABOUT THE MATTER, ABOUT THIS TRAIN HE WANTED TO KNOW WHICH WOULD BE THE BEST WAY TO MAKE THE ATTACK ON THE TRAIN. JUDGE HOGE OBJECTED TO ALL SUCH HEARSAY TESTIMONY AND TO WHAT MR. HAIGHT SHOULD HAVE SAID. WIT.: I WAS ~~TELL~~	IT PREVIOUS TO THE ATTACK BEFORE I HEARD THE ATTACK WAS BEING MADE; I COULD NOT SAY WHETHER IT WAS BEFORE TRAIN WENT THROUGH CEDAR OR NOT CAN'T RECOLLECT THAT; HE CAME TO MY FATHER'S HOUSE SPOKE TO HIM ABOUT THIS TRAIN HE WANTED TO KNOW WHICH WOULD BE THE BEST WAY TO MAKE ≤TO MAKE AN≥ ATTACK ON THE TRAIN < BY HOGE WE OBJECT TO THIS TESTIMONY AS TO WHAT MR. HAIGHT SHOULD HAVE SAID. ≤OBJECTION OVERRULED EXCEPTION≥ {A}[P]I WAS	IT PREVIOUS TO THE ATTACK BEFORE I HEARD THE ATTACK WAS BEING MADE. I COULD NOT SAY WHETHER IT WAS ~~PREVIOU S TO THE TIME OR BEFORE~~ BEFORE THE TRAIN WENT THROUGH **C**EDAR OR AFTER. **C**ANT RECOLLECT THA T**, H**E CAME TO MY FATHER'S HOUSE AND SPOKE TO HIM ABOUT THIS TRAIN, AND HE WANTED TO KNOW WHICH WOULD BE THE BEST WAY TO MAKE THE ATTACK ON THE TRAIN AT THE TIME ——— — BY **M**$^{\underline{R}}$ **H**OGE: WE OBJECT TO THIS WITNESS TESTIFYING AS TO WHAT **M**$^{\underline{R}}$ **H**AIGHT SAID. **O**BJECTION **O**VERRULED. **E**XCEPTION. **Q GO** ON**?** A. **I** WAS	IT PREVIOUS TO THE ATTACK OR BEFORE I HEARD THE ATTACK WAS BEING MADE I COULD NOT SAY WHETHER IT WAS BEFORE THE TRAIN WENT THROUGH CEDAR OR AFTER [*space*] HE CAME TO MY FATHER'S HOUSE AND SPOKE TO HIM ABOUT THIS TRAIN AND WANTED TO KNOW WHICH WOULD BE THE BEST WAY TO MAKE *[[22]]* AN ATTACK ON THE TRAIN ~~I WAS~~ AT THE TIME ~ OBJECTED TO OVERRULED EXCEPTION [*space*] GO ON I WAS

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RT	RS	BT	PS
TENDING MASON AT THE TIME, MY FATHER WAS LAYING ADO- *[194]* BES AT THE TIME; I DIDN'T HEAR THE FIRST OF THE CONVERSATION; I DIDN'T HEAR PARTS OF IT; I HEARD HIM ASK THAT QUESTION, AND MY FATHER TOLD ME AFTER THEY WAS GOING TO MAKE THE ATTACK. THEY HAD DETERMINED TO MAKE IT. HE SEEMED TO CARRY THE IDEA THAT THE INDIANS HAD BETTER MAKE THE ATTACK WHILE THEY WAS IN THE CAMP. HE MADE THE REMARK THE INDIANS COULD SHOOT ARROWS VERY	TENDING MASON AT THE TIME MY FATHER WAS LAYING ADOBES, I DIDN'T HEAR FIRST OF THE CONVERSATION I DIDN'T HEAR PARTS OF IT I HEARD HIM ASK THAT QUESTION AND MY FATHER TOLD HIM IF HE IT WAS GOING TO MAKE AN ATTACK DETERMINED AND DETERMINED TO DO {IT}^{p} TO MAKE IT WHILE {THEY WERE}^{p} TRAVELING. HE ~~HE~~ ~~<~~**HAIGHT**~~>~~ SEEMED TO CARRY IDEA INDIANS HAD BETTER MAKE ATTACK WHILE THEY WAS IN THE CAMP. HE MADE REMARK INDIANS COULD SHOOT ARROWS VERY	TENDING MASON AT THE T IME AND MY FATHER WAS LAYING UP SOME ADOBIES; I DIDN'T HEAR THE FIRST OF THE CONVERSATION. I DIDN'T HEAR THE PARTICULARS OF IT: **I** HEARD HI~~S~~M ASK THA T QUESTION AND MY FATHER TOLD ~~HIM~~ **AND** THAT **IF** HE WAS GOING TO MAKE AN ATTACK**,** HE HAD BETTER MAKE IT WHILE THEY WERE TRAVELING. **H**AIGHT SEEMED TO CARRY THE IDEA THAT THE **I**NDIANS HAD BETTER MAKE THE ATTA~~C~~K WHILE THEY WERE IN CAMP**.. H**E MADE THE REMARK THAT **I**NDIANS COULD SHOOT ARROWS VERY	TENDING MASON AT THE TIME MY FATHER WAS LAYING UP SOME ADOBES I DIDN'T HEAR THE FIRST OF THE CONVERSATION I DIDN'T HEAR ALL THE PARTICULARS BUT I HEARD HIM ASK THAT QUESTION AND MY FATHER TOLD HIM IF HE WAS GOING TO MAKE AN ATTACK HE HAD BETTER MAKE WHILE THEY WAS MOVING HAIGHT SEEMED TO CARRY THE IDEA THAT THE INDIANS WOULD BETTER MAKE THE ATTACK WHILE THEY WERE IN CAMP AND HE MADE THE ATTACK THAT THE INDIANS WOULD SHOOT ARROWS VERY

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RT	RS	BT	PS
FAST. MY FATHER TOLD HIM IF THEY MADE THE ATTACK WHILE THE EMIGRANTS WERE ENCAMPED THE EMIGRANTS WOULD WHIP THEM THAT IS THE EXPRESSION HE MADE. Q. DO YOU KNOW OF EITHER OF THESE PARTIES ORDERING ANY MEN OUT FROM CEDAR ? A. I COULD NOT SWEAR THAT I DO. Q. DID YOU HEAR AN ORDER READ ? A. I COULD NOT POSITIVELY SWEAR THAT I DID. I DON'T THINK THOUGH THAT I DID. I COULD NOT SAY THAT I REALLY DID. JUDGE	FAST. MY FATHER TOLD HIM IF THEY MADE ATTACK WHILE THEY WAS IN CAMP THE EMIGRANTS WOULD WHIP 'EM THAT IS THE EXPRESSION HE MADE $_{Q}$DO YOU KNOW EITHER THOSE PARTIES ORDERING ANY ~~NONE~~ ≤MEN≥ OUT FROM CEDAR $\{_{A}\}^{p}$I COULD NOT SWEAR THAT I DO $_{Q}$DID YOU HEAR AN ORDER READ I COULD NOT POSITIVELY SWEAR THAT I DID, I DON'T THINK THOUGH I ~~HAD~~ HAVE BEEN THINKING *[[16]]* AND I COULD NOT SAY THAT I DID.	FAST. **MY** FATHER TOLD HIM THAT IF HE M~~DAE~~ MADE THE ATTACK WHILE THEY WERE IN CAMP THE EMIGRANTS WOULD ~~HIM~~ ~~THEM~~ **WHIP HIS INDIANS. T**HAT IS ALL THE EXPRESSION HE MADE. **Q. D**O YOU KNOW OF EITHER OF THESE PARTIED ORDERING ANY MEN OUT FROM **C**EDAR? **A.** I COULD NOT SWEAR THAT I DO. Q. DID YOU HEAR AN ORDER READ**? A.** I COULD NOT SWEAR POSITIVELY THAT I DID; I DON'T THINK THOUGH THAT I DID HEAR AN ORDER READ. I HAVE BEEN THINKING ABOUT IT AND **I** CANNOT SAY THAT I D~~O.~~**ID.**	FAST MY FATHER TOLD HIM THAT IF HE MADE THE ATTACK WHILE THEY WAS IN CAMP THAT THEY WOULD WHIP HIS INDIANS [*space*] DID YOU KNOW OF EITHER OF THESE PARTIES ORDERING ANY MEN OUT FROM CEDAR I COULD NOT SWEAR THAT I DO [*space*] DID YOU HEAR AN ORDER READ I COULD NOT POSITIVELY SWEAR TO IT THAT I DID I DO THINK THOUGH THAT I DID HEAR AN ORDER READ. ~~I COULD NOT~~ I HAVE BEEN THINKING ABOUT IT AND CANNOT SAY THAT I DID. ~~OBJECTED~~

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RT	RS	BT	PS
HOGE FOR DEFENSE OBJECTED~~.~~ TO THE QUESTION AND ANSWER AND TO ALL THAT HE HAS SAID IN THIS PARTICULAR.	OBJECTED TO	**(OBJECTED TO BUT ~~WITNESS~~ DID NOT S~~EEM~~TOP.)~~TO NOTICE~~)**	~~TO~~ HE OBJECTED TO ~~AS THAT~~ [*space*]
	BY HOGE BUT HE WOULD NOT STOP WE OBJECT TO WHAT HE SAYS ON THIS. BY	BY MR. HOGE:HE WOULD NOT STOP. WE OBJECT TO WHAT HE SAYS ON THIS.	
THE COURT OVERRULED THE OBJECTION, ST~~S~~ATING THAT THE WITNESS	COURT	*[33]* **A.** I WAS	
WAS GIVING A STATEMENT OF THE MATTER	I WAS GIVING STATEMENT OF MATTER AS IT PASSED THROUGH MY MIND I MADE STATEMENT OF	GIVING A STATEMENT OF THE MATTER ASIT PASSED THROUGH MY MIND, I MADE A STATEMENT OF	I MADE A STATEMENT OF IT
IN GOOD FAITH AS HE REMEMBERED IT.	IT IN GOOD FAITH	IT IN GOOD FAITH.	IN GOOD FAITH [*space*]
Q. MR. WILLIS I WILL ASK YOU IF YOU KNOW WHAT	~~Q~~MR. WILLIS I WILL ASK YOU IF YOU KNOW OF THE	**Q.** MR. WILLIS, I WILL ASK YOU IF YOU KNOW **THAT THE** ~~WHAT~~	ASK YOU IF YOU KNOW OF A
PARTY YOU THINK THE ORDER WAS READ TO, IF YOU KNOW OF HIS GOING ? A. NO SIR — WELL YES, I THINK HE	PARTY YOU THOUGHT THE ORDER WAS READ TO IF YOU KNOW OF HIS GOING ~~A~~ NO SIR, WELL YES, I THINK I	PARTY YOU THOUGH T **THE** ~~THE~~ ORDER WAS READ TO — IF YOU KNOW OF HIS GOING**? A. N**O, SIR. WELL, YES, I THINK I	PARTY THAT YOU THOUGHT THE ORDER WAS READ TO IF YOU KNOW OF HIS GOING NO SIR WELL YES I THINK I

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RT	RS	BT	PS
DID. Q. WHO WAS THE PARTY ? A. JOHN WILLIS, MY BROTHER. Q. DID HE GO THAT TIME OR AFTER ~~?~~ *[195]* AND WHAT TIME WAS HE GONE ? A. I DIDN'T SEE HIM GO. I WAS AWAY FROM HOME. Q. HOW LONG ? A. NEAR ABOUT TWO DAYS I GUESS. Q. DID YOU EVER HEAR EITHER OF THE PARTIES SPEAK OF THE MATTER AFTER THE TRANSACTION, MR. HAIGHT, DAME, OR HIGBEE OR LEE ? A. I HAVE HEARD BILL STEWART SPEAK OF IT SEVERAL TIMES. Q. WHAT DID BILL STEWART SAY ABOUT IT ?	DO $_{Q}$WHO WAS THE PARTY $_{A}$JOHN WILLIS ≼YOUR BROTHER≽ $_{A}$≼YES SIR≽ MY BROTHER DID HE GO WITH A TEAM OR AFTER HIS TEAM WAS GONE $_{A}$I DIDN'T SEE HIM GO HE WAS AWAY FROM HOME $_{Q}$HOW LONG $_{A}$ONE OR TWO DAYS I GUESS. $_{Q}$DID YOU EVER HEAR EITHER OF THE PARTIES SPEAK OF MATTER AFTER TRANSACTION MR. HAIGHT DAME OR HIGBEE OR LEE $_{A}$I HAVE HEARD BILL STEWART SPEAK OF IT SEVERAL TIMES $\{_{Q}\}^{p}$WHAT DID BILL STEWART SAY ABOUT IT	DO. **Q.** WHO WAS THE PARTY. **A.** JOHN WILLIS. YOUR BROTHER? A. YES, SIR. ~~Q. DID HE GOT THAT TEAM~~ **Q.** **D**ID HE GO WITH A TEAM OR AFTER THE TEAM WAS GONE**?** **A. WE**NT WITH A TEAM AND WAGON I KNOW , I DIDN'T SEE HIM GO, HE WAS AWAY FROM H~~I~~OME. Q. HOW LONG? A. ONE OR TWO DAYS. Q. DID YOU EVER HEAR OTHER PARTIES SPEAK OF THE MATTER AFTER THE TRANSACTION, MR. HAIGHT, DAME**,** HIGBEE ~~OT~~ **OR** LEE? A. I HAVE HEARD **B**ILL STEWART SPEAK OF IT SEVERAL TIMES — FREQUENTLY. Q. WHAT DID BILL STEWART SAY ABOUT IT.	DO WHO WAS THE PARTY JOHN WILLIS YOUR BROTHER YES SIR DID HE GO WITH A TEAM OR ON FOOT WITH A TEAM HIS TEAM WAGON I KNOW I DIDN'T SEE HIM GO *AWAY*[?] BUT HE WAS AWAY FROM HOME HOW LONG ONE OR TWO DAYS TWO DAYS I THINK DID YOU EVER HEAR OTHER PARTIES SPEAK OF THE MATTER AFTER THE TRANSACTION MR. HAIGHT DAME OR HIGBEE OR LEE I HAVE HEARD BILL STEWART SPEAK OF IT SEVERAL TIMES FREQUENTLY [*space*]

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RT	RS	BT	PS
JUDGE HOGE OBJECTED TO THE QUESTION, WHICH PROSECUTION WITHDREW FOR THE PRESENT.	{**HOGE OBJ**}^{p} WE OBJECT TO THAT BY BASKIN JUST WAIT A MOMENT	BY MR. HOGE: WE OBJECT TO THAT. **SUSTAINED.**	OBJECTED TO ~~OVERRULED~~ ~~EXCEPTION~~
Q. DID YOU SEE ANY OF THE PROPERTY OF THE EMIGRANTS ? A. YES SIR. Q. AND YOU RECOGNIZED IT AS THE SAME AS YOU HAD SEEN WHEN THEY PASSED THROUGH ? A. NO SIR. Q. WELL, HOW DID YOU KNOW IT WAS THE PROPERTY OF THE EMIGRANTS ? A. I SAW SOME OF THE CLOTHING IN THE POSSESSION OF THE INDIANS THAT I SUPPOSED CAME OFF DEAD BODIES, COVERED WITH BLOOD, HAD BULLET HOLES SHOT THROUGH	$_{Q}$DID YOU SEE ANY OF THE PROPERTY OF THE EMIGRANTS AFTER MASSACRE $_{A}$ YES SOME YOU RECOGNIZED IT AS THE SAME AS THEY HAD WHEN THEY PASSED THROUGH {$_{A}$}^{p}NO SIR {$_{Q}$}^{p}WELL HOW DID YOU KNOW IT WAS PROPERTY OF EMIGRANTS $_{A}$ I SAW SOME OF THE CLOTHING IN POSSESSION OF INDIANS THAT I SUPPOSED CAME OFF DEAD BODIES = COVERED WITH BLOOD, HAD BULLET HOLES SHOT THROUGH	Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS AFTER THE MASSACRE? A. YES, SIR. Q. YOU RECOGNISED IT AS THE SAME THEY HAD WHEN THEY PASSED THROUGH THERE? A. NO, SIR. Q.WELL, HOW DID YOU KNOW IT WAS THE PROPERTY OF THE EMIGRANTS? A. I SAW SOME CLOTHING IN THE POSSESSION OF TH E **I**NDIANS THA T I SUPPOSED CAME OF THE DEAD BODIES. IT WAS GENERALLY COVERED WITH BLOOD— BULLET HOLES SHOT THROUGH	DID YOU SEE ANY PROPERTY OF THE EMIGRANTS AFTER THE MASSACRE YES SIR YOU RECOGNIZED IT AS THE SAME THEY HAD WHEN THEY PASSED THROUGH NO SIR I SAW CLOTHING ~~THAT~~ IN THE POSSESSION OF THE INDIANS THAT I SUPPOSED CAME OFF DEAD BODIES IT WAS SHOT AND COVERED WITH BLOOD BULLET HOLES SHOT THROUGH

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RT	RS	BT	PS
IT.	IT	IT. AND THE **I**NDIANS SAID IT **CAME** ~~CAM~~ FROM THERE, THAT THEY HAD TAKEN IT OFF THE DEAD	IT AND THE INDIANS SAID IT CAME *[[23]]* FROM THERE THEY HAD TOOK IT OFF THE DEAD
Q. DID YOU SEE ANY OF THE STOCK THAT THE INDIANS KILLED ? A. SAW STOCK THERE AT CEDAR, A FEW	$_{Q}$DID YOU SEE ANY OF THE STOCK ≤THAT THE≥ INDIANS KILLED $_{A}$≤*SAW/THERE*[?]≥ STOCK THERE AT CEDAR FEW	BODIES. Q. DID YOU SEE ANY STOCK? A. YES, THE **I**NDIANS KILLED STOCK AT CEDAR, SE~~F3~~VERAL	BODIES DID YOU SEE ANY STOCK YES INDIANS KILLED STOCK AT CEDAR SEVERAL
HEAD. Q. DID YOU SEE ANY ~~WG~~ WAGONS ? A. YES SIR. Q. WHERE WERE THEY ? A. THEY WERE IN FRONT OF THE TITHING OFFICE AT CEDAR. *[196]* Q. HOW MANY WERE THERE ? A. THERE WERE TWO OR THREE, I DON'T RECOLLECT.	HEAD $_{Q}$DID YOU SEE ANY WAGONS $_{A}$YES SIR $_{Q}$≤WHERE WERE THEY≥ THEY WERE IN FRONT OF TITHING OFFICE AT CEDAR $_{Q}$ HOW MANY, THERE WERE THERE TWO OR $_{A}$THREE I DON'T RECOLLECT.	HEAD. Q. DID YOU SEE ANY WAGONS? A. YES, SIR. Q. WHERE ABOUTS WERE THE Y? A. THEY WERE IN FRONT OF THE TITHING OFFICE AT CEDAR. Q. HOW MANY WAGONS? A. THERE WERE TWO OR THREE I DON'T RECOLLECT *[34]*	HEAD [*space*] WAGONS YES SIR WHERE IN FRONT OF THE TITHING OFFICE AT CEDAR HOW MANY WAGONS TWO OR 3 I DON'T REMEMBER
Q. DID YOU KNOW THESE INDIANS YOU SAW AROUND CEDAR ? A. YES SIR. Q. DID THEY MAKE ANY DISTURBANCE WITH THE INDIANS THERE AFTER	$_{Q}$ DID YOU KNOW THESE INDIANS YOU SAW AROUND CEDAR $_{A}$YES SIR ≤DID THEY≥ $_{Q}$MAKE ANY DISTURBANCE WITH INHABITANTS THERE AFTER	Q. DID YOU KNOW THE~~W~~**S**E **I**NDIANS YOU SAW AROUND CEDAR? A. YES, SIR. Q.DID THEY ~~A~~MAKE ANY DISTERBANCE WITH THE INHABITANTS THERE AFTER	WHICH [*space*] DID YOU KNOW THESE INDIANS YOU SAW AROUND CEDAR YES SIR DID THEY MAKE ANY DISTURBANCE WITH THE INHABITANTS THERE AFTER

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RT	RS	BT	PS
THEY CAME BACK ? A. NO SIR, THEY WERE A PEACABLE AND QUIET CAMP, WITHIN ABOUT ONE HUNDRED YARDS OF WHERE I WAS LIVING. Q. DID THEY RESIDE THERE NEAR TO CEDAR ? A. THEY HAD CAMPED THERE OFF AND ON ALL THE TIME. Q. WHAT WERE THEY CALLED ? A. COAL CREEK INDIANS. Q. HOW MUCH STOCK DID YOU SEE IN THEIR POSSESSION ? A. I DIDN'T SEE ANY, I SAW THE HORSES THE INDIANS HAD. THEY DIDN'T HAVE ANY HORSES BEFORE THAT. WHEN THEY CAME BACK THEY WAS RIDING HORSES AND	THEY CAME BACK ? A ≤NO SUCH NO SIR≥ PEACEABLE AND QUIET A ≤THEY≥ CAMPED WITHIN ABOUT HUNDRED YARDS OF WHERE I WAS LIVING Q DID THEY RESIDE THERE ≤YES SIR≥ NEAR CEDAR A THEY HAD CAMP THERE OFF AND ON ALL THE TIME. QWHAT WAS CALLED A COAL CREEK INDIANS. QHOW MUCH STOCK DID YOU SEE IN THEIR POSSESSION A I DIDN'T SEE ANY I SAW THE HORSES INDIANS HAD, THEY DIDN'T HAVE ANY HORSES BEFORE THAT, WHEN THEY CAME BACK THEY WAS RIDING HORSES AND	THEY CAME BACK? A. NO, SIR. Q. PEACABLE AND QUIET? A. YES, SIR. Q. WHERE DID THEY CAMP? A. AB OUT A HUNDRED YARDS OF WHERE I WAS LIVING.. Q. DI D THEY RESIDE T**H**E RE NEAR CEDAR? A. YES, SIR, THEY HAD CAMPED THERE OFF AND ON ~~ALL~~ FOR A LONG WHILE. Q. WHAT ~~T~~W~~AS~~**ERE** THEY CALLED. A. THEY WERE CALLED COAL CREEK INDIANS. Q. HOW MUCH STOCK DID YOU SEE IN THEIR POSSESSION? A. I DIDN'T SEE ANY. I SAW THE HORSES THE **I**NDIANS HAD. THEY DIDN'T HAVE ANY HORSES BEFORE THAT. WHEN THEY CAME BACK THE Y WAS RIDING HORSES AND	THEY CAME BACK NO SIR PEACEABLE AND QUIET YES SIR WHERE DID THEY CAMP WITHIN ABOUT A HUNDRED YARDS OF WHERE I WAS LIVING ~~NO SIR~~ DID THEY RESIDE THERE NEAR CEDAR YES SIR THEY HAD CAMPED THERE OFF AND ON FOR A WHILE COAL CREEK INDIANS HOW MUCH STOCK DID YOU SEE IN THEIR POSSESSION I DIDN'T SEE ANY I SAW THE HORSES [*space*] DIDN'T HAVE ANY HORSES BEFORE THAT [*space*]

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RT	RS	BT	PS
SADDLES; SOME OF THEM WAS DRESSED UP IN RED TOP BOOTS; FOR SEVERAL DAYS THEY WERE SAILING AROUND WITH CLOTHING THEY DIDN'T HAVE BEFORE. Q. DID YOU SEE THEM IN CEDAR CITY WITH THIS CLOTHING YOU SPEAK OF ? A. YES SIR. THEY WASHED THEM RIGHT THERE IN THE WATER DITCH. THEY WAS JUST BUILDING UP THE CITY, SETTLING THE NEW CITY. THERE WAS A TOWN FORMERLY IN THE NEIGHBORHOOD OF THE MILL BELOW. WE WAS LIVING THEN WHERE	SADDLES, SOME OF THEM WAS DRESSED UP IN RED TOP BOOTS HIGH CROWNED HATS SAILING AROUND CLOTHING THEY DIDN'T HAVE BEFORE $_{Q}$DID YOU SEE THEM IN CEDAR CITY WITH THIS ≼BLOODY≽ CLOTHING YOU SPOKE OF $_{A}$ YES SIR THEY WASHED 'EM RIGHT THERE IN THE WATER DITCH THEY WAS JUST BUILDING UP CITY SETTLING CITY; THERE WAS A TOWN FORMERLY AND NEIGHBORHOOD OF THE MILL BELOW, WE WAS LIVING THEN WHERE	SADDLES, SOME OF THEM WAS DRESSED UP IN RE~~A~~D TOPPED BOOTS AND HIGH CROWNED HAT~~W~~S SAILING AROUND WITH CLOTHING THAT THEY DIDN'T HAVE BEFORE. Q. DID YOU SEE THEM IN CEDAR CITY WITH THESE BLOODY CLOTHIHG THAT YOU HAVE SPOKEN OF? A. YES, SIR, THEY WASHED THEM RIGHT THERE ~~IS~~ **IN** THE WATER DITCH. Q. IN THE CITY? A. YES, SIR. THEY WAS JUST BUILDING UP THE CITY— SETTLING THE CITY. THERE WAS A TOWN FORMERLY IN THE NEIGHBORHOOD OF THE MILL BELOW. WE WAS LIVING THERE THEN WHERE	SOME OF THEM DRESSED UP WITH RED TOPPED BOOTS AND HIGH CROWNED HATS [*space*] MEN'S CLOTHING THAT THEY DIDN'T HAVE BEFORE DID YOU SEE THEM IN CEDAR CITY WITH THESE BLOODY CLOTHES THAT YOU SPOKE OF YES SIR THEY WERE WASHING THEM RIGHT THERE IN THE WATER DITCH [*space*] IN THE CITY YES SIR FIELD DITCHES THAT PASSED THROUGH THERE IT WAS WHERE CEDAR NOW STANDS THERE WAS A TOWN SOMEWHERES IN THE NEIGHBORHOOD OF WE WAS LIVING AND WHERE

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RT	RS	BT	PS
CEDAR NOW STANDS, AND THE GROUND IT WAS LAID OFF IN LOTS THEN,, AND IT WAS FENCED IN. Q. DID YOU SEE ANY OF THE CHILDREN ? A. YES SIR. *[197]* Q. HOW MANY ? A. I SAW THEM ALL AT THE INDIAN RESERVATION AT SPANISH FORK IN ‘59. Q. DID YOU SEE THEM AT CEDAR ? A. I SAW SOME TWO OR THREE. Q. HOW OLD WERE THOSE YOU SAW A. HIGBEE HAD A BOY I WOULD TAKE HIM TO BE ABOUT SEVEN OR EIGHT, I THINK HE WAS THE OLDEST. Q. WHO HAD THE OTHERS ?	CEDAR NOW STANDS AND THE GROUND IT WAS LAID OFF IN LOTS THEN BUT IT WAS NOT FENCED IN $_{Q}$DID YOU SEE ANY OF THE CHILDREN <$_{A}$ YES SIR> $_{Q}$ HOW MANY $_{A}$ I SAW THEM ALL AT THE INDIAN RESERVATION AT SPANISH FORK IN 59 $_{Q}$DID YOU SEE THEM AT CEDAR $_{A}$I SAW SOME TWO OR 3 $_{Q}$HOW OLD WERE THOSE YOU SAW *[[17]]* {$_{A}$}^{p}HIGBEE HAD A BOY I WOULD TAKE HIM {TO}^{i} BE 7 OR 8 I THINK HE WAS OLDEST {$_{Q}$}^{i} <HOW MANY OTHERS DID YOU SEE WHO HAD THE	CEDAR NOW STANDS. IT WAS LAID OFF IN LOTS BUT WAS NOT FENCED IN. Q. DID YOU SEE ANY OF THE CHILDREN? A. YES, SIR. Q. HOW MANY? A. I SAW THEM ALL AT THE **I**NDIAN RESERVATION AT SPANISH FORK IN ‘5~~(~~9. Q. DID YOU SEE THEM AT CEDAR CITY? A. I SAW SOME TWO OR THREE. Q. HOW OLD WERE THESE YOU SAY HIGBEE HAD? A. HE ~~WON~~ HAD A BOY I WOULD TAKE HIM TO BE 7 OR 8 YEARS OLD. I THINK THAT HE WAS THE OLDEST, WHEN I SAW HIM.[221] Q. HOW MANY OTHERS DID YOU SEE?	CEDAR NOW STANDS IT WAS LAID OFF IN LOTS THEN BUT —[?] WAS NOT FENCED IN ~~I THINK THE SAME~~ DID YOU SEE ANY OF THE CHILDREN YES SIR HOW MANY I SAW THEM ALL AT THE INDIANS’ RESERVATION AT SPANISH FORK I [*space*] DID YOU SEE THEM AT CEDAR CITY ~~YES SIR~~ TWO OR 3 HOW OLD WERE THOSE HIGBEE HAD A BOY I WOULD TAKE HIM TO BE 8 YEARS OLD I THINK HE WAS THE OLDEST ONE I SAW WHO HAD THE OTHERS YOU SAW

221. Emberson Milum Tackitt was only four years old at the time of the massacre.

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RT	RS	BT	PS
A. MY BROTHER HAD ONE AND A MAN BY THE NAME OF B~~I~~URBANK,	OTHERS> {A}[i]MY BRO{THER}[i] HAD ONE, ≤AND A≥ MAN NAME BIRBANK {**BIRKBANK**}[i]	A. MY BROTHER HAD ONE,[222] AND A MAN BY THE ~~NAM~~ NAME OF BIRBECK	MY BROTHER HAD ONE A MAN BY THE NAME OF BIRBANK
SOME SUCH A NAME AS THAT, HE HAD ONE.	SOME SUCH A NAME AS THAT HE HAD ONE	LIVING IN CEDAR CITY NOW, HAD ONE.[223]	≤LIVING IN CEDAR NOW≥ HAD ANOTHER [*space*]
Q. WHAT BECAME OF THEM ? A. DR. FORNEY TOOK THEM ALL; I SAW THEM ALL TAKEN AWAY, BUT COULD NOT SWEAR IT WAS IN FIFTY NINE.	Q WHAT BECAME OF THEM {A}[p] DOCTOR FORNEY TOOK THEM ALL I SAW THEM ALL AFTER *OF*[?] DOCTORS COULD NOT SWEAR IN FIFTY ~~4~~59. {**BASKIN**}[p] YOU CAN TAKE THE WITNESS BY BASKIN. {**X EXAMINATION BY JUDGE ~~SUTHERLAND~~**}[p]	*[35]* Q. WHAT BECAME OF THEM? A. DR. **F**ORNEY TOOK THEM OFF**.** I SAW THEM ONCE AT THE **I**NDIAN RESERVATION AT SPANISH FORK IN '59..	WHAT BECAME OF THEM DR. FORNEY TOOK THEM ALL I SAW THEM IN HIS CARE AT INDIAN RESERVATION AT SPANISH FORK IN 59 [*space*]
CROSS-EXAMINED BY JUDGE SUTHERLAND. Q. MR. WILLIS WHERE DID YOU SAY YOU WERE RESIDING AT THAT TIME, 1857 — IN CEDAR CITY ? A. I WAS LIVING RIGHT IN CEDAR	**ICER** {Q}[p] MR. WILLIS WHERE DID YOU SAY YOU WAS RESIDING AT THAT TIME 57 IN CEDAR CITY {A}[p]I WAS LIVING RIGHT IN CEDAR	CROSS-EXAMINATION BY MR. ~~SUTHERLAND.~~ SPICER. Q. MR. WILLIS, WHERE DO YOU SAY YOU WERE RESIDING AT T~~H~~A T TI ~~E~~ME**,** '57? A . IN CEDAR CITY — LIVING RIGHT IN CEDAR	*[[24]]* CROSS EXAMINATION [*space*] SPICER [*space*] WHERE DID YOU SAY YOU WAS RESIDING AT THAT TIME CEDAR CITY ≤ON RANCH NEAR IT≥ RIGHT IN CEDAR

222. Nancy Sophrona Huff was four years old at the time of the massacre.

223. Richard Birkbeck took care of Georgia Ann Dunlap after Klingensmith originally had her.

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RT	RS	BT	PS
CITY. Q. HOW OLD WERE YOU AT THAT TIME ? A. I WAS SIXTEEN YEARS OLD THE APRIL BEFORE. Q. WHICH IS THE OLDEST, YOU OR YOUR BROTHER JOHN ? A. MY BROTHER JOHN. Q. DID YOU REMEMBER ALL THESE EMIGRANTS PASSING THROUGH CEDAR CITY ? A. YES SIR. Q. DO YOU REMEMBER WHAT DAY OF THE MONTH IT WAS ? A. I DO NOT. *[198]* Q. WHAT DAY OF THE WEEK ~~N~~? A. NO SIR. Q. DO YOU REMEMBER WHAT YOURSELF AND FATHER AND BROTHER WERE DOING AT THAT TIME ? A. MY BROTHER WAS HARVESTING GRAIN AND HAULING IT.	CITY. Q HOW OLD WAS YOU AT THAT TIME {A}[p] I WAS SIXTEEN YEARS OLD THE APRIL BEFORE ≤THIS AFFAIR TOOK PLACE≥. QWHICH IS THE OLDEST YOURSELF OR {YOUR}[p] BROTHER JOHN MY BROTHER JOHN. QDO YOU REMEMBER OF THOSE EMIGRANTS PASSING THROUGH CEDAR CITY {A}[p] YES SIR ~~A~~QDO YOU REMEMBER WHAT DAY OF THE MONTH IT WAS AI DO NOT QWHAT DAY OF THE WEEK {A}[p] NO SIR QDO YOU REMEMBER WHAT YOURSELF ≤YOUR≥ FATHER AND BROTHER WERE DOING AT THAT TIME {A}[p] MY BROTHER WAS HARVESTING GRAIN AND HAULING IT.	CITY. Q. HOW OLD W~~AS~~**ERE** YOU AT **T**HAT TIME? A. I WAS I6 YEARS OLD THE AP~~T~~RIL BEFORE THIS T**O**OK PLACE. Q. WHICH IS THE OLDEST**,** YOURSELF OR YOUR BROTHER? A. MY BROTER JOHN. Q. DO YOU REMEMBER ALL THESE EMIGRANTS PAS~~W~~**S**ING TH~~O~~ROUGH CEDAR CITY. **A. YESSIR.** Q. DO YOU REMEMBER WHAT DAY IT WAS OF THE MONTH? A. I DO NOT. Q. WHAT DAY OF THE WEEK? A. NO, SIR. Q. DO YOU REMEMBER WHAT YOURSELF AND YOUR FATHER AND BROTHER WERE DOING AT THA T TIME? A. MY BROTHER WAS HARVESTING GRAIN AND HAULING IT. Q. YOU BROTHER	CITY [*space*] HOW OLD WAS YOU AT THAT TIME I WAS 16 YEARS OLD THE APRIL BEFORE THIS AFFAIR TOOK PLACE WHICH IS THE OLDEST YOURSELF OR YOUR BROTHER JOHN [*space*] BROTHER JOHN DO YOU REMEMBER OF THOSE EMIGRANTS PASSING THROUGH CEDAR CITY YES SIR DO YOU REMEMBER WHAT DAY OF THE MONTH IT WAS I DO NOT WHAT DAY OF THE WEEK NO SIR DO YOU REMEMBER WHAT YOURSELF YOUR FATHER AND BROTHER WERE DOING AT THAT TIME MY BROTHER WAS HARVESTING GRAIN AND HAULING IT ≤BROTHER

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RT	RS	BT	PS
MY FATHER HE WAS WORKING AROUND OUT THERE TENDING TO GARDEN, AND HE WAS BUILDING SOME LITTLE, PUTTING UP ONE OF THESE OLD FASHIONED DUTCH OVENS.	MY FATHER HE WAS WORKING AROUND OUT THERE TENDING GARDEN LOT WE WAS BUILDING SOME LITTLE PUTTING UP ONE OF THESE OLD FASHIONED DUTCH OVENS	JOHN? A. YES, SIR; MY FATHER, ~~S~~AS I TOLD YOU**,** WAS WORKING AROUND THERE AND HE WAS TENDING A G~~E~~ARDEN. WE WAS BUILDING SOME LITTLE — PUTTING UP ONE OF THESE OLD FASHIONED DUTCH OVENS AT THE TIME HAIGHT CAME TO US.	JOHN YES SIR≥ MY FATHER AS I TOLD YOU WAS WORKING AROUND AND WAS TENDING THE GARDEN LOTS WE WAS BUILDING WE WAS PUTTING UP OLD FASHIONED DUTCH OVENS AT THE TIME HAIGHT CAME TO THE HOUSE
Q. WHAT WAS YOUR BROTHER JOHN DOING ? A. HARVESTING. Q. WAS HE ENTIRELY ALONE ? A. HE WAS SOME OF THE TIME.	$_{Q}$WHAT WAS YOUR BROTHER JOHN DOING $\{_{A}\}^{p}$ HARVESTING $\{_{Q}\}^{p}$ ENTIRELY ALONE $_{A}$HE WAS MARRIED ≤MAN SIR≥ TAKING CARE OF HIMSELF ≤LIVING BY≥	Q. WHAT WAS YOUR B~~T~~ROTHER JOHN DO~~N~~ING? A. HARVESTING. Q. ~~A~~ALONE — ENTIRELY ALONE? A. HE WAS A MARRIED MAN SI~~E~~R, LIVING BY HIMSELF , T**A**KING CARE OF	HE WAS MARRIED MAN TAKING CARE OF HIMSELF ≤AND LIVING BY
Q. YOU SPOKE OF THE COAL CREE~~L~~K INDIANS — DID YOU SEE ANY OTHER INDIANS THERE BEFORE THE TRAIN PASSED THROUGH ?	HIMSELF. $_{Q}$ YOU SPOKE OF THE COAL CREEK INDIANS DID YOU SEE ANY OTHER INDIANS THERE BEFORE TRAIN PASSED THROUGH <BEFORE THE TRAIN PASSED	HIMSELF. Q. YOU SPOKE OF THE ~~COLA~~ COAL CREEK **I**NDIANS, DID YOU SEE A**N**Y **I**NDIANS THERE BEFORE THE TRAIN PASSED THROUGH?	HIMSELF≥ [*space*] YOU SPOKE OF THE COAL CREEK INDIANS DID YOU SEE ANY OTHER INDIANS THERE BEFORE THE TRAIN PASSED THROUGH
A.	THROUGH> $\{_{A}\}^{p}$	A.	

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RT	RS	BT	PS
NO, NOT THAT I KNOW OF. Q. DID YOU SEE ANY OTHERS AROUND THERE THAN THE COAL CREEK IND~~DI~~AANS ? A. THOSE INDIANS WENT BACKWARDS AND FORWARDS. THERE MIGHT HAVE BEEN ONE OR TWO MORE PRETTY NEAR HARMONY, AS THE~~Z~~SE TWO BANDS OF INDIANS VISITED BACKWARDS AND FORWARDS AS THEY DO NOW, BUT I COULD NOT SAY CERTAIN~~N~~AS TO THAT. Q. DO YOU REMEMBER OF THERE BEING ANY OTHER THAN THE COAL CREEK INDIANS ? A. NO, NEITHER BEFORE NOR AFTERWARDS. Q. NOW TO RETURN TO YOUR DIRECT EXAMINATION,	NO THAT I KNOW OF $_{Q}$DID YOU SEE ANY AFTERWARDS OTHER THAN {THE}^{P} COAL CREEK $_{A}$ THOSE INDIANS WENT BACKWARDS FORWARDS THERE MIGHT HAVE BEEN ONE OR TWO ~~<~~$_{Q}$BEFORE OR AFTER~~>~~ PAROWAN HARMONY AND COAL CREEK INDIANS VISITED BACKWARDS <FORTH> AS THEY DO NOW I HONEST COULD NOT SAY CERTAIN AS TO THAT. $_{Q}$DO YOU REMEMBER OF THERE BEING ANY CAMP OTHER THAN COAL CREEK INDIANS ~~<~~NO SIR~~>~~ $_{A}$NEITHER BEFORE NOR AFTERWARDS ~~<~~NO SIR~~>~~. $_{Q}$NOW TO RETURN TO YOUR OCCUPATION	NO, NOT THAT I KNOW OF. Q. DID YOU SEE ANY AFTERWARDS, OTHER THAN THE **C**OAL CREEK **I**NDIANS.? A. THESE **I**NDIANS WENT BACKWARDS AND FORWARDS; IT IS PRETTY HARD TO KEEP TRACK OF THEM. Q. BEFORE OR AFTER — PAROWAN **I**NDIANS , COAL CREEK **I**NDIANS, HARMONY **I**NDIANS VISITED BACKWARDS AND FORWARDS AS THEY DO NOW? A. I COULD NOT SAY AS TO THAT. Q. DO YOU REMEMBER ABOUT THERE BEING ANY CAMP, OTHER THAN THE COAL CREEK **I**NDIANS? A. NO, SIR. *[36]* Q. NOW TO RETURN TO YOUR OCCUPATION.	NO NOT THAT I KNOW OF DID YOU SEE ANY AFTERWARDS OTHER THAN THE COAL CREEK INDIANS THESE INDIANS PASSED BACKWARDS AND FORWARDS IT IS PRETTY HARD TO KEEP TRACK OF THEM [*space*] BEFORE OR AFTER [*space*] PAROWAN INDIANS COAL CREEK INDIANS PAROWAN INDIANS VISITED BACK AND FORTH AS THEY DO NOW I COULD NOT SAY AS TO THAT [*space*] DO YOU REMEMBER OF THERE BEING ANY CAMP OF FOREIGN INDIANS NO SIR NEITHER BEFORE NOR AFTER NO SIR TO RETURN TO YOUR OCCUPATION

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RT	RS	BT	PS
YOU SPOKE IN THE EXAMINATION OF A CALL HAVING BEEN MADE TO GO THERE, HOW LONG WAS IT AFTER THE TRAIN WENT THROUGH TILL YOUR BROTHER JOHN WENT THERE ? *[199]* A. THE FIRST TIME HE WENT OVER THERE I COULD NOT SAY,6,8, OR 10 DAYS, MIGHT HAVE BEEN MORE, AND IT MIGHT NOT HAVE BEEN AS MUCH AS TEN DAYS, I GUESS IT WAS FROM SIX TO TEN, I COULD NOT SAY. Q. WAS THERE OR NOT A MILITARY ORGANIZATION	YOU SPOKE IN EXAMINATION IN ≤CHIEF≥ OF ≤BEING≥ CALLED UPON AND ≤ ORDERS≥ MADE TO GO THERE, HOW LONG WAS IT AFTER THE TRAIN WENT THROUGH UNTIL YOUR BROTHER JOHN WENT OVER THERE[224] AND HIS TEAM WENT OVER THERE ≤TO THE MEADOWS≥ $_{A}$I COULD NOT SAY, 6 = 8 OR 10 DAYS MIGHT HAVE BEEN MORE $_{Q}$COULD IT HAVE BEEN AS MUCH AS TEN DAYS $_{A}$I KNOW AS IT WAS FROM 6 TO 10 I COULD NOT SAY $\{_{Q}\}^{p}$ ≤WAS THERE THERE≥ OR NOT A MILITARY ORGANIZATION	YOU SPOKE IN YOUR EXAMINATI~~O~~ON IN CHIEF ABOUT BEING CALLED UPON AND ORDERS MADE TO GO **THERE** ~~THROUGH~~, HOW LONG WAS IT AFTER THE TRAIN WENT THROUGH TILL YOUR BROTHER JOHN WENT OVER THERE? A. BROTHER JOHN WENT OVER THERE AND ~~J~~HIS TEAM WENT OVER THERE ~~TO THE MEADOWNS~~ TO THE MEADOWS, I COULD ~~H~~NOT SAY, 6**,** 8 OR TEN DAYS — Q. COULD IT HAVE BEEN AS MUCH AS TEN DAYS? A. YES, PROBABLY, FROM SIX TO TEN, I COULD NOT SAY**,** Q. WAS THERE NOT A MILITARY ORGANI~~S~~ZATION	YOU SPOKE IN YOUR EXAMINATION IN CHIEF OF BEING CALLED UPON AND ORDERS READ TO GO THERE HOW LONG WAS IT AFTER THE TRAIN WENT THROUGH UNTIL YOUR BROTHER JOHN WENT OVER THERE AND HIS TEAM WENT OVER THERE TO MEADOWS I COULD NOT SAY 6 OR 8 OR TEN DAYS COULD IT HAVE BEEN AS MUCH AS TEN DAYS YES PROBABLY FROM 6 TO TEN I COULD NOT SAY WAS THERE A NOT MILITARY ORGANIZATION

224. Apparently added later.

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RT	RS	BT	PS
EXISTING IN THE COUNTRY AT THE TIME ? A. YES SIR. Q. DID YOU BELONG TO IT ? A. YES SIR, I DRILLED EVERY SATURDAY. Q. IN WHAT COMPANY ? A. I COULD NOT TELL YOU. Q. DO YOU REMEMBER ANY OF THE NAMES OR THE DIVISIONS OF THE COMPANY ? A. I DO NOT KNOW. I DRILLED ONCE IN A WHILE. Q. WERE YOU UNDER MILITARY ORDERS AT THE TIME ? A. NO SIR. Q. WHO WAS YOUR CAPTAIN ? A. I COULD NOT TELL YOU. Q. DO YOU REMEMBER HOW LONG BEFORE THIS TRAIN PASSED THROUGH YOU HAD BEEN	EXISTING IN THE COUNTRY AT THE TIME A YES SIR Q DID YOU BELONG TO IT A YES SIR I DRILLED EVERY SATURDAY Q IN WHAT COMPANY I COULD NOT TELL YOU THAT Q DO YOU REMEMBER ANY NAMES OR DIVISIONS OF COMPANY ≤AT THAT TIME≥ A I DO NOT KNOW. ≤DID YOU DRILL≥ I DRILLED ONCE IN A WHILE Q WAS YOU UNDER MILITARY ORDERS AT THE TIME A NO SIR Q WHO WAS YOUR CAPTAIN A I COULD NOT TELL YOU [[18]] Q DO YOU REMEMBER HOW LONG BEFORE THIS TRAIN PASSED THROUGH YOU HAD BEEN	IN THE COUNTRY AT THE TIME? A. YES, SIR. Q. DID YOU BELONG TO IT? A. YES, SIR; I DRILLED EVERY SATURDAY. Q. IN WHAT COMPANY? A. I COULD NOT TELL YOU THAT.[225] Q. DO YOU REMEMBER ANY NAMES OR DI~~C~~VISIONS OF COMPANIES AT THAT TIM~~E~~. A. I DO NOT.. Q.DID YOU DRILL? A. ONCE IN A WHILE. Q. W~~AS~~**ERE** YOU UNDER MILITARY ORDERS AT THAT TIME? A. NO, SIR. Q. WHO WAS YOUR CAPTAIN? A. I COULD NOT TELLYOU. Q. DO YOU REMEMBER HOW LONG BEFO~~E~~RE THIS TRAIN PASSED THROUGH THAT YOU HAD BEEN	EXISTED AT THE TIME YES SIR DID YOU BELONG TO IT WELL I DRILLED EVERY SATURDAY IN WHAT COMPANY I COULD NOT TELL YOU DO YOU REMEMBER ANY NAMES OR DESIGNATIONS OF COMPANIES *[[25]]*[226] AT THAT TIME ~~YES~~ NO SIR DRILL YES SIR ONCE IN A WHILE WAS YOU UNDER MILITARY ORDERS AT THE TIME NO SIR WHO WAS YOUR CAPTAIN I COULD NOT TELL YOU DO YOU HOW LONG BEFORE THIS TRAIN PASSED THROUGH THAT YOU HAD

225. Company E, 4th Platoon, private.
226. On verso: PINTO CREEK PINTO CREEK.

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RT	RS	BT	PS
DRILLED OR TURNED OUT FOR DRILL ? A. NO SIR, I COULD NOT. Q. HAD YOU DRILLED BEFORE THIS COMPANY PASSED ? A. I JUST WENT AND DRILLED WHEN I FELT LIKE IT. THE BOYS WANTED TO DRILL THAT CAME IN, AND I DRILLED WITH THEM, AM NOT SURE WHETHER I DRILLED OR HELD OUT ALONE , LIKE BOYS SOMETIMES DO; IT ~~IS <~~WAS~~>~~ A LONG TIME BETWEEN DRILLS SOMETIMES IT WAS NOT Q. THEN YOU BELONGED TO THE PRIVILEGED CLASS TO DRILL	DRILLED OR TURNED OUT TO DRILL $_{A}$ NO SIR. I COULD NOT $_{Q}$ DID YOU DRILL BEFORE THIS COMPANY {PASSED}^{p} {$_{A}$}^{p}I JUST WENT DRILLED WHEN I FELT LIKE IT, THE BOYS WANTED TO DRILL THEY CAME IN, THEIR AND DRILLED MY OWN PLEASURE WHETHER I DRILLED OR LET IT ALONE BOYS SOMETIMES IT WAS LONG TIME SOMETIMES IT WAS NOT. $_{Q}$THEN YOU BELONGED TO PRIVILEGED CLASS TO DRILL	DRILLED OR TURNED OUT TO DRILL? A. NO, ~~I~~SIR, I COU~~L~~D NOT. Q. DID YOU DRILL BEFORE THIS COMPANY PASSED THROUGH THERE? A. I JUST WENT AND DRILLED WHEN I FELT LIKE IT. **WHEN** THE BOYS WANTED TO DRILL **THEY** ~~AND THAT~~ CAME IN AND DRILLED. IT WAS JUST PAS~~T~~— TIME — MY OWN PLEASURE WHETHER I DID DRILL OR LET IT ALONE ~~LIKE~~ ~~SOMETIMES DO~~. I WAS ON THE GROUND SOMETIMES AND SOMETIMES I WAS NOT.. Q. THEN YOU BELONGED TO THE PRIVILEGE~~S~~D CLASS TO DRILL	DRILLED OR TURNED OUT TO DRILL NO SIR I COULD NOT DID YOU DRILL BEFORE THIS COMPANY CAME THROUGH I JUST WENT AND DRILLED WHEN I FELT LIKE IT THERE WAS PRIVILEGES *TO/FOR*[?] THE BOYS THAT WANTED TO DRILL AND CAME IN AND DRILLED IT WAS JUST AT MY OWN PLEASURE WHETHER I DID OR LET IT ALONE SOMETIMES I WAS ON THE GROUND SOMETIMES I WAS NOT [*space*] THEN YOU BELONGED TO THE PRIVILEGED [*space*]

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RT	RS	BT	PS
AS YOU FELT LIKE *[200]* IT ?	AS YOU FELT LIKE IT	AS YOU FELT LIKE IT? A. BOYS	
		UNDER I8**, —BU**T	BOYS
A. MEN ~~FROM EI~~	{A}PMEN	MEN	UNDER 18 [*space*] MEN
OVER EIGHTEEN	OVER 18	OVER I8	OVER 18
ARE FORCED	ARE FORCED	WERE FORCED	WAS FORCED
TO DRILL, THAT	TO DRILL THAT	TO DRILL. THAT	TO DRILL
WAS THE LAW	WAS {THE}P LAW	WAS THE LAW	
THEN. Q. DO YOU	THEN QDO YOU	THEN. Q. DO YOU	DO YOU
REMEMBER HOW	REMEMBER HOW	REMEMBER HOW	REMEMBER HOW
OFTEN THEY	OFTEN THEY	OFTEN THEY	OFTEN THEY
DRILLED ? A.	DRILLED {A}P	DRILLED? A.	DRILLED
EVERY	EVERY	EVERY	EVERY
SATURDAY. Q.	SATURDAY Q	**S**ATUR~~E~~DAY. Q.	SATURDAY
HAD THEY	DID THEY	HAD THEY	DID THEY
DRILLED ON THE	DRILL ON THE	DRILLED THAT	DRILL ON THE
SATURDAY	SATURDAY	SATURDAY	SATURDAY
PRIOR TO	PRIOR TO	PRIOR TO	PRIOR TO THE
THIS	THIS	THIS	TIME OF THIS
TRAIN PASSING	TRAIN PASSING	TRAIN PASSING	TRAIN PASSING
THROUGH ? A. I	THROUGH ? AI	THROUGH? A. I	THROUGH I
COULD NOT	COULD NOT	COULD NOT	COULD NOT
RECOLLECT	RECOLLECT	RECOLLECT	
WHETHER THEY	WHETHER THEY	WHETHER THEY	
DID OR NOT. Q.	DID OR NOT Q	DID OR NOT. Q.	
DID THEY	DID THEY	DID ~~IT~~ THEY	DID THEY
KEEP IT UP	KEEP IT UP	KEEP IT UP	KEEP IT UP
AFTER THAT	AFTER THAT	AFTER THA T	AFTER THAT
THERE —	THERE =	THERE —	*THERE/*—[?]
DO YOU	DO YOU	DO YOU	DO YOU
REMEMBER	REMEMBER	REMEMBER	REMEMBER
WHILE	≤WHAT THE	WHAT *[37 37]* THE	WHAT THE
IT WAS AN	CAUSE≥ WHY IT	CAUSE OF THIS	CAUSE OF THIS
ORGANIZATION	WAS ORGANIZED	ORGANIZATION	ORGANIZATION
—WHETHER		WAS ~~FOR~~ —	WAS FOR
THEY DID OR NO			
—THIS	THIS	THIS	THIS
MILITARY	MILITARY	MILITA~~T~~RY	MILITARY *OF*[?]
ORGANIZATION ?	≤ORGANIZATION	ORGANIZATION	[*space*]
A. NO	≥ ANO	WAS FOR? A. NO,	NO
SIR, I DO NOT. I	SIR I DO NOT, I	SI~~T~~R, I DO NOT. I	SIR I DO NOT I
ALWAYS	ALWAYS	ALWAYS	
SUPPOSED ———	SUPPOSED	SUPPOESED	SUPPOSED
—	QNEVER MIND	THEN IT WAS A~~N~~	THEN IT WAS

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RT	RS	BT	PS
CAREY: NEVER MIND ABOUT YOUR SUPPOSITION. Q. YOU DON'T KNOW OF YOUR OWN KNOWLEDGE, WHETHER THIS WAS A MILITARY ORGANIZATION OR A MILITARY COMPANY OR NOT ? A. NO SIR. Q. DO YOU KNOW HOW MANY OF OFFICERS THERE WERE ? A. I COULD NOT SAY POSITIVELY, BUT I THINK A MAN BY THE NAME OF HARRISON AND ONE BY THE NAME OF ANDERSON. Q. HOW MANY WAS THERE IN THE COMPANY ? A. I DO NOT KNOW. Q. WELL, YOU SAY IT WAS ABOUT TEN DAYS FROM THE	NEVER MIND BY CAREY. Q YOU DON'T KNOW REASON OF YOUR OWN KNOWLEDGE OF ORGANIZATION THIS MILITARY COMPANY A NO SIR Q DO YOU KNOW HOW ~~MANY~~ ≤WHOM≥ ANY OF YOUR OFFICERS THERE WERE A I COULD NOT SAY POSITIVELY BUT I THINK MAN BY THE NAME OF HARRISON ANDERSON ≤WAS OUR LIEUTENANT≥ Q HOW MANY WAS THERE IN COMPANY A I DO NOT KNOW Q WELL, YOU SAY IT WAS ABOUT TEN DAYS FROM THE	UNITED STATES———— OBJECTED TO **& OVERRULED.** Q . YOU DON'T KNOW THE REASON OF YOUR OWN KNOWLEDGE FOR ORGANI~~X~~ZING THIS MILITARY COMPANY? A. NO, SIR. Q. DO YOU KNOW ~~HOW MANY~~ WHOM ANY OF YOUR OFFICERS WERE? A. I COULD NOT SAY POSITIVELY, BUT I THINK A MAN BY THE NAME OF HARRISON, WAS OU~~T~~R LIEUTENANT.[227] Q. HOW MANY W~~AS~~**ERE** THERE IN YOUR COMPANY? A. I DO NOT KNOW. Q. WELL, YOU SAY IT WAS ABOUT TEN DAYS FROM THE	LAW OF THE UNITED STATES OBJECTED TO [*space*] DON'T KNOW THE REASON OF YOUR OWN KNOWLEDGE FOR ORGANIZING THIS MILITARY COMPANY NO SIR DO YOU KNOW WHOM ANY OF YOUR OFFICERS WERE I COULD NOT SAY POSITIVE I THINK A MAN BY THE NAME OF HARRISON WAS OUR LIEUTENANT HOW MANY IN YOUR COMPANY I DO NOT KNOW YOU SAY IT WAS ABOUT TEN DAYS FROM THE

227. Richard Harrison was a lieutenant, but in the 3rd Platoon. Thomas Willis' lieutenant was Sven Jacobs in the 4th Platoon.

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RT	RS	BT	PS
TIME THE EMIGRANT TRAIN WENT THROUGH CEDAR TILL YOUR BROTHER WITH HIS TEAM WENT OVER ? A. I DIDN'T SAY SO. I SAID IT WAS IN THE NEIGHBORHOOD OF SIX TO TEN DAYS.	TIME THE EMIGRANT TRAIN WENT THROUGH CEDAR TILL YOUR BROTHER WITH HIS TEAM WENT OVER <TO THE MEADOWS> $_{A}$I DIDN'T SAY SO I SAID IT WAS IN NEIGHBORHOOD OF 6 TO TEN DAYS.	TIME THE EMIGRANT TRAIN WENT THROUGH CEDAR TILL YOUR BROTHER WITH HIS TEAM WENT OVER TO THE MEADOWS? A. I DIDN'T SAY SO; I SAID IT WAS IN THE NEIGHBORHOOD OF FROM SIX TO TEN DAYS OR SOMEWHERES ABOUT THERE.	TIME THE EMIGRANT TRAIN WENT THROUGH CEDAR TILL YOUR BROTHER JOHN AND HIS TEAM WENT OVER TO THE MEADOWS IS FROM 6 OR TEN DAYS OR SOMEWHERES ABOUT THERE
Q. WAS THERE ANY DRILLING OF THIS MILITARY ORGANIZATION, OR OF ANY *[201]* BRANCH OF IT	$_{Q}$WAS THERE ANY DRILLING OF THIS MILITARY ORGANIZATION OR OF ANY BRANCH OF IT	Q. WAS THERE ANY DRILL OF THIS MILITARY ORGANIZATION OR ANY BRANCH OF IT O~~T~~**R** A COMPANY OF IT DURING	[*space*] WAS THERE ANY DRILL OF THIS MILITARY ORGANIZATION OR BRANCH OF IT OR A COMPANY OF IT DURING
DURING THAT TIME ? A. NOT THAT I KNOW OF; IF THERE WAS I WAS NOT TO IT.	DURING THAT TIME $\{_{A}\}^{p}$ NOT THAT I KNOW OF, IF THERE WAS I WAS NOT TO IT	THAT TIME? A. NOT THAT I KNOW OF. ~~Q.~~ **I**F THERE WAS**,** I WAS NOT TO IT ..	THAT TIME NOT THAT I KNOW OF [*space*]
Q. DO YOU KNOW OF ANY NUMBER OF THAT MILITARY ORGANIZATION BEING CALLED OUT AT THAT TIME ? A. NO SIR. Q. WERE YOU AT HOME	$_{Q}$DID YOU KNOW OF MEMBERS OF THAT MILITARY ORGANIZATION BEING CALLED OUT DURING THAT TIME $_{A}$ NO SIR $_{Q}$ ~~WERE~~ **WAS** YOU AT HOME	Q. DO YOU ~~OF~~ **RE**MEMBER~~S~~ OF THAT MILITARY ORGANIZATION BEING CALLED OUT DURING THAT T IME? A. NO, SIR. ~~Q.~~ Q. W~~AS~~**ERE** YOU AT HOME ~~AT HOME~~	DID YOU KNOW ANY OF THE MEMBERS OF THAT MILITARY ORGANIZATION BEING CALLED OUT DURING THAT TIME NO SIR WAS YOU AT HOME AT THE

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RT	RS	BT	PS
WHEN GENERAL DAME WENT OVER ? A. YES SIR. Q. DO YOU REMEMBER WHETHER OR NOT HE WENT AT THE TIME HIS TEAM DID ? A. WELL I DIDN'T SEE HIM NOR HIS TEAM AROUND HOME, I DIDN'T SEE HIM GO. Q. YOU DIDN'T SEE HIM GO ? A. NO SIR. Q. DO YOU REMEMBER WH~~E~~AT YOU DONE, OR WHAT YOUR FATHER WAS DOING AT THE TIME THAT THE ORDER WAS GIVEN FOR HIM AND HIS TEAM TO GO ? A. WELL SIR, AT THE TIME THE ORDER WAS GIVEN I WAS AT HOME; I DIDN'T DO ANYTHING, WHAT FATHER DID I DON'T KNOW. Q. YOU WAS AT HOME AND YOU DIDN'T DO ANYTHING — DO	WHEN JOHN'S TEAM WENT OVER $_{A}$ YES SIR. $_{Q}$DO YOU REMEMBER WHETHER OR NOT HE WENT AT THE TIME HIS TEAM DID $_{A}$ WELL I DIDN'T SEE HIM NOR HIS TEAM AROUND HOME I DIDN'T SEE HIM GO $_{Q}$YOU DIDN'T SEE HIM GO $_{A}$NO SIR $_{Q}$DO YOU REMEMBER WHAT YOU DONE AND WHAT YOUR FATHER DONE AT THE TIME THE ORDER WAS GIVEN FOR HIM AND HIS TEAM TO GO $_{A}$ WELL SIR AT THE TIME ORDER WAS GIVEN I WAS AT HOME, I DIDN'T DO ANYTHING, WHAT FATHER DID I DON'T KNOW $_{Q}$ YOU WAS AT HOME AND YOU DIDN'T DO ANYTHING, DO	WHEN JOHN'S TEAM WENT OVER THERE~~.~~**?** A. YES , SIR. Q.. DO YOU REMEMBER WHETHER OR NOT HE WENT AT THE TIME HIS TEAM DID? A. WELL, I DIDN'T SEE HIM NOR HIS TEAM AROUND HOME, **BU**T I DIDN'T SEE HIM GO. Q. YOU DIDN'T SEE HIM GO? A. NO, SIR. Q. DO YOU **REMEMBER WHAT YOU** D~~O~~NE**ID** AND WHAT YOUR FATHER D~~O~~NE**ID** AT T**H**E TIME T~~O~~**HE** ORDER WAS GIVEN FOR HIM WITH HIS TEAM TO GO? A. WELL, SIR, AT THE TIME THAT THE ORDER WAS GIVEN I WAS AT H~~I~~OME, I DIDN'T DO ANYTHING. AND WHAT FATHER DID I DON'T KNOW. Q. YOU SAW THE TEAM AND YOU DIDN'T DO ANYTHING — DO	TIME YOUR BROTHER JOHN'S TEAM WENT OVER [*space*] YES SIR DO YOU REMEMBER WHETHER OR NOT HE WENT AT THE TIME HIS TEAM DID I DIDN'T SEE HIM NOR HIS TEAM AROUND HOME I DIDN'T SEE HIM GO YOU DIDN'T SEE HIM GO NO SIR DO YOU REMEMBER WHAT YOU DONE AND WHAT YOUR FATHER DONE AT THE TIME THAT THE ORDER WAS GIVEN FOR HIM *AND/WITH*[?] HIS TEAM TO GO AT THE TIME ORDER WAS GIVEN I WAS AT HOME I DIDN'T DO ANYTHING *[[26]]* AND WHAT FATHER DONE I DON'T KNOW YOU WAS AT HOME AND YOU DIDN'T DO ANYTHING DO

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RT	RS	BT	PS
YOU REMEMBER WHAT PART OF YOUR HOME YOU KEPT YOURSELF AT ABOUT THAT TIME, OR DURING THE TIME ? A. NO SIR, I DO NOT, BUT I WAS AROUND SOMEWHERES. Q. DO YOU REMEMBER OF BEING IN THE CELLAR ? A. NO SIR. Q. DO YOU REMEMBER OF BEING HIDING DURING THE DAY ? A. NO SIR. Q. HOW FAR DID YOUR BROTHER JOHN LIVE FROM WHERE YOU LIVED AT THAT TIME HE WENT OVER ? *[202]* A. ABOUT A MILE. Q. AND HOW MANY BROTHERS HAVE YOU ? A. FOUR. Q. HAD YOU ANY MORE AT THAT TIME A. ONLY FOUR Q. WHAT ARE THEIR AGES — THEIR RANK IN	YOU REMEMBER WHAT PART OF YOUR HOME YOU KEPT YOURSELF, AT ABOUT THAT TIME DURING DAY $_{A}$NO SIR I DO NOT, I WAS AROUND HOUSE SOMEWHERES $_{Q}$DO YOU REMEMBER OF BEING IN THE CELLAR $_{A}$NO SIR $_{Q}$DO YOU REMEMBER OF BEING HID DURING DAY NO $_{A}$SIR. $_{Q}$HOW FAR DID YOUR BROTHER JOHN <LIVE> FROM WHERE YOU LIVED AT THE TIME HE WENT OVER $_{A}$ABOUT A MILE $_{Q}$ HOW MANY BROTHERS HAVE YOU $_{A}$4 $_{Q}$HAD YOU NO MORE *[[19]]* AT THAT TIME $_{A}$ WAS SAME 4 ~~<~~YES SIR 4~~>~~ WHAT ARE THEIR AGES THEIR RANK IN	YOU REMEMBER W~~A~~HA**T** PART OF YOUR HOME YOU OCCUPIED YOURSELF AT ABOUT THAT *[38]* TIME, DURING THE DAY? A. NO, SIR, I DON'T: I WAS AROUN~~I~~D THE HOUSE SOMEWHERES. Q. DO YOU REMEMBER OF BEING IN THE CELLAR? A. NO, SIR. Q. ~~Y~~DO YOU REMEMBER OF BEING HID DURING THE DAY? A. N~~I~~O, SIR. Q. HOW FAR ~~HAD~~ **DID** YOUR BROTHER JOHN LIVE FROM WHERE YOU LIVED AT THE TIME~~?~~ AT THE TIME HE WENT OVER? A. ABOUT A MILE. Q. HOW MANY BROTHERS HAVE YOU? A. FOUR.. Q. HAD YOU ~~K~~NO MORE AT THAT TIME.. A. YES, SIR, FOUR AT THAT TIME. Q. WHAT WERE THE~~R~~IR RANK AND AGE,	YOU REMEMBER WHAT PART OF YOUR HOME YOU KEPT YOURSELF AT ABOUT THAT TIME DURING THE DAY NO SIR BUT I WAS AROUND THE HOUSE SOMEWHERES [*space*] DO YOU REMEMBER OF BEING IN THE CELLAR NO SIR DO YOU REMEMBER OF BEING HID DURING THE DAY NO SIR [*space*] HOW FAR DID YOUR BROTHER JOHN LIVE FROM WHERE YOU LIVED AT THE TIME HE WENT OVER ABOUT A MILE HOW MANY BROTHERS HAVE YOU FOUR HAD YOU NO MORE AT THAT TIME YES SIR FOUR AT THAT TIME WHAT ARE THEIR RANK AND AGE

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RT	RS	BT	PS
AGES — ANY OLDER THAN YOURSELF ? A. TWO OF THEM ARE YOUNGER. Q. AND YOUR BROTHER JOHN IS OLDER ? A. YES, AND LEMUEL.	AGE ANY OLDER THAN YOURSELF 2 OF THEM 2 YOUNGER YOU BESIDES JOHN IS OLDER THAN ~~A~~YOURSELF LEMUEL.	ANY OLDER THAN YOURSELF~~.~~**?** Q. TWO OF THEM BESIDES JOHN IS OLDER. LEMUEL IS YOUNGER.	ANY OF THEM OLDER THAN YOURSELF ~~<~~WHO BESIDES JOHN IS OLDER THAN YOURSELF~~>~~ LEMUEL ~~BESIDES JOLHN OLDER THAN MYSELF~~
Q. WHERE ABOUTS DID LEMUEL LIVE AT THAT TIME ? A. HE WAS LIVING WITH JOHN. Q. YOU SAW THE INDIANS ~~SHOWING~~ ~~<~~WASHING~~>~~ THESE CLOTHES ? A. I DID. Q. IN THE DITCH AT CEDAR CITY ? A. YES SIR. Q. WERE THEY THE COAL CREEK INDIANS YOU SPEAK OF ? A. YES SIR. Q. EXPLAIN WHERE IS COAL CREEK ? A. WELL THE STREAM THAT CEDAR IS BUILT ON IS CALLED COAL CREEK. Q. THESE WERE THEN	~~Q~~ WHERE ABOUTS DID LEMUEL LIVE AT THAT TIME ~~A~~HE WAS LIVING WITH JOHN. ~~Q~~ YOU SAW THE INDIANS WASHING THOSE CLOTHES I DID. ~~Q~~IN THE DITCH AT CEDAR ~~A~~YES SIR ~~Q~~WERE THE COAL CREEK INDIANS THAT YOU SPOKE OF ~~A~~ YES SIR. ~~Q~~EXPLAIN WHERE IS COAL CREEK ~~A~~WELL THE STREAM THAT CEDAR IS BUILT ON IS CALLED COAL CREEK ~~Q~~THOSE WERE THEN	Q. WHERE ABOUTS DID LEMUEL LIVE AT THAT TIME? A. HE WAS LIVING WITH JOHN. Q. YOU SAW THE **I**NDIANS WASH THESE CLOTHE~~R~~S? A. I DID. Q. IN THE DITCH AT CEDAR CITY? A. YES, ~~I~~SIR. Q. WERE THESE THE COAL CREEK **I**NDIANS YOU SPOKE OF? A. YES, SIR. Q. EXPLAIN WHERE IS COAL CREEK? A. ~~WE~~, **THE STREAM** ~~THE STREET~~ THAT CEDAR IS BUILT ON**,** IS CALLED COAL CREEK. Q. THESE WERE THEN	WHEREABOUTS DID LEMUEL LIVE AT THAT TIME HE WAS LIVING WITH JOHN YOU SAW THE INDIANS WASHING THOSE CLOTHES I DID IN THE DITCH AT CEDAR YES SIR WERE THEY THE COAL CREEK INDIANS THAT YOU SPOKE OF YES SIR EXPLAIN WHERE IS COAL CREEK THE STREAM THAT CEDAR IS BUILT ON IS CALLED COAL CREEK THOSE WERE REALLY

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RT	RS	BT	PS
YOUR HOME INDIANS AT CEDAR CITY ? A. YES SIR. Q. DID I UNDERSTAND YOU TO STATE YOU DIDN'T NOTICE ANY OTHER INDIANS RETURN AT THAT TIME ? A. YES SIR.	YOUR HOME INDIANS AT CEDAR CITY YES SIR. ₀DID I BELIEVE YOU STATE YOU DIDN'T NOTICE ANY OTHER INDIANS RETURN AT THAT TIME	YOUR HOME **I**NDIANS~~L~~? A. YES, SIR. Q. I BELIEVE YOU STATED YOU DIDN'T NOTICE ANY OTHER **I**NDIANS RETURN THAT WAY? A. NO, SIR I DIDN'T REMEMBER ANY.	YOUR HOME INDIANS AT CEDAR CITY YES SIR I BELIEVE YOU SAID YOU DIDN'T NOTICE ANY OTHER INDIANS RETURN THAT WAY NO SIR I DON'T REMEMBER ANY
[203] Q. YOU SAW THEM HAVE THESE CLOTHES	YOU SAW THEM HAVE THIS CLOTHING	Q.YOU SAW THEM WITH THIS CLOTHING AND HORSES AND OTHER PROPERT~~H~~**Y** — CLOTHING THAT	YOU SAW THEM WITH THIS CLOTHING AND HORSES AND OTHER PROPERTY
THEY WERE WASHING THE BLOOD OUT OF AND HORSES THERE	THEY WERE WASHING BLOOD OUT OF HORSES OTHER PROPERTY	THEY WERE ~~S~~WASHING THE BLOOD OUT **OF**,	
IMMEDIATELY AFTER THEY RETURNED FROM THE MOUNTAIN MEADOWS ? A. YES SIR. [*space*]	IMMEDIATELY AFTER RETURN FROM MOUNTAIN MEADOWS YES SIR THAT WILL DO	IMMEDIATELY AFTER THEY RETURNED FROM THE MOUNTAIN MEADOWS? A. YES, SIR.	IMMEDIATELY AFTER THE RETURN FROM MOUNTAIN MEADOWS YES SIR
JOHN WILLIS, SWORN FOR THE PROSECUTION. EXAMINED BY BASKIN.	MR. WILLIS BY PROSECUTION DITTO. [*space*] **JOHN WILLIS OF** {**KANARRAH**}[p] HAVE YOU BEEN SWORN YES SIR	*[39]* JOHN HENRY WILLIS SWORN FOT THE PROSECUTION. **EXAMINED BY**	**JOHN HENRY WILLIS** [*space*] HAD BEEN SWORN [*space*]
Q. WHAT IS	WHAT IS	Q. WHAT IS	

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RT	RS	BT	PS
YOUR GIVEN NAME ? A. JOHN HENRY. Q. WHERE DO YOU LIVE ? A. I LIVE AT KANARRA~~H~~. Q. WHERE WERE YOU LIVING IN 1857 ? A. CEDAR CITY. Q. DID YOU LIVE THERE IN SEPTEMBER I857 ? A. I THINK I DID. Q. DID YOU SEE THE EMIGRANT TRAIN, THE MEMBERS OF WHICH WERE AFTERWARDS MURDERED, PASSING THROUGH CEDAR CITY ? A. I DID NOT. Q. DID YOU EVER SEE THEM ? A. NO SIR. Q. DID YOU KNOW AT THE TIME THAT MASSACRE TOOK PLACE ? A. I HEARD ABOUT IT AFTERWARDS. *[204]* Q. WERE YOU ORDERED OUT WITH YOUR TEAM TO GO	$_{Q}$YOUR GIVEN NAME $_{A}$JOHN HENRY $_{Q}$ WHERE DO YOU LIVE I $_{A}$LIVE AT KANARRAH $_{Q}$ WHERE WERE YOU LIVING IN 57 I $_{A}$WAS LIVING CEDAR CITY $_{Q}$ LIVE THERE SEPTEMBER 57 $_{A}$I THINK I WAS $_{Q}$DID YOU SEE THE EMIGRANT TRAIN MEMBERS OF WHICH WERE AFTERWARDS MURDERED = PASS THROUGH CEDAR CITY $_{A}$ I DID NOT $_{Q}$DID YOU EVER SEE THEM $_{A}$NO SIR $_{Q}$ DID YOU KNOW AT THE TIME THAT MASSACRE TOOK PLACE $_{A}$ I HEARD ABOUT IT AFTERWARDS $_{Q}$WERE YOU ORDERED OUT WITH YOUR TEAM TO GO	YOUR NAME? A. JOHN HENRY. Q. WHERE DO YOU LIVE, MR. WILLIS? A. I LIVE AT KANNARRA. Q. WHRE ABOUTS WERE YOU LIVING IN ‘57? A. I WAS LIVING IN CEDAR CITY. Q. LIVE THERE IN ~~W~~SEPTEMBER, ‘57? A. I THINK I WAS. Q. DID YOU SEE THE EMIGRANT TRAIN THE MEMBERS OF WHICH WERE AFTERWARDS MURDERED — PASS~~ED~~ THROUGH CEDAR CITY? A. NO, SI~~T~~R , I DID NOT. Q. DID YOU EVER SEE THEM? A. NO, SIT. Q. DO YOU K~~H~~NOW ABOUT TH ETIME THAT THAT MASSACRE TOOK PLACE? A. I HEARD ABOUT IT AFTERWARDS. Q. WERE YOU ORDERED OUT WITH YOUR TEAM TO GO	WHERE DO YOU LIVE MR. WILLIS KANNARRA WHERE WERE YOU LIVING IN 57 CEDAR CITY [*space*] IN SEPTEMBER 57 I THINK I WAS DID YOU SEE THE EMIGRANT TRAIN ~~THAT~~ THE MEMBERS OF WHICH WERE AFTERWARDS MURDERED AT MOUNTAIN MEADOWS PASS THROUGH CEDAR CITY NO SIR I DID NOT DID YOU EVER SEE THEM NO SIR [*space*] DID YOU KNOW *OF/ABOUT*[?] THE TIME THAT MASSACRE TOOK PLACE I HEARD ABOUT IT AFTERWARDS [*space*] WERE YOU ORDERED OUT WITH YOUR TEAM TO GO

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RT	RS	BT	PS
DOWN THERE ? A. I WAS ORDERED OUT TO GO TO HAMBLIN'S RANCH. Q. DID YOU GO ? A. I DID SIR. Q. WHAT DID YOU TAKE DOWN ? A. I DIDN'T TAKE ANYTHING BUT HORSES AND WAGON.	DOWN THERE $_{A}$I WAS ORDERED OUT TO GO TO HAMBLIN'S RANCH $_{Q}$DID YOU GO $_{A}$I DID SIR $_{Q}$WHAT DID YOU TAKE DOWN $_{A}$I DIDN'T TAKE ANYTHING BUT HORSES WAGON ≤$_{Q}$ WHAT DID YOU BRING BACK≥	DOWN THERE? A. I WAS ORDERED OUT ~~G~~TO GO TO HAMBLIN'S RANCH. Q. DID YOU GO? A. YES, SIR. Q. WHAT DID YOU TAKE DOWN WITH YOU? A. I DIDN'T TAKE ANYTHING BUT THE HORSES AND WAGON? A.	DOWN THERE [*space*] YES SIR TO GO TO HAMBLIN'S RANCH DID YOU GO YES SIR WHAT DID YOU ~~GO~~ TAKE WITH YOU NOTHING WHAT DID YOU BRING BACK
I BROUGHT BACK SOME CHILDREN. Q. HOW MANY ? A. I DON'T REMEMBER EXACTLY HOW MANY THERE WAS, BUT SOME SIX OR EIGHT. Q. WHERE DID YOU BRING THEM TO ? A. I BROUGHT THEM TO BISHOP SMITH'S TITHING OFFICE. Q. WHAT WAS DONE WITH THEM ? A. I DIDN'T SEE THEM DISPOSED OF. THEY WAS LET OUT	I BROUGHT BACK SOME CHILDREN $_{Q}$ HOW MANY I DON'T REMEMBER EXACTLY HOW MANY THERE WAS 6 ≤**OR** 8≥ $_{Q}$WHERE DID YOU BRING THEM TO $_{A}$I BROUGHT THEM TO BISHOP SMITH'S TITHING OFFICE $_{Q}$ WHAT WAS DONE WITH WITH THEM $_{A}$I DIDN'T SEE THEM DISPOSED THEY WAS LET TO THE	I BROUGHT BACK SOME CHILDREN. Q. HOW MANY? I DON'T REMEMBER EXACTLY HOW MANY THERE WAS — SOME 6 OR 8 THOUGH. Q. WHERE DID YOU BRING THEM TO? A. I BROUGHT THEM TO BISHOP SMITH~~-~~S TITHING OFFICE. ~~A~~**Q**. WHAT WAS DONE WITH T**H**EM?? A. I DIDN'T SEE THEM DISPOSED OF BUT T**H**EY WERE LET	*[[27]]*[228] SOME CHILDREN [*space*] 6 OR 8 WHERE DID YOU BRING THEM TO BISHOP SMITH'S TITHING OFFICE [*space*] WHAT WAS DONE WITH THEM I DIDN'T SEE THEM DISPOSED OF THEY WAS LET

228. "WERE ANY OF THEM OLD ENOUGH TO TALK" was written on the verso of page 27.

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RT	RS	BT	PS
TO FOLKS WHO WOULD TAKE THEM. Q. HOW OLD WERE THESE CHILDREN ? A. I SHOULD JUDGE THERE WAS SOME OF THEM MAY BE THREE OR FOUR YEARS OLD, MAY BE FIVE OR SIX. I ~~DIN~~ DON'T THINK ANY I HAD WAS UNDER THREE OR FOUR YEARS OLD. Q. WHO PLACED THESE CHILDREN IN YOUR CARE ? A. I WAS HAULING W~~E~~HEAT AT THE TIME, ME AND MY BROTHER, OUT OF THE FIELD, WHEN I WAS GONE TO THE FIELD, WHICH IS ABOUT THREE OR FOUR. MILES, THERE WAS AN	OUT TO FOLKS WHO WOULD TAKE THEM $_{Q}$HOW OLD WERE THOSE CHILDREN $_{A}$I SHOULD JUDGE THERE WAS SOME OF THEM MAYBE 3 4 YEARS OLD, ≤SOME≥ MAYBE 5 OR 6 I DON'T THINK ANY I HAD WAS UNDER 3 OR 4 YEARS OLD <YEARS OLD> $_{Q}$WHO PLACED THESE CHILDREN IN YOUR CARE $_{A}$I WAS HAULING WHEAT AT THE TIME ME AND MY BROTHER AT THE FIELD WHILE I WAS GONE TO THE FIELD IT IS ABOUT THREE TO 4 MILES = WE COULD ONLY MAKE *2/3*[?] TRIPS A DAY = THERE WAS	OUT TO THE FOLKS WHO WOULD TAKE THEM. Q. HOW OLD WERE THESE CHILDREN? A. I SHOULD JUDGE THERE WAS SOME OF THEM, MAY BE THREE OR FOUR YEARS OLD — SOME MAY BE FIVE OR SIX. I DON'T THINK ANY I HAD WAS UNDER FIVE OR SIX YEARS OLD.Q. WHO PLACED THEM IN YOUR CARE? A. I WA~~N~~S HAULING WHEA~~R~~T AT THE TIME MY BROTHER AND ME, OUT AT THE FIELD; AND WHILE I WAS GONE TO THE FIELD, IN THE AFTERNOON, IT IS ABOUT THREE OR FOUR *[40]* ~~TRIPS A DAY~~ MILES A ~~DAY~~. <AWAY> WE COULD ONLY MAKE TWO TRIPS A DAY. THERE WAS A	OUT TO FOLKS THAT WOULD TAKE THEM HOW OLD WERE THOSE CHILDREN SOME 3 OR 4 YEARS OLD SOME MAYBE 5 OR 6 [*space*] I DON'T THINK ANY THAT I HAD WERE YOUNGER THAN 5 OR 6 YEARS OLD WHO PLACED THEM IN YOUR CARE I WAS HAULING WHEAT AT THE TIME ME AND MY BROTHER OUT OF THE FIELD AND WHILE I WAS GONE TO THE FIELD IN THE AFTERNOON THERE WAS A

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RT	RS	BT	PS
ORDER SENT WHILE I WAS GONE REQUIRING ME TO TAKE MY TEAM AND GO TO HAMBLIN'S RANCH FOR SOME CHILDREN; AS I CAME UP I CAME OVER THERE, THAT IS IN THE OLD TOWN, BUT I LIVED AT THE NEW TOWN. MR. HAIGHT CAME TO ME IN THE STREET AND ASKED ME IF I HAD RECEIVED A LETTER FROM BISHOP KLINGENSMITH, I TOLD HIM I HADN'T, HE SAYS "HE SENT A LETTER TO ***[205]*** YOU, HE WANTS YOU TO GO TO HAMBLIN'S RANCH AND	LETTER SENT WHILE I WAS GONE REQUIRING ME TO TELL {TO TAKE}[p] MY TEAM TAKE GO ~~<~~TO JACOB~~>~~ HAMBLIN'S —[?] FOR SOME CHILDREN. AS I CAME UP OUT OF ~~<~~FIELD~~>~~ I CAME OVER THROUGH WHAT IS CALLED THE OLD TOWN. I LIVED AT NEW TOWN. MR. HAIGHT CAME *[[20]]* TO ME IN THE STREET ASKED ME IF I HAD RECEIVED LETTER FROM BISHOP KLINGENSMITH. TOLD HIM I HADN'T. HE SAYS HE SENT LETTER TO ME, WANTS YOU TO GO TO <AND TAKE YOUR TEAM> HAMBLIN'S RANCH	LETTER SENT WHILE I WAS GONE TO MY FATHER'S HOUSE WHERE I WAS LIVING REQUIRING ME TO TA~~L~~KE MY TEAM AND GO TO JACOBHAMBLIN'S RANCH FOR SOME CHILDREN. AS I CAME UP OUT OF THE FIELD I CAME UP WHAT IS CALLED THE ~~OLD~~ THE OLD TOWN — I LIVED AT THE NEW TOWN. MR. HAIGHT CAME ~~FOR ME~~ TO ME IN THE STREET AND ASKED ME IF I HAD RECEIVED A LETTER FROM BISHOP KLINGENS~~K~~MITH / I TOLD HIM I HAD NOT. HE SAYS HE HAD SENT A LETTER TO YOUR HOUSE AND HE WANTS YOU ~~TO~~ **TO** GO AND TAKE YOUR TEAM TO **H**AMBLINS RANCH AND	LETTER SENT TO MY FATHER'S HOUSE WHERE I WAS LIVING REQUIRING ME TO TAKE MY TEAM AND GO TO JACOB HAMBLIN'S RANCH FOR SOME CHILDREN AS I CAME UP OUT OF THE FIELD I CAME FROM THE OLD TOWN I LIVED IN THE NEW TOWN MR. HAIGHT CAME TO ME IN THE STREET AND ASKED ME IF I HAD RECEIVED A LETTER FROM BISHOP KLINGEN SMITH HE SAID HE HAS SENT A LETTER TO YOUR HOUSE AND WANTS YOU TO TAKE YOUR TEAM

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RT	RS	BT	PS
FETCH IN SOME CHILDREN." I WENT UP HOME AND MY FOLKS TOLD ME A BOY HAD BEEN THERE FOR ME WITH A LETTER. Q. DID YOU KNOW OF THE INDIANS GOING TO THAT MASSACRE FROM CEDAR ? A. I DID NOT. Q. WHAT DID YOU ~~HEAR~~ ~~<~~SEE~~>~~ ON YOUR TRIP ? A. I SAW NOTHING, ONLY SOME INDIANS, I SUPPOSED HAD BEEN THAT WAY; I MET MEN GOING AND COMING; I DIDN'T KNOW WHETHER THEY HAD BEEN THERE THE NIGHT BEFORE OR NOT. I WENT WITH MY TEAM; I DON'T	FETCH IN SOME CHILDREN. I WENT UP *SOME*[?] MY FOLKS TOLD ME A BOY HAD BEEN THERE FOR ME WITH LETTER $_{Q}$DID YOU KNOW OF INDIANS GOING TO THAT MASSACRE FROM CEDAR $_{A}$I DID NOT $_{Q}$ WHAT DID YOU SEE ON YOUR TRIP $_{A}$I SAW NOTHING ONLY SOME INDIANS I SUPPOSED HAD BEEN THAT WAY. I MET MEN GOING AND COMING. I DIDN'T KNOW WHETHER THEY HAD BEEN THERE OR NOT I MET TEAM OR TWO GOING AND COMING DON'T	FETCH IN SOME CHILDREN. I WENT UP HOME AND MY FOL~~D~~K~~D~~S TOLD ME THAT A BOY HAD BEEN THERE WITH A LETTER ~~THERE~~ FOR ME. Q. DID YOU KNOW OF ANYBODY'S GOING T O THAT MASSACRE FROM CEDAR? A. I DID NOT. Q. WH AT DID YOU SEE ON YOUR TRIP? ~~A~~. I S AW NOTHINGONLY SOME **I**NDIANS, THAT I HAD SUPPOSED HAD BEEN TH AT WAY. I MET MEN GOING AND COMING. I DON'T KNOW HOW MANY. ~~I MET~~ I DON'T KNOW WHETHER THEY HAD BEEN THERE OR NOT. ~~DON'T RECOLLECT WHO THEY WAS~~ I MET A TEAM OR T~~E~~WO , BUT DON'T	MY *FOLKS*[?] TOLD ME THAT THERE HAD BEEN A BOY THERE WITH A LETTER FOR ME [*space*] DID YOU OF ANYBODY'S GOING TO THAT SAME MASSACRE FROM CEDAR NO SIR WHAT DID YOU SEE ON YOUR TRIP I SAW NOTHING ONLY SOME INDIANS I SUPPOSED HAD BEEN THAT WAY I MET MEN GOING AND COMING I DON'T KNOW HOW MANY MET A TEAM OR TWO BUT I DON'T

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RT	RS	BT	PS
RECOLLECT WHO THEY WAS. Q. DO YOU RECOLLECT WHETHER THEY WERE CEDAR CITY PEOPLE ?	RECOLLECT WHO THEY WAS Q DO YOU RECOLLECT WHETHER THEY WAS CEDAR CITY PEOPLE ≤OR NOT≥	RECOLLECT WHO THEY WAS. Q. DO YOU RECOLLECT WHETHER THEY W~~AS~~**ERE** CEDAR CITY PEOPLE OR NOT?	RECOLLECT WHO THEY WAS DO YOU RECOLLECT WHETHER THEY WERE CEDAR PEOPLE OR NOT
A. THEY MIGHT HAVE BEEN CEDAR CITY PEOPLE FROM WHAT I KNOW.	A THEY MIGHT BEEN CEDAR CITY PEOPLE FROM WHAT I KNOW.	~~Q~~**A.** THEY ~~K~~MIGHT HAVE BEEN CADAR CITY PEOPLE FROM WHAT I KNOW. JUST RECOLLECT A TEAM	I RECOLLECT MEETING TEAM
Q. WHAT DID YOU FIND AT HAMBLINS ?	Q WHAT DID YOU FIND AT HAMBLIN'S	OR TWO. Q. WHA~~R~~T DID YOU FIND AT HAMBLINS WHEN YOU GOT THERE?	OR TWO WHAT DID YOU FIND AT HAMBLIN'S WHEN YOU GOT THERE
A. I FOUND THESE CHILDREN THERE; I WENT OUT AFTER NIGHT, CAMPED OVER AND THE NEXT MORNING I GOT UP AT SUNRISE, OR AS SOON AS IT WAS LIGHT, AND FOUND MY HORSES WERE GONE; I HAD HOBBLED THEM OUT ON THE HILLSIDE; THEY WERE GONE BACK HOME, I THOUGHT,	A I FOUND THOSE CHILDREN THERE. I WENT OUT AFTER NIGHT CAMPED OVER, NEXT MORNING I GOT UP AS SOON AS IT WAS LIGHT I FOUND MY HORSES WERE GONE. I HAD HOBBLED OUT ON HILL SIDE GONE BACK HOME	A. I FO UND THOSE CHILDREN THERE. I WENT OUT AFTER NIGH T — CAME THERE THE NEXT MORNING, GOT UP AT SUNRISE. IT WAS LIGHT. I FOUND M~~U~~Y HORSES WERE GONE.. I HAD HOBBLED THEM OUT ON THE HILLSIDE AND THEY HAD GONE BACK HOME FROM WHERE I HAD LEFT THEM.	I FOUND THOSE CHILDREN THERE NEXT MORNING I FOUND MY HORSES WAS GONE FROM WHERE I HAD LEFT THEM

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RT	RS	BT	PS
BUT THEY WERE ONLY GONE SOME TWO OR THREE MILES, WITH OTHERS; WHEN I GOT BACK, WHICH WAS ABOUT NINE O'CLOCK, THERE WAS NOBODY THERE ONLY A WOMAN AND SOME CHILDREN,	I WAS GONE SOME TWO OR 3 HOURS WHEN I GOT BACK ≤TO≥ THIS HOUSE IT WAS ABOUT 9 O'CLOCK *NO*[?] NOBODY NOBODY THERE BUT WOMAN AND SOME CHILDREN.	THEY HAD STRAYED BACK HOME AGAIN. I WAS GONE SOME TWO OR THREE HOURS, WHEN I GOT BACK TO THIS HOUSE IT WAS ABOUT NINE O'CLOCK, — NO BODY THERE BUT A WOMAN AND S~~OME~~ A LITTLE INFANT BABE**S** AND SOME BOYS	THEY HAD STRAYED BACK HOME GONE TWO OR 3 HOURS NOBODY BUT A WOMAN AND LITTLE INDIAN BOYS AND SOME FEW WHITES BOYS
MILKING COWS; I SEEN A WOMAN AND ASKED HER IF THERE WAS ANY CHILDREN THERE; SHE SAID YES, I HAVE GOT THE CHILDREN, AND I STARTED TO GO.	≤MILKING COWS≥ I SEEN A WOMAN ASKED HER IF THERE WAS ANY CHILDREN THERE SHE SAID YES I GOT CHILDREN AND STARTED TO GO <DID YOU GO DOWN SCENE OF THE MASSACRE NO SIR> **Q**	MILKING COWS. I WENT TO THE WOMAN AND ASKED HER IF THERE WAS ANY *[41]* CHILDREN THERE AND SHE SAID "YES." I GOT THE REST OF THE CHILDREN AND STARTED TO GO HOME. Q. DID YOU GO DOWN TO THE SCEN~~T~~**E** OF THE MASSACRE? A. NO, SIR. Q.	MILKING COWS [*space*] ASKED WOMAN IF THESE CHILDREN WERE THERE SHE SAID YES *[[28]]* DID YOU GO DOWN TO THE SCENE OF THE MASSACRE NO SIR
Q. WHERE DID YOU FIRST HEAR OF THE MASSACRE ? A. MR. HAIGHT	WHERE DID YOU FIRST HEAR OF MASSACRE ? **A** MR. HAIGHT	WHERE DID YOU FIRST HEAR OF THE MASSACRE? A. MR. HAIGHT	WHERE DID YOU FIRST HEAR OF THE MASSACRE MR. HAIGHT

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RT	RS	BT	PS
TOLD ME THAT THE EMIGRANTS WAS KILLED, EXCEPTING A FEW CHILDREN. Q. WHEN WAS THIS TIME ? *[206]* A. I WAS AT HOME IN CEDAR. Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS ? A. WELL I DID AFTERWARDS, I SAW THE INDIANS HAVE SOME STOCK THAT I SUPPOSED CAME FROM THERE, THAT WAS THE REPORT, HORSES AND CATTLE. Q. DID YOU SEE ANYTHING AT THE TITHING OFFICE ? A. I DID NOT, NO SIR	TOLD ME THE EMIGRANTS WAS KILLED EXCEPTING FEW CHILDREN THE TIME YOU SPEAK OF I WAS HOME IN CEDAR Q DID YOU SEE ANY PROPERTY OF EMIGRANTS A WELL I DID AFTERWARDS Q ≤WHERE DID YOU SEE IT≥ AI SAW INDIANS HAVE SOME STOCK I SUPPOSED CAME FROM THERE, THAT WAS THE REPORT AROUND TOWN ≤BOTH≥ HORSES AND CATTLE QDID YOU SEE ANY AT TITHING OFFICE <IN CEDAR> A≤I DID NOT≥ NO SIR I DID NOT NO SIR. I STARTED OFF TO CITY ≤SALT LAKE CITY≥ BACK AND WAS	TOLD ME THAT THE EMIGRANTS WERE ALL KILLED EXCEPT A FEW CHILDREN. Q. WHERE WERE YOU AT THE TIMEYOU SPEAK OF? A. I SAW HIM IN CEDAR. Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS? A. W~ELL I DID AFTERWARDS. Q. WHERE DID YOU SEE IT? A. I SAW THE INDIANS HAVE SOME STOCK THA T I ~USUPPOSED CAME FROM THERE; THAT WAS THE REPORT AROUND TOWN, BOTH HORSES AN~D CATTLE. Q. DID YOU SEE AN Y AT THE TITHING OFFICE IN CEDAR? A. I DID NOT SIR.. Q. WAS THERE ANY WAGONS THERE? A . NO, SIR.. I STARTED OFF TO SALT LAKE CITY AND	TOLD ME THAT THE EMIGRANTS WERE ALL KILLED EXCEPTING FEW CHILDREN AT THE TIME I SAW HIM IN CEDAR DID YOU SEE ANY OF THE PROPERTY OF THE EMIGRANTS I DID AFTERWARDS WHERE DID YOU SEE IT I SAW THE INDIANS HAVE SOME STOCK THAT I SUPPOSED CAME FROM THERE BOTH HORSES AND CATTLE DID YOU SEE ANY AT THE TITHING OFFICE IN CEDAR NO SIR SEE ANY WAGONS THERE NO SIR STARTED OFF TO SALT LAKE AND

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RT	RS	BT	PS
	AFTER I GOT BACK NEAR WINTER. BY CAREY TO DEFENSE YOU CAN TAKE THE	AFTER I GOT BACK ~~I SAW~~ IT WAS MOST WIN~~E~~TER .	AFTER I GOT BACK SPENT MOST OF THE WINTER UP THERE [*space*]
CROSS-EXAMINED BY JUDGE SUTHERLAND.	WITNESS **CROSS** {**X EXAMIN**}^{P}**ED BY BISHOP**	CROSS-EXAMINATION BY MR. BISHOP.	CROSS EXAMINE BY BISHOP [*space*]
Q. YOU SAY YOU SAW INDIANS WHILE YOU WAS GOING AND RETURNING ? A. I DIDN'T SEE ANY AS I RETURNED; I SAW THEM AS I WAS GOING OUT. Q. ABOUT HOW MANY DID YOU MEET ? A. THEY WAS OFF ON A TRAIL, A HALF A MILE OR MORE, A GOOD MANY OF THEM, I SHOULD THINK A HUNDRED OF THEM, THEY HAD HORSES SOME, AND SOME AFOOT, MOVING ALONG, TAKING DOWN ACROSS THE BOTTOM. Q. DID YOU SEE ANY STRANGE INDIANS	$_{Q}$YOU SAY YOU SAW INDIANS WHILE YOU WERE GOING AND RETURNING $_{A}$I DIDN'T SEE ANY AS I RETURNED I SAW THEM AS I WAS GOING OUT $_{Q}$ABOUT HOW MANY DID YOU MEET $_{A}$THEY WAS OFF HALF MILE ON A TRAIL GOOD MANY OF THEM, I SHOULD THINK HUNDRED OF THEM, THEY HAD HORSES SOME AFOOT MOVING ALONG TAKING DOWN ACROSS BOTTOM. $_{Q}$ DID YOU SEE ANY STRANGE INDIANS	Q. YOUSAY THAT YOU SAW THE **I**NDIANS WHILE YOU **WERE** GOING AND RETURNING? A. I DIDN'T SEE ANY AS I RETURNED , I SAW THEM AS I WAS GOING OU~~T~~. Q. ~~A~~BOUT HOW MANY DID YOU MEET? A. THEY WERE OFF FROM THE ROAD ABOUT A HALF A MILE A GOOD MANY OF **THEM** ~~TEM~~ I SHOULD THINK A HUNDRED **OF** THEM. THEY HAD HORSES AND SOME ON FOOT , MOVING ALONG AND ~~TKAKING~~ TAKING ~~L~~DOWN ACROSS THE ~~H~~BOTTOM. Q. DID YOU SEE ANY STRANGE **I**NDIANS,	YOU SAY THAT YOU SAW INDIANS WHILE WAS GOING RETURNING I DIDN'T SEE ANY AS I RETURNED I SAW THEM GOING OUT HOW MANY DID YOU MEET THEY WAS OFF FROM THE ROAD HALF MILE OR *MORE/MILE*[?] I SHOULD THINK A HUNDRED OF THEM HAD HORSES AND SOME ON FOOT MOVING ALONG AND TAKING DOWN ACROSS THE BOTTOM DID YOU SEE ANY STRANGE INDIANS

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RT	RS	BT	PS
AROUND CEDAR IMMEDIATELY BEFORE ~~P~~OR AFTER ? A. I SAW THEM, A GOOD MANY. Q. DO YOU KNOW WHERE THEY CAMPED ON THE SPOT ? A. I DO NOT RECOLLECT WHERE THEY CAMPED, I SAW THEM IN THE TOWN.	AROUND CEDAR IMMEDIATELY BEFORE OR AFTER $_{A}$I SAW THEM GOOD MANY $_{Q}$ DO YOU KNOW WHERE THEY CAMPED ON SPOT $_{A}$I DO NOT RECOLLECT WHERE THEY CAMPED I SAW THEM IN THE TOWN. ~~<~~I UNDERSTAND THEY WERE STRANGE INDIANS.~~>~~ *[[21]]*	AROUND CEDAR IMMEDIATELY BEFORE OR AFTER? A. I ~~W~~SAW THEM A GOOD MANY. Q. DO YOU KNOW WHERE THEY CAM~~E~~**PED** ~~ON~~ AND STOPPED? A. I ~~DON'T~~ **DO NOT** RECOLLECT WHERE T HEY CAMPED; I SAW THEM IN THE TOWN. I UNDERSTOOD ~~THERY~~ **THEY** WAS STRANGE **I**NDI~~N~~ANS.	IMMEDIATELY BEFORE OR AFTER THAT I SAW GOOD MANY AFTER [*space*] DO YOU KNOW WHERE THEY CAMPED AND STOPPED NO I DO NOT RECOLLECT WHERE THEY CAMPED I SAW THEM AROUND IN THE TOWN I NOTICED THEY WAS STRANGE INDIANS
Q. WHAT WERE THEY DOING THERE ? A. WHEN I SAW THEM THEY WERE JUST WALKING UP AND DOWN THE STREET, KNOCKING AROUND.	$_{Q}$WHAT WERE THEY DOING THERE $_{A}$ WHEN I SAW THEM THEY WAS JUST WALKING UP DOWN THE STREET KNOCKING AROUND	Q. W~~H~~**H**AT WERE THEY DOING? A. JUST KNOCKING AROUND WHEN I SAW THEM~~.~~	WHAT WERE THEY DOING THERE JUST KNOCKING AROUND
WITH OTHER INDIANS THAT LIVED AROUND THERE. Q. WHAT INDIANS DO YOU REFER TO	WITH OTHER INDIANS THAT LIVED DOWN THERE[229] $_{Q}$WHAT INDIANS WAS YOU REFER TO ~~<~~AS HAVING~~>~~	WITH OTHER **I**NDIANS THAT LIVED AROUN~~T~~D THERE.. Q. WHAT **I**NDIANS DO YOU REFER TO AS HAVING	WITH OTHER INDIANS THAT LIVED AROUND THERE WHAT INDIANS DID YOU REFER TO AS HAVING

229. Apparently added later.

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RT	RS	BT	PS
SEEING PROPERTY IN THEIR POSSESSION THAT CAME FROM THE EMIGRANT TRAIN ? A. THE INDIANS THAT LIVED AROUND THAT COUNTRY. Q. DID YOU SEE STRANGE INDIANS HAVE ANY OF THAT PROPERTY OR NOT ? *[207]* A. I DON'T RECOLLECT WHETHER THEY HAD OR NOT; THEY WERE ALL MIXED UP THERE TOGETHER; I DON'T RECOLLECT WHETHER THEY HAD ANY OR NOT. Q. DO YOU KNOW HOW LONG IT WAS AFTER THE MASSACRE BEFORE YOU WENT AFTER THESE CHILDREN ? A. NO SIR, I DO NOT,	SEEING PROPERTY IN THEIR POSSESSION THAT CAME FROM EMIGRANT TRAIN $\{_{A}\}^{p}$ INDIANS LIVED *AROUND*[?] THAT COUNTRY $_{Q}$ DID YOU SEE STRANGE INDIANS HAVE ANY OF THAT PROPERTY OR NOT $_{A}$I DON'T RECOLLECT WHETHER THEY DID OR NOT ~~IT WAS~~ THEY WAS ALL MIXED UP THERE TOGETHER DON'T RECOLLECT WHETHER THEY HAD ANY OR NOT. $_{Q}$DO YOU KNOW HOW LONG IT WAS AFTER MASSACRE BEFORE YOU WENT OUT FOR THESE CHILDREN $_{A}$ NO SIR I DON'T <DO YOU	POSSESSION OF PROPERTY THAT YOU SUPPOSED CAME FROM THE EMIGRANT TRAIN? A. INDIANS THA T I SUPPOSED LIVED ~~LIVED~~ AROUND THERE AND OVER THAT COUNTRY. *[42]* Q. DID YOU SEE STRANGE **I**NDIANS HAVE AN Y OF THAT PROPERTY, OR NOT. A. I DON'T RECOLLECT WHETHER THEY DID OR NOT. ~~A.~~ THEY WAS ALL MIXED UP THERE TOGETHER AND I DON'T RECOLLECT WHET~~E~~H~~R~~ER THEY HAD ANY OR NOT. Q. DO YOU KNOW HOW LONG IT WAS AFTER THE MASSACRE BEFORE YOU WE~~S~~NT OUT AFTER THESE CHILDREN? A. NO, SIR, I DO NOT. Q. DO YOU	POSSESSION OF PROPERTY THAT YOU SUPPOSED CAME FROM THE EMIGRANT TRAIN INDIANS THAT I SUPPOSED CAME ~~OVER~~ CAME FROM THAT COUNTRY [*space*] STRANGE INDIANS HAVE ANY I DON'T RECOLLECT WHETHER DID OR NOT [*space*] DO YOU KNOW HOW LONG IT WAS AFTER THE MASSACRE BEFORE YOU WENT FOR THESE CHILDREN NO SIR I DO NOT DO YOU

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RT	RS	BT	PS
	KNOW THE DAY OF THE WEEK YOU WENT OUT>	KNOW THE DAY OF THE WE~~K~~EK YOU WENT OUT? A. NO, ~~SIT~~ **SIR**. Q.	KNOW THE DAY OF THE WEEK YOU WENT OUT NO SIR
I DON'T REMEMBER THE DAY OF THE WEEK OR THE MONTH WHEN I WENT OUT THERE. Q. YOU SAY YOU BROUGHT IN SOME SIX OR EIGHT CHILDREN AND	$_{A}$DON'T REMEMBER DAY OF WEEK OR MONTH WENT OUT THERE. $_{Q}$YOU SAY YOU BROUGHT IN SOME 6 TO 8 CHILDREN. ≤YES SIR.	DO YOU REMEMBER THE DAY OF THE WEE K OR THE DAY OF THE MONTH? A. NO, SIR,. Q . YOU SAY YOU BROUGHT IN FRO M SIX TO EIGHT CHILDREN? A. YES, SIR Q.	DO YOU REMEMBER THE DAY OF THE WEEK OR DAY OF THE MONTH —[?] [*space*] *[[29]]* YOU SAY YOU BROUGHT IN FROM 6 TO 8 CHILDREN YOU THINK YES SIR
THAT THEY WERE FROM THREE TO FOUR TO SIX AND SEVEN YEARS OF AGE ? A. I SUPPOSE THEY MIGHT HAVE BEEN THAT AGE, MIGHT HAVE BEEN SOME OF THEM ~~OLD ENOUGH~~	THAT THEY WERE≥ FROM 3 TO 4 6, 7, YEARS OF AGE I SUPPOSE THEY MIGHT BE THAT AGE MIGHT HAVE BEEN SOME OF THEM	THAT THEY WERE FROM THREE TO FOUR, — SIX TO EIGHT YEARS OLD.**?** A. MIGHT NOT HAVE BEEN THAT OLD , MIGHT HAVE BEE N	THAT THEY WERE 3 TO 4 6 TO 8 YEARS MIGHT NOT BEEN THAT OLD MIGHT HAVE BEEN
YOUNGER. Q. WERE ANY OF THEM. OLD ENOUGH TO TALK ? A. OH YES, ALL OF THEM COULD TALK. Q. YOU ARE CERTAIN	YOUNGER $_{Q}$ WERE ANY OF THEM OLD ENOUGH TO TALK $_{A}$OH —[?] YES ALL OF THEM COULD TALK. $_{Q}$YOU ARE CERTAIN THEY WERE	YOUNGER. Q. WERE ANY OF THEM OLD ENOUGH TO TALK? A. OH, YES, ALL OF THEM COULD TALK. Q. YOU ARE NOT CERTAIN	YOUNGER ANY OF THEM OLD ENOUGH TO TALK OH YES THEY COULD ALL TALK YOU CERTAIN ~~THEY THAT THEY~~
THAT ALL OF THEM WERE	ANY OF THEM WERE	THAT ANY OF THEM WERE	THAT ANY OF THEM WERE

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RT	RS	BT	PS
FOUR OR FIVE YEARS OLD ? A. I THINK THEY WAS FOUR OR FIVE YEARS OLD. THEY COULD ALL TALK. Q. DID YOU HEAR ANY OF THEM TALK ? A. YES SIR. Q. DID YOU TALK WITH THEM YOURSELF ? A. YES SIR. Q. MR. HAIGHT TOLD YOU THE EMIGRANTS HAD ALL BEEN KILLED WITH THE EXCEPTION OF A FEW CHILDREN — WHERE WAS IT HAIGHT TOLD YOU THIS ? A. IT WAS DOWN IN THE OLD TOWN, WHAT WAS CALLED OLD CEDAR. Q. DID HAIGHT EXPLAIN TO YOU WHO DID THE KILLING ? A. HE DID NOT. Q. HOW FAR WAS IT	4 **OR** 5 YEARS OLD A I THINK THEY WAS THOUGH 4 OR 5 YEARS OLD THEY COULD ALL TALK Q DID YOU HEAR ANY OF THEM TALK YES SIR DID YOU TALK WITH THEM YOURSELF YES SIR *MR./SOMETHING*[?] HAIGHT TOLD YOU EMIGRANTS HAD ALL BEEN KILLED WITH EXCEPTION OF FEW CHILDREN ~~<~~YES SIR~~>~~ WHERE WAS IT ~~<~~THAT~~>~~ HAIGHT TOLD YOU THIS A IT WAS DOWN IN THE OLD TOWN. A WHAT WAS CALLED OLD CEDAR. Q DID HAIGHT EXPLAIN TO YOU WHO DID THE KILLING A NO SIR HE DID NOT. Q HOW FAR WAS IT	FOUR OR FIVE YEARS OLD? A. NO, I T**H**INK THERE WAS SOME THOUGH ABOUT THAT— FOUR OR FIVE YEARS OLD. THEY COULD ALL TA**L**K. Q. DID YOU HEAR ANY OF TH~~E~~M TALK? A. YES, SIR. Q. DID YOU TALK WITH THEM YOURSELF? A. YES, ~~S~~IR. Q. MR . HAIGHT TOLD YOU THAT THE EMIGRANTS ~~A~~HAD ALL BEEN KILLED WITH THE E XCEPTION OF A FEW CHILDREN . A. YES, ~~S~~I R. Q. WHERE WAS THAT THAT HE TOLD YOU THI~~N~~S? A. IT WAS DOWN IN THE OLD TOWN — WHAT WAS CALLED OLD CEDAR. Q. DID HAIGHT EXPLAIN~~T~~ **TO** YOU WHO D~~D~~ID THE KILLING? A. NO, SIR, HE DID NOT. Q. HOW FAR IS IT	FOUR OR FIVE YEARS OLD NO I THINK THEY WAS THINK SOME OF THEM FOUR OR FIVE YEARS OLD THEY COULD ALL TALK DID YOU HEAR ANY OF THEM TALK [*space*] DID YOU TALK WITH THEM YOURSELF YES SIR ~~<~~HAIGHT~~>~~ TOLD YOU THAT THE EMIGRANTS HAD ALL BEEN KILLED WITH THE EXCEPTION OF FEW CHILDREN YES SIR WHERE DOWN IN THE OLD TOWN WHAT WAS CALLED OLD CEDAR DID HAIGHT EXPLAIN TO YOU WHO DID THE KILLING NO SIR HE DID NOT [*space*] HOW FAR WAS IT

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RT	RS	BT	PS
FROM CEDAR CITY OUT TO HAMBLIN'S RANCH ? A. I THINK IT WAS ABOUT THIRTY FIVE MILES, I HAVE TRAVELLED IT A GOOD *[208]* MANY TIMES BEFORE AND SINCE. Q. DO YOU REMEMBER WHAT TIME OF THE DAY IT WAS THAT THE LETTER WAS BROUGHT TO YOU ? A. SOMETIME IN THE AFTERNOON. Q. WHAT TIME DID YOU START — THE SAME DAY ? A. NO SIR, I DIDN'T START TILL THE NEXT MORNING. Q. YOU NEVER SAW THE LETTER AT ALL ? A. NO SIR. Q. WHO WAS THAT LETTER LEFT WITH ? A. IT WAS NOT LEFT,	FROM CEDAR CITY OUT TO HAMBLIN'S RANCH A I THINK IT WAS ABOUT 35 MILES ≤I HAD≥ ~~I HAVE~~ TRAVELED IT A GOOD MANY TIMES BEFORE AND SINCE. Q DO YOU ≤KNOW≥ WHAT TIME OF THE DAY IT WAS THAT LETTER WAS BROUGHT TO YOU A<NO SIR> AIT WAS SOMETIME IN AFTERNOON Q WHAT TIME DID YOU START A SAME DAY ANO SIR I DIDN'T START UNTIL THE NEXT MORNING[230] YOU QNEVER SAW THE LETTER AT ALL ANO SIR Q WHO WAS THAT LETTER LEFT WITH AIT WAS NOT LEFT	FROM CEDAR CITY UP TO HAMBLIN'S RANCH? A. I THINK IT WAS ABOUT 35 MILES; I HAD TRAVELED IT A GOOD MANT T IMES BEFORE AND SINCE. Q. DO YOU KNOW WHAT T IME OF THE DAY IT WAS TH AT LETTER WAS BROUGHT TO YOU? A. NO, SIR, IT WAS SOMETIME IN THE AFTERNOON THOUGH~~X~~ . Q. WHAT TIME DID YOU START, THE SAME DAY? A. NO, SIR, I DIDN'T START TILL THE NEXT MORNING. *[43]* Q. YOU NEVER SAW THE LETTER AT ALL? A. NO, SIR. Q. WHO WAS THAT LETTER LEFT WITH? A. IT WASN'T LEFT ;	FROM CEDAR CITY UP TO —[?] HAMBLIN'S RANCH I THINK IT ≤IS≥ ~~WAS~~ ABOUT 35 MILES I TRAVELED IT GOOD MANY TIMES BEFORE AND SINCE DO YOU KNOW WHAT TIME OF THE DAY IT WAS THAT LETTER WAS BROUGHT TO YOU ≤NO SIR≥ IT WAS SOMETIME IN THE AFTERNOON DID YOU START THE SAME DAY NO SIR NEXT MORNING[231] YOU NEVER SAW THE LETTER AT ALL NO SIR WHO WAS THAT LETTER LEFT WITH IT WASN'T LEFT

230. Rogerson's hand symbol; it is in the same place in Patterson's shorthand.
231. Rogerson's hand symbol; it is in the same place as Rogerson's shorthand.

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RT	RS	BT	PS
HE JUST READ IT TO MY FOLKS AND TOOK IT. Q. KIND OF AN ORDER JUST BROUGHT AND READ—DID YOU MEET ANY MEN COMING IN FROM THAT WAY THAT HAD BEEN ENGAGED IN THE MASSACRE ? A. NO SIR, NOT THAT I KNOW OF. Q. HOW LONG HAD THESE CHILDREN BEEN AT HAMBLIN'S WHEN YOU ARRIVED THERE ? A. I COULD NOT TELL YOU, I WAS NOT INFORMED BY MRS. HAMBLIN OR ANY ONE ELSE NOT TO MY RECOLLECTION. Q. DID YOU SEE KLINGENSMITH	HE JUST READ IT TO MY FOLKS AND TOOK IT. KIND OF AN ORDER JUST ~~READ~~ BROUGHT AND READ. $_{Q}$DID YOU MEET ANY MEN COMING IN FROM THAT WAY THAT HAD BEEN ENGAGED IN MASSACRE $_{A}$ NO SIR NOT THAT I KNOW OF. $_{Q}$HOW LONG HAD THESE CHILDREN BEEN AT HAMBLIN'S WHEN {YOU}[i] ARRIVED THERE $_{A}$I COULD NOT TELL YOU {LONG NEVER BY MRS. HAMBLIN OR ANYONE ELSE HOW LONG THEY HAD BEEN THERE. $_{Q}$}[i]I WAS NOT INFORMED BY MRS. HAMBLIN OR ANY ONE ELSE, NOT TO MY RECOLLECTION. $_{Q}$DID YOU SEE KLINGENSMITH	HE JUST READ IT TO M~~E~~Y FOLKS AND TOOK IT OFF. Q. KIND OF AN ORDER? A. YES,, SIR. Q. DID YOU MEET A MAN COMING ~~COMING~~ IN FROM THAT WAY THAT HAD BEEN ENGAGEED IN THE MASSACRE? A. NO, SIR, NOT THA T I ;KNOW OF. Q. HOW LONG HAD THESE CHILDREN BEEN AT HAMBLINS WHEN YOU ARRIVED THERE? A. I COULD NOT TELL YOU. Q. YOU ~~E~~INFORMED BY MRS. HAMBLIN OR ANYONE ELSE HOW LONG THEY HAD BEEN THERE? A. I WASN'T INFORMED BY MRS. HAMBLIN OR ANYONE ELSE, NOT TO MY RECOLLECTION. Q. DID YOU SEE KLINGENSMITH	THEY JUST READ IT TO MY FOLKS AND TOOK IT OFF [*space*] KIND OF AN ORDER YES SIR DID YOU MEET ANY MEN COMING IN FROM OUT THAT WAY THAT HAD BEEN ENGAGED IN THE MASSACRE NO SIR NOT THAT I KNOW OF HOW LONG HAD THESE CHILDREN BEEN AT HAMBLIN'S WHEN YOU ARRIVED THERE I COULD NOT TELL YOU WERE YOU INFORMED BY MRS. HAMBLIN OR ANYONE ELSE HOW LONG THEY HAD BEEN THERE NO SIR [*space*] DID YOU SEE KLINGEN SMITH

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RT	RS	BT	PS
FROM THE; TIME YOU STARTED UNTIL YOU RETURNED ? A. NO SIR, NOT TO MY KNOWLEDGE. Q. DID YOU SEE ANY OTHER CHILDREN AT ALL, ONLY THEM THAT WAS THERE ? A. I SUPPOSED THEY BELONGED TO THE FAMILY — NO SIR.	FROM THE TIME YOU STARTED UNTIL YOU RETURNED ~~A~~NO SIR~~≥~~ NOT TO MY KNOWLEDGE. [*space*] ~~Q~~DID YOU SEE ANY OTHER CHILDREN AT ALL ONLY THEM THAT WAS THERE ~~A~~I SUPPOSED THEY BELONGED TO THE FAMILY ~~A~~NO SIR THAT IS ALL MR. WILLIS. BY CAREY WE DO NOT WANT TO EXAMINE THIS WITNESS ANY MORE BY BISHOP I DO NOT THINK WE SHALL WANT TO CROSS EXAMINE HIM ANY FURTHER. BY COURT I WANT TO KNOW SO WE NEED NOT CALL HIM. *[[22]]* {**RECALLED BY CAREY**}[i] {**SPICER** I FORGOT TO ASK	FROM THE TIME ~~O~~YOU STARTED TILL YOU RETURNED? A. NO, SIR, NOT TO MY KNOW~~M~~LEDGE. Q. DID YOU SEE ANY **OTHER** CHILDREN **OUT THERE?** ~~AT ALL WHEN THEY WAS THERE?~~ A. NO SIR. ~~Q.~~ WHEN THEY WERE THERE, I SUPPOSE**D** THEY BELONGED TO THE FAMILY~~.~~**;** ONLY A FEW THA T I KNEW BELONGED TO THE EMIGRANTS. BY CONSENT OF COUNSEL WITNESS WAS EXCUSED FROM FURTHER ATTENDANCE ~~N~~**IN** THE CASE.	FROM THE TIME YOU STARTED TILL YOU RETURNED NOT TO MY KNOWLEDGE [*space*] DID YOU SEE ANY OTHER CHILDREN AT ALL NO SIR ONLY THEM THAT WAS THERE I SUPPOSED BELONGED TO THE FAMILY THERE NONE THAT I KNEW BELONGED TO THE EMIGRANTS [*space*]

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RT	RS	BT	PS
[209] THOMAS WILLIS RECALLED. EXAMINED BY R.N. BASKIN ESQ.,Q. MR. WILLIS, I FORGOT TO ASK YOU IF YOU KNEW WHAT WAS DONE WITH THE PROPERTY AT THE TITHING OFFICE AT CEDAR ? A. SOLD AT AUCTION. Q. BY WHOM ? A. I DON'T KNOW WHO WAS THE CRIER, I CAN'T RECOLLECT. I WAS THERE IN THE ROOM THOUGH, WHILE IT WAS GOING ON . Q. HOW LONG WAS IT STORED IN THE TITHING OFFICE ? A. THIS WAS THERE EITHER LATE IN THE FALL OR THE FORE-PART OF WINTER. Q. BUT	YOU}^{p} [*space*] **THOS** **WILLIS** **RECALLED** MR. WILLIS, $_{Q}$I *FORGOT*[?] TO ASK YOU IF YOU KNEW WHAT WAS DONE WITH PROPERTY {THAT YOU SPOKE OF}^{i} {AT THE TITHING OFFICE}^{p} AT CEDAR {IT WAS}^{i} $_{A}$SOLD AT AUCTION {$_{Q}$}^{i}BY WHOM {$_{A}$}^{i} I DON'T WHO WAS THE CRIER, I CAN'T RECOLLECT WAS THERE IN THE ROOM THOUGH WHILE IT WAS GOING ON $_{Q}$HOW LONG WAS IT STORED {THERE}^{i} IN TITHING HOUSE THIS HOUSE $_{A}${IT WAS THERE}^{i} $_{A}$EITHER LATE IN THE FALL OR FORE-PART OF WINTER {$_{Q}$}^{i}	THOMAS T. WILLIS RE-CALLED FOR THE PROSECUTION. EXAMINED BY MR. CAREY. Q. MR. WILLIS, I FORGOT TO ASK YOU IF YOU KNOW WHA T WAS DONE WITH THE PROPERTY THAT YOU SPOKE OF AT THE ~~THI~~ TITHING OFFICE AT CEDAR A. IT WAS SOLD AT AUCTION. Q. BY WHOM? A. I DON'T KNOW WHO WAS THE CRIER, I CAN'T RECOLLECT; I WAS THERE IN THE ROOM THOUGH WHILE IT WAS GOING ON. Q. HOW LONG WAS IT STORED THERE IN THE TITHING OFFICE. A. WELL, THIS WAS ~~THERE~~ THERE LATE INTHE FALL OR FORE PART OF THE WINTER, THAT IT WAS SOLD. Q .	*[[30]]* **THOS T** **WILLIS** RE-CALLED BY CAREY [*space*] IF YOU KNEW WHAT WAS DONE WITH THE PROPERTY THAT YOU SPOKE OF AT THE TITHING OFFICE AT CEDAR IT WAS SOLD AT AUCTION I DON'T KNOW WHO WAS THE CRIER I CAN'T RECOLLECT I WAS THERE IN THE ROOM THOUGH WHILE IT WAS GOING ON HOW LONG WAS IT STORED THERE IN THE TITHING HOUSE WELL THIS WAS VERY LATE IN THE FALL THAT IT WAS SOLD OR FORE PART OF THE WINTER

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RT	RS	BT	PS
YOU CAN'T RECOLLECT WHO SOLD IT ? A. NO SIR. Q. DO YOU RECOLLECT OF ANY PARTIES THAT WERE THERE AT THE TIME IT WAS SOLD ? A. MR. LEE WAS THERE, I UNDERSTOOD. OBJECTED TO BY BISHOP FOR DEFENSE. THE COURT RULED HE NEED NOT STATE WHAT HE UNDERSTOOD. Q. WHO WAS THE MAN THAT WAS HAVING IT SOLD ? A. I DON'T RECOLLECT WHETHER HE WAS CRYING IT OFF OR NOT. CROSS-EXAMINED BY JUDGE SUTHERLAND. Q. WAS KLINGENSMITH THERE AT THE TIME ? A. NO SIR. Q. JOHN M. HIGBEE ? A. I DON'T KNOW WHETHER HE	YOU CAN'T RECOLLECT WHO SOLD IT {$_{A}$}^{i} NO SIR $_{Q}$DO YOU RECOLLECT ANY PARTIES THAT WERE THERE {AT THE}^{i} TIME IT WAS $_{A}$SOLD MR. LEE ~~WAS~~ WAS THERE I UNDERSTOOD BY BISHOP DON'T STATE WHAT WAS UNDERSTOOD $_{Q}$WHO WAS MAN THAT WAS HAVING IT SOLD $_{A}$ DON'T RECOLLECT WHETHER HE WAS CRYING IT OFF OR NOT. THAT IS ALL. ~~≺~~**SUTH** {**XEXD**}^{p}~~≻~~ $_{Q}$WAS KLINGENSMITH THERE AT THE TIME ? $_{A}$NO SIR {I DID NOT SEE HIM.}^{i} $_{Q}$M. HIGBEE $_{A}$I DON'T KNOW WHETHER HE	YOU CAN'T RECOLLECT WHO SOLD IT? A. NO, SIR. Q. DO YOU RECOLLECT ANY PARTIES THAT WERE THERE *[44]* AT THE TIME IT WAS SOLD? A. MR. LEE WAS T**H**ERE, I UNDERSTOOD. ~~OB~~ BY MR . BISHOP: I OBJECT TO WHAT HE UNDERSTOOD. Q. WHO WAS THE MA N T**H**AT WAS HAV ING IT ~~W~~**S**OLD? A. I DON'T RECOLLECT WHETHER HE WAS CRYING IT OFF OR NOT. CROSS-EXAMINATION BY MR. SUTHERLAND. Q. WAS K~~I~~LINGENSMITH THERE AT THE TIME? A. NO, SIR, I DIDN'T SEE HIM. Q. JOHN M. HIGBEE? A. I DON'T K~~H~~NOW WHETHER HE	CAN'T RECOLLECT WHO SOLD IT NO SIR RECOLLECT ANY PARTIES THAT WERE THERE AT THE TIME IT WAS SOLD MR. LEE WAS THERE I UNDERSTOOD OBJECTED TO ~ WELL FROM WHAT I SAW HE WAS THE MAN THAT WAS HAVING IT SOLD I DON'T RECOLLECT WHETHER HE WAS CRYING IT TOO OR NOT WAS KLINGEN SMITH THERE AT THE TIME NO SIR I DIDN'T SEE HIM HIGBEE I DON'T [*space*] KNOW

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RT	RS	BT	PS
WAS THERE OR NOT. Q. DO YOU KNOW IF HAIGHT WAS THERE , OR ANY OTHER PROMINENT MEN AT *[210]* CEDAR CITY ? A. I DON'T KNOW. THE REASON I RECOLLECT HAIGHT WAS THERE, HE WAS TELLING THEM NOT TO BID UP SO HIGH ON THE GOODS. ~~———— Q~~. WHEN THEY WENT TO THEIR BINS THEY WOULD NOT FIND AS MUCH GRAIN THERE AS THEY THOUGHT FOR. Q. WHY DID HE MAKE THAT REMARK — WAS IT BECAUSE THE GRAIN WAS BEING PAID FOR	WAS THERE OR NOT $_{Q}$DO YOU KNOW IF HAIGHT WAS THERE $\{_{A}\}^{i}$ HAIGHT WAS THERE $\{_{Q}\}^{i}$ ANY OTHER PROMINENT MEN OF CEDAR $\{_{A}\}^{p}$I DON'T KNOW. REASON I RECOLLECT HAIGHT WAS THERE HE WAS TELLING THEM NOT TO BID UP SO HIGH ON THE GOODS, WHEN THEY WENT TO THEIR BINS THEY WOULD NOT FIND {<THEY WOULD FIND THEY WERE LOWER THAN THEY EXPECTED **FOR**>}^{i} AS MUCH GRAIN THERE AS THEY THOUGHT WHY $_{Q}$DID HE MAKE THAT REMARK WAS IT BECAUSE GRAIN WAS BEING PAID FOR	WAS THE~~R~~E OR NOT. Q. DO YOU K NOW IF HAIGHT WAS THE RE? A. HAIGHT WAS THERE. Q. ANY OTHER PROMINENT MEN OF CEDAR~~, ? A.~~ HARRISON.? A. I DON'T KNOW HARRISON, I RECOLLECT ~~A~~HAIGHT WAS THERE; HE WAS TELLING THEM NOT TO BID UP SO HIGH ON THE GOODS AS THAT; THAT WHEN THE Y WENT TO THEIR GRAIN BINS THEY WOULD FIND THAT THEY WERE LOWER THAN THEY EXPECTED. Q. WAS IT BECAUSE THE GOODS WERE BEING PAID FOR	~~<~~DO YOU KNOW WHETHER~~>~~ HAIGHT WAS THERE HAIGHT WAS THERE ANY OTHER PROMINENT MEN IN CEDAR HARRISON [*space*] HAIGHT TOLD THEM NOT TO BID UP SO HIGH AS THEY ~~<~~WOULD FIND WHEN THEY WENT TO THEIR GRAIN BINS THAT THEY WERE LOWER THAN THEY EXPECTED~~>~~ WAS IT BECAUSE THE GOODS WERE BEING PAID FOR

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RT	RS	BT	PS
IT ? A. YES SIR..	IT $_{A}$YES SIR	IN GRAIN? A. THEY WAS TAKING GRAIN FOR THE GOODS.	IN GRAIN THEY WAS TAKING GRAIN FOR THE GOODS
Q. WHAT WERE THEY DOING WITH THAT GRAIN ? A. I COULD NOT TELL YOU. THEY JUST CHARGED THEM WITH SO MUCH, THEN THEY CAME AROUND AND COLLECTED IT. Q. WAS IT TO MUCH MONEY OR GRAIN ? A. THE GRAIN WAS WORTH SO MUCH PER BUSHEL, BETWEEN THE PROPERTY, AND THEY CALLED IT SO.	$_{Q}$WHAT WERE THEY DOING WITH THEIR GRAIN $_{A}$I COULD TELL YOU THEY JUST CHARGED THEM WITH SO MUCH{,}^{i} THEN {THEY}^{i} CAME AROUND AND COLLECTED IT $_{Q}$WAS IT SO MUCH MONEY OR GRAIN $_{A}$ GRAIN WAS WORTH SO MUCH PER BUSHEL PROPERTY WENT	Q. WHAT WERE THE Y DOING WITH THE GRAIN? A. I COULD NOT TELL YOU THEY JUST CHARGED THEM WITH SO MUCH; THEN THEY CAME ROUND AND COLLECTED IT. Q. WAS IT SO MUCH~~H~~MO~~—~~NEY OR SO MUCH GRAIN**? — A** GRAIN WAS WORTH SO MUCH PER BUSHEL AND THE PROPERTY WAS SOLD FOR GRAIN AT SO MUCH PER BUSHEL. PROPERTY WENT	IN GRAIN THEY WAS TAKING GRAIN FOR THE GOODS WHAT WERE THEY DOING WITH THE GRAIN I COULD NOT TELL YOU THEY JUST CHARGED THEM WITH SO MUCH AND CAME AROUND AFTER AND COLLECTED IT WAS IT SO MUCH MONEY OR SO MUCH GRAIN GRAIN WAS WORTH SO MUCH PER BUSHEL AND PROPERTY WAS SOLD FOR GRAIN AT SO MUCH PER BUSHEL
MANY DOLLARS OR CENTS; GRAIN WAS THEN THE BEST OF CURRENCY WITH US. Q. WERE THEY SELLING COOKING UTENSILS AND CHAINS ? A. YES, AND SOME FEW CARPENTER'S	AT SO MANY DOLLARS AND CENTS GRAIN WAS THEN BEST OF CURRENCY WHAT WERE THEY $_{Q}$SELLING {$_{A}$}^{i} COOKING UTENSILS CHAINS, $_{A}$ SOME FEW CARPENTER	AT SO MANY DOLLARS OR CENTS. Q. WHAT WERE THEY SELLING? A. COOKING UTENCILS, CHAINS, SOME FEW CARPENTERS	WHAT WAS THEY SELLING COOKING UTENSILS CHAINS AND SOME FEW CARPENTER

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RT	RS	BT	PS
TOOLS, PLANES AND CHISELS AND AND SOME HEWING CHISELS, SUCH STUFF AS THAT. Q. WAS THERE ANY CLOTHING ? A. I DIDN'T SEE ANY CLOTHING PUT UP AT AUCTION AT ALL — NO CLOTHING — NO SIR. Q. DO YOU REMEMBER ANY OTHER ARTICLES SOLD — WAS THERE AN~~H~~Y CATTLE SOLD ? A. I DIDN'T SEE ANY. Q. HORSES OR MULES OR WAGONS ? *[211]* A. NO SIR, JUSTVTRAPS, AS WOULD COMMONLY BE ALONG WITH A TRAIN OF THAT KIND. Q. WELL WAS THIS A SALE OF A	TOOLS, AUGERS, PLANES, CHISELS AND SOME HEWING CHISELS SUCH STUFF AS THAT WAS THERE[232] $_{Q}$ANY CLOTHING $_{A}$I DIDN'T SEE ANY CLOTHING PUT UP AT AUCTION AT ALL NO CLOTHING NO SIR. YOU REMEMBER ANYTHING ELSE ARTICLES {OR}^{i} ANY CATTLE SOLD $_{A}$DIDN'T SEE ANY $_{Q}$HORSES MULES WAGONS $_{A}$NO SIR $_{\sim\sim A\sim\sim}${Q}^{i}JUST TRAPS WOULD NATURALLY BE ALONG WITH TRAIN OF THAT KIND. {BELONG TO A TRAIN OF THAT KIND}^{i} $_{Q}$WELL WAS THIS A SALE OF A	TOOLS , AUGURS, PLAINS, CHISSELS AND SOME SUCH STUFF AS THAT. Q. WAS THERE ANY CLOTHING? A. I DIDN'T SEE ANY CLOTHING PUT UP AT AUCTION AT ALL. Q. NO CLOTHING? A. NO, SIR. Q. DO YOU REMEMBER AN Y OTHER ARTICLES OR ANY CATTLE SOLD ? A . I DIDN'T SEE ANY. Q. HORSES, MULES? A. NO, SIR. Q. WAGONS? A. NO, SIR.. Q. JUST TRAPPS, THEN. A. JUST TRAPS THAT WOULD NATURALLY BELONG TO A TRAIN OF THAT KIND. *[45]* Q. WAS THIS A SALE OF **A**	TOOLS AUGERS PLAINS CHISELS AND SOME SUCH STUFF AS THAT [*space*] ANY CLOTHING I DIDN'T SEE ANY CLOTHING PUT UP AT AUCTION AT ALL NO CLOTHING DO YOU REMEMBER ANY OTHER ARTICLES SOLD ANY CATTLE SOLD NO SIR HORSES MULES NO SIR WAGONS NO SIR JUST TRAPS THEN JUST TRAPS THAT WOULD NATURALLY BE ALONG WITH A TRAIN OF THAT KIND WAS THIS A SALE OF

232. "WAS THERE" was apparently added later.

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RT	RS	BT	PS
GENERAL INVOICE OF GOODS OR OF REMNANTS LEFT FROM THERE ? A. I COULD NOT TELL YOU. Q. WAS THE QUANTITY LARGE OR SMALL ? A. NOT VERY LARGE. Q. WAS IT MUCH OR LITTLE ? A. I COULD NOT TELL YOU HOW MUCH THERE WAS SOLD, BUT CONSIDERABLE WAS SOLD OF THIS KIND OF TRAPS, PRETTY MUCH ALL ~~THE INDIANS~~ THE AFTERNOON THEY WERE CRYING IT OFF. Q. DID YOU LEARN ~~OFWHATTACCOUNTTHE~~ ≤ON WHAT ACCOUNT THE≥ SALE WAS BEING MADE — THAT IS FOR WHAT PURPOSE — WHAT WAS TO BE DONE WITH THE	GENERAL INVOICE OF GOODS OR OF REMNANTS LEAVING FROM THERE $_{A}$I COULD NOT TELL YOU WAS THE QUANTITY LARGE OR SMALL $_{A}$NOT VERY LARGE $_{Q}$ WAS THERE MUCH OR LITTLE $_{A}$I COULD NOT TELL YOU THERE WAS SOLD CONSIDERABLE SOLD THOUGH OF THIS KIND OF TRAPS PRETTY MUCH ALL AFTERNOON {THERE}[i] CRYING IT OFF $_{Q}$DID YOU LEARN ON WHAT ACCOUNT SALE WAS BEING MADE, THAT IS FOR WHAT PURPOSE WHAT WAS TO BE DONE WITH	GENERAL INVOICE OF GOODS OR OF REMNANTS THAT WERE LEFT OVER THERE? A. I COULD NOT TELL YOU. Q. WAS THE QUANTITY LARGE OR SMALL? A. NOT VERY LARGE. Q. MUCH OR LITTLE? A. CONSIDERABLE SOLD OF THIS KIND OF TRAPS. PRETTY MUCH ALL AFTERNOON CRYING IT OFF.. Q. DID YOU LEARN ON WHAT ACCOUNT THE SALE WAS BEING MADE, AN D WHAT WAS TO BE DONE WITH THE	GENERAL INVOICE OF GOODS REMNANTS I COULD NOT TELL YOU [*space*] LARGE OR SMALL QUANTITY NOT VERY LARGE [*space*] MUCH OR LITTLE CONSIDERABLE SOLD OF THIS KIND OF *[[31]]* TRAPS PRETTY MUCH ALL AFTERNOON CRYING IT OFF DID YOU LEARN AT THE SALE FOR WHAT PURPOSE THE SALE WAS BEING MADE AND WHAT WAS TO BE DONE WITH THE

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RT	RS	BT	PS
PROCEEDS OF IT ? A. FROM WHAT I SAW IT WAS SOL~~S~~D FOR GRAIN — TURNED INTO GRAIN. Q. ON WHAT ACCOUNT —~~N~~ THE TITHING FUND OR THE INDIANS, OR WHAT ? A. THE UNDERSTANDIN G I GOT IT WENT TO JOHN D. LEE, THE PROCEEDS. Q. DO YOU KNOW WHY HE WAS TO TAKE IT ? A. NO SIR. Q. MR. WILLIS I WILL ASK YOU THE QUESTION DIRECT—DON'T YOU KNOW THIS WAS BEING TAKEN FOR THE BENEFIT OF THE INDIANS ? A. NO SIR. *[212]* WILLIAM MATTHEWS, SWORN FOR THE. PROSECUTION. EXAMINED BY R.	PROCEEDS OF IT ~~A~~FROM WHAT I SAW IT WAS SOLD FOR GRAIN TURNED {THE STUFF}[i] INTO GRAIN ~~Q~~ON WHAT ACCOUNT {=}[i] TITHING FUND OR INDIANS OR WHAT ~~A~~I UNDERSTANDIN G {THAT}[i] I GOT {WAS THAT IT}[i] IT WENT TO JOHN D. LEE *[[23]]* THE PROCEEDS. ~~Q~~DO YOU KNOW WHY HE WAS TO TAKE IT ~~A~~NO SIR ~~Q~~MR. WILLIS I WILL ASK YOU QUESTION DIRECT DON'T YOU KNOW THIS WAS BEING DONE FOR BENEFIT OF INDIANS ~~A~~ NO SIR THAT IS ALL BY SPICER BY BASKIN THAT IS ALL [*space*] **WILLIAM MATTHEWS** MY GIVEN NAME IS WILLIAM MATTHEWS.	PROCEEDS? A. FROM W**H**AT I SAW, IT WAS SOLD FOR GRAIN, AND TURNED THE STUFF INTO GRAIN. Q. ON WHAT ACCOUNT — TITHING FUND OR **I**NDINAS. A. THE UNDERSTANDIN G THAT I GOT WAS THA T IT WENT TO JOHN D. LEE— THE PROCEEDS.. Q. DID YOU KNOW WHY HE WAS TO TAKE IT. A. NO, SIR. ~~BY MR. CAREY:~~ MR. WILLIS, I WILL ASK YOU THE QUESTION DIRECT: DONT YOU KNOW THIS WAS BEING DONE FOR THE BENEFEIT OF THE **I**NDIANS? A. NO, SIR. WILLIAM MATHEWS SWORN FOR THE PROSECUTION.	PROCEEDS FROM WHAT I SAW IT WAS SOLD FOR GRAIN AND TURNED THE STUFF INTO GRAIN ON WHAT ACCOUNT ON TITHING FUND OR INDIANS THE UNDERSTANDIN G THAT I GOT WAS THAT IT WENT TO JOHN D. LEE THE PROCEEDS DID YOU KNOW WHY HE WAS TO TAKE NO SIR [*space*] I WILL ASK YOU QUESTION DIRECT DONT YOU KNOW THAT THIS WAS BEING DONE FOR THE BENEFIT OF THE INDIANS NO SIR [*space*] **W**$^{\underline{M}}$ **MATHEWS** [*space*] BEEN SWORN [*space*]

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RT	RS	BT	PS
N. BASKIN. Q. WHERE DO YOU RESIDE ? A. I RESIDE IN WASHINGTON.	Q WHERE DO YOU RESIDE {A}P I RESIDE IN WASHINGTON	Q. WHERE DO YOU RESIDE AT THE PRESENT TIME ? A. WASHINGTON COUNTY, NEAR ST.GEORGE. .	WHERE RESIDE AT THE PRESENT TIME IN WASHINGTON COUNTY NEAR ST. GEORGE
Q. WHERE WERE YOU LIBING ABOUT THE FALL OF 1857 ? A. I WAS LIVING IN CALIFORNIA.	Q WHERE WERE YOU LIVING FALL OF 57 {A}P I WAS LIVING IN CALIFORNIA	Q. WHERE WERE YOU LIVING IN THE FALL OF '57? A. I WAS LIVING IN CALIFORNIA.	WHERE LIVING IN THE FALL OF 57 I WAS LIVING IN CALIFORNIA
Q. WHERE DID YOU SPEND THAT SUMMER ? A. I SPENT IT GOING TO SALT LAKE CITY AND THE SETTLEMENTS.	Q WHERE DID YOU SPEND THAT SUMMER {A}PI SPENT IT GOING TO SALT LAKE CITY SETTLEMENTS	Q. WHERE DID YOU SPEND YOUR SUNMMER? A. SALT LAKE. CITY, AND THE NEIGHBORING SETTLEMENTS AROUND IN SALT LAKE COUNTY.	WHERE DID YOU SPEND THAT SUMMER AT SALT LAKE CITY AND NEIGHBORING SETTLEMENTS AROUND IN SALT LAKE COUNTY
Q. WHEN DID YOU COME FROM CALIFORNIA TO SALT LAKE ? A. I NEXT STARTED FOR CALIFORNIA, I THINK ON THE SIXTEENTH OF APRIL 1857.	Q WHEN DID YOU GO FROM CALIFORNIA TO SALT LAKE CITY {A}P I COMMENCED STARTED FOR CALIFORNIA I THINK ON THE 16TH OF APRIL 57.	Q. WHEN DID YOU GO FROM CALIFORNIA TO SALT LAKE CITY. A. I STARTED FROM CALIFORNIA AS WELL AS MY MEMORY SERVES **ME** ON THE I6TH OF APRIL IN '57.	WHEN DID YOU GO FROM CALIFORNIA TO SALT LAKE CITY I STARTED FROM CALIFORNIA WELL AS MY MEMORY SERVES ON THE I6TH OF APRIL IN 57
Q. WHAT DAY DID YOU ARRIVE AT SALT LAKE ? A. I THINK IT WAS ABOUT THE SIXTH OF JUNE, COULD NOT BE	{Q}P WHAT TIME DID YOU ARRIVE SALT LAKE {A}P I THINK IT WAS ABOUT 6TH JUNE COULD NOT BE	Q. WHAT TIME DID YOU ARRIVE AT SALT LAKE? A. I THINK IT WAS ABOUT THE I6TH OF JUNE, I COULD NOT BE	WHAT DAY DID YOU ARRIVE AT SALT LAKE I THINK IT WAS ABOUT THE I6TH OF JUNE *MIDDLE*[?] —

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RT	RS	BT	PS
CERTAIN OF THE VERY DAY. Q. HOW LONG DID YOU REMAIN AT SALT LAKE ? A. WE LEFT SALT LAKE ON THE 26TH OF AUGUST 1857. Q. WHERE WERE YOU GOING ? A. I WAS RETURNING BACK HOME TO MY OLD HOMESTEAD IN CALIFORNIA, SAN BERNARDINO. Q. DID YOU KNOW A TRAIN OF EMIGRANTS THAT WAS MASSACRED AT THE MOUNTAIN MEADOWS ? A. I?DID NOT. Q. DID YOU EVER SEE THEM ? A. NO, NEVER SAW THEM THAT I KNOW OF, BUT I HEARD OF THEM FIRST AT CORN CREEK. *[213]* Q. WHERE WERE YOU AT THE TIME THEY WERE MASSACRED ? A.	AS CERTAIN OF THE VERY DAY {Q}[p] HOW LONG DID YOU REMAIN AT SALT LAKE {A}[p] WE LEFT SALT LAKE 26 AUGUST 57. QWHERE WERE YOU GOING {A}[p]I WAS RETURNING HOME FROM MY OLD HOMESTEAD IN CALIFORNIA SAN BERNARDINO {Q}[p] DID YOU KNOW THE TRAIN OF EMIGRANTS THAT WAS MASSACRED AT MOUNTAIN MEADOWS {A}[p] I DID NOT Q DID YOU EVER SEE {A}[p] NEVER SAW THEM AS I KNOW I HEARD OF THEM AT CORN CREEK. Q WHERE WERE YOU AT THE TIME {THAT THEY WERE}[i] MASSACRED AT THE TIME THEY	CERTAIN OF THE DAY.. Q. HOW LONG DID YOU REMAIN AT ~~L~~SALT LAKE? A. WE LEFT SALT LAKE CITY **THE** 26TH OF AUGUST, '57. Q. WHERE WERE YOU GOING? A. I WAS RETURNING HOME **TO** ~~FROM~~ MY OLD HOMESTEAD IN CALIFORNIA, SANBERNARDIN O. *[46]* Q. DO YOU KNOW THE TRAI~~H~~N OF EMIGRANTS THA T WAS MASSACRED AT THE MOUNTAIN MEADOWS? A. I DID NOT? Q. DID YOU EVER SEE THE M? A. NO, SIR.. Q. DID YOU EVER HEAR ABOUT THEM? A. I HEARD ABOUT THEM FIRST AT CORN CREEK. Q. WHERE WERE YOU AT THE TIME THA T THEY WERE MASSACR~~E~~D A. AT THE TIME THEY	/*NEAR*[?] MONTH ~~I COULD~~ [*space*] HOW LONG DID YOU REMAIN AT SALT LAKE WE LEFT SALT LAKE ON THE 26 DAY OF AUGUST 57 WHERE WERE YOU GOING I WAS RETURNING HOME TO MY OWN HOMESTEAD IN CALIFORNIA SAN BERNARDINO DID YOU KNOW THE TRAIN OF EMIGRANTS THAT WAS MASSACRED AT MOUNTAIN MEADOWS I DID NOT DID YOU EVER SEE THEM NO SIR DID YOU EVER HEAR OF THEM I HEARD OF THEM FIRST AT CORN CREEK WHERE WERE YOU AT THE TIME THEY WERE MASSACRED AT THE TIME THAT THEY

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RT	RS	BT	PS
I HAD BEEN AT THE CITY AND THE NEXT I HEARD WAS AT CORN CREEK. Q. WHICH WAY DID YOU GO FROM CORN CREEK ? A. I TRAVELLED THROUGH THE SETTLEMENTS.	WERE MASSACRED SHOULD HAVE BEEN SAID COMMENCED I WAS AT CORN CREEK {Q}p WHICH WAY DID YOU GO FROM CORN CREEK {A}p I TRAVELED WHERE THE ROAD IS NOW.	WERE MASSACRED, S~~HOULD~~ WAS SAID TO HAVE COMMENCED, I WAS AT CORN CREEK. Q . WHICH WAY DID YOU GO FROM CORN CREE~~K~~? A. I STARTED OFF DOWN WHERE THE~~R~~ ROAD IS NOW. — RIGHT ALONG SOUTHWARD. Q.	WERE MASSACRED *OR*[?] SHOULD HAVE BEEN SAID TO COMMENCE I WAS AT CORN CREEK WHICH WAY DID YOU GO FROM CORN CREEK STARTED *OFF*[?] DOWNWARD THAT IS WHERE THE ROAD IS NOW RIGHT ALONG SOUTHWARD
Q. AND YOU STOPPED BEFORE YOU ARRIVED AT THE MOUNTAIN MEADOWS ? A. I DIDN'T STOP ONLY AT PAROWAN. I STOPPED AT SUMMIT, THAT IS ONE DAY AND ABOUT A HALF.	{Q}p DID YOU STOP BEFORE YOU ARRIVED AT MOUNTAIN MEADOWS {A}I DID NOT STOP ONLY AT PAROWAN. I STOPPED AT SUMMIT, THAT IS ONE {DAY}i AND A HALF;	DID YOU STOP BEFORE YOU ARRIVED AT THE MOUNTAIN MEADOWS? A. I DIDN'T STOP ONLY AT PAROWAN. I STOPPED AT SUMMIT — THAT IS ONE ~~A~~DAY AND ABOUT A HALF.	DID YOU STOP BEFORE YOU ARRIVED AT MOUNTAIN MEADOWS I DIDN'T STOP ONLY AT PAROWAN I STOPPED AT SUMMIT A LITTLE SEASON ONE DAY AND ABOUT A HALF
SUMMIT IS SIX MILES BEYOND PAROWAN. Q. WHY DID YOU STOP THERE AT SUMMIT ? A. THERE WAS NO HOUSES THERE AND WE WENT OUT	SUMMIT IS SIX MILES BEYOND PAROWAN {Q} WHY DID YOU STOP THERE AT {THE}i SUMMIT {A}i THERE WAS NO HOUSES THERE, WE WENT OUT	SUMMIT IS SIX MILES BEYOND PAROWAN. Q. WHY DID YOU STOP THERE AT SUMMIT? A. THERE WAS NO HOUSES THERE. WE WENT OUT	WHERE IS SUMMIT 6 MILES BEYOND PAROWAN [*space*] WHY DID YOU STOP AT SUMMIT THERE WAS NO HOUSES *[[32]]* THERE WE WENT OUT

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RT	RS	BT	PS
FROM PAROWAN TO STOP OVER THERE FOR A LITTLE SEASON TILL WE COULD HEAR FROM THE SOUTH. Q. WHY DID YOU STOP ? A. THE REASON WE STOPPED,WHEN I GOT TO PAROWAN I WANTED SOME GRAIN; I WANTED TO GET GRAIN AS I WAS GOING TO BISHOP MURDOCK; THAT IS MR. DAME'S, TO SEE IF I COULD OBTAIN GRAIN. WHEN I GOT THERE HE SAID TO ME THAT THIS COMPANY THAT WAS GONE SOUTH — THAT THE INDIANS— HE LEARNED IT THROUGH THE INDIANS, THEY HAD JUMPED ON THAT TRAIN ON MONDAY MORNING. THIS WAS ON WEDNESDAY.	FROM PAROWAN TO STOP THERE THERE FOR LITTLE SEASON UNTIL WE COULD HEAR FROM SOUTH $_{Q}$WHY DID YOU STOP $\{_{A}\}^{p}$ REASON WE STOPPED, WHEN I GOT TO PAROWAN I WANTED SOME GRAIN, I WANTED GET GRAIN AS I WAS GOING TO BISHOP MURDOCK THENCE MR. DAME'S TO SEE IF I COULD OBTAIN GRAIN. WHEN I GOT THERE, HE SAID TO ME THAT THIS COMPANY THAT WAS GONE SOUTH, THAT THE INDIANS - HE LEARNED IT THROUGH THE INDIANS THEY HAD JUMPED ON THAT TRAIN ON MONDAY MORNING. THIS WAS ON WEDNESDAY.	F**R**OM PAROWAN TO STOP THERE FOR A LITTLE SEASON TILL WE COULD HEAR FROM THE SOUTH. Q. WHY DID YOU STOP THERE? A. THE REASON I STOPPED THERE — WHEN I GOT TO PAROWAN, I WANTED SOME GRAIN — I WANTED TO GET SOME GRAIN. AS I WAS GOING TO BISHOP MURDOCK'S — THAT IS MR. DAME~~I~~'S HOUSE TO SEE IF I COULD OBTAIN GRAIN; WHEN I GOT THERE, HE SAID TO ME, THAT THIS COMPANY THAT WAS GONE SOUTH — THAT THE **I**NDI~~NA~~ANS —HE LEARNED IT THROUGH THE **I**NDIANS; THAT THEY HAD JUMPED ON THAT TRAIN ON MONDAY MORNING; THIS WAS ON WEDNESDAY.	FROM PAROWAN TO STOP THERE FOR A LITTLE SEASON TILL WE COULD HEAR FROM SOUTH [*space*] WHY DID THEY STOP [*space*] WHEN I GOT TO PAROWAN I WANTED SOME GRAIN AND WENT TO GET THE GRAIN *WENT SOUTH*[?] AS I WAS GOING OUT TO BISHOP MURDOCK WENT TO MR. DAME TO SEE IF I COULD OBTAIN THE GRAIN HE SAID TO ME THAT THIS COMPANY THAT WAS GONE SOUTH HAD LEARNED IT FROM THE INDIANS THAT THEY HAD JUMPED ON THAT TRAIN ON MONDAY MORNING THIS WAS ON WEDNESDAY

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RT	RS	BT	PS
HEARING OF THAT I CONCLUDED IT WAS BEST TO GO AND STOP TILL WE COULD LEARN SOMETHING MORE ABOUT IT. Q. YOU STOPPED YOU SAY AT SUMMIT WITH YOUR TEAMS — DID YOU SAY THAT YOU HAD TEAMS ? A. WE HAD OUR TEAMS AND OUR OWN LITTLE COMPANY, ANOTHER GENTLEMAN, MR. NORRIS OF FILLMORE WAS WITH US AND MR. TANNERS, AND A NUMBER OF SINGLE MEN; TWO TEAMS. THEN THERE WAS ANOTHER ONE, MR. WILLIS, THOMAS, AND ANOTHER	HEARING OF THAT {**I**}^{p} CONCLUDED IT WAS BEST TO GO AND STOP UNTIL WE COULD LEARN SOMETHING MORE ABOUT IT {FOR OUR OWN SAFETY}^{i}. $_{Q}$YOU STOPPED YOU SAY AT SUMMIT {$_{A}$YES SIR}^{i} {$_{Q}$WHAT}^{p} ~~TEAM~~ TEAMS DID YOU HAVE {$_{A}$}^{p} WE HAD OUR OWN TEAMS IN OUR OWN LITTLE COMPANY, OTHER GENTLEMAN MR. NORRIS OF FILLMORE WAS WITH US. MR. TANNER’S HALF BROTHER *OF/ALL*[?] *SON/SINGLE*[?] MY OWN TWO TEAMS, THEN THERE WAS ANOTHER ONE MR. ROLLINS ~~<~~**ROLLINS**~~>~~ TEAMS AND OTHER {AND OTHER TEAMS THAT BELONGED	HEARING OF THAT I CON~~F~~CLUDED IT WAS BEST TO STOP TILL WE COULD LEARN SOMETHING MORE ABOUT IT FOR OUR OWN SAFETY. Q. YOU STOPPED, YOU SAY AT SUMMIT? A. YE~~Z~~S. Q. W**H**AT TEAMS DID YOU HAVE? A. WE HAD OUR OWN TEAM~~W~~S IN OUR OWN LITTLE COMPANY. THE OTHER GENTLEMAN , MR. NORRIS, FROM FILLMORE W~~I~~AS WITH US. MR. **T**ANNER’S TEAMS — THAT IS A HALF BROTHER’S ~~SONE~~ OF MINE HAD TWO TEAMS. THEN THERE WAS ANOTHER ONE, MR. ROLLINS’ TEAMS AND OTHER TEAMS THAT BELONGED	HAVE FEAR OF THAT WE CONCLUDED IT WAS BEST TO STOP TILL WE COULD LEARN SOMETHING MORE ABOUT SOUTH FOR OWN SAFETY [*space*] WHAT TEAMS DID YOU HAVE WE HAD OUR OWN TEAMS IN OUR OWN LITTLE COMPANY WITH ONE OTHER GENTLEMAN MR. MORRIS FROM FILLMORE MR TANNER’S TEAMS THAT HIS HALF BROTHER OF ~~YOURS~~ HIS MY OWN TWO TEAMS ANOTHER ONE OF MR. ROLLINS TEAMS AND OTHER TEAMS THAT BELONGED

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RT	RS	BT	PS
WHO WENT DOWN WITH US TO SAN BARNARDINO. Q. AFTER YOU LEFT PAROWAN DID YOU SEE THE BISHOP AGAIN ? *[214]* A. I DID, I SAW HIM AT CEDAR. Q. WHAT DID HE HAVE TO SAY, IF ANYTHING, TO YOU ? A. IT WAS TO THIS AMOUNT; HE SPOKE TO ME WHEN HE DROVE UP; HE SAID I WILL LEAVE THE HORSES HERE AND HE ASKED ME FOR THE MULES. HE SAID WHEN HE DROVE UP THAT HE HAD NOT RECEIVED THE LETTER FROM OVER HERE.	TO}[i] WHO WENT DOWN WITH US TO SAN BERNARDINO. *[[24]]* {**Q**}[p] AFTER YOU LEFT PAROWAN, DID YOU SEE BISHOP {DAME}[i] AGAIN {**A**}[p] I DID {WHERE DID YOU SEE HIM}[i] I SAW HIM AT CEDAR WHAT DID HE HAVE ANYTHING TO SAY TO YOU THERE {**A**}[i]I WAS ABOUT FIRST MAN SPOKE TO ME WHEN HE DROVE UP, HE SAID I WILL HAVE REHEARSE WHOLE SUBJECT TO *YOU*[?], WHAT YOU HAVE ASKED FOR. HE SAID WHEN HE DROVE UP THAT HE HAD {WEDNESDAY}[i] *WEDNESDAY*[?] RECEIVED LETTER FROM OVER HERE BEAVER, {**BEAVER TO THE PURPORT**}[i]	TO THE CITY OF SANBERNARDINO. *[47]* Q. AFTER YOU LEFT PAROWAN, DID YOU SEE BISHOP DAME AGAIN? A. I DID. Q. WHERE DID YOU SEE HIM? A. I SAW HIM AT CEDAR. Q. DID HE HAVE ANYTHING TO SAY TO YOU THERE? A. I WAS THE FIRST MAN THAT HE SPOKE TO WHEN HE DROVE UP. HE SAID I WILL HAVE TO REHERS TO YOU THE **W**HOLE STORY WHAT YOU HAVE ASKED FOR. HE SAID WHEN HE DROVE UP THAT HE HAD ON WEDNESDAY, RECEIVED A LETTER FROM OVER THERE TO BEAVER TO THE PURPORT	TO SAINT BERNARDINO [*space*] AFTER YOU LEFT PAROWAN DID YOU SEE BISHOP DAME AGAIN I DID WHERE DID YOU SEE HIM AT CEDAR DID HE HAVE ANYTHING TO SAY TO YOU THERE I WAS FIRST MAN THAT HE SPOKE TO [*space*] I WILL HAVE TO REHEARSE THE WHOLE STORY TO YOU HE SAID —[?] WHEN HE DROVE UP THAT HE HAD *WEDNESDAY*[?] —[?] RECEIVED A LETTER FROM BEAVER

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RT	RS	BT	PS
YOU WILL REMEMBER THAT THE INDIANS HAD ALSO PITCHED ON THE COMPANY HERE, THE EMIGRANTS THAT WE LEFT AT CORN CREEK. THEY WAS GOING TO SAN BARNARDINO ALSO. THE ARKANSAS COMPANY, WE HAD TO GO BACK TO BUCKHORN SPRINGS, COMING OVER HERE TO QUELL SOME INDIANS. THAT IS THE FIRST I KNEW THAT HEWAS AN OFFICER. I HAD LEARNED ~~T~~ AT THE BUCKHORN SPRINGS THE DIFFICULTY HAD BEEN SETTLED THERE WITH THE INDIANS AT MOUNTAIN MEADOWS. HE THEN TURNED HIS COURSE, DROVE UP TO	YOU WILL REMEMBER THAT THE INDIANS HAD ALSO PITCHED ON COMPANY HERE THE EMIGRANTS THAT WE LEFT AT CORN CREEK THEY WAS GOING SAN BERNARDINO ALSO ARKANSAS COMPANY WE HAD GO BACK TO BUCK HORN SPRINGS GOING FROM HERE TO QUELL THIS FIELD; {QUELL FUSS}[i] THAT IS THE FIRST I KNEW HE WAS *AS/FIRST*[?] OFFICER *I/HE*[?] {I}[p] HAD LEARNED AT BUCKHORN SPRINGS {THAT THIS}[i] DIFFICULTY HAD BEEN SETTLED THROUGH INDIAN CALLED AMMON HE THEN TURNED HIS COURSE DROVE UP,	THA T THE **I**N~~I~~**D**IANS HAD ALSO PITCHED ONTO THE COMPANY HERE, THE EMIGRANTS THAT WE LEFT AT CORN CREEK, THAT WAS GOING TO SANBERNARDIN O, ALSO THE **A**RKANSAS COMPANY THAT WE HAD LEFT BACK TO BUCK HORN SPRINGS~~.~~**,** COMING OVER TO QUELL THIS FU~~LL~~SS. THAT IS THE FI RST I KNEW HE WAS AN OFFI CER.. I HAD LEARNED AT THE BUCK HORN SPRINGS THAT THIS DIFFICULTY WAS SETTLED THROUGH AN **I**NDIAN~~.~~**S**. HE THEN TURNED HIS **C**OURSE TO **C**EDAR, AND DROVE UP AND	THAT THE INDIANS HAD ALSO PITCHED ON A COMPANY HERE OF EMIGRANTS THAT WE LEFT AT CORN CREEK THAT WAS GOING TO SAINT BERNARDINO ALSO [*space*] ARKANSAS GOING OVER TO QUELL THIS FUSS THAT IS THE FIRST I KNEW THAT HE WAS FIELD OFFICER LEARNED AT THE BUCK HORN SPRINGS THAT THIS DIFFICULTY WAS SETTLED [*space*] THEN TURNED HIS COURSE TO CEDAR AND DROVE UP

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RT	RS	BT	PS
WATER, WITH A SPAN OF ANIMALS, TO GO ON IN THE NEIGHBORHOOD OF THE MOUNTAIN MEADOWS TO TRY AND QUELL THIS OTHER FUSS. Q. DID HE TAKE YOUR MOLES ? A. YES SIR.	WATERED {**&** WANTED A}[i] SPAN OF ANIMALS GO ON NEIGHBORHOOD OF MOUNTAIN MEADOWS TO TRY TO QUELL THIS OTHER FUSS {**THIS WAS ON FRIDAY**}[i] DID HE TAKE YOUR MULES. {YES SIR}[p]	WANTED A SPAN OF HORSES TO GO ON TO THE MOUNTAIN MEADOWS TO TRY AND QUELL THIS OTHER FU~~LL~~SS. THIS WAS ON FRIDAY. Q. DID HE TAKE YOUR MULES? A. YES, SIR~~.~~, HE DID..	WANTED A SPAN OF HORSES TO GO ON TO MOUNTAIN MEADOWS TO TRY TO QUELL THIS OTHER FUSS THIS WAS ON FRIDAY DID HE TAKE YOUR MULES HE DID THIS IS THE FIRST TIME I EVER APPEARED IN COURT IN MY LIFE [*space*] WAS HE ALONE OR WAS ANYONE WITH HIM
Q. WAS HE ALONE OR WAS ANY ONE WITH HIM ? A. THERE WAS ANOTHER GENTLEMAN WITH HIM. Q. DID YOU KNOW WHO HE WAS ? A. IT WAS JAMES LEWIS.	{**Q**}[p] WAS HE ALONE OR WAS ANY ONE WITH HIM A THERE WAS ANOTHER GENTLEMAN WITH HIM <DID YOU KNOW WHO HE WAS> {**A**}[p] IT WAS JAMES LEWIS {OF PAROWAN}[i].	Q. WAS HE ALONE OR WAS ANYONE WI TH HIM. A. THERE WAS ANOTHER GENTLEMAN WITH HIM. Q. DO YOU KNOW WHO HE WAS? A. IT WAS JAMES LEWIS OF PAROWAN, I KNEW HIM	ANOTHER GENTLEMAN WITH HIM *[[33]]* WHO WAS IT JAMES LEWIS OF PAROWAN I KNEW HE
Q. HOW LONG WAS HE GONE BEFORE HE RETURNED WITH YOUR MULES ? A. WELL HE NEVER RETURNED TO CEDAR WITH THEM. HE	HOW LONG WAS HE GONE BEFORE HE RETURNED WITH YOUR MULES **A** WELL HE NEVER RETURNED TO CEDAR WITH THEM HE	BEFORE. Q. HOW LONG WAS HE GONE BEFORE HE RETURNED WITH YOUR MULES? A. WELL, HE NEVER RETURNED **T**O CEDAR WITH THEM, HE	BEFORE HOW LONG WAS HE GONE BEFORE HE RETURNED WITH YOUR MULES HE NEVER RETURNED TO CEDAR WITH THEM BUT WE

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RT	RS	BT	PS
WENT ON THE NEXT DAY AND MET WITH THE MULES RETURNING BACK. Q. YOU WENT ON TOWARDS THE MOUNTAIN MEADOWS—DID YOU HAVE ANY AU- *[215]* THORITY TO GO ON ? A. I TOLD YOU THAT DAY WHEN HE DROVE UP THERE WATERING THAT HE WENT ON FURTHER AND TOLD ME TO COME ON. Q. WE ARE TALKING ABOUT THE TIME AS TO WHEN ANY ORDER CAME FROM THE SOUTH ? A. HE SAYS	WENT ON. NEXT DAY MET WITH THE {MULES}[i] RETURNING BACK. ϙYOU WENT ON TOWARDS MOUNTAIN MEADOWS DID YOU HAVE ANY AUTHORITY TO GO ON {A}[i] I TOLD YOU {WHAT AUTHORITY WE HAD.}[i] WE HAD WHEN HE DROVE UP {THERE}[p] WATERING *THIS MOUNT*[?] {**HE WENT**}[i] HE WENT INTO HOUSE OF MR. HAIGHT'S; WE WAS TALKING ABOUT IT, ABOUT TIME HE WENT IN. THERE WAS ~~WORD~~ ORDER[233] {~~**ORDER**~~}[p] {**WORD**}[i] CAME FROM THE SOUTH COUNTRY	WENT ON**,** THE NEXT DAY HE RETURNED WITH THE MULES—RETURNED BACK. Q. YOU WENT ON TOWARDS THE MOUNTAIN MEADOWS—DID YOU HAVE ANY AUTHORITY TO GO ON? A. I TOLD YOU ABOUT THE AUTHORITY **WE** ~~HE~~ HAD. WHEN HE DROVE UP THERE NEAR ABOUT SIX MILES—MAY BE MORE AND MAY BE LESS—WENT INTO THE HOUSE AT MR. HAIGHT'S WE WERE SPEAKING THERE ABOUT IT WITH TH~~I~~EM. WE ALL WENT IN. THERE WAS WORD CAME FROM THE SOUTH TH AT	WENT ON NEXT DAY AND MET HIM WITH THE MULES RETURN BACK DID YOU HAVE ANY AUTHORITY TO GO ON [*space*] I TOLD YOU ABOUT THE AUTHORITY WE HAD [*space*] WHEN *HE/THEM*[?] DROVE UP THERE NEAR TO THESE MULES ME AND MR. LEWIS WENT INTO THE HOUSE AT MR. HAIGHT'S WE WERE *SPEAKING/STOPPING*[?] THERE AND ABOUT THE TIME THAT THEY WENT IN THERE WAS WORD CAME FROM THE SOUTH COUNTRY THAT

233. Word possibly added later.

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RT	RS	BT	PS
THIS WORK WAS FINISHED. I CANNOT JUST SAY EXACTLY, BUT I WENT TO WORK THERE, AND MR. DAME RETURNED WITH THE SPAN OF MULES AND THEY WAS LEFT DOWN IN THE OLD FORT. THEY WERE NOT MY MULES BUT THEY BELONG TO MR. TANNER. Q. WHAT DID HE WANT TO GO THERE FOR IF YOU KNOW ?	THIS WORK WAS FINISHED. I CAN'T JUST SAY EXACTLY SPEAK IT AS IT WAS. I WENT TO WORK MAKING MR. DAME AND *LEWIS*[?] CUP OF COFFEE, MULES WAS DOWN IN OLD FORT = OLD SPAN OF MULES. I TOLD HIM I WOULD MAKE HIM CUP OF COFFEE THEY WERE NOT MY MULES THEY BELONGED TO MR. TANNER. WHEN I GOT COFFEE READY, THOSE MEN FROM SOUTH	THIS WORK WAS FINISHED. I CAN'T ~~SAY~~SAY EXACTLY JUST HOW IT WAS . I WENT TO WORK TO MAKE MR. DAME **AND** ~~AND~~ MR. LEWIS A CUP OF COFFEE. THE MULES WERE DOWN IN THE OLD FORT. *[48]* AN OLD SPAN OF MULES, I TOLD HIM I WOULDMAKE HIM A CUP OF COFFEE AND I WOULD GO AND SEE IF THE MULES COULD BE GOT. ~~THEY COULD NOT~~ THEY DIDN'T BELONG TO ME; THEY BELONGED TO MR. TANNER. WHEN I GOT THIS CUP OF **C**OFFEE READY AND THESE MEN FROM THE SOUT H WENT ALONG	THIS WORK WAS FINISHED OR DONE I CAN'T SAY EXACTLY JUST AS IT WAS I WENT TO WORK TO MAKE MR. DAME AND MR. LEWIS CUP OF COFFEE THERE WAS OLD FORT *RD*[?] *SHP/SHPR*[?] I WOULD GO AND SEE IF THE MULES COULD BE GOT DIDN'T BELONG TO ME TO MR. TANNER WHEN I GOT THIS CUP OF COFFEE READY AND THOSE MEN FROM THE SOUTH WENT IN THERE

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RT	RS	BT	PS
	DID NOT KNOW TALKED WITH THEM DID NOT KNOW ANYTHING ABOUT IT	I DIDN'T ~~KNOW OR~~ TALK WITH THEM.	I DIDN'T KNOW *THAT*[?] *WAS*[?] TALK WAS WITH THEM
		I KNOCKED AT THE DOOR AND TOLD THEM THA T THE COFFEE WAS RE~~Z~~ADY.	I KNOCKED AT THE DOOR AND TOLD THEM THAT THE COFFEE WAS READY
	HE SAID HE WOULD BE OUT IN A MINUTE OR TWO $_{A}${NOW **I SD**}[i] DO YOU WANT THOSE MULES =	NOW, I SAID, DO YOU WANT THE M~~IL~~**UL**ES? ~~A.~~	NOW SAID I DO YOU WANT THEM MULES
A. HE SAYS HE WANTED TO GO AND SEE TO THE BURYING OF THE DEAD.	YES SIR SAYS HE WE WANT TO GO AND SEE ABOUT BURYING OF DEAD.	YES, SIR, HE SAYS, I WAST TO GO TO SEE ABOU T~~E~~ THE BURYING OF ~~TE~~ THE DEAD. Q. DID HE GE~~R~~T THE MULES? A. YES , SIR, AND	YES WE WANT TO GO TO SEE TO THE BURYING OF THE DEAD I GOT THE MULES
AFTER HE STARTED, NOW, SAYS I THE ROAD IS CLEAR FOR US TO TRAVEL AND WE STARTED ON IN THE MORNING, WITH THE SAME THREE MEN THAT RETURNED	HE STARTED IMMEDIATELY AFTER HE STARTED NOW SAYS I ROAD IS CLEAR FOR US TO TRAVEL, AND WE STARTED ON IN THE MORNING. IT WAS THE SAME 3 RETURNED	HE STARTED IMMEDIATELY**;** AFTER HE STARTED, **"**NOW,**"** SAYS I**,** **"**THE ROAD IS CLEAR FOR US TO TRAVEL**"** AND WE~~XS~~ WE STARTED ON MEXT MORNING,.	JUST AS THEY STARTED I SUPPOSE THE ROAD IS CLEAR FOR US TO TRAVEL AND THEY SAID IT WAS TO GO ON NEXT MORNING WHICH WE DID MET THEM SOME TWELVE MILES

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RT	RS	BT	PS
WITH ME. Q. WHAT TIME DID YOU LEAVE UNTIL YOU PASSED THE MOUNTAIN MEADOWS ? A. WE LEFT SATURDAY I RECKON, ABOUT THEN I THINK IT WAS. I COULD NOT SAY THE MINUTE, WE PASSED THE MOUNTAIN MEADOWS THE NEXT MORNING JUST ABOUT ~~EHE~~ ≤**THE**≥ BREAK OF DAY — JUST ABOUT THE DAWN OF DAY. WE TRAVELLED ALL NIGHT AND THE FORE PART OF THAT DAY TO R~~D~~EACH THE MEADOWS, AND WE CAMPED AT THE SPRINGS WHICH IS SOME THREE MILES FROM THERE;	WITH ME. WHAT TIME DID YOU PASS MOUNTAIN MEADOWS {A}[p] WE LEFT CEDAR ON SATURDAY I RECKON ABOUT THEN IT WAS. {ABOUT TEN O'CLOCK}[i] I COULD NOT SAY THE MINUTE MIGHT HAVE KNOWN THE VERY MINU{TE}[p] THEN. WE PASSED MOUNTAIN MEADOWS NEXT MORNING JUST ABOUT BREAK OF DAY *[[25]]* JUST ABOUT DAWN OF DAY, TRAVELED ALL NIGHT AND FORE PART OF THAT DAY TO REACH THE MEADOWS TO WHAT WE TERMED SPRINGS WHICH IS SOME 3 MILES	Q. WHAT TIME DID YOU PASS THE MOUNTAIN MEADOWS? A. WE LEFT CEDAR ON SATURDAY, I REC**K**ON ABOUT TEN O'CLOCK. I COULD NOT SAY THE MINUTE, IT MIGHT HAVE BEEN LATER. WE PASSED THE MEADOWS THE NEXT MORNING JUST ABOUT THE BREA~~L~~K OF ~~S~~DAY — JUST ABOUT THE DAWN OF DAY. WE TRAVELED ALL NIGHT AND THE FORE PART OF THAT DAY TO REACH THE MEADOW~~N~~S**,** TO WHAT WE TERMED THE SPRINGS , WHICH IS SOME THREE MILES ON THE OTHER SIDE OF	FURTHER [*space*] WHAT TIME DID YOU PASS THE MOUNTAIN MEADOWS WE LEFT CEDAR ON SATURDAY I RECKON ABOUT TEN O'CLOCK [*space*] WE PASSED MEADOWS THE NEXT MORNING ABOUT THE BREAK OF DAY ABOUT THE DAWN OF DAY WE TRAVELED ALL NIGHT AND FORE PART OF THAT DAY AND REACHED MOUNTAIN MEADOWS GOT TO SPRINGS THREE MILES ON OTHER SIDE OF

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RT	RS	BT	PS
		THE MEADOWS ~~FROM~~	THE MEADOWS
WHERE THIS DEED WAS COMMITTED. THERE WE TURNED LOOSE	WHERE THIS DEED WAS COMMITTED. THERE WE TURNED LOOSE AND STAYED	WHERETHIS DEED WAS COMMITTED~~.~~.	WHERE THIS DEED WAS COMMITTED
FOR THE EVENING. NEVER TOOK THE HALTERS OFF OUR MULES WHILE WE STOPPED THERE.	FOR THE EVENING NEVER TOOK HALTERS OFF OUR MULES UNTIL WE STOPPED THERE.	WE DIDN'T TAKE THE HORN~~E~~S OFF **OUR** ~~OUT~~ MULES TILL WE REACHED THE MEADOWS/.	WE DIDN'T TAKE THE HARNESSES OFF OUR MULES UNTIL WE REACHED MEADOWS
Q. WHAT DID YOU SEE AT THE MOUNTAIN MEADOWS ? A. ; I DIDN'T SEE ANYTHING PARTICULAR, BECAUSE IT WAS NIGHT, NOT LIGHT ENOUGH TO SEE. *[216]* Q. DID YOU SEE ANYTHING THAT REMINDED YOU OF THE MASSACRE AT ALL ? A. I DIDN'T.	~~Q~~WHAT DID YOU SEE AT MOUNTAIN MEADOWS I DID NOT SEE ANYTHING IN PARTICULAR BECAUSE IT WAS NOT LIGHT ENOUGH TO SEE DID YOU SEE ANYTHING WHAT REMINDED YOU OF MASSACRE AT ALL I DID NOT {THE EXPRESS MAN}[i] UNDERSTAND	Q. WHAT DID YOU SEE AT THE MEADOWS? A. I DIDN'T SEE ANYTHING IN PARTICULAR, BECAUSE IT WAS NOT LIGHT ENOUGH TO SEE. Q. DID YOU SEE ANYTHING THAT REM~~E~~INDED YOU OF A MASSACRE AT ALL? A. I DID~~N'T~~ **NOT** THE EXPRESS MAN .	[*space*] WHAT DID YOU SEE AT MEADOWS DIDN'T SEE ANYTHING PARTICULAR BECAUSE IT WAS NOT LIGHT ENOUGH *[[34]]* DID YOU SEE ANYTHING THAT REMINDED YOU OF THE MASSACRE AT ALL I DID NOT THE EXPRESS MAN
THEY SAID THE COMPANY WAS USED UP ON THURSDAY, THIS WAS SUNDAY.	THEY SAID COMPANY WAS USED UP ON THURSDAY, THIS WAS SUNDAY	SAID THAT ~~THAT~~ **THE DEED** ~~THEY~~ WAS DONE UP ON **T**HURSDAY, ANE THIS WAS SUNDAY	SAID THAT THE DEED WAS DONE UP ON THURSDAY AND THIS WAS SUNDAY

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RT	RS	BT	PS
	{MORNING}[i] THAT IS ALL. BY CAREY THAT IS ALL MR. MATTHEWS BY BISHOP WILL THE COURT NEED THIS WITNESS DURING TERM. BY CAREY THE NEXT WITNESS WE SHOULD CALL WE SHOULD HAVE CALLED BEFORE. JUDGE SAID TO THESE WITNESSES NOT TO GO OUT OF TOWN THEY MAY BE CALLED. BY HOGE WE WOULD LIKE NOT TO HAVE ANY WITNESS GO OUT OF TOWN. NEXT WITNESS WE WISH TO CALL IS NOT ABLE TO COME UNLESS WE HAVE CARRIAGE. SO NEAR ADJOURNING TIME WE COULD NOT DO ANYTHING WITH HIM HE IS A SICK MAN IF WE DO BRING HIM INTO COURT ROOM BY COURT I DO NOT	MORNING.	MORNING SO[?] THEY HAD BEEN LEFT *ALONE*[?] ONLY FROM SATURDAY [*space*] CROSS EXAMINED BY [*space*] ~~CAREY~~ NEXT WITNESS WE WISH TO CALL EXCEPT THERE IS CARRIAGE HERE EXPECT TO CALL HIM FIRST THING IN THE MORNING IT WILL BE LONG EXAMINATION

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RT	RS	BT	PS
	WISH DISARRANGE YOU BY BISHOP KNOWING THE PARTY AND HIS CONDITION IT MIGHT PREVENT HIM COMING TOMORROW. BY COURT BRING UP YOUR OFFICERS AND WE'LL HAVE 'EM SWORN FOR THE WHOLE TERM. MAXWELL STOKES BARTON PUFFER SWORN IN TAKE CHARGE OF JURY. WILL ADJOURN COURT UNTIL TOMORROW MORNING AT TEN 10 **O'CLOCK ADJOURNED**	~~BY~~ **THE** COURT **(ADDRESSING U. S. MARSHAL)**: BRING UP YOUR OFFICERS AND WE WILL HAVE THEM SWOR~~M~~N FOR THE WHOLE TERM TO TAKE CHARGE OF THE JURY. **U. S. MARSHAL** GEO.R.MAXWEL L,~~,~~ **DEPUTY, W**<u>**M**</u> STOKES, BARTON, AND JAMES PUFFER WERE SWORN ~~IN~~ TO TAKE CHARGE OF THE JURY.. JURY ADMONISHED BY THE COURT. COURT ADJOURNED TILL TO-MORROW MORNING AT 9 O'CLOCK.	AND FEAR THAT IF HE WERE BROUGHT IN TODAY HE COULD NOT APPEAR TOMORROW. [*space*] DEPUTY MARSHALLS SWORN TO TAKE CHARGE OF THE JURY FOR THE WHOLE TERM TO HAVE THE *RPING/RPTING*[?] THEM ALL THE TIME [*space*] MAXWELL. STOKES. BARTON. *SPG/SPRG*[?] AND (OTHER FELLOW) [*space*] COURT ADJOURNED TOMORROW MORNING 9 O'CLOCK. [*space*]
COURT ADJOURNED TILL NINE O'CLOCK TO-MORROW MORNING.			

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RT	RS	BT	PS
*[Bk. 2 217]*234	**4:30 PM** [*space*][235] *[[27]]* {**WILLIAM YOUNG'S TESTIMONY**}[i]	*[49]*	
TUESDAY, JULY 27TH 1875. 9 O'CLOCK A.M. COURT MET PURSUANT TO ADJOURNMENT.	[*space*] **TUESDAY, JULY 27, 1875. 9 AM** = [*space*] JUDGE BOREMAN REMARKED NOTES OF REPORTER SHOW HIM UNDECIDED WITH REFERENCE TO CORRECTION OF RECORDS UNDERSIGNING OF INDICTMENT ON RECORDS OF COURT. CLERK READ MINUTES	TUESDAY, JULY 27TH, I875. 9 0~~8~~'C~~OL~~LOCK A.M.	**TUESDAY, JULY 27/75** [*space*]

234. Cover of Book 2 is written in longhand ink with pencil additions:

JULY 1875. BOOK NO 2.
FIRST TRIAL OF JNO. D. LEE.

PAGE 217.	**WILLIAM YOUNGS TESTIMONY,**		**8TH WITNESS.**
231.	**SAMUEL POLLOCK.**	**"**	**9TH —"—**
245.	**JOHN SHERRATT.**	**"**	**10TH —"—**
{246	**GEORGE W BRADSHAW}**[P]		
269.	**ROBERT KERSHAW.**	**"**	**11. —"—**
279.	**E. C. MATHEWS.**	**"**	**12. —"—**
284.	**JAMES PIERCE.**	**"**	**13. —"—**
299.	**E. W. THOMPSON.**	**"**	**14. —"—**
304.	**JNO. M. MACFARLANE.**	**"**	**15. —"—**
305.	**JAMES PIERCE, (RECALLED.)**		
308.	**FRANK KING.**	**"**	**16. —"—**
{ISSAC RIDDLE'S TESTIMONY	**}**[P]		
WM. ROBERTS		**"**	**{OMITTED}**[P]

235. The rest of RS pages 25–26 include part of Klingensmith's testimony.

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RT	RS	BT	PS
	OF PROCEEDINGS OF 22ND 23RD 24TH. BY HOGE CASE OF MATTHEWS VERSUS *CIVIL/SETH*[?] CASE AS SUIT IS DISMISSED *ALL*[?] HIS INJUNCTIONS *CANCELLED*[?] *OF THAT*[?] *P/PARTY*[?] *OF HIS/TO US*[?]		COURT MINUTES OF THE REPORTER SHOW THAT THAT [*space*] QUESTION *ABOUT WHICH/PCH*[?] *DISPUTE*[?] WAS THE AUTHORITY WAS SUBMITTED THAT PROOF ON THURSDAY. SUTHERLAND WILL THE RECORD SHOW THAT COURT YES [*space*] MY *WITNESS/—*[?] WILLIAM YOUNG A MAN WITH — [?] EYE AND NOT MUCH ANXIOUS *TO/WHO*[?] PLEASE HE HAS THE PROOF. [*space*][236] <COMMUNICATI

236. Beginning with "MY WITNESS", the text and space is circled.

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RT	RS	BT	PS
			ON WITH JUROR> TELL MY FOLKS TO NOT SEND OUT THAT OLD *LOAD TO FORT BUT RATHER* USE OWN IN DOING SO WHAT THEY KNOW TO USE JUDGMENT BETWEEN PIOCHE AND HERE TELL THEM TO SEND ME NEW CLOTHES TO THIS PLACE THEY WANTED ME TO SEND WORD TELL THEM NOT TO UNLESS THEY FIND THAT THIS MARKET IS BETTER THAN PIOCHE MARKET MARK SEND ME NEW CLOTHES [*space*] ———
	CLERK READ NAMES OF JURORS ALL PRESENT. [*space*]	JURY CALLED**,** ALL PRESENT.	JURY CALLED [*space*] ~~HAVE YOU~~ [*space*]
WILLIAM YOUNG, SWORN FOR THE PROSECUTION.	{**WILLIAM YOUNG**}[i] BY CAREY HAVE BEEN SWORN	~~Q.~~WILLIAM YOUNG SWORN FOR THE PROSECUTION. EXAMINED BY MR/ CAREY. Q. HAVE YOU BEEN SWORN, MR. YOUNG. A.	**WILLIAM YOUNG SWORN** FOR PROSECUTION [*space*]

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RT	RS	BT	PS
Q. WHAT IS YOUR FULL NAME? A. WILLIAM YOUNG.	NO SIR. CLERK ADMINISTERED OATH Q WHAT IS YOUR FULL NAME {A}p WILLIAM YOUNG <I WISH TO TELL THE COURT TO TALK PRETTY LOUD I AM LITTLE	NO, SIR.. (WITNESS SWORN) Q. WHAT IS YOUR FULL ~~AME~~ **NAME**? A. WILLIAM YOUNG .	*[[35]]* WHAT IS YOUR FULL NAME WILLIAM YOUNG
Q. WHERE DO YOU RESIDE?	DEAF.> QWHERE YOU RESIDE	Q. WHERE DO YOU RESIDE AT THE PRESENT TIME?? A. I WISH TO TELL THE COURT TO TALK PRETTY LOUD I AM A LITTLE ~~DEF~~ DEAF. Q. WHERE DO YOU	WHERE RESIDE AT THE PRESENT AI WISH TO TELL THE COURT TO TALK PRETTY LOUD I AM LITTLE DEAF WHERE DO YOU
A. I LIVED AT ONE TIME IN WASHINGTON.	{A}p I LIVE WHEN AT HOME WASHINGTON	LIVE? A.AT HOME — WASHINGTION CITY, WASHINGTON	LIVE NOW AT HOME AT WASHINGTON CITY WASHINGTON
Q. WHERE WERE YOU LIVING IN THE FALL OF I857? A. I WAS LIVING AT WASHINGTON.	Q WHERE WERE YOU LIVING ~~<~~IN THE~~>~~ FALL OF 1857 {A}p I WAS LIVING WASHINGTON <TO THE BEST OF MY RECOLLECTION> .	COUNTY. Q. WHERE WERE YOU LIVING IN THE FALL OF I857? A. I WAS LIVING IN **WH~~H~~**ASHINGTION**,** THE BEST I CAN RECOLLECT. ~~Q. WHERE WERE YOU LIVING IN THE FALL OF '57~~	COUNTY WHERE LIVING IN THE FALL OF 1857 I WAS LIVING IN WASHINGTON BEST I CAN RECOLLECT
Q. DO YOU RECOLLECT THE CIRCUMSTANCE OF THE	QDO YOU RECALL CIRCUMSTANCE S OF THE	Q. DO YOU RECOLLECT THE CIRCUMSTANCE S OF THE	DO YOU RECALL THE CIRCUMSTANCE S OF THE

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RT	RS	BT	PS
MURDER OF THE EMIGRANTS AT THE MOUNTAIN MEADOWS? A. I DO SOME OF IT, BUT IT IS A LONG TIME AGO.	MURDER OF THE EMIGRANTS AT THE MOUNTAIN MEADOWS {A}p I DO SOME THOUGH IT IS LONG TIME AGO	MURDER OF THE EMIGRAN~~T~~S AT THE MOUNTAIN MEADO~~S~~WS? A. I DO SOME OF IT~~.~~, THOUGH IT IS A LONG TIME AGO. I RECOLLECT SOMETHING ~~A A~~BOUT IT. Q. JUST ANSWER THE QUESTIONS , THAT IS ALL.	MURDER OF THE EMIGRANTS AT MOUNTAIN MEADOWS I DO SOME OF IT ~ LONG TIME AGO I RECOLLECT SOMETHING ABOUT IT. [*space*] JUST ANSWER THE QUESTIONS THAT IS PUT ~
Q. WERE YOU THERE. PRESENT MR. YOUNG?	QWERE YOU THERE PRESENT MR. YOUNG?	WERE YOU ~~THERE~~ PRESENT THERE AT THAT TIME? A. I WAS IN	WERE YOU THERE PRESENT AT THAT TIME I WAS WITHIN ~~THESE~~ ~
A. I WAS, I SUPPOSE	{A}i I WAS I SUPPOSE <MAYBE 150 TO 200 YARDS FROM THE EMIGRATION>	SIGHT OF IT I SUPPOSE**,** MAY BE A HUNDRED AND FIFTY OR TWO HUNDRED YARDS FROM THE E MIGRATION.	SIGHT OF IT ~ I SUPPOSE MAYBE 150 OR 200 YARDS FROM THE EMIGRATION
Q. DO YOU RECOLLECT THE NAMES OF ANY OF THE PARTIES THAT WERE THERE WITH YOU ?	[*space*] QDO YOU RECOLLECT NAMES OF ANY OTHER PARTIES THAT WERE THERE WIT YOU?	Q. DO YOU RECOLLECT THE NAMES OF ANY OTHER PARTIES THA T WERE THERE WITH YOU AT THAT TIME? A. WELL,	[*space*] DO YOU RECOLLECT THE NAMES OF ANY OTHER PARTIES THAT WERE THERE WITH YOU [*space*]
A. WELL, AT THAT TIME, AT THE MOUNTAIN MEADOWS. Q. YES, DURING THE FOUR OR FIVE DAYS THAT YOU WERE THERE WHO	AWELL AT THAT TIME AT MOUNTAIN MEADOWS THOSE 4 OR 5 DAYS Q YOU WERE THERE {WHOM	AT THAT TIME AT THE MEADOWS, THESE FOUR OR FIVE OR SIX— Q. YOU WERE THERE — WHOM	RIGHT AT THAT TIME AT THE MEADOWS IN THOSE FOUR FIVE DAYS YOU WAS THERE

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RT	RS	BT	PS
DID YOU SEE? A. I REMEMBER SEEING JOHN D. LEE,JOHN M. HIGBEE, AND BISHOP SMITH. Q. DON'T YOU RECOLLECT ANY OTHERS — WE WANT THE NAMES OF ALL THAT YOU CAN RECOLLECT— GIVE THE NAMES OF ALL THAT WERE RIGHT WITH YOU?	DID YOU SEE}^{p} $_{A}$I REMEMBER SEEING JOHN D. LEE J M HIGBEE BISHOP SMITH. $_{Q}$DON'T YOU RECOLLECT ANY OTHERS WANT THE NAMES OF ALL YOU RECOLLECT. THEM THAT CAME WITH ME <WHETHER THEY CAME ALONG OR NOT> RIGHT, THEM THAT CAME WITH YOU <ALL THAT YOU SAW THERE> $_{A}$I	DID YOU SEE? A. I RECOLLECT OF SEEI~~J~~NG JOHN D. LEE AND JOHN, M. HIGBEE. AND BISHOP SMITH. Q. DON'T YOU RECOLLECT ANY OTHERS— I WANT THE NAMES OF ALL YOU RECOLLECT? A. THEM THAT CAME WITH ME? Q. WHETHER THEY CAME WITH YOU OR NOT ALL THAT YOU SAW THERE? A. I	I RECOLLECT OF SEEING JOHN D. LEE AND JOHN HIGBEE AND BISHOP SMITH DON'T YOU RECOLLECT ANY OTHERS ~ I WANT THE NAMES OF ALL YOU RECOLLECT THEM THAT CAME WITH ME? WHETHER THEY CAME WITH YOU OR NOT ALL THAT YOU SAW THERE I
A. I RECOLLECT SEEING A MAN BY THE NAME OF JAMES MANGRAM, AND A MAN BY THE NAME OF SLADE. *[218]* Q. WHO ELSE DID YOU SEE ? A. THERE WAS ONE JOHN CLARK THERE. Q. DID YOU SEE WILLIAM STEWART	RECALL SEEING MAN BY NAME JAMES MANGRAM {AND A}^{p} MAN BY NAME OF SLADE $_{Q}$ WHOM ELSE DID YOU SEE $\{_{A}\}^{p}$ THERE WAS ONE JOHN CLARK THERE $_{Q}$DID YOU SEE WILLIAM STEWART	RECOLLECT SEEING A MAN BY THE NA ME OF JAM~~ZO~~ES MANGRA~~M~~, AND A MAN BY THE NAME OF SLADE.[237] Q. WHO ELSE? A~~?~~ THERE WAS ONE JOHN CLARK THERE. Q. DI D YOU SEE WILLIAM STEWART	RECOLLECT OF SEEING A MAN BY THE NAME OF JAMES MANGRAM I BELIEVE MAN BY THE NAME OF SLADE WHO ELSE THERE WAS ONE JOHN CLARK THERE DID YOU SEE WILLIAM STEWART

237. There are two Slades known to be at the massacre: William Rufus Slade Sr. and William Slade Jr.

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RT	RS	BT	PS
THERE ? A. NOT IN THE CAMP. Q. DID YOU SEE HIM ON THE GROUND ? A. I THINK I SAW HIM ONCE. Q. WHO ELSE DID YOU SEE ? A. I THINK I SAW STEWART.	THERE NOT IN CAMP {Q}[p]DID YOU SEE HIM ON THE GROUND {A}[p]I THINK I SAW HIM ONCE Q WHOM ELSE DID YOU SEE ON THE ≤GROUND≥ {A}[p]I THINK I SAW STEWART ONCE ≤AS HE RAN≥ PAST	THERE? A. NOT IN CAMP, I DIDN'T. *[50]* Q. DID YOU SEE HIM THERE ON THE GROUND? A. I THINK I SAW HIM ONCE. Q. WHO ELSE DID YOU SEE ON THE GROUND? A. I THINK I SAW STEWART ONCE — ONCE AS HE RAN PAST.. Q. WHO ELSE? A. I DON'T KNOW AS I CAN RECOLLECT. Q.	THERE NOT IN CAMP I DIDN'T DID YOU SEE HIM THERE ON THE GROUND I THINK I SAW HIM ONCE WHO ELSE DID YOU SEE ON THE GROUND I THINK I SAW STEWART ONCE AS HE RAN ON PAST WHO ELSE I DON'T KNOW AS I CAN RECOLLECT
Q. DID YOU SEE GEORGE ADAIR ? A. I DON'T RECOLLECT. Q. DID YOU SEE GOERGE ADAIR ? A. I THINK I SAW GEORGE ADAIR AT ONE TIME IN THE CAMP. Q. DID YOU SEE JOHN WILLIS ? A. NO SIR. Q. DID YOU SEE JOHN MACFARLANE ? A. NOT TO RECOLLECT HIM. Q. DID YOU SEE HIM ON THE GROUND ? ~~A. I THINK I SAW HIM ONCE~~ A. I	DID YOU SEE GEORGE ADAIR {A}[p]I DON'T RECOLLECT. Q DID YOU SEE GEORGE ADAIR {A}[p]I SAW GEORGE ADAIR *IN*[?] {AT ONE TIME}[p] OF TIME CAMP. QDID YOU SEE JOHN WILLIS {A}[p]NO SIR {Q}[p]DID YOU SEE JOHN MACFARLANE {A}[p]NOT TO RECOLLECT HIM QDID YOU SEE HIM ON THE GROUND {A}[p]I	DID YOU SEE GEORGE ADAIR THERE? A. I DON'T RECOLLECT. Q. DID YOU SEE GEORGE ADAIR? ~~A.?~~ A. NOT AT THE TIME AT THE CAMP. Q. DID YOU SEE JOHN WILLIS? A. NOT THAT I RECOLLECT OF. Q. JOH N MC FARLANE? A. NOT TO RECOLLECT HIM. Q. DID YOU SEE HIM ON THE GROUND? A.	DID YOU SEE GEORGE ADAIR THERE I SAW GEORGE ADAIR ONE TIME TO THE CAMP [*space*] JOHN WILLIS NOT THAT I RECOLLECT OF JOHN MC FARLANE NOT TO RECOLLECT HIM DID YOU SEE HIM ON GROUND

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RT	RS	BT	PS
SAY I DON'T RECOLLECT SEEING HIM. Q. JUST REFRESH YOUR MEMORY ? A. I DON'T KNOW AS I WOULD HAVE KNOWN HIM IF I HAD SEEN HIM. Q. DID YOU SEE MR. WILLIAM HAWLEY THERE ? A. NOT THAT I RECOLLECT OF. Q. WHAT DID YOU SEE JOHN D. LEE DOING THERE ? A. FROM THE TIME I CAME THERE UP TO THE TIME — ——— Q. GO ON ? *[219]* A. I WILL IF YOU WILL GIVE ME TIME, AS MY LUNGS ARE BAD. Q. TELL ME WHAT YOU SAW JOHN D. LEE DOING THERE ?	SAY I DON'T RECOLLECT SEEING HIM $_{Q}$ JUST REFRESH YOUR MEMORY $_{A}$I DON'T KNOW AS I WOULD HAVE KNOWN HIM IF I HAD SEEN HIM <I WASN'T PERSONALLY ACQUAINTED WITH HIM> $_{Q}$ DID YOU SEE MR. WILLIAM HAWLEY THERE $_{A}$NOT THAT I RECOLLECT OF $_{Q}$WHAT DID YOU SEE JOHN D. LEE DOING THERE $\{_{A}\}^{p}$ FROM THE TIME I CAME THERE TO THE TIME $\{_{Q}$GO ON GO ON$\}^{p}$ WILL IF YOU WILL GIVE ME TIME = MY LUNGS ARE BAD $_{Q}$TELL ME WHAT YOU SAW JOHN D. LEE DOING THERE	I DON'T RECOLLECT SEEING HIM. Q. JUST REFRESH YOUR MEMORY. A. I DON'T AS I WOULD NOT KNOW HIM IF I HAD SEEN HIM. I WASN'T PERSONALLY ACQUAINTED WITH HIM.. Q. DID YOU SEE MR. WILLIAM HOLLE~~R~~Y THERE? A. N OT THAT I RECO LLEC~~O~~**T** OF. Q. WHAT DID YOU SEE JOHN D. LEE DOING THERE? A. FRO~~J~~M THE TIME I GOT THERE? A. YES, ALL THE ~~TM~~ETI~~,~~ME. A. FROM THE TIME I CAME THERE UP TO THE TIME — Q. GO ON, GO ON. A. WELL, IF YOU WILL GIVE ME TIME, MY LUNGS ARE ~~BD~~ **BAD.** Q. STATE WHAT YOU SAW JOHN D. LEE DOING THERE—	I DON'T RECOLLECT SEEING HIM REFRESH YOUR MEMORY I DON'T KNOW AS I WOULD HAVE KNOWN HIM IF I HAD SEEN HIM I WASN'T PERSONALLY ACQUAINTED WITH HIM DID YOU SEE WILLIAM HAWLEY THERE NOT THAT I RECOLLECT OF WHAT DID YOU SEE JOHN D. LEE DOING THERE FROM THE TIME I GOT THERE ~~?~~ YES ALL THE TIME ~~<~~(WITNESS)~~>~~ GIVE ME TIME MY LUNGS IS WEAK[238] [*space*] ~~<~~(WITNESS)~~>~~ WOULD YOU WISH TO KNOW

238. "MY LUNGS IS WEAK" is circled.

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RT	RS	BT	PS
	<FROM THE TIME I GOT THERE = COUNSEL YES ALL THE TIME>		HOW I CAME TO COME THERE
ANSWER THE QUESTION I ASKED YOU — WHAT YOU SAW HIM DOING ?	ANSWER QUESTION I ASKED YOU WHAT YOU SAW HIM DOING	ANSWER THE QUESTION I ASK YOU — WHAT **WAS** JOHN D. LEE DOING ~~H~~THERE, AND NOT WHAT HE SAI D?	*[[36]]* NO JUST ANSWER THE QUESTION WHAT YOU SAW JOHN D. LEE DOING THERE AND NOT[239] WHAT HE SAID
A. WELL SIR, ? I SAW HIM AROUND THE CAMP THERE FOR SEVERAL D~~Z~~AYS.	{A}[p] WELL SIR I SAW HIM AROUND {THERE}[i] THE CAMP THERE FOR SEVERAL DAYS.	A. WELL, SIR I **R**EMAINED AROUND THE CAMP FIRE FOR SEVERAL DAYS. THE THIN~~K~~G HAD BEEN GOING ON I SUPPOSE FOR SEVERAL DAYS	[*space*] WHAT YOU SAW HIM DO I SAW HIM AROUND THE CAMP THERE. THE THING HAD BEEN GOING ON I SUPPOSE FOR SEVERAL DAYS
WHEN I CAME UP THERE I SPOKE TO HIM.	WHEN I CAME UP {THERE}[p] I SPOKE TO HIM	WHEN I CAME UP THERE—UP TO THE CAMP I SPOKE TO HIM**,** — IF IT IS IN ORDER**,** TO TELL ME——Q. WHAT	WHEN I CAME UP THERE UP THERE TO THE CAMP I SPOKE TO HIM ~ IF IT IS IN ORDER TO TELL ME ~ WHAT
I DIDN'T SEE HIM DO ANYTHING OF CONSEQUENCE.	<Q WHAT DID YOU SEE HIM DO THERE> A I DIDN'T SEE HIM DO ANYTHING OF CONSEQUENCE.	DID YOU WEE HIM DO? A. I DIDN'T SEE HIM DO ANYTHING OF CONSEQUENCE. I	YOU SAW HIM DO
Q. DID YOU SEE THE FLAG OF	<I ONLY SAW HIM PASSING AND REPASSING> Q DID YOU SEE THE FLAG OF	ONLY SAW HIM PASSING AND REPASSING. Q. DID YOU SEE THE FLAG OF	I ONLY SAW HIM PASSING AND REPASSING DID YOU SEE THE FLAG OF

239. Word possibly added later.

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RT	RS	BT	PS
TRUCE THERE ? A. I SAW ONE THE DAY THE SLAUGHTER TOOK PLACE. Q. WHO HAD THAT ? A. IT WAS A GENTLEMAN I HAVE SEEN PREVIOUS TO THAT; I WAS A DISTANCE OFF ON THE SIDE OF THE HILL; I SAW HIM BUT COULD NOT CALL HIS NAME. BATEMAN, THINK IT WAS SOMETHING LIKE THAT. Q. DID YOU SEE LEE ON THE DAY OF THE SLAUGHTER ? A. I WAS GOING TO TELL YOU; I STARTED TOWARDS THE WAY GOING	TRUCE THERE {A}[P]I SAW ONE DAY THE SLAUGHTER TOOK PLACE Q WHO HAD THAT ~~≤~~FLAG~~≥~~ {A}[P] IT WAS ~~≤~~**A**~~≥~~ GENTLEMAN I HAD NOT SEEN PREVIOUS TO THAT, I WAS DISTANCE OFF ON THE SIDE OF A ~~LITTLE~~ HILL THERE, I SAW HIM, COULD NOT CALL HIS NAME ~~≤~~BATEMAN~~≥~~ I THINK IT WAS SOMETHING LIKE ~~≤~~BATEMAN~~≥~~ Q DID YOU SEE LEE {ON THE}[P] DAY OF {THE}[P] SLAUGHTER A I WAS GOING TO TELL YOU SAW HIM TAKE SOMETHING LIKE A RAG> **OF** **A** STICK STARTED TOWARDS OVER THERE GOING <WHERE THEY TOWARDS THE EMIGRANTS AND ONE MAN CAME	TRUCE THERE? A. I SAW ONE THE DAY THE SLAUGHTER TOOK PLACE. Q. WHO HAD THAT FLAG? A. IT WASA GENT~~M~~LEMAN I HAD SEE~~H~~N PREVIOUS TO THAT. I WAS A DISTANCE OFF ON THE SIDE OF THE HILL — LITTLE HILL THERE — I SAW HIM**,** I ~~W~~COULD NOT CALL HI~~M~~S NAME. I THINK IT WAS SOM~~I~~ETHING LIKE BATEMAN. *[5I]* Q. DID YOU SEE LEE ON THE DAY OF THE SLAUGHTER? A. I SAW HIM TAKE SOMETHING LIKE A RAG OFF A STICK AND START TOWARDS OVER WHERE THE WAGONS WERE**,** TOWARDS THE EMIGRANTS. ONE MAN	TRUCE THAT DAY I DID THE DAY THE SLAUGHTER TOOK PLACE ~~YES SIR~~ WHO HAD THAT FLAG THERE WAS A GENTLEMAN A DISTANCE OFF ON THE SIDE OF THE HILL I SAW HIM I COULD NOT CALL HIS NAME I THINK IT WAS SOMETHING LIKE BATEMAN DID YOU SEE LEE THE DAY OF THE SLAUGHTER I SAW HIM TAKE SOMETHING LIKE A RAG ON A STICK AND START TOWARDS *THE FONT/— OVER*[?] WHERE THE WAGONS WERE ~ TOWARDS THE EMIGRANTS ONE MAN

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RT	RS	BT	PS
TO MEET HIM. Q. WAS IT A WHITE FLAG ? A. IT SEEMED TO BE A WHITE RAG, OR SOMETHING OF THAT KIND. Q. DID YOU SEE LEE THAT DAY ? A. YES, I SAW HIM I THINK PASS; I CANNOT RECOLLECT THE TIME; HE WAS SOMETHING LIKE TWO OR THREE HUNDRED YARDS, AMONGST THE MEN.	FROM THE CAMP> MEETING TO HIM Q WAS IT WHITE FLAG A SEEMED TO BE ≤WHITE RAG≥ OR SOMETHING I WAS GOOD WAYS <SEVERAL HUNDRED YARDS> OFF Q DID YOU SEE LEE THAT DAY {A}P YES I SAW HIM I THINK PASS [[28]] <WHAT WAS HE DOING> A I CAN RECALL TIME THAT HE WAS SOMETHING LIKE 2 300 HUNDRED YARDS AMONGST MEN <THAT WENT DOWN WITH HIM> WHEN THESE TWO MEN WAITED *AND HE*[?] THEN SENT DOWN AND ONE CAME OUT	FROM THE CAMP CAME AND MET HIM. ~~A.~~**Q** AT THIS DISTANCE — WAS IT A WHITE FLAG~~.~~**?** A. YES, SI R, IT HAD A WHITE APPEARANCE, WHERE I WAS SEVERAL HUNDRED YARDS OFF. Q. DID YOU SEE LEE T~~H~~AT DAY? A. I SAW HIM I T~~H~~ ~~IJK~~ THINK T**H**AT DAY. Q. WHAT WAS HE DOING? A. I THINK TO THE BEST OF MY RECOLLECTION HE HAD THAT FLAG — WENT A LONG WITH THEM;— THAT HE WAS SOMETHING LIKE TWO OR THREE HUNDRED YARDS OFF AMONG THE MEN THAT WENT DOWN WITH HIM, WHEN T~~HERE~~ THE~~R~~SE TWO MEN MET AND TOOK IT, THEN LEE WENT DOWN AND ANOTHER ONE WENT DOWN	FROM THE CAMP CAME MEETING TO HIM AT THIS DISTANCE WAS IT A WHITE FLAG YES SIR ~ IT HAD A WHITE APPEARANCE WHERE I WAS SEVERAL HUNDRED YARDS OFF DID YOU SEE LEE THAT DAY YES I SAW LEE THAT DAY WHAT WAS HE DOING I THINK BEST I CAN RECALL THAT HE HAD THAT FLAG WENT IN WITH THEM MEN THAT HE WAS SOMETHING LIKE 2 OR 3 HUNDRED YARDS UP AMONG THE MEN THAT WENT DOWN WITH HIM WHEN THESE TWO MEN MET AND TOOK IT THEN LEE WENT DOWN AND ANOTHER ONE

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RT	RS	BT	PS
JOHN D. LEE WENT BACK TO THE WAGONS AND THE WAGONS SEEMED TO BE PARTED, AS FAR AS I COULD SEE, A SPAN OF HORSES TO THE WAGON, ONE WAGON TO EACH SPAN. Q. DID YOU SEE HOW THEY CAME THERE ? A. JOHN D. LEE AND THE EMIGRANTS SEEMED TO BE LOADING SOMETHING INTO THE WAGONS. [220] Q. WHAT WAS IT ? A. I DON'T KNOW, BUT	<AND THEY TALKED = AND WHEN THEY HAD HAD **A** TALK. WHAT DID> LEE DO AFTER TALK $_{A}$WELL HE WENT BACK TO THE WAGONS AND THE WAGONS SEEMED TO BE PARTED AS FAR AS I COULD SEE A SPAN OF HORSES TO WAGON ONE TO EACH SPAN DID NOT SEE HOW THEY CAME THERE $_{A}$SAW JOHN D. LEE EMIGRANT LOADING IN SOMETHING INTO WAGONS $_{Q}$ WHAT WAS IT {I DON'T KNOW BUT}^{p} $_{A}$≤IT SEEMED TO BE CLOTHING	INTO THE CAMP AND THEY TALKED AND WHEN THEY HAD A TALK —— Q. WHAT DID LEE DO AFTER THE TALK? A. WELL , HE WENT ~~D~~BACK TO THE WAGONS — THE WAGONS SEEMED TO BE PARTED AS FAR AS I COULD SEE. THERE WAS A SPAN OF HORSES TO THE WAGON — ONE TO EACH WAGON AND E~~Z~~ACH SPAN DROVE UP. I DIDN'T SEE WHO THEY BELONGED TO. I SAW THEM THERE AND SAW JOHN D. LEE, AND THE EMIGRANTS LOADING SOMETHING INTO THEIR WAGONS. Q. WHAT W AS IT? A.IT SEEMED TO BE CLOTHING	*INTO*[?] CAMP AND THEY HAD A TALK AND WHEN THEY HAD A TALK ~ WHAT DID LEE DO AFTER THE TALK LEE HE WENT BACK TO THE WAGONS AND THE WAGONS SEEMED TO BE PARTED AS WELL AS I COULD ESTABLISH THERE WAS A SPAN OF HORSES AND TWO WAGONS ONE TO EACH SPAN DROVE UP I DIDN'T SEE WHOM THEY BELONGED TO I SAW THEM THERE AND SAW JOHN D. LEE, AND THE EMIGRANT LOADING IN SOMETHING INTO THE WAGONS [*space*] WHAT WAS IT [*space*] IT SEEMED TO BE CLOTHING

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RT	RS	BT	PS
THEY WERE LOADING THEM.	AND TRAPS~~>~~ THEY WERE LOADING IT.	AND TRAPS; I COULD N~~O~~T TELL I WAS SO FAR OFF.	AND OTHER THINGS I COULD NOT TELL SO FAR OFF
AFTER THEY GOT LOADED LEE STARTED WITH THE WAGONS, ONE OF THEM; I SAW HIM WITH ONE.	$_{A}$AFTER THEY GOT LOADED AND LEE STARTED WITH WAGONS = ONE OF THEM I SAW HIM BUT DON'T	AFTER THEY GOT LOADED**,** LEE STARTED WITH THE WAGONS, ONE OF THEM — I DON'T KNOW HOW MANY THERE WAS.	AFTER THEY GOT LOADED ON LEE STARTED WITH THE WAGON ONE OF THEM I DON'T KNOW WHO WHO WAS THE OTHER ~~AM NOT~~ WAS NOT ACQUAINTED
Q. WHAT WAS DONE AFTER THE TWO WAGONS YOU SPEAK OF LEFT THE CAMP — WHAT NEXT ?	WHAT WAS DONE AFTER TWO WAGONS YOU SPEAK OF LEFT {THE CAMP}^{p} WHAT NEXT	Q. WHAT WAS DONE AFTER THE~~W~~ TWO WAGONS YOU SPEAK OF LEFT THE CAM P — WHAT NEXT?	WITH HIM WHAT WAS DONE AFTER THE TWO WAGONS THAT YOU SPEAK OF LEFT [*space*]
A. THEN I COULD SEE THAT ALL THE LARGE CHILDREN WENT IN THERE AND	$_{A}$THEN $_{A}$I COULD SEE THAT HE *HAD*[?] CHILDREN WENT INTO	WHAT FOLLOWED THEN? A. I COULD ~~T~~SEE THAT HE HAD CHILDREN IN IT — THERE WAS CHILDREN IN THE WAGONS	WHAT FOLLOWED THEN [*space*] I COULD SEE THAT HE HAD CHILDREN IN IT THERE WAS CHILDREN IN THE WAGONS
I SOPPOSE SOME GROWN PERSONS. I ALLOWED WAS ONE WOUNDED.	I SUPPOSE SOME GROWN PERSONS I ALLOWED WAS SICK OR WOUNDED	AND I SUPPOSE SOME GROWN PERSONS THAT WERE SICK OR WOUNDED OR SOMETHING AND THEIR WAGONS	AND SOME I SUPPOSE SOME GROWN PERSONS THAT WAS SICK OR *[[37]]* WOUNDED OR SOMETHING AND OTHER WAGON
HE, LEE, STARTED OUT	HE STARTED OUT	FOLLOWED AND CAME	FOLLOWED AND CAME

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RT	RS	BT	PS
CROSS-WAYS FROM WHERE I WAS. Q. AFTER THE WAGONS LEFT THE CORRALL, WHAT THEN ? A. HE DROVE OUT. Q. DID ANYBODY FOLLOW THE WAGONS ? A. THE WOMEN AND BOYS AND GIRLS, BIG ENOUGH TO TRAVEL AND SMALL CHILDREN. Q. AFTER THE WOMEN WHAT THEN ? A. THERE WAS THE MEN MARCHED OUT AND FOLLOWED THEM. Q. WHAT BECAME OF THESE WOMEN, THE CHILDREN AND THE MEN ? A. THEY MARCHED AND WENT ON TILL THEY STRUCK THE ROAD, I DIDN'T KNOW HOW FAR THE WAGONS WERE AWAY DOWN ON THE	CROSSWAYS FROM WHERE I WAS AFTER THE WAGONS LEFT CORRAL WHAT THEN $_{A}$HE DROVE OUT $_{Q}$DID ANYBODY FOLLOW WAGONS $\{_{A}\}^{p}$ WOMEN AND ~~CHILDREN~~ BOYS AND GIRLS BIG ENOUGH TO TRAVEL SMALL CHILDREN $_{Q}$ AFTER WOMEN WHAT THEN $\{_{A}\}^{p}$ THERE WAS THE MEN MARCHED OUT FOLLOWED THEM $_{Q}$ WHAT BECAME THESE WOMEN CHILDREN AND MEN $_{A}$ THEY MARCHED WENT ON UNTIL THEY STRUCK ROAD = I DON'T HOW FAR THE WAGONS WAS AWAY = DOWN ON THE	CROSSWISE. **Q** = **A**FTER THE WAGONS LEFT THE CO~~L~~RRALS, WHAT THEN? A. HE DROVE OUT. Q. DID ANYBODY FOLLOW THE WAGONS? A. WOMEN AND BOYS AND GIRLS BIG ENOUGH TO TRAVEL, AND SMALL CHILDREN. Q. AFTER THE WOMEN , WHAT THEN? A. THERE WAS THE MEN MARCHED OUT — FOLLOWED THEM. Q. ~~H~~W**H**AT BECAME OF THESE WOME~~S~~**N** AND CHILDREN AND ~~AM~~ MEN? A. THEY *[52.]* MARCHED— WENT ON TILL THEY STRUCK THE ROAD. I DON'T KNOW HOW FAR THE WAGONS WAS AWAY. DOWN ON THE	CROSSWISE [*space*] AFTER THEY LEFT THE CORRALS WHAT THEN HE DROVE OUT [*space*] DID ANYBODY FOLLOW THE WAGONS WOMEN AND BOYS AND GIRLS BIG ENOUGH TO TRAVEL AFTER THE WOMEN WHAT THEN THERE WAS THE MEN MARCHED OUT [*space*] WHAT BECAME OF THESE WOMEN CHILDREN AND MEN $_{A}$ THEY MARCHED ON AND WENT ON UNTIL THEY STRUCK THE ROAD THAT LEAD TO CEDAR I DON'T KNOW HOW FAR THE WAGONS WAS AWAY DOWN ON THE

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RT	RS	BT	PS
CALIFORNIA ROAD, BUT THEY WAS MARCHING PAST ON THAT WAY, UP OPPOSITE THE CAMP AT THE SPRINGS WHERE I HAD STOPPED. I WAS WALKING ALONG; DIDN'T NOTICE PARTICULARLY HOW THE TROUBLE COMMENCED; AFTER I GOT THERE I WALKED ALONG	CALIFORNIA ROAD BUT THEY WAS MARCHING UP PAST ON THAT WAY GOT UP OPPOSITE CAMPS THE SPRINGS WHERE I HAD STOPPED; I WAS WALKING ALONG. DIDN'T NOTICE PARTICULARLY HOW THEY WERE TRAVELING {**&**}[i] GOT THERE, I WALKED ALONG	CALIFORNIA ROAD. THEY WAS MARCHING UP; WHEN THEY GOT UP AND PASSED THE CAMP AT THE SPRINGS WHERE I HAD STOPPED, I WAS WALKING ALONG, I DIDN'T NOTICE PARTICULARLY HOW THEY TRAVELED AND GOT THERE; I WALKED AROUND , AND STAYED A WHILE THERE ;	CALIFORNIA ROAD THEY WERE MARCHING UP WHEN THEY GOT UP OPPOSITE THE CAMP AT THE SPRINGS WHERE I HAD STOPPED I WAS WALKING ALONG I DIDN'T NOTICE PARTICULARLY HOW THEY TRAVELED TO GO THERE WALKED AROUND SIDE OF A HILL THERE
FOLLOWED ON, WITH THE CALCULATION THAT WE WOULD STOP AROUND OR OPPOSITE WHERE THE CAMP HAD BEEN TO THE SPRING; I WAS WALKING ALONG	FOLLOWED ON WITH CALCULATION ~ WE GOT AROUND OPPOSITE WHERE THE CAMP HAD BEEN TO THE SPRING. I WAS WALKING ALONG	FOLLOWED ON WITH THE C~~L~~A**L**CULATION **OF —** — WE GOT ON AROUND PAST WHERE THE CAMP HAD BEEN**,** AND WAS AT THE SPRING. I WAS WALKING ALONG **THE** SIDE **HILL**	FOLLOWED ON WITH THE CALCULATION ~ WE GOT ON AROUND OPPOSITE WHERE THE CAMP HAD BEEN AND WAS AT THE SPRING AND I WAS WALKING ALONG
STUDYING ON SUCH THINGS Q. NEVER MIND ABOUT THAT — STATE WHAT	STUDYING ABOUT SUCH THINGS **Q** NEVER MIND ABOUT THAT {STATE WHAT	STUDDYING OVER SUCH THINGS——Q. NEVER MIND ABOUT THAT TELL US WHAT	STUDYING *OVER*[?] SUCH THINGS ~ [*space*] TELL US WHAT

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RT	RS	BT	PS
TOOK PLACE ? A. I WAS GOING TO TELL YOU WHAT WAS DONE; WHEN THE FIRST GUN WAS FIRED. *[221]*_____	TOOK PLACE}^{p} $_{A}$ I WAS GOING TO TELL YOU WHAT WAS DONE ~~=~~I HEARD GUNS FIRE~~=~~ I WHEN GUN FIRST FIRED = INTERRUPTED BY CAREY.	WAS DONE? A. I WAS GOING TO TELL YOU WHAT ~~S~~WAS DONE. I HEARD GUNS FIRING. I DON'T KNOW ~~WHOW~~ **HOW** TO TELL IT.	WAS DONE I WAS GOING TO [*space*] I HEARD GUNS FIRE I DON'T KNOW TO TELL IT [*space*] YOU SAW WHEN THE GUNS WERE FIRED
Q. WHO FIRED THE GUN ? A. I DO NOT KNOW. Q. WHO WAS THERE? A. I DON'T KNOW WHO FIRED THEM; I DIDN'T LOOK AT THEM.	$_{Q}$WHO FIRED GUN {$_{A}$}^{p}I DO NOT KNOW WHO WAS THERE $_{Q}$THERE I DON'T KNOW WHO FIRED THEM I WAS NOT LOOKING AT THEM	Q. WHO FIRED THE GUN~~D~~S? A. I DON'T KNOW. Q. HOW WAS THAT DONE? A. I DON'T KNOW WHO FIRED THEM, I DIDN'T LOOK AT THEM. Q. WAS IT WHITE MEN? A. I WAS NOT LOOKI~~N~~G AT	WHO FIRED THE GUNS I DON'T KNOW [*space*] WHO WAS THERE THEN I DON'T KNOW WHO FIRED THEM WAS IT WHITE MEN I WAS NOT LOOKING AT THEM [*space*]
Q. WHEN THESE MEN MARCHED OUT WHERE WERE THE FORCES — OR THE MEN WHO WENT WITH YOU ? A. I DIDN'T SEE ANYTHING OF THEM — NO SIR. Q. WERE YOUR TROOPS DRAWN UP IN LINE — I MEAN THE MEN — THOSE THAT WERE THERE ? A.	$_{Q}$WHEN THOSE MEN MARCHED OUT WHERE WERE THE FORCES OR THE MEN = WHO WENT WITH YOU {$_{A}$}^{p} DIDN'T SEE ANYTHING OF THEM $_{A}$NO SIR. $_{Q}$WERE YOU TROOPS DRAWN UP IN LINE MEN THOSE THAT WERE THERE $_{A}$	$_{Q}$WHEN THESE MEN MARCHED OUT, WHERE WERE YOUR MEN~~?~~ THAT MARCHED WITH YOU? A. THERE WAS BUT A FEW WITH ME. Q. WERE YOUR TROOPS DRAWN UP IN LINE? ~~A.~~ MEN— THOSE THAT WERE THERE? A.	WHEN THOSE MEN MARCHED OUT WHERE WERE YOUR MEN [*space*] MEN THAT MARCHED WITH YOU THERE WAS BUT FEW WITH ME [*space*] ~~THAT WERE~~ WERE YOUR TROOPS DRAWN UP IN LINE [*space*] MEAN THOSE THAT WERE THERE

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RT	RS	BT	PS
I DON'T KNOW, THERE WAS NOBODY STANDING AROUND WHERE I WAS. Q. DON'T YOU KNOW WHETHER OR NOT THERE WERE ANY MEN THERE ARMED THAT WENT WITH YOU ? A. THERE WAS A FEW MEN WITH ME — YES SIR. Q. YOU SAY A FEW WENT WITH YOU —	I DON'T KNOW THERE WAS NOBODY STANDING AROUND WHERE I WAS $_{Q}$DON'T YOU KNOW WHETHER THERE WERE ANY MEN THERE ARMED THAT WENT YOU $_{A}$THERE WAS FEW WENT WITH ME YES SIR FEW WENT WITH ME	I DON'T KNOW THAT THERE WAS ANYBODY STANDING AROUND WHERE I WAS. Q. DON'T YOU KNOW THAT THERE WE~~LL~~**S** ANY MEN THERE, ARMED**,** THAT WENT WITH YOU? A. THERE WAS A FEW MEN THAT WENT WITH M~~E~~, YES, SIR. Q. WERE THE MEN THAT WENT WITH YOU ARMED? A. YES, SI ~~R~~. Q.THOSE AROUND THERE? A. YES, SIR. Q.	I DON'T KNOW THAT THERE WAS ANYBODY STANDING AROUND WHERE I WAS DON'T YOU KNOW WHETHER WERE ANY MEN THERE ARMED WITH YOU [*space*] WERE THE MEN WENT WITH YOU ARMED YES SIR THOSE AROUND THERE TOO YES SIR
WHERE WERE THESE MEN WHEN THE COMPANY MARCHED OUT OF THE CORRALL ? A. I DON'T KNOW WHERE ANY OF THEM WAS; I WAS A SICK MAN. Q. WHERE WERE YOU FROM THAT CORRAL ? A. I GUESS I WAS ~~THERE~~ THREE OR FOUR HUNDRED YARDS. Q.	WHERE WERE THOSE MEN WHEN COMPANY MARCHED OUT OF CORRAL {$_{A}$}^{p}I DON'T KNOW WHERE ANY OF THEM WAS, I WAS SICK MAN $_{Q}$ WHERE WERE YOU FROM THAT CORRAL {$_{A}$}^{p}I GUESS I WAS 3 ~~<30>~~ OR FOUR HUNDRED YARDS. $_{Q}$	WHERE WERE THOSE MEN, THE ONES THAT HAD BEEN MARCHED OUT OF THE CORRAL? A. I DON'T KNOW WHERE A**N**Y OF THEM WAS — I WAS A SICK MAN Q. HOW FAR WERE YOU FROM THE C~~D~~ORR~~A~~AL? A I GUESS I WAS THREE OR FOUR HUNDRED YARDS OFF. Q.	WHERE WERE THOSE MEN AT THE TIME THEY MARCHED OUT OF THIS CORRAL I DON'T KNOW THERE WAS SICK MAN HOW FAR WERE YOU FROM THAT CORRAL I GUESS I WAS 3 OR FOUR HUNDRED YARDS *[[38]]*

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RT	RS	BT	PS
DID YOU SEE THESE EMIGRANTS WHEN THEY FELL ? A. NO SIR; SAW THEM SOON AFTER. Q. WHERE WERE THESE WHITE MEN YOU SAY YOU SAW THAT WERE ARMED ? A. RIGHT ALONG TOGETHER. Q. YOU HEARD THE WORD 'FIRE' ? A. I HEARD THE FIRE MORE OR LESS OF THEM, AND THEY WERE LYING THERE [222] DEAD. Q. HOW MANY OF THEM — HOW MANY DO YOU JUDGE THERE WERE ?	DID YOU SEE THOSE EMIGRANTS WHEN THEY FELL {A}pNO SIR SAW THEM SOON AFTER WHERE WERE THESE WHITE MEN YOU SAY YOU SAW WERE ARMED [[29]] {A}p RIGHT ALONG TOGETHER <THEY WERE ALL IN THERE TRAVELING CLOSE TOGETHER> Q YOU HEARD THE FIRE {A}p I HEARD FIRE MORE OR LESS OF THEM WERE LYING THERE DEAD QHOW MANY OF THEM, HOW MANY DO YOU JUDGE THERE *WERE*[?]	DID YOU SEE THESE EMIGRANTS— THESE MEN WHEN THEY FELL? A. NO, SIR. I SAW THEM ~~D~~SOON AFTER. Q. WHERE WERE THESE WHITE MEN YOU SAY ~~YOU SAW~~ WERE ARMED? A. THEY WERE ALL ALONG THERE TRAVELING CLOSE TOGETHER. Q. YOU HEARD THE FIRING DID N'T YOU? A. YES, SIR., BUT I DIDN'T [53] SEE THEM AT THE TIME. ~~Q. YOU DIDN'T~~ I DIDN'T SEE THE MEN UNTIL I SAW MORE OR LESS OF THEM LYING THERE DEAD. Q. HOW MANY DO YOU JUDGE THERE WERE LYING THERE DEAD? A.	DID YOU SEE THOSE EMIGRANTS THOSE MEN WHEN THEY FELL NO I SAW THEM SOON AFTER [*space*] WHERE WERE THOSE WHITE MEN THAT YOU SAY WERE ARMED THEY WERE ALL ALONG THERE TRAVELING CLOSE TOGETHER YOU HEARD THE FIRING DIDN'T YOU YES SIR I DIDN'T SEE THEM *DOWNED/AT THE TIME*[?] I DIDN'T SEE MEN UNTIL I SAW MORE OR LESS OF THEM DEAD HOW MANY OF THEM LYING THERE DEAD I

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RT	RS	BT	PS
		I DIDN'T SEE THE FIRING, I DON'T KNOW. Q. HOW MAN Y DO YOU JUDGE THERE WERE L~~I~~YING THERE?	DIDN'T SEE FIRING AND I DON'T KNOW [*space*] HOW MANY DO YOU JUDGE THERE WERE LOOKED LIKE THERE
A. I SUPPOSE MIGHT BE TWENTY OR THIRTY — I DIDN'T COUNT THEM. Q. DID YOU SEE ANY WOMEN KILLED THERE ? A. NOT RIGHT THERE I DIDN'T.	{$_{A}$}^{p}I SUPPOSE MIGHT BE 20 30 I DIDN'T COUNT THEM $_{Q}$DID YOU SEE ANY WOMEN KILLED THERE $_{A}$NOT RIGHT THERE I DIDN'T AT THE MEADOWS $_{A}$ ~~<~~**YES**~~>~~ $_{Q}$HOW	A. I SUPPOSE THERE MIGHT BE 20 OR 30 OR MORE, I DIDN'T COUNT THEM? Q. DID YOU SEE AN Y WOMEN LAYING THERE? ~~A~~. NOT RIGHT THERE. Q. AT THE MEADOWS? A. YES.	MIGHT HAVE BEEN 20 OR MORE DID YOU SEE ANY WOMEN KILLED NOT RIGHT THERE [*space*] ~~IN~~ AT THE MEADOWS [*space*] YES [*space*]
Q. HOW MANY OF THE EMIGRANTS ?	MANY OF THE EMIGRANTS <HOW MANY WOMEN IN YOUR JUDGMENT THERE WERE KILLED> I	Q. HOW MANY WOMEN IN YOUR JUDGMENT WERE THERE KILLIED? A. I	HOW MANY WOMEN IN YOUR JUDGMENT THERE WERE KILLED THERE
A. I WILL TELL YOU IF YOU WILL GIVE ME A CHANCE TO TELL. Q. HOW MANY WOMEN, IN YOUR JUDGMENT, WERE THERE KILLED THERE ?	WILL TELL YOU IF YOU WILL GIVE ME CHANCE TO TELL $_{Q}$ HOW MANY WOMEN IN YOUR JUDGMENT THERE *WERE*[?] KILLED THERE	WILL TELL **YOU** ~~ME~~, IF YOU WILL GIVE ME A CHANCE TO TELL YOU? ~~A~~**Q**. HOW MANY WOMEN ~~W~~ IN YOUR JUDGMENT WERE THERE KILLED THERE?	
A. I SAW THE INDIANS KILL AS MANY AS FOUR WOMEN; I THINK	{$_{A}$}^{p}I SAW THE INDIANS KILL AS MANY AS 4 WOMEN I THINK {$_{Q}$}^{i}	A. I SAW THE **I**NDIANS KILL AS MANY AS FOUR WOMEN, I THINK. Q.	I SAW THE INDIANS KILL AS MANY AS 4 WOMEN I THINK [*space*]

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RT	RS	BT	PS
NO CHILDREN, AND YET I THINK I SAW AN INDIAN KILL~~ED~~ AN INFANT CHILD A WOMAN HAD IN HER ARMS, BEFORE SHE FELL, WITH A KNIFE; I SAW THEM, THEY KILLED THE BOYS WITH ROCKS. I SAW AN INDIAN KILL A GIRL, ONE IN EACH HAND, THEY LEAD THEM UP IN SIGHT OF ME, LEAD THEM UP WITH THE BALANCE OF THE INDIANS AND I SAW NO MORE OF THEM. Q. WHERE WERE YOU WHEN THIS CHILD WAS KILLED WITH THE ROCKS ? A. ; I WAS PRETTY	ANY CHILDREN $_{A}$I SAW AN INDIAN KILL AN INFANT CHILD {A}^{p} WOMAN HAD IN HER ARMS BEFORE SHE FELL WITH KNIFE, AND I SAW THEM THEY KILLED BOY WITH ROCKS, I SAW AN INDIAN KILL GIRL, <I SAW AN INDIAN LEADING 2 GIRLS> ONE IN EACH HAND, ≤LED THEM UP IN SIGHT OF ME≥ LED THEM UP IN SIGHT OF ME LED THEM UP IN BALANCE OF INDIANS AND I SAW NO MORE OF THEM. <OF THE 2 LITTLE GIRLS I DON'T KNOW WHETHER HE KILLED THEM OR NOT> $_{Q}$WHERE WERE YOU WHEN THIS CHILD WAS KILLED WITH THE ROCKS {$_{A}$}^{p} I WAS PRETTY	ANY CHILDREN? A. I SAW AN **I**NDIAN KILL AN INFANT CHILD, THAT A WOMAN HAD IN HER ARMS BEFORE SHE FELL, WITH A KNIFE, AND I SAW THEM KILL A BOY WITH ROCKS. I SAW AN **I**NDIAN HOLDING TWO GIRLS ONE IN EACH HAND— HELD THEM UP IN SIGHT OF ME. Q. HOW WAS THAT? A. HE HELD THEM AMONG THE BALANCE OF THE **I**NDIANS AND I SAW NO MORE OF THE TWO LITTLE GIRLS. I DON'T KNOW WHETHER HE KILLED THEM OR NOT. Q. WHERE WERE YOU WHEN THIS CHILD WAS KILLED WITH A ROCK? A. I WAS PRETTY	ANY CHILDREN I SAW AN INDIAN KILL AN INFANT CHILD THAT A WOMAN HAD IN HER ARMS BEFORE SHE FELL ≤WITH A KNIFE≥ I SAW THEM KILL A BOY WITH ROCKS AND I SAW AN INDIAN LEADING TWO GIRLS ONE IN EACH HAND LED THEM UP IN SIGHT OF ME [*space*] —[?] *WAS*[?] THIS [*space*] HE LED THEM IN AMONG THE BALANCE OF THE INDIANS AND I SAW NO MORE OF THE TWO LITTLE GIRLS DON'T KNOW WHETHER HE KILLED THEM OR NOT [*space*] WHERE WERE YOU WHEN THIS CHILD WAS KILLED WITH A ROCK I WAS SOMETHING

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RT	RS	BT	PS
NEAR WHERE I SAID I SAW THE FIRING;	NEAR WHERE I SAID I WAS HOW FAR ~~<~~FROM WHERE THE CHILD WAS KILLED~~>~~ $_{A}$I	NEAR; WHERE I STOOD I SAW—— Q. HOW FAR FROM WHERE THE CHILD WAS KILLED? A. I	NEAR WHERE I ~~WAS~~ SAID I WAS [*space*] HOW FAR FROM WHERE THE CHILD WAS KILLED
I GUESS I WAS A HUNDRED YARDS AT THE TIME I ADVANCED A LITTLE FARTHER UP.	GUESS I WAS A HUNDRED YARDS AT TIME AND I ADVANCED LITTLE $_{Q}$FARTHER UP	GUESS I WAS PROBABLY A HUNDRED YARDS**,** AT THE TIME AND I ADVANCED A LITTLE. Q. HOW HIGH	PROBABLY HUNDRED YARDS OF IT ~~IN~~ ADVANCED HIGHER UP AND
Q. HOW WAS THAT DONE —	$_{Q}$HOW WAS THAT DONE	UP—A. I SAW THE **I**NDIANS KILL THE **WOMAN** ~~WOMA**E**N,~~ AND	SAW THE INDIANS KILLING WOMAN AND
HOW WERE THE WOMEN AND CHILDREN KILLED ? A. THE WOMEN WERE KILLED BETWEEN WEHRE THE MEN WAS AND THE WAGONS. THE WOMEN I SAW KILLED SEEMED TO MAKE A RUSH TOWARDS THE WAGONS. SEEMED TO RUN	HOW WERE WOMEN AND CHILDREN KILLED $\{_{A}\}^{p}$ WOMEN WERE KILLED BETWEEN WHERE MEN WAS AND WAGONS. WOMEN I SAW KILLED SEEMED TO MAKE RUSH TOWARDS WAGONS, SEEMED TO RUN	CHILD. Q. HOW WERE THE **WOMEN** ~~WOMA**E**N~~ AND CHILDREN KILLED? A. THE WOMEN WERE KILLED BETWEEN WHERE THE MEN WAS AND THE WAGON~~A~~**S**; THE WAGONS WERE AHEAD WHEN THE **I**NDI~~NA~~ANS MADE A RUSH AND THE WOMEN SEEMED TO COME BACK AS THOUGH COMING TO THE MEN. SEEMED	CHILDREN HOW WERE THE WOMEN AND CHILDREN KILLED THERE WAS WOMEN UP CLOSE WHERE I WAS THE WAGONS WERE AHEAD WOMEN WERE KILLED WHERE THE INDIANS MADE RUSH SEEMED TO ~~RUSH~~ RUN BACK AS THEY CAME TO THE MEN

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RT	RS	BT	PS
BACK AND SOME MORE INDIANS CUT ACROSS TO HEAD THEM OFF; THEY SEEMED TO RUN BACK; THE INDIANS I SAW THEM FOLLOWING AS THEY FIRST WENT ON TO THE GROUND. Q. THIS CHILD YOU SPOKE OF AS BEING KILLED BY A ROCK — WHAT WAS THAT A. THAT WAS A BOY. *[223]* Q. HOW OLD A BOY ? A. WHY HE LOOKED LIKE HE WAS THIRTEEN YEARS OLD. Q. HOW WAS THE CHILD KILLED , OR THE BOY? A. WHEN THE INDIANS	BACK SOME MORE INDIANS CUT ACROSS TO HEAD OFF THEM AND THEY SEEMED TO RUN BACK, INDIANS I SAW THEM FOLLOWING UNTIL WENT ONTO GROUND. THIS CHILD YOU SPOKE OF AS BEING KILLED BY ROCK $_{Q}${WHAT WAS THAT}^{p} $_{A}$THAT WAS A BOY $_{Q}$HOW OLD A BOY {$_{A}$}^{p} WHY HE LOOKED LIKE HE WAS 13 YEARS OLD $_{Q}$HOW WAS CHILD {KILLED}^{p} OR THE CHILD THE BOY ~~$_{A}$~~ WHEN THE INDIAN	MORE **I**NDIANS CUT ACROSS TO HEAD THEM OFF AND THEY SEEMED TO RUN BACK— THEY CUT ACR~~O~~SS THEM, AND I SAW THESE MEN FOLLOWING THEM THROWING ROCKS AT THEM. *[54]* AND I SAW ONE F~~E~~A**A**LL FROM THE ROCKS AND LAID ON THE GROUND AS THOUGH SHE WAS DEAD. Q. THESE CHILDREN YOU SPEAK OF AS BEING KILLED, WERE THEY ROCKED? A. I SAW A CHILD ON THE GROUND, THAT WAS A BOY. Q. HOW OLD A BOY? A. WHY, HE LOOKED LIKE HE WAS I3 YEARS OLD. Q. YOU SAW THE **CHILD** ~~CHILDREN~~ ON THE GROUND WHEN THE **I**NDIANS	SOME MORE INDIANS CUT ACROSS *TO*[?] HEAD [*space*] AS THEY RAN RUN BACK THEY CUT ACROSS THEM [*space*] THOSE MEN FOLLOWING THEM MADE ROCKS AT THEM AND I SAW THEM FALL FROM THE ROCKS AND LAID ON THE *[[39]]* GROUND AS THOUGH THEY WAS DEAD THIS CHILD YOU SPOKE OF BEING KILLED WITH A ROCK [*space*] WAS THE CHILD ON THE GROUND THAT WAS A BOY HOW OLD A BOY LOOKED LIKE HE WAS 13 YEARS OLD [*space*] SAW THE CHILD ON THE GROUND WHEN AN INDIAN

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RT	RS	BT	PS
STRUCK HIM WITH THE ROCK THE FIRST I SAW, HE TOOK A BIG ROCK AND CRUSHED IT INTO HIS BREAST.	STRUCK HIM WITH ROCK ₐFIRST I SAW HE TOOK A BIG ROCK AND CRUSHED IT INTO HIS BREAST. ₒ{AND}ᵖ REPEATED IT TWO THREE TIMES> HOW	STRUCK HIM WITH A ROCK? A. AS I SA~~Y~~W HE TOOK A BIG ROCK AND CRUSHED IT ON HIS BREAST, AND REPEATED IT TWO OR THREE TIMES. Q. HOW	STRUCK HIM WITH A ROCK FIRST I SAW HE TOOK BIG ROCK CRUSHED IT ON HIS BREAST AND REPEATED IT TWO OR 3 TIMES HOW
Q. HOW WAS IT ABOUT THE WOMEN — DID YOU SEE THE INDIANS KILL THEM —	WAS IT ABOUT THE WOMEN DID YOU SEE THEM KILL THEM;	WAS IT ABOUT THE WOMEN — COULD YOU SEE HOW THEY WERE KILLE~~D~~.**?** Q. I SAW THEM HURL ROCK**S** AT THEM BUT IT WAS SO FAR OFF.	WAS IT ABOUT THE WOMEN COULD YOU SEE HOW THEY KILLED THEM I SAW THEM MAKE ROCKS AT THEM BUT IT WAS SO FAR OFF
DID YOU SEE THEM AFTER THE MASSACRE WAS THROUGH ? A. AFTER THAT THE WOMEN, OR THE BODIES OF THE MEN AND THE WOMEN AND CHILDREN, I SAW SOME OF THEM ;	DID YOU SEE THEM AFTER MASSACRE WAS THROUGH ≤OVER≥ = THE WOMEN OR BODIES OF MEN WOMEN CHILDREN I SAW SOME OF THEM <DID YOU GO = HOW NEAR TO THEM> I WENT	Q. DID YOU SEE THEM AFTER THE MASSACRE WAS OVER — THE WOMEN, THE BODIES OF THE MEN, WOMEN AND CHILDREN? A. YES, SIR, I SAW SOME OF THEM. Q. DID YOU GO ~~HOW~~ NEAR TO THEM?	[*space*] DID YOU SEE THEM AFTER THE MASSACRE WAS THROUGH [*space*] THE WOMEN BODIES [*space*] YES SIR SOME OF THEM DID YOU GO NEAR ANY
I WENT NEARER AFTER THE AFFRAY WAS OVER THERE WERE SO MANY INDIANS.	NEAR{ER}ⁱ AFTER THE AFFRAY WAS OVER, THERE WAS ≤SO≥ MANY INDIANS = ≤**&** I PASSED≥ AND PASSED IN	A. I WENT AFTER THE AFFRAY WAS OVER THERE. THERE WAS SO MANY **I**NDIANS, AND I PASSED	I WENT AFTER THE *AFFRAY/AFFAIR*[?] WAS OVER AND STOOD

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RT	RS	BT	PS
	AMONG THE MEN MOMENT KILLING THE WOMEN, I DID NOT CONSIDER MYSELF EXACTLY SAFE FROM STRAY BULLETS.	AMONG THE MEN— THE EMIGRANTS KILLED AND THE WOMEN. I DIDNT CONSIDER MYSELF EXACTLY SAFE FROM STRAY BULLETS. I ADVANCED UP CLOSER TO AVOID ANY STRAY BULLETS. I TO**O**K CARE OF MYSELF. Q.	AMONG THE MEN I DIDN'T CONSIDER MYSELF EXACTLY SAFE OFF AS FAR AS I WAS I ADVANCED UP CLOSER TO AVOID ANY STRAY BULLETS TOOK CARE OF MYSELF
Q. WHEN YOU GOT THERE AFTER THE MASSACRE WAS OVER, WHAT KIND OF WOUNDS DID YOU SEE ON THE WOMEN ? A. I DIDN'T LOOK AT THEM, IT WAS A KIND OF HASTY AND HURRIED TIMES; A MAN DIDN'T HAVE TIME TO LOOK AT EVERYTHING. Q. WHAT DID YOU DO	WHEN YOU GOT THERE AFTER MASSACRE WAS OVER WHAT KIND OF WOUNDS DID YOU SEE ON WOMEN **A**I DIDN'T LOOK AT THEM IT WAS A KINDER HASTY HURRIED[240] TIMES **A** MAN DIDN'T HAVE TIME TO LOOK AT EVERYTHING <IT WAS QUICK TIME WITH THE INDIANS AND MEN>. WHAT DID YOU DO	WHEN YOU GOT THERE AFTER THE MASSACRE WAS OVER; WHAT KIND ~~OD~~ **OF** WOUNDS DID YOU SEE ON THE WOMEN AND CHILDREN? A. I DIDN'T LIKE TO LOOK AT THEM. IT WAS A KIND OF HASTY TIMES. A MAN DIDN'T HAVE TIME TO ~~K~~LOOK AT EVERY LITTLE THING THAT PASSED. IT WAS QUICK TIME WITH THE **I**NDIANS AND MEN. Q. WHAT DID YOU DO	WHEN YOU GOT THERE AFTER THE MASSACRE WAS OVER WHAT KIND OF WOUNDS DID YOU SEE ON THE CHILDREN AND WOMEN I DIDN'T THINK TO LOOK AT THEM IT WAS KIND OF HASTY TIMES MAN DIDN'T HAVE TIME TO LOOK AT EVERY LITTLE NOTION THAT PASSED IT WAS QUICK TIME WITH THE INDIANS AND MEN WHAT DID YOU DO

240. Word apparently added later.

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RT	RS	BT	PS
AFTER THE MASSACRE ? A. I THEN TURNED AND LOOKED AROUND, AND SAW A SICK MAN WITH HIS BLANKETS IN HIS ARMS. Q. DID YOU STAY THERE OR GO AWAY ? A. I WENT BACK WITH THE TRAIN. Q. DID YOU STAY THERE AFTER THE MASSACRE, OR WHERE DID YOU GO ? A. IT WAS LATE IN THE EVENING, I TURNED AROUND TO THAT SICK MAN COMING FROM THE CAMP AND CONCLUDED TO GO BACK TO THE CAMP AND	AFTER MASSACRE ~~A~~I THEN TURNED AND LOOKED AROUND AS IT WERE TOWARDS AND SAW THIS SICK MAN I SPOKE OF WITH HIS BLANKETS IN HIS ARMS I COULD HAVE TOLD YOU ~~<~~WHAT THE UNDERSTANDIN G WAS~~>~~ DID YOU STAY THERE OR GO AWAY *[[30]]* I WENT BACK WITH TRAIN <WITH THAT SICK MAN> ~~AQ~~DID YOU STAY THERE AFTER MASSACRE OR WHERE DID YOU GO ~~A~~IT WAS LATE IN EVENING I TURNED AROUND SAW THAT SICK MAN COMING FROM CAMP AND CONCLUDED TO GO BACK TO THE CAMP AND	AFTER THE MASSACRE? A. I THEN TURNED AND LOOKED AROUND AS IT WERE TOWARDS THIS SICK MAN I SP~~W~~EAK OF WITH HIS BLANKETS IN HIS ARMS. I COULD HAVE TOLD YOU WHAT THE UNDERSTANDIN G WAS——— Q. DID YOU STAY THERE OR GO WAY? A. I WENT BACK WITH THAT SICK MAN. Q. DID YOU STAY THERE AFTER THE MASSACRE OR DID YOU GO H~~I~~OME? A. IT WAS LATE IN THE EVENING. I TURNED AROUND AND SAW THAT SICK *[55]* MAN COMING FROM THE CAMP; AND I WENT TO HIM AND CONCLUDED WE WOULD GO BACK TO THE CAMP, AND	AFTER THE MASSACRE I THEN TURNED AND LOOKED UP AS IT WERE TOWARDS AND SAW THIS SICK MAN I SPOKE OF WITH HIS BLANKET IN HIS ARMS I COULD HAVE TOLD YOU WHAT THE UNDERSTANDIN G WAS ~ [*space*] DID YOU STAY THERE OR GO AWAY I WENT BACK WITH THAT SICK MAN DID YOU STAY THERE AFTER THE MASSACRE OR DID YOU GO HOME ~~A~~IT WAS LATE IN THE EVENING I TURNED AROUND AND SAW THAT SICK MAN GOING FROM THE CAMP AND WENT TO HIM CONCLUDED WE WOULD GO BACK TO THE CAMP AND

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RT	RS	BT	PS
THERE I STAYED THAT NIGHT, I THINK,BUT I CAN'T TELL MUCH ABOUT IT, AS I HAVE FORGOTTEN ALMOST ALL I SAW;AND I STAYED THERE ABOUT ALL THE TIME.	THERE STAYED THAT NIGHT I CAN'T TELL MUCH ABOUT IT AS FORGOT MOST ALL I SAW I STAYED THERE ABOUT ALL THE TIME <I FORGOT NEARLY ALL THAT HAS PASSED ON ACCOUNT OF WHOOPING OF INDIANS>	THERE I STAYED THAT ~~K~~NIGHT. I CAN'T TELL CLOSE ABOUT IT, AS I FORGOT MOST ALL I SAW, OR WHA T PASSED THROUGH THE WHOOPING OF THE **I**NDIANS.	THERE I STAYED THAT NIGHT I CAN'T TELL MUCH WHAT PASSED FROM THE WHOPPING OF THE INDIANS [*space*] **& C** WHICH *PULSATED*[?] MORE VIOLENCE
Q. HOW FAR WAS IT FROM WHERE YOU CAMPED TO WHERE THE MEN WAS MASSACRED *[224]* THAT IS AS TO DISTANCE; ? A. I COULD NOT TELL,BUT ABOUT TWO OR THREE OR FOUR HUNDRED YARDS. Q. DIDN'T YOU SEE THE BODIES NEXT MORNING ?	Q. HOW FAR WERE YOU FROM PLACE WHERE WOMEN WAS MASSACRED THAT NIGHT AS TO DISTANCE {A}P I COULD NOT TELL ABOUT 2 OR 3 **OR** FOUR HUNDRED YARDS Q DIDN'T SEE BODIES NEXT MORNING	Q. HOW FAR WERE YOU FROM THE PLACE WHERE THE **WOMEN** ~~EMIGRANTS~~ WERE MA~~C~~SSACRED THAT NIGHT? A. I COULD NOT TELL YOU.. I SHOULD JU~~S~~DGE ABOUT TWO OR THREE OR FOUR HUNDRED YARDS. Q. DID YOU SEE THE BODIES THE NEXT MORNING? A. NO, S~~O~~IR. Q. WHAT DID YOU	[*space*] HOW FAR WERE YOU FROM THE PLACE WHERE THESE WOMEN WERE MASSACRED THAT NIGHT I COULD NOT TELL YOU [*space*] JUDGE [*space*] 2 OR 3 OR FOUR HUNDRED YARDS *[[40]]* SEE THE BODIES NEXT MORNING NO SIR WHAT DID YOU

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RT	RS	BT	PS
A. NEXT MORNING I WENT DOWN TO LOOK AT THIS SICK MAN;	ANEXT MORNING I WENT DOWN HOME ≤I TOOK THIS SICK MAN≥ SOME OTHERS WAS ON THE WAY EXPECTED	DO NEXT MORNING? A. I WENT DOWN AND I ŦTOOK THIS SICK MAN TO THE WAGONS ON THE WAY WE WERE EXPECTED TO	DO NEXT MORNING WE WENT DOWN TO THE WAGONS ON THE WAY WE WERE EXPECTED TO
WHEN WE GOT OPPOSITE TO THE WAGONS WE WALKED OUT TO LO~~K~~OK	GO HOME, WHEN WE GOT DOWN OPPOSITE WAGONS WE WALKED OUT TO LOOK	GO HOME. WHEN WE GOT DOWN OPPOSITE THE WAGONS WE W ALKED OUT; WHAT FEW OF US WERE GOING TO SEE	GO HOME WHEN WE GOT DOWN OPPOSITE THE WAGONS WE WALKED OUT WHAT FEW OF US WAS GOING TO LOOK
HOW THEY WERE SITUATED;	HOW THEY WAS SITUATED ≤THE BODIES≥ NO *NEED/N*[?] WEST	HOW THEY WERE SITUATED. Q. THE BODIES?	HOW THEY WERE SITUATED [*space*] HOW BODIES [*space*] NO
I WALKED OUT TO SEE HOW THEY WERE FORTIFIED AND THEY HAD A PRETTY TOUCH PLACE.	OR SOUTH; I WALKED OUT HOW THEY WERE FORTIFIED HAD PRETTY TOUGH PLACE	A. I WALKED OUT TO SEE HOW THEY WERE SITUATED.	
		THE BODIES WERE HA LF A MILE FROM US. THE WAGONS WERE ON THE CALIFORNIA ROAD SOUTH OF WHERE THEY WERE KILLED. I WALKED DOWN THERE — WALKED DOWN TO SEE HOW THEY WERE,	THE BODIES WAS HALF A MILE TOWARDS THEM [*space*] THE WAGONS WAS ON THE CALIFORNIA ROAD SOUTH OF WHERE THEY WERE KILLED I WALKED DOWN THERE AND WALKED OUT SEE HOW THEY WERE FORTIFIED

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RT	RS	BT	PS
		AND I SAW THEY HAD DUG A HOLD IN THE GROUND.	I SAW THEY HAD DUG HOLE IN THE GROUND [*space*] IN THE CORRAL
Q. YOU MEAN YOU WENT TO THE CORRALL THEN ? A. YES SIR. Q. WHAT DID YOU FIND THERE ? A. I FOUND A CIRCLE OF WAGONS.	$_{Q}$YOU MEAN AS YOU WENT TO CORRAL THEN YES SIR WHAT DID YOU FIND THERE $_{A}$ I FOUND CIRCLE OF WAGONS WAGON SHEETS WAS GONE	Q. YOU MEAN YOU WENT TO THE CORRAL? A. YES, SIR. Q. WHAT DIE YOU FIND THERE? A. I FOUND A CIRCLE OF WAGONS, THE WAGON SHEETS WERE GON, I DIDN'T FIND ANY PROPERTY THERE. Q.	YOU MEAN ~~I~~ WHAT DID YOU FIND THERE I FOUND WAGON SHEETS GONE DIDN'T FIND ANY PROPERTY THERE [*space*]
Q. WHAT DID YOU DO THEN ? A. I STOPPED THERE A WHILE AND AFTER WE STOPPED THERE A WHILE WE CONCLUDED TO GO HOME. Q.	AFTER THAT WHAT DID YOU DO $\{_{A}\}^{p}$I STOPPED THERE WHILE AND AFTER WE STOPPED WHILE WE CONCLUDED GO HOME. $_{Q}$	AFTER THAT WHAT DID YOU DO? A. I STOPPED THERE A WHILE, AND AFTER WE STOPPED A WHILE I WENT R IGHT DOWNTHERE AWAY ~~FROM~~ FOR HOME. Q.	AFTER THAT WHAT DID YOU DO I STOPPED THERE A WHILE WENT OFF RIGHT DOWN THE ROAD DOWN FOR HOME
DID YOU SEE THE BODIES NEXT DAY ? A. NO SIR; I SAW THEM NO MORE AFTER I LEFT THAT EVENING. Q. DID YOU KNOW WHAT BECAME OF THE PROPERTY OF THE	DID YOU SEE BODIES NEXT DAY $\{_{A}\}^{p}$ NO SIR I SAW THEM NO MORE AFTER I LEFT THAT EVENING DID YOU KNOW WHAT BECAME OF PROPERTY OF $\{THE\}^{p}$	DID YOU SEE THE BODIES THE NEXT DAY? A. NO, SIR. ~~Q.~~ I SAW NO MORE OF T~~I~~**H**EM AFTER I LEFT THAT EVENING. Q. DOYOU KNOW WHAT BECAME OF THE PROPERTY OF THE	DID YOU SEE THE BODIES THE NEXT DAY NO SIR [*space*] DID NOT GO NEAR THEM [*space*] DO YOU KNOW WHAT BECAME OF THE PROPERTY

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RT	RS	BT	PS
EMIGRANTS ? A. I WILL TELL YOU ALL I KNOW ABOUT IT. I SAW SOME OF IT IN THE POSSESSION OF THE INDIANS AT WASHINGTON. Q. DO YOU KNOW WHAT BECAME OF THE PROPERTY THAT YOU SAY WAS TAKEN CARE OF ? ~~AS~~. A. AS I TOLD YOU I WAS GOING AROUND AMONG THE WAGONS; WHILE I WAS THERE WE CAME TO THE CONCLUSION — BUT IF YOU WANT TO KNOW WHAT I SEEN THERE I CAN TELL YOU; I SAW SOME MAN COMING DOWN WITH A FLAG; WHILE I WAS THERE, WE	EMIGRANTS $\{_{A}\}^{p}$ I WILL TELL YOU ALL $\{I\}^{p}$ KNOW ABOUT IT I $\{SAW\}^{p}$ HEARD SOME OF IT IN POSSESSION OF $\{THE\}^{p}$ INDIANS OF WASHINGTON Q DO YOU KNOW WHAT BECAME OF PROPERTY TAKEN CARE OF $\{_{A}\}^{p}$AS I TOLD YOU I WAS GOING AROUND AMONG WAGONS WHILE I WAS THERE WE CAME TO THE CONCLUSION = IF YOU WANT TO KNOW WHAT I SEEN THERE I CAN TELL YOU I SAW SOME MEN COMING DOWN VALLEY WHILE I WAS THERE WE	EMIGRANTS? A. I WILL TELL YOU ALL I KNOW ABOUT IT; I HEARD SOME OF THE CATTLE WAS GIVEN UP TO THE POSSESSION OF THE **I**NDIANS IN WASHINGTON. Q. THAT WAS ALL? A. YES, SIR. Q. DO YOU KNOW WHAT BECAME OF THE PROPERTY THAT WAS TAKEN CARE OF? A. ~~CIX~~ AS I TOLD YOU I WAS GOING AROUND AMONG THE WAGONS WHILE I WAS THERE. ~~WE CAME TO THE CONCLUSION~~ **WHILE WE WERE THERE WE CAME TO THE CONCLUSION** — ——— *[56]* ~~A.~~ IF YOU WANT TO KNOW WHAT I SEEN THERE I CAN TELL YOU. I SAW SOME M~~A~~EN COMING DOWN THE VALLEY WHILE I WAS THERE AND	ALL I KNOW ABOUT IT I HEARD SOME OF THE CATTLE AS WE I CAME UP IN THE POSSESSION OF THE INDIANS FROM WASHINGTON. THAT WAS ALL YES SIR DO YOU KNOW WHAT BECAME OF THE PROPERTY THAT WAS TAKEN THERE [*space*] ~~AS WE~~ I TOLD YOU I STOOD BY THE WAGONS WHILE I WAS THERE WE CAME TO THE CONCLUSION ~~I~~ YOU WANT TO KNOW WHAT I SEEN THERE I CAN TELL YOU I SAW SOME MEN COMING DOWN THE VALLEY WHILE I WAS THERE

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RT	RS	BT	PS
STOPPED TILL HE CAME UP; I SAW GENERAL DAME, ISAAC. C. *[225]* HAIGHT AND I WAITED TILL WE GOT TO THE PLACE, AND HAIGHT MADE THE LAMENTATION. AFTER THIS TOOK PLACE I DON'T KNOW ANYTHING WHAT WAS DONE WITH THE WAGONS NOR NO KIND OF PROPERTY THAT WAS THERE THEN. CROSS - EXAMINED	STOPPED UNTIL THEY CAME UP I SAW GENERAL DAME ISAAC **C** HAIGHT; I WAITED UNTIL THEY GOT TO THE PLACE, HAIGHT MADE A LAMENTATION AFTER THIS TOOK PLACE I DON'T KNOW ANYTHING WHAT WAS DONE BY WAGONS NO KIND OF PROPERTY THAT WAS THERE THEN. THAT IS ALL BY COURT TAKE WITNESS {~~**CROSS EXAMINATION**~~}[p] ~~**BISHOP**~~	WE STOPPED TILL THEY CAME UP; WHEN THEY CAME U;P I SAW GENERAL DAME, ISAAC C. HAIGHT. THEY RODE UP SITTING ON SOME MULES OR HORSES. I WAIT~~E~~D ~~WILL~~ **TILL** THEY GOT TO THE PLACE SITTING ON THE HORSES. HAIGHT MADE THE LAMANTATION ——— Q. YOU SAW DAME AND ~~A~~HAIGHT? A. AFTER THIS TOOK PLACE, A FEW OF US THERE WAS THAT LIVED BELOW THERE ~~I~~ WENT RIGHT OFF AN~~E~~**D H**I DON'T KNOW ANYTHING THAT WAS DONE WITH THE PROPERTY THAT WAS THERE THEN. ~~CROSS-EXAMINATION BY MR. BISHOP.~~	WHEN THEY CAME UP WHEN THEY CAME UP I SAW GENERAL DAME ISAAC **C** HAIGHT THEY RODE UP SITTING ON SOME MULES OR HORSES I WAITED UNTIL THEY GOT TO THE PLACE SITTING ON THE HORSES HAIGHT MADE QUITE *A/THE*[?] LAMENTATION [*space*] YOU SAW DAME AND HAIGHT AFTER THIS TOOK PLACE A FEW OF US THERE WAS THAT LIVED BELOW THERE WENT RIGHT OFF AND I DON'T KNOW ANYTHING WHAT WAS DONE WITH THE WAGONS NOR ANY KIND OF PROPERTY THAT WAS THERE THEN [*space*] ~~CROSS EXAMINATION~~

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RT	RS	BT	PS
Q. WHILE YOU WERE STANDING THERE AND WHILE LEE WAS STANDING THR~~R~~ERE DID YOU SEE ANY ONE TAKE A DISPATCH THERE ?	$_{Q}$WHILE YOU WAS STANDING THERE AND WHILE LEE WAS STANDING THERE DID YOU SEE ANY ONE TAKE DISPATCH THERE <OR READ OF ANY KIND>	Q. WHILE YOU WERE STANIDING THERE AND WHILE LEE WAS STANDING THERE DID YOU SEE A~~H~~NY ONE TAKE A DISPATCH THERE OR READING OF ANY KIND?	WHILE YOU WERE STANDING THERE AND WHILE LEE WAS IN WITH THOSE EMIGRANTS DID YOU SEE ANY ONE TAKE A DISPATCH ANYTHING OR WRITING OF ANY KIND [*space*] THE TIME HE WAS IN WITH THE EMIGRANTS
A. NO SIR I DID NOT.	$\{_{A}\}^{p}$ NO SIR I DID NOT	A. NO, SIR, I DID NOT.. Q. AND DID HAIGHT MAKE ANY REMARK?	NO SIR *[[41]]* I DID NOT [*space*]
Q. AT THE TIME HE WAS IN THE EMIGRANTS CAMP ? A. NO SIR, I DIDN'T SEE IT OR HEAR OF IT.	$_{Q}$AT TIME HE WAS IN WITH THE EMIGRANTS $_{A}$NO SIR DIDN'T SEE IT OR HEAR OF IT.	A. NO, SIR. Q. AT THE TIME YOU WAS IN WITH THE EMIGRANTS? A.NO, S~~IR~~. Q. **D**IDN'T SEE IT NOR HEAR OF IT? A. NOT THAT I KNOW OF. CROSS~~)~~- EXAMINATION	DIDN'T SEE IT NOR HEAR OF IT THAT I KNOW OF [*space*] CROSS EXAMINATION
SUTHERLAND: Q. HOW MANY DAYS WERE YOU THERE ?	~~<~~**CROSS-EXAMINATION SUTHERLAND**~~>~~ BY SUTHERLAND HOW MANY DAYS WERE YOU THERE $\{_{A}\}^{p}$ DID NOT HEAR HIM	BY MR. SUTHERLAND. Q.HOW MANY DAYS WERE YOU THERE? A. I DON'T HEAR HIM? Q. HOW MANY DAYS WERE YOU	BY SUTHERLAND [*space*] HOW MANY DAYS WERE YOU THERE
A. WELL	WELL	THERE? A. WELL,	

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RT	RS	BT	PS
SIR, I THINK I GOT THERE JUST A LITTLE BEFORE NIGHT; I CAN'T RECOLLECT THE EXACT DATE, AND I STAYED ALL NIGHT, I STAYED THE NEXT DAY AND THE NEXT NIGHT, AS FAR AS I CAN RECOLLECT, AND THE NEXT DAY. Q. WHERE DID YOU GO FROM WHEN YOU WENT THERE ? A. I WENT FROM WASHINGTON CITY TOWN Q.. AT WHOSE REQUEST ? A. WELL SIR, THERE WAS A MAN BY THE NAME OF — BISHOP PRESIDING, LEFT TO PRESIDE,	SIR I THINK I GOT THERE JUST LITTLE BEFORE NIGHT <**ONE** FULL DAY> CAN'T RECOLLECT EXACT DATE AND I STAYED ALL NIGHT AND I STAYED NEXT DAY AND THE NEXT NIGHT AS FAR AS I CAN RECOLLECT AND THE NEXT DAY THE THING TOOK PLACE $_{Q}$ WHERE DID YOU GO FROM WHEN YOU WENT THERE $\{_{A}\}^{P}$ I WENT FROM WASHINGTON CITY TOWN $_{Q}$AT WHOSE REQUEST WELL SIR THERE WAS MAN THERE BY NAME OF BISHOP PRESIDING LEFT TO PRESIDE	SIR I THINK I GOT THERE JUST A LITTLE BEFORE NIGHT ONE DAY ; I CAN'T RECOLE CT EXACTLY TO THE DATE AND I STAID ALL NIGHT; AND I STAID THE NEXT DAY AND THE NEXT NIGHT AS WELL AS I RECOLLLECT; AND THE NEXT DAY WHY, THE THING TOOK PLACE. Q. WHERE DID YOU COME FROM WHEN YOU WENT THERE? A. I WENT FROM WASHINGTION CITY — TOWN. — NOT MUCH OF A TOWN THEN. Q. AT WHOS**E** REQUEST? A. WELL, SIR, THERE WAS A MAN THERE BY THE NAME—— HE WAS PRESIDING— LEFT **TO** ~~IP~~ PRESIDE, —BY THE NAME OF	I THINK I GOT THERE WAS JUST A LITTLE BEFORE NIGHT ONE DAY I CAN'T RECOLLECT DAYS OR EXACTLY DAYS I STAYED ALL NIGHT AND I STAYED NEXT DAY AND THE NEXT NIGHT AS WELL AS I RECOLLECT AND THE NEXT DAY WHY THE THING TOOK PLACE WHERE DID YOU COME FROM WHEN YOU WENT THERE I WENT FROM WASHINGTON CITY TOWN NOT MUCH OF A TOWN THEN [*space*] AT WHOSE REQUEST THERE WAS A MAN THERE BY THE NAME OF HE WAS PRESIDING LEFT TO PRESIDE

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RT	RS	BT	PS
		PEARCE—KIND O F MADE THE	KIND OF OVER
BY THE NAME OF PEIRCE,[241] AND WHEN THE INDIANS HAD BECOME PRETTY MUCH EXCITED AROUND THERE IN THE SANTA CLARA———— BASKIN: WE OBJECT TO THE WITNESS STATING ANYTHING ABOUT THE EXCITEMENT OF THE INDIANS THAT	BY NAME OF PEARCE AND WHEN THE INDIANS HAD BEEN BECOME PRETTY EXCITED AROUND {SANTA CLARA}[p] BY BASKIN WE DID NOT ASK *[[31]]*[242] ANYTHING ABOUT EXCITEMENT OF INDIANS	PLACE—BY THE NAME OF PEARCE AND WHEN THE **I**NDIANS HAD BECOME VERY EXCITED AROUND—— BY MR:. BASKIN: WE DIDN'T ASK ANYTHING ABOUT THE EXCITEMENT OF **THE I**NDIANS. *[57]* **A.** WE COM~~A~~E TO THE CONCLUSION AT LAST THAT WE WOULD CALL UPON OUR MILITARY AS THERE WASN'T ANY SETTLEMENTS NEARE~~D~~**R** THAN CEDAR CITY. WE	PLACE BY THE NAME OF PEARCE WHEN THE INDIANS HAD ~~BEEN~~ BECOME VERY EXCITED AROUND[243] WE COME TO THE CONCLUSION AT LAST THAT *CALLING*[?] UPON OUR MILITARY *CALLING*[?] AS WASN'T ANY SETTLEMENT NEARER THAN CEDAR [*space*]
WERE OUTSIDE THE SETTLEMENT OR AT SANTA CLARA. A. THE INDIANS ABOUT WASHINGTON	WE WERE OUTSIDE SETTLEMENT OF SANTA CLARA THE INDIANS ABOUT WASHINGTON	WERE OUTSIDE SETTLEMENTS OF SANTA CLARA. THE **I**NDIANS ABOUT WASHINGT~~I~~ON	THE INDIANS BY WASHINGTON

241. Harrison Pearce was the captain of Company I of the militia. He was also counselor to the presiding elder, Robert D. Covington.

242. Rogerson's hand symbol above the line.

243. Rogerson's hand symbol.

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RT	RS	BT	PS
BECAME VERY EXCITED, RUNNING TO AND FRO EXCITEDLY.	BECAME VERY EXCITED RUNNING TO AND FRO EXCITEDLY BY BASKIN WE DID NOT ASK ANYTHING ABOUT INDIANS WE CONFINED THIS WITNESS'S STATEMENT AS TO WHAT OCCURRED MOUNTAIN MEADOWS DID NOT ASK WHAT WAS OCCURRING AT WASHINGTON OR ANYTHING THERE ABOUT. IN THIS CROSS EXAMINATION THEY MUST DRAW OUT SOMETHING IN RESPONSE TO WHAT WITNESS TESTIFIED IN ANSWER TO OUR QUESTIONS ABOUT	BECAME VERY EXCITED, RUNNING TOO AND FRO EXCITEDLY. WE SUPPOSED THAT T HE INDIANTS AMD MORMONS WERE FIGHTING.. BY MR. BASKIN: WE OBJECT TO THAT TESTIMONY AS NOT CROSS-EXAMINATION. ARGUED BY MR. BASKIN.	THEY BECAME VERY EXCITED RUNNING TO AND FRO WOULD *EXPECT*[?] THAT THE INDIANS AND MORMONS WAS FIGHTING ~~<~~BASKIN~~>~~ OBJECT TO IS NOT NOT CROSS-EXAMINATION [*space*]

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RT	RS	BT	PS
	SOMETHING THAT WILL ILLUSTRATE ILLUSTRATE HIS ANSWER OR SEEK TO GO WITH IT. THEY SEEK TO DRAW OUT SOMETHING THAT HAPPENED AT WASHINGTON NOTHING THAT HAPPENED ON		
JUDGE SUTHERLAND	THE GROUND ≤SUTHERLAND≥ WE DO NOT PROPOSE TO DISCUSS AND	BY MR. SITHERLAND: ~~WE PROPOSE TO DISCUSS, AND~~	SUTHERLAND
WANTED TO SHOW BY THE WITNESS THE STATE OF THE EXCITEMENT OF THE INDIANS THROUGHOUT SOUTHERN UTAH, AT WASHINGTON AND THE FRONTIER SETTLEMENTS, WHICH WAS OPPOSED STRENUOUSLY BY BASKIN,	EXPECT TO PROVE WHAT THIS WITNESS SAID ON CROSS EXAMINATION WE PROPOSE TO SHOW HE WENT TO MOUNTAIN MEADOWS AT THE REQUEST OF THE PEOPLE LIVING AT WASHINGTON WITHOUT ANY CONNECTION WITH THE PEOPLE AT CEDAR. THAT HE WAS INDUCED TO GO WITH OTHERS THAT ACCOMPANIED	~~WE EXPECT TO PROVE WHAT THIS WITNESS STATED ON CROSS-EXAMINATION, WE~~ **WE** PROPOSE TO SHOW THAT LEE WENT TO THE MOUNTAIN MEADOWS AT THE REQUEST~~I~~ O~~N~~F THE PEOPLE LIVING AT WASHINGTON WITHOUT ANY CO NNECTION ~~TO~~ **WITH** THE PEOPLE AT CEDAR; THAT HE WAS INDUCED TO GO WITH OTHERS THAT A~~F~~**C**COMPANIED	~~EXPECT~~ PROPOSE TO SHOW THAT LEE WENT TO THE MOUNTAIN MEADOWS AT THE REQUEST OF THE PEOPLE LIVING AT WASHINGTON WITHOUT ANY CONNECTION TO THE PEOPLE AT CEDAR THAT HE WAS INDUCED TO GO WITH OTHERS THAT ACCOMPANIED

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RT	RS	BT	PS
	HIM AFTER CONSULTATION WITH INHABITANTS IN CONSEQUENCE OF IRRITATED STATE OF INDIANS AND WENT SOLELY TO FIND SOME EXPLANATION OF THE IRRITATION THE INDIANS MANIFESTED ABOUT THEIR LITTLE SETTLEMENT. BY CAREY ≤**CAREY**≥ THIS WITNESS IS NOT ON TRIAL HE WENT THERE FOR THAT ≤PURPOSE≥ GOING TO CALIFORNIA ROAD WEST OF MOUNTAIN MEADOWS AND APPROACHED IT, NOT FROM THE DIRECTION OF CEDAR BUT FROM THE OPPOSITE DIRECTION HAVING NO PREVIOUS KNOWLEDGE OF THE PRESENCE OF PARTIES THERE	HIM AFTER CONSULTATION WITH THE INHABITANTS, IN CONSEQUENCE OF THE IRRITATED STATE OF THE **I**NDIANS, AND WENT SOLELY TO FIND SOME EXPL~~E~~**A**NATION OF THE IRRITATION THE **I**NDIANS MANIFESTED ABOUT THEIR LITTLE SETTLEMENTS~~.~~**;** AND WENT THERE AND FOR THAT PURPOSE GOING TO THE CALIFORNIA ROAD, WEST OF THE MOUNTAIN MEADO~~S~~WS AND APPROACHED IT NOT FROM THE DIRECTION OF CEDAR, BUT FROM THE OPPOSITE DIRECTION, HAVING NO PREVIOUS KNOWLEDGE OF THE ~~PRESECE~~ PERSONS WHO PASSED	HIM AFTER CONSULTATION WITH THE INHABITANTS IN CONSEQUENCE OF THE IRRITATED STATE OF THE INDIANS AND WENT SOLELY TO FIND SOME EXPLANATION OF THE IRRITATION ~~OF~~ THE INDIANS MANIFESTED BY THEIR LITTLE SETTLEMENTS —[?] HE WENT THERE AND FOR THAT PURPOSE GOING TO THE CALIFORNIA ROAD WEST OF MOUNTAIN MEADOWS AND APPROACHING IT NOT FROM THE DIRECTION OF CEDAR BUT FROM THE OPPOSITE DIRECTION HAVING NO PREVIOUS KNOWLEDGE OF THE PRESENCE OF PARTIES THERE

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RT	RS	BT	PS
	FROM CEDAR CITY, AND I MAKE THIS THEORY FOR PURPOSE OF ~~<~~THAT~~>~~ SHOWING SO FAR AS HE WAS CONCERNED SO FAR AS THOSE ACCOMPANYING HIM WERE CONCERNED THEY WERE NOT ALL THERE IN PURSUANCE OF ANY CONSULTATION AT CEDAR CITY OR ANY OTHER PLACE THAN WASHINGTON. MY ANSWER TO THAT IS IT AIN'T ANY CROSS EXAMINATION AND IN VIOLATION OF THE RULE FOR ANY PURPOSE IT IS NECESSARY CALL YOUR ATTENTION TO ISSUE INVOLVED IN THIS TRIAL JOHN D. LEE IS CHARGED WITH HAVING AT CERTAIN TIME	THROUGH FROM CEDAR CITY. AND F~~O~~URTHER FOR THE PURPOSE OF SHOWING THAT SO FAR AS HE WAS CONCERNED, AND SO FAR AS THOSE ACCOMPAN~~I~~YIN G HIM WERE CONCERNED THEY WERE NOT ALL THERE IN PURSUANCE OF ANY CONSULTATION AT CEDA~~T~~**R** CITY OR ANY OTHER PLACE THAN WASHINGTON . BY BA~~W~~SKIN: MY OBJECTION IS THAT IT IS NOT CROSS-EXAMINATION. . IT IS A VIOLATION OF THE RULE FOR ANY PURPOSE. IT IS NECESSARY FOR ME TO CALL YOUR ATTENTION TO THEISSUE INVOLVED IN THIS TRIAL. JOHN D. LEE IS CHARGED AT A CERTAIN TIME	FROM CEDAR CITY. PARTICULARLY FOR THE PURPOSE OF SHOWING THAT SO FAR AS HE WAS CONCERNED AND THAT THOSE ACCOMPANYING HIM WERE CONCERNED THEY WERE NOT ALL THERE IN PURSUANCE OF ANY CONSULTATION AT CEDAR CITY OR ANY OTHER PLACE THAN WASHINGTON. ~~<~~NOT IN CROSS-EXAMINATION~~>~~ IT IS A VIOLATION OF THE RULE IT IS NECESSARY FOR ME TO CALL YOUR ATTENTION TO THE ISSUE INVOLVED IN THIS *[[42]]* TRIAL ~~JOHN D. LEE IS CHARGED WITH~~ ~~[*space*]~~

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RT	RS	BT	PS
	IN CONNECTION WITH OTHERS KILLED CERTAIN MEN AND WOMEN AT MOUNTAIN MEADOWS. {**COURT**}[p] I RULE PROSECUTION MIGHT PROVE ACTS DECLARATION OF THE PARTIES OR THE CONSPIRATORS OF THE CRIME THAT THEY FIND THAT WHICH THE PROSECUTION HAS A RIGHT TO PROVE SUCH ACTS DECLARATIONS AS REFLECTS UPON WHO KILLED BUT THE RULE DOES NOT EXTEND TO THE OTHER PARTY IT IS HEARSAY TESTIMONY WHICH MAY BE PROVED AGAINST PARTY WHO MAKES DECLARATION OR AGAINST PRISONER OR AS *EXIST*[?] IN CIVIL CASE WHEN	IN CONNECTION WITH OTHERS WITH HAVING KILLED CERTAIN MEN AND WOMEN AND CHILDREN AT THE ~~MOUJT~~ MOUNTAIN MEADOWS..——*[58]* (ARGUED AT LENGTH BY COUNSEL ON BOTH SIDES.	~~KILLED CERTAIN~~ ~~WOMEN AND CHILDREN IT IS A RULE THAT~~ *WHILE/WELL*[?] [*space*]

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RT	RS	BT	PS
	PARTIES WHO MAKES DECLARATION MAN HAS UNDERSTOOD IT MAY BE PROFESSED AGAIN BUT HE NEVER CAN PROVE HIS ACT DECLARATIONS OR ACTS NOW THEN IN THIS EXAMINATION WE EXAMINED THIS WITNESS DIRECTLY EXCLUSIVELY AS TO WHAT EXAMINED ACTS DONE AT MOUNTAIN MEADOWS IF THIS TESTIMONY IS ALLOWED TO GO *AS*[?] *A THING*[?] YOU *SUSTAIN/SAW DONE*[?] ACTS DECLARATION OF THOSE COCONSPIRATORS WILL BE BROUGHT IN *[[32]]* ON OTHER SIDE THAT BE BROUGHT OUT WITHOUT ANY CROSS EXAMINATIONS IN CHIEF BY PROSECUTION ON THAT *SAY*[?] IT IS FROM THE		

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RT	RS	BT	PS
	DECLARATIONS OF THE GENTLEMAN THEY PROPOSE TO PROVE ACTS DECLARATIONS SITUATIONS WHICH TEND TO SHOW THAT THERE WAS NO PRECONCERTED ARRANGEMENT TO DO THIS THING THAT THEY CAN'T DO IF THIS MAN WENT OUT IT MUST BE HE HEARD OF SOMETHING CAN'T BE PROVED YOU CAN'T PROVE ACTS AND DECLARATIONS IT IS A FACT WHEN MEN COMBINE AND COMMIT CRIMES THEY FORM A WEB TO COMMUTE GUILT EVER FIND ONE MAN COMMIT CRIME THEY ATTEMPT TO MUDDLE FACTS AND CONCEAL CRIME COURT GENTLEMAN ~~KNOWS~~ *KNOW/NO*[?] *TMN*[?] IT IS		

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RT	RS	BT	PS
	VIOLATION OF RULE AS IT IS NOT IN CROSS EXAMINATION WE INTENTIONALLY CONFINED TO THE ACT FOR ANOTHER REASON IF THIS SORT OF TESTIMONY IS ALLOWED YOU CAN INTRODUCE ACTS DECLARATIONS OF PERSONS THAT IT WAS MADE TO COVER TO AFFIRM AGAIN HE STATES HE WAS ORDERED OUT BY PRESIDING ELDER DOWN THERE BUT DOESN'T STATE WHETHER HE HAD ANY CONNECTION WITH PERSONS AT CEDAR AND WHILE WE HERE STATE MAY PROVE ACTS DECLARATIONS HERE STATE THEY CAN NOT DO IT. IN DIRECT EXAMINATION HE WAS TOLD NOT		*THERE IS ANOTHER*[?] *PURPOSE*[?] IF *THIS*[?] SORT OF TESTIMONY IS ALLOWED YOU CAN INTRODUCE IN EVIDENCE THE DECLARATIONS OF THE PARTIES THAT WAS MADE TO COVER UP THE CRIME ~~AGAIN~~ *TEND SHOW*[?] THAT THE PRESIDING ELDER DOWN THERE HAD NO CONNECTION WITH THE PEOPLE AT CEDAR. [*space*] COURT IN THE DIRECT EXAMINATION OF WITNESS HE WAS TOLD NOT

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RT	RS	BT	PS
	TO STATE ANYTHING REGARD TO HIS REASONS FOR GOING THERE TOLD NOT TO STATE ANYTHING MR. LEE SAID ANYONE ELSE SAID REQUESTED TO GIVE MERELY ACCOUNT OF WHAT HE SAW ON THE FIELD AND DISPOSITION OF PROPERTY HE KNEW NOTHING ABOUT DISPOSITION OF PROPERTY FURTHER. I DO NOT THINK IT WOULD BE LEGITIMATE CROSS EXAMINATION ON THE SAME FACTS IF IT IS *GIVEN*[?] EVIDENCE CAN BE BROUGHT OUT ON EVIDENCE BY AND BY ON EVIDENCE ON THE OTHER SIDE BY SUTHERLAND GIVE US BENEFIT		TO STATE ANYTHING IN REGARD TO HIS REASONS FOR GOING THERE NOT TO TELL ANYTHING THAT MR. LEE SAID OR ANYONE ELSE SAID SO FAR AS THE PURPOSE AND TOLD THAT HE WAS REQUIRED TO GIVE ONLY AN ACCOUNT OF WHAT HE SAW ON FIELD AND DISPOSITION OF THE PROPERTY KNEW NOTHING OF THE LATTER HOWEVER I DON'T THINK IT WOULD BE LEGITIMATE CROSS EXAMINATION ON THE SAME FACTS IF IT IS GIVEN EVIDENCE CAN BE BROUGHT WHEN HE DID MEET CONDITION FOR THE OTHER SIDE [*space*] OVERRULED
AND HIS *[226]* OBJECTION TO THE INTRODUCTION OF THIS EVIDENCE WAS SUSTAINED BY THE COURT. TO WHICH RULING COUNSEL FOR DEFENDANT		OBJECTION OVERRULED.	

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RT	RS	BT	PS
EXCEPTED. Q. FROM WHAT DIRECTION DO YOU COME TO GO TO THE MOUNTAIN MEADOWS A. I CAME FROM WASHINGTON. Q. BY WHAT ROUTE ? A. THE ROAD BY THE SANTA CLARA, PROPERLY CALLED HAMBLIN'S FORT. Q. FROM WHAT DIRECTION DID YOU APPROACH THE MEADOWS ? A. FROM THE SOUTH. Q. WHO ACCOMPANIED YOU ? A. WELL I THINK THERE WAS A MAN NAMED SLADE, AND AS FAR AS I CAN RECOLLECT THIS MANGRAM[244] I SPOKE OF.	EXCEPTION [*space*] {**EXAMINATION CONTINUED** $_{Q}$}^{p} FROM WHAT DIRECTION DID YOU GO TO GO TO {THE}^{p} MOUNTAIN MEADOWS $_{A}$I CAME FROM WASHINGTON {$_{Q}$}^{p}BY WHAT ROUTE THE {$_{A}$}^{p}ROAD BY {THE}^{p} SANTA CLARA FORT CALLED HAMBLIN'S FORT FROM $_{Q}$WHAT DIRECTION DID YOU APPROACH MEADOWS {$_{A}$}^{p} FROM THE SOUTH $_{Q}$WHO ACCOMPANIED YOU {$_{A}$}^{p}WELL I THINK THERE WAS MAN NAMED SLADE AND AS FAR AS I CAN RECOLLECT THIS ~~<~~JAMES~~>~~ MANGRAM I SPOKE OF	EXCEPTION.**)** Q. FROM WHAT DIRECTION DID YOU GO TO THE MOUNTAIN MEADOWS? A. I CAME FROM ~~Q~~ WASHINTON? Q. BY WHAT ROUTE? A. THE ROAD THAT LEADS TO THE SANTA CLARA.— PROPER~~T~~LY CALLED HAMBLIN'S ROAD. Q. FROM WHAT DIRECTION D~~I~~ID YOU APPROACH THE MEADOWS FROM THE SOUTH? WHO ACCOMPANIED YOU? A. I THINK TH ERE WAS A MAN BY THE NA ME OF SLADE[245] AS WELL AS I CAN RECOLLECT, AND THIS JAMES MANGRAM T~~H~~AT I SPOK~~E~~**E** OF. . I RECOLLECT THAT FELLOW	EXCEPTION [*space*] FROM WHAT DIRECTION DID YOU COME TO MOUNTAIN MEADOWS I CAME FROM WASHINGTON WITH [*space*] BY WHAT ROAD THE ROAD THAT LEADS TO SANTA CLARA HAMBLIN'S FORT AND [*space*] FROM WHAT DIRECTION DID YOU APPROACH THE MEADOWS FROM THE SOUTH WHO ACCOMPANIED YOU I THINK THERE WAS MAN BY THE NAME OF SLADE AS WELL AS I CAN RECOLLECT THIS ~~<~~JAMES~~>~~ MANGRAM I SPOKE OF I RECOLLECT THEM BETTER

244. Mangum.
245. William Rufus Slade Sr. or William Slade Jr.

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RT	RS	BT	PS
		GOING BACK.	GOING BACK THAN I DO
Q. HOW MANY OF YOU WERE THERE	{Q}pHOW MANY OF YOU WERE THEY <LOOSE WE JUST WENT OUT PROMISCUOUSLY> A JUST THIS	Q. HOW MANY OF YOU WERE THERE?? A. WE JUST WENT OUT PROMISCUOUSLY — JUST THIS	COMING HOW MANY OF YOU WERE THERE WE HAD NO COMPANY WE JUST WENT OUT PROMISCUOUSLY TOGETHER [*space*]
?JUST THEN IN THE COMPANY TOGETHER — ABOUT HOW MANY CAME TOGETHER ? A. I THINK THERE WAS ABOUT FOUR OR FIVE. Q. HOW MANY CAME TOGETHER WITH YOU ? A. I THINK THERE WAS ABOUT FOUR OR FIVE OF US. Q. DID YOU GO BY THE WAY OF HAMBLIN'S RANCH ? A. CAME BY THE WAY OF HAMBLIN'S FORT,	COMPANY TOGETHER Q ABOUT HOW MANY CAME TOGETHER {A}pI THINK THERE WAS ABOUT 4 OR 5 QHOW MANY CAME TOGETHER WITH YOU {A}pI THINK THERE WAS ABOUT 4 OR 5 OF US. {Q}p DID YOU COME BY WAY HAMBLIN'S RANCH {A}p CAME BY THE WAY HAMBLIN'S FORT	COMPANY TOGETHER. Q. ABOUT HOW MANY OF YOU CAME TOGETHER? A. I THINK THERE WAS AB OUT FOUR OF SFIVE? AQ. HOW MANY CAME WITHYOU? A. I THINK THERE WAS ABOUT FOUR OR FIVE OF US . Q. DID YOU COME BY THE WAY OF HAMBLIN'S RANCH? A. CAME BY THE WAY OF — HAMBLINS.FORT — IT IS CALLED**, IT IS**	ABOUT HOW MANY OF YOU CAME TOGETHER FOUR OR FIVE HOW MANY FOUR OR FIVE OF US DID YOU COME BY THE WAY OF HAMBLIN'S RANCH HAMBLINS FORT IT IS CALLED IT IS
WHERE JACOB HAMBLIN LIVES SOMETIMES; HE LIVED IN THE	Q WHERE JACOB HAMBLIN LIVED A≤HE KEPT A RANCH UP ON THE CLARA≥ SOMETIMES LIVED IN THE	NORTH. Q. WHERE DID JACOB HAMBLIN LIVE?? A. HE KEPT A RANCJH UP ON THE CLARA; SOMETIMES LIVED IN THE	NORTH WHERE JACOB HAMBLIN LIVED

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RT	RS	BT	PS
FORT THEN, HE KEPT A RANCH ON THE CALIFORNIA ROAD THE ~~C~~KANE SPRINGS AT MOUNTAIN MEADOWS. Q. DID YOU SEE ANY OF YOUR ACQUAINTANCES AT HAMBLIN'S RANCH AS YOU CAME PAST OR HAMBLIN'S FORT ? A. WELL, I DIDN'T STOP THERE.	FORT THEN AGAIN HE KEPT RANCH ON CALIFORNIA ROAD KANE SPRINGS MOUNTAIN MEADOWS. {Q} DID YOU SEE ANY OF YOUR ACQUAINTANCES AT HAMBLIN'S RANCH AS YOU CAME PAST OR HAMBLIN'S FORT {A}WELL I DON'T STOP THERE	FORT, AND THEN HE KEPT A RANCH ON THE CALIFORNIA ROAD , KANE SPRINGS, — MOUNTAIN MEADOWS/ Q.. DID YOU SEE ANY OF YOUR ACQUAINTANCES AT HAMBLIN'S RANCH AS YOU CAME PAST — OR HAMBLIN'S FORT? A. WELL, I DIDN'T STOP THERE. I WAS ACQUAINTED WITH THE MOST OF THE PEOPLE THAT STOPPED THERE. Q. WHO DID YOU SEE THERE AS YOU	KEPT A RANCH UP ON THE CALIFORNIA ROAD SOMEWHERES NOT FAR FROM THERE DID YOU SEE ANY OF YOUR ACQUAINTANCES AT HAMBLIN'S RANCH AS YOU CAME PAST OR HAMBLIN'S FORT I WAS ACQUAINTED WITH THE MOST OF THE PEOPLE THAT STOPPED THERE WHO DID YOU SEE THERE AS YOU [[43]]247 [*page torn*]
Q. WHO DID YOU SEE AS YOU PASSED ? [227] A. THE MEN WAS — I CAN'T REMEMBER.	{Q}p WHOM DID YOU SEE AS YOU PASSED {A}p THE MEN WAS [[33]]246 I CAN'T REMEMBER	PASSED? A. THE ~~MEN~~ MEN WAS — I CAN'T REMEMBER.	PASSED I DO NOT RECALL IT HAS BEEN A LONG TIME AGO
Q' DIDN'T YOU KNOW THE PLACE CALLED HAMBLIN'S RANCH — IS THAT THE SAME PLACE AS	{Q}p DIDN'T YOU KNOW PLACE NAMED HAMBLIN'S RANCH IS THAT THE SAME PLACE AS	Q. DIDN'T YOU KNOW THE PLACE NAMED HAMBLIN'S RANCH — IS THAT THE SAME PLACE AS	DIDN'T YOU KNOW THE PLACE CALLED HAMBLIN'S RANCH YES SIR IS THAT THE SAME PLACE AS

246. {**MONDAY DEC 17 10:30 A.M.**}p was written on the top of the page. This is one of Rogerson's notes made during transcription.

247. Profiles of men and references to drinking are on the verso of page 43. This page is in very poor condition.

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RT	RS	BT	PS
THE FORT ? A. THE FORT IS DOWN ON THE SANTA CLARA CREEK, NEAR THE MOUTH OF THE CREEK, UP ON THE CALIFORNIA ROAD MAY BE; I DON'T KNOW THE DISTANCE, MAY BE FIFTY MILES. Q. WHERE DID YOU STRIKE THE CALIFORNIA ROAD WHEN YOU CAME UP ? A. I DON'T RECOLLECT, SOMEWHERES BACK SOUTH OF THE KANE SPRINGS Q. DID YOU GO PAST HAMBLIN'S RANCH ? A. OH NO, HAMBLINS RANCH IS STILL NORTH OF THE KANE SPRINGS. Q. DID YOU WHEN YOU STRUCK THE ROAD FOLLOW IT UP TO THE MEADOWS ? A. YES SIR. Q. THEN HAMBLINS RANCH IS SOUTH AND WEST OF	THE FORT {A}[p] THE FORT IS DOWN ON THE SANTA CLARA CREEK NEAR THE MOUTH OF THE CREEK UP ON CALIFORNIA ROAD MAYBE I DON'T KNOW DISTANCE, MAYBE 50 MILES Q WHERE DID YOU STRIKE CALIFORNIA ROAD WHEN YOU CAME UP {A}[p] I DON'T RECOLLECT SOMEWHERES BACK SOUTH OF THE KANE SPRINGS Q DID YOU COME PAST HAMBLIN'S RANCH {A}[p] OH NO HAMBLINS RANCH IS STILL NORTH OF KANE SPRINGS DID YOU WHEN YOU STRUCK CALIFORNIA ROAD FOLLOW IT UP TO MEADOWS YES SIR. Q HAMBLINS RANCH IS SOUTH AND WEST OF	THE FORT? A. THE FORT IS DOWN ON THE SANTA CLARA CREEK — NEAR THE MOUTH OF THE CREEK; UPON THE CALIFORNIA R~~A~~OAD. I DON'T KNOW THE DISTANCE, MAY BE 50 MILES. Q. WHERE DID YOU STRI~~L~~KE THE CALIFORNIA ROAD WHEN YOU CAME UP? A. I DON'T RECOLLECT; SOMEWHERES BACK SOUTH OF THE KANE SPRINGS. [59] Q. DID YOU COME PAST HAMBLIN'S RANCH? A. OH, NO, HAMBLINS RANC~~K~~H IS STILL NORTH OF KANE SPRINGS. Q. DIDYOU WHEN YOU STRUCK THE CALIFORNIA ROAD FOLLOW IT UP TO THE MEADOWS? A. YES, SIR. Q. HAMBLIN'S RANCH IS SOUTH AND WEST OF	THE FORT NO SIR THE FORT WAS DOWN ON THE SANTA CLARA CREEK THE RANCH WAS UP ON THE CALIFORNIA ROAD MAYBE 20 OR 30 MILES WHERE DID YOU STRIKE CALIFORNIA ROAD I DO NOT RECALL SOMEWHERES BACK OF THE KANE SPRINGS DID YOU COME PAST HAMBLIN'S RANCH HAMBLIN'S RANCH WAS STILL NORTH OF THAT DIDN'T YOU WHEN YOU STRUCK THE CALIFORNIA ROAD FOLLOW IT UP TO THE MEADOWS YES SIR HAMBLIN'S RANCH IS SOUTH AND WEST OF

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RT	RS	BT	PS
THE MEADOWS ? A. HAMBLIN'S RANCH IS NORTH OF THE MEADOWS, FURTHER ON THE ROAD. Q. WHEN YOU GOT TO THE MEADOWS HOW MANY OF YOUR PEOPLE WERE THERE THERE ? A. I CANNOT TELL YOU ~~B~~HOW MANY. Q. WELL PLEASE TRY AND STATE HOW MANY AS NEAR AS YOU CAN COMPUTE THE NUMBERS FROM RECOLLECTION ? A. I CANNOT RECOLLECT ANY MORE THAN ABOUT SIX OR SEVEN BESIDES THOSE WHO CAME WITH ME. Q. HOW MANY ~~DASY~~ DAYS BEFORE THE FINAL SLAUGHTER DID YOU ARRIVE THERE A. I CAME IN	THE MEADOWS {A}[p]HAMBLIN'S RANCH IS NORTH OF THE MEADOWS FURTHER ON THE ROAD. {Q}[p] WHEN YOU GOT TO MEADOWS HOW MANY OF YOUR PEOPLE WERE THERE THERE ? {A}[p] I CANNOT TELL HOW MANY {PLEASE TRY}[p] QABOUT HOW MANY AS NEAR AS YOU CAN COMPUTE NUMBERS FROM RECOLLECTION {A}[p]I CANNOT RECOLLECT ANY MORE THAN ABOUT 6 OR 7 BESIDES THOSE WHO CAME WITH ME. QHOW MANY DAYS BEFORE FINAL SLAUGHTER YOU ARRIVED AI CAME IN	THE MEADOWS? A. HAMBLIN'S RANCH IS NORTH OF THE MEADOWS — FURTHER ON THE ROAD. Q. WHEN YOU GOT TO THE MEADOWS **HOW** ~~**WHO**~~ **MANY** WERE ~~THE RE~~ THERE? A. I CAN'T TELL YOU HOW MANY. Q. PLEASE TRY — ABOUT HOW ~~A~~MANY — AS NEAR AS YOU CAN COMPUTE THE NUMBER FROM RECOLLECTI N? A. I CANNOT RECOLLECT ANY MORE THAN ABOUT SIX OR SEVEN BESIDES THOSE WHO CAME WITH ME. Q. HOW MANY DAYS BEFORE THE FINAL SLAUGHTER DID YOU ARRI~~C~~VE? A. I CAM E IN	THE MEADOWS HAMBLIN'S RANCH IS *NEAR*[?] NORTH OF THE MEADOWS [*space*] WHEN YOU GOT TO THE MEADOWS HOW MANY OF YOUR PEOPLE WERE THERE THERE I CAN'T TELL YOU HOW MANY VERY FEW ABOUT HOW MANY AS NEAR AS YOU CAN COMPUTE THE NUMBERS FROM RECOLLECTION I CAN'T RECOLLECT OF SEEING MORE THAN ABOUT 6 OR 7 BY THE CAMP BESIDES THIS COMPANY WENT ALONG WITH ME [*space*] HOW MANY DAYS BEFORE THE FINAL SLAUGHTER DID YOU SAY IT WAS THAT YOU ARRIVED I CAME IN

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RT	RS	BT	PS
THE EVENING AND STAYED THERE AND CAMPED A LITTLE WEST FROM WHERE LEE WAS CAMPED; IN THE EVENING THERE WAS SIX OR SEVEN AROUND THERE; I STAYED ALL NIGHT BY THE SPRING, THERE WAS SOME WATER *[228]* THERE AND THE NEXT MORNING I GOT UP TO WHERE I STOPPED AND MET INDIANS AND CATTLE ON THE ROAD. Q. DESCRIBE THE INDIANS AND THE CATTLE YOU MET — HOW THEY WERE AND ALL THAT YOU OBSERVED ? A. I WILL TELL	THE EVENING AND STAYED THERE AND CAMPED LITTLE WAYS FROM WHERE LEE WAS CAMPED IN THE EVENING SIXTY ~~<~~60~~>~~ SEVENTY ~~<~~70~~>~~ YARDS I STAYED ALL NIGHT BY SPRING THERE WAS SOME WATER THERE AND NEXT MORNING ~~I COULD NOT~~ ~~<~~I COULD TELL YOU~~>~~ WHERE I DID STOP MET INDIANS AND CATTLE ON THE ROAD Q DESCRIBE CATTLE INDIANS YOU MET HOW THEY ACTED ALL THAT YOU OBSERVED {A}PI WILL TELL	THE EVENING AND STAID THERE — THE CAMP WAS A LITTLE WAYS FROM THERE LIKE. WE WAS CAMPED IN THE EVENING 60 OR 70 YARDS; I STAI~~S~~D ALL NIGHT BY THE SPRING. THERE WAS SOME WATER THERE, AND NEXT MORNING I COULD NOT TELL YOU WHERE I DID STOP, MET THE **I**NDIANS AND THE CATTLE ON THE ROAD. Q. DESCRIBE THE CATTLE AND THE **I**NDIANS YOU MET ~~MET~~ AND ALL THAT YOU OBSERVE~~R~~D? A. I WILL STATE	THE EVENING AND CAMPED A LITTLE FROM WHERE LEE WAS CAMPED 60 OR 70 YARDS MAY BE AND STAYED ALL NIGHT BY THE SPRING OF WATER THE NEXT MORNING I COULD TELL YOU WHY I HAD STOPPED *BEFORE*[?] I *DID*[?] DIDN'T CONSIDER I HAD MET INDIANS AND CATTLE GOING ALONG THE ROAD DID NOT CONSIDER MYSELF SAFE TO GO BACK [*space*] DESCRIBE THE CATTLE AND INDIANS YOU MET ON THE WAY AND HOW THEY ACTED

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RT	RS	BT	PS
IT RIGHT STRAIGHT ALONG. AFTER WE LEFT HAMBLINS——— — BASKIN OBJECTED TO WITNESS GIVING STATEMENTS ~~NOT~~ AS TO MATTERS NOT BROUGHT OUT IN DIRECT EXAMINATION. WE DREW NOTHING OUT ON THE SUBJECT OF THE INDIANS HAVING CATTLE. COURT OVERRULED THE OBJECTION.	IT RIGHT STRAIGHT ALONG AFTER WE LEFT HAMBLINS FORT OBJECTED TO BY BASKIN {AS TO MATTER NOT BROUGHT OUT IN DIRECT EXAMINATION}[p] WE DREW NOTHING OUT ON SUBJECT OF INDIANS HAVING CATTLE BY COURT I CONSIDER IT	IT RIGHT STRAIGHT ALONG. AFTER WE LEFT HAMBLIN'S—— BY MR. BASKIN: ~~O~~ I OBJECT TO THAT AS NOT CROSS-EXAMINATION. WE DREW NOTHING OUT ON THE DIRECT ~~A~~EXAMINATION OF THIS WITNESS ABOUT THE INDIANS HAVING CATTLE. ARGUED BY COUNSEL ON BOTH SIDES.	≤OBJECTED≥ THEY WERE LEAVING HAMBLINS OBJECTED TO AS NOT CROSS EXAMINATION [*page torn*]
A. WELL, IN GOING ON THE ROAD TO SEE WHAT WAS GOING ON WE MET THE INDIANS, AND SOME EIGHT OR TEN OF THEM HAD QUITE A LOT OF CATTLE, LOOKED LIKE AMERICAN CATTLE AND THEY SEEMED GOING TO COME	A WELL IN GOING ON ROAD TO SEE WHAT WAS GOING ON WE MET INDIANS AND SOME 8 OR TEN OF THEM HAD QUITE LOT OF CATTLE LOOKED LIKE AMERICAN CATTLE AND THEY SEEMED GOING MAKE		*WHEN/COMPANY*[?] GOT ON THE ROAD MAKE WAY TO FIND OUT WHAT WAS GOING ON WE MET INDIANS WERE SOME 8 OR TEN I THINK THEY HAD QUITE A LOT OF CATTLE LOOKED LIKE AMERICAN CATTLE? OUR KIND OF CATTLE THEY SEEMED AS IF THEY WERE GOING TO TO MAKE

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RT	RS	BT	PS
UP WITH US. BASKIN OBJECTED TO HIS NARRATING.	UP WITH US {AND}[i] OBJECTED BY BASKIN SUTHERLAND DO NOT BE SO SENSITIVE DID NOT KNOW IT IS THE BUSINESS OF THE PEOPLE TO SUPPRESS FACTS BY BASKIN IT IS BUSINESS OF PEOPLE TO NOT ALLOW EVIDENCE THAT WILL MISLEAD JURY HERE WORK OF JURY IS INDEED TO APPLY IT UNDER LAW AND TO THE CASE WE HAVE NOT PROVED ANYTHING ABOUT INDIANS IN THIS MATTER WHAT OCCURRED BEFORE THE FACT THEY MIGHT HAVE ATTACKED THEY *SAW*[?] SETTLERS *OR*[?] SOME OTHER TRAIN OR EMIGRANTS WHAT DID THE INDIANS DO IN CONNECTION WITH WHITE		BATTLE WITH US OBJECTED TO [*space*] SUTHERLAND I DO NOT THINK THAT IT IS THE BUSINESS OF THE PEOPLE TO SUPPRESS FACTS BASKIN NO BUT IT IS THE BUSINESS OF THE PEOPLE TO *KR*[?] OUT IRRELEVANT TESTIMONY.

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RT	RS	BT	PS
SUTHERLAND: WE EXPECT TO SHOW YOUR HONOR THAT THESE WERE THE INDIANS THAT HAD BEEN FIGHTING THESE EMIGRANTS; HAD CAPTURED THESE CATTLE FROM THE EMIGRANT TRAIN.	MEN GOING THROUGH THE INDIANS BEFORE TRANSACTION SUTHERLAND WE EXPECT TO SHOW YOUR HONOR THESE WERE INDIANS THAT HAD BEEN FIGHTING THOSE EMIGRANTS HAD CAPTURED THIS CATTLE FROM EMIGRANT TRAIN THIS WAS ONE OF COMPANIES HE MET HE MET OTHER PARTIES SIMILARLY ACTING SIMILARLY HAVING CATTLE THEY WERE DRIVING AWAY AND OTHER PROPERTY WE EXPECT TO SHOW THERE WERE INDIANS THAT HAD ATTACKED THOSE EMIGRANTS HE IS QUALIFIED TO SHOW THEY HAD BEEN FIGHTING THEM THEN ALONE *THINK AS THAT*[?] IT IS AT MOUNTAIN		WE EXPECT TO SHOW THAT THOSE —[?] THE INDIANS THAT HAD BEEN FIGHTING THOSE EMIGRANTS AND HAD CAPTURED THIS CATTLE FROM THIS SAME EMIGRANT TRAIN THAT THIS WAS ONE PARTY THAT HE MET [*This is the end of extant Patterson shorthand for William Young's testimony*]

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RT	RS	BT	PS
	MEADOWS *[[34]]* ≼*AND*[?] WHAT≽ THEY DID IS PART OF A RES GESTAE WHEN HE GETS TO MOUNTAIN MEADOWS I EXPECT TO ASK HIM ABOUT THE DETAIL ALL HEAD AND HE SAW CONNECTED WITH JOHN D. LEE NOT ONLY WHAT HE DID BUT WHAT HE SAID IN CONNECTION WITH THIS CASE I KNOW PEOPLE HAVE ASKED THIS WITNESS ONLY TESTIFY WHAT HE LEARNED FROM HIS EYES AND TOLD HIM TO EXCLUDE WHAT HE HEARD THAT IS CHOPPING UP TRANSACTION IN VERY SINGULAR MANNER WHAT TOOK PLACE CONSISTS NOT SIMPLY OF WHAT WAS DONE BUT ALSO OF WHAT WAS SAID NO COMPLETE		

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RT	RS	BT	PS
	PICTURE OF PROCEEDED THERE CAN BE GIVEN HERE WITHOUT INCORPORATING WHAT WAS SAID AS WELL AS DONE. BASKIN GENTLEMAN KNOWS VERY WELL ANY LEGITIMATE TESTIMONY IN THE CASE CAN BE *GOTTEN*[?] OUT IN FULL OR AFTER WARDS EITHER BY CROSS EXAMINATION WHEN THE PROSECUTION HAVE PURSUED COURSE EXAMINATION IN CHIEF THAT MAKES IT PROPER BRING FACTS OUT ON CROSS EXAMINATION BUT IF PROSECUTION HAVE NOT PURSUED COURSE EXAMINATION IN CHIEF TESTIMONY TO BE CONSIDERED ON CROSS EXAMINATION THEN THE ONLY		

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RT	RS	BT	PS
	WAY IT CAN BE BROUGHT OUT IS TO PUT WITNESS ON THE STAND AND MAKE HIM THEIR OWN [*space*] *AND*[?] THE INTIMATION THE EFFECT IS TO SUPPRESS ANY TESTIMONY AND GENTLEMAN IS TOO OLD PRACTITIONER THAT THAT BE DONE IN COURT OF JUSTICE THERE ARE CERTAIN FACTS RULES LAWYERS ARE FAMILIAR WITH I SUGGEST MATTERS HE STATES HERE ARE NOT PROPER IN EXAMINATION [*space*] IF PROPER IN ANY EVENT IT IS PROPER WHEN HE CALLED WITNESS AND PUT HIM ON THE STAND WE SIMPLY CONFINED THIS *WITNESS'S*[?] TESTIMONY TO WHAT HE SAW ON THE GROUND NOTHING ON CROSS EXAMINATION		

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RT	RS	BT	PS
	WHICH WILL ILLUSTRATE WHAT HE SAID AS TO WHAT HE SAW ANY OTHER STATEMENT HE MADE IS PROPER ON CROSS EXAMINATION WHEN THEY MIGHT DEVIATE FROM THAT THEY BRING OUT NEW AND ORIGINAL MATTER WHICH HE HAS NOT ILLUSTRATED OR MAKE MORE CLEAR CAN ONLY BE OBTAINED FROM THIS WITNESS WHEN THEY MAKE HIM THEIR PRINCIPLE WITNESS IN CHIEF. WHAT IS SET TO BE DONE VIOLATES RULE OF CROSS EXAMINATION *AGAINST*[?] ALL PREMISES MATTERS NOW THAT IS DRAWN OUT ≤BY THIS WITNESS≥ WE HAVE RIGHT TO CROSS EXAMINATION. ≤COURT≥ THIS MATTER WAS NOT DRAWN	BY COURT: THIS MATTER WAS NOT DRAWN	

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RT	RS	BT	PS
	OUT BY MR. CAREY BUT IT WAS SAID BY MR. CAREY STATED DID NOT WISH KNOW ANYTHING ABOUT THAT BUT WAS STATED BY WITNESS I THOUGHT I WOULD LET HIM STATE IT AS IT DID NOT TAKE ONE HALF MINUTE. BY CAREY THIS WAS SOMETHING OCCURRED BEFORE WITH INDIANS THAT WERE IN *THERE*[?] AT THE TIME OF MASSACRE BY	OUT BY MR. CAREY ; BUT IT WAS STATED BY HIM **THE WITNESS.** — MR. CAREY SAID HE DIDN'T WISH ANYTHING ABOUT THAT, BUT IT WAS STATED BY THE WITNESS. I THOUGHT I WOULD LET HIM STATE IT, AS IT DIDN'T TAKE A HALF A MINUTE. **& NOT OBJECTED TO EXCEPT THAT M^{R} CAREY SAID HE DID NOT CALL FOR IT.** BY CAREY: THIS WAS SOMETHING T~~H~~A T OCCURRED BEFORE WITH THE **I**NDIANS THAT HE KNEW AT THE TIME OF THE MASSAC~~E~~RE. *[60]* BY
SUTHERLAND: Q. PROCEED AND DESCRIBE THE PARTY. COURT: I WILL ALLOW HIM TO ANSWER JUST THE QUESTION.	SUTHERLAND PROCEED DESCRIBE THE PARTY BY COURT I WILL ALLOW HIM ANSWER JUST HIS QUESTION	SUTHERLAND: PROCEED AND DESCRIBE THE PARTY. BY THE COURT: I WILL ALLOW HIM TO ANSWER THE QUESTION.	

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RT	RS	BT	PS
SUTHERLAND: Q. YOU SAY THEY APPEARED TO OFFER YOU BATTLE WHEN YOU FIRST MET THEM, THEY SEEMED TO BE MAD ? A. YES, THEY SEEMED TO BE MAD AND I PUT MY THUMB ON THE COCK OF MY GUN TO FIGHT THE INDIANS, EXPECTING THEY WOULD RAISE A ROW; THERE WAS AN INDIAN MADE A MOTION FOR THEM TO GO AWAY AND LET THE CATTLE PASS AND THEY WENT AWAY AND WENT A LITTLE PAST US AND FURTHER AND MET SOME ~~CHIEFS~~ ≤SIX≥ ~~WITH~~ ≤OR≥ SEVEN MORE, ONE OF THEM WAS SHOT. HE HAD A PLACE LOOKED *[229]* LIKE A WOUND THROUGH	YOU SAY THEY APPEARED TO OFFER YOU BATTLE WHEN YOU FIRST MET THEM = SEEMED TO BE MAD *[[35]]* AND PUT MY THUMB ON THE COCK TO FIGHT THE INDIANS EXPECTING THEY WOULD RAISE {**A**}^{p} ROW THERE WAS INDIAN MADE MOTION FOR ‘EM TO GO THEY WENT AWAY AND LED THE CATTLE PAST AND ≤THEY≥ WENT AWAY. ALL OF SUDDEN THEN THEY CAME ON. AND WENT LITTLE PAST FURTHER, AND MET SOME 6 OR 7 MORE. ONE OF THEM WAS SHOT, HE HAD A PLACE LOOKED LIKE WOUND THROUGH	Q. YOU SAY THAT YOU WERE AFRAID OF A BATTLE WHEN YOU FIRST MET THEM— SEEMED TO BE MAD. **A.** IT APPEARED TO ME THAT THE **I**NDIANS WERE GOING TO FIGHT — EXCITED AS THOUGH TO RAISE A ROW.. THERE WAS AN **I**NDIAN HURT. THE~~R~~Y WENT AWAY AND LED THE CATTLE PAST. ALL O F A SUDDEN THEN THEY CAME ON. I WENT A LITTLE PAST **F**ARTHER AND MET SOME SIX OR SEVEN MORE. ONE OF THEM WAS SHOT AND HAD A PLACE THAT LOOKED LIKE HE HAD BEEN	

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RT	RS	BT	PS
HIS CHOULDERS AND HE HAD NO SHIRT ON; MAY BE HE HAD BROKE SOME OF HIS RIBS FOR HE WAS BLEEDING VERY BAD. Q. HOW FAR WAS THAT FROM THE MEADOWS ? A. IT IS SO LONG I CANNOT RECOLLECT. IT WAS BETWEEN HAMBLIN'S FORT AND THIS PLACE, ON THE ROAD, CAN'T REMEMBER EXACTLY; THEY APPEARED TO BE MAD. WE KEPT VERY STILL; THE INDIANS WERE PAINTED RED; WE MET ANOTHER COMPANY THAT LOOKED VERY MAD. COURT: WHICH OF THESE DID YOU REFER TO IN YOUR EXAMINATION ? BASKIN'	{HIS}^{P} ON SHOULDERS; HE HAD NO SHIRT ON = MAYBE BROKE SOME OF HIS RIBS HE WAS BLEEDING VERY BAD $_{Q}$ HOW FAR WAS THAT FROM MEADOWS $\{_{A}\}^{P}$IT IS SO LONG I CANNOT RECOLLECT IT WAS BETWIXT HAMBLIN'S FORT AND THERE ON THE ROAD. CAN'T REMEMBER EXACTLY. THEY APPEARED TO BE MAD. WE KEPT VERY STILL IF I MADE LEAST MOTION AT THEM OR ANYTHING THEY WERE RED. WE MET ANOTHER COMPANY THAT LOOKED VERY MAD BY COURT WHICH OF THESE DID YOU REFERENCE TO IN YOUR EXAMINATION BASKIN.	SHOT IN THE SHOULDERS. HE HAD NO SHIRT ON . MAY BE BROKE SOME OF HIS RIBS. HE WAS BLEADING VERY BAD. Q. HOW FAR WAS THA T FR OM THE MEADOWS? A. IT IS SO LONG AGO I CAN'T RECOLLECT. IT WAS BETWIXT HAMBLIN'S FORT AND THERE**,** ON T~~H~~E ROAD. I CAN'T REMEMBER E~~S~~XACTLY. THEY APPEARED TO BE MAD. WE KEPT VERY STILL . THE **I**NDIANS, THEY WERE PAINTED RED. WE MET ANOTHER BAND THAT LOOKED VERY BAD. BY COURT: WHICH OF THESE DID YOU REFER TO IN YOUR EXAMINAT ION, MR. BASKIN. BY MR. BASKIN:	

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RT	RS	BT	PS
MY EXAMINATION WAS CONFINED TO THE INDIANS ON THE GROUND. COURT: WITNESS SAID HE MET SOME INDIANS. SUTHERLAND: HE SPOKE OF MEETING OTHER PARTIES OF INDIANS THAT HAD THE CATTLE. SUTHERLAND: DID THE OTHER PARTIES HAVE ANIMALS OR CATTLE WITH THEM? A. NO SIR. Q. WHEN YOU GOT TO THE MEADOWS PLEASE COMMENCE AND DESCRIBE ALL THAT YOU SAW AND HEARD WHEN MR. LEE WAS PRESENT, FROM THE BEGINNING TO	OUR EXAMINATION WAS CONFINED TO INDIANS ON THE GROUND BY COURT HE SAID HE MET SOME INDIANS BY SUTHERLAND HE SPOKE OF MEETING OTHER PARTIES OF INDIANS AS HAD CATTLE. BY COURT WHAT MR. CAREY SAID HE DID NOT WISH WITNESS TO STATE THAT POINT ABOUT INDIANS. ≤SUTHERLAND≥ Q DID THE OTHER PARTIES HAVE ANIMALS WITH THEM A NO SIR. Q WHEN YOU GOT TO MEADOWS * YOU COMMENCED {TO}[P] DESCRIBE ALL THAT YOU SAW HEARD WHEN MR. LEE WAS ≤PRESENT≥ FROM THE BEGINNING TO	OUR EXAMINATION WAS CONFINED TO THE INDIANS ON THE GROUND. BY COURT. HE SAID HE MET SOME INDIANS. BY SUTHERLAND: HE SPOKE OF MEETING OTHER PARTIES OF INDIANS THAT HAD CATTLE. BY COURT: WHAT MR. CAREY SAID, WAS , HE DIDN'T WISH THE WITNESS TO STATE THAT— ABOUT THE INDIANS.. Q. DID THE OTHER PARTIES HAVE ANIMALS WITH THEM? A. NO, SIR/ Q. WHEN YOU GOT TO THE MEADOWS, YOU COMMENCED TO DESCRIBE ALL THAT YOU SAW AND HEARD, WHEN MR. LEE WAS PRESENT FROM THE BEGINNING TO	

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RT	RS	BT	PS
THE END — ALL THAT OCCURRED AT THE MEADOWS ? CAREY OBJECTED TO THE QUESTION. THE COURT SUSTAINED THE OBJECTION. COURT: YOU CAN ONLY STATE WHAT YOU SAW THERE . SUTHERLAND: THE OBJECTION WAS MADE AS TO WHAT TOOK PLACE WHEN THEY MET THAT PARTY OF INDIANS. COURT: THAT QUESTION WAS RULED OUT A WHILE AGO. SUTHERLAND: I DIDN'T ASK ANY QUESTION ON THAT MATTER AT ALL. I ASKED HIM TO DETAIL ALL OF THAT, AND I WOULD LIKE TO HAVE MY QUESTION TAKEN *[230]* DOWN. CAREY: IT WAS WITH REGARD	END <OCCURRING AT THE MEADOWS> BY CAREY WE SHALL OBJECT ~~<~~THAT~~>~~. BY COURT THE OBJECTION IS SUSTAINED YOU CAN ONLY STATE WHAT YOU SAW THERE. BY SUTHERLAND OBJECTION WAS MADE AS TO WHAT TOOK PLACE WHEN THEY MET THAT PARTY OF INDIANS BY COURT QUESTION I RULED OUT WHILE AGO SUTHERLAND I DIDN'T ASK ANY QUESTION ON THAT MATTER AT ALL. I ASK HIM DETAIL ALL THAT I LIKE TO HAVE MY QUESTION TAKEN DOWN. BY CAREY IT WAS WITH REGARD	THE END, THAT OCCURRED AT THE MEADOWS? BY MR. ~~F~~CAREY: WE SHALL OBJECT TO THAT. *[61]* BY COURT: THE OBJECTION IS SUSTAINED. YOU CAN ONLY STATE WHAT YOU SAW THERE. BY MR. SUTHERLAND: THE OBJECTION WAS ~~A~~MADE AS TO WHAT TOOK PLACE WHEN HE MET THAT PARTY OF **I**NDIANS. BY COURT: THE QUESTION I RULED OUT A WHILE AGO. BY **M**[R] S~~O~~UTHERLAND: I DIDN'T ASK HIM ANY QUESTION ON THAT MATTER AT AL**L**. I ASKED HIM TO DETAI~~N~~**L** ALL THAT **— OVER.** I WOULD LIKE TO HAVE MY QUESTION TAKEN DOWN. BY MR. CAREY: IT WAS WITH REGARD	

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RT	RS	BT	PS
TO HOW HE WAS CALLED OUT BY THE PRESIDING OFFICER. HE DIDN'T SAY WHETHER IT WAS PRESIDING OFFICER OR OTHERWISE SUTHERLAND: WE OFFER TO SHOW BY THIS WITNESS THAT DURING ALL THE TIME AFTER THIS WITNESS ARRIVED THERE HE WAS IN SIGHT OF MR. LEE AND HE KNOWS THAT MORE OR LESS DURING ALL THAT TIME HE WAS EXERTING HIMSELF WITH THE INDIANS AND AMONG THE WHITES THERE TO PACIFY THE INDIANS AND PERSUADING THE WHITES TO ASSIST IN PACIFYING THE INDIANS AND PERSUADING	TO HOW HE WAS CALLED OUT BY {THE}[P] PRESIDING OFFICER. ≤HE≥ DIDN'T SAY WHETHER IT WAS PRESIDING ELDER OR LEADER OR OTHERWISE WE OBJECTED TO IT BY SUTHERLAND. WE OFFER TO SHOW BY THIS WITNESS, THAT DURING ALL THE TIME AFTER THIS WITNESS ARRIVED HE WAS HE WAS IN SIGHT OF MR. LEE AND HE KNOWS THAT MORE OR LESS DURING THAT ALL TIME HE WAS EXERTING HIMSELF WITH INDIANS AND AMONG WHITES THERE TO PACIFY THE INDIANS AND TO PERSUADE WHITES TO ASSIST IN PACIFYING INDIANS TO PERSUADE	TO HOW HE WAS CALLED OUT BY THE PRESIDING OFFICER. HE DIDN'T SAY WHETHER IT WAS A PRESIDING ELDER OR OTHERWISE, AND SO WE OBJECTED TO IT. BY MR. SUTHERLAND: WE OFFER TO SHOW BY THIS WITNESS THAT DURING ALL THE T IME AFTER THIS WITNESS ARRIVED HE WAS IN SIGHT OF MR. LEE AND HE KNOWS THAT MORE OR LESS DURING ALL THAT TIME HE WAS EXERTING HIMSELF WITH THE INDIANS AND AMONG THE WHITES THERE TRYING TO PACIFY THE INDIANDS AND PERSUADE THE WHITES TO ASSIST IN PACIFYING THE INDIANS, AND TO PERSUADE	

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RT	RS	BT	PS
THEM TO LET THEM PASS OUT OF THE TERRITORY UNHARMED. THAT THE INDIANS THREATENED HIS LIFE AND SHOT AT HIMPLACING THE WHOLE OF THE WHITE PERSONS THERE IN JEOPARDY OF THEIR LIVES, UNLESS THEY WOULD ASSIST THE INDIANS IN COMPLETING THEIR WORK OF VENGEANCE. CAREY: IT IS TO THAT QUESTION THAT WE OBJECT. OBJECTION, SUSTAINED. SUTHERLAND	WHITES ≤LET THEM≥ PASS OUT OF TERRITORY UNHARMED; THAT THE INDIANS THREATENED HIS LIFE AND SHOT AT HIM, PLACING WHOLE WHITE PERSONS ≤THERE≥ IN JEOPARDY OF THEIR LIVES UNLESS THEY WOULD ASSIST INDIANS IN ≤ACCOMPLISHIN G≥ COMPLETING THAT VENGEANCE THEY CONTEMPLATED AGAINST THOSE EMIGRANTS BY SUTHERLAND BY CAREY IT IS TO *THAT*[?] QUESTION WE OBJECT AND TO THIS QUESTION THE COURT ~~OVER RULED~~ SUSTAIN THE OBJECTION *[[36]]* BY BASKIN I DO NOT SUPPOSE YOU WILL ALLOW	THE WHITES TO LET THEM PASS OUT OF THE TERRITORY UNHARMED. THAT THE **I**NDIANS THREATE~~D~~NED HIS LIFE AND SHOT AT HIM THEREBY PLACING THE WHOL~~S~~E WHITE PERSONS THERE IN JEOPARDY OF THEIR LIVES UNLESS THEY WOULD ASSIST THE **I**NDIANS IN ACCOMPLISHING THE VENGEANCE THEY CONTEMPLATED AGAINST THESE EMIGRANTS. BY MR. CAREY: IT IS TO THAT QUESTION ~~BE~~ **WE** OBJECTED AND TO THE THIS ~~THE~~ QUESTION THE COURT SUSTAINED THE OBJECTION. BY MR. BASKIN: I DON'T SUPPOSE YOU WILL ALLOW A	

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RT	RS	BT	PS
FOR DEFENSE EXCEPTED TO THE RULING OF THE COURT. COURT: THE OBJECTION TO THE QUESTION IS SUSTAINED SO FAR AS NOT ALLOWING HIM TO STATE WHAT HE HEARD LEE SAY; HE MUST STATE ONLY WHAT HE SAW. HE MUST NOT STATE WHAT HE HEARD ON THE GROUND. [*space*]	GENERAL EXCEPTION. BY COURT COURT NO QUESTION IS RAISED TO QUESTION OBJECTION TO QUESTION IS SUSTAINED SO FAR NOT ALLOWING TO STATE WHAT HE HEARD LEE SAID. HE MUST STATE WHAT HE SAW. BY COURT HE MUST NOT STATE WHAT HE HEARD ON THE GROUND. BY SUTHERLAND WE HAVE NO FURTHER QUESTIONS TO ASK HIM. BY COURT THAT WILL DO MR. YOUNG CALL YOUR NEXT WITNESS [*space*]	GENERAL EXCEPTION. BY COURT: I WILL SUSTAIN THE OBJECTION TO THE QUESTION SO FAR AS NOT TO ALLOW HIM TO STATE WHAT ~~HE HE~~ **HE** **HEARD THAT** ~~ARD~~ L~~R~~EE SA~~Y~~ **ID.** ~~OR SAID.~~ HE MUST STATE WHAT HE SAW; HE MUST NOT STATE WHAT HE HEARD ON THE GROUND. ~~COURT~~ BY MR. SUTHERLAND: THEN WE HAVE NO FURTHER QUESTIONS TO ASK HIM.	

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John D. Lee, First Trial

Samuel Pollock and John Sherrett Testimonies

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RT	RS	BT	PS
[Bk 2 231] SAMUEL POLLOCK , SWORN FOR PERSECUTION. Q. WHERE DID YOU RESIDE IN SEPTEMBER 1857 ? A. IN CEDAR CITY, IRON COUNTY. Q. HAVE YOU EVER HEARD ANYTHING ABOUT OR DO YOU KNOW ANYTHING ABOUT THE MASSACRE OF THE EMIGRANTS AT THE MOUNTAIN MEADOWS ? A. YES, I HEARD A GREAT DEAL ABOUT IT. Q. WONT YOU STATE TO THE JURY WHAT YOU KNOW ABOUT IT ? A. I CAN DO SO BY REQUEST OF THE	*[[Bk 4 36 cont.]]* **SAMUEL POLLOCK OF KANARRA** **Q** WHAT IS YOUR FIRST NAME ~~<~~MR. POLLOCK~~>~~ **A**SAMUEL HAVE YOU BEEN SWORN YES SIR **Q** WHERE DID YOU RESIDE SEPTEMBER 1857 **A** CEDAR CITY IRON COUNTY **Q**HAVE YOU EVER HEARD ANYTHING ABOUT OR DO YOU KNOW ANYTHING ABOUT MASSACRE OF THE EMIGRANTS MOUNTAIN MEADOWS **A** YES I HEARD GREAT DEAL ABOUT IT. **Q**WON'T YOU STATE JURY WHAT YOU KNOW ABOUT IT **A**I CAN DO SO BY REQUEST OF	*[Bk 4 62]* ~~A~~SAMUEL POLLOCK SWORN FOR THE PROSECUTION. **EXAMINED BY M<u>R</u>**——— Q. WHAT IS YOUR FIRST NAME, MR. POLLOCK? A. SAMUEL. Q. HAVE YOU BEEN S~~O~~WORN? A. YES, SIR. Q. WHERE ~~Y~~DID YOU RESIDE IN SEPTEMBE R, I857? A. CEDAR CITY, IRON COUNTY. Q. HAVE YOU EVER HEARD ANYTHING ABOUT, OR DO YOU KNOW ANYTH IJG ABO~~U~~T THE MASSACRE OF EMIGRANTS AT THE MOUNTAIN MEADOW~~N~~S? A. YES, SIR, I HEARD A GREAT DEAL ABOUT IT. Q. I WILL ASK YOU TO ~~W~~**S**TATE TO THE JURY WHAT YOU KNOW ABOUT **IT**? A. I CAN DO SO BY REQUEST OF THE	[*Patterson Shorthand is missing one notebook here: Notebook 6, from Samuel Pollock's Testimony through John Macfarlane's Testimony.*]

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RT	RS	BT	PS
PROSECUTION. Q. WE REQUEST THAT. WITNESS: YES SIR. Q. IN RELATION TO THE OCCURRENCE LET ME ASK YOU — PROBABLY WE WILL ARRIVE AT THAT BETTER BY QUESTIONS: WERE YOU AT THE MEADOWS AT THE TIME OF THAT OCCURRENCE? A. I WAS. Q. HOW LONG BEFORE THE OCCURRENCE DID YOU ARRIVE THERE ON THE GROUND A. I COULD NOT SAY DEFINITELY. Q. STATE WHAT YOU THINK ABOUT IT ? A. IT WAS SOME TWO AND A HALF TO THREE DAYS. Q. WHERE DID YOU GO FROM ? A. FROM CEDAR CITY. Q. DID ANY PERSON GO WITH YOU, IF	PROSECUTION YES SIR WE REQUEST THAT; IN RELATION TO THE OCCURRENCE LET ME ASK YOU PROBABLY WILL ARRIVE AT THAT BETTER BY QUESTIONS {Q}[P] WERE YOU AT THE MOUNTAIN MEADOWS AT THAT OCCURRENCE {A}[P]I WAS Q HOW LONG BEFORE OCCURRENCE DID YOU ARRIVE THERE ON THE GROUND {A}[P] I COULD NOT SAY DEFINITELY STATE WHAT YOU THINK ABOUT {IT}[P] {A}[P]IT WAS SOME TWO 1/2 TO 3 DAYS Q WHERE DID YOU GO FROM A FROM CEDAR CITY Q{DID}[P] ANY PERSON GO WITH YOU, IF	PROSECUTION. Q. YES, SIR, WE REQUEST THAT; IN RELATION TO THE OCCURRENCE LET ME ASK YOU — PROBABLY WE WILL ARRIVE AT THAT BY Q~~Y~~UESTIONS. WERE YOU AT THE MEADO~~S~~WS AT THAT OCCURRENCE? A A. I WAS. Q. HOW LONG BEFORETHE OCCURRENCE DID YOU ARRI~~C~~VE THERE ON THE GROUND? A. I COULD NOT SAY DEFINITELY. Q. STATE WHAT YOU THINK ABOUT IT? A. IT WAS SOME TWO AND A HA**L**F TO THREE DAYS. Q. WHERE DID YOU COME FROM? A. FROM CEDAR ~~D~~CITY. Q. DID ANY PERSON GO WITH YOU; I~~S~~**F**	

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RT	RS	BT	PS
SO WHOM ? A. QUITE A NUMBER WENT, THOUGH I CANNOT COUNT HOW MANY OF THEM. I CAN NAME THOSE WHO WERE MY INTIMATE NEIGHBORS. Q. DO SO? A. ROBERT WILEY IS ONE, WILLIAM BATEMAN, CHARLES HOPKINS, EZRA CURTIS *[232]* AND I THINK THOMAS CARTRIGHT, THOSE WERE ALL MY IMMEDIATE NEIGHBORS WITH WHOM I WAS WELL ACQUAINTED. Q. WELL GO ON, WHO ELSE ? A. I COULD NOT SAY. Q. STATE HOW YOU CAME TO GO DOWN THERE AND IF BY ORDERS FROM WHOM ? A. FROM EZRA CURTIS. Q. WHO	SO WHO {A}p QUITE NUMBER WENT NAME THEM I CAN'T COUNT HOW *MANY*[?] OF THEM I CAN NAME THOSE WHO WERE MY INTIMATE NEIGHBORS {Q}p DO SO {A}p ROBERT WILEY IS ONE; WILLIAM BATEMAN; CHARLES HOPKINS; EZRA CURTIS AND I THINK THOMAS CARTRIGHT. THOSE WERE ALL MY IMMEDIATE NEIGHBORS; WITH WHOM I WAS WELL ACQUAINTED QWELL GO ON WHO ELSE AI COULD NOT SAY QSTATE HOW YOU CAME TO GO DOWN THERE BY ORDERS ~~≺THEY HAD≻~~ FROM WHOM {A}pFROM EZRA CURTIS. QWHO	SO**,** WH~~OM~~**O**? A. QUITE A NUMBER WENT, THOUGH TO NAME THEM I CAN~~T~~**NOT** — CANNOT NAME ALL OF THEM. I CAN NAME THOSE WHO WERE MY INTIMATE NEIGHBORS. Q. DO SO? A. ROBERT WILEY IS ONE, WILLIAM BATEM~~E~~AN, CHARLES HOPKINS, EZ~~E~~RA CURTIS AND I THINK THOMAS CARTRIGHT. THOSE WERE ALL MY IMMEDIATE NEIGHBORS SOME THAT I WAS WELL ACQUAINTED WITH. Q. WELL, ~~F~~GO ON, WHO ELSE? A. I COULD NOT SAY. Q. STATE HOW YOU CAME TO GO DOWN THERE? A. B~~U~~Y ORDERS. Q. BY ORDERS FROM WHOM? A. FROM EZRA CURTIS. Q. WHO	

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RT	RS	BT	PS
WAS EZRA CURTIS ? A. HE WAS MY SUPERIOR OFFICER; THAT IS I WAS A PRIVATE[248] AND HE WAS AN OFFICER IN THE ORGANIZED MILITIA OF UTAH. Q. WHAT WAS THAT ORGANIZATION KNOWN BY ? A. UTAH MILITIA. Q. IN PURSUANCE OF THAT ORDER WHERE DID YOU GO ? A. WENT TO THE MOUNTAIN MEADOWS. Q. AFTER YOU ARRIVED THERE WHAT DID YOU SEE ? A. I HEARD FIRING OF GUNS WHICH SEEMED TO COME FROM THE INSIDE OF THE EMIGRANT TRAIN AND WHEN WE CAME IN SIGHT THEY WERE SURROUNDED BY INDIANS ON	WAS EZRA CURTIS $_{A}$ WAS MY SUPERIOR OFFICER THAT IS I WAS ≤**A**≥ PRIVATE HE WAS OFFICER IN THE ORGANIZATION; THE MILITIA OF UTAH. $\{_{Q}\}^{i}$ WHAT WAS THAT ORGANIZATION KNOWN BY $\{_{A}\}^{i}$ UTAH MILITIA $\{_{Q}\}^{p}$ IN PURSUANCE OF THAT ORDER WHERE DID YOU GO $_{A}$WENT TO MOUNTAIN MEADOWS $_{Q}$ AFTER YOU ARRIVED THERE WHAT DID YOU SEE $_{A}$I HEARD FIRING OF THE GUNS BEFORE I CAME IN SIGHT OF EMIGRANT TRAIN AND WHEN WE CAME IN SIGHT AND THEY WAS SURROUNDED BY INDIANS ON	WAS EZRA CURTIS? A. HE WAS MY SUPERIOR OFFICER, THAT IS I WAS A PRIVATE. HE WAS AN OFFICER IN THE ORGANIZATION — THE MILITIA OF UTAH.. Q. BY WHAT NAME WAS THAT ORGANIZATION KNOWN BY? A. UTAH MILITIA. *[63]* Q. IN PURSUANCE OF THAT ORD~~RE~~ER WHERE DID YOU GO? A. WENT TO THE MOUNTAIN MEADOWS? Q . AFTER YOU ARRIVED THERE WH**A**T DID YOU SEE? A. I HEARD FIRING OF GUNS BEFORE I CAME IN THE SIGHT OF THE EMIGRANT TRAIN; AND WHEN WE CAME IN SIGHT THEY WAS SURROUNDED BY **I**NDIANS ON	

248. Ezra Curtis was a second lieutenant of Company E, Cedar City, and Pollock was a sergeant in the same platoon.

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RT	RS	BT	PS
EVERY SIDE; THE INDIANS [*space*] THE INDIANS A GREAT MANY OF THEM WAS NOT IN SIGHT, BUT THEY WERE ON THE SLOPE OF THE HILLS AND IN THE BRUSH. Q. HOW MANY WHITES IF ANY WERE THERE ? A. I CANNOT RECOLLECT OF ANY MORE THAN I HAVE TOLD YOU; THERE WAS FROM FIFTEEN TO TWENTY WENT. Q. BESIDES YOUR OWN PARTY ? *[233]* A. I COULD NOT TELL; I SAW A FEW	EVERY SIDE INDIANS HAD APPROACHED THEM AT ALL ACCESSIBLE POINTS AND EVERY SOUL THAT MADE THEIR APPEARANCE OUT OF CAMP WERE SHOT AT BY INDIANS FROM THESE POINTS*;* BUT THE INDIANS = A GREAT MANY OF THEM WAS NOT IN SIGHT BUT THEY WERE ON THE BANKS OF THE HILLS IN THE BRUSH —[?] HOW MANY WHITE IF ANY WERE THERE AS NEAR AS I CAN RECOLLECT THERE WAS FROM FIFTEEN TO TWENTY WENT **Q** BESIDES YOUR OWN PARTY **A**COULD NOT TELL I SAW A FEW	EVERY SIDE. **THE**~~THE~~ **I**NDIANS HAD APPROACHED THEM AT ALL ACCESSIBLE POINTS, AND EVERY LIVING SO~~LE~~**UL** THAT MADE THEIR APPEARANCE OUT OF CAMP**,** W~~ERE~~**AS** SHOT AT BY THE **I**NDIANS FROM THESE POINTS. THE **I**NDIANS, A GREAT MANY OF THEM WASN ’T IN SIGHT, BUT THEY WERE ON THE BRINKS OF THE HILLS AND IN THE BRUSH THERE. Q. HOW MANY WHITES, IF YOU KNOW**,** WERE THERE? A. AS NEAR AS I CAN RECOLLECT THERE WAS FROM I5 TO 20 WENT. Q. BESIDES YOUR OWN PARTY? A. I COULD NOT TELL, I SAW A FEW	

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RT	RS	BT	PS
MORE; THEY WERE NOT ALL INCLUDED WITH ME. I COULD NOT TELL YOU ONLY BY GUESS; I THINK I SEEN FROM TWENTY TO TWENTY FIVE CAMPING I THINK ON THE GROUND, BUT I COULD NOT REMEMBER THE REST OF THEM. Q. DID THE MOST OF THEM APPEAR TO BE ARMED ? A. THOSE THAT WENT WITH ME WERE ARMED, MOSTLY. Q. WHEN YOU GOT THERE WHAT WAS DONE BY THE WHITE MEN ON THE GROUND ? A. WE WENT TO FIND A PLACE TO CAMP, AT A DISTANCE SAY ABOUT A MILE, IT MIGHT HAVE BEEN MORE OR LESS, AS I CANNOT	FROM OTHER PLACES, NOT BEING ACQUAINTED WITH 'EM I COULD NOT TELL *YOU/THE*[?] *MANNER OF EACH*[?] MEN I HAVE SEEN THERE SAY FROM 20 TO 25 MAKING ROUGH GUESS, I DID NOT COUNT AND I COULD NOT REMEMBER OF TIME IS LONG SINCE *DID*[?] THE MOST OF THEM *[[37]]* APPEARED TO BE ARMED **A** THOSE THAT WENT WITH ME WERE ARMED MOSTLY WHEN YOU GOT THERE WHAT WAS DONE BY WHITE MEN ON THE GROUND **A**WE WENT AND FOUND PLACE TO CAMP AT DISTANCE SAY ABOUT MILE, IT MIGHT HAVE BEEN LESS OR MORE AS NEAR AS I CAN	FROM OTHER PLACES, BUT NOT BEING A~~F~~CQUAINTED WITH THEM, I COULD NOT TELL YOU, ONLY WHAT I HAVE SEEN.. OTHERS SAY FROM 20 TO 25. MAKI~~G~~NG A ROUGH GUESS, I DIDN'T COUNT, AND I COULD NOT REMEMBER THEM, IT IS SO LONG SINCE. Q. DID THE MOST OF THEM APPEAR TO BE ARMED? A. THOSE THAT WENT WITH ME WERE ARMED MOSTLY. Q. WHEN YOU GOT THERE WHAT W~~Q~~**A**S DONE BY THE WHITE MEN ON THE GROUND? A. WE WENT AND FOUND A PLACE TO CAMP AT A DISTANCE SAY ABOUT A MILE. IT MIGHT HAVE BEEN LESS OR IT MIGHT HAVE BEEN MORE. AS NEAR AS I CAN	

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RT	RS	BT	PS
RECOLLECT, BUT SOMEWHERE IN THE NEIGHBORHOOD OF A MILE FROM THE SPRINGS, THAT IS ON THE SIDE OF THE HILL FROM WHERE THE COMPANY WAS. Q. I WANT YOU IN MAKING A STATEMENT TO UNDERSTAND THAT WE DO NOT DESIRE YOU ANYTHING SAID THERE AND CONFINE YOURSELF ENTIRELY TO FACTS SUTHERLAND: TO WHICH WE OBJECT TO HIS GIVING ANY SUCH A PARTIAL STATMENT. OBJECTION OVERRULED.	RECOLLECT SOMEWHERES IN NEIGHBORHOOD OF A MILE FROM THE SPRING ON ELEVATION THAT IS ON THE SIDE OF THE HILL EAST FROM WHERE COMPANY WAS ~~Q~~I WANT YOU IN MAKING A STATEMENT DO NOT DESIRE YOU TO STATE ANYTHING ANY PERSON SAID THERE AND CONFINE YOURSELF ENTIRELY TO FACTS SUTHERLAND WE OBJECT TO HIS GIVING ANY SUCH PARTIAL STATEMENT. ~~<~~OBJECTION OVERRULED~~>~~ ACTS AND THINGS DONE THERE FROM DAY TO DAY –[?]	RECOLLECT SOM~~W~~EWHERES IN THE NEIGHBORHOO D O~~D~~**F** A MILE ~~FROM THE~~ **AT A** SPRING ON AN ELEVATION. Q. THAT IS ON THE SIDE OF THE HILL TO THE EAST FROM WHERE THE COMPANY W AS. I WANT YOU IN MAKING YOUR STATEMENT — I DON'T DESIRE YOU TO STATE ANYTHING WHAT ANY PERSON SAID THERE BUT CONFINE YOURSELF ENTIRELY TO FACTS. BY MR. SUTHERLAND: WE OBJECT TO HIS GIVING ANY SUCH ~~IM~~PARTIAL STATEMENT. ~~OBJECTION OVERRULED.~~ ARGUED BY MR. SUTHERLAND? ARGUED BY MR. ~~M~~BASKIN.	

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RT	RS	BT	PS
	PART[?] ~~OF IT~~ *VOID*[?] *COMPILED/COMPLETE*[?] ALL THAT SAID THERE CAN BE GIVEN THIS JURY ~~UNLESS~~ IF ALL THAT WAS SAID IS SEPARATED FROM WHAT WAS DONE IT WAS DOINGS OF PEOPLE WHO ARE CHARGED NOT WITH ANY PARTISAN UNDERTAKING AND FACT IS IT IS DOINGS OF ONE TWO PERSONS THE WHOLE TRANSACTION BUT WHAT WAS SAID CONNECTION WITH ACTS AFFIRM PARTICULAR OF THESE ACTS THOSE REMARKS COMPREHEND THEM THEREBY TO PROVE THOSE ACTS BY WHAT WAS THE DOINGS OF PRESENTING TRANSACTION AS THE LAW IS UNDER		

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RT	RS	BT	PS
	OBLIGATION TO PROVE THOSE ACTS AND THEREFORE AFFIRMING *PART*[?] OF THEM. DECLARATIONS ARE *RES*[?] GESTAE WHEN TEXT IS ASKED. ONLY WHAT WAS DONE OR ASKED HIM AND GIVEN IN SO MANY WORDS *WHEN TO GO*[?] PARTIAL TRANSACTION. BY COURT WON'T REQUIRE EITHER PARTY TO AFFIRM THE QUESTION PARTY HAS A RIGHT TO ASK WHAT WAS DONE THERE IS ONLY *PROPER*[?] OF EVIDENCE TO BRING IT OUT. BASKIN HE KNOWS VERY WELL EVERY THING THAT IS NOT MATERIAL WE DID NOT KNOW IT OR MAY FOR SIMPLE REASON ON THOSE FACTS THAT IS NOT RIGHT OF CROSS		

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RT	RS	BT	PS
	EXAMINATION. SUTHERLAND IF YOUR HONOR I MEAN SAY IN REPLY TO COUNSEL I HAD ASSUMED TO HAVE SOME FAMILIARITY WITH THESE RULES AND I *SPOKE*[?] FROM THAT FAMILIARITY I SHOULD NOT HAVE INTERPOSED THIS OBJECTION TO THEIR QUESTION WHICH WAS TO BE MOSTLY ON PROSECUTION WHILE I REGARDED THE MODE OF EXAMINING THAT WITNESS AS BOTH CONTRARY TO RULE AND UNPROFESSIONAL CONSIDERING THEY OBJECT THE *SUBJECT*[?] NOT PROVED *EXIST/UNDERSTOOD*[?] I REGARDED IT NOT VERY GRAVE OBJECTION BECAUSE I COULD SUPPLY		

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RT	RS	BT	PS
	REMAINDER OF TRANSACTION BY CROSS EXAMINATION BUT MOMENT I SEEK TO INTRODUCED FURTHER PART OF THE PICTURE THEY OBJECTED BECAUSE *THEY/THAT*[?] *EXCUSE*[?] NOW COUNSEL ANSWERS MY OBJECTION BY SAYING THE BALANCE OF THE PICTURE WE CAN BRING IN BY CROSS EXAMINATION. [*space*] *[[38]]* BASKIN I DID NOT GIVE GENTLEMAN CREDIT OF CANDOR THE GENTLEMAN DID NOT MISUNDERSTAN D MY STATEMENT. COURT CERTAINLY COULD NOT MISUNDERSTAN D MY STATEMENT AND I MADE NO SUCH STATEMENT HE GIVES ME CREDIT FOR. BY	*[64]* BY	

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RT	RS	BT	PS
	COURT PARTIES CAN ASK ABOUT WHAT WAS DONE THERE AND THE QUESTION WHEN MADE CAN BE OBJECTED I DO NOT REQUIRE EITHER PARTY TO MAKE QUESTION IN ANY PARTICULAR SHAPE. IT IS NOT VIOLATION OF RULE *NOT TO STATE*[?] TO WITNESS NOT TO SAY ANYTHING THAT WAS SAID. ANYTHING THAT IS NOT CALLED OUT WITHIN THE CROSS EXAMINATION CAN BE CALLED OUT BY EITHER PARTY WHEN HE IS THEIR WITNESS. BY BASKIN [*space*] BY SUTHERLAND YOUR HONOR PLEASE GIVE BENEFIT OF	COURT: PARTIES CAN ASK ABOUT WHA T WAS DONE THERE, AND THE QUESTION WHEN MADE CAN BE OBJECTED TO. I DON'T REQUIRE EITHER PARTY TO MAKE THE QUESTION ~~A~~ IN ANY PARTICULAR SHAPE. IT IS A VIOLATION OF THE RULES TO STATE TO WITNESS WHAT THEY SHALL NOT SAY OR NOT TO SAY ANYTHING THAT WAS SAID. AN YTHING THAT IS NOT CALLED OUT WITHIN~~G~~ THE CROSS EXAMINATION CAN BE CALLED OUT BY EITHER PARTY WHEN HE IS THEIR WITNESS. BY SUTHERLAND. IF YOUR HONOR PLEASE, GIVE US THE BENEFEIT OF AN
SUTHERLAND: ~~RE~~.PLEASE GIVE US THE BENEFIT OF AN			

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RT	RS	BT	PS
EXCEPTION. BASKIN: I WILL ASK YOU TO STATE WHO WERE ON THE GROUND AT THE TIME OF THAT MASSACRE ? A. I CANNOT DO IT. Q. IF YOU CANNOT STATE ALL OF THEIR NAMES STATE AS MANY AS YOU CAN REMEMBER ? WITNESS: I HAVE STATED ALL I CAN RECOLLECT, THE REST BEING STRANGERS TO ME. Q. GIVE THE NAMES OF THOSE YOU CAN REMEMBER ON THE GROUND? [234] A. I HAVE GIVEN YOU THE NAMES OF ALL I CAN RECOLLECT. THERE IS ONE MORE, JOHN D. LEE WAS ON THE GROUND IN PERSON. Q. WHO ELSE ? A. JOHN M. HIGBEE, P. K.	EXCEPTION BASKIN {Q}[i]I WILL ASK YOU TO STATE WHO WERE ON THE GROUND AT THE TIME OF THAT MASSACRE I CAN'T DO IT QIF YOU CAN'T STATE ALL OF THEIR NAMES STATE AS MANY AS YOU CAN REMEMBER AI HAVE STATED ALL I CAN RECOLLECT REST[249] BEING STRANGERS TO ME {GIVE THE}[p] QNAMES OF THOSE YOU CAN REMEMBER ON THE GROUND {A}[p]I HAVE GIVEN YOU THE NAMES OF ALL I CAN RECOLLECT. THERE IS MORE JOHN D. LEE WAS ON THE GROUND IN PERSON Q {WHO}[p] ELSE A J M HIGBEE, P **K**	E~~C~~XCEPTION.. Q. I WILL ASK YOU WHO WERE WITH YOU ON THE GRO UND AT THE TIME OF TH~~AT~~**E** MASSACRE? A. I CANNOT DO IT. Q. IF YOU CANNOT STATE ALL OF THEIR NAMES STATE AS MANY AS YOU CAN REMEMBER? A. I HAVE GIVEN YOU THE NAMES OF ALL THAT I CAN RECOLLECT. THERE IS MORE — ~~H~~**J**OHN D. LEE WAS ON THE GROUND IN PERSON. Q. WHO ELSE? A. JOHN M. HIGBEE, P.K.	

249. "REST" was added later.

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RT	RS	BT	PS
SMITH, AND WILLIAM STEWART I THINK. Q. DO YOU REMEMBER ANY OTHER ? A. NO, I CAN'T RECOLLECT ANY OTHERS. Q. HOW LONG DID YOU REMAIN IN THE CAMP THERE BEFORE THE MASSACRE ? A. WELL IT WAS ONE AND A HALF TO TWO DAYS I THINK. COULD NOT SAY DEFINITELY, BUT ONE AND A HALF OR TWO DAYS. Q. WHAT WAS DONE ? A. THE SECOND DAY I TH INK THE INDIANS WITHDREW FROM SIGHT; CANNOT SAY DEFINITELY WHETHER ON THE MORNING OF THE THIRD THE INDIANS DISAPPEARED I WAS IN HOPES THEY WERE GOING TO WITHDRAW	SMITH, AND WILLIAM STEWART I THINK $_{Q}$DO YOU REMEMBER ANY OTHER $_{A}$ NO I CAN'T RECOLLECT ANY OTHERS HOW LONG DID YOU REMAIN IN CAMP THERE BEFORE MASSACRE $\{_{A}\}^{p}$ WELL IT WAS FROM ONE AND HALF TO TWO DAYS I THINK COULD NOT SAY DEFINITELY OUT OF ONE AND HALF 2 DAYS $\{_{Q}\}^{p}$WHAT WAS DONE $_{A}$ THE SECOND DAY I THINK THE INDIANS WITHDREW FROM SIGHT CANNOT SAY DEFINITELY ON MORNING OF THIRD THE INDIANS DISAPPEARED AND I WAS IN HOPES THEY WERE GOING TO WITHDRAW	SMITH AND WILLIAM STEWART, I THINK. Q. DO YOU REMEMBER ANY OTHER? A. NO, I CAN'T RECOLLECT ANY OTHER~~X~~S. Q. HOW LONG DID YOU REMAIN IN CAMEP THE RE BEFORE THE MASSAC~~ER~~RE? A. WELL, IT WAS FROM ONE AND A HALF TO T WO DAYS, I THINK; I COULD NOT SAY DEFINITELY; BUT AT LEAST ONE AND A HALF TO TWO DAYS. Q. WHAT WAS DONE? A. THE SECOND DAY, I THINK THE **I**NDIANS WITHDREW FROM SIGHT; CANT SAY DEFINITELY HOW THEY MARCHED OFF BUT THEY DISAPPEARED; AND I WAS IN HOPES THEY WERE GOING TO WITHDRAW	

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RT	RS	BT	PS
AND LET THE THING PASS OVER. Q. STATE THE FACTS ? A. THAT IS MY IMPRESSION; THEY CEASED FIRING AND WENT OUT OF SIGHT, WHILE A FEW WHITE MEN THAT WAS THERE WENT DOWN TOWARDS THE CAMP FROM WHERE WE WERE CAMPED. LEE WAS THERE, SMITH WAS THERE, HIGBEE WAS THERE, THAT I REMEMBER OF; THEY WENT DOWN TOWARDS THE CAMP; I HAD UNDERSTOOD THAT THEY WERE GOING TO TRY AND SAVE THEM; WELL, THEY WENT TOWARDS THE CAMP SOME DISTANCE. Q. WERE THEY IN LINE OR WALKING PROMISCUOUSLY ? A. WALKING PROMISCUOUSL	LET THE THING PASS OVER $_{Q}$STATE THE FACTS THAT ARE MY IMPRESSION THEY CEASED FIRING AND WENT OUT OF SIGHT; WHILE FEW WHITE MEN THAT WAS THERE, WENT DOWN TOWARDS THE CAMP FROM WHERE WE WERE CAMPED, LEE WAS THERE; SMITH WAS THERE; HIGBEE WAS THERE; THAT I REMEMBER OF. THEY WENT DOWN TOWARDS CAMP, I HAD UNDERSTOOD THEY WAS GOING TO TRY TO SAVE ≤THEM≥., WELL THEY WENT TOWARDS THE CAMP SOME DISTANCE $_{Q}$ WERE THEY IN LINE OR WALKING PROMISCUOUSLY $_{A}$WALKING PROMISCUOUSL	AND LET THE THING PASS OVER. Q. STATE THE FACTS? A. THAT WAS MY IMPRESSION. THEN I ~~R~~HEARD FIRING AND WENT OUT OF SIG~~R~~T AND A FEW WHITE MEN THAT WAS THERE WENT DOWN TOWARDS THE CAMP FROM WHERE WE WERE CAMPED. LEE WAS THERE, SMITH WAS THERE , HIGBEE WAS THERE**,** THAT I REMEMBER OF. THE~~M~~Y WENT DOWN TOWARDS THE CAMP. I HAD UNDERSTOOD THAT THEY WERE GOING TO TRY TO SAVE THEM. WELL THEY WENT TOWARD THE CAMP SOME DISTANCE. *[65]* Q. WERE THEY IN LINE OR WALKING PROMISCUOUSLY? A. WALKING PROMISCUOUSL	

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RT	RS	BT	PS
Y. THEY WENT DOWN TO THE RIGHT. WE WERE ON THE EAST OF THE ROAD; CAMPED BY THE LITTLE SPRING; THEY WENT TOWARDS THE ROAD AND THERE THEY STOPPED AND FROM THAT POINT I SAW THE FLAG CARRIED TOWARDS THE EMIGRANT TRAIN. *[235]* Q. WHAT KIND OF A FLAG ? A. I COULD NOT TELL YOU TO SAVE MY SOUL, IT WAS SOMETHING ON A STICK. Q. DO YOU REMEMBER ITS COLOR ? A. ; I DO NOT; IT WAS THIN CLOTH; I COULD SEE IT WAS A FLAG, SOMETHING ON A POLE, LIKE AN EMBLEM; WE SAW SOME	Y THEY WENT DOWN TO THE ROAD WE WERE ON THE EAST[250] OF THE ROAD CAMPED AT LITTLE SPRING. THEY WENT DOWN TOWARDS THE ROAD AND THERE STOPPED, AND FROM THAT BODY I SAW THE FLAG CARRIED TOWARDS THE EMIGRANT TRAIN $_{Q}$ WHAT KIND OF A FLAG $_{A}$I COULD NOT TELL YOU TO SAVE MY SOUL IT WAS SOMETHING ON A STICK $_{Q}$DO YOU REMEMBER ITS COLOR $_{A}$I DO NOT IT WAS LIGHT COLORED, I COULD SEE IT WAS A FLAG SOMETHING ON A POLE LIKE EMBLEM WE SAW SOME	Y. THEY WENT DOWN TO THE **RIGHT** ~~RIGHT~~ . WE WERE ON THE EAST OF THE ROAD CAMPED AT A LITTLE SPRING. THEY WENT DOWN TOWARDS THE ROAD AND FROM THERE STOPPED ; AND FROM THAT BODY I SAW THE FLAG CARRIED TOWARD THE EMIGRANT TRAIN. Q. WHAT KIND OF A FLAG? A. I COULD NOT TELL YOU TO SAVE MY SOUL, IT WAS ON A STICK. Q. DO YOU REMEMBER ITS COLOR? A. I DO N'T. IT WAS A LIGHT COLOR; I COULD SEE IT WAS A FLAG. SOMETHING ON A POLE LIKE AN EMBLEM. WE SAW SOME OF	

250. Could be "EAST" or "WEST"; consonant is "ST"; there are no vowels or initial "W", which Rogerson frequently omits.

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RT	RS	BT	PS
INDIVIDUAL COME FROM THE CAMP AND MEET THIS FLAG AND THE INDIVIDUAL SAT DOWN ON THE GROUND AND TALKED FOR QUITE A WHILE, THEN THEY WENT TO THE CAMP, AS NEAR AS I CAN REMEMBER THE WHOLE PARTY, AND THERE WAS A LAPSE OF TIME. Q. STATE WHAT YOU MEAN — WHAT PARTY ? A. THE TWO INDIVIDUALS. Q. ARE YOU CERTAIN THERE WERE ONLY TWO ? A. I THINK THERE WAS ONLY TWO. Q. AND THEY WENT WHERE ? A. TO THE EMIGRANT CAMP; THERE WAS SOMETIME SPENT THERE, AN HOUR OR MORE, PERHAPS TWO HOURS. Q. WHERE WERE THE WHITE PERSONS THAT	INDIVIDUAL COME FROM CAMP MEET THIS FLAG AND INDIVIDUAL SAT DOWN *[[39]]* ON GROUND AND TALKED FOR QUITE WHILE., THEN THEY WENT TO THE CAMP AS NIGH AS I CAN REMEMBER THE WHOLE PARTY; AND THERE WAS LAPSE OF TIME. $_{Q}$STATE YOU MEANT WHAT PARTY $\{_{A}\}^{p}$TWO INDIVIDUALS ARE YOU CERTAIN THERE WERE ONLY TWO $_{A}$I THINK THERE WAS ONLY TWO $_{Q}$ THEY WENT WHERE $_{A}$TO THE EMIGRANT CAMP THERE WAS SOMETIME SPENT THERE GOOD HOUR OR MORE PERHAPS TWO HOURS $_{Q}$ WHERE WERE THE WHITES PERSONS THAT	THEM COME FROM THE CAMP AND MEET THIS FLAG; AND THEN THEY SAT DOWN ON THE GROUND AND TALKED WITH THEM; THEN THEY WENT TO THE CAMP A~~N~~S NEAR AS I CAN REMEMBER — THE WHOLE PARTY AND THERE WAS A LAPSE OF TIME. Q. STATE WHAT YOU MEAN — WHAT PARTY? A. THE TWO INDIVIDUALS. Q. ARE YOU CERTAIN THERE WERE ONLY TWO? A. I THINK THERE WAS ONLY TWO. Q. THEY WENT WHERE? A. TO THE EMIGRANT CAMP. THERE WAS SOME STANDING THERE AN HOUR OR MORE**,** PERHAPS TWO HOURS. Q. WHERE WERE THE WHITE PERSONS THAT	

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RT	RS	BT	PS
MARCHED DOWN THAT YOU HAVE SPOKEN OF IN THE MEAN TIME ? A. THEY WERE STILL STOPPING BY THE ROAD SIDE. AFTER WE GOT INTO THE CORRALL THEY REMAINED THERE TWO HOURS. Q. WHAT WAS NEXT DONE ? A. THE FIRST THING WE SAW THEN WAS SOME WAGONS BEING LOADED. Q. LO~~E~~ADED UP WITH WHAT ? A. I DON'T KNOW; I WAS AT LEAST A MILE DISTANT; I COULD NOT TELL Q. WHAT WAS IT LIKE ? A. THE WAGONS CAME IN SIGHT OF THE CAMP, BUT WHETHER THEY WERE TAKEN *[236]* THERE OR WHETHER THERE WERE SOME OF	MARCHED DOWN YOU HAVE SPOKEN OF IN THE MEANTIME A THEY WERE STILL STATIONARY ON ROAD SIDE AFTER THEY GOT INTO CORRAL THEY REMAINED TWO HOURS Q WHAT WAS NEXT DONE {A}P FIRST THING WE SAW THEN WAS SOME WAGONS BEING LOADED UP WITH WHAT ? AI *DON'T/DIDN'T*[?] I WAS AT LEAST MILE DISTANT COULD NOT TELL QWHAT WAS IT LIKE A WAGONS CAME IN SIGHT OF CAMP BUT WHETHER THEY WERE TAKEN THERE OR WHETHER THERE WERE SOME OF	MARCHED DOWN YOU HAVE SPOKEN OF, IN THE MOUNTAIN MEADOWS. A. THEY WERE STILL STATIONARY, BY THE ROAD; STAYED AFTER THEY GOT INTO THE ~~R~~CORRAL — REMAINED TWO HOURS. Q. WHAT WAS NEXT DONE? A. NEXT THING WE SAW THEN, WAS SOME WAGONS BEING LOADED. ~~WITH WHAT~~ Q. UP WITH WHAT? A. I DIDN'T SEE, I WAS AT LEAST A MILE DISTANT, COULD NOT TELL. Q. WHAT WAS IT LIKE? A. WAGONS CAME IN SIGHT, OF THE CAMP; BUT WHETHER THEY WERE TAKEN OR WHETHER THEY WERE SOME OF THE	

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RT	RS	BT	PS
THE WAGONS BELONGING TO THE EMIGRANTS I DO NOT KNOW. THESE WAGONS WERE LOADED APPARENTLY. Q. YOU COULD SEE THERE WAS SOME COMMOTION GOING ON ? A. YES, AND AFTER WHILE THESE WAGONS STARTED OUT AND AFTER THE WAGONS WE SAW THAT THE PEOPLE WERE COMING OUT, AND THEY FOLLOWED ON RIGHT AFTER THE WAGONS. Q. IN WHAT ORDER DID THEY COME OUT ? A. I DO NOT KNOW AT THE TIME TILL THEY CAME NEARER, AS THE DISTANCE FROM WHERE WE WERE AT THE TIME WAS TOO FAR HOW	WAGONS BELONGED TO EMIGRANTS I DO NOT KNOW, DOWN ROAD THERE WAS HORSE TEAMS THESE WAGONS WERE LOADED APPARENTLY. Q YOU COULD SEE THERE WAS SOME COMMOTION GOING ON {YES SIR}[p] AND AFTER WHILE THESE WAGONS STARTED OUT, AND AFTER THE WAGONS WE SAW THAT THE PEOPLE WERE COMING OUT AND THEY FOLLOWED ON AFTER RIGHT AFTER THE WAGONS Q IN WHAT ORDER DID THEY COME OUT A I DO NOT KNOW AT THE TIME UNTIL THEY CAME NIGHER AS THE DISTANCE FROM WHERE WE WERE TO THE CAMP WAS TOO FAR	WAGONS THAT BELONGED TO THE EMIGRANTS, I DON'T KNOW; AT ANY RATE THERE WAS TEAMS AND THESE TEAMS WERE LOADED APPARENTLY. Q. AND YOU SAY THERE WAS SOME COMMOTION GOINGON? A. YES, SIR, WHILE THESE WAGONS WERE STARTING OUT; AND AFTER THE WAGONS WE SAW THAT THE PEOPLE WERE COMING OUT AND THEY FOLLOWED ON RIGHT AFTER THE WAGONS. Q. IN WHAT WAY DID THEY COME OUT ? [66] A. I DIDN'T KNOW AT THE TIME UNTIL THEY CAME NIGHER, AS THE DISTANCE FROM WHERE WE WERE TO THE CAMP WAS TOO FAR	

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RT	RS	BT	PS
TO TELL; AS THEY DREW NEARER THAT WAS WITHIN ABOUT A HALF A MILE OR LITTLE LESS WE COULD THEN SEE THE WOMEN WERE IN FRONT AND THE WAGONS AND MEN AFTER THEM. THIS IS THE ARRANGEMENT THAT THEY CAME OUT OF THE CAMP, TOWARDS THIS SQUAD OF WHITEMEN. Q. DID YOU SEE ANY CHILDREN OR MEN IN THE WAGONS ? A. I COULD NOT SEE DISTINCTLY, OR TELL WHETHER IT WAS INDIVIDUALS OR NOT, THEY ARRIVED WHERE THIS PARTY OF MEN WAS STATIONED AND THEY THEN WALKED RIGHT ON,	BEYOND TO TELL; AS THEY DREW NEARER, THAT WAS WITHIN ABOUT A HALF A MILE OR LITTLE LESS, WE COULD THEN SEE WOMEN WERE IN FRONT AFTER THE WAGONS AND MEN AFTER THEM. THIS IS THE ARRANGEMENT THAT THEY CAME OUT OF CAMP TOWARDS THIS SQUAD OF WHITE MEN $_{Q}$ DID YOU SEE ANY CHILDREN OR WOMEN IN WAGONS $_{A}$I COULD NOT YET DISTINCTLY TELL WHETHER IT WAS INDIVIDUALS OR NOT, THEY ARRIVED WHERE THIS PARTY OF MEN WERE STATIONED AND THEY THEN WALKED RIGHT ON AFTER THEM	TO TELL. AS THEY DREW NEAR, THAT WAS WITHIN ABOUT A HALF A MILE O~~T~~R A LITTLE LESS; WE COULD THEN SEE THE WOMEN WERE IN FR~~I~~ONT AFTER THE WAGONS AND THE MEN FOLLOWED T~~HE~~ ~~ME~~ THEM. THAT IS THE ARRANGEMENT THAT THEY CAME OUT OF THE CAMP TOWARDS T HE SQUAD OF WHITE MEN. Q. DID YOU SEE ANY CHILDREN OR MEN IN THE WAGONS? A. I COULD NOT DISTINCTLY STATE WHETHER IT WAS INDIVIDUALS OR NOT. THEY ~~Z~~ ARRIVED WHERE THESE PEOPLE, MEN WERE STATIONED; AND THEN WALKED RIGHT ON WITH THEM.	

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RT	RS	BT	PS
PASSING OUR CAMP AT A RIGHT ANGLE FROM WHERE WE WERE AND GOING ON THE ROAD TOWARDS HAMBLIN'S RANCH, GOING NORTH OR NEARLY S.O THEY PASSED RIGHT ON AND IN TEN OR FIFTEEN MINUTES, MAY BE TWENTY MINUTES AFTER THEY PASSED THE RIGHT ANGLE OF THE ROAD WE HEARD A VOLLEY OF SHOTS THAT CAUSED OUR ATTENTION, TO LOOK MORE CLOSELY, TOWARDS THE COMPANY AND WE SAW IT WAS ONE CLOUD OF SMOKE, AT THE SAME TIME WE SAW THE INDIANS RUSH UPON THEM AND ALL WAS	THEY WERE THEN PASSED OUR CAMP = PASSED RIGHT ANGLE FROM WHERE WE WERE; GOING ON THE ROAD TOWARDS HAMBLIN'S RANCH GOING NORTH OR NEARLY SO, THEY PASSED RIGHT ON AND IN TEN 15 MINUTES MAYBE 20 MINUTES AFTER THEY PASSED RIGHT ANGLE OF ROAD, WE HEARD VOLLEY OF SHOTS; THAT CAUSED OUR ATTENTION TO LOOK MORE CLOSELY TOWARDS THE COMPANY, AND WE SAW IT WAS ONE CLOUD OF SMOKE, AT THE SAME TIME WE SAW INDIANS RUSH UPON THEM AND ALL WAS	THEY WERE THEN PAST OU~~T~~R CAMP — P~~AST AT~~ PASSED AT RIGHT ANGLES FROM WHERE WE WERE, GOING ON THE ROAD TOWARDS HAMBLIN'S RANCH — GOING NORTH OR NEARLY SO. THEY PASSED RIGHT ON AND IN TEN OR FIFTEEN MINUTES — MAY BE 20 MINUTES AFTER THEY PASSED AT ~~THE~~ RIGHT ANGLEOF THE ROAD WE HEARD A VOLLEY OF SHOTS. THAT CAUSED OUR ATTENTION TO LOOK MORE CLOSELY TOWARD THE COMPANY AND WE SAW IT WAS ONE CLOUD OF SMOKE. ~~I~~ AT THE SAME TIME WE SAW THE **I**NDIANS RUS**H** UPON THEM AND ALL WAS	

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RT	RS	BT	PS
COMMOTION AND YOU COULD NOT SEE WHAT WAS DONE, THERE W~~&~~AS A PERFECT COMMOTION, EVERYTHING SEEMED LIKE IN DISORDER, WITH THE YELLS OF THE INDIANS; YOU COULD JUST FAINTLY HEAR THEM AND WE CONCLUDED THE THING WAS CONSUMMATED AND NONE OF THEM WOULD *[237]* BE PERMITTED TO E~~C~~SCAPE. Q. THAT WAS DONE THEN, WHAT DID YOU SEE AFTER THAT A. I THINK THERE WAS SOME ORDER GIVEN AND AFTER SOMETIME ELAPSED WE SAW THE INDIANS RUS~~S~~HING FOR THE WAGONS IN THE MASS, AND	COMMOTION IT WAS JUST ALL WHILE, YOU COULD NOT SEE WHAT WAS DONE IT WAS A PERFECT COMMOTION *EVERYTHING*[?] SEEMINGLY IN *DISORDER*[?] YELLS OF INDIANS = COULD JUST FAINTLY HEAR THEM AND WE CONCLUDED THE THING WAS CONSUMMATED NONE OF THEM WOULD BE PERMITTED TO ESCAPE **Q** THAT WAS DONE THEN WHAT DID YOU SEE AFTER THAT **A** THEN AFTER THAT THERE WAS SOME *[[40]]* RATHER TWO HOURS I GUESS ELAPSED AND WE SAW THE INDIANS RUSH FOR THE WAGONS IN MASS AS	COMMOTION.. IT WAS JUST ALL THE WHILE, YOU COULD NOT HEAR WHAT WAS DONE. IT WAS A PERFECT COMMOTION, EVERYTHING SEEMINGLY IN DESPERATE YELLS OF **I**NDIANS — COULD JUST FAINTLY HEAR THEM, AND WE CONCLUDED THE THING WAS CONSUMATED AND NONE OF THEM WOULD BE P~~R~~ERMITTED TO ESCAP~~R~~E. Q. WHAT WAS ~~TH~~ DONE THEN? WHAT DID YOU SEE AFTER THAT? A. THEN AFTER THAT THERE WAS SOME — RATHER TWO HOURS LAPSED AND WE SAW THE **I**NDIANS RUSH TO THE WAGONS IN MASS AN~~S~~D	

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RT	RS	BT	PS
WE SUPPOSED IT WAS FOR THE PLUNDER. Q. LET ME CALL YOUR ATTENTION BACK TO THAT SHOT — DID YOU SEE ANY PERSONS FALL ? A. NO, WE ~~DO~~ DIDN'T, THE DISTANCE WAS TOO FAR TO SEE ANY OF THEM FALL. WHEN THE INDIANS STARTED ALL WAS STILL, THEY CONTINUED THEIR JOURNEY TOWARDS HAMBLIN'S AND WENT OUT OF SIGHT. Q. WAS THIS FIRING BEFORE OR AFTER THE INDIANS MADE THE ATTACK ? A. I COULD NOT TELL. Q. HOW FAR AWAY WERE THE INDIANS AT	WE SUPPOSED IT WAS FOR THE PLUNDER. Q LET ME CALL YOUR ATTENTION BACK TO THAT SHOT DID YOU SEE ANY PERSONS FALL ANO WE DIDN'T COULD NOT DISTANCE TOO FAR TO SEE ANY INDIVIDUAL FALL QWHEN THE INDIANS STARTED ALL WAS STILL, THEY CONTINUED THEIR JOURNEY TOWARDS HAMBLIN'S WENT OUT OF SIGHT. Q WAS THOSE SHOTS FIRED BEFORE OR AFTER INDIANS MADE ATTACK AI COULD NOT TELL SHOTS WERE WHAT CALLED OUR ATTENTION FIRST. QHOW FAR AWAY WERE INDIANS AT	WE SUPPOSED IT WAS FOR THE PLUNDER. Q. LET ME CALL YOUR ATTENTION BACK TO THAT SHOT. DID YOU SEE ANY PERSONS FALL? A. NO, ~~S~~ I DIDN'T — COULD NOT. THE DISTANCE WAS TOO FAR TO SEE ANY OF THEM FALL. WHEN THE **I**NDIANS STARTED ALL WAS STILL. THEY CONTINUED THEIR JOURNEY TOWARDS HAMBLIN'S AND WENT OUT OF SIGHT. *[67]* Q. WAS THIS FIRING BEFORE OR AFTER THE **I**NDIANS MADE THE ATTACK? A. I COULD NOT ~~E~~TELL. **T**HE SHOOTING IS WHAT CALLED OU~~T~~**R** ATTENTION FIRST. Q. HOW FAR AWAY ~~WHERE~~ **WERE** THE **I**NDIANS AT	

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RT	RS	BT	PS
THE TIME YOU FIRST SAW THEM ? A. THEY WERE RIGHT ON THE COMPANY; THE INDIANS RUSHED IN FROM THE RIGHT, THE INDIANS RUSHED RIGHT IN FROM THE RIGHT, FROM AN ELEVATION, SOMETHING LIKE THEY WERE CAMPED AROUND AND CAME IN FROM THE HILLS, CAMPING CLOSE TO THE ROAD. Q. AFTER THE FIRING DID YOU GO UPON THE G~~ROUND~~ROUND ? A. NOT THEN, NOT TILL THE NEXT DAY. Q. DESCRIBE WHAT YOU SAW THERE ? A. I SAW THE BODIES OF MEN, WOMEN AND CHILDREN BUTCHERED IN THE MOST HORRIBLE MANNER. SOME OF THE CHILDREN HAD THEIR	TIME YOU FIRST SAW THEM $_{A}$THEY WERE RIGHT ON COMPANY INDIANS RUSHED IN MADE A RUSH {=}^{i} INDIANS RUSHED RIGHT IN FROM RIGHT FROM ELEVATION, SEEMINGLY CAME AROUND IN FROM THE HILLS CAME CLOSE TO ROAD $_{Q}$AFTER {THE}^{i} FIRING DID YOU GO UPON GROUND NOT THEN NOT UNTIL NEXT DAY $_{Q}$ DESCRIBE WHAT YOU SAW THERE {$_{A}$}^{p} I SAW THE BODIES OF MEN WOMEN AND CHILDREN BUTCHERED IN MOST HORRIBLE MANNER SOME OF CHILDREN THEIR	THE TIME THAT YOU FIRST SAW THEM? A. THEY WERE RIGHT ON BEHIND; THE **I**NDIANS RUSHED IN FROM THE RIGHT — ~~THE INDIANS RUSHED RIGHT IN FROM ATHE RIGHT~~ FROM AN ELEVATION; CAME AROUND IN FROM THE HILLS. CAME CLOSE TO THE ROAD. Q. AFTER THE FIRING DID YOU GO UPON THE GOUND? A. NOT THEN**,** NOT TILL THE NEXT DAY. Q. DESCRIBE WHAT YOU SAW THERE? A. I SAW THE BODIES OF MEN, WOMEN AND CHILDREN, BUTCHERED IN THE MOST HORRIBLE MANNER. SOM E OF THE CHILDREN **WITH** THEIR	

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RT	RS	BT	PS
HEADS CRUSHED IN BY ROCKS, I SUPPOSE. Q. DID YOU LOOK MUCH AT THEIR WOUNDS TO SEE HOW THEY WERE ALL KILLED A. ; I DID NOT. *[238]* Q. WHAT DID YOU GO UP THERE FOR ? A. WE WENT TO HELP BURY THE BODIES. Q. WHAT DID YOU DO ? A. WE BURIED THE BODIES OF ALL WE COULD FIND. Q. HOW WAS IT DONE ? A. THE LITTLE SQUAD I WAS WITH IT WAS HARD TO GET THEM IN VERY DEEP WITHOUT DIGGING THE GROUND,WHICH WAS VERY HARD; IT WAS IMPOSSIBLE FOR US TO DIG IT. WE FOUND	HEADS WERE CRUSHED IN BY ROCKS I SUPPOSE **Q** WELL TO LOOK AFTER THEIR WOUNDS TO SEE HOW THEY WERE ALL KILLED **A**I DID NOT WHAT DID YOU GO UP THERE FOR **A** WENT TO HELP BURY BODIES. **Q** WHAT DID YOU DO WE BURIED BODIES ALL WE FIND HOW **Q** WAS IT DONE *THEY*[?] **A**LITTLE SQUAD I WAS WITH WE FOUND THE MOST NATURAL LOCALITY TO GET THEM IN PRETTY DEEP WITHOUT DIGGING GROUND WAS VERY HARD IT WAS IMPOSSIBLE FOR US TO DIG IT WE FOUND NATURAL	HEADS ~~WERE~~ MASHED IN BY ROCKS, I SUPPOSE. Q. WELL, DID YOU LOOK AT THEIR WOUND~~W~~**S** TO ~~T~~SEE HOW THEY WERE ALL KILLED? A. I DID~~N'T~~ **NOT**? Q. WHAT DID YOU GO UP THERE FOR A. I WENT TO HELP BURY THE BODIES. Q. AND ~~Q~~WHAT DID YOU DO? A. WE BURIED THE BODIES ALL WE COULD FIND. Q. THEN WHAT WAS DONE? A. THE LITTLE SQUAD I WAS WITH, WE FOUND THE MOST NATURAL LOCALITY TO GET THEM I~~H~~N PRETTY DEEP. ~~Q.~~ WE DUG THE GROUND AND FOUND IT WAS VERY HARD; IT WAS IMPOSSIBLE FOR US TO DIG IT. WE FOUND ~~NO~~ **NATURAL**	

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RT	RS	BT	PS
CAVITIES AND LOW PLACES; THERE WAS A DEPOSIT O**F**DIRT, IN ORDER TO KEEP THEMSELVES SAFE FROM THE WOLVES. Q. YOU DIDN'T BURY THEM ALL SEPARATE ? A. NO, ONLY IN TWO PLACES THAT WE BURIED, WHERE THERE WAS THREE OR FOUR PUT TOGETHER, GENERALLY IN PLACES THAT WE COULD WE PUT THEM IN SEPARATE Q. HOW DEEP WERE THEY COVERED ? A. FOUR FEET GENERALLY OF DIRT PUT ON THEM, PUT IN A WASH MOST OF THEM — WHAT WOULD BE TERMED A WASH. CROSS - EXAMINED BY SUTHERLAND.	CAVITIES LOW PLACES THERE WAS *DEPOSIT*[?] HERE AND PUT ON DIRT ENOUGH TO KEEP THEM SAFE FROM THE WOLVES **Q**DIDN'T BURY THEM ALL SEPARATE ONE OR TWO PLACES WHERE THERE WAS 3 OR 4 PUT TOGETHER GENERAL THING AS FAR AS WE COULD, WE PUT THEM IN SEPARATE **Q**HOW DEEP WERE THEY COVERED **A** 4 FEET GENERALLY OF DIRT PUT ON THEM IN WASH MOST OF THEM, WHAT WOULD BE TERMED A WASH. **XEXAMINED** BY CAREY YOU CAN TAKE THE WITNESS	CAVITIES ~~OR~~ **&** LOW PLACES TO DEPOSIT THEM AND WE PUT ON DIRT ENOUGH TO KEEP THEM SAFE FROM THE WOLVES. Q. YOU DIDN'T BURY THEM SEPARATELY? A. IN ONE OR TWO PLACES WHERE THERE WAS THREE OR FOUR PUT TOGETHER — GENERALLY IN PLACES WHERE WE COULD**,** WE PUT THEM IN SEPARATELY. Q. HOW DEEP WERE THEY COVERED? A. FOUR FEET GENERALLY OF DIRT PUT ON THE~~M~~ IN WHAT WOULD BE TERMED A WASH, MOST OF THEM. CROSS-EXAMINATION BY **M**R SUTHERLAND.	

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RT	RS	BT	PS
Q. DID YOU KNOW THE NAMES OF ANY OF THE EMIGRANTS ? A. I DID NOT KNOW. Q. STATE HOW MANY THERE WERE ALTOGETHER ? A. THAT I COULD NOT SAY, BUT I SHOULD JUDGE IN THE NEIGHBORHOOD OF A HUNDRED. Q. WHEN YOU SAW THE INDIANS AFTER THE SLAUGHTER GOING TOWARDS THE WAGONS AFTER THE SLAUGHTER, WERE YOU NEAR ENOUGH TO SEE THEM INDIVIDUALLY ? A. NOT TO KNOW THEM, I KNEW THEY WERE INDIANS. *[239]* ✔[251] Q. YOU COULD NOT INDIVIDUALIZE	DID YOU KNOW NAMES OF ANY OF THESE EMIGRANTS A I DID NOT KNOW *I HAVE* NOT DID YOU STATE HOW MANY THERE WERE ALTOGETHER THAT I COULD NOT SAY I SHOULD JUDGE I NEIGHBORHOOD OF HUNDRED ≤100≥ SUTHERLAND WHEN YOU SAW INDIANS AFTER SLAUGHTER GOING TOWARDS WAGONS AFTER SLAUGHTER WERE YOU NEAR ENOUGH TO SEE THEM INDIVIDUALLY A NOT TO KNOW THEM I KNEW THEY WERE INDIANS Q YOU COULD ≤NOT≥ INDIVIDUALIZE	Q. STATE ANY OF THE NAMES OF ANY OFTHOSE EMIGRANTS? A. I DON'T K~~OK~~NOW.Q. STATE HOW MANY THERE WERE ALL TOGETHER? **A.** THAT I COULD NOT SAY, I SHOULD JUDGE IN THE NEIGHBORHOO D O~~C~~F A HUNDRED. Q. WHEN YOU SAW THE **I**NDIANS AFTER THE SLAUGHTER GOING TOWARDS THE WAGONS — AFTER~~H~~ THE SLAUGHTER, WERE YOU NEAR ENOUGHTO SEE THEM— ANY OF THEM? A. NOT TO KNOW THEM; I KNEW THEY WERE **I**NDIANS. Q. CAN YOU GIVE ~~Y~~US AN IDEA—	

251. In the left margin.

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RT	RS	BT	PS
THEM, GIVE THE BEST IDEA YOU CAN OF THEIR NUMBER ? ✔[252] A. WELL I SH OULD JUDGE BETWEEN FOUR AND FIVE HUNDRED. Q. DURING THE TWO OR THREE DAYS THAT YOU WERE THERE PRECEDING THIS SLAUGHTER STATE WHETHER THERE WAS MORE OR LESS FIRING NIGHT AND DAY BETWEEN THE EMIGRANTS OR SOMEBODY ELSE, IF SO BETWEEN WHOM ? A. AS FAR AS I COULD SEE I COULD STATE THAT THE FIRING WAS KEPT UP DURING THE	THEM, GIVE THE BEST IDEA YOU CAN OF THEIR NUMBER[253] *[[Bk 5 1]]*[254] [*space*] A SHOULD JUDGE BETWEEN 4 AND FIVE HUNDRED *ONLY*[?]. DURING THE TWO OR THREE DAYS THAT YOU WERE THERE PRECEDING THIS SLAUGHTER STATE WHETHER THERE WAS SOME [*page torn*] FIRING NIGHT AND DAY BETWEEN EMIGRANTS AND SOMEBODY ELSE AND IF SO BETWEEN WHOM AAS FAR AS I SAID *CAN STATE*[?] THAT THE FIRING KEPT UP [*page torn*]	GIVE US THE ~~M~~BEST IDEA YOU CAN OF THE~~I~~R NUMBER. *[68]* A. WELL, I SHOULD JUDGE BETWEEN FOUR AND FIVE HUNDRED Q. DURING THE T~~R~~HREE DAYS YOU WERE THERE PRECEDING THIS SLA~~Y~~GHTER, STATE WHETHER THERE WAS ~~THE~~ **ANY** ~~SAME~~ FIRING BETWEEN THE EMIGRANTS AND SOMEBODY ELSE, IF SO BETWEEN WHOM? A. THERE WAS A KIND OF A FIRING KEPT UP DU~~T~~RING THE	

252. In the left margin.

253. At the bottom of page: **TRANSCRIBED MAR 1/88** FOR COOK.

254. There are no page numbers written in Book 5. This first page is dirty, torn and very difficult to read. Written out at the top of Book 5 page 1 in between shorthand lines in longhand: **TUESDAY JULY 27, 1875 BOOK NO. 5 MORNING SESSION CONTINUED BOOK NO. 5 SAMUEL POLLOCK TESTIMONY, JNO SHERRETT (MUTE) GEO. W. BRADSHAW R. KERSHAW E.C. MATTHEWS.**

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RT	RS	BT	PS
DAY WE ARRIVED THERE. WE ARRIVED THERE PRETTY EARLY DURING THE DAY. AT THIS PLACE WHERE WE CAMPED THE FIRING KEPT UP AT INTERVALS ALL THE DAY FROM THE SURROUNDING HILLS AND FROM THE EMIGRANT CAMP. Q. THE FIRING UPON THE EMIGRANTS WAS BY WHAT PERSON OR PERSONS ? A. WE SUPPOSED IT WAS THE INDIANS. WE KNEW NOTHING TO THE CONTRARY. Q. DID YOUR PARTY FIRE AT THEM THEN ? A. NOT A SHOT, NOT AT ALL, WE NEVER DREAMED OF	DAY WE ARRIVED THERE WE ARRIVED THERE PRETTY EARLY DURING DAY AT THIS PLACE WHERE WE CAMPED, FIRING KEPT UP INTERVALS ALL DAY AND [*page torn*] SURROUNDING HILLS AND FROM THE EMIGRANT CAMP [*space*] THE FIRING UPON EMIGRANT WAS BY WHAT PERSONS, WE SUPPOSED IT WAS THE INDIANS WE KNEW NOTHING TO CONTRARY DID YOUR PARTY FIRE UPON THEM A NOT A SHOT NOT AT ALL WE NEVER DREAMED OF	DAY — DURING THE DAY WE ARRIVED THERE. WE ARRIVED THERE PRETTY EARLY DURING THE DAY, AT THIS PLACE WHERE WE CAMPED. FIRING WAS KEPT UP AT INTERVALS ALL THE DAY AND FROM THE EMIGRANTS CAMP. Q. FIRING UPON THE EMIGRANTS WAS BY WHAT PERSONS? A. WE SUPPOSED IT WAS THE **I**NDIANS,—WE KNEW NOT TO THE CONTRARY. ~~WE~~ ~~S~~ WE S~~I~~UPPOSED IT WAS THE**I**NDIANS FIRING ~~P~~UPON THEM. Q. DID YOUR PARTY FIRE UPON **THEM** ~~THE~~? A. NOT A SHOT, NOT A~~L~~T ALL. WE NEVER DREAMED OF	

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RT	RS	BT	PS
SUCH A THING. Q. YOU SAY YOU WERE SUMMONED TO GO OUT THERE BY CURITS, WHERE WERE YOU WHEN YOU WERE SUMMONED TO GO ? A. I WAS TO WORK IN MY SHOP IN CEDAR CITY. Q. WHAT WAS THE SUMMONS ? A. MY ORDERS WERE—THE LIEUTENANT CAME INTO MY SHOP AND SAYS HE THERE IS NEWS COME IN THAT THE INDIANS HAVE ABOUT MASSACRED THAT COMPANY OF EMIGRANTS THAT PASSED THROUGH HERE A FEW DAYS SINCE AND WE WANT TO RAISE A POSSE TO GO OUT AND SAVE THE LIVES OF THEM THAT REMAIN, AND IF POSSIBLE BURY THE	SUCH A THING. YOU SAY YOU WERE SUMMONED TO GO OUT THERE BY CURITS WHERE WERE YOU WHEN YOU WERE SUMMONED TO GO I WAS TO WORK IN MY SHOP IN CEDAR CITY Q WHAT WAS THE SUMMONS A MY ORDERS WERE THE LIEUTENANT CAME INTO SHOP SAYS HE THERE IS NEWS COME IN THAT THE INDIANS HAVE ABOUT MASSACRED THAT COMPANY OF EMIGRANTS THAT PASSED THROUGH HERE FEW DAYS SINCE AND WE WANT TO RAISE A POSSE TO GO OUT AND SAVE LIVES OF THEM THAT REMAIN AND IF POSSIBLE AND BURY THE	SUCH A THING. Q . YOU SAY ~~W~~YOU WERE SUMMONED TO GO OUT THERE? A. YES, SIR. Q. BY WHOM? A. BY CURTIS. Q. WHERE WERE YOU WHEN YOU WERE SUMMON~~E~~D TO GO THERE? A. I WAS AT WORK IN MY SHOP IN CEDAR CITY. Q. WHAT WAS THE SUMMONS? A. MY ORDERS WERE— LIEUTENANT CAME IN~~T~~O THE **S**HOP, AND SAYS HE, **"T**HERE IS INFORMATION COME IN THAT THE **I**NDIANS HAVE ABOUT MAS**S**ACRED THAT COMPANY OF EMIGRANTS THAT PASSED THROUGH HERE A FEW DAYS SINCE, AND WE WANT TO RAISE A POSSEE TO GO OUT AND SAVE THE LIVES OF THEM WHAT REMAINS IF POSSIBLE, AND BU~~T~~RY THE	

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RT	RS	BT	PS
DEAD, I WANT YOU TO GO AND ARM YOURSELF WITH A GUN AND GET EI THER A PICK OR A SHOVEL OR EITHER ONE OF THESE AND GO PREPARED TO DO WHAT WAS NECESSARY; IN ONE HOUR YOU ARE REQUIRED TO BE *[240]* READY IF POSSIBLE IF YOU CAN; THIS WAS IN THE EVENING; THESE WERE THE ORDERS I RECEIVED; I WENT TO WORK AND WAS ON THE GROUND READY TO GO A LITTLE BEFORE DARK. Q: WHEN YOU ARRIVED AT THE MOUNTAIN MEADOWS WHY DIDN'T YOU PROCEED IMMEDIATELY TO RELIEVE THE EMIGRANTS ? A. I DO NOT KNOW.	DEAD. WANT YOU TO GO ARM YOURSELF WITH GUN GET ≤EITHER≥ PICK OR SHOVEL OR —[?] ONE OF THESE TWO AND GO PREPARED TO DO WHAT WAS NECESSARY. IN ONE HOUR YOU ARE REQUIRED TO BE READY IF YOU CAN. THIS *R*[?] IN *EVENING*[?] THOSE WERE ORDERS I RECEIVED I COMPILED WITH THEM WAS ON THE —[?] GROUND READY TO GO A LITTLE BEFORE DARK. WHEN YOU ARRIVED AT MOUNTAIN MEADOWS WHY DIDN'T YOU PROCEED IMMEDIATELY TO RELIEF OF EMIGRANTS $_{A}$ I DO NOT KNOW	DEAD. I WANT YOU TO GO ~~ARMED~~ AND ARM YOURSELVE~~D~~S WITH A GU~~S~~N AND GET EITHER A PICK OR A SHOVEL; OR SEND SOMEONE THAT IS PREPARED TO GO. IN ONE HOUR YOU ARE ~~Q~~REQUIRED TO BE READY IF YOU ~~V~~CAN". THIS WAS IN THE AFTERNOON. THEY WERE THE ORDERS I RECEIVED AND I COMPLIED WITH THEM; SO WE WERE ON THE GROUND READY TO GO A LITTLE BEFORE DARK. Q. WHEN YOU ARRIVED AT THE MOUNTAIN MEADOWS, WHY DIDN'T YOU PROCEED IMMEDIATELY TO RELIEVE THE EMIGRANTS? A. I DON'T KNOW	

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RT	RS	BT	PS
WE WENT THERE AND CAMPED, EXPECTING THAT SOMEBODY ELSE THAT WAS THERE OR IN THAT VICINITY WOULD COME TO US. BASKIN OBJECTED TO WHAT HE EXPECTED. Q. STATE WHETHER ANY EXPLANATION TO YOU, OR COMMUNICATIO N AS TO WHY THEY WERE TO GO THERE, OR; IF IT WAS GIVEN WHILE YOU WERENTHERE ? A. THE COMMUNICATIO N ONLY	WE WENT THERE AND CAMPED EXPECTING THAT SOMEBODY ELSE THAT ~~WAS~~ THERE OR IN THAT VICINITY WOULD COME TO US BASKIN WE OBJECT WHAT HE EXPECTED WHEN IN CROSS EXAMINATION *WE*[?] ONLY NOW EXAMINE THIS WITNESS AS TO FACTS WHAT OCCURRED. SUTHERLAND STATE WHETHER ANY EXPLANATION OF YOUR INTENTION FACT *FOR IT/FIGHT*[?] TO DO GIVEN WHILE YOU WERE THERE {A}[P]THE COMMUNICATIO N ONLY	WE WENT THERE AND CAMPED EXPECTING THAT SOMEBODY ELSE WAS THERE OR *[69]* IN THAT VICINITY AND WOULD COME TO U~~E~~S. BY MR. BASKIN: WE OBJECT TO WHAT HE EXPECTED AND **IT IS** NOT ~~AS~~ CROSS-EXAMINATION. WE ONLY EXAMINED THIS WITNESS AS TO THE FACTS THAT OC~~F~~**C**URRED. **M**R SOUTHE~~L~~RLAND : STATE WHETHER YOU HAD ANY COMMUNIACATI ON WITH THEM. A. THE COMMUNICATIO N ONLY	

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RT	RS	BT	PS
OCCURRED ON ONE DAY. Q. DID YOU SEE'MR. LEE THERE ? A. NOT THAT DAY. Q. WHEN DID YOU FIRST SEE HIM ? A. THE NEXT DAY AS NEAR AS I CAN REMEMBER, I THINK IT WAS IN THE MORNING, BUT I DO NOT KNOW. Q. WHO CAME WITH HIM ? A. SOME INDIANS CAME WITH HIM; WHILE WE WAS THERE THERE WAS TWO CHIEFS CAME WITH HIM. Q. DO YOU SPEAK THEIR LANGUAGE ? A. NO, NOT ANY. Q. DID YOU HAVE A TALK WITH LEE THEN AND WITH THE INDIANS ? BASKIN: WE OBJECT.	OCCURRED ONE DAY[255] $_{Q}$DID YOU SEE MR. LEE THERE $_{A}$ NOT THAT DAY WHEN DID YOU I SAW HIM $\{_{A}\}^{p}$ NEXT DAY AS NEAR AS I CAN REMEMBER I THINK IT WAS IN MORNING BUT I DO NOT KNOW WHO CAME WITH HIM ~~<~~SOME INDIANS CAME WITH HIM~~>~~ ~~SOMEBODY~~ ELSE CAME WHILE. WE WAS THERE WAS TWO CHIEFS CAME WITH LEE $_{Q}$DID YOU SPEAK THEIR LANGUAGE NO NOT ANY. DID YOU HAVE TALK WITH LEE THEN AND WITH THE INDIANS {**BASKIN**}^{p} ~~<~~**BASKIN**~~>~~ OBJECTED. SINCE	OCCURRED ONE DAY. Q. DID YOU SEE MR. **L**EE THERE? A. NOT THAT DAY. Q. WHEN DIDYOU SEE HIM? A. NEXT DAY; AS NEAR AS I CAN REMEMBER**,** I THINK IT WASIN THE MORNING, BUT I DON'T KNOW. I ~~CAME T~~ HE CAME THAT MORNING AND SOME OF THE **I**NDINAS CAME ~~T~~WITH HIM, AND SOMEBODY ELSE CAME WITH HIM.. THERE WAS TWO CHIEFS CAME WITH HIM. Q. DO YOU SPEAK THEIR LANGUAGE? A. NO, NOT MUCH.. Q. DID THEY TALK WITH LEE THEN AND WITH THE **I**NDIANS. BY MR. BASKIN**:** I OBJECT. THIS	

255. Word added later.

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RT	RS	BT	PS
SUTHERLAND:	QUESTION OF DISCUSSION WAS PUT BEFORE I THINK RULE ON CROSS-EXAMINATION *[[2]]*[256] *FURNISH*[?] LAW AND IT IS THIS IT IS RULE STATED BY SUPREME COURT OF THE UNITED STATES TO BE SOLELY USED THAT PARTY HAS NO RIGHT CROSS EXAMINE ANY WITNESS EXCEPT AS TO FACTS CIRCUMSTANCES *CONNECTED/GIVEN*[?] STATED IN DIRECT EXAMINATION GREENLEAF ON EVIDENCE THAT IS NOT LEGITIMATE CROSS EXAMINATION. SUTHERLAND THERE IS NO DISPUTE BETWEEN —[?] AS TO THAT THE RULE WHAT THE UNITED STATES RULE IS THE CROSS	QUESTION ~~IS~~ WAS NOT PUT BEFORE AND IT IS NOT CROSS-EXAMINATION. ARGUED BY COUNSEL ON BOTH SIDES.	

256. "**COMPARED TRANSCRIBED**" in longhand at the top of the page.

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RT	RS	BT	PS
Q. WE ARE TRYING TO FIND OUT WHAT WAS DONE AT THE MOUNTAIN MEADOWS— ALL THAT WAS DONE BY THE INDIANS AND WHAT WAS DONE BY THE [241] WHITES.	EXAMINATION BE CONFINED TO SUBJECT MATTER OF EXAMINATION IN CHIEF IT WAS WHAT WAS DONE AT MOUNTAIN MEADOWS SUBSTANCE OF THE CONVERSATION WITNESS HAD DETAILED CONVERSATION ON CROSS EXAMINATION WOULD IT BE ADMISSIBLE TO BRING OUT FURTHER THINGS SAID IN THE SAME CONVERSATION THAN WOULD HAVE BEEN CALLED OUT EXAMINATION CHIEF MYSELF MOST CERTAINLY THAT IS THE OBJECT OF IT IT IS SUPPOSED CROSS EXAMINATION IT IS —[?] *AND*[?]		

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RT	RS	BT	PS
	THE PARTY CROSS EXAMINES FOR THE PURPOSE OF BRINGING OUT TRANSACTION MORE BOLDLY THAN IT WAS BROUGHT OUT IN EXAMINATION CHIEF AND THE WIDEST LATITUDE IS ALLOWED HE MENTIONED MATTER INQUIRED INTO UNLESS CROSS EXAMINATION GOES TO THIS EXTENT IT IS NOT IN VIOLATION STATE MATTER INQUIRED IN CHIEF AS I REMARKED BEFORE IS WHAT TOOK PLACE AT THE MOUNTAIN MEADOWS IT DID NOT CONSIST EVEN IN VIEW OF PROSECUTION OF WHAT JOHN D. LEE ALONE DID HE HAS ASSUMED *HE/SHOULD*[?] HAVE WITNESS ON THE STAND		

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RT	RS	BT	PS
	WHAT EVERYBODY DID THERE BELONGED TO PARTY JOHN D. LEE ACTED WITH THEY ARE ACCUSED OF ACTING IN CONCERT THEREFORE ONE IS RESPONSIBLE FOR WHAT EVERY ONE DID. ALL THAT WAS DONE THERE SHALL BE *BEFORE*[?] THIS JURY *WERE/WHERE*[?] ACTING IN CONCERT IT INCLUDES THEIR ACTS AND QUALIFYING DECLARATIONS WE SEEK TO INQUIRE OF THIS WITNESS WHAT TOOK PLACE THERE IN THAT BROAD SENSE. BASKIN IN ANSWER TO THAT I HAVE SIMPLY THIS TO SAY, GENTLEMAN ASSERTS CROSS EXAMINATION IS CONFINED TO THE SUBJECT MATTER GENTLEMAN		

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RT	RS	BT	PS
	NEVER AS MUCH[?] *TALK/TOOK*[?] *ANNOUNCED*[?] ANYTHING BACK *COULD NOT HAVE*[?] *WHILE*[?] *AS TO LAW*[?] THIS EXCEEDS ANY REASON AND GROWS OUT OF RULE ITSELF [*space*] CROSS EXAMINATION IS CONFINED SUBJECT MATTER DRAWN OUT IN CHEF UNDER THE RULE THE GENTLEMAN STATES IT THERE COULD NOT BE ANY LIMITS IT WOULD DESTROY ALL THE LIMITS UPON CROSS EXAMINATION RULE NO REASON AND WHILE I DO NOT NOW HAVE IN MY MIND ANY BECAUSE I HAVE HEARD WHAT ESTABLISHED *TALK*[?] ANY REASON LIMITATION IS CROSS EXAMINATION		

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RT	RS	BT	PS
	MUST BE CONFINED TO THE SUBJECT MATTER DRAWN OUT THERE BY THE EXAMINATION IN CHIEF THE GENTLEMAN ASSERTS HERE RULE IT IS *TENDS*[?] TO WHOLE SUBJECT MATTER *COVERED*[?] CONTROVERTS. ALL WE HAVE ASKED THIS WITNESS IS THE ACTS DONE. THEN IT *DEPRIVES*[?] VERY IMPORTANT AND THAT IS ADVANTAGE OF CROSS EXAMINATION IT IS OBJECTIONABLE ON THAT *[[3]]* GROUND MORE PARTICULARLY. BISHOP I WISH SIMPLY TO CALL ATTENTION TO THIS AUTHORITY PAGE "131" **ROSCOES** CRIMINAL EVIDENCE I UNDERSTAND ≺GENTLEMAN≻		

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RT	RS	BT	PS
	TO SAY JUDGE SUTHERLAND MISSTATES LAW THE WITNESS MAY BE QUESTION ON ANY POINT FOR THE PURPOSE OF *SETTLE*[?] AS TO IS CAPABLE TO ANSWER QUESTIONS AND GIVE TESTIMONY PROCEEDED READ STILL FURTHER. ON PAGE 131 NOTE WHEN ATTORNEY CAN'T EXAMINE WITNESS. A PARTY MAY CROSS EXAMINE AS TO RES GESTAE PROVIDED IT MAY BE NEW MATTER WE CLAIM IN THIS CASE THIS IS PART RES ≤**RAES**≥ GESTAE EVERY THING CONNECTED WITH TRANSACTION THEY HAVE ASKED HIM REGARD EVERY FACT AND ASKED HIM HOW HE CAME TO GO THERE WENT BY		

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RT	RS	BT	PS
	ORDERS NOW THEN WE ARE CERTAINLY ENTITLED THEN TO KNOW EVERY WORD THAT WAS SAID AT THAT TIME WHEN HE LEFT CEDAR CITY TO GO TO THE FIELD ANOTHER THING WE ARE CERTAINLY ENTITLE ABOUT TO KNOW INCLUDE WHAT WAS DONE BY HIM FROM TIME HE LEFT CEDAR CITY UNTIL HE GOT TO CAMP ALL THAT HAS BEEN SLIPPED OVER BY PROSECUTION THEY ARE CALLING EVIDENTLY HERE TO GET CERTAIN EVIDENCE BY THIS WITNESS. WE HAVE RIGHT TO GET THING HEARD BY PARTIES SHOWING MOTIVES OF PARTIES ASKING HIM TO GO THING HE HEARD GOING AND ALL HIS		

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RT	RS	BT	PS
	MEANS/MASS[?] OF INFORMATION SO JURY MAY DRAW THEIR OWN INFERENCES AS TO WHETHER HE SAW THAT HE *PRETENDED/PER TAIN*[?] TO DETAIL OR NOT CLAIM IT IS PART OF RES GESTAE EVERY THING SET DOWN THAT FOLLOW SUCH PART OF PROSECUTION AS ACTS OF VIOLENCE USED AGAINST THEM. BY COURT I HAVE ANSWERED THIS QUESTION BEFORE DIFFERENTLY SEEMS BY BASKIN. ≤BY BISHOP≥ OUR IDEA IS THIS THE ORDERS THAT CAUSED THE ACTS ARE PART OF ACTS THEMSELVES. SUTHERLAND ENGLISH RULE IS SUSTAINED AS TO ANY *RISK*[?] CROSS EXAMINATION		

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RT	RS	BT	PS
	THEN/THERE[?] MAY QUESTION ABOUT WHOLE CAUSE WHEREVER WITNESS IS CONCERNED ABOUT THAT HE IS NOT ASKED QUESTION HE IS GIVEN ADVANTAGE OF CROSS EXAMINATION AND BELIEVE AMERICAN *D-K/D-G*[?] IS NOT SO BROAD AS THAT THE UNITED STATES RULE IS THE RULE LAID DOWN BY SUPREME COURT OF THE UNITED STATES CROSS EXAMINATION SHALL BE LIMITED SUBJECT MATTER OF EXAMINATION IN CHIEF THAT IS THE UNITED STATES RULE AS I UNDERSTAND IT I BELIEVE I HAVE GIVEN IT CONSIDERABLE ATTENTION. BY COURT I AM ACCUSTOMED TO THEIR RULE		

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RT	RS	BT	PS
	AND LIKE IT, —[?] *NR/KR/CAREY*[?] IS ONE WILL GO UP AS THIS IS LIKELY TO GO SUPREME COURT OF THE UNITED STATES.		
COURT: I WILL MAKE THE SAME RULING AS I DID BEFORE.	BY COURT I WILL MAKE SAME RULING AS I DID AS ON OTHER MATTER I DID AS WHEN THE SAME POINT IS RULED AND ONCE IT IS I THINK IT WOULD BE SUFFICIENT. SUTHERLAND ANSWERED AS TO HIS RULING.	OBJECTION SUSTAINED.	
SUTHERLAND: PLEASE NOTE OUR EXCEPTION.	SUTHERLAND NOTED EXCEPTION. ~~BASKIN IN THIS~~ SUTHERLAND DID I UNDERSTAND YOUR HONOR TO RULE NOTHING THAT WAS SAID IN TRANSACTION IS TO BE INTRODUCED *[[4]]* BY COURT YES SIR NOTHING OF THAT KIND IS TO BE CALLED OUT. IT IS VERY		

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RT	RS	BT	PS
	DIFFICULT FOR US CROSS EXAMINATION TO ANY ADVANTAGE UNDER THAT RESTRICTION I WILL ONLY CROSS EXAMINE IN RESPECT TO ONE PART OF TRANSACTION AFTER SLAUGHTER WHAT WAS DONE WITH WAGONS AND PROPERTY THERE BY BASKIN THAT IS POINT OF MY OBJECTION BECAUSE WE ASKED NO QUESTIONS ABOUT THAT ? I DO NOT OBJECT I THINK THEY WOULD HAVE RIGHT TO PROVE WHAT WAS DONE BY THIS WITNESS BUT WE HAVE RIGHT TO CROSS EXAMINE. SUTHERLAND ANSWERED COURT INTERFERED SUTHERLAND REMARKED WE *SAY ABOUT/ASKED*[?]		

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RT	RS	BT	PS
	THOSE WAGONS DON'T KNOW WHETHER IT WAS PART OF EMIGRANT WAGONS WHICH WERE LOADED *OFF*[?] OR WAGONS BROUGHT THERE [*space*]		
Q. STATE WHAT WAS DONE THERE AT THAT TIME TO WHICH I CALLED YOUR ATTENTION TO LAST ? A. AS I STATED THE INDIANS WERE RUNNING VERY FAST IN EVERY DIRECTION BUT WE DIDN'T KNOW EXACTLY WHERE. Q. STATE WHAT ELSE THEY WERE DOING ? A. UNLESS THEY WERE PACKING OFF SOMETHING OR HEADING IT OFF I DON'T KNOW—UNLESS THEY WERE. TOWARDS EVENING OF THAT DAY THE	Q AS TO WHAT WAS DONE AT THE TIME A AS I STATED INDIANS RUSHING VERY FAST IN EVERY DIRECTION WE DIDN'T KNOW {EXACTLY}[P] WHAT ~~Q~~ ELSE THEY WERE DOING THERE, UNLESS THEY WERE PACKING OFF SOMETHING *DEPOSITING*[?] OR HIDING IT {I DON'T KNOW}[P] TOWARDS EVENING OF THAT DAY	Q. STATE WH AT WAS DONE AT THE TIME? A. I STATED THAT THE **I**NDIANS WERE RUNNING FROM EVERY DIRE~~S~~CTION. WE DIDN'T KNOW EXACTLY WHAT THEY WERE ~~G~~**D**OING UNLESS THEY WERE PACKIN~~F~~G OFF SOMETHING AND DEPOSITING AND HID~~G~~ING IT.~~,~~ I DON'T KNOW. ~~Q.~~ TOWARDS EVENING **OF** THAT DAY, **THE**	

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RT	RS	BT	PS
WHITE MEN WAS THERE, SMITH AND HIGBEE, THEY ORDERED SOME OXEN TO BE BROUGHT UP AND THEY WENT AND DROVE IN ENOUGH TO HAUL THE WAGONS AND TEAMS, THEY WERE GOT TOGETHER; THE WAGONS WERE STARTED ON THE ROAD AND TAKEN TO CEDAR CITY. Q. BY WHOSE DIRECTIONS ? A. BY P. K. SMITH'S. I UNDERSTOOD IT AT THE TIME TO BE UNDER HIS SUPERVISION. Q. WHO TOOK THEM ? A. THESE WHITE MEN FROM CEDAR CITY, I WENT WITH THEM. Q. TELL WHETHER SMITH WENT WITH YOU ? A. I THINK HE DID. I	WHITE MEN THAT WAS WITH SMITH HIGBEE; THEY ORDERED SOME OXEN TO BE BROUGHT UP, ASKED DRIVE IN ENOUGH TO HAUL WAGONS TEAMS. THEY WERE GOT TOGETHER WAGONS WERE STARTED ON ROAD TAKEN CEDAR CITY $_{Q}$ BY WHOSE DIRECTIONS $_{A}$ BY **P K** SMITH'S, I UNDERSTOOD IT AT THE TIME ~~<~~UNDER HIS SUPERVISION~~>~~ $_{Q}$WHO TOOK THEM $_{A}$ THOSE WHITE MEN FROM CEDAR CITY I WENT WITH THEM $\{_{Q}\}^{p}$ TELL WHETHER SMITH WENT WITH YOU OR NOT $_{A}$I THINK HE DID SO = I	WHITE M~~C~~EN THAT WE SAW WERE ~~WERE WITH THEM,~~ , SMITH, — HAGBEE — THEY ORDERED SOME OXEN TO BE BROUGHT UP~~.~~**,** AND THE HERDERS DROVE IN ENOUGH TO HAUL THE WAGONS AND TEAMS. THEN WE GOT TOGETHER THE WAGONS, AND WE STARTED ON THE ROAD TO ~~D~~GO TO CEDAR CITY. Q. BY WHOS**E** DIRECTIONS? A. BY P.K.SMITHS. I UNDERSTOOD IT SO AT THE TIME~~.~~ —UNDER HIS SUPERVISION. Q. WHO TOOK THEM? A. THESE WHITE MEN FROM CEDAR CITY. I WENT ~~WITH~~ WITH THEM. Q. TELL WHETHER SMITH WENT WITH YOU OR NOT. [70] A. I THINK HE DID SO, I	

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RT	RS	BT	PS
UNDERSTOOD HE DID. Q. STATE WHETHER HE DIDN'T HAVE THE DIRECTION OF THE PARTY THAT WENT WITH THOSE WHO TOOK THESE WAGONS ? A. I UNDERSTOOD SO. Q. WASN'T IT A FACT THAT WHAT WAS DONE WAS DONE UNDER HIS DIRECTIONS [242] IN TAKING THESE WAGONS TO CEDAR CITY ? A. YES SIR. COURT: I WANT TO ASK THIS WITNESS ONE QUESTION. Q. YOU SAY WHEN THE INDIANS CAME DOWN NEAR TO OR ABOUT THE WAGONS THEY JUST KEPT RIGHT ON—	UNDERSTOOD HE DID STATE WHETHER HE DIDN'T HAVE DIRECTION OF THE PARTY THAT WENT WITH THOSE THAT TOOK THESE WAGONS *AROUND*[?] ~~A~~I UNDERSTOOD IT SO. ≤IS NOT≥ WASN'T THAT A ~~FACT~~ ≤FACT≥ THAT WHAT WAS DONE WAS DONE UNDER HIS DIRECTION IN TAKING THESE TEAMS TO CEDAR CITY {YES SIR}[p]. BY SUTHERLAND THAT IS ALL FROM THIS WITNESS. BY COURT I WANT JUST ASK THIS WITNESS ONE QUESTION. ≤**COURT**≥ YOU SAY WHEN INDIANS CAME DOWN NEAR OR ABOUT THE WAGONS JUST KEPT RIGHT ON	KNOW HE DID. Q. STATE WHETHER HE DID HAVE DIRECTION OF THE PARTY THAT WENT ~~WITH~~ WITH THESE, THAT TOOK THOSE WAGONS AROUND? A. I UNDERSTOOD IT SO. **Q.** ISNT ~~THAT~~ **IT** THE FACT THAT WHAT WAS DONE**,** WAS DONE UNDER HIS DIRECTION IN TAKING THESE TEAMS TO CEDAR CITY? A. YES, SIR. ~~Q.~~ BY MR. SUTHERLAND: THAT IS ALL F**R**OM THIS WITNESS. ~~Q.~~ BY THE COURT: I JUST WANT TO ASK THIS WITNESS ONE QUESTION. YOU SAY WHEN THE INDIANS CAME DOWN AND WENT THERE ABOUT THE WAGONS ~~—~~**&** JUST GO RIGHT ON —	

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RT	RS	BT	PS
DID THE INDIANS GO TOWARDS THESE WAGONS ? A. I COULD NOT SAY WHETHER THE WAGONS KEPT ON OR MADE A HALT. I COULD NOT SAY, I WAS A DISTANCE OFF FROM THE WAGONS, BUT THE WAGONS WENT RIGHT AHEAD TOWARDS HAMBLIN'S RANCH. AFTER THE THING WAS DONE THE INDIANS DIDN'T MOLEST THE WAGONS; A DISTANCE OF FROM THREE OR FOUR MILES. THERE WERE WAGONS THAT CEME FROM THE EMIGRANT TRAIN. THEY DIDN'T ATTACK THE TRAIN	{Q}[P]DID {THE}[I] INDIANS GO TOWARDS THOSE WAGONS {A}[P] I COULD NOT SAY WHETHER WAGONS KEPT ON OR MADE HALT, I COULD NOT SAY. I WAS DISTANCE FROM THERE BUT WAGONS WENT AHEAD TOWARDS HAMBLIN'S RANCH. AFTER THING WAS DONE THE INDIANS DIDN'T MOLEST WAGONS = A DISTANCE OF 3 OR 4 MILES, THOSE WERE WAGONS THAT CAME FROM EMIGRANT TRAIN THEY DIDN'T ATTACK THE TRAIN.	DID THE **I**NDIANS GO TOWARDS THESE WAGO~~HW~~NS? A. I COULD NOT SAY W**H**ETHER THE WAGONS KEPT ON THE ROAD OR MADE A HALT. ~~I COULD NOT SAY WHETHER THE WA~~**A**~~GONS KEPT ON THE ROAD OR MADE A HALT.~~ I WAS OFF A DISTANCE BUT THE WAGONS WENT AHEAD TOWARDS HAMBLIN'S RANCH. AF~~E~~T~~D~~ER THE THING WAS DONE THE **I**NDIANS DID~~H~~N~~A~~'T MOLEST THE WAGONS. A DISTANCE OF THREE OF FOUR MILES — THESE WERE THE WAGONS THAT CAME FROM THE E~~N~~MIGRA~~B~~NT TRAIN. THEY D**I**DN'T ATTACK THE TRAIN..	

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RT	RS	BT	PS
THEN. Q. WERE ANY OF THE PERSONS TAKEN OUT OF THESE WAGONS KILLED ? A. NOT THAT I KNOW OF. Q. WERE YOU NEAR ENOUGH TO TELL ? A. NO SIR, I WASN'T NEAR ENOUGH TO TELL. Q. WHAT OCCURRED WITH THE WAGONS ? A. I DON'T KNOW, WE SAW NO MORE OF THEM AFTER EVERYTHING WAS STILL. Q. HOW LONG WAS THAT AFTER THE FIRST FIRING WHEN THEY FIRST STARTED FROM THE WAGONS ? A. TWO OR THREE HOURS PERHAPS. Q. SO THEY HAD TIME AFTER THE FIRST FIRING TO PURSUE THESE WAGONS AND TO DESTROY ALL THE PERSONS THAT	Q WERE ANY PERSONS TAKEN OUT OF THOSE WAGONS AND KILLED A NOT THAT I KNOW OF. Q WERE YOU NEAR ENOUGH TO TELL A NO SIR I WASN'T NEAR ENOUGH TO TELL WHAT OCCURRED WITH THE WAGONS A I DON'T KNOW; WE SAW NO MORE OF THEM AFTER EVERYTHING WAS STILL. HOW LONG WAS THAT AFTER FIRST FIRING, WHEN THEY FIRST STARTED TO THE WAGONS A 2 OR 3 HOURS PERHAPS. AQ SO THEY HAD TIME AFTER FIRST FIRING TO PURSUE THOSE WAGONS <&> TO DESTROY ALL PERSONS THAT	Q. WERE ANY OF THESE PERSONS TAKEN OUT OF THESE WAGONS AND KILLED? A. NOT THAT I KNOWOF. Q.. WERE YOU NEAR ENOUGH TO TELL? A. NO, SIR, I WAS NOT NEAR ENOUGH TO TELL. WJHAT OCCURRED WITH THE WAGONS? A. I DON'T KNOW. WE SAW NO MORE OF THEM AFTER EVERYTHING WAS STILL. Q. HOW LOJNG WAS THAT AFTER THE FIRST FIRING , WHEN THEY FIRST STARTED TO THE WAGONS? A. TWO OR THREE HOURS PERHAPS.. Q. DSO THEY HAD T IME AFTER THE FIRST FIRING TO PURSUE THESE WAGONS AND DESTROY ALL PERSONS THAT	

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RT	RS	BT	PS
WERE IN VIEW; ? A. I DON'T KNOW ABOUT THAT, BUT I THINK THERE WAS TIME ENOUGH. Q. HOW WERE THE INDIANS ARMED ? A. ARMED WITH GUNS, DIFFERENT KINDS OF GUNS, BOWS AND ARROWS, I SHOULD *[243]* JUDGE FROM WHAT I SAW AND THAT CAME WITHIN MY SIGHT. THERE WAS ENOUGH OF THEM HAD GUNS. Q. ABOUT THEIR BOWS AND ARROWS, STATE WHETHER THEY ARE WEAPONS SUFFICIENT TO TAKE LIFE OR NOT ? A. THOSE THAT CARRIED GUNS ALSO CARRIED BOWS AND ARROWS. Q. STATE WHETHER	WERE IN THEM NO QUESTION ABOUT {FIRING}[p] THAT THERE WAS TIME *[[5]]* ENOUGH. Q HOW WERE THOSE INDIANS ARMED A ARMED WITH GUNS, DIFFERENT KINDS OF GUNS. BOWS AND ARROWS; I SHOULD JUDGE FROM WHAT I SAW = CAME WITHIN MY SIGHT; THERE WAS ENOUGH OF THEM HAD GUNS Q ABOUT THEIR BOWS ARROWS = STATE WHETHER THEY ARE WEAPONS SUFFICIENT TO TAKE LIFE A THOSE THAT CARRIED GUNS ALSO CARRIED BOWS AND ARROWS Q STATE WHETHER	WERE IN THEM~~.~~**?** A. THERE IS NO QUESTION ABOUT THAT. I THINK THERE WAS TIME ENOUGH. Q. HOW WERE THESE **I**NDIANS ARMED? A. ARMED WITH GUNS — DIFFERENT KINDS OF GUNS~~.~~**,** BOWS AND ARROWS. I SHOULD JUDGE FROM WHAT I SAW, — THAT CAME WITHIN~~G~~ MY SIGHT**,** THERE WAS ~~ENOUGH OF THEM HAD GUNS~~ ONE HALF OF THEM HAD GUNS.. Q. ABOUT THEIR BOWS AND ARROWS: STATE WHETHER THEY ARE WEAPONS SUFFICI~~A~~ENT TO TAKE LIFE? A . YES, SIR. *[7I]* THEY CARRIED GUNS, ALSO CARRIED BOWS AND ARROWS. Q. STATE **WHETHER**	

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RT	RS	BT	PS
THEY WERE WEAPONS SUFFICIENT TO TAKE LIFE ? A. WHY SOME OF THEM COULD, EITHER ONE OF THEM WOULD BE APT TO GET A MAN. ———— ~~Q.~~ AT A DISTANCE OF TWENTY FIVE YARDS I HAVE SEEN THEM SHOOT Q. WERE THE INDIANS SKILLFUL IN THE USE OF THEM ? A. THEY GENERALLY ARE AS FAR AS I HAVE SEEN. IT IS THEIR GENERAL DEPENDENCE FOR LIFE AND THEY ARE GENERALLY PRETTY SKILLFUL. Q. YOU BEING THERE AT THE TIME, OR NEARLY SO, STATE WHETHER YOU	THEY WERE WEAPONS SUFFICIENT TO TAKE LIFE **A** WHY CERTAINLY THEY COULD = EITHER ONE OF THEM WOULD ~~<~~GO~~>~~ RIGHT THROUGH A MAN AT **A** DISTANCE OF 25 YARDS, FROM THE ~~<~~WAY~~>~~ POWER I HAVE SEEN THEM SHOOT AT THEIR REQUEST **Q** WERE THE INDIANS SKILLFUL AT THE USE OF THEM **A**THEY GENERALLY ARE AS FAR AS I HAVE SEEN; IT IS THEIR DEPENDENCE FOR A LIVING; THEY ARE GENERALLY PRETTY SKILLFUL TO BE SURE. ~~<~~THEY CAN~~>~~ KILL YOU WHERE THEY CAST IT STATE WHETHER YOU	THEY WERE WEAPON~~D~~**S** SUFFICIENT TO TAKE LIFE? A. WHY, CERTAINLY THEY ~~COULD~~ **WERE**. EITHER ONE OF THEM WOULD GO RIGHT THROUGH A MAN AT A DISTANCE OF 25 YARDS FROM THE WAY THAT I HAVE SEEN THEM SHOOT AT OTHER ARTICLES. Q. WERE THE **I**NDINAS SKILLFUL IN THE USE OF THEM? A. THEY GENERA~~LLY~~**ALL Y** ARE SO FAR AS I HAVE SEEN; IT IS THEIR DEPE~~B~~ND~~A~~**E**NCE FOR A LIVING. THEY ARE GENER**A**LLY PRETTY SKILLFUL. **Q.** WHEN YOU SAW THE BODIES THERE , COULD YOU TELL	

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RT	RS	BT	PS
SAW THAT THEY WERE WOUNDED WITH ARROWS OR NOT ? A. I COULD NOT SAY. Q. YOU BURIED THE DEAD ? A. I HELPED TO BURY SOME OF THEM. Q. DID YOU PULL ANY ARROWS OUT OF THE DESTROYED PERSONS ? A. NO, I DID NOT. Q. DID YOU SEE ANY ARROWS ON THE GROUND—WAS THE GROUND COVERED WITH ARROWS ? A. YES, SCATTERED HERE AND AROUND AMONG THE BODIES. Q. DID YOU BURY THE WOMEN OR MEN ? A. BOTH. Q. AND YOU FOUND ARROWS SCATTERED OVER THE GROUND WHERE YOU FOUND THE *[244]*	SAW WHETHER THEY WERE WOUNDED WITH ARROWS $_{A}$I COULD NOT SAY $_{Q}$YOU BURIED THE DEAD $_{A}$I HELPED TO BURY SOME OF THEM $_{Q}$DID YOU PULL ANY ARROWS OUT OF DECEASED PERSONS $_{A}$ NO I DID NOT $_{Q}$ DID YOU SEE ANY ARROWS ON THE GROUND YES THE GROUND WAS COVERED WITH ARROWS YES SIR $_{A}$SCATTERED {THICK}^{p} HERE AND THERE AROUND AMONG THE BODIES $_{Q}$DID YOU BURY THE WOMEN OR MEN $_{A}$BOTH $_{Q}$ FOUND ARROWS SCATTERED OVER THE GROUND WHERE YOU FOUND	WHETHER THEY **WERE** WOUNED WITH ARROWS? A. I COULD NOT SAY. Q. YOU BURIED THE DEAD? A. I HE~~PL~~LPED TO BURY SOME OF THEM.. Q. DID YOU PULL ANY ARROWS OUT OF THE DECEASED PERSONS? A . NO, I DIDN'T.. Q. DID YOU SEE ANY ARROWS ON THE GROUND—YOU SAY THE GROUND WAS COVERED WITH ARROWS? A. YES, SIR, THEY WERE SCATTERED THICK HERE AND THERE AROUND AMOUNG THE BODIES. Q. DID YOU BURY THE WOMEN AND MEN , A. BOTH. Q. AND FOUND ARROWS SCATTERED OVER THE GROUND WHERE YOU FOUND	

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RT	RS	BT	PS
MEN ? A. YES SIR. Q. WERE THEY FOUND WITH THE DEAD BODIES THAT YOU FOUND, OR WERE THE ARROWS SCATTERED MORE OR LESS ? A. THEY DIDN'T SEEM TO TAKE TIME TO GATHER THEM. WHETHER THEY INTENDED TO GATHER THEM OR NOT I DON'T KNOW; PERHAPS THEY THOUGHT TO GATHER THEM THE ~~NEXT~~ ANOTHER DAY. [*space*]	MEN $_{A}$YES SIR YES SIR TO BOTH; $_{Q}$WHEREVER ~~WE~~ THEY FOUND DEAD BODIES = WE FOUND THAT THE ARROWS WERE SCATTERED : INDIANS DIDN'T SEEM TO TAKE TIME TO GATHER 'EM; AFTER THE THING WAS COMPLETE SOMETHING ELSE ON THEIR MIND WHETHER THEY INTENDED TO GATHER THEM OR NOT I DO NOT KNOW PERHAPS THEY THOUGHT THEY COULD GATHER THEM ANOTHER DAY. BY CAREY COURT PLEASE WE HAVE AN ACUTE DEAF AND DUMB MAN ONLY SHALL ASK ONE QUESTION OF	WOMEN? A. YES, SIR; ~~YES SIR~~ ALL OVER THEM. WHEREVER WE FOUND DEAD BODIES — WE FOUN~~T~~**D** THAT THE ARROWS WERE SCATTERED. THE **I**NDI~~N~~ANS DIDN'T SEEM TO TAKE TIME TO GATHER THEM, AFTER THE THING WAS ACCOMPLISHED . THEY HAD SOMETHING ELSE IN THEIR MIND; WHETHER THEY INTENDED TO GATHER THEM OR NOT I DO NOT KNOW. PERHAPS THEY THOUG~~H~~T THEY WOULD GATHER THEM ANOTH**E**R ~~G~~DAY.. BY MR. CAREY: WE HAVE A MUTE — A DEAF AND **DU**MB ~~DUMB~~ MAN WE ONLY WISH TO ASK ONE QUESTION OF	

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RT	RS	BT	PS
[245] JOHN SHERRETT , SWORN FOR PROSECUTION. OF CEDAR CITY, DEAF AND DUMB, CAN READ AND WRITE WELL. CAREY WROTE OUT HIS QUESTION PRESENTED IT TO WITNESS, WHICH WAS READ BY COUNSEL FOR DEFENSE AND HANDED TO THE WITNESS. PROSECUTION WROTE OUT THE SEVERAL QUESTIONS FOLLOWING WHICH WERE EXAMINED BY COUNSEL FOR DEFENSE AND THEN SHOWN TO THE WITNESS, ~~TO WIT:~~	HIM HE CAN READ AND WRITE [*space*] **JOHN SHERRETT** **OF** CEDAR CITY DEAF AND DUMB CAN READ AND WRITE WELL. MR. CAREY WROTE OUT HIS QUESTIONS PRESENTED	HIM . HE CAN READ AND WRITE. *[72]* JOHN SHERRETT SWORN FOR THE PROSECUTION. (DEAF AND DUM**B**) (QUESTIONS WERE WRITTEN BY THE ATTORNEYS AND HANDED TO THE REPORTER WHO AFTER TAKING THEM DOWN HANDED THE ~~W~~**Q**UESTION TO THE WI~~N~~TNESS WHO READ THEM AND	

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RT	RS	BT	PS
WHO WROTE OUT HIS ANSWERS TO THE SAME AS FOLLOWS, TO-WIT:		WROTE HIS ANSWER)	
	THEM TO BISHOP SAID THEY WERE RESPECTING SALE OF PROPERTY AT CEDAR CITY. THE CLERK HANDED 'EM TO THEM IN WRITING. CAREY I HAVE SUBMITTED MY QUESTIONS TO THE DEFENSE. SHERRETT SAT DOWN AT PROSECUTION TABLE READ QUESTIONS AND ANSWERED THEM BY WRITING ANSWERS. CAREY QUESTIONS WE HAVE AGREED UPON ARE		
Q. DID YOU SEE ANY PROPERTY OF THE EMIGRANTS AT THE MOUNTAIN MEADOWS IN THE TITHING OFFICE AT	THESE Q DID YOU SEE ANY PROPERTY OF THE EMIGRANTS AT MOUNTAIN MEADOWS IN TITHING OFFICE	Q . DID YOU SEE ANY PROPERTY OF THE EMIGRANTS AT THE MOUNTAIN MEADOWS AT THE TITHING OFFICE IN	

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RT	RS	BT	PS
CEDAR CITY ? A. YES SIR. Q. WAS THERE AN AUCTION AT CEDAR CITY ? A. YES. Q. WAS THE EMIGRANTS GOODS SOLD AT THIS AUCTION A. YES. Q. AT THIS AUCTION ? A. YES. Q. WHO SOLD THEM ? A. JOHN D. LEE SOLD ME A STOVE~~,~~ SHOVEL. Q. WHO WAS THE AUCTIONEER ? A. I THINK JOHN D. LEE, BUT I DON'T REMEMBER, BECAUSE I COULD SEE SO MANY OF THEM IN THE CROWD.	CEDAR CITY. A ANSWER YES SIR. WAS THERE AUCTION AT CEDAR YES. QWAS THE EMIGRANTS' GOODS SOLD AT THIS AUCTION A YES. QWHO SOLD THEM. AJOHN D. LEE SOLD ME A STOVE SHOVEL. WHO WAS AUCTIONEER I THINK JOHN D. LEE BUT I DON'T REMEMBER, BECAUSE I CAN'T SEE TOO MANY ~~<~~IN A~~>~~ CROWD HE SAYS. ~~<~~BY CAREY~~>~~ THAT IS ALL WE WISH TO SHOW. [*space*] *[[6]]* BY BISHOP I DO NOT THINK WE SHALL WISH TO EXAMINE THIS WITNESS WE'LL TAKE RECESS UNTIL HALF PAST TWO	CEDAR CITY? A. YES, SIR. Q. WAS THERE AN AUCTION AT CEDAR? A. YES. Q. WAS THE EMIGRANT'S GOOD~~AS~~S SOLD AT THIS AUCTION? A. YES. Q. WHO SOLD THEM? A. JOHN D. LEE SOLD ME A STOVE SHOVEL. HE WAS AUCTIONEER, I THINK, BUT I DON'T REMEMBER T~~HE GOODS~~ BECAUSE I CAN'T SAY— TOO MANY OF A CROUD IN THERE. BY MR . CAREY: THAT IS ALL I WISH TO SHOW BY HIM.. NO CROSS-EXAMINATION. RECESS TILL HALF PAST TWO	

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RT	RS	BT	PS
	O'CLOCK. [*space*]	O'CLOCK.. ———O———	
[246] TUESDAY, JULY 27TH 1875, 2:30 P.M.	**TUESDAY AFTERNOON JULY 27 1875. 2 30 P M**	TWO O'CLOCK.	
	NAMES OF JURORS READ BY CLERK	JURY ~~A~~CALLED**,**	
	ALL PRESENT.	ALL PRESENT.	
AFTER LENGTHY ARGUMENT AS TO THE ADMISSABLILITY OF EVIDENCE RELATING TO THE EXCITEMENT OF THE INDIANS FOR DAYS AND WEEKS PRECEDING THE MASSACRE, WHICH WAS OVERRULED BY THE COURT,	BASKIN	MR. BASKIN HERE RE-OPENED THE ARGUEMENT ON THE OBJECTION MADE TO QUESTION PUT BY COUNSEL FOR DEFENSE TO WITNESS POLLOCK IN WHICH HE WAS ASKED TO RELATE WHAT MR. LEE AND OTHERS SAID ON THE GROUND OF THE	

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RT	RS	BT	PS
	IF YOUR HONOR PLEASE CHAIRMAN ASKED US [*space*] AS THIS QUESTION CAME UP SPRANG RATHER UNEXPECTED HAVE HAD MAN *RS/RECESS*[?] OURSELVES TO COLLECT FEW CASES ILLUSTRATE THE RULE THERE SEEMS <TO BE> NO DIFFERENCE AS TO GENERAL PROPOSITION AS ESTABLISHED ≤BY≥ SUPREME COURT MANY OTHER STATES AND SO IN ITS APPLICATION I SHALL CALL YOUR HONOR'S ATTENTION	MOUNTAIN MEADOWS AT THE TIME OF THE MASSACRE. **THE COURT SUSTAINED M^{R} BASKIN'S OBJECTION.** ~~COURT RULED IN VAVOR OF MR. BASKIN FOR PLAINTIFF~~.	

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RS
TO *LANDERSBURG/LINDERBERG*[?] AGAINST **BORUM** FIFTH CALIFORNIA SYLLABUS READS THIS WAY 450 PAGE PARTY HAS NO RIGHT TO ASK WITNESS AS TO STATE FACTS ETC. BY COURT. WHY IS NOT THAT IN RELATION TO *ESTABLISHMENT/ST*[?]. ~~7~~ 14TH CALIFORNIA 23 IN WHICH HE USE LANGUAGE AS STRONG AS IN THIS CASE. THIS CASE ILLUSTRATES FACTS TO WHICH *I*[?] APPLY. IT APPEARS ≤TO BE≥ BE REQUIRED PERSON CONNECTING PERSON TO TRUTH WAS CALLED TO PROVE *STORY*[?] OF PROPERTY BY ONE *BORUN/BRN*[?] ON WHICH ATTACHMENT WAS LEVIED PERMITTED TO ASK WITNESS FOLLOWING QUESTION *///* STATE ALL CONVERSATION BETWEEN YOURSELF AND ≤**BORUN**≥ BORUN BUT COMPLAINED AS TO CHARGE BY WHICH HE FELT TOWARDS ATTACHMENT AND WHAT WAS SAID IN REPLY THAT WAS ALL RELATED. *MENTIONED*[?] 14 POTTER ≤**POTTER**≥ EXCEPTION UNITED STATES. READ FROM CALIFORNIA REPORT FOR 1855, HOUSTON AGAINST JONES FIRST *WLS/WILLOW'S*[?] SUPREME COURT REPORTS PAGE 702 FILED *DIFFERENT*[?] OPINION OF COURT *OCCASION*[?] OF JACKMAN RECOVERED CERTAIN PROPERTY STATUTE *COMMON*[?] *CONTRACTUS*[?] STATE OF CALIFORNIA POINT IN THIS CASE IS THIS THAT HE CALLED SUBSCRIBING WITNESS TO PROVE EXECUTION IT APPEARS SUBSCRIBING WITNESS TO DEED INTRODUCED WAS PRESENT IN COURT AT THE TRIAL AND WAS EXAMINED DEFENSE CLAIMED RIGHT TO EXAMINE HIM COURT LAID LIMITS FOR THAT PURPOSE THEY COULD NOT PROPERLY MAKE EXAMINATION RULE BINDING STATE EVIDENCE MUST BE LIMITED TO PREVIOUS EXAMINATION IN CHIEF. BASKIN IT TAKES AWAY FROM THEM RIGHT TO EXAMINE ON NEW MATTER. I READ FROM WHARTON'S BARBER'S CRIMINAL TRIAL PAGE. IF THESE GENTLEMEN WANT TO PROVE ANY OUTSIDE MATTER THEY MUST PUT HIM ON THE STAND THEREBY GIVE US RIGHT TO CROSS EXAMINATION OTHER QUESTION PERMIT US HERE ON SUBJECT OF WHAT IS PART OF RES GESTAE WHAT MAY OR MAY NOT PROVE IS PART OF RES GESTAE IS ANOTHER QUESTION BUT WHEN IT ARISES WE ARE PREPARED TO MEET THAT QUESTION. [*space*] SUTHERLAND YOUR HONOR PLEASE AUTHORITIES WHICH COUNCIL HAS REFERRED TO DOESN'T MODIFY OR TEND TO MODIFY RULE AS RECITED THIS FORENOON. THEY CONFIRM IT. I HAVE NOT CONTENDED THAT ON A CROSS EXAMINATION WE ARE AT LIBERTY TO DEPART FROM THE SUBJECT OF THE EXAMINATION IN CHIEF. IF COUNSEL MEANS BY THE LANGUAGE HE USED AND IF HE CONSIDERS THE DECISIONS TO WHICH HE REFERS AS MEANING *[[7]]* THAT ON CROSSEXAMINATION NO QUESTION CAN BE ASKED EXCEPT IN RESPECT TO PRECISE CIRCUMSTANCES ALLUDED BY THE WITNESS IN EXAMINATION IN CHIEF I RESPECTFULLY DENY THAT THE AUTHORITIES WILL BEAR ANY SUCH CONSIDERATION I DENY RULE THAT THE BOOKS LAY DOWN ANY SUCH RULE. THEY ALL SPEAK OF THE SUBJECT MATTER OF THE EXAMINATION IN CHIEF UNDERSTAND THE RULE TO BE THAT THE CROSS EXAMINATION SHALL BE LIMITED TO THAT MATTER AND OTHERS IMMEDIATELY CONNECTED WITH IT. TAKE THE CASE IN THE FIFTH OF

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CALIFORNIA TO WHICH HE REFERS. A WITNESS WAS THERE CALLED TO EXAMINATION IN CHIEF IN RESPECT TO DELIVERY OF PROPERTY. IT WAS SOUGHT ON CROSS EXAMINATION TO PROVE CONVERSATION IN RESPECT TO THE INTENT TO ≤*≥ DEFRAUD CREDITORS THAT WAS VIOLATION OF THE SUBJECT EXAMINATION IN CHIEF THE DEGREE OF RULE AS I CONSIDERED IT TO BE THAT CROSS EXAMINATION WAS PROPERLY EXCLUDED. TAKE THE CASE *RL/RR*[?] *AS/HAS*[?] OF *WLS/WILLIS*[?] WITNESS IS SAID TO BE A SUBSCRIBING WITNESS TO THE DEED HE WAS NOT CALLED AS SUCH. HE WAS CALLED TO TESTIFY OTHER MATTERS NOT INCLUDING THE SUBSCRIPTION OF THE DEED. ON THE CROSS EXAMINATION IT WAS SOUGHT TO INQUIRE OF HIM ON THAT SUBJECT. THAT WAS FOREIGN *AND SET*[?] IN THE BOOK TO BE FOREIGN SUBJECT OF HIS EXAMINATION IN CHIEF ACCORDING OF TO RULE THEREFORE AS I SAID IT BE THAT CROSS EXAMINATION WAS PROPERLY REJECTED. I DO NOT KNOW THE PURPOSE OF DISCUSSING THE ENGLISH RULE THAT IS CONSIDERED TO BE BROADER THAN THE ONE WE CONTEND FOR. I READ IN A NOTE FURTHER TO ROSCOES CRIMINAL EVIDENCE PAGE 131 BASED UPON AMERICAN CASES AND FOLLOWING DEFENDANT CAN'T EXAMINE PLANTIFF WITNESS TO MAKE ENTIRELY NEW IN ORDER TO INTRODUCE A DIFFERENT *NTRML*[?] BY RULES OF DIRECT EXAMINATION REFERRING *SECOND*[?] THE WITNESSES FLIGHT AGAINST *MAYBERRY*[?] 6TH OF THE SAME NOTE ONE ON PAGE 131 A PARTY MAY CROSS EXAMINED AS TO THE RES GESTAE GIVEN IN EVIDENCE THOUGH IT BE NEW MATTER. 8TH OF THE SAME A PARTY MAY CROSS EXAMINED AS TO RES GESTAE GIVEN IN EVIDENCE THOUGH IT BE NEW MATTER. THAT I UNDERSTAND TO BE A FAIR STATEMENT OF THE RULE THE *ANGLO*[?] RULE OF CROSS EXAMINATION. 14 PETER'S STATEMENT THAT BECAUSE A PARTY HAS NO RIGHT CROSS EXAMINE ANY WITNESS EXCEPT AS TO FACTS AND CIRCUMSTANCES CONNECTED WITH THE MATTER CONSIDERED IN HIS DIRECT EXAMINATION. 14TH OF PETERS STATEMENT OF THAT CASE A PARTY HAS NO RIGHT TO CROSS EXAMINE ANY WITNESS EXCEPT AS TO FACTS AND CIRCUMSTANCES CONNECTED WITH THE MATTER CONSIDERED IN HIS DIRECT EXAMINATION. [*space*] TO ILLUSTRATE I THAT IF THIS WERE A CASE FOR ASSAULT AND BATTERY WHERE ONE MAN WAS ACCUSED OF PUTTING HIS FACE IN AN *INSOLENT*[?] THREATENING MANNER *[[8]]* IN ANOTHER MAN'S FACE WITNESS IS CALLED UPON THE STAND SAY HE SAW IT IN THIS THREATENING MANNER THE ATTORNEY EXAMINATION IN CHIEF TELL WHAT HE DID AND YOU BE CAREFUL NOT TO SAY ANYTHING HE SAID HE JUST DESCRIBES THAT MOTION. ON CROSS EXAMINATION COUNSEL ASKS WHAT THE PARTY PUTTING HIS FACE IN THAT INSULTING MANNER IN ANOTHER MAN'S FACE ≤SAID≥ AT THE VERY TIME WHEN HE DID IT [*space*] HE SAYS HE WAS TELLING HIM A STORY OF TWO OTHER PERSONS OF ONE'S MAKING ASSAULT UPON ANOTHER [*space*] HIS PUTTING HIS FACE IN THE OTHER'S THUS AND TELLING HIM JUST POINT OF GIVING HIM A THRASHING WOULD NOT THAT INDICATE VERY UNMISTAKABLE ASSAULT NO QUESTION WAS NO ASSAULT AT ALL IF THE

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ATTORNEY ASKING THE QUESTIONS IN CHIEF HAD GIVEN ENTIRE TRANSACTION IT WOULD HAVE IMPARTED NO ASSAULT. TAKEN APART FROM THE LANGUAGE THAT ACCOMPANIED THE ACT IT WAS A LIE IT IMPARTED AN ASSAULT WHICH THE LANGUAGE CONTRADICTED [*space*] THIS IS THE CASE THE PEOPLE HAVE PUT BEFORE THIS JURY BY THE EXAMINATION OF TWO WITNESSES THESE MEN AND THEY HAVE PROVED THE PUTTING OF THE FACE IN THE MAN'S FACE AND WITHHELD THE EXPLANATION THAT IT WAS ONLY TO ILLUSTRATE WHAT ANOTHER MAN HAD DONE. FOR SOME OTHER EXPLANATION THAT TOOK AWAY THE SIGNIFICANCE OF THE ACT CONSIDERED ALONE. [*space*] NOW WHAT WAS THE SUBJECT MATTER OF THE RES GESTAE GIVEN IN EVIDENCE IN CHIEF WAS NOT IT DESTRUCTION OF THE EMIGRANT TRAIN. CLAIMED TO BE A MURDEROUS ATTACK AND DESTRUCTION. IT IS A CLAIM ON PART OF THE PEOPLE ON THE EXAMINATION OF SMITH ON THAT HYPOTHESIS AND I RESPECTFULLY ASSERT YOUR HONOR PERMITTED THEM TO EXAMINE SO *THEY/THAT*[?] ALL THAT TOOK PLACE AT CEDAR THAT COUNCIL ALL THAT WAS SAID ON THE JOURNEY AND THAT WAS SAID AT THE MOUNTAIN MEADOWS WAS A PART OF A RES GESTAE AND WHAT ONE DID THEY WERE ALL RESPONSIBLE FOR IN CONSEQUENCE OF THEIR CONCERT OF ACTION AFTER THEY REACHED THE MEADOWS IN THEIR FINAL DESTRUCTION. KNOW FULLY THAT CONSTITUTES BUT ONE TRANSACTION THAT BEING THE TRANSACTION ABOUT WHICH THOSE TWO WITNESSES TESTIFY ALL THAT FOR THE PURPOSE OF CROSS EXAMINATION THIS *REAL/RULE*[?] RES GESTAE GIVEN IN EVIDENCE TO WHICH CROSS EXAMINING MUST BE CONFINED WAS NO MORE LIMITED ASCRIBED LIMITS. ARE WE ENTITLED TO HAVE THOSE DECLARATIONS PUT IN EVIDENCE. IF THEY IMPART SOMETHING FAVORABLE TO OURSELVES IF THEY INDICATE THAT ALL THAT WAS DONE THERE WAS *INNOCENCE*[?] AND HUMANE WE CONTEND WE ARE ENTITLED TO THEM [*space*] IT IS PART OF THE TRANSACTION [*space*] IF IT IS PART OF THE TRANSACTION *[[9]]* AND IT IS PARTICULARLY IN RESPECT TO THE PEOPLE AND PARTICULARLY IN RESPECT TO DEFENSE [*space*] WHAT IS IN THE LEGAL SENSE A RES GESTAE I READ NOW FROM FIRST PHILIPS EVIDENCE ≤TOP OF≥ PAGE 150 STAR PAGE 185 VERBAL AND WRITTEN DECLARATIONS *ARE CONSIDERED*[?] TO BE ADMISSIBLE [*space*] IT IS IN THIS CASE FULLY WITHIN THAT DEFINITION [*space*] IS NOT A PARTY TO THIS DESTRUCTION MOTIVE OF IT RESPECT TO THIS INQUIRY. IS NOT THE NATURE OF THE PROCEEDING THERE THE SUBJECT OF THIS INQUIRY WHETHER IT WAS INNOCENT OR WHETHER IT WAS FELONIOUS. IN SUCH CASES WORDS ARE RECEIVED AS ORIGINAL EVIDENCE ON THE GROUND THAT WHAT WAS SAID AT THE TIME AFFORDS LEGITIMATE *FND/FIND*[?] BASIS MEANS OF ASCERTAINING CHARACTER OF SUCH EQUIVOCAL ACTS AS ADMIT OF EXPLANATION FROM THIS INDICATION OF THE MIND WHICH LANGUAGE AFFORDS. THERE IS A LENGTHY NOTE ABOUT THAT TEXT IN WHICH AMERICAN AND ENGLISH AUTHORITIES ARE VERY CURIOUSLY STATED. BEGINNING WHAT NOTE IS TO BE PART OF A RES GESTAE AND THE DECLARATIONS MUST HAVE BEEN

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HAD AT THE TIME THE ACT DONE WHICH THEY ARE SUPPOSED TO CHARACTER WELL CALCULATED TO UNFOLD NATURE AND CHARACTER OF FACTS CALCULATED TO EXPLAIN. FIRST COMES TWO SUCH CASES IN THE *AUTHORITY*[?] OF CONDUCT SUPPOSE FOR INSTANCE THE CASE CONSIGNED FROM **A** TO **B** ANY ACTION BROUGHT EITHER BY THE SIGNOR OR THE SIGNEE. ETC. IT IS COMPETENT TO PROVE ANYTHING SAID BETWEEN BY WHICH THE TITLE IS BETWEEN THE SIGNOR AND SIGNEE SHALL BE VESTED IN ONE OR IN THE OTHER AGAINST CARRIER FOR WRONG DONE BY HIM IN AN ADDITIONAL NOTE TO SAME TEXT NOTE 80 THE AUTHOR SAYS *SAW/SO*[?] THE INSTRUCTIONS WHICH WERE PUT ABOVE ALL DIRECTIONS BY THE SIGNOR OF ACTS SUCH DECLARATIONS ARE AS WE SHALL NOTICE SOME *TLJ/TUTELAGE*[?] IN FAVOR OF PARTY WHO MAKES THEM. THE ACCOUNT OF DEPUTY SHERIFF *KT/NT*[?] *NGD*[?] EVIDENCE WAS RECEIVED OF THE INQUIRIES HE MADE SHOWING *HIS OWN/SINGULAR*[?] ACTS INQUIRIES HE MADE FOR EXPLANATION IN ORDER TO ARREST HIM THE PLACES HE VISITED TO OBTAIN HIS WHEREABOUTS PARTS OF A RES GESTAE. PAGE 155 *CASES*[?] CITED SAY IF *ACQUAINTED/COUNTED*[?] TO THIS WE SHALL BRING FORWARD IN THIS NOTE TEND CONNECT CASES IN WHICH THESE DECLARATIONS ARE ADMISSIBLE [*space*] THEY MUST BE EVIDENCE THOUGH EMANATING FROM THE PARTY HIMSELF WHO SEEKS TO USE THEM IN HIS OWN FAVOR. IN RICH AGAINST SMITH 5TH OF CARRINGTON AGAINST PAINE [*space*] THE CONSTABLE BEING INDICTED FOR FORCIBLE ENTRY HIS COUNSEL WERE ALLOWED TO ASK THE WITNESS WHAT HE SAID AT THE TIME. IN TROVER FOR THE 50 DOLLAR BANK NOTE COMPLAINT ALLEGED *[[10]]* HE HAD LOST THE NOTE AND IT WAS AFTERWARDS IN CONNECTION WITH THE DEFENSE THAT DEFENDANT HAD BEEN SEEN HUNTING FOR IT AND THAT IT WAS AFTERWARDS IN POSSESSION OF THE DEFENDANT. VERDICT FOR THE PLAINTIFF AND MOTION FOR NEW TRIAL WAS IT PROPER TO RECEIVE DECLARATIONS OF PLAINTIFF TO PROVE THE LOSS THE COURT THOUGHT IT WAS *SUFFICIENT*[?] PARTY WAS SEEN WITH HIS FRIENDS AND RELATIVES DILIGENTLY SEARCHING THE ROAD THEY CONSIDERED QUESTION AS EMBRACING POSSIBLE CIRCUMSTANCES ACTS DONE WAS SIMPLY *SUPPOSED*[?] WHERE PERSON'S ACTS ARE EVIDENCE THOSE DECLARATIONS IN RELATION TO ACTS MUST NECESSARILY BE ADMITTED. IN THE FIRST TWO CASES IT IS DECLARATION WHICH CONSTITUTES THE ACT. ON TRIAL FOR RIOT IN DESTROYING THRESHING MACHINE [*space*] HE AND THE DEFENDANTS WERE COMPELLED TO JOIN THE MOB THEY HAD BEFORE AGREED TO RUN AWAY BEFORE AT THE FIRST CHANCE WHICH THEY BOTH DID IN TEN MINUTES. ON TRIAL FOR MURDER WORDS TENDING TO EXPLAIN HIS CONDUCT WERE RECEIVED IN EVIDENCE. THIS IS A —/*PSLFN*[?] CASE *DEFENDANT*[?] RECEIVED OF *DEFENDANT*[?] IN LETTER TO EXPLAIN EVIDENCE *PSLFN*[?] *BATTLED*[?] TO EXPLAIN BUT THE *BALANCE/BILLS*[?] WERE NOT *AT ALL*[?] *NTV/NATIVE*[?] TO THE *ACTION*[?] IF/*FOR*[?] THE *LN/LV/LS*[?] THE VIOLENCE WHICH THE DEFENDANT HAD PART WAS PROVED TO HAVE BEEN GOOD WILL INSPIRED. HE STOPPED AT

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SOME TOWN IN *PSLFN*[?] WROTE THAT HE HAD WROTE HIM. THAT HE HAD LOST SUM OF MONEY [*space*] THE DEFENDANT CAME TO HIS HOST HOUSE SAID HE HAD BEEN ROBBED OF SUM OF MONEY THAT HE SHOULD NOT FEEL SO UNPLEASANT FOR WAS SEEN PRETTY MUCH CONCERNED AT THE LOSS ANXIOUS TO ATTACK ALMOST *TO/BUT*[?] *TRUST*[?] THE MEN SAID THEY HAD NOT OPENED HIS BAGGAGE UNTIL HE LEFT THAT HOUSE AND ARRIVED IN THAT HOUSE PROVED MONEY WAS STOLEN BY SERVANT AT SAME TIME IT SHOULD HAVE BEEN DONE HE BROUGHT THE *BD/BT*[?] LETTER REQUESTED LOOK TO INFORMATION. STATEMENT OF LOSS CONJECTURE AS TO MANNER OF IT ~~ETC~~ TIME HE DISCOVERED IT ALL THESE FACTS WERE OFFERED IN EVIDENCE BY THE DEFENSE TOGETHER WITH WHAT HE WAS TOLD EXPLANATION ON HIS RETURN AND EVEN THE LETTER WERE EXCLUDED AS ADMISSIBLE A VERDICT FOUND FOR PLAINTIFF ON ERROR SUPREME COURT HELD THE EXCLUSION WAS ERROR AND REVERSED VERDICT. HE MIGHT THEREFORE SHOW HOW HE CONDUCTED HIMSELF ON HIS JOURNEY WHAT CARE HE TOOK OF THIS AND HIS PROPERTY. EVIDENCE IS CONSTANTLY ACCOMMODATING ITSELF TO *SOCIETY*[?] MODE OF TRAVEL COACHES STEAMBOATS INSTEAD OF ON HORSEBACK PRIVATE CARRIAGES IN READING ALL THE EXACT AS ALL THESE ~~WERE BEFORE~~ FACTS OCCURRED BEFORE ANY CLAIM MADE BY PLAINTIFF THEY WERE EVIDENCE OF THE WHOLE RES GESTAES ENTIRE CONDUCT MADE DECLARATION AND AT HOT PURSUIT OF DEFENDANT. {AND READ}[i] ANOTHER INSTANCE WHERE DECLARATION WAS ADMITTED ASSERTION OF PERSON SENDING SERVANT ETC. *[[11]]* ON TRIAL OF INDICTMENT FOR COUNTERFEITING NOTES FOUND ON THE FARM WHERE PRISONER WAS HIS DENIAL THAT HE WAS NOT THERE AT THE TIME ALSO HIS STATEMENT ON HIS WAY WAS GOING THERE TO GET BAIL FOR HIS BROTHER IN LAW. PROSECUTOR DIFFERS ABOUT LOST CHEESE OFFERING REWARD PRISONER *GIVING*[?] WITH THEM UPON WHICH HE WAS PROSECUTED AS THIEF IT WAS HELD WHAT PRISONER SAID ON BRINGING THE CHEESE SHOULD BE RECEIVED IN HIS FAVOR. ON TRIAL FOR LIBEL THE DEFENDANT WAS ALLOWED TO PROVE HIS OWN DECLARATION AT THE VERY TIME OF THE ACT IT WAS HIS INTENTION TO TRANSFORM PICTURE INTO SOMETHING ELSE THIS WAS CONSIDERED AS PART OF RES GESTAES DECLARATIONS AND CONDUCT OF PARTY ARE FOUND EXTREMELY MATERIAL IN CASE ABOARD SHIPS AS IT FREQUENTLY HAPPENS THAT WHEN THE MUTINEERS HAVE DEPOSED THE CAPTAIN THEY FIND NONE OF THEM ARE ABLE TO NAVIGATE. THE SHIP AND FIND FORCE THE OFFICERS TO ASSUME COMMAND HE IS EVENTUALLY BROUGHT TO TRIAL BECAUSE IT APPEARS HE IS ACTING WITH MUTINEERS. ASSUME HERE IS CASE WHERE PARTICULARS RESPECTING FACTS CIRCUMSTANCES CONSTITUTING RES GESTAE ARE VERY ABLY TREATED BY JUDGE UNDERWOOD THE ACTS PROBATION AT THE TIME OF THIS *CONDITION*[?] CASE OF LANDS GRANTED WHICH WAS PROVED AMONG OTHER THINGS SAID LANDS WERE CONVEYED CENTER TURNS ON PARTICULAR FACTS OF THAT CASE I SHALL NOT READ IT. THE

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CONVERSATION OR DECLARATIONS MADE BY THE ACTOR OR PARTY ASCERTAINED AT THE TIME THE ACT IS DONE WHICH EXPLAIN DESIGN OF PERFORMER WHENEVER END OF ACT IS CALLED IN QUESTION BE GIVEN IN EVIDENCE AS PART OF RES GESTAE. NOTE IS VERY LENGTHY ONE IT IS FILLED UP WITH CASES OF WHICH THESE I HAVE SAID CONSTITUTE AND SUFFICE AS SPECIMENS. BY BASKIN IF THE COURT WILL JUST INDULGE ME A MOMENT UNTIL I GET THE TEXT OF *MRPLY/MRSPY/MURPHY*[?]. SUTHERLAND NOW I READ FROM RUSSEL ON ~~ILLINOIS~~ ≤CRIMES≥ 2 VOLUME PAGE 779. ON CHARGE OF MURDER EXPRESSION OF GOOD WILL ACTS OF KINDNESS ON PART OF THE PRISONER TOWARDS DECEASED ARE ALWAYS —/*STRONG*[?] EVIDENCE SHOWING WHAT WAS HIS REAL DISPOSITION TOWARDS DECEASED FROM WHICH JURY MAY BE LEAD TO BELIEVE THE INTENTION OF THE PRISONER COULD NOT BE *FROM*[?] AS ALLEGED COMING BACK TO QUESTION OF CROSS EXAMINATION. OUR POSITION IS PROPOSAL WE MAINTAIN IS WHERE EXAMINATION IN CHIEF EMBRACES THE WHOLE TRANSACTION IT EMBRACES THE MAIN FACT IT *BE AS*[?] TRUE FOR CROSS EXAMINATION IN RESPECT THAT ALL DECLARATIONS WHICH QUALIFY THAT MAIN FACT AND EVEN THE CASES WHICH COUNSEL HIMSELF REFER TO BUT DID NOT READ AS WELL AS THOSE HE DID READ SUPPORT THAT THEORY I HAVE REFERRED TO *TAKE/TALK*[?] WITH RESPECT TO RES GESTAE TO SHOW YOU PARTICULARLY IT IS DECLARATIONS MADE IN FAVOR OF THE DEFENDANT OR THAT IMPLY SOMETHING IN FAVOR ARE ADMISSIBLE *SINCE*[?] THEY ARE ADMISSIBLE BECAUSE ARE PART OF A RES GESTAE WHENEVER EXAMINATION IN CHIEF *[[12]]* EMBRACES RES GESTAE IT ALSO EMBRACES ACTS COMPETENT TO BRING THEM OUT FURTHER IF THEY HAVE NOT BEEN BROUGHT OUT IN CROSS EXAMINATION IN CHIEF [*space*] ONE OF THE AUTHORITIES SITED BY MR. BASKIN WAS 14 CALIFORNIA. ON PAGE 23 THE COURTS SAY *BLDNR/BLTTNR*[?] DELIVERING INFORMATION WE HAVE SOME DIFFICULTY SUPREME ≤COURT≥ ASSIGNMENT OF ERRORS WAS THERE WHAT YOU SAW WAS WATER SPLASHING FROM THE FLUMES COURT ASKED DID YOU SEE WATER SPLASHING OVER THE FLUME. TO THIS INQUIRY AN AFFIRMATIVE ANSWER WAS GIVEN ON QUESTION BUT IN EXAMINATION IN CHIEF THE *PRTSS*[?] OF EVIDENCE GIVEN AS PART OF RECOVERY *DENOTES*[?] FROM THE *RF/FRL/MFL*[?] AND *ALLEGE*[?] OF WHAT IN CHIEF DID NOT SEE RIGHT TO RECOVER WAS THE INJURY RESULT FROM THESE ACTS WHICH HE ALLEGED IS THE NEGLIGENT USE OF THIS DITCH THIS WAS CONTENTED ≤IN≥ BUT NOT SHOWN BY DEFENDANT THIS INJURY RESULTED FROM ACTS AND THROUGH OF WHICH THEY WERE NOT RESPONSIBLE, APART FROM THIS IT WAS CONTENDED QUESTION WAS WITHIN LIMITED POINT OF CROSS EXAMINATION [*space*] NOTICE GREENLEAF SECTION 447 OF THIS CASE. IT EXCEEDS *HAS*[?] AND IT EXCEEDED IN GREAT LATITUDE.//// SEEMS TO ME THAT *EXPRESS*[?] SOUNDS VERY MUCH LIKE THE ONE MY BROTHER BASKIN SAYS HE HAD NEVER SAW IN A LAW BOOK.//// WITHIN THE SUBJECT MATTER OF THE EVIDENCE IN CHIEF WHICH IS THE VERY RULE I CONTENDED FOR *[space]* SUBJECT

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MATTER OF THE EVIDENCE IN CHIEF IN ORDER TO THIS A WITNESS MAY BE *SIFTED*[?] AS TO EVERY FACT TOUCHING MATTERS AS TO WHICH HE TESTIFIES *IS ADMISSIBLE*[?] AS RELATES TO PARTIES OF THE CASE HIS INTELLIGENCE ACCURACY OF HIS MEMORY HIS DISPOSITION TO TELL THE TRUTH INTELLIGENCE KNOWLEDGE OF SUBJECT MATTER MAY BE FULLY ETC. MUCH MUST BE LEFT TO DISCRETION UPON THIS SUBJECT. THE WHOLE REMAINDER OF OPINION *BETWEEN*[?] CONSISTS OF TWO MORE *PRKV/FRTG*[?] QUESTION WAS PROBABLY ON ANOTHER POINT. *RESPECT*[?] *WFL/—*[?] OF ESTABLISHMENT. WE DO NOT UNDERSTAND *DKTR/DOCTRINE*[?] OF GREENLEAF TO GO FURTHER THAN THIS ETC. RULE IS WHOLLY DIFFERENT WHEN ALL THE DEFENSE ON CROSS EXAMINATION WISHES IS TO DISPROVE WHAT PLAINTIFF'S WITNESSES VERY WITNESS HAS MADE. THIS VERY STRONG THIS COUNSEL SAYS THIS CASE IS IN HARMONY WITH THAT OF 5TH CALIFORNIA *AND VARIOUS*[?] CASES [*space*] WHICH IS GOOD *LKM*[?] OF THE RULE [*space*] THAT THEORY STATED [*space*] THIS RULING THEY APPEAL IN THIS CASE *HOWEVER*[?] DEFENDANT SAYS IT IS SIMPLY IN *TNR/TNL*[?] BY THE WITNESS IN HIS TESTIMONY IN CHIEF THEN WE MAY BRING OUT ALL CIRCUMSTANCES THAT WILL MAKE *DNR/DNL*[?] FULLY AND EFFECTIVE *IF/FOR*[?] WORDS ALONE TEND TO CONVICT IF THE ACTS TAKEN ALONE TEND TO CONVICT WORDS TAKEN IN CONNECTION WITH THOSE ACTS WOULD TEND TO ACQUIT THEN WE ARE ENTITLED TO PROVE THESE WORDS THOSE DECLARATIONS BECAUSE THEY WOULD TEND TO OVERTURN *POWER*[?] OF *TNR/TNL*[?] THE CASE WHICH THE ACTS *[[13]]* THEMSELVES SEEM TO ASSERT. BY BASKIN NOW MAY IT PLEASE YOUR HONOR QUESTION UNDER DISCUSSION IS ONE OF GREAT NICETY QUESTION OF A RES GESTAE WHAT IS A RES GESTAE AND IT MAY NOT DEPEND IN ITS APPLICATION UPON THE FACTS AS THEY ARISE IN EACH PARTICULAR CASE *KLN*[?] THE RULE HAS BEEN ESTABLISHED AND IT GREW OUT OF FROM FACT OF IMPOSSIBILITY OF ESTABLISHING ESTABLISHED IN RULE THAT WOULD APPLY ESTABLISH WHAT IS PART OF RES GESTAE [*space*] WHAT SHALL BE PART OF A RES GESTAE [*space*] WHAT DECLARATIONS IS PART OF RES GESTAE SHALL BE PROVED IS WITHIN DISCRETION OF THE COURT I HAVE SEEN THAT IN GREENLEAF'S EVIDENCE WHICH HE OMITTED TO BRING INTO THE COURT I WILL READ SOME SECTIONS IN ORDER TO EXAMINE AND ILLUSTRATE THAT RULE [*space*] THE GENERAL RULE AS I GATHER IT FROM THE WAY I UNDERSTAND IT FROM PRACTICE IT IS ONLY THOSE ACTS AND DECLARATIONS WHICH WILL ILLUSTRATE PRINCIPLE FACT AND THE GENTLEMEN COME TO MAKE AN ILLUSTRATION OF THE APPLICATION THAT RULE VERY CERTAINLY VERY —[?] SO FAR AS IT APPLIES TO THOSE ACTS I WILL ILLUSTRATE WHERE DECLARATION OF PARTIES ARE PART OF RES GESTAE IT MUST BE IT MUST TRANSPIRE AT THE SAME TIME [*space*] *WORDS/RS*[?] TEND TO ILLUSTRATE EXPLAIN GENERAL FACTS. TAKE FOR INSTANCE CASE OF TWO MEN —[?] *OR/AND*[?] BOTH MEN WHO ACTS IN IT COVERTLY ONE IS *WORK/RKR*[?] OTHER ROBS WORKER MAN IS WHOLLY INCOMPETENT TO DEFEND MAN FOR STRONG MAN HE HAS MAN

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THREATENED ETC. WORKER MAN SAYS TO HIM I AM SENSIBLE TO DEFEND MYSELF I CALL UPON YOU TO DESIST OR ELSE I WILL STRIKE YOU DOWN BY A WEAPON OR I WILL SHOOT YOU AND I WILL STAB YOU NOW THEN FROM HIS DECLARATION WHICH TOOK PLACE WHAT THE PRINCIPLE FACTS OF THE CASE ILLUSTRATES IT IS MADE UNDER SUCH CIRCUMSTANCES IT IS DECIDED THAT —[?] YOU CAN TELL IT IS NOT THE RESULT OF DELIBERATION THAT IT IS NOT RESULT OF INTENTION OF PARTY. MAKES DECLARATION TO COVER UP CRIME AND I SHALL SHOW WHEN THIS AUTHORITY GIVES ANOTHER ONE CIRCUMSTANCE TENDING FROM CASE SHOW WHEN DECLARATIONS WERE MADE TO COVER UP CRIME OR TO MANUFACTURE TESTIMONY ANY EXCUSE OF A WITNESS *WAS TO BE CALLED OUT*[?] OCCURRED BEFORE THE PERPETRATION OF THE HOMICIDE THOSE ACTS ARE EXCLUDED IN THE ORIGINAL EDITION OF PHILLIPS ON EVIDENCE BY REASON OF SOME CHANGE I CAN'T *LET/LAID*[?] MY EYE FULLY UPON IT [*space*] IN THIS BOOK IT WAS A CASE OF TREASON A CASE OF TREASON ARREST IN SAID CASE INDICTED FOR TREASON SOME MEN INDICTED FOR TREASON IN ENGLAND AND THEY SET TO PROVE HIS ACTS DECLARATION AS TO HIS INTENTIONS BUT THE COURT IN DELIVERING OPINION ON THAT CASE WHICH IS IN ORIGINAL EDITION *WHILE*[?] I *[[14]]* DID NOT FULLY ATTAIN IT [*space*] THEY SOUGHT TO PROVE HIS ACTS HIS DECLARATION MADE AS TO HIS INTENTION IN THE MIND MADE THAT LOOK LIKE INTENTION AND OVERTURNED. WILL SHOW APPLICATION OF RULE IN THIS CASE MR. GORDON CASE AFTER QUESTION HAD BEEN ARGUED AT SOME LENGTH HE DID NOT KNOW WHETHER YOUR MIND CAN'T BE *TEND*[?] TO ACQUIESCE ANY INFORMATION WE HAVE IN THE MIND AND FORM ON THE SUBJECT IN WHICH WE GIVE A CERTAIN WAY WITH YOU NO OTHER IS SO CLEAR AS THAT OF THE DECLARATIONS WHICH APPLY TO THE FACTS AND THEN APPLY TO PROVE ACTS THEY SHOULD INTEND SHOULD MAKE PART IN DEFENSE OF PERSON BECAUSE PRESUMPTION NO MAN WOULD DECLARE ANYTHING AGAINST HIMSELF UNLESS IT WERE TRUE BUT THAT EVERY MAN <NOT GUILTY> WOULD MAKE DECLARATIONS FOR HIMSELF. UPON A TRIAL FOR INDICTMENT FOR EVIDENCE *AFFAIR*[?] TO BRIBE WITNESS ETC. I READ FROM **ABBOTTS** NATIONAL DIGEST. START FROM THAT POSITION [*space*] HOW WAS IT THE GENTLEMAN IN THE READING OF HIS AUTHORITIES ASSUMES PROPOSITION THAT EVERY THING THAT MAY BE PROVED BY THE PROSECUTION IN THIS CASE WHICH TEND TO ACQUIT HIM MAY BE PROVED FOR THE DEFENSE AND THEREFORE ON CROSS EXAMINATION HE HAS RIGHT TO PROVE IT AS PART OF RES GESTAE BY SUTHERLAND THAT IS NOT MY ASSERTION ANYTHING *DECLARED*[?] *TO BE DONE*[?] THIS TO PROVE WHO WHAT *EVENT*[?] OF RES GESTAE DECLARATION YOU MAY PROVE THE DECLARATION MADE CONTENDED BY THE ACCUSED. BASKIN PROCEED ACT FOR WHICH HE IS CHARGED IS FOR UNLAWFULLY PREMEDITATEDLY SLAYING THESE EMIGRANTS THE FACT BEING PROVEN OF THE KILLING WITHOUT LAWFUL EXCUSE THE CRIME IS MADE OUT AND THE DECLARATIONS AND EVIDENCE OF THE PARTIES IN THE KILLING

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CAN'T PROVE OR DISPROVE THE CRIME IT CERTAINLY CAN'T DISPROVE ACTS UNLAWFUL KILLING WITH MALICE AND THE MALICE IS IMPLIED WITH THE ACT [*space*] IT IS THE BEST PROOF OF IT HE CAN ONLY DISPROVE IT BY ACTS [*space*] THE GENTLEMAN'S PROPOSITION IS THIS THE KILLING HAS BEEN PROVED IN THIS CASE NOW AND HE COMES IN ATTEMPTS TO DISPROVE KILLING NOT BY ACTS NOT ALLEGING SELF DEFENSE BUT ATTEMPTS TO OVERCOME PRESUMPTIONS WHICH THE LAW IMPLIES BY THE DECLARATIONS OF THE PRISONER IT DON'T MAKE ANY DIFFERENCE WHAT HE SAID BEFORE WHAT THE INDIANS WERE IF HE UNLAWFULLY DELIBERATELY AND WILLFULLY KILLED THE PARTY NO DECLARATION WHATEVER COULD MAKE IT LAWFUL ACT THEREFORE YOU SEE THE ACTS THEY SEEK TO PROVE BEFORE PERPETRATION OF THIS DEED THE TENDENCY WOULD BE TO OVERCOME THE PRESUMPTION OF AN UNLAWFUL ACT. MOST OF AUTHORITY *THEY*[?] HAVE READ WHERE THE DECLARATIONS *[[15]]* OF THE PARTIES ARE ALLOWED TO BE PROVED IT IS ONLY CASES WHERE EVIDENCE ENTERS INTO ELEMENT OF THE INTENTION OF CRIME WHERE RULE IS *LIFTED/LEFT*[?] MILITARY PURPOSES A MOB YOU MAY SAY THAT AIN'T TREASON THE ASSEMBLING OF MOB IS NOT TREASON BUT TREASON CONSISTS IN AN ATTEMPT OVERTURN THE GOVERNMENT THE INTENTION CONSTITUTES INTEREST IN IT PART PARCEL OF THE CRIME. AND YOU *HEARD*[?] WHEN YOU GO TO APPLY IT TO MURDER MURDER CONSISTS IN THE ACT OF KILLING THE PERSON. THE INTENTION CAN'T AFFECT THE KILLING [*space*] DOESN'T GO BEYOND THAT. IN THE CASE OF TREASON WHILE *IT WOULD/DEPEND*[?] WAS NOT FOUND IN THE AUTHORITY [*space*] IN THE INTENTION ARE THE MAJOR CRITERION THEY WOULD NOT ALLOW TO PROVE HIS DECLARATION PRECISELY MADE AS TO HIS INTENTION WHERE THE INTENTION THAT CASE WAS PART AND PARCEL OF HIS CRIME [*space*] IT IS NOT THE CASE HERE [*space*] GENTLEMAN HAS ASSERTED WHAT HE EXPECTS TO PROVE BY THIS WITNESS —[?] HE SAYS HE EXPECTS TO PROVE THESE PARTIES WERE TAKEN IN THE HANDS OF THE INDIANS AND FORCED AND TO PROVE THIS CRIME LET'S SEE THE AUTHORITIES AND WHAT THE EVIDENCE OF PROOF WE TAKE HIS WORD FOR IT. I READ NOW FROM BLACKSTONE COMMENTARIES PAGE 30. I REFER YOU IN SUPPORT OF THIS TAKE FIRST GREENLEAF'S CRIMINAL LAW SECTION 8. ONLY EXCUSE THOSE PARTIES COULD ALLEGE WOULD BE IN SELF DEFENSE. ONLY EXCUSE THE LAW WOULD ALLOW WOULD BE IN DEFENSE OF THEIR LIVES. THE KILLING OF HUMAN BEING IS NOT JUSTIFIABLE NO ACT DECLARATION NO OTHER *PART*[?] CAN DISPROVE THEY ATTEMPT TO DISPROVE THEY WERE NOT GUILTY OF THIS ACT BECAUSE SOME INDIAN SAID SOMETHING OR SOMEBODY ELSE THEY DID NOT INTEND. IF THEY HAVE SOME OTHER EVIDENCE TO SHOW THOSE MEN WERE ATTEMPTING TO BREAK INTO HOUSE AND STEAL SOMETHING OF THAT SORT THOSE CIRCUMSTANCES MIGHT BE SHOWN. HOW DOES IT ILLUSTRATE THE FACT AND DOES THE EVIDENCE STAND UP TO THIS POINT [*space*] EVIDENCE AND DETAILS HERE TEND TO SHOW THERE WAS CONSPIRACY ATTEMPT TO PROVE IT IT WAS

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DONE FROM EVIDENCE OF INTENTION TO PERFORM THIS ACT THAT JOHN D. LEE OR SOMEBODY ELSE MADE DECLARATIONS IN HIS FAVOR MADE DECLARATIONS TENDING TO DO WHAT I WILL TELL YOU *IT SEEMS*[?] ANYTHING THAT YOU I CAN TAKE OF HIS TESTIMONY TO MAKE IT *RELEVANT/IRRELEVANT*[?]. WE'LL GO ON SEE ANOTHER APPLICATION OF THE RULE. ON THE TRIAL OF DEFENDANT INDICTED FOR KNOWING HE HAD IN HIS POSSESSION DESIGN FOR GUNNING MAKING —[?] GUNS AND IT WAS DECIDED HE COULD NOT BE ALLOWED TO GIVE EVIDENCE HOW THEY CAME IN HIS POSSESSION. [*space*] THERE IS NOTHING IN THIS CASE THAT CAN POSSIBLY CALL FOR COUNSELOR TO ADMIT ALL THIS SORT OF EVIDENCE FOR SIMPLE REASON DECLARATIONS OF THESE PARTIES DOES NOT ENTER *[[16]]* INTO OR CONSTITUTE PART OF RES GESTAE OF DEFENSE. IT DON'T MAKE ANY DIFFERENCE WHAT THE INTENTION WAS SAY THE KILLING IS PROVEN IT AIN'T *PRETENDED* WAS ANY GOOD PRINCIPLES HERE IT WAS DONE IN SELF DEFENSE. I WILL READ FROM GREENLEAF'S EVIDENCE PAGE *108/188*[?] COMMENCING FORCES OF HUMAN SITUATIONS COMPLICATIONS OF CIRCUMSTANCES WAS INTERWOVEN IT SEEMS TO SUFFER MANY OF THEM UNSUPPORTABLE. WHERE THE INTENTION IS *ELEMENT*[?] CONSTITUTE GESTAE OF THE CRIME CLAIMS WOULD BE BY ACTS AND DECLARATIONS OF PARTIES WHILE IN THE ACT OF COMMITTING A CRIME THOSE CERTAIN CIRCUMSTANCES CONSTITUTE PART OF RES GESTAE [*space*] THEY ARE ADMISSIBLE AS DETERMINED BY THE JUDGE ACCORDING TO THEIR DEGREE OF RELATION TO THAT FACT. WHAT IS THE MAIN FACT HERE IT IS THE KILLING OF THESE EMIGRANTS WITH MALICE AFORETHOUGHT NO DECLARATION OF PARTIES OR WITNESSES CAN TEND TO OVERTHROW BY INTENTION OR ACTS OF DECLARATIONS EXPRESSING INTENTION. CAN ANY TALK OF JOHN D. LEE MADE IN HIS INTEREST THERE SHOW HE DID NOT KILL THESE PARTIES WITH MALICE AFORETHOUGHT THERE IS NO PLEA SET UP BY DEFENSE OF SELF DEFENSE. OF COURSE I ADMIT IT IS A LEGAL DISCRETION JUDICIAL DISCRETION WHICH MUST BE EXERCISED IN PROPER CAUSE BEFORE YOUR HONOR WILL EXERCISE THERE MUST BE PROPER CAUSE [*space*] ALLOW ALL THOSE PERSONS WHO COMBINED TO DO THIS ACT TO DISPROVE AND GET CLEAR OF THIS KILLING BY THEIR OWN DECLARATION IT WOULD BE LIKELY THE PARTY WOULD MAKE DECLARATIONS IN HIS FAVOR. DECLARATIONS AGAINST PARTY CAN ALWAYS BE PROVEN AND FOR THE REASONS ASSIGNED. THE QUESTION HERE IS AS TO EXTENT OF CROSS EXAMINATION. GENTLEMEN READ IRRELEVANT CASE WHICH WAS SIMPLY AN ANNUNCIATION OF ENGLISH RULE. THEY SEEK NOW IN WAY OF CROSS EXAMINATION TO INTRODUCE DECLARATIONS OF THOSE PARTIES WHICH PERPETRATED THIS ACT NOT AT THE TIME MASSACRE WAS GOING ON BUT DAYS BEFORE AT A TIME WHEN IT MAY NOT HAVE BEEN THEIR INTEREST AND IT IS ACTS MADE DECLARATIONS WHICH WOULD EXCULPATE THEM FROM PUNISHMENT IN CASE OF DETECTION. BY HOGE DID I UNDERSTAND YOU TO SAY RES GESTAE IS SOMETHING IN THE DISCRETION OF COURT YES SIR I UNDERSTAND THAT RES GESTAE

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THE LAW —[?] WAS IT A RES GESTAE FROM THE FACTS SUBMITTED WITHIN THE DISCRETION OF THE COURT WHEN THESE FACTS ARE SUBMITTED THE LAW THEN —[?] WAS IT A RES GESTAE [*space*] RES GESTAE IS NOT WITHIN THE DISCRETION OF THE COURT I UNDERSTOOD YOU TO SAY THE HOMICIDE HAS BEEN PROVED THEN THERE CAN BE NOTHING BUT JUSTIFICATION OF SELF DEFENSE INTENTION OF THE PARTY DOESN'T ENTER INTO THE CHARACTER OF THE HOMICIDE BASKIN THEY CAN PROVE THEY HAD NOT BEEN COLLUDED. BY HOGE I UNDERSTOOD LAW TO BE THIS THERE CAN SCARCELY BE CRIME COMMITTED INTENTION OF PARTY COVERS THE CRIMINAL INTENTION ENTERS INTO EVERY CRIME THAT IS COMMITTED HOMICIDE PARTY *[[17]]* DEAD ONLY KILLING IS PROVED THE WHOLE REST PRESUMPTION THAT IT WAS DONE WITH MALICE AND HE GOES ON THE NEXT BREATH AFTERWARDS THAT CAN NOT BE JUSTIFIED AT ALL [*space*] BASKIN BY DECLARATIONS OF THE PARTY IT CAN NOT BE JUSTIFIED ONLY BY SELF DEFENSE OR IN *DISPLAY*[?] OF PROPERTY NOW THEN BECAUSE ANY ADMISSION AND EXPLANATION WHAT THE INTENTION OF THE PARTY WAS ACT HAS BEEN PROVEN HOMICIDE HAS BEEN COMMITTED A —*GESTAE IF THE*[?] CRIME IT IS THEN BECAUSE IN ALL THEN BECAUSE IN ALL THESE CERTAIN CIRCUMSTANCES SHOW AND EXPLAIN INTENTION OF THE PARTY WAS NOT THE WHOLE PRESUMPTION IT WAS DONE WITH MALICE LEAVING OUT THE VERY STATEMENT ITSELF THE PARTY MAY EXPLAIN AND SHOW THERE WAS NO MALICE ENTERED INTO THE HOMICIDE AT ALL IT WAS NOT IN SELF DEFENSE BUT FROM SOME OTHER CAUSE THE MALICE DID NOT EXIST SHOWING THERE WAS NO CRIME COMMITTED BY THE PARTY IF THE GENTLEMAN'S THEORY IS CORRECT THE LAW PRESUMES AND IT CAN ONLY BE REBUTTED BY SHOWING SELF DEFENSE ON THE CHARACTER OF THE DEFENSE THE GENTLEMAN HAS *STOOD*[?] THERE ONLY BECAUSE THE DEFENSE IS ENTIRELY UNNECESSARY THEY HAVE NOTHING TO DO BUT SAY HOMICIDE WAS COMMITTED AND THAT JOHN D. LEE THE DEFENDANT ON TRIAL *OUR THEORY*[?] THE FEEBLE HE HAS SHOT OUT OF IN SELF DEFENSE IN PROTECTION OF HIS HOUSE HIS DOMICILE HIS CATTLE EVERY STATEMENT OF THE LAW IS REFUTATION OF IT IN MY JUDGMENT. HE MAY NOT HAVE CONSIDERED ALL THE LAW WHICH WILL EXCUSE THE PARTY. DECLARATION UNDER WHICH THE HOMICIDE WAS COMMITTED CAN'T EXPLAIN THE EVIDENCE IN THIS CASE SHOWS THE KILLING WAS INTENTIONAL THE WHOLE PRECLUSIVELY SHOWS MALICE AFORETHOUGHT. UNDER THE LAW WILL JUSTIFY HOMICIDE AND MAKE IT JUSTIFIABLE. BASKIN I THINK YOU GO LITTLE OUTSIDE IN ASSUMING THAT THESE THINGS FULLY BEEN PROVEN ≼BASKIN≽ JURY DID NOT MISUNDERSTAND ME THE JURY UNDERSTANDS THEY ARE TO DECIDE THIS CASE WITH WEIGHT OF THE EVIDENCE I MAY STATE HYPOTHETICALLY BECAUSE WHERE KILLING HAS BEEN PROVEN AND IT WAS WILLFULLY DONE LAW CONCLUSIVELY PRESUMES IT WAS DONE WITH MALICE AFORETHOUGHT [*space*] AND DON'T MAKE ANY DIFFERENCE WHAT INTENTION OF PARTY WAS IN COMMITTING UNLESS HE CAN SHOW IT WAS

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DONE UNDER SUCH CIRCUMSTANCES REDUCE IT TO JUSTIFIABLE HOMICIDE HE IS GUILTY. SUPPOSE CASE THIS KIND SOME FANATICAL MAN SUPPOSED HE SHOULD CUT HIS NEIGHBOR'S THROAT WHATEVER WILL SHOULD HE GO AND CUT HIS NEIGHBOR'S THROAT AND SAY I HAD NO MALICE AFORETHOUGHT BROTHERLY LOVE MY DUTY TO GOD LEAD ME TO DO THIS ACT SUPPOSES HE HAD DECLARED *[[18]]* THAT FACT BEFOREHAND WOULD SUCH DECLARATION BE TAKEN I SAY NOT. ANY DECLARATION WHATEVER IT MAY BE WHO WILLFULLY KILLS MAY NOT BE *CAN'T*[?] EXCUSE LAW CONCLUSIVELY PRESUMES HE IS GUILTY OF MURDER UNLESS HE BRINGS MEN AND SHOWS THAT HE ~~DID NOT~~ DID IT IN SELF DEFENSE OR SOME OTHER MATTER WHICH NATURALLY WOULD MAKE IT JUSTIFIABLE HOMICIDE THAT IS MY APPRAISAL WHAT GENTLEMAN WHOLLY MISAPPREHENDED. IN RELATION TO WHAT CONSTITUTES RES GESTAE *KRK/KRG*[?] AND GREENLEAF SEEM TO LAY DOWN GENERAL RULE THE COURT IN ITS DISCRETION MUST APPLY IT TO FACTS IN EACH CASE IS IT RES I GRANT YOU IT IS JUDICIAL DISCRETION. IF THE COURT DON'T ALLOW TESTIMONY IT MIGHT BE SUBJECT OF REVIEW. BUT WHAT IS OPPORTUNITY OF RES GESTAE ANY SHAPE OF DECLARATION CAN ONLY BE DETERMINED BY THE FACTS IN EACH CASE. MY BROTHER SUTHERLAND HAS GIVEN FOUR IN HIS ILLUSTRATION OF IT AND I GAVE ONE IN CASE OF STRONG MAN WITH THE WEAK. ANY DECLARATION JOHN D. LEE MAY HAVE MADE WHILE HE WAS DOWN THERE CAN'T SHED ANY LIGHT ON CUTTING THROATS OF THESE VICTIMS IF JURY SHOULD CONCLUDE FROM THE EVIDENCE THAT WAS DONE. [*space*] BY BISHOP ~~BY COURT~~ IF THE COURT WILL PERMIT ME TO SAY FEW WORDS I WILL INTRODUCE FEW AUTHORITIES BY COURT HE HAS TAKEN UP NEARLY ALL AFTERNOON. [*space*] SUTHERLAND *IT IS/OUR FV*[?] POSITION BISHOP THIS IS THE FIRST TIME IN MY LIFE I EVER HEARD ATTORNEY FOR PROSECUTION ASSERT THAT THE INTENTION IN WHICH THE THING THAT WAS COMMITTED WAS NOT MATERIAL TO PROVE IN THE CASE. BASKIN I SAY NOTHING DERIVED FROM ANY DECLARATIONS BEFORE THE FACT CAN BE SHOWN ON THE SIDE OF INTENTION. *STILL/WHILE*[?] I THINK IT IS SUFFICIENT SIMPLY TO CALL WITNESS TO COURT BUT ARGUMENT MADE WAS *OFF*[?] WHERE HE SAYS INTENTIONS OF FACTS ARE NOT MATERIAL THE COMMISSION OF THE DEED AS SOON AS HAS ONCE HAS BEEN PROVEN. NOT ONLY WILL CONTEND THAT IS THE LAW AND HE SAYS AND THEN IT WAS IT MAKES NO DIFFERENCE WHAT HIS INTENTION WAS AND IF IT WAS DONE WITH MALICE AFORETHOUGHT DRAW IT DOWN TO THAT ONE ELEMENT AND THEN THE GENTLEMAN IS RIGHT BECAUSE IF DONE WITH MALICE AFORETHOUGHT HE CAN'T FORTIFY HIMSELF WITH ANY PREVIOUS EXPRESSIONS NOR COULD HE PROTECT HIMSELF WITH ASSERTIONS MADE AFTERWARDS THE REASON WE SEEK TO PROVE WHAT WAS DONE AND SAID IS TO REBUT PRESUMPTION OF THE MALICE AFORETHOUGHT WE CLAIM WE HAVE THE SAME RIGHT THAT THE PROSECUTION HAS. TO ENTER INTO FACTS IN THAT CASE [*space*] WE CLAIM IF THE PROSECUTION *[[19]]* CAN PUT

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KLINGENSMITH UPON THAT STAND AND HAVE DETAIL EXACTLY WHAT WAS SAID AND WHAT WAS DONE UPON THAT FIELD IN ORDER THE PROSECUTION MAY DRAW ANY INFERENCES OF GUILT WE HAVE A RIGHT TO BRING OUT OF WITNESSES PLACE UPON THAT STAND BY THE PROSECUTION EVERY FACT *CONNECTED*[?] WITH THAT PROSECUTION IN ORDER TO REBUT PRESUMPTION THAT HAS BEEN RAISED BY THE WITNESS FOR THE PROSECUTION. IT IS THE FIRST TIME IN MY LIFE I EVER HEARD THE RASH RULE BUILT ON SOMETHING OR IS IT TO BE THAT *A/THE*[?] MAN SHOULD BE CONVICTED FIRST AND TRIED AFTERWARDS. MAY IT PLEASE YOUR HONOR GENTLEMEN CLAIM ADVANTAGE OF INSERTING ADDITIONAL AUTHORITIES I HAVE THE CLOSING IN THIS CASE HE IS CERTAINLY GOING BEYOND LIBERTY GRANTED [*space*] BISHOP HAVE NOT I RIGHT TO REPLY TO HIS ARGUMENTS IN THESE THINGS. BISHOP THIS ARGUMENT WAS IN REPLY TO JUDGE SUTHERLAND AND *AS HE*[?] COULD NOT UNDERSTAND [*space*] JUDGE SUTHERLAND CERTAINLY SAID NOTHING ABOUT MANY THINGS WHICH ARE MENTIONED IN THIS. BLACKSTONE COMMENTARIES HE INTRODUCED FROM READ BLACKSTONE IS PRETTY GOOD LAW I THINK APPLICATION MADE HERE IS NOT CORRECT. IT IS CONTENDED IN THIS CASE DECLARATIONS OF A MOB MAY BE INTRODUCED AND OF PARTIES COMMITTING TREASON THAT THEIR DECLARATIONS MAY BE INTRODUCED FOR THE PURPOSE OF SHOWING INTENTION WITH WHICH THEY DID THE ACT IF THAT BE SO HOW MUCH MORE NECESSARY THAT THE ASSERTIONS OF THE PARTIES SHOULD BE INTRODUCED IN EVIDENCE IN A CASE OF THIS KIND ONE THING HE REFUSED TO HEAR HE SAID SUPPOSE THESE DECLARATIONS ARE IN LEE'S FAVOR LET THAT BE AS IT MAY HE PLACED THAT WITNESS UPON STAND HERE THAT IS SUPPOSED TO BE UNFAVORABLE WITNESS PARTY THAT COMES HERE IN THE CHARACTER OF MAN WHO IS TURNING STATE'S EVIDENCE GIVING THE EVIDENCE *INNOCENT*[?] GUILTY HE IS UNDER THE PROSECUTION AND CERTAINLY AN UNFAVORABLE WITNESS TO US AND YET THEY SEEK TO FORCE US TO STOP HALFWAY IN OUR CROSS EXAMINATION AND PLACE THAT MAN UPON THE STAND SO WE SHALL BE BOUND BY HIS ASSERTIONS. WE CLAIM THAT WOULD BE UNFAIR. [*space*] ANOTHER THING. POSITION TAKEN HERE IS GENTLEMAN ASSUMING FOR PURPOSE OF ARGUMENT PERHAPS THIS CASE HAS ALL BEEN PROVEN EVERYTHING CONNECTED WITH THIS CASE IS A MATTER OF FACT TO BE FOUND BY THIS JURY I *SO/SAY*[?] *CONSIDER*[?] IT BUT HE HAS YET FULLY TO SEE THE FACTS OR RATHER STATEMENT OF A MAN WHO HAS SWORN UPON THE STAND JOHN D. LEE WAS BEHIND THE ALLIANCE MARSHALING INDIANS. [*space*] *[[20]]* THEN WHY SUCH AN ASSERTION AS THAT UPON LEGAL ARGUMENTS. REFERRING BACK TO 14TH CALIFORNIA IN THAT CASE WE CLAIM THAT IT LAYS DOWN THE RULE AND CLEARLY DEMONSTRATES WHAT THE RULES THAT THEY PROVING ARE BASED ON CERTAIN ACTS AND ASSUME AS A PROOF WATER ~~FLOWED~~ FLOW FROM THE FLUME WATER WHAT WAS THE MOVING CAUSE WHO PLACED THOSE MEN IN MOTION. WHO WAS IT THAT REQUESTED THEM TO GO TO THE

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FIELD AND GAVE THEM COMMANDS WHILE THEY WERE UPON THE FIELDS BY WHOSE DIRECTION DID THEY MOVE WHO DREW THEM AWAY FROM FIELD FOR SLAUGHTER THE DEAD WHO TOOK CHARGE OF THE MEN WHILE THEY ACTED WHO DIRECTED THEIR MINDS TOOK CHARGE OF THE SPOILS AFTER THE MASSACRE HAD ENDED. WE CLAIM THAT THERE WE HAVE THE RIGHT ENTER ALL OF THIS FOR THE PURPOSE OF SAYING THIS WITNESS UPON THE STAND IS KEEPING BACK SUFFICIENT TO SHIELD HIMSELF IN ORDER THAT THE JURY MAY PLACE PROPER ESTIMATE UPON EVIDENCE AS GIVEN BY THIS WITNESS. FROM GREENLEAF PAGE 108 CERTAINLY FAILS TO SUPPORT THEORY OF THE GENTLEMAN CERTAINLY FAILS TO SUPPORT HIS THEORY THEN HE CLOSES HIS ARGUMENT AFTER WHAT HE SUPPOSED TO BE STATEMENT OF WHAT WE ARE UNABLE TO ANSWER. A MAN WHO FOR THE LOVE OF HIS FELLOW MAN GO OUT CUT HIS THROAT TO SAVE HIS SOUL COME INTO COURT MAKE THAT ASSERTION IN HIS DEFENSE WHAT WOULD BE THE RESULT IF MY BROTHER BASKIN ADVOCATED HE WOULD PLEAD INNOCENT TO CLEAR HIS SKIN NO JURY WHO HAS EVER SAT UPON *CASE*[?] UPON ACTS OF THAT KIND WOULD FIND THE MAN WAS INNOCENT WHEN COMMITTED THAT ACT *AS MUCH*[?] AS WHEN HE PLEADS IT IN HIS DEFENSE THAT IS WHAT MY BROTHER BASKIN WOULD DO [*space*] THAT IS OUTSIDE OF THIS CASE. WE CLAIM AUTHORITIES READ HERE WHILE GOOD LAW ARE NOT APPLICABLE. I WISH MAKE SUGGESTION IN PLACE I SUPPOSE THIS DECLARATIONS —[?] THERE WAS POINT IN MR. BASKIN AND SOME CASE I DO NOT CARE WHO IS CLOSING I DESIRE TO MAKE THIS SUGGESTION COUNSEL PLACES THOSE OBJECTIONS PROVING THE RES GESTAE DECLARATIONS THOSE THAT IS NOT ABLE TO FURNISH YOUR HONOR ANY OTHER PRETEXT FOR REJECTING OR ASK YOUR HONOR TO REJECT ON THE GROUND THAT THE MURDER HAS BEEN PROVED *[[21]]* I DO NOT THINK MY BROTHER ON SERIOUS CONSIDERATION WOULD ADVISE YOUR HONOR YOU CAN FOR GRANTED ANY FACT IN THIS CASE HAS BEEN PROVED OR PASSES WHILE MR. BASKIN GENTLEMEN WILL FILE APPEAL ON THIS PRESUMPTION BY COURT I UNDERSTAND I CERTAINLY HAD UNDERSTOOD COUNSEL TO SAY THEN THAT THOSE DECLARATIONS MAY HAVE ACCOMPANIED ACT THEY HAVE *CHARACTER*[?] IN AS MUCH AS YOUR HONOR MUST TAKE FOR GRANTED THERE WAS A KILLING HERE PROVED THEY TEND TO BE ADMITTED BECAUSE IN THE NATURE OF THINGS THEY TENDED TO ESTABLISH NO DEFENSE THE KILLING PRECLUDED IT UNLESS DECLARATIONS TENDED TO ESTABLISH DEFENSE OF PARTICULAR KIND YOUR HONOR CAN'T TAKE FOR GRANTED ANY FACT IN THE CASE HAS BEEN PROVEN JURY HAS TO DECIDE EVERY FACT OF THE CASE TESTIMONY IS TO BE ADMITTED UNTIL THE TRIAL CLOSES IN RESPECT TO THE POINT IN ISSUE JURY DECIDE WHETHER TESTIMONY PROVES ONE SIDE OR THE OTHER. IN THE END YOUR HONOR WILL BE OBLIGED TO SUBMIT THAT FACT TO THE JURY CAN'T STATE ANY FACT TO THEM AS HAVING BEEN ESTABLISHED. I HAVE ONE MORE SUGGESTION TO MAKE THAT IT IS ENTIRELY IMMATERIAL WHETHER DECLARATIONS SAY

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ANYTHING BENEFICIAL TO DEFENSE OR ANY TRANSACTION HAS BEEN PROVED IN ITS ENTIRETY DECLARATIONS CONSTITUTE A PART OF IT BUT THE TRANSACTION IS NOT SUBMITTED TO JURY UNLESS DECLARATIONS ACCOMPANIED THE ACTS ARE PROVEN DEFENSE IS AT LIBERTY TO PROVE THEM WHETHER THEY MAY GO IN HIS FAVOR OR AGAINST HIM IF HE IS DESIROUS OF PROVING THEM HE IS NOT ENTITLED TO HAVE THEM PROVED ALTHOUGH THEY TEND TO ESTABLISH HIS GUILT AND CERTAINLY HE IS ENTITLED IF THEY TEND TO EXCULPATE HIM OR EXTENUATE HIM BASKIN I DISLIKE GENTLEMAN TO -*M-S*[?] NECESSITY OF MAKING ANY EXCEPTION IN WHAT I SAY I MIGHT BE UNFORTUNATE IN MAKING MYSELF UNDERSTOOD I REFER TO TESTIMONY BECAUSE *UNDER/NO*[?] AUTHORITY IN GREENLEAF IT IS DISCRETION TO BE DECIDED BY YOUR HONOR AS TO FACTS IN CASE. AND COURT IN APPLICATION OF THIS DISCRETION MUST LOOK TO THOSE FACTS. [*space*] BY COURT [*space*] NO DOUBT STATED RULE DEFENSE CAN'T GET ANY EVIDENCE OF HIS OWN DECLARATIONS PROSECUTION CAN GIVE THOSE DECLARATIONS IN EVIDENCE THOSE ARE WELL SETTLED NO DOUBT ABOUT IT. IN THIS CASE QUESTION IS WHETHER THE STATEMENT MADE BY DEFENDANT AT THAT TIME CAN BE ADMITTED *[[22]]* THEN THE QUESTION MIGHT COME UP WHETHER IT WOULD BE PART OF RES GESTAE OR NOT IT IS NOT NECESSARY FOR ME TO DECIDE THAT AT THIS TIME ~~M~~. UNDER DECISIONS OF SUPREME COURT OF THE UNITED STATES I AM SATISFIED QUESTION OF THE OTHER BRANCH OF THE ARGUMENT REFER TO CROSS EXAMINATION QUESTION WOULD NOT BE PROPER THAT IS THE POSITION I TOOK THIS MORNING MORE THOROUGH I HAVE EXAMINED IT MORE SATISFIED AM I I WAS CORRECT STATEMENTS NOT DRAWN OUT BY PROSECUTION WHO MIGHT HAVE DRAWN THEM OUT DID NOT DRAW THEM OUT THE OTHER PARTY COULD NOT EXAMINE HIM ON THAT POINT OF ARGUMENT [*space*] I AM INCLINED I THINK GENERAL RULE EXCLUDING STATEMENTS OF DEFENDANT WOULD EXCLUDE THIS STATEMENT EVEN ON THE EXAMINATION IT SEEMS TO BE DESIRED I SHOULD MAKE SOME *EXPLANATION/EXCEPTION*[?] ON THAT POINT. [*space*] BUT THAT IS NOT THE CASE THIS IS A MERE QUESTION OF CROSS EXAMINATION WE DID NOT DECIDE WHETHER THIS STATEMENT COULD BE INTRODUCED BY THE DEFENSE OR NOT WE ONLY DECIDED THAT CAN'T BE INTRODUCED WHEN NOTHING BY PROSECUTION HAS BEEN DRAWN UP IN REGARD TO THEM AND I AM CONFIRMED IN THE OPINION WHICH I DELIVERED THIS MORNING CALL THE NEXT WITNESS

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RT	RS	BT	PS
JUDGE SUTHERLAND ANNOUNCED THAT HE DESIRED TO EXAMINE AS A WITNESS IN THIS CASE BRIGHAM YOUNG AND GEORGE A. SMITH AND HE STATED THAT HE HAD RECEIVED ADVICES TO-DAY ACCOMPANIED BY THE AFFIDAVIT AND CERTIFICATE OF TWO PROMINENT PHYSICIANS IN SALT LAKE CITY WHO WERE ATTENDING UPON THEM THAT THEY WERE TOO FEEBLE TO TRAVEL, AND I ASK AN ORDER OF THE COURT, WITH THE CONSENT OF THE PROSECTUION, THAT THEIR DEPOSITIONS MAY BE TAKEN IN SALT LAKE CITY BEFORE A	SUTHERLAND. IF YOU HONOR PLEASE WE DESIRE TO EXAMINE AS WITNESS IN THIS CASE BRIGHAM YOUNG, GEORGE A SMITH I HAVE RECEIVED ADVICES ABOUT IT; THAT THEY ARE TOO FEEBLE TO TRAVEL AND I ASK ORDER WITH CONSENT OF PROSECUTION TO HAVE THEIR DEPOSITION TAKEN BEFORE	BY SUTHERLAND: IF YOUR HONO~~Y~~**R PLEASE** WE DESIRE TO EXAMINE AS WITNESSES IN THIS CASE, BRIGHAM YOUNG AND GEORGE A. SMITH. I HAVE RECEIVED ADVICES ABOUT IT THAT THEY ARE TOO FEBLE TO TRAVEL. I ASK AN ORDER WITH THE CONSENT OF THE PROSECUTION TO HAVE THEIR DEPOSITIONS TAKEN BEFORE THE	

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RT	RS	BT	PS
COMMISSIONER. ✔[257] TO WHICH BASKIN REPLIED: WE DO NOT CONSENT TO THAT; WE WANT THEM TO APPEAR ON THIS STAND.	COMMISSIONER. BASKIN WE DO NOT CONSENT TO THAT WE WANT THEM TO APPEAR ON THIS STAND	COMMISSIONER. BY MR. BASKIN: WE DON'T CONSENT TO THAT. WE WANT THEM TO APPEAR ON THIS STAN~~G~~**D** ~~BY COURT~~:	

257. In the left margin.

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John D. Lee, Trial 1

George W. Bradshaw and Robert Kershaw Testimonies

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RT	RS	BT	PS
[Bk 2 246 cont.] GEORGE W. BRADSHAW , SWORN FOR THE PROSECUTION. EXAMINED BY BASKIN: Q. WHAT IS YOUR GIVEN NAME MR. DRAWSHAW ? A. JOHN W. Q. WHERE DO YOU RESIDE ? A. MINERSVILLE IN THIS COUNTY. Q. WHERE WERE YOU LIVING IN THE FALL OF 1857 ? A. CEDAR CITY, IRON COUNTY. Q. HOW LONG DID YOU LIVE THERE ? A. I LIVED THERE FROM THE FALL OF 1852 TO 1859. SUTHERLAND ASKED COUNSEL FOR PROSECUTION TO GIVE WAY FOR A MOMENT AS I WOULD LIKE TO REFER TO THE STATUTE BEARING ON THE REQUEST AND THE	*[[Bk 5 22 cont.]]* ~~GEO~~**JNO W. BRADSHAW** ~~BISHOP~~ **BRADSHAW** MR. BRADSHAW **Q** WHAT IS YOUR GIVEN NAME **A** JOHN **W. Q** WHERE DO YOU RESIDE **A** MINERSVILLE THIS COUNTY. **Q** WHERE YOU LIVING FALL OF 1857 **A** CEDAR CITY IRON COUNTY **Q** HOW LONG DID YOU LIVE THERE ~~Q~~**A** I LIVED THERE FROM FALL OF ~~<~~18~~>~~52 TO 1859. BY SUTHERLAND COUNSEL WILL GIVE WAY FOR MOMENT I WOULD LIKE TO REFER TO THE STATUTE BEARING ON REQUEST	*[Bk 4 7-3]* JOHN W. BRADSHAW SWORN FOT THE P~~L~~ROSECUTION.. **EXAMINED BY** —— Q. MR. BRADSHAW, WHAT IS YOUR GIVEN NAME? A. JOHN W. . Q. WHERE DO YOU RESIDE? A. MINERSVILLE, THIS COUNTY. Q. WHERE WERE YOU LIVING IN THE FALL OF I857? A. CEDAR CITY, IN IRON COUNTY. Q. ~~WHERE~~ HOW LONG DID YOU LIVE THERE? A. I LIVED THERE FROM THE FALL OF ‘52, TO I859. BYMR. SUTHERLAND: IF THE COUNSEL WILL JUST GIVE WAY FOR A MOMENT I WOULD LIKE TO REFER TO THE STATUTE BEARING ON THE REQUEST	[*No extant PS, missing Notebook 6.*]

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RT	RS	BT	PS
ARGUMENT THAT I MADE BEFORE AND REFERRED TO SECTION 22 OF AN ACT REG- *[247]* ULATING THE MODE OF PROCEDURE IN CRIMINAL CASES QUOTING "WHEN IT IS NOT REASONABLE THAT A WITNESS CAN BE PRESENT AT THE TRIAL HIS DEPOSITION MAY BE TAKEN BY A COMMISSIONER. I WISH TO MAKE A PROPER SHOWING THAT THEY ARE DISABLED BY SICKNESS AND UNABLE TO ATTEND, AND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE A COMMISSIONER IN SALT LAKE CITY. I DESIRE TO MAKE THE APPLICATION NOW THAT THEY MAY HAVE THE	I MADE BEFORE. [*space*] SECTION 22 OF THE CODE REGULATING MODE OF PROCEDURE CRIMINAL CASES; WHEN IT IS NOT REASONABLE WITNESS CAN BE PRESENT AT TRIAL HIS DEPOSITION MAY BE TAKEN BY COMMISSIONE R I WISH TO MAKE PROPER SHOWING THAT THEY ARE DISABLED UNABLE ATTEND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE COMMISSIONE R IN SALT LAKE CITY. I DESIRE TO MAKE APPLICATION NOW THAT THEY MAY HAVE THE	I MADE BEFORE. SECTION 22# OF THE CODE REGULATING THE MODE OF PROCEEDURE IN CRIMINAL CASES. WHEN IT IS NOT REASONABLE THAT A WITNESS CAN BE PRESENT AT A TRIAL HIS DEPOSITION MAY BE TAKEN BY A COMMISSIONER. WISH TO MAKE THE PROPER SHOWING, THAT THEY ARE DISABLED AND UNABLE TO ATTEND AND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE THE COMMISSIONER IN SALT LAKE CITY. I DESI RE TO MAKE THE APPLICATION NOW, THAT THEY MAY HAVE THE	

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RT	RS	BT	PS
REQUISITE TIME TO COMPLETE IT. COURT: LET ME SEE THAT POINT MR. SUTHERLAND. AFTER READING THE SECTION REFERRED TO THE COURT SAID: I WOULD NOT BE WILLING TO MAKE THE ORDER UNLESS THE PROSECUTION ARE WILLING TO HAVE IT MADE IN SALT LAKE CITY, THE COURT READING "HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF PARTIES. SUTHERLAND: I WILL MAKE THAT SHOWING, YOUR HONOR, THAT THEY ARE NOT ABLE TO MAKE THE JOURNEY. BASKIN: AND I WILL	REQUISITE TIME TO COMPLETE IT. BY [*space*] COURT LET ME SEE THAT POINT MR. SUTHERLAND. **≺COURT RULED≻** BY COURT I WOULD NOT BE WILLING MAKE ORDER UNLESS THE PROSECUTION ARE WILLING *[[23]]* TO HAVE IT MADE IN SALT LAKE CITY. COURT ORDERED HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF PARTIES. SUTHERLAND I WILL MAKE THAT SHOWING THAT THEY ARE NOT ABLE TO MAKE THAT JOURNEY. BASKIN. WE ARE ABLE TO	REQUISITE TIME TO ACCOMPLISH IT. BY COURT: LET ME SEE TH~~AT~~**E STATUTE** ~~POINT~~, MR. SUTHERLAND. (HANDS COURT SECTION OF STATUTE HE REFERRED TO) **COURT:** I WOULD NOT BE WILLING TO MAKE THE ORDER UNLESS THE PROSECUTI~~O~~N IS WILLING TO HAVE ITMADE IN SALT LAKE CITY. BY MR. SUTHERLAND: I WILL MAKE A SHOWING THAT THEY ARE UNABLE TO MAKE THAT JOURNEY. BY MR. BASKIN: WE ARE ABLE TO	

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RT	RS	BT	PS
MAKE THE SHOWING AND PROVE THAT THEY ARE ABLE TO MAKE THE JOURNEY. COURT: ON THAT POINT THE GOVERNMENT HAVE REGULAR ATTORNEYS AND EMPLOYED BY THE TERRITORY. SUTHERLAND: THE GOVERNMENT HAVE EMPLOYED THEIR ATTORNEYS HERE. COURT: THE TERRITORY HAVE THE RIGHT ALL POWER SO FAR AS I AM CONCERNED CAREY: WE WILL BE VERY GLAD TO HAVE THE TWO WITNESSES THAT THE GENTLEMAN SPEAKS OF	MAKE SHOWING THEY ARE ABLE TO. BY COURT. ON THAT POINT THE GOVERNMENT HAS REGULAR ATTORNEYS EMPLOYED BY TERRITORY. IF PROSECUTION ARE WILLING. BY SUTHERLAND GOVERNMENT HAVE EMPLOYED THEIR ATTORNEYS HERE BY COURT, {THE}^{p} TERRITORY HAVE THE RIGHT TO EMPLOY ALL {THE}^{p} POWER AS FAR AS I AM CONCERNED BY CAREY WE WOULD BE VERY GLAD TO HAVE TWO WITNESSES GENTLEMAN SPEAKS	MAKE THE SHOWING THAT THEY ARE ABLE. BY COURT: ON THIS POINT THE GOVERNMENT HAS REGULAR ATTORNEYS EMPLOYED BY THE TERRITORY. IF THE PROSECUTION ARE WILL~~ING~~**F**. **M**$^{\underline{\mathbf{R}}}$ ~~Q.~~SUTHERLAND: THE GOVERNMENT HA~~VE~~**S** THEIR EMPLOYED ATTORNEYS HERE. COURT: THE TERRITORY HAS THE RIGHT TO EMPLOY ALL THE POWER **NEEDED** SO FAR AS I AM CONCERNED.. BY MR. CAREY: WE WOULD BE GLAD TO HAVE THE TWO WITNESSES I SUPPOSE**,** IF THEY COULD BE GOT HERE.	

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RT	RS	BT	PS
BROUGHT IF THEY COULD BE GOT HERE. COURT: WE WISH TO MAKE THAT SHOWING NOW, JUDGE SUTHERLAND. SUTHERLAND: ANY TIME, IF YOUR HONOR PLEASE. Q. DID YOU SAY YOU KNEW OF THE EMIGRANT TRAIN CALLED THE ARKANSAS EMI- *[248]* GRANT TRAIN PASSING THROUGH CEDAR ? A. I HEARD OF THEM COMING SOMETIME BEFORE THEY ARRIVED, SOME THREE OR FOUR DAYS.	IF THEY COULD BE GOT HERE. DO YOU WISH TO MAKE THAT SHOWING NOW JUDGE SUTHERLAND ANY TIME. MAY IT PLEASE YOUR HONOR. {THAT IT MIGHT PLEASE YOUR HONOR}[p] [*space*] {**EXAMIN CONTINUED. ~~GEO~~**}[p] **JNO.** {**W. BRADSHAW** **CONTD.**}[p] Q DID YOU SEE OR —[?] OF KNOW OF THE EMIGRANT TRAIN CALLED ARKANSAS EMIGRANT TRAIN PASSING THROUGH CEDAR A I HEARD OF THEM COMING SOMETIME BEFORE THEY ARRIVED SOME THREE OR FOUR DAYS	**# COMPILED LAWS OF '76. P. 655.** *[74]* BY COURT~~Z~~: DO YOU WISH TO MAKE THAT SHOWING NOW, JUDGE SUTHERLAND? BY **M^R** SUTHERLAND: ANY TIME THAT IT MAY PLEASE YOUR HONOR. — EXAMINATION OF JOHN W. BRADSHA~~Y~~**W BY M^R CAREY** CONTINUED.— Q.DID YOU SEE OR DO YOU KNOW ~~A~~**O**F AN EMIGRANT TRAIN CALLED THE ARKANSAS EMIGRANT TRAIN PASSING THROUGH CEDAR? A. I HEARD OF THEM ~~F~~**C**OMING SOME TIME BEFORE THEY ARRIVED — SOME THREE OR FOUR DAYS..	

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RT	RS	BT	PS
Q. DIDN'T YOU SEE THEM AS THEY PASSED THROUGH ? A. I ONLY SAW A FEW OF THEM WAGONS WHEN AT CEDAR, GETTING GRINDING DONE. Q. DID YOU KNOW OF ANY PARTIES BEING ORDERED OUT TO GO TO THE MOUNTAIN MEADOWS ? BISHOP FOR DEFENSE OBJECTED TO THE QUESTION BECAUSE OF ITS BEING LEADING IN ITS CHARACTER. CAREY: I. WISH TO SHOW THAT ONE OF THE PARTY ORDERED OUT DIDN'T GO THERE. TO WHICH BISHOP OBJECTED AS TO WHAT HE WANTS TO SHOW WITH	DIDN'T YOU SEE THEM AS THEY PASSED THROUGH AI ONLY SAW FEW OF THEM WE MET WAGONS WHEN AT CEDAR GETTING GRINDING DONE. QDID YOU KNOW OF ANY PARTIES BEING[258] ~~BEEN~~ ORDERED OUT TO GO TO MOUNTAIN MEADOWS. OBJECTED TO BY BISHOP BECAUSE IT IS LEADING IN CHARACTER BY CAREY I WISH TO SHOW ONE PARTY WAS ORDERED OUT THAT DIDN'T GO BY BISHOP I OBJECT TO HIS STATING HE WANTS TO SHOW	Q. DIDN'T YOU SEE THEM AS THEY PASSED THROUHG? ~~A.~~ A. I ONL~~U~~Y SAW A FEW OF THEM. WE MET WAGONS THAT WENT OUT TO CEDAR TO GET GRINDING DONE . Q. DO YOU KNOW ANY PARTIES BEING ORDERED OUT TO GO TO THE MOUNTAIN MEADOWS ~~?~~**?** ~~**THAT DIDN'T GO?**~~ OBJECTED TO BY MR. BISHOP BECAUSE IT IS LEADING IN ITS CHARACTER. ~~Q.~~BY MR. CAREY: I WISH TO SHOW THAT ONE PART~~E~~Y WAS ORDERED OUT THAT DIDN'T GO. BY MR. BISHOP: I OBJECT TO HIS STATING WHAT HE WANTS TO SHOW.	

258. Word added later.

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RT	RS	BT	PS
THAT KIND OF A			
QUESTION. Q.	Q	Q.	
DID YOU	DID YOU	DID YOU	
KNOW OF ANY	KNOW OF ANY	KNOW OF ANY	
ONE BEING	CALL BEING	CALL BEING	
ORDERED OR OF	MADE	MADE	
ANY OF THE	OF ANY	BY ANY	
PARTIES BEING	PARTIES BEING	PARTIES, BEING	
CALLED TO THE	CALLED TO	CALLED TO THE	
	MOUNTAIN	MOUNTAIN	
MEADOWS	MEADOWS	ME~~D~~ADOWS?	
BISHOP	BY BISHOP	BY MR. BISHOP:	
	WITNESSES	WITNESSES	
	THAT ARE	THAT ARE	
	PLACED UPON	PLACED UPON	
	THAT STAND	THE S~~A~~TAND	
	ARE SUPPOSED	ARE SUPPOSED	
	TO BE	TO BE	
	FRIENDLY *BUT*	FRIENDLY; AND	
	AS	AS FAR AS	
	WE	WE ARE	
	CONCERNED[?]	CONCERNED ,	
	HAVE	WE HAVE THE	
	RIGHT TO	RIGHT TO ASK	
	HAVE	THEM TO BE	
	GENTLEMEN		
	CONFINE	CONFINED	
	THEMSELVES		
	TO RULES	TO THE RULES	
AGAIN	WELL		
OBJECTED TO	ESTABLISHED	ESTABLISHED	
THE	GOVERNING	GOVERNING THE	
INTRODUCTION	INTRODUCTIO	INTR~~U~~ODUCTION	
OF SUCH	N OF	OF	
TESTIMONY, AS	TESTIMONY.	TESTIMONY.	
TO WHO DID			
NOT GO THERE.			
	QMR.		
	BRADSHAW		
Q. DID YOU	QDID YOU	Q. DO YOU	
KNOW OF ANY	KNOW OF ANY	KNOW OF ANY	
PARTIES	PARTIES	PARTIES	
LEAVING	LEAVING	LEAVING	
CEDAR FOR THE	CEDAR FOR	CEDAR FOR THE	

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RT	RS	BT	PS
MOUNTAIN MEADOWS AND THAT WENT ? BISHOP OBJECTED TO THE QUESTION	MOUNTAIN MEADOWS AFTER EMIGRANTS WENT BY BISHOP I OBJECT TO THAT QUESTION THERE IS RULE TOO WELL ESTABLISHED AND FORTIFIED TO BE DOUBTED THAT PROSECUTOR OR PARTY INTRODUCING WITNESS HAS NO RIGHT TO ASK A QUESTION THAT CAN SIMPLY BE ANSWERED YES OR NO AND THAT ANSWER BE FULL COMPLETE ANSWER TO QUESTION. BY COURT NO *PARTICULAR LEGAL RIGHT[?]* BISHOP COURT GIVE US BENEFIT OF	MOUNTAIN MEADO~~W~~S AFTER THE EMIGRANTS WENT BY? BY MR. BISHOP: O OBJECT TO THAT QUESTION. THIS RULE IS TOO WELL ESTABLISHED AND FORTIFIED BY THE ST~~S~~ATUTES ——— ARGUED BY COUNSEL ON	

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RT	RS	BT	PS
		BOTH SIDES.	
	OBJECTION	OBJECTION	
	[*space*]		
WHICH OBJECTIONS THE COURT OVERRULED DEFENDANTS COUNSEL THAEN AND THERE DULY EXCEPTED TO THE RULING OF THE COURT.		OVERRULED. **M^R** BISHOP: GIVE US THE BENEFEIT OF ~~THE~~ AN EXCEPTION.	
WIT.: I SHOULD SAY IT WAS SOMETIME — IT MAY BE ONE OR TWO OR THREE WEEKS; IT WAS TEN OR TWELVE DAYS AFTER	I ~~SAY~~ SHOULD SAY BETWEEN 2 OR 3 ~~DAYS~~ WEEKS IT WAS TEN OR TWELVE DAYS ≤*ASSUME/SAME* [?] SEEM IT MAY BE ONE TWO WEEKS	A. I SHOULD SAY ~~SOMETIME~~, IT MAY BE ONE OR TWO WEEKS—	
THESE EMIGRANTS HAD PASSED THROUGH CEDAR.	THOSE EMIGRANTS PASS THROUGH CEDAR~~.~~	THESE EMIGRANTS PASSED THROUGH CEDAR— BETWEEN TWO OR THREE WEEKS. *[75]* IT WAS TEN OR TWELVE DAYS	
	BEFORE	BEFORE WE	
THERE WAS AN INDIAN ABOUT THAT TIME ~~HAD BEEN SEEN~~ *[249]* WE HAD SEEN LIVING	SEEN ANYTHING. ABOUT THAT TIME WE HAD SON LIVED	SEEN AN **I**NDIAN. ABOUT THAT TIME WE HAD **ONE** ~~SEEN SOME~~ — LIVE~~D~~	

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RT	RS	BT	PS
THERE WITH US; HE CAME AND TOLD —— —— BISHOP: HOLD. ON, DON'T STATE WHAT HE SAID OR WHAT MAY HAVE BEEN SAID TO HIM. PROSECUTION: GO ON A. THERE WAS ORDERS CAME OR WORD TO WHERE I LIVED TO ~~MOST OF THE IN~~ MUSTER UP, THE INDIANS HAD KILLED THE EMIGRANTS OFF AND THEY WANTED US TO GO OUT TO BURY THEM. Q. DID YOU GO TO THE PLACE WHERE YOU WERE ORDERED ? A. I WENT, BUT THE. PLACE WAS NOT DESIGNATED. THIS WAS IN CEDAR CITY NEAR THE BLACKSMITH SHOP. Q. WHAT DID YOU TAKE WITH YOU —	THERE WITH US, HE CAME AND TOLD = BY BISHOP HOLD ON DON'T STATE WHAT YOUR SON SAID TO YOU GO ON *[[24]]* $_{A}$ THERE WAS ORDERS CAME FROM WHERE I LIVED TO MUSTER UP; INDIANS HAD KILLED EMIGRANTS OFF, THEY WANTED US TO GO OUT TO BURY THEM $_{Q}$DID YOU GO TO THE PLACE WHERE YOU WERE ORDERED $_{A}$I WENT {BUT THE}^{p} PLACE WAS NOT DESIGNATED THIS WAS IN CEDAR CITY NEAR BLACKSMITH SHOP. $_{Q}$ WHAT DID YOU TAKE WITH YOU =	THERE WITH US/**.** HE CAME AND TOLD— BY MR. BISHOP: DON'T STATE WHATYOUR ~~SON~~ **SOMEONE** SAID TO YOU, BUT GO ON. A. THERE WAS ORDERS CAME FROM WHERE I LIVED TO ,MUSTER UP. THE **I**NDIANS HAD ,KILLED THE EMIGRANTS OFF, THEY WANTED US TO GO OUT T O BU~~T~~RY THEM. Q. DIDYOU GO TO THE PLA~~V~~CE WHERE YOU WERE ORDERED? A. I WENT. THE PLACE WAS NOT DESIGNATED. THIS WAS ~~NEAR~~ IN CEDAR CITY WHERE THE O~~T~~RDERS CAME**,** NEA**R** THE BLACKSMI~~G~~TH SHOP. Q. WHAT DID YOU TA~~L~~KE WITH YOU—	

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RT	RS	BT	PS
WHAT WAS IT YOU WERE ORDERED TO TAKE A. THEY HADN'T ORDERED ME TO DO ANYTHING, I WAS THERE AT THE PLACE OF RENDEZVOUS AND ISAAC C. HAIGHT AND SEVERAL OTHERS; I CAN'T RECOLLECT THE OTHERS. Q. WHEN YOU GOT THERE WITH YOUR SPADE WHAT DID HE SAY ? A. HE ASKED ME WHERE MY GUN WAS. I TOLD HIM I HADN'T ANY AND I SAID DID WE WANT A GUN TO BURY THE DEAD WITH ———— HOGE FOR DEFENSE: GIVE US THE EXPERESSIONS OF MR. HAIGHT. Q. WHAT REPLY	WAS WHAT YOU WERE ORDERED TO TAKE ₐTHEY DIDN'T ORDERED ME TO DO ANYTHING. I WAS THERE PLACE OF RENDEZVOUS, ISAAC **C** HAIGHT SEVERAL OTHERS. I CAN'T RECOLLECT ~~≤**THE**≥~~ OTHERS ₀WHEN YOU GOT THERE WITH YOUR SPADE WHAT DID HE SAY ₐ HE ASKED ME WHERE MY GUN WAS, I TOLD HIM I DIDN'T KNOW WE WANTED GUN TO BURY DEAD WITH. OBJECTION HOGE BECAUSE AN EXPRESSION OF MR. HAIGHT GOES UNDER OUR OBJECTIONS ₀WHAT REPLY	WHAT WAS YOU ORDERED TO TAKE? A. THEY DIDN'T ORDER ME TO DO ANYTHING. I SAW THEIR PLACE OF RENDEZVOUS; AND ISAAC C. HAIGHT **AN~~S~~**D SEVERAL OTHERS. I CAN'T RECOLLECT THE OTHER~~W~~S. Q. WHEN YOU GOT THERE, ~~WHAT DID THEY SAY~~ WITH YOUR SPADE**,** WHAT DID HE SAY? A. HE ASKED ME WHERE MY GUN WAS; AND I TOLD HIM I DIDN'T KNOW WE WANTED A GUN TO BURY THE DEAD WITH — BY **M**$^{\underline{R}}$ HOGE: WE OBJECT. IT IS AN EXPRESSION OF MR. HAIGHT AND COMES UNDER OUR OBJECTIO~~H~~NS. **OVERRULED.** Q . WHAT REPLY	

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RT	RS	BT	PS
DID HE MAKE ? A. I DO NOT KNOW, ONLY THAT HE TOLD ME THAT HE SAID I WAS A FOOL, AND I DIDN'T UNDERSTAND THINGS. I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMUNITON FOR IT; HE TOLD ME ALL RIGHT, AND THAT I COULD GO HOME. Q. DID YOU SAY WHETHER MR. HAIGHT HAD BEEN TO THE MOUNTAIN MEADOWS PREVIOUS TO THIS CONVERSATION ? BISHOP FOR DEFENSE OBJECTED TO THE QUESTION, BECAUSE IT IS LEADING. [250] ~~WI TNES~~SAND THE	DID HE MAKE A I DO NOT KNOW ONLY THAT HE TOLD ME THAT HE SAID I WAS A FOOL, I DIDN'T UNDERSTAND THINGS; I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMMUNITION FOR IT. HE TOLD ME ALL RIGHT ~~I~~ THAT I WOULD GO ~~<~~**I CLD**~~>~~ HOME. Q DO YOU KNOW WHETHER MR. HAIGHT HAD BEEN TO MOUNTAIN MEADOWS PREVIOUS TO THIS CONVERSATIO N BY BISHOP I OBJECT TO THE QUESTION, BECAUSE IT IS LEADING QUESTION GENTLEMAN WISHES TO KNOW WHAT THIS WITNESS ~~DOESN'T~~ ~~<~~KNOWS~~>~~	DID HE MAKE? A. I DON'T KNOW ONLY HE TOLD ME; HE SAID I WAS A F~~LL~~OOL; I DIDN'T UNDERSTAND THINGS. —I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMMUNITION FO~~T~~R IT. HE TOLD ME ALL RIGHT THAT I COULD GO HOME. Q. DO YOU KNOW WHETHER MR. HAIGHT HAD BEEN TO THE MOUNTAIN ME~~D~~ADOWS PREVIOUS TO THIS CONVERSATION? BY MR. BISH~~I~~OP : I OBJECT TO THE QUESTION BECAUSE IT IS LE~~Q~~ADING THE GENTLEMEN WISH TO KNOW WHAT THIS WITNESS DON'T KNOW.	

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RT	RS	BT	PS
WITNESS SIAD HE DID NOT KNOW. THE COURT OVERRULED THE OBJECTION. Q. PREVIOUS TO THE PASSAGE OF THE EMIGRANTS WHAT DID YOU HEAR CONCERNING THEIR COMING ? A. IF YOU WILL LET ME STATE THE WAY I HEARD IT ———— —WHICH WAS OBJECTED TO BY DEFENSE. Q. DID YOU HEAR ANYTHING FROM MR. HAIGHT ? A. NOT BEFORE THEY CAME, NO SIR. Q. WELL AFTERWARD ? A. YES SIR. Q. WHAT WAS IT ? A. IT WAS FROM ISAAC C. HAIGHT. SUTHERLAND FOR DEFENSE OBJECTED TO HIS STATING. THERE HAS	WISHES TO; WITNESS SAYS HE DID NOT KNOW BY COURT GO AHEAD MR. ~~<~~BRADSHAW~~>~~. ~~Q~~PREVIOUS TO THE PASSAGE OF THE EMIGRANTS THROUGH CEDAR, WHAT DID YOU HEAR CONCERNING THEIR COMING ~~QA~~IF YOU LET ME STATE THE WAY I HEARD STATE OBJECTED TO BY DEFENSE. ~~<~~**OBJ HOGE**~~>~~ ~~Q~~DID YOU HEAR ANYTHING FROM MR. HAIGHT NOT BEFORE THEY CAME —[?] IN YES SIR WHAT WAS IT ~~A~~IT WAS FROM ISAAC **C** HAIGHT BY SUTHERLAND WE OBJECT THERE HAS	WITNESS SA~~I~~YS HE DIDN'T KNOW. OBJECTION OVERRULED. Q. PREVIOUS TO THE PASSAGE OF THE EMIGRANTS THROUGH CEDAR, WHAT DID YOU HEAR CONCERNING THE COMPANY? A. IF YOUWILL LET ME STATE THE WAY I HEARD IT. OBJECTED TO .BY MR. HOGE. Q. DID YOU HEAR ANYTHING ~~A~~FROM HAIGHT BEFORE THEY CAME IN? *[76]* A. YE~~W~~**S,** SIR. Q. WHAT WASIT? A. IT WAS THROUGH ISAAC C. HAIGHT. BY **M**$^{\underline{R}}$ SUTHERLAND. WE OBJECT. THERE HAS	

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RT	RS	BT	PS
BEEN NO COMBINATION SHOWN BETWEEN JOHN D. LEE AND HAIGHT. COURT: ; IT HAS BEEN SUFFICIENTLY SHOWN. TO WHICH RULING DEFENSE EXCEPTED. Q. GO ON AND STATE WHAT MR. HAIGHT SAID ? A. I BELIEVE IT WAS PREVIOUS TO IT THAT THE MEN WERE CALLED OUT, BUT I AM HARDLY SURE; IT WAS SUNDAY MEETING, AND IT WAS THE SUBJECT SPOKE OF; THOSE WHO HAD PASSED THROUGH THEN. THEY HAD BEEN PASSING THROUGH SOMETIME. HE SAID THAT	BEEN NO COMBINATION BETWEEN PARTIES SHOWN; BETWEEN HAIGHT AND LEE BY COURT IT HAS BEEN SUFFICIENTLY SHOWN BY SUTHERLAND *WE*[?] TAKE AN EXCEPTION **Q**GO ON AND STATE WHAT MR. HAIGHT SAID **A**I BELIEVE = WHETHER IT WAS PREVIOUS TO THE TIME MEN WERE CALLED OUT; I AM NOT HARDLY SURE, BUT IT WAS SUNDAY MEETING, AND HAIGHT **≺HAIGHT≻** WAS SPEAKING OF THOSE WHO HAD PASSED HERE THEN THEY HAD BEEN PASSED THROUGH SOMETIME. HE SAID THAT	BEEN NO COMBINATION BETWEEN THE PARTIES SHOWN BETWEEN HAIGHT AND LEE. COURT: I THINK IT HAS BEEN SUFFICIENTLY SHOWN. BY MR. SUTHERLAND: WE TAKE AN EXCEPTION. Q. GO ON AND STATE WHAT MR. HAIGHT SAID? A. I BELIEVE — WHETHER IT WAS PREVIOUS TO THE TIME THE MEN WERE CALLED OUT, I AM HARDLY SURE; BUT IT WAS **S**UNDAY MEETING. HAIGHT WAS SPEAKING OF THOSE WHO HAD PASSED THROUGH; THEN ~~T THERE~~ **THEY** HAD BEEN ~~A FUSS~~ **PASSED** FOR SOMETIME. HE SAID THAT	

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RT	RS	BT	PS
THERE HAD BEEN SOME OLD ~~FELLOWS~~ ~~<~~FOOLS~~>~~ HAD BEEN TAMPERING WITH THE INDIANS AND IF IT HADN'T BEEN FOR SOME OLD FOOLS TAMPERING WITH THE INDIANS THEY WOULD HAVE BEEN DEAD AND IN THEIR GRAVES AT THIS TIME. Q. REFERRING TO YOU ? *[251]* SUTHERLAND: WE OBJECT TO THAT. Q. WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD ? A. THE ARKANSAS EMIGRANTS. SUTHERLAND: NOW	THERE HAD BEEN SOME OLD FOOLS HAD BEEN TAMPERING WITH INDIANS. AND IF IT HADN'T BEEN FOR SOME OLD FOOLS TAMPERING WITH INDIANS THEY HAD BEEN DEAD AND IN THEIR GRAVES BY THIS TIME [*space*] THEY HAVE ONLY GOT FURTHER INTO *THE/TH*[?] NET **Q** REFERRING TO YOU BY SUTHERLAND WE OBJECT TO THAT **Q**WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD {**A**}^{p} ARKANSAS EMIGRANTS BY SUTHERLAND. YOUR HONOR	THERE HAD BEEN SOME OLD FOOLS HAD BEEN TAMPERING WITH ~~THE~~ THE **I**NDIANS. **"**IF IT HADN'T BEEN FOR ~~W~~SOME OLD FOOLS TAMPERING WITH THE **I**NDIANS THEY WOULD HAVE BEEN DEAD AND IN THEIR GRAVES BY THIS TIME. NEVER MIND**",** HE SAID, **"**THEY HAVE ONLY ~~F~~GOT FURTHER INTO THE NET.**"** Q. REFERRING TO YOU? BY MR. SUTHERLAND: WE OBJECT TO THAT. **SUSTAINED.** ~~Q~~. Q WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD? A. THE ARKANSAS EMIGRANTS. BY MR. SUTHERLAND: IF YOUR HONOR	

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RT	RS	BT	PS
WE ASK, YOUR HONOR, TO STRIKE THAT OUT. COURT: HE ASKED HIM WHO HAIGHT WAS TALKING ABOUT . SUTHERLAND: AND HE HAD NO RIGHT TO ANSWER THAT, BECAUSE HAIGHT MENTIONED NO NAMES. PENDING MY OBJECTION I WAS ENDEAVORING TO MAKE THE OBJECTION UNDERSTOOD PREVIOUS TO THE QUESTION; I DESIRE TO SUGGEST TO YOUR HONOR THAT THAT IS A MATTER OF CONSTRUCTION; IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO, IF HE ONLY CONJECTURED IT IS PROPER	PLEASE WE ASK YOU TO STRIKE THAT OUT. BY COURT HE ASKED HIM WHOM HAIGHT WAS TALKING ABOUT BY SUTHERLAND. HE HAD NO RIGHT TO ANSWER THAT QUESTION PENDING MY OBJECTION I WAS *[[25]]*[259] ENDEAVORING TO MAKE MY OBJECTION UNDERSTOOD PREVIOUS TO QUESTION. I DESIRE TO SUGGEST TO YOUR HONOR THAT IS MATTER OF CONSIDERATIO N IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO; IF HE ONLY CONJECTURED IT IS PROPER	PLEASE, WE ASK THAT THAT BE STRICKEN OUT. BY COURT: HE ASKED HIM WHO HAIGHT WAS TALKEING ABOUT. BY SUTHERLAND: HE HAD NO RIGHT TO ANSWER THAT QUESTION PENDING MY OBJECTION . I WAS ENDEAVORING TO MAKE MY OBJECTION UNDERSTOOD PREVIOUS TO THE QUESTION. I ~~S~~DESIRE TO SUGGEST TO YOUR HONOR THAT THAT IS A MATTER OF CONSTRUCTION. IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO; IFHE ONLY CONJECTURED IT **IT** IS PROPER	

259. At the top of the page: {**G. W BRADSHAW, CONT'D.**}[P]

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RT	RS	BT	PS
FOR THE JURY. COURT: HE OUGHT TO STATE IT AS NEAR AS HE COULD. I DON'T KNOW WHETHER HE HAD GOT DONE STATING THAT OR NOT. HOGE: THAT IS MERELY CONCLUSION OF HIS.	FOR JURY TO WITHDRAW HIS EVIDENCE BY HOGE AS THIS IS A RULE OF LAW YOUR HONOR *WHERE*[?] A PARTY HAS TOLD WHAT SOMEBODY ELSE SAID, HE MUST TELL WHAT HE SAYS, AND NOT DRAWN HIS OWN INFERENCES BY COURT HE OUGHT TO STATE IT AS NEAR AS HE COULD I DON'T KNOW WHETHER HE HAD GOT DONE STATING THIS OR NOT BY HOGE THIS IS A CONCLUSION OF HIS ≤HE SAYS≥ HAIGHT WAS TALKING ABOUT BY COURT <u>INTERRUPTED</u> BY HOGE WE OBJECT TO OPINIONS GOING TO JURY, AS IRRELEVANT IMPROPER	FOR THE JURY TO WITHDRAW HIS EVIDENCE. BY **M**$^{\underline{R}}$ HOGE: THIS IS THE RULE OF LAW, YOUR HONOR: WHERE A PARTY IS TELLING WHAT SOMEBODY ELSE SAID, HE MUST TELL WHAT HE SAYS AND NOT DRAW HIS OWN INFERENCE . *[77]* BY COURT : HE OUGHT TO STATE IT AS NEAR AS HE COULD; I DON'T KNOW WHETHER HE HAD GOT DONE STATING THIS OR NOT. BY MR. HOGE: THAT IS A CONCLUSION OF HIS ; HE SAYS HAIGHT WAS TALKING ABOUT —— WE OBJE~~F~~CT~~E~~ TO OPINIONS GOING TO THE JURY AS IRRELEVANT **A**ND IMPROPER	

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	DETAILING SERMON HE SHOULD HAVE PREACHED; LET HIM TELL WHAT HAIGHT SAID NOT WHAT HE CONJECTURED. BY COURT I DON'T THINK THAT WOULD EXCLUDE THIS STATEMENT IF I UNDERSTOOD HIM RIGHTLY IT IS NOT A MATTER OF CONJECTURE, ON THEIR PART. BY HOGE HE MAY SAY THAT BUT AT THE SAME TIME *STAND*[?].	TODETAILING SERMONS HE SHOULD HAVE PREACHED. LET HIM TELL WHAT HAIGHT SAID, NOT WHAT HE CONJECTURED. BY COURT: I DON'T THINK THAT WOULD EXCLUDE THIS STATEMENT IF I UNDERSTOOD HIM RIGHTLY., IT IS NOT A MATTER OF CONJECTURE IN **THIS** PARTICULAR.	
OBJECTION OVERRULED. COUNSEL FOR DEFENDANT EXCEPTED TO THE RULING OF THE COURT Q. DID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME OR AFTERWARDS? A. THERE WAS MORE SAID ON THE SAME SUBJECT AND THAT WAS THE	? [*space*] BY COURT GO AHEAD. QDID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME OR AFTERWARDS ATHERE WAS MORE SAID ON THE SAME SUBJECT, THAT WAS	Q. DID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME? A. THERE WAS MORE SAID ON THE SAME SUBJECT, THAT WAS THE	

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REASON I SAID I CONJECTURED IT. I DON'T RECOLLECT THE WORDS EXACTLY WHAT WAS SAID. HOGE FOR DEFENSE MOVED THE COURT TO STRIKE OUT THE WITNESSES ENTIRE ANSWER FOR THE REASON THAT IT IS SIMPLY HIS CONCLUSIONS DRAWN.	REASON I SAID I CONJECTURED IT, I DON'T RECOLLECT WORDS EXACTLY WHAT WAS SAID BY HOGE IF YOUR HONOR PLEASE WE MOVE TO STRIKE OUT THAT ANSWER, FOR THIS REASON; THAT IT IS A CONCLUSION HE HAS DRAWN FOR FROM MATTERS PASSING THROUGH HIS MEMORY = EVERY CONCLUSION HE DRAWS FROM WORDS PASSED FROM HAIGHT, HE CAN'T STATE OR RECOLLECT. BY COURT HE CAN'T STATE THAT MATTER BUT BALANCE OF IT	REASON ~~I SAID~~ I CONJECTURED IT. I DON'T RECOLLECT THE WORDS EXACTLY, WHAT WAS S~~I~~AID. BY **MR** HOGE: IF YOUR HONOR PLEASE, W~~Z~~E MO~~C~~VE TO STRIKE OUT THAT ANSWE ~~R~~ **FOR** ~~FOT~~ THIS REASON.THAT IT IS THE CONCLUSION WHICH IS DRAWN FROM ~~K~~MATTERS PASSING THROUGH ~~PASSING THROUGH~~ HIS MEMORY ; **THE** ~~FROM~~ CONCLUSI~~O~~N HE DRAWS FROM WOR~~B~~DS PAST BY **H**AIGHT, WHICH HE CANNOT STATE OR RECOLLECT. . BY COURT: HE CANNOT STATE THAT MATTER BUT THE BALANCE OF IT	

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RT	RS	BT	PS
COURT RULED: HE MAY NOT BE ABLE TO GIVE THE EXACT WORDS, AND YET I WOULD NOT BE WILLING TO EXCLUDE IT. Q. I WISH TO ASK YOU IF YOU HEARD MR. HAIGHT AT THAT TIME OR AFTER- *[252]* WARDS PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER ? A. YES, HE USED TO SPEAK ABOUT IT IN THE MEETINGS. Q. WHAT DID HE SAY ? A. THERE WASN'T TO BE NOTHING SAID ABOUT IT. Q. DID YOU SEE THE PARTIES RETURN FROM THE	HE CAN STATE =SUBSTANCE OF IT BY COURT HE MAY NOT BE ABLE TO GIVE EXACT WORDS BUT I WOULD NOT BE WILLING TO EXCLUDE IT. MR. BRADSHAW $_{Q}$I WISH NOW TO= I WISH TO ASK YOU IF YOU HAVE HEARD MR. HAIGHT = AT THAT TIME OF AFTERWARDS= PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER $_{A}$ YES, HE USED TO SPEAK ABOUT IT IN MEETINGS $_{Q}$WHAT DID HE SAY $_{A}$ WASN'T TO BE ANYTHING SAID ABOUT IT —[?] $_{Q}$ DID YOU AFTER THE DID YOU YOU SEE PARTIES RETURN FROM THE	HE CAN STATE — THE SUBSTANCE OF IT. HE MAY NOT BE ABLE TO GIVE THE EXACT WORDS, BUT I WOULD NOT BEE WI LLING TO EXCLUDE IT. Q. I WISH TO KNOW — I WISH TO ASK YOU IF YOU EVER HEARD MR. **H**AIGH~~T~~, AT THAT TIME OR AFTERWARDS PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER? A. YES; HE USED TO SPEAK ABOUT IT I~~M~~N MEETINGS. Q. WHAT DID HE SAY? A. THERE WASN'T TO BE **ANYTHING** ~~NOTHING~~ SAID ABOUT IT. Q. DID YOU SEE THE PARTIE~~D~~**S** RETURN FROM THE	

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RT	RS	BT	PS
MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR ? A. NO SIR. Q. DID YOU SEE ANY PROPERTY THERE ? A. ALL I SAW WAS WAGONS ~~THAT~~ COMING FROM THERE. Q. IN WHOSE POSSESSION WAS THE WAGONS ? A. IRA ALLEN, HE LIVED NEXT HOUSE TO ME IN CEDAR. Q. HOW DO YOU KNOW THAT THEY CAME FROM THERE ? A. THAT WAS WHAT WAS TOLD ME; I KNEW IT BY BULLET HOLES THROUGH THE WAGONS. SUTHERLAND OBJECTED TO ALL THIS TESTIMONY AND ASKED THAT IT BE STRICKEN OUT AS IT WAS ALL HEARSAY AND ONLY	MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR $_{A}$NO SIR $_{Q}$DID YOU SEE ANY PROPERTY THERE $_{A}$ALL I SAW WAS WAGON CAME FROM THERE $_{Q}$IN WHOSE POSSESSION WAS THE WAGON? $_{A}$ IRA ALLEN; HE LIVED NEXT HOUSE TO ME IN CEDAR $_{Q}$ HOW DID YOU KNOW THAT CAME FROM THERE $\{_{A}\}^{p}$ THAT WAS WHAT WAS TOLD ME, I KNEW IT BY BULLET HOLES THROUGH WAGONS BOX —[?] BY SUTHERLAND OBJECT TO THAT TESTIMONY, AND ASKED IT BE STRICKEN OUT AS HEARSAY *[[26]]* ONLY	MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR? A. NO, SIR. Q. DID YOU SEE ANY PROPERTY THERE? A. ALL I SAW WAS A WAGON ~~COVER~~ THAT CAME FROM THERE. Q. IN WHOS**E** POSSESSION WAS THE W~~Q~~AGON? A. IRA ALLEN'S; HE LIVED NEXT HOU~~R~~SE TO ME IN CEDAR. Q. HOW DID YOU KNOW THAT CAME FROM THERE? A. THAT WAS WHAT WAS *[78]* ~~WHAT WAS~~ TOLD ME. I KNEW IT BY THE BULLET HOLES THROUGH THE WAGON. BY **M**$^{\underline{R}}$ SUTHERLAND: WE OBJECT TO THAT TESTIMONY. I ASK IT TO BE STRICK~~E~~N OUT AS HEARSAY.	

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CONJECTURE. Q. WHO TOLD YOU MR. BRADSHAW ? SUTHERLAND: THAT IS ALREADY STATED. WIT.: A. IRE ALLEN. HE TOLD ME THAT THE WAGONS CAME FROM THERE. SUTHERLAND: HE SAID HE WAS TOLD, DIDN'T SAY WHO BY, THAT THE WAGONS CAME FROM THERE, THERE WAS TWO OR THREE STANDING AROUND AT THE TIME. Q. WAS MR. ALLEN THERE AT THE .TIME ? SUTHERLAND OBJECTED TO THE QUESTION AS LEADING WITNESS. COURT RULED: IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM. Q. DO YOU RECOLLECT	CONJECTURE QWHO TOLD YOU MR. BRADSHAW BY SUTHERLAND HE HAS ALREADY STATED IRA ALLEN TOLD HIM THAT WAGON CAME FROM THERE. [*space*] HE SAID HE WAS TOLD DIDN'T SAY WHO BY THAT WAGON CAME FROM THERE THERE WAS 2 OR 3 STANDING AROUND AT THE TIME Q WAS MR. ALLEN THERE AT THE TIME OBJ TO BY SUTHERLAND; THAT IS LEADING WITNESS BY COURT IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM QDO YOU RECOLLECT	Q. STATE HOW, MR. BRADSHAW, YOU — ~~Q~~BY SUTHERLAND: HE HAS ALREADY STATED~~.~~**,** IRA ALLEN TOLD HIM THAT THE WAGON CAME FROM THERE. BY **M**$\underline{\mathbf{R}}$ CAREY: HE SAID HE WAS TOLD; HE DIDN 'T SAY WHO BY—THAT THE WAGON CAME FROM THERE. **A.** THERE WAS T~~O~~WO OR THREE ~~CAME~~ STANDING AROUND AT THE TIME. Q. WAS MR. ALLEN THERE AT THE T IME? BY **M**$\underline{\mathbf{R}}$ SUTHERLAND: WE OBJECT . THAT IS LEADING THE WITNESS. BY COURT: IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM. Q. DO YOU RECOLLECT	

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WHO WAS THERE IN COMPANY WHEN YOU WERE TOLD OF IT A. ; I COULD NOT SWEAR POSITIVELY, IT WAS ONLY JUST A MINUTE OR TWO. [253] Q. WHO WAS STANDING THERE WITH YOU A. I WAS ON THE OTHER SIDE OF THE WAGONS. Q. WHO WAS THAT WITH YOU — STATE IF YOU KNOW ? A. I DO NOT FOR I WAS TALKING. SUTHERLAND: I ASK TO HAVE THAT STATEMENT STRICKEN OUT AND THAT THE WAGONS CAME FROM THE MOUNTAIN MEADOWS. CAREY FOR PROSECUTION: THAT IS PROPER TESTIMONY AS	WHO WAS THERE IN COMPANY ~~WAS~~ WHEN YOU WERE TOLD OF IT $_{A}$I COULD NOT SWEAR POSITIVE = IT WAS ONLY JUST A MINUTE OR TWO $_{Q}$ *HE/WHO*[?] WAS STANDING THERE WHERE YOU $_{A}$THERE NEAR *HIM/ME*[?] $_{A}$I WAS ON OTHER SIDE OF WAGON FROM HIM $_{Q}$ SO THAT HE COULD HEAR YOU *YES/SO*[?] KNEW I WAS TALKING. BY SUTHERLAND, I ASK TO HAVE THAT STATEMENT STRICKEN OUT "THAT THAT WAGON CAME FROM MOUNTAIN MEADOWS". BY CAREY THAT IS PROPER TESTIMONY.	WHO WAS THERE IN **THE** COMPANY, WHEN YOU WERE TOLD OF IT? A. I COULD NOT SWEAR POSITIVE—IT WAS ONLY JUST A MINUTE ~~OT~~ **OR** TWO. Q. WHO WAS STANDING THERE WITH YOU. A. I WAS NEAR HI~~J~~M; I WAS ON THE OTHER SAIDE OF THE WAGON FROM HIM. Q. BUT SO THAT HE COULD HEAR YOU? A. YES**,** HE KNEW I WAS TALKING. BY **M**$^{\underline{R}}$ SUTHERLAND: I ~~W~~ASK THAT THAT STATEMENT BE STRICKEN OU~~;~~T; THAT THAT WAGON CAME FROM THE MOUNTAIN MEADOWS.. BY **M**$^{\underline{R}}$ CAREY: THAT IS PROPER TESTIMONY;	

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RT	RS	BT	PS
THERE WERE THREE OR FOUR NEIGHBORS STANDING WITH HIM. A. THEY SAID IT CAME FROM THERE AND THEY ACQUIESCED IN IT. COUNSEL FOR DEFENSE: MR. BRADSHAW WE WOULD LIKE TO HAVE YOU KEEP STILL WHILE THERE IS A MATTER PENDING BEFORE THE COURT WITH REGARD TO YOUR EVIDENCE. COURT: I WAS JUST GOING TO ASK HIM THE QUESTION. ASK HIM IN WHOSE POSSESSION IT WAS. SUTHERLAND: YOUR HONOR THAT IS A CONCLUSION OF LAW. DOES YOUR HONOR OVERRULE THE MOTION TO STRIKE IT OUT ?	HERE ARE 3 OR FOUR NEIGHBORS STANDING WITH HIM {A}^{p} THEY SAID IT CAME FROM THERE AND ACQUIESCED IN IT. QBRADSHAW I WOULD LIKE TO HAVE YOU KEEP STILL WHILE THERE IS MATTER PENDING BEFORE THE COURT {WITH REGARD YOUR EVIDENCE}^{p} IF YOU PLEASE BY COURT I WAS JUST GOING QASK HIM A QUESTION= ASK HIM IN WHOSE POSSESSION IT WAS. BY SUTHERLAND THAT IS CONCLUSION AT LAW BY SUTHERLAND YOUR HONOR OVERRULES MOTION TO STRIKE IT	HERE ARE THREE OR FOUR NEIGHBORS STANDING WITH HIM. A. HE SAID IT CAME FROM THERE; HE ACQUIESSED IN IT. BY **M**$^{\underline{R}}$ CAREY; I WOULD LIKE YOU TO KEEP STILL WHILE THERE IS A MATTER PENDING BEFORE THE COURT, WITH REGARD TO YOUR EVIDENCE IF YOU PLEASE. BY **THE** COURT: I WAS JU~~W~~ST GOING TO ASK HIM THE QUESTION, IN WHOS**E** POSSESSION IT WAS? BY **M**$^{\underline{R}}$ SUTHERLAND: THAT IS A CONCLUSION A~~T~~**F** LAW. DOES YOUR HONOR OVERRULE THE MO~~T~~NION TO STRIKE IT OUT.	

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RT	RS	BT	PS
A. YES SIR. SUTHERLAND: PLEASE NOTE OUR EXCEPTI ON. Q. DID YOU EVER SEE ANY CHILDREN THAT CAME FROM THE MOUNTAIN MEADOWS A. YES. Q. HOW MANY ? A. I GUESS I SAW FIVE OR SIX TOGETHER. Q. WHERE WERE THEY ? SUTHERLAND: I OBJECT TO THIS MODE OF EXAMINATION, AS THIS WITNESS WAS NOT AT THE MOUNTAIN MEADOWS AND HE DON'T KNOW THAT THEY CAME FROM THERE, AND HE COULD ONLY HAVE GOT IT BY HEARSAY AND COUNSEL IS PUTTING *[254]* WORDS INTO HIS MOUTH. COURT: HE DIDN'T	$_{A}$YES SIR. EXCEPTION. $_{Q}$DID YOU EVER SEE ANY CHILDREN CAME FROM MOUNTAIN MEADOWS $_{A}$ YES $_{Q}$HOW MANY $_{A}$I GUESS I SAW 5 OR 6 OF THEM ALL TOGETHER $_{Q}$ WHERE WERE THEY ? I SUTHERLAND I OBJECT TO THIS MODE OF EXAMINATION. THIS WITNESS WAS NOT AT MOUNTAIN MEADOWS HE DON'T KNOW THEY CAME FROM THERE UNLESS HE GOT IT BY HEARSAY {COUNSEL}^{p} HE IS PUTTING WORDS IN HIS MOUTH. BY COURT HE DIDN'T	BY COURT: YES, SIR. *[79]* BY **M**$^{\underline{R}}$ SUTHERLAND . NOTE OUR EXCEPTION. Q. DID YOU EVER SEE ANY CHILDREN TH**A**T CAME FROM THE MOUNTAIN MEADOWS? A. YES. Q. HOW MANY? A. I GUESS I SAW FIVE OR SIX. ALL TOGETHER. Q. WHERE WERE THEY? ~~A~~. BY **M**$^{\underline{R}}$ SUTHERLAND: I OBJECT TO THIS MODE O~~C~~F CROSS-EXAMINATION. THIS WITNEWS WAS NOT AT THE MOUNT AIN MEADOWS. HE DON'T KNOW THEY CAME FROM THERE UNLESS ~~I~~HE GOT IT BY HEARSAY A~~.~~ND COUNSEL IS PUTTING WORDS INTO HIS MOUTH. BY **THE** COURT: HE DIDN'T	

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KNOW THESE CHILDREN CAME FROM THERE. SUTHERLAND: I THINK IT VERY LIKELY THIS WITNESS WILL COVER AS LARGE A PROPOSITION AS THE PROSECUTION WISH TO MAKE. Q. MR. BRADSHAW, HOW DID YOU LEARN THSE CHILDREN WERE FROM THE MOUNTAIN MEADOWS ? SUTHERLAND: I OBJECT AS IT DON'T APPEAR THEY CAME FROM THE MOUNTAIN MEADOWS AT ALL. COURT: HE MAY ASK THE QUESTION TO ASCERTAIN THAT FACT. HE SAW THE CHILDREN, AND HOW HE KNOWS IT HE MAY ASK. A. THE REASON I	KNOW THOSE CHILDREN CAME FROM THERE. BY SUTHERLAND I THINK IT IS VERY LIKELY THIS WITNESS WILL COVER AS LARGE PROPOSITION AS PROSECUTION WISH TO MAKE. Q MR. BRADSHAW HOW DID YOU LEARN THESE CHILDREN WERE FROM MOUNTAIN MEADOWS ? BY SUTHERLAND I OBJECT, AS IT DON'T APPEAR THEY CAME FROM MOUNTAIN MEADOWS {AT ALL}^{p} BY COURT HE MAY ASK QUESTION TO ASCERTAIN THAT FACT; HE SAW THE CHILDREN= HOW HE KNOWS IT HE MAY ASK. {A}^{p} REASON I	KNOW THAT THESE CHILDREN CAME FROM THERE.. BY **M**$^{\underline{R}}$ SUTH**E**RLAND: I THINK IT IS VERY LIKELY THIS WITNESS WILL COVER AS LARGE A PROPOSITION AS THE PROSE~~V~~CUTION WISH TO MAKE. BY **M**$^{\underline{R}}$ CAREY: Q. MR. BRADSHAW, HOW DI**D** YOU LEARN THESE CHILDREN WERE FROM THE MOUNTAIN MEADOWS? BY **M**$^{\underline{R}}$ SUTHERLAND: I OBJECT, AS IT DON'T APPEAR THEY CAME FROM THE MOUNTAIN MEADOWS AT ALL. BY COURT: HE MAY ASK THE QUESTION~~,~~, TO ASCERTAIN THAT FACT; HE SAW THE CHILDREN, HOW HE KNOWS IT, HE MAY ASK HIM. A. THE REASON I	

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KNOW IT BY THOSE WHO HAD BEEN THERE — TOLD ME SO. Q. HOW MANY OF THESE CHILDREN CAME FROM THERE ? OBJECTED TO BY SUTHERLAND AS HE DID NOT KNOW. THERE IS A PROPER WAY FOR HIM TO PUT THIS QUESTION, AND THIS IS A WILLING WITNESS — A VERY WILLING WITNESS, AND I ASK IT TO BE STRICKEN OUT. COURT TO BASKIN: PUT YOUR QUESTION IN SUCH A SHAPE AS NOT TO LEAD THE	KNOW IT BY THOSE WHO HAD BEEN THERE TOLD ME SO. QHOW MANY OF THOSE CHILDREN CAME FROM THERE OBJECTED TO BY SUTHERLAND AS HE DID NOT KNOW. THERE IS PROPER WAY FOR HIM TO PUT THIS QUESTION THIS IS A WILLING WITNESS= VERY WILLING WITNESS =YOUR HONOR HE IS VERY WILLING COUNSEL TO=I ASK STRICTEST RULES SHOULD BE APPLIED TO BOTH OF THEM BY COURT PUT YOUR QUESTION IN SUCH SHAPE AS NOT TO LEAD	KNOW IT, BY THOSE WHO HAD BEEN THERE, TOLD ME SO. Q. HOW MANY OF THESE CHILDREN CAME FFROM THERE? **M**$^{\underline{R}}$ SUTHERLAND: WE ONJECT AS HE DON'T KNOW. THERE IS A PROPER WAY FOR HIM TO PUT THIS QUESTION. THIS IS A WILLING WITNESS — VERY WILLING WITNESS**,** HE IS VERY WILLIN**G** THAT COUNSEL SHOULD GIVE HIM A CUE. BY **THE** COURT: PUT YOUR QUESTION IN SUCH A WAY AS NOT TO LEAD YOUR	

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WITNESS. CAREY: I KNOW IT IS IMPOSSIBLE TO PUT THE QUESTION IN SUCH SHAPE AS TO SATISFY THE DEFENSE. Q. MR. BRADSHAW, WHO TOLD YOU ABOUT THESE CHILDREN ? DEFENDANTS COUNSEL OBJECTED TO THE QUESTION. OBJECTION OVERRULED. COURT SAID YOU MAY STATE WHO TOLD YOU ABOUT THE CHILDREN. A. IT WAS A MAN BY THE NAME OF HOPKINS. Q. WHO WAS MR. HOPKINS WHEN HE WENT FROM CEDAR TO THE MOUNTAIN MEADOWS *[255]* A. THAT IS WHAT I UNDERSTOOD. SUTHERLAND:	WITNESS *[[27]]* CAREY I KNOW IT IS IMPOSSIBLE TO PUT QUESTION IN SHAPE TO SATISFY DEFENSE Q MR. BRADSHAW WHO TOLD YOU ABOUT THOSE CHILDREN WE OBJECT TO THAT BY DEFENSE BY COURT YOU CAN STATE WHO TOLD YOU ABOUT CHILDREN {A}p IT WAS MAN BY THE NAME OF HOPKINS QWAS MR. HOPKINS ONE WHO WENT FROM CEDAR TO MOUNTAIN MEADOWS A THAT IS WHAT I UNDERSTOOD SUTHERLAND	WITNESS. BY **M**$^{\underline{R}}$ CAREY: I KNOW IT IS IMPOSSIBLE TO PUT THE QUESTION IN SUCH A ~~AA~~ SHAPE AS TO SATISFY THE DEFEN~~D~~SE. Q. MR. BRADSHAW, WHO TOLD YOU ABOUT THESE CHILDREN?? **M**$^{\underline{R}}$ SUTHERLAND: WE OBJECT TO THAT. BY **THE** COURT: YOU CAN STATE WHO TOLD YOU ABOUT THE CHILDREN. A. IT WAS A MAN BY THE NAME OF HOPKINS. **BY M**$^{\underline{R}}$ **CAREY,** Q. WHO WAS MR. HOPKINS; *[80]* ONE WHO WENT FROM CEDAR TO THE MOUNTAIN MEADOWS? A. THAT IS WHAT I UNDERSTOOD. BY **M**$^{\underline{R}}$ SUTHERLAND:	

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RT	RS	BT	PS
WE OBJECT TO THAT AS HEARSAY. COURT: WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS. Q. CAREY. : WHAT WAS THIS HOPKIN'S FIRST NAME ? A. I DON'T REMEMBER HIS FIRST NAME JUST NOW. Q. WAS IT CHARLEY HOPKINS— WOULD YOU KNOW THE NAME IF YOU WAS TO SEE IT ? A. YES SIR Q. HOW MANY OF THESE CHILDREN DID YOU SEE, AND IN WHOSE POSSESSION WERE THEY ? SUTHERLAND: WE DON'T WANT TO KNOW WHAT CHARLEY HOPKINS SAID;	WE OBJECT TO THAT ALSO IT IS ALL HEARSAY BY COURT WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS CAREY WHAT WAS THIS HOPKINS FIRST NAME {A}^{p} I DON'T REMEMBER HIS FIRST NAME JUST NOW. WHEADON TOLD CAREY HIS FIRST NAME WAS IT CHARLES HOPKINS $_{Q}$WOULD YOU KNOW THE NAME IF YOU WAS TO HEAR IT $_{A}$YES SIR HOW $_{Q}$MANY OF THESE CHILDREN DID YOU SEE AND IN WHOSE POSSESSION WERE THEY BY SUTHERLAND WE {DON'T}^{p} WANT TO KNOW WHAT CHARLES HOPKINS SAID	WE OBJECT TO THAT ALSO. BY **THE** COURT: WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS . Q. WHAT WAS THIS HOPKINS FIRST NAME? A. I DON'T REMEMBER HIS FIR~~S~~T NAME JUST NOW. BY **M**$^{\underline{R}}$ S~~O~~UTHERLAND: I CAN TELL MR. CAREY: HIS FIRST NAME WAS CHARLE~~D~~S HOPKINS.. Q. WOULD YOU ~~N~~KNOW THE NAME IF YOU WAS TO HEAR IT? A. YES, SIR. Q. HOW MANY OF THESE CHILDREN DID YOU SEE, AND IN WHOS**E** POSSESSION WAS THEY? BY **M**$^{\underline{R}}$ SUTHERLAND: WE DON'T WANT TO KNOW WHAT CHARLES HOPKINS SAID.	

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RT	RS	BT	PS
THERE WAS TWO CHILDREN LEFT THAT THEY BROUGHT TO HIS HOUSE, TWO OF THEM WERE LEFT WITH HIM. Q. IN THE FIRST PLACE WHAT DID HE SAY ? A. ONE DAY HE TOLD ME THEY HAD COME FROM THESE EMIGRANTS; HE TOLD ME THE CHILDREN WAS FROM THAT CAMP THAT HAD BEEN DESTROYED BY THE INDIANS Q. DO YOU REFER TO THIS ARKANSAS EMIGRANT TRAIN MR BRADSHAW ? A. YES SIR, I AM NOT REFERRING TO ANYTHING ELSE. Q. WERE THERE ANY OTHER CHILDREN THERE ? A.	A THERE WAS TWO ~~LEFT~~ CHILDREN LEFT THEM TO HIS HOUSE TWO OF THEM WERE LEFT WITH HIM. Q IN THE FIRST PLACE WHAT DID HE SAY WHEN {HE}[p] DID *YOUNGER*[?] HE TOLD ME THEY HAD COME FROM THOSE EMIGRANTS HE TOLD ME CHILDREN WAS FROM THAT CAMP HAD BEEN DESTROYED BY THE INDIANS Q {DO YOU}[p] REFER TO THIS ARKANSAS EMIGRANT TRAIN MR. BRADSHAW A YES SIR I AM NOT REFERRING TO ANYTHING ELSE. Q WERE THERE ANY OTHER CHILDREN THERE A.	A. THERE WAS TWO CHILDREN LIVED WITH HIM TO HIS HOUS**E**— TWO OF THEM WHAT LIVED WITH HIM.[260] Q. IN THE FIRST PLACE WHAT DID HE SAY? A. HE TOLD ME THAT THEY HAD COME FROM THESE EMIGRANTS; HE TOLD ME THE CHILDREN WAS FROM THAT CAMP THAT HAD BEEN DESTROYED BY THE **I**NDIANS. Q. D~~ID~~**O** ~~HE~~ **YOU** ~~T~~REFER TO THIS **A**RKANSAS EMIGRANT TRAIN , MR. BRADSHAW? A. YES, SIR, I AM NOT REFERRING TO ANYTHING ELSE. Q. WERE THERE ANY OTHER CHILDREN THERE. A.	

260. Sarah Frances Baker stayed with Hopkins and his wife.

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RT	RS	BT	PS
WILLIAM BURKBECK HAS ONE. Q. ~~WHO~~WHO ELSE HAD ONE ? A. JOHN M. HIGBEE HAD ONE OR TWO; DON'T REMEMBER WHICH. Q. HOW OLD WERE THEY? A. I BELIEVE JOHN M. HIGBEE HAD ONE, MUST BE FIVE OR SIX YEARS OLD. THERE WAS ONE YOUNGER. *[256]* Q. HAD HAIGHT ANY ? A. I DON'T RECOLLECT. Q. WHAT BECAME OF THESE CHILDREN ? A. THEY REMAINED THERE SOMETIME. HOGE FOR DEFENSE OBJECTED TO THE QUESTION BECAUSE IT IS SOMETHING HE DID NOT KNOW, NOR WHAT BECAME	WILLIAM BURKBECK HAD ONE $_{Q}$WHO ELSE HAD ONE $_{A}$J M HIGBEE HAD ONE OR TWO DON'T REMEMBER WHICH $_{Q}$HOW OLD WERE THEY $\{_{A}\}^{p}$ I BELIEVE J M HIGBEE HAD ONE MUST BE 5 OR 6 YEARS OLD OTHER WAS YOUNGER $_{Q}$ HAD HAIGHT ANY $_{A}$I DON'T RECOLLECT $_{Q}$ WHAT BECAME OF THOSE CHILDREN THEY REMAINED THERE SOMETIME BY HOGE WE OBJECT TO THAT BECAUSE IT IS SOMETHING HE DID NOT KNOW $\{$NOR$\}^{p}$ WHAT BECAME	WILLIAM BURBECK HAD ~~ONE~~ **ONE,**[261] Q. WHO ELSE HAD ONE? A. J**O**HN .M HIGBEE HAD ONE OR TWO.[262] I DON'T REMEMBER MUCH. Q. HOW OLD WERE THEY? A. I BELIEVE JOHN M. HIGBEE HAD ONE THAT MUST HAVE BEEN FIVE OR SIX YEARS O~~NL~~LD~~.~~, THE OTH**ERS** MUST BE YOUNGER . Q. HAD HAIGH ANY? A. I DON'T RECOLLECT WHAT BECAME OF THESE CHILDREN; THEY REMAINED THERE SOME TIME. BY **M**$^{\underline{R}}$ HOGE: WE OBJECT TO THAT~~.~~, BECAUSE THAT IS SOMETHING HE DIDN'T KNOW, NOT WHAT BECAME	

261. It was actually Richard Birkbeck and Georgia Ann Dunlap who stayed with the Birkbecks. Georgia Ann Dunlap originally went with Klingensmith and then later moved to the Birkbeck's home.

262. One child was recovered from the Higbees in 1859, Emberson Milum Tackitt.

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RT	RS	BT	PS
OF THEM. A. THEY WERE GATHERED I UNDERSTAND. AFTER WHILE SOME OFFICERS CAME DOWN FROM SALT LAKE TO GATHER THEM UP. SUTHERLAND: THAT IS HEARSAY TOO. Q. HOW LONG A TIME DID YOU SEE THESE CHILDREN AROUND CEDAR ? A. IT MUST HAVE BEEN SOME WEEKS AFTER BUT I COULD NOT TELL HOW LONG IT WAS. Q. WHAT BECAME OF THE CHILDREN THAT HIGBEE HAD ? A. WELL I EXPECT WHERE THE OTHERS WAS. HE HAD ONE A WHILE; IT SEEMED THAT ONE OF THEM	OF THEM. ~~Q~~A THEY WERE GATHERED I UNDERSTOOD AFTER A WHILE; SOME OFFICERS CAME DOWN FROM SALT LAKE TO GATHER THEM UP BY SUTHERLAND THAT IS HEARSAY TOO. QHOW LONG TIME DID YOU SEE THOSE CHILDREN AROUND CEDAR A *AND*[?] IT MUST HAVE BEEN SOME WEEKS AFTER I COULD *STATE*[?] EXACTLY ~~-~~HOW LONG IT WAS. QWHAT BECAME OF THE CHILDREN THAT HIGBEE HAD AWELL I EXPECT WHERE THE OTHERS WAS; HE HAD ONE QUITE A WHILE, IT SEEMED THAT ONE OF THEM	OF THEM . A. THEY WERE GATHERED, I UNDERSTOOD AFTER A WHILE . SOM**E**OFFICERS CAME DOW~~S~~N FROM SALT LAKE TO GATHER THEM UP. BY **M**R SUTHERLAND: THAT IS HEARSAY TOO. *[8I]* Q. FOR HOW LONG A TIME DID YOU SEE ~~HIS~~ **THESE** CHILDREN AROUND CEDAR? A. IT MUST HAVE BEEN SOME WEEKS~~.~~, AFTER; I COULD NOT STATE EXACTLY HOW LONG IT WAS. Q. WHAT BECAME OF THE CHILDREN THAT HIGBEE HAD? A. WELL, I EXPECT WHERE THE OTHERS WA~~W~~S. HE HAD ONE QUITE A WHILE. IT SEEMED THAT ONE OF THEM	

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RT	RS	BT	PS
WENT SOMEWHERE AFTER WHILE BEFORE THE OTHERS WENT- OFF. I DIDN'T HEAR ANY MORE OF THEM. Q. HOW LONG AF TER THE MOUNTAIN MEADOWS MASSACRE WAS THIS ONE YOU SAY WENT FIRST — HOW LONG BEFORE HE WAS MISSING. SUTHERLAND OBJECTED TO THE QUESTION.	WENT SOMEWHERE AFTER WHILE BEFORE OTHERS WENT OFF; I DIDN'T HEAR ANY MORE OF THEM QHOW LONG AFTER MOUNTAIN MEADOWS MASSACRE WAS THIS ONE YOU SAY WENT FIRST=HOW LONG BEFORE HE WAS MISSING AI GUESS IT WAS A WEEK. QDID YOU EVER KNOW WHAT BECAME OF THAT CHILD. CAREY WERE THE OTHERS ALL SENT OFF TOGETHER AI UNDERSTOOD SO BY SUTHERLAND WE OBJECT TO THAT. BY HOGE IT IS EVIDENTLY THIS WITNESS HAS NOT KNOWN ANYTHING OVER IT AND COMMENTS	WENT SOMEWHERE, AFTER—A WHILE BEFORE THE OTHERS WENT OFF; I DIDN'T HEAR ANY MORE OF THEM. Q. HOW LONG AFTER THE MOUNTA N MEADOW MASSACRE WAS THIS ONE—THIS ONE YOU SAY WENT FIRST—HOW LONG BEFORE HE WAS MISSING? A. I GUESS IT WASN'T A WEEK . Q. DID YOU EVER KNOW WHAT BECAME OF THAT CHILD? WERE THE OTHERS ALL SENT OFF TOGETHER? A. I UNDERSTOOD SO. BY MR SOUTHERLAND: WE OBJECT TO THAT. IT IS EVIDENT THAT THIS WITNESS HASN'T KNOWN ANYTHING ABOUT IT, ONLY	

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RT	RS	BT	PS
	EXCEPT WHAT PROSECUTION PUT IN HIS MOUTH BY COURT PUT QUESTION *[[28]]*[263] SO WITNESS WILL NOT BE *HEARSAY*[?]. BY CAREY WE CAN'T NOT TRACE DISPOSITION OF THESE CHILDREN EXCEPT BY THEIR TESTIMONY TESTIMONY . BY CAREY YOU —[?] CAN TAKE THE WITNESS.	AS THE PROSECUTION PUT IT IN TO HIS MOUTH . BY **THE** COURT: PUT THE QUESTIONS TO THE WITNESS SO ~~IT~~ **THAT HIS ANSWERS** WILL NOT BE HEARS**AY.** BY **M**~~**R**~~ CAREY:I THINK I CAN FIND OUT THE DISPOSITION OF THESE CHILDRE ~~N~~ BY OTHER TESTIMONY. BY **M**~~**R**~~ CAREY: YOU CAN TAKE THE WITNESS.
BISHOP MOVED TO STRIKE OUT ALL THE EVIDENCE RELATING TO ALL THE CHILDREN MENTIONED BY HIM UPON THE GROUND THAT IT IS IRRELEVANT AND IMMATERIALAN D NOT	BY BISHOP I NOW MOVE TO STRIKE OUT ALL THE EVIDENCE RELATING CHILDREN MENTIONED BY HIM, UPON THE GROUND THAT IT IS IRRELEVANT IMMATERIAL NOT	BY MR. BISHOP: I NOW MOVE TO STRIKE OUT ALL THE EVIDENCE RELATING TO THE CHILDREN M~~A~~ENTIONED BY THIS WITNESS UPON THE GROUND THAT IT IS IRRELEVANT AND IMMATERIAL AND NOT	

263. In longhand in the top margin of the page: **BARR_ELYAUGH BEFORE WHICH**.

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RT	RS	BT	PS
PROVING OR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE, AND NOT RELATING TO ANY MATTER CHARGED IN THE INDICTMENT COURT: WHAT DISPOSITION WAS MADE OF THE CHILDREN HAS SOMETHING TO DO WITH THE CASE. *[257]* DEFENDANT'S COUNSEL EXCEPTED TO THE RULING OF THE COURT. Q. YOU SAY YOU ARRIVED AT CEDAR IN 1857 ? A. YES SIR. Q. HOW LONG DID YOU REMAIN THERE ? A. I LIVED THERE TILL 1859. I MOVED FIRST TO BEAVER	PROVEN OR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE AND NOT RELATING TO ANY MATTER CHARGED IN THE INDICTMENT. BY COURT WHAT DISPOSITION WAS MADE OF THE CHILDREN SHOWS HAS SOMETHING TO DO WITH THE CASE BY DEFENSE NOTICE OUR ~~OBJECTIONS~~ {OBJECTIONS}[i] [*space*] **X EXAMINATION** BY BISHOP {Q}[p] YOU SAY YOU LIVED CEDAR ≤IN≥ '57 A≤YES SIR≥ QHOW LONG YOU REMAIN THERE AI LIVED UNTIL 1859, *AND*[?] I MOVED FIRST TO BEAVER	PROVING AOR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE AND NOT RELATING TO ANY MATTER CHARGED IN THEINDICTMENT . BY COURT: WHAT DISPOSITION IS MADE OF THE CHILDREN SHOWS IT HAS SOMETHING TO DO WITH THE CASE. BY BISHOP. YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION. *[82]* CROSS-EXAMINATION BY MR. W. W. BISHOP. Q. YOU SAY YOU LIVED IN CEDAR IN '57? A. YES, SIR. Q. HOW LONG DID YOU REMAIN THERE? A. I LEFT IT IN '59. I MOVED FIRST TO BEAVER	

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RT	RS	BT	PS
CITY AND THE SAME WINTER I MOVED TO MINERSVILLE. Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY ? A. I LIVED IN SALT LAKE. Q. AND WHERE DID YOU COME FROM TO SALT LAKE ? A. WELL I WAS BORN IN ENGLAND, IN DEBRYSHIRE. Q. AND WHEN DID YOU COME TO AMERICA ? A. I CAME TO AMERICA IN THE FALL OF 1849. Q. WHERE DID YOU LAND ? A. NEW ORLEANS. Q. WHAT YEAR ? A. IN THE YEAR I849. Q. HOW LONG DID YOU REMAIN AFTER YOU ARRIVED IN NEW ORLEANS ? A. ABOUT TWO WEEKS. Q. WHERE DID YOU GO FROM THERE ? A. ST. LOUIS. Q.	CITY= SAME WINTER I MOVED TO MINERSVILLE $_{Q}$WHERE DID YOU LIVE BEFORE YOU CAME CEDAR CITY $_{A}$I LIVED IN SALT LAKE {$_{Q}$}^{p}WELL {$_{A}^{p}_{A}$ {WHERE DID YOU GO FROM TO SALT LAKE CITY}^{p} I WAS BORN IN ENGLAND DERBYSHIRE {$_{Q}$AND WHEN DID YOU COME TO AMERICA $_{A}$}^{p} I CAME TO AMERICA IN YEAR FALL OF 49 {$_{Q}$}^{p} WHERE DID YOU LAND {$_{A}$}^{p} NEW ORLEANS {$_{Q}$}^{p} WHAT YEAR {$_{A}$}^{p} IN THE YEAR 49 Q. HOW LONG DID YOU REMAIN **IN** NEW ORLEANS {$_{A}$}^{p} ABOUT TWO WEEKS {$_{Q}$}^{p} WHERE DID YOU GO FROM THERE ST. LOUIS	CI TY; THE SAME WINTER I MOVED TO MINERSVIL~~L~~E Q. WHERE DID YOU LIVE BEFORE YOU CA**M**E TO CEDAR CITY? A. I LIVED IN SALT LAKE A WHILE. Q. WHERE DIDYOU COME FROM TO SALT LAKE CITY? A. WELL, I WAS BORN IN ENGLAND, IN DERBYSHIRE. Q. AND WHEN ~~S~~DID YOU COME ~~FR~~ TO AMERICA? A. I CAME TO AMERICA IN ‘49. Q. WHERE DID YOU LAND? A. NEW ORLEANS. Q. WHAT YEAR? A. IN THE YEAR ‘49. Q. HOW LONG DID YOU REMAIN IN NEW ORLEANS? A. ABOUT TWO WEEKS. Q. WHERE DID YOU GO FROM THERE? A. ST. LOUIS. Q.	

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RT	RS	BT	PS
HOW OLD WAS YOU WHEN YOU LANDED ? A. I WAS ABOUT THIRTY YEARS OR THIRTY ONE I BELIEVE. Q. HOW OLD ARE YOU NOW ? A. FIFTY SEVEN. Q. HOW LONG DID YOU LIVE AT ST. LOUIS ? A. ONLY A FEW MONTHS. *[258]* Q. THEN YOU CAME TO UTAH ? A. I MOVED FROM THERE TO ST. LOUIS. Q. I DIDN'T ASK YOU THAT , I ASKED YOU WHEN YOU CAME TO UTAH. A. IN THE SPRING OF '52. Q. WHERE DID YOU STAY WHEN YOU CAME TO UTAH ? A. I WENT AND LIVED IN SALT LAKE FIRST WHEN I CAME HERE. Q. AND HOW LONG DID YOU LIVE THERE ? A. I CAME	HOW OLD WAS YOU WHEN YOU LANDED $\{_{A}\}^{p}$ I WAS ABOUT 30 YEARS 31 I BELIEVE $_{Q}$ HOW OLD ARE YOU NOW $_{A}$ 57 HOW LONG DID YOU LIVE ST. LOUIS $_{A}$ONLY FEW MONTHS WHEN YOU CAME UTAH I MOVED FROM THERE TO *LOUIS*[?] I DIDN'T ASK YOU $_{Q}$THAT $_{A}$I CAME TO UTAH $\{_{A}\}^{p}$ IN SPRING OF 52 $_{Q}$ WHERE DID YOU FIRST STAY WHEN YOU CAME TO UTAH $_{A}$I WENT AND LIVED IN SALT LAKE, FIRST WHEN I CAME HERE $_{Q}$ HOW LONG DID YOU LIVE THERE $_{A}$I CAME <SALT	HOW OLD WERE YOU WHEN YOU LANDED? A. I WAS ABOUT 30 YEARS— 3I, I BELIEVE. Q. HOW OLD ARE YOU NOW? A. 57. Q. HOW LONG DID YOU LIVE IN ST. LOUIS? A. ONLY A FEW MONTHS. Q. WHEN DID YOU COME TO UTAH? A. I MOVED FROM ST. LOUIS TO UTAH. Q. I DIDN'T ASK YOU THAT; I ASKED YOU WHEN YOU CAME TO UTAH? A. I CAME TO UTAH IN THE SPRING OF '52. Q. WHERE DID YOU FIRST STAY WHEN YOU CAME TO UTAH? A. I WENT TO LIVE IN SALT LAKE FIRST WHEN I CAME HERE. Q. HOW LONG DID YOU LIVE THERE? A. I CAME TO SALT	

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RT	RS	BT	PS
THE SAME FALL DOWN TO CEDAR CITY. Q. WHAT WAS YOUR BUSINESS IN CEDAR CITY DURING THE YEAR 1857 ? A. I WAS FOREMAN IN MAKING BRICKS, AND ONE THING AND ANOTHER . Q. WHAT IS YOUR BUSINESS NOW ? A. IT USED TO BE FARMING, BUT I HAVE GIVEN THAT UP. I HAVE NO BUSINESS NOW AT ALL TO TELL YOU THE TRUTH, ONLY I AM INTERESTED IN MINING NOW. Q. WHAT DAY OF THE MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY ? A. I DON'T KNOW BUT I GUESS ABOUT THE MIDDLE OF	LAKE CITY> SAME AND FALL DOWN TO CEDAR CITY WHAT WAS YOUR BUSINESS IN CEDAR CITY DURING YEAR 57 {A}[P] FARMING, MAKING BRICKS, ≤ONE THING AND ANOTHER.≥ {Q}[P] WHAT IS YOUR BUSINESS NOW {A}[P] IT USED TO BE FARMING BUT I HAVE GIVEN THAT UP; I HAVE NO BUSINESS TO TELL YOU TRUTH, AM INTERESTED IN MINING NOW. QWHAT DAY OF MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY {A}[P] I DON'T KNOW, I GUESS ABOUT MIDDLE OF	LAKE ~~TO~~**THE** SAME FALL AND FROM THERE DOWN TO CEDAR CITY. Q. WHAT WAS YOUR BUSINESS IN CEDA~~T~~**R** DURING THE YEAR '57? A. FARMING AND MAKING BRICKS — ONE THING AND ANOTHER. Q. WHAT IS YOUR BUSINESS NOW? A. IT USED TO BE FARMING; BUT ~~IT~~ I~~G~~AHAVE GIVEN THAT UP. I HAVE NO BUSINESS NOW, TO TELL YOU THE TRUTH. I AM INTERESTED IN MINING NOW. Q. WHAT DAY OF THE MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY? A. I DON'T KNOW; BUT I GUESS ABOUT THE MIDDLE OF	

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RT	RS	BT	PS
THE MONTH, MAY BE A LITTLE PAST THAT. Q. WAS IT THE MONTH OF SEPTEMBER IN 1857 ? A. YES SIR. IT WAS A LITTLE PAST THE MIDDLE OF THE MONTH, BUT I COULD NOT SAY EXACTLY WHETHER IT WAS PAST THAT OR NOT. Q. YOU SAY IT WAS TWO WEEKS AFTER THAT BEFORE THIS ORDER WAS GIVEN FOR YOUR SON TO GO OUT ? A. MY SON WAS NOT ORDERED OUT, HE WAS TOO YOUNG; I HAND'T MY SON THERE THEN. Q. THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR SON WHERE IS HE NOW ? *[259]* A. HE IS DEAD. Q.	MONTH ≤MAYBE≥ LITTLE PAST WHAT MONTH SEPTEMBER $_{Q}$IN 1857 YES SIR $_{Q}$IT WAS LATE AS THE MIDDLE OF THE MONTH $_{A}$I COULD NOT SAY EXACTLY WHETHER IT WAS AS LATE $_{Q}$YOU SAY IT WAS 2 WEEKS AFTER THAT, BEFORE THIS ORDER WAS GIVEN FOR YOUR SON TO GO OUT $\{_{A}\}^{p}$ MY SON WAS NOT ORDERED OUT HE WAS TOO YOUNG = HE WASN'T MY SON THERE THEN THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR BLOOD. {WHERE IS HE NOW ? $_{A}$HE IS DEAD$\}^{p}$. $\{_{Q}\}^{p}$	*[83]* THE MONTH; MAY BE A LITTLE PAST THAT MONTH — SEPTEMBER. Q. IN I857? A. YES, SIR. Q. WAS IT AS LATE AS THE MIDDLE OF THE MONTH? A. I COULD NOT SAY EXACTLY WHETHER IT WAS AS LATE? A. YOU SAY IT WAS TWO WEEKS AFTER THAT BEFORE THISORDER WAS GIVEN FOR YOUR SON TO GO OUT? A. MY SON WASN'T ORDERED OUT. HE WAS TOO YOUNG~~.~~, HE WASN'T MY SON. Q. THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR BLOOD. Q. WHERE ~~W~~ IS HE NOW? A. HE IS DEAD. Q.	

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RT	RS	BT	PS
YOU ARE CERTAIN HE IS DEAD ? A. YES SIR; HE HAS PASSED AWAY ANY WAY. Q. YOU DON'T KNOW WHETHER HE IS DEAD OR NOT — YOU DON'T KNOW WHAT CONDITION HE IS IN ? A. WELL THAT IS WHAT PEOPLE GENERALLY TERM HE IS DEAD. COUNSEL: WE ARE DEALING WITH GENERAL FACTS NOW. Q. WHEN WAS IT THE ORDER CAME TO GO ~~<~~TO MUSTER TO BURY THE~~>~~ ~~ANDMUSTERTH E~~ EMIGRANTS ? A. IT MUST HAVE BEEN SOMETIME ABOUT THE 20TH 23RD OR 24TH SOMETHING LIKE THAT, BUT I COULD NOT	YOU ARE CERTAIN HE IS DEAD YES SIR, HE HAS PASSED AWAY ANY WAY I DON'T KNOW WHETHER HE IS DEAD —[?]. YOU DON'T KNOW WHAT CONDITION HE IS IN ? A. WELL, HE IS WHAT PEOPLE GENERALLY TERM HE IS DEAD WE ARE DEALING *[[29]]* IN GENERALITIES NOW WHEN WAS IT ORDER CAME TO GO MUSTER GO AND BURY EMIGRANTS IT MUST —[?] A IT MUST HAVE BEEN SOMETIME ABOUT 20TH 23 OR 24 SOMETHING LIKE THAT I COULD NOT	YOU ARE CERTAIN HE IS DEAD? A. YES, SIR. HE HAS PASSED AWAY ~~PAST AWAY~~ ANY WAY. Q. YOU DON'T KNOW WHETHER HE IS DEAD — ~~YOU KNO~~ YOU DON'T KNOW WHAT CONDITION HE IS IN NOW? A. WELL, **HE IS NOT DEAD BUT** HE IS WHAT PEOPLE TERM, ~~HE IS~~ **"**DEAD.**"** WE ARE DEALING WITH GENER**A**LITIES NOW. Q. WHEN WAS IT THE **ORDER** ~~OTDER~~ CAME TO GO AND MUSTER — TO GO AND BURY THE EMIGRANTS? A. IT MUST HAVE BEEN SOME TIME ABOUT THE 20TH, 23D OR 24TH, SOMETHING LIKE THAT. I COULD NOT	

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RT	RS	BT	PS
TELL EXACTLY. THAT ORDER CAME IN WITHIN TWO WEEKS AFTER THEY PASSED THROUGH, BUT I COULD NOT SAY AS TO THAT, IT MIGHT BE A LITTLE MORE. Q. AFTER THE EMIGRANTS WENT THROUGH IN THE MIDDLE OF THE MONTH OF SEPTEMBER WHICH IS SUPPOSED TO HAVE THIRTY DAYS IN IT— THAT WOULD BE FIFTEEN DAYS — HOW DID YOU GET TWO WEEKS IN THE NEXT FI~~V~~E DAYS — HOW DO YOU REASON THAT OUT ? A. I DON'T REASON ON THAT SCORE PARTICULARLY. Q. DO YOU KNOW ABOUT HOW MUCH OF THAT TIME WAS PASSED ? A. I THINK IT WAS BETWEEN	TELL EXACTLY THAT ORDER CAME IN LESS THAN 2 WEEKS AFTER THEY PASSED THROUGH I COULD NOT SAY LESS = IT MIGHT BE A LITTLE MORE. $_{Q}$AFTER THE EMIGRANTS WENT THROUGH IN MIDDLE OF MONTH ≤=≥ SEPTEMBER SUPPOSED TO HAVE THIRTY DAYS IN IT = THAT WOULD BE 15; HOW DID YOU GET TWO WEEKS IN THE NEXT FIVE DAYS, $_{Q}$HOW DO YOU REASON $_{A}$I DON'T REASON ON THAT SCORE PARTICULARL Y. $_{Q}$DO YOU KNOW ABOUT HOW MUCH THAT TIME WAS PASSED $_{A}$I SAY IT WAS BETWEEN ONE	TELL EXACTLY. **Q.** THAT ORDER CAME IN ~~WITH IN~~ **LESS THEN** TWO WEEKS AFT**ER** THEY PASSED THROUGH**.** **A.** I COULD NOT SAY LESS; IT MIGHT BE A LITTLE MOR~~S~~E. Q. IF THE EMIGRANTS WENT THROUGH IN THE MIDDLE OF THE MONTH— SEPTEMBER IS SUPPOSED TO HAVE 30 DAYS IN IT— THAT WOULD BE THE I5TH. ~~Q.~~ HOW DO YOU GET TWO WEEKS IN THE NEXT FIVE DAYS? HOW DO YOU **R**EASON? A. I DON'T REASON ON THAT SCORE PARTICULAR~~A~~L Y. Q. DO YOU KNOW ABOUT HOW MUCH **OF** THAT TIME WAS PASSED? A. I SAY IT WAS BETWEEN ONE	

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RT	RS	BT	PS
ONE OR TWO WEEKS, BUT IT MIGHT BE LASS THAT TWO WEEKS. Q. AINT IT A FACT YOU DON'T RECOLLECT NOTHING ABOUT IT, AS TO HOW LONG IT WAS ? A. WITH REGARDS TO THAT I DON'T KNOW OF NO DATES — DIDN'T KEEP THE DATES IN MY MEMORY. ALL I RECOLLECT ABOUT IT IS THAT THE OCCURRENCE TOOK PLACE. *[260]* Q. AND AINT ALL YOU RECOLLECT ABOUT THAT IS SIMPLY THE FACT THEY PASSED THROUGH AND YOU AFTERWARDS HEARD THEY WAS DEAD ? ∴. YES, AND I WAS TOLD TO GO AND BURY	OR TWO WEEKS = IT MIGHT BE LESS THAN TWO WEEKS. Q AIN'T IT A FACT YOU DON'T RECOLLECT A THING ABOUT IT AS TO HOW LONG IT WAS {A}P AS REGARDS THAT I DON'T PUT DIFFERENT DATES DOWN = DIDN'T KEEP *D*—[?] THESE DIFFERENT DATES IN MY MEMORY; ALL I RECOLLECT ABOUT IT IS, THAT THE OCCURRENCE TOOK PLACE AND AIN'T ALL YOU RECOLLECT ABOUT THAT IS THE SIMPLE FACT THEY PASSED THROUGH, AND YOU AFTERWARDS HEARD THEY WAS DEAD A{YES SIR}P AND I WAS TOLD TO GO BURY	~~OR~~ & TWO WEEKS; IT MIGHT BE LESS THAN TWO WEEKS. Q. ISN'T IT A FACT THAT YOU DON'T RECOLLECT A THING ABOUT IT, AS TO HOW LONG IT WAS? A. AS REGAR~~S~~DS THAT I DON'T PUT NO DATES DOWN, DON'T KEEP DATES IN MY MEMORY. ALL I RECOLLECT ABOUT IT IS THAT THE OCCURRENCE TOOK PLACE. Q. A~~N~~I'NT ALL YOU RECOLLECT ABOUT THAT IS THE SI~~J~~MPLE FACT THAT THEY PASSED THROUGH AND YOU AFTERWARDS HEARD THAT THEY WERE DEAD? A. YES, AND I WAS TOLD TO GO AND BURY	

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RT	RS	BT	PS
THEM. Q. YOU CAN'T SAY IT WAS BETWEEN ONE DAY OR TWENTY DAYS ? A. I THINK IT WAS ~~ONE~~ ABOUT ONE OR TWO WEEKS; I THINK IT WAS OVER A WEEK' Q. DO YOU BELIEVE IT WAS TWO WEEKS ? A. IT MIGHT BE THAT. Q. HOW LONG WAS IT— IT WASN'T A MONTH, WAS IT TWO WEEKS — WAS IT TEN DAYS ? A. I HAVE ALWAYS THOUGHT IN MY OWN MIND IT WAS BETWEEN ONE AND TWO WEEKS AS NEAR AS I COULD GET IT. Q. WHERE WAS IT YOU SAY WHEN THEY TOLD YOU TO GO TO THE RENDEZVOUS ? A. TO THE	THEM $_{Q}$YOU CAN'T SAY WHETHER[264] IT WAS BETWEEN ONE DATE OR 20 $_{A}$I THINK I SAY ABOUT ~~<~~ONE OR~~>~~ 2 WEEKS = I THINK IT WAS OVER A WEEK DO YOU BELIEVE IT WAS TWO WEEKS $_{A}$IT MIGHT BE THAT $_{Q}$HOW LONG WAS IT? $_{A}$IT WASN'T A MONTH WAS IT TWO WEEKS WAS TEN DAYS $_{A}$I HAVE ALWAYS THOUGHT IN MY OWN MIND IT WAS BETWEEN ONE OR 2 WEEKS AS NEAR AS I COULD GIVE IT WHERE WAS IT YOU SAY HAIGHT ~~<~~**HAIGHT**~~>~~ WAS WHEN HE TOLD YOU TO GO RENDEZVOUS $_{A}$	THEM. Q. YOU CAN'T SAY WHETHER IT WAS ~~BETWEEN~~ ONE DAY OR 2 ~~O~~0 . A. I THINK IT WAS ABOUT ONE OR TWO WEEKS; I THINK IT WAS OVER A *[84]* WEEK. ~~AQ~~**Q.** DO YOU BELIEVE IT WAS TWO WEEKS? A. IT MAY BE THAT. Q. HOW LONG WAS IT? A. IT WASN'T A MONTH. Q. WAS IT TWO WEEKS — WAS IT TEN DAYS. A. I HAVE ALWAYS THOUGHT IN MY OWN MIND ~~,~~ IT WAS BETWEEN ONE AND TWO WEEKS AS HNEAR AS I COULD GET AT IT. Q. WHERE WAS IT YOU SAY HAIGHT WAS~~.~~, W~~H~~WHEN HE TOLD YOU TO GO TO THE RENDEZVOUS? A.	

264. Apparently added later.

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RT	RS	BT	PS
CORNER OF PUGMIRE'S HOUSE, THE PUBLIC SQUARE. Q. WHAT WAS THE NUMBER OF THEM STANDING AROUND — WAS IT A FACT THE MEN WERE ALWAYS STANDING AROUND IN CEDAR—OR WERE THERE ANY AT ALL	CORNER PUGMIRE'S HOUSE, PUBLIC SQUARE, WHAT WAS *WERE YOU*[?] DO —[?] THERE ASTAND AROUND WAS IT FACT MEN WERE ALWAYS STANDING AROUND IN CEDAR = IN CITY	COLONEL PUGMIRE**'**S HOUSE, **ON THE** PUBLIC SQUARE. Q. WHAT WAS YOU DOING THERE? A. STANDING AROUND. Q. ~~ISN'T~~ IS IT ~~I~~A FACT THAT MEN WERE ALWAYS STANDING AROUND IN CEDAR?	
A. OF COURSE THERE WAS; I SEED A GREAT MANY ON THE SQUARE THERE. Q. WHO HEARD HIM MAKE THE REMARK THEY WAS TO MEET TOGETHER AND MUSTER AT THE MINUTE ?	AOF COURSE IT WAS, I HAVE SEED GREAT MANY ON THE SQUARE THERE WHO HEARD HIM SAY TO *YOU TO GO MEET TOGETHER*[?] AND MUSTER A*I AM NOT*	A. OF COURSE IT WAS; I HAVE SEEN A GREAT MANY THERE~~.~~, ON THE SQUARE. Q. WHO HEARD HIM SAY TO GO AND MUSTER? A. I COULD ~~NOT~~**NOT** TELL	
A. THERE WAS A MAN BY THE NAME OF JIM WILLIAMSON HEARD HAIGHT SAY THIS TO ME. Q. YOU KNOW WILLIAMSON HEARD IT ? A.	*POSITIVE*[?] THERE WAS MAN BY NAME OF JIM WILLIAMSON HEARD HAIGHT SAY THIS TO ME Q YOU KNOW WILLIAMSON HEARD IT	POSITIVELY; THERE WAS A MAN BY THE NAME OF JIM WILLIAMSON**,** HE HEARD HAIGHT SAY THIS TO ME. Q. YOU KNOW WILLIAMSON HEARD IT? A.	

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RT	RS	BT	PS
YES. Q. WHAT DID HAIGHT SAY TO YOU ? A. HE ASKED ME WHY I DIDN'T BRING MY GUN. *[261]* Q. YOU HAVE GOT THAT MIXED AGAIN; I WANT TO KNOW WHAT HAIGHT SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO OUT THERE ? A. HE DIDN'T TELL ME TO GET READY TO GO OUT THERE AT ALL. I TOLD HIM I HAD NO AMUNITON. I TOLD HIM I WOULD NOT DO TO GO OUT THERE. Q. YOU SAY YOU CAME TO GO TO THAT PLACE OF MEETING, WHY DID YOU GO THERE ? A. BECAUSE I WAS NOTIFIED TO GO. MY STEP SON TOLD ME THAT ~~MG~~ HAIGHT	YES **Q**WHAT DID HAIGHT SAY TO YOU **A**HE ASKED WHETHER I DIDN'T BRING MY GUN **Q** YOU HAVE GOT THAT MIXED AGAIN, I WANT TO KNOW WHAT HAIGHT {HAIGHT}^{p} SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO OUT THERE ~~HE SAID~~ HE DIDN'T TELL ME TO GET READY TO GO OUT THERE AT ALL, I TOLD HIM I HAD NO AMMUNITION I TOLD HIM I WOULD NOT DO TO GO OUT THERE YOU SAY YOU CAME TO GO THAT PLACE OF MEETING {WHY DID YOU GO THERE}^{p} {**A**}^{p} BECAUSE I WAS NOTIFIED TO GO MY STEP SON TOLD ME *[[30]]* THAT HAIGHT	YES. Q. WHAT DID HAIGHT SAY TO YOU? A. HE ~~W~~ASKED WHY I DIDN'T BRING MY GUN. Q. YOU HAVE GOT THAT MIXED AGAIN. I WANT TO KNOW WHAT HAIGHT SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO. A. HE DIDN'T TELL ME TO GET READY TO GO OUT AT ALL; I TOLD THEM I HAD NO AMUNITION.. I TOLD HIM I WOULDNOT DO TO GO OUT. Q. HOW WAS IT YOU CAME TO GO TO THAT PLACE, OR WHY DI**D** YOU GO ? A. BECAUSE I WAS NOTIFIED TO GO; MY STEP SON TOLD ME THAT HAIGHT	

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RT	RS	BT	PS
WANTED ME TO MUSTER. Q. HOW OLD IS THAT BOY ? A. HE WAS ABOUT FIFTEEN. Q. AND HE TOLD YOU TO GO? A. HE TOLD ME, PROBABLY HAIGHT WANTED ME. Q. THEN YOU WASN'T ORDERED TO GO BY HAIGHT OR ANYBODY ELSE EXCEPT YOUR SON TOLD YOU PROBABLY THAT HAIGHT WANTED YOU. A. YES, HE SAID PROBABLY HAIGHT WANTED ME. Q. YOU APPEAR TO BE POSTED ABOUT HE MATTERS THERE. AS A MATTER OF INFORMATION TO YOU TELL ME HOW LONG IT	WANTED ME TO MUSTER $_{Q}$ HOW OLD YOU SAY THAT BOY WAS $_{A}$ABOUT 15 WHEN HE TOLD ME TO GO $\{_{A}\}^{P}$ HE TOLD ME BROTHER HAIGHT WANTED $\{ME\}^{P}$ THEN YOU WASN'T ORDERED TO GO BY HAIGHT ~~NO~~ OR ANYBODY ELSE $_{A}$ EXCEPT $\{WHAT\ YOUR\}^{P}$ TOLD ME BROTHER HAIGHT WANTED ME. $_{Q}$ YOU APPEAR TO BE POSITIVE ABOUT MATTERS THERE. AS A MATTER OF INFORMATION GRATIFICATIO N TO YOU TELL ME HOW LONG	WANTED ME TO MUSTER. Q. HOW OLD DO YOU SAY WAS THAT BOY? A. HE WAS ABOUT I5. Q. AND HE TOLD YOU TO GO? A. HE TOLD ME BROTHER HAIGHT WANTED ME. Q. THEN YOU WASN'T ORDERED TO GO BY HAIGHT OR ANYONE ELSE ? A. EXCEPT WHAT MY SON TOLD ME BROTHER HAIGHT WANTED ME. Q. YOU APPEAR TO BE POSTED ABOUT MATTERS THERE. AS A MATTER OF INFORMATION AND GRATIFICATION TO YOU, HE TOLD YOU? HOW LONG	

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RT	RS	BT	PS
MIGHT HAVE BEEN SINCE YOU HAVE BEEN CONNECTED WITH THAT PEOPLE ? A. SINCE I CAME INTO UTAH AND BEFORE TOO. Q. BUT ALTOGETHER ? A. I HAVE BEEN CONNECTED WITH THE MORMON'S SINCE I847. Q. ARE YOU STILL CONNECTED WITH THEM ? A. I AM NOT CONNECTED WITH THEM NOW. Q. WHEN DID YOU DIVIDE ? A. THEY CUT ME OFF. *[262]* BISHOP: SERVE YOU RIGHT. BASKIN: MAY IT PLEASE YOUR HONOR THERE IS A LATITUDE BEYOND WHICH THE GENTLEMAN MUST NOT GO. THE	YOU BEEN THAT PEOPLE {A}^{p} SINCE I CAME INTO UTAH AND BEFORE TOO $_{Q}$ABOUT HOW LONG AT ALL = ALTOGETHER $_{A}$I HAVE BEEN CONNECTED WITH MORMONS SINCE 1847. $_{Q}${ARE YOU}^{p} STILL CONNECTED WITH THEM {A}^{p}I AM NOT CONNECTED WITH THEM NOW $_{Q}$WHEN DID YOU DIVIDE YOURSELF. $_{A}$ THEY CUT ME OFF BY BISHOP SERVE YOU RIGHT BY BASKIN MAY IT PLEASE YOUR HONOR THERE IS A LATITUDE BEYOND WHICH GENTLEMAN MUST NOT GO. {*}^{p}	HAVE YOU BEEN WITH THAT PEOPLE? A. SINCE I CAME INTO UTA~~H~~, AND BEFORETOO. Q. ABOUT HOW LONG ALL TOGETHER.? A. I HAVE BEN CONNECTED WITH THE MORMONS SINCE '47. *[85]* Q. ARE YOU WTILL CONNECTED WITH THEM? A. I AM NOT CONNECTED WI~~T~~H THEM NOW. Q. WHEN DID YOU ~~DIVIDE~~ **SEPARATE** YOURSELF? A. THEY CUT ME OFF. BY MR. BISHOP. SERVES**D** YOU RIGHT. BY MR. BASKIN: MAY IT PLEASE YOUR HONOR **THERE IS A LATITUDE** BEYOND WHICH **TH**E GENTLEMAN ~~MUST~~ **OUGHT** NOT **TO** GO. THE	

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RT	RS	BT	PS
FULLEST EXTENT HAS BEEN ~~FIG~~ GIVEN TO HIS STATEMENTS AND I APPEAL TO THE COURT TO PROTECT THE WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BISHOP: I BELIEVE I UNDERSTOOD MY DUTY AS WELL AS THE WITNESS WHO ANSWERS ME, AND WHEN THE WITNESS ANSWERS SOMETHING OUTSIDE I HAVE THE RIGHT TO FOLLOW HIM UP AND SHOW WHAT KIND OF A MAN HE IS. Q. YOU WAS PRESE~~T~~NT THAT DAY AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU	INSINUATIONS COUNSEL HAS BEEN INDULGING AND I APPEAL TO THE COURT TO PROTECT WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BY BISHOP I BELIEVE I UNDERSTOOD MY DUTY AS WELL AS WITNESS {WHO}^{p} ANSWERS ME WHEN WITNESS ANSWERS SOMETHING OUTSIDE I HAVE {THE}^{p} RIGHT TO FOLLOW HIM UP SHOW *'EM*[?] WHAT KIND OF MAN HE IS. [*space*] {Q}^{p} WHO WAS PRESENT WITH HAIGHT AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU	~~UNSENSIOUS~~ COUNSEL **HAS BEEN** INDULGE~~D~~**ING** ~~AND I~~ **IN MATTERS ENTIRELY FORCIGN TO THE ISSUE AND I** APPEAL TO THE ~~F~~**C**OURT TO PROTECT THE WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BY MR. BISHOP: I BELIEVE I UNDERSTAND MY DUTY AS WELL AS THE WITNES**S** WHO ANSWERED ME; AND WHEN THE WITNESS ANSWERS SOMETHING OUTSIDE I HAVE THE RIGHT TO FOLLOW HIM UP AND SHOW WHAT KIND OF A MAN HE IS. Q. WHO WAS PRESENT WITH HAIGHT AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU	

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RT	RS	BT	PS
PROBABLY HAIGHT WANTED YOU AND THERE WAS ONLY TWO OR THREE WITH YOU A. I NOTICED BUT ONE, DAVID STEWART. Q. THEN YOU TOLD HIM ALL HAIGHT SAID WHEN HE WANTED YOU, HE SAID HE MIGHT GO AND CARRY A SPADE. A. HE SAID THE REASON WAS THAT THE EMIGRANTS WAS KILLED BY THE INDIANS Q. WHO WAS MUSTERED ON THE SQUARE TO GO AND BORY THEM; I ASK YOU IF YOU DID TELL THIS TO YOUR SON , I DON'T ASK YOU HOW YOU CAME TO CARRY THIS SPADE —	BROTHER HAIGHT WANTED YOU ONLY TWO OR 3 THAT I NOTICED {*}[p] PARTICULARL Y {*}[p] DAVID STODDARD Q HAVE YOU TOLD ME ALL HAIGHT SAID WHEN HE SENT TO YOU HE WANTED YOU HE SAID PARTICULARL Y TO YOU GO TO CARRY A SPADE HE SAID REASON EMIGRANTS WAS KILLED BY INDIANS QWHO WAS MUSTERED ON SQUARE TO GO AND BURY THEM, I ASKED YOU IF YOU DID TELL ALL TO YOUR SON AT CEDAR I ASK YOU NOTHING ABOUT HOW YOU CAME TO CARRY THIS SPADE YOU SAY NOW	BROTHER HAIGHT WANTED YOU? A. **AMONG** ONE TWO OR THREE THAT I NOTICED PARTICULARLY **WAS** DAVID STODDARD. Q. HAVE YOU TOLD ME ALL HAIGHT SAID WHEN HE SENT FOR YOU? A. HE SAID , HOW DO YOU COME TO CARRY A SPADE. I SAID THE REASON WAS THE EMIGRANTS WAS KILLED BY THE **I**NDIANS. Q. WHO WAS MUSTERED ON THE SQUARE TO GO AND BURY TH**EM** I ASK YOU, IF YOU HAVE TOLD ALL YOUR SON HAD SAID? I ASK YOU ~~K~~NOW HOW YOU CAME TO CARRY THIS SPADE? YOU SAY NOW,	

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RT	RS	BT	PS
WHO DID YOU FIND THERE PRESENT AT THE MUSTER ? A. ALL I CAN SAY WAS I SAW SOME TWO MEN, ONE WAS BROTHER HAIGHT AND JIMMY WILLIAMSON, AND STODDARD THAT I NOTICED PARTICULARLY; I WAS ONLY THERE A FEW MINUTES. Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE ? A. I WENT WITH MY SPADE ON MY SHOULDER. HE ASKED WHERE MY GUN WAS. THAT IS ALL HAIGHT SAID. WITNESS: MAY I GO ON. Q. I ASK YOU WHAT MORE DID HAIGHT	YOUR SON GAVE YOU FURTHER INFORMATION, WHOM DID YOU FIND THERE PRESENT AT THE MUSTER ~~<~~ON THE~~>~~ GROUND $_{A}$ALL I CAN SAY WAS I SAW THEM WAS <— TWO> BROTHER HAIGHT JIMMY WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARL Y WAS ONLY THERE FEW MINUTES. $_{Q}$WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE {$_{A}$}^{p}I WENT WITH MY SPADE TO *THE/A*[?] SHOULDER; HE ASKED WHERE MY GUN WAS THAT IS ALL —[?] HAIGHT AM I TO GO ON $_{Q}$I ASK YOU WHAT MR. HAIGHT	YOUR SON GAVE YOU FURTHER INFORMATION; WHO DID YOU FIND THERE PRESENT AT THE MUSTER ON THE GROUND? A. ALL I CAN SAY I SAW T**H**ERE WAS TWO OR THREE BROTHER HAIGHT, JIM WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARLY. THERE WA~~N~~SN'T ONLY A FEW MEN. Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE? A. I WENT WITH MY SPADE TO THE T~~HE~~ SHOULDER; HE ASKED WHERE MY GUN WAS, THAT IS ALL. AM I TO GO ON? Q. I ASKED YOU WHAT MR. HQIGHT	

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RT	RS	BT	PS
SAY TO YOU AT THAT TIME ? *[263]* A. HE ASKED ME IN THE FIRST PLACE WHY I HADN'T MY GUN WITH ME. I TOLD HIM I DIDN'T KNOW WITH REGARD TO THE GUN, BUT TO BURY DEAD PEOPLE I HAD A SPADE AND THAT I HAD BROUGHT IT. HE SAID — HE CALLED ME A FOOL AND TOLD ME I DIDN'T KNOW NOTHING ABOUT IT — DIDN'T ~~EXPLAIN~~ ≤UNDERSTAND≥ THINGS — THAT I DIDN'T KNOW BEANS AND THAT WAS SURPRISING. I TOLD HIM I HAD NO AMUNITION IF I HAD BROUGHT MY GUN. HE SAYS YOU CAN GO HOME, I HAVE NO FURTHER USE FOR YOU; THIS WAS A LITTLE	SAID TO YOU AT THAT TIME {A}P HE ASKED ME IN THE FIRST PLACE WHY I HADN'T MY GUN WITH ME, I TOLD HIM I DIDN'T KNOW WE REQUIRED GUN TO BURY DEAD PEOPLE THAT THAT I HAD BROUGHT IT, HE SAID AND CALLED ME FOOL TOLD ME I DIDN'T KNOW ANYTHING ABOUT IT ≤AND≥ DIDN'T UNDERSTAND THINGS, DIDN'T KNOW BEANS *[[31]]* THAT WAS EXPRESSION; I TOLD HIM I HAD NO AMMUNITION IF I HAD BROUGHT MY GUN, HE SAYS YOU CAN GO HOME I HAVE NO FURTHER USE FOR YOU. THIS WAS LITTLE	SAID TO YOU AT THAT TIME? A. HE ASKED ME IN THE FIRST PLACE, WHY I HADN'T MY GUN WITH ME~~?~~. I TOLD HIM I DIDN'T KNOW THAT IT REQUIRED A GUN TO BURY DEAD PEOPLE AND THAT I HADN'T BROUGHT IT/ HE SAID — CALLED ME A FOOL; TOLD ME I DIDN'T KNOW ANYTHING ABOUT IT , DIDN'T UNDERSTAND THINGS — *[86]* TOLD ME I DIDN'T KNOW BEANS. THAT WAS HIS EXPRESSION. I TOLD HIM I HAD NO AMUNITION IF I HAD BROUGHT MY GUN. HE SAYS**,** **"**YOU CAN GO HOME I HAVE NO FURTH**E**R USE FOR YOU**"**.. THIS WAS A LITTLE	

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RT	RS	BT	PS
BEFORE SUN-DOWN; IT WAS MORE THAN A WEEK BEFORE I SAW ‘EM, AND I DON’T KNOW THAT I SAW HIM AT ALL NEXT MEETING. Q. HOW LONG AFTER THAT WAS IT THAT YOU HEARD IT PREACHED ABOUT ? A. IT WAS THE NEXT MEETING AFTER. Q. WHAT WAS IT THAT HAIGHT SAID AT THAT MEETING ? A. HE WAS SPEAKING ABOUT THE EMIGRANTS AND THE INDIANS, AND HE SAID — MADE THE REMARK LIKE THIS “SOME FOOLS HAVE BEEN TAMPERING WITH THE INDIANS” AND IF THEY HADN’T DONE THAT THEY WOULD HAVE	BEFORE SUNDOWN. IT WAS MORE THAN WEEK BEFORE I SAW HIM DON’T KNOW ~~I~~**HE** SAW HIM UNTIL NEXT MEETING. **Q** HOW LONG AFTER THAT WAS IT THAT YOU HEARD HAIGHT PREACH {ABOUT **A**}**P**IT WAS THE NEXT MEETING AFTER **Q** WHAT WAS IT HAIGHT SAID AT THAT MEETING **A**HE WAS SPEAKING ABOUT EMIGRANTS INDIANS AND HE SAID, MADE REMARK LIKE THIS, SAYS SOME FOOLS BEEN TAMPERING WITH INDIANS AND IF THEY HADN’T DONE THAT THEY WOULD HAVE	BEFORE SUNDOWN. IT WAS MORE THAN A WEEK BEFORE I SAW HIM ; I DIDN’T KNOW HE WAS AT HOME TILL NEXT MEETING. **Q:** HOW LONG WAS IT AFTER THAT YOU HEARD HAIGHT PREACH? A. IT WAS THE NEXT MEETING AFTER. Q. WHAT WASIT HAIGHT SAID AT THAT MEETING? A. HE WAS APEAKING ABOUT THE EMIGRANTS AND THE **I**NDIANS — MADE THE REMARK LIKE THIS: HE SAYS**, “**SOME FOOLS HAVE BEEN TAMPERING WITH THE **I**NDIANS , AND IF THEY HADN’T DONE THAT THEY WOULD HA~~F~~VE	

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RT	RS	BT	PS
BEEN DEAD ALREADY AND IN THEIR GRAVES. Q. AT THIS TIME, WAS THAT THE SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE — ARE YOU CERTAIN OF THAT ? A. THAT IS HOW I HAVE GOT IT IN MY MIND — I COULD NOT BE CERTAIN — I WOULDN'T SWEAR TO ANYTHING I AM DOUBTFUL ABOUT. Q. DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE YOU WAS CALLED OUT THAT HE MADE THAT REMARK IN HIS SERMON A. IT MIGHT BE BEFORE THAT. Q. WAS THAT IT ? A. IT WAS NOT FAR	BEEN DEAD AND IN THEIR GRAVES AT THIS TIME AAT THIS TIME QTHAT WAS SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE = ARE YOU CERTAIN OF THAT {A}p THAT IS HOW I HAVE GOT IT IN MY MIND, I COULD NOT BE CERTAIN I WOULDN'T SWEAR TO ANYTHING I AM DOUBTFUL ABOUT. Q DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE YOU WAS CALLED OUT HE MADE THAT {REMAKE IN HIS}p SERMON {A}p IT MIGHT BE BEFORE WE WAS CALLED OUT {A}p IT WAS NOT FAR	BEEN DEAD AND IN THEIR GR~~Q~~A~~C~~VES". Q. AT THIS TIME? A. AT THIS TIME. Q. THAT WAS THE SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE, ARE YOU CERTAIN OF THAT? A. THAT IS HOW I HAD GOT IT IN MY MIND. I COULD NOT BE CERTAIN, I WOULD NOT BE CERTAIN ABOUT ANYTHING I AM DOUBTFULL ABOUT. Q. DIDN'~~¥~~T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE ~~T~~ YOU WAS CALLED OUT, HE MADE THAT REMARK IN HIS SERMON? A. IT MIGHT HAVE BEEN BEFORE THAT. Q. WASN'T THAT IT? A. IT WASN'T FAR	

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RT	RS	BT	PS
BETWEEN. *[264]* Q. DO YOU RECOLLECT WHAT YOU SAID ABOUT IT IN ANSWER TO JUDGE CAREY'S REMARKS ? A. I DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. Q. WELL SIR YOU SAY IN A SIDE REMARK WHEN JUDGE SUTHERLAND OBJECTED, THAT IT IS NOT A SUGGESTION ON YOUR PART, WHAT HAIGHT WAS TALKING ABOUT — NOT A CONJECTURE — TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO ?	BETWEEN. QDO YOU RECOLLECT WHAT YOU SAID ABOUT {IT}P IN ANSWER TO JUDGE CAREY'S REMARKS IN QUESTION AI DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. QWELL SIR YOU SAY IN A SIDE REMARK PENDING OBJECTION OF ARGUMENT OF JUDGE SUTHERLAND THAT IT IS NOT ≺A≻ SUGGESTION ON YOUR PART WHAT HAIGHT WAS TALKING ABOUT = NOT A CONJECTURE, TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO ?	BETWEEN. Q. DO YOU RECOLLECT ~~ABOUT~~ WHAT YOU SAID ABOUT IT IN ANSWER TO JUDGE CAREYS REMARKS—IN THE QUESTION? A. I DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. Q. WELL, SIR,YOU SAID IN YOUR SIDE REMARK PENDING AN OBJECTION AND ARGUEMENT OF JUDGE SUTHERLAND'S THAT IT IS NOT A SUGGESTION ON YOUR PART WHAT HAIGHT WAS TALKING ABOUT;—NOT A "CONJECTURE." TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO?	

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RT	RS	BT	PS
A. I JUDGED FROM THE COURSE OF HIS REMARKS BEFORE THAT IN THE COURSE OF HIS SPEAKINGS ON THE THING HE REFERRED TO. Q. WAS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT SUMMER ? A. THAT WAS THE ONLY TRAIN TO MY RECOLLECTION OF OF ANY SIZE. THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. Q. HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS THAT FALL A. I DON'T KNOW AS I SAW ANY. Q. YOU SAY YOU SAW THE WAGON~~S~~	$_{A}$I JUDGE FROM COURSE OF HIS REMARKS BEFORE THAT IN COURSE OF HIS SPEAKING AND THE LANGUAGE WHOM HE REFERRED TO $_{Q}$WAS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT SUMMER ~~$_{Q}$~~$_{A}$ THAT IS THE ONLY TRAIN TO MY RECOLLECTIO N OF ANY SIZE; THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. $_{Q}$HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS THAT FALL {$_{A}$}^{P}I DON'T KNOW AS I SAW ~~ANYTHING~~ ANY. $_{Q}$YOU SAY YOU SAW THE WAGONS	A. I JUDGED FROM THE COURSE OF HIS REMARKS BEFORE THAT IN THE COURSE OF HIS SPEAKING, AND THE LANGUAGE**,** WHO HE REFERRED TO. Q. W~~H~~AS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT ~~LAST SUMMER?~~ **SUMMER?** A . THAT ISTHE ONLY TRAIN TO MY RECOLLECTION OF ANY SIZE; THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. *[87]* Q. HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS, **THAT** FALL? A. I DON'T KNOW AS I SAW ANY. Q. YOU SAY YOU SAW **A** WAGON~~S~~	

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RT	RS	BT	PS
THAT CAME FROM THERE. CAN YOU TELL AS A MATTER OF FACT WHERE THAT WAGON DID COME FROM OF YOUR OWN KNOWLEDGE A. NO SIR, I CAN ONLY CONJECTURE IT FROM WHAT THE PEOPLE SAID AROUND ME. Q. AND THAT IS CONJECTURE ? A. I DON'T KNOW — DON'T KNOW WHETHER THE WAGON CAME FROM THERE OR NOT Q. ARE YOU CERTAIN YOU WAS NOT AT THE MEADOWS AT THE TIME OF THE MASSACRE — YOU SAY YOU SAW SOME FIVE OR SIX CHILDREN THAT CAME FROM THE MOUNTAIN	THAT CAME FROM THERE. CAN YOU TELL AS MATTER OF FACT WHERE THAT WAGON HAD COME FROM OF YOUR OWN KNOWLEDGE {A}[p265] NO SIR I CAN ONLY CONJECTURE IT FROM WHAT PEOPLE SAID AROUND ME Q AND THAT IS CONJECTURE A I DON'T KNOW DON'T KNOW WHETHER WAGON CAME FROM THERE OR NOT. Q ARE YOU CERTAIN YOU WAS NOT AT THE MEADOWS AT THE TIME OF MASSACRE <YES>, YOU SAY YOU SAW 5 **OR** 6 CHILDREN THAT CAME FROM MOUNTAIN	THAT CQA**A**ME FROM THERE. CAN YOU~~TRE~~ TELL ME AS A MATTER OF FACT WHERE THAT WAGON DID COME FROM OF YOUR OWN KNOWLEDGE? A. NO, SIR, I CAN NOT ONLY CONJECTURE IT FROM WHAT PEOPLE SAID AROUND ME. Q. AND THAT IS CONJECTURE? A. I DON'T KN~~W~~OW**,** DON'T KNOW WHETHER THE ~~A~~WAGON CAME FROM THERE OR NOT.. Q. ARE YOU CERTAIN YOU WERN 'T AT THE MOUNTAIN MEADOWS AT THE TIME OF THE MASSACRE? A. YES. Q. YOU SAY YOU SAW FIVE OR SIX CHILDREN THAT CAME FROM THE MOUNTAIN	

265. Darker pencil over the purple pencil.

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RT	RS	BT	PS
MEADOWS — DO YOU KNOW OF YOUR OWN KNOWLEDGE THEY CAME FROM THE MOUNTAIN MEADOWS ? *[265]* A. WELL NO. Q. HOW CAN YOU STATE THEN ABOUT IT ? A. I WAS NOT THERE TO SEE. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE CHARLES HOPKINS WAS AT THE MOUNTA IN MEADOWS A. NO. Q. HOW DO YOU KNOW HIGBEE HAD CHILDREN AT HIS HOUSE FIVE OR SIX YEARS OLD ? A. I SAW IT THERE MYSELF. THAT IS NOT CONJECTURE. Q. DID YOU EVER HEAR THAT CHILD TALK ? A. YES SIR. Q. WAS IT A BOY OR A GIRL ? A.	THE MEADOWS DO YOU KNOW OF YOUR OWN KNOWLEDGE THEY CAME FROM MOUNTAIN MEADOWS $_{A}$WELL NO YOU CAN *STATE/SET*[?] DOWN ABOUT SAME $_{A}$I WAS NOT *[[32]]* THERE TO SEE. $_{Q}$DO YOU KNOW OF YOUR OWN KNOWLEDGE CHARLES HOPKINS WAS AT MOUNTAIN MEADOWS $_{A}$ NO $_{Q}$HOW DO YOU KNOW HIGBEE HAD CHILD AT HIS HOUSE 5 **OR** 6 YEARS OLD $_{A}$ I SAW IT THERE MYSELF THAT IS NOT CONJECTURE $_{Q}$DID YOU EVER HEAR THAT CHILD TALK $_{A}$YES SIR $_{Q}$WHAT WAS IT BOY OR GIRL ? $\{_{A}\}^{p}$	MEADOWS. DO YOU KNOW OF ~~T~~YOUR OWN KNOWLEDGE THAT THEY CAME FROM THE MOUNTAIN MEADOWS? A. WELL, NO. Q. YOU KIND OF SET DOWN ABOUT THE SAME T**H**ING? A. I WASN'T THERE **T**O SEE . Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT ~~H~~CHARLES HOPKINS WAS AT THE MOUNTAIN MEADOW~~S~~ MASSACRE ? A. NO. Q. HOW DO YOU KNOW THAT HIGBEE HAD A CHILD AT HIS HOUSE FIVE OR SIX YEARS OLD. A. I SAW IT THERE MYSELF. **Q** THAT IS NOT CONJECTURE. ~~Q.~~ DID YOU EVER HEAR THAT CHILD TALK? A. YES, SIR. Q. WHAT WAS IT A BOY OR A GIRL? A.	

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RT	RS	BT	PS
IT WAS A BOY. Q. HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE ? A. I ONLY SAW THE CHILD TWICE. Q. HOW LONG AFTER YOU SAW IT THERE THE LAST TIME BEFORE YOU WENT BACK TO INQUIRE ABOUT IT AGAIN ? A. I DIDN'T GO TO INQUIRE ABOUT THEM AT ALL. Q. THEN HOW DO YOU STATE ~~IT WAS IN A ≤~~THE CHILD WAS MISSING THE NEXT~~≥~~ WEEK OR SO~~BV~~ — DID YOU GO BACK IN A WEEK TO INQUIRE ? A. I DIDN'T GO BACK IN A WEEK — I DIDN'T BUSY MYSELF WITH SUCH THINGS TO INQUIRE ANYTHING OF THAT KIND. Q. DID YOU INQUIRE	IT WAS BOY. $_{Q}$HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE AT THAT TIME $\{_{A}\}^{p}$ I ONLY SAW CHILD THERE TWICE $_{Q}$HOW LONG AFTER YOU SAW THEM THERE AT LAST TIME BEFORE YOU WENT BACK TO INQUIRE ABOUT THEM AGAIN $\{_{A}\}^{p}$ I DIDN'T GO TO INQUIRE ABOUT THEM AT ALL. $_{Q}$ THEN HOW DID YOU STATE CHILD WAS MISSING IN $\{A\}^{p}$ WEEK; DID YOU GO BACK IN WEEK TO INQUI$\{RE\}^{p}$ $_{A}$I DIDN'T GO BACK IN A WEEK I DIDN'T BUSY MYSELF WITH SUCH THINGS TO INQUIRE ANYTHING OF KIND $\{_{Q}\}^{p}$ DID YOU INQUIRE	IT WAS A BOY. Q. HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE AT THA**T** TIME? A. I ONLY SAW THE CHILD THERE TWICE. Q. HOW LONG AFTER YOU SAW THEM THERE AT THE LAST TIME, BEFORE YOU WENT BACK TO ENQUIRE ABOUT THEM AGAIN? A. I DIDN'T GO TO ENQUI**R**E ABOUT THEM AT ALL. Q. THEN HOW DO YOU STATE THE CHILD WAS MISSING IN A WEEK A~~C~~FTER; DID YOU GO BACK IN A WEEK TO ENQUIRE? A. I DIDN'T GO BACK IN A WEEK; I DIDN'T BUSY MYSELF WITH SUCH THINGS OR ENQUIRE ABOUT ANYTHING OF THE KIND. Q. DID YOU ENQUIRE	

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RT	RS	BT	PS
WHERE THAT CHILD WAS A WEEK AFTER YOU SAW IT — HOW LONG BEFORE DID YOU INQUIRE ? A. I DIDN'T INQUIRE ABOUT IT AT ALL. *[266]* Q. HOW DO YOU KNOW THE CHILD WAS MISSING IN A WEEK AFTER ? A. BECAUSE IT WAS OUT OF SIGHT. Q. IF YOU DIDN'T LOOK FOR IT HOW CAN YOU SAY IT WAS MISSING OR OUT OF SIGHT ? A. BECAUSE I DIDN'T SEE IT Q. DID YOU GO TO SEE ? A. I SAW THE OTHER ONE. Q. DID YOU INQUIRE ABOUT IT ? A. NO. Q. CAN YOU STATE OF YOUR OWN KNOWLEDGE ABOUT THAT CHILD ? A. I CANNOT, ONLY	WHERE THAT CHILD WAS {**A**}^{p} WEEK AFTER YOU SAW IT HOW LONG BEFORE YOU DID INQUIRE $_{A}$I DIDN'T INQUIRE ABOUT IT AT ALL $_{Q}$HOW DO YOU KNOW CHILD WAS MISSING IN A WEEK $_{A}$BECAUSE IT WAS OUT OF SIGHT IF YOU DIDN'T LOOK FOR IT HOW DID YOU SAY IT WAS MISSING OR OUT OF SIGHT $\{_{A}\}^{p}$ BECAUSE I DIDN'T SEE IT $_{Q}$DID YOU GO {TO SEE}^{p} ? $_{A}$I SAW THE OTHER ONE $_{Q}$ DID YOU INQUIRE ABOUT IT $_{A}$ NO $_{Q}$CAN YOU STATE OF YOUR OWN KNOWLEDGE ANYTHING ABOUT THAT CHILD $_{A}$I CANNOT ONLY	WHERE THAT CHILD WAS A WEEK AFTER YOU SAW IT, OR DID YOU ENQUIRE ABOUT IT BEFORE? A. I DIDN'T ENQUIRE ABOUT IT AT ALL. Q. HOW DO YOU KNOW THE CHILD WAS MISSING ~~A~~IN A WEEK? A. BECAUSE IT WAS OUT OF SIGHT. *[88]* Q. IF YOU DIDN'T LOOK FOR IT, HOW DO YOU SAY IT WAS **MISSING** ~~MISSED~~ OR OUT OF SIGHT? A. BECAUSE I DIDN'T SEE IT. Q. DID YOU GO TO SEE? A. I SAW THE OTHER ONE. Q. DID YOU ENQUIRE ABOUT IT? A. NO. Q. CAN YOU STATE OF YOUR OWN KNOWLEDGE ANYTHING ABOUT THAT CHIL~~E~~D? A. I CANNOT ONLY	

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RT	RS	BT	PS
I SAW IT THERE ONCE. Q. DID YOU EVER ASK HIGBEE WHERE THAT CHILD WAS ? A. I DID NOT. Q. DID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR NEXT YEAR ? A. I DID NOT ASK THEM. Q. DID YOU TAKE ANY STEPS OR MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM THE TIME YOU LAST SAW IT OUT THERE ? A. I DID NOT. Q. HOW MANY CHILDREN DID, YOU SEE AT CEDAR THAT WERE REPRESENTED AS COMING FROM THE MOUNTAIN MEADOWS ? A. I THINK I CAN RECOLLECT SIX. Q. GIVE THE AGES ? A. I	I SAW IT THERE ONCE $_{Q}${DID YOU}^{p} EVER ASK HIGBEE WHERE CHILD WAS $_{A}$I DID NOT $_{Q}$DID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR NEXT YEAR $_{A}$I DID NOT ASK {THEM}^{p} $_{Q}$DID YOU TAKE ANY STEPS MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM THE TIME YOU LAST SAW IT OUT THERE I $_{A}$DID NOT. $_{Q}$HOW MANY CHILDREN DID, YOU SEE AT CEDAR THAT WERE *FIRST/AS*[?] REPRESENTED FROM COMING FROM MOUNTAIN MEADOWS. I {I THINK I}^{p} $_{A}$CAN RECOLLECT THOSE SIX $_{Q}$ GIVE THE AGES I $_{A}$	I SAW IT THERE ONCE. Q. DID YOU EVER ASK HIGBEE WHERE THE CHILD WAS? A. I DIDN'T. Q. DID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR THE NEXT YEAR? A. I DIDN'T ASK THEM. Q. DID YOU TAKE ANY STEPS OR MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM **T**HE TIME YOU LAST SAW IT? A. I DID NOT. Q. HOW MANY CHILDREN DID YOU SEE AT CEDAR THAT WERE REPRESENTED AS COMING FROM THE MOUNTAIN MEADOWS? A. I THINK I CA~~M~~N RECOLLECT THESE SIX. Q. GIVE THEIR AGES? A. I	

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RT	RS	BT	PS
CANNOT Q. WELL OF THE OLDEST ONE THAT YOU SPOKE ABOUT —YOU SAY THAT HAIGHT [267] PREACHED FREQUENTLY IN THE CHURCH AFTERWARDS TO SAY NOTHING ABOUT IT A. I DIDN'T SAY FREQUENTLY, I SAID I HEARD HIM SPEAK OF IT, I DIDN'T SAY HOW MANY TIMES. Q. ABOUT HOW OFTEN DID YOU HEAR THAT ? A. I HEARD IT ONCE. Q. STATE WHETHER YOU DID OR DID NOT OBEY COUNSEL THERE WITH REGARD TO THAT MATTER ? A. I DIDN'T AT THAT TIME. Q. HOW LONG DID YOU REMAIN SILENT ? A. WELL I COULD NOT TELL YOU	CANNOT THAT WAS ABOUT OLDEST ONE I SPOKE ABOUT YOU SAY THAT HAIGHT PREACHED FREQUENTLY IN CHURCH AFTERWARDS TO SAY NOTHING ABOUT IT {A}p I DIDN'T SAY FREQUENTLY I SAID I HEARD HIM SPEAK OF IT; I DIDN'T SAY HOW MANY TIMES {Q}p ABOUT HOW OFTEN DID YOU HEAR THAT {A}p I HEARD IT ONCE. QSTATE WHETHER YOU DID OR DID NOT OBEY COUNSEL THERE WITH REGARD TO THAT MATTER AI DIDN'T AT THAT TIME Q HOW LONG DID YOU REMAIN SILENT A. WELL I COULD NOT TELL YOU	COULDNOT . THAT WAS ABOUT **SEVEN** ~~ELEVEN~~, THE ONE I SPOKE ABOUT. Q . YOU SAY THAT HAIGHT SPOKE FREQUENTLY IN **T**HE CHURCH AFTERWARDS**,** TO SAY NOTHING ABOUT IT? A. I DIDN'T SAY FREQUENTLY; I SA~~W~~**Y** I HEARD HIM SPEAK ABO~~U~~**T** IT; I DIDN'T SAY HOW MANY TIMES? Q. HOW OFTEN ~~C~~DID YOU HEAR ~~H~~THAT? A. I HEARD IT ON~~E~~CE Q. STATE WHETHER YOU DID OR DID NOT OBEY COUN~~S~~CIL THERE WITH REGARD TO THAT MATTER? A. I DID ~~NOT~~ AT THAT TIM~~E~~. Q. AND HOW LONG DID YOU REMAIN ~~SC~~**S**ILENT? A. WELL, I COULD NOT TELL Y OU	

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RT	RS	BT	PS
EXACTLY. Q. HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HEAR ON THIS STAND ? A. I GUESS IT WAS A GOOD MANY YEARS — SEVERAL YEARS. Q. DID YOU EVER TELL THIS WITHIN THE LAST TWO YEARS ? A. I DON'T KNOW THAT I HAVE. Q. DID YOU EVER TELL IT WITHIN THE LAST YEAR ? A. I HAVE TOLD IT TO SOME THE LAST YEAR. Q. WHO DID YOU TELL THIS TO FIRST ? A. I CAN'T RECOLLECT WHEN I GOT TO UNDERSTAND ———COUNSEL: I DON'T CARE ABOUT ANY UNDERSTANDIN G.	EXACTLY $_{Q}$ HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HERE ON THIS STAND $_{A}$I GUESS IT WAS GOOD MANY YEARS SEVERAL YEARS *[[33]]* $\{_{Q}\}^{p}$ DID YOU EVER STATE WITHIN LAST TWO YEARS $_{A}$I DON'T KNOW AS I HAVE $\{_{A}\}^{p}$ $_{Q}$DID YOU EVER TELL AT ALL WITHIN LAST YEAR $_{A}$I HAVE TOLD TO SOME LAST YEAR. $_{Q}$ WHOM DID YOU TELL THIS TO FIRST $_{A}$ I CAN'T RECALL WHEN I GOT TO UNDERSTAND BY BISHOP I DON'T CARE ABOUT ANY UNDERSTANDI NG IF TELLING	EXACTLY. Q. HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HERE ON THIS STAND? A. I GUESS IT WAS A GOOD MANY YEARS, SEVERAL YEARS. Q. DID YOU EVER TELL IT **UNTIL** WITHIN THE LAST TWO YEARS? A. I DON'T KNOW THAT I HAVE. Q. DID YOU EVER TELL IT TILL WITHIN THE LAST YEAR? A. I HAVE TOLD IT ~~W~~TO SOME THE LAST YEAR. Q. WHO DID YOU TELL THIS TO THE FIRST? A. I CAN~~&~~'T RECOLLECT, ONLY I GOT TO UNDERSTAND—— —BY **M**$^{\underline{R}}$ BISH~~I~~OP: I DON'T CARE ABOUT ANY UNDERSTANDIN G YOU HAVE.	

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RT	RS	BT	PS
CAREY: Q. HOW FAR DID YOU LIVE FROM HIGBEE'S ? A. I LIVE AT THE OLD FORT WHEN HIGBEE WAS LIVING UP THERE IN WHAT IS CALLED THE NEW CITY. Q. DID YOU FREQUENTLY SEE HIS FAMILY ? A. TWICE A WEEK. Q. AND OF THIS OLDEST CHILD YOU SPOKE OF — DID HE REMAIN THERE — *[268]* AND DID YOU EVER SEE IT AFTERWARDS ? SUTHERLAND: WE OBJECT TO HIS OPINION AS TO THAT	TRUTH BISHOP LEAD ON. BY CAREY. HOW FAR DID YOU LIVE FROM HIGBEE'S {A}^{p} I LIVED AT THE OLD FORT WHEN HIGBEE WAS LIVING UP THERE IN WHAT IS CALLED NEW CITY Q DID YOU FREQUENTLY SEE HIS FAMILY A TWICE A WEEK QIF THIS OLDEST CHILD YOU SPOKE OF HAD REMAINED THERE. QWOULD YOU HAVE SEEN IT AFTERWARDS BY SUTHERLAND WE OBJECT TO HIS OPINION.	**RE-EXAMINATION IN CHIEF** ~~Q.~~BY **M**~~R~~ CAREY: Q. HOW FAR DID YOU LIVE FROM HIGBEES? ~~A. I AM NOT CERTAIN.~~ *[89]* A. I LIVED AT THE OLD FORT~~.~~**,** WHEN HIGBEE WAS LIVING UP THERE~~.~~**,** IN WHAT IS CALLED THE NEW CITY. Q. DID YOU FREQUENTLY SEE HIS FAMILY? A. TWICE A WEEK. Q~~. IF THOISE ELEVEN CHILDREN YOU SPOKE OF REMAINED THERE~~ Q. IF THIS **SEVEN** ~~ELEVEN~~ YEAR OLD CHILD YOU SPOKE OF HAD REMAIN~~R~~ED THERE WOULD YOU HAVE SEEN IT A~~T~~FTERWARDS? BY **M**~~R~~ SUTHERLAND: WE OBJECT TO HIS OPINION.	

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RT	RS	BT	PS
MATTER. CAREY: JUST WAIT A MOMENT AND WE WILL SEE WHETHER IT IS A MATTER OF HIS OPINION OR NOT. THE QUESTION IS THIS, THEY ATTEMPT TO SHOW HE DID NOT KNOW. IF THIS CHILD IS ON ENQUIRY I WISH TO QUESTION THE WITNESS IF ~~HEEFREQUENTT~~ ~~LY ≤~~HE FREQUENTLY≥ SAW HIGBEE'S FAMILY, WHETHER IF HE HAD BEEN THERE OR NOT THAT HE WOULD HAVE SEEN IT. BISHOP: AND FOR THE FURTHER REASON WE HAVE SHOWN BY SOME TWO OR THREE WITNESSES THAT ALL OF	BY CAREY. JUST WAIT {**A**}^{p} MOMENT WE WILL SEE WHETHER IT IS OR NOT {**A**}^{p} MATTER OF OPINION. THE QUESTION IS THIS THEY ATTEMPT TO SHOW HE DID NOT KNOW. IF THIS CHILD HE INQUIRED ABOUT I WISH TO QUESTION WITNESS IF HE FREQUENTLY SAW HIGBEE'S FAMILY WHETHER IF HE HAD BEEN {THERE}^{p} HE WOULD HAVE SEEN IT. BY BISHOP {AND}^{p} FOR {THE}^{p} FURTHER REASON THEY HAVE —[?] SHOWN BY SOME TWO OR THREE WITNESSES THAT ALL OF	BY **M**$^{\underline{\mathbf{R}}}$ CAREY: JUST WAIT A MOMENT. WE WILL SEE WHETHER IT ISOR NOT, A MATTER OF OPINION. THE QUESTION IS THIS: **T**HEY ATTEMPT TO SHOW ~~Q.~~ ~~THEDIDN'T~~ **THAT HE DID** **NOT** KNOW. IF THIS CHILD HE ENQUIRED ABOUT— I WISH TO QUESTION WITNESS IF HE FREQUENTLY SAW HIGBEES FAMILY, WHETHER IF THE CHILD HAD BEEN THERE HE W OULD HAVE SEEN IT. BY **M**$^{\underline{\mathbf{R}}}$ BISHOP: WE OBJECT FOR THE FURTHER REASON; THEY HAVE SHOWN BY SOME TWO OR THREE OF THEIR WITNESSES THAT ALL OF	

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RT	RS	BT	PS
THE CHILDREN WERE TAKEN FROM THE SCENE OF THE TRAGEDY, AND WERE DELIVERED OVER TO DR. FORNEY, AND ~~WE HAVE A QUESTION AT THIS TIME IN~~ THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE IMPEACHING THEIR OWN WITNESS. CAREY: WE WISH TO SHOW THIS CHILD WAS SEEN THERE IMMEDIATELY AFTER THE TIME OF THE MASSACRE. COURT: YOU MAY STATE IF YOU WERE IN A SITUATION TO KNOW. A. I WAS OUT THERE THE FIRST TIME,BUT I DON'T RECOLLECT SEEING IT	THE CHILDREN TAKEN FROM THE SCENE OF THE TRAGEDY WERE AFTERWARD DELIVERED OVER TO DR. FORNEY AND THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE IMPEACHING THEIR OWN WITNESS. BY CAREY. WE WISH TO SHOW THIS CHILD WAS SEEN THERE IMMEDIATELY AFTER THE TIME OF MASSACRE AND WAS MISSED BY COURT YOU CAN STATE $_{Q}$IF YOU WERE IN A SITUATION TO SEE $\{_{A}\}^{P}$ I SAW IT THERE FIRST TIME AND I DON'T RECOLLECT SEEING IT	THE CHILDREN TAKEN FROM THE SCEN~~T~~E OF THE TRAGEDY WERE AFTERWARDS DELIVERED TO DR. FORNEY; AND THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE TO IMPEACH THEIR OWN WITNESS. BY **M^{R}** CAREY: WE WISH TO SHOW THAT THIS CHILD WAS SEEN THERE IMMEDIATE~~L~~Y AFTER THE TIME OF THE MASSACRE AND **THEN** WAS MISSED. **THE COURT. ~~BY COURT:~~** Q. YOU CAN STATE IF YOU ~~ARE~~ **WERE** IN A SITUATION TO SEE. A. I SAW IT THERE THE FIRST T IME, AND I DON'T RECOLLECT SEEING IT	

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RT	RS	BT	PS
ONLY ONCE, BUT I SAW THE OTHER. Q. IF THAT IS THE ONLY ONE THAT REMAINED THERE WERE YOU IN A SITUATION TO HAVE KNOWN ? A. YES SIR, I WAS.	ONLY ONCE AND I SAW THE OTHER. $_{Q}$IF THIS ONE WOULD HAVE REMAINED THERE WERE YOU IN SITUATION TO HAVE KNOWN $_{A}$YES SIR I WOULD. BY BISHOP HOLD ON THAT IS ALL MR. BRADSHAW	ONLY ONCE AND **I** SAW **THE OTHER THERE** ~~HIM THERE~~ Q. IF THIS ONE WOULD HAVE REMAINED THERE WERE YOU IN A SITUATION TO HAVE KNOWN IT? A. YES, SIR, I WOULD. BY **M^{R}** BISHOP: HOLD ON—BUT THAT IS ALL MR. BRADSHAW. ~~COURT ADJOURNED.~~	
COURT	BY COURT GENTLEMAN WANTS TO SEE ONE OF JURORS. ~~COURT~~ SHALL	COURT	
ADJOURNED UNTIL TO-MORROW MORNING AT NINE O'CLOCK.	ADJOURN UNTIL TO MORNING 9 **O'CLOCK** {**ADJD TILL TOMORROW MORNING AT 9 AM.**}^{P} [*space*]	JURY ADMONISHED BY COURT. ADJOURNED TILL TO—)MORROW MORING AT 9 O'CLOCK.	
	[[34]]	*[90]*	
WEDNESDAY, JULY 28TH 1875. 9 A.M. *[269]* WEDNESDAY JULY 28TH, 1875. 9 O'CLOCK	**WEDNESDAY, JULY 28TH 1875. 9.10 AM.** [*space*]	WEDNESDAY, JULY 28TH, I875. 9 O' CLOCK A.M.	

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RT	RS	BT	PS
A.M.			
	CLERK READ NAMES OF THE JURORS ALL PRESENT. 920 PROSECUTION NOT IN COURT YET. COURT ORDERED MARSHAL CALL JUDGE WHEADON WILLIAM CAREY. 922 PROSECUTORS CAME INTO COURT. BY COURT CALL THE NEXT WITNESS. ≼CAREY≽ OUR NEXT WITNESS IS HERE WILL BE HERE IN MOMENT.	JURY CALLED ALL PRESENT.	
ROBERT KERSHAW, SWORN FOR THE PROSECTUION.	[*space*] **ROBERT KERSHAW** OATH ADMINISTERED BY CLERK. 922 **AM**	ROBERT KERSHAW SWORN FOR THE PROSECUTION. **EXAMINATION IN CHIEF:** BY MR. CAREY: **U. S. DIST. ATTORNEY:** Q.	
Q. MR. KERSHAW WHERE DO YOU RESIDE ? A. BEAVER. Q. HOW LONG HAVE YOU LIVED AT BEAVER CITY ?	{Q}^{p} MR. KERSHAW WHERE DO YOU RESIDE $_{A}$ BEAVER $_{Q}$ HOW LONG HAVE YOU LIVED BEAVER CITY	MR. KERSHAW WHERE ~~F~~DO YOU RESIDE? A. BEAVER. Q. HOW LONG HAVE YOU LIVED IN BEA~~C~~VER CITY?	

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RT	RS	BT	PS
A. EIGHTEEN YEARS. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER 1857 ? A. I WAS HERE IN BEAVER. Q. STATE WHETHER OR NOT YOU SAW AN EMIGRANT TRAIN CALLED THE ARKANSAS TRAIN PASS THROUGH ? A. I DID. Q. STATE WHEN IT WAS IF YOU KNOW ? A. I THINK IT WAS ABOUT THE FIRST OF THE MONTH. Q. STATE ABOUT HOW LARGE A TRAIN OF WAGONS ? A. THERE WAS THIRTY ONE. Q. DO YOU KNOW HOW MANY PEOPLE THERE WAS ? A. I DO NOT; I WAS OUT TO THE CAMP SOUTHWEST. Q. TELL US	A ABOUT 18 YEARS Q STATE WHERE YOU WERE MONTH OF SEPTEMBER 1857 A I WAS HERE IN BEAVER Q STATE WHETHER YOU ≤OR NOT≥ YOU SAW EMIGRANT TRAIN CALLED ARKANSAS TRAIN PASS THROUGH HERE A I DID Q≤TELL WHEN IT WAS IF *YOU*[?] KNOW≥ Q I THINK IT WAS ABOUT FIRST OF THE MONTH Q ABOUT HOW LARGE TRAIN OF WAGONS {A}^p THERE WAS 31 Q DO YOU KNOW HOW MANY PEOPLE THERE WERE A I DON'T I WAS OUT AT CAMP SOUTHWEST. Q TELL US	A. ABOUT I8 YEARS. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER '57? A. I WAS HERE IN BEAVER. Q. STATE WHETHER OR NOT YOU REMEMBER AN EMIGRANT TRAIN CALLED THE ARKANSAS TRAIN PASSING THROUGH HERE? A. I THINK IT WAS ABOUT THE FIRST OFTHE MONTH, BUT COULD NOT TELL WHEN IT WAS EXACTLY? Q. ABOUT HOW LARGE A TRAIN OF WAGONS? A. THERE WAS **3I** ~~3 1/~~ Q . DO YOU KNOW HOW MANY PEOPLE THERE WERE? A. I DO NOT. I WAS ~~OUT~~ **AT** THEIR CAMP SOUTH WEST OF HERE. Q. TELL US	

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RT	RS	BT	PS
SOMETHING AS TO THEIR NUMBERS, AS NEAR AS YOU CAN REMEMBER, IF YOU HAVE ANY OPINION ? A. I SHOULD SUPPOSE THERE WAS ONE HUNDRED OR MORE, BUT IT IS SOMETHING I COULD NOT TELL ANYTHING ABOUT, MEN, WOMEN AND CHILDREN MIDDLE AGED AND OLD PEOPLE. Q. WHAT KIND OF TEAMS DID THEY HAVE ? A. PRINCIPALLY OX TEAMS. Q. HOW MANY YOKE TO THE WAGON ? *[270]* A. TWO TO THREE YOKE. Q. STATE WHETHER THERE WAS ANY OTHER STOCK ? A. YES, THEY HAD MULES AND HORSES AND THEY HAD	SOMETHING {AS TO THEIR}^{p} NUMBERS AS NEAR AS YOU CAN REMEMBER IF YOU HAVE ANY OPINION {A}^{p} I SHOULD SUPPOSE THERE WAS HUNDRED ≤100≥ OR MORE IT IS SOMETHING I COULD NOT TELL ANYTHING ABOUT MEN WOMEN AND CHILDREN, MIDDLE AGED AND OLD PEOPLE Q WHAT KIND OF TEAMS DID THEY HAVE {A}^{p} PRINCIPALLY OX TEAMS. Q HOW MANY YOKE TO WAGON A 2 TO 3 YOKE. QSTATE WHETHER THERE WAS ANY OTHER STOCK {A}^{p} YES THEY HAD MULES AND HORSES, THEY HAD	SOMETHING AS TO THE NUMBERS AS NEAR AS YOU CAN REMEMBER, IF Y**O**U HAVE ANY OPINION? A. I SHOULD SUPPOSE THERE WAS A HUNDRED OR MORE; IT IS SOMETHING I COULD NOT TELL ~~ANYTHING~~ **MUCH** ABOUT: MEN WOMEN AND CHILDREN, MIDDLE AGED AND OLD PEOPLE. Q. WHAT KIND OF TEAMS DID THEY HAVE? A. ~~PRI NCILAPP~~ **P**RINCIPALLY OX TEAMS. Q. HOW MANY YOKE TO THE WAGON? A. TWO OR TH~~E~~REE YOKE. Q. STATE WHET**HE**R THERE WAS ANY OTH~~E~~R STOCK? A. YES, THEY HAD MULES AND HORSES AND THEY HAD	

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RT	RS	BT	PS
LOOSE STOCK. Q. AS NEAR AS YOU CAN REMEMBER STATE HOW MANY ? A. WELL THEY HAD QUITE A GOOD LITTLE DROVE, MIGHT HAVE HAD FIFTY, MIGHT HAVE HAD A HUNDRED, MIGHT HAVE HAD THREE HUNDRED, THEY MIGHT HAVE HAD THAT BUT THAT IS A MATTER I DON'T REMEMBER EXACTLY, BUT THEY HAD LOTS OF LOOSE STOCK. Q. DID YOU HEAR OF THIS TRAIN BEFORE THEY ARRIVED HERE ? A. YES SIR. Q. TELL US WHAT YOU HEARD OF IT ? A. GEORGE A. SMITH WAS HERE, HE TOLD US THERE WAS A TRAIN COMING HERE IN A FEW DAYS FROM THE EAST, AND HE	LOOSE STOCK $_{Q}$AS NEAR AS YOU CAN REMEMBER HOW MANY $_{A}$WELL THEY HAD QUITE GOOD LITTLE DROVE, MIGHT HAVE HAD 50 MIGHT HAVE HAD HUNDRED MIGHT THEY NOT HAVE HAD 300 $_{A}$ MIGHT HAVE HAD ≤THAT IS≥ MATTER I DON'T REMEMBER EXACTLY BUT THEY HAD LOTS STOCK. $_{Q}$DID YOU HEAR OF THIS TRAIN BEFORE THEY ARRIVED HERE $_{A}$ YES SIR $_{Q}$ TELL US HOW YOU HEARD OF IT $_{A}$ GEORGE A SMITH WAS HERE HE TOLD US THERE WAS COMPANY COMING HERE IN {**A**}^{p} FEW DAYS {AND}^{p}	LOOSE STOCK. Q. AS NEAR AS YOU CAN REMEMBER , HOW MANY? A. WELL, THEY HAD A ~~GO~~**GOO**D LITTLE DROVE; THEY MIGHT HAVE HAD 50 — MIGHT HAVE HAD A HUNDRED. Q. MIGHT THEY NOT HAVE HAD 300 ~~H~~? A. THEY MIGHT HAVE HAD; THAT IS A MATTER I DON'T REMEMBER EXACTLY; BUT THEY HAD LOOSE STOCK. Q. DID YOU HEAR OF THIS **T**RAIN BEFORE THEY ARRIVED HERE? A . YES, SIR. Q. TELL US HOW YOU HEARD OF IT? A. GEO. A. SMITH W**A**S HERE; HE TOLD US THERE WAS A COMPANY COMING HERE IN A FEW DAYS; AND	

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RT	RS	BT	PS
FORBID US TO TRADE ANY PRODUCE WITH THEM WHATEVER, UNDER PENALTY OF BEING CUT OFF FROM THE CHURCH. Q. DID YOU KNOW WHETHER ANY ONE HAD TRADED WITH THEM OR NOT ? A. THERE WAS ONE MAN TRADED A SMALL CHEESE WITH THEM, HIS NAME IS JOHN MORGAN Q. WHAT DO YOU KNOW OF THAT TRANSACTION ? A. HE WAS CUT OFF THE CHURCH ABOUT TWO WEEKS AFTERWARDS.[266] Q. DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE	FORBID US TO TRADE ANY BREADSTUFF <PRODUCE> WITH THEM WHAT EVER UNDER PENALTY OF BEING CUT OFF FROM THE CHURCH $_{Q}$ DID YOU KNOW WHETHER ANY ONE HAD TRADED WITH THEM OR NOT $_{A}$THERE WAS ONE MAN TRADED {**A**}^{p} SMALL CHEESE WITH THEM. ≤WHAT IS HIS≥ HIS NAME $_{A}$ IS JOHN MORGAN. $_{Q}$ WHAT DO YOU KNOW ABOUT THAT TRANSACTION {$_{A}$}^{p}YES HE WAS CUT OFF CHURCH ABOUT 2 WEEKS AFTER. $_{Q}$DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE	FORBID US TO TRADE ANY PRODUCE WITH THEM WHATEVER ~~WHATEVER~~ **A**ND ~~T~~ UNDER PENALTY OF BEING CUT O**FF**~~F~~ **FROM** THE CHURCH. *[91]* Q. DID YOU KNOW WHETHER ANY ONE DID TRADE WITH THEM OR NOT? A. THERE W~~I~~AS ONE MAN TRADED A SMALL CHEESE TO THEM. Q. WHAT IS HIS NAME? A. HIS NAME IS JOHN MORGAN. Q. WHAT DO YOU KNOW A**B**OUT THAT TRANSACTION? A. YES, HE WAS CUT OFF THE CHURCH ABOUT TWO WEEKS AFTER. Q. DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE	

266. John Morgan was not excommunicated.

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RT	RS	BT	PS
TIME THAT THEY WERE IN THE CAMP DOWN HERE ? A. I SAW THEM WHEN THEY WAS RETURNED. Q. HOW LONG AFTER THAT WAS IT ? A. IT MUST BE A YEAR AND A HALF. Q. IN WHOSE POSSESSION WERE THEY AT THAT TIME **A. IN** THE INDIAN AGENT**'S** *[271]* POSSESSION — FORNEY. Q. ABOUT HOW MANY CHILDREN DID YOU SEE ? A. WELL I SUPPOSE I SAW ALL THAT WAS THERE, ABOUT A DOZEN; I CAMPED OVER NIGHT WITH THE CHILDREN, AT BUCKHORN SPRINGS. Q. YOU SAY GEORGE A. SMITH WAS HERE AND PREACHED AGAINST SELLING THINGS —	TIME THEY WERE IN THE CAMP DOWN HERE $_{A}$I SAW THEM WHEN THEY WAS RETURNED $_{Q}$ HOW LONG AFTER THAT WAS IT $\{_{A}\}^{p}$ IT MUST BE YEAR AND HALF IN WHOSE POSSESSION WERE THEY AT THAT TIME $_{A}$IN THE INDIAN AGENT POSSESSION FORNEY. $_{Q}$ ABOUT HOW MANY CHILDREN DID YOU SEE $\{_{A}\}^{p}$ WELL I SUPPOSE I SAW ALL THAT WAS THERE *ABOUT/TWO*[?] DOZEN $\{\mathbf{I}\}^{p}$ CAMPED OVER NIGHT WITH THE CHILDREN AT BUCK HORN SPRINGS. YOU SAID GEORGE A. SMITH WAS HERE AND PREACHED AGAINST SELLING THINGS,	TIME THAT THEY WERE IN CAMP DOWN HERE? A. I SAW THEM WHEN THEY WAS RETURNING. Q. HOW LONG AFTER THAT WAS IT? A. IT MU~~D~~ST HAVE BEEN A YEAR AND A HAL~~D~~F. Q. IN WHOS**E** POSSESSION WERE THEY AT THAT TIME. A. IN THE INDIAN AGENTS~~,~~ POSSESSION, FORNEY. Q. ~~H~~ABOUT HOW MANY CHILDRED DIDYOU SEE? A. WELL, I SUPPOSE I SAW ALL THAT WAS THERE, ABOUT A DOZEN, I CAMPED OVER NIGHT WITH THE CHILDREN AT **B**UCK **H**ORN SPRINGS. Q. YOU SAID GEO. A. SMITH WAS HERE AND PREACHED AGAINST - SELLING THINGS~~?~~ **TO**	

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RT	RS	BT	PS
WHICH WAY DID HE GO FROM HERE ? A. HE WAS GOING SOUTH . Q. YOU ARE CERTAIN ? A. PRETTY CERTAIN HE WAS; I HAVE NO RECOLLECTION OF HIS RETURNING AT ALL. Q. STATE WHETHER YOU KNOW OF ANY OTHER PERSON'S SELLING THEM ANYTHING — LET ME CALL YOUR ATTENTION TO THIS — DID YOU SELL THEM ANYTHING A. NO SIR. THEY APPLIED TO ME FOR PRODUCE, THE WHOLE COMPANY STOPPED RIGHT IN FRONT OF MY HOUSE. I HAD A VERY GOOD GARDEN; THEY STOPPED IN FRONT OF THE	WHICH WAY DID HE GO FROM HERE {A}[p] HE WAS GOING SOUTH; ≤Q YOU ARE CERTAIN≥ PRETTY CERTAIN HE WAS A I HAVE NO RECOLLECTIO N OF HIS RETURNING AT ALL. Q STATE WHETHER YOU KNOW OF ANY OTHER PERSONS SELLING THEM ANYTHING. LET ME CALL YOUR ATTENTION TO THIS {Q}[p] DID YOU SELL THEM ANYTHING A. NO SIR *[[35]]* THEY APPLIED TO ME FOR PRODUCE, {THE}[p] WHOLE COMPANY STOPPED RIGHT IN FRONT OF MY HOUSE I HAD {A}[p] VERY GOOD GARDEN {THE}[p] COMPANY AS IT STOPPED IN FRONT OF THE	**THEM?** WHICH WAY DID HE GO FROM HERE? A. HE WAS GOING SOUTH. Q. YOU ARE P~~E~~RETTY CERTAIN HE WAS? A. I HAVE NO RECOLLECTION OF HIS RETURNING AT ALL. Q. STATE WHETHER YOU KNOW OF ANY OTHER PERSONS SELLING THEM ANYTHING? LET ME CALL YOUR ATTENT**I**ON TO THIS: DID YOU SELL THEM ANYTHING? A. NO, SIR, THEY APPLIED TO ME FOR PRODUCE, THE WHOL~~D~~**E** COMPANY STOPPED RIGHT IN FRO~~M~~NT OF MY HOUSE; I HAD A VERY GOOD GARDEN. THE COMPANY STOPPED IN FRONT OF THE	

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RT	RS	BT	PS
HOUSE AND WANTED TO BUY PEAS, POTATOES, ONIONS, MELLONS; I TOLD THEM I HAD NOTHING TO SPARE. Q. WHAT REASON DID YOU SAY YOU HAD NOTHING TO SPARE ? A. I HAD BEEN FORBID TO TRADE. Q. BY WHOM WERE YOU FORBID ? A. GEORGE A. SMITH. Q. WHERE WAS IT HE MADE THAT SPEECH ? A. HERE ON THE PUBLIC SQUARE. Q. THAT WAS IN WHAT MONTH ? A. HE WAS HERE IT MUST HAVE BEEN IN THE EARLY PART OF SEPTEMBER. Q. ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN ? A. IF MY	HOUSE WANTED TO BUY PEAS POTATOES ONIONS MELONS. I TOLD THEM I HAD NOTHING TO SPARE {Q}[P] WHAT REASON DID YOU <GIVE FOR SAYING YOU HAD> NOTHING TO SPARE {A}[P] I HAD BEEN FORBID TO TRADE. QBY WHOM WERE YOU FORBID TO TRADE {A}[P] GEORGE A SMITH {Q}[P] WHERE WAS IT HE MADE THAT SPEECH. {A}[P] HERE ON PUBLIC SQUARE. Q THAT WAS IN WHAT MONTH AHE WAS HERE IT MUST HAVE BEEN {IN THE}[P] EARLY PART OF SEPTEMBER. Q ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN {A}[P] IF MY	HOUSE AND WANTED TO BUY PEAS, POTATOES , MELLONS AND ONIONS. I TOLD ~~HTE~~ THEM I HAD NONE TO SPARE. Q. WHAT REASON DID YOU GIVE FOR SAYING YOU HAD NOTHING TO SPARE? A. I HAD BEEN FORBID TO TRAD~~E~~. Q. BY WHOME WERE YOU FORB~~A~~IDEN TO TRADE? A. GEO. A. SMITH. Q. WHERE WAS IT HE MADE THAT SPEECH? A. ON THE PUBLIC AQUARE. Q. THAT WAS IN WHAT MONTH? A. HE WAS HERE — IT MUST HA~~C~~VE BEEH IN THE EARLY PART OF SEPTEMBER. Q. ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN? A. IF MY	

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RT	RS	BT	PS
RECOLLECTION SERVES ME IT WAS NOT MORE THAN THREE DAYS. I KNOW [272] THEY EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. Q. WHEREABOUTS DO YOU SAY THEY CAMPED ? A. AFTER PASSING THROUGH TOWN THEY CAMPED NEAR ABOUT HALF A MILE BELOW HERE ON THE OTHER SIDE OF A LITTLE PLACE CALLED SPRING CREEK. Q. WHEN YOU WENT OUT DID YOU SEE ANY OTHER CITIZENS OF BEAVER ? A. YES SIR, THERE WAS OTHERS THERE. Q. DID YOU SEE ANY PERSON ACTING AS POLICEMAN ? A. SETH DODGE WAS	RECOLLECTIO N SERVES ME IT WAS NOT MORE THAN 3 DAYS I KNOW WE EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. Q WHEREABOUT S YOU SAY THEY CAMPED AFTER PASSING THROUGH TOWN CAMPED {A}P WENT ABOUT HALF A MILE BELOW HERE ON THE OTHER SIDE A LITTLE CREEK CALLED SPRING CREEK Q WHEN YOU WENT OUT DID YOU SEE ANY OTHER CITIZENS OF BEAVER {A}P YES SIR THERE WAS OTHERS THERE Q DID YOU SEE ANY PERSON ACTING AS POLICEMAN {A}P SETH DODGE WAS	RECOLLECTION SERVES ME , IT WASN'T MORE THAN THREE DAYS, I KNOW WE EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. [92] Q. WHERE ABOUTS DO YOU SAY THE~~M~~Y CAMPED AFTER PASSING THROUGH TOWN? A. CAMPED NEAR ABOUT A HALF A MILE BELOW HERE ON THE OTHER SIDE OF A LITTLE CREEK CALLED SPRING CREEK.. Q. WHEN YOU WENT OUT T**H**ERE DID YOU SEE ANY OTHER CITIZEN OF BEAVER? A. YES, SIR, THERE WAS~~O~~ OTHERS THERE. Q. DIDYOU SEE ANY PERSON ACTING AS POLICEMAN? A:. SETH DOGDE WAS	

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RT	RS	BT	PS
THERE. ————	THERE.	T**H**ERE.	
		BY MR. BISHOP:	
OBJECTED TO	OBJECTED TO	OBJECTED TO.	
BY JUDGE	BY		
SUTHERLAND			
FOR DEFENSE.	DEFENSE		
TO WHICH	~~<~~TO WHICH		
OBJECTION THE	OBJECTION HE		
COURT MADE	COURT MADE		
NO RULING.	NO RULING~~>~~		
Q. DID YOU SEE	$_{Q}$DID YOU SEE	Q. DID ~~H~~YOU SEE	
HIM DOING	HIM DOING	HIM DO**I**NG	
ANYTHING ? A.	ANYTHING $\{_{A}\}^{p}$	ANYTHING? A.	
JUST WALKING	JUST WALKING	JUST WALKING	
AROUND. Q.	AROUND. $\{_{Q}\}^{p}$	AROUND. Q.	
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	
IF HE	IF HE	IF HE	
PREVENTED	PREVENTED	PREVENTED	
THE PEOPLE	PEOPLES	PEOPLES	
TRADING WITH	TRADING WITH	TRADING WITH	
THEM OR NOT —	THEM OR NOT	THEM OR NOT~~;~~?	
IF SO WHAT	IF SO WHAT	IF SO, WHAT	
DID HE DO ? A.	DID HE DO $_{A}$	DID HE DO? A.	
HE	HE	HE	
INTIMIDATED	INTIMIDATED	INTIMIDATED	
THE PEOPLE	PEOPLE	PEOPLE	
FROM	FROM	FROM	
TRADING	TRADING	TRADING	
THERE.	THERE. BY	THERE. BY **M**$^{\underline{R}}$	
SPICER FOR	SPICER	SPICER:	
DEFENSE: THIS	THIS	THIS	
EVIDENCE IS	EVIDENCE IS	EVIDENCE IS	
	DRIVING	DRIVING	
POINTED	POINTING	~~A~~ROUND ABOUT	
TO SOME	TO SOME	TO SOME	
PERSON NOT IN	PERSON NOT IN	PERSON NOT IN	
THE	THE	THE	
INDICTMENT	INDICTMENT	INDICTMENT;	
AND THIS		AND THE	
MATTER CAN	MATTER CAN	MATTER CAN	
HAVE NO	HAVE NO	HAVE NO	
WEIGHT	WEIGHT	WEIGHT	
WHATEVER	WHATEVER	WHATEVER	
FOR OR IN	FOR OR IN	FOR OR IN	

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RT	RS	BT	PS
BEHALF OF THIS DEFENDANT. GEORGE A. SMITH NOT BEING THE DEFENDANT, AND NOT BEING IN THE INDICTMENT CAN FORM NO CONNECTION AND NO ISSUE TO BE TRIED BY THIS JURY; IT IS NOT NECESSARY TO BE JOINTLY INDICTED. COURT: YES, SO LONG AS HE IS CONNECTED WITH THE COMMON OBJECT. SPICER: WE FURTHER MAKE THE OBJECTION THAT THIS IS NO PART OF A JOINT OBJECT. THIS TRANSACTION TOOK PLACE FAR BELOW HERE. THE DEFENDANT IS CHARGED WITH HAVING ENGAGED	BEHALF OF THIS DEFENDANT. GEORGE A SMITH NOT BEING DEFENDANT NOT BEING IN THE INDICTMENT CAN FORM NO CONNECTION AND TO ISSUE TRIED BY JURY. IT IS NOT NECESSARY TO BE JOINTLY INDICTED BY COURT SO LONG AS HE IS CONNECTED WITH THE COMMON OBJECT **{SPICER}**^{p} WE FURTHER MAKE THE OBJECTION THIS IS NOT PART OF JOINT OBJECT. THIS TRANSACTION TOOK PLACE FAR BELOW HERE. DEFENDANT {IS}^{p} CHARGED WITH HAVING BEEN ENGAGED	BEHALF OF THIS DEFENDANT. GEO. A. SMITH NOT BEING THE DEFENDANT, NOT BEING IN THE INDICTMENT, AND CAN FORM NO CONNECTION WITH THE ISSUE TRIED BY THE JURY~~?~~. B**Y THE** COURT: IT IS NOT NECESSAR~~I~~Y TO BE JOINTLY INDICTED — SO ~~N~~LONG AS HE IS CONNECTED WITH A COMMON OBJECT. BY **M**$^{\underline{R}}$ SPICER: AND WE FURTHER MAKE THE OBJECTION. ~~THA~~ **THIS** IS NO PART OF THE JOINT OBJECT ; THIS TRANSACTION TOOK PLACE FAR BELOW HERE. THIS DEFENDANT IS CHARGED WITH HAVING BEEN ENGAGED	

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RT	RS	BT	PS
WITH SOME EMIGRANTS. *[273]* SUTHERLAND: IN THIS INDICTMENT THE MODE OF KILLING IS SPECIFIED WITH GUNS AND NOT BY STARVATION. COURT: THERE IS NO PROOF THERE WAS ANY STARVATION. IF THE OBJECT IS KILLING, IT IS NO MATTER WHETHER IT IS BY CLUBS, GUNS, OR BY ARROWS OR WHAT ~~T~~ IT WAS. I DID NOT DESIRE TO STATE BEFORE THE JURY WHETHER THE COMBINATION WAS PROVED OR NOT, BUT I HAVE NO DOUBT ABOUT IT AT ALL. IT IS SATISFACTORIL Y PROVED TO MY MIND.	WITH EMIGRANTS. BY SUTHERLAND IN THIS INDICTMENT MODE OF KILLING IS SPECIFIED WITH GUNS NOT BY STARVATION. BY COURT THERE IS NO PROOF THERE WAS ANY STARVATION IF OBJECT IS KILLING NO MATTER WHETHER IT IS BY CLUBS GUNS OR ARROWS OR WHAT IT WAS. I DID NOT DESIRE TO STATE BEFORE THE JURY WHETHER THE COMBINATION WISH PROVED I HAVE NO DOUBT ABOUT AT ALL SATISFACTORI LY PROVED TO MY MIND ANYTHING THAT IS FOUNDED ON	WITH THE EMIGRAN**TS.** BY **M**$^{\underline{R}}$ SUTHERLAND: IN THIS INDICTMENT THE MODE OF KILLING IS SPECIFIED WITH GUNS NOT WITH STARVATION. BY **THE** COURT: THERE IS NO PROOF THAT THERE WAS A NY STARVATION. IF THE OBJECT WAS TO KILL NO MATTER WHETHER BY **CLUBS** ~~CLUDS~~ OR GUNS ~~A~~OR ARROWS — NO MATTER WHAT IT IS.. I ~~E~~**D**ON'T DESIRE TO STATE BEFORE THE JURY WHETH**E**R THE POINT IS PRO~~C~~VED; I HAVE NO DOUBT ABOUT IT AT ALL — SATISFACTORILL Y PROOVED TO MY MIND.	

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RT	RS	BT	PS
	THAT WILL BE ADMITTED *WHEREFORE*[?] BY	BY **M**$^{\underline{R}}$	
SUTHERLAND: THERE OUGHT TO BE SOME PROOF OF THAT KIND.	SUTHERLAND THERE OUGHT TO BE SOME PROOF OF THAT KIND. {**COURT**}^{p} THAT WAS MY VIEW IN REGARD TO THAT MATTER BY CAREY IF COURT PLEASE WE ARE THROUGH WITH THIS WITNESS I DO NOT KNOW WHAT THEY ARE OBJECTING TO BY COURT TO DEFENSE TAKE THE WITNESS [*space*]	SUTHERLAND: THERE OUGHT TO BE SOME PROOF OF THAT KIND. BY COURT: THAT ~~WAS~~ **IS** MY VIEW IN REGARD TO TH~~AT~~**E** MATTER. BY **M**$^{\underline{R}}$ CAREY: IF THE COURT PLEASE, WE ARE THROUGH WITH THIS WITNESS. I DON'T KNOW WHAT THEY ARE OBJECTING TO.	
CROSS-EXAMINED.	{**BY <u>SPICER</u> XEXAMINATIO N**}^{p} SPICER CROSS EXAMINED MR. KERSHAW	*[93]* ~~BY SPICER:~~ CROSS-EXAMINATION BY MR. SPI~~V~~CER..	
Q. I UNDERSTOOD YOU TO SAY YOU WERE RESIDING AT BEAVER AT THAT TIME IN SEPTEMBER 1857 ? A. YES SIR. Q. WERE	{$_{\mathbf{Q}}$}^{p} I UNDERSTOOD YOU TO SAY YOU WERE RESIDING BEAVER AT THAT TIME SEPTEMBER $_{\mathbf{A}}$57 YES SIR $_{\mathbf{Q}}$WERE	Q. I UNDERSTOOD YOU TO SAY THAT ~~W~~YOU WERE RESIDING AT BEAVER AT THAT TIME IN '57? A. YES, SIR. Q. WERE	

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RT	RS	BT	PS
YOU AT CEDAR CITY THAT MONTH OR THAT FALL ? A. NO SIR, I WAS NOT. Q. I UNDERSTOOD YOU ALSO TO SAY THAT YOU VISITED THIS CAMP OF EMIGRANTS WEREABOUTS WERE THEY CAMPED ? A. ABOUT HALF A MILE BELOW THE CREEK THE OTHER SIDE OF THE CREEK BEAVER RIVER. Q. HOW LONG DID THEY CAMP THERE ? A. CAMPED HERE ABOUT 10 OR 11 O'CLOCK SATURDAY, LEFT SUNDAY ABOUT ONE O'CLOCK. Q. WHERE WERE YOU LIVING ? A. HERE IN TOWN, ON THE LOWER PART OF THE TOWN A QUARTER OF A MILE PROBABLY. Q.	YOU AT CEDAR CITY THAT MONTH OR THAT *[[36]]* FALL {A}p NO SIR I WAS NOT Q{I}p UNDERSTOOD YOU ALSO TO SAY YOU VISITED THIS CAMP OF EMIGRANTS; WEREABOUTS WERE THEY CAMPED {A}p ABOUT HALF MILE BELOW CREEK, OTHER SIDE OF CREEK SOUTH BELOW CREEK BEAVER RIVER QHOW LONG DID THEY CAMP THERE {A}p CAME HERE ABOUT 10 OR 11 O'CLOCK SATURDAY, LEFT SUNDAY ABOUT TEN O'CLOCK Q WHERE WERE YOU LIVING HERE IN TOWN {A}p ON THE LOWER PART OF TOWN QUARTER OF MILE PROBABLY. Q	YOU AT CEDAR CITY AT THAT MONTH OR THAT FALL? A. NO, SIR, I WAS NOT. Q. I UNDERSTOOD YOU ALSO TO SAY, YOU VISITED THIS CAMP OF EMIGRANT~~S~~. WHEREABOUTS WERE THEY CAMPED? A. ABOUT A HALF A MILE BELOW THE CREEK— THE OTHER SIDE OF THE CREEK— SOUTH BELOW THE CREEK— BEAVER RIVER. Q. HOW LONG DID THE**Y** CAMP THERE? A. CAME HERE ABOUT TEN OR ELEVEN O'CLOCK ON SATURDAY, LEFT SUNDAY ABOUT TWO O'CLOCK. Q. WHERE WERE YOU LIVING HERE IN TOWN? A. ~~ON~~ **IN** THE LOWER PART OF TOWN; QUARTER OF A MILE PROBABLY. Q.	

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RT	RS	BT	PS
WILL YOU STATE WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRACTED YOU THERE, EXCEPT THAT THEY WERE STRANGERS ? *[274]* A. I WANTED TO GAIN INFORMATION FROM THEM. Q. WAS THERE NO OTHER REASON ? A. NO SIR. Q. DID YOU STAY WITH THEM AND TALK WITH THEM ? A. YES, I WAS THERE I GUESS ABOUT TWO OR THREE HOURS IN THE AFTERNOON. Q. WHEN THEY CAME INTO THE PLACE AND CAMPED WHICH WAY DID THEY COME IN ? A. FROM THE NORTH, THROUGH THE MAIN STREET. Q. YOU HAD HEARD OF THEM BEFORE ? A. YES SIR.	WILL YOU {STATE}^{p} WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRACTED YOU THERE $_{A}$BECAUSE THEY WAS STRANGERS $\{_{A}\}^{p}$ I WANTED TO GAIN INFORMATION FROM THEM $_{Q}${WAS THERE}^{i} NO OTHER REASON NO $_{A}$SIR. $_{Q}$DID YOU STAY WITH THEM {AND}^{p} TALK WITH THEM $\{_{A}\}^{p}$ YES I WAS THERE I GUESS TWO OR 3 HOURS IN EVENING. $_{Q}$ WHEN THEY CAME INTO THE PLACE TO CAMP WHICH WAY DID THEY COME IN $\{_{A}\}^{p}$ FROM THE NORTH THROUGH THE MAIN STREET. $_{Q}$YOU HAD HEARD OF THEM BEFORE $_{A}$YES SIR	WILL YOU STATE WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRA~~T~~CTED YOU THERE? A. BECAUSE THEY WERE STRANGERS I WANTED TO GAIN INFORMATION FROM THE~~R~~M. Q. WAS THERE NO OTHER REASON? A. NO, SIR. Q. DID YOU STAY WITH THEM AND TALK WITH THEM? A. YES, I WAS ~~T~~HERE I GUESS TWO OR THREE HOURS IN THE AFTERNOON. Q. WHEN THEY CAME INTO THE PLACE TO CAMP, WHICH WAY DID THEY C~~A~~OME IN? A. FROM THE NORTH THROUGH THE MAIN STREET. Q. YOU HAD ~~BE~~ HEARD OF THEM BEFORE? A. YES, SIR.	

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RT	RS	BT	PS
Q. YOU LOOKED FOR THEIR COMING WHEN THEY DID COME ? A. NOT EXACTLY ON THE DAY, BUT WAS EXPECTING THEMM COMING. Q. WELL DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM — WAS IT A WEEK ? A. I DON'T BELIEVE IT WAS THREE DAYS, BUT I THINK ABOUT THREE DAYS. Q. WHAT DID YOU SAY WAS THE FIRST YOU HEARD OF THEM OF YOUR OWN KNOWLEDGE AS TO THEIR COMING ? A. I HEARD GEORGE A. SMITH TELL IT ON THE	Q WAS YOU LOOKING FOR THEIR COMING WHEN THEY DID COME {A}[P] NOT EXACTLY HOUR OR DAY BUT WAS EXPECTING THEM Q WELL DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM WAS IT {A}[P] WEEK {A}[P] I DON'T BELIEVE IT WAS {3}[P] DAYS, I THINK ABOUT THREE DAYS. Q WHAT DID YOU SAY WAS {THE}[P] FIRST YOU HEARD OF THEM *PRIOR*[?] KNOWLEDGE OF THEIR COMING BROUGHT TO YOU {A}[P]I HEARD GEORGE A SMITH TELL IT ON THE	Q.DID YOU LOOK FOR THEIR COMING WHEN THEY DID COME? A. NOT EXACTLY THE HOUR OR THE DAY BUT WAS EXPECTING THEM. Q. WELL, DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM? WAS IT A WEEK? A. I DON'T BELIEVE IT WAS THREE DAYS? ~~A~~ I THINK AB OUT THREE DAYS. Q. WHAT DO YOU SAY WAS THE FIRST YOU HEARD OF THEM, OF YOUR KNOWLEDGE OF THEIR COMING — BROUGHT TO YOU? A. HEARD GEO. A. SMITH TELL **IT** ON THE	

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RT	RS	BT	PS
SQUARE IN PUBLIC. Q. WAS THERE ANY OTHER CIRCUMSTANCES TOOK PLACE THAT BROUGHT YOUR KNOWLEDGE TO COMING OF THIS EMIGRANT TRAIN ? A. I HAVE NO RECOLLECTION OF ANYTHING ELSE. Q. WAS THERE ANY INSTRUMENT, CARD OR LETTER OF THEIR COMING ? A. NONE THAT I KNOW OF. Q. YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A. SMITH THAT BROUGHT THE KNOWLEDGE OF THEIR COMING ? *[275]* A. YES SIR. Q. I WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH	SQUARE IN PUBLIC. {Q}^{p} WAS THERE ANY OTHER CIRCUMSTANCES TOOK PLACE THAT BROUGHT TO YOUR KNOWLEDGE THE COMING THIS EMIGRANT TRAIN {A}^{p} I HAVE NO RECOLLECTION OF ANYTHING ELSE WAS THERE ANY INSTRUMENT CARD OR LETTER *OVER*[?] THEIR COMING {A}^{p} NONE THAT I KNOW OF {Q}^{p} YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A SMITH BROUGHT KNOWLEDGE OF THEIR COMING {A}^{p} YES SIR. WELL QI WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH	SQUARE IN PUBLIC. Q. WAS THERE ANY OTHER CIRCUMSTANCE TOOK PLACE THAT BROUGHT TO YOUR KNOWLEDGE THE COMING OF THIS TRAIN? A. I HAVE NO RECOLLECTION OF ANYTHING ELSE. *[94]* Q. WAS THERE ANY EXCITEMENT OCCURRED FROM THEIR COMING? A. NONE THAT I KNOW OF. Q. YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A. SMITH BROUGHT THE KNOWLEDGE OF THEIR COMING? A. YES , SIR Q. WELL, I WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH	

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RT	RS	BT	PS
RUMORS OF TROUBLE WITH THE INDIANS ? A. NO SIR Q. WELL, IT WAS ON THE PUBLIC SQUARE GEORGE A. SMITH SPOKE OF THEM IN PUBLIC ? A. PRETTY MUCH OF THE PEOPLE WERE THERE Q. WAS THE PUBLIC MEETING GIVEN NOTICE OF, TO GATHER THERE ? A. WELL JUST ABOUT HALF OF THEM, BUT IT WAS A PUBLIC MEETING, MEN, WOMEN AND CHILDREN. Q. WAS THERE ANY ON THE OUTSIDE OF THE BUILDING — YOU SAY IT WAS ON THE PUBLIC SQUARE ? A. IT WAS INSIDE OF THE BUILDING, BUT I COULD NOT GIVE YOU THE DAY OF THE WEEK.	RUMORS OF TROUBLE WITH THE INDIANS {A}[p] NO SIR {Q}[p] WELL IT WAS ON THE PUBLIC SQUARE GEORGE SMITH SPOKE OF THEM IN PUBLIC PRETTY MUCH ALL THE PEOPLE WERE THERE WAS IT PUBLIC MEETING *NOTICE*[?] *GO THERE/GATHERED*[?] AJUST HALF OF THEM IT WAS A PUBLIC MEETING MEN WOMEN AND CHILDREN {Q}[p] WAS IT IN OR OUTSIDE OF {THE}[p] BUILDING YOU SAY IT WAS ON PUBLIC SQUARE {A}[p] IT WAS *IN/NOT*[?] INSIDE OF BUILDING, I COULD NOT GIVE YOU {THE}[p] DAY OF THE WEEK	RUMORS ~~OF~~**OF** TROUBLE ~~TO~~ **WITH** THE **I**NDIANS? A. NO, SIR. Q. WELL, IT WAS ON THE PUBLIC SQUARE GEORGE A. SMITH SPOKE OF THEM IN PUBLIC — PRETTY MUCH OF THE PEOPLE WERE THERE — WAS IT A PUBLIC MEETING IN THIS GATHERING? A. JUST A FEW OF THEM. IT WAS A PUBLIC MEETING OF MEN, WOMEN AND CHILDREN. Q. WAS IT IN OR OUTSIDE OF THE BUILDING? YOU SAY IT WAS ON THE PUBLIC SQUARE? A. IT WAS INSIDE OF THE BUILDING. **Q. WHAT DAY OF THE WEEK WAS IT? A.** I	

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RT	RS	BT	PS
Q. YOU DON'T REMEMBER THE DAY OF THE WEEK THEN ? A. NO SIR.———— ~~Q~~. IT WAS A PUBLIC MEETING CONVENED ON SUNDAY. Q. IT WAS USED TO BE CALLED ON SUNDAY — CALLED TOGETHER ON SUNDAY ? HAVE YOU ANY KNOWLEDGE OR REMEMBRANCE IT WAS NOT ON SUNDAY ? A. IT WAS NOT ON SUNDAY MEETING. IT WAS THE USUAL CUSTOM TO CALL THE PEOPLE TOGETHER THERE AT THIS PLACE, WHENEVER A PERSON OF NOTE CAME ALONG THEY WERE EASILY	Q DON'T REMEMBER DAY OF THE WEEK THEN A. {NO SIR.}[i] IT WAS A PUBLIC MEETING CONVENED ON SUNDAY. Q —/*AND*[?] WAS CALLED TOGETHER HAVE YOU ANY KNOWLEDGE OR REMEMBRANC E IT WAS NOT ON SUNDAY A IT WAS NOT THE SUNDAY MEETING IT WAS WAS MATTER TO CALL FOR PEOPLE TO GATHER *SAYS/SS*[?] THIS PLACE WAS THAT TIME WHENEVER PERSON OF NOTE CAME ALONG THEY EASILY	COULD NOT GIVE YOU THE DAY OF THE WEEK? Q. DON'T REMEMBER THT~~T~~E DAY OF THE WEEK THEN? A. NO, SIR. IT WAS A PUBLIC MEETING CONVENED ON **S**UNDAY. Q. HOW WERE YOU CALLED TO GO TOGETHER HAVE YOU ANY KNOWLEDGE OR REMEMBERENCE THAT IT WASN'T ON SUNDAY? A. IT WAS A **S**UNDAY MEETING. IT WAS A MATTER OF CALLING ~~HTHE PO~~ FOR THE PEOPLE TOGATHER. ~~THEY~~. THIS WAS THE TIME WHEN EVER A PERSON OF NOTE CAME — **IT** EASILY	

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RT	RS	BT	PS
CALLED TOGETHER, BUT I DON'T KNOW THAT ON THIS OCCASION THEY WERE SPECIALLY CALLED TOGETHER AT THAT TIME. Q. YOU SAY GEORGE A. SMITH DIRECTED THAT THEY SHOULD NOT TRADE WITH THE EMIGRANT PEO PLE ? A. YES SIR. *[276]* Q. WHAT REASON DID HE GIVE OR SPEAK OF ? A. THAT JOHNSON'S ARMY BEING ON THE ROAD WE SHOULD WANT ALL THE GRAIN WE HAD HERE FOR SUPPLIES AND THE PEOPLE MIGHT HAVE TO GO INTO THE MOUNTAINS, AND THE PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE BREAD FOR YEARS;	CALLED TOGETHER. I DON'T KNOW THAT ON THIS OCCASION THEY WERE SPECIALLY CALLED TOGETHER AT THAT TIME $_{Q}$YOU SAY GEORGE SMITH DIRECTED THAT THEY SHOULD NOT TRADE WITH EMIGRANT PEOPLE $_{A}$YES SIR $\{_{Q}\}^{p}$ WHAT REASON DID HE GIVE $_{A}$HE SPOKE $\{OF\}^{p}$ JOHNSTON'S ARMY BEING ON THE ROAD; WE SHOULD WANT ALL THE GRAIN WE HAD HERE FOR SUPPLIES PEOPLE MIGHT HAVE TO GO *[[37]]* INTO MOUNTAINS PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE BREAD FOR YEARS	CALLED **THEM** TOGETHER. I DON'T KNOW THAT ON THIS OCCASION ~~,~~ THEY WERE ESPECIALLY CALLED TOGETHER — AT THAT TIME. Q. YOU SAY GEORGE A. SMITH DIRECTED, THAT THEY SHOULD NOT TRADE WITH THE EMIGRANT PEOPLE? A. YES, SIR. Q. WHAT REASON DID HE GIVE? A. HE SPOKE OF JOHNSON'S ARMY BEING ON THE ROAD. AND THAT WE SHOULD WANT ALL THE GRAIN WE HAD HERE~~.~~, AND SUPPOSED THE **PEOPLE** ~~PEOLLE~~ MIGHT HAVE TO GO INTO THE MOUNTAINS; THE PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE GRAIN FOR ~~A~~ YEARS ;	

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RT	RS	BT	PS
THAT IS THE ONLY REASON HE STATED. Q. DID HE STATE ANY OTHER REASON ? A. I DON'T BELIEVE HE DID. Q. WHAT WAS IT HE SAID ABOUT JOHNSON'S ARMY ? A. JOHNSON'S ARMY WAS COMING INTO THE TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL THE BREAD WE HAD AND THE EXPECTATION WAS WE WERE GOING TO FIGHT THEM. Q. DID YOU UNDERSTAND THEN THAT THIS COUNCIL WAS GIVEN AS A WAR; MEASURE ? PROSECUTION OBJECTED TO THE QUESTION. Q. WHEREABOUTS WAS JOHNSON'S ARMY AT ~~THE~~ THIS TIME?	THAT IS THE ONLY REASON HE STATED {Q DID HE}P STATE ANY OTHER REASON {A}P I DON'T BELIEVE HE DID. Q WHAT WAS IT HE SAID ABOUT JOHNSTON'S ARMY {A}P JOHNSTON'S ARMY WAS COMING INTO TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL BREAD WE HAD EXPECTATION WAS WE WAS GOING TO FIGHT THEM. Q DID YOU UNDERSTAND THEN THIS WAS GIVEN AS {A}P WAR MEASURE. OBJECTED BY CAREY. Q WHEREABOUTS JOHNSTON'S ARMY AT THIS TIME	THAT IS THE ONLY REASON HE SAID. Q. DID HE STATE ANY OTHER REASON? A. I DON'T BELIEVE HE DID. Q. WHAT WAS IT HE SAID ABOUT JOHNSON'S ARMY? A. THAT JOHNSONS ARMY WAS COMING INTO THE TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL THE BREAD WE HAD; THE EXPECTATION WAS WE WAS **G**OING TO FIGHT. *[95]* Q. DID YOU UNDERSTAND THEN THAT THIS WAS GIVEN AS A WAR MEASURE? BY MR. CAREY: WE OBJECT TO THE QUESTION. Q. WHERE ABOUTS WAS JOHNSON'S ARMY AT THIS TIME?	

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RT	RS	BT	PS
PROSECUTION AGAIN OBJECTED TO THE QUESTION. NO RULING. A. I COULD NOT TELL YOU. PROSECUTION TO WITNESS: DON'T ANSWER ANY SUCH RIDICULOUS QUESTIONS. BISHOP: WE WILL URGE THAT QUESTION, YOUR HONOR, WITHOUT ANY ARGUMENT, AS TO WHERE JOHNSON'S ARMY WAS. COURT: HE ANSWERED THAT QUESTION, HE SAID HE DIDN'T KNOW. Q. ARE YOU ACQUAINTED WITH JOHN MORGAN? A. YES SIR. Q. HOW LONG AFTER THIS TIME YOU SAY IT WAS THAT HE WAS CUT OFF ? *[277]* A. I THINK ABOUT TWO WEEKS. Q.	OBJECTED BY CAREY. I COULD NOT TELL YOU {**CAREY**}^{p} DON'T ANSWER ANY SUCH RIDICULOUS QUESTIONS BY CAREY {**BP**}^{p} WE'LL URGE THAT QUESTION YOUR HONOR WITHOUT ARGUMENT AS TO WHERE JOHNSTON'S ARMY WAS? BY COURT HE ANSWERED THAT QUESTION HE SAID HE DIDN'T KNOW. $_{Q}$ARE YOU ACQUAINTED WITH JOHN MORGAN $_{A}$ YES SIR $_{Q}$HOW LONG AFTER THIS TIME YOU SAY IT WAS HE WAS CUT OFF $_{A}$ I THINK ABOUT 2 WEEKS AFTER. $_{Q}$	BY MR. CAREY: WE OBJECT TO THE QUESTION ~~**OBJECTION OVERRULED.**~~ A. I COULD NOT TELL YOU, **M**$^{\underline{R}}$ CAREY: DON'T ANSWER ANY SUCH ~~**D**~~**R**IDICULOUS QUESTIONS. BY **M**$^{\underline{R}}$ BISHOP: WE WILL URGE THAT QUESTION, YOUR HONOR WITHOUT ARGUEMEN~~T~~, AS TO WHERE JOHNSON'S ARMEY WAS. BY **THE** COURT: ~~W~~HE ANSWERED THAT QUESTION. HE SAID HE DIDN'T KNOW. Q. ARE YOU ACQUAINTED WITH JOHN MORGAN? A. YES, SIR. Q. HOW LONG AFTER THIS TIME YOU SAY IT WAS HE WAS CUT OFF? A. I THINK A**B**OUT TWO WEEKS AFTER. Q.	

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RT	RS	BT	PS
WAS YOU PRESENT WHEN HE WAS CUT OFF ? A. YES SIR. Q. WHEREABOUTS WAS THIS DONE ? A. IN THE MEETING HOUSE HERE. Q. WHO PRESIDED AT THAT TIME ?	WAS YOU PRESENT WHEN HE WAS CUT OFF $_{A}$ YES SIR. $\{_{Q}\}^{p}$ WHEREABOUT S WAS THIS DONE $_{A}$IN MEETING HOUSE HERE WHO PRESIDED AT THAT TIME	W~~AS~~**ERE** YOU PRESENT WHEN HE WAS CUT OFF? A. YES, SIR/ Q. WHERE ABOUTS WAS THIS DONE? A. AT THE MEETING HOUSE HERE. Q. WHO PRESIDED AT TH~~A~~**A**T TIME~~?~~ **AND WHAT CAUSE WAS GIVEN FOR CUTTING HIM OFF?** BY **M**$^{\underline{R}}$	
CAREY FOR PROSECUTION: I DON'T KNOW THAT THAT HAS ANYTHING TO DO WITH THE MATTER.	BY CAREY I DON'T KNOW THAT HAS ANYTHING TO DO WITH MATTER	CAREY: I DON'T KNOW THAT THAT HAS ANYTHING TO DO ~~T~~WITH THE MATT~~E~~R BY **M**$^{\underline{R}}$ HOGE: I THINK IT HAS SOMETHING TO DO WITH IT.	
THE COURT OVERRULED THE OBJECTION AND RULED THAT HE MIGHT ANSWER THE QUESTION.	BY COURT LET HIM ANSWER BY HOGE I THINK IT HAS SOMETHING TO DO WITH IT.	BY COURT: LET HIM ANSWER THE QUESTION.	
Q. WHAT CAUSE WAS GIVEN AT THAT TIME FOR HIS BEING CUT OFF ? A. FOR	$\{_{Q}\}^{p}$WHAT CAUSE WAS GIVEN ~~AT THE TIME~~ AT THE TIME FOR HIS BEING CUT OFF $\{_{A}\}^{p}$ FOR	Q. WHAT CAUSE WAS GIVEN AT THE TIME FOR BEING CUT OFF? A. FOR	

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RT	RS	BT	PS
TRADING WITH THE EMIGRANT TRAIN. Q. WAS THAT ANNOUNCED AS THE CAUSE ? A. IT WAS SAID HE TRADED A CHEESE WITH THEM FOR A BED-QUILT. Q. WHO PRESIDED AT THAT TIME ? A. BISHOP FARNSWORTH. Q. WAS <IT> BISHOP FARNSWORTH THAT FORMALLY ANNOUNCED THE ORDER TO CUT HIM OFF ? A. YES SIR. Q. DO YOU REMEMBER ANY ONE ELSE PRESENT AT THAT TIME ? A. I COULD NOT REMEMBER WHO WAS THERE, BUT I COULD TELL YOU WHO THEY SAID WAS THERE AFTERWARDS. Q. DO YOU REMEMBER WHO THE BISHOP'S	TRADING WITH EMIGRANT TRAIN $_{Q}$WAS THAT ANNOUNCED AS THE CAUSE $_{A}$SAID HE TRADED {**A**}^{p} CHEESE WITH THEM FOR A BED QUILT. $_{Q}$ WHO PRESIDED AT THAT TIME {$_{A}$}^{p} BISHOP FARNSWORTH $_{Q}$WAS IT BISHOP FARNSWORTH THAT PROMULGATED ANNOUNCED ORDER CUTTING HIM OFF $_{A}$YES SIR {$_{Q}$}^{p} DO YOU REMEMBER ANY ONE ELSE PRESENT AT THAT MEETING $_{A}$I COULD NOT REMEMBER WHO WAS THERE I COULD TELL YOU THEY SAID WAS THERE AFTERWARDS. $_{Q}$DO YOU REMEMBER WHO BISHOP'S	TRADING WITH THE EMIGRANT TRAIN. ~~W~~Q. WAS THAT ANNOUNCED AS A CAUSE? A. SAID HE TRADED A CHEESE WITH THEM FOR A BED QUILT. Q. WHO PRESIDED HERE AT TH**A**T TIME? A. BISHOP FARNSWORTH. Q. WAS ~~IT~~ **IT** BISHOP FARNSWORTH THAT PROMULGATED OR ANNOUNCED THE ORDER OF CUTTINGHIM OFF? A. YES, SIR. Q. DO YOU REMEMBER ANYONE ELSE PRESENT AT THAT MEETING? A. I COULD NOT REMEMBER WHO WAS THERE? I COULD TELL YOU WHO THEY SAID WAS THERE AFTERWARDS. Q. DO YOU REMEMBER ~~H~~WHO THE BISH~~I~~OPS	

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RT	RS	BT	PS
COUNSELORS WERE AT THAT TIME ? A. A MAN NAMED TYLER, AND A MAN NAMED ROGERS, ORSON TYLER. *[278]* Q. WERE THEY PRESENT ? A. I COULD NOT SAY, PROBABLY THEY WERE. Q. CAN YOU NAME ANY ONE ELSE BESIDES YOURSELF PRESENT AT THAT TIME ? A. I CAN NAME PARTIES I HAVE HEARD TALK OF IT . Q. CAN YOU NAME THE PARTIES OF YOUR OWN KNOWLEDGE PRESENT AT THAT TIME A. I DON'T KNOW ANY OF THE PARTIES OF MY OWN KNOWLEDGE THAT WAS PRESENT. Q. WAS YOU A MEMBER OF THE CHURCH AT	COUNSELORS WERE AT THAT TIME {A}^p MAN NAMED TYLER MAN NAMED ROGERS ORSON TYLER. AWERE THEY PRESENT {A}^p I COULD NOT SAY PROBABLY THEY WERE. {Q}^p CAN YOU NAME ANY ONE ELSE BESIDES YOURSELF PRESENT AT THAT TIME {A}^p I CAN NAME PARTIES I HAVE HEARD TALK OF IT <CAN YOU NAME PARTIES OF YOUR OWN KNOWLEDGE PRESENT AT THAT TIME> DON'T KNOW ANY PARTIES OF MY OWN KNOWLEDGE THAT WAS PRESENT. WAS YOU A MEMBER OF CHURCH AT	COUNCILLORS WERE AT TH~~A~~**A**T TIME? A. A MAN NAMED TYLER AND A MAN NAMED ROGERS— ORSON TYLER. Q. WERE THEY PRESENT? A. I COULDNOT ~~W~~SAY, PROBABLE THEY WERE? Q. CAN YOU NAME ~~S~~ANY ONE ELSE BESIDES YOURSELF **BEING** PRESENT AT THAT MEETING? A. I H~~CAVE~~ CAN NAME PARTIES I HAVE HEARD TALK OF IT. *[96]* Q. CAN YOU NAME PARTIES OF YOUR OWN KNOWLEDGE YOU ~~SEEN~~ **SAW** AT THAT ~~TIME?~~ **MEETING?** A. I DON'T KNOW ANY PARTIES OF MY OWN KNOWLEDGE AT PRESENT. Q. W~~AS~~**ERE** YOU A MEMBER OF THE CHURCH AT	

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RT	RS	BT	PS
THAT TIME ? A. I DON'T KNOW THAT I AM OBLIGED TO ANSWER A QUESTION OF THAT KIND. SPICER: I ENDORSE THE WITNESSES OBJECTION TO ANSWERING. WITNESS: I WILL ANSWER IF THE GENTLEMEN WILL ASK ME IF I AM A MEMBER OF THE CHURCH NOW. Q. ARE YOU A MEMBER NOW ? A. NO SIR. Q. WERE YOU THEN ? A. YES SIR, I WAS AT THAT TIME. [*space*]	THAT TIME {A}^{i} I DON'T KNOW THAT I AM OBLIGED TO ANSWER {**A**}^{i} QUESTION OF THAT KIND BY WITNESS I DO NOT KNOW I AM OBLIGED ANSWER OF THAT KIND <SPICER> HE HAS RIGHT NOT TO ANSWER QUESTIONS ABOUT WOULD CRIMINATE HIMSELF. BY CAREY I WILL ACCEPT THAT AMENDMENT OF SPICERS. —[?] [*space*] I WILL ANSWER ARE YOU MEMBER <IF HE WILL ASK ME IF I AM NOW> ~~YES SIR~~ NO SIR. Q WAS YOU THEN YES SIR I WAS AT THAT TIME. BY DEFENSE THAT IS ALL	THAT TIME? A. I DON'T KNOW THAT I AM OBLIGED TO ANSWER A QUESTION OF TH AT KIN~~D~~. DON'T THINK I AM OBLIGED TO ANSWER THAT QUESTION.. BY **M**$^{\underline{R}}$ SPICER: HE HAS THE RIGHT NOT TO ANSWER, QUESTIONS THAT WOULD CRIMINATE HIMSELF. BY **M**$^{\underline{R}}$ CAREY: WE WILL ACCEPT THAT AMENDMENT OF **M**$^{\underline{R}}$ **S**PICERS. A. I WILL ANSWER ~~HE~~ IF HE WILL ASK ME **AS TO** NOW? Q. ARE YOU A MEMBER NOW? A. NO, SIR. Q. WAS YOU THEN? A. YES, SIR, I WAS AT THAT **TIME.** BY COURT: THAT IS ALL.	

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RT	RS	BT	PS
	MR. KERSHAW BY COURT. CALL THE NEXT WITNESS. [*space*]		

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John D. Lee, First Trial

E. C. Matthews, James Pearce, E. W. Thompson, John Macfarlane, Frank King, Isaac Riddle, and William Roberts Testimonies
and
Motions on Brigham Young and George A. Smith

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RT	RS	BT	PS
[279] E. C. MATTHEWS , SWORN FOR PROSECUTION Q. MR. MATTHEWS,WHERE DO YOU RESIDE ? A. BEAVER CITY. Q. HOW LONG HAVE YOU RESIDED IN BEAVER CITY ? A. WELL I HAVE BEEN SINCE 1859, KIND OF MADE IT MY HOME HERE. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER 1857 ? A. I WAS GOING THROUGH TO CALIFORNIA ON THE SOUTHERN ROUTE WITH A FREIGHT TRAIN. Q. FROM WHAT POINT WERE YOU GOING FROM ? A. WELL,FROM SALT LAKE CITY,TO SAN BERNARDINO,	*[[Bk 5 37 cont.]]* **EC MATTHEWS.** OATH ADMINISTERED BY CLERK. {Q}[i] MR. MATTHEWS WHERE DO YOU RESIDE. BEAVER CITY QHOW LONG YOU RESIDED BEAVER CITY AWELL I HAVE BEEN SINCE 1859. KIND OF MADE IT MY HOME HERE QSTATE WHERE YOU {WERE IN THE}[i] MONTH OF SEPTEMBER 57 {A}[i] I WAS GOING THROUGH {TO}[i] CALIFORNIA ON SOUTHERN ROUTE WITH FREIGHT TRAIN FROM WHAT POINT TO WHAT POINT YOU AGOING FROM SALT LAKE CITY TO SAN BERNARDINO	*[Bk 4 96 cont.]* E.C. MATHEWS SWORN FOR THE PROSECUTION. **EXAMINED BY M^R** Q. MR. MATHEWS, WHERE DO YOU RESIDE? A. BEAVER CITY. Q. HOW LONG HAVE YOU RESIDED IN BEA~~G~~VER CITY? A. WELL, I HAVE BE**E**EN HERE SINCE ‘59; KIND OF MADE IT MY HOME HERE. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER, ‘57? A. I WAS GOING THROUGH TO CALIFORNIA, ON THE SOUTHERN ROUTE WITH A FREIGHT TRAIN. Q. FROM WHERE, WHAT PART, WHAT POINT? A. **C**OMING FROM SALT LAKE CITY ~~TO~~**T**O SANBERNARDINO,	[*No extant PS until James Pearce Recall*]

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RT	RS	BT	PS
CALIFORNIA. Q. STATE WHETHER OR NOT YOU PASSED THROUGH BEAVER ? A. YES SIR. Q. WHAT OTHER PLACES ? A. PAROWAN, FILMORE, CEDAR, TRAVELED WHAT IS CALLED THE SOUTHERN ROUTE. Q. DID YOU PASS THROUGH THE MOUNTAIN MEADOWS ? A. YES SIR. Q. ABOUT WHAT TIME DID YOU PASS THROUGH PAROWAN ? A. COULD NOT TELL THE DATES—DIDN'T KEEP ANY JOURNAL—I THINK IT WAS ABOUT THE MONTH OF SEPTEMBER— THE FORE PART OF THE MONTH. Q. WAS THERE ANY PERSON	CALIFORNIA. Q STATE WHETHER YOU PASSED THROUGH BEAVER OR NOT AYES SIR Q WHAT OTHER PLACES {A}i PAROWAN CEDAR FILLMORE, TRAVELED WHAT IS CALLED SOUTHERN ROUTE *[[38]]*267 {Q}I DID YOU PASS THROUGH MOUNTAIN MEADOWS YES SIR ABOUT QWHAT TIME DID YOU PASS —[?] PAROWAN {A}i COULD NOT TELL {THE}p DATES, DIDN'T KEEP ANY JOURNAL, I THINK IT WAS THE MONTH OF SEPTEMBER FORE PART OF MONTH. {QWAS}i ANY PERSON	CALIFORNIA. Q. STATE WHETHER YOU PASSED THROUGH BEAVER OR NOT? A. YES, SIR. Q. WHAT OTHER PLACES? A. PAROWAN, CEDAR, FILLEMORE, TRAVELED WHAT IS CALLED THE SOUTHERN ROUTE. Q. DID YOU PASS THROUGH THE MOUNTAIN ME~~D~~ADOWS? A. YES, SI R. Q. WHAT TIME DID YOU PASS THROUGH PAROWAN? **A**. I COULD NOT TELL THE DAY, I DIDN'T KEEP ANY JOURNAL. I THINK IT WAS ABOU~~6~~**T** THE MONTH OF SEPTEMBER— FORE PART OF THE MONTH. Q. WAS ANY PERSON	

267. In longhand at the top of the page: {**E. C. MATHEWS, CONTINUED**.}p

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RT	RS	BT	PS
WITH YOU—IF SO STATE WHO PASSED ? A. TO THE BEST OF MY REMEMBRANCE SIDNEY TANNER, MY FATHER, WILLIAM MATTHEWS, MYSELF, ROBIN TANNER, MARION LYMAN,[268] A SON OF OLD MAN LYMAN,[269] 12 OR 14 OF US, I CAN'T REMEMBER ALL OF THEM. Q. CAN YOU TELL ABOUT WHAT TIME IN THE MONTH YOU ARRIVED IN PAROWAN ? A. WE CALLED IT THE FORE PART OF THE MONTH. *[280]* Q. WHERE DID YOU CAMP WHEN YOU	WITH YOU IF SO STATE WHO ₐBEST OF MY REMEMBRANCE SIDNEY TANNER MY FATHER WILLIAM MATTHEWS MYSELF REUBEN TANNER ≺**RUEBEN TANNER**≻ MARIAM LYMAN A SON{OLD}ᵖ MAN LYMAN, TWELVE OR 14 OF US, CAN'T REMEMBER ALL OF THEM {ᵩ}ᵖCAN YOU TELL ABOUT WHAT TIME IN MONTH YOU ARRIVED IN PAROWAN {ₐ}ᵖ I CALLED IT FORE PART OF MONTH WHERE DID YOU CAMP WHEN	WITH YOU IF SO STATE WH~~OM~~**O**? A. **BEST OF MY REMEMBERAN CE** ~~PARTIES WITH ME~~ — SIDNEY TANNER AND MY FATHER, WILLIAM MATHEWS, MYSELF, REUBEN TANNER, MARIAN LYMAN SON OF OLD AMASA LYMAN. TWELVE **OR** ~~OT~~ I4 OF US. I CANT REMEMBER ALL OF THEM. *[97.]* Q. CAN'T YOU TELL ABOUT WHAT TIME OF THE MONTH YOU ARRIVED IN PAROWAN? A. WE~~,~~**LL** SIR, I CALL IT THE FORE PART OF THE MONTH. Q. WHERE DID YOU CAMP WHEN YOU	

268. Francis Marion Lyman.
269. Amasa Lyman.

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RT	RS	BT	PS
PASSED PAROWAN ? A. WE DROVE OUT TO WHAT THEY CALL SUMMIT CREEK, STOPPED A FEW HOURS BETWEEN AND DROVE TO SUMMIT CREEK THAT DAY. Q. WHERE DI DYOU CAMP THEN ? A. THERE WAS NO DWELLINGS THERE, WE CAME TO THAT CREEK. Q. HOW LONG DID YOU STAY AT SUMMIT ? A. WE LAID OVER THERE ONE DAY,CAMPED THERE TWO NIGHTS. Q. WAS THERE ANY REASON FOR CAMPING THERE TWO NIGHTS, IF SO STATE WHAT A. IN THE MORNING ONE OR TWO PARTIES CAME AND WROTE A NOTE	PASSED THROUGH PAROWAN $_{A}$ DROVE OUT TO WHAT THEY CALL SUMMIT CREEK, STOPPED FEW HOURS AT PAROWAN, DROVE SUMMIT CREEK THAT DAY $_{Q}$ WHERE DID YOU CAMP THEN $\{_{A}\}^{p}$ THERE WAS NO DWELLINGS THERE WE CAMPED ON THE CREEK $_{Q}$ HOW LONG WERE YOU AT SUMMIT $_{A}$ WE LAID OVER THERE ONE DAY CAMPED THERE 2 NIGHTS $_{Q}$WAS THERE ANY REASON FOR CAMPING THERE A DAY AND TWO NIGHTS IF SO STATE $\{_{A}\}^{p}$ IN THE MORNING ONE TO TWO PARTIES CAME BROUGHT $\{A\}^{p}$ NOTE	PASSED THROUGH PAROWAN? A. DRO~~C~~VE OUT TO WHAT IS CALLED **S**UMMIT CREEK~~.~~**;** ONLYSTOPPED A ~~S~~FEW HOURS AT PAROWAN; DROVE TO SUMMIT CREEK THAT DAY. WHERE DID YOU CAMP THE N? A. THERE WAS NO DWELLINGS THERE — WE CAMPED ON THE ~~V~~CREEK. Q. HOW LONG WERE ~~A~~YOU AT SUMMIT? A. WE**L**L ~~SAID~~ **STAID** OVER THERE ONE DAY **AND** CAMPED THERE TWO NIGHTS. Q. WAS THERE ANY R~~4~~EASON FOR C~~A~~MPING THER~~E~~**E** ONE DAY AND TWO NIGHTS, IF SO STATE? A. IN THE MORNING ONE OR TWO BOYS ~~A~~CAME AND **BROT** ~~WROTE~~ A NOTE	

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RT	RS	BT	PS
TO THE CAPTAIN OF THE COMPANY – MR. TANNER. HE WENT BACK TO PAROWAN; SIDNEY TANNER, HE WENT BACK TO PAROWAN. Q. DID ANY ONE GO BACK WITH YOU ? A. NO ONE CAME BACK WITH US; I THINK THERE WAS TWO MEN SENT BACK WITH 'EM. I THINK MY FATHER AND ONE OF THE PASSENGERS GOING THROUGH WITH US[270] Q. WHERE WAS THIS PASSENGER FROM ? A. I DON'T KNOW; I GOT HIM IN SALT LAKE CITY; I THINK HE WAS FROM THE STATE OF VERMONT. Q. WHAT WAS	TO {THE}^{p} CAPTAIN OF {THE}^{p} COMPANY MR. TANNER; HE WENT BACK TO PAROWAN, SIDNEY TANNER, HE WENT BACK TO PAROWAN {$_{Q}$ DID ANY ONE GO BACK ALONG $_{A}$}^{p}ANY ONE GO BACK WITH ~~HIM~~ {YOU}^{p} $_{A}$YES I THINK THERE WAS TWO MEN SENT BACK WITH HIM. I THINK MY FATHER AND ONE OF THE PASSENGER GOING THROUGH WITH US. $_{Q}$ WHERE WAS THIS PASSENGER FROM {$_{A}$}^{p} I DON'T KNOW GOT HIM IN SALT LAKE CITY, BUT I THINK FROM THE STATE OF VERMONT $_{Q}$ WHAT WAS	TO THE CAPTAIN OF THE COMPANY, MR. TANNER. HE WENT BACK TO PAROWAN~~;~~,, SIDNEY TANNER HE WENT BACK TO PAROWAN. Q. DID ANY ONE GO BACK WITH HIM; ANY ONE GO BACK WITH HIM? ~~A.~~A. YES, I THINK THERE WAS TWO MEN WENT BACK WITH ~~HIM~~ **HIM.** I THINK MY FATHER AND ONE OF THE PASSENGERS GOING THROUGH WITH US. Q. WHERE WAS THIS PASSENGER FROM? A. I DON'T KNOW. WE GOT HIM IN SALT LAKE CITY; BUT I THINK HE WAS FROM THE STATE OF VERMONT. Q. WHAT WAS HE	

270. This passenger is George M. Powers of Little Rock, Arkansas. See "The Late Horrible Massacre," *Los Angeles Star,* Oct. 17, 1857.

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RT	RS	BT	PS
HE DOING – DID HE PAY HIS PASAGE WITH YOU ? A. WAS GOING THROUGH AS A PASSENGER. Q. YOU SAY YOU LAID A SUMMIT ABOUT TWO DAYS ? A. LAID THERE ONE DAY AND TWO NIGHTS. Q. WHAT DID YOU DO THEN ? A. HARNESSED UP AND DROVE ON TO CEDAR CITY; WENT THROUGH WHAT WE CALLED THE OLD FORT ROUTE, WHERE THE FORT ONCE STOOD,THERE WE CAMPED AGAIN. *[281]* Q. HOW LONG WERE YOU THERE ? A. I CAN'T REMEMBER; STAYED THERE ABOUT ONE NIGHT. I STARTED OUT THE NEXT EVENING; WE HAD MULE TEAMS. Q. HOW MANY PAIRS OF	{HE}^{p} DOING = DID {HE}^{p} PAY HIS PASSAGE WITH YOU {$_{A}$}^{p} YES GOING THROUGH AS PASSENGER. $_{Q}$ YOU SAY YOU LAID AT SUMMIT ABOUT 2 DAYS {$_{A}$}^{p} LAID THERE ONE DAY AND 2 NIGHTS $_{Q}$ WHAT DID YOU DO THEN {$_{A}$}^{p} HARNESSED UP DROVE ON {TO}^{p} CEDAR CITY; WENT THROUGH WHAT CALLED THE OLD FORT ROUTE; WHERE FORT ONCE STOOD; THERE WE CAMPED AGAIN $_{Q}$ HOW LONG WERE YOU THERE $_{A}$I CAN'T REMEMBER WE STAYED THERE BUT ONE NIGHT STARTING, OUT THE NEXT EVENING = WE HAD MULES TEAMS. $_{Q}$HOW MANY PAIRS OF	DOING; DID HE PAY HIS PASSAGE WITH YOU? A. YES, GOING THROUGH AS A PASSENGER. Q. YOU SAY YOU LAID OVER AT SUMMIT ABOUT TWO DAYS? A. LAID THERE ONE DAY AND TWO NIGHTS. Q. WHAT DID YOU DO THEN? A. HARNESS**S**ED UP AND DROVE ON TO CEDAR CIT~~Y~~. W~~H~~ENT ~~W~~**T**HROUGH~~X~~ WHAT IS CALLED THE OLD FORT; RIGHT ON WHERE THE FORT ON~~S~~**C**E STOOD; THERE WE CAMPED AGAIN. **Q**. HOW LONG WERE YOU THERE? A. I CAN'T REMEMBER STAYING THERE B~~Y~~**U**T ONE NIGHT, AND STARTED OUT **THE** ~~THE~~ NEXT E~~C~~VENING. WE HAD MULE TEAMS. Q. HOW MANY PAIRS OF	

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RT	RS	BT	PS
MULES TO THE WAGON ? A. FOUR, AND SOME HAD SIX. I DON'T REMEMBER STAYING THERE BUT ONE NIGHT. Q. WHAT TIME, DID YOU START OUT FROM THERE ? A. I THINK IT WAS IN THE AFTERNOON – PAST TWELVE O'CLOCK WHEN WE LEFT CEDAR CITY TO GO ON WEST. Q. STATE WHETHER YOU SAW WILLIAM H. DAME AND ISAAC C. HAIGHT AND IF SO STATE WHAT YOU DID ? A. I SEEN WILLIAM H. DAME, HE CAME AND GOT A PAIR OF MULES FROM OUR TRAIN,AND WENT ON OUT AHEAD OF US,SOME OTHER MEN WERE WITH HIM; I THINK IT	MULES TO {THE}^{p} WAGON {$_{A}$}^{p} 4 AND SOME HAD 6 I DON'T REMEMBER STAYING THERE BUT ONE NIGHT $_{Q}$ WHAT TIME DID YOU START OUT FROM THERE {$_{A}$}^{p}I THINK IT WAS IN AFTERNOON; PAST 12 O'CLOCK WHEN WE LEFT CEDAR CITY TO GO ON WEST $_{Q}$ STATE WHETHER YOU SAW WILLIAM **H** DAME ISAAC C HAIGHT THERE AND IF SO STATE WHAT DID THEY DO? {$_{A}$}^{p}I SEEN, WILLIAM **H** DAME; CAME {AND}^{p} GOT PAIR OF MULES FROM OUR {THE}^{i} TRAIN {AND}^{p} WENT ON OUT AHEAD OF US. SOME OTHER MEN WENT WITH HIM I THINK IT	MULES TO THE WAGON? A. FOUR AND SOME HAD SIX. I DON'T REMEMBER S~~A~~TAYING THERE BUT ONE NIGHT. Q. WHAT TIME DID YOU ST~~R~~**A**RT OUT FROM THERE? A. I THINK IT ~~I~~WAS IN THE AFTERNOON; IT WA~~W~~**S** PAST I2 O'CLOCK ~~WHEN WE WENT ON TO~~ WHEN WE LEFT CEDAR CITY TO GO ON WEST. Q. STATE WHETHER YOU SAW WILLIAM H. DAME, **AND** ISAAC C. HAIGHT THERE AND IF SO, WHAT DID THEY DO? *[98]* A. I SEEN WILLIAM H. DAME; HE CAME AND GOT A PAIR OF MULES FROM OU~~T~~R TRAIN AND WENT ON OUT AHEAD OF US. SOME OTHER MEN WENT WITH HIM/ I THINK IT	

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RT	RS	BT	PS
WAS MR. HAIGHT ,BUT THAT I COULD NOT SWEAR POSITIVELY. I THINK THAT WAS THE MAN. Q. DID YOU SEE THEM AGAIN— WHERE DID THEY GO TO WHEN THEY GOT THE MULES ? A. MR. DAME SAID THE INDIANS HAD ATTACKED THE TRAIN ON AHEAD; HE WAS GOING OUT TO TRY TO CALL THE INDIANS OFF, WAS HIS WORDS, EXACTLY. HE STARTED IN THAT DIRECTION. Q. DID YOU SAY ONE WAS MR. HAIGHT ? A. I THINK IT WAS ISAAC HAIGHT; I WAS A STRANGER AT THAT TIME; I DON'T REMEMBER THE MAN; I	WAS MR. HAIGHT, TO THAT I COULD NOT SWEAR POSITIVELY I THINK THAT WAS THE MAN Q DID YOU SEE THEM AGAIN WHERE DID THEY GO TO WHEN THEY GOT THE MULES, MR. DAME SAID INDIANS HAD ATTACKED TRAIN ON AHEAD, HE WAS GOING OUT TO TRY CALL INDIANS OFF AND WAS HE WORDS EXACTLY. STARTED IN THAT DIRECTION WHO DID YOU SAY WENT WITH HIM I THINK IT WAS ISAAC HAIGHT I WAS STRANGER AT THAT TIME DON'T REMEMBER THE MAN I	WAS MR. HAIGHT; BUT THAT I COULD NOT SWEAR POSITIVELY. I THINK THAT WAS THE MAN. Q. DID YOU SEE THEM AGAIN? WHERE DID THEY GO TO WHEN THEY GOT THE MULES? A. MR. DAME SAID THA T THE **I**NDIANS HAD ATTAC~~T~~**K**ED THE TRAIN ON**A**HEAD; HE WAS GOING ON OUT TO TRY AND CALL THE **I**NDIANS OFF— WAS HIS WORDS EXACTLY. HE STARTED IN THAT DIRECTION. Q. DID YOU **SEE A MAN WITH HIM** ~~HEAR ONE NAMED SMITH~~? A. I THINK IT WAS ISAAC C. HAIGHT; HE WAS A STRANGER AT THAT TIME; DON'T REMEMBER THE **MAN** ~~MA~~N. I	

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RT	RS	BT	PS
AINT CERTAIN, BUT THINK ~~HIG~~ <THE OTHERS> NAME IS LEWIS..[271] THE TIME WE LEFT CEDAR CITY THAT WAS THE DAY FOLLOWING, IN THE AFTERNOON, WE MET THAT SAME PARTY COMING BACK, JUST ABOUT A MILE THIS SIDE OF *[282]* LYNCH'S SPRINGS IN THE CANON; IT IS TWELVE MILES FROM CEDAR CITY. Q. WHAT COUNTY IS IT IN ? A. IN IRON COUNTY. Q. WHAT DID YOU DO WHEN YOU MET THEM THERE ? A. STOPPED AND GOT THE MULES BACK THAT THEY GOT AND THEN STARTED ON. Q. YOU PASSED	AIN'T CERTAIN BUT THINK HIS NAME IS LEWIS THE TIME WE LEFT CEDAR CITY = THAT WAS {THE}^{p} DAY FOLLOWING IN AFTERNOON. WE MET THAT SAME OUTFIT COMING BACK, JUST ABOUT A MILE THIS SIDE OF LEACH'S SPRINGS *[[39]]*[272] IN THE CANYON, IT IS TWELVE MILES FROM CEDAR CITY $_{Q}$ WHAT COUNTY IS IT IN {$_{A}$}^{p}IRON COUNTY $_{Q}$ WHAT DID YOU DO WHEN YOU MET THEM THERE[273] {$_{A}$}^{p} STOPPED AND GOT THE MULES THEY GOT THEN STARTED ON. $_{Q}$YOU PASSED	AINT CERTAIN ABOUT THAT; I THINK **THERE WAS A MAN NAMED** ~~HIS NAME IS~~ L~~W~~EWIS. THE DAY WE LEFT CEDAR CITY; THAT WAS THE DAY FOLLOWING THE AFTERNOON~~,~~ WE MET THAT SAME PARTY COMING BACK JUST ABOUT A **MILE** THIS SIDE OFLEECHE'S SPRINGS~~.~~ IN THE CANYON. IT IS I2 MILES FROM CEDAR CITY. Q. WHAT **COUNTY** ~~COULDTY~~ IS IT IN? A. IRON COUNTY. Q. WHAT DID YOU DO WHEN YOU **MET** ~~METN~~ THEM THERE? A.. STOPPED AND GOT THE~~IR~~ MEALS. THEY THEN ST~~R~~ARTED ON. **Q.** YOU PASSED	

271. James Lewis.

272. At the top of the page: {**E.C. Matthews, contd.**}^{p} On the verso of this page: 1875-32=1843.

273. Word apparently added later.

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RT	RS	BT	PS
ON AND GOT YOUR MULES BACK DID YOU ? A. YES SIR. Q. PASSED ON FROM THERE ? A. YES SIR. Q. WHAT WAS THE NEXT PLACE YOU SAW. ? A. WHERE THEY WAS IN THE SETTLEMENT THE NEXT PLACE – PAINTER CREEK – A SMALL SETTLEMENT. Q. HOW FAR IS THAT BEYOND LYNCH'S SPRINGS ? A. THAT IS 12 OR 15 MILES,CAN'T EXACTLY SAY. Q. IS PAINTER CREEK IN IRON OR WASHINGTON COUNTY ? A. I THINK IT IS IN IRON COUNTY, CAN'T SAY POSITIVELY. Q. ABOUT HOW NEAR THE LINE ? A. HAVEN'T SEEN THE MAP OF THE COUNTY, I DON'T KNOW WHERE THE LINES DO	ON GOT YOUR MULES BACK DID YOU A YES SIR Q PASSED ON FROM THERE A YES SIR Q WHAT WAS NEXT PLACE YOU SAW WHERE THERE WAS ANY SETTLEMENT NEXT PLACE PAINTER CREEK. SMALL SETTLEMENT Q HOW FAR IS THAT BEYOND LEACH'S SPRINGS IT IS 12 OR 15 MILES CAN'T EXACTLY SAY Q IS PAINTER CREEK IN IRON OR WASHINGTON COUNTY A I THINK IT IS IRON COUNTY CAN'T SAY POSITIVE. Q ABOUT HOW NEAR THE LINE {A}^p HAVEN'T SEEN MAP OF COUNTY DON'T KNOW WHERE THE LINES DO	ON — GOT YOUR MULES BACK , DID YOU-? **A.** YES, SIR. Q. PASSED ON FROM THERE? A. YES, S~~H~~IR. Q. WHAT WAS THE NEXT PLACE YOU~~R~~ SAW? A. WHERE THERE WAS ANY SETTLEMENTS — THE NEXT PLACE WAS PINTO CREEK, A SMA~~P~~LL SETTLEMENT. Q. HOW FAR IS THAT BEYOND LEECHE'S SPRINGS? A. IT IS I2 OR I5 MILES, I CAN'T SAY EXACTLY. Q. IS PINTO CREEK IN IRON OR WASHINGTON COUNTY? A. I THINK IT IS IN IRON COUNTY ; I CAN'T SAY POSITIVELY. Q. WELL, ABOUT HOW NEAR **THE** LINE? A. I HAVN'T SEEN THE MAP OF THE COUNTRY. I DON'T KNOW WHERE THE LINES HAVE	

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RT	RS	BT	PS
RUN. Q. DID YOU PASS THROUGH THE MOUNTAIN MEADOWS ? A. YES SIR. Q. WHAT DAY ? A. WE PASSED THERE JUST AS IT WAS COMING LIGHT, NOT QUITE MORNING, JUST GETTING DAY LIGHT, DIDN'T SEE A SOUL IN THE MOUNTAIN MEADOWS; – NOT A LIVING SOUL. AS I PASSED I SEEN SOME BODIES LYING TO THE LEFT OF THE *[283]* ROAD, ON THE LEFT HAND SIDE. THE TEAMS TURNED A LITTLE OUT TO THE LEFT. Q. WHAT MADE IT TURN OUT ? A. I DON'T KNOW, BUT THE OTHER TEAMS TURNED OUT IN FRONT OF ME. I WAS DRIVING THE THIRD OR FOURTH. Q. DID THEY TURN OUT	RUN. Q DID YOU PASS FIRST THROUGH MOUNTAIN MEADOWS A YES SIR Q WHAT TIME {A}P WE PASSED THERE JUST AS IT WAS GETTING LIGHT IN MORNING JUST AS GETTING DAY LIGHT DIDN'T SEE A SOUL IN MOUNTAIN MEADOWS NOT A LIVING SOUL AS I PASSED I SEEN SOME BODIES LYING TO LEFT OF ROAD, RIGHT HAND SIDE. TEAMS TURNED LITTLE OUT TO THE LEFT. {Q}P WHAT MADE IT TURN OUT {A}P I DON'T KNOW OTHER TEAMS TURNED OUT TOO IN FRONT OF ME. I WAS DRIVING THE THIRD OR 4TH DID THEY TURN OUT	BE EN RUN. Q. DID YOU PASS THROUGH THE MOUNTA~~I~~N MEADOWS? A. YES, SIR. Q. WHAT DAY. A. WE PASSED THERE JUST AS IT WAS ~~G~~COMING LIGHT IN THE MORNING— JUST GETTING DAYLIGHT. DIDN'T SEE A SOUL~~D~~ IN THE MOUNTAIN MEADOWS— NOT A LIVING SOUL. AS I PASSED I SEEM SOME BODIES LYING TO THE LEFT ~~T~~ OF THE ROAD, RIGHT IN SIGHT. ~~TEAKS~~ **TEAMS** TURNED A LITTLE OUT TO THE LEFT. Q. WHAT MADE IT TURN OUT? A. I DON '~~Y~~T KNOW. BUT OTHER TEAMS *[99]* TURNED OUT IN ~~FTROO IN~~ FRONT OF ME. I WAS DRIVING THE THIRD OR FOURT**H**. Q. DID THEY TURN OUT	

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RT	RS	BT	PS
AS THOUGH THEY WERE AFRAID OF SHEERED OUT OBJECTED TO BY COUNSEL FOR DEFENSE. COURT: IT IS NOT VERY MATERIAL EVIDENCE. Q. YOU SAY YOU SAW SOME CORPSES THERE – WHAT KIND WERE THEY ? A. THEY WAS WHITE MEN, WOMEN AND CHILDREN, I DIDN'T GET OUT OF MY WAGON TO SEE – NEVER MADE A HALT AT ALL. Q. HOW MANY WERE THERE AS NEAR AS YOU CAN TELL ? A. I SAW TWO THREE OR FOUR, IS ALL I NOTICED, ABOUT THREE OR FOUR. Q. HOW FAR DID YOU DRIVE BEFORE YOU STOPPED ? A. TWO AND A HALF MILES, TO A PLACE CALLED THE	AS THOUGH THEY WERE AFRAID {A}[p] OR SHEERED OUT OBJECTED TO BY DEFENSE. BY COURT IT IS NOT VERY MATERIAL EVIDENCE {Q}[p] YOU SAY YOU SAW SOME CORPSES THERE; WHAT KIND WERE THEY {A}[p] THEY WAS WHITE MEN WOMEN AND CHILDREN I DIDN'T GET OUT OF MY WAGON NEVER MADE HALT AT ALL. QHOW MANY AS NEAR AS YOU CAN TELL {A}[p]I SAW ABOUT 3 OR 4 IS ALL I NOTICED ABOUT THREE OR FOUR ON GROUND QHOW FAR DID YOU DRIVE BEFORE YOU STOPPED A2 ½ MILES TO PLACE CALLED	AS IF THEY WERE AFRAID OR SHEERED OUT? OBJECTED TO. BY **THE** COURT~~A~~: IT IS NOT VERY MATERIAL. Q. YOU SAY YOU SAW SOME CORPSES? WHAT KIND WERE THEY? A. THEY WERE WHITE MEN, WOMEN AND CHILDREN. I DIDN'T GET OUT OF MY WAGON, NE~~C~~VER MADE A HALT AT ALL. Q. HOW MANY AS **N**EAR AS YOU CAN TELL? A.I SAW ABOUT THREE OR FOUR IS ALL I NOTICED — A~~V~~BOUT THREE OR FOUR~~.~~—NOT MORE THAN THA T. Q. HOW FAR DID YOU DRIVE BEFORE YOU STOPPED? A. TWO AND A HALF MILES TO A PLACE CALLED	

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RT	RS	BT	PS
CANE SPRINGS. Q. WHAT CONDITION WERE THE CORPSES IN THAT YOU SAW? A. JUST LYING ON THE GROUND, WITHOUT CLOTHES ON THEM, NAKED, BARE, THAT IS WHAT MADE ME NOTICE THEM. THESE I SAW WAS NOT PILED, LAYING SOME DISTANCE APART. Q. ABOUT HOW FAR FROM PAINTER CREEK TOWN THAT YOU CALL A SETTLEMENT ? A. IT IS NINE OR TEN MILES. Q. IN WHAT DIRECTION IS IT ? A. RATHER SOUTHERLY DIRECTION, SOUTHWEST I SHOULD JUDGE, ABOUT A QUARTER ANGLE, AS THE ROAD ANGLES FROM PAINTER	CANE SPRINGS {Q}[P] WHAT CONDITION {WERE THE}[P] WERE CORPSES IN YOU SAW {A}[P]THEY WAS JUST LYING ON THE GROUND WITHOUT CLOTHES ON THEM, NAKED BARE, THAT IS WHAT MADE ME NOTICE THEM THOSE I SAW WAS NOT PILED, LAYING SOME DISTANCE APART. ABOUT HOW FAR FROM PINTO CREEK TOWN CALL A SETTLEMENT {A}[P] IT IS NINE OR TEN MILES Q WHAT DIRECTION RATHER SOUTHERLY DIRECTION SOUTHWEST I SHOULD JUDGE ABOUT QUARTER ANGLE AS ROAD ANGLES FROM PINTO	KANE SPRINGS. Q. WHAT C**O**NDITION WERE THE CORPSES IN THAT YOU SAW? A. THEY WERE JUST LAYING ON THE GROUND WITHOUT CLOTHES ON. THEY WERE NAKED—BEAR. THAT IS WHAT MADE ME NOTICE THEM. THOSE I SAW WASN'T PIL~~L~~ED **U**P**—**LAYING SOME DISTANCE APART. Q. ABOUT HOW FAR FROM PINTO CREEK TOWN, WHICH YOU CALL THE SETTLEMENT? A. IT IS 9 OR I0 MILES. Q. WHAT DIRECTION? A. RATHER SOUTHERLY DIRECTION — SOUTHWARDS, I SHOULD JUDGE, ABOUT A QUARTER ANGLE. Q. WAS THE ROAD **CLOSE TO** ~~ENCLOSED~~ ~~FROM~~ PINTO	

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RT	RS	BT	PS
CREEK, RATHER WESTWARD. Q. DID YOU HAVE ANY ORDERS TO DRIVE ALL NIGHT, IF SO STATE WHAT THEY WERE *[284]* HOGE: WE OBJECT TO THAT QUESTION AS TEAMS HAVE THE RIGHT TO TRAVEL NIGHT OR DAY AS THE SEE FIT. THE COURT RULED THAT THE QUESTION WASS OMEWHAT LEADING,BUT YOU MAY ASK HIM HOW HE TRAVELLED. Q. WAS THERE ANY PARTICULAR REASON WHY YOU TRAVELLED ALL NIGHT, IF SO ST~~A~~TE IT ? A. I KNOW OF NONE; WHEN WE LEFT CEDAR CITY WE INTEMDED TO CAMP AT ~~LINH~~ LYNCH'S SPRINGS, AND I	CREEK RATHER WESTWARD. {Q}DID YOU HAVE ANY ORDERS TO DRIVE ALL NIGHT IF SO STATE WHAT THEY WERE? BY HOGE WE OBJECT TO THAT MAN TRAVELING THROUGH THERE IS NOT NECESSARY. BY COURT ~~THAT~~ ~~*QUESTION*~~[?] {QUESTION}[p] IS SOMEWHAT LEADING YOU MAY ASK HIM HOW HE TRAVELED. {Q}[p] WAS THERE {Q}ANY PARTICULAR REASON WHY YOU TRAVELED ALL NIGHT IF SO STATE {IT.}[i] {A}I KNOW OF NONE. WHEN WE LEFT CEDAR CITY WE INTENDED CAMP AT LEACHS SPRINGS, AND I	CREEK? A. NO, RATHER WESTWAR~~D~~. Q. DID YOU HAVE ANY ORDERS TO DRIVE ON **ALL NIGHT** ~~OR NOR~~, IF SO STATE WHAT TH~~E~~Y WERE? BY **M**[R] HOGE: WE OBJECT TO THAT. MEN TRAVELING THROUGH THAT COUNTRY IS NOT NECESSARY — BY **THE** COURT: THE QUESTION IS ~~SO~~ SOMEWHAT LEADING BUT YOU MAY ASK HIM HOW HE TRAVELED. Q. WAS THE**R**E ANY PARTICULAR REASON FOR YOUR TRAVELING ALL NIGHT, IF SO STATE IT? A. I KNOW OF NONE. WHEN WE LEFT CEDAR CITY WE INTENDED TO CAMP AT LEECHE'S SPRINGS, AND I	

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RT	RS	BT	PS
DO NOT KNOW TO THIS DAY WHY WE TRAVELLED THAT NIGHT. JAMES PIERCE SWORN FOR PROSECUTION. BASKIN: Q. WHAT IS YOUR AGE ? A. THIRTY TWO YEARS OLD.[274] Q. WHERE WERE YOU RESIDING IN THE FALL OF 1857 ? A. I WAS IN PAYSON,UTAH TERRITORY. Q. DO YOU KNOW ANYTHING ABOUT THE ARKANSAS EMIGRANT	DO NOT KNOW TO THIS DAY WHY WE TRAVELED THAT NIGHT. BY COURT YOU CAN TAKE WITNESS TO DEFENSE BY DEFENSE WE HAVE NO QUESTIONS TO ASK *THAT IS*[?] BY COURT YOU CAN GO MR. MATTHEWS. {**DEF WAIVED CROSS EXAMIN**}[p] [*End of Shorthand Book 5*]	DO NOT KNOW TO THIS DAY WHY WE TRAVELED THA T NIGHT. CROSS-EXAMINATION WAIVED. *[100]* JAMES PEARCE SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R} CAREY:** Q. WHAT IS YOUR NAME? A. JAMES PEARCE. Q. WHERE DID YOU LIVE IN THE FALL OF '57? A. I LIVE D IN PA**Y**SON IN THE FALL OF '57. Q. STAT E **IF** ~~OF~~ YOU KNOW ANYTHING ABOUT A COMPANY OF EMIGRANTS	

274. Pearce was born March 6, 1839.

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RT	RS	BT	PS
TRAIN HAVING PASSED THROUGH THAT COUNTRY ABOUT THAT TIME ? A. YES SIR, I SAW THEM WHEN THEY PASSED PAYSON. Q. ABOUT HOW MANY WAGONS HAD THEY IF ANY ? A. I COULD NOT SAY, BUT IT SEEMS TO ME THERE WAS AS NEAR AS I CAN REMEMBER SOMEWHERE FROM TWENTY TO THIRTY,BUT COULD NOT SAY POSITIVELY, QUITE A LITTLE TRAIN. Q. HAD THEY ANY STOCK; OF ANY KIND, IF ~~S~~O DESCRIBE WHAT KIND AND NUMBER A. I COULD NOTTELL YOU SIR WHAT NUMBER OF STOCK THEY HAD; THEY HAD *[285]* THEIR		KNOWN AS THE ARKANSAS COMPANY? A. I SAW THE TRAIN AS THEY PASSED THROUGH PA**Y**SON? Q. WHAT KIND OF A COMPANY WAS IT; HOW MANY WAGONS WERE THERE IN THE TR~~Q~~**A**IN? A. WELL, THERE WAS ABOUT 30 OR 40 WAGONS. AND	

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RT	RS	BT	PS
TEAMS PRETTY GOODTEAMS, BUT THEY WAS PRETTY WELL DRILLED DOWN. Q. HAD THEY ANY CATTLE ? A. I THINK THEY HAD; I DON'T KNOW HOW MANY, I DIDN'T NOTICE ABOUT THEIR STOCK TO NOTICE HOW MANY THEY H~~A~~D. Q. ABOUT HOW MANY PERSONS WERE THERE IN THE TRAIN ? A. I COULDNOT TELL YOU ABOUT HOW MANY. Q. OF COURSE YOU MAY APPROXIMATE TO IT ? A. AS NEAR ASI CAN REMEMBER,BUT I COULD NOT SAY. Q. WELL, AS NEAR AS YOU CAN TELL BY IMPRESION MADE ON YOUR MIND – HOW MANY DO YOU THINK THERE WERE ? A. THEY WAS MOSTLY MEN, A FEW WOMEN ~~A~~ND		THEY HAD SOME LOOSE STOCK BUT I DON'T KNOW HOW MANY..	

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RT	RS	BT	PS
CHILDREN. Q. WERE THERE FIFTY IN THE TRAIN ? A. I SHOULD JUDGE THERE WAS; I DON'T KNOW THROUG-H,BUT I SHOULD JUDGE THERE WASTHAT MANY. Q. WERE THERE WOMEN TO THAT NUMBER ? A. THAT I COULD NOT SAY,WHETHER THEREWAS OR NOT. Q. DO YOU REMEMBER WHAT DAY THEY PASSED THROUGH PAYSON ? A. I DO NOT REMEMBER. Q. DO YOU REMEMBER IT WAS IN THE FALL OF THE YEAR ? A. YES. Q. DO YOU REMEMBER WHAT MONTH IT WAS ? A. IT SEEMS TO ME IT WAS IN AUGUST. I KNOW IT WAS IN HARVEST TIME, THE FALL OF THE YEAR. Q. IN WHICH		Q. WHAT MONTH, WAS IT, IF YOU KNOW? A. IT WAS HARVEST TIME	

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RT	RS	BT	PS
DIRECTION WAS THE TRAIN TRAVELING ? A. TRAVELING SOUTH. *[286]* Q. AFTER THEY PASSED THROUGH PAYSON DID YOU EVER AFTERWARDS SEE THAT TRAIN ? A. YES SIR, I DID. Q. WHEN ? A. AT THE MOUNTAIN MEADOWS, A FEW DAYS AFTER THEY PASSED PAYSON I STARTED DOWN,MY FOLKS WAS THEN LIVING IN WASHINGTON,WITH AN OLD MAN BY THE NAME OF JOSEPH ADAIR; HE HAD AN OX TEAM GOING TO WASHIGTON, WHERE MY FOLKS WAS; THEY HAD BEEN LIVING AT PAYSON BUT		WHEN THEY PASSED THROUGH PA**Y**SON. Q. WHEN NEXT DID YOU SEE THE TRAIN**,** IF AT ALL , AFTER THAT? A. WE MOVED FROM PA**Y**SON TO WASHINGTON; FATHER AND I WENT DOWN THERE. FOUR DAYS AFTER THE TRAIN PASSED THROUGH PAYSON; WE STARTED FOR WASHINGTON TO LIVE THERE ;	

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RT	RS	BT	PS
MOVED TO WASHINGTON. I CAME DOWN AFTER THAT TRAIN PASSED THROUGH. Q. YOU SAY YOU SAW THAT TRAIN ON THE MOUNTAIN MEADOWS – HOW LONG WAS IT AFTER IT PASSED THROUGH PAYSON WAS IT THAT YOU SAW THEM ON THE MEADOWS – HOW MANY DAYS --? A. THAT WAS SOMETIME, TRAVELING DOWN. THEY CAME VERY SLOW, THEIR TEAMS WAS POOR,TRAVELING SLOW, I COULD NOT TELL JUST HOW LONG; I CAME BEHIND WITH THIS OLD		THEY TRAVELED SLOW BECAUSE THEIR OXEN WERE POOR. AND WE TRAVELED PRETTY FAS~~T~~**T** SO TH**A**T WE GOT THERE BEFORE THEY DID.	

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RT	RS	BT	PS
GENTLEMAN, DEAD NOW, A GOOD MANY HERE ARE ACQUAINTED WITH HIM. HE HAD AN OX TEAM. THE EMIGRANTS HAD GONE OFF AT THE FORKS OF THE ROAD BEFORE WE PASSED, THEY WASGOING VERY SLOW. Q. AFTER YOU GOT DOWN TO WASHINGTON DID YOU SEE THEM AFTERWARDS ? A. YES SIR. Q. WHAT WERE THEY DOING ? A. THEY WAS CORRALED . Q. HOW LONG DID ~~THEYEREMAIN WAS~~ THEY REMAIN THERE AT WASHINGTON ? A. NO,,T~~H~~HAT TRAIN WAS NOT AT WASHINGTON, THAT TRAIN WAS AT THE	*[[Bk 6 2]]*[275] AT WASHINGTON ANO THAT TRAIN WAS NOT AT WASHINGTON; THAT TRAIN WAS AT	Q. WHERE DID YOU NEXT SEE THAT TRAIN, AT WASHINGTON? A. NO, THAT TRAIN WASN'T AT WASHINGTON**.** THAT TRAIN WAS AT THE	

275. Page 1 of RS is not extant. Page 2 is now the cover page; it is very dirty and in poor condition and therefore very difficult to read. At the top of page 2 in longhand, in purple pencil: {**WEDNESDAY MORNING—BOOK 6—JULY 28/75 9AM - CONTD JAMES PEARCE, TESTIMONY CONTINUED.**}p In pencil beneath the purple pencil: **BOOK 6 - JULY 28/75 9AM - CON'T.**

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RT	RS	BT	PS
MOUNTAIN MEADOWS,THEY WERE ON THE MEADOWS AT THE FARTHER END OF THE MEADOWS FROM HERE ABOUT FOUR MILES, FROM JACOB HAMBLIN'S RANCH I THINK. *[287]* Q. WHAT WERE THY DOING THERE ? A. THEY WERE CORRALLED THERE. Q. HOW MANY TIMES DID YOU SEE THEM ? A. I DON'T REMEMBER, ~~H~~ PROBABLY TWICE OR THREE TIMES, MAY BE MORE. Q. HOW NEAR TO THEIR CORRALL WERE YOU ? A. I THINK IT WAS A MILE AND A HALF ABOVE IN A LITTLE CANON. THERE	MOUNTAIN MEADOWS WERE WITH THEM ON MOUNTAIN MEADOWS AT THE FARTHER END OF MEADOWS FROM HERE, ABOUT FOUR MILES THINK FROM JACOB HAMBLIN RANCH I THINK.[276] $_{Q}$WHAT WERE THY DOING THERE $_{A}$THEY WERE CORRALLED THERE {$_{Q}$}^{p} HOW MANY TIMES DID YOU SEE THEM I DON'T REMEMBER TWICE OR 3 TIMES MAYBE MORE $_{Q}$HOW NEAR TO THEIR CORRAL WERE YOU $_{A}$I THINK IT WAS MILE AND A HALF ABOVE IN {**A**}^{p} LITTLE CANYON THERE	MOUNTAIN MEADOWS. ~~Q.~~ THEY WENT ON TO THE MOUNTAIN MEADOWS AND CAMPED AT THE FARTHER END OF THE MEADOWS**,** ABOUT FOUR MILES**,** I THINK FROM JACOB HAMBLIN'S RANCH. Q. WHAT WERE THEY DOING THERE. A. THEY WERE CORRALLED THERE. Q. HOW MANY TIMES DID YOU SEE THEM? A. I DON'T KNOW, PROBABLY TWICE OR THREE TIMES, MAY BE MORE. Q. HOW NEAR TO THEIR COR**R**AL WERE YOU? A. I THINK IT WAS A MILE AND A HALF ABOVE**,** IN A LITTLE CANYON. THERE	

276. Above the line: {*** DEC 24/1030 PM**.}[i] In the center of the page over the shorthand, "**COMPARED**" is written.

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RT	RS	BT	PS
IS A LITTLE CREEK COMES OUT THERE. I WAS CAMPED ABOVE. Q. HOW DID YOU COME TO GO TO THE MOUNTAIN MEADOWS ON THAT OCCASION ? A. I WENT UP WITH A SMALL PARTY – SMALL PARTY FROM WASHINGTON; I WAS TOLD TO GO ALONG – ASKED TO GO ALONG. I WENT ALONG WITH THEM. Q. WAS THERE ANYTHING SAID AS TO WHAT YOU WERE TO GO FOR ? A. I DON'T REMEMBER ANY TALK OF IT BEFORE I STARTED FROM THERE. Q. WHAT DID THE COMPANY YOU WENT WITH HAVE OR TAKE WITH THEM IN YOUR POSSESSION ? A. I THINK	IS LITTLE CREEK COMES OUT. I WAS CAMPED ABOVE $_{Q}$HOW DID YOU COME TO GO {TO THE}^{p} MOUNTAIN MEADOWS ON THAT OCCASION $\{_{A}\}^{p}$I WENT UP WITH $_{A}$ SMALL PARTY SMALL PARTY FROM WASHINGTON I WAS TOLD TO GO ALONG, ASKED TO GO ALONG = I WENT ALONG WITH THEM $_{Q}$WAS THERE ANYTHING SAID AS TO WHAT YOU WAS TO GO FOR $_{Q}$~~=~~I DON'T~~=~~ REMEMBER ANY TALK OF IT BEFORE I STARTED FROM HOME $_{Q}$WHAT DID COMPANY YOU WENT WITH HAVE OR TAKE WITH THEM IN YOUR POSSESSION $_{A}$ I THINK	IS A LITTLE CREEK C~~A~~OMES OUT **THAT** WE WA~~W~~S CAMPED ABOVE. Q. HOW DID YOU COME TO GO TO THE MOUNTA N MEADOWS ON THAT OCCASION? A. I WENT UP WITH A SMALL PARTY ; SMALL PARTY FROM WASHINGTON. I WAS**NT** TOLD TO GO ALONG; I ASKED TO GO ALONG. I WENT ALONG WITH THEM? A. WAS THERE ANYTHING SAID AS TO W**H**AT YOU WERE TO GO FOR? A. I DON'T REMEMBER ANY TALK. OF IT~~.~~ BEFORE WE STARTED FROM THERE. Q. WHAT DID THE ~~I~~COMPANY HAVE OR TAKE WITH YOU ~~A. IN OT OR TAKE~~ *[101]* ANY OF YOUR PARTIES? A. I THINK THE	

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RT	RS	BT	PS
MOST OF THEM HAD GUNS ALONG. Q. DID YOU HAVE A GUN ? A. I DID, I GOT ONE OF SOME OF THE NEIGHBORS THERE. Q. WHY DID YOU GET A GUN ? A. WELL,THERE WAS A TALK THAT THERE WAS A TRAIN PASSING THROUGH THAT HAD BEEN STOPPED,SOMETHING OF THAT KIND; I WAS A STRANGER THERE,AS I TOLD YOU. THERE WAS A CROWD GOING UP AND I WENT ALONG WITH THEM. Q. DID YOU HAVE ANY CONVERSATION WITH ANY PERSON ABOUT WHAT YOU WERE TO TAKE WITH YOU – IF SO, STATE WHAT ? OBJECTED TO BY JUDGE SUTHERLAND.	MOST OF THEM HAD GUNS ALONG $_{Q}$DID YOU HAVE GUN $_{A}$I DID I GOT ONE OF SOME OF NEIGHBORS THERE $_{Q}$WHY DID YOU GET A GUN $_{A}$ WELL THERE WAS TALK THAT THERE WAS TRAIN PASSING THROUGH THAT HAD BEEN STOPPED = SOMETHING OF THAT KIND = I WAS STRANGER THERE AS I TOLD YOU, THERE WAS CROWD GOING UP, I WENT ALONG WITH THEM $_{Q}$DID YOU HAVE ANY CONVERSATION WITH ANY PERSON ABOUT WHAT YOU WERE TO TAKE WITH YOU IF SO STATE WHAT {OBJ}^{p} BY SUTHERLAND HIS ~~TESTIMONY~~	MOST OF THEM HAD GUNS ALONG. Q. DID YOU HAVE A GUN? A. I DID, I GOT ONE AT SOME OF THE NEIGHBORS THERE. Q. WHY DID YOU GET A GUN? A. WELL, THERE WAS A REPORT THAT THERE WAS A TRAIN PASSING THROUGH THAT HAD BEEN STOPPED, SOMETHING OF THAT SORT. I WAS A STRANGER THERE, AS I TOLD YOU, THERE WAS A CROUD GOING UP, I WENT ALONG WITH THEM. Q. DID YOU HAVE ANY CONVERSATION WITH ANY PERSON ABOUT WHAT YOU WER~~E~~**E** TO T**A**KE WITH YOU? IF SO, STATE WHAT ~~?~~ ? OBJECTED TO BY MR. SUTHERLAND. & **OBJECTION**	

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RT	RS	BT	PS
[288] Q. I WILL ASK YOU NOW ~~FO S A E~~ TO STATE THE CIRCUMSTANCES THAT LEAD YOU TO GO OUT THERE ON THAT EXPEDITION – STATE THE REASONS WHY YOU WENT AND WHY YOU TOOK YOUR GUN WITH YOU ? A. I WAS TOLD TO TAKE MY GUN ALONG BY SOME OF THE CITIZENS THERE. I HAD JUST MOVED DOWN THERE. THERE WAS A CROWED GOING UP—A SMALL PARTY FROM THERE. Q. WHAT WAS YOU TO TAKE THE GUN FOR ? A. I SUPPOSE ----- OBJECTED TO BY JUDGE SUTHERLAND. Q. STATE WHAT	— —[?] SHOULD BE ASKED IT IS MATTER OF THE UTMOST — —[?] {Q}^{p} I WILL ASK YOU NOW TO STATE CIRCUMSTANCES WHAT LEAD YOU TO GO OUT ON THAT EXPEDITION STATE REASONS WHY YOU WENT AND WHY YOU TOOK YOUR GUN WITH YOU ~~IT WAS~~ $_{A}$I WAS ~~<~~TOLD TO~~>~~ —[?] MY GUN ALONG BY SOME OF CITIZENS THERE, I HAD JUST MOVED DOWN THERE. THERE WAS CROWD GOING UP = SMALL PARTY FROM THERE. $_{Q}$ WHAT WAS YOU TO TAKE A GUN FOR {$_{A}$}^{p} I SUPPOSE OBJECTION BY DEFENSE {**OBJ SUTH**}^{p} BY PROSECUTION STATE WHAT	**SUSTAINED.** Q. I WILL ASK YOU THEN TO STATE THE CIRCUMSTANCES THAT LED YOU OUT TO GO ON THAT EXPEDITION? STATE THE REASONS WHY YOU WENT; WHY YOU TOOK YOUR GUN WITH YOU? A. I WAS TOLD TO TAKE MY GUN ALO~~N~~G BY SOME OF THE CITIZENS THERE. I HAD JUST MOVED DOWN THERE TO WASHINGTON. THERE WAS A CROUD GOI~~M~~NG UP — SMA~~P~~LL PARTY FROM THERE. Q. WHAT WAS YOU TO TAKE A GUN FOR? A. I SUPPO SE— OBJECTED TO BY **M**$^{\underline{R}}$ SUTHERLAND. ~~Q~~BY CAREY: STATE WHAT	

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RT	RS	BT	PS
YOU KNEW ? A. WELL SIR,UPON MY OATH, I DID NOT KNOW WHAT I WAS TAKING T HE GUN FOR. Q. HOW DID YOU COME TO TAKE YOUR GUN AT THE TIME YOU WENT ? A. I WENT AND GOT IT AND TOOK IT WITH ME, AS I TOLD YOU BEFORE, BECAUSE THERE WAS OTHERS TAKING GUNS FROM THERE. I WAS INVITED TO GO ALONG AND I TOOK MY GUN. Q. WHAT DID YOU TAKE IT FOR AND WHAT DID YOU DO WITH IT – WITH THE GUN ? A. IT WAS A FRONTIER INDIAN COUNTRY AND THERE WERE ONLY A VERY FEW SETTLERS,AND WHEN WE WENT OUT LIKE THAT EVERY MAN PACKED HIS GUN AND SIX	YOU KNEW $_{A}$ WELL SIR UPON MY OATH, I DID NOT KNOW WHAT I WAS TAKING GUN FOR. $_{Q}$ HOW DID YOU COME TO TAKE YOUR GUN TO TAKE IT WITH YOU I WENT GOT IT, TOOK IT WITH ME AS I TOLD YOU BEFORE, BECAUSE THERE WAS OTHERS TAKING GUNS FROM THERE, I WAS INVITED GO ALONG AND I TOOK MY GUN WHAT DID YOU —[?] FOR = WHAT DID YOU DO WITH THE GUN $\{_{A}\}^{p}$ IT WAS $\{\mathbf{A}\}^{p}$ FRONTIER INDIAN COUNTRY FOR ONE THING, ONLY VERY FEW SETTLERS; EVERY MAN PACKED HIS GUN AND SIX	YOU KNEW? A. WELL, SIR, UPON MY OATH, I DON'T KNOW WHAT I WAS TAKING THE GUN FOR. Q. HOW DID YOU COME TO TAKE YOUR GUN—TO TAKE IT WITH YOU. A. I WENT AND GOT IT—TOOK IT WITH ME AS I TOLD YOU BEFORE, BECAUSE THERE WAS OTHERS TAKING GUNS FROM THERE. I WAS INVITED TO GO ALONG, AND I TOOK MY GUN. Q. WH AT DID YOU TAKE IT FOR? WHAT DID YOU DO WITH THE GUN? A. WELL, IT WAS A FR~~E~~ONTIER ~~C~~ **I**NDIAN COUNTRY FOR ONE THING, ONLY A VERY FEW SETTLERS; EVERY MAN PACKED HIS GUN **OR** ~~AND~~ SIX	

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RT	RS	BT	PS
SHOOTER WITH HIM,BUT I DIDN'T OWN A GUN AT THAT TIME. Q. WHERE DID YOU GET THE GUN THAT YOU TOOK ? A. I COULD NOT TELL YOU SIR,TO SAVE MY LIFE, WHO OWNED IT. Q. WAS THERE ANYTHING SAID AT THAT TIME ABOUT THIS EXPEDITION, IF SO BY WHOM ? A. THERE WAS SOME TALK OF STOPPING THAT EMIGRANTS, IT WAS SAID THERE *[289]* WAS SOME MOBOCRATS TAHT HAD BEEN IN THE MOB IN NAUVOO, AND THEY SAID THEY WOULD EXTERMINATE THE MORMONS WHEN THEY GOT TO CALIFORNIA. I HEARD IT IN THE CROWD I WAS WITH,BUT I COULD NOT TELL YOU THE	SHOOTER WITH HIM BUT I DIDN'T OWN GUN AT THAT TIME $_{Q}$ WHERE DID YOU GET THE GUN THAT YOU TOOK $_{A}$I COULD NOT TELL YOU SIR {TO}^{p} SAVE MY LIFE, WHO OWNED IT. $_{Q}$ WAS THERE ANYTHING SAID AT THAT TIME ABOUT THIS, EXPEDITION, IF SO BY WHOM {$_{A}$}^{p}THERE WAS SOME TALK OF STOPPING THEM EMIGRANTS; IT WAS SAID THERE WAS SOME MOBOCRATS THAT HAD BEEN IN {THE}^{p} MOB IN **≺THE≻** STATES; SAID THEY WOULD EXTERMINATE THE MORMONS WHEN THEY GOT {TO}p CALIFORNIA; I HEARD IT IN THE CROWD I WAS WITH, *[[3]]* COULD NOT TELL YOU	SHOOTER WITH HIM; BUT I HAD NO GUN AT THAT TIME. Q. WH ERE DID YOU GET THE GUN THAT YOU TOOK? A. I ~~I~~COULD NOT TELL YOU SIR, TO SAVE MY LI~~V~~FE WHO OWNED IT. Q. WAS THERE ANYTHING SAID AT THA T TIME ABOUT THIS EXPEDITION, IF SO BY WHOM? A. THERE WAS SOME TALK OF STOPPING THEM EMIGRANTS. IT WAS SAID THE~~RE~~**Y** W~~AS~~**ERE** SOME MOBOCRATS THAT HAD BEEN IN THE MO~~D~~**B** IN *[102]* THE STATES; ~~TH~~ SAID THEY ~~V~~WOULD EXTERMANATE THE MORMONS WHEN THEY GOT TO CALIFORNIA.. I HEARD IT IN THE C**R**OUD I WAS WITH . I COULD NOT TELL YOU THE	

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RT	RS	BT	PS
IDENTICAL PARTY. THAT WS THE TALK. Q. WHAT ELSE WAS SAID ? A. WHAT ELSE —IT WAS REPORTED THEY HAD BEEN POISONING SPRINGS AS T~~B~~HEY CAME DOWN,AND COMMITTING OUTRAGES ON THE PEOPLE; THAT WAS THE WORD THROUGH THE CROWD – THAT WAS THE TALK I HEARD ABOUT THEM. Q. WHAT DID YOU START OUT THERE TO DO;? OBJECTED TO BY JUDGE SUTHERLAND. Q. STATE WHAT WAS SAID ? OJECTED TO BY JUDGE SUTHERLAND. Q. STATE WHAT WAS SAID ? OBJECTED TO BY JUDGE SUTHERLAND— TO HIS DRAWING ANY INFERENCE AS TO WHAT	IDENTICAL PARTY, THAT WAS THE TALK $_{Q}$WHAT ELSE WAS SAID $\{_{A}\}^{p}$WHAT ELSE IT WAS REPORTED THEY HAD BEEN POISONING SPRINGS THEY CAME DOWN COMMITTING OUTRAGES ON THE PEOPLE; THAT WAS THE WORD THROUGH THE CROWD, THAT WAS THE TALK I HEARD ABOUT THEM $_{Q}$WHAT DID YOU STAR{T}^{p} OUT THERE TO DO $_{A}$I SUPPOSE OBJECTED TO BY SUTHERLAND, TO WITNESS SPECIFY $\{_{Q}\}^{p}$WHAT WAS SAID {**S - I OBJ TO HIS**}^{p} SUTHERLAND OBJECTED TO HIS DRAWING ANY INFERENCE AS TO WHAT	IDENTICAL PARTY BUT THAT WAS THE TALK. Q. WHAT ELSE WAS SAID? A. WHAT ELSE —IT WAS REPORTED THEY HAD BEEN POI~~N~~SIONING SPRINGS AS THEY CAME DOWN AND COMMITTING OUTRAGES ON THE PEOPLE; THAT WAS THE WORD THROUGH THE CROUD. THAT WAS THE T~~Q~~**A**LK I HEARD ABOUT THEM. Q. WHAT DID YOU A~~R~~TART OUT THERE TO DO? **A. I SUPPOSED** ———— BY **M**$^{\underline{R}}$ SOUTHERLAND: I OBJECT TO SITNESSES SUPPOSING. Q. WHAT WAS SAID? BY **M**$^{\underline{R}}$ SUTHERLAND: I OBJECT TO HIS DRAWING INFERENCE**S** AS TO WHAT	

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RT	RS	BT	PS
WAS SAID. Q. FROM ~~YOU~~ WHAT YOU HEARD SAID OR SAW THERE,WHAT DID YOU GO OUT TO THE MOUTAIN MEADOWS TO DO ? OBJECTED TO BY JUDGE SUTHERLAND. Q. WHAT WAS SAID AMONG THOSE WHO WENT OUT WITH YOU WITH REFERENCE TO THE OBJECT OF YOUR GOING TO THE MOUNTAIN MEADOWS ? A. WELL, I HAVE ALREADY STATED IT,THE THING – AS I UNDERSTOOD IT; THAT THEY HAD BEEN POISONING SPRINGS AS THEY CAME ALONG, THE TALK, BY THE PARTY, OR SOME OF THEM,SAID THEY HAD HELPED TO KILL	WAS SAID {Q}^{p} FROM WHAT YOU HEARD SAID AND SAW THERE, {Q}^{p} WHAT DID YOU GO OUT TO THE MOUNTAIN MEADOWS TO DO ? SUTHERLAND I OBJECT {Q}^{p}WHAT WAS SAID AMONG THOSE WHO WENT OUT WITH YOU WITH REFERENCE {TO THE}^{p} OBJECT OF YOUR GOING {TO THE}^{p} MOUNTAIN MEADOWS {A}^{p} WELL I HAVE ALREADY STATED IT {A}^{p} THE THING AS I UNDERSTOOD IT THAT THEY HAD BEEN POISONING {SOME}^{p} SPRINGS AS THEY CAME ALONG THE TALK WAS {BY}^{p} PARTY; SOME OF THEM SAID THEY HAD HELPED KILL	WAS SAID. Q. FROM WHAT YOU HEARD SAID A ND SAW THERE, WHAT DID YOU GO OUT TO THE MOUNTAIN MEADOWS TO DO? BY **M**$^{\underline{R}}$ SUTHERLAND: I OBJECT. **SUSTAINED.** Q. WHAT WAS SAID AMONG THOSE WHO WENT OUT WITH YOU WITH REFE ENCE TO THE OBJECT OF YOUR GOING TO THE MOUNTAIN MEADOWS? A. WELL, I HA~~G~~VE ALREADY STATED IT. THE THING AS I UNDERSTOOD IT, THAT THEY HAD BEEN POIS~~I~~**O**NING SOME SPRINGS AS THEY CAME ALONG. **T**HE TALK WAS BY THE PARTY~~;~~**,** **THAT** SOME OF THEM SAID THEY HAD HELPED TO KIL**L**	

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RT	RS	BT	PS
OLD JOE SMITH, AND THEY WERE GOING TO CALIFORNIA TO RAISE SOME ~~FR NTS~~. TROOPS,	OLD JOE SMITH AND THEY WERE GOING CALIFORNIA TO RAISE SOME TROOPS SAYING GOING TO BELOW FOR	OLD JOE SMI~~G~~TH AND THEY WERE GOING TO CALIFORNIA TO RAISE SOME TROO~~P~~S THEY WAS GOING DOWN BELOW FOR A THOUSAND	
AND THEY WOULD COME BACK AND DRIVE THE MORMONS, AND TAKE THEIR MEANS AWAY FROM THEM. Q. WAS THERE ANYTHING SAID WHAT WAS INTENDED TO BE DONE TO THE COMPANY ? *[290]*	MEN GOING TO GET MEN ALREADY BELOW WOULD COME BACK DRIVE THE MORMONS AND TAKE THEIR MEANS FROM THEM. $_{Q}$WAS THERE ANYTHING SAID WHAT WAS INTENDED TO BE DONE	MEN, GOING TO GET MEN ALREADY ARMED, **AND** WOULD COME BACK AND DRIVE THE MORMONS **OU**T AND TAKE THEIR MEANS FROM THEM. Q. WAS THERE ANYTHING SAID WHAT WAS INTENDED TO BE DONE TO THE COMPANY?
A. I DIDN'T KNOW WHETHER THEY WAS GOING TO ARREST THESE PARTIES OR WHETHER THEY WAS GOING TO KILL THEM. Q. WAS THERE ANYTHING SAID AS TO THE	$\{_{A}\}^{p}$ I DIDN'T KNOW HEAR, ~~THEY~~ WHETHER THEY WAS GOING TO ARREST THOSE PARTIES OR WHETHER THEY WAS GOING TO KILL THEM $\{_{Q}\}^{p}$ WAS THERE ANYTHING SAID AS TO $\{$THE$\}^{p}$	A. I DON'T KNOW, WHETHER THEY WAS GOING TO ARREST THESE PARTIES OR WHETHER THEY WERE GOING ~~TO~~**TO** TO KILL THEM. Q. WAS THERE ANYTHING THAT ~~S~~WAS SAID AS TO THE	

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RT	RS	BT	PS
OBJECT ? A. THE MEN WAS GENERALLY LIKE ME, THEY DIDN'T KNOW THE NATURE OF THE THING,WHAT WAS TO BE DONE WHEN THEY GOT OUT THERE. Q. WAS THERE ANYTHING SAID OR TALKED AMONG THE PARTY ? A. I COULD NOT TELL WHAT WAS SAID, ONLY SOME TALK OF GOING TO ARREST SOME OF THESE MEN. SOME OF THEM GOING TO BE STOPPED,ARRES TED,FROM WHAT THEY HAD SAID,BRAGGED WHAT THEY HAD DONE. SOME TALK OF KILLING SOME OF THEM. Q. WHAT TIME DID THEY REACH THE MOUNTAIN MEADOWS WITH THIS PARTY	OBJECT ? MEN WAS GENERALLY LIKE ME DIDN'T KNOW THE NATURE OF THING WHAT WAS TO BE DONE WHEN WE GOT OUT THERE $_{Q}$WAS THERE ANYTHING TALKED AMONG THE PARTY {$_{A}$}^{p}I COULD NOT TELL WHAT WAS SAID, SOME TALK OF GOING ARREST SOME OF THOSE MEN, SOME OF THEM GOING TO BE STOPPED, ARRESTED, FROM WHAT THEY HAD SAID, BRAGGED WHAT THEY HAD DONE, SOME TALK OF KILLING SOME OF THEM. $_{Q}$ WHAT TIME DID THEY REACH {THE}^{p} MOUNTAIN MEADOWS WITH THIS PARTY	OBJECT? A. MEN WERE GENERALLY LIKE ME, DIDN'T KNOW NOT A THING ~~.~~, WHAT WOULD BE DONE WHEN WE GOT OUT THERE. Q. STATE WHETHER ANYTHING WAS TALKED AMONG THE PARTY? A. I COULD NOT ~~E~~TELL WHAT WAS SAID — SOME TALK**ED** OF GOING TO ARREST *[103]* SOME OF THESE MEN, SOME OF THEM GOING TO BE STOPPED— ARESTE~~E~~D FOR WHAT THEY HA~~S~~D SAID/. THEY BRAGED WHAT THEY HAD DONE — SOME TALK**ED** OF KILLING SOME OF THEM. Q. WHAT TIME ~~H~~DID THEY REACH THE MOUNTAIN MEADOWS WITH THIS PARTY	

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RT	RS	BT	PS
YOU WENT WITH OR AFTER REACHED THE MEADOWS WHAT DID YOU DO ? A. I CAME UP IN A LITTLE HOLLOW,ABOUT A MILE, OVER A LITTLE HILL,THE TRAIN WAS IN SIGHT BUT THE CAMP WAS NOT IN SIGHT. THERE WAS A LITTLE HILL FROM WHERE WE COULD SEE THEM. I THINK IT WAS TWO DAYS. Q. HOW MANY WERE IN THAT CAMP WITH YOU, INCLUDING THOSE WHO WENT WITH YOU AND CAMPED AROUND THERE ? A. I DO NOT KNOW. I AM NOT CERTAIN; I DON'T REMEMBER THEM. THERE	YOU WENT WITH = AFTER YOU REACHED THE MEADOWS {WHAT}^{p} DID YOU ~~SEE~~ DO {$_{A}$}^{p} I CAME UP IN A LITTLE HOLLOW ABOUT A MILE OVER LITTLE HILL VERY LITTLE; {THE}^{p} TRAIN WAS IN SIGHT; THE CAMP WAS NOT IN SIGHT AND THERE WAS LITTLE HILL RIGHT BY = WE COULD SEE. I THINK IT WAS TWO DAYS {$_{Q}$}^{p} HOW MANY WERE IN THAT CAMP WITH YOU A INCLUDING THOSE WHO $_{A}$WENT $_{A}$WE MADE CAMPED AROUND THERE I DO NOT KNOW I AM CERTAIN I DON'T REMEMBER THEM, THERE	THEY WENT WITH. ~~W~~AFTER YOU REACH~~E~~D THE MEADOWS WHAT DID YOU DO? A. I CAME UP IN A LITTLE HOLLOW ABOUT A MILE ~~FROM A LITTLE~~ ~~HILL~~ OVER A LITTLE HILL, THE TRAIN WAS ~~IN~~**IN** SIGHT, THE CAMP WAS NOT IN SIGHT, AND THERE WAS A LITTLE HILL RIGHT B~~E~~Y, WE COUOD SEE. I THINK IT WAS TWO DAYS.————Q. HOW MANY WERE IN THAT CAMP WITH YOU INCLUDING YOURSELF— THOSE THERE? A. WHEN WE MADE CAMP AROUND THERE, I DON'T KNOW I AM CERTAIN; I DON'T REMEMBER THEM; THERE	

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RT	RS	BT	PS
WAS A PARTY OF THEM,BUT I COULD NOT STATE. Q. WELL,APPROXIMATE IT AS NEAR AS YOU CAN, YOU CAN TELL WHETHER THERE WAS ONE OR ONE HUNDRED ? A. THERE WAS NOT ONE HUNDRED MEN THERE. Q. ABOUT HOW MANY WAS THERE ? A. I COULD NOT TELL YOU,THERE WAS TWO CAMPS, ANOTHER LITTLE CAMP JUST *[291]* BELOW OF ENTIRE STRANGERS TO ME; I DON'T KNOW HOW MANY MEN THERE WAS. I WAS A LITTLE TIMID TO RANT AROUND AMONG THE MEN. Q. HOW	WAS A PARTY OF THEM COULD NOT STATE $_{Q}$ ≤WELL≥ APPROXIMATE TO IT ≤AS NEAR AS CAN≥ {$_{Q}$}^{P}AS NEAR AS YOU CAN. YOU CAN TELL WHETHER THERE WAS ONE OR HUNDRED ~~IF IT IS~~ ≤THERE WAS NOT≥ $_{A}$THERE WAS NOT HUNDRED FEW MEN THERE. $_{Q}$ ABOUT HOW MANY $_{A}$ THERE WAS I COULD NOT TELL YOU THERE WAS TWO CAMPS; ANOTHER LITTLE CAMP JUST BELOW, OF ENTIRE STRANGERS TO ME $_{A}$I DON'T KNOW HOW MANY MEN THERE WAS I WAS A LITTLE TIMID ABOUT RANT AROUND AMONG THE MEN $_{Q}$HOW	WAS A PARTY OF THEM; I COULD NOT STATE. Q. WELL, APPROXIMATE ~~TO~~ IT AS NEAR A S YOU CAN — AS NEAR AS ~~A~~YOU CAN. YOU CAN TELL WHETHER THERE WAS ONE OR A HU NDRE~~D~~? A. THERE WASN'T A HUNDRED — FEW MEN THERE. Q. ABOUT HOW MANY? A. THERE WAS — I COULD NOT TELL YOU. THERE WAS TWO CAMPS; ANOTHER LITTLE CAMP JUST BELOW — ENTIRE STRANGERS TO ME. I DON'T KNOW HOW MANY MEN~~T~~ THERE WAS . I WAS A LITT~~L~~LE TIMID ABOUT RANTING AROUND AMOUNG THE MEN. Q. HOW	

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RT	RS	BT	PS
MANY MEN WAS THERE IN BOTH CAMPS, AS NEAR AS YOU CAN REMEMBER ? A. I COULD NOT SAY, I EXPECT THOUGH THERE WAS FIFTEEN TO TWENTY,COULD NOT SAY POSITIVELY. Q. DO YOU MEAN IN YOUR CAMP OR BOTH CAMPS A. BOTH CAMPS, AND THERE MAY HAVE BEEN MORE THAN THAT. THERE IS A MAN HERE WHO IS ACQUAINTED WITH THE COUNTRY AND COULD GIVE YOU MORE ABOUT IT THAN I COULD. Q. WONT YOU STATE THE NAMES OF ALL YOU CAN REMEMBER ? A. THERE WAS WILLIAM YOUNG, I THINK, FROM WAHSINGTON WAS THERE.	MANY WAS THERE *[[4]]* IN BOTH CAMPS AS NEAR AS YOU CAN REMEMBER {A}[p] I COULD NOT SAY I EXPECT THOUGH THERE WAS 15 OR 20 COULD NOT SAY POSITIVE Q DO YOU MEAN IN YOUR CAMP OR BOTH CAMPS {A}[p] BOTH CAMPS, AND THERE MAY HAVE BEEN MORE THAN THAT. THERE ARE SOME HERE WHO IS ACQUAINTED WITH THE COUNTRY COULD GIVE YOU MORE ABOUT {IT}[p] THAN I COULD. Q WONT YOU STATE {THE}[p] NAMES OF ALL YOU CAN REMEMBER {A}[p]THERE WAS WILLIAM YOUNG I THINK FROM WASHINGTON WAS THERE;	MANY WAS THERE IN BOTH CAMPS, AS NEAR AS YOU CAN REMEMBER~~;~~**?** **I COULD NOT SAY.** I EXPECT THOUGH**,** THERE WAS I5 OR 20, I COULD NOT SAY POSITIVEL~~T~~Y. Q. DO YOU MEAN IN YOUR CAMP OR BOTH CAMPS. A. BOTH CAMPS; AND THERE ~~L~~MAY HAVE BEEN MORE THAN THA~~T~~. THERE IS SOME HERE WHO IS ACQUAINTED WITH THE COUNTRY AND COULD GIV~~EE~~**E** YOU MORE ABOUT IT THAN I COULD. Q. WON'T YOU STATE THE NAMES OF ALL YOU CAN REMEMBER? A. THERE WAS WILLIAM YOUNG, I THINK**,** FROM WASHINGTON WAS THERE.	

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RT	RS	BT	PS
Q. DO YOU KNOW WHERE WILLIAM YOUNG NOW LIVES ? A. I THINK HE IS LIVING IN WASHINGTON. Q. WHAT SORT OF A LOOKING MAN IS HE ? A. HE IS AN OLD MAN WITH ONE EYE, AN OLD GENTLEMZAN THERE, BESIDE, THAT HAS DIED SINCE,BY THE NAME OF SLADE; I KNEW AFTERWARDS BY JUST GETTING ACQUAINTED WITH HIM, AND ANOTHER MAN BY THE NAME OF CLARK. Q. DO YOU KNOW WHERE HE LIVES NOW ? A. HE IS DEAD, AND THERE WAS MORE THAN THAT. Q. DID YOU SEE HIGBEE THERE ? A. NOT TO BE CERTAIN, I	THERE WAS. Q DO YOU KNOW WHERE WILLIAM YOUNG NOW LIVES AI THINK HE IS LIVING IN WASHINGTON. Q{WHAT}p SORT OF LOOKING MAN IS HE {A}p HE IS AN OLD MAN WITH ONE EYE. AN OLD GENTLEMEN THERE THAT HAS DIED SINCE, BY NAME OF SLADE, I KNEW AFTERWARDS JUST GETTING ACQUAINTED WITH HIM THEM; ANOTHER MAN BY NAME OF CLARK QDO YOU KNOW WHERE HE LIVES NOW AHE IS DEAD, AND THERE WAS MORE THAN THAT. Q DID YOU SEE HIGBEE THERE ANOT TO BE CERTAIN I	Q. DO YOU KNOW WHETRE WILLIAM YOUNG NOW LIVES? A. I THINK HE IS LIVING IN WASHINGTON. Q. WHAT SORT OF A LOOKING MAN IS HE? A. HE IS AN OLD MAN WITH ONE EYE. AND AN OLD GENTLEMAN THERE THAT HAS DIED SINCE BY THE NAME OF SLADE, I KNEW AFTERWARDS, JUST GETTING ACQUAINTED WITH HIM. ANOTHER MAN BY THE NAME OC CLARK.[277] *[104]* Q. DO YOU KNOW WHERE HE LIVES NOW? A. HE IS DEAD. AND THERE WAS MORE THAN THAT. Q. DID YOU SEE HIGBEE THERE? A. NOT TO BE CERTAIN; I	

277. William Rufus Slade, Sr. (1811–1872) and John Wesley Clark (1818–1869).

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RT	RS	BT	PS
THINK THAT I DID BUT I COULD NOT SAY. Q. DID YOU SEE JOHN D. LEE THERE ? A. I COULD NOT STATE THAT UNDER OATH, I THINK I SAW LEE PASSING AROUND THERE, BUT I COULD NOT BE SURE. Q. HAVE YOU BECOME ACQUAINTED WITH JOHN D. LEE SINCE ? *[292]* A. I KNOW HIM BY SIGHT. Q. DID YOU KNOW HIM AT THE TIME ? A. NO SIR. Q. HAD YOU EVER SEEN HIM BEFORE ? A. NO SIR. Q. HAVING SEEN HIM SINCE THAT TIME, CAN'T YOU STATE WHETHER HE WAS THERE OR NOT ? A. I THINK HE WAS. Q. DO YOU KNOW KLINGENSMITH ? A. I THINK I WOULD KNOW HIM ~~2~~. Q. DID	THINK THAT I DID BUT I COULD NOT SAY. $_{Q}$DID YOU SEE JOHN D. LEE THERE $_{A}$I COULD NOT STATE THAT UNDER OATH I THOUGHT I SAW LEE PASSING AROUND THERE I COULD NOT BE SURE $_{Q}$ HAVE YOU BECOME ACQUAINTED WITH JOHN D. LEE SINCE $_{A}$KNOW HIM BY SIGHT VERY WELL. $_{Q}$DID YOU KNOW HIM AT THE TIME $\{_{A}\}^{p}$NO SIR $_{Q}$ HAD YOU EVER SEEN HIM BEFORE $_{A}$ NO SIR $_{Q}$ HAVING SEEN HIM SINCE THAT TIME CAN YOU STATE WHETHER HE WAS THERE OR NOT $_{A}$I THINK HE WAS $_{Q}$DID YOU KNOW KLINGENSMITH $_{A}$I THINK I WOULD KNOW HIM $_{Q}$DID	THINK THAT I DID BUT I COULDNOT SAY. Q. DID YOU SEE JOHN D. LEE THERE? A. I COULD NOT STATE THA T UNDER OATH; I THOUGHT I SAW LEE PASSIN~~T~~G AROUND THERE; BUT I COULD NOT BE SURE. Q. HAVE YOU BECOME AC~~U~~QUAINTED WITH JOHN D. LEE SINCE? A. KNOW HIM BY SIGHT VERY WELL. Q. DID YOU KNOW HIM AT THE TIME? A. NO, SIR. Q. HAD YOU ~~G~~EVER SEEN HIM BEFORE? A. NO, SIR. Q. HAVE YOU EVER SEEN HIM SINCE THAT TIME ; C~~Q~~AN YOU STATE WHETHER HE WAS THERE O~~T~~R NOT? A. I THINK HE W~~Q~~AS. Q. DO YOU KNOW KLINGENSMITH? A. I THINK I WOU~~O~~LD KNOW HIM. Q. DID	

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RT	RS	BT	PS
YOU SEE HIM THERE ? A. I THINK I DID,STILL,TO BE POSITIVE ABOUT SOME OF THESE PARTIES, I CANNOT. I HAVE BECOME ACQUAINTED WITH SOME OF THEM SINCE THAT,BUT TO SAY SOME OF THESE PARTIES THAT WAS THERE, I DO NOT KNOW. Q. HOW LONG HAD YOU LIVED IN THAT COUNTRY BEFORE YOU STARTED ON THIS EXPEDITION, IN PASON ? A. I HAVE LIVED SOME 5 OR 6 YEARS. WE CAME INTO PAYSON IN 1852, REMAINED THERE AT PAYSON OR POND TOWN TILL '57.[278] MY FATHER MOVED FROM DIXIE, IN	YOU SEE HIM THERE {A}[p] I THINK I DID. STILL. TO BE POSITIVE ABOUT SOME OF THOSE PARTIES I CANNOT. I HAVE BECOME ACQUAINTED WITH SOME OF THEM SINCE *THAT*[?] TO SAY SOME OF PARTIES ~~WAS~~ ~~<~~THAT~~>~~ WAS THERE A I DO NOT KNOW. Q HOW LONG HAD YOU LIVED IN THAT COUNTRY BEFORE YOU STARTED ON THIS EXPEDITION = THAT IS IN PAYSON A. I HAVE LIVED THERE SOME 5 OR 6 YEARS. WE CAME INTO PAYSON IN 1852, REMAINED THERE AT PAYSON OR POND TOWN TIL 57. MY FATHER MOVED FROM DIXIE	YOU SEE HIM THERE? A. I THINK I DID. STILL TO BE POSITIVE ABOUT SOME OF THESE PARTIES I CANNOT. I HAVE BECOME ACQUAINTED WITH SOME OF THEM SINCE; TO SAY THAT SOME OF THESE PARTIES WAS THERE, I DO NOT KNOW. Q. HOW LONG DID YOU LIVE IN THAT COU~~L~~NTRY BEFORE YOU STARTED ON THE**I**S EXPEDITION — THAT IS IN PA**Y**SON? A. I HA~~V~~D LIVED THERE SOME FIVE OR SIX YEARS. WE CAME INTO PA**Y**SON IN I852; REMAINED THERE AT PA**Y**SON **OR** POND **T**OWN TILL '57. MY FATHER MOVED TO DIXIE IN	

278. Currently Salem, Utah.

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RT	RS	BT	PS
THE SPRING OF '57; IN THE FALL OF 1858 WHEN I WENT DOWN WITH THISOLD GENTLEMAN, JOSEPH ADAIR, HE WAS UP THERE AFTER SOME OF HIS EFFECTS, WENT UP THERE TO GET SOME OF HIS THINGS AND WENT DOWN BACK WITH HIM. Q. YOU SAID YOU REMAINED IN C AMP ABOUT TWO DAYS, I WANT YOU TO TELL WAHT WAS DONE IN CAMP AT THAT TIME OR DURING THAT TIME ? A. THERE WAS RUNNING AROUND THERE TALKING IN LITTLE GROUPS, SQUADS. *[293]* Q. WHAT WERE THEY TALKING ABOUT,THE EMIGRANTS -- WHAT WERE THEY SAYING OR TALKING ABOUT ? A.	THE SPRING OF 57 IN THE FALL OF 58 WHEN I CAME DOWN WITH HIS OLD GENTLEMAN JOSEPH ADAIR, HE WAS UP THERE AFTER SOME OF HIS EFFECTS WENT UP THERE GET SOME OF HIS THINGS. I WENT DOWN THERE WITH HIM. Q YOU SAID YOU REMAINED IN CAMP ABOUT 2 DAYS; I WANT YOU TO TELL WHAT WAS DONE IN CAMP AT THAT TIME OR DURING THAT TIME A THERE WAS RUNNING AROUND THERE TALKING IN LITTLE GROUPS SQUADS Q WHAT WERE THEY TALKING ABOUT A EMIGRANTS Q WHAT WERE THEY SAYING A	THE SPRING OF '57, AND **I**N THE FALL OF '5~~8~~7. WHEN I CAME DOWN WITH **T**HIS OLD GENT**,** JOSEPH ADAIR~~;~~**,** HE WAS UP THERE FO~~R~~**R** SOME OF HIS EFFECTS, WENT UP THERE TO GET SOME OF HIS THINGS; I WENT DOWN THERE WITH HI~~J~~M. Q. YOU SAID YOU REMEIN~~A~~ED IN CAMP ABOUT TWO DAYS~~;~~ I WANT YOU TO T~~W~~**E**LL WHAT WAS DONE IN CAMP AT THAT TIME OR DU~~T~~**R**ING THAT TIME? A. THEY WAS RUNNING AROUND THERE TALKING IN LITTLE **GROUPES** ~~GROOUPES~~ AND ~~A~~SQUADS. Q. WHAT WA**S** THEY T~~L~~ALKING ABOUT? A. THE EMIGRANTS. Q. WHAT WERE THEY SAYING? A.	

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RT	RS	BT	PS
TALKING ABOUT ARRESTING SOME OF THEM,AND TALING ABOUT KILLING THEM ALL KINDS OF TALK. Q. WAS THERE ANYTHING SAID WHAT WAS TO BE DONE WITH THESE EMIGRANTS ? A. SOME TALKED THEY WOULD KILL THEM ALL OFF,AND SOME OF THE MEN WERE OPPOSED TO IT. Q. HAD YOU LEADERS OR ANY PERSON COMMANDING ? A. I DON'T KNOW, I SAW SEVERAL MEN RUNNING AROUND THAT SEEMED TO HAVE SOMETHING TO SAY. Q. DID YOU HEAR ANY OF THESE PARTIES SAY WHAT WS TO BE DONE ? A. I HEARD SOME OF THE~~E~~ MEN WHO LOOKED TO BE	TALKING ABOUT ARRESTING SOME OF THEM TALKING ABOUT KILLING THEM ALL KINDS OF TALK ~~Q~~WAS THERE ANYTHING SAID WHAT WAS TO BE DONE WITH THOSE EMIGRANTS, ~~A~~ SOME TALK THEY WOULD KILL THEM ALL OFF SOME OF THEM WERE OPPOSED TO IT HAD YOU LEADERS OR ANY PERSON COMMANDING ~~A~~I DON'T KNOW I SAW SEVERAL MEN RUNNING AROUND THAT *[[5]]* SEEMED TO HAVE SOMETHING TO SAY ~~Q~~DID YOU HEAR ANY OF THESE PARTIES SAY WHAT WAS TO BE DONE ~~A~~I HEARD SOME OF THE MEN WHO LOOKED TO BE	TALKING ABOUT ARRESTING SOME OF THEM; TALKING ABOUT KILLING THEM ALL KINDS OF TALK. Q. WAS THE**R**E ANYTHING SAID AS TO WHAT WAS TO ~~BE~~ BE ~~G~~DONE WITH THESE EMIGRANTS? A. ~~I~~SOME TALKED THEY WOULD KILL THEM ALL OFF; SOME OF THEM WERE OPPOSED TO IT. *[105]* Q. HAD YOU LEADERS OR ANY PERSON COMMANDING? A. I DON'T KNOW. I SAW SEVERAL MEN RUNNI~~G~~NG AROUND THAT SEEMED TO HAVE SOMETHING TO SAY. Q. DIDYOU HEAR ANY OF THESE PARTIES SAY WHAT WAS TO BE DONE? A.I HEARD SOME OF THEM MEN WHO LOOKED TO BE	

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RT	RS	BT	PS
KIND OF LEADERS, SOME TALKED AS THOUGH THEY MUST BE PUT; OUT OF THE WAY; SOME SAID IT NEVER WOULD DO,THERE WAS A QUARREL ABOUT IT, I DIDN'T PUT MYSELF IN THE WAY ANY, I WAS A STRANGER TO THEM, A BOY. I JUST STAYED AROUND CAMP, ATTENDED STRICTLY TO MY OWN BUSINESS. Q. HOW OLD WERE YOU AT THAT TIME ? A. I AM THIRTY TWO NOW. WIT.: I WAS NOT QUITE FOURTEEN, OR ABOUT FOURTEEN YEARS OLD. THERE IS AN OLD GENTLEMAN HERE,THIS YOUNG,HE SAID HE REMEMBERED ME WELL.	KIND OF LEADERS SOME TALKED AS THOUGH THEY MUST BE PUT - OUT OF WAY. SOME SAID IT NEVER WOULD DO. THEY WAS QUARREL ABOUT IT. I DIDN'T PUT MYSELF IN THE WAY KNOWING I WAS STRANGE TO THEM A BOY. I JUST STAYED AROUND CAMP ATTENDED STRICTLY TO MY OWN BUSINESS. Q HOW OLD WERE YOU AT THAT TIME A I AM 32 NOW. COUNSEL FIGURED IT UP. AHE WAS NOT QUITE 14 OVER 14 YEARS OLD. THERE IS AN OLD GENTLEMAN HERE THIS YOUNG HE SAID HE REMEMBERED ~~<~~ME~~>~~ WELL I	KIND OF LEADERS; SOME TALKED AS THOUGH THEY MUST BE PUT OUT OF THE WAY. SOME SAID THA T IT NEVER WOULD DO. THEY WAS QUARELING ABOUT IT. I DIDN'T PUT MYSELF IN THE WAY, KNOWING I WAS STRAN~~F~~GE TO THEM~~,~~**;**~~—~~ A BOY. I JU~~D~~**S**T STAYED AROUND CAMP AND ATTEN~~E~~DED TO MY OWN BUSINESS? ~~A~~**Q.** ~~Q~~HOW OLD WERE YOU AT THAT TIME? A. I AM 32 NOW. (COUNSEL FIGURED IT UP) Q. ~~HE~~ **YOU** WAS NOT QUITE I4 . A. SOME I4 YEARS OLD. THERE IS AN OLD GENTLEMAN HERE, THIS **M**$^{\underline{R}}$ **Y**OUNG**,** HE S**A**ID HE REMEMBERED ME, WELL, I	

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RT	RS	BT	PS
HAVE REMEMBERED HIM EVER SINCE. Q. ~~IF~~ AFTER YOU WERE ON THAT GROUND WHAT WAS DONE— STATE WHAT WAS DONE ?	HAVE REMEMBERED HIM EVER SINCE. Q AFTER YOU WERE ON THAT GROUND WHAT WAS DONE	HAVE REMEMBERED HIM EVER SINCE. Q. AFTER ~~W~~YOU WERE ON THE GROUND WHAT WAS DONE?	
A. I DON'T KNOW SIR,BUT AS FAR AS I DO KNOW THEY TALKED OF KILLING THEM— KILLING THE EMIGRANTS,CH ATTING ABOUT CAMP. I DON'T REALLY KNOW; I WAS NOT WITH THIS MAN WHO SEEMED TO BE A LEADING MAN. DIDN'T *[294]* KNOW THE PLAN. THE FIRST I KNOW THE MEN WERE SHOVING OUT OF THE CAMP,AND I THINK THEY WAS GONE I GUESS FOR PROBABLY THREE OR FOUR HOURS, MAY BE	A I DON'T KNOW SIR; BUT AS FAR AS I DO KNOW, THEY TALKED OF KILLING THEM KILLING EMIGRANTS CHATTING OVER ABOUT CAMP, I DON'T REALLY KNOW I WAS NOT WITH THESE MEN WHO SEEMED TO BE LEADING MEN, DIDN'T KNOW THE PLAN. FIRST I KNOW THE MEN WAS SHOVING OUT OF THE CAMP WENT OFF THEY WAS GONE I GUESS HALF DAY PROBABLY 3 OR 4 HOURS, MAYBE	A. I DO NOT KNOW , SIR; BUT AS FAR AS I DO KNOW, THEY TALKED OF KILLING THEM— KILLING THE EMIGRANTS— CHATTING IT OVER ABOUT THE CAMP. I WASN'T WITH THR~~R~~ESE MEN WHO SEEMED TO BE THE LEADING MEN; DIDN'T KNOW THE ~~L~~PLAN. FIRST I KNOW **THE** MEN WERE SHOVING OUT OF CAMP ; WENT OFF; I THINK THEY WAS GONE A HALF A DAY, PROBABLY THREE OR FOUR HOU~~S~~RS , ~~A~~MAY BE A	

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RT	RS	BT	PS
HALF A DAY, WHEN I CAME INTO THE CAMP THERE WAS NOTHING THERE TO EAT BUT FRESH BEEF; I HADN'T SUPPLIED MYSELF WITH PROV IS IONS, AND I WAS AS HUNGRY AS A WOLF; WHEN I GOT THERE I ATE HAVE OF FRESH BEEF, AND I HAD THE BOTTS THERE, I WAS SICK; THEY WAS MOVING OUT. Q. WHERE DID THEY SHOVE OUT TO ? A. DOWN TOWARDS THE EMIGRANTS – WHERE THEY WAS. Q. DO YOU KNOW WHO GAVE THE COMMAND IF ANY PERSON ? A. THEY JUST SEEMED TO ROLL RIGHT OUT,BUT I WAS NOT PAYING MUCH ATTENTION. Q. WHAT DID	HALF DAY. WHEN I CAME INTO CAMP THERE WAS NOTHING THERE TO EAT BUT FRESH BEEF; I HADN'T SUPPLIED MYSELF WITH PROVISIONS, I WAS AS HUNGRY AS ≤**A**≥ WOLF. WHEN I GOT THERE, I ATE HEAVY OF FRESH BEEF AND I HAD THE BOTS ≤**BOTTS**≥ THERE. I WAS SICK THERE WAS MOVING OUT $_{Q}$WHERE DID THEY SHOVE OUT TO $_{A}$ DOWN TOWARDS EMIGRANTS Q *WHERE/WERE*[?] THEY = DO YOU KNOW WHO GAVE THE COMMAND IF ANY PERSON A. THEY JUST SEEMED TO ROLL RIGHT OUT; I WAS NOT PAYING MUCH ATTENTION WHAT DID	HALF A DAY. WHEN I C**O**ME BACK INTO CAMP, THERE WAS NOTHING THERE TO EAT BUT FRESH BEEF, I DIDN'T SUPPLY M~~U~~YSELF WITH PROVISIONS AND I WAS HUNGRY AS A WOLF. WHEN I GOT THERE I ATE HEAVY OF THE FRESH BEEF AND I HAD THE BOTTS. I WAS SICK, **WHILE** THE~~RE~~**Y** WAS MOVING OUT. Q. WHERE DID THEY SHOVE OUT TO? A. DOWN TOWARDS THE EMIGRANTS. Q. WERE THEY— DO YOU KNO~~W~~**W** WHO GA~~F~~VE THE COMMAND~~.~~**,** IF ANY PERSON? A. THEY JUST SEEMED TO ROLL RIGHT OUT; I WAS NOT PAYING MUCH ATTENTION. Q. WHAT DID	

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RT	RS	BT	PS
THEY TAKE WITH THEM ? A. THEY TOOK THEIR GUNS WITH THEM, MOVED TOWARDS THE EMIGRANT CAMP. Q. HOW LONG WERE THEY GONE ? A. I ~~C~~SHOULD SAY THREE OR FOUR HOURSE,HALF A DAY,MAY BE SO; I WAS SLEE**P**ING,BUT THEY WAS GONE SOMETIME. Q. HAD YOU WAKED WHEN THEY MOVED OUT ? A. I DIDN'T KNOW WHEN THEY LEFT CAMP,NOR WHETHER THEY MEANT TO KILLTHE EMIGRANTS,OR MEANT TO ARREST SOME OF THEM. Q. WHEN THEY WERE GONE WHAT DID YOU SEE OR HEAR ? A. I HEARD A REPORT, VOLLEY OF GUNS, A GREAT MANS GUNS	THEY TAKE WITH THEM **A**THEY TOOK THEIR GUNS WITH THEM, MOVED TOWARDS EMIGRANT CAMP **Q**HOW LONG WERE THEY GONE **A** I SHOULD SAY 3 OR 4 HOURS HALF A DAY MAY BE WAS ASLEEP THEY WAS GONE SOMETIME **Q** HAD YOU WAKED WHEN THEY MOVED OUT *F/OFF*[?] **A**I DON'T KNOW WHEN THEY LEFT CAMP WHETHER THEY MEANT TO KILL EMIGRANTS OR MEANT TO ARREST SOME OF THEM **Q**WHEN THEY WERE GONE WHAT DID YOU SEE OR HEAR **A**I HEARD REPORT = VOLLEY OF GUNS GREAT MANY GUNS	THEY TAKE WITH THEM? A. THEY TOOK THEIR GUNS WITH THEM AND MOVED TOWARDS THE EMIGRANT CAMP. Q. HOW LONG WERE THEY GONE? A. I SHOULD SAY THREE OR FOUR HOURS—HALF A DAY MAY BE SO— THEY WAS ~~F~~GONE SOME TIME. Q. DID YOU WAKE WHEN THEY MOVED OUT? A. I DON'T KNOW~~.~~ *[106]* WHEN THEY LEFT CAMP WHETHER THEY MEANT TO KILL THE EMIGRANTS OR WHETHER THEY MEANT TO ARREST ~~D~~SOME OF THEM? ~~A. W~~ Q. WHEN THEY WERE GONE WHAT DID YOU SEE OR HEAR? A. I HEARD A REPORT—A VOLLEY OF GUNS—GREAT MANY OF GUNS	

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RT	RS	BT	PS
FIRING, BUT I WAS QUITE SICK. Q. DID YOU SEE THE VOLLEY ? A. NO, I WAS SICK AT THE TIME. I HAD TO ENERGY TO DO ANYTHING, ONLY TO *[295]* TRY TO LIVE; I HAD ATE TOO MUCH FRESH BEEF. Q. BUT YOU HEARD SHOOTING ? A. I HEARD VOLLEYS, YES SIR, I DID. Q. DID YOU AFTERWARDS SEE THE COMPANY THAT WENT OUT ARMED ? A. I SAW OUR PARTY -? A LITTLE PARTY,THAT WAS FROM WASHINGTON, AND RETURNED THERE. WE STARTED DIRECTLY FOR HOME. Q. WHEN THEY RETURNED WAS THERE ANYTHING SAID ABOUT THE COMPANY ? A. THEY SAID	FIRING I WAS SICK DID YOU SEE VOLLEY $_{A}$ I WAS SICK AT THE TIME. I HAD NO ENERGY TO DO ANYTHING ONLY TO TRY TO LIVE. I HAD ATE TOO MUCH FRESH BEEF. $<_{Q}$ YOU HEARD SHOOTING> $_{A}$I HEARD VOLLEYS YES SIR I DID $_{Q}$DID YOU AFTERWARDS SEE THE COMPANY THAT WENT OUT ARMED $_{A}$ I SAW OUR PARTY LITTLE; PARTY THAT WAS FROM WASHINGTON RETURNED THERE WE STARTED DIRECTLY FOR HOME. $_{Q}$ WHEN THEY RETURNED WAS THERE ANYTHING SAID ABOUT COMPANY $_{A}$ THEY SAID ALL	F~~U~~IRING. I WAS SICK. Q. DID YOU SEE THE VOLLEY? A. AT THE TIME I HAD NO ENERGY TO DO ANYTHING ONLY TO TRY TO LIVE. I HAD EATEN TO**O** MUCH FRESH BEEF. Q. YOU HEARD SHOOTING? A. I HEARD VOLLEYS—YES, SIR, I DI~~D~~. Q. DID YOU AFTERWARDS SEE THE COMPANY THAT WENT OUT ARMED? A. I SAW OU~~T~~**R** PARTY— LITTLE PARTY THAT WAS FROM WASHINGTON, RETURNED THERE. WE STARTED DIR~~CE~~ECTLY FOR H~~I~~OME. Q. WHEN THEY RETURNED WAS THERE ANYTHING SAID ABOUT THE COMPANY? A. THEY SAID ALL	

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RT	RS	BT	PS
THE EMIGRANTS WAS KILLED . Q. DID THEY STATE BY WHOM THEY WAS KILLED ? A. I COULD NOT SAY POSITIVELY WHETHER THEY DID OR NOT,BUT I HAD MY OWN CONCLUSIONS, AND I CONCLUDED THEY WAS KILLED. OBJECTED TO BY DEFENDANT. Q. DID YOU SEE ANY INDIANS AROUND THERE ? A. I SAW LOTS OF THEM THERE, MORE THAN I EVER SEEN BEFORE; THE INDIANS WAS POW WOWING AROUND. THEY CAME UP TO MY CAMP. I COULD NOT TELL YOU WHERE THE INDIANS WAS CAMPED. I SAW THEM ALL AROUND,BUT I DID NOT KNOW WHERE THE INDIANS WAS CAMPED. Q.	THE EMIGRANTS WAS KILLED Q DID THEY STATE BY WHOM THEY WAS KILLED AI COULD NOT SAY POSITIVELY WHETHER THEY DID OR NOT BUT I HAD MY OWN CONCLUSIONS. *[[6]]* I CONCLUDED THEY WAS KILLED OBJECTED TO BY DEFENSE. QDID YOU SEE ANY INDIANS AROUND THERE AI SAW LOTS OF THEM THERE. MORE THAN THAN I EVER SAW BEFORE; THE INDIANS WAS POW WOWING AROUND. THEY CAME UP TO MY CAMP BUT I COULD NOT TELL YOU WHERE INDIANS WAS CAMPED I SAW THEM ALL AROUND; I DID NOT KNOW WHERE INDIANS WAS CAMPED Q	THE EMIGRANTS WAS KILLED. Q. DID THEY STATE BY WHOM THEY WAS KILLED? A. I COULD NOT SAY POSITIVELY WHETHER THEY DID, BUT I HAD MY OWN CONCLUSIONS. I CONCLUDED THEY WAS KILLED. OBJECTED TO BY COUNSEL FOR ~~I~~DEFENSE. Q. DID YOU SEE ANY **I**NDIANS AROUND THERE? A. I SAW LOTS OF THEM THERE, MORE THAN I EVER ~~W~~SAW BEFORE. THE **I**NDIANS WAS POW-WOWING AROUND. THEY CAME UP TO MY CAMP, BUT I COULD NOT TELL YOU WHERE THE **I**NDIANS WERE CAMPED. I SAW THEM ALL AROUND ? I DON'T KNOW WHERE THE~~Y~~ **I**NDIANS WERE CAMPED. Q.	

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RT	RS	BT	PS
DID THEY SHOW ANY HOSTILITY TOWARDS THESE MEN WHO WERE CAMPED THERE A. THEY DID WHEN WE WAS GOING HOME, THE INDIANS HAD GOT ALONG BY THE CLARA, AND THREATENED TO KILL US. WE WAS ONLY A VERY SMALL PARTY FROM WASHINGTON. Q. WERE THEY HOSTILE ON THE GROUND ,, ON THE MEADOWS, TO YOUR PARTY ? A. NO,NOT THERE ON THE GROUND, THEY WAS NOT. Q. DID YOU SEE ANY WHITE MEN TALKING WITH THEM ? A. I SAW SOME MEN TALKING WITH THE INDIANS, BUT I COULD NOT TELL YOU THE NAMES OF THE PARTIES.	DID THEY SHOW ANY HOSTILITY TOWARDS THOSE MEN WHO WERE CAMPED THERE ~~A~~THEY DID WHEN WE WAS GOING HOME, THEY INDIANS HAD GOT ALONG BY THE CLARA AND THREATENED TO KILL US. WE WAS ONLY VERY SMALL PARTY FROM WASHINGTON. ~~=~~DID THEY SHOW HOSTILITY ON THE GROUND TO YOUR PARTY~~=~~ ~~A~~NO NOT ON THE GROUND THEY DID NOT. ~~Q~~DID YOU SEE ANY WHITE MEN TALKING WITH THEM ~~A~~ I ~~SOME~~ SAW SOME MEN TALKING WITH INDIANS BUT I COULD NOT TELL YOU NAMES OF PARTIES	DID THEY SHOW ANY HOSTILITY TOWARDS THESE MEN WHO WERE CAMPED T~~ERE~~ THERE? A. THEY DID. WHEN WE WAS GOING HOME, THE **I**NDIANS HA~~G~~**D** GOT ALONG BY THE CLARA, AND THREATENED TO KILL US. WE WAS ONLY A ~~VERY SMAPPLL~~ VERY SMALL PARTY FROM WASHINGTON. Q. ~~T~~DID THEY SHOW HOSTILITY ON THE GROUND TO YOUR PARTY? A. NO, NOT ON THE GROUND, ~~DT~~THEY DIDN'T. Q. DID YOU SEE ANY WHITE MEN TALKING WITH THEM? A. I SAW SOME MEN TALKING WITH THE **I**NDIANS, BUT I COULD NOT TELL YOU THE NAMES OF THE PARTIES.	

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RT	RS	BT	PS
[296] Q. HOW LONG DID THE INDIANS REMAIN IN CAMP THERE ? A. THEY WAS TO BE SEEN AT THE TIME THE COMPANY SHOVED OUT. Q. WHERE WERE THE INDIANS OUT OF CAMP ? A. THE INDIANS WAS OFF SOMEWHERE, BELOW,DOWN THEIR HOLLER. I DON'T KNOW WHERE THE INDIAN CAMP WAS EXACTLY. Q. WAS THERE ANY EXCITEMENT AT THE TIME THEY FILED OUT ? A. I THINK THE INDIANS ALL WENT OFF TOO. Q. HOW LONG BEFORE THE SOLDIERS FILED OUT THAT THE INDIANS DISAPPEARED ? A. WELL SIR, I DON'T REMEMBER; BEFORE	$_{Q}$HOW LONG DID INDIANS REMAIN IN CAMP THERE $_{A}$THEY WAS TO BE SEEN AT ONE TIME AT TIME COMPANY SHOVED OUT $_{Q}$WHERE WERE THE INDIANS OUT OF CAMP $_{A}$ THE INDIANS WAS OFF SOMEWHERE BELOW DOWN THE HOLLER; I DON'T KNOW WHERE INDIAN CAMP WAS EXACTLY $_{Q}$WERE THERE ANY EXCITEMENT AT THE TIME THEY FILED OUT $_{A}$I THINK THE INDIANS ALL WENT OFF TOO $_{Q}$HOW LONG BEFORE SOLDIERS FILED OUT THAT THE INDIANS DISAPPEARED $_{A}$WELL SIR, I DON'T REMEMBER BEFORE	Q. HOW LONG DID THE **I**NDIANS REMAIN IN CAMP THERE? A. THEY WAS ~~S~~**T**O ~~BEE~~**BE** SEEN AT ONE TIME—AT THE TIME THE COMPANY SHOVED OUT. *[107]* Q. WHERE WERE THE **I**NDIANS**,** OUT OF CAMP? A. THE **I**NDIANS WERE OFF SOMEWHERE BELOW, DOWN THE HOLLOW. I DON'T KNOW WHERE THE **I**NDIAN CAMP WAS EXACTLY. Q. WAS THERE ANY EXCITEMENT AT THE TIME THEY FILED OUT? A. I THINK THE **I**NDIANS ALL WENT OFF TOO. Q. HOW LONG BEFORE THE SOLDIERS ~~FILED~~ **PILED** OUT THAT THE **I**NDIANS DISAPPE~~R~~**ARED** A. WELL, SIR, I DON'T REMEMBER BEFORE	

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RT	RS	BT	PS
THOUGH, THEY FILED OUT. Q. WHEN DID YOU LAST NOTICE THE INDIANS AROUND YOUR CAMP ? A. ALONG SOMETIME THAT MORNING. Q. I MEAN THE INDIANS – HAD THE INDIANS BEEN CONSTANTLY AROUND YOUR CAMP ? A. YES, THEY HAD BEEN ABOUT THERE THAT MORNING THAT THEY DISAPPEARED Q. DID YOU SEE ANY OF THE EMIGRANTS KILLED ON THAT OCCASION ? A. I DID NOT. Q. DO YOU KNOW WHAT WAS DONE ? A. IF I HADN'T BEEN SICK I SHOULD HAVE BEEN RIGHT ALONG AND SEEN IT. Q. DID YOU SEE ANY OF THE EMIGRANTS AFTER THEY WERE KILLED	THEY FILED OUT. Q WHEN DID YOU LAST NOTICE INDIANS AROUND YOUR CAMP **A** ALONG SOMETIME THAT MORNING Q I MEAN THE INDIANS; HAD THE INDIANS BEEN CONSTANTLY AROUND YOUR CAMP A YES, THEY HAD BEEN ABOUT THERE THAT MORNING THAT THEY DISAPPEARED Q DID YOU SEE ANY OF THE EMIGRANTS KILLED ≤ON THAT OCCASION≥ A NO SIR I DID NOT. Q DO YOU KNOW WHAT WAS DONE A IF I HADN'T BEEN SICK I SHOULD HAVE BEEN RIGHT ALONG AND SEEN IT. Q DID YOU SEE ANY OF THE EMIGRANTS AFTER THEY WERE KILLED	THEY PILED OUT. Q. WHEN DID YOU LAST NOTICE THE **I**NDIANS AROUND THE CAMP? A. ALONG SOMETIME THAT MORNING. Q. I MEAN THE **I**NDIANS. **Q.** HAD THE **I**NDIANS BEEN CONSTANTLY AROUND YOUR CAMP? A. YES, THEY HAD BEEN AROUND THAT MORNING THAT THEY DISAPPEARED. Q. DID YOU SEE ANY OF THE EMIGRANTS KILLED THAT MORNING, ON THAT OCCASION? A. I DID NOT. Q. DO YOU KNOW WHAT WAS DONE? A. IF I HADN'T BEEN SICK I SHOULD HAVE BEEN RIGHT ALONG OR SEEN IT. Q. DID YOU SEE ANY OF THE EMIGRANTS AFTER THEY WERE KILLED	

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RT	RS	BT	PS
ON THAT OCCASION ? A. I DID NOT. I HAD NO INCLINATION TO SEE THEM WHATEVER. Q. D~~D~~ID YOU SEE ANY OF THE PROPERTY OF THAT TRAIN ? A. I SAW THERE ABOUT THE TIME WE WAS MOVING CAMP – I SAW WAGONS MOVING THIS WAY. I KNOW THERE WAS NOT A BIT OF PROPERTY TAKEN TO WASHINGTON,T HE PROPERTY MOVED ALL THIS WAY, ALL. *[297]* Q. YOU CAME INTO THE MOUNTAIN MEADOWS FROMT HE SOUTHWEST ? A. YES SIR. Q. YOU NEVER SAW ANY PROPERTY AFTERWARDS ? A. THERE WAS A PARTY~~33~~ SOMEWHERE FROM THE NORTH	ON THAT OCCASION **A** SIR, I DID NOT; I HAD NO INCLINATION TO SEE THEM WHATEVER **Q** DID YOU SEE ANY OF PROPERTY OF THAT TRAIN **A**I SAW THERE ABOUT THE TIME WE WAS MOVING CAMP, I SAW WAGONS MOVING THIS WAY; **A**I KNOW THERE WAS NOT A BIT OF PROPERTY TAKEN TO WASHINGTON **A**PROPERTY MOVED OFF THIS WAY BAD AND GOOD. **Q**YOU CAME INTO THE MOUNTAIN MEADOWS FROM THE SOUTHWEST **A**YES SIR YES **Q**YOU NEVER SAW ANY OF PROPERTY **A**AFTERWARDS THERE WAS PARTIES SOMEWHERE FROM THE NORTH	ON THAT OCCASION? A. NO, SIR, I DID NOT: I HAD NO~~T~~ INCLINATION TO SEE TH~~EM~~**EM** WHATEVER. Q. DID YOU SEE ANY OF THE PROPERTY OF TH**A**T ~~R~~TRAIN? A. I SA~~Y~~W IT ABOUT THE TIME WE WAS MOVING CAMP; I SAW WAGONS MOVING THIS WAY. I KNOW THERE WAS NOT A BIT OF PROPERTY TAKEN TO WASHINGTON. THE PROPERTY MOVED OFF THIS WAY — GOOD AND BAD. Q. YOU CAME INTO THE MOUNTAIN MEADOWS FROM THE SOUTHWEST? A. YES, SIR, — YES. Q. YOU NEVER SAW ANY PROPERTY? A. AFTERWARDS THERE WAS PARTIES SOMEWHERE FROM THE NORTH	

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RT	RS	BT	PS
COUNTRY; SOME OF THIS PARTY, I JUDGE,CAME IN FROM THIS WAY,TOWARDS THE TWO ROADS, COMING INTO THE MEADOWS, ONE FROM THE NORTH. THE PROPERTY WAS MOVED OFF NORTH, I THINK ALL OF IT; I KNOW THERE WAS NONE WENT TO WASHINGTON, I KNOW I WALKED HOME. Q. IN WHAT COUNTRY ARE THE MOUNTAIN MEADOWS SITUATED ;? A. IT IS IN WAHSINGTON,C ALLED; I COULD NOT SAY POSITIVE, WHETHER IT WAS IN THE COUNTY OR NOT, IT IS CALLED IN WASHINGTON. Q. IN WHAT TERRITORY ? A.	COUNTRY SOME OF THIS PARTY I JUDGE CAME IN FROM THIS WAY, THERE IS TWO ROADS COMING INTO MEADOWS ONE FROM SOUTH ONE FROM NORTH. THE PROPERTY WAS MOVED OFF NORTH I THINK ALL OF IT, I KNOW THERE WAS NONE WENT TO WASHINGTON, I KNOW I WALKED HOME Q IN WHAT COUNTRY ARE THE MOUNTAIN MEADOWS SITUATED A IT IS IN WASHINGTON COUNTY I COULD NOT SAY POSITIVE, WHETHER IT WAS IN COUNTY OR NOT; IT IS CALLED IN WASHINGTON COUNTY Q IN WHAT TERRITORY A	GOT SOME OF THIS PROPERTY I JUDGE CAME IN FROM THIS WAY. THERE IS TWO ROUTES COMING INTO THE **M**EADOWS. ONE FROM THE SOUTH AND ONE FROM THE NORTH. THE PROPERTY WAS MOVED OFF NORTH, I THINK ALL OFIT . I KNOW THERE WAS NONE WENT TO WASHIN**G**TON. I KNOW I WALKED HOME. Q. IN WHAT COUNTY **IS** ~~ARE~~ THE MOUNTAIN MEADOWS SITUATED~~,~~. A. IT IS IN WASHINGTON~~,~~ COUNTY, BUT I COULD NOT SAY POSITIVELY WHETHER IT WAS IN WASHINGTON COUNTY **THEN** OR NOT. IT IS **NOW** CALLED IN WASHIN~~T~~GTON COUNTY? Q. IN WHAT TERRITORY? A.	

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RT	RS	BT	PS
UTAH TERRITORY. Q. HOW FAR IS IT SOUTH OF CEDAR TO THE MOUNTAIN MEDOWS ? A. WELL, I COULD NOT TELL YOU EXACTLY,IT IS SOMETHING LIKE 35 OR 40 MILES,DON'T KNOW THE EXACT DISTANCE. Q. HOW MANY PEOPLE CAME UP WITH YOU FROM WASHINGTON ? A. I DON'T REMEMBER THE NUMBER, THERE WAS A FEW, THEY HAD A LITTLE TWO HORSE WAGON, AND I DON'T REMEMBER WHO DROVE IT. I CAME ON AFTER. Q. WHILE YOU WERE LYING IN CAMP THERE DID YOU HEAR ANY FIRING OF GUNS ? A. YES SIR, I HEARD A VOLLEY OF GUNS; I HEARD CONSIDERABLE	UTAH TERRITORY. * [[7]] QHOW FAR IS IT SOUTH OF CEDAR TO THE MOUNTAIN MEADOWS A WELL I COULD NOT TELL YOU EXACTLY, IT IS SOMETHING LIKE 35 OR 40 MILES, DON'T KNOW EXACT DISTANCE. Q HOW MANY PEOPLE CAME UP WITH YOU FROM WASHINGTON AI DON'T REMEMBER ≤THE≥ NUMBER; THERE WAS A FEW, THEY HAD LITTLE TWO HORSE WAGON; DON'T REMEMBER WHO DROVE IT, I CAME ON AFTER ≤A WHILE≥ Q WHILE YOU WERE LYING IN CAMP THERE, DID YOU HEAR ANY FIRING OF GUNS AYES SIR, I HEARD VOLLEY OF GUNS AI HEARD CONSIDERABLE	UTAH TERRITORY. [108] Q. HOW FAR IS IT SOUTH OF CEDAR TO THE MOUNTAIN MEADOWS? A. WELL, I COULD NOT TELL YOU EXACTLY; IT IS SOMETHING LIKE 35 OR 40 MILES, DON'T KNOW THE EXACT DISTANCE. Q. HOW MANY PEOPLE CAME UP WITH YOU FROM WASHINGTON? A. I DON'T REMEMBER THE NUMBER; THERE WAS A FEW. THEY HAD A LITTLE TWO HORSE WAGON; DON'T REMEMBER WHO DROVE IT. I CAME ON AFTER A WHILE. Q. WHILE YOU WERE LYING IN CAMP THERE , DID YOU HEAR ANY FIRING OF GUNS? A. YES, SIR; I HEARD FIRING OF GUNS—I HEARD CONSIDERABLE	

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RT	RS	BT	PS
FIRING; I SUPPOSED AT THE TIME THE EMIGRANTS WERE BEING KILLED. Q. DO YOU KNOW AT WHAT PARTICULAR TIME THE EMIGRANTS WERE FIRST ATTACKED ? A. I DO NOT, I THINK THEY HAD BEEN ATTACKED BEFORE I REACHED THERE, THAT WAS THE TALK, THEY HAD BEEN ATTACKED BEFORE WE REACHED THERE, I *[298]* HEARD IT SAID. Q. DID YOU HEAR IT SAID BY WHOM THEY HAD BEEN ATTACKED ? A. NO SIR, I SUPPOSED SO. Q. I DON'T WANT SUPPOSITIONS, WE WANT THE FACTS, AND THAT IS WHAT YOU	FIRING; I SUPPOSED AT THE TIME EMIGRANTS WAS BEING KILLED DO YOU KNOW AT WHAT PART OF TIME EMIGRANTS WERE FIRST ATTACKED A I DO NOT. I THINK THEY HAD BEEN ATTACKED BEFORE I REACHED THERE, THAT WAS THE TALK, THEY HAD BEEN ATTACKED BEFORE WE REACHED THERE A HEARD IT SAID Q HEARD IT SAID BY WHOM THEY HAD BEEN ATTACKED A NO SIR I SUPPOSED SO QI DON'T WANT SUPPOSITION = ~~YES SIR~~ WE WANT FACTS THAT IS WHAT YOU ~~<~~**WE**~~>~~	FIRING. I ~~U~~SUPPOSE~~E~~D AT THE TIME THE EMIGRANTS WERE BEING KILLED. Q. DO YOU KNOW AT WHAT PART OF THE TIME THE EMIGRANTS, ~~THE EMIGRANTS~~ WERE FIRST ATTACKED? A. I DO NOT. ~~Q.~~ I THINK TH EY HAD BEEN ATTACKED BEFORE I REACHED THERE; THAT WAS THE TALK, THAT THEY HAD BEEN ATTACKED BEFO~~R~~E WE REACHED THERE ; HEARD IT SAID. Q. HEARD IT SAID BY WHOM THEY HAD BEEN ATTACKED? A. NO, SIR; I SUPPOSED SO.— —Q. I DON'T WANT SUPPOSITION, WE WANT FACTS, THAT IS WHAT WE	

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RT	RS	BT	PS
ARE TO COME AT. DID YOU HEAR FROM WHAT WAS SAID BY WHOM THEY HAD BEEN ATTACKED ? A. I DID NOT; I WOULD HAVE KNOWN IF I HAND'T BEEN SICK,AS I WAS ACQUAINTED WITH THE PARTIES AROUND THERE. Q. LET ME ASK YOU HOW MANY WERE THERE ON THAT GROUND AND PARTICIPATING FORM WASHINGTON ? A. WELL, THERE WAS ------ OBJECTED TO BY COUNSEL FOR DEFENSE. Q. HOW MANY FROM WASHINGTON WERE THERE ON THE GROUND ? A. THERE WAS SOME 5 OR 6 I THINK,	WANT TO COME AT = DID YOU HEAR = HEAR WHAT WAS SAID, ≤IF SO≥ BY WHOM THEY HAD BEEN ATTACKED ? A I DID NOT, I WOULD HAVE KNOWN IF HADN'T BEEN SICK IF HAD BEEN ACQUAINTED WITH THE PARTIES KIND ≤**KIND'A**≥ Q LET ME ASK YOU HOW MANY WERE THERE ON THAT GROUND AND PARTICIPATED FROM WASHINGTON A WELL, THERE WAS = BY DEFENSE WE OBJECT TO THAT QUESTION Q HOW MANY FROM WASHINGTON WERE THERE ON THE GROUND. A WHEN YOU CAN DECIDE I WILL ANSWER; THERE WAS SOME 5 OR 6 I THINK	WANT TO COME AT. DID YOU HEAR—HEAR WHAT WAS SAID; IF SO, BY WHOM **HAD** THEY HAD BEEN ATTACKED? A. I DO NOT, I WOULD HAVE KNOWN IF I HAD BEEN ACQUAINTED WITH THE PARTIES, KIND OF. Q. LET ME ASK YOU HOW MANY WERE THERE ON THE GROUND AND PARTICIPATED FROM WASHINGTON? A. WELL, THERE WAS———— OBJECTED TO. Q. HOW MANY FROM WASHINGTON WERE THE¥RE ON THE GROUND? A. WHEN YOU CAN DECIDE I WILL ANSWER. THERE WAS SOME FIVE OR SIX	

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RT	RS	BT	PS
MAY BE SEVEN, A SMALL PARTY. CROSS - EXAMINATION WAIVED. *[299]* E. W. THOMPSON ,SWORN FOR PROSECUTION. Q. MR. THOMPSON, STATE YOUR RESIDENCE ? A. I LIVE IN BEAVER. Q. WHERE DID YOU RESIDE IN THE MONTH OF SEPTEMBER 1857 ? A. BEAVER. Q. STATE WHETHER	MAYBE 7 = SMALL PARTY. BY PROSECUTION THAT IS ALL. TO DEFENSE YOU CAN TAKE THE WITNESS THAT IS ALL. BY COURT. DO EITHER PARTY WANT THIS WITNESS PROSECUTION AND DEFENSE BOTH ANSWERED NO BY COURT YOU WILL BE DISCHARGED THEN [*space*] **{DEFENSE WAIVED CROSS EXAMINATION}** p [*space*] **E. W. THOMPSON.** CLERK ADMINISTERED OATH. QMR. THOMPSON STATE YOUR RESIDENCE A I LIVE IN BEAVER. Q WHERE DID YOU RESIDE IN THE MONTH OF SEPTEMBER 57 ABEAVER. Q STATE WHETHER	MAY BE SEVEN—SMALL PARTY. BY PROSECUTION: THAT IS ALL. *[109]* E.W. THOMPSON, SNR. SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R}** Q. MR. THOMPSON, STATE YOUR RESIDENCE? A. I LIVE IN BEAVER. Q. WHERE DID YOU RESIDE IN THE MONTH OF SEPTEMBER, ‘57? A. BEAVER. Q. STATE WHETHER,	

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RT	RS	BT	PS
DURING THAT MONTH YOU SAW AN EMIGRANT TRAIN PASSING THROUGH, CALLED THE ARKANSAS,OR NOT ? A. I SAW A TRAIN PASSING THROUGH HERE, DESIGNATED BY THAT TITLE; I THINK I WAS TOLD SO. Q. WHERE DID THEY CAMP, DID YOU KNOW ? A. I NEVER WAS AT THEIR CAMP,BUT THEY CAMPED ON THE RIVER,ACROSS THE CREEK HERE. Q. ABOUT WHAT TIME IN THE MONTH WAS IT ? A. I CANNOT STATE THAT. Q. AS NEAR AS YOU CAN RECOLLECT ? A. WELL, I SHOULD SAY IT WAS IN THE FIRST HALF OF THE MONTH, COULD NOT STATE	DURING THAT MONTH SAW EMIGRANT TRAIN PASS THERE CALLED ARKANSAS OR NOT $_{A}$I SAW TRAIN PASS THROUGH HERE DESIGNATED BY THAT TITLE, I THINK I WAS TOLD SO. $_{Q}$WHERE DID THEY CAMP, DID YOU KNOW $_{A}$I NEVER WAS AT THEIR CAMP = CAMPED ON THE RIVER ACROSS THE CREEK HERE $_{Q}$ABOUT WHAT TIME IN MONTH WAS IT $_{A}$I CANNOT STATE THAT $_{Q}$ AS NEAR AS YOU CAN RECOLLECT $_{A}$ WELL I SHOULD SAY IT WAS IN FIRST HALF OF MONTH COULD NOT STATE	DU~~T~~**R**ING THAT MONTH, YOU SAW AN EMIGRANT TRAIN ~~A~~PASS **THROUGH** THERE , OR NOT? A.I SAW A TRAIN PASS THROUGH HERE DESIGNATED BY THAT TITLE; I THINK I SAW IT. Q. WHERE DID ~~THEY COME FROM, DO YOUTHEY~~ ~~**CAMP**~~ **THEY** CAMP, DO YOU KNOW? A. I NEVER WAS AT THEIR CAMP— CAMPED ON THE RIVER ACROSS THE CREEK HERE? ~~AQ~~ **Q**. ABOUT WHAT TIME ~~O~~IN THE MONTH WAS IT? A. I CANNOT STATE THAT: . Q. AS NEAR AS YOU CAN RECOLLECT? A. WELL, I SHOULD SAY IT WAS IN THE FIRST HALF OF THE MONTH. COULD NOT ~~D~~STATE THE	

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RT	RS	BT	PS
DEFINITELY, BUT IN SEPTEMBER 1857; YES;SIR. Q. AND TELL US ABOUT HOW LARGE A TRAIN OF WAGONS IT WAS ? A. I SAW THE TRAIN, I WAS AT WORK AT THE SAW MILL, SAW IT PASS DOWN THE ROAD,LONG TRAIN,AND THE NUMBER OF THE WAGONS, THERE MAY HAVE BEEN THIRTY OR FORTY, PROBABLY NOT SO MANY AND MAY BE MORE. Q. HOW FAR WERE YOU OFF ? A. ABOUT HALF A MILE. Q. HAVE YOU ANY KNOWLEDGE, IF SO STATE HOW MANY PEOPLE WERE THERE IN THE TRAIN ? *[300]* A. I HAVE NO KNOWLEDGE, I NEVER VISITED THEIR CAMP. Q. DID YOU SEE ANY OF THEM ?	DEFINITELY. Q OF SEPTEMBER 57 A YES SIR Q AND TELL US ABOUT HOW LARGE TRAIN WAGON A I SAW THE TRAIN = WAS AT WORK SAW MILL, SAW IT PASS DOWN THE ROAD, LONG TRAIN; NUMBER OF WAGONS, THERE MAY HAVE BEEN THIRTY OR 40 ≤**OR**≥ NOT SO MANY, MAYBE MORE Q HOW FAR FROM *OFF*[?] A ABOUT HALF MILE Q HAVE YOU ANY KNOWLEDGE = IF SO STATE, HOW MANY PEOPLE WERE THERE IN A I HAVE NO KNOWLEDGE, NEVER VISITED THEIR CAMP Q DID YOU SEE ANY OF THEM,	DAY? Q. OF SEPTEMBER, ‘5~~&~~7? A. YES, SIR. Q. AND TELL US ABOUT HOWLARGE A **T**RAIN OF ~~S~~WAGONS? A. I SAW THE TRAIN; WAS AT WORK AT THE SAW-MILL~~.~~ ~~Q.~~ SAW IT PASS DOWN THE ROAD—LONG TRAIN— NUMBER OF WAGONS. THERE MIGHT HAVE BEEN 30 OR 40 OR NOT SO MANY, MAY BE MORE. Q. HOW FAR WERE YOU OF OFF? A. ABOUT A HALF A MILE? A. HAVE YOU ANY KNOWLEDGE, IF SO, STATE HOW MANY PEOPLE WERE THERE IN IT? A. I HAVE NO KNOWLEDGE~~P~~ NEVER VISITED THEIR CAMP. Q. DID YOU SEE ANY OF THEM?	

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RT	RS	BT	PS
A. I SAW SEVERAL OF THEM PASSING ALONG THE STREETS. Q. OF WHAT WERE THE TRAIN COMPOSED,AS TO THE CLASS OF PEOPLE ? A. AS FAR AS I COULD SEE RESPECTABLE CLASS OF PEOPLE; SAW BOTH MEN AND WOMEN. Q. WERE THERE ANY CHILDREN ? A. I DON'T RECOLLECT OF SEEING ANY CHILDREN. Q. STATE WHETHER YOU SAW ANY LOOSE STOCK OR NOT ? A. THERE WAS SOME LOOSE STOCK IN THE TRAIN AS THEY PASSED. Q. WHAT KIND OF TEAMS HAD THEY ? A. BOTH OX AND HORSE TEAMS, BOTH CLASSES OF TEAMS. Q. HAVE YOU ANY IDEA, OR DID YOU FORM ANY OPINION,ATBTH	A I SAW SEVERAL OF THEM PASSING ALONG STREETS Q OF WHAT DID TRAIN COMPOSE, CLASS OF PEOPLE A AS FAR AS I COULD SEE, RESPECTABLE CLASS OF PEOPLE; SAW BOTH MEN AND WOMEN Q ANY CHILDREN A I DON'T RECOLLECT ≤**OF**≥ SEEING ANY CHILDREN Q STATE WHETHER YOU SAW ANY LOOSE STOCK OR NOT A THERE WAS SOME LOOSE STOCK IN THE TRAIN AS THEY *[[8]]* PASSED Q WHAT KIND OF TEAMS HAD THEY A BOTH OX AND HORSE TEAMS, BOTH CLASSES OF TEAMS Q HAVE YOU ANY IDEA = OR DID YOU FORM ANY OPINION AT THE	A. I SAW SEVERAL OF THEM PSSING ALONG THE STREETS. Q. OF WHAT WAS THAT TRAIN COMPOSED— CLASS OF PEOPLE? A. AS FAR AS I COULD SEE RESPECTING THE CLASS OF PEOPLE, SAW BOTH MEN AND WOMEN? Q. ANY CHILDREN? A. I DON'T RECOLLECT SEEING ANY CHILDREN. Q. STATE WHETHER YOU SAW ANY LOOSE STOCK OR NOT? A. THERE WAS SOME LOOSE STOCK IN THE TRAIN AS THEY PASSED. Q. WHAT KIND OF TEAMS HAD THEY? A. BOTH OX AND HORSE TEAMS— BOTH CLASSES OF TEAMS. Q. HAVE YOU ANY IDEA OR DID YOU FORM ANY OPINION AT THE	

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RT	RS	BT	PS
E TI~~E~~ME, HOW MANY LOOSE CATTLE THERE WERE IN THE HEARD. Q. I DID NOT. Q. STATE WHETHER YOU WERE PRESENT AT ANY MEETING THAT WAS HELD HERE COUNSEL: I WILL CHANGE THE QUESTION. Q. STATE WHETHER YOU HEARD OF THEIR ARRIVING OF THIS COMPANY OR NOT, BEFORE THEY CAME ? A. I HEARD THERE WAS A COMPANY ON THE WAY TO TOWN. Q. DID YOU ATTEND ANY MEETING ANYWHERE ? A. I ATTENDED MEETING IN SEVERAL PLACES. Q. DID YOUI ATTEND ANY HERE IN THE SQUARE ? *[301]* A. I WAS FREQUENTLY AT MEETING IN THOSE DAYS. Q. STATE WHETHER YOU	TIME HOW MANY LOOSE CATTLE THERE WERE IN THE HERD $_{A}$I DID NOT $_{Q}$STATE WHETHER YOU ARE PRESENT AT ANY MEETING BEING HELD HERE. I WILL CHANGE THE QUESTION $_{Q}$STATE WHETHER YOU HEARD OF THEIR ARRIVING *COMPANY*[?] OR NOT BEFORE THEY CAME $_{A}$ I HEARD THERE WAS COMPANY = ON WAY TO TOWN $_{Q}$DID YOU ATTEND ANY MEETING ANYWHERE $_{A}$ I ATTENDED MEETING IN SEVERAL PLACES $_{Q}$DID YOU ATTEND ANY MEETING IN THE SQUARE $_{A}$I WAS FREQUENTLY AT MEETING THOSE DAYS $_{Q}$STATE WHETHER YOU	TIME **AS TO** HOW MANY LOOSE CATTLE THERE WERE IN THE HE~~A~~RD? A. I ~~DO~~ **DID** NOT. Q. STATE WHETHER YOU WERE PRESENT AT ANY MEETING BEING HELD HERE? ~~A~~ I WILL CHANGE THE QUESTION. STATE *[110]* WHETHER YOU HEARD OF THEIR ARRIVING HERE—OF THE COMPANY HERE BOFORE THEY CAME? A. I HEARD THERE WAS A COMPANY ON THE WAY TO TOWN. Q. DID YOU ATTEND ANY MEETING ANYWHERE? A. I ATTENDED MEETING IN SEVERAL PLACES. Q. DID YOU ATTEND ANY MEETINGIN A SQUARE? A. I WAS FREQUENTLY AT MEETING IN THOSE DAYS. Q. STATE WHETHER YOU	

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RT	RS	BT	PS
HEARD ANY REMARKS MADE AT THAT MEETING ABOUT THIS TRAIN, IF SO STATE WHAT THEY WERE ? A. I DON'T RECOLLECT OF HEARING ANY REMARKS, ESPECIALLY WITH RESPECT TO THAT TRAIN, IF I DID I DON'T REMEMBER IT. I WAS AT A MEETING ON THE OCCASION WHEN THERE WAS SOME REMARKS. I THINK THEY APPLIED GENERALLY ABOUT THE EMIGRANTS. Q. WHAT WAS IT – WAS THERE A LETTER READ IN THE MEETING ? A. AT ONE TIME WHEN I WAS THERE. Q. WHO READ THE LETTER ? A. WHETHER IT WAS READ BY THE BISHOP OR HIS CLERK I	HEARD ANY REMARKS MADE AT THAT MEETING ABOUT THIS TRAIN, IF SO TELL WHAT WERE THEY ~~WERE~~ AI DON'T RECALL OF HEARING ANY REMARKS ESPECIALLY WITH RESPECT TO THAT TRAIN, IF I DID I DON'T REMEMBER IT. I WAS AT MEETING ON AN OCCASION WHEN THERE WAS SOME REMARKS, I THINK THEY APPLIED GENERALLY TO EMIGRANTS. Q WHAT WAS IT ATHERE WAS LETTER READ IN A MEETING AT ~~THAT AT~~ ONE TIME WHEN I WAS THERE Q WHO WROTE AND READ THE LETTER A WHETHER IT WAS READ BY BISHOP OR HIS CLERK I	HEARD ANY REMARKS MADE AT THAT MEETING ABOUT THIS TRAIN, IF SO, TELL WHAT THEY WERE? A. I DON'T RECOLLECT OF HEARING ANY REMARKS ESPECIALLY WITH RESPECT TO THAT TRAIN; IF I DID I DON'T ~~I~~REMEMBER IT. I WAS AT MEETING ON AN OCCASION WHEN THERE WAS SOME REMARKS; I THINK THEY SPOKE GENERALLY ABOUT THE EMIGRANTS Q. WHAT WAS IT? A. THERE WAS A L~~TE~~ETTER READ IN THE MEETING AT ONE TIME WHEN I WAS THERE . Q. WHO READ THE LETTER? A. WHETHER IT WAS READ BY THE BISHOP OR HIS CLERK I	

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RT	RS	BT	PS
WOULD NOT NOW BE POSITIVE. Q. DO YOU REMEMBER OF SEEING GEORGE A. SMITH HERE AT THAT TIME ? A. I DON'T RECOLLECT OF HAVING SEEN HIM AT THAT TIME. Q. WELL, OR BEFORE THAT TIME ? A. I DON'T RECOLLECT OF HAVING SEEN HIM. Q. WITHIN A SHORT TIME OF THAT TIME ? A. HE WAS DOWN THROUGH THIS COUNTRY,BUT I COULD NOT STATE WHETHER HE WAS IN THE COUNTRY THEN OR NOT. Q. DID YOUSEE HIM AFTER THAT ? A. NOT IMMEDIATELY AFTER; I COULD NOT SAY, I MIGHT HAVE DONE, AND MIGHT NOT, BUT CANNOT CALL THE	WOULD NOT NOW BE POSITIVE $_{Q}$DO YOU REMEMBER OF SEEING GEORGE A SMITH HERE AT THAT TIME $_{A}$ I DON'T RECOLLECT OF HAVING SEEN HIM AT THAT TIME WELL OR BEFORE THAT TIME $_{A}$I DON'T RECOLLECT OF HAVING SEEN HIM $_{Q}$WITHIN ANY SHORT TIME OF THAT TIME. $_{A}$HE WAS DOWN THROUGH THIS COUNTRY AT THAT TIME COULD NOT STATE WHETHER HE WAS IN COUNTY OR NOT. $_{Q}$DID YOU SEE HIM AFTER THAT YES HAVE SINCE $_{A}$NOT IMMEDIATELY AFTER, I COULD NOT SAY AS I MIGHT HAVE DONE = MIGHT NOT = CANNOT CALL THE	WOULD NOT ~~K~~NOW BE POSITIVE. Q. D~~I~~O YOU REMEMBER EVER SEEING GEORGE A. SMITH HERE AT THAT TIME? A. DON'T ~~E~~RECOLLECT OF HAVING SEEN HIM AT THAT TIME. Q. WELL, OR BEFORE THAT TIME? A. DON'T RECOLLECT OF HAVING SEEN HIM. Q. WITHIN ANY SHORT T~~O~~IME OF THAT T IME? **A.** HE WAS DOWN THROUGH THIS COUNTRY AT THAT TIME; I COULD NOT STATE WHETHER HE WAS INTHE COUNTY OR NOT. Q. DID YOU SEE HIM AFTER THAT? A. HAVE SEEN HIM SINCE—NOT IMMEDIATELY AFTER. I COULD NOT SAY I MIGHT HAVE DONE; ~~N~~MIGHT NOT ; CAN'T CALL THE	

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RT	RS	BT	PS
CIRCUMSTANCES TO MY MIND. Q. DO YOU KNOW WHAT BECAME OF THE LETTER YOU SPEAK OF ? A. I DO NOT. Q. WHO WAS THE BISHOP AT THAT TIME ? *[302]* A. PHILO T. FARNSWORTH. Q. STATE WHAT IF ANYTHING WAS SA ID AFTER THE READING OF THAT LETTER A. I COULD NOT CALL TO MIND JUST NOW WHAT WAS SAID, I COULD NOT EXACTLY TELL,BUT ON THE SUBJECT OF THE EMIGRANTS, AND TRADING WITH THEM. Q. NOT TO SELL GRAIN OR ANYTHING OF THAT KIND ? A. THE LETTER WAS READ. SUTHERLAND: HE SAYS THE LETTER WAS	CIRCUMSTANCES TO MY MIND. QDO YOU KNOW WHAT BECAME OF THE LETTER YOU SPEAK OF AI DO NOT Q WHO WAS THE BISHOP AT THAT TIME A PHILO T FARNSWORTH. QSTATE WHAT IF ANYTHING WAS SAID AFTER READING OF THAT LETTER ACOULD NOT CALL TO MIND JUST NOW WHAT WAS SAID, I COULD NOT EXACTLY STATE AON SUBJECT OF EMIGRANTS, AND TRADING WITH THEM MUCH <COUNSEL NOT TO SELL THEM GRAIN> ANYTHING OF THAT KIND, THE LETTER WAS READ BY SUTHERLAND: HE SAYS LETTER WAS	CIRCUMSTANCE TO MY MIND. Q. DO YOU KNOW WHAT BECAME OF THE LETTER YOU SPEAK OF? A. I DO NOT. Q. WHO WAS THE BISHOP AT THAT TIME? A. FILO T. FARNSWORTH, SNR. Q. STATE WHAT IF ANYTHING WAS SAID AFTER THE READING OF THAT LETTER? A. I COULD NOT CALL TO MIND JUST NOW, WHAT WAS SAID. I COULD NOT EXACTLY STATE; ~~20~~ ON THE SUB~~U~~**J**ECT OF EMIGRANTS AND TRADING WITH THEM, ~~AND~~ **OR** SOMETHING OF THAT KIND~~?—~~ **T**HE LETTER WAS READ. BY **M**R SUTHERLAND: HE SAYS THE LETTER WAS	

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RT	RS	BT	PS
READ AS COUNSELING NOT TO SELL. WIT.: I DON'T REMEMBER WHAT ELSE WAS SAID. Q. AFTER THE LETTER WAS READ WAS THERE ANY COMMENTS MADE ABOUT IT A. I DID NOT CHARGE MY MIND WITH WHAT WAS SAID. BASKIN: IN RELATION TO THAT LETTER WE WILL SUSPEND AT PRESENT. WHETHER IT WOULD BE PROPER TO PROVE THE CONTENTS OF THAT LETTER OR NOT IT IS MY IMPRESSION AS COMING FROM THESE CONSPIRATORS, WHICH, IF WE CONNECT, IT WILL BE	READ AS COUNSELING NOT TO SELL. = BY DEFENSE HOLD ON WE OBJECT TO ANYTHING ~~*THAT/THE*~~[?] PROSECUTION **A**I DON'T REMEMBER WHAT ELSE WAS SAID **Q** AFTER LETTER WAS READ WAS THERE ANY COMMENTS MADE ABOUT IT **A**I DID NOT CHARGE MY MIND WITH WHAT WAS SAID BASKIN **Q**IN RELATION TO THAT LETTER WE WILL SUSPEND IT AT PRESENT WHETHER IT WOULD BE PROPER TO PROVE CONTENTS OF THAT LETTER OR NOT = IT IS MY IMPRESSION AS COMING FROM THOSE CONSPIRATORS. IF WE CONNECT IT WOULD BE	READ. HOLD ON**,** WE OBJECT TO ANYTHING THAT THE PROSECUTION — *[111]* A. I DON'T REMEMBER WHAT ELSE WAS SAID. Q. AFT**E**R THE LETTER WAS READ WAS THERE ANY COMMENTS ABOUTIT? A. I D~~O~~ID NOT CHARGE MY MIND WITH WHAT WAS SAID. **M**$^{\underline{R}}$ BASKIN: IN RELATION TO THAT LETTER WE WILL SUSPEND IT AT PRESENT**—AS TO** WHETHER IT WOULD BE PROPER TO PROVE THE CONTENTS OF THA**T** LETTER OR NOT. IT IS MY IMPRESSION AS COMING FROM THESE CONSPIRATORS~~.~~**, IF** WE COULD CONNECT**,** IT WOULD BE	

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RT	RS	BT	PS
PROPER TO PROVE ITS CONTENTS. THERE IS NO PROCESS OF LAW WHEREBY WE COULD MAKE THEM PRODUCE EVIDENCE AGAINST THEMSELVES,AND ON THAT POINT WE WILL WAIT TILL THE ADJOURNMENT OF THE COURT. SUTHERLAND: WE RESENT THE ACCUSATION ON OUR SIDE, THAT THAT LETTER CAME FROM ANY OF THE CONSPIRATORS. BASKIN: IF WE COULD CONNECT IT IT WOULD BE RIGHT, I SPEAK OF IT AT THIS TIME FOR THE PURPOSE OF RESERVING THE RIGHT TO RECALL THE WITNESS FOR THAT PURPOSE. BISHOP: IF THE	PROPER TO PROVE ITS CONTENTS THERE IS NO PROCESS OF LAW WHEREBY WE COULD MAKE THEM PRODUCE EVIDENCE AGAINST THEMSELVES, ON THAT POINT WE WILL WAIT UNTIL ADJOURNMENT OF COURT. BY SUTHERLAND WE RESENT ~~<~~THE ACCUSATION~~>~~ ON ~~YOUR~~ OUR SIDE = THAT THAT LETTER CAME FROM ANY OF THE CONSPIRATORS. BASKIN IF WE COULD CONNECT IT, I SPEAK OF IT AT THIS TIME FOR PURPOSE OF RESERVING THE RIGHT TO RECALL WITNESS FOR THAT PURPOSE. BISHOP,	PROPER TO PROVE ITS CONTENTS. THERE IS NO PRO~~V~~CESS OF LAW, WHEREBY WE COULD MAKE THEM PRODUCE EVIDENCE AGAINST THEMSELVES . ON THAT POINT WE WILL WAIT TILL THE ADJOUNMENT OF THE COURT. **M**[R] SUTHERLAND: WE RESENT THE ACCUSATION ON OU~~T~~R SIDE THAT THAT LETTER CAME FROM ANY OF THE CONSPIRATORS. BY **M**[R] BASKIN: IF WE COULD CONNECT IT— I ~~SPOKE~~ **SPEAK** OF ~~A~~IT AT THIS TIME FOR THE PURPOSE OF RECALLING THE WITNESS AGAIN FOR THA TPURPOSE. BY **M**[R] BISHOP: ~~WE AR~~ IF THE	

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RT	RS	BT	PS
COURT PLEASE, WE ARE EXCEEDINGLY SENSITIVE ON THAT POINT,	COURT PLEASE WE ARE EXCEEDINGLY SENSITIVE ON THAT POINT,	COURT PLEASE, WE ARE EXCEEDINGLY SENSITVSENSITIVE ABOUT THAT. BY **M**<u>**R**</u> BASKIN:	
	YES SIR	YES, SIR, I BELIEVE THAT. BY **M**<u>**R**</u> BISHOP:	
AND SO WE HAVE A RIGHT TO BE; WHEN THEY SEEK TO TRAVEL US OUT OF WHAT WE CONSIDER TO BE THE PROPER COURSE IN WHICH THEY SHOULD TRAVEL, AND WHEN THEY REFER TO MEN AS CONCPIRATORS, AND TAKE IT FOR *[303]* GRANTED THAT THE FACT HAS BEEN PROVEN, AND THE JURY MUST SO FIND, WE OBJECT,AND ARE SENSITIVE ON THAT POINT. COURT: HE DIDN'T STATE THAT. BISHOP: HIS FIRST	AND SO WE HAVE A RIGHT TO BE WHEN THEY SEEK TO TRAVEL OUT OF WHAT WE CONSIDER IT TO BE THE PROPER COURSE IN WHICH THEY SHOULD TRAVEL = WHEN THEY REFER TO MEN **AS** CONSPIRATORS TAKING *[[9]]* IT AS GRANTED FACT HAS BEEN PROVEN, JURY MUST SO FIND = WE THINK THEN WE SHOULD BE SENSITIVE ON THAT POINT. BY COURT HE DIDN'T STATE THAT. BY BISHOP HIS FIRST	AND SO WE HAVE A RIGHT TO BE WHEN THEY SEEK TO TRAVEL OUT OF WHAT WE CONSIDER TO BE THE PROPER COURSE IN WHICH THEY SHOULD TRAVEL. WHEN THEY REFER TO ME~~S~~N AS CONSPIRATORS TAKING IT AS GRANTED**,**— AND THE FACT ~~HAS~~ **AS HAVING** BEEN PROVEN**,** THE JURY MUST SO FIND. WE OBJECT AS WE ARE SENSITIVE ON THAT POINT. BY **THE** C**O**URT: HE DIDN 'T STATE THAT. BY **M**<u>**R**</u> BISHOP: HIS FIRST	

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RT	RS	BT	PS
STATEMENT I THINK HE DID,AND I THINK THE COURT MISUNDERSTOOD HIM ⁝REFERRING TO BASKIN⁝, AND I THINK WE DIDN'T MISUNDERSTAND THESE GENTLEMEN. BASKIN: I HAVE BEEN MISUNDERSTOOD.	STATEMENT I THINK COURT DID MISUNDERSTAND HIM REFERRING TO BASKIN I THINK I DIDN'T MISUNDERSTAND THIS GENTLEMEN BASKIN I HAVE BEEN MISUNDERSTOOD AND MISSTATED ON MORE THAN ONE OCCASION WHICH OCCURS SO OFTEN, I CAN'T ACCORD TO THEM CANDOR. BISHOP. IF COURT PLEASE, GENTLEMAN CAN GO NO FARTHER THAN I CAN AND EVERYTHING WILL BE DONE IN ORDER AND PROPERLY AND ONLY HIS LANGUAGE LEADS ME TO BELIEVE I SHALL	STATEMENT, I THINK, THE COURT DID MISUNDERSTA~~N~~D HIM(REFERING TO **M**$^{\underline{\mathbf{R}}}$ BASKIN) I THINK I DID NOT MISUNDERSTAND TH~~IS~~**E** GENTLEMAN. BY **M**$^{\underline{\mathbf{R}}}$ BASKIN: I HAVE BEEN MISUNDERSTOOD AND MISS STATED ON MORE THAN ONE OCCASION, WHICH OCCURS SO OFTEN I CANNOT ACCORD TO THEM CANDOR. *[112]* BY **M**$^{\underline{\mathbf{R}}}$ BISHOP: IF THE COURT PLEASE, THE GENTLEMAN CANNOT GO A NY FARTHER THAN I CAN; BUT WHAT ~~WHAT~~ HIS LANGUAGE LEADS ME TO BELIEVE I SHALL	

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RT	RS	BT	PS
	CERTAINLY STATE WHAT I THINK. BASKIN. I SUBMIT THAT IS BEYOND ALL POWER BY COURT WHEN **A** PARTY MAKES **A** STATEMENT PARTY ~~THAT IS~~ THOSE WHO UNDERSTAND IT *ONE WAY*[?] OBJECT QUESTIONS BY BISHOP WHEN I GET UP TO APOLOGIZE I THINK I OUGHT TO HAVE RIGHT TO DO SO. BY COURT DO YOU WISH ASK THIS GENTLEMAN ANY QUESTIONS. BISHOP YES SIR IF ≼THE≽ COURT PLEASE. ≼**X EXAMINATION**≽	CERTAINLY STATE WHAT I THINK. BY **M**$^{\mathbf{R}}$ BASKIN: I SUBMIT THAT IS BEYOND ALL POWER. BY **THE** COURT: WHEN A PARTY MAKES A STATEMENT THERE IS BUT ONE WAY ~~TO~~ TO OBJECT TO THE QUESTION. BY **M**$^{\underline{\mathbf{R}}}$ BISHOP: WHEN I GET UP TO APPOLOGISE, I THINK I OUGHT TO HAVE THE RIGHT TO DO SO. BY **THE** COURT: DO YOU WISH TO ASK THIS GENTLEMAN ANY QUESTIONS? BY **M**$^{\underline{\mathbf{R}}}$ BISHOP: YES, SIR, IF THE COURT PLEASE. CROSS-EXAMINATION BY MR. BISHOP.
Q. HOW LONG HAVE YOU RESIDED IN BEAVER, MR. THOMPSON ? A. I HAVE RESIDED IN BEAVER SINCE I	$_{\mathbf{Q}}$HOW LONG HAVE YOU RESIDED IN BEAVER MR. THOMPSON $_{\mathbf{A}}$ I HAVE RESIDED IN BEAVER SINCE {I}^{p}	Q. HOW LONG HAVE YOU RESIDED IN BEAVER, MR. THOMPSON? A. SINCE I	

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RT	RS	BT	PS
MOVED TO THIS TOWN, IN 1857, I BELIEVE. Q. YOU SAY YOU GENERALLY ATTENDED MEETINGS ? A. NOT ALWAYS, BUT FREQUENTLY I DID. I HAVE NOT BEEN MUCH OF A MEETING GOER AT ANY TIME. Q. I UNDERSTAND YOU TO SAY YOU DON'T RECOLLECT SEEING GEORGE A. SMITH HERE IMMEDIATELY PREVIOUS TO THE ARRIVAL OFTHE EMIGRANTS ? A. I DIDN'T SEE HIM IMMEDIATELY AFTER OR BEFORE. Q. DID YOU ATTEND MEETING IN THE SQUARE HERE DURING THE MONTH OF AUGUST OR SEPTEMBER AT WHICH MEETING GEORGE A. SMITH	MOVED HERE TO THIS TOWN 1857 I BELIEVE. Q YOU SAY YOU ~~GENERALLY~~ ~~<~~GENERALLY~~>~~ ATTENDED MEETINGS A NOT ALWAYS, I FREQUENTLY DID. I HAVE NOT BEEN MUCH OF MEETING GOER ANY TIME Q I UNDERSTAND YOU TO SAY YOU DON'T RECALL **OF** SEEING GEORGE A SMITH HERE IMMEDIATELY PREVIOUS TO THE ARRIVAL OF EMIGRANTS A I DIDN'T SEE HIM IMMEDIATELY AFTER OR BEFORE Q DID YOU ATTEND MEETING IN THE SQUARE HERE DURING MONTH OF AUGUST OR SEPTEMBER AT WHICH MEETING GEORGE A SMITH	MOVED HERE TO THIS TOWN, I857, I BELIEVE. Q. YOU SAY YOU GENERALLY ATTENDED MEETINGS**? A.** **N**OT ALWAYS. I FREQUENT~~L~~Y DID. I HAVEN'T BEEN MUCH OF A MEETING GOER**,** NO **T**IME. Q. I UNDERSTAND YOU TO SAY YOU DON'T RECOLLECT OF SEEING GEORGE A. SMITH HERE, IMMEDIATELY P~~E~~REVIOUS TO THE ARRIVAL ~~T~~OF THE EMIGRANT~~S~~. A. I DIDN'T SEE HIM IMMEDIATELY AFTER O~~F~~R BEFORE. Q. DID YOU ATTEND A MEETING I**N** THE SQUARE HERE, DURING THE MONTH OF A~~GU~~UGUST OR SEPTEMBER, AT WHICH MEETING GEORGE A. SMITH	

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RT	RS	BT	PS
PREACHED ? A. I COULD NOT STATE AS TO THAT; I HAVE HEARD HIM. PREACH HERE AT DIFFERENT TIMES; COULD NOT SAY AS TO THAT. Q. DID YOU HEAR ANY SERMONS THAT GEORGE A. SMITH PRACHED IN WHICH HE REFERRED TO THIS EMIGRANT TRAIN ? A. I DON'T THINK I EVER HEARD GEORGE A. SMITH SPEAK UPON THAT SUBJECT	PREACHED ? A I COULD NOT STATE AS TO THAT I HAVE HEARD HIM PREACH HERE AT DIFFERENT TIMES I COULD NOT SAY ≤AS TO THAT.≥ Q DID YOU HEAR ANY SERMON OF GEORGE SMITH PREACHED IN WHICH HE REFERRED TO THIS ≤EMIGRANT≥ TRAIN A I DON'T THINK I HAVE HEARD GEORGE A SMITH SPEAK UPON THAT SUBJECT. ≤THAT WILL DO BY DEFENSE AND PROSECUTION≥ THAT WILL DO BY BOTH PROSECUTION AND DEFENSE. BY WHEDON. ONE MOMENT DID YOU HEAR HIM SPEAK DURING MONTH OF SEPTEMBER A COULD NOT	PREASC HED? A. I COULD NOT STATE AS TO THAT; I HAVE HEARD HIM PREACH HERE AT DIFFERENT TIMES. Q. DID YOU HEAR ANY SERMONS OF GEORGE A. SMI~~T~~H PREACHED IN WHICH HE REFERRED TO THIS EMIGRANT TRAIN? A. I DON'T THINK I HAVE HEARD GEORGE A. SMITH SPEAK UPON THAT SUBJECT. BY ~~JUDGE~~ **M**~~**R**~~ WHEDON: **(ASSISTANT U.S. DIST. ATTORNY)** Q. DID YOU HEAR HIM SPEAK DURING THE MONTH OF SEPTEMBER? A. I COULD NOT	

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RT	RS	BT	PS
	SAY THAT I DID. THAT IS ALL. [*space*] **C J AUTHUR**: MARSHALL SAYS HE WENT DOWN TO CORNFIELD LAST NIGHT AND HIS BROTHER WAS SICK I WILL STATE TO COURT ROBERT HEYBOURNE WAS EXCUSED FROM JURY AND UPON CONVERSING WITH HIM I FIND HE IS ONLY OWNING TO ONE POINT ON WHICH WE HAVE SUFFICIENT WITNESSES. BY BISHOP HE HAS BEEN CALLED HERE *BOUND/POINT*[?] TO OF *JURY*/*CHARGE*[?] THEY *NEED*[?] EXAMINE HIM WANT HIM TO STAY HERE UNTIL THE CLOSE OF THIS TRIAL SO WE CAN HAVE RIGHT TO CALL HIM FOR PURPOSE OF	SAY THAT I DID.	

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RT	RS	BT	PS
	EXAMINATION. BY PROSECUTION YOU CAN HAVE HIM COUNT TO MARSHALL IS CHICHESTER IN TOWN I UNDERSTAND HE HAS LEFT TOWN NAME OF **JOHN** BLACKBURN WAS CALLED. BLACKBURN NOT IN TOWN [*space*]	*[113]*[281] **(SEE SAME BETWEEN PAGES 122O123)** ~~JOHN MC M.~~ MC~~.~~ ~~FAR~~ JOHN M. MAC FARLANE	
[304] JOHN M. M~~C~~ACFARLANE,	*[[10]]*[279] **JNO M MACFARLANE** I HAVE BEEN SWORN	SWORN FOR THE PROSECUTION.	
SWORN FOR PROSECUTION.		**EXAMINED BY M^{R}** ——	
Q. WHERE DO YOU RESIDE? A. ST. GEORGE, WASHINGTON CO. Q. WHAT IS YOUR OCCUPATION, MR. MACFARLANE ?	Q WHERE DO YOU RESIDE A ST. GEORGE WASHINGTON COUNTY WHAT IS YOUR OCCUPATION MACFARLANE[280]	WHERE DO YOU RESIDE? A. ST. GEORGE, WASHINGTON COUNTY. Q. WHAT IS YOUR OCCUPATION, MR. MAC FARLAND?	

279. Verso of page 10 is almost all in longhand. It has no apparent connection to the testimony: **THAT ALL OF SAID LAND WAS LOCATED BY SPECIAL CERT. OF <**THAT OF *CITY/STATE*[?] LAND**> VALUATION SCRIP WAS AND IS UPON SEC 15 OF LANDS RESERVED FOR PUBLIC SCHOOLS IN THE TER. OF UTAH.**

280. Apparently added later.

281. This is a duplicate of the testimony on page 122 of the Boreman Transcript. See Trial matrix, pp. 1347–1349. The text is essentially the same, except the last sentence is crossed out.

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RT	RS	BT	PS
A. SURVEYOR AND ATTORNEY AT LAW,AT PRESENT. Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE LOCATED, IN WHAT COUNTY**?**[282] ARE THEY~~.~~? A. ALL OF THE MEADOWS ARE IN IRON OR WASHINGTON COUNTY; **A** I THINK THEY ARE SO RECOGNIZED IN THAT COUNTY; I AM THE SURVEYOR OF THAT COUNTY. Q. HOW DO YOU KNOW THAT FACT ? A. I KNOW FROM DISTANCES AND THE DIVISIONS OF THE COUNTY, ACCORDING TO THE TERRITORIAL STATUTES.	A. SURVEYOR AND ATTORNEY AT LAW AT PRESENT ~~Q~~DO YOU KNOW WHERE MOUNTAIN MEADOWS ARE LOCATED IN WHAT COUNTY. ARE THEY ~~I THINK~~ ~~A~~ALL OF THE MOUNTAIN MEADOWS ~~≤~~IN~~≥~~ IRON OR WASHINGTON COUNTY I THINK THEY ARE SO RECOGNIZED IN THAT COUNTY ~~≤~~I AM SURVEYOR OF THAT COUNTY~~≥~~ HOW DO YOU KNOW THAT FACT: {A}[p]I KNOW{A}[p] FROM DISTANCES AND THE DIVISIONS OF COUNTY AND ACCORDING TO {THE}[p] TERRITORIAL STATUTES THAT	A. SURVEYOR AND ATTORNEY AT LAW, AT PRESENT. Q. DO YOU KNOW WHE E THE MOUNTAIN MEADOWS ARE LOCATED; IN WHAT COUNTY THEY ARE? A. ALL OF THE MEADOWS ARE IN ~~IRON AND~~ **~~IRON AND~~** WASHINGTON COUNT~~IES~~**Y I THINK** ~~ISS~~. I THINK THEY ARE SO RECOGNISED**,—** IN THAT COUNTY. I AM THE SURVEYOR OF THAT COUNTY. Q. HOW DO YOU KNOW THAT FACT? A. I KNOW FROM THE DISTANCES AND DIVISIONS OF THE COUNTY ACCORDING TO THE TERRITORIAL STATUTES.	

282. The question mark is penned in, an answer mark is crossed out, and it is indicated that the next two words start the following sentence instead of ending the previous one.

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RT	RS	BT	PS
CROSS - EXAMINED . Q. STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN 1847—IN WHAT COUNTY ? A. IN WASHINGTON COUNTY, AS THEY ARE NOW.	IS ALL. BY COURT DO YOU WISH ASK HIM ANY QUESTIONS BY DEFENSE NO SIR. SUTHERLAND I WANT TO ASK HIM ONE QUESTION Q STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN 1857 IN WHAT COUNTY {A}[P]IN WASHINGTON COUNTY AS THEY ARE NOW THAT IS ALL IT IS NOT FULLY *RNT-/PNT*-[?] TERRITORY NO SIR. JOHN MACFARLANE TO WHEADON JOHN **P CHICESTER** INFORMED ME MR. WHEADON HAD EXCUSED ~~<~~HIM~~>~~ AND TOLD HIM TO WRITE TO HIM IF HE WAS NOT. BY PROSECUTION HE HAS NOT BEEN DISCHARGED ACCORDING TO MY	~~Q.~~BY **THE** COURT: DO YOU WISH TO ASK HIM ANY MORE QUESTIONS. BY **M<u>R</u>** SUTHERLAND: I WA~~S~~NT TO ASK HIM ONE QUESTION. Q. STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN ~~8~~ '57; IN WHAT COUNTY. A. IN WASHINGTON COUNTY AS THE ARE NOW.. [*space*]	

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RT	RS	BT	PS
	RECOLLECTION [*space*] **MR. <u>ISAAC RIDDLE</u>** {**<u>NOT PRESENT</u>**}[p] CLERK CALLED HIS NAME. WHILE THEY ARE WAITING FOR WITNESS WE WOULD ASK PRIVILEGE OF RECALLING ONE OF THE WITNESS FOR CROSS EXAMINATION IF YOU HAVE NO OBJECTIONS.		*[[Bk 7 1]]* **ISAAC RIDDLE <u>TRANSCRIBED</u>**[283] SPICER ASKED PRIVILEGE TO ~~CROSS~~ RECALL FOR CROSSEXAMINATION JAMES PEARCE [*space*] **OPENING OF DEFENSE**[284] [*space*] **JAMES PEARCE** [*space*]
[305] JAMES PEARCE, RECALLED FOR FURTHER CROSS-EXAMINATION. Q. WERE YOU ACQUAINTED WITH KLINGESMITH, OR BISHOP SMITH ? A. I THINK I KNEW HIM BY SIGHT PRETTY WELL. I SAW HIM AS I PASSED	{**JAS PEARCE,** **RECALLED -** }[p] BY COURT LET THE WITNESS MR. PIERCE **Q**WERE YOU ACQUAINTED WITH KLINGENSMITH BISHOP SMITH **A**I THINK I KNEW HIM BY SIGHT PRETTY WELL. I THINK I SAW HIM AS I PASSED	*[~~4~~114]* JAMES PEARCE ~~SWORN FOR THE PROSECUTION.~~ **RECALLED FOR FURTHER CROSS-EXAMINATION. <u>M</u>[R]** ——— Q: WERE YOU ACQUAINTED WITH KLINGENSMITH? A. I THINK I KNOW HIM BY SIGHT PRETTY WELL;	WERE YOU ACQUAINTED WITH *KLINGEN*[?] SMITH I THINK I KNOW HIM BY SIGHT PRETTY WELL ≤*ALL ALONG*[?]≥

283. "**TRANSCRIBED**" in Rogerson's hand.

284. "**OPENING OF DEFENSE**" in Rogerson's longhand; that heading is obviously misplaced.

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RT	RS	BT	PS
DOWN AND I THINK HE WAS BISHOP OF CEDAR CITY.	DOWN I THINK HE WAS BISHOP OF CEDAR CITY,	I THINK HE WAS THE BISHOP OF CEDAR CITY AT THAT TIME.	I THINK HE WAS THE BISHOP OF CEDAR CITY AT THAT TIME DID
I THINK I SAW HIM AS I PASSED DOWN. Q. DID YOU SEE HIM IMMEDIATELY AFTERWARDS – DID YOU SEE HIM AT THE MOUNTAIN MEADOWS ? A. I THINK I DID SIR.	I THINK I SAW HIM AS I PASSED DOWN Q DID YOU SEE HIM IMMEDIATELY AFTERWARDS DID YOU SEE HIM AT MOUNTAIN MEADOWS A I THINK I DID SIR	Q. YOU SAW HIM AS YOU PASSED DOWN? A. I THINK I DI~~D~~. Q.DID YOU SEE HIM AS AN OFFICER; DID YOU SEE HIM AT THE MOUNTAIN MEADOWS? A. I THINK I DID, SIR.	YOU SEE HIM AS YOU PASSED DOWN I THINK I DID [*space*] DID YOU SEE HIM AS AN OFFICER DID YOU SEE HIM AT MOUNTAIN MEADOWS I THINK I DID SIR
Q. WHAT POSITION DID HE OCCUPY ? A. I COULD NOT SAY POSITIVELY. I THINK HE WAS ONE OF THE OFFICERS; SEEMED TO HAVE A GOOD DEAL TO SAY ABOUT IT FREQUENTLY.) **Q** HE WAS BISHOP AT THAT TIME.	Q WHAT POSITION DID HE OCCUPY A I COULD NOT SAY POSITIVELY I THINK HE WAS ONE ≤**OF THE**≥ OFFICERS SEEMED TO HAVE GOOD DEAL TO SAY ABOUT IT FREQUENTLY. Q HE WAS BISHOP AT THAT TIME,	WHAT POSITION DID HE OCCUPY? A. I COULD N**O**T SAY POSITIVELY; I THINK HE WAS ONE OF THE— OFFICERS; HE SEEMED TO HAVE A GOOD DEAL TO SAY ABOUT IT. Q. HE WAS A BISHOP AT THAT TIME? A. I THINK	WHAT WAS HE DOING THERE WHAT POSITION DID HE OCCUPY I COULD NOT SAY POSITIVE I THINK HE WAS ONE OF THE OFFICERS SEEMED TO HAVE A GOOD DEAL TO SAY ABOUT IT HE WAS A BISHOP AT THAT TIME I THINK
KIND OF LOOKED UP TO AS BEING KIND OF CAPTAIN AT THESE MOUNTAIN	KIND OF LOOKED UP TO AS BEING KIND OF CAPTAIN AT THOSE MOUNTAIN	HE WAS KIND OF LOOKED UP TO AS BEING KIND OF A CAPTAIN. Q. HE WAS AT THE MOUNTAIN	HE WAS KIND OF LOOKED TO AS BEING KIND OF A CAPTAIN [*space*] THAT IS AT MOUNTAIN

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RT	RS	BT	PS
MEADOWS, DURING THIS TIME ? A. I THINK HE WAS ~~I~~SIR, ACCORDING TO THE BEST OF MY KNOWLEDGE. Q. WELL,YOU SPOKE OF RETURNING HOME AND MEETING INDIANS – HOW WERE THEY THAT MET YOU AS TO TEMPER AND DISPOSITION ? A. WE MET THEM, THERE WAS A SMALL PARTY OF US FROM WASHINGTON, AND THERE WAS LOTS OF INDIANS THAT HAD BEEN UP THERE. I GUESS THEY HAD BEEN THERE, THEY WAS VERY MAD. I KNOW WE WAS SCARED OF THEM. THEY TALKED AS THOUGH THEY WAS ABOUT TO ATTACK US SEVERAL TIMES.	MEADOWS DURING THIS TIME I THINK HE WAS SIR. ACCORDING TO THE BEST OF MY KNOWLEDGE. WELL YOU SPOKE OF RETURNING HOME AND MEETING INDIANS HOW WERE THEY THAT MET YOU AS TO TEMPER DISPOSITION ~~A~~WITH ME THERE WAS VERY SMALL PARTY OF US FROM WASHINGTON WE SAW LOTS OF INDIANS THAT HAD BEEN UP THERE I GUESS THEY HAD BEEN, THEY WAS VERY MAD. I KNOW WE WAS SCARED OF THEM, THEY TALKED AS THOUGH THEY WAS ABOUT TO ATTACK US SEVERAL TIMES	MEADOWS AT THIS TIME? A. I THINK HE WAS**,** ACCORDING TO THE BEST OF MY KNOWLEDGE. Q. YOU SPOKE OF RETURNING HOME AND MEETING THE **I**NDIANS; HOW WERE THEY THAT YOU MET AS TO TEMPER, DISPOSITION ~~7~~ &C.? A. THERE WAS LOTS OF **I**NDIANS THAT I UNDERSTOOD HAD BEEN TO THE MOUNTAIN MEADOWS. THEY WAS VERY MAD. I KNOW WE WAS ~~SCAFRED OFTHEM~~ VERY SCARED OF THEM. WE THOUGHT THEY WERE ABOUT TO ATTACK US. Q. WHAT	MEADOWS ~~≤~~DURING THIS TIME~~≥~~ I THINK SO ACCORDING TO THE BEST OF MY KNOWLEDGE YOU SPOKE OF RETURNING HOME AND MEETING INDIANS HOW WERE THEY THAT YOU MET AS TO TEMPER DISPOSITION **&C** [*space*] WE SAW LOTS OF INDIANS THAT I GUESSED HAD BEEN THEY WAS VERY MAD I KNOW WE WAS SCARED OF THEM THOUGHT THEY WERE ABOUT TO ATTACK US [*space*] WHAT

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RT	RS	BT	PS
Q. WHAT MADE THEM MAD ?	WHAT MADE THEM MAD	WAS THE CAUSE OF THEIR ANGER?	WAS THE CAUSE OF THEIR ANGER
A. I DON'T KNOW, EXCEPT, BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE	$_{A}$I DON'T KNOW EXCEPT BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE	~~Q~~A. I DON'T KNOW UN~~D~~LESS IT WAS BECAUSE SOME OF THEIR FRIENDS WERE KILLED—— OBJECTED TO.	UNLESS IT WAS BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE OBJECTED TO
Q. STATE WHAT WAS THE CAUSE OF THEIR ANGER,FROM WHAT YOU SAW ? A. I HEARD THERE WAS AN INDIAN	$_{Q}$STATE WHAT WAS CAUSE OF THEIR ANGER FROM WHAT YOU SAW $_{A}$I HEARD THERE WAS {AN}^{p} INDIAN	Q. TELL WHAT WAS THE CAUSE OF THEIR ANGER? A. HEARD THERE WAS AN **I**NDIAN— THAT THERE WAS AN **I**NDIAN	[*space*] TELL WHAT WAS THE CAUSE OF THEIR ANGER [*space*] I HEARD THERE WAS AN INDIAN THAT THERE WAS AN INDIAN
KILLED THERE; HEARD THE TALK AMONG THE MEN,AND UP THERE ABOUT THE MOUNTAIN MEADOWS. I THINK IT WAS THAT THAT *[306]* MADE 'EM MAD. Q. DID YOU SEE ANY OF THEM WOUNDED ? A. I DON'T REMEMBER. THEY WERE MAD THAT WERE THERE,	KILLED THERE. HEARD THE TALK AMONG MEN UP THERE TO MOUNTAIN MEADOWS, I THINK IT WAS THAT MADE 'EM MAD DID YOU SEE ANY OF THEM WOUNDED ? $_{A}$ DON'T REMEMBER. THEY WERE MAD WE WERE AFRAID	KILLED UP THERE AT THE MOUNTAIN MEADOWS; I THINK THAT ~~I~~WAS IT THAT MADE THE M MAD. Q. DID YOU SEE ANY OF THEM WOUNDED? A. NO, SIR, I DON'T REMEMBER. Q. THEY WERE MAD AND YOU WERE AFRAID? TH~~EY COULD DO~~	KILLED UP THERE AT MOUNTAIN MEADOWS I THINK THAT WHAT HAD MADE THEM MAD DID YOU SEE ANY OF THEM WOUNDED NO SIR I DON'T REMEMBER $_{Q}$THEY WERE MAD AND YOU WAS AFRAID
AND GETTING VERY SAUCY,	ACTING VERY SAUCY	A. THEY ACTED VERY SHY	$_{A}$THEY ACTED VERY SAUCY =

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RT	RS	BT	PS
AT THAT TIME THERE WAS PROBABLY TEN INDIANS TO ONE WHITE MAN ON THE SANTA CLARA. Q. WHICH WAY WERE THEY GOING ? A. THEY LIVED RIGHT ON THE SANTA CLARA, I GUESS THERE WAS TEN INDIANS TO ONE WHITE MAN. Q. WHICH DIRECTION IS THE SANTA CLARA FROM THE MOUNTAIN MEADOWS ? A. IT IS SOUTHWEST; THE SANTA CLARA RUNS SOUTH, AND ENTERS THE RIO VIRGIN,AND THEN RUNS WEST. THEY HAD GOT ALONG DOWN AHEAD OF US, GOING SOUTH,	AT THAT TIME THERE WAS PROBABLY TEN INDIANS TO ONE WHITE MAN ON THE SANTA CLARA Q WHICH WAY WERE THEY GOING A THEY LIVED RIGHT ON SANTA CLARA, I GUESS THERE WAS TEN INDIANS TO ONE WHITE MAN Q WHICH DIRECTION IS SANTA CLARA FROM MOUNTAIN MEADOWS A IT IS SOUTH WEST SANTA CLARA RUNS SOUTH [[11]]285 ENTERS RIO VIRGIN THEN RUNS WEST. THEY HAD GOT ALONG DOWN AHEAD OF US <GOING SOUTH>	AT THAT TIME THERE WAS PROBABLY TEN INDIANS TO ONE WHITE MAN ON THE SANTA CLARA. Q. WHICH WA~~S~~**Y** WERE THEY GOING? A . THEY LIVED ON THE SANTA CLARA. [~~a~~*2115]* Q. WHICH DIRECTION IS THE SANTA CLARA FROM THE MOUNTAIN MEADOWS? A. SOUTH, THE SAMNTA CLARA RUNS SOUTH TILL IT ~~F~~ CONNECTS WITH THE RIO VIRGIN. Q. WHICH DIRECTION WERE THESE **I**NDIANS COMIN~~F~~G FROM THE MEADOWS? A. THEY HAD ~~TCO~~ COME DOWN AHEAD OF US.	AT THAT TIME PROBABLY 10 INDIANS TO ONE WHITE MAN ON SANTA CLARA WHICH WAY WAS THEY GOING A THEY LIVED ON THE SANTA CLARA [*space*] WHICH DIRECTION IS SANTA CLARA FROM THE MOUNTAIN MEADOWS; **A** SOUTH THE SANTA CLARA RUNS SOUTH UNTIL IT ENTERS RIO VIRGIN WHICH DIRECTION WERE THOSE INDIANS GOING FROM MOUNTAIN MEADOWS A THEY HAD COME DOWN AHEAD OF US =

285. There is illegible shorthand doodling on verso.

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RT	RS	BT	PS
AND SOME OF THEM WAS ALONG AT THEIR CAMPS, ALONG THE CLARA; THEY HAD CORN FIELDS AT THE CLARA AND THEY WAS FARMING THEM.	SOME OF THEM WAS ALONG AT THEIR CAMPS ALONG THE CLARA. THEY HAD CORN FIELDS AT CLARA THEY WAS FARMING THEN	SOME OF THEM WAS ALONG AT THEIR CAMPS ALONG THE CLARA. THE MOS~~E~~T I SAW HAD CORN FIELDS ALONG THE CLARA . Q : THE INDIANS HAD CORN FIELDS? A. YES, SIR.	SOME OF THEM [[2]] WAS ALONG AT THEIR CAMPS ALONG THE CLARA, THE MOST I SAW HAD CORN FIELDS ALONG THE CLARA; Q THE INDIANS HAD CORN FIELDS YES SIR
Q. WHERE ANY OF THEM GOING IN THE DIRECTION OF WASHINGTON ?	Q WHERE ANY OF THEM GOING ~~<~~IN THE~~>~~ DIRECTION OF WASHINGTON	Q. WERE ANY OF THEM COMING IN THE DIRECTION OF WASHINGTION THAT YOU SAW ON YOUR WAY RETURNING FROM THERE?	WERE ANY OF THEM COMING IN THE DIRECTION OF WASHINGTON, THAT YOU SAW ON YOUR WAY RETURNING?
A. NO SIR. THE INDIANS, THE PRINCIPAL PART OF THE INDIANS, ALONG THERE, LIVED IN REACH OF WASHINGTON, LIVED ON THE SANTA CLARA, AND MADE THEIR INDIAN CAMP ON THE SANTA CLARA ~~EN~~ AND GROWED MELONS. Q. HOW FAR IS SANTA CLARA FROM	A NO SIR. THE INDIANS THE PRINCIPAL PART OF INDIANS ALONG THERE LIVED IN REACH OF WASHINGTON, LIVED ON SANTA CLARA AND MADE INDIAN CAMP ON SANTA CLARA AND GROWED MELONS. Q HOW FAR IS SANTA CLARA FROM —[?]	A. NO, SIR . A NUMBER OF OUR INDIANS LIVED IN REACH OF WASHINGTION —LIVED ON THE SANTA CLARA. Q. HOW FAR IS THE SANTA CLARA FROM	A NO SIR; A PRINCIPLE PART OF INDIANS LIVED IN REACH OF WASHINGTON = LIVED ON THE SANTA CLARA Q HOW FAR IS THE SANTA CLARA FROM

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RT	RS	BT	PS
WASHINGTON ? A. SOME 10 OR 12 MILES, TO THE MOUTH OF IT. IT HEADS IN TOWARDS THE MOUNTAIN MEADOWS. Q. AND RUNS SOUTH ? A. YES SIR. Q. IS WASHINGTON ON ANY STREAM ? A. IT IS ON SOME SPRINGS – WASHINGTON IS WATERED FROM SPRINGS. Q. WHAT STREAM DO THESE SPRINGS RUN INTO ? *[307]* A. INTO THE RIO VIRGIN, A MILE AND A HALF BELOW WASHINTON. WASHINTON IS A MILE AND A HALF FROM THE RIO VIRGIN. Q. WHICH DIRECTION IS THE SETTLEMENT OF INDIANS YOU SPEAK OF	WASHINGTON $_{A}$SOME TEN ≤10 **OR**≥ 12 MILES, MOUTH OF IT $_{A}$IT HEADS IN TOWARDS MOUNTAIN MEADOWS $_{Q}$ AND RUNS SOUTH $_{A}$YES SIR $_{Q}$IS WASHINGTON ON ANY STREAM $_{A}$IT IS ON SOME SPRINGS, WASHINGTON IS WATERED FROM SPRINGS $_{Q}$ WHAT STREAM DO THESE SPRINGS RUN INTO $_{A}$ INTO RIO VIRGIN MILE AND A HALF BELOW WASHINGTON $_{Q}$WASHINGTON IS MILE AND HALF FROM RIO VIRGIN $_{Q}$WHICH DIRECTION IS THE SETTLEMENT OF INDIANS YOU SPEAK OF	WASHINGTION? A. SOME TEN OR TWELVE MILES; BUT IT HEADS IN TOWARDS THE MOUNTAIN MEADO~~S~~WS. Q. HEADS IN TOWARDS THE MOUNTAIN MEADOWS AND RUNS SOUTH? A. YES, SIR. Q. WASHINGTION IS WATERED BY SPRINGS AND RUNS INTO THE ~~VIRGIN~~ RIO VIRGIN A MILE AND A HALF BELOW? A. WASHINGTON IS A MILE AND A HALF FROM THE RIO VIRGIN. Q. WHAT DIRECTION IS THE CLARA SETTLEMENT OF ~~THE~~ **I**NDIANS YOU SPEAK OF**,**	WASHINGTON $_{A}$SOME TEN OR 12 MILES, BUT IT HEADS IN TOWARDS MOUNTAIN MEADOWS $_{Q}$ HEADS IN TOWARDS MOUNTAIN MEADOWS AND RUNS SOUTH $_{A}$YES SIR [*space*] ~~MOUNTAIN~~ ~~MEADOWS~~ WASHINGTON IS WATERED BY SPRINGS RUNS INTO RIO VIRGIN MILE AND HALF BELOW $_{A}$ WASHINGTON [*space*] ≤WASHINGTON IS≥ MILE AND HALF FROM THE RIO VIRGIN [*space*] $_{Q}$≤WHAT DIRECTION≥ CLARA SETTLEMENT OF INDIANS YOU SPEAK OF

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RT	RS	BT	PS
FROM WASHINGTON ? A. I AM TRYING TO THINK THE DIRECTION OF THE INDIAN CAMPS; IT IS SOME 20 MILES WHERE THE PRINCIPAL CAMPS WERE, MAY BE TWENTY FIVE MILES; IT WAS NORTHWEST, A LITTLE WEST OF NORTH.	FROM WASHINGTON AI AM TRYING TO THINK DIRECTION OF INDIAN CAMPS, IT IS SOME 20 MILES WHERE THE PRINCIPAL CAMPS WERE MAYBE 25 MILES. IT WAS NORTHWEST LITTLE WEST OF NORTH	FROM WASHINGTION? A. UP SOME 20 MILES FROM WASHINGTHON, WHERE THE'~~RE~~**IR** UPPER CAMPS WERE; IT WAS NORTH-WEST— A LITTLE WEST OF NORTH MAY BE FROM WASHINTGTHON.	FROM WASHINGTON A UP SOME TWENTY MILES FROM WASHINGTON WHERE THEIR PRINCIPLE CAMPS WERE; IT WAS NORTHWEST = LITTLE WEST OF NORTH MAYBE FROM WASHINGTON
RE-DIRECT .	**PROSECUTION** {**REDIRECT**}[p] PROSECUTION	BY MR. BASKIN:	BASKIN [*space*]
Q. DO YOU KNOW, OF YOUR OWN KNOWLEDGE, THAT KLINGESMITH WAS CAPTAIN DOWN THERE ? A. I COULD NOT MAKE IT OUT, THOUGH HE WAS THE BIGGEST CHIEF THERE. I COULD NOT SAY POSITIVELY,BUT I JUDGE HE WAS.	QDO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLINGENSMITH WAS CAPTAIN DOWN THERE AI COULD NOT MAKE {OUT}[p] THOUGH HE WAS THE BIGGEST CHIEF THERE I COULD NOT SAY POSITIVELY BUT I JUDGE HE WAS	Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLINGENSMITH WAS CAPTAIN?[286] A. I COULD NOT MAKE OUT **THAT** ~~WHAT~~**,** ONLY HE WAS THE BIGGEST CHIEF.— I SHOULD JUDGE HE WAS;	QDO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLNGENSMITH WAS CAPTAIN AI COULD NOT MAKE THINK THAT HE WAS BIGGEST CHIEF = I JUDGE HE WAS =

286. Philip Klingensmith was not a captain; he was a private in Company D, 1st Platoon.

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RT	RS	BT	PS
Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE WHETHER HE WAS OR NOT ? A. NO, I DO NOT KNOW. I DO NOT KNOW THAT HE WAS A BISHOP	Q DO YOU KNOW OF YOUR OWN KNOWLEDGE WHETHER HE WAS A NO I DO NOT KNOW I DO NOT KNOW THAT HE WAS HE WAS A BISHOP THANK YOU THANK YOU MUCH OBLIGED. [*space*] BY MARSHALL MR. RIDDLE WILL BE HERE IN FEW MOMENTS. **MR. FRANK KING** NEXT WITNESS CALLED BY COURT HAVE BEEN SWORN NO SIR. OATH ADMINISTERED.	I WAS A STRANGETR TO THE PARTY. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE— KNOW OF YOUR OWN KNOWLEDGE WHETHER HE WAS? A. NO, I DON'T KNOW THAT HE WAS.	I WAS STRANGER TO THE PARTY DO YOU KNOW OF YOUR = OWN KNOWLEDGE WHETHER HE WAS A NO, I DON'T KNOW THAT HE WAS [*space*]
[308] FRANK KING , SWORN FOR PROSECUTION.		*[116]* FRANK KING SWORN FOR THE PROSECUTION.	**FRANK KING** SWORN FOR THE PROSECUTION [*space*]
Q. STATE IF YOU HAVE SEEN A TRAIN OF EMIGRANTS FROM ARKANSAWS THAT PASSED THROUGH THIS COUNTRY IN 1857 OR THE FALL OF 1857 ?	Q STATE DID YOU HAVE SEEN TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN 1857 THE FALL OF 185{7}[i]	**EXAMINED BY M^R^** Q. DID YOU EVER SEE A TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN '57, —THE FALL OF I857?	Q DID YOU EVER SEE A TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN 1857, FALL OF I857 ?

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RT	RS	BT	PS
A. YES SIR. Q. WHERE DID YOU SEE THEM ? A. I SAW THEM FIRST AT PACIFIC SPRINGS, SOUTH PASS, CAMPED AT PACIFIC SPRINGS. Q. WHAT WERE YOU DOING AT THE PACIFIC SPRINGS ? A. I WAS CAMPED THERE TOO. Q. WHICH WAY WERE THEY COMING ? A. TOWARDS SALT LAKE. Q. WHICH WAY WERE YOU COMING ? A. I WAS TRAVELING TOWARDS SALT LAKE. Q. DID YOU TRAVEL TOGETHER OR NOT ? A. WE TRAVELLED AS FAR AS EMIGRATION CANON TOGETHER. Q. WHERE IS EMIGRATION	{A}[i] YES SIR Q WHERE DID YOU SEE THEM AI SAW THEM FIRST AT PACIFIC SPRINGS SOUTH PASS CA{MPED}[p] AT PACIFIC SPRINGS. WHAT WERE YOU DOING AT PACIFIC SPRINGS I WAS CAMPED THERE TOO. {Q}[i]WHICH WAY WERE THEY COMING {A}[i] TOWARDS SALT LAKE {Q}[i] WHICH WAY WERE YOU GOING {A}[i] I WAS TRAVELING TOWARDS SALT LAKE {QDID}[i] YOU TRAVEL {ALL}[i] TOGETHER OR NOT {A}[i] WE TRAVELED AS FAR AS EMIGRATION CANYON TOGETHER Q WHERE IS EMIGRATION	A. YES, SIR. Q. WHERE DID YOU SEE THEM ? A. FIRST AT ~~SOUTH~~ PACIFIC SPRINGS, SOUTH PASS WHERE THEY WAS CAMPED. IT WAS CALLED PACIFIC SPRINGS.. Q. WHAT WERE YOU DOING AT TH E PACIFIC SPRINGS? A. I WAS CAMPED WITH THEM, THEY WAS COMING TOWARDS SALT LAKE. Q. WHO WAS WITH YOU? A. I WAS TRAVELING TOWARDS SALT LAKE AT THE TIME. Q. DID YOU TRAVEL TOGETHER OR NOT? A. ~~I~~ **WE** TRAVELED AS FAR AS EMIGRA~~NT~~**TION** CANYON TOGETHER. Q. WHERE IS EMIGRATION	Q WHERE DID YOU SEE THEM A FIRST AT PACIFIC SPRINGS = SOUTH PASS, THEY WAS CAMPED IT WAS CALLED PACIFIC SPRINGS QWHAT WERE YOU DOING AT THE PACIFIC SPRINGS I WAS CAMPED THERE WITH THEM; THEY WAS COMING TOWARDS SALT LAKE Q WHICH WAY WERE YOU AI WAS TRAVELING TOWARDS SALT LAKE AT THE TIME DID YOU TRAVEL TOGETHER OR NOT AWE TRAVELED AS FAR AS EMIGRATION CANYON TOGETHER [*space*] [[3]] Q WHERE IS EMIGRATION

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RT	RS	BT	PS
CANON ? A. IT IS ON THE OTHER SIDE OF SALT LAKE. Q. HOW LONG WERE YOU WITH THAT TRAIN ? A. I SHOULD JUDGE TWO WEEKS. Q. HOW MANY PERSONS COMPOSED THAT TRAIN ? A. I COULD NOT SAY, QUITE A LOT OF THEM I COULD NOT TELL HOW MANY. Q. HAD THEY ANY STOCK, IF SO WHAT KIND A. WELL THEY HAD A GOOD MANY HORSES AND SOME MULES AND SOME LOOSE STOCK. Q. HAD THEY ANY CATTLE ? *[309]* A. THEY HAD A FEW-OX TEAMS. Q. HOW MANY WAGONS HAD THEY ? A. I COULD NOT SAY,COULD NOT TELL. Q. WELL ABOUT	CANYON? ~~Q~~$_{A}$IT IS ON THE OTHER SIDE OF SALT LAKE CITY $_{Q}$HOW LONG WERE YOU WITH THAT TRAIN $\{_{A}\}^{i}$I SHOULD JUDGE 2 WEEKS HOW MANY PERSONS COMPOSED THAT TRAIN $\{_{A}\}^{i}$ I COULD NOT SAY QUITE A LOT OF THEM I COULD NOT TELL HOW MANY. HAD THEY ANY STOCK IF SO WHAT KIND $\{_{A}\}^{i}$ WELL THEY HAD A GOOD MANY HORSES AND SOME MULES. SOME LOOSE STOCK HAD THEY ANY CATTLE $\{_{A}\}^{i}$ HAD FEW OX TEAMS. $_{Q}$HOW MANY WAGONS HAD THEY $\{_{A}\}^{i}$I COULD NOT SAY COULD NOT TELL $_{Q}$ WELL ABOUT	CANYON? A. ON THE OTHER SIDE OF SALT LAKE CITY. Q. HOW LONG WERE YOU WITH THAT TRAIN? A. I SHOULD JUDGE TWO WEEKS. Q. HOW ~~A~~MANY PERSONS COMPOSED THAT TRAIN? A. I COULD NOT SAY, THERE WAS QUITE A LOT OF THEM. I COULD NOT TELL YOU HOW MANY. Q. HAD THEY AN Y STOCK AND IF SO, WHAT KIND? A. THEY HAD A GOOD MANY HORSES AND SOME MULES AND SOME LOOSE STOCK. Q. HAD THEY ANY CATTLE? A. THEY HAD A FEW OX TEAMS WITH THE TRAIN. Q. HOW MAN~~U~~Y WAGONS HAD THEY? A. I COULD NOT SAY **AS TO** THAT. Q. ABOUT	CANYON ON THE $_{A}$OTHER SIDE OF SALT LAKE CITY HOW LONG WERE YOU WITH THAT TRAIN $_{A}$I SHOULD JUDGE TWO WEEKS HOW MANY PERSONS COMPOSED THAT TRAIN $_{A}$ I COULD NOT SAY, THERE WAS QUITE A LOT OF THEM $_{A}$I COULD NOT TELL YOU HOW MANY [*space*] HAD THEY ANY STOCK, AND IF SO WHAT KIND **A**THEY HAD A GOOD MANY HORSES AND SOME MULES AND SOME LOOSE STOCK HAD THEY ANY CATTLE? ~~DID THEY~~ $_{A}$THEY HAD A FEW OX TEAMS WITH THE TRAIN HOW MANY WAGONS HAD THEY $_{A}$I COULD NOT SAY THAT ABOUT

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RT	RS	BT	PS
HOW MANY ? A. THEY MIGHT HAVE HAD FIFTEEN AND MIGHT HAVE HAD THIRTY,AS NEAR AS I CAN RECOLLECT. Q. WAS THERE ANY OTHER PERSON TRAVELING WITH THAT TRAIN BESIDES YOURSELF, THAT WAS NOT COMPOSED OF THE ARKANSAS EMIGRANTS ? A. THERE WAS ANOTHER FAMILY WENT ON TO CALIFORNIA. THERE WAS ANOTHER TRAIN JOINED, CALLED THE ILLINOIS COMPANY. THEY HAD THE MOST OF THE LOOSE STOCK, BUT WHETHER THEY WENT ON ~~WHAT THAT~~ <WITH THEM> AT THE TIME I COULD NOT SAY. I HEARD	HOW MANY {MIGHT HAVE HAD}[i] MIGHT HAVE 25 MIGHT HAVE 30 AS NEAR AS I CAN RECOLLECT. **Q** WAS THERE ANY OTHER PERSON TRAVELING WITH THAT TRAIN BESIDES YOURSELF THAT WAS NOT COMPOSED OF ARKANSAS EMIGRANTS **A** THERE WAS ANOTHER FAMILY WENT ON TO CALIFORNIA, THERE WAS ANOTHER TRAIN JOINED CALLED {THE}[i] ILLINOIS COMPANY *[[12]]* THEY HAD {THE}[i] MOST OF {THE}[i] LOOSE STOCK; BUT WHETHER THEY WENT ON WITH THAT OUTFIT I COULD NOT SAY I HEARD	HOW MNAY? A. THEY MAY HAVE HAD 25, MAY HAVE HAD 30 AS NEAR AS I RECOLLECT. Q. WAS THERE ANY OTHER PERSONS TRAVELED WITH THAT TRAIN BESIDES YOURSELF THAT WAS NOT COMPOSED OF THE ARKANSAS EMIGRANTS? A. **T**HERE WAS ~~S~~ANOTHER FELLOW**, WHO** ~~THAT~~ WENT ON TO CALIFORNIA~~,~~ BY THE NORTHERN ROUTE. THERE WAS ANOTHER TRAIN JOINED THEM CALLED THE ILLINOIS COMPANY THAT HAD THE MOST LOOSE STOCK; BUT WHETHER THEY WENT ON WITH THEM, THEY DIVIDED — I HEARD	HOW MANY **A** THEY MIGHT HAD 25, MAY HAVE HAD 30 AS NEAR AS I RECOLLECT WAS THERE ANY OTHER PERSONS TRAVEL WITH THAT TRAIN BESIDES YOURSELF THAT WAS NOT COMPOSED OF THE ARKANSAS EMIGRANTS **A** THERE WAS ANOTHER FELLOW THAT WENT ON TO CALIFORNIA BY THE NORTHERN ROUTE; THERE WAS ANOTHER TRAIN THAT JOINED THEM CALLED THE ILLINOIS COMPANY THAT HAD THE MOST OF THE LOOSE STOCK, BUT WHETHER THEY WENT ON WITH THEM DIVIDED I HEARD

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RT	RS	BT	PS
THROUGH THEY DIVIDED UP.	THROUGH THEY DIVIDED UP.	THEY HAD DIVIDED UP BETWEEN HERE AND SALT LAKE.	THEY HAD DIVIDED UP BETWEEN HERE AND SALT LAKE
Q. HOW MANY CATTLE DID THEY HAVE ?	$_{Q}$HOW MANY CATTLE DID THEY HAVE	Q. HOW MANY CATTLE WERE THERE IN BOTH TRAINS? OBJECTED TO . ~~**RECESS TILL 2' O'CLOCK**~~ *[a41187]*	HOW MANY CATTLE WERE WITH BOTH TRAINS OBJECTED TO
A. I COULD NOT SAY.	$\{_{A}\}^{i}$ I COULD NOT SAY	Q. DON'T KNOW HOW MANY CATTLE WERE WITH THE ARKANSAS EMIGRANTS? A. NO, SIR, I DIDN'T MIX WITH THEM A GREAT DEAL.	DON'T KNOW HOW MANY CATTLE WERE WITH THE ARKANSAS EMIGRANTS $_{A}$ NO SIR, I DIDN'T MIX IN WITH THEM GREAT DEAL
Q. DO YOU KNOW HOW MANY PERSONS COMPOSED THE ARKANSAS TRAIN ? A. NO SIR, I DO NOT. Q.	$\{DO\}^{i}$ YOU KNOW HOW MANY PERSONS COMPOSED THE ARKANSAS TRAIN $\{_{A}\}^{i}$ NO SIR I DO NOT $\{_{Q}\}^{i}$	Q. DO YOU KNOW HOW MANY PERSONS COMPOSE THE ARKANSAS TRAIN? A. I COULD NOT SAY. Q. ABOUT HOW MANY—	DO YOU KNOW HOW PERSONS COMPOSED THE ARKANSAS TRAIN **A**I COULD NOT [*space*] ABOUT HOW MANY
WERE THERE ANY WOMEN AMONG THEM ? A. YES SIR, BOTH MEN AND WOMEN AND GROWN CHILDREN, BOTH OLD AND YOUNG.	WERE THERE ANY WOMEN AMONG THEM $\{_{A}\}^{i}$ YES SIR BOTH MEN $\{AND\}^{i}$ WOMEN CHILDREN BOTH OLD AND YOUNG.	WERE THERE ANY WOMEN A~~AB~~MONG THEM? A. YES, SIR. Q. BOTH MEN, WOMEN AND CHILDREN? A. BOTH OLD AND YOUNG.	WERE THERE ANY WOMEN AMONG THEM YES SIR BOTH MEN WOMEN AND CHILDREN BOTH OLD AND YOUNG [*space*]
CROSS - EXAMINED.	(BY DEFENSE YOU CAN TAKE THE WITNESS)	CROSS - EXAMINATION	CROSSEXAMINATION [*space*]

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RT	RS	BT	PS
BISHOP:- YOU TRAVELLED WITH THIS TRAIN EAST OF SALT LAKE AND DID YOU TRAVEL WITH THEM WEST OF SALT LAKE ? A. NEVER TRAVELLED WITH THEM A DAY AFTER WE LEFT EMIGRATION CANON. Q. DID YOU SEE THEM IN UTAH ? A. YES SIR, I WENT OUT OF EMIGRATION CANON WITH THE~~R~~M Q. DID YOU EVER SEE THEM WEST OF SALT LAKE ? *[N 310]* A. NO. Q. DO YOU KNOW ANYTHING ABOUT WHAT THEY DID AFTER THEY PASSED THROUGH THE TERRITORY ? A. NO SIR.	DEFENSE {**BISHOP**}^{i} BEFORE {$_{Q}$}^{i}YOU TRAVELED WITH THIS TRAIN EAST FROM SALT LAKE {$_{Q}$DID YOU}^{i} EVER TRAVEL WITH THEM WEST OF SALT LAKE {$_{A}$}^{i} NEVER TRAVELED WITH THEM {**A**}^{i} DAY AFTER WE LEFT EMIGRATION CANYON $_{Q}$DID YOU SEE THEM IN UTAH {$_{A}$}^{i} YES SIR I WENT OUT {OF}^{i} EMIGRATION CANYON WITH THEM $_{Q}$DID YOU EVER SEE THEM WEST OF SALT LAKE $_{A}$DO YOU {*KNOW/NO*[?]}^{i} $_{Q}$ DO YOU KNOW ANYTHING ABOUT WHAT THEY DID {AFTER}^{i} THEY PASSED THROUGH TERRITORY $_{A}$ NO SIR	BY MR. BISHOP. Q. YOU SAY YOU TRAVELED **WITH** THIS TRAIN SOUTH TO SALT LAKE ? A. YES, SIR. Q. NEVER TRAVELED WITH THEM WEST OF SALT LAKE? A. NO, SIR. ~~Q.~~ I NEVER TRAVELED WITH THEM A DAY AFTER I GO T**O** ~~IN~~ EMIGRATION CANYON. Q. DID YOU SEE THEM IN UTAH? A. I DID, I WENT OUT TO EMIGRATION CANON THREE TIMES TO SEE THEM. Q. DO YOU KNOW ANYTHING OF WHAT THEY DID WHILE PASSING THROUGH THE TERRITORY? **A. NO, SIR. Q.** DO YOU KNOW HOW MANY	BISHOP [*space*] YOU SAY YOU TRAVELED WITH THIS TRAIN EAST OF SALT LAKE $_{A}$YES SIR NEVER TRAVELED WITH THEM WEST OF SALT LAKE **A**NO SIR, NEVER TRAVELED WITH THEM DAY AFTER I GOT IN EMIGRATION CANYON DID YOU SEE THEM IN UTAH $_{A}$I DID $_{A}$I WENT OUT TO EMIGRATION CANYON [*space*] THREE TIMES TO SEE THEM DO YOU KNOW ANYTHING ABOUT WHAT THEY DID WHILE PASSING THROUGH THE TERRITORY DO YOU KNOW HOW MANY

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RT	RS	BT	PS
		CATTLE THEY HAD AFTER THEY LEFT THE **I**LLINOIS TRAIN? **A. I DO NOT.**	CATTLE THEY HAD AFTER THEY LEFT THE ILLINOIS TRAIN [*space*]
Q. DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN WERE WITH THE OTHER TRAIN ? A. I DO NOT.	$_{Q}$DO YOU KNOW HOW MANY OF ARKANSAS TRAIN WERE WITH THE OTHER TRAIN $\{_{A}\}^{i}$ I DO NOT.	**Q.** DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN **WERE WITH THE OTHER TRAIN? A. NO SIR.** ~~AFTER THAT~~?	DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN *AFTER*[?] THAT *[[4]]*
Q. DO YOU KNOW ANYTHING ABOUT THAT TRAIN AFTER THEY LEFT EMIGRATION CANON ? A. I KNOW NOTHING OF THEM AFTER THAT. Q. DO YOU KNOW WHERE IT WENT AFTER IT	$_{Q}$DO YOU KNOW ANYTHING ABOUT THAT TRAIN AFTER IT LEFT EMIGRATION CANYON $\{_{A}\}^{i}$I KNOW NOTHING OF THEM AFTER THAT $\{_{Q}$DO YOU$\}^{i}$ KNOW WHERE IT WENT AFTER IT	**Q.** DO YOU KNOW ANYTHING OF TH~~R~~E TRAIN AFTER IT LEFT EMIGRATION CANYON? A. NO, SIR. Q. OF YOUR OWN KNOWLEDGE , DO YOU KNOW TO WHERE THEY WENT	DO YOU KNOW ANYTHING ABOUT THEIR TRAIN AFTER IT LEFT EMIGRATION CANYON $_{A}$NO SIR [*space*] OF YOUR OWN KNOWLEDGE DO YOU KNOW ~~WHERE THEY WENT~~ TO WHERE IT WENT
LEFT EMIGRATION CANON, OF YOUR OWN KNOWLEDGE ? A. NO SIR. I KNOW IT DIDN'T GO NORTH, IT CAME SOUTH. Q. HOW DO YOU KNOW IT ? A. I	LEFT EMIGRATION CANYON OF YOUR OWN KNOWLEDGE $\{_{A}\}^{i}$ NO SIR I KNOW —[?] $\{$TRAIN$\}^{i}$ DIDN'T GO NORTH IT CAME SOUTH. HOW DO YOU KNOW IT $\{_{A}\}^{i}$ I	FROM EMIGRATION CANYON? A. I KNOW THEY DIDN'T GO NORTH. Q. DID THEY C OME SOUTH	FROM EMIGRATION CANYON I KNOW THEY DIDN'T GO NORTH. *I*[?] CAME SOUTH

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RT	RS	BT	PS
KNOW IT WENT SOUTH. Q. OF YOUR OWN KNOWLEDGE ? A. NO SIR.	KNOW IT WENT SOUTH OF YOUR OWN KNOWLEDGE NO SIR	OF YOUR OWN KNOWLEDGE? A. NO, I DIDN'T SEE THEM MYSELF PASS THROUGH SALT LAKE	OF YOUR OWN KNOWLEDGE NO I DIDN'T SEE THEM I DIDN'T SEE THEM MYSELF PASS THROUGH SALT LAKE
Q. OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANON ? A. NO SIR, I DO NOT.	OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON A NO SIR ≤I DO NOT≥	CITY. Q. OF YOUR OWN KNOWLEDGE, DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON? A. NO, SIR. ~~Q. DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS~~. **Q. DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS A. NO SIR**[287]	CITY OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON NO SIR COURT DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS NO SIR [*space*]
	BY DEFENSE THAT IS ALL. PROSECUTION AND DEFENSE DO NOT WANT ANYTHING		

287. Later, Frank King reportedly gave Josiah Gibb a list of the members of the train. Josiah Gibb, *Lights and Shadows of Mormonism* (Salt Lake City, 1909), 12–13.

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RT	RS	BT	PS
	MORE TO SAY TO HIM. COURT EXCUSED HIM FOR THE TERM. BASKIN THERE ARE SOME WITNESSES WE ARE EXPECTED HERE BY TWELVE O'CLOCK. WE ARE ALMOST THROUGH WITH OUR CASE WE WANT THAT ONE MORE WITNESS WHO TELEGRAPHED US WOULD BE HERE AT NOON. [*space*]		WE ARE ALMOST THROUGH WITH OUR CASE. BUT EXPECT A WITNESS HERE AT TWELVE O'CLOCK. [*space*]
RECESS UNTIL HALF PAST TWO O'CLOCK. [*Rogerson noted on the cover of Book 2 that the testimony of Isaac Riddle and William Roberts were omitted.*]	**WE**'LL TAKE RECESS UNTIL **HALF PAST 2 O'CLOCK** {**RECESS <u>TILL HALF PAST TWO</u> O'CLOCK.**}[i] [*space*] *[[13]]* **<u>WEDNESDAY AFTERNOON</u> 2 30 PM** {—}[p] [*space*]	RECESS TILL TWO P.M. *[~~a~~118]* TWO P.M.. JURY CALLED ALL PRESENT. ~~**COURT ADJOURNED WITHOUT DOING ANYTHING THE AFTERNOON**~~	RECESS TILL HALF PAST TWO O'CLOCK [*space*]

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RT	RS	BT	PS
		~~**TILL TOMORROW MORNING AT 9 O'CLOCK**~~ ISAAC RIDDLE SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R}** Q. HAVE YOU BEEN S~~O~~WORN? A. YES, SIR. Q. WHERE DDO YOU RESIDE? A. IN BEAVER CITY. Q. HOW LONG HAVE YOU BEEN IN BEAVER? A II YEARS. Q. WHERE DID YOU RESIDE DURING I857? ~~Q~~**A**. I WAS LIVING AT PIN~~T~~**E** VALLEY, A LITTLE VALLEY AT THE HEAD OF THE SANTA CLARA. Q. HOW FAR FROM WASHINGTION? A. A~~U~~BOUT 40 MILES, I BELIEVE FROM WASHINGTON; RIGHT NORTH OF THOSE MOUNTAINS THERE. Q. DO YOU KNOW WHERE A PLACE ~~IS~~ CALLED THE MOUNTAIN	**ISAAC RIDDLE** BEEN SWORN [*space*] HAVE YOU BEEN SWORN YES SIR WHERE DO YOU RESIDE IN BEAVER CITY HOW LONG IN BEAVER 11 YEARS WHERE DID YOU RESIDE DURING I857 I WAS LIVING AT PINE VALLEY LITTLE VALLEY ON THE HEAD OF THE SANTA CLARA HOW FAR FROM WASHINGTON ABOUT 40 MILES I BELIEVE FROM WASHINGTON RIGHT NORTH OF THOSE MOUNTAINS THERE [*space*] DO YOU KNOW WHERE A PLACE CALLED THE MOUNTAIN

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RT	RS	BT	PS
		MEADOW VALLEY IS? A. YES, SIR. Q . HOW FAR **D**ID YOU RESIDE FROM THAT? A. 2I OR 22 MILES. Q. WHAT COUNTY ISTHAT IN? A. WASHINGT~~I~~ON COUNTY, I BELIEVE. Q. STATE WHETHER YOU SAW A TRAIN CALLED THE ARKANSAS TRAIN PASS THROUGH THE TERRITORY DU~~T~~RING THE MONTH OF SEPTEMBER? A. NO, SIR, I NEVER SAW THEM. Q. DID YOU HEAR OF ONE PASSING THROUGH? A. YES, SIR. Q. WHERE WERE YOU WHEN YOU HEARD OF IT? A. FIRST I HEARD OF IT, I WAS AT PINTO CREEK. Q. AT WHAT TIME IN THE MONTH WAS THAT? A. I CAN'T STATE ~~IT STATE~~ IT	MEADOW VALLEY IS YES SIR HOW FAR ~~FROM THERE~~ DID YOU RESIDE FROM THAT 21 OR 2 MILES WHAT COUNTY IS THAT IN WASHINGTON COUNTY I BELIEVE STATE WHETHER YOU SAW TRAIN CALLED THE ARKANSAS TRAIN PASS THROUGH THE TERRITORY DURING THE MONTH OF SEPTEMBER NO SIR NEVER SAW THEM DID YOU HEAR OF ONE PASSING THROUGH YES SIR WHERE WERE YOU WHEN YOU HEARD OF IT [*space*] FIRST I HEARD OF IT I WAS AT PINTO CREEK [*space*] AT WHAT TIME IN THE MONTH WAS THAT I CAN'T STATE IT

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RT	RS	BT	PS
		EXACTLY. Q. AS NEAR AS YOU CAN? A. IN THE FORE PART OF THE MONTH. Q. WHERE WAS THIS TRAIN AT THAT TIME? A. I UNDERSTOOD FROM SOMEBODY THAT LIVED AT PINTO THAT THEY **W**AS CAMPED ON THE ~~J~~MEADOWS**, ~~QUITE A WHILE.~~ I WAS GOING TO MILL.** Q. DIDN'T YOU COME THROUGH THE MEADOWS? A. THE FIRST PLACE I STRU~~C~~K AND HEARD WAS AT PINTO, FIVE MILES FROM THE NORTH END OF THE MEADOWS .. I THINK THEY WERE CAMPED IN THE MEADOWS THEN; THEY HAD PASSED A DAY OR TWO BEFORE AND WENT ON.	EXACTLY ~~<~~AS NEAR AS YOU CAN TELL~~>~~ IN THE FORE PART OF THE MONTH [*space*] WHERE WAS THIS TRAIN AT THAT TIME I UNDERSTOOD FROM SOMEBODY THAT LIVED AT PINTO, THAT THEY WAS CAMPED ON THE MEADOWS CAME TO MILL DIDN'T YOU COME THROUGH THE MEADOWS [*space*] FIRST PLACE I STRUCK THE ROAD WAS AT PINTO FIVE MILES FROM THE *[[5]]* NORTH END OF MEADOWS THINK THEY WERE CAMPED IN THE MEADOWS THEN —[?] SAID THEY HAD PASSED A DAY OR TWO *BEFORE*[?] AND WENT [*space*] ~~HOW SOON AFTER THEY~~

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RT	RS	BT	PS
		Q. WERE YOU EVER AT THE MOUNTAIN MEADOWS ? A. YES, SIR, ~~N~~BEEN THERE MANY A TIME. Q. ~~HAOW~~ **HOW** SO~~L~~ON WERE YOU THERE AFTER ~~W~~YOU WERE AT THE MEADOWS THAT DAY THAT YOU SPEAK OF? A. THAT WAS IN SEPTEMBE~~R~~R. ~~Q.~~ AND IN APRIL OF THE NE~~S~~XT SPRING WAS THE FIRST TIME I WAS ~~[a6119]~~ THERE AFTERWARDS. Q. WHAT DID YOU SEE THERE ON THE GROUND WHEN YOU WERE THERE? A. I DIDN'T SEE ANYT**H**ING, BUT I MERELY DROVE THROUGH ON THE ROAD. I BELIEVE I DID SEE A FEW BONES CLOSE TO THE SIDE OF THE ROAD. Q. WHAT KIND OF BONES, HUMAN? A. I	[*space*] WERE YOU EVER AT MOUNTAIN MEADOWS YES SIR BEEN THERE MANY A TIME HOW SOON WERE YOU THERE AFTER YOU WERE AT THE MILLS THAT DAY YOU SPOKE ABOUT THAT WAS IN SEPTEMBER AND IN APRIL NEXT SPRING WAS THE FIRST TIME I WAS THERE AFTERWARDS [*space*] WHAT DID YOU SEE THERE ON THE GROUND WHEN YOU ~~WAS~~ WAS THERE [*space*] I DIDN'T SEE ANYTHING I MERELY DROVE THROUGH ON THE ROAD I BELIEVE I DID SEE A FEW BONES CLOSE SIDE TO THE BONES WHAT KIND OF BONES [*space*] HUMAN I

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RT	RS	BT	PS
		TOOK THEM TO BE, I DIDN'T G~~A~~ET OUT OF THE TEAM. BY THE MOUNTAIN MEADOWS NEAR WHERE THE DIVIDE IS. Q. WERE THEY SCATTERED ABOUT ONTHE PLAINS OR ON A HILL? A. I ONLY SAW TWO OR THREE BODIES AND I CHECKED UP AND LOOKED DOWN. AND SAW **TWO** ~~TO~~ OR THREE BODIES.. Q. DO YOU RECOLLECT WHETHER YOU SAW MR. YOUNG OR ANY WHO LIVE AT WASHINGTON WHEN YOU WENT TO THE M ILL. A. I WENT TO CEDAR CITY TO MILL. Q. WHEN YOU WENT TO CEDAR CITY TO MILL—WHEN YOU WENT HOME WHAT	TOOK THEM TO BE I DIDN'T GO OUT *TIME/TEAM*[?] [*space*] BY THE MOUNTAIN MEADOWS VALLEY NEAR WHERE THE DIVIDE IS [*space*] WERE THEY SCATTERED ABOUT IN A PLACE OR IN A *HILL/HOLE*[?] I ONLY SAW ~~ONE~~ TWO OR 3 PARTIES [*space*] WHEN I CHECKED AND LOOKED DOWN AND RODE DOWN AND TWO OR 3 PARTIES [*space*] DO YOU RECOLLECT WHETHER YOU SAW MR. YOUNG OR ANY WHO LIVE AT WASHINGTON ~~<~~WHEN YOU WENT TO MILL~~>~~ I WENT TO CEDAR CITY TO MILL WHEN YOU WENT TO CEDAR CITY TO MILL WHEN YOU WENT HOME WHAT

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RT	RS	BT	PS
		DIRECTION DID YOU GO?? A.I WENT BACK ~~UP P~~ BY PINTO CREEK RIGHT OVER TO WHERE I LIVE**D.** Q. THEN YOU KEPT NORTH OF THE MEADOWS? A. NO, SIR. ~~Q.~~ THE MOUNTAIN MEADOWS LIE~~S~~ FIVE MILES WEST OF PINTO, AND THE ROAD TO MY P~~A~~LACE TOOK A DU~~R~~E ROAD SOUTH FROM PINTO. Q. HOW FAR FROM PINTO D~~OU~~**ID** YOU LIVE? A. FROM PINTO I2 MILES. Q. HOW FAR FROM WASHINGTON? A. IN A STRAIGHT LINE AS NEAR A~~W~~**S** THE ROAD WAS**,** ABOUT 40 MILES. Q. WAS THERE ANY ROAD LEADING FROM PINT O TO THE MOUNTAIN MEADOWS? A.	DIRECTION DID YOU GO I WILL GIVE YOU WHOLE OF MY TREK NO ANSWER QUESTION I WENT BACK AND *BY/UP*[?] PINTO CREEK RIGHT OVER TO WHERE I LIVE THEN YOU KEPT NORTH OF MOUNTAIN MEADOWS NO SIR MOUNTAIN MEADOWS LIES FIVE MILES WEST OF PINTO AND THE ROAD TO MY PLACE TOOK A DUE SOUTH FROM PINTO HOW FAR FROM PINTO DID YOU LIVE FROM PINTO 12 MILES HOW FAR FROM WASHINGTON IN A STRAIGHT LINE NEAREST ROAD WAS ABOUT 40 MILES WAS THERE ANY ROAD LEADING FROM PINTO TO MOUNTAIN MEADOWS

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RT	RS	BT	PS
		YES, SIR, THE MAIN CALIFORNIA ROAD LED THERE. Q. WHICH WAY DID IT RUN? A. PRETTY NEAR A WEST COURSE. Q. HOW LONG WERE YOU AT CEDAR? A. I ONLY STAID THERE A PIE~~V~~CE OF ONE DAY. Q. YOU RECOLLECT SEEING KLINGENSMITH WHILE AT C~~FA~~EDAR? A. NO, SIR. Q. HAIGHT? A. YES, SIR . Q. HIGBEE? A. YES, SIR, I SAW HIM AT CE~~A~~DAR. Q. DID YOU HAVE ANY CONVERSATION WITH HAIGHT? A. YES, SI~~R~~. VERY LITTLE. *[~~a~~7120]* Q. ANY WITH HIGBEE? A. I DON'T RECOLLECT ANY WITH HIM. Q. DID YOU ~~W~~SEE MR. WILLIAM YOUNG ~~A~~OF WASHI~~H~~NGTON?	YES SIR MAIN CALIFORNIA ROAD LED THERE [*space*] WHICH WAY DID IT RUN PRETTY NEAR WEST COURSE [*space*] HOW LONG WERE YOU AT CEDAR I ONLY STAYED THERE A PIECE OF ONE DAY DO YOU RECOLLECT SEEING KLINGEN SMITH WHILE AT CEDAR ~~YES~~ NO SIR HAIGHT YES SIR HIGBEE YES SIR *[[6]]* I SAW HIM AT CEDAR DID YOU HAVE ANY CONVERSATION WITH HAIGHT YES SIR VERY LITTLE ANY WITH HIGBEE I DON'T RECOLLECT OF ANY WITH HIM <HAVING ANY *CHL/TL*[?]> [*space*] DID YOU SEE MR. WILLIAM YOUNG OF WASHINGTON

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RT	RS	BT	PS
		A. NO, SIR. Q. DID YOU SEE HIM ON THE ROAD? A. NO, SIR. Q. DID YOU SEE ANY ARMED MEN ABOUT THERE**?**— A. ABOUT CEDAR? Q. YES, SIR~~?~~**.** A. NO, I DON'T RECOLLECT THAT I SAW ANY ARMED MEN. Q. DID YOU SEE ANY ON~~G~~ THE ROAD BETWEEN CEDAR AND PINTO. A. I BELIEVE I SAW A FEW. I THINK HIGBEE WAS ONE AND MR. STEWART, I COULD NOT TELL ANY OTHER ~~A~~NA**A**ME. Q. ABOUT HOW MANY DID YOU SEE? A. AS WELL AS I CAN RECOLLECT SOME SIX OR SEVEN. Q. HOW WERE THEY ARMED? A. HAD THEIR RIFLES, AS WELL AS I COULD RECOLLECT. Q. DID YOU NOTI~~V~~CE	THERE NO SIR DID YOU SEE HIM ON THE ROAD NO SIR DID YOU SEE ANY ARMED MEN ABOUT THERE [*space*] ABOUT CEDAR YES SIR [*space*] NO I DON'T RECOLLECT THAT I SAW ANY ARMED MEN DID YOU SEE ANY THE ROAD BETWEEN CEDAR AND PINTO I BELIEVE I SAW A FEW I THINK HIGBEE WAS ONE AND *MR./WILLIAM*[?] STEWART I COULD NOT TELL ANY OTHER NAME [*space*] ABOUT HOW MANY DID YOU SEE AS WELL AS I RECOLLECT SOME 6 OR 7 HOW WERE THEY ARMED HAD THEIR RIFLES AS WELL AS I CAN RECOLLECT DID YOU NOTICE

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RT	RS	BT	PS
		PISTOLS OR KNIVES? A. I DIDN'T NOTICE ANY THAT I RECOLLECT OF. Q. LARGE DIRKS OR ANYTHING OF THAT SORT? A. NO, SIR. Q. WHICH WAY WERE THEY TRAVELING? A. THEY WERE TRAVELING WEST. Q. THAT WAS WHILE YOU WERE GOING UP TO CEDAR? A. NO, SIR, THEY WERE GOING WESTWARD. Q. YOU WERE GOING WESTERD WESTWARD? A. YES, SIR, I TRAVELLED A PART OF THE ROAD WITH THEM. Q. WAS IT ON SUNDAY THEY WERE GOING TO THE MEADOWS? A. I DO NOT REMEMBER THAT. CROSS-EXAMIJATION .	PISTOLS OR KNIVES I DIDN'T NOTICE ANY THAT I RECOLLECT OF LARGE DIRKS OR ANYTHING OF THAT SORT NO SIR WHICH WAY WERE THEY TRAVELING THEY WERE TRAVELING WEST [*space*] THAT WAS WHILE YOU WERE GOING UP TO CEDAR NO SIR THEY WERE GOING WESTWARD YOU WERE GOING WESTWARD YES SIR I TRAVELED PART WAY WITH THEM I DID I SENSED THEY WAS GOING TO THE MEADOWS I UNDERSTOOD FROM THEM [*space*] CROSSEXAMINATION SPICER THAT IS

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RT	RS	BT	PS
		BY M^{R} Q YOU SAY YOU MET THESE FIVE OR SIX MEN GOING TO THE MEADOWS? A. NO, SIR, I DIDN'T. Q. THEY WERE GOING WESTWARD? A. YES, SIR. Q.YOU SAID THEY WERE GOING TO THE MEADOWS? A. I SAW THEM TRAVELING. Q. TELL HOW YOU CAME TO UNDERSTAND THEY WERE GOING TO THE MEADOWS? OBJECTED TO. Q. TELL WHAT THEY SAID ABOUT THEIR BUSINES~~X~~S? A. I DON'T RECOLLECT ANY PARTICULAR THING; BUT THAT WAS THE UNDERSTANDIN G I GOT WHILE WITH THE PARTY.	~~ALL FOR THE PRESENT~~ [*space*] YOU SAY YOU MET THOSE FIVE OR 6 MEN GOING TO THE MEADOWS NO SIR I DIDN'T THEY WERE GOING WESTWARD YES SIR YOU UNDERSTOOD THEY WERE GOING TO THE MEADOWS ~~<~~YES SIR~~>~~ I SAW THEM TRAVELING [*space*] TELL HOW YOU CAME TO UNDERSTAND THAT THAT THEY WERE GOING TO THE MEADOWS OBJECTED TO TELL WHAT THEY SAID ABOUT THEIR BUSINESS I DON'T RECOLLECT ANY PARTICULAR *ONE*[?] BUT THAT WAS THE UNDERSTANDIN G I GOT WHILE WITH THE PARTY [*space*]

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RT	RS	BT	PS
		Q. YOU GOT IT FROM THEM? A. YES, SIR. Q. DID YOU LEARN FROM THEM WHAT THEY WERE GOING THERE FOR. A. NO. *[~~a~~8122]*[288] A. NO, SIR, I DID~~N'T~~. **NOT.** Q. GOT NO PARTICULAR UNDERSTANDIN G FROM THEM— CAN YOU TELL US ANYTHING FROM YOUR OWN KNOWLEDGE WHAT THE CONDITION OF THE COUNTRY WAS AT T~~H~~A T TIME AS TO SAFETY? OBJECTED TO. Q. DID YOU SEE ANY **I**NDIANS IN THE COU NTRY? A. YES, SIR. OBJECTED TO AS NOT CROSS - EXAMINATION. BY MR. SUTHERLAND:	YOU GOT IT FROM THEM YES SIR DID YOU LEARN FROM THEM WHAT THEY WERE GOING THERE FOR NO SIR I DID NOT GOT NO PARTICULAR UNDERSTANDIN G FROM THEM ~~DID YOU~~ CAN YOU TELL US ANYTHING FROM YOUR OWN KNOWLEDGE WHAT THE CONDITION OF THE COUNTRY WAS AT THAT TIME AS TO SAFETY OBJECTED TO [*space*] DID YOU SEE ANY INDIANS IN THE COUNTRY YES SIR OBJECTED TO AS NOT CROSSEXAMINA TION ~~≤~~SUTHERLAND~~≥~~ ASK WITH A VIEW OF SHOWING THEY

288. The handwritten number assigned to the page is 122, but the page is actually 121.

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RT	RS	BT	PS
			WERE NECESSARILY TRAVELING ARMED IT IS PROPER TO CROSS EXAMINE THEM. *[[7]]*
		I PROPOSE TO SHOW THAT THE INDIANS WERE SWARMED	DESIRE TO SHOW THAT THE COUNTRY WAS SWARMING WITH INDIANS
		AT THAT T IME AND ON TWO OCCASIONS WHEN THE SETTLERS WERE UNITED IN ARMS—AND THAT IT WAS THE CUSTOM TO GO ARMED.	AT THE TIME AND ON ALL OCCASIONS WHEN THE SETTLERS HAVE *UNITED*[?] ARMED ~~≤~~THAT IT WAS CUSTOM TO GO ARMED~~≥~~ [*space*]
		OBJECTION SUSTAINED. Q. DO YOU KNOW WHY THEY WERE ARMED? A. IT IS CUSTOMARY ALONG IN THE COUNTRY FOR MEN TO GO ARMED~~.~~; THE COUNTRY WAS NEWLY SETTLED AND THAT WAS THE CUSTOM ; IT WAS NOTHING UNCOMMON AT ALL; IN FACT IT WAS A	OBJECTION SUSTAINED [*space*] DO YOU KNOW WHY THEY WERE ARMED IT WAS CUSTOMARY THING IN THE COUNTRY FOR MEN TO GO ARMED COUNTRY WAS NEWLY SETTLED AND WAS THE CUSTOM OF THE COUNTRY IT WAS NOTHING UNCOMMON AT ALL IN FACT IT WAS THE

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RT	RS	BT	PS
		GENERAL THING. Q. YOU SAY YOU WERE T HEN RETURNING FROM CEDAR CITY? A. YES, SIR. Q.WHAT WAS YOUR BUSINESS AT CEDAR CITY, WHEN YOU WENT UP? A. I WENT UP TO MILL TO GET A GRIST OF FLOUR. Q. DIDYOU STAY AND GET YOUR GRIST? A. NO, SIR. Q. WHY DID NYOU NOT STAY TO GET YOUR GRIST? A. THE REASON WASTHAT MR. HA~~U~~IGHT CAME TO ME **AND SAID** THAT THE PROBABILITY WAS THAT THERE WAS A FUSS IN THE COUNTRY I WAS.—— OBJECTED TO.— **OVERULED—** ~~Q.~~ A. PROBABILITIES WAS THAT THERE WAS A	GENERAL THING. YOU SAY YOU WERE THEN RETURNING FROM CEDAR CITY YES SIR WHAT WAS YOUR BUSINESS AT CEDAR CITY WHEN YOU WENT UP I WENT UP TO MILL TO GET A GRIST OF FLOUR [*space*] DID YOU STAY AND GET YOUR GRIST OBJECTED ~~TO AS IMMATERIAL~~ NO SIR WHY DID YOU NOT STAY TO GET YOUR GRIST REASON WAS THAT MR. HAIGHT CAME TO ME TOLD ME THAT THE PROBABILITY WAS THAT THERE WAS A FUSS IN THE COUNTRY WHERE I WAS OBJECTED TO [*space*] PROBABILITIES WAS THAT THERE WAS A

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RT	RS	BT	PS
		F~~E~~USS WITH THE **I**NDIANS, AND I HAD BETTER GO HOME AND ATTEND TO MY AFFAIRS. I CONSEQUENTLY LEFT MY WAGON AND HORSES AND **MY** WIFE THAT WAS WITH ME, GOT ONTO THE OTHER HORSE IN THE AFTERNOON~~;~~, **AND** SHUCKED OUT FOR HOME AS QUICK AS I COULD, AND THE NEXT MORNING AT SUNRISE I WAS THERE.. I TRAVELLED ~~WWITFHHTHEM~~ **WITH THEM** A LITTLE WAYS. 37 MILES FROM CEDAR TO MY PLACE. *[[122]]* [289]JOHN M. MCFARLANE[290] SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R}** —— Q. WHERE DO YOU RESIDE?	FUSS WITH THE INDIANS I BETTER GO HOME AND ATTEND TO MY AFFAIRS I CONSEQUENTLY LEFT MY WAGON AND HORSE AND WIFE AND THAT WAS WITH ME GOT ON TO THE OTHER HORSE AND THE EVENING AND SHUCKED OUT FOR HOME AS QUICK AS I COULD NEXT MORNING AT SUNDOWN I WAS THERE I TRAVELED WITH THEM A LITTLE WAYS 37 MILES FROM CEDAR TO MY PLACE [*space*] ~~REDIRECT~~

289. This is a duplicate of testimony in RT, RS, and BT, Trial matrix, pp. 1314–1316, page 113 of the Boreman Transcript. The text is essentially the same, except the last sentence is crossed out.

290. Macfarlane is the correct spelling of his name.

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RT	RS	BT	PS
		A. ST. GEORGE, WASHINGTON COUNTY. Q. WHAT IS YOUR OCCUPATION MR. MCFARL**A**NE? A . SURVEYOR AND ATTORN~~E~~**E**Y AT LAW AT PRESENT.. Q. DO YOU KNOW WHERE THE MO**U**NTAN~~M~~**M** MEADOW~~N~~**NS** ARE LOCATED, IN WHAT COUNTY THEY ARE? A. WHY, ALL OF THE MOUNTAI N MEADOWS ARE IN WASHINGTON COUNTY**,** I THINK. THEY A RE SO RECOGNI~~S~~**Z**ED IN THAT COUNTY. I AM THE SUR~~G~~**V**EYOR OF THAT COUNTY. Q. DO YOU KNOW THAT TO BE A FACT? A . I KNOW THE DISTANCES AND THE DIVISIONS OF THE COUNTY ACCORDING TO THE TERRITORIAL STATUTES. THAT IS ALL. BY	

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RT	RS	BT	PS
		THE COUR T: DO YOU WISH TO ASK HIM ANY MORE QUESTIONS? BY M~~T~~R. SUTHERLAND: ~~Q~~.I WANT TO ASK HIM ONE QUESTION. Q. STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN I857, IN WHAT COUNTY? A. IN WASHINGTON COUNTY AS THEY ARE NOW. ~~THAT IS ALL.~~ [*space*] *[~~a~~9123]* WILLIAM ROBERTS SWORN FOR THE PROSECUTION. **EXAMINED BY M^{R}** ——Q. WHERE DO YOU RESIDE? A . PAROWAN. Q. HOW LONG HAVE YOU LIVED THERE? A. 22 YEARS. Q. WHERE YOU LIVING THEREIN THE FALL OF ‘57? A. YES, SIR. ~~Q~~. NOT IN PAROWAN	**CHRISTOPHER J. ARTHUR** NOT HERE [*space*] **WM ROBERTS** SWORN FOR THE PROSECUTION [*space*] WHERE RESIDE PAROWAN HOW LONG HAVE YOU LIVED THERE ABOUT 22 YEARS [*space*] LIVING THERE IN THE FALL OF ‘57 YES NOT IN PAROWAN

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RT	RS	BT	PS
		EXACTLY — PARAGOONAH , FOUR MILES THIS SIDE. Q. YOU HAVE HEARD OF THE MOUNTAIN **MEADOW** MASSACRE? A. I HAVE. Q. DID YOU EVER SEE THOSE EMIGRANTS? A. YES, SIR. Q. WHERE DID YOU SEE THEM ? A. IN PARAGOONAH BOTTOM.. Q. DID YOU HEAR OF THEM BEFORE YOU EVER SAW THEM ? . A. YES, FREQUENTLY. Q. ALONG THE ROAD? A. I COULD NOT **NAME** ~~NAKME~~ THE PLACES. Q. CAN YOU TELL ABOUT WHAT SEASON OF THE YEAR YOU SAW THEM? A. IN THE FALL~~.~~, ALONG ABOUT HARVESTING TIME. Q. HOW MANY OF THEM WERE THERE? A. I COULD NOT TELL YOU. Q. HOW MANY	EXACTLY PARAGONAH 4 MILES THIS SIDE [*space*] YOU HAVE HEARD OF THE MOUNTAIN MEADOW MASSACRE I HAVE DID YOU EVER SEE THOSE EMIGRANTS YES SIR WHERE DID YOU SEE THEM IN PARAGONAH BOTTOM DID YOU HEAR OF THEM BEFORE YOU EVER SAW THEM WHERE FREQUENTLY *[[8]]* ALONG THE ROAD I COULD NOT NAME THE PLACES [*space*] CAN YOU TELL ABOUT WHAT SEASON OF THE YEAR YOU SAW THEM IN THE FALL ~~ABOUT~~ ALONG ABOUT HARVEST TIME [*space*] HOW MANY OF THEM WERE THERE ~~.~~I COULD NOT TELL YOU~~.~~ HOW MANY

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RT	RS	BT	PS
		WAGONS WERE THERE? A. I COULD NOT TELL YOU. Q. WERE YOU NEAR THE~~R~~M? A. YES, SIR. Q. RIGHT CLOSE TO THEM**?**— A. TALKED WITH TWO OF THEM. Q. OF WHOM WERE THEY COMPOSED, MEN? A. THEY **WERE** ~~**HAD**~~ FAMILIES —EMIGRANTS MAKING THROUGH THE COUNTRY. Q. DID YOU SEE THEM AFTER T HEY LEFT PARAGOONAH? A. NO, SIR. Q. YOU SAY YOU HEARD OF THEM BEFORE THEY ARRIVED AT YOUR PLACE? A. YES, SIR. Q. DO YOU RECOLLECT ANY PERSONS YOU HEARD SPEAK OF THEM BEFORE YOU SAW THEM? A. I DON'T KNOW ANYTHING BUT ROUMOR THAT SUCH A COMPANY WAS	WAGONS WERE THERE I COULD NOT TELL YOU WERE YOU NEAR THEM YES SIR RIGHT CLOSE BY THEM TALKED WITH TWO OF THEM [*space*] OF WHOM WERE THEY COMPOSED MEN [*space*] THEY WERE FAMILIES EMIGRANTS —[?] *FROM/OVER*[?] THE COUNTRY DID YOU SEE THEM AFTER THEY LEFT PARAGONAH NO SIR YOU SAY YOU HEARD OF THEM BEFORE THEY ARRIVED AT *YOUR*[?] PLACE YES SIR DO YOU RECOLLECT ANY PERSON~~S~~ YOU HEARD SPEAK OF THEM BEFORE YOU SAW THEM I DID NOT *ONLY*[?] A RUMOR THAT SUCH A COMPANY WAS

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RT	RS	BT	PS
		ON THE ROAD, FREQUENTLY. Q. DID YOU EVER HEAR ANY PREACHING ABOUT IT? A. YES, ~~S~~I HEARD SOME LITTLE SORT OF PREACHING. Q. BY ~~H~~WHOM? A. MR. DAME. Q. WHAT DID HE SAY? A. ADVISED THE PEOPLE NOT TO TR~~Z~~ADE WITH THEM IN ANY WAY AT ALL — SELL THEM NO PROVISIONS. Q. WHAT IS MR. DAME'S FIRST NAME? A. MR. WILLIAM H. DAME. Q. WHAT POSITION DID HE OCCUPY AT THAT TIME? A. I THINK HE WAS THE PRESIDENT OF THE STAKE. ~~*[a10124]*~~ Q. ARE YOU ACQUAINTED ~~I~~WITH JOHN D. LEE? A. I AM. Q. DID YOU EVER HEAR HIM SPEAK ABOUT IT? A. VERY LITTLE. Q. DO YOU KNOW ANYTHING	ON THE WAY FREQUENTLY [*space*] DID YOU EVER HEAR ANY PREACHING ABOUT IT YES I ~~DID~~ HEARD SOME LITTLE WHERE PAROWAN BY WHOM MR. DAME WHAT DID HE [*space*] ADVISED PEOPLE NOT TO TRADE WITH THEM IN ANY WAY AT ALL SELL THEM NO PROVISIONS WHAT IS MR. DAME'S FIRST NAME WILLIAM H DAME WHAT POSITION DID HE OCCUPY AT THAT TIME I THINK HE WAS THE PRESIDENT OF THE STAKE. ARE YOU ACQUAINTED WITH JOHN D. LEE I AM DID YOU EVER HEAR HIM SPEAK ABOUT IT VERY LITTLE DO YOU KNOW ANYTHING

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RT	RS	BT	PS
		~~B~~A**B**OUT TH~~I~~E MASSACRE AT THE MOUNT AI N MEADOW~~AS~~? A. NO, SIR. Q. HAVE YOU EVER HEARD ANYTHING A BOUT IT OR TA~~KE~~LKED ABOUT IT WITH ANY ONE THAT WAS THERE? A. NO, BODY BUT MR. LEE IN PARTICULAR. Q. HAVE YOU TALKED WITH MR. LEE ABOUT IT. A. YES, SIR. Q. STATE WHAT MR. LEE SAID ABOUT IT A. HE TOOK ME FOR ANOTHER MAN BY THE SAME NAME; IT IS ABOUT I0 OR I2 YEARS AGO MORE OR LESS. A MAN HAD BEEN ABUSING HIM SOME. HE ASKED ME IF I WAS THE MAN; I TOLD HIM NO. IN TALKING AFTER**WARDS** HE FOUND OUT WHO I WAS; AND WAS CONVINCED THAT I WAS NOT	ABOUT THE MASSACRE AT MOUNTAIN MEADOWS NO SIR [*space*] HAVE YOU EVER HEARD ANYTHING ABOUT IT OR TALKED WITH ANY ONE THAT WAS THERE $_{A}$NOBODY BUT MR. LEE IN PARTICULAR HAVE YOU TALKED WITH MR. LEE ABOUT IT $_{A}$YES SIR STATE WHAT MR. LEE SAID ABOUT IT —[?] [*space*] HE TOOK ME FOR ANOTHER MAN BY THE SAME NAME [*space*] ABOUT 10 OR 12 YEARS AGO, MORE OR LESS. MAN HAD BEEN ABUSING HIM SOME. ASKED ME IF I WAS THE MAN, I TOLD HIM NO IN TALKING AFTER HE FOUND OUT AND WAS CONVINCED THAT I WAS NOT

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RT	RS	BT	PS
		THE ~~N~~MAN. HE MADE THE REMARK AND SAYS HE, "I WAS THERE, AND WHAT I DONE I DONE BY ORDERS." THAT IS JUST AS NEAR THE WORDS AS I CAN RECOLLECT. Q. WHERE WAS THIS CONVERSATION YOU SPEAK OF? A.AT HARMONY . Q. WHAT DREW THAT REMARK FROM MR. LEE —WHAT CAUSED MR. LEE TO MAKE THAT REMARK? A. IT WAS BECAUSE THIS OTHER MAN HAD BEEN ABUSING HIM? A. HOW DO YOU KNOW THAT? A. FROM WHAT MR/ LEE SAID. Q. WHAT DID HE SAY THE OTHER MAN HAD BEEN ABUSING HI M ABOUT? A. ABOUT THE MOUNTAIN MEADOW MASSACRE	MAN, HE MADE THE REMARK AND SAYS HE, I WAS THERE, AND WHAT I DONE I DONE BY ORDERS. THAT IS JUST THE *[[9]]* AS NEAR THE WORDS AS I CAN RECOLLECT [*space*] WHERE WAS THIS CONVERSATION YOU SPEAK OF AT HARMONY ~~WHAT DID HE~~ SAY THERE WHAT DREW THAT REMARK FROM MR. LEE [*space*] WHAT CAUSED MR. LEE TO MAKE THAT REMARK ~~A~~IT WAS BECAUSE THIS OTHER MAN HAD BEEN ABUSING HIM HOW DO YOU KNOW THAT FROM WHAT MR LEE [*space*] WHAT DID HE SAY OTHER MAN HAD BEEN ABUSING HIM ABOUT [*space*] ABOUT THE MOUNTAIN MEADOW MASSACRE

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RT	RS	BT	PS
		THAT HE WAS SUPPOSED TO ~~ME~~ **HAVE BEEN** I~~N~~**.**. Q. IT WAS IN THAT CONN~~NE~~ECTION THAT HE STATE~~S~~D TO YOU HE WAS THERE? A. YES, SIR; BECAUSE MY NAME WAS THE SAME AS THE OTHER MANS~~.~~, HE HAD HEARD ABOUT THIS MAN TALKING ABOUT HIM. Q. DID MR. LEE STATE WHAT HE DID THERE? A. NO, SI~~T~~**R**, NOT THAT I RECOLLECT OF. Q. DID HE STATE ANYTHING FURTHER IN CONNECTION WITH IT? A. I DON'T RECOLLECT; I DON'T THINK HE DI D. THAT IS ABOUT THE SU M AND SU~~N~~BSTANCE OF IT. Q. DID HE MAKE ANY ~~W~~EXCUSE FOR DOING IT? A. YES, ~~S~~HE ~~D~~ SAID THAT THEY WERE BAD MEN;	THAT HE WAS SUPPOSED TO BE IN [*space*] ~~THAT~~ IT WAS IN THAT CONNECTION THAT HE STATED TO YOU HE WAS THERE YES SIR BECAUSE MY NAME WAS THE OTHER MAN'S HE HAD HEARD ABOUT THIS MAN TALKING ABOUT HIM DID MR. LEE STATE WHAT HE DID THERE NO SIR NOT THAT I RECOLLECT OF DID HE STATE ANYTHING FURTHER IN CONNECTION WITH IT I DON'T RECOLLECT I DON'T THINK HE DID THAT ~~WAS~~ IS ABOUT THE SUM AND SUBSTANCE OF IT DID HE MAKE ANY EXCUSE FOR DOING IT YES HE SAID THAT THEY WERE BAD MEN

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RT	RS	BT	PS
		THAT THEY HAD MURDERED THE PROPHET; OR SOME OŦF THEM HAD. NO CROSS-EXAMINATION. PROSECUTION RESTS. *[~~a11~~125]* BY MR. HOGE: THE PROSECUTION HAVE CLOSED EARLIER THAN WE HAVE ANTICIPATED. I SUPPOSE IT WILL TAKE THE MOST OF THE AFTERNOON, OR TILL TO-MORROW MORNING **FOR US** TO MAKE PREPARATION~~.~~ **TO GO ON.** B**Y THE** COURT: DON'T YOU WISH TO MAKE AN OPENING SPEECH TO THE JURY?	THAT THEY HAD MURDERED THE PROPHETS OR SOME OF THEM HAD [*space*] CROSS-EXAMINATION [*space*]. THE PROSECUTION RESTS [*space*] HOGE PROSECUTION *CLOSED*[?] EARLIER THAN WE HAVE ANTICIPATED. I SUPPOSE IT WILL TAKE MOST AFTERNOON, UNTIL TOMORROW MORNING TO MAKE PREPARATION COURT DON'T YOU WANT TO MAKE AN OPENING SPEECH TO THE JURY [*space*]
[~~312~~ 311] HOGE: IN BEHALF OF THE DEFENDANT I ASK FOR AN ~~ADJOURR~~ADJOURNMENT OR	*[[Bk 6 13]]* {**HOGE BEHALF DEF ASKED ADJT TOMORROW MNG**}^{p} [*space*] HOGE {ON}^{p} BEHALF OF DEFENSE ASKED ADJOURNMENT	BY MR. HOGE: WE ASK, YOUR HONOR, FOR A	ASK FOR

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RT	RS	BT	PS
CONTINUANCE UNTIL TO-MORROW MORNING. BASKIN: SOME OF OUR WITNESSES HAVE NOT YET ARRIVED. IF THEY SHOULD COME IN THE MEANTIME WE DESIRE TO RESERVE THE RIGHT TO PUT THEM ON. WE CLOSE NOW, BECAUSE,WE ARE NOT READY TO GO ON WITH ANY MORE WITNESSES TO WHICH COUNSEL FOR DEFENSE CONSENTED. [*space*]	CONTINUANCE UNTIL TOMORROW MORNING. BASKIN SOME OF OUR WITNESSES HAVE NOT ARRIVED IF THEY {SHOULD}[p] COME IN MEANTIME DESIRE {TO}[p] RESERVE {THE}[p] RIGHT TO PUT THEM ON WE CLOSE NOW BECAUSE WE ARE NOT READY TO GO ON WITH ANY MORE WITNESSES. BY HOGE WE MAKE NO OBJECTION TO THAT. CAREY WE DO NOT ASK THE CONTINUANCE ON THAT GROUND. BY HOGE WE ARE ASKING FOR CONTINUANCE AS MR. CAREY.	CONTINUANCE TILL TO-MORROW MORNING. BY MR. BASKIN: WE DESIRE TO RESERVE THE RIGHT TO ~~PRU~~ PUT OTHER WITNESSES ON BECAUSE SOME ARE EXPECTED HERE TO-NIGHT. THE DEFENSE MAKE NO OBJECTION TO THAT. BY MR. SUTHERLAND. IF YOUR HONOR PLEASE, I HAVE JUST RECEIVED AN AFFIDAVIT BY TELEGRAM OF A PHYSICIAN OF	CONTINUANCE TILL TOMORROW MORNING. BASKIN ~~I WOULD SAY THIS~~ [*space*] DESIRE TO RESERVE THE RIGHT TO PUT OTHER WITNESSES ON BECAUSE SOME ARE EXPECTED TONIGHT *WISH TO RESERVE*[?] DEFENSE MAKE NO OBJECTION TO THAT. [*space*] SUTHERLAND IF YOUR HONOR PLEASE I HAVE NOW AN AFFIDAVIT BY TELEGRAM OF THE PHYSICIAN OF
SUTHERLAND: NOTIFIED THE COURT THAT HE HAD JUST RECEIVED A TELEGRAM FROM THE PHYSICIAN AT	SUTHERLAND YOUR HONOR PLEASE I HAVE NOW AFFIDAVIT BY TELEGRAM OF PHYSICIAN OF		

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RT	RS	BT	PS
SALT LAKE WITH REGARD TO THE TWO WITNESSES HE REFERRED THE COURT TO YESTERDAY, BOTH OF WHOM ⋮BRIGHAM YOUNG AND GEORGE A. SMITH⋮ WERE TO FEEBLE TO MAKE THE JOURNEY HERE, AND THAT HE HAD NOTIFIED THE GENTLEMEN HERE ON THE PART OF THE PROSECUTION, AND THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE, WHICH WILL COMMENCE TO-MORROW AT 12 O'CLOCK, GIVING	THE TWO WITNESSES I REFERRED TO YESTERDAY BOTH OF THEM ARE TOO FEEBLE TO MAKE JOURNEY HERE I HAVE GIVEN THIS MORNING NOTICE TO THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE TOMORROW COMMENCING AT TWELVE O'CLOCK AND OFFER PAY THE EXPENSES	THE TWO WITNESSES THAT I REFERRED TO YESTERDAY, THAT BOTH WERE TOO FEBLE TO MAKE THE JOURNEY HERE. I HAVE THIS MORNING GIVEN NOTICE TO THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE TO-MORROW AT TWO O'CLOCK AND OFFER TO PAY THE EXPENSES	THE TWO WITNESSES I REFERRED TO YESTERDAY THAT BOTH WERE TOO FEEBLE TO MAKE THE JOURNEY HERE I HAVE THIS MORNING *[[10]]*[291] GIVEN NOTICE TO THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE TOMORROW 1 OR 2 O'CLOCK AND OFFERED TO PAY EXPENSES

291. On the verso of page 10: *I*[?] DO FOR THEM TO TELL YOU THAT HE DID *HEAR TALK/SWEAR BACK*[?]. [*space*] *I*[?] DO FOR THEM TO TELL YOU THAT HE DID HEAR YOU TALK [*space*] **MAMOTHEAVEROADE** [*space*] *I*[?] TELL YOU SHOULD KNOW THAT HE DID *SWEAR BACK*[?]. There is also crossed out doodling and longhand at the top of the following page.

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RT	RS	BT	PS
THEM	OF THEIR TELEGRAM	OF THE**IR** TELEGRAM [*space*] [126] AND FOR THE ATTORNEY , THE CHARGES	OF THEIR TELEGRAM FOR ATTORNEY[292] AND ALSO
AMPLE TIME TO ATTEND THE EXAMINATION THERE, AND	EMPLOY ONE ATTORNEY TO ATTEND EXAMINATION AND CHARGES OF ATTORNEY TO INDEMNIFY UNITED STATES	OF THE ATTORNEY TO ATTEND THE EXAMINATION. AND THE CHARGES OF THE ATTORNEY TO INDEMNIFY THE UNITED STATES AND THE TERRITORY	CHARGES OF AN ATTORNEY TO INDEMNIFY UNITED STATES AND TERRITORY
HE DESIRED TO READ THE AFFIDAVIT, IN ORDER TO MAKE IT KNOWN TO THE COURT.	AGAINST EXPENSES AGAINST TERRITORY *WHO*[?] WOULD BE CHARGEABLE WITH IT. I DESIRE TO READ THIS AFFIDAVIT IN ORDER TO MAKE IT KNOWN TO ~~KNOWN~~	AGAINST THE TERRITORY, WHO WOULD BE CHARGEAB~~L~~LE WITH IT. I DESIRE TO READ THIS AFFIDAVIT, WI~~T~~H A VIEW TO OBTAINING THE ORDER OF THE COURT.	AGAINST THE EXPENSES. I DESIRE TO READ THIS AFFIDAVIT WITH A VIEW TO OBTAINING ORDER OF THE COURT.
CAREY; I OBJECT TO THIS AFFIDAVIT	≤ORDER≥ THE COURT OBJECTION BY PROSECUTION CAREY. I OBJECT {TO}[p] THIS AFFIDAVIT	BY **M**[R] CAREY: WE OBJECT TO THIS AFFIDAVIT	[*space*] OBJECT TO AFFIDAVIT

292. Rogerson's hand symbol.

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RT	RS	BT	PS
BEING READ BEFORE THE JURY;	BEING READ BEFORE {THE}[p] JURY AT THIS TIME[293]	BEING READ BEFORE THE JURY AT THIS TIME; ~~IT IS ONLY THE AFFIDAVIT OF A~~ BY **M**[R]	BEING READ BEFORE THE JURY AT THIS TIME.
IT IS ONLY AN AFFIDAVIT OF A PHYSICIAN THAT BRIGHAM YOUNG AND GEORGE A. SMITH	<**SUTH**> IT IS ONLY AFFIDAVIT OF A PHYSICIAN THAT BRIGHAM YOUNG GEORGE A SMITH TO HIS KNOWLEDGE	SUTHERLAND: IT IS ONLY THE AFFIDAVIT OF A PHYSICIA~~L~~N THAT BRIGHAM YOUN~~I~~G AND ~~A ND~~ GEORGE A. SMITH	SUTHERLAND IT IS ONLY THE AFFIDAVIT OF PHYSICIAN THAT BRIGHAM YOUNG AND GEORGE **A** SMITH
ARE TOO FEEBLE TO MAKE THE JOURNEY	ARE IN TOO FEEBLE STATE MAKE JOURNEY	ARE NOW TOO FEBLE TO ~~KA~~ MAKE THE JOURNEY HERE. AND HA VE GIVEN NOTICE THIS MORNING TO THE DISTRICT ATTORNEY OF THEIR ~~A~~EXAMINATION IN **S**ALT LAKE TO-MORROW, COMMENCING AT I2 O'CLOCK**,** AND OFFER T~~H~~O PAY THE EXPENSES OF THE ATTORNEY.	ARE *NOW/IN*[?] TOO FEEBLE TO MAKE JOURNEY HERE. [*space*]
HERE AS WITNESSES.	*INVOLVING*[?] HERE AS WITNESSES.		
COURT: IF THAT IS THE	BY COURT IF THAT IS {THE}[p]	BY **THE** COURT: IF THAT IS THE	

293. "AT THIS TIME" apparently added later.

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RT	RS	BT	PS
SUM AND SUBSTANCE OF IT IT WOULD BE NECESSARY TO READ IT. BASKIN: IN GETTING AN AFFIDAVIT BE TELEGRAM IS A NOVEL PROCEEDING, AND ONE I HAVE NEVER HEARD OF BEFORE. SUTHERLAND: AND BECAUSE HE NEVER HEARD OF IT BEFORE IT MUST THEREFORE BE INADMISSIBLE. NO LEGAL PRINCIPLE IS VIOLATED, NOR CAN THERE BE ANY *[312]* OBJECTION TO ITS BEING READ, UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM. IF SO, I CAN CALL THE OPERATOR AND SHOW THE CORRECTNESS OF THE	SUM AND SUBSTANCE OF IT IT WOULD BE *NECESSARY/UNNECESSARY*[?][294] TO READ IT BASKIN MAKING AFFIDAVIT BY TELEGRAM IS {**A**}^{p} NOVEL PROCEEDING I HAVE NEVER YET HEARD OF BEFORE. SUTHERLAND IT IS BECAUSE {HE}^{p} NEVER HEARD OF IT BEFORE IT MUST THEREFORE BE INADMISSIBLE HE STATES NO LEGAL PRINCIPLE THAT IS VIOLATED NO PRINCIPLE IS VIOLATED BY IT UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM I CAN CALL {THE}^{p} OPERATOR AND SHOW THE CORRECTNESS OF THE	SU~~J~~M AND SUBSTANCE OF IT, IT WOULD BE **U**NNECESSARY TO READ **I**T~~.~~. BY **M**$^{\underline{R}}$ BASKIN: TO MAKE AN AFFIDAVIT BY TELEGRAM IS ~~IS~~ A NOVEL AFFAIR TH**A**T I HAVE NEVER HEARD OF BEFORE.. BY **M**$^{\underline{R}}$ SUTHERLAND: IT IS BECAU~~Z~~SE HE NEVER HEARD OF IT BEFORE IT MUST THEREFORE BE INADMISSIBLE. NO LEGAL PRINCILPE IS VIOLATED BY IT UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM.. I CAN C~~Q~~**A**LL THE OPERATOR TO PROVE THE CORRECT~~EN~~NES S OF IT.	BASKIN THE MAKING OF AFFIDAVIT BY TELEGRAM **A** NOVEL AFFAIR THAT I HAVE NOT HEARD OF. SUTHERLAND [*space*] I CAN CALL THE ~~WITNESSES~~ OPERATOR TO PROVE THE ~~TELEGRAM~~ CORRECTNESS OF IT. [*space*]

294. Word is written "NSR", there are no vowels.

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RT	RS	BT	PS
COMMUNICATIO N. BASKIN: TO SHOW THE CORRECTNESS OF THE COMMUNICATIO N YOU WOULD HAVE TO PROVE OR SWEAR THE PERSONS WHO WENT TO THE TELEGRAPH OPERATOR DID IT CORRECTLY, AND ALL THESE THINGS CANNOT BE DONE. JUDGE SUTHERLAND. ARGUED AS TO THE RELEVANCY OF THE READING OF THE AFFIDAVITS WHICH BASKIN STRENUOUSLY OPPOSED.	COMMUNICATIO N. BASKIN TO SHOW THE CORRECTNESS OF THE CORRECTION YOU WOULD HAVE TO PROVE AND SWEAR THE PERSONS WHO WENT TO THE TELEGRAPH OPERATOR DID *HE/*—[?] IT CORRECTLY. AND ALL THESE THINGS IT CAN'T BE DONE. SOME THINGS MUST BE TAKEN FOR GRANTED HERE IS TELEGRAM WITH *LEGAL/REGULAR* [?] JURAT TO IT OFFICER INSCRIBING IT WITH TITLE ETC.	BY **THE** COURT: IF YOU PROVE BY A NOTARY PUBLIC THAT IT WAS VARIFIED AND ALL THOSE THINGS—— BY **M**^{R} SUTHERLAND: HERE IS A TE~~N~~LEGRAM THAT COMES WITH A REGULAR JURAT TO IT; OFFICERS SUBSCRIBING TO IT WITH ~~WITH~~ A TITLE THAT DOES	IF YOU PROVE BY NOTARY PUBLIC THAT IT WAS *FORWARDED*[?] AND ALL THOSE THINGS. HERE IS A TELEGRAM THAT COMES WITH A REGULAR JURAT TO IT SUBSCRIBE *IT*[?] WITH A TITLE THAT

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RT	RS	BT	PS
		ENTITLE HIM TO	ENTITLES HIM TO *SCRIBE/DESCRIBE*[?]
		ADMINISTER THE OATH;	ADMINISTER AN OATH
	CAREY COURT WILL SEE THIS THEN THE COPY OF THE AFFIDAVIT IS ON FILE PROBABLY IF THERE IS ONE		
	IT IS THE ORIGINAL AFFIDAVIT	IT IS THE ORIGINAL AFFIDAVIT. IT IS AS SUBSCRIBED. IT IS BY THE	~~<~~SUTHERLAND~~>~~ IT IS THE ORIGINAL AFFIDAVIT IT IS AS SUBSCRIBED IT IS BY THE
	SUTHERLAND CERTIFIED BY NOTARY UNDOUBTEDLY WILL BE PLACED ON FILE HERE IS TRAIL	WITNESS AND CERTIFIED BY THE NOTARY.	WITNESS AND CERTIFIED BY THE NOTARY =
	IN PROGRESS WITNESS TWO HUNDRED	THE WITNESSES ARE TWO HUNDRED AND FIFTY	WITNESSES 250
	MILES ABSENT WHO COULD BE HERE IF THEY WERE IN HEALTH THEY RESORTED ONLY MODE OF COMMUNICATION *[[14]]*	MILES ~~ABSENT~~ **DISTANT**, AND COULD BE HERE IF THEY WERE IN HEALTH. *[127]* THEY HAVE RESORTED TO THE ONLY MODE OF COMMUNICATION THAT THE	MILES ABSENT AND COULD BE HERE IF IN HEALTH THEY HAVE RESORTED TO THE ONLY MODE OF COMMUNICATION THAT THE
	CIRCUMSTANCES ADMIT OF RESORTED TO	CIRCUMSTANCES ADMIT OF ; RESORTED TO	CIRCUMSTANCES. ADMIT TO [*space*]

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RT	RS	BT	PS
	THAT MODE EVERYBODY IN IMPORTANT CONCERNS RESORT IN EMERGENCIES THERE IS NO MORE SUSPICION TO BE ATTACHED TO THIS AFFIDAVIT THAN THERE WOULD BE ON ANY OTHER SUBJECT. IT IS AN EMERGENCY CONSIDERING ~~<~~**THE**~~>~~ IMPORTANCE OF THE TESTIMONY OF WITNESSES IN A CASE WHERE MAN'S LIFE IS AT STAKE; RULES THAT HAD THEIR ORIGIN BEFORE TELEGRAPH HAVE LITTLE APPLICATION. **THE** COMMON LAW IS HERE FLEXIBLE	THAT MODE THAT EVERYBODY UNDER THE MOST IMPORTANT CONCERNS— RESORT TO IN EMERGENCIES. THERE IS NO MORE SUSPICION TO BE ATTACHED TO THIS AFFIDAVIT THAN THERE WOULDBE ON ANY OTHER SUBJECT. IT IS AN EMERGENCY. CONSIDERING THE I~~N~~MPORTANCE OF THE TESTIMONY OF THE WITNESSES IN A CASE WHERE A MAN'S LIFE IS AT STAKE. WHEREAS ~~WITHOUT~~ THEY HAD THE ORIGINAL BE~~O~~FORE THE TELEGRAPHS HAD LITTLE APPLICATION. THE COMMON LAW IS SO FLEXABLE THAT	THAT EVERYBODY IN THE MOST IMPORTANT CONCERNS RESORT TO IN EMERGENCIES THERE IS NO MORE TO[295] SUSPICION THAN ~~ANY~~ ON OTHER SUBJECT IT IS AN EMERGENCY CONSIDERING THE IMPORTANCE OF THE TESTIMONY OF THE TWO WITNESSES IN A CASE WHERE A MAN'S LIFE IS AT STAKE [*space*] RULES THAT HAD THEIR ORIGIN BEFORE THE TELEGRAPHS HAVE LITTLE APPLICATION AND COMMON LAW IS SO FLEXIBLE THAT

295. Word possibly erased.

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RT	RS	BT	PS
	IT READILY ADAPTS ITSELF TO NEW CIRCUMSTANCES NEW SITUATIONS NEW WANTS. <THE COMMON HAS ADAPTED ITSELF {TO}^{p}> COMMUNICATIONS BY TELEGRAPH WHICH ARE ADMITTED DAILY IN COURT FOR WHAT THEY PURPORT TO BE ENTITLED TO SAME CONSIDERATION, AS LETTERS COMING BY POST. WE MAKE THIS AS THE BEST SHOW UNDER THE CIRCUMSTANCES CAN BE MADE WE HAVE GIVEN THEM THE NOTICE, TO APPEAR EXAMINE WITNESSES; OFFER TO PAY ALL INCIDENTAL EXPENSES AND WE ASK THIS	IT READILY ADAPTS ITSELF TO NEW ~~C~~SITUATIONS, AND NEW CIRCUMSTANCES AHD NEW WANTS. THE COMMON LAW HAS ADAPTED ITSELF TO COMMUNICATIONS BY TELEGR~~A~~PH, WHICH ARE ADMITTED DAILY IN COURTS FOR WHAT THEY PURPORT TO BE AND ARE ENTITLED TO THE SAME CONSIDERATION AS LETTERS COMING BY POST. WE MAKE THIS AS THE BEST SHOWING UNDER THE CIRCUMSTANCES THAT CAN BE MADE AND WE HAVE GIVEN THEM NOTICE TO APPEAR AND EXAMINE THE WITNESSES AND OFFER TO PAY THE INCIDENTAL EXPENCES AND WE ASK THIS	IT READILY ADAPTS ITSELF TO NEW CIRCUMSTANCES NEW WANTS COMMON LAW HAS ADAPTED ITSELF [*space*] COMMUNICATIONS BY TELEGRAPH ARE ADMITTED DAILY IS ENTITLED TO THE SAME CONSIDERATION AS LETTERS COMING BY POST WE HAVE GIVEN THEM NOTICE *[[11]]* TO APPEAR AND EXAMINE WITNESSES ~~ASK~~ OFFER TO PAY EXPENSES AND WE ASK THIS

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RT	RS	BT	PS
	SANCTION OF THE COURT THAT THEY MAY BE PLACED UNDER *SOME/SAME*[?] OBLIGATION, AND APPEAR AND ATTEND TO THE INTEREST OF THE GOVERNMENT IN THAT EXAMINATION THAT IT MAY NOT BE CAUSE *APPEAR*[?].	SANCTION OF THE COURT THAT THEY MAY BE FORCED UNDER THE S~~A~~**O**ME OBLIGATIONS TO APPEAR AND ATTEN~~I~~D TO THE INTEREST OF THE GOVERNMENT IN THAT EXAMINATION.	SANCTION OF THE COURT THAT THEY MAY BE FORCED TO APPEAR THERE.
	WHEN THAT DEPOSITION ARRIVES HERE WE INTEND TO HAVE IT COME HERE[296] WITH SUCH CIRCUMSTANCES *ANNEXED/—*[?] *INDICATING*[?] WHEN IT IS BROUGHT AS TESTIMONY TO THIS JURY THEY WILL HAVE NO PROPER GROUND OF OBJECTION TO IT. BY COURT <**A** LONG ESTABLISHED RULE THAT> NO	WHEN THAT DEPOSITION ARRIVES HERE; WE INTEND TO HAVE IT COME HERE, SO THAT THEY WILL HAVE NO PROPER GROUNDS OF OBJECTION TO IT. BY COURT: A LONG E~~X~~**S**TABLISHED RULE **IS** THAT NO	WHEN THAT DEPOSITION ARRIVES HERE WE INTEND TO HAVE IT COME HERE THAT COUNSEL HAVE NO PROPER GROUNDS OF OBJECTION TO IT. [*space*] COURT A LONG ESTABLISHED RULE THAT NO

296. An insertion line is drawn from this point to after second symbol of next line; contents of insertion are unclear, possible first two symbols of that line, "TO THIS JURY".

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RT	RS	BT	PS
	DEPOSITION CAN BE READ = ~~(~~WITH REGARD TO CRIMINAL TRIALS~~)~~ <LONG ESTABLISHED> NOT ONLY IN THIS COUNTRY BUT ENGLAND FOR GENERATIONS THAT HAS BEEN THE RULE BUT NO ~~<~~NEVER~~>~~ CHANGED ~~<~~**A** RULE~~>~~ EXCEPT BY STATUTE. THAT STATUTE MAKES CHANGE AND **OR** WHEN THE PARTIES GIVE THEIR CONSENT IN PRESENCE OF PARTIES. IN THIS CASE IT CAN BE MADE IN PRESENCE OF PARTIES THE GOVERNMENT OFFICERS ARE HERE <AND THEY REFUSE TO GIVE THEIR CONSENT TO COURSE SUGGESTED> THERE IS NO GROUND <IN	DEPOSITIONS CAN BE READ WITH REGARD TO CRIMINAL TRIALS—LONG ESTABLISHED NOT ONLY IN THIS COUNTRY BUT IN ENGLAND FOR GENERATIONS. THAT HAS BEEN THE RULE ~~TO~~**&** NEVER CHANGE**S** ~~A NEW RULE~~ EXCEPT BY STATUTE; TH~~AT~~**E** STATUTE ONLY MAKES THE CHANGE; OR WHEN THE PARTIES MAKE CONSENT IN THE PRESENCE OF PARTIES**. I**N THIS CASE IT CAN BE MADE IN THE PRESENCE OF PARTIES**.—THE** GOVERNMENT OFFICERS ~~WHICH~~ ARE HERE~~,~~**,** ~~AND~~ **BUT** THEY REFUSE TO GIVE THEIR CONSENT**,** **O**F COURSE THERE IS NO GROUND IN	DEPOSITION CAN BE READ AND LONG ESTABLISHED NOT ONLY IN THIS COUNTRY BUT IN ENGLAND FOR GENERATIONS [*space*] NO CHANGE IN THE RULE EXCEPT BY STATUTE THAT ONLY MAKES CHANGE IN THE PRESENCE OF PARTY <OR WHEN PARTIES MAKE CONSENT>. GOVERNMENT OFFICERS ARE HERE AND THEY REFUSE TO GIVE THEIR CONSENT; OF COURSE THERE IS NO GROUND IN

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RT	RS	BT	PS
	THE WORLD> WHEREBY I COULD GRANT IT. ~~SUTHERLAND~~ ~~≤~~**COURT**~~≥~~ I HAVE DECIDED THIS QUESTION ITSELF AND HEARD THE ARGUMENTS **S** I WISH TO MAKE SOME MORE REMARKS~~>~~ YOUR REMARKS SHOULD HAVE BEEN MADE BEFORE I DECIDED IT. [*space*] SUTHERLAND I MADE NO ARGUMENT UPON THIS EXCEPTING {**A**}^{p} PASSING REMARK YESTERDAY. ~~SUTHERLAND~~ ~~≤~~**S**~~≥~~ I COULD NOT APPREHEND YOUR HONOR WOULD PUT THE CONSTRUCTION UPON IT *EXPENSES/NFS*[?] OF TAKING	THE WORLD UPON WHICH I COULD GRANT ~~IT~~ **THE APPLICATION.** I HAVE DECIDED THIS QUESTION *[128]* ITSELF AND HEARD THE ARGUEMENTS.. BY **M**$^{\underline{R}}$ SUTHERLAND: I WISH TO MAKE SOME REMARKS. BY **THE** COURT: YOUR REMARKS SHOULD HAVE BEEN MADE BEFORE I DECIDED IT. BY **M**$^{\underline{R}}$ SUTHERLAND: I MADE NO ARGUEMENT UPON THIS EXCEPT A ~~PASSING~~ PASSING REMARK YESTERDAY. I DID NOT APPREHEND YOUR HONOR W**O**ULD PUT THE CONSTRUCTION UPON IT THAT **YOU** ~~HE~~ DID..	THE WORLD UPON WHICH I CAN GRANT IT. I HAVE DECIDED THIS QUESTION ITSELF AND MAY ~~ASK~~ HEAR ARGUMENTS ITSELF. [*space*] SUTHERLAND I WISH TO MAKE REMARKS COURT REMARKS SHOULD HAVE BEEN MADE BEFORE RULING [*space*]

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RT	RS	BT	PS
	TESTIMONY, IF HE HAD OFFERED TO SO DO WOULD BE OPTIONAL WITH THEM ≤BY COURT≥ VIRTUALLY IT IS OPTIONAL WITH THEM WHEN THEY ARE 230 MILES AWAY **S**. SUTHERLAND PEOPLE OF TERRITORY OF UTAH IN THIS TERRITORY ARE THERE WE OFFER TO PAY ALL EXPENSES CONNECTED BY COURT IF YOU OFFERED TO PAY ALL EXPENSES OF TRIAL IT WOULD NOT MATTER BY COURT I	BY **THE** COURT: ~~C~~VIRTUALLY IT IS OPTION~~S~~AL WITH THEM WHEN THEY ARE ~~TWO~~ 230 MILES AWAY; OTHERWISE YOU FORCE THE GOVERNMENT TO SECURE THEIR PRESENCE. ~~**THERE**~~ **.** BY **M**$^{\underline{R}}$ SUTHERLAND: THE PEOPLE OF THE TERRITORY OF UTAH IN THIS TERRITORY ARE THERE AND WE OFFER TO PAY ALL EXPENCES. BY **THE** COURT: IF YOU OFFER TO PAY ALL THE EXPENCES OF THE TRIAL IT WOU~~L~~D NOT MATTER; THAT PART OF IT WOULD NOT CHANGE THE SITUATION OF IT AT ALL. I	COURT IT IS VIRTUALLY IT IS OPTIONAL WHEN THEY ARE 230 MILES AWAY OTHERWISE YOU FORCE GOVERNMENT TO SECURE THEIR PRESENCE [*space*] SUTHERLAND THE PEOPLE OF THE TERRITORY OF UTAH IN THIS TERRITORY ARE THERE AND WE OFFER TO PAY ALL THE EXPENSES. [*space*] COURT[297] [*space*] THAT PART OF IT WOULD NOT CHANGE SITUATION AT ALL. [*space*]

297. Word is circled.

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RT	RS	BT	PS
	HAVE NO OBJECTIONS IN COMMENTING BEFORE COURT *DECIDED*[?] *TO*[?] SUTHERLAND BY SOME INFIRMITY BELONGS TO ME IN COMMON WITH EVERYBODY ELSE I CAN ONLY SPEAK SUCH THINGS AS *[[15]]* OCCUR TO ME THIS STATUTE <THE NECESSITY **OF** COMMENTING UPON THIS STATUTE AS IT NOW OCCURS TO ME.> THE STATUTE IS "WHEN IT IS NOT REASONABLE THAT A WITNESS CAN BE PRESENT AT THE TRIAL HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF PARTIES OR WITHOUT THEIR PRESENCE HAVE TO BE WITHOUT	HAD NO OBJECTIONS TO YOUR COMMENTING UPON THE MATTER BEFORE I DECIDED IT. BY **M**$^{\underline{\mathbf{R}}}$ SUTHERLAND: BY SOME INFIRMITY THAT BEL~~A~~ONG**S** TO ME IN COMMON WITH EVERY BODY ELSE, I CAN ONLY SPEAK SUCH THINGS AS OCCUR TO ME. A NECESSITY OF COMMENTING UPON THIS STATUTE AS IT NOW OCCURS TO ME THE STATURE IS, " WHEN IT IS NOT REASONABLE THAT THE WITNESS CAN BE PRESENT AT THE TRIAL, HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF THE PARTIES OR WITHOUT THEIR P~~E~~RESENCE."	SUTHERLAND BY SOME INFIRMITY THAT BELONGS TO ME IN COMMON WITH EVERY BODY ELSE I CAN ONLY SPEAK SUCH THINGS AS OCCUR TO ME THE NECESSITY OF COMMENTING UPON THIS STATUTE AS NOW OCCURS TO ME. STATUTE IS "WHEN IT IS NOT REASONABLE **&C**. [*space*]

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RT	RS	BT	PS
	NOW I REGARD THAT PROVISION AS OBLIGATORY, WHEN THE CIRCUMSTANCES EXIST TO RENDER IT NOT REASONABLE ~~<~~THAT THE~~>~~ WITNESS BE PRESENT AT THE TRIAL, AND THAT THE WORD "MAY" HERE IS UNDER ~~<~~ALL THE~~>~~ RULES OF CONSTRUCTION APPLICABLE TO LIKE WORDS IN STATUTES WHERE THE PUBLIC INTEREST IS CONCERNED OR WHERE THE INTEREST OF INDIVIDUALS ARE CONCERNED, POWER GRANTED TO OFFICER *BY*[?] *COUNSEL*[?] IS MANDATORY WHEREVER COURT IS SATISFIED WITNESS CAN'T ATTEND HIS TESTIMONY IS MATERIAL THEN	NOW I REGARD THAT PROVISION AS OBLIGATORY WHEN THE CIRCUMSTANCES EXI~~C~~ST TO RENDER IT NOT REASONABLE THAT THE ~~T~~WITNESS BE PRESENT AT THE TRIAL AND THAT THE WOR~~N~~**D** "MAY" HERE IS UNDER ALL THE RULES OF CONSTRU~~N~~CTIO ~~H~~N APPLICABLE TO LIKE WORDS IN STATUTES WHERE THE PUBLIC INTEREST~~S~~ IS CONCERNED AS WHERE THE INTEREST OF INDIVIDUALS ~~ARE~~ **IS** CONCERNED.. ARGUED BY **M**$^{\underline{R}}$ SUTHERLAND.	NOW I REGARD THAT PROVISION AS OBLIGATORY WHEN THE CIRCUMSTANCES EXIST TO RENDER IT NOT REASONABLE THAT THE WITNESS BE PRESENT AT THE TRIAL AND THAT THE WORD MAY IS UNDER ALL THE RULES OF CONSTRUCTION APPLICABLE TO LIKE WORDS *[[12]]* IN STATUTES WHERE THE PUBLIC INTERESTS ARE CONCERNED. [*space*]

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RT	RS	BT	PS
	THE COURT MAY MAKE IT OBLIGATORY UPON THE OPPOSITE TO ATTEND IN TAKING OF THE DEPOSITION AND TO BE BOUND BY IT IF THEY ELECT NOT TO ATTEND IF OTHER CIRCUMSTANCES EXIST TO MAKE IT CONVENIENT TO TAKE TESTIMONY WITHOUT PRESENCE OF EITHER PARTY IT MAY BE SO TAKEN THAT CLAUSE WAS UNDOUBTEDLY READ IN WITHOUT PRESENCE OF PARTY IF IT BE WITHOUT TO OBVIATE THE OBJECTION THAT MAY ARISE UNDER CONSTITUTION OF UNITED STATES. CONSTITUTION OF THE UNITED STATES MAKES IT OBLIGATORY ALL TESTIMONY		

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RT	RS	BT	PS
	IN A CRIMINAL SHALL BE GIVEN IN PRESENCE OF THE ACCUSED THEREBY IT REQUIRES A WAIVER ON HIS PART TO TAKE TESTIMONY OTHERWISE IT HAS NO REFERENCE TO THE GOVERNMENT		
	BY COURT I *DO/DID*[?] NOT SAY ≤*AND SAITH*[?] THAT THE≥ RULE THERE IS NOT OBLIGATORY BUT THE COURT WOULD NOT MAKE IT OBLIGATORY UPON THE PARTIES IT ONLY ALLOWS THIS TO BE DONE IN CERTAIN CIRCUMSTANCES, BUT THE STATUTE DOESN'T AUTHORIZE COURT TO FORCE	BY **THE** COURT:I CON~~COIVE~~**SIDE R** THAT THE RULE T**H**ERE IS NOT OBLIGATORY**,** AND THE COURT WOULD NOT MAKE IT OBLIGATORY UPON THE PARTIES . IT ONLY *[129]* ALLOWS THIS TO BE DONE UNDER CERT**A**IN CIRCUMSTANCES, BUT THE STATUTE DOES NOT OAUTHORIZE THE COURT TO FORCE THE	COURT[298] I CONCEIVE THAT THE RULE THERE IS NOT OBLIGATORY AND COURT WOULD NOT MAKE IT OBLIGATORY UPON THE PARTIES IT ONLY ALLOWS THIS TO BE DONE UNDER CERTAIN CIRCUMSTANCES BUT THE STATUTE DOES NOT AUTHORIZE COURT *HAVE*[?] FORCES THE

298. Word is circled.

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RT	RS	BT	PS
	PROSECUTION UNDER CIRCUMSTANCES TO HAVE THESE DEPOSITIONS TAKEN IN SALT LAKE. ≤IN THE FIRST PLACE≥ THESE AFFIDAVITS COULD HAVE BEEN HERE SOME DAYS AGO. IT COMES NOW BY TELEGRAPH WHETHER TELEGRAM OR NOT IT DON'T MAKE ANY MATTER I WOULD NOT GRANT IT IF THEIR AFFIDAVIT WAS HERE BY ITSELF WITHOUT THE TELEGRAM. WHEN MEN ANNOUNCE THEMSELVES READY FOR TRIAL THEY KNOW THE WITNESSES THEY EXPECT TO USE AND KNOW WHETHER OR NOT THEY ARE IN COURT. IF THE PARTIES	PROSECUTION UNDER THE CIRCUMSTANCES TO HAVE THESE DEPOSITIONS TAKEN IN SALT LAKE. IN THE FIRST PLACE THESE AFFIDAVITS COULD HAVE BEEN HERE SOME DAYS AGO. IT COMES NOW BY TELEGRAM — WHETHER TELEGRAM OR NOT IT DON'T MAKE ANY DIFFERENCE BECAUSE I WOULD NOT GRANT IT IF THE AFFIDAVIT WAS HERE BY ITSELF ~~OT~~ **OR** WITH THE TELEGRAM. WHEN MEN ANNOUNCE THEMSELVES READY FOR TR**I**AL, THEY KNEW THE WITNESSES THEY EXPECT~~ED~~ TO USE, AND KNEW WHETHER OR NOT THEY ARE IN COURT. IF THE PARTIES	PROSECUTION TO HAVE THOSE DEPOSITIONS TAKEN AT SALT LAKE FIRST PLACE THESE AFFIDAVITS COULD HAVE BEEN HERE SOME DAYS AGO = COMES NOW BY TELEGRAM = WHETHER *IT WOULD*[?] = BECAUSE I WOULD NOT GRANT IT IF THE AFFIDAVIT WAS HERE BY ITSELF WITHOUT THE TELEGRAM AND WHEN MEN ANNOUNCE THEMSELVES READY IN A TRIAL THEY KNOW THE WITNESSES THEY EXPECT TO USE. [*space*]

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RT	RS	BT	PS
	AGREE TO IT I HAVE NO OBJECTION BUT I NEVER WILL FORCE PROSECUTION TO TAKE TESTIMONY WHEN THEY ARE NOT PREPARED TO TAKE IT IS TOMORROW MORNING AND CONSIDER THIS TRIAL, AND I WOULD NOT EVEN FORCE IT THEN EVEN IF IT WOULD BE POSSIBLE TO DO IT. PARTIES MUST BE IN *[[16]]* COURT, OR PARTIES MUST SAY THEY ARE NOT READY FOR TRIAL; IF SO CONTINUANCES WILL BE GRANTED. THERE IS NO WORTHY ≤REASONABLE≥ GROUND IN MY VIEW FOR GRANTING SUCH PERMISSION IN THIS CASE THE MOTION IS OVERRULED. [*space*] BASKIN I	AGREE TO IT, I HAVE NO OBJECTION; BUT I NEVER WILL FORCE THE PROSECUTION TO TAKE TESTIMONY WHEN THEY ARE NOT PREPARED TO TAKE IT AS ~~AS~~ TO MORROW MORNING — OR THR~~E~~OUGH THIS TRIAL; AND I WOULDNOT THE N FORCE IT, EVEN THEN ~~IF~~ **I**T WOULD BE POSSIB~~E~~LE TO D~~I~~O IT/. PARTIES MUST BE IN COURT, OR PARTIES MUST SAY THEY ARE NOT READY FOR TRIAL, ~~SO~~, IF SO CONTINUAN~~C~~E WILL BE GR~~E~~ANTED. THERE IS NO REASO**N**ABLE GROUND IN MY VIEW FOR GRANTING SUCH PERMISSION IN THIS CASE. THE MOTION IS OVERRULED.	

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RT	RS	BT	PS
AFTER WHICH JUDGE SUTHERLAND EMPHATICALLY STATED TO THE COURT THAT HE DESIRED TO FILE THE TELEGRAM, THEN AND THERE IN THE COURT.	REST MAY IT PLEASE YOUR HONOR SUTHERLAND I DESIRE TO FILE THIS TELEGRAM <AS READ IN THIS ARGUMENT> IN THE COURT [*space*] BASKIN IT IS WELL KNOWN RULE OFFICER OF THE GOVERNMENT OF THE UNITED STATES CAN'T RECEIVE MONEY FROM ANY PERSON UNLESS AUTHORIZED BY LAW *AND THAT WAY*[?] IF THEY RECEIVE IT *FULLY*[?] ON THEIR OWN PERSONAL ACCOUNT IT WOULD BE WHOLLY IMPROPER THING FOR ATTORNEYS TO RECEIVE IT FOR	BY **M**^{R} SUTHERLAND: I DESIRE TO FILE THIS TELEGRAM AS READ IN THIS ARGUEMENT.	SUTHERLAND[299] DESIRE TO FILE THIS TELEGRAM AS READ IN THIS ARGUMENT. [*space*] ~~REPLY~~ AND REMARKS BY BASKIN [*space*].

299. Word is circled.

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RT	RS	BT	PS
	THIS PURPOSE BECAUSE WE HAVE NOT ANY AUTHORITY TO DO IT HE WOULD NOT HAVE ANY AUTHORITY *OF/AND*[?] PROPRIETY EXCEPT BY SOME PROVISION OF LAW IF PROSECUTION RECEIVED MONEY *ANY/IN*[?] *CONT—/CONDITIONS*[?] *FACTOR*[?] THEY WOULD BE SUBJECT TO CENSURE *RMR-N/—*[?] OF THEIR DUTY ACTING WITHOUT THE AUTHORITY. **≤HOGE DEF**	DEFENSE TAKES AN EXCEPTION TO THE RULING OF THE COURT.	
~~THE COURT~~ THE COURT SUSTAINED THE OBJECTION OF THE PROSECUTION, TO WHICH RULING JUDGE SUTHERLAND EXCEPTED.	**EXCEPTION TO RULING OF COURT≥** BY HOGE EXCEPTION TO RULING BY COURT THERE IS		DEFENSE TAKES EXCEPTION [*space*]

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RT	RS	BT	PS
	NOTHING MORE TO BE DONE IN THIS CASE		
			BARTON/BURTON [?] OFFICER SWORN TO TAKE CHARGE OF THE JURY [*space*]
AFTER WHICH COURT ADJOURNED UNTIL NINE O'CLOCK TO-MORROW MORNING.	UNTIL TOMORROW MORNING **9 OCLOCK** = [*space*]	ADJOURNED TILL TO-MORROW MO~~N~~RNING AT 9 O'CLOCK. ————000——	COURT ADJOURNED UNTIL TOMORROW MORNING 9 O'CLOCK [*space*]
THURSDAY MORNING, NINE O'CLOCK, JULY 29TH, 1975.	**THURSDAY, MNG, 9 12, AM. JULY 29 1875** = [*space*]	——THURSDAY MORNING, JULY 29TH, I875. 9 O'CLOCK A.M..	**THURSDAY JULY 29/75** [*space*]
	CLERK CALLED NAMES OF THE JURORS BY COURT TO PROSECUTION HAVE YOU ANYTHING FURTHER ~~≤~~(WITNESSES)~~≥~~ ONE MOMENT NO SIR. BY COURT DEFENSE WILL PROCEED [*space*]	JURY CALLED. ALL PRESENT. BY **M^R**	JURY CALLED ALL PRESENT [*space*]
SPICER OFFERED A MOTION	SPICER WE HAVE A MOTION TO PRESENT YOUR HONOR THIS MORNING AS	SPICER: IF YOUR HONOR PLEASE, I HAVE A MOTION TO PRESENT WHICH IS AS	SPICER TO THE JURY [*space*] MOTION TO PRESENT AS

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RT	RS	BT	PS
	FOLLOWS <SECOND DISTRICT COURT OF THE TERRITORY OF UTAH PEOPLE OF THE UNITED STATES **VS** JOHN D. LEE INDICTED WITH	FOLLOWS: SECOND DISTRICT COURT, TERRITORY OF UTAH. PEOPLE OF THE UNITED STATES VS. JOHN D. LEE INDICTED WITH *[130]* ISAAC C. HAIGHT, WILLIAM H. DAME, JOHN M. HI~~T~~GBEE, P.K.SMITH ET AL.	FOLLOWS SECOND DISTRICT COURT TERRITORY OF UTAH PEOPLE OF THE UNITED STATES JOHN D. LEE INDICTMENT WITH *MORE PARTIES*[?]
	DEFENSE COUNSEL MOVES> PROCEED TO READ MOVE	DEFENDANTS**,** **C**OUNSEL MOVES THE	DEFENSE COUNSEL MOVES
	THIS COURT THAT IT PROCEED NO FURTHER IN THE TRIAL OF THIS CASE AT THIS TIME, FOR THE REASON THAT THERE IS NO LEGAL TERM OF THE SECOND JUDICIAL DISTRICT COURT THE AFORESAID SECOND JUDICIAL DISTRICT	COURT THAT IT PROCEED NO AURTHER IN T~~HE~~**HE** TRIAL OF THIS CASE AT THIS TIME FOR THE REASON THAT THERE IS NO LEGAL TERM OF THE SECOND JUDICIAL DISTRICT COURT, AS AFORESAID ,	COURT THAT IT PROCEED NO FURTHER IN THE TRIAL OF THIS CASE AT THIS FOR THE REASON THAT THERE IS NO LEGAL TERM OF THE SECOND JUDICIAL DISTRICT
	COURT NOW BEING HELD THIS MOTION	NOW BEING HELD. THIS MOTION IS	NOW BEING HELD THIS MOTION IS

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RT	RS	BT	PS
	FOUNDED UPON	FOUNDED UPON THE	FOUNDED UPON THE
WITH REGARD TO THE GOVERNORS HAVING FIXED THE TERMS OF COURTS IN THE TERRITORY AND THAT THE PRESENT TERM OF THE COURT WAS THEN NOT BEING HELD ACCORDING TO THE TERMS AND TIME AS ORDERED BY THE GOVERNOR;	PROCLAMATION OF GOVERNOR FIXING THE TERMS OF COURTS IN THIS TERRITORY OF	PROCLAMATION OF THE GOVERNOR FIXING THE TERMS OF COURTS IN ~~THE TERRITORY.~~ **THIS DISTRICT**,	PROCLAMATION OF THE GOVERNOR FIXING THE TERM OF COURT ~~BOTH~~ FOR THIS DISTRICT [*space*]
	AND THE JOURNAL OF SAID COURT; IT IS SIGNED BY COUNSEL IN THE CASE BY COURT MOTION BE OVERRULED. <FOLLOWED WITH A LECTURE> SUTHERLAND I DESIRE MORE PARTICULARLY TO SHOW GROUNDS OF THIS MOTION.	AND THE JOURNAL OF SAID COURT. IT IS SIGNED BY THE COUNSEL IN THE CASE.. BY THE COURT: THE MOTION WILL BE OVERRULED. BY MR. SUTHERLAND: I DESIRE MORE PARTICULARLY TO SHOW THE GROUNDS OF THIS MOTION.. I DESIRE TO	*[[13]]* MOTION OVERRULED [*space*] SUTHERLAND DESIRE TO HAVE
THE PROCLAMATION OF THE GOVERNOR WAS	PROCLAMATION OF THE GOVERNOR	HAVE THE PROCLAMATION THERE REFERRED TO	THE PROCLAMATION THERE REFERRED TO

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RT	RS	BT	PS
MADE ON THE 26TH OF JULY 1875. MOTION OVERRULED.	MADE 26 DAY JULY 1875 FIXING TERMS OF THE COURT FOR THIS TERRITORY. I WISH TO HAVE CERTIFIED COPY. WE REFER TO JOURNAL OF THIS COURT FOR THE ENTIRE YEAR 1875 UP TO THIS DATE; DESIRE TO HAVE IT MENTIONED IN MINUTES WHAT WE HAVE REFERRED TO CAREY I THINK GENTLEMAN MADE MISTAKE PERHAPS HE DID NOT READ IT RIGHT THE DATE OF PROCLAMATION 1874 INSTEAD OF 1875 SUTHERLAND IT IS SO DATED IN COPY I HAVE	PUT ON FILE, MADE ON THE I4TH O~~D~~F JULY, I87**~~4~~5**, FIXING THE TERMS OF THE COURT IN THIS TERRI~~R~~TORY. THIS IS A CERTIFIED COPY . WE REFER TO THE JOURNAL OF THIS COURT FOR THE ENTIRE YEAR, I875, AND UP TO THIS TIME AND DESIRE TO HAVE IT MENTIONED IN THE MINUTES THAT WE HAVE REFERRED TO. BY **M**$^{\underline{R}}$ CARY: I THINK THE GENTLEMAN MADE A MISTAKE, PERHAPS HE DIDN'T READ IT RIGHT—THE DATE OF THE PROCLAMATION **IS** I874, INSTEAD OF I875. BY **M**$^{\underline{R}}$ S~~O~~UTHERLAND: IT IS SO DATED IN THE COPY I HAVE ~~HEAR~~	PUT ON FILE MADE ON THE ~~26~~ ~~<~~14~~>~~ JULY 187~~5~~~~<~~4~~>~~ FIXING TERM OF THE COURT IN THIS TERRITORY THIS IS A CERTIFIED COPY WE REFER TO THE JOURNAL OF THIS COURT FOR THE ENTIRE YEAR 1875 UP TO THIS TIME DESIRE TO HAVE IT MENTIONED IN THE MINUTES THAT WE DO REFER TO. [*space*] MOTION OVERRULED EXCEPTION.

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RT	RS	BT	PS
	HERE *[[17]]*[300] CORRECTED BY SUTHERLAND 14TH DAY OF JULY 1874	HERE. (CORRECTED BY MR. SUTHERLAND TO THE I4TH DAY OF JULY I874.)	[*space*] FILED WITH THE CLERK [*space*]

300. Written in longhand at top of the page: {**WELLS SPICER CLOSING FOR DEFENSE.**}[p] "CLOSING" written out over "OPENING" or vice versa.

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John D. Lee, First Trial

Wells Spicer Opening Statement

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RT	RS	BT	PS
[*Rogerson did not transcribe Spicer's opening for the defense*.]	*[[Bk 6 17]]* SPICER[301] MAY IT PLEASE THE COURT GENTLEMEN OF THE JURY 18 YEARS AGO TODAY A LARGE EMIGRANT TRAIN, RICHLY LADEN WITH PROPERTY TEAMS AND STOCK WERE WENDING THEIR WAY ACROSS THE CONTINENT IN SEARCH OF NEW HOMES UPON PACIFIC COAST THEY HAD PASSED THE RICH FIELDS OF NEBRASKA, THE STERILE PLAINS AND	*[Bk 4 131]* ~~**JULY 29TH, 1885 JURY CALLED, ALL PRESENT.**~~ WELLS SPICER ESQ., MADE THE FOLLOWING ~~U~~OPENING ADDRESS ON THE PART OF THE DEFEN~~D~~SE . MAY IT PLEASE THE COURT, GENTLEMEN OF THE JURY: EIGHTEEN YEARS AGO TO-DAY A LARGE EMIGRANT TRAIN RICHLY LADEN WITH PROPERTY TEAMS AND STOCK WERE WENDING THEIR WAY ACROSS THE CONTINENT IN SEARCH OF NEW HOMES UPON THE PACIFIC COAST . THEY HAD PASSED THE RI~~G~~CH FIELD~~AS~~ OF NEBRASKA AND THE **STERRILE** ~~STIERRILLE~~ PLAINS AND	*[[Bk 7 13]]* MAY IT PLEASE THE COURT AND GENTLEMEN OF THE JURY 18 YEARS AGO TODAY A LARGE EMIGRANT TRAIN RICHLY LADEN WITH PROPERTY WITH TEAMS *TOOLS*[?] AND WITH STOCK WERE WENDING THEIR WAY ACROSS CONTINENT IN SEARCH OF NEW HOMES UPON THE PACIFIC COAST THEY HAD PASSED THE RICH FIELDS OF NEBRASKA AND THE STERILE *PLAINS*[?] AND

301. There is a double purple line diagonally across the page with "**NOT TRANSCRIBED**" written above the line.

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RT	RS	BT	PS
	STEPPES OF THE ROCKY MOUNTAINS THEY HAD WENDED THEIR WAY TO THE VALLEYS OF UTAH. SO FAR I FOLLOW THE PROSECUTION. FROM THIS ON THE PROSECUTION IN THEIR OPENING FOLLOW TOO CLOSELY <MRS. STENHOUSE'S BOOK> FOR ME TO FOLLOW THEM. THIS ~~<~~TRAIN~~>~~ CONSISTED OF SOMETHING SOMEWHERE ABOUT HUNDRED 20 SOULS MEN WOMEN AND CHILDREN THEY WANDERED TO THE VALLEYS OF UTAH, THROUGH WHAT IS KNOWN AS EMIGRATION CANYON. FROM —[?], THIS THEY WENDED THEIR WAY	STEPPES OF THE ROCK**Y** MOUNTAINS AND HAD WENDED THEIR WAY INTO THE VALLEYS OF UTAH. SO FAR I FOLLOW THE PROSECUTION~~;~~**.** **F**ROM THIS ON, THE PROSECUTION IN THEIR OPENING FOLLOW TO**O** CLOSELY ~~THE CIRCUMSTANCE S~~ MRS. STENHOUSE'S BOOK FOR ME TO FOLLOW THEM. THIS TRAIN CONSISTED OF SOM~~W~~EWHERE ABOUT ~~A~~ I20 SOUL~~D~~S, MEN, WOMEN AND CH~~L~~ILDREN. THEY WANDERED TO THE VALLEYS OF UTAH ~~TO~~ **THROUGH** WHAT IS KNOWN AS EMIGRATI~~O~~N CANYON. FROM THIS THE Y WENDED THEIR WAY	STEPPES OF THE ROCKY MOUNTAINS AND HAD WENDED THEIR WAY INTO THE VALLEYS OF UTAH SO FAR I FOLLOW THE PROSECUTION FROM THIS ON THE PROSECUTION IN THEIR OPENING FOLLOW TOO CLOSELY MRS. STENHOUSE'S BOOK FOR ME TO FOLLOW THEM THIS TRAIN CONSISTED OF SOMEWHERE ABOUT 120 SOULS MEN WOMEN AND CHILDREN THEY ENTERED VALLEYS OF UTAH THROUGH WHAT IS KNOWN AS EMIGRATION CANYON FROM THIS THEY WENDED THEIR WAY

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RT	RS	BT	PS
	SOUTHERLY, PURSUING SOUTHERN ROUTE IN SEARCH OF NEW HOMES ≤IN≥ SOUTHERN CALIFORNIA, A DISTANCE FATE DECREED THAT THEY NEVER SHOULD REACH. THIS TRAIN WAS A LARGE ONE = WAS A RICH ONE; THEY CAME I BELIEVE MOSTLY FROM THE STATE OF ARKANSAS. THEY HAD SOMEWHERES 20 TO 31 WAGONS, LARGE WAGONS HEAVILY LADEN. THOSE WAGONS WERE DRAWN BY OXEN, 4 AND 6 YOKE TO THE TEAM. BESIDES THESE THEY HAD **A** LARGE HERD OF LOOSE CATTLE = STOCK, THAT WERE DRIVEN WITH THEM. WEARIED,	SOUTHE~~L~~RLY, PURSUING THE SOUTHERN ROUTE IN SEARCH OF NEW HOMES IN SOUTHERN CALIFORNIA. A DI~~D~~STANCE THAT FATE HAD DECREED THEY SHOULD NEVER REACH. THIS TRAIN WAS A LARGE ONE— WAS A RICH ONE. **T**HEY CAME, I BELIEVE, MOSTLY FROM THE STATE OF ARKANSAS. THEY HAD SOMEWHERES FROM 20 TO 3I WAGONS— LARGE WAGONS HEAVILY LADE~~D~~N. THESE WAGONS WERE DRAWN BY OXEN FOUR TO SIX YOKE TO THE TEAM. BESIDES THESE THEY HAD A LARGE HERD OF LOOSE CATTLE **—,** STOCK**—** THAT THEY WERE DRIVING WITH THEM. WEARIED,	SOUTHERLY PURSUING THE SOUTHERN ROUTE IN SEARCH OF NEW HOMES IN SOUTHERN CALIFORNIA A DESTINATION THAT FATE HAD DECREED THEY NEVER SHOULD REACH THIS TRAIN WAS A LARGE ONE WAS A RICH ONE THEY CAME I BELIEVE MOSTLY FROM THE STATE OF ARKANSAS THEY HAD SOMEWHERES FROM 20 TO 31 WAGONS LARGE WAGONS HEAVILY LADEN THOSE WAGONS WERE DRAWN BY OXEN 4 OR 6 YOKE TO THE TEAM BESIDES THESE THEY HAD A LARGE HERD OF LOOSE CATTLE STOCK THEY WERE DRIVING WITH THEM WEARIED

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RT	RS	BT	PS
	FATIGUED, HUNGRY EXHAUSTED THEY CAME DOWN INTO THE VALLEYS OF UTAH THROUGH THE EMIGRATION CANYON. THERE WE SEE THEM RESTING, RESTED FOR A BRIEF ~~≤~~TIME~~≥~~, AND PASSED ON THROUGH THE SETTLEMENTS OF UTAH, PASSING ALL THE SETTLEMENTS OF UTAH, AND AFTER, REACHING DESERT PLAINS BEYOND THOSE PLAINS THAT ARE MARKED UPON OUR OLD ATLASES AS THE GREAT AMERICAN DESERT, THERE THEY MET THEIR DOOM, THERE ALL PERISHED, SAVE ONLY SMALLER CHILDREN IN THE LINE OF	FATIGUED, HUNGRY EXHAUSTED, THE~~M~~**Y** CAME DOWN INTO THE VALLEYS OF UTAH, THROUGH THE EMIGRATION CANYON. THERE WE ~~SAY~~ **SEE** THEY RESTED — RESTED FOR A BRIEF TIME; AND THEN PASSED ON ~~TO~~ **THROUGH** THE SETTLEMENTS OF UTAH. PASSING ALL THE S~~T~~ETTLEMENTS OF UTAH AND AFTER REACHING A DESIRABLE PLACE BEYOND THESE PLAINS THAT ARE MARKED ON OUR OLD ATLAS**ES** AS THE **"G**REAT AMERICAN DESERT. THERE THEY MET THEIR DOOM; THERE THEY ALL PERISHED, SAVE ONLY THE SMALL CHILDREN. *[132]* IN THE LINE OF	FATIGUED HUNGRY EXHAUSTED THEY CAME DOWN TO THE VALLEYS OF UTAH THROUGH EMIGRATION CANYON THERE WE SEE THEY RESTED [*space*] RESTED FOR A BRIEF TIME AND PASSED ON THROUGH SETTLEMENTS OF UTAH PASSED ALL THE SETTLEMENTS OF UTAH AND AFTER REACHING THE DESERT PLAINS BEYOND THOSE PLAINS THAT ARE MARKED UPON OUR *OWN*[?] *[[14]]* ATLASES AS THE GREAT AMERICAN DESERT THERE THEY MET THEIR DOOM THERE ALL PERISHED SAVE ONLY THE SMALLER CHILDREN ¶ IN THE LINE OF

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RT	RS	BT	PS
	OUR DEFENSE GENTLEMEN OF THE JURY WE ARE NOT GOING TO GLOSS OVER THIS HORRID CRIME, WE ARE NOT GOING TO SPEAK OF IT AS A LIGHT AND TRIVIAL AFFAIR, AS A COMMON OCCURRENCE, BUT IN THE LANGUAGE OF THE PROSECUTION SHALL SAY, THAT IT HAS NEVER BEEN EXCELLED IN FIENDISHNESS BUT SHALL NOT SAY IT WAS BUT ONCE EQUALED. WE SHALL NOT MAKE SAME ALLUSION TO SCRIPTURE AS AN ANALOGY≤?≥ AS PARALLEL TO THIS HORRID CRIME AND REFERENCE TO THE QUESTION THAT THEY DID WE SHALL ENDEAVOR TO	OUR DEFENSE, GENTLEMEN OF THE JURY, WE ARE NOT GOIN**G** TO GLOSS OVER THIS HORRID CRIME; WE ARE NOT GOING TO TREAT OF IT AS A LIGHT TRIVIAL AFFAIR~~;~~, AS A COMMON OCCURRENCE; BUT IN THE LANGUAGE OF THE PROSECUTION, SHALL SAY THAT IT HAS NEVER BEEN EXCELLED IN FIENDISHNESS; BUT SHALL NOT SAY THAT IT WAS BUT ONCE EQUALLED. WE SHALL NOT MAKE THE SA**M**E **ALLUSIONS** ~~AILLUSION~~ TO SCRIPTURE AS ~~THE~~ PARALLEL TO THIS HORID CRIME. WE SHALL ENDEAVOR TO	OUR DEFENSE GENTLEMEN OF THE JURY WE ARE NOT GOING TO GLOSS OVER THIS HORRID CRIME WE ARE NOT GOING TO SPEAK OF IT AS A LIGHT OR TRIVIAL AFFAIR AS A COMMON OCCURRENCE BUT IN THE LANGUAGE OF THE PROSECUTION SHALL SAY THAT IT HAS NEVER BEEN EXCELLED IN FIENDISHNESS BUT SHALL NOT SAY THAT IT WAS BUT ONCE EQUALED WE SHALL NOT MAKE THE SAME ALLUSION TO SCRIPTURE AS PARALLEL TO THIS HORRID CRIME [*space*] WE SHALL ENDEAVOR TO

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RT	RS	BT	PS
	DEPICT TO YOU THE HORROR OF THIS THING WE SHALL NOT GIVE THEM A *MANYFOLD/MNPL/MNFL/MNFULL*[?] BLOOD FULL THUNDER IN ORDER THAT THEY MAY DRAW FROM THIS TERRIBLE AFFAIR IT WAS FIENDISH; IT WAS AN TRAGEDY THAT MAKES HEART SICK TO THINK OF IT. MEN WOMEN AND CHILDREN WERE SLAUGHTERED INDISCRIMINATELY THEY WERE INDIANS THERE TOO WE SHALL NOT CLAIM THEY WERE ALL INDIANS; FOR THEY WERE WHITE MEN THERE WITH HEARTS AS BLACK AND WICKED AS EVER WORN BY AN INDIAN. WE SHALL NOT SAY THAT IT	DEPICT TO YOU ~~5 4~~ THE HORROR OF THIS ONE. WE SHALL NOT GIVE THEM A PITIFUL TALE OF BLOOD AND THUNDER IN ORDER THA T THEY MAY DRAW FROM THIS TERRIBEL AFF~~I~~AIR. IT WAS FIENDISH; IT WAS A TRAGEDY THAT MAKES THE HEART SICK TO THINK OF IT. MEN, WOMEN AND CHILDREN WERE SLAUGHTERED INDISCRIMINATELY. THERE WERE **I**NDIANS THERE TOO. WE SHALL NOT CLAIM THAT THEY WERE ALL **I**NDIANS, FOR THERE WERE ~~HE~~ WHITE MEN WITH HEARTS AS BLACK AND CORRUPT AS EVER WORN BY AN **I**NDIAN. WE SHALL NOT SAY THAT IT	DEPICT TO YOU THE HORROR OF THIS SCENE WE SHALL NOT GIVE THEM A *FKPL*[?] OF ALL THE BLOOD AND *THUNDER*[?] *IN ORDER TO*[?] TOO IT WAS FIENDISH IT WAS A TRAGEDY THAT MAKES THE HEART SICK TO THINK OF IT MEN WOMEN AND CHILDREN WERE SLAUGHTERED INDISCRIMINATELY THERE WERE INDIANS THERE TOO WE SHALL NOT CLAIM THAT THEY WERE ALL INDIANS FOR THERE WERE WHITE MEN WITH HEARTS AS BLACK AND WICKED AS EVER WORN BY AN INDIAN WE SHALL NOT SAY THAT IT

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RT	RS	BT	PS
	WAS STRICTLY AN OUTRAGE PERFORMED BY EITHER ONE OR THE OTHER WE SHALL NOT DENY BUT WHAT THERE WAS AUTHORITIES ORDERS COMMANDS FOR DOING IT WHO GAVE THOSE COMMANDS, FROM WHENCE THEY EMANATED IT IS NOT OUR CASE TO PRESENT, WE ONLY WE SHALL ≤ONLY≥ CLAIM THAT ORDERS SO AND WAS WERE GIVEN BY THOSE WHO GAVE THEM THAT THOSE THERE WERE FORCED AND COMPELLED *[[18]]* TO OBEY [*space*] WE SHALL NOT SAY THAT IT WAS ALONE THE MORMON CHURCH TO BLAME FOR THIS BECAUSE WE CLAIM	WAS STRICTLY A TRAGEDY PERFORMED BY EITHER ONE OR THE OTHE~~R~~. WE SHALL NOT DENY , BUT WHAT THERE WAS ~~OTHER~~ A~~O~~UTHORIZED ORDERS AND COMMANDS FOR DOING IT. WHO GAVE THOSE COMMANDS; FROM WHENCE THEY EMENATED IT IS NOT OUR CASE TO PRESENT. WE SHALL ONLY CLAIM THAT ORDERS WERE GIVEN ~~BY THOSE~~ AND THOSE WHO GAVE THEM FORCED AND T~~HEM~~ COMPELLED THEM TO OBEY. WE SHALL NOT S**A**Y THAT IT WAS ALONE THE MORMON CHURCH TO BLAME FOR THIS, BECAUSE WE CLAIM THAT	WAS STRICTLY A TRAGEDY PERFORMED BY EITHER ONE OR THE OTHER WE SHALL NOT DENY BUT WHAT —[?] WAS AUTHORITIES' ORDERS COMMANDS FOR DOING IT [*space*] WHO GAVE THOSE COMMANDS FROM WHENCE THEY EMANATED IT IS NOT OUR CASE TO PRESENT WE SHALL ONLY CLAIM THAT [*space*] THAT THOSE THERE WERE FORCED COMPELLED TO OBEY WE SHALL NOT SAY THAT IT WAS ALONE THE MORMON CHURCH TO BLAME FOR THIS BECAUSE WE CLAIM THAT

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RT	RS	BT	PS
	THE MORMON CHURCH IS LIKE EVERY OTHER SOCIETY THAT HAS EXISTED SINCE THE WORLD BEGAN. SOCIETY THERE ARE GOOD MEN IN IT AND THERE ARE BAD MEN IN IT. I REMEMBER YEARS AGO WHEN FIRST BECOMING ACQUAINTED WITH ONE OF MORMON PEOPLE IT WAS YEARS WAY PRIOR TO THIS TRANSACTION, I BECAME INTIMATELY ACQUAINTED ~~<~~WITH AN OLD~~>~~ GENTLEMAN BY NAME OF IRA ROUNDY. HE WAS A GOOD MAN FAITHFUL IN HIS MORMONISM I WAS INTIMATELY ACQUAINTED WITH HIM MORMONISM THE	THE MORMON CHURCH IS LIKE EVERY OTHER ~~SOCIETY SYSTEM THAT IS ORGANSZED~~ SOCIETY THAT HAS EXISTED SINCE THE WORLD BEGAN. THERE ARE GOOD M~~A~~EN IN IT AND THERE ARE BAD MEN IN IT. I REMEMBER A YEAR AGO~~.~~, WHEN FIRST BECOMING ACQUAINTED WITH ONE OF THE MORMON PE~~A~~OPLE, ~~WHICH WAS A YEAR OR SO PRIOR TO THIS TRANSACTION,~~ I BECAME INTIMATELY ACQUAIN~~P~~TED WITH AN OLD GENTLEMAN BY THE NAME OF IR~~I~~**A** ROUNDY. HE WAS A GOOD MAN FAITHFUL IN HIS MORMONISM. I WAS INTIMATELY ACQUAINTED WITH HIM. MORMONISM AND THE	THE MORMON CHURCH IS LIKE EVERY OTHER SOCIETY THAT HAS EXISTED SINCE THE WORLD BEGAN THERE ARE GOOD MEN IN IT AND THERE ARE BAD MEN IN IT I REMEMBER YEARS AGO WHEN FIRST BECOMING ACQUAINTED WITH ANY OF THE MORMON PEOPLE WHICH WAS IN YEARS PRIOR TO THIS TRANSACTION I BECAME INTIMATELY ACQUAINTED WITH AN OLD GENTLEMAN NAMED IRA ROUNDY; GOOD MAN FAITHFUL IN HIS MORMONISM I WAS INTIMATELY ACQUAINTED WITH HIM MORMONISM

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RT	RS	BT	PS
	MORMON CHURCH MORMON DOCTRINE WAS THE SUBSTANCE OF THE GREAT MAJORITY OF ALL HIS THOUGHTS HE LIVED FOR IT, YET IT WAS **A** FREQUENT EXPRESSION OF HIS CLAIMING TO QUOTE FROM A SCRIPTURE AS FOLLOWS: THAT IN THAT LAST DAY WHEN THE LORD SHALL GATHER TOGETHER HIS CHOSEN PEOPLE, THERE SHALL BE FOUND AMONG THEM THE THIEF THE MURDERER ASSASSIN HIM THAT COMMITTETH ALL MANNER OF CRIME THE OLD GENTLEMAN WOULD RAISE HIS HAND AND	**M**ORMON **C**HURCH WAS THE **SUBJECT** ~~SUBSTANCE~~ OF *[133]* ALL HIS THOUGHTS. HE LIVED FOR IT, YES, IT WAS A FREQUENT EXPRESSION OF HIS, CLAIMING TO ~~COME FROM~~TO QUOTE FROM ~~THE~~ SCRIPTURE AS FOLLOWS: **"**THAT IN THE LAST DAYS WHEN THE LORD SHALL GATHER TOGETHER HIS CHOSEN PEOPLE, THERE SHALL BE FOUND AMOUNG THEM THE THIEF, THE MURDERE~~D~~**R,** THE ASSASSIN, AND HIM THAT HAS COMMITTED ALL MANNER OF CRIME.**"** THE OLD GENTLEMAN WOULD RAISE HIS EYES AND	MORMON CHURCH MORMON DOCTRINE WAS THE SUBSTANCE TO A GREAT MAJORITY OF ALL HIS THOUGHTS HE LIVED FOR IT YET IT WAS A FREQUENT EXPRESSION OF HIS CLAIMING TO QUOTE *[[15]]* FROM SCRIPTURE, AS FOLLOWS; "THAT IN THAT LAST DAY WHEN THE LORD SHALL GATHER TOGETHER HIS CHOSEN PEOPLE THERE SHALL BE FOUND AMONG THEM THE THIEF THE MURDERER THE ASSASSIN AND HIM THAT COMMITTETH ALL MANNER OF CRIME [*space*] OLD GENTLEMAN WOULD RAISE HIS HANDS AND

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RT	RS	BT	PS
	SAY, WE HAVE GOT THEM ALL AMONGST US ALL WE HAVE GOT THEM ALL AND MORE TOO WE SHALL CLAIM IT IS NOT SINGULAR <IT IS NOT SENSIBLE> NOT AT ALL REMARKABLE THIS MORMON CHURCH LIVING UPON <~~THE~~ EXTREME~~>~~ FRONTIER, LIVING AMONG INDIANS, LIVING IN THE INDIAN COUNTRY, SURROUNDED BY THOSE HORDES OF INDIANS IN EVERY DIRECTION, AND BEING BUT FEW OF THEM THAT IT SHOULD BE A PLACE WHERE BAD MEN WOULD MAKE IT THEIR HOMES. WE	SAY **“W**E HAVE GOT THEM ALL AMONGST US; WE HAVE GOT THEM ALL AND MORE TOO~~.~~**”.** WE SHALL CLAIM IT IS NOT AT ALL REMARKABLE OR SINGULAR THAT THIS MORMON CHURCH, LIVING UPONT THE EXTREME FRONTIER, LIVING AMO~~ON~~NG THE **I**NDIANS, LIVING IN AN **I**NDIAN COU~~L~~NTRY, SURROUNDED BY THESE BANDS AND HO**A**~~A~~RDES OF **I**NDIAN~~D~~S AND BEING BUT FEW OF THEM, THAT IT SHOULD BE A PLACE WHERE THE BAD ~~A~~M~~A~~**E**N WOULD MAKE IT THEIR HOME~~S~~. WE	SAY WE HAVE GOT THEM ALL AMONGST US AND MORE TOO BUT WE SHALL CLAIM THAT IT IS NOT AT ALL REMARKABLE THAT THIS MORMON CHURCH LIVING ON THIS EXTREME FRONTIER IN THE INDIAN COUNTRY SURROUNDED BY BANDS HORDES OF INDIANS IN EVERY DIRECTION AND BEING BUT FEW OF THEM THAT IT SHOULD BE A PLACE WHERE BAD MEN WOULD MAKE IT THEIR HOME WE

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RT	RS	BT	PS
	WILL CLAIM IT NEVER HAS BEEN CASE IN A FRONTIER COUNTRY LIKE THIS IN A FRONTIER COUNTRY AS THIS WAS WITH MUCH CITIZENS MAKING THEIR HOMES THERE WERE ALL GOOD OR ANYTHING LIKE IT WE KNOW GENTLEMEN NO CREED DOCTRINE SOCIETY NO ORGANIZATION OF ANY KIND COULD MAKE IT PERFECT OR ANYTHING LIKE PERFECT THAT THAT SOCIETY COULD BE MADE UP ENTIRELY OF GOOD MEN OR BE MADE UP OF MEN AMONG WHOM THEY COULD NOT FIND ONE OR MORE DESERVING OF HANGING IT HAS BEEN THE CASE	WILL CLAIM IT NEVER HAS BEEN THE CASE, THAT IN A FRONTIER COUNTRY LIKE THIS; IN A FRONTIER COUNTRY AS THIS WAS, THAT THE CITIZENS MAKING THEIR HOMES THERE, WERE ALL GOOD MEN O~~T~~**R** ANY THING LIKE IT. WE KNOW, GENTLEMEN, NO CREED OF ANY SOCIETY**,** NO ORGANIZATION OF ANY KIND**,** COULD ~~K~~MAKE IT PERFECT OR ANYTHING LIKE PERFECT. THAT THAT SOCIETY COULD BE MADE UP ENTIRELY OF GOOD MEN OR BE MADE ~~MADE~~ UP OF MEN WHOM THEY COULD NOT FIND ONE OR MORE DESERVING OF HANGING. IT HAS BEEN ~~THE~~ ~~CASE~~ THE CASE I SAY AM~~ONG~~	WILL CLAIM THAT IT HAS NEVER BEEN THE CASE THAT IN A FRONTIER COUNTRY LIKE THIS IN A AS THIS WAS THAT THE CITIZENS MAKING THEIR HOMES THERE WERE ALL GOOD MEN OR ANY THING LIKE IT *WE*[?] KNOW GENTLEMEN NO CREED DOCTRINE SOCIETY NO ORGANIZATION OF ANY KIND COULD MAKE IT PERFECT OR ANYTHING LIKE PERFECT THAT THAT SOCIETY COULD BE MADE UP ENTIRELY OF GOOD MEN OR BE UP OF MEN AMONG WHOM THERE COULD FIND ONE OR MORE DESERVING OF HANGING. IT HAS BEEN I SAY; THE CASE

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RT	RS	BT	PS
	IN ALL COUNTRIES AMONG ALL PEOPLE THAT ON THESE FRONTIERS, ON THE BORDERS OF CIVILIZATION BEYOND THE REACH OF LAW ON THE FEAR OF THE LAW'S PUNISHMENT, BAD MEN WILL FLEE TO MAKE THEIR HOMES AND THERE WILL CARRY ON THEIR SECRET CRIMES; WE CLAIM THAT SO FAR AS THIS MOUNTAIN MEADOW TRAGEDY IS CONCERNED THAT THE WHITE MEN WHO TOOK PART IN IT AND AND WE *DON'T*[?] —[?] THAT MANY THOSE MEN	~~ALL~~ IN ALL COUNTRIE~~W~~**S** AN~~E~~D AMONG ALL PEOPLES THAT WERE ON THESE FRONTIERS**,** ON THE BORDERS OF CIVILIZATION , BEYON~~R~~D THE REACH OF THE LAWS OR THE FEARS OF THE LAWS TO PUNISH**,** ~~BAD MEN~~ THAT BAD MEN WILL FLEE TO MAKE THEIR HOMES AND THE~~RE~~**RE** WILL CARRY ON THEIR CRIMES. AND WE CLAIM SO FAR A~~W~~**S** THIS MOUNTIAN MEADOW TRAGEDY ~~SO FAR AS THIS MOUNTIAN MEADOW TRAGEDY~~ IS CONCERNED, THAT THE WHITE MEN WHO TOOK PART IN IT~~.~~**, —** THAT MANY OF THESE MEN ~~THAT~~	IN ALL COUNTRIES AND AMONG ALL PEOPLES THAT AMONG THOSE FRONTIERS ON THE BORDERS OF CIVILIZATION BEYOND THE REACH OF LAW OR FEAR OF LAW'S PUNISHMENT BAD MEN WILL FLEE TO MAKE THEIR HOMES AND THERE WILL CARRY ON THEIR CRIMES AND WE CLAIM THAT SO FAR AS THAT MOUNTAIN MEADOW TRAGEDY THAT THE WHITE MEN WHO TOOK PART IN IT WERE AND WE SAY THAT WERE SOME WERE AMONG THOSE MEN

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RT	RS	BT	PS
	TOOK PART IN IT MORE FROM THE DICTATES WITHIN OWN WICKED HEARTS THAN ANY OTHER CAUSE THEY FEAR NO RESTRAINT OF THE LAW; NO PUNISHMENT OF THE LAW, WHERE THEY COULD NOT OR DID NOT LOOK FORWARD TO THE TIME <WHEN THE> LAW WOULD PURSUE AND BRING THEM *[[19]]* TO CONDIGN PUNISHMENT, THEREFORE THEY GAVE VENT TO THEIR OWN WICKED FEELINGS THEIR OWN WICKED HEARTS. BROTHER CAREY IN PROSECUTION REFERS TO THIS AS WE SHALL REFER TO ≤IT≥ CHARACTERIZI NG AS WE	TOOK PART IN IT MORE ~~T~~FROM THE DICTATES OF THEIR OWN WICKED HEARTS THAN ANY OTH**E**R CAUSE. THEY FEARED NO RESTRAINT OF THE LAW, NO, PUNISHMENT OF THE LAW~~;~~ **WHERE THEY** COULD NOT AND DI**D** NOT LOOK FORWARD TO THE TIME WHEN THE LAW WOULD PURSUE **THEM** TO **CONDIGN** ~~CONDINE**GN**~~ PUNISHMENT. **T**HEREFORE *[134]* THEY GAVE VENT TO THEIR WICKED FEELINGS AND THEIR OWN WICKED HEARTS. BROTHER **CAREY OF** ~~IN~~ THE PROSECUTION **REFERRES** TO THIS**,** AS WE SHALL REFER TO IT . CHARACTERIZI N G IT AS WE	TOOK PART IN IT MORE FROM THE DICTATES OF THEIR OWN WICKED HEARTS THAN FROM [*space*] FEARED NO PUNISHMENT FROM THE LAW COULD NOT OR DID NOT LOOK FORWARD TO THE TIME WHEN THE LAW WOULD PURSUE THEM TO CONDIGN PUNISHMENT THEREFORE THEY GAVE VENT TO THEIR OWN WICKED FEELINGS *[[16]]* OWN WICKED HEARTS. BROTHER CAREY OF THE PROSECUTION REFERS TO THIS AS WE SHALL REFER TO IT CHARACTERIZE S IT AS WE

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RT	RS	BT	PS
	SHALL CHARACTERIZE IT. AS A FIENDISH ACT HELLISH <CRUEL> UNMERCIFUL, UNEQUALED BY ANY OTHER THING RECORDED UPON THE PAGES OF HISTORY. HE REFERRED TO MASSACRE OF THE PEOPLE OF CITY OF **AI** BY JOSHUA AN UNFORTUNATE REFERENCE WHEN WE TURN TO THE BIBLE, WE READ IN THE VIEW OF JOSHUA READ OF THE CITY WHERE ALL THOSE POOR PEOPLE OF **AI** WE FIND THE CHAPTER DETAILING THAT HORRID SICKENING AFFAIR COMMENCES THUS AND THE LORD SPOKE	SHALL CHARACTERIZE IT AS A FIENDISH ACT, HELLISH, CRUEL, UNMERCIFUL~~.~~**;** UNEUQUALLED BY ANYTHING RECORDED UPON THE PAGES OF HISTORY. T~~HE~~ HE REFERRED TO THE MASSACRE OF THE PEOPLE OF THE CITY OF AI BY **JOSHUA** ~~JUISH~~ AND UNFRIENDLY WRETCHES. WHEN WE TURN TO ~~B~~THE **B**IBLE ~~WE~~ **AND** READ **THE EVIDENCE** IN THE BOOK**,** OF THE JEWISH PART OF THE CITY**,** ~~WERE~~ OF THOSE P~~P~~OOR PEOPLE OF AI~~.~~**;** WE FIND THE CHAPTER DETAILING THAT HORRID SICKENING AFFAIR. NEXT TO THIS**,** OF THE LORD'S SPEAKING ~~SPEAKING IN TO~~	SHALL CHARACTERIZE IT AS A FIENDISH ACT HELLISH CRUEL UNMERCIFUL UNEQUALED BY ANYTHING RECORDED UPON THE PAGES OF HISTORY HE REFERRED TO THE MASSACRE OF THE PEOPLE OF THE CITY OF **AI** BY JOSHUA AN UNFORTUNATE REFERENCE WHEN WE TURN TO THE BIBLE AND READ OF THE TALE OF ALL THOSE POOR PEOPLE OF **AI** WE FIND CHAPTER [*space*] COMMENCES THUS AND THE LORD SPOKE

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RT	RS	BT	PS
	UNTO JOSHUA, SAYING FEAR NOT FOR I WILL BE WITH YOU, AND THUS YOU SHALL DEAL WITH THE PEOPLE OF "**AI**" PROCEEDING THEN IN THE CHAPTER TO DETAIL FROM THE MOUTH OF THE LORD JUST WHAT SHOULD BE DONE. THE PEOPLE OF **AI** THEN ACCORDING TO THE BIBLE WERE MASSACRED BUTCHERED ANNIHILATED BY COMMAND THAT CAME DIRECT FROM HEAVEN, ELSE WE CAN'T BELIEVE THE BIBLE. IF THEN THE PROSECUTION WILL PUT THIS CASE = THIS MASSACRE UPON THE SAME FOOTING = UPON THE SAME FOUNDATION AS THAT OF **AI**	**U**NTO JOSHUA, SAYING **"**FEAR NOT, FOR I WILL BE WITH YOU**"** ~~AN THOU~~ AND THUS YOU SHALL DEAL WITH THE PEOPLE OF AI" PROCEEDING THEN IN THE CHAPTER TO DETAIL FROM THE MOUTH OF THE **L**OR~~E~~D JUST WHAT SHOULD BE DONE. THE PEOPLE OF AI ACCORDING TO THE BIBLE WERE MASSACRED, BUTCHERED, ANNIHILATED BY THE DEMAND THAT C**A**ME DIRECT FROM HEAVEN, ELSE WE CANNOT BELIEVE THE **B**IBLE. IF THEN THE PROSECUTION WILL PUT THIS CASE—THIS MASSACRE UPON THE SAME FOOTING , UPON THE SAME FOUNDATION AS THAT OF AI,	UNTO JOSHUA SAYING FEAR NOT FOR I WILL BE WITH YOU AND THUS YOU SHALL DEAL WITH THE PEOPLE OF **AI** PROCEEDING THEN IN THE CHAPTER TO DETAIL FROM THE MOUTH JUST WHAT SHOULD BE DONE THE PEOPLE OF **AI** THEN ACCORDING TO THE BIBLE WERE MASSACRED BUTCHERED ANNIHILATED BY A COMMAND THAT CAME DIRECT FROM HEAVEN ELSE WE CANNOT BELIEVE THE BIBLE IF THEN THE PROSECUTION WOULD PUT THIS CASE THIS MASSACRE UPON THE SAME FOOTING ON THE SAME FOUNDATION AS THAT OF **AI**,

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RT	RS	BT	PS
	WE HAVE THEN A QUEER CASE TO GO TO THE JURY. THAT MASSACRE THAT SLAUGHTER OF MEN WOMEN AND CHILDREN = OF THE OLD AND YOUNG = OF THE MOTHER WITH HER LITTLE BABE AT HER BREAST = WITH INNOCENCE OF ALL KIND CAME DIRECT BY COMMAND FROM THE LORD FROM HEAVEN, WE SAY THAT THE DEFENDANT HERE SO FAR AS HE PARTICIPATED IN THIS ACT DID UNDER ORDERS HE WAS COMMANDED —/*AND SENT*[?] TO DO WHAT HE DID DO BUT WE DO NOT SAY AS IN THE CASE OF JOSHUA THAT THE LORD COMMANDED HIM. I WILL REFER TO THAT	WE HAVE THEN A QUEER CASE TO GO TO THE JURY, THAT MASSACRE—**,** THAT SLAUGHTER OF MEN, WOMEN AND CHILDREN OF ~~THE~~ OLD AND YOUNG~~;~~,, OFTHE MOTHER WITH ~~THE~~ **HER** LITTLE BABE AT HERE BREAST, WITH INNOCE**NCE** OF ALL KIN~~D~~S**,** ~~,~~ ~~COM~~ CAME DIRECTLY BY COMMAND FROM H~~EAVER~~ THE LORD ~~FROM~~ **OF** HEAVEN. WE SAY THAT THE DEFENDANT HERE**,** SO FAR AS HE PARTICIPATED IN THIS**,** COULD BE UNDER ORDERS, HE WAS COMMANDED TO DO WHAT HE DID; BUT WE DON'T SAY, AS IN THE CASE OF JOSHUA~~Y~~, THAT THE **L**ORD CO MMANDED HIM. I WILL REFER TO TH**A**T	WE HAVE THEN A QUEER CASE TO GO TO THE JURY THAT MASSACRE = THAT SLAUGHTER OF MEN WOMEN AND CHILDREN = OF THE OLD AND YOUNG OF THE MOTHER WITH HER LITTLE BABE AT HER BREAST WITH INNOCENCE OF ALL KIND CAME ~~BY~~ DIRECT BY COMMAND FROM THE LORD FROM HEAVEN WE SAY THAT THE DEFENDANT HERE SO FAR AS HE PARTICIPATED IN THIS ACT UNDER ORDERS HE WAS COMMANDED TO DO WHAT HE DID DO BUT WE DON'T SAY AS IN THE CASE OF JOSHUA THAT THE LORD COMMANDED IT [*space*] I WILL REFER TO THAT

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RT	RS	BT	PS
	AGAIN PERHAPS UPON CLOSING, AS IT MAY BE OF INTEREST TO YOU GENTLEMEN OF THE JURY IN DETERMINING UPON YOUR VERDICT TO KNOW THE STATE OF MIND THAT THIS PEOPLE HAD ON THE 17 DAY OF SEPTEMBER 1857 FEEL SURE WHEN YOU LOOK AT THIS HORRID TRAGEDY, IN ALL ITS GHASTLINESS, THINK OVER THE EVIDENCE THAT HAS BEEN GIVEN OF THIS MOST WONDERFUL DEED OF BLOOD; THIS SICKENING CRIME YOU CAN'T THINK THAT CIVILIZATION YOU COULD BELIEVE	AGIAN, PERHAPS BEFORE CLOSING AS IT MAY BE OF INTEREST TO YOU GENTLEMEN IN DETERMINGING UPON YOUR VERDICT, TO KNOW THE STATE OF **MIND** ~~THESE~~ **THAT** PEOPLE ~~HAD~~ **WERE IN** ON THE I7TH DAY OF SEPTEMBER I857; FOR S~~HU~~URELY WHEN YOU LOOK AT THIS HORRID TREACHERY, IN ALL ~~A~~ITS GHASTLYNESS, THINKING **OVER** ~~FROM~~ THE EVIDENCE ~~THAT~~ **WHAT** HAS BEEN GIVEN OF THISMOST WONDERFUL DEED OF BLOOD, THIS ~~SICK,~~ *[135]* SICKENING CRIME**,** YOU CAN **NOT** THINK TH AT CIVILIZATION~~.~~**!** YOU CAN **NOT** BELIEVE	AGAIN PERHAPS BEFORE CLOSE AS IT MAY BE OF INTEREST TO YOU GENTLEMEN OF THE JURY IN DETERMINING UPON YOUR VERDICT TO KNOW THE STATE OF MIND THAT THIS PEOPLE HAD ON THE 17TH DAY OF SEPTEMBER 18~~7~~57 FOR SURELY WHEN YOU LOOK AT THIS HORRID TRAGEDY IN ALL ~~THIS~~ ITS GHASTLINESS THINK OVER THE EVIDENCE THAT HAS BEEN GIVEN OF THIS MOST WONDERFUL DEED OF BLOOD THIS SICKENING CRIME YOU *CAN'T*[?] THINK THAT CIVILIZATION WE CAN'T BELIEVE

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RT	RS	BT	PS
	CIVILIZED MEN = WHITE MEN, MEN WHO WERE BORN AMONG MEN OF OUR OWN TRIBES OR KINDRED; AMERICAN CITIZENS COULD VOLUNTARILY GO FORWARD TO TEAR THE INFANT FROM ITS MOTHER'S BREAST, AND STAB THEM BOTH TO DEATH. COULD MURDER IN COLD BLOOD AND WITHOUT WARNING 50 OR MORE OF THEIR BRETHREN OF THEIR OWN TRIBES AND KINDRED OF THEIR PEOPLES AND NATIONALITY ≤THEM≥. THAT THEY COULD SO COLDLY CRUELLY MURDER SO MANY MEN AND CHILDREN 60 IN NUMBER AND ALL FOR NO	THAT CIVILIZED MEN, WHITE MEN, MEN WHO WERE BORN AMONGST MANY OF OUR OWN TRIBES AND KINDRED, AMERICAN CITIZENS, COULD VOLUNTEER TO GO FORWARD AND TEAR THE INFAN**T** FROM ITS MOTHER'S BREAST AND STAB THEM BOTH TO DEATH; COULD MURDER IN COLD BLOOD AND WITHOUT WARNING 50 OR MORE OF THEIR BRETHREN OF THEIR OWN TRIBES, AND KINDRED AND PEOPLE AND ANNIHLATE THEM; THAT THEY COULD SO C~~L~~OLDLY, **AND** CRUELLY MURDER SO MANY WOMES~~S~~N AND CHILDREN —60 IN NUMBER, AND ALL FOR NO	THAT CIVILIZED MEN WHITE MEN *[[17]]* MEN WHO WERE BORN AMONGST THE MEN OF OUR OWN TRIBES AND KINDRED AMERICAN CITIZENS COULD — /*FRNS*[?] GO FORWARD TEAR THE INFANT FROM ITS MOTHER'S BREAST AND STAB THEM BOTH TO DEATH COULD MURDER IN COLD BLOOD AND WITHOUT WARNING FIFTY OR MORE OF THEIR BRETHREN OF THEIR OWN TRIBES KINDRED PEOPLE AND NATIONALITY THAT THEY COULD SO COLDLY CRUELLY MURDER SO MANY WOMEN AND CHILDREN, 60 NUMBER AND ALL FOR NO

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RT	RS	BT	PS
	CAUSE WHATEVER. ≤IN≥ REVIEWING ESTABLISH IN YOUR OWN MIND WHAT TESTIMONY HAS BEEN GIVEN IF YOU LOOK ONLY TO THAT TESTIMONY LOOK BACK TO THE ACTS PROSECUTION HAS PRESENTED UP TO THE PRESENT TIME THERE WILL BE SHOWN TO YOU NO MOTIVE WHATEVER FOR THIS. IT WAS NOT FOR THEIR PROPERTY IT WAS FOR NO CAUSE *[[20]]* THEY HAVE GIVEN ONLY THAT THE ORDER WAS ISSUED = COUNCIL WAS HELD AND THIS WAS PERPETRATED IN PURSUANCE OF THAT COUNCIL AND	CAUSE WHATEVER. IN REVIEWING, ~~WHAT~~ IN YOUR **OWN** MIND WHAT TESTIMONY HAS BEEN GIVEN: FIRST, IF YOU WOULD ~~LIK LOKO LOOK~~ LOOK ONLY TO THAT TESTIMONY— LOOK BACK TO THE CAUSE AND ACTS OF THE PROSECUTION AS PRESENTED UP TO THE PRESENT TIME**,** **T**HERE WILL BE, GENTLEMEN, NO MOTIVE WHATEVER FOR THIS. IT WAS NOT FOR THEIR PROPERTY, IT WAS NOT FOR ANY CAUSE THAT THEY HAVE COME, ONLY THAT THE ORDER WAS ISSUED, COUNCIL WAS HELD AND THIS WAS PERPETRAT~~E~~D IN PURSUANCE OF THAT COUNCIL AND	CAUSE WHATEVER IN REVIEWING IN YOU OWN MIND WHAT TESTIMONY HAS BEEN GIVEN ~~YOU~~ FIRST IF YOU WOULD LOOK ONLY TO THAT TESTIMONY LOOK BACK TO THE CASE THE PROSECUTION HAS PRESENTED IT UP TO THE PRESENT THERE WILL BE SHOWN TO YOU NO MOTIVE WHATEVER FOR THIS IT WAS ~~NOT~~ FOR THEIR PROPERTY IT WAS ~~NOT~~ FOR *ANY/NO*[?] CAUSE THAT THEY HAVE GIVEN ONLY THAT THE ORDER WAS ISSUED A COUNCIL WAS HELD AND THIS WAS PERPETRATED IN PURSUANCE OF THAT COUNCIL AND

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RT	RS	BT	PS
	UNDER ITS ORDERS AND I SAY IT IS IMPOSSIBLE FOR CIVILIZED RATIONAL BEINGS TO BELIEVE SUCH A STATEMENT AND BELIEVE SUCH A CASE THERE MUST HAVE BEEN SOME POWERFUL MOTIVE SOME TERRIBLE INCENTIVE SOMETHING THAT DREW NIGH UNTO MAN'S LIFE THAT WOULD COMPEL HIM GO FORWARD COMMIT SUCH CRIMES. AND RIGHT HERE WE SAY THAT WHEN YOU LOOK AT THIS IN THIS LIGHT THAT THERE IS NOT AND WILL NOT BE ONE PARTICLE OF EVIDENCE ONE SCINTILLA OF PROOF THAT JOHN D. LEE THE PRISONER	UNDER ITS ORDERS. I SAY IT IS IMPOSSIBLE FOR CIVILIZATION, FOR RATIONAL BEINGS TO BELIEVE SUCH A STATEMENT AND BELIEVE SUCH A CAUSE. THERE MUST HAVE BEEN SOME POWERFUL MOTIVE, SOME TERRIBLE INSENTIVE, SOMETHING THAT DREW NIGH TO A MAN'S LIFE THAT WOULD COMPELL HIM TO GO FORWARD AND COMMIT SUCH A CRIME. AND RIGHT HERE , WE SAY, THAT WHEN YOU LOOK AT THIS IN THIS LIGHT, THAT THERE IS NOT A LINE, OR ONE PARTICLE OF EVIDENCE, ONE ~~CINTILLA~~ SCI~~L~~NTILLA OF PROOF THAT JOHN D. LEE**,** THE PRISONER	UNDER ITS ORDERS I SAY IT IS IMPOSSIBLE FOR CIVILIZED RATIONAL BEINGS TO BELIEVE SUCH A CASE THERE MUST HAVE BEEN SOME POWERFUL MOTIVE, SOME TERRIBLE INCENTIVE SOMETHING THAT DREW NIGH TO A MAN'S LIFE THAT WOULD COMPEL HIM TO GO FORWARD AND COMMIT SUCH CRIMES AND RIGHT HERE ~~WHEN~~ WE SAY THAT WHEN YOU LOOK AT THIS IN THIS LIGHT THAT THERE IS NOT AND WILL NOT BE ONE PARTICLE OF EVIDENCE ONE SCINTILLA OF PROOF THAT JOHN D. LEE THE PRISONER

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RT	RS	BT	PS
	AT THE BAR EVER RAISED HIS HAND TO ASSIST IN THE KILLING OF ANY OF THOSE. THAT THEY WERE KILLED OR MANY OF THEM KILLED OF WHITE MEN REALLY BY WHITE MEN WITH INDIANS WE SHALL NOT DENY. THIS IS A PART OF OUR CASE TO ASSERT THE TRUTH AND THAT JOHN D. LEE WAS THERE IN THE VICINITY NEARBY, WE DO NOT DENY ALSO BUT THAT HE BY ANY PHYSICAL ACTS OF HIS ASSISTED IN THE DEATHS OF ANY OF THOSE, WE DO DENY. AND ALTHOUGH YOU GENTLEMEN OF THE JURY AND THE ENTIRE PEOPLE	AT THE BAR EVER RAISED HIS HAND TO ASSIST IN **THE** KILLI~~I~~NG OF ANY OF THESE PERSONS THAT WERE KILLED. ~~IF~~ **THEY** THEY WERE KI LED, **AND** MANY OF THEM KILLED BY WHITE MEN, ~~WITH~~ **KILLED BY WHITE MEN AND** **I**NDIANS**,** WE DON'T DENY. IT IS A PART OF OUR CASE TO ASSERT THE TRUTH, AND THAT JOHN D. LEE WAS THERE IN THE VICINITY, NEAR BY, WE DON'T DENY **EITHER** ~~ALSO.~~, BUT THAT ~~H~~BY **ANY** ~~NO~~ PHYSICAL ACT OF HIS**, HE** ASSIST**ED** INTHE DEATH OF ANY OF THOSE**,—** WE DO DENY~~,~~; AND ALTHOUGH YOU, GENTLEMEN OF THE ~~GU~~ JURY, AND THE *[[136]]* ENTIRE PEOPLE	AT THE BAR EVER RAISED HIS HAND TO ASSIST IN THE KILLING OF ANY OF THOSE THAT THEY WERE KILLED OR MANY OF THEM KILLED BY WHITE MEN KILLED BY WHITE MEN AND INDIANS WE DON'T DENY IT IS PART OF OUR CASE THAT THEY CERTAINLY THAT JOHN D. LEE WAS THERE IN THE VICINITY NEAR BY WE DO NOT DENY ALSO BUT THAT HE BY ANY PHYSICAL ACT OF HIS ASSISTED IN THE DEATH OF ANY OF THOSE WE DO DENY AND ALTHOUGH YOU GENTLEMEN OF THE JURY AND THE ENTIRE PEOPLE

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RT	RS	BT	PS
	OF THE UNITED STATES MAY CENSURE JOHN D. LEE = MAY HOLD HIM BLAMABLE, CULPABLE CAST UPON HIM GREAT DEAL OF MORAL TURPITUDE, YET WE SHALL CLAIM OF YOU GENTLEMEN OF THE JURY, THAT JOHN D. LEE IS WITHOUT CRIME IN THE SAME MASSACRE, THAT THE FACTS THAT HAVE BEEN PRESENTED AND WILL BE PRESENTED WILL SHOW TO YOU THE CASE, JUSTIFYING HIM OR ANY OTHER MAN IN THAT THEY WOULD PROVE THAT HE DONE ≤¶≥ I LEFT THIS EMIGRANT TRAIN WHERE ONE OF THE WITNESSES LEFT IT, AT	OF THE UNITED STATES MAY CENSURE J~~H~~OHN D. LEE; MAY HOLD HIM BLAM**E**AB~~L~~LE AND CULPABLE BECAUSE THERE IS UPON HIM A GREAT DEAL OF MORAL TORPITUDE; YET WE SHALL CLAIM OF YOU, GENTLEMEN OF TH~~E~~**E** JURY**,** **THAT** HE IS WITHOUT CRIME IN THE MATTER; THA T THE FACTS THAT HAVE BEEN PRESENTED AND WILL BE PRESENTED WILL SHOW TO YOU THE CAUSE, JUSTIFYINGHIM OR A Y OTHER MAN [*space*] WHEN THAT WILL BE PROVEN WHAT THEY DONE. I LEFT THIS EMIGRANT TRAIN WHERE ONE OF THE WITNESSES LEFT IT**,** AT	OF THE UNITED STATES MAY CENSURE JOHN D. LEE *WITH AND*[?] MAY HOLD HIM BLAMABLE CULPABLE CAST UPON HIM GREAT DEAL OF MORAL TURPITUDE, YET WE SHALL CLAIM TO YOU, GENTLEMEN OF THE JURY *[[18]]* THAT JOHN D. LEE IS WITHOUT CRIME IN THE MATTER; THAT THE FACTS THAT HAVE BEEN PRESENTED AND MAY BE PRESENTED WILL SHOW TO YOU THE CASE JUSTIFYING HIM AND ANY OTHER MAN IN ALL THAT THEY WILL PROVE THAT HE DONE. I LEFT THIS EMIGRANT TRAIN WHERE ONE OF THE WITNESSES LEFT = IT = AT

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RT	RS	BT	PS
	EMIGRATION CANYON FOLLOWING MRS. STENHOUSE'S WORDS, "WE HEARD THAT THEY CAME DOWN TO THE RIVER JORDAN; THEY WERE BADLY TREATED AND DENIED SUPPLIES HORSES AND FOOD THROUGH ALL THE SETTLEMENTS OF UTAH. ≤MY FRIEND OF THE PROSECUTION≥ QUOTED LARGELY FROM THAT BOOK; IN FACT IN HIS OPENING THE AUTHORITIES THAT HE DID QUOTE FROM WERE, MRS. STENHOUSE, THE BIBLE AND GOODRICHES UNIVERSAL HISTORY I TOO SHALL REFER TO THESE SAME WORKS AS TO MRS.	EMIGRATION CANYON. FOLLOWING MRS STENHOUSE'S WORSDS, "WE HEARD THAT THE EMIGRANT TRAIN HAD COME DOWN TO THE RIVER JORDEN, THAT THEY WERE BADLY TREATED, DENIED SUPPLIES FOR LHORSES AND FOOD, THROUGH TALL THE SETTLEMENTS OF UTAH. MY FRIEND OF THE PROSECUTION QUOTED LARGELY FROM THAT BOOK, IN FACT INHIS OPENING, THE AUTHORITIES THA T HE DID QUOTE FROM WERE MRS. STENHOUSE AND THE BIBLE, AND GOODRIVCHES UNIVERSAL HISTORY. I TOO SHALL REFER TO THESE SAME WORKS. AS TO MRS.	EMIGRATION CANYON FOLLOWING MRS STENHOUSE'S WORK, "WE HEARD THAT THEY CAME DOWN TO THE RIVER JORDAN; THAT THEY WERE BADLY TREATED; DENIED SUPPLIES HORSES AND FOOD THROUGHOUT ALL THE SETTLEMENTS OF UTAH [*space*] FRIEND OF THE PROSECUTION QUOTED LARGELY FROM THAT BOOK; IN FACT IN HIS OPENING THE AUTHORITIES THAT HE DID QUOTE FROM WERE MRS. STENHOUSE THE BIBLE AND GOODRICHES UNIVERSAL HISTORY I TOO SHALL REFER TO THOSE SAME WORKS

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RT	RS	BT	PS
	STENHOUSE'S WORKS = IN HER DETAIL OF THE FATE OF THESE EMIGRANTS, WE SHALL CLAIM AND CLAIM NOW EVEN PROSECUTION HAS DENIED HER STATEMENTS AND PROVED THEM UNTRUE THAT THIS EMIGRANT TRAIN DID NOT GO TO THE JORDAN TO CAMP; BUT FROM EMIGRATION CANYON, ≤THEY≥ PURSUED THEIR JOURNEY DIRECTLY SOUTH. THAT THEY PASSED THROUGH ALL THE SETTLEMENTS OF UTAH, ON THEIR LONG WEARY MARCH TOWARDS ≤SOUTHERN≥ CALIFORNIA. WE SHALL CLAIM IN THESE SETTLEMENTS,	S~~E~~TENHOUSES WORKS, IN HER DETAIL OF THE FATE OF THESE EMIGRANTS, WE SHALL CLAIM AND CLAIM **NOW** ~~NOE~~ THA**T** THE PROSECUTION HAS DENIED **HER** ~~HERE~~ STATEMENT**S** AND PROVED THEM UNTRUE. THAT THIS EMIGRANT TRAIN DIDN'T GO **TO** THE JORDAN AND CAMP, BUT FROM EMIGRATION CANYON, THEY PURSUED THEIR JOURNEY DIRECTLY SOUTH. THAT THEY PASSED THROUGH ALL THE SETTLEMENTS IN UTAH ~~I~~ON THEIR LONG WEARY MARCH TOWARD SOUTHERN **C**ALIFORNIA. WE SHALL CLAIM ~~**THAT**~~ IN THESE SETTLEMENTS	< IN HER DETAIL OF THE FATE OF THOSE EMIGRANTS, WE SHALL CLAIM AND CLAIM NOW THAT EVEN THE PROSECUTION HAVE DENIED HER STATEMENTS AND PROVED THEM UNTRUE THIS EMIGRANT TRAIN DIDN'T ~~N~~ GO TO THE JORDAN AND CAMP BUT FROM EMIGRATION CANYON, THEY PURSUED THEIR JOURNEY DIRECTLY SOUTH, PASSED THROUGH ALL THE SETTLEMENTS IN UTAH *ON*[?] THEIR LONG AND WEARY MARCH ON SOUTHERN CALIFORNIA ≤WE SHALL CLAIM≥ IN THOSE SETTLEMENTS

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RT	RS	BT	PS
	THEY WERE KINDLY I WILL MENTION HERE AND REFER TO IT AGAIN THEY WERE KINDLY, THEY WERE SOLD SUPPLIES; THEY WERE ASSISTED IN ALL THINGS THEY NEEDED BUT THAT THEY BEHAVED BADLY, WE SHALL NOT DENY BUT SHALL MAKE IT ≤**A**≥ PART OF OUR DEFENSE THAT THERE WAS TROUBLE BETWEEN THIS EMIGRANT TRAIN AND THE PEOPLE OF THE SETTLEMENTS THEY PASSED THROUGH WE SHALL SHOW TO YOU GENTLEMEN OF THE JURY, THAT THIS TROUBLE BECAME SO GREAT, THAT THIS EMIGRANT TRAIN DIVIDED AMONG THEMSELVES	THAT THEY WERE TREATED KINDLY. I WILL MENTION HERE AND REFER TO IT AGAIN. THE~~R~~Y WERE TREATED KINDLY. THEY WERE SOLD SUPPLIES; THEY WERE ASSISTED IN ALL THE THINGS THEY NEEDED; AND THAT THEY BEHAVED BADLY; BUT WE SHALL NOT DENY OR MAKE IT A PART OF OU~~T~~R DEFENSE THAT THERE WAS TROUBLE BETWEEN THIS EMIGRATION TRAIN AND THE PEOPLE OF THE SETTLEMENTS THEY PASSED THROUGH. WE SHA**L**L SHOW TO YOU, GENTLEMEN OF THE JURY THAT THIS TROUBLE *[137]* BECAME SO GREAT THAT THIS VERY TRAI~~H~~N DIVIDED AMONG THEMSELVES;	THEY WERE TREATED KINDLY < THEY WERE SOLD SUPPLIES THEY WERE ASSISTED IN ALL THE THINGS THEY NEEDED BUT THAT THEY BEHAVED BADLY, BUT WE SHALL NOT DENY AND SHALL MAKE IT A PART OF OUR DEFENSE THAT THERE WAS TROUBLE BETWEEN THIS EMIGRANT TRAIN AND THE SETTLEMENTS THEY PASSED THROUGH WE SHALL SHOW TO YOU GENTLEMEN OF THE JURY THAT THIS TROUBLE *BECAME*[?] SO GREAT, THAT THIS *POOR*[?] TRAIN DIVIDED AMONG THEMSELVES,

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RT	RS	BT	PS
	[[21]] BECAUSE THAT PORTION OF THE TRAIN WERE SEEKING TO GOVERN THE OTHERS WHO WERE MAKING THIS MISCHIEF AMONG THE TRAIN WERE YOUNG MEN WITHOUT FAMILIES = YOUNG MEN WHO WERE ACCOMPANYIN G THIS TRAIN; BOYS THAT HAD GROWN UP IN THE WILDS OF WESTERN ARKANSAS, *HUNTERS* ≤?≥ TRAPPERS AND STOCK RAISERS; MEN WHO CAME FROM THE FRONTIER THERE, FULL OF ALL THE WILDS THE WICKEDNESS AND THE DARING ACTS, THAT CHARACTERIZE YOUNG MEN FROM THE FRONTIERS IN PASSING	BECAUSE THA**T A** PORTION OF THE TRAIN WERE SEEKING TO GOVERN OTHERS WHO WERE ~~A~~MAKING THIS MISCHIEF AMONG THE TRAIN. THAT **THERE WERE** YOUNG MEN WITHOUT FAMILIES~~:~~,, YOUNG MEN WHO WERE ACCOMPAN~~I~~YIN G THIS TRAIN; BOYS THAT HAD GROWN UP IN THE WILDS OF WE~~W~~STERN ARKANSAS~~:~~,, STOCK RASERS **AND** ~~AND~~ MEN WHO CAME FROM THE FRONTIER THERE**,** FULL OF WICKEDNESS AND DARING ACTS THA T CHARACTERIZE YOUNG MEN FROM THE FRONTI**E**RS~~:~~. IN PASSIN**G**	BECAUSE THAT A PORTION OF THE TRAIN WERE SEEKING TO GOVERN THE OTHERS WHO WERE MAKING THIS MISCHIEF AMONG THE TRAIN THAT YOUNG MEN WITHOUT FAMILIES = YOUNG MEN WHO WERE ACCOMPANYIN G THIS TRAIN, *BOYS*[?] HUNTERS TRAPPERS FARMERS AND STOCK RAISERS MEN WHO CAME FROM THE FRONTIER THERE FULL OF ALL THE WILDS AND WICKEDNESS OF THE DARING ACTS THAT CHARACTERIZE YOUNG MEN FROM THE FRONTIERS IN PASSING

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RT	RS	BT	PS
	THROUGH THIS COUNTRY ~~<~~SETTLEMENTS ~~>~~ PASSING THROUGH THESE SETTLEMENTS THEY WERE GUILTY OF MANY ACTS OF CRIME, I MIGHT SAY AGAINST THE PEOPLE, AND THAT THIS VERY TRAIN UNDERTOOK TO KILL THEIR OWN MEN, AND IN DOING SO *A DIVISION*[?] AROSE AMONG THEM, AND FOR A TIME THEY DIVIDED HAD 2 CAPTAINS OF THEIR TRAINS THEY CAME ON TO THIS PLACE; TO BEAVER, AND HERE THROUGH THE INSTRUMENTAL ITY OF THESE VERY MEN = OR THIS CLASS OF MEN THAT THE PROSECUTION ARE NOW SEEKING TO CHARGE WITH	THROUGH THESE SETTLEMENTS — THROUGH THIS COUNTRY, THEY WERE GUILTY OF MANY ACTS**,** OF **CRIME** ~~C,R,I,ME,~~ ~~—~~, I MIGHT SAY**,** AGAINST THE PEOPLE~~,~~ AND THAT THIS VERY TRAIN UNDERTOOK TO KILL THEIR OWN MEN, AND IN DOING SO**,** A DIVISION AROSE AMONG THEM; AND FOR A TIM E THEY DIVIDED AND HAD TWO CAPTAI~~M~~NS TO THEIR TRAIN. THEY CAME ON TO THIS PLACE**,** TO BEAVER, A~~H~~ND HERE THROUGH THE INSTRUMENTAL ITY OF THESE VERY MEN, OR THIS CLASS OF MEN THAT THE PROSECUTION ARE NOW SEEKING TO CHARGE WITH	THROUGH THOSE SETTLEMENTS THEY WERE GUILTY OF MANY ACTS OF CRIME, I MIGHT SAY AGAINST THE PEOPLE AND THAT THIS VERY TRAIN UNDERTOOK TO KILL THEIR OWN MEN *[[19]]* AND IN DOING SO A DIVISION AROSE AMONG THEM; AND FOR A TIME THEY DIVIDED AND HAD TWO CAPTAINS OF THEIR TRAIN THEY CAME ON TO THIS PLACE TO BEAVER, AND HERE THROUGH THE INSTRUMENTAL ITY OF THESE VERY MEN OR THIS CLASS OF MEN THAT THE PROSECUTION ARE NOW SEEKING TO CHARGE WITH

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RT	RS	BT	PS
	THEIR MURDER, THIS DIFFICULTY AMONG THEMSELVES WAS RECONCILED AND ONE CAPTAIN WAS RESTORED TO THEM, AND THEY WENT ON THEIR WAY, THAT THE FAULT IN ALL THIS TROUBLE AND IN ALL THIS DIFFICULTY ALONG THE WAY = BETWEEN THIS TRAIN AND THE PEOPLE OF THE SETTLEMENTS THROUGH WHICH THEY PASSED, WAS OWING TO THEMSELVES = OR RATHER TO THE VIOLENT HASTY YOUNG MEN THEY HAD WITH THEM UP TO THIS TIME BUT I WISH TO CALL TO YOUR MIND THE FACT = FACT	THE MURDER**,** **T**HIS DIFFICULTY AMONG THEMSELVES WAS RECONCILED**,** AND ONE CAPTAIN WA**A** RESTORED TO THEM, AND THEY WENT ON THEIR WAY; AND ~~THAT~~ **HE** ~~THEY~~ FELT **THAT** ~~IN~~ ALL THIS TROUBLE —IN ALL TH~~I~~S DIFFICULTY ALONG THE ROAD, BETWEEN THIS TRAIN AND THE PEOPLE AND THE SETTLEMENTS THROUGH THEY PASSED, WAS OWING TO THEMSELVES OR RATHER TO THE ~~F~~VIOLENT HASTY YOUNG MEN THEY HAD WI**T**H THEM**.** ~~A T THIS~~ BUT UP TO THIS TIME I WISH TO CALL YOUR ATTENTION TO ~~THE~~ **A** FACT **AND** THAT FACT ~~THAT~~ HAS	THE MURDER THIS DIFFICULTY AMONG THEMSELVES WAS RECONCILED, AND ONE CAPTAIN WAS RESTORED TO THEM, AND THEY WENT ON THEIR WAY, THAT THE FAULT IN ALL THIS TROUBLE IN ALL THIS DIFFICULTY ALONG THE ROAD BETWEEN THIS TRAIN AND THE PEOPLE OF THE SETTLEMENTS THROUGH WHICH THEY PASSED WAS OWING TO THEMSELVES, OR RATHER TO THE VIOLENT HASTY YOUNG MEN THEY HAD WITH THEM AT THIS TIME BUT I WISH TO CALL TO YOUR MIND A FACT A FACT

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RT	RS	BT	PS
	ALREADY BEEN PRESENTED = FROM THE EVIDENCE OF THE PROSECUTION, THAT AT THIS TIME = AND HOWEVER PROSECUTION MAY TREAT IT = ~~THERE WAS THAT A <~~**A**~~>~~ STATE OF WAR EXISTED IN THIS COUNTRY THEY MAY HOLD THAT THIS WAS IS ALL PART OF THE GREAT NATION OF THE UNITED STATES; THAT THIS WAS ALL ONE PEOPLE, AND THERE WAS ONE LAW REACHING OVER ALL OTHERS; YET THE FACT IS ~~<~~AS~~>~~ APPARENT AS THE NOONDAY SUN, THAT THE ARMY OF THE UNITED STATES WAS MARCHING INTO THIS COUNTRY, NOT A MERE GARRISON OF =	ALREADY ~~P~~BEEN PRE**S**ENTED ~~FROM THE~~ **IN THE** EVIDENCE OF THE PROSECUTION, THAT AT THIS TIME, HOWEVER THE PROSE~~V~~CUTION ~~AT~~ MAY TREAT IT**,** ~~A~~THAT A STATE O~~R~~**F** WAR EXISTED IN THIS TERRITORY. THEY MAY HOLD THAT THIS WAS ALL A PART OF THE GREAT UNION OF THE UNITED STATES; THAT THIS WAS ALL ONE PEOPLE; AND THAT THERE WAS ONE LAW REACHING ~~A~~OVER ALL, YET THE FACT IS AS APPARENT AS THE NOONDAY SUN THAT AN ARMY OF THE UNITED STATES WAS MARCHING INTO THIS COUNTRY, NOT A SIMPLE GARRISON OR A	ALREADY PRESENTED THROUGH THE EVIDENCE OF THE PROSECUTION THAT AT THIS TIME HOWEVER THE PROSECUTION MAY TREAT IT THAT A STATE OF WAR EXISTED IN THIS COUNTRY THEY MAY HOLD THAT THIS WAS ALL A PART OF THE GREAT NATION OF THE UNITED STATES; THAT THIS WAS ALL ONE PEOPLE, AND THAT THERE WAS ONE LAW THAT REACHED OVER ALL OF THEM [*space*] YET THE FACT IS APPARENT AS THE NOONDAY SUN, THAT AN ARMY OF THE UNITED STATES WAS MARCHING INTO THIS COUNTRY, NOT A MERE GARRISON OF A

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RT	RS	BT	PS
	FEW COMPANIES = OR A FEW SOLDIERS TO BE STATIONED HERE OR THERE FOR THE PURPOSE OF GUARDING AGAINST INDIANS, BUT AN ARMY = A WHOLE ORGANIZED ARMY UNDER THE COMMAND OF ONE OF THE ABLEST GENERALS OF UNITED STATES ~~AND THEY WERE~~ AND THAT ARMY WAS LARGE; THE NUMBER I CAN NOT NOW GIVE YOU, BUT IT WAS EQUIPPED AND PROVIDED WITH ALL THE *TLMS*[?] TRANSPORTATI ON, ~~≤&≥~~ EVERYTHING NECESSARY FOR THE SIEGE, FOR THE CAMPAIGN IN THE ENEMY'S COUNTRY; AND ALSO AT THE	HALF A COMPANY, NOT A FEW SOLDIERS TO BE STATIONED HERE AND THERE FOR THE P~~E~~URPOSE OF GUARDING *[138]* AGAINST THE **I**NDIANS; BUT AN ARMY—A WELL ORGAN~~U~~IXED ARMY UNDER THE COMMAND OF ONE OF THE ABLEST GENERALS OF THE UNITED STATES, AND THAT ARMY WAS LARGE. THE NUMBER I CANNOT NOW GIVE YOU BUT IT WAS PROVIDED AND EQUIPPED WITH ALL THE IMPLEMENTS OF ~~TRANSFER~~ **WAR**, AND EVERYTHING NECESSARY FOR THE SIEGE, FOR THE CAMPAIGN IN THE ENEMIES COUNTRY; AND ALS O AT THAT	FEW COMPANIES NOT A FEW COMPANIES TO BE STATIONED HERE AND THERE FOR THE PURPOSE OF GUARDING AGAINST THE INDIANS, BUT AN ARMY = WELL ORGANIZED ARMY UNDER THE COMMAND OF A GENERAL OF THE UNITED STATES; AND THAT ARMY WAS LARGE THE NUMBER I CANNOT NOW GIVE *YOU*[?], BUT IT WAS EQUIPPED AND PROVIDED WITH ALL THE STORES *TRANSPORTATIO N*[?] AND EVERYTHING NECESSARY FOR THE SIEGE FOR THE CAMPAIGN INTO THE ENEMY'S COUNTRY, AND ALSO AT THE

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RT	RS	BT	PS
	TIME THERE WAS PROCLAMATION ISSUED BY WHAT WE MAY SAY LEADER OF THIS PEOPLE, THE COMMANDER = THE COMMANDING GENERAL OF THIS PEOPLE THE PROCLAMATION SOUNDING OF WAR; IT WAS A STATE OF WAR TO THE PEOPLE OF THE TERRITORY AT THE TIME THE CITIZENS = THE RESIDENTS WERE LOOKING AT THIS BLACK WAR CLOUD THAT WAS OVERSHADOWING THEM, TO THE VAST ARMIES BEING SET UPON THEM, HAD MET IN COUNCIL; RESOLVED TO ABANDON THEIR HOMES AND FLEE TO THE MOUNTAINS, THAT THEY	TIME THERE WAS A PROCLAMATION ISSUED BY WHAT WE MAY SAY WAS THE LEADER OF THIS PEOPLE; THE COMMANDER — THE COMMANDING GENERAL OF THIS PEOPLE — A PROCLAMATI~~O~~N SOUNDING WAR. IT WAS A STATE OF WAR TO THE PEOPLE OF THE TERRITORY AT THE TIME. THE CITIZENS—THE RESIDENTS HERE LOOKING AT THIS ~~N~~BLACK WAR CLOUD THAT WAS OVERSHADOWING THEM, AND THE VAST ARMIES BEING SET UPON THEM, HAD MET IN COUNCIL AND RESOL~~C~~VED TO ABANDON THEIR HOMES AND FLEE TO THE MOUNTAINS; THAT THEY	TIME THERE WAS A PROCLAMATION ISSUED BY WHAT WE MAY SAY THE LEADER OF THIS PEOPLE THE COMMANDER COMMANDING GENERAL OF THIS PEOPLE A PROCLAMATION *SOUNDING OF*[?] WAR IT WAS IN STATE OF WAR TO THE PEOPLE OF THE TERRITORY AT THE TIME. THE CITIZENS = AND RESIDENTS HERE LOOKING AT THIS BLACK WAR CLOUD THAT WAS OVERSHADOWING THEM AND THE VAST ARMIES BEING SET UPON THEM RESOLVED TO ABANDON THEIR HOMES FLEE TO THE MOUNTAINS, THAT THEY

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RT	RS	BT	PS
	WOULD BURN AND DESTROY AND SWEEP THE ENTIRE LAND AS WITH THE BESOM OF DESTRUCTION AND LEAVING *[[22]]* NOTHING FOR THEM ~~=~~FOR THE CONQUERORS~~=~~ THEY WOULD DO MORE, FOR JOHNSTON'S ARMY = THAN THE MOSCOVITES DID FOR NAPOLEON; THEY WOULD LEAVE MORE THAN BARREN DESERT. FOR THAT PURPOSE THEY WOULD HUSBAND THEIR STOCK; KEEPING THEIR FLOUR AND THEIR GRAIN THAT THEY MIGHT HAVE IT, TO FEED THEIR OWN BABES = THEIR OWN WOMEN AND CHILDREN WHEN THEY WERE COMPELLED	WOULD BURN, DESTROY AND SWEEP THE ENTIRE LAND, AS WITH THE BESO~~N~~M OF DESTRUCTION; AND LEAVE THE ENTIRE FIELD TO THE CONQUERORS. THEY WOULD DO MORE, **FOR** ~~THOUGH~~ JOHNSON'S ARMY, THAN THE MOSCOVITES DID FOR NEPOLEON; THEY WOULD LEAVE HIM MORE THAN THE BAR**R**EN DESERT. FOR THAT PURPOSE**,** THEY WOULD HUSBAND THEIR STOCK, ~~TH~~ KEEP IN THEIR FLOUR AND THEIR CORN, THAT THEY MAY HAVE HAD, AND FOR THEIR OWN BABES— THEIR OWN WOMEN AND CHILDREN, WHEN THEY WERE COMPELLED TO	WOULD BURN AND DESTROY AND *SWEEP*[?] *[[20]]* THE ENTIRE LAND AS WITH THE BESOM OF DESTRUCTION, AND LEAVE NOTHING FOR THEM CONQUERORS THEY WOULD DO MORE FOR JOHNSTON'S ARMY = THAN THE MOSCOVITES DID FOR NAPOLEON'S THEY WOULD LEAVE 'EM MORE THAN —[?] CITY. THEY WERE HUSBANDING THEIR STOCK KEEPING THEIR FLOUR AND GRAIN, THAT THEY MIGHT HAVE IT TO FEED THEIR OWN BABES THEIR OWN WOMEN AND CHILDREN WHEN THEY WERE COMPELLED TO

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RT	RS	BT	PS
	HUNT FOR HABITATIONS IN THE MOUNTAINS. AND TO THAT EXTENT COUNSEL WAS GIVEN, TO BE SPARING SAVING OF THEIR STORES PROVISIONS AND SUPPLIES; NOT TO SELL TO THE TRAIN TO GIVE TO THE TRAIN, AND THEY DID SO. AS THIS TRAIN PASSED ON ON ITS WAY SOUTHWARD, THEY ARRIVED AT WHAT NOW IS KNOWN CORN CREEK. THERE COMMENCED THE GREAT TROUBLE THAT ENDED IN THEIR ENTIRE DESTRUCTION. WE SHALL SHOW TO YOU AT THAT PLACE = ALTHOUGH THERE HAD BEEN	HUNT FOR HABITATIONS IN THE MOUNTAINS. AND TO THAT EXTENT ~~COUSEL~~ **COUNSEL** WAS GIVEN **TO THE PEOPLE** TO BE SPARING AND SAVING OF THEIR STORES, PROVISSIONS AND SUPPLIES, YET TO SELL TO THE TRAIN— AND TO GIVE TO THE TRAIN AND THEY DID SO. THIS TRAIN PASSED ON ITS WAY SOUTH~~E~~**W**ARD. THEY ARRIVED AT WHAT NOW IS KN**O**WN A~~W~~S CORN**C**REEK.[302] THERE COMMENCED THE GREAT TROUBLE THAT ENDED IN THEIR ~~TE~~**E**NTIRE DESTRUCTION. WE SHALL SHO**W**~~WE~~ TO YOU **THAT** AT THAT PLACE — ALTHOUGH THERE HAD BEEN	HUNT FOR HABITATIONS IN THE MOUNTAINS AND TO THAT EXTENT A COUNSEL WAS GIVEN TO BE SAVING OF THEIR STORES PROVISIONS AND SUPPLIES NOT TO SELL TO *ALL PARTIES*[?] AND TO GIVE TO THE TRAIN AND THEY DID SO [*space*] AS THIS TRAIN PASSED ON ON ITS WAY SOUTHWARD. THEY ARRIVED AT WHAT NOW KNOWN AS CORN CREEK THERE COMMENCED THE GREAT TROUBLE THAT ENDED IN THEIR ENTIRE DESTRUCTION WE SHALL SHOW ~~≤~~YOU~~≥~~ HOW AT THAT PLACE ALTHOUGH THERE HAD BEEN

302. Corn Creek is the modern city of Kanosh.

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RT	RS	BT	PS
	DIFFICULTIES BEFORE THIS =,[303] ALTHOUGH THEY HAD HAD TROUBLES, FIGHTS AND THERE HAD BEEN GREAT DEAL OF DISSENSION AND DIFFICULTIES BETWEEN THEM AND THE SETTLERS OF THE SEVERAL SETTLEMENTS THROUGH WHICH THEY PASSED *ON THAT WAY CAME/CAMP*[?], THAT HERE AROSE DIFFICULTY IN ANOTHER WAY AT CORN CREEK WAS THE HOME OF A LARGE BAND OF INDIANS; A TRIBE KNOWN AS PAHVANTS, OF WHOM KANOSH NOW LIVING, WAS THEN THE CHIEF THIS TRIBE OF PAHVANTS WERE LARGE THEIR HOME	DIFFICULTIES BEFORE THIS, ALTHOUGH THEY HAD HAD TROUBLES, **AND** FIGHTS AND THERE HAD BEN A GREAT DEAL OF DIS~~C~~**S**ENTION AND DIFFICULTIES BETWEEN THEM AND THE SE~~C~~**V**ERAL SETTLEMENTS THROUGH WHICH *[139]* THEY PASSED ON THEIR WA~~T~~Y TO THIS CAMP — THAT HERE AROSE A DIFFICULTY IN ANOTHER WAY. AT CORN CREEK WAS THE HOME OF A LARGE BAND OF **I**NDIANS, A TRIBE KNOWN AS THE PAHVANTS, OF WHOM KANOSH, NO~~T~~W LIVING WAS THEN THE CHIEF. THIS TRIBE OF PAHVANTS W~~ERE~~**AS** LARGE. THEIR HOME	DIFFICULTY BEFORE THEN ALTHOUGH THEY HAD TROUBLES AND THERE HAD BEEN DISSENTION AND DIFFICULTY BETWEEN THEM AND SETTLERS OF THE SEVERAL SETTLEMENTS BEFORE THAT HERE AROSE A DIFFICULTY IN ANOTHER WAY AT CORN CREEK WAS THE HOME OF A LARGE BAND OF INDIANS A TRIBE KNOWN AS THE PAHVANTS OF WHOM KANOSH NOW LIVING WAS THEN THE CHIEF THIS TRIBE OF PAHVANTS WERE LARGE THEIR HOME

303. Comma is placed beneath "=".

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RT	RS	BT	PS
	VILLAGE WAS THERE THEY ROAMED OVER A GREAT DEAL OF THIS COUNTRY AND VISITED WITH OTHER TRIBES FAR AWAY THEY CAME TO VISIT COAL CREEK INDIANS WHERE CEDAR NOW IS. EACH WENT OVER TO VISIT WITH THE UTES ON THE SEVIER PIEDES ON THE CLARA THEY WERE ≤**A**≥ ROAMING LOOSE PEOPLE AS ALL INDIANS ARE AT CORN CREEK THEY DID SOME FARMING KANOSH, THEN AS NOW HAD LITTLE FARM THERE AROUND HIM LIVED HIS INDIANS THIS EMIGRANT TRAIN CAMPED THERE THERE THEY WERE OFFERED SUPPLIES WHICH THEY DID NOT NEED AND FEED AND	VILLIAGE WAS THERE. THEY ROAMED OVER A GREAT DEAL OF THIS COUNTRY AND VISITED WITH OTHER TRIBES FAR~~R~~ AWAY. THEY CAME TO VISIT THE COAL CREEK **I**NDIANS WHERE CEDAR NOW IS. EACH WENT OVER TO VISIT THE UTES OR THE SOUTHERN PIEDS ON THE CLARA. THEY WERE **A** ROAMING, LOOSE PEOPLE AS ALL **I**NDIANS ARE. AT CORN CREEK, THEY DID SOME FARMING. KANOSH THEN AS NOW, HAD A LITTLE FARM THERE. AROUND HIM LIVED HIS **I**NDIANS, THIS EMIGRANT TRAIN CAMPED THERE. THERE THEY WERE OFFERED SUPPLI~~E~~S WHICH THEY DIDN~~'~~T NEED, AND FEED	VILLAGE WAS THERE THEY ROAMED OVER A GREAT DEAL OF THIS COUNTRY, AND VISITED WITH OTHER TRIBES FAR AWAY CAME TO VISIT WITH THE COAL CREEK INDIANS WHERE CEDAR NOW IS VISIT WITH THE UTES ON THE SEVIER *PIEDS*[?] ON THE CLARA THEY WERE ROAMING LOOSE PEOPLE AS ALL INDIANS WERE AT CORN CREEK THEY DONE SOME FARMING KANOSH THEN AS NOW HAD A LITTLE FARM AROUND HIM LIVED HIS INDIANS THIS EMIGRANT TRAIN CAMPED THERE [*space*] THERE THEY WERE OFFERED SUPPLIES WHICH THEY DIDN'T NEED FOOD

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RT	RS	BT	PS
	GRAIN. THEY DECLINED TO BUY BECAUSE THEY DID NOT WANT IT. AND THERE A DIFFICULTY AROSE BETWEEN THEM AND THE INDIANS HERE STARTS THE FIRST LINK IN THE CHAIN THAT LED TO THEIR DESTRUCTION. MIND YOU, AS I SAID BEFORE GENTLEMEN OF THE JURY, WE ARE NOT GOING TO THROW WHOLE BLAME OF THIS UPON THE INDIANS WE ARE NOT GOING TO SAY THAT THERE WAS ⪡NOT⪢ SOME WHITE MEN WHO AIDED IN THIS; BUT WE DO CLAIM, AND WE BELIEVE **&** LATER SHOW TO YOU CONCLUSIVELY, THAT IF THIS EMIGRANT TRAIN HAD KEPT PEACE	GRAIN. THEY DECLINED BECAUSE THEY DIDN'T WANT IT, AND THERE THE DIFFICULTY AROSE BETWEEN THEM AND THE **I**NDIANS. HERE STARTS THE FIRST LINK IN THE CHAIN THAT LED TO THEIR DISTRUCTION. MIND YOU, AS I STATED BEFORE, GENTLEMEN OF THE JURY, WE ARE NOT GOING TO THROW THE WHOLE BLAME ON THIS BAND OF **I**NDIANS. WE ARE NOT GOING TO SAY THERE WAS NOT SOME WHITE MEN WHO AIDED IN THIS; BUT WE DO CLAIM AND WE BELIEVE AND WE WILL SHOW TO YOU CONCLUSIVELY THAT IF THIS EMIGRANT TRAIN HAD KEPT PEACE	GRAIN THEY DECLINED TO BUY BECAUSE THEY DIDN'T WANT IT [*space*] *AND THERE*[?] A DIFFICULTY AROSE BETWEEN THEM AND THE INDIANS HERE STARTS THE FIRST LINK OF THAT [*space*] CHAIN ON THAT DESTRUCTION MIND AS WE SAID *[[21]]* BEFORE WE ARE NOT GOING TO THROW THE WHOLE BLAME OF THIS UPON THE INDIANS WE ARE NOT GOING TO SAY THAT THEY WERE NOT SOME WHITE MEN WHO AIDED THIS, BUT WE DO CLAIM AND WE BELIEVE WILL SHOW TO YOU CONCLUSIVELY, THAT IF THIS EMIGRANT TRAIN HAD KEPT PEACE

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RT	RS	BT	PS
	WITH THE INDIANS, KEPT FROM ORIGINATING THEMSELVES A WAR WITH THOSE SAVAGE TRIBES, THAT THEY WOULD HAVE PASSED THROUGH THIS COUNTRY IN PERFECT SAFETY = PASSED THROUGH IN SAFETY AS OTHER TRAIN DID BEFORE THEM AND AFTERWARDS. BUT ~~<~~BY~~>~~ THEIR OWN WICKED ACTS = INCITING THOSE SAVAGES = THOSE INDIANS TO HOSTILITY AND ANGER, THEY BROUGHT DOWN UPON THEM THE WHOLE TRIBES, ALL THE TRIBES OF INDIANS FAR AND NEAR WHOM THE FEW SETTLERS IN	WITH THE **I**NDIANS, AND KEPT FROM ORIGINATING ~~THE~~ , THEMSELVES, THE WAR WITH THESE SAVAGE~~S, THEY WOULD~~ TRI~~D~~BES, THAT THEY WOULD HAVE PASSED THROUGH THIS COUN~~T~~RY IN PERFECT SAFETY.— PASSED THROUGH IN SAFETY, AS OTHERS HAD PASSED THROUGH BEFORE AND AFTERWARDS . BUT B~~U~~Y THEIR OWN WICKED ACTS**,** INCITING THESE SAVAGES, THESE **I**NDIANS**,** TO HOSTILITY AND ANGER~~,~~**.** THEY BROUGHT DOWN UPON THEM THE WHOL~~O~~**E** TRIBES, ALL THE TRIBES OF **I**NDIAN~~D~~**S** FAR AND NEAR WHOM THE FEW SETTLERS IN	WITH THE INDIANS KEPT FROM ORIGINATING THEMSELVES A WAR WITH THOSE SAVAGE TRIBES THAT THEY WOULD HAVE PASSED THROUGH THIS COUNTRY IN PERFECT SAFETY ~~PASSED~~ AS OTHER TRAINS DID BEFORE THEM *DID*[?] AFTERWARDS BUT BY THEIR OWN WICKED ACTS INCITED THOSE SAVAGES TO HOSTILITY AND ANGER THEY BROUGHT DOWN UPON THEM THE WHOLE TRIBES, ALL THE TRIBES OF INDIANS FAR AND NEAR WHOM THE FEW SETTLERS IN

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RT	RS	BT	PS
	THE VALLEYS COULD NOT CONTROL. ALTHOUGH WE SHALL POINT TO THIS MOUNTAIN MEADOW MASSACRE AS A HORRIBLE TRAGEDY, THAT HAS NEVER BEEN EXCELLED IN HORRIBLENESS, IN FIENDISHNESS; NOT EVEN *[[23]]* BY THE MASSACRE OF DEERFIELD OF WYOMING *NOTE/YET*[?] THAT THERE IS A FACT IT IS REALLY TRUTHFULLY NOTHING MORE NOR LESS THAN AN INDIAN MASSACRE WHITE MEN WERE IN IT IS TRUE, ≤SO THEY WERE≥ THERE WERE AT DEERFIELD, SO THERE WERE AT WYOMING AND YOU READ HISTORY OF	THE PLACES COULD NOT CONTROL~~L~~**.** *[140]* ALTHOUGH WE SHALL POINT TO THIS MOUNTAIN MEADOW MASSACRE AS A HORRIB**L**E TRAGEDY THAT HAS NEVER BEEN EXCELLED IN HORRIBLENESS, IN FIENDISHNESS, NOT **EVE**N ~~EVESN~~ BY THE MASSACRE OF DEERFIELD OF WYOMING, ~~W~~**Y**ET WE SEE THE FACT THAT THIS **WAS** ~~WQR~~ OF DEERFIELD WAS NOTHING MORE NOR LESS THAN AN **I**NDIAN MASSACRE. WHITE MEN WERE IN IT, IT IS TRU~~E~~**E,** SO THERE WERE AT DEERFIELD—SO THEY WERE AT WYOMING, AND YOU MAY READ THE HISTORY OF	THE VALLEYS COULD NOT HAVE CONTROLLED [*space*] ALTHOUGH WE SHALL POINT TO THIS MOUNTAIN MEADOW MASSACRE AS A HORRIBLE TRAGEDY —[?] THAT HAS NEVER BEEN EXCELLED IN HORRIBLENESS IN FIENDISHNESS NOT EVEN BY THE MASSACRE OF DEERFIELD OR WYOMING *NOTE/YET*[?] THE [*space*] FACT AND REALLY AND TRUTHFULLY NOTHING MORE ~~THAN~~ NOR LESS THAN AN INDIAN MASSACRE WHITE MEN WERE IN IT IS TRUE SO THEY WERE AT DEERFIELD SO THEY WERE AT WYOMING, YOU MAY ~~HEAR~~ READ HISTORY OF

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RT	RS	BT	PS
	AMERICA, FULL CONFLICTS UPON THE FRONTIERS AND OF ALL THE MASSACRES THAT HAVE EVER BEEN PERPETRATED BY SAVAGE INDIANS, AND YOU WILL ALWAYS FIND THAT WHITE MEN WERE THERE. SINGULAR AS IT MAY BE, WE FIND WHEN WE FATHOM LOWEST DEPTHS OF CRIME OF HELLISH DEEDS, THAT WE FIND THAT NOT ALONE UNTUTORED SAVAGE, THE BARBARIAN OR CANNIBAL WERE THERE; WE FIND SEVERAL WHITE MEN. IN 1857 **&** 8; IN 1867 **&** 8, WHEN THE HORRIBLE	AMERICA,— F~~I~~ULL OF CONFLICTS UPON THE FRONTIERS. AND OF ALL THE MASSACRES THAT HAVE EVER HAPPENED OR BEEN PERPETRATED BY SAVAGE **I**NDIANS, ~~AND~~ YOU WILL ALW~~S~~AYS FIND THAT ~~T~~ WHITE MENWERE THERE. SINGULAR AS IT MAY BE, WE FIND THAT THEY MAY FALL TO THE LOWEST DEPTHS OF CRIME AND OF HE**L**LISH DEEDS.. A~~M~~ND WE FIND THAT NOT ALONE THE UNTUTORED SAVAGE, THE BARBARIAN OR THE CANNIBAL WERE THERE; BUT WE FIND THE CIVILIZED WHITE MAN. IN I857 AND ‘8, — IN I867 AND ‘8, WHEN THE **HORRIBLE**	AMERICA OF ALL MASSACRES THAT HAVE EVER BEEN PERPETRATED BY THE SAVAGE INDIANS, AND YOU WILL *ALWAYS*[?] FIND THAT WHITE MEN WERE THERE SINGULAR AS IT MAY BE WHEN WE FATHOM THE LOWEST DEPTHS OF CRIME AND HELLISH DEEDS, THAT WE FIND THAT NOT ALONE THE UNTUTORED SAVAGE AND BARBARIAN AND CANNIBAL ARE THERE, BUT WE FIND CIVILIZED WHITE MEN [*space*] IN I857 AND 8, IN 67 **&** 8 WHEN THE HORRIBLE

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RT	RS	BT	PS
	OUTRAGES WERE BEING PERPETRATED UPON THE PLAINS BY THE INDIANS, IT WAS NOT INFREQUENTLY AMONG THE SLAIN INDIANS WOULD BE FOUND RED HAIRED WHITE MEN. WE SHALL CLASS THIS AS AN INDIAN MASSACRE, LEAVING WHITE MEN WHO ASSISTED IN IT AS ONLY ALLIES, AND SHALL SHOW TO GIVE WHY THEY WERE THERE, AND HOW IT SO HAPPENED TO BE. MY FRIEND OF THE PROSECUTION AGAIN MADE USE AN ANALOGY THAT WILL IN PERHAPS SLIGHT DEGREE SHOW HOW THIS THING HAPPENED TO	~~HOLLIBLE~~ TRAGEDIES WERE BEING PERPETRATED UPON THE PLAINS BY THE **I**ND**I**ANS, IT WAS NOT UNFREQUENTLY AMO~~U~~NG THE SLAIN **I**NDIANS WOULD BE FOUND A READ HAIRED WHITE MAN. WE SHALL CLOSE THIS **I**NDIAN MASSACRE, LEAVING WHITE MEN TO ASSIST IN IT, AS ONLY ALLIES; AN D SHALL SHOW YOU WHY THEY WERE THERE, AND HOW IT SO HAPPENED TO BE. MY F~~I~~RIEND OF THE PROSECUTION MADE ~~THE ANNA USE ANALOGY~~ USE OF AN ANALOGY THAT WIL**L,** I~~H~~N PERHAPS A SLIGHT DEGREE**,** SHOW YOU HOW THIS THIN~~K~~**G** HAPPENED TO	OUTRAGES WERE BEING PERPETRATED UPON THE PLAINS BY THE INDIANS, IT WAS NOT INFREQUENTLY AMONG THE SLAIN INDIANS WOULD BE FOUND A RED HAIRED WHITE MAN WE SHALL CLASS THIS AS AN INDIAN MASSACRE, LEAVING WHITE MEN WHO ASSIST IN IT AS ONLY ALLIES AND SHALL SHOW TO YOU *WHY*[?] THEY WERE THERE HOW IT SO HAPPENED TO BE [*space*] MY FRIEND IN THE PROSECUTION [*space*] AGAIN MAKE ANALOGY THAT WILL PERHAPS IN A SLIGHT DEGREE SHOW HOW THIS THING HAPPENED TO

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RT	RS	BT	PS
	BE. HE ILLUSTRATED A SIMILAR POINT. REFERRING TO THE BLACK HOLE OF CALCUTTA IN WHICH A HUNDRED 123 ≼OR I BELIEVE≽ HUMAN BEINGS = INDIAN SOLDIERS PERISHED IN ONE NIGHT. ≼I BELIEVE≽ IT WAS NENA SAHIB = <***NENA SAHIB HYDE'S ADJ***> I WILL NOT BE CONCERNED WHICH, ≼HEAD≽ COMMANDER OF THE HINDU'S AT THAT TIME HE WAS TYRANT; VICIOUS, FEARFUL TYRANT HE WAS AT WAR WITH THE ENGLISH = ENGLISH = ENGLAND WAS CARRYING ON WAR OF SUBJECTION AGAINST THESE HINDUS, AND	BE. ~~ILLUSTRATE~~ HE ILLUSTRATED A SMILLAR POINT. REFERRING TO THE **B**LACK HOLE OF CALCUTTA IN WHICH ~~A~~ I23 HUMAN BEINGS, **I**NDIAN SOLDIERS PERISHED IN ONE NIGHT. I BELIEVE IT WAS NENA SAHIB OR HYDER ALI, I WILL NOT BE CERTAIN WHICH, THE HEAD COMMANDER OF THE HINDOOS AT THAT TIME. HE WAS A TYRANT, VICIOUS, FEARFULL TYRANT. HE WAS AT WAR WITH THE ENGLISH ~~— THE ENGLISY —~~ **THEN** ENGLAND WAS CARRYING ON A WAR OF SUBJUGATION AGAINST THESE HINDOOS, AND	BE HE ILLUSTRATED SOME LITTLE POINT *[[22]]* REFERRING TO THE BLACK HOLE OF CALCUTTA IN WHICH A HUNDRED AND 23 I BELIEVE HUMAN BEINGS INDIAN SOLDIERS PERISHED IN ONE NIGHT I BELIEVE IT WAS ~~*NV SD*~~[?] ≼NENA SAHIB≽ [*space*] OR *HD/HYDE/HEAD*[?] *RTHR/RDR/RATH ER*[?] [*space*] COMMANDER OF THE HINDUS AT THAT TIME HE WAS A TYRANT A VICIOUS FEARFUL TYRANT HE WAS *AT WAR*[?] WITH THE ENGLISH ENGLISH WAS RUNNING ON A WAR OF SUBJECTION AGAINST THESE HINDUS, AND

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RT	RS	BT	PS
	IN ONE OF THEIR CONFLICTS ≤**A**≥ LARGE NUMBER OF ENGLISH SOLDIERS HAD BEEN TAKEN PRISONERS THEY WERE HURRIED TO THE PRISON IT WAS SMALL, IT WAS WITHOUT VENTILATION: *AND/BUT*[?] THE TYRANT RULER OF THE HINDUS LAID DOWN TO TAKE HIS REST AND SLEPT HIS SUBORDINATES WHO HAD CHARGE THOSE SOLDIERS THAT WERE THUS INCARCERATED IN THE BLACK HOLE OF CALCUTTA, COULD SEE THESE SOLDIERS PERISHING ONE BY ONE WITH SUFFOCATION, PERISHING IN THAT BLACK HOLE AT CALCUTTA; YET	IN ONE OF THEIR CONFLICTS A LARGE NUMBER OF ENGLISH SOLDIERS HAD BEEN TAKEN PRISONERS/ THEY WERE HURRIED TO THE PRISON. IT WAS SMALL. *[141]* IT WAS WITHOUT VENTILATION;, BUT THE ~~THR~~ TYRANT RULER OF THE HINDOOS**,** LAID DOWN TO TAKE HIS REST AND SLEPT. HIS SUBBORDINATES WHO HAD CHARGE OF THE SOLDIERS THAT WERE THUS INCAR~~S~~CERATED IN THE **B**LACK **H**OLE OF CALCUTTA, COULD SEE THESE SOLDIERS PER~~S~~ISHING ONE BY ONE WITH SUFFOCATION — PERISHING IN THAT B~~A~~LACK HOLE OF CALCUTT~~A~~. YET	IN ONE OF THEIR CONFLICTS A LARGE NUMBERS OF ENGLISH SOLDIERS HAD BEEN TAKEN PRISONERS THEY WERE HURRIED TO THE PRISON IT WAS SMALL, IT WAS WITHOUT VENTILATION, *AND/BUT*[?] TYRANT RULER OF THE HINDUS LAID DOWN TO TAKE HIS REST AND SLEPT HIS SUBORDINATES WHO HAD CHARGE OF THOSE SOLDIERS THAT WERE THUS INCARCERATED IN THE BLACK HOLE AT CALCUTTA, COULD SEE THESE SOLDIERS PERISHING ONE BY ONE WITH SUFFOCATION PERISHING IN THAT BLACK HOLE OF CALCUTTA, YET

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RT	RS	BT	PS
	THEY DARED NOT FOR THEIR LIVES WAKE SLEEPING TYRANT OR MAKE KNOWN TO HIM THAT *KDS/*—[?] WITHIN THAT PRISON THOUGH THE GUARD LOOKED ON IN HORROR AND WEPT THAT THESE ENGLISH SOLDIERS WERE PERISHING SO, YET THEY DARED DID NOT MOVE THEM WITHOUT THE ORDERS OF THEIR SUPERIOR, DARE NOT WAKE THE SUPERIOR UPON THE PERIL OF THEIR LIVES. THE PARALLEL THAT WE WISH TO MAKE WILL BE, THAT A MAN WHO MAY HAVE TAKEN PART IN THIS, LIKE THE GUARD OVER THESE	THEY DARN'T **DARE NOT** FOR THEIR LIVES WAKE THE SL~~PP~~EEPING TYRANT AND MAKE KNOWN TO HIM THE CONDITION THAT THE PRISONERS WERE IN. THE GUARDS LOOKED ON IN HORROR AND WEPT THAT THESE ENGLISH SOLDIERS WERE PERISHING SO; YET THEY DARED NOT MOVE WITHOUT THE ORDERS OF THEIR SUPERIOR; DARED NOT WAKE THEIR SUPERIOR UPON THE PERIL OF THEIR LIVES. THE P**A**RRALLEL THAT WE WISH TO MAKE WILL BE THAT THE ~~K~~MEN WHO MAY HAVE TAKEN PART IN THIS, LIKE THE GUARD OVER THESE	THEY *DARED*[?] FOR THEIR LIVES WAKE THE SLEEPING TYRANT AND MAKE KNOWN TO THEM [*space*] THOUGH THE GUARD LOOKED ON IN HORROR AND WEPT THAT THOSE ENGLISH SOLDIERS WERE PERISHING SO; YET THEY DARED NOT MOVE THEM WITHOUT THE ORDERS OF SUPERIOR AND DARED NOT *THING*[?] [*space*] PERIL OF THEIR LIVES [*space*] THE PARALLEL THAT WE SHALL MAKE THAT MEN *WHO/THAT*[?] MAY HAVE TAKEN PART IN THIS LIKE THE GUARD OVER THESE

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RT	RS	BT	PS
	PRISONERS UNABLE = DARING NOT TO DO OTHERWISE THAN HE DID. IT IS NOT ALWAYS THE MAN WHO REACHES FORTH HIS HAND TO DO AN ACT, IS THE ONE TO BLAME. AS FOR INSTANCE HORRIBLE MUTINIES HAVE TOOK PLACE UPON THE HIGH SEAS; MEN WOMEN AND CHILDREN HAVE ALL BEEN MASSACRED AND THROWN IN THE BRINY DEEP. WHOLE SHIPS OF INNOCENT MEN WEEPING *[[24]]* CHILDREN AND = LITTLE BABES HAVE PERISHED SO; PERISHED TO GRATIFY AVARICE OF SOME HARDENED SINNERS, MUTINEERS, PIRATES; YET THOSE VERY PIRATES	PRISONERS, UNABLE, DARED NOT TO DO OTHERWISE, THAN AS THEY DID. IT IS NOT ALWAYS THE MAN WHO REACHES FORTH HIS HAND TO DO AN ACT T**H**AT IS THE ONLY ONE TO BLAME. AS, FOR INSTANCE, H~~R~~**O**~~L~~RRIBLE MUTINIES HAVE TAKEN PLACE ON THE HIGH SEAS. MEN, WOMEN AND CHILDREN HAVE BEEN MASSACRED AND THROWN INTO THE BRINY DEEP. WHOLE SHIPPLOADS OF MEN AND WE~~A~~**E**PING CHILDREN AND LITTLE BABES HAVE PERISHED SO; PERISHED TO GRATIFY THE AVERICE OF SOME HARDENED SINNERS, MUTINEERS, PIRATE~~D~~S. YET THESE VERY PIRATES	PRISONERS *UNABLE*[?] DARING NOT TO DO OTHERWISE THAN AS THEY DID IT IS NOT ALWAYS THE MAN WHO REACHES FORTH HIS HAND TO DO AN ACT IS THE ONE TO BLAME AS FOR INSTANCE HORRIBLE MUTINIES HAVE TAKEN PLACE UP ON THE HIGH SEAS, MEN WOMEN AND CHILDREN HAVE THERE BEEN MASSACRED AND THROWN INTO THE BRINY DEEP WHOLE SHIPLOADS OF INNOCENT MEN WEEPING CHILDREN AND LITTLE BABES HAVE PERISHED SO PERISHED TO GRATIFY THE AVARICE OF SOME HARDENED SINNERS; MUTINEERS PIRATES; YET THOSE VERY PIRATES ~~WHEN~~

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RT	RS	BT	PS
	SO MUTINIED TAKING POSSESSION OF THE SHIP, ASSUMING ITS ENTIRE LIST OF PASSENGERS MAY HAVE BEEN UNABLE TO GUIDE THAT SHIP IN{TO}[i] PORT AND THEY WOULD TAKE FROM THE NUMBER OF THE SHIP'S CREW SOME MEN OR MAN TO TAKE THE HELM, AND FORCE THESE MEN GUIDE THAT SHIP AS THEY DIRECTED. THERE AND THEN AMONG THE DECK OF THAT VESSEL HAS BEEN PERPETRATED DIABOLICAL SIN, HORRIBLE CRIMES; THE MURDER OF MEN WOMEN AND CHILDREN, AND AMONG THEM SELECTED A MAN TO GUIDE THOSE MURDERERS	SO MUTINIED, ~~AND~~ TOOK POSSESSION OF THE SHIP , MURDERING THE ENTIRE LIST OF PASS~~A~~ENGERS MAY HAVE BEEN UNABLE TO GUIDE THAT SHIP INTO PORT; AND THEY WOULD TAKE FROM THE NUMBER OF THE SHIPPS CREW SOME MEN OR MAN TO TAKE THE HELM AND FORCE THIS MAN TO GUIDE THAT SHIPP AS THEY DIRECTED. THERE WERE THEN, ~~AMONG~~ **ON** THE DECK OF THAT VESSEL HAS BEEN PERPETRAT~~E~~D **A** DIABOLICLE SIN, HORRIBLE CRIMES — THE MURDER OF MEN, WOMEN AND CHILDREN, AND AMONG THEM SELECTED A MAN TO GUIDE THESE MURDERERS	SO MUTINYING TOOK POSSESSION OF THE SHIP AND MURDERED THE ENTIRE PASSENGERS *[[23]]* MAY HAVE BEEN UNABLE TO GUIDE THAT SHIP INTO PORT AND THEY WOULD TAKE FROM THE NUMBER OF THE SHIPS CREW SOME MEN OR MAN TO TAKE THE HELM AND FORCE THESE MEN TO GUIDE THAT SHIP AS THEY DIRECT THERE THEN ON THE DECK OF THAT VESSEL HAS BEEN PERPETRATED DIABOLICAL SIN HORRIBLE CRIMES, THE MURDER OF MEN WOMEN AND CHILDREN, AND AMONG THEM SELECT A MAN TO GUIDE THOSE MURDERERS

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RT	RS	BT	PS
	AND THE PRIZE THEIR PROPERTY SAFELY INTO SOME HARBOR HE THERE, IS **A** PARTICIPANT THAT HAND = THAT PHYSICAL ACT = THAT MAN[304] WHO SO GUIDES THE SHIP IS AN ACCESSORY TO THAT CRIME BY HIS VERY ACT. YET HE HAS NO INTENTION OF BEING SO, ≤HE≥ HAS NO INTENTION OF DOING IT IT IS THE FEAR OF HIS OWN LIFE THAT COMPELS HIM TO PARTICIPATE WITH THE MURDERERS. IT IS FOR HIS OWN SAFETY THAT HE ACTS WITH THEM, AND KNOWING IF HE REFUSES HE WILL MEET THE FATE OF OTHERS THAT HE HAS SEEN SLAIN. HE IS NOT A	AND THE PRISE AND THEIR PROPERTY SAFELY INTO SOME HARBOR. HE THERE IS A PARTICIPANT. THAT HAND, THAT PHYSICAL ACT, THAT MAN WHO *[142]* SO GUIDES THE SHIP IS AN ACCE~~Z~~SSORY OF THA**T** CRIME BY HIS VERY ACT; YET, HE HAS NO IN~~F~~TENTION OF BEING SO; HE HAS NO INTENTION O~~D~~F DOING IT. IT ISTHE FEAR OF HIS OWN LIFE THAT COMPELLS HIM TO PARTICIPA~~T~~E WITH THE MURDERERS. IT IS FOR HIS OWN SAFETY THAT HE ACTS WITH THEM, AND KNOWING IF HE REFUSES, HE WILL MEET THE FATE OF OTHERS THAT HE HAS SEEN SLAIN. HE IS NOT A	AND THE PRIZE THEIR PROPERTY SAFELY INTO SOME HARBOR HE THERE IS A PARTICIPANT THAT THING THAT PHYSICAL ACT THAT MAN[305] WHO SO GUIDES THE SHIP IS AN ACCESSORY TO THAT CRIME BY HIS VERY ACT YET HE HAS NO INTENTION OF BEING SO HE HAS NO INTENTION OF DOING IT IT IS THE FEAR OF *HIS*[?] OWN LIFE THAT COMPELS HIM TO PARTICIPATE WITH THE MURDERERS IT IS FOR HIS OWN SAFETY THAT HE ACTS WITH THEM KNOWING THAT IF HE REFUSES HE WILL MEET THE FATE OF THE OTHERS THAT HE HAS SEEN SLAIN HE IS NOT A

304. Rogerson's hand symbol; it is in the same place in Patterson's shorthand.
305. Rogerson's hand symbol.

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RT	RS	BT	PS
	WILLING ACTOR. HE IS NOT IN HEART AND MIND AND PART OF THE CRIMINAL ≤HE IS NOT A≥ PARTICIPATOR IN THE CRIME, ALTHOUGH HIS ACTS WOULD SHOW IT SO. IN THE HISTORY OF HUMAN LIFE, ≤WE FIND≥ MANY SUCH, ≤INCIDENTS≥ MEN ACTING UNDER COMPULSION TO SAVE THEIR OWN LIVES, OR PERHAPS TO BETTER THE CONDITION OF OTHERS, OR SAVE THE LIVES OF OTHERS, THINGS THAT WOULD LOOK AS IF THEY WERE PRINCIPLE ACTORS, PRINCIPLE CRIMINALS; WHEN IN FACT AND IN TRUTH DEEP IN THEIR OWN HEARTS IS	WILLING ACTOR. **H**E IS NOT IN ANY WAY A PARTICEPS CRIMINIS; HE IS NOT A PART**I**CIPATOR IN THE CRIME; ALTHOUGH HIS ACTS WOULD SHOW IT SO. IN THE HISTORY OF HUMAN LIFE, WE FIND WOMEN, CHILDREN, **INNOCENT** MEN**,** ACTING UNDER COMPULSION TO SAVE ~~THE L~~ THEIR OWN LIVES~~.~~; OR PERHAPS TO BETTER THE CONDITION OF OTHERS; OR SAVE THE LIVES OF OTHERS. ~~THISGS **IS**~~ **THINGS** THAT WOULD LOOK AS THOUGH THE~~R~~Y WERE PRINCI~~L~~P~~LE~~**AL** ACTORS, PRI~~M~~NCIP~~LE~~**AL** CRIMINALS~~;~~,, WHEN IN FACT AND IN TRUTH, DEEP IN THEIR OWN HEARTS**,** IS	WILLING ACTOR HE IS NOT IN HEART AND MIND A PARTICEPS CRIMINIS HE IS NOT A PARTICIPATOR IN THE CRIME, ALTHOUGH HIS ACTS WOULD SHOW IT SO. [*space*] IN THE HISTORY OF HUMAN LIFE WE FIND MANY SUCH INCIDENTS MEN ACTING UNDER COMPULSION TO SAVE THEIR OWN LIVES OR PERHAPS TO BETTER THE CONDITION OF OTHERS OR SAVE THE LIVES OF OTHERS, DID THINGS THAT WOULD LOOK AS THOUGH THEY WERE PRINCIPLE ACTORS PRINCIPAL CRIMINALS WHEN IN FACT AND IN TRUTH DEEP IN THEIR OWN HEARTS IS

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RT	RS	BT	PS
	A WELLING STRUGGLE AND A PRAYER FOR THE SAFETY OF THOSE FOR WHOM THEY ARE ACTING PERHAPS ≺I≻ SHALL AGAIN REFER TO THIS WHEN *I*[?] REFER TO THE FACT, THAT WHILE THIS MOST FIENDLY HELLISH SLAUGHTER OF MEN CHILDREN WAS TAKING PLACE, DURING THE SEVERAL DAYS ~~OUT THERE~~ IT WAS GOING ON, ≺THAT THERE≻ WAS BUT ONE MAN IN ALL THAT CROWD = IN ALL THAT HORDE OF FIENDS WHITES = WHITES AND INDIANS, IN THAT LINE OF FOUL BAD MEN = THERE	A WELLING STRUGGLE AND A PRAYER FOR THE SAFETY ~~FOR THE~~ ~~SAFETY~~ OF THOSE FOR WHOM THEY ARE ACTING. PERHAPS, I SHALL AGAIN REFER TO THESE WHEN I REFER TO THE **FACT** ~~EFFECT~~, THAT WHILE ~~THESE MEN~~ ~~EVIDENTLY~~ THIS MOST FIENDISH HELLISH SLAUGHTER OF MEN **WOMEN** AND CHILDREN WAS TAKING PLACE **AND** DURING ~~**AND**~~ THE SEVERAL DAYS IT WAS GOING ON, THAT T**H**ERE WAS BUT ONE MAN IN ALL THAT CROUD IN ALL THAT HOARD OF FIENDS, WHITES AND **I**NDIANS, IN ALL THAT LINE OF FOUL BAD MEN, THERE	A WELLING A STRUGGLE AND A PRAYER FOR THE SAFETY OF THOSE FOR WHOM THEY ARE ACTING PERHAPS I SHALL AGAIN REFER TO THIS WHEN I REFER TO THE FACT, THAT WHILE THIS MOST FIENDISH AND HELLISH SLAUGHTER OF MEN WOMEN ≺PLUS≻ CHILDREN DURING THE SEVERAL DAYS IT WAS GOING ON THAT THERE WAS BUT ONE MAN IN ALL THAT CROWD IN ALL THAT HORDE OF FIENDS = WHITES AND INDIANS = IN ALL THAT LINE OF EVIL BAD MEN = THERE

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RT	RS	BT	PS
	WAS BUT ONE THAT RAISED HIS HAND AND VOICE IN BEHALF OF THOSE DOOMED EMIGRANTS THERE WAS ONE MAN THERE THAT WEPT = THAT RAISED HIS VOICE AND HANDS TO HEAVEN, SAYING, THAT HE COULD NOT DO THIS THERE WAS ONE MAN THAT PRAYED TO THEM FOR GOD'S SAKE FOR THE PEOPLE'S SAKE AND FOR HIS SAKE TO SEND FOR REINFORCEMEN TS TO SAVE THIS PEOPLE THERE WAS ONE MAN THAT BROKE OUT IN HEROISM, SAYING, IF THERE IS ANY 5 MEN WILL GO WITH ME, WE'LL GO INTO AND LEAD THAT TRAIN OF EMIGRANTS	WAS BUT ONE THAT RAISED HIS HAND AND VOICE IN BEHALF OF THOSE DOOMED EMIGRANTS. THERE WAS O~~J~~NE MAN THERE THAT WEPT — THAT RAISED HIS VOICE AND HANDS TO HEAVEN, SAYING THAT HE C**O**ULD NOT DO THIS. THERE WAS ONE MAN THAT PRAYED, TO THEM **"**FOR GODS SAKE, FOR THE PEO~~L~~**P**LES SAKE AND FOR HIS SAKE TO SEND FOR REINFORCEMEN TS AN D SAVE THIS PEOPLE.**"** THERE WAS ONE MAN T**H**AT BROKE OUT IN HEROISM, SAYING, "IF THERE IS ANY FIVE MEN WILL GO WITH ME, WE WILL GO INTO AND LEAD THAT TRAIN	WAS BUT ONE THAT RAISED HIS HAND AND VOICE IN BEHALF OF THOSE *[[24]]* DOOMED EMIGRANTS THERE WAS ONE MAN THERE THAT WEPT, THAT RAISED HIS VOICE AND HANDS TO HEAVEN SAYING THAT HE COULD NOT DO THIS THERE WAS ONE MAN THAT PRAYED TO THEM FOR GOD'S SAKE FOR THE PEOPLE'S AND FOR HIS SAKE TO SEND FOR REINFORCEMEN TS TO SAVE THIS PEOPLE THERE WAS ONE MAN THERE THAT BROKE OUT *WITH*[?] HEROISM SAYING THAT IF THERE IS ANY FIVE MEN WILL GO WITH ME WE'LL GO IN AND LEAD THAT TRAIN OF EMIGRANTS

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RT	RS	BT	PS
	OUT IN SAFETY OR LOSE OUR LIVES WE'LL SHOW THIS TO YOU GENTLEMEN OF THE JURY, AND SHOW YOU THAT THAT MAN IS THE MAN WHOSE LIFE IS NOW IN YOUR HANDS *[[25]]* THERE WERE FEARFUL RESTRAINTS UPON THOSE PEOPLE ~~<~~THAT *WERE*[?]~~>~~ THERE SHALL ENDEAVOR TO SHOW THEM TO YOU BEFORE I GET THROUGH, THERE WAS NOT ONLY THE FEAR OF ORDERS THAT WERE GIVEN THEM, BUT OF THE INDIANS BACK OF THAT, WHICH WAS THE PRINCIPLE CAUSE. I SHALL REFER YOU AGAIN TO THE FACT AS THE PROSECUTION HAVE	OUT IN SAFETY OR LOOSE OUR LIVES.**"** WE WILL SHOW THIS TO YOU GENTLEMEN OF THE JURY, AND SHOW YOU THAT MA**N** IS ~~A~~ **THE** MAN WHOS**E** LIFE IS **NOW** IN YOUR HANDS. *[143]* THERE WERE FE~~Q~~ARFUL RESTRAIN**TS** ON THESE PEOPLE THAT WERE THERE. I SHALL ENDEAVOR TO SHOW TO YOU BEFO**R**E I GET THROUGH THAT THERE WA~~N~~S NOT ONLY FEAR OF THE ORDERS THAT WERE GIVEN THEM, BUT OF THE **I**NDIANS BACK OF THAT, WHICH WAS THE PRINCI~~L~~P~~LE~~**AL** CAUSE. I SHALL REFER YOU AGAIN TO THE FACT AS THE PROSECUTION HAVE	OUT IN SAFETY OR LOSE OUR LIVES WE'LL SHOW THIS TO YOU GENTLEMEN OF THE JURY AND SHOW YOU THAT THAT MAN IS THE MAN WHOSE LIFE IS NOW IN YOUR HANDS THERE WERE FEARFUL RESTRAINTS ON THOSE PEOPLE THAT WERE THERE I SHALL ENDEAVOR TO SHOW THEM TO YOU BEFORE I GET THROUGH THERE WAS NOT ONLY FEAR OF THE ORDERS THAT WERE GIVEN THEM = BUT OF THE INDIANS BACK OF THAT, WHICH WAS THE PRINCIPLE CAUSE I SHALL REFER YOU AGAIN TO THE FACT THAT AS THE PROSECUTION HAVE

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RT	RS	BT	PS
	PRESENTED IT, THAT THERE WAS FEAR OF MEN'S LIVES THERE IF THEY DISOBEYED, AND WHEN THE FACT IS PRESENTED TO YOU, THAT THE MAN WHO WAS GIFTED WITH COMMAND TO OBEY ≤**ORDER**≥ ALL THE PEOPLE TO ORDER THAT PEOPLE ALL THE PEOPLE OF THAT COUNTRY TO OBEY HIM; AND LIKE THE TURKISH; LAW, TO HEAR WAS TO OBEY, AND THAT AS ALL THE PEOPLE THERE WERE UNDER HIS COMMANDS SAVE ONE, AND THERE WAS BUT ONE MAN IN ALL THAT *COMPANY*[?] GAVE THAT COULD *REMAND*[?] HIS ORDERS ALL OTHERS WERE TO BE *KIND OF THAT*[?] AND DID	PRESENTED IT THAT THERE WAS FEAR OF MEN 'S LIVES IFTHEY DISOBEYED; AND WHEN THE FACT IS PRESENTED TO YOU, THAT ~~A~~ **THE** MAN WHO WAS GIFTED WITH CO~~NN~~MMAN~~T~~**D** TO ORDER ALL THE PEOPLE A**N**D THE PEOPLE OF THAT COUNTRY TO OBEY HIM, ~~AND~~ LIKE THE **T**URKISH LAW**,** TO HEAR WAS TO OBEY, AND THAT ALL THE PEOPLE THERE WAS UNDER HIS COMMANDS, SAVE ON~~Z~~O, AND THERE WAS BUT ONE MAN IN ALL THAT COMPANY**,** ~~IN~~ THAT GOOD OLD MAN, HIS ORDERS TO OTHERS WERE TO BE KIND AND THEY DID	PRESENTED THAT THERE WAS FEAR OF MEN'S LIVES THERE IF THEY DISOBEYED; AND WHEN THE FACT IS PRESENTED TO YOU THAT THE MAN WHO WAS GIFTED WITH COMMAND TO ~~OBEY~~ ≤ORDER≥ ALL THAT PEOPLE ALL THE PEOPLE OF THAT COUNTRY TO OBEY HIM AND LIKE THE TURKISH LAW TO HEAR WAS TO OBEY AND THAT ALL THE PEOPLE THERE WERE UNDER HIS COMMAND *WAS/S*[?] ONE, AND THERE WAS BUT ONE MAN IN ALL THAT COMPANY THAT COULD *COUNTERMAND*[?] THAT ORDERS ALL OTHERS WERE TO OBEY AND WHAT HE DID

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RT	RS	BT	PS
	OBEY, BUT WHEN THAT MAN = SECOND IN COMMAND WILL COME BEFORE YOU AND SAY, THAT HE WITH HIS TRUSTY RIFLE STANDING FROM 6 TO TEN FEET FEET OF A DOOMED VICTIM WOULD DELIBERATELY, FIRE AND KILL THAT MAN UNDER ORDERS, THAT HE DARE NOT DISOBEY HIM A BISHOP IN THE CHURCH, HOW MUCH MORE SO WILL IT BE TO A LAY MEMBER WHO HELD NO OFFICE. FOR THERE WAS HANGING OVER THIS PEOPLE SUCH A DREAD FEAR = SUCH A HORRIBLE STATE OF SOCIETY, FOR THERE HAD BEEN IN THE COUNTRY SUCH	OBEY. AND WHEN THAT MAN SECOND IN COMMAND WILL COME BEFOREYOU AND SAY THAT HE WITH HIS TRUSTY RIFLE, STANDING FROM SIX TO I0 FEET FROM ~~FROM~~ A DOOMED VICTIM WOULD DELIBERATELY FIRE AND KILL THAT MAN UNDER ORDERS THAT HE TURNED **&** **FIRED** THAT HE DAR~~'T~~**E NOT** DISOBEY HIM~~.~~**,** **—** A BISHOP IN THE CHURCH**—** HOW MUCH MORE SO WOULD IT BE TO A LAY MEMBER WHO HELD NO OFFICE. FOR THERE WAS HANGING OVER THIS PEOPLE SUCH A D~~E~~READ FEAR, SUCH A HORRIBLE STATE OF SOCIETY~~;~~, FOR THERE HAD B**E**EN IN THE COUNTRY SUCH	OBEY AND WHEN THAT MAN SECOND IN COMMAND WILL COME BEFORE YOU AND SAY THAT HE WITH HIS TRUSTY RIFLE, STANDING FROM 6 TO 10 FEET FROM A DOOMED VICTIM WOULD DELIBERATELY, FIRE AND KILL THAT MAN UNDER ORDERS, THAT HE DARE NOT DISOBEY HIM A BISHOP IN THE CHURCH HOW MUCH MORE SO MIGHT IT *BE/DO*[?] TO A LAY MEMBER WHO HELD NO OFFICE FOR THERE WAS HANGING OVER THIS PEOPLE SUCH A DREAD FEAR = SUCH A HORRIBLE STATE OF SOCIETY FOR THERE HAD BEEN THE COUNTRY SUCH

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RT	RS	BT	PS
	A HISTORY ONE OF CRIME OF EVERY KIND AS THE WITNESSES DETAILED, THAT MEN WERE READY THEIR RIFLES IN THEIR HANDS, AND WORE THEM IN FEAR OF THEM AND THAT MAN ABOVE WHOM THERE WAS BUT ONE IN AUTHORITY WOULD GO FORWARD WITHOUT RESISTANCE AND OBEY *HIS/S*[?] DIABOLICAL ORDERS, WHAT CAN YOU EXPECT OF A SIMPLE LAY MAN. MASSACRE OF THE PEOPLE OF **AI** WAS AS BUT NOTHING TO	A HISTORY OF CRIME OF EVERY KIND ~~T~~AS THE WITNESS**ES** DETAILED, THAT MEN WOULD CARRY THEIR **LINES** ~~RIFLES~~ IN THEIR HANDS, AND WERE **EVER IN** ~~WITHOUT ANY~~ FEAR OF THEM. A~~ND THAT MAN BEFORE THERE WAS BUT ONE~~ **A**ND **WHEN** THAT MAN BEFORE WHOM THERE WAS BUT ONE IN AUTHORITY, WOULD GO FOR~~A~~WARD WITHOUT **RESISTANCE** ~~ASSISTANCE~~ AND OBEY SUCH DIABLOICLE ORDERS~~.~~**,** ~~WHAT~~ **WHAT** CAN YOU EXPECT OF A SIMPLE LAYMAN. THE MASSACRE OF THE PEOP~~L~~E OF AI **IS** ~~AS~~ NOTHING TO	A *HISTORY* *ONE*[?] OF CRIME OF EVERY KIND AS THE WITNESSES DETAILED, THAT MEN *OUGHT*[?] CARRY THEIR RIFLES IN THEIR HANDS AND WERE EVER IN ANY FEAR OF THAT AND THAT MAN ABOVE WHOM THERE WAS BUT ONE IN AUTHORITY WOULD GO FORWARD WITHOUT RESISTANCE AND OBEY SUCH DIABOLICAL *[[25]]* ORDERS WHAT CAN YOU EXPECT OF A SIMPLE LAYMAN [*space*] THE MASSACRE OF THE PEOPLE OF **AI** WAS AS BUT NOTHING TO

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RT	RS	BT	PS
	THIS ONE POINT OF FACT. THOUSANDS OF YEARS HAVE PASSED SINCE THEN IT IS ONLY OLD FACTS RECORDED IN OLD TESTAMENT, THE PENTATEUCH BOOKS OF MOSES, AND IF THE GENTLEMAN HAD SOUGHT BACK LITTLE FARTHER, READING ON IN THAT SAME BOOK, OR HAD READ THE WHOLE OF THAT CHAPTER OF JOSHUA THROUGH, HE WOULD HAVE SEEN WHERE HIS BIBLICAL AUTHORITY FOR THESE ACTS WOULD HAVE LANDED HIM. THESE PEOPLE ≤THEN≥ WERE LED ALMOST DIRECTLY BY THE HAND OF	THIS IN POINT OF FACT. A THOUSAND YEARS HAVE PASSED SINCE THEN. IT IS ONE OF THE OLD FACTS RE~~F~~CORDED IN THE **O**LD **T**ESTAM~~N~~ENT~~.~~**,** THE PENTATUCH BOOKS OF MOSES; AND IF THE GENTLEMAN HAD SOUGHT TO GO A LITTLE FARTHER**,** READING ON IN THE SAME BOO K OR HAD READ THE WHOLE OF THAT CHAPTER OF JOSHUA THROUGH, HE WOULD *[144]* HAVE SEEN WHERE HIS BIBLICAL AUTHORITY FOR THESE ACTS WOULD HAVE LANDED HIM. THESE PEOPLE WERE ~~HELD~~ **LEAD** ALMOST DIRECTLY BY THE HAND OF	THIS IN POINT OF FACT THOUSANDS OF YEARS HAVE PASSED SINCE THEN IT IS ONE OF THE OLD FACTS RECORDED IN THE OLD TESTAMENT AND IF THE GENTLEMAN HAD SOUGHT *BACK*[?] A LITTLE FARTHER READ IN THAT SAME BOOK OR HAD READ THE WHOLE OF THAT CHAPTER OF JOSHUA THROUGH HE WOULD HAVE SEEN WHERE HIS BIBLICAL AUTHORITY FOR THESE ACTS WOULD HAVE LANDED MATTER THIS PEOPLE THEN WERE LED ALMOST DIRECTLY BY THE HAND OF

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RT	RS	BT	PS
	THE LORD AND ACTED UNDER HIS AUTHORITY IN THIS INSTANCE = SO THE BOOK SAYS, BUT HE MIGHT HAVE BEEN GONE BACK AND FOUND ANOTHER CASE, THAT OF THE PEOPLE OF **SHABEB**, A PLACE WHERE PRINCE ~~<~~**SACHEM**~~>~~ LIVED THAT FELL IN LOVE WITH DINAH OF JACOB, WHERE THEY ~~<~~WERE~~>~~ BY TREACHERY, BUTCHERED ALL THE PEOPLE IN THAT CITY NOT BY THE COMMAND OF THE ALMIGHTY, *NEVER HAD*[?] COMMAND AT ALL. BUT HE WOULD FIND TOO ON READING	THE LORD AND KEPT UN~~I~~DER HIS AUTHORITY IN TH~~EI~~IS INSTANCE , SO THE BOOK SAYS: BUT HE MIGHT HA~~C~~VE GONE BACK AND FOUND A**N**OTHER CASE, THAT OF THE PEOPLE OF SHABEB, A PLACE WHERE THE PRINCES ~~LIVED~~, ~~WHERE FELL~~ SACHEM LIVED, AND WERE IN THE FLOW OF HEALTH DININ~~D~~G **WITH** ~~WITH~~ JACOB, WHERE THEY BY TREA~~T~~CHERY BUTCHERED ALL THE PEOPLE OF THAT CITY, NOT BY THE COMMAND O~~D~~F THE ALMIGH TY, NOT BY THE COMMAND OF THE LORD~~.~~, **BUT** ~~AND~~ BY NO COMMAND AT ALL. ~~BUT~~ **AND** HE WOULD FIND ON READING	THE LORD AND ACTED UNDER HIS AUTHORITY IN THIS INSTANCE SO THE BOOK SAYS BUT HE MIGHT HAVE GONE BACK AND FOUND ANOTHER CASE, THAT OF THE PEOPLE OF *SHLN*[?] I BELIEVE WHERE PRINCE SACHEM LIVED THAT FELL IN LOVE WITH DINAH DAUGHTER OF JACOB, THEY BY TREACHERY BUTCHERED ALL THE PEOPLE OF THAT CITY NOT BY THE COMMAND OF THE ALMIGHTY NOT BY THE COMMAND OF THE LORD, AND HE WOULD FIND ON

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RT	RS	BT	PS
	FURTHER ON, THAT IN THE ONE INSTANCE PUNISHMENT WAS VISITED THERE AND NOT IN THE OTHER. WELL, WE CAN NOT OVERLOOK THE FACT THAT AT THIS TIME = IN THIS COUNTRY = EXISTED A STATE OF AFFAIRS BEARING UPON THE MINDS OF THE PEOPLE ALMOST SIMILAR TO THESE THAT EXISTED AT THE TIME OF THE DESTRUCTION OF THE CITY OF **AI** = OR *SLB/*—[?] ≤**SHAHAB**≥. PEOPLE BELIEVED THEY WERE EXECUTING THE WILL OF GOD, WHEN THEY DID SO, WITHOUT A RESISTANCE = MIND YOU AT THIS TIME BUT THERE IS BUT ONE OF THOSE MEN	FURTHER ON, THAT IN THE ONE INSTANCE PUNISHMENT WAS VISITED THERE AND NOT IN THE OTHER. WELL, WE CAN **NOT** OVERLOOK THE FACT AT THIS TIME IN THIS COUNTRY **THAT** A STATE OF AFFAIRS EXISTED BEARING UPON THE MINDS OF THE PEOPLE ALMOST SIMILARLY TO THOSE THAT EXISTED AT THE TIME OF THE DESTR~~S~~UCTION OF THE CITY OF AI OR SHAHAB. PEOPLE BELIEVED THEY WERE EXECUTING THE WILL OF GOD, AND WHEN THEY DID SO **WITHOUT ANY** ~~AFTER~~ A RESISTANCE. — **M**IND YOU AT THIS TIME THERE IS BUT ONE OF THESE MEN	FURTHER ON THAT IN THE ONE INSTANCE PUNISHMENT WAS VISITED THERE AND NOT IN THE OTHER WE CAN NOT OVERLOOK THE FACT, THAT AT THIS TIME IN THIS COUNTRY EXISTED A STATE OF AFFAIRS BEARING UPON THE MINDS OF THE PEOPLE ALMOST SIMILAR ~~THAT~~ TO THOSE THAT EXISTED ~~IN~~ AT THE TIME OF DESTRUCTION OF THE CITY OF **AI** *SHRM/SHLM*[?]. PEOPLE BELIEVED TO THEY WERE EXECUTING THE WILL OF GOD; AND WHEN THEY DID SO *WITHOUT*[?] A RESISTANCE MIND YOU AT THIS TIME THERE IS BUT ONE OF THOSE MEN

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RT	RS	BT	PS
	WHOSE LIFE IS IN YOUR HANDS, AND THAT ≤AS≥ I SAID ≤BEFORE≥ IS THE ONE MAN WHO RESISTED THESE ACTS; EVEN THAT MAN *[[26]]* THAT WAS BEFORE YOU = THAT WAS IN THE COUNCIL, AS HE SAYS, THAT ORGANIZED THIS MASSACRE, INITIATED IT AND SAW THAT IT WAS CARRIED OUT, THAT IN THAT COUNCIL FEEBLY HE RAISED HIS VOICE AGAINST IT, BUT ON THE FIELD OF CARNAGE OF BLOOD AND DESTRUCTION HE SAYS NOT A WORD. HE MADE NO RESISTANCE, BUT AFTER DETAILING TO YOU ORIGIN AS HE MAKES IT, OF THIS HELLISH ACT, AFTER	WHOS**E** LIFE IS IN YOUR HANDS, AND THAT AS I SAID BEFORE IS THE ONLY MAN WHO RESISTED THESE ACTS, **AND** EVEN THAT M**A**N THAT WAS BEFORE YOU THAT WAS IN THE COUNCIL AS HE SAYS, THAT ORGANIZED THIS MASSACRE INITIATED IT SO THAT IT WAS CARRIED OUT~~.~~ **SAYS** THAT IN THAT COUNCIL FEEBLY HE RAISED HIS VOICE AGAINST IT, BUT ON THE FIELD OF CARNAGE, OF BLOOD AND DESTRUCTION , HE SAYS NOT A WORD , ~~B~~HE MADE NO RESISTANCE; BUT AFTER DETAILING TO YOU THE ORIGIN AS HE MAKES IT OF THIS HELLISH ACT — AFTER	WHOSE LIFE IS IN YOUR HANDS, AND THAT AS I SAID BEFORE IS THE ONLY MAN WHO RESISTED THESE ACTS; EVEN THAT MAN THAT WAS BEFORE YOU, THAT WAS IN THE COUNCIL AS HE SAYS, THAT ORGANIZED THIS MASSACRE, INITIATED IT AND SAW THAT IT WAS CARRIED OUT, THAT IN THAT COUNCIL FEEBLY *HE*[?] RAISED HIS VOICE AGAINST IT, BUT ON THE FIELD OF CARNAGE BLOOD AND DESTRUCTION HE SAID NOT A WORD HE MADE NO RESISTANCE BUT AFTER DETAILING TO YOU THE ORIGIN AS HE MAKES IT OF THE HELLISH ACT AFTER

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RT	RS	BT	PS
	SHOWING HIMSELF A PARTICIPANT IN THAT HORRID AFFAIR, IN ITS ORGANIZATION, IN ITS INCEPTION WHERE IT WAS FIRST CONCOCTED, GOES WITH THE MEN WHO WERE TO EXECUTE IT, AND THERE DOES NOT RAISE HIS VOICE OR MAKE ANY RESISTANCE TO IT WHATEVER, YET WOULD HAVE YOU TO BELIEVE THAT THE WHOLE BLAME OF THIS GREAT TRAGEDY SHOULD REST UPON THE HEAD OF THE MAN WHO DID THEM AND THERE OPPOSED IT. GENTLEMEN OF THE JURY IN ORDER THAT YOU MAY THE BETTER UNDERSTAND	SHOWING HIMSELF A PARTICIPANT IN THAT HORRID ~~AF A~~ AFFAIR, IN ITS ORGANIZATION, IN ITS INCEPTION, WHERE IT WAS FIRST CONCOCTED, GOES WITH THE MEN WHO WERE TO EXECUTE IT ~~.~~**,** AND THERE DOES NOT RAISE HIS VOICE OR MAKE ANY RESISTANCE TO IT WHATEVER; YET, **THEY** ~~I~~ WOULD~~N'T~~ HAVE YOU BELIEVE THAT THE WHOLE BLAME OF THIS GREAT TRAGEDY SHOULD REST UPON THE HEA~~R~~D OF THE MAN WHO DID *[145]* THEN AND THERE ~~A~~OPPOSE IT. GENTLEMEN OF THE JURY, IN ORDER THAT YOU MAY THE BETTER UNDERSTAND,	SHOWING HIMSELF A PARTICIPANT IN THAT HORRID AFFAIR IN ITS ORGANIZATION IN ITS INCEPTION WHERE IT WAS FIRST CONCOCTED, *[[26]]* GOES WITH THE MEN WHO WERE TO EXECUTE IT, AND THERE DOES NOT RAISE HIS VOICE OR MAKE ANY RESISTANCE TO IT WHATEVER, YET HAVE YOU TO BELIEVE THAT THE WHOLE BLAME OF THIS GREAT TRAGEDY SHOULD REST UPON THE HEAD OF THE MAN WHO DID THEN AND THERE OPPOSE IT [*space*] GENTLEMEN OF THE JURY IN ORDER THAT YOU MAY THE BETTER UNDERSTAND

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RT	RS	BT	PS
	HOW THESE THINGS WERE LOCATED, I WILL DETAIL TO YOU A LITTLE OF THE GEOGRAPHY OF THIS COUNTRY, FOR IT MAY BE IMPORTANT IN ARRIVING AT YOUR CONCLUSION; AND THAT THE GEOGRAPHY OF THIS COUNTRY WILL HAVE SOME BEARING UPON YOUR OPINION WHERE DONE. WE ARE HERE SEE AT BEAVER ~~≤~~I FIND~~≥~~ I BELIEVE IT IS 45 MILES FROM THE MOUNTAIN MEADOWS TO PAROWAN PAROWAN THEN WAS THE METROPOLIS OF THIS COUNTRY I BELIEVE, AT LEAST IT WAS THE SEAT OF MILITARY AUTHORITY WHERE THE COLONEL LIVED	HOW THESE THINGS WERE LOCATED, I WILL DETAI~~N~~L TO YOU A LITTLE OF THE GEOGRAPHY OF THIS COUNTRY, FOR IT MAY BE INPORTANT IN HELPING TO ARRIVE AT YOUR CONCLUSION; AND THAT THE GEOGRAPHY WILL HAVE SOME BEARING UPON YOUR OPINIONS IN GENERAL. WE ARE HERE, SAY AT BEAVER, I BELIEVE IT IS 45 MILES FROM THE ~~MOUNTAIN~~ MEADO~~S~~WS TO PAROWAN. PAROWAN THEN WAS THE METROPOLIS OF THIS ~~COUJ~~ COUNTRY, I BELIEVE, AT LEAST IT WASTHE SEAT OF MILITARY AUTHORITY, WHERE THE COLONEL LIVED.	HOW THESE THINGS WERE LOCATED, I WILL DETAIL TO YOU A LITTLE OF THE GEOGRAPHY OF THIS COUNTRY FOR IT MAY BE IMPORTANT IN ARRIVING AT YOUR CONCLUSION AND THAT THE GEOGRAPHY OF THIS COUNTRY WILL HAVE SOME BEARING UPON YOUR OPINION WERE DONE WE ARE HERE AT BEAVER I BELIEVE IT IS 45 MILES FROM THE MOUNTAIN MEADOWS BEYOND TO PAROWAN [*space*] WHICH WAS THEN THE METROPOLIS OF THIS COUNTRY; AT LEAST IT WAS SEAT OF MILITARY AUTHORITY

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RT	RS	BT	PS
	PAROWAN IS HERE IN THE OTHER VALLEY LEADING SOUTHWEST ON THE ROAD TO ST. GEORGE AND ON THE OLD SOUTHERN ROUTE TO CALIFORNIA. THE TRANSCONTINENTAL TRAVELER PASSING TO CALIFORNIA TO THE SOUTHERN CALIFORNIA GENERALLY WENT THIS WAY THROUGH THESE VALLEYS PASSING FROM HERE OVER AND —[?] THROUGH THIS TOWN THROUGH THE OTHER VALLEYS STRIKING THE GREAT DESERT, PASSING SOUTH OF SAN BERNARDINO TO CALIFORNIA. FROM PAROWAN GOING	PAROWAN **IS** ~~IN~~ OVER IN THE OTHER VALLEY ON THE ROAD TO ST. GEORGE, AND SOUTH, AND ON THE OLD SOUTHERN ROUTE TO CALIFORNIA. THERE IS A GOOD DEAL OF TRAVE~~R~~L PASSING TO **C**ALIFORNIA— ON TO SOUTHERN **C**ALIFORNIA. IT GENERALLY WENT THIS WAY, THROUGH TH~~ES~~E VALLEYS. PASSING FROM HERE, OVER ~~IN~~**TO THROUGH** THE OTHER TOWNS DOWN TO THE OTHER PLACES , STRIKING THE GREAT DESERT, PASSING SOUTH ~~OF~~ **TO** SANB~~E~~**A**RNARDINO ~~**OF**~~**IN** ~~TO~~ CALIFORNIA: FROM PAROWAN GOING	ON THE WAY TO ST. GEORGE AND SOUTH ON THE OLD SOUTHERN ROUTE TO CALIFORNIA [*space*] THE TRANSCONTINENTAL TRAVELER PASSING TO CALIFORNIA TO THE SOUTHERN CALIFORNIA GENERALLY WENT THIS WAY THROUGH THESE VALLEYS THIS TOWN AND THIS VALLEY [*space*] STRIKE GREAT DESERT [*space*] FROM PAROWAN GOING

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RT	RS	BT	PS
	CONSISTENTLY SOUTH ALONG THE FOOT OF THE MOUNTAINS ALONG THE EDGE OF THE HILLS = SKIRT TO THE VALLEY, I BELIEVE IT IS 18 MILES TO CEDAR CITY CEDAR CITY THEN WAS QUITE A PLACE, PERHAPS AS LARGE OR NEARLY SO AS NOW THERE WAS TWO TOWNS IN THE VALLEYS CLOSE BY BEYOND THAT, 7 MILES WAS ANOTHER SETTLEMENT CALLED HAMILTON FORT. I SHALL SPEAK OF THIS QUESTION OF FORTS, HOW IT HAPPENED TO BE THAT THERE WAS SO MANY FORTS AND WALLED CITIES THERE FROM	STILL SOUTH ALONG THE FOOT OFTHE MOUNTAINS, ALONG THE EDGE OF THE HILLS AND SKIRT OF THE VALLEY, I BELIEVE IT IS I8 MILES TO CEDAR CITY. CEDAR CITY, THEN WAS QUITE A PLACE. PERHAPS AS LARGE OR NEARLY SO AS NOW. THERE WAS TWO TOWNS IN THE VALLESYS CLOSE BY. BEYOND THAT SEVEN MILES WAS ANOTHER SETTLEMENT CALLED HAMILTON'S FORT. I SHALL SPEAK OF THESE OF THIS AGAIN—OF THE FORTS, AND HOW ITHAPPENED TO BE THAT THERE WAS SO MANY FORTS AND WALLED CITIES. FROM	STILL SOUTH ALONG THE FOOT OF THE MOUNTAINS ALONG THE EDGE OF THE HILLS AND SKIRT OF THE VALLEY I BELIEVE IT IS 18 MILES TO CEDAR CITY CEDAR CITY THEN WAS QUITE A PLACE, PERHAPS AS LARGE OR NEARLY SO AS NOW TWO TOWNS THERE IN THE VALLEYS CLOSE BY BEYOND THAT 7 MILES WAS HAMILTON'S FORT I SHALL SPEAK OF THIS QUESTION OF FORTS AND WALLS OF CITIES HOW IT HAPPENED [*space*] FROM

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RT	RS	BT	PS
	CEDAR CITY SOUTHWESTWARDLY ON THE ROUTE TO CALIFORNIA = THIS SOUTHERN ROUTE = SOMEWHERES BETWEEN 40 50 ≤MILES≥ IS MOUNTAIN MEADOWS AND THE FURTHER EDGE OF THOSE MEADOWS IS BUT A PASS IN THE MOUNTAINS, IS WHAT IS KNOW AS KANE SPRINGS, WHAT PLACE I SUPPOSE THOSE SPRINGS ARE 2 AND HALF MILES FROM WHERE THIS TRAGEDY OCCURRED GOING FROM CEDAR CITY ON THE ROUTE TO SOUTH CALIFORNIA IN PASSING MOUNTAIN MEADOWS, THERE WAS	CEDAR CITY SOUTHWESTER~~L~~ ~~Y~~**LY** ON THE ROUTE TO CALIFORNIA, THAT IS THE SOUTHERN ~~O~~ROUTE, IT IS SOM~~W~~**E** WHERES BETWEEN 40 AND 50 MILES TO THE MOUNTAIN MEADOWS. ON THE FURTHER END OF T**H**ESE MEADOWS—IT IS BUT A PASS IN THE MOUNTAINS AND THERE IS WHAT IS KNOWN AS KANE SPRINGS. *[146]* AND THE PLACE, I BELIEVE THAT T**H**ESE SPRINGS ARE ~~IS~~ TWO AND A HALF MILES FROM WHERE THIS TRAGEDY OCCURRED. GOING FROM CEDAR CITY ON THE ROUTE TO SOUTHERN CALIFORNIA IN PASSING THE MOUNTAIN MEADOWS, THERE WAS A	CEDAR CITY SOUTHWESTERLY ON THE ROAD TO CALIFORNIA SOMEWHERES BETWEEN 40 AND 50 MILES WAS THE MOUNTAIN MEADOWS ON THE FURTHER EDGE OF THOSE MEADOWS IT IS BUT A PASS [*space*] IS WHAT IS KNOWN AS KANE SPRINGS AND THE PLACE I BELIEVE THOSE SPRINGS WERE 2 1/2 MILES FROM WHERE THIS TRAGEDY *KN*[?] GOING FROM CEDAR CITY ON THE ROUTE TO SOUTHERN CALIFORNIA PAST MOUNTAIN MEADOWS THERE WAS

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RT	RS	BT	PS
	SMALLER SETTLEMENT AT WHAT THEY CALLED PINTO CREEK, FREQUENTLY ~~<~~CALLED~~>~~ PAINTER CREEK, THOUGH THEY ARE ONE AND THE SAME THING CEDAR CITY TO PINTO IS 28 **OR** 30 MILES FROM ~~<~~CEDAR CITY~~>~~ TO THIS PLACE ON THE ROAD TO ~~<~~CEDAR CITY~~>~~ DIVERGING ALONG THAT LINE OF TRAVEL IS *[[27]]* IRON SPRINGS CEDAR CITY BEING FOOT OF *LATTER/HILL*[?]. AT PINTO CREEK OR BEFORE GETTING TO PINTO CREEK WAS A ROAD TAKING OFF *GD/GT*[?] SOUTH SOME 12 MILES LEADING INTO PINE VALLEY. NOW THEN FROM CEDAR	SMALL SETTLEMENT AT WHAT THEY CALL PINTO CREEK FREQUENTLY CALLED PAINTER CREEK, BUT THEY ARE ONE AND THE ~~SAME~~ **SAME** THING. FROM CEDAR CITY TO PINTO IS 28 OR 30 MILES. FROM CEDAR **C**ITY TO THIS PLACE, O**N** THE ROAD TO CEDAR CITY, DIV~~I~~ERGING ALONG ON THE LINE OF ~~R~~ TRAVEL**,** IS IRON SPRINGS. CEDAR CITY BEING AT THE FOOT OF THE ~~F~~HILL. AT PINTO CREEK, OR BEFORE GETTING TO PINTO CREEK, THERE W~~Q~~**A**S A ROAD TAKING OFF GOING SOUTH SOME I2MILES AND LEADING INTO **P**IN~~T~~**E** VALLEY. NOW, THEN, FROM CEDAR	SOME LITTLE SETTLEMENT AT WHAT THEY CALL PINTO CREEK FREQUENTLY CALLED PAINTER CREEK *[[27]]* CEDAR CITY TO PINTO IS 28 OR 30 MILES FROM CEDAR CITY OVER TO THIS PLACE [*space*] ON THE LINE OF TRAVEL WAS IRON SPRINGS AND OTHER PLACES DOWN IN THE VALLEY ~~CALIFORNIA~~ AT PINTO CREEK OR BEFORE GETTING TO PINTO CREEK WAS A ROAD TAKING OFF SOUTH SOME TWELVE MILES INTO PINE VALLEY NOW THEN FROM CEDAR

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RT	RS	BT	PS
	CITY WE GO SOUTH WEST ON THE ROAD TO CALIFORNIA, PASSING THE MOUNTAIN MEADOWS AND 28 MILES FROM THERE WAS THIS PINTO CREEK. **BEYOND THAT** 12 OR 13 MILES WAS MOUNTAIN MEADOWS TAKING OFF AGAIN <TWELVE MILES PINE CREEK.> NOW THEN FROM CEDAR CITY GOING SOUTH DOWN THE VALLEY 2~~2~~3 MILES COME TO HARMONY = FORT HARMONY THERE IS WHERE JOHN D. LEE WAS THEN LIVING HAIGHT HIGBEE STEWART, ALL THOSE OTHER MEN LIVED AT CEDAR CITY LEE LIVED AT HARMONY. GOING STILL SOUTH = FOR	CITY, GOING SOUTHWEST ON THE ROAD TO CALIFORNIA, PASSING THE MOUNTAIN MEADOWS, 28 MILES FROM THERE, WAS THIS **P**INTO CREEK~~.~~; BEYOND THAT I2 OR I3 MILES IS THE MOUNTAIN MEADOWS. TAKING OFF AGAIN I2 MILES IS PIN~~T~~**E** CREEK. NOW, THEN FROM CEDAR CITY GOING WOUTH DOWN THE VALLEY 23 MILES YOU COME TO FORT HARMONY. THERE IS WHERE JOHN D. LEE WAS THEN LIVING. HAIGHT, HIGBEE, STEWART, ALL THOSE OTHER MEN LIVED AT CEDAR CITY**.** LEE LIVED AT HARMONY. GOING STILL FURTHER SOUTH, (FOR	CITY GOING SOUTHWEST ON THE ROAD TO CALIFORNIA PASSING MOUNTAIN MEADOWS 28 MILES FROM THERE PINTO CREEK BEYOND THAT 12 OR 13 MILES MOUNTAIN MEADOWS TAKING OFF AGAIN 12 MILES SOUTH PINE CREEK NOW THEN CEDAR CITY GOING SOUTH DOWN THE VALLEY 23 MILES COME TO ~~≤~~FORT~~≥~~ HARMONY THERE IS WHERE JOHN D. LEE WAS THEN LIVING HAIGHT HIGBEE STEWART ALL THOSE OTHER MEN LIVED AT CEDAR CITY ~~LIVED~~ ~~≤~~LEE~~≥~~ LIVED AT HARMONY GOING STILL SOUTH

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RT	RS	BT	PS
	HARMONY IS THEN OFF THE RIGHT OF THE ROAD, CROSSING THROUGH GORGE IN BLACK HILLS OF ABOUT 8 OR TEN MILES; FROM THERE WE COME TO BELLEVUE,[306] 5 OR 6 MILES TO THE SOUTH EAST IS TOQUERVILLE ≤**TOKERVILLE**≥ WHICH THEN DID NOT EXIST I BELIEVE GOING SOME 5 OR 6 MILES STILL FARTHER SOUTH, THEY CAME TO WASHINGTON. WASHINGTON IS SETTLEMENT SOME 25 MILES ≤SOUTH, OF THERE≥ OVER ON THE CLARA, WERE AT THIS TIME THE EXTREME FRONTIER	**H**ARMONY WAS THEN OFF TO THE RIGHT OF THE ROAD) COURCEING THROUGH A GORGE IN THE ~~BALACK~~ **BLUE** HILLS OF ABOUT 8 OR I0 MILES FROM THERE WE C~~A~~**O**ME TO BELLEVUE. FIVE OR SIX MILES TO THE SOUTHEAST IS TO~~KEQ~~**Q**UERVIL LE, WHICH THEN DID NOT EXIST, I BELIEVE. GOING SOME FIVE OR SIX MILES STILL FARTHER SOUTH WE COME TO ~~WASHINGTON~~ **LEEDS**. **THEN** WASHINGTON**,** **IT** IS A S~~T~~ETTLEMENT SOME ~~40~~ **FOURTEEN** MILES SOUTH OF ~~TERE~~ THERE~~.~~**,** OVER ON THE CLARA **THERE** WAS AT THIS TIME THE EXTREME FRONTIER	HARMONY IS LITTLE OFF THE ROAD TO THE RIGHT, CROSSING THROUGH A GORGE IN THE BLUE HILLS ABOUT 8 OR TEN MILES FROM THERE COME TO BELLEVUE; FIVE OR 6 MILES TO THE SOUTH EAST TO TOQUERVILLE, WHICH THEN DID NOT EXIST I BELIEVE GOING FIVE OR 6 MILES STILL FARTHER SOUTH IS WASHINGTON WASHINGTON IS A SETTLEMENT ~~2~~40 MILES SOUTH OF THERE WERE AT THIS TIME EXTREME FRONTIER

306. Now called Pintura.

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RT	RS	BT	PS
	SETTLEMENT OF UTAH. AT THE TIME THIS WAS DONE THEN, WE FIND THE MAIN SETTLEMENT OF THE COUNTRY AT PAROWAN 18 MILES FROM THERE NEAREST ONE TO CEDAR CITY 25 MILES FROM THERE ON THE ROAD, NOT ON THE ROAD TO MOUNTAIN MEADOWS, BUT TO THE SOUTH, WAS THE TOWN OF HARMONY WHERE THE DEFENDANT AT THE BAR THEN LIVED. NOW AT THIS TIME, THOUGH I SHALL MENTION IT AGAIN, I WILL CALL YOUR ATTENTION TO THE ≺FACT≻ SO FAR AS PROSECUTION HAVE ESTABLISHED AT THE PRESENT TIME, THAT NONE OF THE INCEPTION OF THIS	SETTLEMENT OF UTAH. AT THE TIME THIS WAS DONE, WE FIND THE MAIN SETTLEMENT OF THE COUNTRY AT PAROWAN, AND I8 MILES FROM THERE THE NEXT ONE AT CEDAR CITY. TWENTY-FIVE MILES OFF THE ROAD, NOT ON THE ROAD TO THE MOUNTAIN MEADOWS, BUT TO THE SOUTH, WAS THE TOWN OF HARMONY WHERE *[147]* THE DEFENDANT AT THE BAR THEN LIVED. NOW, AT THIS TIME— BUT I SHALL MENTION IT AGAIN—I WILL CALL YOUR ATTENTION TO THE FACT SO FAR AS THE PROSECUTION HAVE ESTABLISHED AT THE PRESENT TIME THAT NONE OF THE INCEPTION OF THIS	SETTLEMENT OF UTAH AT THE TIME THIS WAS DONE THEN WE FIND THE MAIN SETTLEMENT AT PAROWAN [*space*] NEXT ONE AT CEDAR CITY *2-/24*[?] MILES OFF THE WAY NOT ON THE WAY TO MOUNTAIN MEADOWS BUT TO THE SOUTH WAS THE TOWN OF HARMONY WHERE THE DEFENDANT AT THE BAR LIVED THEN NOW AT THIS TIME THOUGH I SHALL MENTION IT AGAIN I WILL CALL YOUR ATTENTION TO THE FACT ESTABLISHED SO FAR AS THE PROSECUTION HAVE ESTABLISHED AT THE PRESENT TIME THAT NONE OF THE INCEPTION OF THIS

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RT	RS	BT	PS
	HORRIBLE TRAGEDY, NONE OF THE MEN WHO CONCOCTED IT ACCORDING TO THEIR THEORY NONE OF COUNCILORS OR THE MEN IN THE COUNCILS CAME FROM HARMONY ~~THEY ARE~~ THEY WERE ALL ~~<~~FROM~~>~~ CEDAR CITY, AND WHEN THEY TOOK WITH THEM WHAT THEY ARE PLEASED TO TERM THEIR REINFORCEMEN TS, THEY WERE REINFORCEMEN TS FROM CEDAR CITY. WITH ALL THESE COMING FROM CEDAR CITY, ALONE THOUGH THEY MAY HAVE SENT WORD OUT IN OTHER PARTS OF THE COUNTRY FOR OTHER PEOPLE TO GO	HORRIBLE TRAGED~~T~~Y , NONE OF THE MEN WHO CONCOCTED IT OR CARRIED OUT THE THEORY, NONE OF THE COUNCILORS OR THE MEN IN THE COUNCIL CAME FROM HARMONY . THEY WERE ALL FROM CEDAR CITY, AND WHEN THEY HAD ~~TOOK~~ **TAKEN** WITH THEM WHAT THEY ARE PLEASED TO TERM REINFORCEMEN TS, THEY W~~W~~ERE REINFORCEMEN TS FROM CEDAR CITY**.**—**W**ITH ALL THESE COMING FROM CEDAR CITY~~.~~**,** — **T**HOUGH THEY MAY HAVE SENT OUT INTO OTHER PARTS OF THE COUNTRY, FOR OTHER PEOPLE TO GO AND	HORRIBLE TRAGEDY NONE OF THE MEN WHO CONCOCTED IT AGREED TO THE AFFAIR NONE OF THE COUNCILORS OR THE MEN IN THE COUNCILS CAME FROM —[?] *T*[?] THEY WERE ALL FROM CEDAR CITY AND WHEN THEY HAD *[[28]]* TOOK WHAT THEY CALL REINFORCEMEN TS THEY WERE REINFORCEMEN TS FROM CEDAR CITY EVERYBODY THUS COMING FROM CEDAR CITY *MEN/ALONE*[?] THEY MAY HAVE SENT WORD OUT IN OTHER PARTS OF THE COUNTRY AND OTHER PEOPLE CAME

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RT	RS	BT	PS
	TO BE THERE ON THE GROUND TRAGEDY WAS ARRANGED IN CEDAR CITY. WHO ARRANGED IT. ~~<~~?~~>~~ WE'LL ASK YOU TO LOOK AT CEDAR AND THE GEOGRAPHY OF THE COUNTRY, AND THE DISTANCES AS I HAVE GIVEN YOU, AND SHOW YOU THAT THIS WHAT THEY CALLED THE ARMY AS THEIR WITNESSES UNFAVORABLY CALLED THEM TROOPS AND SOLDIERS CAME BROUGHT FROM CEDAR CITY. WHILE THE PRISONER AT THE BAR, GOES ALONE WITH A LITTLE INDIAN BOY, FOR AN INTERPRETER, ACROSS ~~<~~**A**~~>~~ RANGE OF	TO BE THERE ON THE GROUND~~.~~**,—** THE TRAGEDY WAS ARRANGED IN CEDAR CITY. WHO ARRANGED IT? WE WILL ASK YOU TO LOOK AT CEDAR CITY AND THE GEOGRAPHY OF THE COUNTRY, AND THE **DISTANCES** ~~SIDTANCES~~ AS I HAVE GIVEN YOU, AND SHOW YOU THAT THIS, IS WHAT THEY CALL THE ARMY**,** AS OTHER WITNESSES UNFA~~B~~VORABL E**,** CALL THEM TROOPS AND SOLDIERS COMING FROM CEDAR CITY WHILE THE PRISONER AT THE BAR GOE**S** ALONG WITH A LITTLE **I**NDIAN BOY FOR AN INTERPRETER,[307] ~~CROSSES~~ **CROSSING** THE RANGE OF THE	TO BE THERE ON THE GROUND TRAGEDY WAS ARRANGED IN CEDAR CITY AND WHO ARRANGED IT WE'LL ASK YOU TO LOOK AT AND CONSIDER THE GEOGRAPHY OF THE COUNTRY AND THE DISTANCES, I HAVE GIVEN YOU TO SHOW YOU THAT THIS IS WHAT THEY CALL THE ARMY THEIR WITNESSES CALLED THE TROOPS AND SOLDIERS CAME FROM CEDAR CITY WHILE THE PRISONER AT THE BAR GOES ALONE WITH A LITTLE INDIAN BOY, FOR AN INTERPRETER ACROSS THE RANGE OF

307. Lemuel Lee.

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RT	RS	BT	PS
			~~MOUNTAIN MEADOWS~~
	MOUNTAINS, WAS NOT ONE OF THOSE WHO WENT OUT AS TROOPS OR SOLDIERS,	MO**U**NTAINS, THERE WASN'T ONE OF ALL THOSE WHO WENT OUT AS TROOPS OR SOLDIERS ~~**WHO HE WENT** WHO SENT A SINGLE**Y** & **ALONE** MAN TO~~**, WENT WITH HIM**	MOUNTAINS WASN'T ONE OF THOSE WHO WENT OUT AS TROOPS OR SOLDIERS
	WHO WENT SINGLY AND ALONE TO SAVE THEM EXCEPT THAT LITTLE INDIAN BOY	SAVE AND EXCEPT THAT LITTLE **I**NDIAN BOY THE	WHO WENT SINGLY AND ALONE SAVE THAT LITTLE INDIAN BOY
	INTERPRETER; WENT TO WHERE THIS TRAGEDY TOOK PLACE. WENT = NOT FOR THE PURPOSE OF CARRYING OUT THIS DIABOLICAL SCHEME, THAT THAT INNOCENT BISHOP DETAILED TO YOU, BUT FOR THE PURPOSE OF PREVENTING THE INDIANS *[[28]]* FROM MASSACRING THIS TRAIN. GENTLEMEN OF THE JURY, IN	INTERPRETER. HE WENT TO WHERE THIS TRAGEDY TOOK PLACE; WENT NOT FOR THE PURPOSE OF CARRYING OUT THIS DIABOLICLE SCHEME, THAT INNOCENT BISHOP DETAILED TO YOU, BUT FOR THE PURPOSE OF PREVENTING THE **I**NDIANS FROM MASSACREING T**HI**S TRAIN. GENTLEMEN OF THE JURY, IN	INTERPRETER, WENT TO WHERE THIS TRAGEDY TOOK PLACE, WENT NOT FOR THE PURPOSE OF CARRYING OUT THIS DIABOLICAL SCHEME BUT FOR THE PURPOSE OF PREVENTING INDIANS FROM MASSACRING THIS TRAIN. GENTLEMEN OF THE JURY, IN

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RT	RS	BT	PS
	THE EVIDENCE THAT HAS BEEN SO FAR PRESENTED TO YOU, AND IN THE EVIDENCE WE SHALL PRESENT, WE SHALL NECESSARILY HAVE TO CALL YOUR ATTENTION AS MY FRIEND MR. CAREY, TO THE FACT THERE WERE WALLED CITIES IN UTAH. HE TELLS YOU THAT WHEN THIS EMIGRANT TRAIN WAS WENDING ITS WAY SOUTHWARD, HOPING TO REACH GOLDEN FIELDS OF CALIFORNIA, WHERE THEY WERE DOOMED NEVER TO GO, THAT THEY CAME TO PAROWAN A WALLED CITY	THE EVIDENCE THA T HA~~S~~D BEEN SO FAR PRESENTED TO YOU, AND IN THE EVIDENCE THAT WE SHALL PRESENT, WE SHALL HAVE NECESSARILY TO CALL YOUR ATTENTION, AS MY F~~I~~RIE~~N~~D~~T~~ MR. CAREY DID, TO THE FACT THAT THERE WERE WALLED CITIES IN UTAH. HE TELLS YOU THAT WHEN THIS EMIGRANT TRAIN WAS WENDING ITS WAY SOUTHWARD, HOPING TO REACH THE G~~I~~OLDEN FIELD**S** OF **C**ALIFORNIA , WHERE THEY WERE DOOMED NEVER TO REACH, THAT **T**HE**Y** CAME TO PAROWAN A WALLED ~~**HM 16 9 O4 (4)**~~ *[Bk 5 148]* ~~**(3D BOOK)**~~ **FIRST LEE TRIAL (BOOK 5)** CONTINUAT**I**ON OF ~~SPICERS~~	THE EVIDENCE THAT HAS BEEN SO FAR PRESENTED TO YOU AND IN THE EVIDENCE THAT WE SHALL PRESENT WE SHALL NECESSARILY HAVE TO CALL YOUR ATTENTION AS MY FRIEND MR. CAREY DID TO THE FACT THAT THERE WERE WALLED CITIES IN UTAH HE TELLS YOU THAT WHEN THIS EMIGRANT TRAIN WAS WENDING ITS WAY SOUTHWARD HOPING TO REACH THE GOLDEN FIELDS OF CALIFORNIA WHERE THEY WERE DOOMED NEVER TO GO THAT THEY CAME TO PAROWAN A WALLED

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RT	RS	BT	PS
	AND THEY WERE DENIED OF ADMITTANCE. HOW MUCH THAT READS LIKE STORIES OF VERY ANCIENT TIMES, WHEN IN ALL ≤THEIR≥ WARS, AND RAVAGES <THEIR SLAUGHTERS AND> SERIOUS MASSACRES, THERE WERE WALLED CITIES WHY SHOULD UTAH HAVE WALLED CITIES WE CAN READILY IMAGINE WHY IN THE TIMES OF JOSHUA, ≤MOSES≥ GIDEON THAT THERE SHOULD BE WALLED CITIES, WE CAN READILY IMAGINE WHY IN LATER TIMES	~~ARGUEMENT~~ OPENING ADDR ESS TO THE JURY. CITY, AND T~~A~~HAT THEY WERE DENIED ~~OF~~ ADMITTANCE. HOW M UCH THAT READS LIKE THE STORIES OF VERY ANCIENT TIMES, W~~N~~**H**EN IN ALL ~~THE~~ ~~WARS~~ THEIR WARS AND RAVAGES THEIR SLAUGHTERS AND THEIR MASSACRES, THERE WERE WALLED CITIES. WHY SHOULD UTAH HAVE WALLED CITIES? WE CAN READILY IN~~M~~AGIN**E** WHY IN THE TIMES OF ~~MOSES AND~~ ~~JOSHUA~~ JOSHUA ,MOSES ~~Q~~AND GIDDI~~A~~**O**N THAT THERE ~~W~~SHOULD BE WALLED CITIES. WE CAN READILY IMAGINE WHY, IN LATER TIMES,	CITY AND THEY WERE DENIED ADMITTANCE HOW MUCH THAT READS LIKE STORIES OF VERY ANCIENT TIMES, WHEN IN ALL THEIR WARS AND RAVAGES THEIR SLAUGHTERS AND MASSACRES THERE WERE WALLED CITIES WHY SHOULD UTAH HAVE WALLED CITIES WE CAN READILY IMAGINE WHY IN TIMES OF JOSHUA MOSES AND GIDEON THAT THERE SHOULD BE WALLED CITIES WE CAN READILY IMAGINE WHY IN LATER TIMES

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RT	RS	BT	PS
	OF GENGHIS KAHN ~~<~~GENGHIS KAHN~~>~~ GREATEST CONQUEROR THAT EVER LIVED, THERE SHOULD BE WALLED CITIES THEN WHERE CONQUERORS LIKE HIM AS HE DID BEFORE CITY OF BABYLON, PILED UP A PYRAMID OF HUMAN HEADS THAT REACHED FAR ABOVE WALLS OF THE CITY AS HIGH AS {THE}[i] TOPS OF THE HIGHEST TOWERS AND TEMPLES BEFORE THE WALLS OF *STN/STTION*[?] *MRN*[?] PRIOR TO THIS AS IT MAY BE REMEMBERED YOUNG MEN OF THOSE TARTAR CHIEFS *AS TO*[?]	OF **JENGIS KHAN** ~~ZENGIS KAHN~~, ONE OFTHE GREATEST CONQUORORS THAT EVER LIVED**,** ~~THAT~~ THERE SHOULD BE WALLED CITIES**,** WHERE CONQUORORS LIKE HIM AS THEY DID BEFORE THE CITY OF BAB~~E~~YLON**,** ~~L~~PILED UP A PYRIMID OF HUMAN HEAD~~C~~S THAT REACHED FAR ABOVE THE WALLS OF THE CITY, AND AS HIGH AS THE TOPS OF THE HIGHEST TOWERS, AND TEMPLES ABOVE THE WALLS OF SMYRNA; AND PRIOR TO TH~~IS~~**IS** IT WAS THE AMBITION OF TH~~S~~ESE TARTA~~T~~**R** CHIEFS TO SEE	OF IN THE DAYS OF *TR/CHR*[?][308] GENGHIS KAHN THERE SHOULD BE WALLED CITIES THEN WHERE CONQUERORS LIKE HIM AS HE DID BEFORE THE CITIES OF BABYLON PILE UP A PYRAMID OF HUMAN HEADS THAT REACHED FAR ABOVE THE WALLS OF THE CITY AND HIGH AS *[[29]]* WALLS OF HIGHEST TOWERS [*space*] BEFORE WALLS OF *SMYRNA*[?] [*space*] PEOPLE UP TO THIS *SLAUGHTER*[?] *CHIEFS* AS TO

308. This word may be crossed out.

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RT	RS	BT	PS
	WHO COULD PILE UP THE HIGHEST PYRAMID OF HUMAN HEADS. THEY WERE WALLED CITIES THEN AND WHEN WE COME TO LATER PERIOD, WHEN RELIGIOUS WARS WERE DESOLATING THE RICHEST NATIONS OF EUROPE, THAT THERE WERE WALLED CITIES THEN. IN THE TIME OF THE GREAT WALDENSES, WHEN THERE WAS PERPETRATED THE MOST HORRID AND EXTENSIVE BUTCHERIES OF MEN WOMEN CHILDREN, WITHOUT ANY CONQUEROR IN WHAT MIGHT BE CALLED CIVILIZED TIMES THERE WERE WALLED CITIES THEN,	WHO COULD PILE UP THE HIGHTEST PILE OF HUMAN HEADS. ~~THEY~~ **THERE** WERE WA**L**LED CITIES THEN, AND WHEN WE COME DOWN TO ~~A~~ A LATER PERIOD, WHEN RELIGIOUS WARS WERE DESOLATING THE RI~~V~~CHEST NATIONS OF EUROPE, ~~THAT~~ THERE WERE WALLED CITIES EXISTING THE~~M~~N. IN THE TIMES OF THE GREAT WALDEN~~C~~**S**ES IN SWITZERLAND WHEN THERE W~~AS~~**ERE** PERPETRATED THE MOST HORRID AND EX~~R~~**T**ENSIVE BUTCHEREYS OF MEN , WOMEN AND CHILDREN ~~THAT ANY CONQUOROR,~~ IN WHAT MIGHT BE CALLED CIVILIZED TIMES , THERE WERE WALLED CITIES THEN;	WHO COULD PILE UP THE HIGHEST PYRAMID OF HUMAN HEADS [*space*] THERE WERE WALLED CITIES THEN AND WHEN WE COME DOWN TO A LATER PERIOD WHEN RELIGIOUS WARS WERE DESOLATING THE RICHEST PORTIONS OF EUROPE THAT THERE WERE WALLED CITIES THEN IN THE TIMES OF THE GREAT *WALDENSES*[?] WHEN THERE WAS PERPETRATED THE MOST HORRID AN EXTENSIVE BUTCHERIES OF MEN WOMEN AND CHILDREN WITHOUT ANY CONQUERORS IN WHAT MIGHT BE CALLED CIVILIZED TIMES THEY WERE WALLED CITIES THEN

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RT	RS	BT	PS
	THAT WITHIN THE CITY OF MAGDEBURG WHERE MOTHERS FRANTIC WILD, INSANE; DELIRIOUS WITH STARVATION AND FEAR DEVOURED THEN THE FAMISHING BABIES FROM THEIR BREASTS SICK BESIEGED BY THE ARMIES OF THESE GREAT *WALDENSES*[?] THERE WERE TIMES. ~~<~~*LATER*[?] THERE WERE TIMES~~>~~ THEN WHEN PEOPLE COMMITTED CRIMES AS DARK AND BLOODY AS THEY BLOTTED PAGES OF HISTORY AND EQUAL TO ALL THEM WAS THE MOUNTAIN MEADOWS, AND THAT WAS IN A RELIGIOUS	WHERE WITHIN THE CITY OF MAGDEBURG WHERE **MOTHERS** ~~MEN~~ FRANTIC, WILD AND INSANE, DELERIOUS WITH STARVATION AND FEAR DEVOURED EVEN THEIR FAMISHING BABES FROM THEIR BREASTS, WHEN **BESIEGED** ~~BESEAGED~~ BY THE ARMIES OF THIS GREAT WALLENSTEIN. THE**R**E WERE TIMES THEN WHEN PEOPLE COMMITTED CRIMES AS DARK AND BLOODY AS EVER BLOTTED THE PAGES OF HISTORY. EQUAL TO ALL OF THEM WAS THE MOUNTAIN MEADOW MASSACRE, AND THAT WAS NOT A RELIGIOUS	AND WITHIN THE CITY OF MAGDEBURG WHERE MOTHERS FRANTIC WILD AND INSANE DELIRIOUS WITH STARVATION AND FEAR DEVOURED EVEN THEIR FAMISHED BABES FROM THEIR BREASTS, WHEN BESIEGED BY THE ARMY OF THIS GREAT WALLENSTEIN THAT THERE WERE TIMES THEN WHEN PEOPLE COMMITTED CRIMES AS *DARK*[?] AND BLOODY THAT EVER BLOTTED THE PAGES OF HISTORY~~.~~ EQUAL TO ALL THAT MURDER WAS THE MOUNTAIN MEADOWS AND THAT WAS IN A

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RT	RS	BT	PS
	WAR WHERE PARTICIPANTS EXCITED BY GREAT FEELINGS OF ANTIPATHY FANATICISM, AND REVENGE, WERE CARRYING ON A WAR OF DESOLATION, SPARING NEITHER AGE SEX OR CONDITION. THEY HAD WALLED CITIES THEN, BUT WHY SHOULD UTAH WITHIN THE LIMITS OF THESE UNITED STATES, THIS GLORIOUS COUNTRY OF FREEDOM, WHERE THERE SHOULD BE AND HAS BEEN BUT LITTLE OF RELIGIOUS INTOLERANCE WHEREIN HAS BEEN NO RELIGIOUS WARS, WARS THAT CARRIED	WAR, WHERE PARTIES EXISTED WITH GREAT FEELINGS OF ANTIPATHY AND FANATICISM WHERE REVENGE WAS CARRYING ON A WAR OF *[149]* DESOLATION, SPARING NEITHER AGE**,** SEX OR CONDITION. THEY HAD WALLED CITIES THEN~~L~~, BUT WHY SHOULD UTAH , WITHIN THE LIMITS OF THE UNITED STATES, THIS GLORIOUS COUNTRY OF FREEDOM WHERE THERE S**H**OULD BE**,** AND WHERE THERE HAS BEEN**,** BUT LITTLE OF RELIGIOUS INTOLERANCE; WHERE THERE NEVER HAS BEEN ANY RELIGIOUS WARS—WARS THAT CARRIED WITH THEM	WAR A WAR WHERE PARTICIPANTS *EXCITED*[?] BY GREAT FEELINGS OF ANTIPATHY FANATICISM AND RAVAGE, WERE CARRYING ON A WAR OF DESOLATION SPARING NEITHER AGE SEX NOR CONDITION THEY HAD WALLED CITIES THEN, BUT WHY SHOULD UTAH WITHIN THE LIMITS OF THESE UNITED STATES THIS GLORIOUS COUNTRY OF FREEDOM WHERE THERE SHOULD BE THERE HAS BEEN BUT LITTLE OF RELIGIOUS INTOLERANCE —[?] WHERE THERE NEVER HAS BEEN ANY RELIGIOUS WARS

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RT	RS	BT	PS
	SUCH DREADFUL EFFECTS, WHEREVER ARMIES WENT, WHERE THERE WAS MAY SEE PEACE; WHY IS IT THEY HAD THESE WALLED CITIES IT WAS NOT ON ACCOUNT OF THEIR OWN TRIBE AND KINDRED THESE WALLED CITIES WERE NOT BUILT ON ACCOUNT OF EMIGRANT TRAINS PASSING THROUGH; WERE NOT BUILT TO BAR *[[29]]* OUT THEIR OWN PEOPLE THERE, PARTS OF THE COUNTRY, BUT WERE BUILT PROTECT THEIR OWN LITTLE FAMILIES, THEIR OWN LIVES WIVES AND CHILDREN	~~C~~SUCH DREADFUL EFFECTS, WHEREVER ARMIES WENT; BUT WHERE THERE HAS ALWAYS BEEN PEACE AT HOME, WHY IS IT TH~~AT~~**EY** HAVE BUILT WALLED CITIES HER~~Z~~E. IT WAS NOT ON ACCOUNT OF THIR OWN TRIBE AND KINDRED. THESE WALLED CITIES WERE NOT BUILT ON ACCOUNT OF THE EMIGRANT TRAINS PASSING THROUGH; THEY WERE NOT BUILT TO BAR OUT THEIR OWN PEOPLE FROM PASSING THROUGH THE COUNTRY; BUT THEY WERE BUILT TO PROTECT THEIR OWN LITTLE FAMILIES, THEIR OWN LIVES THEIR WIVES AND CHILDREN	WHERE THERE WAS PEACE, WHY IS IT THEY HAD THOSE WALLED CITIES IT WAS *NOT*[?] ON ACCOUNT OF THEIR OWN —/*TRIBE*[?] ~~<~~**OR**~~>~~ KINDRED THEY WERE NOT BUILT ON ACCOUNT OF ~~WALLS~~ EMIGRANTS PASSING THROUGH, TO BAR OUT BUT WERE BUILT TO PROTECT THEIR OWN LITTLE FAMILIES, THEIR OWN LIVES, WIVES AND CHILDREN

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RT	RS	BT	PS
	FROM THESE SAVAGES. GENTLEMEN OF THE JURY, WE CAN'T OVERLOOK THE FACT WE CAN'T <—[?]> SEPARATE INDIAN FROM THE WHITE MEN IN THIS MASSACRE, SO FAR AS *ADMIT*[?] PARTIES, AND BEFORE GOING FURTHER I WILL HERE STATE THAT WE SHALL HOLD AND SHOW TO YOU THAT FOR ALL PREVIOUS ARRANGEMENTS COUNCILS EVERYTHING OF THAT KIND PROSECUTION HAVE AND MAY SHOW TO YOU, THAT WHEN THE TIME CAME, THAT ONLY SUCH MEN TOOK	FROM THESE ~~D~~SAVAGES. GENTLEMEN**,** OF THE JURY, WE CANNOT OVERLOOK THE FACT—WE CANNOT SEPARATE THE **I**NDIAN FROM THE WHITE MAN IN THIS MASSACRE SO FAR AS THEY TOOK PART IN IT. AND BEFORE GOING ANY FURTHER, I SHALL **HERE** STATE THAT WE SHALL HOLD AND SHOW TO YOU IN THE EVIDENCE TH~~O~~AT WE SHALL PRODUCE THAT **FOR** ~~IF~~ ALL THE PREVIOUS ARRANGEMENTS, **OF.** COUN~~S~~CILS, AND EVERY THING OF THAT KIN~~E~~D, THAT THE PROSECUTION HAVE OR MAY SHOW TO YOU THAT WHEN THE TIME ~~S~~COMES , THAT WHEN SHUCH MEN TOOK	FROM THESE SAVAGES GENTLEMEN OF THE JURY WE CANNOT OVERLOOK THE FACT = WE CANNOT SEPARATE THE INDIAN FROM THE WHITE MAN IN THIS MASSACRE SO FAR AS THEY TOOK PART IN IT, AND BEFORE GOING FURTHER, I WILL HERE STATE THAT WE SHALL HOLD AND SHOW TO YOU THAT FOR ALL THE PREVIOUS ARRANGEMENTS COUNCILS AND EVERY THING OF THAT KIND THAT THE PROSECUTION HAVE OR MAY SHOW TO YOU THAT WHEN THE *[[30]]* TIME CAME ONLY SUCH MEN TOOK

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RT	RS	BT	PS
	PART IN THIS MASSACRE AS WERE PROMPTED TO DO SO BY THEIR OWN WICKED HEARTS. THAT NOTWITHSTANDING ALL THE ORDERS THEY MAY HAVE HAD, THEY JOINED WITH THE INDIANS VOLUNTARILY. THAT WE SHALL ASK OF YOU, HOW CAN YOU BELIEVE THAT A MAN SHOULD GO UPON THAT FIELD AND MAKE NO RESISTANCE TO THE ACT, A MAN OF AUTHORITY OR EVEN WITHOUT AUTHORITY, AND WHEN CALLED UPON TO COMMIT SUCH A FIENDISH HELLISH ACT, THAT SHOULD GO	PART IN THIS MA~~CC~~SSACRE AS WERE PR~~OMPTED TO SO SO~~ PROMPTED TO DO SO BY THEIR OWN WICKED HEARTS~~.~~**,** THAT NOTWITHSTANDING ALL THE ORDERS THAT THEY MIGHT HAVE ~~G~~HAD, THAT THEY JOINED WITH THE **I**NDIANS VOLUNTARILY; ~~THAT~~ **FOR** WE SHA**L**L ASK OF YOU, HOW CAN YOU BELIEVE THAT A MAN COULD GO ~~Y~~UPON THAT FIELD OF THE MOUNTAIN MEADOW MASSAC~~R~~E AND MAKE ANY RESISTANCE TO THE ACT — A MAN OF AUTHORITY OR EVEN WITHOUT AUTHORITY, AND WHEN CALLED UPON TO COMMIT SUCH A FIENDISH, HELLISH ACT, ~~THAT~~ **THEN HE** SHOULD GO	PART IN THIS MASSACRE AS WERE PROMPTED TO DO SO BY THEIR OWN WICKED HEARTS THAT NOTWITHSTANDING ALL THE ORDERS THEY MAY HAVE HAD THEY JOINED WITH THE INDIANS VOLUNTARILY FOR WE SHALL ASK OF YOU HOW CAN YOU BELIEVE THAT A MAN COULD GO UPON THAT FIELD AND MAKE NO RESISTANCE TO THE ACT [*space*] A MAN OF AUTHORITY OR EVEN WITHOUT AUTHORITY [*space*] AND WHEN CALLED UPON TO COMMIT SUCH A FIENDISH HELLISH ACT THEY SHOULD GO

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RT	RS	BT	PS
	DELIBERATELY FORWARD WITH HIS MUSKET OVER HIS ARM TO MURDER HUMAN BEINGS WITHIN A FEW STEPS OF HIM WITHOUT THE LEAST OBJECTION, HOW CAN YOU BELIEVE THAT THAT MAN ACTED UNDER ORDERS IN FEAR OF HIS LIFE ACTING SO VOLUNTARILY. WE SHALL CLAIM = WE SHALL ASSERT THAT THE MAN WHO COULD DO IT, IS A MAN WITHOUT BLOOD OR WARM BLOOD. HE MUST BE A MONSTER FROM A PAST AGE COATED OVER WITH BUT A THIN VARNISH OF HUMAN MATTER. HIS BLOOD IS COLD, HIS HEART IS STONE, WHEN HE SAYS	DELIBERATELY FORWARD WITH HIS MUSKET ON HIS ARM AND MURDER HUMAN BEINGS WITHIN A FEW STEPS OF HIM WITHOUT THE LEAST OBJECTION. *[150]* HOW CAN YOU BELIEVE THAT THAT MAN ACTED UNDER ORDERS, IN FEAR OF HIS LIFE — ACTING SO VOLUNTARILY. WE SHALL CLAIM AND WE SHALL ASSERT THAT THE MAN WHO COULD DO IT IS THE MAN WITHOUT BLOOD OR WITHOUT WARM BLOOD. HE MUST BE A MONSTER FROM THE PAST AGES AND COATED OVER WITH A FINE VARNISH OF HUMAN MATTER. HIS BLOOD IS COLD, HIS HEART IS STONE, WHEN HE SAYS THAT	DELIBERATELY FORWARD WITH HIS MUSKET OVER HIS ARM TO MURDER A HUMAN BEING, WITHIN A FEW STEPS OF HIM WITHOUT THE LEAST OBJECTION HOW CAN YOU BELIEVE THAT THAT MAN ACTED UNDER ORDERS AND FEAR OF HIS LIFE, ACTING SO VOLUNTARILY WE SHALL CLAIM WE SHALL ASSERT THAT A MAN WHO COULD DO IT IS A MAN WITHOUT BLOOD OR WARM BLOOD HE MUST BE A MONSTER FROM A PAST AGE COATED OVER WITH A FINE VARNISH OF HUMAN MATTER THAT HIS BLOOD IS COLD AND HIS HEART IS STONE WHEN HE SAYS THAT

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RT	RS	BT	PS
	HE ACTED UNDER ORDERS IT IS TOO SHALLOW ~~<~~**A**~~>~~ PRETENSE, THAT THAT MAN IS ONE OF THE MONSTERS IN HUMAN FORM, THAT DELIBERATELY TOOK PART IN THE MURDER OF MEN WOMEN CHILDREN, AND WE SHALL CLAIM TO YOU, THAT AS REASONABLE MEN YOU OUGHT NOT CONVICT ANY ONE UPON THE TESTIMONY OF SUCH MEN. BUT TO RETURN, WE WILL SHOW TO YOU, THAT FROM CORN CREEK THENCE SOUTH WEST AND EAST, ALL OVER THIS COUNTRY WAS LARGE TRIBES OF ROAMING INDIANS, SETTLED OCCASIONALLY HERE AND	HE ACTED UNDER ORDERS. IT IS TOO SHALLOW A PRETENSE THAT THAT MAN IS ONE OF THE **M**~~O~~NSTERS IN HUMAN FORM THAT DELIBERATELY **TOOK** PART IN THE MURDER OF MEN, WOMEN, AND CHILDREN; AND WE CLAIM, AND WE SHALL SHOW YOU THAT AS REASONABLE MEN YOU OUGHT NOT TO CONVICT ANY ONE UPON THE TESTIMONY OF SUCH **MEN** ~~MEN WITNESSES.~~ BUT RETURN: WE SHALL SHOW TO YOU THAT FROM CORN CREEK, THENCE SOUTH AND EAST AND WEST ALL OVER THIS COUNTRY**,** W~~AS~~**ERE** LARGE TRIBES OF ROAMING **I**NDIANS, SETTLED OCCASIONALLY HERE AND	HE ACTED UNDER ORDERS IT IS A SHALLOW PRETEXT THAT THAT MAN IS ONE OF THE MONSTERS IN HUMAN FORM THAT DELIBERATELY TOOK PART IN THE MURDER OF MEN WOMEN AND CHILDREN AND WE SHALL CLAIM TO YOU THAT AS REASONABLE MEN YOU OUGHT NOT TO CONVICT ANY ONE UPON THE TESTIMONY OF SUCH MEN BUT TO RETURN, WE WILL SHOW TO YOU THAT FROM CORN CREEK THENCE SOUTH AND WEST AND EAST AND ALL OVER THIS COUNTRY WAS LARGE TRIBES OF ROAMING INDIANS SETTLED OCCASIONALLY HERE AND

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RT	RS	BT	PS
	THERE THEY WERE RAISING GRAIN AT CREEK; THEY WERE RAISING GRAIN CLARA; THEY WERE RAISING GRAIN ON THE SEVIER. AT THIS TIME AN ARMY OF THE GREAT NATION OF THE UNITED STATES WAS MARCHING INTO UTAH WHAT FOR RUMORS WERE AFLOAT AND THE AIR WAS FULL OF RUMORS; AND THESE TRIBES = NUMEROUS TRIBES, THIS HORDE OF WILD SAVAGES GATHERED THE IDEA THAT THERE WAS A WAR ON HAND, AND THEY WERE ON THE WARPATH. IN THEIR WEAK FEEBLE IMAGINATIONS,	THERE. THEY WERE RAISING ~~F~~GRAIN AT CORN CREEK, AND THE Y WERE RAISING GRAIN ON THE **S**ANTA CLARA RIVER; THEY WERE RAISING~~GF~~ GRAIN ON THE SEVIER RIVER. AT THIS TIME AN ARMY OF THE GREAT NATION OF THE UNITED STATES WAS MARCHING INTO UTAH . WHAT FOR? RUMORS WERE AFLO~~S~~AT, AND THE AIR WAS FULL O~~R~~**F** RUMORS; AND THESE TRIBE~~S~~**S** — NUMEROUS TRIBES, THIS HOARD OF WILD SAVAGES **G**ATHERED THE IDEA THROUGHOUT THIS SOUTHERN COUNTRY, THAT THERE WAS A WAR ON HAND AND THEY WENT ON THE WAR-PATH.. IN THEIR WEAK, FEBLE IMAGINATIONS	THERE RAISING GRAIN AT CREEK [*space*] ON THE CLARA ON THE SEVIER AT THIS TIME AN ARMY OF THE GREAT NATION OF THE UNITED STATES WAS MARCHING INTO UTAH WHAT FOR? RUMORS WERE AFLOAT THE AIR WAS FULL OF RUMORS AND THOSE TRIBES NUMEROUS TRIBES THAT HORDE OF WILD SAVAGES GATHERED IDEA THAT THERE WAS A WAR ON HAND AND THEY WERE ON THE WARPATH IN THEIR WEAK AND FEEBLE IMAGINATION,

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RT	RS	BT	PS
	THEY COULD ONLY GATHER IDEA THAT IT WAS A WAR WITH SOMEBODY WAY BEYOND MOUNTAINS, SOMEBODY WHOM THEY CALLED THE MORMONS MERICATS AS THEY PEOPLE OF THE COUNTRY WERE CALLED BY THEM FRIENDS ETC., NEIGHBORS MORMONS, WHATEVER YOU WILL, BUT THE TRIBE BELIEVED ≤PEOPLE≥ THE NOTION THAT THEY WERE TO WAR *WHEREVER/WAR THEM*[?] MERICATS THAT LIVED FAR FAR BEYOND THE MOUNTAINS. THIS IDEA = THIS	THEY COULD ONLY GATHER THE IDEA THAT IT WAS A WAR WITH SOMEBODY HERE~~.~~**, WITH SOMEBODY** **B**EYOND THE MOUNTAIHS**,** SOMEBODY **HERE** WHOM THEY CALLED MORMONS WITH THE MERICATS. ~~Q~~AND THE PEOPLE OF THIS COUNTRY WERE CALLED BY THEM "FRIENDS" ETC, NEIGHBORS, MORMONS, WHATEVER YOU WIL~~L~~. BUT THE TR~~U~~IBE AND THE PEOPLE ~~OF THE NATION~~ THAT WERE AT WAR OR WARING, THEY WERE CALLED "MERICATS"; AND THEY UNDERSTOOD THAT THEY LIVED FAR, FAR BEYOND THE MOUNTAINS. THIS IDEA— THIS	THEY COULD ONLY GATHER IDEA THAT IT WAS A WAR WITH SOMEBODY WAY BEYOND THE MOUNTAINS SOMEBODY WHOM THEY CALLED *[[31]]* MERICATS **OUT**[309] WHATEVER YOU WILL BUT THE TRIBE AND THE ≤*NATION ACCEPTED*[?]≥ THE NOTION THEY WERE TO WAR WITH WITH THE MERICATS WHO LIVED FAR BEYOND THE MOUNTAINS THIS IDEA = AND

309. Appears to be in Rogerson's hand.

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RT	RS	BT	PS
	KNOWLEDGE HAD SPREAD AMONG THEM ALL, THEY WERE ALL PUTTING ON THEIR WAR PAINT *[[30]]* ALL ON THE WAR PATH WHEN THIS VERY IDENTICAL ARKANSAS TRAIN APPROACHED THE SETTLEMENT CORN CREEK, SEEING PEOPLE OF THE VALLEYS THEIR FRIENDS TREATED THEM KINDLY AND SOLD TO THEM THEY THOSE INDIANS DONE THE SAME THING, UNTIL THAT VERY TRAIN BY THEIR OWN ACTS CALLED FORTH EXTREMES OF HOSTILITY IN THOSE WILD SAVAGES. THEY THEN PUT ON THEIR WAR PAINT AND	KNOWLEDGE HAD SPREAD AMONG THEM AL L AND THEY WERE ALL PUTTING ON THEIR WAR PAINT; ALL WERE ON THE WARPATH. YES, WHEN THIS VERY IDENTICAL ARKANSAS TRAIN APPROACHED THE SETTLEMENT OF CORN CREEK, SEEING *[151]* THE PEOPLE OF THE VALLEYS, ~~THEIR~~ WERE THEIR FRIENDS, THEY TREATED THEM KINDLY, AND SOLD TO THEM. THESE **I**NDIANS DID THE SAME THIN~~G~~, TILL THAT VERY TRAIN BY THEIR OWN ACTS CALLED FORTH THE~~IR~~ EXTREME HOSTILITY OF THESE WILD SAVAGES. THEY THEN PUT ON THE WAR-PAINT AND	KNOWLEDGE HAD SPREAD AMONG THEM ALL AND ALL PUT ON THEIR WAR PAINT ALL ON THE WARPATH YET WHEN THIS VERY IDENTICAL ARKANSAS TRAIN APPROACHED THEIR SETTLEMENT APPROACHED CORN CREEK SAW THAT THE PEOPLE OF THE VALLEYS WERE THEIR FRIENDS TREATED THEM KIND AND SOLD TO THEM THOSE INDIANS DID THE SAME THINGS UNTIL THAT VERY TRAIN BY THEIR OWN ACTS CALLED FORTH THE EXTREMES OF HOSTILITY OF THOSE SAVAGES ~~THEY~~ WHO THEN PUT ON WAR PAINT

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RT	RS	BT	PS
	STARTED UPON THE WAR PATH AFTER THIS TRAIN AND THE NEWS SPREAD AMONG ALL THE INDIANS OF THE LAND, AND THEY GATHERED WE WILL SHOW TO YOU AT THE TIME THIS MASSACRE TOOK PLACE, THERE WAS FROM 4 TO 5 HUNDRED OF THESE WILD SAVAGES ARMED AND PAINTED, PLUMED AND READY FOR WAR UPON FIELD OF MOUNTAIN MEADOWS; AND THERE WAS BUT 20 OR 30 WHITE MEN WHO WERE THERE WERE BUT HANDFUL AT THE MERCIES OF THE SAVAGES, BESIDES THOSE SAVAGES PAINTED, PLUMED,	STARTED UPON THE WAR-PATH AFTER THIS TRAIN, AND THE NEWS SPREAD AMONG ALL THE **I**NDIANS OF THIS COUNTRY, AND THEY GATHERED. WE WILL SHOW TO YOU AT THE TIME ~~**OF**~~ THAT MASSACRE TOOK POACE**,** THAT THERE WERE FROM FOUR TO FIVE HUNDRED OF THESE WILD SAVAGES, ARMED, PAINTED, PLUMED, READY FOR WAR, UPON THE FIELD OF THE MOUNTAIN MEADOWS; AND THERE WAS BUT 20 O~~T~~**R** 30 WHITE MEN~~,~~ THERE, ALL TOLD. THEY WERE BUT A HANDFUL AT THE MERCY OF THE SAVAGES. BESIDES THES~~E~~**E** SAVAGES, PAINTED**,** PLUMED, **AND**	*ANEW/NEW*[?] AFTER THIS TRAIN, NEWS SPREAD AMONG ALL THE INDIANS OF THE LAND, AND THEY GATHERED [*space*] WE WILL SHOW TO YOU < THERE WAS FROM 4 TO FIVE HUNDRED OF THESE WILD SAVAGES ARMED PAINTED PLUMED READY FOR WAR UPON THE FIELD OF MOUNTAIN MEADOWS; AND THERE WAS BUT 20 OR 30 WHITE MEN, WERE BUT A HANDFUL AND AT THE MERCY OF THE SAVAGES *DISPOSITION*[?] THOSE SAVAGES PAINTED PLUMED AND

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RT	RS	BT	PS
	ON THE WAR PATH WERE RANGING OVER ALL THE COUNTRY, LOOKING FOR BATTLE = LOOKING FOR SPOILS, AND THOSE FEW MEN = THIS HANDFUL OF MEN THAT WERE THERE UPON THE VALLEY, MOST OF THEM HAD WIVES, **&** FAMILIES AT HOME. THE LOVED ONES THAT ARE DEAR TO THEM, ARE BUILDING UP HOMES FOR SUPPORT MAKING LIFE HAPPY GOOD TO THEM WHOSE PROTECTION SAFETY THEY WERE TO LOOK AFTER. HERE THEY WERE SURROUNDED BY THIS VAST ARMY OF INDIANS, WELL ARMED,	ON THE WAR-PATH WERE RANGING OVER ALL THE COUNTRY, LOOKING FOR BATTLE, LOOKING FOR SPOILS, AND THESE FEW MEN , THIS HANDFUL OF MEN, THAT WERE THERE UPON THE FIELD, MOST O~~N~~F THEM HAD WIVES AND FAMILIES AT HOME UNPROTECTED —THE LOVED ONES THAT ARE DEAR TO THEM. THAT THEY WERE HERE BUILDING UP HOMES FOR SUPPORT AND MAKING LIFE HAPP~~U~~Y; AND TO THEM PROTECTION, SAFETY AND SUPPORT THEY WERE TO~~O~~ LOOK FOR. HERE THEY WERE S~~O~~URROUNDED BY THIS VAST ARMY OF **I**NDIAN~~D~~S, WELL ARMED	ON THE WAR-PATH WERE RANGING OVER THE WHOLE COUNTRY LOOKING FOR BATTLE LOOKING FOR SPOILS AND THOSE FEW MEN THIS HANDFUL OF MEN THAT THERE WERE UPON FIELD MOST OF THEM HAD WIVES AND FAMILIES AT HOME THE LOVED ONES THAT WERE DEAR TO THEM, THAT THEY WERE HERE BUILDING UP HOMES FOR SUPPORTING AND MAKING LIFE HAPPY FOR [*space*] WHOSE PROTECTION AND SAFETY THEY WERE TO LOOK FOR HERE THEY WERE SURROUNDED BY THIS VAST ARMY OF INDIANS WELL ARMED

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RT	RS	BT	PS
	WELL PREPARED FOR WAR THAT IN EVERY LITTLE VALLEY = SETTLEMENT; EVERY LITTLE CITY AS THEY CALLED IT TOWN OVER THE COUNTRY, WHERE PEOPLE WERE SETTLED, WHITE PEOPLE I MEAN THEY HAD THEIR WALLED CITIES AND THEIR FORTS WHY WHY AS THE WITNESS WOULD HAVE YOU BELIEVE THAT ALL THIS PARADE = DISPLAY OF MILITARY PREPARATION OF SAFETY ETC., WAS SIMPLY TO GUARD AGAINST AN INOFFENSIVE EMIGRANT TRAIN, BUT TO PROTECT THEMSELVES AND THEIR FAMILIES	AND WELL PREPARED FOR WAR. THAT IN EVERY LITTLE ~~L~~VALLEY, SETTLEMENT, EVERY LITTLE CITY,—AS THEY CALLED IT, — OR TOWN, THROUGHOUT THE COUNTRY WERE PEOPLE SETTLED, WHITE PEOPLE I MEAN. THEY HAD THEIR WALLE~~C~~**D** CITIES AND THEIR FORTS. WHY? BECAUSE AS THE WITNESSES WOULD HAVE YOU BELIEVE THAT ALL THIS PERADE AND DISPLAY OFMILITARY PREPARATION WAS FOR THEIR SAFETY AND SO FORTH , AND SO ON~~;~~, —WAS SIMPLY T O GUARD AGAINST AN INNOFFENSIVE EMIGRANT TRAIN, BUT TO PROTECT THEMSELVES AND THEIR FAMILIES	AND WELL PREPARED FOR WAR THAT IN EVERY LITTLE VALLEY SETTLEMENT EVERY LITTLE CITY AS THEY CALLED IT OR TOWN THROUGH THE COUNTRY WHERE PEOPLE WERE SETTLED, WHITE PEOPLE I MEAN THEY HAD THEIR WALLS CITIES AND THEIR FORTS, WHY [*space*] NOT AS THE WITNESS WOULD HAVE YOU BELIEVE THAT ALL THIS PARADE AND DISPLAY OF MILITARY PREPARATION OF SAFETY **&C** WAS SIMPLY TO GUARD AGAINST AN INOFFENSIVE EMIGRANT TRAIN BUT TO PROTECT THEMSELVES AND THEIR FAMILIES

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RT	RS	BT	PS
	AGAINST HOSTILTY AND *MASSACRES*[?] OF THOSE SAME INDIANS. THAT IN EVERY VALLEY AND AROUND EVERY SETTLEMENT, WAS TRIBES OF THOSE SAME SAVAGES, AND WHEN THE WORD CAME TO THEM = WHEN THE NEWS SPREAD RAPIDLY = (SUCH NEWS WILL SPREAD,) THEIR WEAK AND FEEBLE MINDS IMAGINATIONS RECEIVING IT = THAT THERE WAS WAR ON HAND, THEY CONCLUDED TO SEE THE ENEMY. WITH WHOM WAS THE WAR ALL THEY COULD UNDERSTAND SAY IT WAS, THAT THE MERICAT'S ARMIES WAS COMING IN	AGAINST HOSTIL~~E~~ITY AND THE MASSACRES ~~OF~~ **BY** THESE **SAME** ~~SAME~~ **I**NDIANS . THAT IN EVERY ~~C~~VALLEY AND AROUND EVERY SETTLEMENT~~S~~ W~~AS~~**ERE** TRIBES OF THESE SAME SAVAGES, AND WHEN THE WORD CAME TO THEM, WHEN THE NE~~S~~WS SPREAD SO RAPIDLY**,** AS THE NEWS WILL SPREAD, THEIR WEEK AND FEBLE MINDS AND IMMA GINATIONS RECEIVING IT, THAT THERE *[152]* WAS WAR ON HAND,— THEY CONCLUDED TO SEE THE ENEMY. WI TH WHOM WAS THE WAR? ALL THAT COU~~N~~LD UNDERST**A**ND SAY IT WAS ~~WITH THAT~~ THE **"**MERICAT'S**"** ARMIES **THAT** WERE COMINGIN	AGAINST THE HOSTILITY AND MASSACRES OF THOSE SAME INDIANS THAT IN EVERY VALLEY AND AROUND EVERY SETTLEMENT WAS TRIBES OF THOSE SAME *[[32]]* SAVAGES AND WHEN THE WORD CAME TO THEM = AND WHEN THE NEWS SPREAD RAPIDLY AS SUCH NEWS WILL SPREAD; THEIR WEAK AND FEEBLE MINDS AND IMAGINATION RECEIVING IT THAT THERE WAS WAR ON HAND THEY CONCLUDED TO SEE THE ENEMY [*space*] WITH WHOM WAS THE WAR, ALL THAT COULD UNDERSTAND, SAY THAT IT WAS = THAT THE MERICAT'S ARMIES WAS COMING IN

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RT	RS	BT	PS
	HERE, RUNNERS = THE NEWS HAD PASSED THROUGH THE INDIANS WAY BEYOND UINTAHS TO THE VALLEYS, ACROSS THE GREAT RANGE OF THE ROCKY MOUNTAINS; HAD BEEN CARRIED ALL OVER THIS COUNTRY; THAT THERE WAS WAR ON HAND, GREAT ARMY WAS COMING HERE, FOR SOME *BRAVES*[?] THEY *WAITED*[?] ANXIOUS TO SEE WITH WHOM AND WHERE BATTLE WOULD COMMENCE AT THIS TIME MOST INTENSE EXCITEMENT PREVAILED OVER THIS COUNTRY, WHEREVER	HERE. RUNNERS —NEWS HAD PASSED ~~THROUGH~~ **AMONG** THE **I**NDIANS, ~~W~~AWAY BEYOND THE UINTAH MOUNTA NS AND THE VALLE~~D~~YS EAST, ~~V~~CROSSING THE GREAT RANGE OF THE ROCKY MOUNT~~Q~~**A**INS. IT HAD BE**E**N CARRIED ALL OVER THIS COUNTRY, THAT THERE WAS A WAR ON HAND AND A GREAT ARMY WAS COMING HERE; AND FOR SOME TIME THEY WAITED AND WERE ANXIOUS TO SEE WITH WHOM AND WHERE THE BATTLE WO U~~L~~D CO~~K~~NMENCE. AT THIS T IME A**L**MOST INTENSE EX**C**ITEMENT PREVAILED OVER THIS COUNTRY. WHEREVER	HERE; RUNNERS WITH NEWS HAD PASSED *THROUGH/FROM* [?] THE INDIANS WAY BEYOND THE UINTAH MOUNTAINS IN THE VALLEYS ACROSS THE GREAT RANGE OF THE ROCKY MOUNTAINS IT HAD BEEN CARRIED ALL OVER THIS COUNTRY THAT THERE WAS A WAR ON HAND < THEY WAITED ANXIOUS TO SEE WITH WHOM AND WHERE THE BATTLE WOULD COMMENCE AT THIS TIME A MOST INTENSE EXCITEMENT PREVAILED ALL OVER THIS COUNTRY WHEREVER

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RT	RS	BT	PS
	THEY MIGHT BE FOUND, IN EVERY PART OF UTAH ALL WHAT IS NOW NEVADA, COLORADO, ARIZONA, INDIANS WERE PAINTING, PLUMING, ARMING FOR THE GREAT DESTRUCTION THAT WAS COME HERE AMONG THESE GREAT TRIBES OF INDIANS SO MANY = SO NUMEROUS SO WIDE SPREAD, WAS A FEW HELPLESS *[[31]]* SETTLERS WITH THEIR FAMILIES THEY HAD BUILT WALLS AROUND THEIR HABITATIONS AROUND THE CITIES ≤AS YOU MIGHT≥ BE PLEASED TO ≤CALL THEM≥ FOR THE PURPOSE OF PROTECTING THEMSELVES AGAINST THESE	THEY MIGHT BE FOUND, IN EVERY PART OF UTAH AND ALL OF WHAT IS NOW NEVADA, COLORADO AND ARIZONA, THE **I**NDIANS WERE PAINT~~ED~~NG, PLUMING AND ARMING FOR THE GREAT DESTRUCTION THAT WAS TO COME**. H**ERE AMONG THESE GREAT TRIBES OF **I**NDIANS~~.—~~ SO MANY, SO NUMEROUS, SO WIDE SPREAD WA~~S~~**ERE** A FEW SETTLERS WITH THEIR FAMILIES. ~~THEY HAD WALLED CITIES~~ THEY HAD BUILT WALLS AROUNDG THEIR HABITATIONS, AROUND THEIR CITIES, AS YOU MIGHT BE PLEASED TO CALL THEM, FOR THE PUR~~O~~POSE OF PROTECTING THEMSELVES AGAINST THESE	THEY MIGHT BE FOUND IN EVERY PART OF UTAH AND WHAT IS NOW NEVADA COLORADO AND ARIZONA INDIANS WERE PAINTING PLUMING AND ARMING FOR THE GREAT DESTRUCTION THAT WAS TO COME HERE AMONG THOSE GREAT TRIBES OF INDIANS WAS A FEW HELPLESS FAMILIES WITH THEIR FAMILIES; THEY HAD BUILT WALLS AROUND THEIR HABITATIONS AROUND THEIR CITIES YOU MIGHT BE PLEASED TO CALL THEM FOR THE PURPOSE OF PROTECTING THEMSELVES AGAINST THOSE

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RT	RS	BT	PS
	INDIANS; AND HENCE IN OTHER PLACES WHERE THEY WERE UNABLE TO WALL IN THEIR HABITATIONS, THEY HAD BUILT RUDE FORTS <**& BLOCKHOUSES** > THEY MIGHT FLEE WITH THEIR HELPLESS LITTLE ONES IN SAFETY TO THAT BLOCK HOUSE THERE FIGHT AWAY = THAT IS FIGHT AGAINST THEIR SAVAGE FOE WE FIND ALL THROUGH THIS COUNTRY THERE WAS THIS PREPARATION MADE FOR WAR AGAINST THOSE SAVAGES AND FOR PROTECTION AND SAFETY AGAINST THEM. AT THE TIME OF THIS MASSACRE =	**I**NDIANS. AND IN OTHER PLACES WHERE THEY WERE UNABLE TO WALL IN THEIR ~~IN~~HABITA~~I~~TION S, THEY HAD BUILT RUDE FORTS AND BLOCK HOUSES SO THAT IN CASE OF NECESSITY, THEY MIGHT FLEE WITH THEIR HELPLESS LITTLE ONES IN SAFETY TO THAT BLOCK HOUSE AND THERE FIGHT AWAY— FIGHT AGAINST THEIR SAVAGE FOE. WE FIND ALL THROUGH THIS COUNTRY THAT THERE WERE THESE PREPATARIONS MADE FOR WAR AGAINST THESE SAVAGES, OR FOR PROTECTION AND SAFETY AGAINST THEM. AT THE TIME OF THIS MA~~CC~~SSACRE,	INDIANS AND IN OTHER PLACES WHERE THEY WERE UNABLE TO WALL IN THEIR INHABITATION HAD BUILT RUDE ROUGH FORTS AND BLOCK HOUSES THAT THEY MIGHT FLEE WITH THEIR INFANTS AND LOVED ONES ~~=~~TO THAT BLOCKHOUSE~~=~~ AND THERE FIGHT AGAINST THEIR SAVAGE FOE WE FIND ALL THROUGH THIS COUNTRY THERE WAS THIS PREPARATION MADE FOR WAR AGAINST THOSE SAVAGES OR FOR PROTECTION AND SAFETY AGAINST THEM AT THE TIME OF THIS MASSACRE

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RT	RS	BT	PS
	AT THE TIME THIS PEOPLE FOUND THEMSELVES UPON THE FIELD OF THE MOUNTAIN MEADOWS FACING IN COMPANY WITH THOSE SAVAGES, THEY FOUND THEMSELVES HELPLESS, INEFFICIENT TO PROTECT THESE EMIGRANTS AGAINST THIS GREAT FOE = HOWEVER IT MAY BE THEY HAPPENED TO GO THERE, WHATEVER MAY HAVE BEEN CAUSE YOU CAN'T DERIVE FROM YOUR CONVICTION THE FACT, THAT THIS GREAT EXCITEMENT OF THE INDIANS = ABOUT WAR, ABOUT ARMIES, ABOUT DESTRUCTION, THIS	AT THE T IME THAT THIS PEOP~~L~~E FOUND THEMSELVES UPO~~J~~N THE FIEL~~S~~DS OF THE MOUNTAIN MEADOWS FUS**S**ING AND IN COMPANY WITH THESE ~~F~~SAVAGES, THEY FOUND THEMSELVES HELPLESS AND INEFFICIENT TO PROTECT THE EMIGRANTS **A**GAINST THIS GREAT FOE. HOWEVER IT MAY BE THAT THEY HAPPENED TO GET THE**R**E, W~~A~~HATEVER MAY HA~~VE~~**VE** BEEN THE CAUSE YOU CAN DERIVE FROM YOUR **OWN** ~~YOUR~~ CONVICTION OF FACT, *[153]* THAT THIS GREAT EXCITEMENT ABOUT THE **I**NDIANS, ABOUT THE WAR, ABOUT THE ARMIES, ABOUT THE DESTRUCTION —THIS	AT THE TIME THIS PEOPLE FOUND THEMSELVES UPON FIELD OF MOUNTAIN MEADOWS FACING AND IN COMPANY WITH THOSE SAVAGES THEY FOUND THEMSELVES HELPLESS INEFFICIENT TO PROTECT THOSE EMIGRANTS AGAINST THIS GREAT FOE HOWEVER IT MAY BE THAT THEY HAPPENED TO GO THERE = WHATEVER MAY HAVE BEEN THE CAUSE YOU CAN DERIVE FROM YOUR CONVICTION THE FACT THAT THIS GREAT EXCITEMENT ABOUT INDIANS ABOUT <WAR> AND ARMIES ABOUT DESTRUCTION THIS

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RT	RS	BT	PS
	PREPARATION = THAT FEAR PREVAILED IN THE MIND OF ALL PEOPLE WAS THE EXCITEMENT THAT BROUGHT = WAS THE LEADING CAUSE = THAT BROUGHT THIS PEOPLE TO THE FIELD OF MOUNTAIN MEADOWS. THE ARGUMENT THAT WILL BE MADE, THAT THEY WENT THERE BY COUNSEL, IS ONE THAT WE DENY IN PARTICULAR. WE WILL SAY TO YOU THAT MANY WERE ORDERED BY COUNCIL AND WENT THERE BY DESIGN BUT A MANY OF THEM = AND THE MAJORITY OF THEM THAT WENT THERE, WERE ORDERED OUT FOR THE PURPOSE AS WAS TOLD	APPREHENSION AND FEAR PREVAILED IN THE MINDS OF THE PEOPLE, WAS THE EXCITEMENT THAT ~~BTROGUGHT,~~ WAS THE LEADING CAUSE THAT BROUGHT THESE PEOPLE TO THE MOUTNAIN MEADOWS. THE ARGUEMENT THAT WILL BE MADE IS, THAT THEY WENT THERE BY COUNCIL AND IT IS ONE T**H**AT WE DENY IN PARTICULAR**.** WE WILL SHOW TO YOU THAT MANY WERE ORDERE~~X~~D BY COUNCIL AND WENT THERE BY DESIGN. BUT THAT MANY OF THEM—AND THE MAJORITY OF THEM THAT WENT THERE WERE ORDERED OUT FOR THE PUR~~OP~~POSE AS WE SAY AND AS WAS TOLD TO	TREPIDATION THAT AND FEAR PREVAILED *[[33]]* IN THE MINDS OF ALL PEOPLE = WAS THE EXCITEMENT THAT BROUGHT = WAS THE LEADING CAUSE THAT BROUGHT THIS PEOPLE TO THE FIELD OF MOUNTAIN MEADOWS THE ARGUMENT THAT WILL BE MADE, THAT THEY WERE SENT THERE BY COUNSEL IS ONE THAT WE DENY IN PARTICULAR WE WILL SAY TO YOU THAT MANY WERE ORDERED OVER BY COUNCIL, AND WENT THERE BY DESIGN, BUT THAT MANY OF THEM AND THE MAJORITY OF THEM THAT WENT THERE WERE ORDERED OUT FOR THE PURPOSE [*space*]

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RT	RS	BT	PS
	THEM OF ASSISTING TO SAVE LIVES OF THOSE EMIGRANTS. WE ARE TOLD = THAT THE FIGHT WAS GOING ON, THAT MANY OF THE EMIGRANTS HAD BEEN KILLED BY THE INDIANS, AND THEY WERE ORDERED TO GO THERE TO ASSIST EMIGRANTS THAT REMAINED, TO SAVE WHAT COULD BE SAVED OF THEM. WE CLAIM THAT THE MAJORITY OF MEN WHO WENT THERE, WENT THERE WITH THAT MOTIVE ALONE. WHILE WE WILL NOT DENY THAT OTHERS WENT THERE FOR THE BASEST MOTIVES THAT EVER INSPIRED ~~<~~THE~~>~~ HUMAN HEART; AND IN THE PROPER TIME	THEM OF ASSISTING TO SAVE THE LIVES OF THESE EMIGRANTS. WE ARE TOLD THAT THE FIGHT WAS GOI~~H~~NG ON; THAT MANY OF THE EMIGRANTS HAD BEEN KILLED BY THE INDIANS, AND THEY WERE ORDERED TO GO THERE TO ASSIST THE EMIGRANTS THAT REMAINED, TO SAVE WHAT COULD BE SAVED OF THEM. WE CLAIM THAT THE MAJORITY OFTHE MEN WHO WENT THERE, WENT THERE WITH THAT MOTIVE AL ONE. WHILE WE WILL NOT DENY THAT OTHERS WENT THERE FOR THE BASEST MOTIVES THAT EVER INSPI~~ER~~RED THE HUMAN HEART; AND IN THE PROPER TIME	OF ASSISTING TO SAVE THE LIVES OF THESE EMIGRANTS WERE TOLD THAT A FIGHT WAS GOING ON THAT MANY OF THE EMIGRANTS HAD BEEN KILLED BY THE INDIANS AND THEY WERE ORDERED TO GO THERE TO ASSIST THE EMIGRANTS THAT REMAINED TO SAVE WHAT COULD BE SAVED OF THEM WE CLAIM THAT THE MAJORITY OF THE MEN THAT WENT THERE WENT THERE WITH THAT MOTIVE ALONE WHILE WE WILL NOT DENY THAT OTHERS WENT THERE FOR THE BASEST MOTIVES THAT EVER INSPIRED THE HUMAN HEART AND IN THE PROPER TIME

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RT	RS	BT	PS
	WE SHALL SHOW TO YOU THAT WHILE THEY WERE CALLING UPON SOME TO GO THERE FOR PURPOSE OF FIGHTING IN WAR OF MERCY // OR ON ERRAND OF MERCY TO SAVE THOSE THAT WERE STILL ALIVE; YET OTHERS WITH VENOM IN THEIR HEARTS, CURSING ~~<~~THE~~>~~ WAY THE THING HAD TURNED, TELLING THEIR TRUSTED FOLLOWERS IN COUNCIL THAT IF IT HAD BEEN FOR THAT OLD FOOL LEE TAMPERING WITH THE INDIANS, THEY WOULD ALL HAVE BEEN DEAD ~~<~~&~~>~~ IN THEIR OWN GRAVES BEFORE THIS AND THEY WOULD NOT HAVE BEEN CALLED ON AT	WE SHALL SHO~~E~~W TO YOU THAT WHILE THEY **WERE** CALLING UPON SOME TO GO THERE FOR THE PURPO~~S~~E OF FIGHTING IN ~~THE~~ **A** WAR OF MERCY—ON AN ERRAND OF MERCY—TO SAVE THOSE THAT WERE STILL LIVING, YET OTHERS WITH VENOM IN THEIR HEARTS, CURISNG THE WAY THE T~~I~~HING HAD TURNED, TELLING THEIR TRUSTY FOLLOWERS AND COUNSEL, IF IT HADN'T BEEN FOR THAT OLD FOOL CAMPING WITH THE **I**NDIANS, THEY WOULD ALL HAVE BEEN DEAD AND IN THEIR GRAVES BEFORE THIS, AND THAT THEY WOULD HAVE NOTBEEN CALLED ON AT	WE SHALL SHOW TO YOU THAT WHILE THEY WERE CALLING UPON SOME TO GO THERE FOR THE PURPOSE OF FIGHTING IN A WAR OF MERCY ON AN ERRAND OF MERCY TO SAVE THOSE THAT WERE STILL ALIVE, YET OTHERS WITH VENOM IN THEIR HEARTS, CURSING THE WAY THE THING HAD TURNED TOLD THEIR TRUSTY FOLLOWERS IN COUNCIL THAT IF HADN'T BEEN FOR THAT OLD FOOL LEE ~~THAT~~ TAMPERING WITH THE INDIANS THEY WOULD ALL HAVE BEEN DEAD AND IN THEIR GRAVES BEFORE THIS AND THEY WOULD HAVE NOT BEEN CALLED ON

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RT	RS	BT	PS
	ALL. AND WE SHALL USE THAT EVIDENCE IN CONNECTION WITH THIS ARGUMENT THAT THEY WILL PRESENT; THAT THEY HAVE PROOF POSITIVE THAT THE DEFENDANT PARTICIPATED, BUT WE SHALL SHOW YOU GENTLEMEN OF THE JURY THAT THAT PROOF COMES FROM THOSE VERY MEN WHO WERE CURSING LEE, BECAUSE HE SAVED THE LIVES OF THE EMIGRANTS, HELD BACK THE HANDS OF THOSE MEN. WILL SHOW TO YOU AGAIN, THE NECESSITY OF THIS MILITARY ORGANIZATION THAT WAS SPOKEN OF, FOR IN UTAH AT THAT TIME EXISTED **A**	ALL. WE SHALL USE THAT EVIDENCE IN CONNECTION WITH THIS ARGUEMENT THAT THEY WILL PRESENT, THAT THEY HAVE PROOF POSITIVE THAT THE DEFENDANT PARTICIPATED, BUT WE SHALL SHOW TO YOU GENTLEMEN OF THE JURY, THAT THAT PROOF COMES FROM THESE VERY MEN WHO WERE CURSING LEE BECAUSE HE SAVED THE LIVES OF THE EMIGRANTS AND HELD BACK THE HANDS OF THESE MEN. WE SHALL SHOW TO YOU ~~G~~AGAIN THE NECESSITY OF THIS MILITARY ORGANIZATION THAT WAS SPOKEN OF; FOR IN UTAH AT THAT *[154]* TIME EXISTED A	WE SHALL USE THAT EVIDENCE IN CONNECTION WITH THIS ARGUMENT THAT THEY WILL PRESENT THAT THEY HAVE PROOF POSITIVE THAT THE DEFENDANT PARTICIPATED AND WE WILL SHOW YOU THAT THAT PROOF COMES FROM THOSE VERY MEN WHO WERE CURSING LEE BECAUSE HE SAVED THE LIVES OF EMIGRANTS BECAUSE *THE FOOL/HE FL*[?] BACK THE *HAND*[?] OF THE INDIANS WE WILL SHOW TO YOU AGAIN THE NECESSITY OF THIS MILITARY ORGANIZATION THAT WAS SPOKEN OF [*space*] FOR IN UTAH AT THAT TIME EXISTED A

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RT	RS	BT	PS
	STRONG MILITARY ORGANIZATION, FOR THE PEOPLE WERE ORGANIZED INTO BANDS OF TENS WITH LIEUTENANT OVER THEM, IN COMPANIES *[[32]]* OF 50 WITH CAPTAIN, BATTALIONS OF 100, WITH MAJOR, AND WITH ADJUTANTS, LIEUTENANT COLONELS, AND WITH COLONELS, ALL HAVING AUTHORITY THAT IS IMPLICITLY OBEYED. AS PROSECUTION WILL SHOW YOU, THAT MEN WILL STEP FORWARD AND DO MOST HORRID MURDERS IN OBEDIENCE TO THOSE COMMANDS IF THERE WAS SUCH A FEARFUL ORGANIZATION MILITARY	STRONG MILITARY ORGANIZATION; FOR THE PEOPLE WERE ORGANIZED INTO BANDS OF TENS WITH A LIEUTENANT OVER THEM IN COMPANIES OF FIFTIES WITH CAPTAINS, B~~U~~ATTALIONS OF A HUNDRED WITH MAJOR**S** AND WITH AD~~U~~JUTANTS, LIEUTENANT COLONELS, AND WITH COLONELS ALL HAVING AUTHORITY, THAT IS IMPLICIT~~H~~LY OBEYED, AND AS THE PROSECUTION WILL SHOW TO YOU THAT MEN WILL STEP FORWARD AND DO THE MOST HORRID MURDERS IN OBEDIENCE TO THOSE COMMANDS. IF THERE WAS SUCH A FEARFUL ORGA~~I~~NIZATION —MILITARY	STRONG MILITARY ORGANIZATION FOR THE PEOPLE WERE ORGANIZED INTO BANDS OF TENS WITH A LIEUTENANT OVER THEM IN BANDS OF FIFTIES WITH A *CAPTAIN*[?] BATTALIONS A HUNDRED WITH A MAJOR AND WITH ADJUTANTS LIEUTENANT COLONELS AND WITH COLONELS ALL HAVING AUTHORITY THAT IS *[[34]]* IMPLICITLY OBEYED AND AS THE PROSECUTION WILL SHOW YOU THAT MEN WILL STEP FORWARD AND DO MOST HORRID MURDERS IN OBEDIENCE TO THOSE COMMANDS IF THERE WAS SUCH A FEARFUL ORGANIZATION MILITARY

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RT	RS	BT	PS
	ORGANIZATION WHAT WAS CAUSE OF IT GENTLEMEN OF THE JURY WE SHALL SAY TO YOU THAT IT IS IMPOSSIBLE FOR A RATIONAL BEING TO BELIEVE THAT THERE COULD BE SUCH A STATE OF AFFAIRS AS EXISTED IN THIS COUNTRY WITH WALLED CITIES FORTS STRONG MILITARY ORGANIZATION, HORRIBLE MASSACRES AND ALL FOR NO PURPOSE AT ALL WHATEVER [*space*] THESE MEN THAT WERE LIKE OURSELVES THAT WERE THERE THEY WERE AMERICAN CITIZENS MANY OF THEM, BORN REARED EDUCATED UPON AMERICAN SOIL IN AMERICAN	ORGANIZATION, WHAT WAS THE CAUSE OF IT? GENTLEMEN OF THE JURY, WE SHALL SHOW TO YOU THAT IT IS IMPOSSIBLE FOR A RATIONAL BEING TO BELIEVE THAT THERE COULD BE SUCH A STATE OF AFFAIRS AS EXISTED IN THIS TERRITORY. WALLED CITIES, FORTS, STRONG MILITARY ORGANIZATION S, HORRIBLE MASSACRES, AND ALL FOR NO PURPOSE WHATEVER. THESE MEN WERE LIKE HORSES THAT WERE THERE. THEY WERE AMERICAN CITIZENS, MANY OF THEM, BORN, REARED AND EDUCATED UPON AMERICAN SOIL AND IN AMERICAN	ORGANIZATION WHAT WAS THE CAUSE OF IT? GENTLEMEN OF THE JURY, WE SHALL SAY TO YOU THAT IT WAS IMPOSSIBLE FOR A RATIONAL BEING TO BELIEVE THAT THERE COULD BE SUCH A STATE OF AFFAIRS AS EXISTED IN THIS COUNTRY WALLED CITIES, FORTS STRONG MILITARY ORGANIZATION S HORRIBLE MASSACRES AND ALL FOR NO PURPOSE AT ALL WHATEVER THESE MEN WERE LIKE OURSELVES THAT WERE THERE THEY WERE AMERICAN CITIZENS MANY OF THEM BORN REARED AND EDUCATED AS AMERICAN

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RT	RS	BT	PS
	SOCIETY AND IT IS ASSUMING UNREASONABL E IMPOSSIBLE THING OF ANY TO BELIEVE WILD IRRATIONAL *SYMPATHY*[?] AND WELL DRILLED SETTLERS, THAT THIS DIABOLICAL TRAGEDY WAS PERPETRATED WITHOUT REASON AND WITHOUT CAUSE. MEN DO NOT GO INTO THOSE THINGS AND DO SUCH TERRIBLE ACTS WITHOUT SOME STRONG IMPELLING MOTIVE, SOMETHING FEARFUL, DREADFUL IRRESISTIBLE URGES THEM ON. WHAT WAS IT? PURSUING THIS SUBJECT A LITTLE	SOCIETY; AND IT IS ASSUMING AN UNREASONABL E, AN IMPOSSIBLE THING, TO BELIEVE THAT WHILE RATIONAL SYMPATHY, AND WELL DRILLED SETTLERS,— THAT THIS GREAT DEPLORABLE TRAGEDY WAS PERPETRATED WITHOUT REASON AND WITHOUT CAUSE.. MEN DO NOT GO INTO THESE THIN~~G~~S AND ~~GO~~ **DO** SUCH DREADFUL ACTS WITHOUT SOME STRONG IMPELLING MOTIVE, SOMETHING FEARFUL, DREADFUL AND IRRESISTIBLE, URGES THEM ON. WHAT WAS IT? PURSUING THIS ~~PAGE~~ **SUBJECT**[310] A LITTLE	SOCIETY; IT IS ASSUMING AN UNREASONABL E AND IMPOSSIBLE THING TO BELIEVE A WILD IRRATIONAL SYMPATHY AND WELL DRILLED SETTLERS THAT THIS GREAT DIABOLICAL TRAGEDY WAS PERPETRATED WITHOUT REASON AND WITHOUT CAUSE MEN DO NOT GO INTO THOSE THINGS DO SUCH TERRIBLE ACTS WITHOUT SOME STRONG IMPELLING MOTIVE SOMETHING, FEARFUL, DREADFUL, IRRESISTIBLE WHAT WAS IT? PURSUING THIS SUBJECT A LITTLE

310. May be Cook's hand—very different from most corrections.

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RT	RS	BT	PS
	FURTHER LET US THINK TO YOURSELVES HOW PEOPLE WOULD NATURALLY DO THAT WERE LIVING AS THIS PEOPLE LIVED AT THAT TIME. WE WILL FORGET FOR THE TIME BEING THEY WERE MORMONS, WE'LL SIMPLY LOOK UPON THEM AS A FEW AMERICAN CITIZENS LIVING UPON FRONTIER, THE VERY EXTREME FRONTIER OF THE AMERICAN SETTLEMENTS AND SURROUNDED BY NUMEROUS TRIBES OF SAVAGE INDIANS THEY COULD READILY SEE THAT SO FEW IN NUMBER AND THAT TOO ENCUMBERED BY WIVES AND CHILDREN FEW	FURTHER LET US THINK TO OURSELVES HOW A PEOPLE WOULD NATURALLY DO THAT WERE LIVING AS THESE PEOPLE LIVED AT THAT TIME. WE WILL FORGET FOR TH ET IME BEING THAT THEY WERE MORMONS. WE WILL MERELY LOOK UPON THEM AS A FEW AMERICAN CITIZENS, LIVING UPON THE FRONTIER —THE VERY EXTREME FRONTIER OF THE AMREICAN SETTLEMENTS, AND SURROUNDED BY NUMEROUS TRIBES OF ~~A~~SAVAGE **I**NDIANS WHICH THEY COULD READILY SEE THAT THEY WERE BUT HALF IN NUMBERS, AND THAT TOO INCUMBERED BY WIVES AND CHILDREN. FEW	FURTHER, LET US THINK TO OURSELVES HOW A PEOPLE WOULD *N*[?] NATURALLY DO THAT WERE LIVING AS THIS PEOPLE LIVED AT THAT TIME WE WILL FORGET FOR THE TIME BEING THAT THEY WERE MORMONS, WE WILL MERELY LOOK UPON THEM AS ~~A~~ FEW AMERICAN CITIZENS LIVING UPON THE FRONTIER THE VERY EXTREME FRONTIER OF THE AMERICAN SETTLEMENTS AND SURROUNDED BY NUMEROUS TRIBES *AND*[?] OF SAVAGE INDIANS THEY COULD READILY SEE THAT SO FEW IN NUMBER AND THAT TOO ENCUMBERED BY WIVES AND CHILDREN FEW

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RT	RS	BT	PS
	IN NUMBER AS THEY WERE IN AND GREAT ≤IN NUMBER≥ AS THE SAVAGES WERE, THAT THEY COULD NOT VENTURE = DARED NOT VENTURE UPON A GENERAL WAR WITH ALL THOSE TRIBES; BUT AS WE SHALL SHOW TO YOU THEY *TEND*[?] CONSOLIDATE OR MAKE TREATIES OR OBTAIN ALLIANCES WITH LITTLE BAND AT TIME THEY WOULD HAVE A FRIENDSHIP *BY/BUY*[?] THIS BAND = PERHAPS THE BAND NEAREST TO WHERE THEY LIVED THAT BAND BEING FRIENDLY TO THEM OTHER INDIANS LIVING FAR AWAY WHEN COMING THROUGH, WOULD MEET THIS OTHER	IN NUMBER AS THEY WERE AND GREAT IN *[155]* NUMBER AS THE SAVAGES WERE, THAT THEY COULD NOT VENTURE AND DARE NOT VENTURE UPON THE GENERAL WAR WITH ALL THESE TRIBES; BUT WE SHALL SHOW TO YOU THAT THEY **HAD TO** ~~DID NOT~~ CONSOLIDATE OR MAKE TREATIES OR OBTAIN ALLIANCES WITH LITTLE BANDS AT THE TIME THEY WOULDHAVE FRIENDSHIP~~.~~, BY THIS BAND PERHAPS THE BAND NEAREST TO WHERE THEY LIVED. OTHER **I**NDIANS LIVING FAR AWAY WHEN COMING THROUGH WOULD MEET THESE OTHER	IN NUMBER AS THEY WERE AND GREAT IN NUMBER AS THE SAVAGES WERE THAT THEY COULD NOT VENTURE AND DARE NOT VENTURE UPON A GENERAL WAR WITH ALL THOSE TRIBES; BUT AS WE SHALL SHOW YOU DID MAKE TREATIES AND OBTAIN ALLIANCES, *A LITTLE*[?] BAND AT ONCE THAT BAND BEING FRIENDLY TO THEM OTHER INDIANS LIVING FAR AWAY WHEN CAME THERE WOULD MEET THIS OTHER

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RT	RS	BT	PS
	BAND = WOULD MEET THESE FRIENDS AND LEARN FROM THEM THEY WERE FRIENDLY WITH THESE, AND THEY WERE ALLIES AS THEY HAD FIGHT WITH THE SETTLEMENT, THEN YOU WOULD NATURALLY HAVE TO FIGHT THIS ~~<~~BAND~~>~~ ALSO STRENGTHEN THEM PROTECT WITH THIS MANNER OF MAKING LITTLE TREATIES WITH LITTLE BANDS OF INDIANS AND THUS MAKING THEMSELVES SECURE AGAIN THEY WOULD MAKE TREATY WITH ANOTHER ONE AND ALLIANCE, BUT AS WE	BANDS — WOULD MEET THESE OTHERS AND LEARN FROM THEM, THAT THEY WERE FRIENDLY WITH THESE, THAT THEY WERE ALLIES; ~~W~~ IF THEY HAD TO **FIGHT** ~~GIGHT~~ WIT**H** THE SETTLEMENTS, THEN YOU WOULD HAVE TO FIGHT THIS BAND ALSO , AND STRENGTHEN THOSE AND HELP PROTECT THOSE WITH OTHERS IN THIS MANNER OF MAKING LITTLE TREATIES WITH LITTL E BANDS OF **I**NDIANS AND THUS MAKE THEMSELVES SECU~~T~~RE. AGAIN THEY WOULD MAKE A TREATY WITH ANOTHER NATION**,** AND ALLIANCES; BUT AS WE	BAND WOULD MEET THESE FRIENDS AND LEARN FROM THEM THAT THEY WERE FRIENDLY WITH THEM AND THAT THEY WERE ALLIES IF THEY HAD FIGHT WITH THE SETTLEMENTS THEY WOULD HAVE TO FIGHT THIS BAND ALSO STRENGTHENED THEMSELVES BY MAKING THOSE LITTLE TREATIES THUS MAKE THEMSELVES SECURE *[[35]]* AGAIN THEY WOULD MAKE TREATY WITH ANOTHER ONE AND ALLIANCES BUT AS WE

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RT	RS	BT	PS
	SHALL SHOW WITH TESTIMONY <TESTIMONY YET TO BE GIVEN>, THAT THEY WOULD BUY THEM WITH PRESENTS GIVE THEM WEAPONS BEADS PRESENTS UNTIL THEY WOULD CONCILIATE THESE INDIANS MAKE THEM FRIENDS OF THEIRS; THEN THEY WOULD BE THEIR ALLIES FRIENDS, ASSIST THEM IN FIGHTS MAKE SIMILAR ALLIES WITH OTHER TRIBES FAR AWAY EVERY NOW AND THEN, IT WAS A FREQUENT OCCURRENCE THAT A LITTLE BRAWL WOULD BREAK OUT	SHALL **SHOW** FROM THE TESTIMONY YET TO BE GIVEN THAT THEY W**O**ULD BUY THEM WITH P~~T~~RESENTS AND GIVE THEM BEEF AND FLOUR, AND BE~~E~~**A**DS AND OTHER BITS OF PRESENTS TILL THEY WOULD CONSULT THESE **I**NDIANS AND MAKE THEM FRIENDS OF THEIRS , THEN THE~~RE~~**Y** WOULD BE THEIR ALLIES, FRIENDS AND ASSIST THEM IN FIGHTI~~G~~NG SIMILAR AND SMALLER ALLIES FARTHER ~~W~~AWAY. EVERY NOW AND THEN IT WAS A FREQUENT OCCURRENCE THAT A LITTLE BROIL WOULD BREAK OUT	SHALL SHOW FROM THE TESTIMONY YET TO BE GIVEN THAT THEY WOULD BUY THEM WITH PRESENTS GIVE THEM BEEF FLOUR STRINGS OF BEADS PRESENTS TILL THEY WOULD CONCILIATE THESE INDIANS AND MAKE THEM FRIENDLY THEN THEY WOULD BE FRIENDLY ALLIES ASSIST *THEM*[?] IN FIGHT [*space*] MAKE SIMILAR ALLIANCES WITH OTHER TRIBES FARTHER AWAY EVERY NOW AND THEN AS A FREQUENT OCCURRENCE THAT A LITTLE BRAWL WOULD BREAK OUT

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RT	RS	BT	PS
	BETWEEN THE SETTLERS *[[33]]*311 SETTLEMENT AND NEAREST INDIAN TRIBES AND BAND HAVE FIGHTS, *WAR/WHERE*[?] SOME WOULD BE KILLED UNTIL THE MATTER COULD BE SETTLED UP TREATY MADE AGAIN SHALL SHOW TO YOU IT WAS NOT ONLY EMIGRANTS THAT WERE KILLED IN THIS COUNTRY BUT THAT THOSE FRONTIER SETTLERS FREQUENTLY MET WITH DEATH AT THE HAND OF THOSE INDIANS, AND AS THEY WILL SPEAK OF IT, MORMONS WERE FREQUENTLY KILLED BY	BETWEEN THE SETTLERS AND THE NEAREST **I**INDIAN~~S~~ TRIBES AND BANDS FOR FIGHTS, AND FOR WAR. SOME WOULD BE KILLED TILL THE MATTER COULD BE SETTLED OR TREATY COULD BE MADE AGAIN. WE SHALL SHOW TO YOU THAT ~~THER~~E IT WAS NOT ONLY THE EMIGRANTS THAT WERE ~~I~~KILLED IN **THIS** ~~THES~~**E** COUNTRY, BUT THAT THESE FRONTIER SETTLERS FREQUENTLY MET WITH DEATH AT THE HANDS OF THESE **I**NDIANS , AND SEVERAL WILL SPEAK OF IT, THAT THE MORMONS WERE FREQUENTLY KILLED BY THE	BETWEEN THE SETTLERS AND NEAREST INDIANS THEN THEY WOULD HAVE FIGHTS AND HAVE WAR AND SOME WOULD BE KILLED UNTIL THE MATTER COULD BE SETTLED UP [*space*] SHALL SHOW TO YOU THAT IT WAS NOT ONLY EMIGRANTS THAT WERE KILLED IN THIS COUNTRY BUT THAT THESE FRONTIER SETTLERS FREQUENTLY MET WITH DEATH AT THE HAND OF THOSE INDIANS AND AS THEY WILL SPEAK OF IT MORMONS WERE FREQUENTLY KILLED BY

311. On the verso of page 33: 17x3=501 [*space*] 2.

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RT	RS	BT	PS
	INDIANS. WE SHALL NOT ALLOW IT BE SAID ESTABLISHED AS PROOF THAT THE INDIANS KILLED ONLY THE MERICATS OR EMIGRANTS THAT WERE PASSING THROUGH; FOR THIS VERY PEOPLE = THESE MORMONS HAD FREQUENT WARS WITH THESE INDIANS AND WERE FREQUENTLY THE LOSERS = LOSING MANY LIVES IN THOSE INDIAN WARS THIS WHOLE MILITARY ORGANIZATION EXTENDING OVER THE ALL COUNTRY AND ALL THOSE FORTS BUILT CITIES WERE ORGANIZED	**I**NDIANS. WE SHALL **NOT** ALLOW IT TO BE SAID~~, **AND**~~ ESTABLISHED AND PROVEN THAT THE **I**NDIANS KILLED ONLY THE ~~INDIANS~~ **"**MERICATS**" ,** OR EMIGRANTS THAT WERE PASSING THROUGH; FOR THESE VERY PEOPLE, THESE MORMONS HAD FREQUENT WARS WITH THESE **I**NDIANS, ~~AND WERE FREQUENLTLY THE LOOSERS~~ *[156]* AND HAD FREQUENTLY **BEEN** THE LOOSERS — LOOSING MANY LIVES. IN THESE **I**NDIAN WARS, THIS WHOLE MILITARY ORGANIZATION EXTENDING OVER THE WHOLE COUNTRY , AND ALL THE~~R~~SE FORTS AND WALLED CITIES WERE ORGANIZED	INDIANS WE SHALL NOT ALLOW IT TO BE SAID OR ESTABLISHED AS PROVED THAT THE INDIANS KILLED ONLY THE MERICATS OR EMIGRANTS THAT WERE PASSING THROUGH, FOR THIS VERY PEOPLE THESE MORMONS HAD FREQUENT WARS WITH THESE INDIANS AND WERE FREQUENTLY THE LOSERS = LOSING MANY LIVES IN THESE INDIANS WARS AND THAT THIS WHOLE MILITARY ORGANIZATION EXTENDING OVER THE WHOLE COUNTRY AND ALL THOSE FORTS AND WALLED CITIES WERE ORGANIZED

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RT	RS	BT	PS
	AND WALLED FOR PROTECTION OF THEMSELVES ALL THIS STRONG MILITARY ORGANIZATION WITH TENS, 50[S] HUNDREDS WHO WERE UNDER ORDERS MARCHED TO THE MOUNTAIN MEADOWS, IN ITSELF PROVIDED WITH BAGGAGE WAGONS TO CARRY THEIR BLANKETS, THEIR PROVISIONS ALL THESE THINGS, WERE PROVIDED WHEN THE FIRST OUTBREAK OF INDIANS WAS MADE KNOWN, THAT THEY COULD BE CALLED AT ONCE, AND GO TO THE PROTECTION OF EACH OTHER THERE, AND THIS MILITARY	AND BUILT FOR THE PROTECTION OF THEMSELVES; AND THIS STRONG MILITARY ORGANIZATION WITH TENS, FIFTIES AND HUNDREDS WHO WERE UNDER ORDERS AND MARCHED TO THE MOUNTAIN MEADOWS, AND THUS PROVIDED WITH BAGGAGE WAGONS TO CARRY THEIR BLANKETS, THEIR PROVISIONS AND ALL THESE THINGS, WERE PROVIDED WHENTHE FIRST OUTBREAK OF THE INDIANS WAS MADE KNOWN— THAT THEY COULD BE CALLED AT ONCE AND GO TO THE PROTECTION OF EACH OTHER THERE; AND THIS MILITARY	AND BUILT FOR PROTECTION OF THEMSELVES AND THIS STRONG MILITARY ORGANIZATION OF TENS FIFTIES AND HUNDREDS WHO WERE UNDER ORDERS AND MARCHED TO MOUNTAIN MEADOWS IN ITSELF PROVIDED WITH BAGGAGE WAGONS ALL THESE THINGS WERE PROVIDED THAT WHEN THE FIRST OUTBREAK OF INDIANS WAS MADE KNOWN THAT THEY COULD BE CALLED AT ONCE INTO THE FIELD AND GO TO THE PROTECTION OF EACH OTHER THERE AND THAT THIS MILITARY

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RT	RS	BT	PS
	ORGANIZATION WAS ONLY FOR THAT PURPOSE, AND FOR NONE OTHER. WE SHALL SHOW TO YOU THIS, AND ASK YOU TO BELIEVE NOT *WITH/WHAT*[?] THE WITNESS, THAT THIS WAS ALL FOR NO PURPOSE AT ALL THAT THEY COULD TELL <**TELL ONLY THAT IT**> IT WAS SO HE DID NOT KNOW WHY, BUT ≤THAT≥ IT WAS FOR A PURPOSE AND A GOOD PURPOSE, FOR THE PROTECTION AND SAVING OF THEIR OWN LIVES AND THOSE OF THEIR FAMILIES THAT IT WAS A NECESSITY THAT THEY NEVER COULD HAVE LIVED IN THIS COUNTRY	ORG~~Z~~ANIZATIO N WAS ONLY FO~~T~~R THAT PURPOSE AND FOR NONE OTHER. WE SHAL**L** SHOW TO YOU THIS AND ASK YOU **NOT** TO BELIEVE**,** ~~NOT Q~~WHAT THE WITNESSES~~.~~**,** **SAID** THAT THIS WAS ALL FOR NO PURPOSE AT ALL**,** THAT THEY COULD TELL ONLY THAT IT WAS SO, AND **T**HE**Y** DIDN'T KNOW WHY, — BUT THAT IT WAS FOR ~~THE~~ **A** PURPOSE , AND A GOOD PURPOSE — FOR THE PROTECTING AN~~S~~D SAVING OF THEIR OWN LIVES AND THEIR FAMILIES~~.~~**;** THAT IT WAS A NECESSITY; THAT THEY NEVER COULD HAVE LIVED IN TH~~E~~IS COU~~L~~NTRY	ORGANIZATION WAS ONLY FOR THAT PURPOSE AND FOR NONE OTHER WE SHALL SHOW TO YOU THIS AND ASK YOU TO BELIEVE NOT WHAT THE WITNESS THAT THIS WAS ALL FOR NO PURPOSE AT ALL AS THEY COULD TELL ONLY THAT IT WAS, SO AND THEY DIDN'T KNOW WHY BUT THAT IT WAS FOR A PURPOSE AND A GOOD PURPOSE THE PROTECTION AND SAVING OF THEIR OWN LIVES AND THOSE OF AND THEIR FAMILIES *[[36]]* THAT IT WAS A NECESSITY THAT THEY NEVER COULD HAVE LIVED IN THIS COUNTRY

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RT	RS	BT	PS
	WITHOUT, AND WITH IT THEY WERE ONLY ENABLED TO MAINTAIN PRECARIOUS SETTLEMENTS HERE FREQUENTLY HAVE THEIR SETTLEMENTS BROKEN UP AND DRIVEN AWAY, FREQUENTLY LOS≤ING≥ ≤LIFE≥ *THEN*[?] LOSING GREAT DEAL OF THEIR PROPERTY, BEING STOLEN DRIVEN OFF BY THE INDIANS GENTLEMEN OF THE JURY WE NEED NOT GO WAY BACK TO THE TIME OF THIS MASSACRE, TO THE YEAR 1857, TO FIND THIS WE MAY LOOK TO MORE RECENT DATES AND FIND IT WITHIN **A** FEW YEARS PAST; FIND IT WITHIN A VERY FEW YEARS PAST	WITHOUT IT, AND WITH IT THEY WERE ONLY ENABLED TO MAINTAIN THE PRECARIOUS SETTLEMENTS HERE. FREQUENTLY HAVING THEIR SETTLEMENTS BROKEN UP AND DRIVEN AWAY TO MORE SECURE PLACES, FREQUENTLY LOSING LIFE, LOOSIN**G** THEIR ~~F~~CATTLE AND A GREAT DEAL OF THI~~E~~R PROPERTY BEING ST**O**LEN AND DRIVEN OFF BY THE INDIANS. GENTLE~~K~~MEN OF THE JURY, WE NEED NOT GO AWAY BACK TO THE TIME OF THIS MASSACRE**,** TO THE YEAR I857, TO FIND THIS. WE MAY LOOK TO MORE RECENT DATES AND FIND IT WITHIN A FEW YEARS PAST— FIND IT WITHIN A VERY FEW YEARS PAST—	WITHOUT IT AND WITH IT THEY WERE ONLY ENABLED TO MAINTAIN A PRECARIOUS SETTLEMENT HERE FREQUENTLY HAVING THEIR SETTLEMENTS BROKEN UP AND DRIVEN AWAY; FREQUENTLY LOST LIFE EVEN GREAT DEAL OF PROPERTY AND GENTLEMEN OF THE JURY WE NEED NOT GO WAY BACK TO THE TIMES OF THIS MASSACRE TO THE YEAR 1857 TO FIND THIS WE MAY LOOK TO MORE RECENT DAYS COULD FIND IT WITHIN A FEW YEARS PAST FIND IT WITHIN A VERY FEW YEARS PAST

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RT	RS	BT	PS
	THAT INDIANS WERE DOING LIKEWISE, DOING AS THEY DID THEN AND THE SETTLERS WERE COMPELLED ARM UNITE AND PURSUE THEM AS THEY DID THEN. [*space*] THIS GREAT ORGANIZATION, SO STRONG, SO POWERFUL, WHOSE DICTATES NO ONE DARED DISPUTE, WAS FOR THE PURPOSE OF THE SAFETY OF THEMSELVES AGAINST THOSE OTHER INDIANS WHO LED ON AND DID MOST OF THIS HORRIBLE MASSACRE AT MOUNTAIN MEADOWS GENTLEMEN OF THE JURY, THERE IS ONE LITTLE FACT IT IS SMALL BUT YET IT IS GREAT BECAUSE IT IS	THAT THE **I**NDIANS WERE DOING— LIKEWISE— DOING AS THEY DID THEN AND THE SETTLERS WERE COMPELLED TO ARM AND UNITE AND PURSUE THEM AS THEY DID THEN. ~~THESE~~ **THIS** GREAT ~~BANDS~~ **ORGANIZTION** SO STRONG, ~~D~~SO POWERFUL, WHOSE BEHESTS AND DICTATE~~D~~S NO ONE DARE DISPUTE WAS FOR THE PURPOSE OF SAFETY TO THEMSELVES AGAINST *[157]* THESE VERY **I**NDIANS WHO LED ON AND DID MOST OF THIS HORRIBLE MASSAC~~R~~E ~~ZT~~ **AT** THE MOUNTAI N MEADOWS. GENTLMEN OF THE JURY, THERE IS ONE LITTLE FACT. IT IS SMALL BUT YET IT IS GREAT, BECAUSE IT IS	THAT INDIANS WERE DOING LIKEWISE DOING AS THEY DID THEN AND THE SETTLERS WERE COMPELLED TO UNITE ARM PURSUE THEM AS THEY DID THEN [*space*] THAT GREAT ORGANIZATION WHOSE DICTATES NO ONE DARE DISPUTE WAS FOR THE PURPOSE OF SAFETY OF THEMSELVES AGAINST THOSE VERY INDIANS WHO LED ON AND DONE MOST OF THE HORRIBLE MASSACRE AT MOUNTAIN MEADOWS [*space*] GENTLEMEN OF THE JURY THERE IS ONE LITTLE FACT SMALL BUT YET IT IS GREAT BECAUSE IT IS

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RT	RS	BT	PS
	SIGNIFICANT WILL BE SHOWN TO YOU IN DEFENSE WE WANT TO THINK OF THIS WHY IT COULD BE CALIFORNIA IS A GREAT STATE OR EMPIRE, POWERFUL COMMONWEALT H, ~~AND~~ ~~<~~THAT~~>~~ LIES BEYOND THE SEA ON THE PACIFIC COAST AT THIS TIME IT WAS BEING RAPIDLY SETTLED EVERY STATE IN THE UNION <GREAT UNITED STATES> WERE POURING FORTH ITS LARGE DELEGATIONS TO SETTLE THAT GOLDEN STATE *[[34]]* MANY IT IS TRUE WERE GOING BY OCEAN ROUTE HUNDREDS AND THOUSANDS, TENS OF THOUSANDS WERE TRAVELING TO THAT GOLDEN LAND OVER THIS	SIGNIFICANT AND WILL B**E** ~~E~~ SHOWN T O YOU IN THE DEFENSE, AND WE WANT YOU TO THINK OF THIS, WHY IT COULD BE. CALIFORNIA IS A GREAT STATE OR EMPIRE—A POWERFUL COMMONWEALT H THAT LIES BY THE SEA, ON THE PACIFIC COAST. AT THIS TIME IT WAS BE ING RAPPIDLY SETTLED. EVERY CITY IN THE GREAT UNION O~~N~~F THE UNITED STATES W~~ERE~~**AS** POURING FORTH ITS DELEGATION TO SETTLE THAT GOLDEN STATE. MANY IT IS TRUE WERE GOING BY THE OCEAN ROUTE. ~~U~~HUNDREDS AND THOU~~D~~SANDS, AND TENS OF THOUSANDS WERE TRAVELING TO THAT GOLDEN LAND OVER THIS	SIGNIFICANT THAT WILL BE SHOWN TO YOU IN THE DEFENSE AND WE WANT YOU TO THINK OF THIS WHY IT COULD BE CALIFORNIA IS A GREAT STATE OR EMPIRE A POWERFUL COMMONWEALT H THAT LIES UPON THE PACIFIC COAST AT THIS TIME IT WAS BEING RAPIDLY SETTLED EVERY STATE IN THE UNITED STATES WERE POURING FORTH ITS LARGE DELEGATIONS TO SETTLE THAT GOLDEN STATE MANY IT IS TRUE WERE GOING BY THE OCEAN ROUTE BUT HUNDREDS THOUSANDS AND TENS OF THOUSANDS WERE TRAVELING TO THAT GOLDEN LAND OVER THIS

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RT	RS	BT	PS
	VERY ROUTE. THEY HAD BEEN GOING TRAVELING THIS ROUTE FOR NUMBER OF YEARS BEFORE, FOR 7 OR 8 BEFORE YEARS, *AND*[?] ARE TRAVELING IT UP TO THE PRESENT TIME TRAIN AFTER TRAIN, LARGE TRAINS SMALL ONES, AND EVEN INDIVIDUAL WAGONS PASSED OVER THESE ROUTES TO THE PACIFIC COAST UNHARMED. OCCURRENCE IF NOT DAILY WAS CERTAINLY WEEKLY THROUGH ALL THIS TIME THAT TRAINS WERE TRAVELING THIS ROUTE AND TRAVELING IT ~~IN HERE~~ UNHARMED SO FAR AS UTAH IS CONCERNED, MANY MET WITH DIFFICULTIES IN	ROUTE. THEY HAD BEEN GO ING AND TRAVELING THIS ROUTE FOR A NUMBER OF YEARS BEFORE —FOR SEVEN OR EIGHT YEARS BEFORE, AND THEY ARE TRAVELING IT UP TO THE PRESENT TIME. TRAIN AFTER TRAIN, LARGE TRAINS AND S~~A~~MALL ONES AND EVEN INDIVIDUAL WAGONS PASSED OVER THIS ROUTE TO THE PACIFIC COAST UNHARMED . THE OCCURRENCE IF NOT DAILY WAS FREQUENTLY WEEKLY**,** THROUGH ALL THIS TIME**,** THAT TRAINS WERE TRAVELING THIS ROUTE AND TRAVELING IT UNHARMED SO FAR AS UTAH WAS CONCERNED. MANY MET WITH DIFFICULTIES IN	VERY ROUTE THEY HAD BEEN TRAVELING THIS ROUTE FOR A NUMBER OF YEARS BEFORE FOR 7 OR 8 YEARS BEFORE AND ARE TRAVELING IT UP TO THE PRESENT TIME TRAIN AFTER TRAIN LARGE TRAINS AND SMALL ONES, AND EVEN INDIVIDUAL WAGONS PASSED OVER THESE ROUTES TO THE PACIFIC COAST UNHARMED THE OCCURRENCE IF NOT DAILY WAS CERTAINLY WEEKLY THROUGH ALL THIS TIME THAT TRAINS WERE TRAVELING THIS ROUTE AND *[[37]]* TRAVELING IT UNHARMED SO FAR AS UTAH WAS CONCERNED MANY MET WITH DIFFICULTY IN

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RT	RS	BT	PS
	THE ROCKY MOUNTAINS AMONG THE SIERRA NEVADAS IN TRAVELING MOUNTAINS OF UTAH NONE SAVE THESE; WHY IS IT WHY WAS IT, GENTLEMEN OF THE JURY, THAT OF ALL TRAINS THAT PASSED THROUGH, ONLY THIS ONE WAS DOOMED. WE PRESENT THIS FACT TO CONSIDER ~~<~~IN CONNECTION~~>~~ WITH THE TESTIMONY <WE SHALL GIVE YOU> CONSIDER TOO THAT THIS WAS THE ONLY DIVIDED TRAIN. OVER HALF OF IT PASSED RIGHT ON BEHIND THEM, WENT THROUGH IN SAFETY WHY IS IT THAT THIS TRAIN PERISHED, THAT THIS	THE ROCKEY MOUNTAINS, AND MANY IN THE SIERRA NEVADAS**;** IN TRAVELING THE MOU~~J~~NTAINS OF **U**TAH, NONE**,** SAVE THESE. WHY IS IT~~.~~? WHY IS IT, GENTLEMEN OF THE JURY, OF ALL THESE TRAINS THAT PASSED THORUGH**,** ONLY THIS ONE WAS DOOMED~~.~~? WE PRESENT TO YOU THIS FACT TO CONSIDER IN THIS CONNECTION WITH THE TESTIO MONY THAT WE SHALL GI~~C~~VE YOU— AND TO CONSIDER ~~TO~~ THAT **WHY** THIS WAS THE ON~~L~~Y DIVIDED TRAIN. THE OTHER HALF OF IT PASSED RIGHT IN BEHIND THEM AND WENT THROUGH IN SAFETY? WHY IS IT THAT THIS TRAIN PERISHED? THAT THIS	ROCKY MOUNTAINS AND IN THE SIERRA NEVADA [*space*] NONE IN UTAH WHY WAS IT GENTLEMEN OF THE JURY THAT OF ALL OF THOSE TRAINS THAT PASSED THROUGH ONLY THIS ONE WAS DOOMED WE PRESENT YOU THIS FACT TO CONSIDER IN CONNECTION WITH THE TESTIMONY WE SHALL GIVE YOU AND CONSIDER THAT WHY THIS WAS ONLY A DIVIDED TRAIN THE OTHER HALF OF IT PASSED RIGHT IN BEHIND THEM AND THROUGH IN SAFETY > WHY IS IT THAT THIS

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RT	RS	BT	PS
	TRAIN ≺ALONE≻ WAS DOOMED. THERE IS A SIGNIFICANCE TO THAT LITTLE FACT. *WHICH*[?] TESTIMONY WILL EXPLAIN. OUR THEORY OF THAT WILL BE THIS, THAT THROUGH THE ACTS OF THEMSELVES THEY EXCITED INDIANS TO HOSTILITY, AND THAT WAS CARRIED SO FAR THAT THE FEW SETTLERS COULD NOT PREVENT IT. WE HOPE TO SHOW YOU ≺BY THE≻ EVIDENCE YET TO COME THAT WHEN THIS TRAIN PASSED THROUGH BEAVER CITY, THEY WERE THEN PURSUED BY INDIANS HERE THOSE VERY AUTHORITIES THAT YOU ARE TOLD TO LOOK DOWN AS BEING SO BLOODY IN	TRAIN ALONE WAS DOOMED? THERE IS A SIGNIFICATION TO THAT ~~THERE~~ LITTLE FACT , THAT OUR TESTIMONY WILL EXPLAIN. OUR THEORY OF THAT WILL BE THIIS, THAT ~~H~~ THROUGH THE ACTS OF THEMSELVES THEY EXCITED THE **I**NDIANS TO HOSTILITY. AND THAT WAS *[158]* CARRIED SO FAR THAT THE FEW SETTLERS COULD NOT PREVENT IT. NOW, WE HOPE TO SHOW YOU BY THE EVIDENCE YET TO COME , THAT WHEN THIS TRAIN PASSED THROUGH BEAVER CITY, THEY WERE **THEN** ~~THEN~~ PURSUED BY **I**NDIANS, AND HE~~A~~RE THESE VERY AUTHORITIES THAT YOU ARE TOLD TO LOOK UPON AS BEING SO BLOODY IN	TRAIN ALONE WAS DOOMED [*space*] THERE IS A SIGNIFICANCE TO THAT LITTLE FACT THAT TESTIMONY WILL EXPLAIN OUR THEORY OF THAT WILL BE THIS; THAT THROUGH THE ACTS OF THEMSELVES THEY EXCITED THE INDIANS TO HOSTILITY AND THAT WAS CARRIED SO FAR THAT THE FEW SETTLERS COULD NOT PREVENT IT AND WE HOPE TO SHOW YOU BY EVIDENCE YET TO COME THAT WHEN THIS TRAIN PASSED THROUGH BEAVER CITY THEY WERE THEN PURSUED BY THE INDIANS AND HERE THOSE VERY AUTHORITIES THAT YOU ARE TOLD TO LOOK UPON AS BEING SO BLOODY IN

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RT	RS	BT	PS
	GENERAL, CALLED OFF THE INDIANS THEY PASSED ON THENCE TO PAROWAN WITH THE INDIANS IN ADVANCE OF THEM, NOT THE COAL CREEK INDIANS, NOT THE <SANTA> CLARA INDIANS, NOT THE HARMONY INDIANS, NOT THE WASHINGTON AND RIO VIRGIN INDIANS; BUT PAHVANTS FROM CORN CREEK GOING ON AHEAD OF THEM *FOLLOWED*[?] AS THEY —[?] PASSED SETTLEMENTS SENDING OUT ≼THEIR≽ RUNNERS TO CALL IN OTHER TRIBES, WHEN THEY MET FOR A NUMBER OF DAYS FIGHTING UPON THE FIELD MOUNTAIN MEADOWS IT	GENERAL CALLED OFF THE **I**NDIANS. THEY PASSED ON THENCE TO PAROWAN WITH THE **I**NDIANS IN ADVANCE OF **THEM** ~~THEM,~~ AND THE COAL CREEK **I**NDIANS, AND THE SANTA CLARA **I**NDIANS AND THE HARMONY **I**NDIANS, AND THE WASHINGTON OR RIO VIRGIN **I**NDIANS AND ALL THE PAH VANTS FROM CORN CREEK GOING ON AHEAD OF THEM AND AS THEY PASSED THE SETTLEMENTS SENDING OUT THEIR RUNNERS AND CALLING OTHER TRIBES, WHEN THEY MET AND ~~FROM~~ FOR A NUMBER OF DAYS WERE FIGHTING ON THE MOUNTAIN MEADOWS. IT	GENERAL CALLED OFF THE INDIANS THEY PASSED ON THENCE TO PAROWAN WITH THE INDIANS IN ADVANCE OF THEM, NOT THE COAL CREEK INDIANS, NOT THE CLARA INDIANS, HARMONY INDIANS WASHINGTON AND [*space*] BUT THE PAHVANTS FROM CORN CREEK GOING ON AHEAD OF THEM AS THEY WERE *INTERFERED*[?] WITH IN THE SETTLEMENTS SENT OUT THEIR RUNNERS TO CALL IN OTHER TRIBES AND *FOLLOWED* *THEM*[?] MET IN A NUMBER OF DAYS FIGHTING ON MOUNTAIN MEADOWS

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RT	RS	BT	PS
	WAS A FIGHT = IT WAS A FIGHT AN INDIAN FIGHT THE INDIANS WERE REPULSED PROSECUTION WILL RELY UPON THAT AS ONE OF THE STRONG POINTS IN THE CASE, THAT THE INDIANS WERE REPULSED THEY WERE AND THEY WERE TAMPERED THEY WERE TAMPERED WITH *BUT IF*[?] THEY WITHDRAWN LET EMIGRANTS PASS THEY WERE PREVENTED IN A MEASURE FROM COMPLETING MASSACRE THEN UPON THE FIELD WE SHALL ENDEAVOR TO SHOW YOU THAT THEY CAME TO THOSE	WAS A FIGHT, ~~IT WAS A FIGHT~~ **, AN I**NDIAN FIGHT. THE **I**NDIANS WERE REPULSED. THE PROSECUTION WILL RELY UPON THAT AS ONE OF THE STRONG POINTS IN THE CASE THAT THE **I**NDIANS WERE REPULSED. ~~THEY WERE **TAMPERED WITH** AND THEY WERE TAMPERED WITH~~ THEY WERE TAMPERED WITH, ~~THEY WERE TAMPERED WITH~~ AND AFTER **THAT** THEY WITHDREW TO LET THE EMIGRANTS PASS—THEY WERE PREVENTED IN A MEASURE FROM COMPLETING THE MASSACRE. THEN UPON THE FIELD WE SHALL E~~V~~NDEAVOR TO SHOW YOU THAT THERE CAME TO THESE	IT WAS THE INDIANS' FIGHT THE INDIANS WERE REPULSED THE PROSECUTION WILL RELY UPON THAT AS ONE OF THE STRONG POINTS IN THE CASE THAT THE INDIANS WERE REPULSED THEY WERE [*space*] THEY WERE TAMPERED WITH THEY WERE [*space*] TAMPERED WITH BUT IF THEY WITHDREW AND LET THE EMIGRANTS PASS THEY WERE PREVENTED IN A MEASURE FROM COMPLETING THE MASSACRE THEN UPON THE FIELD WE SHALL ENDEAVOR TO SHOW TO YOU THAT THEY CAME TO THOSE

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RT	RS	BT	PS
	CITIZENS, TROOPS, PEOPLE, MORMONS AND WHATEVER YOU SEE FIT TO CALL THEM = CAME ~~TO~~ UP THERE = CHIEFS *MET*[?] AND TOLD THEM YOU SHALL NOT LEAVE THIS GROUND WHEN THEY THOUGHT WERE ALL WISHING TO GET AWAY, SEEING ≤THE≥ IMMINENT DANGER THEMSELVES ≤IF THEY STAYED THERE≥ = DANGER TO THEIR FAMILIES <AND THEMSELVES>, THIS THING AUGMENTED MORE IN TERROR AND EXCITEMENT AND THE WAR SPIRIT CULMINATED AMONG THE INDIANS —[?] UNTIL THEY SHOULD LIKE *LIKE/LOOK*[?] TO HAVE *SOME*[?] LOCAL ≤DIVISION≥ =	CITIZENS**,** TROOPS, PEOPLE, MORMONS,, WHATEVER YOU SEE FIT TO CALL THEM— CAME ~~TO~~ THE CHIEFS AND TOLD THEM YOU SHAN'T LEAVE THIS GROUND, WHEN THEY WERE THERE AND ~~S~~WISHING TO GET AWAY, SEEING IMMINANT DANGER TO THEMSELVES IF THEY STAYED THERE— DANGER TO THEIR FAMILIES AND THEMSELVES. THIS AUGMENTED MORE IN TERROR AND EXCITEMENT AND THE WAR SPIRIT CULMIN~~I~~ATED AMONG THE INDIANS TILL THEY SHOULD LOOK TO HAVE A GREAT LOCAL DIVISION, **RACE**	CITIZENS TROOPS PEOPLE MORMONS WHATEVER YOU MAY SEE FIT TO CALL THEM CAME UP THERE CHIEFS AND TOLD THEM THAT YOU SHALL NOT *HAVE*[?] THIS GROUND WHEN THEY WERE THERE WISHED TO GO AWAY SEEING THE IMMINENT DANGER TO THEMSELVES IF THEY STAYED THERE DANGER TO THEIR FAMILIES AND THIS *[[38]]* THING AUGMENTED GREW IN TERROR AND EXCITEMENT AND WAR SPIRIT AND CULMINATED AMONG THE INDIANS UNTIL THEY SHOULD *LIKE/LOOK*[?] TO HAVE A GREAT LOCAL DIVISION [*space*]

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RT	RS	BT	PS
	RELIGIOUS DISTINCTION *A/AND*[?] DISTINCTION MAKING IT **A** WAR OF RACES, AS THEY THEN AND THERE THREATENED THOSE MEN FEARFUL THAT THE INDIANS WOULD FORGET THEY WERE MORMONS FRIENDS AND SETTLERS *[[35]]* MAKE IT **A** WAR OF RACE EXTERMINATION , ALL THAT BORE WITNESS AFFIRM ESPECIALLY OF *SOME MEMBERS*[?] THE *MILITIA*[?] WANTED TO GO HOME PROTECT THEIR FAMILIES THEY WERE TOLD THEN UPON FIELD THAT SHOULD NOT GO THEY MUST STAY THERE AND HELP	RELIGIOUS[312] DISTINCTION, AND MAKE IT A WAR OF RACES —A~~N~~S THEY THEN AND THE RE THREATENED THESE MEN . FEARING THAT THE **I**NDIANS WOULD FORGET THAT THEY WERE MORMONS, FRIENDS AND SETTLERS, AND MAKE IT A WAR O~~R~~**F** RACE EXTERMINATION ~~.~~**,** *[159]* FOR ALL ~~TATHAT~~ ~~WHO~~**THEY** WANTED TO GO HOME AND PROTECT THEIR WI~~F~~**V**ES AND FAMILIES. AND THEY WERE TOLD THE N**,** UPON THE FI EL~~S~~D**,** THAT THEY SHOULD NOT GO .. THEY M~~H~~UST STAY THERE ~~H~~AND HELP	RELIGIOUS DISTINCTION AND MAKE IT A WAR OF RACES AS THEY THERE AND THEN THREATENED THOSE MEN FEARING THEY FORGET THAT THEY WERE MORMONS FRIENDS AND SETTLERS AND MAKE IT A WAR OF RACE EXTERMINATION [*space*] WITNESSES ESPECIALLY TWO [*space*] AFFIRM *THAT MILITIA/ML*[?] *WANTED REMAIN/TO GO*[?] HOME TO PROTECT THEIR FAMILIES THEY WERE TOLD UPON THE FIELD THAT THEY SHOULD NOT ALL GO THEY MUST STAY THERE AND HELP

312. "RELIGIOUS" was crossed out and then erased.

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RT	RS	BT	PS
	THEM KILL THESE MERICATS, OR THEY WOULD THEN AND THERE KILL THEM EVERY ONE OF THEM THEM EVERY ONE OF THEM AND THEN WIPE OUT EVERY WHITE IN THE VALLEYS OF UTAH. IT WAS A IT WAS A TIME THAT TRIED MEN'S SOULS. IT WAS A FEARFUL TIME YOU MAY YOU MAY READ THE ANNALS AND EXAMINE THE BLOODY PAGES OF HISTORY TO FIND AN EQUAL OR A GREATER CRIME THAN THE MOUNTAIN MEADOWS AND YOU MAY NOT FIND IT YOU MAY SEARCH THOSE PAGES DILIGENTLY, AND YOU WILL NOT FIND IN ALL HISTORY OF HUMAN TRANSACTIONS WHERE MEN WERE PLACED IN	THEM KILL THESE "MERICATS," OR THESE INDIANS WOULD THEN AND THERE KILL EVERY ONE OF THE M AND THEN WIPE OUT EVERY WHITE MAN IN THE VALLEYS OF UTAH. IT WAS A DAY ~~DAY~~ THAT TRIED MENS SOULS , IT WAS A FEARFUL TIME. YOU MAY READ THE ANNALS, AND EXAMINE THE BLOODY PAGES OF HISTOR ~~Y~~ TO FIND AN EQUAL OR A GREATER CRI~~M~~E THAN THE MOUNTAIN M~~W~~EADOWS, AND YOU MAY NOT FIND IT . YOU MAY SEARCH THOSE PAGES DILIGENTLY, AND YOU WILL NOT FIND ONE IN THE HISTORY OF HUMAN TRANSACTIONS WHERE MEN WERE PLACED IN	THEM KILL THOSE MERICATS OR THEY WOULD THEN AND THERE KILL EVERY ONE OF THEM AND THEN WIPE OUT EVERY WHITE IN THE VALLEYS OF UTAH IT WAS A TIME THAT TRIED MEN'S SOULS IT WAS A FEARFUL TIME YOU MAY READ THE ANNALS EXAMINE THE BLOODY PAGES OF HISTORY TO FIND AN EQUAL OR GREATER CRIME THAN MOUNTAIN MEADOWS AND YOU MAY NOT FIND IT YOU MAY SEARCH THOSE PAGES DILIGENTLY, AND YOU WILL NOT FIND IN ALL THE HISTORY OF HUMAN TRANSACTIONS WHERE MEN WERE PLACED IN

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RT	RS	BT	PS
	SUCH A DREADFUL SITUATION AS WAS WERE THESE MEN AT MOUNTAIN MEADOWS BEFORE THEM WAS AN EMIGRANT TRAIN CORRALLED IMPERILED; BESIEGED BY HORDES OF SAVAGE, MAD EXCITED INDIANS, PAINTED AND PLUMED ARMED AND UPON WAR PATH *DOWN THERE*[?], DETERMINED UPON THE DESTRUCTION OF EVERY LIFE, AND SOUL IN THAT TRAIN BEHIND THEM WAS THEIR OWN LOVED ONES <THEIR WIVES **&** CHILDREN>, AND EVERY THING ~~<~~THAT~~>~~ MEN HOLD DEAR AROUND THEM WITH THESE MAD	SUCH A DREADFUL SITUATION AS THESE MEN WERE AT THE MOUNTAIN MEADOWS. BEFORE THEM WAS AN EMIGRANT TRAIN, CORALLED, IMPERILLED, BESIGED BY HOARDS OF SAVAGES, MAD EXCI~~R~~TED — **I**NDIANS, PAINTED, PLUMED**,** ARMED AND UPON THE WARPATH**,** DETERMINED UPON THE DESTRUCTION OF EVERY ~~LIVING~~ LIFE AND SOUL WITHIN THAT TRAI~~N~~. BEHIND THEM WAS THEIR OWN LOVED ONES, THEIR WIVES AND CHILDREN AND EVERYTHING THAT MAN HOLDS DEAR AROUND **HIM** ~~THEM~~. WITH THESE MAD,	SUCH A DREADFUL SITUATION AS THOSE MEN AT MOUNTAIN MEADOWS BEFORE THEM WAS AN EMIGRANT TRAIN CORRALLED IMPERILED BESIEGED BY HORDES OF SAVAGE MAD EXCITED INDIANS PAINTED, PLUMED, ARMED AND UPON THE WARPATH, DETERMINED UPON DESTRUCTION OF EVERY LIFE, AND SOUL WITHIN THAT TRAIN BEHIND THEM THEIR OWN LOVED ONES THEIR WIVES AND CHILDREN THEIR HOMES AND EVERYTHING THAT MEN HOLD DEAR *AROUND*[?] THEM <

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RT	RS	BT	PS
	EXCITED INDIANS TELLING THEM TO HELP TO BUTCHER, MURDER SLAUGHTER, ALL THOSE INNOCENT OF THE TRAIN, OR THESE WOULD = THEY WOULD TURN UPON THEM AND THEIR OWN TO A COMPLETE DESTRUCTION. PLACE YOURSELVES GENTLEMEN OF THE JURY IN THEIR POSITION. PLACE YOURSELVES WITH A FEW MEN MEN LIKE THEY THEY WERE, WHEN ALL ~~THAT~~ ~~≤~~THEY~~≥~~ NUMBERED TWENTY OR THIRTY OPPOSED TO ~~≤~~4 OR~~≥~~ 500 INDIANS SURROUNDED AT THEIR MERCY, HELD IN THE PALM OF THEIR HANDS, THEN GAVE A	EXCITED **I**NDIANS TELLING THEM TO BUTCHER, MURDER, SLAUGHTER ALL THOSE INNOCENT IN THE TRAIN, OR THESE WOULD TURN UPON THEM AND OTHERS TO A COMPLETE DESTRUCTION. PLACE YOURSELVES, GENTLEMEN OF THE JURY IN THEIR POSITION. PLACE YOURSELVES WITH A FEW MEN LIKE THEY WERE. ONE OF THA T NUMBER, 20 OR 30, ~~BESIDES~~ **BY** **THE SIDE OF** ABOUT FOUR OR FIVE HUNDRED INDIANS SURROUNDED**,** AT THEIR MERCY**,** HELD IN THE PALM OF THEIR HANDS AND THEN GET A	INDIANS TELLING THEM TO HELP BUTCHER MURDER SLAUGHTER ALL THOSE INNOCENTS IN THE TRAIN OR THEY WOULD TURN UPON THEM AND OTHERS THEIRS TO A COMPLETE DESTRUCTION SUPPOSE YOURSELVES GENTLEMEN OF THE JURY IN THEIR POSITION PLACE YOURSELVES WITH A FEW MEN LIKE THEY WERE WHEN ALL THAT NUMBER 20 OR 30 BESIEGED BY FOUR OR FIVE HUNDRED INDIANS SURROUNDED AT THEIR MERCY HELD *IN THE PALM*[?] OF THEIR HANDS AND GAVE THEM A

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RT	RS	BT	PS
	MESSAGE LIKE THAT WHAT WOULD YOU DO WOULD YOU BE THE BRAVE COURAGEOUS HEARTED MAN LEE WAS STANDING UP BEFORE THEM, SAYING THAT IF ANY 5 MEN WOULD GO WITH HIM YOU ≤~~HE~~≥ WOULD GO IN THAT CORRAL AND FIGHT THESE EMIGRANTS OUT IN SAFETY OR LOSE YOUR LIFE PERHAPS SOME OF YOU WOULD, NOT ALL, VERY FEW OF YOU THOUGH HAVE AUTHORITY FROM YOUR BRETHREN AND COMRADES, *FROM*[?] THERE, WOULD GO IN, WITHOUT THE APPEARANCE OR COMPUNCTION OF CONSCIENCE MURDER = OR ASSIST IN	MESSAGE LIKE THAT. WHAT WOULD YOU DO? WHAT A BRAVE COURAGIOUS HEARTED MAN LEE WAS STANDING UP BEFORE THEM, SAYING THAT IF ANY FIVE MEN WOULD GO WITH HIM**,** HE WOULD GO IN THAT CORRAL AND ~~FIGHT~~ **&** **HAVE** THESE EMIGRANTS IN SAFETY OR LOOSE HISLIFE. PERHAPS SOME OFYOU WOULD —NOT ALL— BUT A VERY VEW OF YOU, THOUGH HAVING AUTHORITY FROM YOU BRETHREN AND COMRADES THAT WERE THERE, WOULD GO IN WITHOU~~G~~T THE APPEARANCE OR COMPUNCTION OF CONSCIENCE AND MURDER ~~A~~OR ASSIST IN	MESSAGE LIKE AND THAT WHAT WOULD YOU DO? WOULD YOU BE THE BRAVE COURAGEOUS HEARTED MAN *[[39]]* THAT LEE WAS < THAT IF ANY FIVE MEN WOULD GO WITH YOU YOU WOULD GO IN THAT CORRAL AND FIGHT THESE EMIGRANTS OUT IN SAFETY OR LOSE YOUR LIFE PERHAPS SOME OF YOU [*space*] NOT ALL [*space*] *BUT*[?] VERY FEW OF YOU THOUGH HAVING AUTHORITY FROM YOUR BRETHREN AND COMRADES THAT WERE THERE WOULD GO IN AND WITHOUT THE APPEARANCE OR COMPUNCTION OF CONSCIENCE AND MURDER OR ASSIST IN

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RT	RS	BT	PS
	THE MURDERING OF THOSE VICTIMS, AND THEN SAY YOU DONE IT UNDER ORDERS, FEARING YOUR LIVES DONE IT = NOT UNDER THE ORDERS OF THOSE RUTHLESS SAVAGES, BUT UNDER ORDERS OF YOUR OWN BRETHREN, AND ONLY ONE OF WHOM WAS SUPERIOR TO YOU IN COMMAND. ¶ GENTLEMEN OF THE JURY IT IS YOUR DUTY SITTING AS JURORS AT THIS TIME TO LAY ASIDE ANY PREJUDICE YOU MAY HAVE = ANY FEELING OF SYMPATHY YOU MAY HAVE AND ABOVE ALL TO LAY ASIDE YOUR RELIGION IF IT INTERFERES OR MAY CONFLICT	THE MURDER OF THESE VICTIMS, *[160]* AND THEN SAY YOU ~~DONE~~ **DID** IT UNDER ORDERS ~~FEELING~~ **FEARING** YOUR LIVES**,** YOU D~~ONE~~**ID** IT UNDER THE ORDERS OF THESE RUTHLESS SAVAGES OR UNDER THE ORDERS OF YOUR FRIEND~~W~~S AND BRETHREN, ONLY ONE OF WHOM WAS SUPERIOR TO YOU IN COMMAND. GENTLEMEN OF THE JURY, IT IS YOUR DUTY, SITTING AS JURORS AT THIS TIME TO LAY ASIDE ANY PREJUDICE THAT YOU MAY HAVE, ANY FEELING OF SIMPATHY YOU HAVE, AND ABOVE ALL, LAY ASI~~F~~DE YOUR ~~L~~RELIGION, IF IT INTERFERES OR WILL CONFLICT	MURDERING OF THOSE VICTIMS AND THEN SAY YOU DONE IT UNDER ORDERS FEARING YOUR LIFE DONE IT NOT UNDER ORDERS OF THOSE RUTHLESS SAVAGES BUT UNDER ORDERS OF YOUR OWN BRETHREN ONLY ONE OF WHOM WAS SUPERIOR TO YOU IN COMMAND [*space*] GENTLEMEN OF THE JURY IT IS YOUR DUTY SITTING AS JURORS AT THIS TIME TO LAY ASIDE ANY PREJUDICE YOU MAY HAVE = ANY FEELING OF SYMPATHY YOU MAY HAVE BUT ABOVE ALL TO LAY ASIDE YOUR RELIGION IF IT INTERFERES OR WILL CONFLICT

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RT	RS	BT	PS
	WITH THE FACTS THAT MAY BE PRESENTED TO YOU YOU WERE ≤ARE≥ TO DECIDE UPON THE FACTS *[[36]]* AND THE LAW GIVEN YOU BY THE COURT AND IT IS NECESSARY FOR OUR DEFENSE OF THIS MAN WHOSE LIFE IS IN YOUR HANDS TO PRESENT TO YOU EVIDENCE SHOWING ≤THAT THE≥ PEOPLE HIS NEIGHBORS, FRIENDS KINDRED, CHURCH MEN HAVE DONE HIM INJUSTICE, THAT HE HAS BEEN SELECTED AS A GREAT VICTIM, AS A VICTIM TO BE BURNED UPON THE ALTAR TO APPEASE OFFENDED JUSTICE, AND THAT THEY ARE MAKING HIM GREAT, IN ORDER THAT HE MAY	WITH THE FACTS THAT MAY BE PRESENTED TO YOU. YOU ARE TO DECIDE UPON THE FACTS ~~AND THE LAW~~ AS PRESENTED AND THE LAW GIVEN YOU ~~AS PRESENTED~~ BY THE COURT. AND IT IS NECESSARY FOR OUR DEFENSE OF THIS MAN WHOSE LIFE IS IN YOUR HANDS TO PRESENT TO YOU EVIDENCE SHOWING THAT THE PEOPLE, HIS FRIENDS, KINDRED AND CHURCH MEN HAVE DONE HIM INJUSTICE. THAT HE HAS BEEN SELE~~V~~CTED AS THE GREAT VICTIM—AS THE VICTIM TO **BE** BURNT UPON THE ALTER, TO APPEASE OFFENDED JUSTICE, AND THAT THEY ARE MAKING HIM GREAT IN ~~IN~~ ORDER THAT HE MAY BE	WITH THE FACTS THAT WILL BE PRESENTED TO YOU YOU ARE TO DECIDE UPON THE FACTS AS PRESENTED AND LAW AS GIVEN YOU BY THE COURT, AND IT IS NECESSARY FOR OUR DEFENSE OF THIS MAN WHOSE LIFE IS IN YOUR HANDS TO PRESENT TO YOU EVIDENCE SHOWING THAT THE PEOPLE HIS NEIGHBORS FRIENDS KINDRED CHURCH MEN HAVE DONE HIM INJUSTICE, THAT HE HAS BEEN SELECTED AS A GREAT VICTIM, AS A VICTIM TO BE BURNED UPON ALTAR TO *APPEASE*[?] OFFENDED JUSTICE AND THAT THEY ARE MAKING HIM GREAT IN ORDER THAT HE MAY BE

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RT	RS	BT	PS
	SUFFICE FOR THE SACRIFICE. WILL SAY TO YOU GENTLEMEN THE OF JURY THAT JOHN D. LEE WAS A BUT A PRIVATE MAN AT THAT TIME. A HUMBLE CITIZEN HOLDING NO OFFICE = NONE IN THE CHURCH, NONE IN THE MILITIA HE WAS NOT IN POSITION, AND COMMANDING NO ONE OF HIS NEIGHBORS THERE, GREAT OR SMALL TO DO ANYTHING. I DO SAY AT THIS TIME, ALTHOUGH THAT HAS BEEN ONE OF THE GREAT POINTS IN PROSECUTION, THAT EVEN YET THEY HAVE NOT SHOWN IT AND WE IN OUR EVIDENCE WILL SHOW HE WAS	SUFFICIENT FOR THE SACRIFICE. WE WILL SHOW YOU GENTLEMEN OF THE JURY, THAT JOHN D. LEE WAS A HIGH PRIVATE MAN~~,~~ AT THET TIME**,** AN HUMBLE CITIZEN, HOLDING NO OFFICE, NONE IN THE CHURCH**,** NONE IN THE MILITIA.[313] HE WAS NOT IN POSITION TO COMMAN~~E~~D ANY ONE OF HIS NEIGHBORS, GREAT OR SMALL TO DO ANYTHING THERE. I DO SAY AT THIS TIME, ALTHOUGH THAT HAS BE**I**EN ONE OF THE GREAT POINTS IN THE PROSECUTION THAT EVEN YET THEY HAVE NOT SHOWN IT AND THATIN OUR EVIDENCE, WE WILL SHOW THAT HE WAS	SUFFICIENT FOR THE SACRIFICE WE WILL SAY TO YOU GENTLEMEN THAT JOHN D. LEE WAS BUT A PRIVATE MAN AT THAT TIME, A HUMBLE CITIZEN HOLDING NO OFFICE NONE IN THE CHURCH NONE IN THE MILITIA HE WAS NOT IN POSITION TO COMMAND ANY ONE OF HIS THERE GREAT OR SMALL TO *DO*[?] THIS I DO SAY AT THIS TIME, ALTHOUGH THAT HAS BEEN ONE OF THE GREAT POINTS IN THE PROSECUTION THAT EVEN YET = THEY HAVE NOT SHOWN IT AND THAT IN OUR EVIDENCE WILL SHOW THAT HE WAS

313. Lee was major of the 4th Battalion in the Iron Military District. He was released as branch president of Harmony in 1856.

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RT	RS	BT	PS
	NOT, *THAT*[?] *AND*[?] THE THOUGHT, IDEA, ARGUMENT, THAT JOHN D. LEE WAS MAJOR, THAT JOHN D. LEE WAS COMMANDER, WAS AN IDEA THAT ORIGINATED IN THE BRAIN OF THAT *PLZOK/PLSOK*[?], BLOODLESS MONSTER UPON WHOSE TESTIMONY THEY SEEK TO CONVICT HIM IT WAS HE ARGUED ALL ALONG SUPPOSED *CIVILIZED*[?] SUBSEQUENT TO THIS TRANSACTION WE WILL SHOW TO YOU JOHN D. LEE WENT THERE SINGLY, ALONE, SAVE WITH THAT LITTLE BOY AS AN INTERPRETER, ENDEAVOR PERSUADE	NOT; AND THE THOUGHT AND THE IDEA OR ARGUEMENT THAT JOHN D. LEE WAS MAJOR, THAT JOHN D. LEE WAS COMMANDER WAS AN IDEA THAT ORIGINATED IN THE BRAINS OF THAT BULDOG**,** BLOODLESS MOS~~Z~~ES UPON WHOSE TESTIMONY THEY WILL SEEK TO CONVICT HIM. IT WAS A THOUGHT AND ARGUEMENT ~~A~~LONG SUBSEQUENT TO THIS TRANSACTION. WE WILL SHOW TO YOU THAT J OHN D. LEE WENT THERE SINGLY AND ALONE, SAVE **WITH** THAT LITTLE BOY AS AN INTERPRETER**,** TO ENDEAVOR ~~AND~~ **TO** PERSUADE	NOT, ~~AN~~ AND THE THOUGHT OR IDEA OR ARGUMENT THAT JOHN D. LEE WAS MAJOR THAT JOHN D. LEE WAS COMMANDER WAS AN IDEA THAT ORIGINATED IN THE BRAIN OF THAT *PLSK*[?] BLOODLESS MONSTER UPON WHOSE TESTIMONY AND THEY WILL SEEK TO CONVICT IT WAS *HE/A*[?] THEY *ARGUE ALL*[?] *[[40]]* ALONG SUBSEQUENT TO THIS TRANSACTION WE WILL SHOW TO YOU THAT JOHN D. LEE WENT THERE SINGLY AND ALONE SAVE WITH THAT LITTLE BOY TO SPEAK PERSUADE TO

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RT	RS	BT	PS
	INDIANS TO ALLOW THESE EMIGRANTS GO, AND THAT HE RETURNED TO HIS HOME ALONE WITH THAT BOY, THAT SEE LOSS OF LIFE OF THIS LARGE RICH EMIGRANT TRAIN; ALL THAT WAS LEFT OF HUMAN LIFE, OF HUMAN GARMENTS, OF THEIR STOCK AND PROPERTY, WENT NOT WITH LEE, WENT NOT WITH THE DEFENDANT, BUT I BELIEVE I AM JUSTIFIED IN SAYING WITH THE PROSECUTION = THE PROSECUTORS OF THIS CASE = PROSECUTION OF THIS CASE AND EVIDENCE EVIDENCE AND SUBSTANCE OF THEIR CASE, AND THAT THEY DEPEND UPON ORIGINATED	THE **I**NDIANS TO LET THESE ~~INDIANS~~ **EMIGRANTS** GO**,** AND THAT HE RETURNED HOME ALONE WITH THAT BOY~~.~~ *[16~~2~~1]* AND WEPT TO SEE THE LOSS OF LIFE OF THIS LARGE RICH EMIGRANT TRAIN. ALL THAT WAS LEFT OF HUMAN LIFE, OR HUMAN GARMENTS OF THI~~E~~R STOCK AND PROPERTY WENT NOT WITH LLEE**,** WENT NOT WITH THE DEFENDANT BUT I BELIEVE I AM SAFE IN SAYING THAT THE PROSECUTION— THE PROSECUTORS OF THIS CASE— THE PROSECUTION OF THIS CASE AND THE EVIDENCE AND THE SUBSTANCE OF THEIR CASE, ALL THAT THEY DEPEND UPON ORIGINATED	THE INDIANS TO ALLOW THESE EMIGRANTS GO, THAT HE RETURNED TO HIS HOME ALONE WITH THAT BOY WEPT THAT WAS LEFT OF THIS RICH AND LARGE ELEGANT EMIGRANT TRAIN NOW THAT WAS LEFT OF HUMAN LIFE OR HUMAN *GS/GN*[?] OF THEIR STOCK AND PROPERTY WENT NOT WITH LEE WENT NOT WITH THE DEFENDANT BUT I BELIEVE I AM SAYING WITH THE PROSECUTION THE PROSECUTORS OF THIS CASE THE PROSECUTION OF THIS CASE THE EVIDENCE AND SUBSTANCE OF THEIR CASE ALL THAT THEY DEPEND UPON ORIGINATED

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RT	RS	BT	PS
	WAS DRAWN FROM THE TAKING OF THAT PROPERTY AND OF THESE LITTLE CHILDREN. I MEAN THIS THAT AFTER WADING THROUGH THIS CARNAGE, AFTER PARTICIPATING IN THIS HORRORS OF HORRORS, THIS *STRNL*[?] OF CRIME AND BLOOD THEY GATHERED UP LITTLE CRYING WEEPING BABES WHOSE MOTHERS WERE IN THE OTHER WORLD = WHOSE MOTHERS THEY HAD SLAUGHTERED AND TAKEN FROM THE BREAST, THESE LITTLE INNOCENTS, THEY GATHERED UP TO TAKE WITH THEM, THEY TOOK THEIR	AND WAS DRAWN FROM THE TAKING OF THAT PROPERTY THAT BELONGED TO THESE LITTLE CHILDREN. I MEAN THIS: THAT AFTER WADING THROUGH THIS CARNAGE , AFTER PARTICIPATING IN THIS HORROR OF HORRORS, THIS ~~STARTLING~~ SCENE OF CRIME AND BLOOD THEY ~~F~~GATHERED UP THE LITTLE CROUD OF WEEPING BABES WHOSE MOT**H**ERS WERE IN THE OTHER WOR~~,~~LD, WHOSE MOTHERS THEY HAD SLAUGHTERED AND TAKEN FROM THEIR BREASTS~~.~~, — THESE LITTLE INNOCENTS, THEY ~~F~~GATHERED UP AND ~~R~~**T**OOK WITH THEM. THEY TOOK THEIR	WAS DRAWN FROM THE TAKING OF THAT PROPERTY ~~N~~ *OF/TO*[?] THESE LITTLE CHILDREN I MEAN THIS THAT AFTER WADING THROUGH THIS CARNAGE AFTER PARTICIPATING IN THIS HORROR OF HORRORS THIS *STNL/STRNL*[?] OF CRIME AND BLOOD THEY GATHERED UP THE LITTLE CRYING WEEPING BABES WHOSE MOTHERS WERE IN THE OTHER WORLD WHOSE MOTHERS THEY HAD SLAUGHTERED AND TAKEN FROM THEIR BREASTS THESE LITTLE INNOCENTS THEY GATHERED UP AND TOOK WITH THEM THEY TOOK THEIR

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RT	RS	BT	PS
	CLOTHING, THEIR EVERYTHING THAT WAS VALUABLE AND WENT TO CEDAR CITY. THERE WAS SOMEONE OF THIS CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS IN THAT. THERE WAS BISHOP OF THAT CHURCH THERE, WHO HAD HIGH COMMAND OVER THE PEOPLE. HE HAD AUTHORITY AND THE PEOPLE OBEYED HIM HE GATHERS UP THAT PROPERTY, TAKES IT CEDAR, PUTS IT IN THE TITHING OFFICE, AS MUCH AS THAT WAS CAPABLE OF BEING PUT THERE = BRANDS ≤AND HE BRANDS THE≥ CATTLE WITH THE BRAND OF THE CHURCH WAS JOHN D. LEE TO BLAME	CLOTHING, THEIR EVERYTHING THAT WAS VALUABLE AND WENT TO CEDAR CITY. THERE WAS SOMETHING OF THIS CHURCH OF JESUS CHRIST OF LARRER-DAY ~~SIN~~SAINTS IN THAT. THERE WAS A~~.~~ ~~BISHOP~~BISHOP OF THAT CHURCH THERE WHO HAD HIGH COM~~K~~MAND OVER THE PEOPLE. HE HAD AUTHORITY AND THE PEOPLE OBEYED HIM. HE GATHERS UP THAT PROPERTY , TAKES IT TO CEDAR, PUTS IT IN THE TITHING OFFICE AS MUCH OF IT AS WAS CAPABLE OF ~~IT~~ BEING PUT THERE, AND HE BRANDS THE CATTLE WITH THE BRAND OF THE CHURCH. WAS JOHN D. LEE TO BLAME	CLOTHING THEIR EVERYTHING THAT WAS VALUABLE AND WENT TO CEDAR CITY THERE WAS SOMETHING OF THIS CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS IN THAT THERE WAS A BISHOP OF THAT CHURCH THERE WHO HAD HIGH COMMAND OVER THE PEOPLE WHO HAD AUTHORITY AND THE PEOPLE OBEYED HIM HE GATHERS UP THAT PROPERTY, AND TAKES IT TO CEDAR PUTS IT IN THE TITHING OFFICE AS MUCH AS WAS CAPABLE OF BEING PUT THERE AND THE CATTLE HE BRANDS WITH THE BRAND OF THE CHURCH WAS JOHN D. LEE TO BLAME

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RT	RS	BT	PS
	FOR THAT IF AS THE PROSECUTION STATED TO SHOW; <FROM THE STATEMENT OF> BROTHER CAREY IN HIS OPENING, THAT THIS WAS A GRAND MASSACRE FOR PROPERTY DOES THAT SHOW JOHN D. LEE *[[37]]*[314] TOOK PART FOR ~~<~~THE~~>~~ PROPERTY; THAT HE WAS PIRATE UPON THE PLAINS OF THE WEST, ON THE MOUNTAINS OF AMERICA THAT HE WAS ONE OF THOSE OVERLAND ROBBERS, WILLING TO DYE HIS HANDS TO ANY EXTENT IN THE BLOOD OF HIS *HUMAN*[?] MAN FOR THE SAKE OF PROPERTY, FOR THIS SAME LEE WHO EVEN TO	FO~~T~~R THAT? IF AS THE PROSECUTION STATED**,** TO SHOW FROM THE STATEMENT OF BROTHER CAREY IN HIS OPENING, THAT TH**I**S WAS A GRAND MASSACRE FOR PROPERTY, DOES THAT SHOW JOHN D. LEE TOOK PART FOR THE PROPERTY, THAT HE WAS A PIRATE UPON THE PLA**I**NS OF THE WEST AND UPON THE MOUNTAIN OF AMERICA. THAT HE WAS ~~OJE~~**ONE** OF THOSE OVERLAND ROBBERS, WILLING TO DIE HIS HANDS TO ANY EXTENT IN THE BLOOD OF HIS FELLOW MAN FOR THE SAKE OF PROPERTY~~.~~**?** ~~FO R TH THIS SAME LEE~~ THAT THIS SAME **L**EE WHO HAS BEEN	FOR THAT IF IT AS THE PROSECUTION STATED TO SHOW FROM THE STATEMENT OF BROTHER CAREY THAT THIS WAS A GRAND MASSACRE FOR PROPERTY DOES THAT SHOW THAT JOHN D. LEE TOOK PART FOR PROPERTY; THAT HE WAS A PIRATE UPON THE PLAINS OF THE WEST AND THE ~~MOUNTAIN MEADOWS~~ OF AMERICA [*space*] THAT HE WAS ONE OF THOSE OVERLAND ROBBERS, WILLING TO DYE HIS HANDS TO ANY EXTENT IN THE BLOOD OF HIS *HUMAN*[?] MEN FOR THE SAKE OF PROPERTY THAT THIS SAME LEE WHO EVEN TO

314. "**YAHGUTS**" is written in longhand at the top of the page.

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RT	RS	BT	PS
	THIS DAY AS I WILL SHOW YOU GOES BY THE NAME OF YAHGUTS. WHICH MEANS CRY BABY; THEN AND THERE GIVEN HIM BY THE INDIANS BECAUSE HE WOULD NOT TAKE PART IN THIS THOSE SAME INDIANS THAT WHILE CALLING HIM A SQUAW AND CRY BABY, RAN AWAY, WOULD SPEAK TO THAT NOBLE BISHOP AS HAVING BIG HEART AND SO BRAVE; THAT BISHOP THAT WOULD CONVICT THIS DEFENDANT AT YOUR HANDS THAT BEFORE YOU STAND, THE TWO MEN UPON WHOM, YOU	TO THIS DAY , AS WE SHALL SHOW YOU**,** ~~THAT HE~~ **THAT** **HE** GOES BY THE NAME OF **"**YAHGUTS,**—"** *[162]* WHICH MEANS **"**CRY- BABY**"**; AND IT WAS THEN AND THERE GIVEN TO HIM BY THE **I**NDIANS, BECAUSE HE WOULD NOT TAKE PART IN THIS. THESE S**A**ME **I**NDIANS STILL CALL HIM A **"**SQUAW**"** AND **"**CRY-BABY**"**, "RUN-AWAY". BUT THEY WOULD SPEAK OF THAT NOBLE BISHOP AS HAVING A N~~O~~**A**BLE HEART AND WAS BRAVE; THAT BISHOP THAT WOULD CONVICT THIS DE~~R~~**F**ENDANT AT YOUR HANDS. THAT B**E**FORE YOU STAND THE TWO MEN UPON WHOM YOU	THIS DAY AS WE WILL *[[41]]* SHOW YOU GOES BY THE NAME OF YAHGUTS <**YAHGUTS**>[315] THEN AND THERE GIVEN HIM BY THE INDIANS BECAUSE WOULD NOT TAKE PART IN THIS THESE SAME INDIANS WHILE CALLING HIM A SQUAW WEAK- HEARTED AND [*space*] NOBLE *A/AND*[?] BISHOP AS HAVING A BIG HEART AND SO BRAVE THAT BISHOP THAT WOULD CONVICT HIS DEFENDANT AT YOUR HANDS THAT BEFORE YOU STAND THE TWO MEN UPON WHOM *YOU*[?]

315. In Rogerson's longhand.

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RT	RS	BT	PS
	CAN'T HELP BUT PASS, ONE OF THEM PARTICIPATES IN IT WITH A BRAVE HEART = THE OTHER RUNNING AWAY WITH TEARS IN HIS EYES WEEPING OFFERING TO RISK HIS OWN LIFE IF ANY ONE WOULD STAND BY HIM, ONE YOU ARE ASKED TO CONVICT OF MURDER THAT HE MAY BE HUNG AND THE OTHER TO LOOK UPON A PENITENT MAN WHO ERRED *BUT*[?] THOUGHTLESSL Y. [*space*] WELL THIS PROPERTY IF IT WAS A GOBBLE FOR PROPERTY, IT SHOWS YOU WHERE THAT GOBBLE CAME FROM WHO WAS ORIGINATORS WHO WERE GUILTY ONES WAS TAKEN TO THE	CANNOT HE~~O~~LP BUT PASS; ONE OF THEM PARTICIPATED IN IT WITH A BRAVE HEART AND THE OTHER RAN AWAY W**I**TH TEARS IN HIS EYES, OFFERING TO WRISK HIS OWN LIFE IF ANYONE WOULD STAND BY HIM~~,~~**;** ONE YOU ARE ASKED TO CONVICT OF MURDER THAT HE MAY BE HUNG AND THE OTHER TO LOOK UPON AS AN ABANDONED MAN WHO ERRED BUT THOU~~T~~GHTLESS LY. WELL, THIS PROPERTY, IF IT WAS ~~THE~~ **A** GOBBLE FOR PROPERTY, IT SHOWS YOU WHERE THAT GOBBLE CAME FROM? WHO W~~AS~~**ERE** THE ORIGINATORS? WHO W~~AS~~**ERE** THE GUILTY ONES? THE PROPERTY WAS TAKEN TO THE	CANNOT HELP BUT PASS ATTEST ONE OF THEM PARTICIPATED IN IT WITH A BRAVE HEART THE OTHER RUNNING AWAY WITH TEARS IN HIS HEART WEEPING OFFERING TO RISK HIS OWN LIFE IF ANYONE WOULD STAND BY HIM ONE YOU ARE ASKED TO CONVICT MURDER AND BE HUNG AND OTHER A PENITENT MAN WHO ERRED BUT THOUGHTLESSL Y THIS PROPERTY IF IT WAS A GOBBLE FOR PROPERTY, IT SHOWS YOU WHO GOBBLE CAME FROM WAS TAKEN TO THE

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RT	RS	BT	PS
	TITHING OFFICE WE DO NOT INTEND COMMENT UPON THE EVIDENCE THAT WILL BE OURS ALSO, AND THERE WILL BE NO DISPUTE UPON THAT POINT STEERS WERE BRANDED WITH THE BRAND OF THE CHURCH. LIKE IN THAT CASE ≤THAT≥ MY FRIEND STATED, OF THE CAPTURED CITY OF **AI**, THERE ALSO FAT CATTLE WERE TAKEN AND HELD BY THE PRIESTS, BUT THEN THEY SPARED NO CHILDREN; HERE THEY DID ALL WAS CARRIED CEDAR CITY NONE TO HARMONY. SO IT RESTED WHAT FOLLOWED. HERE AGAIN THE EVIDENCE WILL BE ALIKE ON BOTH SIDES. THE DEED WAS	TITHING OFFICE .. ~~Q~~WE DO NOT INTEND TO COMMENT UPON THEIR EVIDENCE, THAT WILL HELP OU RS ALSO; YET THERE IS SOME DISPUTE UPON THAT POINT. THE S~~R~~TEERS WERE BRANDED WITH THE BRAND OF THE CHURCH. LIKE IN THAT CASE THAT MY FRIEND STATED OF THE ACAPTUREOF THE CITY OF ~~I~~ AI, THERE ALSO FAT CATTLE WERE TAKEN AND HELD BY THE PRIESTS**,** BUT THEN THEY SPARED NO CHILDREN; AND HERE THEY DID. ALL WAS CARRIED TO CEDAR CITY; NONE TO HARMONY, SO IT RESTED. WHAT FOLLOWED? HERE AGAIN THE EVIDENCE WILL BE AL~~O~~**I**KE ON BOTH SIDES. THE D**E**ED WAS	TITHING OFFICE WE DO NOT INTEND TO COMMENT UPON THEIR EVIDENCE FOR THAT WILL BE OURS ALSO AND THE STEERS WERE BRANDED WITH THE BRAND OF THE CHURCH LIKE IN THAT CASE THAT MY FRIEND STATED OF THE CAPTURE OF THE CITY OF **AI**, THERE ALSO THE FAT CATTLE WERE TAKEN AND HELD BY THE PRIESTS BUT THEN THEY SPARED NO CHILDREN; HERE THEY DID ALL WAS CARRIED TO CEDAR CITY NONE TO HARMONY SO IT RESTED WHAT FOLLOWED HERE AGAIN THE EVIDENCE WILL BE ALIKE ON BOTH SIDES THE DEED WAS

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RT	RS	BT	PS
	DONE. MEN WERE MURDERED, WOMEN WERE MURDERED, THERE WAS NO ONE LEFT TELL THE TALE INDIANS DONE IT ALL SUCH WAS TO BE SAID ~~<~~SAID TO BE THE~~>~~ THE CASE. SO IT WAS PUBLICLY GIVEN OUT TO THE WORLD, THAT THE INDIANS DONE IT; IT WAS INDIAN MASSACRE THAT NONE BUT INDIANS TOOK PART IN IT; AND *SO*[?] WAS THE *IMMEDIATELY*[?] WORLD WAS TO BE POISONED *V/F*[?] *THEORY/THEY ARE THE*/—[?] *WHOLE*[?] THIS STORY WAS TO BE GIVEN OUT AS THE FATE OF THIS LARGE TRAIN OF EMIGRANTS, <IT WAS PLAUSIBLE> NO	DONE. ~~W~~MEN WERE MURDERED, WOMEN WERE MURDERED, THERE W~~Q~~AS NOT ONE LEFT TO TELL THE TALE. THE **I**NDIANS D~~ONE~~**ID** IT ALL. SUCH WAS SAID T O BE THE CASE; SO IT WAS TO BE GIVEN OUT TO THE WORLD THAT THE **I**NDIANS D~~ONE~~**D** IT . IT WAS AN **I**NDIAN MASSACRE, AND THAT NONE BUT **I**NDIANS TOOK PART IN IT. THAT IS THE WAY IT WAS TO GO OUT TO THE WHOLE WORLD. THIS STORY WAS TO BE GIVEN OUT AS THE FATE OF **THIS** ~~THIS~~ LARGE TRAIN OF EMIGRANTS. IT WAS PLAUSABLE AND THERE WAS NO	DONE MEN WERE MURDERED; THEIR WOMEN WERE MURDERED, THERE WAS NOT ONE LEFT TO TELL THE TALE INDIANS DONE IT ALL SUCH WAS TO BE SAID THE CASE SO IT WAS TO BE GIVEN OUT TO THE WORLD THAT INDIANS DONE THIS; IT WAS AN INDIAN MASSACRE; THAT NONE BUT INDIANS TOOK PART IN IT AND AS *MALICE*[?] CAUSED *REMARKS*[?] *KS/KSH*[?] THE WHOLE WORLD AND *THIS BY*[?] THE WHOLE [*space*] THIS STORY WAS TO BE GIVEN OUT AS THE FATE OF THIS LARGE TRAIN OF EMIGRANTS IT WAS PLAUSIBLE THERE WAS NO

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RT	RS	BT	PS
	ONE TO CONTRADICT IT; BUT YET THERE IS SUCH A THING INHERENT IN HUMAN NATURE AS CONSCIENCE THEY FEARED. WHO FEARED WHO WAS THE MEN = WHO WERE MANAGING THIS, CARRYING IT FORWARD; FIXING IT UP, PLANNED AND PLOTTED AND NOW *RUN*[?] AGAIN SO FAR THE EVIDENCE IS GIVEN YOU WE SHALL CARRY IT FORWARD IN THE SAME STRAIN, THAT THERE WERE TWO MEN, WHOSE NAMES ISAAC HAIGHT J M HIGBEE WERE ACTIVE IN PERPETUATING THIS GREAT MURDER; THIS MAN ~~<~~ISAAC~~>~~ HAIGHT	ONE TO CONTRADICT IT, BUT YET THERE IS SU~~N~~CH A THING *[163]* <INHERANT> IN HUMAN NATURE.AS CONSCIENCE. THEY FEARED. WHO FEARED? IT W~~S~~AS THE MEN WHO WERE MANAGING THIS AND CARRYING IT FORWARD , WHO FIXED AND PLANNED AND CARRIED IT OUT, PLANNED AND PLOTTED AND ORDERED IT. SO ~~AS~~ **FAR** THE EVIDENCE AS GIVEN YOU, WE SHALL CARRY IT FORWARD IN THE SAME S~~R~~TRAIN THAT **THERE** ~~THE~~**~~RY~~** ~~WORD OF A~~ **WERE TWO** MAN, SAY THE NAMES OF ISAAC C. HAIGHT, **AND** JOHN M. HIGBEE WERE ACTIVE IN PERPETRATING THIS GREAT MURDER. THIS MAN ISAAC C. HAIGHT	ONE TO CONTRADICT IT AND YET THERE IS SUCH A THING INHERENT IN THE HUMAN NATURE AS CONSCIENCE THEY FEARED WHO FEARED WHO WAS THE MEN THAT WERE MANAGING THIS AND CARRYING IT *[[42]]* FORWARD WHO PLANNED AND PLOTTED AND CARRIED IT OUT SO FAR AS EVIDENCE IS GIVEN YOU AND WE SHALL CARRY IT FURTHER THAT THERE WERE TWO MEN *TWO/WHO*[?] ISAAC HAIGHT AND J HIGBEE WERE ACTIVE IN PERPETRATING THIS GREAT MURDER THAT THIS MAN ISAAC **C** HAIGHT

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RT	RS	BT	PS
	WAS THE ONE MAN AND THE ONLY MAN WHOM PROSECUTION WITNESS WAS COMPELLED TO OBEY *[[38]]* THE ONLY ONE MAN IN ALL THIS COUNTRY IN AUTHORITY ABOVE OTHERS <HAIGHT HAVING AUTHORITY = HAIGHT HAVING AUTHORITY> THAT IS HE HAD AUTHORITY IN THIS CHURCH, HE WAS THE PRESIDENT OF THAT STAKE OF ZION. HE WAS GIVEN IN CHARGE OF THAT STAKE, HAD FULL AUTHORITY OVER THEM IN ALL TEMPORAL MATTERS, HERE WAS A GREAT TEMPORAL ≤**MATTER**≥ TO LOOK AT AS THE EVIDENCE HAS BEEN GIVEN AND WILL STILL BE GIVEN,	WAS THE ~~ONL~~ ONE MAN AND THE ONLY MAN WHOM THE PROSECUTING WITNESS WAS COMPELLED TO OBEY; THE ONLY ONE MAN IN ALL THIS COUNTRY IN AUTHORITY ABOVE HIM, HAIGHT HAVING AUTHORITY— HAIGHT HAVING AUTHORITY— THAT IS THE HEAD AUTHORITY IN THIS CHURCH. HE WAS THE PRESIDENT OF THAT STAKE OF ZION . HE WAS GIVEN IN CHARGE OF THE STAKE; HAD FULL AUTHORITY OVER THEM IN ALL TEMPORAL MATTERS. HERE **WAS** ~~WQS~~ A GREAT TEMPORAL MATTER TO LOOK AT. AS THE EVIDENCE HAS BEEN GIVEN, AND IT WILL STILL BE GIVEN AND	WAS THE ONE MAN AND THE ONLY MAN WHOM THE PROSECUTION WITNESS WAS COMPELLED TO OBEY THE ONLY ONE MAN IN ALL THIS COUNTRY IN AUTHORITY ABOVE HIM HAIGHT HAVING AUTHORITY HAIGHT HAVING AUTHORITY THAT IS HE HAD AUTHORITY IN THIS CHURCH HE WAS PRESIDENT OF THAT STAKE OF ZION HE HAD FULL AUTHORITY OVER THEM IN ALL TEMPORAL MATTERS HERE WAS A GREAT TEMPORAL MATTER TO LOOK AT <

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RT	RS	BT	PS
	THIS GREAT FIERCE WARRIOR TURNED MONSTER, WHATEVER NAME YOU MAY GIVE HIM; MAN IN COMMAND OVER ALL THE LIVES, LIBERTIES, EVERYTHING CONCERNING PEOPLE THERE. ISAAC **C** HAIGHT SENDS TO SALT LAKE TO BRIGHAM YOUNG, MAKING REPORT OF THIS. WHY IS IT? WAS IT BECAUSE *LEE LS*[?] HAD DONE THIS HAIGHT OR HIGBEE? NO; IT WAS BECAUSE UPON MOUNTAIN MEADOWS LIE DECAYING CARCASSES OF NEARLY 120 HUMAN BEINGS THAT HAD RECENTLY BEEN MURDERED, SLAUGHTERED; AND THEIR	SHOW THAT THIS GREAT WARIOR TURNED MONSTER, WHATEVER NAME YOU MAY GIVE HIM~~.~~;—THE MAN IN COMMAND OVER ALL THE ~~I~~LIVES, LIBERTIES AND EVERTYTHING CONCERNING THE PEOPLE. ISAAC C. HAIGHT SENDS TO SALT LAKE TO BRIGHAM YOUNG AND MAKING A REPORT OF THIS. WHY IS IT ? WAS IT BECAUSE LEE HAD DONE THIS, HAIGHT OR HIGBEE? ~~A.~~ NO. IT WAS B**E**CAUSE UPON THE MOUNTAIN MEADOWS LIE THE DECAYING CARCASSES OF NEARLY I20 HUMAN BEINGS THAT HAD RECENTLY BEEN MURDERED—SLAUGHTERED, AND THEIR	THAT THIS GREAT WARRIOR TURNED MONSTER WHATEVER NAME YOU MAY GIVE HIM THE MAN IN COMMAND OVER ALL THE LIVES LIBERTIES EVERYTHING CONCERNING THE PEOPLE THERE ISAAC **C** HAIGHT SENDS TO SALT LAKE CITY TO BRIGHAM YOUNG TO MAKE A REPORT OF THIS WHY IS IT ? WAS IT BECAUSE LEE HAD DONE THIS, HAIGHT OR HIGBEE? NO; IT WAS BECAUSE THERE UPON MOUNTAIN MEADOWS LAY THE DECAYING CARCASSES OF NEARLY A HUNDRED AND 20 HUMAN BEINGS THAT HAD RECENTLY BEEN MURDERED SLAUGHTERED AND THEIR

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RT	RS	BT	PS
	PROPERTY AND EFFECTS LAY IN THE TITHING OFFICE, THEIR CATTLE RUNNING WITH THE CHURCH BRAND WHAT SHOULD BE DONE THE WORLD CAN NEVER ALL BELIEVE *HISTORY/WAS SAID*[?] THIS WAS DONE BY INDIANS THEY WAS NOT PLANNING IT RIGHT; ALTHOUGH HIS AUTHORITY MAY HAVE BEEN SUPREME OVER THAT SETTLEMENT, THERE WAS AN AUTHORITY ABOVE HIM, THEY WERE THEN MAKING THIS STORY UP TO CONVINCE WORLD INDIANS DONE IT EVIDENCE HAS ALREADY BEEN SHOWN TO YOU	PROPERTY AND EFFECTS LAY IN THE TITHING OFFICE AT CEDAR CITY, AND THEIR CATTLE RUNNINGON THE RANGE WITH THE CHU RCH BRAND ON. WHAT SHOULD HAVE BEEN DONE? THE WORLD CAN NEVER ALL BELIEVE**,** AS IT WAS SAID**,** THAT THIS WAS DONE BY THE **I**NDIANS. THEY WERE NOT PLANNING IT RIGHT. ALTHOUGH HIS AUTHORITY MAY HAVE BEEN SUPREME OVER THAT SETTLEMENT, THERE WAS AN AUTHORITY ABOVE HIM. THEY WERE THEN MAKING UP THIS STORY TO CONVINCE THE WORLD THAT THE **I**NDIAN~~D~~S HAD DONE IT. THE EVIDENCE HAS ALREADY BEEN SHOWN TO YOU	PROPERTY AND EFFECTS LAY IN THE TITHING OFFICE AND THEIR CATTLE RUNNING WITH THE CHURCH BRAND [*space*] WHAT SHOULD BE DONE THE WORLD CAN NEVER BELIEVE THIS WAS DONE BY INDIANS THEY WAS NOT PLANNING IT —[?] BESIDES ALTHOUGH HIS AUTHORITY MIGHT BE SUPREME THERE WAS AN AUTHORITY ABOVE HIM, THEY WERE THEN MAKING STORY UP TO CONVINCE THE WORLD THAT INDIANS DONE IT THE EVIDENCE HAS ALREADY BEEN SHOWN

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RT	RS	BT	PS
	WILL BE STILL FURTHER EXEMPLIFIED, ≤~~THAT~~≥ OTHER AUTHORITIES WERE COMING TO THE GROUND WHAT THEY SAID IS VERY MATERIAL, IT WILL BE —[?] AND SHOWN TO YOU AND AS IT HAS ALREADY BEEN DONE, WHEN THAT SUPERIOR AUTHORITY ≤~~WHEN IT~~≥ APPEARED CONDEMN THE ACT THERE WAS TROUBLE ON HAND = THERE WAS TROUBLE COMING FORWARD, DIFFICULTY. ≤~~HERE~~≥ WHERE THE MURDERS THAT HAD BEEN COMMITTED CONSIDERED THEIR LIVES WERE THEN IN JEOPARDY THEY MUST LOOK OUT FOR THEIR OWN SAFETY. GREAT	AND WILL BE STILL FURTHER EXEMPLEIFIED THAT OTHER AUTHORITIES *[164]* WERE COMING UPON THE GROUND. WHAT THEY SAID IS VERY MATERIAL . AND IT WILL BE SHOWN TO YOU AS IT HAS ALREADY BEEN DONE WHEN THAT SUPERIOR AUTHORITY**,** ~~WENT OUT~~ WHEN IT APPEARED CONDEMNED THE ACT. THERE WAS TROUBLE ON HAND— THERE WAS TROUBLE COMING FORWARD— DIFFICULTY. HERE WERE MURDER~~S~~~~ERS~~ THAT HAD BEEN COMMITTED. THEIR LIVES WERE THEN IN JEOPARDY. HERE THEY MUST LOOK OUT FOR THEIR OWN SAFETY. THE GREAT	WILL BE STILL FURTHER EXEMPLIFIED, THAT OTHER AUTHORITIES WERE COMING ON THE GROUND WHAT THEY SAID IS VERY MATERIAL THAT THAT SUPERIOR AUTHORITY WHEN IT APPEARED CONDEMNED THE ACT THERE WAS TROUBLE ON HAND = THERE WAS TROUBLE COMING FORWARD DIFFICULTY HERE WHERE MURDERS HAD BEEN COMMITTED THEIR LIVES WERE THEN IN DANGER THEY MUST LOOK OUT FOR THEIR OWN SAFETY [*space*] THE GREAT

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RT	RS	BT	PS
	AUTHORITIES = PROMINENT AUTHORITIES ABOVE THEM LIVED TO THE NORTH HAD TO BE CONSULTED THESE THINGS HAD TO BE SHOWN TO THEM EACH PARTY THEN GOES FORWARD TO TELL THEIR OWN STORY THAT IS ALL THERE IS AND IN LAYING THIS MATTER BEFORE ≤THE≥ HIGHER AUTHORITIES AT SALT LAKE CITY IT IS SHOWN TO YOU WHEN BROTHER HAIGHT TELLS BROTHER LEE, TO TAKE AS MUCH **A** RESPONSIBILITY UPON MY ≤YOURSELF≥ AS YOU CAN, IT WAS ≤**A**≥ MISSION THERE TO EXCULPATE THEMSELVES BEFORE THAT	AUTHORIT~~Y~~IES —PREEMINENT ~~Q~~AUTHORITIES BEFO~~RE~~**RE** THEM, THAT LIVED TO THE NORTH HAD TOBE CONSULTED. THIS THING HAD TO BE SHOWN TO TH~~I~~EM. EACH PARTY THEN COMES FORWARD TO TELL THEIR **OWN** STOREY. THAT IS ALL THERE IS IN LAYING THIS MATTER— LAYING TH~~E~~IS THING BEFORE THE HIGHER AUTHORITIES IN ASALT LAKE CITY. IT WAS SHOWN TO YOU WHEN BROTHER HAIGHT TELLS BROTHER LEE TO **"**TAKE AS ~~LARGE A~~ **MUCH OF THE** RE~~P~~SPONSIBILIT Y UPON YOURSELF AS YOU CAN,**"** IT WAS A MISSION THE**R**E TO EXCULPATE THEMSEL~~C~~VES BEFORE THAT	AUTHORITIES = PREEMINENT AUTHORITIES = BEFORE THEM THAT LIVED TO THE NORTH HAD TO BE CONSULTED THIS THING *[[43]]* HAD TO BE *CONCEALED*[?] EACH PARTY COMES FORWARD TO TELL THEIR OWN STORY THAT IS ALL THERE IS AND THAT IN LAYING THIS MATTER BEFORE THE HIGH AUTHORITIES AT SALT LAKE CITY IT IS SHOWN TO YOU WHEN BROTHER HAIGHT TELLS BROTHER LEE, TO TAKE AS MUCH OF THE RESPONSIBILITY UPON YOURSELF AS YOU CAN IT WAS A MISSION THERE TO EXCULPATE THEMSELVES BEFORE THAT

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RT	RS	BT	PS
	AUTHORITY TO SO ARRANGE IT THERE AS THEY WOULD NOT BE THEN PUNISHED FOR THIS CRIME SHEILD THEMSELVES BY THEIR OWN STORIES BY THE WORDS OF THEIR OWN MOUTHS. THE ACT WAS THEN CONDEMNED; PUT IT IN ANY LANGUAGE YOU PLEASE, MILD OR COARSE; CERTAIN IT IS THAT AT THAT TIME BY THE HIGH CHURCH AUTHORITIES ~~THEY~~ THE ACT WAS CONDEMNED; THEN OF COURSE THE TROOPS THERE ~~THAT~~ PARTICIPATORS IN THIS ACT, COMMENCED TO LOOK OUT FOR THEMSELVES, SHIELD THEMSELVES = DEFEND THEMSELVES, TO WARD IT	AUTHORITY; TO ~~A~~SO ARRANGE IT THERE AS THEY SHOULD NOT THEMSELVES BE PUNISHED FOR THIS CRIME~~,~~: SHIELD THEMSELVES BY THEIR OWN STORIES, BY THE WORDS OF THEIR OWN MOUTHS. THE ACT WAS THEN CONDEMNED, PUT IT IN ANY LANGUAGE YOU MIGHT BELIEVE MILD OR COURSE; CERTAIN IT IS AT THAT TIME BY THE HIGH ~~V~~CHURCH AUTHORITIES THA T THE ACT WAS CONDEMNED. THEN OF COURSE THE TROOPS THERE, THE PARTICIPATORS IN THIS ACT COMMENCED TO LOOK OUT FOR THEMSELVES— SH~~EA~~**IE**LD THEMSEL~~C~~VES, DEFEND THEMSELVES AND TO WARD IT	AUTHORITY TO SO ARRANGE IT THERE SO THAT THEY SHOULD NOT THEMSELVES BE PUNISHED FOR THAT CRIME SHIELD THEMSELVES BY THEIR OWN STORIES [*space*] THE ACT WAS THEN CONDEMNED, PUT IT IN ANY LANGUAGE YOU PLEASE MILD OR COARSE CERTAIN IT IS THAT AT THAT TIME BY THE HIGH CHURCH AUTHORITIES THE ACT WAS CONDEMNED; THEN OF COURSE THE PARTICIPATORS IN THIS ACT COMMENCED TO LOOK OUT FOR THEMSELVES SHIELD THEMSELVES DEFEND THEMSELVES TO WARD IT

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RT	RS	BT	PS
	OFF THEIR OWN SHOULDERS, THROW IT UPON SOMEBODY'S ELSE'S. THEN IT WAS THEY COMMENCED SYSTEM OF CRIMINATION AND RECRIMINATION [[39]] SO AS TO THROW IT FROM THEIR OWN SHOULDERS AND CLEAR EVERYBODY OF IT, YET SOMEBODY MUST BEAR THE FAULT; THEN WAS ORIGINATED THIS STORY WHICH HAS BEEN DETAILED TO YOU IT WAS ALL DONE BY JOHN D. LEE AND HIS INDIANS, AND THAT STORY HAS BEEN RELATED TO YOU WITH ALL THE SMOOTHNESS OF A SCHOOLBOY SPEAKING HIS	OFF THEIR OWN SHOULDERS AND THROW IT ONTO SOMEBODY ELSE. THEN IT WAS **THEY** ~~THAT~~ COMMENCED THE SYSTEM OF CRIMINATION AN**D** RE-C~~O~~RIMINAT ION, SO AS TO THROW IT FROM THEIR OWN SHOULDERS AND CLEAR EVERY BODY OF IT; YET SOMEBODY MUST BEAR THE ~~FOLLEYZ~~? **BURDEN.** THEN WAS ORIGINATED THIS STOREY WHI~~X~~**C**H HAS BEEN DETAILED TO YOU. IT WAS ALL DONE BY JOHN D. LEE AND HIS **I**NDIANS. AND THAT STOREY HAS BEEN RELATED TO YOU WITH ALL THE SMOOTHNESS OF A SCHOOLBOY SPEAKING HIS	OFF FROM THEIR OWN SHOULDERS, AND THROW IT ON SOMEBODY'S [*space*] ELSE THEN THEY COMMENCED THIS SYSTEM OF CRIMINATION AND RE-CRIMINATION WASH THEIR OWN SKINS TO CLEAR SKINS —[?] OF IT [*space*] YET SOMEBODY MUST BEAR THE < [*space*] THEN WAS ORIGINATED THIS STORY THAT HAS BEEN DETAILED TO YOU THAT IT WAS ALL DONE BY JOHN D. LEE AND HIS INDIANS ~~AND THIS~~ AND THAT STORY HAS BEEN RELATED TO YOU WITH ALL THE SMOOTHNESS OF A SCHOOLBOY SPEAKING HIS

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RT	RS	BT	PS
	PIECE YOU HAVE HEARD IT JUST AS YOU WOULD HAVE HEARD IT 17 YEARS AGO HEARD IT WITHOUT THE LEAST VARIATION; HEARD IT JUST AS THE POET UNDERSTOOD HUMAN NATURE WHEN HE SAID "THAT THEY WHO CREATE CRIME ARE THEY WHO THINK AND FEAR THEIR OWN HEARTS WEPT TO *UNARRESTED*[?] SCENE MEMORY IN JUDGMENT PROMISES AND THAT IS LIKE THIS" ETC.; AND THE DETAILED ACCOUNT THAT HAS BEEN PRESENTED TO YOU UPON WHICH VERDICT AT YOUR HANDS WILL BE ASKED AGAINST DEFENDANT AND AS WE	P~~EA~~**IE**CE. YOU HAVE ALL HEARD IT JUST AS YOU WOULD HAVE HEARD IT I7 YEARS AGO— HEARD IT WITHOUT THE LEAST VARIATION— HEARD IT JUST AS THE POET UNDERSTOOD *[165]* HUMANNATURE, WHEN HE SAID THAT "THEY WHO CARRY CRIME OR THEY WHO FEAR THEIR OWN HEARTS ……." AND THAT IS LIKE THIS ETC.—— …..AND THE DETAILED **ACCOUNT** ~~QUESTION~~ THAT HAS BEEN PRESENTED TO YOU UPON WHICH A VERDICT AT YOUR HANDS WILL BE ASKED AGAINS~~E~~T THE DEFENDANT AND AS WE	PIECE YOU HAVE HEARD IT JUST AS YOU WOULD HAVE HEARD IT 17 YEARS AGO HEARD IT WITHOUT THE LEAST VARIATION; HEARD IT JUST AS THE POET UNDERSTOOD HUMAN NATURE WHEN HE SAID "THAT THEY WHO CREATE CRIME ARE THEY [*space*] *RNSSTD*[?] *RS/SCH*[?] [*space*] AND *ML*[?] [*space*] *NOT/IN IT*[?] [*space*] " AND THE DETAILED ACCOUNT THAT HAS BEEN PRESENTED TO YOU UPON WHICH A VERDICT AT YOUR HANDS WILL BE ASKED AGAINST THE DEFENDANT AND AS WE

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RT	RS	BT	PS
	CAN PREVENT IT TO A GREAT DEGREE MANY WITNESSES THAT WE ARE COMPELLED TO CALL AS THEY WERE*,* FOR YEARS HAVE BEEN TAUGHT THAT IT WAS WILL AFFECT THE WITNESS UPON THE STAND AND THEY WILL TELL IT SWEAR EVERY ~~<~~POINT~~>~~ FACT BY MEMORY THAT HAS GROWN UPON THEM DURING 17 YEARS THAT HAVE PASSED. THIS HAS BEEN SHROUDED IN A THICK CLOUD OF MYSTERY THERE HAS BEEN A VEIL THROWN OVER IT WE CAN'T DENY WE CAN'T PASS OVER FACT,	CAN**T** PRE~~C~~VENT IT ~~TO~~ ~~THE COURT~~ TO A GREAT DEGREE, **COMING IN** MANY WITNESSES THAT WE ARE COMPELLED TO CALL, AS THE WORLD FOR YEARS ~~WERE TAUGHT~~ HAVE BEEN ~~A~~TAUGHT , THAT **IT WORKED**[?]**.** **FETCH** ~~IS STILL~~ ~~AFFECTING~~ THE WITNESSES ~~ON~~ **UPON** THE STAND, AND THEY WILL TELL IT TILL THE PICTURE IS FADED FROM ME~~N~~MORY. THAT HAS GROWN UPON **THEM** ~~THEM~~ FOR I7 YEARS THAT HAVE PASSE D. THIS HAS BEEN SHROUDED IN A THICK CLOUD OF MISTERY, THERE HAS BEEN A VAIL THROWN OVER IT. WE CANNOT DENY, WE CANNOT PASS OVER THE FACT,	*CAN/CAN'T*[?] PREVENT IT TO A GREAT DEGREE COMING IN, MANY WITNESSES THAT WHAT WE ARE COMPELLED TO CALL, AND AS THE WORLD FOR YEARS HAVE BEEN TAUGHT THAT IT WAS WILL AFFECT THE WITNESSES UPON THE STAND AND THEY WILL TELL IT SWEAR *EVERY*[?] FACT BY MEMORY THAT HAS GROWN UPON THEM DURING THE 17 YEARS THAT HAVE PASSED THIS HAS BEEN SHROUDED IN A *[[44]]* THICK CLOUD OF MYSTERY THERE HAS BEEN A VEIL THROWN OVER IT WE CAN'T DENY = AND WE CAN'T PASS OVER THE FACT, FOR WE

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RT	RS	BT	PS
	FOR WE KNOW GENTLEMEN OF THE JURY WHAT YOU MUST BELIEVE AS EVERYBODY ELSE DOES BELIEVE THAT THERE WAS AN INJUNCTION OF SECRECY PUT UPON THIS THAT NO ONE IN THAT COUNTRY DARE DISOBEY[316] THEY WERE OBLIGED, WERE NOT ALLOWED TO TALK ABOUT IT; WITHIN PALE OF THE AUTHORITY OF THOSE MEN WHO WERE THE PRINCIPLE IN THIS GREAT GREAT MURDER IN THIS FEARFUL MASSACRE, WITHIN LIMITS OF THEIR AUTHORITY NO WORD STORIES DARED TO BE LISTENED **WHISPERED** WE MAY LOOK AT	FOR WE KNO**W**, GENTLEMEN OF THE JURY, THAT YOU MUST BELIEVE , AS EVERY**ONE** ELSE DOES BELIEVE THAT THE RE WAS AN INJUNCTION OF SECRECY PUT UPON THIS THAT NO ONE IN THIS COUNTRY DARES DISPUTE . THEY WERE NOT COMPELLED, WERE NOT ALLOWED TO TALK ABOUT IT, WITHIN THE PALE OF THE AUTHORITY OF THESE MEN, WHO WERE THE PRINCIPALS IN THIS GREAT MURDER, IN THIS FEARFUL MASSACRE~~.~~,— WITHIN THE LIMITS OF THEIR AUTHORITY. ~~SO~~ **NO** WORD STARTS FROM THEIR LIPS OR DARES TO BE WHISPERED. WE MAY LOOK AT	KNOW GENTLEMEN OF THE JURY THAT YOU MUST BELIEVE AS EVERYBODY ELSE DOES BELIEVE, THAT THERE WAS AN INJUNCTION OF SECRECY PUT UPON THIS THAT NO ONE IN THAT COUNTRY DARE DISOBEY[317] THEY WERE IN THE PALE *MUTED/*—[?] TO TALK ABOUT IT WITHIN THE PALE OF THE AUTHORITY OF THOSE MEN WHO WERE PRINCIPALS IN THE THIS GREAT MURDER WITHIN THE *LIMITS*[?] OF THEIR AUTHORITY NO WORD DARED TO BE WHISPERED WE MAY LOOK AT

316. Rogerson's hand symbol. This is in the exact same place in PS.
317. Rogerson's hand symbol. This is in the exact same place in the RS.

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RT	RS	BT	PS
	THIS SAY IT WAS A SIGN OF THAT *TALK*[?], THAT THE AUTHORITY OF ONE MAN WOULD REACH SO DEEP IN THE SOULS OF MEN WOMEN AND CHILDREN; THAT THE POWER WOULD BE SO GREAT WE MAY LOOK BACK ≤OVER≥ THE HISTORY OF SIMILAR CIRCUMSTANCES; FOR INSTANCE IN THE PERSECUTION FOR THE SAKE OF CHURCH GREAT PERSECUTION AGAINST HERESY CATHOLICISM, PERSECUTING PROTESTANTISM VICE VERSA, WHEN WE LOOK AT THE HORRIBLE TRANSACTIONS	THIS AND SAY IT IS ~~IT IS~~ A SINGULAR FACT THAT THE AUTHORITY OF ONE MAN WOULD REACH SO DEEP INTO THE SOULS OF MEN WOM~~E~~N AND CHILDREN; THAT THE POWER WOULD BE SO GREAT . WE MAY LOOK BACK TO THE HISTORY OF SIMILAR CIRCUMSTANCES FOR INS~~A~~TANCE THE HISTORY OF THE PROSECUTI**ON**~~O~~ ~~N OF THE CHRUCH VOFOR~~ **FOR** THE SAKE OF THE CHURCH, THE GREAT PROSECUTION AGAINST HERICY AND CATHOL~~A~~**I**CISM~~,~~; THE PROSECUTION OF PROTESTANT~~I~~S~~M S~~ **BY CATHOLICS** AND VICE VERSA. WHEN WE LOOK AT THE HORRIBLE TRANSACTIONS	THIS AND SAY IT IS A SINGULAR *FACT*[?] THAT THE AUTHORITY OF ONE MAN WOULD REACH SO DEEP IN TO THE SOULS OF MEN WOMEN AND CHILDREN; THAT THE POWER WOULD BE SO GREAT, WE MAY LOOK BACK OVER THE HISTORY OF SIMILAR CIRCUMSTANCES FOR INSTANCE IN THE PERSECUTION FOR THE *SUFFERER*[?] OF CHURCH *CREATION*[?] PERSECUTION AGAINST HERESY AND CATHOLICISM PERSECUTING PROTESTANT AND VICE VERSA WHEN WE LOOK AT THE HORRIBLE TRANSACTIONS

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RT	RS	BT	PS
	OF THE INQUISITION STAINED WITH GORE, WE CAN SEE SINGULAR SPECTACLE OF THE MOTHER STAND AT THE STAKE, SEEING HER HUSBAND, HER SON HER DAUGHTER BURNED AT THAT STAKE AND SHE REJOICE THAT THE INFIDEL —[?] OF HERS WAS DEAD AND PUNISHED; THAT ANOTHER INFIDEL CEASED TO EXIST, REJOICING THANKING GOD THAT THAT PERSON = THE CHILD OF HER OWN BLOOD, WAS BURNING, WRITHING AGONIES OF DEATH AT THE STAKE SIMPLY	OF THE INQUISITION STAINED WITH GORE, WE CAN SEE THE SINGULAR SPECTAC~~L~~LE OF THE MOTHER STANDING AT THE STAKE AND SEE~~H~~ING HER HUSBAND, HER SON, HER DAUGHTER BURNT AT THAT STAKE AND SHE REJOICING THAT THE ~~INEVITABLE WAS BEING DONE~~ ENFEBLED ~~HANDS OF HER OWN WAS DEAD AND PUNISHED~~ *[166]* INFIDEL HANDS OF HER~~L~~S WERE DEAD AND ~~AND~~ PUNISHED, THAT ANOTHER INFIDEL CEASED TO EXIST, REJOICING, THANKING GOD THAT THAT PERSON, THE CHILD OF HER OWN BLOOD WAS WRITHING, BURNING IN THE AGONIES OF DEATH AT THE STAKE SIMPLY	OF THE INQUISITION FROM SPAIN WE CAN SEE THE SINGULAR SPECTACLE OF THE MOTHER STANDING BY THE STAKE AND SEEING HER HUSBAND SON OR DAUGHTER BURNED AT THAT STAKE AND SHE REJOICING THAT THE INFIDEL WAS BEING PUNISHED THAT ANOTHER INFIDEL CEASED TO EXIST REJOICING, THANKING GOD THAT THAT PERSON THE CHILD OF HER OWN BLOOD WAS BURNING AND WRITHING IN THE AGONIES OF DEATH AT THE STAKE, SIMPLY

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RT	RS	BT	PS
	BECAUSE HE DIFFERED IN RELIGIOUS TENET WITH THE PRIEST OF HER CHURCH. WHEN WE LOOK AT THE DEPTH THAT FANATICISM WILL DRAW UPON HUMAN MIND, AND KNOWING CIRCUMSTANCES OF THIS COUNTRY, THE TENURE BY WHICH THEY HELD THEIR LIVES IN THIS FRONTIER COUNTRY AND ≤HEMMED≥ ~~IN~~ BY INDIANS, ORGANIZED AND AMONG THEM *[[40]]*[318] SUCH BAD MEN AS WE FOUND THERE; FEARING SOME OF YOU MIGHT MISUNDERSTAND ME WHEN I SPEAK OF THIS PERSECUTION, AND THIS FANATICISM,	BECAUSE HE DIFFERED IN THE RELIGIOUS TENNETS WITH THE PRIESTS OF HER CHURCH. WHEN WE LOOK AT THE DEPTH OF THAT FANATICISM HOW IT WILL DRAW UPON THEHUMAN MIND. AND KNOWING THE CIRCUMSTANCES IN THIS COUNTRY, THE TENURE BY WHICH THEY **HELD** ~~HENLED~~ ~~H~~THEIR LIVES IN THIS COUNTRY , HEMMED IN BY **I**NDIANS, ORGANIZED AND AMONG THEM, SUCH BAD MEN AS THERE WERE THEN FOUND HERE. FEARING THAT SOME OF YOU MIGHT ~~K~~MISUNDERSTAND **ME** ~~YOU~~ WHEN I SPEAK OF TH~~I~~ESE PROSECUTIONS ANDTHIS FANATICISM, WE	BECAUSE HE DIFFERED IN THE RELIGIOUS TENET FROM THE PRIEST OF HER CHURCH WHEN WE LOOK AT THE DEPTH THAT FANATICISM WILL DRAW UPON THE HUMAN MIND AND KNOW THE CIRCUMSTANCES OF THIS COUNTRY THE TENURE BY WHICH THEY *HELD*[?] THEIR LIVES IN THIS FRONTIER COUNTRY, HEMMED IN BY INDIANS, ORGANIZED AND AMONG THEM SUCH BAD MEN AS WE FOUND THERE FEARING SOME OF YOU MIGHT MISUNDERSTAND ME WHEN I TELL OF THOSE PERSECUTIONS AND THIS FANATICISM,

318. On the verso of the page: 18x3=540.

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RT	RS	BT	PS
	≺WILL≻ GO BACK AND SAY QUOTE AGAIN FROM THE DESCRIPTION OF OLD **ROUNDY** THAT IT IS A PROPHECY OF THE LORD WHEREVER GOOD MEN ASSEMBLED, BAD WILL BE THERE ALSO, AND EVEN WHEN THE SONS OF GOD WERE ASSEMBLED, SATAN CAME WITH THEM. ≺ONLY IT IS NOT THE≻ TENETS OF THE CHURCH = PRINCIPLES OF THE RELIGION THEY PREACH, FROM WHICH THOSE BAD ACTS EMANATE BUT FROM THE BRAIN AND HEART OF BAD MEN, THAT CROWD IN AMONG THEM. <TO THE VAST QUARTERS OF	WILL GO BACK AND SEE, AND QUOTE AGAIN FROM THE DISCRIPTION, OF OLD BISHOP ROUNDY,[319] THAT IT IS A PROPHECY OF THE LORD: "WHEREVER GOOD MEN ASSEMBLE, BAD WILL BE THERE ALSO; AND EVEN WHEN THE SONS OF GOD WERE ASSEMBLED, SATAN CAME WITH THEM." ~~WHEN~~ **THEN** IT IS NOT THE TENITS OFTHE CHURCH, PRINCIPLES OF THE RELIGION THEY PREACH, FROM WHICH THESE BAD ACTS EMINATE, BUT FROM THE BRAIN AND HEARTS OF BAD MEN THAT CROWDED IN AMONG THEM, AND THE BASEST CREATURES OF	WILL GO BACK AND SAY QUOTE FROM THE SCRIPTURES < THAT IT IS A PROPHECY OF THE LORD THAT " WHEREVER THE GOOD MEN ASSEMBLE THE BAD WILL BE THERE ALSO, AND EVEN WHEN THE SONS OF GOD *[[45]]* WERE ASSEMBLED, SATAN CAME WITH THEM ONLY IT IS NOT THE TENETS OF THE CHURCH THE PRINCIPLES OF THE RELIGION THEY PREACH FROM WHICH THOSE BAD ACTS EMANATE BUT FROM THE BRAIN AND HEART OF BAD MEN THAT CROWDED IN AMONG THEM OF THE VAST QUARTERS OF

319. Lorenzo D. Roundy was a bishop in Kanarraville.

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RT	RS	BT	PS
	THE EARTH THOU HAST INQUIRED, OBTAIN POSITION, PLACE AND AUTHORITY AND DISGRACE IT CONDEMN IT BY THEIR ACTS>; HOWEVER WE MAY LOOK AT THIS; WE NEVER CAN OVERLOOK THE FACT, THAT AT CEDAR CITY, AT THAT TIME, LIVED SOME OF THE WORST MEN, WHOSE ACTS HAVE ADDED TO THE PAGES OF THE HISTORY OF 19 CENTURY, THE FOULEST SPOTS THESE PAGES CAN HAVE OBTAINED. THAT FROM THE COUNCILS OF AT LEAST 3 MEN, FROM THAT TOWN EMANATING ONE OF THE MOST DIABOLICAL MURDERS, MASSACRES,	THE EARTH, AND HAVING INTELLECT OBTAINED POSSESSION, PLACE AND AUTHORITY AND DISGRACE IT**,** CONDEMN IT BY THEIR ACTS; AND HOWEVER WE MAY LOOK AT THIS, WE CAN NEVER OVERLOOK THE FACT THAT AT CEDA~~T~~R CITY, AT THAT TIME LIVED SOME OF THE WORST MEN WHOSE ACTS HAVE D~~I~~**Y**ED THE PAGES OF THE HISTORY OF THE NINETEENTH CENTURY, WITH THE FO~~W~~**U**LEST BLOTS **,** THESE PAGES CAN EVER BE DONE. THAT FROM THE COUNSELS OF AT LEAST THREE MEN **FROM** ~~FRIOMN~~ THA T TOWN EMENATED ONE OF THE MOST DIABOLICAL MURDERS, MASSACRES,	THE EARTH HAVING INTELLECT OBTAINED POSITION PLACE AND AUTHORITY AND DISGRACED IT CONDEMNED IT BY THEIR ACTS, AND HOWEVER WE MAY LOOK AT THIS WE CAN NEVER OVERLOOK THE FACT, THAT AT CEDAR CITY AT THAT TIME LIVED SOME OF THE WORST MEN WHOSE ACTS HAVE ADDED TO THE PAGES OF THE HISTORY OF THE 19 CENTURY; THE FOULEST BLOTS THESE PAGES CAN EVER OBTAIN THAT FROM THE COUNCILS OF AT LEAST 3 MEN, FROM THAT TOWN EMANATED ONE OF THE MOST DIABOLICAL MURDERS MASSACRES

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RT	RS	BT	PS
	SLAUGHTERS THAT YOU WILL FIND BEEN PERPETRATED DURING ENTIRE 19 CENTURY. IT WILL BE A PART OF OUR DEFENSE TO SHOW YOU THAT THE LEADING SPIRIT IN THOSE COUNCILS AND THE LEADING *PN/RN*/—[?] UPON THAT FIELD OF SLAUGHTER, HAS BEEN BEFORE YOU, SEEKING TO THE EXTENT OF HIS ABILITY TO TURN {THE}[i] BLAME UPON AN INNOCENT MAN; A MAN WHOM HE HAS FOUGHT SINCE *THIS*[?] TRANSACTION AND COMPELLED TO CARRY THE BLAME OF ALL BEFORE THE WORLD. THEY TELL YOU = AND IT WILL BE SAID AS PART OF THE PROSECUTION,	SLAUGHTERS THAT YOU WILL FIND HAS EVER BEEN PERPETRATED DURING THE ENTIRE NINETEENTH ~~S~~CENTURY. IT WILL BE A PART OF OUR DEFENSE TO SHOW TO YOU THAT THE LEADING SPIRIT IN THESE COUN~~SE~~CILS *[167]* AND THE LEADING MAN UPON THAT FIELD OF SLAUGHTER HAS BE EN BEFORE YOU SEEKING TO THE EXTENT OF HIS ABILITY TO TURN THE BLAME UPON AN INNOCENT MAN, A MAN WHO ~~M~~ HAS EVER SINCE THAT TRANSACTION **BEEN** ~~AND~~ COMPELLED TO CARRY THE BLAME OF ALL BEFORE THE WORLD . ~~TE~~L THEY TELL YOU, OR IT WILL BE STATED AS A PART OF THE PROSECUTION	SLAUGHTERS THAT YOU WILL FIND BEEN PERPETRATED DURING THE ENTIRE 19 CENTURY IT WILL BE A PART OF OUR DEFENSE TO SHOW YOU THAT THE LEADING SPIRIT IN THOSE COUNCILS AND THE LEADING EVEN UPON THAT FIELD OF SLAUGHTER HAS BEEN BEFORE YOU SEEKING TO THE EXTENT OF HIS ABILITY TO TURN THE BLAME UPON AN INNOCENT MAN; A MAN WHOM HE HAS FOUGHT SINCE THAT TRANSACTION AND COMPELLED TO CARRY THE BLAME OF ALL BEFORE THE WORLD. THEY TELL YOU = OR IT WILL BE SAID AS A PART OF THE PROSECUTION

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RT	RS	BT	PS
	TO MAKE YOU BELIEVE JOHN D. LEE WAS MAJOR; THAT HE WAS INDIAN AGENT IT SHALL BE OUR DEFENSE TO SHOW YOU HE WAS NEITHER AT THIS TIME. THAT BY THE VERY ACTS OF THESE MEN THAT ARE NOW SEEKING FASTEN THIS HORRIBLE BURDEN UPON HIS SHOULDERS; SEEKING TO BRING HIM TO THE GALLOWS; THAT HIS BLOOD MAY ATONE FOR THEIR CRIMES THOSE VERY MEN AFTER THE TRANSACTION BEFORE THE ~~PROSECUTION~~ ~~≤~~TRANSACTION~~≥~~ HAD SHOWN THEIR ENMITY TO HIM CAST HIM OUT OF ALL OFFICE BECAUSE HE WOULD NOT BE WILLING TOOL	TO MAKE YOU BELIEVE THAT JOHN D . LEE WAS MAJOR, THAT HE WAS THE **I**NDIA~~H~~**N** AGENT. IT **S**HALL BE OU~~T~~R DEFEN~~D~~SE TO SHOW YOU THATHE WAS NEITHER AT THIS TIME, THAT BY THE VERY ACTS OF THESE MEN THAT ARE NOW SEEKING TO FASTEN THIS HORRIBLE BURDEN UPON HIS SHOULDERS~~;~~, SEEKING TO BRING HIM TO THE GALLOWS THAT HIS BLOOD MAY ATTONE FOR THEIR CRIME. THESE VERY MEN AFTER THE TRANSACTION, **AND** BEFORE THE TRANSACTION, IT SHOWS THEIR ENMITY TO HIM TO CAST HIM OUT OF ALL OFFICE BECAUSE HE WOULDNOT BE A WILLING TOOL	TO MAKE YOU BELIEVE THAT JOHN D. LEE WAS MAJOR; THAT HE WAS INDIAN AGENT IT SHALL BE OUR DEFENSE TO SHOW YOU THAT HE WAS NEITHER AT THIS TIME THAT BY THE VERY ACTS OF THESE MEN THAT ARE NOW SEEKING TO FASTEN THIS HORRIBLE BURDEN UPON HIS SHOULDERS; SEEKING TO BRING HIM TO THE GALLOWS < [*space*] THAT THOSE VERY MEN AFTER THE TRANSACTION BEFORE THE TRANSACTION HAD SHOWN THEIR ENMITY TO HIM CAST HIM OUT OF ALL OFFICE BECAUSE HE WOULD NOT BE A WILLING TOOL

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RT	RS	BT	PS
	TO ~~<~~WHAT THE~~>~~ WITNESSES HAS ALREADY DETAILED TO YOU AS A SUDDEN PUTTING AWAY, WOULD NOT AID THEM IN THAT FEARFUL REIGN OF TERROR THAT THEY WERE INAUGURATING, CARRYING ON HE WAS NOT ~~<~~**A**~~>~~ CITIZEN IN THE SAME SETTLEMENT BUT LIVED AWAY BELOW ACROSS THE VALLEY, AND IT IS TRAVEL 23 MILES, AND BELONGING TO ANOTHER COUNTY AND WAS NOT EVEN IN THEIR MILITARY ORGANIZATION OR BELONGING TO THAT BRANCH OF IT WAS IN ANOTHER COUNTY ENTIRELY OUT OF THEIR JURISDICTION, THAT HAD	TO WHAT THE WITNESSES AS ALREADY DETAILED TO YOU AS A SUDDEN PUTTING AWAY, WOULD NOT AID THEM IN THAT FEARFUL REIGN O~~R~~**F** TERROR THAT THEY WERE INAUGURATING AND CARRYING ON. HE WAS NOT A CITIZEN WITH THEM IN THE SAME SETTLEMENT BUT LIVING AWAY BELOW AND ACROSS THE VALLEY— AND IT ~~S~~ IS TRAVELING 23 MILES BELONGING TO ANOTHER COUNTY. HE WAS NOT EVEN IN THI~~R~~S MILITARY ORGANIZATION, OR BELONGING TO THAT BRANCH OF IT. H~~W~~E WAS IN ANOTHER COUNTY AND OUT OF THE~~R~~IR JURISDICTI~~O~~N THEY HAD	TO WHAT THE WITNESSES HAS ALREADY DETAILED TO YOU AS A SUDDEN PUTTING AWAY, WOULD NOT AID THEM IN THAT FEARFUL REIGN OF TERROR THAT THEY WERE INAUGURATING, CARRYING ON HE WAS NOT A CITIZEN WITH THEM IN THE SAME SETTLEMENT BUT LIVED AWAY BELOW ACROSS *AND/THE*[?] [*space*] < IT IS TRAVELING 23 MILES BELONG TO ANOTHER COUNTY WAS NOT EVEN IN THEIR MILITARY ORGANIZATION *OR*[?] BELONGING TO THAT BRANCH OF IT *[[46]]* AT THAT TIME WITNESSES

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RT	RS	BT	PS
	BROKE HIM OF ALL OFFICE. AFTER THIS AS IT IS GENERALLY CASE, WHERE MEN ARE TREATED THIS WAY, THEY ENDEAVOR TO LET THEM DOWN EASY HE WAS THEN HIRED INSTRUCT INDIANS FEW OF THEM THAT LIVED AT HARMONY [*space*] THEY WERE MAKING DAM TO FARM LITTLE, TO TEACH THEM FARMING AS NECESSARY THING FOR CARRYING THIS ON *[[41]]*320 ~~<~~THAT~~>~~ HE[?] SHOULD HAVE THOSE PLOWS INSTRUMENTS IT WAS THIS FARMER'S ~~<~~DUTY~~>~~ CARE THEIR TOOLS HARNESSES, WHATEVER MAY	BROKE HIM OF ALL OFFICE. AFTER THIS, AS IT IS GENERALL**Y** THE CASE WHERE MEN ARE TREATED THIS WAY**,** THEY ENDEAVOR TO LET THEM DOWN EASY. HE W~~Q~~**A**S THEN HI~~T~~RED TO INSTRUCT THE **I**NDIAN~~D~~**S,** A FEW OFTHEM THAT LIVED AT HARMONY**,** THAT WERE MAKING AN ATTEMPT TO FARM AND TO TEACH THEM FARMING; AND AS A NECESSARY THING FOR CARRYING THIS ON; THAT HE SHOULD HAVE SOME PLOWS AND HARNESS, IMPLEMENTS. IT WAS THIS FARMER'S DUTY TO TAKE ~~F~~CARE OF THE TOOL~~D~~S, HARNESS AND STOCK, WHATEVER MAY	BROKE HIM OF ALL OFFICES AFTER THIS AS IT IS GENERALLY THE CASE WHERE MEN ARE TREATED THIS WAY, THEY ENDEAVOR TO LET THEM DOWN EASY HE WAS THEN HIRED TO INSTRUCT A FEW INDIANS THE DOZEN OR SO THAT LIVED AT HARMONY [*space*] AND TO TEACH THEM FARMING AND AS A NECESSARY THING *WITH*[?] CARRYING THIS ON, SHOULD HAVE SOME PLOWS HARNESS **& C** IT WAS THIS FARMER'S DUTY TO TAKE CARE OF THE TOOLS HARNESS STOCK WHATEVER MAY

320. The page is loose from the notebook and torn around the edge.

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RT	RS	BT	PS
	HAVE BEEN PROVIDED <BY THE GREAT GOVERNMENT OF THE UNITED STATES> FOR THAT PURPOSE CIVILIZING THE INDIANS, WHATEVER MAY HAVE BEEN DOLED DOLED OUT <TO THIS LITTLE BAND OF HOME INDIANS AT HARMONY> THIS MAN WAS HIRED TO TAKE CARE OF THEM AND HIRED TO INSTRUCT THEM IN FARMING IF ANY OF YOU ≤*EVER*[?] HAD≥ OCCASION TO LOOK INTO THAT GREAT OFFICE FARMER WITH THE INDIANS YOU WILL KNOW WHAT	HAVE BE EN PROVIDED BY THE GREAT GOVE~~R~~NMENT OF THE UNITED STATES FOR THE PURPOSE OF CIVILIZING THE **I**NDIANS. WHATEVER MIGHT HAVE BEEN **DONED** ~~DOLED~~ OUT TO THIS LITTLE BAND OF OLD **I**NDIANS AT HARMONY. THIS ~~T~~ MAN WAS HIRED TO TAKE CARE OF THEM. *[168]* AND INSTRUCT THEM IN THE AR~~E~~T OF FARMING. IF ANY OF YOU HAVE EVER HAD ~~THE~~ OCCASION TO LOOK INTO THAT GREAT OFFICE AT WASHINGTON WHERE LARGE SUMS OF MONEY ARE APPROPRIATED BY UNCLE SAM FOR THE PURPOSE OF ENCOURAGING THE **I**NDIANS IN FARMING, YOU WILL KNOW, YOU WILL SEE WHAT	HAVE BEEN PROVIDED BY THE GREAT GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF CIVILIZING [*space*]; WHATEVER MAY HAVE BEEN DOLED OUT TO THIS LITTLE BAND OF DOZEN OK TEN INDIANS AT HARMONY THIS MAN PUT HERE TO TAKE CARE OF [*space*] INSTRUCT THEM IN FARMING IF ANY OF YOU HAVE EVER HAD ANY OCCASION TO LOOK INTO THAT GREAT OFFICE ≤IT IS TOTAL FAILURE ITS≥ LARGE SUMS OF MONEY ARE APPROPRIATED BY UNCLE SAM FOR THE PURPOSE [*space*]

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RT	RS	BT	PS
	KIND OF TIME TOTAL FAILURE OF A THING IT IS. GOING THROUGH OFFICE SECRETARY OF THE INTERIOR. IT IS LIKE GOING THROUGH SIEVES. THE AMOUNT THAT IS GOING THROUGH IS LARGE AT FIRST, BECOMES SMALLER AND SMALLER, BUT IT BY THE TIME IT REALLY REACHES THE INDIANS <IT HAS GONE THROUGH SO MANY OFFICES> THE LAST SIEVE IS SO FINE VERY LITTLE GOES THROUGH IN THIS CASE I BELIEVE AT THAT TIME BRIGHAM YOUNG OR CUMMINGS, I BELIEVE IT WAS A QUESTION AS TO WHICH WAS	KIND OF A F**A**ILURE OF **A** THI~~S~~NG IT IS. GOING THROUGH THE OFFICE OF THE **S**ECRETARY OF THE INTERIOR, IT IS LIKE GOING THROUGH SO MANY SEIVES . THE AMOUNT THAT IS GOING THROUGH IS LARGE AT FIRST , THE SECOND IT MAY BE LARGE, BUT THE NEXT IS SMALLER AND SMALLER, SO THAT BY THE TIME IT REALLY RE~~Z~~ACHES THE **I**NDIANS**,** IT HA~~D~~**S** GONE THROUGH SO MANY OFFICE~~R~~S – THE LAST SEIVE IS SO FINE, THAT BUT VERY LITTLE GETS THROUGH. IN THIS CASE, I BELIEVE AT THAT TIME, BRIGHAM YOUNG, OR GOVERNOR CUMMINGS—I BELIEVE IT WAS A QUESTION AS TO WHICH WAS	 GOING THROUGH THE OFFICE OF THE SECRETARY OF THE INTERIOR IT IS LIKE GOING THROUGH SIEVES THE AMOUNT THAT IS GOING THROUGH IS LARGE AT FIRST AND THE *SECOND*[?] *IT*[?] MAY *PERHAPS*[?] BE LARGE [*space*] NEXT SMALLER AND SMALLER BY THE TIME IT REALLY REACHES INDIANS IT HAS GONE THROUGH SO MANY SIEVES THAT VERY LITTLE GETS THROUGH NOW IN THIS CASE I BELIEVE AT THAT TIME BRIGHAM YOUNG OR CUMMINGS I *BELIEVE*[?] [*space*]

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RT	RS	BT	PS
	GOVERNOR OR SUPERINTENDENT OF INDIAN AFFAIRS HERE BUT CERTAIN IT IS <I BELIEVE THAT> BRIGHAM YOUNG WAS ACTING IN SUCH HAVING CHARGE OFF ALL THE INDIANS WERE WITHIN THE TERRITORY I BELIEVE AT THAT TIME TERRITORY INCLUDED <WHAT IS NOW THE STATE> NEVADA SUB AGENTS WERE APPOINTED FOR EACH LITTLE PARTICULAR BAND OF INDIANS; <WHEREVER THEY WERE FOUND = SPECIAL AGENTS> MANAGERS OF THEM, AND THEY WERE GIVEN KEEPING OF THE ACCOUNT,	GOVERNOR OR SUPERINTENDANT OF INDIAN AFFAIRS HERE— BUT CERTAIN IT IS AND I BELIEVE, THAT BRIGHAM YOUNG WAS A~~F~~CTING AS SUCH, HAVING CHARGE AND CONTROL OF ALL THE **I**NDIANS WITHIN THE TERRITORY. I BELIEVE AT THAT TIME THA T THE TERRITORY INCLUDED WHAT IS NOW THE STATE OF NEVADA. SPECIAL AGENTS WERE APPOINTED FOR EACH LITTLE PARTICULAT BAND OF **I**NDIANS, WHEREVER THEY MIGHT FIND THEM,— SPECI~~A~~L AGENTS , , MANAGERS OF THEM—AND THEY WERE GIVEN THE KEEPING OF THE ~~GUNS,~~ **ACCOU**NTS THE	CERTAIN IT IS I BELIEVE BRIGHAM YOUNG WAS ACTING *AS SUCH*[?] HAVING CHARGE OF ALL OF THE INDIANS WITHIN THE TERRITORY I BELIEVE AT THAT TIME THE TERRITORY INCLUDED NEVADA SUB AGENTS WERE APPOINTED FOR EACH LITTLE BAND OF INDIANS WHEREVER THEY MIGHT FIND SUB AGENTS MANAGERS OF THEM, AND THEY WERE GIVEN KEEPING OF THE ACCOUNTS AND

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RT	RS	BT	PS
	CONTROL AND DIRECTION OF THEM; BUT AT THIS TIME HERE WAS LITTLE DAM = VERY SMALL ONE, AT THE LITTLE STREAM UPON WHICH HARMONY IS SITUATED SOME 20 MILES OR SO AND SOME OVER 40 TO GO AROUND THE ROAD AND OVER THE MOUNTAIN, BEYOND THAT ON THE HEAD WATERS OF THE CLARA *RID/HEAD*[?] UP BY THESE MOUNTAIN MEADOWS, WAS ANOTHER SETTLEMENT OF INDIANS; THEY WERE THERE TRYING TO LEARN SOME OF THEM TO FARM UNDER CHARGE OF JACOB HAMBLIN. AT	CONTROL AND THE DIRECTION OF THEM; BUT AT THIS TIME HERE W AS A LITTLE **ONE** ~~DAN,~~ A VERY SMALL ONE, AT THE LITTLE STREAM UPON WHICH HARMONY IS SITUATED, SOME 20 MILES OR SO —OR SOME OVER 40 MILES TO GO AROUND THE ROAD OVER THE MOUNTAIN**S**—. BEYO~~,~~ND THAT ON THE HEAD WATERS OF THE CLARA, THE HEAD OF ALL OF T**H**ESE MOUNTAIN MEADOW~~S~~, WAS ANOTHER SETTLEMENT OF **I**NDIANS. THEY WERE THERE TRYING T**O** LEARN SOME OF THEM TO FARM, IN CHARGE OF JACOB HAMBLIN. AT	CONTROL AND DIRECTION, OF IT BUT AT THIS TIME HERE WAS A VERY SMALL ONE AT THE LITTLE STREAM UPON WHICH HARMONY IS SITUATED SOME 20 MILES MORE OVER FORTY TO GO AROUND THE ROAD AND BEYOND THAT ON THE HEAD WATERS OF THE CLARA THAT *HID/HEAD*[?] UP BY THOSE MOUNTAIN MEADOWS *[[47]]*321 ANOTHER LITTLE BAND OF INDIANS WHERE THEY WERE [*space*] THEY WERE UNDER THE CHARGE I BELIEVE OF JACOB HAMBLIN THIS

321. The page was torn from the notebook; the page is in very poor condition and badly torn around the edges. The verso of the page reads: THROW ME THOSE DEPOSITIONS IF YOU PLEASE.

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RT	RS	BT	PS
	THIS PLACE THERE WERE CHIEFS = DIFFERENT ONES APPOINTED AT TIMES; I DO NOT REMEMBER WHO AGENT OR SUB CHIEF WAS AT THIS TIME BUT THERE WAS ≤**A**≥ CHIEF AT COAL CREEK, AGENT AT THE CLARA, ANOTHER AT WASHINGTON, ≤AND ONE≥ AMONG THE PAHVANTS ON THE SEVIER = AMONG PAHVANTS, SOME 5 OR TEN ACRES AND THEY WERE TRYING TO FARM, ALSO ≤**A**≥ FARMER, WHO WAS CHARGED WITH WHATEVER IMPLEMENT WAS PROVIDED FOR THEM, PAID BY MONTH FOR HIS	THIS PLACE THERE WERE CHIEFS, DIFFERENT ONES, APPOINTED AT DIFFERENT TIMES, I DON'T REMEMBER WHO THE AGENT, OR SUB CHIEF WAS AT THIS TIME. THERE WAS A CHIEF AT THE SANTA CLARS RIVER, AN AGENT *[169]* AT THE SANT**A** CLAR~~S~~A; ANOTH**E**R AT WASHINGTON, AND ONE AMONG THE PAH VANTS ON THE **S**EVIER**. --** **A**MONG THE PAH VANTS SOME **HAD** FIVE O~~T~~R TEN ACRES, AND THEY WERE TRYING TO FA~~T~~RM THERE**:** ALSO A FARMER WHO WAS IN CHARGE OF WHATEVER IMPLEMENTS WERE PROVIDED FOR THEM AND PAID BY THE MONTH FOR HIS	PLACE HARMONY THERE WERE CHIEFS THERE DIFFERENT ONES APPOINTED AT DIFFERENT TIMES I DO NOT REMEMBER WHO THE AGENT OR SUB AGENT WAS AT THIS WASHINGTON CLARA *AT THOSE*[?] ON THE SEVIER OUT AMONG THE PAHVANTS FIVE OR TEN ACRES TO FARM [*space*] AGENT THERE ALSO FARMER WHO WAS PAID FOR THE MONTH FOR HIS

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RT	RS	BT	PS
	SERVICES = ALL ENDEAVOR TO CIVILIZE THOSE INDIANS; LEARNING THEM TO ~~<~~FARM~~>~~ [*space*] AT THOSE LITTLE PLACES = I BELIEVE THEN THERE IS ABOUT BUT 3 OF THOSE PLACES IN TERRITORY, CORN CREEK, HARMONY CLARA, JOHN D. LEE, AFTER THIS BREAKING OFF = THIS LETTING HIM OUT OF OFFICE, WAS KIND OF LET DOWN, *REMAINS/HARMO* *NIZED*[?] PROMISING HIM TO BE PAID IF HE WOULD TAKE CHARGE OF THESE INDIANS, AND THE TOOLS PROPERTY AND BE FARMER TO THE INDIANS, UNDER THE AGENT	SERVICES. ALL ENDEAVORING TO CIVILI~~V~~ZE THESE **I**NDIANS, AND LEARN THEM TO FARM. AT THESE LITTLE PLA~~V~~CES, —I BELIEVE THERE IS ABOUT THREE OF THESE LITTLE PLACES IN THE ~~COUNTY~~ TERRITORY,— **C**ORN CREEK, HARMONY, SANTA CLARA. JOHN D . LEE AFTER THIS BREAKING OFF, THIS LETTING HIM OUT OF OFFICE**,**—WAS KIND OF LET DOWN AND TO HARMONIZE HIM AS IT MIGHT BE, —HE WAS ASKED IF HE WOUL**D** TAKE CHARGE OF THESE **I**NDIANS AND THEIR TOOLS AND PROPERTY AND BE A FARMER TO THE **I**NDIANS. THE **I**NDIAN AGENT	SERVICES TRIED TO CIVILIZE THOSE INDIANS [*space*] AT THIS LITTLE PLACE HARMONY [*space*] I BELIEVE THERE WAS BUT 3 THOSE PLACES IN THE [*space*] TERRITORY [*space*] HARMONY CORN CREEK AND CLARA JOHN D. LEE AFTER BREAK OFF OFFICE LETTING HIM OUT OF OFFICE WAS PROMISED BE PAID FOR IT IF HE WOULD BE FARMER TO THE INDIANS UNDER THE AGENT

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RT	RS	BT	PS
	THAT WAS ABOVE HIM AT THIS TIME HE WAS THE FELLOW WITH IMPLEMENTS [*space*][322]	THA**T** WAS ABOVE HIM AT THIS TIME, ~~HE~~ WAS THE FELLOW WITH THE IMPLEMENTS. AND NOW IN ORDER—I WILL MENTION THIS FOR THE PURPOSE OF BRINGING IT HOME TO YOUR MINDS AT THIS TIME BECAUSE THEY APPEAL TO YOU THA**T** JOHN D. LEE BEING AGREAT MAN**,** THAT HE MAY BE CONSIDERED OF SUFFICIENT VALUE AND IMPORTANCE ~~OF~~ **TO** SACRIFICE FOR THE ATONEMENT OF THE WHOLE OF THIS CRIME~~:~~**,** THAT THE Y MIGHT MAGNIFY HIM TO BE A GREAT COMMANDER, A GREAT HEAD, GREAT	THAT WAS ABOVE HIM AT THIS TIME HE WAS THEIR FELLOW TO THEM IMPLEMENTS NOW IN ORDER I MENTION THIS TO BRING IT HOME YOUR MINDS AT THIS TIME [*space*] IN ORDER THAT THEY MAY BUILD UP *JOHN D. LEE*[?] TO GREAT *MAN*[?] THAT HE BE A FIT *KS/NS*[?] OF SUFFICIENT VALUE AND [*space*] WHOLE OF THIS CRIME THAT THEY MAY MAKE HIM BE A COMMANDER TO BE A GREAT OFFICER AND GREAT HEAD AND A GREAT

322. Page 1 of Rogerson's Shorthand Notebook 7 is missing; this creates a break in Spicer's opening argument to the jury.

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RT	RS	BT	PS
		BRAIN; ~~D~~FOR THEY SAY THAT HE INITIATED, ORIGINATED, LED ON THIS MOST HORRIBLE**,** DIABOLICAL CRIME; THAT YOU MUST BELIEVE HIM TO BE SOMETHING MORE THAN A SUBBORDINATE OR ~~TO BE~~ A FARME~~T~~**R** TO THE **I**NDIANS. THEREFORE IT HA~~D~~**S** BEEN A PART OF THE PROSECUTIO~~H~~N OF JOHN D**.** LEE**,** A PART OF THE SYSTEM BY WHICH THEY MAKE HIM OR SEEK TO MAKE HIM A VICTIM**,** AND NOT ONLY **THAT** ~~THE PROSECUTION SIMPLY COULD DO~~, BUT THEY HAVE FALLEN INTO THE RUTS THAT HIGBEE, SMITH AND OTHERS ORIGINATED**,**	BRAIN *WITHOUT SAVE/SV*[?] HE DID INITIATE ORIGINATE LEAD AND EXECUTE THIS HORRIBLE AND DIABOLICAL CRIME THEY MUST BUILD HIM UP LARGE SOMETHING MORE THAN HIRED *SUBORDINATE*[?] FARMER TO THE INDIANS AND THEREFORE IT HAS BEEN A PRINCIPLE OF THE PROSECUTION OF JOHN ~~D~~ LEE AND PRINCIPLE OF THE SYSTEM BY WHICH THEY —[?] TO MAKE HIM A VICTIM *NOT*[?] ONLY THE PROSECUTION —[?] THEY HAVE SIMPLY FALLEN INTO THE *RUT*[?] THAT THOSE BAD MEN HAIGHT HIGBEE *AND BRETHREN*[?] ORIGINATED

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RT	RS	BT	PS
		MANY YEARS AGO. THEY ARE TO SLIDE ALONG IN THAT SAME R**O**UTINE THAT PEOPLE BELIEVED HIM, THIS HUMBLE MAN, JOHN D. LEE, TO BE A GREAT MAN. THEY MAGNIFY HIM SO THAT THE CHURCH AND THE CHRISTIAN WORLD MAY BE SATISFIED IF HE IS CONVICTED AND HUNG, THAT THE QUESTION IS *[170]* SETTLED OR WIPED OUT. WE SHALL SHOW TO YOU, GENTLEMEN OF THE JURY, AND THIS IS OUTR D**E**FENSE, ~~AS~~ WE SHALL SHOW TO YOU ,THAT JOHND. LEE WAS BUT A HUMBLE MAN, WITHOUT OFFICE , WITHOUT AUTHORITY, AND THAT WHEN THAT WAS DONE ~~N~~AND BY WHOM**,** ~~— ABOUT~~ **DURING** THIS	MANY YEARS AGO [*space*] THEY BUILD UP THIS HUMBLE MAN JOHN D. LEE TO BE A GREAT MAN [*space*] MAGNIFY HIM SO THAT THE JURY AND COURT AND WORLD MAY BE SATISFIED IF HE IS CONVICTED AND HUNG THAT THE QUESTION [*page torn*] SETTLED AND ALL WIPED OUT WE SAY TO YOU GENTLEMEN OF THE JURY IT IS OUR DEFENSE AS WE SHALL SHOW TO YOU THAT [*This is the end of Patterson's extant shorthand for Spicer's opening.*]

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RT	RS	BT	PS
		TIME ~~IT~~ **HE** WAS ALL ON THE SIDE OF MERC~~Y~~, ~~W~~RISKING HIS LIFE TO PROTECT THE EMIGRANTS AND SAVE THEM WITH THE PRICE OF BLOOD— THESE INNOCENT CHILDREN. THIS COUNCIL THAT HAS BEEN DETAILED TO YOU**,** SOME **ACCOUNT** O F WHICH ~~WIOLL BE~~ **HAS BEEN** GIVEN, WILL BE GONE INTO FURTHER. AT THE ~~W~~**R**IS**K** OF HIS LIFE, WEEPING, AND SOROW**ING**~~FULL Y~~**,** HE WENDED HIS WAY THROUGH THE MOUNTAINS ALONE. HE IS NOT LOADED WITH PROPERTY OR CLOTHING BUT WITH A CONSCIENCE CLEAR THAT HE HAD DONE HIS DUTY; AND WITHOUT A FEAR OF HIS FELLOW MAN**:** HE HAD DONE IT	

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RT	RS	BT	PS
		TO THE BEST OF HIS ABILITY. BUT WHILE THESE WHO WERE WENDING THE~~I~~R WAY TOWARDS CEDAR CITY , LOADED WITH THE SPOILS OF THAT EMIGRANT TRAIN, JOYOUS, CONSCIENCELES S, REJOICING THAT IT~~WQS~~ WAS FINALLY COME TO AN END , AND T~~H~~A T THEY WERE LOADED WITH THE SPIOLS, AND WITH A CURSE UPON THEIR LIPS AGAINST THAT OLD MAN, “THAT OLD FOOL”, THAT HUMBLE**,** LONE MAN**,** IS THE ONE THAT THEY WOULD HAVE YOU BELIEVE SHALL BE PUNISHED FOR ALL THIS MURDER~~-~~**ING.** IT SEEMS TO ME THAT ~~IT~~ IT IS ALL MALICIOUSNESS THAT THEY HAVE THROWN THE BLAME OF ALL THI**S** ON JOHN ~~D~~D. LEE**;**	

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RT	RS	BT	PS
		FOR THAT MAN WITH THAT BOY, SURROUNDED BY THE MANY **I**NDIANS THAT WERE THERE**,** TOOK THE LIBERTY IN DEFENSE OF THIS EMIGRANT TRAIN, AND KNOWING THE CHARACTER OF THESE **I**NDIANS**,** TO GO TO THEIR DEFEN~~SD~~**C**E. THEY FIRED AT HIM AND TWO BA**L**LS PAST THROUGH HIS CLOTHES, ONE OF THEM INFLICTING A SLIGHT WOUND. THAT SEEMS TO BE CRUEL **A**ND WICKED TH**A**T THEY TOOK UPON THEMSELVES THE POSITION TO GO BEFORE THE JURY ~~WITH~~ **SAYING THEY WERE** THE WOUNDS,— THESE BULLET HOLES**,** ~~THAT~~ **THAT** WERE RECEIVED **IN** FIGHTING
	*[Bk 7 2]*323 WOUNDS, THOSE BULLET HOLES, WERE RECEIVED FIGHTING		

323. In longhand at the top of the page: **BOOK NO. 7 - 1ST LEE TRIAL**. Pages 2–6 have diagonal transcription lines that disappear at the start of Pollock's testimony.

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RT	RS	BT	PS
	AGAINST THE EMIGRANTS AND BY BALLS FROM THE EMIGRANTS HIS INTIMATING TO YOU THE COAT WAS A COAT TAKEN FROM THE FIELD OF SLAUGHTER WITH THE BULLET HOLES ON IT. AND WE SHALL SHOW YOU IN CONNECTION WITH EVIDENCE WHICH HAS BEEN ALREADY GIVEN IN, THAT THAT COAT WAS ONE WORN THERE BY HIM TO THE FIELD, NOT TAKEN FROM THE FIELD. THOSE WOUNDS = THOSE BULLET HOLES WERE INFLICTED BY BULLETS FROM THE SAVAGE INDIANS, IT WAS ONLY BY RISK OF LIFE *FRIENDS OF*	AGAINST THE EMIGRANTS AND BY BALLS FROM THE EMIGRANTS~~.~~**,** **AND EVER** HIS INTIMATING TO YOU **THAT** THE COAT WAS A COAT TAKEN FROM THE FIELD OF SLAUGHTER W**I**TH T~~E~~HE BULLET HOLES IN *[171]* IT. WE SHA**L**L SHOW TO YOU IN CONNECTION WITH THE **EVIDENCE** ~~INDIANS~~ WHICH HAS BEEN ALREADY GIVEN**,** ~~IN~~ THAT THAT COAT WAS ONE WOR~~E~~**N** THERE BY ~~HAIG~~ HIM TO THE FIELD AND NOT TAKEN FROM THE FIELD. THAT THES**E** WOUNDS , THESE **BULLET** ~~BUK LLET~~ HOLES**,** WERE INFLI~~V~~**C**TED BY BALLS FROM THE SAVAGE **I**NDIANS, AND IT WAS ONLY BY THE ~~W~~RIS~~T~~K OF LIFE, BY F~~I~~RIENDS OF	

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RT	RS	BT	PS
	HIS[?] HE WAS PREVENTED BEING KILLED OF INDIANS THEN AND THERE IN THE DEFENSE THOSE HELPLESS EMIGRANTS. ¶ IN THE OPENING, IT IS SPOKEN OF *AS* — [?] AS A COAT FROM THE FIELD GENTLEMEN OF THE JURY, WE ONLY WISH WE COULD PAINT TO YOU = WE COULD BRING BEFORE YOUR VISION THE TRUE PICTURE OF WHAT THEN TOOK PLACE THERE BY WITNESS UNFORTUNATEL Y FOR US MEN SINCE COULD ALL BE DEAD *YET/NOT*[?] ONE STILL LIVING WE COULD BRING THAT WHOLE SCENE OF IT BEFORE	HIS THAT HE WAS PREVENTED **FROM** BEING KILLED BY THE **I**NDIANS THEN AND THERE; THAT HE DID THIS IN DEFENSE OF THESE HELPLESS EMIGRANTS. IN THE OPENING IT ~~IS~~ **WAS** SPOKEN OF AS A COAT THAT WAS BROUGHT FROM THE FIEL~~S~~D. GENTLEMEN OF THE JURY, WE ONLY WISH WE COULD PAINT TO YOU, THAT WE COULD BRING BEFORE YOUR VISS~~I~~ION THE TRUE PICTURE OF WHAT THEN TOOK PLACE, ~~EITHER~~ **OR GIVE** **IT TO YOU** BY WITNESSES **BUT** UNFORTUNATEL Y FOR U~~T~~S , THE MEN ~~BEING~~ **ARE** DEAD, —**Y**ET ONE IS STILL LIVING ~~W~~BY WHOM WE ~~COULD~~ **CAN** BRING THAT WHOLE S~~E~~CEN~~T~~**E** ~~F~~BEFORE	

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RT	RS	BT	PS
	YOU, AND SHOW YOU JOHN D. LEE PLEADING FOR THE LIVES OF THOSE EMIGRANTS; BEING CHASED AND DRIVEN BY THOSE INDIANS, SHOT AT AND *ONLY/ONE*[?] LIFE SAVED BY THE INTERFERENCE OF SAINTS AROUND HIM HE HAD WITH HIM, CRUEL CRUEL *OF*[?] CHARGE; THOSE WOUNDS UPON HIM THAT BULLET HOLES AS BEING INFLICTED IN HIS MURDEROUS ATTACK ON THOSE EMIGRANTS. ¶ IT IS THE THEORY ALONE OF OUR DEFENSE, TO SHOW YOU ALL THROUGH FROM THE TIME IMMEDIATELY AFTER PERPETRATION OF THIS GREAT	YOU, ~~Z~~AND SHOW TO YOU JOHN D. LEE PLE~~E~~**A**DING FOR THE LIVES OF THESE EMIGRANTS ~~.;HI~~ ~~PLEADING~~ BEING CHASED AND DRIVEN BY THESE **I**NDIANS, SHOT AT, AND ONE LIFE SAVED BY THE ~~INTERPRETERS~~ INTERFERENCE OF ONE OF THE **I**NDIANS AROUN~~G~~D HIM THAT HE ~~D~~HAD WITH HIM. CRUEL, CRUEL CHARGE THAT THESE WOUNDS UPON HIM WERE BULLET HOLES ~~AS HAVING~~ ~~BEEN~~ INFLICTED IN HIS MURDERO~~U~~S ATTACK UPON THESE EMIGRANTS**!** IT IS THE THEORY ALONE OF OUR DEFENSE, TO SHOW ALL THROUGH FROM THE TIME, IMMEDIATELY AFTER THE PERPETRATION OF THIS GREAT	

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RT	RS	BT	PS
	MASSACRE, UP TO THE PRESENT TIME, THAT THERE HAS BEEN ≤**A**≥ SYSTEM OF VICTIMIZING INAUGURATED WHEREBY JOHN D. LEE SHOULD BE MADE TO SUFFER; WHEREBY JOHN D. LEE SHOULD BE HELD UP TO THE WORLD AS THE GREAT CAUSE, AND THE GREAT VICTIM OF A GREAT MURDER, OF THIS GREAT SLAUGHTER. THEY *T*[?] HIM FROM A HUMBLE FIELD OF LIFE, HAS BUILT HIM UP TO BE AN OFFICER, MAGNIFYING LITTLE POSITION OF FARMER TO THESE FEW INDIANS AS AN INDIAN AGENT TO AN AGENT FOR THE INDIANS OF ALL THIS COUNTY, THEY THEY CREATE HIM TO BE MAJOR IN ARMY,	MASSACRE UP TO THE PRESENT TIME, THAT THERE **HAS** ~~HSA~~ BEEN A SYSTEM OF VICTIMISING INAUGURATED, WHEREBY JOHN D. LEE SHOULD BE MADE TO SUFFER; WHEREBY JOHN D. LEE SHOULD BE HELD UP TO THE WORLD AS THE GREAT CAUSE, AS THE GREAT **LEADER** ~~VICTIM~~ OF THE GREAT MURDER OF THIS GREAT SLAUGHTER. THEY TAKE HIM FROM THE HUMBLE FIELD OF LIFE AND FIRST ~~F~~COMPEL HIM TO BE AN OFFICER AND MAGNI~~G~~**F**Y THE LITTLE POSITION ~~FO T~~OF FARMER TO THOSE FEW **I**NDIANS**,** AS THE **I**NDIAN AGENT, —AS THE AGENT FOR THE **I**NDIANS OF ALL T**H**IS COUNTRY. THEN THEY CREATE HIM TO BE MAJOR IN THE ARMY—	

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RT	RS	BT	PS
	MAJOR IN THIS MILITARY ORGANIZATION. TO BE SOMETHING THAT THEY DO NOT SEEM HARDLY CAPABLE OF EXPLAINING FOR SOME CAUSE OR SOMEHOW THIS HUMBLE MAN ALL AT ONCE CAME TO HAVE COMMAND OVER ALL THE PEOPLE, OVER THE BISHOPS, OVER THE PRESIDENT, OVER THE MAJORS, OVER THE COLONELS, EVERY ONE AND EVERY BODY. IT SHALL BE OUR ENDEAVOR TO SHOW YOU HOW HUMBLE IN LIFE THIS MAN WAS, HOW MUCH HE HAS BEEN WRONGED BY THIS SYSTEM OF BUILDING HIM UP TO GREATNESS WILL ALL THEIR ENDEAVORS BUT	MAJOR IN THIS MILITARY ORGANIZATION. *[172]* THEN BY SOMETHING THAT THEY DON'T SEEM HAR~~L~~DLY CAPABLE OF EXPLAINING ~~OFFOR~~ **FOR** SOME CAUSE OR SOME HOW, THIS HUMBLE MAN ALL AT ONCE CAME TO HAVE THE COMMAND OVER ALL THE PEOPLE**,** OVER THE BISHOPS**,** OVER THE PRES~~E~~IDENTS**,** OVER THE MAJORS**,** OVER THE COLONELS**,** OVER EVERYTHING AND EVERYBODY. IT SHALL BE OUR ENDEAVOR TO SHOW YOU HOW HUMBLE IN LIFE THIS MAN WAS, HOW MUCH HE HAS BEEN WRONGED BY THIS SYSTEM OF BUILDING HIM U~~S~~P TO GREATNESS. ~~THAT~~ **WITH** THEIR ENDEAVORS	

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RT	RS	BT	PS
	IN DOING SO WE CAN'T HELP BUT MAKE THE PROSECUTION TO BE ACCESSORIES INHERITORS OF THE RESPONSIBILITY OF ALL STOCK IN TRADE OF ALL THE LEADERS THAT HAS PRECEDED THEM, THAT ISAAC **C** HAIGHT, J M HIGBEE, PHILIP K SMITH *ORIGINATED*[?] COUNCILS CEDAR CITY *FULL/FILL*[?] WITH THE DANGER CHURCH FOLLOWERS, SHIELDED THEMSELVES, HAVE THROWN UPON JOHN D. LEE AND THAT ALL THE ENEMIES OF MORMONS HAVE CHARGED UPON THEM TAKING UP THIS TALE REITERATED IT	IN DOING SO, WE CANNOT HELP BUT MAKE THE PROSECUTION TO BE ACCESSORIES, AND INHERITORS OF THE RESPONSIBILITY OF BUILDING AND TAKING STOCK IN TRADE OF ALL THE LEADERS TH**A**T HAVE PRECEDED THEM. THAT ISAAC C. HAIGH, JOHN M. HIGBEE, **AND** PHILIP KLINGENSMITH ORIGINATED IN THE COUNCILS IN CEDAR CITY, FILLED WITH ~~THE DANGER~~, THE DANGER ~~OF~~**TO** THEIR FOLLOWERS**,** TO SHEALD THEMSELVES**,** HAVE THROWN THAT UPON JOHN D. LEE, AND THAT ALL THE ENEMIES OF MORMONISM ~~HAVING DANGER UPON THEM,~~ HAVE TAKEN UP T**H**IS TALE AND RE~~-~~ITERATED IT IN	

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RT	RS	BT	PS
	TO ALL WITHOUT PROOF THE WORLD THE *FOLLOWER/FLR/* —[?] *AND/OF*[?] THE DEVIL HAVE ORIGINATED AGAINST J D LEE. THE PROSECUTION, WE CAN'T HELP BUT SAY HAVE TAKEN IT, RECEIVED IT AS VERITY WILL ASK YOU TO BELIEVE AS THEY PRETEND TO BELIEVE *[3]*[324] IN ADDITION TO THAT AGAINST THEM IT SHALL BE OUR DEFENSE WE BELIEVE WE CAN SATISFACTORIL Y SHOW TO YOU THAT JOHN D. LEE AT THE TIME OF THIS MASSACRE	ORDER TO PROVE TO THE WORLD**,** THE FLESH AND THE DEVIL THAT HE WAS GUILTY ~~AND~~ **WHEN** THEY ORI~~D~~GINATED IT AGAINST JOHN D. LEE. THE PROSECUTION, WE CANNOT HELP BUT SEE**,** HAVE ALSO TAKEN IT UP AND RECEIVE**D** IT AS A VERITY THAT HE WAS **S**UPERINTENDEN T OF **I**NDIAN AFFAIRS, AND THAT HE ACTED ~~IN SDEFENS~~**C**~~E~~ ~~WITH THEM~~ ~~AGAINST~~ **WITH** **THE INDIANS** **AGAINST THE** **EMIGRANTS.** **AND THAT** **THAT W**OULD BE OUR DEFEN SE. WE BELIEVE THAT WE CAN SATISFACTORIL Y SHOW TO YOU THAT JOHN D. LEE AT THE TIME OF THIS MASSACRE~~,~~	

324. On the verso of the page: 174-148=26.

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RT	RS	BT	PS
	WAS IF ANYTHING UNDER BANDS, DISPLEASURE OF THOSE MEN; THAT HE WAS NOT A MAN THAT THEY WOULD TRUST IN THEIR COUNCILS, HE WAS NOT CONSIDERED BY THEM AS RELIABLE FOR ANY PURPOSE. HE WAS UNDER THE BANDS OF DISPLEASURE WE WILL SAY, HE WAS NOT A CITIZEN OF CEDAR CITY IF WE USE COMMON EXPRESSION AS THE WORLD NOW USES, THE COMMON WORD OF "RING", WE WILL SAY; HE WAS NOT ONE OF THE RING BUT LIKE ALL OTHER CITIZENS OF THE COUNTRY, HE WAS ONE WHO FEARED THE RING,	WAS**,** IF ANYTHING UNDER BAN~~N~~S**,** UNDER THE DISPLEASURE OF THESE MEN; THAT HE WAS NOT A MAN THAT THEY WOULD TRUST IN THEIR COUNCILS; AND HE WASN'T CONSIDERED BY THEM AS RELIABLE FOR ANY PURPOSE. ~~I~~H~~H~~E WAS UNDER THE~~I~~R BAN~~N~~S OF DISPLEASURE, WE ~~WILL~~ SAY. HE WASN'T A CITIZEN OF CEDAR CITY. IF WE USE THE COMMON EXPRESSION AS THE WORLD NOW USES IT**,** THE COMMON WORD OF "RING"**,** WE WILL SAY~~;~~**,** HE WAS NOT ONE OF THAT **"**RING.**"** BUT **U**NLIKE ALL OTHER CITIZENS OF THE COUNTRY**,** HE WASN'T ONE WHO FEARED THE ~~WIRRING~~ **"**RING.**"** IT WAS	

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RT	RS	BT	PS
	FEARED THIS BODY, THOSE WICKED THOSE CRUEL HEARTED MEN WHO HAD WORKED THEMSELVES INTO OFFICE IN THE CHURCH; INTO THE CITY IN TO THE MILITIA, WHO HAD OBTAINED COMMAND OVER THE PEOPLE THROUGH THEIR HYPOCRISY AND DESIGNS, THEY HAD OBTAINED THESE OFFICES = THIS AUTHORITY, AND THEY HAD FORMED A WICKED DESPERATE RING TO USE THAT OUTSIDE COMMON VERNACULAR WORD, "A CLOSED CORPORATION RING", WITHIN WHICH RING, MANY DIABOLICAL THINGS HAD BEEN CONCOCTED. A RING THAT MADE THE ENTIRE PEOPLE	THIS BODY, THIS WICKED, THESE CRUEL HEARTED MEN, **WHO** WOULD WORK THEMSELVES INTO OFFICE IN THE CHURCH— *[173]* INTO THE STATE, INTO THE MILITIA, W HO HAD OBTAINED COMMAND OVER THE PEOPLE**.** **T**HROUGH THEIR HIPPOCRACY AND DESIGNS, THEY HAD OBTAINED THESE OFFICES, THIS AUTHORITY , AND THEY HAD **F**ORMED A WICKED**,** DESPERATE **"**RING**"** TO USE THAT OUTSIDE COMMON VERNACULAR WORD—A CLOSE CORPORATION **"**RI~~G~~NG**",** WITHIN WHICH **"**RING**"** MANY DIAB~~L~~OLICAL THINGS HAD BEEN CONCOCTED. A ~~RIGH~~ **A**~~I~~ **"**RING**"** THAT **M**ADE THE ENTIRE PEOPLE	

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RT	RS	BT	PS
	FEAR FOR THEIR LIVES; A RING THAT HAD CAUSED MANY A MAN TO BE SUDDENLY PUT AWAY; *AND/BUT*[?] WHEN WE COME TO FOLLOW UP THESE GREAT AND NUMEROUS CRIMES IT IS IMPROPER WE SHOULD TRACE RESPONSIBILITY ANY FURTHER THAN HOME TO THE MEN WHOM WE SHOW WHOM ARE SHOWN TO BE REAL GUILTY ONES. THOSE WHO BY THEIR OWN INDIVIDUAL ACTS, MENTAL AS WELL AS PHYSICAL, JOIN IN THE CONSUMMATION OF THE CRIME. THIS RING THEN AT CEDAR CITY = THIS RING OF SOUTHERN UTAH, WAS WHAT WE WILL	FEAR FOR THEIR LIVE~~D~~S. A **"**RING**"** THAT HAD CAUSED MANY AND MANY TO BE SUDDENLY PUT AWAY. A ND W**H**EN WE COME TO FOLLOW UP THESE GREAT AND NUMEROUS CRIMES , IT SEEMS PROPER WE SHOULD TRACE THE RESPONSIBILITY IN THEIR FAVOR, THOSE MEN WHOM WE SHALL SHOW TO YOU, AND ARE SHOWN TO BE THE REAL ~~U~~GUILTY ONES, THOSE ~~BY~~ WHO BY THEIR OWN INDIVIDUAL ACTS, MENTALLY AS WELL AS **PHYSICALLY** ~~FISICALLY~~ JOINED IN THE CONSUMMATION OF THE CRIME. THIS **"**RING**"** THEN AT CEDAR CITY, THIS **"**RING**"** OF SOUTHERN UTAH**,** WAS WHAT WE WILL	

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RT	RS	BT	PS
	SAY A RING OF DESPERATE MEN, THAT HELD THE LIVES OF THE PEOPLE IN THEIR HANDS, WHOSE EDICTS FOR GOOD OR EVIL THE PEOPLE (OR AT LEAST MANY OF THEM) FEARED TO DISOBEY. BUT WHILE WE SPEAK OF THE CRIMES OF THOSE MEN, WHILE WE SPEAK OF THE WONDERFUL ACTS OF CRIMES PREVAILED, THEY WERE GUILTY OF, *THEY WERE*[?] NOT RIGHT TO VISIT THE TURPITUDE THEY HAVE NO RIGHT TO ASSERT THEIR CLAIM, THAT CITIZENS WHO LIVED IN THEIR VICINITY; ALTHOUGH IT MAY BE TRUE AS I HAVE SPOKEN, AS IT WILL BE A PART	SAY **WAS** A **"**RING**"** OF DESPERATE MEN, THAT HELD THE LIVES OF THE PEOPLE IN THEIR HANDS, WHOSE EDICTS FOR GOOD OR EVIL, —THE PEOPLE, —OR AT LEAST MANY OF THEM, —FAILED TO DISPUTE. BUT WHILE WE SPEAK OF THE CRIMES OF THESE MES~~S~~N; WHILE **WE** SPEAK ON ~~E~~THE SUBJECT OF THE WONDERFUL ACTS AND CRIMES THAT PREVAILED AND THA~~Y~~**T** THEY WERE GUILTY OF, THEY WERE NOT RIGHT TO VISIT THE T~~O~~**U**RPITUDE, — THEY HAVE NO RIGHT TO ASSERT THEIR CLAIM THAT CITIZENS WHO LIVED IN THEIR VICINITY (ALTHOUGH IT MAY BE TRUE AS I HAVE SPOKEN~~)~~ AS IT WILL BE A PART	

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RT	RS	BT	PS
	OF OUR DEFENSE TO APPEAR SO TO YOU, THAT *THESE MEN/THOSE MEN*[?] EXERCISED SUCH WONDERFUL CONTROL OVER THE MINDS OF THE PEOPLE THERE, THAT MEN FEARED THEM, EVEN THEN SECOND IN THAT RING OR THAT COUNCIL, FEARED THE FIRST ONE, AND DARED NOT DISOBEY HIM NOT ALL WERE MEN THERE WHO DID DECEIVE, THERE WERE MEN WHO DID NOT STAND OUT <THERE WERE MEN THERE> WHO HAD STAMINA, MEN OF COURAGE, THAT THEY WOULD NOT OBEY ALL OF THE EDICTS OF THIS COUNCIL OR THE ORDERS	OF OUR DEFENSE AND APPEAR SO TO YOU) THA T THESE MEN EXERCISING SUCH WONDERFUL CONTROL~~L~~ ~~THAT~~ OVER THE MINDS OF THE PEOPLE THERE ~~,)~~THAT MEN FEARED THEM, EVEN THE SECOND IN THAT **"**RING**"** OF THAT COUN~~SE~~CIL FE~~R~~ARED THE FIRST ONE, AND DARED NOT DISOBEY HIM. YET THERE WERE MEN THERE WHO ~~HAD DISPLAU~~ DID DISOBEY. THERE WERE MEN THERE WHO WOULDN'T STAND IT. THERE WERE MEN THERE WHO HAD STAMIN~~A~~**G**, — MEN OF COURAGE WERE THERE WHO WOULD NOT ~~A~~OBEY ALL THE EDICTS OF THIS COUN~~S~~CIL OR THE ORDERS	

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RT	RS	BT	PS
	OF THOSE MEN; AND WE CLAIM, THAT FOR THE PURPOSE OF THIS TRIAL WE SHALL ESTABLISH THE FACT TO BE THAT JOHN D. LEE WAS ONE OF THESE MEN, THAT WHEN TOLD OF WHAT HE WAS EXPECTED TO DO, WHAT WAS EXPECTED TO BE DONE AT MOUNTAIN MEADOWS, HE DECLARED OUT AGAINST ORDER THAT HE WOULD NOT OBEY, THAT HE COULD NOT OBEY, AND SHALL BE ≤**A**≥ PART OF OUR DEFENSE TO SHOW THAT THIS MAN, AFTER THIS PLOT HAD BEEN ARRANGED = TO BE CARRIED OUT UPON FIELD THAT HE WAS NOT THERE AT THE GIVING OF THESE COMMANDS; I REFER	OF THE~~W~~SE MEN; AND WE CLAIM THAT FOR THE PURPOSE OF THIS TRIAL WE SHALL E~~X~~**S**TABLISH THE FACT TO BE THAT JOHN D. LEE WAS ONE OF THESE *[174]* MEN. **W**HEN TOLD OF WHAT HE WAS EXPECTED TO ~~S~~DO; WHAT WAS EXPECTED TO BE DONE AT THE MOUNTAIN MEADOWS, HE DECLARED AGAINST THE ORDER, THAT HE WOULD NOT OBEY, THAT HE COULD NOT OBEY~~,~~**.** **A**ND IT SHALL BE A PART OF OUR DEFENSE TO SHOW THAT THESE MEN , AFTER TH~~A~~IS PLOT HAD BE EN ARRANGED TO BE CARRIED OUT UPON THE FIELD, THAT HE WASN'T THERE AT THE GI~~C~~VING OF THESE COMMANDS. I REFER	

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RT	RS	BT	PS
	PARTICULARLY TO THIS PART OF THE FIELD AND OF THAT TRANSACTION, THAT HAS BEEN DETAILED TO YOU SOME WHILE BACK [4] AS PART OF THE DEFENSE AFTER EMIGRANTS WERE HEMMED IN CORRAL FIGHTING FOR THEIR LIVES, MEN ABOUT EXHAUSTED, A TREATY WAS MADE WITH THEM. ARGUMENTS WERE PRESENTED TO YOU WHERE THEY HAVE STRAINED WHERE THERE HAS BEEN GREAT STRAIN UPON FACTS TO MAKE IT OUT JOHN D. LEE MADE THAT TREATY; NOT SO; THAT TREATY WAS MADE BY	TO THIS PART OF THE FIELS~~S~~D AND OF THAT TRANSACTION THAT HAS BEEN DETAILED TO YOU AND WHICH WILL SHOW THE SPIRIT OF THE DEFENDANT THAT AFTER THE EMIGRANTS WERE HEMMED IN AND IN THE MIDDLE OF THEIR FIGHTING FOR THEIR LIVES, THE MEN ABOUT EXHAUSTED , A TREATY WAS MADE WITH THEM. THE ARGUEMENTS WE PRESENT TO YOU**, WILL SHOW** ~~AND~~ WHERE **THEY** ~~THY~~ HAVE STRAINED— WHERE THERE HAS BEEN A GREAT STRAIN PUT UPON THE FACTS TO MAKE ~~IT~~ **OUT** THAT JOHN D. LEE MADE THAT TREATY. NOT SO~~,~~. THAT TREATY WAS MADE BY	

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RT	RS	BT	PS
	WILLIAM BATEMAN, AND IT IS PART {OF THE}[i] THEORY OF THE DEFENSE TO SHOW YOU {TO}[i] YOU THAT THAT TREATY WAS A BONA FIDE TREATY, AND THE ATTEMPT WAS MADE TO CARRY OUT THAT TREATY IN GOOD FAITH. THAT JOHN D. LEE IN ALL HIS ACTS THERE {ON THAT}[i] OCCASION WITH THEM WAS ACTING IN GOOD FAITH, ENDEAVORING TO SAVE THE LIVES OF ALL THESE PEOPLE AS THE TREATY SPECIFIED, THEY HAD BEEN AGREED UPON, IN ORDER TO APPEASE {THE}[i] INDIANS THAT THEIR PROPERTY SHOULD BE SACRIFICED, THAT THEY SHOULD SAVE THEIR LIVES BY TAKING THEM {TO}[i] CEDAR CITY. THAT	WILLIAM BATEMAN, AND IT IS A PART OF THE THEORY OF THE DEFEN~~D~~SE THAT TH T TREATY WAS A BONIFIED TREATY AND THE ATTEMPT WAS MADE TO CARRY OUT THAT TREATY IN GOOD FAITH. THAT JOHN D. LEE IN ALL HIS ACTS THERE ON THAT OCCASION, ~~THAT THEY WERE EN~~ACTED IN GOOD FAITH, ENDEAVORING TO SAVE THE LIVES OF ALL THESE PEOPLE AS THE TREATY SPECIFIED, —**AS** ~~THAT~~ HAD BEEN AGREED UPON, IN ORDER TO APPEASE THE **I**NDIANS**,** THAT THE PROPERTY SHOULD BE SACRIFICED AND THAT THEY SHOULD SAVE THEIR LIVES BY TAKING THEM T**O** CEDAR CITY. THAT	

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RT	RS	BT	PS
	TREATY WAS MADE BETWEEN {THE}[i] PEOPLE OF COMPANY AND THOSE THEY CALLED, TROOPS, SOLDIERS THERE THROUGH WILLIAM BATEMAN ON THEIR SIDE, WHO WENT IN WITH A FLAG OF TRUCE; MET THEM UNDER THAT FLAG, BONA FIDE IN GOOD EARNEST MADE THAT TREATY, AS THE BEST THIS PEOPLE COULD DO FOR THEM IN ORDER TO SAVE THEIR LIVES {AND}[i] SACRIFICE THEIR PROPERTY. AFTER THAT TREATY WAS MADE JOHN D. LEE, SINGLY, ALONE WITHOUT GUNS AND WITHOUT FLAG, WAS SENT AS A PILOT IN ACCORDANCE WITH THAT	TREATY WAS MADE BETWEEN THE PEOPLE OF THE COMPANY AND THOSE THAT WENT. —THE TROOPS, THE SOLDIERS THERE **,** —THROUGH WILLIAM BATEMAN ON THEIR SIDE, WHO WENT IN WITH A FLAG OF TRUCE AND MET THEM UNDER THAT FLAG IN THEIR CORRAL~~L~~ BON~~I~~**E**AFIDE~~LY~~ ~~**AND**~~ , — IN GOOD EARNEST MADE THAT TREATY A~~N~~S THE BEST THING THAT THIS PEOPLE COULD DO FOR THEM IN ORDER TO SAVE THEIR LIVES, WAS TO SACRIFICE THAT PROPERTY. THAT THAT TREATY WAS MADE. JOHN D. LEE SIN~~I~~GLY **AND** ALONE, WITHOUT GUN~~S~~, OR WITHOUT A FLAG WAS SENT AS A PILATE**,** IN ACCORDANCE WITH THA T	

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RT	RS	BT	PS
	TREATY, TO CONVOY THEM TO CEDAR CITY, TO TAKE THEIR ARMS OFF THEM, AS 7 HAD ALREADY BEEN KILLED, TO TAKE SURVIVORS OF THOSE EMIGRANTS IN SAFETY {TO}[i] CEDAR CITY. HE WENT IN OBEDIENCE TO ORDERS AFTER HAVING RAISED HIS VOICE = HIS ARM =RISKED HIS LIFE AND {HE}[i] OFFERED TO RISK EVERYTHING IN DEFENSE OF THOSE EMIGRANTS. THAT IF ANY 5 WOULD GO WITH THEM HE WOULD GO AND BATTLE FOR THEM, EITHER PERISH WITH THEM OR BRING THEM OUT IN SAFETY, COULD NOT HAVE BEEN PARTY ANY	TREATY**,** TO CONVEY THEM TO CEDAR CI TY, TO TAKE THEIR ARMS FROM THEM**:** *[175]* AS SEVEN OF THE EMIGRANTS HAD ALREADY BEEN KILLED; TO TAKE THE SURVIVORS OF THESE EMIGRANTS ~~OF THESE EMIGRANTS~~ IN SAFETY TO CEDAR CITY. HE WENT IN OBEDIENCE TO ORDERS, AFTER HAVING RAISED HIS VOICE, HIS ARM, ~~W~~RISKED HIS LIFE, AND OFFERED TO ~~W~~RISK EVERYTHING**,** IN DEFENSE OF THESE EMIGRANTS. THAT IF ANY FIVE WOULD GO WITH HIM HE WOULD GO AND BATTLE FOR THEM, AND EITHER PERISH WITH THEM OR BRING THEM OUT IN SAFETY. IT COULD NOT BE BY ANY	

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RT	RS	BT	PS
	ORDERS TO HAVE THEM SACRIFICED, LET INDIANS TAKE THEIR PROPERTY, SAVE THEIR LIVES THEY APPARENTLY CAME TO HIS TERMS AFTER THE TREATY, HAD BEEN {MADE}[i] IN ACCORDANCE WITH THAT SUGGESTION, THAT THEIR PROPERTY SHOULD GO TO APPEASE THESE 500 HUNDRED SAVAGE HEARTED {H}[i]UNGRY[325] MADDENED INDIANS. THAT THE FEW PEOPLE THAT WERE THERE SHOULD STAND BETWEEN THEM AND THE INDIANS AND SAVE THEIR LIVES IN TAKING THEM CEDAR CITY	ORDERS THAT HE CONSENTED TO HAVE THEM SACRIFICED, BUT TO LET THE **I**NDIANS TAKE THE PROPERTY TO SAVE THEIR LIVES, AND THEY APPARENTLY CAME TO **THEIR** ~~HIM~~ TERMS OF THE TREATY, WHICH HAD BEEN MADE IN ACCORDANCE WITH THAT SUGGESTION, THAT THEIR PROPERTY SHOULD GO TO APPEASE THESE FIVE HUNDRED SAVAGE, CRUEL HEARTED**,** HUNGRY**,** MADDENED **I**NDIANS. THAT THE FEW PEOPLE THAT WERE THERE SHOULD STAND BETWEEN THEM AND THE **I**NDIANS, AND SAVE THEIR LIVES, AND TAKE THEM TO CEDA~~T~~**R** CITY.	

325. The word as originally written could read “HUNGRY” or “ANGRY”.

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RT	RS	BT	PS
	THAT TREATY THEY MADE BY BATEMAN LEE WAS THEN SENT IN AS CONVOY WITHOUT GUN OR FLAG OF TRUCE TO SEE THEM AWAY IN SAFETY TO CEDAR CITY, TELLING THEM HURRY UP WITH SPEED, AS THE INDIANS MAY SOON BE ON THEM, HURRYING THEM OFF, {AND}[i] INSTEAD OF FOLLOWING ROAD THAT BENT AROUND LITTLE, IN HIS HASTE, TAKING THEM ACROSS THE LAND = ACROSS THE BEND, AND GAIN TIME FROM THE INDIANS [*space*] TO BE *SNS/SINCE/AS SOON AS*[?] CORRAL WHERE THEIR WEAPONS AND THERE PROPERTY WAS,	THAT TREATY WAS THERE MADE BY B~~V~~ATEMAN. LEE WAS THEN SENT IN THERE AS A PRIVA~~T~~E**,** WITHOUT A GUN**, WITH A** ~~OR~~ FLAG OF TRUCE TO SHOW THEM THE WAY IN SAFETY TO CEDAR CITY; TELLING THEM TO HURRY UP WITH ALL SPEED, AS THE **I**NDIANS MIGHT SOON BE AGAIN UPON THEM HURRYING THEM OFF AND INSTEAD OF FOLLOWING THE ROAD THAT BENT AROUND A LITTLE**,** IN HIS HASTE HE TOOK THEM ACROSS THE LANDS, ACROSS THE BEND TO GAIN TIME FROM THE **I**NDIANS WHO WERE NEAREST TO THE EMIGRANTS**'** CORRAL WHERE THEIR WAGONS AND THEIR PROPERTY W~~AS~~**ERE.** AFTER WHICH THE	

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RT	RS	BT	PS
	INDIANS WOULD RUSH IN THERE TO BE THE PLUNDERER, EACH ONE ANXIOUS TO BE FIRST, *[5]*326 TO GET THEIR SHARE OF PLUNDER, AND WHILE INDIANS IN THEIR MADDENED, WILD FURIOUS, THEIR INTEREST AND CURIOSITY TO SEE WHAT WAS WITHIN THIS CORRAL OF WAGONS, THAT HE MIGHT BE ENABLED SO TO HURRY OFF THESE WOMEN AND CHILDREN MEN GUIDE THEM BEYOND ≤THE≥ INDIANS, AND CARRY THEM TO CEDAR CITY IN SAFETY AND SUCH WE CLAIM *TO*[?]	**I**NDIANS WOULD R~~E~~U~~D~~SH IN THERE TO DO THEIR PLUNDERING; EACH ONE OF THEM ANXIOUS TO BE FIRST AND TO GET THEIR SHARE OF THE PLUNDER. AND WHILE THE **I**NDIANS IN THEIR MADDENED, WILD, FURIOUS, **STATE,** THEIR EXCITED CURIOSITY TO SEE AND GET WHAT WAS WITHIN~~G~~ THIS COR~~A~~RALL OF WAGONS, AND WHILE PLUNDERING THEM, THAT HE MIGHT BE ENABLED ~~TO~~ SO T O HURRY OFF THE WOMEN AND CHILDREN AND THE MEN, HE COULD GUIDE THEM BEYOND THE **I**NDIANS AND CARRY THEM TO CEDAR IN SAF~~E~~T~~R~~Y. SUCH WE CLAIM TO BE THE	

326. On the verso of page 5 in a column: 148 58 68 78/31.

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RT	RS	BT	PS
	GENTLEMEN OF THE JURY WAS THE INTENTION OF JOHN D. LEE *WHEN*[?] UNMAGNIFIED BY THE FRIEND OF HIS ENEMIES, TO MAKE HIM GREAT, DESPERATE AND HIS PART IN THIS TRAGEDY WAS THE ONLY PART OF MERCY PERFORMED BY ANY OF THEM AND HE WAS STRUGGLING *IN HIS BEHALF*[?] TO SAVE THEM IN THIS WAY HE HAD STARTED WITH THE TRAIN THAT HAD GONE WHILE WAS THERE IN THE CORRAL AS *EVIDENCE HAS*[?] BEEN GIVEN, IT TOOK THEM SOME TIME TO GET THEM READY; TO GET THE THINGS IN THE WAGON;	FACTS, GENTLEMEN OF T HE JURY. **T**HE FRIENDS OF HIS ENEMIES ARE ENDEAVORING TO MAKE HIM GREAT AND DES- *[176]* PERATE IN PERFORMING THIS PART OF THE TRAGEDY, WHEN IT REALLY WAS THE ONLY PART OF MERCY PERFORMED BY ANY OF THEM; AND HE WAS STRUGELING IN THIS BEHALF TO SAVE THEIR LIVES, **I**N THIS WAY HE HAD STARTED WITH THAT TRAIN, AND WHILE HE WAS T HERE IN THE CORRAL, AS IT HAS BEEN GIVEN TO YOU, IT TOOK THEM SOME TIME TO GET READY, TO GET THE TIMNGS INTO THE WAGONS,	

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RT	RS	BT	PS
	GET THE CHILDREN; BURY THE 2 MEN THAT HAD BEEN KILLED; THEY WERE THEN BURYING, WISHED TO FINISH UP THE BURIAL OF THEIR FRIENDS. SOME HOUR OR MORE TOOK PLACE WHILE LEE WAS IN CORRAL, EMIGRANTS *AIDING/BD*[?] FOR THEM, HURRYING THEM UP, FEARING INDIANS MIGHT BREAK IN UPON THEM AND MASSACRE THEM, FINALLY THEY WERE READY MARCHED OUT WHILE HE WAS THERE THIS FIEND IN HUMAN SHAPE, THAT IS *WORST/WRST*[?] AND	TO GET THE CHILDREN IN THE WAGONS, T~~H~~O BURY THE TWO MEN WHO HAD B EEN KILLED, BECAUSE THE EMIGRANTS WERE THEN BURYING THEM, AND THEY WISHED TO FINISH THE BURIAL OF THEIR FRIENDS. SOME HOUR~~E~~**S** OR MORE WAS PASSED WHILE LEE WAS IN THEIR ~~F~~CORRAL, THE EMIGRANTS WAITING FOR THEM ~~TO~~ TO BURY THE DEA~~R~~D, HURRYING THEM UP, FEARING THAT THE **I**NDIANS MIGHT BREAK IN UPON THEM AND MASSACRE THEM, AND FINALLY THEY WERE READY TO MARCH OUT. HE WAS NOT THIS FIEND THEN IN HUMAN SHAPE; BUT THESE **WERE** WORSE THAN	

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RT	RS	BT	PS
	DESPERATE THIS MOST WICKED THAT WILL LIVE IN CENTURIES *WITH THESE*[?] —[?] AND GATHERED, FEAR FOR THEIR LIVES WITHOUT COURAGE SENTIMENT OF JOHN D. LEE WERE CALLED UP, MUSTERED TOGETHER, AND THEN CAME THE ORDER, AFTER LEE WAS GONE FROM THEM WHERE HE WAS WHERE HE COULD NOT SEE ON WHAT HE BELIEVED WAS, ON ERRAND OF MERCY, UNDER A FLAG OF TRUCE, WHEREBY THEIR LIVES SHOULD BE SAVED, <THIS PLOT WAS FORMED> WHILE JOHN D. LEE WAS THUS ON ERRAND OF MERCY THESE FIENDS IN HUMAN SHAPE WERE PLOTTING TO THWART THAT TREATY	DESPERATE. THESE MEN WERE ARGUING**,** THAT WERE LEFT INTHE RANKS ON THE MEADOWS, FEARING FOR THEIR LIVES, NOT WITH THE COURAGE AND STAMINY OF JOHN D. LEE, — WERE CALLED UP, MUSTERED TOGETHER, AND THEN CAME THE ORDER. AFTER LEE WAS GONE FROM THEM, WHERE HE WAS WORKING AND COU~~N~~LD NOT SEE OR HEAR WHAT THE PLOT WAS, BUT ON AN ERRAND OF MERCY UNDER THE FLAG OF TRUCE**,** WHEREBY THEIR LIVES SHOULD BE SAVED~~.~~**;**— THIS PLOT WAS FORMED WHILE JOHN D. LEE WAS THUS ON THE ERRAND OF MERCY. THESE FIENDS IN HUMAN SHAPE WERE PLOTTING TO THWART THAT TREATY	

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RT	RS	BT	PS
	MADE UNDER THE FLAG. WHILE JOHN D. LEE WAS THUS ACTING TRUTHFULLY AND HONESTLY, WITH SORROWFUL HEART TO THE BEST OF HIS ABILITIES, ENDEAVORING TO SAVE THESE EMIGRANTS, THE INDIANS WERE APPROACHING THEM, AND THESE WICKED LEADERS WERE PLOTTING THIS DESTRUCTION NOW AFTER 17 YEARS HAVE PASSED; AFTER THIS LONG NUMBER OF YEARS HAVE ROLLED BY IN WHICH THIS GREAT CRIME HAS BEEN —[?] SO OFTEN, WHILE JOHN D. LEE HAS BEEN LABORING UNDER THIS FORGED TALE CAST UPON HIM, HE MAY BEAR THE	MADE UNDER THAT **FLAG** ~~CLAG..~~**:** WHILE JOHN D. LEE WAS THUS ACTING TRUTHFILLY, HONESTLY WITH A SORROWFUL HEART TO THE BEST OF HIS ABILITIES ENDEAVORING TO SAVE THESE EMIGRAN~~W~~**S ,** THE **I**NDIANS WERE APPROACHING THEM, AND THOSE WICKED LEADERS WERE PLOTTING THIS DESTRUCTION . NOW, AFER I7 YEARS HAVE PASS~~DE~~ED, AFTER THESE NUMBER OF YEARS HAVE ROLLED BY IN WHICH THIS GREAT CRIME HAS BEEN SO OFTEN SPOKEN OF; WHILE JOHN D. LEE ~~W~~HAD BEEN LABORIN~~V~~G UNDER THIS FORGED TALE CAST UPON HIM AND MADE TO BEAR ALL THE	

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RT	RS	BT	PS
	BLAME; NOW, TODAY COMES BEFORE YOU EVIDENCE THAT DON'T CONVICT LEE BUT CONVICT THE *MAN/MEN*[?] WHO TOLD. AND YOU ARE ASKED CONVICT THIS MAN LEE = *THIS ONLY*[?] MAN THERE WHOSE HEART SEEMED TO THROW OFF ANY SPARKS OF HUMAN LIFE, SCINTILLATES LONE DROP OF BLOOD THAT WOULD NOT ASSUME FACE OF HUMAN BEING *[6]*327 THIS CAVITY, WITHOUT ANY MERCY OR COMPASSION, AND WHEN HE ALONE FELT FOR THEM ANY COMPASSION FOR THEIR SAFETY, ~~<~~LEE~~>~~ ONLY	BLAME, NO~~,~~**W** TO-DAY COMES BEFORE YOU EVIDENCE THA T DON'T TEND TO CONVICT LEE, BUT CONVI~~V~~CT THE MEN *[177]* WHO TOLD IT. AND YOU ARE ASKED TO CONVICT THISMAN LEE; THIS ONLY MAN ~~FROM~~ WHOSE HEART SEEMED TO THROW OFF **THE** **ONLY** ~~ANY~~ SPARKS OF HUMAN LIFE. IN IT S**C**INTILLATE~~D~~S THE LAST DROP OF BLOOD THAT WOULD NOT HARM THE PEACE OF ANY HUMAN BEING. BUT THE OTHERS **WERE** WITHOUT ANY MERCY OR COMPASSION, ~~OR~~**AND** WITHOUT THE LEAST FEELING FOR THEM, OR FOR THEIR ~~FSAFERTY~~ SAFETY . LEE WAS THE ONLY	

327. In longhand at the top of the page: **POLLOCK 1ST WIT DEFENSE**.

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RT	RS	BT	PS
	MAN THAT SET TO RESIST THIS TIDE, THIS SCHEME, THIS COUNCIL OF DESTRUCTION, IS HERE PLACED BEFORE YOU, AND ASK TO BE CONVICTED OF THIS GREAT MURDER UPON THE TESTIMONY OF THESE MEN = WHO COUNSELED ~~≤~~PLANNED~~≥~~ AND COMPELLED IT. I HAVE NOT ~~≤~~GOT~~≥~~ THROUGH YOUR HONOR. SHALL I PROCEED ANY FURTHER IT IS TWELVE NOW BY COURT ARE YOU NEARLY THROUGH? ~~≤~~SPICER~~≥~~ IT WILL TAKE ME PERHAPS HOUR LONGER BY COURT	MAN THAT SET HIS FACE AND HIMSELF UP TO RESIST ~~THIE DID~~, **THIS DEED,** THIS SCHEME**,** ~~**AND**~~ THIS COUNCIL OF DESTRUCTION IS HERE PLACED BEFORE YOU **AS** **COMING FROM** **THIS** **DEFENDANTS** **WHO IS** **SANICT**[?] ~~AND~~ ~~ASKED~~ TO BE CONVICTED OF THIS GREAT MURDER, UPON THE TESTIMONY OF THESE MEN WHO COUNSELED PLANNED AND COMPELLED IT. I HAVE NOT YET GOT THROUGH, YOUR HONOR, SHALL I ~~PRES~~ PROCEED ANY FURTHER?. IT IS I2 O'CLOCK NOW. BY COURT: ARE YOU NEARLY THROUGH, MR. SPICER? BY MR. SPICER: NO, IT WILL TAKE ME NEARLY A HOUR LONGER. BY COURT: THEN	

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RT	RS	BT	PS
	WILL TAKE RECESS UNTIL HALF AFTER 2 O'CLOCK. **2:30 PM THURSDAY JULY 29/75 230 PM** JUDGE BOREMAN ENTERED COURT ORDERED CLERK READ NAMES OF THE JURORS. SPICER I SHALL NOT OCCUPY AS MUCH YOUR TIME AS I HAVE FOR REASON I HAVE GONE OVER CASE FULLY IN DETAIL TOUCH UPON POINTS I WISH YOU REFER TO THIS TIME, I SHALL ONLY GIVE YOU SYNOPSIS OF	WE WILLTAKE A RECESS TILL HALF AFTER TWO O'CLOCK. RECESS TILL TWO THIRTY P.M. ~~————O——————~~"2:30 P.M. COURT MET PURSUAN~~Y~~**T** TO ADJOURNMENT ANDMR. SPICER RESUMED HI~~N~~S OPENING ADDRESS TO THE JURY AS FOLLOWS: I SHALL NOT OCCUP~~U~~**Y** AS MUCH OF YOUR TIME AS I HAVE FOR THE REASON THAT I HAVE GONE OVER THE CASE FULLY IN DETAIL AND TOU~~G~~**C**HED UPON THE POINTS I WISH TO REFER TO AT THIS TIME, AND I SHALL ONLY GIVE YOU A SYNOPSIS OF	

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RT	RS	BT	PS
	WHAT OUR DEFENSE SHALL BE AND FOR PURPOSE MAKING BRIEF = PURPOSE HAVING IT CONDENSED AND SHORT EVERY POINT OF IT I WILL READ IT THAT THERE MAY BE NO MISUNDERSTAN DING ABOUT IT, AND THAT IT WILL BE *SOME/SM*[?] SYNOPSIS CONSISTS OF WHAT I HAVE SAID WHAT THE LINE WILL BE WHICH IS AS FOLLOWS. IT IS THEORY OF DEFENSE THAT JOHN D. LEE WENT TO SCENE OF THE CONFLICT AS SOON AS ~~LEARNED~~ ≤LEARNED THAT THE≥ INDIANS THREATENED ATTACK EMIGRANTS WENT FOR THE	WHAT OUR DEFENSE SHALL BE, AND FOR THE PURPOSE OF MAKINGIT BRIEF~~:~~, FOR THE PURPOSE OF HAVING IT CONDENCED AND SHORT ON EVERY POINT OF IT, —I WILL READ IT, THAT THERE MAY BENO MISUNDERSTAN DING ABOUT IT; AND THAT IT WILL BE SIMPLY A SYNOPSIS, CONDENSED OF WHAT I HAVE SAID AND WHAT THE LINE OF OUR DEFEN~~D~~SE WILL BE, WHICH IS AS FOLLOWS:”IT IS THE THEORY OF THE DEFENSE, THAT JOHN D. LEE WENT TO THE SCENE OF THE CONFLICT AS SOON AS HE LEARNED ~~THAT~~ THAT THE **I**NDIANS HAD THREATENED TO ATTACK THE EMIGRANTS— WENT FOR THE	

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RT	RS	BT	PS
	PURPOSE PACIFY INDIANS IN ORDER TO SAVE HUMAN LIFE FOR SOME TWO DAYS EXERTED EVERY EFFORT DRAW OFF INDIANS SAVE LIVES OF EMIGRANTS AFTER THE INDIANS HAD BEEN ATTACKING TRAIN FOR SOME DAYS FINDING THEIR INABILITY CAPTURE PEOPLE DISLODGE THEM FROM THEIR STRONG HOLD CORRAL THEY BECAME EXASPERATED DEMANDED LEE AND WHITES AROUND SHOULD AID THEM THAT UPON FAILURE. THAT THERE NOT WAS ANY ORDERS	PURPOSE OF PA~~SS~~CIFYING THE **I**NDIANS; WENT THERE TO ~~SOCEA~~ *[178]* SAVE HUMAN LIFE; THAT FOR SOME TWO DAYS HE EXERTED EVERY EFFORT TO DRAW OFF THE **I**NDIANS AND SAVE THE LIVES OF THE EMIGRANTS. AFTER THE **I**NDAIANS HAD BEEN ATTACKING THE TRAIN FOR SOME TWO DAYS, FINDING THEIR ~~A~~INABILITY TO CAPTURE OR TO DISLODGE THEM FROM THEIR STRO~~N~~G CORRAL**,** THEY BECAME EXASPERATED AND DEMANDED THAT LEE AND THE WHITES AROUND THERE SHOULD AID THE **I**NDIANS TO CAPTURE THE CORRAL AND THE EMIGRANTS; AND THAT UPON THE FAILURE	

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RT	RS	BT	PS
	SHOOT SUCH AS **P K** SMITH SWEARS TO.[328] *[27]*[329] IT[330] IS THE THEORY OF THE DEFENSE THAT JOHN D. LEE WENT TO THE SCENE OF THE CONFLICT AS SOON AS HE LEARNED INDIANS THREATENED ATTACK EMIGRANTS, FOR THE PURPOSE OF PACIFYING INDIANS IN ORDER TO SAVE HUMAN LIFE FOR SOME TWO DAYS HE EXERTED EVERY EFFORT TO DRAW OFF THE INDIANS AND SAVE THE LIVES OF THE EMIGRANTS. AFTER THE INDIANS HAD BEEN ATTACKING THE TRAIN FOR SOME DAYS FINDING THEIR INABILITY TO CAPTURE		

328. Written at bottom of page in longhand: **FOR CONTINUATION & CONCLUSION OF SPEECH SEE PAGE 27**.

329. In longhand at top of page: **READ CONCLUSION OF SPICERS SPEECH OPENING DEFENSE**.

330. The following material almost exactly duplicates RS above and closely duplicates BT above.

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RT	RS	BT	PS
	THE PEOPLE OR TO DISLODGE FROM THE STRONG CORRAL THEY BECAME EXASPERATED AND DEMANDED THAT LEE AND THE WHITES AROUND THERES SHOULD AID THE INDIANS TO CAPTURE THE CORRAL AND THE EMIGRANTS AND THAT UPON THE FAILURE OF LEE AND THE WHITES TO AID THE INDIANS, THEN THEY WOULD DECLARE WAR OF EXTERMINATION AGAINST THE WHITES IN THE SETTLEMENTS. AND THEN THREATENED TO KILL LEE UNLESS HE WOULD AT ONCE HELP THEM KILL ALL THE EMIGRANTS THAT THE LIFE OF LEE WAS SAVED FROM THE INDIAN ATTACK BY THE INTERPOSITIONS OF ISAAC	OF LEE AND THE WHITES TO AID THE **I**NDIANS, THEN THEY WOULD DECLARE A WAR OF EXTERMINATION AGAINST THE WHITE~~LS~~**S** IN ALL THE SETTLEMENTS; AND THEN THREATENED TO KILL LEE UNLESS HE WOULD AT ONCE HELP THEM TO KILL ALL THE EMIGRANTS. THAT THE LIFE OF LEE WAS SAVED FROM THE **I**NDIAN ATTACK BY THE INTERPOSITIONS OF ~~ISSAC~~ **JACOB**	

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RT	RS	BT	PS
	HAMBLIN THAT TO AVOID THE MASSACRE BEING *ACCOMPLISHED/* *COMPELLED*[?] BY THE INDIANS, LEE SENT DISPATCH TO HAIGHT BY HIGBEE, ASKING HAIGHT TO SEND ASSISTANCE TO HIM TO ENABLE HIM TO SAVE EMIGRANTS FROM SLAUGHTER AND TO DRAW OFF THE INDIANS THAT WHEN THAT WORD HAD BEEN SENT TO HAIGHT BY LEE, THE INDIANS AGREED TO WAIT UPON THE WHITES AND SPARE LEE'S LIFE UNTIL THE RETURN OF HIS MESSENGER AFTER THE RETURN OF MESSENGER, INDIANS WERE PROMISED THE PROPERTY OF THE EMIGRANTS IF THEY WOULD DRAW OFF LET THE	HA~~BL~~MBLIN, THAT TO AVOID THE MASSACRE BEING ACCOMPLISHED BY THE **I**NDIANS, LEE SENT A DISPATCH TO HAIGHT BY HIGBEE ASKING HAIGHT TO SEND ASSISTANCE TO HIM TO ENABLE HIM TO SAVE THE EMIGRANTS FROM SLAUGHTER AND TO DRAW OFF THE **I**NDIANS; THAT WHEN THAT ORDER HAD BEEN SENT TO HAIGHT BY LEE THE **I**NDIANS AGREED TO WAIT UPON THE W~~I~~HITES AND SPARE THE LOSS OF LIFE TILL THE RETURN OF HIS MESSENGER. A~~A~~FTER THE RETURN OF THE MESSENGER, THE **I**NDIANS WERE PROMISSED THE PROPERTY OF THE EMIGRANTS IF THEY WOULD DRAW OFF AND LET THE	

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RT	RS	BT	PS
	EMIGRANTS ALONE THIS THE INDIANS AGREED TO, AND DID DRAW OFF EARLY IN THE MORNING SO AS TO LEAD THE WHITES WITH THEIR *LEADER*/*LEE*[?] TO BELIEVE THAT THE INDIANS HAD ABANDONED THE CONTEST THAT AFTERWARDS BATEMAN WENT WITH FLAG OF TRUCE, AND MADE THE TREATY WITH EMIGRANTS AND THAT AT THIS TREATY IT WAS AGREED THAT THE EMIGRANTS SHOULD GIVE PROPERTY TO THE INDIANS, AND THAT LIVES OF THE PEOPLE SHOULD BE SPARED ≤AND THEY≥ CONDUCTED BACK TO CEDAR. ≤THAT THESE≥ FACTS WERE MADE KNOWN	EMIGRANTS ALONE. THIS THE **I**NDIANS AGREED TO**,** AND DID DRAW OFF EARLY IN THE MORNING, SO AS TO LEAD THE WHITES WITH THEIR LEADER TO BELIEVE THAT THE **I**NDIANS HA D ABANDONED THE CONTEST; THAT AFTERWARDS BATEMAN WENT WITH A FLAG OF TRUCE, AND MADE THE TREATY WITH THE EMIGRANTS AND THAT AT THIS TREATY IT WAS AGREED THAT THE EMIGRANTS SHOULD GIVE THE PROPERTY TO THE **I**NDIANS AND THAT THE LIVES OF THE PEOPLE SHOULSD BE SPARED AND THAT THEY SHOULD BE CONDUCTED BACK TO CEDAR. THAT THESE FACTS WERE MADE KNOWN	

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RT	RS	BT	PS
	TO LEE, AND HE WENT TO CARRY OUT THE TERMS OF THE TREATY, AND DID SO FAR AS HE COULD AID EMIGRANTS TO ESCAPE AND TAKE THEIR *CHILDREN'S*[?] PLACE AND *ARE/IN*[?] HIS CHARGE AS HAMBLIN'S'S RANCH THAT THE INDIANS VIOLATED THEIR TREATY AND RUSHED UPON PEOPLE CONTRARY TO WISH AND DIRECTION OF THE WHITES, AND DID THE THE KILLING WITHOUT THE AID OF ANY OF THE WHITES EXCEPT **P. K** SMITH. THAT K SMITH HAS NOT TOLD THE TRUTH IN THIS CASE, THAT THE PROSECUTION HAS NOT SUSTAINED THE ALLEGATIONS IN	TO LEE AND HE WENT TO CARRY IT OUT~~.~~—**T**HE TERMS OF THE TREATY—AND DID SO**, SO** FAR AS HE COULD ~~DO~~ AID THE EMIGR ANTS TO ESCAPE AND TAKETHEIR CHILDREN AND PLACE~~,~~ **THEM UNDER** ~~ANDRENDER~~ HIS CHARGE *[179]* AT HAMBLIN'S RANCH . THAT THE **I**NDIANS VIOLATED THEIR TREATY AND RUSHED UPON THE PEOPLE CONTRARY TO THE W~~H~~ISH OR DIRECTION OF THE WHITES AND DID THE KILLING WITHOUT THE AID OF ANY OF THE WHITES EXCEPT PHILLIP KLINGENSMITH; THAT KLINGENSMITH'~~S~~ HASN'T TOLD THE TRUTH IN THIS CASE; THAT THE PROSECUTION HASN'T SUST**A**INED THE ALLEGATIONS IN	

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RT	RS	BT	PS
	THE INDICTMENT, THAT LEE HAS NOT COMMITTED ANY ACT WHICH SHOWS THAT GUILT THAT THERE NEVER WERE ANY ORDERS ISSUED, SUCH AS K SMITH HAS SWORN TO, THAT THE KILLING OF THE EMIGRANTS WAS AN ACT OF INDIAN ATROCITY AND NOT CHARGEABLE TO THE *DEFENDANT*[?] NOR ANY WHITE MAN OR MEN. [*space*]	THE INDICTMENT; THAT LEE HAS NOT ~~PERMITT~~ COMMITTED ANY ACT WHICH SHOWS THAT OF GUILT; THAT HE NEVER HEAR**D** ANY ORDERS ISSUED, SUCH AS KLINGENSMITH HAS SWORN TO, THAT THE KILLING OF THE EMIGRAN~~T~~S WAS AN ACT OF **I**NDIAN A~~T~~TROCITY AND NOT CHARGABLE TO THE DEFENDANT NO~~T~~R ANY WHITE MAN OR MEN. [*space*]	

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John D. Lee, First Trial

Samuel Pollock and William Young Testimonies

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RT	RS	BT	PS
331 *[313]* SAMUEL POLLOCK, SWORN FOR DEFENDANT. Q. YOU HAVE BEEN EXAMINED ON THE PART OF THE PEOPLE, HAVE YOU NOT A. YES SIR. Q. WHERE DID YOU RESIDE IN I857 ? A. CEDAR CITY, IRON COUNTY. Q. I UNDERSTOOD YOU TO SAY YOU	*[Bk 7 6]* BY COURT CALL YOUR WITNESS **SAMUEL POLLOCK** FIRST WITNESS FOR THE DEFENSE. Q YOU HAVE BEEN EXAMINED PART OF THE PEOPLE HAVE YOU NOT A YES SIR. Q WHERE DID YOU RESIDE 1857 I CAN'T HEAR YOU {Q}[i] WHERE DID YOU LIVE 1857 {A}[i] CEDAR CITY IRON COUNTY Q I UNDERSTOOD YOU SAY {ALSO}[i] YOU	*[Bk 5 180]*332 SAMUEL POLLOCK BEING FIRST DULY SWORN AS A WITNESS ON THE PART OF THE DEFENSE WAS EXAMINED AS FOLLOWS: BY ~~W.W.BISHOP~~. **SUTHERLAND:** Q. YOU HAVE BEEN EXAMINED ON THE PART OF THE PEOLE, HAVE YOU NOT? A. YES, SIR. Q. WHERE DID YOU RESIDE IN I857? A. I CAN'T HEAR YOU . Q. WHERE DID YOU LIVE IN I857? A. CEDAR CITY, IRON COUNTY. Q. I UNDERSTOOD YOU TO SAY THAT YOU	[*Patterson Shorthand is not extant for this material.*]

331. Table of contents for Rogerson Transcript, Book 3, on title page as follows:

JULY 1875. **BOOK NO 3.**

THE TRIAL OF JNO. D. LEE,

DEFENCE.

PAGE 313. SAMUEL POLLOCKS, TESTIMONY. 1ST WITNESS.
342. WM. YOUNG. 2. "
353. JESSE. N. SMITH. 3. "
358. SILAS S. SMITH. 4. "
392. ELISHA HOOPS. 5. "

332. Beginning at this point, the material is drawn from the original typescript rather than a carbon.

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RT	RS	BT	PS
WERE AT THE MOUNTAIN MEADOW AT THE TIME OF THE SLAUGHTER OF THE EMIGRANTS ? A. I WAS AT THE MOUNTAIN MEADOWS, MOUNTAIN MEADOW VALLEY. Q. WHERE DID YOU GO FROM ? A. I WENT FROM CEDAR CITY. Q. ON WHOSE REQUEST ? A' EZRA CURTIS, LIEUTENANT OF THE MILITIA. Q. WHAT DID HE SAY TO YOU WHEN YOU WERE REQUESTED TO GO ? A. HE TOLD ME NEWS HAD COME IN THAT THE INDIANS HAD SURROUNDED AND ABOUT KILLED THE EMIGRANT COMPANY THAT HAD PASSED THROUGH	WERE {AT}[1] THE MOUNTAIN MEADOWS AT THE TIME OF SLAUGHTER OF THE EMIGRANTS A I WAS IN MOUNTAIN MEADOWS, MOUNTAIN MEADOW VALLEY Q WHERE DID YOU GO FROM A WENT FROM CEDAR CITY ON WHOSE REQUEST A EZRA CURTIS. LIEUTENANT OF MILITIA Q WHAT ~~<~~DID HE~~>~~ SAY TO YOU WHEN YOU WERE REQUESTED TO GO A HE TOLD ME NEWS COME IN, THAT THE INDIANS HAD SURROUNDED AND ABOUT KILLED EMIGRANT COMPANY THAT HAD PASSED THROUGH	WERE AT THE MOUNTAIN MEADOWS AT THE TIME OF THE SLAUGHTER OF THE EMIGRANTS ? A. I WAS IN THE MOUNTAIN MEADOWS, **MOUNTAIN** MEADOW VALLEY. Q. WHERE DIDYOU ~~GO~~ **COME** FROM? A. WENT FROM CEDAR CITY. Q. ON WHOSE REQUEST? A. EZRA CURTI~~CSE~~'S**,** A LIEUTENANT OF THE MILLITIA. Q. WHAT DID HE SAY TO YOU WHEN YOU WERE REQUESTED TO GO? A.HE TOLD ME THE NEWS HAD COME IN, THAT THE **I**NDIANS HAD ~~**BEEN**~~ SURROUNDED, AND ABOUT KILLED THE EMIGRANT TRAIN THAT HAD PASSED THROUGH	

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RT	RS	BT	PS
A FEW DAYS PREVIOUS; HE SAID THAT THERE WAS A POSSEE CALLED TO GO OUT THERE IMMEDIATELY TO SAVE THE BALANCE AND BURY THE DEAD. THESE WERE MY ORDERS FROM HIM. Q. DID YOU RECEIVE ANY OTHER ? A. I DID NOT. THE OFFICER TOLD ME TO TAKE A PICK AND SHOVEL OR SPADE AS WELL AS A GUN. Q. DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT WAS GOING ON AT THE MOUNTAIN MEADOWS ? *[314]* A. I DID NOT. Q. I MEAN BEFORE YOU WENT ? A. NO. Q. WITH WHOM DID YOU GO AND HOW ? A. WELL, I CANNOT TELL,	FEW DAYS PREVIOUS. SAID THAT THERE WAS A POSSEE CALLED FOR GO OUT THERE IMMEDIATELY TRY AND SAVE BALANCE AND BURY DEAD; THESE WERE MY ORDERS FROM HIM **Q**DID YOU RECEIVE ANY OTHER **A**I DID NOT, OFFICER TOLD ME TAKE PICK SHOVEL OR SPADE AS WELL AS A GUN **Q** DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT WAS GOING ON OUT AT THE MOUNTAIN MEADOWS **A**I DID NOT NEVER **Q**I MEAN BEFORE YOU WENT **A** NO **Q**WITH WHOM DID YOU GO AND HOW WELL I **A** CANNOT TELL;	**C**EDAR A FEW DAYS PREVIOUS. HE STATED THERE WAS A POSSEE CALLED FOR TO GO OUT THERE IMMEDIATELY AND TRY AND SAVE THE BALANCE AND BURY THE DEAD. THESE WERE MY ORDERS FROM HIM . Q. DID YOU RECEIVE ANY OTHER? A. I DIDN'T ; THE OFFICER TOLD ME TO TAKE A PICK AND SHOVEL AND SPADE AS WELL AS A GUN. Q. DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT YOU WERE GOING TO DO AT THE MOUNTQIN MEADOWS? A. I DID~~N'T~~ **NOT** , NOTHING. Q. I MEAN BEFORE YOU WENT? A. NO. Q. WITH WHOM DID YOU GO AND HOW? A. WELL, I CAN'T TELL;	

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RT	RS	BT	PS
ONLY A FEW. Q. STATE THE NAMES OF SUCH PERSONS AS YOU REMEMBER ? A. THE MAN THAT NOTIFIED ME WENT WITH ME. HE WENT ALSO, EZRA CURTIS, ROBERT WILEY, WILLIAM BATEMAN AND THOMAS CARTWRIGHT I THINK IS ALL I CAN REMEMBER THAT WENT ALONG. THEY RODE IN THE SAME WAGON OR IN TWO WAGONS. Q. THESE TWO WAGONS GOT ALONG TOGETHER ? A. YES SIR, OR NEARLY SO, THEY WAS IN COMPANY TOGETHER. Q. AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE CEDAR CITY ? A. A LITTLE BEFORE DARK; IT WAS	SOME ONLY = FEW $_{Q}$STATE NAMES OF SUCH PERSONS AS YOU REMEMBER $_{A}$ MAN THAT NOTIFIED ME CALLED ON ME, WENT ALSO, EZRA CURTIS, ROBERT WILEY, WILLIAM BATEMAN AND THOMAS CARTWRIGHT I THINK IS ALL I CAN REMEMBER $_{Q}$THAT WENT ALONG $_{A}$THEY RODE IN THE SAME WAGON: IN TWO WAGONS $_{Q}$ THESE TWO WAGONS GO ALONG TOGETHER *[7]* $_{A}$YES SIR OR NEARLY SO; WAS IN COMPANY TOGETHER. $_{Q}$AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE CEDAR CITY $_{A}$ LITTLE BEFORE DARK, IT WAS	SOMEONE—A FEW. Q. STATE THE NAMES OF AS MANY PERSONS AS YOU REMEMBER? A. THE MAN THAT NOTIFIED ME, I KNEW HIM; HE WENT ALSO. EZRA CURTI~~CE~~**S**, ROBERT WILY, WILLIAM BATEMAN, AND **T**HOMAS CARTWRIGHT, I T**H**INK IS ALL THA T I CAN REMEMBER. *[181]* Q. THAT WENT ALONG? A. THEY RODE I~~H~~N THE SAME WAGON; RODE IN TWO WAGONS. Q. DID THESE TWO WAGONS GO ALONG TOGETHER? A. YES, SIR, OR NEARLY SO,— WAS IN COMPANY TOGETHER. Q. AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE **C**EDAR CITY? A. A LITTLE BEFORE DARK; IT WAS	

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RT	RS	BT	PS
TOWARDS SUNDOWN AS NEAR AS I CAN REMEMBER. AT ANY RATE WE TRAVELLED ALL NIGHT. Q. AT WHAT TIME DID YOU REACH THE MEADOWS ? A. I CANNOT SAY DEFINITELY, WE STOPPED AT PINTO CREEK AND GOT SOME BREAKFAST ABOUT DAY LIGHT, RESTED THERE A LITTLE WHILE, WENT TO THE MEADOWS NEXT DAY. Q. WHAT IS THE DISTANCE FROM PINTO TO THE MOUNTAIN MEADOWS ? A. FROM PINTO CREEK TO WHERE THE COMPANY WAS CAMPED I SHOULD JUDGE IT TO BE IN THE NEIGHBORHOOD OF NINE MILES, PROBABLY. Q. AND YOU	TOWARDS SUNDOWN AS NEAR AS I CAN REMEMBER AT ANY RATE WE TRAVELED ALL *ST*[?] QAT WHAT TIME DID YOU REACH MEADOWS AI COULD NOT SAY DEFINITELY, WE STOPPED AT PINTO CREEK GOT SOME BREAKFAST ABOUT DAYLIGHT. RESTED THERE LITTLE WHILE. WENT TO MEADOWS NEXT DAY. QWHAT IS THE DISTANCE FROM PINTO TO MEADOWS AFROM PINTO CREEK TO WHERE COMPANY WAS CAMPED AI SHOULD JUDGE IT TO BE ≤IN THE≥ NEIGHBORHOOD OF NINE MILES PROBABLY Q≤AND YOU≥	TOWARDS SUNDOWN, AS NEAR AS I CAN REMEMBER. AT ANY RATE WE TRAVELED ALL NIGHT. Q. AT WHAT TIME DID YOU REACH THE MEADOWS? A. I COULD NOT SAY DEFINITELY, FOR WE STOPPED AT PINTO CREEK AND GOT ~~DSS~~SOME BREAKFAST ABOUT DAYLIGHT , RESTED THERE A LITTLE WHILE AND WENT TO THE MEADOWS THE NEXT DAY. Q. WHAT IS THE DI~~D~~STANCE FROM PINTO CREEK TO THE MOUNTAIN MEADOW~~S~~; THAT IS FROM PINTO CREEK TO WHERE THE COMPANY WAS CAMPED ? A. I SHOULD JUDGE IT TO BE SOMEWHERE IN THE NEIGHBORHOOD OF NINE MILES PROBABLY. Q. AND YOU	

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RT	RS	BT	PS
ARRIVED THERE THEN ABOUT NOON OR TOWARDS NOON ? A. I COULD NOT SAY, I DON'T REMEMBER. Q. BUT YOU CAN JUDGE SOMETHING, FROM THE SPEED YOU TRAVELLED AND THE DISTANCE ? *[315]* A. IT PROBABLY WAS IN THE MIDDLE OF THE DAY. Q. WHEN YOU REACHED THE MEADOWS WHAT WHITE PERSONS DID YOU FIND ALREADY THERE, IF ANY, EXCEPT THE EMIGRANTS ? A. WE FIRST WENT TO JACOB HAMBLINS RANCH, WHICH WAS ON THE ROAD. THAT IS WHERE WE FIRST STRUCK THE MEADOWS. THERE HIS FAMILY WAS RANCHING AND THERE WAS SEVERAL	ARRIVED THERE THEN ≤THAT IS≥ ABOUT NOON OR TOWARDS NOON COULD NOT SAY DON'T REMEMBER EXACTLY Q YOU CAN JUDGE SOMETHING FROM SPEED YOU TRAVELED AND DISTANCE AIT PROBABLY WAS IN MIDDLE OF DAY. QWHEN YOU REACHED MEADOWS WHAT WHITE PERSONS DID YOU FIND ALREADY THERE IF ANY EXCEPT EMIGRANTS A WE FIRST WENT TO JACOB HAMBLINS RANCH WHICH WAS ON THE ROAD THAT IS WHERE WE FIRST STRUCK MEADOWS. THERE HIS FAMILY WAS RANCHING AND THERE WAS SEVERAL	ARRIVED THERE WHEN? A. ABOUT NOON OR TOWARDS NOON. I COULD NOT SAY; DON'T REMEMBER EXACTLY. Q. YOU CAN JUDGE SOMETHING FROM THE SPEED YOU TRAVELED , AND THE DISTANCE? A. IT PROBABLY WAS IN THE MIDDLE OF THE DAY . Q. WHEN YOU REACHED THE MEADOWS, WHAT WHITE PERSONS DID YOU F IND ALREADY THERE, IF ANY, EXCEPT THE EMIGRANTS? A. WE FIRST WENT TO JACOJB HAMBLIN'S RANCH, WHICH WAS ON THE ROAD;. THAT IS WHERE WE FIRST STRUCK THE MEADOSWS; THERE HIS FAMILY WAS RANCHING, AND THERE WERE SEVERAL	

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RT	RS	BT	PS
HANDS THERE, THREE OR FOUR, LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE, AND HERDING IT FROM THE EMIGRANTS AND TO KEEP IT SAFE FROM THE INDIANS, AS I UNDERSTOOD IT. JOSHUA REEVES WAS THERE, AS I AM ACQUAINTED WITH, AND I THINK THERE WAS TWO OR THREE, PERHAPS TWO MORE, IN THE SAME BUSINESS. WE MADE BUT A LITTLE HALT THERE, AND WENT RIGHT ON DIRECTLY TOWARDS THE EMIGRANT COMPANY. Q. HOW NEAR TO THE EMIGRANT COMPANY DID YOU GO BEFORE YOU MADE A FINAL HALT ? A. I SHOULD JUDGE IT TO BE	HANDS, THERE 3 OR 4 LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE AND APART FROM EMIGRANTS AND KEEPING IT SAFE FROM THE INDIANS AS I UNDERSTOOD IT. JOSHUA REEVES WAS THERE AS I AM ACQUAINTED WITH AND I THINK THERE WAS 2 OR 3, PERHAPS TWO MORE IN THE SAME BUSINESS. WE MADE BUT LITTLE HALT THERE WENT RIGHT ON DIRECTLY TOWARDS EMIGRANT COMPANY Q HOW NEAR TO THE EMIGRANT COMPANY DID YOU GO BEFORE YOU MADE A FINAL HALT A I SHOULD JUDGE IT TO BE	HANDS— THREE OR FOUR LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE AND APART FROM THE EMIGRANTS ANDKEEPING IT SAFE FROM THE INDIANS , AS I UNDERSTOOD IT. JOSIAH REEVES[333] WAS THERE, AS I MIND, AND I THINK THERE WAS TWO OR THREE, PERHAPS TWO MORE IN THE SAME BUSINESS. WE MADE BUT A LITTLE HALT THERE, AND WENT RIGHT ON STRAIGHT FORWARD TOWARDS THE EMIGRANT COMPANY. Q. HOW NEAR TO THE EMIGRANT TRAIN DID YOU GO BEFORE YOU MADE A FINAL HALT? A. I SHOULD JUDGE IT WOULD BE	

333. Josiah Reeves was Pollock's brother-in-law.

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RT	RS	BT	PS
ABOUT A MILE.~~TO THE POINT~~ Q. TO THE POINT WHERE YOU SAID THAT YOU WERE CAMPED IN ANSWER TO A QUESTION WHICH I PUT TO YOU BEFORE, WHAT WHITE PERSON DID YOU FIND ALREADY THERE BESIDES THE EMIGRANTS THAT WERE THERE—I MEAN THE WHITE PERSONS REFERRED TO AT THE MEADOWS, THAT CAMPED AT THAT PLACE. A. YES SIR. Q. WHEN I ASK WHAT THE OTHER PERSONS WERE I MEAN AT THAT POINT ON THE MEADOWS ? A. I DIDN'T SEE ANY OTHER. I UNDERSTOOD THERE WAS ONE WHITE PERSON IN THE VICINITY, BESIDES	ABOUT MILE {Q}[i] TO THE POINT WHERE YOU SAID *YESTERDAY*[?] YOU CAMPED IN ANSWER {TO A}[i] QUESTION WHICH I PUT BEFORE WHAT WHITE PERSON DID YOU FIND ALREADY THERE BESIDES EMIGRANTS THINK YOU WERE FIRST WHITE PERSONS TO ARRIVE AT THE MEADOWS THAT CAMPED AT THAT PLACE A YES SIR Q WHEN I ASK *WHAT FURTHER*[?] PERSONS *AND*[?] I MEAN AT THE POINT ON THE MEADOWS ≤I DIDN'T SEE ANY OTHER≥ AI UNDERSTOOD THERE WAS ONE WHITE PERSON IN THE VICINITY *MAYBE*[?]	ABOUT A MILE. *[~~U~~182]* Q. TO THE POINT WHERE YOU SAID THAT YOU CAME , IN ~~IN~~ ANSWER TO THE QUESTION WHICH I PUT TO YOU BEFO~~E~~RE, WHAT WHITE PERSON DID YOU FI~~J~~ND ALREADY THERE, BESIDES THE EMIGRANTS, THAT YOU SWORE WERE THE FIRST WHITE PERSONS TO ARRIVE AT THE MEADOWS THAT CAMPED AT THAT PLACE. YOU REMEMBER? A . YES, SIR. Q. NOW, WHEN I ASK, WAS THERE OTHER PERSONS THERE —I MEAN THAT POINT ON THE MEADOWS? A. I DIDN'T SEE ANY OTHER EXCEPT THERE WAS ONE WHITE PERSON IN THE VICINITY ~~WHICH SEEMS~~	

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RT	RS	BT	PS
JOHN D. LEE, BUT THAT WAS ONLY HEARSAY. Q. HOW MANY WERE THERE IN YOUR PARTY TOGETHER ? A. I SHOULD JUDGE THERE WAS ABOUT FIFTEEN, MORE OR LESS, COULD NOT SAY DEFINITELY; I DIDN'T COUNT THEM, NOT BEING ACQUAINTED WITH ALL OF THEM [316] DIDN'T PAY ANY PARTICULAR ATTENTION, BUT JUDGE ABOUT FIFTEEN. Q. WHAT DID THESE PERSONS TAKE WITH THEM ? A. THERE WAS SEVERAL TOOLS, IMPLEMENTS, SPADES, SHOVELS AND PICKS IN THE WAGONS. Q. AND THEY WERE NEARLY ~~APP~~ ALL ARMED	JOHN D. LEE *THAT*[?] WAS ONLY HEARSAY, I UNDERSTOOD HE HAD BEEN SENT *BEFORE HAND*[?] THAN WE Q HOW MANY WERE THERE IN YOUR PARTY ALL TOGETHER A I SHOULD JUDGE THERE WAS ABOUT 15 MORE OR LESS COULD NOT SAY DEFINITELY. DIDN'T COUNT THEM. NOT BEING ACQUAINTED WITH ALL THEM, DIDN'T PAY ANY PARTICULAR ATTENTION, JUDGE ABOUT 15 Q WHAT DID THOSE PERSONS TAKE WITH THEM A THERE WAS SEVERAL TOOLS, IMPLEMENTS, SPADES, SHOVELS, PICKS IN THE WAGONS AND THERE WERE NEARLY ALL ARMED	TO ~~HI~~ ME, WAS JOHN D. LEE. THAT WAS ONLY HEARSAY; I UNDERSTOOD HE HAD BEEN SENT BEFORE THIS. Q. HOW MANY WERE THERE IN YOUR PARTY TOGETHER? A I SHOULD JUDGE THERE WERE ABOUT I5 , MORE OR ~~M~~LESS. I COULDNOT SAY DEFINITELY; I DIDN'T COUNT THEM; NOT BEING ACQUAINTED WITH THEM I DIDN'T PAY ANY PARTICULAR ATTENTION; I SHOULD JUDGE ABOUT I5. Q. WHAT DID THESE PERSONS TAKE WITH THEM? A. THERE WERE SEVERAL TOOLS, IMPLEMENTS, S~~T~~PADES, SHOVELS AND PICKS IN THE WAGONS . Q. AND THEY WERE NEARLY ALL ARMED?	

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RT	RS	BT	PS
? A. I COULD NOT SAY THAT ALL WERE ARMED, BUT AS A GENERAL THING ALL WERE ARMED. Q. STATE WHAT THE CUSTOM OF THE PEOPLE WAS THERE, GENERALLY, BOTH BEFORE THIS EMIGRANT PARTY WENT THERE AND AFTERWARDS, ABOUT CARRYING ARMS WITH THEM WHEN THEY WENT AWAY FROM HOME ? A. IT WAS CUSTOMARY THROUGH ALL THE COUNTRY IF WE ONLY WENT FOR A LOAD OF WOOD TO TAKE A REVOLVER OR A RIFLE WITH US, ON ACCOUNT OF THE STATE OF THE FEELING EXISTING WITH THE INDIANS. WE CONSIDERED IT NECESSARY FOR	A I COULD NOT SAY THAT ALL WERE ARMED BUT AS ~~<THE>~~ GENERAL THING ALL WERE ARMED Q STATE WHAT CUSTOM WAS OF THE PEOPLE THERE GENERALLY BOTH BEFORE THIS EMIGRANT PARTY WENT THERE AND AFTERWARDS ABOUT CARRYING ARMS WITH THEM WHEN THEY WERE AWAY FROM HOME A IT WAS CUSTOMARY THROUGH ALL COUNTRY IF WE ONLY WENT FOR LOAD OF WOOD TO TAKE REVOLVER RIFLE WITH US ON ACCOUNT OF THE STATE OF FEELING EXISTED WITH INDIANS. WE CONSIDERED IT NECESSARY FOR	A. I COULD NOT SAY THA T ALL WERE ARMED; BUT AS A GENERAL THING ALL WERE ARMED. Q. STATE WHAT THE CUSTOM OF THE PEOPLE WAS THERE, GENERALLY, BOTH BEFORE THIS EMIGRANT TRAIN WENT THROUGH, AND AFTERWARDS, ABOUT CARRYING ARMS WITH THEM WHEN THEY WENT AWAY FROM HOME? A. IT WAS CUSTOMARY THROUGH ALL THE COUNTRY THAT EVERYONE WHO WENT AFTER A LOAD OF WOOD **,** TO TAKE A REVOLVER, **OR** A RIFLE WITH HIM **,** ON ACCOU~~N~~T OF THE STATE OF FEELING THAT EXISTED WITH THE **I**NDIANS. WE CONSIDERED IT NECESSARY FOR	

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RT	RS	BT	PS
SELF PRESERVATION TO GO PREPARED FOR ANY EMERGENCY, WHETHER WE HAD BEEN IN DANGER OR NOT. Q. HAD THIS MILITIA ANY UNFIROM ? A. NO SIR. Q. I MEAN DID THE COMPANY HAVE UNIFORM TO PUT ON EXCEPT A FEW OFFICERS ON ANY OCCASION ? A. NO, ONLY EXCEPT A FEW OFFICERS. THERE WAS A FEW OFFICERS OF THE MILITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORMS. Q. STATE WHETHER ANY OF YOUR PARTY HAD ANY MILITARY UNIFORM ? A.	SELF PRESERVATION GO PREPARED FOR ≤ANY≥ EMERGENCY WHETHER WE BEEN IN DANGER OR NOT. Q HAD THIS MILITIA ≤WHICH HAS BEEN SPOKEN OF≥ ANY UNIFORMS A NO SIR I MEAN DID THE COMPANIES HAVE UNIFORMS TO PUT ON ANY A OCCASION AEXCEPT **A** FEW OFFICERS, THERE WAS FEW OFFICERS OF THE MILITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORM. *[8]*[334] Q STATE WHETHER ANY OF YOUR PARTY HAD ON ANY MILITARY UNIFORM A	SELF PRESERVATION TO GO PREPARED FOR ANY IMMERGENCY, WHETHER WE HAPPENED IN DANGER OR NOT. Q. HAD THIS MILITIA WHICH HAS BEEN SPOKEN OF ANY UNIFORMS? A. NO, SIR. Q. I MEAN DID THE COMPA~~M~~NIES HAVE UNIFORMS~~?~~ TO PUT ON IN ANY OCCASION? A. NONE EXCEPT A FEW OFFICERS; THERE WAS A FEW OFFICERS OF THE MILLITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORM. *[183]* Q. STATE WHETHER OR NOT ANY OF YOUR COM**P**ANY HAD ON ANY UNIFORM? A.	

334. "ANYWHERE/NOWHERE[?]" is written twice on the top of the page.

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RT	RS	BT	PS
NOT THAT I SAW. Q. STATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THERE UNDER ANY MILITARY DISCIPLINE AS SOLDIERS, OR AS BROTHERS IN THE MILITIA ? *[317]* A. THE ONLY REASON I CANGIVE IS THAT ALL ABLE BODIED MEN WERE ENROLLED AS [*space*] FOR SELF ~~DENE~~ DEFENSE AND SELF PROTECTION AT THAT TIME, AND I AMONG THE REST WAS ENROLLED IN A PLATOON, WHICH BEING ORGANIZED INTO A COMPANY OF BATTALLIONS ETC, AND THE OFFICER OF THE PLATOON GAVE ME MY ORDERS; THAT IS ABOUT ALL I	NOT THAT I SAW $_{Q}$STATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THERE UNDER ANY MILITARY DISCIPLINE AS SOLDIERS OR AS MEMBERS OF MILITIA $_{A}$**<THE>** ONLY REASON I CAN GIVE IS, THAT ALL ABLE BODIED MEN WERE ENROLLED AS INTO MILITIA FOR SELF DEFENSE SELF PROTECTION AT THAT TIME, I AMONG THE REST WAS ENROLLED IN PLATOON WHICH BEING ORGANIZED INTO COMPANY BATTALLION ETC. THIS WAS OFFICER BELONGED TO PLATOON GAVE ME ORDERS THAT IS ALL I	NOT THAT I SAW. Q. STATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THE~~R~~E UNDER ANY MILITARY DISIPLIN AS SOLDIERS O R AS MEMBERS OF THE MILITIA? A. THE ONLY REASON I CAN GIVE IS TH**A**T ALL ABLE BODIED MEN WERE ENROLLED INTO THE MILITIA COM PANY FOR SELFE DEFENSE, SELF ~~P~~PROTECTION**,** AT THAT TIME. I AMONG THE REST WAS **ENROLLED** ~~ENRLOOED~~ INTO A PLATOON, WHICH BEING ORGANISED INTO A COMPANY OF BATALLIONS &C. THIS OTHER OFFICER BELONGINGTO THE BATALLION GAVE ME ORDERS. THAT IS ALL I	

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RT	RS	BT	PS
KNOW IN RELATION TO THE MILITIA, I KNOW SUCH AN ORGANIZATION EXISTED AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE THE ORDERS ISSUED FROM MY SUPERIOR OFFICER. Q. ON THE WAY STATE WHAT FORM OR CEREMONY OF A MILITARY CHARACTER WAS OBSERVED OR ENFORCED RESPECTING YOUR TRAVEL OR MOVEMENTS ? A. NOT ANY THAT I SEEN WHATEVER; WE WENT AS A SQUAD OF CITIZENS, EXPECTING WE WERE GOING TO PER~~V~~FORM A BENEVOLENT ACT. BASKIN: WE OBJECT TO WHAT HE EXPECTED. WIT.: GOING TO OBEY	KNOW IN RELATION OF MILITIA. I KNOW SUCH ORGANIZATION EXISTED, AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE ORDERS ISSUED FROM MY SUPERIOR OFFICER $_{Q}$ON THE WAY STATE WHAT FORM OR CEREMONY OF A MILITARY CHARACTER WAS OBSERVED OR ENFORCED RESPECTING YOUR TRAVEL OR MOVEMENTS $_{A}$NOT ANY THAT I SEEN WHATEVER. WE WENT AS SQUAD OF CITIZENS EXPECTED WE WERE GOING PERFORM BENEVOLENT ACT BASKIN I OBJECT WHAT HE EXPECTED $_{A}$WERE GOING TO OBEY	KNOW IN RELATION TO THE MILITIA. I KNOW SUCH AN ORGANI~~X~~**Z**ATIO N EXISTED, AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE THE ORDERS ISSUED FROM MY SUPERIOR OFFICER. Q. ON THE ~~S~~WAY**,** STATE WHAT FORM OR CER~~I~~**E**MONY OF A MILITARY CHARACTER WAS OBSERVED BY THE FORCES IN RESPECT ~~Y~~TO YOUR TRAVELING OR MOVEMENTS ? A. NOT ANY THA T I SEEN W**H**ATEVER. WE WENT AS A SQUAD OF CITIZENS, EXCEPTING THAT WE WERE GOING TO PER**F**ORM A BENEVOLENT ACT. BY MR. BASKIN: I OBJECT TO WHAT HE EXPECTED. ~~Q.A~~**A**. WE WERE GOING TO OBEY	

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RT	RS	BT	PS
ORDERS WE HAD RECEIVED, IF YOU PLEASE. Q. STATE WHETHER ON THE WAY OUT THERE YOU GOT ANY OTHER OPINION AS TO THE PURPOSE OF THE JOURNEY ? A. I DID NOT. Q. DO YOU REMEMBER WHAT DAY OF THE MONTH AND WHAT MONTH IT WAS THAT YOU WENT OUT THERE ? A. DIDN'T KEEP ANY JOURNAL, KNOW NOTHING ABOUT IT ONLY IT IS ABOUT THAT TIME. Q. WHAT TIME ? A. ABOUT THAT YEAR, I857, DECEMBER — THE THING HAS BEEN SPOKEN OF SO MUCH. Q. DO YOU MEAN DECEMBER ? A. NO, SEPTEMBER. I KNOW FOR THE REASON THAT I LIVED IN CEDAR CITY AT *[318]* THAT YEAR, ABOUT	ORDERS WE HAD RECEIVED IF YOU PLEASE. Q STATE WHETHER ON THE WAY OUT THERE YOU GOT ANY OTHER INFORMATION AS TO THE PURPOSE OF ≤THE≥ JOURNEY A I DID NOT. DO YOU REMEMBER WHAT DAY OF MONTH WHAT MONTH IT WAS ≤THAT≥ YOU WENT OUT THERE ≤Q WHEN WAS THIS≥ QA DIDN'T KEEP ANY JOURNAL, KNOW NOTHING ABOUT IT ONLY IT WAS ABOUT THAT TIME Q WHAT TIME A ABOUT THAT YEAR 1857 DECEMBER; THING HAS BEEN TALKED OF SO MUCH Q DO YOU MEAN DECEMBER A NO SEPTEMBER, IT IS REASON WHY I LIVED IN CEDAR CITY AT THAT YEAR ABOUT	ORDERS WE HAD RECEIVED , IF YOU PLEASE. Q. WHEN WAS THI~~D~~S? A I DIDN'T KEEP ANY J**O**URNAL; I KNOW NOTHI~~N~~G ABOUT IT ONLY IT WAS ABOUT THAT TIME. Q. WHAT TIME? A. ABOUT THAT YEAR, I857; <DECEMBER> THE THING HAS BEEN TALKED OF SO MUCH. Q. DO YOU MEAN DECEMBER? A. NO; SEPTEMBER. IT IS THE REASON WHY **I KNOW** I LIVED IN CEDAR CITY AT THAT T~~IME~~ YEAR, ABOUT	

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RT	RS	BT	PS
THAT MONTH. Q. WHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED — WHAT DID YOUR PARTY DO ? A. NOTHING BUT LAY IN CAMP AND WATCH THE MOVEMENT OF THINGS AROUND. ALL THAT I REMEMBER OF; I DON'T REMEMBER OF ANY LEAVING CAMP ALTOGETHER THERE, NOTHING PARTICULAR DURING THE FIRST DAY. Q. COULD YOU SEE THE EMIGRANT CAMP ? A. YES SIR IN FULL SIGHT. ~~Q.~~Q. ~~COU~~COULD YOU SEE WHAT WAS BEING DONE AROUND IT ? A. WE ONLY SAW THE MOVEMENTS OF THE INDIANS, THE EMIGRANTS	THAT MONTH. QWHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED, WHAT DID YOUR PARTY DO A NOTHING BUT LAY IN CAMP AND WATCH MOVEMENT OF THINGS AROUND, ALL THAT I REMEMBER OF AI DON'T REMEMBER OF ANY LEAVING CAMP TO GO THERE NOTHING PARTICULAR DURING FIRST DAY. Q COULD YOU SEE EMIGRANT CAMP AYES SIR IN FULL SIGHT Q COULD YOU SEE WHAT WAS BEING DONE AROUND IT A WE ONLY SAW THE MOVEMENTS OF INDIANS, THE EMIGRANTS	THAT MONTH. Q. WHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED THERE; WHAT DID YOUR PARTY DO? A. NOTHING BUT LAY IN CAMP AND WATCHED THE MOVEMENTS OF THINGS AROUND ; ALL THAT I REMEMBER OF. I DON'T REMEMBER OF ANY LEAVING CAMP OR GOING BACK AND FRO; NOTHING PARTICULAR DURING THE DAY. Q. COULD YOU SEE THE EMIGRANT CAMP? A. YES, SIR, IN FULL SIGHT. [184] Q. COULD YOU SEE WHAT WAS BEING DONE ~~Q~~AROUND IT? A. WE COULD ALWAYS SEE THE MOVEMENTS OF THE INDIANS. THEEMIGRANTS	

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RT	RS	BT	PS
WERE NOT SEEN FROM THE OUTSIDE. I NEVER SAW ONE OF THEM. Q. DID YOU SEE ANYBODY ELSE ? A. NOBODY BUT INDIANS AT THAT TIME ON THAT DAY. Q. STATE WHAT THE INDIANS WERE DOING AND HOW MANY THERE APPEARED TO BE A. DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARDS; THEY WERE SCATTERED AROUND THE HILLS, THEY WERE SHOOTING FROM SOME 5 OR 6 POINTS AT INTERVALS. Q. WHEN THE FIRING WAS BEING DONE DID YOU SEE THE INDIANS THAT FIRED A. SOMETIMES WE COULD AND SOMETIMES WE COULD ONLY SEE SMOKE; THEY WOULD	WERE NOT SEEN FROM THE OUTSIDE I *NEVER*[?] SAW ONE OF THEM. Q DID YOU SEE ANYBODY A NOBODY BUT INDIANS AT THAT TIME ON THAT DAY STATE WHAT INDIANS WERE DOING, HOW MANY THERE APPEARED TO BE A DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARDS, THEY WERE SCATTERED AROUND HILLS. THEY WERE SHOOTING FROM SOME 5 OR 6 POINTS AT INTERVALS. Q WHEN THE FIRING WAS DONE, DID YOU SEE THE INDIAN THAT FIRED A SOMETIMES WE COULD = SOMETIMES WE COULD ONLY SEE SMOKE; THEY WOULD	WERE NOT SEEN FROM THE OUTSIDE; I NEVER SAW ONE OF THEM. Q. D~~D~~ID YOU SEE ANYBODY? A. NO BODY BUT **I**NDIANS ON THAT TIME **,** ON THAT DAY. Q. STATE WHAT THE **I**NDIANS WERE DOING, HOW MANY THERE APPERAED TO BE? A . I DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARD. THEY WERE SCATTERED AROUND THE HILLS. THEY WERE SHO~~T~~OTING FROM FIVE OR SIX POINTS AT INTERVALS. Q. WHEN THE FIRING WAS DONE ,DID YOU SEE THE **I**NDIANS THAT FIRED **?** A. SOMETIMES WE COULD; SOMETIMES WE COULD ONLY SEE THE SMOKE. THEY WOULD	

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RT	RS	BT	PS
BE SECRETED IN THE BRUSH. Q. DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THAT DAY ? A. IT HAD THIS MUCH TO DO. BASKIN OBJECTED TO THE WITNESSES EXPLAINING AND JUDGE SUTHERLAND WITHDREW THE QUESTION. *[319]* Q. DID ANY OTHER PERSONS ARRIVE DURING THAT <**DAY**> OR AFTERWARDS ? A. NOT THAT I SEEN OF. Q. WHAT DID YOU DO IN CAMP THAT NIGHT ? A. LAY IN CAMP AND KEPT GUARD. THERE WERE THREE OR FOUR NIGHT GUARDS ON AT A TIME. Q. IF YOU KNOW WHY	BE SECRETED IN BRUSH DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THAT DAY $_{A}$IT HAD THIS MUCH TO DO [*space*] **OBJ** BASKIN ~~BY BASKIN IT IS BECAUSE~~ SUTHERLAND I AM DESIROUS TO SAVE TIME I WILL WITHDRAW THE QUESTION. $_{Q}$ DID ANY OTHER PERSONS ARRIVE DURING THAT ≤OR≥ AFTERWARDS $_{A}$NOT *[9]*[335] THAT I SEEN $_{Q}$ WHAT DID YOU DO THAT NIGHT $_{A}$LAY IN CAMP KEPT GUARD UP THERE WERE THREE OR 4 NIGHT ON GUARD ALL THE TIME $_{Q}$ IF YOU KNOW WHY	BE SECRETED IN THE BRUSH. Q. DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THA T DAY? A. IT HAD THIS MUCH TO DO WITH IT—— BY **M**^{R} BASKIN: WE OBJECT TO IT. **M**^{R} SUTHERLAND: THEN TO SAVE TIME WE WILL WITHDRAW THE QUESTION. Q. DID ANY OTHER PERSONS ARRIVE DURING THE AFTERNOO~~D~~N? A. NOT THAT I SEEN. Q. WHAT DID YOU DO~~D~~ ~~TAT~~ THAT NIGHT? A. LAY IN CAMP AND KEPT GUARD UP. THERE WERE THREE OR FOUR ON THE GUARD ALL THE TIME. Q. NOW, IF YOU KNOW	

335. The verso of this page has illegible shorthand doodling.

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RT	RS	BT	PS
STATE ? A. FOR OUR SAFETY Q. FROM WHAT ? A. FROM THE SURROUNDING INDIANS. Q. HOW MANY DID YOU KEEP ON GUARD ? A. I THINK THERE WAS FOUR ON AT A TIME IF I REMEMBER RIGHT. Q. WHAT WAS THERE IN THE CONDUCT OF THE INDIANS TO MAKE THIS PROTECTION NECESSARY ? A. BASKIN OBJECTED TO THE QUESTION. THE COURT REQUIRED HIM TO STATE THE REASONS OF HIS OBJECTION. BASKIN ANSWERED: THE WITNESSES ARE ONLY PERMITTED TO STATE FACTS AND NOT	STATE $_{A}$ FOR OUR SAFETY $_{Q}$ FROM WHAT —[?] FROM THE SURROUNDING INDIANS $_{Q}$ HOW MANY DID YOU SAY YOU KEPT ON GUARD $_{A}$I THINK THERE WAS 4 ON AT A TIME IF I REMEMBER RIGHT. $_{Q}$WHAT WAS THERE IN THE CONDUCT OF THE INDIANS TO MAKE THIS PROTECTION NECESSARY $_{A}$BASKIN. OBJECT TO THAT BASKIN BY COURT STATE OBJECTION ≤BASKIN≥ THETRUE CRITERION IS TO PROVE FACTS AND THEN DISCLOSE ANY ENABLES WITNESS MIGHT ANSWER WHAT HIS	STATE WHY? A. FOR OUR OWN SAFETY. Q. FROM WHAT? A. FROM THE SURROUNDING **I**NDIANS. Q. HOW MANY D~~O~~**I**DYOU SAY, YOU KEPT ON GUARD? A. I THINK THREE OR FOUR OR FIVE AT A TIME , IF **I** R~~O~~**E**MEMBER RIGHT. Q. WHAT W**A**S THERE IN THE CONDUCT OF THE **I**NDIANS TO MAKE THIS PRECAUTION NECESSARY? **M**$^{\underline{R}}$ BASKIN: WE ALSO OBJECT TO THAT. COURT: STATE THE OBJECTION. **M**$^{\underline{R}}$ ~~B~~ASKIN: THE TRUE CRITERION IS TO PROVE THE FACTS, AND THUS DISCLOSE THE OBJECT, BUT NOT ENABLE THE WITNESS TO ANSWER WHAT HIS	

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RT	RS	BT	PS
CONCLUSIONS OR OPINIONS, AND HELD THAT COUNSEL COULD ONLY ASK HIM WHAT THE SURROUNDINGS WERE AT THE TIME, AND HE FURTHER OBJECTED TO THE FORM OF THE QUESTION.	CONCLUSIONS ON THINGS MIGHT BE SUTHERLAND I REMONSTRATE FACT IS IN PROCESS OF REASONING ABOUT WHAT THERE WAS IN SURROUNDINGS BASKIN; ~~<~~THEN~~>~~ ASK HIM WHAT SURROUNDINGS WERE. BY BASKIN I OBJECT THAT FORM OF ANSWER QUESTION SHOULD BE WHAT DID THE INDIANS DO SUTHERLAND. I HAVE NO OBJECTIONS AND ACCEPT YOUR SUGGESTION BASKIN IT ENABLES WITNESS TO GET HIS CONCLUSIONS BEFORE JURY	CONCLUAIONS OF THINGS MIGHT BE. *[185]* **M**$^{\underline{R}}$ SUTHERLAND: WE SEE **S**O MANY FACTS IN PROCESS OF REASONING THAT WE WANT**ED** TO KNOW WHAT THERE WAS IN THE SURROUNDINGS. **M**$^{\underline{R}}$ BASKIN: THEN ASK HIM WHAT THE SURROUNDINGS WERE. AND I FURTHERE OBJECT TO THAT FORM OF ANSWERINGTHE QUESTION. THE QUESTION SHOULD BE, “WHAT DID THE **I**NDIAND ~~E~~DO?” **M**$^{\underline{R}}$ S UTHERLAND: I HAVE NO OBJECTIOHS, AND ACCEPT YOUR SUGGESTION. **M**$^{\underline{R}}$ BASKIN: IT ENABLES THE WITNESS TO GET HIS CONCLUSIONS BEFORE THE JURY. THE	

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RT	RS	BT	PS
OBJECTION OVERRULED. Q. WHAT DID THE INDIANS DO AND WHAT HAD THEY DONE ? A. WE SAW THAT THEY WERE IN WARLIKE ATTITUDE, WAGING WAR AGAINST THIS COMPANY OF EMIGRANTS. WE DIDN'T KNOW BUT WHAT THEY WOULD ATTACK US NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. WE CAMPED THERE IN OPEN DAY LIGHT, CAMPED BY A SPRING, A SHORT DISTANCE FROM THE OTHER PARTY. Q. GIVE THE REASON WHY ? *[320]* A. WE WAS ON THE LOOKOUT WITH THE SAME FEELINGS AS ANY OTHER WHITE PEOPLE.	≺**COURT**≻ YOU MAY ANSWER QUESTION **Q** WHAT DID THE INDIANS DO, WHAT HAD THEY DONE≺?≻ **A** WE SAW THAT THEY WERE IN WARLIKE ATTITUDE, AND WAGED WAR AGAINST THIS COMPANY OF EMIGRANTS. WE DIDN'T KNOW THEY WOULD APPLY TO US SAME, NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. AND WE CAMPED THERE IN OPEN DAY LIGHT, CAMPED BY A SPRING, AFTER THEY HAD SEEN US FROM THE OTHER PARTY **Q**GIVE REASON WHY **A**WE WAS ON THE LOOKOUT **Q** ON THE FOLLOWING MORNING DID ANY OTHERS WHITE PEOPLE	COURT: ANSWER THE QUESTION. Q. WH**A**T DID THE **I**NDIANS DO; WHAT HAD THEY DONE? A:. WE SAW THAT THEYWERE IN WARLIKE ATTITUDE AND WAGING WAR AGAINST THIS COMPANY OF EMIGRANTS. WE ~~ID~~ DIDN'T KNOW BUT WHAT THEY WOULD AP~~L~~**P**LY TO US SOME, NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. WE CAMPED THERE IN OPEN DAYLIGHT; CAMPED BY A SPRING AFTER THEY HAD SEEN US FROM THE OTHER PARTY. Q. GOOD REASON WHY? A. YES, WE WAS ON THE LOOKOUT. Q. AND ON THE F~~L~~OLLOWING MORNING, DID ~~NA~~ANY OTHERS —WHIT~~D~~E PEOPLE—	

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RT	RS	BT	PS
Q. WHAT TIME DID THEY ARRIVE ? A. I THINK IT WAS EARLY IN THE MORNING. Q. WHO CAME ? A. JOHN D. LEE FOR ONE I THINK THE NEXT MORNING WAS THE FIRST TIME I SAW WILLIAM YOUNG. IT WAS THEN ~~TIME~~ THE TIME THAT WE CAME TOGETHER Q. THEY CAME UNDER YOUR OBSERVATION ABOUT THE SAME TIME THEN ? A. YES SIR AND SOME INDIANS CAME WITH THEM. Q. DID YOU KNOW THEM ? A.A. I I KNEW TWO OF THEM. Q. WHERE WERE THEY FROM ? A. FROM CEDAR CITY. Q. DO YOU KNOW ANY OTHER NAMES ? A. THERE WERE TWO CHIEFS	ARRIVE $_{A}$YES SIR $_{Q}$WHAT TIME DID THEY ARRIVE $_{A}$I THINK IT WAS EARLY IN MORNING $_{Q}$ WHO CAME $_{A}$ JOHN D. LEE FOR ONE; I THINK NEXT MORNING FIRST TIME I SAW WILLIAM YOUNG I THINK IT WAS THEN SAW HIM AND THE COMPANY TOGETHER I COULD NOT SAY $_{Q}$THEY CAME UNDER YOUR OBSERVATION ABOUT SAME TIME $_{A}$YES SIR *AND*[?] SOME INDIANS CAME WITH THEM $_{Q}$DID YOU KNOW THEM $_{A}$I KNEW TWO OF THEM $_{Q}$ <WHERE WERE THEY FROM> $_{A}$ THEY WERE FROM CEDAR CITY DID YOU KNOW ANY OF THEIR NAMES $_{A}$ THEY WAS TWO CHIEFS	ARRIVE? A. YES, SIR. Q. WHAT TIME DID THEY ARRIVE? A. ITH**I**NK IT WAS EARLY IN THE MORNING . Q. WHO CAME? A. JOHN D. LEE FOR ONE; I THINK NEXT MORNING. THE FIRST TIME I SAW WILLIAM YOUNG, I THINK IT WAS THEN THE TIME THAT WE CAME TOGETHER, BUT I COULDNOT SAY. Q. THEY CAME UNDER YOUR OBSERVATION ABOUT THE SAME TIME? A.YES, SIR, AND SOME **I**NDIANS CAME WITHTHEM. Q. DID YOU KNOW THEM? A. I KNEW TWO OF THEM. Q. WHERE WERE THE Y FROM? A. THEY WERE FROM CEDAR C~~C~~ITY. Q. DID YOU KNOW ANY OTHER NAMES? A. THERE W**A**S TWO CHIEFS	

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RT	RS	BT	PS
THAT CALLED THEMSELVES CAPTAINS WITH HIM. Q. WITH WHOM DID THEY COME ? A. THEY CAME WITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID. Q. HOW LONG DID THEY STAY ? A. I THINK NEAR HALF OF A DAY, THE INDIANS AND LEE, BUT I CANNOT BE CERTAIN IN RELATION TO THAT, IT IS A LONG TIME TO REMEMBER. Q. ABOUT HOW MANY INDIANS DID THESE INDIANS CHIEFS OR CAPTAINS REPRESENT ? A. THEY DIDN'T SAY HOW MANY. Q. IF YOU KNOW FROM YOUR OWN KNOWLEDGE STATE ? A. I CANNOT TELL THAT, HOW MANY THEY REPRESENTED	CALLED THEMSELVES CAPTAINS [*space*] QWITH WHOM DID THEY COME AWITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID. QHOW LONG DID THEY STAY A WELL THEY STAYED I THINK NEAR HALF OF DAY. THE INDIANS AND LEE. BUT I CANNOT BE CERTAIN RELATION TO THAT IT IS A LONG ≤TIME≥ REMEMBER Q ABOUT HOW MANY INDIANS DID THOSE INDIANS CHIEFS OR CAPTAINS REPRESENT. A THEY DIDN'T SAY HOW MANY Q IF YOU KNOW FROM YOUR KNOWLEDGE AI CANNOT TELL THAT HOW MANY THEY REPRESENTED	CALLED THEMSELVES "CAPTAINS". Q. WHOM DID THEY COME WITH? A. THEY CAME WITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID . [186] Q. HOW LONG DID THEY STAY? A. WELL, **THEY** ~~WE~~ STAID, I THINK **N**EAR HA**L** F OF THE DAY ~~.~~,— THE **I**NDIANS AND LEE; BUT I WOULD NOT BE CERTAIN IN RELATION TO THAT. IT IS A LONG TIME I REMEMBER. Q. ABOUT HOW MANY **I**NDIANS DO THESE **I**NDIAN CHIEFS OR CAPTAINS REPRESENT? A. THEY DIDN'T SAY HOW MANY. Q. STATE IF YOU KNOW FROM YOUR OWN KNOWLEDGE? A. I CANNOT TELL THAT—HOW MANY THEY REPRESE~~D~~NTED	

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RT	RS	BT	PS
IN THEIR BAND, COULD NOT [321] GIVE ANY IDEA CORRECTLY. Q. STATE ANY NUMBER THAT YOU THINK PROBABLY THEY REPRESENTED ? A. I COULD NOT DEFINITELY. I COULD STATE HOW MANY INDIANS I HAVE SEEN AROUND CEDAR; BUT WHETHER THEY BELONGED TO THESE TWO BANDS OR NOT I ——— OBJECTED TO BY BASKIN. COURT: HE CAN TELL THE NUMBER OF INDIANS HE SAW ON THE GROUND. SUTHERLAND: IT IS A CIRCUMSTANCE I WISH	IN THEIR BAND, COULD NOT GIVE ANY IDEA CORRECTLY Q STATE ANY NUMBER AS LOOSE NUMBER THEY REPRESENTED AI COULD NOT DEFINITELY I COULD STATE HOW MANY ≤WELL ABOUT HOW MANY≥ INDIANS AI HAVE SEEN ≤GOOD MANY≥ AROUND CEDAR CITY WHETHER THEY BELONGED TO THESE TWO BANDS OR NOT OBJECTED TO BASKIN BY COURT HE CAN STATE NUMBER OF INDIANS ON THE GROUND ≤IF HE KNOWS≥ IT IS SUTHERLAND. IT IS CIRCUMSTANCE S I WISH	IN THEIR BANDS; I COULD NOT GI~~C~~VE ANY IDEA CORRECTLY. Q. STATE ANY NUMBER AS THE LOWEST NUMBER THEY REPRESENT? A. I COULD NOT SAY ~~AS~~NY ANY DEFINITELY, I COULD NOT STATE.. ~~Q~~ Q. WELL, ABOUT HOW MANY **I**NDIANS? A. I HAVE SEEN A GOOD MANY AROUND CEDAR CITY, BUT WHETHER THEY BELONGED TO THESE TWO CHIEFS, I DO NOT KNOW. **M**$^{\underline{R}}$ BASKIN: WE OBJECT TO THE ANSWER OF THE WITNESS. THE COURT: HE CAN STATE THE NEMBER OF **I**NDIANS ON THE GROUND IF HE KNOWS. **M**$^{\underline{R}}$ SUTHERLAND: IT IS A CIRCUMSTANCE THA T WE WISH	

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RT	RS	BT	PS
TO BRING BEFORE THE JURY, HOW MANY INDIANS THERE WERE ON THE GROUND, AND THE JURY MAY CONSIDER IT, AS REFERRING TO CEDAR CITY, BEING WITHIN A DAYS RIDE, AND FOR THAT REASON WE INSIST THAT THE JURY MAY HAVE THE CHANCE TO DRAW THEIR INFERENCE WITH REGARD TO THE INDIANS BEING THERE. COURT: HOW MANY INDIANS WERE AROUND CEDAR IT WOULD BE TO THE CASE Q. YOU MAY GIVE ANY APPROXIMATE	TO BRING BEFORE JURY TO WEIGH HOW MANY ~~<~~INDIANS~~>~~ THEY WERE ON THE GROUND AT THAT TIME, JURY MAY CONSIDER [10] THEY WERE IT IS REFERRING TO CEDAR CITY, ~~<~~THAT PLACE~~>~~ BEING WITHIN DAYS RIDE, ~~<~~OF THERE,~~>~~ IF THEY WERE WE INSIST THAT THE JURY MAY DRAW INFERENCE OF THEIR BEING THERE. BY COURT Q HOW MANY INDIANS WERE AROUND CEDAR IT WOULD BE TO THE CASE. SUTHERLAND {Q}[i] YOU CAN GIVE ANY APPROXIMATE	TO BRING BEFORE THE JURY AND FOR THEM TO WEIGH AS TO HOW MANY INDIANS THERE WERE ON THE GROUND AT THE T IME; AND THAT THE JURY MAY CONSIDER M~~AY~~ THAT FACT. IT WAS REFERRING TO CEDAR CITY, THAT PLACE BEING WITH~~I~~N TWO DAYS RIDE~~;~~ OF THERE; AND FOR THAT PURPOSE WE INSIST THAT THE JU~~R~~Y MAY DRAW THAT INFERENCE AS TO THESE INDIANS BEING THERE. THE COURT: IF YOU ASK THE QUESTION AS TO HOW MANY INDIANS THERE WERE AROUND CEDAR CITY IT WOULD BE TO THE CASE. Q. YOU MAY GIVE ANY APPROXIMATE	

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RT	RS	BT	PS
ESTIMATE OF THE INDIANS IN THEIR SEVERAL BANDS WHETHER THEY CONSISTED OF HUNDREDS OR MORE. A. I COULD NOT GIVE THE NUMBER. Q. HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP ? A. WELL THEY HAD BUT LITTLE TO SAY—TALKED A LITTLE IF THEY WERE SPOKEN TO—THEY SEEMED TO BE FRIENDLY. Q. TO WHOM DID THEY TALK ? A. THE MEN THAT WERE THERE; I MEAN THE INDIVIDUALS, THOUGH I TALKED WITH THEM MYSELF. Q. STATE WHETHER YOU LEARNED FROM THEM THAT THEY HAD BEEN PARTICIPATING	ESTIMATE OF INDIANS IN THEIR SEVERAL BANDS WHETHER THEY CONSISTED OF HUNDREDS OR MORE $_{A}$I COULD NOT GIVE THE NUMBER. $_{Q}$ HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP $_{A}$WELL THEY HAD BUT LITTLE TO SAY, TALKED LITTLE IF THEY WERE SPOKEN TO, THEY SEEMED TO BE FRIENDLY $_{Q}$ TO WHOM DID THEY TALK $\{_{A}\}^{i}$ MEN THAT WERE THERE *I AM WANTING*[?] *YOU*[?] INDIVIDUALS THOUGH I TALKED WITH THEM MYSELF. $_{Q}$STATE WHETHER YOU LEARNED FROM THEM THEY HAD BEEN PARTICIPATING	ESTIMATE OF THE **I**NDIANS IN THEIR SEVERAL BANDS; WHETHER THEY CONSISTED OF HUNDRED S OR MORE? A. I COULD NOT GIVE THE NUMBER. Q. HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP? A. WELL, THEY HAD B~~Y~~UT LITTLE TO SAY; TALKED A LI~~EE~~**TT**LE IFTHEY WERE SPOKEN TO; THEY SEEMED TO BE FRIENDLY. *[187]* Q. TO WHOM DID THEY TALK? A. MEN THA T WERE THE RE; I AM NOT ACQUAINTED WITH ALL THE INDIVIDUALS, THOUGH I TALKED TO THEM MYSELF. Q. STATE WHETHER OR NOT YOU LEARNED FROM THEM THAT THEYHAD BEEN PARTICIPATING	

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RT	RS	BT	PS
IN THIS FIRING ON THE EMIGRANTS // ? ~~A. HE WAS IN COMPANY IN CAMP THERE~~ *[322]*	IN THIS FIRING ON THE EMIGRANTS	IN THIS FIRING ON THE EMIGRANTS?	
A. YES, THEY ADMITTED— THEY SAID THEY HAD BEEN SHOOTING AT THEM.	ₐYES THEY ADMITTED THEY SAID THEY HAD SAID THAT THEY HAD BEEN SITTING AT 'EM ≤AT 'EM.	A. YES, THEY ADMITTED; THEY SAID THEY HAD— SAID THAT THEY HAD BEEN.	
Q. DID THEY TELL YOU HOW LONG SINC~~D~~E THE ATTACK WAS MADE ? A. NO. Q. WHERE WAS LEE AT THE TIME THEY MADE THAT REMARK ? A. HE WAS IN COMPANY, IN CAMP THERE; I DON'T KNOW WHETHER HE HEARD IT OR NOT. Q. HOW LONG DID LEE SAY HE HAD BEEN THERE ? A. I DIDN'T HEAR HIM SAY. OBJECTED TO BY BASKIN AS TO WHAT; LEE MAY HAVE SAID BEFORE THIS	*SECOND*[?] TELL HOW LONG≥ SINCE THE ATTACK WAS MADE ≤ₐ NO≥ ₒWHERE WAS LEE AT THE TIME THEY MADE THAT REMARK ₐHE WAS IN COMPANY IN CAMP THERE I DON'T ≤KNOW≥ WHETHER HE HEARD IT OR NOT ₒHOW LONG DID LEE SAY HE HAD BEEN THERE ₐ I DIDN'T HEAR HIM SAY OBJECTED TO BASKIN WHAT LEE MIGHT HAVE SAID THERE BEFORE HIS ≤THIS≥	Q. STATE THE TIME? WAS IT SINCE THE ATTACK WAS MADE? A. NO. Q. WHERE WAS LEE AT THE TIME THEY MADE THAT REMARK? A. HE WAS IN THE COMPANY, IN THE CAMP THERE; BUT I DON'T KNOW WHETHER HE HEARD IT OR NOT. Q. HOW LONG DID LEE SAY HE HAD BEEN THE RE? A. I DIDN'T HEAR HIM SAY. **M**$^{\underline{R}}$ BASKIN: WE OBJECT TO WHAT LEE MANY HAVE SAID BEFORE THAT	

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OCCURRENCE IS NOT PROPER EVIDENCE AND WE DISCUSSED THAT QUESTION YESTERDAY. THEY ARE SPEAKING ABOUT A TIME AT LEAST A DAY OR TWO DAYS BEFORE THIS OCCURRENCE. Q. DID YOU ~~SEE~~ ≤SAY≥ THESE INDIANS C~~O~~AME WHILE LEE WAS IN CAMP ? A. THEY CAME WITH HIM; I THINK I SAW THEM THEN, OR ABOUT THE SAME TIME Q. DID YOU HAVE ANY CONVERSATION WITH LEE ? A. I DID. Q. IN PERSON ? A. I HEARD HIM TALK WITH THE CROWD, GIVING A SHORT HISTORY. BASKIN: WE OBJECT TO WHAT LEE SAID. SUTHERLAND:	OCCURRENCE NOT PROPER EVIDENCE WE DISCUSSED THAT QUESTION YESTERDAY. THEY ARE SPEAKING ABOUT A TIME AT LEAST DAY OR 2 DAYS BEFORE THIS OCCURRENCE. $_{Q}$DID YOU SEE THOSE INDIANS COME WHILE LEE WAS IN CAMP $_{A}$ ≤THEY≥ CAME WITH HIM, I THINK I SAW HIM THERE THEN ABOUT SAME TIME. $_{Q}$DID YOU HAVE ANY CONVERSATION WITH LEE $_{A}$I DID $_{Q}$IN PERSON $_{A}$ I HEARD HIM TALK≤ING≥ WITH THE CROWD GIVING SHORT HISTORY. BY BASKIN, I OBJECT TO WHAT HE SAID SUTHERLAND	O~~FF~~CCURENCE, AND IT IS NOT PROPER EVIDENCE. WE DISCUSSED THAT QUEST**I**ON YESTERDAY. THEY ARE SPEAKING ABOUT THE TIME—AT LEAST A DAY OR TWO DAYS BEFORE THIS OCCURRENCE. Q. DID YOU SEE THESE **I**NDIANS COME WHILE LEE WAS IN CAMP? A. THEY CAME WITH HIM; I THINK I SAW HIM THEN ABOUT THE SA**A**M E TIME. Q. DID YOU EVER HAVE ANY CONVERSATION WITH LEE? A. I DID. Q. IN PERSON? A. YES , I HEARD HIM TALKING WITH THE CROUD**,** GIVING A SHORT HISTORY. **M**$^{\underline{R}}$ BASKIN: WE OBJECT TO WHA T LEE SAID THERE. **M**$^{\underline{R}}$ SUTHERLAND:	

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RT	RS	BT	PS
WE INSIST THAT IT IS COMPETENT. COURT: I DO NOT THINK IT WOULD BE PROPER FOR HIM TO TESTIFY ONLY IN REGARD TO HIMSELF; HE MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY. SUTHERLAND: WE INSIST THAT WHAT WAS SAID THERE BY LEE IS PART OF THE RES GESTAE, AND THAT IT CAN BE SHOWN HERE. COURT: HOW LONG WAS IT BEFORE THE MASSACRE ? *[323]* A. I THINK ITWAS THE DAY BEFORE. SUTHERLAND: WE PROPOSE TO SHOW BY THIS WITNESS THE THEORY OF THE DEFENSE, BUT THE QUESTION NOW PROPOSED	WE INSIST IT IS COMPETENT. BY COURT I DO NOT THINK IT WOULD BE PROPER FOR HIM TO TESTIFY REGARD TO HIMSELF YOU MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY **≼SUTHERLAND≽** WE INSIST WHAT WAS SAID THERE ≼BY LEE≽ IS PART OF ≼THE≽ RES GESTAE YOU CAN SHOWN HERE BY COURT **Q**HOW LONG WAS IT BEFORE MASSACRE **A**I THINK IT WAS THE DAY BEFORE. SUTHERLAND, THIS IS OUR WITNESS IF YOUR HONOR PLEASE. THIS QUESTION PERHAPS	AND WE INSIST THAT IT IS ~~CION~~ COM~~T~~PETENT. THE COURT: I DON'T THINK IT WOULD BE PROPER FOR HIM TO TESTIFY IN REGARD TO LEE HIMSELF; YOU MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY. **M**$^{\underline{R}}$ SUTHERLAND: WE INSIST , YOUR HONOR, THAT WHAT WAS SAID THERE BY LEE IS PART OF THE RES GESTE, AND WE HAVE THE RIGHT TO SHOW IT HERE. THE COURT: HOW LONG WAS IT BEFORE THE MASSACRE? A. I THINK IT WAS THE DAY BEFORE. *[188]* **M**$^{\underline{R}}$ SUTHERLAND: THIS IS OUR WITNESS, IF YOUR HONOR PLEASE. THIS QUESTION	

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RT	RS	BT	PS
DOES NOT SHOW AS FULLY AS WHAT WE OFFER TO PROVE IN THE FURTHER EXAMINATION. THE GENERAL SCOPE OF THIS TESTIMONY WILL EMBRACE THE DECLARATION THAT WE DESIRE TO PROVE. WE EXPECT TO SHOW AND PROVE ———— BASKIN: I OBJECT TO THE COUNSEL STATING WHAT HE EXPECTS TO PROVE BEFORE THIS JURY. SUTHERLAND: I AM NOT ON THE WITNESS STAND AND DO NOT HOLD MYSELF TO ANY SUCH RESTRICTIONS,	DOES NOT SHOW AS FULLY *WANTS*[?] BENEFIT TO THE DEFENDANT *WHAT*[?] IT IS OF VALUE WITH HIS TESTIMONY BEFORE HIM AS AN OFFER COVERING GENERAL SCOPE OF THIS TESTIMONY EMBRACING DECLARATION THAT WE DESIRE TO PROVE. WE EXPECT TO SHOW ≤BY THIS WITNESS≥ = BASKIN I OBJECT TO COUNSEL'S STATING WHAT ≤THEY≥ EXPECT TO PROVE <BEFORE THE JURY> ≤**SUTHERLAND**≥ I AM NOT ON WITNESS STAND DO NOT HOLD MYSELF SUBJECT TO ANY RESTRICTION	DOES NOT SHOW AS FULLY AS IT ~~N~~**M**IGHT, BUT WE WANT IT FOR THE BENEFIT OF THE DEFENDANT, AND IT IS OF VALUE WITH HIS TESTIMONY BEFORE, AND INCLUDED IN THE OFFER COVERING THE GENERAL SCOPE OF HIS TESTIMONY AND EMBRACING THE GENERAL DECLARATION WITH WHAT WE DE~~W~~**S**IRE TO PROVE. WE EXPECT TO SHOW BY THIS WITNESS——**M**$^{\underline{R}}$ BASKIN: AND WE OBJECT TO COUNSEL'S STATING WHAT HE EXPECTS TO PROVE. **M**$^{\underline{R}}$ SUTHERLAND: I AM NOT ON THE WITNESW STAND AND DO NOT HOLD MYSELF SUBJECT TO ANY RESTRICTION IN	

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RT	RS	BT	PS
WHICH ARE OPEN FOR DISCUSSION HERE. BASKIN: I RAISE THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THAT QUESTION; IT HAS BEEN ARGUED HERE AND THE COURT HAS HELD IT IMPROPER TO STATE, EVEN TO THE COURT, WHAT HE EXPECTS TO PROVE BY THIS WITNESS, AND WHAT JOHN D. LEE'S STATEMENT MAY HAVE BEEN IS NOT PROPER AND THE COURT HAS SO RULED. SUTHERLAND: THAT IS A VERY PEREMPTORY DICTATION TO YOUR HONOR TO SAY THAT IT IS IMPROPER. I AROSE TO DISCUSS THIS	UPON FREE DISCUSSION HERE BASKIN. I RAISED THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THE QUESTION. {IT}[i] HAS BEEN ARGUED AND THE COURT HAS HELD ≤IT≥ IMPROPER TO STATE TO THE COURT WHAT HE EXPECTS TO PROVE BY THIS WITNESS AND *STATE*[?] WHAT JOHN D. LEE'S STATEMENTS WERE IT IS NOT PROPER AND THE COURT {HAS SO RULED}[i] SUTHERLAND THAT IS A VERY PEREMPTORY DIRECTION {TO}[i] YOUR HONOR TO SAY IT IS IMPROPER. I AROSE TO DISCUSS THIS	~~UPENED FROM~~ DISCUS~~W~~**S**ION HERE. **M**[R] BASKIN: I RAISED THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THE QUESTION. IT HAS BEEN ASKED HERE AND THE COURT HAS HELD IT TO BE **IM-**PROPER, TO STATE TO THE COURT ~~AND~~ **IN THE PRESENCE OF THE** JURY WHAT HE EXPECTS TO PROVE BY THIS WITNESS, WHAT WAS SAID OR WHAT JOHN D. LEE'S STATEMEN~~TS~~**TS** WERE. IT IS NOT PROPER, AND THE COURT HAS SO RULED. **M**[R] SUTHE~~L~~RLAND: THAT IS A VERY PEREMPTORY DIRECTION TO YOUR HONOR TO SAY THAT IT IS IMPROPER. I AROSE TO DISCUSS THIS	

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RT	RS	BT	PS
MOTION. BASKIN: THESE GENTLEMEN WANT TO GET BEFORE THE JURY STATEMENTS AND IN A MANNER NOT SWORN TO. COURT: THE PROPER COURSE WOULD BE, IF YOU WANT A RULING ON IT ALL WOULD BE TO ASK THE QUESTION. ONE BRANCH OF IT I MIGHT BE WILLING TO ADMIT, AND ONE I WOULD NOT. ASK YOUR QUESTION, AND IF IT IS OBJECTED TO I WILL RULE UPON IT. SUTHERLAND: AS TO THE SCOPE OF THE TESTIMONY WE WISH TO BRING OUT	MOTION *[11]* BASKIN THIS GENTLEMEN WANTS TO GET BEFORE JURY STATEMENTS IN A MANNER NOT SWORN ~~≤~~**TO**~~≥~~. BY COURT PROPER COURSE WOULD BE IF YOU WANT RULING ON ALL OF IT WOULD BE TO ASK THE QUESTION. ONE BRANCH OF IT I MIGHT BE WILLING TO ADMIT BUT ONE I WOULD NOT. ASK YOUR QUESTION AND IF IT IS OBJECTED TO I WILL RULE UPON IT. SUTHERLAND SCOPE OF MY TESTIMONY CAN BE FORSHADOWED BY HIS STATEMENTS YOUR HONOR AND THE GENTLEMAN WILL INDULGE	QUESTION. **M**R ~~**YOUR**~~BASKIN: YOUR HONOR, THIS GENTLEMAN WANTS TO GET BEFORE THE JURY STATEMENTS IN A MANNER NOT SWORN TO. THE COURT: THE PROPER COURSE WOULD BE IF YOU WANT A RULING ON ALL OF IT, ~~WOULD BE~~**,** TO ASK THE QUESTION. ONE BRANCH OF IT **I** ~~I MU~~ MIGHT BE WILLING TO ADMIT, AND ONE I WOULD NOT. ASK YOUR QUESTION AND IF IT IS OBJECTED TO I WILL RULE UPON IT. **M**R SUTHERLAND: THE SCOPE OF MY TESTIMONY CANNOT BE FORESHADOWED BY HIS STATEMENTS. AND IF YOUR HONOR WILL INDULGE	

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RT	RS	BT	PS
	UPON TESTIMONY WHEN I QUESTION *EXTEND*[?] *AT*	ME A MOMENT I WOULD LIKE TO EXPLAIN OUR POSITION.	
YOUR HONOR CAN INSTRUCT THE JURY, THAT WHAT I MAY SAY IS NOT EVIDENCE.	*LARGE*[?]. YOUR HONOR WILL INSTRUCT THIS JURY {THAT}[i] WHAT I SAY IS NOT EVIDENCE WHEN IT IS NECESSARY ≤FOR THEM≥ TO HAVE INSTRUCTION.	YOU HONOR WILL INSTRUCT THIS JURY THAT WHAT I SAY IS NOT EVIDENCE, WHEN IT IS NECESSARY FOR THE **JURY** TO HAVE INSTRUCTION.	
THIS QUESTION TAKEN ALONE DOES NOT FULLY EXHIBIT TO YOUR HONOR THE *[324]* SCOPE OF THE TESTIMONY WHICH WE NOW OFFER, AND	THIS QUESTION TAKEN ALONE DOES NOT FULLY EXHIBIT TO YOUR HONOR THE SCOPE OF THE TESTIMONY WHICH WE NOW OFFER, BUT AS {I}[i] *CONCEIVE*[?] {AND}[i] YOUR HONOR CAN FEEL ITS FORCE, ITS PERTINENCY OR ADMISSIBILITY WITHOUT MY STATING IT IN CONNECTION WITH THE CASE WHICH TENDS TO CHARACTERIZE ≤IT AS SUCH≥ I	THIS QUESTION TAKEN ALONE DOES NOT FU LLY EXHIBIT TO YOUR HONOR THE SCOPE OF THE TESTIMONY WHICH WE NOW OFFER; BUT AS I CONCEIVE YOUR HONOR CAN FEEL IT S FORCE~~;~~, ITS *[189]* PERTINANCY, OR ADMISSIBILITY WITHOUT MY STATI~~M~~NG IT, IN CONNECTION WITH THE ACTS WHICH TEND~~S~~ TO CHARACTERISE IT AS SUCH. WE	
WHICH WE CLAIM TO BE	CLAIM IT BE	CLAIM IT TO BE	

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RT	RS	BT	PS
A PART OF THE RES GESTAE, AND IT GREW OUT OF THE ACTS THAT REALLY ARE THE RESULT OF THAT CONVERSATION, WHICH WE STATED, IN THE OPENING OF OUR CASE BY JUDGE SPICER, THAT THE THEORY OF THE DEFENSE WAS THAT THERE WAS A CAPITULATION THAT WAS DONE IN CONNECTION WITH THE SLAUGHTER AND TOOK PLACE; THAT IT WAS DONE IN PURSUANCE OF A CAPITULATION, AND WE WISH TO PROVE THAT AND THIS QUESTION REACHES TO A NEGOTIATION	PART OF A RES GESTAE *WHENCE/ONCE*[?] BECAUSE IT ACCOMPANIED {=}[i] IT GREW OUT OF IT THE ACTS WERE REALLY {THE}[i] RESULT OF THAT CONVERSATION. THE OFFER HAS ALREADY BEEN MADE IN THE OPENING BY JUDGE SPICER, THE THEORY OF THE DEFENSE IS THAT THERE WAS A CAPITULATION. WHAT WAS DONE AND IN CONNECTION WITH THE SLAUGHTER, AND WHAT TOOK PLACE WAS DONE IN PURSUANCE OF A CAPITULATION, AND WE WISH TO PROVE THAT CAPITULATION. THIS IS A QUESTION AND OF THAT NEGOTIATION	A PART OF THE RES ~~KJ~~ GEST**A**E; BECAUSE IT ACCOMPANIED —IT GREW OUT OF THE ACTS THAT REALLY RESULTED IN THAT ~~CONVERSATION~~ **DESTRUCTION**. THE OFFER HAS ALREADY BEEN MADE IN THE OPEN~~H~~EN~~JG~~GBY JUDGE SPICER. THE THEORY OF THE DEFENSE IS THAT THERE WAS A CAPITULATION. WHAT WAS DONE IN CONNECTION WITH THIS SLAUGHTER, WHAT TOOK PLACE WAS DON~~E~~**E** IN PURSUANCE OF A CAPITULATION, AND WE ~~W~~SISH **WISH** TO PROVE ~~A~~THAT CA~~A~~PITULATION . THIS IS A ~~W~~QUESTION OF NEGOTIATION ,	

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RT	RS	BT	PS
WHICH RESULTED IN THE FORMATION OF AN AGREEMENT, BY WHICH THE INDIANS WOULD SPARE THE LIVES OF THESE EMIGRANTS IF THEY COULD HAVE THE PROPERTY AND THAT THIS WAS FINALLY AGREED ON THEN AND THERE. WHAT WAS DONE AFTERWARDS IS IN PURSUANCE OF THAT, AND IF THE JURY ARE PERMITTED TO HEAR THIS TESTIMONY THEY MAY BE FULLY PERSUADED IT WAS AN HONEST AND BONA FIDE CAPITULATION.	WHICH RESULTED IN THE FORMATION OF AN AGREEMENT BY WHICH THE INDIANS WOULD SPARE {THE}[i] LIVES OF THOSE EMIGRANTS IF THEY {COULD}[i] HAVE THEIR PROPERTY. IT TOOK SOME TIME *ACCOMPLISH/COMPEL*[?] TO BRINGING THEM TO *AGREE*[?] TO SUCH A CAPITULATION. IT WAS FINALLY AGREED ON ~~<~~THEN AND THERE~~>~~ WHAT WAS DONE AFTERWARDS IS IN PURSUANCE THAT THE JURY IF THEY WERE PERMITTED TO HEAR THIS TESTIMONY MAY BE FULLY PERSUADED IT WAS AN HONEST BONA FIDE CAPITULATION.	WHICH RESULTED IN THE FORMATION OF AN AGREEMENT BY WHICH THE **I**NDIANS WOULD SPARE THE LIVES OF THESE EMIGRANTS IF THEY COULD HAVE THE PROPERTY. IT TOOK SOME TIME IN ACCOMPLISHIN G A~~B~~ND BRING**ING** THEM TO ASK FOR SUCH A CAPITULATION. IT ~~W~~WAS FINALLY AGREED UPON, THEN AND THERE AND WHAT WAS DONE AFTERWARDS IS IN PURSUANCE OF THAT. IF THE JURY WERE PERMITTED TO HEAR THIS TESTIMONY, THEY MIGHT BE FULLY PURSUAD~~E~~D IT WAS AN HONEST **,** BONA FIDE CAPITULATION.	

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RT	RS	BT	PS
	{BY}[i] COURT AS FAR AS THIS QUESTION GOES ALL THOSE ACTS WHAT IT SHOWS AND SHOWN THIS QUESTION ONLY *GOES/GIVES*[?] *ST*[?] FOR MR. LEE DAY PRECEDING MASSACRE.	THE COURT: <~~SO FAR AS ALL~~> ~~THIS QUESTION GOES TO THESE ACTS;~~ ~~THIS~~ **THE** QUESTION ONLY GOES**,** AS IT STANDS NOW**,** TO WHAT MR. LEE SAID THE DAY P~~E~~RECEDING THE MASSACRE.
THE COURT RULED THAT THE QUESTION WAS NOT PROPER, TO WHICH RULING	I UNDERSTAND QUESTION IS NOT PROPER.	AS I UNDERSTAND THE QUESTION **,** IT IS NOT PROPER. **M**[R] SUTHERLAND: YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION .
THE DEFENSE EXCEPTED.	GIVE US BENEFIT OF EXCEPTION {**DEF EXCEPTED ***	
Q. STATE WHETHER EITHER THAT DAY OR ON THE FOLLOWING DAY THERE WAS ANY CONVERSATION BETWEEN THE INDIANS AND THE WHITES OF YOUR PARTY IN RESPECT TO SUCH AN	$_{Q}$STATE}[i] WHETHER EITHER THAT DAY OR ON FOLLOWING DAY THERE WAS ANY CONVERSATION BETWEEN INDIANS AND WHITES <THAT IS> OF YOUR MEN WERE ONLY IN REFERENCE TO SUCH AN	Q. STATE WHETHER EITHER THAT DAY OR THE FOLLOWINGDAY, THERE WAS ANY CONVERSATION BETWEEN THE **I**NDIANS AND WHITES; THAT IS **,** WHERE YOUR MEN WERE IN REFERENCE TO SUCH AN

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RT	RS	BT	PS
AGREEMENT. THE PROSECUTION OBJECTED. A. I CANNOT SAY THERE WAS. —I CANNOT SAY THERE WAS. I CANNOT STATE. IT IS A THING I CAN'T RECOLLECT AS TO WHAT OCCURRED BETWEEN THE INDIANS AND LEE. SUTHERLAND: THE COUNSEL HAVE WAIVED THEIR OBJECTIONS AND I INSIST THAT THE WITNESS SHALL STATE WHAT HE WAS GOING TO STATE. BASKIN: HE ANSWERED IT BEFORE I HAD A CHANCE TO EXCEPT. I REPEAT THE REMARK THAT HE HAD TOLD THEM, AND I	AGREEMENT. WE OBJECT BY PROSECUTION ~~A~~I CANNOT SAY THERE WAS=I CANNOT SAY THERE WAS; I CANNOT STATE AS IT IS THING AS I CAN'T RECALL WHAT OCCURRED BETWEEN INDIANS AND LEE. ≤WITNESS INTERRUPTED BY PROSECUTION≥ SUTHERLAND COUNSELORS HAS WAIVED THEIR OBJECTIONS, AND I INSIST WITNESS TO STATE WHAT HE WAS GOING TO SAY BASKIN HE ANSWERED IT BEFORE ≤**I**≥ HAD ≤**A**≥ CHANCE TO EXCEPT, I REPEATED REMARK THAT HE HEARD TOLD *[13]*336	AGREEMENT? **M**R BASKIN: WE OBJECT TO THE QUESTION. A. I CANNOT SAY THERE WAS, ~~I CANNOT SAY THERE WAS~~. I CANNOT STATE THE LANGUAGE AS I CANNOT RECOLLECT WHAT OCCURRED BETWEEN THE **I**NDIA~~D~~S AND LEE.— **M**R BASKIN: HOLD ON, HOLD ON THERE! **M**R SUTHERLAND: COUNSEL HAVE WAIVED THEIR OBJECTIONS; AND I INSIST THAT THE WITNESS BE PER~~K~~MITTED TO STATE WHAT HE WAS GOING TO SAY. *[190]* **M**R BASKIN: HE ANSWERED IT BEFORE I HA D A CHANCE TO INTERRUPT. I REPEATED THE REMARK——	

336. Page 12 is blank except for page number and an "X" in the upper left-hand corner.

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RT	RS	BT	PS
HEARD HIS WORD, NO. *[325]* SUTHERLAND: IT WAS AN ANSWER IN THEIR FAVOR. BASKIN: THAT SORT OF PETTIFOGGING IS UNPROFESSIONAL. Q. STATE WHETHER UNDER YOUR OBSERVATION, OR COMING WITHIN YOUR HEARING, ANY TALK BETWEEN LEE, OR ANY OTHER CHIEFS, IN RESPECT TO THE SAVING THE LIVES OF THE EMIGRANTS, ON CONSIDERATION OF THEIR GETTING THEIR PROPERTY TOOK PLACE ? A. I CAN~~NOT~~ GIVE WHAT I HEARD LEE ADDRESS TO THE INDIANS. BASKIN: I OBJECT TO THAT BECAUSE IT IS A DECLARATION OF MR. LEE,	HEARD HIS WORD NO. SUTHERLAND IT WAS AN ANSWER IN THEIR FAVOR BY BASKIN THAT SORT OF PETTIFOGGING IS UNPROFESSIONAL. BY COURT ~~Q~~STATE WHETHER UNDER YOUR OBSERVATION COMING WITHIN YOUR HEARING, YOU HEARD ANY TALK BETWEEN LEE, OR ANY OTHER CHIEFS IN RESPECT TO SAVING THE LIVES OF EMIGRANTS, ON CONSIDERATIO N OF INDIANS GETTING THEIR PROPERTY ~~<~~TAKE PLACE~~>~~. ~~A~~I CAN GIVE WHAT I HEARD LEE ADDRESS TO THE INDIANS BASKIN I OBJECT TO THAT BECAUSE IT IS DECLARATION OF MR. LEE	**M**R SUTHERLAND: IT WAS AN ANSWER IN THEIR FA~~C~~VOR. **M**R BASKIN: THAT SORT OF PETTIFOGGING I~~N~~S UNPROFESSIONAL. COURT: STATE WHETHER OR NOT UNDER YOUR OBSERVATION, COMING WITHIN YOUR HEARING, YOU HEARD ANY TALK BETWEEN LEE OR ANY OF THE~~IR~~**RE** CHIEFS IN RESPECT TO SAVING THE LIVES OF THE EMIGRANTS, IN CONSIDERATIO N OF THEIR GETTING THEIR PROPERTY AT THAT PLACE? A. I CAN GIVE YOU WHAT I HEARD LEE ADDRESS TO THE **I**NDIANS. **M**R BASKIN: I OBJECT TO THAT BECAUSE IT IS **A** ~~C~~DECLARATION OF MR. LEE	

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RT	RS	BT	PS
WHICH IS NOT ADMISSABLE. Q. WHAT DAY WAS THIS ? A. THE SECOND DAY, NEAR THE MORNING, AFTER WE CAMPED THERE. WE CAMPED THERE ONE NIGHT. Q. THE DAY BEFORE THE MASSACRE ? A. YES SIR. SUTHERLAND: NOW WE AGAIN ~~INST~~ INSIST UPON THAT CONVERSATION ? A. I CAN'T SAY WHETHER IT WAS THE DAY AFTER THE MASSACRE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFORE. A. WE ASK HIM TO GIVE THE CONVERSATION	WHICH IS NOT ADMISSIBLE Q WHAT DAY WAS THIS A SECOND DAY NEAR THE MORNING AFTER WE CAME THERE, WE CAME THERE, ≤WE HAD BEEN≥ ONE NIGHT Q THE DAY BEFORE THE MASSACRE A YES SIR. SUTHERLAND WE INSIST UPON ≤THAT≥ THE CONVERSATION A I CAN'T SAY WHETHER IT WAS THE DAY AFTER THE MASSACRE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFORE. A WE ASK TO GIVE CONVERSATION ≤THAT TOOK PLACE≥	WHICH IS NOT ADMISSABLE. **M^R** SUTHERLAND: **Q.**WHA T DAY WAS THIS? A. SECOND DAY, NEAR THE MORNING AFTER WE CAME THERE. WE HAD BEEN THE RE ONE NIGHT. Q. THE DAY BEFORE THE MASSACRE? A. YES, SIR. **M^R** SUTHERLAND: NOW, YOUR HONOR , WE INSIST UPON THAT CONVERSATION . A. I CANNOT SAY WHETHER IT WAS THE DAY AFTER THE MASSAC~~T~~RE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFOER—**M^R** BASKIN: I OBJECT TO THAT. **M^R** SUTHERLAND: WE ASKED HIM TO GIVE THE CON~~C~~**V**ERSATIO N THAT TOOK PLACE	

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RT	RS	BT	PS
BETWEEN LEE AND THESE CHIEFS ON THAT SUBJECT. OBJECTED TO BY BASKIN. WITNESS WAS GOING TO STATE—THAT WAS THE QUESTION. THE WITNESS WAS GOING TO DETAIL THE SPEECH MR. LEE MADE TO THE INDIANS. NOW THEN IT DOES NOT APPEAR HERE THE INDIANS UNDERSTOOD THE ENGLISH LANGUAGE. HE DIDN'T REMEMBER IN WHAT HE ADDRESSED THEM, AND IT DON'T APPEAR THIS WITNESS UNDERSTOOD THE INDIAN LANGUAGE. HE SAID HE UNDERSTOOD SOME LITTLE	BETWEEN LEE AND THOSE CHIEFS ON THAT SUBJECT OBJECTED BY BASKIN [*space*] WITNESS WAS GOING ON TO STATE THAT WAS THE QUESTION = WITNESS WAS GOING TO DETAIL ~~OF~~ THE SPEECH MR. LEE MADE TO THE INDIANS NOW THEN IT HAS NOT APPEARED HERE {THE}[i] INDIANS UNDERSTOOD ENGLISH LANGUAGE, HE DON'T REMEMBER IN WHAT HE ADDRESSED IT; DON'T APPEAR THIS WITNESS UNDERSTANDS {**INDIAN**}[I] ENGLISH LANGUAGE; HE SAID HE UNDERSTOOD SOME LITTLE	BETWEEN LEE AND THESE CHIEFS ON THAT SUBJECT. **M**[R] BASKIN: THE WITNESS WAS GOING ON TO STATE WHAT WAS THE CONVERSATION. THE WITNESS WAS GOING ON TO DETAIL THE SPEECH OF MR. LEE ~~MADE~~ TO THE **I**NDIANS. NOW, THEN, IT HAS NOT YET APPEARED HERE THAT THE **I**NDAINS UNDERSTOOD THE ENGLISH LANGUAGE, AND THE WITNESS DON'T REME MBER IN WHAT LANGUAGE HE ADDRESSED **THEM** ~~HIM.~~ HE DON'T REMEMBER; IT DON'T APPEAR THAT THIS WITNESS UNDERSTOOD THE **I**NDIAN LANGUAGE. HE SAID HE UNDERSTOOD SOME LITTLE	

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RT	RS	BT	PS
PORTION OF INDIAN SIGNS. *[326]* Q. I WILL ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR LANGUAGE ? A. HE ADDRESSED THEM IN THE INDIAN AND THE ENGLISH LANGUAGE. Q. STATE WHETHER THEY SPOKE THE ENGLISH LANGUAGE AT ALL ? A. THEY UNDERSTOOD SOME. DEFENSE: WE NOW COME BACK TO THE QUESTION. BASKIN: THAT DISCLOSURE SHOWS AGAIN THE INCOMPETENCY OF THE TESTIMONY. HOW WELL THE INDIANS UNDERSTOOD THE ENGLISH LANGUAGE THIS WITNESS CANNOT TELL. COURT: IT IS THE SAME	PORTION OF THE INDIAN SIGNS. ~~<~~$_{Q}$I WILL ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR LANGUAGE ~~≤~~$_{A}$HE ADDRESSED THEM IN THE INDIAN AND THE ENGLISH LANGUAGE~~>~~ $_{Q}$STATE WHETHER THEY SPOKE ENGLISH LANGUAGE AT ALL $_{A}$THEY UNDERSTOOD SOME. ~~<~~DEF~~>~~ WE NOW COME BACK TO THE QUESTION BY BASKIN THAT DISCLOSURE SHOWS AGAIN THE INCOMPETENCY OF THE TESTIMONY. HOW WELL THE INDIANS UNDERSTOOD ENGLISH LANGUAGE THIS WITNESS CANNOT TELL. BY COURT IT IS THE SAME	PORTION OF THE **I**NDIAN SIGNS. Q. I WI**L**L ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR OWN ~~L N~~ LANGUAGE, OR ADDRESSED THEM IN THE ENGLISH LANGUAGE; STATE WHETH**ER** *[191]* ~~E~~**O**R THEY SPOKE THE ENGLISH LANGUAGE AT ALL. **A. THEY SPOKE SOME. M**^{R} SUTHERLAND: WE NOW COME BACK TO THE QUESTION. **M**^{R} BASKIN: THAT ~~THAT~~ DISCLOSURE SHOW~~N~~S AGAIN THE INCOMPETENCY OF THE TESTIMONY; HOW WELL THE **I**NDIANS UNDERSTOOD THE ENGLISH LANGUAGE, THIS WITNESS CANNOT TELL. THE COURT: IT IS THE SAME	

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RT	RS	BT	PS
QUESTION DECIDED AS ON THE OTHER QUESTION AND IT WILL BE RULED OUT. DEFENSE EXCEPTED. Q. YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF THE SLAUGHTER OR BEFORE ? A. I CANNOT. Q. WERE YOU THERE WHEN THE TWO WENT TO THEIR CAMP WITH THAT FLAG OF TRUCE ? A. I WAS UP TO THE CAMP WHERE WE FIRST MADE. Q. DID THE PERSON WHO CARRIED THAT FLAG COME OVER TO YOUR CAMP ? A. YES, HE WENT BEFORE Q. WHERE DID HE GO FROM ? A. HE WENT FROM	QUESTION DECIDED ~~WITH OTHER QUESTION~~ WITH *OTHER*[?] QUESTION IT WILL BE RULED OUT ≤DEFENSE EXCEPTING≥ Q YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF {THE}[i] SLAUGHTER OR BEFORE A I CANNOT Q WERE YOU THERE WHEN IMMEDIATELY BEFORE TWO WENT TO THEIR CAMP WITH THEIR FLAG OF TRUCE A I WAS UP TO ≤THE≥ CAMP WHERE WE FIRST MEET DID THE PERSON WHO CARRIED THAT FLAG COME OVER {TO}[i] YOUR CAMP A YES HE WENT BEFORE THEN BUT NOT IMMEDIATELY Q WHERE DID HE GO FROM A WENT FROM	QUESTION UPON WHICH I HAVE RULLED, AND WITH THOE OTHER QUESTION IT WILL BE RULED OUT. EXCEPTION BY DEFENSE. Q. YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF THE SLAUGHTER OR BEFORE? A. I CANNOT. Q. WERE YOU THERE WHEN THE TWO MEN WERE SENT TO THEIR CAMP WITH THAT FLAG OF TRUCE? A. I WAS UP TO THE CAMP WHERE WE FIRST MET. Q. DID THE PERSON WHO CARRIED THAT FLAG, COME OVER TO YOUR CAMP? A. YES, SIR, HE WENT BEFORE THIS BUT NOT IMMEDIATELY. Q. WHERE DID HE GO FROM? A. HE WENT FROM	

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RT	RS	BT	PS
THAT CAMP. Q. IN A BODY DOWN TOWARDS THE ROAD OR AFTER ? A. PROMISCUOUSLY . Q. DID THEY MARCH IN MILITARY ORDER ? A. NO SIR. *[327]* Q. NOR UNDER ANY ORDERS ? A. NOT THAT I KNEW OF. Q. EACH MAN WENT BECAUSE HE WAS INCLINED TO GO ? A.	THAT CAMP $_{Q}$IN {**A**}^{i} BODY ≤WENT≥ DOWN TOWARDS THE ROAD ON FOOT $_{A}$ PROMISCUOUSLY $_{Q}$NOT MARCHED IN MILITARY ORDER $_{A}$NO SIR NOR UNDER ANY ORDERS $\{_{A}\}^{i}$ NOT THAT I KNEW OF $_{Q}$ EACH MAN WENT BECAUSE HE WAS INCLINED TO GO $_{A}$ WHETHER HE DID OR NOT, I CAN'T SAY,	THAT C~~APMO~~ CAMP. Q. IN A BODY DOWN TOWARDS THE ROAD ON F**O**OT? A. PERMISCUOUSLY. Q. IN MARCHING DID THEY MARCH IN MILITARY ORDER? A. NO, SIR. Q. NOR UNDER ANY OR~~C~~DERS? A. NOT THAT I KNEW OF. Q. SO EACH MAN W~~H~~ENT BECAUSE HE WAS ~~E~~**I**NCLINED TO GO? A. WHETHER THEY DID OR NOT I CAN'T SAY.	
THEY ALL WENT TOGETHER — ALL STARTED LIKE A LOT OF MEN WOULD GO TO A MEETING HOUSE. Q. WHO WENT AHEAD ? A. I CANNOT TELL YOU. Q. DID YOU GO ? A. I DID NOT PARTICULARLY, I DID NOT GO THERE. Q. HOW MANY OTHERS	THEY ALL WENT TOGETHER, ALL STARTED LIKE ~~<~~**A**~~>~~ LOT OF MEN WOULD GO TO MEETING HOUSE ~~WHO WAS~~ $_{Q}$WHO WENT AHEAD $_{A}$I COULD NOT TELL YOU $_{Q}$ DID YOU GO $_{A}$ I DON'T REMEMBER I DID NOT GO THEN. $_{Q}$ HOW MANY OTHERS	THEY ALL WENT TOGETHER; ALL STARTED LIKE A LOT OF MEN WOULD GO TO A ME~~R~~ETING HOUSE. Q. WHO WENT AHEAD? A. I COULD NOT TELL YOU? Q. DID YOU GO? A. I DON'T REMEMBER; I DIDN'T GO THE~~M~~N . ~~Q~~ Q. HOW MANY	

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RT	RS	BT	PS
REMAINED IN THE CAMP WITH YOU ? A. THERE WAS TWO MORE THAT I REMEMBER OF, AND THERE WAS ONE MAN CLOSE BY ON THE HILL, ON GUARD. Q. ABOUT HOW MANY DID GO ? A. I THINK THERE WAS BETWEEN TWENTY TO TWENTY FIVE, SOMETHING NEAR THAT. Q. WERE THERE ANY OTHER WHITE MEN ON THE MEADOWS OR AT ANY OTHER POINT A. I SAW NONE. Q. WAS THIS PARTY THAT WENT OUT FROM YOUR CAMP DOWN TOWARDS THE EMIGRANT CAMP IN VIEW ? A. YES SIR. Q. HOW FAR DID THEY PROCEED BEFORE THEY CAME TO A STOP , OR WERE THEY HALTED ? A. THEY WENT	REMAINED IN CAMP WITH YOU A THERE WAS TWO MORE THAT I REMEMBER, AND THERE WAS ONE MAN CLOSE BY ON THE HILL AND GUARDING Q ABOUT HOW MANY DID GO [14] A I THINK THERE WAS BETWEEN 20 25 NEAR AS *THAT*[?] Q WERE THERE ANY OTHER WHITE MEN ON THE MEADOWS OR AT ANY OTHER POINT A I SAW NONE. Q WAS THIS PARTY ≤THAT≥ WENT OUT FROM YOUR CAMP DOWN TOWARDS EMIGRANT IN VIEW A YES SIR Q HOW FAR DID THEY PROCEED BEFORE THEY CAME TO A STOP OR WHERE THEY HALTED A THEY WENT	REMAINED IN CAMP WITH YOU? A. THE**R**E WAS TWO MORE THAT I REMEMBER; THERE ~~O~~W~~N~~AS ONE CLOSE BY ON THE HILL GUARDING. Q . ABOUT HOMANY DID GO? A. THINK THERE WAS BETWEEN 2 0 AND 25 IN ALL, ABOUT THAT. Q. WERE THERE ANY OTHER W~~I~~HITE MEN ON THE MEADOWS OR AT ANY OTHER POINT? ~~A~~. I SAW NONE. Q. WAS THIS PARTY THAT WE~~S~~NT OUT FROM YOUR CAMP, DOWN TOWARDS THE [192] EMIGRAN**T**S IN VIEW, A. ~~U~~YES, SIR . Q . HOW FAR DID THEY PRO~~V~~CEED BEFORE THEY CAME TO THE SPOT, WHERE THEY HALTED? A. THEY WENT	

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RT	RS	BT	PS
TO THE JUNCTION OF THE ROAD. BASKIN: WE CALLED ALL THIS OUT IN HIS EXAMINATION IN CHIEF. THEY ARE GOING OVER EXACTLY THE SAME GROUND WHICH THEY SHOULD HAVE GONE OVER *[328]* IN THEIR EXAMINATION IN CHIEF AND WE OBJECT TO THIS EXAMINATION AS IRRELEVANT AND UNNECESSARY.	TO THE JUNCTION OF THE ROAD. <u>BY BASKIN</u> WE CALLED {OUT}[i] ALL THESE THINGS OUT IN HIS IN EXAMINATION IN CHIEF. THEY ARE GOING OVER EXACTLY SAME GROUND WHICH THEY SHOULD HAVE GONE OVER IN THEIR *CROSS*[?] EXAMINATION IN CHIEF THEY ARE GOING OVER THE GROUND WHICH SHOULD HAVE BEEN GONE IN EXAMINATION IN CHIEF THEN HERE WERE RIGHTLY ALLOWED TO *IF IT IS/FOR THIS*[?] CROSS EXAMINATION HE HAS GONE EXACTLY OVER COURSE WE PURSUED THEY CAN'T RECALL OF *YOUR/WHOLE*[?] WITNESS WE CAN ASSUME IT IS	TO THE JUNCTION OF THE ROAD. **M**[R] BASKIN: WE CALLED OUT ALL THIS MATTER IN THE EXAMINATION IN CHI~~E~~F THEY ARE GOING OVER THE VERY EXACT GROUND WHICH THEY SHOULD HAVE GONE OVER IN THEIR ~~CHIEF~~ EXAMINATION I~~F~~N CHIEF, ~~Z~~AND WE OBJECT TO IT BEING GONE OVER AGAIN AT THIS TIME.	

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RT	RS	BT	PS
OBJECTION SUSTAINED AGAINST THE REMONSTRANCE OF HOGE FOR	*RIGHT/HEARD*[?] IN GOING OVER VERY SAME GROUND WHEN THEY RECALL HIM THEY MUST SUMMON HIM AS TO NEW MATTER THEREFORE I OBJECT. BY COURT I DO NOT THINK THAT WOULD HARDLY BE NECESSARY = IF THERE ARE ANY AUTHORITIES AND IF THEY HAVE EXAMINED IN THE WAY THEY THINK PROPER AND THEY MAY MAKE HIM THEIR WITNESS. BY HOGE WE THOUGHT NOT *IN OUR*[?] RIGHT TO EXAMINE WITNESS IN CHIEF. BY COURT QUESTION IS DECIDED ANY WAY.	BY COURT: I DON'T THINK THAT WOULD HARDLY BE NECESSARY; BUT IF THERE ARE ANY AUTHORITIES ON THAT——I THINK THEY HAVE A RIGHT TO EXAMINE HIM TH E WAY THEY WANT TO. I THINK THEY MAY MAKE HIM THEIR WITNESS.	

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RT	RS	BT	PS
DEFENSE. A. WE WENT ON THE ONLY ROAD THAT WAS THERE, WE FOLLOWED WHAT IS CALLED THE OLD CALIFORNIA ROAD. Q. IF THERE WAS A JUNCTION THERE WAS SOME OTHER ROAD— WHAT DO YOU MEAN BY JUNCTION ? A. I MEAN BY A ROAD THEY WERE TAKING. THEY PAUSED WHEN THEY GOT ON THE CALIFORNIA ROAD. Q. ABOUT HOW FAR WERE THEY THEN FROM THE EMIGRANT CAMP ? A. I SHOULD JUDGE HALF A MILE. IT WAS IN THAT VICINITY. Q. THERE YOU SAY THEY PAUSED AND STOPPED— WHAT DID YOU OBSERVE AT THAT TIME OR	A ON ONLY ROAD THAT WAS THERE WE FOLLOWED WHAT IS CALLED OLD CALIFORNIA ROAD. QIF THERE WAS JUNCTION, THERE WAS SOME OTHER ROAD. WHAT DID YOU MEAN BY JUNCTION AI MEAN BY ROAD THEY WERE TAKING, THEY PAUSED WHEN THEY GOT ON CALIFORNIA ROAD QABOUT HOW FAR WERE THEY THEN FROM THE EMIGRANT CAMP AI SHOULD JUDGE HALF MILE *THERE* *WAS*[?] IN THAT VICINITY QTHERE YOU SAY THEY PAUSED, STOPPED A YES SIR Q WHAT DID YOU OBSERVE THAT THEY DID	A. THE ONLY ROAD THAT W~~W~~AS THERE. WE FOLLOWED THE OLD CALIFORNIA ROAD. Q. IF THERE WAS A JUNCTION THERE **THERE** WAS SOME OTHER ROAD. WHAT DO YOU MEAN ~~J~~BY JUNCTION? A. I MEAN BY THE ROAD THEY WERE TAKING. THEY PAUSED WHEN THEY GOT ON THE CALIFORNIA ROAD. Q. ABOUT HOW FAR WERE THEY THE N FROM THE CAMP? A. I SHOULD JUD~~G~~E ABOUT A HALF A MILE: THEY WAS IN T~~HIS~~ THAT VICINITY. Q. THERE YOU SAY THEY PAUSED, STOPPED? A. YES, SIR. Q: WHAT DID YOU OBSERVE THAT THEY DID	

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RT	RS	BT	PS
IMMEDIATELY AFTERWARDS ? A. I COULD NOT OBSERVE ANYTHING BEING DONE UNTIL WE SAW A MAN CARRYING A FLAG. Q. SO THAT WAS MARCHED OUT OF THE OLD CAMP IMMEDIATELY BEFORE THE FLAG WENT— CAN'T YOU NOW, BY CONNECTING THIS DEPARTURE OF THE MEN FROM YOUR CAMP WITH THE APPEARANCE OF THESE INDIANS ~~OF~~ TO YOUR CAMP STATE WHETHER THAT WAS ON THE SAME DAY OR THE DAY BEFORE THAT THESE INDIANS AND MR. LEE WERE THERE ? A. I THINK IT MUST HAVE BEEN THE SAME DAY, AT ANY RATE, ~~THESE MARCHED~~	IMMEDIATELY AFTERWARDS [*space*] A I COULD NOT OBSERVE ANYTHING BEING DONE UNTIL WE SAW MAN CARRYING THE FLAG [*space*] SAW THAT WAS HE MARCHED OUT {OF THE}[i] OLD CAMP IMMEDIATELY BEFORE THE FLAG WENT. Q CAN'T YOU NOW BY CONNECTING THIS DEPARTURE OF MEN FROM YOUR CAMP WITH APPEARANCE OF THOSE INDIANS TO YOUR CAMP TELL WHETHER IT WAS ON THE SAME DAY OR DAY BEFORE, THAT THOSE INDIANS AND MR. LEE WERE THERE A I THINK MUST HAVE BEEN THE SAME DAY, AT ANY RATE	IMMEDIATELY AFTERW~~W~~ARDS ? A. I ~~CANT~~ **DID NOT** OBSERVE ANYTHING BEING DONE, TILL ~~S~~WE SAW THE MAN CARRYING THE FLAG, SA~~Y~~W THAT HE WAS MARCHING. Q. OUT OF YOUR CAMP? A. IMMEDIATELY BEFORE THE FLAG WENT. Q. CAN'T YOU NOW BY CONNECTING THIS DEPARTURE OF THE MEN FRO~~K~~M YOUR CAMP WITH THE AP**P**EARANCE OF THESE **I**NDIANS AND OF YOUR CAMP, STATE WHETHER IT WAS ON THE SAME DAY OR THE DAY BEFORE THAT THESE **I**NDIANS AND MR. LEE WERE THERE? A. I TH**I**NK IT MUST HAVE BEEN THE SAME DAY; AT ANY RATE	

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RT	RS	BT	PS
THIS MARCHING OUT OF THE CAMP WAS DONE THE DAY OF THE MASSACRE, BUT AS I SAID I COULD NOT SAY DEFINITELY TO THE DAY PREVIOUS. IF I HAD KEPT A JOURNAL I COULD HAVE TOLD. Q. WHAT TIME IN THE DAY DID YOUR PARTY GO DOWN TOWARDS THE CAMP ? *[329]* A. I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT MIDDLE OF THE DAY. Q. CAN YOU STATE WHETHER THESE INDIAN CAPTAINS HAD LEFT THEIR CAMP THEN ? A. THEY HAD — NONE IN SIGHT WHEN THIS TRANSACTION TOOK PLACE.	THIS MARCHING OUT FROM THE CAMP WAS DONE THE DAY OF THE MASSACRE, BUT AS I STATED ~~≤~~BEFORE~~≥~~ I COULD NOT SAY DEFINITELY TO THE DAY PREVIOUS IF I HAD KEPT JOURNAL I COULD HAVE TOLD **Q** WHAT TIME IN THE DAY YOUR PARTY WENT DOWN TOWARDS THE CAMP **A**I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT THE MIDDLE OF DAY [*space*] **Q**CAN YOU STATE WHETHER THESE INDIAN CAPTAINS HAD LEFT YOUR CAMP THEN **A**THEY HAD, NONE IN SIGHT WHEN THIS TRANSACTION ~~≤~~HAD PLACE~~≥~~	THIS MARCHING OUT FROM THE CAMP WAS DONE ON THE DAY OF THE MASSACRE; BUT AS I STATED BEFORE, I COULD NOT SAY DEFINITELY TO THE DAY. PERHAPS IF I HAD KEPT A JOURNAL I COULD HAVE STATED. *[193]* Q. WHAT T IME IN THE DAY DID YOUR PARTY GO DOWN TOWARDS THE CAMP? A. I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT THE MIDDLE OF THE DAY. Q. CAN YOU STATE WHETHER THESE **I**NDIAN CAPTAINS HAD ~~L~~LEFT THE OTHER ~~M~~CAMP THEN? A. THEY HAD; THERE WAS NONE IN SIGHT WHEN THIS TRANSACTION TOOK PLACE.	

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RT	RS	BT	PS
THERE WAS NO INDIANS AROUND IN SIGHT ON THE HILLS. THE FIRING HAD CEASED ENTIRELY. Q. HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP ? A. I COULD NOT SAY DEFINITELY. Q. HOW LONG HAD THERE BEEN ANY FIRING THAT DAY ? A. COULD NOT SAY THAT I REMEMBER. Q. WHEN THE PARTY HALTED AT THE ROAD STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER, WHETHER THEY WERE IN A COLUMN OR PROMISCUOUSLY OVER THE GROUND WHERE THEY STOOD ? A. I COULD NOT TELL. ONLY	THERE WAS NO INDIANS AROUND IN SIGHT ON THE HILLS. {THE}[i] FIRING HAD CEASED ENTIRELY **Q**HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP **A** I COULD NOT SAY DEFINITELY **Q** HOW LONG HAD THERE BEEN ANY FIRING THAT DAY **A** COULD NOT SAY THAT I REMEMBER *[15]* **Q** WHEN THE PARTY HALTED AT THE ROAD, STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER, WHETHER IN **A** COLUMN OR PROMISCUOUSL Y OVER THE GROUND WHERE THEY STOOD **A** I COULD NOT TELL ≤AS THEY WERE,≥ NEAR	THERE WAS ~~N~~ **NO I**NDIANS AROUND IN SIGHT ON THE HILLS. THE FIRING HAD CEASED ~~I~~ENTIRELY. Q. HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP? A . I COULD NOTSAY DEFINITELY. Q. HOW LONG **SINCE** HAD THERE BEEN ANY FIRING THAT DAY? A. I CAN'T SAY THAT I R~~3~~EMEMBER. Q. WHEN THE PARTY HALTED AT THE ROAD, STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER; WHETHER IN A COLUMN OR PROMISCUOUSL Y OVER THE GROUND WHERE THEYSTOOD? A. I COULD NOT TELL, AS THE~~R~~Y WERE NEAR A	

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RT	RS	BT	PS
A HALF A MILE DISTANT, I COULD NOT TELL IN WHAT POSITION THEY STOOD. Q. WHEN THE FLAG OF TRUCE WENT TO THE EMIGRANT CAMP HOW MANY MEN WENT WITH IT ? A. THERE WAS ONE WENT. Q. COULD YOU DISTINGUISH WHO THAT WAS ? A. I COULD NOT, DON'T KNOW. Q. HOW FAR DID THE FLAG GO TOWARDS THE CAMP ? A. I SHOULD JUDGE ABOUT HALF WAY BETWEEN WHERE THE MEN STOOD AND THE CAMP, AND IT WAS LEFT THERE. *[330]* Q. AFTER THE PARLEY DID THEY SEPARATE OR ALL GO ONE WAY—THIS PERSON THAT MET THE FLAG—THIS PERSON	HALF A MILE DISTANT, I COULD NOT TELL WHAT POSITION THEY STOOD WHEN THE FLAG OF TRUCE WENT TO THE EMIGRANT CAMP, HOW MANY MEN WENT WITH IT. A ~~<~~WITH THAT~~>~~ THERE WAS ONLY ONE Q COULD YOU DISTINGUISH WHO THAT WAS AI COULD NOT, DON'T KNOW QHOW FAR DID THE FLAG GO TOWARDS THE CAMP AI SHOULD JUDGE ABOUT HALF WAY ~~<~~BETWEEN~~>~~ WHERE THE MEN STOOD AND THE CAMP AND IT WAS LEFT THERE Q AFTER PARLEY DID THEY SEPARATE OR ALL GO ONE WAY, THOSE PERSONS THAT MET FLAG THIS PERSON	HALF A MILE DISTANT; I COULD NOT TELL WHAT POSITION TH~~E~~Y STOOD IN. Q. WHEN THE ~~C~~**F**LAG OF TRUCE WENT TO THE EMIGRANT CAMP, HOW MANY MEN WENT WITH IT? A. THERE WAS ONLY ONE. Q. COULD YOU DISTINGUIS**H** WHO THAT WAS? A I COULD NOT, DON'T KNOW. Q. HOW FAR DID THE FLAG GO TOWARDS THE CAMP? A. I SHOULD JUDGE ABOUT HALF WAY~~,~~ BETWEEN WHERE THE MEN STOOD AND THE ~~CAP~~ **CAMP** AND IT WAS LEFT THERE. Q. AFTER THE PARLEY DID THEY SEPARATE OR ALL GO ONE WAY, THESE PERSONS THAT MET THE FLAG, THIS PERSON	

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RT	RS	BT	PS
THAT CARRIED IT ? A. COULD NOT SAY, I DON'T REMEMBER WHETHER THEY SEPARATED OR WHETHER THEY BOTH WENT ONE WAY. Q. DO YOU KNOW WHETHER ANY OR YOUR PARTY DID GO INTO THE CAMP ? A. I SUPPOSE THEY DID. Q. WHY DO YOU SAY YOU SUPPOSE ? A. I SAW THE WAGONS LOADED UP AT THE CAMP, BUT WHERE THESE WAGONS WENT FROM — WHETHER THEY WENT FROM THE HILL OR WHETHER THEY WERE WAGONS BELONGING TO THE EMIGRANTS I CAN'T REMEMBER AS TO THAT MATTER, DON'T REMEMBER	THAT CARRIED IT A≤COULD NOT SAY≥ I DON'T REMEMBER WHETHER THEY SEPARATED OR WHETHER THEY BOTH WENT ONE WAY Q DO YOU KNOW WHETHER ANY ≤**OF**≥ YOUR PARTY DID GO INTO THE CAMP A I SUPPOSE THEY DID WHY DO YOU SAY YOU SUPPOSE A I SAW THE WAGONS LOADED UP AT THE CAMP ~~Q~~ BUT WHERE THOSE WAGONS WENT FROM = WHETHER THEY WENT FROM THE HILL OR WHETHER THEY WERE WAGONS BELONGING TO ≤THE≥ EMIGRANTS, CAN'T REMEMBER TO SAVE ME ≤MATTER≥, DON'T REMEMBER	WHO CARRIED IT? A. I COULD NOT SAY, I DON'T REMEMBER WHETHER THEY ~~W~~SEPARATED OR WHETHER THEY BOTH WENT ONE WAY. Q. DO YOU KNOW WHETHER ANY OF YOUR PARTY D**I**D GO INTO THE CAMP? A. I SUPPOSED THEY DID. Q. WHY DO YOU SAY YOU SUPPOSE? A. BECAUSE I SAW THE WAGONS LOADED UP AT THE CAMP, BUT WHERE THESE WAGONS WENT FROM, WHETHER *[194]* THEY WENT FROM THE ~~J~~HILL, OR WHETHER THEYWERE WAGONS BELONGING TO THE EMIGRANTS, I CAN'T REMEMBER AS TO THAT MATTER, DON'T REMEMBER	

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RT	RS	BT	PS
ANYTHING ABOUT IT. I KNOW THERE WAS TWO WAGONS LOADED UP. Q. WHAT SORT OF A TEAM WAS HITCHED UP ? A. THEY WERE HORSE TEAMS, I THINK, TWO WAGONS. Q. WHAT APPEARED TO BE PUT IN THE WAGONS ? A. I COULD NOT TELL WHETHER PERSONS GOT IN OR NOT. I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT. Q. DID YOU SEE THEM AFTER THEY HAD MOVED OUT ? A. SAW THEM A DISTANCE OFF, ABOUT ~~A M~~ HALF A MILE TO THE NEAREST PLACE BUT COULD NOT TEL;L WHAT THEY WAS LOADED WITH, NOR WHO WENT WITH THE	ANYTHING ABOUT IT, I KNOW THERE WAS TWO WAGONS LOADED UP Q WHAT SORT OF A TEAM ≤WAS≥ HITCHED UP ATHEY WERE HORSE TEAMS, I THINK TWO WAGONS QWHAT APPEARED TO BE PUT IN THE WAGONS AI COULD NOT TELL WHETHER PERSONS GOT IN OR NOT, I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT QDID YOU SEE THEM AFTER THEY HAD MOVED OUT ASAW THEM A DISTANCE OFF ABOUT HALF MILE, NEAREST PLACE COULD NOT TELL *SEE IT TELL*[?] WHAT THEY WAS LOADED WITH. QNOR WHO WENT WITH THE	ANYTHING ABOUT IT; I KNOW THERE WAS TWO WAGONS LOADED UP. Q. WHAT SORT OF A TEAM WAS THERE HITCHED UP? A. THEY WERE HORSE TEAMS, I THINK TWO WAGONS. Q. WHAT APPEARED TO BE PUT INTO THE WAGONS? A. I COULD NOT TELL WHETHER PERSONS GOT IN OR NOT; I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT. Q. DID YOU SEE THEM AFTER THEY HAD MOVED OUT? A. SAW THEM A ~~SID~~ DISTANCE OFF, OF ABOUT A HALF A MILE, THE NEAREST PLA~~V~~CE. I COULD NOT TELL WHAT THEY WERE LOADED WITH~~,~~ ~~Q NOT~~ **Q. W**HO WENT WITH THE	

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RT	RS	BT	PS
WAGONS, NOR WHAT WAS DRIVEN ON IMMEDIATELY WITH THE WAGONS I DO NOT KNOW. Q. HOW FAR DID THE PERSONS COMING OUT OF THE CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE ? **WITH THEM** A. I THINK IT WAS WELL NIGH ON TO A MILE FROM THE WAGONS. Q. HOW FAR DID THEY HAVE TO TRAVEL BEFORE THEY WERE JOINED BY THE PERSONS WHO WENT FROM YOUR CAMP ? *[331]* A. ABOUT A HALF A MILE. Q. AND WHEN THEY WERE SO JOINED STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER— HOW THEY WALKED,	WAGONS DRIVING OR IMMEDIATELY WITH THE WAGONS A I DO NOT KNOW Q HOW FAR ≤DID THE≥ PERSONS COMING OUT OF ≤THE≥ EMIGRANT CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE WITH THEM? A I THINK WAS WELL NIGH ONTO *MILE, A MILE*[?] FROM THE WAGONS. Q HOW FAR DID THEY HAVE ≤TO≥ TRAVEL BEFORE THEY WERE ≤JOINED≥ BY THE PERSONS WHO WENT FROM YOUR CAMP A ABOUT HALF MILE Q AND WHEN THEY WERE SO JOINED, STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER, HOW EACH PARTY WALKED,	WAGONS, DRIVING OR IMMEDIATELY WITH THE WAGONS? A. I DON'T KNOW. Q. HOW FAR DID THE PERSONS COMING OUT OF THE EMIGRANT CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE WITH THEM? A. I THINK THEY WAS WELL NIGH ONTO A MILE, A MILE FROM THE WAGONS. Q. HOW FAR DID THEYHAVE TO TRAVEL BEFORE THEY WERE JOINED BY THE PERSONS WHO WENT FROM YOUR CAMP? A. ABOUT HALF A MILE. Q. AND WHEN THEY WERE SO JOINED, STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER, HOW EACH PARTY,	

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RT	RS	BT	PS
WHETHER IN FILE OR NOT ? A. I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, THE WHOLE MASS WE COULDSEE WAS MOVING ON THE ROAD, WHITE MEN WAS AHEAD, BUT WHAT POSITION THE MENWERE EXACT~~Y~~LY IN I COULD NOT TELL. Q. YOU CAN STATE WHETHER THE MEN OF THE EMIGRANT PARTY OR THE MEN OF YOUR PARTY WALKED ABREAST OR NOT ? A. I COULD NOT SAY DEFINITELY, I THINK THEY DID. Q. HOW DIDIT LOOK AS TO SPACE BETWEEN ? A. THERE WAS NO SPACE VISIBLE FROM WHERE I W~~S~~ WAS. Q. YOU SAY THEY WALKED	WHETHER IN FILE OR NOT $_{A}$ I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, ≤THE≥ WHOLE MASS WE COULD SEE WAS MOVING ON THE ROAD; WHITE WOMEN WAS AHEAD. WHAT POSITION MEN WERE IN ≤EXACTLY≥ I COULD NOT TELL YOU CAN STATE WHETHER MEN OF EMIGRANT PARTY OR MEN OF YOUR PARTY, WALKED ABREAST OR NOT $_{A}$I COULD NOT SAY DEFINITELY, I THINK THEY DID $_{Q}$HOW DID IT LOOK AS TO SPACE BETWEEN $_{A}$ THERE WAS NO SPACE VISIBLE FROM WHERE I WAS $_{Q}$YOU SAY THEY WALKED	WHETHER IN FILE OR NOT? A. I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, THE WHOLE MASS WE COULD SEE WAS MOVING ON THE ROAD. SOME WHITE MEN AND WHITE WOMEN WERE AHEAD. Q. WHAT POSITION WERE THEY IN? A. ~~Z~~EXACTLY I COULD NOT TELL. Q. YOU CAN STATE WHETHER THE MEN OF THE EMIGRANT PARTY OR THE MEN OF YOUR PARTY WA~~K~~LKED ABREAST OR NOT? A: I COULD NOT SAY DEFINITELY; I THINK THEY DID. HOW DID IT LOOK AS TO SPACE BETWEEN? A. THERE WAS NO SPACE VISIBLE FROM WHERE I WAS. Q. YOU SAY THEY WALKED	

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RT	RS	BT	PS
TOGETHER FOR ABOUT HALF A MILE ? A. I THINK IN A NORTHERN DIRECTION TOWARDS HAMBLIN'S RANCH. Q. THAT ISTOWARDS CEDAR CITY ? A. YES SIR, THAT IS THE ROAD TO CEDAR CITY. Q. STATE WHETHER YOU GAVE THEM YOUR ATTE~~N~~TION WHILE THEY WERE TRAVELING ? A. WE WERE NOT WATCHING THEY STEADY ALL THE TIME. WE DID WATCH AND LOOK AT THE COMPANY WHEN WE HEARD THE REPORT OF THE GUNS. Q. WERE THEYSTILL IN SIGHT ? A. NO, WE HAD TO GO	TOGETHER FOR ABOUT HALF MILE A I THINK, YES, IN NORTHERN DIRECTION, TOWARDS HAMBLIN'S RANCH Q THAT IS TOWARDS CEDAR CITY A YES SIR THAT IS THE ROAD CEDAR CITY. Q STATE WHETHER YOU GAVE THEM YOUR ATTENTION WHILE THEY WERE TRAVELING A WE WERE NOT WATCHING THEM STEADY ALL THE TIME, WE HAD CEASED WATCHING LOOKING AT COMPANY WHEN WE [16]337 HEARD THE REPORT OF GUN Q WERE THEY STILL IN SIGHT A NO, WE HAD TO GO	TOGATHER F**O**R ABOUT A HAL F A M~~A~~ILE? A. I THINK SO, YES, IN A NORTHERLY DIRECTION TOWARDS HAMBLIN'S RANCH. [195] Q. THENCE TOWARDS CEDAR CITY? A YES, SIR, THAT IS THE ROAD TOWARDS CEDAR CITY. Q. STATE WHETHER YOU GAVE THEM YOUR ATTENTION WHILE THEY WERE TRAVELING? A. WE WERE NOT WATCHING THEM STEADY ALL THE TIME. WE ~~HAD~~ **HAD** CEASED TO WATCH THE COMPANY WHEN WE HEARD THE REPORT OF GUNS. Q. WERE THEY STILL IN SIGHT? A. NO, WE HAD TO GO	

337. Shorthand doodling across the top of the page is mostly crossed out and written repeatedly.

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RT	RS	BT	PS
SOME FOUR RODS BEFORE WE CAME IN SIGHT. Q. ABOUT FOUR RODS — WAS THAT AFTER YOU HEARD THE REPORT AND YOU JUMPED UP ? A. I WENT ABOUT FOUR RODS BEFORE WE CAME IN VIEW OF THEM. Q. DESCRIBE THE SCENE AS IT APPEARED TO YOU WHEN YOU FIRST LOOKED UPON [332] IT AFTER THIS REPORT ? A. IT SEEMED THERE WAS A CLOUD OF SMOKE THAT NEARLT ENVELOPED ALL THE INDIVIDUALS THAT WERE THERE, AT THE SAME TIME WE BEHELD THE INDIANS FROM THE RIGHT COMING OUT; IT WAS NO~~G~~T EXACTLY AT RIGHT ANGLES, A	SOME 4 RODS BEFORE WE CAME IN SIGHT ABOUT 4 RODS SO THAT AFTER YOU HEARD THE REPORT YOU JUMPED UP $_{A}$*I/AND*[?] WENT ABOUT 4 RODS BEFORE WE CAME IN VIEW OF THEM $\{_{Q}\}^{i}$ DESCRIBE SCENE AS IT APPEARED TO YOU WHEN YOU FIRST LOOKED UPON $\{IT\}^{i}$ AFTER THIS REPORT $_{A}$IT SEEMED THERE WAS CLOUD OF SMOKE THAT NEARLY ENVELOPED $\{ALL\ THE\}^{i}$ INDIVIDUALS THAT WERE THERE, AT THE SAME TIME WE BEHELD INDIANS FROM THE RIGHT COMING OUT. IT WAS EXACTLY RIGHT ANGLE	SOME FOUR RODS BEFORE WE CAME IN SIGHT. Q. SO THAT AFTER YOU HEARD THE REPORT YOU JUMPED UP? A. I WENT ABOUT FOUR RODS BEFORE WE CAME IN VIEW OF THEM. Q. DESCRIBE THE SCENE AS IT APPEARED TO YOU AS YOU FIRAT LOOKED UPON IT AFTER YOU HEARD THE REPORT? A. IT SEEMED THAT THERE WAS A CLOUD OF SMOKE THAT NEARLY INVELOPED ALL THE INDIVIDUALS THAT WERE THERE; AT THE SAME TIME WE BE~~L~~**H**ELD THE **I**NDIANS RUSHING FROM THE RIGHT COMING OUT~~R~~T. IT WAS EXACTLY AT RIGHT ANGLES,	

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RT	RS	BT	PS
LITTLE AHEAD SEEMINGLY; THAT WAS NOT HALF A ROD I SUPPOSE BETWEEN THEM AND THE EMIGRANTS WHEN WE FIRST OBSERVED THEM. IT IS A PRETTY HARD MATTER TO TELL AT THAT DISTANCE. I SAW THERE WAS A LITTLE SPACE. Q. DID YOU GO ANY NEARER ? A. NOT RIGHT THEN. Q. HOW LONG DID YOU STOP THERE BEFORE YOU WENT ON ? A. STAYED THERE TILL THE NEXT MORNING. Q. YOU DON'T UNDERSTAND MY QUESTION— YOU WENT ABOUT FOUR RODS IN ORDER TO GET A VIEW OF THE PARTY ? A. OH YES, I WENT ON UP FOR FIFTEEN RODS, SO AS TO HAVE A	LITTE AHEAD SEEMINGLY, THAT WAS NOT HALF ROD SPACE BETWEEN THEM AND {THE}[i] EMIGRANTS; WHEN WE FIRST OBSERVED THEM. IT IS PRETTY HARD MATTER TO TELL AT THAT DISTANCE, BUT I SAW THERE WAS LITTLE SPACE. [*space*] $_{Q}$DID YOU GO ANY NEARER $_{A}$NOT RIGHT THEN $_{Q}$ HOW LONG DID YOU STOP THERE BEFORE YOU WENT ON $_{A}$STAYED ≤THERE≥ UNTIL NEXT MORNING $_{Q}$YOU DON'T UNDERSTAND MY QUESTION, YOU ≤SAY YOU≥ WENT ABOUT 4 RODS IN ORDER TO GET VIEW OF THE PARTY $_{A}$OH YES, I WENT ON UP FOR 15 *YARDS/RODS*[?] SO TO HAVE	LITTLE AHEAD SEEMINGLY. THAT WASN'T A HALF A ROD SPACE BETWEEN THEM AND THE EMIGRANTS WHEN WE FIRST OBSERVED THEM. IT IS A PRETTY HARD MATTER TO TELL AT THE~~E~~AT TIME WHAT THE DISTANCE WAS, BUT I SAW THAT THERE WAS A LITTLE SPACE. Q. ~~S~~DID YOU GO ANY NEARER? A. NOT RIGHT THEN. Q. HOW LONG DID YOU STOP THERE BEFORE YOU W~~A~~ENT ON ? A. I STAID THERE TILL THE NEXT MORNING. Q. YOU DON'T UNDERSTAND MY QUESTION:. YOU SAY YOU WENT ABOUT FOUR RODS IN ORDER TO GET A **VIEW** ~~VIERW~~ OF THE PARTY? A. OH, YES, I WENT ON UP FOR FIFTEEN RODS SO AS TO HAVE	

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RT	RS	BT	PS
BETTER SIGHT. Q. WHEN YOU GOT NEAR, WITHIN FIFTEEN RODS, STATE WHAT WAS STILL GOING ON, OR WHERE THE EMIGRANTS WENT ? A. IT WAS ONE CONTINUAL SCENE FROM THE FIRST ATTACK; DEATH AND CARNAGE BY THE INDIANS. Q. WHAT WAS THE MODE OF WARFARE—WAS IT A CONTINUAL DISCHARGE OF FIRE ARMS ? A. NOT MUCH; THERE WAS SOME CONSIDERABLE GUNS FIRED, NOT A GREAT MANY. THEY WERE IN RIGHT AMONGST, IN CLOSE CONNECTION. THE INDIANS RUSHED RIGHT IN UPON	≤SIGHT≥ BETTER SIGHT Q WHEN YOU GOT NEAR <WITHIN 15 RODS> STATE WHAT WAS STILL GOING ON A WHERE THE EMIGRANTS WENT IT WAS ONE CONTINUAL SCENE FROM THE FIRST ATTACK, EVERYTHING WAS DEATH AND CARNAGE BY INDIANS Q WHAT WAS THE MODE OF WARFARE ≤WAS IT A≥ CONTINUAL DISCHARGE OF FIRE ARMS A≤NOT MUCH≥, THERE WAS SOME CONSIDERABLE GUNS FIRED, NOT GREAT MANY; THEY WERE IN RIGHT AMONGST ≤THEM≥, IN CLOSE {CON}[i]NECTION. {THE}[i] INDIANS RUSH{ED}[i] RIGHT IN UPON	A BETT~~3~~ER SIGHT. Q. WHEN YOU GOT NEARER BY FIFTEEN RODS, STATE WHAT WAS STILL GOING ON? A. WHERE THE EMIGRANTS WERE IT WAS ONE CONTINUAL SCENE~~TO~~ ~~R~~FROM THE FIRST ATTACK. EVERYTHING WAS DEATH AND CARNAGE BY THE **I**NDIANS. Q. WHAT WAS THE MODE OF WARFARE? WAS IT A CONTINUAL DISCHARGE *[196]* OF FIRE ARMS? A. NOT MUCH; THERE WAS S OME CONSIDERABLE GUNS FIRED , NOT A GREAT MANY. ~~THERE~~ THEY WERE IN RIGHT AMONG THEM IN CLOSE CONNECTION. THE **I**NDIANS RUSHED RIGHT IN UPON	

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RT	RS	BT	PS
THEM. THEY DIDN'T SKULK OFF AT A DISTANCE TO DO THEIR SHOOTING. Q. WHEN YOU FIRST HEARD THE FIRING CAN YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY ? [333] A. I COULD NOT. IT WAS ALL OVER IN A MINUTE. THE REPORT DIDN'T LAST OVER A MINUTE. Q. COULD YOU FORM SOME IDEA OF THE NUMBER OF SHOTS ? A. IT WAS LIKE ONE LOUD SHOT, LIKE A VOLLEY; IT IS A HARD MATTER FOR A GREAT MANY MEN TO SHOOT ALL IN ONE SECOND, BUT IT CONTINUED FOR ABOUT A MINUTE. THE	THEM THEY DIDN'T SKULK OFF DOWN AT DISTANCE TO DO THE SHOOTING. WHEN YOU FIRST HEARD FIGHTING, COULD YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY A I COULD NOT IT WAS ALL OVER IN A MINUTE, THE REPORT DIDN'T LAST OVER ≤A≥ MINUTE A Q IF IT LASTED Q A MINUTE, YOU MIGHT FORM SOME IDEA OF NUMBER OF ≤THE≥ SHOTS A IT WAS LIKE ONE LOUD SHOT, IT WAS LIKE A VOLLEY. IT IS HARD MATTER FOR GREAT MANY MEN TO SHOOT IT AT ALL IN ONE SECOND, IT CONTINUED FOR ABOUT A MINUTE, THE	THEM. THEY DIDN'T SCATTER OFF ANY DISTANCE TO DO THE SHOOTING. Q. WHEN YOU FIRST HEARD THE FIREING COULD YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY? A. I COULD NOT, IT WAS ALL OVER IN A MINUTE.; THE REPORT DIDN'T LAST OCVER A MINUTE. Q. IF IT LASTED A MINUTE, YOU MIGHT FORM SOME IDEA OF THE NUMBER OF SHOTS? A. IT WAS LIKE ONE LOUD SHOT; IT WAS LIKE A VOLEY. IT IS A HARD MATTER GFOR A GREAT MANY MEN TO SHOOT ALL IN ONE SECOND. IT CONTINUED FOR ABOUT A MINUTE. THE	

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RT	RS	BT	PS
REPORT WAS NOT OF THE GUNS DISCHARGED AT THE SAME INSTANT BUT SUCCESSIVELY, ONE AFTER THE OTHER. Q. NOW, DO YOU THINK THERE WAS A SUCCESSIVE FIRING FOR A MINUTE ? A. I DO, CERTAINLY. Q. AS FREQUENTLY AS A WATCH WOULD TICK OR ABOUT HOW. OBJECTED TO BY PROSECUTION. A. I COULD NOT SAY, BUT IT CONTINUED MORE OR LESS FOR HALF AN HOUR. Q. I AM SPEAKING OF THAT FIRST MINUTE YOU SAY THERE WAS A CONSTANT SUCCESSION OF FIRING. Q. NOW, ABOUT HOW NEAR TOGETHER WERE THE	REPORT WAS NOT OF GUNS DISCHARGED AT THE SAME INSTANT BUT SUCCESSIVELY ONE AFTER OTHER Q NOW DO YOU THINK THERE WAS SUCCESSION OF FIRING FOR A MINUTE AI DO CERTAINLY GUESS FREQUENTLY AS A WATCH WOULD TICK ≤OBJECTED BY PROSECUTION≥ QABOUT HOW OFTEN AI COULD NOT SAY IT CONTINUED MORE OR LESS FOR NEARLY HALF ≤AN≥ HOUR. QI AM SPEAKING OF THAT FIRST MINUTE, YOU SAY THERE WAS CONSTANT SUCCESSION OF FIRING; NOW ABOUT HOW NEAR TOGETHER WERE THE	REPORT WAS N'T OF GUNS DISCHARGED AT THE SAME INSTANT, BUT SUCFCESSIVELY ONE AFTER THE OTHER. Q. NHOW , DO YOU THINK THERE WAS A SUCCESSIVE FIRING FOR A MINUTE? A. I DO CERTAINLY;. **A.** AND AS FREQUENTLY AS A WATCH WOULD TICK.**?** OBJECTED TO BY THE PROSECUTION ? Q. ABOUT HOW OFTEN? A. I COULD NOT SAY, IT CONTINUED MORE OR LESS FOR ABOUT A HALF AN HOUR. Q. I AM SPEAKING OF THAT FIR ST MINUTE. YOU SAY THERE WAS A CONSTANT SUCCESSION OF FIRING. NOW, ABOUT HOW NEAR TOGETHER WERE THE	

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RT	RS	BT	PS
REPORTS— STATE WHETHER THEY WERE AS OFTEN AS A WATCH WOULD TICK OR OFTENER, OR NOT SO OFTEN ? A. I COULD NOT DESCRIBE IT AT ALL, IT WOULD BE IMPOSSIBLE, THERE WAS A GREAT MANY GUNS FIRED ALTOGETHER, ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING OF IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGNAL. Q. COULD YOU SAY WHETHER THERE WAS FIFTY OR MORE ? A. I COULD NOT SAY WHETHER THERE WAS BETWEEN TEN AND A HUNDRED. Q. THERE IS CONSIDERABLE LATITUDE BETWEEN THAT	REPORTS, WHETHER AS OFTEN AS ~~≤~~A~~≥~~ WATCH WOULD TICK, OR OFTENER OR NOT SO OFTEN ~~A~~I COULD NOT DESCRIBE IT AT ALL IT WOULD BE IMPOSSIBLE. THERE WAS GREAT MANY GUNS FIRED ALMOST ALTOGETHER, ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING OF IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGNAL. [17]338 **Q**COULD YOU SAY WHETHER THERE WAS 50 OR MORE ~~A~~I CAN NOT SAY WHETHER THERE WAS BETWEEN TEN AND A HUNDRED ~~A~~**Q** THERE IS CONSIDERABLE LATITUDE BETWEEN THAT	REPORTS, WHETHER O R NOT THEY WERE AS OFTE N AS A WATCH WOULD TICK OR OFTENER OR NOT SO OFTEN? A. I COULD NOT D~~I~~**E**SC~~T~~RIBE ~~A~~IT AT ALL. IT WOULD BE IMPOSSI~~N~~BLE. THERE WAS A GREAT MANY GUNS FIRED , ALMOST TOGETHER; ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING **OF** IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGN~~A~~L Q. COULD YOU S~~EE~~**AY** WHETHER THERE WAS FIFTY OR MORE? A. I C**O**ULD NOT SAY WHETHER THE RE WAS BETWEEN TEN OR A HUNDRED. Q. THERE IS CONSIDERABLE LATITUDE BETWEEN	

338. In the center top of the page: SLAUGHTER.

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RT	RS	BT	PS
QUESTION — AINT YOU AN OLD HUNTER AND YOU ARE ACCUSTOMED TO HEARING A GREAT DEAL OF FIRING, ARE YOU NOT ? [334] A. CERTAINLY I AM. Q. AND YOU HAD YOUR WITS ABOUT YOU AT THAT TIME DID YOU ? A. I SHOULD HAVE HAD THEM. Q. I WOULD LIKE TO HAVE YOU GIVE IT WHETHER THERE WAS TEN OR A HUNDRED SHOTS BY THEM ? A. I HAVE DESCRIBED THE THING ABOUT AS NEAR AS I CAN. Q. WELL, DID YOU GET ANY NEARER TO THE ~~NB~~ SCENE OF THE SLAUGHTER THAN YOU MENTIONED, ABOUT FIFTEEN RODS ? A. I	~~<~~COUNT~~>~~, AIN'T YOU AN OLD HUNTER AND YOU ARE ACCUSTOMED ~~<~~TO~~>~~ HEARING **A** GREAT DEAL OF FIRING ARE YOU NOT **A** CERTAINLY I AM **Q**AND YOU HAD YOUR WITS ABOUT YOU THAT TIME DID YOU **A**I SHOULD HAVE HAD THEM **Q**I WOULD LIKE TO HAVE YOU GIVE IT, WHETHER THERE WAS TEN OR HUNDRED SHOTS BY THEM **A**I HAVE DESCRIBED THING ABOUT ~~<~~AS~~>~~ NEAR ~~<~~AS~~>~~ I CAN. **Q** WELL DID YOU GET ANY NEARER TO THE SCENE OF THE SLAUGHTER THAN MENTIONED ABOUT 15 ~~A~~RODS **A**I	~~BETWEEN~~ THOSE NUMBERS GIVEN IN YOUR ANSWER. ARN'T YOU AN OLD HUMTER, AND YOU ARE ACCUSTOMED TO HE~~A~~RING A GOD DEAL OF FIRING , ARE YOU NOT? A. CERTAINLY I AM. [197] Q. AND YOU HAD YOUR WITS ABOUT YOU AT THAT TIME, DID YOU? A. I SHOULD HAVE HAD THEM. Q. I SHOULD LIKE TO HAVE YOU GIVE IT, WHETHER THERE WAS TEN OR A HUNDRED SHOTS, OR ABOUT TH~~W~~AT? A. I HAVE DESCRIBED THE THING ABOUT AS NEAR AS I CAN. Q. W~~I~~ELL, DID YOU GET ANY NEARER TO THE SCEN~~T~~E OF THE SLAUGHTER, THAN YOU MENTIONED , ABOUT I5 RODS? A. I	

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RT	RS	BT	PS
GUESS I WAS CAMPED UPON THE TOP OF THE RIDGE. Q. HAVE YOU STATED ALL YOU SAW DONE ON THAT DAY ? A. THAT IS ALL I SAW DONE UNTIL THE INDIANS RUSHED FROM THE HILL AND THE FIRING CEASED. Q. HOW LONG DID THE INDIANS REMAIN WHERE THE WAGONS WERE ? A. I EXPECT THEY REMAINED ALL NIGHT THERE, OR THE BALANCE OF THAT DAY. THEY WERE THERE THE NEXT MORNING AT ANY RATE. Q. ABOUT WHAT TIME IN THE AFTERNOON DID YOU SEE THEM GO THERE ? A. I COULD NOT SAY; IT WAS IN THE AFTERNOONI I AM AWARE OF	GUESS I WAS, CAME AT THE TOP OF RIDGE. QHAVE YOU STATED ALL YOU SAW DONE ON THAT DAY A THAT IS ALL I SAW DONE, UNTIL THE INDIANS RUSHED FROM HILL AND THE FIRING CEASED. QHOW LONG DID INDIANS REMAIN WHERE THE WAGONS WERE AI EXPECT THEY REMAINED ALL NIGHT THERE AND THE BALANCE OF THAT DAY, THEY WERE THERE NEXT MORNING AT ANY —[?] RATE QABOUT WHAT TIME IN AFTERNOON DID YOU SEE THEM GO THERE AI COULD NOT SAY IT WAS IN THE AFTERNOONI I AM AWARE OF	GUESS I WAS. I CAME UPON THE TOP OF THE RIDGE. Q. HAVE YOU STATED ALL YOU ~~SAY~~ **SAW** DONE ON THAT DAY? A. THAT IS ALL I SAW DONE, TILL THE **I**NDIANS RUSHED FROM THE HILL AND THE FIRING CEASED. Q. HOW LONG DID THE **I**NDIANS REMAIN WHERE THE WAGONS WERE? A. I EXPECT THEY REMAINED ALL NIGHT THERE, AND THE BALANCE OF THA T DAY; THEY WERE THERE THE NEXT MORNING AT ANY RATE. Q. ABOUT ~~TH~~ WHAT TIME IN THE AFTERN**O**ON DID YOU SEE THEM GO THERE? A. I COULD NOT SAY, IT WAS IN THE AFTERNOON, ~~A~~SOMEWHERE ABOUT	

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RT	RS	BT	PS
THAT. Q. YOU ESTIMATED THE NUMBERS WHEN YOU WERE ON THE STAND BEFORE AT BETWEEN FOUR AND FIVE HUNDRED INDIANS ? A. BETWEEN THE TWO I SHOULD JUDGE. Q. THEY WERE STILL THERE THE NEXT MORNING ? A. YES SIR. Q. WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS ? A. I DON'T KNOW OF THEM DOING ANYTHING, ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE, HIDING IN THE BRUSH OR THE HILLS, AND IN ROCKS. *[335]* Q. THAT WAS THE LABORS IN THE AFTERNOON THEN ? A.	THAT. QYOU ESTIMATED THE NUMBERS ≤OF THE INDIANS≥ WHEN YOU WERE ON THE STAND BEFORE, AT BETWEEN 4 AND 5 HUNDRED INDIANS ABETWEEN THE 2 I SHOULD JUDGE THERE WAS Q THEY WERE STILL THERE THE NEXT MORNING A YES SIR Q WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS AI DON'T KNOW OF THEM DOING ANYTHING ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE, HIDING IN THE BRUSH OR HILLS AND IN ROCKS. Q THAT WAS THEIR LABORS IN THE AFTERNOON THEN A≤YES	THAT. Q. YOU ESTIMATED THE ~~M~~NU~~N~~MBERS OF THE **I**NDIANS WHEN ~~YIU~~ YOU WERE ON THE STAND BEFORE AS BETWEEN FOUR AND FIVE HUNDRED? A. BETWEEN THE TWO, I SHOULD ~~D~~JUDGE THERE WAS. Q. AND THEY WERE STILL THERE THE NEXT MORNING? A. YES SIR. Q. WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS? A. I DON'T KNOW OF THEM~~,~~ ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE , AND HIDING IT IN THE BRUSH AND THE HILLS AND THE ROCKS. Q. THAT WAS THEIR LABORS IN THE AFTERNOON THEN? A. YES,	

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RT	RS	BT	PS
THEY WERE AT IT THE NEXT MORNING. Q. WHAT WAS THE CHARACTER OF THE PROPERTY THEY CARRIED OFF ? A. COULD NOT TELL, ONLY IT WAS PRINCIPALLY CLOTHING. Q. WERE THE WAGONS COVERED WHEN THEY WENT THERE ? A. THEY WERE. Q. WHAT WITH ? A. WITH WAGON COVERS, THAT IS I JUDGE THEY WERE—THIS DUCKING CLOTH — DUCKING MOSTLY I GUESS, BUT I DIDN'T EXAMINE IT. WAGONS COVERS IS MADE OF ONE THING AND SOME OF ANOTHER, FITTED OUT FOR TRAVELERS. Q. WHAT BECAME OF THESE COVERS THEN,	AND~~.~~ THEY WERE AT IT THE NEXT MORNING **Q**WHAT WAS THE CHARACTER OF PROPERTY THEY CARRIED OFF **A** COULD NOT TELL, ONLY IT WAS PRINCIPALLY CLOTHING. **Q** WERE THE WAGONS COVERED WHEN THEY WENT THERE **A** THEY WERE **Q**WHAT WITH **A**WITH WAGON COVERS, THAT IS I JUDGE THEY WERE, THIS DUCKING CLOTH, DUCKING, MOSTLY I GUESS I DIDN'T EXAMINE. WAGON COVERS IS MADE OF ONE THING AND SOME OF ANOTHER, FITTED OUT FOR TRAVELERS **Q** WHAT BECAME OF THOSE COVERS THEN	AND THEY WERE AT IT THE NEXT MORNING. Q. WHAT ~~WAW~~ **WAS** THE CHARACTER OF THE PROPERTY THEY CARRIED OFF ? A. I COULDNOT TELL ONLY IT WAS PRINCIPALLY CLOTHING. Q. WERE THE WAGONS COVERED WHEN THE **I**NDIANS WENT THERE? A. THEY WERE. *[198]* Q. WHAT WITH? A. WITH W~~Q~~**A**GON COVERS; THAT IS I JUDGE THEY WERE; THIS DUCKING CLOTH — DUCKING MOSTLY, I THINK IT WAS. I DIDN'T EXAMINE THEM. **SOME** WAGON COVERS ~~IS~~ **ARE** MADE OF ONE THING AND SOME FROM ANOTHER, FITTED OUT FOR TRAVELLERS. Q. WHAT BECAME OF THESE CO~~N~~VERS THEN,	

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RT	RS	BT	PS
WHEN THE INDIANS WENT THERE ? A. THEY WERE STILL LEFT ON THE WAGONS, BUT NOT ALL. Q. ABOUT HOW MANY WAGONS WERE THERE ? A. I COULD NOT TELL. I MIGHT SAY ABOUT TWELVE TO FIFTEEN. I DON'T KNOW, I NEVER COUNTED THEM COULD NOT SAY DEFINITELY, MADE NO ITEM. Q. DID YOU SEE ANYTHING DONE WITH THESE WAGONS ? A. I DID. Q. WHAT WAS DONE WITH THEM ? A. I SAW TEAMS GATHERED UP, OXEN, WAGONS PUT ON THEM, HITCHED TO THESE WAGONS AND TAKEN TO CEDAR CITY. Q. UNDER WHOSE DIRECTION OR BY WHOSE COMMAND ? A.	WHEN THE INDIANS A THEY WERE STILL LEFT ON THE WAGONS BUT NOT ALL Q ABOUT HOW MANY WAGONS WERE THEY A I COULD NOT TELL A I MIGHT SAY ABOUT 12 TO 15, I DON'T KNOW, I NEVER COUNTED THEM, COULD NOT SAY DEFINITELY, MADE NO ITEM OF IT Q DID YOU SEE ANYTHING DONE WITH THOSE WAGONS A I DID Q WHAT WAS DONE WITH THEM A I SAW TEAMS GATHERED UP, OXEN, YOKES PUT ON THEM, HITCHED TO THESE WAGONS, TAKEN TO CEDAR CITY Q UNDER WHOSE DIRECTION OR A BY WHOSE A COMMAND	~~T~~WHEN THE **I**NDIANS WENT IN~~.~~**?** A. THEY WERE STILL LEFT ON THE WAGONS BUT NOT ALL. Q. ABOUT HOW MANY WAGONS WERE ~~THEYR~~ THERE? A I COULD NOT TELL; BUT I MIGHT ~~D~~SAY ABOUT I2 OR I5; I DON'T KNO~~,~~**W,** I NEVER COUNTED THEM. I COULD NOT SAY DEFINITELY, MADE NO ITEM OF IT. Q DID YOU SEE ANYTH**I**NG **DONE** ~~DOWN~~ WITH THESE WAGONS? A. I DID. Q. WHAT WAS DONE WITH THEM? A. I SAW TEAMS GATHERED ~~I~~UP, OXON, YOKES PUT ON THEM, HITCHED TO THESE WAGONS AND TAKEN TO CEDAR CITY. Q. UNDER WHOSE DIRECTION OR BY WHOSE COMMAND? A.	

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RT	RS	BT	PS
BY P. K. SMITH'S ORDERS AND DIRECTION. Q. WHO WENT WITH THEM ? A. I WENT WITH THEM FOR ONE AND SMITH DID. Q. YOU MEAN KLINGENSMITH ? *[336]* A. YES SIR. ~~A. YES SIR.~~ Q. WHERE WERE THEY PUT, IN CEDAR CITY ? A. THEY WERE DEPOSITED NEAR THE TITHING OFFICE. Q. BY WHOSE DIRECTIONS ? A. BY SMITHS. THERE IS WHERE HE ORDERED THEM TO BE UNHITCHED	A ~~<~~BY ~~>~~ **~~K~~P ~~P~~K** SMITH'S ORDERS AND DIRECTION Q WHO WENT WITH THEM A I WENT WITH THEM FOR ONE AND SMITH DID Q YOU MEAN KLINGENSMITH A YES SIR Q WHERE WERE THEY PUT IN CEDAR CITY A THEY WERE DEPOSITED NEAR THE TITHING OFFICE Q BY WHOSE DIRECTIONS A BY SMITH'S THERE IS WHERE HE *[18]* ORDERED THEM TO BE UN HITCHED. BY DEFENSE WE ARE THROUGH WITH THE WITNESS.	PHILIP KLINGENSMITH'S ORDERS AND DIRECTION. Q. WHO WENT WITH THEM? A. I WENT WITH THEM FOR ONE, AND SMITH DID. Q. YOU MEAN KLINGENSMITH? A. YES, SIR. Q. ~~WER~~E WHERE WERE THEY PUT IN CEDAR CITY? A. THEY WERE DEPOSIT~~E~~D NEAR THE TITHING OFFICE. Q. BY WHOSE DIRECTION? A BY SMITH'S; THERE IS WHERE HE ORDERED THEM TO BE **UNHITCHED** ~~UNDHITCHED.~~
C~~R~~ROSS-EXAMINATION. Q. ON WHAT SIDE OF THE ROAD LEADING FROM CEDAR CITY TO THE MOUNTAIN	**CROSS EXAMINATION**. [*space*] BASKIN. Q ON WHAT SIDE OF THE ROAD LEADING FROM CEDAR CITY TO MOUNTAIN	CROSS – EXAMINATION OF SAMUEL POLLOCK BY **M**R R.N.BASKIN: Q. ON ~~WHAT~~ **WHICH** ~~DS~~**S**IDE OF THE R~~E~~OAD LEADING TO THE MOUNT~~Q~~IN	

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RT	RS	BT	PS
MEADOWS DID THIS EMIGRANT TRAIN PASS ? A. FROM THE EAST. Q. HOW FAR FROM THE ROAD ? A. ABOUT HALF A MILE FROM THE ROAD. Q. YOU SAY IN YOUR EXAMINATION THAT YOU THINK THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING THEIR CORRALL BEFORE THEY WERE FIRED ON ? A. I THINK SO. Q. IN WHAT DIRECTION WERE THEY MARCHING ? A. NEARLY NORTH. Q. TOWARDS WHERE YOU WERE STANDING ? A. NO, PASSED BY. Q. IN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS	MEADOWS ON *BY*[?] THIS EMIGRANT TRAIN DID YOU COME A.FROM THE EAST QHOW FAR FROM THE ROAD A ABOUT HALF MILE FROM THE ROAD. Q YOU SAY IN YOUR EXAMINATION THAT YOU THINK THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING THEIR CORRAL BEFORE THEY WERE FIRED ON AI THINK SO QIN WHAT DIRECTION WERE THEY MARCHING A NEARLY NORTH QTOWARDS WHERE YOU WERE STANDING ANO PASSED BY = OUT *BEYOND*[?] QIN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS	MEADOWS, ~~OT~~ **OR** TO THIS EMIGRANT TRAIN**,** D~~O~~ID YOU CAMP? A. ~~FROM~~ **ON** THE EAST. Q. HOW FAR FROM THE R~~E~~OAD? A. ABOUT A HALF A MILE FROM THE ROAD. Q. YOU ~~SAY~~ **SAID** IN YOUR E~~M~~XAMINATION BEFORE **,** THAT YOU ~~THINK~~ **THOUGHT** THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING T**H**EIR CORRRAL BEFORE *[199]* THEY WERE FIRED ON? A. I TH**I**NK SO. Q. IN WHAT DIRECTION WERE THEY MARCHING? A. NEARLY NORTH. Q. TOWARDS WHERE YOU WERE STANDING? A.NO, PASSED BY, OUT BEYOND. Q. IN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS	

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RT	RS	BT	PS
THEY ADVANCED OR GOING FROM YOU ? A. THEY HAD.PASSED THE NEAREST POINT, ABOUT HALF A MILE WAS THE NEAREST POINT. THEN IT WAS PASSED, GOING FROM US. Q. YOU STATED THAT YOU JUMPED UP AND WENT FOUR RODS UP ON THE POINT OF THAT HILL AND THEN YOU COULD SEE THE INDIAND RUNNING OR COMING TOWARDS THE EMIGRANTS AND AT THE TIME YOU ZSAW THEM THERE WAS ABOUT A ROD BETWEEN THEM AND THE EMIGRANTS ? A. I COULD NOT	THEY ADVANCED OR GOING FROM YOU [*space*] A THEY HAD PASSED NIGHEST POINT, ABOUT HALF MILE WAS NIGHEST POINT, THEN IT WAS PASSED GOING FROM US. Q YOU STATE THAT WE JUMPED UP ≤AND≥ WENT 4 RODS UP ON THE POINT OF THAT HILL, WE ≤**YOU**≥ BELIEVE, AFTER YOU HEARD THE FIRING, AND THAT YOU SAW THE INDIANS RUNNING OR COMING TOWARDS THE EMIGRANTS, AND AT THE TIME YOU SAW THEM THERE WAS ABOUT ROD BETWEEN THEM AND THE EMIGRANTS AI COULD NOT	THEY ADVANCED OR WERE THEY GOING FROM YOU? A. THEY HAD PASSED THE NIGHEST POINT ~~A~~ ABOUT A HALF A MILE WAS THE NIGHEST POINT; THEN IT WAS PASSED GOING FROM US. Q. YOU STATED THAT, "~~WE JU**M** PED UP BETWEEN FOUR RODS~~" WE JUMPED UP AND WENT UP WITHIN ABOUT FOUR RODS UP ON THE POINT OF TH AT HILL,~~"~~ YOU BELIEVE AFTER YOU HEARD THE FIRING, AND THAT YOU SAW THE **I**NDIA~~ND~~S RUNNING AND CO~~K~~MING TOWARDS THE E MIGRANTS, AND AT THE TIME YOU SAW THEM THERE WAS ABOUT A ROD BETWEEN THEM AND THE EMIGRANTS? A. I COULD NOT	

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RT	RS	BT	PS
TELL, ROD OR A HALF; IT SEEMED LIKE ABOUT THAT. *[337]* Q. NOW THEN WHEN YOU HEARD THE FIRST FIRE WHERE WERE YOU ? A. THEY THAT WAS WITH ME, OLD MR. YOUNG WAS WITH ME AT THE CAMP. Q. WHO ELSE ? A. NOT ANYBODY THAT I KNOW OF. [*space*] THERE WAS A SICK MAN LAYING UNDER COVER. Q. DO YOU REMEMBER WHO HE WAS ? A. I DO NOT KNOW. I DIDN'T KNOW HIM THEN. Q. WAS THERE ANY OTHER PERSON ELSE EXCEPT THE SICK MAN, YOUNG AND YOURSELF ? A. NOT IMMEDIATELY THERE, THERE WAS ANOTHER MAN ON THE HILL ABOUT A	TELL, ROD OR HALF ROD IT SEEMED LIKE ABOUT PRETTY MUCH. Q NOW THEN WHEN YOU HEARD FIRST FIRE WERE WITH YOU A THEY THAT WAS WITH ME, OLD MR. YOUNG WAS WITH ME AT CAMP Q WHO ELSE A NOT ANYBODY THAT I KNOW OF; THERE WAS SICK MAN LAYING UNDER COVER Q DO YOU REMEMBER WHO HE WAS A I DO NOT KNOW DIDN'T KNOW HIM THEN. Q WAS THERE ANY PERSON ELSE THERE EXCEPT SICK MAN, YOUNG AND YOURSELF A NOT IMMEDIATELY THERE, THERE WAS ANOTHER MAN ON THE HILL, ABOUT	TELL—ROD OR ROD AND A HALF; IT SEEMED ABOUT LIKE THAT. Q. NOW, THEN, WHEN YOU HEARD THE FIRST FIRE WHERE WEREYOU? A. I WAS WITH THEM THAT WAS WITH ME. OLD MR. YOUNG WAS WITH ME AT THE CAMP. WHO ELSE? A. NOT ANYBODY THAT I KNOW OF. THERE WAS A SICK MAN LAYING UNDER COVER. Q. DO YOU REMEMBER WHO HE WAS? A. I DON'T KNOW, I DIDN'T KNOW HIM THEN. Q. WAS THERE ANY PERSON ~~A~~ELSE THERE EXCEPT~~E~~ THE SICK MAN**,** YOUNG AND YOURSELF? A. NOT IMMEDIATE~~R~~LY THERE~~?~~. THERE WAS ANOTHER MAN ON THE HILL,ABOUT A	

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RT	RS	BT	PS
QUARTER OF A MILE DISTANT. HE HAD BEEN THERE FOR SOMETIME. Q. DO YOU KNOW WHO HE WAS ? A. HE WAS A WHITE MAN. Q. LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARD THE FIRST SHOT FIRED OR THAT VOLLEY ? A. WE WAS AT CAMP AT THE SPRING. Q. FROM WHERE YOU WERE COULD YOU SEE THE EMIGRANTS ? A. NO SIR. Q. NOW HOW FAR DID YOU HAVE TO GO OR RUN OR GO BEFORE YOU WOULD SEE THEM ? A. ABOUT THREE OR FOUR RODS. Q. WERE YOU STANDING UP OR SITTING DOWN ? A. I WAS STANDING WHEN IT	QUARTER ≤OF A≥ MILE DISTANCE, HAD BEEN THERE FOR SOME TIME QDO YOU KNOW WHO HE WAS AHE WAS A WHITE MAN Q LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARD FIRST SHOT, FIRED THAT VOLLEY AWE WAS AT CAMP, AT THE SPRING Q FROM WHERE YOU WERE, COULD NOT YOU SEE THE EMIGRANTS A NO SIR QNOW HOW FAR DID YOU HAVE TO RUN OR GO BEFORE YOU COULD SEE THEM A ABOUT 3 OR 4 RODS QWERE YOU ≤THEN STANDING UP≥ SITTING UP OR *STANDING/SITTIN G*[?][339]DOWN AI WAS STANDING WHEN IT	QUARTER OF A MILE DISTANT. Q. DID YOU KNOW WHO HE WAS? A. HE WAS A WHITEMAN. Q. LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARDTHE FIRST SHOT— THE FIRINGOF THAT VOLLEY? A. WE WAS ŦAT CAMP, AT THE SPRING. Q. FROM WHERE YOU WERE COULD NOT YOU SEE THE EMIGRANTS? A. NO, SIR. Q. NOW , HOW FAR DID ĦYOU HAVE TO RUN OR GO BEFORE YOU COULD SEE THEM? A. ABOUT THREE OR FOUR RODS. *[200]* Q. WERE YOU STNANDING UP OR SITTING DOWN? A. I WAS STANDING, WHEN THEY	

339. "STANDING" written over "SITTING" or vice versa.

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RT	RS	BT	PS
WAS FIRED. Q. WHAT DID YOU DO ? A. I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON. Q. WHEN YOU GOT UP OVER THE HILL WHAT DID YOU SEE ? *[338]* A. SAW A CLOUD OF SMOKE. Q. DID THE INDIANS CONTINUE TO ADVANCE ? A. THEY CONTINUED TO ADVANCE TILL THE WHOLE THING WAS ENVELOPED WITH INDIANS. Q. WHAT WERE THE WHITE MEN DOING ? A. DOING NOTHING BUT STANDING STILL. Q. DID THE INDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING ? A. THEY SEEMED TO BE AHEAD OF THE WHITE MEN, AHEAD OF ALL THE WHITE MEN. Q. HOW FAR AHEAD OF THE	WAS FIRED $_{Q}$WHAT DID YOU DO $_{A}$I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON $_{Q}$WHEN YOU GOT UP OVER HILL, WHAT DID YOU SEE $_{A}$SAW ≤**A**≥ CLOUD OF SMOKE $_{Q}$HAD INDIANS CONTINUED TO ADVANCE $_{A}$ THEY CONTINUED TO ADVANCE TILL ≤THE≥ WHOLE THING WAS ENVELOPED WITH INDIANS $_{Q}$WHAT WERE WHITE MEN DOING $_{A}$ NOTHING BUT STANDING STILL. $_{Q}$DID INDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING $_{A}$ THEY SEEMED TO BE AHEAD OF THE WHITE MEN = AHEAD OF ALL THE WHITE MEN. $_{Q}$ HOW FAR AHEAD OF	WERE FIRING. Q. WHAT DID YOU DO? A. I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON. Q. WHEN YOU GOT UP OVER THEHILL WHAT DID YOU SEE? A. SAW A CLOUD OF SMOKE. Q. DID THE **I**NDIANS CONTINUE TO ~~S~~ADVANCE? A: THEY CONTINUED TO ADVANCE TILL THE WHOLE THING WAS INVELOPED WITH **I**NDIANS. Q. WHAT WERE THE WHITE MEN DOING? A. NOTHING BUT ST**A**NDING STILL. Q. DID THE **I**NDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING? A. THEY SEEMED TO BE AHEAD OF THE WHITE MEN, AHEAD OF ALL THE WHITE MEN. Q. HOW FAR AHEAD OF THE	

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RT	RS	BT	PS
WHITE MEN WERE THE WOMEN ? A. WELL I COULD NOT SEE ANY SPACE BETWEEN THEM. Q. ABOUT HOW FAR WAS THE COLUMN OF MEN ? A. I COULD NOT TELL ABOUT THAT DISTANCE, MIGHT HAVE BEEN FIFTY TO SEVENTY FIVE YARDS. Q. THEN IT WAS THE HEAD OF THE COLUMN WHERE THE WOMEN WERE THAT YOU SAW THE INDIANS RUSH IN ? A. IT SEEMED TO ME SO. Q. AND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE OTHER END ? A. YES SIR Q. WHERE ABOUTS WERE THE EMIGRANT MEN WITH REFERENCE TO THE SOLDIERS THAT WENT OUT ? A.	WHITE MEN WERE THE WOMEN $_{A}$ WELL I COULD SEE *NO/ANY*[?] SPACE BETWEEN THEM $_{Q}$ABOUT HOW FAR WAS THE COLUMN OF MEN ≤FROM THE WOMEN≥ [19] $_{A}$I COULD NOT TELL ABOUT THAT DISTANCE, MIGHT HAVE BEEN 50 OR 75 *YARDS/RODS*[?] $_{Q}$THEN IT WAS THE HEAD OF THE COLUMN WHERE WOMEN WERE THAT YOU SAW THE INDIANS RUSH IN ≤$_{A}$IT SEEMED TO ME SO≥ $_{Q}$AND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE FURTHER END $_{A}$YES SIR $_{Q}$NOW THEN WHERE ABOUTS WAS THE EMIGRANT MEN WITH REFERENCE TO THE SOLDIERS THAT WENT OUT $_{A}$	WHITE MEN WERE THE WOMEN? A . WELL, I COULDNOT SEE ANY SPACE BETWEEN THEM. Q. ABOUT HOW FAR WAS THE COLUMN OF MEN ~~D~~FROM THE WOMEN? A. I COULDNOT TELL~~,~~, ABOUT THAT DISTANCE; IT MAY HAVE BEEN FIFTY OR SEVENTY FIVE YARDS. Q. THEN IT WAS THE HEAD OF THE COLUMN WHERE THE MEN WERE, THAT YOU SAW THE **I**NDIANS RUSH IN? A. IT SEEMED TO ME SO. Q. AND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE VERY END? A. YES, SIR. Q. NOW WHERE ABOUTS WERE THE EMIGRANT MEN WITH REFERENCE ~~W~~ TO THE SOLDIERS THAT WENT OUT? ~~A~~.	

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RT	RS	BT	PS
THEY WERE JUST IN BEHIND THE WAGONS, AS THAT I OBSERVED WAS THE NEAREST POINT. Q. LET THAT REPRESENT THE SOLDIERS THAT YOU SPEAK OF — WHERE WERE THE SOLDIERS WITH REFERENCE TO THE EMIGRANT TRAIN ? [339] A. THEY WERE AHEAD, RIGHT AFTER THE WOMEN, SOME OF THESE MEN MIGHT HAVE BEEN ALONGSIDE OF THE EMIGRANTS. Q. THEY WERE TOWARDS THE CORRALL HERE, WHERE THE INDIANS RUSHED OUT A. ~~?~~ YES SIR. Q. NOW THEN DID YOU SEE THE INDIANS ATTACK ANY OF	THEY WERE JUST RIGHT ON BEHIND THE WAGONS, AS THAT ≤**WE**≥ OBSERVED THEM ≤AT THE≥ NIGHEST POINT. **Q**LET THAT LINE REPRESENT THE SOLDIERS, YOU SPEAK WITH REFERENCE TO THEM AND~~,~~ WHERE WERE SOLDIERS TO EMIGRANT TRAIN **A** THEY WERE AHEAD RIGHT AFTER THE WOMEN, SOME OF THESE MEN MIGHT HAVE BEEN ALONGSIDE OF THE EMIGRANTS **Q** THEY WERE TOWARDS CORRAL HERE WHERE THE INDIANS RUSHED OUT **A** YES SIR. **Q** NOW THEN DID YOU SEE THE INDIANS ATTACK ANY OF	THEY WERE JOINED RIGHT ON BEHIND THE WAGONS AS WE OBSERVED THEM AT THE NIGHEST POINT : Q. LET THAT LINE REPRESENT THE SOLDIERS THA**T** YOU SPOKE OF**:** WITH REFERENCE TO THEM, WHERE WERE THE SOLDIERS TO THE EMIGRANT TRAIN? A. THEY WERE RIGHT ~~H~~AHEAD AFTER THE WONEN. SOME OF THESE MEN MAY HAVE BEEN ALONG SIDE OF THE EMIGRANTS. Q. THEY WERE TOWARDS THE CORRAL HERE WHERE THE **I**NDIANS RUSHED OUT? A. YES, SIR. [201] Q. NOW, THE **E**~~,~~N, DID YOU SEE ANY OF THE **I**NDIANS ATTACK ANY OF	

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RT	RS	BT	PS
THE MEN THERE ? A. ~~A~~I COULD NOT TELL. Q. DIDN'T YOU SEE THEM ATTACK THE WOMEN ? A. I DIDN'T SEE THEM ATTACK. COULD NOT TELL THE DISTANCE WHEN THEY MADE THE ATTACK. Q. ABOUT WHERE WERE THE WOMEN WHILE YOU WERE STANDING AROUND THERE, OR WHILE YOU WERE LYING IN CAMP — DID YOU SEE THE INDIANS FREQUENTLY A. ONLY THE TIME THEY CAME IN WITH LEE. Q. HOW MANY DID YOU ~~SEE~~ SAY THERE WAS THERE ? A. EIGHT OR TEN CAME WITH ME. Q. WERE THEY ARMED ? A. YES SIR. Q. WITH WHAT ? A. BOWS, ARROWS,	THE MEN THERE $_{A}$I COULD NOT TELL $_{Q}$DIDN'T YOU SEE THEM ATTACK THE WOMEN $_{A}$I DIDN'T SEE THEM ATTACK, COULD NOT TELL THE DISTANCE WHEN THEY MADE THE ATTACK. $_{Q}$ ABOUT WHERE THE WOMEN WERE WHILE YOU WERE STANDING AROUND ~~<~~THERE.~~>~~ WHILE YOU WERE LYING IN CAMP DID YOU SEE THE INDIANS FREQUENTLY $_{A}$ONLY THE TIME THEY CAME IN WITH LEE $_{Q}$HOW MANY DID YOU SAY THERE WAS THERE $_{A}$ 8 OR 10 CAME WITH LEE. $_{Q}$WERE THEY ARMED $_{A}$YES SIR $_{Q}$WITH WHAT $_{A}$BOWS ARROWS	THE MEN THERE? A I COULD NOT TELL. Q. ~~I~~D**I**DN'T YOU SEE THE M ATTACK THE WOMEN? ~~A~~. I DIDN'T SEE THEM ~~WHEN~~ ATTACK~~ED~~; I COULDNOT TELL FROM THE ~~D~~ISTANCE WHEN THEY MADE THE ATTA~~C~~K Q. ABOUT WHERE WERE THE WOMEN WHILE YOU WERE STANDING AROUND THERE, OR WHILE Y**O**U WERE L~~I~~YING IN CAMP? D**I**D YOU SEE THE **I**NDIANS FREQUENTLY? A. ONLY THE TIME THEY CA**A**M E IN WITH LEE. Q. HOW MANY DID YOU SAY THERE WAS THERE? A. EIGHT OR TEN CAME WITH LEE. Q WERE THEY ARMED? A. YES, SIR. Q. W**I**TH WHAT? A BOWS, ARROWS, AND	

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RT	RS	BT	PS
GUNS. Q. HOW MANY GUNS HAD THEY ? A. I COULD NOT SAY. Q. HOW WERE THE INDIANS THAT RUSHED IN ON THE WOMEN ARMED ? A. I COULD NOT TELL, THE DISTANCE WAS GREAT. Q. DID YOU SEE THE INDIANS THAT WERE THERE FIRE ANY SHOTS, OR DID THEY SHOOT WITH BOWS AND ARROWS ? A. THERE WAS GUNS, BUT I DIDN'T SEE THE INDIANS FIRE ANY SHOTS, COULD *[340]* NOT TELL. Q. YOU COULD NOT TELL WHETHER THEY WERE ARMED WITH GUNS OR BOWS AND AR~~AC~~ROWS ? A. I COULD NOT. Q. THEN WHEN YOU FIRST SAW THE INDIANS THEY WERE ON THE HILL TOWARDS THE POINT WHERE	GUNS $_{Q}$HOW MANY GUNS HAD THEY $_{A}$I COULD NOT SAY HOW WERE THE INDIANS THAT RUSHED IN ON THE WOMEN ARMED $_{A}$I COULD NOT TELL, THE DISTANCE WAS TOO GREAT $_{Q}$DID YOU SEE THE INDIANS THEY *COULD*[?] FIRE ANY SHOTS OR DID THEY SHOOT WITH BOWS ARROWS $_{A}$ THERE WAS GUNS, BUT I DIDN'T SEE ~~<~~THE~~>~~ INDIANS FIRE ANY SHOTS, COULD NOT TELL $_{Q}$ COULD NOT TELL WHETHER THEY WERE ARMED WITH GUNS, BOWS AND ARROWS $_{A}$I COULD NOT $_{Q}$THEN WHEN YOU FIRST SAW THE INDIANS, THEY WERE ON THE HILL TOWARDS THE POINT WHERE	GUNS. Q. HOW MANY GUNS HAD THEY? A. I COULD NOT SAY. Q HOW WERE THE **I**NDIANS THAT RUSHED IN ON THE WOMEN ARMED? A. I COULD NOT TELL**,** THE DISTANCE WAS TO~~U~~**O** GREAT. . Q. DID YOU SEE THE **I**NDIANS ~~?~~ ~~A.~~ THAT WERE THERE FIRE ANY SHOTS; OR DID THEY DO SHOOTING WITH BOWS AND ARROWS ? A. THERE WAS GUNS, BUT I DIDN'T SEE THE **I**NDIANS FIRE ANY SHOTS; I COULD NOT TELL. Q. COULD YOU TELL WHETHER THEY WERE ARMED WITH GUNS, **OR** BOWS AND ARROWS? A. I COULD NOT. Q. THEN WHEN YOU SAW THE **I**NDIANS, THEY WERE ON THE HILLS TOWARDS WHERE	

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RT	RS	BT	PS
THE WOMEN WERE ? A. IN CLOSE PROXIMITY TO THEM. Q. AFTER THEY CAME IN THERE BEHIND THEY ALL MIXED, WHITE MEN AND INDIANS—ALL CONFUSION.? A. I COULD NOT SEE NO DISTANCE. Q. DID ANY OF THE PARTIES THAT WENT OUT WITH YOU GET AHEAD ? A. NO, NOT THAT I KNOW OF; NEVER HEARD OF ANYTHING OF THE KIND. Q. NOW THEN LET THEAT ROW REPRESENT THE SOLDIERS YOU SPEAK OF THAT WENT OUT THERE—WHERE DID THE EMIGRANT MEN — LET ME ASK YOU THE QUESTION — STAND, WITH REFERENCE TO THOSE MEN ?	THE WOMEN WERE ? AIN CLOSE PROXIMITY TO THEM QAFTER THEY CAME IN THERE DIDN'T THEY ALL MIX, WHITE MEN INDIANS, ALL CONFUSION? AI COULD NOT SEE NO ≤DIFFERENCE≥ DISTANCE. Q DID ANY OF THE PARTIES WHO WENT OUT WITH YOU GET HIT A NOT THAT I KNOW OF NEVER HEARD OF ANYTHING OF THE KIND. QNOW THEN LETTING THAT ROW REPRESENT SOLDIERS YOU SPOKE OF THAT WENT OUT THERE, WHERE DID THE EMIGRANT MEN LET ME ASK THE QUESTION, STAND WITH REFERENCE TO THOSE MEN <(COUNSELOR	THE WOMEN WERE? A. IN CLOSE PROXINMITY. Q. AFTER THEMY CAME IN THERE, DIDN'T THEY ALL MIX;, WHITEMEN, IN DINS AND INDIANS, ALL CONFUSION? A. I COULD NOT SEE OTR TELL THE DI FFERENCE Q. DID ANY OF THE PARTIES WHO WENT OUT WITH YOU GET HIT? A. NOT THAT KNOW OF; NEVER HEARD OF ANYTHING OF THE KIND. Q. NOW, THEN LET THAT LROW REPRESENT THE SOLDIERS YOU SPOKE OF THAT WENT OUT THERE; WHERE DID THE EMIGRANT MEN, — LET ME ASK THE QUESTION,— SATAND WITH REFERENCE TO THESE MEN?	

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RT	RS	BT	PS
A. SOME OF THEM WERE IN ADVANCE AND SOME OF THEM ALONGSIDE, A PORTION OF THEM. Q. IN WHAT DIRECTION DID THE INDIANS RUSH IN WITH REFERENCE TO THIS LINE— WHAT POSITION WERE THEY IN AT THE TIME OF THE FIRING ? A. NEXT TO THIS. Q. WHEN THEY PASSED THE NEAREST POINT OF THE ROAD, SUPPOSING THIS REP~~RESNTS~~ RESENTS THE SOLDIERS AND THIS LINE REPRESENTS THE EMIGRANTS DID THE INDIANS COME IN HERE, THAT WAY, THAT WAY OR THAT WAY ∴POINTING∴ A.	POINTING TO JURY)> ASOME OF THEM WERE IN ADVANCE, AND SOME OF THEM ALONGSIDE, PORTION OF THEM LEADING QIN WHAT DIRECTION DID THE INDIANS RUSH IN WITH REFERENCE TO THIS LINE; WHAT POSITION THEY WERE IN TIME FIRING ANEXT TO THESE Q WHEN THEY PASSED NIGHEST POINT OF THE ROAD = SUPPOSING THIS REPRESENTS THE SOLDIERS, THIS LINE REPRESENTS EMIGRANTS, DID ~~<~~THE~~>~~ INDIANS COME IN HERE, THAT WAY THAT WAY OR THAT WAY A	(POINTING TO JURY) A. SOME OF THEM WERE IN ADVANCE, AND SOME OF THEM ALONG SIDE; ~~A POR~~ [202] PORTION OF THEM A LITTLE. Q. IN WHAT DIRECTION DID THE **I**NDIANS RUSH IN WITH RE FERENCE TO THIS LINE; WHAT POSITION WERE THEY IN AT THE TIME OF THE FIRING? A. NEXT TO THESE. (INDICATING) Q. WHEN THEY PASSED THE NEARE~~D~~ST POINT OF THE ROAD, SUPPOSING THIS REPRESENTS **(ILLUSTRATING)** THE SOLDIERS, AND THIS ~~LIKNE~~ REPRESENTS THE EMIGRAN~~T~~S**,** DID THE **I**NDIANS COME IN HERE (INDICATING) THAT WAY , THAT WAY OR THAT WAY~~.~~? A.	

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RT	RS	BT	PS
ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION [341] Q. .THEN AGAIN IF THE INDIANS AFTER THEY HAD FIRED— WAS THE WHITE SOLDIERS NEXT TO THE INDIANS, OR WERE THE EMIGRANTS BETWEEN THEM AND THE INDIANS ? A. THE EMIGRANTS WERE ON THE LEFT HAND SIDE. Q. IF THEY WERE ALONGSIDE THEN THE SOLDIERS WERE AT THE LEFT OF THE INDIANS ? A. THEY CAME IN AT THAT SIDE. Q. ~~AFTER ≤~~IF~~≥~~ THE INDIANS HAD FIRED IN UPON THE RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS ? A. I STATED WHEN THEY PASSED THE NEAREST POINT OF THE	ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION Q THEN AGAIN, *ALL*[?] THE INDIANS [20] *IF/AFTER*[?] THERE HAD BEEN FIRED = WAS THE WHITE SOLDIERS NEXT TO THE INDIANS, OR WAS THE EMIGRANTS BETWEEN ≤THEM≥ AND THE INDIANS A EMIGRANTS WAS ON THE LEFT HAND SIDE QIF THEY WERE ALONGSIDE, THEN THE SOLDIERS WERE AT THE LEFT OF THE INDIANS ATHEY CAME IN AT THAT SIDE. QIF THE INDIANS HAD FIRED IN UPON THE RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS AI STATED WHEN THEY PASSED THE NIGHEST POINT OF THE	ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION. Q. THEN AGAIN ALL THE **I**NDIANS AFTER THE FIRING— WAS THE WHITE SOLDIERS NEXT THE **I**NDIANS OR WAS THE EMIGRANTS BETWEEN THEM AND THE **I**NDIANS? A. THE EMIGRANTS WERE ON THE LEFT HAND SIDE. Q. IF THEY WERE ALONG THE SIDE, THEN THE SOLDIERS WERE AT THE LEFT OF THE **I**NDIANS? A. THEY CAME IN AT THAT SIDE. Q. IF THE **I**NDIANS HAD FIRED IN UPON THEIR RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS? A. I STATED WHEN THEY PASSED THE NIGHEST POINT OF THE	

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RT	RS	BT	PS
ROAD. THAT IS THE POSITION OF ABOUT HALF OF THE WHITE MEN — ALONGSIDE POSITION. Q. WHAT POSITION ? BASKIN.: THEY WOULD HAVE HAD TO HAVE FIRED OBLIQUELY BACK. Q. DID YOU SEE ANY WHITE SOLDIERS INJURED OR WOUNDED THERE ? A. I DID NOT THERE. COURT: WAS THERE ANY NOISE BESIDES THE HOLLERING OF THE INDIANS ? A. YES SIR, SCREAMING AND YELLING, WE SUPPOSED IT WAS THE INDIANS. Q. DID YOU HEAR ANY SHRIEKS OF INDIANS ? A. COULD NOT DISTINGUISH ANYTHING	ROAD THAT IS THE POSITION OF ABOUT HALF OF WHITE MEN, ALONGSIDE ≤AS THEY≥ PASSED. QWHAT POSITION SEEMS BY BASKIN THEY WOULD HAVE TO FIRE OBLIQUELY BACK QDID YOU SEE ANY WHITE SOLDIER INJURED OR WOUNDED THERE A DID THERE. BY COURT WAS THERE ANY NOISE BESIDES THE HOLLERING OF INDIANS AYES SIR ASCREAMING AND YELLING, WE SUPPOSED IT WAS THE INDIANS QDID YOU HEAR ANY SHRIEKS OF INFANTS A COULD NOT DISTINGUISH ANYTHING	ROAD, THAT IS THE POSITION OF ABOUT HALDF OF THE WHITE MEN, ALONG SIDE AS THEY PASSED. **(ILLUSTRATING)** Q. WHAT POSITIOJN? A. THEY WOULD HAVE TO FIRE OBLIQUELY BACK. Q. DID YOU SEE ANY WHITE SOLDIERS INJURED OR WOUNDED THERE.? A. I DID **NOT** THERE. THE COURT: WAS THERE ANY NOISE BESIDES THE HHOLLOWING OF THE **I**NDIANS? A YES, SIR, SCREAMING AND YELLING. WE SUPPOSED IT WAS THE **I**NDIANS. Q. DID YOU HEAR ANY SHRIEKS OF INFANTS? A. I COULD NOT DISTINGUSIH ANYTHING	

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RT	RS	BT	PS
PARTICULAR. [*space*]	PARTICULARLY. [*space*] BY DEFENSE HAVE YOU ANY OBJECTION MR. POLLOCK LEAVING FOR HOME, BY BOTH SIDES NO. [*space*]	PARTICULAR. **M^{R}** SUTHHERLAND: HAVE YOU ANY OBJECTIONS **TO** ~~OF~~ MR. POLLOCKS LEAVING FOR H~~I~~**O**ME. COUNSEL ON BOTH SIDES RESPONDED, "NO".	
[342] WILLIAM YOUNG RECALLED FOR DEFENSE.	**WILLIAM YOUNG** BY COURT IN ORDER TO SAVE TIME GO OVER AS LITTLE OF OLD GROUND	*[203]* WILLIAM YOUNG BEING ~~SWORN~~ **CALLED** AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS: BY **M^{R}** SUTHERLAND: BY COURT: IN ORDER TO SAVE TIME TRY AND GO OVER AS LITTLE OF THE GROUND AS HAS BEEN GONE OVER BEFORE**,**	
Q. MR. YOUNG, YOU STATED THE OTHER DAY YOU WAS AT THE MOUNTAIN MEADOWS— WHEN WAS THAT ? A. I DON'T KNOW AS I CAN RECOLLECT THE	AS POSSIBLE **Q** MR. YOUNG, YOU STATED OTHER DAY YOU WAS AT MOUNTAIN MEADOWS; WHEN WAS THAT **A** I DON'T KNOW AS I CAN RECALL	AS POSSIBLE**.** Q. MR. YOUNG, YOU STATED THE OTHER DAY THAT YOU WERE AT THE MO~~R~~UNTAIN MEADOWS. WHEN WAS THAT? A. I DON'T KNOW AS I CAN RECOLLECT THE	

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RT	RS	BT	PS
DATE, SOMETIME IN SEPTEMBER 1857 I BELIEVE. Q. WELL, WHO DID YOU SEE THERE BESIDES YOURSELF ? A. WELL I SAW JOHN D. LEE THERE. Q. WHO ELSE ? WIT.: YOU MEAN WHEN I GOT THERE. Q. AFTER YOU WERE THERE ? A. I SAW JOHN D. LEE AND OSCAR HAMBLIN. Q. ANYONE ELSE ? A. I SAW WHILE I WAS THERE JOHN M. HIGBEE. Q. DID YOU SEE MR. LEE AND MR. HIGBEE TOGETHER ? A. YES. Q. STATE WHAT YOU SAW THERE AT THE TIME YOU SAW THEM TOGETHER AND WHAT YOU SAW MR. LEE DO ? A. I WALKED OUT FROM WHERE I STOOD BACK AND FORTH, IN THE MORNING AND {✔}[P] WALKED BEFORE.	DAY, SOMETIME IN SEPTEMBER 1857 I BELIEVE Q WELL, WHO DID YOU SEE THERE BESIDES YOURSELF ? A WELL I SAW JOHN D. LEE THERE QWHO ELSE AYOU MEAN WHEN I GOT THERE Q AFTER YOU WERE THERE AI SAW JOHN D. LEE AND OSCAR HAMBLIN Q ANYONE ELSE AI SAW WHILE I WAS THERE J M HIGBEE QDID YOU SEE MR. LEE AND MR. HIGBEE TOGETHER ? A ≤YES≥ QSTATE WHAT YOU SAW THERE AT THE TIME YOU SAW THEM TOGETHER; WELL WHAT YOU SEE MR. LEE DO AI WALKED OUT WHERE I STOOD BACK AND FORTH IN THE MORNING WALKED BEFORE.	DAY; SOMETIME IN SEPTEMBER, /⊬57, I BELIEVE. Q. WELL, WHO**M** DID YOU SEE THERE BESIDES YOURSELF? A. WELL, I SAW JOHN D . LEE THERE. Q. WHO E~~O~~LSE? A. YOU MEAN WHEN I GOT THERE? Q. AFTER YOU WERE THERE? A. I SAW JOHND. LEE AND OSCAR HAMBLIN. Q. ANY ONE ELSE? A. I SAW WHILE I WAS THERE, JOHN M. HIGBEE. Q . DID YOU SEE MR. LEE AND MR. HIGBEE THERE TOGETHER? A. YES . Q. STATE WHAT YOU S~~Z~~AW THE**R**E AT THE T IME YOU SAW THEM TOGETHER— WHAT YOU SAW MR. LEE DO? A. I WALKED OUT FROM ~~H~~WHERE I STOOD, BACK AND FORTH IN THE MORNING — WALKED BACK AND FORTH /.	

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RT	RS	BT	PS
JOHN M. HIGBEE WAS HOLDING SOME KIND OF A PAPER; WE WERE STANDING PRETTY CLOSE TOGETHER. I WALKED UP AND I SAW JOHN D. LEE HAND SOME PIECE OF PAPER, SOMETHING IN THE FORM OF A LETTER; I DID NOT KNOW THE CONTENTS OF IT NOR WHAT WAS IN IT; I GOT A LITTLE PIECE OFF, I HEARD JOHN D. LEE STATE. BASKIN: WE OBJECT. DEFENSE ASKED FOR THE GROUNDS OF THE OBJECTION. *[343]*	J M HIGBEE WAS HOLDING SOME KIND OF PAPER; WE WAS STANDING PRETTY CLOSE TOGETHER, I WALKED UP. AND I SAW JOHN D. LEE HAND HIM PIECE OF PAPER SEEMED TO BE IN FORM OF LETTER, I DID NOT KNOW CONTENTS OF IT, NOR WHAT WAS IN IT, I GOT A LITTLE PIECE OF; I HEARD JOHN D. LEE STATE BASKIN I OBJECT HOGE STATE YOUR OBJECTIONS.	JOH N ~~D~~M. HIGBEE WAS HOLDING SOME KIND OF A PAPER IN HIS HANDS. THEY WAS STANDING PRETTY CLOSE TOGETHER. I WALKED UP. I SAW JOHN D. LEE HAND HIM A PIECE OF ~~A~~ PAPER FROM SOMEBODY IN THE F~~R~~RO~~O~~RM OF A LETTER. I DON'T KNOW THE CONTENTS OF IT, ~~H~~NOR WHAT WAS IN IT. I GOT A LITT~~L~~E PIE~~V~~CE OF WHAT WAS IN; I HEARD JOHN D. LEE STATE———— **M**$^{\underline{R}}$ BASKIN: WE OBJECT TO THAT. **M**$^{\underline{R}}$ HOGE: STATE YOUR OBJECTIONS.
PROSECUTION: IT IS THE SAME WE OBJECTED TO BEFORE. Q. HOW MANY DAYS WAS THIS BEFORE THE MASSACRE,	≤BASKIN IT IS THE SAME WE PREVIOUSLY HAD≥ ₀HOW MANY DAYS ≤WAS THIS≥ BEFORE THE MASSACRE WAS	**M**$^{\underline{R}}$ BASKIN: IT IS THE SAME THAT WE RAI~~V~~SED BEFORE. (NO RULING) Q. HOW MANY D~~I~~**A**YS BEFORE THE MASSACRE WAS	

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RT	RS	BT	PS
MR. YOUNG ? A. I THINK THAT WAS THE FORE PART OF THE DAY AS WELL AS I CAN RECOLLECT, AND THE NEXT EVENING THE MASSACRE OCCURRED. HOGE: WHEN DID YOU SEE MR. HIGBEE NEXT TIME ? A. NEXT TIME I SAW HIM HE CAME PAST ME THE NEXT DAY, AFTER I SAW THEM TOGETHER , SOMETHING NOT FAR FROM THE NEXT DAY TO THE BEST OF MY RECOLLECTION. Q. WHERE DID YOU SEE HIM ? A. I SAW HIM ABOUT NEAR THE CAMP, WHERE LEE HAD CAMPED, AT THE SPRING. Q. WHO WAS WITH HIM, IF ANYONE ? A. I SAW BISHOP KLINGENSMITH, .WITH JOHN M.	THAT MR. YOUNG $_{A}$I THINK THAT WAS THE FOREPART OF THE DAY AS WELL AS I CAN RECOLLECT NEXT EVENING MASSACRE OCCURRED ~~BASKIN~~ HOGE $_{Q}$ WHEN DID YOU SEE MR. HIGBEE NEXT TIME $_{A}$NEXT TIME I SAW HIM; CAME PAST ME NEXT DAY AFTER I SAW THEM TOGETHER , SOMETHING NOT FAR FROM NEXT DAY; BEST OF MY RECOLLECTION $_{Q}$WHERE DID YOU SEE HIM ? $_{A}$ I SAW HIM ABOUT NEAR THE CAMP WHERE LEE HAD CAMPED ~~WHERE~~ ~~≤~~AT THE~~≥~~ SPRING $_{Q}$WHO WAS WITH HIM IF ANYONE $_{A}$ I SAW BISHOP KLINGENSMITH *[21]* WITH J M	THAT MR. YOUN G? A . I THINK THAT WAS THE **FORE** ~~FARE~~ PART OF THE DAY AS WELL AS I CAN RECOLLECT. NEXT E~~N~~VENING THE MASSACREE OCCURRED. *[204]* Q. (**BY M**~~**R**~~ HOGE) WHEN DID YOU SEE MR. HIGBEE, THE NEXT TIME? A. THE NEXT T IME I SAW HIM — HE CAME PAST ME THE ~~THE~~ NEXT DAY AFTER I SAW THEM TOGETHER; SOMETHING NO~~R~~**T** FAR FROM THE NEXT ~~C~~DAY TO THE BEST OF MY RECOLLECTION. Q. WHERE DID YOU SEE HIM? A. I SAW HIM ABOUT NEAR THE CAMP, WHERE LEE HAD CAMPED AT THE SPRING. Q. WHO WAS WITH HIM IF ANYBODY? A. I SAW BISHOP KLINGENSMITH ~~M~~ AND ~~H~~ JOHN	

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RT	RS	BT	PS
HIGBEE. Q. ANYONE ELSE ? A. YES, I THINK I SAW, BUT I AM NOT CERTAIN, A MAN BY THE NAME OF WHITE, THAT IS MY MIND. Q. I WILL CALL YOUR ATTENTION BACK TO WHAT YOU WERE SPEAKING OF JUST BEFORE AS TO THE TIME OF THE DAY IN THE FIRST PLACE, THAT YOU ARRIVED THERE, AND IN THE PRESENCE OF JOHN M. HIGBEE ? A. WELL, HE WAS STANDING TALKING; I SAID JOHN M. HIGBEE HANDED A LETTER Q. I WANT YOU ——— —— OBJECTED TO BY PROSECUTION ON THE	HIGBEE Q ANYONE ELSE, AWELL I THINK I SAW = BUT I AIN'T CERTAIN = MAN BY NAME OF WHITE, ≤THAT IS MY MIND≥ QI WILL CALL YOUR ATTENTION BACK TO WHAT YOU WAS SPEAKING OF, JUST BEFORE WHAT YOU SAW HIM DO; IN THE FIRST PLACE YOU CAN REPEAT THAT ≤*WHAT*[?] SAW HIM DO≥ IN THE PRESENCE OF J M HIGBEE A WELL HE WAS STANDING TALKING, HE SAID J M HIGBEE HANDED A LETTER QI WANT YOU TO ≤*≥ BY HOGE ≤NOW WHAT IS≥ YOUR OBJECTION. ≤**B** PROSECUTION≥ WE OBJECT	M. HIGBEE. Q. ANYBODY ELSE? A. WELL, I THINK I SAW, ~~N~~BUT I AINT CERTAIN, A MAN BY THE NAME OF WHITE; THAT IS MY MIND. Q. I WILL CALL YOUR ATTENTION BACK TO WHAT YOU WERE SPEAKING OF JUST BEFORE WHAT YOU SA~~Y~~W HIM DO. IN THE FIRST PLACE YOU CAN REPEAT THAT WHAT YOU SAW HIM DO IN THE PRESENCE OF JOHN M: HIGBEE? A. WELL, HE WAS STAN~~I~~DING TALKING; HE SAID JOHN M: HIGBEE HANDED **HIM** ~~HIM~~ THE LETTER. Q. I WANT YOU TO ———— OBJECTED TO. **M**R HOGE: WHAT IS YOUR OBJECTION. **M**R HASKIN: WE OBJECT TO	

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RT	RS	BT	PS
GROUNDS THAT		THIS BECAUSE	
THIS WAS AT	THIS WAS THE	THIS WAS THE	
LEAST A DAY	DAY OR TWO	DAY	
BEFORE THE	BEFORE =	BEFORE, THE	
	DAY BEFORE	DAY BEFORE	
	TRLST[?]	THE	
OCCURRENCE.	OCCURRENCE.	OCCURRENCE.	
	BY HOGE SO IT	**MR** HOGE: SO IT	
	WAS DAY	WAS THE DAY	
	BEFORE WE	BEFORE; WE	
	ADMIT IT =	ADMITT IT~~.~~, AND	
	GIVEN UNDER	GIVEN UNDER	
		THE	
	INSTRUCTIONS	INSTRUCTIONS	
	YOUR HONOR	YOUR HONOR	
	GAVE ME WHEN	GAVE US WHEN	
	I	WE	
	COMMENCED	COMMENCED	
	IS THIS,	WITH THIS	
	NOT	WITNESS, NOT	
	TO TRAVEL	TO TRAVEL	
	OVER THE	OVER THE SAME	
	GROUND BY	GROUND. **MR**	
	PROSECUTION.	BASKIN:	
	HIS TESTIMONY	HIS TESTIMONY	
	SHOWS *THIS*	SHOWS THIS	
	TO/THOSE	TO	
	WHO[?] HAD	HAVE	
	BEEN A DAY OR	~~A~~BEEN A DAY	
	TWO	OR TWO DAYS	
	BEFORE	BEFORE, ~~A~~ **MR**	
	~~<~~**HOGE**~~>~~ WE	HOGE: WE	
	ADMIT IT WAS	ADMIT IT WAS	
	DAY	THE DAY	
	BEFORE	BEFORETHE	
	MASSACRE, I	MASSACRE. I AM	
	ASK HIM	ASKING HIM	
	NOW IF = BY	NOW IF————	
COURT: THIS IS	COURT THIS IS	COURT: THAT IS	
THE SAME POINT	THE SAME	THE SAME	
THAT I RULED ON	POINT I RULED	POINT I RU LED	
BEFORE.	ON BEFORE	ON BEFORE. **MR**	
DEFENSE~~:~~	<**HOGE**>	HOGE: WE	
STARTED TO	EXCEPT I	EXPE~~F~~CT	

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RT	RS	BT	PS
MAKE EXPLANATION AS TO WHAT THEY EXPECTED TO PROVE BY THIS WITNESS. *[344]*	WISH[340] TO ≤NOW≥ STATE THAT I EXPECT TO PROVE BY THIS WITNESS	TO S HOW NOW, AS I STATED THAT WE EXPECT TO PROVE BY THIS WITNESS ——— —	
PROSECUTION OBJECTED TO COUNSEL MAKING THE STATEMENT BEFORE THE JURY AS TO WHAT THEY EXPECTED TO PROVE.	CAREY WE OBJECT TO THAT.	**M**$^{\underline{R}}$ CAREY: WE OBJECT TO COU~~L~~NSEL STATING WHAT THEY EXPECT TO PROVE. *[205]* **M**$^{\underline{R}}$	
	BY HOGE I KNOW YOU DO, YOU DON'T WANT IT. HOGE I UNDERSTAND YOUR HONOR HAS RULED ON IT? WE WANT TO GET TESTIMONY WHAT IT WOULD BE WITH REGARD WHAT WE EXPECT TO PROVE AND IF ≤YOUR HONOR≥ WE ARE ENTITLED TO THAT. ANY STATEMENT I MAY MAKE IS NOT EVIDENCE	HOGE: I KNOW YOU DO BECAUSE YOU DOH'T WANT IT. DO I UNDERSTAND THAT YOUR HONOR HAS RULED IT OUT. WE WANT TO GET TESTIMONY WHAT IT WOULDBE , AND IN REGARD TO WHAT WE EXPECT TO PROVE, IF YOUR HONOR PLEASE, WE CLAIM WE ARE ENTITLED TO THAT. ANY STATEMENTS I MAY MAKE IS NOT EVI~~C~~DENCE	

340. Vowel, added later, renders the word "SHOW".

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RT	RS	BT	PS
{✔}[P] HOGE: WE EXPECT TO PROVE BY THIS WITNESS THAT AT THIS TIME JOHN D. LEE HANDED A LETTER TO JOHN M. HIGBEE AND ASKED HIM TO GO TO CEDAR CITY AND REQUEST THE AUTHORITIES THERE IN THE NAME OF GOD TO SEND RE- ENFORCEMENTS THERE, TO PROTECT THE EMIGRANTS; IN THE NAME OF GOD, FOR MY SAKE AND FOR GOD'S SAKE, AND FOR THE SAKE OF THE PEOPLE TO SEND RE- ENFORCEMENTS OUT THERE TO PROTECT THE EMIGRANTS AGAINST THE ASSAULTS OF THE INDIANS, AND THIS WE EXPECT TO PROVE IN THE	BEFORE THIS JURY. WE EXPECT TO STATE HOWEVER AT THE TIME JOHN D. LEE HANDED THIS *SAME*[?] TO J M HIGBEE ASKED HIM TO GO CEDAR CITY, AND ASK AUTHORITIES AT CEDAR CITY IN THE NAME OF GOD, TO SENT REINFORCEMEN TS THERE TO PROTECT EMIGRANTS; ≤SAYING≥ IN THE NAME OF GOD, FOR MY SAKE, FOR GOD'S SAKE AND FOR THE SAKE OF THE PEOPLE, TO SEND REINFORCEMEN TS THERE TO PROTECT EMIGRANTS AGAINST THE ASSAULT OF THE INDIANS. WE EXPECT PROVE THIS IN	BE~~O~~FORE THIS JURY. WE EXPECT TO PROVE WHAT LEE SAID TO THESE MEN AT THE TIME JOHN D. LEE HANDED THIS LETTER TO JOHN M. HIGBEE AND ASKED HIM TO GO TO CEDAR CI TY, AND ASKE~~D~~ THE AUTHORITIES THERE AT CEDAR CITY, IN THE NAME OF GOD TO SEND RE- INFORCEMENTS THERE TO PROTECT THE EMIGRANTS ; SAYING "IN THE NAME OF GOD, FOR MY SAKE, FOR GOD'S SAKE AND FOR THE SAKE OF THE PEOPLE" TO SEND RE- INFORCEMENTS THERE TO PROTECT THE EMIGRANTS AGAINST THE ASSAULTS OF THE INDIANS. WE EXPECT TO PROVE THIS IN	

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RT	RS	BT	PS
ANSWER. COURT DENIED THE OFFER. DEFENSE EXCEPTED. Q. MR. YOUNG WHAT WAS DONE AT THE TIME THAT YOU SAW JOHN M.HIGBEE, KLINGENSMITH AND MR. LEE THERE IN CAMP TOGETHER — STATE TO THE JURY WHAT THEY DID ? A. I SAW THEM AS I STATED, HIGBEE, KLINGENSMITH PASS BY WHERE I WAS AND WENT TO WHERE JOHN D. LEE WAS, PERHAPS FIFTY OR SIXTY YARDS, TOWARDS THE EMIGRANTS, AND HANDED THEM A	ANSWER. BASKIN THAT IS *KL/CLEAR*[?] WITHIN THE RULES BY COURT WE WANT ≤HAVE≥ THAT TAKEN OUT OF THE RECORD OVERRULED BY COURT ≤BY HOGE *≥ Q MR. YOUNG, WHAT WAS DONE AT THE TIME THAT YOU SAW J M HIGBEE, KLINGENSMITH MR. LEE THERE IN CAMP TOGETHER Q STATE JURY WHAT THEY DID AI SAW THEM AS I STATED, HIGBEE, K SMITH PASS BY WHERE I WAS, AND WENT TO WHERE JOHN D. LEE WAS OFF PERHAPS 50 OR 60 ≤*YARDS/RODS*[?], ≥ TOWARDS EMIGRANTS CAMP, AND HANDED HIM A	ANSWER. M[R] BASKIN: THAT IS CLEAR THEN THAT THE COURT RULES(IT OUT. M[R] HOGE: AND WE WANT IT TAKEN DOWN THEN AND PUT ON RECORD. OBJECTION SUSTAINED. EXCE PTION. Q. MR/ YOUNG WHAT WAS DONE AT THE TIME YOU SAW JOHN M. HIGBEE, KLINGENS~~L~~MITH, AND MR. LEE THERE IN CAMP TOGETHE R? STATE TO THE JURY WHAT THEY DID? A. I SAW THEM AS I STATED — HIGBEE AND KLINGENS ~~MITH~~ CAME BY WHERE **I** WAS AND THEY CAME WHERE JOHN D. LEE WAS, OFF PERHAPS FIFTY OR SIXTY YARDS **TO** THE EMIGRANT CAMP AND HANDED HIM A	

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RT	RS	BT	PS
PAPER, I DO NOT KNOW WHAT WAS IN IT, DON'T RECOLLECT, I COULD NOT HEAR THE TALK, THEY SEEMED TO BE TALKING TOGETHER AND STARTED TO WALK DOWN TOWARDS THE CAMP. Q. TOWARDS WHAT CAMP ? A. TOWARDS THE EMIGRANT CAMP, GOING ON, SEEMED TO ME BETWIXT ME AND THE ROAD SOUTH; THEY WENT DOWN THERE, AND, AS I SAID THE OTHER DAY I SAW A FLAG CARRIED ~~OUT~~ BY A MAN. ANOTHER ONE CAME OUT; I SAW LEE ADVANCE TO WHERE HE MET ANOTHER MAN FROM THERE. Q. LET ME ASK YOU, DO YOU KNOW	PAPER. I DO NOT KNOW WHAT WAS IN IT, DON'T RECOLLECT; I COULD NOT HEAR THE TALK, SEEMED TO BE TALKING TOGETHER AND STARTED WALK DOWN TOWARDS ~~<~~THE~~>~~ CAMP Q TOWARDS WHAT CAMP A TOWARDS ~~<~~THE~~>~~ EMIGRANT CAMP, GO ON SEEMED BE BETWIXT ME AND ROAD SOUTH AS THEY WENT DOWN THERE; AND THEN AS I SAID OTHER DAY, I SAW A FLAG CARRIED BY A MAN. ANOTHER ONE CAME OUT, I SAW LEE ADVANCE TO WHERE HE MET ANOTHER MAN FROM THERE [*space*] Q LET ME ASK YOU, DO YOU KNOW	PAPER. I DON'T KNOW WHAT WAS IN IT. I DON'T RECOLLECT; I COULD NOT HEAR THE TALK; THEY SEEMED TO BE TALKING TOGETHER, AND THEN THEY STARTED TO WALK DOWN TOWARDS THE CAMP. Q. TOWAR~~E~~DS WHAT CAMP? A. TOWARDS THE EMIGRANT CAMP; GOING ON; SEEMED TO BE BETWIXT ME AND THE ROAD AS THEY WENT DOWN THERE; AND THEN AS I SAID THE OTHER DAY, I SAW A FLAG CARRIED BY A MAN. ANOTHER ONE CAME OUT; I SAW LEE THEN ADVANCE TO WHERE HE MET ANOTH~~R~~ER MAN FROM THERE. Q. LET ME ASK YOU; DO YOU KNOW	

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RT	RS	BT	PS
WHO CARRIED THAT FLAG ? A. IF I AM NOT CERTAIN IT WAS A MAN BY THE NAME OF BATES—BATES OR *[345]* BATEMAN ?[341] Q. DO YOU KNOW WHERE MR. LEE WAS WHILE THAT FLAG OF TRUCE WAS BEING CARRIED ? A. UP NEAR TO THE CAMP WHERE THE MAN WAS. Q. WHAT WAS DONE ? A. THEN THEY SEEMED TO HAVE A TALK, BUT I COULD NOT HEAR IT; THEN I SAW THE WAGONS —THIS WAGON WHO WENT TOWARDS THE CAMP. JOHN D. LEE AND THIS MAN WHO WERE	WHO CARRIED THAT FLAG AI THINK I AIN'T CERTAIN, IT WAS A MAN BY THE NAME OF BATES, BATES OR BATEMAN, BATEMAN. Q DO YOU KNOW WHERE MR. LEE WAS AWHILE THAT FLAG OF TRUCE *[22]* WAS BEING ≤ACARRIED UP≥ ANEAR TO *M/'EM*[?] ≤**THEM**≥ CAMP WHERE —/*HIS*[?] *MEN/MAN*[?] WAS. WHAT WAS DONE A THEN THEY SEEMED ≤STOPPED≥ TO HAVE ≤**A**≥ TALK; I COULD NOT HEAR IT, THEN I SAW THE WAGONS WENT INTO CAMP OF THESE WAGONS Q WHO WENT TOWARDS CAMP QAJOHN D. LEE THESE MEN WHO WERE	WHO CARRIED THAT FLAG? *[206]* A. IF I ~~A~~AINT MISTAKEN , IT WAS A MAN BY THE NAME OF BATES~~D~~, OR BATEMAN — BATEMAN. Q. DID YOU KNOW WHERE MR. LEE WAS WHILE THAT FLAG OF TRUCE WAS BEING CARRIED UP? A. ONE OF THEM CAME WHERE HIS MEN WAS. Q. WHAT WAS DONE? A. THEN THEY SEEMED TO STOP AND HAVE A TALK; I COULD NOT HEAR IT. THEN I SAW THE TWO WALK AND THEY WENT INTO THE CAMP OF THESE WAGONS. Q. WHO WENT TOWARDS THE CAMP? A. JOHN D. LEE, AND THESE MEN WHO WERE	

341. William Bateman.

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RT	RS	BT	PS
STOPPING WITH THEM. THEY SEEMED TO GO INTO THE CORRALL THERE AGAIN AND BRING THE THINGS OUT. I DO NOT KNOW WHERE THEY CAME FROM, BUT THEY BEGAN TO PUT IN THE THINGS INTO THE WAGONS, LOOKED LIKE CLOTHING, AND AFTER THEY GOT THEM IN, I SUPPOSE LOADED———— Q. WHAT WAS SAID ? A. JOHN D. LEE STARTED OUT— THE TEAMS STARTED OUT WITH THE WAGONS AND THE PARTY FOLLOWED OUT, SEEMED TO BE LOADED WITH SMALL CHILDREN AND OTHER THINGS, I COULD NOT TELL JUST WHAT THEY WAS. Q. COMING BACK	STOPPING WITH THEM, THEY SEEMED TO GO INTO ≤THE≥ CORRAL THERE AGAIN AND BRING THE THINGS OUT, DO NOT KNOW ~~WHETHER~~ WHERE THEY CAME FROM, BUT THEY BEGAN TO PUT IN THE THINGS INTO THE WAGONS LOOKED LIKE CLOTHING; AFTER THEY GOT 'EM I SUPPOSE LOADED Q WHAT WAS SAID ≤OR DONE≥ A JOHN D. LEE STARTED OUT, SAW HIM START OUT WITH WAGONS, PARTY FOLLOWED OUT, SEEMED TO BE LOADED WITH SMALL CHILDREN AND OTHER THINGS, ≤I COULD TELL≥ JUST WHAT THEY WAS Q COMING BACK	STOPPING WITH THEM. THEY SEEMED TO GO INTO THE CORRAL AGAIN, AND BRING THINGS OUT. I DON'T KNOW WHERE THEY CAME FROM; BUT THEY BEGAN TO PUT THE THINGS INTO THE WAGONS, LOOKED LIKE CLOTHING. AFTER THEY GOT THEM I SUPPOSE LOADED. Q. WHAT WAS SAID OR DONE? A. JOHN D. LEE STARTED OUT; SAW HIM START OUT W ITH A WAGON. THE PARTY FOLLOWED OUT. SOMEBODY LED WITH THE SMALL CHILDREN AND THEIR THINGS, I COULD NOT TELL JUST WHAT THEY WERE. Q. COMING BACK	

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RT	RS	BT	PS
NOW TO WHERE YOU SAW SMITH HIGBEE AND LEE, I WANT TO KNOW, PRIOR TO THAT TIME WHETHER YOU HAD HAD SOME CONVERSATION WITH LEE ? A. YES SIR, I HAD SOME CONVERSATION BEFORE KLINGENSMITH. Q. WHAT WAS THAT CONVERSATION IN REFERENCE TO —NWHAT WAS SAID — OR WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE — ——— BASKIN: WE OBJECT, THAT THE QUESTION HAS BEEN RULED UPON AND AS PROVING A STATEMENT BETWEEN THAT PARTY AND JOHN D. LEE. COUNSEL: WHAT WAS THE	NOW TO WHERE YOU SAW SMITH, HIGBEE AND LEE, I WANT TO KNOW PRIOR TO THAT TIME WHETHER YOU HAD HAD SOME CONVERSATION WITH LEE $_{A}$YES SIR, I HAD SOME CONVERSATION BEFORE KLINGENSMITH $_{Q}$WHAT WAS THAT CONVERSATION IN REFERENCE TO WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE— — BY BASKIN WE OBJECT, THAT THE QUESTION HAS BEEN RULED ON AS PROVING **A** STATEMENT BETWEEN THAT PARTY AND JOHN D. LEE WHAT WAS THE	NOW TO WHERE YOU SAY SMITH, HIGBEEN AND LEE, I WANT TO KNOW PRIOR TO THAT TIME WHETHER YOU HAD SOME CONVERSATION OR NOT WITH LEE. A YES, SIR, I HAD SOME CONVER~~A~~SATIO N WITH KLINGENSMITH. Q. WHAT WAS THAT CON~~C~~VERSATIO N IN REFERENCE TO? WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE AND HIGBEE — ——— **M**$^{\underline{R}}$ BASKIN: WE OBJECT TO THAT QUESTION . ~~TH~~THAT QUESTION HAS BEEN RULED UPON AS PROVING A STATEMENT BETWEEN THA T PARTY AND JOHN D. LE Q. WH**A**T WAS THE	

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RT	RS	BT	PS
SUBJECT OF THAT CONVERSATION — THAT IS WHAT I AM TRYING TO GET AT ? MR. YOUNG, ~~UOY~~ YOU NEED NOT TELL WHAT WAS SAID *[346]* —WHAT WAS THE SUBJECT OF THE CONVERSATION — WHAT WERE YOU TALKING ABOUT ? A. ABOUT THE EMIGRANTS. Q. NOW THEN, I WANT YOU TO STATE WHAT MR. LEE SAID THERE ? PROSECUTION OBJECTED; IT IS THE SAME QUESTION ASKED AS TO WHAT TOOK PLACE THE MORNING BEFORE THE MASSACRE. COURT: THE RULING OF THE COURT WILL BE THE SAME ON THAT	SUBJECT OF THAT CONVERSATION **A**THAT IS WHAT I AM TRYING GET AT [*space*] HE SAID OBJECTION **Q** MR. YOUNG, YOU NEED NOT TELL WHAT HE SAID, WHAT WAS THE SUBJECT OF CONVERSATION = WHAT WERE YOU TALKING ABOUT **A** ABOUT EMIGRANTS **Q** NOW THEN I WANT YOU STATE WHAT MR. LEE SAID THERE? ~~<~~*~~>~~ PROSECUTION WE OBJECT TO THAT BASKIN IT IS THE SAME QUESTION THE MORNING BEFORE THE MASSACRE. ~~<~~**COURT**~~>~~ RULING OF COURT BE THE SAME ON THAT	~~QUESTION O~~ S~~W~~UBJECT OF THAT CONVERSATION ? A. THAT IS WHAT I AM TRYING TO GET AT. HE SAID TO HIM —— Q. YOU NEEDN'T ~~TO~~ STATE , MR. YOUNG**,** WHAT HE SAID. WHAT WAS THE SUBJECT OF THE CONVERSATION ? WHAT WER~~3~~**E** YOU TALKING ABOUT? A. ABOUT THE EMIGRANTS. Q. NOW, THEN I WANT YOU TO STATE WHAT MR. LEE SAID THERE? *[207]* **M**R BASKIN: WE OBJECT TO THAT. IT IS THE SAME QUESTION— THE MORNING BEFORE THE MAS~~A~~**S**ACRE. THE COURT: THE RULING WILL BE THE SAME ON THAT	

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RT	RS	BT	PS
QUESTION. PROSECUTION OBJECTED TO HIS STATING SOMETHING THAT THE COURT HAS RULED TO BE INCOMPETENT. HOGE: THIS QUESTION THE COURT MAY HEREAFTER PASS UPON, AND WE WISH TO HAVE IT GO TO RECORD WITH HIS RULING UPON IT. COURT: HE WANTS TO STATE WHAT THAT MATTER IS AND LET IT GO UPON THE RECORD.	QUESTION CAREY IF THE COURT PLEASE I OBJECT TO THIS STATING SOMETHING THAT IS KNOWN NOT TO BE COMPETENT BY HOGE THAT IS THE QUESTION; COURT HEREAFTER MAY PASS UPON AND WISH THE COURT TO HAVE IT ≤PUT≥ UPON ≤THE≥ RECORD. BY COURT. HE WANTS TO STATE WHAT THAT MATTER IS AND LET ≤IT≥ GO UPON THE RECORD. CAREY ~~CAREY~~ ≤**HOGE**≥ IN THE FIRST PLACE HE HAS PROVED AND WANTS TO STATE WHAT THAT CONVERSATION IS AND HAVE THE COURT RULE UPON IT OBJECTIONAL PART OF IT	QUESTION. **M**$^{\underline{R}}$ CAREY: WE OBJECT TO TH~~IS~~**E** COU~~L~~NSEL STATING SOMETHING WHICH HE KNOWS NOT TO BE COMPETENT. **M**$^{\underline{R}}$ HOGE: THAT IS A QUESTION FOR THE ~~C~~OURT TO PASS UPON; SO WE CAN HAVE IT GO UPON RECORD/ THE COURT: HE WANTS TO STATE WHAT THA T MATTER IS AND LET IT GO UPON THE RECORD. **M**$^{\underline{R}}$ CAREY: IN THE FIRST PLACE HE HAS PROVED AND WANTS TO STATE WHAT TH**A**T CONVERSATION IS, AND HA~~C~~VE THE COURT RULE UPON IT. **AND I** ~~I~~ OBJECT TO IT BEFORE	

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RT	RS	BT	PS
DEFENSE ASKED THAT THE QUESTION BE PLACED ON THE RECORD WITH THE OBJECTION OF COUNSEL AND RULING OF THE COURT,	GOES TO JURY GIVE ~~≤~~THEM~~≥~~. I HAVE ASKED HIM IN REGARD TO CONVERSATION ABOUT THESE EMIGRANTS WHAT MR. LEE SAID THERE, OF COURSE THIS IS ~~≤~~**A**~~≥~~ DECLARATION OF MR. LEE. PROSECUTION STATE WE HAVE NO RIGHT PROVE DECLARATION OF MR. LEE IN HIS FAVOR ON THE GROUND IT IS NOT PART OF A RES GESTAE, YOUR HONOR AT *LAST/LEAST*[?] RULES ~~≤~~THE~~≥~~ QUESTION IS NOT PROPER BECAUSE A DECLARATION	HE GETS IT BEFORE THE JURY. ~~I HAVE ASKED HIM~~ **M**[R] HOGE: I H**A**VE ASKED HIM IN REGARD TO A CONVERASTION ABOUT THESE EMIGRANTS AND WHAT MR. LEE SAID THERE. OF COURSE IT IS A DE~~F~~CLARATION OF MR.LEE. THE PROSECUTION STATED THAT WE HAVE NO RIGHT TO PROVE DECLA~~T~~RATION S OF MR. LEE IN HIS FAVOR, ON THE GROUND THAT **IT** IS NOT A PART OF THE RES GESTE, ~~WHICH~~ **AND** YOUR HONOR ~~AT LEAT LEAST~~ RULES THAT THE ~~W~~QUESTION IS NOT PROPER, BECAUSE THAT DECLARATION	

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RT	RS	BT	PS
SO THAT WHEN THIS CASE IS CARRIED TO THE SUPERIOR COURT THEY CAN SEE EXACTLY WHAT THE EVIDENCE WAS WHICH WAS RULED OUT.	OF MR. LEE AND WE ADMIT WE HAVE SHOWN IT IS A DECLARATION OF MR. LEE BECAUSE IT WAS MADE ON THE MORNING OF MASSACRE. WHEN IT GOES TO THE SUPERIOR COURT THE COURT ABOVE CAN SEE EXACTLY WHAT EVIDENCE WAS WHICH WAS RULED OUT. ~~≤~~**COURT**~~≥~~ IF *I*[?] HAVE ANY AUTHORITY ABOUT IT I WOULD LIKE *[23]* TO SEE IT. BASKIN. THEIR OBJECT IS TO SHOW ITS APPLICATION. IF THEY PROVE WHAT IS JOHN D. LEE'S STATEMENT AND THE COURT RULES IT OUT THAT IS ERROR.	OF MR. LEE— AND WE ADMIT IT IS A DECLARATION OF MR. LEE— ~~IT~~ WAS MADE ON THE MOR NING O F THE MASSACRE. WHEN IT GOES TO THE S~~UPERIOR~~ **SUPREME** COURT, THE COURT ABOVE CAN SE**E** EXACTLY WHAT THE EVIDENCE WAS THAT WAS RULED OUT. THE COURT: IF YOU HAVE ANY AUTHORITY ~~ABOUT IT~~ **UPON THE POINT I** WOULD LIKE TO SEE IT . **M**R BASKIN: THEIR OBJECT IS TO SHOW ITS COMPLICATION/ IF THEY PROVE WHAT IS JOHN D. LEE'S STATEMENT AND THE COURT RULES IT OUT THAT ~~IS~~ **SHOWS** ~~R~~ERROR~~.~~**, IF ANY.** THE	

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RT	RS	BT	PS
	WITNESS MAY OR MAY NOT STATE THE CONVERSATION AS THE ATTORNEY SEEK TO REPEAT THEY MIGHT HAVE *LET*[?] WITNESS CAN'T UNDER HIS OATH STATE CONVERSATION ~~≤~~BETWEEN~~≥~~ JOHN D. LEE IF THE CONVERSATION *OF*[?] JOHN D. LEE IS PROPER TO ADMIT BEFORE JURY, IT WOULD BE *ERROR TO ALLOW*[?] WITNESS TO STATE IT. YOU CAN ONLY SPREAD EVIDENCE OF THAT KIND ON THE RECORD, WHEN WITNESS IS EXCLUDED BECAUSE HE IS NOT COMPETENT. BY COURT ALL THAT CAN BE SAVED IF HE BE	WITNESS MAY OR MAY NOT STATE THE CON~~C~~VERSATIO N WHICH THEY ARE TRYING AND SEEKING TO HAVE HIM REPEAT. IF YOU LET THE WITNESS STATE THE CONVERSATION BETWEEN JOHN D . LEE AND——IF THE CONVERSATION OF JOHN D. LEE IS **NOT** PROPER TO *[208]* **TO** BE ADMITTED TO THE JURY IT WOULDBE ~~IN~~ ERROR TO ALLOW THE WITNESS TO STATE IT. YOU CAN ONLY SPREAD THE EVIDENCE OF THAT KIND ON THE RECORD WHEN A WITNESS IS EXCLUDED BECAUSE HE IS NOT COMPETENT. THE COURT: ALL THIS TIME CAN BE SAVED IF THE PARTY	

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RT	RS	BT	PS
COURT SUGGESTED	WILL REDUCE IT TO WRITING, SAVE THIS DISCUSSION MR. YOUNG MAY ANSWER WOULD BE ~~<~~THAT IS~~>~~ AS GENERAL PROPOSITION *GENTLEMAN'S*[?] RULE IS CORRECT = SUPERIOR COURT WHEN THIS CASE IS APPEALED THEY COULD NOT TELL WHETHER TESTIMONY WOULD BE RELEVANT TO CASE AS IT NOW STAND, ~~<~~OR NOT~~>~~. WHETHER THIS IS ~~<~~A~~>~~ PART OF A RES GESTAE WHETHER WE AS DEFENSE ARE ENTITLED TO ADMISSION AS EVIDENCE DISCLOSED ~~<~~OR NOT~~>~~. BY COURT. IN ORDER TO SAVE	WILL REDUCE IT TO WRITING AND SAVE THIS DISCUSSION~~.~~**, A**S WE DO NOT KNOW WHAT MR. YOUNG MAY ANSWER. AS A GENERAL PROPOSITION IF THE RULING IS CORR~~3~~ECT, WHEN TH~~IS~~**E** CASE IS COMPLETED, THE ~~SPUPERIOR~~ **SUPREME** COURT COULD NOT TELL WHETHER THE TESTIMONY WOULD BE RELEVANT TO THE CASE AS IT NOW STANDS OR NOT~~.~~; **OR** WHETHER THAT IS A PART OF THE RES GENT**A**E, WHETHER THESE DEFENDANTS ARE ENTITLED TO THE ~~E~~TESTIMONY ~~AS THE EVIDENCE DISC LOSES~~ O~~T~~R NOT; AND IN ORDER TO SAVE	

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RT	RS	BT	PS
THAT COUNSEL REDUCE THE QUESTION TO WRITING, AND SUBMIT IT TO PROSECUTION.	TIME IF YOU WILL ONLY REDUCE THIS QUESTION IN WRITING BISHOP I BELIEVE CORRECT RULE IS THIS. DEFENSE OFFERS TO PROVE BY WITNESS ON THE STAND FOLLOWING FACTS. THEN SETTING FORTH ARE WHAT HIS FACTS ARE HE PROPOSES TO PROVE TO GIVE COURT AND COURT ≤WILL≥ RULE UPON IT INSTANTLY QUESTIONS SHOULD THEN FOLLOW THE OFFER IT BEING UNDERSTOOD THIS QUESTION WAS ASKED BY COURT BOTH THESE STATEMENTS WERE MADE AFTER I WAS CALLED UPON TO MAKE RULING.	TIME, Y OU HAD BETTER REDUCE THIS QUESTION TO WRITING. **M^{R}** BISHOP: I BELIEVE THE CORRECT RULE IS THIS: THE DEFENDANT OFFERS TO PROVE BY THE WITNESS ON THE STAND THE FOLLOWING FACTS . THEN SETTING ~~THE~~ FORTH THESE FA~~F~~CTS THAT WE PROPOSE TO PROVE SO AS TO GET THE COURT TO RULE UPON IT INSTANTLY. THEN FOLLOWING THE OFFER— THE COUR T: BOTH THESE STATEMENTS WERE MADE AFTER I WAS CALLED UPON TO MAKE THE RULING.	

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RT	RS	BT	PS
DEFENDANTS COUNSEL REDUCED THE QUESTION TO WRITING.	BISHOP THIS IS THE PRINCIPLES I HAVE SEEN ADOPTED. QUESTION REDUCED TO WRITING AND THEN THAT IS VALID TO SHOW THE GOOD FAITH OF THE PARTY OFFERING TESTIMONY PROPOSING TO BRING OUT THESE ANSWERS. BY COURT BETTER REDUCE IT TO WRITING. IT WON'T TAKE LONG. 4 17 **PM** MR. BISHOP PROCEEDED WITH THE AID OF OTHER COUNSEL TO PREPARE STATEMENT ON QUESTION TO BE ANSWERED BY WITNESS WILLIAM YOUNG, 4 45 WAS HANDED TO PROSECUTION TO EXAMINE IT BASKIN I SUGGEST THIS	BISHOP: THAT IS THE PROPOSITION THAT WE HAVE ADOPTED. IT CAN BE REDUCED TO WRITING AND THEN THIS FOLLOWED, TO SHOW THE GOOD FAITH OF THE PARTY OFFERING THE TESTIMONY~~.~~, AND PROPOSING TO BRING OUT THESE ANS~~E~~WERS. THE COURT : YOU HAD BETTER R~~U~~EDUCE IT TO WRITING. IT WON'T TAKE YOU LONG . ~~(~~ (COUNSEL PROCEEDED WITH THE A~~D~~ID OF THE OTHER COUNSEL TO PREPARE A STATEMENT OR QUESTION TO **BE** ANSWERED BY MR. YOUNG.~~)~~ WHICH WAS HANDED TO THE PROSECUTION FOR THEIR EXAMINATION) **M**R~~R~~BASKIN: I SUGGEST THIS	

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RT	RS	BT	PS
	AMENDMENT TO *THIS*[?] TO FORM OF THIS IT BEGINS WITH "DEFENSE PROPOSAL IS TO PROVE BY WITNESS AFTER THE RULING OF COURT, ADDING THIS, THAT AFTER THE RULING OF THE COURT DEFENSE SUBMITS FULLY WRITTEN STATEMENT OF WHAT THEY EXPECTED TO PROVE THEY DID NOT PROPOSE ~~<~~THIS IS MERELY A STATEMENT OF WHAT~~>~~ THEY EXPECT TO PROVE. SUTHERLAND COUNSEL PROCEEDED TO STATE WHAT HE OFFERED TO PROVE ~~<~~PROSECUTION~~>~~ DEFENSE OBJECTING TO STATEMENT IN PRESENCE	AMENDMENT TO THE FORM OF THIS**,** WHICH BEGINS WITH, "DEFENDANTS PROPOSALS TO PROVE **BY WITNESS—** AFTER THE RULI NG OF THE COURT — ~~"~~ ADDING THIS, **"**THAT AFTER THE RULING OF THE COURT, THE DEFENDANTS SUBMIT A FULL WRITTEN STATEMENT OF WHAT THEY EXPECT TO PROV~~E~~. THEY DO NOT[342] *[209]* ~~SUTHERLAND:~~ **(**COUNSEL **(M^R SUTHERLAND)** PROCEEDED TO STATE WHAT THEY OFFERE~~D~~ TO PROV~~E~~**E** AND THE PROSECUTION OBJECTING TO A STATEMENT BEING MADE IN THE PR~~3~~ESENCE	

342. This is cut off at the very bottom of the page.

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RT	RS	BT	PS
	OF JURY COURT DIRECTED HIM TO PRODUCE ≼REDUCE≽ QUESTION IN WRITING BY COURT	OF THE JURY, THE COURT DIRECTED HIM TO REDUCE THE QUESTION IN WRITING.) THE COURT: **(TO REPORTER)** THE	
COURT RULED THAT THE QUESTION COULD NOT BE ASKED.	COURT RULES ON QUESTION AND NOT ON STATEMENT.	COURT RULES ON THE QUESTION ~~OF~~ AND NOT ON THE STATEMENT AND ~~TO THE~~ **M^R R**EPORTER**,** AN	
EXCEPTION BY DEFENSE.	BY COURT THE EXCEPTION TO ONE OF THESE RULES IS THE QUESTION. ≼*≽ **Q**BY HOGE **≼QUESTION≽**	EXCEPTION**,** ~~**TO**~~ BETWEEN ~~ALL~~ **EACH OF** THESE RULINGS IS **TO BE ENTERED** AS TAKEN. **M^R HOGE** ~~Q.~~	
Q. MR. ~~LEE~~ YOUNG WHERE WAS MR. LEE WHEN THE EMIGRANTS MARCHED OUT OF THE CAMP ? A. WELL TO THE BEST OF MY RECOLLECTION ———— *[347]*	MR. YOUNG WHERE WAS MR. LEE WHEN THE EMIGRANTS MARCHED OUT OF CAMP? **A** WELL, TO THE BEST OF MY RECOLLECTION. BY CAREY	MR . YOUNG, WHERE WAS MR. LEE, WHEN THE EMIGRANTS MARCHE~~C~~D OUT OF CAMP? A. WELL, TO THE BEST OF MY RECOLLECTION —— **M^R** CAREY:	
OBJECTED TO.	WAIT WAIT *[24]* UNLESS YOU KNOW BY	HOLD ON, HOLD ON, UNLESS YOU KNOW. **M^R**	
HOGE: I THINK THE WITNESS HAS A RIGHT TO STATE ACCORDING TO	HOGE. I THINK THE MAN HAS RIGHT TO STATE ACCORDING TO	HOGE: I THINK A MAN HAS A RIGHT TO STATE ACCORDING TO	

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RT	RS	BT	PS
THE BEST OF HIS RECOLLECTION. Q. GO ON MR. YOUNG ? A. WELL HE WAS STANDING WHEN HE GOT THE WAGONS LOADED, OR SITTING ON ONE OF THE WAGONS AND DRIVING IT OUT. Q. WHICH ONE OF THE WAGONS ? A. THE FOREMOST ONE OF THE WAGONS. Q. JUST DESCRIBE HOW THESE WAGONS — HOW THEY MARCHED -- — HOW THEY EMIGRANTS MARCHED OUT ? A. WELL, AS SOON AS THEY GOT LOADED JOHN D. LEE GOT INTO ONE OF THE WAGONS, STARTED IT DROVE THE	HIS RECOLLECTION. BY HOGE MAN'S RECOLLECTION IS NOT ≤HEARSAY≥ OR REPORTS QGO ON MR. YOUNG AWELL HE WAS SITTING ON THE ONE AND HE ≤WHOM HE≥ GOT LOADED WAGON AND AFTER SITTING ON ONE OF THE WAGONS DRIVING IT OUT Q"WHICH ONE OF WAGONS ATHE FOREMOST ONE WAGON. Q JUST DESCRIBE HOW THOSE WAGONS, HOW ≤THEY≥ THEY MARCHED, ≤HOW≥ EMIGRANTS MARCHED OUT AWELL, AS SOON AS THEY GOT LOADED JOHN D. LEE GOT INTO ONE OF WAGONS, DROVE IT DISTANCE = DROVE	THE BEST OF HIS RECOLLECTION; A MAN'S RECOLLECTION ~~S~~ IS NOT HEARSAY OR REPORTS . A. WELL, I WAS STATING WHEN THEY GOT THE WAGONS LOADED, HE WAS SITTING ON ONE OF THE WAGONS DRIVING IT OUT. Q. WHICH ONE OF THE WAGON S? A. THE FOREMOST ONE OF THE WAGON~~S~~. Q . JUST DESCRIBE ~~HOW~~ **NOW** THOSE WAGONS~~,~~ HOW THE EMIGRANTS MARCHED OUT? A. WELL, AS SOON AS THEY GOT LOADED**,** JOHN D. LEE GOT INTO ONE OF THE WAGONS AND DROVE IT A DISTANCE — DROVE THE	

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RT	RS	BT	PS
TEAM AND THE OTHER WAGONS FOLLOWED AFTER Q. WHAT NEXT ? A. THE WOMEN, AS I SAID, AND THE CHILDREN, ~~S~~WAS IN THE WAGONS—THE WOMEN BACK OF THE CHILDREN. [*space*] THE PEOPLE WALKED, FOLLOWED THE WAGON THAT LEAD OUT TOWARDS THE ROAD, TOWARDS CEDAR CITY. Q. I WANT YOU NOW TO DESCRIBE THE CONFIGURATION OF THE GROUND FROM THE NORTH OF THE EMIGRANTS CAMP— NORTH OF IT ? A. IT SEEMS TO BE SLANTING AND SAGE BRUSH ON IT AS THEY CALL IT. Q. FOLLOWING ON THE ROAD OFF	TEAM, AND THE OTHER WAGONS FOLLOWED AFTER $_{Q}$WHAT NEXT $_{A}$THE WOMEN AS I SAID ≤AND THE≥ CHILDREN WAS IN WAGON, WOMEN BIGGER CHILDREN THAT WERE ABLE WALK FOLLOWED WAGONS AND LED OUT TOWARDS THE ROAD = TOWARDS CEDAR CITY $_{Q}$HOGE I WANT YOU NOW DESCRIBE THE CONFIGURATIO N OF GROUND FROM THE VALLEY NORTH OF EMIGRANTS CAMP, NORTH OF IT $_{A}$YES SIR, $_{A}$IT SEEMS TO BE SLANTED, SAGE BRUSH ON IT AND CALL IT FOLLOWING ON ROAD OFF	TEAM**,** AND THE OTHER WAGON FOLLOWED AFTER. Q. WHAT NEXT? A. THE ~~WOMEN~~, **WOUNDED** AS I SAID, AND THE CHILDREN WERE IN THE WAGONS. THE WOMEN AND THE BIGGER CHILDREN THEY WERE ALL WALK~~O~~ING AND FOLLOWED THE WAGONS AS THEY LED OUT TOWARDS THE ROAD TOWARDS CEDAR CITY . ~~I~~ Q. I WANT YOU ~~NOW~~ TO DESCRIBE NOW THE CONFIGURATIO N OF THE GROU~~N~~D FROM THE NORTH OF THE EMIGRANTS CAMP? A. NORTH OF IT? Q. YES, SIR . A . IT SEEMS TO BE SLANTING, SAGEBRUSH ON IT, AS THEY CA**L**L IT. Q. NOW, FOLLOWING ON THE ROAD OFF	

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RT	RS	BT	PS
FROM IT — DID YOU ~~SEE~~ SAY THAT WAS WHERE THE ATTACK WAS MADE UPON THE EMIGRANTS ? WITNESS: THE ATTACK — WHAT, AFTER THEY STARTED ? A. AT THE TIME THE FIRING TOOK PLACE I WAS NOT LOOKING AT THEM AT THAT TIME; I WAS KIND OF LAYING DOWN TO THE GROUND AND STUDYING, WHEN THE GUNS FIRED I RAISED MY HEAD I SAW THEM. *[348]* Q. WHERE WAS THE WAGON THAT MR. LEE WAS ON AT THE TIME THE FIRING TOOK PLACE ? A. I SAW IT JUST BEFORE, I THINK, AT LEAST, THOUGH I	FROM IT, $_{Q}$DID YOU SAY <THAT WAS WHERE THE> ATTACK WAS MADE UPON THE EMIGRANTS $_{A}$THE ATTACK WHAT AFTER THEY STARTED $_{~~A~~Q}$AT THE TIME THE FIRING TOOK PLACE $_{A}$I WAS NOT LOOKING AT THEM AT THAT TIME, I WAS KIND LAYING DOWN TO GROUND STUDYING. WHEN THE GUNS FIRED I RAISED MY HEAD, I SAW THEM $_{Q}$ WHERE WAS THE WAGON ~~<~~THAT~~>~~ LEE HIMSELF MR. LEE HIMSELF WAS ON AT THE TIME FIRING TOOK PLACE $_{A}$I SAW IT JUST BEFORE, I THINK AT LEAST ~~<~~THOUGH I~~>~~	FROM IT, DID YOU SAY THAT WAS WHERE THE ATTACK WAS MADE UPO~~J~~**N** THE EMIGRANTS? A. THE ATTACK, WHAT~~?~~**,** *[~~20~~ 210]* AFTER THEY STARTED? Q. AT THE TIME THE FIRING T**O**OK PLACE? A. I WASN'T LOOKING AT THEM AT THAT TIME; I WAS KIND OF LAYING DOWN ON THE GROUND STU~~R~~DDYING . WHEN THE GUNS FIRED I RAISED MY HEAD. I SAW THEM. Q. WHERE WAS THE WAGON~~S~~ THAT MR. LEE W**A**S ON AT THE TIME THE FIRING TOOK~~K~~ PLACE? A. I SAW IT JUST BEFO~~ER~~**RE**, I THINK; AT LEAST THOUGH I	

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RT	RS	BT	PS
NEVER MEASURED THE GROUND, IT WAS TWO HUNDRED AND FIFTY YARDS AHEAD OF THE MEN. Q. I WILL ASK YOU NOW IF THERE WAS ANY RISE IN THE GROUND THERE OR A HILL ? A. THERE SEEMED TO BE A RISE. Q. WHEN THESE WAGONS WENT OVER IT THEY SEEMED TO GET OVER IN A KIND OF A SINK) -- ≤**A.**≥ I STAYED THERE BUT I COULD NOT SEE Q. WHERE WAS HE AT THE TIME THIS ATTACK WAS MADE ? A. WELL I DON'T KNOW WHERE HE WAS, THE LAST I SAW OF HIM HE WAS ON THE WAGONS. Q. WAS THE WAGONS IN SIGHT AT THE	NEVER MEASURED ≤THE≥ GROUND, I THINK IT WAS 250 YARDS AHEAD OF ≤THE≥ MEN **Q** I WILL ASK NOW IF THERE WAS ANY RISE IN GROUND THERE OR **A** ~~RISE~~ HILLOCK ≤NEAR THERE≥ **A** THERE SEEMED TO BE **A** RISE. **Q** WHEN THESE WAGONS WENT OVER IT WITH WOMEN AND CHILDREN GOT OVER KIND OF A SINK **A** I STAYED THERE BUT COULD NOT SEE **Q** WHERE WAS HE AT THE TIME THIS ATTACK WAS MADE **A** WELL I DON'T KNOW WHERE HE WAS; LAST I SAW OF HIM HE WAS ON THE WAGONS **Q** WAS THE WAGONS IN SIGHT AT THE	NEVER MEASURED THE GROUND,— I THINK IT WAS 250 YARDS AHEAD OF THE MEN. Q. I WILL ASK YOU NOW IF THERE WAS ANY RISE IN THE GROUND OR A HILL LIKE NEAR THERE? A. THERE SEEMED TO BE A RISE. Q. SO THAT WHEN THESE WAGONS WENT OVER IT WITH THE WOMEN AND CHILDREN, THEY WENT OVER A KIND OF A SINK? A. I STAID THERE BUT I COULD NOT SEE. Q. WHERE WAS HE AT THE **TIME** ~~TILE~~ THIS ATTACK WAS MADE? A. WELL, I DON'T KNOW WHERE HE WAS; THE LAST I SAW OF HIM HE WAS ONTHE WAGON. Q. WAS THE ~~W~~TWO WAGONS IN SIGHT AT THE	

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RT	RS	BT	PS
TIME OF THE ATTACK ⸮WAS MADE ? A. NOT THAT I SEEN, THEY HAD GONE ~~L~~OVER IN A KIND OF HOLLOW PLACE. Q. I UNDERSTAND YOU TO SAY THE WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER IN A HOLLOW DECLEVITY ? A. AFTER I SAW THE INDIANS I ADVANCED A LITTLE HERE ON THE FRONT AND I THEN SAW THE WOMEN GOING BACK FROM WHERE THE WAGONS WENT. Q. DESCRIBE WHAT YOU SAW WHEN THE INDIANS MADE THE ASSAULT— RIGHT THERE WHEN YOU RAISED YOUR HEAD ? A. I LOOKED AT THE	TIME THE ATTACK WAS MADE $_{A}$~~<~~NOT THAT I SEED~~>~~ THEY HAD GONE OVER IN A KIND OF A LOWER[343] PLACE. $_{Q}$I UNDERSTOOD YOU SAY WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER IN A LITTLE DECLIVITY $_{A}$ AFTER I SAW INDIANS, I ADVANCED **A** LITTLE HERE ON THE FRONT AND I THEN SAW WOMEN GOING BACK FROM WHERE WAGONS WENT. $_{Q}$DESCRIBE ~~<~~AS~~>~~ NEAR AS ~~<~~CAN~~>~~ WHAT YOU SAW, WHEN THE INDIANS MADE THE ASSAULT RIGHT THERE WHEN YOU RAISED YOUR HEAD $_{A}$I LOOKED AT THE	TIME THE ATTACK WAS MADE? A. NOT THAT I SEEN. THEY HAD GONE OVER IN A KIND OF A HOLLOW PLACE. Q. I UNDERSTOOD YOU TO SAY THAT THE WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER ~~A L~~ IN A LITTLE DECL~~E~~**I**VITY? A. AF**T**ER I SAW THE **I**NDIANS**,** I ADVANCED A LITTLE HERE ON THE FRONT, AND I THEN SAW WOMEN GOING BACK FROM WHERE THE WAGONS WENT. Q. DESCRIBE AS NEAR AS YOU CAN WHAT YOU SAW WHEN THE **I**NDIANS MADE THE ASSAUL~~Y~~T, RIGHT THERE WHAN YOU RAI~~D~~SED YOUR HEA~~R~~D? A. I LOOKED AT THE	

343. An “HO” was later added to the beginning of the symbol; it rendered the word “HOLLER”.

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RT	RS	BT	PS
EMIGRANTS, NEXT I LOOKED WHERE THE FIRING CAME FROM, I SAW NO MEN ~~FR~~ WHITE OR BLACK IN THE POSITION OF FIRING. I LOOKED SUDDENLY AGAIN AND I SAW THE INDIANS RISING UP; I HADN'T SEEN THEM TILL THEN; SOME OF THEM MADE FOR THE MEN, KINDER THAT WAY, OTHERS RUSHES FOR THE WAGONS; SHORTLY I HEARD GUNS FIRING, I WAS EXCITED, THEN I SAW WOMEN RUNNING BACK AND THE INDIANS COMING INTO THE BACK OF WHERE *[349]* THE MEN WERE, BUT THE INDIANS CUT THEM OFF— HEADED THEM THEY WHEELED AND	EMIGRANTS; NEXT I LOOKED WHERE THE FIRING CAME. I SAW NO MEN WHITE OR BLACK IN THE POSITION OF FIRING, I LOOKED SUDDENLY AGAIN AND I SAW THE INDIANS RISING UP. I HADN'T SEEN THEM UNTIL THEN. SOME OF THEM MADE FOR THE MEN, KINDER RAN THAT WAY; OTHERS RUSHED FOR THE WAGONS. SHORTLY, I HEARD GUNS FIRING, I WAS EXCITED. THEN I SAW WOMEN *[25]* RUNNING BACK AND THE INDIANS COMING TO THE BACK TO WHERE MEN WERE, BUT THE INDIANS CUT THEM OFF, HEADED THEM ~~≤~~OFF~~≥~~. THEY WHEELED AND	EMIGRANTS; NEXT I LOOKED WHERE THE FIRING CAME; I SAW NO MAN WHITE OR BLACK IN THE POSITION OF FIRING. I LOOKED SUDDENLY AGAIN, AND I SAW THE **I**NDIANS ~~RIDING UP~~ RISING UP; I HADN'T SEEN THEM TILL THEN. SOME OF THEM MADE FOR THE MEN**,**— KINDER RAN THAT WAY, OTHERS RUSHED FOR THE WAGONS. SHORTLY I HEARD GUNS FIRING AND I WAS EXCITED. THEN I SAW THE WOMEN *~~[212~~ 211]* RUNNING BACK AND THE **I**NDIANS CO~~K~~MING TO THE BACK OF WHERE THE MEN WERE; BUT THE **I**NDIANS CUT THEM OFF; HEADED THEM OFF; THEY **WHEELED** ~~WHE**E**ALED~~ AND	

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RT	RS	BT	PS
TURNED TO THE NEAREST POINT ~~THEY COULD~~ ~~<~~THAT~~>~~ REACHED THEM FIRST. I SAW THE WOMEN FIGHT, AND THEN I SAW THE INDIANS KILL A MAN AND THREE WOMEN; I SAW THEM STRIKE AT THEM; I SAW THEM LEADING TWO BOYS. THE INDIANS HAD COME IN FAIR SIGHT. I SAW IT WAS THE INDIANS. I SUPPOSED THEN THEY FIRED AMONG THE INDIANS— THAT IS THE LAST I SAW OF THEM, MAY BE FIFTEEN STEPS — MAY BE TWENTY STEPS; I SAW THE INDIAN COME UP TO THEM AND I SAW HIM PICK UP A BIG ROCK, RAISE IT UP THIS WAY—	TURNED TO THE NEAREST POINT THEY REACHED. THEM FIRST. I SAW THE WOMEN FIGHT; AND THEN I SAW THE INDIANS KILL AS MANY AS 3 WOMEN. I SAW THEM STRIKE AT THEM. I SAW THEM LEADING TWO, INDIANS HAD COME IN FAIR SIGHT, I SAW IT WAS THE INDIANS EMIGRANTS, I SUPPOSED THESE FIRED AMONG INDIANS. THAT IS {THE}[i] LAST I SAW OF THEM, MAYBE 15 STEPS MAYBE 20 STEPS I SAW THE INDIAN COME TO HIM AND I SAW HIM ~~KP~~ ~~<~~PICK~~>~~ UP THAT BIG ROCK RAISED IT UP, THIS WAY,	TURNED TO THE NEAREST POINT THAT THEY COULD REACH. THOUGH FIRST I SAW THE WOMEN FIGHT, AND THEN I SAW THE **I**NDIANS KILL A~~N~~S MANY AS THREE WOMEN; I SAW THEM ~~D~~**S**TRIKE AT THEM. I SAW THEM LEADING ~~TO~~ **TWO** OF THEM. THE **I**NDIANS HAD COME IN FAIR SIGHT; I SAW IT WAS THE **I**NDIANS AND THE EMIGRANTS. I SUPPOSE THIS FIRING WAS AMONG THE **I**NDIANS. THAT IS THE LAST I SAW OF THEM. MAY BE I5 STE~~P~~S MAY BE 20 STEPS, I SAW ~~THE~~ **AN I**NDIAN GO TO ~~HIM~~ **THEM**, ~~BUT~~ **AND** I SAW HIM PICK UP A BIG ROCK; HE RAISED IT UP ~~HI~~ THIS WAY	

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RT	RS	BT	PS
RAISE IT MAY BE THREE TIMES AND STRUCK HIM IN THE BREAST; THE BOY SEEMED TO BE ABOUT FIFTEEN YEARS OF AGE. Q. ABOUT HOW FAR WERE THE WOMEN BEHIND THE WAGONS AS THEY MARCHED ALONG ? A. I COULD NOT TELL YOU THE DISTANCE. Q. HOW L~~O~~ARGE A SPACE WAS THERE BETWEEN THE FOREMOST WOMEN AND CHILDREN AND THE HINDMOST WAGON AS THEY PASSED ALONG IN YOUR SIGHT ? A. I PROBABLY WOULD SUPPOSE 15 OR 20 YARDS BETWEEN THE WAGONS, THE LAST I SAW OF THEM. Q. BETWEEN THE WAGONS AND	RAISED IT *AS/FIRST*[?] ≤MAYBE 3 TIMES≥ AND STRIKE HIM IN THE BREAST, BOY SEEMED TO BE 15 YEARS OF AGE. $_{Q}$HOW FAR WERE WOMEN BEHIND WAGONS AS THEY MARCHED ALONG $_{A}$I CAN'T TELL YOU THE DISTANCE $_{Q}$ HOW LARGE ≤**A**≥ SPACE WAS THERE BETWEEN FOREMOST WOMEN AND CHILDREN AND HINDERMOST WAGON AS THEY PASSED ALONG IN YOUR SIGHT $_{A}$ PROBABLY WOULD SUPPOSE $_{A}$15 OR 20 YARDS ≤BETWEEN≥ WAGONS, THE LAST I SAW THEM $_{Q}$ BETWEEN WAGONS AND	(SHO~~R~~**W**ING) RAISED IT FIRS~~T~~**T,** MAY BE THREE TIMES**,** AND STRIKE HIM IN THE BREAST. THE BOY SEEMED TO BE A~~B~~OUT I5 YEARS OLD. Q. HOW FAR WERE THE ~~Q~~WOMEN BEHIND THE WAGONS~~?~~ AS THEY MARCHED ALONG? A. I CANNOT TELL YOU THE DISTANCE. Q. HOW LARGE A SPACE WAS THERE BETWEEN THE FOREMOST OF THE WOMEN AND CHILDREN AND THE HINDERMOST WAGONS AS THEY PASS~~D~~ED ALONG IN YOUR SIGHT. PROBABL~~E~~**Y** WHAT SPACE? A. I5 OR 20 YS~~S~~ARDS, BETWEEN THE WAGONS THE LAST I SAW OF THEM. Q BETWEEN THE WAGONS AND	

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RT	RS	BT	PS
THE FRONT PART OF THE RANKS— WHAT WAS THE SPACE BETWEEN THE HINDMOST WAGON AND NEAREST TO THE CHILDREN ? A. I DO NOT RECOLLECT. Q. WAS THE WOMEN RIGHT CLOSE UP TO THE WAGON OR SOME DISTANCE BEHIND A. SOME WERE NEAR, PRETTY CLOSE. Q. HOW CLOSE ? A. I SUPPOSE WITHIN 10 OR 15 FEET, SEEMED TO KEEP UP, BUT SOME COULD NOT, THEY KIND OF STRUNG ALONG. *[350]* ~~Q. WAS THE~~ Q. WHEN THE WAGONS PASSED OVER THIS RIDGE OUT OF YOUR SIGHT HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS ? A. I COULDN'T TELL YOU HOW FAR	FRONT PART OF THE RANKS WHAT WAS THE SPACE BETWEEN HINDMOST WAGON AND NEAREST CHILDREN AI DO NOT RECOLLECT WAGON QWAS THE WOMEN RIGHT CLOSE UP TO THE WAGONS OR SOME DISTANCE BEHIND A SOME WERE NEAR PRETTY CLOSE. QHOW CLOSE ? I ASUPPOSE WITHIN 10 OR 15 FEET, SEEMED TO KEEP UP BUT SOME COULD NOT. THEY KIND OF STRUNG ALONG QWHEN THE WAGONS PASSED OVER THIS RIDGE OUT OF YOUR SIGHT HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS AI COULDN'T TELL HOW FAR	THE FRONT **PART** ~~PASRT~~ OF THE RANKS~~,~~**.** **W**HAT WAS THE SPACE BETWEEN THE HINDERMOST WA~~N~~GON AND THE NEAREST CHILDREN? A. I DON'T RECOLLECT. Q. WAS THE WOMEN RIGHT CLOSE UP TO THE WAGONS, OR SOME DISTANCE BEHIND ? A. SOMEWHERE, BUT NOT **VERY** ~~PRETTY~~ CLOSE. Q. HOW CLOSE? A. I SUPPOSE WITHIN I0 OR I5 FEET; THEY SEEMED TO KEEP UP, BUT SOME COULDN'T, THEY KIND OF STRUNG ALONG. Q. WHEN THE WAGON PASSED OVER THIS RIDGE OUT OF YOUR SIGHT, HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS? A. I CANNOT TELL YOU BUT	

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RT	RS	BT	PS
BEHIND THEM, BUT THEY WAS BEHIND THEM THE LAST I SEEN OF THE WAGONS. CROSS-EXAMINED. Q. YOU SAY AFTER YOU FIRST HEARD THE FIRING THERE WAS A GREAT DEAL OF SMOKE — WAS THERE ANY SMOKE—DID YOU SEE ANY SMOKE AT THE TIME OF THE FIRING OF GUNS WHEN YOU LOOKED UP ? A. NO SIR, I DON'T RECOLLECT AS FOR	BEHIND THEY WAS LAST I SEEN OF WAGONS. BY HOGE TO PROSECUTION YOU CAN TAKE THE WITNESS ≺**CROSS EXAMINATION BY BASKIN.**≻ BASKIN $_{Q}$ YOU SAY AFTER YOU FIRST HEARD THE FIRING THERE WAS GREAT DEAL OF SMOKE <$_{A}$~~YES SIR~~> BY SPICER AS IT IS ABOUT ADJOURNING TIME I PROPOSE WE LEAVE WITNESS UNTIL TOMORROW MORNING. $_{Q}$WAS THERE ANY SMOKE DID YOU SEE ANY SMOKE AT THE TIME FIRING OF GUNS WHEN YOU LOOKED UP $_{A}$NO SIR I DON'T RECOLLECT AS FOR	THEYWAS BEHIND ~~OF~~ THEM ~~, WAS~~ THE LAST I SEEN OF THE WAGON. *[212]* CROSS-EXAMINATION OF WILLIAM YOUNG BY BASKIN: Q. YOU SAY THAT AFTER YOU FIRST HEARD THE FIRING THERE W**A**S A GOOD DEAL OF SMOKE? A. YES, SIR. Q. DID YOU SEE ANY SMOKE, WAS THERE ANY SMOKE AT THE TIME OF THE FIRING OF THE GUNS WHEN YOU LOOKED UP? A. NO, SIR I DON'T RECOLLECT, ONLY I SAW	

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RT	RS	BT	PS
SMOKE. Q. HOW FAR WAS IT FROM WHERE YOU SAW THE EMIGRANTS WHEN YOU LOOKED UP TO WHERE YOU SAW THE INDIANS RISE OUT—ABOUT HOW MANY RODS ? A. IT HAS BEEN A LONG TIME SINCE , I HAVE NEVER BEEN UPON THE GROUND— IT IS A HASTY MATTER, I COULD NOT JUDGE. Q. ABOUT HOW FAR**,** WAS IT FIFTY YARDS ? A. I THINK IT WAS THAT MUCH— FIFTY OR ONE HUNDRED. Q. DID THE INDIANS HAVE ANY GUNS ? A. I DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS. Q. DID YOU SEE THE INDIANS SHOOT ANY GUNS ON THAT OCCASION ? A. NO, I	SMOKE $_{Q}$HOW FAR WAS IT FROM WHERE YOU SAW THE EMIGRANTS WHEN YOU LOOKED UP TO WHERE YOU SAW INDIANS RISE OUT ABOUT HOW MANY ROD $_{A}$IT HAS BEEN LONG TIME I HAVE NEVER BEEN ON GROUND, IT IS HASTY MATTER, I COULD NOT JUDGE $_{Q}$ ABOUT HOW FAR WAS IT; WAS IT 50 YARDS $_{A}$I THINK IT WAS THAT MUCH, 50 OR 100 $_{Q}$DID THE INDIANS HAVE ANY GUNS $_{A}$I DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS $_{Q}$DID YOU SEE THE INDIANS SHOOT ANY GUNS ON THAT OCCASION $_{A}$NO I	SMOKE. Q. HOW FAR WAS IT FROM ~~H~~WHERE YOU SAW THE EMIGRANTS WHEN YOU LO~~K~~OKED UP TO WHERE YOU SAW THE **I**NDIANS RISE UP, ABOUT HOW MANY RODS? A IT HAS BEEN A LONG TIME; I HAVE NEVER ~~N~~BEEN ON THE GROUND SINCE; IT ~~IS~~ **WAS** A HASTY MATTER**,**. I COULD NOT JUDGE. Q. ABOUT HOW FAR W AS IT? WAS IT 50 YS~~S~~ARDS? A. I THINK IT WAS THAT MUCH, 50 OR A HUNDRED. Q. DID THE **I**NDIANS HAVE ANY GUNS? A. I DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS. Q. DID YOU SEE THE **I**NDIANS SHOOT ANY GUNS ON THAT OCCA SION? A. NO, I	

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RT	RS	BT	PS
DON'T KNOW AS I DID. Q. DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUSIVELY ON THAT OCCASION ? A. I SAY I COULD NOT TELL WHAT WEAPON THEY DID SHOOT WITH — DIDN'T SEE THEM FIRE ANY SHOTS—DIDN'T SEE ANY WHITE MEN. Q. DID THE INDIANS MAKE THE ATTACK ON THE WOMEN ? A. I SAW THEM RUNNING BACK AND THE INDIANS WAS AFTER THEM, SEEMINGLY TO *[351]* KILL THEM. Q. AFTER YOU LOOKED UP AND YOU HAD SEEN THE TROOPS WHEN YOU LAST OBSERVED THEM, HOW WERE THEY	DON'T KNOW AS I DID $_{Q}$DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUSIVELY ON THAT OCCASION $_{A}$I SAY I COULD NOT TELL WHAT WEAPON THEY DID SHOOT, WE DIDN'T SEE THEM FIRE ANY SHOTS, DIDN'T SEE ANY WHITE MEN $_{Q}$DID INDIANS MAKE ATTACK ON THE WOMEN *[26]* $_{A}$I SAW THEM RUNNING *IN*[?] AFTER THEM THEY *BODY*[?] BACK = RUNNING BACK, ~~<~~**THE**~~>~~ INDIANS WAS AFTER THEM SEEMINGLY TO KILL THEM. $_{Q}$AFTER YOU LOOKED UP {AND YOU}[i] HAD SEEN THE TROOPS WHEN YOU LAST OBSERVED THEM, HOW WERE THEY	DON'T KNOW AS I DID. Q. DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUS~~L~~IVELY ~~WITH ARROWS~~ ON TH T OCCASION? A. I SAY I COULDN'T TELL WHAT WEAPON THEY DID SHO**O**T WITH; I DIDN'T ~~F~~SEE THEM FIRE ANY SHOTS. DIDN'T SEE ANY WHITE M~~E~~AN. Q. DID THE **I**NDIANS MAKE THE ATTACK ON THE WOMEN? A. I SAW THEM RUNNING IN AFTER, **THEM IN A BODY** T~~HEY WERE BEAR BACK 9 —~~ RUNNING BACK. THE **I**NDIA~~N~~S WAS AFTER THEM SEEMINGLY TO KILL THEM. Q: AFTER YOU LOOKED UP, AND Y**O**U HAD SEEN THE TROOPS WHEN YOU **LAST** ~~LAT~~ OBSERVED THEM, HOW WERE THEY	

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RT	RS	BT	PS
SITUATED WITH REFERENCE TO EACH OTHER, THE WHITE MEN AND THE SOLDIERS ? A. I COULD NOT TELL YOU, ONLY SUPPOSE. Q. WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE ? A. THAT WAS THE LAST I NOTICED THEM. Q. WHEN YOU LOOKED UP DID YOU SEE THE SOLDIERS AND WHITE MEN IN THE VICINITY THERE ? A. YES, I SAW THEM NOT FAR FROM WHERE THESE MEN WERE. THE ROAD MADE A KIND OF A TURN. Q. LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS AND THE OTHER THE EMIGRANTS STANDING OUT HERE ? A. THE	SITUATED WITH REFERENCE TO EACH OTHER WHITE MEN AND SOLDIERS $_{A}$I COULD NOT TELL YOU *AS FAR AS*[?] $_{Q}$WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE $_{A}$ ~~THERE~~ ≤THEY≥ WAS ≤THE≥ LAST I NOTICED THEM $_{Q}$WHEN YOU LOOKED UP DID YOU SEE SOLDIERS AND WHITE MEN IN THE VICINITY THERE [*space*] {$_{A}$}^{i}YES, I SAW THEM NOT FAR FROM WHERE THESE MEN WERE. THE ROAD MADE A KIND OF TURN $_{Q}$LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS OR HOWEVER THEY WERE DID THE EMIGRANTS STAND OUT HERE $_{A}${THE}^{i}	SITUATED WITH REFERENCE TO EA~~S~~CH OT**H**ER WHITE MEN AND SOLDIERS? A. I COULD N~~T~~OT TELL YOU AS TO THAT. Q. WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE? *[213]* A. THAT WAS THE LAST I NOTICED THEM~~.~~ **THEY WAS.** Q. WHEN YOU LOOKED UP**,** DID YOU SEE THE SOLDIERS AND WHITE MEN IN THE VICINITY THERE? A. YES, ~~SI~~ I SAW THEM NOT FAR FRO M WHERE THE~~R~~SE MEN WERE. THE ROAD MADE KIND OF A TURN. Q . LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS, OR HOWEVER THEY WERE, ~~I~~DID THE EMIGRANTS STAND OUT HERE? A. THE	

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RT	RS	BT	PS
LAST I SAW OF THEM THEY WAS IN A KIND OF THAT POSITION. Q. HOW LONG HAD YOU BEEN LOOKING AT THEM BEFORE YOU HEARD THE FIRE ? A. I WAS IN A KIND OF STUDY AS TO HOW THEY MIGHT TREAT US, BUT IT WAS ONLY A SHORT TIME. Q. LET THAT REPRESENT THE SOLDIERS — WHERE WERE THE INDIANS WITH REFERENCE TO THEM ? A. ON THAT SIDE WHEN I FIRST SAW THEM RISE UP I WAS ON THE RIGHT HAND SIDE. Q. POINT OUT AS NEAR AS YOU CAN WHERE THEY ROSE UP ? A. THEY WAS ON THE RIGHT, SOMETHING	LAST I SAW OF THEM THEY WAS IN {**A**}[i] KIND OF THAT POSITION **Q** HOW LONG HAD YOU BEEN LOOKING AT *KIND/KND/KNT*[?] BEFORE YOU HEARD THE FIRING **A**I WAS IN A KIND OF STUDY AS TO HOW THEY MIGHT TREAT US BUT IT WAS ONLY SHORT TIME **Q**LET THAT REPRESENT SOLDIERS, WHERE WERE THE INDIANS WITH REFERENCE TO THEM **A**ON THAT SIDE ON THAT SIDE NEAR AS I ~ **A**AS I FIRST SAW ≤THEM≥ RISE UP WAS ON THE RIGHT HAND SIDE **Q**POINT OUT AS NEAR AS YOU CAN WHERE THEY ROSE UP **A**THEY WAS ON THE RIGHT SOMETHING	LAST I SAW OF THEM, THEY WERE IN ~~A~~ KIND OF THAT POSITION. Q. HOW LONG HAD YOU BEEN LOOKING AT THE MEN BEFORE YOUHEARD THE FIRING ? A. I WAS IN A KIND OF STUDDY AS TO H OW THEY MIGHT TREAT US, AND IT WAS ONLY A SHORT TIME. Q. LET THAT REPRESENT THE SOLDIERS, WHERE WERE THE **I**NDIANS WITH REFERENCE TO THEM~~? A.~~ ON THAT SIDE**? A. Y**ES, ON THAT SIDE**;** WHEN I FIRST ~~WHENI~~ SAW THEM RISE UP THEY WAS ON THE RIGHT HAND SIDE. Q. POINT OUT **AS** ~~AW~~ NEAR AS YOU CAN W**H**ERE THEY ROSE UP? A. THEY WAS ON THE RIGHT SOMETH**I**NG	

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RT	RS	BT	PS
LIKE THAT. Q. WHEN YOU SAW THE INDIANS RUN OFF WHICH WAY DID THEY RUN ? A. I SAW, AS I SAID BEFORE, A PILE OF THEM RUSH BETWEEN THE SOLDIERS *[352]* AND THE EMIGRANTS. THE OTHERS MADE A RUSH TOWARDS THE WAGONS. Q. WHEN YOU LAST SAW THE SOLDIERS AND THE EMIGRANTS MARCHING TOGETHER, WERE THE SOLDIERS NEXT TO THE SIDE OF THE INDIANS OR WERE THEY ON THE EMIGRANTS ? A. THEY WERE ON THE SIDE THE EMIGRANTS WAS. THAT IS WHERE I SAW THE INDIANS. Q. AND ~~SAW~~ ≤SO≥ COMING FROM THAT	LIKE THAT **Q** WHEN YOU SAW THE INDIANS RUN OFF WHICH WAY DID THEY RUN **A**I SAW AS I SAID ≤**A**≥ PILE OF THEM RUSH ~~AMONG~~ BETWEEN {THE}[i] SOLDIERS AND EMIGRANTS; OTHERS MADE RUSH TOWARDS WAGONS. **Q**WHEN YOU LAST SAW THE SOLDIERS AND EMIGRANTS MARCHING TOGETHER WERE THE SOLDIERS NEXT TO THE SIDE OF INDIANS *WERE OVER/WHEREVER* [?] ON EMIGRANTS **A** THEY WERE ON THE SIDE THE EMIGRANTS WAS SO THAT IS WHERE I SAW THE INDIANS {**Q**}[i] A SHOT COMING FROM THAT	LIKE THAT. Q. WHENYOU SAW THE **I**NDIANS RUNNING T**O** THEM WHICH WAY DID THEY RUN? A. I SAW, AS I SA**I**D, A PILE OF THEM RUSH BETWEEN THE SOLDIERS AND THE EMIGRANTS, AND THE OTHERS MADE A RUSH TOWARDS THE WAGONS. Q. WHENYOU LAST SAW THE SOLDIERS AND EMIGRANTS MARCHING TOGETHER WERE THE SOLDIERS NEXT TO THE SIDE OF THE **I**NDIANS OR WERE THEY OVER ~~NEAR~~ ON THE OTHER SIDE**,** AWAY. A. THEY WERE ON THE SIDE THE ~~EMIGRANTS~~ **INDIANS** W~~AS~~**ERE**, THAT IS WHERE I SAW THE **I**NDIANS. Q. AND SO COMING FROM THAT	

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RT	RS	BT	PS
DIRECTION THE SHOTS MUST HAVE HIT THE SOLDIERS BEFORE HITTING THE EMIGRANTS ? A. I COULD NOT TELL. COURT: WHO WERE WITH YOU AT THE TIME YOU SPEAK OF WHEN YOU ROSE UP AT THAT POINT ? A. I WAS BEHIND EVERYBODY—I WAS OUT OF SIGHT OF THE WHOLE. Q. WAS YOU BY YOURSELF ? A. YES SIR. Q. WHEN YOU GOT BACK WHO WAS WITH YOU AT THE TIME ? A. I DON'T THINK ANYBODY WAS WITH ME, I ONLY SAW ———— [*space*]	DIRECTION MUST HAVE HIT SOLDIERS BEFORE HITTING THE EMIGRANTS $_{A}$ I COULD NOT TELL BASKIN THAT IS ALL. BY COURT WHO WAS WITH YOU AT THE TIME YOU SPOKE OF, WHEN YOU ROSE UP AT THAT POINT $_{A}$I WAS {BEHIND}[i] EVERYBODY I {AND}[i] WAS OUT OF SIGHT OF THE WHOLE $_{Q}$ WAS YOU BY *YOURSELF*$_{A}$ */*$_{A}$*YES SIR*[?]. $_{Q}$WHEN YOU GOT BACK WHO WAS WITH YOU AT THE TIME $_{A}$I DON'T THINK ANYBODY WAS WITH ME I SEEN [*ink blot*] BY PROSECUTION THAT IS ALL. (BY HOGE YOU CAN GO HOME IN THE MORNING *TO*[?] MR. YOUNG IF YOU WISH	DIRECTION, THEY MUST HAVE HIT THE SOLDIERS BEFORE HITTING THE EMIGRANTS? A. I COULD NOT TELL. THAT IS ALL. BY COURT: WHO WAS WITH YOU AT THE TIME YOU SPOKE OF**,** WHEN YOU ROSE UP THAT F~~ORT~~ POINT? A. I WAS BEHIND EVERYBODY; I WAS OUT OF SIGHT OF THE WHOLE BY COURT: W~~AS~~**ERE** YOU BY YOURSELF? A. YES, SIR? *[214]* COURT: WHEN Y**O**U GOT UP TO GO,— WHO WAS WITH YOU AT THE TIME? A. I DON'T THINK ANYBODY WAS WI TH ME, WHILE I WENT AND LOOKED. THAT IS ALL. ~~BY~~ MR. HOGE: **(TO WITNESS)** YOU CAN GO HOME IN THE MORNING, MR. YOUNG IF YOU WI~~F~~SSH	

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RT	RS	BT	PS
	TO BY CAREY YOU CAN GO RIGHT ALONG. BY HOGE YOU HAD BETTER GO TO THE CLERK [*ink blot*] YOUR CERTIFICATE FOR ATTENDANCE I PRESUME WHEN THAT WEARS OUT I GUESS THEY WILL GIVE YOU ANOTHER ONE BY COURT WILL ADJOURN UNTIL TOMORROW MORNING **AT 9** **O'CLOCK** [*space*]	TO. **M**^{R} ~~BY~~ CARY: YOU CAN GO HOME RIGHT NOW. WHEREUPON COURT WAS ADJOURNED TILL TO MORROW MORNING AT 9 O'CLOCK. ——— —OO————	

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John D. Lee, First Trial

Jesse N. Smith and Silas S. Smith Testimonies

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RT	RS	BT	PS
[353] FRIDAY MORNING, JULY 30TH 1875. NINE O'CLOCK A.M.	*[Bk 7 28]*344 **FRIDAY, MORNING, JULY 30TH, 1875. 9AM – 9 15 AM**	*[Bk 5 214 cont.]* FRIDAY A.M. JULY 30TH, 1875.	[*Patterson Shorthand is not extant for this material*]
	NAMES OF JURORS CALLED ALL PRESENT. BISHOP REQUESTED DELAY OF A FEW MINUTES UNTIL JUDGE SUTHERLAND ARRIVED. BY COURT CALL YOUR WITNESS. BY JUDGE SUTHERLAND **P F FARNSWORTH** [*space*] **P. T. FARNSWORTH, SEN.R** WAS NOT NEAR DID NOT ANSWER. **JNO KIRBY** WAS SWORN IN AS BAILIFF FOR THE COURT. ⩽AND *A/THE*[?] OFFICER TO TAKE CHARGE OF JURORS.⩾	JURY CALED , ALL PRESENT.	
JESSE N. SMITH, SWORN FOR DEFENDANT.	**JESSE N. SMITH** MR. SMITH I HAVE BEEN SWORN *BK/PK*[?] *G/K*[?] THIS	JESSE N. SMITH BEING SWORN AS A WITNESS ON THE PART OF THE DEFENSE	

344. William Young's testimony for the defense ends on Bk 7, page 26. Page 27 of Book 7 contains the conclusion of Spicer's opening argument for the defense out of place, and page 28 returns to the defense witness Jesse Smith.

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RT	RS	BT	PS
BASKIN: Q. WHAT IS YOUR FIRST NAME ? A. JESSE N. Q. WHERE DID YOU RESIDE IN 1857 ? A. PAROWAN. Q. WERE YOU EVER ACQUAINTED WITH WILLIAM H. DAME ? A. I WAS. Q. HOW LONG HAD YOU THEN LIVED IN THIS TERRITORY ? A. I CAME INTO THE TERRITORY IN '47. Q. YOU RESIDED HERE FROM THAT TIME 'TILL '57 ? A. YES SIR. Q. DID YOU KNOW AT THAT TIME OF AN EMIGRANT PARTY PASSING THROUGH THE TERRITORY SOUTHWARD THAT HAS BEEN REFERRED TO AS THE ARKANSAS	MORNING Q WHAT IS YOUR FIRST NAME BY BASKIN A JESSE N Q WHERE DID YOU RESIDE IN 1857 ? A PAROWAN Q WERE YOU THEN ACQUAINTED WITH WILLIAM **H DAME** A I WAS Q HOW LONG HAD YOU THEN LIVED IN THIS TERRITORY A CAME ~~<~~IN~~>~~ TERRITORY IN 47 Q YOU RESIDED HERE FROM THAT TIME UNTIL 57 A YES SIR Q DID YOU KNOW AT THAT TIME OF AN EMIGRANT PARTY PASSING THROUGH TERRITORY SOUTHWARD, THAT HAS BEEN REFERRED TO AS ARKANSAS	WAS EXA~~N~~MINED AS FOLLOWS BY J. **G** SUTHERLAND: Q. WHAT IS YOUR FIRST NAME? A. JESSE N. Q. WHERE DI D YOU RESIDE IN 1857? A . PAROWAN. Q. WERE YOU THEN ACQUAINTED WITH WILLIAM H. DAME? A. I WAS. Q. HOW LONG HA~~S~~D YOU THEN LIVED IN THIS TERRITORY? A. I CAME IN**TO** THE TERRITORY IN 1847. Q. AND YOU HAVE RESIDED HERE FROM THAT TIME TILL '57? A . YES~~L~~**SIR** Q. DID YOU KNOW AT THAT TIME OF AN EMIGRANT PA~~T~~RTY PASSING THROUGH THE TERRITORY SOUTHWARD THAT HAS BEEN REFERRED TO AS THE ARKANSAS EMIGRANT	

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RT	RS	BT	PS
TRAIN ? A. YES SIR. Q. WHERE WERE YOU WHEN THEY PASSED THROUGH PAROWAN ? A. I WAS AT PAROWAN OR RED CREEK.[345] Q. AND YOU SAW THIS EMIGRANT TRAIN ? A. I DID, I SAW THEM ON THE BOTTOM, CAMPED BELOW RED CREEK, ALSO SAW THEM AT PAROWAN. Q. DID YOU DO ANY TRADING WITH THEM ? ✓ A. I SOLD THEM SOME FLOWER AND SALT. Q. DID YOU OFFER THEM ANY MORE THAN THEY BOUGHT, IF SO STATE THE TRANS- *[354]* ACTION ? ✓ A. WELL I HAD FLOWER TO SPARE AND ASKED THEM IF THEY WANTED ANY MORE, THEY SAID	TRAIN ~~Q~~ A YES SIR Q WHERE WERE YOU WHEN THEY PASSED THROUGH PAROWAN ? A I WAS AT PAROWAN ~~<~~THAT IS~~>~~ RED CREEK. Q YOU SAW THIS EMIGRANT TRAIN A I DID, I SAW THEM ON THE BOTTOM, CAMPED, BELOW RED CREEK, ALSO SAW THEM AT PAROWAN Q DID YOU DO ANY TRADING WITH THEM A I SOLD THEM SOME FLOUR AND SALT. Q DID YOU OFFER THEM ANY MORE THAN {THEY}[i] BOUGHT, IF SO STATE {THE}[i] TRANSACTION A WELL, I HAD FLOUR TO SPARE AND ASKED THEM IF THEY WANTED ANY MORE, THEY SAID	TRAIN? A. YES, SIR. Q. WHERE WERE YOU ~~T~~WHEN THEY PASSED THROUGH PAROWAN? A. I WAS AT PAROWAN ~~.~~, THAT IS RE~~A~~D CREEK. Q. YOU SAW THIS EMIGRANT TRAIN? A. I DID; THAT IS I SAW THEM ON THE BOTTOM CAMPED AT ~~REA~~ BELOW RED CREEK, ALSO SAW THEM AT PAR**O**W AN. Q. DID YOU DO ANY TRADING WITH THEM? A . I SOLD THEM SOME FLOWER AND SALT. Q. DID YOU OFFER THEM ANY MORE THAN THEY BOUGHT, IF SO STATE THE *[215]* TRANSACTION? A. WELL, I HAD FLOUR TO SPARE, AND I ASKED THEM IF THEY WANTED ANY MORE; THEY SA~~U~~ID	

345. Red Creek is the current town of Paragonah.

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RT	RS	BT	PS
NOT, THEY WANTED VEGETABLES, BUT I HAD NONE OF THIS TO SPARE. Q. STATE WHAT YOU KNOW OF ANYTHING RESPECTING THERE BEING FURNISHED WITH VEGETABLES ? A. I DO NOT KNOW OF THEIR BEING FURNISHED WITH ANY VEGETABLES. Q. DO YOU KNOW GEORGE A. SMITH ? A. I DO. Q. DID YOU SEE HIM IN SOUTHERN UTAH A SHORT TIME BEFORE THIS TRAIN CAME IN? A. I SAW HIM IN PAROWAN ON THE EIGHTH OF AUGUST; CAME IN FROM THE NORTH. Q. AND WENT WHERE ? A. HE WENT AROUND AMONG THE SETTLEMENTS AND AS FAR SOUTH AS THE SANTA CLARA. Q. STATE	NOT THEY WANTED VEGETABLES BUT I HAD NONE OF THOSE = TO SPARE $_{Q}$ STATE WHAT YOU KNOW OF IN RESPECT TO THEIR BEING FURNISHED WITH VEGETABLES $_{A}$I DO NOT KNOW OF THEIR BEING FURNISHED ANY VEGETABLES $_{Q}$DID YOU KNOW GEORGE A SMITH $_{A}$I *DO/DID*[?] $_{Q}$DID YOU SEE HIM IN SOUTHERN UTAH A SHORT TIME BEFORE THIS TRAIN CAME IN $_{A}$I SAW HIM IN PAROWAN ON THE $\underline{8}^{TH}$ OF AUGUST, CAME IN FROM THE NORTH $_{Q}$ AND WENT WHERE $_{A}$HE WENT AROUND AMONG THE SETTLEMENTS AND AS FAR SOUTH AS SANTA CLARA $_{Q}$STATE	NOT. **T**HEY WANTED VEG~~R~~ETABLES, BUT I HAD NONE TO SELL—TO SPARE . Q. STATE WHAT YOU KNOW ~~HIE E~~ IN RESPECT TO THEIR BEING FURNISHED VEGETABLES? A. I DON'T KNOW OF THEIR BEING FURNISHED ANY VEG~~R~~ETABLES. Q. DIDYOU KNOW GEORGE A. SMITH. **A. YESSIR.** Q. DID YOU SEE HIM IN SOUTHERN UTAH A SHORT TIME BEFORE THIS TRAIN CAME ALONG? A. ISAW HIM IN PAROWAN ON THE 8TH OF A**U**GUST; **HE** CAME IN FROM THE NORTH. Q. AND WENT WHERE? A. HE WENT AROUND AMONG THE SETTLEMENTS ~~N D~~ AND AS FAR SOUTH AS THE SANTA CLARA. Q STATE	

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RT	RS	BT	PS
WHETHER YOU ACCOMPANIED HIM ? A. I DID. Q. AND HOW MUCH WERE YOU IN HIS COMPANY DURING HIS JOURNEYINGS SOUTH FROM PAROWAN AND RETURNING ? A. I WAS ONE OF A SMALL PARTY VISITED ALL THE SETTLEMENTS IN HIS COMPANY AND TURNED BACK TO PAROWAN. Q. STATE WHETHER AT THE MEETINGS THAT WERE HELD BY HIM, WHETHER HE TALKED WITH THE PEOPLE HERE AND THERE ? A. I THINK THE MEETINGS WERE HELD AT EVERY SETTLEMENT. Q. STATE WHETHER YOU WERE PRESENT AT THESE MEETINGS ? *[355]* A. I WAS	WHETHER YOU ACCOMPANIED HIM $_{A}$I DID $_{Q}$ AND HOW MUCH YOU WERE IN HIS COMPANY DURING HIS JOURNEYINGS SOUTH FROM PAROWAN AND RETURNING $_{A}$I WAS ONE OF A SMALL PARTY, VISITED ALL THE SETTLEMENTS IN HIS COMPANY AND TURNED BACK TO PAROWAN $\{_{Q}\}^{i}$ STATE WHETHER AT THE MEETINGS THAT WERE HELD BY HIM THERE, WHETHER HE TALKED WITH THE PEOPLE HERE AND THERE $_{A}$I THINK MEETINGS WERE HELD AT EVERY SETTLEMENT $\{_{Q}\}^{i}$ STATE WHETHER YOU WERE PRESENT AT THESE MEETINGS $_{A}$I WAS	WHETHER OR NOT YOU ACCOMPANIED HIM? A. I DID. Q. AND HOW MUCH YOU WEREIN HIS COMPANY DURNG HIS JOURNEYINGS SOUTH FROM PAROWAN AND RETURNIJNG? A. I WAS ONE OF A SMALL PARTY VISITING ALL OF THE SETTLEMENTS IN HIS CONMPANY AND RETURNED BACK TO PAROWAN WITH HIM. Q. STATE WHETHER AT THE MEETINGS THAT WERE HELD BY HIM, WHETHER HE TALKED WITH THE PEOPLE HERE AND THERE? A. I THINK MEETINGS WERE HELD AT EVERY SETTLEMENT. Q. STATE WHETHER OR NOT YOU WERE PRESERNT AT THOSE MEETINGS? A. I WAS	

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RT	RS	BT	PS
AT EVERY ONE Q. STATE WHETHER AT ANY, IF SO WHERE , HE SAID ANYTHING ON THE SUBJECT OF SELLING THE PRODUCE OF THE SETTLERS — SELLING THE PRODUCE TO THE EMIGRANT TRAINS — IF SO WHAT HE SAID ? {✔}^{p} A. HE FREQUENTLY REFERRED TO THE SUBJECT OF SELLING GRAIN FOR BREAD STUFFS, BUT FEEDING IT TO ANIMALS, HE DEPRECATED THAT COURSE; IT WAS CUSTOMARY TO FEED WHEAT TO HORSES AND MULES AND FATTEN HOGS WITH, BUT HE SPOKE AGAINST THAT ALSO AND SPOKE AGAINST SELLING SUCH GRAIN TO THE EMIGRANTS TO FEED TO THE	AT EVERY ONE {Q}^{i} STATE WHETHER AT ANY, IF SO WHERE, HE SAID ANYTHING ON THE SUBJECT OF SELLING THE PRODUCE OF THE SETTLERS = SELLING THE PRODUCE TO EMIGRANT TRAINS, IF SO WHAT HE SAID $_{A}$HE FREQUENTLY REFERRED TO {THE}^{i} SUBJECT OF SELLING GRAIN FOR BREAD STUFFS TO HAVE FEEDING TO ANIMALS, DEPRECATED THAT COURSE. CUSTOMARY TO FEED WHEAT TO HORSES AND MULES AND FATTEN HOGS WITH BUT HE SPOKE AGAINST THAT ALSO AND, SPOKE AGAINST SELLING SUCH GRAIN TO EMIGRANTS TO HAVE FEED TO	AT EVERY ONE. Q. STATE WHETHER AT ANY, AND IF SO**,** WHERE~~,~~ HE SPOKE ON THE SUBJECT OF SELLING THE PRODUCE OF THE SETT**L**ERS —SELLING PRODUCE TO EMIGRANT TRAINS , AND IF SO WHAT HE SAID? A. HE FREQUENTLY REFERRED TO THE SUBJECT OF SELLING GRAIN FOR BRA**A**ED STUFFS~~,~~**.** **A**ND ~~I~~FEDING IT TO ANIMALS, ~~AND~~ HE DEPRECATED THAT COURSE. CUSTOMARY TO FEED WHEA~~R~~**T** TO HORSES ANDMULES AND FATTEN HOGS WITH, BUT HE SPOKE AGAINST THAT ALSO, AND SPOKE AGAINST SELLING SUCH GRAINS TO EMIGRAN~~TS~~**TS** ~~TO HAVE~~ TO FEED TO	

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RT	RS	BT	PS
HORSES ON THE ROAD. HE SAID HE WOULD ✔ CLASS ALL PERSONS. HE DISCOURAGED THE ~~FEDING~~ OF FEEDING ALL SUCH GRAINS TO HORSES AND EMIGRANTS. Q. WHAT CLASS OF PERSONS WAS IT ? A. HE DIDN'T DISCOURAGE ANY PERSON FEEDING PART GRAIN TO ANIMALS, AND MEANT ALL PERSONS, SETTLERS AS WELL AS EMIGRANTS. ✔ Q. STATE WHETHER UP TO THE TIME OF YOUR RETURNING TO PAROWAN WITH HIM YOU HAD HEARD ANY RUMORS OF THE COMING ~~OF~~ IN OF THIS PARTICULAR TRAIN ? ✔ A. I HAD NOT Q. STATE WHETHER THERE WERE ANY ALLUSIONS IN	HORSES ON THE ROAD $_{Q}$ STATE AS WHAT CLASS OF PERSONS HE DISCOURAGED THE FEEDING OF SUCH GRAINS. *[29]* $_{A}$TO HORSES AND EMIGRANTS. $_{Q}$ WHAT CLASS OF PERSONS WAS $_{A}$DIDN'T DISCOURAGE ANY PERSON FEEDING BREAD GRAIN TO ANIMALS ≤AND HE MEANS≥ ALL PERSONS SETTLERS AS WELL AS EMIGRANTS CERTAINLY $\{_{Q}\}^{i}$ STATE WHETHER UP TO THE TIME OF YOUR RETURN TO PAROWAN WITH HIM YOU HAD HEARD ANY RUMORS OF THE COMING OF THIS PARTICULAR TRAIN $_{A}$I HAD NOT $\{_{Q}\}^{i}$ STATE WHETHER THERE WERE ANY ALLUSIONS IN	HORSES ON THE ROAD *[216]* Q. STATE WHAT CLASS OF PERSONS HE DISCOURAGED THE **SELLING** ~~FEEDING~~ OF SUCH GRAIN TO? A. TO ~~HORSES AND~~ EMIGRANTS. Q. WHAT CLASS OF PERSONS WAS IT? A. HE DIDN'T DISCOURAGE ANY PERSON FEEDING PART GRAIN TO ANIMALS BUT **ALL** ~~TO~~ PERSONS THAT KEPT **STOCK** ~~STOS~~ AS WELL AS EMIGRANTS. Q. STATE WHETHER BY THE TIME **O**F YOUR RETURNING TO PAROWAN WITH ~~T~~HIM, Y**O**U HAD HEARD ANY RUMORS OF THE COMING OF THIS PARTICULAR TRAIN? A. I HAD NOT. Q. STATE WHETHER THERE WERE ANY ~~A~~ILLUSIONS IN	

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RT	RS	BT	PS
SMITHS DISCOURSES TO THIS TRAIN ? A. I NEVER HEARD ANY. Q. DID YOU ACCOMPANY HIM ON ANY PART OF HIS JOURNEY NORTHWARD FROM PAROWAN ON HIS RETURN ? A. I DID NOT. *[356]* ✔ Q. AFTER THIS EMIGRANT TRAIN HAD PASSED SOUTHWARD BEYOND PAROWAN STATE WHETHER YOU WERE SENT BY ANY PERSON TO INQUIRE AFTER THEM, IF SO STATE THE CIRCUMSTANCES CONNECTED WITH THAT AND WHO WENT WITH YOU ? A. AS NEAR AS I CAN REMEMBER IT WAS ON WEDNESDAY THE TENTH DAY OF SEPTEMBER. I WAS HARVESTING	SMITH'S DISCOURSES TO THIS TRAIN $_{A}$I NEVER HEARD ANY {Q}^{i}DID YOU ACCOMPANY HIM ON ANY PART OF HIS JOURNEY NORTHWARD FROM PAROWAN ON HIS RETURN $_{A}$ I DID NOT. {Q}^{i} AFTER THEY THIS EMIGRANT TRAIN HAD PASSED SOUTHWARD BEYOND PAROWAN, STATE WHETHER YOU WERE SENT BY ANY {ONE}^{i} PERSON TO INQUIRE AFTER THEM, IF SO ~~<~~STATE THE~~>~~ CIRCUMSTANCE S CONNECTED WITH THAT AND WHO SENT YOU $_{A}$AS NEAR AS WHAT I REMEMBER, IT WAS ON WEDNESDAY, 10TH DAY OF SEPTEMBER. I WAS HARVESTING	SMITH'S DISCOURCES ABOUT THIS TRAIN? A. I NEVER HEARD OF IT. Q. DIDYOU ACCOMPANY HIM ON ANY PART OF HIS JOURNEY, NORTH FROM PAROWAN ON HIS RETURN? A. I DID NOT. Q. AFTER THIS TRAIN HAD PASSED SOUTHWARD AND BEYOND PAROWAN, STATE WHETHER YOU WERE SENT BY ANY PERSON TO INQUIRE AB OUT THEM; ~~IS~~ **IF** SO STATE THE CIRCUMSTANCE S CONNECTED WITH THAT AND WHO SENT YOU? A. AS NEAR AS I REMEMBER, IT WAS ~~O~~**I**N AUGUST—NO, THE I0TH DAY OF SEPTEMBER, WEDNESDAY. I WAS HARVE~~W~~STING	

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RT	RS	BT	PS
WHEAT AT RED CREEK FIELD. WHERE WE RAISED WHEAT. THAT NIGHT A YOUNG MAN CAME AND NOTIFIED ME THAT COL. DAME WANTED ME TO GO TO PAROWAN IMMEDIATELY, ON BUSINESS, SO I IMMEDIATELY LEFT THE FIELD AND WENT TO PAROWAN. DAME TOLD ME HE H~~E~~AD HEARD THE RUMOR THAT THE EMIGRANT TRAIN THAT RECENTLY PASSED HAD BEEN ~~TTAC~~ ATTACKED BY INDIANS. IT WAS AN INDIAN RUMOR, AND HE ASKED ME TO GO AND ASCERTAIN IF	WHEAT AT RED CREEK FIELD, WHERE WE RAISED WHEAT. THAT NIGHT {**A**}[i] YOUNG MAN CAME AND NOTIFIED COLONEL *A/AND*[?] DAME WANTED ME TO GO TO PAROWAN IMMEDIATELY ON BUSINESS, SO I IMMEDIATELY LEFT {THE}[i] FIELD AND WENT TO PAROWAN. DAME, TOLD ME {HE}[i] HAD HEARD {*A/THE*[?]}[i] RUMOR {THAT THE}[i] EMIGRANT TRAIN ~~<~~THAT HAD~~>~~ RECENTLY PASSED, HAD BEEN ATTACKED BY INDIANS. IT WAS INDIAN RUMOR AT *LEAST*[?] *SURROUNDED/C* *ONCERNED*[?] UPON SUBJECT ASKED ME TO GO ASCERTAIN IF	WHEA~~R~~**T** AT RED CREEK FIELD WHERE WE RAISED WHEA~~R~~**T**. THAT NIGHT A YOUNG MAN CAME AND NOTIFIED **THAT COL** DAME, AND WANTED ME TO GO TO PAROWAN IMMEDIATELY ON BUSINESS, ~~D~~SO I IMMEDIATELY LEFT THE FIELD AND WENT TO **P**AROWAN. DAME TOLD ME, HE HAD HEARD THE RUMOR THAT THE EMIGRANT TRAIN THAT HAD RECENTLY PASSED HAD BEEN ATTACKED BY THE INDIANS. IT WAS AN **I**NDIAN RUMOR UPON THE SUBJECT, AND HE ASKED ME TO GO AN~~S~~**D** ASCERTAIN IF	

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RT	RS	BT	PS
SUCH WAS THE CASE AND UPON THAT WE EDWARD DALTON AND I PROCEEDED THE SAME EVENING AS FAR AS CEDAR. WE MADE ENQUIRIES BUT COULD HEAR NOTHING BUT AN INDIAN RUMOR. THE FOLLOWING DAY WE PROCEEDED AS FAR AS PINTO WHERE THE SAME RUMOR WAS CONFIRMED, STATING THAT THE EMIGRANTS WERE UNDOUBTEDLY ATTACKED, BUT THEY ONLY KNEW IT FROM INDIANS, AND THAT THEIR CATTLE WERE BEING TAKEN BY THE INDIANS. THAT THE PARTY HAD CORRALLED THEIR WAGONS AND WERE KEEPING THE INDIANS OFF; THAT WAS THE SUBSTANCE OF	SUCH WAS THE CASE AND COMPANY WITH EDWARD DALTON {AND}[i] I PROCEEDED THE SAME EVENING AS FAR AS CEDAR. WE MADE INQUIRIES, BUT COULD HEAR NOTHING BUT {AN}[i] INDIAN RUMOR. THE FOLLOWING DAY WE PROCEEDED AS FAR AS PINTO, WHERE THE SAME RUMOR WAS CONFIRMED, STATING THAT THE EMIGRANTS WERE UNDOUBTEDLY ATTACKED {BUT THEY}[i] ONLY KNEW IT FROM INDIANS, THAT THEIR CATTLE WERE BEING TAKEN BY INDIANS, THAT THE PARTY HAD CORRALLED THEIR WAGONS AND WERE KEEPING {THE}[i] INDIANS OFF. THAT WAS THE SUBSTANCE OF	SUCH WAS THE CASE; AND IN C**O**MPANY WITH EDWARD DALTON, I PROCEED~~E~~**ED** THE SAME EVENING AS FAR AS CEDAR. WE MADE INQUIRIES BUT COULD HEAR NOTHING BUT AN **I**NDIAN RUMOR. THE FOLLOWING DAY WE PROCEEDED AS FAR AS PINTO, WHERE THE S**A**ME RUMOR WAS CONFIRMED, STATEING THA T THE EMIGRANTS WERE UNDOUBTEDLY~~,~~ **ATTACKED,** BUT THEY ONLY KNEW IT FROM **I**NDIANS; THAT THEIR CATTLE WERE BEING TAKEN BY THE **I**NDIANS**;** THAT THE PARTY HAD CORRAL~~L~~ED THEIR WAGONS AND WERE KEEPING THE **I**NDIANS OFF. **T**HAT *[217]* WAS THE SUB~~A~~STANCE OF	

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RT	RS	BT	PS
THE INFORMATION. Q. DID YOU GO FURTHER ? A. I DID NOT. Q. WHY ? A. I WAS SATISFIED THAT WAS THE STATEMENT OF THE CASE, THAT WAS ALL. BASKIN OBJECTED TO HIS GOING ON. Q. WAS THERE ANY OTHER REASON ASSIGNED TO YOU BY ANY PERSON THERE WHY YOU SHOULD NOT PROCEED FURTHER ? *[357]* A. I WAS TOLD IT WOULD NOT BE SAFE TO PROCEED FURTHER, AS THE COUNTRY WAS FILLED WITH INDIANS. Q. AND YOU RETURNED ? A. I DID. Q. REACHING PAROWAN WHEN ? A THE FOLLOWING MORNING VERY EARLY. ✔ Q. WHAT WOULD THAT BE ? ✔	THE INFORMATION. {Q}[i]DID YOU GO FURTHER A I DID NOT {AND}[i] WHY, AI WAS SATISFIED THAT WAS THE STATEMENT OF THE CASE THAT WAS ALL. BY BASKIN WE OBJECT ≤BY COURT≥ GO ON QWAS THERE ANY REASONS ASSIGNED TO YOU ~~WHY~~ ≤BY≥ ANY PERSON ≤THERE≥ WHY YOU SHOULD NOT PROCEED FURTHER A I WAS TOLD IT WOULD NOT BE SAFE TO PROCEED FARTHER, AS THE COUNTRY WAS FILLED WITH INDIANS Q {AND}[i] YOU RETURNED AI DID. Q REACH{ING}[i] PAROWAN WHEN ATHE FOLLOWING MORNING VERY EARLY QWHAT WOULD {THAT BE}[i] THAT DAY	THE IN~~D~~FORMATIO~~J~~N. Q. DID YOU GO FURTHER? A. I DID NOT. Q. AND WHY? A. I WAS SATISFIED THAT WAS THE STATE OF THE CASE THAT WAS ALL. **M**[R] BASKIN : WE ONJECT TO THE LAST ANSWER. BY COURT: GO ON. ~~W~~Q. WAS THE**R**E ANY REASONS ASSIGNED TO YOU BY ANY PERSON THERE WHY YOU SHOULD NOT PROCEED FARTHER? A. I WAS TOLD IT WOULD NOT BE SAFE TO PROCEED FARTHER, AS THE COUNTRY WAS FILLED WITH THE INDIANS. Q. AND YOU THEN RETURNED? A I DID. Q ARRIVING AT PAROWAN WHEN? A. THE FOLLOWING MORNING, VERY EARLY; THAT WOULD BE	

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RT	RS	BT	PS
A. THE MORNING OF FRIDAY, AS NEAR AS MY MEMORY SERVES ME — THAT WOULD BE THE TWELFTH. Q. TO WHOM DID YOU REPORT ? A. I REPORTED THESE FACTS TO COL.DAME. Q. DID COL.DAME MAKE ANY STATEMENT TO YOU ON THE SUBJECT OF THE EMIGRANTS, EITHER WHEN HE SENT YOU OUT OR WHEN YOU RETURNED, EXCEPT WHAT YOU HAVE STATED ? A. I REMEMBER NOTHING FURTHER. CROSS-EXAMINED BY PROSECUTION.	THE $_{A}$MORNING OF FRIDAY. AS NEAR AS MY MEMORY SERVES ME $\{_{Q}\}^{i}$ THAT WOULD BE THE 12**TH** SEPTEMBER $\{_{A}\}^{i}$I THINK SO $\{_{Q}\}^{i}$TO WHOM DID YOU REPORT HOW WAS IT $\{_{A}\}^{i}$ I REPORTED THESE FACTS TO COLONEL DAME. [*space*] $_{Q}$DID COLONEL DAME MAKE ANY STATEMENT TO YOU {ON}^{i} THE SUBJECT {OF}^{i} THE EMIGRANTS EITHER WHEN HE ≤SENT≥ YOU OUT OR WHEN YOU RETURNED EXCEPT WHAT YOU HAVE STATED $_{A}$I REMEMBER NOTHING FURTHER. **≤CROSS EXAMINED** {**S**}^{i}**UTHERLAND CROSS EXAMINATION BY BASKIN.≥** BY SUTHERLAND TO PROSECUTION YOU CAN HAVE	THE MORNING OF FRIDAY AS NEAR AS MY MEMORY SERVES ME. Q. THEN THAT WOULDBE THE I2TH OF SEPTEMBER? A**.** I TH**I**NK SO. Q. TO WHOM DID YOU REPORT AND WHAT? A. I REPORTE~~E~~D THESE FACTS TO COLONEL DAME. Q. DID COL. DAME MAKE ANY STATEMENT TO YOU ON THE SUBJECT OF THE EMIGRANTS , EITHER WHEN HE SENT YOU OU~~R~~**T** OR WHENYOU RETURNED, EXCEPT WHAT YOU HA VE STATED? A . I REMEMBER NOTHING FURTHER. CROSS-EXAMINATION OF JESSE N. SMITH BY **M**^{R} BASKIN:	

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RT	RS	BT	PS
Q. DID EITHER YOU OR COL.DAME TAKE ANY STEPS TO RELIEVE THE EMIGRANTS THAT WERE ATTACKED ? A. I DID NOT. Q. DID YOU KNOW OF COL. DAME'S CALLING OUT ANY FORCES OR TAKING ANY STEPS TO DO SO ? A. I DO NOT [*space*]	WITNESS $_{Q}$DID EITHER YOU OR COLONEL DAME TAKE ANY STEPS TO *[30]* RELIEVE THE EMIGRANTS THAT WERE ATTACKED $_{A}$I DID NOT $_{Q}$DID YOU KNOW OF COLONEL DAME'S CALLING OUT ANY FORCES OR TAKING ANY STEPS TO DO SO $_{A}$I DID NOT. BY PROSECUTION THAT IS ALL MR. SMITH BY COURT CALL YOUR NEXT WITNESS. **SILAS S. SMITH** [*space*]	Q. DID EITHER YOU OR COL . DAME TAKE ANY STEPS TO RELIEVE THE EMIGRANTS THAT WERE ATTACKED? A. I DID NOT . Q. DID Y**O**U KNOW OF COL. DAME CALLING OUT ANY ~~H~~**F**ORSES O~~T~~R TAKING ANY STEPS TO ~~S~~DO SO? A. I D~~O~~**ID** NOT. THAT IS ALL, MR. SMITH. *[~~20~~ 218]* SILAS S. SMITH BEING ~~SWORN~~ **CALLED**AS A WITNESS ON THE PART OF THE DEFENDANT WAS EXAMINED AS FO**L**LOWS BY **M**$^{\underline{R}}$ SUTHERLAND:
[358] SILAS S. SMITH, SWORN FOR DEFENDANT. Q. MR. SMITH, WHERE DO YOU	BY COURT HAVE YOU BEEN SWORN $_{A}$NO SIR. **SILAS S. SMITH** ~~<~~**DEFENSE**~~>~~ $_{Q}$MR. SMITH WHERE DO YOU	THE COURT: HAVE YOU BEEN SWORN, MR. SMITH? A. NO, SIR. (WITNESS SWORN) Q. MR. SMITH, WHERE DO YOU	

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RT	RS	BT	PS
RESIDE ? A. I LIVE IN PARAGOONAH, IRON COUNTY. Q. HOW FAR IS THAT AND WHICH WAY FROM PAROWAN ? A. ABOUT FIVE MILES THIS SIDE, BETWEEN THERE AND PAROWAN. Q. HOW LONG HAVE YOU LIVED THERE ? A. I HAVE LIVED THERE SINCE THE SPRING OF 1I857. Q. HOW LONG BEFORE THAT DID YOU LIVE IN THIS PART OF UTAH TERRITORY ? A. WE CAME TO PAROWAN IN THE FALL OF 1851, OCTOBER 1851. Q. HAVE YOU LIVED IN THIS PART OF THE COUNTRY EVER SINCE ? A. YES SIR, MY RESIDENCE HAS BEEN THERE. Q. DO YOU KNOW GEORGE A. SMITH ? A. YES SIR. Q. DID YOU SEE HIM IN AUGUST 1857 ?	RESIDE ? $_{A}$I LIVE IN PARAGONAH IRON COUNTY $\{_{Q}\}^{i}$ HOW FAR IS THAT WHICH WAY FROM PAROWAN $_{A}$ ABOUT 5 MILES THIS SIDE; BETWEEN THERE AND PAROWAN $_{Q}$ HOW LONG HAVE YOU LIVED THERE $_{A}$I HAVE LIVED $\{THERE\}^{i}$ SINCE SPRING OF ‘57 $_{Q}$HOW LONG BEFORE THAT DID YOU LIVE THIS PART OF UTAH TERRITORY $_{A}$ WE CAME $\{TO\}^{i}$ PAROWAN $\{IN THE\}^{i}$ FALL OF 51, OCTOBER 51 $_{Q}$HAVE YOU LIVED IN THIS PART OF COUNTRY EVER SINCE $_{A}$ YES SIR. MY RESIDENCE HAS BEEN THERE. $_{Q}$ DO YOU KNOW GEORGE A SMITH $_{A}$YES SIR $\{_{Q}\}^{i}$ DID YOU SEE HIM IN AUGUST 1857	RESIDE? A. I LIVE IN PARAGOONAH, IRON, COUNTY. Q. HOW FAR IS THAT AND WHICH WAY FROM PAROWAN? A. ABOUT FIVE MILES THIS SIDE, BETWEEN ~~T~~HERE AND PAROWAN. Q. HOW LONG HAVE YOU LIVED THERE? ~~A~~. I HAVE LIVED THERE SINCE THE SPRING OF ‘57. Q. HOW LONG BEFORE THAT HAD YOU LIVED IN THIS PART OF UTAH TERRITORY? A. WE CAME TO PAROW~~N~~A~~A~~N IN THE FALL OF ‘51, --— OCTOBER, ‘51. Q. HAVE YOU LIVED IN TH~~A~~IS PART OF THE COUNTRY EVER SINCE? A. YES, SIR, AND MY RESIDENCE HAS BEEN THERE. Q. DO YOU KNOW GEORGE A. SMITH? A. YES, SIR. ~~Q~~ Q. DID YOU SEE HIM IN AUGUST, 1857?	

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RT	RS	BT	PS
A. YES SIR. Q. WHERE ? A. I SAW HIM AT PAROWAN, TRAVELED WITH HIM FROM PAROWAN TO AND AROUND AND THROUGH SOME OF THE SOUTHERN SETTLEMENTS AND RETURN. Q. HOW FAR DID YOU ACCOMPANY HIM ON HIS RETURN ? A. AS FAR AS CEDAR SPRINGS. Q. IN WHAT COUNTY ? A. IN MILLARD COUNTY. Q. STATE WHETHER YOU ATTENDED SOME OF THE MEETINGS HE HELD IN THE SOUTHERN PART OF THE TERRITORY AND HEARD THE DISCOURSES	A YES SIR. WHERE A I SAW HIM AT PAROWAN, TRAVELED WITH HIM FROM PAROWAN TO AROUND AND THROUGH SOME OF THE SOUTH SETTLEMENTS AND RETURNED. Q HOW FAR DID YOU ACCOMPANY HIM ON HIS RETURN A AS FAR AS CEDAR SPRINGS Q IN WHAT COUNTY A IN MILLARD COUNTY. Q STATE WHETHER YOU ATTENDED SOME THE MEETINGS HE HELD IN THE SOUTH PART OF TERRITORY AND HEARD THE DISCOURSES HE DELIVERED TO THE PEOPLE A I ATTENDED SOME OF THE MEETINGS, PERHAPS {THE}[i] MOST OF THEM THAT WERE HELD FROM PAROWAN	A. YES, SIR. Q. WHERE? A. I SAW HIM AT PAROWAN, AND TRAVELLED WITH HIM FR~~O~~M PAROWAN TO AND AROUND ALL THROUGH ALL THE SOUTHERN SETTLEMENT~~W~~S AND RETURNED. Q HOW FAR DID YOU ACCOMPANY HIM ON HIS RETURN? A . AS FAR AS CEDAR SPRINGS~~Z~~. Q. IN WHAT COUNTY? A. IN MILLARD COUNTY. Q. STATE WHETHER YOU ATTENDED SOME OF THE MEETINGS HE HELD IN THE SOUTH PART OF THE TERRI~~R~~TORY AND HEARD THE DISCOURCEWS THAT HE DELIVERED TO THE PEOPLE? A. I ATTENDED SOME OF THE MEETINGS, PERHAPS MOST OF THEM THA T WERE HELD, FROM PAROWAN	

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UPON THE SUBJECT OF THE SETTLERS USING THEIR GRAINS AND DISCOURAGING THE SALE OF IT TO ANY PARTICULAR PERSONS OR NOT, OR ANY PARTICULAR USES OF IT— *[359]* STATE WHAT HIS DISCOURSES WERE UPON THAT SUBJECT ~~?~~WERE ? [*space*] AND WHAT THE TENOR OF HIS REMARKS WERE ? ✔ A. HE REFERRED TO THE SUBJECT OF GRAIN NOT FEEDING IT TO STOCK, HORSES,AND NOT SELLING THE GRAINS TO BE USED AS FEED, THE WHEAT PARTICULARLY WAS NEEDED FOR BREAD STUFF. Q. HE	THROUGH {THE}[i] SOUTH SETTLEMENTS. Q I ASK YOU IF YOU HEARD HIM DISCOURSE UPON THE SUBJECT OF THE SETTLERS USE OF THEIR GRAINS, AND DISCOURAGE THE SALE OF IT TO ANY PARTICULAR PERSONS OR NOT, PARTICULAR USES OF IT. STATE WHAT HIS DISCOURSES WERE UPON THAT SUBJECT WERE TENOR OF HIS REMARKS. A HE REFERRED TO ~~SALE~~ SUBJECT OF GRAIN, NOT FEEDING IT TO STOCK HORSES AND NOT SELLING THE GRAINS TO BE USED AS FEED, THE WHEAT PARTICULARLY ~~≤~~WAS NEEDED~~≥~~ FOR BREADSTUFF. Q HE	THROUGH THE SOUTHERN SETTLEMENTS. Q. I ASK YOU ~~K~~NOW IF YOU HEARD HIM D~~O~~ISCOURSE UPON THE SUBJECT OF THE SETTLERS USING OF THEIR GRAIN AND DISCOURAG~~E~~**IN G** THE SALE OF *[219]* IT TO ANY PARTICU**L**AR PERSONS OR NOT — PARTICULAR USES OF IT? STATE WHAT HIS DISCOURCES UPON THAT SUBJECT WERE, AND THE TENOR OF HIS REMARKS? A. HE REFERRED TO THE ~~J~~SUBJE~~O~~CT OF GRAIN, NOT TO FEED IT TO STOCK AND HORSES, AND NOT SELL THE GRAIN TO BE USED AS FEED. THE WHEAT PARTICULARLY WAS NEEDED FOR BREADSTUFF. Q. THEN HE	

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RT	RS	BT	PS
DISCOURAGED THE SALE OF IT TO BE USED AS FEED — W~~WA~~AS THAT IT A. YES, FOR STOCK OR HORSES, BUT TO PRESERVE IT FOR BREAD. Q. HE DISCOURAGED THE USING OF IT BY ~~WGOM~~ WHOM ? A. FEEDING HOGS, HORSES AND STOCK, AND THE SETTLERS, IF I REMEMBER RIGHT, NOT TO BE SOLD FOR THIS PURPOSE, PARTICULARLY WHEAT. Q. IF HE DISCOURAGED THE SALE OF GRAIN TO PERSONS TRAVELING THROUGH THE TERRITORY TO BE USED AS FEED FOR PERSONS, STATE WHAT HE SAID ? A. THE TENOR OF HIS REMARKS—AS FAR AS I REMEMBER WAS TO PRESERVE THE GRAIN,	DISCOURAGED THE SALE OF IT TO BE USED AS FEED WAS THAT ≤WHAT HE≥ SAID $_{A}$FOR STOCK OR HORSES BUT TO PRESERVE IT FOR BREAD $_{Q}$HE DISCOURAGED THE USING OF IT BY WHOM $_{A}$ FEEDING HOGS HORSES AND STOCK TO THE SETTLERS IF I REMEMBER RIGHT, NOT TO BE SOLD FOR THIS PURPOSE PARTICULARLY THE WHEAT $\{_{Q}\}^{i}$ IF HE DISCOURAGED THE SALE OF GRAIN TO PERSONS TRAVELING THROUGH THE TERRITORY, TO BE USED AS FEED FOR PERSONS, STATE WHAT HE SAID ? $_{A}$THE TENOR OF HIS REMARKS AS FAR AS I REMEMBER WAS TO PRESERVE THE GRAIN,	DISCOURAGED THE SE**L**LING OF IT TO BE USED AS FEED? WAS THAT WHAT HE SAID? A. FOR STOCK OR HORSES , BUT TO PRESERVE IT FOR BREAD-STUFF . Q. HE DISCOURAGED THE USING OF IT BY **W**HOM? ~~A. FEEDIHNG~~? A. FEEDING HOGS, HORSES AND STOCK BY THE SETTLERS, IF I REMEMBER RIGHT, AND NOT TO BE SOLD FOR THIS PURPOSE, PARTICULARLY WHEAT. Q. IF HE DISCOURAGED THE SALE OF GRAIN TO PERSONS TRAVEL~~L~~ING THROUGH THE TERRITORY TO BE USED AS ~~FEED~~ **FOOD** FOR PERSONS, STATE WHAT HE SAID? A. THE TENOR OF HIS REMARKS **AS** ~~FOSO~~ ~~A~~FAR AS I REMEMBER**,** WAS TO PRESERVE THE GRAIN,	

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RT	RS	BT	PS
PRESERVE ALL THE WHEAT AND NOT TO USE IT FOR FEED. I HEARD NO DISCOURAGEME NT TO FURNISHING PASSING TRAVELERS FOOD. Q. AT THE TIME YOU RETURNED TO PAROWAN DID YOU ACCOMPANY HIM TO BEAVER — DID YOU STOP HERE ? A. I WENT ON WITH HIM. Q. DID YOU MAKE ANY STOP HERE ? A. STAYED OVER NIGHT, YES. Q. DID HE DELIVER ANY DISCOURSES HERE ? A. I THINK THERE WAS ONE MEETING HERE. ✔ Q. STATE WHETHER AT THE TIME YOU REACHED BEAVER ON YOUR RETURN YOU HAD HEARD ANY	PRESERVE ALL THE WHEAT, USE IT FOR FOOD {A}[i] I HEARD NO DISCOURAGE TO FURNISHING PASSING TRAVELERS FOR FOOD QAT THE TIME YOU RETURNED TO PAROWAN DID YOU ACCOMPANY HIM TO BEAVER AYES QDID YOU STOP HERE AI WENT ON WITH HIM {Q}[i]DID YOU MAKE ANY STOP HERE A STAYED OVER NIGHT YES DID HE DELIVER ANY DISCOURSES HERE AI THINK THERE WAS ONE MEETING HERE QSTATE WHETHER AT THE TIME YOU REACHED BEAVER ON YOUR RETURN, YOU HAD HEARD ANY	PRESERVE ALL THE WHEART, USE IT FOR FOOD. I HEARD NOTHING **ABOUT** DISCOURAGING ~~ABOUT~~ **THE** FURNISHING PASSING TRAVELLERS FOOD . Q. AFTER YOU RETURNED **TO** ~~FROM~~ PAROWAN, DID YOU ACCOMPANY HIM TO BEAVER? A. YES, Q. DID YOU STOP HERE? A. I WENT ON WITH HIM? Q. ~~EID~~ **DID** YOU MAKE ANY STOP HERE? A. I STAID OVER NIGHT, YES. Q. DID HE ~~L~~DELIVER ANY DISCOURSES HERE? A. I THINK THERE W**A**S ONE MEETING HERE. Q. STATE WHETHER OR NOT AT THE TIME YOU REACHED BEAVER ON YOUR RETURN, Y**O**U HAD HEARD ANY	

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RT	RS	BT	PS
RUMOR OF THE COMING OF THE PARTY OF EMIGRANTS CALLED THE ARKANSAS EMIGRANT TRAIN — THE SAME TRAIN THAT AFTERWARDS WAS *[360]* SLAUGHTERED AT THE MOUNTAIN MEADOWS ? A. I DID NOT. Q. WHERE WERE YOU AND GEORGE A. SMITH WHEN THE FIRST INFORMATION REACHED YOU OF THE COMING OF THAT TRAIN ? A. THE FIRST KNOWLEDGE I HAD OR INTIMATION I HAD WAS WE MET THEM AT CORN CREEK. Q. WHERE IS CORN CREEK WITH REFERENCE TO THIS PLACE ? A. IT IS IN MILLARD COUNTY SOME 40 MILES NORTH OF HERE. Q. STATE WHETHER YOU	RUMOR OF THE COMING OF THE PARTY OF EMIGRANTS CALLED THE ARKANSAS EMIGRANT TRAIN, SAME TRAIN THAT AFTERWARDS WAS SLAUGHTERED *[31]* AT MOUNTAIN MEADOWS, **A** I HAD NOT. **Q** WHERE WERE YOU AND GEORGE A SMITH WHEN THE FIRST INFORMATION REACHED YOU OF THE COMING OF THAT TRAIN **A** FIRST KNOWLEDGE I HAD OR INTIMATION I HAD, WE MET THEM AT CORN CREEK **Q** WHERE IS CORN CREEK WITH REFERENCE TO THIS PLACE **A** IT IS IN MILLARD COUNTY SOME 40 MILES NORTH OF HERE **Q** STATE WHETHER YOU	RUMOR OF THE COMING OF A PARTY OF EMIGRAN~~T~~S CALLED THE ARKANSAS EMIGRANT TRAIN; THE SAME TRAIN THAT WAS AFTERWARDS SLAUGHTERED AT THE MOUNTAIN MEADOWS? A. I HAD NOT. Q. WHERE WERE YOU AND GEORGE A. SMITH WHEN ~~YOU~~ **THE** FIRST INFORMATION REACHED YOU OF THE COMING OF THAT TRAIN? A. THE FIRST KNOWLEDGE I HAD OR INTIMATION I HAD, WE MET THEM AT CORN CREEK. *[220]* Q. WHERE IS CORN CREEK WITH REFERENCE TO THIS PLACE? A. IT IS IN MILLARD COUNTY, SOME 40 MILES NORTH OF HERE? Q. STATE WHETHER YOU	

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RT	RS	BT	PS
STOPPED THERE IF ANY TIME ? A. WE CAMPED OVER NIGHT. Q. WHERE WAS THIS EMIGRANT TRAIN AT THAT TIME ? A. THE TRAIN WAS ENCAMPED WHEN WE DROVE IN. Q. AT CORN CREEK ? A. WE DROVE ACROSS THE CREEK AND CAMPED AND LIGHTED A FIRE; IT WAS THEN AFTER DARK. SOME OF THESE GENTLEMEN CAME TO OUR FIRE — THAT IS THE FIRST INTIMATION OF THIS EMIGRANT TRAIN. NEVER HEARD OF IT BEFORE. Q. STATE THE NATURE OF YOUR INTERVIEW WITH THEM— THAT IS, IF YOU MADE SOME INQUIRIES ? A. I DON'T REMEMBER	STOPPED THERE IF ANY TIME $_{A}$WE CAMPED OVER NIGHT THERE $_{Q}$ WHERE WAS THIS EMIGRANT TRAIN AT THAT TIME $_{A}$ TRAIN WAS IN CAMP WHEN WE DROVE IN $_{Q}$AT CORN CREEK $_{A}$ WE DROVE ACROSS THE CREEK AND CAMPED {AND}[i] LIGHTED FIRE. IT WAS THEN DARK = AFTER DARK. SOME OF THOSE GENTLEMEN CAME TO OUR FIRE. THAT IS THE FIRST INTIMATION OF THIS EMIGRANT TRAIN, NEVER HEARD OF IT BEFORE $_{Q}$ STATE THE NATURE OF YOUR INTERVIEW WITH THEM *WE WERE*[?] MADE SOME INQUIRIES *CAMPERS*[?] WHEN THEY MET $_{A}$I DON'T REMEMBER	STOPPED THERE ~~IF AT~~ ANY **LENGTH OF** T IME? A. WE CAMPED OVER NIGHT THERE. Q. WHERE WAS THIS EMIGRANT TRAIN AT THAT TIME? A. THE TRAIN WAS IN CAMP WHEN WE DROVE IN? Q. AT CORN CREEK~~,~~. A. WE DROVE A CROSS THE CREEK AND LIGHTED A FIRE. IT WAS THEN AFTER DARK. SOME OF THESE GENTLEMEN CAME TO OUR FIRE. THAT WAS THE FIRST INTIMATION I HAD OF THIS TRAIN; NEVER HEARD OF ITBEFORE. Q. STATE THE NATURE ~~Y~~OF YOUR INTERVIEW WITH THEM? A. THEY WERE MAKING SO~~E~~ME INQUIRIES OF SOME PARTIES WHEN WE ME T; I DON'T REMEMBER	

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RT	RS	BT	PS
DISTINCTLY WHAT WAS SAID. Q. DO YOU KNOW OF ANY TRADING WITH THAT COMPANY THERE BY THE INHABITANTS OF THE TERRITORY — STATE THAT ? A. I KNOW OF NONE. ✔ Q. STATE IF YOU KNOW OF ANY INTERCOURSE BETWEEN THAT COMPANY AND THE INDIANS— OR ANY ENQUIRIES BEING MADE RESPECTING THE INDIANS ? A. ONE OR TWO OF THE PARTIES CAME TO OUR CAMP AGAIN IN THE MORNING INQUIRING IF THE INDIANS HAD EATEN THE CARCASS . THERE WAS AN OX THAT *[361]* DIED IN THE TRAIN. BASKIN	DISTINCTLY WHAT WAS SAID $_{Q}$DO YOU KNOW OF ANY TRADING WITH THAT COMPANY THERE BY {THE}[i] INHABITANTS OF TERRITORY STATE THAT $_{A}$I KNOW OF NONE. $_{Q}$STATE IF YOU KNOW OF —[?] ANY INTERCOURSE BETWEEN THAT COMPANY AND THE INDIANS OR ANY INQUIRIES THEY MADE RESPECT{ING}[i] INDIANS $_{A}$ONE OR TWO OF THE PARTY CAME TO OUR CAMP AGAIN IN THE MORNING, INQUIR{ING}[i] IF THE INDIANS HAD EAT THE CARCASS, THERE WAS {AN}[i] OX THAT DIED IN THE TRAIN. * BY BASKIN WE	DISTINCTLY WHAT WAS SAID. Q. DO YOU KNOW OF ANY TRADING THAT HAD BEEN DONE **WITH THAT COMPANY**, ~~EITHER~~ BY THE INHABITANTS OF THE TERRITORY, AND IF SO**,** STATE ~~THAT~~ **WHAT**? A. I KNOW OF NONE. Q. STATE IF YOU KNOW OF ANY INTERCOURSE BETWEEN THAT COMPANY AND THE **I**NDIANS, OR ANY INQUIRIES THEY MADE RESPECTING THE **I**NDIANS? A. ONE OR TWO OF THE PARTY CAME TO **OUR** ~~OUT~~ CAMP AGAIN IN THE MORNING ENQUIRING IF THE **I**NDIANS ~~HAD~~ **WOULD** EAT THE CARCASS~~.~~**,** — THERE WAS AN OX THAT DIED IN THE TRAIN. **M**[R] BASKIN: WE	

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RT	RS	BT	PS
OBJECTED TO WITNESS ANSWERING AS TO THAT MATTER. SUTHERLAND: IN ORDER TO INFORM YOUR HONOR WHAT WE DESIRE TO PROVE ON THAT SUBJECT I WILL STATE BEYOND WHAT THE WITNESS HAS SUGGESTED THAT THEY MADE THIS ENQUIRY, AND WHILE THERE SOME OF THE INDIVIDUALS OF MR. SMITH'S PARTY SAID THAT THEY, THE INDIANS, WOULD PROBABLY EAT THE FLESH OF THE ANIMAL THAT HAD DIED. AFTER THIS INTERVIEW EITHER THIS WITNESS OR SOME OTHER OF HIS PARTY, BUT I THINK THIS WITNESS KNOWS THAT	OBJECT ≤THAT AS IMMATERIAL≥ MAY IT PLEASE YOUR HONOR IN ORDER TO INFORM YOUR HONOR WHAT WE DESIRE TO PROVE ON THAT SUBJECT, I WILL STATE BEYOND WHAT THE WITNESS HAS SUGGESTED, THAT THEY MADE THIS INQUIRY AND WHILE THERE SOME {OF THE}[i] INDIVIDUALS OF MR. SMITH'S PARTY THEY PROBABLY WOULD EAT THE FLESH OF THE ANIMAL THAT HAD DIED. AFTER THIS INTERVIEW. EITHER THIS WITNESS OR SOME OTHER OF HIS PARTY, BUT I THINK THIS WITNESS KNOWS, THAT	OBJECT TO THAT AS IMMATERIAL . M^R SUTHERLAND : MAY IT PLEASE Y UR HONOR IN ORDER TO INFORM YOU WHAT WE DESIRE TO PROVE ON THAT SUBJECT, I WILL STATE BEYOND WHAT THE WITNESS HAS STATED THAT THE EMIGRANTS MADE THIS INQUIRY, AND WHILE THERE, SOME OF THE INDIVIDUALS OF MR. SMITH'S PARTY THOUGHT PROBABLY THE INDIANS WOULD EATH THE FLESH OF THE ANIMAL THAT HAD DIED. AFTER THIS INTERVIEW EITHER THIS WITNESS OR SOME OTHER OF MR. SMITH'S PARTY, BUT I THINK THIS WITNESS KNOWS, THAT	

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RT	RS	BT	PS
THE TRAFFIC OR TRADING DID ENSUE BETWEEN THE INDIVIDUALS OF THAT PARTY AND THE INDIANS OF CORN CREEK AND THAT BEFORE THIS TRAFFICING TOOK PLACE THE INDIVIDUALS OF THIS EMIGRANT TRAIN POURED INTO THE OX AND IN DIFFERENT PARTS OF THE ANIMAL SOME SUBSTANCE FROM A VIAL. I PROPOSE TO FOLLOW IT UP BY THIS EVIDENCE, THAT ON THE RETURN OF THIS WITNESS TO BEAVER THE INDIANS WERE INCENSED AGAINST THIS TRAIN, THAT THEY PURSUED IT, SHOT AT DIFFERENT MEMBERS OF THAT TRAIN AND WOUNDED	TRAFFICKING DID ENSUE BETWEEN INDIVIDUALS OF THAT PARTY AND THE INDIANS OF CORN CREEK, AND THAT BEFORE THIS TRAFFICKING TOOK PLACE, THE INDIVIDUALS OF THIS EMIGRANT TRAIN POURED INTO THE OX, {DIFFERENT}[i] PARTS OF THIS ANIMAL, SOME SUBSTANCE FROM A VIAL. I PROPOSE TO FOLLOW IT UP BY THIS EVIDENCE, THAT ON THE RETURN OF THIS WITNESS TO BEAVER, THE INDIANS WERE INCENSED AGAINST THIS TRAIN, ≤SO≥ THAT THEY PURSUED IT, SHOT AT DIFFERENT MEMBERS OF THAT TRAIN AND WOUNDED	TRAFFICKING DID ENSUE, BETWEEN THE INDIVIDUALS OF THAT PARTY AND THE **I**NDIANS OF CORN CREEK; AND T**H**AT BEFORE THIS TRAFFICKING TOOK *[221]* PLACE THE INDIVIDUALS OF T**H**IS EMIGRANT TRAIN P~~U~~O~~WE~~**U**RED INTO THE OX IN DIFFERENT PARTS OF THIS ANIMAL SOME SUBSTANCE FROM A VILE. I PROPOSE TO FOLLOW IT UP BY THIS EVIDENCE THAT ON THE RETURN OF THIS WITNESS TO BEAVER THE ~~WITNESS WERE~~ **I**NDIANS WERE IN~~S~~CENCE~~S~~D AGAINST THIS TRAIN SO THAT THEY PURSUED IT AND SHOT AT DIFFERENT MEMBERS OF THAT TRAIN AND WOUNDED	

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RT	RS	BT	PS
THEM. THAT THIS WITNESS GOING WITH OTHER PERSONS AND ~~LEAVING~~ LIVING HERE ENDEAVORED TO PACIFY AND PERSUADE THEM TO ACCEPT COMPENSATION IN ANIMALS IN BEHALF OF THE INJURIES THAT THEY HAD SUFFERED, ENDING IN DEATH FROM POISON AND OTHER VIOLENCE PERP~~A~~ETRATED BY THE MEMBERS OF THIS EMIGRANT TRAIN; ALSO THAT THEY WERE HARD TO PACIFY, THEY, THE INDIANS ALLEGING THAT THEY HAD LOST LIVES; THEIR BLOOD HAD BEEN SHED .	THEM. THAT THIS WITNESS GOING WITH OTHER PERSONS AND *LEAVING/LIVING*[?] HERE, ENDEAVORED TO PACIFY ~~≤~~THE INDIANS~~≥~~ TO PERSUADE THEM TO ACCEPT COMPENSATION IN ANIMALS IN *BEEF/BEHALF*[?] *PRPR/FR PR*[?] *AND/ON*[?] INJURIES {THAT}[i] THEY HAD SUFFERED IN THEIR *ENDING*[?] DEATH RESULTING FROM POISON AND OTHER VIOLENCE INFLICTED BY ~~≤~~MEMBERS~~≥~~ OF THIS EMIGRANT TRAIN. ALSO THAT THEY WERE HARD TO PACIFY, ALLEGING THAT THEY HAD LOST LIFE, ~~≤~~THAT~~≥~~THEIR BLOOD HAD BEEN SHED	THEM; THAT THIS WITNESS GOING WITH OTHER PERSONS LI~~G~~VING HERE**,** ENDEAVORED TO PA~~SS~~CIFY THE **I**NDIANS AND PURSUADE THEM TO ACCEPT COMPENSATION IN ANIMALS, IN ~~BEEF~~ BEHALF OF THE INJURIES THEY HAD SUFFERED IN THEIR EATING THE BEEF AND DEATH RESULTING FROM ITS BEING POISONED, AND OTHER VIOLENCE INFLICTED BY THE MEMBERS OF THIS EMIGRANT TRAIN. ALSO THAT THEY WERE HARD TO PACIFY, ALLLEGING THAT THEY HAD LOST LIFE, THAT THEIR BLOOD HAD BEEN SHED,	

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RT	RS	BT	PS
AND BLOOD ALONE COULD PAY THE DEBT OR WOULD ATONE FOR DEFENSE, BUT FINALLY THROUGH THE INTERCESSION OF THIS WITNESS THEY WERE APPARENTLY PACIFIED. THAT IS THE STATE OF FACTS THAT WE DESIRE BY THIS QUESTION AND THE SUCCEEDING QUESTIONS TO PROVE, AND WE DESIRE THAT THE COURT WILL ELICIT THIS FOR THE CONSIDERATION OF THIS JURY. *[362]* BASKIN: WELL YOU MAY GO ON. COURT: PROCEED TO DETAIL THE CONVERSATION.	AND BLOOD ONLY COULD PAY THE DEBT OR WOULD ATONE FOR THE OFFENSE. BUT FINALLY THROUGH INTERCESSION OF ≤THIS≥ WITNESS THEY WERE THEY *PASSED/APPEASE D*[?] THE TIME *BEING*[?] APPARENTLY *[32]*[346] PACIFIED. THAT IS THE STATE OF FACTS THAT WE DESIRE BY THIS QUESTION AND SUCCEEDING QUESTIONS. WE DESIRE THE COURT WILL ELICIT FOR CONSIDERATIO N OF THIS JURY. [*space*] BASKIN WELL GO ON BY COURT ₀PROCEED TO DETAIL THE CONVERSATION. ≤THAT *TOOK*[?] PLACE THERE≥	AND BLOOD ONLY COULD PA~~R~~Y THE DEBT OR WOULD ATTONE FOR THE OFFENSE; BUT FINALLY THROUGH THE INTERFERANCE. THEY WERE QUIETED AND FOR THE TIME BEING APPARENTLY PA~~SS~~**C**IFIED. THAT IS ~~THE~~ **THE** STATE OF FACTS WE DESIRE TO PROVE BY THIS Q~~W~~UESTION AND SUCCEEDING QUESTIONS. WE DESIRE **THAT** THE COURT WILL **ADMIT** ~~ILLISIT~~ THIS FOR THE ~~CONDI~~ CONSIDERATIO N OF THIS JURY. **M**R BASKIN: WELL, GO ON THEN. COURT: PROCEED TO DETAIL THE CONVERSATION THAT TOOK PLACE THERE.	

346. At the top of the page in longhand: **SEE AS TO ELICIR**.

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RT	RS	BT	PS
~~Q.~~**A** INQUIRED WITH REGARD TO THE INDIANS—THE ENQUIRIES WAS MADE BY THE MEMBERS OF THAT TRAIN RESPECTING THEIR EATING THE CARCASS AND THE ANIMAL, IF THEY HAD. ONE OF THE PARTY ASKED IF THE INDIANS ATE THAT OX THAT LAY DEAD NEAR THE CAMP. SOME ONE OF OUR PARTY REMARKED THAT THEY THOUGHT THEY WOULD, BUT I SAW NOTHING OF THIS THROWING OR DRAWING SOMETHING FROM A VIAL INTO IT. Q. OF WHOM DID YOUR PARTY CONSIST ? A. THERE WAS GEORGE A. SMITH, JACOB HAMBLIN, PHILO T. FARNSWORTH	{A}[i] I INQUIRED ABOUT REGARD TO THE INDIANS THE INQUIRIES WHAT THE MEMBERS OF THAT TRAIN MADE RESPECTING EATING CARCASS OF THE ANIMAL IF THEY HAD. ONE OF THE PARTY ASKED IF THE INDIANS ATE THAT OX, THAT LAY DEAD NEAR {THE}[i] CAMP. SOMEONE OF OUR PARTY REMARKED THEY THOUGHT THEY WOULD. I SAW NOTHING OF THIS THROW{ING}[i] ≤DRAWING≥ ANYTHING FROM {**A**}[i] VIAL INTO IT. OF WHOM DID YOUR PARTY CONSIST A THERE WAS GEORGE A SMITH JACOB HAMBLIN PHILO T. FARNSWORTH	A. I INQUIRED MYSELF TOO ABOUT IT, IN REGARD TO THE **I**NDIANS, AND ENQUIRIES~~S~~**D** WHAT THE MEMBERS OF THAT TRAIN SAID ABOUT THEIR EATING THE CARCASS OF THE ANIMAL, IF THEY HAD EAT IT. ONE OF THE PARTY ASKED IF THE **I**NDIANS **WOULD EAT** ~~ATE~~ THAT OX THAT LAID DEAD WHEN THEY CAME. SOMEONE OF OU~~T~~R PARTY REMARKED THAT THEY THOUGHT THEY WOULD. I SAW NOTHING OF THIS THROWING ANYTHING FROM A VIAL INTO IT . Q. OF WHOM DID YOUR PARTY CONSIST? A. THERE WAS GEORGE A. SMITH, JACOB HAMBLIN, FILO T. FARNSWORTH,	

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RT	RS	BT	PS
AND ELISHA HOOPS, LIVES HERE, AND PERHAPS ONE OR TWO OTHERS. I DON'T REMEMBER THE NAMES OF ALL. Q. HOW LONG AFTER THAT DID YOU RETURN ? SUTHERLAND: I SHALL HAVE TO SKIP OVER SOME PART OF THE STATEMENTS WHICH I INTENDED TO PROVE BY THE OTHER WITNESS, AND SHALL HAVE TO PROVE THE OTHER FACTS BY ANOTHER WITNESS THAT WE WILL PUT ON THE STAND AS TO WHAT TOOK PLACE SUBSEQUENT TO THIS WITNESSES RETURN. Q. HOW LONG AFTER THAT DID YOU GET BACK TO BEAVER ? A. I THINK IT WAS TWO DAYS. Q. DID YOU PASS	AND ELISHA HOOPS, LIVES HERE AND PERHAPS ONE OR TWO OTHERS I DON'T REMEMBER THEIR NAMES OF ALL. $_{Q}$HOW LONG AFTER THAT YOU DID *BE/THEY*[?] RETURN ? {**COUNSEL**}^{i} $_{A}$I SHALL HAVE TO SKIP OVER SOME PART OF THE STATEMENT WHICH I INTENDED TO PROVE BY AN OTHER WITNESS WILL PROVE OTHER FACTS WHEN PUT THIS WITNESS ON THE STAND [*space*] HAVE THIS WITNESS SET SUBSEQUENT DAY WHEN HE RETURN)) $_{Q}$HOW LONG AFTER THAT DID YOU GET BACK. TO BEAVER $_{A}$I THINK IT WAS 2 DAYS $_{Q}$ DID YOU PASS	AND ELISH HOOPS, THAT LIVE~~S~~D HERE, AND PERHAPS ONE OR TWO OTHERS, I DON'T REMEMBER THE NAMES OF THEM ALL? *[222]* Q. HOW LONG AFTER THAT DID YOU RETURN; HOW LONG AFTER THAT DID YOU ~~D~~GO BACK TO BEAVER? A. I THINK IT WAS TWO DAYS. Q DID YOU PASS	

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RT	RS	BT	PS
THIS PARTY ON YOUR ~~E~~RETURN ? A. I PASSED THEM AT THIS NEXT CREEK— INDIAN CREEK — 6 OR 7 MILES FROM HERE.. Q. DID THAT TRAIN REMAIN INTACT OR DIVIDED ? A. THAT TRAIN WAS INTACT ALTOGETHER. *[363]* Q. STATE WHETHER YOU STOPPED AT THE CAMP AND HAD ANY INTERCOURSE WITH THE TRAIN WHEN YOU RETURNED ? A. I TOOK SOME SUPPER WITH SOME OF THE PARTIES AT THE CAMP— WATERED MY ANIMALS AND CAME ON TO BEAVER. Q. HOW LONG AFTERWARDS BEFORE YOUR ATTENTION WAS CALLED TO THIS TRAIN? AGAIN ? A. IN A	THIS PARTY ON YOUR RETURN $_{A}$I PASSED THEM AT THIS NEXT CREEK, INDIAN CREEK, 6 OR 7 MILES FROM HERE. {$_{Q}$}^{i}DID THAT TRAIN REMAIN INTACT OR DIVIDED $_{A}$ THAT TRAIN WAS, INTACT ALTOGETHER {$_{Q}$}^{i} STATE WHETHER YOU STOPPED AT THE CAMP ~~<~~OR NOT~~>~~ AND HAD ANY INTERCOURSE WITH THE TRAIN WHEN YOU RETURNED $_{A}$I TOOK SUPPER WITH SOME OF THE PARTIES AT THE CAMP; WATERED MY ANIMALS AND CAME ON TO BEAVER {$_{Q}$}^{i}HOW LONG AFTERWARDS BEFORE YOUR ATTENTION WAS CALLED TO THIS TRAIN AGAIN $_{A}$IN	THIS PARTY ON YOUR ~~T~~RETURN? ~~A~~. I PASSED T**H**EM AT THIS NEXT CREEK , INDIAN CREEK, SIX OR SEVEN MILES FROM HERE. Q. HAD THAT TRAIN REMAINED INTACT OR DIVIDED? A. THAT TRAIN WAS INTACT, ALL TOGETHER:. Q. STATE WHETHER YOU STOPPED AT THE CAMP OR NOT AND HAD ANY INTERCOURSE WITH THE TRAIN WHEN YOU RETURNED? A. I STAID AND TOOK SUPPER WITH SOME OF THE PARTIES AT THE CAM~~E~~P; WATERED MY ANIMALS AND CAME ON ~~THE~~**TO** BEAVER. Q. HOW LONG AFTERWARDS BEFORE YOUR ATTENTION WAS CALLED TO THIS TRAIN AGAIN? A. IN A	

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RT	RS	BT	PS
FEW DAYS THEY PASSED — THEY HAD FOUND WHERE I LIVED 20 TO 30 MILES — THEY CAMPED NEAR THAT. I WENT TO THEIR CAMP AND HAD SOME CONVERSATION. I HAD A PERSONAL ACQUAINTANCE WITH SOME OF THE TRAIN — THE LEADER OF THE TRAIN. Q. DO YOU REMEMBER HIS NAME ? A. I THINK IT WAS VANCEY. Q. YOU WERE INTRODUCED TO HIM BY THAT NAMEAT THAT TIME ? A. I HEARD SOME OF THEM CALL HIM MR. ~~FANCHARD~~ FANCHER. Q. DID YOU HEAR THE NAMES OF OTHERS ? A. NO OTHERS. Q. STATE WHETHER OR NOT THIS <WAS	FEW DAYS, THEY PASSED; *THAT/WE*[?] HAD FOUND WHERE I LIVED 20 TO 30 ≤MILES≥ AND THESE CAMPED NEAR THAT. WENT TO CAMP AND HAD SOME CONVERSATION, {HAD}^{i} PERSON ACQUAINTANCE WITH SOME OF TRAIN = ≤WITH THE≥ LEADER OF {THE}^{i} TRAIN {**Q**}^{i} DO YOU REMEMBER HIS NAME {**A**}^{i}I THINK IT WAS FANCEY ≤**VANCEY**≥ {**Q**}^{i}YOU WERE INTRODUCED TO HIM BY THAT NAME AT THAT TIME **A**I HEARD SOME OF THEM CALL HIM MR. FANCHER **Q** DID {YOU}^{i} HEAR {THE}^{i} NAMES OF OTHERS **A** NO OTHERS {**Q**}^{i} STATE WHETHER OR NOT THIS IS	FEW DAYS~~;~~ THEY PASSE~~L~~D. ~~WE~~ **THEY** HAD FO**U**ND WHERE I LIVED , 20 OR 30 MILES SO**U**TH OF HERE, TH~~IS~~**EY** CAMP**ED** NEAR THAT. I WENT TO THEIR CAMP AND HAD SOME CONVERSATION; HAD PERSONAL ACQUAI~~N~~TANCE WITH SOME OF THE TRAIN — WITH THE LEADER OF THE TRAIN. Q. DO YOU REMEMBER HIS NAME? A. I THINK IT WAS VANCE OR VANC~~Y~~. Q. YOU WERE INTRODUCED TO HIM BY THAT NAME AT THAT TIME? ~~A~~. I HEARD SOME OF THEM CALL HIM MR. FANCHER. Q. DID YOU HEAR THE NAMES OF OTHERS? ~~A~~. NO OTHERS . Q. STATE WHETHER OR NOT THIS IS	

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RT	RS	BT	PS
THE> SAME TRAIN THAT WAS AFTERWARDS KILLED AT THE MEADOWS ? A. I UNDERSTAND IT WAS. Q. STATE WHETHER OR NOT THE TRAIN HAD DIVIDED BEFORE YOU SAW THEM AT RED CREEK ? A. I THINK NOT. Q. DID YOU KNOW SUCH A PARTY AS THAT KNOWN BY THE NAME OF THE DUKES PARTY AND WERE THEY NOT ORIGINALLY PART OF THIS SAME TRAIN ? A. I DID NOT. *[364]* Q. HOW LONG AFTERWARDS DID DUKES PARTY COME ALONG ? A. SOMETIME AFTERWARDS — I CANNOT TELL TO A FEW DAYS, BUT SEVERAL DAYS. Q. STATE WHETHER YOUR ATTENTION WAS CALLED TO	THE SAME TRAIN THAT WAS AFTERWARDS KILLED AT THE MEADOWS {A}[i] I UNDERSTAND IT WAS. QSTATE WHETHER ~~<~~OR NOT~~>~~ TRAIN HAD DIVIDED BEFORE YOU SAW THEM AT RED CREEK A—[?] AI THINK NOT {Q}[i] DID YOU KNOW SUCH A PARTY AS THAT KNOWN BY THE NAME OF DUKES PARTY AND WERE THEY NOT ORIGINALLY PART OF THIS SAME TRAIN AI DON'T KNOW {Q}[i]HOW LONG AFTERWARDS DID DUKES PARTY COME ALONG A SOMETIME AFTERWARDS I CANNOT TELL {TO A}[i] FEW DAYS BUT SEVERAL DAYS QSTATE WHETHER YOUR ATTENTION WAS CALLED TO	THE SAME TRAIN THAT WAS AFTERWARDS KILLED **A**T THE MOUNTAIN MEADOW~~N~~S? A. I UNDERSTOOD IT SO. Q . STATE WHETHER OR NOT THE TRAIN HAD DIVIDED BEFORE YOU SAW THEM AT RED CREEK? A. I THINK NOT. Q. DID YOU KNOW OF SUCH A PARTY AS THAT KNOWN BY THE NAME OF DUKE'S PARTY; AND WERE THEY NOT ORIGINALLY A PART OF THIS <SAME> TRAIN ? A. I DO NOT KNOW. Q. HOW LONG AFTERWARDS DID DUKE'S PARTY COME ALONG? A. SOME TIME AFTER THAT; I CANNOT T~~3~~**E**LL T**O** A FEW DAYS, BUT SEVERAL DAYS. Q . STATE WHETHER YOUR ATTENTION WAS CALLED TO	

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RT	RS	BT	PS
THAT PARTY — WHETHER YOU WERE CALLED UPON TO DO ANYTHING FOR THEM ? A. THERE WAS AN EXPRESS—AS I UNDERSTOOD IT—SENT TO DAME ———— BASKIN: DON'T STATE WHAT YOU UNDERSTOOD— BUT WHAT YOU KNOW . SUTHERLAND: Q. STATE THAT PART THAT THE PROSECUTION MAY KNOW AND CONNECT IT ? A. IT WAS SENT OVER TO BEAVER BY COL. DAME OF PAROWAN. HE CAME DOWN TO THE PLACE WHERE I LIVED — MY PLACE OF RESIDENCE. BASKIN: I OBJECT TO ANY	THAT PARTY = WHETHER YOU WERE CALLED UPON TO DO ANYTHING FOR THEM [33] A THERE WAS AN EXPRESS AS I UNDERSTOOD IT SENT TO DAME BY BASKIN ≤**OBJ**≥ NOT WHAT YOU UNDERSTOOD BUT WHAT YOU KNOW. SUTHERLAND Q STATE THAT PART OF {THE}[i] TRANSACTION ≤THAT≥ YOU WERE CONNECTED WITH A IT WAS SENT OVER {BY}[i] BEAVER ≤BY THERE≥ {BY}[i] COLONEL DAME {OF}[i] PAROWAN. HE CAME DOWN TO THE PLACE WHERE I LIVED MY PLACE OF RESIDENCE. BY BASKIN I OBJECT TO ANY	THAT OTHER PARTY, WHETHER YOU WERE CALLED UPON TO DO ANYTHING FOR THEM? A. THERE ~~WAS~~ **WAS** AN EXPRESS AS I UNDERST~~AN~~**OO** D IT**,** SENT **TO** **M**[**R**] DAME. [223] **M**[**R**] BASKIN: WE OBJECT TO THE WITNESS STATING WHAT HE UNDERSTOOD. JUST STATE WHAT YOU KNOW. **M**[**R**] SUTHERLAND: **Q**. STATE **WHAT** ~~THAT~~ PART OF THE TRANSACTION ~~THAT~~ YOU WERE CONNECTED WI TH? A. I~~T~~ WAS SENT OVER TO BEAVER BY COLONEL ~~D~~DAME OF PAROWAN. HE CAME DOWN TO THE P~~A~~LACE WHERE I LIVED, MY PLACE OF RESIDENCE —— **M**[**R**] BASKIN: I OBJECT TO ANY	

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RT	RS	BT	PS
EVIDENCE OF DUKES PARTY. SUTHERLAND: I PROPOSE TO SHOW THE CONNECTION BETWEEN THESE TWO PARTIES BASKIN: THIS IS SOMETIME AFTER THE MASSACRE , AS I UNDERSTAND IT. SUTHERLAND: NOT AFTER THE MASSACRE, BUT BEFORE, AND I UNDERTAKE TO CONNECT THE OTHER TRAIN WITH WHAT I AM ABOUT TO CALL FROM THIS WITNESS. COURT: PROCEED THEN. SUTHERLAND: Q. YOU WERE SENT BY COL.DAME WITH A PARTY SOME TEN MEN ? A. YES,WE LEFT ABOUT SUNDOWN. Q.	EVIDENCE OF DUKES PARTY SUTHERLAND. I PROPOSE TO SHOW THE CONNECTION BETWEEN THESE TWO PARTIES, OF EMIGRANTS BASKIN ≼THIS IS≽ SOMETIME AFTER THE MASSACRE AS I UNDERSTAND. ≼SUTHERLAND≽ NOT AFTER THE MASSACRE BUT BEFORE, AND I UNDERTAKE TO CONNECT ≼THE≽ OTHER TRAIN THERE WITH WHAT I AM ABOUT TO CALL FROM THIS WITNESS. **≼COURT≽** PROCEED THEN BY SUTHERLAND **Q** YOU WERE SENT BY COLONEL DAME WITH A PARTY SOME TEN MEN ≼OR NOT≽ **A**WE LEFT ABOUT SUNDOWN	EVIDENCE AS TO DUKE'S PARTY. **M**$^{\underline{R}}$ SUTHERLAND: I PROPOSE TO SHOW THE CONNECTION BETWEEN THESE TWO PARTIES OF EMIGRANTS. **M**$^{\underline{R}}$ BASKIN: THIS IS SOME TIME AFTER THE MASSACRE, AS I UNDERSTAND IT? **M**$^{\underline{R}}$ SUTHERLAND: NO, SIR, NOT AFTER THE MASSACRE, BUT BEFORE; AND I UNDERTAKE TO CONNECT THE OTHER TRAIN WITH WHAT I AM A~~M~~BOUT TO CALL FROM THISS WITNESS. COURT: YOU MAY ~~I~~GO ON**,** ~~AND~~ PROCEED**,** ~~THEN?~~. Q. NOW, YOU MAY STATE IF YOU WERE SENT BY COLONEL DAME, WIT**H** A PARTY OF SOME TEN MEN OR NOT? ~~A~~. WE LEFT ABOUT SUNDOWN. Q:	

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RT	RS	BT	PS
WHAT WERE YOU TO DO ? A. TRY TO RELIEVE THEM OF AN ATT~~C~~ACK BY THE INDIANS — WAS TOLD THE INDIANS HAD ATTAC~~H~~KED THE PARTY — I WAS SENT OVER HERE BY COL.DAME. Q. IF YOU CAN STATE THE DATE WHEN YOU WERE SENT ? BASKIN: THAT HAS NOTHING TO DO WITH THIS MASSACRE AND IS WHOLLY IRRELEVANT. I SUPPOSED THEY WOULD GO ON IN THE DIRECTION TO CONNECT, BUT I *[365]* CAN'T SEE ANY STATE OF FACTS THAT WOULD CONNECT THIS AFFAIR WITH THAT DOWN THERE.	WHAT WERE YOU SENT TO DO ~~A~~TRY TO RELIEVE THEM OF AN ATTACK BY THE INDIANS. WAS TOLD {THE}[i] INDIANS HAD ATTACKED {THE}[i] PARTY. I WAS SENT OVER HERE ~~<~~BEAVER~~>~~ BY COLONEL DAME ~~Q~~IF YOU CAN; STATE THE DATE AND TIME WHEN YOU WAS SENT [*space*] BY BASKIN. THAT HAS NOT ANYTHING TO DO WITH THIS MASSACRE ~~<~~IS~~>~~ WHOLLY IRRELEVANT. I SUPPOSE{D}[i] THEY WOULD GO ON IN DIRECTION OF THIS CONNECTION. I CAN'T SEE ANY STATE OF FACTS THAT WOULD CONNECT THIS AFFAIR WITH THAT DOWN THERE, AT THE MEADOWS SUTHERLAND	WHAT WERE YOU SENT TO DO? A. TO TRY TO RELIEVE THEM OF AN ATTAC~~Y~~**K** BY THE **I**NDIANS. I WAS TOLD THE **I**NDIANS HAD ATTACKED THE PARTY; I WAS SENT OVER HERE TO BEAVER BY COL. DAME. Q. IF YOU CAN, STATE THE DATE WHEN YOU W~~AS~~**ERE** SENT. **M**[R] BASKIN: THAT HAS NOTHING TO DO WITH THIS MASSACRE, AND IT IS WHOLLY IRRELEVANT. I SUPPOSED THAT THEY WOULD GO ON IN THE DIRECTION OF THIS CONNECTION~~.~~**,** **BUT** ~~I~~ I CANNOT SEE ANY STATE OF FACTS THAT WOULD CONNECT THIS AFFAIR WITH THAT DOWN THERE**,** ~~OF~~ **AT** THE MOUNTA N MEADOWS. **M**[R] SUTHERLAND:	

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RT	RS	BT	PS
	YOUR HONOR HAS PERMITTED PROSECUTION = AND UNDOUBTEDLY IT IS WITHIN YOUR HONOR'S DISCRETION TO COMMENCE WHEREVER THEY PLEASED IN THEIR TESTIMONY AND PURSUE IT IN SUCH ORDER AS COUNSEL THOUGHT PROPER TO PURSUE IT, LEAVING IT TO THEIR DISCRETION. WE ASK NOW SAME INDULGENCE MAY BE EXTENDED TO US. I PROPOSE TO CONNECT {WHAT}[i] HE IS {ABOUT}[i] TO WHAT TO TESTIFY WITH THE PRECEDING TRAIN, AND TO BRING OUT IN FULL THE STATEMENT WHICH I MADE BEFORE. {**COURT OVERRULED**	YOUR HONOR~~,~~ HAS PERMITTED THE PROSECUTION — AND UNDOUBTEDLY IT IS WITHIN YOUR HONOR'S DISCRETION — TO COMMENCE WHEREVER THEY PLEASE IN THEIR TESTIMONY, AND PURSUE IT IN SUCH AN ORDER AS **COUNSEL** ~~COULSEL~~ THINK PROPER TO PURSUE IT, LEAVING IT TO THEIR *[224]* DISCRETION. WE ASK NOW THAT THE SAME INDULGENCE GRANTED TO THEM BE EXTENDED TO US . I PROPOSE TO CONNECT WHAT HE IS ABOUT TO TESTIFY TO WITH THE PRECEDING TRAIN, TO ~~THE~~ BRING OUT IN FULL THE STATEMENT WHICH I MADE BEFOER. COURT: THE OBJECTION	

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RT	RS	BT	PS
OBJECTION OVERRULED. Q. CAN'T YOU STATE THE DAY OF YOUR BEING SENT ? A. I CANNOT. Q. CAN YOU STATE THE MONTH, OR ABOUT HOW LONG IT WAS, AFTER THE OTHER PARTY HAD PASSED RED CREEK ? A. I CANNOT, BUT A FEW DAYS AFTER THE OTHER PARTY HAD PASSED. Q. WELL, YOU CAME TO WHAT PLACE WITH YOUR TEN MEN ? A. I CAME HERE TO BEAVER AND ARRIVED VERY LATE IN THE NIGHT. IN THE MORNING I FOUND THE TRAIN ENCAMPED ON THE SOUTH BRANCH OF THIS CREEK; THEY HAD CORRALLED THEIR WAGONS, MADE RIFLE PITS AND	**OBJECTION OF PROS.**}[i] BY COURT YOU CAN GO AHEAD PROCEED THEN WITNESS. **Q**CAN YOU STATE THE DAY OF YOUR BEING SENT **A**I CANNOT. **Q**CAN YOU STATE THE MONTH OR ABOUT HOW LONG IT WAS AFTER THE OTHER PARTY HAD PASSED RED CREEK **A**I CANNOT BUT FEW DAYS AFTER THE OTHER PARTY PASSED. **Q** WELL YOU CAME TO WHAT PLACE WITH YOUR TEN MEN **A**I CAME HERE TO BEAVER ARRIVED VERY LATE IN THE NIGHT. **A**IN THE MORNING FOUND THE TRAIN ENCAMPED ON THE SOUTH BRANCH OF THIS CREEK; CORRALLED THEIR WAGONS MADE RIFLE PITS AND	WILL BE OVERRULED. YOU CAN GO AHEAD. Q. PROCEED THEN, WITNESS. CAN YOU STATE THE DAY OF YOUR BEING SENT? A . I CANNOT. Q. CAN YOU STATE THE MONTH, OR ABOUT HOW LONG IT WAS AFTER THE OTHER PARTY HAD PASSED RED CREEK? ~~A~~. I CANNOT**,** BUT A FEW DAYS AFTER THE OTHER PARTY HAD PASSED. Q. WELL, YOU CAME TO WHAT PLACE**,** WITH YOUR TEN MEN? A. I CAME HERE TO BEAVER, AND ARRI~~C~~VED VERY LATE IN THE NIGHT. IN THE MORNI~~N~~G I FOUND THE TRAIN ENCAMPED ON THE SOUTH BRANCH OF THIS CREEK. THEY HAD CORRAL~~L~~LED THEIR WAGONS AND MADE RIFLE PITS AND	

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RT	RS	BT	PS
WERE IN SELF DEFENSE. THEIR STOCK WERE SCATTERED ON THE PLAINS. Q. STATE WHAT YOU DID ? A. GOT A RUNNER FROM THE INDIANS. BROUGHT IN THE CHIEF AND COMPROMISED THE MATTER; THAT BY GIVING THEM SOME BEEF AND SOME BREAD AND BLANKETS. Q. WHAT DID YOU COMPROMISE— WHAT WAS THE GRIEVANCE— STATE WHAT IT WAS, BETWEEN THE INDIANS AND THE EMIGRANTS ? A. THE INDIANS CLAIMED SOME OF THEIR MEN HAD BEEN SHOT, ONE PARTICULARLY, ON INDIAN CREEK, BY ONE OF THE PARTY OF EMIGRANTS. THEY WERE TO HAVE	WERE IN SELF DEFENSE. THEIR STOCK WAS SCATTERED ON THE PLAINS Q STATE WHAT YOU DID A GOT RUNNER FROM ≼THE≽ INDIANS BROUGHT IN THE CHIEF COMPROMISED MATTER ≼THAT≽ THEY BY GIVING THEM SOME BEEF AND SOME BREAD AND BLANKETS Q WHAT DID YOU COMPROMISE = WHAT WAS THE GRIEVANCE AS STATED IT BETWEEN THE INDIANS AND EMIGRANTS A THE INDIANS CLAIMED SOME OF THEIR MEN HAD BEEN SHOT, ONE PARTICULAR{LY}[i] ON INDIAN CREEK BY ONE OF THE PARTY OF THE EMIGRANTS. THEY WERE TO HAVE [34]	WERE IN SELF DEFENSE. THEIR STOCK WERE SCATTERED ON THE PALINS . Q. GO ON AND STATE WHAT YOU DID? A . GOT A RUNNER FROM THE **I**NDIANS AND BROUGHT IN THE CHIEF; COMPROMISED THE MATTER WITH THEM BY GIVING THEM SOME BEEF AND SOME BREAD AND SOME BLANKETS. Q. WHAT DID YOU ~~DID YOU~~ COMPROMISE? WHAT WAS THE GRIEVANCE AS STATED BETWEEN THE **I**NDIANS AND THE EMIGRANTS? A. THE **I**NDIANS CLAIMED SOME OF THEIR MEN HAD BEEN SHOT; ONE PARTICULARLY ON **I**NDIAN CREEK~~:~~**,** BY ONE OF THE PARTY OF THE EMIGRANTS. THEY WERE TO HAVE	

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RT	RS	BT	PS
BLOOD, IN THE FIRST INSTANCE, BUT THEY AGREED TO SETTLE THE MATTER WITH CATTLE. Q. ANY OTHER GRIEVANCE ? A. I DON'T REMEMBER. Q. THE DIFFICULTY, AS YOU UNDERSTOOD IT, WAS SETTLED ? A. YES SIR, AND WHEN THIS PARTY CAME ALONG AND CAMPED NEAR WHERE I [366] LIVED CAPTAIN DUKE TOLD ME SOME INDIANS HAD COME IN AND MADE A DEMAND OBJECTED TO BY BASKIN AS TO WHAT CAPTAIN DUKE TOLD HIM. Q. HAD YOU ANY FURTHER ACQUAINTANCE WITH THIS EMIGRANT TRAIN THAN YOU	BLOOD IN ~~<~~THE~~>~~ FIRST INSTANCE BUT THEY AGREED TO SETTLE THE MATTER WITH CATTLE. Q ANY OTHER GRIEVANCE A I DON'T REMEMBER Q THE DIFFICULTY, AS YOU UNDERSTOOD IT WAS ~~<~~THEN~~>~~ SETTLED A YES SIR & WHEN THIS PARTY CAME ALONG ENCAMPED NEAR WHERE I LIVED, CAPTAIN DUKE TOLD ME SOME INDIANS HAD COME IN AND MADE **A** DEMAND. OBJECTION BY BASKIN TO WHAT CAPTAIN DUKE TOLD. Q HAVE YOU ANY FURTHER ACQUAINTANCE WITH THESE EMIGRANT TRAINS OTHER THAN YOU	BLOOD IN THE FIRST INSTANCE ; BUT THEY AGREED TO SETTLE THE MATTER WITH CATTLE. Q. WAS THERE ANY OTHER G~~I~~RIEVANCES? A. I DON'T REMEMBER. Q. THE DIFFICULTY **AS** ~~SAAS~~YOU UNDERSTOOD IT WAS THEN SETTLED? A. YES, SIR; AND WHEN THIS PARTY CAME ALONG AND ENCAMPED NEAR WHERE I LIVED**,** CAPT DUKE TOLD ME, **THAT** SOME OF THE **I**NDIANS HAD COME IN AND MADE A DEMAND. **M**R BASKIN: WE OBJECT TO WHAT CAPT DUKES TOLD THE WITNEWSS. [225] Q. H~~AVD~~ HAD YOU ANY FURT~~E~~HER ACQUAINT~~Q~~**A**NCE WITH THIS EMIGRANT TRAIN, OTHER THAN YOU	

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RT	RS	BT	PS
HAVE STATED, OR ANY FURTHER CONNECTION WITH EITHER OF THEM ? A. NONE WHATEVER, AFTER THEY PASSED. Q. WHAT POSITION DID YOU HOLD IN THE MILITIA AT THAT TIME ? A. I THINK A CAPTAIN. CROSS-EXAMINED. BASKIN: Q. WHAT RELATION ARE YOU TO GEORGE A. SMITH ? A. COU~~N~~SIN. Q. A COU~~N~~SIN ? A. YES SIR. SUTHERLAND: LET ME ASK ONE MORE QUESTION. ✔ Q. DO YOU KNOW WHAT CONNECTION GEORGE A. SMITH HAD WITH THE MILITIA AT	HAVE STATED, OR ANY FURTHER CONNECTION WITH EITHER OF THEM $_{A}$NONE WHATEVER AFTER {THEY}[i] PASSED $_{Q}$ WHAT POSITION DID YOU HOLD IN THE MILITIA AT THAT TIME, $_{A}${I}[i] THINK A CAPTAIN. THAT IS ALL ≤**CROSS EXAMINATION**≥ ≤**BASKIN**≥ WHAT RELATION ARE YOU TO GEORGE A SMITH $_{A}$ COUSIN. $_{Q}$A COUSIN BY BASKIN $_{A}$YES SIR. *MR*.[?] SUTHERLAND LET ME ASK HIM ONE MORE QUESTION. ≤**SUTHERLAND**≥ DO YOU KNOW WHAT CONNECTION GEORGE A SMITH HAD WITH THE MILITIA AT	HAVE STATED; OR ANY FURTHER CONNECTION WITH EITHER OF THEM? A. NONE, WHATEVER AFTER THEY PASSED. Q. WHAT POSITION DID YOU HOLD IN THE MILITIA AT THA T TI~~J~~M~~E~~? A. I THINK CAPTAIN.[347] **M**$^{\underline{R}}$ SUTHERLAND: THAT'S ALL. CROSS-EXAMINATION OF SILAS N. SMITH BY **M**^{R} BASKIN: Q. WHAT RELATION ARE YOU TO GEORGE A. SMITH? A. COUSIN. Q. A COUSIN OF HIS? A. YES, SIR. **M**$^{\underline{R}}$ SUTHERLAND: LET ME ASK THE WITNESS ONE MORE QUESTION: Q. DO YOU KNOW WHAT CONNECTION GEORGE A. SMITH HAD WITH THE MILITIA AT	

347. According to the militia roster he was the captain of Company B in the First Battalion of the Iron Military District

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RT	RS	BT	PS
THAT TIME OR ANY OTHER MILITARY ORGANIZATION IN THE TERRITORY ? ✔ A. TO THE BEST OF MY RECOLLECTION HE WAS ON GENERAL WELLS' STAFF, STAFF OFFICER. Q. STATE WHETHER DURING THE JOURNEY IN THE SOUTHERN PART OF UTAH HE GAVE ANY DIRECTIONS OR TOOK ANY STEPS WHATEVER TO YOUR KNOWLEDGE, IN REFERENCE TO THE MILITARY ORGANIZATION OF THE TERRITORY ? A. I THINK NOT PERSONALLY. BASKIN: DO YOU KNOW HE DIDN'T TAKE ANY PART IN THE ORGANIZATION OF THE MILITIA AT	THAT TIME OR ANY OTHER MILITARY ORGANIZATION IN THE TERRITORY $_{A}$TO THE BEST OF MY RECOLLECTION HE WAS ON GENERAL WELLS' STAFF = STAFF OFFICER $\{_{Q}\}^{i}$ STATE WHETHER DURING HIS JOURNEYING IN THE SOUTHERN PART OF UTAH, HE GAVE ANY DIRECTIONS OR TOOK ANY STEPS WHATEVER TO YOUR KNOWLEDGE, IN REFERENCE TO THE MILITARY ORGANIZATION OF TERRITORY. $_{A}$I THINK NOT PERSONALLY. **≤CROSS EXAMINED≥** BASKIN. $_{Q}$DO YOU KNOW HE DIDN'T TAKE ANY PART IN THE ORGANIZATION OF MILITIA AT	THAT TIME OR ANY OTHER MILITARY ORGANIZATION IN THE TERRITORY? A . TO THE BEST OF MY RECOLLECTION HE WAS ON GENERAL WELLS' STAF~~R~~F~~F~~, A STAFF OFFICER. Q. STATE WHETHER OR NOT DURING THE JOURNEY, I**N** THE SOUTHERN PART OF U~~R~~TAH, HE GAVE ANY DIRECTIONS OR TOO~~N~~K ANY STEPS WHATEVER, TO YOUR KNOWLEDGE, IN REFERENCE TO THE MILITARY ORGANIZATION OF THE TERRITORY? A. I THINK NOT PERSONALLY. **M^{R}** ~~Q. (BY~~ BASKIN~~)~~**,** DO YOU KNOW THAT HE DID NOT TAKE ANY **PART** IN THE ORGANIZATION OF THE MILLITIA AT	

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RT	RS	BT	PS
THAT TIME ? A. HE WAS NOT DOWN HERE FOR THAT PURPOSE, BUT I DON'T KNOW. Q. DON'T YOU KNOW HE WAS DOWN HERE AS PRINCIPAL OF GENERAL WELLS' STAFF ~~?~~SEEING ABOUT MILITARY MATTERS ? *[367]* A. THERE WAS MR. MARTINEAU THAT WE HAVE ALLUDED TO, USUALLY CALLED OUT THE MILITIA, HE WAS ADJUTANT UNDER COL. DAME; HE WAS THE ONLY ONE THAT TOOK ANY PART. Q. WHAT WERE THEY CALLED OUT FOR ? A. THEY WERE CALLED OUT FOR MUSTER — THEIR ARMS WERE INSPECTED BY MARTINEAU.	THAT TIME $_{A}$ HE WAS NOT DOWN HERE FOR THAT PURPOSE BUT I DON'T KNOW. ~~<~~BASKIN~~>~~ $_{Q}$DON'T YOU KNOW HE WAS DOWN HERE AS PRINCIPAL OF GENERAL WELLS' STAFF, ABOUT MILITARY MATTERS $_{A}$ THERE WAS MR. MARTINEAU; WHEREVER WE HALTED USUALLY CALLED OUT THE MILITIA. HE WAS ADJUTANT TO COLONEL DAME, HE WAS {THE}[i] ONLY ~~<~~THAT~~>~~ ONE TOOK ANY PART {$_{Q}$}[i] WHAT WERE THEY CALLED OUT FOR $_{A}$THEY WERE CALLED OUT FOR MUSTER, AND THEIR ARMS WERE INSPECTED BY MARTINEAU {$_{Q}$}[i]	THAT TIME? A. HE WASN'T DOWN HERE FOR THAT PURPOSE; BUT I DON'T KNOW. Q. DON'T YOU KNOW THAT HE WAS DOWN HERE AS PRINCIPAL OF GENERAL WELLS' STAFF ABOUT MILLITARY MATTERS? A. THERE WAS MR. MARTINEAU;[348] WHEREVER WE HALTED USUALLY CALLED OUT THE MILITIA. HE WAS ~~AGJIUTANT~~ **ADJUTANT** TO COL. DAME; HE WAS THE ONLY ONE THAT TOOK ANY PART. Q. WHAT WERE THEY CA**L**LED OUT FOR? A. THEY WERE CA**L**LED OUT FOR MUSTER, AND THEIR ARMS WERE INSPECTED BY MARTINEAU. *[226]*	

348. James H. Martineau, adjutant to Col. William H. Dame, Iron Military District.

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RT	RS	BT	PS
Q. WAS NOT GEORGE A. SMITH DOWN HERE FOR MILITARY PURPOSES AND TO INSPECT THEIR ARMS ? A. NOT TO MY KNOWLEDGE. Q. WHAT DID THEY CALL OUT THE COMPANIES FOR WHEN THEY PASSED ALONG ? A. IT WAS BECAUSE HE WAS PRESENT THAT THE COMPANIES WERE CALLED OUT. Q. THAT IS AS YOU WERE PASSING ALONG IN THE VILLAGES THE COMPANIES WOULD COME OUT AND MUSTER AND BE INSPECTED, BECAUSE GEORGE A. SMITH WAS THERE AND IT WAS FOR HIS BENEFIT, AND TO ORGANIZE THE MEN AS HE PASSED	WAS NOT GEORGE A SMITH DOWN HERE FOR MILITARY PURPOSE TO INSPECT THEIR ARMS A NOT TO MY KNOWLEDGE Q WHAT DID THEY CALL OUT THE COMPANIES FOR WHEN *THEY/HE*[?] PASSED ALONG A IT WAS BECAUSE HE WAS PRESENT THAT THE COMPANIES WERE CALLED OUT Q THAT IS AS YOU WOULD PASS ALONG IN VILLAGES, THE COMPANIES WOULD COME OUT AND MUSTER AND BE INSPECTED, BECAUSE GEORGE A SMITH WAS THERE IT WAS FOR HIS BENEFIT Q WHOM FOR ORGANIZATION MEN ≤WAS CALLED OUT≥ AS HE PASSED	Q. WASN'T GEORGE A. SMITH DOWN HERE FOR A M~~U~~**I**LITARY PURPOSE TO INSPECT THE ARMS? ~~A~~. NOT TO MY KNOWLEDGE. Q. WHAT DID THEY CALL OUT THE COMPANIES FOR WHEN THEY PASSED ALONG? A. IT WAS BE~~F~~CAUSE HE W**A**S PRESENT THAT THE COMPANIES WERE CALLED OUT. Q. THAT IS AS YOU WOULD PASS ALONG THROUGH THE VILLAGES, THE COMPANIES WOULD COME OUT AND MUSTER AND BE INSPECTED, BECAUSE GEOR~~G~~E A. SMITH WAS THERE? A. ITWAS FOR HIS BENEFIT. Q. IT WAS FOR HIM THAT THIS O~~G~~RGANIZATIO N WAS CALLED OUT FOR AS HE PASSED	

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THROUGH — WAS NOT THE REASON THAT THEY WAS CALLED OUT BECAUSE GEORGE A. SMITH WAS IN ~~GO~~ TOWN OR NOT ? A. IT IS POSSIBLE. Q. DO YOU KNOW AS TO WHETHER YOU KNOW WHETHER THE QUESTION I ASKED YOU OR NOT AND YOU CAN ANSWER THAT ONE WAY OR THE OTHER — YOU CERTAINLY HAVE KNOWLEDGE OF THAT SUBJECT — LET THE JURY KNOW WHETHER IT IS SO OR NOT ? A. I PRESUME SO. Q. YOU KNOW IT — YOU DON'T PRESUME IT, CAN'T YOU STATE IT TO THE JURY A. I DO NOT KNOW IT. Q. AND YOU DIDN'T HEAR THE SUBJECT TALKED OF —	THROUGH; THE REASON WHY HE WAS CALLED OUT WAS BECAUSE GEORGE A SMITH WAS IN TOWN OR NOT $\{_{A}\}^{i}$IT IS POSSIBLE. YOU KNOW WHETHER QUESTION I ASKED YOU IS SO OR NOT, YOU CAN ANSWER ONE WAY THE OTHER, YOU HAVE KNOWLEDGE OF THAT SUBJECT LET ≤THE≥ JURY KNOW WHETHER IT IS SO OR NOT $_{A}$I PRESUME YOU $_{Q}$YOU KNOW IT = YOU DON'T PRESUME IT, [35] CAN'T YOU STATE IT TO THE JURY $_{A}$I DO NOT KNOW IT AND YOU DIDN'T HEAR THE SUBJECT TALKED OF =	THROUGH; I ASK YOU IFTHAT WAS THE REASON WHY THEY WERE CALLED OUT? WAS IT BECAUSE GEORGE A. SMITH WAS IN TOWN OR NOT A. IT IS POSSIBLE. Q. YOU KNOW WHETHER THE ~~W~~QUESTION I ASK YOU I~~D~~S SO OR NOT, YOU CAN ANSWER ONE WAY OR THE OTHER? YOU HAVE SOME KNOWLEDGE, HAVN'T YOU ON THAT SUBJECT~~,~~? LET THE JURY KNOW WHETHER IT IS SO OR NOT? A. I PRESUME SO. Q. YOU KNOW IT, YOU DON'T PRESUME IT; CAN'T YOU TELL IT TO THE JURY? A. I DO NOT KNOW IT. Q. DIDN'T YOU HEAR THE SUBJECT TALKED OF ?	

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RT	RS	BT	PS
WHAT MAKES YOU PRESUME SO ? *[368]* A. IT WAS NOT UNUSUAL TO DO SO. Q. HOW MANY PLACES S DID THEY MUSTER THE MILITIA WHEN GEORGE A. SMITH WAS PRESENT ? A. I COULD NOT SAY, BUT ON SEVERAL OCCASIONS, TWO OR THREE, PERHAPS MORE. Q. WHAT DID GEORGE A. SMITH DO WHEN THEY WERE MUSTERED ? A. I DIDN'T SEE HIM ON THE GROUND. Q. IT WAS A MERE MATTER OF ACCIDENT WAS IT ?MATTER TO INSPECT THE ARMS THROUGH COL. DAME ? A. YES, AS HIS ADJUTANT. Q. DID YOU KNOW WHETHER COL. DAME MADE ANY REPORTS TO HIM ? A. I DO NOT KNOW. Q. DO	WHAT MAKES YOU PRESUME SO ? A BECAUSE IT WAS NOT UNUSUAL TO DO SO Q HOW MANY PLACES DID THEY MUSTER MILITIA, WHEN GEORGE A SMITH WAS PRESENT A I COULD NOT SAY A BUT ON SEVERAL OCCASIONS Q TWO OR 3 <THESE AND> PERHAPS MORE {Q}[i] WHAT DID GEORGE A SMITH DO WHEN THEY WERE MUSTERING A I DIDN'T SEE HIM ON THE GROUND, IT WAS A MERE MATTER OF ACCIDENT WAS MATTER TO INSPECT THE ARMS THROUGH COLONEL DAME AS HIS ADJUTANT Q DID YOU KNOW WHETHER COLONEL DAME MADE ANY REPORTS TO HIM A I DO NOT KNOW Q DO	WHAT MAKES YOU SAY YOU PRESUME SO? A. ~~I~~BECAUSE IT WAS NOT UNUSUAL TO DO SO. Q. AT HOW MANY P~~A~~LACES D~~O~~ID THEY MUSTER THE MILITIA WHEN GEORGE A. SMITH WAS PRESENT? A. ~~I~~ I COULD NOT SAY, BUT ON SEVERAL OCCASIONS. Q. ~~SAT~~ **AT** TWO OR THREE PLACES? A. PERHAPS MORE. Q. WHAT DID GEORGE A. SMITH DO WHEN THEY WERE MUSTERIN G? A. I DID NOT SEE HIM ON THE GROUND. IT WAS A MERE MATTER OF ACCIDENT TO INSPECT THE ARMS THROUGH COL. DAME BY HIS ~~AGITANT~~ ADJUTANT. Q. DO YOU KNOW WHETHER COL DAME MADE ANY REPORTS TO HIM? A. I DON'T KNOW. Q. DO	

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RT	RS	BT	PS
YOU KNOW WHETHER GEORGE A. SMITH HAD ANY OBJECT IN HIS VISIT DOWN HERE ? A. NONE WHATEVER. Q. NOTHING SAID ON THE SUBJECT AND YOU TRAVELLED WITH HIM FROM PAR,OWAN DOWN THROUGH THESE SOUTHERN SETTLEMENTS AND RETURNED — HOW MANY MILES ? A. I COULD NOT SAY. Q. TO SANTA CLARA ABOUT HOW MANY ? A. PROBABLY IN THE NEIGHBORHOOD OF FIFTY MILES. Q. HOW MANY MEETINGS DID YOU HOLD DURING THAT TIME ? A. I SUPPOSE I COULD TRACK IT UP BUT I	YOU KNOW WHETHER GEORGE A SMITH HAD ANY OBJECT IN HIS VISIT DOWN HERE ≤IN THAT≥ RESPECT A NONE WHATEVER. Q NOTHING SAID ON THE SUBJECT = YOU TRAVELED WITH HIM FROM PAROWAN DOWN THROUGH ALL THESE SOUTHERN SETTLEMENTS AND RETURNED HOW MANY MILES ≤DID YOU TRAVEL≥ AI COULD NOT SAY. Q TO SANTA CLARA = AABOUT HOW MANY WERE PROBABLY IN THE NEIGHBORHOOD 50 MILES QHOW MANY MEETINGS DID YOU HOLD DURING THAT TIME AI SUPPOSE I COULD TRACK IT UP BUT I	YOU KNOW WHETHER GEORGE ~~Q~~A. SMITH HAD ANY OBJECT IN HIS [227] VISIT DOWN THERE IN THAT RESPECT? A. NONE, WHATEVER. Q. NOTHING SAID ON THE SUBJECT? YOU TRAVELLED WITH HIM TROUGH PAROWAN ALL THROUGH THESE SOUTHERN SETTLEMENTS AND RETURNED; HOW MANY MILES DID YOU TRAVEL? ~~A~~. I COULDNOT SAY . Q. WELL, TO SANTA CLARA? A. ABOUT, PROBABLY IN THE NEIGHBORHOOD OF I50 MILES. Q. HOW MANY MEETINGS DIDYOU HOLD DURINGTHAT TIME? A I SUPPOSE I COULD TRACK IT UP, BUT I	

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RT	RS	BT	PS
DON'T REMEMBER. Q. WELL, ABOUT HOW MANY — I AM NOT ASKING YOU TO GIVE THE NUMBER, BUT ABOUT HOW MANY ? [369] A. FIVE OR SIX MEETINGS. Q. WHY DID YOU STOP AT THE SANTA CLARA AND NOT GO ANY FURTHER ? A. THAT WAS THE EXTREME SOUTHERN SETTLEMENT. Q. HOW DID YOU HAPPEN TO GO WITH GEORGE A. SMITH ON THAT OCCASION ? A. I THINK HE INVITED ME TO ACCOMPANY HIM, OTHERWISE I COULD NOT SAY. Q. WHAT WAS THE OBJECT OF THAT VISIT TO THE SOUTH ? A. TEACHING THE PEOPLE, INSTRUCTING THEM TO LAY UP THE GRAIN. Q.	DON'T REMEMBER Q WELL ABOUT HOW MANY I AM NOT ASKING YOU TO GIVE *NUMBER*[?] ABOUT HOW MANY A 5 OR 6 MEETINGS Q WHY DID YOU STOP AT SANTA CLARA **AND** ≤NOT≥ GO ANY FARTHER A THAT WAS THE EXTREME SOUTHERN SETTLEMENT QHOW DID YOU HAPPEN TO GO WITH GEORGE A SMITH ON THAT OCCASION AI THINK HE INVITED ME TO ACCOMPANY HIM OTHERWISE I COULD NOT SAY QWHAT WAS THE OBJECT OF THAT VISIT TO THE SOUTH A ≤ADVICE≥ TEACHING THE PEOPLE = INSTRUCTING THEM TO LAY UP THE GRAIN	DON'T REMEMBER. Q. WELL, ABOUT HOW MANY; I AM NOT ASKING YOU TO GIVE THE EXACT NUM BER, BUT ABOUT HOW MANY? A. FIVE OR SIX MEETINGS. Q. WHY ~~E~~**D**ID Y**O**U STOP AT THE SANTA CLARA AND NOT GO ANY FARTHER? A. BECAUSE THAT WAS THE EXTREME SOUTHERN SETTLEMENT. ~~A~~Q. HOW DID YOU HAPPEN TO G**O** ~~TO~~ WITH GEORGE A. SMITH ON THAT OCCA~~I~~SION? A. I THINK HE INVITED ME TO ACCOMPANY **HIM**; OTHERWISE I COULD NOT SAY. Q. WHAT WAS THE OBJECT OF THAT VISIT TO THE ~~O~~SOUTH~~M~~.? A. ADVISING AND TEACHING THE PEOPLE— INSTRUCTING THEM TO LAY UP GRAIN.	

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RT	RS	BT	PS
AND ONE OF THESE MEETINGS YOU SAY YOU DIDN'T HEAR THIS EMIGRANT TRAIN REFERRED TO ? A. I DID NOT. Q. YOU ARE SURE OF THAT ? A. I AM CERTAIN OF IT. Q. HOW FAR WAS THAT SOUTHERLY SETTLEMENT YOU STOPPED AT BEYOND THE MOUNTAIN MEADOWS ? A. WE DIDN'T PASS BY THE MOUNTAIN MEADOWS — WENT DOWN THE OTHER ROAD. Q. HOW FAR DID YOU PASS FROM THE MOUNTAIN MEADOWS, OR HOW NEAR TO IT DID YOU PASS ? A. I PRESUME IT WAS THIRTY MILES, I COULD NOT SAY DEFINITELY, THE ROADS DIVERGE FROM CEDAR. Q. DURING THAT JOURNEY DIDN'T	QAND IN ALL OF THESE MEETINGS YOU SAY YOU DIDN'T HEAR THIS EMIGRANT TRAIN REFERRED TO AI DID NOT Q <YOU ARE SURE OF THAT> AI AM CERTAIN OF THAT QHOW FAR WAS THAT SOUTHERLY SETTLEMENT YOU STOPPED AT, BEYOND THE MOUNTAIN MEADOW ? A WE DIDN'T PASS BY THE MOUNTAIN MEADOW, WENT DOWN THE OTHER ROAD QHOW FAR DID YOU PASS FROM MOUNTAIN MEADOW, OR HOW NEAR TO IT DID YOU PASS AI PRESUME IT WAS 30 MILES, I COULD NOT SAY DEFINITELY, THE ROADS DIVERGE FROM CEDAR Q DURING THAT JOURNEY, DID YOU DIDN'T	Q. AND IN ALL OF THESE MEETINGS, YOU SAY YOU DIDN'T HEAR THIS EMIGRANT TRAIN REFERRED TO ? A I DID NOT. Q. YOU ARE SURE OF THAT? A I AM CERTAIN OF THAT? Q. HOW FAR WAS THAT SOUTHERRNMOST SETTLEMENT YUO STOPPED AT BEYOND THE MOUNTAIN MEADOW? A : WE DIDN'T PASS BY THE MOUNTAIN MEADOWS; WE WENT DOWN THE OTHER ROAD. Q. HOW FAR DID YOU PASS FROM THE MOUNTAIN MEADOW, OR HOW NEAR TO IT DID YOU PASS? A. I PRESUME IT WAS NEARLY 3 0 MILES. I COULD NOT SAY DEFINITELY . THE ROADS DIVERGE FROM CEDAR CITY. Q. DURING THAT JOURNERY DIDN'T	

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RT	RS	BT	PS
YOU TALK FREQUENTLY ON MILITARY MATTERS? A. WE MAY HAVE DONE, IT HAS BEEN SO LONG I DON'T REMEMBER THE CONVERSATION, BUT NOT TO MY REMEMBRANCE; I WAS NOT MUSTERING COMPANIES, I MEAN THE PEOPLE WERE NOT, AND I WAS NOT IN THE PRESENCE OF SOME OF THEM. Q. DO YOU KNOW WHETHER THESE INSPECTIONS WERE MADE ANY REPORTS OF, OR WERE MADE TO GEORGE A. SMITH BY THESE OFFICERS ? *[370]* A. I DO NOT; I NEVER WAS PRESENT WHEN ANY OF THE REPORTS WERE MADE TO HIM. Q. YOU WERE NOT ? A. NO SIR. Q. AND YOU	YOU TALK FREQUENTLY ON MILITARY MATTERS A WE MAY HAVE DONE, IT HAS BEEN SO LONG I DON'T REMEMBER THE CONVERSATION; BUT NOT TO MY REMEMBRANCE. QI WAS NOT MUSTERING COMPANIES, I MEAN PEOPLE WERE *NOT/IN*[?] PRESENCE OF SMITH QDO YOU KNOW WHETHER THESE INSPECTIONS WERE MADE OUT IN THEIR REPORTS AND WERE MADE TO GEORGE A SMITH BY THESE OFFICERS A I DO NOT, I NEVER WAS PRESENT WHEN ANY REPORTS WERE MADE TO HIM Q≤*SURE*[?] NOT≥ A NO SIR QAND YOU	YOU TALK FREQUENTLY ON M**I**LITARY MATTERS? A. WE MAY HAVE DONE **SO**; IT HAS B**E**EN SO LONG THAT I DON'T REMEMBER THE CONVERSATION S, —BUT NOT TO M~~U~~**Y** REMEMBERANC E. I WA~~N~~SN'T MUSTERING COMPAN~~U~~IES; I MEAN THE PEOPLE WERE NOT IN THE PRESENCE OF SMITH. *[228]* Q. DO YOU KNOW WHETHER THIS INSPECTION WAS MADE OUT ~~O~~IN THEIR REPORTS — WERE MADE TO GEORGE A . SMITH BY THESE OFFICERS? A. I DO NOT; I NEVER WAS PRESENT WHEN ANY REPORTS WERE MADE TO HIM. Q. YOU SAY YOU WERE NOT? A . NO, SIR. Q. AND YOU	

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RT	RS	BT	PS
TRAVEL WITH HIM BACK FROM THE SOUTHERN COUNTRY TO CEDAR SPRINGS ? NO ANSWER. Q. WHO CAME WITH HIM FROM SALT LAKE CITY,WITH GEORGE A. SMITH, IF ANY ONE ? A. MR. HOWD BROUGHT HIM TO PAROWAN. Q. WAS THERE ANY PERSON TRAVELING WITH HIM AS COMPANY OR OTHERWISE ? A. I THINK HE WAS ALONE, AS NEAR AS I REMEMBER. Q. DID HE SAY ANYTHING TO YOU ABOUT WHAT HIS OBJECT WAS IN LEAVING SALT LAKE CITY AT THAT TIME AND TRAVELING DOWN THROUGH THIS COUNTRY — YOU KNOW WHAT THAT OBJECT	TRAVEL WITH HIM BACK FROM THE ~~<~~EXTREME~~>~~ SOUTHERN COUNTRY TO CEDAR SPRINGS **A** YES SIR *[36]* **Q** WHO CAME WITH HIM FORM SALT LAKE CITY WITH GEORGE A SMITH IF ANY ONE **A** MR. HOWD ~~<~~**HOWD**~~>~~, BROUGHT HIM TO PAROWAN **Q** WAS THERE ANY PERSON TRAVELING WITH HIM AS COMPANION OR OTHERWISE **A** I THINK HE WAS ALONE AS NEAR AS I REMEMBER **Q** DID HE SAY ANYTHING TO YOU ABOUT WHAT HIS OBJECT WAS IN LEAVING SALT LAKE CITY AT THAT TIME AND TRAVELING DOWN THROUGH THIS COUNTRY, YOU KNOW WHAT THAT OBJECT	TRAVELLED WITH HIM BACK FROM THE EXTREME SOUTHE~~N~~RN COUNTY TO CEDAR SPRINGS? A. YES, SIR. Q . WHO CAME FROM SALT LAKE CITY WITH GEORGE A. SMITH, IF ANY ONE? A. MR. HOWD BROUGHT HIM TO PAROWAN. Q. WAS THERE ANY PERSON TRAVELLING WITH HIM AS TRAVELING COMPANION OR O~~R~~THERWISE? A. I THINK HE WAS ALONE, AS NEAR AS I CAN REMEMBER. Q. DID HE SAY ANYTHING TO YOU ABOUT WHAT HIS OBJECT WAS IN LEAVING SALT LAKE CITY AT T HAT TIME AND TRAVELING DOWN THROUGH THIS COUNTRY;. **IF** YOU KNOW **STATE** WHAT THAT OBJECT	

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RT	RS	BT	PS
WAS ? A. NOTHING MORE THAN INSTRUCTING THESE PEOPLE — THESE PUBLIC INSTRUCTIONS. Q. WHY DID HE GIVE THIS INSTRUCTION — WHAT WAS HIS REASONFOR IT ? A. I COULD NOT TELL YOU WITHOUT IT WAS A LONG TRAIN OF CIRCUMSTANCES . Q. I WANT YOU TO TELL JUST ABOUT THE LANGUAGE HE ~~H~~USED ? A. HE WAS INSTRUCTING THE PEOPLE TO LAY UP THEIR BREAD. Q. WHY DID HE SAY LAY UP THEIR BREAD ? A. BECAUSE JOHNSON'S ARMY WAS APPROACHING. Q. WAS THERE ANYTHING SAID ABOUT PREVENTING ANY EMIGRANT TRAIN PASSING THROUGH THE	WAS A NOTHING ≤OTHER≥ MORE THAN TO INSTRUCT AND GIVE THIS PUBLIC INSTRUCTION Q WHY DID HE GIVE THIS INSTRUCTION, WHAT WAS HIS REASON FOR IT A I COULD NOT TELL YOU [*space*] WITHOUT IT WAS LONG TRAIN OF CIRCUMSTANCE S Q I WANT YOU TO TELL NOW JUST ABOUT THE LANGUAGE HE USED, A HE WAS INSTRUCTING PEOPLE TO LAY UP THEIR BREAD Q WHY DID HE SAY LAY UP THEIR BREAD A ≤BECAUSE≥ JOHNSTON'S ARMY WAS APPROACHING Q WAS THERE ANYTHING SAID ABOUT PREVENTING ANY EMIGRANT TRAIN PASSING THROUGH THE	WAS? A. NOTHING MORE THAN TO INSTRUCT AND GIVE THESE PUBLIC INSTRUCTIONS? Q. WHY DID HE GIVE THESE PUBLIC INSTRUCTIONS? WHAT WAS HIS REASON FOR IT? A. I COULD NOT TELL YOU, WITHOUT IT WAS A LONG TRAIN OR CIRCUMSTANCE S. Q. I WANT YOU TO TELL NOW, JUST ABOUT THE LANGUAGE HE USED? A. HE WAS IN~~D~~STRUCTING THE PEOPLE TO LAY UP THEIR BREAD. Q. WHY DID HE SAY, LAY UP THEIR BRE~~W~~AD? A. BECAUSE JOHNSON'S ARMY WAS APPROACHING. Q. WAS THERE ANYTH**I**NG SAID ABOUT PREVENTING ANY EMIGRANT TRAIN PASSING THROUGH THE	

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RT	RS	BT	PS
COUNTRY ? *[371]* A. NOT A WORD ON THAT SUBJECT-, NOT IN MY HEARING. Q. DID YOU HEAR ANY PERSON, IN YOUR HEARING, TALK TO HIM ON THAT SUBJECT A. NO SIR, AS I HAVE STATED, I NEVER HEARD OF THIS EMIGRANT TRAIN TILL WE MET THEM. IT WAS THE FIRST INTIMATION I HAD OF THEM UNTIL WE MET THEM, OR THAT THEY WAS IN THE COUNTRY. Q. DID YOU AND GEORGE A. SMITH HAVE ANY CONVERSATION ABOUT THIS EMIGRANT TRAIN AT THE TIME YOU CAMPED WITH HIM ON CORN CREEK — NOW YOU KNOW,AND WONT YOU TELL WHAT, IF	COUNTRY $_{A}$ NOT A WORD ON THAT SUBJECT, NOT IN MY HEARING $_{Q}$DID YOU HEAR ANY PERSON *IN HIS/NS*[?] IN YOUR HEARING TALK TO HIM ON THAT SUBJECT $_{A}$NO SIR, AS I HAVE STATED, I NEVER HEARD OF THIS EMIGRANT TRAIN UNTIL WE MET THEM. IT WAS THE FIRST INTIMATION I HAD OF THEM UNTIL WE MET THEM., OR THAT THEY WAS IN THE COUNTRY. $_{Q}$ DID YOU AND GEORGE A SMITH HAVE ANY CONVERSATION ABOUT THIS EMIGRANT TRAIN AT THE TIME YOU CAMPED WITH *'EM/HIM*[?] ON CORN CREEK? NOW YOU KNOW, WONT YOU TELL WHAT IF	COUNTRY? A. NOT A WORD ON THAT SUB~~L~~JECT, NOT IN MY HEARING. Q. DID YOU HEAR ANY PERSON IN Y**O**UR HEARING TALK TO HIM ON THAT SUBJECT? A. NO,SIR, AS I HAVE STATED, I NEVER HEARD OF THIS EMIGRANT TRAIN TILL WE MET ~~T~~T~~E~~HEM. IT WAS THE FIRST INTIMATION WE HAD OF THEM ~~TILL~~**WHEN** WE MET THEM; O~~T~~R THAT TH~~AYT~~**EY** ~~THAT EHEY~~ WERE INTHE COUNTRY. *[229]* Q. DID YOU AND GEORGE A. SMITH HAVE ANY CONVERSATION ABOUT THIS EMIGRANT TRAIN AT THE TIME YOU CAMPED WITH HIS ~~OFC~~ ON CORN CREEK. NOW, YOU KNOW, WON'T YOU STATE, WHAT, IF	

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RT	RS	BT	PS
ANY, CONVERSATION YOU HAD IN RELATION TO THIS TRAIN ? A. I DON'T REMEMBER ANYTHING ONLY PASSING REMARKS. Q. DIDN'T THEY MAKE ENQUIRIES OF YOU WHERE THEY COULD STOP AND RECRUIT THEIR STOCK SOMEWHERE IN THE SOUTH ? A. NOT IN MY HEARING. Q. DIDN'T YOU HEAR THAT TALKED OF THERE ? A. YES. Q. WHAT WAS THE SUBJECT ? A. AS NEAR AS I REMEMBER THEY ENQUIRED FOR A PLACE OF GRASS TO RECRUIT THE STOCK, THIS MOUNTAIN MEADOW WAS KNOWN TO BE A	≼CONVERSATIO N≽ YOU HAD ≼IN≽ RELATION TO THIS TRAIN $_{A}$I DON'T REMEMBER ANYTHING ONLY PASSING REMARKS $_{Q}$ DIDN'T THEY MAKE INQUIRIES OF YOU WHERE THEY COULD STOP AND RECRUIT THEIR STOCK SOMEWHERE IN THE SOUTH $_{A}$ NOT IN MY HEARING $_{Q}$ DIDN'T YOU HEAR THAT TALKED OF *THERE/THEIR*[?] ≼CAMP≽ ≼A≽ YES $_{Q}$WHAT WAS SAID $_{A}$AS NEAR AS I REMEMBER, INQUIRED FOR PLACE OF GRASS TO RECRUIT THEIR STOCK, THIS MOUNTAIN MEADOW WAS KNOWN TO BE A	ANY CONVERSATION YOU HAD WITH HIM IN RELATION TO THIS EMIGRANT TRAIN? A. I DON'T REMEMBER ANYTHING ONLY PASSING REMARKS. Q. DIDN'T THEY MAKE INQUIRIES OF YOU WHERE THEY COULD STOP AND RECRUIT THEIR STOCK SOMEWHERE IN THE SOUTH? A. NOT IN MY HEARING. Q. DIDN'T YOU HEAR THAT ~~TALK~~ TALKED OF THERE~~?~~ AT THEIR CAMP? A. YES. Q. WHAT WAS SAID? A. AS NEAR AS I REMEMBER THEY ENQUIRED FOR A PLACE WHERE THERE WAS GRASS TO RECRUIT THEIR STOCK. THESE MOUNTAIN MEADOWS WAS KNOWN AS BEING A	

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RT	RS	BT	PS
PLACE OF ABUNDANT GRASS, ON THE ~~CLI~~ CALIFORNIA ROAD, AND TO THE BEST OF MY REMEMBRANCE I UNDERSTOOD FROM THE PARTY AFTERWARDS THAT WOULD BE THE MOST SUITABLE PLACE TO RECRUIT. Q. DIDN'T YOU HEAR GEORGE A. SMITH TELL THEM IN ANSWER TO A QUESTION PUT TO HIM THAT THAT WAS THE PLACE TO STOP, AND THE MOST VALUABLE ? A. NO SIR. *[372]* Q. YOU DID HEAR, IN YOUR OWN PARTY, THAT THAT WAS THE PLACE TO RECRUIT THEIR STOCK ? A. YES, IN CONVERSATION. Q. WHO DID YOU HEAR TALKING ABOUT IT ? A. SOME OF THE PARTY, I CANNOT SAY. Q.	PLACE OF ABUNDANT GRASS ON THE CALIFORNIA ROAD AND TO THE BEST OF MY REMEMBRANCE I UNDERSTOOD FROM THE PARTY AFTERWARDS THAT WOULD BE THE MOST SUITABLE PLACE TO RECRUIT **Q** DIDN'T YOU HEAR GEORGE A SMITH TELL THEM, IN ANSWER TO QUESTION PUT TO HIM, THAT WAS THE PLACE TO STOP = MOST VALUABLE **A** NO SIR **Q** YOU DID HEAR, IN YOUR OWN PARTY THAT WAS THE PLACE TO RECRUIT THEIR STOCK **A**YES SIR IN CONVERSATION **Q**WHO DID YOU HEAR TALKING ABOUT IT **A** SOME *OTHER/OF THEIR*[?] PARTY, I CANNOT SAY **Q**	P~~O~~**L**ACE OF ABUNDANT GRASS ON THE CALIFORNIA ROAD; AND TO THE BEST OF MY REMEMBERANCE I UNDER**STOOD** ~~STTOON~~ FROM THE PARTY AFTERW~~Z~~ARDS, THAT WOULD BE THE MOST SUITABLE PLACE TO RECRUIT. Q. DIDN'T YOU HEAR GEORGE A. SMITH TELL THEM IN ANSWER TO THE QUESTION ~~T~~PUT TO HIM THAT THAT WAS THE PLACE TO STOP, MOST **SUITABLE** ~~VALUABLE?~~ A. NO, SIR. Q. YOU DID HEAR THE THIN~~R~~G YOURSELF, THAT THAT WAS THE BEST PLACE TO RECRUIT THEIR STOCK? A. YES, SIR, IN CONVERSATION. Q. WHO DID Y ~~U~~OU HEAR TALKING ABOUT IT? A SOME OTHER PARTY BUT I CAN'T SAY. Q.	

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RT	RS	BT	PS
WHAT DID THEY SAY ABOUT IT ? A. THEY WERE TOLD THAT THAT WAS THE BEST PLACE; SOME ONE ASKED MY OPINION OF IT, AFTERWARDS, IF I KNEW OF A BETTER PLACE FOR STOCK TO RECRUIT. Q. WAS NOT IT TALKED OF AS THE BEST PLACE TO MASSACRE THIS TRAIN ? A. NO SIR, NOTHING SAID ABOUT IT. SUTHERLAND: BROTHER BASKIN, THAT IS RATHER CHEEKY. Q. YOU NEVER HEARD ANYTHING SAID ON THAT SUBJECT ? — NEVER HEARD THERE WAS ANY FEELING WITH RESPECT TO THIS TRAIN—GEORGE A. SMITH NEVER EXPRESSED ANYTHING OF THE SORT TO	WHAT DID THEY SAY ABOUT IT A THEY WERE TOLD THAT WAS THE BEST PLACE, SOME ONE ASKED MY OPINION OF IT AFTERWARDS, IF I KNEW OF ≤A≥ BETTER PLACE FOR STOCK TO RECRUIT. Q WAS NOT TALKED OF AS THE BEST PLACE TO MASSACRE THIS TRAIN A NO SIR NOTHING SAID ABOUT IT. BY SUTHERLAND BROTHER BASKIN, THAT IS RATHER CHEEKING ≤**CHEEKY**≥ Q YOU NEVER HEARD ANYTHING SAID ON THAT SUBJECT NEVER? A NEVER HEARD THERE WAS ANY FEELING WITH RESPECT ~~TO~~ ABOUT THIS TRAIN. GEORGE A SMITH NEVER EXPRESSED *[37]* ANYTHING OF THE SORT. Q	WHAT DID THEY SAY ABOUT IT? A. THEY WERE TOLDTHAT WAS THE BEST PLACE; SOMEONE ASKED MY OPINION OF IT AFTERWARDS , IF I KNEW OF A BETTER PLACE FOR STOCK TO RECRUIT. Q. IT WASN'T TALKED OF AS THE BEST PLACE TO MASSACRE THIS TRAIN? A. NO, SIR, NOTHING SAID ABOUT IT. **M**$^{\underline{R}}$ SUTHERLAND: BROTHER BASKIN, THAT IS RATHER CHEEKY. Q. YOU NEVER HEARD ANYTHING SAID ON THAT SUBJECT, ~~NEVER~~? A. NEVER HEARD THERE WAS ANY FEELING IN THAT RESPECT ABOUT THIS TRAIN. GEORGE A. SMITH NEVER EXPRESSED ANYTHING OF THE SORT. *[230]* Q.	

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RT	RS	BT	PS
YOU — DID GEORGE A. SMITH SAY ANYTHING TO ABOUT THAT TIME, AS TO WHAT CAUSED HIM TO LEAVE SALT LAKE CITY AND TRAVEL DOWN HERE ? A. NO. Q. DID YOU ASK HIM WHAT THE OBJECT OF HIS VISIT DOWN THERE WAS ? A. NO SIR. Q. HE SAID NOTHING TO YOU ABOUT IT ? A. NO SIR. IT WAS USUAL FOR HIM TO VISIT THIS COUNTRY. Q. WAS NOT IT GENERAL WHEN THE LEADERS OF THE CHURCH CAME TO THIS COUNTRY, DIDN'T THEY COME IN CROWDS — IN NUMBERS ? A. NOT AT THAT TIME. Q. DID YOU KNOW EVER AFTERWARDS	DID GEORGE A SMITH SAY ANYTHING TO YOU, ABOUT THAT TIME, *AS TO*[?] WHAT CAUSED HIM TO LEAVE SALT LAKE CITY AND TRAVEL DOWN HERE $_{A}$NO $_{Q}$ DID YOU ASK HIM WHAT ≼WAS THE≽ OBJECT OF HIS VISIT DOWN THERE $_{A}$ NO SIR $_{Q}$HE SAID NOTHING ABOUT IT $_{A}$NO SIR IT WAS USUAL FOR HIM TO VISIT THIS COUNTRY. $_{Q}$ *WAS*[?] NOT **≼WAS IT NOT≽** GENERAL *MANNER/WHEN*[?] THE LEADERS OF THE CHURCH WHO CAME TO THIS COUNTRY DIDN'T THEY COME IN CROWDS, IN NUMBERS $_{A}$ NOT AT THAT TIME. $_{Q}$DID YOU KNOW EVER AFTERWARDS,	DID **G**EROGE A. SMI**T**H SAY ANY**T**HINGTO YOU ABOUT THAT TIME AS TO WHAT CAUSED HIM TO LEAVE SALT LAKE CITY AND TRAVEL DDOWN HERE A. NO. Q. DID YOU ASK HIM WHAT ~~T~~WAS THE OBJECT OF HIS VISIT DOWN THERE ? A. NO, SIR. Q. HE SAID NOTHINGTO YOU ABOUT IT? A. NO, SIR, IT WAS USUAL FOR ~~YOU~~ **HIM** TO VISIT THIS COUNTRY. Q. WASN'T IT THE GENERAL MANNER OF THE LEADERS OF THE CHURCH, WHEN THEY CAME TO THIS COUNTRY, DIDN'T THEY COME IN CROWDS, IN NUMBERS AT THAT TIME? A. NO, SIR. Q. DID YOU KNOW EVER AFTERWARDS	

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RT	RS	BT	PS
ANY OF THE LEADERS COMING FROM SALT [373] LAKE CITY AND MAKING THAT DISTANCE AND BACK ALONE, UNATTENDED BY ANY PERSON ? **A**. GEORGE A. SMITH CAME AFTERWARDS. Q. BUT HE HAD SOME PERSON WITH HIM,HADN'T HE, THAT TRIP OUT THERE ? A. NOT TO MY REMEMBRANCE; HE CAME WITH ME FROM SAN PETE. Q. HOW LONG AFTER THE MASSACRE ? A. I THINK THIS WAS ABOUT IN 1864; THIS TIME I ALLUDE TO, HE CAME THROUGH ON ANOTHER OCCASION WITH JUDGE KANE, **)** ~~<~~**Q**~~>~~ HE WAS WITH HIM ON THE OCCASION	ANY OF THE LEADERS COMING FROM SALT LAKE CITY, AND MAKING THAT DISTANCE AND BACK ALONE UNATTENDED BY ANY PERSON **A** GEORGE A SMITH CAME AFTERWARD ~~<~~**BASKIN**~~>~~ **Q**BUT HE HAD SOME PERSON WITH HIM HADN'T HE. THAT TRIP OUT THERE **A** NOT TO MY REMEMBRANCE HE CAME WITH ME FROM SANPETE **Q** HOW LONG AFTER THE MASSACRE **A**I THINK ~~<~~THIS~~>~~ WAS ABOUT IN 1864 THIS TIME I ALLUDE TO, CAME THROUGH ON ANOTHER OCCASION WITH JUDGE KANE ~~<~~**KINNEY**~~>~~, HE WAS NOT WITH HIM ON THE OCCASION	ANY OF THE LEADERS COMING FROM SALT LAKE CI Y, AND MAKING THAT DI~~A~~STANCE AND BACK ALONE, UNATTENDED BY ANY PERSON? A. GEORGE A. SMI~~G~~TH CAME AFTERWARD. Q. BUT HE HAD SOME PERSON WITH HIM, HADN'T HE ON THAT TRIP OUT THERE? A. NOT TO MY REMEMBERANC E. HE CAME WITH ME FROM SAN PETE**,** Q. HOWLONG AFTER THE MASSACRE WAS THAT? A. I THINK THIS WAS ABOUT IN 1864, THIS T**I**ME THATI ALLUDE TO. HE CAME THROUGH ON ANOTHER OCCASION WITH JUDGE ~~K~~ KINNEY.[349] Q. HE WASN~~I~~T WITH HIM ON THE ACCASION	

349. John F. Kinney.

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RT	RS	BT	PS
WHEN HE CAME WITH YOU FROM SAN PETE, AND NO PERSON ELSE FROM SALT LAKE CITY WITH HIM ? A. PRESIDENT YOUNG WAS IN SAN PETE. Q. ON THAT TRIP THAT HE MADE JUST BEFORE THESE EMIGRANTS WERE MASSACRED DID HE TELL YOU WHERE HE STARTED FROM ? A. I DON'T REMEMBER THAT HE DID. Q. BUT HE IS A VERY TALKATIVE MAN ? A. I DON'T REMEMBER. Q. DIDN'T HE TRAVEL RIGHT DOWN THROUGH THE COUNTRY TO THE POINT YOU HAVE SPOKEN OF AND IMMEDIATELY RETURN BACK — HE DIDN'T MAKE ANY LONG STAY	WHEN HE CAME WITH YOU FROM SANPETE. QNO PERSON ELSE FROM SALT LAKE CITY WITH HIM A PRESIDENT YOUNG WAS AT SANPETE. QON THAT TRIP HE MADE JUST BEFORE THESE, EMIGRANTS WERE MASSACRED, DID HE TELL YOU WHERE HE STARTED FROM AI DON'T REMEMBER THAT HE DID Q HE IS A VERY TALKATIVE MAN AI DON'T REMEMBER. ≤SUCH MOST CONVERSATION DO YOU≥ Q DIDN'T HE TRAVEL RIGHT DOWN THROUGH THE COUNTRY TO THE POINT YOU HAVE SPOKEN OF AND IMMEDIATELY RETURN BACK AND HE DIDN'T MAKE ANY LONG STAY	WHEN HE CAME WITH YOU FROM SAN PETE? A. NO. Q. WAS THERE ANY PERSON ELSE FROM SALT LAKE CITY WITH HIM? A. PRESIDENT YOUNG WAS AT SAN PETE. Q. ON THAT TRIP THAT HE MADE JUST BEFORE THESE EMIGRANTS WERE MASSACRED, DID HE TELL YOU WHERE HE STARTED FROM? A. I DON'T REMEMBER THAT HE DID. Q. ISN'T HE A VERY TALKATIVE MAN? A. HE IS A CONVERSATIONAL MAN. Q. DIDN'T HE TRAVEL RIGHT DOWN TO THE COUNTRY YOU HAVE SPOKEN OFF, AND IMMEDIATELY RETURN BACK, AND DI~~N~~DN'T MAKE ANY LONG STAY?	

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RT	RS	BT	PS
DOWN THROUGH, DID HE ? A. HE STOPPED A DAY OR TWO IN PAROWAN; NO LONG STAY IN ANY SETTLEMENT. Q. YOU UNDERTOOK TO STATE TO THIS JURY THAT HE CAME DOWN THERE AND TELLING THE PEOPLE THAT THEY MUST NOT SELL GRAIN TO THESE EMIGRANTS AND MAKING OTHER REMARKS — DID NOT HE HAVE ANY OTHER MATTERS ? A. I DID NOT STATE THAT. Q. WHO HAVE YOU TALKED WITH ABOUT THIS CASE BEFORE YOU CAME ON THE STAND — DIDN'T YOU HAVE A TALK WITH	DOWN THROUGH ≤DID HE≥ AHE STOPPED **A** DAY OR TWO IN PAROWAN, NO LONG STAY IN ANY SETTLEMENT. QYOU UNDERTAKE TO STATE TO THIS JURY, THAT HE CAME DOWN *THERE/THROUGH*[?] ≤AND TOLD THE PEOPLE≥ THEY MUST NOT SELL GRAIN TO THESE EMIGRANTS AND OTHER EMIGRANTS, *MORE OR LESS*[?] DID NOT HE HAVE ANY OTHER MISSION AI DID NOT STATE *THAT*[?] WHOM HAVE YOU TALKED WITH ABOUT THIS CASE, BEFORE YOU CAME ON THE STAND, DIDN'T YOU HAVE TALK WITH	A. HE STOPPED A DAY OR TWO IN PAROWAN, NO LONG STAY IN ANY OF THE *[231]* SETTLEMENTS. Q. YOU UNDERTAKE TO STATE TO THIS JURY **THAT** WHEN HE CAME DOWN THROUGH THESE SETTLEMENTS, TELLING THE PEOPLE THEY MUST NOT SELL GRAIN TO **THESE** ~~THE~~**THOSE** EMIGRANTS AND OTHER EMIGRANTS;— **THAT HE** DID NOT HE HAVE ANOTHER MISSION? A. I DIDN'T STATE THAT, HOWEVER. Q. WHO HAVE YOU TALKED WITH ABOUT THIS CASE BEFORE YOU C**A**ME ON THE STAND? **A. NO ONE; Q.** DIDN'T YOU HAVE A TALK WITH	

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RT	RS	BT	PS
THESE ATTORNEYS BEFORE YOU CAME *[374]* ON THIS STAND ? A. I MET THEM WHEN I CAME IN LAST NIGHT. Q. AND YOU HAD NO SPECIAL TALK ? A. NOTHING MORE THAN WHAT I KNEW ABOUT IT; NOTHING FURTHER THAN I WOULD TALK WITH ANY MAN. Q. DIDN'T YOU HAVE A CONVERSATION WITH THEM AS TO WHAT YOU WOULD TESTIFY TO ? A. NO. Q. DIDN'T YOU UNDERSTAND ABOUT WHAT YOU KNEW OF THE CASE ? A. I DID. Q. DIDN'T YOU STATE TO THEM WHAT YOU WOULD TESTIFY TO WHEN YOU WERE PUT ON THE STAND ? A. I PRESUME SO. Q. WAS NOT YOUR BROTHER PRESENT ? A. YES. Q. DIDN'T	THOSE ATTORNEYS BEFORE YOU CAME ON THIS STAND, $_{A}$I MET THEM WHEN I CAME IN LAST NIGHT $_{Q}$ AND YOU HAD NO SPECIAL TALK $_{A}$ NOT MORE THAN WHAT I KNEW ABOUT IT, NOTHING FURTHER THAN I WOULD TALK WITH NO MAN. $_{Q}$DIDN'T YOU HAVE CONVERSATION WITH THEM AS TO WHAT YOU WOULD TESTIFY TO $_{A}$NO $_{Q}$ DIDN'T YOU UNDERSTAND ABOUT WHAT YOU KNEW OF THE CASE $_{A}$I DID $_{Q}$DIDN'T YOU STATE TO THEM WHAT YOU WOULD TESTIFY WHEN PUT ON THE STAND $_{A}$I PRESUME SO $_{Q}$ WAS NOT YOUR BROTHER PRESENT $_{A}$ YES $_{Q}$DIDN'T	THESE ATTORNEYS BEFORE YOU CAME ON THIS STAND? A. I MET ~~W~~THEM WHEN I CAME IN LAST NIGHT. Q. AND YOU HAD NO SPECIAL TALK? A. NO, MORE THAN WHAT I KNEW ABOUT IT; ~~B~~NO FURTHER THAN I WOULD TALK WITH ANY MAN. Q. DIDN'T YOU HAVE A CONVERSATION WITH THEM AS TO WHAT YOU WOULD TESTIFY TO? A.NO~~,~~. Q. DIDN'T YOU STATE ABOUT WHAT YOU KN~~O~~EW OF THE CASE? A. I DID Q. D~~D~~IDN'T YOU STATE TO THEM WHAT YOU WOULD TESTIFY TO WHEN PUT ON THE ATAND? A. I PRESUME SO. Q. WASN'T YOUR BROTHER PRESENT?[350] A. YES. Q. DIDN'T	

350. Jesse N. Smith.

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RT	RS	BT	PS
YOU COMPARE NOTES TO SEE HOW YOUR STATEMENT WOULD AGREE AFTERWARDS WITH SMITH ? A. NO. Q. DIDN'T YOU AND YOUR BROTHER HAVE SOME CONVERSATION BEFORE YOU CAME UP HERE TO SEE HOW YOU WOULD COMPARE ? A. NONE WHATEVER. Q. WHERE DID YOU MEET YOUR BROTHER LAST, BEFORE COMING HERE THIS MORNING ? A. NO, NOT IMMEDIATELY OR RECENTLY. I ~~RED~~ LIVE AT RED CREEK AND HE LIVES AT PAROWAN. *[375]* Q. YOU BOTH CAME THE SAME ROAD ? A. WE CAME TOGETHER. Q. IN COMING TOGETHER FROM THERE DIDN'T YOU	YOU COMPARE NOTES TO SEE HOW YOUR STATEMENT WOULD AGREE AFTERWARDS *ABOUT/BY*[?] SMITH ANO QDIDN'T YOU AND YOUR BROTHER AND YOU HAVE SOME CONVERSATION *[38]* BEFORE YOU CAME UP HERE TO SEE HOW YOU WOULD COMPARE A NONE WHATEVER Q WHERE DID YOU MEET YOUR BROTHER LAST BEFORE COMING HERE ≤, DIDN'T YOU MEET≥ THIS MORNING A NO QNOT IMMEDIATELY RECENTLY AI LIVE AT RED CREEK HE LIVES AT PAROWAN Q YOU BOTH CAME THE SAME ROAD A WE CAME TOGETHER QIN COMING TOGETHER FROM THERE DIDN'T YOU	YOU COMPARE NOTES AND SEE HOW YUR STATEMENTS WOULD AGREE AFTERWARDS ABOUT **SMITH** ~~SMIGTH~~? ~~A~~. NO. Q. DIDN'T YOU AND YOUR BROT**H**ER HAVE SOME CONVERSATION BEFORE YOU CAME UP HERE TO SEE HOW YOU WOULD COMPARE? A. NONE WHATEVER. Q. WHERE DIDYOU MEET YOUR BROTHER LAST BEFORE COMING HERE? ~~DIN~~ DIDN'T YOU MEET THIS MORNING? ~~A~~. NO. Q. ~~I M~~ IMMEDIATELY, RECENTLY~~.~~**?** A. I ~~M~~ LIVE AT RED CREEK, HE LIVES AT PAROWAN. Q. YOU BOTH CAME T**H**E SAME ROAD? A WE CAME TOGETHER. Q. IN COMING TOGETHER FROM THERE, DIDN'T YOU	

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RT	RS	BT	PS
TALK ABOUT THIS SUBJECT — YOU KNOW WHETHER YOU DID OR NOT ? A. I THINK NOT MUCH, BUT WE MIGHT HAVE ALLUDED TO IT. Q. WHY DID YOU SAY JUST NOW YOU DIDN'T TALK ABOUT IT AT ALL ? A. I CAN EXPLAIN HOW I UNDERSTOOD YOUR QUESTION. Q. DIDN'T YOU AND YOUR BROTHER HAVE A CONVERSATION ABOUT THIS MOUNTAIN MEADOWS MASSACRE ? A. I PRESUME WE DID. Q. DON'T YOU KNOW YOU DID. A. TO A CERTAIN EXTENT. Q. DON'T YOU KNOW YOU AND YOUR BROTHER TALKED OVER THIS MATTER AS YOU CAME TO COURT HERE IN DETAIL ? A. NO, NOT IN DETAIL; ALLOW ME TO	TALK ABOUT THIS SUBJECT? YOU KNOW WHETHER YOU DID OR NOT **A** I THINK NOT MUCH, WE MIGHT HAVE ALLUDED TO IT **Q** WHY DID YOU SAY JUST NOW, YOU DIDN'T TALK ABOUT IT AT ALL ? **A** I CAN EXPLAIN HOW I UNDERSTOOD YOUR QUESTION **Q** DIDN'T YOU AND ~~MY~~ YOUR BROTHER HAVE CONVERSATION ABOUT THIS MOUNTAIN MEADOW MASSACRE **A** I PRESUME WE DID **Q** DON'T YOU KNOW YOU DID **A** TO A CERTAIN EXTENT **Q** DON'T YOU KNOW YOU AND YOUR BROTHER TALKED OVER THIS MATTER AS YOU CAME TO COURT HERE IN DETAIL **A** NO NOT IN DETAIL. **A** ALLOW ME TO	TALK ABOUT THIS SUBJECT~~.~~**?** YOU KNOW WHETHER YOU DID OR NOT? A. I THINK NOT ~~N~~MUCH; WE MIGHT HAVE ALLUDED TO IT. Q. WHY DID YOU SAY JUST NOW YOU DIDN'T TALK ABOUT IT AT ALL? A. I COULD EXPLAIN HOW I UNDERSTOOD YOUR QUESTION. Q. DIDN'T YOU AND YOUR BROTHER HAVE A CONVERSATION ABOUT THIS. *[232]* ~~A.~~MOUNTAIN MEADOW MASSACRE? A I PRESUME WE DID. Q. DON'T YOU K~~L~~NOW YOU DID? A. TO A CERTAIN EXTENT. Q. DON'T YOU KNOW YOU AND YOUR BROTHER T~~Q~~**A**LKED OVER THIS MATTER AS YOU CAME TO COURT HERE IN DETAIL? A. NO, NOT IN~~G~~ DETAIL. ALLOW ME TO	

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RT	RS	BT	PS
EXPLAIN HOW I UNDERSTOOD YOUR QUESTION) ~~<~~Q.~~>~~ I WANT YOU TO ANSWER MY QUESTION, I WANT ~~T~~NO EXPLANATION— WHAT DID YOU AND YOUR BROTHER SAY TO EACH OTHER AS YOU CAME HERE ? A. I COULD NOT SAY, WE HAD VERY LITTLE CONVERSATION ON THIS MATTER. Q. YOU KNEW BEFORE YOU ARRIVED HERE THAT GEORGE A. SMITH WAS BY EVIDENCE IMPLICATED AS BEING ACCESSORY TO THAT MASSACRE ? SUTHERLAND: THE PARTIES HAVE SHOWN BY EVIDENCE THAT THAT IS ENTIRELY UNTRUE. HE HAS NO RIGHT TO	EXPLAIN HOW I UNDERSTOOD YOUR QUESTION. I WANT YOU TO ANSWER MY QUESTIONS I WANT NO EXPLANATIONS. WHAT DID YOU AND YOUR BROTHER SAY TO EACH OTHER AS YOU CAME HERE $_{A}$I COULD NOT SAY WE HAD VERY LITTLE CONVERSATION ON THIS MATTER. $_{Q}$YOU KNEW BEFORE YOU ARRIVED HERE, GEORGE A SMITH WAS BY EVIDENCE IMPLICATED AS BEING ACCESSORY TO THAT MASSACRE . BY SUTHERLAND. PARTIES HAVE SHOWN BY QUESTION AND TESTIMONY THAT IS ENTIRELY UNTRUE, HE HAS NO RIGHT TO	EXPLAIN HOW I UNDERSTOOD YOUR QUESTIO~~J~~N. Q. I WANT YOU TO ANSWER MY QUESTION; I WANT NO EXPLANATIONS. WHAT DID YOU AND YOUR BROTHER SAY TO EACH OTHER AS YOU CAME HERE? A. I COULD NOT SAY; WE HAD VERY LITTLE ~~V~~CONVERSATIO N ON THIS MATTER. Q. YOU KNEW BEFORE YOU ARRIVED HERE GEORGE A. SMITH WAS ~~BY~~ **~~BY AS BEING~~ BY** EVIDENCE IMPLICATED ~~BY ACCESSORY~~ AS BEING ACCESSORY TO THAT MASSACRE? **M**~~**R**~~ SUTHERLAND: THE PARTIES HAVE SHOWN BY QUESTIONS AND TESTIMONY, THAT THAT IS ENTIRELY UNTRUE, AND COUNSEL HAS NO RIGHT TO	

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RT	RS	BT	PS
ASSUME IT IN PUTTING THAT QUESTION TO THIS WITNESS. Q. DIDN'T YOU HEAR THERE WAS SOME EVIDENCE TENDING TO IMPLICATE HIM ? SUTHERLAND: AND WE OBJECT TO THAT QUESTION AS BEING UNCALLED FOR AND *[376]* DISRESPECTFUL. BASKIN: THIS PARTY HAS SHOWN HIS RELATIONSHIP TO GEORGE A. SMITH; I WANT TO SHOW THE FACT BY THIS WITNESS THAT I DON'T NOW HAVE TO CALL THE WITNESSES ATTENTION TO. COURT: THAT WOULD BE A PROPER QUESTION. A. I HADN'T THE LEAST IDEA WHAT WAS WANTED. Q. YOU HAD	ASSUME IT IN PUTTING THAT QUESTION TO THIS WITNESS BASKIN ≼Q≽ DIDN'T YOU HEAR THERE WAS SOME EVIDENCE TENDING TO IMPLICATE HIM SUTHERLAND I OBJECT TO THAT QUESTION AS BEING ≼UNCALLED FOR≽ DISRESPECTFUL BASKIN; THIS PARTY HAS SHOWN HIS RELATION≼SHIP ≽ TO GEORGE A SMITH, I WANT TO SHOW THE FACT BY THIS WITNESS THAT I DON'T NOW HAVE TO CALL THE WITNESS'S ATTENTION TO. BY COURT I THINK THAT WOULD BE A PROPER QUESTION. EXCEPTION BY DEFENSE ≼A I HADN'T THE LEAST IDEA WHAT WAS WANTED ≼Q YOU HAD	ASSUME IT IN PUTTING THAT QUESTION TO THIS WITNESS. Q. DIDN'T YOU HEAR THERE WAS SOME EVIDENCE TENDING TO IMPLICATE HIM? **M^R** SUTHERLAND: I OBJECT TO THAT QUESTION AS BEING UNCALLED FOR AND DISRESPECTFUL. **M^R** BASKIN: THIS PARTY HAS SHOWN HIS RELATIONSHIP TO GEORGE A. SMITH I WANT TO SHOW ~~THE~~ **A** FACT BY THIS WITNESS THAT I DO NOT NOW WISH TO CALL THE WITNESSES ATTENTION TO. THE COURT: I THINK THAT WOULDBE A PROPER QUESTION. EXCEPTION BY DEFENDANT: A. I HADN'T THE LEAST IDEA WHAT WAS ~~M~~WANTED. Q. YOU HAD	

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RT	RS	BT	PS
HEARD TO THE EFFECT THAT GEORGE A. SMITH, BY EVIDENCE, WAS IMPLICATED IN THIS MATTER ? SUTHERLAND: I OBJECT TO THE QUESTION ASKING THIS WITNESS AS TO EVIDENCE IN RELATION TO GEORGE A. SMITH OR THE EXPRESSION OF HIS OPINION WITH RESPECT TO THE NOTES OF THE EXAMINATION AS PUBLISHED IN THE NEWSPAPER. WITNESS: NOTHING FURTHER THAN WHAT I SAW PUBLISHED. Q. WERE YOU SUBPOENAED TO ATTEND COURT HERE ? A. NO.[351] Q. HOW WAS IT YOU CAME TO BE HERE ? A. I	HEARD OF THAT FACT, THAT GEORGE A SMITH BY EVIDENCE WAS IMPLICATED IN THIS MATTER ≤**SUTHERLAND**≥ I OBJECT TO THE QUESTION, ASKING THIS WITNESS AS TO EVIDENCE IN RELATION TO ≤GEORGE≥ SMITH ~~EXPRESSED~~ OR THE EXPRESSION OF HIS OPINION WITH RESPECT TO THE NOTES OF THE EXAMINATION AS PUBLISHED IN THE NEWSPAPER. BASKIN $_{A}$NOTHING FURTHER THAN WHAT I SAW PUBLISHED $_{Q}$WERE YOU SUBPOENAED TO ATTEND COURT HERE $_{A}$NO $_{Q}$HOW WAS IT YOU CAME TO BE HERE $_{A}$I	HEARD OF THAT FACT, THAT GEORGE A. SMITH, BY EVIDENCE WAS IMPLICATED IN THIS MATTER. **READ OF IT? M^{R}** SUTHERLAND: I OBJECT TO THE QUESTION, ASKING THIS WITNESS ~~A—S~~ **ABOUT** ~~TO~~ EVIDENCE AS TO GEORGE A. SMITH~~.~~, OR THE EXPRESSION OF HIS OPINION WITH RESPECT TO THE NOTES, OF THE EXAMINATION AS PUBLISHED IN THE NEWS PAPER. A. NOTHING FURTHER THAN WHAT I SAW PUBLISHED. *[234]* Q. YOU WERE SUBPOENAED TO ATTEND COURT HERE? A. NO. Q. HOW WAS IT YOU CAME TO BE HERE? A. I	

351. The only known extant subpoena issued for Silas Smith was for Lee's second trial, April 19, 1876.

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RT	RS	BT	PS
COULD NOT TELL YOU, I CAME WITH SOME OTHERS. Q. YOU DIDN'T COME HERE BY MERE ACCIDENT ? A. MY NAME WAS MENTIONED IN A TELEGRAM. Q. FROM WHO-M WAS IT ? A. MR. SUTHERLAND AND MACFARLANE. Q. DID YOU GET ANY TELEGRAM FROM THEM TO ATTEND HERE, FROM SALT LAKE CITY ? A. NO SIR. Q. DID ANY PERSON ELSE GET A TELEGRAM FROM SALT LAKE CITY, REQUESTING YOU TO BE PRESENT HERE ? [377] A. I AM CERTAIN I DIDN'T. NEVER HEARD OF OTHERS. Q. YOU CAME HERE IN PURSUANCE OF A TELEGRAM FROM JUDGE	COULD NOT TELL YOU, I CAME WITH SOME OTHERS [39] QYOU DIDN'T COME HERE BY MERE ACCIDENT AI MY NAME WAS MENTIONED IN **A** TELEGRAM QFROM WHOM WAS IT AMR. SUTHERLAND AND MACFARLANE Q DID YOU GET ANY TELEGRAM OF YOUR REQUIRED ATTENDANCE HERE FROM SALT LAKE CITY ANO SIR QDID ANY PERSON ELSE GET HIS TELEGRAM FROM SALT LAKE CITY REQUEST YOU TO BE PRESENT HERE AI AM CERTAIN I DIDN'T, NEVER **A** WORD OF OTHERS. QYOU CAME HERE IN PURSUANCE OF A TELEGRAM FROM JUDGE	COULD NOT TELL; I CAME WITH SOME OTHERS. Q. YOU DIDN'T COME HERE BY MERE ACCIDENT? A. MY NAME WAS MENTIONED IN THE TELEGRAM. Q. FROM WHOM WAS IT? A. MR. SUTHERLAND AND **M**$^{\mathbf{R}}$ MAC**F**AR~~R~~LANE. Q. DID YOU GET ANY TELEGRAM **FROM** ~~OF~~ THEM **IN SALT LAKE CITY** REQUIRING YOUR ATTENDANCE HERE**?** ~~IN SALT LAKE CITY~~? A. NO, SIR. Q . DID ANY PERSON ELSE GET A TELEGRAM FROM SALT LAKE CITY REQUESTING YOUR PRESENCE HERE? A . I AM CERTAIN I DIDN'T; NEVER HEARD OF OTHERS. Q. YOU CAME IN HERE IN PURSUANCE OF A TELEGRAM FROM JUDGE	

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RT	RS	BT	PS
SUTHERLAND ? A. YES SIR. Q. DIDN'T GEORGE A. SMITH, WHEN HE WAS TRAVELING DOWN THERE AT CORN CREEK, TELL YOU THIS PEOPLE WERE CHARGED WITH HAVING KILLED THE PROPHET JOE SMITH ? A. NOTHING OF THE KIND WHATEVER. Q. NEVER HEARD ANYTHING ABOUT IT ? A. NO SIR. Q. GEORGE A. SMITH NEVER TOLD YOU HIZS BUSINESS DOWN THERE, EXCEPT WHAT YOU GATHERED FROM WHAT HE SAID ? A. NO SIR. Q. IT WASN'T NO. MILITARY OBJECT ? A. NOT TO MY KNOWLEDGE, ANY FURTHER THAN THAN THIS MILITIA WAS MUSTERED Q. AS THEY PASSED ALONG THROUGH THE	SUTHERLAND A YES SIR Q DIDN'T GEORGE A SMITH WHEN HE WAS TRAVELING DOWN THERE AT CORN CREEK, TELL YOU THESE PEOPLE WERE CHARGED WITH HAVING KILLED THE PROPHET JOE SMITH A NOTHING OF THE KIND WHATEVER Q NEVER HEARD ANYTHING ABOUT IT A NO SIR. Q GEORGE A NEVER TOLD YOU HIS BUSINESS DOWN THERE, EXCEPT WHAT YOU GATHERED FROM WHAT HE SAID A NO SIR Q IT WASN'T NO MILITARY OBJECT A NOT TO MY KNOWLEDGE, ANY FURTHER THAN THAT THIS MILITIA WAS MUSTERED. AS HE Q PASSED ALONG THROUGH	SUTHERLAND? A. YES, SIR. Q. DIDN'T GEORGE A. SMITH WHEN HE WAS TRAVELLING DOWN THERE AT CORN CREEK TELL YOU THESE PEOPLE WERE CHARGED WITH HAVING KILLED THE PROPHET JOE SMITH? A. NOTHING OF THE KIND WHATEVER. Q. NEVER HEARD ANYTHING OF THE KIND ABOUT IT? A. NO, SIR. Q. GEORGE A. NEVER TOLD HIMS BUSINESS DOWN HERE EXCEPT WHAT YOU GATHERED FROM WHAT HE SAID? A. NO, SIR. Q. IT WASN'T ANY MILITARY OBJECT? A. NOT TO MY KNOWLEDGE, ANY FURTHER THAN THESE MILLITIA WAS MUSTERED. Q. AS HE PASSED ALONG THROUGH THE	

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RT	RS	BT	PS
COUNTRY DIDN'T ~~THE~~ HE HAVE CONSULTATIONS WITH THEM AND DIDN'T HE CONSULT WITH DAME AT PAROWAN ? A. NOT THAT I KNOW OF. Q. DIDN'T YOU SEE THEM TOGETHER IN CONSULTATION ? A. I SAW THEM TOGETHER FREQUENTLY. Q. WHERE DID YOU AND GEORGE A. SMITH STOP WHEN HE WAS DOWN THERE ? A. STOPPED AT HIS OWN HOUSE. Q. HIS HOUSE IN PAROWAN—DID HE HAVE A FAMILY DOWN THERE ? A. YES. Q. DIDN'T YOU SEE DAME AND HIM IN CONVERSATION FREQUENTLY ? A. I SAW THEM TOGETHER. Q. DIDN'T YOU HEAR THEM TALK ABOUT MILITARY MATTERS ? *[378]* A.	COUNTRY, DIDN'T HE HAVE CONSULTATION S WITH THEM, DIDN'T HE CONSULT WITH DAME AT PAROWAN **A** NOT THAT I KNOW OF **Q** DIDN'T YOU SEE THEM TOGETHER IN CONSULTATION ? **A**I SAW THEM TOGETHER FREQUENTLY **Q** WHERE DID YOU AND GEORGE A SMITH STOP WHEN HE WAS DOWN THERE **A** STOPPED AT HIS OWN HOUSE **Q** HIS HOUSE IN PAROWAN, DID HE HAVE FAMILY DOWN THERE **A**YES **Q**DIDN'T YOU SEE DAME AND HIM IN CONVERSATION FREQUENTLY **A**I SAW THEM TOGETHER DIDN'T YOU HEAR THEM TALK ABOUT MILITARY MATTERS **A**	COUNTRY DIDN'T HE H**A**VE CONSULTATION S WITH THEM? DIDN'T HE CONSULT WITH DAME AT PAROWAN? A. NOT THAT I KNOW OF. Q. DIDN'T YOU SEE THEM TOGETHER IN CONSULTATION ? A. I S~~Z~~AW THEM TOGETHER FREQUENTLY. Q. WHERE DID YOU AND GEORGE A. SMITH STOP WHEN HE WAS DOWN THERE A. STOPPED AT HIS OWN HOUSE. Q. HIS HOUSE IN PAROWAN; DID HE HAVE A FAMILY DOWN THERE? A. YES. *[235]* Q.DIDN'T YOU SEE DAME AND HIM IN CONVERSATION FREQUENTLY? A. I SAW THEM TOGETHER. Q. DIDN'T YOU HEAR THEM TALKING ABOUT MILLITARY MATTERS? A.	

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RT	RS	BT	PS
NOT THAT I REMEMBER. I NEVER WAS IN ANY OF THEIR COUNCILS. Q. DIDN'T YOU SEE THEM ORGANIZING THE MILITIA FORCES ? A. I DON'T REMEMBER ANYTHING OF IT NOW, BUT IT IS POSSIBLE THAT THEY DID, AS IT IS A LONG TIME AGO Q. WHEN YOU WENT TO CEDAR DIDN'T BISHOP HAIGHT LIVE THERE — PRESIDENT HAIGHT ? A. YES SIR. Q. DID YOU HEAR GEORGE A. SMITH AND HAIGHT TALKING TOGETHER ? A. NOT THAT I REMEMBER. IT IS POSSIBLE THEY MIGHT. Q. DIDN'T YOU SEE THEM IN CONSULTATION ? A. I DID NOT. Q. NEVER	NOT THAT I REMEMBER; I NEVER WAS IN ANY OF THEIR COUNCILS. Q DIDN'T YOU ~~<~~SEE OR~~>~~ HEAR THEM ORGANIZING MILITIA FORCES A I DON'T REMEMBER ANYTHING OF IT NOW, IT IS POSSIBLE ~~<~~THEY DID~~>~~ AS IT IS LONG TIME AGO. Q WHEN YOU WENT TO CEDAR CITY, DIDN'T BISHOP HAIGHT LIVE THERE = PRESIDENT HAIGHT A YES SIR Q DID YOU HEAR GEORGE A. SMITH AND HAIGHT TALKING TOGETHER A NOT THAT I REMEMBER OF, ~~<~~BUT~~>~~ IT IS POSSIBLE THEY MIGHT. Q DIDN'T YOU SEE THEM IN CONSULTATION ~~<~~TOGETHER~~>~~ ~~I DIDN'T~~ A I DID NOT Q NEVER	NOT THAT I REMEMBER; I NEVER WAS IH ANY OF THEIR COUN~~SC~~~~I~~LS. Q. DIDN'T YOU SEE OR HEAR THEM ORGANIZING MILITARY FORCES? A. I DON'T REMEMBER ANYTHING OF IT NOW; IT IS POSSIBLE THEY DID, AS IT IS A LONG TIME AGO. Q. WHEN YOU WENT TO CEDAR CITY, DIDN'T BISHOP HAIGHT LIVE THERE — PRESIDENT HAIGHT? A . YES, SIR. Q. DIDN'T YOU HEAR GEORGE A. SMITH AND HAIGHT TA**L**KING TOGETHER? A. NOT THAT I REMEMBER, BUT IT IS POSSIBLE THEY MIGHT. Q. DIDN'T YOU HEAR THE M IN CON~~C~~SULTATIO N TOGETHER? A I DID NOT. Q. NEVER	

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RT	RS	BT	PS
HEARD THEM SAY ANYTHING ABOUT MILITARY MATTERS ? A. NOT THAT I REMEMBER OF. Q. IF THERE HAD BEEN ANY SUCH CONVERSATION WOULD YOU HAVE HEARD IT A. I MIGHT HAVE HEARD IT. Q. DID YOU HEAR GEORGE A. SMITH TALKING TO THE LEADING OFFICERS OF THE MILITIA THERE ON THE SUBJECT OF NOT SELLING GRAIN ? A. IT WAS THE TOPIC OF THE WHOLE PEOPLE. Q. I AM NOT ASKING YOU ABOUT THE CONVERSATION ? A. NO. Q. DID YOU IN ANY OF YOUR TRIPS THROUGH THAT SOUTHERN COUNTRY SEE JOHN D. LEE ? A. I DO NOT REMEMBER	HEARD THEM SAY ANYTHING ABOUT MILITARY MATTERS $_{A}$ NOT THAT I REMEMBER OF. $_{Q}$IF THERE ≤HAD BEEN≥ ANY SUCH CONVERSATION, <WOULD HAVE HEARD IT> $_{A}$I MIGHT HAVE HEARD IT $_{Q}$ DID YOU HEAR GEORGE A SMITH TALKING TO THE LEADING OFFICERS OF MILITIA THERE ON ≤THE≥ SUBJECT OF NOT SELLING GRAIN $_{A}$IT WAS THE TOPIC OF THE WHOLE PEOPLE ≤AND TRIP≥. $_{Q}$I AM ≤NOT≥ ASKING YOU ABOUT CONVERSATION WITH HAIGHT $_{A}$NO $_{Q}$DID YOU IN ANY OF YOUR TRIPS THROUGH THAT SOUTHERN COUNTRY SEE JOHN D. LEE $_{A}$ I DO NOT REMEMBER	HEARD THEM SAY ANYTHING AB**O**UT MILLI~~A~~TARY MATTERS? A. NOT THAT I REMEMBER OF. Q. IFTHERE HAD BEEN ANY SUCH ~~V~~CONVER~~ASS~~ATION WOULD YOU HAVE HEARD IT? A. IMIGHT HAVE HEARD IT. Q. DID YOU HEAR GEORGE A. SMITH TALKING TO THE LEADING OFFICERS OF THE ~~K~~MILITIA THERE ON THE SUBJECT OF NOT SELLING GRAIN? A. IT WAS THE ~~O~~**T**OPIC OF THE WHOLE PEOPLE AND TRIP. Q. I AM ASKING YOU ABOUT THE CONVERSATION WITH HAIGHT? A NO. Q. DID YOU IN ANY OFYOUR TRIPS THROUGH ~~A~~THAT COUNTRY SEE JOHN D. LEE? A. I DON'T REMEMBER	

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RT	RS	BT	PS
SEEING HIM AND I THINK NOT. Q. DID YOU SEE HIGBEE ? A. YES, I SAW HIGBEE. *[379]* Q. WHERE DID YOU SEE HIM ? A. AT CEDAR. Q. DID HE AND GEORGE A. SMITH HAVE ANY CONVERSATION ? A. NOT IN MY HEARING. Q. DID THE MILITIA FORCES MUSTER AT PAROWAN ? A. YES, THEY WERE ON PARADE WHEN GEORGE A. SMITH CAME IN; THEY HAD HAD A NOTICE OF HIS COMING BEFORE HE CAME. Q. WASN'T THERE A RUNNER NOTIFIED THEM OF THE ARRIVAL, OR OF HIS APPROACH ? A. I DIDN'T HEAR OF IT. Q. WAS NOT THERE A MILITARY MUSTER AT CEDAR ? A. I DON'T	SEEING ≤HIM,≥ I THINK NOT Q DID YOU SEE HIGBEE AYES I SAW HIGBEE QWHERE DID YOU SEE HIM *[40]* AAT CEDAR QDID HE AND GEORGE A SMITH, HAVE ANY CONVERSATION ANOT IN ≤MY HEARING≥ QDID THE MILITIA FORCES MUSTER AT PAROWAN A YES THEY WERE ON PARADE, WHEN GEORGE A SMITH CAME IN, THEY HAD HAD NOTICE OF HIS COMING BEFORE HE CAME Q WASN'T THERE A RUNNER, NOTIFIED ~~'EM~~ THEM OF THE ARRIVAL = OF HIS APPROACH A I DIDN'T HEAR OF IT QWAS NOT THERE MILITARY MUSTER AT CEDAR. AI DON'T	SEEING HIM ; I THINK NOT. Q. DID YOU SEE HIGBEE? A. YES, I SAW HIGBEE. Q. WHERE ~~I~~**D**ID YOU SEE HIM? A. AT CEDAR. Q. DID HE AND GEORGE A. SMITH HAVE ANY CONVERSATION ? A. NOT IN MY HEARING. Q. DID THE MILITIA OFFICERS MUSTER IN PAROWAN? A . YES, THEY WERE ON ~~PARAGE~~ **PARADE** WHEN GEORGE A. SMITH CAME IN. THEY HAD HA~~E~~D A NOTICE OF HIS COMING BEFORE HE CAME IN. Q. WASN'T THERE A RUNNER NOTIFIED THEM OF ~~THE~~ **HIS** APPROACH **,** ~~OF~~ **BEFORE** *[236]* HIS ARRIVAL? A. I DIDN'T HEAR OF IT. Q. WASN'T THERE A MILITARY MUSTER AT CEDAR? A. I DON'T	

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RT	RS	BT	PS
REMEMBER. Q. WHAT WAS THE NEXT TOWN THROUGH WHICH YOU PASSED ? A. TOWN, PLACE, CALLED KANNARRAH.[352] Q. DID YOU HAVE A MILITARY MUSTER THERE ? A. I DO NOT THINK THEY DID, BUT I DON'T REMEMBER. Q. WHAT WAS THE NEXT TOWN ? A. PROBABLY WASHINGTON. Q. DID YOU HAVE ANY MUSTER THERE ? A. YES SIR. Q. WHEN YOU REACHED HARMONY WHAT WAS DONE THERE — HARMON~~G~~**Y** IS THE HOME OF JOHN D. LEE, IS NOT IT ? A. YES. Q. THERE IS A FORT ABOUT THAT PLACE, IS NOT THERE ?	REMEMBER. [*space*] $_{Q}$WHAT WAS NEXT TOWN THROUGH ~~<~~WHICH YOU~~>~~ PASSED $_{A}$ TOWN PLACE IS KANNARRAH $_{Q}$DID YOU HAVE A MILITARY MUSTER THERE $_{A}$I DO NOT THINK THEY DID, I DON'T REMEMBER $_{Q}$ WHAT WAS NEXT TOWN $_{A}$ PROBABLY WASHINGTON $_{Q}$DID YOU HAVE ANY MUSTER THERE $_{A}$~~NO <~~YES~~>~~ SIR $_{Q}$ WHEN YOU REACHED HARMONY WHAT WAS DONE THERE; HARMONY IS THE HOME OF JOHN D. LEE IS NOT IT $_{A}$ YES. $_{Q}$THERE IS FORT ABOUT THAT PLACE WAS NOT THERE	REMEMBER ~~Q~~. WHAT WAS THE NEXT TOWN THR**O**UGH WHICH YOU PASSED? A. THE TOWN**,** THE NEXT PLA~~V~~CE IS ~~CANARA.~~ KANNARRAH. Q. DID YOU HAVE A MILITARY MUSTER THERE? A. I DON'T THINK THEY DID; I DON'T REMEMBER. Q. WHAT WAS THE NEXT TOWN? A PROBABLY WASHINGTON. Q. DID YOU HAVE ANY MUSTER THERE? A. YES, SIR . Q. WHEN YOU REACHED HARMONY WHAT WAS DONE THERE? LET ME SEE HARMONY IS THE HOME OF JOHN D. LEE, ISN'T IT? A. YES. Q. T**H**ERE IS A FORT ABOUT THAT PLA~~V~~CE, WASN'T THERE?	

352. Other than a Paiute camp where chief Kanarra lived, Kanarraville was not settled by whites until 1861.

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RT	RS	BT	PS
A. I DON'T THINK THERE WAS ABOUT THAT TIME, THERE WAS ONE AFTERWARDS. *[380]* Q. YOU STAYED AT JOHN D. LEE'S HOUSE DIDN'T YOU ? A. I THINK NOT, I DON'T REMEMBER WHETHER WE DINNERED AT HARMONY OR NOT. Q. DON'T YOU REMEMBER WHETHER YOU SAW JOHN D. LEE OR NOT ? A. I DO NOT. Q. AND THAT GEORGE A. SMITH HAD A CONVERSATION WITH HIM ? A. NO SIR, I DO NOT REMEMBER SEEING HIM AT HARMONY, IT HAS ENTIRELY GONE FROM MY MIND, ALL ABOUT HARMON~~G~~**Y**, I DON'T REMEMBER WHETHER WE STOPPED THERE AND DINED OR NOT. Q. YOU	~~A~~I DON'T THINK THERE WAS TO THAT TIME THERE WAS ONE AFTERWARDS. ~~Q~~YOU STAYED AT JOHN D. LEE'S HOUSE DID *YOU*[?] ~~NO~~ ~~≤~~NOT~~≥~~ ~~A~~I THINK NOT, ~~A~~I DON'T REMEMBER WHETHER WE DINNERED AT HARMONY OR NOT ~~Q~~DON'T YOU REMEMBER WHETHER YOU SAW JOHN D. LEE OR NOT ~~A~~I DID NOT ~~Q~~AND THAT ~~≤~~HE~~≥~~ GEORGE A SMITH HAD CONVERSATION WITH HIM ~~A~~NO, SIR, I DO NOT REMEMBER SEEING HIM AT HARMONY; IT HAS ENTIRELY GONE FROM BY MIND ALL ABOUT HARMONY, I DON'T REMEMBER WHETHER WE STOPPED AND DINED OR NOT ~~Q~~YOU	A. I DON'T THINK THERE WAS ABOUT THAT TIME; THERE WAS ONE AFTERWAR~~S~~D~~D~~S ~~Q~~. YOU STAID ~~T~~AT JOHN D. LEE'S HOUSE, DID YOU NOT? A. I DON'T REMEMBER WHETHER WE DINNERED AT HARMONY OR NOT. Q. DON'T YOU REMEMBER WHETHER YOU SAW JOHN D. LEE THERE ORNOT? A. I DO NOT. Q. AND THAT ~~HE AND~~ GEORGE A. SMITH HAD A CONVERSATION THERE WITH HIM? A. NO, SI~~T~~**R**, I DO NOT REMEMBER SEEING HIM AT HARMONY. IT HAS ENTIRELY GONE FRO~~K~~M MY MIND, ALL ABOUT HARMONY. I DON'T RE MEMBER WHETHER WE STOPPED THERE AND DINED OR NOT. Q. YOU	

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RT	RS	BT	PS
CAN REMEMBER LESS ABOUT WHAT OCCURRED AT HARMON~~G~~**Y** THAN AT THE OTHER PLACE, CAN'T YOU ? A. I REMEMBER MORE DEFINITELY SOME PLACES. Q. BUT CAN'T REMEMBER A THING THAT OCCURRED AT HARMONY ? A. IT SEEMS NOT. Q. YOU CAN REMEMBER WHETHER YOU SAW ANY PERSON THERE OR NOT, WOMEN OR CHILDREN ? A. I CAN'T REMEMBER ANYTHING OF OUR STOPPING AT HARMONY. A. DON'T YOU KNOW GEORGE A. SMITH AND JOHN D. LEE, OFFICERS OF THE NAUVOO LEGION HAD A CONSULTATION ABOUT THE MASSACRE AT THE MOUNTAIN MEADOWS, AT HARMONY ?	CAN REMEMBER LESS ABOUT WHAT OCCURRED AT HARMONY, ~~<~~THAN~~>~~ AT THE OTHER PLACES HAVEN'T YOU ~~A~~I REMEMBER MORE DEFINITELY SOME PLACES. ~~Q~~CAN'T REMEMBER ~~<~~**A**~~>~~ THING THAT OCCURRED AT HARMONY, ~~A~~IT SEEMS NOT ~~Q~~ YOU CAN REMEMBER WHETHER YOU SAW ANY PERSON THERE OR NOT, WOMEN OR CHILDREN ? ~~A~~I CAN'T REMEMBER ANYTHING OF OUR STOPPING AT HARMONY ~~A~~DON'T YOU KNOW ~~<~~THAT~~>~~ GEORGE A SMITH AND JOHN D. LEE WERE OFFICERS OF THE NAUVOO LEGION, HAD CONSULTATION ~~<~~ABOUT THE~~>~~ MASSACRE AT MOUNTAIN MEADOWS AT HARMONY	CAN REMEMBER LESS ABOUT WHAT OCCURRED AT HARMONY THAN AT THE OTHER PLACES, CAN'T YOU? A. I REMEMBER MORE DEFINITELY SOME PLACES. Q. AND CAN'T REMEMBER A THING THAT O~~=~~CCURRED AT HARMONY? A. IT SEEMS NOT. Q. YOU CAN'T REMEMBER WHETHER YOU ~~A~~SAW ANY PERSON THERE OR NOT, WOMEN OR CHILDREN? A. I CAN' T REMEMBER ANYTHING OF OUR STOPPING AT HARMONY. Q. DON'T YOU KNOW THAT GEORGE A. SMITH AND JOHN D. LEE WERE OFFICERS OF THE NAUVOO LEGION, ANDHAD A CONSULTATION ABOUT THE MASSACRE AT THE MOUNTAIN MEADOW~~N~~**S**, AND **H**ARMONY?	

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RT	RS	BT	PS
A. I KNOW THEY DID NOT; AS FAR AS I KNOW ANYTHING ABOUT IT. Q. DON'T YOU KNOW THE MILITARY AND GEORGE A. SMITH THAT WERE WITH HIM HAD A CONSULTATION AND HELD A MEETING THERE ? A. I DO NOT. Q. NOR WHETHER ANY PREACHING WAS DONE AT HARMONY ? A. I CANNOT SAY, IT SEEMS TO ME WE ONLY CAMPED IN HARMONY. *[381]* Q. HOW LONG DID YOU REMAIN IN CAMP ? A. WELL WE WERE THERE IN THE AFTERNOON ENCAMPED. Q. DURING YOUR VISIT THROUGH THE SOUTH DID YOU HAVE ANY POW WOWS WITH THE INDIANS ? A.	~~A~~I KNOW THEY DID NOT AS FAR AS I KNOW ANYTHING ABOUT IT ~~Q~~ DON'T YOU KNOW MILITARY GEORGE A SMITH, THEM ~~<~~THAT~~>~~ WENT WITH HIM, HAD CONSULTATION AND HELD **A** MEETING THERE ~~A~~I DO NOT ~~Q~~~~WHETHER WAS THERE~~ ~~<~~AND NOR WHETHER~~>~~ ANY PREACHING ~~<~~WAS DONE~~>~~ AT HARMONY ~~A~~I CANNOT SAY, IT SEEMS TO ME <**WE ONLY** —[?]> CAMPED IN HARMONY ~~Q~~HOW LONG DID YOU REMAIN IN CAMP = WERE THERE ANY INDIANS IN CAMP DURING YOUR VISIT THROUGH THE SOUTH? DID YOU HAVE ANY POW WOWS WITH THE INDIANS ~~A~~	*[237]* A. I KNOW THEY DID NOT SO FAR AS I KNOW ANYTHING ABOUT ~~TI~~ IT. Q. DON'T YOU KNOW THAT THE MILITARY AND GEORGE A. SMITH ~~THAT~~ WENT ~~WITH~~ **TO** HIM, **AND** HAD A CONSULTATION AND HELD A MEETING THERE? A. I DO NOT. Q. NOR TWHETHER ANY PREACHING WAS DONE AT HARMONY? A. C~~Q~~ANT SAY; IT SEEMS TO ME WE ONLY CAMPED IN HARMONY. Q. HOW LONG DID YOU REMAIN IN CAMP? WERE THERE ANY **I**NDIANS IN THE CA**A**M P DURING YOUR VISIT THROUGH THE SOUTH? DID YOU HAVE ANY POWWOWS WITH~~T~~THE **I**N~~S~~DIANS? A.	

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RT	RS	BT	PS
NONE WHATEVER. Q. NEVER HEARD OF THIS TRAIN MENTIONED ? A. NEVER HEARD THIS TRAIN MENTIONED TILL AFTER WE MET. Q. NEVER HEARD THERE WAS A TRAIN IN THE COUNTRY — GEORGE A. SMITH DIDN'T TELL YOU THERE WAS A TRAIN PASSING THROUGH WHEN YOU WERE WITH HIM FROM SALT LAKE CITY SOMETIME BEFORE ? A. NO. Q. OR OF ANY TRAIN ? A. NO. Q. DID YOU HAVE ANY CONVERSATION IN THE SUBJECT OF ANY TRAIN OF EMIGRANTS ? A. NEVER HEARD OF THEM. Q. DID YOU HEAR OF ANY EMIGRANTS ? A. NO SIR. Q. NOR IN RELATION TO THE EATING OF THAT DEAD OX — TELL ME JUST	NONE WHATEVER Q NEVER HEARD THIS TRAIN MENTIONED A NEVER HEARD THIS TRAIN MENTIONED UNTIL AFTER WE MET Q NEVER HEARD THERE WAS A TRAIN IN THE COUNTRY? GEORGE A SMITH DIDN'T TELL YOU THERE WAS TRAIN PASSING THROUGH *WITH* *HIM*[?] FROM SALT LAKE CITY SOMETIME BEFORE ANO QOR ANY TRAIN A NO QDID YOU HAVE ANY CONVERSATION ON SUBJECT OF ANY TRAIN OR EMIGRANTS A NEVER HEARD OF THEM. *[41]* QDID YOU HEAR OF ANY EMIGRANTS ≤AT ALL≥ ANO SIR Q ≤NOTHING IN≥ RELATION TO EATING THAT DEAD OX, TELL ME JUST	NONE WHATEVER. Q. NEVER HEARD THI~~W~~S TRAIN MENTIO~~J~~NED? A. NEVER HEARD THIS TRAIN MENTIONED TILL AFTER WE LEFT. Q. NEVER HEARD THERE WAS A **T**RAIN IN THE COUNTRY? GEORGE A. SMITH DIDN'T ~~E~~TELL YOU THERE WAS A TRAIN PASSING THROUGH FROM SALT LAKE CITY SOME TIME BEFORE? A. NO. Q. OR ANY TRAIN? A. NO. Q. DID YOU HAVE ANY CONVER~~A~~SATIO N ON THE SUBJECT OF ANY TRAIN OF EMIGRANTS? A. NEVER HEARD OF THE M. Q. DID YOU HEAR OF ANY EMIGRANTS AT ALL? A . NO, SIR . Q. NOW, IN RELATION TO THE EATING OF THAT DEAD OX, TELL ME JUST	

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RT	RS	BT	PS
EXACTLY WHAT? OCCURRED ? A. I KNOW NOTHING OF IT PERSONALLY, MORE THAN I HAVE STATED. THE QUESTION WAS ASKED BY ONE OF THIS PARTY IF THE INDIANS WOULD EAT THE OX. Q. WAS NOT THE CONVERSATION THAT OCCURRED BETWEEN YOU ABOUT THE HABITS OF THE INDIANS — WAS NOT THE SUBJECT YOU WERE TALKING ABOUT — WAS NOT THESE PEOPLE ASKING YOU ABOUT THE INDIANS—THEIR MANNERS AND *[382]* CUSTOMS ? A. IT WAS A DIRECT QUESTION, AS TO WHETHER THE INDIANS WOULD EAT THE OX. Q. THERE MUST HAVE BEEN SOMETHING ALLUDING TO	EXACTLY WHAT OCCURRED [*space*] **A** I KNOW NOTHING OF IT PERSONALLY, MORE THAN I HAVE AS STATED, QUESTION WAS ASKED BY ONE OF THIS PARTY, IF THE INDIANS WOULD EAT THE OX. **Q** WAS NOT CONVERSATION THAT OCCURRED BETWEEN ABOUT THE HABITS OF THE INDIANS = WAS NOT THE SUBJECT YOU WERE TALKING ABOUT = WAS NOT THIS PEOPLE ASKING YOU ABOUT THE HABITS OF INDIANS THEIR MANNERS AND CUSTOMS **A** IT WAS **A** DIRECT QUESTION, AS TO WHETHER ≤OR NOT THE≥ INDIANS WOULD EAT THE OX **Q** THERE MUST HAVE BEEN SOMETHING ALLUDED TO	EXACTLY WHAT O~~F~~C~~F~~CURRED? A. I KNOW NOTHING OF IT PERSONALLY, MORE ~~THAN~~ I THINK **THAN** AS I SAID, THE QUESTION WAS ASKED BY ONE OF THIS PARTY IF THE **I**NDIANS WOULD EAT THE OX. Q. WASN'T THE CONVERSATION THAT OCCURRED BETWEEN YOU ABOUT THE HABITS OF THE **I**NDIANS; WA~~N~~SN'T THE SUBJECT YOU WERE TALKING ABOUT— WASN'T THIS PEOPLE ASKING YOU ABOUT THE HABITS OF THE **I**NDIANS, THEIR MANNERS AND CUSTO~~N~~MS? A. IT WAS A ~~D~~DIRECT QUESTION AS TO WHETHER OR NO THE **I**NDIANS WOULD ~~T~~EAT THE OX. Q. THERE MUST HAVE BEEN SOMETHING ALLU~~F~~DING TO	

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RT	RS	BT	PS
THAT OR WITH REFERENCE TO IT ? A. NOTHING AT ALL. Q. HOW LONG HAD YOU BEEN IN CONVERSATION ? A. THAT WAS THE QUESTION ASKED WHEN THEY CAME TO CAMP IN THE MORNING. MEN POINTED OUT, AND WANTED TO KNOW IF THE INDIANS WOULD LIKE TO EAT THAT OX, THAT WAS THE FIRST QUESTION ASKED WHEN WE CAME UP THERE. Q. WHAT OCCURRED AFTERWARDS DID HE STATE WHY THEY ASKED THE QUESTION A. NO,~~SOMEONE~~ Q. SOME ONE OF YOUR PARTY TOLD THEM THAT THE INDIANS WOULD EAT IT — WHAT WAS SAID THEN ? A. NOTHING MORE. I THINK	WITH REFERENCE TO IT $_{A}$NOTHING AT ALL $_{Q}$HOW LONG HAD YOU BEEN IN CONVERSATION $_{A}$THAT WAS THE FIRST QUESTION ASKED, WHEN THEY CAME TO OUR CAMP IN THE MORNING. MEN POINTED OUT, WANTED TO KNOW IF INDIANS ~~WERE~~ WOULD LIKELY EAT THAT OX. THAT WAS THE FIRST QUESTION AND ASKED ~~<~~IT~~>~~ WHEN WE CAME UP. $_{Q}$WHAT OCCURRED AFTERWARDS, DID HE STATE WHY HE ASKED THE QUESTION $_{A}$ NO, $_{Q}$ SOME ONE OF YOUR PARTY TOLD THEM THEY THOUGHT THE INDIANS WOULD EAT IT WHAT WAS SAID THEN $_{A}$ NOTHING MORE, I THINK	OR WITH REFERENCE TO IT? A. NOTHING AT ALL. Q. HOW LONG HAD YOU BEEN IN CONVERSATION ? A. THAT WAS THE FIRST *[238]* QUESTION ASKED WHEN THEY CAME TO OUR CAMP IN THE MORNING; THE MAN POINTED OUT, AND WANTED TO KNOW IF THE **I**NDIANS WOULD EAT THAT OX, THAT WAS THE QUESTION ASKED WHEN ~~WE~~ **HE** CAME UP. Q. STATE WHAT OCCURRED AFT**E**RWARDS ; OR DID HE STATE WHY HE **ASKED** ~~ASJKD~~ THE QUESTION? A. NO, ~~SOMEONE~~ Q. SOME ONE OF YOUR PARTY TOLD THEM THAT THE **I**NDIANS WOULD EAT **IT**; WHAT WAS SAID THE ~~M~~N ? A. NOTHING MORE, I THINK	

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RT	RS	BT	PS
SOME ONE REMARKED, PERHAPS MYSELF THAT I THINK THEY WERE BETTER FED. Q. DIDN'T YOU HAVE A GOOD LONG TALK ABOUT THE HABITS OF THESE INDIANS —ABOUT THEIR MANNER OF LIVING ? A. I THINK ~~B~~NOT. WE WERE JUST ABOUT STARTING, THE PARTY WHO CAME UP ASKED THIS QUESTION OF US. Q. HOW, AND WHERE DID ~~YOU CAMP~~ ≤THEY COME≥ FROM ~~THEM~~ ? ~~A. CAMPED TO THE RIGHT FROM THEIR CAMP~~ A. CAME RIGHT FROM THE CAMP. ~~Q. DID THEY CAMP ALONE~~ Q. DID THEY COME ALONE ? A. TWO OR THREE CAME. Q. WHAT DID THE BALANCE SAY ? *[383]* A. NOTHING I REMEMBER. THEY JUST	SOMEONE REMARKED PERHAPS MYSELF, I THINK THEY WERE BETTER FED Q DIDN'T YOU HAVE ≤**A**≥ GOOD LONG TALK ABOUT THE HABITS OF THESE INDIANS, ABOUT MANNER OF LIVING AI THINK NOT AWE WERE JUST ABOUT STARTING. THE PARTY WHO CAME UP ASKED THIS QUESTION OF *US*[?]. Q—[?] WHERE DID ATHEY COME FROM A CAME RIGHT FROM ≤THEIR> CAMP QDID THEY COME ALONE ATWO OR 3 CAME. QWHAT DID THE BALANCE SAY ANOTHING ≤THAT≥ I REMEMBER Q THEY JUST	SOMEONE REMARKE~~S~~**D** — PERHAPS MYSELF, THAT I THOUGHT THEY WERE BETTER FED. Q. DIDN'T YOU HAVE A GOOD LONG TALK ABOUT THE HABITS OF THESE **I**NDIANS AND ABOUT THE MANNER OF THEIR LIVING? A. I THINK NOT. WE WERE JUST ABOUT STARTING. THE PARTY WHO CAME UP ASKED THIS QUESTI~~O~~N OF US~~:~~. Q. WHERE ~~I~~D**I**D HE COME FROM? A CAME RIGHT FROM THEIR CAMP. Q. ~~I~~D**I**D HE COME ALONE? A. TWO OR THREE CAME. Q. WHAT DID THE BALANCE SAY? A. NOTHING THAT I REMEMBER. Q. THEY JUST	

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RT	RS	BT	PS
ASKED THAT SIMPLE QUESTION AND RETURNED. THAT IS ALL I REMEMBER. Q. HOW FAR DID THEY HAVE TO WALK IN PASSING FROM THEIR TRAIN TO YOURS ? A. I COULD NOT SAY DEFINITELY. THEY WERE CAMPED ON THIS SIDE OF THE CREEK. WE ON THE OTHER. Q. AND THE DISTANCE ~~IS~~ OFF IS ABOUT HOW FAR ? A. PERHAPS 12 OR 15 RODS. {✔}[P] Q. LET ME ASK YOU HOW IT IS YOU REMEMBER THAT SIMPLE DECLARATION, AND CAN'T REMEMBER ANYTHING ELSE THAT OCCURRED THERE ? ✔ A. THE SIMPLE REASON IS BY SOME MEANS IT CREATED SUSPICION	ASKED THAT SIMPLE QUESTION AND RETURNED TO TRAIN DID THEY [A]THAT IS ALL I REMEMBER. [Q] HOW FAR DID THEY HAVE TO WALK IN PASSING FROM THEIR TRAIN TO YOURS [A]I COULD NOT SAY DEFINITELY, THEY WERE CAMPED ON THIS SIDE OF THE CREEK. WE ON THE OTHER. [Q] DISTANCE OF HOW FAR [A]PERHAPS 12 OR 15 RODS [Q]LET ME ASK YOU HOW IT IS YOU REMEMBER THAT SIMPLE DECLARATION AND CAN'T REMEMBER ANYTHING ELSE THAT OCCURRED THERE [A]THE SIMPLE REASON IS BY SOME MEANS IT CREATED SUSPICION	ASKED THAT SIMPLE QUESTION AND RETURNED TO THE TRAIN DID THEY? A THAT IS ALL I REMEMBER. ~~Q~~. HOW FAR DID THEY HAVE TO WA LK IN PASSING FROM THEIR TRIN TO YOURS? A. I COULD NOT SAY ~~F~~DEFINITELY; THEY WERE CAMPED ON THIS SIDE OF THE CREEK AND WE WERE ON THE OTHER. Q. A DISTANCE OF HOW FAR? A PERHAPS 12 OR 15 RODS. Q. LET ME ASK YOU HOW IT IS YOU REMEMBER THAT SI MPLE DECLARATION AND CANNO~~R~~T REMEMBER ANYTHING ELSE THAT OCCURRED THERE? A . THE SIMPLE REASON I~~T~~**S**, **THAT** BY SOME ~~BMEN~~ **MEANS** IT CREATED SUSPICION,	

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RT	RS	BT	PS
THAT THEY WOULD APPLY FOUL GAMES. Q. WHEN DID YOU FIRST SPEAK OF THAT FACT ? A. I THOUGHT OF IT WHEN I ANSWERED THAT THE INDIANS WERE BETTER FED. Q. WHEN DID YOU FIRST SPEAK OF IT AFTERWARDS AND TO WHOM ? A. SOME OF OUR PARTIES, AS WE PASSED ALONG. Q. DID YOU TAKE ANY STEPS TO NOTIFY THE INDIANS NOT TO TOUCH THAT OX A. NO. Q. DID YOU ADVISE ANY OF THE INDIANS ABOUT THE POISONING OF THE OX ? A. I DIDN'T SEE THE INDIANS AT ALL. Q. DID THE OX HAVE ITS SKIN ON ? A. IT	THEY WOULD PLAY FOUL GAMES Q WHEN DID YOU FIRST SPEAK OF THAT FACT? AI THOUGHT OF IT WHEN I ANSWERED THE INDIANS WERE BETTER FED Q WHEN DID YOU FIRST SPEAK OF IT AFTERWARDS AND TO WHOM ASOME OF OUR PARTIES AS WE PASSED ALONG [*space*] QDID YOU TAKE ANY STEPS TO NOTIFY INDIANS NOT TO TOUCH THAT OX ANO QDID YOU ADVISE ANY ~~ANYBODY~~ ≤BODY≥ INDIANS ABOUT POISONING THE OX AWE DIDN'T SEE ≤THE≥ INDIANS AT ALL QDID THE OX HAVE ITS SKIN ON AIT	THAT THEY WOULD PLAY FOUL GAMES , BY SOME MEANS. Q. WHEN DID YOU FIRST SPEAK OF THAT FACT? A. I THOUGHT OF IT WHEN I ANSWERED, THAT I THOUGHT THE INDIANS WERE BETTER FED. Q. WHEN DID YOU FIRST SPEAK OF IT AFTERWARDS AND TO WHOM? A . TO SOME OF OUR PARTIES AS WE PASSED ALONG. Q. DIHD YOU TAKE ANY STEPS TO NOTIFY ANY INDIANS AS YOU PASSED ALONG NOT TO TOUCH THAT OXX? A. NO. *[239]* Q. DID YOU ADVISE THE INDIANS ABOUT IT—ABOUT POISONING THE OX. A. WE DIDN'T SEE THE INDIANS AT ALL. Q. DID THE OX HAVE ITS SKIN ON? A.	

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WAS WHOLE. Q. DID YOU SAY ANYTHING TO THE EMIGRANTS AT ALL UPON THE SUBJECT OF POISONING OR ADVISED THEM NOT TO POISON THE OX ? A. NO. [384] Q. IT WAS THE MERE PASSING SUSPICION. A. I HAD NO IDEA OF IT MORE THAN I THOUGHT OF IT. Q. YOU WERE VERY SUSPICIOUS OF THAT TRAIN WERE YOU NOT, ALL OF YOU, WERE YOU NOT ? A. I WAS NOT. Q. DIDN'T YOU HEAR SUSPICIONS SUGGESTED IN THAT CAMP BY OTHERS, AS TO THAT TRAIN ? A. NO SIR. Q. DIDN'T YOU HEAR A PERSON EXPRESS A FEELING AGAINST THAT TRAIN, THOSE THAT WERE WITH YOU ? A. NO SIR. Q. NOTHING SAID	WAS WHOLE. [*This is the end of extant Book 7; the last page of the book is missing*.]	IT WAS WHOLE. Q. DID YOU SPEAK TO THE EMIGRANTS AT ALL UPON THE SUBJECT OF POIS~~I~~ONING THAT OX, OR ADVISE THEM NOT **TO** ~~TP~~ POISON THE OX? A. NO . Q. THEN IT WAS A MERE PASSING SUSPICION? A. I HAD NO IDEA OF IT ~~N~~A~~O~~NY MORE THAN I THOUGHT OF IT. Q. YOU WERE VERY SUSPICIOUS OF THAT TRAIN WERE YOU NOT, ALL OF YOU? A. I WAS NOT. Q. ~~I~~D**I**DN'T YOU HEAR SUSPICIONS SUGGESTED BY OTHER P~~R~~**E**OPLE AS TO THAT TRAIN? A:. NO, SIR. Q. DIDN'T YOU HEAR PERSONS EXPRESS A FEELING AGAINST THE TRAIN, THOSE THA T WERE WITH YOU? A. NO, SIR. **Q** NOTHING SAID	

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RT	RS	BT	PS
AGAINST IT ? A. NO SIR. Q. NOTHING SAID ABOUT IT ? A. WE WERE TALKING ABOUT THE MATTER IN REGARD TO THEM AS ROUGH FELLOWS. Q. WHY DID YOU REGARD THEM AS ROUGH FELLOWS ? A. THEIR LANGUAGE — WAS IN THE HABIT OF USING BLASPHEMOUS LANGUAGE IN CONVERSATION. Q. DID YOU HEAR THEM USE ANY BLASPHEMOUS LANGUAGE ? A. YES. Q. WHAT ? A. SWEARING. Q. WHAT, IN WHAT CONNECTION, ABOUT WHAT WERE THEY SWEARING ? A. ONLY IN COMMON CONVERSATION. *[385]* Q. TELL SOME COMMON CONVERSATION IN WHICH IT		AGAINST IT? A. NO, SIR. Q. NOTHING SAID ABOUT IT? A. WE WERE TALKING ABOUT THE MATTER IN REGARD TO THEM AS ROUGH FELLOWS. Q. WHY DID YOU REGARD THEM AS ROUGH FELLOWS? A. **FROM** THEIR LANGUAGE AND THEIR HABIT OF USING BLASPHEMOUS LANGUAGE IN CONVERSATION. Q. DIDYOU HEAR THEM USE ANY BLASPHEMOUS LANGUAGE? A. YES. Q. WHAT? A. SWEARING. Q. WHA~~R~~**T**, IN WHAT CONNECTION, AND ABOUT WHAT WERE THEY SWEARING? A . ONLY IN COMMON CON~~C~~VERSATIO N. Q. TELL ME SOME OF THE COMMON CONVERSATION IN WHICH IT	

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RT	RS	BT	PS
WAS DONE ? A. I DON'T REMEMBER, I CANNOT TELL. Q. I WANT YOU TO NAME ONE INSTANCE — GIVE THE CONNECTION, IN WHICH THE PROFANE WORD WAS USED ? A. I CANNOT. Q. WHY CAN'T YOU ? A. I CAN'T REMEMBER ANY INSTANCE. Q. DON'T YOU KNOW YOU NEVER HEARD ONE OF THESE EMIGRANTS MENTION OR USE A PROFANE WORD AT ALL ? A. I KNOW I DID. Q. WHY CAN'T YOU TELL THE CONNECTION IN WHICH IT WAS DONE, YOU REMEMBER OTHER THINGS, WHY CAN'T YOU REMEMBER THAT ? A. WHY I CAN'T REMEMBER I DON'T KNOW. Q. HOW DO YOU KNOW THE CONVERSATION YOU HAD		WAS DONE. A. I DON'T REMEMBER, I COULD NOT TELL. Q. WON'T YOU NAME ONE INSTANCE , ~~W~~AND GIVE THE CONNECTION~~?~~, INWHICH THEY USED PROFANE WORDS? A. I CANNOT. Q . WHY CAN'T YOU? A. I CAN'T REMEMBER ANY INCIDENT NOW. Q. DON'T YOU KNOW THAT YOU NEVER HEARD ONE OF THESE EMIGRANT MEN USE A PROFANE WORD AT ALL? A. I KNOW THAT I DID. Q. WHY CAN'T YOU TELL THE CONNECTION IN WHICH IT WAS DONE , YOU REMEMBER OTHER THINGS THERE, CAN'T YOU REMEMBER THAT? A. WHY I DO *[~~230~~240]* NOT, I DON'T KNOW. Q. HOW MANY CONVERSATION S DIDYOU HAVE	

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RT	RS	BT	PS
WITH THESE PARTIES ? A. THEY CAME TO OUR CAMP A LITTLE WHILE AT NIGHT. THIS PARTY CAME BACK IN THE MORNING. Q. HOW MANY OATHS DID THEY SWEAR WHILE THEY WERE AT YOUR CAMP THAT NIGHT ? A. I DON'T KNOW. Q. WHAT WAS THE OATH THEY USED ? Q. BY GOD. Q. WHAT OTHER EXPRESSIONS ? A. I DO NOT KNOW. Q. THEY CAME INTO YOUR CAMP THERE AND SAID BY GOD, IS THAT IT ? [386] A. I KNOW I HEARD THAT WORD FREQUENTLY IN CONVERSATION. Q. WHAT CONVERSATION ? A. I DON'T REMEMBER NOW, FURTHER THAN THAT WAS USED IN IT. Q. DON'T YOU KNOW YOU HEARD NO SUCH		WITH THESE PARTIES? A. THEYCAME TO OUT CAMP A LITTLE WHILE AT NIGHT. THIS PARTY CAME BACK IN THE MORNING. Q. HOW MANY OATHS DID THEY USE WHILE THEY WERE AT YOUR CAMP THAT NIGHT? A. I DON'T KNOW. Q . WHAT WAS THE OATH THEY USED. A. "BY GOD," WITH OTHER EXPRESSIONS OF THAT ~~B~~NATURE. Q THEY CAME INTO YOUR CAMP THERE AND SAID "**B**Y GOD!" IS THAT IT? A. I HEARD THAT WORD IN CONVERASTION FREQUENTLY. Q. WHAT CONVERSATION ? A. I DON'T REMEMBERNOW , FURTHER THAN THIS ONE. Q. DON'T YOU KNOW THAT YOU HEARD NO SUCH	

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RT	RS	BT	PS
A WORD USED AT ANY TIME ? A. NO. Q. HOW IS IT THAT YOU CAN REMEMBER THAT EXPRESSION, AND CAN'T REMEMBER THE CONNECTION IN WHICH IT WAS USED ? A. I DON'T REMEMBER. Q. YOU BELONGED TO THE MORMON CHURCH DID YOU AT THAT TIME ? ~~———A~~. IT WAS SIMPLY BECAUSE IT WAS GRATING ON YOUR EARS , THEY ESPRESSED BY GOD — YOU CAN'T REMEMBER ANY OTHER WORD THEY SAID — DID YOU HEAR ANY OATH USED ? A. I DON'T KNOW AS I DID. Q. DON'T YOU KNOW YOU DIDN'T HEAR		WORD USED AT ANY TIME? A. NO~~L~~. Q. YOU SAY YOU CAN REMEMBER ~~WH~~ THAT EXPRESSION AND CANNOT REMEMBER~~E~~ THE CONNECTION IN WHICH IT WAS USED? A I DON'T REMEMBER. Q. YOU BELONGED TO THE MORMON CHURCH, DID YOU AT THAT T IME? ~~A YE Y~~A. YES, SIR. Q. AND IT WAS S IMPLY BECAUSE IT WAS GRATING ON YOUR EARS, WHEN THEY ~~**MADE THE**~~ EXPRESSED , "~~**MBY**~~ **BY** GOD!" BUT YOU CAN~~NOT~~ REMEMBER NO OTHER WORD THEY SAID.? Q. DID YOU HEAR ANY~~T~~ OTHER WORD? A. I DON'T KNOW AS I DID. Q . DON'T YOU KNOW YOU DIDN'T HEAR	

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RT	RS	BT	PS
ANY AT ALL ? A. NO Q. THEN YOU CAN ONLY REMEMBER OF HEARING SIMPLY THE EXPRESSION "BY GOD" AND ONLY ONE OATH ? A. I SAID I REMEMBERED HEARING THEM REPEAT IT AT SEVERAL TIMES. Q. AND THEN YOU USED THE TERM BLASPHEMOUS LANGUAGE, BUT YOU CANNOT TELL IN WHAT CONNECTION IT WAS USED ? A. I COULD NEVER SEE HOW IT APPLIED, TO SPEAK AN OATH. Q. WHAT WERE THEY TALKING ABOUT WHEN THEY USED THAT LANGUAGE ? A. I REMEMBER	*[[Bk 8 1]]*[353] Q THEN YOU CAN ONLY REMEMBER OF HEARING SIMPLE EXPRESSION BY GOD AND ONLY ONE ~~<~~SAID~~>~~ OATH IT A I SAID I REMEMBER HEARING [*corner missing*] *KNOW*[?] YOU USED THE TERM BLASPHEMOUS LANGUAGE {Q}[i] YOU CANNOT STATE IN WHAT CONNECTION {A}[i] I COULD NEVER SEE HOW IT APPLIED {TO}[i] [*corner missing*] WHAT WERE THEY TALKING ABOUT WHEN THEY USED THAT LANGUAGE {A}[i] I REMEMBER	ANY AT ALL~~.~~? A. NO~~,~~. Q. THEN YOU CAN~~T~~ ONLY REMEMBER OF HEARING THE SIM~~L~~PLE EXPRESSION "**B**Y GOD" AND ONLY ONE SAID IT? A. I SAID I REMEMBERED ~~T~~HEARINFG THEM USE THAT WORD. Q. AND THA T IS WHY YOU NOW U~~E~~SE THE TERM "BLASPHEMOUS LANGUAGE"? BUT YOU ~~V~~CAN'T STATE IN WHAT CONNECTION? A. I COULD NEVER SEE HOW IT AP**P**L~~L~~LIED TO WHAT THEY WERE TALKING ABOUT. Q. WHAT WERE THEY TALKING ABOUT ~~TH~~WHEN THEY USED THA**T** LANGUAGE? A. I REMEMBER	

353. Page is in very poor condition: dirty, worn, and torn. {**SS. SMITH'S TESTIMONY**}[p] **BOOK 8,** {**DEFENSE**}[p] written in longhand at the top of the page.

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RT	RS	BT	PS
NOTHING FURTHER THAN THEY WERE A ROUGH LOT OF FELLOWS, AS I HAVE STATED. Q. WELL, WHAT ELSE DID THEY DO OR SAY THAT LEAD YOU TO BELIEVE THEY WERE A ROUGH SET OF FELLOW~~Z~~S ? *[387]* A. I COULD NOT SAY BUT THEY WERE A ROUGH SET OF FELLOWS, THAT WAS MY OPINION. Q. WHAT ELSE DID THEY SAY IN USING THAT WORD THEY MIGHTHAVE USED IT IN THE WAY OF ASKING GOD FOR PROTECTION— WAS NOT THAT THE WAY THEY USED IT, OR BY THE GRACE OF GOD WE EXPECT TO GET THROUGH TO CALIFORNIA A. NO SIR. Q. OR BY THE INTERPOSITION	NOTHING FURTHER THAN I HAVE STATED <THEY WERE {**A**}^{i} ROUGH LOT OF PEOPLE> {**Q**}^{i} WELL WHAT ELSE DID THEY [*corner missing*] LEAD YOU BELIEVE THEY WERE ROUGH SET OF FELLOWS $_{A}$I COULD NOT SAY THEY WERE A ROUGH SET OF FELLOWS THAT WAS MY OPINION {**Q**}^{i} [*corner missing*] *L*[?] IN USING THAT WORD THEY ~~<~~MIGHT~~>~~ HAVE USED IT {IN THE WAY OF ASKING GOD FOR PROTECTION}^{i} WAS NOT THAT THE WAY THEY USED IT; BY THE GRACE OF GOD WE EXPECT TO GET THROUGH TO [*corner missing*] {**A**}^{i}NO SIR {**Q**}^{i}OR BY THE INTERPOSITION	NOTHING ~~A~~FUR~~H~~THER, THAN I HAVE STATED. *[241]* BUT THEY WERE A ROUGH LOT OF PEOPLE. Q. WELL, WHAT ELSE DID YOU HEAR THEM SAY OR DO, THAT LED YOU TO BELIEVE THEY WERE A ROUGH SET OF FELLOWS? A. I COULD NOT SAY THAT THEY WERE A ROUGH SET OF FELLOWS , BUT THAT WAS MY OPINION. Q. NOW ISN'T IT POSSIBLE, THAT IN THEIR USING THAT WORD, THEY MIGHT HAVE USED IT IN THE WAY OF ASKING GOD FOR PROTECTION, WASN'T THAT THE WAY THEY USED IT—BY THE GRACE OF GOD, WE EXPECT TO GET THROUGH OUR JOURNEY? A .NO, SIR. Q . OR BY THE INTERPOSITION	

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RT	RS	BT	PS
OF GOD WE HOPE TO GET~~M~~ THROUGH ? A. NOT AS I UNDERSTOOD IT. Q. WHY DIDN'T YOU UNDERSTAND IT THAT WAY ? A. BECAUSE THAT WAS NOT THE WAY IT WAS USED. Q. WHY CAN'T YOU TELL THE LANGUAGE, WHAT CONVERSATION IT WAS USED IN, YOU SPEAK OF SWEARING OR BLASPHEMY —HOW ~~YO~~ CAN YOU TELL WHETHER IT WAS AN EXPRESSION OF SUPPLICATION OR BLASPHEMY ? A. I CAN ONLY TELL AS I REMEMBER IT. Q. WHICH WAS IT ? —IN BLASPHEMY OR SUPPLICATION THAT THEY USED THE LANGUAGE YOU HAVE QUOTED ? A.	OF GOD WE HOPE TO GET THROUGH $_{A}$ NOT AS I UNDERSTAND IT $\{_{Q}\}^{i}$ WHY DIDN'T YOU UNDERSTAND IT THAT WAY BECAUSE THAT WAS NOT THE WAY IT WAS USED $\{_{Q}\}^{i}$ WHY CAN'T YOU TELL THE LANGUAGE WHAT CONVERSATION $\{IT\}^{i}$ WAS USED IN $\{_{A}\}^{i}$SPEAK OF SWEARING OR BLASPHEMY HOW CAN YOU TELL WHETHER IT WAS EXPRESSION OF SUPPLICATION OR BLASPHEMY $_{A}$ I CAN ONLY TELL AS I REMEMBER $\{_{Q}\}^{i}$ WHICH WAS IT IN BLASPHEMY OR SUPPLICATION THAT THEY $\{$USED THE$\}^{i}$ LANGUAGE *YOU HAVE*[?] QUOTED $\{_{A}\}^{i}$	OF GOD WE HOPE TO GET THROUGH? A. NOT AS I UNDERSTOOD IT? Q. WHY DIDN'T YOU UNDERSTAND IT IN THAT WAY~~,~~**?** **A. B**ECAUSE THAT ISN'T THE WAY THAT **IT** WAS USED? **Q.** WHY CAN'T YOU TELL THE LANGUAGE AN D WHAT THE CONVERSATION ~~IT~~ WAS? A. IN SPEAKING IT WAS SWEARING OR BLASPHEMY. Q. SO YOU CANNOT TELL WHETHER IT WAS AN EXPRESSION OF SUPPLICATION OR BLASPHEMY? A. I CAN ONLY TELL AS I REMEMBER. Q. SO YOU SAY, IT WAS ~~IN~~ BLASPHEMY AND NOT **IN** SUPPLICATION ~~AND NOT BALS~~ THAT THEY USED THE LANGUAGE YOU HAVE QUOTED? A. IT WAS	

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RT	RS	BT	PS
BLASPHEMY AS I UNDERSTOOD IT. Q. WHY DID YOU UNDERSTAND IT TO BE BLASPHEMY ? — ANSWER MY QUESTION ? A. I UNDERSTAND AND I UNDERSTOOD "BY GOD" TO BE BLASPHEMY,) ≤**Q**≥ AND THE REMARKS THAT WERE BEING MADE— WHAT WERE THE REMARKS ? A. I CANNOT REMEMBER. Q. WONT YOU STATE THE SUBSTANCE OF THEM ? A. A PARTY CAME TO OUR CAMP, AS I SAID BEFORE, AND BEGAN TALKING ABOUT WHERE ARE YOU FROM AND WHERE ARE YOU GOING, AND ONE THING AND ANOTHER, THEY STATED WHERE THEY WERE FROM AND WHERE THEY WERE GOING, AND	BLASPHEMY AS I UNDERSTOOD IT {Q}^{i} WHY DID YOU UNDERSTAND IT TO BE BLASPHEMY ≤$_{A}$ BECAUSE I DID≥ {Q}^{i}ANSWER MY QUESTION $_{A}$I UNDERSTAND I UNDERSTOOD BY GOD TO BE BLASPHEMY $_{Q}$REMARKS THAT WERE BEING MADE {Q}^{i} WHAT WERE THE REMARKS $_{A}$I CANNOT REMEMBER WONT YOU STATE THE SUBSTANCE OF THEM [*page torn*] $_{A}$PARTY CAME TO OUR CAMP AS I SAID BEFORE AND BEGAN TALKING ABOUT WHERE YOU FROM AND WHERE YOU GOING AND ONE THING ANOTHER. THEY STATED WHERE THEY WERE FROM AND THEY WERE GOING AND THE	BLASPHEMY AS I UNDERSTOOD IT. Q. WHY D**I**D YOU UNDERSTAND IT TO BE BLASPHEMY? A . BECAUSE I D**I**D**.** Q. ANSWER MY QUESTION? A. I UNDERST**O**OD "**B**Y GOD" TO BE BLASPHEMY**.** Q. TELL THE REMARKS THAT WERE BEING MADE; WHAT WERE THE REMARKS? A. I CAN'T REMEMBER. Q. WON'T YOU TELL THE SUBSTANCE OF THEM? A. PARTY CAME TO OUR CAMP AS I SA**I**D BEFORE AND BEGAN TALKING ABOUT WHERE ARE YOU FROM AND WHERE ARE YOU GOING AND ONE THING AND ANOTHER. THEY STAT**E**D WHERE THEY WERE FROM AND WHERE THEY WERE GOING AND	

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RT	RS	BT	PS
SIMPLY PASSING REMARKS WHEN TRAVELERS MEET, IS ALL I REMEMBER ABOUT IT. THESE *[388]* WORDS WERE USED IN THIS CONNECTION. Q. THEY SAID THEY WERE GOING FROM THE STATES TO CALIFORNIA, BY GOD ? A. SOMETHING LIKE THAT AS I REMEMBER. Q. DO YOU KNOW WHERE THIS EMIGRANT TRAIN WAS GOING TO ? A. I THINK THEY SAID THEY WERE GOING TO CALIFORNIA BY THE SOUTHERN ROUTE, BY GOD. Q. DID THEY ADD THAT ? A. IT MAY HAVE BEEN THERE. Q. DON'T YOU KNOW THERE ISN'T A	SIMPLE PASSING REMARKS WHEN TRAVELERS MEET AND {IS}^{i} ALL I REMEMBER ABOUT IT THESE WORDS WERE USED IN THIS CONNECTION. BASKIN {**Q**}^{i} THEY SAID THEY WERE GOING FROM THE STATES TO CALIFORNIA "BY GOD" {**A**}^{i} SOMETHING LIKE THAT AS I REMEMBER IT. {**Q**}^{i} DID YOU KNOW WHERE THIS EMIGRANT TRAIN WAS GOING TO **A**I THINK THEY SAID THEY WERE GOING {TO}^{i} CALIFORNIA BY THE SOUTHERN ROUTE. BY GOD **Q**{DID}^{i} THEY ADD THAT IT MAY HAVE BEEN THERE IT MIGHT *APPEAR*[?] **Q** [*page torn*] DON'T YOU KNOW THERE I AIN'T ≤**A**≥	SOME PASSING REMARKS A~~N~~S WHEN TRAVELERS MEET, IS ALL I REMEMBER ABOUT IT. THESE WORDS WERE USED IN THIS CONNECTION. *[242]* Q. THEY SAID THEY "WERE GOING FROM THE STATES TO CALIFORNIS, BY GOD"? A. SOMETHING LIKE THAT AS I REMEMBER IT. Q. DIDYOU KNOW WHERE THIS EMIGRANT TRAIN WAS GOING TO? A. I THINKTHEY SAID THEY WERE GOING TO ~~SOUTHERN~~ CALIFORNIA BY THE SOUTHERN ROUTE, " BYGOD~~.~~**!** Q. DID THEY ADD THAT? A. IT MIGHT HAVE BEEN THAT. Q. DON'T YOU KNOW THERE IS NOT A	

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RT	RS	BT	PS
WORD OF TRUTH IN WHAT YOU ARE STATING AND THAT THEY USED NO SUCH AN EXPRESSION —AINT YOU CONSCIOUS OF THAT FACT ? A. I REMEMBER HEARING OF THE REMARK. RE-CROSS. COURT: ONE QUESTION. YOU STATED THAT YOUR PARTY HAD SURMISES AFTER YOU LEFT CORN CREEK IN REGARD TO THIS OX, OR WHAT MIGHT BE DONE BY THIS, WHO WAS PRESENT THEN, IF I	WORD OF TRUTH {IN YOU ARE STATED}[i] THAT THEY USED NO SUCH EXPRESSION AS BY GOD, AINT YOU CONSCIOUS OF THAT FACT $_{A}$I REMEMBER HEARING *THE/HIS*[?] REMARK BASKIN YOU CAN TAKE THE WITNESS **RE CROSS EXAMINATION** {II}[i] BY COURT DO DEFENSE WANT TO ASK HIM ANY MORE QUESTION BY COURT $_{Q}$ ONE QUESTION {YOU}[i] STATED YOUR PARTY [*page torn*] SURMISED AFTER YOU LEFT CORN CREEK IN REGARD TO THIS MIGHT BEEN AND DONE BY THESE <IN REGARD OX> WHO WAS PRESENT THEN IF I	WORD OF TRUTH IN WHAT Y**O**U ARE STATING, THAT THEY USED NO SUCH EXPRESSION, AS ,“BY GOD”? ARN’T YOU CONSCIOUS OF THAT FACT? A. I REMEMBER HEARING THE REMARK. **M**$^{\underline{R}}$ BASKIN: YOU CAN TAKE THE WITNESS. RE - DIRECTEXAMIN ATION OF SILAS S. S MITH. BY **M**$^{\underline{R}}$ SUTHERLAND: Q . ONE QUESTION MORE. YOU STATED YOUR PARTY WAS SUSPICIOUS AFTER YOU LEFT CORN CREEK IN REGARD TO THIS THING, WHAT MIGHT BE DONE BY THEM IN REGARD TO THE OX. WHO WAS PRESENT THEN? A. IF I	

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RT	RS	BT	PS
UNDERSTOOD YOU ARIGHT ? WITNESS: I SAID ————COURT:	UNDERSTAND UNDERSTOOD YOU RIGHT *[[2]]*[354] {**A**}[i]I SAID{—}[i] **Q**	UNDERSTAND YOU RIGHT I STATED— Q.	
AFTER YOU LEFT CORN CREEK AFTER YOU STARTED GOING NORTH ? A. I THINK I SPOKE OF THEM AND ONE OF THE PARTY, I CAN'T SAY WHO. SUTHERLAND:	AFTER YOU LEFT CORN CREEK AFTER YOU STARTED GOING NORTH {**A**}[i]I THINK I SPOKE OF THEM ONE OF THE PARTY I CAN'T SAY WHO **Q**	AFTER YOU LEFT CORN CREEK, AFTER YOU STARTED TO GO NORTH? A**.** I THINK I SPOKE OF THEM, ONE OF THE **P**ARTY; I CAN'T SAY WHO. Q.	
WERE THEY ALL PRESENT ? A. I DON'T REMEMBER, I WAS THE FIRST ONE SPEAKING ABOUT IT AND IT PASSED OFF IN THAT KIND OF A WAY, I HADN'T THOUGHT OF IT AFTERWARDS. Q. NO OTHER ONE SPOKE OF IT BESIDES YOU—NO OTHER ONE SPOKE OF IT BESIDES YOU AT ANY TIME	WERE THEY ALL PRESENT ? **A**I DON'T REMEMBER I WAS THE FIRST ONE AND SPEAK OF IT AND IT PASSED OFF IN THAT ~~<~~KIND OF WAY~~>~~ I HADN'T THOUGHT OF IT AFTERWARDS **Q**NO OTHER ONE SPOKE OF IT BESIDES YOU NO OTHER ONE SPOKE OF IT BESIDES YOU AT ANY TIME ,	WERE THEY ALL PRESE~~E~~NT? A. I DON'T REMEMBER, I WAS THE FIRST ONE WHO SPOKE OF IT, AND PASSED OFF IN THAT KIND OF A WAY, AND I HADN'T THOUGHT OF IT AFTERWARDS. Q. NO OTHER ONE SPOKE OF IT BESIDES YOU~~?~~ AT ANY TIME ~~AFTERWARDS~~	
AFTERWARDS, AS YOU WENT ALONG ? *[389]* A.	AFTERWARDS AS YOU WENT ALONG **A**	AFTERWARDS AS YOU WENT ALONG? A .	

354. Written out at the top of the page in longhand: {**SILAS S. SMITHS, TESTIMONY FOR DEF.**}[p]

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RT	RS	BT	PS
NOT THAT I REMEMBER, THERE WAS A LITTLE CONVERSATION. Q. WHAT WAS THE CONVERSATION ? A. NOTHING MORE THAN IT WAS AN UNUSUAL QUESTION TO BE ASKED, THAT IS THE SUM AND SUBSTANCE OF THE CONVERSATION. BASKIN. THERE IS ONE THING I OMITTED — YOU SPOKE OF THE TRAIN THAT YOU CALLED THE DUKE TRAIN ? A. YES. Q. WHERE DID YOU FIRST SEE THAT TRAIN ? A. I FIRST SAW THEM HERE— CAMPED ON THE CREEK SOUTH OF HERE Q. WHAT WAS IT BEFORE OR AFTER THE MOUNTAIN MEADOW MASSACRE ? A. IT WAS AFTER THIS	NOT THAT I REMEMBER THERE WAS LITTLE CONVERSATION Q WHAT WAS THE CONVERSATION A NOTHING MORE THAN IT WAS AN UNUSUAL QUESTION TO BE ASKED ≤THAT IS THE≥ SUM AND SUBSTANCE OF CONVERSATION {AQ}i BASKIN Q THERE IS ONE THING I OMITTED TO ≤ASK.≥ YOU SPOKE OF THE TRAIN YOU CALLED THE DUKE TRAIN A YES Q WHERE DID YOU FIRST SEE THAT TRAIN A I FIRST SAW THEM HERE , CAMPED ON THE CREEK, SOUTH HERE Q WAS IT BEFORE OR AFTER MOUNTAIN MEADOW MASSACRE A IT WAS AFTER THIS ≤FIRST≥	NOT THAT I I REMEMBER, THERE WAS LITTLE CONVERZSATIO N. Q. WHAT WAS THE CONVERSATION ? A. NOTHING MO+RE THAN IT WAS AN **UN**USUAL QUESTION TO BE ASKED. THAT IS THE SUM AND SUBSTANCE OF THE CONVERSATION . *[243]* **M**R BASKIN: THERE IS ONE QUESTION I OMITTED TO ASK YOU. Q. (BY BASKIN) YOU SPOKE OF A TRAIN CA**L**LED ~~BY~~ THE **"**DUKE**"** TRAIN? A. YES. Q. WHERE DI D YOU FIRST SEE THAT TR I N? A: I FIRST SAW THEM HERE, CAMPED ON THE CREEK SOUTH OF HERE. Q. WAS IT BEFORE OR AFTER THE MOUNTAIN MEADOW MASSACRE? A. IT WAS AFTER THIS FIRST	

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RT	RS	BT	PS
PARTY HAD PASSED. Q. WAS IT BEFORE OR AFTER—WHAT DAY OF THE MONTH—WAS IT IN SEPTEMBER THAT YOU SAW THE DUKE TRAIN HERE ? A. I CANNOT REMEMBER THE DAY. Q. WAS IT THE FIRST OR THE LATTER PART OF THE MONTH ? A. IT WAS THE FIRST PART OF THE MONTH. Q. WAS IT BEFORE OR AFTER THE MASSACRE AT THE MOUNTAIN MEADOWS— BEFORE OR AFTER ? A. I DO NOT KNOW — CANNOT TELL, WHETHER IT WAS BEFORE OR AFTER. Q. WONT YOU STATE TO THE COURT WHEN YOU CAME UP RIGHT HERE AT THIS POINT, WHAT TOOK PLACE ? A.	PARTY HAD PASSED $_{Q}$WAS IT BEFORE OR AFTER , WHAT DAY OF THE MONTH , WAS IT IN SEPTEMBER , YOU SAW THE DUKE TRAIN HERE $_{A}$ I CAN'T REMEMBER THE DAY $_{Q}$ WAS IT THE FIRST OR LATTER PART OF MONTH $_{A}$IT WAS THE FIRST PART OF THE MONTH $\{_{Q}\}^{i}$ WAS IT BEFORE OR AFTER $\{THE\}^{i}$ MASSACRE $\{AT\}^{i}$ MOUNTAIN MEADOWS BEFORE $\{OR\}^{i}$ AFTER $_{A}$I DID HEAR IT CAN'T TELL WHETHER IT WAS BEFORE OR AFTER $\{_{Q}\}^{i}$ WONT YOU STATE TO THE COURT , WHEN YOU CAME UP RIGHT HERE AT THIS TOWN $_{A}$	PARTY HAD PASSED. Q. WAS IT BEFORE OR AFTER? WHAT DAY OF THE MONTH? WAS IT IN SEPTEMBER THAT YOU SAY THE DUKE TRAIN HERE? A. I CAN'T ~~T~~REMEMBER THE DAY. Q. WAS IT THE FIRST OR LATTER PART OF THE MONTH? A IT WAS THE FIRST PART OF THE M~~U~~O~~T~~NTH? Q. WAS IT BEFORE OR AFTER THE MASSACRE AT THE MOUNTAIN MEADOWS— BEFORE OR AFTER? A. . I DID HEAR; BUT I CAN'T TELL WHETHER IT WAS BEFORE OR AFTER. ~~Q. WHEN YOU SPOKE OF WHAT O~~ Q . WON'T YOU STATE WHAT OCCURRED WHEN YOU CAM~~E~~P**ED** ~~UP~~ RIGHT HERE AT THIS POINT? A.	

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RT	RS	BT	PS
THERE HAD BEEN SOME DIFFICULTY WITH THE INDIANS, I WAS SENT OVER HERE, AN INDIAN HAD BEEN SHOT BY ONE OF THIS PARTY; THE TRAIN WAS COMPOSED OF THREE PARTS; THEY HAD CONSOLIDATED AFTER THIS ATTACK WITH THE INDIANS. *[390]* Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT AN INDIAN WAS SHOT ? A. I SAW THE WOUNDED INDIAN. Q. WHAT BAND DID THE INDIAN BELONG TO THAT WAS SHOT ? A. I DO NOT KNOW. Q. WAS NOT IT THE CORN CREEK INDIANS ? A. I THINK IT WAS SOME WAY CONNECTED WITH KANOSH. Q. DID ~~HE~~ ~~THEY~~ TELL WHAT ~~HE~~	THERE HAD BEEN SOME DIFFICULTY WITH INDIANS, I WAS SENT OVER HERE AN INDIAN HAD BEEN SHOT BY ONE OF THIS PARTY , TRAIN WAS COMPOSED OF 3 PARTS. THEY HAD CONSOLIDATED AFTER THIS ATTACK ~~ON~~ THEM BY THE~~S~~ INDIANS $\{_{Q}\}^{i}$ DO YOU KNOW OF YOUR OWN KNOWLEDGE INDIAN WAS SHOT $_{A}$I SAW THE WOUNDED INDIAN. $\{_{Q}\}^{i}$ WHAT BAND DID THE INDIAN BELONG TO THAT WAS SHOT $_{A}$I DON'T KNOW $_{Q}$WAS NOT IT CORN CREEK INDIANS $_{A}$I THINK IT WAS SOME WAY CONNECTED WITH KANOSH $_{Q}$DID THEY STATE WHAT THEY	THERE HA~~S~~D BEEN SOME DIFFICULTY WITH THE **I**NDIANS. I WAS SENT OVER HERE — AN **I**NDIAN HAD BEEN SHOT BY ONE TH~~S~~**IS** PARTY. THE TRAIN WAS COMPOSED OF THREE PARTS. THEY HAD CONSOLIDATED AFTER THIS ATTACK ON THEM BY THE **I**NDIANS. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT THE **I**NDIAN WAS SHOT? A. I SAW THE WOUNDED **I**NDIAN. Q. WHAT BAND DID THE **I**NDIAN BELONG TO THAT WAS SHOT? A. I DON'T KNOW. Q.WASN'T IT THE CORN CREEK **I**NDIANS? A. I THINK IT WAS, SOMEWAY CONNECTED WITH KANOS~~K~~**H**. Q. DID THEY STATE WHAT THEY	

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RT	RS	BT	PS
≮THEY≯ SHOT HIM FOR A. THEY SAW HIM IN THE NIGHT, HE WAS LURKING AROUND THE TRAIN. Q. HOW MANY OF THE INDIANS WERE AROUND HERE WHEN YOU CAME UP ? A. WELL WE GOT THE UPPER HAND BY GETTING HOLD OF THE INDIANS, SEEKING FOR THEM. Q. WERE NOT THE MORMONS AND INDIANS AT PEACE AND ON FRIENDLY TERMS AT THAT TIME ? A. YES SIR. Q. WAS NOT IT BY VIRTUE OF SOME FRIENDLY RELATIONS EXISTING WITH THE INDIANS, OR BETWEEN THE INDIANS AND THE MORMONS THAT YOU WERE ENABLED TO PACIFY THEM. A. AS I	SHOT HIM FOR A THEY SAW HIM IN THE NIGHT. HE WAS LURKING AROUND THE TRAIN YES. HOW MANY OF THE INDIANS WERE AROUND HERE WHEN YOU CAME UP A WELL WE GOT THE UPPER HAND BY GETT{ING}[i] HOLD OF {THE}[i] INDIAN, SEEKING AFTER HIM. Q WERE NOT THE MORMONS AND INDIANS IN PEACE , ON FRIENDLY TERMS AT THAT TIME A YES SIR Q WAS NOT IT BY VIRTUE OF SOME FRIENDLY RELATIONS *ON*[?] THE INDIANS EXISTING BETWEEN THE INDIANS AND THE MORMONS YOU WERE ENABLED TO PACIFY THEM {A}[i] AS I	SHOT HIM FOR? A. THEY SAW HIM IN THE NIGHT. HE WAS LURKING AROUND THEIR TRAIN IN THE NIGHT. Q. ABOUT HOW MANY OF THE INDIANS WERE THERE AROUND HERE WHEN YOU CAME UP? *[244]* A. WELL, WE GOT THE UPPER HAND BY GE~~R~~T~~R~~TING HOLD OF THE INDIAN— SEEKING FOR HIM. Q. WERE NOT THE MORMONS AND INDIANS AT PEACE, ~~I~~ON FRIENDLY TERMS AT THAT TIME? A. YES, SIR. Q. WASN ’T IT BY VIRTUE OF SOME FRIENDLY RELATIONS WITH THE INDIANS EXISTING BETWEEN THE INDIANS AND MORMONS THAT YOU WERE ENABLED TO PA~~SS~~CIFY THEM? A. AS I	

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RT	RS	BT	PS
UNDERSTOOD IT THE INDIANS WERE EXCITED FROM WHAT I AFTERWARDS HEARD, TO BE THE POISONING OF THIS OX AND THE SPRING. Q. I DON'T WANT TO KNOW WHAT THEY TOLD YOU— THIS TIME IT WAS IN RELATION TO MORMONS AND TRAVELERS — THE INDIANS WERE STEALING STOCK MORE OR LESS, IF NOT YOU KNOW — DO YOU KNOW OF ANY MORMON BEING KILLED DOWN THERE AT THE MOUNTAIN MEADOWS ? A. NO SIR. Q. AND YOU KNOW IT IS A FACT WHITE MEN STEAL, DON'T YOU ? [391] A. I HAVE HEARD SO, YES SIR. Q. DON'T YOU KNOW THAT	UNDERSTOOD IT, INDIANS WERE EXCITED FROM WHAT I AFTERWARDS HEARD TO BE ≺SO ABOUT≻ THE POISONING OF THIS OX AND THE SPRING. Q I DON'T WANT TO KNOW WHAT THEY TOLD YOU [*space*] THIS TIME IT WAS IN RELATION TO MORMONS AND TRAVELERS THE INDIANS WERE STEALING STOCK MORE OR LESS, {AND}[i] FOR YEARS Q YOU KNOW OF ANY[355] MORMON BEING KILLED DOWN THERE = ≺NO≻ MORMON A NO SIR {Q}[i] YOU KNOW IT IS A FACT WHITE MEN STEAL, DON'T YOU AI HAVE HEARD SO YES SIR. {Q}[i] WAS NOT THAT AMOUNT OF DEPREDATION	STATED IT, THE INDIANS WERE EXCITED FROM WHAT I AFTERWARDS HEARD THE PARTIES SAY ABOUT THE POISIONOUS OX AND THE SPRING. AQ. I DON'T WANT TO KNWOW WHAT THEY TOLD YOU-? THIS TIME IT WAS IN RELATION TO MORMONS AND TRAVELERS? A. THE INDIANS WERE STEALING STOCK MORE OR LESS FOR YEARS. Q. BUT YOU KNOW OF NO MORMONS BEING KILLED DOWN THERE, NO, MORMONS ? A. NO, SIR . Q. YOU KNOW IT IS A FACT THAT WHITE MEN STEAL, DON'T YOU? A. I HAVE HEARD SO, YES, SIR. Q. WASN'T THAT AMOUNT OF DEPREDATION	

355. Vowel, added later in ink, would render the word "NO".

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RT	RS	BT	PS
THE CHIEFS AND THE INDIANS WERE AT; PEACE WITH THE MORMONS ? A. I DO NOT KNOW, BUT THEY TRADED, BUT I ALWAYS BELIEVED THEM TO BE COGNIZANT OF THE STEALING OF THIS STOCK. Q. HOW MANY INDIANS DID YOU MEET HERE OR SEE AROUND HERE AT THE TIME THAT TRAIN WAS STATIONED HERE ? A. I COULD NOT SAY. Q. ABOUT HOW MANY ? A. PROBABLY FIFTEEN OR TWENTY. WE ONLY FOUND A FEW CAMPED, AND THE TRAIN MADE THIS NEGOTIATION WITH THEM AND GAVE THEM SOME CATTLE.	THE CHIEF WERE AT PEACE WITH MORMON PEOPLE? DON'T YOU KNOW THEY WERE *[[3]]* {A}[i]I DON'T KNOW THEY TRADED BUT I ALWAYS BELIEVED THEM TO BE CONSENT WITH THE STEALING ~~=~~OF THIS~~>~~ STOCK. {Q}[i]HOW MANY INDIANS DID YOU MEET HERE OR SEE AROUND HERE AT THE TIME THAT TRAIN WAS STATIONED HERE A I COULD NOT SAY {Q}[i]ABOUT HOW MANY A PROBABLY 15 **OR** 20, WE ONLY FOUND A FEW CAMPED AND THE TRAIN MADE THIS NEGOTIATION WITH THEM , THE TRAIN GAVE THEM SOME CATTLE.	DONE BY THOSE CHIEFLY WHO WERE AT PEACE WITH THE MORMON PEOPLE? DON'T YOU KNOW THEY WERE? A. I DON'T KNOW; THEYTRADED SOME, BUT I ALWAYS BELIEVED THEM TO BE COGNIZANT OF THE STEALING OF THE STOCK. Q: HOWMANY **I**NDIANS DID YOU MEET HERE OR SEE AROUND HERE AT THE TI~~N~~ME ~~O~~THAT TRAIN WAS STATIONED HERE? A. I COULD NOT SAY? Q: ABOUT HOW MANY? A. PROBABLY I5 OR 20. WE ONLY FOUND A FEW, THAT CAME TO THEIR TRAIN AN~~E~~**D** MADE THIS NEGOTIATION WITH THEM. THE TRAIN GAVE THEM SOME CATTLE.	

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RT	RS	BT	PS
Q. WHAT TRIBE LIVED AROUND THE TOWN YOU RESIDE IN AT THE TIME OF THIS MOUNTAIN MEADOW MASSACRE ? A. PIEEDS I THINK THEY ARE TERMED. Q. AFTER THE OCCURRENCE AT THE MOUNTAIN MEADOWS DID THEY SHOW ANY HOSTILITY TO THE PEOPLE THERE— DID YOU EVER KNOW OF ANY PERSON BEING KILLED BY THEM SOON AFTER ? A. I DON'T REMEMBER. Q. SHORTLY AFTER THAT OCCURRENCE WERE THERE NOT A GREAT MANY INDIANS CAME AROUND ? A. YES, AROUND OUR TOWN, TRADING, AS	{Q}[i]WHAT TRIBE LIVED AROUND TOWN YOU RESIDED IN, AT THE TIME OF THIS MOUNTAIN MEADOW MASSACRE A PIEEDS I THINK THEY ARE TERMED {Q}[i] AFTER OCCURRENCE AT THE MOUNTAIN MEADOWS DID THEY SHOW ANY HOSTILITY TO THE PEOPLE THERE ≤A NOT PARTICULARLY ≥ *DID*[?] YOU EVER KNOW OF ANY PERSON BEING KILLED ~~DON'T YOU~~ I DON'T REMEMBER Q SHORTLY AFTER THAT OCCURRENCE WERE THERE NOT {A}[i] GREAT MANY INDIANS CAME AROUND OUR TOWN, TRADING, AS	Q. WHAT TRIBE LIVED AROUND ~~TOWN~~ THE TOWN YOU RESIDED IN AT THE **TIME** ~~TIME~~ MEADOW OF THIS MOUNT**QA**IN MASSACRE~~A~~. P~~IEDES~~ **A.** PI-EEDS, I THINK THEY ARE TERMED. Q . AFTER THE OCCURRENCE AT THE MOUNTAIN MEADOWS DID THEY SHOW ANY HOSTILITY TO THE MORMON PEOPLE~~:~~? ~~A~~. NOT PARTICULARLY . *[245]* Q. DID YOU EVER KNOW OF ANY PERSON BEING KILLED? A. I DON'T REMEMBER. Q. SHORTLY AFTER THAT OCCURRENCE, WERE **THERE** ~~THEYRE~~ NOT A GREAT MANY **I**NDIANS CAMPED AROUND HERE, AROUND TOWN~~S~~ TRADING AS	

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RT	RS	BT	PS
THEY USUALLY HAD DONE; I SAW SOME INDIANS, I SAW THIS PIEED CHIEF OF THE BAND THERE.	THEY USUALLY HAD DONE $_{A}$I SAW SOME WOUNDED INDIANS I SAW THIS PIEED CHIEF OF THE BAND THERE. [*space*] BY BASKIN YOU CAN GO MR. SMITH. BY DEFENSE NO WE HAVE ANOTHER QUESTION TO ASK HIM. BY SUTHERLAND THAT IS ALL MR. SMITH [*space*]	THEY USUALLY HAD DONE? A . I SAW SOME WOU~~L~~NDED **I**NDIANS; I SAW THIS PIEED CHIEF OF THE BAND THERE. **M**$^{\underline{\mathbf{R}}}$ BASKIN: THAT IS ALL MR. SMITH.	

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John D. Lee, First Trial

Elisha Hoops Testimony

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RT	RS	BT	PS
[392] ELISH~~E~~A HOOPS, SWORN FOR DEFENDANT. BASKIN: Q. HAVE YOU NOT BEEN IN COURT HERE AND HEARD THE TESTIMONY, MR. HOOPS ? A. I HAVE NOT. SUTHERLAND: Q. WHERE DID YOU LIVE IN 1857 ? A. HERE IN BEAVER, AT LEAST I MOVED HERE AND LANDED THE FIRST DAY OF——— Q. DID YOU	*[[Bk 8 3 cont.]]* **P. T. FARNSWORTH SENR** WITNESS DID NOT ANSWER. [*space*] **ELISHA HOOPS** = {**ELISHA HOOPS** *DRSMN/DRSMTIO N*[?].}[i356] [*space*] BY COURT HAVE YOU BEEN SWORN NO SIR OATH ADMINISTERED. BY BASKIN {Q}[i] HAVE YOU BEEN IN COURT HEARD ANY OF THIS TESTIMONY MR. HOOPS $_{A}$I HAVE NOT. ~~≤~~SUTHERLAND~~≥~~ {Q}[i] WHERE DID YOU LIVE IN 1857$_{A}$HERE IN BEAVER AT LEAST I MOVED HERE, LANDED FIRST DAY = INTERRUPTED {Q}[i] DID YOU	*[Bk 5 245 cont.]* ELISHA HOOPS BEING SWORN AS A WITNESS ON THE PART OF THE ~~THE~~ DEFENDANT, WAS EXAMINED AS FOLLOWN, BY J.G.SUTHERLAND. BY BASKIN: HAVE YOU BEEN IN COURT AND HEARD ANY OF THIS TESTIMO~~N~~Y MR. HOOPS? A . I HAVE NOT. Q. (BY SUTHERLAND) WHERE DID YOU LI~~C~~VE IN I857? ? A. HERE IN BEAV~~ER~~**ER,** AT LEAST I MOVED HERE, LANDED THE 1ST DAY OF——— Q. DID YOU	[*Patterson Shorthand not extant for this material.*]

356. Insertion written over erased pencil longhand.

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RT	RS	BT	PS
THEN KNOW GEORGE A. SMITH ? A. I DID. Q. JESSE N. SMITH ? A. I DID. Q. BISHOP FARNSWORTH ? A. I DID,HE WAS BISHOP OF THE TOWN THE LATTER PART OF AUGUST, AND FORE PART OF SEPTEMBER, IN AUGUST OF 1857. Q. DO YOU KNOW —DID YOU GO ANYWHERE IN THEIR COMPANY ABOUT THAT TIME ? A. I WENT WITH THEM TO FILLMORE. I CAN'T EXACTLY TELL THE TIME; IT WAS THE LATTER PART OF AUGUST OR FIRST OF SEPTEMBER, WHEN WE WENT WITH GEORGE A. SMITH TO FILLMORE. Q. WHERE DID YOU CAMP ? A. STAYED OVER NIGHT AT ONE POINT	THEN KNOW GEORGE A SMITH $_{A}$I DID $_{Q}$JESSE N SMITH $_{A}$I DID $\{_{Q}\}^{i}$ BISHOP FARNSWORTH $\{_{A}\}^{i}$ I DID, HE WAS BISHOP OF TOWN HERE THE LATTER PART OF AUGUST, FORE PART OF SEPTEMBER, OR IN AUGUST OF 1857 $_{Q}$ DID YOU GO {ABOUT THAT TIME}^{i} ANYWHERE IN THEIR COMPANY $_{A}$I WENT WITH THEM TO —[?] ≤FILLMORE≥ I CAN'T EXACTLY TELL, IT WAS LATTER PART OF AUGUST, OR FIRST OF SEPTEMBER, WHEN WE WENT WITH GEORGE A SMITH TO FILLMORE $_{Q}$ WHERE DID YOU CAMP $\{_{A}\}^{i}$ STAYED OVER NIGHT AT ONE POINT	THEN KNOW GEORGE A. SMITH? A. I DID. Q. JESSE N. SMITH? A. I DID. Q. BISHOP FARNSWORTH? A. I DID. HE WAS BISHOP OF THE TOWN HERE— LATTER PART OF AUGUST— FORE PART OF SEPTEMBER OR ALONG IN AUGUST OF I857. Q. DID YOU ABOUT THAT TIME GO ANY WHERE IN THEIR COMPANY? A. I WENT WITH THEM TO FILLMORE, BUT I CAN'T EXACTLY TELL. IT WAS THE LATTER PART OF AUGUST OR IST OF SEPTEMBER, WHEN WE WENT WITH GEORGE A. SMITH TO FILLMORE. Q. WHERE DID YOU CAMP? A. STAID OVER NIGHT AT ONE POINT	

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RT	RS	BT	PS
BETWEEN HERE AND FILLMORE. Q. WHERE DID YOU STAY? OVER NIGHT ? A. AT CORN CREEK. Q. DID YOU MEET ANY PARTY OF EMIGRANTS THERE ? A. WE DID. Q. HOW FAR DID THEY CAMP FROM YOUR CAMP ? A. I DON'T KNOW AS I CAN TELL EXACTLY, IN THE NEIGHBORHOOD OF 150 STEPS *[393]* IT WASN'T TO **E**XEED THAT I DON'T THINK Q. YOU CAMPED THERE ? A. YES ,WE CAMPED CLOSE BY THEM, THEY WERE ENCAMPED WHEN WE GOT THERE. Q. DID YOUR PARTY HAVE ANY CONVERSATION WITH ANY MEMBERS OF THAT OTHER	BETWEEN HERE AND FILLMORE $_{Q}$ WHERE DID YOU STAY OVER NIGHT $_{A}$ON CORN CREEK $\{_{Q}\}^{i}$ DID YOU MEET ANY PARTICULAR PARTY OF EMIGRANTS THERE $_{A}$WE DID $_{Q}$HOW FAR DID THEY CAMP FROM YOUR CAMP $_{A}$ I DON'T KNOW AS I CAN TELL EXACTLY, ≤IN THE≥ NEIGHBORHOOD OF 150 STEPS, IT WASN'T I DON'T THINK TO EXCEED THAT $_{Q}$YOU CAMPED THERE ≤THAT≥ NIGHT $_{A}$YES WE CAMPED CLOSE BY THEM; THEY WERE IN CAMP WHEN WE GOT THERE $\{_{Q}\}^{i}$ DID YOUR PARTY HAVE ANY CONVERSATION WITH ANY OF THE MEMBERS OF THAT OTHER	BETWEE~~B~~N HERE AND FILLMORE. Q. WHERE DID YOU STAY OVER NIGHT? A. AT CORN CREEK. Q. DID YOU MEET ANY PARTY OF E~~K~~**M**IGRANTS THERE? A. WE DID. Q: HOW FAR DID THEY CAMP FROM YOUR CAMP? A. I DON'T KN**O**W AS I CAN TELL EXACTLY. *[246]* BUT IN THE NEIGHBORHOOD OF I50 STEPS. IT WASN'T, I DON'T THINK TO EXCEED THAT. Q. YOU CAMPED THERE T~~H~~A T NIGHT? A. YES, WE CAMPED CLOSE BY THERE. THEY WERE IN CAMP WHEN WE GOT THERE. Q. DIDYOUR PARTY HAVE ANY CONVERSATION WITH ANY OF THE MEMBERS **OF** THEIR	

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RT	RS	BT	PS
PARTY ? A. WE DID, WE TALKED ABOUT AN OX IN THE MORNING. Q. DID YOU SAY SILAS S. SMITH WAS ALONG ? A. YES SIR, HE WAS, AND JACOB HAMBLIN. Q. DID YOU HAVE ANY CONVERSATION WITH ANY MEMBERS OF THE TRAIN, OR THE PARTY, IN THE MORNING ? A. WE DID. Q. WHAT WAS THE SUBJECT OF THAT CONVERSATION ? A. WELL I DON'T KNOW AS I ———— THEY ENQUIRED WHERE THEY COULD GET GRASS AND WATER AND I BELIEVE GEORGE A. SMITH, HE REFERRED THEM TO . JACOB HAMBLIN, TO TELL THEM. JACOB GAVE THEM AS NEAR A FULL ACCOUNT AS HE	PARTY $_{A}$WE DID WE TALKED ABOUT OX IN MORNING DID YOU SAY SILAS S SMITH WAS ALONG $_{A}$YES SIR HE WAS AND JACOB HAMBLIN. $\{_{Q}\}^{i}$ DID YOU HAVE CONVERSATION WITH ANY MEMBERS OF TRAIN *[[4]]* PARTY IN THE MORNING $_{A}$WE DID $_{Q}$ WHAT WAS $\{$THE$\}^{i}$ SUBJECT OF THAT CONVERSATION WELL $_{A}$I DON'T KNOW AS I COULD TELL, THEY INQUIRED WHERE THEY COULD GET GRASS AND WATER SO I BELIEVE THEY ASKED GEORGE A SMITH HE REFERRED THEM TO JACOB HAMBLIN TO TELL THEM. JACOB GAVE THEM AS NEAR **A** FULL ACCOUNT AS HE	PARTY? A. WE DID; WE TALKED ABOUT AN OX IN THE MORNING. Q. DID YOU SAY SILAS S. SMITH ~~A~~WAS ALONG? A. YES, SIR, AND JACOB HAMBLIN. Q. DID YOU HAVE ANY CON~~C~~VERSATIO N WITH ANY MENMBERS OF THE TRAIN OF THEIR PARTY IN THE MORNING? A. WE DID. Q. WHAT WAS THE SUBJECT OF THAT CONVERSATIO~~J~~ N? A. WELL, I DON'T KNOW AS I H~~AVE IN~~ CAN TELL; THEY INQUIRED WHERE THEY COULD GET GOOD GRASS AND WATER; SO I SUPPOSE THEY ASKED GEORGE A. SMITH, AND HE REFERRED THEM TO JACOB HAMBLIN TO TELL THEM. JACOB GAVE THEM ~~S~~ **AS** NEAR AN ACCOUNT AS I	

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RT	RS	BT	PS
COULD OF THE CAMPING PLACES, CLEAR TO THE MUDDY. Q. WAS THERE ANYTHING SAID ABOUT AN OX THAT DIED IN THEIR CAMP ? A. WHEN WE GOT UP IN THE MORNING, AFTER WE MOVED OFF, THERE WAS AN OX LYING DEAD IN THE CORRALL, A LITTLE GERMAN DOCTOR WAS ALONG; AFTER WE GOT IN THE WAGONS, WE WAS JUST IN READY TO START, I SAW HIM TAKE A KNIFE FROM HIS POCKET AND STICK IT IN THREE SEPARATE TIMES AND POUR SOMETHING IN JUST AS WE LEFT. AS WE WAS LEAVING THERE WAS	COULD OF CAMPING PLACES CLEAR TO ≤THE≥ MUDDY. Q WAS THERE ANYTHING SAID ABOUT {AN}[i] OX THAT DIED IN THEIR CAMP? A WHEN {WE}[i] GOT UP IN MORNING = AFTER WE MOVED OFF, THERE WAS OX LYING DEAD IN {THE}[i] CORRAL. **A** LITTLE GERMAN DOCTOR ALONG. AFTER WE GOT IN THE WAGONS = WE WAS JUST {IN}[i] NOT ≤ACTUALLY≥ READY {TO}[i] START, I SAW HIM TAKE **A** KNIFE FROM HIS POCKET AND STICK IT IN 3 SEPARATE TIMES, AND POUR SOMETHING IN, AND I JUST AS WE LEFT— AS WE WAS LEAVING, THERE WAS 1	COULD OF THE CAMPING PLACES ~~T~~CLEAR TO THE **M**EADOW**S**. Q. WAS THERE ANYTHING SAID ABOUT AN OX THAT HAD DIED IN THEIR CAMP? A. WHEN WE GET UP IN THE MORNING ~~AFTER~~ AFTER WE MOVED OFF, THERE WAS AN OX LYING DEAD IN THE CORRAL. THERE WAS A LITTLE GERMAN DOCTOR ALONG. AFTER WE GOT IN THE WAGONS WE **WERE** JUST NOT QUITE READY TO START. I SAW HIM TAKE A KNIFE FROM HIS POCKET AND STICK IT IN THREE SEPARATE TIMES AND POUR SOMETHING IN; AND I JUST AS WE LEFT— AS WE WAS LEAVING— THERE WAS	

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RT	RS	BT	PS
TWO OR THREE INDIANS—I CANNOT TELL—THEY GAVE HIM TWO BUCKSKINS FOR THE OX, HE TOOK THE BUCKSKINS AND WENT ON. Q. HOW DO YOU KNOW THE BUCKSKINS WERE GIVEN FOR THE OX ? *[394]* A. I SAW 'EM TAKE THE BUCKSKINS AND GO ON. THE INDIANS WERE BUYING IT, I THOUGHT ,FOR MOCCASIN SOLES. Q. DID YOU HEAR ANY CONVERSATION BETWEEN THAT EMIGRANT PARTY AND YOUR PARTY AS TO WHETHER THEY WOULD EAT THAT OX ? A. THE QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT, AND THE ANSWER WAS SOMETIMES THEY DID. Q. DID YOU SEE	~~2~~ TO THREE INDIANS = I CANNOT TELL = THEY GAVE HIM TWO BUCKSKINS FOR THE OX. HE TOOK THE BUCKSKINS AND WENT ON. Q HOW ~~DO~~ YOU KNOW BUCKSKINS WERE GIVEN FOR THE OX A I SAW HIM TAKE THE BUCKSKINS AND GO ON, INDIANS WERE BUYING IT FOR MOCCASIN SOLES Q DID YOU HEAR ANY CONVERSATION BETWEEN THAT EMIGRANT PARTY AND YOUR PARTY, AS TO WHETHER THEY WOULD EAT THAT OX A QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT AND THE ANSWER WAS, "SOMETIMES THEY {DID}[i]" Q DID YOU SEE	TWO OR THREE INDIANS, I CAN'T TELL—CAME UP. THEY ~~C~~GAVE HIM TWO BUCKSKINS FOR **THE** OX. HE TOOK THE BUCKSKINS AND WENT ON. Q. HOW DO YOU KNOW THE BU~~S~~CKSKINS WERE GIVEN FOR THE OX? A. I SAW HIM TAKE THE BUCKSKINS AND GO **ON**~~OGG~~. INDIANS WERE B~~Y~~UYING IT FOR MOCCASIN SOLES. Q. DID YOU HEAR ANY CONVERSATION BETWEEN TH**A**T EMIGRANT PARTY AND YOUR PARTY AS TO WHETHER THEY WOULD EAT THAT OX.? A. THE QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT, AND THE *[247]* ANSWER WAS , SOMETIMES THEY DID. Q. DID YOU SEE	

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RT	RS	BT	PS
THAT PARTY OF EMIGRANTS AFTER ? A. I NEVER SAW THEM AFTERWARDS. I WORKED AT FILLMORE FIFTEEN DAYS; THEN I WENT ON. Q. DO YOU KNOW OF ANY SETTLERS HAVING ANY TRANSACTIONS WITH THE TRAIN THERE THAT NIGHT OR SELLING THEM ANYTHING ? A. I DO NOT. THERE WAS NOTHING MORE OCCURRED, IT WAS LATEISH, IN THE EVENING WHEN I GOT THERE. WE CAMPED THERE AND WENT TO SLE~~P~~EP. THERE WAS A FEW OF THEM CAME OVER AND SOMETHING OR OTHER, I DON'T RECOLLECT ~~WHIHTS~~ ≺WHAT≻ WAS SAID THAT EVENING. Q. STATE WHO WERE WITH	THAT PARTY OF EMIGRANTS AFTER $_{A}$I *NEVER*[?] SAW THEM AFTERWARD. I WORKED AT FILLMORE 15 DAYS THEN AND WENT ON. $_{Q}$DO YOU KNOW {OF}^{i} ANY SETTLERS HAVING ANY TRANSACTION{S}^{i} WITH THE TRAIN THERE THAT NIGHT OR SELLING THEM ANYTHING $_{A}$I DID NOT, THERE WAS NOT ANYTHING OCCURRED; IT WAS LATEISH IN THE EVENING WHEN I GOT THERE. WE CAMPED THERE, WENT TO SLEEP. THERE WAS FEW OF THEM CAME OVER = SOMETHING OR OTHER, I DON'T RECALL WHAT WAS SAID THAT EVENING. $_{Q}$ STATE WHO WERE WITH	THAT PARTY OF EMIGRANTS AFTER? A. I NEVER SA~~¥~~W THEM AFTERWARDS. I WORKED AT FILLMORE I5 DAYS, THEN I WENT ON. Q. DO YOU KNOW OF ANY SETTLERS HAVING ANY TRANSACTION WITH THE TRAIN THERE THA T NIGHT, OR SELLING THEM ANYTHING? A. I DID NOT, THERE WASN'T NOTHING OCCURRED. IT WAS LATISH IN THE EVENING WHEN WE GOT THERE. WE CAMPED THERE AND WENT TO SLEEP. THERE WAS A FEW OF THEM CAME OVER— ~~O~~SOMETHING OR OTHER, I DON'T RECOLLECT WHAT WAS SAID THAT EVENING. Q. WHO WERE WITH	

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RT	RS	BT	PS
YOU WHEN YOU SAW THIS GERMAN DOCTOR YOU SPEAK OF STICK HIS KNIFE INTO THE OX ? A. GEORGE A. SMITH, SILAS SMITH, PHILO T. FARNSWORTH— I WAS IN THE WA**GON**~~GON~~ WHEN HE DONE IT. Q. DID THEY ALL SEE IT ? A. I DON'T KNOW WHAT THEY SAW. Q. DID YOU CALL THEIR ATTENTION TO IT ; S. I DON'T KNOW AS I DID, AND I DON'T KNOW BUT WHAT THEY SAW IT. Q. DIDN'T YOU SPEAK TO THEM ABOUT IT— WAS THERE ANYTHING SAID ABOUT IT AT THE TIME *[395]* A. I SUPPOSE——— SUTHERLAND: DON'T SAY	YOU WHEN YOU SAW THIS GERMAN DOCTOR, YOU SPEAK OF, STICK HIS KNIFE INTO THE OX $_{A}$ GEORGE A SMITH, SILAS SMITH, PHILO T FARNSWORTH, IN THE WAGON WHEN {HE}^{i} DONE IT $_{Q}$DID YOU {HE}^{i} ALL SEE IT $_{A}$I DON'T KNOW WHAT THEY SAW $_{Q}$DID YOU CALL THEIR ATTENTION TO IT $_{A}$I DON'T KNOW AS I DID, I DON'T KNOW BUT WHAT THEY SAW $_{Q}$ DIDN'T YOU SPEAK TO THEM ABOUT IT [*space*] WAS THERE ANYTHING SAID ABOUT IT AT THE TIME $_{A}$~~<~~I SUPPOSE BY ~~BASKIN~~ BASKIN WE OBJECT~~>~~ SUTHERLAND DON'T SAY	YOU WHENYOU SA~~Y~~W THIS GERMAN DOCTOR , **WHEN** YOU SPEAK OF STICK**ING** HIS KNIFE INTO THE OX? A. GEORGE A. SMITH, SILAS SMITH, ~~F~~**PH**ILO T: FARNSWORTH**,** IN THE WAGON WHEN HE DONE IT. Q. DID YOU ALL SEE IT? A. I DON'T KNOW WHAT THEY SAW. Q. DID YOU CALL THEIR ATTENTION TO IT? A I DON'T KNOW AS I DID; I DON'T KNOW BUT WHAT THEY SAW IT. Q DID YOU SPEAK TO THEM ABOUT IT; WAS THERE ANYTHINGA SAID ABOUT IT AT THE TIME? A. I SUPPOSE— BASKIN: HOLD ON, WE OBJECT TO WHAT YOU SUPPOSE/ SUTHERLAND: DON'T SAY	

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RT	RS	BT	PS
WHAT YOU SUPPOSE. BASKIN: I HAVE THE WITNESS NOW. Q. WHERE WERE YOU ? A. I WAS SITTING IN THE HIND END OF THE WAGON. Q. WHO WERE WITH YOU ? A. GEORGE A. SMITH AND SILAS, PHILO T. FARNSWORTH AND JACOB HAMBLIN, ANOTHER MAN WAS IN ANOTHER WAGON. Q. HOW FAR WERE THEY ~~THEY~~ FROM THE WAGONS ? A. THEY WAS ALL TOGETHER. Q. WITHIN TALKING DISTANCE ? A. YES SIR, TALKING BACKWARDS AND FORWARDS. Q. IN WHAT DIRECTION WAS THE EMIGRANT TRAIN FROM THE	WHAT YOU SUPPOSED. BY BASKIN I HAVE THE WITNESS NOW $_{Q}$WHERE WERE YOU $_{A}$I WAS SITTING IN THE HIND END OF THE WAGON <WHO WERE WITH YOU> $_{QA}$ GEORGE A SMITH, SILAS SMITH PHILO T FARNSWORTH, JACOB HAMBLIN. ANOTHER MAN WAS IN ANOTHER WAGON $_{Q}$HOW FAR WAS THE OTHER WAGON $_{A}$ THEY WAS ALL TOGETHER [[5]] $_{Q}$ WITHIN TALKING DISTANCE $_{A}$ YES SIR $_{Q}$ TALKING BACKWARDS AND FORWARDS ~~<~~YES SIR~~>~~ $_{Q}$IN WHAT DIRECTION WAS THE EMIGRANT TRAIN AND THE	WHAT YOU SUPPOSED. **CROSS-EAM NATION OF E HOOPS BY R.N. BASKIN,** Q. WHERE WERE YOU? A. I WAS SITTING IN THE HIND END OF THE WAGON. Q. WHO WERE WITH YOU? A. GEORGE A. SMITH, SILAS S~~I~~M~~M~~ITH, FILO T. FARNSWORTH, JACOB HAMBLIN AND ANOTHER MAN WAS IN ANOTHER WAGON. Q. HOW FAR WAS THE OTH ER WAGON? A. THEY WAS ALL TOGETHER? Q. WITHIN SPEAKING DI~~A~~STANCE? A. YES, SIR. Q. TA~~K~~L~~L~~KING BACKWARDS AND FORWARDS? A. YES, SIR/ Q. IN WHAT DIRECTION WAS THE EMIGRANT TRAIN WITH THE	

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RT	RS	BT	PS
OX FROM WHERE YOUR WAGONS WAS ? A. RIGHT BEHIND US ON THE OPEN PRAIRIE. Q. WERE THE PARTIES IN THE WAGON WITH YOU PASSING THE DIRECTION OF THE OX ? A. THEY WERE NOT. Q. HOW LONG DID THE INDIANS AND WHITE MEAN THAT GOT THE OX THAT CUT ANSD STUCK THE KNIFE INTO THE OX REMAIN THERE ? A. I DON'T KNOW AS I COULD TELL YOU, BUT A VERY FEW MINUTES; HE STRUCK THE KNIFE INTO THE OX PRIOR TO THE INDIANS COMING UP. Q. HOW LONG PRIOR ? A. I PRESUME IT WAS 10 OR 15 MINUTES BEFORE THE INDIANS CAME UP. Q. WHEN HE STRUCK HIS	OX [*space*] FROM WHERE YOUR WAGONS WAS ARIGHT BEHIND US, ON THE OPEN PRAIRIE Q WERE THE PARTIES IN THE WAGON WITH YOU FACING THE DIRECTION OF THE OX A THEY WERE NOT QHOW LONG DID THE INDIAN AND WHITE MAN WHO CUT THE OX, WHO STUCK HIS KNIFE INTO THE OX REMAIN THERE AI DON'T KNOW AS I COULD TELL YOU, IT WAS A VERY FEW MINUTES; HE STRUCK ≤THE≥ KNIFE INTO THE OX PRIOR ≤TO≥ THE INDIANS COMING UP Q HOW LONG PRIOR AI PRESUME IT WAS 10 OR 15 MINUTES BEFORE {THE}[i] INDIANS CAME UP. Q ~~BEFORE~~ ≤WHEN HE≥ STRUCK HIS	OX, FROM WHERE YOUR WAGONS WERE? A. RIGHT BEHIND US ON THE OPEN ~~PERARIE.~~ PRAIRIE/ *[248]* Q. WERE THE PARTIES IN TTHE WAGON WITH YOU FACING IN THE DIRECTION OF THE OX? A. THEY WERE NOT? Q. HOW LONG DID THE INDIAN AND WHITE MEAN ~~THAT GODED THE OX ,~~ WHO STUCK HIS KNIFE INTO THE OX REMAIN THERE? A. I DON'T KNOW AS I COULD TELL YOU, IT WAS A VERY FE~~R~~W MINUTES. HE STUCK THE KNIFE IN~~T~~O THE OX PRIOR TO THE INDIANS COMING UP. Q. HOW LONG PRIOR? A. I PRESUME IT WAS TEN OR FI~~R~~FTEEN MINUTE~~D~~S BEFORE THE INDIANS CAME UP. Q. WHEN HE STUCK HIS	

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RT	RS	BT	PS
KNIFE INTO THE OX, THE TRAIN WAS MOVING AT THAT TIME ? *[396]* A. YES SIR. Q. WELL, WHAT WAS SAID BY YOU WHEN YOU SAW THAT DONE ? A. I COULD NOT TELL YOU WHAT WAS DONE. Q. DIDN'T YOU TURN AROUND AND SAY TO THESE MEN WHAT IS THAT FELLOW DOING ? A. I MIGHT ,BUT I DON'T RECOLLECT. Q. WAS THERE ~~NOTH~~ ANYTHING SAID AMONG YOU ABOUT IT ? A. NOT AT PRESENT, AS I RECOLLECT OF. Q. WHEN DID THE INDIANS GO ? A. AFTER THEY PAID THE BUCKSKINS THEY SKINNED IT. Q. DID THEY GO TO EATING ? A. I DON'T KNOW;) ≤**Q**≥ THEY DON'T EAT TILL THEY SKIN	KNIFE INTO THE OX THE TRAIN WAS MOVING AT THAT TIME $_{A}$ YES SIR $_{Q}$ WELL WHAT WAS SAID BY YOU, WHEN YOU SAW THAT DONE $_{A}$I COULD NOT TELL YOU WHAT WAS DONE $_{Q}$ DIDN'T YOU TURN AROUND AND SAY TO THESE MEN "WHAT IT IS THAT FELLOW DOING" $_{A}$I MIGHT BUT I DON'T RECOLLECT $\{_{Q}\}^{i}$ WAS THERE ANYTHING SAID AMONG YOU ABOUT IT $_{A}$NOT AT PRESENT AS I RECOLLECT OF $\{_{Q}\}^{i}$ WHEN DID INDIANS GO $_{A}$ AFTERWARD THEY PAID THE BUCKSKINS THEY SKINNED IT. $_{Q}$DID THEY GO TO EATING $_{A}$I DON'T KNOW $_{Q}$THEY DIDN'T EAT TILL THEY SKINNED	KNIFE INTO THE OX, WAS THE TRAIN MOVING AT THAT TIME? A. YES, SIR. Q. WELL,WHAT WAS SAID BY YOU WHEN YOU SAW THAT DONE ? A. I COULD NOT TELL YOU WHAT WAS DONE? Q. DIDN'T YOU TURN ROUND AND SAY TO T**H**ESE MEN,"WHAT'S THAT FELLOW DOING?" I MIGHT, BUT I DON'T RECOLLECT. Q. WAS THERE ANYTHING SAID AMONG YOU ABOUT IT OR NOT? A. NOT BY ANY PERSON AS I RECOLLECT OF. Q. ~~WHEN~~ **WHAT** DID THE **I**NDIANS ~~GO?~~**DO?** A. AFTER THEY PAID THE BUCKSKIN~~G~~**S,** THEY SKINNED IT. Q. DID THEY GO TO EATING? A. I DON'T KNOW. Q. THEY DIDN'T EAT TILL THEY SKINNED	

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RT	RS	BT	PS
IT ? A. I COULD NOT SAY, MY SUPPOSITION IS THEY WERE SKINING IT FOR THE HIDE, AND THEN TO EAT IT AFTERWARDS. BASKIN REMARKED TO THE COURT AS TO THE FURTHER PURPOSE OF CROSS-EXAMINING THIS WITNES-S.	IT $_{A}$I COULD NOT SAY $_{A}$MY SUPPOSITION IS, THEY WAS SKIN IT FOR THE HIDE. AND THEN EAT IT AFTERWARDS BY BASKIN THE *INTIMATIONS*[?] AND THE THOUGHTS OF HIS MIND WHICH MAY HAVE DRAWN FROM THE CIRCUMSTANCES AND THEIR SKINNING THERE IS MATERIAL AND I WILL *MAKE/MG/MAGNI FY*[?]	IT? A. I COULD NOT SAY. MY SUPPOSITION WAS THEY WAS SKINNING IT FOR THE HIDE AND THEN EAT IT AFTERWARDS.	
Q. WHAT DO YOU SUPPOSE THEY WERE SKINNING FOR ? A I KNEW THEY WERE IN THE HABIT OF EATING SUCH THINGS AND MY SUPPOSITION WAS, I THOUGHT THEY WERE SKINNING	$_{Q}$WHAT DO YOU SUPPOSE THEY WAS SKINNING THAT OX FOR $_{A}$ I KNEW THEY WERE IN HABIT OF EATING SUCH THINGS, MY SUPPOSITION WAS, I THOUGHT THEY WERE SKINNING	Q. WHAT DO YOU S~~P~~UPPOSE THEY WERE SKINNING THAT OX FOR ? A IKNEW THEY WERE IN THE HABBIT OF EATING SU~~F~~CH THINGS. MY SUPPOSITION WWAS, I THOUGHT THEY WERE SKINNING	

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RT	RS	BT	PS
IT TO PUT RAW HIDE ON THEIR MOCCASINS FOR SOLES, TO WEAR. Q. YOU ~~OO~~ DIDN'T THINK THEY HAD ANY INTENTION OF EATING IT ? A. I DIDN'T KNOW. Q. DID THE OTHER PARTIES WITH YOU SEE THE OX SKINNED ? A. YOU KNOW VERY WELL I CAN'T TELL WHAT THE OTHER MEN SAW. Q. BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT OR NOT ? *[397]* A. WHETHER THEY WERE LOOKING AT IT OR NOT I ~~DOD²~~ DON'T KNOW. I WANT TO TELL THE FACTS. Q. NOW WONT YOU ~~ACCO~~ ACCOMODATE ME AS TO THAT QUESTION ? A. YOU KNOW VERY WELL JUDGE I DON'T KNOW WHAT THE OTHER MEN	IT TO PUT RAW HIDE ON THEIR MOCCASINS FOR SOLES TO WEAR Q YOU DIDN'T ~~≤~~THINK~~≥~~ THEY HAD ANY INTENTION OF EATING IT A I DIDN'T KNOW Q DID THE OTHER PARTIES WITH YOU SEE THAT OX SKINNED A YOU KNOW VERY WELL, I CAN'T TELL WHAT ~~≤~~THE~~≥~~ OTHER MEN SAW Q BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT ~~≤~~OR NOT~~≥~~ A WHETHER THEY WERE LOOKING AT IT ~~≤~~OR NOT I DON'T KNOW~~≥~~ I WANT TO TELL THE FACTS. Q WON'T YOU ACCOMMODATE ~~≤~~ME~~≥~~ A YOU KNOW VERY WELL A JUDGE I DON'T KNOW WHAT THE OTHER MEN	IT TO PUT RAWHIDE ON THEIR MOCCASINS, FOR SOLES TO WEAR. Q. YOU DON'T THINK THEY HAD ANY INTENTION OF EATU~~H~~NG IT? A I ~~DON~~ I DON'T KNOW. Q. DID THE OTHER PARTIE~~W~~**S** WITH YOU SEE THAT OX SKINNED? A. YOU KNOW VERY WELL I CAN'T STATE WH~~E~~**A**T THE OTHER MEN SEEN. *[249]* Q. BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT? A. WHETHER THEY WERE L~~L~~OOKING AT IT OR NOT, I DON'T KNOW~~.~~, I WANT TO TELL THE FACTS. Q. WON'T YOU ACCO~~N~~MODATE ME? A. YOU KNOW VERY WELL, **J**UDGE THAT I DON'T KNOW WHAT THE OTHER MEN	

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RT	RS	BT	PS
SAW AND I ‘AINT A GOING TO SWEAR TO IT EITHER. Q. YOU KNOW I SEE YOU AND I KNOW YOU SEE ME— DON’T YOU KNOW WHETHER THESE PARTIES OR NOT WERE LOOKING IN THE DIRECTION OF THAT OX ? A. I DON’T KNOW WHETHER THEY SAW IT OR NOT.	~~<~~SAW~~>~~ I AIN’T A GOING TO SWEAR TO IT EITHER. Q YOU KNOW I SEE YOU AND I KNOW I SEE YOU, DON’T YOU KNOW WHETHER THESE PARTIES *OR*[?] WERE LOOKING IN THE DIRECTION OF THAT OX ~~<~~OR NOT~~>~~ I DON’T KNOW WHETHER THEY SAW OR NOT	SA~~Y~~W, AND I AINT AGOING TO SWEAR TO IT EITHER. Q. YOU KNOW I SEE YOU, AND YOU KNOW YOU SEE ME. DON’T YOU KNOW WHETHER THESE PARTIES WERE LOOKING IN THE DIRECTION OF THAT OX OR NOT? ~~A.~~ I **A. I DONT KNOW WHETHER THEY WERE OR NOT.** Q. YOU DON’T KNOW WHETHER THEY SA~~Y~~W **IT** OR NOT? A. I	
I DON’T RECOLLECT WHETHER THERE WAS ANY TALK ABOUT IT OR NOT; ~~I~~ RECOLLECT IT HAS BEEN EIGHTEEN YEARS AGO. Q. WELL, BUT THAT WAS A VERY SIMPLE OCCURRENCE ? A. YES, BUT A VERY MINUTIA A MAN WOULD NOT BE EXPECTED TO RECOLLECT. Q. THERE ARE A GOOD MANY	A I DON’T RECALL WHETHER THERE WAS ANY TALK ABOUT QUESTION OR NOT, RECALL IT HAS BEEN 18 YEARS AGO Q WELL BUT THAT WAS VERY SIMPLE OCCURRENCE A BUT VERY MINUTIA A MAN WOULD NOT BE *[[6]]* EXPECTED TO RECALL Q THERE ARE GOOD MANY	DON’T RECO~~O~~**L**LECT WHETHER THERE WAS ANY TALK ABOUT THE O~~C~~X OR NOT. RECOLLECT IT HAS BEEN 18 YEARS AGO. Q. WELL, BUT THAT WAS A VERY SIMPLE OCCURRENCE? A. ABOUT EVERY MINUT~~H~~**E** ~~A~~ A MAN WOULD NOTBE EXPECTED TO RECOLECT. Q. THERE ARE A GOOD MANY	

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RT	RS	BT	PS
THINGS YOU DON'T RECOLLECT ? A. YES, AND THEN THERE ARE A GOOD MANY IN THIS TERRITORY THAT I CAN. Q. IN MOVING ON HOW NEAR DID YOU PASS NEAR THEM ? A. WE WERE GOING IN THE ~~OPPSOTIEE~~ OPPOSITE DIRECTION ALL THE TIME. Q. BUT YOU WERE STANDING STILL WHEN YOU SAW THIS TRANSACTION ? A. JUST AS WE WERE GETTING INTO THE WAGONS HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE INDIANS CAME UP WE WERE COMING HERE. Q. YOU JUST NOW SAID WHEN THEY PUT THE KNIFE	THINGS YOU DON'T RECOLLECT, ~~<~~AREN'T THERE~~>~~ [*space*] **A**AND THEN THERE ARE ~~<~~**A**~~>~~ GOOD MANY I CAN. [*space*] **Q**IN MOVING ON HOW NEAR DID YOU PASS = NEAR THEM **A**WE WERE GOING IN THE OPPOSITE DIRECTION ALL THE TIME **Q** YOU WERE STANDING ~~<~~STILL~~>~~ ~~STILL~~ WHEN YOU SAW THIS TRANSACTION **A**JUST AS WE WERE GETTING INTO THE WAGONS. HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE INDIANS CAME UP WE WERE GOING AWAY. **Q** YOU JUST NOW SAID WHEN HE PUT KNIFE	THINGS THAT YOU ~~W~~DON'T RECOLLECT, ARN'T THERE? A. YES, IN THIS TERRITORY, A GOOD MANY I CAN'T AND THE~~R~~N ~~HTERE~~ **THERE** ARE A GOOD MANY—— Q. IN MOVING ON, HOW NEAR DID YOU PASS— HOW NEAR TO THEM? A. WE WERE GOING IN THE OPPOSITE DIRECTION ALL THE TIME. Q. YOU WERE STANDING STILL WHEN YOU SAW THIS TRANSACTION? A. ~~WAS~~ JUST AS WE WERE GETTING ~~T~~INTO THE WAGONS, HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE **I**NDIANS CAME UP WE WERE GOING AWAY. Q. YOU JUST NOW SAID WHEN HE PUT THE KNIFE	

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RT	RS	BT	PS
INTO THE OX YOU WERE GETTING INTO THE WAGON, NOW THEN, DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE,WHY DID YOU STATE YOU WERE IN THE WAGONS ? A. I SAID THAT THEY WERE IN THEM. I KNOW THIS MUCH. THEY GOT IN THERE PRIOR TO ME. I GOT IN THE HIND END OF THE WAGON. Q. ARE YOU CERTAIN YOU WERE NOT IN THE WAGON ? A. I COULD NOT SAY. *[398]* Q. WHY DID YOU SAY JUST NOW YOU WERE OUT OF THE WAGON ? A. IT IS MY OPINION I WAS STANDING AT THE HIND END OF THE WAGON. Q. WHY DID YOU STATE YOU WERE SITTING DOWN AT THE HIND END OF THE WAGON AND THEM BEFORE —	INTO THE OX ALSO GETTING INTO THE WAGONS?. NOW THEN SIR; DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE? WHY DID YOU STATE YOU WERE IN THE WAGONS $_{A}$I SAID THAT THEY WERE IN THEM; I KNOW THIS MUCH, THEY GOT IN THERE PRIOR TO ME; I GOT IN THE HIND END OF THE WAGON $_{Q}$ ARE YOUR CERTAIN YOU WERE NOT IN THE WAGON $_{A}$I COULD NOT SAY $_{Q}$WHY DID YOU SAY JUST NOW, YOU WERE OUT OF WAGON $_{A}$IT IS MY OPINION, I WAS STANDING AT THE HIND END OF WAGON $_{Q}$ WHY DID YOU STATE YOU SITTING DOWN AT THE HIND END OF WAGON AND THEM BEFORE	INTO THE OX YOU WERE GETTING INTO THE WAGONS. NOW, THEN, SIR, DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE? WHY DID YOU STATE YOU WERE IN THE WAGONS? A. I SAID THAT THEY WERE IN THE M; I KNOW THIS MUCH THEY GOT IN ~~T~~HERE THERE PRIOR TO ME. I GOT INTO THE HIND END OF THE WAGON. Q. ARE YOU CERTAIN YOU WERE NOT IN THE WAGON? A I COULD NOT SAY. *[25 0]* Q. WHY DID YOU SAY JUST NOW, YOU WERE OUT OF THE WAGON? A. IT WAS MY OPINION I WAS STAN~~I~~DING AT THE HIND END OF THE WAGON . Q . WHY DID YOU STATE YOU WERE SITTING DOWN AT THE HIND END OF THE WA~~I~~GON, AND THEN BEFORE	

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RT	RS	BT	PS
AINT YOU ~~GESSING~~ GUESSING AT THIS THING ? A. I AM NOT, WHAT I STATE I STATE ~~I~~ POSITIVELY. Q. DO YOU STATE POSITIVELY YOU WERE IN THE WAGON—WILL YOU BE POSITIVE THAT GEORGE A. SMITH AND THE OTHER PARTIES WERE IN THE WAGONS ? A. I WILL. Q. HOW IS IT YOU REMEMBER THAT FACT AND CAN'T REMEMBER WHETHER YOU WERE IN THE WAGONS OR NOT ? A. THERE WAS SOMETHING ARONG ABOUT THE HARNESS, I GOT OUT; WHAT IT WAS I CAN'T SAY EXACTLY. I WALKED AROUND TO THE HIND END. Q. NOW THEN YOU REMEMBER YOU WERE NOT IN THE WAGON ? A. I REMEMBER	THEY ALSO ~~<~~IN THE WAGON~~>~~ AIN'T YOU GUESSING AT THIS THING $_{A}$I AM NOT, WHAT I STATE I STATE I POSITIVELY $_{Q}$ DID YOU STATE POSITIVELY YOU WERE IN THE WAGON? WILL YOU BE POSITIVELY THAT GEORGE A SMITH AND THE OTHER PARTIES WERE IN THE WAGONS $_{A}$I WILL $_{Q}$HOW IS IT YOU REMEMBER THAT FACT AND CAN'T REMEMBER WHETHER YOU WERE IN THE WAGON OR NOT $_{A}$THERE WAS SOMETHING WRONG ABOUT THE HARNESS. I GOT OUT; WHAT IT WAS I CAN'T SAY EXACTLY, I WALKED AROUND TO ~~<~~THE~~>~~ HIND END. $_{Q}$NOW THEN YOU REMEMBER YOU WERE NOT IN THE WAGON $_{A}$ I REMEMBER	THAT YOU WERE IN THE WAGON? ARN'T YOU GUESSING AT THIS THING? A. I AM NOT; WHAT I STATE I STATE POSITIV~~EL~~Y. Q. DID YOU STATE POSITIVELY YOU WERE IN THE WAGON? WILL YOU BE POSITIVE THAT GEORGE A. SMITH AND THE OTHER PARTIES WERE IN THE WAGONS? A. I WILL. Q. HOW IS IT YOU MREMEMBER THAT FACT AND CAN'T REMEMBER WHETHER YOU WERE IN THE WAGON OR NOT? A. THERE WAS SOMETHING WRONG ABO~~U~~T THE H~~S~~ARNESS. I GOT OUT. WHAT IT WAS I CAN'T SAY EXACTLY. ~~W~~ I WALKED AROUND TO THE JHIND END. Q. NOW THEN YOU REMEMBER YOU WERE NOT IN THE WAGON? A. I REMEM~~BE~~R	

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RT	RS	BT	PS
I WAS OUT AT THAT TIME. I WAS IN THE WAGON AND OUT OF IT.THE CIRCUMSTANCES WAS JUST LIKE THIS. THERE WAS SOMETHING ABOUT THE HARNESS I WAS FIXING. Q. WERE YOU THE DRIVER OF THAT WAGON ? A. I DROVE PART OF THE TIME AND PHILO T. FARNSWORTH DROVE SOME OF IT; I DON'T REMEMBER. I WAS THERE RIGHT AT THE WAGON. Q. ARE YOU CERTAIN THERE WAS ANYTHING SAID ABOUT THE POISONING OF THIS OX BY THE COMPANY ? A. I THINK THERE WAS EVIDENTLY, BUT NOT RIGHT THERE, IF THERE WAS I DON'T RECOLLECT IT. Q. DID YOU HAVE ANY CONVERSATION	I WAS OUT AT THAT TIME = I WAS IN THE WAGON AND OUT OF IT. CIRCUMSTANCES WAS JUST LIKE THIS, THERE WAS SOMETHING ABOUT HARNESS, AND I WAS FIXING IT Q WERE YOU THE DRIVER OF THAT WAGON A I DROVE PART OF THE TIME AND PHILO FARNSWORTH DROVE SOME OF IT; I DON'T REMEMBER ≤THEN≥ = I WAS THERE RIGHT AT THE WAGON QARE YOU CERTAIN THERE WAS NOTHING SAID ABOUT THE POISONING OF THIS OX BY THE COMPANY A I THINK THERE WAS EVENTUALLY, BUT NOT RIGHT THERE, IF THERE WAS I DON'T RECOLLECT IT Q DID YOU HAVE ANY CONVERSATION	IWAS OUT AT THAT TIME; I WAS IN THE WAGON AND OUT OF IT. CIRCUMST~~A~~NCES WERE JUST LIKE THIS, JUDGE,— THERE WAS SOMETHING WRONG ABOUT THE HARNESS AND I WAS FIXING IT. Q. WERE YOU THE DRIVER OF THAT WAGON? A. IDROVE PART OF THE **TIME** ~~TIME~~ AND ~~F~~**PH**ILO FARNSWORTH DROVE SOME OF IT. I DON'T REMEMBER THEN. I ~~WAS~~ **WAS** THERE RIGHT AT THE WAGON. Q.ARE YOU CERTAIN THERE W**A**S NOTHING SAID ABOUT THE POISON OF THIS OX BY THE COMPANY? A . I THINK THERE WAS EVIDENTLY, BUT NOT RIGHT THERE; IF THERE WAS I DON'T RECOLLECT IT. Q. DID YOU HAVE ANY CONVERSATION	

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RT	RS	BT	PS
WITH ANY ONE ON THE GROUND ? A. THE OTHERS MIGHT HAVE HAD CONVERSATION, I KNOW WE DIDN'T, BECAUSE WE WERE NOT CLOSE ENOUGH. *[399]* Q. DIDN'T SOME OF THE INDIANS COME TO YOUR TRAIN ? A. I DISREMEMBER. Q. DIDN'T IT OCCUR TO YOU ON THAT OCCASION TO DRIVE OVER THERE AND ADVISE THEM THAT THE OX HAD BEEN POISONED OVER THERE AND NOT TO EAT OF IT ? A. I SUPPOSE THEY WERE SKINNING IT TO TAKE THE SKIN FOR MOCCASINS. Q. I UNDERSTOOD YOU TO SAY SOME PERSON RESPONDED THEY LIKELY WOULD EAT IT —	WITH ANY ONE ON THE GROUND ₐTHE OTHERS MIGHT HAVE HAD CONVERSATION, ≤I≥ KNOW WE DIDN'T, BECAUSE WE WERE NOT CLOSE ENOUGH ₀DIDN'T SOME ≤OF THE≥ INDIANS COME TO YOUR TRAIN [*space*] I DISREMEMBER ₀DIDN'T IT OCCUR TO YOU ON THAT OCCASION, TO DRIVE OVER THERE AND ADVISE THEM ≤THAT≥ THE OX HAD BEEN POISONED OVER THERE AND NOT TO EAT OF IT ₐI SUPPOSED THEY WERE SKINNING OFF IT TO TAKE ≤THE≥ SKIN FOR MOCCASINS. ₀I UNDERSTOOD YOU SAY SOME *[[7]]*[357] PERSON RESPONDED THEY LIKELY WOULD EAT IT	WITH ANYONE ON THE GROUND~~.~~**?** A: THE OTHERS MIGHT HAVE HAD CONVERSATION; I KNOW WE DIDN'T BECAUSE WE WERE NOT CLOSE ENOUGH. Q. DIDN'T SOME OF THE **I**NDIANS COME TO YOUR TRAIN? A. I DISREME~~M~~BER. Q. DIDN'T IT OCCUR TO YOU ON THAT OCCASION TO DRIVE OVER THERE AND ADVISE THEM THAT THE OX HAD BEEN POISONED, OVER THERE AND NOT *[251]* TO EAT OF IT? A. I SUPPOSE THEY WERE SKINNING IT TO TAKE THE SKIN FOR MOCCASONS. Q. I UNDERSTOOD YOU TO SAY SOME PERSON ~~WAS~~ RESPONDED **"**THEY WOULD LIKELY EAT IT.**"**	

357. On the verso of page 7: WHO WAS IT REFERRED 'EM TO JACOB HAMBLIN WHO WAS IT REFERRED 'EM.

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RT	RS	BT	PS
DON'T YOU KNOW THEY DID EAT IT —THAT IS THE CARCASS ? A. I DON'T REMEMBER. I DIDN'T SUPPOSE A MAN OR ANY MAN WAS SO LOW DOWN AS TO POISON AN OX AND KICK UP A FUSS WITH THE INDIANS. Q. YOU DON'T SUPPOSE ANY OF THE INDIANS ATE ANY OF THAT MEAT— DIDN'T YOU THINK AT THE TIME WHETHER THEY WOULD OR NOT ? A. I DIDN'T THINK OF SUCH A THING AT THE TIME. Q. IT DIDN'T OCCUR TO YOU TO TELL GEORGE A. SMITH TO GO OVER THERE AND INFORM THE INDIANS ? A. NO, I DON'T THINK IT OCCURRED TO ME. Q. DON'T	DON'T YOU KNOW THEY DID EAT ~~<~~THAT IS THE~~>~~ CARCASS; ~~A~~I DON'T REMEMBER. ~~<~~COURT COULD ANY~~>~~ ~~A~~I DIDN'T SUPPOSE A MAN *WAS SO* *MEAN*[?] AND SO LOW DOWN AS TO POISON OX, TO KICK UP A FUSS WITH THE INDIANS ~~Q~~ YOU DON'T SUPPOSE ANY OF THESE INDIANS EAT ANY OF THAT MEAT, DIDN'T YOU THINK AT THE TIME ABOUT IT, WHETHER THEY WOULDN'T DIDN'T *OR NOT*[?] ~~A~~I DIDN'T THINK OF SUCH A THING AT THE TIME IT DIDN'T OCCUR TO YOU TO TELL GEORGE A SMITH TO GO OVER THERE AND INFORM THE INDIANS ~~A~~NO I DON'T THINK IT OCCURRED TO ME. ~~Q~~DON'T	~~DON'T~~ **DIDN'T** ~~K~~YOU KNOW THEY DID EAT IT; THAT IS THE CARCASS? A. I DON'T REMEMBER. I DIDN'T SUPPOSE A MAN WHO WAS A **MAN** ~~MAN~~ ~~MAN~~WOULD BE SO LOW DOWN AS TO POISON AN OX TO KICK UP A FU~~L~~SS WITH THE **I**NDIANS. Q. YOU DON'T SUPPOSE ANY OF THESE **I**NDIANS ATE ANY OF THAT MEAT? DIDN'T YOU TH**I**NK AT THE TIME ABOUT IT, WHETHER THEY **WOULDNT** ~~DIDN'T~~ OR NOT~~.~~**?** A. I DIDN'T THINK **OF** ~~OS~~ SUCH A THING AT THE TIME. ~~A~~Q. IT DIDN'T OCCUR TO YOU TO TELL GEORGE A. SMITH TO GO ~~OVF~~ OVER THERE AND IN~~V~~FORM THE **I**NDIANS? A. NO, I DON'T THINK IT OCCUR~~E~~D TO ME. Q. DON'T	

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RT	RS	BT	PS
YOU KNOW NOTHING DID OCCUR TO YOU AT ALL ? A. I KNOW THAT SOMETHING DID OCCUR TO ME. MY SUPPOSITION, AS I TOLD YOU, WAS, THEY WAS GOING TO TAKE THE SKIN FOR MOCCASINS. Q. BUT YOU KNOW VERY FREQUENTLY THEY EAT THE CARCASS, WAS NOT IT YOUR DUTY TO GO OVER TO THE INDIANS— DON'T YOU KNOW IF YOU HAD SEEN AN OX POISONED,AND THE INDIANS SHOULD GO UP TO IT ———— SUTHERLAND: WE OBJECT TO THISS MODE OF EXAMINATION, BUT DESIRE TO HAVE THE WITNESS ANSWER ALL HIS QUESTIONS.	YOU KNOW NOTHING DID OCCUR TO YOU AT ALL $_{A}$I KNOW THAT SOMETHING DID OCCUR TO ME; MY SUPPOSITION AS I TOLD YOU WERE THEY WAS GOING TO TAKE THE SKIN FOR MOCCASINS $_{Q}$IN AS MUCH AS YOU KNEW VERY FREQUENTLY EAT THE OX, WAS NOT IT YOUR DUTY TO GO OVER TO THE INDIANS <AND TELL THEM?>. DON'T YOU KNOW IF YOU HAD SEEN AN OX POISONED AND THE INDIANS ≤SHOULD≥ GO UP TO IT ≤**OBJ**≥ BY SUTHERLAND I DESIRE TO HAVE WITNESS ANSWER ALL HIS QUESTIONS <, NOT TO	YOU KNOW THAT NOTHING DID OCCUR AT ALL. A. I KNOW THAT SOMETHING DID OCCUR TO ME. MY SUPPOSITIONS, AS I TOLD YOU WERE, THAT THEY WAS GOING TO TAKE THE SKIN OFF FOR MOCCASINS. Q. IN AS MUCH AS YOU KNEW THAT THEY VERY FREQUENTLY EAT AN OX, WASN'T IT YOUR DUTY TO GO OVER TO THE **I**NDIANS AND TELL THEM? DIDN'T YOU KNOW IF YOU HAD SEEN AN OX POISONED AND THE **I**NDIANS SHOULD GO UP TO IT.———— SUTHERLAND: I DESIRE THE WITNESS TO ANSWER ALL HIS QUESTIONS, BUT NOT TO	

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RT	RS	BT	PS
	ANSWER COUNSEL'S SUPPOSITION>	ANSWERS COUNSEL'S SUPPOSITIONS.	
WITNESS: HE HAS GOT ME SO ENTIRELY CONFUSED———	SUTHERLAND HE HAS GOT HIM SO ENTIRELY ≤CONFUSED≥	HE HAS GOT THE WITNESS SO CONFUSED THAT HE DOES NOT KNOW WHAT HE IS SAY**I**NG; BUT	
	AND HE HAS *NOT*[?] GOT HIM SO BUT	HE HAS NOT GOT HIM ~~D~~SO CONFUSED BUT	
SUTHERLAND: WE WILL OBJECT TO THE QUESTIONS AS THEY ARE PUT TO HIM. *[400]*	WHAT WE WILL OBJECT TO QUESTION HE MAY PUT TO HIM.	WHAT WE CAN OBJECT TO IMPERTINENT QUESTIONS.	
Q. DIDN'T YOU STATE A WHILE AGO YOU SAW THE INDIANS GIVE THIS GERMAN DOCTOR SOME ~~B~~**D**EER OR BUCKSKINS AND YOU SUPPOSED	≤**BASKIN**≥ Q DIDN'T YOU STATE LITTLE WHILE AGO YOU SAW THE INDIANS GIVE THIS GERMAN DOCTOR SOME DEER OR BUCKSKIN, AND YOU SUPPOSED	Q. DIDN'T YOU STATE A LITTLE WHILE AGO THAT YOU SAW THE **I**NDIANS GI~~C~~E~~E~~VE THIS GREMAN DOCKTOR SOME DEER OR BUCKSKINS, AND YOU SUPPOSED ~~YOU WERE~~	
THEY WERE BUYING THAT OX —WHAT DID YOU THINK THEY WERE BUYING IT FOR ? A. I DON'T KNOW. I DON'T LIKE THAT WAY OF ASKING.	THEY WERE BUYING THAT OX OF IT ≤WITH THEM≥? WHAT DID YOU THINK THEY WERE BUYING IT FOR; A≤I DON'T KNOW. I DON'T LIKE YOUR MANNER OF ASKING ME≥	THEY WERE BUYING THAT OX WITH THEM? WHAT DID YOU THINK THEY WERE B~~Y~~UYING IT FOR? A. I DON'T LIKE YOUR MANNER OF ASKING ME?	

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RT	RS	BT	PS
Q. YOU DON'T LIKE MY MANNER OF ASKING ? A. I UNDERSTOOD YOU WELL ENOUGH, BUT YOU ARE NOT ASKING ME FAIR QUESTIONS. Q. YOU STATED THAT IN CHIEF DIDN'T YOU — DIDN'T YOU STATE THAT IN CHIEF — DIDN'T YOU STATE YOU SUPPOSED IT FOR THAT PURPOSE ? A. I DON'T KNOW BUT I DID. Q. GIVE ME WHAT YOU SUPPOSED ABOUT IT — WHAT DID YOU SUPPOSE THEY WERE BUYING THAT OX FOR ? A. I HAVE TOLD YOU LONG AGO. I DIDN'T THINK THEY WOULD EAT IT. I TOLD YOU I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO POISON IT. Q. DIDN'T YOU SUPPOSE,	Q YOU DON'T LIKE MY MANNER OF ASKING A I UNDERSTOOD YOU WELL ENOUGH BUT YOU ARE NOT ASKING ME FAIR QUESTIONS Q YOU STATED THAT IN CHIEF DIDN'T YOU = DIDN'T YOU STATE THAT IN CHIEF = DIDN'T YOU STATE YOU SUPPOSED IT WAS FOR THAT PURPOSE A I DON'T KNOW BUT I DID Q GIVE ME WHAT YOU SUPPOSED ABOUT IT = ≤WHAT≥ DID YOU SUPPOSE THEY WERE BUYING THAT OX FOR A I HAVE TOLD YOU LONG AGO, I DIDN'T THINK THEY WOULD EAT IT, I TOLD YOU I SUPPOSED HE WAS *NOT*[?] MEAN ENOUGH *HAVE*[?] IT POISONED. Q HADN'T YOU SUPPOSED	Q. YOU DON'T LIKE MY WAY OF ASKING YOU? A. I SUPPOSE YOU UNDERSTAND THE LAW WELL ENOUGH, BUT YOU ARE NOT ASKING ME FAIR QUESTIONS. *[252]* Q. YOU STATED THAT IN CHIEF, DIDN'T YOU ? DIDN'T YOU STATE THAT IN CHIEF? DIDN'T YOU STATE YOU SUPPOSED IT WAS FOR THAT PURPOSE? A. I DON'T KNOW BUT WHAT I DID. Q. GIVE ME WHAT YOU SUPPOSED ABOUT IT? WHAT DID YOU SUPPOSE THEY WERE BYUYING THAT O X FOR? A. I HAVE TOLD YOU LONG AGO. IDIDN'T THINK THEY WOULD EAT IT. I TOLD YOU I SUPPOSED HE WASN'T MEAN ENOUGH FOR HIM TPO POISON IT. Q. DIDN'T YOU SUPPOSE THAT	

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RT	RS	BT	PS
WHEN THEY WERE POISONING THAT OX THAT THEY INTENDED TO POISON THE INDIANS ? A. I DIDN'T SUPPOSE ANY PERSON WOULD DO IT. THE QUESTION WAS ASKED WHETHER THEY WOULD EAT THE OX THAT DIED. Q. DIDN'T YOU SUSPI~~C~~SION AT THE TIME THAT HE WAS GOING TO POISON THE OX SO AS TO POISON THE INDIANS ? A. I SUPPOSED HE WAS GOING TO POISON IT TO KILL CAYOTES. Q. WAS NOT THE QUESTION ASKED YOU WHETHER OR NOT THE INDIANS— DIDN'T IT OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POISON IN ? A. I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT	WHEN THEY POISONED THAT OX THEY INTENDED TO POISON INDIANS **A** I DIDN'T ANOTHER PERSON WAS ASKED **A** QUESTION WAS ASKED WHETHER THEY WOULD EAT AN OX THAT DIED. **Q** HAD NOT YOU SUSPICION AT THE TIME THAT HE WAS GOING TO POISON OX SO AS TO POISON INDIANS, **A** I SUPPOSED HE WAS GOING TO POISON TO KILL COYOTES **Q** *HAD/DID*[?] NOT QUESTION ASKED YOU WHETHER OR NOT INDIANS ≤WOULD EAT IT≥ OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POISON IN **A** I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT	WHEN THEY POI~~N~~SONED THAT OX THAT THEY INTENDED TO POISON THE **I**NDIANS? A. I DIDN'T KNOW A PERSON WOULD DO I~~S~~T. THE QUESTION WAS ASKED WHETHER THEY WOULD EAT THE OX THAT DIED. Q. HADN'T YOU SUSPICION AT THE TIME THAT THEY WERE GOING TO POI~~N~~SON THE OX SO AS TO POISON THE **I**NDIANS? A. I SUPPOSED HE WAS ~~O~~GOING TO POISON IT TO KILL THE CAYOTES. Q WASN'T THE QUESTION ASKED YOU WHETHER OR NOT THE **I**NDIANS WOULD EAT IT? DID IT OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POIS~~I~~ON IN IT~~.~~**?** A. I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT	

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RT	RS	BT	PS
AND POISONED THE OX TO KILL THE INDIANS. Q. BUT YOU SAW HIM DO IT ? *[401]* A. I SAW HIM, WELL, I SUPPOSED BE WAS SELLING ~~IT~~ THE HIDE. Q. YOU DIDN'T GO THERE AND TELL THE INDIANS OF IT ? A. I DIDN'T SEE THE INDIANS. Q. DON'T YOU KNOW THAT THE WHOLE THING YOU ARE TELLING ABOUT THE POISONING IS A FIXED UP STORY ? A. NO SIR, NOT AT ALL, I KNOW IT 'AINT. I KNOW EVERY WORD OF IT IS TRUE. Q. YOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT — WHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE ? A. I CANNOT TELL ABOUT	AND POISONED OX TO KILL THE INDIANS Q <BUT YOU SAW *HIM*[?] DO IT> I ASAW HIM WHILE I SUPPOSED HE WAS SELLING THE HIDE Q YOU DIDN'T GO THERE AND TELL THE INDIANS[358] *[[8]]* EAT OF IT AI DIDN'T SEE THE INDIANS Q DON'T YOU KNOW ≤THAT THE≥ WHOLE THING YOU ARE TELLING ABOUT POISONING ≤OF THAT≥ OX IS NOT A FIXED UP STORY ? A≤NATURALLY NOT≥ STATE I KNOW IT AIN'T I KNOW EVERY WORD OF IT IS TRUE. QYOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT QWHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE AI CANNOT TELL ABOUT	AND POISONED THE OX TO KILL THE INDIANS. Q. BUT YOU SAW HIM DO IT? A. I SAW HIM— WELL I SUPPOSED HE WAS SELLING THE HIDE. Q. YOU DIDN'T GO THERE AND TELL THE INDIANS NOT TO EAT OFIT ? A. I DIDN'T SEE THE INDIANS. Q. DON'T YOU KNOW THAT THE WHOLE THING YOU ARE TELLING ABOUT THE POISONING OF THAT OX IS A FIXED UP STOREY;? A.NO, SIR, NOT AT ALL, I KNOW IT AINT; I KNOW EVERY WORD OF IT IS TRUE. Q. YOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT? A.NO. Q. WHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE? A. I CANNOT TELL ABOUT WHAT	

358. As Rogerson flipped the page, he might have easily neglected "NOT" as he hurried to inscribe the shorthand.

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RT	RS	BT	PS
WHAT TIME I SHOULD FIRST SPEAK OF IT. I SPOKE OF IT BEFORE THAT TIME, IN REGARD TO THE INDIANS BEING POISONED. Q. DID ANY MEMBER OF YOUR COMPANY GO TO THAT OX ? A. I DO NOT KNOW. Q. HOW LARGE WAS THE BOTTLE THAT THE DOCTOR HELD ? A. I KNOW THEY DIDN'T Q. HOW LARGE A VIAL WAS IT— DESCRIBE AS NEAR AS YOU CAN TELL ? A. I CANNOT TELL YOU, I SAY IT WAS BIG ENOUGH FOR ME TO SEE IT THAT DISTANCE. Q. IT WAS A VIAL;WAS IT THAT LONG ∴SHOWING∴ AS LONG AS MY ARM ? A. NO SIR. Q. WAS IT THAT LONG ? ∴SHOWING∴ A. PROBABLY	WHAT TIME I DID FIRST SPEAK OF IT. I SPEAK OF IT BEFORE THAT TIME IN REGARD INDIANS BEING POISONED Q DID ANY MEMBER OF YOUR COMPANY GO TO THAT OX A I DO NOT KNOW QHOW LARGE WAS THE BOTTLE THAT THE DOCTOR HELD A I KNOW THEY DIDN'T. Q HOW LARGE ≤A≥ VIAL WAS IT ADESCRIBE AS NEAR AS ≤I≥ CAN TELL AI CANNOT TELL YOU, I SAY IT WAS BIG ENOUGH FOR ME TO SEE THAT DISTANCE. QIT WAS A VIAL; WAS IT THAT LONG LONG AS ≤MY≥ ARM A NO SIR QWAS IT THAT LONG A PROBABLY	TIME I **DID** ~~SHOULD~~ FIRST SPEAK OFIT. I SPOKE OF IT BEFORE **THIS** ~~THAT~~ TIME, IN REGARD TO THE **I**NDIANS BEING POISONED. *[253]* Q. DID ANY OF YOUR COMPANY G**O** TO THA T OX? A. I DON'T KNOW. Q. HOW LARGE WAS THE BOTTLE TH**A**T ~~HE TOOK~~ THE DOCTOR HELD IN HIS HAND? A. I DON'T KNOW~~.~~**, BIG ENOUG FOR ME TO SEE,** Q. HOW LARGE A VIAL WAS IT; DESCRIBE IT AS **N**EAR AS YOU CAN TELL? A. I CANNOT TELL YOU; I SAY IT WAS BIG ENOUGH FOR ~~N~~M E TO SEE THAT DISTANCE. Q. IT WAS A VIAL ABOUT THAT LONG W**A**S IT; WAS IT THAT LONG, AS LONG AS MY ARM? A. NO, ~~A~~SI~~T~~**R**. Q. WAS IT THAT LONG? A. PROBABLY A	

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RT	RS	BT	PS
HAVE AN OUNCE VIAL. Q. WAS IT A DARK COLORED VIAL ? A. AS NEAR AS I CAN TELL IT WAS THE COLOR OF WINDOW GLASS. Q. WHAT SORT OF KNIFE DID HE HAVE ? *[402]* A. HAD A KIND OF A DAGGER KNIFE, I NOTICED A PRETTY GUARD ON THE HANDLE. Q. WHEREABOUTS IN THE BEEF DID HE STICK IT IN ? A. ABOUT THE FORE SHOULDER, AND ABOUT THE HIP, AND ABOUT TOWARDS THE BACK' Q. HOW DO YOU KNOW THIS MAN WAS A DUTCH DOCTOR ? A. I HAD TALKED WITH HIM BEFORE. Q. WHAT DID HE SAY ABOUT IT ? A. WE WAS TALKING ABOUT OTHER MATTERS AND THE SUBJECT CAME UP ABOUT THAT.	HALF OUNCE VIAL $_{Q}$WAS IT **A** DARK COLORED VIAL $_{A}$AS NEAR AS I CAN TELL IT WAS COLOR OF WINDOW GLASS $_{Q}$WHAT SORT OF KNIFE DID HE HAVE $_{A}$HAD KIND OF DAGGER KNIFE I NOTICED PRETTY GUARD ON THE HANDLE $_{Q}$ WHEREABOUTS IN BEEF DID HE STICK IT IN $_{A}$ABOUT FORE SHOULDER AND ABOUT THE HIP AND ABOUT TOWARDS THE BACK $_{Q}$HOW DO YOU KNOW THIS MAN WAS ≤**A**≥ DUTCH DOCTOR $_{A}$I HAD TALKED WITH HIM BEFORE $_{Q}$ WHAT DID HE SAY ABOUT IT $_{A}$WE WAS TALKING ABOUT OTHER MATTERS AND SUBJECT, NO TALKING ABOUT	HALF AN OUNCE VIAL. Q.WAS IT A DARK COLORED VIAL? A.AS NEAR AS I COULD TELL IT WAS THE COLOR OF **WINDOW** ~~WINDOQ**W**~~ GLASS. Q. WHA T SORT OF A KNIFE DID HE HAVE? A. HE HAD A KIND OF A DAGGER KNIFE. I NOTICED A P RETTY **GUARD** ~~GURAARD~~ ON THE HANDLE. Q. WHERE ABOUTS IN THE BEEF DID HE STICK IT IN? A. ABOUT THE JOINT OF THE SHOULDER, AND ABOUT THE **HIP** ~~HOP~~ AND ABOUT TOWARDS THE BACK? A. HOW DO YOU KNOW THIS MA~~C~~N WAS A DUTCH DOCTOR ? A. I HAD A TALK WITH HIM BEFORE. Q. WHAT DID HE SAY ABOUT IT? A. WE WAS TALKING ABOUT OTHER MATTERS AND SUBJECTS, NOT TALKING ABOUT	

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RT	RS	BT	PS
Q. TALKING ON THE FACILITIES OF THE COUNTRY ETC ? A. I DON'T KNOW ALL WHAT WE WERE TALKING ABOUT. Q. I WISH YOU WOULD REMEMBER ABOUT HOW; IT WAS — I WANT TO GET THE FACTS OF THE MATTER — I WANT YOU TO TELL WHAT THE DOCTORS SAID IN THAT CONVERSATION ? A. NO, FOR I DON'T RECOLLECT. Q. WONT YOU TELL ME A SINGLE WORD HE SAID ? A. I DON'T KNOW WHETHER I WILL OR NOT. IF I CAN REMEMBER I WILL. Q. I KNOW THE COURT CAN MAKE YOU ? A. I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR	THAT AT ALL Q TALKING ON FACILITIES OF COUNTRY ETC A I DON'T KNOW ALL WHAT WE WERE TALKING ABOUT Q I WISH YOU WOULD REMEMBER ABOUT HOW IT <WAS>, BECAUSE I WANT TO GET THE FACTS OF THE MATTER. WON'T YOU TELL ME WHAT DOCTOR SAID IN THAT CONVERSATION A NO FOR I DON'T RECOLLECT Q WON'T YOU TELL ME SINGLE WORD HE SAID A I DON'T KNOW WHETHER I WILL OR NOT, IF I CAN REMEMBER I WILL Q I KNOW THE COURT CAN MAKE YOU A I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR	THAT AT ALL. Q. TALKING ON THE FACILITIES OF THE COUNTRY AND ETSO FORTH,? A A. I DON'T KNOW ALL WHAT WE AWERE TALKING ON. Q. I WISH YOU WOULD REMEMBER WABOUT WHAT IT WAS, BECAUSE I WANT TO GET AT THE FACCTS OF THE MATTER? WON'T YOU TELL ME WHAT THE DOCTOR SAID IN THAT CONVERSATION? A. NO, FOR I DON'T RECOLLECT. Q. WON'T YOU TELL ME A SINGLE WORD THAT HE SAID? A: . I DON'T KNOW WHETHER I WILL OR NOT; IF I CAN REMEMBER I WILL. Q. I KNOW THE COURT CAN MAKE YOU? A. I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR	

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RT	RS	BT	PS
REMEMBER. Q. WELL PLEASE TELL ME ? A. AS FAR AS THAT IS CONCERNED HE WAS TALKING ABOUT WATER AND GRASS AND FEED ETC, ASKED WHERE THEY WOULD FIND WATER AND GRASS. Q. WHO WAS IT REFERRED HIM TO JACOB HAMBLIN FOR THE INFORMA~~R~~TION ? *[403]* A. WE KNEW JACOB COULD GIVE IT TO HIM, BUT I DON'T KNOW ALL THAT WAS SAID; I NEED NOT LISTEN TO WHAT WAS SAID. Q. DID THEY ASK HIM ANY QUESTIONS— WAS THERE ANYTHING SAID —DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY	REMEMBER. Q WELL PLEASE TELL ME ≤*WHAT*[?] TALKED ABOUT≥ AAS FAR AS THAT IS CONCERNED, HE WAS TALKING ABOUT WATER GRASS AND FEED ETC., ASKED WHERE THEY WOULD FIND WATER AND GRASS QWHO WAS IT REFERRED HIM TO JACOB HAMBLIN FOR THE THAT KNOWLEDGE A JACOB GAVE IT TO HIM I DON'T KNOW WHAT WAS ANYTHING *UNTO*[?] HIM AND I NEED NOT LISTEN TO WHAT WAS SAID Q DID THEY ASK HIM ANY QUESTION WAS THERE ANYTHING DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY	THAT I CAN'T REMEMBER. Q. WELL, PLEASE TELL ME WHAT YOU WERE TALKING ABOUT? *[254]* A. AS FAR A~~F~~S THAT IS CONCERNED HE WAS TALKING ABOUT WATER**,** GRASS AND FEED AND SO ON; **ASKED** ~~ASIED~~ WHERE THEY WOULD FIND WAT**E**R AND GRASS? Q. WHO WAS IT REFERRRED HIM TO JACOB HAMBLIN FOR THAT KNOWLEDGE? A. JACOB GAVE IT TO HIM, BUT I DON'T KNOW WHAT WAS SAID TO HIM. I DID NOT LISTEN WHAT WAS S~~Z~~AID. Q. DID HE ASK HIM ANY QUESTIONS ABOUT THE **I**NDIANS? DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY	

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RT	RS	BT	PS
QUESTIONS ABOUT ANY INDIVIDUAL MEMBER OF THE TRAIN ? A. NO. Q. DID YOU ASK OR HEAR THE DUTCHMAN ASK WHERE THEY WERE FROM ? A. NOT AS I KNOW OF. Q. DID THEY SAY ANYTHING ABOUT THE JOURNEY OVER THE PLAINS ? A. HE DID NOT. Q. DID HE SAY ABOUT HIS OCCUPATION HERE ? A. I THINK HE SAID HE WAS A DOCTOR. Q. WHAT DID HE SAY ABOUT THAT ? A. I CANNOT TELL YOU EVERY WORD HE SAID. Q. HE MUST HAVE USED THAT EXPRESSION IN SOME CONNECTION ? A. I DON'T KNOW AS I CAN RECOLLECT. Q. DON'T YOU KNOW YOU CAN'T RECOLLECT ANYTHING THAT	QUESTION ABOUT ANY INDIVIDUAL MEMBER OF THE TRAIN A NO Q DID YOU ASK OR HEAR THE DUTCHMAN ASK WHERE THEY WAS FROM A NOT AS I KNOW OF Q DID HE SAY ANYTHING ABOUT HIS JOURNEY OVER THE PLAINS A HE DID NOT Q DID HE SAY ABOUT HIS OCCUPATION WAS A I THINK HE SAID WAS A DOCTOR *[[9]]* Q WHAT DID HE SAY ABOUT THAT A I CAN'T TELL YOU EVERY WORD HE SAID Q HE MUST HAVE USED THAT EXPRESSION IN SOME CONNECTION A I DON'T KNOW AS I CAN RECALL Q DON'T YOU KNOW YOU CAN'T RECALL ANYTHING THAT	~~W~~QUESTIONS ABOUT ANY INDIVID~~A~~UAL MEMBER OF THEIR TRAIN? A.NO. Q. D**I**D YOU ASK OR HEAR THE DUTCHMAN~~,~~ **SAY** WHERE THEY WAS FROM? A. NOT AS I KNOW OF. Q. DID HE SAY ANYTHING ABOUT HIS JOURNEY OVER THE PLAINS? A. HE DID NOT. Q.DID HE SAY ABOUT WHAT HIS OCCUPATION WAS? A. I THINK HE SAID HE WAS A DOCTOR. Q. WHAT DID HE SAY ABOUT THAT? A. I CAN'T TELL YOU EVERY WORD HE SAID. Q. THEN HE MAY NOT HAVE USED THAT EXPRESSION IN THE SAME CONNECTION? A. I DON'T KNOW AS I CAN RECOLLECT. Q. DON'T ~~K~~YOU KNOW THAT YOU CAN'T RECOLLECT ANYTHING THA T	

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RT	RS	BT	PS
WAS SAID ON THAT SUBJECT ? A. I CAN RECOLLECT OF HEARING HIM SAY OF SOME ONE OF THE TRAIN, HE WAS A DOCTOR. Q. WHAT MEMBER OF THE TRAIN ? A. IT IS A LONG TIME AGO, EIGHTEEN YEARS; I THINK IT WAS TO GEORGE A. SMITH. Q. WHAT WAS HE TALKING TO HIM ABOUT ? A. DIDN'T HEAR THE CONVERSATION ONLY IN REGARD TO HIS PROFESSION. Q. WHAT SUBJECT WAS HE TALKING ABOUT TO. MR. GEORGE A. SMITH ? *[404]* A. I CAN'T RECOLLECT, BUT SOMETHING IN REGARD TO CHOLERA— SOME DISEASE— SOME SUBJECT OF THAT KIND—I CAN'T TELL, BECAUSE I DIDN'T LISTEN, I WAS NOT IN THE HABIT OF IT. Q.	WAS SAID ON THAT SUBJECT $_{A}$I CAN RECALL OF HEARING HIM SAY TO SOME ONE OF THE TRAIN HE WAS A DOCTOR $_{Q}$WHAT MEMBER OF THE TRAIN $_{A}$IT IS LONG TIME AGO 18 YEARS ≤I THINK≥ IT WAS TO GEORGE A SMITH. $_{Q}$WHAT WAS HE TALKING TO HIM ABOUT $_{A}$DIDN'T HEAR ≤THE≥ CONVERSATION ONLY IN REGARD TO HIS PROFESSION $_{Q}$ WHAT SUBJECT WAS HE TALKING ABOUT ≤MR. GEORGE ~~A≥ SMITH~~ $_{A}$ ≤AS NEAR AS I CAN RECALL≥ SOMETHING ≤IN≥ REGARD TO CHOLERA SOME DISEASE SOME SUBJECT OF THAT KIND. I CAN'T TELL BECAUSE I DIDN'T LISTEN. I WAS NOT IN THE HABIT OF IT $_{Q}$	WAS ~~A~~SA~~D~~ID ON THAT SUBJECT? ~~A~~. I CAN RECOLLECT OF HI**I**M ~~HX~~ SAY **ING** OF SOMEONE OF THE TRAIN THAT WAS A DOCTOR. Q. WHAT MEMBER OF THE TRAIN? A. IT WAS A LONG TIME AGO; I8 YEA~~R~~S**.** I THINK IT WAS TO GEORGE A. SMITH. Q. WHAT WAS THE TALK TO HIM ABOUT? A I DIDN'T HEAR THE CONVERSATION ONLY IN REGARD TO **HIS** ~~HIM~~ PROFESSION. Q. WHAT SUBJECT WAS HE TALKING TO GEORGE A. SMITH ABOUT. A. AS NEAR AS I CAN RECOLLECT SOMETHING IN REGARD TO CHOLERA; SOME DISEASE, SOME SUBJECT OF THAT KIND. I CAN'T TELL BECAUSE I DIDN'T LISTEN; I WASN'T IN THE HABITOF IT. Q.	

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RT	RS	BT	PS
‘AINT IT A FACT YOU DON’T REMEMBER ANYTHING WHAT THEY WAS TALKING ABOUT ? A. NO SIR, I KNOW THERE WAS THAT SAID. Q. IF YOU THINK THEY WERE TALKING ABOUT SOMETHING WONT YOU ACCOMMODATE ME BY SAYING WHAT IT WAS ? A. I DID TELL YOU. Q. I MEAN ON THE SUBJECT OF THE DOCTOR MAN, IN AND ABOUT THEIR CAMP ? A. I TOLD YOU THEY WERE TALKING ABOUT HIS PROFESSION. Q. WHAT DID HE SAY ABOUT IT ? A. I DON’T JUST EXACTLY REMEMBER ABOUT WHAT, BUT REGARD TO THIS CHOLERA, THE DISEASE THAT WAS ON THE PLANES PREVALENT. Q. DID HE SAY	AIN’T IT ~~<~~**A**~~>~~ FACT YOU DON’T REMEMBER ANYTHING WHAT HE WAS TALKING ABOUT ~~A~~NO SIR, I KNOW THERE WAS THAT SAID ~~Q~~IF YOU THINK THEY WERE TALKING ABOUT SOMETHING, WON’T YOU ACCOMMODATE ME BY SAYING WHAT IT WAS ~~A~~I DID TELL YOU ~~Q~~I MEAN ON THE SUBJECT OF THE DOCTOR MAN IN ABOUT THEIR CAMP ~~A~~I TOLD YOU THEY WERE TALKING ABOUT HIS PROFESSION ~~Q~~ WHAT DID HE SAY ABOUT IT ~~A~~I DON’T JUST EXACTLY BUT WHAT REGARD TO HIS CHOLERA, THE DISEASE THAT WAS ON THE PLAINS PREVALENT ~~Q~~ DID HE SAY	ISN’T I~~S~~T A FACT YOU DON’T REMEMBER A**N**YTHING **THAT** ~~WHAT~~ HE WAS TALKING AB~~U~~**OT** ~~IT~~? *[255]* A. NO, SI~~T~~R, I KNOW THERE WAS THA T SAID . Q. IF YOU THINK THEY WERE TALKING ABOUT SOMETHING, WON’T YOU ACCO~~N~~MODATE ME BY SAYING WHAT IT WAS? A I DID TELL YOU. Q. I MEAN ON THE SUBJE~~V~~CT OF THE DOCTOR WHEN HE CA~~N~~ME INTO YOUR CAMP? A. I TOLD YOU THEY WERE TALK**I**NG ABOU T THIS PRO~~S~~FESSION. Q. WHAT DID HE SAY ABOUT IT? A. I DON’T JUST EXACTLY REMEMBER ABOUT WHAT IT WAS~~.~~**;** BUT WITH REGARD TO THE CHOLERA. THE DISEASE THAT WAS ON THE PLAINS SO PREVALENT. Q. DID HE ~~W~~SAY	

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RT	RS	BT	PS
WHERE IT WAS PREVALENT— ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS ? A. I AM CERTAIN OF IT. Q. HOW CERTAIN ? A. I AM CERTA IN ~~HN~~ I HEARD HIM SAY S~~L~~O. Q. ARE YOU MORE CERTAIN THAN YOU WERE A MOMENT AGO ? A. MY MIND IS REFRESHED IN REGARD TO THE MATTER. Q. I WANT TO GET WHAT OCCURRED WHAT WAS SAID ABOUT THE CHOLERA ? A. I DON'T KNOW ANYTHING FURTHER SAID THAN IT WAS PREVALENT ON THE PLAINS. Q. DID HE SAY IT TO YOU — DID HE SAY SOME PERSONS HAD	WHERE IT WAS PREVALENT, ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS $_{A}$I AM CERTAIN OF IT $_{Q}$HOW CERTAIN $_{A}$I AM CERTAIN I HEARD I HIM SAY SO $_{Q}$ARE YOU MORE CERTAIN THAN YOU WERE **A** MOMENT AGO $_{A}$MY MIND IS REFRESHED IN REGARD TO THE MATTER $_{Q}$I WANT TO GET WHAT OCCURRED WHAT WAS SAID ABOUT THE CHOLERA $_{A}$ DON'T KNOW ANYTHING FURTHER SAID THAN IT WAS PREVALENT ON THE PLAINS $_{Q}$DID HE SAY IT —[?] TO YOU [*space*] DID HE SAY SOME PERSONS HAD	WHERE IT WAS PREVALENT:? ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS? A. I AM CERTAIN OF IT. Q . YOU SWEAR YOU ARE CERTAIN ~~Y~~OF IT? A. I AM CERTAIN I HEARD HIM SAY SO. Q. ARE YOU MORE CERTAIN THA~~T~~N YOU WERE A MOMENT AGO? A. MY MIND IS REFRESHED SOME LITTLE IN REGARD TO THE MATTER. Q. I WANT TO GET WHAT OCCURRED THERE, AND WHAT WAS SAID ABO T THE CHOLERA? A. IDON'T KNOW OF ANYTHING FURTHER SAID, THAN THAT IT WAS PREVALENT ON THE PALINS. Q. DID HE SAY TO YOU, OR DID HE SAY TO SOME OTHER PARSONS, AS TO ANY	

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RT	RS	BT	PS
DIED ON THE PLAINS WITH THE CHOLERA ? *[405]* A. SOME I THINK. Q. DID HE SAY WHAT REMEDY HE ADMINISTERED ? A. I DON'T KNOW AS I HEARD. Q. DIDN'T HE SAY PROBABLY HE HAD SEEN SOME IN THE CHOLERA ? A. I DON'T THINK HE DID. Q. DID HE STATE WHETHER HE SWEAT THE PATIENT OR NOT ? A. AS NEAR AS I CAN RECOLLECT IT WAS THAT HE HAD USED, AS NEAR AS I CAN RECOLLECT CAPSICUM. AND COMPHIRE AS NEAR AS I CAN REMEMBER. Q. WHAT MAKES YOU THINK THAT? — WHAT MAKES YOU THINK THAT WAS WHAT HE DID ?	DIED[359] ON PLAINS WITH THE CHOLERA ASOME I THINK QDID HE SAY WHAT REMEDY HE ADMINISTERED A≤I DON'T≥ KNOW ≤AS I HEARD≥ Q DIDN'T HE STATE NUMBER OF SICK IN CHOLERA AI DON'T THINK HE DID DID HE STATE WHETHER HE SWEAT THE PATIENT ≤OR NOT≥ AAS NEAR AS I CAN RECOLLECT IT WAS WHAT HE HAD USED AS NEAR AS I CAN RECALL IT WAS *KSTKN*[?] GUM FIRE AND AS NEAR AS I CAN REMEMBER QWHAT MAKES YOU THINK THAT WHAT MAKES YOU THINK ≤THAT WAS HE DID	NUMBER THAT DI~~D~~ED ON THE PLAINS OF THE CH**O**LERA? A. SOME OTHER, I THINK. Q. DID HE SAY AS TO ~~T~~WHAT REME~~M~~DY HE ADMINISTERED? A. I DON'T KNOW AS I HEARD? Q. HE DIDN'T STATE THE NUMBER OF THE SICK IN THE CHOLERA? A. I DON'T THINK HE DID. Q. DID HE STATE WHETHER HE **SWEAT** ~~SWET~~ THE PATIENTS OR NOT? A. AS NEAR AS I CAN RECOLLECT IT WAS WHAT HE HAD USED, AS NEAR AS I CAN RECOLLECT IT WAS **CAPSICUM** ~~CAPSICUL~~ AND CAMPHOR AS NEAR AS I CAN REMEMBER. Q. WHAT MAKES YOU THINK THAT THAT IS WHAT HE SAID? A.	

359. Word possibly crossed out.

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RT	RS	BT	PS
A. THAT IS WHAT HE THOUGHT. Q. IT IS A SIMPLE REMEMBRANCE, BUT YOU DON'T KNOW IT DID OCCUR ? A. IT IS MY OPINION IT DID OCCUR . Q. WHAT DO YOU PREDICATE THAT OPINION UPON ? A. UPON THE LANGUAGE I THINK THAT WAS USED. Q. HOW LONG DID THIS CONVERSATION LAST ? A. I COULD NOT TELL YOU HOW LONG, HE WAS THERE A FEW MINUTES. Q. ARE YOU A PHYSICIAN YOURSELF ? A. I AM NOT AND KNOW NOTHING ABOUT IT. Q. YOU ARE CERTAIN THE GERMAN SAID HE WAS A PHYSICIAN—DID HE STATE WHERE THE CHOLERA	A THAT IS WHAT I THOUGHT≻ Q IT IS A SIMPLE REMEMBRANCE, YOU DON'T KNOW IT DID OCCUR A IT IS MY OPINION IT DID OCCUR Q WHAT DID YOU PREDICATE THAT OPINION UPON A UPON LANGUAGE I THINK ≺THAT≻ WAS USED Q HOW LONG DID THIS CONVERSATION LAST A I COULD NOT TELL YOU HOW LONG [*space*] ≺WE WAS THERE≻ FEW MINUTES Q ARE YOU ≺**A**≻ PHYSICIAN YOURSELF A I AM NOT KNOW NOTHING ABOUT IT Q YOU ARE CERTAIN GERMAN SAID HE WAS A PHYSICIAN, DID HE STATE WHERE THE CHOLERA	WHAT MAKES ME THINK SO, BECAUSE THAT IS WHA T HE SAID HE USED. THAT IS WHAT I THOUGHT. [256] Q . IT IS A SIMPLE REMEMBERANCE ; YOU DON'T KNOW THAT IT DID OCCUR? A. IT IS MY OPINION THAT IT DID OCCU~~T~~R. Q. WHAT DID YOU PREDICATE THA T OPINION UPON? A. UPON THE LANGUAGE I T~~O~~HOUGHT WAS USED. Q . HOW ~~N~~LONG DID THIS CONVERSATION LAST? A. I COULDNOT TELL YOU HOW LONG, WE WERE THER~~3~~E A FEW MINUTES. ~~Q~~. ARE YOU A PHYSICIAN YOURSELF? ~~A~~. I AM NOT; ~~N~~KNOW NOTHING ABO~~U~~T IT. Q. ~~V~~BUT YOUR FRIEND THE **G**ERMAN SAID THA T HE WAS A PHYSICIAN? DID HE STATE WHERE THE CHOLERA	

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RT	RS	BT	PS
WAS ? A. HE SAID HE HAD DOCTORED SOME. Q. HOW DID ~~HE~~ ≤THEY≥ COME TO SAY THAT — I SAW YOU REFRESH YOUR MEMORY — LETS SEE IF YOU CAN REFRESH YOUR MEMORY AND SAY IN WHAT CONNECTION HE USED THIS EXPRESSION — WHAT WERE THEY TALKING TO YOU ABOUT AT *[406]* THAT TIME — HOW MANY OF THE OTHER PERSONS TOLD YOU THAT ? A. THREE OR FOUR OF THEM BUT I DON'T KNOW. Q. ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT TRAIN DID YOU HEAR SAY THIS MAN WAS A GERMAN DOCTOR ? A. I	WAS $_{A}$HE SAID HE HAD DOCTORED SOME $_{Q}$HOW DID HE COME TO SAY ≤*I*[?]≥ SO, YOU REFRESH YOUR MEMORY LET'S SEE IF I CAN'T REFRESH YOUR MEMORY, AND SAY IN WHAT CONNECTION HE USED THIS EXPRESSION WHAT WERE THEY TALKING TO YOU ABOUT *[[10]]*[360] AT THAT TIME HOW MANY OF THE OTHER PERSONS TOLD YOU THAT, THREE OR 4 OF THEM $_{A}$I DON'T KNOW $_{Q}$ ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT TRAIN DID YOU HEAR SAY THIS MAN SAY WAS A GERMAN DOCTOR $_{A}$I DON'T	WAS? A. HE SAID HE HAD DOCTORED SOME. Q. HOW DID HE COME TO SAY SO? YOU REFRESH YOUR MEMORY. LETS SEE IF I CAN'T REFRESH YOUR MEMORY, AND **SEE** ~~SAY~~ IN WHAT CONNECTION HE USED THIS EXPRESSION, AND WHAT WERE THEY TALKING TO HIM ABOUT. AT THAT TIME HOW MANY OF THE OTHER PERSONS **WERE WITH YOU?** ~~TOLD YOU THAT? A.~~ THREE OR FOUR OF THEM? A. I DON'T KNOW. Q. ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT **TRAIN** ~~TRA N~~ DID YOU HEAR SAY THAT THIS MA~~C~~**N** WAS A GERMAN DOCTOR? A. I	

360. The verso of the page contains shorthand doodling, "I WAS GOING TO *MKLS*[?]", "NOT", and "CONSPICUOUS" written multiple times and the equation 409-385=24.

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RT	RS	BT	PS
DON'T KNOW WHETHER IT WAS ONE TWO OR THREE — I GUESS THREE OR FOUR OF THE MEN CAME THERE AND THERE WAS OTHERS AT DIFFERENT TIMES. ALONG, AS FAR AS THE CONVERSATION OF THE MAN I DON'T KNOW. Q. WHEN THEY CAME DID THEY TELL YOU GENERALLY THIS FELLOW WAS A GERMAN PHYSICIAN ? A. YES, SOME OF THEM. Q. HOW MANY OF THEIR COMPANY TOLD YOU HE WAS A PHYSICIAN ? A. I THINK THERE WAS SOME TWO OR THREE OF THEM. Q. DID THEY ALL SAY IT AT THE SAME VISIT OR AT DIFFERENT TIMES ? A. I DON'T KNOW. Q. YOU HAVE ALREADY TESTIFIED TO	KNOW WHETHER IT WAS ONE TWO OR 3, GUESS 3 OR 4 OF THE MEN CAME OVER, THERE WAS OTHERS THERE AT DIFFERENT TIMES ALONG AS FOR THE CONVERSATION OF THE MEN I DON'T KNOW **Q** WHEN THEY CAME DID THEY TELL YOU GENERALLY THIS FELLOW WAS A GERMAN PHYSICIAN **A** YES, SOME OF THEM **Q** HOW MANY THEIR COMPANY PHYSICIAN **A**I THINK THERE WAS SOME TWO 3 OR 4 OF THEM **Q**DID THEY ALL SAY IT AT THE SAME VISIT **A**AT DIFFERENT TIMES. **Q** YOU HAVE ALREADY TESTIFIED TO	DON'T KNOW WHETHER IT WAS ONE , TWO OR THREE; GUESS THREE OR FOUR OF THE MEN CAME THERE :. THERE WAS OTHERS THERE AT DIFFERENCT TIME~~W~~S ALONG. AS FOR THE CONVERSATION WITH THE MEN, I DON'T KNOW. **Q.** WHEN THEY CAME DID THEY TELL Y**O**U GENTLEMEN, THAT THIS FELLOW WAS A **G**ERMAN PHYSICI~~A~~N A. YES**,** SOME OF~~F~~ THEM **DID.** Q. HOW MANY OF THEIR MEN SAID HE WAS A PHYSICIAN? A. I THINK THERE WAS SOME TWO ~~O~~, THREE OR FOUR OF THEM. Q. DID THEY ALL SAY IT AT THE S AME VISIT? ~~A~~. AT DIFFERENT TIMES. Q. YOU HAVE ALREADY TESTIFIED TO	

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RT	RS	BT	PS
THE CONVERSATION — STATE WHAT THE DOCTOR SAID ABOUT HOW THE CAPTAIN SAYING BRANDY BEING GOOD FOR IT — CAPSICUM AND BRANDY — WHAT THE OTHER PERSON SAID ? A. THEY BELONGED TO THAT TRAIN. Q. HOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT SUTHERLAND: IF THIS CROSS-EXAMINATION IS GOING TO CONTINUE SOMETIME FURTHER WE HAD BETTER ADJOURN. FRIDAY ,JULY	THE CONVERSATION, AS TO WHAT ≤THE≥ DOCTOR SAID ABOUT THE CAPSICUM SAYING BRANDY BEING GOOD FOR IT = *KPSTN*[?] AND BRANDY WHAT OTHER PERSON ≤HEARD≥ IT ₐTHEY BELONGED TO THAT TRAIN ₒHOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT = BY SUTHERLAND. IF THIS CROSS-EXAMINATION IS GOING TAKE SOME TIME, WE HAD BETTER ADJOURN YOUR HONOR ≤AS IT IS NOW≥ AFTER 12 LETTERS FOR MR. JARVIS CAME IN CHARGE OF MARSHALL ADJOURNED UNTIL HALF PAST TWO O'CLOCK. [*space*] **FRIDAY , JULY**	THE CONVERSATION. STATE WHAT THE DOCTOR ~~D~~SAID ABOUT THE CAPSICUM, OR HIS SAYING BRANDY BEI~~N~~G GOOD FOR IT — CAPSICUM AND BRANDY? WHAT OTHER PERSON HEARD IT? A. THE PEOPLE ABOUT THAT TRAIN. *[257]* Q. HOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT ——— SUTHERLAND: IF THIS EXAMINATION I~~F~~S GOING TO TAKE SO ME TI~~K~~ME, WE HAD BETTER ADJOURN YOUR HONOR, AS IT IS NOW AFTER TWE~~N~~LVE. RECESS TILL HALF PA~~T~~ST TWO . ——— ——OOO———— FRIDAY, ~~?~~ JULY	

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RT	RS	BT	PS
30TH 1875. 2:30 O'CLOCK P.M. Q. WHEN YOU FIRST SAW THE DUTCH DOCTOR ON THE GROUND WHAT WAS HE DOING WHERE THAT DEAD OX WAS ? A. THAT WAS NOT THE FIRST TIME I SEEN HIM. [407] Q. AT THAT TIME WHEN THE TRAIN MOVED OUT WHAT WAS HE DOING ? A. STICKING HIS KNIFE IN THE OX. Q. YOU DIDN'T SEE HIM THEN TILL HE WAS ABOUT STICKING THE KNIFE IN THE OX ? A. I DID THEN AND THERE.	**30, 230 PM.** JURORS CALLED ALL PRESENT BY COURT AGAIN PROCEED WITH CROSS EXAMINATION. ≤MR.≥ HOOPS TOOK THE STAND 20 **TO** 3 **Q** WHEN YOU FIRST SAW ≤THE≥ DUTCH DOCTOR ON THE GROUND WHAT WAS HE DOING, WHERE THAT DEAD OX WAS [*space*] **A**≤THAT≥ WAS NOT FIRST TIME I SEEN HIM **Q** AT THAT TIME WHEN TRAIN MOVED OUT WHAT WAS ≤HE≥ DOING **A** STICKING HIS KNIFE IN THE OX [*space*] **Q**YOU DIDN'T SEE HIM THEN TILL HE WAS ABOUT STICKING KNIFE IN THE OX **A**I DID THEN AND THERE "(BY SUTHERLAND. YOUR HONOR	**30TH**~~30TH~~ 2:30 P.M: COURT MET PURSUANT TO A~~S~~DJOURNMENT. JURY CALLED, ALL PRESENT. CROSS-EXAMINATION OF ELISHA HOOPS CONTINUED BY MR . BASKIN. Q. WHEN YOU ~~S~~FIRST SAW THE DUTCH DOCTOR THAT MORNING, WHAT ~~H~~WAS HE DOING WHERE THAT DEAD OX WAS? A. THAT WASN'T THE FIRST T IME I SEEN HIM. Q. AT THAT TIME WHEN THE TRAIN MOVED OUT WHAT WAS H E DOING? A. STICKING HIS KNIFE IN THE OX. ~~Q~~. YOU DIDN'T SEE HIM THEN TILL HE WAS ABOUT STICKING THE KNIFE IN THE OX? A. I DID , THEN AND THERE. SUTHERLAND: YOUR HONOR,	

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RT	RS	BT	PS
Q. WELL, THAT IS THE LAST THING YOU SAW HIM — HE WAS JUST IN THE ACT OF STICKING THE KNIFE IN THE OX ? A. I DIDN'T SAY THAT; WHEN I FIRST SAW HIM HE CAM~~R~~E TO THE CAMP Q. I AM SPEAKING ABOUT THE NARRATIVE OF THE OX ? A. I SAW HIM A DISTANCE FROM THE OX—I SAW HIM WALK TO IT AND STOCK THE OX. Q. ABOUT HOW FAR OFF ? A. I NEVER	THESE TWO GENTLEMAN SMITHS WHOM WE EXAMINED AS WITNESSES THIS MORNING WOULD LIKE TO BE EXCUSED IF THE OTHER SIDE WILL CONSENT BY PROSECUTION WE DON'T NEED THEM, THEY CAN GO.)" $_{Q}$WELL THAT IS WHEN YOU FIRST SAW HIM HE WAS JUST IN THE ACT STICKING HIS KNIFE IN THE OX $_{A}$I DIDN'T SAY WHEN I FIRST SAW HE CAME TO THE CAMP $_{Q}$I AM SPEAKING ABOUT NARRATIVE ~~<~~OF~~>~~ THE OX $_{A}$I SAW HIM ~~<~~**A**~~>~~ DISTANCE FROM THE OX = I SAW HIM WALK TO IT, STICK THE OX $_{Q}$ ABOUT HOW FAR OFF [*space*] $_{A}$I NEVER	THESE TWO GENTLE~~K~~MEN, SMITHS, WHOM WE EXAMINED AS WITNESSES THIS MORNING, WOULD LIKE TO BE EXCUSED, IF THE OT**H**ER SIDE WILL CONSENT? BASKIN: WE DON'T NEED THEM. Q.WELL, THEN WHEN YOU FIR**S**T SAW HIM HE WAS JUST IN THE ACT OF STICKING THE KNIFE IN**TO** THE OX? A. I DIDN'T SAY THAT WHEN I FIRST SAW HIM, ~~I~~ ~~**DIDNT** DIDN[?]T SAY THAT~~ **W**HEN I FIRST SAW HIM, HE CAME TO THEM~~CAMP Q~~ Q. I AM SPEAKING ABOUT THE NARATIVE OF THE OX? A. ISAW HIM A DISTANCE FROM THE OX; I SAW HIM WALKING TO IT, AND STICK THE OX. Q. ABOUT HOW FAR? A. I NEVER	

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RT	RS	BT	PS
MEASURE THE GROUND. Q. DID HE WALK FIFTY YARDS ? A. NO, I DON'T SUPPOSE HE WALKED HALF OF IT ? A. I NEVER MEASURED IT. Q. DID HE WALK AT ALL ? A. HE DID WALK. Q. .ABOUT HOW FAR ? A. I DON'T KNOW. Q. HOW DO YOU KNOW HE WALKED AT ALL ? A. I SAW HIM STEP. Q. ABOUT HOW MANY STEPS DID HE TAKE ? A. I DON'T KNOW — I NEVER COUNTED THEM. Q. DID HE TAKE ONE ? A. I SAID HE WALKED, HE TOOK MORE THAN ONE, FOR HE WALKED OUT, BUT I *[408]* DIDN'T COUNT THE STEPS— DON'T KNOW HOW MANY HE DID TAKE—SAW THAT HE TOOK MORE THAN THREE. Q. DID HE TAKE MORE	MEASURED THE GROUND $_{Q}$DID HE WALK FIFTY YARD? $_{A}$NO I DON'T SUPPOSE HE WALKED HALF OF IT $_{Q}$DID HE WALK 25 I $_{A}$NEVER MEASURED IT $_{Q}$DID HE WALK AT ALL $_{A}$HE DID WALK $_{Q}$ ABOUT HOW FAR $_{A}$I DON'T KNOW $_{Q}$ HOW DO YOU KNOW HE WALKED AT ALL [*space*] $_{A}$I SAW HIM STEP $_{Q}$ ABOUT HOW MANY STEPS DID HE TAKE $_{A}$I DON'T KNOW I NEVER COUNTED ~~<~~THEM~~>~~ $_{Q}$DID HE TAKE ONE $_{A}$I SAID HE WALKED $_{Q}$HE TOOK MORE THAN ONE, IF HE WALKED AT ALL DIDN'T HE *[[11]]* $_{A}$I DIDN'T COUNT THE STEPS DON'T KNOW HOW MANY HE DID TAKE = SAW ~~<~~THAT~~>~~ HE TOOK MORE THAN 3 $_{Q}$DID HE TAKE MORE	MEASURED THE GROUND. Q. DID HE WALK 50 YARDS? A. NO, I DON'T SUPPOSE HE WALKED **HALF** ~~HAF~~ OF IT. Q. DID HE WALK 25? A. I NEVER MEASURED IT? Q. DID HE WALK AT ALL? A HE DID WALK. Q. ABOUT HOW FAR? A. I DON'T KNOW. *[258]* Q. HOW DO YOU KNOW HE WALKED AT ALL? A. I SAW HIM STEP. Q. ABOUT HOW MANY STEPS DID HE TAKE? A. I DON'T KNOW I NEVER COUN~~T~~**TE**D THEM. Q. DID HE TAKE ONE? A . I ~~D~~SAID HE WALKED. Q. HE TOOK MORE THAN ONE IF HE WALKED AT ALL, DIDN'T HE? A. I DIDN'T COUNT THE STEPS , DON'T KNOW HOW MANY HE DID TAKE. I SAW THAT HE TOOK MORE THAN THREE. Q . DID HE TA~~L~~KE MORE	

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RT	RS	BT	PS
THAN THREE ? A. I COULD NOT SAY WHAT HE DID TAKE. Q. DID HE TAKE FOUR. A. DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH QUESTIONS ? BASKIN: Q. I DON'T KNOW WHAT YOU CONSIDER. Q. ABOUT HOW FAR DID HE GO ? A. PROBABLY AS FAR AS THAT DOOR HERE. Q. HOW MANY FEET — HOW MANY INCHES ? A. I DON'T KNOW. Q. WHY DIDN'T YOU ANSWER ME AT FIRST ? A. YOU HAVE YOUR WAY OF ASKING QUESTIONS AND I HAVE MINE OF ANSWERING THEM Q. WHAT MAKES YOU THINK IT WOULD BE AS FAR AS THAT DOOR ? A. THAT IS MY JUDGMENT. Q. WHERE WERE YOU WHEN	THAN THREE A I COULD NOT SAY WHAT HE DID TAKE Q DID HE TAKE 4 A DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH ≤FOOLISH≥ QUESTIONS ≤BASKIN≥ A I DON'T KNOW WHAT YOU CONSIDER ME Q ABOUT FAR DID HE GO A PROBABLY AS FAR AS THAT DOOR HERE Q HOW MANY FEET HOW MANY INCHES A I DON'T KNOW. Q WHY DIDN'T YOU ANSWER ME ≤THAT WAY≥ AT FIRST A YOU HAVE YOUR WAY OR ASKING QUESTIONS, AND I HAVE MINE OF ANSWERING THEM. Q WHAT MAKES YOU THINK IT WAS ABOUT AS FAR AS THAT DOOR A ≤THAT IS≥ MY JUDGMENT [*space*] Q WHERE WAS YOU WHEN	THAN THREE? A. I COULD NOT SAY ~~W~~ WHAT HE DID TAKE. ~~DO~~ Q. DID HE T~~Q~~**A**KE FOUR? A. DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH FOOLISH QUESTIONS~~.~~**?** Q. I ~~C~~DON'T KNOW WHAT YOU CONSIDER ME. ABOUT HOW FAR DID HE GO? A. PROBABL~~E~~**Y** AS FAR AS THAT DOOR HERE? Q . HOW MANY FEET**,** HOW MANY INCHES? A. I DON'T KNOW. Q. W~~O~~HY DIDN'T YOU ANSWER ME THAT WAY AT FIRST? A. YOU HAVE YOUR WAY OF ASKING QUESTIONS AND I HAVE MINE OF ANSWERING THEM. Q. WHAT MAKES YOU THINK IT WAS ABOUT AS FAR AS THAT DOOR? A. THAT IS MY JUDGEMENT. Q WHERE WERE YOU WHEN	

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RT	RS	BT	PS
YOU FIRST SAW HIM STEP ? A. I WAS ABOUT AT THE WAGONS. Q. WHEREABOUTS AT THE WAGONS ? A. I DON'T KNOW EXACTLY WHEREABOUTS IT WAS. Q. WAS YOU AT THE END OF THE WAGON ? A. I CAN'T SAY EXACTLY. Q. WHEN HE WALKED UP TO THE OX WHAT DID HE DO ? A. STUCK A KNIFE INTO HIM AS I TOLD YOU, AS I TOLD YOU. Q. YOU SAW THE KNIFE ? *[409]* A. YES SIR, I DID. Q. WHAT KIND WAS IT ? A. I WAS OFF SOME DISTANCE — I SAW A GUARD ON THE HANDLE, AND HE STUCK IT DOWN THAT WAY INTO THE OX. Q. DO YOU MEAN LIKE A GUARD COMING; OVER HIS HAND, THAT WAY ? A. IT WAS A CROSS ON THE KNIFE. Q.	YOU FIRST SAW HIM STEP ? **A** I WAS ABOUT AT THE WAGONS **Q** WHEREABOUTS AT THE WAGONS **A** I DON'T KNOW EXACTLY WHEREABOUTS IT WAS **Q** ≤WAS≥ YOU AT THE END OF THE WAGON **A** I CAN'T SAY EXACTLY [*space*] **Q** WHEN HE WALKED UP TO THE OX WHAT DID HE DO **A** STUCK **A** KNIFE INTO HIM AS I TOLD YOU **Q** YOU SAW THE KNIFE **A** YES SIR I DID WHAT KIND WAS IT **A** I WAS OFF SOME DISTANCE; I SAW **A** GUARD ON THE HANDLE, AND HE STUCK IT DOWN THAT WAY INTO THE OX **Q** DO YOU MEAN LIKE **A** GUARD COMING OVER HIS HAND THAT WAY [*space*] IT WAS A CROSS GUARD ON THE KNIFE **Q**	YOU FIRST SAW HIM STEP? A. I WAS ABOUT AT THE WAGON? ~~A.~~**Q.** WHERE ABOUTS AT THE WAGONS~~.~~**?** A. I DON'T KNOW WHERE ABOUTS IT WAS. Q. W~~AS~~**ERE** YOU AT THE END OF THE WAGON? A. I CAN'T SAY EXACTLY. ~~Q~~. WHEN HE WALKED UP TO THE OX WHAT DID HE DO? ~~A~~. STUCK HIS KNIFE INTO HIM AS I TOLD YOU. Q. YOU SAW THE KNIFE? A. YES, SIR. Q . WHAT KIND WAS IT? ~~A~~. I WAS OFF SOME DISTANCE; I SAW THE GUARD ON THE HANDLE AND HE STUCK IT DOWN THAT WAY INTO THE OX. Q. DO YOU MEAN LIKE A GUARD COMING OVER HIS H~~I~~AND THAT WAY? A. IT WAS A CROSS ON THE KNIFE. Q.	

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RT	RS	BT	PS
IT WAS UNDER, WAS IT ? A. I SHOULD THINK SO. Q. WHERE WAS THIS CROSS, UNDER OR ABOVE ? A. UNDER THE OTHER END. . Q. HOW FAR AWAY WERE YOU ? A. ABOUT THAT, BUT I NEVER MEASURED IT, AS NEAR AS I CAN GUESS, BUT I MAY MISS, I SHOULD SUPPOSE, AS NEAR AS MY JUDGMENT IT WAS ABOUT A HUNDRED TO A HUNDRED AND FIFTY YARDS. Q. HOW LONG WAS THAT CROSS YOU SAW UNDER THE KNIFE—WAS NOT IT ABOUT THAT LONG ? A. IT WAS NOT. Q. WAS IT THAT LONG ? A. IT WAS LONGER —I DON'T KNOW, I DIDN'T MEASURE IT. Q. ABOUT HOW LONG ? A. I COULD NOT SAY JUST EXACTLY THE LENGTH OF	IT WAS UNDER WAS IT $_{A}$I SHOULD THINK SO. $_{Q}$ WHERE WAS THIS CROSS UNDER THERE OR ABOVE $_{A}$ UNDER THE OTHER END $_{Q}$ HOW FAR AWAY WERE YOU $_{A}$ BUT I NEVER MEASURED IT, AS NEAR AS I CAN GUESS = I MAY MISS I SHOULD SUPPOSE, AS NEAR AS MY JUDGMENT WAS, 100 **TO** 150 YARDS. $_{Q}$HOW LONG WAS THAT CROSS YOU SAW UNDER THE KNIFE? WAS IT ABOUT THAT LONG $_{A}$IT WAS NOT $_{Q}$WAS IT THAT LONG $_{A}$ IT WAS LONGER, I DON'T KNOW, I DIDN'T MEASURE IT $_{Q}$ ABOUT HOW LONG $_{A}$I COULD NOT SAY JUST EXACTLY, LENGTH OF	IT WAS AT THE END WAS IT? A. I ~~C~~ SHOULD THINK SO. Q. WHERE WAS THIS CROSS, UNDER OR ABOVE — THE OTHER END. **A. UNDER AND ABOVE.** *[259]* **Q HOW FAR AWAY WERE YOU?** A. ABOUT— BUT I NEVER MEASURED IT— AS NEAR AS I CAN GUESS—I MAY MISS, YET I SUPPOSE AS NEAR AS MY JUDGMENT, IT WAS A HUNDRED OR A HUNDRED AND FIFTY YARDS. Q. HOW LONG WAS T~~H~~A T CROSS YOU SAW ON THE KNIFE; WAS **I**T ABOUT THAT LONG? A. IT WAS NOT. Q. WAS IT THAT L~~H~~**O**NG? A. IT WAS LONGER. I DON'T KNOW, I NEVER MEASURED IT. Q. ABOUT HOW LONG THEN? ~~A~~. I COULD NOT SAY JUST EXACTLY THE LENGTH,	

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RT	RS	BT	PS
IT, PROBABLY IT MIGHT HAVE BEEN THAT LONG, AS FAR AS I KNOW, IT WAS NOTHING ONLY A COMMON SIZED DAGGER. Q. AT THAT DISTANCE CAN YOU STATE TO THE JURY IT WAS THAT LONG ? A. I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON DAGGER. Q. I AM TALKING ABOUT THE KNIFE — I AM ASKING YOU ABOUT THAT LITTLE *[410]* CROSS YOU SAW UNDER THE DAGGER WHICH LOOKED LIKE SILVER OR A BRIGHT PIECE OF IRON ? A. AS NEAR AS I CAN SAY ABOUT THREE OR FOUR INCHES LONG. Q. HE HELD IT IN HIS HANDS THAT WAY ? A. I KNOW HE DIDN'T. Q. DID HE STICK IT DOWN THAT WAY— WHERE DID HE FIRST STICK IT ?	IT, PROBABLY IT MIGHT HAVE BEEN THAT LONG, AS FAR AS I KNOW IT WAS NOTHING, ONLY **A** COMMON SIZED DAGGER **Q**IN THAT DISTANCE, CAN YOU SAY TO THE JURY IT WAS THAT LONG **A**I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON DAGGER **Q**I AM TALKING ABOUT THE KNIFE {= *}[i] I AM ASKING YOU ABOUT THAT LITTLE CROSS YOU SAW UNDER THE DAGGER **A**IT LOOKED LIKE SILVER OR ≤**A**≥ BRIGHT PIECE OF IRON, AS NEAR AS I CAN SAY, ABOUT 3 OR 4 INCHES LONG. AND HE **Q**HELD IT IN HIS HAND THAT WAY **A**I KNOW HE DIDN'T **Q**DID HE STICK IT DOWN THAT WAY = WHERE DID HE FIRST STICK IT	PROBABLY IT MIGHT HAVE BEEN THAT LONG. AS FAR AS I KNOW IT WAS LONGER. ONLY A CO~~N~~MMON SIZED DAGGER. Q. IN THAT DISTANCE CAN YOU SAY TO THE JURY, IT WAS THAT LONG? A. I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON SIZED DAGGER. Q. I AM TALKING ABOUT THIS KNIFE. I AM ASKING YOU ABOUT THE LITTLE CROSS YOU SAW UNDER THE DAGGER? A. IT LOOKED LIKE SILVER OR A BRIGHT PIE~~V~~CE OF IRON AS **N**EAR AS I CAN SAY, ABOUT THREE OR FOUR INCHES LONG. Q. AND HE HELD IT IN HIS HANDS THAT WAY? A. I KNOW H~~3~~E DIDN'T. Q. DID HE STICK IT DOWN THAT WAY? WHERE DID HE FIRST STICK IT.	

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RT	RS	BT	PS
A. I COULD NOT SAY WHICH PLACE HE STUCK IT, TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. Q. NEAR THE EARS ? A. NO SIR, I TOLD YOU HE STUCK IT ABOUT THE SHOULDER, STUCK IT DOWN THAT WAY, PULLED IT DOWN. Q. DID YOU SEE HOW DEEP THE KNIFE WENT IN THERE ? A. I DIDN'T SEE IT IN THERE, ~~J~~HE JUST PUT THE KNIFE RIGHT DOWN LIKE YOU AND I WOULD. Q. WHERE DID HE HIT IT THE SECOND TIME ? A. I THINK, AS NEAR AS I REMEMBER, IT HIT SOMEWHERES IN THE BACK PART. HE WENT THROUGH SOME PERFORMANCE, HIT IT SOMEWHERES ABOUT THE THIGH OR THE	*[[12]]* **A**I CAN'T SAY WHICH PLACE, BUT HE STUCK IT TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. **Q** NEAR THE EARS **A**NO I TOLD YOU, HE STUCK IT ABOUT SHOULDER STUCK IT DOWN THAT WAY, PULLED IT DOWN DID YOU SEE HOW DEEP ~~≤~~THE~~≥~~ KNIFE WENT IN THERE **A**I DIDN'T SEE IT IN THERE, HE JUST PUT THE KNIFE RIGHT DOWN LIKE YOU OR I WOULD. [*space*] **Q** WHERE DID HE HIT IT THE SECOND TIME **A**I THINK AS NEAR AS I RECOLLECT, HIT IT SOMEWHERES IN THE BACK PART ~ **A**HE WENT THROUGH SOME PERFORMANCE = HIT IT SOMEWHERES ABOUT THIGH OR	A. I CAN'T SAY WHICH PLACE, BUT HE STUCK IT TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. Q. ~~H~~**H**NEAR THE EARS? A. NO, I TOLD YOU~~;~~ HE STUCK IT ABOUT THE SHOULDER; STUCK IT DOWN THERE THAT WAY—PULLED IT DOWN. Q. DID YOU SEE HOW D**E**EP THE KNIFE WENT IN THERE? ~~A~~. I DIDN'T SEE IT IN THERE; HE JUST PUT THE KNIFE RIGHT DOWN LIKE YOU OR I WOUL~~D~~**D** Q. W**H**ERE DID HE HIT IT THE SECOND TIME? A. I THINK AS NEAR AS I CAN RECOLLECT, HE HIT IT SOMEWHERES INTHE BACK PART. HE WENT THROUGH SO~~K~~ME PERFORMANCE, HIT IT SOMEWHERES ABOUT THE THIGH THEN OR	

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RT	RS	BT	PS
HIP. Q. HOW FAR ABOVE THE KNEE ? A. I DON'T EXACTLY KNOW; I WAS NOT CLOSE ENOUGH TO SEE HIM. Q. YOU WAS CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN ON THE KNIFE ? Q. I WAS, BECAUSE THE SUN SHONE JUST RIGHT. HE TOOK IT FROM HIS SIDE, SOMEWHERES ABOUT THERE. Q. WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT ? A. STANDING RIGHT BY THE OX. *[411]* Q. DON'T YOU REMEMBER OF HAVING STATED JUST THIS MORNING HE WALKED UP TO THE OX WITH HIS KNIFE IN HIS HAND THAT WAY WHEN YOU FIRST	HIP **Q** HOW FAR ABOVE THE KNEE **A** I DON'T KNOW EXACTLY, I WAS NOT CLOSE ENOUGH TO SEE HIM **Q** YOU WAS CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN ON THE KNIFE **Q** I WAS, BECAUSE THE SUN SHONE JUST RIGHT AT THE TIME, HE TOOK IT FROM HIS SIDE SOMEWHERES ABOUT THERE. **Q** WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT **A** STANDING RIGHT BY THE OX; HE DID NOT DRAW HIS KNIFE UNTIL HE WALKED UP TO THE OX **Q** DON'T YOU REMEMBER OF HAVING STATED JUST THIS MOMENT HE WALKED UP TO THE OX WITH HIS KNIFE IN HIS HAND THAT WAY **A** NO **Q** WHEN YOU FIRST	HIP. Q ~~W~~ABOUT HOW FAR ABOVE THE KNEE? A. I DON'T KNOW EXACTL Y, I WASN'T CLOSE ENOUGH TO SEE HIM . Q. YOU WERE CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN *[260]* ON THE KNIFE? A. I SAW, **IT**, BECAUSE THE SUN SHONE JUST RIGHT AT THE TIME. HE TOOK IT FROM HIS SIDE SOME WHERES ABOUT THERE. (SHOWIN~~G~~) Q WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT? A. STANDING RIGHT BY THE OX; HE DIDN'T DRAW HIS KNIFE TILL HE WALKED UP TO THE OX. Q. DON'T YOU REMEMBER HAVING STATED JUST THIS MO~~N~~MENT THAT HE WALKED UP TO THE OX WITH THE KNIFE IN HIS HAND, THAT WAY? A. NO/ Q. WHEN YOU FIRST	

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RT	RS	BT	PS
SAW HIM HE WAS WALKING UP TO THE OX — THAT IS, IN THAT POSITION ? A. I DON'T REMEMBER;	SAW HIM HE WAS WALKING UP TO THE OX WITH HIS KNIFE IN THAT POSITION ? AI DON'T REMEMBER,	SAW HIM HE WAS WALAKING UP TO THE OX IN THAT POSITION? A. I DON'T REMEMBER. **WHEN HE WAS WITHIN A STEP**	
HE TOOK OUT HI S KNIFE IN HIS HAND AND STRUCK THE OX. I AM NOT VERY MUCH	HE TOOK OUT HIS KNIFE IN HIS HAND AND STRUCK THE OX, I AIN'T VERY MUCH ≤ACQUAINTED≥ WITH	HE TOOK OUT HIS KNIFE IN HIS HAND AND STRUCK THE OX. I AINT VERY MUCH ACQUAINTED WITH	
TECHNICAL. WHEN HE WAS WITHIN A STEP, THAT IS ABOUT IT. ———— ~~Q~~. IF I WAS IN	TECHNICALITIES QWHEN HE IS WITHIN **A** STEP ≤DO YOU SAY≥ HE IS UP TO IT. ~~Q~~AIF I WAS IN	TECHNICALITIE. Q. WHEN HE IS WITHIN A STEP, YOU SAY HE IS UP TO IT? A. IF I WAS WITHIN	
STRIKING DISTANCE OF YOU AND WAS WITHIN STRIKING DISTANCE SO AS TO HIT YOU IN THE MOUTH I SHOULD THINK I WAS IN STRIKING DISTANCE. Q. THAT IS YOU CAN HIT ME A STEP AWAY YOU MEAN TO SAY ? A. NO NO. Q. WHY DID YOU SAY TO THE JURY WHEN YOU	STRIKING DISTANCE OF YOU AND WAS WITHIN STRIKING DISTANCE ≤SO AS TO HIT YOU≥ IN THE MOUTH, I SHOULD THINK I WAS IN STRIKING DISTANCE Q ≤THAT IS≥ YOU CAN HIT ME A STEP AWAY ≤COULD YOU≥ ANO NO . Q WHY DID YOU SAY TO THE JURY, WHEN YOU	STRIKING DISTANCE OF YOU, AND WAS WITHIN STRIKING DISTANCE SO AS TO HIT YOU IN THE MOUTH, I SHOULD THINK I WAS WITHIN STRIKING DISTANCE? Q. THAT IS YOU COULD HIT ME A STEP AWAY, COULD YOU? A. NO, NO. Q. WHY DID YOU SAY TO THE JURY, WHEN YOU	

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RT	RS	BT	PS
FIRST SAW HIM HE WAS WALKING UP IN THIS MANNER TO THE OX AND SAY AFTERWARDS WHEN HE GOT TO THE OX HE DREW HIS DAGGER OUT AND STRUCK IT INTO HIM ? A. I DON'T THINK I SAID THAT. I THINK WHEN HE WAS WITHIN A REASONABLE DISTANCE HE DREW THE KNIFE OUT. Q. IN WALKING TO THE OX WAS HE WALKING TOWARDS YOU OR FROM YOU ? A. IT WASN'T NEITHER ONE. HE WAS TO ONE SIDE LIKE. Q. WHERE WAS HIS HORSE IN THE MEAN TIME ? A. IN THE BRUSH BY THE SIDE OF SOME WILLOWS. Q. HOW FAR WAS THE OX AWAY FROM WHERE HIS HORSE WAS ? A. OUTSIDE OF THE	FIRST SAW HIM, HE WAS WALKING UP IN THIS MANNER TO THE OX, AND THEN SAY AFTERWARDS, WHEN HE GOT UP TO THE OX HE DREW HIS DAGGER OUT AND STRUCK IT INTO HIM A I DON'T THINK I SAID THAT; I THINK WHEN HE WAS WITHIN REASONABLE DISTANCE HE DREW THE KNIFE OUT Q IN WALKING TO THE OX, WAS HE WALKING TOWARDS YOU OR FROM YOU A WAS NOT NARY A ONE. HE WAS TO ONE SIDE LIKE Q WHERE WAS HIS HORSE IN THE MEAN TIME A IN THE BRUSH ≤BY THE≥ SIDE OF SOME WILLOWS. Q HOW FAR WAS THE OX AWAY FROM WHERE HIS HORSE WAS A OUTSIDE OF THE	FIRST SAW HIM HE WAS WALKING UP ~~TO THE [?]~~ IN THIS MA~~C~~NNER**,** TO THE OX, AND THEN SAY AFTERWARDS WHEN HE GOT UP TO THE OX HE DREW HIS DAGGER OUT AND STUCK IT INTO HIM ? A. I DON'T THINK I SAID ~~I~~ THAT. I THINK WHEN **HE** WAS WITHIN REASONABLE DI~~A~~STANCE HE DRE~~E~~W THE KNIFE OUT. Q. IN WALKING TO THE OX WAS HE WALKING TOWARDS YOU OR ~~G~~FROM YOU? A. HE WA~~N~~SN'T NEITHER ONE; HE WAS OFF TO ONE SIDE LIKE.. Q. WHERE WAS HIS HORSE I N THE MEAN TIME? A. IN THE BRUSH BY THE SIDE OF SOME WILLOWS. Q. HOW FAR AWAY WAS THE OX FROM WHERE HIS HORSE WAS. A. OUTSIDE OF THE	

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CORRALL. Q. WHEN YOU SAW HIM GO UP TO THE OX YOU WERE JUST GETTING READY TO MOVE AWAY ? A. YES. *[412]* Q. HOW LONG BEFORE HE STRUCK THE KNIFE INTO IT — WAS IT BEFORE HE MOVED OFF — WAS IT TWO SECONDS ? A. MORE THAN THAT. Q. WAS IT A MINUTE ? A. YES, MORE THAN THAT. I COULD NOT TELL EXACTLY, BUT A MIDDLING SPACE. THE COURT KNOWS AND THE JURY KNOWS ABOUT WHAT TIME IT TAKES. Q. YOU HAD YOUR HORSES ALREADY HITCHED UP TO START WHEN THIS OCCURRED — YOU STATED SO ? A. I THINK THE ~~REST~~ HORSES WAS ON THE WAGON AND THEY MADE A FEW JERKS.	CORRAL. **Q** WHEN YOU SAW HIM GO UP *[[13]]* TO THE OX YOU WERE JUST GETTING READY TO MOVE AWAY **A**YES {**Q**}^{i} HOW LONG BEFORE HE STRUCK THE KNIFE INTO IT, WAS IT BEFORE HE MOVED OFF WAS IT TWO SECONDS [*space*] {**A**}^{i} MORE THAN THAT {**Q**}^{i} WAS IT MINUTE **A** YES MORE THAN THAT, I COULD NOT TELL EXACTLY, *MIDDLING*[?] SPACE OF TIME THE COURT KNOWS AND THE JURY KNOWS WHAT TIME IT TAKES. **Q**YOU HAD YOUR HORSES ALREADY HITCHED UP TO START WHEN THIS OCCURRED YOU STATED SO **A**I THINK THE HORSES WAS *OFF*[?] THE WAGON <MADE **A** FEW JERKS>	CORRAL. Q. WHEN YOU SAW HIM GO UP TO THE OX YOU WERE JUST GETTING READY TO MOVE AWAY? A. YES. Q. HOW LONG BEFORE HE ~~STUC~~ STRUCK THE KNIFE INTO IT WAS IT BEFORE YOUMOVED OFF; WAS IT TWO SECONDS? A. MORE THA N T~~H~~**A**T. Q. WAS IT A MINUTE ~~.~~? A. I ~~SAW~~ **WAS** MORE THEN THAT, I COULD NOT TELL EXACTLY AS TO THE SPA~~V~~CE OF TIME. THE COURT KNOWS AND THE JURY KNOWS *[261]* WH**A**T TIME IT T~~S~~AKES. Q. YOU HAD YOUR HORSES ALREADY HITCHED UP WHEN THIS OCCURRED YOU STATED? A. YES, BUT I THINK THE ~~O~~HORSES ~~WAS A~~ KIND OF MA~~A~~DE A FEW JERKS —WAS OFF	

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Q. DON'T YOU KNOW THEY WERE SO AT THE TIME YOU STOPPED THEM YOU HAD MOVED ON YOUR JOURNEY. THE REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS ? A. WE WERE FIXING TO MOVE. Q. YOU JUST STATED NOW YOU HAD STOPPED TO FIX SOMETHING ? A. GIVE ME A LITTLE TIME. Q. YOU STATED JUST NOW THAT YOU MOVED A STEP AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX — HAD YOU MOVED BEFORE YOU SAW IT — WERE THEY WAITING FOR YOU ? A. I WANT MORE TIME TO TELL YOU. Q.	Q DON'T YOU KNOW THEY WERE SO A I WENT AROUND AND STOPPED THEM AT THE TIME YOU STOPPED THEM YOU HAD MOVED ON YOUR JOURNEY. A Q REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS A WE WERE FIXING TO MOVE QYOU JUST STATED NOW YOU HAD STOPPED TO FIX SOMETHING A GIVE ME **A** LITTLE TIME Q YOU STATED JUST NOW, YOU MOVED A STEP, AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX. HAD YOU MOVED BEFORE YOU SAW IT? WERE THEY WAITING ON YOU AI WANT MORE TIME TO TELL YOU. Q	THE WAGON. Q: DON'T YOU KNOW THEY WERE SO? A. I WENT AROUND AND STOPPED THEM. Q . AT THE TIME YOU STOPPED THEM YOU HAD MOVED OR STARTED ON YOUR JOURNEY? A. I WENT AROUND TO FIX THE HARNESS. Q SO THE REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS? A. WE WERE FIXING TO MOVE. Q. YOU JUST STATED NOW YOU HAD TO STOP TO FIX SOMETHING? A. GIVE ME A LITTLE TIME. Q. YOU STATED JUST NOW YOU MOVED A STEP AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX?. HAD YOU MOVED BEFORE YOU SAW IT? WERE THEY WAITING **FOR** ~~OF~~ YOU? A . I WANT MORE TIME TO TELLYOU. Q.	

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TAKE YOUR OWN TIME ? A. I PRESUME IT WAS VERY LITTLE SPACE. Q. YOU PRESUME — DON'T YOU KNOW YOU HAD ? A. I SAY I KNOW I HAD. Q. WHEN YOU STARTED YOU HAD BEEN IN THE WAGON BEFORE THIS THING OCCURRED, HAD YOU— YOU WERE THEDRIVER I UNDERSTOOD YOU TO SAY,) ≺A.≻ PART OF THE TIME, AND PART OF THE TIME WAS IN THE WAGON, AND PART OF THE TIME — WAS [413] A MIGHTY HARD TRIP FOR A MAN TO HAVE TO CARRY A HEAVY RIFLE WITH ME. I WAS NATURALLY WORN OUT, ON GUARD, AND A MAN WAS NATURALLY WORN DOWN. Q.	TAKE YOUR OWN TIME $_{A}$I PRESUME IT WAS VERY LITTLE SPACE $_{Q}$YOU PRESUME = DON'T YOU KNOW YOU HAD $_{A}$I SAY I KNOW I HAD $_{Q}$ WHEN YOU STARTED YOU HAD BEEN IN ≺THE≻ WAGON BEFORE THIS THING OCCURRED HAD YOU $_{A}$,YES SIR $_{Q}$YOU WERE THE DRIVER I UNDERSTOOD YOU TO SAY $_{A}$ PART OF THE TIME AND PART OF THE TIME WAS IN THE WAGON, THE PART OF THE TIME WAS MIGHTY HARD TRIP MAN HAVING TO CARRY HEAVY RIFLE WITH ME, I WAS NATURALLY WORN OUT ON ≺ACCOUNT OF≻ GUARDING MAN WAS NATURALLY WORN DOWN $_{Q}$	TAKE YOUR OWN TIME? A. I PRESUME IT WAS VERY LITTLE SPACE. Q . YOU PRESUME. DON'T YOU K NOW YOU HAD? A. I SAY I KNOW I HAD. Q. WHEN YOU STARTED—YOU HAD BEEN IN THE WAGON BEFORE THIS THING OCCURRED , ~~D~~HAD YOU? A. YES. Q. YOU WERE THE DRIVER, I UNDERSTOOD YOU TO SAY? A PART OF **THE** ~~THET~~ TIME AN D PART OF THE TIME I WAS IN THE WAGON — A PART OF THE TIME~~.~~. IT WAS A MIGHTY HARD TRIP FOR A MAN**;** HAVING TO CARRY A HEAVY RIFLE WITH ME~~;~~ I WAS NATURALLY WORN OUT ON ACCOUNT OF GUARDING; WAS NATURALLY WORN DOWN. Q.	

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BUT IT DIDN'T AFFECT YOUR MEMORY OF THAT SIGHT DID IT ? A. NO, BUT I WAS NATURALLY WORN DOWN. Q. YOU SAY AT THE TIME THIS OCCURRED THE HORSES HAD MADE A FEW JERKS — DID YOU MAKE ANY JERKS THEN ? A. I DIDN'T SAY I HAD. Q. THE HORSES THOUGH DID MAKE SOME JERKS ? A. THEY MADE A FEW JERKS— BRONCOS OFTEN DO. THEY WERE COMMON—AS ~~BRONCOH~~ BRONCHO HORSES GENERALLY DO. Q. WHERE WERE YOU WHEN THEY JUMPED ? A. I DON'T REMEMBER EXACTLY WHERE I WAS. Q. DID YOU HAVE HOLD OF THE LINES ? A. I THINK NOT.	BUT IT DIDN'T AFFECT YOUR MEMORY, THAT SIGHT DID IT $_{A}$NO BUT I WAS NATURALLY WORN DOWN. $_{Q}$ YOU SAY AT THE TIME THIS OCCURRED, THE HORSES HAD MADE FEW JERKS, $_{Q}$DID YOU MAKE ANY JERKS THEN $_{A}$ I DIDN'T SAY I DID $_{Q}$THE HORSES ~~<~~THOUGH DID~~>~~ MAKE SOME JERKS ~~<~~DID NOT THEY~~>~~ $_{A}$THEY MADE FEW JERKS, BRONCOS OFTEN DO. THEY JUMPED AS COMMON ~~AS~~ BRONCO HORSES GENERALLY DO $_{Q}$WHERE WERE YOU WHEN THEY JUMPED $_{A}$I DON'T REMEMBER EXACTLY WHERE I WAS ($_{Q}$DID YOU HAVE HOLD OF THE LINES $_{A}$ I THINK NOT.	BUT IT DIDN'T **AFFECT** ~~AACCFFECT~~ YOUR MEMORY, THAT SIGHT, DID IT? A. N~~O~~**O** BUT I WAS NATURALLY WORN DOWN. Q. YOU SAY AT THE TIME THIS OCCURRED THE HORSES HAD MADE A FEW JERKS; DIDYOU MAKE ANY JERKS THEN? A. I DIDN'T SAY I DID. Q. THE HORSES DID **MAKE** ~~KMAKE~~ SOME JERKS, DID THEY? A. THEY MADE A FEW JERKS; BRONCHOS, OFTEN DO. THEY JUMPED AS COMMON BRONCHO HORSES *[262]* GENERALLY DO . Q. WHERE WERE YOU WHEN THEY JUMPED? A. I DON'T REMEMBER EXACTLY WHERE I WAS. Q . DID YOU HAVE HOLD OF THE LINES? A. I THINK NOT,;	

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RT	RS	BT	PS
MR. FARNSWORTH HAD HOLD OF THEM. Q. DIDN'T THEY JUMP BECAUSE MR. FARNSWORTH WAS READY TO START OFF ? A. NO. Q. THEN YOU WASN'T IN THE WAGON—HOW DID YOU EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING ? A. DID I SAY I WAS IN THE WAGON. Q. WERE YOU IN THE WAGON ? A. I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY—I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY ONCE. WITNESS HESITATING. Q. HAVE YOU COME TO THE	MR. **F** HAD HOLD OF THEM {**Q**}[i] DIDN'T THEY JUMP BECAUSE MR. **F** WAS ~~NOT *ST*~~[?] READY TO START OFF **A**I DON'T KNOW **Q** THEN YOU WASN'T IN THE WAGON HOW DID YOU EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING **A** DID I SAY I WAS IN THE WAGON **Q**WERE YOU IN THE WAGON? **A** I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY, I HAVE ANSWERED YOU ONCE FAIRLY AND SQUARELY *ONCE/SINCE*[?]. *[[14]]* **Q** HAVE YOU COME {TO THE}[i]	MR. FARNSWORTH HAD HOLD OF THEM. Q. DIDN'T THEY **JUMP** ~~JMP~~ BECAUSE MR. FARNSWORTH WAS READY TO START? A. ~~I DONT KNOW. KNOW~~ **A NO, THEY JUMPED AS THEY STARTED.** Q/ THEN YOU WA~~N~~SN'T IN THE WAGON? HOW DID Y**O**U EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING? A. DID I SAY I W~~I~~AS IN THE WAGON~~.~~? Q. WERE YOU IN THE WAGON? A. I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND ~~Q~~SQUARELY. I HAVE ANSWERED YOU FARELY AND SQUARELY ONCE. Q. HAVE YOU COME TO A	

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CONCLUSION YET— WHEN THAT WAGON STARTED *[414]* BEFORE THE HARNESS BROKE WERE YOU IN IT OR OUT OF IT ? A. AS I TOLD YOU BEFORE I WAS SITTING IN THE HIND END OF THE WAGON. Q. HOW FAR DID IT GO BEFORE THE HARNESS BROKE ? A. NOT FAR. Q. THEN WHEN THE HARNESS BROKE YOU GOT UP AND OUT OF THE WAGON — YOU SAW THIS MAN STRIKE THE OX WITH A KNIFE ? A. IT WAS NOT ANY SUCH A THING. WHEN I SAW THE MAN STRIKE THE OX I WAS AT THE HIND END OF THE WAGON, AS NEAR AS I CAN REMEMBER I WAS. I REMEMBER IT	CONCLUSION YET ≤WHETHER YOU WAS≥ IN THE ≤WAGON OR≥ OUT OF IT ~~A~~Q WHEN THAT WAGON STARTED, ≤AND≥ BEFORE ≤THE≥ HARNESS BROKE WERE YOU IN IT OR OUT OF IT ? [*space*] AS ~~A~~I TOLD YOU BEFORE I WAS SITTING IN HIND END OF WAGON ~~Q~~HOW FAR DID IT GO BEFORE THE HARNESS BROKE ~~A~~NOT FAR ~~Q~~THEN WHEN ≤THE≥ HARNESS BROKE YOU GOT UP AND OUT OF WAGON, AND YOU SAW THIS MAN STRIKE ≤THE≥ OX WITH ≤THE≥ KNIFE ~~A~~IT WAS NOT ANY SUCH THING, WHEN I SAW {THE}[i] MAN STRIKE ≤THE≥ OX I WAS AT THE HIND END OF THE WAGON AS NEAR AS I CAN REMEMBER, I *SAY/SO*[?] REMEMBER IT	CONCLUSION YET, WHETHER YOU WERE IN THE WAGON OR OUT OF IT~~?~~ ? ~~A.~~ WHEN THAT WAGON WAS STARTING? BEFORE THE H~~O~~ARNESS BROKE WERE YOU IN IT OR OUT OF IT? A. AS I TOLD YOU BEFO~~R~~E I WAS SITTTING IN THE HIND END OF THE WAGON . Q. HOW FAR DID IT GO BEFORE THE HARNESS BROKE~~.~~? A. NOT FAR. Q. THEN WHEN THE HARNESS BROKE YOU GOT UP AND OUT OF THE WAGON, AND SAW TH**I**S MAN STRIKE THE OX WITH THE KNIFE? A. IT WASNI'T ANY SUCH THING. WHEN I SAW THE MAN STRIKE THE OX I WAS AT THE HIND END OF THE WAGON , AS NEAR AS I CAN REMEMBER. I SAY I REMEMBER, IT	

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RT	RS	BT	PS
WAS THAT TIME OF THE YEAR. Q. YOU WERE LYING IN THE OPPOSITE DIRECTION — THEN YOUR BACK MUST HAVE BEEN TO THEM ? A. IT WAS NOT. Q. DON'T YOU REMEMBER BEFORE DINNER YOU SAID YOU SAW HIM AND YOU WAS OUT OF THE WAGON ? A. WHEN I SAW HIM DO IT. Q. YOU SAID YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT ? A. I DON'T RECOLLECT IT. Q. I WILL ASK THE REPORTER FOR HIS NOTES TO REFRESH YOUR MEMORY ? A. IF I SAID SUCH A THING YOU BOTHERED ME SO I COULD NOT TELL, AND ANSWERED HASTILY — I HAVE TOLD NOTHING BUT	WAS THAT TIME I SAW HIM $_{Q}$ YOU WERE LYING IN OPPOSITE DIRECTION, THEN YOUR BACK MUST HAVE BEEN TO THEM $_{A}$IT WAS NOT DON'T YOU REMEMBER BEFORE DINNER YOU SAID YOU SAW HIM YOU WAS OUT OF WAGON WHEN YOU SAW HIM DO IT; YOU STATED YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT ? $_{A}$I DON'T RECOLLECT IT $\{_{Q}\}^{i}$I WILL ASK $\{$THE$\}^{i}$ REPORTER TO HIS NOTES TO REFRESH $\{$YOUR MEMORY$\}^{i}$ $_{A}$IF I SAID SUCH A THING YOU BOTHERED ME SO I COULD NOT TELL, ~~CORRECTLY~~ AND ANSWERED HASTILY, I HAVE TOLD YOU NOTHING BUT	WAS THAT TIME I SAW HIM. Q. YOU WERE LIKE IN AN OPOSITE DIRECTION**,** THEN YOUR BACK MUST HAVE BEEN TO THEM? A. ~~A~~IT WAS NOT. Q. DON'T YOU REMEMBER BEFORE DINNER YOU STATED YOU W~~AS~~**ERE** OUT OF **THE** ~~THE~~ WAGON WHEN YOU SAW HIM DO IT; YOU STATED YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT? AA. I DON'T RECOLLECT IT. Q. I WILL ASK THE REPORTER TO READ HIS NOTES TO REFRESH YOUR MEMORY. A. IF I SAID SUCH A THING YOU BOTHERED ME SO, I COULD NOT TELL, AND ANSWERED HASTILY, I HAVE TOLD NOTHING BUT	

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RT	RS	BT	PS
THE TRUTH AS TO THE WAGON. Q. DID YOU STATE THE TRUTH WHEN YOU SAY YOU WERE IN THAT WAGON ? A. I TOLD THE TRUTH, THE WAGON STARTED. Q. HOW LONG DID IT TAKE YOU TO FIX THE HARNESS ? A. I COULD NOT SAY. *[415]* Q. WHAT DID YOU FIX IT WITH ? A. MY HANDS, AS ANY MAN WOULD. Q. WHAT WAS BROKE ABOUT THE HARNESS ? A. I COULD NOT SAY EXACTLY, SOMETHING CAME UNBUCKLED. Q. DO YOU REMEMBER THE SOMETHING THAT CAME UNBUCKLED ? A. I REMEMBER WE STOPPED TO FIX SOMETHING ABOUT THE AME STRAP — IT WAS THE BREAST STRAP, OR THE	THE TRUTH AS TO THE WAGON $_{Q}$DID YOU STATE THE TRUTH WHEN YOU SAY YOU WERE IN THAT WAGON $_{A}$I STATED THE TRUTH THE WAGON STARTED $_{Q}$ HOW LONG DID IT TAKE YOU {TO}[i] FIX THE HARNESS $_{A}$I COULD NOT SAY $_{Q}$WHAT DID YOU FIX IT WITH $_{A}$MY HANDS AS A MAN WOULD. $_{Q}$WHAT WAS BROKE ABOUT THE HARNESS $_{A}$I COULD NOT SAY EXACTLY $_{A}$≤SOMETHING CAME UNBUCKLED≥ $_{Q}$ DO YOU REMEMBER THE SOMETHING WHAT CAME UNBUCKLED $_{A}$ I REMEMBER WE STOPPED TO ≤FIX≥ SOMETHING ABOUT THE HAME STRAP ON. $_{Q}$WHICH WAS IT THE BREAST STRAP OR {THE}[i]	THE TRUTH AS TO THE WAGON. *[263]* Q. DID YOU STATE THE TRUTH WHEN YOU SAID YOU WERE IN THAT WAGON? A. I STATED TRUE, THE WAGON WAS STARTED. Q HOW LONG DID IT TAKE YOU TO FIX THE HARNESS? A. I COULDN'T **SAY** ~~SAY~~ Q. WHAT DID YOU FIX IT WITH? A. MY HANDS , A~~N~~S ANY MAN WOULD. I COULDN'T SAY EXACTLY, SOMETHING CAME UNBUCKLED. Q. DO YOU REMEMBER THE SOMETHING THAT CAME UNBUCKLED? A. I REMEMBER WE STOPPED TO FIX SOMETHING ABOUT THE HAMES STRAP; IT WAS THE BREAST STRAP OR THE	

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RT	RS	BT	PS
AME. Q. DID YOU DO ANYTHING MORE THAN TO BUCKLE UP A BUCKLE ? A. WENT RIGHT TO WORK, BUCKLED UP A BUCKLE, WHATEVER IT WAS, TIED IT UP WITH A STRAP OR STRING. Q. WHAT DID YOU TIE IT UP WITH ? A. I COULD NOT SAY EXACTLY WHAT IT WAS. WE HAD A BUCKSKIN STRING I PULLED OUT OF MY POCKET. Q. WHAT DID YOU TIE ? A. I TIED THE FRONT HARNESS AS NEAR AS I CAN RECOLLECT, IT WAS A KIND OF A RING THAT JERKED LOOSE—KIND OF HOLDS THE AMES UP — HELD THE NECKYOKE UP. Q. YOU JUST NOW STATED IT WAS A BUCKLE YOU WAS TIEING AND THE TONGUE BROKE,	HAME STRAP QDID YOU DO ANYTHING MORE THAN BUCKLE UP A BUCKLE A WENT RIGHT WORK BUCKLED UP BUCKLE, WHATEVER IT WAS, TIED IT UP <WITH **A** STRAP OR STRING> WHAT QDID YOU TIE UP WITH AI COULD NOT SAY EXACTLY WHAT IT WAS, WE HAD BUCKSKIN, **A** STRING OUT OF MY POCKET Q WHAT DID YOU TIE AI TIED FRONT HARNESS AS NEAR AS I CAN RECOLLECT, IT WAS A RING THAT KIND OF JERKED LOOSE, KIND A HELD THE HAMES UP, HELD NECK YOKE UP {Q}i YOU JUST NOW STATED IT WAS A BUCKLE YOU WAS TYING AND THE TONGUE BROKE	HA~~K~~MES STRAP. Q. DID YOU DO ANYTHING MORE THAN BUCKLE UP A BUCKLE? A. I WENT RIGHT TO WORK AND BUCKLED UP THE BUCKLE, WHATEVER IT WAS, TIED IT UP WITH A STRAP OR STRING. Q. WHAT DID YOU TIE IT UP WITH? ~~A~~. I COULDN'T SAY EXACTLY, WHAT IS WAS; WE HAD A BUCKSKIN; I GOT A STRING OUT OF MY POCKET. Q. WHAT DID YOU TIE~~S~~? ~~A~~. I TIED THE ~~FREON~~ HARNESS, AS NEAR AS I CAN RECOLLECT; IT WAS A RING THAT ~~KIND~~ OF JERKED LOOSE; KIND OF HELD THE HAMES UP, HELD THE NECKYOKE UP. Q. YOU JUST NOW SAID IT WAS A BUCKLE YOU WERE TIEING ~~IT~~ UP. DID THE TONGUE BREAK	

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RT	RS	BT	PS
BUT IT SEEMS IT WAS A BUCKLE IN PLACE OF THE RING YOU TIED UP A. THE STRAP THAT WENT INTO THE RING. Q. YOU TIED UP A RING AND A BUCKLE THAT WENT INTO THE RING ? A. YOU KNOW JUST AS WELL AS I DO — YOU KNOW VERY WELL EVERY BREAST STRAP HAS A RING TO TIE THE BUCKLE ON THE STRAP. Q. I WANT TO KNOW WHETHER IT WAS A BUCKLE OR A RING YOU TIED AND HOW LONG YOU WERE IN TIEING THE RING ? [416] A. I DIDN'T COUNT THE MINUTES. Q. ABOUT HOW LONG ? A. I DON'T KNOW. Q. ABOUT HOW LONG ? A. I CANNOT STATE WHETHER IT WAS A	TOO, ≤AND NOW YOU SAY≥ IT WAS A BUCKLE IN PLACE OF A RING YOU TIED UP A THE STRAP THAT WENT INTO THE RING {Q}[i]YOU TIED UP ≤A≥ RING AND ≤A≥ BUCKLE THAT WENT INTO THE RING A YOU KNOW JUST AS WELL AS I DO, YOU KNOW VERY WELL EVERY BREAST STRAP HAS **A** RING TO TIE A BUCKLE ON STRAP QI WANT TO KNOW WHETHER IT WAS BUCKLE OR RING YOU TIED; HOW LONG YOU WERE IN TYING THE RING [15] A ≤I DIDN'T≥ COUNT THE MINUTES QABOUT HOW LONG AI DON'T KNOW QABOUT HOW LONG YOU CAN'T {STATE}[i] WHETHER IT WAS A	TOO? NOW YOU SAY IT WAS A **RING**~~BUCKL~~E IN PLACE OF **A BUCKLE,** A RING YOU TIED UP? A. A ST~~A~~RAP THAT WENT INTO THE RING. Q. YOU TIED UP A **STRAP** ~~RING~~ AND A BUCKLE THAT WENT INTO **A**~~THE~~ RING? A. YOU KNOW JUST AS WELL AS I DO; YOU KNOW VERY WELL EVERY BREAST STRAP HAS A RING TO TIE OR BUC~~L~~KLE ON A STRAP. Q. I WANT TO KNOW WHETHER IT WAS A BUC~~L~~KLE OR A RING YOU TIED AND HOW LONG ~~W~~YOU WERE IN TIEING THE RING? A. I DIDN'T COUNT THE MINUTES? Q. WELL ABOUT HOW LONG ? A. I DON'T KNOW . Q. ABOUT HOW LONG? CAN'T YOU STATE WHETHER IT WAS ABOUT A	

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RT	RS	BT	PS
MINUTE OR A HALF A MINUTE, I JUST TOLD YOU ———— Q. I INSIST THAT THE JUDGE MAKE YOU ANSWER ? A. I COULD NOT GIVE IT EXACTLY. COURT: GIVE IT TO THE BEST OF YOUR RECOLLECTION ? A. I COULD NOT SAY~~.~~ IT WAS OVER HALF AN HOUR NO HOW. Q. HOW MUCH MORE ? A. I 'AINT GOING TO TELL YOU. Q. DON'T YOU KNOW IT WAS BUT A VERY FEW MINUTES—YOU KNOW IT WAS NOT HALF AN HOUR ? A. IT WASN'T OVER THAT I SAY. Q. YOU KNOW YOU DIDN'T STAY THERE TIEING THAT BUCKLE HALF AN HOUR ? A. IF I WAS TWO MINUTES IT WAS NOT HALF AN HOUR. Q. I WANT YOU TO STATE, AS NEAR	MINUTE OR A HALF A MINUTE $_{A}$I SHAN'T TELL YOU BASKIN I INSIST ON THE JUDGE MAKING YOU ANSWER $_{A}$I COULD NOT GIVE IT EXACTLY. BY COURT GIVE IT TO THE BEST OF YOUR RECOLLECTION $_{A}$I SHOULD NOT SAY IT WAS OVER HALF AN HOUR NO HOW. $_{Q}$HOW ~~<~~MUCH~~>~~ MORE $_{A}$ I AIN'T GOING TO TELL YOU $_{Q}$ DON'T YOU KNOW IT WAS BUT VERY FEW MOMENTS = YOU KNOW IT WAS NOT HALF AN HOUR $_{A}$IT WASN'T OVER THAT I SAY. $_{Q}$YOU KNOW YOU DIDN'T STAY ~~<~~THERE~~>~~ TYING THAT BUCKLE ~~FOR~~ ~~<~~**FOR**~~>~~ HALF AN HOUR $_{A}$IF I WAS 2 MINUTES IT WAS NOT HALF HOUR $_{Q}$I WANT YOU STATE AS NEAR	MINU~~T~~E OR A HALF A MINUTE? A. I SHAN'T TELL YOU. BASKIN: I INSIST ON THE COURT MAKING Y**O**U ANSWER? A. I COLD NOT GIVE IT EXACTLY. THE COURT: GIVE IT TO THE BEST OF YOUR RECOLLECTION. *[264]* A. I SHOULD SAY IT WAS~~N'T~~ **NOT** OVER A HALF AN HOUR NO H**O**W. Q: HOW MUCH MORE? A. I AIN'T GO**I**NG TO TELL YOU. Q. DON'T YOU KNOW, IT WAS BUT A VERY FEW MINUTES; YOU KNOW IT WASN'T HALF AN H**O**UR? A. IT WA**S**N'T OVER TH~~E~~AT, I SA~~W~~**Y**. Q. YOU KNOW YOU DIDN'T STAY THERE TIEING THAT BUCKLE A HALF AN HOUR? A . IF I WAS TWO MINUTES IT WASN'T HALF AN HOUR. Q. I WANT YOU TO STATE AS NEAR	

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RT	RS	BT	PS
AS YOU CAN REMEMBER—I DON'T EXPECT YOU CAN GIVE THE EXACT TIME, BUT AS NEAR AS YOU WAS, TIEING THAT BUCKLE A. I DON'T KNOW THE EXACT TIME — I DON'T' KNOW NOTHING ABOUT IT. ~~Q. HOW~~ Q. DIDN'T YOU TIE IT UP JUST AS SOON AS YOU COULD DO IT—HOW MANY KNOTS DID YOU TIE IN IT—TELL ME THAT QUESTION YOURSELF ? A. I SUPPOSE I COULD DO IT IN HALF A MINUTE; I MIGHT NOT BE AS QUICK AS YOU. Q. ~~DID~~ DO YOU THINK IT TOOK YOU HALF A MINUTE ? *[417]* A. I TOLD YOU I WAS. LESS THAN HALF AN HOUR. Q. HOW WIDE WAS THE BLADE OF THAT KNIFE ? A. I	AS YOU CAN REMEMBER, I DON'T EXPECT YOU CAN GIVE {THE}[i] EXACT TIME AS NEAR AS YOU WAS TYING THAT BUCKLE $_{A}$I DON'T KNOW THE EXACT TIME, I DON'T' KNOW NOTHING ABOUT IT $_{Q}$DIDN'T YOU TIE IT UP JUST AS SOON AS YOU COULD TIE IT. $_{Q}$HOW MANY KNOTS DID YOU TIE IN IT $_{A}$TELL ME THAT QUESTION YOURSELF I SUPPOSE I COULD DO IT IN HALF MINUTE, I MIGHT NOT BE AS QUICK AS YOU $_{Q}$DO YOU THINK IT TOOK ME ≤YOU≥ HALF MINUTE $_{A}$I TOLD YOU I WAS LESS THAN HALF HOUR. [*space*] $_{Q}$HOW WIDE WAS THE BLADE OF THAT KNIFE $_{A}$I	AS YOU CAN REMEMBER; I DON'T EXPECT YOU CAN GIVE THE EXACT TIME, BUT AS NEAR AS YOU CAN**,** WHAT TIME YOU WERE TIEING THA**T** BUCKLE? A. I ~~KNOW'T~~ **DONT** KNOW THE EXA~~V~~CT TIME. I DON'T KNOW ANYTHING ABOUT IT. Q. DI~~N~~DN'T YOU TIE IT UP JUST AS SOON AS YOU COULD TIE IT? HOW MANY KNOTS ~~C~~DID YOU TIE IN IT? A. TELL ME THAT QUESTION YOURSELF? I SUPPOSE I C ULD DO IT IN HALF A MINUTE. I ~~MUGFHT~~ **MIGHT** BE AS QUICK AS YOU. Q. DO YOU THINK IT TOOK YOU A HALF A MINUTE? A. I TELL YOU I WAS LESS THAN A HALF AN HOUR . Q. HOW WIDE WAS THE B~~A~~LADE OF THAT KNIFE? A . I	

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RT	RS	BT	PS
COULD NOT TELL, I DIDN'T MEASURE IT. Q. WELL, ABOUT HOW LONG ? A. IT OCCURS TO ME IT WAS A COMMON LOOKING DAGGER. Q. ABOUT HOW WIDE WAS THE BLADE ? A. IF I WAS IN ONE OF THESE STORES HERE I COULD SHOW YOU SOMETHING SIMILAR TO IT; — A COMMON LOOKING DAGGER — SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN. Q. WAS IT ABOUT AS WIDE AS THAT PIECE OF PAPER — HALF AN INCH WIDE ? A. I PRESUME IT WAS; — I COULD NOT TELL. Q. YOU CAN TELL WHETHER IT WAS A VERY WIDE KNIFE OR A VERY NARROW KNIFE ? A. THE	COULD NOT TELL I DIDN'T MEASURE IT Q WELL ABOUT HOW LONG A IT IS CURIOUS THING TO ME, WAS COMMON LOOKING DAGGER Q ABOUT HOW WIDE WAS THE BLADE AIF I WAS IN ONE OF THESE STORES HERE I COULD SHOW YOU SOMETHING SIMILAR TO IT; COMMON LOOKING DAGGER SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN Q WAS IT ABOUT AS WIDE AS THAT PIECE OF PAPER, ≤SAY ½≥ AN INCH WIDE AI PRESUME IT WAS, I COULD NOT TELL Q YOU CAN TELL WHETHER IT WAS VERY WIDE KNIFE OR {A}[i] VERY NARROW KNIFE A	COULD NOT TELL~~.~~**;** I DID NOT MEASURE IT. Q. WELL, ABOUT HOW LONG? A. IT IS A CURIOUS THING TO ME—— IT WAS A COMMON LOOKING DAGGER. Q. ABOUT HOW WI~~F~~DE WAS THE BLADE? A. IF I WAS IN ON**N**E OF THESE STORES HERE, I COULD SHOW YOU SOMETHING SIMILAR TO IT; COMMON~~Y~~ LOOKING ~~A~~DAGGER, SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN. Q. WAS **I**T ABOUT AS WIDE AS THAT PIE~~V~~CE OF PAPER; SAY ABOUT HALF AN INCH WIDE? A. I PRESUME IT WAS**,** I COULD NOT TELL~~?~~. Q. YOU CAN TELL WHETHER IT WAS A VERY WIDE KNIFE OR A VERY NARRO~~W~~**W** KNIFE? A.	

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RT	RS	BT	PS
DAGGER LOOKED TO ME, THE SHAPE OF IT, AS THOUGH IT HAD TWO EDGES. Q. DID YOU SEE IT ENTER OR PENETRATE THE DEAD OX ? A. I SAW HIM STRIKE IT RIGHT CLEAR IN — THAT IS WHAT I SAID. Q. YOU ARE CERTAIN OF THAT ? A. YES S.IR. Q. THEN WHAT DID HE DO ? A. HE TOOK AND POURED SOMETHING IN FROM A VIAL OUT OF HIS POCKET. Q. COULD YOU TELL WHAT WAS IN THE VIAL ? A. I COULD NOT TELL, ONLY IT LOOKED LIKE A PIECE OF WINDOW GLASS — JUST ABOUT THE COLOR OF THAT WINDOW GLASS. Q. AFTER THE HORSES MADE THAT JUMP YOU SPOKE OF HOW LONG WAS IT BEFORE *[418]* YOU STARTED ON	DAGGER LOOKED TO ME = SHAPE OF IT AS THOUGH IT HAD TWO EDGES Q DID YOU SEE IT ENTER PENETRATE DEAD OX A I SAW HIM STRIKE IT RIGHT CLEAR IN, THAT IS WHAT ≤I SAID≥ Q YOU ARE CERTAIN OF THAT A YES SIR Q THEN WHAT DID HE DO A HE TOOK AND POURED SOMETHING IN FROM A VIAL OUT OF HIS POCKET Q COULD YOU TELL WHAT WAS IN THE VIAL A I COULD NOT TELL, ≤ONLY≥ IT LIKE PIECE OF WINDOW GLASS, JUST ABOUT COLOR OF THAT WINDOW GLASS. Q AFTER THE HORSES MADE THE JUMP YOU SPOKE OF, Q HOW LONG WAS {IT}[i] BEFORE YOU STARTED ON	DAGGER LOO~~L~~KED TO ME —SHAPE OF IT — AS IF IT HAD TWO EDGES. Q. DID YOU SEE IT ENTER OR PENE~~R~~TRATE THE OX? A. I SAW HIM STRIKE IT RIGHT ~~W~~CLEAR IN; THAT IS WHAT I SEEN. *[265]* Q. YOU ARE CERTAIN OF THAT? A.YES, SIR. Q. THEN WHAT DIDHE DO? A . HE TOOK AND POURED SOMETHING IN FROM A ~~F~~VIAL OUT OF HIS POCKET. Q. COULD YOU TELL WHAT WAS IN **THE** ~~TH&E~~ VIAL? A. I COULD NOT TELL~~.~~, ONLY IT LOOKED LIKE A PIECE OF WINDOW GLASS; JUST ABOUT THE COLOR OF THAT WINDOW GLASS. Q. NOW AFTER THE HORSES MADE THE JUMP YOU SPOKE OF, HOW LONG ~~A~~WAS **IT** BEFORE YOU STARTED ON	

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RT	RS	BT	PS
YOUR JOURNEY ? A. I DON'T KNOW, I HAD NOTHING TO MEASURE IT WITH. COURT: I DON'T UNDERSTAND HIM JUDGE. Q. HOW LONG WAS IT AFTER THE HORSES JUMPED THAT HE STARTED FORWARD AS YOU HAVE STATED— BEFORE YOU GOT INTO THE WAGON AGAIN AND STARTED ON YOUR JOURNEY ? A. I COULD NOT TELL YOU. Q. NOW ABOUT HOW LONG— WITHIN HALF AN HOUR ? A. UNDER THAT. Q. DON'T YOU KNOW IT WAS A VERY FEW MINUTES ? A. I SAY IT WAS SEVERAL MINUTES. Q. HOW MANY ? A. I	YOUR JOURNEY **A**I DON'T KNOW, I HAD NO{THING}[i] TO MEASURE TIME WITH. {BY COURT}[i] WELL STATE AS NEAR AS YOU CAN. **A**I DON'T UNDERSTAND HIM JUDGE **Q**HOW LONG WAS IT AFTER HORSES JUMPED AND STARTED FORWARD AS YOU HAVE STATED, BEFORE YOU GOT IN THE WAGON {AND}[i] AGAIN STARTED ON YOUR JOURNEY ? *[16]* **A**I COULD NOT TELL YOU [*space*] **Q**NOW ABOUT HOW LONG WITHIN A HALF AN HOUR **A**UNDER THAT **Q**DON'T YOU KNOW IT WAS VERY FEW MINUTES **A**I SAW IT WAS SEVERAL MINUTES. **Q** HOW MANY **A**I	YOUR JOURNEY? A. I ~~C~~DON 'T ~~YOU~~ **KNOW** ~~KONE~~; I HAD NOTHIN~~T~~**G** TO MEASURE THE **TIME** ~~T IME~~WITH? THE COURT. WELL, ST~~Q~~**A**TE AS NEAR AS YOU CAN? A. I DON'T UNDERSTA~~ND~~**ND** HIM, JUDGE. **BASKIN:** Q. HOW LONG WAS IT AFTER THE HORSES JUMPED OR STARTED FORWARD AS YOU HAVE STATE~~E~~D BEFORE YOU GOT IN THE WAGON AGAIN, AND STARTED ON YOUR JOURNEY? A. I COULD NOT TELL YOU. Q. IN ABOUT HOW LONG, IN ABOUT A HALF AN HOUR? A. N**O**T THAT. Q . DON'T YOU KNOW IT WAS A VERY FEW MINUTES? A. I SAW IT WAS SEVERAL MINUTES. Q ABOUT HOW LONG? A. I	

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COULD NOT TELL YOU ~~?~~I HAVE NO JUDG~~E~~MENT IN REGARD TO THAT MATTER, HOW MANY MINUTES IT WAS. Q. YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OR CROSS ON THAT DAGGER A. YES, I AM CERTAIN I SAW A KNIFE OR DAGGER WITH A GUARD ON IT~~.~~**,** JUST AS I STATED, AS ONE I SAW IN THE ~~SO~~ STORE. Q. AFTER THE PARTY~~N~~ HAD DRIVEN THE KNIFE INTO THE BEEF HOW LONG DID HE REMAIN THERE — WHAT DID HE DO THEN ? A. HE STEPPED OFF A FEW PACES AND THE INDIANS CAME UP. Q. HOW MANY PACES DID HE STEP OFF ? A. I DON'T KNOW, MAY BE AS FAR AS THE DOOR; I DON'T PRETEND TO SAY THE DISTANCE, HE WALKED A	COULD NOT TELL YOU, I HAVE NO JUDGMENT IN REGARD TO THAT MATTER HOW MANY MINUTES IT WAS $_{Q}$YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OF ~~<~~CROSS ON THAT DAGGER~~>~~ $_{A}$YES I AM CERTAIN I SAW KNIFE OR DAGGER WITH GUARD ON IT JUST ~~<~~**AS** I~~>~~ STATED AS ONE AS I SAW IN THE STORE $_{Q}$ AFTER THE PARTY HAD DRIVEN THE KNIFE INTO THE BEEF HOW LONG DID HE REMAIN THERE, AND WHAT DID HE DO ~~<~~THEN~~>~~ $_{A}$HE STEPPED OFF FEW PACES AND THE INDIANS CAME UP $_{Q}$HOW MANY PACES DID HE STEP OFF $_{A}$ I DON'T KNOW = MAY BE THAT FAR AS THE DOOR, I DON'T PRETEND TO SAY ~~<~~THE~~>~~ DISTANCE = HE WALKED	COULD NOT TELL YOU; I HAVE NO~~T~~ JUDGEMENT IN REGARD TO THAT MATTER, HOW MANY MINUTES IT ~~E~~WAS. Q. YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OF CROSS ON THE DAGGER? A . YES, I AM CERTAIN I SAW THE KNIFE**,** THE DAGGER WITH THE GUARD ON IT, JUST AS I STATED, AS ONE I SAW IN THE STORE. Q. ~~I~~**AFTER** THE PARTY HAD DRIVEN THE KNIFE INTO THE BEEF, HOW LONG DID HE REMAIN THERE, AND WHAT DID ~~TH~~ HE ~~R~~DO THEN? A. HE STEPPED OFF A FEW PACES AND THE **I**NDIANS CAME UP. Q. HOW MANY PACES DID HE STEP OFF ? A. I DON'T KN**O**W; MIGHT BE THAT FAR — AS THE DOOR. DON'T PRETEND TO SAY THE DI~~A~~STANCE. HE WALKED A	

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RT	RS	BT	PS
FEW PACES, BUT HOW FAR I DON'T KNOW. Q. DON'T YOU REMEMBER BEFORE DINNER YOU STATED AFTER HE POISONED THE BEEF IN ABOUT FIFTEEN MINUTES THE INDIANS CAME ? A. ABOUT FIFTEEN MINUTES. *[419]* Q. DIDN'T YOU SAY IT WAS BUT A MINUTE OR A FEW MINUTES ? A. NO, I GUESS I DIDN'T SAY THAT. COUNSEL REQUESTED THE NOTES TO BE READ AS TO WHAT HE DID SAY, WHICH WERE READ BY ROGERSON. Q. THAT WAS UNDER HALF AN HOUR WAS IT NOT. AFTER HE STUCK THE KNIFE INTO THE OX HE HAD ONLY TO WALK A SHORT DISTANCE AFTER THE INDIANS CAME UP, WAS IT SO HE HAD ONLY	FEW PACES; HOW FAR I DON'T KNOW. Q DON'T YOU REMEMBER BEFORE DINNER, YOU STATED AFTER HE POISONED ≤THE≥ BEEF IN ABOUT 15 MINUTES THE INDIANS CAME AABOUT 15 MINUTES, NO = NO I GUESS I DID NOT SAY THAT ≤III≥ MINUTES READ BY ROGERSON ≤III≥. QTHAT IS UNDER HALF AN HOUR WAS IT NOT. {Q}iAFTER HE STUCK KNIFE INTO THE OX HE ONLY TO WALK SHORT DISTANCE AFTER INDIANS CAME UP; WAS IT SO HE HAD ONLY	~~V~~FEW PACES, HOW FAR I DON'T KNOW. Q: DON'T YOU REMEMBER BEFORE DINNER YOU STATED AFTER HE POISONED ~~HEX~~ THE BEEF IN ABOUT I5 MINUTE~~DS~~ THE **I**NDIANS ~~M~~CAME. *[266]* A. ABOUT I5 MINUTES — NO, I GUESS I DIDN'T SAY THAT. (BASKIN: I WILL CALL FOR THE REPORTERS NOTES. (NOTES READ BY REPORTER) Q. THAT IS UNDER A HALF AN HOUR, WAS IT NOT-? AFTER HE STUCK THE KNIFE INTO THE OX, HE DID ONLY WALK A SHORT DI~~A~~STANCE, AFTER THE **I**NDIANS CAME UP. WAS IT SO THAT HE ONLY	

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RT	RS	BT	PS
TO WALK UP A FEW STEPS WHEN THE INDIANS CAME UP ? A. THE INDIANS WAS COMING. Q. THEN YOU WAS MISTAKEN ABOUT HAVING BEEN FIFTEEN MINUTES ? A. I EXPECT I WAS MISTAKEN. IT WAS A SHORT TIME; WITHIN THE LIMITS OF HALF AN HOUR, WE HAD TO STOP AND FIX THE HARNESS; WHILE WE WAS FIXING IT AND WE WAS THERE HE CAME ALONG. Q. HOW LONG WERE YOU IN FIXING THE HARNESS ? A. UNDER HALF AN HOUR, BUT I PUT THAT ~~EIHAD~~ AHEAD TO THE BEST OF MY JUDGMENT. Q. THEN THE INDIANS CAME UP AND HE DIDN'T WALK BUT A SHORT DISTANCE	TO WALK UP FEW STEPS WHEN THE INDIANS CAME UP $_{A}$THE INDIANS WAS A COMING $_{Q}$ THEN YOU WAS MISTAKEN ABOUT ~~COME~~ HAVING BEEN 15 MINUTES $_{A}$I EXPECT I WAS MISTAKEN; IT WAS ≤**A**≥ SHORT TIME, WITHIN LIMITS OF HALF AN HOUR; WE HAD TO STOP TO FIX THE HARNESS WHILE WE WAS FIXING IT AND WE WAS THERE, HE CAME ALONG $_{Q}$HOW LONG WERE YOU IN FIXING HARNESS $_{A}$ UNDER HALF AN HOUR I PUT THAT AHEAD TO THE BEST OF MY JUDGMENT. [*space*] $_{Q}$ THEN THE INDIANS CAME UP {$_{Q}$}^{i}THEN HE DIDN'T WALK BUT {**A**}^{i} SHORT DISTANCE	HAD TO WALK BACK A FEW STAPS WHEN THE **I**NDIANS CAME UP? A. THE INDIANS WAS ACOMING. Q. THEN YOU WERE MISTA~~N~~KEN ABOUT **IT** HAVING BEEN I5 MINUTES? A. I EXPECT I WAS MISTAKEN; IT ~~WA~~WAS A SHORT TIME. WITHIN THEX ~~LIM9~~ LIMITS OF HALF AN HOUR. WE HAD TO STOP TO FIX THE HARNESS AND WHIL**E** WE WAS FIXING IT AND WE WAS THERE HE CAME ALONG. Q. HOW LONG W~~R~~E~~E~~RE YOU IN FIXINIG~~N~~ THE HARNESS? A. UNDER A HALF AN HOUR. I PUT THAT A HEAD TO THE BEST OF MY JUDGMENT. Q. THEN THE **I**NDIANS CAME UP— THEN HE DIDN'T WALK BUT A SHORT DISTANCE	

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RT	RS	BT	PS
FROM THE OX ‘TILL THE INDIANS CAME UP ? A. WE WAS THEN ON THE WAY, GOING OFF, WHEN HE CAME, AND HOW FAR WE HAD GOT I COULD NOT TELL YOU, AS TO ANY PARTICULAR DISTANCE. I SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL . Q. YOU WERE OUT ON THE GROUND FIXING THE WAGON AT THE TIME HE STUCK THE KNIFE INTO THE OX ? A. I DIDN’T SAY THAT. Q. WHY, YES YOU DID ? A. NO, I DIDN’T. *[420]* Q. WELL, HOW WAS IT ? A. EITHER YOU OR I HAVE LIED, ONE OR TOTHER. Q. WHEN THE REPORTER TURNED TO HIS NOTES WHERE YOU SAID YOU WAS ON THE	≤FROM THE OX≥ UNTIL INDIANS CAME UP ₐWE WAS THEN ON {THE}[i] WAY GOING OFF, WHEN THEY CAME; ₒHOW FAR WE HAD GOT I COULD NOT TELL YOU ANY PARTICULAR DISTANCE ₐI SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL. ₒYOU WERE OUT ON THE GROUND FIXING ≤SOMETHING ON THE≥ WAGON AT THE TIME HE STUCK ≤THE≥ KNIFE INTO THE OX I DIDN’T SAY THAT ₒWHY YES YOU DID ₐ NO, I DIDN’T OR EITHER I OR YOU HAVE LIED ONE OR T’OTHER T’OTHER. ₒWANT THE REPORTER TURN TO HIS NOTES WHERE HE SAID HE WAS ON THE	FROM THE OX TILL THE INDIANS CAME UP? A. WE WAS THEN ON THE WAY GOING OFF WHEN THEY CAME. HOW FAR WE HAD GOT I COULD NOT TELL YOU — ANY PARTICULAR DISTANCE. I SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL . Q. YOU WERE OUT ON THE GROUND FIXING SOMETHING ABOUT THE WAGON AT THE T IME HE STUCK THE KNIFE INTO THE OX? A. I DIDN’T SAY THAT. Q. WHY, YES, YOU DID? A. NO, I DIDN’T; OR EITHER YOU OR I HAVE LIED ONE OR T’OTHER. BASKIN: I WANT THE REPORTER TO TURN ¥TO HIS NOTES WHERE HE SAID HE WAS ON THE	

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RT	RS	BT	PS
GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK THE THING INTO THIS DEAD OX DID HE READ CORRECTLY OR NOT ? A. I TOLD YOU PLAINLY ~~HE~~ **YOU** GOT ME SO**,** I WAS BOTHERED. Q. BEFORE DINNER I WANT THE REPORTERS TO REFER ~~TO~~ YOU AS TO WHAT YOU JUST NOW SAID THAT YOU WERE IN AND SITTING SIDEWAYS — WERE YOU IN THE WAGON OR JUST GETTING IN THE WAGON WHEN YOU SAW THIS ? A. I TOLD YOU I WAS THERE ALL HANDS OF US GETTING INTO THE WAGONS—ALL HANDS OF US— FOUR OF US WERE ABOUT GETTING IN. Q. HOW MANY	GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK ≤END≥ OF THIS DEAD OX COURT ≤DID HE READ CORRECT≥ A I TOLD YOU PLAINLY ≤JUDGE≥ HE GOT ME SO I WAS BOTHERED Q BEFORE DINNER I WANTED THE REPORTERS TO REFER TO ≤THOSE NOTES≥ YOU JUST NOW SAID YOU WERE IN AND SITTING SIDEWAYS. QWERE YOU IN THE WAGON OR JUST GETTING IN THE WAGON WHEN YOU SAW THIS ? *[17]* AI TOLD YOU I WAS THERE = ALL HANDS OF US GETTING INTO THE WAGON = ALL HANDS OF US = 4 OF US WERE {ABOUT}[i] GETTING IN Q HOW MANY	GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK THE THING INTO T**H**IS DEAD OX . (NOTES READ BY REPORTER) Q. DID HE READ CORRECTLY? A. I TELL YOU P~~A~~LAINLY**,** **J**UDGE**,** HE GOT ME SO I WAS BOTHERED. BASKIN: WELL, BEFORE DINNER**,** I WANT THE REPOE~~R~~TER TO REFERR AGAIN TO THOSE NOTES. YOU JUST NOW SAID YOU WERE IN **THE WAGON** AND SITTING SIDEWIS~~E~~**E.** *[267]* Q. WERE YOU IN THE WAGON OR JUST GETTING INTO THE WAGON WHEN YOU SAW THIS? A. I TOLD YOU I WAS TH ERE, ALL HANDS OF US, GETTING INTO THE WAGON—ALL HANDS OF US— FOUR OF US WERE ABOUT GETTING IN. Q. HOW MANY	

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RT	RS	BT	PS
WERE IN ? A. I DON'T KNOW. I WAS IN AND THE HORSES COMMENCED JUMPING. Q. YOU JUST NOW SAID THEY WERE ALL IN WHEN IT OCCURRED. DON'T YOU KNOW ALSO YOU SAY THAT THEY HAD MOVED SOME DISTANCE BEFORE IT OCCURRED — HOW COULD YOU THEN BE GETTING INTO THE WAGON ? A. I WAS STANDING ON THE HIND END — I EXPECT TO TELL THE JURY ON GENERAL TERMS. Q. NOW YOU WERE GETTING INTO THE WAGON WHEN YOU SAW THIS OCCURRENCE A. I WAS EITHER IN OR GETTING IN. I WAS SITTING IN THE HIND END OF THE WAGON WITH MY SIDE OF THE WAGON. Q. DON'T YOU KNOW THAT A WHILE AGO YOU	WERE IN AI DON'T KNOW. I WAS WHEN THE HORSES COMMENCED JUMPING QYOU JUST NOW SAID, THEY WERE ALL IN WHEN IT OCCURRED. AWELL [*space*] DON'T YOU KNOW ALSO YOU SAY, THEY HAD MOVED SOME DISTANCE BEFORE IT OCCURRED? HOW COULD YOU THEN BE GETTING INTO THE WAGON AI WAS STANDING ON THE HIND END, I EXPECT TO TELL THE JURY ON GENERAL TERMS QNOW WERE YOU GETTING INTO THE WAGON WHEN YOU SAW THIS OCCURRENCE A I WAS EITHER IN OR GETTING IN. I WAS SITTING IN HIND END OF THE WAGON WITH MY SIDE TO THE WAGON QDON'T YOU KNOW ≤A≥ WHILE AGO YOU	WERE IN THERE? A. I DONT KNOW. I WAS WHEN THE HORSES COMMENCED JUMPING. Q. YOU JUST NOW SAID THEY WERE ALL IN, WHE~~O~~N IT OCCURRED? A. WELL,—— Q. DON'T YOU KNOW ALSO YOU SAID THEY HAD MOVED SO**M**E DISTANCE BEFORE IT OCCURRED? HOW COULD YOU THEN BE GETTING INTO THE WAGON? A. I WAS STANDING ON THE HIND END. I EXPECT TO TELL THE TRUTH ON GENERAL TERMS. Q. NOW YOU WERE ~~H~~**G**ETTING INTO THE WAGON WHEN YOU SAW THIS OCCURRENCE A . I WAS EITHER IN OR ~~H~~GETTING IN. I WAS SITTING IN THE HIND END OF THE WAGON, WITH MY SIDE TO THE WAGON. Q. DON'T YOU KNOW ~~W~~A WHILE AGO YOU	

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RT	RS	BT	PS
SAID YOU WERE JUST GETTING IN A. I HAVE TOLD YOU THAT TWO OR THREE TIMES. Q. DON'T YOU THINK THE FIRST STATEMENT YOU MADE OF IT THAT YOU WERE JUST GETTING IN IS THE CORRECT ONE ? [421] A. I MEAN AS A GENERAL TERM; I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE WAGON. Q. THEN YOU WERE NOT GETTING IN. WAS GEORGE A. SMITH OR WAS ~~G~~HE GETTING IN ? A. I THINK GEORGE A. SMITH WAS THE FIRST THAT GOT IN. Q. THAT IS HE WAS TRYING TO GET~~N~~ INTO THE WAGON WHEN IT WAS ON THE MOVE A. NO, AS NEAR AS I CAN RECOLLECT HE WAS. Q. DID YOU SAY JUST NOW HE WAS GETTING IN OR WAS IN ? A.	SAID YOU WERE JUST GETTING IN? $_{A}$I HAVE TOLD YOU THAT 2 OR 3 TIMES $_{Q}$DON'T YOU THINK THE FIRST STATEMENT YOU MADE ABOUT IT, THAT YOU WERE JUST GETTING IN IS THE CORRECT ONE $_{A}$I MEAN AS A GENERAL TERM, I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE WAGON $_{Q}$ THEN YOU WERE NOT GETTING IN; WAS GEORGE A SMITH IN OR WAS ~~<~~HE~~>~~ GETTING IN $_{A}$I THINK GEORGE **A** SMITH WAS THE FIRST THAT GOT IN; $_{Q}$THAT IS, HE WAS TRYING TO GET INTO THE WAGON, WHEN IT WAS ON THE MOVE, $_{A}$NO AS NEAR AS I CAN RECALL HE WAS $_{Q}$DID YOU SAY JUST NOW WAS HE GETTING IN OR IN $_{A}$	SAID YOU WERE JUST ~~H~~GETTING IN. A. I HAVE TOLD YOU THAT TWO OR THREE TIMES. Q. DON'T YOU THINK THAT THE FIRST STATEMENT THAT YOU MADE ABOUT IT, THAT YOU WERE JUST GETTING IN, IS THE CORRECT ONE? A. I MEAN AS A GENERAL TERM. I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE ~~A~~WAGON. Q. THEN YOU WERE NOT GETTING IN. WAS GEORGE A. SMITH IN OR WAS HE GETTING IN? A. I THINK GEORGE A. SMITH WAS THE FIRST THAT GOT IN; THAT IS, HE WAS TRYING TO GET INTO THE WAGON WHEN IT WAS ON THE MOVE; NOW, AS NEAR AS I CAN RECOLLECT HE WAS.. Q. DIDN'T YOU SAY JUST NOW HE WAS GETTING ~~OR NOT?~~ IN OR IN? A.	

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RT	RS	BT	PS
I AM NOT CERTAIN OF THAT NOW. Q. HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON, BEFORE IT STARTED ON AGAIN ? A. I HAD NO WATCH AND I COULD NOT TELL WHAT TIME. Q. HOW LONG AFTER THE INDIANS CAME UP TO THE MAN DID HE WALK AWAY FROM THAT OX BEFORE YOU STARTED — OR WAS IT BEFORE YOU STARTED ON ? A. I TOLD YOU WE WAS ON THE MOVE, RIGHT STRAIGHT ALONG, ABOUT OUR BUSINESS. WE WERE IN PLAIN OPEN SIGHT FOR A HALF A MILE. Q. HOW LONG DID YOU GO BEFORE YOU WERE OUT OF SIGHT ? A. I SUPPOSE IT WAS ONLY THREE	I AM CERTAIN OF THAT NOW Q HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON REMAIN BEFORE IT STARTED ON AGAIN AI HAD NO WATCH AND I COULD NOT TELL WHAT TIME. Q HOW LONG AFTER ≤THE≥ INDIANS CAME UP TO THE MAN, AFTER HE WALKED AWAY FROM THAT OX BEFORE YOU STARTED, OR WAS IT BEFORE YOU STARTED ON AI TOLD YOU ≤WE≥ WAS ≤ON THE≥ MOVE MOVED RIGHT STRAIGHT ALONG ABOUT OUR BUSINESS, WE WERE IN PLAIN OPEN SIGHT FOR HALF A MILE Q HOW LONG DID YOU HAVE GO BEFORE YOU WERE OUT OF SIGHT AI SUPPOSE IT WAS ONLY THREE	I AM CERTAIN OF THAT NOW . Q. HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON **R**EMAIN BEFORE IT STARTED ON AGAIN? A. I HAD NO WATCH, AND I COULD NOT TELL ~~WHAT~~ WHAT TIME. Q. HOW LONG AFTER THE **I**NDIANS CAME UP TO THE MAN AFTER HE *[268]* WALKED AWAY FROM THAT OX~~X~~, BEFORE YOU STARTED; OR WAS IT BEFORE YOU STARTED ON? A. I TOLD YOU ~~H~~**W**E W~~AS~~**ERE** ON THE MOVE; MOVED RIGHT STRAIGHT ALONG ABOUT OUR BUSINESS. WE WERE IN PLAIN OPEN SIGHT FOR A HALF A MI~~K~~LE. Q. HOW LONG DIDYOU HAVE TO G**O** BEFORE YOU WERE OU T OF SIGHT ~~?~~ **OF THEM?** A. I SUPPOSE IT WAS **NEARLY** THREE	

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RT	RS	BT	PS
MILES, AS NEAR AS I CAN JUDGE, BETWEEN THREE OR FOUR MILES,	MILES AS NEAR AS I CAN JUDGE, BETWEEN 3 AND 4 MILES	MILES AS NEAR AS I CAN JUDGE; BETWEEN THREE AND FOUR MILES AS NEAR AS I CAN JU~~G~~DGE	
THEREABOUTS, THAT IS, THESE PARTIES WERE RIGHT ALONG, A SORT OF LEVEL SMOOTH BOTTOM.	THEREABOUT, THAT IS, PAST THAT ROAD, *ALONG*[?] ~~<A>~~ SORT OF {**A**}^{i} LEVEL SMOOTH BOTTOM	THERE ABOUTS~~.~~**;** THAT IS PAST THA**T**~~A~~ ROAD, A LONG A SORT OF SMOOTHE LEVEL **BOTTOM.**	
Q. AFTER YOU STARTED ON DID YOU LOOK BACK ? A. OF COURSE I DID. Q. AND OBSERVED THE OX TO SEE WHAT WAS DONE	**Q** AFTER YOU STARTED ON, DID YOU LOOK BACK $_{A}$OF COURSE I DID $_{Q}$ AND OBSERVE THAT OX ~~<~~AND SEE WHAT WAS DONE	~~BORROM~~. Q. AFTER **Y**OU STARTED ON DID YOU LOOK BACK? A. OF COURSE I DID. Q. AND OBSERVED THAT OX AND SAW WHAT WAS **DONE** ~~DOME~~	
WITH IT ? A. I HAVEN'T HEARD OF THE INDIANS KILLING IT.	WITH THE OX~~>~~ $_{A}$ {I}^{i} HAVEN'T HEARD OF THE INDIANS SKINNING IT	WITH THE OX? A. I HAVN'**T** HEARD OF THE **I**NDIANS SKINNING IT? ~~A~~.	
Q. HOW FAR DID YOU GO BEFORE YOU OBSERVED THE INDIANS KILLING IT AND WHAT DID THE MAN DO AFTER THAT, HOW LONG DID HE REMAIN ? *[422]*	{$_{Q}$}^{i}HOW FAR DID YOU GET YOU OBSERVE INDIANS SKINNING IT AND WHAT DID {THE}^{i} MAN DO AFTER THEY = HOW LONG DID HE REMAIN $_{A}$	Q. HOW FAR DID YOU GET — OR DID YOU OBSERVE THE **I**NDIANS SKINNING IT; AND WHAT D**I**D THE MAN DO AFTER**,** THERE? HOW LONG DID HE REMAIN? A.	
A. HE TOOK THE BUCKSKINS, I SAW HIM SWINGING THEM OUT, ONE IN	HE TOOK THE BUCKSKINS, I SAW HIM SWINGING THEM OUT, ONE IN	HE TOOK THE BUCKSKINS. I SAW HIM SWINGING THEM OUT, ONE IN	

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RT	RS	BT	PS
EACH HAND, I SHOULD? JUDGE TWO — I THINK THERE WAS TWO. Q. HOW LONG HAD ~~HE BEEN~~ ~~≺~~THEY BEEN GONE~~≻~~ BEFORE YOU SAW THE DUTCH DOCTOR A. I COULD NOT TELL. Q. WA~~Z~~S THE COMPANY MOVING ? A. OF COURSE IT WAS MOVING, RIGHT ALONG. Q. ABOUT HOW LONG DID THE INDIANS AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER ? A. I CANNOT TELL YOU HOW LONG BUT SOMETIME. Q. WAS IT A MINUTE ? A. I GUESS IT WAS, IT WAS A VERY SHORT SPACE. Q. DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE THE REMARKS ABOUT WHAT WAS GOING ON ? A. I	EACH HAND, I SHOULD JUDGE 2 I THINK THERE WAS ABOUT 2 $\{_{Q}\}^{i}$ HOW LONG HAD THE TRAIN BEEN GONE BEFORE YOU SAW THE MAN ~~≺~~DUTCH DOCTOR~~≻~~ $_{A}$I COULD NOT TELL $_{Q}$WAS IT MOVING $\{_{A}\}^{i}$OF COURSE IT WAS MOVING RIGHT ALONG $_{Q}$ ABOUT HOW LONG DID THE INDIANS [18] AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER $_{A}$I COULD NOT TELL YOU LONG $\{BUT\}^{i}$ SOMETIME $_{Q}$ WAS IT MINUTE $_{A}$I GUESS IT WAS ~ IT WAS A VERY SHORT SPACE. $_{Q}$ DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE REMARKS ABOUT $\{WHAT\}^{i}$ WAS GOING ON $\{_{A}\}^{i}$ I	EACH HAND — I SHOULD JUDGE TWO. I THINK THERE **WAS** ~~WAS~~ BUT TWO. Q. HOW LONG HAD ~~B~~THE TRAIN BEEN GONE, BEFORE YOU SAW THE DUTCH DOCTO~~T~~R? A. I CO**U**LDNOT TELL. Q.WAS IT MOVING? A. OF COURSE IT WAS MOVING RIGHT ALONG? Q. ABOUT HOW LONG DID THE **I**NDIANS AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER? A. I COULD NOT TELL YOU HOW LONG BUT SOME TIME. Q. WAS IT **FIVE** MINUTES? A. I ~~H~~GUESS IT WAS. IT WAS A VERY SHORT SAPCE. Q. DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE REMARKS ABOUT WHAT WAS GO~~I~~ING ON? A. I	

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RT	RS	BT	PS
CALLED THE ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE INDIANS —I CALLED THEIR ATTENTION TO IT. Q. DIDN'T YOU CALL THEIR ATTENTION TO THE FACT OF STICKING THIS KNIFE INTO THE OX ? A. I ~~DIDN'T~~ DON'T KNOW ANYTHING ABOUT THAT. Q. WHAT DID YOU SAY IN REGARD TO THAT WHEN YOU CALLED THE ATTENTION TO THE BUCKSKINS ? A. I THOUGHT HE HAD SOLD THEM THAT FOR MOCCASIN BOTTOMS. Q. HOW FAR OFF WERE YOU WHEN HE DID THIS ? A. THEY WERE ON THE MOVE — I COULD NOT TELL, BETWEEN A ROD	CALLED ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE INDIANS, I CALLED THEIR ATTENTION TO IT DIDN'T $_{Q}$YOU CALL THEIR ATTENTION TO THE FACT HE STUCK THIS KNIFE INTO THE OX $_{A}$I DON'T KNOW ANYTHING ABOUT THAT $_{Q}$WHAT DID YOU SAY WHEN YOU CALLED THE ATTENTION TO THE BUCKSKINS $_{A}$I THOUGHT HE HAD SOLD THEM THAT FOR MOCCASIN BOTTOMS. $_{Q}$ HOW FAR OFF ≤WERE WHEN YOU DID THIS≥ $_{A}$THEY WERE ON THE MOVE, I COULD NOT TELL, BETWEEN ROD	CALLED ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE **I**NDIANS; I CA**L**LED THEIR ATTENTION TO IT. Q. DIDN'T YOU CA**L** L THEIR ATTENTION TO THE FACT THA**T** HE ~~STUCKH~~ **STUC**K THIS KNIFE INTO THE OX? A. I DON'T KNOW ANYTHING ABOUT TH AT. *[269]* Q. WHAT DID YOU SAY WHEN YOU CALLED THEIR ATENTION TO THE BUCKSKIN S? A. ITHOUGHT HE HAD SOLD THE OX TO THEM FOR MOCCASIN BOTTO~~M~~S Q. HOW FAR OFF WERE ~~YOU WH ENN YOU~~ **~~THE~~ ~~TRAIN~~ YOU MOVED ~~HE~~ WHEN HE** DID THIS? A. THEY WERE ON THE THE MOVE; I CO~~L~~ULD NOT TELL TO A ROD	

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RT	RS	BT	PS
AND TEN RODS. Q. ABOUT HOW FAR ? *[423]* A. THEY HADN'T MOVED TO EXCEED THAT. Q. ABOUT HOW FAR DID YOU MOVE ? A. I DO NOT KNOW. Q. YOU CAN TELL ? A. THEY DIDN'T MOVE FURTHER THAN THAT. Q. YOU CAN TELL WHETHER YOU HAD MOVED A HUNDRED YARDS FOUR HUNDRED YARDS OR ~~VIE~~ FIVE HUNDRED ? A. I CANNOT SWEAR TO IT' Q. BUT YOU ARE CORRECT ENOUGH TO ~~SA~~EE THAT LITTLE KNOB ON THE DAGGER — GIVE US THE APPROXIMATE ~~DIFFERENCE~~ DISTANCE YOU HAD MOVED BEFORE YOU SAW THAT . WIT.: I ASK YOU THAT I CAN'T GIVE THAT. ISN'T THAT FAIR. Q.	AND TEN ROD. $_{Q}$ABOUT HOW FAR $_{A}$ THEY HADN'T MOVED TO EXCEED THAT $_{Q}$ ABOUT HOW FAR DID YOU MOVE $_{A}$I DO NOT KNOW [*space*] $_{Q}$YOU CAN TELL $_{A}$ WE HADN'T MOVED FURTHER THAN THAT $_{Q}$ YOU CAN ≤TELL≥ WHETHER YOU HAD MOVED **A** HUNDRED YARDS, 4 HUNDRED YARDS OR 5 HUNDREDS CAN'T YOU $_{A}$I CANNOT SWEAR TO IT YOU ARE ACCURATELY ENOUGH TO SEE THAT LITTLE KNOB THAT DAGGER, GIVE US ≤THE≥ APPROXIMATE DISTANCE YOU HAD MOVED BEFORE YOU SAW THAT $_{A}$ JUDGE, I ASK YOU I CAN'T GIVE THAT, ISN'T THAT FAIR $_{Q}$	OR I0 ROD. Q. ABOUT HOW FAR? A. THEY HADN'T MOVED TO EXCED THAT. Q. ABOUT HOW FAR HAD YOU MOVED? A. I DON'T KNOW. Q. YOU ~~C N AN~~ CAN TELL? A. WE HADN'T MOVED FARTHER THAN THA T. Q. YOU CAN TELL WHETHER YOU HAD MOVED I00 YARDS 400 YARDS OR 500 CAN'T YOU? A. I CAN'T SWEAR TO IT. Q. YOU WERE ACCURATE~~D~~ ENOUGH TO SEE THAT LITTLE **K**NOB ON THE DAGGER. GIVE US THE APPROXIMATE DISTANCE YOU HA~~V~~D MOVED BEFORE YOU SAW THAT? A. JUDGE, I ASK YOU, — I CAN'T GIVE THAT. ISN'T THAT FAIR. Q.	

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RT	RS	BT	PS
ABOUT HOW FAR DID YOU MOVE ? A. I DON'T KNOW. I SAID WITHIN A QUARTER OF A MILE. IT WAS ABOUT THAT FAR THAT DIDN'T EXCEED IT. I DON'T THINK IT EXCEEDED A QUARTER. Q. WHO HAVE YOU TALKED WITH MR. HOOPS BEFORE YOU CAME TO COURT ABOUT WHAT YOU WERE TO TESTIFY TO HERE ? A. I COULD NOT TELL THAT. HAVEN'T TALKED WITH ANY PERSON. Q. TO-DAY AND NOT ANY TIME RECENTLY ? A. I HAVEN'T TALKED WITH ANYBODY PARTICULARLY WITH REGARD TO IT. Q. WERE YOU SUMMONED TO APPEAR	ABOUT HOW FAR HAD YOU MOVED $_{A}$I DON'T KNOW I SAID; WITHIN ≤**A**≥ QUARTER OF A MILE, BUT I CAN'T SAY, I SAY IT WAS WITHIN THAT, THAT DON'T EXCEED IT. I DON'T THINK IT EXCEEDED QUARTER $_{Q}$YOU ≤**WHO**≥ HAVE YOU TALKED WITH MR. HOOPS BEFORE YOU CAME TO COURT ABOUT WHAT YOU HAVE TESTIFIED TO HERE? $_{A}$I COULD NOT TELL YOU THAT, HAVEN'T TALKED WITH ANY PERSON $_{Q}$ TODAY, ANY TIME, RECENTLY $_{A}$I HAVEN'T TALKED WITH ANYBODY PARTICULARLY IN REGARD TO IT. $_{Q}$WERE YOU SUMMONED TO APPEAR	ABO~~T~~UT H~~A~~OW FAR HAD YOU MOVED? A. I DON'T KNOW I **SAID** ~~SDAND~~**,** ABOUT, ~~YET I CAN'T SAY~~WITHIN A QUARTER OF A MIL**E**, BUT I CAN'T SAY. I SAW IT WAS THEN — THAT DON'T EXCEED IT. I DON'T TH**I**NK THAT IT E~~S~~XCEEDED A QUARTER. Q . WHO HAVE YOU TALKED WITH, MR. HOO PS, BEFORE YOU CAME INTO COURT, ABOUT WHAT YOU WOULD TESTIFY HERE? A.I COULD NOT TELL~~,~~ THAT. HAVN'T TALKED WITH ANY PERSON. Q. TO DAY, ANY TIME, RECENTLY? A. I HAVN'T TA**L**KED WITH ANYBODY PARTICULARLY IN REGARD TO IT. Q. WERE YOU SUMMONED TO APPEAR	

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RT	RS	BT	PS
HERE ? A. I WAS. Q. BY WHOM ?— UNITED STATES MARSHAL ? A. YES SIR. Q. WHO HAVE YOU TALKED WITH ABOUT THIS STORY YOU HAVE TOLD ? A. I SUPPOSE I WAS COMPELLED TO COME ON THAT TO SAVE EXPENSES. *[424]* Q. IT WAS A TELEGRAM YOU CAME ON WAS IT ? A. YES SIR, MR. STOKES SERVED A SUBPOENA ON ME. Q. WITH WHOM HAVE YOU TALKED ABOUT THIS POISONING STORY BEFORE YOU CAME HERE ? A. NO ONE PARTICULARLY. Q. DID YOU EVER TELL ANY PERSON RECENTLY OR BEFORE OR RECENTLY ? A. I COULD NOT TELL	HERE AI WAS QBY WHOM, **US** MARSHAL A YES SIR QWHO HAVE YOU TALKED WITH ABOUT THIS STORY YOU HAVE TOLD, ANOBODY, I SUPPOSE I WAS COMPELLED TO COME ON THAT TO SAVE EXPENSES QIT WAS NOT TELEGRAM YOU CAME ON, WAS IT AYES SIR, MR. STOKES SERVED SUBPOENA ON ME. QWITH WHOM HAVE YOU TALKED ABOUT THIS POISONED THE STEER BEFORE YOU CAME HERE ANO ONE PARTICULARLY QDID YOU EVER TELL ANY PERSON RECENTLY A YES AND BEFORE TOO QWHO RECENTLY AI COULD NOT TELL	HERE? A. I WAS. Q. BY WHOM? UNITED STATES MARSHAL? A. YES, SIR. Q: WHO HAVE YOU TALKED WITH ABOUT THE STOREY YOU HAVE TOLD? ~~A. N~~ A. NOBODY. I SUPPOSED I WAS COMPE~~C~~LLLED TO COME ON THAT SUBPOENA~~E~~ TO SAVE EXPENSE~~D~~S. Q. WAS IT A TELEGRAM YOU CA**M**E HERE ON, WAS IT? A. ~~YES,~~ **NO** SIR, MR. STOKES SERVED A SUBPOENA~~E~~ ON ME. Q. WITH ~~H~~WHOM ~~A~~HAVE YOU TALKED ABOUT THIS POISONING STORY BEFORE YOU CAME HERE? *[270]* A. NO ONE, PARTICULARLY. Q. DID YOU EVER TELL ANY PERSON RECENTLY? A. YES, AND BEFORE TOO. Q . WHO, RECE~~J~~NTLY? A. I COULD NOT TELL	

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RT	RS	BT	PS
JUST EXACTLY WHO WITH. Q. HOW RECENTLY ? A. I HAVE TOLD THE STORY AT DIFFERENT TIMES. Q. YOU HAVE STATED RECENTLY ? A. I TOLD JUDGE SPICER, BUT NOT WHEN I CAME TO TOWN. Q. WHO HAVE YOU TALKED ABOUT IT WITH SINCE YOU CAME TO TOWN ? A. I DON'T THINK I HAVE TALKED WITH ANYBODY WHERE I STAYED LAST NIGHT. I MIGHT HAVE SAID SOMETHING BUT I DON'T RECOLLECT. Q. DIDN'T YOU SAY YOU HAD TALKS WITH THE ATTORNEYS AS SOON AS YOU CAME TO TOWN ? A. I HAVE. BUT I CONSIDER YOU ARE ABUSING ME. Q. I MEANT ABOUT THAT POISONING ARRANGEMENT	JUST EXACTLY WHO WERE QHOW RECENTLY AI HAVE TOLD THE STORY AT DIFFERENT TIMES QYOU STATED RECENTLY AI TOLD JUDGE SPICER, BUT NOT SINCE I CAME TO TOWN QWHO HAVE YOU TALKED ABOUT IT WITH SINCE YOU CAME TO TOWN AI DON'T THINK I HAVE TALKED WITH ANYBODY; WHERE I STAYED LAST NIGHT I MIGHT HAVE SAID SOMETHING BUT COULD I DON'T RECOLLECT Q DID YOU SAY YOU HAVEN'T TALKED WITH THE ATTORNEYS SINCE YOU CAME [19] TO TOWN AI HAVE SAID I CONSIDER YOU ARE ABUSING ME QI MEANT ABOUT THAT POISONING ARRANGEMENT,	YOU JUST EXACTLY WHO IT ~~I~~WAS. Q. HOW RECENTLY? A. I HAVE TOLD THE STOREY AT DIFFERENT TIMES. Q. HOW RECENTLY? A. I TOLD JUDGE SPICER, BUT NOT SINCE I CAME TO TOWN. Q. WHO HAVE YOU TALKED ABOUT IT WITH, SI~~M~~NCE YOU CAME TO TOWN? A. I DON'T THINK I HAVE TALKED ABOUT IT WITH ANYBODY. WHERE I STAID LAST NIGHT I MIGHT HAVE SAID SOMETHING ABOUT IT BUT I DON'T RECOLLECT. Q. DO YOU SAY YOU HAVN' T ~~R~~TALKED WITH THE ATTORNEYS SI~~J~~NCE YOU CAME TO TOWN? A. I HAVE. BUT I CONSIDER YOU ARE ABUSING ME . Q. I MEAN ABOUT THAT POISONING ARRANGEMENT. I	

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RT	RS	BT	PS
[*space*] Q. DID ANY PERSON EVER TELL YOU TO COME TO THIS COURT AND TELL THE STORY ON THE STAND THAT YOU HAVE STATED ABOUT THE POISONING EMPHATICALLY ? A. THEY TOLD ME TO COME AND TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. Q. DIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE ? A. NO SIR. *[425]* Q. DID YOU STATE TO JUDGE SPICER THE OX WAS POISONED ? A. I THINK I TOLD JUDGE SPICER OVER IN LINCOLN,[361] IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER.	I PLEAD GUILTY TO THE CHARGE I AM ABUSING YOU. Q DID ANY PERSON EVER TELL YOU TO COME TO THIS COURT TELL THE STORY ON THE STAND THAT YOU HAVE STATED ABOUT POISONING EMPHATICALLY ATHEY TOLD ME TO COME TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH QDIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE ANO SIR. QDID YOU TELL JUDGE SPICER THE OX WAS POISONED AI THINK I TOLD JUDGE SPICER OVER IN LINCOLN; IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER WHOLE	PLE~~E~~AD GUILTY TO THE GCHARGE, I AM ABUSING YOU. DID ANY PERSON TELL YOU TO COME TO THIS COURT AND TELL YOU TO TELL THE STORY YOU HAVE STATED ON THE STAND ABOUT THE POIS~~I~~ONING, EMPHATICALLY? A. THEY TOLD ME TO COME AND TELL THE ~~WHOLE TRUTH~~ TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. Q. DIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE? A. NO, SIR. Q. DID YOU TELL JUDGE SPICER THE OX WAS POISON~~3~~ED? A I THINK I TOLD JUDGE SPICER OVER IN LINCOLN. IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER ABOUT	

361. Lincoln County, Nevada. Pioche is in Lincoln County.

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RT	RS	BT	PS
Q. WHO DID YOU TALK WITH OR DID YOU WITH ANY PERSON, SOMETIME AFTER IT OCCURRED ? A. I WAS INTERPRETER TO THE INDIANS; AFTER I FOUND THEY WERE POISONED AND KILLED — THAT THE SPRINGS KILLED BENJAMIN ROBINSON'S SONS WAS POISONED FROM THE SPRING THERE.[362] Q. HOW DO YOU KNOW IT ? A. HE DIED FROM THE EFFECTS OF IT, BECAUSE HE DIED THERE. ≼**Q**≽ IT DIDN'T FOLLOW THAT HE WAS POISONED BECAUSE HE DIED ? A. THE	CONCERN THERE QDID YOU TALK WITH ANY PERSON SOMETIME AFTER IT OCCURRED. AI WAS INTERPRETER TO THE INDIANS, AFTER I FOUND THEY WERE POISONED AND KILLED; SPRINGS ≼POISONED AND≽ KILLED BENJAMIN ROBINSON'S SON ≼WHO≽ WAS POISONED FROM THE SPRING THERE QHOW DO YOU KNOW IT AHE DIED FROM THE EFFECTS OF IT, KNOW IT BECAUSE HE DIED THERE QIT DIDN'T FOLLOW IT HE WAS POISONED BECAUSE HE *WAS/SO*[?] ~~POISONED~~ ≼DIED≽?. A	THE CONCERN THERE. Q. DID YOU TALK WITH ANY PERSON SOMETIME AFTER IT OCCURRED? A**.** I WAS INTERPRETER TO THE**I**NDIANS . AFTER **THAT** I FOUND THEY WERE POISONED AND KILLED, SPRINGS POISONED, AND KILLED BENJAMEN RO~~N~~BINSON'S SON, WHO WAS PO~~S~~ISIOND FROM THE SPRING HERE. A. HOW DID YOU KNOW IT? A. HE DI~~D~~ED FROM THE EF**E**FECTS OF IT. I KNOW IT BECAUSE HE DIED THERE. XXXQ. BUT I [271] Q. IT DIDN'T FOLLOW HE WAS POISONED BECAUSE HE DIED? A .	

362. Proctor Hancock Robinson died September 21, 1857, in Fillmore, Millard County, Utah. His father's name was Joseph, not Benjamin.

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RT	RS	BT	PS
MEN TOLD ME THEY HAD TAKEN POISON OUT OF A SPRING, THAT GENTLEMAN TOLD ME. Q. HOW MANY BAGS OF POISON ~~DID~~ HAD THEY TAKEN OUT OF THE SPRING ? A. THERE WAS MORE THAN ONE. Q. DID THEY TELL YOU HOW LARGE THE BAGS WERE THEY HAD TAKEN ? A. THEY DIDN'T. Q. DO YOU KNOW HOW LARGE THEY WERE ? A. I DO NOT. I SAY THERE WERE SACKS OF POISON FOUND IN THESE SACKS — IF YOU WOULD GIVE ME TIME I CAN FETCH MEN FROM FILLMORE TO PROVE IT. Q. YOU HAVE SEEN THEM SACKS, HAVEN'T YOU ? A. I HAVE NOT	MEN TOLD ME THEY HAD TAKEN THE POISON OUT OF THAT SPRING, THAT GENTLEMAN TOLD ME Q HOW MANY BAGS OF POISON DID ~~<~~HE~~>~~ SAY THEY HAD TAKEN OUT OF SPRING A THERE WAS MORE THAN ONE. Q DID THEY TELL YOU HOW LARGE THE BAGS THEY WERE A THEY DIDN'T Q DO YOU Q KNOW HOW LARGE THEY WERE I A DO NOT. I SAY THERE WERE SACKS = POISON FOUND IN THOSE SACKS; IF YOU GIVE ME TIME I CAN FETCH MEN FROM FILLMORE TO PROVE ~~<~~IT~~>~~. Q YOU HAVE SEEN THEM SACKS DID YOU A I HAVE NOT	MEN TOLD ME THEY HAD TAKEN THE POISION OUT OF THAT SPRING. THAT GENTLEMAN TOLD ME~~.~~ **~~THEY~~ THEY ~~TO~~ TOOK OUT SOME BAGS OF POISON.** Q. HOW MANY ~~BAND~~ BAGS OF POISON DID HE SAY THEY HAD TAKEN OUT OF THE SPRING? A. THERE WAS ~~O~~MORE THEN ONE. Q. DID HE TELL YOU HOW LARGE BAGS **THERE** ~~THEY~~ WERE? A. THEY DIDN'T. Q. DID YOU KNOW HOW LARGE THEY WERE? A. I DO NOT~~.~~; BUT I SAY THE**R**~~.~~E WERE SACKS ~~**OF**~~ POISON FOUND IN THESE SACKS. IFYOU WILL GIVE ME TIME I CAN FETCH THE MAN ~~T~~FROM FILLMORE TO PROVE IT. Q. YOU HAVE SEEN THOSE SACKS HAVE YOU? A. I HAVE NOT	

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RT	RS	BT	PS
SEEN THEM, BUT THEY PRESERVED THIS POISON SINCE FOR EIGHTEEN YEARS. IT IS GENERALLY BELIEVED BY ALL THE PEOPLE THAT BOY OF JOSEPH ROBINSON'S DIED FROM THE POISONING OF THAT SPRING. Q. HOW LARGE IS THAT SPRING ? A. THEY ARE SMALL HOLES IN THE GROUND. *[426]* Q. DO YOU KNOW HOW MANY BAGS OF POISON WOULD THEY HOLD ? A. THEY WERE SMALL ONES. Q. DIDN'T SOME PERSON ALSO TELL YOU ABOUT THE OX STORY AFTER YOU HEARD THAT AND IMAGINED IT WAS TRUE ? A. NO SIR, I SAW IT. Q. DIDN'T ANY OTHER PERSON SEE IT BUT YOU ? A. THEY CAN ANSWER FOR	SEEN THEM, DO NOT THINK THEY HAVE PRESERVED THOSE POISON SACKS FOR 18 YEARS. IT IS GENERALLY BELIEVED ~~≤~~BY~~≥~~ ALL PEOPLE THAT THAT BOY OF JOSEPH ROBINSON DIED FROM POISON OF THAT SPRING **Q** HOW LARGE IS THAT SPRING **A** THEY ARE SMALL HOLES IN THE GROUND **Q**ABOUT HOW MANY BAGS OF POISON WOULD THEY HOLD **A**THEY WERE SMALL ONES. **Q**DIDN'T SOME PERSON ALSO TELL YOU ABOUT ~~≤~~THE~~≥~~ OX STORY AFTER YOU HEARD THAT AND IMAGINED THAT IS TRUE **A** NO SIR I SAW IT **Q**DIDN'T ANY OTHER PERSON SEE IT BUT YOU **A**THEY CAN ANSWER FOR	SEEN THEM. I DON'T THINK THEY HAVE PRESERVED THESE POISONED SACKS FOR I8 YEARS. IT IS GENERALLY BELIEVED BY ALL PEOPLE THAT THAT BO~~R~~Y OF JOSEPH ROBINSON'S DIED FROM THAT POISON FROM THAT SPRING. Q. HOW LARGE IS THAT SPRING? A. THEY ARE SMALL HOLES IN THE GROUND. Q. HOW MANY BAGS OF POISON WOULD THEY HOLD? A. THEY WERE SMALL ONES. Q. DIDN'T SOME PER~~W~~**S**ON ALSO TELL YOU ABOUT THE OX STOREY, SO **OFTEN** ~~OFTEN~~ THAT YOU IMAGINE THAT **IT** IS TRUE? A. NO, SIR, I SAW IT. Q. DID ANY OTHER PERSON SEE IT BUT YOU? A. THEY CAN ~~ASN~~ ANSWER FOR	

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RT	RS	BT	PS
THEMSELVES, I CANNOT SAY. Q. ARE THERE ANY IN THE COURT NOW WHO SAW IT ? A. I CANNOT SEE THEM. Q. WHO SAW IT BESIDES YOU ? A. I TOLD WHO WAS IN THE WAG~~I~~**O**NS. WHETHER THEY SAW IT OR NOT I DO NOT KNOW. Q. YOU JUST NOW STATED YOU DID SEE IT ? A. NO, DID NOT, I STATE THEY WERE ALONG IN THE WAGONS, WHETHER THEY SAW IT OR NOT I DO NOT KNOW. Q. WONT YOU TELL ME WHO WERE THERE ? A. PHILO T. FARNSWORTH, GEORGE A. SMITH, SILAS SMITH, JACOB HAMBLIN AND THALES HASK~~W~~EEL. Q. DID ANY OF YOUR PARTY EVER TELL YOU THAT THEY HAD SEEN IT ? A. I DO NOT KNOW; AS TO	THEMSELVES I CAN'T SAY Q ARE THERE ≺ANY≻ IN COURT NOW WHO SAW IT A I CAN'T SEE THEM QWHO SAW IT BESIDES YOU AI TOLD YOU WHO WAS IN THE WAGON, WHETHER THEY SAW IT OR NOT I DO NOT KNOW QYOU JUST NOW STATED YOU DID SEE IT ANO I DID NOT I STATED THEY WERE ALONG IN THE WAGONS WHETHER THEY SAW IT I DON'T KNOW. QWON'T YOU TELL ME —[?] WHO WERE THERE [*space*] [20] A**F T F≺ARNSWORTH≻**, GEORGE A SMITH, SILAS SMITH, JACOB HAMBLIN AND THALES HASKELL I THINK QDID ANY OF YOUR PARTY EVER TELL YOU THAT THEY HAD SEEN IT AI DO NOT KNOW AS ≺TO	THEMSELVES, I CAN'T SAY. Q. ARE THERE ANY ~~CO~~ IN COURT NOW WHO SAW IT? A. I CAN'T SEE THEM. Q. WHO SAW IT BESIDES YOU? ~~A~~. I TOLD YOU WHO WAS IN THE WAGON. WHETHER THEY SAW IT OR NOT I DON'T KNOW. Q. YOU JUST NOW STATED YOU DID SEE IT? A. NO, I DID NOT ; I STATED THEY WERE ALONG IN THE WAGON; WHETHER THEY SAW IT OR NOT I DON'T KNOW . Q. WON'T YOU TELL ME WHO WERE THERE? A. **PH**ILO T. FARNSWORTH, GEORGE A. SMITH, SILAS SMITH, JACOB HAMBLIN AND ~~P~~**T**HALES HASKELL, I THINK. [272] Q. DID ANY OF YOUR PARTY EVER TELL YOU THEY HAD SEEN IT? A. I DON'T KNOW AS TO	

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RT	RS	BT	PS
THEIR TELLING ME THEY SAW OR KNEW ANYTHING OF IT I NEVER HEARD THEM SAY SO. Q. HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR ? A. BY GENERAL CONVERSATION OF THE MATTER WITH THE COMPANY THAT CAME TO SEE US ? A. IT WAS GENERAL TALK WITH THOSE WHO WERE THERE. Q. HOW MANY DID YOU HEAR SAY HE WAS A DOCTOR ? *[427]* A. THEY TALKED TO US. Q. HOW MANY DIFFERENT PERSONS DID YOU HEAR SAY THAT THAT GERMAN WAS A DOCTOR ? A. IT WAS THE GENERAL TALK AMONG THEM THAT CAME TO OUR	THEIR~~>~~ TELLING ME THEY SAW IT OR KNEW ANYTHING OF IT, I NEVER HEARD THEM SAY SO. **Q** HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR **A**BY GENERAL CONVERSATION IN THE CAMP WITH THE COMPANY THAT CAME TO SEE US = **A**IT WAS GENERAL TALK WITH THOSE WHO WERE THERE **Q**HOW MANY DID YOU HEAR SAY HE WAS DOCTOR **A**THEY TALKED — [?][363]TO US **Q**HOW MANY DIFFERENT PERSONS DID YOU HEAR SAY THAT THAT GERMAN[364] WAS A DOCTOR **A**IT WAS GENERAL TALK AMONG THEM ~~THAT~~{THEY}[i] CAME TO ~~<~~OUR~~>~~	THE IR TELLING ME THEY SAW IT, OR KNEW ANYTHIN~~K~~G OF IT. I NEVER HEARD THEM SAY SO. Q. HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR? A. BY THE GENERAL CONVERSATION IN THE CAMP WITH THE COMPANY THAT CAME TO SEE US . IT WAS THE GENERAL TALK WITH THOSE THAT WERE THERE. **Q** HOW MANY DID YOU HEAR SAY HE WAS A DOCTOR~~A~~. **A.** THEY TALKED TO US. Q. HOW MANY DIFFEREN~~C~~T PERSONS DID YO~~U~~**U** HEAR SAY THAT DUTCHMAN WAS A DOCTOR? A. IT WAS THE GENERAL TALK AMONG THEM THAT CAME TO OUR	

363. The word is written over or crossed out until illegible.

364. Originally written “GERMAN”, a “D” (written more like a “B”) was later added to the beginning of the word in ink, rendering the word “DUTCHMAN”, as in the BT.

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RT	RS	BT	PS
CAMP. Q. HOW GENERAL ? A. THOSE WHO CAME TO CAMP. Q. DID YOU HEAR THE DOCTOR SAY ANYTHING ON THE SUBJECT ? A. I HEARD HIM SAY HE WAS A DOCTOR HIMSELF. Q. IN WHAT CONNECTION DID HE SAY IT ? A. HE HAD DOCTORED ON THE PLAINS — WAS THEIR CAMP DOCTOR, AND HAD ATTENDED THE CHOLERA. Q. WHO ELSE DID YOU HEAR SAY HE WAS A DOCTOR ? A. MANY OF THE TRAIN THAT CAME. Q. HOW MANY ? A. I COULD NOT TELL YOU. Q. WHAT DID ~~HE~~ ≼THEY≽ SAY ? A. THEY SAID HE WAS THEIR CAMP DOCTOR. Q. WHAT WERE THEY TALKING ABOUT THAT LED THEM TO	CAMP $_{Q}$ HOW GENERAL $_{A}$ WITH THOSE WHO CAME TO CAMP $_{Q}$DID YOU HEAR ≼THE≽ DOCTOR SAY ANYTHING ON ≼THE≽ SUBJECT $_{A}$I HEARD HIM SAY HE WAS A DOCTOR HIMSELF $_{Q}$IN WHAT CONNECTION DID HE SAY IT $_{A}$HE HAD DOCTORED ON THE PLAINS ≼WAS≽ THEIR CAMP DOCTOR HAD TENDED CHOLERA $_{Q}$ WHO ELSE DID YOU HEAR SAY HE WAS DOCTOR $_{A}$ MEN OF TRAIN ≼THAT≽ CAME $_{Q}$HOW MANY $_{A}$I COULD NOT TELL YOU $_{Q}$WHAT DID THEY SAY $_{A}$THEY SAID HE WAS THEIR CAMP DOCTOR. $_{Q}$ WHAT WERE THEY TALKING ABOUT THAT LED THEM TO	CAMP. Q. HOW GENERAL? A. **WITH** ~~IWITH~~ THOSE WHO CAME TO CAMP. Q. DID YOU HEAR THE DOCTOR SAY ANYTHING ON THE SUBJECT. A. I HEARD HIM SAY HE WAS A DOCTOR HIMSELF. Q. IN WHAT CONNECTION DID HE SAY IT? A. HE WAS THEIR DOCTOR ON THE PLAINS, ~~A~~WAS THEIR CAMP DOCTOR; HAD TENDED CHOLERA. Q. WHO ELSE DID YOU **HEAR** SAY HE WAS A DOCTOR? A. MEN OF THEIR OWN CAMP. Q. HOW MANY? A. I COULD NOT TELL YOU. Q. WHAT DID THEY SAY? A . THEY ~~D~~SAID HE WAS A CAMP DOCTOR . Q. WHAT WERE THEY TALKING ABOUT THAT LED THEM TO	

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RT	RS	BT	PS
SAY THAT ? A. I COULD NOT TELL YOU. OTHERS WERE TALKING ABOUT THE MILITARY. [*space*] Q. WHAT DID THEY SAY ABOUT IT ? A. I COULD NOT TELL YOU BUT THEY WERE TALKING ABOUT GEORGE A. AND OTHERS; I AM CERTAIN HE WAS A DOCTOR, BUT I DIDN'T SEE HIS DIPLOMA. I DON'T KNOW HE WAS A DOCTOR ONLY FROM WHAT I HEARD AND THEM SAY. I SUPPOSE HE WAS JUST AS MUCH A DOCTOR AS JONES IS A DOCTOR HERE. I *[428]* NEVER SAW HIS DIPLOMA. ~~JONES ID COT~~ Q. DON'T YOU REMEMBER IN YOUR EXAMINATION IN CHIEF BEFORE DINNER YOU TOLD ME HOW THIS SUBJECT CAME UP WITH	SAY THAT $_{A}$I COULD NOT TELL YOU, OTHERS WERE TALKING ABOUT CHOLERA THEY HAD HAD SOME IN THE CAMP $_{Q}$WHAT DID THEY SAY ABOUT IT $_{A}$I COULD NOT TELL YOU THEY WERE TALKING TO GEORGE A AND OTHERS; I AM CERTAIN HE WAS A DOCTOR; I DIDN'T SEE HIS DIPLOMA, I DON'T KNOW HE WAS DOCTOR ONLY FROM WHAT I HEARD AND THEM SAY, I SUPPOSE HE WAS JUST AS MUCH A DOCTOR JONES IS DOCTOR DOWN HERE, I NEVER SAW HIS DIPLOMA. $_{Q}$DON'T YOU REMEMBER IN YOUR EXAMINATION IN CHIEF [*space*]~~,~~ BEFORE DINNER, YOU TOLD ME YOU DID NOT REMEMBER CONNECTION	SAY THA T? A. I COULD NOT TELL YOU; OTHERS WERE TALKING ABOUT THE CHOLERA. THEY HAD HAD SOME IN ~~THERE~~ THEIR CAMP. Q. WHAT DID THEY SAY ABOUT IT? A. I COULD NOT TELL YOU, THEY WERE TALKING TO GEORGE A. AND OTHERS. I AM CERTAIN HE WAS A DOCTOR. I DIDN'T SEE HIS DIPLOMA; I DON'T KNOW HE WAS A DOCTOR ONL~~U~~Y FROM WHAT I HEARD THEM SA~~W~~**Y**. I SUPPOSE HE WAS JUST AS MUCH A DOCTOR AS JOH**N**ES WAS A DOCTOR ~~W~~DOWN HERE. I NEVER SAW HIS DOCTOR. Q. DON'T YOU REMEMBER IN YOUR EXAMINATION ~~IN CHIE~~F B**E**FORE DINNER THAT YOU TOLD ME YOU DIDN'T REMEMBER THE CONNECTION **IN WHICH** ~~THAT~~	

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RT	RS	BT	PS
THESE OUTSIDE PARTIES—THAT SUBJECT OF HIS BEING A DOCTOR ? A. I MIGHT, AND AGAIN I MIGHT NOT. Q. WHAT DO YOU THINK ABOUT IT ? A. I DON'T THINK ANYTHING ABOUT IT. Q. YOU STATED BEFORE DINNER YOU SAY YOU COULD NOT REMEMBER THE CONNECTION. DID YOU OR DID YOU NOT SAY IT ? A. I CANNOT SAY. I RECOLLECT VERY WELL OF TELLING YOU HOW IT WAS — A GENERAL THING, AND THAT IT WAS THAT THE DOCTOR HAD THIS TALK ABOUT THE CHOLERA, AND THAT WHAT HE HAD GIVEN HIS	THOSE OUTSIDE PARTIES = THEY SPOKE OF HIS BEING A = DOCTOR IN; DIDN'T YOU TELL ME SO $_{A}$I MIGHT AND AGAIN I MIGHT NOT $_{Q}$WHAT DID YOU THINK ~~KNOW~~ ABOUT IT $_{A}$I DIDN'T THINK ANYTHING ABOUT IT $_{Q}$YOU STATED BEFORE DINNER = YOU STATED YOU COULD NOT REMEMBER THE CONNECTION $_{A}$ <I TOLD YOU I MIGHT AND THEN AGAIN I MIGHT NOT> $_{Q}$ ANSWER MY QUESTION DID YOU OR DID YOU NOT SAY IT $_{A}$I CANNOT SAY IT, I RECALL VERY WELL OF TELLING YOU IT WAS GENERAL THING AND THAT IT WAS THAT THE DOCTOR HAD THIS TALKING ABOUT CHOLERA BEING THERE, THAT AND WHAT HE HAD GIVEN	THESE OUTSIDE PARTIES, ~~THAT THEY~~ SPOKE OF HIS BEING A DOCTOR ~~IN~~? DIDN'T YOU TELL ME SO? *[273]* A. I MIGHT AND AGA**A**IN I MIGHT NOT. Q. WHAT DO YOU THINK ABOUT IT? A. I DON'T THINK AN**Y**THING ABOUT IT. Q. YOU TOLD BEFORE DINNER — YOU STATED YOU COULD NOT~~R~~ REMEMBER THE CONNECTION ? A. I TOLD YOU I MIGHT AND AGAIN I MIGHT NOT. Q. ANSWER MY QUESTION? DID YOU OR DID YOU NOT SAY IT? A. I CAN'T SAY IT. I RECOLLECT VERY WELL, OF TELLING YOU IT WAS A GENERAL THING AND THAT IT WAS THE DOCTOR HAD TOLD US IN HIS TALK ABOUT THE CHOLERA ABOUT THERE, AND WHAT HE HAD GIVEN	

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RT	RS	BT	PS
PATIENTS, THAT IS AS NEAR AS I CAN RECOLLECT WAS CAPSICUM, OPIUM, GUM, CAMPHOR AND BRANDY. Q. DID ANY PERSON ELSE REFER TO THE CHOLERA PARTICULARY — OR ANY PERSONS OF THE CAMP THAT HE HAD TREATED SPEAK OF HIM AS DOCTOR ? A. IT WAS A GENERAL CONVERSATION, HE WAS NOT DIRECTING HIS CONVERSATION TO ME. GEORGE A. SMITH WAS THE HEAD MAN. I WAS PASSING AROUND THE CAMP AND I ONLY JUST HEARD WHAT WOULD DROP. SUTHERLAND: WE OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER IT HAS GONE AS FAR AS IT OUGHT TO, AS PERTAINING TO	AS NEAR AS I CAN RECOLLECT WAS *CAPSICUM/KSPK*[?], OPIUM GUM AND CAMPHOR AND BRANDY Q ANY PERSON ELSE REFER TO CHOLERA PARTICULARLY *HEAR*[?] PERSONS OF THE CAMP HE HAD TREATED THEM AS DOCTOR A IT WAS GENERAL CONVERSATION, HE WAS NOT DIRECTING HIS CONVERSATION TO ME, GEORGE A SMITH WAS THE HEAD MAN, I WAS PASSING *[21]* AROUND CAMP ONLY JUST WHAT I HEARD WAS DROPPED. [*space*] BY SUTHERLAND I OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER,	AS **NEAR** ~~NEAR~~ AS I CAN RECOLLECT WAS, CAPSICUM , OPIUM, GUM CHAMPHOR AND BRANDY. Q. NO PERSON EL~~S~~SE REFERRED TO THE CHOLERA PARTICULARLY. WAS IT THE PERSONS OF THE CAMP HE **TALKING TO?** ~~HAD TREATED THEN AS A DOCTOR?~~ A. IT WAS GENERAL CONVERSATION. HE WAS NOT DIRECTING HIS CONVERSATION TO ME. GEORGE A. SMITH WAS THE HEAD MAN. I WAS PASSING AROUND CAMP AND I ONLY HEARD JUST WHAT DROPPED. SUTHERLAND: I OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER.	

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RT	RS	BT	PS
ALL THE PARTICULARS OF THE CASE.			
	WE HAVE BEEN REASONABLE ABOVE A REASONABLE EXTENT, ~~I THINK~~ SINCE HE HAS COME AROUND TO WHERE HE STARTED I THINK THAT IS ENOUGH. FOR THEY HAVE GOT THAT WAGON STARTED OFF BY	WE HAVE PERMITTED COUNSEL TO GO TO AN UNREASONABLE EXTENT AND ~~C~~SINCE HE HAS COME AGAIN TO WHERE HE ~~HAS~~ STARTED **IN**, I THINK THAT IS ENOUGH.	
COURT: I AM NOT DISPOSED GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN THAT ON SEVERAL OCCASIONS HE CHANGED HIS OPINION. IF HIS MIND CAN BE REFRESHED BY INCIDENT I HAVE NO OBJECTIONS TO THE PROSECUTION QUESTIONING HIM ANY FURTHER	COURT I AM NOT DISPOSED GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN ON SEVERAL INSTANCES HAS CHANGED HIS POSITION. IF HIS MIND CAN BE REFRESHED BY QUESTIONING I HAVE NO OBJECTIONS TO HIS QUESTIONING HIM . WHERE ALL {THE}[i] SUBSTANCE IS	THE COURT: I AM NOT DISPOSED, GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN ON SEVERAL INSTANCES HE HAS CHANGED HIS POSITION. IF HIS MIND CAN BE REFRESHED BY EXTENDING IT, I HAVE NO OBJECTIONS TO HIS QUESTIONING HIM, SO THAT AL**L** THE SU~~N~~BSTANCE CAN BE	

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RT	RS	BT	PS
WIT.: I HAVE TOLD YOU ALL I KNOW. [*End of transcript book 3*]	BROUGHT OUT BY CROSS EXAMINATION. {**DEF**}[i] COURT RULES ~~<~~HE SHOULD PROCEED NO FURTHER~~>~~ YOUR HONOR HE HAS BEEN OVER THIS SUBJECT ONCE BEFORE BY BASKIN THAT IS NOT CORRECT BEFORE. BY COURT WITNESS CHANGED HIS POSITION, HIS MIND HAD BEEN REFRESHED BY WITNESS. I HAVE TOLD YOU ALL I KNOW {II}[i] AS MY BROTHERS HAVE INTIMATED THEY ARE THOUGH WITH HIM I WILL LET HIM GO. **10 TO 4**	BROUGHT OUT BY CROSS-EXAMINATION. SUTHERLAND: ACCORDING TO THE RULES, YOUR HONOR, HE S~~O~~HO ULD PROCEED NO FARTHER BECAUSE HE HAS BEEN OVER THIS SUBJECT BEFORE. THE COURT: YES, BUT THE WITNESS HAS CHANGED HIS POSITION, AND HIS MIND MIGHT BE FURTHER REFRESHED. WITNESS: I HAVE TOLD YOU ALL IKNOW ABOUT IT. SUTHERLAND: ~~BY~~ **MY** BROTHERS HAVE INTIMATED THEY ARE THROUGH WITH YOU SO I WILL LET YOU GO.	

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John D. Lee, First Trial

Philo T. Farnsworth Testimony

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RT	RS	BT	PS
[Bk 4 429] [365]PHILO T. FARNSWORTH, SR. SWORN FOR DEFENDANT.	*[Bk 8 21 cont.]* **PHILO T. FARNSWORTH** HAVE YOU BEEN SWORN NO SIR I HAVE NOT. OATH ADMINISTERED YOU BEEN HAVE BEEN [*space*]	*[274]* PHILO T. FARNSWORTH BEING SWORN AS A WITNESS ON THE PART OF THE DEFENSE, WAS EXAMINED ~~AS~~X BY J.G.SUTHERLAND AS FOLLOWS: **R.N. BASKIN: FOR PROSECUTION INQUIRY:**	[*Patterson Shorthand is not extant for this material.*]
Q. HAVE YOU BEEN IN COURT DURING THE PENDENCY OF THIS TRIAL ? A. I HAVE NOT SIR.	{Q}[i] HAVE YOU BEEN IN COURT DURING PENDENCY OF THIS TRIAL {A}I HAVE NOT SIR	Q. HAVE YOU BEEN IN COURT DURING THE PENDANCY OF THIS TRIAL? A. I HAVE NOT, SIR. **J.G. SUTHERLANDF OR DEFENSE:**	
Q. WHERE DID YOU LIVE IN 1857 ? A. LIVED IN BEAVER. Q. WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME ?	{Q}[i]WHERE DID YOU LIVE IN 1857 {A}[i] LIVED IN BEAVER {Q}[i] WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME	Q. WHERE DID YOU LIVE IN I857? A. I LIVED IN BEAVER. Q. WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME?	

365. **JULY 1875.**
BOOK NO 4.
FIRST TRIAL OF JNO. D. LEE.
DEFENCE.
PAGE 429. PHILO. T. FARNSWORTH SENIOR 6TH WITNESS
468. JNO HAMILTON. —"— 7. —"—
474. JNO HAMILTON, JR. 8. —"—
483. RICHARD ROBISON. 9. —"—
489. SAMUEL JACKSON, SENIOR. 10. —"—
491. JNO. M. MACFARLANE. 11. —"—

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RT	RS	BT	PS
A. BISHOP. Q. DID YOU KNOW A MAN HERE BY THE NAME OF JOHN MORGAN ? A. I DID. Q. STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH ? A. HE WAS A MEMBER OF THE CHURCH. Q. DO YOU REMEMBER A TRAIN OF EMIGRANTS PASSING THROUGH HERE THAT YEAR THAT WAS SAID TO BE SLAUGHTERED AT THE MOUNTAIN MEADOWS ? A. I KNOW OF SUCH A COMPANY PASSING, BUT ACCORDING TO THE BEST OF MY RECOLLECTION I WAS NOT IN ~~G~~ TOWN WHEN THEY PASSED THROUGH. I MET SUCH A COMPANY AT CORN CREEK ON MY WAY TO FILLMORE. Q. DID YOU KNOW OF JOHN	{A}[i]BISHOP {Q}[i] DID YOU KNOW A MAN HERE BY NAME OF JOHN MORGAN {A}[i] I DID {Q}[i] STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH {A}[i]HE WAS MEMBER OF CHURCH. [*space*] {Q}[i]DO YOU REMEMBER THE TRAIN OF EMIGRANTS PASSING THROUGH HERE THAT YEAR THAT WAS SAID TO BE SLAUGHTERED AT MOUNTAIN MEADOWS ? {A}[i]I KNOW OF SUCH A COMPANY PASSING {BUT}[i] ACCORDING BEST MY RECOLLECTION I WAS NOT IN TOWN WHEN THEY PASSED THROUGH, I MET SUCH A COMPANY AT CORN CREEK {ON}[i] MY WAY TO FILLMORE. {Q}[i]DID YOU KNOW OF JOHN	A. BISHOP. Q. DID YOU KNOW A MAN HERE BY THE NAME OF JOHN MORGAN? A. I DI~~D~~. Q. STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH? A. HE WAS A MEMBER OF THE CHURCH. Q. DO YOU REMEMBER A TRAIN OF EMIGRANTS PASSING THROUGH HE RE TH~~A~~T YEAR, THAT WAS SAID TO BE ~~A~~SLSUGHTERED AT THE MOU~~TN~~NTAIN MEADOWS? A. I KNOW OF SUCH A COMPANY, BUT ACCORDING TO THE BEST OF MY RECOLLECTION, I WASN'T IN TOWN WHEN THEY PASSED THROUGH. I MET SUCH A COMPANY AT CORN CREEK ON MY WAY TO **F**ILLMORE. Q. DI D YOU KNOW OF JOHN	

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RT	RS	BT	PS
MORGAN BEING DEALT WITH BY THE CHURCH FOR SELLING THIS EMIGRANT TRAIN ANY CHEESE OR PRODUCE ? A. NO SIR, HE WAS NOT TO MY RECOLLECTION OR KNOWLEDGE. BASKIN: LET ME ASK THE WITNESS ONE QUESTION. DO THE CHURCH KEEP RECORDS OF THESE PROCEEDINGS ? A. YES SIR. BASKIN: I SUBMIT, YOUR HONOR THAT THE RECORD IS THE BEST PROOF. SUTHERLAND EXPLAINED TO THE COURT THAT THE WITNESS ON THE STAND WAS BROUGHT THERE FOR THE PURPOSE OF CONTRADICTING A STATEMENT MADE BY ONE OF THE WITNESSES	MORGAN BEING DEALT WITH {BY THE}[i] CHURCH FOR SELLING THIS EMIGRANT TRAIN ANY CHEESE OR OTHER PROPERTY {A}[i] NO SIR HE WAS NOT TO MY RECOLLECTION {OR}[i] KNOWLEDGE. {Q}[i]BY BASKIN LET ME ASK ONE QUESTION JUDGE, QDO THE CHURCH KEEP RECORDS OF THESE PROCEEDINGS {A}[i]YES SIR {**BASKIN**}[i]. I SUBMIT THE RECORD IS THE BEST PROOF. {*}[i] SUTHERLAND WE HAVE {THE}[i] WITNESS ON {THE}[i] STAND HERE WHO HAS TESTIFIED ORALLY BY MEN QUESTION *FOUND*[?] STATING	MORGAN BEING DE**A**LT WITH FOR SELLING **THE** EMIGRANT TRAIN A CHEESE OR OTHER PROPERTY? A. NO, SIR, HE WAS NOT TO MY RECOLLECTION OR KNOWLEDGE. **R. N.** BASKIN: LET ME ASK ONE QUESTION, JUDGE. DO THE **C**HURCH KEEP RECORDS OF THESE PROCEEDINGS? A. YES, SIR . **R.N** BASKIN: I SUBMIT**,** THE RECORD **IS** ~~ID~~THE BEST PROOF. J. G. SUTHERLAND: WE HAVE **HAD A** ~~THE~~ WITNESS ON THE STAND HERE WHO HAS TESTIFIED ORALLY IN ANSWER TO QUESTIONS, ~~HAVE STATED~~ THAT	

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RT	RS	BT	PS
FOR THE PROSECUTION THAT THIS JOHN MORGAN WAS CUT *[430]* FROM THE CHURCH FOR SELLING THESE EMIGRANTS A CHEESE.	THIS JOHN MORGAN SOLD THIS TRAIN SOME CHEESE, AND THAT WAS SUCH AN OFFENSE AGAINST {THE}[i] CHURCH HE WAS DISFELLOWSHIPPED AFTERWARDS WHILE MR. FARNSWORTH WAS PRESIDING. WE HAVE CALLED THIS WITNESS {IN HERE}[i] IN ORDER TO CONTRADICT IT, I CONTEND IN REPLY *[22]* TO OBJECTION MADE BY ≤THE≥ COUNSEL, IF BOOKS WERE PRODUCED HERE THAT WOULD NOT BE EVIDENCE AT ALL MERE SIMPLE MEMORANDUM BY WHICH WITNESS MIGHT REFRESH THEIR MEMORIES RECORDS	THIS JOHN MORGAN SOLD THIS TRAIN SOME CHEESE AND ~~THAT~~ THAT **IT** WAS SUCH AN OFFENSE AGAINST THE CHURCH THT HE WAS DISFELLOWSHIPPED AFTERWARDS WHILE MR. FARNSWORTH WAS PRESIDING. WE HAVE CALLED TH**I**S WITNESS IN ORDER TO CONTRADICT IT**.** I CONTEND IN ANSWER TO THE OBJECTION MA~~B~~DE BY COUNSEL, IF THE BOOKS WERE PRODUCED HERE THEY WOULD NOT BE EVIDENCE AT ALL**,** ANY MORE THAN SIMPLY MEMORANDUM BY WITNESSES **AND** M~~U~~IGHT REFRESH THEIR MEMORIES AS REGARDS	

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RT	RS	BT	PS
	THEMSELVES ARE NOT EVIDENCE. BY COURT YOU CAN ASK YOUR QUESTION. {**RULED**}^{i} [*space*] {**Q**}^{i}STATE WHETHER WHEN YOU WERE PRESIDING <HERE AS BISHOP> JOHN MORGAN WAS DISFELLOWSHIPPED FOR ANY DEALINGS WITH THIS TRAIN ? A. I HAVEN'T THE SLIGHTEST RECOLLECTION OF ANYTHING OF THE KIND, AND IF THERE HAD BEEN ANYTHING OF IT I SHOULD RECOLLECT IT. Q. HOW LONG HAD YOU BEEN RESIDING HERE THEN ? A. I RESIDED HERE ABOUT A YEAR. Q. HAVE YOU ANY	THEMSELVES **BUT** THEY *[275]* ARE NOT EVIDENCE. THE COURT: YOU CAN ASK ~~YOUR~~ **THE** QUESTION. **J. G. SUTHERLAND:** Q. STATE WHETHER WHEN YOU WERE PRESIDING HERE AS BISHOP, ~~WHETHER~~ JOHN MORGAN WAS DISFELLOWSHIPLED FROM THE CHURCH ~~FROM~~ FOR ANY DEALINGS WITH THIS TRAIN. A. I HAVN'T THE SLIGHTEST RECOLLECTION OF ANYTHING OF THE KIND; AND IF THERE HAD BEEN ANYTHI~~N~~G OF IT, I SHOULD RECOLLECT IT. Q. HOW LONG HAD **HE** ~~YOU~~ BEEN A RESIDENT HERE AT THAT TIME? A: HE RESIDED HERE ABOUT A YEAR. Q. HAVE YOU ANY	

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RT	RS	BT	PS
RECOLLECTION OF THE MAN STILL ? A. THE MAN WAS A GOOD FAITHFUL MAN, IN GOOD FELLOWSHIP IN THE CHURCH, AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE. Q. WERE YOU HERE AT THE TIME THE TRAIN PASSED THROUGH HERE ? A. I THINK I WAS BETWEEN HERE AND FILLMORE. I HAVE NO RECOLLECTION OF SEEING THE TRAIN, EXCEPT WHEN MEETING THEM AT CORN CREEK. Q. DID YOU HAVE ANY PERSONAL ACQUAINTANCE WITH ANY OF THIS COMPANY A. NOT WITH THAT COMPANY I DIDN'T. Q. TO ANY	RECOLLECTION OF THE MAN STILL {**A**THE}[i] MAN WAS {**A**}[i] GOOD FAITHFUL MAN {IN}[i] GOOD FELLOWSHIP IN {THE}[i] CHURCH AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE {**Q**}[i] WERE YOU HERE AT THE TIME {THE}[i] TRAIN PASSED THROUGH HERE {**A**}[i]I THINK I WAS BETWEEN HERE AND FILLMORE I HAVE NO RECOLLECTION OF SEEING {THE}[i] TRAIN EXCEPT WHEN MEETING THEM AT CORN CREEK. ≤SEE AS TO THIS QUESTION≥ **Q**DID YOU EVER HEAR OF ANY PERSON MAKING SALE OF CHEESE TO THIS COMPANY {**A**}[i] NOT TO THAT COMPANY I DIDN'T [*space*] **Q**TO ANY	RECOLLECTION OF THE MAN STILL? A. THE MAN WAS A GOOD FAITHFUL MAN, IN GOOD FELLOWSHIP WITH THE CHURCH, AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE. Q. WERE YOU HERE AT THE TIME THE TRAIN PASSED THROUGH HERE? A. I THINK I WAS BETWEEN HERE AND **F**ILLMORE . I HAVE NO RECOLLECTION OF SEEING THE TRAIN ~~WE~~EXCEPT WHEN WE MET TH EM AT CORN CREEK**.** Q. DID YOU EVER HEAR OF ANY PERSON MAKING A SALE OF CHEESE TO THIS COMPANY? A. NOT TO THAT COMPANY. Q. TO ANY	

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RT	RS	BT	PS
OTHER ABOUT THE SAME TIME ? A. I THINK I DID. Q. TO ANY OTHER COMPANY THAT CAME ALONG AFTERWARDS ? BASKIN: WE OBJECT . A. YES. Q. WHAT COMPANY WAS THAT, IF IT HAD ANY NAME ? A. IT WAS A LARGE COMPANY OF FIFTY MEN AND WAGONS THAT WERE ATTACKED AT INDIAN CREEK. A NUMBER OF THEM DIVIDED; THEY CAME ALONG ABOUT SOMEWHERE ABOUT TEN DAYS, WITH THREE WAGONS.	OTHER COMPANY ABOUT {THE}^{i} SAME TIME {**A**}^{i}I THINK I DID {**Q**}^{i} TO ANOTHER COMPANY {THAT}^{i} CAME ALONG AFTERWARDS ? BASKIN WE OBJECT {**Q**}^{i} WHAT COMPANY WAS {THAT}^{i} IF *THEY*[?] HAD ANY NAME {**A**}^{i} IT WAS {A}^{i} LARGE COMPANY OF {ABOUT}^{i} 50 MEN {**&**}^{i} WAGONS, THAT WERE ATTACKED {AT}^{i} INDIAN CREEK = PART OF THEM AND THE COMPANY DIVIDED, THEY CAME ALONG ABOUT SOMEWHERE FROM TEN DAYS TO 3 WEEKS	OTHER COMPANY ABOUT THE SAME TIME? A. I TH**I**NK I DID. Q. TO ANY OTHER COMPANY THA T CAME ALONG AFTERWARD? **R.N.** BASKIN: WE OBJECT TO THAT. (NO RULING) ~~Q.~~ Q. WHAT COMPANY WAS IT , IF THEY HAD ANY NAME? A: I T WAS A LARGE C~~I~~OMPANY OF ABOUT 50 MEN AND WAGONS THAT WERE ATT~~E~~ACKED AT INDIAN CREEK, PART OF THEM, AND THE COMPANY DIVIDED; AND THEY ~~CAME ALONG ABOUT FROM SOMEWHERE FROM TEN TO SIX AND THREE WAGONS~~ CAME ALONG ABOUT SOMEWHERE FORM TEN DAYS TO THREE WEEKS	

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RT	RS	BT	PS
I COULD NOT BE POSITIVE AS TO THE DAY WHEN THE OTHER COMPANY PASSED. *[431]* BASKIN: WE OBJECT TO THIS EVIDENCE AS NOT PERTAINING TO THE COMPANY MASSACRED.	~~≤~~AFTER~~≥~~ I COULD NOT BE POSITIVE AS TO THE DAY ~~≤~~IT WAS~~≥~~ AFTER {THE}[i] OTHER COMPANY PASSED ~~≤~~OBJECTED TO BY {**BASKIN**}[i]~~≥~~ **SUTH** {WE}[i] INSIST *IF* *IT IS NOT*[?] PROPER TO ANSWER THE IMPORTANT QUESTION IN REFERENCE TO THIS OTHER PARTY BECAUSE OF THAT CLAIM BY PROSECUTION THAT THE OTHER WAS PREVIOUS TO SLAUGHTER OF {THE}[i] EMIGRANTS. WE DESIRE TO HAVE TESTIMONY IN ~~≤~~REGARD~~≥~~ THAT. BY COURT IF I UNDERSTAND	AFTER THE OTHER COMPANY HAD PASSED . I COULD NOT BE POSITIVE AS TO THE DAY BUT IT WAS AFTER THE OTHER COMPANY HAD PASSED. **OBJECTED TO.** **SUTHERLAND** ~~BASKIN:~~ ~~OBJECTED TO~~ WE INSIST THAT IT IS ~~NOT~~ PROPER TO ANSWER THE QUESTION IN REFERENCE TO THIS OTHER PARTY, BECAUSE **WE** ~~WE~~ CALIM THAT THE OTHER *[276]* WAS PREVIOUS TO THE SLAUGHTER OF THE EMIGRANTS; AN~~S~~D WE DESIRE TO HAVE TESTIMONY IN IN **IN** REGARD TO THAT. THE COURT: IF I UNDERSTAND	

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RT	RS	BT	PS
	PROSECUTION PROHIBITION THEY HAD ALREADY TESTIMONY INTRODUCED ABOUT THIS TRAIN WITH THEIR *APPROBATION*[?].	THE PROSECUTION THE **PROPOSITION** ~~PROHIBITION~~ THEY HAD ALREADY INTRODUCED **EVIDENCE** **UPON,** ~~A~~WAS ABOUT THIS TRAIN**.** ~~WITH~~ ~~THE~~ ~~PROHIBITION.~~
HOGE: WE PROPOSE TO SHOW THAT GEORGE A. SMITH PREACHED HERE AND THAT HIS TEACHINGS WERE A GENERAL THING IN REGARD TO ALL PERSONS PASSING THROUGH THE TERRITORY. COURT: MY IMPRESSION IS THAT IT WAS CONFINED TO THIS TRAIN.	BY HOGE GEORGE A SMITH PREACHED HERE, AND THAT THIS WAS GENERAL THING, ~~<~~BUT IT WAS~~>~~ NOT IN REGARD TO ALL PERSONS PASSING THROUGH THE TERRITORY. BY COURT MY IMPRESSION IS THAT IT WAS CONFINED TO THIS TRAIN [*space*] JUDGE HOGE HAS PROBABLY MATTER CONFUSED IN	**E.D.** HOGE: IT IS ALREADY ~~THAT~~ IN EVIDENCE THAT GEORGE A. SMITH PREACHED HERE AND THAT THI S WAS THE GENERAL LANGUAGE, BUT IT ~~W~~WAS NOT I~~D~~N REGARD TO ALL PERSONS PASSING THR**O**UGH THE TERRITORY. THE COURT: MY IMPRESSION IS THAT IT W~~Q~~**A**S **CONFINED** S~~C~~ONMFINED TO THIS TRAIN. JUDGE HOGE HAS PROBABLY GOT THE MATTER CONFUSED ~~H~~ IN	

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RT	RS	BT	PS
	THIS THE 2 SMITHS THAT WERE ON THE STAND THEY TOLD IT THEMSELVES ≤WITH GEORGE A SMITH≥ IN WHICH HE SAID THEY WERE NOT *GENERAL*[?]. SUTHERLAND. MY OWN RECOLLECTION AGREES WITH HIS. COURT RULED {THAT THE}[i] *REPORTERS*[?] NOTES BE REFERRED TO.	HIS MIND . THE TWO **S**MITHS THAT WERE ON THE STAND STARTED OUT **BY** ~~WITH~~ THE~~J~~MSELVES WITH GEORGE A. SMITH, AND THEY SAI~~T~~**D** THAT IT WAS NOT. **J.G.** SUTHERLAND: MY OWN RECOLLECTION AGREES ~~WTH~~ ~~HIS~~ WITH HIS. THE COURT: THE REPORTER WILL PLEASE REFERR TO HIS NOTES. **E.D.**
HOGE: KLINGENSMITH TESTIFIED TO THE SAME THING IN GENERAL TERMS. COURT: PERHAPS HE DID BUT I WAS THINKING ROBERT KERSHAW SAID MORE ABOUT IT. BASKIN: MY REMEMBRANCE IS MR. SMITH'S	BY HOGE K SMITH TESTIFIED TO {THE}[i] SAME THING [23] IN GENERAL TERMS. BY COURT PERHAPS HE DID, BUT I WAS THINK{ING}[i] MORE ABOUT ROBERT KERSHAW. BY COURT YOU CAN REFER TO PAGES OF THEM. BASKIN MY REMEMBRANCE {IS}[i] MR. SMITH'S	HOGE: KLINGENSMITH TESTIFIED TO THE SAME THING, IN GENERQL TERM~~S~~. THE COURT: PERHA~~L~~PS HE DID, BUT I WAS THINKNG MORE ABOUT ROBERT KERSHAW, BUT YOU CAN REFER TO THE NOTES AS TO THAT. **R.N.** BASKIN: MY REMEMBERANC E IS TH**A**T THE	

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RT	RS	BT	PS
TESTIMONY WAS THAT IT WAS CONFINED TO THIS TRAIN AND NO OTHER. SUTHERLAND: ~~IF IT BE~~ IT WOULD BE SAFE TO LET THIS TESTIMONY IN IF E~~I~~ITHER OF THEM TESTIFIED THAT WAY,BUT I WILL WAIVE THE QUESTION TO SAVE TROUBLE AND TIME. Q. STATE WHETHER YOU WERE HERE WHEN GEORGE A. SMITH RETURNED ? A. I WAS HERE; HE STAYED ALL NIGHT AT MY HOUSE. I TOOK HIM WITH MY WAGON TO FILLMORE. Q. WHAT TIME IN THE DAY DID HE ARRIVE HERE ? A. I COULD NOT SAY PRECISELY AS	TESTIMONY WAS IT WAS CONFINED TO THIS TRAIN {AND}^{i} NO OTHER. BY COURT WE CAN TELL BY {THE}^{i} REPORTERS ~~<~~NOTES~~>~~. SUTHERLAND IT WOULD BE SUFFICIENT TO LET THIS TESTIMONY IN IF EITHER OF THEM TESTIFIED THAT WAY. BY SUTHERLAND I WILL WAIVE THE QUESTION TO SAVE TROUBLE AND TIME. [*space*] {**Q**}^{i} STATE WHETHER YOU WERE HERE WHEN GEORGE A SMITH RETURNED {**A**}^{i}I WAS HERE, HE STAYED ALL NIGHT AT MY HOUSE. I TOOK HIM WITH MY WAGON TO **F{ILLMORE**}^{i} **Q** WHAT TIME DID THEY ARRIVE HERE IN THE DAY {**A**}^{i}I COULD NOT SAY PRECISELY AS	TESTIMONY WAS**,** IT WAS CONFINED TO THIS TRAIN **A**ND NO OTHER. THE COURT: WE CAN TELL BY THE REPORTERS NOTES. **J.G.** SUTHERLAND: IT WOULD BE SUFFICIENT TO LET THIS TESTIMONY IN IF EITHER OF THEM TESTIFIED THAT WAY. I WILL WAVE THE QUESTION TO SAVE TROUBLE AND TIME.. Q. STATE WHETHER YOU WERE HERE WHEN GEORGE ~~Q~~A. SMITH RETURNE~~E~~**D**. A. I WAS HERE, HE STAID ALL NIGHT A T M~~U~~Y HUSE: I TOOK HIM IN MY WAGON TO FILLMORE. Q. WHAT TIME DID THE Y ARRIVE HERE IN **THE** ~~HTTHE~~ DAY? A. I COULDNOT SAY PRECISELY AS	

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RT	RS	BT	PS
TO THE HOUR,BUT IN THE EVENING. THEY C~~M~~AME FROM PAROWAN, AS FAR AS MY MEMORY SERVES ME. Q. DID HE GO ON THE NEXT DAY ? A. I THINK HE DID,BUT CANNOT BE POSITIVE. Q. DID HE HOLD ANY MEETINGS HERE ? A. I THINK HE DID. Q. DID YOU HEAR HIM. *[432]* A. I DID. Q. YOUR ATTENTION HAS BEEN CALLED TO THE TESTIMONY GIVEN BY KERSHAW AS TO WHAT GEORGE A. SMITH SAID AT THAT TIME ? OBJECTED TO BY BASKIN. OBJECTION WAIVED. Q. DID HE CALL ATTENTION TO	TO {THE}^{i} HOUR {BUT}^{i} IN {THE}^{i} EVENING; THEY CAME FROM PAROWAN AS FAR AS MY MEMORY SERVES ME. {**Q**}^{i} DID HE GO ON NEXT DAY {**A**}^{i}I THINK HE DID {BUT}^{i} COULD NOT BE POSITIVE {**Q**}^{i} DID HE HOLD ANY MEETING HERE {**A**}^{i}I THINK HE DID {**Q**}^{i}DID YOU HEAR HIM {**A**}^{i}I DID {**Q**}^{i}YOUR ATTENTION HAS BEEN CALLED TO {THE}^{i} TESTIMONY GIVEN BY KERSHAW AS TO WHAT GEORGE {**A**}^{i} SMITH ~~<~~SAID~~>~~ AT THAT TIME ~~<~~SAID~~>~~ OBJECTED TO BY PROSECUTION HOLD ON PROSECUTION {BASKIN}^{i} GO ON {**Q**}^{i} A <**ANSWER**> DID NOT CALL ATTENTION TO	TO THE HOUR, BUT IN THE EVENING. THEY CAME FROM PAROWAN AS FAR AS MY MEMORY SERVES ME.. Q. DID HE GO ON NEXT DAY? A. I THINK HE DID, BUT COULD NOTBE POSITIVE. *[277]* Q. DID HE HOLD ANY MEETING HERE? A. HE DID. Q. DID YOU HEAR H~~EI~~M? A I DID. Q. YOUR ATTENTION HAS BEEN CALLED TO THE TESTIMONY GIVEN BY ROBERT KE~~R~~**Y**S ~~HAW~~ AS TO WHAT GEORGE A. SMITH SAID AT THAT TIME. **M**^{R} BASKIN: WE OBJECT. HOLD ON. ALL RIGHT**,** GO ON. ~~SUTHERLAND: ALL RIGHT.~~ **Q**A. ~~DID~~ DIDN'T ~~HE~~ CALL ATTENTION TO	

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RT	RS	BT	PS
ANY PARTICULAR COMPANY OF EMIGRANTS— DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY—OR YOU EITHER A. NOT TILL WE MET THEM AT CORN CREEK. Q. THAT LEADS YOU TO REMARK THAT HE DIDN'T FROM THE SIMPLE FACT THAT HE TOLD YOU SO. WHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR SELLING OF GRAIN,EITHER BY THE PEOPLE USING OF THE GRAIN OR THE SELLING OF IT TO THE EMIGRANTS, WHEN HE WAS HERE ? A. HIS REMARKS WAS TO THE EFFECT TO	ANY PARTICULAR COMPANY OF EMIGRANTS, NEITHER DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY NOR ME EITHER {A}[i]TILL WE MET THEM AT CORN CREEK {Q}[i]WHAT LEADS YOU TO REMARK HE HE DIDN'T {KNOW}[i] FROM THE SIMPLE FACT {THAT}[i] HE TOLD YOU SO {A}YES SIR {Q}[i]WHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR THE SELLING OF GRAIN EITHER BY THE PEOPLE US{ING}[i] OF THE GRAIN OR THE SELLING OF IT TO {THE}[i] EMIGRANTS WHERE HE WAS HERE {A}[i]HIS REMARKS WAS TO THE EFFECT TO	ANY PARTICULAR EMIGRANTS NEITHER DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY WHEN WE M~~W~~ET THEM THERE TILL WE MET THEM AT CORN CREEK. Q. ~~THAT~~ **WHAT** LEADS YOU TO MAKE THE REMARK **"**HE DIDN'T KNOW" FROM THE SIMPLE FACT THAT HE TOLD YOU SO? A. YES, SIR. Q. WHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR THE SELLING ~~F~~O~~O~~F GRAIN, EITHER BY THE PEOPLE USING T**H**E GRAIN OR SELLING OF IT TO THE EMIGRANTS WHEN HE WAS HERE? A. HIS REMARKS WAS TO THE E~~V~~FFECT TO	

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RT	RS	BT	PS
SAVE THE GRAIN N~~,~~OT TO FEED IT TO HORSES OR HOGS. NOT TO HAVE IT WASTED IN ANYWISE,~~WE~~ AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE. Q. HE REMARKED UPON THE PROPRIETY OF DISPOSING OF SOME TO EMIGRANTS OR TRAVELERS ? A. I DON'T THINK SIR HE REFERRED TO EMIGRANTS AT ALL — DON'T THINK HE DID IF MY MEMORY SERVES ME RIGHT — NOT AT THAT TIME Q. OR ANY OTHER TIME DID HE SAY ANYTHING ABOUT THE EMIGRANTS ? A. NOT PARTICULARLY IN THAT CONNECTION. Q. YOU SAY YOU ACCOMPANIED	SAVE THE GRAIN NOT TO FEED IT TO HORSES OR HOGS {AND NOT TO}^{i} HAVE {IT}^{i} WASTED IN ANY WISE AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE. {**Q**}^{i} HE REMARKED UPON {THE}^{i} PROPRIETY OF DISPOSING TO EMIGRANTS OR TRAVELERS. **Q**DON'T THINK SIR HE REFERRED TO EMIGRANTS AT ALL ≤NOT SELL THEM≥ {**A**}^{i} DON'T THINK HE DID {IF}^{i} MY MEMORY SERVES ME RIGHT OR ANY OTHER OR AT THAT TIME {**Q**}^{i} OR ANY OTHER TIME SAID ANYTHING ABOUT EMIGRANTS **Q** YOU SAY YOU ACCOMPANIED	SAVE THE GRAIN AND NOT TO FEED IT TO HORSES OR HOGS, NOT TO HAVE IT WASTED IN ANY WISE, AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE~~;~~ AND HE RE~~L~~MARKED UPON THE PROPRIETY OF DISPOSING TO EMIGRANTS OR TRAVELLERS. Q. YOU DON'T THINK HE REFERRED TO THE EMIGRANTS AT ALL**,** NOT TO **THEM.** A. I DON'T THINK HE DID, IF MY MEMORY SERVES ME RIGHT, NOT AT THAT TIME. Q. OR ANY OTHER TI ~~L~~ME, DID HE SAY ANYTHING ABOUT THE EMIGRANTS A. I DON'T THINK HE DID. Q. AND YOU SAY YOU ACCOMPANIED	

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RT	RS	BT	PS
HIM TO FILLMORE ? A. I DID. Q. DID YOU STOP AT CORN CREEK ? A. YES SIR. WE CAMPED THERE. *[433]* Q. HOW LONG DID YOU STAY THERE ? A. ALL NIGHT ,AND THE BALANCE OF THE NIGHT AFTER WE GOT THERE. WE DROVE TILL ABOUT NINE OR TEN O'CLOCK. Q. WAS THERE A SETTLEMENT THERE AT THE TIME ? A. THERE WAS NOT AT THAT TIME. WE GOT WATER BY DRIVING UP CORN CREEK, AND PUT OUR STOCK ON THE GRASS, MAKING A LITTLE FIRE AND SLEEPING ON THE GROUND. Q. DID YOU MEET ANY PERSONS THERE ? A. YES SIR, WE DID, AT	HIM TO FILLMORE $_{A}$I DID [*space*] {Q}^{i} DID YOU STOP AT CORN CREEK {A}^{i}YES SIR WE CAMPED THERE {Q}^{i} HOW LONG DID YOU STAY THERE $_{A}$ALL NIGHT {AND THE}^{i} BALANCE OF {THE}^{i} OF THE NIGHT AFTER WE GOT THERE. WE DROVE TO ABOUT 9 OR TEN O'CLOCK. Q WAS THERE {A}^{i} SETTLEMENT THERE {AT THE TIME $_{A}$}^{i}THERE WAS NOT AT THAT TIME WE GOT OURSELVES ALL DRIVEN UP CORN CREEK {AND}^{i} PUT OUR STOCK ON GRASS GETTING LITTLE FIRE {AND}^{i} SLEEPING ON {THE}^{i} GROUND *[[24]]* {Q}^{i}DID YOU MEET ANY PERSONS THERE {A}^{i}YES SIR WE DID, AT	HIM TO FILLMORE? A. IDID. Q. DID YOU STOP AT CORN CREEK? A. YES, SIR, WE CAM~~O~~PE~~R~~**RD** THERE. Q HOW LONG DID YOU **STAY** ~~SATAYT~~ THERE? A . ALL NIGHT **OR** ~~AND~~ THE ~~P~~**B**ALANCE OF THE NIGHT AFTER WE GOT THERE. WE DROVE TILL ABOUT NINE OR TEN O'CLOCK AT NIGHT. Q. WAS THE**R**E A SETTLEMENT THERE AT THE TIME? A . THERE WAS NOT AT THE TIME. WE GOT THERE IN THE NIGHT, UP TO CORN CREEK AND PUT *[278]* OUR STOCK ON GRASS; GOT A LITTLE SUPPER AND SLEPT ON THE GROUND. Q . DID YOU MEET ANY PERSONS THERE? A. YES, SIR, WE DID~~.~~**;** AT	

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RT	RS	BT	PS
LEAST THERE WAS A COMPANY CAMPED THERE WHEN WE CAME UP. WE DROVE UP A LITTLE WAYS I SHOULD THINK FOR PROBABLY TWENTY RODS OFF THEIR CAMP. Q. WERE THEY CAMPED OR NOT—WHAT PARTY WAS THAT ? A. IT WAS THE COMPANY OF EMIGRANTS GOING THROUGH TO SOUTHERN CALIFORNIA. Q. DO YOU KNOW WHETHER IT IS THE SAME COMPANY THAT WAS AFTERWARDS KILLED AT THE MOUNTAIN MEADOWS IF SO STATE ? A. IT IS THE COMPANY I HAVE HEARD WAS KILLED,	LEAST THERE WAS COMPANY CAMPED THERE WHEN WE CAME UP OR IN POSSESSION OF GROUND WE DROVE UP LITTLE WAYS I SHOULD THINK PROBABLY 20 *RODS/YARDS*[?] OFF THEIR CAMP $_{Q}$WHERE WE CAMPED *THE NIGHT*[?] WHAT PARTY WAS THAT $\{_{A}\}^{i}$IT $\{A/THE[?]\}^{i}$ WAS COMPANY OF EMIGRANTS GOING THROUGH $\{TO\}^{i}$ SOUTHERN CALIFORNIA [*space*] $_{Q}$ DID YOU KNOW WHETHER IT IS THE SAME COMPANY THAT WAS AFTERWARDS KILLED AT MOUNTAIN MEADOWS, IF SO STATE $\{_{A}\}^{i}$IT WAS THE COMPANY I HAVE HEARD WAS KILLED.	LEAST THERE WAS A COMPANY CAMPED THERE WHEN WE CAME UP. **THEY WERE** ON THE ~~GOU~~ GROUND WHEN WE ~~F~~DROVE UP, A LITTLE WAYS FROM THEM, PROBABLY 20 YARDS OFF FROM THIER CAMP . Q. WHAT PARTY WAS THAT, IF ~~O~~YOU KNOW? A. IT WAS A PARTY OF EMIGRANTS GOING THROUGH TO SOUTHERN CALIFORNIA. Q. DO YOU KNOW WHETHER IT IS THE SAME COMPANYT HAT WAS AFTERWARDS KILLED AT THE MOUNTAIN MEADOWS, IF SO STATE? A. IT WAS THE COMPANY I HAVE HEARD WAS KILLED;	

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RT	RS	BT	PS
BUT I KNOW NOTHING OF IT ONLY WHAT I HAVE HEARD AND READ IN THE PAPERS HERE SINCE, THAT ~~SOME~~ SAME COMPANY FIRST PASSED ON. Q. DID YOU HAVE ANY INTERCOURSE WITH THEM ? A. THEY CAME TO THE WAGONS, SOME TWO OR THREE ON GUARD WAS OUT ON DUTY LOOKING OUT FOR STOCK~~;~~ THAT EVENING, AND TALKED A LITTLE WHILE TO MR. SMITH. THERE WAS SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY, BUT NOTHING OF ANY IMPORTANCE OCCURRED THAT EVENING. Q. DID YOU LEARN THEIR NAMES ? *[434]* A. I DID NOT.	{I}^{i} KNOW NO{THING}^{i} OF IT ONLY WHAT I HAVE HEARD AND READ IN THE PAPERS EVER SINCE ~~≤~~THAT~~≥~~ SAME COMPANY FIRST PASSED ON. $_{Q}$ DID YOU HAVE ANY INTERCOURSE WITH THEM $_{A}$ THEY CAME TO THE WAGONS SOME TWO OR 3 OF GUARD WAS OUT ON DUTY LOOKING OUT AFTER STOCK THAT EVENING AND TALKED LITTLE WHILE TO MR. SMITH. THERE WAS SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY BUT NOTHING OF ANY IMPORTANCE OCCURRED THAT EVENING $_{Q}$DID YOU LEARN THEIR NAMES $_{A}$ I DID NOT.	I KNOW NOTHING OF IT ONLY **WHAT** I HAVE HEARD AND READ IN THE PA~~T~~PERS SINCE. T~~T~~HAT SAME COMPANY HA~~S~~**D** PASSED ON. Q. DID YOU HAVE ANY INTERCOURSE WITH THEM? A. THEY CAME TO THE WAGONS, SO~~ME~~ME TWO OR THREE OF THEM W~~AS~~**ERE** ON G~~R~~UARD, WAS OUT ON DUTY, LOOKING OUT AFTER STOCK THAT EVENING AND TALKED A LITTLE WHILE TO MR. SMITH. THERE WERE SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY BUT NOTHING ~~OCCURRED~~ OF A~~M~~NY IMPORTANCE O~~F~~CCURRED THA T EVENIN~~G~~. Q. DID YOU LEARN THEIR ~~N~~NAMES? A. IDID NOT.	

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RT	RS	BT	PS
Q. DO YOU KNOW OF ANY PERSON SE~~L~~LLING THEM ANYTHING THERE ? A. WELL, TO SAY I KNOW THEY SOLD ANYTHING I CANNOT SAY THAT. I KNOW IN THE MORNING OF ONE PARTY ASKING THE QUESTION WHETHER WE SUPPOSED THE INDIANS WOULD EAT THE DEAD OX THAT HAD DIED DURING THE NIGHT,LYING OUT A LITTLE FROM CAMP TEN OR FIFTEEN RODS, OR TWENTY EITHER, BUT IT WAS NOT OVER TEN TO FIFTEEN RODS FROM OUR CAMP, POINTING OUT TO THE OX HE ASKED IF THE INDIANS WOULD EAT THAT OX. SOME	[*space*] $_{Q}$DO YOU KNOW OF ANY PERSON SELLING THEM ANYTHING THERE $_{A}$ WELL TO SAY I KNOW THEY SOLD ANYTHING I CANNOT SAY THAT. $\{_{A}\}^{i}$I KNOW IN THE MORNING, OF ONE PARTY ASKING QUESTION, WHETHER WE SUPPOSED THE INDIANS WOULD EAT A DEAD OX THAT HAD DIED DURING THE NIGHT, LY{ING}^{i} OUT A LITTLE FROM CAMP = 10 15 *RODS/YARDS*[?], NOT 20 *EITHER*[?], IT WAS NOT OVER TEN 15 *RODS/YARDS*[?] FROM OUR CAMP POINTING OUT TO THE OX ~~<~~HE SAID~~>~~ IF THE INDIANS WOULD EAT THAT OX. SOME	Q. DO YOU KNOW ~~A~~OF ANY PERSON SELLING THEM ANYTH**I**NG THERE? A. WELL, TO SAY I KNO**W** THEY SOLD A**N**YTHING~~A~~ I CAN'T SAY THAT. I KNOW OF ONE PARTY IN THE MORNIN~~I~~G ASKING THE QUESTION WHETHER ~~THEY~~ WE SUPPOSED THAT THE **I**NDIANS WOULD EAT A DEAD OX THAT HAD DIED DURING THE NIGHT LYING OUT A LITTLE FROM CAMP -- I0 OR I5 RODS**.** NOT 20, IT WASN'T OVER I0 OR I5 RODS FROM OUR CAMP; AND POINTING OUT TO THE OX**,** HE ASKED IF THE **I**NDIANS WOULD EAT THAT OX; SOME	

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RT	RS	BT	PS
OF THE COMPANY ANSWERED IN THE AFFIRMATIVE I THINK, THAT THEY WOULD. I AFTERWARDS SAW A MAN EATING PART OF THE OX AND A COUPLE OF INDIANS MAKING SOMEKIND OF DEMONSTRATIO N WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING OF WHAT HE WAS DOING FURTHER THAN WHAT I MIGHT JUDGE BY GESTURES. Q. WHAT WAS YOUR CONCLUSIONS ? OBJECTED TO BY PROSECUTION. Q. JUST DESCRIBE THE GESTURES ? A. HE WAS THERE IN THE ACT OF OPENING OUT THIS MEAT TO	OF ≤THE≥ COMPANY ANSWERED IN ≤THE≥ AFFIRMATIVE I THINK WE THOUGHT THEY WOULD. I AFTERWARDS SAW MAN OUT BY THE OX WITH COUPLE OF INDIANS, MAKING SOME KIND OF DEMONSTRATIO N WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING WHAT HE WAS DOING FURTHER THAN WHAT I MIGHT ≤HEARD≥ JUDGE BY GESTURES. Q WHAT WAS YOUR CONCLUSION OBJECTED BY PROSECUTION Q JUST DESCRIBE THE GESTURES A HE WAS THERE IN THE ACT OF POINTING OUT THIS MEAT TO	OF THE COMPANY ANSWERED IN THE AFFIRMATIVE; I THINK TH EY SAID THEY THOUGHT THEY WOULD. I AFTERWARDS SAW A MAN OUT BY AN OX WITH A COUPLE OF INDIANS MAKING SOMEKIND OF A DEMONSTRATIO N WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING WHAT HE WAS DOING, FURTHER THAN WHAT I HEARD OR COULD JUDGE BY GESTURES. *[279]* Q. WHAT WAS YOUR CONCLUSIONS? OBJECTED TO. Q. JUST DESCRIBE THE GESTURES? A. HE WAS THE RE IN THE ACT OF POINTING OUT THIS MEAT TO	

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RT	RS	BT	PS
A COUPLE OF INDIANS. Q. DID YOU SEE THE INDIANS DELIVER ANYTHING TO THIS MAN ? A. I DID NOT. Q. DID YOU SEE ANYTHING DONE TO THAT OX ? A. NOTHING FURTHER THAN THAT. MY ATTENTION WAS NOT CALLED TO THE OX. I DIDN'T LOOK ANY FURTHER ABOUT IT. Q. YOU NOW STATE ALL THAT TRANSPIRED THERE RESPECTING THAT COMPANY ? A. AS FAR AS I KNOW ANYTHING OF THAT COMPANY ANYTHING THAT TRANSPIRED ON THE GROUND. *[435]* Q. DID YOU SEE THAT COMPANY AGAIN ? A. I DID	≤**A**≥ COUPLE OF INDIANS. ≤YOU≥ **Q**DID YOU SEE {THE}[i] INDIANS DELIVER ANYTHING TO THIS MAN **A**I DID NOT. [*space*] **Q**DID YOU SEE ANYTHING DONE TO THAT OX **A**NOTHING FURTHER *THAN*[?] THAT. MY ATTENTION WAS NOT CALLED TO THE OX. I DIDN'T LOOK ANY FURTHER ABOUT IT **Q** YOU NOW STATE ALL THAT TRANSPIRED THERE RESPECTING TO THAT COMPANY {**A**}[i] AS FAR AS I KNOW ANYTHING OF THAT COMPANY ANYTHING TRANSPIRED THERE ON THE GROUND. [*space*] *[[25]]* **Q**DID YOU SEE THAT COMPANY AGAIN **A**I DID	A COUPLE OF INDIANS. Q. DID YOU SEE THE **I**NDIANS DELIVER ANYTHING TO THIS MAN? A. I DID NOT. Q. DDID YOU SEE ANYTHING DONE TO THAT OX? A. NO FURTHER THAN THAT ; MY ~~ATTENTION~~ ATTENTION WAS CALLED TO THE OX; I DIDN'T LOOK ANY FURTHER ABOUT IT. Q. ~~YOU WILLNOW STATE ALL THAT TRANSPIRED THER IN RESPECT TO THAT THAT COMPANY? A. AS FAR AS I KNOW ANYTHING OF OF THAT COMPANY ANYTHING THAT TRANSPIRED ON THE GROUND~~-- ---- Q: DID YOU SEE THAT COMPANY AGAIN? A. I DID	

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RT	RS	BT	PS
NOT. Q. HOW LONG WERE YOU ABSENT ? A. I WAS ABSENT FROM HOME SOME FOUR OR FIVE DAYS. Q. YOU RETURNED IN FOUR OR FIVE DAYS TO BEAVER ? A. YES SIR. Q. WAS NOT THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS ? A. YES SIR. Q. IF THAT PARTY HAS ANY NAME STATE WHAT NAME IT WAS CALLED BY ? A. COMMON REPORT IT WAS NAMED AS BEING DUKES. Q. STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND THE INDIANS AND CAME TO YOUR OBSERVATION— GO ON AND STATE IT ? BASKIN: WE OBJECT TO THE	NOT $_{Q}$HOW LONG WERE YOU ABSENT $_{A}$I WAS ABSENT FROM HOME SOME 4 OR 5 DAYS. $_{Q}$ RETURNED IN 4 OR 5 DAYS TO BEAVER $_{A}$≤YES SIR≥ $_{Q}$WERE NOT THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS $_{A}$YES SIR $_{Q}$ IF THAT PARTY HAS ANY NAME STATE WHAT NAME IT WAS CALLED BY $_{A}$ CAPTAIN REPORTED HIMSELF HIS NAME AS BEING DUKES $_{Q}$ STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND INDIANS AND ≤THAT≥ CAME UNDER YOUR OBSERVATION; GO ON AND STATE, BY BASKIN WE OBJECT	NOT. Q. HOW LONG WERE YOU ABSENT? A. I WAS ABSENT FROM HOME SOME FOUR OR FIVE DAYS. Q. AND YOU RETURNED IN FOUR OR ~~G~~FIVE DAYS TO BEAVER? A. YES, SI~~R~~. Q. WASN'T THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS? A. YES, SIR'. Q. IF THAT COMPANY HAS ANY NAME STATE WHAT NAME IT W~~S~~AS CALLED BY? A. THE CAPTAIN REPORTED THE MAN'S NAME AS BEING DUKE'S. Q. STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND THE **I**NDIANS THAT CAME UNDER YOUR OBSERVATION— ~~F~~GO ON AN~~S~~D STATE ~~U~~IT? **M**^{R} BASKIN: WE OBJECT TO	

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RT	RS	BT	PS
DEFENSE ASKING ANY QUESTIONS IN RELATION TO ANY OTHER EMIGRANT TRAIN THAN THAT WHICH WAS MASSACRED ? SUTHERLAND: THIS PART OF THE TESTIMONY I HAVE UNDERTAKEN TO CONNECT, AND IF CONNECTED———— BASKIN: THERE WAS BEEN NO CONNECTION MADE YET. WIT.: NO SIR. THE FIRST MY ATTENTION WAS CALLED TO THAT POINT WAS BY AN INDIAN WHO WENT ———— SUTHERLAND: IF ANY QUESTION OR ANY COMMUNICATIO N WAS MADE TO YOU BY AN INDIAN WHAT DID YOU DO ? A. I WENT TO THE CAPTAIN OF	ASKING ANY QUESTIONS IN RELATION ANY OTHER EMIGRANT TRAIN ≤THAN THAT WHICH WAS≥ MASSACRED. SUTHERLAND THIS PART OF TESTIMONY I HAVE UNDERTAKEN TO CONNECT AND IF CONNECTED. INTERRUPTED BY BASKIN THERE WAS BEEN NO CONNECTION MADE YET. [*space*] {$_{A}$}^{i}NO SIR FIRST OF MY ≤ATTENTION≥ WAS CALLED TO THAT POINT BY AN INDIAN WHO WENT INTERRUPTED SUTHERLAND {$_{Q}$}^{i}IF ANY QUESTION ~~OR~~{OF}^{i} ANY COMMUNICATIO N MADE TO YOU BY INDIAN WHAT DID YOU DO $_{A}$I WENT TO THE CAPTAIN OF	ASKING ANY QUESTIONS IN RELATION TO AN**Y** OTHER EMIGRANT TRAIN THAN THAT WHICH WAS MASSA**C**RED. **M^{R}** SUTHERLAND: THIS PART OF THE TESTIMONY, I HAVE UNDERTAKEN TO CONNECT, AND IF CONNECTED **IT WILL BE PROPER. M^{R}** BASKIN: THERE HAS BEEN NO CONNECTION MADE YET. A. THE FIST MY ATTENTION WAS CALLED OT THAT POINT **WA**S BY AN **I**NDIAN WHO WAS SENT TO ME. Q. IF IN CONSEQUENCE OF ANY COMMUNICATIO N MADE TO YOU BY AN **I**NDIAN, STATE WHAT YOU DID? A. I WENT TO THE CAPTAIN OF	

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RT	RS	BT	PS
THE COMPANY, A PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK. A PORTION OF IT CAME THROUGH A LITTLE AHEAD OF ME. I HEARD OF THE COMPANY, PORTIONS OF THE COMPANY HAD COME ON AND GONE THROUGH AND OF THEIR BEING A BALANCE *[436]* LEFT BACK. I DO NOT KNOW ONLY WHAT AN INDIAN TOLD ME, BUT HAVING RECEIVED INFORMATION BY THE FRIENDLY INDIAN THAT THEY ———— Q. STATE IF THE INDIANS HERE WERE ALL OUT	~~<~~THE~~>~~ COMPANY = PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK, PORTION OF IT CAME THROUGH LITTLE AHEAD OF MY STORY. IT WAS ~~<~~NOT~~>~~ FIRST I HEARD OF THE COMPANY **A** PORTION OF THE COMPANY HAD COME ON AND GONE THROUGH, BUT OF THEIR BEING ANY BALANCE LEFT BACK I DID NOT KNOW UNTIL THE INDIAN TOLD ME; BUT HAVING RECEIVED INFORMATION BY FRIENDLY INDIAN THAT THERE ~~<~~WAS~~>~~ INTERRUPTED Q IF THE INDIANS HERE WERE AT <HOSTILITY>	THE *[280]* ~~A P~~ COMPANY, A PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK AND A PORTION OF IT CAME THROUGH ~~A LITTLE AHEAD OF ME~~ I AM A LITTLE AHEAD OF MY STOR~~E~~Y. IT WASN~~I~~T THE FIRST I HEARD OF THE COMPANY. A PORTION OF THE COMPANY HA~~S~~D COME ON AND GONE THROUGH; BUT OF THERE BEING ANY BALANCE BEING LEFT BACK I DIDN'T KNOW TILLTHE **I**NDIAN TOLD ME, BUT HAVING RECEIVED INFORMATION BY FRIENDLY **I**NDIANS THAT THE THING WAS ------- Q. STATE IF THE **I**NDIANS HERE WERE IN A STATE OF	

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RT	RS	BT	PS
ENTIRELY ? A. I CAN ONLY TELL MY STORY. I WENT TO THE CAPTAIN OF THE COMPANY, AND TOLD HIM I HAD LEARNED,HAD RECEIVED INFORMATION THAT THERE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. BASKIN: I OBJECT AND SHOULD LIKE THE GENTLEM~~A~~EN TO STATE THE CONNECTION THEY EXPECT TO MAKE BY THAT QUESTION, AND AS TO HOW THIS WILL REACH JOHN D. LEE, BEING A PARTY CONSPIRATOR TO THE MASSACRE OF THESE EMIGRANTS. SUTHERLAND: IN ANSWER TO	ENTIRELY $_{A}$I CAN'T STATE MY STORY, I WILL SAY THIS, I WENT TO {THE}[i] CAPTAIN OF {THE}[i] COMPANY ON INFORMATION ~~<~~I HAD RECEIVED FROM THE INDIAN~~>~~ HAD LEARNED THERE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. BASKIN I OBJECT AND SHOULD LIKE GENTLEMEN TO STATE THEIR CONNECTION REFLECT ~~<~~HAS TO WHETHER~~></~~ TO THE QUESTION WHETHER JOHN D. LEE BEING CONSPIRED TO DO TO IT MASSACRING OF THESE EMIGRANTS. SUTHERLAND IN ANSWER TO	HOSTILITY? A. I CAN TELL MY STOR~~E~~Y; I WILL SAY THIS: I WENT T O THE CAPTAIN OF THE COMPANY ON THE INFORMATION I HAD RECEIVED FROM THE **I**NDIAN AND TOLD HIM I HAD LEARNED THE RE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. **M**^{R} BASKIN: I OBJECT, AND I SHOULD LIKE THE GENTLEMEN TO STATE THEIR INTENTION ~~OF~~ **IN INTRODUCING** THIS ~~S~~TESTI~~O~~MONY. **M**^{R} SUTHERLAND: IN ~~ASN~~ ANSWER	

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RT	RS	BT	PS
THE OBJECTION WHICH WAS THEN MADE, WHAT I PROPOSE TO PROVE BY THIS WITNESS, TOGETHER WITH THOSE WHO WERE SWORN THIS MORNING WILL MAKE OUT THAT STATEMENT, WHICH WAS THAT THIS COMPANY DIVIDED FROM THE PARTY AS IT WAS ORIGINALLY SITUATED; ONE PART OF IT WENT FORWARD AND WAS KILLED BY THE MOUTAIN MEADOWS AND ANOTHER CAME AFTERWARDS, THE DUKES PARTY, IN CONSEQUENCE OF WHICH ———— —COURT: THIS WITNESS SAYS DUKES PARTY DIVIDED UP HERE. SUTHERLAND: AND IN	THE OBJECTION WHICH WAS THEN MADE, WHAT I PROPOSE TO PROVE WITH THIS WITNESS TOGETHER WITH THOSE ~~<~~THAT~~>~~ WERE SWORN THIS MORNING WILL MAKE OUT THAT STATEMENT IT WAS {IIII}[i] THAT THIS COMPANY DIVIDED THE PARTY AS IT WAS ORIGINALLY CONSTITUTED. ONE PART OF IT WENT FORWARD AND WAS KILLED AT MOUNTAIN MEADOWS ANOTHER CAME AFTERWARDS THE DUKES PARTY AND IN CONSEQUENCE INTERRUPTED BY COURT THIS WITNESS SAYS DUKES PARTY DIVIDED UP HERE {**SUTHERLAND**}[i] ANOTHER	TO THE OBJECTION~~S~~ WHICH **IS MADE** ~~WAS THEN MADE WHAT~~ I PROPOSE TO PROVE BY THIS WITNESS, TOGETHER WITH THOSE THAT WERE SWORN THIS MORNING THAT WILL MAKE OUT THIS STATEMENT THAT THI**S** CO~~N~~MPANY DIVIDED FROM THE PSRTY AS IT WAS ORIGINALLY STATED. ONE PART OF IT WENT FORWARD, AND WAS KILLED AT THE **M**OUNTAIN **M**EADOWS AND ANOTHER CAME AFTERWARDS, THE DUKES PARTY, AND IN CONSEQUENCE -- THE COURT: BUT THIS WITNESS SAYS THIS DUKES PARTY DIVIDED UP HERE. **M**[R] SUTHERLAND: IN	

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RT	RS	BT	PS
CONSEQUENCE OF THE PROVOCATIONS FROM THE INDIANS BY THE POISONING OF SPRINGS THE POISONING OF MEAT WHICH THEY ATE, THE INDIANS WERE PROVOKED TO ATTACK THIS DUKE PARTY AND THAT THIS WITNESS AND OTHERS WERE CALLED IN TO PACIFY THEM AND DID PACIFY THEM. DIFFERENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER, NOTWITHSTANDING THE EARNEST PROTEST AND THE REQUEST OF FRIENDS TO PREVENT IT AND THE DECLARATION OF THE INDIANS	CONSEQUENCE OF PROVOCATIONS FROM THE INDIANS BY POISON{ING THE}[i] SPRINGS POISON{ING}[i] MEAT WHICH THEY ATE THE INDIANS WERE PROVOKED TO ATTACK THIS DUKE PARTY AND THAT THEY WAS CALLED IN TO PACIFY THEM *[[26]]* AND DID PACIFY THEM. DIFFERENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER, BY INDIANS *IN HIS OWN/*—[?] *TR/TRUE*[?] *RT/RD*[?] NOTWITHSTANDING HIS OWN PROTEST AND {THE}[i] EARNEST EFFORTS TO PREVENT IT. AND DECLARATION OF THE INDIANS	CONSEQUENCE OF THE PROVOCATIONS ~~TO THE INDIANS~~ TO THE **I**NDIANS BY THE POISONING OF THE MEAT WHICH THEY ATE, THE **I**NDIANS WERE PROVOKED TO ATTACK THIS DUKES PARTY, AND THAT THESE **I**NDIANS WERE CALLED IN TO PACIFY TH EM, AND DID PACIFY THEM. THAT DIFFER**R**ENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER BY THE **I**NDIANS, NOTWITHSTANDING HIS OWN PROTEST AND THE REQUEST OF HIS FRIENDS TO PREVENT IT, AND THE DECLARATION OF THE **I**NDIANS	

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RT	RS	BT	PS
AT THAT TIME IN CON- *[437]* NECTION WITH THAT SHOOTING WAS THAT IT WAS DONE IN CONSEQUENCE OF THE POISONING OF THE BEEF WHICH THEY ATE BY THE COMPANY THAT HAD JUST GONE FORWARD. THAT IS THE TESTIMONY OFFERED THIS MORNING, AND THAT THIS TESTIMONY WITH REGARD TO THIS DIFFICULTY, CONNECTS ITSELF WITH THE OTHER COMPANY. BASKIN: FROM THE STATEMENT OF THE GENTLEMAN ITSELF IT IS CLEARLY IRRELEVANT. I EXPECT HIM TO COUPLE THIS TRAIN	AT THAT TIME IN CONNECTION WITH THAT SHOOTING WAS THAT IT WAS DONE IN CONSEQUENCE OF THE POISON{ING}[i] OF {THE}[i] BEEF WHICH THEY ATE BY THE COMPANY THAT HAD JUST GONE FORWARD. THAT IS THE TESTIMONY I OFFERED THIS MORNING AND WITH HIS TESTIMONY BY WHICH THIS DIFFICULTY CONNECTS ITSELF WITH THE OTHER COMPANY. BASKIN NOW THEN FROM THE STATEMENT OF {THE}[i] GENTLEMAN THIS IS CLEARLY {IR}[i]RELEVANT. I EXPECT HIM TO COUPLE THIS TRAIN	AT THAT TIME IN CONNECTION**N** WITH THAT SHOOTING WAS THAT IT WAS DONE IN C**O**NSEQUENCE OF THE POISONING OF THE BEEF ~~WHICH THEY EAT BY~~ THE *[281]* ~~BEFORE~~**,** WHICH THEY ATE, **POISONED** BY THE ~~**BY THE COMPANY**~~ COMPANY THAT HAD JUST GONE FOR~~P~~WARD. THIS TESTIMONY I OFFERED THIS MORNING, THE TESTIMONY ~~W~~BY WHICH THIS DIFFICULTY CONNECTS ITSELF WITH THE COMPANY. **M**[R] BASKIN: NOW, THEN, WITH THE STATEMENTS OF THE GENTLEMEN, T~~H~~A T IS CLEARLY IRRELEVANT. I EXPE~~V~~CT**ED** YOU TO COUPLE THIS TRAIN	

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RT	RS	BT	PS
WITH THE OTHERS. I EXPECT HIM TO PROVE THIS TRAIN WENT ON AND JOINED THE MOUNTAIN MEADOWS TRAIN. IT IS TO PROVE THAT THE PARTIES WHO WERE CALLED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN; IN THE FIRST PLACE, IF THESE PARTIES— IF THAT DOCTOR HAD POISONED THAT BEEF IT DIDN'T JUSTIFY THE MASSACRE OF WOMEN AND CHILDREN, NOR THE PUNISHMENT OF ANY PERSON EXCEPT THAT DOCTOR AT THE MOUNTAIN MEADOWS. IT AINT IN ANY PART OF THE CASE RELEVANT. SUTHERLAND:	WITH THE OTHERS. I EXPECT THEM TO PROVE THIS TRAIN WENT ON AND, ≤JOINED≥ MOUNTAIN MEADOW TRAIN. IT IS TO PROVE THAT PARTIES ≤WHO≥ WERE CALLED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN ETC. *NFSP/NOW IF HIS PARTY*[?] IF THESE PARTIES {THINK}[i] THAT DOCTOR HAD POISONED THAT BEEF IT DIDN'T JUSTIFY MASSACRE OF WOMEN AND CHILDREN OR THE PUNISHMENT OF ANY PERSON EXCEPTING THAT DOCTOR AT MOUNTAIN MEADOWS IT AIN'T IN ANY *FOR*[?] CASE RELEVANT. ≤SUTHERLAND≥	WITH THE OTHER; I EXPECT**ED** THEM TO PROVE THIS TRAIN WENT ON AND JOINED ~~WITH IT~~ AT THE MOUNT**A**IN MEADOWS**,** WITH THE OTH ER. IT IS TO PROVE THE PARTI~~E~~S WHO WERE CA**L**LED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN. **.** (ARGUED.)	

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RT	RS	BT	PS
COUNSEL MADE THE OBJECTION THIS MORNING ONLY STATING IT WAS IRRELEVANT. I STATED THEN IN FULL WHAT I HAVE STATED NOW. THE TESTIMONY I INTENDED TO GET IN FROM THE WITNESS ON THE STAND AND OTHERS THAT WOULD FOLLOW. THIS IS ONE OF THE WITNESSES. HE THEN WITHDREW THE OBJECTION. THE TESTIMONY IS ALL IN EXCEPT WHAT THIS WITNESS CAN GIVE, AND IT IS IMPORTANT IN THIS CASE. THERE HAS BEEN A GOOD DEAL OF TESTIMONY RESPECTING THE FINAL CATASTROPHY, AND AS TO THOSE WHO	COUNSEL MADE OBJECTION THIS MORNING ONLY STAT{ING}[i] IT WAS IRRELEVANT. I STAT{ED}[i] THEN IN FULL WHAT I HAVE STAT{ED}[i] NOW WHAT TESTIMONY I INTENDED TO GET IN FROM WITNESS ON THE STAND AND OTHERS THAT WOULD FOLLOW. THIS IS ONE OF {THE}[i] WITNESSES HE WITHDREW THE OBJECTION. THE TESTIMONY IS ALL IN EXCEPT WHAT THIS WITNESS CAN GIVE HE EXPRESSLY WAIVING HIS OBJECTION AT THE TIME. IT IS IMPORTANT IN THIS CASE. THERE HAS BEEN GOOD DEAL OF TESTIMONY IN THE CASE RESPECT{ING}[i] FINAL CATASTROPHE AS TO THOSE WHO		

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RT	RS	BT	PS
PARTICIPATED. THE OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT. THESE INDIANS, BECAUSE OF THE PROVOCATION THAT HAD BEEN GIVEN THEM BY THE COMPANY THAT WERE FINALLY DESTROYED.	PARTICIPATED AMONG THE PERSONS FIND ONLY PERSONS CRIMINAL WERE INDIANS {AND THE}[i] OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT, BECAUSE OF THE PROVOCATION GIVEN TO THE INDIANS BY THE COMPANY THAT WAS FINALLY DESTROYED IT SHOWS A MOTIVE FOR THEIR DESTRUCTION GIVEN BY THE COMPANY DIRECTLY AND THE INSTRUMENT BY WHICH THEY WERE DESTROYED. IT IS PERTINENT AS OFFERING SOME EVIDENCE FOR THE CONSIDERATIO N OF THE JURY IN SUPPORT OF OUR THEORY	**M[R]** SUTHERLAND: THE OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT BECAUSE OF THE PROVO~~V~~**C**ATION GIVEN TO THE **I**NDIANS BY THE COMPANY THAT WAS ~~S~~FINALLY DESTROYED. IT SHOWS THE ~~K~~MOTIVE FOR THEIR DISTRUCTION GIVEN BY THE COMPANY DIRECTLY , AND THE INSTRUMENT**AL ITIES** BY WHICH THEY WERE DESTROYED. IT IS PERTINENT AND IMPORTAN~~D~~T FOR THE CONSIDERATIO N OF THE JURY IN SUPPORT OF OUR THEORY,	

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RT	RS	BT	PS
WE PROPOSE TO FOLLOW THIS PARTY BY TESTIMONY THAT THE INDIANS FROM CORN CREEK FOLLOWED THIS EMIGRANT TRAIN WHICH WAS DESTROYED, AND THESE IN- *[438]* DIANS WERE THERE FOR THE PURPOSE OF MASSING OTHER INDIANS AT THE MOUNTAIN MEADOWS, FOR THE VERY PURPOSE OF DESTROYING THE EMIGRANTS~~.~~, BELIEVING THAT THEY HAD	THAT THEIR FINAL DESTRUCTION WAS ACCOMPL{ISHE D}[i] BY THE INDIANS {ON}[i] THEIR OWN ACCOUNT TO AVENGE THE WRONG WHICH THEY SUPPOSED THEMSELVES HAD SUFFERED. WE PROPOSE TO FOLLOW THIS {PARTY}[i] BY TESTIMONY THAT {THE}[i] INDIANS FROM CORN CREEK PRECEDED {THE}[i] EMIGRANT TRAIN WHICH WAS DESTROYED AND INDIANS THEIR PURPOSE OF MASSING INDIANS AT {THE}[i] MOUNTAIN MEADOWS FOR THE VERY PURPOSE OF DESTROYING EMIGRANTS	THAT THEIR FINAL DESTRUCTION WAS ACCOMPLISHED BY THE **I**NDIA~~S~~NS ON THEIR OWN ACCOUNT TO AVENGE THE WRONG WHICH THEY SUPPOSED THEY HAD SUFFERED. WE FURTHER PROPOSE TO PROVE AND SHOW BY THIS PARTY THAT THE **I**NDIANS FROM CORN CREEK PRECEDED THE EMIGRANT TRAIN WHICH WAS DESTROYED **,**AND THE INTENTION AND THEIR PURPOSE OF MASSING THE **I**NDIANS AT THE **M**OUNTAIN MEADOWS WAS FOR THE VERY PURPOSE OF DESTROYING THE EMIGRANTS.	

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RT	RS	BT	PS
SUFFERED, AND TO AVENGE THEIR WRONGS, AND ALTHOUGH THIS WAS COMMENCED BY THE INDIANS THEY WERE FOLLOWED BY FRIENDS, ON THE PART OF THE WHITES,TO DISCOURAGE IT. THEY SAID FIRST AND LAST THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING THE EMIGRANT TRAIN. ~~LEFT~~ ≼**IF**≽ THAT IS THE EVIDENCE IT NEGATIVES, TO THAT EXTENT ANY INFERE~~R~~NCE THAT MAY BE DRAWN FROM ANY TESTIMONY HERETOFORE ADDUCED, THAT JOHN D. LEE ~~MARTI~~ MARSHALLED AND LED THOSE INDIANS TO THE MOUNTAIN	ALTHOUGH THIS —[?] {COMMENCEMENT}[i] BY {THE}[i] INDIANS *[[27]]* {AND THEY}[i] WERE FOLLOWED BY FRIENDS ON THE PART OF WHITES TO DISCOURAGE IT THEY WERE PERSISTED *IN*[?]. THEY SAID FIRST AND LAST THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING EMIGRANT TRAIN. IF THAT IS {THE}[i] EVIDENCE IT NEGATIVES TO THAT EXTENT ANY INFERENCE THAT MAY BE DRAWN FROM ANY TESTIMONY LET JURY FIND ANY THAT WHITE MEN INCITED IT THEY WERE MOVING ON THEIR OWN IMPULSE,	ALTHOUGH THIS COMMENCEMENT BY THE **I**NDIANS – AND THEY WERE FOLLOWED BY FRIENDS ON THE PART OF THE WHITES TO DISCOURAGE IT --- YET THEY PERSISTED IN IT. THEY SAID FIRST AND LAST THAT THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING THE EMIGRANT TRAIN . IF THAT IS THE EVIDENCE IT NEGATIVES ~~TO THW~~ **TO** THAT EXTENT ANY INFERENCE THAT MAY BE DRAWN FROM ANY TESTIMONY THAT THE JURY CAN FIND THAT WHITE MEN INCITED IT. THEY WERE MOVING ON THEIR OWN IMPULSE, ~~ON~~	

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RT	RS	BT	PS
MEADOWS. CAREY: WERE THEY THE INDIANS OF BEAVER THAT ATTACKED THIS TRAIN ~~?~~ IT IS ATTEMPTED TO SHOW THAT JOHN D. LEE IS NOT GUILTY OF JOINING THESE INDIANS AT THE MOUNTAIN MEADOWS, AND AS MR. BASKIN SUGGESTS THAT THESE INDIANS THAT WERE AT THE MOUNTAIN MEADOWS WERE HOSTILE TO THE WHITES AT ALL. COURT: THE TESTIMONY THIS MORNING WAS ADMITTED ON	AVENGING THEIR OWN WRONGS AND UNDER THE *LINE*[?] OF THE WHITES IN NO SENSE ACTING ON THEIR OWN DIRECTION. BY CAREY. WERE *THERE*[?] 3 INDIANS IN BEAVER THAT ATTACKED THIS TRAIN. IT IS ATTEMPTED TO SHOW THAT JOHN D. LEE IS EXCULPATED OF JOINING THESE INDIANS *DID/BEFORE*[?] ATTACK ~~<~~OF THIS TRAIN.~~>~~ [*space*] AND AS MR. BASKIN SUGGESTS THERE IS NO PROOF THAT *WERE SO*[?] WERE AT MOUNTAIN MEADOW HOSTILE AT ALL. BY COURT {THE}[i] TESTIMONY THIS MORNING {IN}[i] REGARD {TO}[i] THIS MATTER WAS ADMITTED ON	**AVENGING** THEIR OWN WRONGS AND NOT ON THE WHITES IN ANY SENSE, BUT ACTING UNDER TH EIR OWN DIRECTION . *[282]* **M^{R}** CAREY: WAS IT THE **I**NDIANS IN BEAVER THAT ATTACKED THIS TRAIN? (ARGUED BY COUNSEL ON BOTH SIDES) THE COURT .: THERE WAS NO STATEMENTS THIS MORNING ~~S~~**W**HICH SHOWS CONNECTION,	

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RT	RS	BT	PS
THE STATEMENT OF COUNSEL FOR DEFENSE THAT THEY WOULD CONNECT IT WITH THE OTHER EVIDENCE. THE STATEMENT TO ME NOW SHOWS THERE IS NO CONNECTION WHATEVER. IT HAS NO JUSTIFICATION. IT IS NOT SHOWN THAT THEY WERE THE SAMEPARTIES, OR ANYTHING ABOUT IT CONNECTING THEM WITH THESE PARTIES. IT IS NOT SHOWN THAT THESE INDIANS JOINED WITH THE OTHER INDIANS IN THE MASSACRE, NOT A SHADOW OF GROUND FOR THIS TESTIMONY. I WOULD NOT HAVE ADMITTED IT THIS MORNING IF I HAD KNOWN AT THE TIME. MR. BASKIN	THE STATEMENT OF COUNSEL IN WHAT IT WOULD BE *TO/PUT*[?] ON OTHER EVIDENCE. STATEMENT TO ME NOW SHOWS THERE IS NO CONNECTION WHATEVER IT HAS NO JUSTIFICATION NOT SHOWN THEY WERE SAME PARTIES OR ANYTHING ABOUT IT CONNECTING THEM WITH THESE PARTIES NOT SHOWN THESE INDIANS JOINED WITH THE OTHER INDIANS OF THE MASSACRE NOT {**A**}[i] SHADOW OF GROUND ~~OF~~{FOR}[i] THIS TESTIMONY. I WOULD NOT HAVE ADMITTED IT THIS MORNING IF I HAD KNOWN AT THE TIME MR. BASKIN	NOTHING STATED NOW WHICH SHOWS CONNECTION AND I SUSTAINE~~D~~ THE OBJECTION.	

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RT	RS	BT	PS
SAYS THAT YOU WOULD CONNECT IT. SUTHERLAND: YOU HONOR I SAID I WOULD CONNECT WITH FURTHER WITNESSES, *[439]* BUT DIDN'T MAKE MY STATEMENT IN FULL. COURT: YOUR STATEMENT ~~D~~ NOW DOESN'T CONNECT IT AT ALL. IN THE STATEMENT YOU MADE THEN IT DOES NOT CONNECT IT. YOU STATED AT THAT TIME THAT YOU WOULD CONNECT IT BUT YOU HAVE NOT DONE. SUTHERLAND: MY STATEMENT MADE THIS MORNING WAS MADE IN GOOD FAITH, AND AS I UNDERSTAND, WE DID CONNECT IT.	SAYS YOU WOULD CONNECT. MR. BASKIN WITHDREW ≼SUTHERLAND≽ YOU HONOR SAID I WOULD CONNECT AND DIDN'T ≼MAKE≽ MY STATEMENT IN FULL YOUR STATEMENT NOW DOESN'T CONNECT IT IN FULL BY COURT. IN {THE}[i] STATEMENT YOU MADE THEN DIDN'T CONNECT IT AT ALL YOU STATE AT THAT TIME YOU WOULD CONNECT IT BUT YOU HAVE NOT DONE SUTHERLAND MY STATEMENT MADE THIS MORNING WAS MADE IN GOOD FAITH AS I UNDERSTAND DID CONNECT IT BY		

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RT	RS	BT	PS
COURT: YOU DIDN'T PROPOSE TO STATE THAT THIS MORNING. SUTHERLAND: YOUR HONOR IS MISTAKEN. SUTHERLAND: I DESIRED TO HAVE THE RECORDS READ. THEN MR. BASKIN WITHDREW HIS OBJECTION. ∴ TO REPORTER ∴ YOU WILL READ MY STATEMENT MADE AFTER MR. BASKIN'S OBJECTION. SUTHERLAND: YOUR HONOR DECIDED THAT, AND MR. BASKIN SAID I WILL WITHDRAW MY OBJECTION. MY STATEMENT WHICH I HAVE NOW MADE DOES CONNECT IT COURT: YOU DIDN'T PROPOSE TO STATE AT THAT TIME THAT THE	COURT YOU DIDN'T PROPOSE TO STATE THAT THIS MORNING ≼SUTHERLAND≽ YOUR HONOR IS MISTAKEN NO SIR SUTHERLAND I DESIRED TO HAVE RECORDS READ THEN MR. BASKIN WITHDREW HIS CONNECTION. YOU WILL READ MY STATEMENT MADE AFTER MR. BASKIN'S OBJECTION. BY SUTHERLAND YOUR HONOR DECIDES THAT *JUDGE*[?] AND I WOULD HAVE DECIDED THAT THIS MORNING MR. BASKIN SAYS I WILL WITHDRAW MY OBJECTION AND THEN I SAID GOOD [*space*] {**S**}[i] MY STATEMENT WHICH I HAVE NOW STATE DOES CONNECT IT. {**COURT**}[i] YOU DIDN'T PROPOSE TO STATE AT THAT TIME THE		

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RT	RS	BT	PS
FACTS WOULD BE CONNECTED WITH THESE PARTIES, AND IF YOU HAD STATED IT THEN YOUR REMARKS WERE ALL THAT YOU HAD TO SHOW IN REGARD TO THIS. YOU SAID I WILL CONNECT THAT WITH THIS PART OF THE CASE, THEN I ALLOWED YOU TO GO AHEAD. SUTHERLAND:	FACTS CONNECTED WITH THIS POSITION AND IF YOU HAD STATED THEN AS YOUR REMARKS THEN WAS ALL THAT YOU HAD TO SHOW IN REGARD TO THIS YOU SAID I WILL CONNECT THEM *[[28]]* WITH THIS PARTICULAR CASE THEN I ALLOWED YOU {TO}[i] GO AHEAD SUTHERLAND I WILL STATE JUST AS *NOTES/NICE*[?] YOUR HONOR *DID OFFER ME MY*[?] FACTS CAN'T SO FAR AS RULING OUT TESTIMONY [*space*] IT *CONTAIN*[?] FACTS *GIVEN*[?] SO FAR AS *MY*[?] GOOD FAITH [*space*] WHEN I TOOK FIRST STEP TO INTRODUCE THIS TESTIMONY AN OBJECTION WAS MADE BY MR. BASKIN I THEN		
WHEN I TOOK THE FIRST STEP TO INTRODUCE THIS TESTIMONY I THEN			

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RT	RS	BT	PS
MADE THE STATEMENT IN FULL, TO MAKE THE CASE FOLLOWS IN THE TESTIMONY ON THAT POINT,	MADE {THE}[i] STATEMENT IN FULL TO MAKE THE CASE FULLY OF THE TESTIMONY OF WHICH THEY PERMIT AND —/*PART*[?]		
AND MAKING THAT STATEMENT PROSECUTION WITHDREW THEIR OBJECTION. UPON THE PRECEDING	—/*UPON*[?] MY MAKING THAT STATEMENT HE WITHDREW THE OBJECTION UPON PRODUCING ANOTHER		
WITNESS HE RAISED THE OBJECTION AGAIN. HE SAYS THAT THIS IS CLEARLY IRRELEVANT. I REMARKED I WOULD CONNECT IT,AND ON THE MAKING OF WHICH HE	WITNESS HE RAISED {THE}[i] OBJECTION AGAIN HE SAYS THIS IS CLEARLY IRRELEVANT. I REMARKED I WOULD CONNECT IT ON THE MAKING OF WHICH HE HAD		
WITHDREW HIS OBJECTION. I REGARDED THAT STATEMENT AS HAVING BEEN ACCEPTED BY HIM.	WITHDRAWN HIS OBJECTION. I REGARDED THAT STATEMENT AS HAVING BEEN ACCEPTED BY HIM [*space*] IT MUST BE *ADMISSION/TESTI MONY*[?] ≤BY		
[440] COURT: THERE	COURT≥ THERE		

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RT	RS	BT	PS
WAS NO STATEMENT THIS MORNING WHICH SHOWS A CONNECTION, NOTHING AT ALL ~~;~~ NOW ~~IT~~ WHICH SHOWS A CONNECTION. SUTHERLAND: I INTEND TO TAKE EXCEPTIONS TO YOUR RULING. COURT: HOW IT WAS TO BE CONNECTED I DIDN'T KNOW AND DON'T NOW. I COULD NOT SEE AT THE TIME AND I DON'T NOW SEE THE CONNECTION, BUT STILL I ALLOWED IT TO GO ON WITH THE UNDERSTANDIN G IT WOULD BE CONNECTED, BUT I HAVEN'T SEEN IT CONNECTED,AND THE PROPOSITION NOW SHOWS IT CANNOT BE	WAS NO STATEMENT THIS MORNING WHICH SHOWS CONNECTION NOTHING AT ALL NOW WHICH SHOWS CONNECTION. SUTHERLAND I INTEND TO TAKE EXCEPTIONS TO YOUR RULING. ~~BY BASKIN~~ BY COURT HOW IT WAS TO BE CONNECTED I DIDN'T KNOW AND DON'T NOW, I COULD NOT SEE AT THE TIME I DIDN'T SEE THE CONNECTION BUT STILL I ALLOWED IT TO GO ON WITH {THE}[i] UNDERSTANDIN G IT WOULD BE CONNECTED BUT I HAVEN'T SEEN IT CONNECTED PROPOSITION NOW SHOWS IT CANNOT BE	**M**[R] SUTHERLAND: YOUR HONOR**,** WE TAKE EXCEPTION. THE COURT: HOW IT WAS TO BE CONNECTED I DON'T KNOW. I~~D~~ **D**ID NOT KNOW AND DON'T **NOW KNOW** ~~KNOW~~**.** I COULD NOT SEE AT THE TIME AND I DON'T SEE **NOW** THE ~~FIRST~~ CONNECTION, BUT STILL I ALLOWED IT TO GO ON WITH THE UNDERSTANDIN G THAT IT WOULD BE CONNECTED, BUT I HAVE**N**'T SEEN IT CONNECTED; AND THE PROPOSITION NOW ~~U~~SHOWS IT CANNOT BE	

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RT	RS	BT	PS
CONNECTED. SUTHERLAND: I NEVER PROPOSED TO CONNECT IT IN ANY OTHER WAY THAN BY THIS WITNESS, AND I INSIST THAT I DIDN'T STATE THAT I WOULD CONNECT IT IN ANY OTHER WAY THAN BY THIS WITNESS. COURT: THERE COULD BE NO OBJECT AFTERWARDS IN SAYING YOU PROPOSED TO CONNECT IT. SUTHERLAND: COUNSEL OBJECTED REPEATEDLY AS THE TESTIMONY WENT FORWARD. CAREY: YOU KEPT REPEATING IT THAT YOU WOULD CONNECT.	CONNECTED. I NEVER PROPOS{ED}[i] TO CONNECT IN ANY OTHER WAY THAN BY THIS WITNESS. SUTHERLAND I INSIST THAT I DIDN'T STATE I WOULD CONNECT ANY OTHER WAY THAN BY THIS WITNESS. BY COURT THERE COULD NOT BE ANY OBJECT AFTERWARDS FOR SAYING YOU PROPOSE TO CONNECT IT. SUTHERLAND OBJECTED REPEATEDLY AS TESTIMONY WENT FORWARD. BY CAREY YOU KEPT REPEATING IT YOU WOULD CONNECT IT.	CONNECTED.. **M[R]** SUTHERLAND: I NEVER PROPOSED TO CONNECT IT IN ANY OTHER WAY **THAN** BY THIS WITNESS, AND I INSIST THAT I DIDN'T STATE THAT I WOULD CONNECT IT IN ANY OTHER WA~~S~~Y THAN BY THIS VERY WITNESS. THE COURT: THERE COULD BE NO OBJECT AFTERWARDS IN YOUR SAYING, THAT YOU PROPOSED TO CONNECT IT. ~~THE COURT:~~ I WILL SUSTAIN THE OBJECTION?. [*space*]	

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RT	RS	BT	PS
SUTHERLAND: MY GOOD FAITH IS SOMEWHAT INVOLVED IN THIS MATTER AND I ASK THAT THE REPORTER WILL GO BACK AND SEE WHAT I SAID ON MR. BASKIN RAISING HIS OBJECTION. SUTHERLAND: WHAT WAS SAID IN JESSE N. SMITH'S TESTIMONY, WHEN HE WAS ON THE STAND — I AM SURE JESSE N. SMITH, OR SILAS, WHEN I MADE THE STATEMENT OF THE GENERAL SCOPE OF THE TESTIMONY OF THAT WITNESS, AND SOME WHO WOULD SUCCEED HIM. COURT: SILAS S. SMITH WAS THE ONE WHO SPOKE OF THAT POINT. SUTHERLAND: HE CAME OVER HERE TO	SUTHERLAND MY GOOD FAITH IS —[?] SOMEWHAT INVOLVED IN THIS MATTER. I ASK {THAT THE}[i] REPORTER WILL GO BACK {AND}[i] SEE {WHAT}[i] I SAID ON MR. BASKIN RAISING HIS OBJECTION BY COURT AND LOOK AT THAT ≤SUTHERLAND≥ WHAT WAS SAID WHEN JESSE N SMITH HE WAS ON THE STAND [*space*] ≤I AM NOT≥ SURE JESSE N SMITH OR SILAS I MADE STATEMENT OF GENERAL SCOPE OF {THE}[i] TESTIMONY OF THAT WITNESS AND SOME WHO WOULD SUCCEED HIM. BY COURT SILAS S SMITH WAS {THE}[i] ONE {WHO}[i] SPOKE {OF}[i] [*space*] SUTHERLAND. HE CAME OVER HERE TO		

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RT	RS	BT	PS
RECONCILE WITH THE INDIANS. *[441]* BISHOP READ SOME REMARKS FROM HIS OWN NOTES. SUTHERLAND: THE SUBSTANCE AS MR. BISHOP IS READ IN CONNECTION WITH SILAS S. SMITH ARE CORRECT. BASKIN: I UNDERSTOOD FROM HIS GENERAL REMARKS THAT HE WOULD CONNECT IT WITH THE EMIGRANTS, OR I WOULD HAVE BEEN MORE PERTINENT IN MY REMARKS AND OBJECTED TO IT. SUTHERLAND: I DIDN'T STATE AT THAT TIME	RECONCILE OVER HERE WITH THE INDIANS. REMARKS BY CAREY JESSE N SMITH MADE HIS *[[29]]* REMARKS ABOUT GOING SOUTH BY COURT I THINK SILAS S SMITH BISHOP READ SOME REMARKS FROM HIS OWN NOTES. [*space*] ≼SUTHERLAND≽ MR. BISHOP HAS SUBSTANCE OF MY REMARKS IN CONNECTION WITH SILAS S SMITH. REMARKS BY BASKIN. I UNDERSTOOD FROM HIS GENERAL REMARKS HE WOULD CONNECT IT WITH THE EMIGRANTS OR I WOULD BE MORE PERTINENT IN MY REMARKS AND OBJECTED TO IT. [*space*] SUTHERLAND I DIDN'T STATE AT THAT TIME		

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RT	RS	BT	PS
THIS COMPANY JOINED THE OTHER ONE OBJECT I HAVE NOW IS IN REQUESTING IT TO BE READ, IT IS THE MISAPPREHENSION OF THE COURT AS TO MY STATEMENT. NOTES READ BY THE REPORTER.	THIS COMPANY JOINED THE OTHER ONLY ONE OBJECT I HAVE NOW {IS}[i] IN REQUESTING IT BEING READ IT IS MISAPPREHENSION ON PART OF COUNSEL AS *TO THE/IS NOT THERE*[?]		
SUTHERLAND: I WANTED THEM RE~~Q~~AD, BECAUSE OF THE MISAPPLIED CENSURE THAT HAS BEEN MADE UPON ME.	I ONLY ASKED IT BE READ FOR THE MISAPPLIED CENSURE THAT HAS BEEN MADE UPON ME. REPORTER READ THE ITEM IN QUESTION. [*space*]		
THE OBJECTION WAS WITHDRAWN BY THE PROSECUTION UPON THAT STATEMENT.	SUTHERLAND OBJECTION WAS WITHDRAWN UPON THAT STATEMENT. BY		
COURT: THE OBJECTION I REFERRED TO WAS THAT THEY WOULD CONNECT. REPORTER READ FURTHER FROM HIS NOTES.	COURT OBJECTION I REFER TO WAS THAT HE WOULD CONNECT {II}[i] REPORTER READ FURTHER {II}[i]		
SUTHERLAND: WHEN THE	SUTHERLAND WHEN		

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RT	RS	BT	PS
OBJECTION WAS AFTERWARDS RENEWED I SIMPLY SAID I WILL CONNECT IT. SUTHERLAND FURTHER REPLIED TO COURT AND AFTER THE COURTS EXPLANATION AS TO HOW HE UNDERSTOOD THE PROPOSITION TO CONNECT	OBJECTION WAS AFTERWARDS RENEWED I SIMPLY SAID I WOULD CONNECT IT. BY COURT THIS I UNDERSTOOD I WAS NOT THROUGH HE MADE SOME STILL IN HIS STATEMENT HE DID NOT SAY HOW HE WOULD CONNECT THEM. [*space*] I DESIRE OBSERVE IF MADE THIS STATEMENT WHAT HE EXPECTED TO PROVE OF THAT WITNESS AND OTHER WITNESS AND OBJECTION BEING WITHDRAWN ON THAT STATEMENT BEING MADE {I}[i366] HAD A RIGHT TO INTERFERE EVEN IN THE OPINION OF COUNSEL THAT THAT STATEMENT AS A WHOLE WAS		

366. Ink over illegible shorthand.

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RT	RS	BT	PS
	ADMISSIBLE IF I COULD HAVE PROOF TO PUT BY ONE WITNESS NATURALLY I WAS AT LIBERTY TO PROVE IT BY SOME OTHER WITNESSES. I INTIMATED TO YOUR HONOR WITNESS I HAD THEN ON THE STAND WAS NOT THE ONE I EXPECT TO HAVE I HAD RIGHT TO ANOTHER FOR MAKING THAT STATEMENT AND REGARDED AS A WHOLE ADMISSIBLE WHEN I *WAS/SAW*[?] *POSITION*[?] TO GIVE IT IN TOTO ONLY PART OF IT [*space*] IF I INTRODUCE TESTIMONY IT WOULD BE *IN/ANOTHER*[?] CONNECT EVEN IN THE OPINION OF COUNSEL IT WAS ADMISSIBLE IT WAS THAT IN MY MIND THAT INDUCES ME TO		

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RT	RS	BT	PS
	SAY AS WELL AS MY OWN JUDGMENT THAT IT WAS ADMISSIBLE THAT I PROCEEDED AND I SHOULD CONNECT IT		
SUTHERLAND SAID: I ASK YOUR HONOR UPON THIS STATEMENT THAT ANY CENSURE THAT HAS BEEN PLACED UPON ME BE WITHDRAWN.	NOW I ASK YOUR HONOR UPON THIS STATEMENT ANY CENSURE THAT HAS BEEN PUT UPON ME.		
COURT: THE CENSURE OUGHT TO HAVE BEEN MORE SEVERE UPON YOU FOR YOUR REMARK. YOU SAID THE COURT KNEW WHAT YOU SAID IN THIS MATTER. THE COURT UNDERSTOOD THAT IS WHAT YOU SAID AWHILE AGO. *[442]*	BY COURT THE CENSURE OUGHT TO HAVE BEEN MORE SEVERE UPON YOU FOR YOUR REMARK YOU SAID {THE}[i] COURT KNEW WHAT YOU SAID IN THIS MATTER THE COURT UNDERSTOOD THAT IS WHAT YOU SAID {A}[i] WHILE AGO		
SUTHERLAND: I SUPPOSE WHAT HAS BEEN READ HERE JUST NOW IS PROOF TO YOUR HONOR OF WHAT I SAID.	SUTHERLAND I SUPPOSE WHAT HAD BEEN READ HERE JUST NOW WAS [*space*]		
COURT: I DON'T SHOW	BY COURT IT DON'T SHOW		

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RT	RS	BT	PS
ANY CONNECTION. THE LAST STATEMENT WHEN YOU SAID YOU WOULD CONNECT THAT WASN'T UNDER IT. YOU ASKED ME TO RULE UPON THE PROPOSITION TO CONNECT. NOW YOU STATE HOW YOU PROPOSE TO CONNECT AND THAT DON'T SHOW ANY CONNECTION WHATEVER. THAT IS THE OPINION OF THE COURT AND THAT IS THE RULING IN THE CASE SO FAR AS THIS TESTIMONY IS CONCERNED. SUTHERLAND: WITH REGARD TO THIS TESTIMONY WHICH WE OFFER I DESIRE OUR EXCEPTION NOTED. I DON'T KNOW THAT THIS	ANY CONNECTION THE LAST STATEMENT WHEN YOU SAID YOU WOULD CONNECT THAT WASN'T *END/NATURE*[?] OF IT. YOU ASKED ME TO RULE UPON {THE}[i] PROPOSITION TO CONNECT NOW YOU STATE HOW YOU PROPOSE TO CONNECT AND THAT DON'T SHOW *[[30]]* ANY CONNECTION WHATEVER BY COURT THAT IS OPINION BY COURT THAT IS THE RULING IN THE CASE SO FAR AS THIS TESTIMONY IS CONCERNED. [*space*] SUTHERLAND WITH REGARD TO THIS TESTIMONY I DESIRE {OUR}[i] EXCEPTION NOTED [*space*] I DON'T {KNOW}[i] THAT THIS	EXCEPTION TAKEN BY DEFENSE.	

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RT	RS	BT	PS
WITNESS KNOWS ANYTHING MORE THAN THE REMAINDER OF THAT STATEMENT, EXCEPT THIS ——— BASKIN: I OBJECT TO HIS ASKING THE QUESTION. ASK HIM WHAT ADDITIONAL HE KNOWS. SUTHERLAND: I WILL ALLOW THE OBJECTION TO ~~OG~~ GO ON RECORD. HE HAS OBJECTED TO MY ASKING ANY FURTHER QUESTIONS. COURT: ~~PM~~ PUT YOUR QUESTION. BASKIN: I WAS GOING TO STATE WHAT HE EXPECTED TO PROVE BY THIS WITNESS COURT: I DIDN'T UNDERSTAND HIM TO SAY THAT. I UNDERSTOOD HIM TO SAY THIS QUESTION.	WITNESS KNOWS ANYTHING MORE THAN THE REMAINDER OF THAT STATEMENT EXCEPT THIS BY BASKIN I OBJECT TO HIS ASKING QUESTION ASK HIM WHAT ADDITIONAL [*space*] SUTHERLAND I WILL ALLOW OBJECTION GO ON RECORD ATTORNEYS OBJECTED TO MY ASKING ANY QUESTION BY COURT PUT ~~≤~~YOUR~~≥~~ QUESTION. BASKIN. GENTLEMEN WAS GOING TO STATE WHAT HE EXPECTED TO PROVE BY THIS WITNESS BY COURT I DIDN'T UNDERSTAND HIM TO SAY I UNDERSTOOD HIM TO SAY THAT HIS QUESTION		

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RT	RS	BT	PS
BASKIN: I DON'T OBJECT TO JUDGE SUTHERLAND ASKING ANY ADDITIONAL QUESTION,EXCEPT MAKING THE STATEMENT WHAT HE IS GOING TO PROVE FURTHER. Q. STATE WHETHER WHEN THE DUKE COMPANY WAS HERE THE INDIANS———— BASKIN: I OBJECT TO THE QUESTION AS LEADING.———— WERE IN AND ABOUT YOUR PREMISES ? SUTHERLAND: BISHOP FARNSWORTH, DON'T ANSWER THE QUESTION TILL THEY GET *[443]* THROUGH OBJECTING Q. STATE IF IN AND ABOUT YOUR PREMISES THERE WAS	[*space*] BY BASKIN I DON'T OBJECT TO JUDGE SUTHERLAND ASK{ING}^{i} ANY ADDITIONAL QUESTION EXCEPT WHAT HE IS GOING {TO}^{i} PROVE FURTHER. [*space*] {**Q**}^{i} STATE WHETHER WHEN THE DUKE COMPANY WAS HERE THE INDIANS ≼BASKIN≽ I OBJECT TO THE LEADING FORM OF {THE}^{i} QUESTION [*space*] INDIANS WERE IN AND ABOUT YOUR PREMISES BISHOP FARNSWORTH DIDN'T ANSWER THE QUESTION TILL HE GET THROUGH EXCEPTING {**Q**}^{i} IN AND {ABOUT}^{i} YOUR PREMISES THREATENED	Q. STATE WHETHER WHEN THE DUKES COMPANY WAS HERE, THE **I**NDIANS ---- **M**^{R} BASKIN: I OBJECT TO THE LEADINFG FORM OF THE QUESTION. Q.~~)~~--- WERE IN A~~B~~ND ABOUT YOUR PREMISES? - BISHOP ~~S~~FARNSWORTH DON'T ~~E~~ANSWER THE QUESTION T ILL THEY GET THROUGH ~~OJB~~ OBJECTING. - IN AND ABOUT YOUR PREMISES, THREATENING	

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RT	RS	BT	PS
NUMBERS OF THE DUKE PARTY—IF SO, STATE WHAT THEY SAID WAS THEIR GRIEVANCE IN THAT CONNECTION, INFORM THE COURT AGAIN, AFTER REFERRING TO THE POISONING OF THAT ANIMAL AS THE GRIEVANCE ? ~~A.~~ COURT: IF IT WAS SOME OF THE DUKE PARTY THE QUESTION WILL BE PROPER AND THAT GENTLEMAN COULD TESTIFY, BUT IT HAS NOTHING WHATEVER TO DO WITH THE MASSACRE OF THE OTHER OUTFIT. SUTHERLAND: HOWEVER, YOUR HONOR, WE WILL TAKE EXCEPTIONS TO	MEMBERS OF THE DUKE PARTY IF SO STATE WHAT THEY SAID WAS THEIR GRIEVANCE IN THAT CONNECTION INFORM THE COURT AGAIN *AFTER/THAT*[?] REFERR{ING}[i] TO THE POISONING {OF}[i] THAT ANIMAL AS *THE/A*[?] GRIEVANCE BY COURT IF IT WAS SOME OF THE DUKE PARTY {THE}[i] QUESTION {WOULD}[i] BE PROPER THAT GENTLEMAN COULD TESTIFY, BUT IT HAS NO{THING}[i] WHATEVER TO DO WITH {THE}[i] MASSACRE OF THE OTHER OUTFIT. ≤*III*≥ SUTHERLAND HOWEVER WE'LL TAKE AN EXCEPTION TO	MEMBERS OF THE DUKE'S PARTY**,** IF SO STATE WHAT THEY SAID ~~QAS~~ **WAS** THEIR GRIEVANCES IN THAT CONNECTION AND INFORM T HE COURT AGAIN IF T~~HEY~~ **THEY REFERRED** ~~AFTER REFERRING~~ TO T**H**E POIS~~I~~ONING OF THA T ANIMAL AS A CAUSE OF THEIR GRIEVANCE? THE COURT: IF IT WAS SOME OF THE **D**UKE PARTY, THE QUESTION WOULD BE PROPER, THAT GENTLEMAN COULD TESTIFY; BUT IT HAS NOTHING WHATEVER TO DO WITH THE MASSACRE OF THE OTHER OUTFIT. *[283]* **M**[R] SUTHERLA~~M~~ND WE WILL TAKE AN EXCEPTION TO	

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RT	RS	BT	PS
THE RULING. Q. MR. FARNSWORTH GIVE A GENERAL STATEMENT OF THE ~~DETAILS~~ ≼DUTIES≽ OF A BISHOP TO YOUR PEOPLE IN TEMPORAL MATTERS ? BASKIN: I OBJECT TO THAT BECAUSE IT CAN'T HAVE ANYTHING TO DO AT ALL WITH THE CRIME, OR THE JURY, EITHER DIRECTLY OR INDIRECTLY. COURT: THE SAME QUESTION WAS ASKED MR. SMITH. BASKIN: YES, ON CROSS-EXAMINATION. CAREY: IT WAS ASKED BY MR. BISHOP ON CROSS-EXAMINATION. COURT: I THOUGHT THE QUESTION A LITTLE OUT OF THE WAY BUT	THE RULE {**Q**}^{i}MR. FARNSWORTH GIVE {**A**}^{i} GENERAL STATEMENT OF THE DUTIES OF A BISHOP {TO}^{i} YOUR PEOPLE [*space*] ≼WITNESS≽ IN TEMPORAL MATTERS ? BASKIN I OBJECT TO THAT, BECAUSE IT WOULD HAVE NOTHING TO DO AT ALL WITH CRIME {OR}^{i} CHARGE, EITHER DIRECTLY INDIRECT{LY}^{i} BY COURT. {THE}^{i} SAME QUESTION WAS ASKED MR. SMITH BY BASKIN YES ON CROSS-EXAMINATION BY CAREY IT WAS ASKED BY MR. BISHOP ON CROSS-EXAMINATION. COURT I THOUGHT {THINK}^{i} {THE}^{i} QUESTION {**A**}^{i} LITTLE OUT OF WAY BUT I	YOUT HO~~W~~NORS RULING.. Q. MR. FARNSWORTH, GIVE A GENERAL STATEMENT OF THE DUTIES OF A BISHOP TO YOU~~T~~R PEOPLE? A. IN TEMPORAL ~~A~~MATTERS~~.~~**?** **M^{R}** BASKIN: WE OBJECT TO THAT BECAUE IT WOULD HAVE NOTHING AT ALL TO DO WITH THE CRIME CHARGED, DIRECTLY OR INDIRECTLY. THE COURT: THE SAM~~W~~E QUESTION WAS ASKED MR. SMITH. **M^{R}** BASKIN: YES, BUT ON CROSS-EXAMINATION. **M^{R}** CAREY: IT WAS ASKED BY MR. BISHOP ON CROSS-EXAMINATION. THE COURT: I THOUGHT THE QUESTION A LITTLE OUT OF THE WAY, BUT I	

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RT	RS	BT	PS
THOUGHT I WOULD LET IT GO. SUTHERLAND: ACCORDING TO MY RECOLLECTION THEY WENT IN FULLY TO SHOW THE DUTIES OF A BISHOP IN RESPECT TO THE PEOPLE WERE, AND WHAT HIS RELATIONS WERE UNDER A SUPERIOR. FURTHER ARGUMENT ENSUED BETWEEN COUNSEL AS TO QUESTION PUT TO KLINGENSMITH, IF A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT, AND	THOUGHT I WOULD LET IT GO. SUTHERLAND ACCORDING TO MY RECOLLECTION, THEY WENT IN FULL TO SHOW DUTIES OF {A}[i] BISHOP IN RESPECT TO {THE}[i] PEOPLE WERE AND {WHAT}[i] HIS RELATIONS WERE SUCH UNDER {**A**}[i] SUPERIOR HE *WOULD*[?] SPEAK OF DURESS IN WHAT HE DID HE WAS ENTITLED TO THE EXCUSE OF BEING COMPELLED TO DO IT. BY CAREY. MY RECOLLECTION {OF THAT IS}[i367] SIMPLY THIS, I ASKED MR. SMITH IF A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT,	THOUGHT I WOULD LET IT GO, SEEING THERE WAS NO OBJECTION RAISED. **M**[R] SUTHERLAND. ACCORDING TO MY RECOLLECTION THEY WENT IN FULLY TO SHOW THE DUTIES OF A BISHOP IN RESPECT TO PEOPLE AND WHAT HIS RELATIONS WER E AS SUCH UNDER A SUPERIOR ; AND IN WHAT HE DID, HE WAS ENTITLED TO THE EXCUSE OF BEI~~J~~NG COMPELLED TO DO IT. **M**[R] CAREY: MY RECOLLECTION OF THAT IS SIMPLY THIS: I ASKED MR. SMIT[H] IS~~S~~F A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT,	

367. Ink over illegible shorthand.

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RT	RS	BT	PS
MR. BISHOP BROUGHT OUT HIS DUTIES ON CROSS-EXAMINATION.	THE DUTIES CAME OUT ON MR. BISHOP'S CROSS EXAMINATION *[[31]]* BISHOP IN {THE}[i] EXAMINATION IN CHIEF THEY ASKED WHAT POSITION {HE}[i] OCCUPIED HE SAID HE WAS {**A**}[i] BISHOP AT CEDAR, HAIGHT WAS PRESIDENT AT PAROWAN MAN OVER HIM, UPON CROSS EXAMINATION I ASKED VERY FULLY PARTICULARLY AS TO HIS DUTIES AS BISHOP AND THE DUTIES OF PRESIDENT {THAT IS THE}[i] WAY THAT QUESTION CAME UP [*space*] {IN}[i] REGARD TO PERTINENCY OF	A~~B~~ND THE DUTIES OF A BISHOP CAME OUT ON MR. BISHOP'S XROSS-EXAMINATION. **M**[R] BISHOP**:** IN THE EXAMINATION **~~I~~OF SMITH THE** ~~CHIES~~ PROSECUTION ASKED WITNESS WHAT POSITION HE OCCUPIED, AND HE SAID HE WAS A BISHOP AT CEDAR CITY, AND HAIGHT WASTHE PRESIDENT; HAIGHT WASTHE HEAD MAN THERE OVER HIM, AND UPON CROSS-EXAMINATION I ASKED VERY FULLY AND PARTICULARLY AS TO HIS DUTIES AS A BISHOP AND THE DUTIES OF A PRESIDENT; ~~THAT IS THE WAY THAT PRESIDENT.~~ IN REGARD TO THE PERTINANCY OF	

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RT	RS	BT	PS
	THIS QUESTION, WHETHER IT IS CORRECT OR NOT, WE HAVE A RIGHT NATURALLY AS *THEY*[?] HAVE TURNED OUT EVIDENCE ON HIS STATEMENT OF MR. SMITH THAT HE ACTED AS BISHOP IN THAT PLACE, AS BISHOP OF THE CHURCH {HE}[i] WAS COMPELLED BY ORDERS OF ISAAC HAIGHT, WE CLAIM, WE HAVE THE RIGHT KNOW BY COMPETENT TESTIMONY, WHICH ONE HAD THE GREATER AUTHORITY, HOW FAR BISHOP OF THE CHURCH IS COMPELLED TO OBEY PRESIDENT WE CLAIM WE HAVE RIGHT TO INTRODUCE THAT FOR TWO	THIS QUESTION, WHETHER IT IS CORRECT OR NOT,—WE HAVE THE RIGHT NOW, AS THE EVIDENCE HAS TURNED OUT, ACCORDING TO THE STATEMENTS OF MR. SMITH, THAT HE ACTED AS BISHOP OF THAT PLACE – AS BISH~~O~~P OF THE CHURCH, HE WAS COMPELLED TO ~~A~~OB~~3~~EY THE ORDERS OF ISAAC C. HAUGHT. WE CLAIM WE HAVE THE RIGHT NOW TO SHOW BY COMPETENT TESTIMONY WHICH ONE HAD THE GREATER AUTHORITY AND HOW FAR THE BISHOP OF THE CHURCH IS COMPELLED TO OBEY THE PRESIDENT. *[284]* WE CLAIM WE HAVE THE RIGHT TO INTRO~~D~~DUCE THAT FOR TWO	

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RT	RS	BT	PS
COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT IT RIGHT, HE *[444]* SAID THE BISHOP'S DUTIES WERE BROUGHT OUT BY BISHOP ON CROSS-EXAMINATION.	REASON, FIRST PLACE FOR PURPOSE OF SHOWING TO THE JURY WHAT MR. SMITH COULD HAVE DONE HAD HE DESIRED OCCUPYING THAT POSITION, IN THE SECOND PLACE FOR THE PURPOSE OF *CONTRADICTING* [?] STATEMENT OF SMITH IN REGARD TO WHAT HE DID [*space*] HOW FAR HE COULD HAVE GONE IN PREVENTING THE COMMISSION OF THE ACT COMPLAINED OF [*space*]	RE ASONS: IN THE FIRST PL~~S~~ACE FOR THE PURPOSE OF SHO~~E~~**W**ING TO THE JURY WHAT MR . SMI~~G~~TH COULD HAVE DONE , HAD HE SO DESIRED , OCCUPYING THAT POSITION; AND IN THE SECOND PLACE FOR THE PURPOSE OF CONTRADICTIN G THE STATEMENTS OF MR. SMITH IN REGARD TO WHAT HE DID AND H**O**W FAR H~~W~~**E** COUL~~S~~**D** HAVE GONE IN PREVENTING THE COMMISSION OF THE ACT COMPLAINED OF.	

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RT	RS	BT	PS
BISHOP EXPLAINED AS TO TESTIMON~~N~~Y ADDUCED FROM SMITH DURING HIS CROSS-EXAMINATION ON THIS POINT. COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT ARIGHT,HE SAID THE BISHOPS DUTIES WERE IN REGARD TO LOCAL AND TEMPORAL AFFAIRS.	BY COURT IF I REMEMBER MR. SMITH'S TESTIMONY = IF I RECALL RIGHTLY HE SAID BISHOP DUTIES IN REGARD TO LOCAL TEMPORAL AFFAIRS BISHOP YES SIR. BY CAREY {THE}[i] WHOLE MATTER REGARD TO THIS MASSACRE WAS PLACED BY MR. SMITH IN BETWEEN BISHOP AND PRESIDENT. MR. SMITH SAID WAS ORDERED OUT AS A PRIVATE IN MILITARY ORGANIZATION BY HAIGHT WHO WAS	THE COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT RIGHTLY – HE SAID, WHAT A BISHOPS DUTIES WERE IN REGARD TO LOCAL AND TEMPORAL AFFAIRS. **M**[R] BISHOP: YES, HOUR HONOR. **M**[R] CAREY: THE WHOLE MAT**T**ER IN REGARD TO THIS MASS~~S~~ACRE WAS PLACED BY KLINGENSMTIH IN BETWEEN THE BISHOP AND THE PRESIDENT. MR. SMITH ST~~Q~~**A**TED H~~W~~**E** WAS ORDERED OUT AS A PRIVATE IN A MILITARY ORGANIZATION BY HAIGHT W~~A~~HO WAS	

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RT	RS	BT	PS
	COMMANDER IN THAT COMPANY. THIS MATTER REGARD ≤DUTIES≥ OF THE BISHOP ≤AND≥ OF ≤THE≥ PRESIDENT CAME UP REGARD DISPOSITION OF GOODS AFTER MATTER WAS OVER. BISHOP I MUST ASK LEAVE TO CORRECT HIS ACTS WERE THE RESULT OF MORAL COWARDICE AND THE ACTS THAT HE COMMITTED UPON THAT OCCASION, CONNECTED WITH THAT ENTIRE TRANSACTION, BECAUSE HE WAS AFRAID DISOBEY {ABUSIVE}[i] THE ORDERS OF {THE}[i] PRESIDENT OF THAT STAKE AND THAT IT GIVES	COMMANDER IN THA T COMPANY. THIS MATTER IN REGARD TO THE DUTIES OF A BISHOP AND OF A PRESIDENT CAME OUT IN REGARD TO THE DISPOSITION OF THE GOODS. **M[R]** BISHOP: I MUST ASK LEAVE TO CORRECT COUNSEL . AS SMITH'S ACTS WERE THE RESULT OF MORAL COWARDICE. HE DID ALL THE ACTS THAT HE COMMITTED UPON THAT OCCASION , CONNECTED WITH THAT ENTIRE TRA~~C~~NSACTION BECAUSE HE WAS AFRAID TO DISOBEY THE ORDER~~W~~S OF **THE** PRESIDE~~N~~T OF THAT STAKE, AND THAT HAIGHT GAVE	

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RT	RS	BT	PS
	ORDERS BY HIS ≤AUTHORITY≥ PRESIDENT {AND}[i] AS LIEUTENANT COLONEL OR RANKING MAJOR, AND THAT HE GAVE HIS ORDERS BOTH AS ECCLESIASTICAL AND MILITARY MAN BY COURT I DON'T RECALL WHETHER THAT IS THE STATEMENT AND I CONFIDENTLY [*space*] BY CAREY MATTER MR. BISHOP IS DISCUSSING IS REGARD TO COUNCILS PRECEDING {MASSACRE}[i]; MR. SMITH SAID, WHEN HE WENT = HE WENT AS PRIVATE UNDER COMMAND OF COMMANDER. BY BISHOP MR. SMITH SAID GOOD MANY THINGS BY	ORDERS BY HIS AUTHORITY AS PRESIDENT, AND AS LIEUTENANT COLON~~E~~OL OR AS RANKING MAJOR, AND THA T HE GAVE HIS ORDERS BOTH AS AN ECCLESIASTICAL AND A MILITARY MAN. COURT: DO NOT RECOLLECT THAT THAT ~~THA T~~ IS THE STATEMENT. ~~M~~[R] ~~CAREY: THE MATTER MR~~. ~~BISHOP IS DISCUSSING IS IN REGARD TO COUNSE~~~~I~~~~LS~~'S ~~PRECEDING THE MASSACRE. MR. SMITH SAID WHEN HWE WENT HE WENT AS A PRIVATE UNDER THE COMMAND OF THE COMMANDE R.~~[368]	

368. The phrase is faintly crossed out; the strikeout was possibly erased.

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RT	RS	BT	PS
	CAREY I *N*[?] HE DID GOOD MANY *[[32]]* {Q}^{i} ARE THE DUTIES OF A BISHOP {OR}^{i} OFFICER OF THE MORMON CHURCH REDUCED TO WRITING ≤{A}^{i}YES SIR THEY ARE≥ AND IN THE RECORDED ARCHIVES OF THE CHURCH [*space*] BISHOP. ONE REASON OF HIS *ACTING/QUITTIN G*[?] IS HE HAD OBJECTION TO OTHER PARTIES BEING PUT OUT OF WAY FOR DISOBEYING *COUNSEL/COUN CIL*[?] THOSE ORDERS EMANATED FROM COUNCIL OF THE CHURCH AND NOT FROM THE MILITARY ORGANIZATION. HE NEVER PRETENDED IN ANY OTHER PORTIONS OF HIS TESTIMONY, THAT HE OR	Q. ARE THE DUTIES OF A BISHOP OR AN OFFICER OF THE MORMON CHURCH REDUCED TO WRITING AND RECORDED IN THE ARCHIVES OF THE CHURCH? *[285]* A .YES, SIR, THEY ARE:.	

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RT	RS	BT	PS
	ANY ONE ELSE HELD THEMSELVES LIABLE TO DANGER THAT THEY WOULD BE DEALT WITH FOR VIOLATION OF MILITARY COMMAND AND THAT THIS WAS **A** PORTION OF CHURCH DISCIPLINE THAT COMPELLED THEM TO OBEY {THE}[i] ORDERS OF THEIR SUPERIORS YOUR HONOR WILL RECALL HE WENT SO FAR AS TO SAY IN SALT LAKE CITY HE SAID FACTS TO ONLY ONE MAN BECAUSE HE WAS STILL UNDER {THE}[i] INFLUENCE {OF}[i] HAIGHT {THE}[i] PRESIDENT {OF}[i] THE STAKE AND HIS SUPERIOR. BY COURT I REMEMBER HIS MAK{ING}[i] STATEMENT [*space*] BY CAREY THAT ALL REFER TO		

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RT	RS	BT	PS
	COUNCIL BEFOREHAND. ≼BISHOP≽ AND *IN/UNDER*[?] HIS MILITARY *ORGANIZATION/COUNCIL*[?]. BY COURT ACCORDING TO COUNCIL OF BOTH SIDES IF I UNDERSTAND YOU WHEN THIS WAS BROUGHT UP IN DEFENSE ON CROSS-EXAMINATION. BY BISHOP THE POSITION HE HELD WAS BROUGHT UP IN CROSS EXAMINATION BY COURT TO BISHOP IF YOU SAY IT WAS NOT BISHOP I AGREE WITH THE COURT {THAT}[i] THIS MATTER WAS ALL BROUGHT OUT IN EXAMINATION IN CHIEF. [*space*] BY COURT. {THE}[i] QUESTION AS TO DUTIES OF BISHOP WERE BROUGHT OUT IN CROSS-EXAMINATION.		

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RT	RS	BT	PS
	BY MR. BISHOP TO COURT AS TO THE DUTIES OF BISHOP THAT WAS DIFFERENT QUESTION. BY BASKIN IT WAS DRAWN OUT IN THIS WAY WE HAD NOT ANY SPECIAL OBJECT IN ASKING WHETHER HE WAS BISHOP OR PRESIDENT IN CHURCH {HE}[i] SAID WAS BISHOP OF CHURCH ALSO {AND A}[i] MEMBER OF {THE}[i] NAUVOO LEGION. NOW THEN *DEPENDENT*[?] ISSUE IS WHETHER JOHN D. LEE CONSPIRED TO KILL THESE PERSONS DOWN THERE HOW CAN COUNCIL OF MORMON CHURCH THROW ANY INFLUENCE UPON IT ONE WAY OR THE OTHER THEY *FELT*/—[?] THEY MIGHT HAVE BEEN DONE *WHATEVER*[?] {THE}[i] RULES		

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RT	RS	BT	PS
	{OF THE}[i] MORMON CHURCH *AS/IS*[?] ESTABLISHED DUTIES *AND/OF*[?] POWERS OF SUPERIOR OFFICER OVER INFERIOR IS MATTER OF RECORD AS THIS WITNESS HAS TESTIFIED IN ARCHIVES OF THE CHURCH. THIS FACT CAME IN UNDERSTANDA BLY SIMPLY BECAUSE THESE FACTS EXIST.		
BISHOP: COUNSEL ASKS HOW IT CAN AFFECT THIS CASE IN ANYWAY; IT AFFECTS IT SIMPLY THIS WAY, IN MY JUDGEMENT. IF WE ARE PERMITTED TO INTRODUCE THIS TESTIMONY WE SHOW CONCLUSIVELY THAT THIS MAN SMITH, IF HE OCCUPIED THE POSITION HE	BISHOP HOW IT AFFECTS THIS CASE, IT AFFECTS {IT}[i] SIMPLY THIS WAY IN MY JUDGMENT *[[33]]* IF WE ARE PERMITTED {TO}[i] INTRODUCE THIS TESTIMONY WE SHOW CONCLUSIVELY THIS MAN SMITH IF HE OCCUPIED THE POSITION HE		

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RT	RS	BT	PS
SAYS HE DID, HAD THE CONFIDENCE OF HIS PEOPLE AS OTHER MEN IN THAT? POSITION GENERALLY DO HAVE, THAT THE POSITION OF THIS MAN AND THE POWER THAT HE HAD**,** MADE IT IMPOSSIBLE FOR ISAAC C. HAIGHT TO MOVE THE MEN AND THE LAMANITES OF CEDAR CITY BY ANY ORDERS OR ACTS HE ISSUED. COURT: I DIDN'T THINK THE QUESTION VERY MATERIAL IN THE FIRST PLACE. SUTHERLAND: IT WAS BROUGHT OUT ON THE PART OF THE DEFENSE FOR THE PURPOSE OF	SAYS HE OCCUPIED {AND}[i] HAD {THE}[i] CONFIDENCE OF HIS PEOPLE AS OTHER MEN IN THAT POSITION GENERALLY DO HAVE [*space*] THAT THE POSITION THEN MAN HAS THE[369] POWER —[?] MADE IT IMPOSSIBLE FOR ISAAC **C** HAIGHT TO HAVE MOVE D THE MEN WITHOUT THE LIMITS {**LAMANITE**S}[i] OF CEDAR CITY BY ANY ORDERS OR ACTS ISSUED. [*space*] BY COURT I DIDN'T THINK QUESTION VERY MATERIAL IN FIRST PLACE. BY SUTHERLAND IT WAS BROUGHT OUT ON PART OF DEFENSE FOR PURPOSE OF	THE COURT: I DIDN'T TH**I**NK THE QUESTION VERY MATERIAL IN THE FIRST PLACE. **M**[R] SUTHERLAND: IT WAS B~~T~~ROUGHT OUT ON THE PART OF THE DEFENSE FOR THE PURPOSE OF	

369. The symbol transcribed to "MAN HAS THE" has vowels, apparently added later, that render the symbol "ANOINTS".

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RT	RS	BT	PS
SHOWING HE WAS UNDER DURESS, AND SECOND, FOR THE PURPOSES OF IMPEACHMENT. HE PROCEEDS TO SAY, IN ANSWER TO QUESTION ON CROSS-EXAMINATION, THAT ALTHOUGH HE WS IN THAT POSITON HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGHTER IT WOULD HAVE BEEN AT THE CERTAIN DANGER OF HIS OWN LIFE. COURT: SO I REMEMBER HIS STATEMENT WAS. SUTHERLAND: AND WE DESIRE TO DO, AMONG OTHER THINGS, CONTRADICT THAT.	SHOW{ING}[1] HE WAS UNDER DURESS AND SECOND FOR PURPOSES OF IMPEACHMENT. HE PROCEEDS TO SAY IN ANSWER TO QUESTION PERHAPS ON CROSS-EXAMINATION THAT ALTHOUGH HE WAS IN THAT POSITION, HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGHTER IT WOULD HAVE BEEN AT THE CERTAIN DANGER TO HIS OWN LIFE BY COURT YES = I REMEMBER HE SAID THAT ~~<~~**SUTH**~~>~~ WHAT WE DESIRE TO DO AMONG OTHER THINGS IS CONTRADICT THAT BY THIS WITNESS. BY	SHOWING HE WAS UNDER DURESS AND SECOND FOR THE PURPOSE OF IMPEACHEMTN. HE PROCEEDS TO SAY IN ANSWER TO **QUESTIONS** PRESSED TO HIM ON CROSS-EXAMINATION THAT ALTHOUGH HE WAS IN THAT POSITI~~N~~ON, YET HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGH~~E~~TER, HE WOULD HAVE BEEN IN CERTA**I**N ~~G~~DANGER OF HIS OWN LIFE. THE COURT : YES, I REMEMBER HE STATED THAT. **M**[R] SUTHE~~TR~~**B**LAND : ~~WE HAT~~ **WHAT** WE DESIRE TO DO AMONG OTHER THINGS IS TO CONTRADICT THAT BY THIS WITNESS. THE	

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RT	RS	BT	PS
COURT: THAT IS THE QUESTION, IN REGARD TO DUTIES AS BISHOP — YOU CAN SAVE YOUR EXCEPTIONS, I WILL RULE IT OUT. *[445]* Q. STATE, BISHOP FARNSWORTH, WHETHER IN 1850 ~~:—~~ BEARING IN MIND CERTAIN THINGS IN REGARD TO YOUR INTERNAL RELATIONS — WOULD IT BE SAFE AT THAT TIME FOR A BISHOP IN ANY LOCALITY TO DECLINE THEN, UNDER ANY DIRECTION,	COURT THIS QUESTION IN REGARD TO DUTIES AS BISHOP YOU CAN SAY TO EXCEPTIONS I WILL RULE IT OUT. [*space*] {**EXAMINATION RESUMED** Q}[i] STATE BISHOP ~~≤~~WHETHER~~≥~~ **F** WAS IN 1850 ~~≤~~TIME OF THIS MASSACRE~~≥~~ BEARING IN MIND ALL SURROUNDINGS = EVERY THING IN YOUR INTERNAL POLICY *POLITIC*[?], WOULD IT HAD BEEN SAFE AT THAT TIME FOR BISHOP IN ANY LOCALITY TO DECLINE EVEN UNDER THE DIRECTION THOUGH THEY	COURT: THAT IS THE ~~W~~QUESTION IN REGARD TO HIS DUTIES AS A BISHOP; YOU CAN SAVE THE EXCEPTION, BUT I WILL RULE IT OUT. Q.STATE, BISHOP FARNSORTH , WHETHER FROM THE YEAR I850, DOW~~M~~**N** TO THE DATE OF THI S MASSACRE, - BEARING IN MIND ALL THE SURROUNDING CIRCUMSTANCE S, E~~G~~**V**ERYTHING IN YOUR **ECLESIASTICA L** ~~ETERNAL~~ RELATIONS CONSIDERED, **-** WOULD IT HAVE BEEN SAFE AT THAT TIME FOR A BISHOP IN ANY LOCALIT IN THIS TERRITORY, EVEN UNDER THE DIRECTION OF A HIGHER AUTHORITY THOUGH THEY	

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RT	RS	BT	PS
IF IT WERE THE DIRECTION OF COUNSEL , TO COMMIT A MURDER ? PROSECUTION: WE OBJECT COURT: STATE YOUR OBJECTIONS. BASKIN: [*space*] BISHOP FARNSWORTH WAS BISHOP OF THIS CITY, AND THERE MAY HAVE BEEN A DIFFERENT STATE OF AFFAIRS HERE TO WHAT THERE WERE WHERE THIS OCCURRED CAREY: HE IS ASKING ABOUT 1850. SUTHERLAND IF I SAID 1850 I MEANT 1857. BASKIN: THERE MAY HAVE BEEN STILL A DIFFERENT STATE OF AFFAIRS DOWN IN CEDAR. COURT: IF HE KNOWS	HAD DIRECTION OF COUNCIL COMMIT A MURDER PROSECUTION WE OBJECT BY COURT STATE YOUR OBJECTIONS BISHOP **F** WAS BISHOP OF THIS CITY THERE MAY HAVE BEEN {**A**}[i] DIFFERENT STATE OF AFFAIRS HERE WHAT THERE WAS AT THE POINT WHERE THIS OCCURRED [*space*] BY CAREY HE IS ASKING ABOUT 1850, SUTHERLAND IF I SAID 1850 I MEANT 1857. BASKIN THERE MIGHT HAVE BEEN STILL DIFFERENT STATE OF AFFAIRS {DOWN}[i] IN CEDAR. BY COURT IF HE KNOWS	HAD THE DIRECTING AND RIGHT TO COULSEL IT, - TO COMMIT MURDER? **M**[R] BASKIN: WE OBJECT. THE COURT: STATE YOUR OBJECTIONS. **M**[R] BASKIN: BISHOP FARNSWORTH WAS BISHOP OF THIS CITY, AND THERE MIGHT HAVE BEEN A DIFFERENT STATE OF~~F~~ AFFAIRS HERE THAN WHAT THERE WAS AT THE POINT WHERE THIS OCCURRED:. **M**[R] CAREY: HE IS ASKING ABOUT I850. **M**[R] SUTHERLAND: IF I SAID I850 I MENT I857. *[286]* **M**[R] BASKIN.: THERE MIGHT HAVE BEEN STILL A DIFFERENT STATE OF AFFAIRS DOWN IN CEDAR. THE COURT: IFHE KNOWS	

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RT	RS	BT	PS
ANYTHING ABOUT THAT COUNTRY DOWN THERENHE MAY STATE IT. Q. WERE YOU COGNIZANT WITH THE STATE OF THINGS IN THE MORE SOUTHERN PART, IN 1857 ? A. I WAS THERE NEAR THE END OF APRIL, WITH OTHER CITIZENS COUNSEL: THEN I RENEW THE QUESTION WHICH I ASKED BEFORE WHEN I LOCATED IT AT CEDAR CITY. Q. WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY, IN 1857 TO REFUSE TO COMMIT A MURDER IF COMMANDED	ANYTHING ABOUT THAT COUNTRY DOWN THERE HE MIGHT STATE. BY SUTHERLAND Q WERE YOU COGNIZANT WITH {THE}[i] STATE OF THINGS IN MORE SOUTHERN. OF THE STATE OF THINGS IN 1857 {A}[i] I WAS {THERE}[i] FROM ONE END OF TERRITORY ≤**NEAR THE END OF APRIL**≥ TO THE OTHER AS FAR AS IT WAS PEOPLED {**COUNSEL**}[i] {Q}[i]THEN I RENEW QUESTION WHICH I ASKED BEFORE WHEN LOCAT{ING}[i] IT AT CEDAR CITY Q WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY IN 1857, TO REFUSE TO COMMIT MURDER IF COMMANDED	ANYTHING ABOUT THAT COUN~~D~~TRY DOWN THERE, HE MAY STATE IT; HE MAY ANSWER THE AUESTION. Q. WERE YOU COGNIZANT ~~WITH~~ **OF** THE STATE OF THINGS IN THE MORE SOUTHERN PART OF THE TERRITORY – OF THE STATE OF THI~~S~~NGS IN I857? A. I WAS , FROM NEAR THE END OF APRIL. Q. THEN I REPEAT THE QUESTION WHICH I ASKED BEFORE, WHEN I LOCATED IT AT CEDAR CITY: WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY IN I857, TO REFUSE TO COMMIT A CRIME, IF COMMANDED	

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RT	RS	BT	PS
BY THE COUNSEL OF HAIGHT OR THE CHURCH. BASKIN: THE MAIN STRESS OF THAT CALLS FOR A CONCLUSION OF THE WITNESS HE MAY STATE THE FACTS, BUT HE IS NOT PUT ON HERE AS AN EXPERT OF THE CHURCH. HE SHOULD HE REQUIRED TO STATE WHAT HE KNOWS AND LET THE JURY *[446]* DRAW THEIR CONCLUSIONS AND NOT HE HIMSELF. SUTHERLAND EXPLAINED THE PURPOSE AND ARGUED THE RELEVANCY OF THE QUESTION,FOR THE PURPOSE OF IMPEACHING THE STATEMENT OF KLINGENSMITH	BY COUNSEL OF HAIGHT *OR THE*[?] CHURCH. BASKIN WAIT A MINUTE <MR. **F**> THE QUESTION DROVES FOR CONCLUSION OF WITNESS THE JURY *SO*[?] DERIVE THAT FROM FACTS HE MAY STATE HE IS NOT PUT ON HERE AS {AN}[i] EXPERT *[[34]]* *ON/OF*[?] THE CHURCH SHOULD BE REQUIRED TO STATE WHAT HE KNOWS LET THE JURY DRAW THEIR CONCLUSIONS AND NOT HE HIMSELF. [*space*] SUTHERLAND	BY THE COUNSEL OR HEAD OF THE CHURCH? ~~A.~~ **M**[R] BASKIN: WAIT A MOMENT, MR. FARNSWORTH. THE QUESTION CALL~~E~~S FOR A CONCLUSION OF THE WITNESS, AND THE JURY MAY DERIVE THAT FROM THEFACTS HE MAY STATE; HE IS NOT PUT ON HERE AS AN EXPERT, AND HE SHOULD BE REQUIRED TO STATE WHAT HE KNOWS AND LET THE JURY DRAW THEIR CONCLUSIONS AND NOT HIMSELF. ARGUED BY **M**[R] SUTHERLAND.	

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RT	RS	BT	PS
~~MADE~~ BROUGHT OUT ON CROSS-EXAMINATION,	{THE}[i] RULE UPON THAT SUBJECT I BELIEVE IS A RULE ONLY WHEREVER THE MATTER SOUGHT TO BE OFFERED TO JURY CIRCUMSTANCES OF AN INFINITE VARIETY CIRCUMSTANCES OF MINUTE AND VARIETY TO BE DETAILED THAT GENERAL QUESTION MAY BE ASKED WHEN THEY HAVE A CONCLUSION WHICH THE WITNESS HAS TO *FR/NR*[?] OFFER ABOUT THESE CIRCUMSTANCES HE KNOWS HIMSELF BUT WHICH HE CAN'T FULLY DETAIL TO THE JURY. THIS IS SUCH A CASE. *AND AGAIN*[?] OF COURSE THEY QUESTION THEY ARGUE HE		

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RT	RS	BT	PS
	COULD STATE SURROUNDING IN A GENERAL WAY [*space*] BUT IT IS IMPOSSIBLE *WE MOTION*[?] BROAD DESCRIPTION OF STATE OF SOCIETY TO IMPART TO ANOTHER WHAT ONE FEEL FROM ATMOSPHERE OF THAT PLACE COULD HIMSELF UNDERSTAND AND APPRECIATE [*space*] HOW HE BEING IN THE SAME POSITION HIMSELF AT THAT TIME BEING SURROUNDED WITH LIKE SURROUNDING OF THOSE AT CEDAR CITY A MAN EXPERIENCING WHAT A BISHOP WOULD BE LIKELY TO EXPERIENCE IN THIS SURROUNDING HE IS ABLE STATE HIS INTUITION AS WELL AS WHAT HIS JUDGMENT		

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RT	RS	BT	PS
	WOULD TEACH HIM UNDER *CIRCUMSTANCES* [?] A GREAT DEAL IS TO BE LEARNED FROM *INTUITION*[?] UNDER SUCH CIRCUMSTANCES AND IT WAS PROBABLY FROM MR. SMITH TESTIMONY HE WAS NOT REASONING FROM ANY FACTS IT WAS INTUITIVE FEAR IT WAS FEAR HE COULD NOT ANALYZE AND APPREHEND HE COULD NOT *DO THIS*[?] FROM ANY CIRCUMSTANCES WHICH HE WAS ABLE TO STATE HE NEVER HAD KNOWN OF ANY PERSON LOSING HIS LIFE BECAUSE HE HAD FAILED TO OBEY COUNSEL [*space*] THE *INTUITION*[?] *ABLE TO*[?] FEAR WHICH HE SAYS BROODED IN HIS MIND AND *DETERRED*[?]		

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RT	RS	BT	PS
	HIM FROM *DOING*[?] WHAT HE DID WHAT HE SAYS HE DID *ESTABLISH/ST*[?] THE CLAIM BY ORDERS OF HIS SUPERIORS I ARGUE THIS BISHOP WHO WAS IN NO SITUATION TO BE INFLUENCED BY SUCH APPREHENSIONS IF THERE WAS ANY CAUSE FOR THEM ANYTHING A MAN OF ORDINARY *STAMINA*[?] WOULD BE LIKELY TO FEAR I ASK HIM WHAT IS THE *BRS/BRTS*[?] ALL THAT SMITH COULD FEEL KNOW ALL ABOUT THAT SMITH COULD KNOW ARGUE IF IN THESE CIRCUMSTANCES A BISHOP COULD DECLINE TO BE PARTY TO A MURDER ALTHOUGH IT WAS COMMANDED WHETHER HIS LIFE WOULD		

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RT	RS	BT	PS
AFTER WHICH BASKIN CLAIMED THAT COUNSELS STATEMENT SHOWED THE FALLACY OF THEIR PROPOSITION.	REALLY BE IN DANGER. BASKIN MAY IT PLEASE YOUR HONOR HIS OWN STATEMENT SHOWS FALLACY OF THE PROPOSITION [*space*] ONLY RULE IN WHICH THE OPINIONS ARE ALLOWED TO GO JURY IS ABOUT COMPLICATED MATTERS REQUIRING *WHAT IS ENOUGH SCHOLARLY*[?] WHICH IS NOT IN THE *[[35]]* POSSESSION OF ORDINARY MAN IN THIS CASE AN IMPOSTOR IF HE HAS SHOWN HIMSELF TO BE AN EXPERT OFFER ANY *MDSN/KRDSN*[?] *KMT/KM-T*[?] MAY GIVE HIS OPINIONS AS A RESULT HE THEN FOUND AN EXPERT WHO HAS NO PART [*space*] UNDER RULES OF TESTIMONY HE	ARGUED BY **M**^{R} BASKIN.	

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RT	RS	BT	PS
	CAN ONLY GIVE IT UPON STATEMENT OF FACTS YOU MUST LAY FOUNDATION OF FACTS BY OTHER TESTIMONY AND SHOW MAN TO BE EXPERT MAY GIVE THE OPINION IF IT COMES WITHIN EXCEPTION OF RULE THAT AIN'T THIS CASE IN ORDER TO LET STATEMENT OF THIS WITNESS HAVE EFFECT COUNSEL CLAIM FOR IT HE WOULD HAVE STATED JUST EXACTLY AS K SMITH HAS IN EVERY PARTICULAR BECAUSE SAME CAUSES OPERATING ON DIFFERENT PERSONS WOULD PRODUCE DIFFERENT RESULTS ANY SUCH EVIDENCE I VENTURE TO SAY AND SAY IF ADMITTED TO GO TO JURY.		

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RT	RS	BT	PS
	WHAT DOES HE[?] BY THIS WITNESS ASSUMES A FACT [*space*] DIDN'T EVEN ASSUME *OR/AND*[?] STATE FACT [*space*] WITHOUT STATEMENT OF FACTS PRESENTED *AND* LEADS[?] THE WITNESS [*space*] WITNESS HAS BEEN ABSENT HAS NOT HEARD TESTIMONY HE HAS NOT SHOWN BY HIS ANSWER HE KNOWS ANY OF FACTS TO GIVE WHAT AN *INTUITION*[?] AND CONCLUSION AND DEDUCTION ON THE JURY ARE BETTER *OPTION*[?] TO DRAW *THAN*[?] ON. [*space*] BY SUTHERLAND I ASK PERMISSION I UNDERSTAND HIM TO SAY THE ONLY CASE IN WHICH AN OPINION CAN BE GIVEN OF		

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RT	RS	BT	PS
	WITNESS THAT ONE WHO IS CALLED AS AN EXPERT AND DO NOT UNDERSTAND IT THAT TO BE LAW THAT EXPERTS SO CALLED TO GIVE IS TRUE THAT OPINIONS CAN'T BE GIVEN BY NO OTHER WITNESS IS NOT TRUE. WITNESS RIGHT OF MIND WHO HAS KNOWLEDGE OF *ALL*[?] *CASE*[?] MAY GIVE THEIR OPINION EXCEPTING INSANITY *USE*[?] THEM OF ANY OTHER CIRCUMSTANCE S UNDER RULE WHICH IS ANNOUNCED BEFORE WHERE THE AMOUNT OF THE INFORMATION CAN'T BE DETAILED TO JURY WITHOUT BEING SO MINUTE THE CONCLUSION DRAWN FROM WITNESS KNOWLEDGE MAY BE STATED		

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RT	RS	BT	PS
	BY HIM BEING POSSESSED OF THIS KNOWLEDGE NECESSARY TO DRAW CONCLUSION. BY COURT IT IS ABOUT TIME TO ADJOURN I WILL LOOK AT THAT	THE COURT: IT IS ABOUT TIME TO ADJOURN AND I WILL LOOK UP THAT QUESTION THIS EVENING.	
AFTER FURTHER DISCUSSION BETWEEN JUDGE SUTHERLAND AND BASKIN AND COUNSEL DESIRING TO LOOK AT AUTHORITIES AND TAKE FURTHER CONSIDERATION ON THE QUESTION, COURT ADJOURNED UNTIL TO-MORROW MORNING AT NINE O'CLOCK.	ADJOURNED COURT UNTIL TOMORROW MORNING **9 OCLOCK** *[[36]]*370	COURT ADJOURNED TILL TO-MORROW MORNING AT 9 O'CLOCK. ------ O-----	
SATURDAY MORNING, 31ST JULY 1875 NINE O'CLOCK A.M.	**SATURDAY MORNING JULY 31ST 1875 9 AM** [*space*]	SATURD~~AY MORNING~~ 9, A.M.~~?~~ JULY 3IST~~?~~**,** I875.	

370. In purple pencil at the top of the page: **P. T. FARNSWORTH'S TESTIMONY CONTINUED.**

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RT	RS	BT	PS
COURT REQUIRED THE REPORTER TO READ LAST QUESTION ABOUT THE BISHOP AT CEDAR CITY. COURT: I SAID I WOULD LOOK AT THE QUESTION BEFORE COMING INTO THE COURT AGAIN. I HAVE EXAMINED PHILLIPS ON THE POINT AND GREEN-LEAF ALSO,AND I AM SATISFIED THAT THE LAW,AS LAID DOWN BY THEM, AND OTHERS, THAT THIS QUESTION WOULD NOT BE PROPER. SUTHERLAND: PLEASE ENTER OUR	**9 AM** **CLERK** READ NAMES OF JURORS. ALL PRESENT BY COURT REPORTER READ LAST QUESTION ABOUT BISHOP AT CEDAR CITY BY COURT I SAID I WOULD LOOK AT IT BEFORE COMING INTO COURT AGAIN I HAVE EXAMINED PHILLIPS ON POINT AND GREENLEAF ALSO I AM SATISFIED LAW AS LAID DOWN BY BOTH THESE AUTHORS THE QUESTION WOULD NOT BE PROPER. {**SUTHERLAND**}[i] EN{TER}[i] OUR	COURT ~~P~~MET PURSUANT TO ADJOURNMENT, AND JURY CALLED. THE COURT : MR. REPORTER, PLEASE READ THE LAST QUESTION, PUT BY MR. SUTHERLAND TO THIS WITNESS. (QUESTION READ.) THE COURT: I SAID I WOULD LOOK AT THE AUTHORITIES BEFORE COMING INTO COURT AGAIN. I HAVE EXAMIN~~A~~ED PHILLIPS ON THE POINT AND GREENLEAF ALSO, AND I AM SATISFIED BY T EH RULES LAI~~G~~D DOWN, ACCORDI~~N~~G *[287]* TO BOTH OF THESE AUTHORITIES, THE QUESTION WOULD NOT BE PROPER. **M**[R] SUTHERLAND: PLEASE ENTER OUR	

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RT	RS	BT	PS
EXCEPTIONS.	EXCEPTION. {**COURT SUSTAINED OBJN OF PROS, AND DEF EXCEPTED**}[i]	EXCEPTION TO THE RULING OF THE COURT.	
Q. HOW LONG WERE YOU A BISHOP MR. FARNSWORTH? A. I ACTED IN THE CAPACITY OF BISHOP FOR ABOUT NINE YEARS. Q. ARE YOU ACQUAINTED WITH THE POLITY OF THE CHURCH ? A. YES SIR. Q. AND YOU KNOW WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE WHEN THE REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT AND MODE OF DISCIPLINE IN REGARD TO DISOBEDIENT MEMBERS? *[447]* A. YES SIR, I AM.	{**Q**}[i]HOW LONG WERE YOU A BISHOP {MR. FARNSWORTH}[i] {**A**}[i]ACTED CAPACITY OF BISHOP ABOUT 9 YEARS. [*space*] {**Q**}[i]ARE YOU ACQUAINTED WITH THE POLITY OF CHURCH {**A**}[i] YES SIR {**Q**}[i] KNOW WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE WHEN THE REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT MODE OF DISCIPLINE DO YOU KNOW[371] ON DISOBEDIENT MEMBERS {**A**}[i] YES SIR I AM.	Q. HOW LONG WERE YOU A BISHOP, ~~KMR~~ **MR**. FARNSWORTH? A. I ACTED IN THE THE CAPACI~~Y~~TY OF BISHOP FOR ABOUT NINE YEARS. Q. ARE YOU ACQUAINTED WITH THE ~~A~~POLITY OF THE CHU~~T~~**R**CH~~.~~? A. YES, S~~I~~**R**. Q. NOW, WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE, WHEN A REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT, **IS** ~~OR~~ MODE OF DISCIPLINE**?** ~~--~~ **D**O YOU KNOW **WHAT** THE PENALTY ~~TO~~ **IS** ~~**FOR**~~ **TO** DISOBEDIENT MEMBERS? A. YES, S~~I~~R	

371. "DO YOU KNOW" was apparently added later.

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RT	RS	BT	PS
Q. STATE WHAT PUNISHMENTS THAT THE CHURCH OR ANY BRANCH OF IT OR ANY TRIBUNAL OF IT THERE ARE AND IMPOSED ? CAREY: YOU NEED NOT ANSWER THAT. WE OBJECT TO THE QUESTION, THAT IT HAS NOTHING TO DO WITH THE SLAUGHTER OF THE EMIGRANTS OR JOHN D. LEE . SUTHERLAND: THIS IS THE QUESTION BEARING UPON THE STATEMENT BY KLINGENSMITH IN WHICH HE STATED THAT HE PURSUED THE LINE	{Q}[i]STATE WHAT PUNISHMENTS THAT THE CHURCH OR ANY BRANCH OF IT OR ANY TRIBUNAL OF IT ARE AUTHORIZED TO IMPOSE [*space*] BY CAREY {YOU}[i] NEED NOT ANSWER THAT. WE OBJECT TO THAT ANSWER CAREY OUR OBJECTIONS TO THE QUESTION IT HAS NOTHING TO DO WITH THIS SLAUGHTER OF EMIGRANTS WITH JOHN D. LEE. [*space*] SUTHERLAND THIS IS A QUESTION BEARING UPON STATEMENT ~~BEARING~~ MADE BY KLINGENSMITH IN WHICH HE STATED THAT HE PURSUED THE LINE	Q. STATE WHAT THE PUNISHMENTS, THAT THE CHURCH OR ANY BRANCH O~~T~~**F** IT OR ~~Q~~ANY TRIBUNAL OFIT, ARE AUTHORIZED TO IMPOSE? **M**[R] CAREY~~L~~: YOU NEED NOT ANSWER THAT. WE OBJECT TO THA T QUESTION, IF YOUR HONOR PLEASE; AND THE GROUNDS OF OUR O BJECTIONS A RE T HAT IT HAS NOTHING TO DO WITH THIS SLAUGHTER OF THE EMIGRANTS OR WITH JOHN D. LEE. **M**[R] SUTHERLAND: THIS IS A QUESTION BE~~R~~ARING UPON THE STATEMENT MADE BY KLINGENSMTIH IN WHICH HE ST~~Q~~**A**TED THA TIF HE DISOBEYED HE	

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RT	RS	BT	PS
TESTIFIED TO BY HIM,OF CONDUCT FROM AN APPREHENSION OF THE CHURCH WITH REGARD TO HIMSELF. WE EXPECT TO SHOW BY THIS WITNESS THAT THE CHURCH NEVER IMPOSED ANY PUNISHMENTS EXCEPT DISFELLOWSHIPPING OR EXCOMMUNICATING. THAT~~N~~ NONE OF ITS MEMBERS HAD CAUSE TO FEAR FOR DISOBEDIENCE AND THAT THEIR LIVES WERE NEVER THREATENED, NOR ANY BODILY HARM. IF SUCH TESTIMONY SHOULD BE PERMITTED TO COME IN IT WOULD BE A	TESTIFIED TO BY HIM OF CONDUCT FROM AN APPREHENSION OF DANGER TO HIMSELF. WE EXPECT TO BE ABLE TO SHOW BY THIS WITNESS, THAT THE CHURCH NEVER IMPOSES ANY PUNISHMENTS EXCEPT DISFELLOWSHIPPING OR EXCOMMUNICATING, THAT IT OTHERWISE WAS PERSONAL CHASTISEMENT, NOTHING THAT WOULD PUT ANY OF ITS MEMBERS UNDER ANY FEAR PERTAINING THEIR LIFE OR ANY BODILY HARM. [*space*] IF SUCH TESTIMONY SHOULD COME IN, IT WOULD BE A	WOULD BE IN FEAR OR APPREHENSION OR DANGER TO HIMSELF. WE EXPECT TO BE ABLE TO SHOW BY THIS WITNESS THAT THE CHURCH NEVER IMPOSED ANY PUNISHMENTS EXCEPT DISFELLOWS**H**IPPING OR EXCOMMUNICATING; THAT I~~S~~T NEVER AUTHORI~~X~~ZED ANY PERSONAL CHASTISMENT; NOTHING THAT W OULD PUT ANY OF ~~M~~ITS MEMBERS UNDER ANY FEAR, THREATENING THEIR LIFE OR ANY BODILY HARM. IF SUCH TESTIMONY SHOULD COME IN, IT WOULD BE A	

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RT	RS	BT	PS
DIRECT CONTRADICTION OF KLINGENSMITH'S STATEMENT IN THAT REGARD, AS WE UNDERSTAND IT, AND WE OFFER THE TESTIMONY TO ~~EFFECT~~ ≤AFFECT≥ THE CREDIBILITY OF THE WITNESS — ≤FOR THE PEOPLE≥ COURT: DID KLINGENSMITH TESTIFY THAT THE CHURCH THERE MADE ANY PENALTIES FOR THESE THINGS ? A. CAREY, NO SIR, HE NEVER SAID ANYTHING ABOUT IT. SUTHERLAND: HE CARRIED THE IDEA, IF ~~H~~ HE DIDN'T EXPRESS IT, THAT HIS LI~~V~~FE WOULD BE IN DANGER IF HE REFUSED TO OBEY. BASKIN ADDED ANOTHER POINT TO THEIR	DIRECT CONTRADICTIO N OF KLINGENSMITH' S STATEMENT IN THAT REGARD AS WE UNDERSTAND IT. WE OFFER {THE}[i] TESTIMONY TO AFFECT THE CREDIBILITY OF THAT WITNESS FOR THE PEOPLE. [*space*] BY COURT DID KLINGENSMITH TESTIFY CHURCH THERE MADE ANY PENALTIES FOR THESE THINGS ? BY CAREY NO SIR HE NEVER SAID ANYTHING ABOUT IT. SUTHERLAND HE CARRIED IDEA IF HE DIDN'T EXPRESS IT OUT RIGHT HIS LIFE WOULD BE IN DANGER IF HE REFUSES TO OBEY. BASKIN IT IS POINT OF ANOTHER	DIRECT CONTRADICTIO N OF KLINGENSMITH' S STATEME~~B~~NTS IN THAT REGARD AS WE UNDERSTAND IT; AND WE OFFER THE TESTIMONY TO EFFECT THE CREDIBILITY OF THA T WITNESS FOR THE PEOPLE. THE COURT: DID KLINGENSMTIH TESTIFY THAT THE CHU-RCH AUTHO-RITY MADE OR IMPOSED ANY PENALTIES FOR THESE THINGS? **M^R** CAREY: NO, SIR, HE NEVER SAID ANYTHING ABOUT IT. **M^R** SUTHERLAND: HE CARRIED THE IDEA IF HE DIDN'T EXPRESS IT OUT *[288]* RIGHT **THAT** HIS LIFE WOULD BE IN DANGER IF HE REFUSED TO OBEY. **M^R** BASKIN: AT THIS POINT WE WANT TO ENTER ANOTHER	

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RT	RS	BT	PS
OBJECTION AS TO DOCTRINES TAUGHT, SERMONS DELIVERED AND PUBLISHED IN THE JOURNAL OF DISCOURSES, AND THE PRINTED~~S~~RECORDS WERE THE BEST EVIDENCE AS TO THE INSTRUCTIONS AND RESTRICTIONS GOVERNING THE OFFICE OF A BISHOP.	OBJECTION THAT IS THAT THIS WITNESS STATE THE *OPINION/INFORMATION*[?] OF WHAT THE TEACH DOCTRINE OF CHURCH ARE WHEN HE HAS ALREADY STATED THAT IS MATTER OF RECORD DOCTRINE AND TEACHING OF THIS CHURCH CAN BE ASCERTAINED IN THE BEST	OBJECTION: THAT IS THAT THIS WITNESS HAS STATED THAT HE KNOWS WHAT THE TEA~~S~~CHING AND DOCTRINES OF THE CHURCH ARE, WHEN HE HAS ALREADY STATED THAT THESE THINGS ARE A MATTER OF RE~~F~~CORD, AND THAT THE DOCTRINES AND TEACHIN~~D~~G~~D~~S OF THIS CHURCH CAN BE ASCERTQINED FROM SUCH RECORDS, AND THAT THIS IS NOT THE BEST	

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RT	RS	BT	PS
	EVIDENCE OF IT. *[[37]]* {**&**}[i] CONTAINED IN THEIR PRINTED JOURNALS THE OFFICIAL JOURNALS OF THEIR DISCOURSES. THERE IS A BOOK HERE IN THE CHURCH PUBLISHED BY AUTHOR{ITY}[i] CALLED THE JOURNALS OF DISCOURSES IN WHICH THE DOCTRINES OF THE CHURCH ARE TAUGHT FROM THE PULPIT [*space*] AS TAUGHT FROM THE PULPIT IN THESE JOURNALS {THE}[i] DOCTRINE OF BLOOD ATONEMENT, SHEDDING OF HUMAN BLOOD IS CONTAINED AND IF THIS DOCTRINE {IS **A**}[i] DOCTRINE OF THE	EVIDENCE OF IT; AND THEY ARE CONTAINED IN THEIR PRINTED JOURNALS, WHICH ARE THEIR OFFICIAL JOURNAL~~W~~**S** OF THEIR DISCOURSES. THERE IS A BOOK HERE OF THE CHURCH PUBLISHED BY AUTHORITY, CALLED THE JOURNALS OF DISCOURSES IN WHICH THE DOCTRINES OF THE CHURCH ARE TAUGHT FROM THE PULPITS AND OUT OF THEIR PULPITS. IN THESE JOURNALS THE DOCTRINE OF BLOOD ATTONEMENT, THE SHEDDING OF HUMAN BLOOD FOR THE ~~SHEDDING OF~~ ATTONEMENT OF SIN, IS CONTAINED AND IF THIS DOCTRINE IS A ~~A~~ DOCTRINE OF THE	

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RT	RS	BT	PS
	CHURCH IF ANYTHING HE SEEKS TO PROVE WHATEVER THEIR DOCTRINES ARE IS {**A**}[i] MATTER OF RECORD, IT COULD NOT BE PROVEN BY THIS WITNESS BUT MUST BE PROVEN BY BEST EVIDENCE OF IT. HE IS ONLY {**A**}[i] BISHOP IN THE CHURCH. IF THEY WANT TO PROVE DOCTRINE OF MORMON CHURCH IT CAN {BE}[i] DONE BY THEIR JOURNALS OF DISCOURSES ON RECORD. IT DON'T MAKE ANY DIFFERENCE HOW MUCH MUCH BLOOD ATONEMENT MAY BE ESTABLISHED, IT DON'T CHANGE {THE}[i] FACT COUNCIL WAS HELD DOWN	CHURCH, IF ANYTHING HE SEEKS TO ~~B~~PROVE OUT OF THEIR DOC~~R~~TRINES, HERE IS A MATTER OF RECORD; IT COULD NOT BE PROVEN BY THIS WITNESS, BUT MUST BE PROVEN BY THE BEST EVIDENCE OF IT. HE IS ONLY A BISHOP IN THE CHURCH. IF THEY WANT TO PRO~~C~~V**E-** THE DOCTRINES OF THE MORMON CHURCH, IT CAN ONLY BE DON~~W~~**E** BY THEIR JOURNALS OF DISCOURSES ON RECORD ; BUT IT DON'T MAKE ANY DIFFERENCE HOW MUCH BLOOD ATTO~~H~~**N**EMENT MAY BE ESTABLISHED , IT DON'T CHANGE THE FACT THAT THE COUNSEL WAS HELD DOWN	

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RT	RS	BT	PS
SUTHERLAND ANSWERED THAT COUNSEL HAD NOW STARTED A NEW OBJECTION. THE *[448]* PROSECUTION'S FIRST OBJECTION WAS AS TO RELEVANCY, NOW HE WANTS IT TO BE DECIDED BY THE PRINTED RECORD . [*space*]	THERE BY WHICH THIS WAS ORDERED K SMITH SAYS[372] THAT ~~<~~HE~~>~~ BECAUSE OF THE DOCTRINE HE WAS AFRAID TO RESIST. SUTHERLAND COUNSEL NOW STARTS {**A**}^{i} NEW OBJECTION. {THEIR}^{i} OBJECTION FIRST WAS IRRELEVANCY IT DON'T[373] APPEAR IN THIS CASE SOUGHT TO BE REACHED BY THIS QUESTION EXISTED IN ANY FORM ADMITTED IN PROOF BY SUPERIOR EVIDENCE, [*space*] IT IS	THERE BY WHICH THIS WAS ORDERED; THE KLINGENSMITH SAYS THE THING WAS DETERMINED UPON, AND HE WAS AFR~~E~~AID TO RESIST. **M**^{R} SUTHERLAND: COUNSEL NOW STARTS A NEW OBJECTI~~O~~N. THEIR OBJECTI~~O~~N FIRST WAS ITS ~~REL~~ IRRELEVANCY; IT DON'T APPEAR IN THIS CASE SOUGHT TO BE REACHED BY THIS QUESTION, OR THAT IT EXISTED IN ANY PRINTED FORM. IT IS	

372. Word apparently added later.
373. Word apparently added later.

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RT	RS	BT	PS
	TRUE THAT THERE HAVE BEEN DISCOURSES DELIVERED THAT THOSE DISCOURSES HAVE BEEN PUBLISHED BY COURT HE TESTIFIED YESTERDAY THEY WERE PRINTED [*space*] SUTHERLAND HE SAID *IT GAVE*[?] OF SOMETHING {IN}[i] REGARD TO {THE}[i] CHURCH <LOCAL SAINTS> EXISTED IN WRITING BUT HOW ADOPTED [*space*] BISHOP IT WAS IN REFERENCE TO CUTTING OFF PARTIES FROM THE CHURCH RECORDS WERE KEPT. [*space*] BY SUTHERLAND WHAT THESE {WERE}[i] RULES HOW THOSE	TRUE THAT THERE HAVE BEEN DISCOURSES DELIVERD AND THAT THOSE ~~H~~DISCOURSES HAVE BEEN PUBLISHED. THE COURT: HE TESTIFIED YESTERDAY THAT THEY WERE PRINTED. *[289]* **M^{R}** SUTHERLAND: HE GAVE SOME TESTIMONY OF SOMETHING IN RE~~D~~GARD TO THE LOCAL ACTIONS IN THE CHURCH, THAT THEY EXISTED IN WRITING. **M^{R}** BISH~~I~~OP: IT WAS IN REFERENCE TO ~~T~~ T~~E~~HE CUTTING**G OFF** OF PARTIES FROM THE CHURCH THAT THESE RE~~F~~CORDS WERE KEPT. **M^{R}** SUTHERLAND: WHAT THE~~W~~**S**E WERE, HOW THESE	

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RT	RS	BT	PS
	RULES WERE ADOPTED, WHAT THEY EXTEND TO DOES NOT APPEAR BUT THAT ALL KINDS OF DISCIPLINE ARE SO REGULATED OR HOW ENFORCED DOESN'T APPEAR RETURNING AGAIN TO REMARKS OF COUNSEL, THAT THERE ARE THE DISCOURSES WE MAY ADMIT, THAT THOSE DISCOURSES ARE ALL OBLIGATORY AND SUCH THEY ARE EXPRESSION OF THEIR DOCTRINE, THAT THEY CAN'T BE PROVED WITHOUT PRODUCING THOSE DISCOURSES I DENY. AS FAR QUESTION	RULES WERE ADOPTED, WHAT THEY EXTENDED TO, DOESN'T A~~T~~PPEAR; OR THAT THESE RULES OF DISCIPLINE, HOW THEY ARE REGULATED OR HOW ~~H~~**E**NFORCED, DOE~~N~~SNT APPEAR. RETURNING AGAIN TO THE REMARKS OF COUNSEL THA T THEY ARE THE DISCOURSES OF THE CHURCH, WE WILL ADMIT~~;~~,, THAT THESE DISCOURSES AND DE~~G~~CREES ARE ALL OBLIGATORY~~;~~,, AND AS SUCH THEY ARE THE EXPOSITIONS OF THE DOCTRINE; **BU**T THAT THEY CAN **NOT** BE PROVED WITHOUT PRODUCING THESE DISCOURSES, I DENY. AS FAR AS THE QUESTION	

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RT	RS	BT	PS
	SHOULD ARISE WHATEVER JURISDICTION WHERE THE COMMON LAW PREVAILS COMMON LAW IS SEAT OF GREAT MANY JUDICIAL DECISIONS, GREAT MAY OF ELEMENTARY *TREATISES*[?] WHO HAVE HEARD OF THE RULE GENTLEMAN SPEAKS OF BEING APPLIED TO PROVE THE COMMON LAW TERRITORIAL RULE IS IN HARMONY; WITH ANY PROFESSOR, ANY PRACTITIONER ANY PERSON WHO HAS PROFESSION, *ACQUAINTED*[?] WITH THAT LAW MAY TAKE STAND AND TESTIFY SAY IT WOULD BE RECORD OF THE DOCTRINES	SHOULD ARISE, WHATEVER THE JURISDIC~~A~~TION MAY BE WHERE THE COMMON LAW PREVAIL~~AS~~**S**, THE COMMON LAW IS THE SUBJECT OF A GREAT MANY JUDICIAL DECISIONS, OF A GREAT MANY ELEMENTARY TREATI**E~~S~~E.S** WHOEVER HEARD THE RULE THE GENTLEMAN SPEAKS OF, BEING APPLIED TO P**R**OVE THE COM MON LAW. THE TERRITORIAL RULE IS IN HARMONY THAT ANY **PROFESSIONAL ANY** ~~PROFESSIONER, ANY~~ PRACTITIONER WHO HAS A PROFESSION COUL~~E~~**D** BE ALLOWED TO TAKE THE STAND AND TESTIFY; SO IT COULD BE WITH THE RECORD OF THE DOCTRINES	

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RT	RS	BT	PS
	OF THE CHURCH WHICH ARE IN SOME WAY *[[38]]* TEXTS THAT ARE A TRADITION, LIKE THE COMMON LAW [*space*]. I AM NOT INQUIRING WHAT AUTHORITY THEY ASSUME, BUT THE AUTHORITY WHICH THEY PRACTICALLY EXERCISE. IT WOULD BE THAT AUTHORITY THAT WOULD IMPRESS A PERSON WHO HAD ALTERNATIVE OF OBEDIENCE OR DISOBEDIENCE I ASKED HIM THE QUESTION WHETHER THE CHURCH EVER IMPOSES ANY OTHER PUNISHMENT THAN DISFELLOWSHIP PING OR EXCOMMUNICA	OF THE CHRUCH WHICH ARE IN SO~~K~~ME WAY, THE ~~DRO~~ DOCTRINES W HICH ARE **TREATICIES** ~~TREATIES~~ ON THE COMMON LA~~Y~~**W**. I AM NOT BY THIS QUESTION ENQUIRING ~~BY~~WHAT AUTHORITY THEY ASSUME, BUT THE ~~Q~~AUTHORITY WHICH THEY PRACTICALLY EXERCISE; IT ~~O~~WOULD BE **THAT** ~~ATHAT~~ AUTHORITY WHICH WOULD IMPRESS A PERSON, WHO HAD BEEN **GUILTY OF** ACTS OF DISOBEDIENCE. I ASKED HIM THE QUESTION WHETHER THE CHURCH EVER IMPOSED ANY ~~I~~OTHER ~~I~~PUNISHMENT THAN DISFELLOWSHIP OR EXCOMMUNICA	

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RT	RS	BT	PS
	TION WHETHER IT EVER HAS DONE IT; IF THAT IS TRUE EVEN THOUGH A LOCAL COUNCIL MIGHT VOTE THAT SOME PERSON IN IT LOCAL JURISDICTION WHO DID SOME ACT, IF THAT ACT WAS OUT OF SCOPE OF GENERAL DEALINGS OF THE CHURCH WITH ITS MEMBERS, HE MAY FULLY AND CLEARLY RESORT TO OTHER AUTHORITIES OF THE CHURCH MIGHT FEEL PERFECT SAFETY IN DISOBEY THAT LOCAL COUNCIL. HE COULD DEPEND UPON SUPPORT OF THE CHURCH UNIVERSAL AGAINST ANY EXCEPTIONAL MEASURE OF A LOCAL	TION, WHETHER IT EVER D~~ONE~~**ID** IT? IF THAT IS TRUE EVE~~R~~NTHOUGH A LOCAL COUNSEL MIGHT VOTE THAT SOME OTHER PERSON UNDER ITS LOCAL JURISDICTION , ~~A~~SHOULD DO SOME ACT—IF THAT ACT WAS OUT OF THE GENERAL DEALINGS OF THE CHURCH WITH ITS MEMBERS, HE MIGHT FULLY AND C~~R~~LEARLY RESORT TO OTHER AUTHORITIES OF *[290]* THE CHURCH AND MIGHT FEEL PERFECT SAFETY IN DISOBEYING THAT LOCAL COUNSEL . HE COUL~~D~~D DEPEND UPON THE SUPPORT OF THE CHURCH UNIVERSALLY AGAINST ANY EXCEPTIONAL MAJORITY OF A LOCAL	

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RT	RS	BT	PS
BASKIN: THE GENTLEMAN SUGGESTS A NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH— WHAT WAS THE PRETEXT FOR THE MOUNTAIN MEADOWS MASSACRE—	TRIBUNAL. [*space*] BASKIN. GENTLEMAN SUGGESTS NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH, WHAT WAS THE PRACTICE	TRIBUNAL. **M**^{R} BASKIN: THE GENTLEMAN SUGGEST~~A~~S A NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH, AND WHAT WAS THE PRACTICE;	
	JUST THINK FOR A MOMENT	JUST TO THINK FOR A MO~~N~~MENT	
WHAT WOULD THAT LEAD US TO; IT WOULD CARRY~~N~~US BACK TO <**THE**> “PARISHES”—	WHAT THAT WOULD LEAD US TO. IT WOULD CARRY US BACK TO PARISHES,	**WHERE** THEY WOULD LEAD US TO. IT WOULD CARRY US BACK TO THE **PARISH MURDER. ~~PARISHES MURD~~** ~~PUR TTANS~~. IT	
IT WOULD CARRY US BACK TO THE MURDER OF THE AIKEN’S,AND	IT WOULD CARRY US BACK TO THE MURDER OF **AIKINS**	WOULD CARRY US BACK TO THE MURDER OF THE AIKINS; IT WOULD CARRY	
TO THE MASSACRE OF THE GUNNISON PARTY,AND TO THE CUTTING OF THE THROAT OF NIGGER TOM IN	*BACK*[?] TO THE MURDER OF THE GUNNISON PARTY, TO THE CUTTING OF THE THROAT OF NIGGER TOM IN	US BACK TO THE MASSACRE OF THE GUNNISON PARTY, AND THE CUTTING OF THE THRO~~Z~~AT OF NIGGR TOM IN	

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RT	RS	BT	PS
SALT LAKE CITY. TO THE CUTTING OF ~~IS~~ IKE POTTER AT COALVILLE; IT WOULD CARRY US BACK TO THE MURDER OF DOCK.ROBINSON AND TO ALL THE OTHER SECRET AND MYSTERIOUS HOMICIDES THAT HAVE DISGRACED THIS TERRITORY.	SALT LAKE CITY, TO THE CUTTING OF THE THROAT OF IKE POTTER AT COALVILLE. IT WOULD CARRY US BACK TO THE MURDER OF DOC ROBINSON, {**DOCK ROBINSON**}[i] AND TO THE OTHER GREAT MYSTERIOUS HOMICIDES, THAT HAVE DISGRACED THIS TERRITORY. WE WOULD HAVE TO SHOW THE ACTS DONE BRING IT HOME THOSE THAT WERE SUPPOSED CHURCH HAVE BEEN IMPLICATED WITH, SO THAT YOU SEE THAT THERE IS NO END TO THIS TRAIL IF SUCH EVIDENCE WAS OFFERED. GENTLEMAN MAKES ~~<~~**A**~~>~~	SALT LAKE CITY, AND THE CUTTING OF THE THROAT OF IKE POTTER AT COALVILLE ~~SPRINGVILLE~~. IT WOULD CARRY US BACK TO THE MURDER OF DOC~~K~~**TER** RO~~N~~**B**INSON IN SALT LAKE, AND TO ALL THE OTHER ~~C~~**S**ERIOUS, M~~I~~**Y**STERIOUS HOMICIDE~~D~~S THAT HAVE EVER DISGRACED THIS TERRITORY. **WE** S**H**OULD HAVE TO SHOW THE ACTS DONE AND BRING IT HOME TO THOSE THAT WERE SUPPOSED THE CHURCH HAVE BEEN IMPLICATED WITH. SO YOU SEE THAT TTHERE WOULD BE NO END TO THIS, I~~S~~**F** SUCH EVIDENCE WAS SUFFERED TO COME IN.. THE GENTLEMAN MAKES A	

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RT	RS	BT	PS
	VERY UNFORTUNATE ILLUSTRATION IN RESPECT COMMON LAW WE ASCERTAIN IT BY DECISIONS OF COURT BECAUSE COMMON LAW HAS PRINCIPLE BEEN ESTABLISHED IT IS UNWRITTEN LAW, ONLY IN THIS SENSE, IT AIN'T IN THE SHAPE OF A STATUTE, NOT EXPRESSED IN ANY ACT OF PARLIAMENT, IT DOES EXIST IN DECISIONS OF THE COURT WHICH ARE REDUCED TO WRITING SUPPOSE WHEN YOU GO TO PROVE CARDINAL DOCTRINES OF CHURCH, YOU	VERY UNFORTUNATE ILLUSTRATIOJN IN RESPECT TO THE COMMON LAW, AND WE ASCERTAIN IT BY T TEHE DECISIONS OF THE COURT; BECAUSE THE COMMON LAW HAS PRINCIPALLY BEEN ESTABLISHED BY LONG USAGE AND PRACTICE AND IT IS THE UNDERLYING PRINCIPLES OF OUT STATUTORY LAW; ONLY THIS SENSE IT IS NOT IN THE SAHAPE OF A STATUTE, NOT EXPPRESSED AIN ANY ACT OF PARLIAMENT; BUT IT DOES EXIST IN THE DECISIONS OF THE COURT WHICH ARE RUEDUCED TO WRITNING/ BUT WHEN YOU WANT TO PROVE THE CARDINAL DOCRTRINES OF A CHURCH YOU	

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RT	RS	BT	PS
	CAN ONLY ASCERTAIN IT BY THE WRITTEN AND *[[39]]* ORAL TEACHINGS OF THE CHURCH. IT DON'T HAVE ANYTHING TO DO WITH THIS BECAUSE YOU WILL SEE IF IT IS ENTERED INTO WHERE IT WILL LEAD. BY COURT I DO NOT THINK THIS IS CONTRADICTIO N OF ANYTHING SMITH HAS STATED THAT IS ONE OF THE GROUNDS ON WHICH IT IS BASED, I DO NOT THINK IT IS ANY CONTRADICTIO N OF ANYTHING HE HAS STATED, AND THERE CAN BE NO SIMILARITY BETWEEN THIS AND COMMON LAW IF THERE IS ANY SIMILARITY, COMMON LAW BEING	CAN ONLY ASCERTAIN IT BY THE WRITTEN AND ORAL TEACHINGS OF THE CHURCH. IT DON'T HAVE ~~NA~~ ANYTHING TO D**O** WITH THIS CASE, AND YOU WILL **SE**E IF IT IS EVNTERED INTO WHERE IT WILL LEAD. THE COURT: I DON'T THINK THIS IS ANYTHING CONTRADICTOR Y TO ANYTHING THAT MR. SMITH STATED; THAT IS ONE OF THE GROUNDS ON WHICH IT IS BASED, AND I DON'T TH INK IT IS ~~ANYTHING~~ ANY CONTRADICTIO N *[291]* OF ANYTHING HE HAS STATED, AND THERE CAN BE NO SIMILARITY BETWEEN THIS AND THE COMMON LAW. IF THERE IS A NY SIMILARITY, THE COMMON LAY BEING	

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RT	RS	BT	PS
	ASCERTAINED BY DECISIONS OF COURTS GENERALLY AND BY OPINION EMINENT WRITERS, IF THERE WERE NO WRITTEN LAW OF THE CHURCH, IT COULD NOT BE ASCERTAINED BY ANY OF ITS LEADERS. THIS WITNESS SWEARS RULES ARE REDUCED TO WRITING. I CAN'T SEE ANY REASON FOR ADMITTING THIS TESTIMONY AT ALL, I DO NOT THINK IT HAS ANY BEARING UPON THE CASE SUTHERLAND PLEASE NOTE OUR EXCEPTIONS. ~~<~~**COURT**~~>~~ PROCEED WITH WITNESS BY COURT. [*space*]	ASCERTAINED BY THE DECISION OF THE COURTS AND GENERALLY BY THE OPINIONS OF EMINENT WRITERS, IF THE**R**E WERE ANY ORIGINAL LAW OF THE CHURCH, IT COULD NOT BE ASCERTAINED **FROM OPINIONS OF** ~~BY~~ ANY OF ITS LEADERS. THIS WITNESS SWEARS THAT THE RULES ARE REDUCED TO WRITING, **SAME AS STATUTES:** I CAN'T SEE ANY REASON FOR ADMITTING THIS TESTIMONY**.** ~~AT ALL~~ **AND** I DON'T TH INK IT H~~Q~~**A**S ANY BEARING UPON THE CASE. **M**[R] SUTHERLAND: PLEASE NOT OUR EXCEPTIONS TO YOUR HONORS RULING. COURT: PROCEED WITH THE WITNESS. **M**[R]	

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RT	RS	BT	PS
AFTER REMARKS BY THE COURT THE OBJECTION WAS SUSTAINED, TO WHICH RULING DEFENSE EXCEPTED Q. MR. FARNSWORTH WHAT WAS THE RELATIVE PROPORTION OF THE LOCAL POPULATION IN THIS PART OF THE TERRITORY TO THE INDIANS IN 1857 ? BASKIN: WE OBJECT TO IT AS WHOLLY IRRELEVANT. SUTHERLAND: AND WE INSI**ST ON T**HE QUESTION YOUR HONOR. COURT. I DON'T	BASKIN DEFENSE CAN'T DRAW OUT IRRELEVANT MATERIAL FOR PURPOSE OF CONTRADICTIO N. BY COURT PROCEED ~~COURT PROCEED~~ {**COURT SUSTAINED OBJN. DEF EXCEPTING**}[i] {**Q**}[i]MR. **F** WHAT WAS THE RELATIVE STRENGTH OF LOCAL POPULATION THIS PART OF TERRITORY TO THE INDIANS IN 1857 ~ BASKIN WE OBJECT TO THAT AS WHOLLY IRRELEVANT. SUTHERLAND WE INSIST ON IT YOUR HONOR. BY COURT. I DON'T	BASKIN: THE DEFENSE CANNOT DRAW OUT IRRELEVANT MATTER FOR THE PURPOSES OF CONTRADICTIO N. **M[R] SUTHERLAND** Q. MR. FARNSWORTH WHAT WAS THE RELATIVE STRENGTH OF THE LOCAL POPULATION **IN** ~~IFN~~ THIS PART OF THE TERRITORY AS COMPARED WITH THE IN-DIANS IN I857? **M[R]** BASKIN : WE OBJECT TO THA T AS WHOLLY IRRELEVANT. **M[R]** SUTHERLAND: AND WE INSIST ON ~~Y~~ IT YOUR HONOR. THE COURT: I DO	

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RT	RS	BT	PS
SEE THE OBJECT OF THE QUESTION IN THIS CASE, THE WITNESS NOT HAVING SWORN HE KNOWS ANYTHING ABOUT IT AT ALL, AND I CANNOT SEE IT WOULD BE ANY ~~E~~CONNECTION, UNLESS YOU WOULD SHOW ALL THE WHITE MEN AND INDIANS WERE ON THE GROUND, AND THEN IT WOULD HAVE SOMETHING TO DO WITH THAT. BASKIN: NO, IT WOULD NOT HAVE ANY RELEVANCY, EVEN THEN, CANNOT JUSTIFY HOMICIDE. SUTHERLAND: NOTE OUR	SEE THAT HAS *OBJECTIVE*[?] IN THE CASE. WITNESS NOT HAVING SWORN HE KNOWS ANYTHING ABOUT IT AT ALL BY COURT I CANNOT SEE IT WOULD BE ANY CONNECTION TO THIS, UNLESS YOU WOULD SHOW ALL WHITE MEN AND INDIANS WERE ON THE GROUND, WHY THEN IT WOULD {HAVE}[i] *SF*[?] SOMETHING TO DO WITH THAT. BASKIN NO IT WOULD NOT HAVE ANY RELEVANCY THEN BECAUSE DURESS CANNOT JUSTIFY HOMICIDE. DEFENSE NOTE OUR	NOT SEE ITS OBJE~~F~~CT**.** ~~IN THE CASE AND~~. **AND,** THE WITNESS **HAS** NOT ~~HAVING~~ SWORN ~~A~~THAT HE KNOWS ANYTHING ABOUT IT AT ALL. I CANNOT SEE THAT IT WOULD HAVE ANY ~~CONNECTION, TO THIS~~, **BEARING UPON THE CASE,** UNLESS YOU WOULD SHOW ALL THE WHITE MEN AND THE **I**NDIANS WERE ON THE GROUND~~,~~**.** ~~WHY,~~ **T**HEN, IT WOULD HAVE SOMETHING TO DO WITH ~~THAT~~ **IT. M^{R}** BASKIN: NO, YOUR HONOR, IT WOULD NOT HAVE ANY RELEVANCY THEN, BECAUSE DURESS CANNOT JUSTIFY HOMICIDE. **M^{R}** SUTHERLAND: PLEASE NOTE	

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RT	RS	BT	PS
EXCEPTIONS. *[449]* Q. STATE, IF YOU KNOW WHAT, DURING THE MONTH OF THE LATTER PART OF AUGUST AND THE FORE PART OF SEPTEMBER, 1857, WAS THE GENERAL TEMPER OF THE INDIANS TOWARDS THE WHITES, IN THIS PART OF THE TERRITORY, AND SOUTHWARD,IF YOU KNOW ? PROSECUTION OBJECTED TO THE QUESTION. THE DEFENSE MUST CONFINE THEIR TESTIMONY TO THE INDIANS WHO PARTICIPATED. THIS IS NOTHING TO THE ISSUE. IF THESE INDIANS WERE	EXCEPTION. [*space*] {**Q**}[i]STATE IF YOU KNOW WHAT DURING MONTH OF LATTER PART OF AUGUST {AND THE}[i] FORE PART OF SEPTEMBER 185{7}[i] WAS THE GENERAL TEMPER OF THE INDIANS TOWARDS THE WHITES IN THIS PART OF THE TERRITORY AND SOUTHWARD IF YOU KNOW ? {**PROS OBJECTED**}[i] BASKIN AND CAREY OBJECTED TO THAT [*space*] HE MUST CONFINE HIS TESTIMONY TO THE INDIANS WHO PARTICIPATED IT IS NOTHING TO ISSUE. CAREY IF THESE INDIANS WERE —[?]	OUT EXCEPTION TO THE RULING OF THE C OUR~~T~~ Q. STATE IF YOU KNOW WHAT, DURING ~~THE MONTHS OF~~ THE LATTER PART OF AUGUEST AND THE FORE PART OF SEPTEMBER, OF I857, WAS THE GENERAL TEMPER OF THE **I**NDIANS TOWARD THE WHITES IN THIS PART O F THE TERRITORY AND SOUTHWARD IF YOU KNOW. **M[R]** BASKIN: WE OBJECT TO THAT ON THE GROUND THAT HE MUST CONFINE *[292]* HIS TESTIMONY TO THE **I**NDIANS WHO PARTICIPATED. THIS HAS NOTHING TO DO ~~IN~~ **WITH** THE ISSUE; IF **THESE** ~~THERESE~~ **I**NDIANS ~~WER3E~~ **WERE**	

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RT	RS	BT	PS
HOSTILE IT DON'T EXCUSE THE WHITES. WE DON'T DENY THAT THE INDIANS ON THE GROUND WERE HOSTILE,BUT IT HAS NOTHING TO DO WITH IT NOW. HOGE~~.~~,REPLIED AND APPEALED AT CONSIDERABLE LENGTH TO THE COURT AS TO THE RELEVANCY OF THE QUE~~C~~STION, EXPLAINING THE THEORY OF DEFENSE, AS TO THE CAUSE OF THE MASSACRE,	HOSTILE IT DON'T EXCUSE THE WHITES. WE DON'T DENY ~~≤~~THAT THE~~≥~~ INDIANS ON THE GROUND WAS HOSTILE IT HAS NO{THING}[i] TO DO WITH IT NOW *[[40]]* {**HOGE FOR DEFENSE**}[i] HOGE. WE PROPOSE TO SHOW INDIANS WERE HOSTILE. THAT {A}[i] GREAT MANY INDIANS AND INDIANS FROM HERE PARTICIPATED IN THAT MASSACRE. {THAT}[i] THEY FOLLOWED THIS TRAIN THEORY INDIANS THAT	HOSTILE IT ~~O~~DON'T EXCUU~~S~~E THE WHITES/ WE DON'T DENY THAT THE **I**NDIANS ON THE GROUND WAS HOSTILE, BUT IT HAS NOTHING TO DO WITH IT NOW.	

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RS

PARTICIPATED IN THE MASSACRE. THE GENTLEMAN HAS AGAIN SAYS THIS BECAUSE WITH THESE PARTIES THERE IS BUT ONE THEORY IN THIS CASE NOT WITHSTANDING ALL THIS WE HAVE A THEORY OF OUR OWN WE HAVE PRESENTED THIS THEORY TO THIS COURT THESE THINGS IN EVERY TESTIMONY IS ADMISSIBLE IF THEY SEE NOW THE CAUSE OF THIS MASSACRE THAT INDIANS WERE ENRAGED WHITE MEN BROUGHT THEM UPON 'EM THEMSELVES *WHERE*[?] THESE OUTRAGES THEY FOLLOWED 'EM TO PLACE OF MASSACRE AND PARTICIPATED IN THAT MASSACRE *THINK YOU*[?] HAVE WE NOT A RIGHT TO SHOW CONNECT OUR THEORY MAY POSSIBLY BE CORRECT TO THIS JURY APPEARS ON RECORD AS I NOW UNDERSTAND BY COURT DO YOU PROPOSE TO SHOW THESE INDIANS PARTICIPATED IN THE SAME MASSACRE INDIANS OF THE SAME TRIBE WE PROPOSE TO SHOW INDIANS FOLLOWED THIS TRAIN DOWN CORN CREEK INDIANS I DO NOT UNDERSTAND EVIDENCE AS GIVEN ALL ARBITRARY IT MIGHT TEND OR SEEM TO TEND TO DISPROVE EVIDENCE IN THIS CASE IF YOUR HONOR WILL ALLOW ME NOW I WILL CALL YOUR HONOR'S ATTENTION TO ONE THING AND THAT IN PARTICULAR. CASE PEOPLE OFFERS VS. *ARNER*/—[?] 15 CALIFORNIA CASE RESTS IN THIS AREA CASE OF MURDER WHERE MAN BY NAME OF *SWEENY*[?] WAS INDICTED FOR MURDER THIS MAN *SWEENY*[?] HAD BORROWED PISTOL IT SAYS HAD BORROWED A PISTOL FROM CERTAIN PARTY REMARKING AT THE TIME BORROWED THAT HE INTENDED TO USE IT ON THE DEFENDANT BUT ARGUES PRIOR TO *DIFFICULTY*[?] ORIGINATED THIS QUESTION WAS ASKED BY THE COUNSEL AT THE TIME *CURTIS*[?] GAVE PISTOL TO SWEENY WAS ANYTHING SAID BY *SWEENY*[?] WITH REFERENCE TO USING PISTOL AGAINST DEFENDANT *[[41]]* COURT RULED OUT QUESTION [*space*] QUESTION WAS RESTORED COURT SUSTAINED THIS QUESTION [*space*] THREATS ARE NOT ADMISSIBLE IN EVIDENCE FOR ANY PURPOSE UNLESS PARTICULAR MATTER TO KNOWLEDGE OF DEFENSE AND NOT THEN UNLESS EXCEPTION [*space*] DANGER THEY SPEAK OF WITH REFERENCE TO THOSE INDIANS THIS IS *LONG*[?] ESTABLISHED GROUND TAKEN BY DEFENDANT'S COUNSEL IS [*space*] THEY SAY WE DID THIS [*space*] WE SAY THE INDIANS DID THIS [*space*] NOW GENTLEMEN TESTIMONY SO FAR SHOWS INDIANS PARTICIPATED IN THIS MATTER [*space*] THAT IS A PORTION OF THE PROOF THEY GO FURTHER AND SAY THE WHITES DID WE SAY IF THE WHITES DID WE HAVE NO CONNECTION WITH THE WHITES JOHN D. LEE HAD NO PART IN THE TRANSACTION FROM *PRB/PROBABILITY*[?] OF ACTS FROM ACTS OF PARTIES WE HAVE A RIGHT THEN TO PROVE THE INTERFERENCES TO BE DRAWN FROM THESE FACTS IF IS ANYTHING IN THIS REPORT PROCEEDED TO READ FURTHER RESPECT INFERENCES TO BE DRAWN WE URGE THAT THIS OUTRAGE WAS NOT COMMITTED BY THE WHITES BUT THE INDIANS READ FURTHER RESPECT ASSERTION BEING MADE BY *SWEENY*[?] [*space*] RES GESTAE NOT BEING AS WAS CONTENDED BY GENTLEMAN THE MERE ACT OF KILLING THESE PARTIES EVIDENTLY HAVING CONFOUNDED OPPORTUNITY OF RES GESTAE WITH CORPUS DELICTI RES GESTAE MAY

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COVER GREAT DEAL MORE GROUND THAN CORPUS DELICTI. IT SHOWS IN OTHER WORDS THE PURPOSE FOR WHICH WEAPON WAS PROCURED [*space*] *BUT/ALL*[?] FURTHER [*space*]. *NO SIR*[?] WE CONTEND THAT THIS EVIDENCE OR ANYTHING THAT TENDS TO ESTABLISH AND THEN CONCLUSIONS TO BE ARRIVED AT FROM THE ACTS AND TENDS TO DISPROVE THEORY OF COMPLAINT OUR THEORY OF DEFENSE IN REGARD TO THIS MATTER WE ARE ENTITLED TO ENTITLED TO ALL INDIANS MAY HAVE DONE THERE THAT INCITED INDIANS TO DO THESE ACTS THE INDIANS FOLLOWING THESE EMIGRANTS *WERE*[?] RESULTS FROM THESE INFLUENCES WE CONTEND THIS IS PROPER TESTIMONY TO GO TO THE JURY ALL THIS SURROUND *CONSIDERATION*[?] THOUGH SMALL THEY MAY BE IF TENDS TO THAT ONE FACT WE ARE ENTITLED *THAT*[?] THIS *CONSIDERATION*[?] IN THIS CASE AND CLAIM RIGHT TO INTRODUCE THAT TO THE JURY [*space*] BY BASKIN GENTLEMAN KNOWS ARGUMENT ASSUMES WE HAVE FACT WE HAVE SAID WE HAVE ALREADY ADMITTED RULE AS HE EXPLAINS IT [*space*] WE HAVE STATED TO YOUR HONOR IF THEY BROUGHT THESE INDIANS ON THE GROUND SHOWED THEIR PARTICIPATION IT WOULD BE ALLEGED GENTLEMAN ASSUMES NO PARTICIPATION WHICH WE HAVE MENTIONED THAT IS WE HAVE ONE THEORY OF THOSE ACTS THAT IS THAT THESE PARTIES PARTICIPATED IN IT WERE OBEYING WHITE MEN THAT BEING PROVEN DEFENSE HAS NO *[[42]]* RIGHT TO DISPROVE CONTRARY ONLY YOU COULD NOW BRING DOWN *ANY LINES*[?] HE HAS ARGUED WE HAVE SAID SUBSTANCE OF IT IN VARIOUS FORMS IF GENTLEMAN WILL UNDERTAKE TO SAY AS —[?] PROFESSIONAL HERE THEY EXPECT TO SHOW INDIANS THAT WERE HOSTILE AT THIS POINT FOLLOWED IT DOWN TO MOUNTAIN MEADOWS THEY PARTICIPATED IN IT NO OTHER EXCEPT INDIANS DID NO COALITION BETWEEN THEM AND WHITE MEN [*space*] AT THE TIME I MADE THIS OBJECTION NO SUCH STATEMENT WAS MADE IF THEY INTEND TO DO THAT I GRANT YOU IT WOULD BE COMPETENT TESTIMONY [*space*] IN RELATION TO HIS CASE IN CALIFORNIA THAT CASE IS GENERALLY SIMPLE WHAT YOUR HONOR DECIDED FEW DAYS AGO DECLARATION AGAINST PERSON MAY BE ALWAYS BE PROVEN. THERE WAS COALITION BETWEEN 2 PARTIES [*space*] PISTOL WITH WHICH HE WAS SLAIN WAS PROCURED BY PERSON AT THE TIME HE PROCURED IT HE DECLARED WHAT HE PROCURED IT FOR [*space*] BY HOGE YOU HAVE GOT THAT ENTIRELY WRONG THERE IS NO DECLARATION OF *PRISONER/PERSON*[?] ATTEMPTED TO BE PROVEN IN THAT CASE [*space*] IT HAS BEEN ESTABLISHED BY NUMEROUS DECISIONS [*space*] OF COURSE THERE ARE FEW AGAINST IT DECLARATION OF *DESIRE*[?] THREATEN PERSON MAY BE PROVED ALTHOUGH KNOWLEDGE OF THE FACT WAS NOT BROUGHT HOME. ≤CAREY≥ STILL IT IS NO JUSTIFICATION AS THEY SAY IN THIS CASE. THE THREATS MUST BE SHOWN TO HAVE BEEN *UNCONNECTED*[?] TO *DS*—[?] BEFORE THEY CAN BE SHOWN BY DEFENSE [*space*] BY COURT THESE ARE NOT THREATS OF *DS*—[?] [*space*] HOGE TO CAREY WE HAVE NOT CLAIMED IT AS JUSTIFICATION. BASKIN UNTIL HE GOT UP MADE THAT STATEMENT IT DID NOT APPEAR

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WHAT DECLARATION THEY EXPECTED TO MAKE. ONLY JUDGE SPICER COULD *POINT*[?] THIS BECAUSE HE HAS SAID THERE WERE SOME WHITE MEN IN THAT COMPANY WHO DID ENTER INTO CONSPIRACY WITH THE INDIANS AND FORCED MR. LEE TO ENTER INTO IT WITH THEM. THERE IS ANOTHER THEORY OF THINGS WHICH GENTLEMAN PRESENTS THAT THE INDIANS BY COERCION AND TERRORS FORCED WHITE MAN INTO IT AND THEY WERE NOT GUILTY OF CRIME WITH ALL THIS CONTRADICTORY UNDERSTANDING OF THE DEFENSE IT LEADS US TO THE CONCLUSION THEY HAVE NOT A WELL DEFINED DEFENSE THEY SEEM TO BE GROPING IN THE DARK. BY HOGE THAT *DS*—[?] THREATS ARE NOT ADMISSIBLE UNLESS BROUGHT HOME BY DEFENSE I BELIEVE I *STATED*[?] THAT WHEN I READ TESTIMONY AND SKIPPED OVER THAT PORTION OF IT CONSIDERABLE OF IT CAME TO REASONING ON THE SUBJECT THAT REASONING ASSUMED TO BE IN HARMONY *WORDS MINDS*[?] OF THOSE IN CONSIDERATION AND TEND TO THROW *ON/IN*[?] THEORY OF THE DEFENSE IT IS NOT NECESSARY *BUT*[?] HE THROW SOME LIGHT *[[43]]* AND TENDS TO DISPROVE THEORY OF PROSECUTION WE ARE ENTITLED TO THAT CLASS OF TESTIMONY THIS CLASS OF TESTIMONY IS NOT GIVEN BY ANY ARBITRARY OR CONVENTIONAL RULES IT IS GIVEN BY GOOD COMMON SENSE WE DO NOT CLAIM THREATS HAD ANYTHING TO DO OR THAT THERE IS ANYTHING LIKE THREATS HERE BUT THE REASONING OF THE COURT AS TO THAT CLASS OF TESTIMONY ALL I READ *TO THE COURT*[?] [*space*] GENTLEMEN SEEM TO HOLD ON TO THAT *WORK/RULING*[?] AS THOUGH I —[?] FROM SOME *WRITING/READING*[?] ACCOUNT PROPOUNDED TO WITNESS THREATS WERE NOT ADMISSIBLE FOR ANY PURPOSE UNLESS PARTICULAR MATTER OF KNOWLEDGE OF DEFENDANT AND NOT THEN UNLESS EXPLAINED TO KNOWLEDGE OF JURY AND COURT. [*space*] BASKIN THAT DECISION ON THAT BRANCH OF THINGS AIN'T LAW RULE IS NOW WELL ESTABLISHED IF *DS*—[?] MAKES THREAT WITNESS MAY DISPROVE IT NOW GENTLEMEN AS I UNDERSTAND IS A LOST ARGUMENT [*space*] THEY WANT TO INTRODUCE THIS TESTIMONY BECAUSE IT TENDS TO PROVE AND THEN *NKPLD*[?] WITH OTHER TESTIMONY IT TENDS TO SUPPORT THEORY OF PROSECUTION TO WIT INDIANS WERE ENGAGED IN IT IN CONNECTION WITH WHITE MEN BY HOGE THEN GENTLEMAN SHOULD NOT OBJECT TO EVIDENCE BROUGHT UP IN FAVOR OF *'EM/HIM*[?]. [*space*]

RT	**RS**	**BT**	**PS**
	BY COURT WHAT IS	ARGUED BY **M^{R}** HO**S**~~S~~**G**E**.** ~~THE COURT : SUPPOSE YOU SHOULD SHOW THAT THE~~ THE COURT: WHAT IS YOUR OBJECT IN	

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RT	RS	BT	PS
THAT THE EMIGRANTS HAD FIRST INCITED THE INDIANS BY THE POISONING OF THE SPRINGS AND THE OX NEAR CORN CREEK, WHO FOLLOWED THE EMIGRANTS TO BEAVER COUNTY AND ATTACKED THEM THERE, AND CONTINUED TO FOLLOW THEM, GATHERING OTHER INDIANS ON THE WAY TO THE MEADOWS,WHEN THE FINAL ATTACK WAS MADE, AND IF THIS QUESTION AND TESTIMONY BE PERMITTED TO COME IN	YOUR OBJECT IN GETTING THIS TESTIMONY OUT? HOGE FIRST PLACE WE HAVE TRIED ESTABLISH THIS FACT; THAT THERE WAS OUTRAGE PERPETRATED ON INDIANS AT	GETTING THIS TESTIMONY OUT? **M^{R}** HOGE: IN THE FIRST PLACE WE HAVE TRIED TO ESTABLISH TH IS FACT, THAT THERE WAS AN OUTRAGE PERPETRATED ON THE **I**NDIANS	

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RT	RS	BT	PS
	CORN CREEK AND CONSEQUENCE OF THAT OUTRAGE PERPETRATED ON THE INDIANS AT CORN CREEK AND OTHER PLACES, THEY FOLLOWED THESE EMIGRANTS WITH THE AVOWED DETERMINATIO N OF EXTERMINATIN G THEM, ACCUMULATIN G INDIANS TO THEIR ASSISTANCE AS THEY WENT HAVING RUNNERS SENT TO SOUTHERN COUNTRY ACCUMULATIN G THERE *TO*[?] EXTENT OF 4 OR 5 HUNDRED AS GIVEN OUT BY GENTLEMAN'S OWN TESTIMONY AND THAT INDIANS	AT CORN CREEK AND IN CONSEQUEN CE OF THAT OUTRAGE PERPETRATED ON THE **I**NDIANS AT CORN CREEK AND OTHER PLACES, THEY FOLLOWED THESE EMIGRANTS WITH THE AVOW~~3~~**E**D DETERMINATIO N OF EXTERMINATIO ~~G~~NF~~G~~ THEM, ~~ACCUMULATIN G~~ **GATHERING I**NDIANS TO THEIR ASSISTANCE AS THEY WENT; HAVING RUNNERS SENT TO THE SOUTHERN COUNTRY, ~~ACCUMULATIN G~~ **CONGREGATIN G** THE RE TO THE EXTENT OF FOUR OR FI~~C~~VE HUNDRED AS HAS COME OUT BY **T**~~T~~HE GENTLEMAN'S OWN TESTIMONY~~.~~, AND THAT THE **I**NDIANS	

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RT	RS	BT	PS
THAT JOHN D. LEE HAD NOTHING TO DO WITH THE WHITE MEN, IF ANY DID PARTICIPATE IN IT, BUT TRIED TO DEFEND THE EMIGRANTS. COURT: SUPPOSE YOU SHOULD PROVE THAT THE INDIANS WERE INCENSED AND DID AND WENT AS YOU SAY, THAT WOULD NOT ~~HSOW~~ SHOW WHETHER THE DEFENDANT WAS GUILTY OR NOT GUILTY.	PERPETRATED THIS OUTRAGE *IF SO NOTHING*[?] *THAT*[?] IS NOTHING AGAINST US JOHN D LEE HAD NOTHING TO DO WITH WHITE MEN IF HE DID PARTICIPATE IN IT BUT THAT TRULY HE TRIED TO DEFEND THE EMIGRANTS. [*space*] {**COURT RULED**}[i] BY COURT SUPPOSE YOU SHOULD PROVE INDIANS WERE INCENSED, THAT WOULD NOT SHOW WHETHER {THE}[i] DEFENDANT WAS GUILTY OR NOT GUILTY [*space*] BY HOGE IS NOT CIRCUMSTANCES YOUR HONOR THAT MIGHT GO AND TEND TO SHOW THE INDIANS DID	PERPETRATED THIS OUTRAGE; AND FOR THE FURTHER REASON TO SHOW THAT JOHN D. LEE HAD NOTHING TO DO WITH THE WHITE MEN IF HE DID PARTICI~~A~~PATE IN IT, AND THAT HE TRIED TO DEFEND THE EMIGRANTS. COURT: SUPPOSE YOU WOULD PROVE THE **I**NDIANS WERE INSEN~~C~~**S**ED, THAT WOULD NOT SHOW WHETHER THE **I**NDIANS **OR WHITE**S WERE GUILTY OR NOT GUILTY. **(**ARGUED BY COUNSEL**)**. (	

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RT	RS	BT	PS
	THIS ACT THAT THEY DID ALL THIS BEFORE THERE WAS WHITE MEN CONSULTED ON SCENE AT CEDAR CITY AND THEY WERE FOLLOWING UP TO *RUV/*—[?] VENGEANCE UPON THESE *[[44]]*[374] EMIGRANTS. BY COURT DO YOU PROPOSE TO SHOW THESE INDIANS WENT ON AND PARTICIPATED IN IT [*space*] BY COURT IF YOU CAN GO AHEAD WITH WITNESS. BY COURT SOME MIGHT KNOW WHAT PORTION OF TRIBE WAS DOING AND SOME OF THEM MIGHT KNOW *MANY/*—[?]. THERE WAS INDIAN RUNNERS ALL THROUGH SOUTHERN COUNTRY		

374. This last page of the notebook is loose; it is in very poor condition, with parts of the left side torn.

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RT	RS	BT	PS
	INCITING THE INDIANS. BY COURT I RECALL THEY SAID RUNNERS CAME FROM THE NORTH ≼HOGE≽ TESTIMONY SHOWS FROM FOUR TO FIVE HUNDRED INDIAN RUNNERS FROM THE NORTH INCITED INDIANS TO CONCENTRATE AT MOUNTAIN MEADOWS [*space*] *WITH/THAT*[?] CIRCUMSTANCE S IS UNDER THESE CIRCUMSTANCE S IT IS IMMATERIAL *YOU HAVE*[?] CONCLUSIVE CIRCUMSTANCE S *M*[?] THAT TENDS TO THAT FACT WE HAVE A RIGHT TO THE TESTIMONY THAT IS OUR THEORY OF THE CASE. NOW THEN IF WE CAN SHOW THAT THE FACT IS THESE INDIANS HAD FOLLOWED		

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RT	RS	BT	PS
	THESE EMIGRANTS THAT RUNNERS FROM THESE INDIANS HAD GONE BEFORE INCITING INDIANS *HERE/THERE*[?] SOUTH IN THE MEAN TIME THERE WAS FOUR TO FIVE INDIANS CONCENTRATED THERE IT TEND TO SHOW WHY THEY WERE THERE [*space*] *THINK THAT I WILL*[?] SHOW YOUR HONOR *WHITE MEN*[?] FOR WE PROPOSE TO GO ON SHOW JOHN D. LEE DID NOT PARTICIPATE THAT IS THE VERY QUESTION BEFORE JURY *OUR OWN*/—[?] QUESTION *ENTIRE*[?] IS DID JOHN D. LEE PARTICIPATE IN THE MURDER AND THEIR THEORY IS HE DID OURS IS THAT HE DID NOT THERE IS WHERE THEORIES		

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RT	RS	BT	PS
	SEPARATE AT THAT POINT [*space*] BY HOGE *HERE*[?] WE — /*TEND*[?] TO SHOW WHERE JOHN D. LEE DID PARTICIPATE BY COURT SUPPOSE PORTION OF THESE INDIANS CAME DOWN HERE MADE THREATS AGAINST DIFFERENT CLASS OF EMIGRANTS AND THAT THING IS CONSISTENTLY CONFIRMED [*space*] *THEY ARE ONES*[?] BY	THE COURT: SUPPOSE A PORTION OF THESE **I**NDIANS CAME DOWN HERE AND MADE THREATS AGAINST A DIFFERENT CLASS OF EMIGRANTS THAN THOSE THA T WERE MASSACREED AND THAT THI~~S~~NG WAS SETTLED AND C**O**MPROMISED, THEN THIS TESTIMONY WOULDN'T BE ADMISSIBLE.—— ——— (HERE ONE PAGE OF THE ~~NOT~~ REPORTERS NOTES WAS GONE AND COULD NOT BE FOUND.) *[293]*	

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RT	RS	BT	PS
	HOGE STILL SO FAR AS THAT TRAIN IS CONCERNED IF YOUR HONOR WILL PERMIT US TO SHOW WE WILL PROVE THAT THIS TRAIN WAS THE ONE. BUT SUPPOSE WE COULD GO ON SHOW SAME INDIANS SO FAR AS DIFFICULTY WAS CONCERNED BETWEEN DUKES TRAIN AND BECAUSE THOSE SAME INDIANS PASS ON SOUTH SUPPOSE WE COULD DO THAT SUPPOSE WE COULD *SHOW THEY ARE*[?] INDIANS THAT DID NOT ATTACK DUKES [*corner of page missing*] *HERE*[?] PASS ON BY COURT THAT WOULD BE ALL RIGHT BUT WHAT I HAD REFERENCE TO WAS PORTION OF INDIANS CAME DOWN HERE [*corner of*		

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RT	RS	BT	PS
AFTER FURTHER ARGUMENT BETWEEN COUNSEL HOGE SAID**:—** Q. ARE YOU ACQUAINTED WITH THE INDIAN HISTORY AND WITH THE OUTRAGES~~.~~**?** BASKIN OBJECTED AND SAID: THE APPLICATION OF THIS WOULD BE PRETTY ROUGH ON THE MORMON CHURCH IN THIS CASE. *[450]* BISHOP: I DIDN'T KNOW THE MORMON CHURCH WERE ON TRIAL. Q. STATE IF ANY INDIANS OF THE PIEED TRIBE MADE ANY THREAT~~H~~S TO DESTROY THOSE	*page missing*] REMAIN AT HOME PORTION MAY GO DOWN THERE AND THEN CREATING TROUBLE HERE MIGHT ~~NOT BE~~ ONES MIGHT NOT BE ONES[375]		

375. On verso of page 45: {**FRANK X. MURPHY DUNCAN GARDNER WEST JORDAN UTAH**}[i]

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RT	RS	BT	PS
WHO HAD WRONGED THEM AND THAT BELONGED AT CORN CREEK ? COURT: I THINK THE QUESTION PUT BEFORE THAT WOULD BE PROPER. Q. YOU MIGHT STATE WHAT INDIANS THERE WERE HERE THAT HAD DIFFICULTY WITH THE DUKES PARTY ? A. THEY WERE THE PAHVANTE TRIBE. Q. WHERE WERE THEY LOCATED ? A. AT CORN CREEK. SUTHERLAND: I DESIRE TO ASK HIM WHAT THREATS THEY MADE AGAINST ANY PERSON IN CONSEQUENCE OF SUFFERING FROM THE ALLEGED POISONING OF THEIR INDIANS AT	*[Book 9 2]*376 {Q}^{i}YOU MIGHT STATE WHAT INDIANS THEY WERE HERE THAT HAD DIFFICULTY WITH THE DUKES COMPANY [*space*] {A}^{i} THEY WERE PAHVANTE TRIBE. {Q}^{i} WHERE {WERE}^{i} THEY LOCATED ? {A}^{i}AT CORN CREEK. {**S**}^{i} I DESIRE TO ASK HIM WHAT THREATS THEY MADE AGAINST ANY PERSON IN CONSEQUENCE OF SUFFERING FROM {THE}^{i} ALLEGED POISONING OF *OTHER/THEIR*[?] INDIANS AT	**SUTHERLAND:** Q. YOU MA Y STATE WHAT INDIANS THEY WERE THA**A**T HAD THE DIFFICULTY WITH THE DUKES ~~L~~PARTY? A THEY WERE THE PAHVANTS TRIBE. Q. WHERE WERE THEY LOCATED? A CORN CREEK. **M**^{R} SUTHERLAND: I DESIRE TO ASK HIM WHAT THREA~~S~~TS THEY MADE AGAINST ANY PERSON, IN CONSEQUENCE OF SUFFERING THROUGH THE ALLEGED POISONING AT INDIAN	

376. Page 1 is missing. At the top of the page in longhand: BOOK 9 - TRANSCRIBED. The page is dirty and difficult to read.

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RT	RS	BT	PS
CORN CREEK . BASKIN: AND I OBJECT TO THE QUESTION. COURT: BRING IT HOME TO THIS TRAIN. SUTHERLAND: THERE IS EVIDENCE TENDING TO SHOW THAT THE INDIVIDUALS OF THIS TRAIN POISONED THAT OX,HOW MUCH WEIGHT IS TO BE GIVEN AS TENDING TO PROVE THAT IS FOR THE JURY TO DECIDE. EVIDENCE O~~N~~F THE SAME TRIBE ALLEGING THEIR GRIEVANCES TO BE THE POISONING. SOME INDIVIDUALS OF THEIR TRIBE AT CORN CREEK MADE THREATS, NO MATTER AGAINST WHOM, THEY REFERRED TO THAT AS THE GRIEVANCE.	CORN CREEK. {**BASKIN: I OBJ TO THAT**}[i] BY COURT BRING IT HOME TO THIS TRAIN. SUTHERLAND THERE IS EVIDENCE TENDING TO SHOW THAT THOSE INDIVIDUALS OF THIS TRAIN POISONED THAT OX. HOW MUCH WEIGHT IS TO BE GIVEN TENDING TO PROVE THIS IS FOR THE JURY TO DECIDE. INDIANS OF THE SAME TRIBE ALLEGING AS THEIR GRIEVANCES THE POISONING OF SOME INDIVIDUALS OF THEIR TRIBE AT CORN CREEK AND MADE THREATS NO MATTER AGAINST WHOM IF THEY REFERRED TO THAT AS THE GRIEVANCE IT	CREEK . **M**$^{\underline{R}}$ BASKIN: I OBJECT TO THAT. THE COURT: BRING IT HOME TO THIS TRAIN. **M**^{R} SUTHERLAND: THERE IS EVIDENCE ALREADY IN TENDING TO SHOW THAT SOME INDIVIDUAL OF THIS TRAIN POISONED THAT OX, HOW MUCH WEIGHT IS TO BE GIVEN ~~AND~~ TENDING TO PROVE THAT**,** IS FOR THE JURY TO DECIDE. EVIDENCES OF THE SAME TRIBE ALLEGING AS THEIR GRIEVANCES, THE POISONING O~~D~~F SOME OF THEIR TRIBE AT CORN CREEK, AND THAT THEY MADE THREATS NO MATTER AGAINST WHOM, IF THEY REFER TO THA T, AS THEIR GRIEVANCE, IT	

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RT	RS	BT	PS
I ASK TO PROVE THESE THREATS AS TENDING TO PROVE THAT PROVOCATION .	SHOWS THE EXASPERATED STATE OF THEIR MIND AND THE CAUSE OF IT AND THAT BECAUSE THERE IS EVIDENCE INDIANS[377] *TURNED HIM/MATTER*[?] TO THE MASSACRE OF THE TRAIN BY SUTHERLAND I SEEK TO PROVE THESE THREATS AS TENDING TO THAT PROVOCATION. BY BASKIN ≤THAT QUESTION≥ ~~IT~~ WAS LEADING THE WITNESS. OTHER OBJECTION TO IT IS THAT THEY MUST CONFINE THESE THREATS AND {THE}[i] DECLARATION TO HAD TIME	SHOWS THE EXASPERATED STATE OF THEIR MINDS AND THE CAUSE OF IT; AND THAT CAUSE ENDED IN THE MASSACRE OF THE EMIGRANT TRAIN : I A~~K~~SK TO PROVE THESE THRES~~S~~ATS AS TENDING TO THAT PROVOCATION. **M**[R] BASKIN: MY FIRST OBJECTION TO THA T QUESTION, WAS THAT IT WAS LEADING THE WITNESS, MY OTHER O~~G~~BJECTION TO IT IS, THAT THEY MUST CONFINE ~~THEMSELVES TO~~ THE T~~R~~HREATS AND THE DECLA~~T~~RATION S**,** TO THE TIME	

377. The shorthand symbols for “EVIDENCE” and “INDIANS” are very similar; this phrase could be “EVIDENCE INDIANS” or “INDIANS EVIDENCE”, or either word written twice.

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RT	RS	BT	PS
	PREVIOUS TO THE MASSACRE AT THE TIME THAT TRAIN THAT WAS THREATENED IN THIS SITUATION PASSED THROUGH HERE TWO WEEKS HAD EXPIRED BETWEEN THE TIME THEY WENT THROUGH AND THE MASSACRE. [*space*] BY	PREVIOUS TO THE MASSACRE, AT THE TIME THAT TRAIN ~~THAT~~ WAS THREATEN~~E~~D IN THIS **TOWN AND** ~~TWON~~ PASSED THROUGH HERE~~,~~ THE DUKES PARTY~~,~~ BETWEEN WHICH TIME ~~THEY~~ WENT THROUGH TO THE MASSACRE.	
COURT: WAS THIS PRIOR TO THE MASSACRE ?	COURT TO DEFENSE. WAS THIS PRIOR TO THE MASSACRE	COURT: WAS THIS PRIOR TO THE MASSACRE? **M**$^{\underline{R}}$	
A. IT WAS. WHEEDON: THERE WAS ONE TRAIN PASSED	$_{A}$IT WAS. BY WHEDON. THERE WAS ONE HE DIDN'T PROVE	SUTHERLAND: IT WAS. **M**^{R} WHEDON: THERE IS ONE POINT HE DIDN'T PROVE, THE DIFFERENCE	
BETWEEN THIS EMIGRANT TRAIN AND THE MASSACRED TRAIN ? *[451]*	BETWEEN THIS EMIGRANT TRAIN AND THE MASSACRED TRAIN. BY	BETWEEN THIS EMIGRANT TRAIN AND THE OTHER EMIGRANT TRAIN. THE	
COURT: I HAVE NO OBJECTIONS TO ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.	COURT I HAVE NO OBJECTION ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.	COURT: I HAVE ~~B~~NO OBJECTION TO ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.	

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RT	RS	BT	PS
COURT: I DON'T THINK THAT WOULD BE TESTIMONY AT ALL.	IF THERE IS ANYTHING IN THE OTHER MATTER SPEAKING ABOUT OTHER INDIANS —[?] THAT IT WAS THIS COMPANY THEIR[378] ACTIONS THEY WENT AGAINST IT THIS ANOTHER *POINT/COMPANY* [?] SUTHERLAND THAT IS IN CONSEQUENCE OF THE DISPOSITION OF THE INDIANS. THE OBJECT WE HAD IN VIEW NOT TO SHOW THREATS PARTICULARLY; BUT TO SHOW STATEMENT BY THEM OF THEIR GRIEVANCE. BY COURT. I DO NOT THINK THAT WOULD BE TESTIMONY AT ALL. SUTHERLAND IN	IFTHERE IS ANYTH**I**NG IN THE OTHER MATTER——— — YOU SPOKE ABOUT OTHER **I**NDIANS—— *[2894]* IF IT WAS FOR THI S COMPANY**,** FOR THEIR ACTIONS**,** THAT THEY WENT AGAINST **IT,** THAT IS ANOTHER POINT. **M**$^{\underline{R}}$ SUTHERLAND: THAT IS NOT THE OBJECT OF OUR QUESTION. THE OBJECT WE HAD IN VIEW WAS NOT TO SHOW THE THREATS PARTICULARL~~Y~~ Y, BUT TO SHOW THE STATEMENTS BY THEM OF THEIR GRIEVANCES. THE ~~C~~O URT: I DON'T THINK THA T WOULD BE TESTIMONY AT ALL—— **M**$^{\mathbf{R}}$ SUTHELAND: IN	

378. An ink vowel that was added later would render the word "OTHER".

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RT	RS	BT	PS
	CONNECTION WITH THREATS THEY MADE SEEMED CHARGEABLE WITH THE PROVOCATION ≤BY COURT≥ I DO NOT THINK THAT WOULD BE TESTIMONY AT ALL UNLESS YOU SHOWED THESE INDIANS WERE PARTICIPATORS. SUTHERLAND WE ≤DO≥ EXPECT TO SHOW THEY WERE INDIANS OF THE SAME TRIBE. BY COURT I HAVE RULED ON THAT QUESTION. SUTHERLAND *PRESUPPOSE*[?] OBJECTION TO WHAT I OFFERED TO PROVE WOULD BE REGARDED AS THE OBJECTION. [*space*] *[3]*	CONNECTION WITH THE THREATS THEY MADE—— THE COURT: I DON'T THINK THA T WOULD BE TESTIMONY AT ALL, UNLESS YOU SHOWED THA T THESE **I**N~~S~~DIANS WERE PARTICIPATORS. **M**$^{\mathbf{R}}$ SUTHERLAND: BUT WE DO EXPECT TO SHOW THAT THEY WERE **I**NDIANS OF THE S~~R~~**O**ME ~~S~~TRIBE. THE COURT: I HAVE RULED ON THAT QUESTION.	
CROSS - EXAMINED. Q. WHAT TIME	≤XEXAMINATIO N.≥. {Q}[1] ~~SUTHERLAND~~ ≤BASKIN≥ {Q}[i]WHAT TIME	**BY BASKIN: CROSS-EXAMINATION** Q. WHAT TIME	

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RT	RS	BT	PS
WAS IT, MR. FARNSWORTH, YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A. SMITH TO GO NORTH ? A. I COULD NOT GIVE THE DAY. Q. WHAT MONTH ? A. IT WAS THE LATTER PART OF AUGUST,AS WELL AS MY MEMORY SERVES ME, I THINK ABOUT THE 20TH OF AUGUST.	WAS IT YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A SMITH TO GO NORTH ? [*space*] {A}[i]COULD NOT GIVE THE DAY. {Q}[i]WHAT MONTH {A}[i]IT WAS THE LATTER PART OF AUGUST, AS WELL AS MY MEMORY SERVES ME I THINK ABOUT 20TH OF AUGUST. [379]BASKIN I DO NOT DESIRE TO STATE {THE}[i] CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES, I WOULD LIKE CALL THE ATTENTION OF {THE}[i] COURT AND COUNSEL. BY COURT. THE QUESTION WAS ASKED HIM, IF HE HEARD GEORGE A SMITH SAY	WAS IT YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A. SMITH TO GO NORTH? ~~A~~. I COULD NOT GIVE THE DAY. Q. WHAT MONTH? A. ITWAS THE LATTER PART OF AUGUST, AS WELL AS MY MEMORY SERVES ME, ABOUT THE 2~~O~~0TH OF AUGUST.	

379. The section from this point to the next question matches closely with the Boreman Transcript on Trial matrix, pp. 2016–2017.

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RT	RS	BT	PS
	ANYTHING ABOUT {THE}[i] EMIGRANTS OR OF ANY EMIGRANTS AND SUTHERLAND WAS NOT THIS THE EVIDENCE *HERE*[?] THIS WITNESS WITH HIM {**Q**}[i]HOW		
Q. HOW FAR DID YOU GO NORTH WITH HIM ?	FAR DID YOU GO NORTH WITH HIM	Q. HOW FAR DID YOU GO NO~~T~~RTH, MR. FARNSWORTH?	
A. AS FAR AS FILLMORE.	{**A**}[i]AS FAR AS FILLMORE —	A. AS FAR AS FILLMORE.	
Q. DID YOU KNOW WHAT WAS THE OBJECT OF GEORGE A. SMITH'S VISITING TO THIS SOUTHERN COUNTRY— WHAT IT WAS AT THAT TIME ?	{**Q**}[i]DID YOU KNOW WHAT {WAS THE}[i] OBJECT OF GEORGE A. SMITH'{S}[i] VISIT TO THIS SOUTHERN COUNTRY WAS AT THAT TIME	Q ~~I~~DO YOU KNOW WHAT WAS THE OBJECT OF GEORGE A. SMITHS VISIT ~~WAS~~ T**O** THIS SOUTHERN COUNTRY AT THAT TIME.?	
A. HE MADE NOTHING KNOWN TO ME.	[*space*] {**A**}[i]HE MADE NO{THING}[i] KNOWN TO ME.	A. HE MADE NOTHING KNOWN TO ME~~,~~;;	
A PORTION OF HIS FAMILY WAS LIVING AT PAROWAN.	{**A**}[i] PORTION OF HIS FAMILY {WAS}[i] LIVING AT PAROWAN	A PORTION OF HIS FAMILY WAS LIVING AT PAROWAN	
HE WAS DOWN ON A VISIT TO THEM,	{HE WAS}[i] DOWN ON {A}[i] VISIT TO THEM AND	AND HE WAS DOWN ON A VISIT TO THEM, AND	
PREACHING AS AN APOSTLE TO	PREACH{ING}[i] AS {AN}[i] APOSTLE THROUGH	PREACHIN~~D~~G AS AN APPOSTLE THROUGH	

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RT	RS	BT	PS
THE DIFFERENT SETTLEMENTS. Q. WHAT WAS HE PREACHING ABOUT ? ✓ A. PREACHING THE GOSPEL GENERALLY, STIRRING UP THE PEOPLE TO THEIR DUTIES, URGING UPON THEM THE NECESSITY OF SAVING THEIR GRAIN AND NOT FEEDING IT TO HORSES OR HOGS. Q. WAS NOT HE ALSO PREACHING THAT THEY MUST NOT GIVE IT TO THE EMIGRANTS ? A. I NEVER HEARD ONE WORD IN HIS PREACHING AND IN MY CONVERSATION WITH HIM. ——— —	{THE}[i] DIFFERENT SETTLEMENTS. [*space*] {Q}[i]WHAT WAS HE PREACHING ABOUT {A}[i] PREACH{ING THE}[i] GOSPEL GENERALLY. STIRRING UP {THE}[i] PEOPLE TO THEIR DUTIES, URGING UPON THEM {THE}[i] NECESSITY OF SAV{ING}[i] THEIR GRAIN {AND}[i] NOT FEEDING WHEAT TO HORSES {OR}[i] FEEDING IT TO HOGS. {Q}[i] WAS NOT HE ALSO PREACHING THEY MUST {NOT}[i] GIVE IT TO {THE}[i] EMIGRANTS {A}[i] I NEVER HEARD ONE WORD IN ALL HIS PREACHING, OR IN MY CONVERSATION WITH HIM ≺ABOUT THAT≻ QDID YOU HAVE ANY CONVERSATION	THE DIFFERENCT SETTLEMENTS. Q . WHAT ~~H~~WAS HE PREACHING ABOUT? A PREACHING THE GOSPEL GENERALLY; STIRRING UP THE PEOPLE TO THEIR DUTIES; URGING UPON THEM THE NECESSITY OF SAVING THEIR GRAIN AND NOT FEED IT TO HORSES OR FEED IT TO HOGS. Q. WASN'T HE ALSO PREACHING THAT THE Y MUST NOT GIVE IT TO THE EMIGRANTS ? A. I NEVER HEARD ONE WORD IN ALL HIS PREASHING ~~IN~~ OR IN MY CONVERSATION WITH HIM ABOUT THA T. *[295]* Q. DID YOU **H**AVE ANY CONVER~~ASS~~ATI	

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RT	RS	BT	PS
[452] ———— IN RELATION TO THE EMIGRANT TRAIN WHATEVER. A. NOTHING AT ALL, TILL WE METPTHAT TRAIN AND THE CHAT TOOK PLACE THERE. Q. WHAT TOOK; PLACE THERE ? A. HE CAME UP AS I HAVE SAID BEFORE NEAR ABOUT TEN O'CLOCK AT NIGHT TO OUR TRAIN THERE. I DON'T RECOLLECT OF ANY PARTICULAR CHAP, OTHER THAN SOME ABOUT THE TRAIN. Q. DID YOU AND GEORGE A. SMITH HAVE ANY TALK OR SPEAK OF THAT TRAIN AT ALL ? A. YES, WE HAVE, BUT I CAN'T RECOLLECT ANYTHING PARTICULAR THAT WAS SAID AT THAT TIME	{IN}[i] RELATION IN {TO}[i] EMIGRANT TRAIN WHATEVER {A}[i] NOTHING AT ALL, TILL WE MET THAT TRAIN, AND THE CHAT THAT TOOK PLACE THERE. {Q}[i] WHAT TOOK PLACE HE CAME UP AS {I}[i] HAVE SAID BEFORE NINE OR TEN O'CLOCK AT NIGHT FOUND TRAIN THERE. I DON'T RECOLLECT OF ANY PARTICULAR CHAT OTHER THAN SOME CHAT ABOUT {THE}[i] TRAIN. {Q}[i] DID YOU AND GEORGE {A}[i] SMITH HAVE ANY TALK OR SPEAK OF THAT TRAIN AT ALL {A}[i]YES, WE HAVE, {BUT}[i] I CAN'T RECOLLECT ANYTHING PARTICULAR WE SAID THAT TIME	ON WITH HIM IN RELATION TO THE EMIGRANT TRAIN WHATEVER, A. NOTHING AT ALL, TILL WE MET THAT TRAIN , AND THE CHAT THAT TOOK PLACE THERE. Q. WHAT TOOK PLACE? A. WE CAME UP AS I SAID BEFORE, ABOUT NINE OR TEN O'CLOCK AT NIGHT TO THIS TRAIN THERE. I DON'T RECOLLECT OF ANY PARTICULAR **CHAT** ~~CHATTTH~~ THERE, THOUGH THERE WAS S OME ABOUT THE TRAIN. Q. DID YOU AND GEORGE A. SMITH HAVE ANY TALK OR SPEAK OF **THAT** TRAIN AT ALL? A . YES, ~~S~~WE HAVE, BUT I CAN'T RE~~L~~COLLECT ANYTHING PARTICULA~~T~~**R** WE SAID AT THAT TIME	

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RT	RS	BT	PS
ABOUT IT. Q. CAN YOU RECOLLECT ANYTHING PARTICULARLY THAT WAS SAID, SO THAT I CAN GET IT TO THE JURY ? A. HE TOLD ME IN CONVERSATION ———— SUTHERLAND: WE DESIRE TO INTERPOSE THE OBJECTION THAT IT IS IRRELEVANT AND IMMATERIAL — THE CONVERSATION BETWEEN THIS WITNESS AND GEORGE A. SMITH. IT IS ENTIRELY IMM~~E~~ATERIAL AND FOREIGN TO THE SUBJECT OF THE ENQUIRY IN THIS CASE, AND FOREIGN TO THE PARTIES; WHAT THEY MAY HAVE SAID THROWS NO LIGHT UPON THE CONNECTION THAT JOHN D.	ABOUT IT. {Q}[i] CAN YOU RECOLLECT ANYTHING PARTICULARLY WHAT WAS SAID ON IT AT ANY TIME YES I CAN = GEORGE A TOLD ME IN CONVERSATION AND. SUTHERLAND WE DESIRE TO INTERPOSE OBJECTION HERE THAT IT IS IRRELEVANT IMMATERIAL WHATEVER CONVERSATION ~~≤~~OCCURRED~~≥~~ BETWEEN THIS WITNESS {AND}[i] GEORGE A SMITH IS ENTIRELY IMMATERIAL AND FOREIGN TO SUBJECT OF INQUIRY IN THIS CASE AND FOREIGN TO PARTIES AND WHAT THEY MAY HAVE SAID THROWS NO LIGHT UPON {THE}[i] CONNECTION {WITH}[i] JOHN D.	ABOUT IT. Q. ~~D~~CAN YOU RECOLLECT ANYTHING PARTICULARLY **THAT** ~~WHAT~~ WAS SAID **AT** ~~ON~~ ANY TIME? A. YES, ICAN. GEORGE A. SMITH TOLD ME IN CONVERSATION —— SUTHERLAND: WE DESIRE TO INTERPOSE AN OBJECTION HERE THAT ~~IS~~ IT IS IRRELEVANT AND IMMATERIAL WHATEVER CONVERSATION OCCURRED BETWEEN THIS WITNESS AND GEORGE A. SMITH. IT IS ENTIRELY IMMATERIAL AND FOREIGN TO THE SUBJECT OF THE INQUIRY OF THIS CASE AND FOREIGN TO THE PARTIES. WHAT THEY MAY HAVE SAID THROW~~N~~S NO LIGHT UPON THE CONNECTION OF JOHN D.	

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RT	RS	BT	PS
LEE HAD WITH THAT PART OF THE TRANSACTION. WE HAVE INTRODUCED NO CONVERSATION BETWEEN THESE PARTIES. BASKIN EXPLAINED THE REASON FOR THE QUESTION. THE NOTES WERE CALLED FOR AND READ AS TO THE QUESTION ASKED IF THE WITNESS HEARD GEORGE A. SMITH SAY ANYTHING ABOUT THE EMIGRANTS OR OF ANY	LEE WITH THE {THAT}[i] PARTICULAR TRANSACTION. WE HAVE INTRODUCED NO CONVERSATION BETWEEN THESE PARTIES. BASKIN I DO NOT DESIRE TO STATE THE CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES, I WOULD LIKE CALL THE ATTENTION OF THE COURT AND COUNSEL. BY COURT. THE QUESTION WAS ASKED OF HIM, IF HE HEARD G A SMITH SAY ANYTHING ABOUT EMIGRANTS	LEE WITH THAT TRANSACTION. WE HA~~V~~VE INTRODUCED NO ~~CO~~ CONVERSATION BETWEEN THESE TWO PARTIES. BASKIN: I DON'T DESIRE TO STATE THE CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES I W**O**ULD LIKE TO CALL THE ATTENTION OFTHE COURT, AND THE COUNSEL TO IT. COURT: THE QUESTION WAS ASKED HIM IF HE HEARD GEORGE A. SMITH SAY ANYTHING ABOUT THE EMIGRANTS OR ANY	

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RT	RS	BT	PS
EMIGRANTS . *[453]* SUTHERLAND: I ASKED THE QUESTION WHETHER AT THIS MEETING THAT WAS HELD HERE WHETHER HE HAD HEARD ANYTHING PREACHED	AND SUTHERLAND *ASKED/SAYING*[?] THIS THE *INDIANS/EVIDEN* *CE*[?] WHETHER THIS WITNESS WITH HIM *[4]* ON THE TOUR BY COURT I MEANT WHAT WAS ASKED THIS WITNESS MY RECOLLECTION IS, {HE}[i] WAS ASKED IF GEORGE A SMITH SAID ANYTHING ABOUT THESE EMIGRANT{S}[i], ANYTHING ABOUT THEM, ABOUT FEEDING THEM GRAIN, ~~<~~WHETHER~~>~~ HE SAID ANYTHING ABOUT THEM OR NOT. SUTHERLAND WHETHER HE AT THE TIME THIS MEETING THAT WAS HELD HERE, WHETHER HE HAD HEARD ANYTHING ABOUT	EMIGRANTS AND SUTHERLAND ASKED ~~HIM~~ **WITNESS** WHETHER HE WENT WITH HIM ON THE TOUR. ~~THE~~ ~~COURT:~~ I AM NOT CERT**A**IN W~~A~~HAT WAS ASKED THIS WITNESS, BUT MY RECOLLECTION IS , WHE WAS ASKED IF GEORGE A. SMITH SAID ANYTHING ABOUT THESE EMIGRANTS, ANYTHING ABOUT THEM, ABOUT FEEDING THEMG GRAIN — WHETHER HE SAID ANYTHING ~~ABOUTHING~~ ABOUT TH**I**S OR NOT. *[296]* SUTHERLAND: AND I ASKED HIM WHETHER, AT THIS MEETING THA T WAS HELD HERE WHETHER HE HAD HEARD ANYTHING ABOUT THE	

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RT	RS	BT	PS
ABOUT THESE EMIGRANTS AND I THINK HE ANSWERED HE HADN'T HEARD OF IT ONLY BY GEORGE A. SMITH, AND I APPLIED IT FURTHER AND ASKED HIM HOW HE CAME TO KNOW, HOW GEORGE A. SMITH HAD HEARD,AND HE SAID GEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. WIT.: I DIDN'T SAY AT CORN CREEK, IF YOU WILL ALLOW ME TO CORRECT. SUTHERLAND: Q. THE QUESTION WAS ASKED YOU HOW HE KNEW AND YOU SAID I DON'T KNOW ANYTHING ABOUT IT. WITNESS: I TOLD YOU HE SAID	APPROACH OF THESE EMIGRANTS. I THINK HE ANSWERED HE HADN'T HEARD OF IT ONLY BY GEORGE A SMITH, {AND}[i] I FOLLOWED IT UP AND ASKED[380] HOW HE CAME TO KNOW, HOW GEORGE A. SMITH HAD HEARD, HE SAID GEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. BY **F** I DIDN'T SAY AT CORN CREEK. IF YOU WILL ALLOW ME TO CORRECT BISHOP **F** QUESTION WAS ASKED YOU WHETHER HOW *HE/I*[?] KNEW GEORGE A DIDN'T KNOW ANYTHING ABOUT IT **A**I TOLD YOU AND SAID	APPROACH OF THESE EMIGRANTS. I THINK HE ANSWERED THAT HE HADN'T HEARD OF IT ONLY BY GEORGE A . SMITH; AND I FOLLOWED IT UP AND ASKED HIM HOW HE CAME TO ~~H~~KNOW HOW GEORGE A. SMITH HAD HEARD; AND HE SAID ~~G~~GEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. **WITNESS~~A.~~:** I DIDN'T SAY AT CORN CREEK, IF YOU WILL ALLOW ME TO CORRECT. SUTHERLAND: BISHOP FARNSWORTH, THE QUESTION WAS ASKED YOU WHETH~~E~~R YOU OR GEORGE A. DIDN'T KNOW ANYTHING ABOUT IT. A. I TOLD YOU HE SAID HE	

380. "AND ASKED" was apparently added later.

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RT	RS	BT	PS
OR TOLD ME SO, BUT IT WAS NOT IN CORN CREEK, IT WAS AT BISHOP MURDOCK'S HOUSE. BASKIN: I WANT HIM TO GO; ON AND STATE WHAT CONVERSATION HE HAD WITH GEORGE A. SMITH ON THE SUBJECT OF THE MASSACRE ? HOGE: WITNESS SAID THEY HAD NO CONVERSATION AT THAT TIME. Q. THIS CONVERSATION ~~WAS~~ IS SEVERAL YEARS SINCE THE MASSACRE TOOK PLACE— HOW LONG SINCE ? A. IT IS SINCE THAT. COUNSEL: THE WITNESS PREVIOUSLY STATED GEORGE A. SMITH DIDN'T	AND TOLD ME SO, IT WAS NOT IN CORN CREEK, IT WAS IN BISHOP MURDOCK'S HOUSE. {III}[i] INTERRUPTED BY COURT. {II}[i] BASKIN I WANT YOU GO ON {AND}[i] STATE WHAT CONVERSATION YOU HAD WITH GEORGE A SMITH ON SUBJECT OF THE EMIGRANTS. BY HOGE WITNESS STATED THEY HAD NO CONVERSATION AT THAT TIME. BASKIN AT THE TIME. [*space*] HOGE THIS CONVERSATION IS SEVERAL YEARS SINCE THIS MASSACRE TOOK PLACE, HOW LONG SINCE {A}[i]IT IS SINCE THAT [*space*] WITNESS SAID GEORGE A SMITH DIDN'T	TOLD ME SO; IT WAS NOT IN CORN CREEK , IT WAS IN BISHOP MURDOCK'S HOUSE. ~~BASKIN~~ Q. I WANT YOU T**O** GO ON AND STATE WHAT CONVERSATION YOU HAD WITH GEORGE A. SMITH ON THE SUBJECT OF THE EMIGRANTS. ~~G~~HOGE: WITNESS STATED THEY HAD NO ~~O~~CONVERSATIO N AT **THAT** ~~THT~~ TIME. Q. (BY HOGE) THIS CONVERSATION IS SEVERAL YEARS SINCE THE MASSACRE TOOK PLACE— HOW LONG SINCE? A. IT IS SINCE THEN. BASKIN: WITNESS STATED GEORGE AA. SMITH DIDN'T	

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RT	RS	BT	PS
KNOW OF ~~THE~~ THAT TRAIN. THE WITNESS PROCEEDED TO EXPLAIN: WITNESS: WELL THE CONVERSATION AROSE. HOGE: HOW LONG AFTER THE MASSACRE WAS THAT CONVERSTAION ? CAREY: HE HASN'T SAID IT WAS AFTER THE MASSACRE.	KNOW OF THAT TRAIN, HE KNOWS IT BECAUSE HE TOLD HIM SO, I AM CALLING HIS ATTENTION TO FACTS AND CIRCUMSTANCES ABOUT THAT. [*space*] NOW THEN ANSWER MY QUESTION {A}[i]WELL CONVERSATION AROSE <HOGE HOW LONG AFTER {THE}[i] MASSACRE WAS THAT CONVERSATION BY CAREY HE HASN'T SAID IT WAS AFTER THE MASSACRE BY COURT HE ASKED HIM ANOTHER SUBJECT OF CONVERSATION THAT DREW IT OUT. BY COURT JUDGE SUTHERLAND JUST STATE HOW DID YOU KNOW GEORGE A SMITH DID NOT KNOW THIS SUTHERLAND THAT IS THE SAME	KNOW OF THAT **TRAIN** ~~TRAIN~~ HE KNOWS IT BECAUSE HE TOLD HIM SO. I AM NOW CALLING HIS ATTENTION TO THE FACTS AND CIRCUMSTANCES ABOUT THAT. NOW THEN ANS~~3~~WER MY QUESTION: A. WELL, THE CONVERSATION AROSE—— HOGE: HOW LONG AFTER THE MASSACRE WAS TH**A**T CONVERSATION ? CAREY: HE HASN~~I~~T SAID IT WAS AFTER THE MASSACRE: THE COURT: HE ASKED HIM AS TO THE SUBJECT OF THE CONVERSATION AND THAT DREW IT OUT. JUDGE SUTHERLAND JUST STATED ~~H~~ "HOW, DID Y~~O~~U KNOW GEORGE A. SMITH DIDN'T KNOW THIS?" SUTHERLAND: THAT IS THE SAME	

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RT	RS	BT	PS
	CONVERSATION WE HAVE NO OBJECTION BY COURT LET WITNESS GO ON STATE [*space*] BASKIN WITNESS AIN'T GOING HURT GENTLEMAN IF HE CAN HELP IT	CONVERSATION; WE HAVE NO OBJECTION. THE COURT: LET THE WITNESS GO ON AND ~~A~~STATE~~.~~ **THEN.**	
WITNESS: I AM GOING TO TELL THE TRUTH ABOUT IT; SOMETIME WHEN PRESIDENT AND YOUNG AND SMITH WAS ON THEIR RETURN FROM ST.GEORGE, I CAN'T *[454]* TELL THE TIME, BUT I THINK IT WAS IN THE LAST TIME OR TRIP; IT HAS BEEN SOMETHING OVER A YEAR AGO IF I RECOLLECT IT. I COULD BY CHARGING MY MIND, IF I HAD MORE TIME TO REFLECT UPON IT. I COULD LOCATE	ALL **F** {**A**}[i] I AM GOING TELL THE TRUTH ABOUT IT. SOMETIME WHEN PRESIDENT YOUNG {PRESIDENCY}[i] AND SMITH WAS ON THEIR RETURN FROM **ST. GEO** I CAN'T TELL {THE TIME BUT}[i] I THINK {IT}[i] WAS IN THE LAST TIME IT HAS BEEN SOMETHING OVER {**A**}[i] YEAR AGO IF I RECOLLECT IT, I COULD BE CHARGING[381] MY MIND IF I HAD MORE TIME TO REFLECT {UPON}[i] IT I COULD LOCATE	A. I AM GOING TO TELL THE TRUTH ABOUT IT. ~~W~~SO~~N~~METIME ~~I~~WHEN THE PRESIDENCY AND SMITH WAS ON THEIR RETURN FROM ST GEORGE; I CAN'T STATE THE TIME, BUT I THINK IT WAS NOT THE LAST TIME; IT HAS BEEN *[297]* SOMETHING OVER A YEAR AGO IF I RECOLLECT . I COULD TELL BY REFRESHING MY MIND, IF I HAD MORE TIME TO REFLECT UPON IT.. I COU~~L~~D LOCATE	

381. Consonants are "CHRGNG".

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RT	RS	BT	PS
THE TIME, BUT I CANNOT BE POSITIVE BOW. LOCATING IT IN MY MIND THE CONVERSATION ~~CAE~~ CAME UP OF MEETING WITH THE TRAIN, MY TAKING THEM OUT WITH FOUR OF THE COMPANY; I THEN REMEMBER OF SPEAKING ABOUT MEETING WITH A TRAIN AT CORN CREEK AND HE SAID THERE THAT HE HAD NO KNOWLEDGE OF ANY SUCH A TRAIN BEING IN THE TERRITORY; IN THE COURSE OF HIS CONVERSATION . HE DIDN'T KNOW TILL WE MET THEM THAT NIGHT THAT THERE WAS SUCH A TRAIN IN THE TERRITORY. BASKIN: THEN IT WAS ON THAT	TIME BUT I COULD NOT BE POSITIVE NOW, LOCATING IT IN THE COURT, CONVERSATION CAME UP OF MEETING WITH {THE}[i] TRAIN, MY TAKING ~~<~~GEORGE~~>~~ THEM OUT WITH PAIR OF PONIES I HAD THEN AND OF OUR MEETING THE TRAIN AT CORN CREEK. HE SAID THERE THAT HE HAD NO KNOWLEDGE OF ANY SUCH *[5]* TRAIN BEING IN TERRITORY. IN THE COURSE OF HIS CONVERSATION HE HADN'T KNOW TILL WE MET THEM THAT NIGHT THERE WAS SUCH TRAIN IN {THE}[i] TERRITORY [*space*] BASKIN THEN IT WAS ON THAT	THE TIME; YET I COULD NOT BE POSITIVE**, NOR** ~~NOWT;~~ LOCATING IT IN COURT. THE CONVERSATION ~~U~~CAME UP ON THE ~~CON~~ MEETING OF THE TRAIN, AND MY **TAKING** ~~TCAKING~~ GEORGE A. OUT WITH A PAIR OF PONEYS I HAD THEN AND OF OUR ~~J~~MEETING THE TRAIN AT CORN CREEK. HE SAID TH ERE THA T HE HAD N O KNOWLEDGE OF ANY SUCH TRAIN BEING IN THE TERRITORY. IN THE COURSE OF HIS CONVERASTION HE SAID HE DIDN'T KNOW TILL WE ~~KET~~ **MET** THEM THAT NIGHT, THAT THERE WAS SUCH A TRAIN IN THE TERRITORY~~Z~~. ~~BASKIN~~: Q. THEN IT WAS ON THA T	

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RT	RS	BT	PS
STATEMENT MADE A YEAR AGO THAT YOU PREDICATED THE STATEMENT THAT YOU KNOW GEORGE A. SMITH DIDN'T KNOW THAT TRAIN WAS ON THE ROAD AT THAT TIME. A. ~~K~~I SAID ON HIS STATEMENT TO ME I SAID WHAT I DID, MY KNOWING HE DIDN'T KNOW. Q. DO YOU KNOW HE DIDN'T KNOW, EXCEPT ON HIS STATEMENTS ? A. I KNOW TO ME IT WAS A PERFECT SURPRISE. Q. IT WAS ON THAT KNOWLEDGE— ON WHAT HE TOLD YOU THAT YOU MADE THE STATEMENT HE DID NOT KNOW AT THAT TIME THAT THE EMIGRANTS	STATEMENT ~~OF HIS~~ MADE YEAR AGO YOU PREDICATE STATEMENT THAT YOU KNOW GEORGE A SMITH DIDN'T KNOW THAT TRAIN WAS ON THE ROAD AT THAT TIME [*space*] {**A**}^{i}IT WAS ON HIS STATEMENT TO ME, I SAID WHAT I DID MY KNOWING HE DIDN'T KNOW. {**Q**}^{i}DO YOU KNOW HE DIDN'T KNOW EXCEPT FROM HIS STATEMENT {**A**}^{i}I KNOW TO ME IT WAS A PERFECT SURPRISE {**Q**}^{i}IT WAS ON THAT KNOWLEDGE ON WHAT HE TOLD YOU YEARS AGO THAT YOU MADE STATEMENT HE DID NOT KNOW THING AT THAT TIME EMIGRANTS	STATEMENT MADE A YEAR AGO TO YOU THAT YOU PREDICATE THE STATEMENT ~~A~~THAT YOU KNOW GEORGE A. SMITH DIDN'T KNO W, THA T THAT TRAIN WAS ON THE ROAD AT THAT TIME? A. IT WAS ON HIS STATEMENT TO ME, I SAID WHAT I DID; AND MY KNOWING HE DIDN'T KNOW. Q. DID YOU KNOW HE DIDN'T KNOW EXCEPT FROM HIS STATEMENT? A. I KNOW TO ME IT WAS A PERFECT SURPRISE . Q. IT WAS ON THAT ~~KNOWLEDGE~~ OR WHAT HE TOLD ~~ME~~ **YOU** A YEAR AGO THAT YOU MADE THE STATEMENT THAT HE DIDN'T ~~KNOW~~ A THING AT THAT TIME, ABOUT THE EMIGRANTS	

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RT	RS	BT	PS
WERE IN THE COUNTRY ? A. YES,FROM THAT I MADE A POSITIVE STATEMENT, AND THE CIRCUMSTANCES . BASKIN: I DON'T WANT THE CIRCUMSTANCES . Q. YOU STATED YOU MADE IT FROM THAT — WAS IT BEFORE OR AFTER THESE INDICTMENTS WERE FOUND ? A. IT WAS LONG BEFORE THESE INDICTMENTS WERE FOUND. *[455]* Q. ABOUT HOW LONG AGO WAS IT ? A. I SAID I DON'T RECOLLECT EXACTLY. IT WAS THE LAST TIME HE PASSED THROUGH. Q. YOU WERE TALKING ABOUT THE MOUNTAIN MEADOWS MASSACRE WHEN HE GAVE YOU THAT	WERE {YET}[i] IN THE COUNTRY {A}[i]YES FROM THAT {I}[i] MADE POSITIVE STATEMENT {AND}[i] THE CIRCUMSTANCE S BASKIN I DON'T WANT {THE}[i] CIRCUMSTANCE S {Q}[i]YOU STATED {YOU}[i] MADE IT FROM THAT{Q}[i]WAS IT BEFORE OR AFTER THESE INDICTMENTS WERE FOUND {A}[i]IT WAS LONG BEFORE THESE INDICTMENTS WERE FOUND {Q}[i]ABOUT HOW LONG AGO WAS IT ? {A}[i]I SAID I DON'T RECOLLECT EXACT{LY}[i] IT WAS NOT LAST TIME HE PASSED THROUGH [*space*] BASKIN YOU WERE TALKING ABOUT MOUNTAIN MEADOWS MASSACRE WHEN HE GAVE YOU THAT	BEING IN THE COUNTRY? A. YES, FROM THAT I MADE THE POSITIVE STATEMENT AND THE CIRCUMST~~Q~~**A**NC E S. Q. I DON'T WANT ANY EXPLENATION. YOU STATE~~N~~D YOU MADE IT FROM THAT. WAS IT BEFORE OR AFTER THESE INDI~~V~~CTMENTS WERE FOUND? A. IT WAS ~~N~~LONG BEFORE THESE INDICTMENTS WERE FOUND. Q. ABOUT HOW LONG AGO WAS IT? A. I SAID I DIDN'T RECOLLECT EXACTLY; IT WASN'T THE LAST TIME HE PASSED THROUGH . Q . YOU ~~A~~WERE TALKING ABOUT THE MOUNTAIN MEADOW MASSACRE WHEN HE GAVE YOU THAT	

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RT	RS	BT	PS
INFORMATION ? A. NO SIR, WE WERE TALKING ABOUT THE MEETING WITH THAT TRAIN. Q. NOW THEN, DON'T YOU REMEMBER OF HAVING STATED YESTERDAY IN YOUR EXAMINATION IN CHIEF THAT GEORGE A. SMITH,WHEN HE REACHED CORN CREEK TOLD YOU HE WAS NOT AWARE ANY SUCH TRAIN AS THAT WAS ON THEPLAINS ? A. NO SIR, I DON'T REMEMBER ANY SUCH STATEMENTS. I SAID ON MY OWN RESPONSIBILITY I KNOW HE DID NOT KNOW IT. Q. THEN THAT WASN'T SO WAS IT ? WIT.: WHAT WASN'T SO ? Q. IT WAS NOT ON YOUR OWN RESPONSIBILITY THAT YOU	INFORMATION {A}i≤NO SIR≥ WERE TALKING ABOUT MEETING WITH THAT TRAIN {Q}i BY BASKIN NOW THEN DON'T YOU REMEMBER OF HAVING STATED YESTERDAY IN YOUR EXAMINATION IN CHIEF THAT GEORGE A SMITH WHEN YOU ARE HE REACHED CORN CREEK TOLD YOU HE WAS NOT AWARE ANY SUCH TRAIN AS THAT WAS ON THE PLAINS {A}i NO SIR I DON'T REMEMBER ANY SUCH STATEMENT. I SAID ON MY OWN RESPONSIBILITY , I NOR HIM DID NOT KNOW IT. BASKIN THAT WASN'T SO WAS IT {Q}i WHAT WASN'T SO QIT WAS NOT SO ON YOUR OWN RESPONSIBILITY	INFORMATION? A. NO, SIR, WE WERE TALKING ABOUT THE MEETING OF THAT TRAIN: Q. NOW, THEN DON'T YOU REMEMBER OF HAVING STATED YESTERDAY ON YOUR EXAMINATION IF CHIEF, THAT GEORGE A. SMITH WHEN YOU AND [298] HE REACHED CORN CREEK, TOLD YOU HE WASN'T AWARE OF ANY SUCH TRAIN AS THAT WAS ON THE PLAINS? A. NO, SIR, I DON'T REMEMBER ANY SUCH A STATEMENT; I SAID ON MY OWN RESPONSIBILITY I NOR HIM DID NOT KNOW IT. Q. THAT WAS NOT SO WAS IT? A. WHAT WASN'T SO ? Q. IT WASN'T SO ON YOUR OWN RESPONSIBILITY THAT Y OU	

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RT	RS	BT	PS
KNEW IT—AND YOU DON'T KNOW WHETHER HE KNEW IT OR NOT ? A. I WAS PERFECTLY SATISFIED HE DIDN'T. Q. BUT YOU DON'T KNOW IT 'AINT YOU AWARE,WHILE ON THIS STAND,YOU ARE TO SPEAK OF FACT, YOU STATED IT AS A POSITIVE FACT ? A. I TOLD YOU HOW I BASED THE FACT. HE TOLD ME SO. Q. WHY DID YOU STATE IT AS POSITIVE~~Y~~LY SO ? A. YOU ASKED ME HOW I CAME TO KNOW IT AND I TOLD YOU HE TOLD ME SO. Q. YOU SAY THAT HE NEVER KNEW OF THEIR EXISTENCE TILL WE CAME TO CORN CREEK AND HE	KNEW IT {Q}[i]YOU DID NOT WHETHER HE KNEW IT OR NOT {A}[i]I WAS PERFECT{LY}[i] SATISFIED HE DIDN'T {Q}[i]BUT YOU *DIDN'T/DON'T*[?] KNOW IT [*space*] AIN'T YOU AWARE WHILE ON THIS STAND YOU ARE TO SPEAK OF FACT A YES SIR {Q}[i]YOU STATED IT AS {A}[i] POSITIVE FACT {A}[i]I TOLD YOU HOW I BASED THE FACT HE TOLD ME SO {Q}[i]WHY DID YOU STATE IT AS POSITIVE{LY}[i] SO {A}[i]YOU ASKED ME HOW I CAME {TO KNOW IT}[i] AND I TOLD YOU HE TOLD ME SO. [*space*] QYOU SAY THAT NEITHER HE NOR YOU KNEW OF THEIR EXISTENCE TILL YOU KNEW IT {AT}[i] CORN CREEK AND HE	KNEW **IT** ~~IR~~, YOU DON'T KNOW WHETHER HE KNEW IT OR NOT? A. I WAS PERFECTLY SATISFIED HE DIDN'T. Q. BUT YOU DIDN'T KNOW IT. ARN'T YOU AWARE WHILE ON THIS STAND YOU ARE TO SPEAK THE FACTS? . YES, SIR . Q. YOU STATED IT AS A POSITIVE FACT? A. I TOLD YOU HOW I BASED THE FACT. HE TOLD ME SO. Q. WHY DID YOU STATE IT AS POSITIVELY SO? A. YOU ASKED ME HOW I CAME TO KNOW IT, AND I TOLD YOU HE TOLD ME SO. Q. YOU SAY THAT NEITHER HE NOR YOU ~~J~~KNEW OF THEIR EXISTENCE , TILLYOU KNEW IT AT CRON CREEK, AND HE	

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RT	RS	BT	PS
TOLD YOU SO YEARS AGO AND THAT? IS ALL THE REASON YOU HAVE A. I HAVE FURTHER REASONS FOR STATING; I HAVE THAT REASON AND OTHER REASONS. HE WANTED AND STAYED ALL NIGHT WITH ME. I TOOK HIM TO FILL- *[456]* MORE. Q. AND WHEN IN HIS CONVERSATION AND IN HIS PUBLIC PREACHING WHAT DID HE ALLUDE TO ? A. HE ALLUDED TO NOTHING OF THAT KIND. Q. FROM THAT FACT WILL YOU STATE OR UNDERTAKE TO STATE ON YOUR OATH AND SAY HOW YOU KNOW IT — IS THAT THE SOURCE OF PROCESS BY	TOLD YOU SO YEAR[382] AGO AND THAT IS ALL THE REASON YOU HAVE $_{A}$I HAVE FURTHER REASONS FOR STATING IT. I HAVE THAT REASON AND FURTHER REASONS *THE/AND*[?] FACT HE STAYED ALL NIGHT WITH ME I TOOK *HIM*[?] UP TO FILLMORE. IN ALL MY CONVERSATION IN ALL HIS PUBLIC PREACHING HE ALLUDED {TO}^{i} NO{THING}^{i} OF THE KIND [*space*] $_{Q}$ FROM {THAT}^{i} FACT WILL {YOU}^{i} *[6]* YOU UNDERTAKE ON YOUR OATH TO SAY YOU KNOW IT [*space*] IS THAT THE SOURCE PROCESS BY	TOLD YOU SO YEARS AGO, AND THAT IS ALL THE REASON YOU HAVE? A . I HAVE FURTHER REASONS FOR STATING IT; I HAVE THAT REASON AND OTHER REASONS; AND THE FACT THAT I STAID ALL NIGHT WITH HIM. I TOOK HIM T**O** FI LLMORE AND IN ALL MY CONVERSATION, IN ALL HIS PUBLIC PREACHING HE ALLUDED TO NOTHING OF THE KIND. Q . FROM THA T FACT WILL YOU UNDERTAKE ON YOUR OATH TO SAY YOU KNOW IT? IS THAT THE SOURCE OR PROCESS BY	

382. “YEARS” is written in ink above the shorthand for “YEAR”.

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RT	RS	BT	PS
WHICH YOU PREDICATE YOUR STATEMENT OF FACTS ? A. THAT IS THE GROUNDS OF HIS STATEMENTS TO ME. POSITIVELY I DO NOT KNOW. I HAVE STATED THE FACTS AND CIRSUMSTANCES CONNECTED WITH IT. Q. DO YOU RECOGNIZE THE OBLIGATION OF THE OATH ADMINISTERED BY THIS COURT ? A. I THINK I DO. Q. DO YOU KNOW WHAT THE FORCE IS ? A. I DO. PERJURY LAYS ONE LIABLE TO THE PENITENTIARY. Q. DON'T YOU KNOW UNDER THE OBLIGATIONS OF THAT OATH YOU ARE REQUIRED TO STATE WHAT YOU KNOW OF YOUR OWN	{WHICH}[i] YOU PREDICATE YOUR STATEMENT OF FACTS THAT IS THE GROUNDS OF HIS STATEMENT TO ME, POSITIVELY HE DID NOT [*space*] {A}[i]I HAVE STATED {THE}[i] FACTS {AND}[i] CIRCUMSTANCE S CONNECTED WITH IT. {Q}[i]DO YOU RECOGNIZE OBLIGATION OF THE OATH ADMINISTERED IN THIS COURT A I *THINK/HAVE*[?] I HAVE MADE {Q}[i]DO YOU KNOW WHAT {THE}[i] FORCE OF {THE}[i] OATH IS {A}[i]I DO, PERJURY LEAVES ONE LIABLE TO THE PENITENTIARY Q{DON'T}[i] YOU KNOW UNDER {THE}[i] OBLIGATION OF THAT OATH YOU ARE REQUIRED ONLY TO STATE WHAT YOU KNOW OF YOUR OWN	WHICH YOU PREDICA~~T~~E YOUR ~~A~~STATEMENT OF FACTS? A. THAT IS THE AMOUNT OF HIS STATEMENT T O ME; POSITIVELY HE DID NOT; AND I HAVE STATED THE FACTS AND CIRCUMSTANCE S CONNECTED WITH IT. Q. DO YOU RECOGNISE THE OB~~J~~LIGATION OF THE OATH ADMINISTERED IN THIS COURT? A . I THINK I DO. Q. DO YOU KNOW WHAT THE FORCE OF THE OATH IS? A. IDO, PERJURY, LAYS ONE LIABLE TO THE PENITENTIARY. *[299]* Q. DON'T YOU KNOW THA T UNDER THE OBLIGATION OF THA T OATH YOU ARE REQUIRED ONLY TO STATE WHAT YOU KNOW OF YOUR OWN	

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RT	RS	BT	PS
KNOWLEDGE AND FACTS ? A. I HAVE TOLD YOU HOW I CAME INTO POSSESSION OF THAT KNOWLEDGE. Q. AND DO YOU NOW STATE ——— WIT.: I STATED TO THIS JURY HOW I CAME IN POSSESSION OF THE FACTS. Q. WHO WERE WITH YOU ON THAT JOURNEY WITH GEORGE A. SMITH ? A. SILAS S. SMITH, JACOB HAMBLIN AND ELISHA HOOPS AND HASKELL HIS NAME WAS,FROM THE SOUTH. Q. WHO ELSE ? A. THAT IS ALL THE WHITE MEN THAT WERE ALONG, I THINK MAY BE THERE WAS, MIGHT HAVE BEEN, A COUPLE OF	KNOWLEDGE AND STATE FACTS {A}[i]I HAVE TOLD YOU HOW I CAME IN THE POSSESSION OF THAT KNOWLEDGE {Q}[i]DO YOU NOW STATE THAT YOU KNOW {A}I STATED TO THIS JURY HOW I CAME IN POSSESSION OF THE FACTS. {Q}[i] WHO WAS WITH YOU ON THAT JOURNEY WITH GEORGE A SMITH {A}[i] SILAS ≤**S**≥ SMITH, JACOB HAMBLIN, ELISHA HOOPS, AND ANOTHER MAN HASKELL HIS NAME WAS FROM THE SOUTH. {Q}[i]WHO ELSE ? {A}[i]THAT IS ALL {THE}[i] WHITE MEN THAT WERE ALONG, I THINK MAYBE THERE MIGHT HAVE BEEN, COUPLE OF	KNOWLEDGE? A. I HAVE AND TOLD YOU H~~A~~OW I CAME ~~O~~ IN THE POSSESSION OF THAT KNOW~~,~~LEDGE . Q. DO YOU NOW STATE THAT YOU KNOW? A. I STATE**D** TO THIS JURY HOW I CAME IN THE POSSESSION OF THE FACTS. Q. WHO WERE WITH YOU ON THAT JOURNEY WITH GEORGE A. SMITH. ? A. SILAS S. SMITH, JACOB HAMBLIN, ELISH HOOPS AND ANOTHER MAN — HASKELL, HIS NAME WAS, FROM THE SOUTH. Q. WHO ELSE? A. THAT IS ALL THE WHITE MEN THAT WERE ALONG. ~~I TH~~ I THINK ~~TH E~~ MAY BE THERE ~~WAS~~ MIGHT HAVE BEEN A C**O**UPLE OF	

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RT	RS	BT	PS
PIEEDS. *[457]* Q. ARE YOU ~~ACQUAINTED~~ POSITIVE ~~L~~OF THE FACT THAT THAT IS ALL OF THE WHITE MEN WITH YOU ? A. I AM POSITIVE THAT IS ALL I CAN RECOLLECT OF. Q. DID YOU SEE A MAN BY THE NAME OF HOAKS THERE ? BASKIN: OH HOOPS I MEAN ? A. I SAID ELISHA HOOPS. Q. WHERE WAS MR. HOOPS RESIDING AT ~~THE~~ THAT TIME ? A. HE WAS LIVING IN BEAVER. Q. HOW LONG HAD HE BEEN LIVING HERE ? A. WELL, I COULD NOT GIVE YOU THE PRECISE TIME. I DIDN'T SET IT DOWN WHEN HE CAME INTO THE PLACE. Q. ARE YOU POSITIVE OF	PIEEDS[383] {Q}[i] ARE YOU POSITIVE OF {THE}[i] FACT THAT THAT IS ALL OF {THE}[i] WHITE MEN ALONG {A}[i]I AM POSITIVE THAT IS ALL I CAN RECOLLECT OF{. Q}[i] DID YOU SEE MAN BY THE NAME OF HOAKS THERE ≤BASKIN≥ **OH** HOOPS {A}[i]I SAID ELISHA HOOPS{. Q}[i]WHERE WAS MR. HOOPS RESIDING AT THAT TIME {A}[i] HE WAS LIVING IN BEAVER. [*space*] {Q}[i]HOW LONG HAD HE BEEN LIVING HERE {A}[i]WELL I COULD NOT GIVE YOU PRECISE TIME, I DIDN'T SET IT DOWN WHEN HE CAME INTO THE PLACE. {Q}[i] ARE YOU POSITIVE OF	PIEEDS. Q. ARE YOU POSITIVE OF THE FACT THAT IS ALL OF THE WHITEMEN THAT WERE WITH YOU? A. I AM POSITIVE THAT IS ALL I CAN RECOLLECT **OF** ~~OF~~ Q. ~~D~~ID YOU SEE A MAN BY THE NAME OF HOKES— OH, NO, HOOPS? A. I SAID ELISH HOOPS. Q. WHERE WAS ~~M~~MR. HOOPS RESIDING AT THA T TIME? A. HE WAS LIVING HERE IN BEAVER. Q. HOW LONG HAD BE BEEN LIVING HERE. A. WELL, I COULD NOT GIVE YOU THE PRECISE TIME; I DIDN'T SET IT DOWN WHEN HE CA~~L~~ME INTO THE PLACE. Q. ARE YOU POSITIVE OF	

383. The vowels are in ink. The consonants could read "PAIUTES" or "PIEEDS".

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RT	RS	BT	PS
THE FACT HE WAS LIVING HERE AT THAT TIME ? A. I SHALL HAVE TO COLLECT MY THOUGHTS ON THE SUBJECT, AS TO HIS LIVING HERE; HE MOVED HERE SHORT~~;~~LY AFTER; I CANNOT SWEAR POSITIVE AS TO THAT. Q. WASN'T HE LIVING AT FILLMORE AT THAT TIME ? A. I THINK HE WAS HERE ACCORDING TO THE BEST OF MY RECOLLECTION; I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD. Q. YOU SAY YOU SAW SOME INDIANS NEAR THE OX AND THE WHITE MAN WAS MAKING SOME MOTIONS OVER THE OX — SOME GESTURES	FACT HE WAS LIVING HERE AT THAT TIME {A}[i]I SHALL HAVE TO COLLECT MY THOUGHTS ON SUBJECT HE WAS EITHER LIVING HERE HE MOVED HERE SHORTLY AFTER. I COULD NOT SWEAR POSITIVE I CAN NOT SWEAR POSITIVELY. {Q}[i]WASN'T HE LIVING AT **F** FILLMORE AT THAT TIME {A}[i]I THINK HE WAS HERE ACCORDING TO THE BEST OF MY RECOLLECTION, BUT I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD {Q}[i]YOU SAY YOU SAW SOME ~~WHITE MEN~~ INDIANS NEAR {THE}[i] OX, {A}[i] WHITE MAN WAS MAKING SOME MOTIONS OVER {THE}[i] OX IN GESTURE	THE FACT HE WAS LI~~C~~VING HERE AT THAT TIME? A. I SHALL HAVE TO COLLECT MY THOUGHTS ON THE SUBJECT. HE WAS THE~~RE~~**RE** — MOVER HERE — HE MOVED HERE SHORTLY AFTER; I CO**U**LD NOT SWEAR POSITIVE;—I CAN'T SAY POSITIVELY. Q. WASN~~I~~T HE LIVING AT FILLMORE AT THAT TI ME? A. I THINK HE WAS ACCORDING TO THE BEST OF MY RECOLLECTION; BUT I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD. Q. YOU SAY YOU SAW SOME INDIANS NEAR THE O~~Z~~X, AND THE WHITE MAN WAS MAKING SOME ~~L~~MOTI~~N~~ONS, OVER THE OX?	

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RT	RS	BT	PS
? A. I SUPPOSSED HE WAS TRADING. Q. I DON'T WANT YOU TO SUPPOSE ? A. I SAW HIM AND THE INDIANS ~~BUY~~ ≤BY≥ THE OX Q. DID YOU SEE THEM MORE THAN ONCE — WAS IT THIS WAY ? THAT IS HE LOOKED AROUND AND AWAY AGAIN PREVIOUS TO THAT TIME ? A. I SUPPOSE IT TO BE THE SAME MAN. *[458]* Q. I DON'T WANT ~~TO~~ SUPPOSITION ? A. IT IS A PRETTY DIFFICULT MATTER TO KNOW A MAN FROM FIRST SIGHT Q.; IF YOU DIDN'T KNOW THE MAN DON'T STATE IT ON SUPPOSITION—I DON'T WANT	$_{A}$I SUPPOSED HE WAS TRADING $\{_{Q}\}^{i}$<I DON'T WANT YOUR SUPPOSITION> $_{A}$I SAW HIM AND INDIANS BY THE OX $\{_{Q}\}^{i}$ DID YOU SEE THEM MORE THAN ONCE WAS IT THIS WAY $_{A}$OH HE LOOKED AROUND AND THEN LOOKED AWAY AGAIN $_{Q}$ PREVIOUS TO THAT TIME ≤WHAT DID HE DO≥ $\{_{A}\}^{i}$ I SUPPOSE IT TO BE SAME MAN $\{_{Q}\}^{i}$I DON'T WANT SUPPOSITION $\{_{A}\}^{i}$ IT IS $\{A\}^{i}$ PRETTY DIFFICULT MATTER TO KNOW A MAN FROM $\{FIRST\}^{i}$ SIGHT $\{_{Q}\}^{i}$IF YOU DIDN'T KNOW THE MAN, DON'T STATE IT ON SUPPOSITION. I DON'T WANT	A. I SUPPOSED HE WAS TRADING. Q . I DON'T WANT YOU TO SUPPOSE? A. I SAW HIM AND THE INDIANS *[300]* BY THE OX. Q. DID YOU SEE **T**HEM ~~N~~MORE THA N ONCE. WAS IT THIS WAY**?** —— **(ILLUSTRATING)** A. OH, **I** ~~HE~~ LOOKED AROUND AND THEN LOOKED AWAY AGAIN. Q. ~~L~~PREVIOUS TO THA T TIME WHAT DID~~YOU SEE~~ **HE DO.**? A. ISUPPOSED IT WAS THE SAME MAN. Q. I DON'T WANT YOU TO SUPPOSE? A IT IS A PRETTY DIFFICULT MATTER TO KNOW A MAN FROM THE FIRST SIGHT. Q. IF YOU **DIDNT** ~~DON'T~~ KNOW THE MAN , DON'T STATE IT ON SUPPOSITION. I DON'T WANT	

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RT	RS	BT	PS
ANY SUPPOSITION — IT IS IMPROPER TO STATE THAT BEFORE THIS JURY. A. I CAN'T STATE UNDER SUCH A MATTER OF OATH~~E~~THAT HE WAS IDENTIC~~L~~ALLY THE SAME MAN. Q. THEN DON'T STATE ANYTHING ABOUT IT ? A. I SAW A MAN THERE , I MERELY THOUGHT HE WAS A WHITEMAN. Q. THAT IS YOU MERELY LOOKED AROUND THAT WAY ? A. I DIDN'T CONFINE MYSELF TO LOOK ONE WAY. Q. HOW LONG WAS HE THERE ? A. I HAD NO WATCH. Q. DID YOUR EYES FOLLOW HIM MORE THAN ONCE— YOU DIDN'T	ANY SUPPOSITION. IT IS IMPROPER TO STATE THAT BEFORE THIS JURY [7]384 I CAN'T STATE UNDER SOLEMN OATH {THAT}^{i} HE WAS {THE}^{i} IDENTICAL SAME MAN [*space*] {$_{Q}$STATE}^{i} THEN DON'T STATE ANYTHING ABOUT IT {$_{\mathbf{A}}$}^{i}I SAW A MAN THERE, I ~~<~~MERELY~~>~~ SAW HE WAS A WHITE MAN {$_{Q}$}^{i} THAT IS YOU MERELY LOOKED AROUND THAT WAY {$_{\mathbf{A}}$}^{i}I DIDN'T CONFINE MYSELF TO LOOK ONE WAY {$_{\mathbf{Q}}$}^{i}HOW LONG WAS HE THERE {$_{\mathbf{A}}$}^{i}I HAD NO {WATCH}^{i} {$_{\mathbf{Q}}$}^{i}DID YOUR EYES FOLLOW HIM MORE THAN ONCE YOU DIDN'T	ANY SUPPOSITION. IT IS IMPROPER TO STATE THAT BEFORE THIS JURY. A. I CAN'T STATE U~~J~~NDER MY OATH THAT HE WAS THE IDENTICAL SAME MAN. Q. THEN DON'T STATE ANYTHING ABOUT IT? A I SAW A MAN THERE; I MERELY SAW HE WAS A WHITE ~~K~~MAN. Q. THEN YOU MERELY LOOKED AROUND T~~H~~A T WAY? A. I DIDN'T CONFINE MYSELF TO LOOK IN ONE WAY? ~~A.~~ Q. HOW LONG WAS HE THE**R**E? A. I WAS NOT WATCHING. Q. DID YOUR EYES FOLLOW HIM ~~O~~MORE THAN ON~~V~~CE? YOU DIDN'T	

384. The verso of page 7 contains shorthand doodling: "WHERE DO YOU RESIDE" written repeatedly, in addition to illegible shorthand.

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RT	RS	BT	PS
HAVE YOUR WATCH THERE TO SEE THE TIME OF IT ? A. CAN'T TELL HOW LONG HE REMAINED THERE—I CAN'T SAY. Q. YOU DIDN'T SEE ANY BUCKSKINS AROUND THERE ? A. NO. Q. DID YOU HAVE A TALK WITH HIM ABOUT THE QUESTION OF THAT OX BEING THERE ? A. I HAVE. Q. DIDN'T YOU TELL HIM THAT OX WAS POISONED — MR. HOOPS MADE OATH ON THAT SAME SUBJECT ? A. I KNOW WHAT HIS TESTIMONY WAS. COURT: DON'T BE SO ANXIOUS TO TELL THINGS YOU ARE NOT ASKED FOR. WIT.: I AM ONLY ANXIOUS TO TELL THE	HAVE WATCH THERE TO SEE THE TIME OF IT {A}[i]CAN'T TELL HOW LONG HE REMAINED THERE CAN'T SAY {Q}[i] DIDN'T SEE ANY BUCKSKINS AROUND THERE {A}[i]NO. HAVE YOU {HAD}[i] TALK WITH HIM ABOUT THE QUESTION OF THAT OX BEING THERE {A}[i]I HAVE. {Q}[i] DIDN'T YOU TELL HIM THAT OX WAS POISONED UP THERE MR. HOOPS MADE OATH ON THAT SAME SUBJECT {A}[i]I KNOW WHAT HIS TESTIMONY WAS BY COURT DON'T BE SO ANXIOUS TO TELL THINGS YOU ARE NOT ASKED FOR {ATO THE}[i] COURT I AM ONLY ANXIOUS TO TELL THE	HAVE A WATCH THERE TO SEE HIM ALL THE TIME ? A. I CAN'T TELL Y**O**U **HOW** ~~KHOW~~ LONG HE REMAINED, CAN'T SAY. Q. YOU DIDN'T SEE ANY BUCKSK~~J~~INS A**R**OUND THERE? A. NO. Q.HAVE YOU HAD A TALK WITH HIM ABOUT THE QUESTION OF THA T OX BEING THERE? A. I HAVE.. Q. DIEN'T YOU TELL HIM THAT OX WAS POISONED UP THERE? A. MR. HOOPS MADE OATH ON THAT SAME SUBJECT. Q . I KNOW WHAT HI S TESTIMONY WAS. THE COURT: DON'T BE TOO ANXIOUS TO TELL THINGS YOU ARE ~~A~~NOT ASKED FOR. A. IAM ONLY ANXIOUS TO TELL THE	

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RT	RS	BT	PS
TRUTH. *[459]* Q. YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX MAKING GESTURES OF THIS KIND ? A. I DON'T RECOLLECT MAKING SUCH GESTURES AS YOU DO. I THINK MY LANGUAGE WILL CONVEYWITHOUT ANY GESTURES TO ME. Q. I WANT THE WITNESS TO GET UP AND SAY HOW HE SAW THEM. A. I LOOKED OUT OF THESE TWO EYES ~~S~~AND SAW THEM Q. YOU DON'T KNOW WHO THAT WHITE MAN WAS ? A. NO MORE THAN THEY BELONGED TO THAT EMIGRANT TRAIN, FROM THE LOOKS OF HIS DRESS. I	TRUTH {Q}[i] YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX {MAKING GESTURES OF THIS KIND A}[i]I DON'T RECOLLECT MAKING SUCH GESTURES AS YOU DO [*space*] I THINK MY LANGUAGE WILL CONVEY WITHOUT ANY GESTURES OF ME {Q}[i] I WANT WITNESS TO GET UP AND SAY HOW HE SAW THEM {A}[i]I LOOKED OUT OF THESE TWO EYES AND SAW THEM {Q}[i]YOU DON'T KNOW WHO THAT WHITE MAN {WAS A}[i]NO MORE THAN {HE}[i] BELONGED TO THAT EMIGRANT TRAIN, FROM THE LOOKS OF HIS DRESS {Q}[i]I	TRUTH. Q. YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX ~~.? A~~ MAKING GESTURES**, O**F THIS KIND? A. I DON'T RECOLLECT THEIR MAKING SUCH GESTURES AS YOU DO**. Q. YOU MAKE THEM THEN? A.** I THINK MY LANGUAGE WILL CONVEY WITHOUT AN~~E~~**Y** *[301]* GESTURES OF ME. BASKIN I WANT THE WITNESS TO GET UP AND SHOW HOW HE SAW THE GESTURES. A. I LOOK OUT OF THESE TWO EYES AND SAW THEM. Q . YOU DON'T KNOW WHO THAT WHITE MAN WAS? A. NO, NORE THAN THAT HE BELONGED TO THAT EMIGRANT TRAIN FROM THE LOOK~~D~~S OF HIS DRESS.	

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RT	RS	BT	PS
JUDGED HIM ABOUT FIFTEEN RODS ACCORDING TO THE BEST OF MY RECOLLECTION. Q. WHAT KIND OF CLOTHES HAD HE ON — WAS NOT HE DRESSED LIKE THE OTHER PEOPLE WHO WERE TRAVELING ? A. I THINK HE HAD A COAT ON. Q. HAD HE A PAIR OF BREECHES ON ? A. YES SIR. Q. HAD HE A SHIRT ON ? A. I SAID HE WAS CLOTHED, DRESSED. Q. DID YOU OBSERVE HIS SHIRT ? A. I OBSERVED HE WAS DRESSED AND CLOTHED — WAS NOT IN A STATE OF NUDITY. Q. DID HE HAVE IT ON ? A. HE HAD.	JUDGE HIM ABOUT 15 *YARDS/RODS*[?] ACCORDING TO THE BEST OF MY RECOLLECTION {Q}^{i}WHAT KIND OF CLOTHES HAD HE ON. {WAS NOT}^{i} DRESSED LIKE OTHER PEOPLE {WHO WERE}^{i} TRAVELING {A}^{i}I THINK HE HAD COAT ON {Q}^{i} HAD HE {**A**}^{i} PAIR OF BREECHES ON {A}^{i}YES SIR {Q}^{i} HAD HE SHIRT ON [*space*] {A}^{i}I SAID HE WAS CLOTHED DRESSED. Q {DID}^{i} YOU OBSERVE HIS SHIRT ? {A}^{i}I SAID HE WAS CLOTHED DRESSED. {Q}^{i} DID YOU OBSERVE HIS SHIRT {A}^{i}I OBSERVED HE WAS CLOTHED NOT IN A STATE OF NUDITY {Q}^{i} DID HE HAVE IT ON {A}^{i}HE HAD.	**Q WHAT KIND OF CLOTHES DID HE HAVE ON? A I DONT KNOW DRESSED LIKE OTHER PEOPLE WHO WERE TRAVELING. I THINK HE HAD A COAT ON. ** Q. HAD HE A PAIR OF BREECHES ON? A YES SIR.** Q. DIDYOU OBSERVE HIS SHIRT? I OBSERVED HE WAS CLOTHE~~R~~D**,** NOT IN A STATE OF NUDITY. Q. DIDHE HAVE IT ON? A. HE HAD.	

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RT	RS	BT	PS
Q. DID YOU SEE WHERE HE CAME FROM ? A. NOT AT THAT PARTICULAR TIME. Q. DID YOU KNOW WHETHER YOU HAD EVER SEEN THE MAN BEFORE OR NOT ? *[460]* A. ACCORDING TO THE BEST OF MY KNOWLEDGE HE WAS THE SAME MAN. Q. HOW LONG DID YOU LOOK AT HIM ? A. I DIDN'T TIME MYSELF , BUT LONG ENOUGH TO DETERMINE HE WAS THE SAME MAN. Q. WAS IT A SECOND ? A. I DIDN'T TIME MYSELF, I THINK PROBABLY IT MIGHT HAVE BEEN. Q. WAS IT MORE THAN A SECOND ? A. DIDN'T TIME MYSELF,MY WATCH	{Q}[i] DID YOU SEE WHERE {HE}[i] CAME FROM {A}[i] NOT AT THAT PARTICULAR TIME. {Q}[i]DID YOU KNOW WHETHER YOU HAD EVER SEEN {THE}[i] MAN BEFORE OR NOT {A}[i] ≤ACCORDING TO BEST MY RECALL≥ ACCORDING TO THE BEST OF MY KNOWLEDGE {HE}[i] WAS SAME {THE}[i] MAN. {Q}[i]HOW LONG DID YOU LOOK AT HIM {THEM A}[i]I DIDN'T TIME MYSELF, BUT LONG ENOUGH TO DETERMINE HE WAS THE MAN Q WAS IT A SECOND {A}[i]I DIDN'T TIME MYSELF I THINK PROBABLY IT MIGHT HAVE BEEN. {Q}[i]WAS IT MORE THAN SECOND {A}[i] DIDN'T TIME MYSELF WATCH	Q. DI D ~~HE~~ YOU SEE WHEREHE CAME FROM ? ~~A~~. NOT AT THAT PARTICU AR TIME. Q. DIDYOU KNOW WHETHER YOU HAD EVER SEEN THE MAN **BEFORE** OR NOT.? A. ACCORDING TO THE BEST OF MY KN WLEDGE, HE WAS THE SAME MAN. Q. HOW LONG DID YOU LOOK AT HIM? A. I DIDN'T TIME MYSELF; BUT LONG ENOUGH TO DETERMINE HE WAS THE MAN. Q. WAS IT A ~~C~~SECOND? A. I DIDN'T TIME MYSELF; I THINK PROBABLY IT MAY HAVE BEEN. Q. WAS IT MO~~T~~RE THAN A CSECOND? A. I DIDN'T TIME MYSELF. MY WATCH	

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RT	RS	BT	PS
WAS NOT THERE. Q. I WANT THE COURT TO MAKE THIS WITNESS ANSWER,AND IF HE DON'T DO IT COMMIT HIM FOR CONTEMPT—HE KNOWS ABOUT WHAT TIME IT WAS ~~?~~ BECAUSE THIS IS TRIFLING WITH THE COURT ~~?~~ A. I TOLD YOU PLAINLY I SAW HIM WITH THESE TWO~~N~~EYES Q. IT IS MATERIAL, MY DEAR FRIEND, FOR YOU TO GIVE TO THIS JURY THIS, IN ORDER TO TEST THE ACCURACY OF THIS STATEMENT. ABOUT HOW LONG WERE YOU LOOKING AT HIM)	WAS NOT THERE. {Q}[i] I WANT THE COURT TO MAKE THIS WITNESS ANSWER IF HE DON'T {DO}[i] IT COMMIT HIM FOR CONTEMPT HE KNOWS ABOUT WHAT TIME IT WAS *[8]* BECAUSE THIS IS TRIFLING WITH COURT $_{A}$I TOLD YOU I SAW HIM PLAINLY WITH THESE TWO EYES {Q}[i]IT IS MATERIAL MY DEAR FRIEND FOR YOU TO GIVE TO THIS JURY IN ORDER TO TEST {THE}[i] ACCURACY OF THIS STATEMENT {~~Q~~}[i] ABOUT HOW LONG YOU LOOKED AT HIM [*space*] BUT YOU MUST HAVE SOME	WASN 'T THERE. ~~Q~~B~~.~~ASKIN: I WANT THE COURT TO MAKE THIS WITNESS ANSWER MY QUESTIO~~N~~S IF HE DON'T DO IT TO CO~~K~~MMIT HIM FOR CONTEMPT. HE ~~K~~NOWS ABOUT WHAT TIME IT WAS. THIS I S TRIFLING WITH THE C OURT. A. I TOLD YOU I SAW HIM PLAINLY WITH THESE TWO EYES . Q. IT IS MATERIAL MY DEAR FRIEND, FOR YOU ~~G~~TO GIVE TO THIS JURY THE ANSWER TO THIS QUESTION, IN ORDER TO TEST T**H**E ACCURACY OF THESE STATEMENTS ABOUT HOW LONG YOU LOOKED AT HIM; FOR YOU MUST HAVE SOME	

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RT	RS	BT	PS
≤**A.**≥ I SAW HIM WITH A COUPLE OF INDIANS. Q. ABOUT HOW LONG WERE YOU LOOKING AT HIM ? A. I COULD NOT TELL YOU EXACTLY THE TIME. MY MEMORY SERVES ME THAT I DIDN'T MAKE IT A POINT TO STARE AT THE MAN. WAS NOT SUSPECTING ANYTHING. Q; THERE WAS NO MOTIVE IN YOUR MIND AT THE TIME THAT LED YOU TO MAKE A CRITICAL OBJECT ~~I~~OF HIM— WHERE WAS THE CAMP OF THE TRAIN ? A. THE OTHERS HAD NOT BROKE CAMP.	REMEMBRANCE $_{A}$I TOLD THIS JURY I SAW HIM WITH COUPLE OF INDIANS [*space*] {Q}^{i} ABOUT HOW LONG YOU LOOKED AT HIM {A}^{i}I COULD NOT TELL YOU EXACTLY THE TIME MY MEMORY DOESN'T SERVE ME I DIDN'T MAKE IT POINT TO STARE AT THE MAN. WAS NOT EXPECTING ANYTHING WAS NOT SUSPECTING ANYTHING. [*space*] {Q}^{i} THERE WAS {Q}^{i}NO MOTIVE IN YOUR MIND AT THE TIME THAT LED YOU TO MAKE CRITICAL OBJECT OF HIM $_{A}$NO SIR {Q}^{i} WHERE WAS {THE}^{i} CAMP {OF THE}^{i} TRAIN {A}^{i}THE TRAIN HAD NOT BROKE CAMP	RE~~M~~EMBERANC E? A. I TOLD THIS JURY, I SAW HIM WITH A COUPLE OF INDIANS. Q. ABOUT HOW LOND DID YOU LOOK AT HIM? A. I COULD NOT TELL EXACTLY THE TIME; MY MEMORY DOES NOT SERVE ME. I DIDN'T MAKE IT A POINT TO STARE AT THE MAN. *[302]* WASN'T EXPE~~D~~CTING ANYTHING, WASN'T SUSPECTING ANYTHING. Q. THERE WAS NO MO~~R~~TIVE IN YOUR MIND AT THAT TIME THAT LED YOU TO MAKE A CRITICAL **OBSERVATION** ~~OBJECT~~ OF HIM? A. NO, SIR. Q WHERE WAS THE CAMP OF TH~~R~~E TRAIN? A. THE TRAIN HAD NOT BROKE CAMP. Q.	

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RT	RS	BT	PS
Q. THEY HADN'T BROKE CAMP — WHERE WA~~Z~~S THE OX LYING WITH REFERENCE TO THE CORRALL ? A. ACCORDING TO THE BEST OF MY MEMORY THE CORRALLS WERE FORMED VERY NEAR,BUT I WILL GIVE YOU A DIAGRAM OF IT ACCORDING TO THE BEST OF MY *[461]* RECOLLECTION. WITNESS MADE A DIAGRAM. WIT.: THAT IS ABOUT THE SHAPE IT RUNS IN, **(**SHOWING THE POINTS OF THE COMPASS TO THE PROSECUTION, AND SHOWING WHICH WAY THE ROAD WENT.**)** BISHOP: WE OBJECT TO THIS DIAGRAM BEING SHOWN TO	{**Q**}[i]THEY HADN'T BROKE CAMP. WHERE WAS {THE}[i] OX LYING WITH REFERENCE TO THE CORRAL {**A**}ACCORDING TO BEST OF MY MEMORY CORRALS WERE FORMED VERY NEAR ({**A**}CONTINUED)[385] I WILL GIVE YOU {**A**}[i] DIAGRAM OF IT SIR ACCORDING BEST OF MY RECOLLECTION =--- 10 40 **AM** MADE DIAGRAM. THAT IS ABOUT {THE}[i] SHAPE IT RUNS IN, SHOWED {THE}[i] POINTS OF COMPASS TO {THE}[i] PROSECUTION AND COURT. SHOWS WHERE THE ROAD WENT BY BISHOP WE OBJECT TO THIS DIAGRAM BEING SHOWN TO	THEY HADN'T BROKE CAMP~~.~~, YOU SAY? WHERE WAS THE OX LYING WITH REFERENCE TO THE CORRAL? A. ACCORDING T O THE BEST OF MY MEMORY THE CORRALS WERE FORMED VERY ~~H~~NEAR. BUT I WILL GIVE YOU A DIAGRAM OF ~~RS~~ IT SIR, ACCORDING TO THE BEST OF MY RECOLLECTION. (WITNESS MAKES A DIAGRAM) A. THAT IS ABOUT THE SHAPE IT RUNS IN. (WITNESS EXPLAINING DIAGRAM TO COUNSEL) BISHOP : WE OBJECT TO THIS DIAGRAM BEING SHOWN TO	

385. Word apparently added later.

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RT	RS	BT	PS
THE JURY	{THE}[i] JURY,	THE JURY	
BECAUSE THE	BECAUSE	BECAUSE THE	
WITNESS DON'T	WITNESS DON'T	WITNESS DON'T	
PRETEND TO BE	PRETEND TO BE	PRETENT TO BE	
AN EXPERT AND	{AN}[i] EXPERT.	AN EXPERT;	
IT I~~Z~~S NOT	{IT IS}[i] NOT	IT IS NOT	
DRAWN BY	DRAWN BY	DRAW~~N~~**N** BY	
ANY RULE, AND	ANY RULE.	ANY RULE~~.;~~,	
WE OBJECT	WE OBJECT TO	AND WE OBJECT	
FURTHER AS	IT FROM *THE*	FROM THE	
	FACT[?][386]OF ITS	FACT ~~T~~OF ITS	
BEING	BEING	BEING	
IRRELEVANT	IRRELEVANT	IRRELEVANT	
AND		AND	
IMMATERIAL.	IMMATERIAL	IMMATERIAL.	
	BY COURT IT IS	THE COURT:	
	VERY COMMON	THIS **IS** NOT	
	TO ADMIT	ADMITTING A	
	MAP	MAP; BUT	
	WHERE PARTIES	WHERE A PARTY	
	KNOWS OF	KNOWS OF A	
	TRANSACTION	TRANSACTION	
	IT IS VERY	IT IS VERY	
	PROPER TO	PROPER TO	
	DRAW	DRAW A	
	DIAGRAM OF IT	DIAGRAM.	
	BY BISHOP	BISHOP: THEN	
		YOUR HONOR,	
	WE'LL TAKE	WE WILL TAKE	
	BENEFIT {OF	THE BENEFIT OF	
	AN}[i] EXCEPTION	AN EXCEPTI~~O~~N	
OBJECTION	[*space*] {**COURT**		
OVERRULED.	**OVERRULED**		
EXCEPTION BY	**OBJN. DEF**		
DEFENDANT.	**EXCEPTING.**}[i]		
Q. BASKIN: I	BASKIN {Q}[i]I	Q. I	
WOULD LIKE	WOULD LIKE	WOULD LIKE	
YOU TO STAND	YOU TO STAND	~~T~~YOU TO STAND	
UP HERE AND	UP HERE	UP HERE	
SHOW AND	SO YOU CAN	SO YOU CAN	
EXPLAIN THIS	EXPLAIN THIS	EXPLAIN THIS	
MATTER TO THE	MATTER TO	MATTER TO THE	

386. "THE FACT" was apparently added later.

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RT	RS	BT	PS
JURY. COURT: THE DIAGRAM HAS NOT BEEN OFFERED YET. BASKIN: WE NOW SHOW IT TO THE JURY. Q. WHERE WAS FILLMORE ? BISHOP: MY OBJECTION COMES TO THIS; I OBJECT TO THEIR USING IT AT ALL, BECAUSE OF WHAT I PREVIOUSLY STATED. COURT: WHERE IS FILLMORE ON THAT MAP ? A. IN THAT DIRECTION, PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT FURTHER. FILLMORE IS OVER HERE. Q. WERE YOU TRAVELING TO FILLMORE ? A. I WAS TRAVELING IN THE DIRECTION OF FILMORE,	JURY BY COURT [*space*] IT HAS {NOT}^{i} BEEN OFFERED YET BASKIN {WE}^{i} WISH IT EXPLAINED TO JURY {**Q**}^{i} WHERE WAS FILLMORE BY BISHOP MY OBJECTION COMES TO THIS I OBJECT TO THEIR USING IT AT ALL BY COURT {**Q**}^{i}WHERE IS FILLMORE ON THAT MAP {**A**}^{i} IN THAT DIRECTION, ~~<~~WITNESS~~>~~ PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT FURTHER, FILLMORE OVER HERE. {**Q**}^{i}WERE YOU TRAVELING IN DIRECTION OF FILLMORE {**A**}^{i}I WAS TRAVELING IN {THE}^{i} DIRECTION OF FILMORE, YES I WAS {**Q**}^{i}	JU~~T~~RY.? T**H**E COURT: IT HAS NOT BEEN OFFERE~~R~~D. BASKIN: WE WISH IT EXPLAINED TO THE JURY. Q. WHERE WAS FILLMORE? ~~A.~~ BISHOP: MY OBJECTION COMES TO THIS; THAT I OBJECT TO THEIR USING IT AT ALL. Q. WHERE IS FILLMORE ON THAT MAP? A . IN THAT DIRECTION. (WITNESS INDICATING.) : PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT ~~A~~FARTHER AND FILLMORE PUT OVER HERE. Q. WERE YOU TRAVELLING IN THE DIRECTION OF FILLMORE? A. I WAS TRAVELLING IN THE DIRECTION OF FILLMORE? YES, I WAS. Q. AND	

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RT	RS	BT	PS
WE TRAVELLED THE ROAD ON TO FILLMORE. Q. WHEREABOUTS WITH REFERENCE TO YOUR CAMP ? A. WE CAMPED RIGHT IN HERE BESIDE THE CREEK.) ≼**Q**≽ THIS IS SUPPOSED TO BE THE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY. . WHERE DID THE EMIGRANTS **—CAMP**? *[462]* A. THEY CAMPED JUST OVER THERE. Q. ABOUT HOW FAR WAS IT FROM THE EMIGRANTS CORRALL TO WHERE YOU CAMPED ? A. TO THE BEST OF MY KNOWLEDGE IT WAS SOME TWELVE RODS. Q. WHEREABOUTS ON THAT MAP	FROM CORN CREEK TO WHERE {A}iWE TRAVELED ROAD ON TO FILLMORE. {Q}i WHEREABOUTS WITH REFERENCE TO WHERE YOU CAMPED {A}i WE CAMPED RIGHT IN HERE BESIDE THE CREEK {Q}i THIS IS SUPPOSED TO BE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY {Q}iWHERE DID THE EMIGRANTS {*}i CAMP {A}i CAMPED JUST OVER THERE. [*space*] {Q}i ABOUT HOW FAR WAS IT FROM EMIGRANTS CORRAL TO WHERE YOU CAMPED TO {THEA}i BEST OF MY KNOWLEDGE IT WAS SOME TWELVE 15 RODS. {Q}i WHEREABOUTS ON THAT MAP	FROM CORN CREEK TO WHERE? A. WE TRAVELLE~~RD~~ RIGHT ON TO *[303]* FI LLLMORE. Q. WHERE ABOUTS WAS THA T WITH REFERENCE TO WHERE YOUR CAMP WAS? A. WE CAM**P**ED RIGHT IN HERE BESIDE THE CREEK. Q. THIS IS SUPPOSED TO BE THE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY? WHERE D ID THE EMIGRANTS CAMP? A. THEY CAMPED JUST OVER THERE IN THE BRUSH. Q. ABOUT HOW FAR WAS IT FROM THE EMIGR**A**NTS CORRAL TO WHERE YOU CAMPED? A. TO THE BEST OF MY KNOWLEDGE IT WAS SOME I2 TO **15** ~~FIFTEEN~~ RODS. Q. WHERE ABOUTS ON THAT MAP DID	

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RT	RS	BT	PS
DID THE OX LIE ? A. THE OX LAY ACROSS IN A NORTHWESTERN DIRECTION, A LITTLE COURSE NORTH FROM OUR CAMP. THE OX LAY SOME 10 TO 12 RODS. IT MIGHT JUST BE ABOUT IN THAT DIAGRAM BUT A LITTLE FURTHER FROM THE EMIGRANT CORRALL THAN FROM OUR CAMP, IN THE NEIGHBORHOOD OF FORTY RODS FROM THE EMIGRANT CAMP, SOMEWHERES IN THAT NEIGHBORHOOD, THAT IS THE BEST OF MY ~~MEORY~~ MEMORY. Q. WHEN YOU SAW THIS PARTY LOOKING AT THE OX WHAT WERE YOU DOING ? A. I WAS AROUND	DID THE OX LIE {A}[i]THE OX LAY ACROSS {THE}[i] *[9]* IN A NORTH WESTERN[387] DIRECTION, A LITTLE COURSE *NORTH*[?] FROM OUR CAMP, // OX LAY SOME 10 {TO}[i] 12 RODS, IT LAY JUST ABOUT IN THAT DIAGRAM {BUT}[i] LAID FURTHER FROM EMIGRANT CORRAL THAN FROM OUR CAMP, {IN THE}[i] NEIGHBORHOOD OF 20 RODS FROM {THE}[i] EMIGRANT CAMP SOMEWHERES IN THAT NEIGHBORHOOD THAT IS {THE}[i] BEST {OF}[i] MY MEMORY. [*space*] {Q}[i]WHEN YOU SAW THIS PARTY LOOK{ING}[i] AT OX WHAT WERE YOU DOING {A}[i]I WAS AROUND	THE OX LIE? A. THE OX LAY ACROSS THERE IN A NORTH WESTERN DIRECTION, A LITTLE COURSE NORTH FROM OUR CAMP . THE OX LAY SOME I0 OR I2 RODS. JUST ABOUT IN THAT DIAGRAM A LITTLE FARTHER FROM THE EMIGRANT CORRAL THAN FROM OUR CAM~~P~~**P** IN THE NEIGHBORHOOD OF 20 RODS FROM THE EMIGRANT CAMP , SOME ~~H~~WHERES IN THAT NEIGHBORHOOD , **T**HAT IS THE BEST OF MY ~~N~~MEMORY. Q WHEN YOU SAW THIS PARTY LOOKING AT THE OX, WHAT WERE YOU DOING? A. I WAS AROUND	

387. “WESTERN” is written “RSTRN” in shorthand. In Pitman shorthand, “W” is usually written as a diacritic and, like vowels, often omitted. As written it could have been transcribed as “WESTERN” or “EASTERN”.

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RT	RS	BT	PS
CAMP , COULD NOT TELL WHETHER I WAS SITTING DOWN OR STANDING UP. Q. HOW LONG WAS IT BEFORE YOU BROKE CAMP AND BEFORE YOU SAW THIS PARTY — AS NEAR AS YOU CAN GET AT IT ? A. IT WASN'T LONG. Q. DID YOU SEE THE TEAMS HITCHED TO THE WAGONS ? A. THAT MIGHT HAVE BEEN FIFTEEN OR TWENTY MINUTES — MIGHT HAVE BEEN HALF AN HOUR. Q. HOW LONG AFTER THAT OCCURRENCE WAS IT BEFORE THE EMIGRANTS WHEELED OUT ? A. I COULD NOT TELL CERTAIN WHETHER WE LIT OUT FIRST OR THEM,BUT THINK WE DID, AS WELL AS MY	CAMP , COULD NOT TELL WHETHER I WAS SITTING DOWN OR STANDING UP. {Q}[i]HOW LONG WAS IT BEFORE YOU BROKE CAMP BEFORE YOU SAW THIS PARTY STATE ~ {Q}[i]AS NEAR AS YOU CAN GET AT IT {QA}[i]IT WASN'T LONG {Q}[i]DID YOU SEE {THE}[i] TEAMS HITCHED TO {THE}[i] WAGON AND GO THERE {A}THAT MIGHT HAVE BEEN 15 20 MINUTES MIGHT HAVE BEEN HALF HOUR ~ Q HOW LONG AFTER OCCURRENCE WAS IT BEFORE EMIGRANTS WHEELED OUT {A}[i]I COULD NOT TELL CERTAIN WHETHER WE LIT OUT FIRST OR THEM {BUT}[i] I THINK WE DID, AS WELL AS MY	CAMP; I COULD NOT TELL WHETHE R I WAS SITTI~~N~~G DOWN OR STANDING UP. Q. HOW LONG WAS IT BEFORE YOU BROKE CAMP, BELO~~E~~RE YOU SAW THIS ~~C~~ PARTY. STATE AS NEAR AS YOU CAN GET AT IT? A IT WASN~~'~~T LONG/ Q. DID YOU SEE THE TEAMS AND THE WAGON~~D~~S? A. THAT MIGHT HAVE BEEN **15** ~~I~~F OR 2~~6~~0 MINUTES, ~~N~~MIGHT HAVE BEEN A HALF AN HOUR. Q. HOW LONG AFTER WAS IT BEFORE THE EMIGRANTS ROLLED OUT? A I COULD NOT TELL FOR CERTAIN WHETHER WE LED OUT FIRST OR THEM; BUT I THINK WE DID, AS WELL AS MY	

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RT	RS	BT	PS
MEMORY SERVES ME, WE HITCHED UP AND ROLLED OUT. Q. HOW NEAR DID YOU GO TO THEIR CORRALL *[463]* A. WE DIDN'T GO NEARER THAN TEN OR TWELVE RODS. Q. WHAT IMPRESSED IT ON YOUR MIND THAT THEY MOVED OUT BEFORE YOU DID A. I AM NOT POSITIVE WHICH MOVED OUT? FIRST, I CANNOT SWEAR AS TO THAT WHO MOVED OUT FIRST. Q. WHAT IS YOUR IMPRESSION ABOUT IT ? A. MY IMPRESSION IS THAT WE MOVED OUT FIRST. Q. DID YOU SEE ANY DEAD OX WITHIN THE CIRCUIT OF THEIR CORRALL ? A. NO, I	MEMORY SERVES ME WE HITCHED UP AND ROLLED OUT FIRST. {Q}[i] HOW NEAR DID YOU GO TO THEIR CORRAL {A}[i]WE DIDN'T GO NEARER THAN TEN OR TWELVE RODS. {Q}[i]WHAT IMPRESSED IT ON YOUR MIND THAT THEY MOVED OUT BEFORE {YOU}[i] *WE*[?] DID {A}[i] I AIN'T POSITIVE WHICH MOVED OUT FIRST. I CANNOT SWEAR AS TO THAT WHO MOVED OUT FIRST. QWHAT IS YOUR IMPRESSION ABOUT IT {A}[i] MY IMPRESSION IS WE MOVED OUT FIRST. {Q}[i]DID YOU SEE ANY DEAD OX WITHIN {THE}[i] CIRCUIT OF THEIR CORRAL{A}[i]NO I	MEMORY SERVES ME WE HITCHED UP AND ROLLED OUT. Q. HOW NEAR DID YOU ~~F~~GO TO THEIR CORRAL? A . WE DIDN'T GO NEARER THAN I0 OR I2 RODS. Q. WHAT IMPRESSED IT ON ~~THEIR~~ **YOUR** MIND THAT **YOU** ~~THEY~~ MOVED OUT BEFORE **THEY DID?** ~~THEY YOU MOVED OUT BEFORE THEY DID~~? *[304]* A. I AIN'T POSITIVE WHICH MOVED OUT FIRST. I CAN'T SEWAR AS TO THAT WHO MOVED OUT FIRST? Q. WHAT IS YOUR IMPRESSION ABOUT IT? A. MY IMPRESSION **WAS** ~~IW~~ WE MOVED OUT FIRST? Q . DID YOU SEE ANY DEAD OX WITHIN THE CIRCUIT OF THEIR CORRAL? A. NO, SIR, I	

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RT	RS	BT	PS
DIDN'T. Q. WAS THERE ANY OX THERE ? A. I DON'T RECOLLECT OF SEEING IT. Q. DID YOU KNOW OF MORE THAN ONE DEAD OX ON THE GROUND ? A. I DID NOT NOTICE. Q. IN WHAT WAGON DID YOU AND MR. HOOPS RIDE—IN THE SAME WAGON—WHEN YOU STARTED OFF ? A. YES SIR. SUTHERLAND: I OBJECT TO ANY FURTHER CROSS-EXAMINATION AS TO THAT. BASKIN: THE OBJECT OF THIS IS, THIS PARTY HAS TESTIFIED TO HAVING SEEN AN OX THERE. COURT: I THINK IT IS PROPER TO SHOW THIS QUESTION. Q. WHO WAS THE DRIVER OF YOUR TEAM	DIDN'T {Q}[i] WAS THERE ANY OX THERE {A}[i]DON'T RECOLLECT NOTICING IT {Q}[i]DID YOU KNOW {OF}[i] ANY MORE THAN ONE DEAD OX ON THE GROUND ~ {A}[i]I DID NOT NOTICE ~ [*space*] {Q}[i]IN WHAT WAGON DID YOU AND MR. HOOPS RIDE IN THE SAME WAGON WHEN YOU STARTED OFF {A}[i]YES SIR. SUTHERLAND I OBJECT TO ANY FURTHER EXAMINATION AS TO THAT. BASKIN OBJECT OF THIS IS THIS PARTY HAS TESTIFIED TO HAVING SEEN {AN}[i] OX THERE. BY COURT I THINK IT IS PROPER {TO}[i] SHOW THIS QUESTION. {Q}[i] WHO WAS THE DRIVER OF THAT TEAM	DID NOT~~?~~ Q. WHO WAS THERE ANY OX THERE? A. I DON'T RECOLLECT NOTICING IT~~?~~. Q. DID YOU KNOW OF ANY MORE THA N ONE DEAD OX ON THE GROUND? A. IDID NOT NOTICE? ~~A~~ Q. IN WHAT WAGON DID YOU AND MR. HOOPS RIDE, IN THE SAME WAGON WHEN YOU STARTED OFF? A. YES, SIR . SUTHERLAND: I OBJECT TO ANY FURTHER EXAMINATION AS TO THA T. BASKIN: THE OBJECT OF THIS QUESTION IS THIS: THIS PARTY ~~IS~~ HAS TESTIFIED TO HAVING SEEN ONE OX THERE. THE COURT. I THINK IT IS PROPER. Q. WHO WAS THE DRIVER ~~OF~~ **AT** THAT TIME	

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RT	RS	BT	PS
THAT MORNING — DID YOU DRIVE IT OUT ? A. I DROVE MY TEAM. I COULD NOT SWEAR POSITIVELY THAT HOOPS WENT AFTER THAT — AFTER WE WENT TO CORN CREEK OR WHETHER HE WAS IN MY WAGON OR NOT. MY IMPRESSION IS HE CONTINUED IN MINE. Q. ABOUT THE TIME YOU STARTED OFF THERE WAS THERE ANY TROUBLE WITH *[464]* YOUR TEAM ? SUTHERLAND: WE OBJECT TO THAT, WE HAVEN'T CALLED OUT ANY QUESTION RESPECTING THE TEAM. BASKIN ARGUED THE RELEVANCY OF THE QUESTION	THAT MORNING {Q}[i]YOU DROVE IT OUT A[i] DROVE MY TEAM I COULD NOT SWEAR POSITIVELY THAT HOOPS WENT AFTER WE WENT TO CORN CREEK WHETHER {HE}[i] WENT IN MY WAGON OR NOT. MY IMPRESSION IS HE CONTINUED IN MINE. {Q}[i] ABOUT {THE}[i] TIME YOU STARTED OFF THERE WAS THERE ANY TROUBLE OCCURRED WITH YOUR TEAM ? SUTHERLAND WE OBJECT *[10]* TO THAT, WE HAVEN'T CALLED OUT ANY QUESTION RESPECTING TO {THE}[i] TEAM. BASKIN *WE MEAN NO/*—[?] SUTHERLAND RESPECTING RULE BEING ENFORCED HERE, WE	THE MOR~~J~~**N**ING YOU DROVE OUT? A. I DROVE MY TEAM; I COULD NOT SWEAR POSITIVE~~O~~LY ~~WHAT~~ THAT HOOPS WENT WITH US AFTER WE ~~E~~WENT TO CORN CREEK. WHETHER HE WENT IN MY WAGON OR NOT. MY IMPRESSION **IS** ~~IW~~ HE CONTINUED IN MINE. Q. ABOUT THE TIME YOU STARTED OFF FROM THERE, ~~A~~WAS THE RE ANY TROU~~N~~BLE WITH YOUR TEAM? SUTHERLAND. WE OBJECT TO THAT. WE HAVN'T CALLED OUT ANY ~~W~~**Q**UESTION WITH RESPECT TO THE TEAM. YOUR HONOR, WE EXPECT THE RULE TO BE ENFORCED HERE. WE	

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RT	RS	BT	PS
	DID NOT CALL ANY ATTENTION BY THIS WITNESS WHO STARTED IN WAGONS OR ANY ACCIDENT TO DETAIN THEM, CAN'T INTRODUCE THIS AT THIS TIME. [*space*] BY COURT. RULED OTHER DAY REGARD TO STATEMENT MADE BY ≺DEFENDANT≻, TESTIMONY TO BE PROVEN IN HIS OWN DEFENSE WHEN PARTY WANTS TO PROVE PARTICULAR RES GESTAE HE MUST TAKE INTO CONSIDERATIO N ALL OTHER EVIDENCE THE RULE IS HERE MAY NOT GIVE ANY[388] * TESTIMONY REGARD TO HIS OWN	DIDN'T ~~D~~CALL **OUT ANYTHING** ~~ANY ATTENTION~~ BY THIS WITNESS WHO STARTED IN THE WAGONS OR ANY ACCIDENT TO DETAIN THEM , AND THEY CAN'T INTRODUCE THIS AT THIS TIME THE COURT: I RULED ~~THE OTHER~~ IN REGARD TO STATEMENTS MADE BY DEFENDANT, DESIRING TO BE PROVEN IN HIS OWN DEFENSE,. WHEN A PARTY WANTS TO PROVE THE RES GESTE, HE MSUT TAKE INTO CONSIDERATI~~O~~ N ALL THE OTHER EVIDENCE,AND THE RULE IS HERE THEY CANNOT GIVE ANY *[305]* TESTIMONY IN REGARD TO HIS OWN	

388. Rogerson's hand symbol is above "any"; "*" is below the hand symbol.

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RT	RS	BT	PS
	STATEMENT THIS IS PART OF THE TRANSACTION TO WHICH YOU HAVE BEEN INQUIRING. SUTHERLAND WE HAVE DISCUSSED QUESTION OF RES GESTAE AS TO WHETHER IT DID CONSTITUTE ≤A PART OF IT OR NOT≥ YOU FORBORE TO DECIDE THAT — [?] QUESTION, AND ONLY DECIDED THAT IT WAS NOT SO CONNECTED. {**COURT RULED**}[i]	STATEMENTS . THIS ~~A~~IS A PART OF THE TRANSACTION ABOUT WHICH YOU HAVE BEEN ENQUIRING. SUTHERLAND: WE HAVE DISCUSSED THE QUESTION OF THE RES GESTE AS TO ~~T~~WHETHER IT DID CONSTITUTE A P ART OF IT OR NOT. YOUR HONOR FORBORE TO DECIDE THAT QUESTION AND ONLY DECIDED THAT IT WAS NOT CONNECTED.	
AFTER WHICH THE COURT RULED THAT THE QUESTION MIGHT BE ASKED	BY COURT I MAY HAVE SAID SOMETHING TO THAT EFFECT. I MIGHT NOT HAVE GIVEN ALL REASONS FOR IT. THEY HAVE BEEN CALLED OUT = PART OF THESE SUBJECTS HAVE	THE COURT: I MAY HAVE SAID SOMETHING ABOUT THAT FACT. I MAY NOT HAVE GIVEN ALL THE REASONS FOR IT. THEY HAVE BE EN CALLED OUT—PAR~~T~~**T** OF THIS COULD HAVE	

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RT	RS	BT	PS
	BEEN CALLED OUT —[?] THERE WOULD NOT BE ANY SIMILARITY BETWEEN THE TWO THE BULK OF SUBJECTS HAVE BEEN CALLED OUT ~~BASKIN~~	BEEN CALLED OUT—THERE WOULD NOT BE ANY SIMILARITY BETWEEN THE TWO AND THE BULK OF IT COULD HAVE BEEN CALLED OUT THERE AT THE TIME.	
TO WHICH RULING JUDGE SUTHERLAND FOR DEFENSE EXCEPTED.	SUTHERLAND NOTE OUR EXCEPTION	**OBJ OVERRULED.** SUTHERLAND: NOTE OUR EXCEPTION..	
Q. AFTER YOU STARTED OFF THAT MORNING WAS THERE ANYTHING OCCURRED THERE WHICH LED YOU TO HALT OR STOP THERE ? A. I DON'T RECOLLECT ANYTHING OF THAT~~N~~KIND. Q. IF THERE HAD BEEN ANYTHING OF THAT KIND WOULD YOU NOT REMEMBER IT A. I DON'T REMEMBER ANYTHING OF THAT KIND. Q. WAS THERE A	$\{Q\}^i$ AFTER YOU STARTED OFF THAT MORNING WAS THERE ANYTHING OCCURRED THERE {WHICH}^{i} LED YOU HALT OR STOP THERE $\{A\}^i$ DON'T RECOLLECT ANYTHING OF THAT KIND $\{Q\}^i$ IF THERE HAD BEEN ANYTHING OF THAT KIND WOULD YOU NOT REMEMBER IT $\{A\}^i$DON'T REMEMBER ANYTHING OF THAT KIND. $\{Q\}^i$ WAS THERE	~~BASKIN~~ Q. AF~~ER~~TER YOU START~~4~~ED ON THA T MORNING WAS THERE ANYTHING OCCURRED THERE WHICH CAUSED YOU TO HALT OR STOP THERE? A. I DON'T RECOLLECT ANYTHING OF THAT KIND. Q. IFTHERE HAD BEEN ANYTHI**N**G OF THAT KIND ~~O~~WOULD YOU NOT HAVE REMEMBERED IT? ~~A~~. I DON'T REMEMBER ANYTHING OF THAT KIND. Q. WAS THERE A	

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RT	RS	BT	PS
HARNESS BROKEN OF ANY TEAMS THERE AT THE TIME YOU WERE STARTING OFF ? A. I DON'T RECOLLECT, I COULD NOT SAY FOR CERTAIN, OR POSITIVE,NOTHIN G OF MYSELF, NEVER CALLED MY ATTENTION, I DON'T RECOLLECT ANYTHING ABOUT IT. Q. DID YOU HEAR ANYTHING SAID THERE ABOUT A DUTCH DOCTOR BEING AMONG THE TRAIN ? A. I HAVE NO RECOLLECTION. Q. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT ? DID YOU HEAR ANYTHING STATED ABOUT THE DUTCH DOCTOR BEING AMONG THE TRAIN ? A. I HAVE NO RECOLLECTION.	HARNESS BROKEN OF ANY TEAMS THERE AT THE TIME YOU WERE STARTING OFF {A}^{i}I DON'T RECOLLECT, I COULD NOT SAY CERTAIN OR POSITIVE, NOTHING OF IMPORTANCE, NEVER CALLED MY ATTENTION, I DON'T RECOLLECT ANYTHING ABOUT IT. [*space*] {Q}^{i} DID YOU HEAR ANYTHING SAID THERE ABOUT DUTCH {**A**}^{i} DOCTOR BEING AMONG {THE}^{i} TRAIN {A}^{i}I HAVE NO RECOLLECTION. YOU {Q}^{i} DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT ? <$_{A}$NO SIR>.	~~R~~**H**ARNESS BROKE OFF ANY **OF THE** TEAMS TH ERE AT THE TIME YOU WERE STARTING OFF? A. I DO NOT RECOLLECT; I COULD NOT SAY FOR CERTAIN OR POSITIVE, NOTHING OF IMPORTANCE, NOTHING CALLED MY ATTENTION. I DON'T RECOLLECT ANYTHING AT ALL ABOUT IT. Q DID YOU HEAR ANYTHING SAID THERE ABOUT A DUTCH DOCTOR BEING AMOUG THE TRAIN? ~~A~~. I HAVE NO RECOLLECTION. ~~Q~~. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT? A. NO, SIR.	

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RT	RS	BT	PS
Q. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT.			
Q. DID YOU HEAR ANYTH~~O~~ING STATED ABOUT PERSONS BEING THERE HAVING THE CHOLERA, OR BEING ATTACKED WITH IT IN THE COMPANY ?	{Q}[i]DID YOU HEAR ANYTHING STATED ABOUT PERSONS BEING THERE HAVING {THE}[i] CHOLERA OR BEING ATTACKED WITH IT IN AT ANY POINT ~~=~~OF THEIR~~=~~	Q. DID YOU HEAR ANYTHING SAID ABOUT PERSONS BEING THERE, HAVING THE CHOLERA OR BEING ATTACKED WITH IT AT ANY POI NT OF THEIR	
[465] A. I DON'T RECOLLECT.	TRAVELS {A}[i]I DON'T RECOLLECT THAT IS ALL	TRAVELS?. I DON'T RECOLLE~~T~~CT .	
SUTHERLAND: I DESIRE TO ASK ONE QUESTION. THE QUESTION WHICH I OUGHT TO HAVE ASKED BEFORE~~,~~ I GAVE THE WITNESS OVER FOR CROSS EXAMINATION.	SUTHERLAND I DESIRE TO ASK ONE QUESTION, THE QUESTION WHICH I OUGHT TO HAVE ASKED BEFORE I GAVE {THE}[i] WITNESS OVER TO {THE}[i] CROSS EXAMINATION BASKIN WE'LL WAIVE THE OBJECTION	SUTHERLAND: I DESIRE JUST ~~A~~TO ASK ONE QUESTION~~A~~ QUESTION WHICH ~~Q~~. *[306]* I OUGHT TO HAVE ASKED **BEFORE** ~~BENOTE~~ I GAVE THE WITNESS OVER ~~TO THE~~ **FOR** CROSS-EXAMINATION. BASKIN: WE HAVE NO OBJECTION.	
SUTHERLAND:- Q. ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN CHARACTER	{**SUTHERLAND** Q}[i]ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN CHARACTER	Q. ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN C~~A~~HARAC~~R~~TER	

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RT	RS	BT	PS
HERE ? A. YES SIR. Q. STATE WHETHER OR WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE AN INJURY AND IN RESPECT TO ITS EFFECT UPON THE WHOLE TRIBE — HOW THEY REGARD IT ? BASKIN: THAT IS A LEADING QUESTION AND IS TOO SUGGESTIVE FOR THIS WILLING WITNESS — WHAT THEY WANT HIM TO ANSWER. SUTHERLAND: I WISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. COURT OVERRULED THE OBJECTION OF THE PROSECUTION. A. IT IS CUSTOMARY AMONG THE INDIANS	HERE {A}iYES SIR. {Q}iSTATE WHETHER WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE AN INJURY, RECEIVES AN INJURY {IN}i RESPECT TO ITS EFFECT UPON THE WHOLE TRIBE, HOW THEY REGARD IT BASKIN THAT IS LEADING QUESTION IT IS TOO SUGGESTING TO THIS WILLING WITNESS —[?] WHAT THEY WANT HIM TO ANSWER. *[11]* **SUTHERLAND** I WISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. BY COURT {**COURT RULED**}i YOU CAN ASK THE QUESTION {A}i IT IS CUSTOMARY AMONG INDIANS TO MY KNOWLEDGE	HERE? A. YES, SIR.. Q. STATE WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE INJURIES, OR RECEIVE AN INJURY; STATE ~~T~~AS TO ITS **EFFECT** ~~EVFVFECT~~ UPON THE WHOLE TR~~U~~IBE, HOW THEY REGARD IT? BASKIN THAT IS A LEADING QUESTION; IT IS T**O**O SUGGESTIVE TO THIS WILLING WITNESS AS TO WH**A**T THEY WANTED ~~TO~~ HIM TO ANSWER. SU~~B~~THERLAND: I ~~S~~WISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. THE COURT: YOU CAN ASK THE QUESTION. A. IT IS CUSTOMARY AMONG THE INDIANS TO MY KN**O**WLEDGE	

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RT	RS	BT	PS
WHERE THERE IS AN INJURY; PERP~~A~~ETRATED ON ONE OF THEIR PARTY BY A WHITE PERSON TO SEEK REVENGE ON THE FIRST PARTY THEY CAN GET, THE FIRST WHITE BLOOD THEY CAN GET AT. Q. HOW AS TO THE WHOLE TRIBE RESENTING THE INJURY ? A. YES SIR. Q. IS THAT PECULIAR TO ANY ONE TRIBE—OR IS IT PECULIAR TO ALL OF THEM ? A. IT IS PECULIAR TRAIT TO ALL THE INDIANS I HAVE BEEN ACQUAINTED WITH Q. HAVE YOU SEEN A GOOD MANY EXHIBITIONS DURING YOUR RESIDENCE HERE A. I HAVE SEEN SOME. SUTHERLAND:	WHERE THERE IS {AN}[i] INJURY PERPETRATED ON ONE OF THEIR PARTY BY WHITE BLOOD, TO SEEK REVENGE AND AT THE FIRST PARTY THEY CAN GET THE FIRST WHITE BLOOD THEY CAN GET AT. {$_{Q}$HOW}[i] AS TO WHOLE TRIBE RESEN{TING}[i] INJURY {$_{A}$}[i]YES SIR THEY DO.[389] {$_{Q}$}[i]IS THAT PECULIAR TO ANY ONE TRIBE OR IS IT PECULIAR TO ALL OF THEM {$_{A}$}[i]IT IS PECULIAR TRAIT TO ALL {THE}[i] INDIANS I HAVE BEEN ACQUAINTED WITH. {$_{Q}$}[i] [*space*] HAVE YOU SEEN GOOD MANY EXHIBITIONS {OF}[i] THAT DURING YOUR RESIDENCE HERE {$_{A}$}[i]I HAVE SEEN SOME.	WHERE T HERE IS AN INJURY PERPETRATED ON ONE OF THEIR PART Y BY TH~~3~~**E** WHITE BLOOD TO SEEK REVENGE AND ATTACK THE FIRST PARTY THEY CAN GET AT; THE FIRST WHI TE BLOOD THEY CAN GET AT. Q. HOW AS TO THE ~~S~~WHOLE TRIBE RESENTING AN INJURY? A. YES SIR, THEY DO. Q. IS THAT PECULIAR **TO** ~~OF~~ ANY ONE TR~~U~~IBE, OR IS IT ~~B~~PECULIAR TO ALL OF THEM? A. THAT IS A PE~~F~~CULIAR TRATE OF ALL THE INDIANS I HAVE BEE~~N~~**N** ACQUAINTED WITH . Q. HAVE YOU SEEN A G**O**OD MAN~~U~~Y EXHIBITIONS OF THAT ~~F~~DURING YOUR RESIDENCE HERE? A I HAVE SEEN SO~~N~~ME. **SUTHERLAND:**	

389. "THEY DO" was apparently added later.

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RT	RS	BT	PS
WE PROPOSE TO BASE,UPON THIS DECLARATION THE POINT ALLUDED TO BEFORE,AND WE ASK TO SHOW THE THREATS WHICH WERE MADE BY THE PAHVANTE INDIANS AND WHAT WAS THE CAUSE OF THIS PROVOCATION AND FOR *[466]* THESE THREATS. COURT: IF THEY WERE IN THE MOUNTAIN MEADOW MASSACRE OCCURRENCE SHOW IT, IF THEY WERE NOT YOU CANNOT, THAT IS THE SAME QUESTION I RULED UPON. SUTHERLAND: WE OFFER TO FOLLOW IT AND PROVE THAT CERTAIN MEMBERS OF	Q—[?] BASED UPON THIS DECLARATION WE ASK TO SHOW THE THREATS WHICH WERE MADE BY PAHVANT INDIANS AND WHAT HE CONSIDERED THE PROVOCATION FOR THOSE THREATS {**COURT RULED**}[i] BY COURT IF THEY WERE IN THE MOUNTAIN MEADOW MASSACRE OCCURRENCE SHOW IT. IF THEY WERE NOT YOU CANNOT THAT IS {THE}[i] SAME QUESTION I RULED UPON BEFORE. [*space*] SUTHERLAND WE OFFER TO FOLLOW IT {AND PROVE THAT}[i] CERTAIN MEMBERS OF	~~Q.~~ BASED UPON THIS DECLA~~T~~RATION WE ASK TO SHOW THE THREATS THAT WERE MADE **BY** ~~ON~~ PAHVANT INDIANS, AND WHAT THEY SAID OF PROVOCATION, WITH THESE T~~R~~HREATS. **COURT:** ~~Q.~~ IF THE INDIANS WERE IN THE MOUNTAIN MEADOW OCCURRENCE, YOU CAN SHOW IT; IT THEY WERE NOT YOU CAN NOT. SUTHERLAND: THE THEORY OF FOLLOWING IT UP IS TO PROVE THAT FRIENDS AMD MEMBERS OF	

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RT	RS	BT	PS
THE SAME TRIBE WERE AT THE MOUNTAIN MEADOWS AT THE TIME OF THE SLAUGHTER. WE UNDERTAKE TO SHOW THAT INDIVIDUALS OF THE SAME TRIBE WERE THERE. COURT SUSTAINED THE OBJECTION OF PROSECUTION,SUTHERLAND EXCEPTING TO THE RULING. Q. CAN YOU TALK THE INDIAN LANGUAGE ? A. YES SIR. Q. HOW MANY DIFFERENT TRIBES OCCUPIED THIS PART OF THE TERRITORY AND ADJACENT PARTS AT THAT TIME, IN 1857 ? A. THE TERRITORY, IN 1857, WAS LARGE, PRETTY LARGE,	THE SAME TRIBE WERE AT MOUNTAIN MEADOWS AT THE TIME OF SLAUGHTER. ~~BY COURT~~ SUTHERLAND WE UNDERTAKE SHOW INDIVIDUALS OF SAME TRIBE WERE THERE. **≤DEFENSE EXCEPTING≥** NOTE OUR EXCEPTION {Q}[i] CAN YOU TALK {THE}[i] INDIAN LANGUAGE {A}[i] YES SIR. {Q}[i] HOW MANY DIFFERENT TRIBES OCCUPY THIS PART OF TERRITORY AND ADJACENT PARTS AT THAT TIME = 1857 {ATHE}[i] TERRITORY IN 1857 WAS LARGE, PRETTY LARGE,	THE SAME T**R**IBE WERE AT THE MOUNT~~Q~~**A**IN MEADO~~S~~**WS** AT THE TIME OF THE SLAUGHTER AND WE UNDERTAKE *[307]* **TO SHOW THAT INDIVIDUALS OF THE SAME TRIBE WERE THERE** THE CO URT: I DON'T THINK IT WOULD BE PROPER? SUTHERLAND: NOTE AN EXCEPTION. Q. CAN YOU TALK~~E~~ THE IND~~A~~IAN LANGUAGE? A YES , SIR. Q. HOW MANY DIFFERENT TRIBES WERE O~~F~~C~~F~~CUPYING THIS PART OF THE TERRITORY OR ADJACENT PARTS OF IT AT THAT TIME, I857? A THE TERRITORY IN '57 WAS LARGE — P~~E~~RETTY LARG**E**	

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RT	RS	BT	PS
FAR EXTENDED, FARTHER THAN MY KNOWLEDGE; OF THE INDIANS HAD BEEN. Q. WELL, FROM CORN CREEK SOUTH ? A. THEY ARE PARTLY ONE TRIBE,YET DIVIDED UP INTO MANY DIFFERENT NAMES AND SPEAK THE SAME LANGUAGE, FROM THE UTES OF SAN PETE, PAHVANTES, PIEEDS PIUTES RUNNING CLEAR ON AS FAR AS THE MUDDY, ALL SPEAKING ONE LANGUAGE, THE DIALECT CHANGES A VERY LITTLE, BUT NOT ANY MORE SO THAN IN	FAR EXTENDED FARTHER THAN MY KNOWLEDGE OF INDIANS —[?] {Q}[i] FROM CORN CREEK SOUTH HOW MANY, GIVE US AN ESTIMATE {A}[i]THEY ARE BROADLY ONE TRIBE YET DIVIDED UP INTO MANY DIFFERENT NAMES AND SPEAK {THE}[i] SAME LANGUAGE EMBRACING UTES, SANDPITCHES, PAHVANTES PIEEDS, PIUTES RUNNING CLEAR ON AS FAR AS ~~<~~NEAR~~>~~ CALIFORNIA MOJAVE, ALL SPEAK ONE LANGUAGE. DIALECT CHANGES SOME {**A**}[i] VERY LITTLE, NOT ANY MORE SO THAN IN	— FAR EXTENDING**,** FARTHER THA N MY KNOWLEDGE OF THE INDIANS WAS. Q. WELL, FROM CRON CREEK SOUTH, HOW MANY, GIVE US AN ESTIMATE? A. THEY ARE PARTLY ONE TRIBE, YET DIVIDED UP INTO MANY DIFFERENT NAMES, EMBRACING THE UTES, SANPITCHES, PAHVANTS, PIEEDS, PIUTES, AND RUNNING ~~V~~CLEAR ON SOUTH AS ~~A~~FAR AS THE MOHAVE ,NEAR SOUTHERN CALIFORNIA, ALL SPEAKING ONE LANGUAGE. Q. BUT THE DIALECT CHANGES SOME? A. VERY LITTLE, NOT ANY MORE SO THAN IN OTHER	

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RT	RS	BT	PS
COUNTRIES AND DIFFERENT PARTS OF CIVILIZATION , IN THEIR BROGUE, HARDLY THE SAME LANGUAGE. AT THAT TIME THERE WASN'T LESS THAN TEN THOUSAND PEOPLE SPEAKING THAT LANGUAGE THAT WERE REALLY ONE TRIBE, IT WENT BY DIFFERENT NAMES. Q. DID THEY HAVE ONE COMMON CHIEF WHO HAD JURISDICTION OVER ALL OF *[467]* THEM ? A. THE PREVAILING CHIEF, THE CAPTAIN, WHEREVER HE WENT WAS WALKER — WALKER DIED BEFORE 1857. THE WALKER FAMILY WERE A FAMILY OF CHIEFS, A	COUNTRIES IN PARTS OF CIVILIZATION , IN THEIR BROGUE, HARDLY SAME LANGUAGE. AT THAT TIME THERE WASN'T {=}^{i} *ESTIMATE*[?] TO BE LESS TEN THOUSAND PEOPLE SPOKE THAT LANGUAGE, WERE REALLY ONE TRIBE YET WENT BY DIFFERENT NAMES. [*space*] {$_{Q}$}^{i}DID THEY HAVE ANY COMMON CHIEF WHO HAD JURISDICTION OVER ALL OF THEM $_{A}$ PREVAILING CHIEF *CAPTAIN*[?] WHEREVER HE WENT WAS WALKER WALKER HAD DIED I THINK BEFORE '57 WALKER FAMILY WERE {**A**}^{i} FAMILY OF CHIEFS [*space*]	GOVERNMENTS IN OTHER PARTS OF ~~S~~CIVILIZAT~~IO~~N IN THEIR BROGUES, **ABOUT** ~~HARDLY~~ THE SAME LANGUAGE. AT THAT TIME THERE ~~WASN'T~~ WOULDN'T BE LESS T~~H~~A N TEN THOUSAND PEO~~L~~PLE THAT SPOKE THAT LANGUAGE, REALLY FROM ONE TRIBE. IT WENT BY DIFFERENT NAMES. Q. DID THEY HAVE ANY COMMON CHIEF, WHO HAD JURISDICTION OVER A LL OF THEM? A. THE PREVAILING CHIEF AND CAPTAIN WHEREVER THEY WENT WAS WALKER; BUT WALKER, I THINK HAD DIED BEFORE '57. THE WALKER FAMILY WAS A FAMILY O~~C~~**F** CHIEFS. THERE WERE A	

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RT	RS	BT	PS
NUMBER OF BROTHERS; WHEREVER THEY WENT THE CHIEFS WERE HELD SO.	NUMBER OF BROTHERS WHEREVER *[12]* THESE WERE HELD *WAS*[?] UNDER HIS CHIEFS =	NUMBER OF HIS BRO~~W~~THERS, AND THESE WERE **HELD** ~~HELS**D** SO~~ AS CHIEFS.	
THERE WERE SUB-CHIEFS OF DIFFERENT BANDS,KNOWN BY DIFFERENT NAMES.	THERE WAS SUBCHIEFS OF {DIFFERENT}^{i} BANDS KNOWN BY DIFFERENT NAMES. [*space*]	THERE WAS SUB-CHIEFS OF DIFFERENT BANDS KNOWN BY DIFFERENT NAMES.	
✔ Q. WHEN YOU SPEAK OF THE WHOLE TRIBE EMBRACING THE CAUSE OF ANY ONE MEMBER,HOW EXTENSIVE WAS THAT CAUSE EMBRACED BY THE TRIBE — ~~DIDN'T~~ DID IT EXTEND BEYOND THE MAN OR THIS COMBINATION OF MEN, <**A**> SO FAR AS THEY WERE INFORMED OF IT. IT WAS AS TO THE PROVOCATION, FROM	{$_{Q}$}^{i}WHEN YOU SPEAK OF WHOLE TRIBE EMBRACING THE CAUSE OF WRONG OF ANY ONE MEMBER OF IT, HOW EXTENSIVE WAS THAT CAUSE EMBRACED BY THE TRIBE, DID IT EXTEND BEYOND {THE}^{i} MAN OR THIS COMBINATION OF MEN SO FAR AS THEY WERE INFORMED OF IT $_{A}$THE AMOUNT OF PROVOCATION ~~<~~OFFEND THEM~~>~~ ~~<~~I AM ACQUAINTED~~>~~ *FROM/THROUGH* [?]	Q. WHEN YOU SPEAK OF THE WHOLE TRIBE EMBRACING THE CA**U**SE, OR WRONG OF ANY ONE MEMBER **OF** ~~OR~~ IT, HOW ~~WAS E~~ EXTENSIVE WAS THAT CAUSE EMBRACED BY THE T~~I~~RIBE? DID IT EX~~P~~TEND BEYOND THE MAN OR THIS COMBINAION OF MEN SO FAR AS THEY WERE INFORMED OF IT? A. THE AMOUNT OF PROVOCATION TO OFFEND THEM I AM ACQUAINTED WITH, THROUGH	

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RT	RS	BT	PS
CIRCUMSTANCES . I AM ACQUAINTED FROM UTAH COUNTY THROUGH SAN PETE AND SOUTH AS FAR DOWN AS HERE. Q. WERE ALL THE INDIANS EVER JOINED IN A COMMON CAUSE TO REVENGE A PARTICULAR CAUSE ON ONE ? PROSECUTION: DON'T YOU KNOW THE SAME CUSTOM PREVAILS WITH REFERENCE TO THE INDIANS THAT ALSO PREVAILS AMONG THE MORMON PEOPLE OF THIS COUNTRY ? WITNESS: IF THAT IS A PROPER	CIRCUMSTANCES FROM UTAH COUNTY THROUGH SAN PETE AND THE SEVIER DOWN HERE IN THIS SOUTHERN COUNTRY {Q}[i] WERE ALL THE INDIANS EVER JOINED IN COMMON CAUSE TO REVENGE ≤PARTICULAR≥ INJURY ON ≤ANY≥ ONE. {Q}[i]PROSECUTION DON'T YOU KNOW {THE}[i] SAME CUSTOM THAT PREVAILS WITH REFERENCE TO INDIANS ALSO PREVAILS AMONG THE MORMONS OF THIS COUNTRY, AMONG {THE}[i] SIMPLE ≤AND IGNORANT≥ OF THIS COUNTRY A IF THAT IS PROPER	CIRCUMSTANCES IN UTAH COUNTY, THROUGH SAN PETE AND THE SEVIER COUNTIESS, ~~L~~AND DOWN HERE IN THIS SOUTHERN COUNTRY. *[308]* Q. WERE ALL THE INDIANS EVER JOINED IN A COMMON CAUSE TO RE~~C~~VENGE A PARTICULAR INJURY ON **ANY** ONE? **A- YES, FREQUENTLY.** BASKIN: DON'T YOU KNOW THE SAME CUSTOM THAT PREVAILS WITH REFERENCE TO THE INDIANS ALSO PREVAILS AMONG THE MORMONS OF THIS COUNTRY, ~~AND~~ AMONG THE SIMPLE AND IGNORANT OF THIS COU~~L~~NTRY? A. IF THAT IS A PROPER	

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RT	RS	BT	PS
QUESTION I CAN ANSWER IT. IN ANSWERING IT I SHOULD LIKE TO———— HOGE: ANSWER MR. BASKINS QUESTION ? A. IT IS NOT SIR. I KNOW OF NO PEOPLE,AS FAR AS MY ACQUAINTANCE GOES THAT MORE STRICTLY HOLD EVERY MAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. Q. THEY HAVEN'T HELD IT TO THE EXTENT OF SHEDDING BLOOD ? A. YES SIR. *[468]* Q. IF HE COMMITS ADULTERY DON'T THEY KILL HIM ? A. NO SIR. Q. 'AINT IT A RULE OF THE MORMON CHURCH THAT THEY HAVE A RIGHT TO KILL A MAN OUT OF THE CHURCH WHENEVER THE	QUESTION I CAN ANSWER IT. IN ANSWER{ING}^{i} IT I SHOULD LIKE TO //// HOGE ANSWER MR. BASKIN QUESTION ~~IT IS NOT SIR~~ {$_{A}$}^{i}IT IS NOT SIR {$_{A}$I}^{i} KNOW OF NO PEOPLE AS FAR AS MY ACQUAINTANCE ~~<~~GOES~~>~~ {THAT ARE}^{i} MORE STRICTLY HOLD EVERY MAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. {$_{Q}$}^{i} THEY HAVEN'T HELD IT TO EXTENT OF SHEDDING BLOOD {$_{A}$}^{i}YES SIR {$_{Q}$}^{i}IF HE COMMITS ADULTERY DON'T THEY KILL HIM {$_{A}$}^{i}NO SIR. {$_{Q}$}^{i}'AINT IT A RULE OF YOUR MORMON CHURCH THEY HAVE RIGHT TO KILL A MAN OUT OF CHURCH WHENEVER {THE}^{i}	QUESTION I CAN A~~S~~NSWER IT. IN ANSWERING IT I SHOULD LIKE TO ——— HOGE: ANSWER MR . BASKIN'S QUESTION. A. IT IS NOT**,** SIR. I KNOW ~~A~~OF NO PEOPLE AS FAR AS MY ACQUAINTANCE GOES THAT ~~ARE~~ MORE STRICTLY HOLD EVERY ~~A~~MAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. **BASKIN:** Q. THEY OFTEN HOLD IT TO THE EXTENT OF SHEDDING BLOOD? A. YES, SIR. Q. IF HE COMMITS ADULTERY DON'T THEY KILL HIM? A NO, SIR. Q. AINT IT A RULE OF THE MORMON C~~U~~HURCH THEY HAVE A RIGHT TO KILL A MAN OUT OF THE CHURCH WHENEVER THE	

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RT	RS	BT	PS
AUTHORITIES ORDER IT ? A. THAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE — AS QUICK — IN THIS AS IN ANY COUNTRY I HAVE LIVED IN. BASKIN: THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY WANT TO RECALL THIS WITNESS. COURT ADMONISHED THE WITNESS HE HAD BETTER REMAIN OUTSIDE DURING THE PENDENCY OF THE TRIAL. [*space*]	AUTHORITIES ORDER $_{A}$ NO SIR = $\{_{A}\}^{i}$THAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE ~~AS WELL AS~~ AS QUICK AS IN ANY COUNTRY I HAVE LIVED IN. BASKIN THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY WANT $\{TO\}^{i}$ RECALL THIS WITNESS BY COURT YOU HAD BETTER REMAIN OUTSIDE. [*space*]	AUTHORITIES ORDER IT? A. NO, SIR; AND THAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE AS QUICK AS IN ANY C OUNTRY I HAVE LIVED IN. BASKIN~~P~~: THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY ~~Q~~WANT TO ~~C~~RE-CALL THIS WITNESS. THE COURT: THEN YOU HAD BETTER REMAIN OUTSIDE OF THE COURT ROOM .	

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John D. Lee, First Trial

John Hamilton Sr., John Hamilton Jr., Richard S. Robinson, Samuel Jackson Sr., and John Macfarlane Testimonies

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RT	RS	BT	PS
[Bk 4 468 cont.] JOHN HAMILTON, SENIOR SWORN FOR THE DEFENSE. Q. WHERE DID YOU LIVE IN 1857 ? A. AT WHAT WAS CALLED HAMILTON'S FORT. Q. WHERE WAS THAT WITH REFERENCE TO CEDAR CITY ? A. SOMETIMES IT WAS CALLED SIX MILES SOMETIMES SEVEN. Q. FROM CEDAR CITY ? A. YES. Q. IN WHAT DIRECTION ? *[469]* BASKIN: HAVE YOU BEEN IN COURT AND HEARD THE	*[Bk 9 13]* **1ST LEE TRIAL.** [*space*] **JOHN HAMILTON SENR.** I HAVE BEEN SWORN [*space*] {Q}[i]WHERE DID YOU LIVE IN 1857 {A}[i] WHAT WAS CALLED HAMILTON'S FORT. {Q}[i] WHERE WAS THAT WITH REFERENCE TO CEDAR CITY {A}[i]SOMETIMES IT WAS CALLED 6 MILES SOMETIMES 7. SOUTH {Q}[i] FROM CEDAR CITY {A}[i]YES. {Q}[i]IN WHAT DIRECTION [*space*] BASKIN {Q}[i] HAVE YOU BEEN IN COURT ≤DURING THIS≥ ~~COURT~~ {TRIAL AND}[i] HEARD {THE}[i]	*[Bk 5 308 cont.]* JOHN HAMILTON, SNR. BEING CALLED AS A WITNESS ON THE PART OF THE DEFENSE ,WAS EXAMINED AS FOLLOW~~N~~S BY J.G. SUTHERLAND: Q. WHERE DI D YOU LIVE IN I857? A. IN WHAT WS CALLED HAMILTON'S FFORT. Q. WHERE WAS THAT WITH REFERENCE TO CEDAR CITY? A. SOMETIMES IT WAS CALLED SIX MILES AN D SOMETIMES SEVEN. *[309]* Q. SOUTH FROM CEDAR CITY? A. YES . Q. IN WHAT DIRECTION? **SOUTHERLAND.**[390] BASKIN: HAVE YOU BEEN IN COURT DURING THIS TRIAL AND HEARD THE	[*Patterson Shorthand is not extant for this material.*]

390. "**SOUTHERLAND**" is faint, possibly erased.

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RT	RS	BT	PS
TESTIMONY HERE ? A. NO SIR. Q. IN WHAT DIRECTION FROM CEDAR CITY WAS FORT HAMILTON ? A. SOUTH FROM CEDAR. Q. DID YOU HEAR IN 1857 OF THE SLAUGHTER OF A PARTY OF EMIGRANTS AT THE MOUNTAIN MEADOWS ? A. NOT TILL AFTER. HEARD MORE SINCE I CAME HERE THAN I HAVE HEARD IN SOME TIME. Q. YOU HEARD OF A CIRCUMSTANCE OF THAT KIND ? A. NOT TILL AFTER. Q. BUT YOU HAVE OFTEN HEARD OF IT SINCE THE TRANSACTION ? A. YES. Q. HOW SOON AFTER ? A. I COULD NOT TELL YOU — IT HAS BEEN SO LONG AGO FOR A MAN OF MY YEARS TO RECOLLECT. Q.	TESTIMONY HERE NO $\{_A\}^i$ SIR. $\{_Q\}^i$IN WHAT DIRECTION FROM CEDAR CITY WAS FORT HAMILTON ? $\{_A\}^i$ SOUTH FROM CEDAR. $\{_Q\}^i$ DID YOU HEAR IN 1857 OF THE SLAUGHTER OF A PARTY OF EMIGRANTS AT MOUNTAIN MEADOWS $\{_A\}^i$ NOT TILL AFTER, HEARD MORE SINCE I CAME HERE THAN I HAVE HEARD IN SOME TIME. $\{_Q\}^i$ YOU HEARD OF CIRCUMSTANCE AT THAT TIME $\{_A\}^i$NOT TILL AFTER $_Q$THE *CONFESSION*[?] YOU DID HEAR OF IT AFTER TRANSACTION $\{_A\}^i$YES. $\{_Q\}^i$HOW SOON AFTER $_A$I COULD NOT TELL YOU, IT HAS BEEN SO LONG AGO , TOO FOR A MAN OF MY YEARS TO RECOLLECT. $_Q$	TESTIMONY HERE? A. NO, SIR. Q. IN WHAT DIRECTION FROM CEDAR CITY W**A**S FORT HAMIL**T**ON? A. A. SOUTH FROM CEDAR. Q. DIDYOU HEAR IN I857, OF THE SLAU~~T~~GHETER OF A PARTY OF EMIGRANT~~SW~~ AT THE MOUNTAIN MEADOWS? A. N**O**T TILL AFTER. ~~Q.~~ HEARD MORE SI~~M~~NCE I CAME HERE THAN I EVER HEARD IN SOME TIME. Q. YOU HEARD OF THE CIRCUMSTANCE AT THE TIME? . A. NOT T ILL AFTER. Q. BUT I ASK YOU IF YOU DID HEAR OF IT AFTER THE TRANSACTION? A. YES . Q. HOW SO**O**N AFTER? A. I COULD NOT TELL YOU IT HA~~C~~**S**E BEEN SO LONG AGO, IT IS HARD FOR A MAN OF MY YEARS TO RECOLLECT. Q.	

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RT	RS	BT	PS
DO YOU REMEMBER SEEING ANY INDIANS THERE AT ANY TIME AT YOUR PLACE A. NOT BEFORE THE MASSACRE. I HEARD ABOUT THE ———— Q. I AM INQUIRING BEFORE THE MASSACRE,OR IMMEDIATELY AFTERWARDS ? A. THE SUNDAY MORNING AFTER WHAT WAS SAID TO BE THE MASSACRE,TWO OR THREE DAYS—I CAN'T STATE EXACTLY,IT WAS ON THE SUNDAY MORNING—I WAS GETTING READY FOR GOING TO CEDAR—A GENTLEMAN TOLD THE THING AS IT IS. I THERE HEARD,BUT I CANNOT STATE.	DO YOU REMEMBER SEEING ANY INDIANS THERE AT ANY TIME , AT YOUR PLACE [*space*] ~~YES I~~ $_{A}$NOT BEFORE THE MASSACRE I HEARD ABOUT THE {—}^{i} {**Q**}^{i}DEFENSE I AM NOT INQUIRING BEFORE MASSACRE [*space*] IMMEDIATELY AFTERWARDS [*space*] {**A**}^{i}SUNDAY MORNING AFTER WHAT WAS SAID TO BE THE MASSACRE = TWO OR THREE DAYS I CAN'T TELL EXACTLY, IT WAS ON A SUNDAY MORNING I WAS GETTING READY FOR GOING TO CEDAR, AND GENTLEMAN LET ME TELL THE THING AS IT IS ; I THERE HEARD I CAN'T TELL BUT ON	DO YOU REMEMBER SEEING ANY INDIANS THERE AT **ANY** ~~A H~~ TIME AT YOUR PLACE? A. NOT BEFORE THE MASSACRE; I HE~~Q~~**A**RD ABOUT THE — Q. I AM NOT INQUIRING BEFORE THE MASSACRE, BUT IMMEDIATELY AFTERWARDS? A. ON SUNDAY MORNING AFTER—WHAT WAS SAID TO BE THE MASSACRE, TWO OR THREE DAYS AFTER, I CANT STATE EXACTLY, BUT IT WAS ON A SUNDAY MORNING, I WAS GETTING READY TO GO TO CEDAR—AND GENTLEMEN**,** LET ME TELL THE THING AS IT IS: I THERE HEARD ,I CAN'T TELL, BUT ON	

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RT	RS	BT	PS
HE SEEN THAT THERE WAS INDIANS AND STOCK IN MY FIELD. I RUSHED UP AND WENT OUT TO DRIVE THEM OFF,BUT WHEN I WENT IN I SEEN THE HORSES THAT WAS THERE ,AND I NEVER SPOKE TO THE INDIANS. IF YOU HAVE QUESTIONS TO ASK ———— *[470]* Q. DESCRIBE WHAT YOU SAW ? A. WELL, I SEEN BLANKETS, QUILTS, COOKING UTENSILS AND WOMEN'S SADDLES, MEN'S SADDLES AND AMOUNT OF CATTLE. I COULD NOT TELL HOW MANY. DURING THE TIME I WAS	SUNDAY THAT THERE WAS INDIANS AND STOCK IN MY FIELD AND <WHICH WAS CLOSE BY WHERE WE LIVED>, I RUSHED UP AND WENT TO DRIVE THEM OFF, BUT WHEN I WENT IN I SEEN THE HORSES THAT WAS THERE TOO AND I NEVER SPOKE TO ANYONE IF YOU HAVE QUESTIONS TO ASK {Q}[i] DESCRIBE WHAT YOU SAW [*space*] {A}[i]WELL I SEEN BLANKETS, QUILTS, COOKING UTENSILS , AND WOMEN'S SADDLES MEN'S SADDLES, HORSES AN AMOUNT OF CATTLE , I COULD NOT STATE HOW MANY DURING THE TIME I WAS	SUNDAY, ~~THAT~~ THERE WERE INDIANS AND STOCK IN M Y FIELD WHICH WAS CLOSE BY WH ERE WE LIVED, AND I RU~~C~~SHED UP AND WENT OUT TO DRIVE THEM OFF; BUT WHEN I WENT IN I SEEN THE HORSES THAT WAS THERE, AND I NEVER SPOKE ~~O~~TO ANY ONE. NOW**,** IF YOU HAVE QUESTIONS TO ASK ——— Q. DESCRIBE WHAT YOU SAW? A. WELL, I SEEN BLANKETS, QUILTS, COOKING UTENSILS, AND WOMEN'S SADDLES AND MEN'S SADDLES, HORSES AND AN AMOUNT OF CATTLE, I COULDNOT TELL HOW MANY *[310]* DURING THE TIME I WAS	

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RT	RS	BT	PS
THERE WAS TWO — HAD THE CATTLE SHOT DOWN. Q. HOW MANY CATTLE WERE SHOT DOWN ? A. TWO HEAD — TWO GUNS WENT OFF. Q. ABOUT HOW MANY INDIANS WERE THERE ? A. I COULD NOT ANSWER THAT QUESTION CORRECTLY,BUT I WOULD SUPPOSE— WELL I WOULD SUPPOSE THERE WAS MORE THAN FIFTY—I NEVER SAW———— Q. WHAT SORT OF A FIELD WAS IT THEY WENT INTO ? A. IT WAS MY FIELD ~~K~~—WHERE MY GRAIN WAS. THE SMALL GRAIN WAS CUT AND THE CORN AND POTATOES REMAINED. Q. WAS THERE ANYTHING	THERE , THERE WAS TWO HEAD OF CATTLE SHOT DOWN $\{_{Q}\}^{i}$HOW MANY CATTLE SHOT DOWN $\{_{A}\}^{i}$ TWO HEAD , TWO GUNS WENT OFF. $\{_{Q}\}^{i}$ ABOUT HOW MANY INDIANS WERE THERE $\{_{A}\}^{i}$I COULD NOT ANSWER THAT QUESTION CORRECTLY BUT I WOULD SUPPOSE = WELL I WOULD SUPPOSE THERE WAS MORE THAN 50 , I NEVER WAS VERY CLOSE TO THEM. $\{_{Q}\}^{i}$ WHAT SORT OF FIELD WAS THEY WENT INTO $\{_{A}\}^{i}$ IT WAS MY FIELD WHERE MY GRAIN WAS , THE SMALL GRAIN WAS CUT AND THE CORN *[14]* AND POTATOES REMAINED. $\{_{Q}\}^{i}$ WAS THERE ANYTHING	THERE, THERE WAS TWO HEAD OF CATTLE SHOT DOWN. Q. HOW MANY CATTLE SHOT DOWN? A. TWO HEAD; TWO GUNS WENT OFF. Q. ABOUT HOW MANY INDIANS WERE THERE? A I COULDNOT ANSWER. ~~ANSQWER~~ THAT QUESTION CORRECTLY, BUT I WOULD SUPPOSE— WELL, I WOULD SUPPOSE THE RE WERE MORE T~~AH~~ THAN FIFTY. I NEVER WAS VERY CLOSE TO THEM? ~~A~~ Q. WHAT SORT OF A FIELD WAS THAT TH EY WENT INTO? A. IT WAS MY FIELD WHERE MY GRAIN WAS; THE SMA~~P~~LL GRAIN WAS CUT AND THE CORN AND PO~~R~~TATOES ~~WERE~~ REMAINED. Q. WAS THERE ANYTHING	

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RT	RS	BT	PS
ABOUT THE QUILTS AND DRESSES THAT YOU CAN SPEAK OF — CAN YOU GIVE ANY MORE DESCRIPTION OF THEM ? A. THERE WAS BLOODY CLOTHES—BOTH MENS AND WOMEN'S GARMENTS WITH THE PILE. Q. WERE THERE ANY STAINS UPON ANY OF THEM, IF SO DESCRIBE THEM ? A. I COULD NOT. Q. DID YOU SAY THEY WERE BLOODY CLOTHES — GIVE SOME IDEA OF THE QUANTITY OF THE CLOTHING ;? A. I COULD NOT DO THAT — I COULD NOT TELL,BUT THERE WAS A GREAT MANY. Q. HOW WERE THEY — HOW DID YOU SEE THEM ON THE FIELD — IN PILES,	ABOUT THE QUILTS DRESSES , THAT YOU CAN SPEAK OF = ANY MORE DESCRIPTION OF THEM {Q}iTHEY WAS BLOODY CLOTHES , BOTH MENS AND WOMEN'S GARMENTS ON A PILE ~ {Q}i WERE THERE ANY STAINS UPON ANY OF THEM {IF SO}i DESCRIBE THEM {A}iI COULD NOT. {Q}i DID YOU SEE THERE WERE BLOODY CLOTHES, IF SO GIVE SOME IDEA OF QUANTITY OF CLOTHING {A}iI COULD NOT DO THAT {A}iI COULD NOT TELL, BUT THERE WAS A GREAT MANY. QHOW WERE THEY , HOW DID YOU SEE THEM ON THE FIELD IN PILES,	ABOUT THE QUILTS, BLANKETS, CLOTHES OR DRESSES THAT YOU CAN SPEAK OF, ANY REMARKABLE DESCRIPTION OF THEM? A. THEY WERE BLOODY CLOTHES, BOTH MEN'S AND WOMES~N'S GARMENTS IN A PILE. Q. WERE THERE ANY STAINS UPON ANY OFTHEM, IF SO DESCRIBE THEM? A. I COULD NOT. Q. DID YOU SEE THEY WERE BLOODY CLOTHES? IF SO GIVE SOME IDEA OF THE QUANTITY OF THE CLOTHING? A. I COULD NOT DO THAT, I COULD NOT TELL, BUT THERE WAS A GREAT MANY . Q. HOW WERE THEY PLACED OR LYING? HOW DIDYOU SEE THEM ON THE FIELDS? IN PILES?, **OR**	

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RT	RS	BT	PS
SCATTERED AROUND ON THE GROUND ? A. BLOODY CLOTHING WAS PILED UP AND KIND OF OTHERS STREWED OVER THEM. Q. HOW LARGE A PILE ? *[471]* A. I SUPPOSE IT WAS THREE FEET HIGH. Q. YOU STATED YOU DIDN'T DRIVE THEM OFF— WHY DIDN'T YOU DRIVE THEM OFF— I WANT YOU TO DESCRIBE THE INDIANS,IN RESPECT TO THE DISPOSITION THEY MANIFESTED AT THAT TIME TOWARDS YOU ? A. YOU MAY GUESS THAT, WHEN I WAS AFRAID OF SPEAKING TO THEM. I NEVER WAS AFRAID TO SPEAK TO A WHITE MAN IN MY LIFE,BUT I	SCATTERED AROUND ON {THE}[i] GROUND ₐTHE BLOODY CLOTHING WAS PILED UP {AND}[i] KIND {OF}[i] *OTHERS*[?] STREWED OVER THEM. {Q}[i]HOW LARGE A PILE ≤WAS IT≥ ₐI SUPPOSE IT WAS ~~4~~ ≤3≥ FEET HIGH. {Q}[i] YOU {HOW}[i] SAID YOU DIDN'T DRIVE THEM OFF WHY DIDN'T YOU DRIVE THEM OUT ≤OF YOUR FIELD≥ ₐI WANT YOU DESCRIBE THE INDIANS IN RESPECT TO THEIR DISPOSITION THEY MANIFESTED AT THAT TIME TOWARDS YOU {A}[i]YOU MAY GUESS THAT WHEN I WAS AFRAID TO SPEAK TO THEM , I NEVER WAS AFRAID TO SPEAK TO WHITE MAN IN MY LIFE, BUT I	SCATTERED AROUND ON THE GROUND? A. THE BLOODY CLOTHES WERE PILED ~~BU AD~~ UP AND KIND OF HE OTHERS **STREWN** ~~STREWD~~ OVER THEM. Q. HOW LARGE A PILE WAS IT? A. I SUPPOSE IT WAS THREE F**E**ET HIGH Q. HOW IS IT YOU DIDN'T DRIVE THEM OFF? WHY DIDN'T YOU DRIVE THEM OUT OF YOUR FIELD ? I WANT YOU TO DESCRIBE THE INDIANS AND IN RESPECT TO THEIR DISPOSITION THAT THEY MANAFESTED AT THAT TIME, TOWARDS YOU? A. YOU MAY GUESS THAT WHEN I WAS AFR~~S~~A~~A~~ID TO APEAK **TO** THEM; I NEVER WAS AFRAID TO SPEAK TO A WHITE MAN IN MY LIFE. Q. NOT	

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RT	RS	BT	PS
WAS AFRAID THEN. Q. TO SPEAK TO A WHITE MAN OR THE INDIANS ? A. THERE WAS NO WHITE MEN THERE. BASKIN: I SUBMIT THAT THAT COURSE OF EXAMINATION IS ENTIRELY WITHOUT A RULE,IT DON'T NEED ANY ARGUMENT. SUTHERLAND: THE QUESTION I SUBMIT IS BEFORE THE COURT. COURT OVERRULED THE OBJECTION OF THE PROSECUTION AND SAID ASK YOUR QUESTION. Q. DID YOU GO TO CEDAR THAT DAY ? A. YES SIR. Q. DID YOU SEE ANY MORE OF THE INDIANS ON YOUR RETURN ? A. I DON'T RECOLLECT WHETHER THE	WAS AFRAID THEN. $_{Q}$TO SPEAK TO WHITE MAN OR INDIANS $_{A}$ THERE WAS NO WHITE MEN THERE ≤AT THAT TIME≥ [*space*] BASKIN. I SUBMIT THAT THAT COURSE OF EXAMINATION IS ENTIRELY WITHOUT {**A**}^{i} RULE. IT DON'T NEED ANY ARGUMENT. SUTHERLAND QUESTION I SUBMIT IS BEFORE THE COURT {**COURT RULED** ///}^{i} ASK YOUR QUESTION {/// **Q**}^{i}DID YOU GO TO CEDAR THAT DAY {$_{A}$}^{i}YES SIR. {**Q**}^{i}DID YOU SEE ANY MORE OF INDIANS ON YOUR RETURN {$_{A}$}^{i}I DON'T RECOLLECT WHETHER THE	AFRAID TO SPEAK TO A WHITE MAN OR INDIANS? A. THERE WAS *[311]* NO WHITE MEN THERE AT THA T TIME. BASKIN: I SUBMIT , YOUR HONOR, THAT THAT COURSE OF EXAMINATION IS WITHOUT A RULE; IT DON'T NEED ANY ARGUEMENT. SUTHERLAND: THE QUESTION, I SUBMIT IS B**E**FORE THE COURT. THE COURT: YOU CAN ASK Y**O**UR QUESTION. Q. DID YOU GO TO CEDAR THAT DAY? A. YES, SIR. Q. DID YOU S**E**E ANY MORE OF THE INDIANS ON YOUR RETURN? A. I DON''T RECOLLECT WHETHER THE	

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RT	RS	BT	PS
INDIANS HAD LEFT MY FIELDS OR NOT, I RATHER SUPPOSE THEY HAD. Q. WERE YOU ACQUAINTED WITH ANY OF THOSE INDIANS ? A. I DON'T KNOW THAT I WAS. I KNEW THE INDIANS THAT BELONGED TO AND AROUND MY PLACE. Q. STATE WHETHER OR NOT THESE WERE OF THAT KIND ? A. THEY WERE PAINTED UP SO YOU COULD NOT RECOGNIZE THEM. Q. COULD YOU TELL OF WHAT BAND OR TRIBE THEY BELONGED TO ? *[472]* A. NO SIR, I NEVER WAS ACQUAINTED THAT MUCH WITH THEM. Q. YOU SAY THEY WERE PAINTED ? A. YES SIR. Q. ARE YOU	INDIANS HAD LEFT MY FIELDS OR NOT I RATHER SUPPOSE THEY HAD NOT. {Q}^{i} WERE YOU ACQUAINTED WITH ANY OF THOSE INDIANS {A}^{i}I DON'T KNOW THAT I WAS, BUT I KNEW THE INDIANS THAT BELONGED TO AROUND MY PLACE. {Q}^{i} STATE WHETHER OR NOT THESE WERE OF THAT KIND {A}^{i} THEY WERE PAINTED UP YOU COULD NOT RECOGNIZE THEM. {Q}^{i} COULD YOU TELL OF WHAT BAND OR TRIBE THEY BELONGED {TO}^{i} $_{A}$~~YES~~ **NO** SIR I NEVER WAS ACQUAINTED THAT MUCH WITH THEM. [*space*] {Q}^{i}YOU SAY THEY WERE PAINTED {A}^{i} YES SIR. {Q}^{i} ARE YOU	INDIANS HAD LEFT MY FIELD'S OR NOT, I RATHER SUPPOSED THEY HADN'T . Q. WERE YOU ACQUAINTED WITH ANY OF THESE INDIANS? A. I DON'T KNOW THAT I WAS; BUT I KNEW THE INDIANS THAT BELONGED TO AND AROUND MY PLACE. Q. STATE WHETHE R OR NOT THESE WERE ALL OF THA T KIND? A. THEY WERE PAINTED UP AND I COULD NOT RECOGNISE THEM. Q. COULD YOU STATE WHAT BAND OR TRIBE THEY BELONGED TO? ~~A~~ . A. NO, SIR, I NEVER WAS A~~I~~CQUAINTED ~~THAT~~ MUCH WITH THEM. Q. YOU SAY THEY WERE PAINTED? A. YES, SIR. Q. ARE YOU	

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RT	RS	BT	PS
FAMILIAR ENOUGH WITH THE INDIANS TO KNOW WHEN THEY WERE PAINTED FOR WAR OR PAINTED FOR SOME FESTIVAL OCCASION ? A. YES SIR. Q. WHICH WAY WERE THEY PAINTED ON THAT OCCASION ? A. FOR WAR. CROSS - EXAMINED .Q. MR. HAMILTON, DID THEY COMMIT ANY OUTRAGE ON YOU ? A. NO. Q. OR ON ANY OF YOUR NEIGHBORS ? A. NO SIR. Q. HOW WERE THEY CARRYING THEIR CLOTHING ? A. I DON'T KNOW. Q. YOU SAY THEY HAD COMMITTED A	FAMILIAR ENOUGH WITH THE INDIANS ~~<~~CHARACTER~~>~~ TO KNOW WHEN THEY WERE PAINTED FOR WAR OR PAINTED FOR SOME FESTIVAL OCCASION {A}^{i} YES SIR. {Q}^{i}WHICH WAY WERE THEY PAINTED ON THIS OCCASION ~ {A}^{i} FOR WAR ~ THAT IS ALL [*space*] {**CROSS EXAMINATION**}^{i} PROSECUTION MR. HAMILTON {Q}^{i}DID THEY COMMIT ANY OUTRAGE ON YOU {A}^{i}NO. {Q}^{i} ON ANY OF YOUR NEIGHBORS {A}^{i} NO SIR. *[15]* {Q}^{i} HOW WERE THEY CARRYING THEIR CLOTHING {A}^{i}I DON'T KNOW. {Q}^{i}YOU SAY THEY HAD ~~SOME~~ COOKING	FAMILIAR ENOUGH WITH THE INDIAN CHARACTER TO KNOW WHEN THEY WERE PAINTED FOR WAR OR PAINTED FOR SOME **FESTIVE** ~~FESTIVAL~~ OCCASION? A . YES, SIR . Q. WHICH WAY WERE THEY PAINTED UPON THIS OCCASION? A. THEY WERE PAINTED FOR WAR. CROSS - EXAMINATION OF JAMES HAMILTON, SNR BY BASKIN: Q.DID THEY <COMMIT> ~~DO~~ ANY OUTRAGE ON YOU, A. NO/ Q. OR ON ANY OF YOUR NEIGHBORS? A. NO, SIR. Q. HOW WERE THEY CARRI~~I~~YING THEIR CLOTHING? A. I DON'T KNOW, IT WAS PILED UP. Q. YOU SAY THEY HAD COOKING	

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RT	RS	BT	PS
DISTURBANCE ? A. OH, I SAY THEY WAS IN MY FIELD. Q. WAS THERE ANY WAGONS WITH THEM ? A. NO SIR, JUST HORSES AND CATTLE. COURT: DID YOU SAY YOU WERE NOT VERY FRIENDLY TOWARDS THE INDIANS ? A. NO SIR, I HAVEN'T ANY ENMITY TO ANY MAN. SUTHERLAND: WE WILL ASK THE WITNESS ANOTHER QUESTION,AND PERHAPS YOUR HONOR WILL BE ANSWERED BY HIS ANSWER. Q. ON WHAT TERMS WERE THE INDIANS THAT LIVED ABOUT FORT HAMILTON—STATE, WITH REFERENCE TO THE SETTLERS OF THAT PARTICULAR PLACE ? *[473]*	UTENSILS {A}[i]OH I SAY THEY WAS IN MY FIELD. {Q}[i] WAS THERE ANY WAGONS WITH THEM {A}[i] NO SIR, JUST HORSES AND CATTLE. PROSECUTION THAT IS ALL [*space*] BY COURT DID YOU SAY YOU WERE NOT VERY FRIENDLY TOWARDS INDIANS {A}[i]NO SIR, I HAVEN'T ANY ENMITY TO ANY MAN. [*space*] {Q}[i] ~~<~~DEFENSE~~>~~ {Q}[i] I WILL ASK WITNESS ANOTHER QUESTION, PERHAPS YOUR HONOR WILL BE ANSWERED BY HIS ANSWER {Q}[i]ON WHAT TERMS INDIANS THAT LIVED ABOUT FORT HAMILTON , STATE WITH REFERENCE TO THE SETTLERS OF THAT PARTICULAR PLACE BY	UTE~~L~~NSILS? *[312]* A. OH, I SAY THEY WAS IN MY FIELD. Q. WAS THERE ANY WAGONS WITH THEM? A N**O**, SIR. THAT IS ALL. THE COURT: DID YOU SAY YOU WERE NOT VERY FRIENDLY TOWARDS THE INDIANS? A. NO, SIR; I HAVN'T ~~A~~**E**NMITY TO ANY MAN. SUTHERLAND: I WILL ASK THIS WITNESS ANOTHER QUESTION AND PERHA~~P~~S YOUR HONOR WILL BE ANSWERED BY HIS ANSWER? Q. ON WHAT TERMS WERE THE INDANS THAT LIVED ABOUT FORT HAMILTON? STATE WITH REFE-RENCE TO THE SETTLERS OF THAT PARTICULA~~T~~R PLACE? THE	

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RT	RS	BT	PS
COURT: THAT WAS NOT THE POINT I HAD REFERENCE TO. BISHOP: IF THE COURT PLEASE I WISH TO SAVE THE EXCEPTION TO THE CROSS QUESTION. COURT: AFTER THE COUNSEL HAVE CLOSED — VERY WELL,THAT WILL BE ALL RIGHT.	COURT THAT WAS NOT THE POINT I HAD REFERENCE TO [*space*] BISHOP COURT PLEASE I WISH TO SAVE THE EXCEPTION TO THE COURT'S QUESTION ~~<~~BY COURT~~>~~ TO THE WITNESS AFTER THE COUNSEL HAVE CLOSED THOUGH YOU MAY ANSWER <BY COURT> VERY WELL [*space*]	COURT: THAT WASN'T THE POINT I HAD REFERENCE TO. BISHOP: IF THE COURT PLEASE I WISH TO SAVE AN EXCEPTION TO THE COURT'S QUEXTION. THE COURT: AFTER THE COUNSEL HAVE GOT THROUGH THE~~M~~N YOU MAY ANSWER.	
BISHOP: MR. HAMILTON, ON WHAT TERMS,FRIENDLY OR OTHERWISE,DID YOU AND YOUR NEIGHBORS AT FORT HAMILTON LIVE WITH THE INDIANS ? A. PERFECTLY PEACABLE,AS LONG AS WE FED THEM,BUT,OF COURSE,WE HAD TO FEED THEM. THEY WROUGHT	{**BISHOP**}[i] {**Q**}[i]MR. HAMILTON ON WHAT RELATIONS OR TERMS FRIENDLY OR OTHERWISE, DID YOU AND YOUR ~~NEIGHBORS~~ ~~<~~NEIGHBORHOOD~~>~~ AT FORT HAMILTON LIVE WITH THE INDIANS. {**A**}[i] PERFECTLY PEACEABLY AS LONG AS WE FED THEM, BUT OF COURSE WE HAD TO FEED THEM [*space*] THEY WROUGHT	BISHOP: MR. HAMILTON, ON WHAT RELATIONS, OR TERMS, FRIENDLY OR OTHERWISE, DID YOU OR YOUR NEIGHBORHOO~~S~~ DAT FORT HAMILTON LIVE WITH THE INDIANS? A. PERFECTLY PEACABLE, AS LONG AS WE FED THEM, BUT OF COURSE WE HAD TO FEED THEM. THEY WROUGHT	

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RT	RS	BT	PS
FOR US AND DONE THE BEST THEY COULD, AND WE WERE KIND TO THEM. Q. WAS THERE OCCASIONAL INTERRUPTIONS OF YOUR FRIENDLY RELATIONS WITH THEM BECAUSE YOU DIDN'T DO ALL THEY WANTED YOU TO DO FOR THEM A. I DON'T KNOW THAT THERE WAS PARTICULARLY. Q. ABOUT HOW MANY INDIANS WERE THERE THAT WERE ACCUSTOMED TO BEING ABOUT FORT HAMILTON ? A. THERE WERE NOT MORE THAN ABOUT A DOZEN INDIANS THAT BELONGED TO THE CREEK WHERE I BELONGED TO. Q. BUT AT THE TIME — IN THE FIELD ? A. I SUPPOSE	FOR US AND DONE {THE}^{i} BEST THEY COULD AND {WE}^{i} WERE KIND TO THEM. $_{Q}$WAS THERE OCCASIONAL INTERRUPTIONS IN YOUR FRIENDLY RELATIONS WITH THEM BECAUSE YOU DIDN'T DO ALL THEY WANTED YOU TO DO FOR THEM {$_{A}$}^{i}I DON'T KNOW THAT THERE WAS PARTICULARLY. {$_{Q}$ABOUT}^{i} HOW MANY INDIANS WERE THERE THAT WERE ACCUSTOMED TO BE ABOUT FORT HAMILTON $_{A}$ THERE WAS NO MORE THAN ABOUT {**A**}^{i} DOZEN INDIANS BELONGED TO THE CREEK, WHERE I BELONGED TO {$_{Q}$}^{i}BUT AT THE TIME IN THE FIELD {$_{A}$}^{i}I SUPPOSE	FOR US AND DONE THE BEST THEY COULD, AND WE WERE KIND TO THEM. Q: WAS THERE ~~A~~OCCASIONAL INTERRUPTIONS OF YOUR F~~I~~RIENDLY RELATI~~ON~~S BECAUSE YOU DIDN'T DO ALL THEY WANTED YOU TO DO FOR THEM? A. I DON'T KNOW THAT THE RE WAS PARTICULARL~~U~~Y. Q. ABOUT HOW MANY INDIANS WERE THERE THAT WERE ACCUSTO~~N~~MED TO BE ABOUT FORT HAMILTON? A. THERE WERE NOT MORE THAN ABOUT A DOZEN INDIANS BELONGING TO TH~~Q~~**A**T CREEK WHERE I BELONGED TO **IT**; BUT AT THE TIME IN THE FIELD, I SUPPOSED	

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RT	RS	BT	PS
THERE WAS ABOUT FIFTY—I COULD NOT TELL — MORE OR LESS Q. AND WHAT WERE THEY IN REGARD TO SEX—WERE THEY ALL WARRIORS A. ALL WARRIORS —I SEEN NOTHING ELSE OR ANY OF THAT GARB.	THERE WAS ABOUT FIFTY I COULD NOT TELL, MORE OR LESS. [*space*] {Q}[i] AND WHAT WERE THEY IN REGARD TO SEX, WERE THEY ALL WARRIORS ? A ALL WARRIORS , I SEEN NOTHING ELSE *OR/AND*[?] IN THAT GARB. {()}[i]BY DEFENSE AND PROSECUTION THAT IS ALL{)}[i]	THE RE WAS ABOUT 50; I COULD NOT TELL. MORE OR LESS. Q. AND HOW AND WHAT ~~E~~WERE THEY IN REGARD TO **SEX** ~~SECX~~? WERE THEY ALL WARRIORS? A. ALL WARIORS, I SEE NOTHING ELSE, ALL WERE IN THAT GARB. THAT IS ALL.	
[474] JOHN HAMILTON, JR. SWORN FOR DEFENDANT.	[*space*] **JOHN HAMILTON JR**	*[313]* JOHN MAMILTON, JR BEING CALLED ON THE PART OF THE DEFENSE, WAS EXAMINED AS FOLLOWS BY J.~~G. SUTHERLAND:~~	
Q. WHERE DO YOU RESIDE ? A. DOWN AT HAMILTON'S FORT, IRON COUNTY; Q. HOW FAR IS THAT FROM CEDAR CITY ? A. SEVEN MILES. Q. WHERE DID YOU RESIDE IN THE	{**Q**}[i] WHERE DO YOU RESIDE {**A**}[i] DOWN HAMILTON'S IRON COUNTY. {**Q**}[i] HOW FAR IS THAT FROM CEDAR CITY {**A**}[i] 7 MILES. {**Q**}[i] WHERE DID YOU RESIDE IN THE	**BISHOP** Q . WHERE DO YOU RESIDE, MR. HAMILTON? A. DOWN IN HAMILTON'S FORT IN IRON COUNTY. Q. HOW FAR IS THAT FROM CEDAR CITY? A. SEVEN MILES. Q. WHERE DID YOU RESIDE IN THE	

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RT	RS	BT	PS
FALL OF 1857 ? A. AT THE SAME PLACE, ABOUT HALF A MILE WEST OF WHERE WE NOW LIVE. Q. WHAT WAS THE PLACE THEN CALLED ? A. IT WAS CALLED SHIRT'S CREEK. Q. WHAT IS IT NOW CALLED ? A. HAMILTON'S. Q. IS THERE A PLACE DOWN THERE CALLED HAMILTON'S FORT ? A. THAT IS THE PLACE WE HAVE MOVED TO, OUT OF THE FORT,INTO THE TOWN. THE FORT WAS A HALF A MILE BELOW. Q. WHAT WAS IT ? A. AN ADOBE FORT. Q. WHEN WAS IT BUILT ? A. I REALLY COULD NOT TELL YOU, BUT IT WAS IN 1856 . Q.	FALL OF 1857 {A}[i]AT THE SAME PLACE, ABOUT HALF MILE WEST OF WHERE WE NOW LIVE. {Q}[i]WHAT WAS PLACE THEN CALLED {A}[i]IT WAS CALLED SHIRT'S CREEK {Q}[i] WHAT IS IT NOW CALLED {A}[i] HAMILTON {Q}[i] IS THERE PLACE DOWN THERE CALLED HAMILTON'S FORT {A}[i]THAT IS THE PLACE WE HAVE MOVED TO OUT OF FORT INTO THE TOWN THE FORT WAS HALF MILE BELOW ~~<~~OF WHAT WAS IT BUILT OR MADE~~>~~ {Q}[i] WHAT WAS IT {A}[i]IT WAS {AN}[i] ADOBE FORT {Q}[i]WHEN WAS IT BUILT WELL I REALLY COULD NOT TELL THE YEAR. *[16]* {A}[i] ~~<~~BUT THINK~~>~~ IT WAS 1856 {Q}[i]	FALL OF '57? A . AT THE SAME PLACE, ABOUT A HALF A MILE WEST OF WHERE WE NOW LIVE. Q. WHAT WAS THE PLACE THEN CALLED? A. IT WAS CALLED SHIRTT~~Z~~S' CREEK. Q. WHAT IS IT NOW CALLED? A. HAMILTON'S. Q. IS THERE A PLACE DOWN THERE CALLED HAMILTON'S FORT? A. THAT IS THE PLACE WE HAVE MOVED TO, OUT OF THE FORT INTO THE TOWN. THE FORT WAS A HALF A MILE BELOW. Q. OF WHAT WAS IT BUILT OR MADE? A. IT WAS AN ADOBIE FORT. Q. WHEN WAS IT BUILT? . WELL, I REALLY ~~W~~COULD NOT TELL YOU THE YEAR, BUT THINK IT WAS IN I856~~,~~. Q.	

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RT	RS	BT	PS
WHAT WAS THE YEAR IT WAS BUILT IN —	WHAT WAS YEAR IT WAS BUILT ≤YES SIR≥ {Q}[i]	AND THA T WAS THE YEAR IT WAS B~~I~~UILT IN? A. YES, SIR.	
YOU HAD LIVED IN THE FORT THEN—WHEN DID YOU MOVE OUT OF THE FORT ? A. WELL,SIX YEARS AGO,AND TO	YOU HAD LIVED IN FORT THEN = WHEN DID YOU MOVE OUT OF FORT {A}[i]WELL SIX YEARS AGO AND TO	Q.AND YOU HAVE LIVED IN THE FORT, THEN; WHEN DID YOU MOVE OUT OF THE FORT? A. WELL, IT IS SIX YEARS AGO TO NOW**;** ~~T~~WINCE WE MOVED TO	
WHERE WE NOW LIVE. Q. YOU WERE THERE IN 1857 ? A. YES SIR,AT THE FORT. *[475]* Q. DO YOU REMEMBER OF EVER SEEING THE TRAIN THAT WAS KNOWN AS THE ARKANSAS TRAIN PASSING THROUGH THE COUNTRY ? A. I DO SIR. Q. WHERE DID YOU SEE IT ? A. I SEEN 'EM RIGH THERE AT THE CREEK. Q. WHAT WERE THEY DOING ? A. WELL THE TRAIN CAME AND PASSED THROUGH THERE AND	WHERE WE NOW LIVE {Q}[i]YOU WAS THERE IN 57 {A}[i]YES SIR AT THE FORT {Q}[i]DO YOU REMEMBER OF EVER SEEING THE TRAIN THAT WAS KNOWN AS ARKANSAS TRAIN PRESSING THROUGH COUNTRY {A}[i]I DO SIR {Q}[i] WHERE DID YOU SEE IT {A}[i]I SEEN 'EM RIGHT ≤THERE≥ AT SHIRT'S CREEK. {Q}[i] WHAT WERE THEY DOING ~~A~~WELL {A}[i], THE TRAIN CAME PASSED THROUGH ≤THERE≥ , AND	WHERE WE NOW LIVE. Q . YOU WERE THERE IN '57? A. YES, SIR; AT THE FORT. Q. DO YOU REMEMBER OF EVER SEEING A TRAIN THA T WAS ~~N~~KNOWN AS THE ARKANSAS TRAIN PASSING THROUGH THE COUNTRY? A. I DO**,** SIR. Q. WHER~~EEDO YO~~ DID YOU SEE IT? A. I SEEN THEM RIGHT THERE AT THE CREEK. Q. WHAT WERE THEY DOING? A. WELL, THE TRAIN PASSED THROUGH THERE AND	

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RT	RS	BT	PS
THERE WAS A MAN AT PAROWAN HAD TRADED THEM A COW, RUNNING DOWN AT OUR PLACE, AND THEY WANTED ME TO FETCH THEM THE COW. THEY CAME DOWN THAT WAY TO GET THIS COW. Q. THEY HAD LEFT CEDAR ? A. THEN I UNDERSTOOD — YES SIR, I SUPPOSE THEY HAD PASSED THROUGH THERE. Q. WHICH WAY WERE THEY;MOVING THEN ? A. THEY WENT ACROSS THE FLAT TO THE CREEK, CALLED QUEETSUPAH[391] ~~SSHITCREEK?~~ AND CAMPED . Q. HOW FAR IS THAT FROM CEDAR ?	THERE WAS MAN AT PAROWAN HAD TRADED THEM COW RUNNING DOWN AT OUR PLACE FETCHED THEM {**THE**}^{i} COW ; THEY CAME DOWN THAT WAY TO GET THIS COW {$_{Q}$}^{i} THEY HAD LEFT CEDAR THEN I UNDERSTOOD YOU ~~THEN~~ HAD THEY {$_{A}$}^{i}YES SIR, I SUPPOSE THEY HAD PASSED THROUGH ≤THERE≥ {$_{Q}$}^{i} WHICH WAY WERE THEY MOVING THEN $_{A}$THEY WENT ACROSS VALLEY TO THE CREEK CALLED [*space*] *QUEETSUPAH*[?] ≤AND CAMPED≥ {$_{Q}$}^{i}HOW FAR IS THAT FROM ~~CEDAR CITY~~ CEDAR FORT	THE RE WAS A MA N AT PAROWAN HAD TRADED **THEM** ~~THEM~~ A COW, RUNNING DOWN AT **OUR** ~~OUT~~ PLACE. I FETCHED THEM THE COW, THEY ~~CAME~~ **CAME** DOWN THIS WA~~T~~Y TO GET THIS COW. Q. THEY HAD LEFT CEDAR THEN, AS I UNDERSTA D YOU, HAD THEY? A. YES, SIR, I SUPPOSEED, THEY HAD PASSED THROUGH THE RE. *[314]* Q. WHICH WAY WERE THEY MOVING THEN? A. THEY WENT A~~V~~CROSS THE V**A**LLEY TO A CREEK CALLED ~~QUTT~~ QUEETSUPPAH, AND CAMPED. Q: HOW FAR IS TH**A**T FROM CEDAR ?	

391. Lake Quichapa.

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RT	RS	BT	PS
A. IT IS IN THE NEIGHBORHOOD OF 6 MILES. Q. THIS TRADE THEY MADE IN CEDAR ? A. NO SIR, THEY MADE IT IN PAROWAN. Q. WHAT WAS IT STATED THAT THEY TRADED ? A. A GUN THEY HAD SOLD THEM FOR A COW. THEY TRADED WITH A MAN BY THE NAME OF HADDEN,FOR A COW RUNNING AT OUR PLACE. THEY GAVE THEM AN ORDER TO GET THE COW. Q. HOW WAS THE KNOWLEDGE OF THAT BROUGHT TO YOU ? A. THEY HAD A LINE TO ME. *[476]* BASKIN: I	{A}[i]IT IS IN THE NEIGHBORHOOD OF 6 MILES {Q}[i] THIS TRADE THEY {MADE}[i] IN CEDAR ≤{A}[i] NO SIR≥ THEY MADE IN PAROWAN {Q}[i] WHAT WAS IT TELL THAT TRADE AGAIN {A}[i] THEY HAD SOLD THEM COW = THEY TRADED, OR THAT MAN BY THE NAME OF HADDEN[392] RUNNING AT OUR PLACE. THEY GAVE THEM AN ORDER TO GET THE COW {Q}[i]HOW WAS KNOWLEDGE OF THAT BROUGHT HOME TO YOU {A}[i]THEY HAD A LINE ≤OR NOTE≥ {H}[i]ADDEN TO ME BASKIN. I	A IT IS IN THE NEIGHBORHOOD OF SIX MILES. Q. THIS TRADE ~~THA T~~ THEY MADE IN CEDAR CITY? A. NO, SIR; THEY MADE THIS TRADE IN PAROWAN. Q. WHAT WAS IT? TELL **THAT** ~~TAT~~ TRADE AGAIN ? A. THEY HAD SOLD THEM A COW; THEY TRADED—**OR** ~~OT~~ THAT ~~MN~~ MAN BY THE NAME OF HADDEN HAD TRADED THEM A COW RUNNING AT OUR PLACE; AND HE GAVE THEM AN ORDER T O GET THIS COW HERE. Q. HOW WAS THE KNOWLEDGE OF THAT BROUGHT HOME TO YOU? A. THEY HAD A LINE OR NOTE FROM HADDEN TO ME . BASK~~J~~IN: I	

392. Written "ND"; (the initial h is frequently omitted by Rogerson). Above the shorthand is inserted {**HADDEN**}[i].

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RT	RS	BT	PS
SUPPOSE WHEN COUNSEL STARTED OUT THIS QUESTION WAS RELEVANT. IT IS IMPOSSIBLE TO CONNECT THIS TESTIMONY WITH ANYTHING AT ISSUE IN THIS CASE. SPI~~X~~CER REPLIED AS TO THE RELEVANCY AND PURPOSE OF THE QUESTION AND THE COURT RULED:	SUPPOSED WHEN {THE}[i] COUNSEL STARTED OUT THIS QUESTION WAS RELEVANT. IT IS IMPOSSIBLE CONNECT THIS TESTIMONY WITH ANYTHING AT ISSUE IN THIS CASE. SPICER IDEA IN RELATION TO THIS IS YOUR HONOR WE HAVE NOT SHOWN ANYTHING OF THE KIND. WE ARE NOW ~~<~~TRY~~>~~ SHOWING CONNECTION, HOW HE BECAME MORE ACQUAINTED WITH THEM. IT IS VERY PERTINENT WE SHOULD CONNECT KNOWLEDGE {**COURT RULED**}[i] BY	SUPPOSED WHEN THE COUNSEL STARTED OUT WITH THIS WITNESS THAT THESE QUESTIONS WERE RELE~~C~~VS~~S~~ANT, BUT I SEE NOT**,** THAT IT IS IMPOSSIBLE TO CONNECT THIS TESTIMONY WITH ANYTH~~I~~NG AT ISSUE IN THIS CASE. SPICER: THE IDEA IN RELATION TO THIS, YOUR HO NOR, IS THAT WE HAVN'T SHOWN ANYTHING OF THE KIND. WE ARE NOW TRY~~NG~~ING TO ~~T~~SHOW THE CONNECTION HOW HE **BECAME** ~~CACAME~~ ACQUAINTED WITH THEM. IT IS VERY PERTINENT WE ~~C~~SHOULD CONNECT THE KNOWLEDGE— —	

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RT	RS	BT	PS
IF YOUR OBJECT IS TO SHOW THE CONNECTION YOU MAY GO AHEAD. Q. THE TRAIN WAS MOVING, WHICH WAY ? A. WESTWARD. Q. ON WHAT ROAD OR THOROUGHFARE OF THE COUNTRY ? A. I SUPPOSED THEY WERE AIMING TO GO BACK ON THE CALIFORNIA ROAD AGAIN, BUT I NEVER ASKED THEM ANY QUESTION AT ALL. Q. DOES THAT ROAD LEAD FROM THE MOUNTAIN MEADOWS— HOW FAR WAS THE MOUNTAIN MEADOWS FROM YOUR PLACE ? A. IN THE NEIGHBORHOOD OF 30 MILES. Q. BEFORE ANSWERING THIS QUESTION,	COURT IF YOUR OBJECT IS TO SHOW A CONNECTION YOU MAY GO AHEAD. [*space*] {Q}[i]THE TRAIN WERE MOVING, WHICH WAY WESTWARD {A}[i] WESTWARD ON {Q}[i]WHAT ROAD OR THOROUGHFAR E OF {THE}[i] COUNTRY {A}[i]I SUPPOSE THEY WERE AIMING TO GO BACK ON CALIFORNIA ROAD AGAIN, {BUT}[i] I NOT ASK THEM ANY QUESTION S AT ALL. {Q}[i] DOES THAT ROAD LEAD FROM MOUNTAIN MEADOWS ≤A YES SIR≥ HOW FAR WAS MOUNTAIN MEADOWS FROM YOUR PLACE {IN THE A}[i] NEIGHBORHOOD OF 30 MILES. {Q}[i]BEFORE ANSWERING THIS QUESTION,	THE COURT: ~~ID~~ **IF** YOUR IDEA IS TO SHOW A CONNECTION , ~~F~~GO AHEAD. Q. THE TRAIN WAS MOVING WHICH WAY? A. WESTWARD. Q. ON WHAT ROAD OR THOROUGHFAR E OF THE COUNTRY? A . I SUPPOSED THEY WERE AIMING TO GO BACK ONTO THE CALIFORNIA ROAD AGAIN, BUT I NE~~C~~VER ASKED THEM ANY QUESTIONS AT ALL. Q. DOES THAT ROAD LEAD THROUGH THE MOUNTAIN MEADOWS? A. YES, SIR Q. HOW FAR WAS THE MO**U**NTAIN MEADOWN FROM YOUR PLACE? A. IN THE NEIGHBORHOOD OF 30 MILES. SOUTHERLAND/ ~~Q.~~ BEFORE ANSWERING THIS QUESTION,	

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RT	RS	BT	PS
MR. HAMILTON, YOU WILL WAIT FOR THE OBJECTION OF THE PROSECUTION. Q. WAS THIS LINE FROM THE MAN IN PAROWAN WHO HAD TRADED FOR THE COW SHOWN TO YOU ? A. WELL SIR, I COULD NOT TELL TO SAVE MY LIFE, IT IS SO LONG AGO, BUT I PRESUME IT WAS. Q. I WILL ASK YOU THEN IF THEY GOT THE COW THAT THEY TRADED FOR ? A. NO SIR,THEY COULD NOT FIND THEIR COW,BUT THEY TRADED THE COW~~.~~TO A BROTHER OF MINE FOR A STEER AND	MR. HAMILTON <THAT I AM NOW GOING ASK YOU> YOU WILL WAIT FOR THEIR OBJECTION = WAS THIS LINE FROM {THE}[i] MAN IN PAROWAN, ~~<~~THE ONE~~>~~ WHO HAD TRADED FOR THE COW = WAS ~~<~~IT~~>~~ SHOWN TO YOU ? [17] {A}[i] WELL SIR I COULD NOT TELL TO SAVE MY LIFE ; IT IS SO LONG AGO AND {BUT}[i] I PRESUME IT WAS. [*space*] {Q}[i]I WILL ASK THEN IF THEY GOT THEIR COW {THAT}[i] THEY TRADED FOR {A}[i]NO SIR, THEY COULD NOT FIND THEIR COW, BUT THEY TRADED THE COW TO {**A**}[i] BROTHER OF MINE FOR {**A**}[i] STEER {AND}[i] {~~HE}~~[i]	MR. HAMILTON THAT I AM NOW GOING TO ASK YOU, YOU WILL WAIT FOR THE OTHER COU NSEL'S OBJECTION. [315] Q. WA~~D~~S THIS LINE ~~U~~YOU SPOKE OF FROM THE MAN IN PAROWAN **FROM** THE ONE ~~WHO~~ **WHO** HAD TRADED THEM THE COW, WAS IT SHOWN TO YOU? A. WELL, SIR, I COULD NOT TELLYOU TO SAVE MY LI~~V~~**F**E; IT IS SO LONG AGO THAT I PRESUME IT WAS. Q. I WILL ASK YOU THEN IF THEY GOT THEIR COW THAT THEY TRADED FOR? A. NO, SIR, THEY COULD NOT FIND THEIR COW; BUT THEY TRADED THE COW TO A BROTHER OF MINE FOR A **STEER** ~~STEAR~~, AND	

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RT	RS	BT	PS
AFTERWARDS HE FOUND HER DOWN AT OLD FORT HARMONY. Q. THEY GOT THAT STEER THEN ? *[477]* A. YES SIR. Q. AT THE TIME THIS EMIGRANT TRAIN PASSED THROUGH WERE THERE ANY INDIANS IN THE COUNTRY ? A. THERE HAD BEEN ON DAYS BEFORE. Q. HOW LONG, IF YOU KNOW OF THEM ? A. WELL,THEY HAD ALSO BEEN A FEW INDIANS AROUND THE CREEK. WHETHER THEY WAS THERE THEN OR NOT I COULD NOT SAY JUST WHEN THEY PASSED THROUGH. A FEW DAYS PREVIOUS THERE HAD BEEN INDIANS THERE. THERE HAD ALWAYS	AFTERWARD HE FOUND HER DOWN AT OLD FORT HARMONY {Q}[i] THEY GOT THAT STEER THEN {A}[i]YES SIR. {Q}[i] AT THE TIME THIS EMIGRANT TRAIN PASSED THROUGH , WERE THERE ANY INDIAN S IN THE COUNTRY {A}[i] THAT HAD BEEN ON DAYS BEFORE {Q}[i] OR AFTER YOU KNOW OF {A}[i]WELL, ~~<~~THEY HAD~~>~~ ALWAYS[393] BEEN A FEW INDIANS AROUND {THE}[i] CREEK , WHETHER THERE WAS THEN OR NOT I COULD NOT SAY JUST WHEN THEY PASSED THROUGH. {CONDITION ~~AQ~~}[i] DAYS PREVIOUS THERE HAD BEEN INDIANS THERE THERE HAD ALWAYS	AFTERWARD HE FOUND HER DOWN AT OLD FORT HARMONY. Q. THEY GOT THAT STEER THEN? A. YES, SIR? Q. AT THE TIME THI S EMIGRANT TRAIN PASSED THROUGHH, WERE THERE ANY INDIANS IN THE COUNTRY? A. THERE ~~J~~**H**AD BEEN ON DAYS BEFORE**.** ~~ON~~ Q. OR AFTER THAT **THAT** YOU KNOW OF? A. WELL, THEY HAD ~~ALESO~~ BEE~~I~~N A FEW INDIANS A~~T~~**R**OUND THE CREEK, WHETHER THERE WAS THE N OR NOT, I COULD NOT SAY, JUST WHEN THEY PASSED THROUGH; DAYS PREVIOUS THERE HAD BEEN INDIANS THERE — ALWAYS	

393. Vowels added later in ink render the word “ALSO”.

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RT	RS	BT	PS
BEEN A FEW LIVING THERE— MADE THEIR HOMES THERE . A FEW DAYS PREVIOUS, BUT I COULD NOT SAY. Q. WERE YOU ACQUAINTED OR HAD KNOWLEDGE OF THE INDIANS THAT PERMANENTLY REMAINED THERE ? A. YES, THERE WAS TWO OR THREE FAMILIES I KNEW . Q. YOU KNEW THE INDIANS THAT LIVED THERE ? A. YES SIR. Q. TWO OR THREE FAMILIES ? A. YES SIR,THERE WAS THREE FAMILIES THAT CLAIMED THIS CREEK. Q. DID YOU SEE ANY STRANGE INDIANS THERE ? A. NO SIR, I COULD NOT SAY I DID.	BEEN FEW LIVING THERE , MADE THEIR HOMES THERE . {CONDITION}^{i} {A}^{i}WERE THERE FEW DAYS PREVIOUS I COULD NOT SAY [*space*] {Q}^{i}WERE YOU ACQUAINTED OR HAD ≤YOU A≥ KNOWLEDGE OF INDIANS THAT PERMANENTLY REMAINED THERE {A}^{i}YES, THERE WAS TWO OR 3 FAMILIES I KNEW. {Q}^{i}YOU KNEW THEM INDIANS THAT LIVED THERE {A}^{i}YES SIR {Q}^{i} TWO OR THREE FAMILIES {A}^{i} YES SIR THERE WAS 3 FAMILIES THAT CLAIMED THIS CREEK [*space*] {Q}^{i}DID YOU SEE ANY OTHER STRANGE INDIANS THERE {A}^{i}NO SIR I COULD NOT SAY I DID. I	BEEN A FEW LIVING THERE —MADE THEIR HOMES THERE, AND WERE THERE A FEW DAY PREVIOUS BUT I COULD NOT TELL YOU WHEN. Q. WERE YOU ACQUAINTED OR HAD YOU A KNOWLEDGE OF THE INDIANS THAT PERMANENTLY REMAINED THERE ? ~~A~~. YES, THERE WAS TWO O~~T~~R TH~~E~~REE FAMILIES I KNEW. Q. YOU K~~N~~EW THE INDIANS THA T LI~~C~~VED THERE? AA. YES, SIR. Q. YOU SAY TWO OR THREE FAMILIES? A . YES, SIR: THERE WAS THREE FAMILIES THA T CLAIMED THIS CREEK. Q. DI D YOU SEE ANY OTHER STRANGE INDIANS THERE? A NO, SIR, I COULD NOT SAY THAT I DID. Q. I	

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RT	RS	BT	PS
Q. PREVIOUS TO THIS TRAIN PASSING THROUGH ? A. I COULD NOT SAY I DID. Q. WAS THERE ANY EXCITEMENT IN THE COUNTRY AT THAT TIME IN RELATION TO WILD INDIANS— STRANGE INDIANS,BEING IN THE COUNTRY,LARGE NUMBERS CAREY, YOU MAY ASK HIM IF HE HAD ANY FEARS ~~?~~ BISHOP: TO ACCOMMODATE THE PROSECUTION I WILL PUT IT IN THAT SHAPE. Q. WHAT WAS THE STATE OF THE COUNTRY IN RELATION TO STRANGE INDIANS *[478]* AROUND THERE ?	MEAN {Q}[i] PREVIOUS TO THIS TRAIN PASSING THROUGH {A}[i]I COULD NOT SAY I DID [*space*] WAS THERE {Q}[i]ANY EXCITEMENT IN {THE}[i] COUNTRY AT THAT TIME RELATION TO WILD INDIANS , STRANGE INDIANS, BEING IN THAT COUNTRY ~~<~~IN~~>~~ LARGE NUMBERS{?}[i] CAREY YOU MAY ASK HIM IF HE HAD ANY FEARS BASKIN *WOMEN BY HIM*[?] [*space*] {**BISHOP**}[i] TO ACCOMMODATE {THE}[i] PROSECUTION I WILL PUT IT IN THAT *SIZE*[?] SHAPE {Q}[i]WHAT WAS ~~<SUTHERLAND>~~ STATE OF COUNTRY IN RELATION TO STRANGE INDIANS AROUND THERE	MEAN PREVIOUS TO THIS TRAIN PASSING THROUGH? A . I COULD NOT SAY I DID. Q. WAS THERE ANY ~~EXP~~ EXCITEMENT IN THE COUNTRY AT THAT **TIME** IN RELA-TION TO WILD INDIANS —ST~~A~~RANGE INDIANS BEING IN **THAT COUNTRY** ~~TTHHHAT COUNTYR~~ IN LARGE NEMBERS? CAREY: YOU MAY ASK HIM IF HE HAD ANY FEARS. *[316]* BISHOP: TO ACCOMMODATE THE PROSECUTION I WILL PUT IT IN THAT SHA~~PE~~. **Q.** WHAT WAS THE STATE OF THE ~~COMPA~~COUNTR Y IN RELATION TO STRACN~~H~~HGE INDIANS AROUND THERE? ~~A~~.	

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RT	RS	BT	PS
SPICER: I AM NOT ASKING THE QUESTION YOUR HONOR AS TO RIGHT THERE AT HIS PLACE, I AM ASKING THE QUESTION NOW, WHAT WAS THE STATE OF THE COUNTRY IN GENERAL,NOT ONLY AT HIS RANCH,AS THERE WERE SEVERAL FAMILIES LIVED THERE. Q. I WILL ASK YOU THE QUESTION IN THAT FORM. DID YOU KNOW AT THE TIME THE STATE OF THE COUNTRY ? WITNESS: YES	SPICER ~~I AM NOT~~ WE ARE NOT ASKING YOUR HONOR THE QUESTION AS TO RIGHT THERE AT HIS PLACE I AM ASKING QUESTION NOW WHAT WAS STATE OF COUNTRY IN ~~≤~~GENERAL~~≥~~ NOT ONLY AT HIS RANCH AS THERE WAS SOME FAMILIES LIVING ~~≤~~THERE~~≥~~ ? [*space*] {Q}[i] I WILL ASK YOU QUESTION IN THAT FORM. DID YOU KNOW AT THE TIME STATE OF ~~≤~~THE~~≥~~ COUNTRY ? [*space*] BISHOP COURT PLEASE DEFENDANT FEELING VERY POOR HEALTH THIS MORNING I WILL ASK COURT TO ADJOURN AS IT IS TIME TO ADJOURN NOW [*space*] {A}[i]WITNESS YES	SPICER: WE ARE NOT ASKING**,** YOUR HONOR**,** THE QUESTION AS TO RIGHT THERE AT HIS PLACE. I AM ASKING THE QUESTION , NOW, WHAT WAS THE STATE OF THE COUNTRY IN GENERAL, AND THE FEELING AT THIS RANC~~K~~H AS THERE WAS SOME FAMILIES LIVING THERE. I WILL ASK YOU THE QUESTION IN THAT FORM. **Q** DID YOU **KNOW** ~~KN O~~ AT THE T IME THE STATE OF THE COUNTRY?? A. YES,	

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RT	RS	BT	PS
SIR,THERE WAS CONSIDERABLE EXCITEMENT IN THE COUNTRY AT THAT TIME. RECESS UNTIL HALF PAST TWO O'CLOCK P.M. [*space*] TWO O'CLOCK P.M. SATURDAY JULY 31ST 1875. EXAMINATION RESUMED. Q. MR. HAMILTON DID YOU SEE ANY INDIANS AT YOUR PLACE IMMEDIATELY AFTER THIS CAMP HAD PASSED ? A. YES SIR. Q. ABOUT HOW MANY ? A. I COULD NOT SAY,QUITE A NUMBER— DIDN'T PAY ANY PARTICULAR ATTENTION. Q. I WISH YOU WOULD GET AT THE NUMBER AS	SIR THERE WAS CONSIDERABLE EXCITEMENT IN THE COUNTRY {AT THAT TIME.}[i] [*space*] **RECESS** UNTIL HALF AFTER TWO O'CLOCK [*space*] *[18]* **2. PM.** **SATY. JULY 31. 1875. 2.30 PM.** [*space*] **JNO HAMILTON JR.** **2 40 P**{**M**}[i] WITNESS ON STAND {**Q**}[i]MR. HAMILTON **Q**DID YOU SEE ANY INDIANS AT YOUR PLACE IMMEDIATELY AFTER THIS EMIGRANT PARTY PASSED {**Q**}[i]YES SIR {**Q**}[i] ABOUT HOW ~~TOGETHER~~ MANY {**Q**}[i]I COULD NOT SAY, QUITE A NUMBER DIDN'T PAY ANY PARTICULAR ATTENTION {**Q**I}[i] WISH YOU WOULD GET AT NUMBER AS	SIR, THERE WAS CONSIDERABLE EXCITEMENT IN THE COUNTRY AT THAT TIME. COURT ADJOURNED TILL 2:30 P.M. ————OO———— SATURD~~Y~~AY, JULY, 31ST ~~?~~ ~~I''M~~? 2:30, P.M. E~~Q~~XAMINATION OF JOHN HAMILTON JR. RESUMED. Q. MR. ~~M~~HAMILTON DID YOU ~~SAY, DID YOU~~ SEE ANY INDIANS ~~OF~~ **AT** YOUR PLACE IMMEDIATELY AFTER T**H**IS EMIGRANT PARTY PASSED? A. YES, SIR. Q. ABOUT HOW MANY? A. I COULD NOT SAY, QUITE A NUMBER. I DID NOT PAY ANY PARTICULAR ATTENTION. Q. I WISH YOU WOULD GET AT THE NUMBER AS	

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RT	RS	BT	PS
NEAR AS YOU CAN—MAKE A ROUGH ESTIMATE— ABOUT HOW MANY ? A. IT WOULD BE GUESS WORK WITH ME, THERE WAS THIRTY OR FORTY, PROBABLY, MAY BE MORE,MAY BE LESS. Q. WHERE WERE THEY ? *[479]* A. IN OUR FIELD. Q. TELL US THE CIRCUMSTANCES ,HOW YOU CAME TO SEE THEM ? A. ON SUNDAY MORNING, I THINK IT WAS,WE GOT UP AND SAW CATTLE IN THE FIELD,WENT DOWN TO GET THE CATTLE OUT. WHEN WE FOUND THE INDIANS WAS IN THERE WE SAW THE GROUND AROUND THEIR CAMP WAS	NEAR AS CAN MAKING ROUGH ESTIMATE [*space*] {Q}^{i}ABOUT HOW MANY {A}^{i}IT WOULD BE GUESS WORK WITH ME, THERE WAS 30 OR 40 *ABOUT* {THERE}^{i} PROBABLY AND MAYBE MORE MAYBE LESS {Q}^{i}WHERE WERE THEY $_{A}$IN ≤MY FATHER'S≥ ~~OUR~~ FIELD $_{Q}$TELL US CIRCUMSTANCE S HOW YOU CAME TO SEE {THEM}^{i} ? {A}^{i}ON SUNDAY MORNING I THINK IT WAS WE GOT UP {AND}^{i} SAW CATTLE IN THE FIELD, WENT DOWN TO {GET THE}^{i} CATTLE OUT WHEN WE FOUND INDIANS WAS IN THERE , WITH THEM GROUND AROUND THEIR CAMP WAS	NEAR AS YOU CAN. TRY AND REFRESH YOUR MEMORY, ABOUT HOW MANY? A. IT WOULD BE GUESS WORK WITH ME. THERE WAS 30 OR 40 PROBABLY; MAY BE MORE, MAY BE LESS: Q. WHERE WERE THEY? A.IN MY FATHER'S FIELD. Q. TELL US THE CIRCUMSTANCE S~~,~~, HOW YOU CAME TO SEE THEM? A. ON SUNDAY MORNING, I THINK IT WAS, WE GOT UP AND SAW CATTLE IN THE FIELD; WENT DOWN TO GET THE CATTLE OUT~~.~~**,—** WHEN WE FOUND THE INDIANS WAS IN THERE, **AND** WE ~~THOUGHT~~ **SAW** THE GROUND AROUND THERE WAS	

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RT	RS	BT	PS
COVERED WITH GUNS THEY HAD BROUGHT I SUPPOSED FROM THE MEADOWS. Q. WHAT PART OF THE FIELD WERE THEY IN ? A. WELL THEY CAMPED IN A KIND OF GRASSY PLACE, PROBABLY ONE THIRD OF THE WAY,SOUTH SIDE OF THE FIELD. Q. WAS IT FENCED IN ? A. YES SIR. Q. HOW FAR FROM YOUR HOUSE WAS THIS ? A. IT IS PROBABLY THREE HUNDRED YARDS,PROBABLY FOUR. Q. WHAT WERE THESE INDIANS AS TO SEX — MALES OR FEMALES ? A. WELL I GUESS THEY WAS BOTH,BUT MOSTLY MALE, THERE WAS SOME SQUAWS THERE. ~~THERE~~ I THINK	COVERED WITH GUNS THEY HAD BROUGHT I SUPPOSED FROM {THE}[i] MEADOWS [*space*] {Q}[i]WHAT PART OF THE FIELD WERE THEY IN {A}[i]WELL THEY WERE CAMPED IN A KIND OF GRASSY PLACE PROBABLY ONE THIRD OF THE WAY = SOUTH SIDE OF FIELD {**Q**}[i]WAS {IT}[i] FENCED IN {**A**}[i]YES SIR {**Q**}[i] HOW FAR FROM YOUR HOUSE WAS THIS {**A**}[i]IT WAS PROBABLY THREE HUNDRED YARDS, PROBABLY 400 [*space*] {**Q**}[i]WHAT WERE THESE INDIANS AS TO SEX MALES OR FEMALES {**A**}[i] WELL I GUESS THEY WAS BOTH, BUT MOSTLY MALE = THERE WAS SOME SQUAWS THERE I THINK	COVERED WITH GUNS, ~~I~~THEY HAD BROUGHT I SUPPOSE FROM THE MOUNTAIN MEADOWS. Q: WHAT PART OF THE FIELD WERE THEY IN? A. WELL, THEY WERE CAMPED IN A KIND OF A GRASSY PLACE, PROBABLY ONE THIRD OF THE WAY, *[317]* **TO THE** SOUTH SIDE OF THE FIELD. Q. WAS IT FENCED IN? A ~~I~~YES, SIR. Q. HOW FAR FROM YOU WAS THIS? A. IT WAS PROBABLY THREE HUNDRED YARDS, PROBABLY FOUR OF THEM. Q. WH**A**T WERE THESE INDIANS AS TO ~~C~~S~~W~~EX, MALE OR FEMALE? A. WELL, I GUESS THEY WERE BOTH; BUT MOSTLY MALES. THERE WAS SOME SQUAWS THERE; I THOUGHT	

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RT	RS	BT	PS
THERE WAS,THERE GENERALLY IS, WHEN THEY STOP IN CAMP, BUT I COULD NOT SAY WHETHER THERE WAS OR NOT. Q. HAD THEY WICKEUPS OR TENTS ? A. THEY HAD A KIND OF SHANTY RIG, DON'T KNOW EXACTLY HOW IT WAS RIGGED. THEY CAME IN THERE, STRUCK THAT PLACE THERE AND STOPPED FOR BREAKFAST OR SOMETHING. Q. THEY WERE INSIDE OF THE FENCE OF THE FIELD ? A. YES SIR. Q. WHAT WAS IN THE FIELD AS TO CROPS OR ANYTHING OF THAT KIND ? A. YES,THERE WAS CROPS,CORN CROPS AND POTATOES STILL IN THE FIELD. *[480]*	THERE WAS, THEY GENERALLY ARE WHEN THEY STOP IN CAMP I COULD NOT SAY WHETHER THERE WAS OR WAS NOT [*space*] {Q}^{i}HAD THEY WICKIUPS TENTS $_{A}$THEY HAD KIND OF SHANTY RIGGED; DON'T KNOW EXACTLY HOW IT WAS RIGGED. THEY CAME IN THERE STRUCK THERE TO STOP FOR BREAKFAST OR SOMETHING. [*space*] {Q}^{i} THEY WERE INSIDE FENCE OF {THE}^{i} FIELD {A}^{i}YES SIR. [*space*] WHAT WAS {Q}^{i}IN THE FIELD AS TO CROPS ANYTHING THAT KIND {A}^{i}YES THERE WAS CROPS {A}^{i} CORN CROPS , AND POTATOES STILL IN FIELD.	THERE W AS. THEY GENERALLY ARE WHEN THEY STOP IN **CAMP** ~~VA MP~~; BUT I COULD NOT SAY WHETHER THERE WAS OR WAS **NOT.** ~~NOT~~ Q. HAD THEY WICKIUPS OR TENTS? A. THEY HAD A KIND OF SHANTY RIGGED, DON'T KNOW EXACTLY HOW IT WAS RIGGED. THEY CAMPED IN THERE; STRUC~~H~~K A FIRE THERE TO START THE BREAKFAST OR SOMETHING. Q. THEY WERE INSIDE OF THE FENCE , OF THE FIELD. A. YES, SIR . Q. WHAT WAS IN THE FIELD AS TO CROPS OR ANYTHING **OF** ~~OG~~ THAT KIND? A. YES, THERE WAS CROPS; CORN CROPS AND POTATOES STILL IN THE FIELD.	

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RT	RS	BT	PS
Q. DID YOU HAVE ANY CONVERSATION OR TRANSACTION WITH THEM ? A. I DID NOT. Q. HOW WERE THEY———— A. NO MORE THAN TOLD THEM WE DIDN'T WANT THE STOCK IN THE FIELD. Q. DID THEY TURN IT OUT ? A. YES SIR. Q. WHAT STOCK DID THEY HAVE — WHAT KIND OF STOCK ? A. CATTLE. Q. HAVE YOU ANY KNOWLEDGE OF WHERE THE CATTLE CAME FROM ? A. I HAVE NOT,TO KNOW IT. Q. WHAT KIND OF CATTLE MOSTLY WERE THEY ? A. THESE TEXAS CATTLE OR ARKANSAS. Q. WORK CATTLE OR	{Q}[i]DID YOU HAVE ANY CONVERSATION OR CONTACTS WITH THEM {A}[i] I DID NOT. Q HOW WERE THEY ~~≤~~FRIENDLY OR~~≥~~ OTHERWISE A[NO MORE THAN WE TOLD THEM WE DIDN'T WANT THE STOCK IN THE FIELD. {Q}[i] DID THEY TURN IT OUT {A}[i]YES SIR {Q}[i]WHAT STOCK DID THEY HAVE , WHAT KIND OF STOCK {A}[i] CATTLE {Q}[i] HAVE YOU ANY KNOWLEDGE ~~OF~~ ~~≤~~AS TO~~≥~~ WHERE THEM CATTLE CAME FROM A[I HAVE NOT Q~~*TO/BUT*[?]~~ DO YOU KNOW *[19]* WHAT KIND OF CATTLE WERE THEY A[MOSTLY THESE TEXAS CATTLE OR ARKANSAS {Q}[i] WORK CATTLE OR	Q. DI D YOU HAVE ANY CONVERSA**T**ION OR TALK~~E~~S WITH THEM? A. I DID NO~~T~~. Q. HOW WERE THEY, FRIENDLY OR OTHERWISE? A. NO, MORE THAN I **TOLD** ~~TOLD~~ YOU. WE DIDN'T WANT THEIR STOCK IN THAT FIELD. Q. DID THEY TURN IT OUT? A. YES, SIR. Q. WHAT STOCK DID THEY HAVE; WHAT KIND OF STOCK? A. CATTLE. Q. HAVE YOU ANY KNOWLEDGE AS T O WHERE **THOSE** ~~THEM~~ CATTLE CAME FROM? A. I HAVE NOT. Q. DO YOU KNOW WHAT KIND OF CATTLE THEY WERE? A. MOSTLY THESE **T**EXAS CATTLE OR ARKANSAS . Q. WHAT KIND OF CATTLE? WORK CATTLE OR	

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RT	RS	BT	PS
STOCK CATTLE ? A. I DIDN'T GO CLOSE TO THEM. Q. AND WHAT OTHER ARTICLES THEY HAD DID YOU NOTICE THEM—THESE OTHER ARTICLES ? A. NO SIR. Q. DID YOU NOTICE HOW THEY WERE KEEPING THEM ? A. THEY HAD THEM KIND OF THROWN OUT TO DRIVE, SOME ON THE GROUND, SOME ON THE BUSHES. Q. AS TO THE QUANTITY, HOW LARGE OR HOW MUCH WAS THERE OF THEM ? A. I COULD NOT SAY I AM SURE; THERE WAS QUITE A LOT OF IT. Q. WHAT DID IT MOSTLY CONSIST OF ? A. I DIDN'T NOTICE,COULD NOT SAY EXACTLY, I SUPPOSE IT WAS	STOCK CATTLE $_{A}$I DIDN'T GO CLOSE TO THEM [*space*] $\{_{Q}\}^{i}$AND WHAT OTHER ARTICLES THEY HAD DID YOU NOTICE THEM THOSE OTHER ARTICLES $\{_{A}\}^{i}$ NO SIR [*space*] $\{_{Q}\}^{i}$DID YOU NOTICE HOW WERE THEY KEEPING THEM $\{_{A}\}^{i}$THEY HAD THEM KIND OF THROWN OUT TO DRY , SOME ON $\{THE\}^{i}$ GROUND SOME ON $\{THE\}^{i}$ BUSHES $\{_{Q}\}^{i}$AS TO THE QUANTITY HOW MUCH WAS THERE OF THEM $\{_{A}\}^{i}$I COULD NOT SAY I AM SURE , THERE WAS QUITE A LOT OF IT. $\{_{Q}\}^{i}$WHAT DID IT MOSTLY CONSIST OF $\{_{A}\}^{i}$I DIDN'T NOTICE, COULD NOT SAY EXACTLY, I SUPPOSE IT WAS	STOCK CATTLE? A. I DIDN'T GO CLOSE TO THEM. Q. WHAT ARTICLE~~D~~**S** THEY HAD, DID YOU NOTICE THEM, THESE OTHER ARTICLES? A. NO, SIR. Q. DID YOU ~~HAV~~ NOTICE HOW THEY WERE **KEEPING** **P**~~K~~KEEPING THEM? A. THEY HAD *[318]* THEM KIND OF THROWN OUT TO DRY; SOME ON THE GROUND , SOME ON THE BUSHES. Q.AS TO QUA~~J~~NTITY, HOW MUCH WAS **THERE** ~~THEY~~ OF THEM? A. I COULD NOT SAY, I AM SURE, THERE WAS QUITE A LOT OF IT. WHAT DID IT MOSTLY CONSIST OF? A. I DIDN'T NOTICE; COULD NOT SAY EXACTLY. I SUPPOSED IT	

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RT	RS	BT	PS
CLOTHING OF ALL KINDS. I SEEN COATS,PANTS AND SHIRTS. I SUPPOSE IT WAS ALL THE *[481]* SAME. Q. ANY BLANKETS OR HATS ? A. I DON'T RECOLLECT ANYTHING OF THAT KIND. Q. WERE THESE INDIANS AT THE TIME DECORATED IN ANY WAY OR PARTICULAR STYLE,IF SO HOW ? A. THEY WERE,SOME OF THEM MIGHT HAVE A LITTLE BLACK ON THEIR FACES. Q. YOU SAY YOU WERE ACQUAINTED WITH THE INDIANS IN THAT NEIGHBORHOOD A. I WAS ACQUAINTED WITH THOSE WHO OWNED CLAIMS ON THAT CREEK. Q. WERE THESE	CLOTHING OF ALL KINDS , I SEEN COATS AND PANTS AND SHIRTS I SUPPOSED IT WAS ALL SAME {Q}^{i} ANY BLANKETS OR HATS {A}^{i} DON'T RECOLLECT ANYTHING OF THAT KIND. [*space*] WERE THESE INDIANS AT THE TIME DECORATED IN ANY WAY , ANY PARTICULAR STYLE, IF SO HOW ? $_{A}$THEY WERE ~~NOT,~~ SOME OF THEM MIGHT HAVE LITTLE BLACK ON THEIR FACES BUT THAT IS ALL {Q}^{i}YOU SAY YOU WERE ACQUAINTED WITH THE INDIANS IN THAT NEIGHBORHOOD S {A}^{i}I WAS ACQUAINTED WITH THOSE WHO OWNED CLAIMS ON THAT CREEK {Q}^{i}WERE THESE	WAS CLOTHING OF ALL KINDS. I SEEN COATS/, PANTS AND SHIRTS, I SUPPOSED IT WAS ALL THE SAME. Q . WERE THERE ANY BLANKETS OR HATS? A. I DON'T RECOLLECT ANYTHING OF THAT KIND. Q. WERE THESE INDIANS AT THE TIME DECORATED IN ANY WAY; ANY PARTICULAR STYLE; IF SO, HOW? A. THEY WERE. SOME OF THEM MIGHT HAVE A LITTLE BLACK ON THEIR FACES, THAT IS ABOUT ALL. Q. YOU SAY YOU ARE ACQUAINTED WITH THE INDIANS IN THAT NEIGHBORHOOD ? A. I WAS ACQUAINTED WITH THOSE WHO OWNED CLAIMS ON THAT CREEK . Q. WERE THESE	

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RT	RS	BT	PS
THE SAME INDIANS ? A. I DIDN'T SEE THEM,THOSE WERE OLD MEN, CLAIMED TO BELONG TO THE CREEK I DIDN'T KNOW WHERE THOSE INDIANS BELONGED; I HAVE SEEN SOME OF THEM AT CEDAR. Q. WERE THE INDIANS IN ANY TROUBLE AS TO SICKNESS,WOUNDS OR ANYTHING OF THAT KIND ? A. I THINK THERE WAS A COUPLE OF WOUNDED INDIANS. Q. DID YOU NOTICE—CAN YOU TELL US ANYTHING ABOUT HOW MUCH STOCK THEY HAD ? A. I CANNOT, BECAUSE THE STOCK, RUNNING STOCK, WAS ALL RUNNING AROUND ON THE RANGE	SAME INDIANS ≤OR SOME OF THEM≥ {A}iI DIDN'T SEE THEM {A}iTHESE WERE OLD MEN CLAIMED TO BELONG TO {THE}i CREEK. I DIDN'T KNOW WHERE THESE INDIANS BELONGED , BUT I HAVE SEEN SOME OF THEM AT CEDAR. {Q}i WERE THE INDIANS IN ANY TROUBLE AS TO SICKNESS, WOUNDS {OR}i ANYTHING {OF}i THAT KIND AI THINK THERE WAS COUPLE WOUNDED INDIANS. {Q}i DID YOU NOTICE = CAN YOU TELL US ANYTHING ABOUT HOW MUCH STOCK THEY HAD {A}iI CANNOT, BECAUSE THE STOCK {=}i RUNNING STOCK WAS ALL RUNNING AROUND ON RANGE,	~~E~~THE SAME INDIANS, OR SOME OF THE INDIANS? A. I DIDN'T S**E**E THEM. THESE WERE OLD MEN THAT CLAIMED TO BELONG TO THE CREEK; I DIDN'T KNOW WHERE THESE INDIANS BELONGED; BUT I HAVE SEEN ~~D~~SOME OF THEM AT CR~~E~~DAR. Q. WERE THE INDIANS IN ANY TROUBLE AS TO SICKNESS, ~~O~~WOUNDS OR ANYTHING OF THA T KINE? A. I THINK THERE WAS A COUPLE OF INDIANS WOUNDED. Q. DID YOU NOTICE—CAN YOU TELL US ANYTHING ABOUT HOW MUCH STOCK THEY HAD? A. I CANNOT; BECAUS**S**E THE STOCK ~~RUNNING STOCK,~~ WAS OFF RUNNING AROUND ON THE RANGE	

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RT	RS	BT	PS
THERE. I COULD NOT TELL ANYTHING ABOUT HOW MUCH THEY HAD OR HOW LITTLE. Q. WHAT CONDITION WAS THIS CLOTHING IN YOU SAW TOGETHER ? A. IT WAS STAINED WITH BLOOD. Q. CAN YOU TELL WHETHER IT WAS ALL MALE OR FEMALE ATTIRE ? A. I COULD NOT TELL YOU, I SAW COATS, PANTS AND SHIRTS Q. IN RELATION TO THIS COW,YOU SAY THEY DIDN'T FIND IT ? *[482]* A. NO SIR. Q. WAS ANY EFFORTS MADE TO FIND IT IF SO WHAT ? A. THEY HUNTED FOR HER THAT EVENING, IT WAS ABOUT FOUR O'CLOCK. WHEN THEY CAME THERE	THERE. I COULD NOT TELL ANYTHING ABOUT HOW MUCH THEY HAD OR HOW LITTLE ~ [*space*] $_{Q}$WHAT CONDITION WAS THIS CLOTHING IN YOU SAW TOGETHER $\{_{A}\}^{i}$IT WAS STAINED WITH BLOOD ~ $\{_{Q}\}^{i}$CAN YOU TELL WHETHER IT WAS ALL MALE OR FEMALE ATTIRE $\{_{A}\}^{i}$I COULD NOT TELL YOU, I SAW COATS, PANTS AND SHIRTS. $\{_{Q}\}^{i}$IN RELATION TO THIS COW, YOU SAY THEY DIDN'T FIND IT $\{_{A}\}^{i}$NO SIR $_{Q}$ WAS ANY EFFORTS MADE TO FIND IT, IF SO WHAT $\{_{A}\}^{i}$THEY HUNTED FOR HER THAT EVENING ; IT WAS ABOUT 4 O'CLOCK, WHEN THEY CAME THERE ,	THERE; I COULD NOT TELL ANYTHI~~N~~G ABOUT H~~I~~OW MUCH THEY HAD, OR HOW LITTLE. Q. WHAT CONDITION WAS THIS CLOTHING IN THAT YOU SAW TOGETHER THERE? A. IT ~~WO~~WAS STAINED WITH BLOOD . Q. CAN YOU TELL WHETHER IT WAS ALL MAIL OR FEMALE ATTIRE? A I COULD NOT TELLYOU ; I SAW COATS, PANTS , SHIRTS. *[319]* Q. IN RELATION TO THIS CO~~U~~W, YOU SAY THEY DIDN'T FIND IT? A. ~~N~~ , NO, SIR. Q. WAS ANY EFFORTS MADE TO FIND IT, IF SO WHAT ? A. THEY HU~~D~~NTED FOR HER THAT EVENING; IT WAS ABOUT FOUR O'CLOCK WHEN THEY CAMPED THERE.	

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RT	RS	BT	PS
THE NEXT MORNING THEY CAME BACK AND MY BROTHER HELPED THEM TO HUNT THAT DAY I DIDN'T HELP THEM TO HUNT, THEY DIDN'T FIND THE COW; MEN WANTED TO KNOW IF WE HAD ANYTHING TO TRADE FOR HER MY BROTHER SAID THERE IS A STEER EIGHTEEN MONTHS OLD, YOU CAN HAVE HIM.	NEXT MORNING THEY CAME BACK , MY BROTHER HELPED THEM HUNT THAT DAY. I DIDN'T HELP THEM [20] TO HUNT. THEY DIDN'T FIND COW. MEN WANTED TO KNOW IF WE {HAD}[i] ANYTHING TO TRADE FOR HER <MY BROTHER SAID> THERE IS STEER 18 MONTHS OLD YOU CAN HAVE HIM <FOR HER>. BY DEFENSE TO THE PROSECUTION YOU CAN TAKE WITNESS	THE NEXT MORNING THEY CAME BACK AND MY BROTHER HELPED THEM TO HUNT THAT DAY. I DIDN'T HELP THEM TO HUNT. THEY DIDN'T FIND THE COW. THE MEN WANTED TO KNOW IF THEY HAD ANYTHING TO TRADE FOR HER. MY BROTHER SAID THERE IS A STEER I8 MONTHS OLD, YOU CAN HAVE HIM FOR HER .	
CROSS-EXAMINATION.	{**CROSS EXAMINATION**}[i]	CROSS - EXAMINATION OF JOHN MAMILTON , JR.	
Q. ABOUT HOW MANY CATTLE HAD THESE EMIGRANTS ? A. THEY HAD A PRETTY LARGE HERD. Q. YOU CAN'T TELL WHETHER THEY HAD FOUR	{Q}[i] ABOUT HOW MANY CATTLE HAD THESE EMIGRANTS {A}[i] THEY HAD PRETTY LARGE HERD {Q}[i]YOU CAN'T TELL WHETHER THEY HAD FOUR	BY BASKIN: Q . ABOUT HOW MANY CATTLE HAD THESE EMIGRANTS? A. THEY HAD A PRETTY LARGE HERD . Q. YOU CAN TELL WHETHER THEY HAD 400	

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RT	RS	BT	PS
HUNDRED OR FIVE HUNDRED ,MORE OR LESS ? A. I THINK THEY HAD FAR ON TO FIVE HUNDRED, BUT I COULD NOT SAY. THEY HAD SOME HORSES. Q. HOW MANY HEAD ? A. I DON'T KNOW. Q. WERE ALL THEIR CATTLE WORK CATTLE ? A. I THINK THEY HAD A BAND OF CATTLE. [*space*]	HUNDRED 5 HUNDRED MORE OR LESS {A}iI THINK THEY HAD FOUR OR 500, I COULD NOT SAY , AND THEY HAD SOME HORSES. {Q}iHOW MANY HEAD {A}iI DON'T KNOW {Q}iWERE ALL THEIR CATTLE WORK CATTLE {A}iI THINK THEY HAD {**A**}i BAND OF LOOSE CATTLE. BY BASKIN THAT IS ALL BY COURT CALL THE NEXT WITNESS. [*space*]	OR 500 HUND~~E~~RED MORE OR LES**S** A. I THINK THEY HAD FOUR OR FI~~C~~VE HUNDRED, I COULD NOT SAY AND THEY HAD SOME HORSES. Q. HOW MANY HEAD? A. I DON'T KNOW. Q. WERE ALL THEIR CATTLE WORK CATTLE? A. I THINK THEY HAD A BAND OF LOOSE CATTLE. THAT IS ALL.	
[483] RICHARD ROBISON, SWORN FOR DEFENDANT.	**RICHARD S ROBISON PINTO** OATH ADMINISTERED BY CLERK [*space*]	RICHARD S. ROBINSON BEING CALLED AS A WITNESS ON ON THE PART OF THE DEFENSE WAS EXAMINED AS FOLLOWS BY ~~MR. SUTHERLAND:~~	
Q. WHERE DO YOU LIVE MR. ROBISON ? A. AT PINTO CREEK. Q. HOW LONG HAVE YOU LIVED THERE ? A. SINCE THE YEAR 1856 I	QWHERE DO YOU LIVE MR. ROBINSON ASAT PINTO CREEK QHOW LONG HAVE YOU LIVED THERE ASINCE YEAR 1856 I	Q. WHERE DO YOU LIVE , MR. ROBINSON~~ ?~~ ,? A. PINTO CREEK. Q. HOW LONG HAVE YOU LIVED THER~~3~~E ? A SINCE THE YEAR '56, I	

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RT	RS	BT	PS
THINK. Q. HOW LARGE A SETTLEMENT WAS THERE IN 1857 ? A. I DON'T REMEMBER MORE THAN FOUR FAMILIES. Q. HOW MANY ABLE BODIED MEN ALTOGETHER ALL TOGETHER ? A. ABOUT SIX . I THINK THERE WAS TWO MEN LIVED THERE WHO HAD NO FAMILIES—SIX MEN. Q. DO YOU RECOLLECT AN EMIGRANT TRAIN PASSING THROUGH THERE THE FORE PART OF SEPTEMBER 1857 ? A. I RECOLLECT OF HEARING OF THEM PASSING THROUGH. I WAS ABSENT AT THE TIME. Q. WHEN YOU SPOKE AS TO THE NUMBER OF PERSONS DID YOU HAVE	THINK $_{Q}$HOW LARGE SETTLEMENT WAS THERE IN 1857 ? $_{A}$I DON'T PERFECTLY REMEMBER ≼NOT≽ MORE THAN 4 FAMILIES $_{Q}$HOW MANY ABLE BODIED MEN ALTOGETHER? $_{A}$ABOUT 6, I THINK THERE WAS TWO MEN LIVED THERE WHO HAD NO FAMILIES THOSE TWO MEN {Q}^{i} DO YOU RECOLLECT EMIGRANT TRAIN PASSING THROUGH THERE FORE PART OF SEPTEMBER 1857 {A}^{i}I RECOLLECT OF HEARING OF THEM PASSING THROUGH [*space*] {A}^{i}I WAS ABSENT AT THE TIME {Q}^{i} WHEN YOU SPOKE NUMBER OF PERSONS , DID YOU HAVE	THINK . Q. HOW LAGRE A SE~~E~~TTLEMENT WAS THERE THERE IN I857? A. I DON'T REMEMBER; PROBABLY NOT MORE THAN FOUR FAMILIES. *[320]* ~~Q~~. HOW MANY ABLE BODIED MEN ALTOGETHER? ~~A~~. ABOUT SIX. I THINK THERE WAS TWO MEN LIVED THERE THA T HAD NO FAMILES. Q. DO YOU RECOLLECT THE EMIGRANT TRAIN PASSING THROUGH THERE THE FORE PART OF SEPTEMBER , I857? A. I RECOLL LECT OF HEARING OF THEM PASSING THROUGH . I WAS AB~~L~~SENT AT THE TIME. Q. WHEN YOU SPOKE OF THE NUMBER OF PERSONS, DID YOU HAVE	

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RT	RS	BT	PS
REFERENCE TOT HE YEAR BEFORE OR ‘57 ? A. ‘57. Q. WERE THESE PERSONS ALL AT HOME IN 1857 WHEN THIS TRAIN PASSED THROUGH ? A. NO SIR. Q. HOW MANY WERE THERE ? A. THERE WAS TWO THAT WERE ABSENT THAT I REMEMBER OF. Q. WHERE WERE THEY ABSENT, AS FAR AS YOU KNOW ? A. ONE WAS IN PAROWAN HARVESTING, I DON’T KNOW WHETHER THE OTHER WAS OR NOT, I RATHER THINK HE WAS. *[484]* Q. DO YOU KNOW JOEL WHITE ? A. YES SIR. Q. DO YOU KNOW PHILIP KLINGENSMITH ? A. YES SIR. Q.	REFERENCE TO {THE}^{i} YEAR BEFORE OR ‘57 ? {$_{A}$}^{i}’57 [*space*] {$_{Q}$}^{i}WERE THESE PERSONS ALL AT HOME IN 1857 WHEN THIS TRAIN PASSED THROUGH {$_{A}$}^{i} NO SIR {$_{Q}$}^{i}HOW MANY WERE THERE {$_{A}$}^{i} THERE WAS TWO THAT {WERE}^{i} ABSENT I REMEMBER OF {$_{Q}$}^{i}WHERE WERE THE ABSENT ONES SO FAR AS YOU KNOW {$_{A}$}^{i}ONE WAS IN PAROWAN HARVESTING, I DON’T KNOW WHETHER {THE}^{i} OTHER WAS OR NOT I RATHER THEN THINK HE WAS ⇐NOT AT HOME NO HE WAS NOT AT HOME NO $_{A}$HE WAS NOT~. {$_{Q}$}^{i}DID YOU KNOW JOEL WHITE {$_{A}$}^{i} YES SIR {$_{Q}$}^{i}DID YOU KNOW PHILIP KLINGENSMITH {$_{A}$}^{i}YES SIR {$_{Q}$}^{i}	REFERENCE TO THE YEAR BEFORE OR ‘57? A. ‘57 . Q. WERE THE~~S~~SE PERSONS ALL A~~Y~~T HOME IN ‘57, WHEN THIS TRAIN PASS~~E~~D THROUGH? A. NO, SIR . Q. HOW MANY WERE THERE? A. THERE WAS TWO ABSENT THAT I REMEMBER OF. Q. WHERE WERE THE ABSENT ONES SO FAR AS YOU KNOW ? ~~A~~. ONE WAS IN PAROWAN HARVESTING. I DON’T KNOW WHETHER THE OTHER ONE WAS OR NOT. Q . THEN HE WAS NOT AT HOME? A NO ,~~S~~HE WAS NOT. Q. DO YOU KNOW JOEL WHITE? A. YES, SIR. Q. DO YOU KNOW PHILIP KLINGENSMITH? A. YES, SIR. Q.	

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RT	RS	BT	PS
STATE WHETHER IN THE FORE PART OF SEPTEMBER 1857 ~~?~~ YOU SAW THEM AT PINTO — JUST BEFORE THIS TRAIN PASSED THROUGH ? A. I DON'T REMEMBER SEEING THEM. Q. WHAT DO YOU SAY TO THEIR HAVING DELIVERED YOU OR ONE OF THEM A LETTER BROUGHT BY THEM FROM CEDAR, PURPORTING TO COME FROM CEDAR AT THAT TIME ? A. I DON'T REMEMBER SUCH A CIRCUMSTANCE. Q. DID YOU SEE A LETTER ABOUT THAT TIME A LITTLE AFTER THIS COMPANY HAD PASSED THROUGH FROM HAIGHT TO LEE ? A. YES SIR. DEFENSE:	STATE WHETHER IN FORE PART OF SEPTEMBER 1857 {**Q**}^{i}YOU SAW THEM AT PINTO ~~<~~JUST~~>~~ BEFORE THIS TRAIN PASSED THROUGH {**A**}^{i}I DON'T REMEMBER SEEING THEM {**Q**}^{i}WHAT DO YOU SAY TO THEIR HAVING DELIVERED YOU OR ONE OF THEM A LETTER , BROUGHT BY THEM FROM CEDAR CITY, OR PURPORTING TO COME FROM CEDAR AT THAT TIME {**A**}^{i}I DON'T REMEMBER SUCH A CIRCUMSTANCE. [*space*] $_{Q}$DID YOU SEE A LETTER ABOUT THAT TIME, OR A LITTLE AFTER THIS COMPANY HAD PASSED {THROUGH}^{i} , FROM HAIGHT TO LEE ? {**A**}^{i}YES SIR. [*space*] {**COUNSEL FOR**	STATE **WHETHER** I~~H~~N THE FORE PART OF SEPTEMBER, '57, YOU SAW THEM AT PINTO JUST BEFORE YOU SAW THIS TRAIN PASS THROUGH? A. I DON'T REMEMBER SEEING THEM. Q. W**H**AT DO YOU SAY TO THEIR HAVIN~~I~~**G DELIVERED TO YOU** ~~AN INTERVIEW~~ OR ON E OF THEM A LETTER BROUGHT BY THEM ~~BY~~ **FROM** CEDAR CITY OR PERPORTING TO COME FR**O**M CEDAR AT THE ~~A~~TIME? A. I DON'T REMEMBER SUCH A CIRCUMSTANCE. Q. DID YOU SEE A LETTER ABOUT THAT T IME OR A LITTLE AFTER T**H**IS COMPANY HAD PASSED THROUGH FROM HAIGHT TO LEE? A. YES, SIR. SUTHERLAND:	

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RT	RS	BT	PS
I PROPOSE TO ASK THIS WITNESS THE CONTENTS OF THAT LETTER. PROSECUTION: WE OBJECT. BASKIN: THE QUESTION IS PENDING FOR THE PURPOSE OF ANY DISCUSSION. IT IS THE SECOND QUESTION WHICH CAME UP WHEN A PREVIOUS WITNESS WAS ON THE STAND. SUTHERLAND: THE LETTER WAS OPEN LETTER FROM HAIGHT TO LEE AND IN TRANSIT TO HIM. WAS WRITTEN AT THE TIME THE EMIGRANTS ~~WAS~~ WERE AT THE MEADOWS, ~~I~~ AS I AM INFORMED. BASKIN: IT WAS THE SAME QUESTION THAT WAS UP WHEN WE HAD	**DEF**}[i] I PROPOSE TO ASK THIS WITNESS {THE}[i] CONTENTS OF THAT LETTER. PROSECUTION WE OBJECT [*space*] QUESTION BE PENDING FOR THE PURPOSE OF ANY DISCUSSION *[21]* BASKIN IT IS THE SECOND QUESTION WHICH CAME UP WHEN WE HAD WHAT'S HIS NAME {BE}[i] ? SUTHERLAND. LETTER WAS {AN}[i] OPEN LETTER FROM HAIGHT TO LEE IN TRANSIT TO HIM WAS WRITTEN AT THE TIME THE EMIGRANTS WERE AT THE MEADOWS AS I AM INFORMED. BASKIN IT WAS SAME QUESTION THAT WAS UP WHEN WE HAD, ~~<~~SOME DISCUSSION	WE PROPOSE NOW TO ASK THE WITNESS FOR THE CONTENTS OF THAT LETT~~3~~ER. BASKIN: WE O~~N~~BJECT TO THE CONT~~A~~ENTS OF THE LETTER. IT IS THE SECOND QUESTION WHICH CAME UP WHEN WE ASKED WHAT HIS NAME WAS. SUTHERLAND: THE LETTER WAS AN ~~E~~OPEN LETTER FROM HAIGHT TO LEE, AND IN TRANSIT~~,~~ TO WHOM IT WAS WRITTEN AT THE T IME THE EMIGRANTS WERE AT THE MOU~~J~~NTAIN MEADOWS, AS I AM INFORMED. *[321]* BASKIN: IT WAS ~~OME~~ THE SAME QUESTION THA T WAS UP WHEN WE HAD SOME DISCUSSION,	

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RT	RS	BT	PS
MR. THOMPSON ON THE STAND AND MRS. HOGE. *[485]* COURT: ASK THE QUESTION AGAIN ABOUT THE LETTER. SUTHERLAND: WITNESS SAID HE SAW A LETTER PURPORTING TO HAVE BEEN WRITTEN BY ISAAC C. HAIGHT TO JOHN D. LEE AFTER THE EMIGRANT PARTY HAD PASSED PINTO, AND I NOW ASK HIM TO STATE THE CONTENTS OF THAT LETTER. BASKIN: ~~I~~ AND THAT IS THE POINT WE OBJECT ~~THE~~ TO. WHEN MR. THOMPSON WAS ON THE STAND HE WAS ASKED THE	AND WHEN~~>~~ MR. THOMPSON ON THE STAND AND MRS. HOGE BY COURT ASK THE QUESTION AGAIN ABOUT LETTER [*space*] WITNESS SAID HE SAW A LETTER PURPORTING TO HAVE BEEN WRITTEN BY ISAAC **C** HAIGHT TO D. LEE AFTER THE EMIGRANT PARTY HAD PASSED PINTO, AND I NOW ASK HIM STATE THE CONTENTS OF THAT LETTER? BASKIN THAT IS POINT WE OBJECT TO WHAT IS YOUR GROUNDS OF OBJECTION, YOU WILL REMEMBER MR. THOMPSON WHEN HE WAS ON {THE}[i] STAND WAS ASKED	AND WHENMR. THOMPSON WAS ON THE STAND ~~AND MRS. HOGE~~. **& MRS HOGE.** THE COURT: ASK THE QUESTION AGAIN~~.~~ ABOUT THE LETTER: SUTHERLAND: WITNESS STATED HE SAW A LETTER PERPORTING TO HAVE BEEN WRITTED BY ISAAC C. HAIGHT TO JOHN D. LEE, AFTER THE EMIGRANTS HAD PASSED PINTO, AND I NOW ASK HIM T**O** STATE THE CONTENTS OF THAT LETTER. BASKIN: THAT IS THE POINT WE OBJECT TO. THAT IS THE GROUNDS OF OUR OBJECTION. YOU REME**M**BER MR. THOMP~~A~~**S**ON WHEN HE WAS ON THE STAND WAS ASKED	

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RT	RS	BT	PS
SAME QUESTION. SUTHERLAND: I THINK IF YOU WILL PERMIT JOHN D. LEE TO BE SWORN AS TO THE ORIGINAL HE WILL SWEAR AS TO THE CONTENTS.	THE SAME QUESTION I WAS IN DOUBT WHETHER WE COULD PROVE CONTENTS OF IT [*space*] CASE WAS HELD OVER FOR INVESTIGATION OF QUESTION I CAME CONCLUSION WE COULD NOT DO IT AND THEREFORE IT PASSED AWAY I WILL REFER YOUR HONOR TO AUTHORITY ON IT. SUTHERLAND I THINK IF YOU WILL PERMIT JOHN D LEE TO BE SWORN AS TO ORIGINAL HE WILL SWEAR TO IT AND ITS CONTENTS = [*space*] A PARTY OUGHT NOT TO BE SWORN WHEN WHEN HE WAS NOT COMPETENT WITNESS TO TESTIFY LAWS OF PRIMARY EVIDENCE IN ORDER TO LAY	THE SAME QUESTION. I WAS IN DOUBT WHETHER WE COULD PROVE THE CONTENTS OF IT, AND IT WAS HELD O~~V~~VER FOR THE INVESTIGATION OF THE QUESTION, AND I CAME TO THE CONCLUSION WE COULD NOT DO IT, THEREFORE IF PASSED AWAY; AND I WILL REFER YOUR HONOR TO THE AUT~~H~~ORITY ON IT.. SUTHERLAND: I THINK IF YOU WILL PERMIT JOHND. LEE TO BE SWORN AS TO THE ORIGINAL, HE WILL SWEAR TO IT AND ITS CONTENTS.	

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RT	RS	BT	PS
	ANY SECONDARY A WITNESS HOWEVER INCOMPETENT FOR PROOF ≤IN THAT INSTANCE≥ IS ALSO NOT COMPETENT FOR EVIDENCE?		
AFTER FURTHER ARGUMENT BETWEEN COUNSEL			
THE COURT ASKED IF THEY	BY COURT	THE COURT:	
HAD ANY AUTHORITIES	HAVE YOU ANY AUTHORITIES YOU CAN REFER ME TO	HAVE YOU ANY AUTHORITIES T~~H~~A T YOU CAN REFER ME TO	
ON THE SUBJECT. SUTHERLAND	ON THAT QUESTION? SUTHERLAND	ON THAT ~~W~~QUESTION? SUTHERLAND:	
READ	I WILL READ	YES; I WILL READ TO YOUR HONOR NOW,	
FROM PAGE 517 PHILIPS ON EVIDENCE AS RELEVANT TO THE POINT IN THE CASE WHEN	FROM NOTE PAGE 517 PHILIPS ON EVIDENCE DESCRIPTIVE OF GENERAL RULE POINT IS PERENNIAL AND IN FACT SHALL BE TRIED BY	FROM PAGE 5I5, PHILIPS ON EVIDENCE. (READ AND ARGUED)	
THE COURT SAID THAT IS THE RULE IN CIVIL CASES. SUTHERLAND~~:~~ ARGUED THAT THE RULE WAS	JURY BY COURT THAT IS THE RULE IN CIVIL CASES [*space*] SUTHERLAND RULE IS	THE COURT: THAT IS THE RULE IN CIVIL CASES. SUTHERLAND: THE RULE IS	

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RT	RS	BT	PS
ONE AND THE SAME IN CIVIL AND CRIMINAL CASES AS TO THE FACTS TO BE TRIED BY A JURY. THE REASON OF THE RULE IS THE SAME, OTHERWISE DEFENDANT MIGHT BE DEPRIVED OF SECONDARY EVIDENCE FOR THE REASON THAT HE WOULD BE UNABLE TO SHOW THE REASON OF THE RESULT. BASKIN: THE PROSECUTION FOLLOWED JUDGE SUTHERLAND, ARGUING AS TO THE RELEVANCY OF THE QUESTION. ~~HOGE:~~ TO WHICH HOGE R PLIED AND ASKED THAT LEE	ONE AND THE SAME IN CRIMINAL CASES AS TO FACTS TO BE TRIED BY JURY. REASON ~~IS~~ OF RULE IS THE SAME, OTHERWISE DEFENDANT MAY BE DEPRIVED OF SECONDARY EVIDENCE, FOR REASON HE WOULD ~~NOT~~ BE UNABLE TO SHOW NECESSARY SITUATION ~~<~~COMPELLING~~>~~ RESORT TO SECONDARY EVIDENCE	THE SAME IN CRIMINAL CASES AS TO THE FACTS TO BE TRIED BY THE JURY. THE REASON OF THE RULE IS THE SAME OTH ERWISE THE DEFENDANT M IGHT BE DEP~~T~~RIVED OF SECONDARY EVIDE~~NC~~E FOR THE REASON HE WOULD BE UNABLE TO SHOW THE REASONS COMPELLING THE RESULT, THAT OF SECONDARY EVIDENCE.? ARGUED BY COUNSEL ON BOTH SIDES.	

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RT	RS	BT	PS
BE PUT ON THE STAND TO SWEAR TO THE CONTENTS OF THAT LETTER, AND AS TO ITS GENUINENESS.	SUTHERLAND ~~I DO NOT KNOW~~ I DO NOT SEE ANYTHING IN THIS NOTE THAT REFERS ESPECIALLY TO CRIMINAL CASES MY RECOLLECTION IS THE SAME REASON READING IN BISHOP RULES ARE SET TO BE THE SAME EXCEPT WHERE THEY ARE VARIED BY SOME SPECIAL CIRCUMSTANCES WE ARE TO *GO*/*COME*[?] TO OTHER CASES AND BY STATUTE PERSONS MIGHT TESTIFY IN CIVIL CASES WITH VERY FEW EXCEPTIONS THERE IN ~~CRIMINAL~~ ~~<~~CIVIL~~>~~ CASES ARE GOVERNED BY SAME RULES AS IN CRIMINAL		

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RT	RS	BT	PS
	CASES. BASKIN MAY IT PLEASE YOUR HONOR THAT RULE *SAY/WAS*[?] AND IT IS NOT FOR ANY REASON AND I SHALL SPEAK ABOUT IT AND ~~IF~~ IF IT IS THAT CRIMINAL CAN TESTIFY IN CASE PERSON [22] CHARGED WITH CRIME IN THIS QUESTION *HERE* FALLS THERE FOLLOWS AUTHORITIES [*space*] LET'S LOOK AT THE [*space*] THIS CASE AS IT NOW STANDS BEFORE YOUR HONOR IT DON'T APPEAR THIS LETTER EVER REACHED JOHN D. LEE'S HAND NOTHING OF THAT SORT IS SHOWN [*space*] IT PROVES IN SOME INDEFINITE MANNER LETTER CAME INTO HIS HAND AS HE SAYS ADDRESSED BY HAIGHT AND SENT TO JOHN D. LEE SIGNED		

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RT	RS	BT	PS
	BY HAIGHT AND ADDRESSED TO JOHN D. LEE NOW THEN BEFORE THEY CAN INTRODUCE LETTER OF THAT KIND THEY WILL HAVE TO SHOW THAT LETTER WAS FROM HAIGHT WROTE IT SIGNED IT [*space*] HOGE {TO}[i] MR. BASKIN LET ME REFER YOU TO SAME AUTHORITY ON THIS QUESTION JUDGE SUTHERLAND SUGGESTED [*space*] REFER YOU TO BISHOP'S CRIMINAL PROCEDURE IT HAS BEEN SOLEMNLY ≼DECIDED≽ THERE IS NO DIFFERENCE BETWEEN RULES OF EVIDENCE IN CIVIL AND CRIMINAL CASES HOGE PARTY IS WITNESS IN CIVIL CASES		

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RT	RS	BT	PS
	[*space*] HE GOES ON THEN AND GIVES DISTINCTION THAT THERE IS THIS MATTER WILL BE DISCUSSED FURTHER ON FOLLOWING CHAPTER THIS IS *PRINCIPALLY*[?] QUESTION TO LET IN SECONDARY EVIDENCE ONLY IT IS NOT ADDRESSED TO JURY AT ALL IT IS QUESTION THAT GOES TO YOUR HONOR ENTIRELY THAT ~~SUBJECT~~ ~~≤~~FACT~≥~~ CAN'T AFFECT SUBJECT SAME RIGHT CASE OF THIS KIND EXISTS *WHEREIN*[?] PARTY MAY GIVE THIS STATEMENT UNDER OATH LAYING FOUNDATION FOR SECONDARY EVIDENCE AS IT WOULD BE FOR HIM TO MAKE AFFIDAVIT.		

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RT	RS	BT	PS
	THERE ARE EXCEPTIONS TO THIS RULE WHEREIN CRIMINAL PRACTICE DIFFERS FROM CIVIL IN A CRIMINAL CASE USE OF PRIMA FACIE CASE ETC. THESE ARE EXCEPTIONS PUT THROUGH AS TO ADMISSIBILITY OF TESTIMONY THIS IS NOT TESTIMONY ADDRESSED TO JURY AT ALL IT IS EVIDENCE TO GO TO COURT FOR PURPOSE OF LAYING FOUNDATION FOR LEGAL QUESTION IT CAN'T POSSIBLY GO TO JURY AT ALL ADDRESSED TO COURT ENTIRELY IS TO LAY FOUNDATION FOR SECONDARY EVIDENCE. [*space*] BASKIN WHETHER IN CIVIL OR CRIMINAL CASES SECONDARY		

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RT	RS	BT	PS
	EVIDENCE IN RELATION TO INSTRUMENT *NOTHING*[?] CAN BE INTRODUCED UNLESS FOUNDATION LAID FOR IT SUPPOSE DOCUMENT ITSELF OF WHICH THEY PROPOSE NOW HERE TO PROVE WAS IN COURT IN HANDS OF ATTORNEY WOULD HAVE TO BE LAID ON FOUNDATION TO INTRODUCE MAN CHARGED NOT TESTIFIED BUT THEY WOULD HAVE TO PROVE GENUINENESS OF LETTER BY COURT I UNDERSTAND THAT IS WHAT THEY PROPOSE TO DO [*space*] BASKIN THEY CAN'T PROVE CONTENT BEFORE THEY LAY FOUNDATION [*space*] BY HOGE WE PROPOSE TO LAY THAT BY MR. LEE [*space*] BASKIN		
BASKIN ARGUED			

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RT	RS	BT	PS
THAT; LEE WAS NOT A COMPETENT WITNESS,AND THAT IF LEE BE PERMITTED TO GIVE THAT EVIDENCE IN A CRIMINAL CASE IT GIVES HIM A CHANCE TO MANUFACTURE A LETTER AND THIS HAD PASSED THROUGH THE HANDS [486] OF A THIRD PARTY,AND TO PERMIT HIM TO COME IN COURT AND PROVE THE CONTENTS OF IT WOULD ONLY BE FOR THE PURPOSE OF COVERING UP CRIME.	MR. LEE IS NOT A COMPETENT WITNESS IF YOU ADMIT SUCH A PROPOSITION AS THAT IN CRIMINAL CASE IT GIVES PERSON WHO HAVE [23] FORMED INTENTION TO COMMIT CRIME TO MANUFACTURE LETTER LET IT PASS THROUGH HANDS OF 3RD PARTY COME HERE IN COURT PROVE CONTENTS OF IT FOR PURPOSE OF COVERING UP CRIME. WHEN YOU COME TO PROVE CONTENTS OF WRITTEN INSTRUMENT COURT WILL NEVER ALLOW IT UNTIL FOUNDATION IS LAID [*space*]		

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RT	RS	BT	PS
	NOW QUESTION TO WHICH WE OBJECT IT IS NOT SUFFICIENT THE QUESTION TO WHICH WE NOW OBJECT IS THEY ARE SEEKING TO PROVE A WRITTEN INSTRUMENT WITHOUT HAVING LAID PROPER FOUNDATION FOR THE READING WHEREIN COURT HEARD EVIDENCE EMANATING FROM THAT SOURCE I DO NOT THINK THEY WOULD HAVE RIGHT TO PROVE.		
SUTHERLAND: ALL ~~B~~ WE ASK IS THAT THE WITNESS MAY BE PERMITTED TO STATE THE CONTENTS OF IT. BASKIN: THE QUESTION THEY ASK NOW IS WHETHER MR. LEE CAN BE PUT ON THE STAND FOR THAT	““SUTHERLAND LET ME SUGGEST I ASK THAT WITNESS STATE THE CONTENTS OF IT”” [*space*] {Q}[i]QUESTION THEY ASK NOW IS WHETHER MR. LEE CAN BE PUT ON STAND FOR THAT	THE COURT: THE QUESTION THEY ASK NOW IS WHETHER MR. LEE CAN BE PUT ON THE ST~~Q~~**A**ND ~~C~~FOR THAT	

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RT	RS	BT	PS
PURPOSE. BASKIN: HE MAY HAVE MANUFACTURED IT HIMSELF FOR THAT PURPOSE,BUT COULD THEY PROVE THAT IT EVER CAME TO ~~HIM~~. HIS HANDS FURTHER DISCUSSION ENSUED OF CONSIDERABLE LENGTH BETWEEN BASKIN AND SUTHERLAND. THE COURT OVERRULED THE PROPOSITION OF COUNSEL FOR DEFENSE.	PURPOSE [*space*] BASKIN HE MAY HAVE MANUFACTURE D IT HIMSELF FOR THAT PURPOSE [*space*] BUT COULD THEY PROVE THAT IT EVER CAME TO HIS HAND? AND THEN AGAIN ON THE MAIN QUESTION STILL IT IS GENERAL PROPOSITION RULES APPLY ALIKE TO CIVIL AND CRIMINAL CASES BISHOP ≤MIGHT≥ SHOWS APPLICATION OF THE RULE WHETHER IT BE IN CIVIL CASE OR CRIMINAL CASE ANY EVIDENCE	PURPOSE. *[322]* BASKIN: HE MAY HAVE MANUFACTURE D IT HIMSELF FOR THAT PURPOSE; BUT THEY CANNOT PROVE THAT ~~I~~ IT EVER CAME TO HIS HAND.	

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RT	RS	BT	PS
	CIRCUMSTANCES ANY TESTIMONY WHICH TENDS TO PROVE FACT UNDER ISSUE [*space*] SHOW THE TRUTH IS OBTAINED BECAUSE THE OBJECT OF EVIDENCE OBJECT TO BE OBTAINED BY TESTIMONY IS TO PROVE THE FACT AND TRUTH AND ANYTHING THAT LOGICALLY NATURALLY TENDS TO ESTABLISH THE TRUTH IS PERTINENT TO THAT QUESTION RULES OF EVIDENCE IN ONE CASE APPLIES TO OTHER I CHALLENGE GENTLEMAN BRING IN THIS COURT A CASE IN WHICH IT HAS EVER BEEN DECIDED WHERE CRIMINAL COULD BE PUT ON THE STAND INTRODUCE		

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RT	RS	BT	PS
	EVIDENCE BEFORE PERPETRATION OF CRIME AND [*space*] SUTHERLAND TO PROVE THE LOSS OF THE ORIGINAL AS IT WILL BE INFLUENCED BY OBJECTION COUNSEL MAKES TO THE LETTER ITSELF BEING INTRODUCED IN EVIDENCE I DESIRE MAKE SUGGESTION UPON THAT SUBJECT; THE OBJECT OF INTRODUCING IT IS, TO SHOW THAT AT THE VERY TIME = WHEN ACCORDING TO THEORY OF PROSECUTION, HAIGHT WAS URGING THE DESTRUCTION OF THE EMIGRANTS, HE WAS IN FACT WRITING BY THIS LETTER VERY	SUTHERLAND: IT CAN BE DONE TO PROVE THE LOSS OF THE ORIGINAL . THE OBJECTION THAT COUNSEL MAKES TO THE ~~T~~LETTER OR TO ITS BEING INTRODUCED AND ITS CONTENTS, I DESIRE TO MAKE A SUGGESTION UPON THAT SUBJECT. THE OBJECT OF INTR~~U~~ODUCING IT IS TO SHOW THA T AT THE VERY **TIME** ~~THE~~, WHEN, ACCORD**I**NG TO THE THEORY OF THE PROSECUTION, HAIGHT WAS URGING ON THE DESTRUFTION OF THE EMIGRANTS. HE WAS IN FACT WRITING THIS VERY LETTER AND	

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RT	RS	BT	PS
	DIFFERENT DIRECTIONS, SO THAT IF THIS LETTER COMES IN, IT TENDS TO SHOW HAIGHT'S MIND TO BE ENTIRELY OPPOSED TO THE DESTRUCTION OF THE EMIGRANTS, SHOWS SUCH A STATE OF MIND AS IS *NOT/ENTIRELY*[?] [394]WITH THE COMBINATION WHICH THE PROSECUTION CONTEND HAD BEEN FORMED *[24]* IT CONTRADICTS THAT THEORY *THEREFORE*[?] IT IS IMPORTANT ITEM OF TESTIMONY IT WAS WRITTEN AT THE VERY PARTICULAR WHEN THEY CLAIM THERE WAS COMBINATION IT IS *FACT/EFFECT*[?]	GIVING OTHER DIRECTION S SO TH~~A~~T IF THE CONTENTS OF ~~T~~HIS LETTER COMES IN IT TENDS TO SHOW HAIGHT'S MIN~~E~~**D** TO BE ENTIRELY OPPOSED TO THE DESTRUCTION OF THE EMIGRANTS TO SHOW SUCH A STATE OF MIND WHICH IS ENTIRELY DIFFERENTS TO THAT WHICH THE PROSECUTION CONTEND FOR~~.~~**,**	

394. Written "NT", transcribed "NOT", through this word is rarely written this way; terminal "RL" apparently added later, would render the word "ENTIRELY".

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RT	RS	BT	PS
	CONSTITUTE RES GESTAE ONE WE THINK WE ARE ENTITLED TO HAVE PUT IN EVIDENCE LETTER NOT BEING WITHIN REACH WE ARE REDUCED TO NECESSITY OF PROVING ITS CONTENTS BY SECONDARY EVIDENCE. BY COURT WHEN AND WHERE WAS IT [*space*] TO ROBINSON {Q}^{i}*ONE*[?] IS THING I COULD NOT TELL AT THAT TIME [*space*]	AND WE HAVE A RIGHT TO PROVE THE CONTENTS OF THAT LETTER BY SECONDARY EVIDENCE.~~,~~ THE COURT: WHEN AND WHERE WAS IT WRITTE~~D~~N? WITNESS: I COULD NOT TELL TELL AT THAT TIME.	
Q. STATE THE TIME YOU SAW THIS LETTER WITH REFERENCE TO THE EMIGRANTS THAT HAD PASSED PINTO, WAS IT BEFORE OR AFTERWARDS ? A. IT WAS AFTER THE EMIGRANTS HAD PASSED. BASKIN:	{Q}^{i} STATE TIME YOU SAW THIS LETTER WITH REFERENCE TO ~~≤~~THE~~≥~~ TIME EMIGRANTS HAD PASSED PINTO, BEFORE OR AFTERWARDS {A}^{i}IT WAS AFTER EMIGRANTS HAD PASSED{. Q}^{i}BY BASKIN:	Q. (SUTHERLAND:) STATE ~~AT~~ THE TIME YOU SAW THIS LETTER WITH **REF**ERENCE TO THE TIME THE EMIGRANT PARTY HAD PASSEDPINTO OR AFTERWARDS? A. IT WAS AFTER THE EMIGRANTS HAD PASSED. BASKIN:	

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RT	RS	BT	PS
HOW LONG AFTER ? HOGE: BEFORE OR AFTER THE MASSACRE ? A. BEFORE THE MASSACRE. COURT: DO YOU KNOW WHEN IT WAS WRITTEN ? A. I COULD NOT TELL. COURT: UNLESS SOME AUTHORITY IS SHOWN ME I WOULD NOT BE WILLING FOR THE DEFENDANT'S WITNESS TO TESTIFY. COURT: THIS WITNESS CANNOT FIX THE DATE ANYHOW. SUTHERLAND: I HAVE NOT YET INQUIRED OF HIM SO AS TO HAVE THE ADVANTAGE OF THAT LETTER. Q. STATE THE DAY OR THE TIME WITH	HOW LONG AFTER HOGE BEFORE OR AFTER MASSACRE {A}[i] IT WAS BEFORE THE MASSACRE [*space*] BY COURT [*space*] DO YOU KNOW WHEN IT WAS WRITTEN ? {A}[i]I COULD NOT TELL. [*space*] BY COURT. UNLESS SOME AUTHORITY IS SHOWN ≤ON THIS QUESTION≥ I WOULD NOT BE WILLING ≤FOR DEFENDANT≥ FOR WITNESS TO TESTIFY BY COURT TO DEFENSE THIS WITNESS CANNOT FIX DATE ANY HOW SUTHERLAND I HAVE NOT YET INQUIRED OF HIM SO AS TO HAVE ADVANTAGE OF THE WHOLE MATTER BY COURT ASK {Q}[i]STATE DATE OF IT WITH	HOW LONG AFTER? A. (NO ANSER) HOGE: BE~~O~~FORE OR AFTER THE MASSACRE? A. IT WAS BEFORE THE MASSACRE. THE COURT: DO YOU KNOW WHEN IT WAS WRITTEN? A. I COULD NOT TEL~~L~~. THE COURT. UNLESS SOME AUTHORITY IS THROWN ON THIS QUESTION , I WOULD NOT BE WILLIN~~T~~G FOR THE DEFENDANT'S WITNESS TO TESTIFY. THIS WITNESS CANNOT FI~~Z~~X THE DATE ANY HOW. SUTHERLAND: I HAVN'T YET INQUIRED OF **HIM** ~~HIS~~ SO AS TO HAVE ADVANTAGE OF THE WHOLE MATTER, BUT I WILL ASK HIM : Q. STATE THE DAY OR THE TIME WITH	

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RT	RS	BT	PS
REFERENCE TO THE TIME OF YOUR SEEING THE LETTER ? *[487]* BASKIN: HE SAYS HE DON'T REMEMBER THE DAY. COURT: HE SAYS HE DID NOT REMEMBER. SUTHERLAND: I ASK HIM WHAT DATE OR DAY IT WAS WITH REFERENCE TO THE TIME WHEN YOU SAW IT—THE DATE OF THE LETTER ITSELF— WHETHER IT WAS DATED IMMEDIATELY BEFORE OR A LONG TIME BEFORE— WHAT WAS ITS DATE WITH REFERENCE TO YOUR SEEING IT ? A. I DON'T REMEMBER THE DAY AT ALL. BASKIN: IT WAS SUGGESTED ~~THAT~~ THE PROSECUTING ATTORNEY <THAT ANOTHER> ~~A~~ VERY COGENT	REFERENCE TO THE TIME OF YOUR SEEING THE LETTER BASKIN HE SAYS HE DON'T REMEMBER THE DATE BY COURT, I SEE HE SAYS HE DON'T REMEMBER. SUTHERLAND I ASK HIM WHAT DATE OF IT WAS WITH REFERENCE TO {THE}^{i} TIME WHEN YOU SAW IT = DATE OF LETTER ITSELF , WHETHER IT WAS DATED IMMEDIATELY BEFORE, OR LONG TIME BEFORE {$_{Q}$}^{i} WHAT WAS ITS DATE WITH REFERENCE TO YOUR SEEING IT {$_{A}$}^{i}I DON'T REMEMBER THE DAY AT ALL. BASKIN IT WAS SUGGESTED BY PROSECUTION ATTORNEY ANOTHER VERY COGENT	REFERENCE TO THE TIME OFYOUR SEEING THE LETTER? BASKIN: HE SAYS HE DON'T REMEMBER THE DAY. THE ~~C~~O URT: YES, HE SAYS HE DOES NOT REMEMBER. *[323]* SUTHERLAND: I ASK HIM WHAT DATE IT WAS, WITH REDERENCE TO THE TIME WHEN YOU SAW IT; THE DATE OF THE LETTER ITSELF; WHETHER IT WAS DATED IMMEDIATELY BERORE OR A LONG TIME BEFORE? **Q.** WHAT WAS ITS DATE WITH REFERENCE T O SEEING IT? A . I DON'T REMEMBER THE DATE AT ALL. BASKIN: IT WAS SUGGESTED BYTHE PROSECUTION WHEN THEY WERE OFFERING IT ~~A~~THAT IT WAS ~~A~~FOR A COGENT	

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RT	RS	BT	PS
REASON—————	REASON BY COURT YES AND UNLESS SOME OTHER ≤COGENT REASON≥	REASON . THE COURT: YES, AND UNLESS SOME GOOD REASON IS SHOWN——	
SUTHERLAND: DOES YOUR HONOR **RULE** AGAINST THE PARTY BEING PERMITTED TO GIVE THE REASON ? COURT: I RULED BECAUSE I CANNOT CALL ANY AUTHORITY FOR IT ?	SUTHERLAND {DOES}^{i} YOUR HONOR RULES AGAINST PARTY BEING PERMITTED TO GIVE REASON BY COURT I RULE , BECAUSE I CANNOT CALL ANY AUTHORITY FOR IT.	SUTHERLAND: DOES YOUR HONOR RULE AGAINST A PARTY BEING PERMITTED TO GIVE THE REASON? THE COURT: I RULE BECAUSE, I CANNOT CALL ANY AUTHORITY FOR IT.	
	SUTHERLAND THE LIBRARIES ARE NOT VERY LARGE HERE I HAVE NOT HAD ACCESS, HENCE I CAN'T REFER YOU TO	SUTHERLAND: THE LIBRARIES ARE NOT VERY LARGE HERE, AND I HAVN'T HAD ACCESS; HENCE I CA NNOT REFER YOU TO ANY OF THE	
	AUTHORITIES ON THE POINTS. BY COURT PROCEED WITH THIS WITNESS =	AUTHORITIES ~~L~~ON THE POINT . **COURT:** GO ON PROCEED WITH THIS WITNESS.	
Q. STATE WHETHER YOU SAW ANY INDIANS ABOUT	= {Q}^{i}STATE WHETHER YOU SAW ANY INDIANS ABOUT	Q. STATE WHETHER YOU SAW ANY INDIANS ABOUT	*[[Bk 11 1]]*[395] STATE WHETHER YOU SAW ANY INDIANS ABOUT

395. The cover of the notebook includes a large 11 and "**MCFARLANE'S TESTIMONY CHGE TO THE JURY SUTHERLAND'S ARGUMENT CAREYS ADDRESS**" written at the top. Brigham Young's deposition and George A. Smith's affidavit are copied on the verso pages of this notebook.

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RT	RS	BT	PS
PINTO — ABOUT THE TIME OF RECEIVING THIS LETTER ? A. I SAW ABOUT,IF I REMEMBER RIGHT AT THAT TIME, PERHAPS A DAY OR TWO AFTERWARDS — ——— Q. WHERE WERE YOU DURING THE DAY TIME WITH REFERENCE TO A THROUGHFARE PASSING BY PINTO TO THE MEADOWS — WHERE DID YOU SPEND YOUR TIME — ON THE ROAD WHERE YOU COULD SEE THEM ? A. NO SIR. Q. WERE YOU NEAR WHERE THEY USUALLY TRAVELLED WHEN THEY WERE GOING IN THAT DIRECTION ON	PINTO ABOUT THE TIME OF RECEIVING THIS LETTER {A}[i]I SAW <IF I REMEMBER RIGHT> ABOUT THAT TIME PERHAPS A DAY OR TWO AFTERWARDS Q WHERE WERE YOU DURING {THE}[i] DAY TIME WITH REFERENCE TO THE THROUGH FARE {= THE}[i] ROAD PASSING BY PINTO TO MEADOWS [*space*] ≤?≥ TRAIL {Q}[i] WHERE DID YOU SPEND YOUR TIME ON THE ROAD WHERE YOU COULD SEE THEM {A}[i]NO SIR Q WERE YOU NEAR WHERE THEY USUALLY TRAVELED WHEN THEY WAS GOING IN THAT DIRECTION *[[25]]*	PINTO AFTER THE TIME OF RECEIVING THIS LETTER? A. I SAW IF I REMEMBER RI**G**HT ABOUT THAT TIME— PERHAPS A DAY OR TWO AFTERWARDS— ——— Q. **(INTERRUPTIN G)** WHERE WERE YOU DU~~T~~RING THE DAY TIME~~?~~WITH REFERENCE TO THE THOROUGHFAR E, THE ROAD PASSING BY PINTO TO THE MEADOWS. WHERE DID YOU SPEND YOUR TIME ON THE ROAD, WHERE YOU COULD SEE THEM? A . NO SIR. Q. WERE YOU NEAR WHERE THEY USUALLY ~~R~~TRAVELLED WHEN THEY WERE GOING THAT DIRECTION ON	PINTO AFTER THE TIME OF RECEIVING THIS LETTER I SAW THEM IF I REMEMBER RIGHT ABOUT THAT TIME PERHAPS A DAY OR TWO AFTERWARDS WHERE WERE YOU DURING THE DAY TIME WITH REFERENCE TO THE THOROUGHFAR E THE ROAD PASSING FROM PINTO TO THE MEADOWS WHERE DID YOU SPEND YOUR TIME WAS IT ON THE ROAD WHERE YOU COULD SEE THEM IF THEY WERE TRAVELING THE ROAD NO SIR WERE YOU NEAR WHERE THEY USUALLY TRAVELED WHEN GOING IN THAT DIRECTION

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RT	RS	BT	PS
THE PUBLIC THOROUGHFARE ? A. NO SIR. Q. ON AN INDIAN TRAIL ? A. NO SIR.	PUBLIC THOROUGHFAR E {A}iNO SIR {Q}iON INDIAN TRAIL {A}iNO SIR BY THE DEFENSE THAT IS ALL [*space*] BY COURT TAKE THE WITNESS [*space*] BY SUTHERLAND THAT IS ALL YOU CAN TAKE THE WITNESS {~~**CROSS-EXAMINATION**~~	THE PUBLIC THOROUGHFAR E? A. NO, SIR. ~~Q~~. OR ON ANY INDIAN TRAIL? A. NO, SI~~T~~**R**..	NO SIR AN INDIAN TRAIL IF THERE WAS ANY NO SIR [*space*]
[488] Q. I WILL ASK YOU IF THERE IS ANOTHER GENTLEMAN AT PINTO OF YOUR NAME ? A. NO SIR. Q. WAS THERE IN 1857 ? A. NO SIR, NOT THAT I CAN REMEMBER OF. Q. WHAT OFFICE ~~DID~~ ≤DO≥ YOU HOLD THERE IN THE CHURCH NOW ? A. A BISHOP. Q. WHAT WERE YOU THEN ? A. AN ELDER. CROSS -	**Q}**iI WILL ASK IF THERE ANY OTHER GENTLEMAN AT PINTO OF YOUR NAME {A}iNO SIR {Q}iWAS THERE IN '57 {A}iNO SIR NOT THAT I CAN REMEMBER OF {Q}iWHAT OFFICE DO YOU HOLD THERE IN THE CHURCH [*space*] NOW {A}iTHE BISHOP {Q}i WHAT WERE YOU THEN {A}i AN ELDER BY SUTHERLAND THAT IS ALL. {**CROSS**	Q. I WILL ASK YOU IF THERE IS ANY OTHER GENTLEMAN AT PINTO OF YOUR NAME? A. NO, SIR.Q. WAS THERE IN '57? A . NO, SIR, NOT THAT I CAN REMEMBER OF. Q . WHAT OFFICE DO YOU HOLD TH ERE IN THE CHURCH NOW, ? A. BISHO~~P~~. Q. WHAT WERE YOU THEN? A. AN ELDER. *[324]* CROSS –	IF THERE WAS ANY OTHER GENTLEMAN OF YOUR NAME ROBINSON AT PINTO NO SIR WAS THERE IN 1857 NO SIR NOT THAT I CAN REMEMBER OF WHAT OFFICE DO YOU HOLD THERE IN THE CHURCH NOW A BISHOP WHAT WERE YOU THEN I WAS AN ELDER. [*space*] CROSS

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RT	RS	BT	PS
EXAMINED.	**EXAMINATION**}[i]	EXAMINATION OF RICHARD S. ROBINSON BY	EXAMINATION [*space*]
Q.	BASKIN {**Q**}[i]	BASKIN: Q.	
HAVE YOU EVER ~~HAVE~~ HAD IN	IF YOU EVER HAD IN	STATE IF YOU HAVE HAD IN	IF YOU EVER HAD IN
YOUR POSSESSION	YOUR POSSESSION	~~U~~YOU~~T~~R POSSESSION	YOUR POSSESSION
SUCH A LETTER AS YOU	SUCH A LETTER AS YOU	SU~~F~~CH A LETTER AS YOU	SUCH A LETTER AS YOU
HAVE SPOKEN OF FROM	HAVE SPOKEN OF FROM	HAVE SPOKEN OF AND FROM	HAVE SPOKEN AND FROM
WHOM DID YOU RECEIVE IT ?	WHOM DID YOU RECEIVE IT ? BY	WHOM DID YOU RECEIVE IT?	WHOM DID YOU RECEIVE IT
SUTHERLAND: WE OBJECT TO	SUTHERLAND WE OBJECT [*space*]	SUTHERLAND: WE OBJECT TO THE FORM OF	
THE QUESTION.	BASKIN	THE QUESTION.	
Q. WHO DELIVERED IT INTO YOUR HANDS ?	{**Q**}[i]WHO DELIVERED IT INTO YOUR HANDS	Q. WHO DELIVERED IT INTO YOUR HANDS?	WHO DELIVERED IT INTO YOUR HANDS
SUTHERLAND: THE OBJECT OF MY INTRODUCING IT WAS TO GET THE CONTENTS OF IT BEFORE THE JURY, AND AS WE CANNOT GET IT BEFORE THE JURY IT IS A SUBJECT WE	SUTHERLAND OBJECT OF MY INTRODUCING WAS TO GET CONTENTS OF IT BEFORE JURY AS WE CANNOT GET IT BEFORE JURY IT IS A SUBJECT HE	SUTHERLAND: THE O~~N~~BJECT OF MY INTRODUCING IT WAS TO GET THE CONTENTS OF IT BEFORE THE JURY AND AS WE CAN'T GET IT BEFO~~E~~RE THE JURY, IT ~~A~~IS A SUBJECT ~~WE~~ **YOU**	OBJECTED TO BECAUSE TESITMONY IN REGARD TO THAT LETTER HAS BEEN EXCLUDED. AND *TESTIMONY*[?] *NOT BEING*[?] *BEFORE*[?] THE JURY AS IT IS A SUBJECT
CANNOT BRING ~~THEM~~ BEFORE THEM.	CANNOT BRING BEFORE THEM. BY	CANNOR BRING BEFORE THEM. THE	NOT BEFORE THE JURY
COURT: COURT: I ONLY UNDERSTOOD IT WAS IN REGARD TO	COURT IT WAS ONLY IN REGARD S TO	COURT: IT WAS ONLY IN REGARD TO	<COURT> I DID NOT ASK TO EXCLUDE THE TESTIMONY THAT WAS

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RT	RS	BT	PS
THE CONTENTS.	THE CONTENTS AS I UNDERSTOOD IT HOGE THIS QUESTION *THAT ONE/WE WANT*[?] *IMPANELED*[?]	THE CONTENTS, AS I UNDERSTAND IT.	*BEFORE ANY/HOW*[?].>
BASKIN: WE MAY BE ABLE TO PRODUCE THAT LETTERR~~R~~ — MAY BE ABLE TO SHOW NO SUCH <**PERSONS**> EVER DELIVERED YOU SUCH A LETTER. Q. WHO DELIVERED YOU THAT LETTER ?	BASKIN WE MAY BE {ABLE}^{i} PRODUCE THAT LETTER , OR MAY BE ABLE TO SHOW NO SUCH MEN EVER DELIVERED YOU SUCH LETTER. {$_{Q}$}^{i} WHO DELIVERED YOU THAT LETTER ~~<?>~~	BASKIN: WE MAY BE ~~A~~ABLE TO PRODUCE THAT LETTER; ~~WE~~ OR WE MAY BE ABLE TO SHOW NO SUCH MAN EVER DELIVE~~D~~RED **HIM** ~~YOU~~ THE SAID LETTER. Q . WHO DEL~~O~~IVERED YOU T~~H~~A T LETTER? ~~A. JOEL WHITE.~~	BASKIN WE MAY BE ABLE TO SHOW THAT NO SUCH MAN AS THE MAN NAMED [*space*] WHO DELIVERED YOU THAT LETTER
A. I AM NOT POSITIVE. Q. DIDN'T JOEL WHITE DELIVER IT TO YOU ? — THE LETTER I HAVE REFERENCE TO ? *[489]* A. I THINK AMOS G. THORNTON DELIVERED IT TO ME. [*space*]	{$_{A}$}^{i}I AM NOT POSITIVE {$_{Q}$}^{i} DIDN'T JOEL WHITE DELIVER IT TO YOU ~~<?>~~ $_{A}$LETTER I HAVE REFERENCE TO {$_{A}$}^{i}I THINK AMOS ~~G~~ THORNTON DELIVERED IT TO ME BY PROSECUTION THAT IS ALL BY COURT CALL YOUR NEXT WITNESS [*space*] BY	A. I AM NOT POSITIVE . Q. DIDN'T JOEL WHITE DELIVER IT TO YOU? A. THE LETTER I HAVE REFERENCE TO, I THINK AMOS G. THORNTON DELIVERED IT TO ME. THAT IS ALL.	I AM NOT POSITIVE [*space*] DIDN'T JOEL WHITE DELIVER IT TO YOU THE LETTER I HAVE REFERENCE TO I THINK AMOS **G** THORNTON DELIVERED TO ME [*space*]

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RT	RS	BT	PS
	SUTHERLAND HAVE YOU ANY OBJECTIONS TO MR. ROBINSON LEAVING FOR HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION	SUTHERLAND: HAVE YOU ANY OBJECTIONS TO MR. ROBINSON'S LEAVING FOR H~~I~~OME NOW? BASKIN: NO. CAREY: : NO .	
SAMUEL JACKSON , SWORN FOR THE DEFENSE.	≤**SAMUEL JACKSON, SEN'R**≥ OATH ADMINISTERED BY CLERK.	SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. ~~RIREDT EXAMINATION BY MR. SUTHERLAND:~~	**SAMUEL JACKSON SR.** ~~BEEN SWORN~~ SWORN FOR THE ~~PROSECUTION~~ DEFENSE
Q. HAVE YOU BEEN IN THE ROOM MR. JACKSON WHILE THE EXAMINATION HAS BEEN GOING ON ? A. YES SIR. Q. WERE YOU SUBPOENAED ? A. NO SIR. Q. DO YOU LIVE IN THIS TOWN ? A. YES SIR. I HAVE BEEN IN HERE CONSIDERABLE.	{**Q**}^{i} HAVE YOU BEEN IN ROOM MR. JACKSON WHILE {THE}^{i} EXAMINATION HAS BEEN GOING ON {**A**}^{i} NO ≤YES≥ SIR {**Q**}^{i}WERE YOU SUBPOENAED {**A**}^{i}NO SIR {**Q**}^{i} DO YOU LIVE IN THIS TOWN {**A**}^{i} YES SIR [*space*] I HAVE BEEN IN HERE CONSIDERABLE	Q. HAVE YOU BEEN IN THE ROO M, MR. JACKSON, WHILE THE EXAMINATI~~O~~N HAS BEEN GOIING ON? A. YES, SIR . Q. WERE YOU SUBPOENAED? A. NO, SIR. Q. DO YOU LIVE IN THIS TOWN? A. YES, SIR. *[325]* Q. HOW MUCH TIME HAVE Y**O**U BEEN IN HERE ? A. BEEN IN HERE CONSIDERABLE.	≤BASKIN≥ HAVE YOU BEEN IN THE ROOM WHILE THIS EXAMINATION BEEN GOING ON YES SIR WERE YOU SUBPOENAED NO SIR DO YOU LIVE IN THIS TOWN YES SIR HOW MUCH TIME HAVE YOU BEEN IN HERE BEEN IN HERE CONSIDERABLE

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RT	RS	BT	PS
COURT: HE SWEARS HE WAS IN HERE, BUT I DIDN'T KNOW OF IT. SUTHERLAND: HE WAS IN ON THE ORIGINAL LIST OF WITNESSES. COULD NOT BE UNDERSTOOD WHEN KLINGENSMITH WAS ON THE STAND. HE MENTIONED HIM. I WAS INFORMED AT THE TIME HE WAS IN THE ROOM.	HOGE I AM NOT HE HAD BEEN IN BY COURT HE SWEARS HE WAS BUT I DIDN'T KNOW OF IT. SUTHERLAND HE WAS NOT ON ORIGINAL LIST AND SO WITNESS COULD NOT BE INSIDE WHEN SMITH WAS ON STAND AND HE MENTIONED HIM , AND I WAS INFORMED AT THE TIME HE WAS IN THE ROOM [*space*] AND HE WAS INFORMED FROM THAT TIME. I REQUESTED IT TO BE DONE BE NOTIFIED NOT TO COME I SUPPOSED FROM THAT TIME FORWARD HE	HOGE: HE ~~I~~WS~~S~~AS NOT ON OUR LIST: I WAS NOT AWARE THAT HE WAS IN, UNDER THE RULE **THAT** ~~THAT~~ WE ADOPTED. SUTHERLAND: HE WAS NOT ON THE ORIGINAL LIST. AND SO THE WITNESS COULD NOT HAVE BEEN INFORMED. WHEN KLINGENSMITH WAS ON THE STAND HE MENTIONED HIM AND I WAS INFORMED AT THE TIME THAT HE WAS IN THE ROOM; AND HE WAS INFORMED AT THAT T~~O~~IME TO A~~M~~BSENT HIMSELF. I REQUESTED IT TO BE DONE; TO NOTIFY HIM NOT TO COME. AN~~S~~**D** I SUPPOSED FROM T~~H~~A T TIME ONWARD HE	[*space*] HOGE HIS NAME WAS ON OUR LIST I WAS NOT AWARE THAT HE WAS IN UNDER THE RULE THAT WE ADOPTED. ~~<~~SUTHERLAND~~>~~ HE WAS NOT ON THE ORIGINAL LIST SO THE WITNESS COULD NOT HAVE BEEN NOTIFIED [*space*] WHEN KLINGENSMITH WAS ON THE STAND HE MENTIONED IT [*space*] HE WAS REQUESTED AT THAT TIME TO ABSENT HIMSELF [*space*] HAVE YOU BEEN IN SINCE THEN YES SIR I REQUESTED IT TO BE DONE AND TOOK FOR GRANTED THAT IT HAD BEEN DONE. [*space*]

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RT	RS	BT	PS
COURT: I WAS NOT AWARE OF HIS BEING HERE OR I WOULD HAVE CALLED ATTENTION TO IT, AND ON THE RULE WE ADOPTED THE OTHER DAY HE WILL HAVE TO BE EXCUSED. SUTHERLAND AND	HAD NOT BEEN IN HERE BY COURT I HAVE SEEN HIM IN HERE I WAS NOT AWARE OF HIS BEING WITNESS OR I WOULD HAVE CALLED ATTENTION TO IT *MYSELF*[?] BY COURT THE RULE WE ADOPTED OTHER DAY HE WILL HAVE TO BE EXCUSED SUTHERLAND I INQUIRED ON TUESDAY WHAT HAD BEEN PRACTICE BY COURT I STATED *[[26]]* THERE MAY BE PECULIAR CIRCUMSTANCE	HADN'T BEEN IN. COURT: I HAVE SEEN HIM IN HERE, BUT I WASN'T AWARE OF HIS BEING A WITNESS, OR ~~AZ~~ I WOULD **HAVE** CALLED HIS ATTENTION TO IT MYSELF. COURT: (TO WITNESS) HAVE YOU BEEN IN SINCE THE N? A. YES, SIR . SUTHERLAND: I ~~I~~ REQUESTED IT TO BE DO~~M~~NE AND TOOK IT FOR GRANTED THAT IT HAD BEEN DONE.. THE COURT: UNDER THE RULE WE ADOPTED THE OTHER DAY HE WILL HAVE TO BE EXCUSED. SUTHE**R**LAND: I INQUIRED ON THE OUTSET WHAT HAD BEEN THE PRACTICE. THE COURT: I STATED THAT THERE MIGHT BE PECULIAR CIRCUMSTANCE	COURT I HAVE SEEN HIM IN HERE THEN *[[2]]* BUT I WAS NOT AWARE THAT HE WAS A WITNESS UNDER THE RULE WE ADOPTED THE OTHER DAY HE WILL HAVE TO BE EXCLUDED. [*space*] I INQUIRED AT THE OUTSET I STATED THAT THERE MIGHT BE PECULIAR CIRCUMSTANCE

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RT	RS	BT	PS
HOGE APPEALED TO THE COURT AS TO THE NECESSITY OF WITNESSES' TESTIMONY FOR THE DEFENSE,AND THAT AS THE COURT AND COUNSEL HAD NOT BEEN AWARE OF HIS PRESENCE IN THE COURT,DESIRED THAT HE BE PERMITTED TO TESTIFY.	S IN THE CASE~~<~~?~~>~~ BY COURT I SAID IF THERE ARE SOME CIRCUMSTANCES CHANCE WHEREBY HE MIGHT BE EXCUSED SOMETHING OF THAT KIND BY HOGE {Q}[i]WERE YOU NOTIFIED AT ANY TIME ~~<~~MR.	S IN THE CASE AND UNDER WHICH I WOULD ——— SUTHERLAND: BUT YOUR HONOR DIDN'T MENTION ANY RULE T~~H~~A T WOULD ~~B~~E ENFORCED. Q. (GOGE) WAS YOU NOTIFIED AT ANY TIME, MR.	S UNDER WHICH I WOULD [*space*] I BELEIVE YOUR HONOR DIDN'T MENTION ANY RULE THAT WOULD BE ENFORCED. ~~I AM~~ [*space*] ~~<~~**HOGE**~~>~~ QWAS YOU NOTIFIED AT ANY TIME MR.

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RT	RS	BT	PS
	JACKSON~~>~~ TO LEAVE THE ROOM {A}[i]NO SIR BY COURT I UNDERSTAND YOU TO SAY HE WAS ~~<~~SUTHERLAND~~>~~ I SAID I NOTIFIED SOME OF MY PARTIES TO HAVE HIM NOTIFIED AND I THOUGHT IT WAS DONE	~~H~~**J**ACKSON, TO LEAVE THE ROO~~K~~M? A. NO, SIR, I WAS NOT. THE COURT: I UNDERSTOOD YOU TO SAY HE WAS . SUTHERLAND: I SAID I NOTIFIED SOME OFMY PARTIE~~D~~S TO HAVE HIM NOTIFIED; AND I THOUGHT IT WAS DONE.	JACKSON TO LEAVE THE ROOM I WAS NOT [*space*] COURT I UNDERSTOOD IT HE WAS ~~<~~—[?]~~>~~ SUTHERLAND MADE THE REQUEST SOME OF MY ASSOCIATE COUNSEL AND THOUGHT IT HAD BEEN DONE ~~<~~I DID NOT KNOW MYSELF~~>~~
BASKIN: DIDN'T YOU KNOW THERE WAS SUCH A RULE OF THE COURT MADE AS TO *[490]* EXCLUDING WITNESSES ? A. YES SIR,BUT I DIDN'T KNOW I WAS WANTED	BASKIN {Q}[i] DID NOT YOU KNOW THERE WAS SUCH A RULE OF THE COURT MADE AS TO EXCLUDING WITNESSES {A}[i] YES SIR BUT I DIDN'T KNOW I WAS WANTED ~~<~~OR ONE OF HIS~~>~~ . ~~<~~?~~>~~	Q. (BASKIN) DON'T YOU KNOW THERE WAS SUC**H** A RULE OF THE COU~~R~~T MADE, AS TO EXCLUDING WITNESSES? A. YES, SIR, ~~I~~BUT I DIDN'T KNOW I WAS WANTED, OR ONE OF HIS WITNESSES. *[326]*	~~<~~BASKIN~~>~~ DIDN'T YOU KNOW THERE WAS SUCH A RULE OF THE COURT MADE AS TO EXCLUDING WITNESSES A YES SIR BUT I DIDN'T KNOW I WAS ONE OF HIS WITNESSES.
COURT: I DON'T LIKE TO EXCLUDE ANY ONE, BUT HE WILL HAVE TO BE EXCUSED.	BY COURT I DON'T LIKE TO EXCLUDE ANYONE BUT HE WILL HAVE TO BE EXCUSED.	THE COURT: I DON'T LIKE TO EXCLUDE ANY ONE; BUT I AM RATHER INCLINED TO THINK THAT H E WILL HAVE TO BE EXCLUDED.	COURT I DON'T LIKE TO EXCLUDE ANY ONE BUT I AM RATHER INCLINED TO THINK FOR ONE —[?] THAT HE MAY HAVE TO BE EXCLUDED

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RT	RS	BT	PS
BISHOP: IF YOU RECOLLECT WE STATED AT THE TIME THAT OUR LIST WAS CALLED OVER WE COULD NOT TELL WHAT WITNESSES WE SHOULD WANT.	BISHOP IF YOU RECOLLECT WE STATED AT THE TIME OUR LIST WAS CALLED OVER WE COULD NOT TELL WHAT WITNESS WE SHOULD THEN WANT [*space*] THIS EVIDENCE IS UPON ~~<~~A~~>~~ KIND WE INTENDED TO BE INTRODUCED ~~AND IS~~ UPON POINT BROUGHT OUT BY PROSECUTION WE COULD NOT ANTICIPATE. NOT KNOWING THE WITNESS WE SUPPOSED OUR WITNESSES WERE OUT AND THINK IT WOULD BE HARDSHIP ON DEFENSE FOR US NOT HAVE RIGHT	BISHOP: IF YOU RECOLLECT WE STATED AT THE TIME OUR LIST WAS CALLED OVER, WE COULDNOT TELL ALL THE WI~~N~~TNESSES WE SHOULD THEN WANT THIS EVIDENCE AS INTENDED TO BE INTRODUCED IS UPON A POINT THAT HAS B~~R~~EEN BROUGHT OUT BY THE PROSECUTION , AND A POINT WE COULD NOT ANTICIPATE, AND NOT KNOWING THE FACTS WE SUPPOSED OU~~T~~**R** WITNESSES WERE OUT. I THINK IT WOULD BE A HARDSH~~O~~IP ON THE DEFENDANT FOR US NOT TO HAVE THE RIGHT TO	BISHOP YOUR HONOR WILL RECOLLECT THAT WE COULD NOT TELL ALL THE WITNESSES WE WANT [*space*] THIS EVIDENCE IS INTENDED TO BE INTRODUCED UPON A POINT THAT HAS BEEN BROUGHT[396] OUT BY THE PROSECUTION AND A POINT WE COULD NOT ANTICIPATE AND NOT KNOWING THE WITNESS WE SUPPOSED ALL OUR WITNESSES WERE OUT. I THINK IT WOULD BE A HARDSHIP ON THE DEFENSE TO PREVENT OUR HAVING RIGHT TO

396. The shorthand from this point to the beginning of the testimony is smaller and written more closely together than other shorthand.

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RT	RS	BT	PS
	EXAMINE HIM TESTIMONY WE EXPECT TO INTRODUCE BY THIS WITNESS IS ON POINT WHICH HAS BEEN HERETOFORE INTRODUCED NOT UPON	E~~S~~XAMINE HIM. THE TESTIMONY WE EXPECT TO INTRODUCE BY THIS WITNESS IS UPON A POINT WHICH HAS ~~B~~HERETOFORE BEEN INTRODUCED AND NOT UPON	EXAMINE THEM. IS ON POINT ON POINT THAT NO PREVIOUS TESTIMONY WOULD *FLTN*[?] HIM ON IT IS NOT ABOUT
	ANY FACT THAT TRANSPIRED AT THE SCENE BY COURT WAS IN REGARD TO ANY OTHER FACTS DETAILED WHILE HE WAS IN THE ROOM BY BISHOP I DO NOT KNOW.	ANY FACT THAT TRANSPIRED AFTER. THE COURT: WAS IT IN REGARD TO ANY FACTS DETAILED WHILE IN THE ROOM ? BISHOP: I DO NOT KNOW.	ANY FACT THAT TRANSPIRED AT THE SCENE. [*space*] WAS IT IN REGARD TO ANY FACT THAT WAS DETAILED WHILE HE WAS IN THE ROOM. ⋜I DO NOT KNOW⋝ IF HE WAS ON ANY POINT HE HAS NOT BEEN PARTY I WOULD NOT EXCLUDE HIM [*space*]
	CAREY {*}[i] WHAT IS YOUR POINT ⋜MR. BISHOP⋝	CAREY: ~~T~~**W**HAT IS YOUR POINT, MR. BISHOP ~~TO~~ ~~PROVE~~ YOU EXPECT TO PROVE? BISHOP: THE POINT WE	
	TO PROVE THAT HE TRADED EMIGRANTS SOME GRAIN [*space*] IT IS THE	WISH TO PROVE IS THAT HE TRADED THE EMIGRANTS SOME GRAIN, AND IT IS THE	THE

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RT	RS	BT	PS
	ONLY POINT WE WISH TO INTRODUCE HIM FOR IS TO SHOW HE LIVED IN THE COUNTRY AT THAT TIME AND TRADED WITH THE EMIGRANTS? {*}[i] AS ≤THEY≥ PASSED THROUGH THE COUNTRY	ONLY POINT WE ~~S~~WISHED TO I~~M~~NTRODUCE HIM FOR~~:~~, IS TO SHOW HE LIVED IN THE COU~~L~~**N**TRY AT THE TIME, AND TRADED WITH THESE EMIGRANTS AS THEY PASSED THROUGH THIS COUNTR~~Y~~.	ONLY POINT WE WISHED TO INTRODUCE HIM FOR SHOW THAT HE LIVED IN THIS COUNTRY AND HAD TRADED WITH THESE EMIGRANTS AS THEY PASSED THROUGH. [*space*] ≤COURT≥ DOES THE PROSECUTION WITHDRAW THEIR OBJECTION
BASKIN: THEN WE WILL WITHDRAW OUR OBJECTION.	BY BASKIN WILL WITHDRAW OUR OBJECTION	BASKIN: WE WILL WITHDRAW OUR OBJECTION, THEN.	BASKIN WE WILL WITHDRAW OUR OBJECTION AS TO THIS WITNESS. [*space*]
	BY COURT PROCEED WITH WITNESS, AND HE WITHDREW AS TO THIS WITNESS OF COURSE. {**Q**}[i]	THE COURT: PRO CE~~E~~ED WITH THE WITNESS, THE ORDER IS WITHDRAW~~S~~N AS TO THIS WITNESS, OF COURSE. Q.	
Q. WHERE DID YOU RESIDE IN 1857, MR. JACKSON ? A. IN CEDAR CITY,IN SEPTEMBER.	WHERE DID YOU RESIDE MR. JACKSON 57 {**A**}[i]CEDAR CITY SEPTEMBER CEDAR CITY	WHERE DID YIU RESIDE, MT. JACKSON, IN '57? A. CEDAR CITY, S~~S~~EPTEMBER, CEDAR CITY .	WHERE DID YOU RESIDE IN 1857 CEDAR CITY
Q. DO YOU KNOW	{**Q**}[i]DID YOU KNOW	Q. DI~~A~~**D** YOU KNOW	DID YOU KNOW

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RT	RS	BT	PS
ANYTHING ABOUT AN EMIGRANT TRAIN KNOWN AS THE ARKANSAS A. I SAW SOME OF THE COMPANY IN CEDAR CITY. Q. DID YOU HAVE ANY TRANSACTION WITH THEM ? BASKIN: I OBJECT TO THAT.	ANYTHING ABOUT EMIGRANT TRAIN KNOWN AS ARKANSAS TRAIN ≤PASSING THROUGH AND KNOWN AS THE ARKANSAS TRAIN≥ {A}[i]I SAW SOME OF COMPANY IN CEDAR {Q}[i]DID YOU HAVE ANY TRANSACTION WITH THEM BASKIN I OBJECT TO THAT IF THEY INTEND TO PROVE WHAT THEY FORESHADOWED IN THEIR STATEMENT, BECAUSE THIS *STM/*—[?] MAY HAVE TRADED WITH THEM IN VIOLATION OF THIS GENERAL ORDER CAREY THE ORDER WAS MADE HERE, BUT THE QUESTION IS SHOW ANIMUS OF CERTAIN	ANYTHING ABOUT THE EMIGRANT TRAIN PASSING THROU~~G~~H KNOWN AS THE ARKANSAS TRAIN**?** ~~PASSING THROUGH?~~ A. I SAW SOME OF THE COMPANY IN CEDAR CITY. Q . DID YOU HAVE ANY TRANSACTION WITH THEM? BASKIN. WE OBJECT TO THAT. IF THEY INTE~~D~~ND TO PROVE **WHAT** ~~THAT~~ THEY FORSHADOWED IN THEIR STATEMENTS BECAUSE THIS WITNESS MAY HAVE *[327]* TRADED WI TH THEM IN V~~OII~~OLATION OF THIS GENERAL ORDER. CAREY: THE ORDER WAS MADE HERE, BUT THE QUESTION IS TO ~~W~~SHOW THE ANIMUS OF CERTAIN	ANYTHING ABUT THE EMIGRANT TRAIN PASSING THROUGH THERE KNOWN AS ARKANSAS TRAIN I SAW SOME OF THE COMPANY IN CEDAR CITY DID YOU HAVE ANY TRANSACTION WITH THEM WE OBJECTED TO IF THEY INTEND TO PROVE WHAT THEY FORSHADOWED IN THEIR STATEMENT BECAUSE THIS WITNESS MAY HAVE TRADED WITH THEM IN VIOLATION OF THIS GENERAL ≤ORDER≥ [*space*]

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RT	RS	BT	PS
HOGE IN ANSWER: MR. SMITH TESTIFIES SUCH WERE THE ORDERS AND THOSE THAT VIOLATED SUCH ORDERS WAS TO BE CUT FROM THE CHURCH.	PARTIES COUPLING IT WITH THIS CONSPIRACY WORDS OF THOSE PARTIES IS TO SHOW ANIMUS OF THEIR MIND AGAINST THIS COMPANY ANYONE VIOLATING THAT ORDER DOES NOT PROVE THEY DID NOT MAKE IT. HOGE. MR. SMITH TESTIFIES SUCH WAS {THE}[i] ORDERS AND THEN VIOLATES SUCH ORDERS THEY WAS TO BE CUT FROM THE CHURCH. BY BASKIN IT MIGHT NOT HAVE BEEN KNOWN [*space*] HOGE MORE THAN THAT HE ATTENDED MEETINGS THERE NEVER HEARD ANY SUCH ORDERS NEVER WAS DEALT	PARTIES COUPLING IT WITH THIS CONSPIRACY— WORDS OF THESE PARTIES IS TO SHOW THE ANIMUS OF THIS COMPANY. ANY ONE VIOLATING THAT ORDER DOESN'T PROVE THEY DIDN'T MAKE IT. HOGE: MR. SMITH TESTIFIES , SUCH WERE THE ORDERS, AND THEN VIOLATES SUCH ORDERS. THEY WERE TO BE CUT OFF FROM THE CHURCH.	HOGE [*space*] SMITH TESTIFIED THAT SUCH ORDERS WERE MADE AND THESE THAT VIOLATED THEM CUT OFF THE CHURCH. HE ATTENDS MEETINGS THERE AND NEVER HEARD ANY SUCH ORDER-

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RT	RS	BT	PS
	WITH BY THE CHURCH *[[27]]* THIS EVIDENCE WILL GO TO DISPROVE TESTIMONY HOAG [*space*] MR. SMITH'S		I WANT TO CONNECT IT WITH MR. SMITH'S TESTIMONY ~~BASKIN MR. SMITH~~
COURT OVERRULED THE OBJECTION OF THE PROSECUTION.	BY COURT YOU MAY ASK THE QUESTION ANYWAY [*space*]	THE COURT: YOU MAY ASK THE QUESTION ANY WAY.	COURT YOU MAY ASK HIM QUESTION [*space*]
Q. DID YOU HAVE ANY	{Q}[i]DID YOU HAVE ANY	Q. DID YOU HAVE ANY TRANSACTION WITH THESE EMIGRANTS —	DID YOU HAVE ANY TRANSACTION WITH THESE EMIGRANTS
BUSINESS TRANSACTIONS WITH THESE EMIGRANTS ? A. I CAN'T REMEMBER IF I DID THEN.	BUSINESS TRANSACTIONS WITH THESE EMIGRANTS {A}[i] I CAN'T REMEMBER IF I DID THEN [*space*]	B~~S~~USINESS TRANSACTIONS WITH THESE EMIGRANTS. A. I CAN'T REMEMBER IF I DID THEN, I MIGHT HAVE	BUSINESS TRANSACTIONS I CAN'T REMEMBER I MIGHT HAVE
Q. DID YOU SE~~L~~LL THEM ANY WHEAT OR BRAD STUFFS THERE ? A. I CANNOT REMEMBER SIR.	{Q}[i]DID YOU SELL THEM ANY WHEAT OR PROVISIONS THERE~~=~~?~~=~~ {A}[i]I CAN'T REMEMBER SIR BY DEFENSE THAT IS ALL [*space*] BY PROSECUTION THAT IS ALL BY COURT CALL YOUR NEXT WITNESS [*space*]	DONE. Q. DID YOU SE~~L~~LL THEM ANY WHEAT OR PROVISIONS THERE ? A. I CANNOT REMEMBER , SIR~~,~~. THAT IS ALL NO CROSS-EXAMINATION.	DONE. DID YOU SELL THEM ANY WHEAT OR PROVISIONS I CANNOT REMEMBER SIR [*space*]
BISHOP GAVE	BISHOP		BISHOP

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RT	RS	BT	PS
NOTICE TO THE COURT THAT THEY HAD ONE OR TWO MORE WITNESSES THAT THEY DESIRED TO PUT ON THE STAND BUT THEY HAD NOT YET ARRIVED AND	IF THE COURT PLEASE WE HAVE SENT FOR ONE OR TWO WITNESSES WHO HAVE NOT YET ARRIVED ~~TAKE~~ <LOSE OUR> <AND IT WILL NOT TAKE MORE THAN AN HOUR LONGER>		IF THE COURT PLEASE WE HAVE SENT FOR ONE OR TWO WITNESSES WHO HAVE NOT YET ARRIVED AND IT WILL NOT TAKE MORE THAN AN HOUR LONGER *[[3]] WITNESSES*[?] TO INTRODUCE SUCH TESTIMONY AS WE PROPOSE TO INTRODUCE
FOR THE PURPOSE OF SAVING OUR RIGHTS TO THE INTRODUCTION OF THIS TESTIMONY HE GAVE THE NOTICE THEN AND ASKED THAT WHEN THEY CAME IN THEY BE PERMITTED TO TESTIFY.	FOR PURPOSE OF SAVING OUR RIGHTS TO THE INTRODUCTION OF CERTAIN TESTIMONY, ≤AS WE PROPOSE TO INTRODUCE AND WE ASK THE PRIVILEGE≥ OF OFFER CERTAIN		AND FOR PURPOSE OF SAVING OUR RIGHTS TO THE INTRODUCTION OF CERTAIN TESTIMONY PRIVILEGE TO OFFER CERTAIN

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RT	RS	BT	PS
	TESTIMONY WE EXPECT TO HAVE HERE TONIGHT. WE WOULD NOW ASK COURT TO CONSENT TO AN ADJOURNMENT UNTIL MONDAY MORNING, WE WILL THEN OFFER SUCH TESTIMONY AS WILL COMPLETE OUR EVIDENCE WE THINK SO NOW [*space*] WE MAY CHANGE OUR OPINION.		TESTIMONY THAT WE EXPECT TO HAVE HERE TONIGHT NOW ASK THE COURT ADJOURN UNTIL MONDAY MORNING AND WILL THEN. I THINK WE WILL CLOSE IN AN HOUR WE THINK SO NOW.
COURT: IF THE ATTORNEYS HAVE BEEN CONSULTED ON BOTH SIDES AND ARE AGREED, IT WILL BE ALL RIGHT. *[491]*	BY COURT HAVE THE ATTORNEYS CONSULTED ON BOTH SIDES ≤AS TO WHETHER THEY WISH≥ THAT THEY WISH TO HAVE RULE CHANGED, WE HAVE A RULE IN THIS ~~TRIAL~~ <COURT> IN REGARD TO GIVING INSTRUCTIONS. I HAVE NO OBJECTIONS SO FAR AS I AM CONCERNED TO WAIVING IT		COURT[397] HAVE THE ATTORNEYS ON BOTH SIDES CONSULTED AS TO WHETHER WISH THE RULE CHANGED THE RULE IN REGARD TO THE GIVING OF INSTRUCTIONS I HAVE NO OBJECTION TO WAIVE IT I

397. Word is circled.

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RT	RS	BT	PS
	UNLESS IT IS CONSENTED TO BY PARTIES FROM BOTH SIDES [*space*] WHATEVER CHARGE I PROPOSE TO GIVE ALWAYS RESERVING [*space*] FOR INSTANCE IF HE DID NOT RECESS COURT HAVE OVERLOOKED ANY ARGUMENT GIVING INSTRUCTIONS ON THAT POINT [*space*] I WILL READ ABOUT SUBSTANCE OF OUR RULES HERE WE HAVE ALWAYS HAD BASKIN I THINK THAT IS DECIDED BY PAST PRACTICE [*space*] THAT IS THE RULE [*space*] BISHOP WE UNDERSTAND THAT		WOULD NOT DO SO EXCEPT BY CONSENT OF ATTORNEYS ON BOTH SIDES [*space*] OUR RULE HERE IS TO GIVE WHATEVER *DIRECTION*[?] I HAVE ALWAYS RESERVE INSTRUCTION *TNT/*—[?] *DR*[?] FOR INSTANCE IF HE DID NOT RECESS IF THE COURT HAD OVERLOOK INSTRUCTION ON THE POINT I READ *UPON*[?] SUBSTANCE OF THE RULE WE HAVE ALWAYS HAD THAT IS THE RULE WE HAVE GENERALLY HAD [*space*] ~~IF THE COURT~~ BISHOP WE UNDERSTAND THAT AND IF THE GENTLEMEN

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RT	RS	BT	PS
			FOR THE PROSECUTION WERE WILLING
	WE ARE SATISFIED COURT SHALL HAVE UNTIL AFTER THE ARGUMENT CLOSES TO SUBMIT THE INSTRUMENT [*space*] I WOULD LIKE TO HAVE IT SETTLED NOW		WE ARE SATISFIED THAT THE COURT SHALL HAVE UNTIL AFTER THE ARGUMENT CLOSES TO SUBMIT INSTRUCTION.
	OTHERWISE IT WILL TAKE OVER ANOTHER DAY OR PROBABLY		OTHERWISE IT WOULD TAKE OVER ANOTHER DAY
	WE/HE[?] CAN DECIDE IT MONDAY MORNING BISHOP MY ONLY OBJECTION IS THIS IT WILL TAKE US A DAY TO PREPARE OUR INSTRUCTIONS THAT CAN AS WELL BE DONE ANY POINT		YOU CAN DECIDE ON MONDAY MORNING [*space*] BISHOP MY ONLY OBJECTION IS THIS IT WILL TAKE A DAY TO *SETTLE/STATE*[?] THE INSTRUCTIONS AND THAT CAN AS WELL BE BE DONE IN AN ARGUMENT *UPON/POINT*[?]
	ARGUING BY COUNSEL SUBMITTING AUTHORITIES, TO YOUR HONOR AND IN SUPPORT OF		ARGUMENT BY SUBMITTING AUTHORITIES TO YOUR HONOR IN SUPPORT OF

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RT	RS	BT	PS
	INSTRUCTIONS THEY WILL ASK IT WILL SAVE TIME I WOULD PREFER IT ≤TO BE≥ DONE THAT WAY IF GENTLEMAN ASKS TO SETTLE INSTRUCTIONS BEFORE WE ARE WILLING [*space*] BY COURT IF THERE IS AGREEMENT DEFINITE IT WILL SAVE TIME [*space*] BY DEFENSE WE DO NOT CARE. BASKIN I UNDERSTAND RULE IS FOR COURT TO CHARGE JURY BEFORE INSTRUCTIONS BY DEFENSE WE ACCEPT THAT [*space*] WE DO NOT WISH RULE		THE INSTRUCTIONS THEY SHALL GIVE I THINK THAT IS THE *PRM/PRL*[?] GENERALLY ADOPTED [*space*] I BELIEVE IT WOULD SAVE TIME I WOULD PREFER IT TO BE DONE YET IF THE GENTLEMAN [*space*] COURT IF THERE IS *IN/ANY*[?] ARGREEMENT ABOUT IT THE INSTRUCTION SHALL BE SETTLED *BEFORE*[?] ARGUMENT. CAREY SETTLE CONSIDERATIO N IN THE FIRST PLACE. BASKIN I UNDERSTAND THAT THE *PRLT*[?] OF THE COURT IS TO CHARGE THE JURY BEFORE

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RT	RS	BT	PS
	CHANGED. SUTHERLAND I WOULD LIKE TO MAKE AN INQUIRY BECAUSE I HAVE *NO/ANY*[?] OBJECTION. COURT READ ALL INSTRUCTIONS BE WRITTEN ON ONE SIDE OF PAPER ONLY [*space*] *[[28]]* BY HOGE I UNDERSTAND YOUR HONOR TO EXTENT THAT RULE ~~WAS~~ ALLOWS IF ANY COUNSEL WISH TO CHANGE RULE IF ANY COUNSEL WISH TO CHANGE THE YOU WILL PERMIT THEM TO DO SO.		ANY ARGUMENT BECAUSE ATTORNEYS THEN MUST KEEP THEMSELVES WITHIN THE SCOPE OF THE INSTRUCTION [*space*] SUTHERLAND I WOULD LIKE TO MAKE AN INQUIRY ~~≤~~COURT~~≥~~ READ ALL THE ~~INSTRUCTION~~ RULE WE HAVE. [*space*] COURT THE RULE WE HAVE BEEN *GIVEN*[?] I HAVE SOMETIMES

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RT	RS	BT	PS
			ALLOWED THEM TO DO AFTERWARDS ≤HOGE≥ TESTIMONY SOMETIMES ARISES THAT BOTH SIDES OVERRULE *LIKE/LOOK*[?] [*space*]
	BY COURT PARTY THAT GOES TO JURY ON THAT POINT TAKES VIEW THAT THE OPPOSITE SIDE CAN'T AGREE TO AND ASK THE COURT TO GIVE INSTRUCTION ON THAT POINT		COURT THE PARTY THAT GOES TO THE JURY ON THAT POINT TAKES *VIEW*[?] *[[4]]* ASK THE COURT ON GIVING INSTRUCTION ON THAT POINT AND THE COURT DOES IT [*space*] OR IS IT BETTER
	FOR THEY MAY ALL INTRODUCE *PST/PASSED*[?] POINT BEFORE THE CASE GOES TO JURY. BY COURT I SHALL CONFINE COUNSEL TO LAW AS GIVEN BY COURT. BY SUTHERLAND WILL HAVE TO THEY		FOR THEM TO INTRODUCE BEFORE [*space*] YOU CONFINE COUNSEL TO THE LAW AS GIVEN BY THE COURT [*space*] EXPECT THEY WILL HAVE TO *KTN/CONTAIN*[?] IN IT AS FAR AS

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RT	RS	BT	PS
	BE CONFINED TO THEM OR THEY MAY INDICT RULE UPON SOME ADDITIONAL PRINCIPLES BY COURT ANY ADDITIONAL PRINCIPLES WILL BE IN CONFLICT WITH THIS BY COURT IF ANY OTHER POINT OF LAW IS REFERRED TO AND OTHER PARTIES DON'T AGREE THEY MAY GET UP AND ASK COURT TO ARGUE THAT QUESTION. BY BASKIN BEFORE AGREE COURT MUST FIRST SETTLE THE RULE. BY COURT IF INSTRUCTIONS IS GIVEN AFTERWARDS IT IS AN EXCEPTIONAL CASE.		THEY GO HE HAD CONFINED TO THEM THAT THEY MAY RULE UPON SOME ADDITIONAL PRINCIPLES ~~N~~ THE COURT ANY ADDITIONAL [*space*] IF ANY OTHER POINT OF LAW IS REFERRED TO AND THE OPPOSITE PARTY DOES NOT AGREE TO IT THEY MAY GET UP AND ASK THE COURT TO HAVE THE INSTRUCTION ON THAT SUBJECT. IF THE INSTRUCTION IS GIVEN AFTERWARDS IT IS AN EXCEPTIONAL CASE THE GENERAL RULE *NS/ONCE*[?] GIVEN AFTERWARDS

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RT	RS	BT	PS
			[*space*]
	BASKIN IN OTHER WORDS		THAT IS IN OTHER WORDS THE
	ATTORNEYS ARE CONFINED IN THEIR DISCUSSIONS OF LAW TO INSTRUCTIONS OF COURT IF ANY NEW QUESTION ARISES THE COURT SETTLES IT AND THEY MUST THEN CONFINE THEMSELVES TO JUDGMENT OF COURT AS HE SETTLES IT. [*space*] BY COURT. BISHOP I		ATTORNEYS ARE CONFINED IN THEIR DISCUSSIONS OF LAW TO THE INSTRUCTION OF THE COURT [*space*]
	WILL ASK PROSECUTION IF THEY		ASK THE GENTLEMAN IF THE PROSECUTION FEEL NEED OR
	WISH TO RECALL ANY WITNESS THAT HAVE BEEN INTRODUCED ON PART OF DEFENSE? [*space*] THE REASON I MAKE THIS SO MANY THAT ARE HERE MAY GO HOME		WISH TO RECALL ANY WITNESS ON THE PART OF DEFENSE [*space*]
	≤CAREY IN ANSWER TO BISHOP IF YOU		CAREY ~~BISHOP~~ IF YOU

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RT	RS	BT	PS
	DON'T EXPECT TO EXAMINE ANY MORE WITNESSES~~.~~ [*space*] BY CAREY WE DO NOT KNOW WHAT WITNESSES WE EXPECT TO EXAMINE WE CAN'T TELL [*space*] BY COURT WITNESSES MARSHAL HAD BETTER REMAIN UNTIL MONDAY, AS THE WHOLE MATTER WILL BE SETTLED ON MONDAY		DO NOT EXPECT TO EXAMINE ANY MORE WITNESSES WE DO NOT [*space*] . CAREY WE OF COURSE CAN'T TELL. WITNESSES BETTER REMAIN UNTIL MONDAY AND THE WHOLE MATTER BE SETTLED ON MONDAY [*space*] COURT WELL THEY HAD BETTER STAY [*space*] COURT
ADJOURNED UNTIL MONDAY MORNING AT NINE O'CLOCK	ADJOURNED COURT UNTIL **MONDAY MNG AT 9 OCLOCK** [*space*]	COURT ADJOURNED TILL MONDAY 9 A.M. AUGUST 2ND~~2~~, I88~~7~~85. —————OOOOO—————	ADJOURNED UNTIL MONDAY MORNING 9 O'CLOCK [*space*]
MONDAY, AUGUST 2ND 1875. 9 O'CLOCK A.M.	*[[29]]* **MONDAY, M'NG ~~JUL~~ AUG 2ND 1875 9 15 AM.** [*space*]	MONDAY , AUGUST 2ND~~2~~**,** NINE A.M. COURT MET PURSUANT TO ADJOURNMENT.	**MONDAY AUG 2ND** 75 [*space*]

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RT	RS	BT	PS
	CLERK READ MINUTES OF THE PROCEEDINGS MONDAY JULY 26 AND 27**TH**, 28**TH**, 29**TH**, **&** 30**TH** TO WHERE COURT ADJOURNED UNTIL MONDAY MORNING 9 O'CLOCK. SUTHERLAND MADE REMARK CORRECTING CLERK WHO WAS READING ITEM RESPECTING OBJECTION OF DEFENSE TO JURORS AND CORRECTING IT TO READ "SINCE FIRST JANUARY 1875" TO THE PRESENT TIME. MR. SUTHERLAND TOOK A SEALED PACKAGE FROM THE CLERK'S DESK AND ASKED PERMISSION TO OPEN AS IT WAS ADDRESSED TO [*space*] CLERK CALLED NAMES OF THE JURORS ALL PRESENT. 3 LETTERS WERE	JURY CALLED, ALL PRESENT.	JURY CALLED ALL PRESENT [*space*]

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RT	RS	BT	PS
	HANDED BY JUDGE BOREMAN TO MR. DUFFIN ONE OF WHICH JUDGE HANDED TO PROSECUTION FOR THEIR PERUSAL. 9.30 **AM** COURT REQUESTED GENTLEMEN TO PROCEED WITH TRIAL [*space*]		
SUTHERLAND~~:~~ ANNOUNCED TO THE COURT THAT HE HAD JUST RECEIVED THE	SUTHERLAND. I HAVE JUST ARRIVED DIRECTED TO CLERK OPENED	SUTHERLAND: I HAVE JUST R~~3~~ECEIVED ~~J~~**D**IRECTED TO THE CLERK AND	SUTHERLAND THERE HAS JUST ARRIVED DIRECTED TO THE CLERK AND NOW I WILL
	WITH YOUR HONOR'S CONSENT	WITH YOUR HONORS CONSENT, THE	WITH YOUR HONORS CONSENT THE
DEPOSITIONS OF BRIGHAM YOUNG AND GEORGE A. SMITH, THE ORIGINAL AFFIDAVITS,WHI CH WERE FILED.	DEPOSITION OF BRIGHAM YOUNG GEORGE A SMITH AN ORIGINAL AFFIDAVIT WHICH WAS FILED IN THE FORM OF A TELEGRAM OTHER DAY IS HERE	DEPOSITIONS OF BRIGHAM YOUN G AND GEORGE A. SMITH, AN ORIGINAL AFFIDAVIT WHICH WAS FILED IN THE FORM OF A TELEGRAN THE OTHER DA~~U~~Y ~~H~~HERE,	DEPOSITIONS OF BRIGHAM YOUNG AND GEORGE **A** SMITH AN ORIGINAL AFFIDAVIT THAT WAS FILED IN THE FORM OF A TELEGRAPHER THE OTHER DAY IS HERE
WE HAVE SERVED A COPY	I HAD A COPY OF THE NOTICE ~~<~~THAT WAS~~>~~ SERVED	AND I HAD A C~~P~~OPY OF THE NOTICE THAT WAS SERVED	AND I HAVE A COPY OF THE NOTICE THAT WAS SERVED
ON THE OPPOSITE PARTY,	ON OPPOSITE PARTY FOR	ON THE OPPOSITE PARTY FOR	ON THE OPPOSITE PARTY FOR

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RT	RS	BT	PS
AND ASK THAT THEY BE ACCEPTED AS TESTIMONY WITH THE CERTIFICATES OF THE PHYS~~Y~~ICIANS ACCOMPANYING, THAT BRIGHAM YOUNG WAS NOT ABLE AT THAT TIME TO MAKE THE TRIP AND THAT GEORGE A. SMITH WAS SERIOUSLY ILL AND HAD BEEN FOR WEEKS PAST AND ASKED THAT THEY BE THEN READ AND OFFERED IN EVIDENCE.	TAKING DEPOSITION CONTAINED ALSO OFFER TO PAY ~~≤~~ALL THE~~≥~~ CHARGE OF {AND}[i] OF TELEGRAPHING ON THE PART OF THE PEOPLE ATTORNEY AT SALT LAKE CITY ATTORNEYS TO CROSS EXAMINE AND ALSO THE DEPOSITIONS WE DESIRE TO FILE THE	TAKING THE DEPOSITIONS CONTAINING ALSO AN OFFER TO PAY ALL THE CHARGE OF TELEGRAPHING, ON THE PART OF THE PEOPLE'S ATTORNEY AT SALT LAKE CITY, AND ATTORNEYS TO CR~~EOO~~**OSS** EXAMINE, AND ALSO THE DEPOSITIONS. WE DESIRE TO FILE THE	TAKING THE DEPOSITION CONTAINING ALSO AN OFFER TO ALL THE CHARGES ON THE PART OF THE PEOPLE FOR ATTENDING TO CROSS EXAMINE AND ALSO THE DEPOSITIONS I DESIRE TO FILE THE

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RT	RS	BT	PS
	AFFIDAVIT OF THE PHYSICIAN SHOWING THEIR INABILITY TO ATTEND PERSONALLY COPY OF NOTICE SERVED [*space*] BY COURT FILE ALL THE PAPERS. ≼SUTHERLAND≽ I DESIRE TO FILE THEM WITH DEPOSITIONS BY COURT YES. IF COUNSEL ON OTHER SIDE ≼WISH≽ TO EXAMINE THEM IF THEY SEE PROPER [*space*] AFFIDAVIT OF THE PHYSICIAN IS THE SAME AS CAME BY TELEGRAPH. SUTHERLAND HAVE YOU ANY OBJECTIONS.	AFFIDAVIT OF A PHYSISIAN ~~THER~~ SHOWING THEIR INABILITY T~~H~~O ATTEND PERSONALLY AND A COPY OF THE NOTICE ~~C~~SERVED. C OURT: FIL~~L~~E ALL THE PAPERS. *[328]* SUTHERLAND: I DESIRE TO FILE THEM WITH THE DEPOSITIONS. THE COURT: YES, IF THE COUNSEL ON THE OTHER SIDE WISH TO EXAMINE THEM, LET THEM DO SO, IF THEY S**E**E PROPER. SUTHERLAND: THE AFFIDAVIT OF THE PHYSICIAN ISTHE SAME AS CAME BY TELEGRAM. HAVE YOU ANY OBJECTIONS.	AFFIDAVIT OF THE PHYSICIAN SHOWING THEY ARE UNABLE TO ATTEND PERSONALLY AND COPY OF THE NOTICE SERVED [*space*] COURT FILE ALL THE PAPERS [*space*] I DESIRE THIS TO BE FILED WITH THE DEPOSITIONS [*space*] *[[5]]*[398] COUNSEL ON THE OTHER SIDE DESIRE TO LOOK AT THE DEPOSITIONS BEFORE *MY/HIM*[?] OFFER THEY CAN DO SO [*space]* THE AFFIDAVIT OF THE PHYSICIAN IS THE SAME AS CAME BY TELEGRAM. [*space*] DEPOSITION OFFERED IN EVIDENCE [*space*]

398. The verso of page 5 includes profiles of unidentified men.

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RT	RS	BT	PS
OBJECTED TO BY PROSECUTION. AFTER FURTHER ARGUMENT AS TO THE RELEVANCY THE OBJECTION WAS SUSTAINED EXCEPTION BY DEFENDANT [*space*]	CAREY YES SIR WE HAVE DECIDED OBJECTIONS CAREY WE OBJECT TO THE READING BASKIN THE NOTICE HAS NOT BEEN CALLED TO YOUR HONOR ATTENTION. THEY GIVE US NOTICE TO TAKE DEPOSITIONS 250 MILES AWAY AT TWELVE CLOCK NEXT DAY. BY COURT THEY SAID IT WOULD NOT BE TAKEN UNTIL NEXT MORNING. I SUPPOSE OBJECT IS TO	CAREY: YES, WE HAVE DECIDED OBJECTIONS. WE OBJECT TO THE REA~~E~~DING. BASKIN: THE NOTICE HAS NOT BEEN CALLED TO YOUR HONORS ATTENTION. THEY GAVE US NOTICE TO TAKE DEPOSITIONS ~~T~~ 250 MILES AWAY AT I2 O'CLOCK THE NEXT DAY. THE COURT: THEY SAI D IT WOULDNOT BE TAKEN TILL THE ~~E~~NEXT MORNING, I SUPPOSE THE OBJECT I**S** TO	OBJECTED TO [*space*] BASKIN THE NOTICE HAS NOT BEEN CALLED TO YOUR HONOR THEY GIVE US NOTICE ONE DAY *11 O'CLOCK/AT 1 O'CLOCK*[?] TO TAKE DEPOSITION AT SALT LAKE CITY NEXT ~~≤~~12~~≥~~ DAY. [*space*] COURT I SUPPOSE THE OBJECT IS TO

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RT	RS	BT	PS
	SAVE THEIR EXCEPTION SAME RULING SAME QUESTION PASSED ≼UPON≽ OTHER DAY BY COURT OBJECTIONS OF THE PROSECUTION WILL BE SUSTAINED BY COURT JUST BRING ALL THE PAPERS AND FILE (AS EVIDENCE.) <?> 9.51 **AM** THEY WERE FILED. BY COURT ARE YOU READY TO PROCEED IN THIS CASE SUTHERLAND A MOMENT YOUR HONOR. —	SAVE THEIR EXCEPTION. SAME RULING, SAME QUESTION PASSED UPON THE OTHER DAY . THE OBJECTION OF THE PROSECUTION WILL BE SUSTAINED. JUST BRING ALL THE PAPERS AND FILE THEM.	SAVE THEIR EXCEPTION IT IS THE SAME RULING SAME QUESTION THAT WAS PASSED UPON OTHER DAY [*space*] OBJECTION SUSTAINED. EXCEPTION [*space*]
JOHN M. MACFARLANE , SWORN FOR DEFENSE	[*space*] **JNO. M. MACFARLANE** BY SUTHERLAND WILL YOU TAKE THE STAND.	JOHN M.MC FARLANE BEING CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. ~~DIRECT EXAMINATION BY SUTHERLAND:~~	**JOHN M MCFARLANE** RECALLED [*space*]
Q. HOW LONG HAVE YOU LIVED IN THIS TERRITORY ?	{Q}[i] HOW LONG HAVE YOU LIVED ≼IN≽ THIS TERRITORY ?	Q . HOW LONG HAVE YOU LIVED IN THIS TERRITORY?	HOW LONG HAVE YOU LIVED IN THIS TERRITORY

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RT	RS	BT	PS
A. ABOUT TWENTY THREE YEARS. Q. HOW MUCH OF THAT TIME HAVE YOU LIVED IN SOUTHERN UTAH ? A. ABOUT 22 NEARLY. Q. DO YOU KNOW JOHN MANGRA~~N~~M ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. HE LIVES AT THE PAHREAH,[399] NEAR THE ~~WESTERN~~ EASTERN FRONTIER OF ~~Y~~UTAH. *[492]* Q. DO YOU KNOW IRA ALLEN ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. I BELIEVE HE LIVES IN CACHE VALLEY SOMEWHERE. Q. DO YOU KNOW MC MURDY ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. IN CACHE VALLEY,	{A}ABOUT 23 YEARS {Q}HOW MUCH THAT TIME HAVE YOU LIVED IN SOUTHERN UTAH {A} ABOUT 22 NEARLY {Q}DO YOU KNOW JOHN MANGRAM {A} YES SIR {Q} WHERE DOES HE LIVE A LIVES AT THE PARIA ≤NEAR THE≥ EASTERN FRONTIER OF UTAH. {Q}DO YOU KNOW IRA ALLEN {A}YES SIR {Q}WHERE DOES HE LIVE {A}I BELIEVE HE LIVES IN CACHE VALLEY SOMEWHERE {Q}DO YOU KNOW MC MURDY {A}YES SIR {Q}WHAT IS HIS FIRST NAME [*space*] WHERE DOES HE LIVE AIN CACHE VALLEY ALSO I THINK ≤AT≥	A. ABOUT 23 YEARS. Q. HOW MUCH OF THAT TIME HAVE YOU LIVED IN SOUTHERN UTAH? A. ABOUT 22, NEARLY. Q. DO YOU KNOW JOHN MANGRAM? A. YES, SIR. Q. WHERE DOES HE LIVE? A LIVES AT THE PAHREA NEAR THE EASTERN FRONTIER OF UTAH. Q. DO YOU KNOW IRA ALLEN? A YES, SIR. Q. WHERE DOES HE LIVE? A. IN CASH VALLEY, SOMEWHERES, I BELIEVE. ~~Q~~. DO YOU KNOW MC MURDY? A. YES, SIR. Q. WHAT IS HIS FIRST NAME? WHERE DOES HE LIVE? A . IN CASH VALLEY ALSO; I THINK AT	ABOUT 23 YEARS HOW MUCH OF THAT TIME HAVE YOU LIVED IN SOUTHERN *NG*[?] 22 NEARLY DO YOU KNOW JOHN MANGRAM YES SIR WHERE DOES HE LIVE LIVES AT THE PARIA NEAR THE EASTERN FRONTIER OF UTAH DO YOU KNOW IRA ALLEN YES SIR WHERE DOES HE LIVE I BELIEVE LIVES IN CACHE VALLEY SOMEWHERE. DO YOU KNOW MC MURDY YES SIR WHAT IS HIS FIRST NAME IN CACHE VALLEY ALSO I THINK AT

399. Paria River.

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RT	RS	BT	PS
WELLSVILLE. Q. DO YOU KNOW EXRA CURTIS ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. SOMEWHERE IN UTAH COUNTY, I AM NOT CERTAIN AS TO THE SETTLEMENT. Q. DO YOU KNOW HARRISON PIERCE ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. ST. GEORGE WASHINGTON CO. Q. DO YOU KNOW RICHARD HARRISON ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. AT PINTO CREEK, RECOGNIZED IN WASHINGTON COUNTY ALSO. Q. DO YOU KNOW CARL SHIRTS ? A. YES SIR. Q. WHERE DOES HE LIVE ? A. SOMEWHERE ON THE ~~SV~~ SEVIER I BELIEVE. Q. DO	WELLSVILLE. {Q}[i]DO YOU KNOW EZRA CURTIS {A}[i] YES SIR {A}[i] SOMEWHERE IN UTAH COUNTY ≤I AM NOT CERTAIN AS TO≥ *[[30]]* SETTLEMENT Q DO YOU KNOW HARRISON PEARCE YES SIR [*space*] WHERE DOES HE LIVE A ST. GEORGE WASHINGTON COUNTY [*space*] DO YOU KNOW RICHARD HARRISON YES SIR WHERE DOES HE LIVE AT PINTO CREEK, RECOGNIZED IN WASHINGTON COUNTY ALSO [*space*] DO YOU KNOW CARL SHIRTS YES SIR WHERE DOES HE LIVE SOMEWHERE ON SEVIER I BELIEVE DO	WELLS VILLE. **WELLSVILLE.** Q. DO YOU ~~H~~KNOW EZRA CURTIS? *[329]* A: YES, SIR. Q. WHERE DOES HE LIVE? A. SOMEWHERE IN UTAH, COUNTY, I AM NOT CERTAIN AS TO THE SETTLEMENT. Q. DO YOU KNOW HARRISON PEARCE? A. YES, SIR. Q. WHERE DOES HE LIVE? A. ST GEORGE, WASHINGTON COUNTY. ~~Q~~. DO YOU KNOW RI~~G~~CHARD HARRISON? A. YES, SIR. Q. WHERE DOES HE LIVE? A AT PINTO CREE~~,~~K, RECOGNISED AS IN WAS~~Q~~**H**-INGTON COUNTY ALSO. ~~Q~~. DO YOU KNOW CARL SHIRT~~Z~~S? A. YES, SI~~T~~R. Q. WHERE DOES HE LIVE? A. SOMEWHERE ON THE SEVIER, I BELIEVE. Q. DO	WELLSVILLE [*space*] EZRA CURTIS WHERE DOES HE LIVE SOMEWHERE IN UTAH COUNTY ≤WHAT TOWN I COULD NOT SAY≥ DO YOU KNOW HARRISON PEARCE YES SIR WHERE DOES HE LIVE ST. GEORGE WASHINGTON COUNTY DO YOU KNOW RICHARD HARRISON YES SIR WHERE DOES HE LIVE AT PINTO CREEK RECOGNIZED AS IN WASHINGTON COUNTY ALSO DO YOU KNOW CARL SHIRTS YES SIR WHERE DOES HE LIVE SOMEWHERE ON THE SEVIER I BELIEVE DO

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RT	RS	BT	PS
YOU KNOW SAMUEL KNIGHTS ? A. YES SIR. *[493]* Q. WHERE DOES HE LIVE ? A. AT SANTA CLARA SETTLEMENT WASHINGTON COUNTY. CROSS - EXAMINED . BASKIN: Q. HOW DO YOU KNOW IRA ALLEN LIVES IN CACHE CO. ? A. I SAID I BELIEVED HE DID,THE LAST ACCOUNT I HAD HEARD OF HIM. Q. WHEN DID YOU LAST HEAR FROM HIM ? A. I DIDN'T HEAR FROM HIM, I SAID I HAD HEARD OF HIM.	YOU KNOW SAMUEL KNIGHT YES SIR ≤WHERE DOES HE LIVE≥ AT SANTA CLARA SETTLEMENT WASHINGTON COUNTY {**BASKIN CROSS EXAMINED**}[i] BASKIN $_{Q}$HOW DO YOU KNOW IRA ALLEN LIVES IN CACHE VALLEY $_{A}$I SAID I BELIEVED HE DID LAST ACCOUNT I HAD HEARD OF HIM $_{Q}$WHEN DID YOU LAST HEAR FROM HIM $_{A}$I DIDN'T HEAR FROM HIM I ≤SAID I HEARD≥ HAD HEARD OF HIM .	YOU KNOW SAMUEL KNIGHT? A. YES, SIR. Q. WHERE DOES HE LIVE? A . AT THE SANTA C~~A~~LARA SETTLEMENT, WASHINGTON~~.~~, COUNTY. CROSS – EXAMINATION O O JOHN M.MC FARLANE BY BASKIN: Q. HOW DO YOU KNOW IRA **A**LLEN LIVES IN CASH VALLEY? A. ISAID I BELIEVE HE DID, THE LAST ACCOUNT I HEARD OF HIM. Q. WHEN DIDYOU LAST HEAR FROM HIM? A. I DIDN'T HEAR FROM HIM, I SAID I HEARD OF HIM.	YOU KNOW SAMUEL KNIGHT YES SIR AT SANTA CLARA SETTLEMENT WASHINGTON, COUNTY [*space*] ≤CROSS– EXAMINATION≥ HOW DO YOU KNOW THAT IRA ALLEN LIVES IN CACHE VALLEY I SAID I BELIEVE HE DID THE LAST ACCOUNTS HAD HEARD OF HIM [*space*] I HAVE NOT HEARD FROM HIM I HAVE HEARD *OF HIM*[?] [*space*] YOU ~~KNOW~~ DON'T KNOW THAT HE LIVES IN CACHE VALLEY I SAID I BELIEVE HE

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RT	RS	BT	PS
Q. DO YOU KNOW WHETHER HE IS LIVING AT ALL OR NOT — DO YOU KNOW A. I DON'T, I HAVEN'T SEEN HIM FOR SEVERAL YEARS. Q. IF YOU KNOW SIR,DO YOU KNOW WHERE EZRA CURSTIS LIVES ? A. NO SIR,BUT SOMEWHERE IN UTAH COUNTY. Q. DON'T YOU KNOW OF YOUR OWN KNOWLEDGE ? A. NO SIR. Q. DO YOU KNOW WHERE MC MURDY LIVES ? A. ONLY ON THE SAME GROUNDS AS THE LAST. Q. ARE YOU	Q DO YOU KNOW WHETHER HE IS ALIVE AT ALL OR NOT = DO YOU KNOW A I DON'T, I HAVEN'T SEEN HIM FOR SEVERAL YEARS Q HAVEN'T YOU A KNOW SIR DO YOU KNOW WHERE EZRA CURTIS ≤LIVES≥ NO SIR SOMEWHERE IN UTAH COUNTY I HAVE HEARD Q YOU DON'T KNOW OF YOUR OWN KNOWLEDGE A NO SIR Q DO YOU KNOW WHERE MC MURDY ≤LIVES≥ A ONLY ON THE SAME GROUNDS AS ALLEN [*space*] ARE YOU PERSONALLY	Q. DO YOU KNOW WHETHER HE IS LIVING AT ALL, OR NOT? A. I DON'T I HAVN'T SEEN HIM FOR SEVERAL YEARS . Q. HAVN'T YOU? A. NO, SIR. Q. DO YOU KNOW WHERE EZRA CURTISS LIVES? A. NO, SIR, SOMEWHERE IN UTAH, COUNTY, I HAVE HEARD. Q. BUT YOU DON'T KNOW OF YOUR OWN KNOWLEDGE? A. NO, SIR. Q. DO YOU KNOW WHERE MC MURDY LIVES? A. ONLY ON THE SAME GROUND AS THE REST. Q. ARE YOU	LIVES IN CACHE *[[6]]*[400] DO YOU KNOW WHETHER HE IS ALIVE OR NOT ≤I BELIEVE HE IS≥ NO SIR I HAVEN'T SEEN HIM [*space*] HAVEN'T SEEN HIM FOR SEVERAL YEARS NO SIR [*space*] DO YOU KNOW WHERE EZRA CURTIS LIVES ≤NO SIR≥ SOMEWHERE IN UTAH COUNTY I HAVE HEARD NOTHING BY OF YOUR OWN KNOWLEDGE NO SIR DO YOU KNOW WHERE MC MURDY LIVES ONLY ON THE SAME GROUND AS LAST ARE YOU

400. The verso of page 6 includes profiles of men, doodling, and the following in shorthand at odd angles around the page: HELL AND DAMNATION; JOSIAH ROGERSON OLD MOTHER HUBBARD SHE WENT TO THE CUPBOARD TO GIVE HER POOR DOG A BONE; ON THE OTHER HAND [*written several times*]; WHERE HE SAID IN HIS EXAMINATION IN CHIEF THAT THE ORDER TO HALT WAS TO INCLUDE THE ORDER TO FIRE WHETHER HE HEARD IT GIVEN OR WHETHER FROM RUMOR AND ALSO WHAT HE SAID ON CROSS EXAMINATION; REASONABLE DOUBT; YOU WILL THIS DAY HAVE REASONABLE DOUBT; HYPOTHESIS [*written twice*].

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RT	RS	BT	PS
ACQUAINTED WITH MC MURDY ? A. YES SIR. Q. HOW LONG HAS IT BEEN SINCE YOU SAW HIM ? A. SEVERAL YEARS ,CAN'T SAY EXACTLY, I DON'T KNOW WHERE HE LIVES ONLY BY NEIGHBORS. Q. HOW LONG HAS IT BEEN SINCE YOU HEARD OF HIM BY NEIGHBORS ? A. THREE MONTHS — ABOUT FIVE MONTHS. Q. WHEN DID YOU LAST SEE CARL SHIRTS ? A. HAVEN'T SEEN HIM FOR SEVERAL YEARS,HAVE ONLY HEARD WHERE HE LIVES, ON THE SEVIER	ACQUAINTED WITH MC MURDY YES SIR QHOW LONG HAS IT BEEN SINCE YOU SAW HIM ? ~~<~~A *NUMBER*[?]~~>~~ OF YEARS CAN'T SAY EXACTLY. DON'T KNOW WHERE HE LIVES ? ONLY BY NEIGHBORS HOW LONG HAS IT BEEN SINCE YOU HEARD OF HIM BY NEIGHBORS 3 MONTHS [*space*] ABOUT 5 MONTHS Q WHEN DID YOU LAST SEE CARL SHIRTS HAVE NOT SEEN HIM FOR SEVERAL YEARS . HAVE ~~<~~ONLY~~>~~ HEARD WHERE HE LIVES ON SEVIER .	ACQUAINTED WITH MC MURDY ? A. YES, SIR. Q. HOW LONG HAS IT BEEN SINCE YOU SAW HI~~J~~M? A. A NUMBER OF YEARS. *[330]* I CAN'T SAY WHERE HE LIVES; DON'T KNOW WHERE HE LIVES ONLY BY NEIGHBORS. Q. H**O**W LONG HAS IT BEEN SINCE YOU HEARD OF HIM BY NEIGHBORS? TH~~E~~REE MONTH? A ABOUT FIVE MONTHS. Q. ~~Q~~WHEN DIDYOU LAST SEE CARL SHIRT~~Z~~S ? ~~THE~~ A. NOT FOR TWO ~~OR THREE~~ OR THREE YEARS.; HAVE ONLY HEARD THAT HE LIVES ON THE SEVIER . Q. DO YOU KNOW WHERE HE LI VES NOW? A .	ACQUAINTED WITH MC MURDY YES SIR PERSONALLY YES SIR HOW LONG SINCE YOU SAW HIM NUMBER OF YEARS DON'T KNOW WHERE HE LIVES I HAVE ONLY HEARD FROM HIM BY NEIGHBORS OF HIS [*space*] HOW LONG SINCE YOU HEARD OF HIM BY NEIGHBORS ~~3~~5 MONTHS [*space*] WHEN HAVE YOU LAST SEEN CARL SHIRTS ANOT FOR 2 OR 3 YEARS DO YOU KNOW WHERE HE LIVES NOW?

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RT	RS	BT	PS
[494] Q. IN THE CASE OF MR. PIERCE, HARRISON PIERCE, DON'T YOU KNOW HE IS OVER IN ARIZONA ? A. NO SIR. Q. OVER SOME MOUNTAIN WHERE THEY ARE SAWING TIMBER THERE ? A.. NO SIR.	IN THE CASE OF MR. PEARCE HARRISON PEARCE ⪡DON'T⪢ YOU KNOW HE IS OVER IN ARIZONA NO SIR OVER SOME ⪡MOUNTAIN⪢ THERE WHERE THEY ARE SAWING TIMBER NO SIR	I O~~B~~NLY BELIEVE WHERE HE LIVES~~,~~. Q. NOW IN THE CASE OF MR . HARRISON PEARSE~~?X~~. DON'T YOU KNOW HE IS OVER IN ARIZONA, OVER SOME MOUNTAIN THERE WHERE THEY ARE SAWING TIMBER? A. HE HAS BEEN THERE OCCASIONALLY.	I *ONLY*[?] BELIEVE WHERE HE LIVES [*space*] NOW IN THE CASE OF MR. ⪡HARRISON⪢ PEARCE DON'T YOU KNOW THAT HE IS OVER IN ARIZONA OVER SOME MOUNTAIN HE HAS BEEN THERE OCCASIONALLY AND HE HAS BEEN HOME
Q. DON'T YOU KNOW HE SPENDS HIS TIME IN ARIZONA ? A. NO SIR,MY ACQUAINTANCE WITH HIM HAS BEEN THE GREATER PART OF THE TIME IN ST. GEORGE. Q. WHERE HAS HE BEEN THE LAST FEW MONTHS ? A. HE HAS BEEN WORKING AT	DON'T YOU KNOW HE SPENDS HIS TIME IN ARIZONA NO SIR MY ACQUAINTANCE WITH HIM HAS BEEN GREATER ⪡PART⪢ OF IT IN ST. GEORGE. WHERE HAS ⪡HE⪢ BEEN LAST FEW MONTHS $_{A}$HE HAS BEEN WORKING AT	Q. DON'T YOU KNOW HE SPENDS HIS TIME IN ARIZONA? A. NO, SIR. MY ACQUAINTANCE WITH HIM HAS BEEN THE ~~R~~GREATER PART OF IT IN ST GEO**RR**~~RGEE~~ Q. WHERE HAS ~~B~~HE BEEN FOR THE LA~~W~~ST FEW MONTHS. A. HE HAS BEEN WORKING AT	[*space*] DON'T YOU KNOW HE SPENDS MOST HIS TIME AT MT. TREMBLE ARIZONA NO SIR GREATER PART IN ST GEORGE [*space*] HE HAS BEEN WORKING AT

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RT	RS	BT	PS
THE LUMBER MILLS FOR THE LAST FIVE MONTHS. Q. HAVE YOU BEEN OVER THERE ? A. NO SIR. THE LAST THREE MONTHS I GUESS HE HAS, IN THE LAST THREE MONTHS. Q. STATE WHETHER HE HAS BEEN ANY PART OF THE LAST THREE MONTHS AT HOME ? A. YES SIR.	LUMBER MILLS FOR LAST 5 MONTHS HAS BEEN OVER THERE NO SIR THE LAST ~~2~~3 MONTHS I GUESS HE HAS THE LAST THREE ~~2~~3 MONTHS STATE WHETHER HE HAS BEEN ANY PART OF {THE}[i] LAST 3 MONTHS AT HOME $_{A}$YES SIR. BY COURT CALL YOUR NEXT WITNESS. PROSECUTION ARE IN EARNEST TO *PROVIDE*[?] CONSULTATION ABOUT SOME ANSWERS OF MACFARLANE TO QUESTIONS RELATIVE WHEREABOUTS PARTIES INQUIRED ABOUT OF BY BASKIN. [*space*] BISHOP COURT	THE LUMBER MILLS FOR THE LAST FIVE MONTHS. Q. HE HAS ~~DONE~~ **BEEN** OVER THERE? A. NO, SIR, THE LAST TH~~E~~REE MONTHS, I GUESS, HE HAS BEEN OVER IN ARIZONA THE LAST THREE MONTHS. Q. IN ARIZONA? A. YES SIR. Q.STATE WHETHER HE HASBEEN ANY PART OF THE LAST THREE MONTHS AT HOME? A YES, SIR.	THE LUMBER MILLS THERE PART *OF THE TIME*[?] [*space*] LAST FIVE MONTHS HE HAS BEEN OVER THERE NO SIR LAST 3 MONTHS YES SIR IN ARIZONA YES SIR [*space*] SUTHERLAND STATE WHETHER HE HAS BEEN ANY PART OF THE LAST 3 MONTHS AT HOME YES SIR [*space*]

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RT	RS	BT	PS
DEFENDANT RESTS. CASE CLOSED .	PLEASE THE DEFENSE WILL NOW REST {**DEFENSE REST**}[i]	DEFENSE RESTS.	DEFENSE RESTS [*space*] TESTIMONY CLOSES [*space*]

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John D. Lee, First Trial

Discussion on Instructions
and
Judge Jacob S. Boreman
Charge to the Jury

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RT	RS	BT	PS
	[Bk 9 30 cont.] COURT *TO/BY*[?] PROSECUTION HAVE YOU ANY FURTHER WITNESSES NO SIR BELIEVE NOT BY COURT HAVE YOU ANY INSTRUCTIONS FOR JURY DO YOU WANT TO ARGUE ANY INSTRUCTIONS BY COURT TO PROSECUTION HAVE YOU GOT YOURS READY CAREY YES SIR BASKIN IN OUR INSTRUCTIONS WE ONLY DREW UP INSTRUCTIONS *[[31]]* ON SPECIAL POINTS NOT KNOWING WHAT YOUR PRACTICE WAS DOWN HERE. BEING PRACTICED IN DISTRICT COURT ≤INSTRUCTS	*[Bk 5 330 cont.]* THE COURT: (TO PROSECUTION) HAVE YOU ANY FURTHER WITNESSES? BASKIN: NO, SIR, I BELIEVE NOT. THE COURT: HAVE YOU ANY INSTRUCTIONS FOR THE JURY? DO YOU WANT TO ARGUE ANY INDSTRUCTIONS. -? COURT: (TO CAREY) HAVE YOU GOT YOURS READY? CAREY: YES, SIR. *[331]* BASKIN: IN OUR INSTRUCTIONS WE ONLY DREW UP INSTRUCTIONS ON SPECIAL POINTS , NOT KNOWING WHA T YOUR PRACTICE WAS DOWN HERE. THAT HAS BEEN OUT PRACTICE IN THE THIRD DISTRICT COURT.	*[[Bk 11 7]]*401 BASKIN IN OUR INSTRUCTIONS WE ONLY DREW UP INSTRUCTIONS ON SPECIAL POINTS NOT KNOWING WHAT YOUR PRACTICE WAS DOWN HERE BEING PRACTICED THAT COURT *OF/AFTER*[?] ITS OWN MOTION INSTRUCTS

401. Verso of page 7 contains drawn profiles of men; one is identified as Josephus Wade.

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RT	RS	BT	PS
	FULLY~~➢~~. WE ONLY DREW UP SPECIAL INSTRUCTIONS [*space*] OUR OUR INSTRUCTIONS DO NOT COVER WHOLE GROUND OF THE CASE. IT HAS BEEN OUR PRACTICE UP THERE, ~~≤~~THAT THE~~➢~~ JUDGE INSTRUCTS ON GENERAL PRINCIPLES AND SUCH MATTERS ON GENERAL PRINCIPLES AS TO WHAT IS MURDER ETC. [*space*] BY HOGE TO JUDGE WE HAVE NOT ALL OUR INSTRUCTIONS HERE WITH US BY US BY COURT YOU HAD BETTER	WE ONLY DREW UP SPECIAL INSTRUCTIONS, AND WE DON'T KNOW WHETHER THE IN~~D~~STRUCTIONS WILL COVER THE WHOLE GROUND OR NOT, BUT THAT HAS BEEN OUR PRACTICE UP THERE, THAT THE COURT UINSTRUCTS ON GENERAL PRINCIPLES ON SUCH MATTERS. ON GENERAL PRINCIPLES AND WHAT IS NECESSARY. HOGE: WE HAVE NOT A**L**L OU~~T~~**R** INSTRUCTIONS HERE. COURT: YOU HAD BETTER	FULLY WE ONLY DREW UP INSTRUCTION AS TO SPECIAL POINTS COURT AS A RULE I CONFINE MYSELF AS CLOSELY AS POSSIBLE TO THE WRITTEN INSTRUCTION [*space*]

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RT	RS	BT	PS
	SEND FOR THEM. 10 11 **AM** BOTH PARTIES EXCHANGED THEIR WRITTEN INSTRUCTIONS AND PROCEEDED TO READ CAREY AND BASKIN EXAMINED THOSE OF THE DEFENSE AND HOGE MACFARLANE SUTHERLAND THOSE OF THE PROSECUTION. [*space*] BY BISHOP ≤IF YOU OBJECT TO THE≥ PARTY'S INSTRUCTIONS AS WRITTEN TO BE PRESENTED TO JURY THE SIMPLE WORD OF OBJECTED IS ALL THAT IS NECESSARY	SEND FOR THEM THEN AT ONCE.. BIDSHOP : IF YOU OBJECT I UNDERSTAND THE RULE TO BE THAT ~~ONE~~ ~~ONE~~ ONE OR THE OTHER PARTY OBJECT~~E~~ TO A WRITTEN INSTRUCTION REQUESTED TO BE PRESENTED TO THE JURY, THE SIMPLE WORD "OBJECT " IS ALL THAT IS NECESSARY TO BE WRITTEN	BISHOP I UNDERSTAND RULE TO BE THAT WHEN EITHER PARTY OBJECTS TO A SIMPLY WRITE OBJECT WITHOUT ANY REASON?

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RT	RS	BT	PS
	BY COURT YES SIR [*space*] WHEADON COURT PLEASE IT MAY AS WELL BE ANNOUNCED WITNESSES WILL NOT BE WANTED ANY LONGER IN THIS CASE SOME IN TOWN WISH TO LEAVE AND GO HOME. BY COURT [*space*] SUTHERLAND WE DESIRE TO RETAIN NEARLY ALL OF OUR WITNESSES FOR THE NEXT CASE. I UNDERSTAND DAME'S CASE IS SET FOR NEXT MONDAY WHILE THEY ARE ALL AT LIBERTY NOW TO GO INTO THE ROOM WE DESIRE THEY SHOULD REMAIN WITH INJUNCTION TO RETURN NEXT MONDAY. WHEADON IT IS INCURRING	ON IT? COURT: YES, SIR.	⪡COURT⪢ YES SIR [*space*] WHEADON WITNESSES IN THIS CASE WILL NOT BE FURTHER WANTED. [*space*]

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RT	RS	BT	PS
	LARGE BILL OF EXPENSES WHEN THERE IS NO JURY FOR THEM. MANY OF THEM WISH TO LEAVE AND GO HOME. BY COURT WITNESSES FOR PROSECUTION CAN GO HOME AS FAR AS THIS CASE IS CONCERNED. IF THEY ARE NOT NEEDED ON ANOTHER CASE; IF THEY ARE NEEDED ON ANOTHER CASE THEY MUST REMAIN. 10:30 COUNSEL OF BOTH SIDES STILL CONTINUED TO PURSUE INSTRUCTIONS IN WRITING OFFERED TO BE READ TO JURY. FIRST PAPER OF INSTRUCTIONS ≤ON THE PART OF PROSECUTION≥ HE HANDED TO JUDGE BOREMAN 1045 **AM**. [*space*] BY COURT WILL THERE BE ANY	COURT: WILL THERE BE ANY	COURT WILL THERE BE ANY

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RT	RS	BT	PS
	ARGUMENTS? CAREY WE ARE WILLING TO SUBMIT THEM WITHOUT ARGUMENT. BY COURT ≤TO BISHOP≥ DO YOU DESIRE TO INSTRUCT ON YOUR OWN INSTRUCTIONS BISHOP I THINK IT WOULD BE BEST FOR US *PERHAPS*[?] SETTLE THEM FULLY. MR. MARSHAL HAVE YOU GOT ROOM YOU CAN TAKE JURY TO YES SIR BY COURT TAKE THE JURY UNTIL THEY GET THROUGH WITH THIS DISCUSSION ON LEGAL POINTS. THE JURY WERE	ARGUEMENTS ON THESE INSTRUCTIONS ? CAREY: WE ARE WILLING TO SUBMIT THEM WITHOUT ARGUEMENT? COURT: DO YOU DESIRE TO INSTRUCT ON YOUR OWN INSTRUCTI~~I~~ONS ? BISHOP: I THINK IT WOULD **BE** BEST FOR US, TO SETTLE THEM FULLY. COURT: MR. MARSHAL HAVE YOU A ROOM THAT YOU CAN TAKE THIS JURY TO? ~~C~~ MARSHALL: YES, YOUR HONOR. THE COURT: THEN YOU HAD BETTER TAKE THE JURY TO THEIR ROOM TILL COUNSEL G~~I~~ET THROUGH THIS DISCU~~LL~~SSION OF LEGAL POINTS. (MARSHAL TAKES THE JURY	ARGUMENTS ON THESE INSTRUCTIONS ? CAREY WE ARE WILLING TO SUBMIT THEM [*space*] BISHOP [*space*]

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	TAKEN OUT TO ROOM UNTIL THE DISCUSSION. 1050 **AM**. **CAREY** ASKED IF HE COULD READ HIS INSTRUCTIONS COURT ANSWERED AFFIRMATIVE CAREY IT WILL	TO THEIR ROOM IN ACCORDANCE WITH THE COURT'S DIRECTIONS.) OBJECTIONS TO INSTRUCTIONS ARGUED BY COUNSEL ON BOTH SIDES.	

RS

PROBABLY SAVE TIME MR. HAWLEY HAS GONE AFTER COUPLE OF AUTHORITIES. [*space*] CAREY I THINK WOULD READ THEM IN CONNECTION WITH THE AUTHORITIES THAT WOULD SAVE ME GOING OVER THEM TWICE. *ALSO*[?] THERE ARE TWO OR 3 OF THOSE WE HAVE NO AUTHORITIES UPON I WILL READ THOSE COMMENTS AT THE LAST. IT IS NOT NECESSARY TO PROVE THERE WAS PERSON BY NAME OF JOHN SMITH AT THE TIME OF MASSACRE IN ORDER TO CONVICT JOHN D. LEE IF THE JURY BELIEVE THERE WAS ONE OR MORE BE KILLED AND THAT HE AIDED AND ABETTED IN KILLING ONE OR MORE OF SAID INDIVIDUALS IN EVIDENCE BEFORE THEM I BELIEVE THAT LAST ONE I HAVE READ IS NOT OBJECTED TO THE OTHER IS *[[32]]* PROCEEDED TO READ FURTHER IT IS NOT NECESSARY TO ACTUALLY PROVE HE KILLED ANY ONE OF SAID PARTIES BY HIS OWN HAND. OTHERS ARE IN REGARD DEFINITION OF REASONABLE DOUBT. [*space*] PROCEEDED READ ANOTHER CLAUSE. AND THAT DONE HE READ FROM BISHOP ON CRIMINAL LAW IN ORDER TO SUSTAIN THAT DEFINITION OF REASONABLE DOUBT READ FROM DECISION MADE CASE DANIEL VS. PEOPLE [*space*] IS NOTE 4 OF SECTION 1053 BISHOP'S CRIMINAL PROCEDURE IT IS A LONG NOTE THIS IS NOTE OF THE DEFINITION GIVEN BY SUPREME COURT OF NEW JERSEY. WE HAVE KEPT THAT PRECISELY AFTER STATING THEY MUST BE CONVICTED BEYOND REASONABLE DOUBT. WE HAVE ALSO A FURTHER DEFINITION GIVEN BY CHIEF JUSTICE SHAW OF MASSACHUSETTS PROCEEDED TO READ IT IS THAT IS A CASE

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WHICH AFTER ALL EVIDENCE THEY CAN'T SAY THEY FEEL ABIDING CONVICTION OF MORAL CERTAINTY OF THE GUILT OF PRISONER. ///// READ FROM AMERICAN CRIMINAL LAW THAT CHANGED ONLY READ NOTE AT THE CLOSE PAGE 707 THIS IS NOT THE SAME DEFINITION I HAVE HERE. ~~MR. BISHOP~~ ≺700≻ **1ST WHARTONS** CRIMINAL LAW 1847 FIFTH CUSHING ≼AGAINST≽ COMMONWEALTH ~~AGAINST~~ CHIEF JUSTICE SHAW'S DEFINITION IT IS NOT MERE POSSIBLE DOUBT BECAUSE SAYS CHIEF JUSTICE EVERYTHING RELATING HUMAN AFFAIRS DEPENDING ON MORAL EVIDENCE IS ETC., *CAN/CAN'T*[?] FEEL MORAL CERTAINTY OF CHARGE. WE HAVE CHANGED TO READ THIS WAY ABOUT THE MORAL CERTAINTY OF THE GUILT OF THE PRISONER ONLY DEFINED BY OURSELVES SUTHERLAND I HAD THEIRS AND YOUR HONOR'S PLEAS TO REPLY TO SO MUCH OF COUNSEL REQUEST HAS REFERENCE TO NECESSITY IT IS NOT BEING NECESSARY TO PROVE THAT THE MEN KILLED AT MOUNTAIN MEADOWS WERE UNKNOWN AND JOHN SMITH WE HAVE A REQUEST UPON SAME SUBJECT OUR VIEWS MAY BE PUT IN CONTRAST WITH THE REQUEST OF MR. CAREY BY REFERENCE TO REQUEST WHICH I NOW PROCEED TO READ [*space*] THE DEFENDANT CAN NOT BE CONVICTED UNLESS PROOF ESTABLISHES A FELONIOUS KILLING OF ONE OR MORE OF THE PARTY OR COMPANY CONSISTING JOHN SMITH SEVERAL MEN WOMEN AND CHILDREN AS ONE TRANSACTION. THAT ONE OF THE PARTY WAS IN FACT NAMED JOHN SMITH THAT THE NAMES OF ALL OTHERS WERE UNKNOWN TO GRAND JURY THAT FOUND THE INDICTMENT THIS REQUEST PROCEEDED AND IS BASED UPON THE ASSUMPTION THAT PROSECUTION HAVE ONLY ATTEMPTED TO CHARGE ONE OF THE OFFENSES IN THIS COUNT OF INDICTMENT THEY HAVE FURTHER ALLEGED THE KILLING OF 50 OR 51 PERSONS. UNLESS THIS KILLING WAS ALL ONE TRANSACTION AND JUST THE TRANSACTION MENTIONED IN THE INDICTMENT THE KILLING OF EACH PERSON WOULD BE A SEPARATE OFFENSE OF MURDER. THEY HAVE ATTEMPTED IDENTIFY THAT TRANSACTION BY REFERRING TO THE NAMES OF THE PERSONS KILLED IN A PARTICULAR WAY. RULE IS AND THE AUTHORITIES ALL AGREE UPON IT THE NAME OF THE DECEASED MUST BE STATED IF THERE IS SINGLE PERSON IF THERE IS PARTY KILLED AND THEY GO FOR THE MURDER OF THE WHOLE PARTY THEY MUST DO SO AS ONE TRANSACTION *[[33]]* DO NOT THINK THAT PARTY AS IN CASE OF MURDER OF ONE PERSON BY MENTIONING HIS NAME IF UNKNOWN STATED IT IS KNOWN AND PROVING IT IS UNKNOWN [*space*] THEY HAVE ALLEGED IN THIS INDICTMENT THERE WAS ///PARTY [*space*] OF JOHN SMITH AND 50 UNKNOWN PERSONS OF BOTH SEXES INCLUDING CHILDREN WHILE I DO NOT INSIST THE NUMBER IS ANY ESSENTIAL PART OF DESCRIPTION NOTE THAT THAT IT WAS A PARTY CONSISTING OF ONE OR MANY PERSONS AND THAT IT CONSISTED OF MEN WOMEN CHILDREN AND THAT ONE OF THE PARTIES WAS JOHN SMITH RULE IS EVIDENT FROM BETTER READING OF THE INDICTMENT SINCE THEY CAN ONLY CONVICT DEFENDANT OF THE VERY CRIME MENTIONED IN COMPLAINT SINCE THEY WOULD BE UNABLE FOR THE CHARGED KILLING OF JOHN SMITH *AND/TO*[?]

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CONVICT HIM OR PROVE THAT HE DID KILL JOHN DOE THEY MUST PROVE THE IDENTITY OF THE PERSONS AS THEY HAVE ALLEGED 'EM THE PARTY CONSISTING OF BOTH SEXES OF MORE THAN ONE PERSON THAT ONE OF PERSONS WAS JOHN SMITH. THEY REQUEST AS I UNDERSTAND IT THAT IT IS NOT NECESSARY TO SHOW THERE WAS A JOHN SMITH THERE. SINCE THEY HAVE OBJECTED TO THIS REQUEST THEY INSIST ALSO THAT NEED NOT BE PROVED THAT THE OTHER PERSONS WERE UNKNOWN. CAREY I DID NOT STATE THAT [*space*] I SAY AS YOU HAVE OBJECTED TO THIS REQUEST *YOU HAVE*[?][402] BECAUSE COURT HAVE AFFIRMED ≤THIS≥ IT NECESSARILY MUST BE IMPLIED THEY DON'T THEY ARE NOT BOUND BY THE PROOF AND TO IDENTIFY SUCH A TRANSACTION AS IS STATED IN THE INDICTMENT IN OTHER WORDS THEY ARE ARE NOT BOUND TO PROVE THERE WAS A JOHN SMITH THEY ARE NOT BOUND TO PROVE OTHER PERSONS WERE NOT KNOWN. WE ACKNOWLEDGE THERE WAS A PERSON PROVED BY NAME OF JOHN SMITH THIS KNOWLEDGE *TEND*[?] TO THE NECESSITY THEIR PROVING ~~WAS~~ ONE OF PERSONS THERE KILLED WAS JOHN SMITH THERE WAS ≤SUCH A≥ PARTY [*space*] THEY SAID THEY ARE BOUND TO SHOW THAT EITHER ALL ALL BUT ONE ARE UNKNOWN. IF THEY ARE BOUND TO PROVE ANY PART ARE UNKNOWN PARTIES BECAUSE THEY HAVE ALLEGED THEM TO BE UNKNOWN THEY MUST UNDER THE RULE OF COURT PLEAD MUST EITHER CONSIDER ALL THE PERSONS ALLEGED TO BE KILLED WERE UNKNOWN OR ELSE THEY MUST STATE THE NAMES [*space*] AND IF THEY STATE THE NAMES THEY MUST PROVE THE ALLEGATION AS THEY MAKE IT. ALLEGATION IS ALL WERE UNKNOWN BUT ONE FOR THEY ARE BOUND TO PROVE ALLEGATION IN RESPECT TO THOSE UNKNOWN BY ESTABLISHED PROCESS OF REASONING *RL/REALLY/RULE*[?] *RELATIVE/RELIEVED*[?] FROM PROOF ONE ALLEGED TO BE KNOWN WAS SUCH A PERSON BEARING SUCH A NAME AS IS STATED IN INDICTMENT [*space*] *[[34]]* SUTHERLAND [*space*] FIRST BISHOP'S CRIMINAL PROCEDURE SECTION 552 WHERE IN THIS CASE IT IS RULED NECESSARY TO MENTION NAME OF *THIRD*[?] PERSON ETC. IN ANOTHER PART OF SAME SECTION AFTER HAVING REFERRED TO CASE WHERE CHIEF JUSTICE SHAWS REMARKS ARE QUOTED HE SAYS WE PROBABLY ERR FURTHER IF WE WERE TO ASSUME *TURN/ATTORNEY*[?] OF THIS CASE *ORDER*[?] CIRCUMSTANCES OF THE TRIAL WITH REFERENCE TO SPECIAL FACTS JURY WOULD BE JUSTIFIED IN FINDING WHENEVER WAS MERE ABSENCE RESPECTING SAME THAT THE JURY WOULD JUSTIFIED IN FINDING VERDICT UPON THE COUNT ALLEGING NAME TO BE UNKNOWN WHENEVER WAS MERE ABSENCE RESPECTING NAME THIS *FRMND/FRMNT*/—[?] MUST BE *UNDERSTOOD TO HAVE*[?] PROVED THE SAME AS ≤SUTHERLAND≥ THE OTHER GROUNDS. THAT TAKEN IN CONNECTION WITH WHAT WILL BE SAID WHAT I MAY ASSUME IF YOUR HONOR WOULD ALLOW IT IS IF WE WILL LEARN WHERE NAME IS NOT ALLEGED TO BE UNKNOWN BUT THE NAME IS ~~NAME~~ GIVEN NAME OF PERSON KILLED THEY MUST PROVE THAT A PERSON OF THAT NAME WAS KILLED AND

402. The word is written over an illegible symbol.

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THERE CAN BE NO VERDICT OF GUILTY WITHOUT THAT PROOF TAKE ALL TOGETHER WE SAY REQUEST WE HAVE MADE MUST BE GIVEN IN WHOLE THEY MUST IDENTIFY THIS TRANSACTION KILLING OF PARTY CONSISTING OF UNKNOWN PERSONS AND JOHN SMITH THEY SAID THAT *ACCOSTED*[?] HAS A NAME OF JOHN SMITH ON THAT ACCOUNT WE OBJECT AND THERE IS A NECESSITY *UPON OURSELVES*[?] MR. BISHOP WILL REPLY TO IT SO FAR AS THEY SHOULD ALLEGE THAT SUBJECT OF QUANTITY AND QUESTION OF EVIDENCE AUTHORIZING IT. 11 12 **AM** BISHOP WE OBJECT TO {THE}[i] FIRST INSTRUCTION ARGUED BY DEFENSE BECAUSE ~~YOU~~ ≤WE≥ SAY IT DOES NOT STATE FULL RULE AS FAR AS IT GOES PERHAPS IT IS THE LAW BUT IT MAKES AN EFFORT TO STATE THE RULE WITHOUT GIVING ENTIRETY OF IT THE SECOND IS IN THE SAME WAY GENTLEMAN ARGUING INSTRUCTION AND IN PROVING POINT BECAUSE AS THEY LAY DOWN RULE AS STATED BY CHIEF JUSTICE SHAW WITH THEM ARGUING INSTRUCTION COVERING AND SETTING FORTH COVERING WHOLE QUESTION SET FORTH THE LETTER OF THE RULE. AND WE OBJECT TO THIRD INSTRUCTION THAT THEY ASK BECAUSE IT FAILS TO STAND AND IS NOT LAW. LAST INSTRUCTION IT IS NOT NECESSARY TO PROVE THERE WAS PERSON NAMED JOHN SMITH KILLED AT MOUNTAIN MEADOWS WE OBJECT TO THAT BECAUSE IT IS ABSOLUTELY NECESSARY TO STATE THE NAME AND PROVE IT IS NAME IN INDICTMENT [*space*] WE CALL YOUR HONOR'S ATTENTION IN THIS THERE HAS BEEN NO TESTIMONY THAT THE NAMES OF THESE PARTIES WERE NOT KNOWN TO GRAND JURY AS FOUND IN INDICTMENT IT IS GRAND JURY THAT FOUND INDICTMENT [*space*] EVIDENCE MUST SUSTAIN THAT ALLEGATION THAT THE NAME OF THAT PARTY CLAIMED TO BE KILLED WAS UNKNOWN PROSECUTION MUST SO SHOW JURY MUST FIND THAT TRYING THE CASE. *[[35]]* WE CLAIM INSTRUCTIONS ASKED BY PRISONER IN THIS CASE FALL SHORT OF THE RULE. WE ARE CONSISTENT IN OUR OBJECTIONS ≤BASED ON≥ 32 CALIFORNIA ≤COMMENCING≥ PAGE 433. PEOPLE AGAINST *LAGANS/LGNS*[?]. IN THIS CASE DEFENDANT WAS INDICTED FOR MURDER OF *BABBLE*[?] *MRN/MARIN*[?] LOS ANGELES COUNTY 22 SEPTEMBER 1856 COURT OF APPEAL INSTRUCTED JURY AS FOLLOWS DEFENDANT MAY BE CONVICTED ON CIRCUMSTANTIAL EVIDENCE. DOUBTS MUST BE REASONABLE. PROSECUTION CLAIMING THAT WAS SUFFICIENT INSTRUCTION ATTORNEYS FOR DEFENDANT ASK FULL INSTRUCTION WHICH WAS REFUSED AND READ FURTHER. [*space*] THIS *DEFENSE*[?] CHANGED TWO WORDS OF MORAL CERTAINTY IN THEIR CHARGE TO GUILT OF PRISONER [*space*] THEY WILL HAVE THE FIRST PORTION OF THIS INSTRUCTION AND WILL HAVE THE LATTER PREROGATIVE AS WELL IN THIS INSTRUCTION THEY ASK YOUR HONOR TO GIVE AS SETTING FORTH THE LAW AND WE OBJECT BECAUSE WE SAY IT IS ONLY {A}[i] PARTIAL STATEMENT AND CALCULATED TO MISLEAD THE JURY. ONE IS BY SANDERSON JUSTICE. REFERRING PEOPLE AGAINST STRONG CALIFORNIA 1854 CASE SAW JUDGMENT REVERSED NEW TRIAL ORDERED. THEREFORE WE HAVE RIGHT TO HAVE FULL AND PERFECT INSTRUCTION IN THE CASE WE HAVE AS A

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NATURAL CONSEQUENCE FLOWING FROM THAT RIGHT THE PRIVILEGE OF OBJECTING TO ANY SPECIAL INSTRUCTIONS UPON THAT QUESTION AND THAT WE ARE ENTITLED TO PROTECT OURSELVES AGAINST INSTRUCTIONS THAT ARE PRESENTED TO JURY AS THOSE COMING FROM THE PROSECUTION AND AT THEIR REQUEST AND WHICH DO NOT STATE THE LAW AS SET WE CLAIM INSTRUCTION OF THAT CHARACTER IS CALCULATED MISLEAD MISDIRECT JURY CALCULATED ADJUST RIGHTS OF THE DEFENDANT ALTHOUGH IT STATES PART OF LAW CORRECTLY IT NOT STATING IT ALL MAKES IT AS OBJECTIONABLE AS IF IT SET AS LAW THAT WHICH WAS NOT THE LAW. BECAUSE AN IMPARTIAL STATEMENT OR IMPERFECT STATEMENT AS IS FAR FROM BEING THE LAW AS THEY PRETEND TO GIVE A *KPR/GPR*[?] AND STATES IT NOT ONLY ENTIRELY DIFFERENT FROM WHAT BOOKS LAY IT DOWN. SHALL WE GO ON BY COURT I HAVE GENERALLY READ THEM TOGETHER VERY WELL THEN. FIRST INSTRUCTION WHAT WE ASK IS NOT OBJECTED TO [*space*] PROCEEDED TO READ. WHICH I CAN CONNECT TO **2ND** IN ORDER TO JUSTIFY INFERENCE OF LEGAL GUILT FROM CIRCUMSTANTIAL EVIDENCE EXISTENCE OF THE INCULPATORY FACTS MUST BE ABSOLUTELY COMPATIBLE WITH THE GUILT IN SUPPORT OF THAT INSTRUCTION I REFER TO PAGE ~~107~~171 RULE 4 **WHALES** ON CIRCUMSTANTIAL EVIDENCE. [*space*] IN ORDER TO JUSTIFY INFERENCE OF LEGAL GUILT FROM CIRCUMSTANTIAL EVIDENCE. *STTION/STV*[?] RULE IS READ IN WHALES ON CIRCUMSTANTIAL EVIDENCE THIS IS A FUNDAMENTAL RULE LAW GOES FURTHER IN SUPPORT OF IT WE TAKE THAT AS GOOD LAW. [*space*] *[[36]]* **3RD** INSTRUCTION IS NOT OBJECTED TO THAT IS ALSO COPIED FROM WHALES ON CIRCUMSTANTIAL EVIDENCE FOUND ON PAGE 141 READ IT. [*space*] 4TH IS OBJECTED IT IS AS FOLLOWS IN ORDER TO CONVICT DEFENDANT FROM CIRCUMSTANTIAL TESTIMONY CIRCUMSTANCES PROVED MUST ALL CONCUR TO PROVE HE HAS COMMITTED CRIME AS CHARGED IN INDICTMENT WE REFER TO 32 CALIFORNIA PAGE 213 THE PEOPLE AGAINST PHILIP DICK. DEFENDANT WAS INDICTED FOR MURDER ALLEGED TO HAVE BEEN COMMITTED 31 OF MAY 1856 SENTENCED TO BE EXECUTED. TRANSCRIPT OF RECORD CONTAINS ONE PORTION OF EVIDENCE OF TRIAL. PROCEEDED TO READ. [*space*] BISHOP I WILL CALL YOUR HONOR'S ATTENTION ALSO BEFORE I SIT DOWN 32 CALIFORNIA WHERE IT IS LAID DOWN AS A RULE THE DEFENSE HAS A RIGHT TO HAVE HIS INSTRUCTIONS GIVEN TO JURY ALTHOUGH SUBSTANCE OF THEM MAY HAVE BEEN GIVEN BY COURT IN FORMER INSTRUCTION. SAME AUTHORITY I HAVE READ APPLIES TO 5TH INSTRUCTION I HAVE REFERRED TO PAGE 151 READ FROM IS ON PAGE ≤1≥54 ATTORNEYS DEFENSE COUNSEL COURT CHARGED THE JURY PREPONDERANCE OF EVIDENCE IS NOT SUFFICIENT TO CONVICT DEFENDANT. *BORREL/B-RL*[?] CIRCUMSTANTIAL PAGE 189 482 483 **&** 510. I WILL READ PAGE 181 *BORREL/B-RL*[?] ON CIRCUMSTANTIAL EVIDENCE IN SUPPORT OF DOCTRINE LAID DOWN 30TH CALIFORNIA. BISHOP [*space*] **6TH** INSTRUCTION ASKED IS NOT OBJECTED TO READS AS FOLLOWS ACCUSED IS ENTITLED TO BENEFIT OF ALL ≤REASONABLE DOUBT≥ WHICH AFTER

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CAREFUL CONSIDERATION MAY BE FOUND IN YOUR MINDS *SEEMS*[?] TO *SUFFICIENCY*[?] OF PROOF FOR IT IS NECESSARY TO PROVE ALLEGED CRIME ETC. PROCEEDED TO READ. ≼BISHOP≽ THIS IS THE INSTRUCTION WE ASK AS FULL SET FORTH *FOURTH*[?] RULE THAT PROSECUTION ASK *NOT WANT*[?] FURTHER WHICH WE SAY IT HAS NOT FULL CONSIDERATION REMAINING PREROGATIVE 7**TH** IS OBJECTED TO I STAND UPON THE GROUND THAT RULE STATING IN DUPLICATING SOME PART WE CLAIM WE ARE NOT IN COURT BECAUSE PARTY ACCUSED IS ALWAYS ENTITLED TO LEGAL PRESUMPTION ETC. BURDEN OF PROOF IS UPON PROSECUTION EVERY PERSON ACCUSED OF CRIME IS PRESUMED TO BE INNOCENT UNTIL PROVEN GUILTY. READ FURTHER IN 7TH INSTRUCTION IT IS ALWAYS BETTER TO ERR IN ACQUITTING THAN PUNISH ON THE SIDE OF MERCY THAN ON THE SIDE OF JUSTICE****[403]. NO OTHER INSTRUCTION SETS FORTH AS FULLY AS THIS ONE DOES. IN SUPPORT OF THIS INSTRUCTION I WILL REFER YOUR HONOR TO 32 CALIFORNIA. BY COURT MR. BISHOP WILL YOUR ARGUMENT TAKE SOME TIME YET YES SIR OUR ARGUMENT WILL TAKE SOME TIME YET I THINK IT WOULD BE BETTER TO ADJOURN THEN. CAREY [*space*] BISHOP ON OUR INSTRUCTIONS I WOULD ASK THESE QUESTIONS IN SUPPORT OF INSTRUCTIONS WE SUPPOSE WE WILL HAVE RIGHT TO ANSWER GENTLEMAN'S OBJECTIONS AFTER THEY HAVE MADE THEIR ARGUMENT BY COURT YES SIR IT WOULD HAVE BEEN BETTER IF THEY HAD MADE THEIR OBJECTIONS FIRST I WILL CLOSE MY ARGUMENT THEN BEFORE RECESS. BISHOP I REFER 32 CALIFORNIA CASE PEOPLE AGAINST WILLIAMS COMMENCING ON 281 *[[37]]*[404] CALL YOUR HONOR'S ATTENTION TO THAT CASE AS CONSTITUTING RULE BETTER TO GIVE INSTRUCTIONS THAN WITHHOLD THOUGH THEY MAY APPEAR TO BE. REMAINING PORTION OF DECISION IN CASE OF *PNS/PAYNES*[?]. DEFENSE IF SO DESIRE SO ENTITLED. REFER PEOPLE AGAINST *GST*[?] 27 CALIFORNIA PAGE [*space*] PEOPLE AGAINST WILLIAMS SAME BOOK. [*space*] BISHOP WE CLAIM PRINCIPLES OF LAW SUSTAIN INSTRUCTIONS AS READ AS BEING PERFECT IN ITS INSTRUCTION AND TRUE LAW AND THAT BECAUSE THE SAME PRINCIPLE CONSIDERATION IN SOME OTHER INSTRUCTION THAT IS NO VALID REASON WHY THIS INSTRUCTION SHOULD NOT BE GIVEN IN THE LANGUAGE WE ASK IT. 8TH INSTRUCTION IS ALSO OBJECTED. I WILL READ AS FOLLOWS. THAT IS 30 CALIFORNIA PAGE 154 I BELIEVE I CALLED YOUR HONOR'S ATTENTION TO IT ONCE BEFORE CASE PEOPLE AGAINST STRONG THAT I REFERRED YOUR HONOR TO. THAT IS ≼THAT IT IS THE≽ LAW NO PERSON CAN DISPUTE. 9TH INSTRUCTION WHICH IS NOT OBJECTED TO READS AS FOLLOWS IN CRIMINAL CASES PROSECUTION IS REQUIRED TO PROVE BEYOND ALL REASONABLE DOUBT THE FACTS WHICH CONSTITUTE DEFENSE.[405] [*space*] 10TH INSTRUCTION IS OBJECTED COURT INSTRUCTS JURY THAT IT IS INCUMBENT ON PROSECUTION NOT

403. Vertical column of asterisks.

404. "KILLING KILLING KILLING KILLING KILLING KILLING WAS DONE." written in shorthand across the top of page 37.

405. Original instruction reads "OFFENSE"; possible intent is "EVIDENCE".

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ONLY TO PROVE KILLING IT MUST ALSO ESTABLISH BE PROVED BEYOND REASONABLE DOUBT KILLING WAS DONE BY MALICE AFORETHOUGHT ETC. YOUR HONOR PLEASE WE ARE WHOLLY AWARE IN ASKING THIS INSTRUCTION WE ARE ASKING INSTRUCTION THAT IS AT VARIANCE WITH TEXT BOOKS AND MUCH THAT HAS BEEN CONSIDERED AS LAW BY PEOPLE OF THE UNITED STATES SEEN AS DEVIATION OF THE COMMON LAW STILL WE CLAIM THAT WE CAN SHOW TO YOUR HONOR THAT THE RULE HAS ALWAYS BEEN IMPROPERLY LAID DOWN IN THE EVIDENCE AND THAT THE PROPER RULE GOVERNING IN SUCH CASES HAS NEVER BEEN ADOPTED EITHER IN ENGLAND OR UNITED STATES UNTIL THESE LAST FEW YEARS. SUPREME COURT OF MICHIGAN HAS ADOPTED THIS RULE AND WHARTON WHO IS APPEALED TO WITH CONFIDENCE BY PROSECUTION BEEN NOTED ALL OCCASIONS WHEN *WILL*[?] TO CONVICT IS NEEDED BUT THE COURT OF APPEALS IN NEW YORK IN A LATE CASE HAVE ALSO ADOPTED THE RULE WE ASK TO HAVE GIVEN IN THIS INSTRUCTION IS WRITTEN AFTER HAS BEEN *LVDM/LTHDM*[?] IN WRITING BEEN ACCORDINGLY BUT THE PREVIOUS CASE AND CONCLUSION TELLS HE IS MISTAKEN THE RULE IS LAID DOWN *BE ACQUAINTED*[?] IS *TAKEN*[?] *BE KEPT*[?] FROM THE JURORS IS IN THAT TOME RULE OF ROMAN LAW WAS FACT OF KILLING BEING PROVED JURY MUST HAVE EVIDENCE PRESENTED TO THEM BY PROSECUTION SUFFICIENT TO SHOW MALICE OR THAT THEY SHOULD ACQUIT I WILL CALL YOUR HONOR'S ATTENTION TO THE ARTICLE WRITTEN BY WHARTON AS PUBLISHED IN *APRIL*[?] *PAPER*[?] OF THE FORUM JUDGE HOGE WILL MORE FULLY REFER TO THIS MATTER AFTER I HAVE FINISHED. HOGE I WILL READ THIS IN REFERENCE TO ≤MR. BISHOP'S REMARKS≥ TO *HD-T*[?] RECENT REFERENCES IN CRIMINAL LAW WRITTEN BY *[[38]]* *FRSZ*[?] BUT WHARTON STATED HE HELD RULE ETC. I PASS ON NOW TO FURTHER PREROGATIVE WITHOUT GIVING ILLUSTRATIONS ETC. THE AUTHOR THEN CALL YOUR HONOR'S ATTENTION CASE REFER TO IN NEW YORK BY *M*—[?] THIS WAS CASE DECIDED IN NEW YORK PAGE 164, READ OPINIONS OF *FORUM*[?] APPOINTED. IS OF THIS JUDGE *RAPELOW*[?] IN COURT OF APPEALS SAYS READ. PEOPLE VS. MICHIGAN PAGE 212. ACCOUNT OF THIS AUTHOR HERE. *JUDGE SUTHERLAND*[?] READ CONSIDERABLE LENGTH OF IT. HOGE CALL YOUR HONOR'S ATTENTION **2^{D}** BISHOP CRIMINAL PROCEDURE WHICH HAS THE SAME EFFECT EXACTLY SECTION 617 SECOND BISHOP CRIMINAL PROCEDURE **2ND EDITION** THE PRESUMPTION THAT KILLING IS MURDER SIR MICHAEL *FOST/FOSS*[?] I AM GOING TO READ HERE AND SHOW BOTH OLD RULE OF THE *TRIAL/CONTRARY*[?] ONE. THIS *ATTORNEY*[?] IS EXPLAINED BY MR. GREENLEAF; I NOW READ 618, LATTER PART OF SECTION STATED AS BEING PROVING *ATTORNEY*[?] AT THIS TIME THE PROVING *ATTORNEY*[?], NOW TO 619 REFER NOW BACK TO MR. GREENLEAF WHOSE VERY ACQUAINTANCE OF *RULE*[?] VASTLY ≤MORE≥ PEOPLE REGARD LAWFUL THAN UNLAWFUL; COMMONWEALTH VS. YORK CONNECTICUT; CALL YOUR HONOR'S ATTENTION NOW TO SECOND GREENLEAF ONE OTHER AUTHORITY ON THE SAME POINT 12TH EDITION

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≼SECTION≽ 81 PAGE 21 NOTE 81 V; ~ MISJUSTICE *CASE*[?] FIRST GREY. MR. BISHOP WILL COMMENT ON THESE AUTHORITIES AND WILL FINISH ARGUING AFTER DINNER IT IS TWELVE O'CLOCK NOW. *[39]*[406] [*space*][407]

RT	**RS**	**BT**	**PS**
	ADJOURN UNTIL HALF PAST TWO O'CLOCK. [*space*]	COURT ADOURNED TILL 2:30 P.M. ——————OO————— MONDAY AUGUST 2ND, 2:3÷0 P .M. COURT MET PURSUANT TO ADJOURNMENT. **(**THE WHOLE OF THE AFTERN**O**ON WAS CONSUMED IN THE ARGUEMENTS ON THE OFFERS.	RECESS UNTIL HALF PAST TWO [*space*]

406. On the last page of book 9, Rogerson notes George A. Smith's deposition: **COPY OF DEPOSITION OF GER A** SMITH [*space*] TERRITORY OF UTAH BEAVER COUNTY ***SS/—***[?] IN THE SECOND JUDICIAL DISTRICT TERRITORY OF UTAH. PEOPLE **&C VS** J D LEE WILLIAM **H DAME** ISAAC **C** HAIGHT AND OTHERS AND ET AL ~ INDICTMENT FOR MURDER SEPTEMBER 16 1857. See *MMMCLP,* chapter 36, "Documents Introduced into Evidence for John D. Lee's Second Trial," for the official criminal case file copy of Smith's affidavit.

407. The last four pages of the notebook are blank. The versos of those pages have drawing apparently done by a very young child.

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RS

[Bk 10 1][408] BY BISHOP COURT PLEASE PREVIOUS RECESS WERE CONSIDERING INSTRUCTIONS ≤ON BEHALF OF THE DEFENSE≥ WHICH I WILL READ AGAIN [*space*] COURT INSTRUCTS JURY THAT IT IS INCUMBENT UPON PROSECUTION NOT ONLY PROVE KILLING BUT PROVE KILLING WAS DONE BY MALICE AFORETHOUGHT ETC. THAT THE DEFENSE OF PROSECUTION WILL BE TO OPEN THE *COURSE*[?] AND NATURALLY PRESUME THAT THE TEXT OF THE EVIDENCE BOOKS AND SOME OF THE AUTHORITIES DECISIONS OF THE SUPREME COURT RELATED TO THAT QUESTION SAY THAT THE MALICE SHALL ≤BE≥ PRESUMED WHEN THE KILLING IS ONCE PROVEN TO HAVE TAKEN PLACE. WE ASK THIS OF COURT AT THIS TIME TO GIVE INSTRUCTIONS WE HAVE PRESENTED BECAUSE WE CONSIDER THAT THE LAW WHERE IS HERETOFORE ADOPTED DOES NOT EXPRESS THE WHOLE CHARACTER OF ITS RULE INTENT AND MISSION. IN OTHER WORDS THE RULE AS LAID DOWN AND DICTATED BY COURTS HERETOFORE IS NOT THE LAW. WE CONSIDER IT UPON THIS POINT THE LAW HAS GROWN VERY MUCH IN THE LAST 3 HUNDRED CENTURIES. IN FACT THE SCIENCE OF LAW IS GROWING WHOLE TIME WE ARE NOT HELD BY THE BARBAROUS RULE THAT PREVAILED SOME CENTURIES AGO TRUE IT IS LAID DOWN IN WHARTON AND IN THE MAJORITY OF TEXT BOOKS THAT *IS NOT*[?] THE *PROSECUTION*[?] THAT THE KILLING TOOK PLACE THEY MIGHT THERE REST THAT THE *PEOPLE*[?] OF THE PROSECUTION SHOULD NOT BE ASKED TO GO FURTHER THIS IS TO SHOW SOME PARTY HAD BEEN KILLED THEN LEAVING IT FOR DEFENSE TO COME BEFORE THE COURT AND INTRODUCE EVIDENCE TO SHOW A JUSTIFICATION AT THIS TIME WE CLAIM THE LAW IS THAT IT HAS BEEN SETTLED BY COMPETENT TRIBUNE THAT THE PROSECUTION MUST GO FURTHER THAN TO PROVE SIMPLE FACT OF KILLING THEY MUST CONNECT WITH THAT ACT PROOF TO SATISFY JURORS THERE WAS MALICE IN THE HEART OF THE PARTY COMMITTING DEED *UTTERLY*[?] THE *FST*[?] BLOOD WAS *GIVEN/GONE*[?] AND THE HOMICIDE WAS COMMITTED. IN THIS CASE IF YOUR HONOR PLEASE IT IS DOUBLY NECESSARY WE SHOULD INSIST UPON THESE INSTRUCTIONS FROM THE FACT PROSECUTION HAS ELECTED TO GIVE UNTO THE JUDGE CIRCUMSTANCES SELECTED FROM THAT BODY THOSE THAT WOULD ENABLE PROSECUTION TO GO BEFORE JURY ASK FOR CONVICTION AND THAT IN OUR JUDGMENT KEPT ABSOLUTE FACTS IN THE CASE FROM THE MINDS OF JURY [*space*] WE CLAIM IN CONCURRENCE WITH PRINCIPLES OF LAW PROSECUTION HAVE NOT MADE OUT THE CASE THAT THEY HAVE NOT GONE INTO THE FULL FACTS THAT THEY HAVE NOT ASKED WITNESSES THAT WERE PRESENT TO DETAIL FACTS AND EXPLAIN THEY SAW THEY HAVE NOT PERMITTED *MOTION*[?] TO GO UPON THAT WITNESS STAND AND DETAIL ENTIRE FACTS CONNECTED WITH THIS

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408. Page is torn, dirty, and very difficult to read. In longhand: **PAGE 1 BOREMAN CHARGE TO JURY BOOK NO. 10 =** [*space*] **MONDAY AFTERNOON 230 PM AUGUST 2ND 1875 {INSTRUCTIONS FOR DEFENSE TO JURY}[i] CAREY'S ARGUMENT PAGE 20.**

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TRAGEDY BUT THAT THEY HAVE CONFINED THEMSELVES TO SIMPLE RECITAL OF THE ACTS COMMITTED BEFORE THEN THAT THE PROSECUTION THEMSELVES *FOLLOW/FULLY*[?] WITH BUT THAT EVERY ACT EVERY WORD *EVERY*[?] CIRCUMSTANCE THAT TENDED TO SHOW A WANT OF MALICE ON PART OF DEFENDANT THAT TENDED TO SHOW JUSTIFYING THAT TENDED IN THE LEAST RESPECT TO TO LIFT THE LOAD OFF SHOULDERS OF THIS DEFENDANT *[2] PRETENSE*[?] OF GUILTY AS CHARGED IN THAT INDICTMENT PROSECUTORS HAVE *TTSLY/TOTALLY*[?] SET FROM THE COMMENCEMENT *DOWN*[?] FROM THE CLOSE TO KEEP THAT AWAY FROM THE JURY IN OTHER WORDS THEY ASK IN THIS CASE A PART OF THE TRANSACTION BE CONSIDERED ~~BY~~ BEFORE THE JURY. THEY SAY ACCORDING RULES LAID BY JUDGE *CHRISTIANS*[?] ACCORDING TO RULES ADOPTED LAID DOWN BY COURT OF APPEALS IN STATE OF NEW YORK ACCORDING TO RULE LAID DOWN BY WRITTEN LETTER READING THEM THAT SAID COURTS THAT SET RULE UPON THAT SUBJECT WE ARE ENTITLED TO HAVE THIS COURT INSTRUCT JURY AT THIS TIME UPON THIS QUESTION SO THAT THEIR MINDS MAY BE DISPOSED THEY MAY BE PERMITTED TO TAKE IN ALL FACTS CIRCUMSTANCES AS FAR AS THEY CAN AND GIVE THEIR THOUGHT FULL RANGE CONCERNING THIS CASE AND THAT WE SHALL NOT BE COMPELLED IN OUR ARGUMENTS TO JURY TO STAY WITHIN NARROW LIMIT AS MARKED OUT BY PROSECUTION I KNOW IT IS SOUGHT *BY*[?] MANY CONTENDED FOR ≤BY≥ MANY ALL THE PROSECUTION HAS GOT TO DO IS TO INTRODUCE WITNESSES THAT WILL PROVE **A** SHOW **B** WITHIN A CERTAIN DISTRICT UPON A CERTAIN DAY [*space*] AND THERE STOP [*space*] THAT THEN THE DEFENSE MUST COME UPON THE STAND SHOW ALL THE FACTS THAT EXCUSED ACT WE CLAIM THAT IS NOT THE LAW WE ASSERT REASON WHY WE ARE VERY ENTITLED TO THIS INSTRUCTION HERE IS BECAUSE WITNESSES WILLIAM YOUNG POLLOCK OTHER WITNESS WHO HAVE COME UPON THIS STAND PROVE FACT JOHN D. LEE WAS UPON THIS GROUND THEY HAVE NOT BEEN PERMITTED TESTIFY WHAT JOHN D. LEE SAID AT THE TIME THEY SAW HIM [*space*] NOT PERMITTED TO TESTIFY OF ANY ACT THEY DID THAT WOULD EXCUSE HIM FROM A FELONIOUS INTENT. LEAVING THIS IS TRUE LAW WE SERIOUSLY URGE SINCERELY URGE COURT WILL GIVE THIS INSTRUCTION GIVES POINT OF VIEW OF LAW AS IT REALLY EXISTS. THEY MAY SAY IN THEIR ARGUMENT IT IS THE DUTY OF YOUR HONOR TO PASS UPON THIS QUESTION AND DECIDE WHETHER THIS IS A CASE OF CIRCUMSTANTIAL EVIDENCE OR NOT [*space*] THEY MAY SAY A QUESTION FOR YOUR HONOR TO DECIDE WHETHER MALICE HAS BEEN PROVEN OR NOT [*space*] THAT WE MUST RESPECTFULLY DENY WE SAY THAT THESE QUESTIONS ARE MATTERS OF FACT TO BE PASSED UPON BY THE JURY AND NOT BY THE COURT [*space*] WE SAY WE HAVE A RIGHT TO ASK THE JURY TO PASS UPON QUESTION OF MALICE JUST THE SAME AS UPON QUESTION OF HOMICIDE KILLING FACT THAT WHETHER EVIDENCE HAS BEEN PROVEN OR NOT PROVEN IS A QUESTION OF FACT TO GO TO THAT JURY AND THAT THE JURY ARE ENTITLED TO TAKE INTO CONSIDERATION EVERY FACT AND

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CIRCUMSTANCE RELATED BY WITNESS AND THAT YOUR HONOR CAN'T REFUSE AN INSTRUCTION AND DO IT [3] RIGHTLY BECAUSE YOU THINK IN YOUR OWN MIND THAT A CERTAIN HAS BEEN PROVEN BY SINGLE TESTIMONY. PROSECUTION IN THIS CASE HAVE NOT PRESENTED FULL FACTS THEY HAVE NOT AS WE CONSIDER OPENED THEIR CASE FULLY. [*space*] 11TH INSTRUCTION IS ALSO OBJECTED TO [*space*] COURT INSTRUCTS JURY THAT THE CHARGE IN THE INDICTMENT WHETHER DEFENDANT HAD COMBINED WITH OTHER PERSONS NAMED IN THE INDICTMENT OR WITH SOME OF THEM FOR PURPOSE OF COMMITTING HOMICIDE CHARGED TO HAVE BEEN COMMITTED [*space*] ≤**A**≥ QUESTION OF FACT TO BE FOUND BY THE JURY THE SAME AS ANY OTHER FACT AND IF THE JURY BELIEVE NO SUCH COMBINATION WAS ENTERED INTO AND ETC. AND IN YOUR JUDGMENT THAT IS CORRECT LAW. THEY HAVE CHARGED DEFENDANT WITH 8 OTHERS INDICTMENT JOINTLY MADE THE ASSERTION JOHN D. LEE AND 8 OTHERS JOINTLY COMBINED TO COMMIT A CERTAIN ACT [*space*] WE SAY THAT THAT IS NOW A QUESTION OF FACT TO BE PASSED UPON BY JURY [*space*] AND THAT THEY CAN'T INDICT AND TRY A MAN IF HE COMBINED ANY OTHER MAN IF HE ACCOMPLISH AND THROUGH SAID CHARGE OF COMBINATION AND PROCEED AGAINST HIM FOR SOMETHING OTHER PARTIES DID [*space*] WHOLE CHARGE AS STANDS IN INDICTMENT MUST BE TAKEN IN CONSIDERATION BY THE JURY COURT [*space*] IF THERE IS NO COMBINATION AS CHARGED INDICTMENT THEN THE PARTICULAR COUNT MUST FALL TO THE GROUND IF THERE WAS NO COMBINATION THAT HE CERTAINLY CAN'T BE HELD AS LIABLE FOR THE ACT OF ONE OF OTHER PARTIES [*space*] IF THE JURY FAIL TO FIND THAT JOHN D. LEE ENTERED IN COMBINATION WITH OTHER PARTIES NAMED IN INDICTMENT AT A TIME PRIOR TO COMMISSION OF OFFENSE CHARGED IN INDICTMENT THEY CERTAINLY CAN'T CONVICT HIM UNLESS THEY FIND HIM ACTIVELY PARTICIPATING IN THE TRANSACTION SO *IF THINK*[?] OUR INSTRUCTION IS GOOD IF THE JURY BELIEVE FROM EVIDENCE THERE WAS NO SUCH COMBINATION WITH OTHERS FOR PURPOSE OF COMMITTING ALLEGED OFFENSE READ FROM WRITTEN INSTRUCTIONS. IN OUR JUDGMENT THAT IS A CLEAR CORRECT INSTRUCTION ONE WE ARE ENTITLED TO GIVE TO THIS JURY. [*space*] THAT IS CONTRARY ALL PRINCIPLES OF LAW WE UNDERSTAND *WHY SAY LAW*[?] STATE NO PERSON CAN CONTRADICT THEM. PROSECUTION IS COMPELLED IF MALICE ALLEGATION IN THE INDICTMENT THEY MUST FIRST PROVE THAT OR DEFENDANT MUST BE ACQUITTED. [*space*] 12 THAT IS NOT OBJECTED [*space*] 13TH IS OBJECTED TO PROCEEDED TO READ IT. JUDGE SUTHERLAND READ LAW UPON THAT I SHALL IN CONNECTION WITH THAT INSTRUCTION CALL YOUR HONOR'S ATTENTION TO FIRST COUNT IN THE INDICTMENT ONLY ONE NOW IN FORCE I CLAIM ACCORDING *TO*[?] RULES AND [4] CRIME AND LEGAL CONSIDERATION OF ENGLISH LANGUAGE IN NO PLACE IN THIS COUNT DID PROSECUTION CHARGE JOHN SMITH IS A PARTY UNKNOWN IN THE SECOND COUNT HE WAS [*space*] PROCEEDED TO READ FROM INDICTMENT. JUDGE BOREMAN SEEMED VERY THOUGHTFUL WHILE BISHOP WAS

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READING THIS NAME OF JOHN SMITH IS NAMED *IN/NOT*[?] THE INDICTMENT. AFORESAID UNKNOWN PERSONS AS THOSE WHO WAS REFERRED TO MEN WOMEN CHILDREN WHOSE NAMES ARE ≼WHOLLY≽ UNKNOWN *THAT*[?] OTHER REFERENCE CERTAINLY NOT TO JOHN SMITH BECAUSE IT SAYS THE BODIES OF JOHN SMITH FIFTY OTHER MEN WOMEN AND CHILDREN WHOSE NAMES ARE TO THE JURORS AFORESAID WHOLLY UNKNOWN UPON THE SAID JOHN SMITH AND EACH OF AFORESAID UNKNOWN PERSONS. ALL OF UNKNOWN PERSONS AND INCLUDING THE SAID JOHN SMITH IN NO PLACE INCLUDED BE NO CHANCE SMITH'S NAME WAS UNKNOWN TO PARTIES WHO FOUND INDICTMENT. [*space*] ONLY WAY PROSECUTION CAN CLAIM IN THIS CASE THAT THEY ARE ENTITLED TO INSTRUCTION OR OBJECT TO INSTRUCTIONS SO FAR AS COURT SHALL INFER THAT *OUT*[?] OF ENGLISH LANGUAGE THAT JOHN SMITH WAS A PARTY WHOSE NAME WAS UNKNOWN THEY MUST ASK THIS COURT TO INFER THAT THIS PARTY WHO IS DESCRIBED BY A FICTITIOUS NAME BUT THE COURT WILL CERTAINLY NOT [*space*] IN A CASE OF THIS MAGNITUDE GUESS AT A QUESTION OF THAT KIND THE COURT CAN'T LEGALLY DIRECT INFERENCE OF THAT CHARACTER NOTHING IS PRESUMED IN FAVOR OF PROSECUTION COURT OF LAW THEY HAVE NO RIGHT TO ASK YOUR HONOR TO PRESUME THAT THEY MEAN ANYTHING IN THEIR INDICTMENT EXCEPT WHAT THE LANGUAGE IN THAT INDICTMENT CLEARLY EXPRESSES [*space*] IF THERE IS ANY DOUBT UPON THIS QUESTION HE THEN IS ENTITLED TO THAT DOUBT AS MUCH AS HE IS ENTITLED TO REASONABLE DOUBT AS TO EVIDENCE INTRODUCED IN THE CASE. THEREFORE WE SAY THIS INSTRUCTION WE ASK NUMBER 13 IS THE LAW PERTAINING TO THIS CASE WE ARE ENTITLED TO HAVE YOUR HONOR INSTRUCT AS WE HAVE ASKED; AND NOT ~~ASK JURY ASK~~ ≼INSTRUCT≽ AS PROSECUTION HAVE ASKED. READ FROM INSTRUCTIONS PROSECUTION REQUESTED BE READ. * THAT IS IF THE JURY FIND THAT THAT WAS DONE WILLFULLY DELIBERATELY AND PREMEDITATEDLY AT THE PLACE ≼CHARGED≽ IN THE INDICTMENT THEN THE JURY SHOULD FIND A VERDICT OF GUILT AS CHARGED IN THE INDICTMENT I SAY TO YOUR HONOR THAT IS NOT THE LAW [*space*] AND NO COURT NO SUPREME COURT WILL RULE THAT IT IS TO ASK YOUR HONOR TO CHARGE THAT A KILLING DONE WITHOUT MALICE AFORETHOUGHT WOULD ENTITLE PROSECUTION TO PROSECUTE FOR MURDER IN THE FIRST DEGREE IS MONSTROUS IN ITSELF [*space*] THEY DO NOT ASK IT [*space*] BUT THE SIMPLE FACT IS PROVED THEY SAY ENTITLES THEM TO A VERDICT OF GUILTY OF MURDER IN FIRST DEGREE *INSTRUCT*[?] TO ALL CHARGE OF MALICE AFORETHOUGHT WHERE A MAN PREMEDITATEDLY WILLFULLY DELIBERATELY KILL *[5]* ANOTHER AND YET DO IT IN SUCH A WAY THAT THE LAW EXCUSES AND NOT ONLY EXCUSES BUT JUSTIFIES THE ACT [*space*] CERTAINLY A MAN MAY WILLFULLY DELIBERATELY KILL ANOTHER IN SELF DEFENSE [*space*] CERTAINLY HE MAY KILL ANOTHER IN DEFENSE OF HIS FAMILY YET THE PROSECUTION ASK THAT YOU WILL INSTRUCT JURY IN THIS CASE THAT IF HE WERE PRESENT AIDING AND

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ABETTING IN THE ACT THEREFORE IF JURY ARE SATISFIED BEYOND REASONABLE DOUBT THAT EITHER OF THE PRISONER JOHN D. LEE OR EITHER OF PARTIES INDICTED JOINTLY WITH HIM OR ANY OTHER PERSON ACTING IN CONCERT WITH OR IN ABETTAL OF JOHN D. LEE WILLFULLY — [?] ETC. AT THE PLACE CHARGED IN THE INDICTMENT KILLED ANY ONE OR ALL OF PERSON DESCRIBED IN SAID INDICTMENT JURY MUST FIND VERDICT AGAINST PRISONER JOHN D. LEE OF GUILTY IN FIRST DEGREE. BECAUSE IT IS IN KEEPING WITH THE MODE THAT THEY HAVE PROSECUTED AND CONDUCTED THIS CASE I THINK I HAVE A RIGHT TO FIND FAULT WITH A PROSECUTION THAT ASKS A COURT TO INSTRUCT A JURY TO FIND A VERDICT GUILTY OF MURDER IN THE FIRST DEGREE WITHOUT INSERTING THE WORDS MALICE AFORETHOUGHT IN THEIR INSTRUCTIONS. BEFORE I FORGET IT I WILL WRITE OBJECTED ON THE MARGIN OF THIS INSTRUCTION. THEN WE CLAIM IT IS NECESSARY FOR THEM TO PROVE A MAN BY NAME OF JOHN SMITH AT MOUNTAIN MEADOWS HAD MENTIONED IN INDICTMENT AS IT IS FOR THEM TO PROVE THE VENUE BECAUSE THEY HAVE NOT RIGHT TO PRESUME THE PARTIES WERE ALL UNKNOWN NO WORD OF TESTIMONY HAS BEEN INTRODUCED UPON THIS TRIAL TO PROVE OR TENDING TO PROVE THAT THE NAMES OF THOSE PARTIES THAT WERE KILLED AT MOUNTAIN MEADOWS IF ANY WERE KILLED WERE UNKNOWN TO GRAND JURY THAT FOUND THIS INDICTMENT. THEY HAVE PROVEN BY THEIR OTHER EVIDENCE THE MAN OF THE NAME OF ADEN KILLED BY STEWART IN A DIFFERENT PLACE. WITNESS THEY PLACED UPON THE STAND WHICH WERE AFTERWARD RECALLED SPEAKS OF A MAN BY NAME OF FANCHER. 13TH IS NOT OBJECTED TO. 14TH NOT OBJECTED [*space*] 15TH IS NOT OBJECTED TO. READ 15 CLAUSE OF PROFFERED INSTRUCTIONS. 16TH NOT OBJECTED READ IT. 17TH NOT OBJECTED, READ IT. 18TH NOT OBJECTED. 19 ALSO WITHOUT OBJECTIONS READ IT. 20TH IS OBJECTED TO READ IT. IT SEEMS TO ME GENERAL PRINCIPLES OF LAW THAT THE ETERNAL *FITNESS*[?] OF THINGS WOULD FORCE PROSECUTION TO ACCEPT SUCH AN INSTRUCTION AS THIS AND PERMIT IT TO GO TO JURY WITHOUT OBJECTION. PARTY WHO TURNS STATE'S EVIDENCE COMES BEFORE COURT AS FAR AS —[?] CRIME THAT IS A KIND OF FACT TO GET TO JURY THEY HAVE A RIGHT CONSIDER HOW MUCH RELIANCE IN THE WORD OF A MAN WHO HAS BEEN SO LOST TO ALL SENSE OF HONESTY AND JUSTICE *[6]* AS TO COMMIT THE HEINOUS ACTS HE HAS TESTIFIED TO. 21 IS ALSO OBJECTED TO. ≤READ IT≥. I CERTAINLY CONSIDER PRINCIPLE AS STATED. IN SUPPORT OF THIS LINE I WILL REFER GENTLEMAN TO **2ND** RUSSELL ON CRIME PAGE [*space*] 966 **&** 967 IS A MATTER OF COURSE IN A CASE OF THIS MAG≤NITUDE≥ AND CHARACTER DUE LAW *BESTOWED/BE SET*[?] BY PROSECUTION DEFENSE SHOULD NOT OBJECT TO REFUSAL OF PROPER INSTRUCTION BUT WHEN WE COULD TAKE INTO CONSIDERATION ADVANTAGE IT IS TO DEFENDANT WHEN HE APPEALS HIS CASE TO HIGHER COURT THIS CHARACTER [*space*] BECAUSE AN ERROR OF THE COURT IN REFUSING PROPER INSTRUCTION IS ALWAYS TAKEN NOTICE OF BY THE SUPREME COURT BUT YET WE HAVE LEGAL

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RIGHT TO ASK COURT SHALL INSTRUCT JURY UPON LAW WE HAVE A RIGHT TO ASK YOUR HONOR TO INSTRUCT AS WE CONSIDER THE LAW TO BE. I KNOW COUNSEL DISAGREE UPON THIS IT IS A PROVISION FOR YOUR HONOR TO DECIDE WHAT THE LAW IS [*space*] HAVING SENSE TO DECIDE AND GIVE JURY LAW AS YOU CONSIDER IT TO BE RIGHT FOR THE PRINCIPLES IS WE CAN SAY NOTHING EXCEPT AS IT IS ADOPTED. ONLY CONSIDER OUR VIEWS FULLY AT THIS TIME SO THAT NO MISUNDERSTANDING CAN OCCUR BETWEEN COURT AND COUNSEL I BELIEVE I HAVE CALLED YOUR ATTENTION TO ALL AUTHORITIES WE WISH TO INTRODUCE IN SUPPORT OF 21 INSTRUCTIONS WE ASK YOUR HONOR TO GIVE AND ALSO IN OPPOSITION TO INSTRUCTIONS ASKED BY THE GENTLEMEN FOR THE PROSECUTION. 330 P**M**. MY ATTENTION IS CALLED TO FACT ≤OUR≥ 3**D** INSTRUCTION OBJECTED TO WHICH HE READ; [*space*] CALL YOUR HONOR'S ATTENTION TO PAGE 131 WHALES ON CIRCUMSTANTIAL EVIDENCE; BY BASKIN WE DO NOT OBJECT TO THAT YOU —[?] ≤READ≥ CRIMINAL EVIDENCE WHERE I THOUGHT YOU SAID CIRCUMSTANTIAL EVIDENCE IT IS NOT OBJECTED TO BUT I WILL READ FROM PAGE IN WHALES AS I STATED [*space*] BASKIN MAY IT PLEASE YOUR HONOR IN ANSWERING GENTLEMAN'S ARGUMENT ON THE ~~5~~4TH AND 5TH INSTRUCTIONS I HAVE A VERY FEW WORDS TO SAY [*space*] *I*[?] WILL BE PARTICULAR IN READING THESE TWO [*space*] THE 4TH AND 5TH RELATED TO CIRCUMSTANTIAL EVIDENCE NOW THEN WHAT IS CIRCUMSTANTIAL EVIDENCE I PROPOSE TO SHOW BY REFERRING YOUR HONOR TO 1069 SECTION ON FIRST BISHOP'S CRIMINAL PROCEDURE FOR REASONS WHICH ALREADY APPEARED IN THOSE RULES OF CHAPTERS IT WILL NOT BE WISE IN OUR *NT*[?] MINUTE CONSIDERATION OF DOCTRINE OF CIRCUMSTANTIAL EVIDENCE. THAT AIN'T THE CASE IT APPEARED GENTLEMEN HAS READ GOOD NUMBER OF DECISIONS HERE FROM CALIFORNIA IN WHICH THE PROSECUTION RESTED ENTIRELY UPON CIRCUMSTANTIAL EVIDENCE THAT AIN'T THIS CASE IT WOULD NOT BE CONTENDED HERE THIS CASE REST ON CIRCUMSTANTIAL EVIDENCE BUT UPON DIRECT AND POSITIVE PROOF IF THE JURY BELIEVE WHAT WITNESS SAYS I CAN'T REMEMBER NOW SINGLE INSTANCE IN THE WHOLE OF THIS TESTIMONY PROVES IT WITHIN RULE OF CIRCUMSTANTIAL EVIDENCE. IT FOLLOWS IF THE EVIDENCE FOR THE CASE DON'T REST ON CIRCUMSTANTIAL POSITIVE AND THERE IS POSITIVE EVIDENCE THIS INSTRUCTION IS A SIMPLE OBSTRUCTION WISH TO CALL YOUR HONOR'S ATTENTION TO RULES OF LAW ON THIS OBSTRUCTION. SOME OF THEIR INSTRUCTIONS ASKED HERE PROBABLY COME WITHIN RULE *[7]* OF RULE. ~ ≤I READ≥ NOW FROM BISHOP ON CRIMINAL PROCEDURE FIRST VOLUME 879 AND SEQUEL SECTIONS FOLLOWED. [*space*] THE OBJECTION TO THIS AS IS IT IS ON THE OBSTRUCTION IT ASSUMES A GIVEN FACT PRESUMPTIVE EVIDENCE EXISTS IN THIS CASE AND IS VITAL IN THE CASE. 5TH INSTRUCTION IS THE SAME AS TO THE 6TH INSTRUCTION I BELIEVE WE ADMIT THAT I THINK THAT LIST DONE WELL CORRECT ON SUBJECT ON WHAT PROBABLE CAUSE IS [*space*] WE HAVE AN INSTRUCTION THAT NEARLY COVERS THE

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SAME GROUND SUTHERLAND BEYOND REASONABLE DOUBT. *MORAL CONFIDENCE AND MND-S*[?] CAN'T ALWAYS BE PROVED TO MATHEMATICAL CERTAINTY. THIS DOES NOT CONTRADICT THEREFORE IT IS MERE REPETITION *OF A/AND*[?] FORM REPEATS IT IN SUCH A FORM AS IS CALCULATED TO MISLEAD JURY. THEREFORE THIS IS CALCULATED TO CREATE CONFUSION IN THE MINDS OF JURORS AND CAPRICIOUS DOUBTS THROUGH INSTRUCTIONS CERTAINLY WILL PRESENT WHATEVER CALL TO MINDS OF JURORS THEY MUST BE CONVINCED OF THE GUILT OF THIS PARTY BEYOND REASONABLE DOUBT BOTH OUR INSTRUCTIONS AND 6TH INSTRUCTION DEFINES CLEARLY WHAT A REASONABLE DOUBT IS. THAT BRINGS ME TO OTHER PRINCIPLES OF MALICE. THIS IS THE SAME OBJECTION. HYPOTHESIS CONTENDED FOR BY PROSECUTION MUST BE ESTABLISHED TO AN ABSOLUTE MORAL CERTAINTY TO THE ENTIRE≤LY≥ EXCLUSION OF ANY OTHER RATIONAL PROBABILITY OF ANY OTHER HYPOTHESIS BEING TRUE OR THE JURY MUST FIND DEFENDANT NOT GUILTY THESE CALIFORNIA DECISIONS AIN'T LAW THE QUESTION WAS NOT MADE IT WAS AN INSTRUCTION THE COURT SUGGESTED WAS PROPER AND RUNS COUNTER TO THESE AUTHORITIES IT WAS CALCULATED TO MISLEAD THE JURY BESIDES IF IT WAS LAW THAT SIXTH INSTRUCTION COVERS THE WHOLE GROUND. [*space*] ON THAT INSTRUCTION I HAVE FEW REMARKS TO MAKE I WILL ASK YOUR HONOR IF YOU HAVE THE UTAH STATUTES. I WILL READ FROM THE REVISED STATUTES PAGE 51. THIS STATUTE WAS PASSED IN 1852 APPROVED MARCH SIXTH 1852 THOUGHT THE *WORLD/RULE*[?] BY AUTHORITIES AT THAT TIME RULE WAS UNIVERSAL THAT A KILLING HAVING BEEN SHOWN MALICE WAS PRESUMED. SO WE HAVE A SECTION OF THAT INSTRUCTION IN THIS STATUTE. AND THE CASES GENTLEMAN READ SHOW THAT THE CASES UNDER WHICH THEY AROSE WERE CASES IN WHICH THE PROSECUTION HAVING PROVED SIMPLE KILLING WITHOUT SURROUNDING CIRCUMSTANCES RESTED AND NOW THAT AIN'T THIS CASE EVIDENCE IN THIS CASE NOT ONLY SHOWS MASSACRE DOWN THERE IT ALSO SHOWS ATTENDING AND SURROUNDING CIRCUMSTANCES THEREFORE THIS IS AN ABSTRACT QUESTION IT AIN'T IMPORTANT IT DON'T APPLY TO EVIDENCE PRODUCED HERE AND CALCULATED TO MISLEAD JURY IN THIS [*space*] THAT RULE ON PROOF OF MALICE IN THE FACT OF KILLING. ~~THAT RULE *WERE/WITH*[?]~~. DECLARATION OF THE PARTY ACTS OF THE PARTIES IN CONNECTION WITH THE KILLING AND THE MANNER IN WHICH WAS DONE. [*space*] IN ≤THE≥ FIRST VOLUME THERE IS GENERAL DISCUSSION OF DOCTRINE WHICH GOVERNS[409] CRIME CAUSES SAYS *SIR MICHAEL FAST/VOST*[?] IN EVERY CHARGE OF MURDER ETC. [*space*] THEY ASK YOU AN INSTRUCTION THAT THE JURY HAS NOT A RIGHT TO PRESUME MALICE FROM THE KILLING ALONE WHEN WE HAVE NOT SOUGHT TO PROVE KILLING ALONE BUT SEEK TO ESTABLISH *[8]* IT FROM CIRCUMSTANCES WHICH HAVE BEEN INTRODUCED IN THIS CASE. CAREY READ HIS INSTRUCTIONS TO MAKE ONE THE PRINCIPLE IN MURDER IT IS NOT

409. "GOVERNS" is written three times on top of each other.

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NECESSARY TO MAKE ONE INFLICT WOUND BY HIS OWN HAND GENTLEMAN SEEMS TO BECOME VERY INDIGNANT IN IMPUGNING MOTIVES OF PROSECUTION IN MOVING THAT AMENDMENT ETC. READ FROM RESPECTING PREMEDITATED KILLING MURDER IN FIRST DEGREE MURDER IS KILLING OF MAN WITH MALICE AFORETHOUGHT ESTABLISHED OR IMPLIED [*space*] SECOND SECTION DEFINES SPECIFIC ELEMENTS WHICH IS WILLFUL PREMEDITATED ETC. [*space*] THEREFORE THEIR INSTRUCTION IS BAD BECAUSE MALICE DID NOT ENTER INTO CRIME OF MURDER. IF IT IS WILLFUL DELIBERATELY AND PREMEDITATEDLY DONE THEN THE LAW CONCLUSIVELY PRESUMES IT WAS DONE MALICIOUSLY. ELEMENTS IN FIRST DEGREE IS WILLFUL DELIBERATE PREMEDITATED KILLING. BECAUSE WE MIXED TWO ELEMENTS OF THIS CRIME FROM THE CLAUSES OF THIS STATEMENT ≤OF THE≥ CASE COMMONWEALTH AGAINST *HAWKIN*[?] 3RD DEGREE, BISHOP ON CRIMINAL LAW. * * [*space*] WE HAVE DRAWN UP INSTRUCTION EMBRACES ALL EVIDENCE *BUT*[?] THE ONLY EVIDENCE EMBRACED IN STATUTE OF MURDER IN THE FIRST DEGREE. WHEN YOU ALLEGE INDICTMENT IT WAS DONE WILLFULLY DELIBERATELY PREMEDITATEDLY YOU DO NOT HAVE TO GO AND PROVE MALICE. THERE IS ONE OTHER INSTRUCTION THAT I WISH CALL YOUR ATTENTION TO THAT IS WE SUBMIT WE HAVE TO PROVE MAN BY NAME OF JOHN SMITH WAS THERE KILLED SHOWS REASONING HAVE STARTED FROM WRONG PREMISE OF COURSE ALL OTHER REASONING PREDICATED UPON IT MUST LEAD TO WRONG CONCLUSIONS [*space*] WHAT IS IT WE ARE CALLED TO PROVE IT IS THE CRIME AS CHARGED IN INDICTMENT IT IS THE KILLING OF HUMAN BEING WILLFULLY DELIBERATELY PREMEDITATEDLY. ONLY THING WE HAVE TO DO IS TO PROVE ELEMENTS WHICH MADE UP THAT CRIME THAT IS THE CRIME WE CHARGE WE HAVE CHARGED OF KILLING JOHN SMITH ALTHOUGH WE HAVE HAD SOME DOUBTS INDICTMENT IS AMBIGUOUS IN THAT REGARD CHARGE HIM WITH HAVING KILLED JOHN SMITH AND FIFTY OTHERS. KILLING OF ONE MAN CONSTITUTES CRIME OF MURDER JUST AS MUCH AS THOUGH HE HAD KILLED FIFTY. ALL ELEMENTS OF CRIME IS MADE UP WHETHER HE KILLED FIFTY OR ONE WE ARE ONLY CALLED UPON TO MAKE OUT CRIME OF WHICH HE IS CHARGED. IF WE PROVE BY THAT COMBINATION IN WHICH JOHN D. LEE PARTICIPATING ≤THAT ONE MAN≥ WAS KILLED WE SUSTAIN OUR INDICTMENT TO WIT WE PROVE HIM TO BE GUILTY OF MURDER IN FIRST DEGREE IF IT BE DONE WILLFULLY DELIBERATELY AND PREMEDITATEDLY. WE HAVE IN THIS INDICTMENT ALLEGED HE KILLED JOHN SMITH AND 50 OTHER UNKNOWN PERSONS TO PROVE HE KILLED ANY ONE OF THEM MAKES IT A CRIME. ANY PROOF WHICH SHOWS HE KILLED ANY ONE OF THOSE UNKNOWNS SUSTAINS THE INDICTMENT. THE QUESTION NOW OF PRESUMPTION THAT THOSE MEN WERE UNKNOWNS TO GRAND JURY WHEN THEY READ THEIR AUTHORITIES IT SHOWED IMMEDIATELY THE RULE UPON THAT WHARTON IS SILENT BEFORE PUT THERE THE WHOLE PRESUMPTION GRAND JURY DID NOT KNOW THE PERSONS YOU HAVE SOLEMNLY DECLARED THEY DID

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NOT KNOW IT IN THE INDICTMENT 542 SECTION [9] LAYS IT DOWN [*space*] BY SUTHERLAND IT IS *MERELY 2*[?] [*space*] BASKIN **OH** THE GENTLEMAN READS WITH ACCURATE EYES, 552 [*space*] BASKIN WHEREIN THESE CASES IT IS USUALLY NECESSARY ETC. GENTLEMAN'S EYES GOOD CORRECT AT THAT POINT AND HE STOPPED [*space*] HE PROCEEDED TO READ. HE *DID NOT*[?] [*space*] *IF/FOR*[?] THE NAME IS UNKNOWN TO THE GRAND JURY [*space*] WITNESSES TESTIFIED THEY DID NOT KNOW NAMES OF THOSE PARTIES. THAT WOULD STILL LEAVE 50 WHOSE NAMES WERE UNKNOWN BY COURT ONE OF MATTHEWS AS WELL AS SMITH SPOKE OF ONE MAN HE NAMED IT. CAREY HE ONLY NAMED IT BY HEARSAY AND REPORT BY HOGE SMITH SAID THE MAN HIMSELF SAID HIS NAME WAS SO AND SO. IT APPEARED FROM THE WITNESS WE PLACED UPON THE STAND [*space*] BY COURT WHAT IS IT THAT REFERENCE 55~~3~~2 FIRST BISHOP [*space*] THAT WOULD BE CALLED UPON *SAY/S*[?] [*space*] HOW DID HE PROVE THAT HE DID KNOW [*space*] EXCEPT BY PROVING AFFIRMATIVE FACTS IT AIN'T REQUIRED THE WITNESS THAT WE HERE WERE BEFORE THE GRAND JURY THERE IS NOTHING ON THAT POINT [*space*] GRAND JURY ACTED UNDER OATH MADE SOLEMN DECLARATION HAVE IT IN THEIR INDICTMENTS. I REFER YOUR HONOR TO FIRST BISHOP CRIMINAL ~~<~~PROCEDURE~~>~~ ~~LAW~~ 437. IF A MAN SHOOTS AT TWO PERSONS OR ONLY REGARDLESS OF WHICH HE CAN BE CHARGED WITH THE MURDER OF BOTH. GENTLEMAN PRESUMES THAT THIS CRIME WE HAVE CHARGED THIS PARTY WITH CONSISTS IN ALL OF THIS ANYTHING LESS THAN KILLING OF PARTIES WE CHARGE HIM WITH FAILS TO MAKE IT A CRIME. THE CRIME IS PROVED COMPLETELY IN THE KILLING A SINGLE ONE AND WHEN WE PROVED KILLING OF A SINGLE ONE WE HAVE MADE OUT THE EVIDENCE. [*space*] ~~<~~SUTHERLAND~~>~~ YOUR HONOR PLEASE. ON THE SUBJECT OF THE REQUEST WHICH COUNSEL BRINGS IN THIS AFTERNOON, COUNSEL HAVE INDULGED IN SOME VERY NOVEL REMARKS AS TO WHAT CONSTITUTES MURDER IN THIS TERRITORY. INSTRUCTIONS WHICH HE BROUGHT NOT ONLY OMITS THE ELEMENT OF MALICE AND NOW COUNSEL DELIBERATELY INFERS YOUR HONOR MALICE IS NO PART OF MURDER IN THIS TERRITORY BASKIN NO SIR I DID NOT DO ANYTHING OF THE SORT [*space*] WITH THE STATUTE DEFINITION IT IS NOT INCLUDED IN ANY LAW THOUGH WHAT MALICE NECESSARY TO CONSTITUTE CRIME IS ONLY TO BE INFERRED FROM THE MERE KILLING. THE REFERENCE TO SECTION WHICH DIVIDES MURDER IN FIRST AND SECOND DEGREE COUNSEL RATHER REFERRED TO BUT AS THOUGH IT READ ALL WILLFUL DELIBERATE PREMEDITATED KILLING IS MURDER MURDER IN THE FIRST DEGREE [*space*] QUALIFICATION HE REFER TO STATUTORY MURDER HE PURPOSELY OMITTED ANY STATEMENT OF MALICE [*space*] HE SAYS THAT THE ALLEGATION IN ANY INDICTMENT OF A DELIBERATE WILLFUL PREMEDITATED KILLING WOULD BE A SUFFICIENT CHARGE OF MURDER IN THE FIRST DEGREE [10] THAT ANY WILLFULLY WOULD THAT IF A DEFENDANT WILLFULLY DELIBERATELY PREMEDITATEDLY KILL ANOTHER THAT IS CHARGE OF MURDER IN THE FIRST DEGREE. COUNSEL WAS NEVER MORE MISTAKEN IN HIS LIFE.

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SUPPOSE MAN SHOULD BE CONVICTED OF MURDER PROCEEDINGS ARE ALL PROVED TO BE *REGULAR*[?] YOUR HONOR AFTER SENTENCING PERSON WOULD FIX THE DAY AHEAD ISSUE WARRANT AND TAKE HIS LIFE [*space*] THREE OF THE ELEMENTS THAT CONSTITUTE MURDER WILLFULLY AGAINST SOMEONE INTENTIONALLY WHEN THE MARSHALL PROCEEDS TO TAKE LIFE HE DOES SO INTENTIONALLY THEREFORE WILLFULLY HE DOES IT DELIBERATELY BECAUSE TIME IS FIXED OF AHEAD HE HAS TO MAKE PREPARATIONS AHEAD HE DOES IT PREMEDITATEDLY HAS ABUNDANCE TIME TO CONSIDER BEFOREHAND HOW IT HAS BEEN [*space*] WOULD THAT BE MURDER IT FOLLOWS HIS DEFINITION HE FIRST SAYS A WILLFUL DELIBERATE AND PREMEDITATED KILLING IS MURDER IN THE FIRST DEGREE [*space*] I THINK IF THIS JURY WERE TO BE INFORMED THAT CONSTITUTED MURDER THEY MIGHT SHRINK FROM A VERDICT OF BEING ACCESSORY TO THE FACT. I REFER TO AUTHORITIES YOUR HONOR TO SHOW [*space*] COUNSEL READ IS ERRONEOUS SECTION 4 WHOEVER KILLS ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESSLY OR IMPLIED IS MALICE AFORETHOUGHT [*space*]. I WILL VENTURE TO SAY THAT NO KILLING AT ALL WHICH DOESN'T TAKE PLACE WITH ALL THESE CONSIDERATIONS IS MURDER EITHER IN THE FIRST OR SECOND DEGREE IT MUST BE A HUMAN BEING THAT IS KILLED [*space*] THE KILLING MUST BE WITH MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED. NOW WHAT IS MALICE EXPRESSED AND WHAT IS MALICE IMPLIED AS WE ALL UNDERSTAND IT APPLIES TO THE *LEARNING*[?] OF THE PROFESSION. WHEREFORE IF ONE KILLS EXPRESSLY AGAINST WHOM WHERE HE PLEASE FOR REVENGE THE KILLING OF PARTICULAR INDIVIDUAL THAT IS MALICE EXPRESSED [*space*] IF A MAN WERE ATTEMPTING TO COMMIT SOME OTHER FELONY FOR INSTANCE ARSON OR BURGLARY WHILE ATTEMPTING TO COMMIT THAT OFFENSE WITHOUT INTENTION WITHOUT ANY VOLITION TO TALK LIFE THAT WOULD BE MURDER OF THE SECOND DEGREE BECAUSE HE WAS ATTEMPTING TO COMMIT FELONY IN THE ATTEMPT TO COMMIT THAT HE TOOK HUMAN LIFE WHETHER HE INTENDED OR WAS PARTIALLY ACCIDENTAL IT WOULD BE IMMATERIAL BUT THE MALICE WOULD BE IMPLIED [*space*] THAT IS THE LEGAL DISTINCTION WHAT IS THE SECTION COUNSEL REFERRED TO [*space*] HE AFFIRMS MY REPETITION OF HIS CRIMINAL THAT ALL WILLFUL DELIBERATE AND PREMEDITATED KILLING IS MURDER DOES THIS SECTION SAY SO [*space*] SECTION TO WHICH HE REFERRED DOES NOT READ AS HE ASSUMED THAT IT DID. ALL MURDER [11] WHICH IS PERPETUATED BY HUMANS MURDER OR LYING IN WAIT OR ANY OTHER KIND OF WILLFUL OR DELIBERATE KILLING WHICH IS COMMITTED IN PERPETRATING AN ARSON IS MURDER IN FIRST DEGREE REFERRING TO MURDER AS DEFINED IN THE PREVIOUS SECTION WHENEVER IT IS COMMITTED UNDER THESE CIRCUMSTANCES WHEN THE KILLING WHICH IS EITHER THERE *DONE*[?] *MURDERED*[?] [*space*] MURDER IS DONE UNDER CIRCUMSTANCES AS THERE SPECIFIED THEN IT IS MURDER IN THE FIRST DEGREE. THIS IS THE SAME PROVISION CONTAINED IN THE MICHIGAN STATUTE JUDGE *KRSTSS*[?] REFERS TO IN THOSE DECISIONS.

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AND THEREFORE THE COURT HAS SETTLED THE LAW THERE MUST BE PROOF *WHO*[?] SATISFIES THE JURY THERE ≤*WAS*[?]≥ ANY CIRCUMSTANCE ATTENDING THE KILLING TO REMOVE ALL REASONABLE DOUBT AS MATTER OF FACT THAT THERE WAS MALICE AFORETHOUGHT. IT IS NOT TO BE INFERRED FROM THE MERE KILLING UNLESS THAT KILLING AFFORDS IN ITS CIRCUMSTANCES SUFFICIENT EVIDENCE. ONE OTHER POINT IN REMARKS OF COUNSEL I DEEM IT NECESSARY TO REFER TO IS HIS POSITION WITH REFERENCE TO CIRCUMSTANTIAL EVIDENCE AS OPPOSED TO DIRECT EVIDENCE [*space*] I UNDERSTAND COUNSEL WHILE HE ASSENTS TO THE GENERAL RULE THAT WHERE CIRCUMSTANTIAL EVIDENCE IS INTRODUCED AND IS DEPENDED UPON BY PROSECUTION IT MUST BE SO CONCLUSIVELY IN ITS CHARACTER AS TO EXCLUDE EVERY OTHER REASONABLE HYPOTHESIS OF PERSON'S GUILT HE SAYS THIS IS NOT A CASE DEPENDENT UPON CIRCUMSTANTIAL EVIDENCE AND THEREFORE WHERE RELATED TO THIS CASE THE PROPOSITION IS ABSTRACT OUGHT NOT TO BE GIVEN TO JURY BECAUSE IT WOULD MISLEAD THEM. YOUR HONOR I COULD AGREE WITH HIM IF THIS CASE DOESN'T TEND EITHER WHOLLY OR IN PART UPON CIRCUMSTANTIAL EVIDENCE. THEN THE RULE WHICH IS *PECULIARLY*[?] APPLICABLE TO CIRCUMSTANTIAL EVIDENCE OUGHT NOT TO BE GIVEN TO JURY TO GUIDE THEIR INVESTIGATION. COUNSEL DID NOT ATTEMPT TO DRAW THE LINE OF DISTINCTION BETWEEN DIRECT AND CIRCUMSTANTIAL EVIDENCE I WILL ENDEAVOR TO DO SO PERHAPS NOT NECESSARY TO YOUR HONOR. DIRECT EVIDENCE IS EVIDENCE OF WITNESS TO A PARTICULAR FACT UNDER INVESTIGATION WHO CAN SPEAK FROM HEARING OR SEEING THAT FACT TRANSPIRE IN THIS CASE THE CHARGE IS THE KILLING OF CERTAIN PERSONS IF PROSECUTION DEPENDED FOR CONVICTION ON WITNESS WHO WILL COME IN HERE AND SAY THEY SAW LEE TAKE LIFE OF PERSONS THAT WOULD BE DIRECT EVIDENCE. BUT IF THEY DEPEND UPON OTHER FACTS OTHER WITNESS FROM WHICH FACT THE KILLING WAS INFERRED THE LATTER WOULD BE CIRCUMSTANTIAL EVIDENCE [*space*] I REFER TO WHALES ON CIRCUMSTANTIAL EVIDENCE RECOMMENCED READING DOWN WITH THAT DISTINCTION PAGE 30 [12] READ THE CLAUSES MENTIONED. ~~CIRCUMSTANTIAL EVIDENCE IS NOT EQUAL WITH DIRECT EVIDENCE. CIRCUMSTANTIAL EVIDENCE IS EQUALLY DIRECT IN ITS NATURE BUT AS ITS NAME IMPARTS IT IS DIRECT EVIDENCE OF MINOR FACTS INCIDENTAL TO THE ISSUE CONNECTED WITH ITS INCIDENT.~~ [*space*] NO PERSON HAS TESTIFIED DIRECTLY THEY SAW JOHN D. LEE COMMIT MURDER AS CHARGED. OTHER PERSONS MAY CLAIM COMMITTED THE ACT JOHN D. LEE WAS NOT THEN PRESENT WHERE HE COULD BE SEEN. NOW SOME OTHER FACTS MUST BE INSISTED UPON IN ORDER TO CONNECT HIM IN A RESPONSIBLE SENSE WITH THE ACT AND VOLITION OF THE PARTIES WHO DID THE ACT IMMEDIATELY. THESE ARE CIRCUMSTANCES WITNESSES TESTIFIED DIRECTLY TO THESE CIRCUMSTANCES *BUT/AND*[?] WHETHER THESE CIRCUMSTANCES. ONLY PROVED *THER WAS*[?] AND WARRANT THE INFERENCE OF HIS CONNECTION

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WITH THE MURDER THEY DO NOT SWEAR TO. THAT IS THE LEGAL [*space*] THEREFORE IF THEY HAVE NO IT NOT HAVING BEEN DONE BY HIM OR IN HIS PRESENCE IT IS IN INFERENCE FROM SOME OTHER FACT TO BE PROVED BEFORE THE JURY THEREFORE THEY ARE NOT REALIZED AS COMPETENT CIRCUMSTANTIAL EVIDENCE. PROPOSITION REFERRED TO ARE NOT TO BE STRUCK THEY ARE A PROPOSITION THAT THE JURY MUST BE CHARGED UPON EITHER AS THE REQUEST ARE DRAWN OR IN SOME OTHER FORM YOUR HONOR MAY ADOPT [*space*] IT MUST BE WHILE GIVING *OTHER/THEIR*[?] DELIBERATIONS [*space*] WITH REFERENCE TO INDIRECT PROOF [*space*] THEY MUST BE INSTRUCTIONS TO ASSIST JURY IN DETERMINING WHETHER LEE IN DOING WHAT HE DID DO HIS ACTS NOT BEING THE ACT OF TAKING LIFE DIRECTLY MADE HIM RESPONSIBLE FOR ACTS DONE BY OTHER PARTIES IN TAKING THE LIFE DIRECTLY. OUR PROPOSITION IS UNLESS THOSE FACTS TO WHICH WITNESSES SWEAR DIRECTLY AS AFFECTED LEE ARE SUCH FACTS AS COULD NOT BE TRUE [*space*] WITHOUT INVOLVING ALSO THE TRIVIAL AND THE CHARGE HE IS RESPONSIBLE FOR THE KILLING IT DON'T PROVE HIM TO BE GUILTY. FULL FACTS TO WHICH WITNESSES DIRECTLY TESTIFY CONNECTED WITH LEE COULD BE TRUE ACT AT THE TIME SAME TIME AND HE NOT BE GUILTY THE JURY ARE BOUND *TO*[?] ACQUIT HIM IT IS ONLY WHEN THE FACTS ARE PROVED TO WHICH HE IS A PARTY AND THE PARTY CAN'T BE *TRIED/TRUE*[?] AND HE BE INNOCENT THAT A MAN BE FOUND GUILTY. THEREFORE THE FORMULA WHICH CHARGES THEM UNIFORMLY ADOPTED AS STATING CONCLUSIVE CHARACTER OF THIS TESTIMONY. PAGE 171 OF THIS WORK RULE IS LAID DOWN SUBSTANTIVELY. IF THAT IS GOOD LAW I BELIEVE IN THESE PRECISE WORDS THEY DO NOT OBJECT TO IT THE REQUEST IN QUESTION IS A REQUEST WHICH THE SAME RECENTLY ASKED ⪦YOUR HONOR⪧ TO COMPLY WITH. AND OBJECTIONS THAT THERE IS ONE PART OF ANOTHER REQUEST [13] OUGHT TO BE OMITTED NOT GIVEN IT IS PRECISELY REQUEST ADMIT SUGGESTION OF DOUBT IN MINDS OF THE JURY WHERE NONE OTHERWISE WOULD EXIST THE REMARKS WHICH IS ATTRIBUTED TO *LORD*[?] —*L*[?] [*space*] IT IS BETTER TO ERR ON THE SIDE OF MERCY OR ERR ON THE SIDE OF THE PRISONER BY GIVING GREATER WEIGHT TO POSSIBILITY OF HIS INNOCENCE THAN TO ERR ON THE OTHER SIDE AND AS THE MOUNTAIN MEADOW MASSACRE IS RENDERED IT IS BETTER TEN GUILTY PERSONS SHOULD ESCAPE THAN ONE INNOCENT MAN SHOULD SUFFER. THIS PARTICULAR CASE THIS PARTICULAR JURY CAN'T SAFELY BE TRUSTED. IF THE LAW IS GOOD THINK MAXIM IS GOOD IN ANY CASE WITH ANY JURY JURY HERE IS NOT GOOD IN THIS CASE COUNSEL'S REMARKS WOULD SEEM TO IMPORT THAT THE PRISONER'S GUILT IS A FOREGONE CONCLUSION ANOTHER INSTRUCTION OUGHT TO BE GIVEN TO THIS JURY IF HE MISTAKENLY INTIMATES TO THEM THEY HAVE ANOTHER DUTY TO PERFORM THAT IS RENDER VERDICT OF GUILTY. JURY THEMSELVES ARE TO RECEIVE TESTIMONY IN THIS CASE AND CONSIDER *PRINCIPALLY/PERFECTLY*[?]. THAT IT WILL BE A PART OF THEIR DUTY TO GIVE THE DEFENDANT THE BENEFIT OF EVERY DOUBT UNLESS

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THEY ARE FULLY CONVINCED TO A MORAL CERTAINTY THAT HE IS GUILTY. THEY ARE TO ACQUIT HIM. [*space*] BASKIN MAY IT PLEASE YOUR HONOR AFTER PRESENTATION OF OUR NEW ~~SUSPICIONS~~ INSTRUCTIONS WE WOULD BE ENTITLED TO THE CLOSING GENTLEMAN SUGGESTED SOME OTHER IDEAS I HAVE NOT HAD OPPORTUNITY TO ANSWER. BY THE INDULGENCES {OF}[i] COURT IF THERE IS NO OBJECTIONS I WOULD LIKE TO SAY ONE WORD ON PROPOSITION ON NEW INSTRUCTION WHICH WE ASKED ABOUT. GENTLEMAN ATTEMPTS TO READ THIS STATUTE SO AS TO MAKE MALICE ONE OF THE ELEMENTS OF MURDER IN THE FIRST DEGREE. LET'S READ THAT. AND ALL MURDER WHICH IS PERPETUATED BY MEANS OF POISON OR LAYING IN WAIT OR ANY OTHER KIND OF WILLFUL DELIBERATE AND PREMEDITATED KILLING OR WHICH IS COMMITTED IN THE PERPETRATION OR ATTEMPT TO PERPETRATE ANY ARSON ROBBERY IS MURDER IN THE FIRST DEGREE SHALL BE PUNISHED WITH DEATH [*space*] AS FAR AS WITH A PERSON AND THE PERPETRATION OF BURGLARY MALICE MAY NOT BE IN INDICTMENT NOR ANY MOTIVE BUT ALLEGED AS WELL IN ACT OF COMMITTING BURGLARY HE KILLED HUMAN BEING YOU DO NOT HAVE TO ALLEGE HE KILLED PERSON WITH MALICE FOR SIMPLE REASON MALICE IS INCLUDED. WHEN YOU SHOW PARTY HAS KILLED WILLFULLY AND DELIBERATELY ~~PROVE~~ YOU MUST HE HAS SHOW HE HAS COMMITTED MURDER IN FIRST DEGREE YOU TAKE OUT WILLFUL IT MAKES IT MURDER SECOND DEGREE TAKE OUT DELIBERATE AND IT MAKES IT STILL MORE DIFFERENT. *[14]* BISHOP IF IT IS CORRECTLY ADVANCED —[?] CASE THUS ETC. MALICE IS THE CONCLUSION OF LAW IF KILLING BE DONE IN THAT WAY [*space*] 432 **PM** ALL INSTRUCTIONS WERE HANDED TO THE JUDGE. . . BISHOP IF PROSECUTION SHALL ENTER ANY FURTHER INSTRUCTIONS WE WOULD LIKE TO HAVE THEM REDUCED TO WRITING. BY BISHOP; WE WISH THE STATUTE READ TO THE JURY ON MURDER, AND THE DIFFERENT DEGREES OF IT.

Tribune	**RT**	**RS**	**BT**	**PS**
[161] CHAPTER SIX INSTRUCTIONS, FINAL ARGUMENTS, VERDICT. JUDGE BOREMAN'S CHARGE TO THE JURY. "THE LEE TRIAL." "JUDGE BOREMAN'S CHARGE TO THE JURY. ARGUMENTS OF				

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Tribune	RT	RS	BT	PS
THE PROSECUTION AND DEFENSE COMMENCED." WEDNESDAY MORNING, AUGUST 4, 1875. *THE SALT LAKE DAILY TRIBUNE.* [SPECIAL TO THE *TRIBUNE*.]		BY JUDGE ~~<~~**BP**~~>~~ I DO NOT KNOW WHETHER I WILL BE READY TOMORROW MORNING AT		ARGUED BY BISHOP. REPLIED TO BY ~~CAREY~~ BASKIN. [*space*] ~~<~~COURT~~>~~ THERE IS NO INSTRUCTION AS TO THE POINT. COURT [*space*] BASKIN [*space*] IT HAS BEEN OUR CUSTOM IN THE DISTRICTS BEFORE THAT THE COURT ON THESE GENERAL PRINCIPLES ON WHICH THERE CAN BE NO DISPUTE AMONG COUNSEL AS TO MURDER AND MANSLAUGHTE R. [*space*] **COURT** I DO NOT KNOW WHETHER I WILL BE READY TOMORROW

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Tribune	RT	RS	BT	PS
		NINE O'CLOCK OR NOT BY CAREY. SUPPOSE YOU SAY TEN [*space*] BY COURT SAY 11 O'CLOCK THEN. BY COURT PERHAPS IT WOULD BE WELL ENOUGH TO HAVE INSTRUCTIONS GIVEN BEFORE DINNER. I HAVE BEEN ACTING UNWELL TODAY ADJOURNED COURT UNTIL TOMORROW MORNING 11 **O'CLOCK** = [*space*]	**COURT ADJOURNED 'TILL 11 OCLOCK TOMORROW**	9 O'CLOCK SO WE HAD BETTER MEET AT 11 O'CLOCK. [*space*] **COURT** ADJOURNED UNTIL 11 O'CLOCK [*space*]
	[Bk 1 ***22****]* AUGUST 3RD, 1875. TWO O'CLOCK P.M.	**TUESDAY, ~~J~~AUGUST 3RD 1875 - 11:15 AM** [*space*] ≤**COURT**≥ I WAS NOT WELL YESTERDAY DID NOT GET TO EXAMINE LAWS UNTIL LAST NIGHT, I WAS NOT WELL ENOUGH TO READ WAS HARDLY WELL ENOUGH TO GET ABOUT.	*[332]* TUESDAY, AUGUST 3RD, ~~8I8'75~~ **1875** II **A**. M. COURT: I WAS NOT WELL YESTERDAY AND DIDN'T GET TO EXAMINE THE AUTH**O**RITIES TILL LAST NIGHT. I WASN'T WELL ENOUGH TO-DAY TO DO S~~O~~. AM HARDLY WELL ENOUGH TO GET ABOUT. I	I WAS NOT WELL ENOUGH TO EXAMINE THE LAW

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Tribune	RT	RS	BT	PS
		I HAVE NOT EXAMINED LAW SUFFICIENTLY AND WILL TAKE RECESS UNTIL HALF AFTER TWO O'CLOCK. [*space*] 2:30, **PM.** [*space*] 245 **PM** JUDGE BOREMAN ENTERED THE COURT ROOM. NAMES OF JURORS CALLED ALL WERE PRESENT.	HAVN'T YET EXAMINED THE LAWS SUFFICI~~A~~ENTLY AS IWANTED TO, AND WE WILL TAKE A RECESS TILL THIS AFTERNOON AT 3:3 0 O C'COLCK THIS AFTERNOON. RECESS TILL 3:30. ———— OO———— 3:30 P.M. COURT MET PU RSUANT TO ADJOURNMENT.. JURY CALLED . ALL P~~E~~RESEN~~T~~.	I AM NOT YET EXAMINED THE LAW SUFFICIENTLY AND TAKE RECESS TILL HALF AFTER TWO O'CLOCK [*space*] AFTERNOON RECESS *[[8]]* **230 PM AUG 3RD/,75 - ~~q~~**
"BEAVER, UTAH, AUGUST 3. — IN THE LEE CASE, JUDGE BOREMAN CHARGED THE JURY AT HALF PAST TWO O'CLOCK. THE COURT ROOM WAS CROWDED, AND ALL THE INTEREST MANIFESTED IN THE CASE WAS	JUDGE BOREMAN CHARGED THE JURY AT HALF PAST TWO O'CLOCK.[410] THE COURT ROOM WAS CROWDED AND ALL THE INTEREST~~S~~ MANIFESTED IN THE CASE WAS	{**BOREMANS SPEECH ~~<WITH>~~ INSTRUCTIONS TO JURY**}[p] ~~<~~3 **PM~~>~~**	**(**THE COURT AT THIS POINT GAVE HIS CHARGE TO THE JURY)	{**<u>BOREMANS CHARGE</u> WITH <u>INSTRUCTIONS</u>**}[i411]

410. The RT of Boreman's instructions to the jury is an almost verbatim copy of the *Salt Lake Tribune*'s report published August 4, 1875. RT contains all of the *Tribune* article, including summary statements, sections of which were not recorded in RS. Some sections of the *Tribune* article are based on RS, with additions from PS and from unknown sources.

411. In Rogerson's hand.

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Tribune	RT	RS	BT	PS
AS VARIED AND DEEP AS AT ANY PREVIOUS TIME. THE CHARGE (1) "GENTLEMEN OF THE JURY:— THE INTRODUCTION OF TESTIMONY FOR THE PROSECUTION AND DEFENSE BEING NOW AT AN END, THE DUTY DOES LAY UPON ME, IN ORDER TO AID YOU IN ARRIVING AT A CORRECT CONCLUSION IN YOUR VERDICT, TO INSTRUCT YOU UPON THE LAW APPLICABLE TO THE CASE, AND TO GIVE YOU SUCH SUGGESTIONS AND ADVICE AS THE NECESSITIES OF THE CASE SEEM TO REQUIRE. "WHAT I	AS VARIED AND DEEP AS AT ANY PREVIOUS TIME DURING THE TRIAL THE CHARGE. GENTLEMEN OF THE JURY: THE INTRODUCTION OF TESTIMONY FOR THE PROSECUTION AND THE DEFENSE, BEING NOW AT AN END, THE DUTY DOES LAY UPON ME, IN ORDER TO AID YOU IN ARRIVING AT A CORRECT CONCLUSION IN YOUR VERDICT TO INSTRUCT YOU UPON THE LAW APPLICABLE TO THE CAUSE AND TO GIVE YOU SUCH SUGGESTIONS AND ADVICE AS THE NECESSITIES OF THE CASE SEEM TO REQUIRE. WHAT? I	GENTLEMEN OF THE JURY THE INTRODUCTION OF TESTIMONY ≤FOR THE≥ ~~FOR THEM~~ ≤JUDGMENT≥ PROSECUTION AND THE DEFENSE BEING NOW AT AN END, THE DUTY DEVOLVES UPON ME IN ORDER TO AID YOU ARRIVE ≤IN≥ ARRIVING ≤AT A≥ CORRECT CONCLUSION IN YOUR VERDICT, TO INSTRUCT YOU UPON LAW APPLICABLE CASE ≤AND TO GIVE YOU SUCH SUGGESTIONS AND ADVICE AS THE NECESSITIES OF THE CASE≥ SEEM TO REQUIRE. WHATEVER I		GENTLEMEN OF THE JURY [*space*] INTRODUCTION OF THE TESTIMONY FOR BOTH PROSECUTION AND DEFENSE BEING NOW AT AN END DUTY DEVOLVES UPON ME IN ORDER TO AID YOU TO ARRIVE [*space*] INSTRUCT YOU ON THE LAW APPLICABLE TO THE CASE AND GIVE YOU SUCH SUGGESTIONS AS NECESSITIES OF THE CASE SEEM TO REQUIRE WHATEVER I

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Tribune	RT	RS	BT	PS
SAY UPON QUESTIONS OF LAW IS OBLIGATORY UPON YOU, BUT WHAT I STATE RESPECTING FACT, IS NOT OBLIGATORY UPON YOU. THE COURT IS THE SOLE JUDGE OF THE LAW OF THE CASE, BUT YOU ARE THE SOLE JUDGES OF THE FACTS, AND ALSO THE CREDIBILITY OF THE WITNESSES "THE MOUNTAIN MEADOWS MASSACRE, WHICH THIS CASE HAS CAUSED FOR THE FIRST TIME TO BE INVESTIGATED, WAS A CRIME OF APPALLING MAGNITUDE, PLANNED AND CARRIED OUT WITH A DEMON-LIKE FEROCITY, UNPARALLELLED IN MODERN	SAY UPON QUESTIONS OF LAW IS OBLIGATORY UPON YOU, BUT WHAT I STATE RESPECTING FACTS IS NOT OBLIGATORY UPON YOU. THE COURT IS THE SOLE JUDGE OF THE LAW OF THE CASE, BUT YOU ARE THE SOLE JUDGES OF THE FACTS AND ALSO THE CREDIBILITY OF THE WITNESSES. THE MOUNTAIN MEADOWS MASSACRE WHICH THIS CASE HAS CAUSED FOR THE FIRST TIME TO BE INVESTIGATED, WAS A CRIME OF APPALLING MAGNITUDE, PLANNED AND CARRIED OUT WITH A DEMON-LIKE FEROCITY, UNPARALLELLED IN MODERN	SAY YOU TO YOU UPON QUESTIONS OF LAW IS OBLIGATORY UPON YOU THAT WHICH I STATE RESPECTING FACTS IS NOT OBLIGATORY UPON YOU COURT IS SOLE JUDGE OF LAW UPON CASE *COURT/YOU*[?] ARE THE SOLE JUDGES OF FACTS AND ALSO CREDIBILITY OF WITNESSES THE MOUNTAIN MEADOWS MASSACRE WHICH THIS CASE HAS CAUSED FOR THE FIRST TIME TO BE INVESTIGATED WAS A CRIME OF VILEST MAGNITUDE CARRIED OUT FEROCITY		SAY TO YOU UPON QUESTIONS OF LAW IS OBLIGATORY TO YOU BUT THAT WHICH I STATE RESPECTING ~~TO~~ ~~THE~~ THE FACTS IS NOT OBLIGATORY UPON YOU [*space*] YOU ARE THE SOLE JUDGES OF THE FACTS AND ALSO OF THE CREDIBILITY OF THE WITNESSES THE MOUNTAIN MEADOWS MASSACRE WHICH THIS CASE HAS CAUSED FOR THE FIRST TIME TO BE INVESTIGATED *AND IS A/*—[?] CRIME OF APPALLING MAGNITUDE AND PLANNED AND CARRIED OUT A DEMON-LIKE FEROCITY AND [*space*]

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Tribune	RT	RS	BT	PS
DAYS, OR AMONG CIVILIZED PEOPLE, AND IT IS OF WIDE-SPREAD INTEREST, BY REASON OF ITS ENORMITY AND ITS LONG CONCEALMENT.	DAYS, OR AMONG CIVILIZED PEOPLE, AND IT IS OF WIDESPREAD INTEREST *[23]* BY REASON OF ITS ENORMITY AND ITS LONG CONCEALMENT.	IN CIVILIZATION —[?] ~~IT WAS~~. IT IS OF WIDESPREAD INTEREST BY REASON OF ITS ENORMITY		IT IS OF WIDESPREAD INTEREST BY REASON OF ITS ENORMITY *AND LONG*[?] CONCEALMENT
"THERE IS NO DISPUTE AS TO THE FACT OF THE MASSACRE AT THE TIME AND PLACE	THERE IS NO DISPUTE AS TO THE FACT OF THE MASSACRE AT THE TIME AND PLACE	THERE IS NO DISPUTE AS TO THAT AND MASSACRE AS TO TIME AND PLACE		THERE IS NO DISPUTE ABOUT THE MASSACRE [*space*]
SPECIFIED. IT IS CHARGED, HOWEVER,	SPECIFIED. IT IS CHARGED, HOWEVER,	SPECIFIED IT IS CHARGED		IT IS CHARGED
THAT THIS DEFENDANT WAS A PARTICIPANT AND LEADER IN THIS BLOODY WORK, AND UPON THIS CHARGE HE IS NOW UPON HIS TRIAL BEFORE YOU. "THE	THAT THIS DEFENDANT WAS A PARTICIPANT AND LEADER IN THIS BLOODY WORK, AND UPON THIS CHARGE HE IS NOW UPON HIS TRIAL BEFORE YOU. THE	THIS DEFENDANT WAS A PARTICIPANT LEADER IN THIS BLOODY WORK UPON THIS CHARGE HE IS NOW ON HIS TRIAL BEFORE YOU		THAT THIS DEFENDANT IS A LEADER ≤PARTICIPANT≥[412] IN THIS BLOODY WORK [*space*]
PRISONER AT THE BAR, JOHN D. LEE, IS CHARGED WITH THIS CRIME, GUILTY WITH W. H.	PRISONER AT THE BAR, JOHN D. LEE, IS CHARGED WITH THIS CRIME, GUILTY WITH WILLIAM H.	PRISONERS BAR JOHN D. LEE IS CHARGED WITH THIS CRIME JOINTLY WITH OTHERS		PRISONER AT THE BAR JOHN D. LEE IS CHARGED WITH THIS CRIME JOINTLY WITH [*space*]
DAME, ISAAC C. HAIGHT, JOHN M. HIGBEE, GEORGE	DAME, ISAAC C. HAIGHT, JOHN M. HIGBEE, GEORGE	TOGETHER AND *THEN ALL*[?] [*space*]		HIGBEE HAIGHT **&C** AND

412. Apparently in Rogerson's shorthand.

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ADAIR, JR., ELLIOTT WILDEN, SAMUEL JUKES, PHILIP K. SMITH, AND W. C. STEWART, BUT ONLY THE DEFENDANT LEE IS NOW UPON TRIAL, AND IT IS NO CONCERN OF THIS JURY WHETHER ANY OR ALL OF THE OTHER DEFENDANTS BE ARRESTED AND TRIED OR NOT. BUT IT IS ONLY REASONABLE TO SUPPOSE THAT OTHERS WILL BE ARRESTED AND TRIED AS SPEEDILY AS IT IS POSSIBLE TO BE DONE. YOU HAVE ONLY TO DO WITH THE INNOCENCE OR GUILT OF THIS DEFENDANT. WAS THERE A COMBINATION OF PARTIES? "IN ORDER TO REACH THE	ADAIR JR., ELLOTT WILDEN, SAMUEL JUKES, PHILIP K. SMITH AND WILIAM C. STEWART, BUT ONLY THE DEFENDANT LEE IS NOW UPON TRIAL, AND IT IS NO CONCERN OF THIS JURY WHETHER ANY OR ALL OF THE DEFENDANTS BE ARRESTED OR NOT, BUT IT IS ONLY REASONABLE TO SUPPOSE THAT OTHER WILL BE ARRESTED AND TRIED AS SPEEDILY AS IT IS POSSIBLE TO BE DONE. YOU HAVE ONLY TO DO WITH THE INNOCENCE OR GUILT OF THIS DEFENDANT; IN ORDER TO REACH THE	[15][413] SAMUEL JUKES PHILIP K SMITH AND WILLIAM **C** STEWART, BUT ONLY THIS DEFENDANT LEE IS NOW UPON TRIAL IT IS [*space*] IT IS REASONABLE TO SUPPOSE OTHERS WILL BE ARRESTED TRIED AS SPEEDILY AS POSSIBLE TO BE DONE. YOU HAVE ONLY TO DO WITH GUILT AND INNOCENCE OF THIS DEFENDANT [*space*] IN ORDER TO REACH		[*space*] BUT ONLY THIS DEFENDANT LEE IS NOW UPON TRIAL AND IT IS NO CONCERN TO THIS JURY WHETHER ANY OR ALL OF THE OTHERS WILL BE TRIED BUT [*space*] SPEEDILY AS POSSIBLY BE DONE YOU HAVE ONLY TO DO WITH THE GUILT OR INNOCENCE OF THIS DEFENDANT [*space*] IN ORDER TO REACH THE

413. At top of the page in purple pencil longhand: **BOREMAN'S REMARKS - OFFERING INSTRUCTIONS TO JURY.**

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Tribune	RT	RS	BT	PS
TRUTH IN REGARD TO THE PRISONER'S GUILT OR INNOCENCE, IT IS PERHAPS THE MOST NATURAL, THE MASSACRE ITSELF NOT BEING DISPUTED, TO INQUIRE FIRST AS TO WHETHER THERE WAS ANY COMBINATION OF PARTIES IN PLANNING AND EXECUTING THIS HORRIBLE DEED, AND IF THERE *[162]* WAS SUCH COMBINATION AND JOINT ACTION, THEN WHETHER THE PARTIES OR ANY OF THEM INDICTED WITH THE PRISONER WERE IN THIS COMBINATION. WAS THIS DEFENDANT A PARTY? "IF SO, THEN WAS DEFENDANT PARTY TO SUCH COMBINATION. IF FROM THE EVIDENCE YOU FIND	TRUTH IN REGARD TO THE PRISONERS GUILT OR INNOCENCE IT IS PERHAPS THE MOST NATURAL. THE MASSACRE ITSELF NOT BEING DISPUTED TO ENQUIRE FIRST AS TO WHETHER THERE WAS ANY COMBINATION OF PARTIES IN PLANNING AND EXECUTING THIS HORRIBLE DEED, AND IF THERE WAS SUCH COMBINATION AND JOINT ACTION, THEN WHETHER THE PARTIES OR ANY OF THEM INDICTED WITH THE PRISONER WERE IN THIS COMBINATION; IF SO THEN WAS DEFENDANT PARTY TO SUCH COMBINATION; IF FROM THE EVIDENCE YOU FIND	TRUTH REGARD TO THE PRISONERS GUILT OR INNOCENCE IT IS PERHAPS MOST NATURAL THE MASSACRE ITSELF NOT BEING DISPUTED TO INQUIRE FIRST WHETHER THERE WAS A SUSPICION OF COMBINATION OF PARTIES IN PLANNING EXECUTING THIS TERRIBLE DEED [*space*] IF THERE WAS SUCH COMBINATION WHETHER PARTIES OR ANY OF THEM INDICTED WITH PRISONER WERE IN THIS COMBINATION IF SO THEN WAS THE DEFENDANT A PARTY TO SUCH A COMBINATION. IF FROM THE EVIDENCE YOU FIND		TRUTH IN REGARD TO THE PRISONERS *DR/TR*/—[?] OR INNOCENCE IT IS PERHAPS MOST NATURAL TO INQUIRE FIRST WHETHER WAS COMBINATION OF PARTIES IN PLANNING EXECUTING THIS TERRIBLE DEED [*space*] AND IF SO [*space*] THEN WHETHER ANY OF THE PARTIES WERE IN THIS COMBINATION AND IF SO THEN WAS THE DEFENDANT A PARTY OF SUCH COMBINATION AND IF FROM THE EVIDENCE YOU FIND

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Tribune	RT	RS	BT	PS
		THERE WAS		THERE WAS
SUCH CONCERT OF ACTION AND CO-OPERATION AMONG THE PARTIES CHARGED OR A NUMBER OF THEM, AND THAT THE	SUCH CONCERT OF ACTION AND CO-OPERATION AMONG THE PARTIES CHARGED OR A NUMBER OF THEM, AND THAT THE	SUCH CONCERT OF ACTION		SUCH CONCERT OF ACTION AND COOPERATION
PRISONER WAS JOINTLY ACTING WITH THEM HE IS GUILTY, EVEN THOUGH IT MIGHT NOT APPEAR THAT HE, WITH HIS OWN HANDS, DID ANY OF THE KILLING. “IF ONLY THOSE WERE GUILTY WHO DID THE SHOOTING, AND KILLING WITH THEIR OWN HANDS, THEN IN BUT FEW CASES OF THIS KIND COULD THE LEADERS BE REACHED. THE RANK AND FILE ALONE WOULD SUFFER.	PRISONER WAS JOINTLY ACTING WITH THEM HE IS GUILTY EVEN THOUGH IT MIGHT NOT APPEAR THAT HE WITH HIS OWN ~~AHDS~~ HANDS DID ANY OF THE KILLING, IF ONLY THOSE WERE GUILTY WHO DID THE SHOOTING AND KILLING WITH THEIR OWN HANDS, THEN IN ~~TH~~ BUT FEW CASES OF THIS KIND COULD THE LEADERS BE REACHED, THE RANK AND FILE ALONE WOULD SUFFER.	PRISONER WAS JOINTLY ACTING WITH THEM HE IS GUILTY EVEN THOUGH IT MIGHT APPEAR HE WITH HIS OWN HANDS DID ANY OF THE KILLING IF ONLY THOSE WERE *GUILTY*[?] WHO DID THE SHOOTING FEW CASES OF THIS KIND GET THE LEADERS *OFF*[?] WHERE THE RANK FILE ALONE WOULD SUFFER AND		PRISONER JOINTLY ACTING WITH THEM EVEN THOUGH IT MIGHT NOT APPEAR THAT HE WITH HIS OWN HANDS DID ANY KILLING IF ANY ~~OF THOSE~~ ONLY THOSE WERE GUILTY WHO DID THE KILLING [*space*] THEN IN BUT FEW [*space*] *BUT/—*[?] THE LEADERS IN SUCH CRIMES [*space*]
WHO DID THE KILLING? “IT IS NOT NECESSARY TO BE SHOWN	IT IS NOT *[24]* NECESSARY TO BE SHOWN	IT IS NOT NECESSARY		IT IS NOT NECESSARY TO BE SHOWN

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THAT THE DEFENDANT DID WITH HIS OWN HANDS ANY OF THE KILLING; BUT IF THE KILLING WERE DONE BY THOSE WITH WHOM HE WAS CO-OPERATING, THOUGH HIS PART WAS NOT TO DO ANY OF THE KILLING, HE IS GUILTY; AND IF IT HAS BEEN IN YOUR OPINION SHOWN BY THE EVIDENCE, AND THAT HE ACTUALLY DID ANY OF THE KILLING, THAT FACT WILL BE TAKEN INTO CONSIDERATION. AGREEMENT TO JOINT ACTION "IF, HOWEVER, YOU FIND FROM THE EVIDENCE THAT THERE WAS NO COMBINATION OR AGREEMENT TO JOIN ACTION, THEN NO ACT OF ANY OF THE OTHER PARTIES	THAT THE DEFENDANT DID WITH HIS OWN HANDS ANY OF THE KILLING, BUT IF THE KILLING WERE DONE BY THOSE WITH WHOM HE WAS CO-OPERATING, THOUGH HIS PART WAS NOT TO DO ANY OF THE KILLING HE IS GUILTY, AND IF IT HAS BEEN IN YOUR OPINION SHOWN BYTHE EVIDENCE AND THAT HE ACTUALLY DID ANY OF THE KILLING THAT FACT ~~WOULD~~ WILL BE TAKEN INTO~~?~~ CONSIDERATION. IF, HOWEVER, YOU FIND FROM THE EVIDENCE, THAT THERE WAS NO COMBINATION OR AGREEMENT TO JOIN ACTION, THEN NO ACT OF ANY OF THE OTHER PARTIES	DEFENDANT DID ANY OF THE KILLING IF KILLING WERE DONE WITH THOSE WITH WHOM HE WAS CO-OPERATING THOUGH HIS PART WAS NOT TO DO ANY OF IT [*space*] HE IS GUILTY AND IF IT HAS BEEN IN YOUR OPINION SHOWN IN THE EVIDENCE THAT HE ACTUALLY DOING KILLING THAT FACT WILL BE TAKEN INTO CONSIDERATIO N BY YOU [*space*] IF HOWEVER YOU FIND BY *EVIDENCE*[?] YOU FIND THERE WAS NO COMBINATION NO [*space*]		THAT THE DEFENDANT WITH HIS OWN HANDS [*space*] ANY OF THE KILLING [*space*] BUT IF HE COOPERATED THEN HE IS GUILTY AND IF IT HAS BEEN IN YOUR OPINION SHOWN ~~BY~~ *[[9]]* UNDER THE EVIDENCE THAT HE DID ANY OF THE KILLING THAT FACT WILL BE TAKEN INTO CONSIDERATIO N BY YOU IF HOWEVER YOU FIND THERE WAS NO AGREEMENT NO JOINT ACTION THEN NO ACT OF THE OTHER PARTIES

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Tribune	RT	RS	BT	PS
WOULD CONDEMN THIS DEFENDANT UNLESS IT WAS DONE BY HIS OWN DIRECTION OR CONSENT. IN ASCERTAINING WHETHER SUCH COMBINATION EXISTED, IT IS NOT NECESSARY THAT THE EVIDENCE SHOULD SHOW ANY EXPRESS AGREEMENT; IT IS SUFFICIENT THE ACTS, CAUSE AND CONDUCT OF THE PARTIES CHARGED SHOWED THAT AN UNDERSTANDING EXISTED, AND THAT THEY WERE OPERATING JOINTLY FOR THE ACCOMPLISHMENT OF THE SAME END; RESPONSIBILITY FOR JOINT ACTION "IF THE EVIDENCE, IN YOUR JUDGEMENT,	DEFENDANT WOULD BE UNLESS IT WAS DONE BY HIS OWN DIRECTION OR CONSENT. IN ASCERTAINING WHETHER SUCH COMBINATION EXISTED IT IS NOT NECESSARY THAT THE EVIDENCE SHOULD SHOW ANY EXPRESS AGREEMENT. IT IS SUFFICIENT THE ACTS, CAUSE AND CONDUCT OF THE PARTIES CHARGED, SHOWED THAT AN UNDERSTANDING EXISTED, AND THAT THEY WERE OPERATING JOINTLY FOR THE ACCOMPLISHMENT OF THE SAME END, AND IF THE EVIDENCE IN YOUR JUDGEMENT	UNLESS IT WAS DONE BY HIS DIRECTION OR CONSENT [*space*] ANY QUESTIONS WHETHER SUCH COMBINATION EXISTED IT IS NOT *NECESSARY*[?]. IT IS SUFFICIENT IF THE ACTS AND COURSE AND CONDUCT OF THE PARTIES SHOWED THAT AN UNDERSTANDING EXISTED AND THAT THEY WERE OPERATING JOINTLY IF HE COMPLIED WITH THE SAME END IF THE EVIDENCE		WOULD UPON THE DEFENDANT IN ASCERTAINING WHETHER SUCH COMBINATION EXISTED IT IS NOT NECESSARY THAT THE EVIDENCE SHOULD SHOW ANY EXPRESS AGREEMENT IT IS SUFFICIENT ~~IF THE~~ [*space*] SHOW THAT THE *ACCOMPLISHMENT*[?] OF THE SAME END AND IF THE EVIDENCE IN YOUR JUDGMENT

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Tribune	RT	RS	BT	PS
SHOWS OTHERS THAN THOSE CHARGED, ACTED AND CO-OPERATED WITH THOSE, THEN THE PRISONER WOULD BE HELD RESPONSIBLE FOR THEIR ACTS, AS THEY WOULD BE FOR HIS ACTS IN PURSUANCE OF THEIR COMMON PURPOSE—THE WORK OF ANY WAS THE WORK OF ALL— AND IF THE PARTIES ENGAGED BE ALLOTTED TO DIFFERENT PARTS IN THE ACCOMPLISHME NT OF THE JOINT PURPOSE, SOME TO DO ONE THING AND SOME TO STAND GUARD, SOME TO DRIVE WAGONS, SOME TO KILL AND SOME TO DO OTHER PARTS OF THE COMMON WORK, ALL ARE	SHOWS OTHERS THAN THOSE CHARGED ACTED AND CO-OPERATED WITH THOSE THEN THE PRISONER WOULD BE HELD RESPONSIBLE FOR THEIR ACTS AS THEY WOULD BE FOR HIS ACTS IN PURSUANCE OF THEIR COMMON PURPOSE. THE WORK OF ANY WAS THE WORK OF ALL, AND IF THE PARTIES ENGAGED BE ALLOTTED TO DIFFERENT PARTS IN THE ACCOMPLISHME NT OF THE JOINT PURPOSE SOME TO DO ONE THING, AND SOME TO STAND GUARD, SOME TO DRIVE WAGONS, SOME TO KILL AND SOME TO DO OTHER PARTS OF THE COMMON WORK, ALL ARE	OTHERS THAN CHARGED ACTED AND CO-OPERATED WITH THOSE THEN THE PRISONER WOULD BE HELD RESPONSIBLE FOR THEIR ACTS AS THEY WOULD BE FOR HIS ACTS [*space*] WORK OF ANY WAS THE WORK OF ALL IF THE PARTIES ENGAGED WERE ALLOTTED TO DIFFERENT *OFFICES*[?] IN THE ACCOMPLISHME NT OF THEIR JOINT PURPOSE SOME TO DO ONE THING SOME TO DO ANOTHER SOME TO DRIVE WAGONS SOME TO KILL ALL ARE		SHOWS THAT OTHERS THAN THOSE CHARGED ACTED AND CO-OPERATED WITH THIS DEFENDANT THE PRISONER WOULD BE HELD RESPONSIBLE FOR THEIR ACTS AND THEY WOULD BE FOR HIS ACTS IN PURSUANCE OF THEIR COMMON PURPOSE THE WORK OF ANY WAS THE WORK OF ALL AND IF THE PARTIES ENGAGED WERE ALLOTTED DIFFERENT PARTS IN THE JOINT PURPOSE SOME TO STAND GUARD AND SOME TO KILL AND DO OTHER PARTS OF THE COMMON WORK

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Tribune	RT	RS	BT	PS
GUILTY. THEY ALL OPERATED TO SECURE ON END—THE SLAUGHTER OF A NUMBER OF HUMAN BEINGS, MEN, WOMEN AND CHILDREN.INNOCENT PURPOSE "IF YOU BELIEVE FROMTEH EVIDENCE THAT THE PRISONER WAS AT THE MASSACRE, THEN THE QUESTION ARISES, WAS HE THERE FOR INNOCENT PURPOSE, AND WHY DID HE GO THERE? AND IF YOU BELIEVE FROM THE EVIDENCE THAT HE PARTICIPATED TO ANY EXTENT IN THE ACCOMPLISHMENT OF THE COMMON OBJECT, IT IS FOR YOU TO SAY FROM THE EVIDENCE WHY HE SO PARTICIPATED. CAUSE FOR	GUILTY. THEY ALL OPERATED TO SECURE ONE END**,** THE SLAUGHTER OF A NUMBER OF HUMAN BEINGS, MEN, WOMEN AND CHILDREN. IF YOU BELIEVE FROM THE EVIDENCE THAT THE ~~PRSO~~PRISONER WAS AT THE MASSACRE, THEN THE QUESTION ARISES WAS HE THERE FOR INNOCENT PURPOSES AND WHY DID HE GO THERE, AND IF YOU BELIEVE FRM THE EVIDENCE THAT HE PARTICIPATED TO ANY EXTENT IN THE *[25]* ACCOMPLISHMENT OF THE COMMON OBJECT IT IS FOR YOU TO SAY FROM THE EVIDENCE WHY HE SO PARTICIPATED.	GUILTY ALL CO-OPERATED TO SECURE ONE ENDS SLAUGHTER OF WOMEN *AND*[?] CHILDREN [*space*] IF YOU BELIEVE FROM EVIDENCE PRISONER WAS AT THE MASSACRE THEN QUESTION ARISES WAS HE THERE WITH INNOCENT *PURPOSE*[?] AND WHY DID HE GO THERE IF YOU BELIEVE FROM THE EVIDENCE HE PARTICIPATED IN ANY EXTENT IN ACCOMPLISHMENT OF THE COMMON OBJECT IT IS FOR YOU TO SAY FROM THE EVIDENCE WHETHER HE SO PARTICIPATED		THEY ALL OPERATED TO SECURE ONE END [*space*] THE SLAUGHTER OF HUMAN BEINGS [*space*] AND IF YOU BELIEVE FROM THE EVIDENCE THAT THE PRISONER WAS AT THE MASSACRE THEN THE QUESTION ARISES WAS HE THERE FOR AN INNOCENT PURPOSE [*space*] AND IF YOU BELIEVE FROM THE EVIDENCE THAT HE PARTICIPATED TO ANY EXTENT IN —[?] ACCOMPLISHMENT OF THE COMMON OBJECT IT IS FOR YOU TO SAY WHETHER HE DID IT [*space*]

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Tribune	RT	RS	BT	PS
PARTICIPATION "IT IS CLAIMED FOR THE DEFENDANT THAT THE INDIANS WERE VERY MUCH INCENSED AT THOSE EMIGRANTS WHO WERE KILLED AT MOUNTAIN MEADOWS. IF THIS IS TRUE, AND THAT GREAT NUMBER [163] OF INDIANS WERE ENGAGED WITH THE WHITES IN THE MASSACRE, AND THERE IS NO DOUBT THAT VERY MANY INDIANS DID PARTICIPATE, IT IS NO DEFENSE TO THE WHITES FOR THEIR PARTICIPATION. NO WHITE MAN WAS COMPELLED "THERE IS NO EVIDENCE THAT ANY FORCE WAS USED TO COMPEL ANY WHITE MAN TO JOIN IN THE MURDER;	IT IS CLAIMED FOR THE DEFENDANT THAT THE INDIANS WERE VERY MUCH INCENSED AT THOSE EMIGRANTS WHO WERE KILLED AT THE MOUNTAIN MEADOWS. IF THIS BE TRUE AND THAT GREAT NUMBER OF INDIANS WERE ENGAGED WITH THE WHITES IN THE MASSACRE, AND THERE IS NO DOUBT THAT VERY MANY INDIANS DID PARTICIPATE IN IT, IT IS: NO DEFENSE TO THE WHITES FOR PARTICIPATION. THERE IS NO EVIDENCE THAT ANY FORCE WAS USED TO COMPEL ANY WHITE MAN TO JOIN IN THE MURDER,	[16] IT IS CLAIMED FOR THE DEFENDANT INDIANS WERE VERY MUCH INCENSED AT THOSE *RESULT*[?] KILLED ON MOUNTAIN MEADOWS [*space*] IF THIS BE TRUE *AND/A*[?] GREAT MANY INDIANS WERE ENGAGED THERE IS NO DOUBT VERY MANY INDIANS WERE ENGAGED IT IS NO DEFENSE TO THE WHITES FOR THEIR PARTICIPATION THERE IS NO EVIDENCE ANY FORCE WAS *ACTUALLY*[?] TO COMPEL WHITE MEN TO JOIN THE MURDER [*space*]		IT IS CLAIMED BY THE DEFENSE THAT THE INDIANS [*space*] IF THIS BE TRUE AND THAT GREAT NUMBER OF WHITES WERE ENGAGED IT IS NO DEFENSE TO THE WHITES FOR THEIR PARTICIPATION THERE IS NO EVIDENCE THAT ANY FORCE WAS USED TO JOIN IN THE MURDER

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Tribune	RT	RS	BT	PS
NOR IS IT SHOWN THAT ANY WHITE MAN HAD ANY JUST CAUSE FOR ENGAGING IN THESE MURDERS, AND THE ONLY PRETENDED REASON IS, THAT THE INDIANS WERE GREATLY INCENSED AT THE EMIGRANTS;	NOR IS IT SHOWN THAT ANY WHITE MAN HAD ANY JUST CAUSE FOR ENGAGING IN THESE MURDERS, AND THE ONLY PRETENDED REASON IS THAT THE INDIANS WERE GREATLY INCENSED AT THE EMIGRANTS.	NOR IS IT SHOWN THAT ANY WHITE MAN HAD ANY PRETENSE FOR CAUSING THIS [*space*]		NOR IS IT SHOWN THAT ANY WHITE MAN HAD ANY JUST CAUSE FOR ENGAGING IN THESE MURDERS AND ONLY PRETENDED
BUT THAT IS NOT A VALID REASON FOR THE WHITES ENGAGING IN THE MASSACRE, NOR DOES THE EVIDENCE SHOW ANY GOOD GROUND FOR THE INDIANS ENGAGING IN THE MASSACRE, BUT AS TO THAT QUESTION, YOU ARE NOT CALLED UPON TO DECIDE.	BUT THAT IS NOT A VALID REASON FOR THE WHITES ENGAGING IN THE MASSACRE NOR DOES THE EVIDENCE SHOW ANY GOOD GROUND FOR THE INDIANS ENGAGING IN THE MASSACRE, BUT AS TO THAT QUESTION YOU ARE NOT CALLED UPON TO DECIDE.	THAT IS NOT VALID REASON FOR WHITES ENGAGING IN THE MURDERS NOR DOES THE EVIDENCE SHOW ANY GOOD REASON FOR INDIANS ENGAGING IN THE MASSACRE AS TO THAT QUESTION YOU ARE NOT CALLED UPON TO DECIDE AND		BUT THAT IS NO VALID REASON FOR THE WHITES ENGAGING IN THE NOR DOES THE EVIDENCE SHOW ANY GOOD REASON FOR THE INDIANS ENGAGING IN THE MASSACRE
IF FROM THE EVIDENCE YOU BELIEVE THE INDIANS WERE CO-OPERATING AND ACTING IN CONCERT	IF FROM THE EVIDENCE YOU BELIEVE THE INDIANS WERE CO-OPERATING AND ACTING IN CONCERT	IF YOU BELIEVE INDIANS WERE CO-OPERATING AND ACTING IN CONCERT		IF FROM THE EVIDENCE YOU BELIEVE THAT THE INDIANS WERE CO-OPERATING

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Tribune	RT	RS	BT	PS
WITH THE WHITES IN THE ACCOMPLISHMENT OF THE DESTRUCTION OF THE EMIGRANTS,	WITH THE WHITES IN THE ACCOMPLISHMENT OF THE DESTRUCTION OF THE EMIGRANTS	WITH THE WHITES IT		WITH THE WHITES IN THE DESTRUCTION OF THE EMIGRANTS *[[10]]*
IT BUT MAKES A MORE VIVID PICTURE OF THE ENORMITY AND BRUTALITY OF THE INHUMAN WORK. DEGREES OF MURDER	IT BUT MAKES A MORE VIVID PICTURE OF THE ENORMITY AND BRUTALITY OF THE INHUMAN WORK.	BUT MAKES TOO VIVID PICTURE OF WORK [*space*]		BUT IT MAKES
"THE CHARGE IN THIS CASE IS MURDER, BUT IT IS NOT ONLY THE KILLING OF A HUMAN BEING THAT IS MURDER; BESIDES THE TWO DEGREES OF MURDER, THERE IS MANSLAUGHTER AND ALSO JUSTIFIABLE OR EXCUSABLE HOMICIDE. MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT, EITHER EXPRESS OR IMPLIED. MALICE IS A REVENGEFUL	THE CHARGE IN THIS CASE IS MURDER, BUT IT IS NOT ONLY THE KILLING OF A HUMAN BEING THAT IS MURDER: BESIDES THE TWO DEGREES OF MURDER THERE IS MAN SLAUGHTER AND <ALSO> JUSTIFIABLE OR EXCUSABLE HOMICIDE. MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT, EITHER EXPRESS OR IMPLIED. MALICE IS A REVENGEFUL	CHARGE IN THIS CASE IS MURDER BUT IT IS NOT EVERY KILLING OF A HUMAN BEING THAT IS MURDER BESIDES THE FEW DEGREES OF MURDER THERE IS MAN SLAUGHTER JUSTIFIED OR EXCUSABLE HOMICIDE MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED MALICE IS A REVENGEFUL		THE CHARGE IN THIS CASE IS MURDER BUT IT IS NOT EVERY KILLING OF A HUMAN BEING THAT IS MURDER BESIDES THE TWO DEGREES OF MURDER THERE IS MANSLAUGHTER AND JUSTIFIABLE *AND/OR*[?] HOMICIDE MURDER AND [*space*] EXPRESSED OR IMPLIED [*space*] MALICE IS REVENGEFUL

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Tribune	RT	RS	BT	PS
ACT DONE INTENTIONALLY AND WITHOUT GOOD CAUSE OR EXCUSE. IF THEREFORE, YOU BELIEVE FROM THE EVIDENCE, THAT THE KILLING IN THIS INSTANCE WAS WILFUL, DELIBERATE AND PREMEDITATED, AND WITH. MALICE AFORETHOUGHT, AND THAT SUCH KILLING WAS IN PURSUANCE OF A COMMON DESIGN OR PURPOSE TO WHICH COMMON PURPOSE THE DEFENDANT WAS A PARTY, HE IS GUILTY OF MURDER IN THE FIRST DEGREE, AND YOU WILL SO FIND. MALICE "MALICE IS AN ESSENTIAL INGREDIENT IN THE KILLING TO CONSTITUTE THE CRIME OF MURDER, BUT IT	ACT DONE INTENTIONALLY AND WITHOUT GOOD CAUSE OR EXCUSE. IF THEREFORE YOU BELIEVE FROM THE EVIDENCE THAT THE KILLING IN THIS INSTANCE WAS WILFUL, DELIBERATE *[26]* AND PREMEDITATED AND WITH. MALICE AFORETHOUGHT AND THAT SUCH KILLING WAS IN PURSUANCE OF A COMMON DESIGN OR PURPOSE, TO WHICH COMMON DESIGN THE DEFENDANT WAS A PARTY, HE IS GUILTY OF MURDER? IN THE FIRST DEGREE AND YOU WILL SO FIND. MALICE IS AN ESSENTIAL INGREDIENT IN THE KILLING TO CONSTITUTE THE CRIME OF MURDER, BUT IT	ACT DONE INTENTIONALLY WITHOUT GOOD CAUSE OR EXCUSE IF THEREFORE YOU BELIEVE FROM THE EVIDENCE THAT THE KILLING *SEEN THAT IS*[?] DELIBERATE WITH MALICE AFORETHOUGH T THAT SUCH KILLING WAS IN PURSUANCE OF COMMON DESIGN OR PURPOSE TO WHICH COMMON PURPOSE DEFENDANT DID THE MURDER HE IS GUILTY OF MURDER IN THE FIRST DEGREE AND YOU WILL SO FIND MALICE IS AN ESSENTIAL INGREDIENT TO CONSTITUTE CRIME OF MURDER IT		ACT DONE INTENTIONALLY AND WITHOUT GOOD CAUSE OR EXCUSE ~~K~~ IF THEREFORE YOU BELIEVE FROM THE EVIDENCE THAT THE KILLING IN THIS CASE WAS *WILLFUL*[?] PREMEDITATED [*space*] AND MALICE —[?] AFORETHOUGH T [*space*] GUILTY OF MURDER IN THE FIRST DEGREE AND YOU WILL SO FIND [*space*] MALICE IS AN *ESSENTIAL*[?] ~~D~~ IN THE KILLING [*space*]

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Tribune	RT	RS	BT	PS
NEED NOT BE EXPRESSED BUT MAY BE IMPLIED FROM THE ACTS, COURSE AND CONDUCT OF THE PARTIES. IN MOST CASES MALICE IS NOT SUSCEPTIBLE OF DIRECT PROOF, BUT MAY BE ESTABLISHED BY INFERENCES, MORE OR LESS STRONG, TO BE DRAWN FROM THE FACTS AND CIRCUMSTANCES CONNECTED WITH THE KILLING, AND WHICH INDICATE THE DISPOSITION OR STATE OF MIND WITH WHICH THE KILLING IS DONE. WILFUL, DELIBERTATE, PREMEDITATED “IF, HOWEVER, YOU COULD FIND FROM THE EVIDENCE THAT THE KILLING WAS WITH MALICE AFORETHOUGHT, EITHER EXPRESSED OR IMPLIED, BUT WAS NOT	NEED NOT BE EXPRESSED, BUT MAY BE IMPLIED FROM THE ACTS, COURSE AND CONDUCT OF THE PARTIES; IN MOST CASES MALICE IS NOT SUSCEPTIBLE OF DIRECT PROOF, BUT MAY BE ESTABLISHED BY INFERENCES MORE OR LESS STRONG, TO BE DRAWN FROM THE FACTS AND CIRCUMSTANCES CONNECTED WITH THE .KILLING AND WHICH INDICATE A DISPOSITION OR STATE OF MIND WITH WHICH THE KILLING IS DONE. IF, HOWEVER, YOU SHOULD FIND FROM THE EVIDENCE THAT THE KILLING WAS WITH MALICE AFORETHOUGHT, EITHER EXPRESSED OR IMPLIED, BUT WAS NOT	NEED NOT BE EXPRESSED IT MAY BE IMPLIED BY ACTS OF PARTIES [*space*] MALICE IS NOT SUSCEPTIBLE OF DIRECT PROOF MAY BE ESTABLISHED BY INFERENCE MORE OR LESS STRONG *DRAWN*[?] FROM FACTS *TOO*[?] WITH WHICH THE KILLING IS DONE IF HOWEVER YOU CAN FIND FROM EVIDENCE KILLING WAS WITH MALICE AFORETHOUGH T EITHER EXPRESSED OR IMPLIED BUT WAS NOT		AND IT MAY BE IMPLIED FROM THE ACTS COURSE AND CONDUCT OF THE PARTIES IN MOST CASES MALICE IS NOT SUSCEPTIBLE OF DIRECT PROOF BUT [*space*] FROM CIRCUMSTANCE S STATE OF MIND IN WHICH THE KILLING IS DONE IF HOWEVER YOU CAN FIND FROM THE EVIDENCE THAT THE KILLING WAS WITH MALICE AFORETHOUGH T BUT WAS NOT

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WILFUL, DELIBERATE AND PREMEDITATED, IT WOULD BE MURDER IN THE SECOND DEGREE; AND IF THE KILLING WAS UNLAWFUL, BUT YOU FIND FROM THE EVIDENCE THAT THERE WAS NO MALICE, THE CRIME WOULD BE MANSLAUGHTER. IF YOU BELIEVE FROM THE EVIDENCE THAT THERE WAS MALICE, THE OFFENSE IS OF A HIGHER GRADE THAN MANSLAUGHTER, AND IF THERE WAS MALICE AND THE ACT WAS WILFUL, DELIBERATE AND PREMEDITATED, IT CANNOT BE MURDER IN THE SECOND DEGREE, BUT IS OF A HIGHER GRADE STILL, AND IS MURDER	WILFUL , DELIBERATE AND PREMEDITATED IT WOULD BE MURDER IN THE SECOND DEGREE, AND IF THE KILLING WAS UNLAWFUL, BUT YOU FIND FROM THE EVIDENCE THAT THERE WAS NO MALICE THE CRIME WOULD BE MAN SLAUGHTER. IF YOU BELIEVE FROM THE EVIDENCE THAT THERE WAS MALICE THE OFFENSE IS OF A HIGHER GRADE THAN MAN SLAUGHTER, AND IF THERE WAS MALICE AND THE ACT WAS WILFUL, DELIBERATE AND PREMEDITATED IT CANNOT BE MURDER IN THE SECOND DEGREE,BUT IS OF A HIGHER GRADE STILL AND IS MURDER	WILLFUL DELIBERATE IT WOULD BE MURDER IN THE SECOND DEGREE IF THE KILLING WAS *UNWILLFUL/UNLAWFUL*[?] BUT YOU CAN FIND FROM THE EVIDENCE THERE WAS NO MALICE THE CRIME WOULD GET MANSLAUGHTER [*space*] IF YOU BELIEVE FROM EVIDENCE THERE WAS MALICE THE OFFENCE IS HIGHER GRADE THAN MAN SLAUGHTER IF THERE WAS MALICE AND THE ACT WAS WILLFUL *PREMEDITATED*[?] [17] IT CANNOT BE MURDER IN THE SECOND DEGREE BUT IS OF A HIGHER GRADE STILL IS MURDER		WILLFUL [*space*] IF THE KILLING WAS UNLAWFUL AND YOU CAN FIND FROM THE EVIDENCE THAT THERE WAS NO MALICE THE CRIME WOULD BE MANSLAUGHTER OR *NS*[?] [*space*] IF THERE WAS MALICE AND THAT ACT WAS WILLFUL [*space*] **&** [*space*] *CAN'T*[?] [*space*] MURDER

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Tribune	RT	RS	BT	PS
IN THE FIRST DEGREE. THEN, IN THAT CASE, IT IS MURDER IN THE FIRST DEGREE OR NOTHING— THAT IS, IF IT BE NOT MURDER IN THE FIRST DEGREE, IT CAN ONLY BE JUSTIFIABLE HOMICIDE OR EXCUSABLE HOMICIDE. JUSTIFIABLE HOMICIDE "TO BE JUSTIFIABLE HOMICIDE, IT MUST HAVE FIRST ARISEN FROM UNAVIODABLE NECESSITY WITHOUT ANY WILL, INTENTION OR DESIRE, AND WITHOUT ANY INADVERTANCE IN THE PARTY KILLING, AND [164] THEREFORE WITHOUT BLAME, AS FOR EXAMPLE, THE EXECUTION ACCORDING TO LAW OF A CRIMINAL WHO HAS BEEN	IN THE FIRST DEGREE; THEN, IN THAT CASE, IT IS MURDER IN THE FIRST DEGREE OR NOTHING, THAT IS, IF IT BE NOT MURDER IN THE FIRST DEGREE IT CAN ONLY BE JUSTIFIABLE HOMICIDE OR EXCUSABLE HOMICIDE. TO BE JUSTIFIABLE HOMICIDE IT MUST HAVE FIRST ARISEN FROM UNAVIODABLE NECESSITY, WITHOUT ANY W-ILL, INTENTION OR DESIRE, AND WITHOUT ANY INADVERTANCE IN THE PARTY KILLING, AND THEREFORE WITHOUT BLAME, AS [27] FOR EXAMPLE THE EXECUTION ACCORDING TO LAW OF A CRIMINAL WHO HAS BEEN	IN THE FIRST DEGREE [*space*] THEN IN THAT CASE IT IS MURDER IN THE FIRST DEGREE OR ~~NO~~ NOTHING THAT IS BEING NOT MURDER IN THE FIRST DEGREE IT CAN ONLY BE JUSTIFIABLE HOMICIDE OR EXCUSABLE HOMICIDE TO BE JUSTIFIABLE HOMICIDE IT MUST HAS ARISEN FROM UNAVOIDABLE NECESSITY WITHOUT ANY WILL INTENTION OR DESIRE ANY INADVERTENCE TO PARTY KILLING AS FOR EXAMPLE EXECUTION ACCORDING TO LAW OF A CRIMINAL WHO HAS BEEN		TO THE FIRST DEGREE [*space*] THEN IN THAT CASE IT IS MURDER IN THE FIRST DEGREE OR NOTHING THEN IF IT BE NOT MURDER IN THE FIRST DEGREE IT IS ONLY [*space*] BE JUSTIFIABLE HOMICIDE IT MUST HAVE FIRST ARISEN FROM UNAVOIDABLE NECESSITY [*space*] WITHOUT ANY INADVERTENCE *OF/TO*[?] THE PARTY KILLING THEREFORE WITHOUT BLAME AS FOR INSTANCE AN EXECUTION OF ~~*PROVEN*[?]~~ CRIMINAL OR *2*[?]

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Tribune	RT	RS	BT	PS
LAWFULLY SENTENCED TO BE HANGED; OR SECOND, IT MUST HAVE BEEN COMMITTED FOR THE ADVANCEMENT OF PUBLIC JUSTICE—FOR EXAMPLE, IF AN OFFICER WAS ASSAULTED AND RESISTED, AND SHOULD KILL HIS ASSAILANT, THERE IS NO EVIDENCE WHICH COULD BE CLASSED UNDER EITHER OF THESE HEADS OF JUSTIFIABLE HOMICIDE. A HOMICIDE CAN BE EXCUSED ONLY IN TWO WAYS. FIRST, WHEN THE ACT WAS WHAT IS CALLED A MISADVENTURE, THAT IS, WHERE IN DOING A LAWFUL ACT, THE PARTY	LAWFULLY SENTENCED TO BE HANGED: OR SECOND, IT MUST HAVE BEEN COMMITTED FOR THE ADVANCEMENT OF PUBLIC JUSTICE. FOR EXAMPLE, IF AN OFFICER IS ASSAULTED AND RESISTED AND SHOULD KILL HIS ASSAILANT,. THERE IS NO EVIDENCE WHICH COULD BE CLASSED UNDER EITHER OF THESE HEADS OF JUSTIFIABLE HOMICIDE. A HOMICIDE CAN BE EXCUSED ONLY IN TWO WAYS; FIRST, WHEN THE ACT WAS WHAT IS CALLED A MIS-ADVENTURE, THAT IS WHERE IN D~~L~~OING A LAWFUL ACT THE PARTY	LAWFULLY SENTENCED TO BE HUNG IT MUST HAVE BEEN COMMITTED FOR THE *ADVANCEMENT*[?] OF PUBLIC JUSTICE IF AN OFFICER IN THE DISCHARGE OF HIS DUTIES SHOULD KILL HIS ASSAILANT. THERE IS NO EVIDENCE WHICH COULD BE CLASSED UNDER EITHER OF THESE HEADS OF JUSTIFIABLE HOMICIDE THEN IS EITHER EXCUSABLE HOMICIDE A HOMICIDE CAN BE ~~EXCUSABLE~~ EXCUSED ONLY IN 2 WAYS FIRST WHEN THE ACT WAS WHAT IS CALLED MISADVENTURE		IT MUST HAVE BEEN FOR THE *ADVANCE*[?] OF PUBLIC **&** AND FOR INSTANCE THERE IS NO EVIDENCE WHICH COULD BE CLASSED UNDER EITHER OF THESE HEADS OF JUSTIFIABLE HOMICIDE THEN WAS IT EXCUSABLE HOMICIDE CAN ONLY *[[11]]* BE EXCUSED TWO WAYS [*space*] FIRST MISADVENTURE [*space*]

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WITHOUT ANY INTENT TO HURT, UNFORTUNATELY KILLS ANOTHER. WHEN A PARTY, ACTING IN SELF-DEFENSE KILLS ANOTHER, THERE IS NO EVIDENCE THAT THESE WERE KILLED WHILST THEIR ASSAILANTS WERE DOING A LAWFUL ACT, NOR IS THERE ANY EVIDENCE THAT THOSE WHO DID THE KILLING WERE ACTING IN SELF-DEFENSE, OR IN DEFENSE OF THEIR FAMILIES OR PROPERTY. GUILTY—OR NOT GUILTY "IF, THEREFORE, AS I HAVE STATED, YOU FIND FROM THE EVIDENCE THAT THE KILLING WAS DONE WILFULLY, DELIBERATELY AND	WITHOUT ANY INTENT TO HURT, UNFORTUNATELY KILLS ANOTHER. SECOND: WHEN A PARTY,ACTING IN SELF DEFENSE KILLS ANOTHER PERSON.THERE IS NO EVIDENCE THAT THESE WERE KILLED WHILST THEIR AS- [*space*] SAILANTS WERE DOING A LAWFUL ACT, NOR IS THERE ANY EVIDENCE THAT THOSE WHO DID THE KILLING WERE ACTING IN SELF DEFENSE OR IN DEFENSE OF THEIR FAMILIES OR PROPERTY; IF THEREFORE, AS I HAVE STATED, YOU FIND FROM THE EVIDENCE, THAT THE KILLING WAS DONE WILFULLY, DELIBERATELY AND	INADVERTENTLY KILLS ANOTHER AND SECOND WHEN A PARTY ACTING IN SELF DEFENSE KILLS ANOTHER PERSON THERE IS NO EVIDENCE THOSE PRESENT AT LEAST THE ASSAILANTS WERE DOING LAWFUL ACT NOR IS THERE EVIDENCE THOSE WHO DID THE KILLING WERE ACTING OF SELF DEFENSE IN THEIR FAMILIES OR PROPERTY IF THEREFORE AS I HAVE STATED KILLING WAS DONE WILLFULLY		*INADVERTENT/UNFORTUNATE*[?] *ONE*[?] KILLS ANOTHER 2 WHEN A PARTY ACTING IN SELF DEFENSE KILLS ANOTHER PERSON THERE IS NO EVIDENCE THAT THOSE PERSONS WERE *KILLED AS THEY*[?] [*space*] NO EVIDENCE THAT THOSE WHO DID THE KILLING [*space*] HOWEVER IF AS —[?] I HAVE STATED [*space*]

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PREMEDITATED, AND WITH MALICE AFORETHOUGHT, YOU WILL FIND DEFENDANT GUILTY, AND IF YOU FIND FROM THE EVIDENCE THAT IT WAS NOT DONE WILFULLY, DELIBERATELY AND PREMEDITATEDLY AND WITH MALICE AFORETHOUGHT, YOU WILL ACQUIT THE PRISONER. BURDEN OF PROOF "THE BURDEN OF PROOF OF DEFENDANT'S GUILT RESTS UPON THE PROSECUTION, AND IT IS FOR YOU TO SAY WHETHER THEY HAVE MADE OUT A CASE OR NOT. IN REACHING A CONCLUSION AS TO THE PRISONER'S GUILT OR INNOCENCE, IT IS NOT NECESSARY	PREMEDITATEDLY AND WITH MALICE AFORETHOUGHT, YOU WILL FIND DEFENDANT GUILTY, AND IF YOU FIND FROM THE EVIDENCE THAT IT WAS NOT DONE WILFULLY, DELIBERATELY AND PREMEDITATEDLY AND WITH MALICE AFORETHOUGHT YOU WILL ACQUIT THE PRISONER. THE BURDEN OF PROOF OF DEFENDANT'S GUILT RESTS UPON THE PROSECUTION AND IT IS FOR YOU TO SAY WHETHER THEY HAVE MADE OUT A CASE OR NOT. IN REACHING A CONCLUSION AS TO THE PRISONERS GUILT OR INNOCENCE IT IS NOT NECESSARY	AND WITH MALICE AFORETHOUGHT YOU WILL FIND DEFENDANT GUILTY [*space*] IF YOU FIND FROM THE EVIDENCE IT WAS NOT DONE WITH MALICE AFORETHOUGHT YOU WILL ACQUIT THE PRISONER. THE BURDEN OF PROOF OF DEFENDANT'S GUILT RESTS UPON THE PROSECUTION IT IS FOR YOU TO SAY WHETHER THEY HAVE MADE OUT CASE OR NOT IN REACHING A CONCLUSION AS TO PERSON GUILT OR INNOCENCE IT IS NOT NECESSARY		MALICE AFORETHOUGHT YOU WILL FIND THE DEFENDANT GUILTY IF YOU FIND FROM THE EVIDENCE THAT IT WAS NOT WILLFUL PREMEDITATED [*space*] THE BURDEN OF PROOF OF THE DEFENDANT'S GUILT RESTS UPON THE PROSECUTION IT IS FOR YOU TO SAY WHETHER THEY HAVE MADE OUT A CASE OR NOT [*space*] IT IS NOT NECESSARY TO

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THAT IT BE SHOWN THAT ALL OR A GREAT NUMBER OF PERSONS WERE KILLED, BUT IT IS SUFFICIENT, IF FROM THE EVIDENCE YOU FIND THAT ONE HUMAN BEING WAS KILLED, PROVIDED THE KILLING SHALL HAVE BEEN DONE BY COMBINATION.	THAT IT BE SHOWN THAT ALL OR A GREAT NUMBER OF PERSONS WERE KILLED, BUT IT IS SUFFICIENT IF FROM THE EVIDENCE THAT ONE HUMAN BEING WAS KILLED, PROVIDING THE KILLING ~~SHOULD~~ SHALL HAVE BEEN DONE BY COMBINATION,	THAT IT BE SHOWN ALL OR GREAT NUMBER OF PERSON WERE KILLED *IT IS*[?] SUFFICIENT FROM THE EVIDENCE YOU FIND ONE HUMAN BEING WAS KILLED PROVIDING KILLING SHALL BE DONE A COMBINATION OF PARTIES PROVIDED PRISONER WAS A PARTY TO THE COMBINATION		BE SHOWN THAT ALL OR GREAT NUMBER OF PERSONS WERE KILLED [*space*] THAT ONE HUMAN BEING WAS KILLED PROVIDED THE KILLING SHALL HAVE BEEN DONE BY A COMBINATION OF THE PARTIES AND PROVIDED THE PRISONER WAS A PARTY TO COMBINATION
NOR IS IT NECESSARY THAT THE NAME OR THAT THE NAMES OF THOSE KILLED SHOULD BE SHOWN; BUT IF ANY OF THEM WERE KILLED IN THE MANNER AND FORM AS CHARGED, IT IS SUFFICIENT. BEYOND A REASONABLE DOUBT "BEFORE YOU CAN FIND	NOR IS IT NECESSARY THAT THE NAME *[28]* OR THAT THE NAMES OF THOSE KILLED SHOULD BE SHOWN, BUT IF ANY OF THEM WERE KILLED IN THE MANNER AND FORM AS CHARGED IT IS SUFFICIENT. BEFORE YOU CAN FIND	NOR IS IT NECESSARY THE NAME OR NAMES OF THOSE KILLED BE SHOWN [*space*] IT IS SUFFICIENT [*space*] BEFORE YOU CAN FIND		NOR IS IT NECESSARY THAT THEM NAME OR NAMES WERE KILLED BUT IF ANY WERE KILLED [*space*] BEFORE YOU CAN FIND

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THE PRISONER GUILTY, YOU MUST FROM THE EVIDENCE BELIEVE BEYOND A REASONABLE DOUBT THAT THE PRISONER IS GUILTY, AND TAKING THE WHOLE EVIDENCE TOGETHER, IT MUST EXCLUDE EVERY OTHER HYPOTHESIS BUT THE GUILT OF THE PRISONER. A REASONABLE DOUBT IS ONLY SUCH A ONE AS WOULD ARISE IN THE MIND OF REASONABLE MEN, SUCH AS YOU ARE, WHO ARE SELECTED BECAUSE IT IS SUPPOSED AND EXPECTED THAT YOU ARE REASONABLE MEN AND COMPETENT TO TRY SUCH QUESTION. "PROOF BEYOND THE POSSIBILITY OF A	THE PRISONER GUILTY YOU MUST FROM THE EVIDENCE BELIEVE BEYOND A REASONABLE DOUBT THAT THE PRISONER IS GUILTY, AND TAKING THE WHOLE EVIDENCE TOGETHER IT MUST EXCLUDE EVERY OTHER HYPOTHESIS BUT THE GUILT OF THE PRISONER. A REASONABLE DOUBT IS ONLY SUCH AN ONE AS WOULD ARISE IN THE MINDS OF REASONABLE MEN, SUCH AS YOU ARE, WHO ARE SELECTED, BECAUSE IT IS SUPPOSED AND EXPECTED THAT YOU ARE REASONABLE MEN AND COMPETENT TO TRY SUCH AUQESTION. PROOF BEYOND THE POSSIBILITY OF	PRISONER GUILTY YOU MUST FROM EVIDENCE BELIEVE BEYOND REASONABLE DOUBT PRISONER IS GUILTY TAKING ALL EVIDENCE TOGETHER IT MUST EXCLUDE EVERY OTHER HYPOTHESIS A REASONABLE DOUBT IS ONLY AN ONE AS WOULD ARISE IN THE MINDS OF REASONABLE [18] MEN SUCH AS YOU ARE BECAUSE IT IS SUPPOSED YOU ARE SELECTING NUMBER OF REASONABLE MEN COMPETENT TO [*space*] SUCH EXPRESSION NEVER CAN BE —[?]		THE PRISONER GUILTY [*space*] IT MUST EXCLUDE EVERY OTHER HYPOTHESIS TO THE GUILT OF THE PRISONER A REASONABLE DOUBT IS ONLY SUCH A ONE AS WOULD ARISE [*space*] SUCH AS YOU ARE [*space*] WHO ARE SELECTED [*space*] PROOF BEYOND A POSSIBILITY OF

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DOUBT IS NOT REQUIRED, BECAUSE SUCH PROOF NEVER CAN BE MADE. IT IS NOT NECESSARY TO SHOW YOU THAT IT IS NOT POSSIBLE THAT THE PRISONER IS INNOCENT TO SHOW BEYOND THE POSSIBILITY OF A DOUBT THAT HE IS GUILTY. BUT IT IS REQUIRED THAT THE PROSECUTION PRODUCE SUCH EVIDENCE THAT WHEN YOU LOOK IT OVER REASONABLY THEN YOU DO NOT DOUBT THE PRISONER'S GUILT; THAT THE EVIDENCE PRODUCES IN YOUR MINDS AN ABIDING CONVICTION TO A MORAL CERTAINTY OF THE GUILT OF THE DEFENDANT. PROOF BEYOND A	A DOUBT IS NOT REQUIRED, BECAUSE SUCH PROOF NEVER CAN BE MADE. IT IS NOT NECESSARY TO SHOW YOU THAT IT IS NOT POSSIBLE THAT THE PRISONER IS INNOCENT. TO SHOW.BEYOND THE POSSIBILITY OF A DOUBT THAT HE IS GUILTY, BUT IT IS REQUIRED THAT THE PROSECUTION PRODUCE SUCH EVIDENCE THAT WHEN YOU LOOK IT OVER REASONABLY THEN YOU DO NOT DOUBT THE PRISONER'S GUILT. THAT THE EVIDENCE PRODUCES IN YOUR MIND AN ABIDING CONVICTION TO A MORAL CERTAINTY OF THE GUILT OF THE DEFENDANT. PROOF BEYOND A	IT IS NOT NECESSARY TO SHOW TO YOU IT IS NOT POSSIBLE *NOT* *CONVICTED*[?] TO SHOW BEYOND ALL POSSIBILITY OF DOUBT HE IS GUILTY BUT IT IS REQUIRED PROSECUTION PRODUCE SUCH EVIDENCE WHEN YOU LOOK IT OVER AS REASONABLE MEN YOU DO NOT DOUBT PRISONER'S GUILT EVIDENCE PRODUCES IN YOUR MIND ABIDING CONVICTION TO A MORAL CERTAINTY OF GUILT OF DEFENDANT [*space*] PROOF BEYOND		DOUBT IS NOT REQUIRED BECAUSE SUCH PROOF NEVER CAN BE MADE IT IS NOT NECESSARY FOR YOU TO SHOW THAT IT IS [*space*] ~~IT IS~~ BUT IT IS REQUIRED THAT THE PROSECUTION PRODUCE SUCH EVIDENCE THAT WHEN YOU LOOK IT OVER AS REASONABLE MEN [*space*] ABIDING CONVICTION TO A MORAL CERTAINTY OF THE GUILT OF THE DEFENDANT PROOF BEYOND A

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Tribune	RT	RS	BT	PS
REASONABLE DOUBT IS SOMETHING MORE THAN THE PREPONDERANCE OF EVIDENCE. A PREPONDERANCE OF EVIDENCE	REASONABLE DOUBT IS SOMETHING MORE THAN THE PREPONDERANCE OF EVIDENCE. A PREPONDERANCE OF EVIDENCE	REASONABLE DOUBT IS SOMETHING MORE THAN A PREPONDERANCE OF EVIDENCE[414] A PREPONDERANCE OF EVIDENCE A PROBABILITY OF EVIDENCE		REASONABLE DOUBT IS [*space*] PREPONDERANCE OF [*space*]
WILL DO TO SUPPORT A VERDICT IN A CIVIL CASE, BUT NOT IN A CRIMINAL CASE.	WILL DO TO SUPPORT A VERDICT IN A CIVIL CASE BUT NOT IN A CRIMINAL CASE.	DO A TRIAL VERDICT IN CIVIL CASE BUT NOT SO IN CRIMINAL CASE [*space*]		WILL DO IN A CIVIL CASE BUT NOT CRIMINAL CASE [*space*] ~~NOT~~ AND
"YOU MUST BE SATISFIED FROM THE EVIDENCE, BEYOND ANY FAIR REASONABLE DOUBT OF THE DEFENDANT'S GUILT. YOU MUST HAVE AN ABIDING CONVICTION TO A MORAL CERTAINTY OF HIS GUILT, OR YOU SHOULD ACQUIT HIM. BUT ABSOLUTE CERTAINTY OF GUILT IS NOT NECESSARY; MORAL CERTAINTY IS	YOU MUST BE SATISFIED FROM THE EVIDENCE, BEYOND ANY FAIR REASONABLE DOUBT OF THE DEFENDANTS GUILT. YOU MUST HAVE AN ABIDING CONVICTION TO A MORAL; CERTAINTY OF HIS GUILT OR YOU SHOULD ACQUIT HIM, BUT ABSOLUTE CERTAINTY OF GUILT IS NOT NECESSARY, MORAL CERTAINTY IS	YOU MUST BE SATISFIED BEYOND ANY FAIR REASONABLE DOUBT OF THE DEFENDANT'S GUILT YOU MUST HAVE *FROM*[?] WITNESSES OR YOU WILL ACQUIT ABSOLUTE *CERTAINTY*[?] *OF KILLING*[?] MORAL CERTAINTY IS		YOU MUST HAVE AN ABIDING CONVICTION TO A MORAL CERTAINTY MORAL CERTAINTY IS

414. Written over illegible shorthand.

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Tribune	RT	RS	BT	PS
SUFFICIENT. *[165]* CREDIBILITY OF WITNESSES	SUFFICIENT.	SUFFICIENT		SUFFICIENT [*space*]
"JURORS ARE, AS I HAVE BEFORE STATED, SOLE JUDGES OF THE CREDIBILITY OF THE WITNESSES, AND IT IS FOR YOU TO SAY UPON YOUR OATHS WHAT DEGREE OF CREDIT IS DUE THE TESTIMONY OF EACH WITNESS; AND IT IS FOR YOU TO SAY UPON YOUR OATHS	JURORS ARE, AS I HAVE BEFORE STATED, SOLE JUDGES OF THE CREDIBILITY OF THE WITNESSES, AND IT IS FOR YOU TO SAY UPON YOUR OATHS WHAT DEGREE OF ~~GUILT~~ ≤**CREDIT**≥ IS DUE THE TESTIMONY *[29]* OF EACH WITNESS, AND IT IS FOR YOU TO SAY UPON YOUR OATHS	THE JURORS ARE AS I HAVE BEFORE STATED SOLE JUDGES OF THE CREDIBILITY OF WITNESSES IT IS FOR YOU TO SAY [*space*] WHAT DEGREE OF CREDIT IS DUE TESTIMONY OF EACH WITNESS IT IS FOR YOU TO SAY		JURORS ARE SOLE JUDGES UPON ~~GUILT~~ CREDIBILITY OF THE WITNESSES IT IS FOR YOU TO SAY
WHETHER YOU DEEM THE TESTIMONY OF ANY WITNESS UNWORTHY OF BELIEF. IN ORDER THE MORE SPECIALLY TO GIVE THE LAW TO YOU, I WILL READ THE INSTRUCTIONS GIVEN.	WHETHER YOU DEEM THE TESTIMONY OF ANY WITNESS UNWORTHY OF BELIEF. IN ORDER THE MORE SPECIFICALLY TO GIVE THE LAW TO YOU I WILL READ THE INSTRUCTIONS GIVEN.	WHETHER YOU DEEM THE TESTIMONY OF ANY WITNESS UNWORTHY OF BELIEF *AND*[?] IN ORDER MORE SPECIFICALLY I WILL READ INSTRUCTIONS GIVEN.		WHETHER YOU DEEM THE TESTIMONY OF ANY WITNESS UNWORTHY OF BELIEF IN ORDER TO MORE I WILL READ THE *[[12]]* INSTRUCTIONS GIVING [*space*]
SUMMARY OF INSTRUCTIOSN ON CREDIBILITY OF WITNESSES "FIRST, SUCH	FIRST: SUCH	**1ST**		FIRST THE

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Tribune	RT	RS	BT	PS
INSTRUCTIONS AS ARE ASKED BY THE PROSECUTION AS I HAVE ALLOWED. 1ST. TO AUTHORIZE THE JURY TO FIND THE PRISONER GUILTY, HIS GUILT MUST BE PROVED BEYOND A REASONABLE DOUBT AND BY PROOF WHICH CONVINCES AND DIRECTS THE UNDERSTANDIN G AND SATISFIES THE REASON AND JUDGMENT OF THOSE WHO ARE BOUND TO ACT CONSCIENTIOUS LY UPON IT. IT IS PROOF BEYOND A REASONABLE DOUBT, IF IT LEAVES IN THE MIND AN ABIDING CONNECTION TO A MORAL CERTAINTY OF THE TRUTH OF THE CHARGE. "THE OTHER	INSTRUCTIONS AS ARE ASKED BY THE PROSECUTION AS I HAVE ALLOWED. 1ST. TO AUTHORIZE THE JURY TO FIND THE PRISONER GUILTY HIS GUILT MUST BE PROVED BEYOND A REASONABLE DOUBT, AND BY PROOF WHICH CONVINCES AND DIRECTS THE UNDERSTANDIN G AND SATISFIES THE REASON AND JUDGMENT OF THOSE WHO ARE BOUND TO ACT CONSCIENTIOUS LY UPON IT, IS PROOF BEYOND A REASONABLE DOUBT. IF IT LEAVES IN THE MIND AN ABIDING CONVICTION TO A MORAL CERTAINTY OF THE TRUTH OF THE CHARGE. THE OTHER	INSTRUCTIONS ASKED BY PROSECUTION AS I HAVE ALLOWED THEM		FOR THE PROSECUTION AS I HAVE ALLOWED THEM. [*space*] TO AUTHORIZE THE JURY TO FIND THE PRISONER GUILTY HIS GUILT MUST BE PROVED BEYOND A REASONABLE DOUBT [*space*] SATISFIES REASON AND JUDGMENT OF THOSE WHO ARE BOUND TO ACT CONSCIENTIOUS LY UPON IT IS PROOF BEYOND A REASONABLE DOUBT [*space*] IF IT LEAVES IN THE MIND AN ABIDING CONVICTION TO A [*space*]

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Tribune	RT	RS	BT	PS
INSTRUCTIONS WE CONDENSE AS FOLLOWS: "2ND. THAT A MERE POSSIBLE DOUBT IS NOT A REASONABLE DOUBT. "3D. THAT IT IS NOT NECESSARY TO PROVE LEE ACTUALLY KILLED ANY ONE OF THE EMIGRANTS WITH HIS OWN HANDS; BUT IS HE WAS PRESENT AND AIDED AND ABETTED THE KILLING, IT IS SUFFICIENT. "4TH. THE JURY MUST UTTERLY DISREGARD THE RULED OUT TESTIMONY. "5TH. IT IS NOT NECESSARY TO PROVE THAT A PERSON NAME JOHN SMITH WAS KILLED AT THE MASSACRE IN ORDER TO CONNECT LEE, IF THE JURY BELIEVES THERE WAS ONE OR MORE OF THE EMIGRANTS KILLED BY LEE,	INSTRUCTIONS WE CONDENSE AS FOLLOWS: SECOND: THAT A MERE POSSIBLE DOUBT IS NOT A REASONABLE DOUBT. THIRD: THAT IT IS NOT NECESSARY TO PROVE LEE ACTUALLY KILLED ANY ONE OF THE EMIGRANTS WITH HIS OWN HANDS,BUT IF HE WAS PRESENT AND AIDED AND ABETTED THE KILLING IT IS SUFFICIENT. FOURTH: THE JURY MUST UTTERLY DISREGARD THE RULED OUT TESTIMONY. FIFTH: IT IS NOT NECESSARY TO PROVE THAT A PERSON NAMED JOHN SMITH WAS KILLED AT THE MASSACRE IN ORDER TO CONNECT LEE, IF THE JURY BELIEVES THERE WAS ONE OR MORE OF THE EMIGRANTS KILLED BY LEE,			MERE POSSIBLE DOUBT IS NOT A REASONABLE DOUBT. [*space*]

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OR THAT HE AIDED AND ABETTED IN THE KILLING OF EMIGRANTS WHOSE NAMES ARE UNKNOWN. "6TH. ONE MAY BE PRINCIPAL IN A MURDER WITHOUT DOING THE DEED WITH HIS OWN HAND. IT IS ENOUGH IF HE AIDED AND ABETTED THE ACT. SO IF THE JURY BELIEVES BEYOND A REASONABLE DOUBT THAT EITHER LEE OR ANY OF THE DEFENDANTS ACTED JOINTLY AND WITH MALICE AFORETHOUGHT, THEN THE JURY MUST FIND A VERDICT OF MURDER IN THE FIRST DEGREE. "THE BURDEN OF PROVING THAT THE KILLING WAS WILFULL, RESTS UPON THE PROSECUTION, WHICH IT MUST SHOW BEYOND	OR THAT HE AIDED AND ABETTED IN THE KILLING OF EMIGRANTS WHOSE NAMES ARE UNKNOWN. SIXTH: ONE MAY BE PRINCIPAL IN A MURDER WITHOUT DOING THE DEED WITH HIS OWN HAND. IT IS ENOUGH IF HE AIDED AND ABETTED THE ACT. SO IF THE JURY BELIEVES BEYOND A REASONABLE DOUBT THAT EITHER LEE OR ANY OF THE DEFENDANTS ACTED JOINTLY AND WITH MALICE AFORETHOUGHT, THEN THE JURY *[30]* MUST FIND A VERDICT OF MURDER IN THE FIRST DEGREE. THE BURDEN OF PROVING THAT THE KILLING WAS WILFULL RESTS UPON THE PROSECUTION, WHICH IT MUST SHOW BEYOND			

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A REASONABLE DOUBT. IN DETERMINING THESE FACTS THE JURY SHOULD LOOK TO THE FACT OF THE KILLING IN CONNECTION WITH THE ATTENDING FACTS, AS SHOWN BY THE EVIDENCE. INSTRUCTIONS FOR THE DEFENSE "INSTRUCTIONS FOR THE DEFENSE WERE GIVEN, WHICH WE CONDENSE AS FOLLOWS: "FIRST, THERE MUST BE A UNION OF, OR JOINT OPERATION OF, ACT AND INTENTION, OR CRIMINAL NEGLIGENCE.	A REASONABLE DOUBT. IN DETERMINING THESE FACTS THE JURY SHOULD LOOK TO THE FACT OF THE KILLING IN CONNECTION WITH THE ATTENDING FACTS AS SHOWN BY THE EVIDENCE. INSTRUCTIONS FOR THE DEFENSE WERE GIVEN WHICH WE CONDENSED~~D~~ AS FOLLOWS. FIRST: THERE MUST BE A UNION OR JOINT OPERATION OF ACT AND INTENTION OR CRIMINAL NEGLIGENCE.	**310 PM** CONCLUDED ≤71 **LINES**≥ {**DEFENSE INSTRUCTIONS TO JURY**}[P] I WILL NOW GIVE THOSE FOR THE DEFENSE. COURT INSTRUCT JURY AS FOLLOWS IN EVERY CRIME OR PUBLIC OFFENSE THERE MUST UNION OF = ≤**OR** JOINT≥ OPERATION FOR CRIMINAL *NEGLIGENCE*[?] MOST OF THESE ARE GIVEN BY CONSENT IN ORDER TO JUSTIFY INFERENCE OF LEGAL GUILT FROM CIRCUMSTANTI AL EVIDENCE		

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“SECOND, THE PRESUMPTIONS OF INNOCENCE PREVAILS, AND IS TO BE DESTROYED ONLY BY SUCH AN AMOUNT OF EVIDENCE OF GUILT AS IS CALCULATED TO PRODUCE THE OPPOSITE BELIEF. “THIRD, THE CIRCUMSTANCES	SECOND: THE PRESUMPTIONS OF INNOCENCE PREVAILS AND IS TO BE DESTROYED ONLY BY SUCH AN AMOUNT OF EVIDENCE OF GUILT AS IS CALCULATED TO PRODUCE THE OPPOSITE BELIEF. THIRD: THE CIRCUMSTANCES	THAT IS OBJECTED TO [*space*] IN THE INVESTIGATION S OR ESTIMATE OF THE CRIMINATORY THERE IS ANTECEDENT PRIMA FACIE PRESUMPTION IN FAVOR OF INNOCENCE OF THE PARTY ACCUSED GROUNDED IN REASON AND JUSTICE NOT NOT LESS IN HUMANITY UNTIL IT BE DESTROYED BY SUCH *WEALTH*[?] AMOUNT OF LEGAL EVIDENCE AS IS CALCULATED TO PRODUCE OPPOSITE BELIEF. [*space*] IT IS NOT SUFFICIENT THAT CIRCUMSTANCE S PROVED COINCIDE WITH THEREFORE RENDER PROBABLE HYPOTHESIS SOUGHT TO BE ESTABLISHED [*space*] THEY		

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MUST EXCLUDE TO A MORE CERTAINTY, EVERY HYPOTHESIS BUT THAT OF GUILT. "FOURTH, DEFINING AT LENGTH WHAT IS A REASONABLE DOUBT.	MUST EXCLUDE, TO A MORAL CERTAINTY EVERY HYPOTHESIS BUT THAT OF GUILT. FOURTH: DEFINING AT LENGTH WHAT IS A REASONABLE DOUBT.	MUST *EXCLUDE*[?] MORAL CERTAINTY OR JURY MUST FIND DEFENDANT NOT GUILTY. ACCUSED IS ENTITLED TO BENEFIT OF ALL REASONABLE DOUBT WHICH AFTER CAREFUL CONSIDERATIO N MAY BE FOUND IN YOUR MINDS UNDER INDICTMENT IS ALSO WHETHER HE IS GUILTY OF ANY OF THEM BEFORE		
"FIFTH, THE ESTABLISHMENT OF A *PRIMA FACIE* CASE MERELY, DOES NOT TAKE AWAY THE PRESUMPTION OF INNOCENCE.	FIFTH: THE ESTABLISHMENT OF A PRIMA FACIE CASE MERELY, DOES NOT TAKE AWAY THE PRESUMPTION OF INNOCENCE.	PRESUMPTION OF GUILT IT MUST AMOUNT TO ALMOST CERTAIN OR ALMOST MORAL CERTAINTY YOU MUST UNDERSTAND HOWEVER SINCE IT SHOULD BE OVERLOOKED		

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Tribune	RT	RS	BT	PS
“SIXTH, THE CHARGE OF COMBINATION OF DEFENDANT WITH OTHER PERSONS TO COMMIT THE CRIME IS A QUESTION OF FACT TO BE FOUND BY THE JURY. IF THE JURY BELIEVE THERE WAS NO SUCH COMBINATION, AND THAT DEFENDANT TOOK NO PART AND DID NOT KILL ANY PERSON AS CHARGED, THE JURY MUST ACQUIT. “*[166]* SEVENTH, THE PROOF MUST SHOW DEFENDANT GUILTY OF THE PARTICULAR CRIME CHARGED. “EIGHTH, DEFENDANT IS NOT RESPONSIBLE FOR THE ACTS	SIXTH: THE CHARGE OF COMBINATION OF DEFENDANT WITH OTHER PERSONS TO COMMIT THE CRIME IS A QUESTION OF FACT TO BE FOUND BY THE JURY. IF THE JURY BELIEVE THERE WAS NO SUCH COMBINATION AND THAT THE DEFENDANT TOOK NO PART AND DID NOT KILL ANY PERSON AS CHARGED THE JURY MUST ACQUIT. SEVENTH: THE PROOF MUST SHOW DEFENDANT GUILTY OF THE PARTICULAR CRIME CHARGED. EIGHTH: DEFENDANT IS NOT RESPONSIBLE FOR THE ACTS	EVERYTHING IS OPEN TO SOME POSSIBLE OR IMAGINARY DOUBT THAT THE		

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OF OTHER PERSONS, DONE WITHOUT HIS CONSENT. “NINTH, DEFENDANT IS NOT TO BE AFFECTED BY THE DECLARATIONS OF OTHERS, MADE IN HIS ABSENCE, UNLESS THE JURY BELIEVE THERE WAS AN AGREEMENT OR CONFEDERATION , AND THAT THE DECLARATIONS WERE MADE TO FURTHER THE SAME. “TENTH, LEE CANNOT BE CONVICTED IF THE JURY FINDS HE DID NOT KILL ONE OR MORE EMIGRANTS, OR DID NOT ABET THEIR KILLING, UNLESS THEY BELIEVE HE COMMITTED ACTS TO MAKE HIM AN ACCESSORY. “ELEVENTH, TO CONVICT, IT MUST BE SHOWN THAT LEE BY ACTS OR	OF OTHER PERSONS DONE WITHOUT HIS CONSENT. NINTH: DEFENDANT IS NOT TO BE AFFECTED BY THE DECLARATIONS OF OTHERS MADE IN HIS ABSENCE, UNLESS THE JURY BELIEVE THERE WAS AN AGREEMENT OR CONFEDERATION AND THAT THE DECLARATIONS WERE MADE TO FURTHER THE SAME. TENTH: LEE CANNOT BE CONVICTED IF THE JURY FINDS HE DID NOT KILL ONE OR MORE EMIGRANTS OR DID NOT ABET THEIR KILLING, UNLESS THEY *[31]* BELIEVE HE COMMITTED ACTS TO MAKE HIM AN ACCESSORY. ELEVENTH: TO CONVICT IT MUST BE SHOWN THAT; LEE BY ACTS OR			

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Tribune	RT	RS	BT	PS
WORDS, AT OR BEFORE THE KILLING, CONSENTED TO OR ADVISED THE KILLING. "TWELFTH, IS WAS NOT UNLAWFUL FOR DEFENDANT TO GO TO THE MEADOW WHILE THE EMIGRANTS WERE CAMPED THERE, AND FURTHER, IF THEY WENT THERE TO PERSUADE THE INDIANS TO DESIST, OR TO BURY THE DEAD, AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT, BUT LAUDABLE AND HUMANE. "THIRTEENTH, IF THE PERSONS OF INFLUENCE CAUSED THE MEN TO GO TO THE MOUNTAIN MEADOW OSTENSIBLE FOR A GOOD PURPOSE, AND NOT FOR A BAD PURPOSE, THE ACT OF GOING THERE AND	WORDS AT OR BEFORE THE KILLING CONSENTED TO OR ADVISED THE KILLING. TWELFTH: IT WAS NOT UNLAWFUL FOR DEFENDANT TO GO TO THE MEADOW WHILE THE EMIGRANTS WERE CAMPED THERE, AND FURTHER IF THEY WENT THERE TO PERSUADE THE INDIANS TO DESIST OR BURY THE DEAD AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT BUT LAUDABLE AND HUMANE. THIRTEENTH: IF THE PERSONS OF INFLUENCE CAUSED THE MEN TO GO TO THE MOUNTAIN MEADOWS OSTENSIBLY FOR A GOOD PURPOSE AND NOT FOR A BAD PURPOSE THE ACT OF GOING THERE AND			

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BEING PRESENT AND NOT TAKING ANY PART NOR ABETTING, IS NOT EVIDENCE AGAINST DEFENDANTS OF ANY OTHER INTENTION THAN TO ACCOMPLISH SUCH GOOD PURPOSE, UNLESS THEY HAD NOTICE OF THE REAL OBJECT. IN THE ABSENCE OF SUCH PROOF OF NOTICE, THE LAW PRESUMES NO GUILTY OR INTENTION. DISREGARD ALL OUTSIDE INFLUENCE	BEING PRESENT AND NOT TAKING ANY PART NOR ABETTING IS NOT EVIDENCE AGAINST DEFENDANT OF ANY OTHER INTENTION THAN TO ACCOMPLISH SUCH OSTENSIBLE PURPOSE, UNLESS THEY HAD NOTICE OF THE REAL OBJECT. IN THE ABSENCE OF SUCH PROOF OF NOTICE THE LAW PRESUMES NO GUILTY KNOWLEDGE OR INTENTION.			
“ATTORNEYS FOR PEOPLE AND ALSO FOR DEFENSE WILL NOW ADDRESS YOU, AS IS THEIR RIGHT, AIDING YOU TO REACH A CORRECT CONCLUSION IN THE CASE. NOW, GENTLEMEN, THE DUTIES	THE ATTORNEYS FOR THE PEOPLE AND ALSO FOR THE DEFENSE WILL NOW ADDRESS YOU, AS IS THEIR RIGHT, AIDING YOU TO REACH A CORRECT CONCLUSION IN THE CASE. NOW GENTLEMEN, THE DUTIES	[19] ATTORNEYS FOR PEOPLE AND ALSO FOR DEFENSE WILL NOW ADDRESS YOU, AS IS THEIR RIGHT TO DO TO AID YOU IN REACHING CORRECT CONCLUSIONS IN THIS CASE. NOW GENTLEMEN DUTIES		THE ATTORNEYS FOR THE PEOPLE AND ALSO FOR THE DEFENSE WILL ADDRESS YOU AS IS [*space*] NOW THE DUTIES

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WHICH DEVOLVE UPON YOU ARE VERY RESPONSIBLE; BUT YOU SHOULD ACT THE PART OF INDEPENDENT JURORS, DISREGARDING ANY AND ALL OUTSIDE INFLUENCE, LOOKING TO THE EVIDENCE ADDUCED, THE LAW AS GIVEN BY THE COURT, AND	WHICH DEVOLVE UPON YOU ARE VERY RESPONSIBLE, BUT YOU SHOULD ACT THE PART OF INDEPENDENT JURORS, DISREGARDING ANY AND ALL OUTSIDE INFLUENCE, LOOKING TO THE EVIDENCE ADDUCED AND THE LAW AS GIVEN BY THE COURT, AND	WHICH DEVOLVE UPON YOU ARE RESPONSIBLE AND YOU SHOULD ACT THE PART OF INDEPENDENT JURORS DISREGARD ANY AND ALL OUTSIDE INFLUENCE, LOOKING UPON THE EVIDENCE ADDUCED LAW AS GIVEN BY COURT AND		WHICH DEVOLVE UPON YOU ARE RESPONSIBLE, AND YOU SHOULD ACT THE PART OF INDEPENDENT JURORS DISREGARDING ALL OUTSIDE INFLUENCE LOOKING EVIDENCE ADDUCED LAW AS GIVEN BY THE COURT EVIDENCE TESTIMONY
YOUR OWN OATHS AS YOUR GUIDES.	YOUR OWN OATHS AS YOUR GUIDES.	*WITH*[?] YOUR OATH AS YOUR GUIDE		
"BE CAREFUL TO DO RIGHT.	BECAREFUL TO DO RIGHT.	BE CAREFUL TO DO RIGHT		AND
YOUR DUTY IS NOT ONLY TO THE PRISONER AT BAR, BUT ALSO TO THE PEOPLE AND YOUR OWN CONSCIENCE.	YOUR DUTY IS NOT ONLY TO THE PRISONER AT THE BAR BUT ALSO TO THE PEOPLE AND YOUR OWN CONSCIENCE.	YOUR DUTY IS NOT ONLY *TO/BUT*[?] FAR AND NEAR		YOUR DUTIES IS TO THE PEOPLE
YOUR ACTION WILL BE LOOKED TO WITH GREAT INTEREST FAR AND NEAR, AND IT BEHOOVES YOU TO ACT CANDIDLY,	YOUR ACTION WILL BE LOOKED TO WITH GREAT INTEREST, FAR AND NEAR, AND IT BE- [32] HOOVES YOU TO ACT CANDIDLY,	YOUR ACTION WILL BE LOOKED THAT BEHOOVES TO ACT		YOUR ACTION WILL BE LOOKED TO WITH GREAT INTEREST IT BEHOOVES TO [*space*]

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Tribune	RT	RS	BT	PS
CAREFULLY AND CONSCIENTIOUSLY.	CAREFULLY AND CONSCIENTIOUSLY.	CAREFULLY AND CONSCIENTIOUSLY. I WILL STATE HERE I ALWAYS CONSIDER ALL GIVING OF ALL INSTRUCTIONS HERE *EXCEPT REFUSES*[?] ALL ARE *EXCEPTED/ACCEPTED*[?] AND EVERYTHING OF THAT KIND AND EVERYTHING IN CHARGE {AS EXPECTED TO}[i] BY BISHOP HAVE MOTION YES SIR *A NEW THING*[?] 322 **PM** = BY HOGE WHAT IS THE COURSE THAT THIS ARGUMENT WILL TAKE BY COURT I SUPPOSED PERHAPS THE ATTORNEYS ON BOTH SIDES HAD AGREED **<HOGE>** WE CLAIM		I WILL STATE HERE THAT GIVING OF ALL INSTRUCTIONS WHICH *HERE/ARE*[?] ACCEPT EXPECT AND REFUSING TO ~~INSTRUCTION~~ *ACCEPT*[?] AND GIVE WHAT THE JURY IS EXPECTED TO [*space*] . [*space*] BISHOP HAVE MOTION FOR THE COURT YES SIR [*space*] HOGE WHAT IS THE COURSE THIS ARGUMENT WILL TAKE [*space*] {**COURT**}[i415] I SUPPOSED ATTORNEYS ON BOTH SIDES HAD AGREED TO HOGE WE CLAIM THE

HOGE: WHAT IS THE COURSE THAT THIS ARGUEMENT WILL TAKE? THE COUR~~%~~**T**: I SUPPOSE ~~THE~~ PERHAP~~C~~S THE ATTORNE~~S~~YS ON BOTH SIDES HAD AGREED TO THAT. H~~GO~~OGE: WE CLAI~~N~~M THE

415. In Rogerson's hand.

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		{TO}[i] CLOSE THIS ARGUING {=}[i] WE CLAIM RIGHT TO CLOSE THIS ARGUING. BY CAREY WE DO NOT CONCEDE IT. BY COURT. STATE YOUR GROUND ON STATUTORY GROUNDS YOUR HONOR AS STATUTE SAYS, I WILL CALL YOUR HONOR'S ATTENTION ON INSTRUCTION ON WHICH I RELY CALL YOUR HONOR'S ATTENTION LATTER PART SECTION 8 CRIMINAL PROCEDURE ACT; WHICH READS AS FOLLOWS I WILL READ ENTIRE SECTION; IF THIS STATUTE MEANS ANYTHING IT GIVES RIGHT TO CLOSE TO GIVE IT ANY	RIGHT **TO** CLOSE THIS ARGUEMENT. CAREY: WE DON'T CONCEDE IT. THE COURT: STATE YOUR G~~T~~ROUNDS. HOGE: ON ~~THE~~ STATUTORY GROUNDS. YOUR HONOR ~~A~~HAS THE STATUTE THE~~R~~E I WILL CALL YOUR HONORS ATTENTION TO THE INSTRUCTIONS **ON** WHICH I RELY. CALL YOUR HONORS ATTE~~C~~NTION TO THE LATTER PART OF SECTION 8 , ON CRIMINAL PROCEDURE, ACT ONE. WHICH READS AS FOLLOWS. (READS)	RIGHT TO CLOSE THIS ARGUMENT COURT STATE YOUR GROUND YOUR STATUTORY GROUNDS IF YOUR HONOR HAS THE STATUTES I REFER TO THE SECTION UPON WHICH I RELY CALL YOUR HONOR'S ATTENTION TO LATTER PART OF SECTION 8 OF THE CRIMINAL PROCEDURE ACT WHICH READS AS FOLLOWS. [*space*]

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		MEANING AT ALL I BELIEVE IN —[?] STATEMENT IT IS NECESSARY WHERE THE MEANING IS AMBIGUOUS ETC. OF CONSIDERATIO N YOU MUST GIVE IT SOME MEANING WHICH IS POSSIBLE TO BE GIVEN TO IT. I THINK IT FALLS WITHIN RULE 43 CALIFORNIA CELEBRATED CASE OF LAURA D FAIR BY COURT THAT WAS UNDER A STATUTE IN CALIFORNIA HOGE DIFFERENCE BETWEEN THAT SECTION AND OURS IS THIS SECTION 364 *JURY*[?] MUST ARGUE CASE ALTERNATELY. LANGUAGE OF THAT STATUTE MEANS SOMETHING	ARGUES BY COUNSEL ON BOTH SIDES.	43 CALIFORNIA LAURA DE FAIR COURT THAT WAS UNDER *A/THE*[?] STATUTE HOGE THAT EQUAL[?] WITH THIS UNDER STATUTE [*space*] ≤CALIFORNIA STATUTE≥ SECTION 364

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Tribune	RT	RS	BT	PS
		[*space*] BY COURT I DO NOT THINK THAT AUTHORIZES A CHANGE OF {THE}[i] RULE, THAT ONLY AUTHORIZES INTRODUCTION OF EVIDENCE ON BOTH SIDES; ~~EITHER~~ {NEITHER}[i] PARTY SHALL BE DENIED {THE}[i] PRIVILEGE OF INTRODUCING TESTIMONY"; I DO NOT THINK IT REFERS TO OPENING CLOSING SPEECHES {IT SAYS NOTHING ABOUT THE OPENING AND CLOSING SPEECHES THE COMMON LAW RULE WILL BE ADOPTED, PROSECUTION OPEN AND CLOSE.}[i] BY HOGE IT SAYS SO BY COURT	COURT: I DON'T THINK THAT AUTHORI~~A~~CES THE CHAN~~D~~**G**E OF THE RULING. THAT ONLY AUTHORI~~X~~ZES THE INTRODUCTION OF THE TESTIMONY ON BOTH SID~~E~~S NEITHER PARTY SHALL BE DENIED THE PRIVILEGE OF INTRODUCING TESTIMO~~N~~Y I DON'T THINK IT REFER S TO ~~I~~OPENING AND CLOSING SPEECHES . IT SAYS NOTHING ABOUT THE OPENING AND CLOSING OF SPEECHES. THE COMMON ~~RULE~~ LAW **RULE** WILL BE ADOPTED AND THE PROSECUTION WILL OPEN AND CLOSE.	COURT I DO NOT THINK THAT THAT AUTHORIZES A CHANGE OF THE RULE I DO NOT THINK IT SAYS ANYTHING IN REGARD TO THE RULE NO PARTY SHALL BE DENIED THE PRIVILEGE OF INTRODUCING TESTIMONY *BUT/OR*[?] I DON'T THINK IT [*space*] LAW PART OF SECTION 8 *[[13]]* [*space*] SAYS NOTHING ABOUT THE OPENING AND CLOSING SPEECHES. [*space*] COMMON LAW RULE WILL BE ADOPTED PROSECUTION OPEN AND CLOSES.

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Tribune	RT	RS	BT	PS
"AT THE CLOSE OF THE JUDGE'S CHARGE, DISTRICT ATTORNEY CAREY OPENED THE ARGUMENT, BRIEFLY REVIEWING THE TESTIMONY. SUTHERLAND FOLLOWED WITH A DIFFUSE SPEECH, MAINLY DEVOTED TO BREAKING DOWN THE TESTIMONY OF KLINGENSMITH. "COURT ADJOURNED AT 5 P.M., LEAVING SUTHERLAND'S ARGUMENT UNFINISHED. SYNOPSIS OF SPEECHES TO-MORROW."		PLEASE LET ME SEE IT. BY COURT LET ME SEE IT. BY COURT I DO NOT THINK THAT IS ANY EXCEPTION [*space*] BY COURT COMMON LAW RULE WILL BE ADOPTED DEFENSE EXPECTED. [*space*]	**EXCEPTION TO RULING**	DEFENSE EXCEPTIONS. [*space*]

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John D. Lee, First Trial

William Carey Closing Argument

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RT	RS	BT	PS
[1][416] 1. FIRST LEE TRIAL. -----000------ CAREY'S CLOSING ARGUMENT FOR THE PROSECUTION, TO THE JURY. -:-:-:-:- TUESDAY, AUGUST THE THIRD, A.D. 1875. 3 P.M. GENTLEMEN OF THE JURY. THE COURT HAD ALLUDED IN ITS INSTRUCTIONS TO YOU - TO THE GREAT RESPONSIBILITY THAT RESTS UPON YOU IN THIS CASE, AND ALSO TO THE VAST INTEREST THAT THE PEOPLE OF THE WHOLE COUNTRY ARE TAKING IN YOUR DECISION. I HAVE NO DOUBT THAT BEFORE THIS THAT YOU HAVE REALISED THE ONEROUS DUTIES	*[Bk 10 20]*[217] **PAGE 20 330 PM CAREY BEGAN {FOR PROS.}**[p] GENTLEMEN OF THE JURY THE COURT HAS ALLUDED IN ITS INSTRUCTIONS TO {THE}[i] GREAT RESPONSIBILITY THAT RESTS UPON YOU IN THIS CASE ALSO TO THE VAST INTEREST THAT THE PEOPLE OF THE WHOLE COUNTRY ARE TAKING IN YOUR DECISION I HAVE NO DOUBT YOU HAVE REALIZED ONEROUS DUTIES	*[Bk 6 1]* CAREYS ADDRESS TO THE JURY IN THE FIRST LEE TRIAL.[418] TUESDAY, A~~G~~UGUST 3D I8~~5~~75.3:30 P.M. MAY IT PLEASE THE COURT, GENTLEMEN OF THE JU~~T~~RY: THE COURT HAS ALLUDED IN ITS INSTRUCTIONS TO THE GREAT RESPONSIBILITY THAT RESTS UPON YOU IN THIS CASE, AND ALSO TO THE VAST INTEREST THAT THE PEOPLE OF THE WHOLE COUNTRY ARE TAKING ~~Y~~OF YOUR DECISION. I HAVE NO DOUBT ~~T~~Y~~L~~OU HAVE REALIZED THE ONEROUS DUTIES	*[[Bk 11 13 cont.]]* {**CAREY**}[i419] CAREY [*space*] PLEASE THE COURT GENTLEMEN OF THE JURY [*space*] THE COURT HAS ALLUDED IN ITS INSTRUCTIONS TO THE GREAT RESPONSIBILITY THAT RESTS UPON YOU IN THIS CASE AND ALSO TO THE VAST INTEREST THAT THE PEOPLE OF THE WHOLE COUNTRY ARE TAKING IN YOUR DECISION I HAVE NO DOUBT BUT YOU HAVE REALIZED THE ONEROUS DUTIES

416. This is a single carbon page that was found in the Rogerson Shorthand.

417. Page 20 is the only written page number in the shorthand of Carey's closing argument.

418. "FIRST" dates the Boreman Transcription after Lee's Second Trial.

419. This is in Rogerson's hand.

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RT	RS	BT	PS
IMPOSED ON YOU IN THIS TRIAL. THERE ARE PROBABLY TO-DAY NO TWELVE MEN IN THE UNITED STATES THAT ARE BEING LOOKED UPON WITH THAT INTEREST THAT YOUR DECISION IS IN THIS CASE, AND I TRUST THAT YOU WILL DO YOUR DUTY AS BECOMES THE RESPONSIBILITY UNDER WHICH YOU ARE PLACED. THE EVIDENCE SHOWS TO YOU THAT ABOUT EIGHTEEN YEARS AGO, A HUNDRED AND MORE OF MEN WOMEN AND CHILDREN. WERE MURDERED IN COLD BLOOD AT THE MOUNTAIN	IMPOSED ON YOU IN THIS TRIAL, {&}[i] THERE ARE PROBABLY TODAY NO TWELVE MEN IN THE UNITED STATES THAT ARE LOOKED UPON ~ THEIR ACTS ARE LOOKED UPON, WITH THAT INTEREST {THAT}[i] YOUR DECISION IS IN THIS CASE; AND I TRUST THAT YOU WILL DO YOUR DUTY AS BECOMES THE RESPONSIBILITY UNDER WHICH YOU ARE PLACED. THE EVIDENCE SHOWS TO YOU THAT ABOUT 18 YEARS AGO A 100 AND MORE OF MEN WOMEN CHILDREN WERE MURDERED IN COLD BLOOD AT MOUNTAIN	IMPOSED ON YOU IN THIS TRIAL. THERE A~~T~~RE PROBABLY TO DAY NO TWELVE MEN IN THE UNITED STATES OF AMERICA THAT ARE LOOKED UPON —THEIR ACTS ARE LOOKED UPON WITH THAT INTEREST THAT YOUR DECISION IS IN THIS CA~~W~~SE; AND I TRUST THAT YOU WILL DO YOUR DUTY AS BECOMES THE RESPONSIBILITY UNDER WHICH YOU ARE PLACED. THE EVIDENCE SHOWS YOU THAT ABOUT I8 YEARS AGO, ONE HUNDRED AND MORE OF MEN, WOMEN AND CHILDREN WERE MURDERED IN COLD ~~P~~**B**LOOD AT THE MOUNTAIN	IMPOSED ON YOU IN THIS TRIAL;[420] AND THERE ARE PROBABLY NO TWELVE MEN THE UNITED STATES THAT ARE LOOKED THAT THEIR ACTS ARE LOOKED UPON THAT YOUR DECISION IN THIS CASE; AND I TRUST THAT YOU WILL DO YOUR DUTY AS BECOMES THE RESPONSIBILITY IN WHICH YOU ARE PLACED THE EVIDENCE SHOWS TO YOU THAT ABOUT 18 YEARS AGO A HUNDRED AND MORE MEN WOMEN AND CHILDREN WERE MURDERED IN COLD BLOOD AT MOUNTAIN

420. Most punctuation was added later by Rogerson in ink.

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RT	RS	BT	PS
MEADOWS, IN WASHINGTON COUNTY IN THIS TERRITORY. THERE WERE WOMEN OF ALL AGES , BUT NEITHER AGE NOR SEX, NEITHER MANLY COURAGE NOR MANLY FORTITUDE - NEITHER THE LOVELINESS OF THE MODEST, NOR THE INNOCENCE OF THE CHILDRENCOULD STAY THE TERRIBLE SLAUGHTER, THAT WAS CARRIED ON ON THAT FEARFUL DAY IN SEPTEMBER, 1857. FOR EIGHTEEN YEARS JUSTICE HAS SEEMINGLY SLEPT.	MEADOWS WASHINGTON COUNTY IN THIS TERRITORY. [*space*] THERE WERE WOMEN OF ALL AGES BUT NEITHER AGE NOR SEX NEITHER MANLY COURAGE NOR WOMANLY VIRTUE NEITHER THE LOVELINESS OF THE MODEST NOR THE INNOCENCE OF CHILDREN COULD STAY THE TERRIBLE SLAUGHTER, THAT WAS CARRIED ON, ON THAT FEARFUL DAY IN SEPTEMBER 1857. FOR 18 LONG YEARS JUSTICE HAS SEEMINGLY SLEPT. FOR 18 YEARS THERE HAS BEEN MORE OR LESS MYSTERY IN WHICH THIS FEARFUL DRAMA HAS BEEN SHROUDED; BUT NOW THE	MEADOWS , WASHINGTION COUNTY IN THIS TERRITORY. THERE WERE WOMEN OF ALL AGES; BUT NEITHER AGE NOR SEX— NEITHER MANLY COURAGE NOR WOMANLY VIRTUE; NEITHER THE LOVLINESS ~~AND THE MODEST~~ NOR THE INNOCENCE OF CHILDHOOD COULD STAY THE TERRIBLE ~~SH~~LAUGHTER, THAT WAS CARRIED ON ~~O~~IN THAT FEARFUL DAY IN SEPTEMBER I857. FOR I8 LONG YEARS JUSTI~~V~~CE HAS SEEMINGLY SLEPT. FOR I8 YEARS THERE HAS BEEN MORE OR LESS A MYSTERY IN WHICH THIS FEARFUL DRAMA HAS BEEN SHROUDED. BUT NO~~T~~**W THE** ~~THW~~	MEADOWS WASHINGTON COUNTY IN THIS TERRITORY THERE WERE MEN OF ALL AGES BUT NEITHER AGE NOR SEX NEITHER MANLY COURAGE NOR WOMANLY VIRTUE NEITHER THE LOVELINESS NOR THE INNOCENCE OF THE CHILD COULD STAY THE TERRIBLE SLAUGHTER THAT WAS CARRIED ON ON THAT FEARFUL DAY IN SEPTEMBER 1857 FOR 18 LONG YEARS JUSTICE HAS SEEMINGLY SLEPT FOR 18 YEARS THERE HAS BEEN MORE OR LESS MYSTERY IN WHICH THIS FEARFUL DRAMA HAS BEEN SHROUDED; BUT NOW THE

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RT	RS	BT	PS
	CURTAIN BEGINS TO LIFT; NOW ~~IT IS~~ WE BEGIN TO SEE **A** LITTLE OF WHAT TRANSPIRED AT THAT TIME. AT FIRST AS YOU ALL KNOW FROM THE EVIDENCE, THE CLAIM WAS PUT FORTH THAT THIS WAS A BUTCHERY COMMITTED BY INDIANS BUT ~~<~~THIS~~>~~ SECRET SO TERRIBLE {~}[i] SO FEARFUL, WAS ONE ~~<~~THAT~~>~~ COULD NOT BE KEPT "THERE FIRST BEGAN TO BE WHISPERS AND THEN SUSPICIONS AND INTIMATIONS OF WHO WERE ENGAGED IN IT UNTIL THE SECRET BECAME SO GREAT THAT SOME COULD BEAR IT {~}[i] ENDURE IT NO LONGER; AND THEY	CURTAIN BEGINS TO LIFT —NOW IT IS UNSEALED, AND WE BEGIN TO SEE A LITT~~L~~LE OF WHAT TRANSPIRED ~~T~~AT THAT TIME. AT FIRST, AS YOU ALL KNOW FROM THE EVIDENCE, THE CLAIM WAS PUT FORTH THAT THIS WAS A BUTCHERY COMMITTED BY THE INDIANS; BUT THIS SECRET SO TERRIBLE— SO FEARFUL, WAS ONE THAT COULD NOT BE KEPT. THERE BEGAN TO BE WHISPERS, AND THAN ADMISSIONS AND SUSPICIONS OF WHO WERE ENGAGED IN IT, TILL THE SECRET BECAME SO GREAT THAT SOME COULD NOT BEAR IT, NOT ENDURE IT ANY LONGER; AND THEY	CURTAINS BEGINS TO LIFT NOW WE BEGIN TO SEE A LITTLE OF WHAT TRANSPIRED AT THAT TIME AT FIRST AS YOU ALL KNOW FROM THE EVIDENCE THE CLAIM WAS PUT FORTH THAT THIS WAS A BUTCHERY COMMITTED BY INDIANS BUT THIS SECRET SO TERRIBLE SO FEARFUL WAS ONE THAT COULD NOT BE KEPT THERE FIRST BEGAN TO BE WHISPERS AND THEN SUSPICION AND *INTIMATIONS*[?] OF WHO WERE ENGAGED IN IT TILL THE SECRET BECAME SO GREAT THAT SOME COULD BEAR IT ENDURE IT NO LONGER AND THEY

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RT	RS	BT	PS
	WERE FORCED TO TELL WHAT AND HOW WAS DONE THERE THAT DAY. FOR 18 YEARS SOME PARTIES CONNECTED WITH THIS MASSACRE HAVE RIOTED IN {THE}[i] ILL-BEGOTTEN {GAIN}[i] THAT THEY THERE ACQUIRED. THE SECRET HAS BEEN WELL KEPT; BUT AS I SAID BEFORE IT COULD BE KEPT NO LONGER IT WAS A CRIME TOO FEARFUL SUCH A CRIME AS I STATED TO YOU IN THE OPENING HAD NOT BEFORE AND HAS NEVER SINCE DARKENED THE ANNALS OF THE 19 CENTURY. EVERYTHING CONNECTED WITH IT SHOWS HOW	WERE FORCED TO TELL WHAT AND HOW IT WAS DONE THERE THAT DAY. FOR I8 YEARS SOME PARTIES CONNECTED WITH THIS MASSACRE HAVE RIOTED IN ILLBEGOTTEN WEALTH THAT THEY THROUGH T**H**EIR CRIME ACQUIRED. *[2]* THE SECRET HAS BEEN WELL KEPT; BUT AS I SAID BEFORE IT COUL~~S~~D NOT BE KEPT ANY LONGER. IT W AS A CRIME TO**O** FEARFUL. SUCH A CRIME AS I STATED TO YOU BEFORE HAD NOT BEEN COMMIT ED BEFORE, AND HAS NEVER SIN~~V~~CE DARKENED THE ANNALS OF THE I9TH CENTURY. EVERYTHING CONNECTED WITH IT SHOWS HOW	WERE FORCED TO TELL WHAT AND HOW WAS DONE THERE THAT DAY FOR 18 YEARS SOME PARTIES CONNECTED WITH THIS MASSACRE HAVE RIOTED IN THE ILL GOTTEN GAIN THAT THEY THERE ACQUIRED THE SECRET HAS BEEN WELL KEPT BUT AS I SAID BEFORE IT COULD BE KEPT NO LONGER IT WAS A CRIME TOO FEARFUL SUCH A CRIME AS I STATED TO YOU IN THE OPENING HAD NOT BEFORE AND HAS NOT SINCE DARKENED THE ANNALS OF THE 19 CENTURY *[[14]]* EVERYTHING CONNECTED WITH IT SHOWS HOW

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RT	RS	BT	PS
	CAREFULLY ~ HOW WELL IT WAS PLANNED WE SEE THESE EMIGRANTS AS THEY PASSED THROUGH ≼THE≽ VARIOUS TOWNS OF UTAH, AND IF THERE WAS A PLAN TO MURDER THEM, WHY? WERE THEY NOT MURDERED BEFORE THEY REACHED MOUNTAIN MEADOWS WAS IT BECAUSE IT COULD NOT BE DONE; WAS IT BECAUSE THERE WERE NOT FORCES {ENOUGH}[i] IN THEIR {IN ANY OF OTHER}[i] TOWNS TO DO IT.≼?≽ THIS WAS NOT THE REASON. *[[21]]* IT WAS A CRIME SO TERRIBLE IN ITS NATURE, THAT THOSE WHO WERE ENGAGED IN IT,	CAREFULLY — HOW WELL IT WAS PLANNED. WE SEE THESE EMIGRA~~N~~TS AS THEY PASSED THROUGH THE VARIOUS SETTLEMENTS AND TOWNS OF UTAH; AND ALSO SEE THAT THERE WAS A PLAN TO MURDER THEM. WHY WERETHEY NOT MURDERED BEFORE THEY REACHED THE MOUNTAIN MEADOWS? WAS IT BECAUSE IT COULD NOT BE DONE? WAS IT BECAUSE **THERE** ~~THEY~~ WERE NOT SUFFICIENT FORCES IN THESE TOWNS TO DO IT? THIS WAS NOT THE RE~~S~~ASON. IT WAS A CRIME SO TERRIBLE IN ITS NATURE THAT THOSE WHO WERE ENGAGED IN IT	CAREFULLY AND HOW WELL IT WAS PLANNED WE SEE THESE EMIGRANTS AS THEY PASSED THROUGH THE VARIOUS TOWNS OF UTAH, AND IF THERE WAS A PLAN TO MURDER THEM WHY WERE THEY NOT MURDERED BEFORE THEY REACHED THE MOUNTAIN MEADOWS WAS IT BECAUSE IT COULD NOT BE DONE WAS IT BECAUSE THERE WERE NOT FORCES ENOUGH IN ANY OF THE OTHER TOWNS TO DO IT THIS WAS NOT THE REASON IT WAS A CRIME SO TERRIBLE IN ITS NATURE THAT THOSE WHO WERE ENGAGED IN IT

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RT	RS	BT	PS
	SHRANK FROM THE LIGHT OF DAY; SHRANK FROM HAVING IT KNOWN TO THE CIVILIZED WORLD THERE WAS CUNNING & PLANNING IN COMMITTING THE DEED WHERE ~~IT~~ ≼{WAS}ⁱ≽ DONE? AWAY DOWN IN THE SOUTH WEST CORNER OF UTAH; IN THE MOUNTAIN MEADOWS; IN THE DEFILES OF THE MOUNTAINS AWAY FROM CIVILIZATION; HUNDREDS OF MILES FROM THE SETTLEMENTS; EXCEPT FEW SCATTERED ≼SETTLEMENTS≽ FROM WHENCE THE TROOPS WERE DRAWN. IT WAS THOUGHT THAT WHEN AT LAST IT SHOULD BE KNOWN IF EVER IT SHOULD BE	—SHRINKING FROM THE L IGHT OF D~~S~~AY —SHRANK FROM HAVING IT KNOWN TO THE CIVILIZED WORLD. THERE WAS CUNNING AND PLANNING IN COMMITTING THE DEED. WHERE WAS IT DONE? AWAY DOWN IN THE SOUTH WEST CORNER OF UTAH, IN THE MOUN~~R~~TAIN MEADOWS , IN THE DEFILES OF THE MOUNTAINS ~~W~~AWAY FROM CIVILIZATION, HUNDREDS OF MIL~~S~~ES FROM THE SETTLEMENTS , EXCEPT A FEW SCATTERED SETTLEMENTS FROM WHENCE THE TROOPS WERE DRAWN. IT WAS THOUGHT THAT WHEN AT LAST IT SHOULD BE KNOWN—IF EVER IT SHOULD BE	SHRANK FROM HAVING IT KNOWN TO THE CIVILIZED WORLD AND THERE WAS CUNNING PLANNING IN COMMITTING IT WHERE WAS IT DONE AWAY DOWN IN THE SOUTH WEST CORNER OF UTAH IN THE DEFILES OF THE MOUNTAINS HUNDREDS OF MILES FROM SETTLEMENTS EXCEPT A FEW SCATTERED ONES EXCEPT FROM WHENCE THE TROOPS WERE DRAWN IT [*space*] WAS THOUGHT THAT THERE

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RT	RS	BT	PS
	KNOWN ~ THERE ~~WAS~~ ≤WOULD BE NO≥ DIFFICULTY IN SADDLING IT UPON INDIANS SAVAGES WHO WERE KNOWN TO DWELL IN THAT VICINITY. [*space*] THE COMBINATION WAS AT LAST MADE. ≤THE≥ EMIGRANTS HAD REACHED {THE}[i] PLACE IN WHICH THEY WERE TO ENCAMP. TO ONE OR TWO MEN WAS LEFT THE *TASK*[?] TO GATHER IN THE INDIAN ALLIES WHO WERE TO ASSIST IN THE THIS FEARFUL TRAGEDY. THEY WERE GATHERED FROM FAR AND FROM NEAR ALL THE TOWNS OF SOUTHERN UTAH WERE VISITED BY THE EMISSARIES OF THOSE WHO HAD PLANNED THE FEARFUL DEED AND THE	KNOWN—THERE WOULD BE NO DIFFICULTY IN SADDLING IT UPON THE INDIAN SAVAGES WHO WERE KNOWN TO DWELL IN THAT VICINITY. THE COMBINATION WAS AT LAST ~~A~~MADE. THE EMIGRANTS HAD REACHED THE ~~P~~P~~,~~LACE IN WHICH THEY WERE TO ENCAMP. TO ONE OR TWO MEN W AS LEFT THE TASK TO GATHER IN THE INIDAN ALLIES, WHO WERE TO ASSIST IN THIS FEARFUL TRAGEDY. THEY WERE GATHERED FROM FAR AND FROM NEAR~~,~~. ALL THE TOWNS FROM S~~H~~OUTHERN UTAH WERE VISITED BY THE EMIS~~A~~SARIES OF THOSE WHO HAD PLANNED THE FEARFUL DEED, AND THE	WAS NO DIFFICULTY IN SADDLING IT UPON THE INDIAN SAVAGES WHO WERE KNOWN TO DWELL IN THAT VICINITY [*space*] THE COMBINATION WAS AT LAST MADE THE EMIGRANTS HAD REACHED THE PLACE IN WHICH THEY WERE TO ENCAMP [*space*] TO ONE OR TWO MEN WAS LEFT THE TASK TO GATHER IN THE INDIAN ALLIES WHO WERE TO ASSIST IN THIS FEARFUL TRAGEDY THEY WERE GATHERED FROM FAR AND FROM NEAR ALL THE TOWNS OF SOUTHERN UTAH WERE VISITED BY THE EMISSARIES OF THOSE WHO PLANNED THE FEARFUL DEED AND

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RT	RS	BT	PS
	ALLIES OF THE INDIANS WERE DRAWN THERE TO HELP TO COMMIT THIS GREAT CRIME. IT APPEARS THAT ≤**A**≥ NUMBER OF DAYS PASSED BY AFTER THESE EMIGRANTS WERE SURROUNDED BY WHITES AND INDIANS AND HUNGER AND THIRST WAS DOING ITS TERRIBLE WORK. THERE IS NO QUESTION BUT THE <{**BUT AT THE**}[i]> FIRST IT WAS INTENDED THAT IT SHOULD BE KNOWN ABROAD {THAT}[i] NONE BUT INDIANS WERE THERE, BUT IT WAS FOUND THAT THE MEN WERE ENTRENCHED TOO STRONGLY	ALLIES OF ~~THE~~ INDIAN~~D~~S WERE DRAWN TOGETHER TO HELP TO COMMIT THIS CREAT CRIME. IT A**P**PEAR~~X~~**S** THAT A NUMBER OF DAYS PASSED BY, AFTER THESE EMIGRANTS WERE SURROUNDED BY THE WHITES AND IND~~A~~IANS, AND HUNGER AND TH~~U~~IRST WAS DOING AND TELLING ITS TERRIBLE WORK UPON THEM. THERE IS NO QUESTI~~O~~N BUT AT THE FIRST IT WAS INTENDED THAT IT SHOULD NOT BE KNOWN ABROAD *[3]* BUT IT WAS SOON FOUN~~E~~D AFTER THE MEN WERE ENTRENCHED THAT THEYWERE	ALLIES OF INDIANS WERE DRAWN THERE TO HELP ENACT THIS GREAT CRIME IT APPEARS THAT A NUMBER OF DAYS PASSED BY AFTER THESE EMIGRANTS WERE SURROUNDED BY WHITES AND INDIANS AND HUNGER AND THIRST WAS DOING ITS TERRIBLE WORK THERE IS NO QUESTION BUT IT WAS FIRST INTENDED THAT IT SHOULD BE KNOWN ABROAD THAT NONE BUT INDIANS WERE THERE BUT IT WAS FOUND THAT THE MEN WERE ENTRENCHED TOO STRONGLY

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RT	RS	BT	PS
	IT WAS FOUND ~~<~~THAT~~>~~ THE MEN THAT WERE THERE IN THAT CORRAL WERE TOO BRAVE THAT THEY WERE READY NOT ONLY TO DEFEND THEMSELVES BUT TO DEFEND LIVES OF THOSE WHO WERE DEARER THAN LIFE ITSELF AND {THAT}[i] SOMETHING BESIDES INDIAN WARFARE WAS NECESSARY TO DISLODGE THEM; HENCE WHEN THE RUNNER IS SENT TO CEDAR CITY TO GATHER IN REINFORCEMEN TS OF THE MEN WHO ~~WERE LEFT~~ LIVED OUT THERE BEFORE WERE NOW ORDERED TO REPORT WITHIN AN HOUR ARMED AND	ALMOS~~Y~~T IMPREGNABLE. IT WAS FOUND THAT THE MEN THAT WERE THERE IN THAT CORRAL WERE TOO BRAVE. THAT THEY WERE THERE READY , NOT ONLY TO DEFEND THEMSELVES, BUT TO DEFEND THE LIVES OF THOSE WHO ARE DEARER THAN LIFE ITSELF; AND SOMETHING BESIDES INDIAN WAREFARE WAS NECESSARY TO DISLODG THEM; HENCE, WHEN THE RUNNER WAS SENT TO CEDAR CITY TO GATHER IN REINFORCEMEN TS AND THE MEN WHO LIVED OUT THERE WERE NOW ORDERED TO REPORT WITHIN AN HOUR, ARMED AND	IT WAS FOUND THAT THE MEN THERE IN THAT CORRAL WERE TOO BRAVE THAT THEY WERE THERE READY NOT ONLY TO DEFEND THEMSELVES BUT TO DEFEND THE LIVES OF THOSE WHO WERE DEARER TO THEM THAN LIFE ITSELF AND THEN[421] THAT SOMETHING BESIDES INDIAN WARFARE WAS NECESSARY TO DISLODGE THEM; HENCE WHEN ONE RUNNER IS SENT TO CEDAR CITY TO GATHER IN REINFORCEMEN TS THE MEN WHO WERE *LEFT*[?] OUT BEFORE WERE ORDERED TO REPORT WITHIN AN HOUR ARMED AND

421. Word may be crossed out.

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RT	RS	BT	PS
	EQUIPPED FOR SERVICE. ONE MAN GOES TO HARMONY AND HOLDS A MEETING THERE AND TELLS THE FEARFUL TALE HE TELLS WHAT HAS BEEN DONE HE SAYS THAT THE EMIGRANTS HAVING PROVED TOO MUCH FOR THE INDIANS AND THAT REINFORCEMENTS MUST BE SENT IMMEDIATELY. WHO IS THAT MAN≤?≥ WHO WAS THE MAN THAT HELD THIS MEETING AND TOLD THESE THINGS THAT THE MORNING AFTER THE TRAGEDY WAS OVER AND THE EMIGRANTS WERE SLEEPING THAT SLEEP WHICH KNOWS NO WAKING HELD ANOTHER MEETING AT	EQUIPPED FOR SERVICE.,— ONE MAN GOES TO HARMONY AND HOLDS A MEETING THERE, AND TELLS THE FEARFUL TALE —HE TELLS WHAT HAS BEEN ~~E~~DONE. HE SAYS THAT THE EMIGRANTS HAVING PROVED TOO MUCH FOR THE INDIANS, THAT REINFORCEMENTS MUST BE SENT IMMEDIATELY. WHO IS THAT MAN? . WHO WAS THE MAN THAT HE~~D~~LD THIS ME~~D~~ETING, AND TOLD THESE THINGS THE MORNING AFTER THE TRAGEDY WAS OVER AND THE EMIGRANTS WERE SLEEPING THAT SLEEP WHICH KNOWS NO WAKING. HE HELD ANOTHER MEETING AT	EQUIPPED FOR SERVICE ONE MAN GOES TO HARMONY *[[15]]* AND HOLDS A MEETING THERE AND TELLS THE FEARFUL TALE HE TELLS WHAT HAS BEEN DONE ≤HE≥ SAYS THAT THE EMIGRANTS HAVE PROVED TOO MUCH FOR THE INDIANS THAT REINFORCEMENTS MUST BE SENT IMMEDIATELY WHO IS THAT MAN WHO WAS THE MAN THAT HELD THIS MEETING AND TOLD THESE THINGS *WHO/HE*[?] IS THE MAN AFTER THE TRAGEDY WAS OVER AND ALL THE EMIGRANTS WERE SLEEPING THAT SLEEP WHICH KNOWS NO WAKING HELD ANOTHER MEETING AT

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RT	RS	BT	PS
	THE SAME PLACE AND THANKED GOD HE HAD BEEN BLESSED. THAT MAN WAS JOHN D. LEE THE PRISONER AT THE BAR *[[22]]* IT IS NOT NECESSARY FOR ME GO THROUGH ALL THIS EVIDENCE, THERE IS SO MUCH OF IT; IT IS ACCUMULATED, FROM SO MANY SOURCES, ~~<~~AND~~>~~ IT HAS MADE SUCH AN IMPRESSION ON YOUR MINDS YOU CAN'T FAIL TO REMEMBER IT YOU CAN'T FAIL TO RECALL HOW ONE WITNESS AFTER ANOTHER PILED UP THE FEARFUL TESTIMONY MOUNTAIN HIGH BURYING THIS DEFENDANT UNDER IT. YOU RECALL AFTER THE FORCES OF	THE SAME PLACE; AND THANK**ED** GOD HE HAD BEEN BLESSED. THAT MAN WAS JOHN D. LEE THE PRISONER AT THE BAR. IT IS UNNECESSARY FOR ME TO GO OVER ALL THIS EVIDENCE, AS THERE IS SO MUCH OF IT. IT HAS BEEN ACCUMULATED FROM SO MANY SOURCES, AND IT HAS MADE SUCH AN IMPRESSION ON YOUR MIND THAT YOU CAN NOT FAIL TO REMEMBER IT , YOU CAN NOT FAIL TO RECOL ECT HOW ONE WITNESS AFTER ANOTH~~ER~~ R PILED UP THE FEARFUL TESTIMONY— MOUNTAINS HIGH AND BURYING THIS DEFENDANT UNDER IT .. YOU RECOLLECT AFTER THE FORCE OF	THE SAME PLACE THANKED GOD HE HAD BEEN BLESSED THAT MAN WAS JOHN D. LEE THE PRISONER AT THE BAR. IT IS NOT NECESSARY FOR ME TO GO OVER ALL THIS EVIDENCE THERE IS SO MUCH OF IT IT IS ACCUMULATED FROM SO MANY SOURCES IT HAS MADE SUCH AN IMPRESSION ON YOUR MINDS THAT YOU CAN NOT FAIL TO REMEMBER IT YOU CAN NOT FAIL TO RECOLLECT HOW ONE WITNESS AFTER ANOTHER PILED UP THE FEARFUL TESTIMONY MOUNTAIN HIGH BURYING THIS DEFENDANT UNDER IT YOU RECOLLECT AFTER THE FORCE

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RT	RS	BT	PS
	THOSE MEN THIS REINFORCEMEN T HAD GOT THERE; YOU RECALL THAT COUNCIL ON THE FIELD YOU RECALL WHO PARTICIPATED IN IT, HIGBEE AND KSMITH AND JOHN D. LEE AND OTHERS, AND WHAT WAS PROPOSED WAS IT PROPOSED TO GO OUT MANLY ≤**OR** OPENLY≥ AND ATTACK THESE EMIGRANTS AND RISK THEIR LIVES IN FIGHTING THEM IF THEY WERE TO BE MURDERED NOT AT ALL. BUT IT WAS PROPOSITION TO GO IN GUISE OF FRIENDSHIP TO TAKE THE WHITE MAN FLAG WHICH MEANS PROTECTION EVERYWHERE	THESE MEN— THIS REINFORCEMEN T HAD GO~~R~~**T** THERE—YOU RECOLLECT THAT COU~~L~~NCEL ON **THE** FIELD. YOU RECOLLECT WHO PARTICI~~A~~PATED IN IT: HIGBEE, AND KLINGENSMITH AND JOHN D. LEE AND OTHERS, AND WHAT WAS PROPOSED. WAS IT PROPOSED TO GO OUT MANLY AND ATTA CK THESE EMIGRANTS AND WRISK THEIR LIVES IN FIGHTING THEM , IF THEY WERE TO BE M~~Y~~**U**RDERED? NOT AL ALL . BUT IT WAS PROPOSED TO GO IN THE GUISE OF FRIENDSHIP, TO TAKE THE WHITE MANS FLAG, WHICH MEANS PROTECTION EVERY WHERE	THOSE ~~SECOND~~ [*space*] THIS REINFORCEMEN T HAD GOT THERE YOU RECOLLECT THAT COUNCIL ON THE FIELD YOU RECOLLECT *WHO*[?] PARTICIPATED IN IT HIGBEE KLINGEN SMITH JOHN D. LEE AND OTHERS AND WHAT WAS PROPOSED WAS IT PROPOSED TO GO OUT MANLY AND ATTACK THESE EMIGRANTS AND RISK THEIR LIVES IN FIGHTING THEM IF THEY WERE TO BE MURDERED NOT AL ALL, BUT IT WAS PROPOSED TO GO IN THE GUISE OF FRIENDSHIP TO TAKE A WHITE FLAG WHICH MEANS PROTECTION EVERYWHERE

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RT	RS	BT	PS
	IN CIVILIZATION AS WELL AS SAVAGE NATIONS TO TAKE WHITE MAN'S FLAG AND DRAW THESE EMIGRANTS FROM THEIR ENTRENCHMENTS TO INDUCE THEM GIVE UP THEIR ARMS TO INDUCE THEM TO COME OUT UNDER A PROMISE OF PROTECTION AND THEN SHOOT THEM DOWN IN COLD BLOOD. MALICE: DOES ANY ONE ASK IF THERE WAS MALICE IN THIS TRANSACTION WHY THERE WAS MALICE SHOWN AGAINST THESE EMIGRANTS FROM THE TIME THEY LEFT SALT LAKE CITY UNTIL THEY WERE MURDERED AT MOUNTAIN MEADOWS.	IN CIVILIZATION AS WELL AS SAVAGE NATIONS; TO TAKE THE WHITE MANS FLAG AND DRAW THESE EMIGRANTS FROM THEIR ENTRENCHMENT~~.~~ [4] TO INDUCE THEM TO GIVE UP THEIR ARMS, TO INDUCE THEM TO COME OUT UN DER THE PROMISE OF PROTECTION , AND **THE**N ~~THEMN~~ SHOOT THEM DOWN IN C~~L~~OLD BLOOD. MALICE— DOES ANYONE ASK IF THERE WAS MALICE IN THIS TRANS~~Z~~**A**CTION ? WHY THERE WAS MALICE SHOWN AGAINST THESE EMIGRANTS FROM THE TI ME THEY LEFT SALT LAK CITY TILL THE TIME THAT MURDER WAS COMMITTED AT ~~SALT LAKE~~ MOUNTAIN MEADOWS.	IN CIVILIZED AS WELL AS SAVAGE NATIONS [*space*] ~~≤~~DRAW~~≥~~ THOSE EMIGRANTS FROM THEIR ENTRENCHINGS TO GIVE UP ARMS PROMISE OF PROTECTION AND THEN TO SHOOT THEM DOWN IN COLD BLOOD [*space*] MALICE, DOES ANY ONE ASK IF THERE WAS MALICE IN THIS TRANSACTION WHY THERE WAS MALICE SHOWN AGAINST THESE EMIGRANTS FROM THE TIME THEY LEFT SALT LAKE CITY TILL THEY WERE MURDERED AT MOUNTAIN MEADOWS

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RT	RS	BT	PS
	[*space*] WHEREVER THEY TRIED TO PURCHASE ANYTHING THEY WERE REFUSED IN ALMOST EVERY INSTANCE, AND THERE IS ONLY TWO INSTANCES RELATED 3 ≤WHAT WAS THE≥ INSTANCES WHERE THEY BOUGHT ANY THING; AND ONE WAS *THERE*[?], WHERE THEY BOUGHT LITTLE CORN OF SOME INDIANS TO CORN CREEK <**ANOTHER**> WHERE THEY BOUGHT ≤**A**≥ CHEESE *TO*[?] BEAVER AND THE MAN THAT SOLD IT TO THEM WAS TURNED OUT OF CHURCH IN A WEEK FOR DOING, {D}[i] WHERE THEY BOUGHT FLOUR {**3RD**	WHEREVER THEY TRIED TO PURCHASE AN~~T~~YTHING THEY WERE REFUSED IN~~ALLMO~~ ALMOST EVERY INSTANCE. A FEW , ONE OR TWO INCIDENTS **WERE** RELATED. WHAT WAS THE IN~~S~~**C**IDENTS WHERE THEY BOUGHT ANYTHING? ONC**E** WAS WHERE THEY BOUGHT A LITTLE CORN OF SOME INDIANS AT CORN CREEK; AND WHERE THEY BOUGHT A CHEESE AT BEAVER, AND THE MAN THAT SOLD IT TO THEM WAS DRIVEN OUT OF THE CHURCH FOR DOING IT, AND ONE WHERE THEY BOUGHT SOME FLOUR	WHEREVER THEY TRIED TO PURCHASE ANYTHING THEY WERE REFUSED I THINK THERE WAS BUT ONLY 3 INSTANCES RELATED WHERE THEY BOUGHT ANYTHING ONE WAS A LITTLE CORN OF INDIANS TO CORN, ANOTHER CHEESE TO BEAVER AND THE MAN THAT SOLD IT TO 'EM WAS TURNED *OUT*[?] OF THE CHURCH WITHIN A WEEK FOR DOING IT *[[16]]* 3 INSTANCE WAS BOUGHT

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RT	RS	BT	PS
	INSTANCE}[i] DOWN HERE AT CEDAR CITY <WHERE THEY PAID HARD MONEY> KNOWING IN {**A**}[i] FEW DAYS IT WOULD GO BACK AGAIN WHERE IT CAME {FROM}[i]. LOOK AT THE TESTIMONY OF PHIL KSMITH AND JOEL WHITE AS TO THE PRISONER; WHEN THEY MET HIM THAT DAY AND TOLD HIM THAT THEY WERE GOING FROM CEDAR OVER TO PINTO CREEK TO STOP THE MASSACRE TO ALLOW THE EMIGRANTS TO PASSING IN PEACE, AND WHAT WAS HIS ANSWER I HAVE SOMETHING TO SAY ABOUT THAT, AND *IT*[?]	DOWN HERE AT CEDAR , WHERE THEY PA~~O~~**I**D HARD MONEY, KNOWING AND IN VIEW THEN THAT IT WOULD COME BACK AGAIN FROM WHERE THEY CAMPED. LOOK AT THE TESTIMONY OF PHILIP KLINGENSMITH AND JOEL WHITE AS TO THE PRISONER WHEN THEY MET HIM THAT DAY AND TOLD HIM THAT THEY WERE GOING FROM CEDAR OVER TO PINTO CREEK TO STOP THE MASSACRE ~~— THE~~ TO ALLOW THE EMIGRANTS TO PASS IN PEACE AND WHAT WAS HIS ANSWER~~:~~? “I HAVE SOMETHING TO SAY ABOUT THAT”;[422] OR **AS**	DOWN HERE AT CEDAR AND PAID THEIR MONEY KNOWING AND IN A FEW DAYS IT WOULD COME BACK WHERE IT CAME FROM LOOK AT THE TESTIMONY OF PHILIP KLINGEN SMITH AND JOEL WHITE AS TO THE PRISONER WHEN THEY MET HIM THAT DAY AND TOLD HIM THEY WERE GOING FROM CEDAR OVER TO PINTO CREEK TO STOP THE MASSACRE, TO ALLOW THE EMIGRANTS TO PASS IN PEACE [*space*] I HAVE SOMETHING TO SAY ABOUT THAT[423] *AND*[?]

422. This point marks a change of typewriters from one with only uppercase letters to a typewriter with both uppercase and lowercase letters.

423. Rogerson’s hand symbol.

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RT	RS	BT	PS
	WAS [*space*] HE HAD GO *OVER*[?] —[?] TO SEE {ABOUT THAT}[i], FOR {THE}[i] PROTECTION OF THE EMIGRANTS, FOR HIS ≤**OWN**≥ SAFETY, AND FOR THE GOOD NAME OF THIS TERRITORY. THESE MEN DO NOT STAND ALONE IN THEIR TESTIMONY. [*space*] *[[23]]* LOOK AT WHAT THEY TESTIFY. AFTER THEY GOT THERE AT THE MEADOWS SEE HOW THEY ARE SUSTAINED BY ALMOST EVERY OTHER WITNESS. WILLIAM YOUNG, SAMUEL POLLOCK, 6 OR 8 OTHERS ALL TELLING THE MAIN FACTS OF THE CASE AND	**THE DEFENDANT WOULD KNOW** IT WAS, HE HAD TO **GO** ~~G~~OVER HERE TO SEE ABOUT THAT, FOR THE PROTECTION OF THE EMIGRANTS, FOR HIS OWN NAME AND FO~~T~~R THE GOOD NAME OF THIS TERRITORY. THESE TWO MEN DON'T STAND ALONE IN THEIR TESTIMONY. LOOK AT WHAT THEY TESTIFIED. AFTER THEY GOT THERE AT THE MEADOWS ——AND SEE HOW THEY ARE SUSTAINED BY ALMOST EVERY ~~OTHJER~~WITNESS . WILLIAM YOUNG, SAMUEL POLLOCK, AND SIX OR EI~~T~~GHT OTHERS, ALL TELLIN~~G~~**G** THE MAIN FACTS, AND	*NOT/YET*[?] HE HAD TO GO TO —[?] TO SEE ABOUT THAT [*space*] FOR HIS OWN SAFETY SAFETY OF THE EMIGRANTS AND NAME OF THE TERRITORY [*space*] THESE MEN DON'T STAND ALONE IN THEIR TESTIMONY LOOK AT WHAT THEY TESTIFIED AFTER THEY GOT THERE AT THE MEADOWS AND SEE HOW THEY ARE SUSTAINED BY ALMOST EVERY OTHER WITNESS WILLIAM YOUNG, SAMUEL POLLOCK, AND SIX OR EIGHT OTHERS ALL TELLING THE MAIN FACTS IN THE CASE ALL

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RT	RS	BT	PS
	SHOWING WHAT AN ACTIVE PART THIS PRISONER TOOK IN THAT TERRIBLE TRANSACTION. NOW WHAT DO WE HEAR; {WHAT DO THE}[i] THAT DEFENSE CLAIM {HERE}[i] THEY COME IN HERE SAY {THAT}[i] THIS MAN IS [*space*] AFTER ALL OF {THE}[i] PROOF IS ACCUMULATED AND SHOWS HE WAS ONE OF THE MOST, ACTIVE ONE OF THE MOST VIOLENT, ONE OF MOST RELENTLESS {MEN}[i] ON THAT FIELD OF SLAUGHTER THEY COME HERE AND TELL YOU HE CRIED; CRIED GENTLEMEN ~~<~~THERE~~>~~; HE NEVER SHED TEARS ENOUGH IN HIS LIFE TO	GOES ON SHOWING THE ACTIVE PART THIS PRISONER TOO~~N~~K IN THAT TE**R**RIBLE TRANSACTION. AND NOW , WHAT DO WE HEAR? WHAT DO THE DEFENSE CLAIM HERE? ~~A.~~ THEY COME IN HERE AND SAY ~~THAT THIS MAS,~~ A~~L~~FTER ALL THE PROOF **THAT** HAS **BE**~~**E**~~**N** ACCU~~K~~M~~Y~~ULATED, **AND** SHOW~~S~~**SN** THAT HE WAS THE ~~ONLY~~**E** ~~ACTIVE~~ ONE MOST ACTIVE , THE ONE MOST VIOLENT, THE ONE MOST RELENTLESS MAN ON THAT FIELD OF SLAUGHTER~~.~~**,** THEY COME IN HER~~L~~**E** AND TELL YOU THAT HE CRIED~~.~~**,** CRIED, GENTLEMEN, CRIED THERE. [5] HE NEVER SHED TEARS ENOUGH IN HIS LIFE TO	SHOWING WHAT AN ACTIVE PART THIS PRISONER TOOK IN THAT TERRIBLE TRANSACTION AND NOW WHAT DO WE HEAR WHAT DO THE DEFENSE CLAIM HERE THEY COME IN HERE AND SAY THAT THESE MEN AFTER ALL THE PROOF IS ACCUMULATED SHOWED THAT HE WAS THE ONE OF THE MOST ACTIVE ONE OF THE MOST RELENTLESS MAN ON THAT FIELD OF SLAUGHTER THEY COME HERE AND TELL YOU THAT HE CRIED [*space*] CRIED GENTLEMEN; HE NEVER SHED TEARS ENOUGH IN HIS LIFE TO

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RT	RS	BT	PS
	WASH OUT ONE OF THE WICKED THOUGHTS ~~<~~THAT~~>~~ HE HAD ON THAT DAY. AND NOW THEN THEY ARE DRAWN OUT UNDER THIS FLAG OF TRUCE, {WHICH}[i] PROMISES PROTECTION TO ALL, AND **FIRST** IS {FOUND}[i] THE WAGONS WITH THE WOUNDED MEN, WITH THE LITTLE CHILDREN AND THEN THE WOMEN AIR LARGER CHILDREN, AND THEN ~~<~~THE~~>~~ MEN OF THE COMPANY, ALL DISARMED, ALL WALKING UNDER THAT FLAG OF TRUCE WHICH HAS PROMISED TO PROTECT THEM FROM ALL HARM. THEY GET OUT A FEW STEPS, A FEW STEPS FROM THEIR CORRAL, AND THE WORD IS GIVEN, AND	WASH ONE OF THE WICK~~3~~ED THOUGHTS THAT HE HA~~S~~D ON THAT DAY~~;~~ **A**ND NOW, THEY ARE DRAWN OUT UND~~E~~R THIS FLAG OF TRUCE, WHICH PROMISES PROTECTION TO ALL, AND FIRST IS FOUND A WAGON WITH THE WOUNDED MEN, WITH THE LITTLE CHILDREN, AND THEN THE WOMEN AND LARGER CHILDREN, AND THEN THE MEN OF THE COMPANY, ALL DISARMED, ALL WALKING UNDER THAT FLAG OF TRUCE, WHICH HAS PROMISED TO PROTECT THEM FROM ALL HARM. THEY GET OUT A FEW S~~E~~T EPS FROM THEIR CORRAL, AND THE WORD IS GIVE~~S~~N. AND	WASH OUT ONE OF THE WICKED THOUGHTS THAT HE HAD ON THAT DAY [*space*] AND NOW THEN THEY ARE DRAWN OUT UNDER THIS FLAG OF TRUCE, WHICH PROMISES PROTECTION TO ALL [*space*] AND FIRST FIND A WAGON WITH THE WOUNDED MEN WITH THE LITTLE CHILDREN AND THEN THE WOMEN AND LARGER CHILDREN AND THEN THE MEN OF THE COMPANY ALL DISARMED ALL WALKING UNDER THAT FLAG OF TRUCE WHICH HAS PROMISED TO PROTECT THEM FROM ALL HARM THEY GET OUT A FEW STEPS FROM THEIR CORRAL AND THE ORDER IS GIVEN, AND

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RT	RS	BT	PS
	THESE MEN WHOM {=}[i] THESE MAN CALLED FROM THE FIELDS THE VILLAGES THE TOWNS OF SOUTHWESTERN UTAH, THEY RAISE THEIR GUNS AND SHOOT THE MEN DOWN THERE IN COLD BLOOD THE INDIANS HAVE NOT BEEN SEEN FOR HOURS, THEY HAVE NOT BEEN HEARD FROM **A** NUMBER OF WITNESSES TELL US THEY DID NOT KNOW WHERE INDIANS WERE, BUT WHEN THE MEN FELL THEN ≤THE≥ SAVAGES FROM BEHIND HILLS AND SAGE BRUSHES AND BUSHES, APPEAR TO FINISH THE WORK THAT IS BEGUN BY THEIR INHUMAN	THESE MEN**,** ~~WHOM;~~ THESE MEN WHO HAVE BEEN CALLED FROM THE FIELDS AND VILLAGES AND TOWNS OF SOUTHERN UTAH, THEY RAISED THEIR GUNS AND SHOOT THE MEN DOWN THERE IN COLD BLOOD. THE IND**I**ANS HAVE NOT BEEN SEEN FOR HOURS; THEY HAVE NOT BEEN HE~~Q~~ARD FROM. A NUMBER OF WITNESSES TEL~~S~~**L** US THEY DIDN'T KNOW WHERE THE INDIANS WERE, BUT WHEN THE MEN FELL, THEN THE SAVAGES FROM THE HILLS, AND THE SAGE BRUSHES AND BUSHES APPEAR TO FINISH THE WORK. THEN COMES THE BUTCHERY BY THEIR	THESE MEN WHOM THIS MAN HAS CALLED FROM THE FIELDS AND VILLAGES AND TOWNS OF SOUTHWESTERN UTAH THEY RAISE THEIR GUNS AND SHOOT THE MEN DOWN THERE IN COLD BLOOD THE INDIANS HAVE NOT BEEN SEEN FOR HOURS THEY HAVE NOT BEEN HEARD FROM A NUMBER OF WITNESSES TELL US THAT THEY DIDN'T KNOW WHERE THE INDIANS WERE, BUT WHEN THE WOMEN FELL THEN THE *[[17]]* SAVAGES FROM BEHIND HILL *SAGE*[?] BRUSHES AND BUSHES [*space*] AND APPEAR TO FINISH WORK OF INHUMAN

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RT	RS	BT	PS
	ALLIES [*space*] THEN COMES THE SLAUGHTER OF THE WOMEN AND THE CHILDREN. [*space*]. AND AFTER THE SLAUGHTER WHAT. WE ARE TOLD BY SAM POLLOCK {THAT}[i] HE WENT THE NEXT DAY AND BURIED THE DEAD WE ARE TOLD BY ROBERT KEYES {THAT}[i] 2 WEEKS AFTERWARDS, HE PASSED OVER THAT FIELD OF SLAUGHTER AND THAT HE SAW INNUMERABLE ALMOST OR AT LEAST LARGE NUMBER OF BODIES PILED UP, THROWN ACROSS EACH OTHER. NOW I PRESUME THAT THEY BOTH	ENEMI~~E~~S AND ALLIES, THEN COMES THE SLAUGHTER OF THE WOMEN AND CHILDREN. AND AFTER THE SLAUGHTER, WHAT? WE ARE TOLD BY SAM POLLOCK THAT HE WENT THE NEXT DAY TO BURY THE DEAD. WE ARE TOLD BY ROBERT KEYS THAT TWO WEEKS AFTERWARDS, ~~T~~HE PASSED THROUGH THAT FIELD OF SLAUGHTER AND THAT HE SAW INUMERABLE, ALMOST, OR AT LEA ST A LARGE NUMBER OF BODIES PILED UP, THROWN ACRE~~O~~S~~O~~S EACH OTHER. NOW, I PRESUME THEY BOTH	ALLIES THEN COMES SLAUGHTER OF THE WOMEN AND CHILDREN. AND AFTER THE SLAUGHTER WHAT [*space*] WE ARE TOLD BY MR. POLLOCK THAT HE WENT THE NEXT DAY AND BURIED THE DEAD WE ARE TOLD BY ROBERT KEYES THAT TWO WEEKS AFTERWARDS HE PASSED OVER THAT FIELD OF SLAUGHTER AND THAT HE SAW INNUMERABLE ALMOST AT LEAST A VERY LARGE[424] NUMBER OF BODIES PILED UP, THROWN ACROSS EACH OTHER [*space*] NOW I PRESUME THAT THEY BOTH

424. "VERY LARGE" written over illegible shorthand, apparently at a later time.

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RT	RS	BT	PS
	TOLD THE TRUTH. SAM POLLOCK SAYS {=}[i] YOU WILL RECOLLECT IN HIS TESTIMONY THAT THE GROUND THERE VERY HARD, AND DID NOT DIG {THE}[i] GRAVES BUT ~~<~~THEY~~>~~ FOUND PLACES WHERE *STORMS/STREAMS*[?] HAD WASHED OUT HOLES AND THEY PUT THEM THERE {=}[i] PUT IN ALL THEY COULD PUT HOLES WASHED OUT BY *STORM/STREAM*[?] [*space*] THROWED THEM IN CROSS WAYS AND EVERY WAY PROBABLY WITHIN TWO {2}[i] *[[24]]* WEEKS THERE HAD COME RAIN {AND THE}[i] DIRT THEY HAD THROWN OVER	TOLD THE TRUTH. MR. POLLOCK SAYS —AND YOU WILL RECOLLECT IN HIS TESTIMONY THAT THE GROUND WAS VERY HARD, AND THEY DIDN'T DIG THE GRAVES, BUT THEY FOUND PLACES WHERE THE STOR~~N~~MS HAD WASHED OUT HOLE~~D~~S AND THEY PUT THEM THERE—PUT THEM IN ALL THEY ~~O~~COULD, ~~U~~IN ALL THE HOLES WASHED OUT BY THE STORM— THROWED THEM IN CROSS WISE AND EVERY WAY. ~~PROBABLY THEN TWO WEEKS~~ PROBABLY WITHIN TWO WEEKS THERE HAD COME RAINS AND THE DIRT THEY HAD THROWN OVER	TOLD THE TRUTH [*space*] MR. POLLOCK SAYS YOU WILL RECOLLECT IN HIS TESTIMONY THAT THE GROUND WAS VERY HARD AND THEY DIDN'T DIG GRAVES BUT THEY FOUND PLACES WHERE THE *STORMS/STREAMS*[?] HAD WASHED OUT HOLES AND THEY PUT THEM THERE [*space*] THREW THEM IN CROSS WAYS AND EVERY WAY AND PROBABLY WITHIN TWO WEEKS THERE HAD COME A RAIN AND THE DIRT THEY HAD THROWN OVER

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RT	RS	BT	PS
	THEM THEY SAY WAS WASHED AWAY, AND THERE MR. KEYES FOUND THEM AS MR. POLLOCK STATED NEAR THESE {PLACES}[i] {WHERE THE}[i] *STORMS/STREAMS*[?] HAD WASHED OUT WHEN THERE ≤HAD≥ BEEN RAIN. GENTLEMEN OF THE JURY WHAT DEFENSE IS THERE OFFERED TO ALL THIS ACCUMULATED TESTIMONY? THE FIRST IS THAT THESE INDIANS WERE SO SAVAGE {=}[i] WERE SO INCENSED, THAT IT WAS IMPOSSIBLE TO SAVE THEM. IF YOU KNEW OF 40 FIFTY OR A HUNDRED MEN WOMEN AND CHILDREN, SURROUNDED BY SAVAGES, THAT YOU WISHED TO SAVE,	THEM, ~~THEY SAY~~ WAS WASHED AWAY, AND THERE MR. KEYES FOUND THEM AS MR. ~~O~~POLLOCK STATED NEAR T~~T~~HIS PLACE WHERE THE STORMS HAD WASHED [6] OUT PLACES , WHEN THERE HAD BEEN RAIN. GENTLEM~~A~~EN OF THE JURY, WHAT DEFENSE IS THERE OFFER~~3~~ED HERE TO ALL THIS ACCUMULATED TESTIMONY. THE FIRST IS THAT THESE ~~XF~~ INDIANS WERE SO SAVAGE, WERE SO INSENSED THAT IT WAS IMPOSSIBLE TO SAVE THEM. IF YOU KNEW OF 40 OR 50 OR A HUNDRED MEN, WOMEN AND CHILDREN SURROUNDED BY SAVAGES THA T YOU WISHED TO SAVE,	THEM WASHED AWAY THERE MR. KEYES FOUND THEM IN THE PLACES WHERE THE *STORMS/STREAMS*[?] HAD WASHED OUT AND WHEN THERE HAD BEEN A RAIN GENTLEMEN OF THE JURY [*space*] WHAT DEFENSE IS THERE OFFERED TO ALL THIS ACCUMULATED TESTIMONY THE FIRST IS THAT THESE INDIANS WERE SO SAVAGE WERE SO INCENSED THAT IT WAS IMPOSSIBLE TO SAVE THEM IF YOU KNEW OF FORTY 50 OR HUNDRED MEN WOMEN AND CHILDREN SURROUNDED BY SAVAGES [*space*] THAT YOU WISHED TO SAVE [*space*]

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RT	RS	BT	PS
	PLACE YOURSELF IN THE POSITION OF THESE PARTIES AND ASK WHAT WOULD YOU DO. IN THE FIRST PLACE THERE WAS SOMETHING LIKE 50 WELL ARMED ABLE BODIED MEN IN THE EMIGRANT TRAIN THERE WAS SOMETHING LIKE 50[425] MORE WELL ARMED ABLE BODIED MEN COLLECTED FROM THE SETTLEMENTS OF SOUTH UTAH. FOR NEARLY A WEEK THESE 50 MEN ≤ALONE≥ WHILE ≤THERE≥ HAD BEEN ABLE DEFEND THEMSELVES AGAINST ≤THE≥ ATTACK OF INDIANS, AND SUCH OTHERS AS HAD JOINED	PLACE YOURSELVES IN THE POSITION OF THESE PARTIES AND ASK WHAT WOULD YOU DO. IN THE FIRST PLACE T~~H~~E RE ~~S~~WAS SOMETHING LIKE FORTY OR FIFTY WELL ARMED ABLE BODIED MEN; THERE WAS SOMETHING LIKE FIFTY MEN WELL ARMED ABLE BODIED MEN COLLECTED FROM THE SOUTHERN SETTLE~~K~~**M**ENTS OF ~~Y~~**U**TAH. FOR NEARLY ~~W~~**A** WEEK THESE FIFTY MEN ALONE HAD BEEN ABLE TO DEFEND THEMSELVES AGAINST THE ATTACK OF THE INDIANS, AND SUCH OTHERS AS HAD JOINED	PLACE YOURSELVES IN THE POSITION OF THESE PARTIES AND ASK WHAT WOULD YOU DO IN THE FIRST PLACE THERE WERE SOMETHING LIKE 50 WELL ARMED ABLE BODIED MEN IN THE EMIGRANT TRAIN THERE WAS SOMETHING LIKE 50 MORE WELL ARMED ABLE BODIED MEN COLLECTED FROM THE SETTLEMENTS OF SOUTHERN UTAH FOR NEARLY A WAGON THOSE FIFTY MEN ALONE HAD BEEN ABLE TO DEFEND THEMSELVES AGAINST THE ATTACK OF THE INDIANS AND SUCH OTHERS AS HAD JOINED

425. “5” is written over an illegible digit.

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RT	RS	BT	PS
	IN WITH THEM NOW SUPPOSE YOU UNITED THESE FORCES *ALL/OF*[?] THE INDIANS IN UTAH COULD NOT HAVE DEFEATED THEM. BUT SUPPOSE IT COULD BEEN DONE AND YOU HAD FOUND YOU COULD NOT = HAD NOT FORCES ENOUGH TO PROTECT YOUR FRIENDS,[426] WHAT WOULD YOU DO THEN, WOULD YOU STAY THERE AND HELP TO SLAUGHTER THEM OR WOULD YOU LEAVE THE GROUND. THE TRUTH ABOUT IT IS, THIS THING WAS NOT PLANNED BY THE INDIANS; IT WAS NOT EXECUTED PRINCIPALLY	IN WITH THEM. NOW, SUPPOSE THESE FORCES OF THE INDIANS IN UTAH COULDNOT HAVE DEFEATED~~THEM~~ , **THEM** ANS**~~S~~D** SUPPOSE IT COULD NOTHAVE BEEN DONE, AND YOU HAD FOUND YOU COULDNOT —HADN'T FORCE ENOUGH TO PROTECT YOUR FRIENDS WHAT WOULD YOU DO THEN? WOULD YOU STAY THERE AND HELP TO SLAUGHER THEM, OR WOULD YOU LEAVE THE GROUND? THE TRUTH ABOUT IT IS, THIS THING WASN'T PLA~~C~~NNED BY THE INDIANS~~?~~. IT WA**S**N'T EXECUTED PRINCIPALLY	WITH THEM [*space*] NOW SUPPOSE YOU UNITED THESE FORCES *ALL/OF*[?] THE INDIANS IN UTAH COULD NOT HAVE DEFEATED THEM BUT SUPPOSED IT COULD HAVE BEEN DONE AND YOU HAD FOUND YOU HAD NOT AND HAD NOT FORCE ENOUGH TO PROTECT YOUR FRIENDS WOULD YOU DO [*space*] STAY THERE AND HELP TO SLAUGHTER THEM OR WOULD YOU LEAVE THE GROUND [*space*] THE TRUTH IS ABOUT IT THIS THING WASN'T PLANNED BY THE INDIANS IT WASN'T EXECUTED PRINCIPALLY

426. Vowel added later in ink, renders word: FORTS.

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RT	RS	BT	PS
	BY INDIANS. THE INDIANS WERE LESS INTERESTED IN THIS MATTER THAN THEIR ALLIES {WHO}[i] WERE THERE ON THE FIELD THIS STORY ABOUT ~~≤~~THE~~≥~~ POISONED OX, POISONED SPRINGS, AT CORN CREEK IS AN INVENTION THAT HAS BEEN GOTTEN UP LONG SINCE THE SLAUGHTER WAS CONSUMMATED. [*space*]. THERE WAS NO DUTCH DOCTOR AMONG THESE EMIGRANTS. THIS MAN HOOPS *TOLD/TELLS*[?] ABOUT **A** DUTCH DOCTOR, AND YOU ASK WHAT HE DID {=}[i] WHAT THE DUTCH DOCTOR DID WHERE	BY THE INDIANS. THE INDIANS WERE THE ~~ALLIED~~ ~~INSTITUTED~~ **LESS** **INTERESTED** IN THIS MATTER THAN THEIR ALLIES WHO WER~~3~~E THERE ~~I~~ON THE FIELD, AND THIS STORY ABOUT THE POISONED OX, POISONED SPRINGS AT CORN CREEK, IS AN INVENT ION THA T HAS BEEN GOTTEN UP LONG SINCE THE SLAUGHTER WAS CONSUMMATED. THERE WAS NO DUTCH DOCTOR AMONG THESE EMIGRAN~~T~~S THIS MAN HOOPS TOLD ABOUT A DUTCH DOCTOR, AND YOU ASK W HAT THE DUTCH DOCTOR DID. WHERE	BY THE *INDIANS*[?] *[[18]]* THE INDIANS WERE LESS INTERESTED IN THIS MATTER THAN THEIR ALLIES WHO WERE THERE ON THE FIELD; AND THIS STORY ABOUT THE POISONED OX AND POISONED SPRINGS AT CORN CREEK IS AN INVENTION THAT HAS BEEN GOTTEN UP LONG SINCE THE SLAUGHTER WAS CONSUMMATED [*space*] ~~FOR~~ ~~THERE WAS~~ THERE WAS NO DUTCH DOCTOR AMONG THESE EMIGRANTS THIS MAN HOOPS TOLD ABOUT A DUTCH DOCTOR AND YOU ASK WHAT THE DUTCH DOCTOR DID WHERE

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RT	RS	BT	PS
	DID HE SEE HIM DID HE TALK WITH HIM, OH NO HE DID NOT TALK WITH HIM, BUT HE CAME OVER TO THEIR CAMP AND TALKED WITH THE {PROMINENT}[i] PRINCIPLE MEN. THAT IS THE STORY OF HOOPS I SUPPOSE ONE OF {THE}[i] PRINCIPLE MEN WAS BISHOP FARNSWORTH HE WAS ONE OF NUMBER OF MEN THAT WAS THERE WITH GEORGE A SMITH AND WITH HOOPS WHAT DOES BISHOP FARNSWORTH SAY HE SAYS {HE}[i] NEVER HEARD ANYTHING ABOUT DUTCH DOCTOR THERE {AND	DID HE SEE **HIM** ~~HOIM~~? DID HE TALK W ITH HIM? OH, NO, HE DI DN'T T~~Q~~**A**L K WITH HIM, BUT HE CAME OVER THERE TO THEIR CAMP AND TALKED WITH THE PROMINENT MEN. THAT IS T**H**E STORY OF HOOPS. I SUPPOSE ONE OF THE PROMINENT MEN WAS BISHOP FARNSWORTH. HE WAS ONE OF THE PROPMI~~N~~ENT MEN THA T WAS THERE WITH ~~F~~**G**EORGE ~~A.~~ A.SMITH *[7]* AND WITH HOOPS. WHAT DOES BISHOP FARNSWORTH SAY ON THE SUB~~J~~JECT? BISHOP FARNSWORTH, DIDN'T HEAR, NEV**E**R HEARD A WORD ABOUT THE DUTCH DOCTOR . DIDN'T HEAR	DID HE SEE HIM DID HE TALK WITH HIM [*space*] BUT HE CAME OVER THERE TO THEIR CAMP AND TALKED WITH THE PRINCIPLE MEN THAT IS THE STORY OF HOOPS I SUPPOSE ONE OF THE PRINCIPLE MEN WAS BISHOP FARNSWORTH HE WAS ONE OF THE MEN THAT WAS THERE WITH GEORGE **A** SMITH AND HOOPS BISHOP FARNSWORTH DIDN'T HEAR A DUTCH DOCTOR, DIDN'T HEAR

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RT	RS	BT	PS
	NO MAN CLAIMING TO BE A DOCTOR THERE.}[i] YOU RECOLLECT ~~POOR OLD~~ ≤PRIOR THAT≥ HOOPS TOLD ABOUT {A}[i] DUTCH DOCTOR THAT TALKED WITH ~~PRO~~{MINENT}[i] PRINCIPLE MEN. I DO NOT THINK HOOPS HAS BEEN SINCE **≤SEEN SINCE≥** THAT DAY THAT HE TOLD THAT STORY, AND IF I WERE HIM I WOULD HIDE *[[25]]* MYSELF FROM THE GAZE OF MEN HENCEFORTH AND FOREVER. {NOW}[i] GENTLEMEN OF THE JURY [*space*] I WOULD NOT DO THIS PERSON THE LEAST INJUSTICE, BUT LOOKING AT THE EVIDENCE AS IT IS OFFERED	OF ~~OF~~ ANY MAN THAT CLAIMED TO BE A DOCTOR T~~ERE~~ THERE. YOU RECOLLECT PRIOR TO THAT HOOPS TOLD ABO~~U~~T A DUTCH DOCTOR THAT TALKED WITH THE PROMINENT MEN OFHIS CAMP. I DON'T THINK THAT HOOPS HAS BEEN SEEN SINCE THAT DAY THAT HE TOLD THE STORY HERE, AND IF I WERE HIM I WOULD HIDE MYSELF FROM THE GAZE OF MEN HENCEFORTH AND FOREVER. NOW, GENTLEMEN OF THEJURY, I WOULD NOT DO THIS PERSON THE LEAST INJUSTICE, BUT ~~O~~LOOKING AT THE EVIDENCE AS IT HAS APPEARED	OF ANY MAN CLAIMED TO BE A DOCTOR YOU PRIOR *OLD*[?] HOOPS TOLD ABOUT DUTCH DOCTOR THAT TALKED WITH THE PRINCIPLE MEN I DON'T THINK THAT HOOPS HAS BEEN SEEN SINCE THAT DAY THAT HE TOLD THAT STORY IF I WERE HIM I WOULD HIDE MYSELF FROM THE GAZE OF MEN HENCEFORTH AND FOREVER NOW GENTLEMEN OF THE JURY I WOULD NOT DO THIS PRISONER THE LEAST INJUSTICE, BUT LOOKING AT THE EVIDENCE AS IT HAS APPEARED

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RT	RS	BT	PS
	BEFORE YOU IN THIS TRIAL, I CAN NOT CONCEIVE HOW IT IS POSSIBLE FOR THIS JURY TO DO JOHN D. LEE INJUSTICE UNLESS THEY SHOULD ACQUIT HIM OF THIS CRIME THAT IS THE ONLY INJUSTICE {THAT}[i] I CAN SEE CAN BE INFLICTED UPON HIM. [*space*] HE IS AN OLD MAN NEARLY 3 SCORE YEARS OLD AND I REALIZE POSITION HE OCCUPIES HERE TODAY; WHEN {EVER}[i] I ~~REASON~~ {REALIZE}[i] THAT AND FEEL ANY SYMPATHY FOR HIM, MY MIND IMMEDIATELY REVERTS TO THE MEADOWS AND THERE I SEE OLD MEN, YOUNG MEN	BEFORE YOU ON THIS TRAIL, ~~A~~ I CANNOT CONCEIVE HOW IT IS POSSIBLE FOR THIS JURY TO DO JOHN D. LEE AN INJUSTICE, ~~B~~UNLESS THEY ACQUIT HIM OF THIS CRIME; THAT IS THE ONLY INJUSTICE THAT I CAN SEE THAT CAN BE INFLI~~V~~CTED UPON HIM. HE IS AN OLD MAN NEARLY THREE SCORE YEARD OLD, AND I REALIZE THE POSITION THAT HE OCCUPIES ~~TH~~HERE TO DAY; BUT WHEN I REALIZE THAT AND FEEL **TO** SIMPATHIZES WITH HIM MY MIND IMMEDIATELY AVERTS TO THE MOUNTAIN MEADOWS.. THERE I SEE OLD MEN, YOUNG MEN,	BEFORE YOU IN THIS TRIAL I CANNOT CONCEIVE HOW IT IS POSSIBLE FOR THIS JURY TO DO JOHN D. LEE INJUSTICE UNLESS THEY SHOULD ACQUIT HIM OF THIS CRIME THAT IS THE ONLY INJUSTICE THAT I CAN SEE THAT CAN BE INFLICTED UPON HIM HE IS AN OLD MAN NEARLY 3 SCORE YEARS OLD AND I REALIZE THE POSITION THAT HE OCCUPIES HERE TO DAY BUT WHENEVER I REALIZE THAT AND FEEL ANY SYMPATHY FOR HIM MY MIND IMMEDIATELY REVERTS TO THE MOUNTAIN MEADOWS THERE I SEE OLD MEN YOUNG MEN

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RT	RS	BT	PS
	AND I SEE WOMEN AND CHILDREN AND I SEE THEM MURDERED IN COLD BLOOD, AND I SEE THIS MAN ONE OF THE PRINCIPLE EXECUTORS OF THAT FOUL DEED. AND WHEN I THINK OF THAT, I THINK THAT PUNISHMENT IS DUE TO HIM AND THAT IT IS A MERCY TO PUNISH HIM. IF I WERE HE {**&**}[i] PLACED IN HIS POSITION I WOULD ASK THAT I MIGHT BE PUNISHED FOR COMMITTING SUCH A HEINOUS CRIME. [*space*] THE CRIME HAS BEEN COMMITTED. THAT IS ACKNOWLEDGED BY ALL A FEARFUL CRIME THAT THE WORLD HAS BRANDED AS ONE OF THE MOST TERRIBLE	AND I SEE WOME~~N~~N AND CHILDREN, AND I SEE THEM MURDERED IN COLD BLOOD; AND I SEE THIS MAN ONE OF THE ~~PRINCIL~~ALP PRINCIPAL EXECUTORS OF THAT FOUL DEED AND WHEN I THINK OF THAT, I THINK THAT PUNISHMENT IS DUE HIM, AND THAT IT IS A MERCY TO PUNISH HIM. IF I WERE HE, AND I PLA~~V~~CED IN HIS POSITION, I WOULD ASK THAT I M~~U~~IGHT BE PUNISHED FOR COMMITTING SUCH AN HEINOUS CRIME. THE CRIME HAS BEEN COMMITTED. THAT IS ACKNOWLEDGED BY ALL. A FEARFUL CRIME, WHICH THE WORLD HAD BRANDED AS ONE OF THE MOST TERRIBLE	WOMEN CHILDREN I SEE THEM MURDERED IN COLD BLOOD AND I SEE THIS MAN ONE OF THE PRINCIPAL EXECUTORS ~~IN~~ OF THAT FOUL DEED [*space*] AND WHEN I THINK OF IT I THINK THAT PUNISHMENT IS DUE TO HIM AND THAT IT IS A MERCY TO PUNISH HIM IF I WERE HE AND PLACED IN HIS POSITION I WOULD ASK THAT I MIGHT BE PUNISHED FOR COMMITTING SUCH A HEINOUS CRIME A CRIME HAS BEEN COMMITTED THAT IS ACKNOWLEDGED BY ALL A FEARFUL CRIME THAT THE WORLD HAS BRANDED AS ONE OF THE MOST TERRIBLE

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RT	RS	BT	PS
	THAT WAS EVER[427] COMMITTED IN THE ANNALS OF TIME. SHALL THE GUILTY ~ SHALL ANY OF THOSE GUILTY OF COMMITTING IT BE PUNISHED. IF ANY ONE IS EVER TO BE PUNISHED THIS MAN IS ONE THAT SHOULD BE. WE MAY NOT KNOW ALL THAT ARE IMPLICATED, BUT WE KNOW NEARLY ALL, AND BEFORE INVESTIGATION OF ALL THESE WE KNOW OF IS THROUGH A FEW MEN WHO HAD A HAND IN PLANNING AND COMMITTING IN PLANNING AND HAND IN EXECUTING THIS FEARFUL DEED, WILL BE	THAT WAS EVER COMMITTED IN THE ANNALS OF TIME. SHALL THE GUILTY, SHALL ANY OF THOSE GUILTY OFIT BE PUNISHED? IF ANY ONE HAS EVER TO BE PUNISHED, THIS MAN IS ONE THAT SHOULD BE. WE MAY NOT KNOW ALL THAT ARE IMPLICATED, BUT WE KNOW NEARLY ALL, AND BEFORE THE INVESTIGATION OF ALL THESE THAT WE KNOW **IS** ~~OIS IF~~ THROUGH EVERY MAN WHO HAD A HAND IN PLANNING *[8]* AND AIDED IN PLANNING OR HAD A HAND IN EXECUTING THIS FEARFUL DEED ~~WITH~~ WILL BE	THAT WAS EVER COMMITTED IN THE ANNALS OF TIME *[[19]]* [428]SHALL THE GUILTY SHALL ANY OF THOSE GUILTY OF COMMITTING IT BE PUNISHED IF ANY ONE IS EVER TO BE PUNISHED THIS MAN IS ONE THAT SHOULD BE [*space*] WE MAY NOT KNOW ALL THAT ARE IMPLICATED BUT WE KNOW NEARLY AND BEFORE THE INVESTIGATION OF ALL THOSE THAT WE KNOW IS THROUGH, EVERY MAN WHO HAD A ~~HAND~~ <HEAD> IN PLANNING OR HAND IN PLANNING THIS FEARFUL DEED WILL BE

427. "EVER" written over illegible shorthand.
428. Illegible shorthand and the numbers 400, 8, and *30/50*[?].

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RT	RS	BT	PS
	BROUGHT TO JUSTICE. BE HE HIGH OR LOW, WISE OR FOOLISH, HIS DEEDS ARE BOUND TO BE KNOWN; THEY CAN NOT BE CONCEALED ANY LONGER. THE ~~WHOLE~~ EYES OF THE WHOLE CIVILIZED WORLD IS TURNED UPON THIS DEED MEN FROM ALL QUARTERS OF COUNTRY ARE TELLING WHAT THEY KNOW, AND BEFORE IT IS ALL THROUGH WITH EVERYONE THAT HAD ANY THING TO DO WITH IT WILL BE KNOWN AND MARKED. IN SOME RESPECTS, THIS CRIME STANDS UNPARALLELED .{¶}[i] I ALLUDED IN MY OPENING ARGUMENT TO SOME OF THE GREAT CRIMES	BROUGHT TO JUSTICE **BE HE** ~~HE HE~~ HIGH OR LOW, WISE OR FOOLISH~~.~~, HIS DEEDS ARE BOUND TO BE KNOWN. THEY CANNOT BE CONCEALED ANY LONGER. THE EYES OF THE WHOLE CIVILIZED WORLD IS TURNED UPON THIS DEED. MEN FROM ALL QUARTERS OF THE COU~~J~~NTRY, ARE TELLING WH**A**T THEY KNOW, AND BEFORE IT IS ALL THROUGH WITH EVERY ONE TH AT HAD ANYTHING TO DO WITH IT WILL BE KNOWN AND MARKED. IN SOME RESPECTS, THIS CRIME STANDS UNPARALELLED . I ALLUDED IN MY OPENING REM~~E~~ARKS TO SOME OF THE GREAT CRIMES	BROUGHT TO JUSTICE [*space*] BE HE HIGH OR LOW WISE OR FOOLISH HIS DEEDS ARE BOUND TO BE KNOWN THEY CANNOT BE CONCEALED ANY LONGER [*space*] THE EYES OF THE WHOLE CIVILIZED WORLD IS TURNED UPON THIS DEED MEN FROM ALL QUARTERS OF THE COUNTRY ARE TELLING WHAT THEY KNOW AND BEFORE IT IS ALL THROUGH WITH EVERY ONE THAT HAD ANYTHING TO DO WITH IT WILL BE KNOWN AND MARKED [*space*] IN SOME RESPECTS THIS CRIME STANDS UNPARALLELED I ALLUDED IN MY OPENING ARGUMENT TO SOME OF THE GREAT CRIMES

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RT	RS	BT	PS
	THAT HAVE BLOTTED HISTORY. I ALLUDED TO **AI**, BUT YET IN ONE RESPECT THIS EXCEEDS THE DESTRUCTION THERE BECAUSE, THEY DID NOT PRETEND TO HAVE FLAG OF TRUCE I ALLUDED TO ST. BARTHOLOMEW, BUT IN ONE RESPECT THIS IS MORE SAVAGE *[[26]]* THAN THE MASSACRE OF ST. BARTHOLOMEW FOR INDIAN SAVAGE ALLIES WERE NOT CALLED IN TO HELP EXECUTE IT [*space*] I ALLUDED TO THE DESTRUCTION OF BRITISH SOLDIERS IN THE BLACK HOLE OF CALCUTTA IN ONE	THAT HAVE BLOTTED HISTORY. I ALLUDED TO AI; BUT YET I~~S~~N ONE RESPE~~C~~T THIS EXCEEDS THE DESTRUCTION THERE, BECAUSE THERE THEY DID~~N'T~~ **NOT** PRETEND TO HAVE A FLAG OF TRUCE. I ALLUDED TO ST BARTHOLOMEW; BUT IN ONE RESPECT THIS IS MORE SAVAGE THAN THE MASSACRE OF ST BARTHOLOMEW. FOR INSTANCE THE SAVAGE ALLIES WERE NOT CALLED IN TO HELP EXECUTE THEM. I ALLUDED TO THE DESTRUCTION OF THE **B**RITISH SOLDIERS IN THE BLACK HOLE IN CALCUTTA, BUT IN ONE	THAT HAVE BLOTTED HISTORY I ALLUDED TO **AI** ~~AND A GENTLEMEN~~ ~~<~~BUT GENTLEMEN~~>~~ IN ONE RESPECT THIS EXCEEDS DESTRUCTION THERE BECAUSE THERE THEY DID NOT PRETEND TO HAVE A FLAG OF TRUCE I ALLUDED TO ST BARTHOLOMEW BUT IN ONE RESPECT THIS IS MORE SAVAGE < < FOR INDIAN ALLIES WERE NOT [*space*] < < < BLACK HOLE OF CALCUTTA, BUT IN ONE

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RT	RS	BT	PS
	RESPECT THIS EXCEEDS EVEN THAT, FOR WOMEN AND CHILDREN WERE NOT INCARCERATED THERE. SO THAT IN ALL ELEMENTS THAT MAKE UP A GREAT CRIME, THE PERPETRATORS OF THIS ONE SEEM TO HAVE UNITED THE WICKEDNESS THE TREACHERY AND THE CRUELTY OF ALL GREAT CRIMES THAT HAVE EVER BEEN COMMITTED. [*space*]. MEN IN WAR HAVE SOMETIMES SLAUGHTERED ALL THEIR PRISONERS, BUT THEY NEVER DID IT UNDER FLAG OF TRUCE, WHEN THIS WAS INTENDED THEY HAVE GIVEN THEIR OPPONENTS FAIR WARNING BY	RESPECT, THIS EXCEEDS EVEN THAT; FOR WOMEN AND CHILDREN WERE NOT INCARCERATED THERE. SO THAT ~~IN~~ ALL **THE** ELEMENTS THAT MAKE UP A GREAT CRIME, THE PERPETRATORS OF THIS ONE**,** SEEM TO HAVE UNITED ~~IN~~ **THE** ~~THE~~ WICKEDNESS AND TREACHERY AND CRUELTY OF ALL GREAT CRIMES THAT HAVE EVER ~~M.~~ BEEN COMMITTED/ MEN IN WAR HA~~V~~VE SOMETI~~N~~MES SLAUGHTERED ALL THE~~I~~R PRISONERS, BUT THEY NEVER DID IT UNDER A FLAG OF TRUCE. WHEN THIS WAS INTENDED, THEY HAVE GIVEN THEIR OPPONENTS FAIR WARNINGS, BY	RESPECT THIS EXCEEDS EVEN THAT FOR WOMEN AND CHILDREN WERE NOT INCARCERATED THERE [*space*] SO THAT IN ALL THE ELEMENTS THAT MAKE UP A GREAT CRIME THE PERPETRATORS OF THIS ONE SEEM TO HAVE UNITED THE WICKEDNESS AND TREACHERY AND THE CRUELTY OF ALL GREAT CRIMES THAT HAVE EVER BEEN COMMITTED [*space*] MEN IN WAR HAVE SOMETIMES SLAUGHTERED ALL THEIR PRISONERS BUT THEY NEVER DID IT UNDER A FLAG OF TRUCE WHEN THIS WAS INTENDED THEY HAVE GIVEN THEIR OPPONENTS FAIR WARNINGS BY

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RT	RS	BT	PS
	RAISING A BLACK FLAG, GOING IN *ANNOUNCING*[?] IN THE THEY WOULD EITHER KILL OR DIE THEMSELVES. BUT IN THIS ~~THIS~~ {CASE}[i] HERE IS NOTHING OF THE KIND. GENTLEMEN OF THE JURY IS THERE ANY (I ASK YOU THINK OF THIS") {IS}[i] THERE ANY POLITICAL PARTY WHO WOULD BE WILLING TO DEFEND THE CRIMINALS ENGAGED IN THIS MATTER. IS THERE ANY CHURCH ORGANIZATION THAT WOULD BE WILLING TO SHOULDER {THE}[i] DISGRACE OF DEFEND SUCH A CRIME ARE THERE ANY TWELVE MEN, WHO ON THEIR SOLEMN OATHS WOULD SAY THAT THE	RAISING A BLACK FLAG~~.~~,— GIVING THEM NOTICE THA T THEY WOULD HAVE TO KILL OR DIE THEMSELVES. BUT IN THIS CASE HE RE WAS NOTHING OF **THAT** KIN~~G~~**D**. GENTLEMEN, OF THE JUR**Y**, IF THERE **IS** ANY— ~~9I TO~~ **I** ASK YOU TO THINK OF THIS—IS THERE ~~IS~~ ANY POLITICAL PARTY ~~T~~WHO WOULD BE WILLING TO DEFEND THE CRIMINALS IN THIS MATTER ~~.~~? IS THERE ANY CHURCH ORGANIZATION, THAT WOULD BE WILLING TO SHOULDER SUCH A ~~S~~DISGRA~~V~~CE DEFEND SUCH A CRIME? ARE THERE ANY I2 MEN **WHO** ON THEIR SOLEMN OATHS WOULD SAY THAT THE	RAISING A BLACK FLAG [*space*] GOING HAVE TO KILL OR DIE THEMSELVES BUT IN THIS CASE NOTHING OF THE KIND [*space*] GENTLEMEN OF THE JURY IS THERE ANY I ASK YOU TO THINK OF THIS IS THERE ANY POLITICAL PARTY WHO WOULD BE WILLING TO DEFEND THE CRIMINALS ENGAGED IN THIS MATTER IS THERE ANY CHURCH ORGANIZATION THAT WOULD BE WILLING TO SHOULDER THE DISGRACE OF DEFENDING SUCH A CRIME ARE THERE ANY TWELVE MEN WHO *[[20]]* ON THEIR SOLEMN OATHS WOULD SAY THAT THE

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RT	RS	BT	PS
	CRIMINALS ENGAGED IN IT SHOULD NOT BE PUNISHED IS THERE ANY ONE MAN ON HIS OWN OATH, RECALLING HIS DUTY AND WHAT HE IS CALLED UPON TO DECIDE {=}[i] IS THERE ANY ONE MAN THAT IS READY TO SAY *LET THEM*[?] THEM GO FREE THE CRIME IS ONE NOT WORTHY OF PAYING ATTENTION TO {IT, AND}[i] ANYONE ENGAGED IN IT SHOULD NOT BE PUNISHED. I CAN'T BELIEVE THERE IS SUCH A MAN. I DO NOT DEEM IT NECESSARY TO GO OVER VERY MUCH MORE OF THIS MATTER, BUT GENTLEMEN IN THE NAME OF VIOLATED LAW OF OUTRAGED	CRIMINALS ENGAGED IN IT SHOULD NOT BE PUNISHED? *[9]* IS THERE ANY ONE MAN WHO IS UNDER OATH, RECOLLECTING HIS DUTY, AND WHAT HE IS CALLED UPON TO DECIDE~~?—~~ IS THERE ANY ONE MAN WHO **IS READY** ~~HAS THE RIGHT~~ TO SAY "LET THEM GO FREE, THE CRIME IS ONE NOT WORTH PAYING ATTENTION TO, AND ANYONE ENGAGED IN IT S HOULD NOT BE PUNISHED?" I CANNOT BELIEVE THERE IS ~~A~~SUCH A MAN. I DO NOT DEEM IT NECESSARY TO GO OVER VERY MUCH MORE OF THIS TESTIMONY? BUT , GENTLEMEN, IN THE **NAME** ~~BAME~~OF VIOLATED LAW OF OUTRAGED	CRIMINALS ENGAGED IN IT SHOULD NOT BE PUNISHED IS THERE ANY ONE MAN ON HIS OWN OATH RECOLLECTING HIS DUTY AND WHAT HE IS CALLED UPON TO DECIDE IS THERE ANY ONE MAN WHO IS READY TO SAY LET THEM GO FREE THE CRIME IS ONE THAT IS NOT WORTH PAYING ANY ATTENTION TO IT AND ANY ONE ENGAGED IN IT SHOULD NOT BE PUNISHED I CANNOT BELIEVE THERE IS SUCH A MAN I DO NOT DEEM IT NECESSARY TO GO OVER VERY MUCH MORE OF THIS MATTER BUT GENTLEMEN IN THE NAME OF VIOLATED LAW OF OUTRAGED

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RT	RS	BT	PS
	JUSTICE {=}[1] IN THE NAME OF THE PEOPLE AND IN VINDICATION OF THE PEOPLE OF THE UNITED STATES AND TERRITORY OF UTAH, I ASK YOU UNDER YOUR SOLEMN OATHS WHEN YOU RETIRE TO YOUR ROOMS TO LOOK OVER THIS TESTIMONY AND I AM CONVINCED YOU WILL FIND IT SO OVERWHELMIN G THERE CAN BE NO DOUBT IN YOUR MINDS AND THAT YOU WILL SAY THAT THIS DEFENDANT IS ≤GUILTY≥ OF THE CRIME OF WHICH HE IS CHARGED. [*space*] **4 PM** [*space*]	JUSTICE~~.~~; IN THE NAME OF~~T~~HE PEOPLE, AND IN VINDICATION OF THE PEOPLE OF THE UNITED STATES, AND THE TERRITOR~~U~~Y OF UTAH, I ASK UNDER YOUR SOL~~M~~EMN OATHS, I ASK WHEN YOU RETIRE TO YOUR ROOM AND LOOK OVER THIS TESTIMONY, I AM CONVINCED, YOU WILL FIND IT SO, OVERWHELMIN G, THAT YOU CAN HAVE NO DOUBT IN YOUR MINDS**,** AND THAT YOU WILL SAY THAT THIS DE~~S~~FE~~S~~NDANT IS GUILTY OF THE CRIME OF WHICH HE IS CHARGED.	JUSTICE IN THE NAME OF THE PEOPLE IN THE VINDICATION OF THE ≤PEOPLE OF THE UNITED STATES≥ [*space*] I ASK YOU UNDER YOUR SOLEMN OATHS WHEN YOU RETIRE TO YOUR ROOMS TO LOOK OVER THIS TESTIMONY AND I CONVINCED YOU WILL FIND IT SO OVERWHELMIN G THAT YOU CAN *BN/DN*[?] TO DOUBT IN YOUR MINDS BUT THIS DEFENDANT IS GUILTY OF THE CRIME OF WHICH HE IS CHARGED **4 PM**[429] —[?]

429. In Rogerson's hand.

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John D. Lee, First Trial

Jabez Sutherland Closing Argument

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RS	PS	RT	BT
[*The arrangement of source columns is distinct in Sutherland's Closing Argument in order to highlight the similarities between the Rogerson and Patterson shorthands, the similarities between the Rogerson and Boreman transcripts, and the significant differences between shorthands and transcripts.*]		*[[Bk 5 1]]*[431] IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT OF THE TERRITORY OF UTAH. COUNTY OF BEAVER. THE PEOPLE. VS JOHN D. LEE ——————— TUESDAY, AUGUST 3RD 1875, 4:05 P.M. ARGUMENT OF JUDGE J. G. SUTHERLAND OF COUNSEL FOR DEFENSE TO THE JURY.	*[Bk 8 1]* **1ST LEE TRIAL (BOOK ~~7~~8) ~~(BOOK 8)~~** ~~FR~~ FIRST LEE TRIAL. ADDRESS OF JUDGE J. G. SUTHERLAND ~~OF COUNSEL FOR THE DEFENSE, TO THE JURY, SECOND DISTRICT COURT .U.T. AUGI875.~~
[[Bk 10 27]][430] **JG SUTHERLAND'S SPEECH TO JURY ON DEFENSE** 4:03, ~~≤~~**PM**~~≥~~ YOUR HONOR PLEASE GENTLEMEN OF THE JURY.	*[[Bk 11 20 cont.]]* SUTHERLAND [*space*] IF YOUR HONOR PLEASE AND GENTLEMEN OF THE JURY [*space*]	GENTLEMEN OF THE JURY:	GENTLEMEN OF THE JURY;

430. There is almost no ink in either the Rogerson or the Patterson Shorthand for Sutherland's closing, nor any of Rogerson's transcription marks.

431. Rogerson's table of contents included at the beginning of book 5:
BOOK 5. (1ST COPY. FIRST TRIAL OF JNO. D. LEE.
PAGE 1. ARGUMENT OF JUDGE SUTHERLAND COUNSEL FOR DEFENSE, TO JURY.
—"—33. ARGUMENT OF JUDGE HOGE. COUNSEL FOR DEFENSE.
—"—51. ARGUMENT OF W.W. BISHOP. COUNSEL FOR DEFENSE. REPORTED BY JOSIAH ROGERSON. AUGUST 3RD 1875.
"**TRANSCRIBED IN FULL.**" is written in Rogerson's longhand diagonally across the page. This is the only time Rogerson used this phrase—he wrote "**TRANSCRIBED**" on other documents. Sutherland's closing is by far the least accurate portion of the transcripts: long sections of shorthand and transcripts have little relation to each other. The shorthand itself is the most difficult to transcribe.

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RS	PS	RT	BT
DEATH UNDER ANY CIRCUMSTANCES IS A SOLEMN EVENT. WE CAN'T WITNESS IT WITHOUT A SHADE OF MELANCHOLY. [*space*] THE NEARER WE APPROACH IT THE SADDER ARE OUR REFLECTIONS. THE DUTIES WE DISCHARGE AT THE BED SIDE OF THE EXPIRING AND THE RITES WE PERFORM AT THE BURIAL ARE ALWAYS ATTENDED TO WITH FEELINGS OF AWE. AS IN THE PRESENCE SOME MYSTERIOUS ~~PRESENCE~~ ≤VISITOR≥ EVERY HARBINGER OF ITS COMING EVERY WAIL WHICH BETOKEN THAT IT HAS COME, EVERY SOUVENIR	DEATH UNDER ANY CIRCUMSTANCES IS A SOLEMN EVENT WE CAN NOT WITNESS IT WITHOUT A SHADE OF MELANCHOLY [*space*] THE NEARER WE APPROACH IT THE SADDER ARE OUR REFLECTIONS [*space*] THE DUTIES WE DISCHARGE AT THE BEDSIDE OF THE EXPIRING THE RITES WE PERFORM BEFORE THE BURIAL ARE ALWAYS ATTENDED TO WITH A FEELING OF AWE AS IN THE PRESENCE OF SOME MYSTERIOUS *NQR/NKR*[?] [*space*] EVERY HARBINGER OF ITS COMING EVERY WAIL WHICH BETOKENS THAT IT HAS COME EVERY *SOUVENIR*[?]	DEATH,UNDER ANY CIRCUMSTANCES,IS A SOLEMN EVENT; WE CAN NEVER WITNESS IT WITHOUT A SHADE OF MELANCHOLY. THE NEARER WE ARE BROUGHT TO IT, THE SADDER ARE OUR REFLECTIONS. THE DUTIES WE DISCHARGE AT THE BED SIDE OF THE EXPIRING AND THE RITES WE PERFORM AT THE BURIAL, ARE ALWAYS ATTENDED TO WITH FEELINGS SUBDUED, AS BY AN AWFUL AND MYSTERIOUS PRESENCE. EVERY HARBINGER OF ITS COMING,EVERY WAIL WHICH BETOKENS THAT IT HAS COME,EVERY SOUVENIR	DEATH UNDER ANY CIRUMSTANCES IS A SOLEMN EVENT. WE CAN NEVER WITNESS IT WITHOUT A SHADE OF MELENCHOLY. THE NEARER WE ARE BROUGHT TO IT THE SADDER ARE OU~~T~~**R** REFLECTIONS. THE DUTIES WE DISCHARGE AT THE **B**ED-SIDE OF **T**HE EXPIRING, AND THE RITES WE PERFORM A~~R~~T THE BURIAL, ARE ALWAYS ATTENDED ~~TO~~ WITH FEELINGS SUBDUED AS BY AN AWFUL AND M~~I~~**Y**STERIOUS PRESENCE. EVERY HARBINGER OF ITS COMING, EVERY WAIL WHICH BETOKENS THAT IT HAS C OME, EVERY SOUVENIR

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RS	PS	RT	BT
THAT PERPETUATES ITS MEMORY CHECKS THE FLOW OF CHEERFUL THOUGHT, DIMS BRIGHTNESS OF LIFE'S OUTLOOK AND CASTS A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR WHEN THOSE DIE WHOM WE ARE RELATED TO BY CONSANGUINEO US TIES, AND OFTEN NEARER WHEN FRIENDS SPIRITUALLY KINDRED TO US GO TO THAT BOURNE FROM WHICH NO TRAVELER RETURNS. DEATH ALWAYS WEARS A GRIM VISAGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHEN DISEASE	THAT PERPETUATES HIS MEMORY DIMS THE *PRRS*[?] OF LIFE'S OUTLOOK AND CASTS A FUNERAL GLOOM OVER OUR PATHWAY IT SEEMS TO COME ESPECIALLY NEAR *TO/TOO*[?] WHEN THOSE WHO ARE RELATED BY CONSANGUINEO US [*space*] AND WHEN NEAR FRIENDS SPIRITUALLY NEARER TO US GO TO THAT BOURNE **&C** [*space*] DEATH ALWAYS BEARS A GRIM VISAGE THOSE WHO HAVE NEVER SEEN IT WHEN [*space*]	THAT PERPETUAT~~S~~ES ITS MEMORY, CHECK THE FLOW OF CHEERFUL THOUGHT,DIM THE BRIGHTNESS OF LIFE'S OUTLOOK,AND CAST A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR, WHEN THOSE DIE TO WHOM WE ARE RELATED BY CONSANGUINEO US TIES,AND OFTEN NEARER WHEN FRIENDS,SPIRIT UALLY KINDRED TO US,GO TO THAT BOURNE FROM WHENCE NO TRAVELER RETURNS. DEATH ALWAYS WEARS A GRIM VISAGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHERE DISEASE	THAT PERPETUATES ITS MEMORY, CHECK**S** THE FLOW OF ~~CHEARFUL~~ CHEERFUL THOUGHT, DIM**S** THE **BRIGHTEST** ~~BRIGHTNESS~~ LIFE'S OUTLOOK, AND CA~~W~~SET**S** A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR WHEN THOSE DIE TO WHOM WE ARE RELATED BY CONSAN**G**UINEO US TIES; AND OFTEN NEARER WHEN FRIENDS KINDRED TO US GO TO THAT, "BOURNE FROM ~~W~~WHENCE NO TRAVELER RETURNS.**"** DEATH ALWAYS WEARS A GRIM VIS~~GA~~AGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHERE DISEASE

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RS	PS	RT	BT
OR ACCIDENT HAS MARKED ITS VICTIM WHEN THE LAST HOURS OF THE DEPARTED HAVE BEEN SOOTHED BY MINISTERIAL AFFECTION HAVE SEEN IT IN ITS LEAST FORBIDDING ASPECT. BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME TO BE WITHDRAWN AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN LIFE HAS BEEN —[?] SACRIFICED TO THE WRATH OR THE AVARICE OF MAN AND THE SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE THE HEART IS SICK WITH HORROR AT THE APPALLING SPECTACLE. IT IS NO HOLIDAY	SOOTHED BY MINISTRATIONS HAVE SEEN IT IN LEAST FORBIDDING ASPECT BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME BEING TO HAVE BEEN WITHDRAWN AND THE *[[21]]* EARTH IS DREARY AND DESOLATE BUT WHEN LIFE HAS BEEN SACRIFICED TO THE WRATH OR THE AVARICE OF MAN AND THE SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE THE HEART IS SICK WITH HORROR AT THE APPALLING SPECTACLE IT IS NO HOLIDAY	OR ACCIDENT HAVE MARKED ITS VICTIM, WHEN THE LAST HOURS OF THE DEPARTED HAVE BEEN SOOTHED BY THE MINISTRATIONS OF AFFECTION, HAVE SEEN IT IN ITS LEAST FORBIDDING ASPECT [*space*] ; BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME WITHDRAWN AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN LIFE HAS BEEN SACRIFICED TO THE WRATH *[[2]]* OR AVARICE OF MAN,AND THE BRIEF SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE,THE HEART GROWS SICK WITH HORROR AT THE APPALLING SPECTACLE. IT IS NO HOLIDAY	OR ACCIDENT HAS MARKED ITS VICTI~~N~~**M**, WHEN THE LAST HOURS OF THE DEP~~Z~~A~~T~~R~~R~~TED HAVE BEEN SOOTHED BY THE MINISTRATIONS OF AFFECTION, HAVE SEEN ITS LEAST FORBIDDING ASPECT; BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME WITHDRAW~~D~~N, AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN **LIFE** ~~LIVE~~~~E~~ HAS BEEN SACRIFICED TO THE WRATH OF **THE** AVERICE OF MAN, AND THE BRIEF SPAN OF E~~D~~XISTENCE HAS BEEN CURTAILED BY VIOLENCE, THE HEART GROWS SICK WITH HORROR AT THE APPOLLING ~~A~~SPECTAC~~,~~LE. IT IS NO HOLLIDAY

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RS	PS	RT	BT
AFFAIR TO INVESTIGATE OF BY WHAT ~~MEANS~~ MEAN DIABOLICAL AGENCY EVEN ONE MAN HAS COME TO AN UNTIMELY END ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE ~ THE DETAILS OF A WHOLESALE SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE AND TO DECIDE WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN WOMEN AND CHILDREN IN A COLD BLOODED MASSACRE. I KNOW YOU	AFFAIR TO INVESTIGATE BY ~~WHAT~~ DIABOLICAL HUMAN AGENCY EVEN ONE MAN HAS COME TO AN UNTIMELY END ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION THIS CASE INVOLVES STILL MORE THE DETAILS OF A WHOLESALE SLAUGHTER YOU HAVE BEEN SELECTED TO HEAR EVIDENCE DECIDE WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN WOMEN AND CHILDREN IN A COLD BLOODED MASSACRE I KNOW YOU	AFFAIR TO INVESTIGATE BY WHAT DIABOLICAL HUMAN AGENCY, EVEN ONE MAN HAS COME TO AN UNTIMELY END,ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH ENQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE—THE DETAILS OF A WHOLESALE SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE,AND TO DECIDE WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN, WOMEN AND CHILDREN,IN A COLD BLOODED MASSACRE. I KNOW YOU	AFFAIR TO INVESTIGATE BY WHAT DIABOLICAL HUMAN AGENCY EVEN O NE MAN HAS COME TO AN UNTIMELY END, ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE—THE ~~I~~DETAILS OF A WHOLESAL~~E~~**E** SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE, AND TO D~~I~~**E**CIDE ~~FURTHER~~ **WHETHER** JOHN D. LEE IS SUCH A MORAL MONSTER AS TO ~~I~~**I**MBRUE HIS HANDS IN [2] IN THE BLOOD OF MEN, WOMEN AND CHILDREN, IN A COLD BLOODED MASSACRE. I KNOW YOU

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RS	PS	RT	BT
CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF **AWE** WITH TREMBLING AND FEAR FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD WE ARE SEARCHING FOR THE BLOOD UNWORTHILY SPILLED ~~KILLED~~ BY MURDEROUS HANDS, IN ORDER TO LAY IT OPEN AND UPON HEAD OF THE GUILTY. ITS TOUCH WHERE YOU PUT IT WILL BLAST WITHER DESTROY. FOR THAT TOUCH MARKS A MAN FOR A FELON'S DEATH. [*space*] *[[28]]* IN THIS SOLEMN AND	CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF AWE WITH TREMBLING AND FEAR FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND WE ARE STIRRING THE ASHES OF THE DEAD WE ARE SEARCHING FOR THE BLOOD UNWORTHILY SPILLED BY MURDEROUS HANDS *IN ORDER*[?] TO LAY IT UPON THE HEAD OF THE GUILTY ITS TOUCH WHERE YOU PUT IT WILL BLAST WITHER AND DESTROY FOR THAT TOUCH MARKS A MAN FOR A FELONS DEATH IN THIS SOLEMN AND	CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF AWE,WITH TREMBLING AND FEAR,FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD; WE ARE SEARCHING FOR THE BLOOD UNWORTHILY SPILLED — SPILLED BY MURDEROUS HANDS,THAT WE MAY LAY IT UPON THE GUILTY. ITS TOUCH, WHERE YOU PUT IT,WILL BLAST,WITHER AND DESTROY; HE WHOM YOU TOUCH IN THIS HOLY OFFICE WILL BE MARKED FOR A FELON'S DEATH. IN THIS SOLEMN AND	CANNOT APPROACH THIS SUBJECT WITHOUT FEELINGS OF AWE, WITH TREMBLING AND FEAR; FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD. WE ARE SEARCHING FOR THE BLOOD~~,~~ UNWORTHILLY SPILLED~~,~~ ~~SPLILLED~~ BY MURDEROUS HAND S, ~~THAT'S MAY LIVE UPON THE GUILTY.~~ **INTENDING TO LAY IT UPON THE HEADS OF THE GUILTY** ITS TOUCH ~~,~~ WHERE YOU PUT IT~~,~~ WILL B~~A~~LAST, WITHER AND DESTROY. HE WHOM YOU TOUCH~~,~~ IN THIS HOLY OFFICE~~,~~ WILL BE MARKE~~S~~D FOR A FELLONS DEATH. IN THIS SOLEMN AND

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RS	PS	RT	BT
RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE THAT ~~≤~~EVER CHARACTERIZES ~~≥~~ EARNEST CANDID MEN THAT YOU WILL FORM NO HASTY JUDGMENT THAT YOU WILL NOT SUFFER YOUR DECISION BE INFLUENCED BY ANY FANATICAL PARTY ZEAL; IN SHORT THAT YOU WILL BE GOVERNED BY NO MOODS BY NO SENTIMENTS ALIEN TO YOUR HIGH DUTY. AND I SAY TO YOU GENTLEMEN ANY MISTAKE WHICH YOU COMMIT BY PROCEEDING	RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE THAT EVER CHARACTERIZE S EARNEST AND CANDID MEN THAT YOU WILL FORM NO HASTY JUDGMENT THAT YOU WILL NOT SUFFER YOUR DECISION TO BE INFLUENCED BY ANY FANATICAL PARTY ZEAL IN SHORT THAT YOU WILL BE GOVERNED BY NO MOODS BY NO SENTIMENTS ALIEN TO YOUR HIGH DUTY AND I SAY TO YOU GENTLEMEN THAT ANY MISTAKE WHICH YOU COMMIT BY PROCEEDING	RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE WHICH EVER CHARACTERIZE S ALL EARNEST AND CANDID MEN; THAT YOU WILL FORM NO HASTY JUDGMENT; THAT YOU WILL NOT SUFFER YOUR DECISION TO BE INFLUENCED BY ANY FANATICAL PARTY OR ZEAL,AND IN SHORT,THAT YOU WILL BE GOVERNED BY NO CAPRICIOUS MOODS,BY NO SENTIMENTS THAT ARE ALIEN TO YOUR HIGH DUTY,AND I SAY TO YOU, GENTLEMEN, THAT ANY MISTAKE YOU COMMIT BY PROCE~~D~~EDING	RESPONSIBLE FUNCTION~~,~~ I FEEL ASSURED~~,~~ YOU WILL PROCEED WITH A CAUTION AND DIFFIDENCE WHICH EVER C~~A~~HARAC~~R~~TERI ZE**S** EARNEST AN~~D~~**D** CANDED MEN; THAT YOU WILL FORM NO HASTY JUDGMENT~~,~~**;** THAT YOU WILL NOT SUFFER YOUR DE~~V~~**C**ISION TO BE INFLUENCED BY ANY FANATICAL PARTY ~~,~~ZEAL; IN SHORT, THAT YOU WILL ~~NOT~~ BE GOVERNED BY NO CAPRICIOUS MMOOD~~E~~S, ~~THAT~~ BY NO SENTIMENTS THAT ARE ALIEN TO YOUR HIGH DUTY, AND I SAY TO YOU, GENTLEMEN, THAT ANY MISTAKE THAT YOU **MAY** COMMIT BY PROCEEDING

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RS	PS	RT	BT
TOO HASTILY UPON PREJUDICE WITH VOLUNTARY BLINDNESS OF MIND ON INDICATIONS AFFORDED BY EVIDENCE ~ ANY MISTAKE I SAY THUS ARISING OR FROM AUGHT BUT THAT INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENTS ≤THE BEST≥ MEN FROM COMING TO JUST CONCLUSIONS EVEN WHEN THEY ARE EARNESTLY DESIRING AND ≤ENDEAVORING≥ TO DO SO WOULD EXPOSE YOU TO THE SAME MORAL CONDEMNATION AS THOUGH YOU HAD TAKEN HUMAN LIFE LIKE AN ASSASSIN	TOO HASTILY UPON PREJUDICE WHILE VOLUNTARY LISTENING TO ACCOUNT OF THE INDICATIONS OF THE EVIDENCE ANY MISTAKE THUS ARISING OUT FROM *AUGHT*[?] BUT THAT OF INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENT MEN FROM COMING TO ≤CORRECT≥ JUDGMENT [*space*] WOULD EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N AS THOUGH YOU HAD TAKEN HUMAN LIFE LIKE AN ASSASSIN	TOO HASTILY UPON PREJUDICE,WIT H VOLUNTARY BLINDNESS OF MIND TO THE INDICATIONS BY THE EVIDENCE— ANY MISTAKE, I SAY,THUS ARISING FROM AUGHT BUT THAT INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENTS THE BEST MEN FROM COMING TO JUST CONCLUSION,W HEN THEY ARE EARNESTLY EN- *[[3]]* DEAVORING TO DO SO,WILL EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N,AS THOUGH YOU HAD TAKEN LIFE LIKE AN ASSASSIN,	TOO HASTILY, UPON PREJUDICE, WITH VOLUNTARY BLINDNESS OF MIN~~G~~D TO THE INDICATIONS **OFFERED** ~~AFFD~~**ER**~~DED~~ BY THE EV IDENCE , — ANY MISTAKE, I SAY, THUS ARRISING FROM AUGHT BUT THAT OF INFERMITY OF JUDGMENT WHICH SOMETIME**S** PREVENT~~S~~ THE BEST MEN FROM **ARRIVING AT** JUST CONCLUSIONS WHEN THEY AR~~D~~E ~~A~~EARNESTLY ENDEAVORING TO DO SO, WILL EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N AS THOUGH YOU HAD TAKEN **MEN**S LI~~C~~**V**ES LIKE AN ASSASSIN

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RS	PS	RT	BT
INSTEAD OF BY A FALSE VERDICT. I BELIEVE THE PATIENT ATTENTION YOU HAVE GIVEN TO THE CASE DURING THE INTRODUCTION OF THE EVIDENCE OF THE WITNESSES. ~~<~~I ACCEPT AS AN EARNEST OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS~~>~~ THAT YOU WILL CAREFULLY WEIGH AND DECIDE UPON THE TESTIMONY.	INSTEAD OF BY A FALSE VERDICT [*space*] I BELIEVE THE PATIENT ATTENTION YOU HAVE GIVE N TO THE CASE DURING THE INTRODUCTION OF EVIDENCE OF WITNESSES THAT YOU WOULD CAREFULLY WEIGH AND DECIDE UPON THE TESTIMONY	INSTEAD OF THROUGH CRIMINAL NEGLIGENCE OR PERVERSITY BY A FALSE VERDICT. THE PATIENT ATTENTION YOU HAVE GIVEN TO THE PROCE~~D~~EDINGS DURING THE INTRODUCTION OF THE EVIDENCE, I ACCEPT AS AN EARNEST OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS, AS A SIGNIFICANT SIGN THAT YOU WILL BRING TO THE CONSIDERATIO N OF THAT EVIDENCE, A ROBUST AND FEARFUL JUDGMENT. TO PROCEED WITH THE DESIRED THOROUGHNESS	INSTEAD OF~~,~~ T~~R~~HROUGH~~,~~ CRIMINAL NEGLICENCE O~~T~~**R** ~~PREVER~~ PERVERSITY BY A FALSE VERDICT. ~~**I BELIEVE**~~ THE PATIENT ATTENTION YOU HAVE GIVE N TO THE PROCEEDINGS DURING THE INTROCUCTION OF THE EVIDENCE I ACCEPT AS AN **EARNESTNESS** ~~EARNEST~~ OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS, **AND** AS A SIGNIFICANT SIGN THAT YOU WILLBRING TO THE CONSIDERATIO N OF THAT EVIDENC~~E~~**E** A ROBUST AND FEARLESS JUDGMENT. TO PRO~~V~~CEED WITH THE DESIRED ~~THROUGHNESS~~ **THOROUGHNES**

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RS	PS	RT	BT
		AND CAUTION,YOU ARE NOT PERMITTED TO GO OUT AND MAKE ENQUIRIES. YOU HAVE BEEN SWORN AND PLACED IN CONFINEMENT, UNDER CHARGE OF OFFICERS OF COURT; YOU HAVE BEEN SO SEQUESTERED THAT YOU COULD LEARN NOTHING ON THE IMPULSE OF YOUR OWN INTEREST OR CURIOUSITY; YOU HAVE BEEN OBLIGED TO LIMIT YOUR ENQUIRIES TO SUCH FACTS AS HAVE BEEN BROUGHT BEFORE YOU,TO SO MUCH OF THE BLOODY TRANSACTION AS HAS BEEN SUBMITTED TO YOU. THE GOVERNMENT HAS MADE A DISTINCT CHARGE AGAINST THE PRISONER AT	**S** AND CAUTION, YOU ARE NOT PERMITTED TO GO OUT**SIDE** AND MAKE IN QUIRES. YOU HAVE BEEN SWORN AND PLACED IN CONFINEMENT UNDER *[3]* ~~UNDER~~ OFFICERS OF COURT. YOU HAVE BEEN SO SEQUESTERED THAT ~~Y~~YOU COULD LEARN NOTHING ON THE IMPULSE OF YOUR INTEREST O~~T~~R CUROSITY. YOU HAVE BEEN OBLIGED TO LIMIT YOUR INQUIRIES TO SUCH FACTS AS HAVE BEEN BROUGHT BEFORE YOU TO SO MUCH OF THE BLOODY TRANSACTION AS HAS BEEN SUBMITTED TO YOU. THE GOVERNMENT HAS MADE A DISTINCT CHARGE AGAINST THE P~~T~~**R**ISONER AT

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RS	PS	RT	BT
		THE BAR, AND IT ASSUMES TO GIVE YOU THE NECESSARY INFORMATION. THE GENIUS OF CRIME IS SO SECRETIVE, THAT OFTEN THE GOVERNMENT IS OBLIGED TO SUBMIT CASES TO JURIES UPON MEAGER AND FRAGMENTARY TESTIMONY; THEN JURORS ARE PROPMTED BY A SENSE OF THE SITUATION,TO GIVE THE FULLEST CONSIDERATIO N TO FACTS SO BROUGHT TO LIGHT. THEY CAN INFER NOTHING AGAINST THE GOOD FAITH OF THE PROSECUTION,F ROM THE PAUCITY OF THE EVIDENCE, IF EVERY CLUE TO NEW AND ADDITIONAL LIGHT HAS BEEN FOLLOWED,IF	THE BAR , AND IT ASSUMES TO GIVE YOU THE NECESSARY INFOR MATION. THE GENIU S OF CRIME IS SO SECRETIVE THAT OFTEN THE GOVERNMENT IS ~~A~~OBLIGED TO SUBMIT CASES TO JURIES UPON MEAGRE AND FRAGMENTARY TESTIMONY; THEN JURORS ARE PROMPTED B~~U~~Y A SENSE OF THE SITUATION TO GIVE THE FULLEST CONSIDER~~T~~**A**TIO N TO FACTS SO BROUGHT TO LIGHT. THEY CAN INFER NOTHING AGAINST THE GOOD ~~FATTH~~ **FAITH** OF THE PROSECUTION FROM THE **SCARCITY** ~~PAUCITY~~ OF THE EVIDENCE, IF EVERY CLUE TO NEW AND ADDITIONAL LIGHT HAS BEEN FOLLOOWED, IF

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RS	PS	RT	BT
		EVERY SOURCE OF INFORMATION HAS BEEN EXPLORED AND EVERY AGENCY UTILIZED TO LIFT THE VEIL UNDER WHICH CRIME IS WONT TO HIDE ITSELF. IF,UNDER SUCH DISADVANTAGE , ENOUGH CAN BE SEEN TO WARRANT CONVICTION, ACCORDING TO THE STRICT AND HUMANE RULES THAT GOVERN,IN RESPECT TO *[[4]]* THE MEASURE AND PLENTITUDE OF PROOF,THE JURY PRONOUNCE THE VERDICT OF GUILTY,OTHER WISE THEY ACQUIT, ~~UNL~~ LES~~S~~T THE INNOCENT SUFFER INSTEAD OF THE GUILTY. THE CRIME NOW UNDER INVESTIGATION WAS ONE OF UNPRECEDENTE	EVERY SOURC~~C~~E OF INFORMATION HAS BEEN EXPLORED, AND EVERY AGENCY UTILIZED TO LIFT THE VEIL UNDER WHICH CRIME IS WONT TO HIDE ITSELF. IF, UNDER SUCH DISADVANTAGE , ENOU~~T~~GH CAN BE SEEN TO WARRANT CONVICTION ACCORDING TO THE STRICT AND HUMANE RULES THAT GOVERN IN RESPECT TO THE MEASURE AND PLENTITUDE OF PROOF, THE JURY PRONOUNCE **A** ~~**THE**~~ VERDICT OF GUILTY, OTHERWISE THEY ACQUIT, LEST THE INNOCENT SUFFER INSTEAD OF THE GU**I**KLTY. THE CRIME NOW UNDER INVESTIGATION WA~~W~~S ONE OF UNPRECIDENTE

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RS	PS	RT	BT
		D WICKEDNESS. IT WILL GRATIFY THE SENSE OF RETRIBUTIVE JUSTICE WHICH EVERY MAN NOT AN ENEMY OF HIS KIND,FEELS TO DISCOVER THE PERPETRATORS AND HANG THEM. THEY SHOULD NOT BE PERMITTED TO LIVE! THAT CRIME SO SHOCKS~~D~~ US WAS COMMITTED WITH SUCH CIRCUMSTANCES OF ATROCITY,THAT NO PUNISHMENT SEEMS ADEQUATE. BUT, IN PROPORTION TO THE TURPITUDE OF THE CRIME CHARGED, AND THE SEVERITY OF THE PUNISHMENT,SHOULD BE OUR; DILIGENCE AND CIRCUMSPECTION IN LOOKING FOR AND	D WICKEDNESS. IT WILL GRATIFY THE SENSE OF RETRIBUTIVE JUSTICE WHICH EVERY MAN, NOT AN ENEMY OF HI**S** KIND, FEELS TO DISCOVER THE PERPETRATORS AND HANG THEM. THEY SHOULD NOT BE PERMITTED TO LIVE! THAT CRIME SO SHOCKS US, WAS COMMITTED WITH SUCH CIRCUMSTANCES OF ATRI~~I~~OSITY THAT NO PUNISHMENT S**E**EMS ADEQUATE. BUT IN PROPORTION OF THE **MAGNITUDE** ~~TORIPITUDE~~ OF **THE** ~~THE~~ CRIME~~,~~ CHARGED~~,~~ AND THE SEVERITY OF THE PUNISHMENT, SHOULD BE OUR DILIGENCE AND CIRCUMSPECION IN LOOKING FOR AND

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RS	PS	RT	BT
		CONDEMNING THE FIENDS THAT PLANNED AND ENACTED THAT SCENE OF HORROR,WHO HAVE SINCE CURSED THE EARTH WITH THEIR BANEFUL PRESENCE FOR THE PERIOD OF EIGHTEEN YEARS. HAVE YOU BEEN FURNISHED WITH ADEQUATE EVIDENCE,TO SATISFY YOU THAT YOU HAVE BEEN MADE ACQUAINTED WITH THE BLOODY TRANSACTION ? DO YOU THINK IT HAS BEEN SO CIRCUMSTANTI ALLY DESCRIBED AND DETAILED TO YOU THAT NO OTHER PERSON EXISTS, WHO COULD BE BROUGHT BEFORE YOU AND COULD TELL YOU MORE OF IT ? HAS IT	CONDEMNING THE FIENDS THAT PLANNED AND ACTED THAT SCENE OF HORROR, WHO HAVE SINCE CURSED THE EARTH WITH THEIR BANEFUL PRESENCE FOR THE PERIOD OF I8 YEARS. [4] ~~AIHVE~~ **HAVE** YOU BEEN F~~I~~URNISHED WITH ADEQUATE EVIDENCE TO SATISFY YOU THAT YOU HAVE BEEN MADE ACQUAINTED WITH THE BLOODY TR~~Z~~ANSACTION. ? DO YOU THINK IT HAS BEEN ~~D~~SO CIRCUMSTANTI ALLY DISCRIBED AND DETAILED TO YOU THAT NO OTHER PERSON EXISTS, WHO COULD BE BROUGHT BEFORE YOU AND COULD TELL MORE OF IT? HAS IT

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RS	PS	RT	BT
		BEEN SO DESCRIBED THAT YOU FEEL ASSURED IF OTHER DO EXIST WHO CAN TESTIFY ON THE SUBJECT THAT WHAT THEY WOULD SAY WOULD ADD NO NEW FACT TO WHAT YOU HAVE ALREADY LEARNED ? UNLESS YOU HAVE BEEN PERMITTED TO KNOW BY EVIDENCE, ALL THAT CAN BE LEARNED FROM WITNESSES, YOU CANNOT FEEL THAT ASSURANCE OF THE CORRECTNESS OF YOUR JUDGMENT THAT AMOUNTS TO A "MORAL CERTAINTY" OF THE DEFENDANTS GUILT—YOU CANNOT HAVE THAT ASSURANCE WHICH IS NOT BESET WITH THAT MISGIVING	BEEN SO DESCRIBED THAT YOU FEEL ASSUR~~E~~D IF OTHER~~W~~**S** DO EXIST WHO CAN TESTIFY O~~F~~N THE SUBJECT THAT WHAT THEY WOULD SAY WOULD ADD NO NEW FACT TO WHAT YOU HAVE ALREADY LEARNED? UNLESS YO**U** HAVE BEEN PERMITTED TO KNOW BY EVIDENCE AL**L** THAT CAN BE LEARNED FROM WITNESSES, YOU CAN NOT FEEL THAT ASSURANCE OF THE CORECTNESS OF YOUR JUDGMENT THAT AMOUNTS **TO** A, "MORAL CERTAINTY OF THE DEFENDANTS GUILT**,**" YOU CAN NOT HAVE THAT ASSURANCE WHICH IS NOT BESET WITH THAT MISGIVING

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RS	PS	RT	BT
		WHICH, ACCORDINDING TO LAW ACQUITS, CALLED A "REASONABLE DOUBT" *[[5]]*	WHICH~~,~~ ACCORDING, **T**O LAW~~,~~ ACQUITS~~,~~ CALLED **"**A REASONABLE DOUBT**"**.
I APPROACH THE DISCUSSION OF THE SUBJECT FEELING THIS ASSURANCE AND IN THE OBSERVATIONS WHICH I SHALL OFFER TO YOU I SHALL DEEM IT MY PRIVILEGE AS WELL AS MY DUTY TO DISCUSS THE EVIDENCE FAIRLY IN THE INTEREST OF THE *EXCHANGE*[?] AND NOT *ANY/IN*[?] *QUESTION*[?] WE APPROVE ≼SUPPORT THE≽ FAIRNESS OF THE LAW AS THE COURT HAS GIVEN IT TO YOU. GENTLEMEN THE TESTIMONY HAS TENDED TO SHOW THAT SOMETIME IN SEPTEMBER 1857	AND I APPROACH THE DISCUSSION OF THE SUBJECT FEELING THIS ASSURANCE AND IN THE OBSERVATIONS WHICH I SHALL *[[22]]* OFFER TO YOU I SHALL DEEM IT MY PRIVILEGE AS WELL AS MY DUTY TO DISCUSS THE EVIDENCE FAIRLY IN THE INTEREST OF THE CASE *AND*[?] IN UNDERSTANDIN G OF TRUE FAIRNESS OF THE LAW AS THE COURT HAS GIVEN IT [*space*]. GENTLEMEN THE TESTIMONY HAS TENDED TO SHOW THAT SOMETIME IN SEPTEMBER 1857		

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RS	PS	RT	BT
A PARTY OF EMIGRANTS WAS DESTROYED. THAT THEY CAME TO A VIOLENT DEATH. THE TESTIMONY TENDS TO SHOW THAT THERE WERE WHITE MEN THERE THE TESTIMONY SHOWS THAT THERE WERE ALSO PRESENT A LARGE NUMBER OF INDIANS SO FAR THERE IS NO CONFLICT OF EVIDENCE NOBODY WILL GAINSAY THESE GENERAL STATEMENTS NOW LET'S HOW TESTIMONY REPORTS THEIR RELATIVE NUMBERS AND THERE ARE CONFLICT IN RESPECT TO NUMBER OF EMIGRANTS. THOUGH NUMBERS EXCEED A HUNDRED IN NUMBER OLD AND YOUNG OF BOTH SEXES.	A PARTY OF EMIGRANTS WAS DESTROYED THAT THEY CAME TO A VIOLENT DEATH THE TESTIMONY TENDS TO SHOW THAT THERE WERE WHITE MEN THERE THE TESTIMONY SHOWS THAT THERE WERE ALSO PRESENT A LARGE NUMBER OF INDIANS SO THERE IS NO CONFLICT OF EVIDENCE NOBODY WILL GAINSAY THESE GENERAL STATEMENTS [*space*] NOW LET'S SEE HOW THE TESTIMONY REPORTS THEIR RELATIVE NUMBER [*space*] ≤THEY ARE IN DISPUTE≥ NUMBER OF EMIGRANTS PERHAPS EXCEED A HUNDRED IN NUMBER OLD AND YOUNG OF BOTH SEXES		

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RS	PS	RT	BT
HOW MANY INDIANS WERE THERE THERE YOU HAVE HAD VARIOUS ESTIMATES BY WITNESSES NO TWO EXCEPT YOUNG AND POLLOCK AGREE. THEY ESTIMATE NUMBER AT FROM 4 TO 5 HUNDRED OTHERS ESTIMATE NUMBER LESS. NOW THIS TESTIMONY MAY BE RECONCILED AND I TAKE JURORS CANDIDLY INQUIRING INTO THE CASE WILL MAKE THE EFFORT TO MAKE THE TESTIMONY *UPON*[?] TESTIMONY AGREE HARMONIOUS AS FAR AS REASONABLE AND AS FAR AS IT CAN BE ACCOMPLISHED. NOW WHEN THE OTHER WITNESS	HOW MANY INDIANS WERE THERE THERE [*space*] YOU HAVE HAD VARIOUS ESTIMATES ABOUT INDIANS NO TWO EXCEPT YOUNG AND POLLOCK AGREE AND THEY ESTIMATE THE NUMBER AT FROM FOUR TO FIVE HUNDRED OTHERS ESTIMATE THE NUMBER LESS NOW ALL THIS TESTIMONY MAY BE RECONCILED AND I CAN TAKE IT THAT JURORS CANDIDLY INQUIRE INTO THE CASE WILL MAKE THE EFFORT TO HAVE THE TESTIMONY AGREE AND HARMONIOUS AS FAR AS REASONABLE AND AS FAR AS IT CAN BE ACCOMPLISHED [*space*] NOW WHEN THE OTHER WITNESS		

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RS	PS	RT	BT
SAY A LESS NUMBER IT IS POSSIBLE A LESS NUMBER WERE IN SIGHT AND [*space*] THAT WHEN THESE TWO WITNESSES SAW A LARGER NUMBER THEY WERE *[[29]]* IN A SITUATION TO OBSERVE THE NUMBER BETTER THAN OTHERS AND PERHAPS HAD OPPORTUNITY OTHERS DID NOT HAVE PERHAPS THAT SPECTACLE DID NOT COME IN THEIR OBSERVATION *FOR*[?] THIS IS SOLUTION OF THE DEFENSE AND I SAY NUMBER IS MORE THAN RELIABLE [*space*]	SAY A LESS NUMBER IT IS POSSIBLE THAT A LESS NUMBER WERE IN SIGHT AND THAT ONLY THESE TWO WITNESSES SAW A LARGER NUMBER THEY WERE IN A SITUATION TO OBSERVE THE NUMBER BETTER THAN THE OTHERS PERHAPS THAT SPECTACLE DID NOT COME IN THEIR OBSERVATION *FOR*[?] THIS IS THE SOLUTION OF THE DEFENSE *AND/A*[?] THE HIGHEST IS THE MEASURE LESS LIKE TO BE *THEIR*[?]		
ONE THING THEY AGREE UPON NUMBER IS ESTIMATE NEITHER OF THEM ASSUME TO HAVE COUNTED NEITHER OF	SUCCESSFULLY AGREED UPON NUMBER NEITHER OF THEM ASSUME TO HAVE COUNTED THEY AGREE TO ~~K~~		

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RS	PS	RT	BT
THEM ASSUMED TO BE CORRECT ALTHOUGH BOTH AGREE IN THEIR ESTIMATE THEY SAW BETWEEN 4 AND 5 HUNDRED THEREFORE I THINK IT IS FAIR TO PRESUME THAT THERE WERE AT LEAST 4 HUNDRED INDIANS THERE WARRIORS. HOW MANY WHITE MEN OTHER THAN THE EMIGRANTS. I HAVE KEPT WATCH OF ALL NAMES THAT HAVE BEEN CASUALLY OR PARTICULARLY MENTIONED BY WITNESSES I CAN ONLY MAKE *23*[?] NAMES NOW ARE THOSE LIKELY TO BE ALL THAT WAS THERE IS IT LIKELY ≼THAT THE≽ SEVERAL WITNESSES ARE SPEAKING FROM PERSONAL OBSERVATION	*PERHAPS ABIDE/PRECISE BODY*[?] *BUT/TO*[?] AGREE THAT THEY SAW FOUR OR FIVE HUNDRED THEREFORE I THINK IT IS FAIR TO PRESUME THAT THERE WERE AT LEAST 4 HUNDRED INDIANS THERE WARRIORS NOW HOW MANY WHITE MEN [*space*] OTHER THAN THE EMIGRANTS I HAVE KEPT WATCH OF ALL THE NAMES NAMES THAT HAVE BEEN CASUALLY OR PARTICULARLY MENTIONED BY WITNESSES AND I CAN ONLY MAKE 23 NAMES [*space*] NOW ARE THOSE LIKELY TO BE ALL THAT WAS THERE IS IT LIKELY *[[23]]* THAT THE SEVERAL WITNESSES ARE SPEAKING FROM PERSONAL OBSERVATION	THE TESTIMONY SUBMITTED TO YOU DISCLOSES THAT THERE WERE AT LEAST TWENTY FOUR EYE WITNESSES OF THE TRAGEDY;	THE TESTIMONY SUBMITTES TO YOU DISCLOSES THAT THERE WERE AT LEAST 24 EYE WITNESSES OF THE TRAGEDY:

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RS	PS	RT	BT
ON THE GROUND AND COMING FROM THE DIFFERENT AREAS THAT THE TESTIMONY INFORMS THE JURY PEOPLE CAME FROM TO THE MEADOWS *IS NOT*[?] FAIR WE WE PRESUME THEY HAVE SUCCEEDED IN MENTIONING ALL THE NAMES OF THE PERSONS THAT WERE THERE I WILL REPEAT THESE NAMES IF ANY OTHER OCCUR TO JURY THEY WILL BE ABLE TO CORRECT ANY MISSTATEMENT I HAVE MADE IN MENTIONING THIS NUMBER [*space*] SMITH HIGBEE SHIRTS STEWART	ON THE GROUND AND COMING FROM THE DIFFERENT AREAS THAT THE TESTIMONY INFORMS THE JURY THAT PEOPLE CAME FROM TO THE MEADOWS IS IT NOT FAIR TO PRESUME THAT THEY HAVE SUCCEEDED IN MENTIONING ALL THE NAMES OF THE PERSONS THAT WERE THERE [*space*] NOW I WILL REPEAT THOSE NAMES THAT IF ANY OTHER OCCURRED TO THE JURY THEY WILL BE ABLE TO CORRECT ANY [*space*] SMITH HIGBEE SHIRTS STEWART	P. KLINGENSMITH, JOHN M. ~~HIDGEE~~ ~~<~~HIGBEE~~>~~ CARL SHIRTS,CHARLES HOPKINS,WILLIAM C. STEWART, JOHN	P. KLINGENSMITH, JOHN M. HIGBEE, CARL SHIRTS, CHARLES HOPKINS, WILL~~A~~IAM C . ST~~W~~EWART,

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RS	PS	RT	BT
~~<~~HOPKINS~~>~~ LEE WHITEMAN[432]	LEE WHITE	D. LEE,JOEL WHITE, ROBERT	JOHN D. LEE, JOEL WHITE, ROBERT
WILEY HOPKINS ALLEN MCMURDY	WILEY HOPKINS ALLEN MCMURDY	WILEY,IRA ALLEN,SAMUEL MC MURDY, THOMAS	WILEY, IRA ALLEN, SAMUEL MC MURDY, THOMAS
CARTWRIGHT	CARTWRIGHT	CARTWRIGHT, WILLIAM	CARTRIGHT, WILLIAM
BATEMAN CLARK[433]	BATEMAN *CLARK*[?][435]	BATEMAN AND [*space*] CLARK,[437] EZRA	BATEMAN, ——— ——CLARK, EZRA CURTIS,
CURTIS	CURTIS	CURTISS,SAMUEL	SAMUEL
POLLOCK	POLLOCK	POLLOCK,WILLIAM	POLLOCK, WILLIAM
YOUNG	YOUNG	YOUNG, HARRISON	YOUNG, HARRISON
2 PIERCES	2 PIERCES	PIERCE, JAMES PEIRCE,SAMUEL	PIERCE, JAMES P~~EACE~~ PIERCE,
KNIGHT	KNIGHT	KNIGHT,RICHARD HARRISON,JOHN	SAMUEL NIGHT, RICHARD HARRISON, JOHN
MANGRUM HARRISON	MANGRUM[436]	MANGRAM, [*space*]	**MANGROHAM**[438] ~~MANGRAM,~~
SLADE[434] JACOBS	SLADE JACOBS [*space*]	SLADE, SWEN JACOBS, AND JAMES WILLIAMSON;	——— SLADE, SWEN JACOBS AND JAMES WILLIAMSON.
THAT LIST DOESN'T INCLUDE 3 THAT ARE INDICTED IN THIS CASE. JUKES ADAIR	THAT LIST DOESN'T INCLUDE 3 THAT ARE INDICTED IN THIS CASE JUKES ADAIR		

432. Rogerson occasionally refers to Joel White as "Whiteman".

433. Written: KLR.

434. Slade could be either William Rufus Slade or William Slade, Jr., his son. Both have been identified as being at the massacre.

435. Written: CLR.

436. Written: MNGR.

437. John Wesley Clark.

438. John Mitchell Mangum.

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RS	PS	RT	BT
WILDEN. AND FOR THE REASON I AM UNABLE TO RECALL A PARTICLE OF GIVEN TESTIMONY WHAT ASSERTS OTHER PERSONS ON THE GROUND. [*space*] THE TESTIMONY HAS BEEN TAKEN BY REPORTERS. COUNSEL HAVE NOT TAKEN FULL ≤REPORT≥ I NATURALLY WATCH TO SEE WHICH ONE OF THOSE PARTIES COME OUT IN THE TESTIMONY AND WAS READY TO JOT IT DOWN I IF I DISCOVERED IT DISCOVERED NO SUCH TESTIMONY CONNECTED EITHER OF THESE 3 WITH THE TRANSACTION OR EVEN MENTIONING THEM AS THERE. NOW OF THESE WILEY HOPKINS	WILDEN AND FOR THE REASON THAT I AM UNABLE TO RECALL A PARTICLE OF TESTIMONY THAT ASSERTS THEIR PRESENCE ON THE GROUND THE TESTIMONY HAS BEEN TAKEN BY REPORTERS COUNSEL HAVE NOT TAKEN FULL MINUTES BUT I NATURALLY WATCH TO SEE WHICH ONE OF THOSE PARTIES GIVEN OUT IN THE TESTIMONY AND WAS READY TO JOT IT DOWN IF I DISCOVERED IT I DISCOVERED NO SUCH TESTIMONY CONNECTED EITHER OF THESE 3 WITH THE TRANSACTION TO EVEN MENTION THEM AS THERE [*space*] NOW OF THESE WILEY HOPKINS		

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RS	PS	RT	BT
CARTWRIGHT BATEMAN CLARK SLADE ADAIR [*space*] ONE TWO 3 4 5 6 THESE 6 OUT OF THE 25 ARE DEAD. LEAVING 17 WHO ARE LIVING WITNESSES INCLUDING THOSE WHO ARE IN THE INDICTMENT INCLUDING SIX THAT ARE INDICTED.	CARTWRIGHT — [?] BATEMAN CLARK AND SLADE ARE DEAD ~~*ONE*~~ ~~*FURTHER*~~[?] 6 ~~*ARE/HERE*~~[?] OUT OF 23 ARE DEAD LEAVING 17 LIVING WITNESSES INCLUDING THOSE WHO ARE IN THE INDICTMENT INCLUDING 6 THAT ARE INDICTED	SIX ARE DEAD; FOUR OF THE OTHERS AS MENTIONED,AR E DEFENDANTS IN THIS INDICTMENT,LE AVING FOURTEEN THAT MIGHT TESTIFY,DAME AND HAIGHT,WHO ARE INDICTED,WERE NOT AT THE SCENE OF THE MASSACRE; JUKES,ADAIR AND WILDEN,WHO ARE ALSO INDICTED, HAVE NOT BEEN MENTIONED IN THE TRANSACTION. OF THESE FOURTEEN WHO ARE ELIGIBLE TO TESTIFY, ONLY P. KLINGENSMITH, JOEL WHITE, SAMUEL POLLOCK,WILLI	SI~~Z~~X ARE DEAD, FOUR OF THE OTHERS ARE MENTIONED AS DEFENDANTS IN THIS INDICTMENT, LEAVING I4 THAT MIGHT TESTIFY. DAME AND HAIGHT WHO ARE INDICTED WERE ~~A~~ NOT ~~T~~AT THE S~~E~~CENE OF THE MASSACRE. JUKES, ADAIR AND WILDEN, WHO ARE ALSO INDICTED HAVE NOT BEEN MENTIONED IN THE TRANSACTION. OF THESE I4, WHO ARE ELIGIBLE TO TESIFY ONLY P. KLINGENSMITH, JOEL WHITE, SAMUEL POLLOCK,

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RS	PS	RT	BT
		AM YOUNG AND JAMES PIERCE,HAVE BEEN PUT ON THE WITNESS STAND,TEN OTHERS COULD HAVE BEEN CALLED BUT THEY HAVE NOT BEEN CALLED,THEY ARE ALL WITHIN THE JURISDICTION OF THIS COURT.	WILLIAM YOUNG, AND JAMES PIERCE HAVE BEEN PUT **U**P ON THE WITNESS STAND. TEN OTHERS COULD HAVE BEEN CALLED BUT HAVE NOT BEEN CA**L**LED. THEY ARE ALL WITHIN THE JURISDICTION OF THIS COURT.
11 THEREFORE WHO ARE NOT INDICTED WHO HAVE BEEN PROVED TO LIVE IN THIS TERRITORY *[[30]]* WHO ARE THEREFORE SUBJECT TO A SUBPOENA ESPECIALLY OF THAT VERY VERY PREEMPTORY SORT THAT WAS SERVED ON WHITE WHITE YOU WILL REMEMBER WAS SUBPOENAED BY ATTACHMENT HE WAS NOT REQUESTED TO COME HE WAS GIVEN ORDER OF THE PEOPLE AND THE PEOPLE CAME FIRST THAT IS HE HAD AN INVITATION HE WAS NOT AT LIBERTY ≤TO REFUSE≥ TO	11 THEREFORE WHO WERE NOT INDICTED WHO HAVE BEEN PROVED TO LIVE IN THIS TERRITORY WHO ARE THEREFORE SUBJECT TO A SUBPOENA AND ESPECIALLY *TO/OF*[?] THAT VERY [*space*] PREEMPTORY SORT THAT WAS SERVED ON WHITE THAT WOULD BRING *HIM/'EM*[?] WHITE YOU WILL REMEMBER WAS SERVED WITH ATTACHMENT IT WAS THE RULE OF PEOPLE AND THE PEOPLE CAME FIRST [*space*] HE HAD AN INVITATION THAT HE WAS NOT AT LIBERTY TO REFUSE TO		

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RS	PS	RT	BT
COME HERE [*space*] AND AND A SIMILAR INVITATION WOULD HAVE BROUGHT EVERY ONE OF THOSE OTHER WITNESSES. HOW MANY OF 'EM HAVE YOU HEARD TESTIFY.	COME HERE NOW I TAKE IT THAT A SIMILAR INVITATION WOULD HAVE BROUGHT EVERY ONE OF THOSE OTHER WITNESSES NOW HOW MANY OF THEM HAVE YOU HEARD TESTIFY		
		NOW, A REMARK AS TO THE EXAMINATION OF THOSE WHO WERE	¶ NOW A REMARK AS TO THE EXAMINATION OF THOSE WHO WERE ~~SAL~~
YOU HAVE HEARD SMITH YOU HAVE HEARD WHITE.	YOU HAVE HEARD SMITH *[[24]]* WHITE [*space*]	CALLED TO THE STAND. SMITH AND WHITE WERE	CALLED TO THE STAND. SMITH AND WHITE WERE
THEY WERE TURNED LOOSE IN THAT MEADOW AND REQUESTED TO TELL ALL THEY HEARD AND ALL THEY SAW AND THEY ARE ONLY TWO WITNESSES THAT WERE SWORN AND PERMITTED TO BY THE ASSENT OF COUNSEL TO TELL THE TRUTH AND THE	THEY WERE TURNED LOOSE IN THAT MEADOW AND REQUESTED TO TELL ALL THEY HEARD AND ALL THEY SAW AND THEY ARE THE ONLY TWO WITNESSES THAT WERE SWORN AND PERMITTED TO BY THE CONSENT OF COUNSEL TO TELL THE TRUTH AND THE	PUT UNDER OATH BY THE PROSECUTION, AND DIRECTED TO STATE ALL THEY HEARD AND	PUT UNDER O~~T~~ATH BY THE *[5]* ~~EXAMINATION~~ PROSECUTION, AND DIRECTED TO STATE ALL THEY HEARD SAID AND SAW BEFORE GOING TO THE MEADOWS; ALL THEY HEARD

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RS	PS	RT	BT
WHOLE TRUTH [*space*]	WHOLE TRUTH [*space*]	SAID AND SAW AT THAT PLACE, ON THE DAY OF THE SLAUGHTER AND ON ALL OF THE PRECEDING DAYS THAT THEY WERE THERE T~~HE~~PROSECUTION ALSO CALLED	~~Z~~SAID AND SAW AT THAT PLACE, ON THE DAY OF THE SLAUGHTER, AND ON ALL OF THE PRECEDING DAYS TH~~Z~~**A**T THEY WERE THERE. THE PROSECUTION ALSO CALLED
POLLOCK AND YOUNG AND YOUNG MR.	POLLOCK AND YOUNG AND YOUNG MR	POLLOCK,YOUNG	POLLOCK, YOUNG
PIERCE WHO UNFORTUNATELY HAD THE BOTS A LITTLE THEREFORE DID NOT HAVE AS FULL OBSERVATION AS THE	PIERCE WHO UNFORTUNATELY HAD THE BOTS ON THE FIELD AND THEREFORE DID NOT HAVE AS FULL OBSERVATION AS THE	AND PIERCE. THE	AND PIERCE. THE
OTHERS WERE PERMITTED TO TELL WHAT THEY SAW	OTHERS WERE PERMITTED TO TELL WHAT THEY SAW	DIRECTIONS TO THEM WERE “TELL ALL YOU SAW DURING THE SAME PERIOD,	DIRECTIONS TO THEM WERE, “TELL ALL YOU SAW DURING THE SAME PERIOD;
NOT WHAT THEY HEARD.	AND NOT WHAT THEY HEARD	BUT DON’T REPEAT A WORD YOU MAY HAVE HEARD ANYBODY SAY” THOSE WITNESSES TESTIFIED ACCORDINGLY. THE PROSECUTION	BUT DONT REPEAT ~~HX~~ A WORD YOU MAY HAVE HEARD ~~Z~~ ANYBODY SAY.” T~~O~~HOSE WITNESSES TESTIFIED ACCORDINGLY. THE PROSCUTION

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RS	PS	RT	BT
		DID NOT PERMIT THESE LATTER WITNESSES ON CROSS-EXAMINATION,NOR WHEN CALLED AS WITNESSES FOR THE DEFENSE, TO TRANSCEND THOSE INEXORABLE LIMITS. *[[7]]*[439] SMITH AND WHITE HAVE TESTIFIED ON QUESTIONS PUT BY THE PROSECUTION TO CONVERSATIONS,TO RUMORS, TO ACTS,WHICH THEY SAID HAD OCCURRED AT CEDAR CITY AND AT OTHER PLACES BEFORE THE SLAUGHTER,AND PRIOR TO GOING TO THE MEADOWS. THEY LIKEWISE TESTIFIED TO CONVERSATIONS,RUMORS AND ACTS AT THE MEADOWS. NOR WERE THEY CONFINED TO STATING	DID NOT PERMIT THESE LATTER WITNESSES ON CROSS-EXAMINATION, NO~~W~~R WHEN CALLED AS WITNESSES FOR THE ~~L~~**D**EFENSE TO TRANSEND THOSE INEXORABLE LIMITS. SMITH AND WHITE HAVE TESTIFIED ON QUESTIONS PUT BY THE PROSEC~~T~~UTION TO CONVERSATIONS, TO RUMORS, TO ACTS, WHICH THEY SAID HAD OCCURRED AT CEDAR CITY, AND AT OTHER PLACES, BEFORE THE SLAUGHTER, AND PRIOR TO GOING TO THE MEADOWS. THEY LIKEWISE TESIFIED TO CONVERS~~T~~ATIONS , RUMORS, AND ACTS AT THE MEADOWS. NOR WERE THEY CONFINED TO ST~~S~~ATING

439. There is no page 6.

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RS	PS	RT	BT
		CONVERSATION SBETWEEN THOSE WHO WERE INDICTED OR BETWEEN THOSE PERSONS THAT ACTED IN CONCERT, OR THAT SEEMED TO BE BOUND TOGETHER BY SOME COMBINATION WITH EACH OTHER OR WITH LEE. ALL CONVERSATION S, NO MATTER BETWEEN WHOM, OR WHERE OCCURRING; ALL RUMORS NO MATTER HOW IMPERSONAL,AL L ACTS,NO MATTER BY WHOM DONE,OR HOW IRRELEVANT; WERE TESTIFIED TO BY THEM. THE DEFENSE INTERPOSED OBJECTIONS, BUT THEY WERE UNAVAILING TO EXCLUDE ANYTHING. THE TRANSACTION REALLY CONSISTED OF WHAT ALL THE	CONVERSATION S BETWEEN THOSE WHO ARE INDICTED OR BETWEEN THOSE PERSONS THAT ACTED IN CONSERT , OR THAT SEEMED TO BE BOUND TOGETHER BY SOME COMBINATION WITH EACH OTHER OR WITH LEE. ALL CONVERSATION S NO MATTER BETWEEN WHOM, OR WHERE OCCURING; ALL RUMORS, NO MATTER HOW VAGUE OR IM PERSONAL; ALL ACTS NO MATTER BY WHOM DONE OR HOW IRRELEVANT; WERE TESTIFIED TO BY THEM. THE DEFENSE INTERPOSED OBJECTIONS BUT THEY WERE UNAVAILING TO EXCLUDE ANYTHING. THE TRANSACTION REALLY CONSISTED OF WHAT ALL THE

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RS	PS	RT	BT
		ACTORS AT THE MEADOWS SAID AND DID WHILE TOGETHER, BY THE WAY OF PREPARATION,BEFORE GOING,OF ALL THEY SAID AND DID ON THEIR WAY THITHER,AND ALL THEY SAID AND DID AFTER THEY ARRIVED. AFTER SOME EVIDENCE OF COMBINATION FOR GOING THERE, THE ACTS AND DECLARATIONS OF INDIVIDUALS BELONGING TO THE PARTY, IN THE ABSENCE OF THE OTHERS, WITHIN THE SAME SCOPE OF TIME AND PLACE,RELATING TO THE COMMON PURPOSE AND IN THE EXECUTION OF IT,WOULD ALSO BE INCLUDED IN THE TECHNICAL RES GESTAE —	ACTORS AT THE MEADOWS SAID AND DID WHILE TOGETHER, BY WAY OF PREPARATION AND BEFORE GOING; OF ALL THEY S~~7~~AID AND DID ON THEIR WAY **THITHER** ~~THITHR~~; AND **ALL** THEY SAID AND DID AFTER THEY ARRIVED. AFTER SOME EVIDEN CE OF COMBINATION FOR GOING THERE , THE ACTS AND D~~D~~ECLARATIONS OF INDIVIDUALS BELONGING TO THE PARTY, IN THE ABSENCE O~~T~~F THE OTHERS, WITHIN THE SAME SCOPE OF TIME AND PLACE, RELATING TO THE COMMON PURPOSE AND IN THE EXECUTION OF IT WOULD ALSO BE INCLUDED IN THE TECHNICAL **~~RAES~~** RE~~A~~**S** GESTAE~~.~~ —

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RS	PS	RT	BT
		WOULD FORM PART OF THIS TRANSACTION, WHICH IS THE SUBJECT OF THSIS ENQUIRY. SMITH AND WHITE RANGED OVER THIS FIELD WITHOUT THE LEAST CHECK, NO COMBINATION, HOWEVER, WAS SHOWN, BEYOND THIS— THAT THE PERSONS WHOSE NAMES HAVE BEEN MENTIONED WERE CALLED TO GO TO THE MEADOWS TO SAVE THE EMIGRANTS THAT HAD SURVIVED THE PROTRACTED ATTACKS OF THE INDIANS AND TO BURY THE DEAD. ON THIS OSTENSIBLY HUMANE ERRAND,MEN WENT SIMULTANEOUS LY *[[8]]* FROM CEDAR CITY, HARMONY AND	WOSULD FORM PART OF THIS TRANSACTION, WHICH IS THE SUBJECT OF THIS INQUIRY. SMITH AND WHITE *[6]* RANGED OVER THIS FIELD WITHOUT THE LEAST CHECK. NO COMBINATION, HOWEVER, WAS SHOWN, BEYOND THIS— THAT THE PERSONS WHOSE NAMEDS HAVE BEENEN MENTIONED WERE CALLED TO GO TO THE MEADOWS TO SAVE THE EMIGRANTS THZAT HAD HAD DSURVIVED THE PROTRACTED ATTACKS OF THE INDIANS AND TO BURY THE DEAD. ON THIS AOSTENSIBLYE HUMANE ERRAND MEN WENT SIMULTANEOUS LY FROM CEDAR CITY, HARMONY AND

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RS	PS	RT	BT
		WASHINGTON. THEY CARRIED IMPLEMENTS SUITABLE FOR INTERRING THE DEAD. THEY ALSO CARRIED FIRE-ARMS—THESE WERE ALWAYS IN DEMAND; THE FARMER SELDOM WENT EVEN TO HIS FIELDS WITHOUT HIS TRUSTY GUN.	WASHINGTION. THEY CARRIED IMPLEMENTS, SUITABLE FOR INTERRI~~G~~**NG** THE DEAD. THEY ALSO CARRIED FIRE ARMS—THESE WERE ALWAYS IN DEMAN~~D~~; THE FARMER SELDOM EVEN WENT TO THE FIELDS WITHOUT HIS TRUSTY GUN.
THEN GENTLEMEN YOU HAVE GOTTEN TESTIMONY OF SMITH AND WHITE IN FULL. [*space*] TAKEN IN CONNECTION WITH WHAT POLLOCK AND YOUNG SAW NO EXCEPTION WITH WHAT WAS SAID AT THE TIME.	THEN GENTLEMEN YOU HAVE GOTTEN TESTIMONY OF SMITH AND WHITE IN FULL [*space*] THIS TAKEN IN CONNECTION WITH WHAT POLLOCK AND YOUNG SAW NO EXCEPTION WITH WHAT WAS ~~WAS~~ SAID AT THE TIME [*space*]	SMITH AND WHITE ARE THE ONLY WITNESSES WHO HAVE GIVEN FULL TESTIMONY. THE PROSECUTION IT IS TRUE CALLED POLLOCK, YOUNG AND PIERCE; BUT THEY WERE ONLY PERMITTED TO DESCRIBE THE TRANSACTION AS A PANTOMINE. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID IN CONNECTION WITH ANY ACT	SMITH AND WHITE ARE THE ONLY WITNESSES ~~H~~W~~W~~HO HAVE GIVEN FULL TESTIMONY. THE PROSECUTION, IT IS TRUE, CALLED POLLOCK, YOUNG AND PIERCE; BUT THEY WERE ONLY PERMITTED TO DESCRIBE THE TRANSACTION AS A PANTOMIME; THEY WERE NOT PERMITTED TO ST~~Z~~ATE WHAT ~~S~~WAS SAID IN CONNECTION WITH ANY ACT

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RS	PS	RT	BT
		WHICH THEY MENTIONED. THEY WERE AT THE MEADOWS; THEY SAW ALL THAT ANYBODY SAW, AND HEARD MUCH SAID THAT WOULD EXPLAIN THOSE ACTS; BUT THEY WERE COMPELLED TO TESTIFY AS THOUGH THEY HAD BEEN DEAF,AND SAW THE TRANSACTION WITH THE SENSE OF HEARING ABOLISHED.	WHICH THEY ME~~A~~**N**TIONED. THEY W~~E~~**E**RE AT THE MEADOWS; THEY SAW ALL THAT **AN**~~HA~~YBODY SA~~Y~~**W**, AND HEARD MUCH SAID THAT WOULD EXPLAIN THOSE ACTS; BUT THEY WERE COMPELLED TO TESTIFY AS THOUGH THEY HAD BEEN ~~DEF~~ **DEAF** AND SAW THE TRANSACTION WITH THE SENSE OF HEARING ABOLISHED.
AS I ABOVE REMARKED INSTEAD OF THESE BEING ONLY WITNESS TO TELL YOU ABOUT IT THERE ARE 11. POLLOCK WAS NOT IMMEDIATELY AT THE FRONT. WHEN THE LIVES WERE TAKEN WILLIAM YOUNG WAS AND CARRIED A GUN WHICH HE	INSTEAD OF THESE BEING ONLY WITNESSES TO TELL YOU ABOUT IT THERE ARE 11 POLLOCK WAS NOT IMMEDIATELY AT THE FRONT WHEN THE LIVES WERE TAKEN WILLIAM YOUNG WAS AND CARRIED A GUN WHICH HE		

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RS	PS	RT	BT
DID NOT FIRE [*space*] WHITE ALTHOUGH CAPTAIN; ALTHOUGH HE KNEW THERE WAS TREACHERY THERE; ALTHOUGH HE WAS PRESENT APPARENTLY COUNTENANCIN G THE AFFAIR; DID NOT CARRY ANY GUN AND DID NOT FIRE. SMITH CARRIED A GUN AND HE FIRED IT DID NOT FIRE IT OVER THEIR HEADS NOR OVER THEIR FEET BUT HE FIRED AT HIS MAN HE IS ONE OF THE MURDERERS BY HIS OWN CONFESSION LEE WAS NOT THERE. THERE WAS TREACHERY THERE THERE IS NO *DOUBT*[?] ABOUT THAT AND WE WANT TO FIND THOSE PERSONS WHO WERE GUILTY OF THAT WHOLE	DID NOT FIRE WHITE ALTHOUGH A CAPTAIN ALTHOUGH HE KNEW THERE WAS TREACHERY ALTHOUGH HE WAS PRESENT APPARENTLY COUNTENANCIN G THE AFFAIR DID NOT CARRY ANY GUN AND DID NOT FIRE SMITH CARRIED A GUN AND HE FIRED IT HE DID NOT FIRE OVER THEIR HEADS NOR UNDER THEIR FEET BUT HE FIRED AT HIS MAN HE IS ONE OF THE MURDERERS BY HIS OWN CONFESSION. LEE WAS NOT THERE. THERE WAS TREACHERY THERE THERE ABOUT IS NO DOUBT IT [*space*] AND WE WANT TO FIND THOSE PERSONS WHO ARE GUILTY OF THAT		

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RS	PS	RT	BT
TREACHERY IT WILL BE SORT OF ELIXIR TO EVERY GOOD MAN IN CHRISTENDOM TO SEE HIS HEAD TAKEN OFF ≤YET HUNG SEE *A*[?] MAN HUNG≥ IT SEEMS TO ME IT WOULD IMPROVE MY SENSE OF RETRIBUTIVE JUSTICE TO SEE PARTIES WHO ARE EQUALLY GUILTY OF THAT SLAUGHTER {AND}[i] *STRATEGY/STRET* *CHED*[?]. BUT THE SAME FEELING THAT PROMPTS ME TO SEE THOSE PUNISHED MAKES ME CAUTIOUS HOW I *PICK*[?] *OTHERWISE*[?] IT WOULD MAKE YOU CAUTIOUS GENTLEMEN BECAUSE SUCH A MEASURE OF SEVERITY NEVER OUGHT TO BE METED OUT UNTIL YOU	TREACHERY AND IT WOULD BE A SORT OF ELIXIR TO SEE THEIR HEAD TAKEN RIGHT OFF [*space*] IT WOULD IMPROVE MY SENSE OF RETRIBUTIVE JUSTICE GENTLEMEN TO SEE THE PARTIES WHO ARE EQUALLY GUILTY OF THAT SLAUGHTER *STRATEGY/STRET* *CHED*[?] [*space*] BUT THE SAME FEELING THAT PROMPTS ME TO SEE THOSE PUNISHED MAKES ME CAUTIOUS HOW I [*space*] IT WOULD MAKE YOU CAUTIOUS BECAUSE SUCH A MEASURE OF SEVERITY NEVER OUGHT TO BE METED OUT UNTIL YOU		

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RS	PS	RT	BT
ARE SURE YOU HAVE GOT THE MAN.	ARE SURE YOU HAVE GOT THE MAN	GENTLEMEN OF THE JURY,THE CHARGE AGAINST THE DEFENDANTS NAMED IN THIS INDICTMENT IS THAT THEY, BY AGREEMENT, AND CONCERT OF ACTION, KILLED AND MURDERED THE EMIGRANTS. AS BEFORE REMARKED, THEY DID NOT ALL GO FROM ONE PLACE; THEY DID NOT OCCUPY ONE CAMP AT THE MEADOWS; THEY WERE NOT CONTINUOUSLY TOGETHER. THEY WERE THERE TWO OR THREE DAYS BEFORE THE MASSACRE. DURING THAT INTERVAL THE EMIGRANTS WERE ENTRENCHED AND THE INDIANS FIRED UPON THEM. ON THE FATAL	GENTLEME~~N OG~~ OF THE JURY, THE CHARGE AGAINST THE DEFENDANTS NAMED IN THIS INDICTMENT IS THAT THEY BY AGREEMENT, AND CONSERT OF ACTION K~~LH~~ILLED AND MURDERED THE EMIGRANTS. AS BEFORE REMARKED, THEY DID NOT ALL GO FROM ONE PLACE; THEY DID N~~K~~**O**T ~~A~~OCCUPY ONE CAMP AT THE MEADOW~~X~~S; THEY WERE NOT CONTINUOUSLY TOGETHER. THEY WERE THERE TWO OR THREE DAYS BEFORE THE MASSACRE. DURING THAT INTERVAL THE EMIGRANTS WER**E** INT~~E~~RENCED AND THE INDIANS FIRING U~~L~~PON THEM. ON THE FATAL

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RS	PS	RT	BT
		DAY NO INDIANS WERE TO BE SEEN; THEY HAD IN FACT CONCEALED THEMSELVES IN THE SAGE BRUSH, THEY WERE IN AMBUSH, FROM WHICH THEY SALLIED OUT TO THE FINAL ASSAULT. ON THAT DAY THE EMIGRANTS CAME INTO COMMUNICATIO N WITH THE MORMONS	DAY, NO INDIANS WERE TO BE SEEN; THEY HAD IN FACT CONCEALED THEMSELVES IN THE ~~AGE~~ SAGE BRUSH. THEY ~~AR~~ WERE IN AMBUSH, FROM WHICH THEY SALL~~E~~IED OUT TO THE FINAL ASSAULT. ON THAT DAY THE EMIGRANTS CAME **INTO** ~~INTO~~ CO~~U~~MMUNICATI ON WITH THE MORMONS
NOW JOHN D. LEE WAS NOT THERE. AT THE SLAUGHTER ~~<~~HE WENT~~>~~ DOWN THERE WITH THE FLAG OF TRUCE OR SOON AFTERWARDS AND ENGINEERED WHAT APPEARED TO BE A CAPITULATION. [*space*] *[[31]]* IF THAT WAS DONE IN GOOD FAITH NOW IF THE INDIANS HAD AGREED THAT IF	NOW JOHN D. LEE WAS NOT THERE AT THE SLAUGHTER HE WENT DOWN THERE WITH THE FLAG OF TRUCE OR SOON AFTERWARDS AND ENGINEERED WHAT APPEARED TO BE A CAPITULATION IF THAT WAS DONE IN GOOD FAITH [*space*] NOW IF THE INDIANS HAD AGREED THAT	UNDER A FLAG OF TRUCE, SURRENDERED THEIR ARMS,	UNDER A FLAG OF TRUCE, SURRENDERED THEIR ARMS,

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RS	PS	RT	BT
THEY COULD HAVE THAT PROPERTY THEY WOULD SPARE THE LIVES OF THOSE EMIGRANTS IF THOSE WHITE MEN WHO *WERE*[?] ~~WENT~~ THERE AND TOGETHER NEGOTIATED BELIEVED INDIANS WOULD DO IT AND ENTERED INTO THE CAPITULATION WITH THAT UNDERSTANDIN G IT WAS A GOOD MOTIVE WAS NOT IT. NOW LET'S LOOK AT IT. CAREY SAYS THESE EMIGRANTS WERE ~~50~~ ~~<6>~~ INCLUDED 50 ABLE BODIED MEN THERE WAS CERTAIN NUMBER OF ABLE BODIED SETTLERS THERE THAT OUGHT TO HAVE JOINED FORCES AND FOUGHT YOU GENTLEMEN	IF THEY COULD HAVE THAT PROPERTY THEY WOULD SPARE THE LIVES OF THOSE EMIGRANTS AND IF THOSE WHITE MEN WHO WERE THERE AND WHO NEGOTIATED IT BELIEVED THAT THE INDIANS WOULD DO IT AND ENTERED INTO THEIR CAPITULATION WITH THAT UNDERSTANDIN G *[[25]]* IT WAS A GOOD MOTIVE WAS NOT IT [*space*] NOW LET'S LOOK [*space*] CAREY SAYS THESE EMIGRANTS INCLUDED 50 ABLE BODIED MEN AND CERTAIN NUMBER OF ABLE BODIED SETTLERS THAT OUGHT TO HAVE JOINED FORCES AND FOUGHT [*space*] NOW YOU GENTLEMEN	ABANDONED THEIR PROPERTY, AND PLACED THEMSELVES UNDER MORMON PROTECTION, TO BE CONDUCTED BACK TO CEDAR CITY.	ABANDON~~A~~ED THEIR PROPERTY AND PLACED THEMSELVE~~D~~S UNDER MORMON *[7]* P~~S~~**R**OTECTION, BE CONDUCTED BACK TO CEDAR CITY.

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RS	PS	RT	BT
HAVE LIVED IN THIS COUNTRY LONG ENOUGH TO KNOW ABOUT HOW IT IS BEST TO CONDUCT YOURSELVES WITH THE NATIVE AMERICAN HAVE SOME CONCEPTION OF THE DISPARITY OF THE SETTLERS AS COMPARED WITH THE INDIANS AT THAT TIME. IF THESE SETTLERS HAD JOINED WITH THE EMIGRANTS TO FIGHT IT OUT WHEN WOULD THAT FIGHT HAVE ENDED? WOULD NOT THOSE INDIANS HAVE STARVED OUT THAT PARTY IN THIS ENTRENCHMENT IT APPEARS THEY HAD NO WATER THERE OTHER PROVISIONS WOULD HAVE BEEN LIMITED THEY HAD NO MEANS	HAVE LIVED IN THIS COUNTRY ~~HOW~~ LONG ENOUGH TO KNOW ABOUT HOW IT IS BEST FOR YOU TO CONDUCT YOURSELVES WITH THE INDIANS WE CAN HAVE SOME CONCEPTION THE DISPARITY OF THE SETTLERS COMPARED WITH INDIANS IF THESE SETTLERS HAD JOINED WITH THE INDIANS TO FIGHT IT OUT WHEN WOULD *THAT*[?] FIGHT HAVE *ENDED*[?] WOULD NOT THOSE INDIANS HAVE STARVED OUT THAT PARTY IN THIS ENTRENCHMEN T IT APPEARS THEY HAD NO WATER *THERE*[?] OTHER PROVISIONS WOULD HAVE BEEN LIMITED AMMUNITION HAD NO MEANS		

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RS	PS	RT	BT
OF SUPPLYING THEMSELVES BUT THE MOMENT SUCH A CONJUNCTION HAD BEEN FORMED THE INDIANS *WERE*[?] AS HOSTILE TO THE MORMONS AS THEY WERE TO THE EMIGRANTS THEY COULD — [?] *NEGOTIATE*[?] —[?] TERRITORY *WERE*[?] ON *WAY*[?] WITH SAFETY ~~IF~~ WERE SIMPLE *ILLUSION*[?] OF THAT PROPERTY THEY COULD NEGOTIATE TO SAVE LIVES OF EMIGRANTS WOULD IT NOT BE MOST —[?] AND MOST HUMANE *ARRANGEMENT*[?] THAT COULD MAKE THEY WOULD SECURE THE PEACE OF THOSE PIONEER SETTLEMENTS IT WOULD TEND TO MAINTAIN THE	OF SUPPLYING THEMSELVES MOMENT SUCH A CONJUNCTION HAD BEEN FORMED INDIANS WOULD BE AS HOSTILE AS ~~IF WERE~~ THEY WERE TO THE MERICATS [*space*] *NEGOTIATE*[?] WITH TRUTH *AND*[?] *WHEN/WENT*[?] ON OUR WAY WITH SAFETY [*space*] IF THEY COULD NEGOTIATE WITH THE INDIANS AND SAVE THE LIVES OF THE EMIGRANTS WOULD NOT IT BE A MOST HUMANE ARRANGEMENT FOR EMIGRANTS IT WOULD SECURE PEACE TEND TO MAINTAIN THE		

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RS	PS	RT	BT
FRIENDLY RELATIONS UPON WHICH VERY EXISTENCE OF THOSE SETTLEMENT DEPENDS. WOULD NOT IT TO BE WISE YOU WILL ALL AGREE IT WAS *IT MUST APPEAR*[?] IF THERE WAS NO MISTAKE ABOUT IT THERE WAS NO MURDER IN IT IT WOULD BE SIMPLE TO *ALLOW*[?] *MEMBERS*[?] IN ALL THE PARTIES TO PASS	FRIENDLY RELATIONS ON WHICH VERY EXISTENCE OF THOSE SETTLEMENTS DEPENDED [*space*] YOU WILL ALL BELIEVE THAT IT WAS —[?] [*space*] THAT IT WAS FOR BEST TO *TRUCE*[?]		
EXPEDIENT TO PROCEED TO SAVE THEIR LIVES. THOUGH JOHN D. LEE WAS THE PARTY TO NEGOTIATION SUCH A TRUCE AND WAS HIMSELF SATISFIED THAT IT WOULD BE CARRIED OUT BY THE INDIANS	EXPEDIENT TO *TRUCE*[?] SAVE THEIR LIVES KNOW THAT JOHN D. LEE WAS THE PARTY TO NEGOTIATE SUCH A TRUCE AND WAS HIMSELF SATISFIED THAT IT WOULD BE CARRIED OUT BY THE INDIANS	THE CHILDREN AND WOUNDED HAD BEEN PLACED IN WAGONS, PROVIDED BY	THE C~~U~~HILDREN AND WOUNDED HAD BEEN PLACED IN WAGONS PROVIDED BY

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RS	PS	RT	BT
AND LED THESE EMIGRANTS OUT HE HEADING THE COLUMN IN CHARGE OF THE CHILDREN	AND LED THESE EMIGRANTS OUT HE HEADING COLUMN HAVING CHARGE OF THE CHILDREN	THE MORMONS; THESE WAGONS HAD STARTED TOWARDS CEDAR, UNDER THE LEAD OF JOHN D. LEE; NEXT MARCHED OUT THE WOMEN, LASTLY THE MEN. THIS *[[9]]* PROCESSION MARCHED FOR NEARLY THREE QUARTERS OF A MILE, THE MORMONS TRAVELING ABREAST, OR NEARLY SO OF THE MEN, BELONGING TO THE EMIGRANTS PARTY, WHEN THE MASSACRE COMMENCED. LEE HAD GONE WITH THE WAGONS OVER A RISE OF THE GROUND, AND WAS OUT OF SIGHT OF THE MEN. THAT WAS HIS FINAL DEPARTURE FROM THE FIELD. HE CONDUCTED THE CHILDREN IN SAFETY AWAY.	THE MORMONS; THESE WAGONS HAD STA~~T~~RTED TOWARDS CEDAR CITY UNDER THE LEAD OF JOHN D . LEE ~~.~~**,** \ NEXT MARCHED OUT THE WOME~~D~~**N** ~~A,~~ AND LASTLY THE MEN, THIS PROCESSION MARCHE~~E~~**E**D FOR NEARLY THREE QUARTERS OF A MILE, THE MORMONS TRAVELING ABREST OR NEARLY SO OF THE MEN BELONGING TO THE EMIGRANT ~~O~~PARTY WHEN THE MASSACRE COMMENCED. LE E HAD GON**E** WITH THE WAGONS OVER A RISE OF GROUN~~S~~D AND WAS OUT OF SIGHT OF THE MEN. THAT WAS HIS FINAL DEPARTURE ~~DEPARTURE~~ FROM THE FIELD. HE CONDUCTED THE CHILDREN IN SAF~~T~~ETY AWAY.

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RS	PS	RT	BT
AND THE INDIANS AFTERWARD AND THE KLINGENSMITHS AMONG THE MORMONS AND SUCH OTHER MORMONS AS HAD INDIAN SOULS FULL OF TREACHERY AND UNWORTHY OF CONFIDENCE VIOLATED THAT TRUCE AND HE WAS NEVER RESPONSIBLE BECAUSE THERE WAS CONFUSION AND DISORDER AND A GENERAL FIGHT BY THE INDIANS WHO WAS TO BLAME *IS*[?] JOHN D. LEE WHO HAD ACTED FOR THE BEST WHO HAD LABORED AT THE TIME TO COMPLETE ONLY RECONCILIATION SITUATION SEEMED TO ADMIT OF *[[32]]* IS HE RESPONSIBLE FOR THE	AND THE INDIANS AFTERWARDS AND THE KLINGEN SMITHS AMONG THE MORMONS AND SUCH OTHER MORMONS AS HAD INDIAN SOULS FULL OF TREACHERY AND UNWORTHY OF CONFIDENCE VIOLATED THAT TRUCE AND HE NEVER RESPONSIBLE BECAUSE WAS CONFUSION DISORDER AND GENERAL FIGHT BY THE INDIANS WHO IS TO BLAME IS JOHN D. LEE WHO HAD ACTED FOR THE BEST WHO HAD LABORED AT THE TIME TO ACCOMPLISH THE ONLY THE RECONCILIATIO N THAT THE SITUATION SEEMED *[[26]]* TO ADMIT OF IS HE RESPONSIBLE FOR THE		

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RS	PS	RT	BT
DEFECTION AND THE TREACHERY OF EITHER THE INDIANS OR OF KLINGENSMITH. NOT SO [*space*] WELL NOW PERHAPS IT MAY BE SUGGESTED THAT IT DID NOT APPEAR HE HAD NEGOTIATION IN GOOD FAITH SUCH AN AGREEMENT THAT IS THE VERY POINT GENTLEMEN I WANT TO CALL YOUR ATTENTION TO.	DEFECTION AND THE TREACHERY OF EITHER THE INDIANS OR OF KLINGEN SMITH [*space*] NOT SO GENTLEMEN NOW PERHAPS IT MAY BE SUGGESTED THAT IT DID NOT APPEAR THAT HE HAD NEGOTIATED IN GOOD FAITH SUCH AN AGREEMENT [*space*] THAT IS THE VERY POINT I WANT TO CALL YOUR ATTENTION TO	TWO IMPORTANT AND VITAL QUESTIONS MUST BE DETERMINED, FIRST, DID THE MORMONS TAKE PART IN THE MASSACRE ? IF SO, WAS IT PREVIOUSLY AGREED ON WHEN LEE WAS PRESENT ? IF THERE WAS NO AGREEMENT OR CONCERT OF	TWO INPORTANT AND VITA**L** QUESTIONS MUST BE DETERMNINED —FIRST , DID THE MORMONS TAKE PART IN THE MASSACRE? IF SO WAS IT PREVIOUSLY AGREED ON WHEN LEE WAS PRESENT? IF THERE WAS NO AGREEMENT ~~ORF~~ **OR** CONCERT OF

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RS	PS	RT	BT
		ACTION, EACH MAN, OF COURSE, WAS ONLY RESPONSIBLE FOR HIS OWN ACTS. WAS THERE ANYTHING SAID, DONE, OR AGREED UPON, WHICH SHOUDLD AFFECT LEE WITH NOTICE,WHEN HE HEADED THE RETREATING EMIGRANTS, THAT SUCH A BUTCHERY WAS TO BE EXECUTED WHEN THEY CAME OPPOSITE TO THAT MASKED BATTERY OF INDIANS. THAT ATTACK WAS EITHER MADE BY THE INDIANS ALONE, OR BY INDIANS AND INDIVIDUAL MORMONS THAT WERE MORE SAVAGE THAN INDIANS, OR IT WAS INITIATED BY MORMONS,ORG ANIZED	ACTION, EACH MAN, OF COURSE, WAS ONLY RESPONSIBLE FOR HIS OWN ACTS. WAS THERE ANYTHING SAID, DONE, OR AGREE UPON, WHICH SHOULD EFFECT LEE WITH NOTICE, WHEN HE HEADED THE RETREATING EMIGRANTS, THAT SUCH A BUTCHERY WAS TO BE EXECUTED WHEN THEY CAME OPPOSITE TO THAT MASKED BATTERY OF INDIANS? THAT ATTACK WAS EITHER MADE BY THE INDIANS ALONE, OR BUY INDIANS AND INDIVIDUAL MORMONS, THAT WREDE MORE SAVAGE THAN INDIANS, OR IT WAS INITIATED BY MORMONS, ORGANIZED

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RS	PS	RT	BT
		AND USING THE INDIANS AS ALLIES. IT WAS A SUDDEN ATTACK, UNLOOKED FOR ALIKE BY MORMONS AND EMIGRANTS,AN D ORIGINATED IN THE NATURAL FEROCITY AND TREACHERY OF THE INDIANS;;OR IT WAS PRECONCERTED BY MORMONS AS INDIVIDUALS, IOR AS A PARTY, ACTING UPON A LIKE IMPULSE OF TREACHERY AND FEROCITY. YOU MUST DECIDE,IN YOUR OWN MINDS,HOW IT TRANSPIRED. YOU CAN NOT CONVICT LEE UNLESS YOU FIND FROM THE EVIDENCE THAT THERE WAS SUCH PRECONCERTED PLAN, AND THAT HE WAS A PARTY TO THE DAMNABLE	AND **USING** ~~USING~~ THE INDIANS AS ALLIES. IT WAS A SUDDEN ATTACK, UNLOOKED FOR ALIKE BY MORMONS AND EMIGRANTS, AND ORIGINATED IN THE NATURAL FEROCITY AND TREACHERY OF THE INDIANS OR IT WAS PRECON**C**ERTED BY MORMONS AS INDIVIDUALS OR AS A PARTY ACTING UPON A LIKE INPULSE OF TREACHERY AND FEROCITY. YOU MUST DICIDE IN YOUR OWN MINDS HOW IT ~~R~~ TRANSPIRED. YOU CANNOT CONVICT LEE UNLESS YOU FIND FROM THE EVIDENCE THAT THERE WAS SUCH PRECONCERTED PLAN~~X~~S AND THAT HE WAS A PARTY TO THE DAMNABLE

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RS	PS	RT	BT
		COMPACT. AS LEE DID NOT PARTICIPATE IN THE SLAUGHTER, AND WAS NOT PRESENT OR IN VIEW OF IT,THE HYPOTHESIS IS THAT HE AND THE OTHERS PRE-ARRANGED THE *[S9]*440 DESTRUCTION,CANNOT BE ADOPTED, UNLESS THERE IS EVIDENCE OF IT. THERE MUST BE SUCH A STATE OF FACTS PROVED, BEYOND A REASONABLE DOUBT, AS ARE NOT ONLY CONSISTENT WITH,BUT SUCH FACTS AS PROVE THAT SUPPOSITION. THE FACTS PROVED MUST BE N INCONSISTENT WITH ANY OTHER SUPPOSITION THAT CAN REASONABLY BE PROPOUNDED.	COMPACT. AS LEE D ~~D~~ID NOT PARTICI~~B~~PATE IN THE SLAUGHTER, AND WAS NOT PRESENT OR IN VIEW OF IT, THE HYPOTHESIS THAT HE AND THE OTHERS PREARRANGED THE DISTRUCTION, CAN NOT BE ADDOPTED, UNLESS THERE IS EVIDENCE OF IT. *[8]* THERE MUST BE SUCH A STATE OF FACTS PROVED BEYOND A REASONABLE DOUBT AS ARE NOT ONL~~E~~**Y** CONSISTENT WITH, BUT SUCH FACTS AS PRO~~C~~VE THAT SUPPOSITI~~ON~~.. THE FACTS PROVED MUST BE INCONSISTENT WITH ANY OTHER SUPPOSITION THAT CAN BE RE~~S~~ASONABL~~E~~**Y** PROPOUN~~ED~~DED

440. There are two pages in a row marked "9", which makes up for the missing page 6.

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RS	PS	RT	BT
		IN OTHER WORDS, THE CONSPIRACY MUST BE PROVED; AND IT CAN ONLY BE ESTABLISHED, INDIRECTLY, BY PROOF OF SUCH FACTS AS EXCLUDE ALL POSSIBILITY THAT HE HAD NO NOTICE THAT SUCH AN ATTACK WAS CONTEMPLATED BY THOSE WHO MADE IT, WHOEVER THEY WERE. GENTLEMEN OF THE JURY, ARE YOU PREPARED TO DECIDE THAT QUESTION?	. IN OTHER WOR~~S~~DS THE CONSPIRACY MUST BE PROVED; AND IT CAN ONLE BE ESTABLISHED, INDIRECTLY, BY PROOF OF SUCH FACTS AS EX~~E~~CLUDE ALL PROBABILITY THAT HE HAD NO NOTICE THAT ~~SUCH~~ SUCH AN ATTACK WAS CONTEMPLATED BY THOSE WHO MADE IT , WHOEVER THEY WER~~E~~. GENTLEMEN OF THE JURY, ARE YOU PREPARED TO D~~I~~E~~D~~CIDE THAT QUESTION?
IF YOU GENTLEMEN HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS AFFAIR WITH POWER TO SEND FOR PERSONS AND THE PAPERS AND YOU REALLY WANTED REMOVE THE LEAST DOUBT THAT COULD	IF YOU GENTLEMEN HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS AFFAIR WITH POWER TO SEND FOR PERSONS AND PAPERS AND YOU REALLY WANTED REMOVE THE LEAST DOUBT THAT COULD		

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RS	PS	RT	BT
ARISE IN YOUR MIND AS TO WHO WERE RESPONSIBLE WOULD YOU CONTENT YOURSELVES WITH LISTENING TO K SMITH'S STORY AND WHITE MAN STORY WHEN THERE WERE 9 OTHER WITNESSES AND EYE WITNESSES OF *THIS*[?] THE TRANSACTION YOU HAD NOT TALKED WITH AT ALL NOW WOULD YOU [*space*] WHY GENTLEMEN AS A COMMITTEE YOU WOULD REQUIRE YOU HAD ASSEMBLED ENTIRETY OF YOUR WITNESSES INSTEAD OF COMING TO A CLOSE AND COMING TO A DECISION. WHY DO NOT THEY HAVE ALLEN HERE ≤ALLEN≥ AND MCMURDY AND CURTIS	ARISE IN YOUR MIND AS TO WHO WERE RESPONSIBLE WOULD YOU CONTENT YOURSELVES WITH LISTENING TO KLINGEN SMITH'S STORY AND JOEL WHITE'S ~~AS WELL AS~~ STORY WHERE THERE WAS 9 OTHER EYE WITNESSES THAT YOU HAD NOT TALKED WITH AT ALL [*space*] NOW GENTLEMEN AS A COMMITTEE YOU WOULD REQUIRE THAT YOU HAD ASSEMBLED ENTIRETY OF THE TESTIMONY INSTEAD OF COMING TO A CLOSE AND COMING TO A DECISION [*space*] WHY DO NOT THEY HAVE ALLEN HERE MCMURDY AND CURTIS	YOU ARE INFORMED THAT FOURTEEN MEN WERE THERE, WHO ARE NOW WITHIN REACH, AND COULD GIVE YOU INFORMATION.	YOU ARE INFORME~~N~~**D** THAT I4 MEN WERE THE~~Y~~**R**E, WHO ARE NOW WITHIN REAC~~J~~H, AND COULD GIVE YOU INFORMATION.

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RS	PS	RT	BT
HARRISON PIERCE SAM KNIGHT JOHN MANGRAM RICHARD HARRISON SLADE AND JACOBS WOULD YOU THINK YOU KNOW WHAT TOOK PLACE ON THE TESTIMONY BEEN SUBMITTED TO YOU ARE YOU WILLING TO SAY ANY MAN'S LIFE SHALL BE TAKEN ON LITTLE YOU KNOW? WHO HAD POWER TO GIVE YOU FULL INFORMATION. YOU WERE NOT SUCH A COMMITTEE YOU HAVE BEEN SELECTED SHUTTED UP LIKE SO MANY PRISONERS HERE NOT ALLOWED TO SPEAK TO ANYBODY AND IT DEVOLVED ON THE GOVERNMENT TO POUR INTO	HARRISON PIERCE SAM KNIGHT JOHN MANGRAM RICHARD HARRISON SLADE AND JACOBS DID THEY THINK YOU KNOW *ALL*[?] THAT TOOK PLACE THERE [*space*] ON THE TESTIMONY THAT BEEN SUBMITTED TO YOU ARE YOU WILLING TO SAY ANY MEN'S LIVES SHALL BE TAKEN ON THE LITTLE YOU KNOW [*space*] WHO HAD POWER TO GIVE YOU FULL INFORMATION YOU WERE NOT SUCH A COMMITTEE YOU HAVE BEEN SELECTED AND SHUT UP LIKE SO MANY PRISONERS HERE AND NOT ALLOWED TO SPEAK TO ANYBODY AND DEVOLVE UPON THE GOVERNMENT TO POUR INTO		

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RS	PS	RT	BT
YOUR MINDS THE INFORMATION ON WHICH YOU WERE CALLED TO TO DECIDE AND THEY ASK YOU NOW ON THIS SLIM TESTIMONY ONE PERCENT WITH ALL TESTIMONY THAT EXISTS THEY ASK YOU TO DECIDE THIS CASE WHICH THEY SAY ALL CIVILIZED WORLD IS *AGAPED*[?] TO KNOW THE END OF IT. IF THE CIVILIZED WAS SO MUCH IN SUSPENSE ABOUT THIS CASE THEY HAD BETTER SEND SOMEBODY HERE BRING TESTIMONY THEY HAVE NO RIGHT TO ASK TWELVE INTELLIGENT MEN GENTLEMEN TO TAKE ANY MAN'S LIFE ON THE TESTIMONY	YOUR *MINDS*[?] THE INFORMATION UPON WHICH YOU WERE TO DECIDE THEY ASK YOU NOW ON THIS SELECT TESTIMONY [*space*] TO DECIDE THIS CASE WHICH THEY SAY THE WHOLE CIVILIZED WORLD IS AGAPE TO KNOW THE END OF IT [*space*] IF THE CIVILIZED WORLD ARE SO MUCH IN SUSPENSE [*space*] THEY HAD BETTER BRING SOMEBODY HERE TO BRING TESTIMONY THEY HAVE NO RIGHT GENTLEMEN TO ASK 12 INTELLIGENT MEN GENTLEMEN TO TAKE ANY MAN'S LIFE ON THE TESTIMONY		

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RS	PS	RT	BT
OF *ANY*[?] SUCH WITNESSES AS KLINGENSMITH AND JOEL WHITE WHEN THERE ARE 9 OTHER ~~PERSONS~~ WITNESSES OF THE SAME AFFAIR WHO COULD GIVE YOU FAIRER ACCOUNT OF IT	OF ANY SUCH WITNESSES AS KLINGEN SMITH OR JOEL WHITE WHEN THERE ARE 9 OTHER GENTLEMEN [*space*]	DO YOU FEEL SAFE IN DECIDING BEFORE YOU HAVE HEARD WHAT THEY HAVE TO SAY ? YOU CANNOT INFER, BEFORE-HAND, THAT ANY OF THESE WITNESSES ARE GUILTY. SUCH AN INFERENCE WOULD INVOLVE A DECISION OF THE VERY QUESTION ON WHICH THEIR TESTIMONY IS NECESSARY. ALL THE EYE WITNESSES WHO HAVE BEEN PRODUCED HAVE TESTIFIED. A WITNESS IS ALWAYS	DO YOU FEEL SAFE IN DECIDING BEFORE YOU HAVE HEARD WHAT THEY HAVE TO SAY? ~~Y~~YOU CANNOT INFER BEFORE HAND, THAT ANY OF THESE WITNESSES ARE GUILTY~~:~~; SUCH AN INFERENCE WOULD INVOLVE A DECISION OF THE VERY ~~W~~QUESTION ON WHIVH THEIR TESTIMONY IS NECESSARY. ALL THE WITNESSES WHO HAVE BEEN PRODUCED HAVE TESTIFIED. A WITNESS IS ALWAYS

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RS	PS	RT	BT
		PRIVILEGED TO DECLINE TO TESTIFY, WHEN, TO DO SO, WOULD, IN HIS OWN OPINION,HAVE A TENDENCY TO SUPPORT ANY CRIMINAL CHARGE THAT MIGHT BE BROUGHT AGAINST HIM, BUT, SO FAR, NONE OF THESE WITNESSES HAVE ASSERTED ANY SUCH PRIVILEGE. IF THE TRANSACTION, REPRESENTED CORRECTLY, WOULD NOT INCULPATE THE WITNESSES WHO WERE THEN ON THE GROUND,THEY WOULD NOT ONLY BE OBLIGED TO TESTIFY,BUT THEY WOULD FEEL MOST WILLING AND EAGER TO DO SO FOR THE SAKE OF JUSTICE TO THE INNOCENT, NO	PRIVILEGED TO DECLINE TO TESTIFY, WHEN TO **D**O SO WOULD IN HIS OWN OPINION, HAVE A TENDENCY TO SUPPORT ANY CRIMINAL CHARGE THAT MIGHT BE BROUGHT AGAINST HIM; BUT ~~,~~SO FAR, NONE OF THESE WITNESSES HA~~C~~VE ASSERTED ANY OF THESE PRIVIL~~E~~AG~~R~~ES. IF THE TRANSACTION, REPRESENTED CORRECTLY, WOULD NOT **INCULPATE** ~~INCULCATE~~ THE WITNESSES WHO WERE THEN ON THE G~~O~~ROUND, THEY WOULD NOT ~~N~~ONLY BE OBLIGED TO TESTIFY, BUT THEY WOULD FEEL MOST WILLING AND EAGER TO DO SO FOR THE SAKE OF JUSTICE TO THE INNOCENT NO

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RS	PS	RT	BT
		LESS. THAN THE GUILTY. I COULD IMAGINE A CASE IN WHICH YOU WOULD BE JUSTIFIED IN JUDGING OF THE TRANSACTION, FROM THE TESTIMONY OF PART OF THE WITNESSES, *[[10]]* WITHOUT FEELING ANY HESITATION FROM THE ABSENCE OF THE OTHERS. IF THE WITNESSES, WHO ACTUALLY TESTIFIED, STATED WHAT WAS IN ITSELF CREDIBLE; IF THEY AGREED WITH EACH OTHER AND SO REPRESENTED THE CASE, BELIEVING IT AS STATED DID NOT INVOLVE THE CONCLUSION THAT THE WITNESSES WERE DESTITUTE OF ALL THE QUALITIES THAT ENTITLE WITNESSES	LESS THAN THE ~~E~~GUILTY. I CAN IM~~M~~AGINE A CASE IN WHICH YOU W**O**ULD BE JUSTIFIED IN JUDGING OF THE TRANS~~A~~CTION FROM PART OF THE WINESSES, WITHOUT FEELING ANY HESITATION FROM THE ABSENCE OF THE OTHERS. IF THE WITNESSES , WHO ACTUALLY TESTIFIED, STATE~~S~~ WHAT WAS IN ITSELF CREDIBLE; ~~A~~IF THEY AGREED WITH EACH OTHER AND SO REPRESENTED THE CASE THAT , BELIEVING IT AS STATED, DID NOT INVOLVE A CONCLUSION THAT THE WITNESSES WERE DESTITUE OF ALL THE QUALITIES THAT ENTITLE THE WITNESSES

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RS	PS	RT	BT
		TO RESPECT AND CONFIDENCE, A FEW OF THE MANY MIGHT PRODUCE A CONVICTION OF THE TRUTH, NOT LESS STRONG AND ABIDING THAN IF THE NUMBER TESTIFYING WERE MULTIPLIED A HUNDRED FOLD. ARE SMITH AND WHITE SUCH WITNESSES ? THEY ARE NOT LIKELY TO BE BETTER WITNESSES NOR BETTER MEN THAN THEY REPRESENT THEMSELVES. LET US CONTEMPLATE THEM, FOR A MOMENT, AS THEY HAVE EXHIBITED THEMSELVES.	TO RESPECT AND CONFIDENCE , A FEW OF THE MANY MIGHT PRODUCE A CONVICTION OF **T**HE TRUTH NOT LESS STRO~~J~~G [9] AND ABIDING THAN IF THE NUMBER TESTIFYING WERE MULTIPLIED A HUNDRED TIM~~ES .~~**.** ARE SMITH AND WHITE SUCH WITNESSES? THEY ARE NOT LIKELY TO BE BETTER WITNESSES, NOR BETTER MEN THAN THEY **R**EPRESENT THEMSELVES. LET US CONTEMPLATE THEM FOR A MOMENT AS THEY HAVE EXHIBITED THEMSELVES~~;~~.
LET'S ~~<~~LOOK AT~~>~~ THIS K SMITH NEARER WE FIND *I THINK*[?] VERY STRONG	LET'S LOOK AT THIS KLINGEN SMITH A LITTLE NEARER WE —[?] FIND *ONE OF THE*[?] VERY STRONG [[27]]	FIRST, PHILIP KLINGENSMITH.	FIRST PHILIP KNINGENSMITH.

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RS	PS	RT	BT
ASSURANCES OF THE TRUTH OF TESTIMONY FROM THE GOOD CHARACTER OF THE MAN WHO GAVE IT YOU PROBABLY HAVE IN YOUR MIND SOME [*space*] SWEAR ME ONE MAN AND HE TELL YOU UNDER OATH IT TRANSPIRED *[[33]]*	ASSURANCE OF THE TRUTH OF TESTIMONY FROM THE GOOD CHARACTER OF THE MAN WHO GIVES [*space*] ≤MODEL MAN≥ [*space*]		
GENTLEMAN IS K	GENTLEMAN IS KLINGEN **P**		
SMITH SUCH MORMON AS *EITHER*[?] OF YOU WOULD SELECT	SMITH IS SUCH A MODEL MAN AS *EVERY*[?] OF YOU WOULD SELECT [*space*]		
WOULD NOT BE RATHER A DETRIMENT TO FACT	WOULD IT NOT RATHER BE A DETRIMENT TO THE FACT THAT		
HE AFFIRMED IT.	HE AFFIRMED IT		
IF YOU KNEW IT WAS POSSIBLE TO TRANSPIRE WOULD NOT YOU BEGIN TO DOUBT IT DID TRANSPIRE IF HE TESTIFIED.	IF YOU KNEW IT WAS POSSIBLE TO TRANSPIRE WOULD NOT YOU BEGIN TO DOUBT THAT IT DID TRANSPIRE IF HE TESTIFIED TO IT.		
GENTLEMEN I THINK I AM LITTLE PREJUDICED AGAINST HIM I WILL TELL YOU WHY I NEVER	GENTLEMEN I THINK I AM A LITTLE PREJUDICED AGAINST HIM I WILL TELL YOU WHY I NEVER		

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RS	PS	RT	BT
SAW HIM UNTIL I CAME HERE AND I AM NOT PREJUDICE AGAINST HIM BECAUSE HE IS HANDSOME MAN NOR AM I PREJUDICE BECAUSE HE IS WAS NOT HANDSOME I AM PREJUDICED AGAINST HIM BECAUSE HE WORE HIS REVOLVER AND BUTCHER KNIFE WHEN HE CAME ONTO STAND TOOK IT *TOO/OFF*[?] WHEN HE TOOK WITNESS STAND —[?] *FINE THING*[?] [*space*] I WILL TELL YOU WHAT HE SAYS	SAW HIM UNTIL I CAME HERE AND I AM NOT PREJUDICE AGAINST HIM BECAUSE HE IS A HANDSOME MAN NOR BECAUSE HE IS NOT HANDSOME MAN [*space*] NOT PREJUDICED AGAINST HIM BECAUSE HE WORE HIS REVOLVER BUTCHER KNIFE AND TOOK IT TOO WHEN HE TOOK THE WITNESS STAND AND *BUT*[?] I WILL TELL YOU WHAT HE SAYS [*space*]	HE INFORMS YOU THAT IN ~~187~~ 1857 HE WAS A BISHOP OF THE MORMON CHURCH AT CEDAR,HAVING NO LOCAL SUPERIOR, EXCEPT ISAAC C. HAIGHT WHO WAS PRESIDENT OF THAT STAKE. AS BISHOP, HE WAS	HE INFORMS YOU THAT I~~S~~N ‘57, HE WAS A BISHOP OF THE MORMON CHURCH A~~R~~T CEDAR, HAVING NO LOCAL SUPERIOR EXCEPT ISAAC C. HAIGHT WHO WAS PRESI~~I~~DENT OF THAT STAKE. AS BISHOP HE WAS

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RS	PS	RT	BT
		NOT ONLY A SPIRITUAL TEACHER, BUT A PATRIARCHAL ADVISER OF THE PEOPLE IN ALL THEIR TEMPORAL AFFAIRS.	NOT ONLY A SPIRITUAL TEACHER BUT A **PATRIARCHAL** ~~PATRIORC HAL~~ ADVISER OF THE PEOP~~LE~~**LE** IN ALL THEIR TEMPORAL AFFAIRS.
HE SEEMS TO BE ONLY ONE IN THIS CASE THAT TALKED OF THAT SUBJECT THERE WAS SOMETHING SAID IN CEDAR TO DESTROY THESE EMIGRANTS THAT IT WAS EVEN MENTIONED AT CHURCH IN SOME HIGH COUNCIL OF THE DIGNITARIES OF THE CHURCH ON SUNDAY THERE WERE SOME MEN THERE THAT THOUGHT THESE EMIGRANTS TO BE SO INIMICAL TO THE PEOPLE OF THIS TERRITORY. THEY HAD SOME	HE SAYS AND SEEMS TO BE ONLY ONE IN THIS CASE THAT THERE WAS SOMETHING SAID IN CEDAR ABOUT DESTROY THESE EMIGRANTS THAT IT WAS EVEN MENTIONED AT CHURCH IN SOME HIGH COUNCIL OF THE DIGNITARIES OF THE CHURCH ON SUNDAY THERE WERE SOME MEN THERE THAT THOUGHT THESE EMIGRANTS TO BE SO INIMICAL TO THE PEOPLE OF THIS TERRITORY THEY HAD	HE STATES HEARSAY, RESPECTING OPINIONS OF OTHER PERSONS THAN LEE EXPRESSED AT CEDAR, TO THE EFFECT THAT THESE EMIGRANTS OUGHT TO BE DESTROYED;	HE STATES **HEARSAY** ~~HERESAY~~ RESPECTING **OPINIONS** ~~OPONIOS~~ OF OTHER PERSONS THAN LEE, EXPRESSED AT CEDAR, TO THE EFFECT THAT THESE EMIGRANTS OUGHT TO BE DESTROYED;

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RS	PS	RT	BT
MADE SOME BOASTS THAT INDICATED THEY DID NOT LOVE THE MORMONS BEFORE THEY CAME HERE AND PARTICULARLY JOE SMITH. [*space*] THAT THEY HAD MADE BOASTS IN GOING THROUGH YOUR TERRITORY THAT WERE NOT VERY COMFORTABLE TO CONSIDER IN THE PRESENT STATE OF COUNTRY. NOW HOW DID HE K SMITH TREAT THIS SUBJECT. HE SAYS I OPPOSED IT. AND HE OPPOSED IT WITH SUCH ENERGY THAT CHURCH PARTY BROKE UP IN A ROW AND THE PRESIDING ECCLESIASTIC THAT WAS THERE ON THAT SUNDAY WAS MAD AT HIM.	MADE SOME BOASTS THAT INDICATED THEY DID NOT LOVE THE MORMONS BEFORE THEY CAME HERE AND PARTICULARLY JOE SMITH [*space*] THEY HAD MADE BOASTS IN GOING THROUGH THE TERRITORY THAT WERE NOT VERY COMFORTABLE TO CONSIDER IN THE PRESENT STATE OF THE COUNTRY [*space*] NOW HOW DID HE KLINGEN SMITH TREAT THIS SUBJECT HE SAYS I OPPOSED [*space*] AND OPPOSED IT WITH SUCH ENERGY THAT THAT CHURCH PARTY BROKE UP IN A ROW [*space*] AND THE *HIGHEST*[?] PRESIDING ECCLESIASTIC THAT WAS THERE ON THAT SUNDAY WAS MAD [*space*] ~~THIS~~		

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RS	PS	RT	BT
WELL THAT IS PERHAPS NOTHING AGAINST HIS ECCLESIASTICAL CHARACTER BECAUSE WE READ EVEN MOSES GOT MAD *AND*[?] HE HAD TO GET SECOND EDITION OF LAW ON ACCOUNT OF HIS —[?] ACTION WHILE HE WAS *IN WRATH*[?] BUT THAT HE SHOULD HAVE PROPOSED DESTRUCTION OF THIS COMPANY IS REMARKABLE BUT SMITH SAYS HE OPPOSED IT	THAT IS PERHAPS NOTHING AGAINST HIS ECCLESIASTICA L CHARACTER FOR WE READ THAT EVEN MOSES GOT MAD [*space*] *BUT*[?] THAT HE SHOULD HAVE PROPOSED THE DESTRUCTION IN THIS PARTY WAS IS A LITTLE REMARKABLE BUT SMITH SAYS HE OPPOSED IT [*space*]	THAT HE OPPOSED THE PROPOSITION TO MAKE WAR ON THEM, THAT ONLY BECAUSE IT WOULD BE BAD POLICY. ~~B~~ HIS VIEWS PREVAILED FOR A TIME,BUT HE WAS FINALLY OVERRULED,AN D THE DOOM OF THE EMIGRANTS WAS PRONOUNCED.	THAT HE OPPOSED THE PROPOSITION TO MAKE WAR ON THEM, BUT ONLY BECAUSE IT WOULD BE BAD POLICY. HIS VIEWS PREVAILED FOR A TIME, BUT HE WAS FINALLY OVERRULED AND THE DOOM OF THE EMIGRANTS WAS PRO~~M~~NOUNCED,

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RS	PS	RT	BT
AND HE OPPOSED IT WITH SUCH ENERGY AND ZEAL THAT HE MET THE SAME DIGNITARY ON THE FOLLOWING DAY AND BROACHED SUBJECT AGAIN AND AGAIN MADE HIS PROTEST AGAINST IT. AND IT HAD SUCH WEIGHT THAT THERE UPON A MESSENGER WAS DISPATCHED TO PINTO IN THE INTEREST OF PEACE OF THESE *EMIGRANTS*[?] IT WOULD APPEAR THAT WHOEVER IT WAS THAT WAS DISPOSED TO HAVE THIS EMIGRANT PARTY PUNISHED DID NOT HAVE SUCH SET WRATH AGAINST —[?] AND THAT IT WAS EASILY OVERCOME BY *[[34]]* SMITH	OPPOSED WITH SUCH ENERGY AND ZEAL THAT HE MET THAT SAME CHURCH DIGNITARY AND AGAIN AND AGAIN MADE HIS PROTEST AGAINST IT AND IT HAD SUCH WEIGHT THAT THERE UPON A MESSENGER WAS DISPATCHED TO PINTO IN THE INTEREST OF THE PEACE OF THESE EMIGRANTS NOW IT WOULD APPEAR THAT WHOEVER IT WAS *[[28]]* THAT WAS DISPOSED TO *HAVE S*[?] THIS EMIGRANT PARTY PUNISHED DID NOT HAVE SUCH STELLAR WRATH AGAINST IT AND THAT IT WAS EASILY OVERCOME BY SMITH		

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RS	PS	RT	BT
HIMSELF. IT WAS NOT ANYTHING LIKE SET ANTIPATHY OR LOVE OF VENGEANCE BECAUSE HAD COME HERE ON THIS PEACEABLE TALK BY SMITH AND HE ON THIS MONDAY VOLUNTEERED TO GO WITH WHITE WHO WAS OTHER MESSENGER TO CARRY LETTER TO BISHOP ROBINSON AT PINTO CREEK TO PACIFY INDIANS AND FACILITATE PEACEABLE EXIT OF THIS PARTY OUT OF TERRITORY. *HE SEEMED*[?] TO BE ENGAGED IN GOOD CAUSE IF ALL THAT WAS SO IT WAS PRETTY GOOD BOASTING ON HIS PART ALTHOUGH HE TELLS IT HIMSELF THERE WAS LITTLE *SKILL*[?] TO HIS CONDUCT THAT	HIMSELF IT WAS NOT ANYTHING LIKE STELLAR ANTIPATHY TO STELLAR VENGEANCE HE ON THIS MONDAY VOLUNTEERED TO GO WITH WHITE WHO WAS THE OTHER MESSENGER TO CARRY LETTER TO BISHOP ROBINSON AT PINTO TO PACIFY INDIANS FACILITATE *THE*[?] PEACEABLE PASSAGE OF EMIGRANTS OUT OF THE TERRITORY [*space*] IF ALL THAT WAS SO IT WAS PRETTY GOOD BOASTING ON HIS PART AND THOUGH HE TELLS IT HIMSELF *YET*[?] THERE WAS A LITTLE *SKILL*[?] TO HIS CONDUCT THAT		

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RS	PS	RT	BT
STANDS IN VERY AWKWARD CONTRAST TO THIS SPECIFIC EVIDENCE.	STANDS IN VERY REMARKABLE CONTRAST WITH THIS [*space*]		
		HE ACQUIESCED. HE GIVES YOU TO UNDERSTAND THAT HE WAS INFORMED, BEFORE HE WENT TO THE MEADOWS, BY THE OMINOUS WORDS OF IRA ALLEN,SPOKEN TO HIM AND WHITE,ON THEIR RETURN FROM PINTO, THAT THE EMIGRANTS WERE TO BE SLAUGHTERED. HIS HEART REVOLTED AGAINST IT. THAT ON THE SUMMONS TO GO, HE MADE NO OPPOSITION.	HE AC~~A~~QUIESSED. HE GIVES YOU TO UNDERSTAND BEFERE HE WENT TO THE MEADOWS BY THE OMINOUS WOR~~S~~DS OF IRA ALLEN SPOKEN TO HIM AND WHITE ON THEIR RETURN FROM PINTO, THAT THE EMIGR**A**NTS WE**R**E TO BE SLAUGHTERED. HIS HEA~~T~~RT REVOLTED AGAINST IT, BUT ON THE SUMMONS TO GO HE M~~Z~~ADE NO OPPOSITION.
WHEN HE COMES TO SLAUGHTER HE SKIPPED ALL THAT INTERVENES HE GOES DOWN THERE WITH THE PARTY AND	WHEN HE COMES TO THE SLAUGHTER ~~≤~~HE~~≥~~ SKIPS OVER ALL THE [*space*] GOES DOWN WITH THE PARTY	HE WENT, KNOWING THE PURPOSE OF	HE WENT KNOWING THE PURPOSE OF

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RS	PS	RT	BT
		THE JOURNEY. HE MADE NO PROTEST AGAINST IT, EITHER BEFORE HE LEFT CEDAR,ON THE WAY,OR DURING THE TIME *[[11]]* THE BUTCHERY WAS BEING PLANNED AND EXECUTED ON THE FIELD,AND WHEN THE FATAL MOMENT CAME; WHEN, AS HE SAYS, THE EMIGRANTS WERE ABREAST OF THE SOLDIERS, SEPARATED FROM THEM ONLY BY A FEW FEET, AFTER HE HAD WALKED WITH THEM LONG ENOUGH TO READ THEIR SAD COUNTENANCES , IN THE LIGHT OF THEIR IMPENDING FATE; AFTER HE HAD HAD TIME TO GLANCE HIS EYE FORWARD, TO THE HELPLESS CHILDREN AND	THE JOURNEY. HE MADE NO PROTEST AGAINST IT EITHER BEFORE HE LEFT CEDAR ON THE WAY OR DURING THE TIME THE BUTCHERING WAS BEING PLA~~M~~NNED AND EXECUTED O~~F~~N THE FIELD. AND WHEN THE FATAL MOMENT CA~~N~~ME, WHEN , AS HE SAYS, THE EMIGRANTS WE~~E~~RE ABREST OF THE SOLDIER~~D~~**S,** SEPARATED FR**O**M THEM ONLY BY A FEW FEET; AFTER HE HAD WALKED WITH THEM LONG ENOUGH TO READ THEIR SAD COUNTENANCES IN THE LIGHT O~~N~~F THEIR IMPENDING FATE; AFTER HE HAD ~~HAD~~ TIME TO GLA~~C~~NCE HIS EYE FORWARD, TO THE HELPLESS CHILDREN, AND

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RS	PS	RT	BT
		THE ANXIOUS MOTHERS, NEVER TO BE RE-UNITED, AND TO REFLECT WHAT AT ATROCITY WAS ABOUT TO BE PERPETRATED; AFTER HE HAD HAD TIME TO REMEMBER THAT HE HAD RAISED HIS FEEBLE VOICE AGAINST THE DAMNABLE "TAKING OFF", AND WAS NOW AN UNWILLING WITNESS AND PARTICIPANT; WHEN IT MIGHT BE EXPECTED HE WOULD SHRINK FROM SUCH AN UNNATURAL CRIME, IF HE EVER HAD A THROB OF HUMANE FEELING; WHEN, AS WE MUST SUPPOSE,THERE WAS IN THE SPECTACLE BEFORE HIM MUCH TO EXCITE PITY FOR THESE DEVOTED PEOPLE,AND	THE ANXIOUS MOTHERS, NE~~C~~VER TO BE REUNITED, AND TO REFLECT WHAT AN ATTROCITY WAS ABOUT TO BE PERPETRATED; AFER HE HAD ~~HAD~~ TIME TO REMEMBER THAT HE HAD RAISED HIS FEBLE VOICE AGINST THE DAMNABLE "TAKING OFF" AND WAS NOW AN UNWILLING WITNESS AND PARTICIPANT; *[10]* WHEN IT MIGHT BE EXPECTED HE WOULD SHRINK FROM SUCH AN UNNATURAL CRIME ~~IF~~ HE **N**EVER HAD A THROB OF ~~MUN~~HUM~~Z~~ANE FEELING; WHEN AS WE MUST SUPPOSE THERE WAS IN THE SPECTACLE BEFORE H~~E~~IM MUCH TO EXCITE PITY FOR THOSE DEVOTED PEOPLE, AND

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RS	PS	RT	BT
		HEROISM TO SAVE THEM,OR AT LEAST HUMANITY ENOUGH NOT TO TAKE ANY PART IN THEIR DESTRUCTION — IN THIS PERDICAMENT WHAT DID ~~SMMITH~~ ≤SMITH≥ DO ?	HEORISM TO SAVE THEM, OR, AT LEAST, ~~Y~~HUMANITH ENOUGH NOT TO TAKE ANY PART IN THEIR DESTRUCTION — IN THIS ~~THIS~~ PREDICAMENT WHAT DID SMITH DO?
WHEN THE WORD FIRE WAS GIVEN AND THOSE MORMONS WERE THERE ACCORDING TO HIS STATEMENT ARMED AND EQUIPPED ACCORDING TO LAW IF MR. SMITH HAD SO MUCH HUMANE FOR THESE EMIGRANTS HE HAD OPPOSED THEIR DESTRUCTION ALL THE WAY THERE WHEN THIS ORDER WAS GIVEN TO FIRE [*space*] THE SUPPOSITION OF TREACHERY PRESUPPOSES	WHEN THE WORD FIRE WAS GIVEN TO THOSE MORMONS WERE THERE ~~MEN~~ *WHO*[?] ACCORDING TO THIS STATEMENT ARMED AND EQUIPPED ACCORDING TO LAW [*space*] NOW IF MR. SMITH HAD SO MUCH HUMANE CONSIDERATIO N TO THESE EMIGRANTS THAT HE HAD OPPOSED THEIR DESTRUCTION ALL THE WAY THERE WHEN THIS ORDER WAS GIVEN TO FIRE NOW THE SUPPOSITION OF TREACHERY PRESUPPOSES		

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RS	PS	RT	BT
THEY KNEW INDIANS WERE *RIGHT THERE*[?] BUT IT WAS MOMENT OF TREMENDOUS EXCITEMENT AND BECAUSE 24 OR 5 MEN PITTED AGAINST A LIKE NUMBER OF THEIR FELLOW BEINGS FOR THE FIRST TIME AND HAVING MURDER IN THEIR HEARTS	THAT INDIANS WERE RIGHT THERE BUT IT WAS MOMENT OF TREMENDOUS EXCITEMENT AND BECAUSE 24 OR FIVE MEN AND PITTED AGAINST LIKE NUMBER OF THEIR FELLOW MEN HAVING MURDER IN THEIR HEARTS		
		DOES HE CONFESS THAT HE WAS APPALED BY THE THOUGHT OF SUCH INHUMANITY ? DOES HE INDICATE THAT HIS PHLEGMATIC NATURE WAS STIRRED BY ANY EMOTION WHATEVER ? WHEN THE ORDER TO FIRE WAS GIVEN, ACCORDING TO HIS TESTIMONY,	DOES ~~T~~HE CONFESS THAT HE WAS APPALLED BY THE THOUGHT OF SUCH INHUMANITY? DOES HE INDICATE THAT HIS FLEGMATIC NATURE WAS STIRRED BY ANY EMOTION WHATEVER? WHEN THE ORDER TO FIRE WAS GIVEN ACCORDING TO HIS TESTIMONY,
AND WERE BEING IN THE ACT OF FIRST LEVELING A GUN AT THEM TO KILL	BEING IN THE ACT OF FIRST LEVELING A GUN FIRST AT THEM [*space*]		

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RS	PS	RT	BT
THEY WOULD NOT BE VERY LIKELY TO LOOK AROUND AND SEE WHETHER BROTHER SMITH WAS DOING LIKEWISE OR NOT WHY DID NOT HE JUST LIFT HIS PIECE A LITTLE JUST SO IT WOULD GO OFF OVER THEIR HEADS OR MAKE IT GO OFF ACCIDENTALLY INTO THE GROUND	WOULD NOT BE APT TO LOOK AROUND AT BROTHER SMITH TO SEE WHETHER HE WAS DOING IT OR NOT WHY DID NOT HE [*space*] LIFT HIS PIECE —/*OR*[?] MAKE IT GO OFF ACCIDENTALLY [*space*]	WHY DID HE NOT DISCHARGE HIS GUN IN THE AIR OR IN THE EARTH ? IT WAS NOT A MOMENT OF CHURCH SURVEILANCE, EVERY MAN PRESENT, IF SMITH'S TESTIMONY WAS TRUE, MUST HAVE BEEN TOO MUCH OCCUPIED WITH HIS OWN DESPERATE THOUGHTS TO HAVE BEEN WATCHING TO SEE IF EVERY OTHER PERFORMED AN EQUAL PART IN THIS FEARFUL WORK. IF HE WAS SHOCKED AT THE THOUGHT OF KILLING THE EMIGRANT PARTY,WHEN HE SAYS IT WAS MENTIONED AT CEDAR CITY,WHEN IT WAS BUT A FUTURE POSSIBILITY,HIS ARM WOULD HAVE	WHY DID HE NOT DISCHARGE HIS GUN **IN** THE AIR OR IN THE EARTH? IT WAS NOT A MOMENT OF CHURCH **SERVILNESS** ~~SERVILLANCE~~ ; EVERY MAN PRESENT, IF SMITHS TESTIM**O**NY IS TRUE, MUST HAVE BEEN TOO MUCH OCCUPIED WITH HIS OWN DESPERATE TH**O**UGHTS TO HAVE BEEN WATCHING TO SEE IF EVERY OTHER ~~W~~PERFORM AN EQUAL PART IN THIS FEARFUL WORK. IF HE WAS SHOC~~H~~KED AT THE THOUGHT OF KILLING THE EMIGRANT PARTY, WHEN HE SAYS IT WAS M~~A~~ENTIONED AT CEDAR CITY, WHEN IT WAS BUT A FUTURE POSSIB~~I~~L~~,~~ITY, HIS ARM WOULD HAVE

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RS	PS	RT	BT
		BEEN PARALIZED WHEN IT WAS A PRESENT *[[12]]*	BEEN PARALYSED, **WHEN** ~~SHEN~~ IT WAS A PRESENT
		REALITY,AND THE DELUDED VICTIMS WERE ARRAYED BEFORE HIM. HE HAS DESCRIBED A SC~~U~~ENE WHICH SUGGESTS THESE ENQUIRIES. NOW,REMEMBE R,GENTLEMEN,	REALITY AND THOSE ~~F~~DELUDED VICTIMS WERE ARRAYED BEFORE HIM. HE HAS DESCRIBED A SCENE WHICH ~~HAS~~ SUGGESTS THESE INQUIRIES. NOW**,** REMEMBER, GENTLEMEN ,
SAYS HE DID NOT DO IT AND THAT HE DREW UP AND FIRED AT HIS MAN.	HE SAID HE DID NOT DO IT THAT HE DREW UP AND FIRED AT HIS MAN NOW	WHAT HE SAYS THAT HE DID. HE SHOT TO KILL ONE OF THE EMIGRANT PARTY. THEN HE DID SO VOLUNTARILY, ON NO COMPULSION, WITH NO REPUGNANCE. WOULD NOT A JURY BE OBLIGED TO CONVICT HIM OF MURDER, AN AGGRAVATED MURDER IN THE FIRST DEGREE IF HE HAD BEEN PUT ON	WHAT HE SAYS HE DID. HE SHOT TO KILL ONE OF THE EMIGRANT PARTY. THEN HE DID SO VOLUNTARILY; ~~ON~~ NO COMPULSION; WITH NO REPUNGNANCE. WOULD NOT A JURY BE OBLIGED TO CONVICT HIM OF MURDER AND AN AGGRAVATED MURDER IN THE FIRST DEGREE IF HE HA**D** BEEN PUT UPON

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RS	PS	RT	BT
		TRIAL ON A PLEA OF NOT GUILTY, AND WHAT HE HAS SAID OF HIMSELF HAD BEEN PROVED BY OTHER WITNESSES AGAINST HIM ?	TRIAL, ON A PLEA OF NOT GUILTY, AND WHAT HE HAS ~~AID A~~ SAID OF HIMSELF HAD BEEN PROVED BY OTHER WITNESSES AGAINST HIM?
NOW GENTLEMEN IF HE DID SO ACCORDING TO MY BROTHER BASKIN HE IS NOT ENTITLED TO AVAIL HIMSELF OF ANY *TRRSM/TRTRSM*[?] EITHER OF THE CHARGE OR INDICTMENTS BECAUSE NO MAN HAS A RIGHT TO SLAY AN INNOCENT MAN IN DURESS THAT IS THE TALK OF THE PROSECUTION THERE DON'T APPEAR NOW TO HAVE BEEN IN *DURESS*[?] [*space*] IT WOULD HAVE BEEN EASIER FOR HIM TO HAVE FIRED HIS GUN SO IT WOULD TAKE OFF	GENTLEMEN IF HE DID SO ACCORDING TO MY BROTHER BASKIN HE IS NOT ENTITLED TO AVAIL HIMSELF OF ANY *TRRSM*[?] EITHER OF THE CHARGE OR THE EVIDENCE BECAUSE NO MAN HAS A RIGHT TO SLAY AN INNOCENT MAN IN DURESS THAT IS TALK OF THE PROSECUTION AND THEY DO NOT APPEAR NOW TO HAVE BEEN IN DURESS IT WOULD HAVE BEEN EASY FOR HIM TO FIRE HIS GUN SO THAT IT WOULD NOT HAVE EFFECT		

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RS	PS	RT	BT
IF HE HAD REALLY OPPOSED DESTRUCTION OF THESE EMIGRANTS SO SINCERELY AND EARNESTLY AND ZEALOUSLY AND FORCEFULLY WHEN IT CAME TO FIRE ON AND MURDER OR NOT MURDER WHY DID NOT HE HAVE SOME ACCIDENT OCCUR TO HIS GUN SO HE WOULD NOT KILL MEN OR ANY [*space*] *[[35]]* AND HE DOES FRANKLY TELL YOU I SUSPECT BECAUSE MY BROTHER HERE PUT THE QUESTION SO *CATEGORICALLY/ KRJRKL*[?] TO HIM THAT HE FELL *PAGE* —[?] YOU WILL ASSUME TO HAVE IDEA WHAT SMITH WOULD NOT OWN UP ON THAT MATTER [*space*] SAYS HE YOU FIRED THAT GUN OVER	AND IF HE HAD REALLY OPPOSED THE DESTRUCTION OF THESE EMIGRANTS SO [*space*] ZEALOUSLY [*space*] MURDER OR NOT MURDER WHY DID NOT HE HAVE SOME ACCIDENT OCCUR *[[29]]* TO HIS GUN SO THAT HE WOULD NOT KILL MEN [*space*] HE DOES FRANKLY TELL YOU BECAUSE MY BROTHER PUT THE QUESTION SO DIRECTLY TO HIM THAT HE FELL [*space*] YOU FIRED THAT GUN OVER		

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RS	PS	RT	BT
HIS HEAD DID NOT AND NO SIR I DID NOT HE MEANT TO BE COUNTED [*space*]	HIS HEAD NO SIR I DID NOT		
		HE WOULD HAVE BEEN CONVICTED WITHOUT A DOUBT, AND EVERYBODY WOULD SAY AMEN!	HE WOULD **HAVE** ~~HAVE~~ BEEN CONVICTED W~~O~~ITHOUT A DOUBT, AND EVERYBODY WOULD SAY AMEN.
IF HE DID THAT HE IS A MURDERER IF HE LIED ABOUT IT HE IS PERJURER IN EITHER CASE HOW MUCH IS THIS TESTIMONY IF HE DID KILL THAT MAN HE IS MURDERS IF IT WAS NOT FOR ABSOLUTION WHICH HE HAS GOT AT THE HANDS OF THE PROSECUTION HERE WE SHOULD HAVE TO *ARRAIGN*[?] COUNCILS HERE AND HAVE HIM SHOT HE HAS DESERVED IT FOR LAST	IF HE DID THAT HE IS A MURDERER IF HE LIED ABOUT IT HE IS PERJURER IN EITHER CASE HOW MUCH IS HIS TESTIMONY [*space*] IF HE DID KILL THAT MAN HE IS A MURDERER IF IT HAD NOT BEEN FOR ABSOLUTION WHICH HE HAS RECEIVED AT THE HANDS OF THE PROSECUTION [*space*] HE HAS DESERVED IT FOR THE LAST	HE IS THEREFORE A SELF CONFESSED MURDERE~~D~~R.	HE IS THEREFORE A SELF CONFESSED MURDERE~~D~~R.

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RS	PS	RT	BT
18 YEARS IN THE EYE OF THE LAW	18 YEARS IN THE EYE OF THE LAW		
		ACCORDING TO THE LAWS OF THE WHOLE CIVILIZED WORLD,THERE IS NO GOOD IN HIM. HE SHOULD BE HANGED OR CONFINED TILL HE DIES, NOT SUFFERED TO MIX WITH HIS FELLOW MEN, NOT SUFFERED TO ENJOY ANY BLESSING OF LIFE. MURDER IS SUCH A CRIME AS IMPLIES ALL OTHER CRIMINAL INTENTS; SUCH PERFECT INSES~~S~~NSIBILITY TO ALL MORAL OBLIG~~Z~~ATIONS, AND SUCH ABSENCE OF ALL HUMANE INSTINCTS, THAT HE IS NOT SAFE TO BE TRUSTED, IS UNWORTHY OF ANY CONFIDENCE. HE IS A	ACCORDING TO THE LAWS OF **THE** ~~THE~~**HE** WHOLE CIVILIXED WORLD, THERE IS NO GOOD IN HIM; HE SHOULD BE HANGED OR CONFI**N**ED TILL HE DIES, NO~~R~~T SUFFERED TO MIX WITH HIS FELLOW MAN NOT SUFFERED TO ENJOY **THE** ~~AND~~ BLESSING OF LIFE. *[11]* MURDER IS SUCH CRIME AS IMPLIES ALL OTHER CRIMINAL INTENTS, SUCH P~~R~~ERFECT INSENSIBILITY TO ALL MORAL OBLIGATIONS, AND SUCH ABSENCE OF ALL HUMANE INSTINCTS THAT HE IS NOT SAFE TO BE TRUSTE D — IS UNWORTH OF ANY CONFIDENCE. HE IS A
HE IS USELESS MAN ENCUMBERER OF THE GROUND	HE IS A USELESS MAN *CUMBER*[?] TO THE *GROUND*	CUMBERER OF THE GROUND.	CUMBERER OF THE G~~O~~ROUND.

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RS	PS	RT	BT
LAW/WILL/L[?] *BEFORE/BEAR/BA RE*[?] *FR/THR*[?] *KRRL/ACCORDIN GLY*[?] IS WHEN A MAN IS GUILTY OF MURDER HE SHOULD DIE THERE DON'T SEEM TO BE ANY DOUBT ABOUT SMITH'S GUILT HE SAYS HIMSELF CAME UP PLEAD GUILTY BUT BY SWEARING THIS IS A GUILTY MAN THAT OUGHT TO HAVE BEEN HUNG ACCORDING TO OUR LAWS *L/WELL*[?] *ANY ADVANTAGE*[?] *MEETS*[?] HIM IS HUNG AS HE *TALKS HERE*[?] TO CONVICT JOHN D. LEE.	*WHERE HE HAS WITHIN THAT/LAIN*[?]. BY SWEARING HE IS GUILTY A MAN THAT SHOULD BE HUNG AND THAT ACCORDING TO OUR LAWS HE HAS WITNESSED HERE TO CONVICT JOHN D. LEE	THE LAW SAYS, CUT HIM DOWN; PEOPLE EVERYWHERE, UTTERING THEIR ABHO~~D~~RRENCE OF HIS CRIME AND THEIR SENSE OF HIS MALIGNITY WITH ONE ACCORD,SAY REMOVE HIM,	THE LAW S~~Z~~AYS, CUT HIM DOWN; PEOPLE EVERYWHERE, UTTERING THEIR ABHO~~O~~RRENCE OF HIS CRIME AND ~~R~~THEIR SENCE OF HIS MALIGNITY WITH ONE ACCORD SAY, "REMOVE HIM,

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RS	PS	RT	BT
		LET HIM BE UTTER BLOTTED OUT.. WHAT CRIME IS JOHN D. LEE BEING TRIED FOR ? FOR AIDING IN THE DESTRUCTION OF THESE EMIGRANTS, NOT WITH HIS OWN HANDS, BUT FOR CONSENTING TO THE SLAUGHTER DONE BY OTHERS, IN PART BY THIS VERY WITNESS. WILL YOU FEEL WARRANTED IN ACCEPTING THE TESTIMONY OF P. KLINGENSMITH, LOADED, AS HE CONFESSES HE IS,WITH CRIME ? CAN YOU FEEL ANY ASSURANCE THAT HE IS TELLING THE TRUTH ? WILL HIS STATEMENTS SO AFFECT YOU,THAT,WITH OUT OTHER *[[13]]* TESTIMONY, YOU WILL	LET HIM ~~BE~~ UTTERLY BE BLOTTED OUT.” WHAT CRIME IS JOHN D. LEE BEING TRIED FOR? FOR AIDING IN THE DESTRUCTION OF THESE EMIGRANTS, NOT WITH HIS OWN HANDS, BUT FOR CONSENTING TO THE SLAUGHTER DONE BY OTHERS IN PART BY THIS VERY WITNESS. WILL YOU FEEL WARRANTED IN ACCEPTING THE TESTIMONY OF P. KLINGENSMITH, LOADED , AS HE CONFESSES HE IS, WITH CRIME? CAN YOU FEEL ANY ASSURANE THAT HE IS TELLIN~~I~~G THE TRUTH? WILL HIS **STATEMENTS** ~~STATEMENTS~~ SO EFFECT YOU, THAT WITHOUT OTHER TESTIMONY, YO~~O~~**U** WILL

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RS	PS	RT	BT
		ENTERTAIN ~~R~~NO REASONABLE DOUBT OR THEIR VERITY ? CAN YOU HAVE ANY CONVICTION, DERIVED FROM HIS TESTIMONY, WHICH RISES TO THE DIGNITY OF "A MORAL CERTAINTY ?" IF YOU CAN YOUR CREDULITY IS PITIABLE. WHENEVER THERE IS AN EXPOSURE IN SMITH'S TESTIMONY,AND HE TOUCHES A SUBJECT ON WHICH ANYBODY ~~M~~ ELSE HAS ANY KNOWLEDGE, HE IS CONTRADICTED. HE BLUNDERS AND FABRICATES IN RESPECT TO THE DISPOSITION OF THE PROPERTY AFTER THE SLAUGHTER, AS WELL AS IN REGARD TO THE CHILDREN. HE DID NOT TAKE THE CHILDREN	ENTERTAIN NO REASONABLE DOUBT OF THEIR **VERITY** ~~VERUTY~~? CAN YOU HAVE ANY CONVI~~O~~CTION, DE~~I~~RIVED FROM HIS TESTIMONY, WHICH RISES TO THE DIGNITY OF MORAL C~~R~~ERTAINTY? IF YOU CAN YOUR CREDULITY IS PITIABLE. WHENEVER THERE IS AN EXPOSURE IN SMITHS TESTIMONY, AND HE TOUCHES A SUBJECT ON WHICH ANYBODY ELSE HAS ANY KNOWLEDGE **IT** IS CONTRADICTED. HE BLUNDERS AND F~~Z~~ABRICATES IN RESPECT TO THE DISTRIBUTION OF THE PROPERTY ~~O~~AFTER THE SLAUTHGER AS WELL AS IN REGARD TO THE CHILDREN. HE DID NOT TAKE THE CHILDREN

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RS	PS	RT	BT
		TO CEDAR CITY, AS HE SAID HE DID; HE DID GO WITH THE WAGONS OF THE EMIGRANTS, AS HE SAID HE DID NOT DO. HEDID NOT HAVE CHARGE OF THE CHILDREN, AND HE DID ASSUME CONTROL OF THE WAGONS. JOHN WILLIS TOOK THE CHILDREN, AND POLLOCK WENT WITH SMITH AND THE WAGONS. OTHER MORE MATERIAL CONTRADICTIONS WILL PRESENTLY BE POINTED OUT. HE HAS MADE HIS OWN RECORD OF CRIME. HAVING SHED INNOCENT BLOOD BY EMULATING THE FEROCIOUS EXAMPLE OF SAVAGES, HE COULD NOT RETURN TO THE	TO CEDAR CITY AS HE SAID HE DID; HE DID GO WITH THE WAGONS OF THE EMIGRANTS, AS HE SAID HE DID NOT DO. HE DID NOT HAVE CHARGE ~~O~~FD THE CHILDREN AND HE DID ASSUME CONTROL OF THE WAGONS. JOHN WILLACE TOOK THE CHILDREN, AND POLLOCK WENT WITH SMITH AND THE WAGONS. ~~OTHER MATERIAL CONTRADICTIONS WILL PRESEN JOHN WILLACE~~ OTHER MORE MATERIAL CONTRADICTIONS WILL PRESENTLY BE POINTED OUT. HE HAS MADE HIS OWN RECORD OF CRIME. HAVING SHED INNOCENT BLOOD BY EMULATING THE FEROCIOUS EXAMPLE OF SAVAGES, HE COU~~L~~DS~~S~~NOT RETURN TO THE

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RS	PS	RT	BT
		DUTIES OF A CHRISTIAN TEACHE~~D~~R, ~~AND~~,	[12] DUTIES OF A CHRISTIAN TEACHER.
WHERE HAS THIS SMITH BEEN EVER SINCE HAS HE BEEN PREACHING HAS HE BEEN GOOD BISHOP EVER SINCE NO GENTLEMEN AS COUNSEL SAID IN THEIR OPENING MURDERER WOULD DIE HE COULD NOT PREACH THIS MURDER WAS SO HEAVY ON HIS SOUL HE RESIGNED	WHERE HAS THIS SMITH BEEN TO EVER SINCE HAS HE BEEN PREACHING HAS HE BEEN A GOOD BISHOP EVER SINCE NO GENTLEMEN AS COUNSEL SAID IN THE OPENING MURDERER WILL DIE HE COULD NOT PREACH THIS MURDER WAS SO HEAVY ON HIS SOUL THAT HE RESIGNED [*space*]	HE RESIGNED HIS OFFICE OF BISHOP,	HE RESIGNED HIS OFFICE OF BISHOP
WHERE DID HE GO THEN HE HAS BEEN ON WAR PATH EVERY SINCE OR RATHER HE HAS BEEN ON WING	WHERE DID HE GO THEN HE HAS BEEN ON THE WING	AND HE HAS BEEN A FIGITIVE ON THE EARTH	AND HAS BEEN A FUGITIVE ON THE EARTH
EVER SINCE	EVER SINCE	EVER SINCE. HIS HANDS WERE COVERED WITH BLOOD, HIS CONSCIENCE WAS BURDENED WITH CRIME, TWO HENIOUS TO BE EXPIATED.	EVER SINCE. HIS HANDS WERE COVERED WITH BLOOD**,** HIS CONSCIENCE WAS BURDENED WITH CRIME~~,~~ TOO HEINOUS TO BE EXPIATED.
BEEN UNEASY	UNEASY	HIS PERTURBED	HIS PERTURBED

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RS	PS	RT	BT
SPIRIT LIKE CAIN COULD NOT ABIDE IN ANY ONE PLACE	SPIRIT LIKE CAIN COULD NOT ABIDE IN ANY ONE PLACE	SPIRIT COULD NOT REST. I N HIS DESPERATION HE HAS UNDERTAKEN TO DRAG OTHERS INTO HIS OWN INFAMY BY PERJURY.	SPIRIT COULD NOT REST~~,~~ ~~IN~~ IN HIS DESPERATION HE HAS UNDERTAKEN INTO HIS OWN INFAMY BY PERJURY.
HE HAS — /*METAPHORICALLY*[?] AND LITERALLY MADE TRACKS EVER SINCE. AND THAT THIS THING WAS REALLY LABORING IN HIS MIND MAY BE INFERRED FROM ANOTHER CIRCUMSTANCE HE CAN'T STOP TALKING HE WANTS TO CONFESS IT HE WANTS TO CONFESS IT MORE PARTICULARLY AGAINST SOMEBODY ELSE IN 1871 SAYS HE MADE AFFIDAVIT CONFESSED THIS WHOLE THING FOR *PEOPLE*[?]	HE HAS METAPHORICALLY AND LITERALLY MADE TRACKS EVER SINCE AND THAT THIS THING WAS REALLY LABORING ON HIS MIND MAY BE INFERRED *FROM*[?] ANOTHER CIRCUMSTANCE HE CAN NOT STOP TALKING HE WANTS TO CONFESS IT [*space*] AGAINST SOMEBODY ELSE [*space*] 1871 [*space*] HE CONFESSED TOO FOR HIMSELF HE SAID IN THAT		

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RS	PS	RT	BT
TO —[?] *MIND*[?] HE SAYS HE FIRED HIS GUN BUT DID NOT TELL ANYTHING ABOUT DIRECTION. INDEED GENTLEMEN BY BASKIN THAT AFFIDAVIT WAS NOT BEFORE JURY THERE IS NO SUCH EVIDENCE THERE IS NO SUCH INDICTMENT. GENTLEMAN *AIN'T*[?] TESTIFIED [*space*] *[[36]]* BY COURT YOU ARE LITTLE CONFUSED SUTHERLAND I THINK I WAS LITTLE CONFUSED YOUR HONOR I BEG *YOUR*[?] PARDON. IF THERE IS ANYTHING ELSE LABORING ON YOUR[441] MIND SPEAK AND GIVE IT RELIEF. THAT IS ALL I TAKE BACK GENTLEMEN THAT THING	AFFIDAVIT HE FIRED HIS GUN BUT DID NOT SAY ANYTHING OF THE DIRECTION [*space*] BASKIN THE FACT IS NOT BEFORE THE JURY [*space*] ≤I THINK I WAS A LITTLE CONFUSED YOUR HONOR≥ I RECALL THE REMARK. [*space*] THAT IS ALL I TAKE BACK THAT THING		

441. Word apparently added later.

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RS	PS	RT	BT
CAME TO ME JUST[442] AT THAT MOMENT I FEEL *REPREHENSIBLE*[?] YOU SEE I AM CANDID AND I TAKE IT BACK —[?] [*space*] I DESIRE TO SAY WITH GREAT EARNESTNESS AND IF I THOUGHT I COULD SAY IT WITH MORE EMPHASIS I SHALL DO IT I DO NOT THINK YOU ALL BELIEVED K SMITH I DO NOT THINK HE *HAS/IS*[?] -*T*-[?] IN SUCH A WAY YOU OUGHT *TO*[?] BELIEVE HE HAS EITHER LIED WHEN HE CONFESSED THAT MURDER HE LIES HE IS MURDERER OUGHT TO BE HUNG INSTEAD OF TREATED AROUND HERE GIVING TESTIMONY HE OUGHT TO BE	CAME TO ME JUST AT THAT MOMENT [*space*] I AM CANDID YOU SEE I TAKE IT BACK [*space*] I DESIRE TO SAY WITH GREAT EARNESTNESS AND IF I THOUGHT I COULD SAY IT WITH MORE *EMPHASIS*[?] WITH MORE *FS/VS*[?] I SHOULD DO IT I DO NOT THINK YOU SHOULD BELIEVE KLINGEN SMITH [*space*] HE HAS EITHER LIED WHEN HE CONFESSES THAT MURDER OR ELSE HE IS A MURDERER AND SHOULD BE HUNG HE SHOULD BE		

442. Word apparently added later.

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RS	PS	RT	BT
ROTTING IN HIS GRAVE NOW I SAY THAT IS THE REASON I AM PREJUDICED AGAINST HIM I AM PREJUDICED AGAINST EVERY MAN IS NOT A GOOD MAN THAT MAY BE *SORT*[?] OF BIAS ON MY PART BUT EVEN MEN WHO DID NOT COME UP HIGHEST STANDARD THEMSELVES MAY BE PERMITTED TO RELISH THOSE WHO DO. I SAY I AM PREJUDICED AGAINST HIM.	ROTTING IN HIS GRAVE THAT IS THE REASON THAT I AM PREJUDICED AGAINST *[[30]]* EVERY MAN THAT I THINK IS NOT A GOOD MAN THAT MAY BE SORT OF A BIAS ON MY PART BUT EVEN MEN THAT DID NOT COME UP TO THE HIGHEST —/*STANDARD*[?] THEMSELVES MAY BE PERMITTED TO RELISH THOSE WHO DO I SAY I AM PREJUDICED AGAINST HIM		
HOW WAS IT ABOUT THIS JOEL WHITE HE IS OTHER WITNESS THAT HAS *THE AWARENESS*[?] OF THE PEOPLE IT SEEMS THIS JOEL WHITEMAN THIS K SMITH HAD A JOINT MISSION BEFORE THE SLAUGHTER	[*space*] HOW IS IT ABOUT THIS JOEL WHITE HE IS THE OTHER WITNESS THAT HAS THE *AWARES*[?] OF THE PEOPLE IT SEEMS THAT THIS JOEL WHITE AND KLINGEN SMITH HAD A JOINT *INCIDENCE*[?] *COMMITTEE*[?] BEFORE THIS SLAUGHTER	NOW WHAT SHOULD BE SAID OF WHITE ? THIS WITNESS TAKES THE STAND FRESH FROM A CONFERENCE WITH SMITH.	NOW, WHAT SHOULD BE SAID OF WHITE? THIS WITNESS TAKES THE STAND FRESH FROM A CONFERENCE WITH SHI~~M~~TH.

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RS	PS	RT	BT
WHAT SIMPLE COINCIDENCE THEY SEEM TO BE JOINED AS WITNESSES HERE TOO IT DOES SO HAPPEN AND SOMETIMES *STRANGELY*[?] AND EVEN PROVIDENTIALL Y THAT MEN ~~WHO HAVE~~ WHO ARE SIMILAR IN THEIR FEELINGS AND PURPOSES AND AIMS *SOMEHOW*[?] OTHER GRAVITATE TOGETHER THEY SEEM TO GET MIXED UP ABOUT SOME WAY IN WHATEVER EITHER UNDERTAKES.	*MORE*[?] GOOD *INCIDENCE*[?] *AFTER*[?] JOINT WITNESSES HERE BUT IT DOES SO HAPPEN SOMETIMES STRANGELY SOMETIMES AS A PROVIDENTIALL Y <WHO HAVE THE SAME THOUGHTS AND FEELINGS> —[?] SOMETIMES GRAVITATE TOGETHER. [*space*]		
WHEN JOEL WHITE SEEMS TO HAVE BEEN SELECTED ACCORDING TO THEIR JOINT TESTIMONY TO CARRY LETTER FROM CEDAR CITY TO PINTO IN ORDER TO *INTEREST/INCITE*[?] AUTHORITIES THERE ON	JOEL WHITE SEEMS TO HAVE BEEN SELECTED ACCORDING TO THEIR JOINT TESTIMONY TO CARRY A LETTER FROM CEDAR CITY TO PINTO IN ORDER TO INCITE THE AUTHORITIES THERE ON	HE SAYS THAT HE WAS SENT FROM CEDAR TO PINTO BY HAIGHT, TO CARRY A LETTER TO ROBINSON, DIRECTING HIM TO ENDEAVOR TO PACIFY THE INDIANS, TO	HE SAYS THAT HE WAS SENT FROM CEDAT TO PIINTO BY HAIGHT TO CARRY A LETTER TO ROBINSIN, ~~I~~DIRECTING HI~~N~~M TO INDEAVOR TO PACIFY THE INDIAN~~D~~S , TO

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RS	PS	RT	BT
BEHALF OF THESE EMIGRANTS AND GET THEM PEACEABLY OUT OF TERRITORY. SMITH VOLUNTEERED GO WITH HIM	BEHALF OF THESE EMIGRANTS TO GET THEM PEACEABLY OUT OF THE TERRITORY SMITH [*space*] VOLUNTEERED GO WITH HIM	FACILITATE THE SAFE EXIT OF THE EMIGRANTS FROM THE TERRITORY. SMITH VOLUNTEERED TO ACCOMPANY HIM; THEY SAY *[[14]]* THEY WENT TOGETHER,AND DELIVERED THE LETTER.	FACILITATE THE SAFE EXIT OF THE EMIGRANTS FROM THE TERRITORY. SMITH VOLUNTEERED TO ACCOMPANY HIM; THEY SAY THEY W~~N~~ENT TOGETHER AND DELIVERED THE LET~~R~~TER.
AND AFTERWARDS WHEN THE PROGRAM WAS CHANGED AS THEY SAY AND THEY DID NOT WANT EMIGRANTS TO GO OUT SAFELY THEY WENT BACK WITH THE OTHER PARTY TO DO SOMETHING ELSE AND	AND AFTERWARDS WHEN THE PROGRAM WAS CHANGED AS THEY SAY AND THEY DID NOT WANT THE EMIGRANTS TO GO OUT SAFELY THEY WENT BACK WITH THE OTHER PARTY TO DO SOMETHING ELSE	THEY RETURNED TOGETHER. THEY CONCUR IN STATING THAT,WHEN GOING OUT THEY MET LEE,AND HE SAID JUST ENOUGH TO EXPLAIN HIS DISSENT TO ALLOWING THE EMIGRANTS	THEY RETURNED TOGETHER, ~~THE CONCURR~~ THEY CONCUR IN STATING THAT WHEN GOING OUT, THEY MET LEE, AND **HE SAID** ~~HECJD~~ JUST ENOUGH TO EXPRESS ~~TO~~HIS DISSENT TO ALLOWING THE EMIGRANTS

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RS	PS	RT	BT
		TO PASS WITHOUT FURTHER INJURY FROM THE INDIANS. THEY ARE THE SOLD WITNESSES,WHI TE DOES NOT REMEMBER MEETING IRA ALLEN. HE THINKS HE WOULD IF THE FACT HAD OCCURRED, AND ALLEN HAD SO SOLEMNLY PROCLAIMED THAT THE EMIGRANTS WERE TO BE KILLED. AS THE WITNESSES DID NOT HEAR EACH OTHERS TESTIMONY,HE,E VIDENTLY WAS NOT AWARE THAT SMITH HAD MENTIONED THAT MEETING, BUT IT WAS NECESSARY TO STATE THAT JOURNEY, TO SHOW THEIR SOLICITUDE TO SAVE THE EMIGRANTS THE OPPORTUNITY,A PART FROM OTHER	TO PASS WITHOUT FURTHER INJURY FROM THE INDIANS. THEY ARE THE SOLE WITNESSES. WHITE DOES NOT REMEMBER MEETING IRA ALLEN. HE THINKS HE WOULD IF THE FACT HAD OCCURRED, AND ALLEN HA D SO SOLEMNLY PROCLAIMED THAT THE EMIGRANTS WERE TO BE KILLED. AS THE WITNESSES DID NOT HEAR EACH OTHERS TESTIMONY, HE ENVIDENTLY WAS NOT AWARE THAT SMITH HAD MENTIONED THAT MEETING. BUT IT WAS NECESSARY TO STATE THAT JOURNEY, TO SHOW THEIR SOLICITUDE TO SAVE THE EMIGRANTS, THE OPPOURTUNITY, APART FROM OTHER

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RS	PS	RT	BT
		WITNESSES, TO MEET LEE; TO PUT HIS DECLARATION IN MARKED CONTRAST TO THEIR HUMANITY. BUT ROBINSON CONTRADICTS BOTH. THEY BROUGHT NO SUCH LETTER. HIS TESTIMONY WARRANTS US IN SAYING NO SUCH JOURNAEY WAS MADE. SMITH ZAND WHITE MET NEITHER LEE NOR ALLEN BUT THEY HAVE ASSOCIATED THEMSELVES BEFORE THE SLAUGHTER,AT THE SLAUGHTER,AND NOW, IN THEIR TESTIMONY, AIMED AT THE LIFE OF ANOTHER,THEY TRY NOT TO BE DIVIDED.	WINTNESSES, TO MEET LEE; TO PUT HIS DECLATARTION IN MARKED CONTRAST TO THEIR HUMANITY. BUT ROBINSON CONTRADICTS BOTH. THEY BROUGHT NO SUCH LETTER. HIS TESTIMONY WARRANTS US IN SAYING NO SUCH JOURNEY WAS MADE. SMITH AND WHITE MET NEITHER LEE NOR ALLEN. BUT THEY **HAVE** HAVEVE ASSOCIATED THEMSELVES BEFORE, THE SLAUGHTER, AT THE SLAUGHTER, AND NOTW, IN THEIR TESTIMONYM, AIMED AT THE LIFE OF ANOTHER, AND THEY TRUY NOT TO BE DIVIDED.
WHAT DOES WHITE SAY HE WAS ONLY SUMMONED TO	AND WHAT DOES WHITE SAY SAYS HE WAS ONLY SUMMONED TO	WHITE IS CAREFUL TO SAY HE CARRIED NO GUN WHEN SUMMONED TO	WHITE IS CAREFUL TO SAY HE CARRIED NO GUN WHEN SUMMONED TO

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RS	PS	RT	BT
GO OUT THERE WITH BAGGAGE WAGON BECAUSE INDIANS HAD ATTACKED EMIGRANTS	GO OUT THERE WITH HIS BAGGAGE WAGON BECAUSE INDIANS HAD ATTACKED EMIGRANTS	THE MEADOWS. THOUGH THIS WAS KNOWN TO THE COMMANDER,HE WAS DIRECTED TO GO TO THE MASSACRE,TO MAKE ONE IN THE RANKS,AND HE DID SO. HOS FORTUNATE FOR HIS CONSCIENCE ! SMITH HAD SEEN THE MORMONS AT THEIR CAMP,MARSHAL LED INTO COLUMNS, ARRANGED IN A HOLLOW SQUARE,UNDER COMMAND OF LEE, TO RECEIVE DIRECTIONS FOR ACTION ON THE EMIGRANTS,TO? FIRE WHEN COMMANDED TO HALT. WHITE NOT HAVING SUFFICIENTLY COMPARED NOTES WITH	THE MEADOWS. THOUGH THIS WAS KNOWN TO THE COMMANDER [13] HE WAS DIRECTED TO GO TO THE MASSACRE, TO ~~K~~MAKE ONE IN THE RANKS, AND HE DID SO. HOW FORTUNATE FOR HIS CONSCIENCE~~?~~! SMITH HA D SEEN THE MORMONS AT ~~G~~THEIR CAMP, MARSHALLED INTO COLU~~NM~~MNS, ~~A~~ARRANGED IN THE HOLLOW SQUARE UNDER COMMAND OF LEE~~,~~ TO RECEIVE DIRECTIONS FOR ACTION ON THE EMIGRANTS**,** TO FIER WHEN COMMANDED TO HALT. WHITE, NOT HAVING SUFFICIENTLY COMPARED NOTES WITH

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RS	PS	RT	BT
		SMITH,CONTRADICTED SMITH IN REGARD TO THIS OCCURRENCE, BUT HE AFFIRMS THAT THE MORMONS WERE MARCHED *[[15]]* IN FILE FROM THEIR CAMP TO THIS BLOODY WORK. WHO BROUGHT WHITE TO COURT ? [443]BILL HICKMAN SUBPOENAED HIM WITH AN ATTACHMENT, WHICH YOU HAVE HEARD THE COURT SAY WAS ISSUED UNDER NO MISAPPREHENSION. BILL HICKMAN HAD CHARGE OF HIM,KEPT HIM IN ACTUAL CUSTODY UNTIL HE HAD GIVEN HIS TESTIMONY. HE REFUSED TO TALK WITH US WITHOUT HICKMAN'S CONSENT, UNTIL THE COURT ORDERED HIS	SMITH IN REGARD TO THIS OCCURRENCE, BUT HE AFFIRMS THAT THE MOR~~N~~MONS WERE MARCHED IN FILE FROM THEIR CAMP TO THIS BL~~DDO~~**OOD**Y WORK. WHO BROUGHT WHITE TO COURT? [444]BILL HICKMAN SUBPOENAED HIM WITH AN ATTACHMENT WHICH YOU HAVE HEARD THE COURT SAY WAS ISSUED UNDER NO MISAPPREHENSION. BILL HICK~~AM~~MAN HAD CHARGE OF HIM—KEPT HIM IN ACTU~~A~~L CUSTODY UNTIL HE HAD GIVEN HIS TESTIMONY, HE REFUSED TO TALK WITH US WITHOUT HICKMANS CONSENT UNTIL THE COURT ORDERED HIS

443. The following section is mentioned in the shorthand, but in a different sequence. See Trial matrix, pp. 2363–2365.

444. The following section is mentioned in the shorthand, but in a different sequence. See Trial matrix, pp. 2363–2365.

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RS	PS	RT	BT
IT *WOULD/WAS*[?] NOT *INTIMATE*[?] TO HIM HE WAS EXPECTED TO FIGHT EMIGRANTS. HE WENT THERE	IT WAS NOT INTIMATED TO HIM THAT HE WAS EXPECTED TO FIGHT THE EMIGRANTS HE WENT THERE	DISCHARGE. WHITE HAS CONFESSED TO YOU THAT HICKMAN REFUSED TO ALLOW HIM ANY INTERVIEW WITH THE DEFENDANT'S ATTORNEYS. HERE YOU CAN SEE THE PECULIAR FITNESS OF THINGS. IF WHITE IS TO BE BROUGHT TO THE POINT OF CORROBORATIN G SMITH, AND TO BE KEPT IN THE MOOD TO DO SO,UNTIL HIS TESTIMONY IS FINISHED,WHO IS A BETTER KEEPER THAN BILL HICKMAN ? THE PROSECUTION HAS CONSUMMATE TACT IN ADAPTING MEANS TO ENDS. WHITE SAYS HE WAS NOT INFORMED OF THE PURPOSE OF GOING TO THE MEADOWS,	DISCHARGE. WHITE HAS CONFESSED TO YOU THAT HIC~~H~~**K**MAN REFUSED TO ALLOW HIM ANY INTERVIEW WITH THE DEFENDANTS ATTORNEYS. HERE YOU CAN SEE THE PECULIAR FITNESS OF THINGS. IF WHITE IS TO BE BROUGHT TO THE POINT OF CORROBERATIN G ~~W~~SMITH, AND TO BE KEPT IN A MOODE TO DO SO, UNTIL HIS TESTIMONY IS FINISHED, WHO IS A BETTER KEEPER THAN BILL HICKMAN. THE PROSECUTION HAS CONSUM**M**ATE TACT IN ADAPTING MEANS TO ENDS. WHITE ~~W~~SAYS HE WAS NOT INFORMED O F THE PURPOSE OF GOING TO THE MEADOWS,

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RS	PS	RT	BT
AND WHEN HE BEEN MARCHED DOWN TOWARDS CAMP HE SAYS HE HEARD A RUMOR HE DID NOT KNOW WHERE IT CAME [[37]] FROM HEARD *ONE*[?] PERSONS SPEAK THE WORD THAT WHEN THE EMIGRANTS HAD BEEN MARCHED OUT WHEN THERE SHOULD BE A COMMAND TO HALT THEY WERE TO FIRE THAT IS THE FIRST HE HAD HEARD OF IT AND YET HE WENT RIGHT ALONG WITH THE PEOPLE STAYED THERE IN THE RANKS WITNESSED IT WITHOUT PROTEST DID NOT TRY TO DETER SINGLE MAN FROM GOING	AND WHEN THE COMPANY MARCHED DOWN TOWARDS THE CAMP HE SAYS HE HEARD A RUMOR HE DID NOT KNOW WHERE IT CAME FROM HEARD ONE PERSON SPEAK THE ORDER THAT WHEN THE EMIGRANTS HAD BEEN MARCHED OUT AND WHEN THERE SHOULD BE A COMMAND TO HALT THAT THEY WOULD FIRE THAT IS THE FIRST HE HAD HEARD OF IT AND YET HE WENT RIGHT ALONG WITH THE PEOPLE STAYED THERE IN THE RANKS AND WITNESSED IT WITHOUT TRYING TO DETER A SINGLE MAN FROM GOING	UNTIL ON THE MARCH FROM THE MORMON CAMP TOWARDS THE EMIGRANTS. HE DON'T KNOW FROM WHAT SOURCE THE RUMOR CAME, BUT HE HEARD THE RUMOR. IT WAS TO KILL THEM. HE WENT WITH THE REST AND STOOD BY WHILE THE SLAUGHTER WAS BEING ACCOMPLISHED. HE HAS NOT CONFESSED HIMSELF AN IMMEDIATE ACTOR IN THE SLAUGHTER; BUT HE CONFESSES HE WAS	UNTIL ON THE MARCH FROM THE MORMON CAMP TOWARDS THE EMIGRANTS HE DON'T KNOW FROM WHAT SOURSE THE RUMOR CAME WHEN HE HEARD THE RUMOR. IT WAS TO KILL THEM. HE WENT WITH THE REST AND STOOD BY WHILE THE SLAUGHTER WAS BEING ACCOMPLISHED. HE HAS NOT CONFESSED HIMSELF AN IMMEDIATE ACTOR IN THE SLAUGHTER. BUT HE CONCFESSES HE WAS

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RS	PS	RT	BT
HE DID NOT LIFT HIS VOICE ON BEHALF OF THESE EMIGRANTS BY SPEAKING TO A SINGLE SOUL	DID NOT LIFT HIS VOICE IN FAVOR OF THESE EMIGRANTS BY SPEAKING TO A SINGLE SOUL [*space*]	THERE,AIDING,COUNTENANCING, AND ABETTING IT. HE IS,THEREFORE, BY HIS CONFESSION, AN ACCOMPLICE; HE CONSENTED TO THAT DEED OF HORROR WHICH HAS BEEN EXECRATED BY EVERYBODY AS THE FOULEST AND MOST WICKED MURDER, THE MOST DEMONLIKE MASSACRE OF THE AGE. HE REMONSTRATED WITH NOBODY; HE DID NOT RAISE HIS VOICE OR HIS HAND ONCE TO STAY THE WICKEDNESS WHICH HE SAYS WAS THERE COMMITTED. HE, LIKE SMITH, IS INDEMNIFIED, AND DOUBTLESS HE TOOK SOME PART AT THE MEADOWS, LIKE SMITH; THAT HAS PREYED ON HIM	THERE, AIDING, COUNTENANCING AND ABETTING IT. HE IS THEREFORE BY HIS CONFESSION AN ACCOMPLICE; HE CONSENTED TO THAT DEED OF HORROR WHICH HAS BEEN EXECRATED BY EVERY BODY AS THE FOULEST AND MOST WICKED MURDER, THE MOST DEMONKLKE MASSACRE OF THE AGE,. [14] HE REMONSTRATED WITH NOBODY; HE DID NOT RAISE HIS VOICE **OR** HIS HAND ONCE TO STAY THE WICKEDNESS WHICH HE SAYS WAS THERE COMMITTED.. HE, LIKE SMITH, IS INDEMNIFIED, AND DOUBTLESS HE TOOK SOME PART AT THE MEADOWS, LIKE SMITH; THAT HAS PRAYED ON **HIS MIND**

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RS	PS	RT	BT
		EVER SINCE, AND NOW HE TOO, ENDEAVORING TO SHARE HIS GUILT WITH THE INNOCENT.	EVER SINCE, AND NOW HE TOO ENDEAVOR~~E~~S TO SHARE HIS GUILT WITH THE INNOCENT.
BUT FOR SOME REASON OR OTHER DID NOT HAVE ANY GUN DID NOT TAKE ANY GUN ALTHOUGH HE WAS CAPTAIN IN THE MILITIA. [*space*] HE KNEW THAT THAT TRUCE ACCORDING TO HIS OWN STATEMENT WAS TO BE A TREACHEROUS TRUCE. AND HE KNEW THAT THESE EMIGRANTS WERE BEING LED OUT TO THEIR DEATH MEN WOMEN AND CHILDREN. WHY DID HE NOT HE KNEW ALL THOSE PERSONS GAVE ALL THEIR NAMES THEY ARE ALL HIS NEIGHBORS WHY DID NOT HE SAY MY NEIGHBORS MY	BY SOME REASON DID NOT TAKE ANY GUN DID NOT TAKE ANY GUN ALTHOUGH HE WAS CAPTAIN IN THE MILITIA. HE KNEW THAT THAT TRUCE ACCORDING TO HIS OWN STATEMENT WAS TO BE A TREACHEROUS TRUCE [*space*] HE KNEW THAT THESE EMIGRANTS WERE BEING LED OUT TO THEIR DEATH MEN WOMEN AND CHILDREN NOW WHY DID HE NOT *[[31]]* KNEW ALL THOSE PERSONS KNEW ALL THEIR NAMES WHY DID NOT HE SAY MY NEIGHBORS MY		

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RS	PS	RT	BT
FRIENDS LET US PAUSE DO NOT LET US BE GUILTY OF THIS TREACHERY INSTEAD OF —[?] THAT HE WALKS HAND HAND WITH THEM STANDS THERE AT LAST MOMENT SILENT AND CONSENTED. DID NOT ACT A LIE DID NOT HE ASSENT TO THE MURDER OF THESE EMIGRANTS. [445]HOW DOES HE COME HERE. HE COMES HERE SUBPOENAED WITH AN ATTACHMENT TO THE MAN THAT SUBPOENAES HIM AND KEEPS HIM *CONSCIOUS* [?] AND *BED*[?] IS BILL HICKMAN. BILL HICKMAN HAS HIM IN HIS PERSONAL	FRIENDS LET US *PAUSE*[?] OPPOSE DO NOT LET US BE GUILTY OF THIS BUTCHERY INSTEAD OF THAT THAT HE WALKS HAND IN HAND WITH THEM STANDS THERE AT THE LAST MOMENT SILENT AND CONSENTING DID NOT HE ACT *A LIE*[?] DID NOT HE ASSENT TO THE MURDER OF THESE EMIGRANTS [446]HOW DOES HE ~~EXPLAIN THAT~~ ~~<~~COME HERE~~>~~ HE COMES HERE SUBPOENAED WITH AN ATTACHMENT TO THE MAN THAT SUBPOENAS HIM AND KEEPS HIM CONSCIENTIOUS AND *FED/BD*[?] IS BILL HICKMAN BILL HICKMAN HAS HIM IN HIS OWN PERSONAL		

445. The following section appears in the transcripts, but in a different sequence. See Trial matrix, pp. 2358–2359.

446. The following section appears in the transcripts, but in a different sequence. See Trial matrix, pp. 2358–2359.

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RS	PS	RT	BT
CUSTODY FROM THE TIME HE ARRIVED TILL HAS TOLD ALL HE KNOWS DID YOU DISCOVER ANY SIMILARITY BETWEEN BILL HICKMAN AND THE OTHER TWO IF A MAN HAS COME TO TELL SUCH A STORY AS WHITE *BID*[?] AND THIS MAN VOLUNTARILY AIDED AND ABETTED IN SUCH A MURDER	CUSTODY FROM THE TIME HE ARRIVES AND UNTIL HE HAS TOLD ALL HE KNOWS DID YOU DISCOVER ANY SIMILARITY BETWEEN BILL HICKMAN AND THESE TWO [*space*] IF A MAN HAS COME TO TELL SUCH A STORY AS WHITE DID		
WHO COULD GIVE HIM COURAGE TO DO IT LIKE BILL HICKMAN. [*space*] YOU HEARD ME ASK HIM IF BILL HICKMAN DID NOT REFUSE TO LET HIM TALK WITH ME AND HE SAID YES. [*space*] HOW DO THEY AGREE THESE 2 WITNESSES THEY HAD *HAVE*[?] THEM HAD 'EM IN GOOD *KEEPING*[?] ONE MAN WAS	WHO COULD GIVE HIM COURAGE TO DO IT LIKE BILL HICKMAN YOU HEARD ME ASK HIM IF BILL HICKMAN DID NOT REFUSE TO LET HIM TALK WITH ME HE SAID YES HOW DO THEY AGREE THESE TWO WITNESSES THEY HAD *THEM TOGETHER*[?] THEY HAD THEM IN GOOD KEEP ONE MAN WAS		

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RS	PS	RT	BT
IMPORTED FROM HIS WANDERINGS IN CALIFORNIA AND THE OTHER ONE BILL HICKMAN BROUGHT HERE AND THEY HAD OPPORTUNITY TO COMPARE NOTES SMITH WAS READY TO ENTERTAIN ANYBODY PEOPLE WANTED HIM TO ENTERTAIN BILL HICKMAN HAD WHITE IN HIS CUSTODY I THINK IT IS REASONABLE TO SUPPOSE BILL HICKMAN AND JOEL WHITE HAD LONG INTERVIEW TOGETHER BEFORE WHITE TESTIFIED. THAT IS CONJECTURE AND BUT IT IS REASONABLE CONJECTURE HAS GOT MORE REASON IN IT TO SUPPORT IT THAN GREAT MANY OF THOSE THINGS MY BROTHER	IMPORTED FROM HIS WANDERINGS IN CALIFORNIA OTHER BILL HICKMAN BROUGHT HERE HAD THE OPPORTUNITY TO *COMPARE*[?] NOTES SMITH WAS READY TO ENTERTAIN ANYBODY THAT PEOPLE WANTED TO HAVE ENTERTAINED HICKMAN HAD WHITE IN HIS CUSTODY *TO*[?] THINK IT IS REASONABLE THAT BILL HICKMAN AND WHITE HAD LONG INTERVIEW BEFORE WHITE TESTIFIED [*space*] THAT IS CONJECTURE REASONABLE CONJECTURE [*space*] MORE REASON THAN THINGS THAT MR.		

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RS	PS	RT	BT
CAREY SAID *ESPECIALLY*[?] IS LAST *[[38]]* REMARK THAT HE SAID HE SAW THIS MURDER	CAREY SAID [*space*]		
HE SAID HE SAW THIS WHOLE SLAUGHTER HE SAW IT IT SEEMED TO BE INTENTIONAL EVEN THE *CONSPIRITOR/PR TL*[?] EVEN HE DID IT	CAREY SAID HE SAW THIS WHOLE SLAUGHTER AND HE SAW IT SEEMED TO BE INTENTIONAL OR *CONSPIRTORIZIN G*/—[?] EVEN *AFTER*[?] HE DID TO BE *MERELY*[?] ACCUSING AT		
OUR CLIENT. I CONJECTURE BEFORE WHITE TOOK THE STAND HE AND SMITH HAD AN INTERVIEW HOW DOES THAT TESTIMONY AGREE WHITE	OUR CLIENT I SAY I CONJECTURE THAT BEFORE WHITE TOOK THE STAND HE AND SMITH HAD AN INTERVIEW INDEED HOW DOES THAT TESTIMONY AGREE [*space*] ~~HE~~ WHITE STATES [*space*] THAT		
WHEN THEY RETURNED FROM CARRYING THAT LETTER TO PINTO THEY MET IRA ALLEN ON THE WAY AND THAT HE GAVE THEM *ONE*[?] VERY MYSTERIOUS	WHEN RETURNED FROM CARRYING THAT LETTER [*space*] THAT HE GAVE THEM *ONE*[?] VERY MYSTERIOUS		

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RS	PS	RT	BT
GOBLINESQUE SPEECH AND PROFESSES THAT THE EMIGRANTS WERE TO BE DESTROYED THEIR DOOM WAS CAST THEIR DIE WAS CERTAIN WORDS HAD THREATENING SOUND [*space*] I ASKED WHITE HOW ABOUT THIS IRA ALLEN DID YOU AND SMITH MEET HIM WHEN YOU WAS RETURNING HE SAYS NO DID NOT SEE ANY SUCH THING. SMITH SAYS THAT BEFORE THEY MARCHED AT THE MEADOWS DOWN TO THE ROAD PREPARATORY TO THEIR ATTACK ON THE EMIGRANTS THAT LEE TOOK COMMAND OF THIS PARTY OF MORMONS AND FORMED THEM INTO HOLLOW SQUARE AND TALKS ABOUT CLAIMS TALKS	GOBLINESQUE *[[32]]* SPEECH AND PROFESSED THAT THE EMIGRANTS WERE TO BE DESTROYED THEIR DOOM WAS CAST DIE WAS *SOMETHING*[?] WORDS HAD THREATENING *SOMETHING*[?] I ASKED WHITE HOW ABOUT THIS IRA ALLEN DID YOU AND SMITH MEET HIM WHEN YOU WAS RETURNING HE SAID NO I DO NOT REMEMBER ANY SUCH THING SMITH SAYS THAT BEFORE THEY MARCHED AT THE MEADOWS DOWN TO THE ROAD PREPARATORY TO THEIR ATTACK ON THE EMIGRANTS THAT TAKING COMMAND OF THIS PARTY OF MORMONS AND FORMED THEM INTO HOLLOW SQUARE AND TALKS ABOUT CLAIMS TALKS		

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RS	PS	RT	BT
ABOUT TROOPS PASSING THE COMMAND ALONG THE LINES JUST THEM WHAT LONG COLUMN 23 MEN WOULD MAKE STANDING DOUBLE FILE HE FORMED THEM INTO HOLLOW SQUARE AND HE TALKED TO THEM AMONG OTHER THINGS HE SAID WHEN YOU ARE CONDUCTED TO THE RIGHT PLACE ON THE FIELD THERE WILL BE COMMAND TO HALT NOW MIND YOU THAT MEANS TO FIRE. CONSIDERING JOEL WHITE WAS NEAR THESE VERY SOLDIERS AS THE COMMAND WAS GIVEN TO ALTHOUGH HE SAYS HE DID NOT HAVE ANY GUN IT ⇦MIGHT YET⇨ BE EXPECTED JOEL WHITE	ABOUT TROOPS PASSING COMMAND ALONG THE LINES JUST THEM WHAT A LONG COLUMN 23 MEN WOULD MAKE STAND DOUBLE FILE AND HE FORMED THEM INTO HOLLOW SQUARE AND TALKED TO THEM AMONG OTHER THINGS SAID WHEN YOU ARE CONDUCTED TO THE RIGHT PLACE ON THE FIELD YOU WILL BE COMMAND TO HALT [*space*] NOW MIND YOU THAT MEANS TO FIRE NOW CONSIDERING THAT JOEL WHITE WAS NEAR TO THESE SOLDIERS WHEN THE COMMAND WAS GIVEN TO [*space*] IT MIGHT BE EXPECTED THAT JOEL WHITE		

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RS	PS	RT	BT
WOULD REMEMBER IT WHEN ASKED QUESTION HE SAYS DID NOT SEE LEE DID NOT SEE ANY HOLLOW SQUARE BUT GOT INTO LINE AND MARCHED DOWN UNDER HIGBEE. THESE MEN ARE CONTRADICTED IN RESPECT TO THAT JOURNEY FROM CEDAR TO PINTO WHEN THEY CARRIED THAT LETTER BY BISHOP ROBINSONS. WHITE TESTIFIED SMITH TOO THEY DELIVERED THAT LETTER WHITE MENTIONED ROBINSON'S NAME AS THE PERSON TO HIM THEY DELIVERED IT ROBINSONS DID NOT PUT ON STAND HERE SAYS DID NOT	WOULD REMEMBER IT JOEL WHITE ~~SAID~~ SAYS IT WAS NOT SO [*space*] DID NOT SEE ANY HOLLOW SQUARE BUT GOT INTO LINE THERE AND MARCHED DOWN UNDER HIGBEE. THESE MEN ARE CONTRADICTED IN RESPECT TO THAT JOURNEY FROM CEDAR CITY TO PINTO WHEN THEY CARRIED THAT LETTER BY BISHOP ROBINSON WHITE TESTIFIED AND SMITH TOO THAT THEY DELIVERED THAT LETTER WHITE MENTIONED ROBINSON NAME AS PERSON HE DELIVERED IT TO [*space*] ROBINSON DID NOT		

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RS	PS	RT	BT
REMEMBER ANY SUCH THING. NOW THEY MET JOHN D. LEE THEY WAS ON THAT SAME ERRAND THAT SAME JOURNEY JUST BACK OF THE FIELDS AT CEDAR LEE WAS EVIDENTLY COMING UP FROM HARMONY TO CEDAR WHERE ARE YOU GOING LEE SAYS WE ARE GOING TO PINTO CARRY INSTRUCTIONS ASSIST EMIGRANT COMPANY TO GET OUT OF TERRITORY SAFELY SMITH LEE REPLIED I HAVE GOT SOMETHING TO SAY ABOUT THAT. WHITEMAN SAYS I DON'T BELIEVE IT. THESE TWO REMARKS DO NOT SEEM TO BE IN SAME DIRECTION BOTH HOWEVER [[39]] SAY THAT IN SOME WAY HE EXPRESSED HIS	REMEMBER ANY SUCH THING THEY MET JOHN D. LEE ON THAT SAME JOURNEY JUST BACK OF THE FIELDS AT CEDAR LEE WAS EVIDENTLY COMING UP FROM HARMONY TO CEDAR WHERE ARE YOU GOING LEE SAYS GOING OUT TO PINTO TO ~ [*space*] SAFELY [*space*] SMITH SAYS LEE REPLIED I HAVE GOT SOMETHING TO SAY ABOUT THAT WHITE SAYS I DO NOT BELIEVE IT THESE TWO REMARKS DO NOT SEEM TO BE IN THE SAME DIRECTION [*space*] THEY BOTH HOWEVER SAY THAT IN SOME WAY HE EXPRESSED HIS		

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RS	PS	RT	BT
DISSENT TO THE EMIGRANTS GOING OUT OF THE TERRITORY BUT *THEY*[?] DO NOT AGREE ON HOW IT WAS DONE [*space*] HOW DOES IT COME ABOUT THEY ARE ABLE TO REMEMBER THAT LITTLE CIRCUMSTANCE THESE 18 YEARS WHEN THEY ARE NEITHER OF THEM ABLE TO GIVE NAMES FROM MEN THAT WENT OUT MEADOWS WITH THEM YOU WILL REMEMBER THAT SMITH HIMSELF COULD NOT NAME MORE THAN THREE OR 4 OF ALL PERSON THAT WERE THERE. THIS THING HE *CAN BE*[?] CONTRADICTED UPON THESE LITTLE TALKS HE IS IN THE CORNERS CAN'T BE CONTRADICTED	DISSENT TO THE EMIGRANTS GOING OUT OF THE TERRITORY BUT THEY DO NOT AGREE ON HOW IT WAS DONE [*space*] *[[33]]* NOW HOW DOES IT COME ABOUT THEY ARE ABLE TO REMEMBER ONE LITTLE CIRCUMSTANCE THESE 18 YEARS WHEN THEY ARE NEITHER OF THEM *ABLE*[?] TO GIVE THE ~~VERY~~ NAMES ~~MEN~~ OF THE VERY MEN THAT WENT OUT TO MEADOWS [*space*] WITH THEM YOU WILL REMEMBER THAT SMITH COULD NOT NAME MORE THAN 3 OR FOUR WHO WERE THERE [*space*] ≤THIS IS A THING HE COULD BE CONTRADICTED UPON≥ THESE LITTLE TALKS THAT HE HAS THAT THEY HAD IN THE CORNER HE CAN'T BE CONTRADICTED		

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RS	PS	RT	BT
UPON WHEN HE IS ASKED TO NAME THEM WHO WERE THERE HIS MEMORY GIVES OUT *ON/OR*[?] 2 OR 3 WHEN WHAT HE DID WITH THE LETTER THAT MEMORY GIVES OUT WHEN HE TELLS 2 OR 3.	ON [*space*] WHEN HE IS ASKED WHAT PERSONS HE LEFT THE CHILDREN WITH HIS MEMORY GIVES OUT WHEN HE GIVES ~~3~~ 2 OR 3 ~~HE SAID~~		
IT IS *LIKELY*[?] THAT A MAN WHOSE MEMORY IS SO DEFECTIVE UPON MORE IMPORTANT FEATURES OF THE TRANSACTION COULD BE TRUSTED UPON THIS. SAME THING WITH WHITE [*space*] HE COULD NOT TELL WHAT WAS DONE FOR 2 OR 3 DAYS THOUGHT THEY ALL SLEPT IN CAMP. ADD TO THAT THAT THESE ARE BOTH ACCOMPLICES BOTH CONFESSED THEIR GUILTY	IS IT LIKELY THAT A MAN WHOSE MEMORY IS SO DEFECTIVE UPON SOME IMPORTANT FEATURES OF THE TRANSACTION COULD BE TRUSTED UPON THIS AND SAME THING WITH WHITE [*space*] WHITE COULD NOT TELL WHAT WAS DONE DURING TWO OR 3 DAYS *THERE*[?] [*space*] ADD TO THIS THAT THESE ARE BOTH ACCOMPLICES BOTH CONFESSED THEIR GUILTY		

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RS	PS	RT	BT
CONNECTION	CONNECTION IN		
	THE KILLING OF		
	THE EMIGRANTS		
	AND THE		
PURPOSE AND	PURPOSE OF		
THIS TESTIMONY	THIS TESTIMONY		
GIVING BY BOTH	IS TO		
OF THEM			
IS TO FIX SAME	FIX		
CHARGE UPON	CHARGE UPON		
SOMEBODY ELSE	SOMEBODY ELSE		
WHOSE	WHOSE		
CONNECTION	*CHARGE*[?] *HE*		
THIS[?]	*HAS NOT*		
OTHERWISE[?]	*REMEMBERED/PR*		
YOU WILL[?]	[?] [*space*] WHEN		
REMEMBER	THE		
MOUTH OF	*MOUTH*[?] OF		
THE OTHER TWO	THE OTHER TWO		
EYE WITNESS IS	EYE WITNESS *AS*		
CLOSED	*SAID/IS SET*[?]		
	[*space*]		
		[[16]]	NOW,
		NOW,GENTLEME	GENTLEMEN,
		N, I PAUSE TO	I PAUSE TO
		REPEAT THE	REPEAT THE
		ENQUIRY THAT I	ENQUIRY I
		PROPOUNDED	PROPOUNDED
		BEFORE, ARE	BEFORE. ARE
		SMITH AND	SMITH AND
		WHITE SUCH	WHITE SUCH
		WITNESSES,OUT	WITNESSES~~,~~ OUT
		OF FOURTEEN,	OF FOURTEEN~~,~~
		THAT YOU	THAT YOU
		WOULD BE	WOULD BE
		WILLING TO	WILLING TO
		CONVICT A	CONVIC~~E~~T A
		MAN OF A	MAN OF A
		CAPITAL	CAPITAL
		OFFENSE ON	OFFENSE ON
		THEIR	THEIR
		TESTIMONY,	TESTIMON~~T~~Y,
RESPECT TO		WITHOUT	WITHOUT
WHAT WAS SAID		KNOWING WHAT	KNOWING WHAT

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RS	PS	RT	BT
THERE AND THE MOUTH OF THAT OTHER 9 EYE WITNESS ARE NOT BROUGHT BEFORE YOU AT ALL *DON'T YOU*[?] DOUBT SMITH GENTLEMEN DON'T WHITE WHEN YOU LAY YOUR HAND UPON YOUR HEART YOU FIND NO DOUBT NOT A RATIONAL DOUBT OF THE TRUTH OF SMITH'S TESTIMONY AND WHITE'S TESTIMONY. DO YOU FEEL A MORAL CERTAINTY THAT THEY HAVE TOLD THE TRUTH WHEN THEIR STATEMENTS IS CAPABLE OF SO MUCH CORROBORATIO N AND SO MUCH OVER WHELMING CONTRADICTION THAT WOULD	AND THE 9 OTHER EYE WITNESSES ARE NOT BROUGHT BEFORE YOU AT ALL DO NOT YOU DOUBT SMITH DO NOT YOU DOUBT WHITE CAN YOU SAY THAT *YOU*[?] YOU LAY YOUR HANDS UPON YOUR HEARTS THAT YOU HAVE NOT ANY DOUBT NOT A RATIONAL DOUBT OF THE TRUTH OF SMITH'S TESTIMONY OR WHITE'S TESTIMONY DO YOU FEEL A MORAL CERTAINTY THAT THEY HAVE TOLD THE TRUTH [*space*] WHEN THEIR STATEMENTS ARE *CAPABLE*[?] OF SO MUCH ~~CONTRADICTION~~ CORROBORATIO N AND OVERWHELMING CONTRADICTION .	THE OTHERS WOULD SAY ? YOU KNOW THE PROSECUTION COULD HAVE BROUGHT BEFORE YOU ALL THE OTHERS. THEY HAVE BROUGHT THREE OF THEM BEFORE YOU.	THE OTHERS WOULD SAY? YOU KNOW THE PROSECUTION COULD HAVE BROUGHT THE OTHERS BEFORE YOU. THEY HAVE BROUGHT THREE OF THEM BEFORE YOU.

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RS	PS	RT	BT
NECESSARY FOLLOW FROM ALL THESE ~~<~~OTHER~~>~~ 9 WITNESSES.		ONE WAS A BOY AT THE TIME, OF ONLY FOURTEEN YEARS, AND SICK. THE OTHER TWO HAD GOOD OPPORTUNITIES TO KNOW VERY MUCH THAT IS IMPORTANT THAT YOU SHOULD KNOW. THEY BOTH WENT TO THE MEADOWS TO ASSIST THE EMIGRANTS AND NOT TO HURT THEM. THE PROSECUTION,IN EXAMINING THEM,DID NOT PERMIT THEM TO TELL ALL THEY KNEW; DID NOT PERMIT THEM TO DEPOSE IN RESPECT TO THE FACTS WHICH MUST PROVE OR DISPROVE A MURDEROUS COMBINATION. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID	ONE WAS A BOY AT THE TIME, OF ONLY FOURTEEN YEARS AND SICK. THE OTHER TWO HAD GOOD OPPORTUNIT~~Y~~IES TO KNOW VERY MUCH THAT IT IS VERY IMPORTANT THAT **YOU** ~~WOU~~SHOULD KNOW. THEY BOTH WENT TO THE MEADOWS TO ASSIST THE EMIGRANTS AND NOT TO HURT THEM. THE PROSECUTION~~,~~ IN EXAMINGING THEM, DID NOT PERMIT THEM TO TELL ALL THEY KNEW; DID NOT PERMIT THEM TO DEPOSE WHICH MUST PROVE OR DISPROVE AN**Y** MURDEROUS COMBINATION. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID

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RS	PS	RT	BT
		BETWEEN THE MORMONS NOR BETWEEN THE MORMONS AND THE INDIANS. THEY WERE NOT EXAMINED ON THE PART OF THE PEOPLE, AS SMITH AND WHITE HAD BEEN. THEY DID NOT TAKE PART IN THE SLAUGHTER, AND THEY DO NOT TESTIFY THAT THE MORMONS WERE IN FILE OR UNDER ANY COMMAND, NOR DID THEY TESTIFY THAT ANY MORMON PARTICIPATED IN THE SLAUGHTER. THEY SAW THE SLAUGHTER, AND THEIR TESTIMONY TENDS TO EXHONERATE THE MORMONS. THEY CONTRADICT BOTH SMITH AND WHITE, AND WHITE,AS TO THE MARSHALLING OF THE	BETWEEN THE MOR~~N~~MONS, NO~~T~~R BETWEEN THE MORMONS AND THE INDIANS. THEY WERE NOT EXAMINED AS ~~W~~SMITH AND WHITE HAD BEEN. THEY DID NOT TAKE PART IN THE SLAU~~T~~GHTER, AND THEY DO NOT TESTIFY THAT THE MORMONS WERE IN FILE OR UNDER ANY COMMAND, NO~~T~~R DID THEY TESTIFY THAT ANY MORMON PARTICIPATED IN THE SLAUTHGTER. THEY SAW THE SLAUGHTER, AND THEIR TESTIMONY TENDS TO EXHO~~M~~NERATE THE MORMONS~~;~~. THEY CONTRADICT BOTH SMITH AND WHITE~~,~~ AS TO THE MARSHALLING~~,~~ OF THE

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RS	PS	RT	BT
		MORMONS AT THE CAMP,AND AS TO THEIR MARCH IN FILE OR BY COMMAND TO THE PLACE OF THE MASSACRE. BOTH YOUNG AND POLLOCK TESTIFY THAT THE MORMONS WERE NOT ADDRESSED IN CAMP OR ANYWHERE, TO THEIR KNOWLEDGE, BY LEE OR ANY OTHER LEADER, AND THE PART THEY WERE TO TAKE STATED; THEY BOTH DENY THAT THE MORMONS WERE PLACED IN FILE; THEY BOTH DENY THAT ANY ORDER WAS GIVEN TO MARCH DOWN TOWARDS THE EMIGRANTS. ACCORDING TO THEIR TESTIMONY THE MOR- *[[17]]* MONS WERE NOT AT THE MEADOWS UNDER MILITARY ORDERS, NOR;	MORMONS AT THE CAMP, AND AS TO THEIR MARCH IN FILE OR BY COMMAND TO THE PALCE OF THE MASSACRE. BOTH YOUNG AND POLLOCK TESTIFY, THAT THE MORMON~~G~~S WERE NOT ADDRESSED IN CAMP OR ANYWHERE TO THEIR KNOWLEDGE BY LEE~~;~~ OR ANYOTHER LEADER, AND THE PART THEY WERE TO TAKE STATED; THEY BOTH DENY THAT THE MORMONS *[15]* WERE PLACED IN FILE; THEY BOTH DENY THAT ANY ORDER WAS GIVEN TO MARCH DOWN TOWARDS THE EMIGRANTS. ACCOR~~N~~DING TO THEIR TESTIMONY, THE MORMONS WERE NOT AT THE MEADOS UNDER MILITARY ORDERS NOR

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RS	PS	RT	BT
		GOVERNED THERE BY ANY MILITARY DISCIPLINE. WHEN STEPS WERE TAKEN TO COMMUNICATE WITH THE EMIGRANT CAMP IN THE CHARACTER OF FRIENDS WITH A FLAG OF TRUCE A PART OF THE MORMONS FOLLOWED AT A DISTANCE, WALKING PROMISCUOUSLY, AS PEOPLE GO TO CHURCH, TO USE THE EXPRESSION OF THE WITNESSES. A PART REMAINED IN CAMP AND DID NOT GO AT ALL. THE INDIANS WERE SWARMING OVER THE EMIGRANTS WHEN THEY FIRST SAW THE SMOKE AND FIRE OF THE SLAUGHTER, AND THEY SAW NO MORMONS PARTICIPATE. THE INDIANS WERE ALL WARRIORS,	GOVERNED THERE BY ANY MILITARY ~~DISIP~~ DISCIPLINE. WHEN STEPS WERE TAKEN TO COMMUNICATE TO THE EMIGRANT CAMP~~,~~ IN THE CHARACTER OF FRIENDS~~,~~ WITH A FLAG OF TRUCE, A PART OF THE MORMONS FOLLOWED AT A DISTANCE; WALKING PROMISCUOUSLY~~,~~ AS PEOPLE GO TO CHURCH**,**~~.~~ TO UES THE EXPRESSSION OF THE WITNESSES. A PART REMAINED IN CAMP ~~,~~ AND DID NOT GO AT ALL. THE INDIANS WERE SWARMING OVER THE EMIGRANTS WHEN THEY FIRST SAW THE SMOKE AND FIRE OF THE SLAUGHTER, AND THEY SAW NO MORMONS PARTI~~V~~CIPATE. THE INDIANS WERE ALL WARRIORS,

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RS	PS	RT	BT
		ARMED WITH GUNS AND BOWS AND ARROWS. THEY NUMBERED FOUR TO ONE OF THE WHITE MEN, OF THE MORMON AND EMIGRANT PARTY; ARROWS IN GREAT PROFUSION WERE FOUND NEXT DAY ON THE GROUND WHEREVER THE DEAD BODIES WERE TAKEN FOR BURIAL. IF ANY IMPEACHMENT COULD IMPAIR, OR IS NEEDED TO DISPARAGE,THE TESTIMONY OF SUCH WITNESSES AS SMITH AND WHITE,IN ORDER TO UTTERLY DESTROY IT,TO MAKE MORE MANIFEST THAT IT IS WHOLLY UNRELIABLE— IF ANY FACTS COULD SUGGEST THE IMPORTANCE OF HEARING	ARMED WITH GUNS AND BOWS AND ARROWS; THEY NUMBERED FOUR TO ONE OF THE WHITE MEN OF THE MORMON AND EMIGRANT PARTY. ARROWS IN GREAT PROFUSION WERE FOUND NEXT DAY ON THE GROUND WHEREVER THE DEAD BODIES THERE **WERE** FOUND FOR BURIAL. IF AN IMPEACHMENT COU~~N~~LD IMPAIR, O~~T~~R IS NEEDED TO DISPARAGE THE TESTIMONY OF SUCH WITNESSES AS SMITH AND WHITE, IN ORDER UTTERLY TO DESTROY IT, TO MAKE MORE MANIFEST THAT IT IS WHOLLY UNRELIABLE— IF ANY FACTS COULD SUGGEST THE IMPORTANCE **OF** ~~FROM~~ HEARING

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RS	PS	RT	BT
		FROM ALL THE OTHER WITNESSES BEFORE ANY PROPER DECISION COULD BE MADE, THESE VITAL CONTRADICTIONS ARE ENOUGH.	FROM ALL THE OTHER WITNESSES BEFORE ANY PROPER DECISION COULD BE MADE, THESE VITAL CONTRADICTIONS ARE ENOUGH.
YOUR HONOR SHALL WE PAUSE NOW UNTIL THE MORNING. 5 **PM**[447] [*space*]	YOUR HONOR SHALL WE PAUSE NOW UNTIL MORNING [*space*] COURT ADJOURNED TOMORROW[448]		
[[40]] **WEDNESDAY AUG 4 1875** [*space*]			
JUDGE SUTHERLAND RESUMED HIS REMARKS TO JURY 910 **AM** [*space*]	9 O'CLOCK [*space*] JURY CALLED [*space*] SUTHERLAND CONTINUED [*space*]		
YOUR HONOR PLEASE GENTLEMEN OF THE JURY I	IF YOUR HONOR GENTLEMEN OF THE JURY [*space*] I		

447. Rogerson does not mention this break in his "transcript" of Sutherland's speech, though he meticulously notes adjournments elsewhere. This suggests he wrote the transcript with very little reference to the shorthand, since the information on August 4 is written in very large longhand, and would, therefore, be noticed by anyone looking at the manuscript.

448. The transcripts do not note this adjournment, though they meticulously note adjournments elsewhere.

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RS	PS	RT	BT
GREET YOU THIS MORNING ON PROSPECT OF AN EARLY TERMINATION OF YOUR LABORS. BUT THIS CASE IS OF SUCH TRANSCENDENT IMPORTANCE TO THE PUBLIC AND TO THE ACCUSED THAT I PRESUME THAT YOU HAVE SERVED SO FAR IN THE TRIAL OF THIS CASE WITH NO SENSE OF THE LOSS AND FATIGUE TO YOURSELVES. IT HAS NOT OCCURRED TO ME THAT THERE IS SO MUCH LABOR SO MUCH SOLICITUDE CONNECTED WITH A TRIAL OF SUCH AN ACTION CONTINUING FOR NEARLY ≤FOR≥ TWO WEEKS. IF WE HAVE SENSE OF THE IMPORTANCE OF THE CASE WE CAN'T	CONGRATULATE YOU THIS MORNING ON THE PROSPECT OF AN EARLY TERMINATION OF YOUR LABORS [*space*] BUT THIS CASE IS OF SUCH TRANSCENDENT IMPORTANCE THAT TO THE PUBLIC AND TO THE ACCUSED THAT I PRESUME THAT YOU HAVE SERVED SO FAR IN THE TRIAL OF THIS CASE WITH NO SENSE OF THE LOSS AND FATIGUE TO YOURSELVES [*space*] IT HAS NOT OCCURRED TO ME THAT THERE IS SO MUCH LABOR SO MUCH SOLICITUDE CONNECTED WITH A TRIAL *[[34]]* OF SUCH AN ACTION CONTINUING FOR NEARLY FOR TWO WEEKS IF WE HAVE A SENSE OF THE IMPORTANCE OF THE CASE WE CAN'T		

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RS	PS	RT	BT
WITHOLD ANY EFFORT ON OUR PART HOWEVER FATIGUING IT MAY BE TO REACH THE TRUTH. A FEW MOMENTS REFERENCE TO THE SUBJECTS DISCUSSED YESTERDAY. I FIRST CALLED YOUR ATTENTION TO THE FACT THAT THERE WERE TWELVE EYE WITNESSES TO THE TRANSACTION AT THE MOUNTAIN MEADOWS BESIDES THOSE WHO WERE INDICTED ONE OTHER HAS OCCURRED TO ME SINCE JIMMY WILLIAMSON. THUS FROM WHAT I SAID ≤YESTERDAY≥ THERE WERE 11 I ADD THIS OTHER ONE THAT MAKES 12 AND I REMARKED UPON THE CIRCUMSTANCES THAT THE	WITHHOLD NO EFFORT ON OUR OWN PART HOWEVER FATIGUING IT MAY BE TO REACH THE TRUTH A FEW MOMENTS REFERENCE TO THE SUBJECTS DISCUSSED YESTERDAY [*space*] I FIRST CALLED YOUR ATTENTION TO THE FACT THAT THERE WERE 12 EYE WITNESSES TO THE TRANSACTION AT THE MEADOWS BESIDES THOSE WHO ARE INDICTED ONE OTHER HAS OCCURRED TO ME SINCE JIM *WILLIAMS/WILLIAMSON*[?] I STATED YESTERDAY 11 I ADD THIS OTHER ONE THAT MAKES 12 AND I REMARKED UPON THE CIRCUMSTANCES THAT THE	WHY HAVE THE	WHY HAVE THE

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RS	PS	RT	BT
PEOPLE IN GIVING YOU A HISTORY AND TESTIMONY OF THIS TRANSACTION HAVE LEFT OUT A LARGE PART OF THE PERSONS WHO WERE PRESENT AND COULD TELL YOU SOMETHING OF THAT TRANSACTION. OF THESE TWELVE ONLY 5 HAVE APPEARED UPON THE STAND TWO OF THEM WERE ALLOWED TO STATE TOUCHING WHAT THEY SAW AND WHAT THEY HEARD. ONE OF THE OTHERS SAW BUT LITTLE AND HEARD BUT LITTLE HE WAS THE LEAST INFORMED PERSON PERHAPS ON THE GROUND FOR REASONS EXPLAINED OTHER TWO WERE ONLY PERMITTED TO TELL YOU WHAT THEY SAW THEY	PEOPLE IN GIVING YOU A HISTORY AND TESTIMONY OF THIS TRANSACTION HAVE LEFT OUT A LARGE PART OF THE PERSONS WHO WERE PRESENT AND COULD TELL YOU SOMETHING OF THAT TRANSACTION OF THESE TWELVE ONLY FIVE HAVE APPEARED UPON THE STAND TWO OF THEM WERE ALLOWED TO STATE TOUCHING WHAT THEY SAW AND WHAT THEY HEARD ONE OF THE OTHERS SAW BUT LITTLE AND HEARD BUT LITTLE HE WAS THE LEAST INFORMED PERSON PERHAPS ON THE GROUND FOR REASONS WHICH HE EXPLAINED THE OTHER TWO WERE ONLY PERMITTED TO TELL YOU WHAT THEY SAW THEY	PEOPLE REFRAINED FROM CALLING OTHER WITNESSES ?	PEOPLE REFRAINED FROM CALLING OTHER WITNESSE~~X~~S?

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RS	PS	RT	BT
DESCRIBED TO YOU THE PANDEMONIUM OF THE FIELD. [*space*]	DESCRIBED TO YOU THE PANDEMONIUM OF THE FIELD [*space*]	IT IS FAIR TO CHARGE THAT THEY HAVE DONE IT FOR THE SAME REASON THAT PROMPTED THEM TO GARBLE THE TESTIMONY OF POLLOCK, YOUNG AND PEIRCE. THE PROSECUTION ALONE ARE RESPONSIBLE FOR WITHHOLDING FROM YOU THE ADDITIONAL LIGHT THESE WITNESSES COULD GIVE YOU. WE ASKED THESE WITNESSES TO STATE ALL THAT WAS SAID AND DONE AT THE MEADOWS. DID YOU NOT IN YOUR MIND SECOND THAT INQUIRY ? DID IT NOT PROMISE YOU ADDITIONAL AID TO A CORRECT	IT IS FAIR TO CHARGE THAT THEY HAVE DONE IT FOR THE SAME REASON THAT PROMPTED THEM TO GARBLE THE TESTIMONY OF POLLOCK, YOUNG AND PIERCE. THE PROSECUTION ALONE ARE RESPONSIBLE FOR WITHHOLDING ~~G~~FROM YOU THE ADDITIONAL LIGHT WHI~~V~~CH THESE WITNESSES COULD HAVE GIVEN YOU. WE A~~A~~SK **T**HESE WITNESSES TO STATE AL L THAT WAS SAID AND DONE AT THE MEADOWS. DOD YOU NOT IN YOUR NIND SECOND THAT IN YOUR INQUIRY? DID IT NOT PROMISE YOU ADDITIONAL AID TO A *[16]* CORRECT

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RS	PS	RT	BT
		DETERMINATION ? DID YOU NOT FEEL DISAPPOINTED WHEN THE PROSECUTION OBJECTED ? *[[18]]* DID YOU NOT INFER, AS WE DID, THAT THE PROSECUTION WAS UNWILLING THAT ALL THE FACTS SHOULD BE LAID BEFORE YOU ? IT IS AS MUCH THE DUTY OF THE PUBLIC PROSECUTOR TO PROTECT AN INNOCENT MAN AGAINST CONVICTION,AS TO BE DILIGENT AND ZEALOUS IN CONVICTING THE GUILTY.	DETERMINATION ? DID YOU NOT FEEL DISAPPOINTED WHEN THE PROSECUTION OBJECTED ? DID YOU NOT INFER, AS WE DID, THAT THE PROSECUT~~ION~~**IO N** WAS UNWILLING THAT ALL THE FACTS SHOULD BE LAID BEFORE YOU? IT IS AS MUCH THE DUTY OF THE PUBLIC PROSECUTOR TO PROTECT AN INNOCENT MAN AGAINST CONVICTION AS TO BE DILIGENT AND ZEALOUS IN CONVICTING THE GUILTY?
NOW IF YOU DESIRE TO KNOW ALL THAT TOOK PLACE THERE YOU WOULD NATURALLY DESIRE TO HEAR FROM EVERY PERSON THAT WAS THERE AND COULD TELL YOU ANYTHING ABOUT IT IF YOU	NOW IF YOU DESIRE TO KNOW ALL THAT TOOK PLACE THERE YOU WOULD NATURALLY DESIRE TO HEAR FROM EVERY PERSON THAT WAS THERE AND COULD TELL YOU ANYTHING ABOUT IT IF YOU	IF YOU,GENTLEME	IF YOU, GENTLEMEN,

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RS	PS	RT	BT
WERE A COMMITTEE WITH POWER OF YOUR OWN VOLITION TO SEEK TESTIMONY TO SEND FOR IT I THINK I HAVE A RIGHT TO INFER GENTLEMEN YOU WOULD NOT TERMINATE YOUR INQUIRIES UNTIL YOU HAD BROUGHT EVERY ONE OF THOSE MEN BEFORE YOU YOU WOULD TELL THEM TO TELL YOU ALL THEY SAW TO GIVE THE COURSE OF THE CONVERSATION AS WELL AS ACTION ON THE FIELD THERE YOU WOULD NOT SUPPRESS SINGLE INQUIRY WHY THE SUBJECT IS IMPORTANT IT IS	WERE A COMMITTEE WITH POWER OF YOUR OWN VOLITION TO SEEK TESTIMONY TO SEND FOR IT I THINK I HAVE A RIGHT TO INFER GENTLEMEN THAT YOU WOULD NOT TERMINATE YOUR INQUIRIES UNTIL YOU HAD BROUGHT EVERY ONE OF THOSE MEN BEFORE YOU AND WHEN YOU HAD THEM BEFORE YOU YOU WOULD HAVE THEM TELL THE COURSE OF THE CONVERSATION ≤AS WELL AS ACTION≥ ON THE FIELD THERE YOU WOULD NOT SUPPRESS SINGLE INQUIRY [*space*] WHY THE SUBJECT IS IMPORTANT IT IS	N,HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS MASSACRE,WITH POWER TO SEND FOR PERSONS AND PAPERS,WOULD YOU HAVE CONTENTED YOURSELVES WITH THE TAKING OF SUCH TESTIMONY AS THE PEOPLE HAVE HERE SUBMITTED TO YOU ? I KNOW YOU WOULD NOT.	HAD BEEN APPOINTED A COMMITTE TO INVESTIGATE THIS MASSACRE, ~~‘‘~~WITH **POWER** ~~POUR~~ TO SEND FOR PERSONS AND PAPERS, ~~’’~~ WOULD YOU HAVE CONTENTED YOURSELVES WITH TAKING SUCH TESTIMONY AS THE PEOPLE HAVE HERE SUBMITTED TO YOU? I KNOW YOU WOULD NOT.

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RS	PS	RT	BT
LIKELY TO LEAD TO VERY IMPORTANT RESULTS AND WHEN YOU HAD SWORN THE NUMBER THAT HAS BEEN SWORN ON THIS TRIAL YOU WOULD DEEM YOUR INQUIRIES JUST BEGUN I REMARKED UPON CHARACTER OF THE TWO WITNESSES THAT WERE PRODUCED BEFORE YOU GAVE THESE FULL PRIVILEGE OF TESTIFYING [*space*] *[[41]]* THEY WERE BOTH ACCOMPLICES. CONFESSED MURDERERS.	LIKELY TO LEAD TO VERY GREAT RESULTS AND WHEN YOU HAD SWORN THE NUMBER THAT HAVE BEEN SWORN ON THIS STAND YOU WOULD DEEM YOUR INQUIRIES JUST BEGUN I REMARKED TO THE CHARACTER OF THE TWO WITNESSES GAVE THESE FULL PRIVILEGE OF TESTIFYING THEY WERE BOTH ACCOMPLICES CONFESSED MURDERERS	YOU WOULD HAVE REGARDED YOUR LABORS AS JUST FAIRLY COMMENCED WHEN YOU HAD REACHED THE POINT WHERE THE PEOPLE STOPPED. YOU WOULD HAVE TAKEN ALL THAT POLLOCK, YOUNG AND PEIRCE COULD TELL YOU OF WHAT	YOU WOULD HAVE REGARDED YOUR LABORS AS JUST FAIRLY COMMENCED, WHEN YOU HAD REACHED THE POINT WHERE THE PEOPLE STOPPED. YOU WOULD **HAVE** ~~KHSVE~~ T**S**~~A~~KEN ALL **THAT** ~~THE~~ POLLOCK, YOUNG AND PEARCE COULD TELL YOU OF WHAT

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RS	PS	RT	BT
		TRANSPIRED AT THE MEADOWS. YOU WOULD HAVE SUMMONED BEFORE YOU IRA ALLEN, SAM MC CURDY, CARL SHIRTS, HARRISON PEIRCE,EZRA CURTIS, SWEN JACOBS, JAMES MANGRAM, RICHARD HARRISON AND SAM. KNIGHT. YOU WOULD HAVE VAILED YOURSELVES OF ALL THE INFORMATION THAT THEY COULD SEVERALLY IMPART, BUT THE INQUIRY OF A COMMITTEE IS ALWAYS SUPERFICIAL,CO MPARE D WITH THAT WHICH IS MADE BY COURTS.	TRANSPIRED AT THE MEADOWS. YOU WOULD HAVE SUMMONED BEFORE YOU IRA ALLEN, SAM MC MURDY, CARL SHIRT~~S~~, HARRISON PEARCE, EZRA CURTIS, SWEN JACOBS, JAMES **MANGRAHM** ~~MANGRAM~~, RICHARD HARRISON, AND SAM KNIGHT. YOU WOULD HAVE A~~C~~VAILED YOURSELF OF ALL THE INFORMATION, **THEY** ~~THAY~~ COULD SEVERALLY IMPART . BUT THE INQUIRY OF A COMMITTEE~~!~~**SE IS** ALWAYS SUPERFICIAL COMPARED WITH THAT WHICH IS MADE BY COURT~~S~~**..**
SMITH HAS BEEN FUGITIVE EVER SINCE. HE IS A MAN BY HIS OWN STATEMENT THAT UNDER THE	SMITH HAS BEEN A FUGITIVE EVERY SINCE HE IS A MAN BY HIS OWN STATEMENT THAT UNDER THE		

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RS	PS	RT	BT
VEIL/THEORY[?] OF OUR CRIMINAL LAWS THE WORLD HAS NO USE FOR HIM. HE HAS ADMITTED TO BE SO DANGEROUS A MAN *AS TO BE*[?] NOT FIT TO LIVE [*space*] BUT WHOM HEREAFTER *NEVERTHELESS*[?] THAT CRIME AND WILL BE INDICTED BUT FOR THE ADVANTAGE OF *LIVING/LEAVING*[?] *BUT/TO*[?] THE PROSECUTION THEY HAVE ~~HANDED~~ ≤GIVEN≥ HIM ABSOLUTION AND BY PUTTING HIM UPON THAT STAND THEY HAVE GIVEN HIM IN THE NAME OF THE UNITED STATES AND TERRITORY AN INDEMNITY AGAINST ANY PROSECUTION FOR THAT MURDER WHICH HE CONFESSED	*VEIL/THEORY*[?] OF OUR CRIMINAL LAWS THE WORLD HAS NO USE FOR HE HAS ADMITTED TO BE SO DANGEROUS A MAN IS NOT FIT TO LIVE [*space*] BUT WHOM HEREAFTER *WILL HE BE*[?] INDICTED BUT FOR THE PRIVILEGE OF THE PROSECUTION THEY HAVING GIVEN HIM ABSOLUTION BY PUTTING HIM UPON THAT STAND THEY HAVE THEY HAVE GIVEN HIM IN THE NAME OF THE UNITED STATES AND THE TERRITORY ~~N~~ AN INDEMNITY FOR ANY PROSECUTION FOR THE MURDER WHICH HE CONFESSED		

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RS	PS	RT	BT
AND FOR ANY PARTICIPATION IN THIS TRANSACTION AT THE MEADOWS THEN HE IS UNDER NO RESTRAINT HE IS NOT TO EARN HIS PARDON HE HAS NO FEAR OF ANY PROSECUTION FOR ANY CRIME WHICH HE CONFESSES. ≼NOW WHAT IS≽ IMPLIED IN THAT [*space*] THIS IS TOO IMPORTANT A SUBJECT TO MAKE IT NECESSARY I SHOULD APOLOGIZE FOR RECURRING TO IT AGAIN THIS *MN/MAN*[?]. WHAT IS IMPLIED IN THE CONFESSION OF A MURDER PUNISHABLE WITH DEATH EVERYWHERE REGARDED AS THE MOST SERIOUS CRIME IMPLYING GUILTINESS OF ALL OTHER CRIMES	*ALTHOUGH HAS*[?] [*space*] *[[35]]* THEN HE IS UNDER NO RESTRAINT HE HAS NOT TO EARN HIS PARDON HE HAS NOT ANY FEAR OF ANY PROSECUTION OF ANY CRIME WHICH HE CONFESSES NOW WHAT IS IMPLIED IN THIS CONFESSION NOW THAT IS TOO IMPORTANT A SUBJECT TO MAKE IT NECESSARY FOR ME TO APOLOGIZE FOR RECURRING TO IT AGAIN WHAT IS IMPLIED WHEN HE CONFESSES TO A MURDER PUNISHABLE WITH DEATH EVERYWHERE REGARDED AS THE MOST SERIOUS CRIME IMPLYING GUILTINESS OF ALL OTHER CRIMES		

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RS	PS	RT	BT
BECAUSE IT IS A CRIME MUCH LIKE —/*HARDENED*[?] ROAD SWALLOWS UP ALL OTHER CRIMES A MAN GUILTY OF MURDER IS CAPABLE OF ANY CRIME THERE IS NO OTHER CRIME YOU DO WHICH IN THE LINE OF PROGRESSION HE CAN REACH WHICH IS *GRATUITOUS*[?] IN INIQUITY AND THUS ⪡IT IS⪢ THEREFORE THE LAW PUTS ON THE RETIRED LIST BY TAKING OFF HIS HEAD. THE PROSECUTION HAS FORGIVEN HIM THAT CRIME IN ORDER TO MAKE HIM WITNESS WHEN THEY HAD TEN OTHER EYE WITNESSES TO PROVE SAME FACTS BY. NOW GENTLEMEN YOU THINK	BECAUSE IT IS CRIME WHICH LIKE *RNS*[?] ROAD SWALLOWS UP ALL OTHER CRIMES A MAN GUILTY OF MURDER IS CAPABLE OF ANY CRIME THERE IS NO OTHER CRIME BEYOND IT WHICH IN A LINE OF PROGRESSION HE CAN REACH WHICH IS *GRATUITOUS*[?] IN INIQUITY AND IT IS THEREFORE THAT THE LAW PUTS HIM ON THE RETIRED LIST BY TAKING OFF HIS HEAD THE PROSECUTION HAS FORGIVEN HIM THAT CRIME IN ORDER TO MAKE HIM A WITNESS WHEN THEY HAD TEN OTHER EYE WITNESS TO PROVE THE SAME FACTS BY NOW GENTLEMEN YOU THINK		

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RS	PS	RT	BT
PROSECUTION HAVE MANIFESTED THAT EAGERNESS FOR TRUTH TRUTH AS IT EXISTS WHOLE TRUTHS NOT *HALF TRUTHS*[?] NOT PERVERTED TRUTHS CONSISTING HALF LIE AND HALF FACT HAVE THEY SHOWN IN THIS CONDUCT TOWARDS SMITH IN THIS OMISSION TO BRING THOSE OTHER WITNESSES THAT EAGERNESS FOR TRUTH AS IT EXISTS IN ITS PURITY THAT SHOULD ALWAYS CHARACTERIZE A PROSECUTION. IT IS DUTY OF THE GOVERNMENT INSTEAD OF FORGIVING THAT SMITH TO HANG HIM AND IF IS NOT GUILTY IT IS JUST AS MUCH	THAT THE PROSECUTION HAVE MANIFESTED THAT EAGERNESS FOR TRUTH TRUTH AS IT EXISTS WHOLE TRUTH IS NOT PERVERTED TRUTHS ALLEGATION LIE AND HALF FACTS HAVE THEY SHOWN IT IN THIS CONDUCT TOWARDS SMITH IN THIS OMISSION TO BRING THOSE OTHER WITNESSES THAT EAGERNESS FOR TRUTH AS IT EXISTS IN ITS PURITY THAT SHOULD ALWAYS CHARACTERIZE A PROSECUTION IT IS THE DUTY OF THE GOVERNMENT INSTEAD OF FORGIVING THAT SMITH TO HANG HIM AND IF LEE IS NOT GUILTY IT IS JUST AS MUCH		

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RS	PS	RT	BT
THEIR DUTY TO	THEIR DUTY TO		
	~~SEE THAT HE IS~~		
SEE	[*space*] SEE THAT		
HE IS NOT	LEE IS NOT		
CONVICTED AND	CONVICTED AS		
IF IS THEY	IS TO		
SHOULD SEE	SEE THAT		
SMITH HANG.	HE IS HUNG		
[*space*] IT IS NO	[*space*] IT IS NO		
PART OF THE	PART OF THE		
MISSION AND	LEGITIMATE		
JUDGE AND	PRIVILEGE		
LEGISLATIVE			
COUNCILS ON			
THE *PART*[?] OF			
THE UNITED			
STATES OR OF			
THE TERRITORY			
GETTING/GOING[	TO		
?] *PROSECUTE*[?]	PROSECUTE		
OR PUNISH THE	TO PUNISH THE		
INNOCENT [*space*]	INNOCENCE		
THESE COURTS	THESE COURTS		
ARE ORGANIZED	ARE ORGANIZED		
FOR THE	FOR THE		
PURPOSE OF	PURPOSE OF		
RETURNING THE	[*space*]		
TRUTH AND	TRUTH AND		
PUNISH	PUNISHING		
WHEN THE	WHEN THE		
TRUTH IS MADE	TRUTH IS MADE		
MANIFEST [*space*]	MANIFEST		
[[42]] THEY HAVE	THEY HAVE		
FORMS OF	FORMS OF		
PROCEDURE	PROCEDURE		
DESIGNED FOR	DESIGNED FOR		
		IT IS FOR THE	F**O**R THE
		PURPOSE OF	PURPOSE OF
FAIR	FAIR	THOROUGH	THOROUGH
INVESTIGATION	INVESTIGATION	INVESTIGATION,	INVESTIGATION,
		TO MAKE IT	TO MAKE IT
FOR	FOR	POSSIBLE, TO	POSSIBLE TO
GETTING TO	GETTING TO	GO TO	GO TO
THE BOTTOM	THE BOTTOM	THE BOTTOM	THE **B**OTTOM

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RS	PS	RT	BT
OF THINGS AND NOT FOR SKIMMING OVER THEM SUPERFICIALLY GUESSING AT *RESULTS*[?] OF THE RULES AND *GENTLEMEN*[?] THE COMPULSORY PROCESS FOR WITNESSES AND SOLEMN OATHS THAT YOU GENTLEMEN TOOK AND	OF THINGS AND NOT FOR SKIMMING OVER THEM SUPERFICIALLY GUESSING AT THE RESULT OF THE RULES AND EVIDENCE COMPULSORY PROCESS FOR WITNESSES SOLEMN OATHS [*space*]	OF A CASE,	OF A CASE ,
EVERY WITNESS TAKES THE HIGH CHARACTER OF THE JUDGE THAT THAT SITS UPON AND JUDGE THE LEARNING THAT HAS QUALIFIED AT THE BAR ARE ALL *INCLUDED/INTENDED*[?] COUNSELORS AND THE CONSTITUTION OF THE UNITED STATES TO REACH THE TRUTH GENTLEMEN	HIGH CHARACTER OF JUDGE ON THE BENCH LEARNING QUALIFIED AT THE BAR *[[36]]* ARE ALL *CALCULATE/INTENDED*[?] AS COUNSELORS FOR REACHING TRUTH [*space*]	THAT MEN OF THE HIGHEST CHARACTER ARE PLACED ON THE BENCH; THAT LEARNING IS CULTIVATED AT THE BAR; THAT RULES,COMPREHENSIVE AND EFFECTUAL, ARE PROVIDED BY LAW,FOR	THAT MEN OF THE HIGHEST CHARACTER ARE PLACED ON THE BENCH; THAT LEARNING IS CULTIVATED AT THE BAR; THAT RULES COMPREHENSIVE AND EFFECTUAL, ARE PROVIDED BY LAW FOR

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RS	PS	RT	BT
		EXAMINING AND COMPELLING A FULL DISCLOSURE BY WITNESSES; THAT THE JURY ARE SELECTED WITH SUCH INQUISITORIAL CAUTION, AND SWORN TO DO THEIR DUTY WITH SUCH SOLEMNITY; THAT WITNESSES ARE COMPELLED TO ATTEND, AND SWORN TO TELL THE TRUTH AND THE WHOLE TRUTH. AN INVESTIGATION, HOWEVER,CONDUCTED AS THIS TRIAL HAS BEEN, DOES NOT PROCEED ON THIS POLICY, NOR CAN IT BE EXPECTED TO REACH THE RESULT WHICH IS *[[19]]* ALWAYS AIMED AT BY COURTS AND SO GENERALLY ATTEINED. I COULD REASONABLY PAUSE HERE,AND ASK	EXAMINING~~,~~ AND COMPELLING A FULL DISCLOSURE BY WITNESSES; THAT THE JURY ARE SELECTED WITH SUCH CARE AND INQUISITORIAL CAUTION, AND SWORN TO DO THEIR DUTY WITH SUCHSOLEMNITY; THAT WITNESSES ARE COMPE~~DD~~LLED TO ATTEND AND **BE** SWORN TO TELL THE TRUTH AND THE WHOLE TRUTH. ~~AND~~ AN INVESTIGATION, HOWEVER**,** CONDUCTED~~,~~ AS THIS TRIAL HAS BEEN DOES NOT PROCEED ON THIS POLICY , NOR CAN IT BE EXPECTED TO REACH A RESULT WHICH IS ALWAYS AIMED AT BY COURTS AND SO GE NERALLY ATTAINED. *[17]* I COULD REASONABLE PAUSE HERE~~,~~ AND ASK

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RS	PS	RT	BT
		YOU,GENTLEMEN OF THE JURY, TO SAY BY YOUR VERDICT THAT IN THE ABSENCE OF SO. MUCH TESTIMONY WHICH IT IS APPARENT THE PEOPLE COULD PRODUCE, AND WHICH HAS BEEN WITHHELD, YOUR JUDGMENTS ARE SUSPENDED, AND IF OBLIGED TO DECIDE YOU ACQUIT THE PRISONER; BECAUSE YOU INFER EVERYTHING AGAINST THE PROSECUTION IN RESPECT TO THE TESTIMONY HELD BACK; THAT YOU TREAT SUCH ABSENCE OF FURTHER AVAILABLE PROOF AS A	YOU, GENTLEMEN, TO SAY BY YOUR VERDICT, THAT IN THE ABSENCE OF SO MUCH TESTIMONY, WHICH IT IS APPARENT THE PEOPLE COU LD PRODUCE ~~†~~(AND WHICH HAS BEEN WITHHELD~~†~~) YOUR ~~H~~JUDGMENTS ARE SUSPENDED, AND ~~I~~IF OBLIGED TO DECIDE, YOU ACQUIT THE PRISONER; BECAUSE YOU INFER EVERYTHING AGAINST THE PROSECUTION IN RESPECT TO THE TESTIMONY H~~A~~ELD BACK; THAT YOU TREAT SUCH ABSENCE OF FURTHER AVAILABLE PROOF AS A
BUT IF THE TRUTH IS TO BE SUPPRESSED IF WITNESSES THAT KNOW ALL ABOUT TRANSACTION ARE SUFFERED TO KEEP THEIR	AND IF TRUTH IS TO BE SUPPRESSED IF WITNESSES THAT KNOW ALL ABOUT THE TRANSACTION	~~SUPPP~~ SUPPRESSION OF EVIDENCE,WHICH, IF PRODUCED,WOULD BE CONTRADICTORY OF SMITH AND	SUPPRESSION OF EVIDENCE, WHICH , IF PRODUCED, WOULD BE CONTRADICTORY OF SMITH AND

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RS	PS	RT	BT
KNOWLEDGE TO THEMSELVES		WHITE, AS WELL AS CONFIRMATORY OF EVERY UNFAVORABLE CONJECTURE IN REGARD TO THEM, BASED ON THEIR WANT OF MORAL CHARACTER.	WHITE, AS WELL AS CONFIRMATORY OF EVERY UNFAVORABLE CONJECTURE IN REGAR D TO THEM, BASED ON THEIR WANT OF MORAL CHARACTER.
IF MEN WHO OUGHT DIE ARE DRAGGED FORTH FORGIVENESS THRUST UPON THEM FOR SOME CONSIDERATION YET DECLARES *IT IS NO GOOD*[?]	IF MAN WHO OUGHT TO DIE [*space*] *AND*[?] FORGIVENESS THRUST UPON THEM		
A CASE SUBMITTED SOLELY UPON SUCH TESTIMONY HAVE WE ANY EXAMPLE OF THAT THROUGH TRIAL OF THAT GOING TO THE DEPTHS OF THE CASE THAT THE WHOLE EVIDENCE AS THE CONSCIENCES OF CANDID JURORS WOULD DEMAND NO GENTLEMEN INSTEAD OF THE	AND CASE IS SUBMITTED SIMPLY ON THAT TESTIMONY THINK ≤YOU≥ THAT EXAMPLE OF THAT THOROUGH TRIAL THAT GOING TO THE DEPTHS OF THE CASE THAT THE WHOLE EVIDENCE *AS*[?] THE CONSCIENCES OF CANDID JURORS WOULD DEMAND NOW GENTLEMEN INSTEAD OF A		

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RS	PS	RT	BT
TRIAL AT COURT BEING INTENDED TO BE *MORE*[?] SUPERFICIAL INQUIRY THAN WOULD BE INVESTIGATION OF A COMMITTEE AND WHEN THE TRIAL IN COURT IS NOT INTENDED TO BE AS MUCH MORE THOROUGH SUCH *LIBERAL*[?] MEANS ARE MORE CONDUCIVE TESTIFY THE *MORE*[?] LIBERAL MEANS WHICH THE LAW PROVIDES ARE MORE CONDUCIVE TO THAT THOROUGHNESS. [*space*] NOW BEAR IN MIND GENTLEMEN SOME OF THE MAXIMS WHICH THE LAW IN ITS TENDERNESS TO PARTIES ACCUSED OF CRIME HAS PROMULGATED AND UNIFORMLY APPLIES TO THE	TRIAL AT COURT BEING INTENDED TO BE MORE SUPERFICIAL INQUIRY THAN WOULD BE THE INVESTIGATION OF A COMMITTEE AND WHEN A TRIAL IN COURT IS INTENDED AS MUCH MORE THOROUGH AS THIS IS AND LIBERAL MEANS ARE MORE CONDUCIVE THE MORE LIBERAL MEANS WHICH THE LAW PROVIDES ARE MORE CONDUCIVE TO THAT THOROUGHNESS NOW BEAR IN MIND GENTLEMEN SOME OF THE MAXIMS WHICH THE LAW IN ITS ~~N~~ TENDERNESS TO PARTIES ACCUSED OF CRIME HAS PROMULGATED AND UNIFORMLY APPLIES TO THE		

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RS	PS	RT	BT
EVIDENCE IN MEASURING ITS WEIGHT TO THE AMOUNT NECESSARY TO A CONVICTION [*space*] LAW PRESUMES THE PRISONER TO BE INNOCENT UNTIL SUCH A QUANTITY OF EVIDENCE HAS BEEN SUBMITTED TO JURY AS REMOVES ALL RATIONAL DOUBT. ALL REASONABLE DOUBT. SO THAT THE JURY FEEL A MORAL CERTAINTY WHAT IS MORAL CERTAINTY THESE WORDS ARE NOT CAPABLE OF A VERY EXACT SIGNIFICATION. BUT IT MEANS YOU ARE CERTAIN THAT IS VERY OBVIOUS MEANING. THERE MUST BE SUCH A QUANTITY OF EVIDENCE YOU FEEL SURE. YOU WANT TO	EVIDENCE IN MEASURING ITS WEIGHT TO THE AMOUNT NECESSARY TO A CONVICTION THE LAW PRESUMES A PRISONER BE INNOCENT UNTIL SUCH A QUANTITY OF EVIDENCE HAS BEEN SUBMITTED TO THE JURY AS REMOVES ALL RATIONAL DOUBT ALL REASONABLE DOUBT SO THAT THE JURY FEEL A MORAL CERTAINTY NOW WHAT IS A MORAL CERTAINTY THESE *WORDS*[?] ARE NOT CAPABLE OF VERY EXACT SIGNIFICATION BUT IT MEANS THAT YOU ARE CERTAIN AND THAT IS A VERY OBVIOUS MEANING THERE MUST SUCH A QUANTITY OF EVIDENCE THAT YOU FEEL SURE AND WANT TO		

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RS	PS	RT	BT
BE SURE ENOUGH SO THAT IF YOU BELIEVE *THINK*[?] HANGING IS DESERVED PUNISHMENT FOR MURDER YOU WANT TO BE *SO*[?] PRISONER SURE THE PERSON IS GUILTY YOU WOULD FEEL JUSTIFIED BEFORE GOD TO LAY —[?] YOUR OWN HANDS UPON THAT MAN IF SUCH WAS THE MANDATE OF THE LAW AND TAKE HIS LIFE AS PROPER EXPIATION OF THE CRIME.	FEEL SURE ENOUGH SO THAT IF YOU BELIEVE THAT A HANGING IS THE DESERVED PUNISHMENT FOR MURDER YOU WANT TO BE SO SURE THAT THE PRISONER IS GUILTY THAT YOU WOULD BE JUSTIFIED BEFORE GOD AND YOU COULD GO AND LAY YOUR OWN HANDS UPON THAT MAN IF SUCH WAS THE LAW ~~S~~ [*space*] AND TAKE HIS LIFE AS PROPER EXPIATION OF THE CRIME		
		GENTLEMEN OF THE JURY,CONSIDER WHAT MUST HAVE OCCURRED AT THE MEADOWS, IF LEE IS GUILTY;	GENTLEMEN OF THE JURY: CONSIDER WHAT MUST HAVE OCCURRED AT THE MEADOWS IF LEE IS GUILTY.
AS I SAID ~~<BEFORE>~~	AS I SAID BEFORE	I DRAW YOUR ATTENTION TO THE SUBJECT OF THIS INQUIRY, TO SHOW YOU	I DRAW YOUR ATTENTION TO THE SUBJECT OF THIS INQUIRY TO SHOW YOU

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RS	PS	RT	BT
THESE TWO WITNESSES ARE ACCOMPLICES *[[43]]* THEY ARE CONTRADICTORY THEY CONTRADICT EACH OTHER.	THESE TWO WITNESSES ARE ACCOMPLICES THEY ARE CONTRADICTORY THEY CONTRADICT EACH OTHER	THE TRANSCENDENT IMPORTANCE OF THE FACTS ON WHICH SMITH AND WHITE CONTRADICT EACH OTHER,AND ARE CONTRADICTED BY OTHER WITNESSES. I DRAW YOUR ATTENTION TO IT,ALSO,TO EXPOSE AND DENOUNCE THE PALPABLE FRAUD OF THE PROSECUTION IN CLOSING THE MOUTHS OF POLLOCK, YOUNG AND PEIRCE, IN RESPECT TO WHAT WAS SAID ON THE FIELD, TO THE VERBAL ACTS THAT ARE PART OF THE TRANSACTION IN QUESTION. YOU HAVE BEEN INSTRUCTED THAT IT WAS NOT UNLAWFUL FOR THE	THE TRANSCENDANT IMPORTANCE OF THE FACTS ON WHI~~V~~CH SMITH AND WHITE CONTRADICT ~~W~~EACH OTHER, AND ARE CONTRADICTED BY OTHER WITNESSES. I DRAW YOUR ATTENTION TO IT, ALSO, TO EXPOSE AND DENOUNCE THE PROBABLE **FRAUD** ~~FRAUD E INCLOSING THE~~ IN CLOSING THE MOUTHS OF POLLOCK, YOUNG AN D P~~E A~~**IE**RCE~~,~~ IN RESPECT TO WHAT WAS SIAD ON THE FIELD; TO THE VERBAL ACTS~~,~~ THAT ARE PART OF THE TRANSACTION IN QUESTION. YOU HAVE BEEN INSTRUCTED THAT IT WAS NOT UNLAWFUL FOR THE

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RS	PS	RT	BT
		DEFENDANTS TO GO TO THE MEADOWS WHILE THE EMIGRANTS WERE ENCAMPED THERE; THAT IF THEY WENT TO PERSUADE THE INDIANS TO DESIST AND TO BURY THE DEAD, AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT,BUT LAUDABLE AND HUMANE. YOU HAVE BEEN INSTRUCTED THAT IF THE MORMON PARTY WENT AT THE REQUEST OF MEN OF INFLUENCE, OSTENSIBLY FOR A GOOD PURPOSE AND THEY TOOK *[[20]]* NO PART IN THE SLAUGHTER,AN D DID NOT ABET IT,THE ACT OF GOING,AND THE FACT OF BEING THERE,IS NO EVIDENCE OF ANY OTHER INTENTION	DEFENDAN~~T~~S TO ~~D~~GO TO THE MEADOW S WHILE THE EMIGRANTS WERE ENCAMPED THERE; THAT I~~D~~F THEY WENT TO PERSUADE THE INDIANS TO DESIST~~,~~ AND TO BURY THE DEAD, AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT BUT LAUDABLE AND HUMANE. YOU HAVE BEEN INSTRUCTED THAT IF THE MORMON PARTY WENT AT THE REQUEST OF MEN OF INFLUENCE, OSTENSIBLY FOR A GOOD PURPOSE, AND THEY TOOK NO PART IN THE ~~SLAGTHG~~ SLAUGHTER~~,~~ AND DID NOT ABETT IT, THE ACT OF GOING~~,~~ AND THE FACT OF BEING THERE, IS NO EVIDENCE OF ANY OTHER INTENTION

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RS	PS	RT	BT
		THAN TO ACCOMPLISH THE OSTENSIBLE OBJECT,UNLESS THEY HAD NOTICE THAT SOME OTHER PURPOSE WAS CONTEMPLATED ; THAT, IN THE ABSENCE OF PROOF, THE LAW PRESUME~~Z~~S NO GUILTY KNOWLEDGE OR INTENTION THE INDIANS HAD FIRED ON THE EMIGRANTS DURING TH~~W~~E TWO OR THREE DAYS THE MORMONS WERE RESTING IN THEIR CAMPS. ON THE DAY OF THE MASSACRE THE INDIANS WERE NOT SEEN UNTIL THEY CAME SUDDENLY TO VIEW FROM CONCEALMENT TO COMMIT THIS SLAUGHTER. THEY HAD CONCEALED THEMSELVES NEAR THE ROAD,BETWEEN WHERE THE	THAN TO ACCOMPLLISH THE OSTENSIBLE OBJECT, UNLESS THEY HAD NOTICE THAT SOME OTHER PURPOSE WAS CONTEMPLATED ; THAT IN THE ABSENCE OF PROOF, THE LAW PRESUMES NO GUILTY KNOWLEDGE OR INTENTION.. [*space*] **IMPERICAL** *[18]* THE INDIANS HAD FIRED ON THE EMIGRANTS DURING THE TWO OR THREE DAYS THAT THE MOR~~N~~MONS WERE RESTING IN THEIR CAMP. ON THE DAY OF THE MASSACRE THE INDIANS WERE NOT SEEN UNTIL THEY CAME SUDDENLY TO VIEW FRO~~O~~M CONSEALMENT TO COMMIT THIS SLAUGHTER. THEY HAD CONSEALED THEMSELVES NEAR THE ROAD BETWEEN WHERE THE

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RS	PS	RT	BT
		EMIGRANTS HAD BEEN CORRALLED AND CEDAR CITY. THESE FACTS INDICATE, UNMISTAKEABLE, THAT SOME COMMUNICATION HAD BEEN HAD WITH THEM,AND SOME ARRANGEMENT MADE. ARE WE NOT ENTITLED TO PROVE, AND ARE YOU NOT ~~EAR~~ EAGER TO KNOW WHAT IT WAS ? THEY ACTED AS THOUGH THEY KNEW THE EMIGRANTS WOULD LEAVE THEIR ENTRENCHMENTS, AS THOUGH THEY KNEW THE EMIGRANTS WOULD GO TOWARDS CEDAR CITY, AND NOT ON THEIR JOURNEY WESTWARD. ARE YOU NOT DESIROUS TO KNOW HOW THAT INFORMATION	EMIGRANTS HAD BEEN CORRAL~~L~~LED **AND** ~~IN~~ CEDAR CITY. THESE FACTS INDICATE **U**NMISTAKABLY ~~UNMISTAC~~**K**~~ABLEY~~, THAT SOME COMMUNICATION HAD BEEN HAD WITH THEM, AND SOME ARRANGEMENT M ADE. ARE WE NOT ENTITLED TO PROVE, AND ARE WE NOT EAGER TO KNOW WHAT THAT WAS? THEY ACTED AS THOUGH THEY KNEW THE EMIGRANTS WOULD LEAVE THERE ~~IN~~ ENTR**E**NCHMENTS; AS THOUGH THEY KNEW THE EMIGRANTS WOULD GO TOWARDS CEDAR CITY AND NOT ON THEIR JOURNEY WESTWARD. ARE YOU NOT DESIROUS TO KNOW HOW THAT INFORMATION

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RS	PS	RT	BT
		WAS COMMUNICATED ? THE TESTIMONY,MOR E-OVER,SHOWS THAT A CAPITULATION WAS AGREED TO BETWEEN THE EMIGRANTS AND MORMONS,AFTE R THE DISAPPEARANCE OR WITHDRAWAL OF THE INDIANS. THIS WAS EVIDENTLY A MEASURE OF SAFETY ON THE PART OF THE FORMER, AGAINST THE INDIANS. BY THE TERMS OF THAT CAPITULATION, THE EMIGRANTS ABANDONED THEIR PROPERTY, AND CONFIDED THEMSELVES UNARMED AND DEFENSELESS TO THE MORMONS. NOW, IS IT POSSIBLE THAT DURING THE TWO OR THREE DAYS,WHEN THE SUBORDINATES AMONG THE	WAS COMMUNICATED ~~.~~? THE TESTIMONY, MOREOVER, SHOWS THAT A CAPITULATION WAS AGREED TO, BETW**E**EN THE EMIGRANTS AND THE MORMONS, ~~AFRE S~~AFTER THE DISAPPEARANCE OR WITHDRAWAL OF THE INDIANS. THIS WAS EVIDENTLY A MEASURE OF SAFETY ON THE **P**ART OF THE FORMER AGAIN~~T~~**ST** THE INDIANS. BY THE TERMS OF THAT CAPITULATION, THE EMIGRANTS ABANDONED THEIR PROPERTY AND CONFIDE~~N~~D THEMSELVES UNARMED AND DEFENSELELL TO THE MORMONS. NOW, IS IT NOT POSSIBLE THAT DURING THE TWO OR THREE DAYS WHEN THE SUBBORDINATES AMONG THE

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RS	PS	RT	BT
		MORMONS WERE RESTING IN CAMP AT THE MEADOWS, AND THE INDIANS WERE MAKING WAR OF THE EMIGRANTS,LEE AND OTHER PROM- [[21]] INENT PERSONS OF THE MORMON PARTY WERE ENDEAVORING TO PERSUADE THE INDIANS TO DESIST, THAT THEY AT LENGTH SUCCEDEDED AND OBTAINED THE AGREEMENT FROM THE INDIANS THAT THEY WOULD REFRAIN FROM ALL FURTHER ATTACK ON THE PERSONS OF THE EMIGRANTS,FOR A STIPULATED BONUS FROM THEIR STOCK AND TRAIN? THE PROSECUTION HAVE LAVISHED THEIR ANATHEMAS UPON THE MORMONS FOR DRAWING THE	MORMONS WERE RESTING IN CAMP AT THE MEADOWS , AND THE INDIANS WERE MAKING WAR ON THE EMIGRANTS, LEE AND OTHER PEOMINENT PERSONS OF THE MORMON PARTY WERE ENDEACVORING TO PERSUADE THE INDIANS TO DESIST; THAT THEY AT LENGTH SUCCEEDED AND OBTAINED THE AGREEMENT FROM THE INDIANS THAT THEY WOULD REFRAIN FROM ALL FURTHER ATTACK ON THE PERSONS OF THE EMIGRANTS FOR A STIPULATED BONUS FROM THEIR STOCK AND PROPERTY? THE PROSECUTION HACVE LAVISHED THEIR ANATHEMAS ON THE MORMONS FOR DRAWING THE

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RS	PS	RT	BT
		EMIGRANTS OUT OF THEIR ENTRENCHMENTS BY MEANS OF A FLAG OF TRUCE,AND A CAPITULATION. THE PROSECUTION HAVE ASKED THE JURY TO FIND THAT THE MORMONS AND INDIANS,BY CONCERT, TOOK PART IN THE SLAUGHTER; THAT THE CAPITULATION AND SUBSEQUENT SLAUGHTER WERE PRE-ARRANGED. THE PEOPLE ASSUMED THE FACT OF SUCH AGREEMENT,AND ASKED THE JURY TO FIND IT SOLELY ON THE TESTIMONY OF SMITH AND WHITE, OF ACTS THEY TESTIFY WERE DONE AND THE LANGUAGE THEY PRETEND TO HAVE HEARD, TOGETHER WITH THE FACT OF THE SLAUGHTER.	EMIGRANTS OUT OF THEIR ENTRENCHMENT BY MEANS OF A FLAG OF TRUCE AND A CAPITULATION. THE PROSECUTION HAVE ASKED THE [19] JURY TO FIN~~E~~D THAT THE MORMONS AND INDIANS TOOK PART IN THE SLAUGHTER; THAT THE CAPITULATION AND S~~E~~UBSEQUENT SLAUGHTER WERE PREARRANGED. THE PEOPLE ASSUME THE FACT OF SUCH AGREEMENT~~,~~ AND ASK THE JURY TO FIND IT SOLELY ON THE TESTIMONY OF SMITH AND WHITE, OF ACTS THEY TE STIFIED WERE DONE AND FOF LANGUAGE THEY PRETEND TO HAVE HEARD, TOGETHER WITH THE FACT OF THE SLAUGHTER .

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RS	PS	RT	BT
		THE PEOPLE,HOWEVER,HAVE OBJECTED TO THE PROOF OF WHAT WAS SAID AND DONE IN THE NEGOTIATION WITH THE INDIANS, CONDUCTED BY ~~LA~~LEE. WHY ? THEY COULD HAVE NO OBJECTION TO WHAT WAS SAID BETWEEN THEM, UNLESS THAT NEGOTIATION WOULD BE FAVORABLE TO LEE. THE PEOPLE DID OBJECT. IN BEHALF OF LEE WE HAVE LABORED TO BRING BEFORE YOU ALL THAT WAS SAID BETWEEN LEE AND THE INDIANS, AND ALL THAT WAS SAID BETWEEN THE MORMONS ON THE FIELD. ;IT CANNOT BE DOUBTED THAT IF A CONSPIRACY WAS THERE FORMED, OR WAS THERE	THE PEOPLE HOWEVER, HAVE OBJECTED TO THE PROOF OF WHAT WAS SAID AND DONE, IN THE NEGOTIATION WITH THE INDIANS~~,~~ CONDUCTED BY LEE. WHY? THEY COULD HAVE HAD NO OBJEFTION TO WHAT WAS SAID BETWEEN THEM, UNLEESS THAT NEGOTIATION WOULD BE FAVORABLE TO LEE. THE PEOPLE DID OBJECT, IN BEHALF OF LEE WE HA~~C~~VE LABORED TO BRING BEFORE YOU ALL THAT WAS SAID BETWEEN LEE AND THE INDI~~Z~~ANS, AND ALL TH~~E~~AT WAS SAID BETWEE**E**N THE MORMONS ON THE FIELD. IT CAN NOT BE DOUBTED THAT IF A CONSPIRACY WAS THERE FORME D, OR ~~WAS~~ **WAS** THERE

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RS	PS	RT	BT
		BEING WORKED OUT, SUCH EVIDENCE,THAT IS, THE COLLOQUIUM, ON THE FIELD,WOULD SHOW IT, IF THE WITNESSES TOLD THE TRUTH. IT WOULD BE THE VERY TESTIMONY BY WHICH SUCH A SCHEME WOULD BE EXPECTED TO BE *[[22]]* REVEALED, OR IF SUCH A SCHEME WERE EQUIVOCALLY SUGGESTED BY ANY OTHER FACTS, THE TESTIMONY OF WHAT WAS ACTUALLY SAID AND DONE DURING THE PERIOD WHEN IT IS ALLEGED TO HAVE BEEN CONCERTED AND CARRIED INTO EXECUTION WOULD BE THE DIRECT AND MOST SATISFACTORY	BEING **W**ORKED OU~~R~~T~~.~~ SUCH EVIDENCE~~.~~ THAT IS~~,~~ THE **COLLOQU**~~O~~**Y** ~~COLOQUIUM~~ ON THE FIELD WOULD SHOW IT, IF THE WITNESSES TOLD THE TRUTH. IT WOULD BE THE VERY TESTIMONY BY WHICH A SCHEME WOULD BE EXPECTED WOULD BE REVEALED; OR IF SUCH A **SCHEME** ~~SCHEAM~~ WERE EQUIVOCALLY SUGGESTED BY ANY OTHER FACTS, THE TESIMONY OF WHAT WAS ACT~~Y~~UALL~~U~~Y~~Y~~ ~~X~~SAID AND DONE DURING THE PERIOD WHEN IT IS ALLEGED TO HAVE BEEN CONCERTED AND CARREID INTO E~~C~~**X**ECUTION, WOULD BE THE DIRECT AND MOST SATISFACTORY

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RS	PS	RT	BT
		EVIDENCE TO REBUT THE CHARGE. INDEED IT IS THE ONLY EVIDENCE TO DENY THE PRISONER THE PRIVILEGE OF PUTTING SUCH FACTS BEFORE THE JURY, IS TO REFUSE HIM THE PRIVILEGE OF MAKING A DEFENSE. UNLESS LEE WAS A PARTY TO AN AGREEMENT WITH THE PERSONS WHO ACTUALLY COMMITTED THE SLAUGHTER BY WHICH HE WAS ADVISED OF IT BEFOREHAND, AND GAVE HIS CONSENT TO IT, HE IS NOT CHARGEABLE WITH ANYGUILTY KNOWLEDGE OR PARTICIPATION. LEE'S SOLICITUDE TO PUT ALL SUCH EVIDENCE BEFORE THE JURY EVINCES HIS CONFIDENCE THAT HE WILL BE	EVIDENCE TO REBUT THE CHARGE. INDEED IT IS THE ONLY EVIDENCE***** TO DENY THE PRISONER THE PRIVILEGE OF PUTTING SUCH FACTS BEFORE THE JURY, IS TO REFUSE HIM THE PRIVILEGE OF MAKING A DEFENS~~A~~E. UNLESS LEEE WAS A PARTY TO AN AGREEMENT WITH THE PERSONS WHO ACTUALLY COMMITTED THE SLAUGHTER BY WHICH HE WAS ADVISED OF IT BEFORE HAND~~,~~ AND GAVE HIS CONSENT TO IT, HE IS NOT CHARGABLE WITH ANY GUILTY KNOWLEDGE OR PARITICIPATION. ~~LEE.S~~ **LEE'S** SOLICITUDE TO PUT ALL EVIDENCE BEFORE **T**HE JURY, EVINCES HIS CONFIDENCE THAT HE WOULD BE

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RS	PS	RT	BT
		VINDICATED BY IT, OF ALL CHARGE OF COMPASSING THE DEATH OF THESE EMIGRANTS. YOU HAVE BEEN INSTRUCTED THAT THE HYPOTHESIS OF THE PEOPLE IS TO BE PROVED, AND THAT IT MUST BE ESTABLISHED BY PROOF BEYOND A REASONABLE DOUBT. THAT IS AN HYPOTHESIS OF GUILT—THAT IS THE HYPOTHESIS TO BE PROVED. IF THE DEFENDANT MAY BE INNOCENT, NOTWITHSTANDING ALL THE FACTS PROVED ON THE PART OF THE PEOPLE, AND ACCEPTED BY THE JURY, AS ESTABLISHED, THEN THE JURY MUST ACQUIT, FOR THE PRESUMPTION OF INNOCENCE IS NOT THE OVERTURNED. THERE IS NO	VINDI~~V~~CATED BY IT FROM ALL CHARGE OF COMPASSING THE DEATH OF THESE EMIGRANTS. *[20]* YOU HAVE BEEN INSTRUCTED THAT THE HYPOTHESIS OF THE PEOPLE IS TO BE PROVED, AND THAT IT MUST BE ESTABLISHED BY PROOF BEYOND A REASONABLE DOUBT. THAT IS AN HYPOTHECIS OF GUILT—THAT IT IS THE HYPOTHESIS TO PROVE. IF THE DEFENDANT MAY BE INNOCENT NOTWITHSTANDING ALL THE FACTS PROVED ON THE **P**ART OF THE POEOPLE, AND ACCEPED BY THE JURY AS ESTABLISHED, THEN THE JURY MUST ACQUIT FOR THE PR~~U~~ESUMPTION OF INNOCENCE IS NOT OVERTURNED. THERE IS NO

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RS	PS	RT	BT
		PROOF WHATEVER THAT HE ENCOURAGED THE INDIANS TO ATTACK THE EMIGRANTS WHILE THEY WERE MARCHING BACK TOWARDS CEDAR. THERE IS NO EVIDENCE WHATEVER,EXCEPT THE CONTRADICTED AND IMPEACHED AND WORTHLESS TESTIMONY OF SMITH, THAT LEE EVER DID ANY ACT OR UTTERED *[[23]]* ANY WORD ~~EVICNG~~ EVINCING KNOWLEDGE OF A PURPOSE TO KILL THE EMIGRANTS, OR THAT HE CONSENTED THERE TO. A TRUCE AND CAPITULATION WERE THE PROPER STEPS TO BE TAKEN FOR THE RELIEF OF THE EMIGRANTS. THEY COULD NOT HOLD OUT	PROOF WHATE~~E~~**V**ER THAT HE ENCOURAGED THE INDIANS TO ATTACK THE EMIGRANTS WHILE THEY WERE MARCHING BACK TOWARDS CEDAR. THERE IS NO EVIDENCE WHATEVER, EXCEPT THE CONTRADICTED, AND INPEACHED AND WORTHLESS ~~S~~TESTIMONY OF SMITH THAT LEE EVE~~D~~R DID ~~N~~ANY ACT OR UTTERED ANY WORD~~,~~ EVINCING KNOWLEDGE OF A PURPOSE TO K~~N~~**I**LL THE EMIGRANTS, OR THAT HE CONSENTED THERETO. A TRUCE AND CAPITULATION WERE THE PROPER STEPS TO BE TAKEN FO**R** THE RELIEF OF THE EMIGRANTS. THEY COULD NOT HOLD OUT

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RS	PS	RT	BT
		IN THEIR IMPROVISED ENTRENCHMENT AGAINST A PROLONGED ATTACK. A PERSEVERING SIEGE BY THE INDIANS WOULD INEVITABLY EVENTUATE IN THEIR EXTERMINATION. A JOINT RESSISTENCE OF THE INDIANS BY THE EMIGRANTS AND MORMONS WOULD HAVE BEEN EQUALLY SUICIDAL AND FUTILE. THE INDIANS OUTNUMBERED THEM FOUR TO ONE. AND SUCH A CONTEST,EVEN IF IT COULD BE SUCCESSFUL,ON THE PART OF THE WHITES, COULD NOT FAIL TO EXPOSE ALL THE PIONEER SETTLEMENTS IN THE TERRITORY TO THE SAME DANGER THAT THEN THREATENED THESE HAPLESS EMIGRANTS. THE	IN THEIR IMPROVISED INTERNCHMENTS AGAINST A LONG ATTACK. A PERSEVERING SIEGE BY THE INDIANS WOULD INEVITABLEY EVENTUATE IN THEIR EXTERMINATION. A JOINT RESISTANCE OF THE INDIANS BY THE EMIGRANTS AND MORMONS WOULD HAVE BEEN EQUALLY SUICIDAL AND FUTILE. THE INDIANS OUTNUMBERED THEM OFOUR TO ONE. AND SUCH A CONTEST EVEN IF IT COULD BE SUCCESSFUL ON THE PART OFTHE WHITES, COULD NOT FAIL TO EXPOSE ALL THE PIONRREER SETTLEMENTS OF THE TERRITORY RTO THE SAME DANGER THAT THEN THREATENDE THESE HAPLESS EMIGRANTS. THE

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RS	PS	RT	BT
		SAFETY OF THE SETTLEMENTS HAS BEEN PRUDENTLY SECURED BY CULTIVATING FRIENDLY RELATIONS WITH THE SAVAGES. BEING MORE NUMEROUS, AND THEIR MODE OF WARFARE BEING THAT OF ASSASSINS, THEY WERE ABLE,AT ANY TIME, TO OVERWHELM AND DESTROY THEM. ALL THESE ~~F~~ACTS WERE IN THE DIRECTION OF SAFETY TO THE EMIGRANTS; THEY WERE ONLY MADE TO BEAR A DIFFERENT COMPLXION BY SMITHS PERJURY, IN STATING CERTAIN LANGUAGE WHICH WAS NEVER SPOKEN, TO THE EFFECT THAT HIS PLAN	SAFETY OF THE SETTLEMENTS HAS BEEN PRUDENTLY SECURED BY CULTIVATING FRIENDLY RELATIONS ~~B~~WITH THE SAVAGES. BEING MORE ~~M~~**M**NUMEROUS AND THEIR MODE OF WARFARE BEING THAT OF **ASSASSINATING** ~~ASSASSINO~~**A**~~,~~**TIN** **G** THEY WERE ABLE AT ANY TIME TO OVERWHELM AND DESTROY THEM. ALL LEE'S ACTS WERE IN THE DIRECTION OF SAFETY TO THE EMIGRANTS; THEY WERE ONLY MADE TO BEAR A DIFFERENT COMPLECTION BY SMITHS PERJURY, IN STATING CERTAIN LANGUAGE WHICH WAS NEVER SPOKE~~D~~N, TO THE ~~F~~**F**~~E~~ EFFECT THAT HIS PLA~~D~~N

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RS	PS	RT	BT
		WAS TO DESTROY THEM. THIS TESTIMONY COULD ONLY BE CONTRADICTED BY OTHER VERBAL ACTS, AND THESE HE WAS DENIED THE PRIVILEGE OF.PROVING ON THE OBJECTION OF THE PROSECUTION. THE ATTACK WHICH WAS MADE ON THE EMIGRANTS WAS A VIOLATION OF THE TRUCE. IT WAS A TREACHEROUS AND DASTARDLY DISREGARD OF THAT FAITH ~~HAND HUMM~~ AND HUMANITY WHICH NONE BUT SAVAGES HAVE FAILED TO OBSERVE *[S24]* SINCE THE MOST BENIGHTED AGES OF THE PAST,WHO VIOLATED THE TRUCE ? WHO TOOK PART IN THAT BUTCHER~~?~~Y? DISRAGARD SMITH'S AND	*[21]* WAS TO DESTROY THEM. TH IS TESTIMONY COULD ONLY BE CONTRADICTED BY OTHER VERBAL ACTS, AND THESE ~~H~~WE WAS DENIED THE PRIVILEGE OF PROVING ON THE OBJECTION OF THE PROSECTUTION. THE ATTACK WHICH WAS MADE ON THE EMIGRANTS WAS A VIOLATION OF THE TRUCE. IT WAS A DASTARDLY AND TREACHEROUS DIS~~T~~REGARD OF THAT FAITH AND HUMANITY WHICH NONE BUT SAVAGES HAVE FAILED TO OBSERVE SINCE THE MOST BENIGHTE~~N~~**D**~~D~~ AGES OF THE PAST. WHO VIOLATED THE TRUCE? WHO TOOK PART IN THAT ~~V~~BUTCHERY? DIS~~T~~REGARD SMITH'S AND

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RS	PS	RT	BT
		WHITE'S TESTIMONY AND THERE WOULD BE NO SUSPICION THAT THE MORMONS DID ANYTHING OF THE KIND. THAT THE INDIANS DID TAKE PART FROM THE BEGINNING OF THAT SLGUHTER IS PROVED BEYOND ALL QUESTION. SMITH AND WHITE ALONE STATE THAT THE WHITES TOOK PART, AND THEY DO NOT EVEN MENTION THE INDIANS, UNTIL EXPRESSLY INTERROGATED, AFTER THE MAIN NARRATIVE HAD BEEN GIVEN. THEY ARE MURDERERS,ON THEIR OWN STATE.MENTS,FOR THEY SAY ON OATH THAT THEY TOOK P~~S~~ART IN THAT BUTCHERY. THEY DO NOT SAY WHO ELSE DID EXCEPT BY	WHITES TESTIMONY AND THERE WOULD BE NO SUSPICION THAT THE MORMONS DID ANYTHING OF THE KIND. THAT THE INDIANS DID TAKE PART FROM ~~B~~THE BEGINNING OF THAT SLAUGHTER I~~S~~ PROVED BEYOND ALL QUESTION. SMITH AND WHITE ALONE STATE THAT TH~~W~~E WHITES TOOK PART, AND THEY DO NOT EVEN MENTION THE INDIANS UNTIL EXPRESSLY INTERROGATED~~,~~; AFTER THE MAIN NARRATIVE HAD BEEN GIVEN. THEY ARE MURDERERS ON THEIR OWN STATEMENTS, FOR THEY SAY ON OATH THAT THEY TOOK PART IN THAT BUTCHERY. THEY DO NOT SAY WHO ELSE DID EXCEPT BY

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RS	PS	RT	BT
		VAGUE IMPLICATION. A SUPPOSITION THAT LEE MADE,OR CONTRIBUTED TO THE MAKING OF A BONA FIDE ARRANGEMENT TO SAVE THE LIVES OF ALL THE EMIGRANTS, AS HE SAVED THE LIVES OF THE CHILDREN, BY THAT CAPITULATION, IS A SUPPOSITION IN FAVOR OF INNOCENCE, WHICH IS ALWAYS THE SUPPOSITION OR PRESUMPTION OF LAW,AND IT CONTINUES WHILE IT CAN STAND CONSISTENTLY WITH OTHER FACTS PROVED. IT IS,THEREFORE, A REASONABLE SUPPOSITION IN THIS CASE,BECAUSE THE PROOF DOES NOT OVERTURN IT, AND IT IS SUPPORTED BY	~~F~~VAGUE IMPLICATION. A SUPPOSITION THAT LEE MADE~~,~~ OR CONTRIBUTED TO THE MAKING~~,~~ OF A **BONAFIDE** ~~BONIFIED~~ ARRANGEMENT TO SAVE THE LIVES OF ALL THE EMIGRANTS AS HE SAVED THE LIVES OF THE V~~J~~HILDREN BY THAT CAPITULATION**,** IS A SUPPOSITION IN FAVOR OF INNOCENCE**,** WHICH IS AL~~L~~WAYS THE SU~~C~~PPOSITION OR PRESUM**P**TION OF LAW, AND IT CONTINUES WHILE IT C~~S~~AN STAND CONSISTENTLY WITH OTHER FACTS PROVED. IT IS THEREFORE, ~~S~~A REASONABLE SUPPOSITION IN THIS CASE, BECAUSE THE PROOF DOES NOT OVERTURN IT AND~~,~~ IT IS SUPPORTED BY

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RS	PS	RT	BT
		COLLATERAL FACTS OF GRES~~S~~AT EVIDENTIARY FORCE. IF THAT SUPPOSITION IS ACCEPTED,LEE MUST BE ACQUITTED,FOR I REPEAT THAT IT IS AN HYPOTHES~~S~~IS WHICH HARMONIZES WITH ALL THE FACTS WHICH THE JURY CAN FIND; IT HARMONIZES WITH EVERY LEGAL DEDUCTION FROM THOSE FACTS. IT IS AN HYPOTHESIS THAT THE FACTS PROVED DO NOT EXCLUDE OR REBUT, AND IT IS, MOREOVER, THE DIRECT FACT WHICH LEE OFFERED TO PROVE,AND IN CONSEQUENCE OF THE OBJECTION OF THE PROSECUTION,WAS PREVENTED FROM PROVING. THE COLLATERAL	COLLATERAL FACTS OF GREAT EVIDENTIATY FORCE. IF THAT SUPPOSITION IS ACCEPTED LEE MUST BE ACQUITED, FOR I REPEAT IT IS AN HYPOTHESIS WHICH HARMONIZES WITH AL L THE FACTS WHICH THE JURY CAN FIND; IT HARMONIZES WITH EVERY LEGAL DEDUCTION FORM THOSE FACTS~~,~~. IT IS AN HYPOTHESIS THAT THE FACTS PROVED DO NOT EXCLUDE OR REBUT, AND IT IS, MOREOVER, THE DIRECT FACT WHICH LEE OFFERED TO PROVE, AND~~.~~ *[22]* IN CONSEQUENCE OF THE O~~N~~BJECTION OF THE PROSECUTION, WAS PREVENTED FROM PROVING. THE ~~O~~ COLLATERAL

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RS	PS	RT	BT
		FACTS, BY WHICH THIS HYPOTHESIS IS SUPPORTED ARE *[S25]* THOSE ON WHICH SMITH AND WHITE HAVE BEEN CONTRADICTED. A DESTRUCTION OF THE EMIGRANTS PURSUANT TO A PREVIOUS PLAN NECESSARILY PRESUPPOSED SOME DISCUSSION BETWEEN THOSE WHO DO THE BLOODY DEED. SOME MEANS MUST BE PROVIDED, SOME MODE OF ACTION AGREED ON. SMITH HA~~D~~S BEEN RELIED ON TO SUPPLY THIS EVIDENCE. HE SAYS LEE CALLED HIM ASIDE FOR CONSULTATION AT HAMBLIN'S RANCH,TOLD HIM WHAT WAS TO BE DONE; THAT THEREFORE, AND PURSUANT TO THE PLAN	FACTS BY WHICH THIS HYPOTHESIS IS SUPPORTED ARE THOSE ON WHICH SMITH AND WHITE HAVE BEEN CONTRADICTED. A DESTRUCTION OF THE EMIGRANTS PERSUANT TO A PREVIOUS PL~~A~~AN NECESSIARLY PRESUPPOSES SOME DISCUSSION BETWEEN THOSE WHO **DID** ~~DO~~ THE BLOODY DEED. SOME MEANS MUST BE PROVIDED, SOME MODE OF ACTION AGREED UPON. SMITH HAS BEEN RELIED ON TO SUPP~~O~~LY THIS EVIDENCE. HE ~~WA~~ SAYS LEE CALLED HIM ASIDE FOR CONSULTATION AT HAMBLINS RANCH; TOLD HIM WHAT WAS TO BE DONE ; THAT THEREFORE AND PERSUANT TO THE PLAN

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RS	PS	RT	BT
		THEN ANNOUNCED, LEE TOOK COMMAND OF THE MORMON FORCES TO EXECUTE THE PLAN. TO THAT INTERVIEW HE IS CAREFUL TO SAY THERE WA~~A~~S NO OTHER WITNESS.	THEN ANNOUNCED, LEE TOOK COMMAND OF THE MORMON FORCES TO EXECUTE THE PLAN. TO THAT INTERVIEW HE IS CAREFUL TO SAY T**H**ERE WAS NO OTHER WITNES~~-~~S,.
NOTICE THE FACT SMITH SAID HE MET ALLEN WHITE SAID HE DID NOT SMITH SAID	NOTICE THE FACT NOW THAT SMITH SAID HE MET ALLEN WHITE SAID HE DID NOT SMITH SAID [*space*]	SMITH PROCEEDS TO SAY THAT IMMEDIATELY AFTER THIS ANNOUNCEMENT OF THE OBJECT TO BE ACOOMPLISHED, AND THE PLAN OF OPERATIONS,LEE	SMITH PROCEEDS TO SAY, THAT IMMEDIATELY AFTE**R** THIS ANNOUNCEMENT OF THE OBJECT TO BE ACC~~M~~OMPLISHED AND THE PLAN OF OPERATIONS, LEE
LEE TOOK CHARGE OF THE MORMONS AT CAMP FORMED THEM IN HOLLOW SQUARE	FORMED INTO HOLLOW SQUARE	FORMED THE MORMONS INTO A HOLLOW SQUARE AT THE CAMP; THAT HE HERE, IN THE CHARACTER OF COMMANDER,AD	FORMED THE MORMONS INTO A HOLL OW SQUARE AT THE CAMP; THAT HE HERE IN THE CHARACTER **OF A COMMANDER**
GAVE THEM DIRECTIONS	GAVE THEM DIRECTIONS	DRESSED THEM, STATING	ADDRESSED THEM STATING

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RS	PS	RT	BT
PART THEY WERE TO PERFORM IN THIS BLOODY *STM/SEPTEMBER*[?]	PART THEY WERE [*space*]	WHAT THEY WERE TO DO TO ACCOMPLISH THE SLAUGHTER; THAT THEY WERE TO MARCH TO A DESIGNATED POINT,MARCH WITH THE EMIGRANTS FOR A SPACE, AND ON THE COMMAND TO HALT, THEY WERE TO PAUSE AND FIRE. THAT,ON THIS COMMAND BEING GIVEN, THE COURSE POINTED OUT WAS FOLLOWED. IF THIS OCCURRED, AND THE MORMONS, SO COMMANDED, MOVED TO THE POINT DESIGNATED, IT IS STRONG EVIDENCE TO CRIMINATE LEE. BUT,FORTUNATELY FOR THE DEFENSE, HE IS NOT SUPPORTED BY THE OTHER WITNESSES. EVEN WHITE	WHAT THEY WERE TO DO TO ACCOMP~~O~~LISH THE SLAUGHTER; THAT THEY WERE TO MARCH TO A DESIGNATED POINT, MARCH WITH THE EMIGRANT~~X~~S FOR A ~~S~~PACE~~,~~ AND ON THE COMMAND TO HALT~~,~~ THEY WERE TO PAUSE AND FI~~E~~RE; THAT ON THIS COMMAND BEING GIVEN THE COURSE POINTED OUT WAS FOLLOWED. IF THIS OCCURRED AND THE MORMONS SO COMMANDED, MOVED TO THE POINT DESIGNATED IT IS STRONG EVIDENCE TO CONVICT LEE, BUT, FORTUNATELY FOR THE DEFEN~~D~~SE**,** HE WAS NOT SUPPORTED ~~N~~BY THE OTHER WITNESSES. EVEN WHITE
WHITE	WHITE		

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RS	PS	RT	BT
SAYS NO SUCH THING TOOK PLACE.	SAYS NO SUCH THING TOOK PLACE [*space*]	SAYS THERE WAS NO HOLLOW SQUARE FORMED AT THE CAMP OR ELSEWHERE, NO ADDRESS BY LEE TO THE MORMONS, NO COMMANDS LAID UPON THEM BY ANYBODY.	SAYS THERE WAS NO HOLLOW SQUARE FORMED AT THE CAMLP OR ELSEWHERE; NO ADDRESS BY LEE TO THE MORMONS; NO COMMANDS LAID UPON THEM BY ANYBODY.
≤*DID NOT* *SOMEBODY ELSE* *HAVE* *SOMETHING TO* *SAY*≥	DID NOT SOMEBODY ELSE HAVE SOMETHING TO SAY ON THAT SUBJECT [*space*]		
YOUNG AND POLLOCK [*space*] THERE IS THREE WITNESSES	YOUNG AND POLLOCK THERE IS 3 WITNESS AGAINST SMITH	POLLOCK AND YOUNG BOTH SAY	POLLOCK AND YOUNG BOTH SAY
UPON THAT VERY VITAL QUESTION I WISH YOU CONSIDER THAT ITEM OF TESTIMONY IN THIS CONNECTION WITH THE FALSE THEORY UNLESS THE TROOPS WERE FORMED AT THE CAMP UNLESS THEY WERE MARCHED TOWARDS THE *EMIGRANTS*[?] IN FILE UNDER	ON THAT VERY VITAL QUESTION *[[37]]* I WISH YOU TO CONSIDER THAT ITEM OF TESTIMONY IN CONNECTION WITH THE FALSE THEORY UNLESS THE TROOPS WERE FORMED AT THE CAMP UNLESS THEY WERE MARCHED DOWN TO THE CAMP IN FILE UNDER	THERE WAS NO FORMING OF THE MORMONS INTO RANK AND FILE TO MARCH TO THE ROAD WHERE THE EMIGRANTS	THERE WAS NO FORMING OF THE MORMONS INTO RANK AND FILE TO MARCH TO THE ROAD ~~WHIR~~EWHERE THE EMIGRANTS

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RS	PS	RT	BT
ORDERS THAT HAD NOT ANYTHING TO DO IN THE PLAN THAT WAS TO BE CARRIED OUT	ORDERS THAT HAVE NOT ANYTHING TO DO IN THE PLAN THAT WAS TO BE CARRIED OUT	WERE TO PASS, THAT THOSE WHO WENT , WENT VOLUNTARILY, AND THOSE WHO CHOSE NOT TO GO REMAINED AT THE CAMP; THAT THOSE WHO WENT WALKED PROMISCUOUSLY, AND NOT IN FILE. THE *[[26]]* PRESENCE OF SUCH MORMONS AS WERE NEAR THE EMIGRANTS WHEN THEY WERE ATTACKED,WAS ACCIDENTAL. THE FACT THAT THEY HAD NOT BEEN CALLED ON TO GO THERE,EITHER IN FILE OR UNDER OFFICERS, IS CONVINCING PROOF THAT THEY HAD NO PRECONCERTED PART TO PERFORM THERE. YOU MUST UNHESITATINGLY BELIEVE THAT IF ANY PART OF THE	WERE ~~TO~~ **TO** PASS.—THAT THOSE WHO WENT WENT VOLUNTARILY, AND THOSE WHO CHOSE NOT TO GO REMAINED AT THE ~~N~~CAM~~O~~P; THAT WHOSE WHO WENT WALKED PROMISCUOUSLY, NOT IN FILE. THE PRESENCE OF SUCH MORMONS AS WERE NEAR~~,~~ THE *[23]* EMIGRANTS WHEN THEY WERE ATTACKED, WAS ACCIDENTAL. THE FACT THAT THE~~A~~**Y** HAD NOT BEEN CALLED ON TO GO THERE , EITHER IN FILE OR UNDER OFFICERSS IS CONVINCING PROOF THAT THEY HAD NO PRECONCERTED PAR~~R~~T TO ~~P~~PERFORM THERE. YOU MUST UNHESITATINGLE BELIEVE ~~.~~ THAT IF ANY PART OF THE

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RS	PS	RT	BT
		MORMONS THERE HAD A FIXED PLAN, AND HAD DETERMINED TO DESTROY THE EMIGRANTS BY FIRST RENDEERING THEM DEFENSELESS, BY A PERFIDIOUS USE OF A FLAG TRUCE, OR OTHERWISE, THEY WOULD ALL HAVE BEEN MADE PARTIES TO THE HELLISH PLOT; ONE PART WOULD NOT HAVE PROCEEDED IN THE VIEW, AND UNDER THE OBSERVATION OF THE REST, WHO, REMAINING INNOCENT, COULD BE THEIR SUBSEQUENT ACCUSERS. IT IS IDLE TO TALK OF MEN, IN SUCH AN UNDERTAKING,DESTROYING CHILDREN OF SUFFICIENT AGE TO	MORMONS THERE HAD A FIXED PLAN ~~THERE~~ AND HAD DETERMINED TO DESTROY THE EMIGRANTS BY FIRST RENDERING THEM DEFENSELESS~~,~~ BY A PERFIDEOUS USE OF A FLAG OF TRUCE~~,~~ OR OTHERWISE, THEY WOULD ALL HA~~B~~VE BEEN ~~W~~MADE PARTIES ~~OT~~ TO THE HELLISH PLOT~~;~~ ONE PART WO ULD NOT HAVE PROCEEDED IN OPEN VIEW~~,~~ AND UNDER THE OBSERVATION OF THE REST, WHO REMAINING INNOCENT, COULD BE T~~I~~HEIR SUBSEQUENT ACCUSERS. IT IS IDLE TO TALK OF MEN IN SUCH AN UNDERTAKING ~~—~~DESTROYING CHILDREN OF SUFFICIENT A~~E~~GE TO

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RS	PS	RT	BT
		REMEMBER, AND YET BEING UNMINDFUL OF THE PRESENCE OF ADULT WITNESSES. IT IS ABSURD TO TALK OF AN ORGANIZED FORCE TO DESTROY THE EMIGRANTS,WHI LE IT APPEARS THAT THEY WERE NOT CALLED TOGETHER, THAT THERE WAS NO AGREEMENT TO GO, NOR ANY COMMAND TO GO; THAT ALL DID NOT GO TO THE PLACE OF SLAUGHTER;	REMEMBER, AND YET BEING UNMINDFUL OF T~~Y~~**H**E PRESENCE OF ADULT WITNESSES. IT IS ABSURD TO TALK OF AN ORGANIZED FORCE TO DESTROY THE EMIGRANT~~X~~S, WHILE IT APPEARS THAT THEY WERE NOT ~~A~~CALLED TOGETHER**,** THAT THERE **WAS** ~~ZWAS~~ NO AGREMENT TO GO NO~~T~~R ANY COMMAND TO GO; THAT ALL DID NOT GO TO THE PL~~S~~ACE OF THE SLAUGHTER**.**
IF THEY *WERE LEFT*[?] TO GO DOWN THERE UPON PROMPTINGS OF THEIR OWN CURIOSITY	IF THEY WERE LEFT TO GO DOWN THERE UPON THE PROMPTINGS OF THEIR[449] OWN CURIOSITY	WHILE IT APPEARS THAT THOSE WHO WENT — WHEN AS IF PROMPTED BY INTEREST TO WITNESS THE DELIVERY OF THE MEN, WOMEN AND CHILDREN THEY HAD COME TO SAVE, AND THAT OTHERS	WHILE IT APPEARS THAT ~~W~~THOSE WHO WENT, WENT AS IF PROMPTED BY INTERST TO WITNESS THE DELIVERY OF THE MEN WOMEN ~~SN~~ AND CHILDREN THEY HAD COME TO SAVE, AND THAT OTHER S
THEY WERE AT LIBERTY TO STAY IN CAMP	THEY WERE AT LIBERTY TO GO		

449. Word apparently added later.

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RS	PS	RT	BT
OR GO AT THEIR OPTION	TO STAY AT THEIR OPTION	REMAINED BY A LIKE VOLITION IN CAMP,CONTENT WITH THE ASSURANCE THAT THEIR MISSION WOULD BE A SUCCESS.	REMAINE D BY A LIKE VOLITION IN CAMP CONTENT WITH THE ASSURANCE THAT THEIR MISSION WOULD BE A SUCCESS.
IF THERE WAS A PLAN CALCULATING DESTROY THE EMIGRANTS WITH[450] THEIR GUNS THEN THEY CERTAINLY WERE MARCHED DOWN THERE[451] AND PUSHED FORWARD TO THE POINT WHERE THEY WERE TO PARADE. IF THEY WERE NOT MARCHED DOWN THERE THEN THEY KNEW PLAN WHICH WAS FORMED IF NO PLAN WAS FORMED HAD NO PART AND NO SUCH PLAN WAS FORMED.	AND IF THERE WAS *A*[?] PLAN TO DESTROY THE EMIGRANTS WITH THEIR GUNS THEN THEY CERTAINLY WERE MARCHED DOWN THERE PUSHED FORWARD [*space*] IF NOT THEN THEY KNEW THE PLAN THAT WAS FORMED IF NO PLAN WAS FORMED HAD NO PART *AND/OR*[?] *LAID*[?] ≤NO≥ SUCH PLAN WAS FORMED [*space*]	THIS	THIS

450. Word apparently added later.
451. Word apparently added later.

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RS	PS	RT	BT
		CONTRADICTION BY YOUNG,POLLOCK AND PIERCE, OF SMITH'S STATEMENT THAT THE MORMONS WERE PUT IN RANK AND FILE AND MARCHED TO THE PLACE OF SLAUGHTER — ,THEIR CONTRADICTION OF HIS STATEMENT THAT THE MORMONS THERE WERE SUCH MINIONS AND SERFS, THAT THEIR CONCURRENCE *[[27]]* IN SUCH A DEVELISH PLOT COULD BE TAKEN FOR GRANTED, OR THEIR PARTICIPATION IN ITS EXECUTION BE COMMANDED, ITHOUT CONSULTATION TO ASCERTAIN THAT THEY WERE WILLING TO INCUR THE GUILT OF MURDER, ON SUCH A GIGANTIC	CONTRADICTION BY YOUN~~F~~G, ~~POLLO~~POLLOCK AND P~~EA~~I**E**RCE OF SMITH'S STATEMENT, THAT THE MORMONS WERE PUT IN RANK AND FILE AND MARCHED TO THE PLACE OF SLAUGHTER~~;~~ ~~THER~~ THEIR CONTRA DICTION OF A STATE~~E~~MENT THAT **THE** ~~THE~~ MORMON~~E~~S THERE WERE SUCH MINIONS AND SERFS, THAT THEIR CONCURRENCE IN SUCH A DEVLISH PLOT COULD BE TAKEN FOR GRANTED, OR THEIR PARTICIPATION IN ITS EXECUTION BE COMMANDED~~,~~ WITHOUT CONSULTATION TO ASCERTAIN THAT THEY WERE WILLING TO INCUR THE GUILT OF MURDER ON SUC~~Y~~**H** GIGANTIC

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RS	PS	RT	BT
		SCALE, COMMENDS ITSELF TO EVERY MAN'S COMMON SENSE. EVEN WITHOUT SUCH CONTRADICTION, SMITH'S TESTIMONY WOULD BE SET ASIDE AND PRONOUNCED PREPOSTEROUS BY EVERY PERSON OR ORDINARY INTELOIGENCE. THERE IS NO FACT IN THE CASE MORE CLEARLY ESTABLISHED, NOT EVEN THE MASSACRE ITSELF, THAN THE FACT THAT THE MORMONS, WHO WERE THE SPECTATORS OF THIS BUTCHERY, WENT TO THEIR POST OF OBSERVATION, VOLUNTARILY, AND WITHOUT ANY PREVIOUS HINT THAT THEY WERE TO WITNESS SUCH AN APPALLING SPECTACLE, THAN THE FACT THAT ALL DID	SCALE, COMMENDS ITSELF TO EVERY MAN'S COMMON SENSE. EVEN WITHOUT SUCH CONTRADICTION SMITH'S TESTIMONY WOULD BE ~~STE~~ SET ASIDE AND PRONOUNCED *[24]* PREPOSTEROUS BY EVERY PERSON OF ORDINARY INTELIGENCE. THERE IS NO FACT IN THE C ASE MORE CLEARLY ESTABLISHED, NOT EVEN **THE** ~~THE~~ MASSACRE ITSELF**,** THAN THE FACT THAT THE MORMONS**,** WHO WERE THE SPECTATORS OF THIS BUTCHERY, W~~H~~ENT TO THEIR POST OF OBSERVATION VOLUNTARILY, AND ~~W~~WITHOUT ANY PREV~~O~~IOUS HINT THAT THEY WERE TO WITNESS SUCH AN APPOLLING SPECTACLE**,** ~~—~~ ~~THAN~~ THE FACT THAT ALL ~~D~~DID

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RS	PS	RT	BT
		NOT GO, THAN THE FACT THAT THE INDIANS WERE SUPPOSED TO HAVE RETIRED OUT OF SIGHT, AND TO REMAIN SO UNTIL THE RETREAT HAD BEEN ACCOMPLISHED, AND THE FACT THAT THE FIRST SOUND OF A GUN WAS COINCIDENT WIT THE YELLS AND PORTENTIOUS PRESENCE OF THOSE DEVILS INCARNATE . IS NOT TREACHERY A UNIVERSAL TRAIT OF THE INDIAN CHARACTER.**?** OUGHT IT SO SURPRI~~Z~~SE ANY PERSON WHO IS FAMILIAR WITH THE HISTORY OF OUR COUNTRY TO LEARN THAT SAVAGES HAVE VIOLATED A TRUCE AND SLAIN MEN, WOMEN AND CHILDREN ? HAS NOT THE INDICTMENT CONTAINED IN	NOT GO~~;~~, **AND** ~~THAN~~ THE FACT THAT THE INDIANS WERE SUPPOSED TO HAVE RETIRED OUT OF SIGHT AND TO REMAIN ~~D~~SO UNTIL THE RETREAT HAD BEEN ACCOMPLISHED AND THE FACT THAT **THE** FIRST SOUND OF A GUN WAS COINCIDENT WITH THE YELLS AND PORTENTIOUS ~~<?>~~ PRESENCE INCARNATE. IS NOT TREACHERY A UNIVERSAL TRAIT OF THE INDIAN CHARACTER? OUGHT IT TO SURPRISE ANY PER~~X~~**S**ON FAMILIAR WITH THE HISTORY OF OUR COUNTRY TO LEARN THAT SAVAGES HAVE VIOLATED A TRUCE AND SLAIN MEN, WOMEN AND CHILDREN? HAS NOT THE INDICTMENT CONTAINED IN

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RS	PS	RT	BT
		ONE OF THE GREAT NATIONAL STATE PAPERS AGAIN AND AGAIN BEEN PROVED AGAINST THEM —THAT THEY ARE MERCILESS SAVAGES "WHOSE KNOWN RULE OF WARFARE IS AN UNDISTINGUISHED DESTRUCTION OF ALL AGES, SEXES AND CONDITIONS." * HAVE ALL THE MELANCHOLY CONDITIONS OF MASSACRES IN EVERY STATE EAST AND WEST FADED FROM THE POPULAR MEMORY ? IS IT EASIER TO PRESUME UNDER THE BENIGN INFLUENCES OF CHRISTIANITY THAT A PARTY OF WHITE MEN COULD HAVE ACTED LIKE SAVAGES, THAN	ONE OF THE FIRST GREAT NATIONAL STATE PAPERS, AGAIN AND AGAIN BEEN PROVED AGAINST THEM —THAT THEY ARE MERCILESS SAVAGES, "WHOSE KNOWN RULE OF WARFARE IS AN UNDISTINGUISHED DESTRUCTION OF ALL AGES, SEXES, AND CONDITIONS." HAVE ALL THE MELANCHOLY TRADITIONS OF MASSACRES IN EVERY STATE EAST AND WEST, FADED FROM THE POPULAR MEMORY? IS IT EASIER TO PRESUME THAT A PARTY OF WHITE MEN NURTURED UNDER THE BENIGN INFLUENCES OF CHRISTIANITY, HAVE ACTED LIKE SAVAGES, THAN

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RS	PS	RT	BT
		THAT AN INFURIATED <**ARMY OF**> SAVAGES ACTUALLY ON *[[28]]* THE GROUND HAVE FOLLOWED THEIR OWN SAVAGE INSTINCTS ? THE INDIANS HAD A SUFFICIENT PROVOCATION, ACCORDING TO THEIR MEAGRE ETHICS, THEY HAD BEEN POISONED AND SOUGHT REVENGE. THE MORMONS HAD NO MOTIVE FOR SUCH CRUELTY.	THAT AN INFURIATED ARMY OF SAVAGES **,** ACTUALLY ON THE GROUND, HAVE ~~F~~FOLLOWED THEIR OWN SAVAGE INSTINCTS**?** THE INDIANS HAD A SUFFICIENT PROVOCATION~~,~~, ACCORDING TO THEIR MEAGRE ~~D~~ETHICS. THEY HAD BEEN POISONED AND SOUGHT REVENGE, THE MORMONS HAD NO MOTIVE ~~S~~ FOR SUCH CRUELTY.
WHO SWEARS TO *THAT*[?] WHO SWEARS THAT THEY WERE FORMED INTO A BODY THERE LIKE SOLDERS AT THE CAMP AND THERE RECEIVED ORDERS WHAT THEY WERE TO DO ~~<~~*CONSIDERING*[?] ~~>~~ SMITH HE SAYS THEY WERE FORMED INTO A HOLLOW SQUARE AND	WHO SWEARS THAT THEY WERE FORMED INTO A BODY THERE LIKE SOLDIERS AT THE CAMP AND THERE RECEIVED ORDERS WHAT THEY WERE TO DO SMITH HE SAYS THEY WERE FORMED INTO A HOLLOW SQUARE AND		

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RS	PS	RT	BT
THAT DIRECTIONS WERE THERE THEY WERE TO MARCH DOWN TOWARDS THE EMIGRANT CAMP AND AT A CERTAIN COMMAND TO HALT THEY WERE TO FIRE. THAT IS EXCEEDINGLY IMPORTANT TESTIMONY AND IF LEE GAVE THAT DIRECTION YOU CAN SEE HOW ⋖THAT⋗ IT WOULD BE[452] HOW SIGNIFICANT OF A PART HE TOOK [*space*] AND THEY WHO DID SAY THAT THERE WAS *AMONG US/MNS*[?] NUMBER OF WITNESS TO PROVE IT SMITH WAS ONE OF THEM AS HE SAYS HIMSELF HE TOOK [*space*] PART IN EXECUTING IT AFTERWARDS KILLED HIS MAN	THAT DIRECTIONS WERE THERE GIVEN THAT THEY WERE TO MARCH DOWN TOWARDS THE EMIGRANT CAMP AND AT CERTAIN COMMAND TO HALT THEY WERE FIRE NOW THAT IS EXCEEDINGLY IMPORTANT TESTIMONY AND IF LEE GAVE THAT DIRECTION YOU CAN SEE HOW SIGNIFICANT OF A PART THAT HE TOOK IF HE DID SAY THAT THERE WAS *AMONG US/MNS*[?] NUMBER OF WITNESSES TO PROVE IT [*space*] SMITH WAS ONE OF THEM AS HE SAYS HIMSELF HE TOOK PART IN EXECUTING IT KILLED HIS MAN		

452. Apparently added later.

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RS	PS	RT	BT
SO HE IS NOT TO BE REGARDED AS MORE FAVORABLE WITNESS ON ACCOUNT OF HIS INNOCENCE AND CONNECTION THAN ANY OTHER THERE WAS ONE WHO WAS INFIRM WHO TOOK NO PART IN THE SLAUGHTER AND WHO IF HIS TESTIMONY IS TRUE ON THE SUBJECT WITHOUT ANY COULD CROSS IMPEACH HIM HE SAYS THERE WAS NO SUCH FORMING OF THE MEN INTO HOLLOW SQUARE OR ANY SUCH PUTTING THEM INTO FILE AND *THAT*[?] THERE WERE NO SUCH DIRECTIONS GIVEN WHITE SAYS HE DID NOT SEE LEE *[[44]]* ADDRESS THE COMPANY AT ALL AND YET HE SAYS HE WAS ONE THAT MARCHED	SO HE IS NOT BE TO REGARDED AS MORE FAVORABLE WITNESS BECAUSE HE IS INNOCENT [*space*] THERE WAS ONE WHO WAS ARMED WHO TOOK NO PART IN THE SLAUGHTER AND WHO [*space*] AND IF HIS TESTIMONY WAS TRUE THERE WAS NO SUCH FORMING OF MEN INTO HOLLOW SQUARE AND NO SUCH DIRECTIONS GIVEN WHITE *SAYS*[?] HE DID NOT SEE LEE ADDRESS THE COMPANY AT ALL AND YET HE SAYS HE WAS ONE THAT MARCHED		

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RS	PS	RT	BT
DOWN ≤THERE≥. THERE ARE 3 WITNESSES THEN AGAINST SMITH IN RESPECT TO THAT VITAL FACT. IF IT IS NECESSARY TO SAY A SINGLE WORD MORE TO COMPLETE THE IMPEACHMENT OF SMITH'S TESTIMONY WHEN YOU LOOK UPON HIM AS CONFESSED MURDERER. THEN TAKE THIS MAXIM WHICH IS ONE OF COMMON SENSE VERIFIED BY UNIVERSAL EXPERIENCE SAY THAT THE MORAL SENTIMENT OF A *GENTLEMAN/RULE*[?] IS CRYSTALIZED IN IT THAT A MAN WHO IS FOUND TO TESTIFY TO A FALSITY IN ONE THING OUGHT NOT TO BE BELIEVED IN ANY THING. THIS TRUISM WAS	DOWN THERE [*space*] THERE ARE 3 WITNESSES THEN AGAINST SMITH IN RESPECT TO THAT VITAL FACT NOW IF IT IS NECESSARY TO COMPLETE THE IMPEACHMENT OF SMITH'S TESTIMONY WHEN YOU LOOK UPON HIM AS CONFESSED MURDERER TAKE THIS MAXIM WHICH IS ONE OF COMMON SENSE VERIFIED BY UNIVERSAL EXPERIENCE SAY THAT THE MORAL SENTIMENT OF A *GENTLEMAN/RULE*[?] IS CRYSTALIZED IN IT THAT A MAN WHO IS FOUND TO TESTIFY TO A FALSITY IN ONE THING SHOULD NOT BE BELIEVED IN ANY [*space*] *[[38]]* THIS TRUISM WAS		

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RS	PS	RT	BT
DISCOVERED SO EARLY THAT EVEN THE LATINS HAD *COUNT*[?] INTO A MAXIM INTO THEIR OWN LANGUAGE AND IT COMES DOWN TO *WE*[?] THOUSANDS OF YEARS IN A LANGUAGE THAT HAS SURVIVED THE PEOPLE WHO VERIFIED THIS EPITAPH. FALSUS IN *UNUS*[?] FALSUS IN OMNIBUS FALSE IN ONE THING FALSE IN ALL. THAT IS A UNIVERSAL EXPRESSION EVERYBODY COMES UPON IT IN EVERYDAY LIFE. THERE IS A LIAR IN ALMOST EVERY COMMUNITY WHO IS SO CONSPICUOUS HE *WEAVES*[?] ONE PECULIAR *KRTN*[?] DESCRIPTION AND THE FINE WORDS THAT HE APPROPRIATES TO HIMSELF PROPERTIES	DISCOVERED SO EARLY THAT EVEN THE LATINS HAD *COUNTED/KN/MN* [?] IT INTO THEIR OWN LANGUAGE AND IT COMES DOWN TO US THOUSANDS OF YEARS IN A LANGUAGE THAT HAS SURVIVED AND PEOPLE WHO VERIFIED THIS SAYING FALSUS UNUS FALSUS IN OMNIBUS FALSE IN ONE THING FALSE IN ALL [*space*] EVERYBODY COMES UPON IT IN EVERYDAY LIFE THERE IS A LIAR IN ALMOST EVERY COMMUNITY WHO IS SO CONSPICUOUS HE WEAVES ONE PECULIAR ~~THAT THROUGH~~ *DESCRIPTION*[?] AND THE FINE WORDS THAT HE APPROPRIATES TO HIMSELF		

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RS	PS	RT	BT
EVERYBODY GIVES HIM CREDIT FOR IT AS A LIAR EVERYBODY MAY LAUGH AT HIS INVENTIONS FABRICATIONS BUT WHEN IT COMES DOWN TO BELIEVING WHEN HE SWEARS OR BELIEVING WHEN HE ASSERTS HIMSELF HONESTLY ANYTHING THE BELIEF IS NOT THERE. DID SMITH HEAR LEE ADDRESS THE COMPANY IN A HOLLOW SQUARE THERE? IN ADDITION TO HIS WANT OF VERACITY TO HIS WANT OF MORAL CHARACTER TO BACK UP HIS STATEMENTS YOU HAVE TESTIMONY OF 3 WITNESSES THEY DID NOT OBSERVE ANY SUCH THING. NOW GENTLEMEN	GIVES HIM CREDIT AS A LIAR EVERYBODY MAY LAUGH AT HIS INVENTIONS AND FABRICATIONS BUT WHEN IT COMES DOWN TO BELIEVING WHEN HE SWEARS WHEN HE ASSERTS HIMSELF HONESTLY ANYTHING THE BELIEF IS NOT THERE NOW DID SMITH HEAR LEE ADDRESS THE COMPANY IN HOLLOW SQUARE [*space*] IN ADDITION TO HIS WANT OF VERACITY HIS WANT OF MORAL CHARACTER TO BACK UP HIS STATEMENT YOU HAVE TESTIMONY OF 3 WITNESSES THAT THEY DID NOT OBSERVE ANY SUCH THING [*space*] —[?] NOW GENTLEMEN IF		

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RS	PS	RT	BT
HAVE YOU BEEN CONVINCED BEYOND A REASONABLE DOUBT WILL YOU SAY THESE 3 OTHER WITNESSES HAVE ALL LIED AND THAT SMITH THIS MURDERER HAS TOLD THE TRUTH AND THAT YOU HAVE NOT A REASONABLE OF DOUBT OF IT? . NOW YOU MAY CALCULATE IF WAS ANY ORGANIZATION OF THE COMPANY AT THE CAMP AN ADDRESS TO THEM THERE POINTING OUT TO THEM WHAT THEY WERE TO DO AND UPON *SIGNAL*[?] BEING GIVEN TO HALT THEY WERE TO FIRE UNLESS THIS INFORMATION WAS GIVEN IN SOME FORM SOMEWHERE	YOU ARE CONVINCED BEYOND A REASONABLE DOUBT WILL SAY THAT THESE 3 OTHER WITNESSES HAVE ALL LIED AND THAT SMITHS ≤THIS≥ MURDERER HAS TOLD THE TRUTH AND YOU HAVE NOT A REASONABLE OF DOUBT OF IT [*space*] NOW YOU MAY CALCULATE THAT IF THERE WAS ORGANIZATION OF THE COMPANY AT THE CAMP AN ADDRESS TO THEM THERE POINTING OUT TO *THEM*[?] WHAT THEY WERE TO DO THAT UPON SIGNAL TO HALT THEY WERE TO FIRE UNLESS THIS INFORMATION WAS GIVEN TO THEM IN SOME FORM SOME WHERE		

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RS	PS	RT	BT
THE REST AND WAS TO BE EXECUTED WHEN THIS FLAG OF TRUCE WENT TO THE CAMP AND EMIGRANTS WERE TO BE IMMEDIATELY BROUGHT OUT UNLESS THAT INFORMATION WAS GIVEN BEFORE THAT TIME UNLESS THE JURY FINDS FROM THE TESTIMONY AT THAT POINT THOSE MORMONS THAT WERE THERE WERE PLACED UNDER OBLIGATION BY THOSE IN COMMAND *[[45]]* TO FALL IN AND GO DOWN THERE UNLESS THAT IS SO *GENTLEMEN*[?] SAY IT IS IMPOSSIBLE THAT ANY PLAN OR COMBINATION COULD EXIST BECAUSE THAT IS THE TIME TO CARRY	AND *ALL*[?] WERE TO BE EXECUTED WHEN THIS FLAG OF TRUCE WENT TO THE CAMP AND WHEN EMIGRANTS BROUGHT OUT [*space*] AND UNLESS JURY FIND FROM THE TESTIMONY THAT AT THAT POINT THOSE MORMONS THAT WERE THERE WERE PLACED UNDER AN OBLIGATION BY THOSE WHO WERE IN COMMAND TO FALL IN AND GO DOWN THERE UNLESS THAT IS SO GENTLEMEN I SAY IT IS IMPOSSIBLE THAT ANY PLAN OR COMBINATION COULD EXIST *BECAUSE*[?] THAT IS THE TIME TO CARRY		

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RS	PS	RT	BT
IT OUT. WITNESSES YOUNG AND POLLOCK SAY THE COMPANY HAD NOT BEEN NOTIFIED AND REQUIRED TO GO DOWN THERE AND ONLY SUCH WENT AS WERE DIRECTED THERE YOU MAY CALCULATE TO A CERTAINTY THERE HAD BEEN NO COMBINATION NO PLAN TO BE CARRIED OUT EXCEPT THAT CAPITULATION WHICH ONLY REQUIRED ENTRY INTO THE CAMP AND THE SURRENDER OF THE PROPERTY AND THE CONVOYING OF THE PERSONS BACK TO CEDAR. THE MORMONS WERE TO PERFORM NO PART IN WHAT WAS THEN CONTEMPLATED UNLESS THEY WERE BROUGHT	IT OUT. IF AS YOUNG AND POLLOCK SAY THE COMPANY HAD NOT BEEN NOTIFIED AND REQUIRED TO GO DOWN THERE AND ONLY SUCH WENT DOWN AS WERE DIRECTED BY WHAT WAS GOING *ON*[?] YOU MAY CALCULATE TO CERTAINTY THAT THERE WAS NO COMBINATION THAT THERE WAS NO PLOT TO BE CARRIED OUT EXCEPT CAPITULATION SURRENDER OF THE PROPERTY AND CONVOY OF THE PERSONS BACK TO CEDAR THE MORMONS WERE TO PERFORM NO PART IN WHAT WAS THEM CONTEMPLATED UNLESS THEY WERE BROUGHT		

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RS	PS	RT	BT
BY DIRECTION INTO LINE AND REQUIRED TO GO DOWN THERE [*space*] HAVE THEORIZED THOUGH THEIR BEING THERE WAS AN ACCIDENT ~~NO~~ IT WAS NOT PURSUANT TO ANYTHING DIRECTED BEFORE AND *YES*[?] POLLOCK AND YOUNG AGAINST SMITH SAYS THEIR BEING ~~<~~THERE~~>~~ WAS ACCIDENTAL THEY WERE NOT REQUIRED TO ALL WHO WENT WENT VOLUNTARILY THEY DID NOT ALL GO FOR POLLOCK DID NOT GO THERE SLADE DID NOT GO CLARK DID NOT GO JAMES PEARCE DID NOT GO —[?] HOW MANY MORE DID	BY DIRECTION AND SOME OF THE COMMUNITY MEN AND REQUIRED TO GO DOWN THERE BY *[[39]]*[453] THEORIZE THAT MAYBE THERE WAS AN ACCIDENT [*space*] *YES*[?] POLLOCK AND YOUNG AGAINST SMITH SAYS ~~THR~~ THEIR BEING THERE WAS ACCIDENTAL THEY WERE NOT REQUIRED TO GO THAT ALL WHO WENT WENT VOLUNTARILY AND DID NOT ALL GO FOR POLLOCK DID NOT GO SLADE DID NOT GO CLARK DID NOT GO PIERCE DID NOT GO AND HOW MANY MORE DID		

453. Page is badly torn around the edges, with parts folded over or missing.

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RS	PS	RT	BT
NOT GO WE ARE UNABLE TO SAY THOSE MEN REMAINED IN CAMP THEY HAD NOT ANY DIRECTION TO GO THERE AND THEY SAY THOSE WHO DID GO WENT BECAUSE THEY WERE PREPARED TO GO WENT VOLUNTARILY DID NOT GO DOWN IN RANK AND FILE BUT PROMISCUOUSLY LIKE A FLOCK OF SHEEP. IF THAT TESTIMONY IS TRUE IT EXPLODES WHOLE THEORY OF THE PROSECUTION IT EXPLODES THE THEORY THERE WAS ANY COMBINATION BEFORE THERE WAS ANY PROGRAM TO BE WORKED OUT REQUIRING PRESENCE OF ALL THOSE MEN. [*space*] AS BEARING UPON THIS QUESTION I WISH TO CALL YOUR	NOT GO WE ARE UNABLE TO SAY THEY HAD NOT ANY DIRECTION TO GO *YET/YES*[?] THEY SAY THAT THOSE WHO DID GO WENT BECAUSE THEY WERE PREPARED TO GO WENT VOLUNTARILY DID NOT GO DOWN IN RANK AND FILE BUT PROMISCUOUSLY LIKE A FLOCK OF SHEEP IF THAT TESTIMONY IS TRUE IT EXPLODES WHOLE THEORY OF THE PROSECUTION IT EXPLODES THE THEORY THAT THERE WAS ANY ≤COMBINATION≥ PROGRAM TO BE WORKED OUT [*space*] NOW HAS BEARING UPON THIS QUESTION I WISH TO CALL YOU		

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RS	PS	RT	BT
ATTENTION TO ~~TH~~ VERY SIGNIFICANT FACT AS TENDING TO SUPPORT THE THEORY THAT THERE WAS NO PLAN THOSE MEN WHO WENT DOWN THERE[454] WENT DOWN VOLUNTARILY AND PROMISCUOUSLY THAT WAS THE FACT EVERY MAN WHO WENT TO THE MEADOWS WENT THERE UPON A CALL TO ASSIST THE EMIGRANTS. THEY WENT THERE AS GOOD SAMARITANS THEY WERE INVITED TO GO THERE TO SAVE AND NOT TO DESTROY THAT PARTY OF EMIGRANTS. HAS THERE BEEN ONE SYLLABLE OF PROOF INTRODUCED TO YOU THAT ANY ONE MAN OF	ATTENTION TO A VERY SIGNIFICANT FACT AS TENDING TO SUPPORT THEORY THAT THERE WAS NO PLAN THAT THOSE MEN WHO WENT DOWN WENT DOWN [*space*] FACT THAT EVERY MAN WHO WENT TO THE MEADOWS WENT THERE UPON A CALL TO ASSIST THE EMIGRANTS THEY WENT THERE AS GOOD SAMARITANS THEY WERE INVITED TO GO THERE TO SAVE AND NOT TO DESTROY THAT PARTY OF EMIGRANTS [*space*] NOW HAS THERE BEEN ONE SYLLABLE OF PROOF THAT ONE MAN OF	GENTLEMEN OF THE JURY, IT APPEARS FROM THE TESTIMONY OF ALL THE WITNESSES WHO	GENTLEMEN OF THE JURY~~.~~**,** IT APPEARS FROM THE TESTIMONY OF ALL THE WITNESSES WHO

454. Word apparently added later.

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RS	PS	RT	BT
ALL HAVE BEEN HERE AS WITNESSES AND WAS CALLED OUT THERE HAD AN INTIMATION THEY WERE EXPECTED TO DO AUGHT ELSE THAN ASSIST THE EMIGRANTS TO GET SAFELY OUT OF THE TERRITORY AND DRAW OFF [*space*] AND HERE GENTLEMEN THERE IS ONE THERE THAT IS SMITH.	ALL THAT HAVE BEEN HERE AS WITNESSES AND WAS CALLED OUT THERE HAD AN INTIMATION THAT THEY WERE EXPECTED TO DO AUGHT ELSE THAN ASSIST THE EMIGRANTS TO GO SAFELY THROUGH TERRITORY AND DRAW OFF INDIANS [*space*] *NO*[?] GENTLEMEN THERE IS ONE THERE ~~THIS~~ THAT IS SMITH [*space*]	HAVE BEEN SWORN AND WERE PRESENT AT THE MEADOWS, EXCEPT KLINGENSMITH, THAT THEY WENT THERE TO SAVE AND NOT TO HURT THE EMIGRANTS. BRADSHAW WAS REQUESTED TO GO ALSO. HE CAME TO THE RENDEZVOUS WITH A SPADE AND WITHOUT A GUN. HE HAD BEEN SUMMONED TO GO LIKE THE OTHERS, ON THE RUMOR THAT THE EMIGRANTS HAD BEEN ATTACKED AND NEARLY ALL KILLED, FOR THE PURPOSE OF BURYING THE DEAD AND SAVING THE	HAVE BEEN SWORN AND WERE PRESENT AT THE MEADOWS, EXCEPT KLINGENSMITH, THAT THEY WENT THERE TO SAVE AND NOT TO HURT THE EMIGRANTS**.** BRADSHAW WAS REQUESTED TO GO THERE ALSO. HE CAME TO THE RENDEZVOUS WITH A SPADE AND WITHOUT A GUN. HE HAD BEEN SUMMONED TO GO LIKE THE OTHERS, ON THE RUMOR THAT THE EMIGRANTS HAD BEEN ATTACKED AND NEARLY ***[25]*** ALL KILLED**,** FOR THE PURPOSE OF BURYING THE DEAD AND SAVING THE

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RS	PS	RT	BT
		SURVIVORS. ON HIS APPEARANCE TO JOIN THOSE THAT WERE GOING HE WAS ASKED WHERE HIS GUN WAS HE SAID HE DID NOT KNOW AS A GUN WAS NECESSARY TO BURY THE DEAD, HE SEEMED TO HAVE SO LITTLE COMPREHENSIO N OF THE SITUATION THAT HE WAS SENT HOME. HE SAYS HE WAS CALLED A FOOL FOR NOT THINKING A GUN NECESSARY, IN GOING ON SUCH AN ERRAND. HIS DISCHARGE HAD SUCH A?N EFFECT ON THE OLD GENTLEMAN THAT HE HAS BACKSLIDEN AND FALLEN AWAY FROM THE MORMON FAITH, AND NOW TESTIFIES WITH	SURVIVORS. ON HIS APPEARANCE TO JOIN THOSE THAT WERE GOING HE WAS ASKED WHERE HIS GUN WAS. HE SAID THAT HE **DID** ~~DEAD~~ NOT KNOW AS A GUN WAS NECESSARY ~~THAT A GUN WAS NECESSARY~~ TO BURY THE DEAD. HE SEEMED TO HAVE SO LITTLE COMPREHENSIO N OF THE SITUATION THAT HE WAS SENT HOME. HE SAYS HE WAS CALLED A FOOL FOR NOT THINKING A GUN NECESSARY IN GOING ON SUCH AN ERR~~O~~AND HIS DISCHARGE THEN **HAD** ~~AHAS~~ SUCH AN EFFECT ON THE OLD GENTLEMAN THAT HE HAS BE~~A~~**C**K — SLID~~D~~ED AND FALLEN AWAY FROM THE MORMON FAITH, AND TESTIFIES WITH

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RS	PS	RT	BT
		THE BITTERNESS OF AN APOSTATE,BUT THE FOREGOING IS THE EXTENT OF HIS TESTIMONY.	THE BITTERNESS OF AN APPOSTATE, ~~THAT~~ **BUT THE** ~~THE~~ FOREGOING IS THE EXTENT OF HIS TESTIMONY.
YOU SEE HOW UNLIKE HE IS ALL OTHER WITNESSES IN CASE	YOU SEE HOW UNLIKE HE IS TO ALL THE OTHER WITNESSES IN THE CASE		
		KLINGENSMITH WAS OPPOSED TO SHEDDING THE BLOOD OF THE EMIGRANTS. HE WAS SO PENETRATING	KLINGINSMITH WAS OPPOSED TO THE SHEDDING OF THE EMIGRANTS **BLOOD.** HE WAS SO PENITRATING
HE KNEW OR HAD SOME *[[46]]* SUSPICION THEY WERE GOING OUT THERE TO DO WRONG TO THOSE EMIGRANTS.	HE KNEW OR HAD SOME SUSPICION THAT THEY WERE GOING OUT THERE TO DO WRONG TO THOSE EMIGRANTS	THAT HE KNEW THE PLAN WAS MURDEROUS BEFORE HE LEFT CEDAR CITY	THAT HE KNEW THE PLAN WAS MURDEROUS BEFORE HE LEFT CEDAR CITY.
		AND YET HE WOULD GIVE YOU TO UNDERSTAND ~~THAT~~ HE DARED NOT ACTIVELY OPPOSE IT, BECAUSE OF A VAGUE FEAR THAT HE WOULD LOSE HIS OWN LIFE.	AND YET HE WOULD GIVE YOU TO UNDERSTAND THAT HE DARED NOT ACTIVELY OPPOSE IT, BE~~E~~CAUSE OF A VAGUE FEAR THAT HE WOULD LOOSE HIS OWN LIFE,
BUT HE IS THE ONLY ONE AND	HE IS THE ONLY ONE AND		

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RS	PS	RT	BT
MY JUDGMENT IS HE LIES WHEN HE SAYS HE WENT OUT FOR NO SUCH PURPOSE HE JOINED THOSE THAT WENT OUT THERE ANIMATED BY HUMANE FEELINGS AND WHAT HE DID AT LAST HE DID INSPIRED BY THE PRESENCE AND FEROCITY OF THE INDIANS. HE SAW WHAT THEY WERE DOING AND WAS FIRED BY A LIKE FEELING HE IS SAVAGE AT HEART I HAVE RIGHT TO SAY THAT BECAUSE HE SAYS IT HIMSELF HE DID WHAT INDIANS HE DID WHAT HE DID WITH THE INSPIRATION OF THE TIME HE WAS INSPIRED BY THE ATROCITY AND BRUTALITY	MY JUDGMENT IS THAT HE LIES WHEN HE SAYS HE WENT OUT THERE FOR ANY OTHER PURPOSE HE JOINED THOSE WHO WENT OUT THERE ANIMATED BY HUMANE FEELING AND WHAT HE DID AT LAST HE DID *INSPIRED*[?] BY THE *PRESENCE*[?] AND FEROCITY OF THE INDIANS HE SAW WHAT THEY WERE DOING AND HE WAS FIRED BY A LIKE FEELING HE IS A SAVAGE AT HEART I HAVE THE RIGHT TO SAY THAT BECAUSE HE SAYS IT HIMSELF I SAY HE DID WHAT HE DID ON THE INSPIRATION OF THE[455] *[[Bk 12 1]]*[456] HE WAS INSPIRED BY THE ATROCITY AND BRUTALITY		

455. Rogerson inserted transcripts for the Brigham Young deposition and George A. Smith affidavit here. See *MMMCLP,* chapter 36, "Documents Introduced into Evidence for John D. Lee's Second Trial," for the original criminal case file transcripts.

456. First page of notebook; page is torn in places and dirty, difficult to read.

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RS	PS	RT	BT
OF THE INDIAN AND ASSERTED HIS KINSHIP TO THEM BY DOING AS THEY DID. ALL THE OTHERS WENT THERE UPON A HUMANE ERRAND THAT IS THERE IN THE TESTIMONY WHAT WOULD BE THE[457] TESTIMONY OF ALL THOSE OTHER TEN WITNESSES IF THE PROSECUTION HAD HAD THIRST ENOUGH FOR KNOWLEDGE TO HAVE BROUGHT THEM HERE HAVE NOT WE A RIGHT TO SAY BY WAY OF ASSERTING THEIR INNOCENCE BY WAY OF ASSERTING INNOCENCE OF LEE AND BY WAY OF —[?] VINDICATING HUMANITY ≤ITSELF≥ THEY	OF THE INDIANS HE ASSERTED HIS KINSHIP TO THEM BY DOING AS THEY NOW I SAY THAT ALL THE OTHERS WENT THERE UPON A HUMANE ERRAND THAT IS THERE IN EACH TESTIMONY NOW WHAT WOULD BE THE TESTIMONY OF ALL THOSE OTHER TEN WITNESSES IF THE PROSECUTION HAD HAD THIRST ENOUGH FOR KNOWLEDGE TO HAVE BROUGHT THEM HERE NOW HAVE NOT WE A RIGHT TO SAY BY WAY OF ASSERTING THEIR INNOCENCE A WAY OF ASSERTING THE INNOCENCE OF LEE AND BY WAY OF VINDICATING HUMANITY THAT THEY		

457. “BE THE” apparently added later.

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RS	PS	RT	BT
WENT THERE TO BE HUMANE TO ASSIST THE EMIGRANTS. IF THEY WENT THERE ON THAT ERRAND IT IS CONSISTENT WITH THAT PURPOSE THAT THEY SHOULD REMAIN IN THAT ATTITUDE OF FRIENDSHIP TOWARDS THE EMIGRANTS TO THE END THAT WOULD BE NATURAL IMPULSE OF HUMAN KIND DO YOU BELIEVE YOU COULD GO INTO AN INFANT SETTLEMENT ANYWHERE OR OLD SETTLEMENT AND TAKE ONE FRACTION OF *IT TERRITORIALLY*[?] *AND IF COLLECTED UP*[?] THE PEOPLE AND FIND THEM ALL TO BE MURDERERS BUT MEN ARE NOT BORN IN THAT WAY. DO YOU HAVE KNOWLEDGE OF A PLACE	WENT THERE TO BE HUMANE TO ASSIST THE EMIGRANTS THAT THEY ALL WENT THERE ON THAT ERRAND IT IS CONSISTENT WITH THAT PURPOSE THAT THEY SHOULD REMAIN IN THAT ATTITUDE OF FRIENDSHIP TOWARDS THE EMIGRANTS TO THE END THAT WOULD BE THE NATURAL IMPULSE OF HUMAN KIND DO YOU BELIEVE YOU COULD GO INTO AN INFANT SETTLEMENT ANYWHERE OR OLD SETTLEMENT AND TAKE ONE FRACTION OF IT TERRITORIALLY AND FIND THEM ALL TO BE MURDERERS MEN ARE NOT BORN IN THAT WAY DID YOU EVER KNOW A PLACE		

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RS	PS	RT	BT
GENTLEMEN THAT YOU COULD SAY WAS NATURALLY PEOPLED EXCLUSIVELY BY MURDERERS? AND YET IF THE THEORY OF THIS PROSECUTION IS CORRECT CEDAR CITY AND WASHINGTON WAS PEOPLED IN THAT WAY. THEY HAD EVERY ABLE BODIED MAN IN THE MILITIA BECAUSE THEY WERE SURROUNDED OF HOSTILE INDIANS THEY HAD TO CULTIVATE FRIENDLY RELATIONS WITH THEM IN ORDER TO PRESERVE THEIR EXISTENCE THAT ACCOUNTS FOR THEIR MILITARY ORGANIZATION VERY NECESSARY ORGANIZATION VERY USEFUL ORGANIZATION EVERY ABLE BODIED MAN	GENTLEMEN THAT YOU COULD SAY WAS NATURALLY PEOPLED EXCLUSIVELY BY MURDERERS AND YET IF THE THEORY OF THIS PROSECUTION IS CORRECT CEDAR CITY AND WASHINGTON WAS PEOPLED IN THAT WAY THEY HAD EVERY ABLE BODIED MAN IN THE MILITIA WAS *BECAUSE*[?] WERE SURROUNDED BY HOSTILE INDIANS THEY HAD TO CULTIVATE FRIENDLY RELATIONS WITH THEM TO PRESERVE THEIR EXISTENCE EVERY ABLE BODIED MEN		

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RS	PS	RT	BT
BELONGED TO IT. WHEN THIS PARTY WENT OUT TO MOUNTAIN MEADOWS THEY SELECTED ABLE BODIED MEN JUST AS THEY WERE ONLY FEW OF THE PROPER AGES TO BEAR THE FATIGUES OF A CAMPAIGN	BELONGED TO IT WHEN THIS PARTY WENT OUT TO THE MOUNTAIN MEADOWS THEY SELECTED ABLE BODIED MEN JUST AS THEY WERE IT WAS AN INFANT SETTLEMENT ONLY A FEW FAMILIES ONLY A FEW OF PROPER AGE TO BEAR FATIGUE OF CAMPAIGN [*space*]	IN NO CIVILIZED COMMUNITY IN THE WORLD WOULD A BISHOP OR A PRIVATE CITIZEN ENDANGER HIS LIFE BY OPPOSING SUCH A CRIME. *[[29]]* ANY MAN MUST HAVE BEEN BOLD INDEED WHO COULD PROPOSE THE MASSACRE OF ONE HUNDRED AND TWENTY MEN, WOMEN AND CHILDREN, AND DO IT IN A PUBLIC MANNER, TO MAKE SUCH A	IN NO CIVILIZED COMMUNITY IN THE WORLD WOULD A BISHOP OR A PRIVATE CITIZEN ENDANGER HIS LIFE BY OPPOSING SUCH A CRIME. ANY MAN MUST HAVE BEEN BOLD INDEED WHO COULD PROPOSE THE MASSACRE OF I20 MEN WOMEN AND CHILDRED AND DO IT ~~IS~~ **IN** A PUBLIC MANNER. TO MA~~M~~KE SUCH A

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RS	PS	RT	BT
		PROCLAMATION A CREDIBLE OCCURRENCE	PROCLAMATION A CREDIBLE OCCURRENCE
THOSE MEN WERE BROUGHT IN PROMISCUOUSLY AND PROSECUTION ASK YOU BELIEVES ALL OF THOSE PEOPLE WERE MURDERERS. THAT IS GOOD DEAL TO BELIEVE	PROSECUTION ASK YOU TO BELIEVE THAT ALL OF THESE PEOPLE WERE MURDERERS NOW THIS IS A *GREAT*[?] DEAL TO BELIEVE	WE MUST ASSUME THAT IT WAS DONE IN A COMMUNITY OF ROBBERS AND MURDERERS, TO SAY THAT A RELIGIOUS COMMUNITY WAS SUCH, IS TO INSULT THE INTELLIGENCE OF EVERYBODY THAT HEARS; TO SAY THAT ANY MAN COULD SUMMON FOR A HUMANE PURPOSE A PROMISCUOUS PART OF A COMMUNITY, AND THEN THRUST THEM, WITHOUT CONSULTING THEIR WISHES, OR THEIR SCRUPLES, INTO A CRIME THAT WOULD SHOCK THE WHOLE CIVILIZED WORLD, IS A DEGREE OF	WE MUST ASSUME THAT IT WAS DONE IN A COMMUNITY OF ROBERS AND MURDERERS. TO SAY THAT A RELIGIOUS COMMUNITY WAS SUCH, IS TO I~~C~~NSULT THE INTELLIGENCE OF EVERY BODY THAT HEARS IT. TO SAY THA T ANY MAN COULD SUMMON FOR A ~~M~~HUMANE PURPOSE A PREMISCUOUS PART OF A COMMUNITY, AND THEN THRUST THEM WITHOUT CONSULTING THEIR WISHES OR THEIR SCRUPLES INTO A CRIME THAT WOULD SHOCK THE WHOLE CIVILIZED WORLD, IS A DEGREE OF

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RS	PS	RT	BT
		TRIFLING THAT NO JURY OUGHT TO LISTEN TO WITH PATIENCE. COMMUNITIES IN WHICH SUCH A THING COULD BE DONE DO NOT EXIST. IF SOME HOTSPUT HAD MADE THE ATTEMPT AT EITHER OF THE TOWNS WHICH CONTRIBUTED MEN TO GO TO THE MEADOWS, THE HUMBLEST CITIZEN COULD HAVE DRIVEN HIM AT ONCE TO RETREAT OR TO EMIGRATE. A DENUNCIATION WOULD HAVE SUFFICED—THE POPULAR HEART IS ALWAYS TENDER AND HUMANE. NO MAN IN THE MORMON CHURCH WOULD HAVE SUPPORTED SUCH A PROPOSAL. IF, BY ANY FIENDISH CAPRICE OF INDIVIDUAL DEPRAVITY, SUCH A	TRIFLING THAT NO JURY OUGHT TO LISTEN TO WITH PATIENCE . COMMUNITIES IN WHICH SUCH A THING C**O**ULD BE DONE DO NOT EXIST. IF SOME HOTSPUR HAD MADE THE ATTEMPT AT EITHER OF THE TOWNS WHICH CONTRIBUTED MEN TO GO TO THE **MEADOWS** ~~MEADOWS~~ THE HUMBLEST CITIZEN COULD HAVE DRIVEN HIM AT ONCE TO RETREAT O~~F~~R EMIGRATE. A DENUNCIATION WOULD HAVE SUFFICED—THE POPULAR HEART IS ALWAYS TENDER AND HUMANE. *[26]* NO MAN IN THE M ORMON CHURCH WOULD HAVE SUPPORTED SUCH A PROPOSAL. IF, BY ANY FIENDISH CAPRICE OF INDIVIDUAL DEPRAVITY, SUCH A

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RS	PS	RT	BT
		PROPOSITION HAD BEEN MADE, IN A PARTICULAR LOCALITY, A BISHOP'S BOLD STAND AGAINST IT WOULD HAVE SQUELCHED THE PROJECT AND THE PROJECTOR. SUCH A PROPOSITION IN SIGHT OF THE EMIGRANTS WOULD HAVE BEEN INDIGNANTLY REJECTED AND PROMPTLY DENOUNCED BY EVERY MAN WHO WENT THERE, EXCEPT BY KLINGENSMITH AND JOEL WHITE. WHY SHOULD THE MORMONS DESIRE THE DEATH OF THESE EMIGRANTS ? THOUGH THEY DID NOT BEHAVE THEMSELVES, THOUGH THEY DID MUCH TO EXASPERATE THE PEACABLE PEOPLE OF THIS	PROPOSITION HAD BEEN MADE IN A PARTICULA~~T~~R LOCALITY, A BISHOP'S BOLD STAND AGAINST IT WOULD HAVE SQUELCHED THE PROJECT AND THE PROJECTOR. SUCH A PROPOSITION IN THE SIGHT OF THE EMIGRANTS WOULD HAVE BEEN INDIGN~~N~~ANTLY REJECT~~ED~~**D** AND PROMPTLY DENOUNCED BY EVERY MAN WHO WENT THERE EXCEPT P. KLINGENSMITH AND JOEL WHITE. WHY SHOULD THE MORMONS DESIRE THE DEATH OF THESE EMIGRANTS? ~~THWOGH~~ **THOUGH** THEY DID NOT BEHAVE THEMSELVES, **THOUGH** ~~THWOGH~~ THEY DID MMUCH TO EXASPERATE THE PEOPLE OF THIS

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RS	PS	RT	BT
		TERRITORY WITH WHOM THEY CAME IN CON- *[[30]]* TACT THERE WAS NO DEADLY ~~FUED~~ FEUD. WHEN THEY HAD PASSED PINTO THEY HAD PASSED BEYOND THE MORMON SETTLEMENTS, AND EVERY ONE WAS READY TO EXCLAIM <u>GOOD RIDDANCE</u>. BUT IF IT CAN BE SUPPOSED THAT THE MORMONS DESIRED THEIR DESTRUCTION, THERE WAS NO NEED TO PURSUE THEM.	TERRITORY WITH WHOM THEY CAME IN CO~~M~~NTACT, THERE WAS NO DEADLY FEUD. WHEN THEY HAD PASSED PINTO, THEY HAD PASSED BEYOND THE MORMON SETTLEMENTS AND EVERY ONE WAS READY TO EXCLAIM GOOD RIDD~~E~~ANCE. BUT **IF** IT CAN BE SUPPOSED THAT THE MORMONS DESIRED THEIR DESTRUCTION, THERE WAS NO NEED TO PERSUE THEM .
I CAN SUPPOSE THAT MAY WE HAVE VERY DIFFERENT VIEWS OF CERTAIN CLASSES OF PEOPLE I HAVE LIVED LONG ENOUGH IN THIS TERRITORY TO KNOW THERE ARE 2 CLASSES THAT DID NOT STAND IN PERFECT HARMONY WITH EACH OTHER	NOW I CAN SUPPOSE THAT MAY WE HAVE VERY GOOD VIEWS OF CERTAIN CLASSES OF PEOPLE I HAVE LIVED LONG ENOUGH IN THIS TERRITORY TO KNOW THAT THERE ARE TWO CLASSES THAT DO NOT STAND IN PERFECT HARMONY WITH EACH OTHER		

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RS	PS	RT	BT
I DO NOT BELIEVE THERE IS MUCH WANT OF THAT CHARITY THAT *[[47]]* THEY THINK EVIL IN OTHER THAT THEY BELIEVE MOSTLY THAT THE OTHER IS COMPOSED EXCLUSIVELY OF MURDERERS. [*space*] I SAY THOSE MEN WERE ALL INTENDED GO OUT THERE SAVE EMIGRANTS YOUNG POLLOCK AND I MIGHT REPEAT ALL REST OF THOSE WHICH WOULD BROUGHT WOULD TESTIFY BECAUSE TWO OF THEM HAVE TESTIFIED THAT THEY MAINTAINED THAT FRIENDLY ATTITUDE TOWARDS EMIGRANTS TO DEATH. [*space*] NOW GENTLEMEN	AND I DO NOT BELIEVE [*page torn*] MUCH WANT OF THAT CHARITY THAT *THINKING*[?] ANY EVIL IN OTHER THEY BELIEVE *MOSTLY*[?] THAT THEY BELIEVE THAT THE OTHER IS COMPOSED EXCLUSIVELY [*page torn*] MURDERERS THOSE MEN WERE ALL INVITED TO GO OUT THERE TO SAVE THE EMIGRANTS YOUNG POLLOCK AND I MIGHT REPEAT REST OF THOSE THAT WERE BROUGHT WOULD TESTIFY BECAUSE TWO OF THEM HAVE TESTIFIED THAT THEY MAINTAINED THAT FRIENDLY *[[2]]* ATTITUDE TOWARDS EMIGRANTS [*space*]		

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RS	PS	RT	BT
THERE WAS CAPITULATION THERE THERE WAS AN AGREEMENT. LOOK AT THE CIRCUMSTANCE S THAT TEND TO SHOW THAT WHILE THESE EMIGRANTS WERE ENCAMPED OUT THERE INACTIVE AND AT REST THEY TESTIFIED WITH ONE ACCORD EXCEPT SMITH OVER IT HE SEEMS TO HAVE SUCH A REPUGNANCE TO TELLING THE TRUTH HE SWEARS TO A LIE IN EVERY PART OF TRANSACTION THAT IS SUCH AN EXCEPTIONAL THAT SOMEBODY ELSE HAS SEEN. HE SAID THEY HAD BEEN FIGHTING THERE FOR 3 OR 4 DAYS HE IS CONTRADICTED BY EVERY WITNESS IN THE CASE. ALL OTHER	THERE WAS A CAPITULATION THERE THERE WAS AN AGREEMENT LOOK AT THE CIRCUMSTANCE S THAT [*space*] SHOW THERE WHILE THESE EMIGRANTS WERE ENCAMPED OUT THERE INACTIVE AND AT REST THEY TESTIFIED WITH ONE ACCORD EXCEPT SMITH OVER IT [*space*] HE SEEMS TO HAVE SUCH A REPUGNANCE TO TELLING THE TRUTH THAT HE SWEARS TO A LIE ON EVERY PART OF THE TRANSACTION THAT IS SUCH AN EXCEPTIONAL THAT OTHERS —[?] HAVE SEEN IT ≤HE SAID THEY WERE FIRING 3 OR FOUR DAYS≥ CONTRADICTED BY EVERY OTHER WITNESS IN THE CASE [*space*]		

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RS	PS	RT	BT
WITNESSES SAY THERE WAS NO FIGHT [*space*]			
THEY ALL SAY WITH ONE ACCORD INDIANS DURING THIS TIME KEPT UP THEIR ATTACK ON THE EMIGRANTS.	THEY ALL SAY WITH ONE ACCORD THAT THE INDIANS DURING THIS TIME KEPT UP THEIR ATTACK ON THE EMIGRANTS BUT		
ON THAT LAST DAY THE DAY WHEN THEY WERE LED OUT OF CAMP INDIANS HAD DISAPPEARED	ON THE LAST DAY THE DAY THEY WERE LED OUT OF CAMP THE INDIANS HAD DISAPPEARED		
THOSE WITNESSES WERE CALLED ON THE STAND.	THOSE WITNESSES WERE CALLED ON THE STAND		
DON'T KNOW WHY THEY WERE NOT PERMITTED TO TELL WHAT WAS SAID THERE	DO NOT KNOW WHY THEY WERE PERMITTED TO TELL WHAT WAS[458] SAID		
STATE WHAT COMMUNICATIONS WITH INDIANS HAD BEEN THEY HAVE GIVEN YOU NO EXPLANATION	WERE NOT PERMITTED TO TELL WHAT THE INDIANS SAID THERE		
WHY WERE THEY ABSENT.	WHY WERE THEY ABSENT		
THERE ARE TWO SUSPICIONS ONE	[*space*] THERE ARE TWO SUSPICIONS ONE		

458. "WHAT WAS" apparently added later.

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RS	PS	RT	BT
IS THAT THEY HAD SO TERRIFIED EMIGRANTS THAT IN THE OPINION OF THE MEN GENTLEMEN THAT WENT THERE TO SAVE THEM[459] EMIGRANTS COULD NOT BE LED OUT IN SIGHT OF THEM EMIGRANTS WOULD BE SO *TMLS*[?] SO TERROR STRICKEN THEY WOULD NOT DARE TO LEAVE THEIR ENTRENCHMENT IN FACE OF INDIANS. AND THEREFORE IT WAS DEEMED A NECESSARY MEASURE IN ORDER TO *ACCOMPLISH*[?] THEIR SALVATION BY LEADING THEM BACK CEDAR THAT THE INDIANS SHOULD DISAPPEAR. IF THAT WAS THE	IS THAT THEY HAD SO TERRIFIED THE EMIGRANTS IN THE OPINION OF THE MEN GENTLEMEN THAT WENT THERE TO SAVE THEM AND THE EMIGRANTS COULD NOT BE LED OUT IN SIGHT OF THEM THE EMIGRANTS WOULD BE SO *TMLS/TMPLS/DMLS*[?] SO TERROR STRICKEN THEY WOULD NOT DARE TO LEAVE THEIR ENTRENCHMENT IN THE FACE OF INDIANS AND THEREFORE IT WAS DEEMED A NECESSARY MEASURE IN ORDER TO ACCOMPLISH THEIR SALVATION BY LEADING THEM BACK TO CEDAR THAT THE INDIANS SHOULD DISAPPEAR NOW IF THAT WAS THE		

459. Word apparently added later.

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RS	PS	RT	BT
AGREEMENT THAT THE INDIANS WERE TO HAVE PROPERTY AFTERWARDS NOT THREATEN EMIGRANTS SO THEY COULD BE INDUCED TO LEAVE THE CAMPS GO BACK TO CEDAR THAT EXPLAINS IT.	AGREEMENT THAT THE INDIANS WERE TO HAVE THE PROPERTY AFTERWARDS AND THAT THEY WOULD DISAPPEAR SO THAT INDIANS WOULD LEAVE THEIR ENTRENCHMENT *WHAT IS NOT TO PRETEND/COMPREHEND*[?] [*space*]		
IN FACT THEY WENT INTO AMBUSH CONCEALED THEMSELVES AND EVIDENTLY FOR DEADLY PURPOSE [*space*] DID THEY DO THAT ON THEIR OWN SAVAGE INTENTIONS OR DID THEY DO IT IN PURSUANCE	BUT THEY IN FACT WENT INTO AMBUSH THEY CONCEALED THEMSELVES *EVIDENTLY*[?] FOR A *DEADLY*[?] TO [*space*] PURPOSE [*space*] DID THEY DO THAT [*space*] OR PURSUANT TO AN AGREEMENT TO WHICH THEY *PURSUED*[?]		
FACT THEY WITHDREW *T*[?] INDICATE THEY HAD SOME NOTICE EMIGRANTS WERE GOING	[*space*] THE FACT THEY DID WITHDRAW AS IF THEY HAD SOME NOTICE THAT THE EMIGRANTS WERE COMING		

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RS	PS	RT	BT
OUT. WE CAN AVOID[460] COMING TO THAT CONCLUSION THERE SEEMS TO BE SOME COMMUNICATIO N BETWEEN MORMONS THERE AND INDIANS TO GO IN VERY PATH THE INDIANS WERE GIVEN TO UNDERSTAND THAT THE EMIGRANTS WERE *[[48]]*[461] COMING OUT. WAS THE AGREEMENT BONA FIDE MADE BY THE MORMONS THAT THEY WERE DISAPPEAR ENTIRELY AND COME AFTERWARDS FOR THE PROPERTY OR WAS IT AN AGREEMENT BY WHICH THEY WERE TO GO INTO AMBUSH AND TAKE THEIR	OUT WE CAN AVOW COMING TO THAT CONCLUSION THERE MUST HAVE BEEN SOME COMMUNICATIO N BETWEEN MORMONS AND INDIANS THERE BY WHICH THE INDIANS WERE GIVEN TO UNDERSTAND THAT THE INDIANS WERE COMING OUT NOW WAS IT AN AGREEMENT BONA FIDE MADE BY THE MORMONS THAT THEY WERE TO DISAPPEAR ENTIRELY AND COME AFTERWARDS FOR THE PROPERTY OR WAS IT AN AGREEMENT BY WHICH THEY WERE TO GO INTO AN AMBUSH AND TAKE THEIR		

460. Phrase could also be read: "WE CANNOT AVOID" or "WHO CANNOT AVOID".

461. Page is torn. A portion of the last three lines is missing.

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RS	PS	RT	BT
SATISFACTION AS SOON AS EMIGRANTS ALL LED OUT IN AN EXPOSED CONDITION YOU HAVE NOT GOT ANY TESTIMONY ON THAT SUBJECT [*space*] AND HERE ARE TWO HYPOTHESES TWO SUPPOSITIONS TWO MODES OF EXPLAINING FACT WHICH TOOK PLACE	SATISFACTION WHENEVER EMIGRANTS CAME IN GOOD POSITION ~ [*space*] HERE ARE TWO HYPOTHESES NO TESTIMONY ON THIS		
INDIANS KNEW OR AT LEAST HAD REASON TO ANTICIPATE EMIGRANTS WERE COMING OUT THEY WERE REQUESTED TO ABSENT THEMSELVES THEY DID ABSENT THEMSELVES THAT MUST BEEN IN SOME ARRANGEMENT WITH MORMONS WAS THAT ARRANGEMENT THEY WERE TO DISAPPEAR	INDIANS KNEW OR AT LEAST HAD REASON *[[3]]* TO ANTICIPATE THAT THE EMIGRANTS WERE COMING OUT REQUESTED TO ABSENT THEMSELVES THAT MUST HAVE BEEN IN PURSUANCE OF SOME ARRANGEMENT WITH THE MORMONS AND WAS IT AN ARRANGEMENT BY WHICH		

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RS	PS	RT	BT
ONLY GO INTO AMBUSH AND WERE TO HAVE THEIR VENGEANCE AS SOON AS EMIGRANTS SHOULD MAKE THEIR APPEARANCE. [*space*] THERE IS A VERY IMPORTANT FEATURE OF THIS CASE YOU MUST EXERCISE YOUR JUDICIAL JUDGMENT. I WANT TO BRING TO THIS PRECISE JUDGMENT RULES OF LAW COURT HAS GIVEN YOU. FIRST IS WHATEVER YOUR CONCLUSION IS IT MUST BE ONE YOU BELIEVE UPON THE TESTIMONY WITHOUT ANY RATIONAL DOUBT. THAT IS THE END YOU ARE TO REACH IF YOU REACH PROPOSITION THE DEFENDANT IS	GO INTO AMBUSH HAVE THEIR VENGEANCE AS SOON AS EMIGRANTS SHOULD MAKE THEIR APPEARANCE THERE IS A VERY IMPORTANT FEATURE OF THIS CASE THAT YOU MUST EXERCISE YOUR JUDICIAL JUDGMENT UPON [*space*] I WANT TO BRING TO THIS PRECISE SUBJECT THE RULES OF LAW WHICH THE RULES HAVE [*space*] WHATEVER YOUR CONCLUSION IS IT MUST BE ONE THAT YOU BELIEVE UPON TESTIMONY WITHOUT ANY RATIONAL DOUBT THAT IS THE END YOU ARE TO REACH IF YOU REACH THE PROPOSITION THAT THE DEFENDANT IS		

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RS	PS	RT	BT
GUILTY. YOU CAN'T REACH THAT CONCLUSION UNLESS THERE IS SUCH A QUANTITY OF EVIDENCE AS REMOVES ALL RATIONAL DOUBT GIVES YOU SUCH CERTAINTY YOU COULD REPOSE UPON IT IN [*page torn*] OF VERY HIGHEST CONCERN ONE EVEN REFLECTING UPON YOUR OWN[462] LIVES. AND ANOTHER THING IS THE [*page torn*] YOU ADOPT TO EXPLAIN THE FACTS MUST BE ONE WHICH IS CONSISTENT WITH THE GUILT AND WHICH EXCLUDES	GUILTY YOU CAN'T REACH A REPOSE UPON THAT CONCLUSION UNLESS THERE IS SUCH A QUANTITY OF EVIDENCE AS REMOVES ALL RATIONAL DOUBT GIVES YOU SUCH CERTAINTY THAT YOU COULD REPOSE UPON IT IN A MATTER OF VERY HIGHEST CONCERN RELATING TO THIS *ONE/WHEN*[?] EVEN AFFECTING YOUR OWN LIFE [*space*] ANOTHER IS THAT THAT CONCLUSION THAT SUPPOSITION WHICH YOU ADOPT TO EXPLAIN THE FACTS MUST BE ONE WHICH IS CONSISTENT WITH THE GUILT AND WHICH EXCLUDES		

462. "YOUR OWN" apparently added later.

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RS	PS	RT	BT
EVERY OTHER *POSSIBILITY*[?] [*page torn*] [*space*]	EVERY OTHER POSSIBLE AND REASONABLE HYPOTHESIS AND SUPPOSITION		
[[Bk 11 1]][463] **9:40 AM** THOSE ARE *WORDS*[?] WE *EXPRESS*[?] HERE NOW TO YOUR EARS.	NOW THAT IS THE WORDS WE ADDRESS HERE AND NOW TO YOUR EARS AS GENTLEMEN FROM *THR*[?] *PRECEPTS/PRSTS*[?] AND I DESIRE		
I DESIRE TO ADDRESS YOU IN SUCH A[464] AS	TO ADDRESS YOU IN SUCH		
LANGUAGE TO MAKE YOU CONFRONT COMPLETELY THIS POSITION OF LAW. AND I WILL DO SO BY SIMPLE ILLUSTRATION. I WAS SEATED AT A TABLE TO TAKE A MEAL ALL THE *FINITIES*[?] WERE PLACED BEFORE ME A LITTLE GIRL STOOD NEAR WITH A FLY BRUSH KEEP AWAY THOSE LITTLE	LANGUAGE AS TO MAKE YOU CONFRONT COMPLETELY THIS POSITION OF LAW I WILL DO SO BY A SIMPLE ILLUSTRATION [*space*] I WAS SEATED AT A TABLE TO TAKE A MEAL ALL THE *FINITIES*[?] WERE PLACED BEFORE ME A LITTLE STOOD NEAR WITH A FLY BRUSH KEEPING AWAY THOSE LITTLE		

463. Page is dirty. At the top of the page "**BOOK NO 11 WEDNESDAY, AUGUST 4, CONTINUATION JUDGE SUTHERLAND IN BEHALF OF LEE**" is written in longhand.

464. Word apparently added later.

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RS	PS	RT	BT
PESTS. OBSERVING I HAD NO FORK I SAID TO THE LITTLE GIRL PLEASE BRING ME A FORK THERE WERE NO OTHER PERSONS PRESENT. SHE AROUND THROUGH TO ADJOURNING ROOM PASSED TO THE LEFT AND BY MOTHER AS I COULD HEAR SEE IN THAT ROOM *ON*[?] THE RIGHT INSTANTLY THE LITTLE GIRL RETURNED WITH A FORK. BUT SHE CARRIED IT CONCEALED THAT IS SHE CONCEALED BY HER PERSON FROM HER MOTHER AND I DISCOVERED IT WAS NOT ACCIDENTAL BUT DONE PURPOSELY. IT EXCITED MY CURIOSITY THERE WAS THE SIMPLE FACT OF THE CONCEALMENT	PESTS OBSERVING THAT I HAD NO FORK I SAID TO THE LITTLE GIRL PLEASE BRING ME FORK THERE WERE NO OTHER PERSONS PRESENT SHE —[?] THROUGH TO AN ADJOURNING ROOM AND PASSED TO THE LEFT OF HER MOTHER AS I COULD HEAR SEE IN THAT ROOM TO THE RIGHT INSTANTLY THE LITTLE GIRL RETURNED WITH A FORK BUT SHE CARRIED IT CONCEALED THAT IS SHE CONCEALED IT BY HER PERSON FROM HER MOTHER AND I DISCOVERED IT WAS NOT ACCIDENTAL IT WAS DONE PURPOSELY IT EXCITED MY CURIOSITY THERE WAS THE SIMPLE FACT OF THE CONCEALMENT		

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RS	PS	RT	BT
OF THE FORK SEVERAL SUPPOSITION IMMEDIATELY OCCURRED TO ME TO ACCOUNT FOR THAT CONCEALMENT *AND/OF*[?] THAT CONCEALMENT WAS BECAUSE OF SOMETHING THAT HAD TRANSPIRED SOMETHING ELSE WHATEVER THAT CONCEALMENT EVIDENCE SUPPOSED TO BE FACT TO BE PROVED WHAT WAS. HAD HER MOTHER GIVEN HER DIRECTIONS NOT TO TAKE EATING UTENSILS TO THE TABLE FOR ANY CULINARY PURPOSE IN PREPARING THE MEAL THAT SUPPOSITION OCCURRED TO ME SHE HAD DISOBEYED HER SHE DESIRED TO CONCEAL THEREFORE THE RETURN OF IT. ANOTHER	OF THE FORK SEVERAL SUPPOSITIONS IMMEDIATELY OCCURRED TO ME TO ACCOUNT FOR THAT CONCEALMENT *NOW*[?] THAT CONCEALMENT WAS BECAUSE OF SOMETHING ≤ELSE≥ THAT HAD TRANSPIRED SOMETHING WHATEVER THAT CONCEALMENT EVIDENCE SUPPOSED TO BE FACT TO BE PROVED NOW WHAT WAS IT HAD HER MOTHER GIVEN HER DIRECTION *[[4]]* NOT TO TAKE EATING UTENSILS TO THE TABLE FOR ANY CULINARY PURPOSE ~~*THEN*[?]~~ HAD *SHE*[?] TAKEN THEM BEFORE AND NOT BROUGHT IT BACK [*space*] ANOTHER		

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RS	PS	RT	BT
SUPPOSITION WAS PERHAPS THERE WERE SEVERAL KINDS OF FORKS IN THE HOUSE SHE WAS IN SUCH A HURRY TO SUPPLY ME WITH FORK SHE TOOK FIRST ONE SHE CAME TO	SUPPOSITION WAS PERHAPS THERE WERE SEVERAL KINDS OF FORKS AND SHE WAS IN A IN A [*space*]		
DID NOT HAPPEN TO BE THE KIND HER MOTHER PERMITTED TO BE USED ON THE TABLE THAT WOULD GIVE HER MOTIVE OF CONCEALMENT	DID NOT HAPPEN TO BE THE KIND HER MOTHER PERMITTED TO BE USED ON MY TABLE THAT WOULD GIVE HER A MOTIVE FOR CONCEALMENT 3 SUGGESTED ITSELF TO ME		
POSSIBLY HER MOTHER TOLD HER [*ink blot*] SET THE TABLE SHE HAD BEEN CARELESS ENOUGH NOT TO PUT A FORK ON IT. INNOCENT CURIOSITY AND —[?] MERELY PLAYFUL	POSSIBLY HER MOTHER HAD TOLD HER TO SET THE TABLE AND BEEN CARELESS *ENOUGH*[?] TO NOT PUT HER FORK [*space*] I PLAYFULLY		
ASKED THE GIRL IF SHE DID NOT TRY TO CONCEAL THAT FORK SO HER MOTHER WOULD NOT SEE IT YES	ASKED THE GIRL IF SHE DID NOT TRY TO CONCEAL THAT FORK SO HER MOTHER WOULD NOT SEE IT YES		

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RS	PS	RT	BT
SAYS SHE I DID —[?] MADE A REMARK THEN THAT TOLD ME WHICH OF MY SUPPOSITIONS WERE CORRECT. I HAD ONLY THE FACT OF THE CONCEALMENT *[[2]]* AND ALL THE SUPPOSITION I HAD MADE SEEMED TO BE OF EQUAL PROBABILITY NEITHER OF THEM WERE SO MUCH MORE PROBABLE THAN ANOTHER THAT IT COULD BE ADOPTED WITHOUT HAVING *SOME* *EVIDENCE*[?] WHETHER IT WAS ONE OR THE OTHER. IT IS SAID THAT AGASSIZ ONE OF THE MOST LEARNED MEN *PRK*/—[?] WHILE YET A VERY YOUNG MAN MAN WAS ABLE TO ON BEING FURNISHED WITH A BONE WITH ONE OF THE BONES OF AN EXTINCT FISH	SAID SHE I DID SHE MADE A REMARK THEN THAT TOLD ME WHICH OF MY SUPPOSITIONS WAS CORRECT I HAD ONLY THE FACT OF THE CONCEALMENT AND ALL THE SUPPOSITIONS I HAD MADE SEEMED TO BE OF EQUALLY PROBABLE NEITHER OF THEM WAS SO MUCH MORE PROBABLE THAN ANY OTHER THAT IT COULD BE ADOPTED WITHOUT HAVING —/*SOME* *EVIDENCE*[?] WHETHER IT WAS ONE OR THE OTHER NOW IT IS SAID THAT AGASSIZ ONE OF THE MOST LEARNED MEN ⪦— —[?]⪧ WHILE YET A VERY YOUNG MAN WAS ABLE ON BEING FURNISHED WITH A ⪦ONE OF THE⪧ OF THE BONES OF AN EXTINCT FISH		

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RS	PS	RT	BT
TO BE ABLE TO REPRODUCE ALL THE OTHER BONES IN THAT FISH'S BODY ALTHOUGH NONE OF THE OTHER BONES WERE EXISTING AT THAT TIME. THERE IS SUCH A COMPARISON SUCH A SIMILARITY IN THE ANATOMY OF ALL ANIMALS AND ESPECIALLY OF ANIMALS OF THE SAME SPECIES THAT WHEN YOU SEE ONE BONE AND READ IT WELL YOUR MIND IS FORMED OF ALL *PARTICULARS*[?] OF EVERY OTHER BONE IN THE BODY HOW EACH ONE IS ADJUSTED TO ANOTHER ANY CHANGE IN ONE PRESUPPOSES MODIFICATION IN ANOTHER WHEN YOU HAVE ONE YOU	TO BE ABLE TO REPRODUCE ALL THE OTHER BONES IN THAT FISH'S BODY ALTHOUGH NO SUCH FISH WAS IN EXISTENCE AT THE TIME ~~THERE IS A~~ WHY THERE IS SUCH A COMPARISON SUCH A SIMILARITY IN THE ANATOMY OF ANIMALS AND ESPECIALLY OF ANIMALS OF THE SAME *BONE*[?] READ IT *WELL YOUR*[?] *AS/IS*[?] INFORMED OF ALL HOW EACH ONE IS ADJUSTED TO THE OTHER AND HOW THEY CHANGE IN ONE *PRESUPPOSES/PRECIPITATES*[?] ~~<~~CHANGE IN THE WHEN YOU~~>~~ AND WHEN YOU		

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RS	PS	RT	BT
HAVE GOT A CLUE TO ALL OF THE OTHERS BUT SUPPOSE YOU SHOULD FIND A *GRID/GRD*[?] TAKEN OUT OF BUILDING DO YOU THINK YOU COULD PUT ALL THE REST OF THE BUILDING TO IT NO BECAUSE NO SUCH RULE EXISTS TWO *GRIDS/GRDS*[?] MIGHT BE PRECISELY ALIKE AS NEAR TWO *GRIDS/GRDS*[?] COULD BE MADE AND YET ONE MIGHT BE FIT INTO BUILDING SO UNLIKE THE OTHER THERE WOULD BE NO FEATURE IN COMMON AND SO IT IS WITH EVERY CONVERSATION OR REMARK THE SAME REMARK SAME ACT MIGHT BE A PART OF A	HAVE GOT ONE YOU HAVE *CLUE*[?] [*space*] SUPPOSE YOU SHOULD FIND A PART PUT ALL THE OTHER BUILDING TO IT NO BECAUSE NO SUCH RULE EXISTS A *GRID/GRD*[?] TWO *GRIDS/GRDS*[?] MIGHT BE PRECISELY ALIKE SINCE TWO *GRIDS/GRDS*[?] COULD BE MADE AND YET MIGHT BE PUT INTO A BUILDING SO UNLIKE THE OTHER THAT THERE WOULD BE NO FEATURE IN COMMON AND SO IT IS IN EVERY CONVERSATION THE SAME REMARK OR THE SAME ACT MIGHT BE PART OF A		

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RS	PS	RT	BT
GREAT MANY DIFFERENT COLLOQUIES. DON'T FOLLOW BECAUSE MADE REMARK PARTICULAR ACT IS MADE IT WILL BE FOLLOWED AND *SURROUNDED*[?] BY SAME ACTS AND SAME REMARKS IN EVERY INSTANCE THEREFORE I SHALL EXAMINE EACH OF MY SUPPOSITIONS SO WE'LL FIND OUT WHEN I MADE THIS INTERROGATIVE REMARK THERE YES SHE SAYS YES I DID CONCEAL I HAD FORGOTTEN TO PUT A FORK THERE WHEN SHE TOLD ME THAT IT CONFIRMED MY LAST REMARK ⊰FORK I HAD WOULD *REMEMBER*[?] —[?]⊱	GREAT MANY DIFFERENT COLLOQUIES *BUT/IT*[?] SHALL FOLLOW THAT BECAUSE A PARTICULAR REMARK WAS MADE A PARTICULAR ACT [*space*] THEREFORE I SHALL EXPLAIN EACH SUPPOSITION SO WE'LL FIND OUT AND WHEN *I*[?] [*space*] MADE THESE INTERROGATIVE REMARK TO HER [*space*] MY MOTHER TOLD ME TO SET THE TABLE AND I FORGOT TO *[[5]]* PUT A FORK ON [*space*] WHEN SHE TOLD ME THAT THAT CONFIRMED MY LAST REMARK AND TAKEN IN CONNECTION WITH THE FACT THAT THE FORK		

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RS	PS	RT	BT
	WAS EXACTLY LIKE THE FORK I HAD USED THAT		
IT EXCLUDED FURTHER SUPPOSITION SHE TRIED TO CONCEAL THAT FORK BECAUSE SHE DID NOT LIKE TO HAVE HER MOTHER KNOW SHE HAD BEEN GUILTY OF THAT LITTLE CARELESSNESS I KNEW SHE HAD NOT TRIED TO CONCEAL BUT BECAUSE SHE WAS *PUTTING* ON DIFFERENT FORK [*space*] IT EXCLUDED SUPPOSITION SHE HAD PUT IT ON AND TAKEN IT OFF AGAIN.	IT EXCLUDED EVERY OTHER SUPPOSITION ~~THAT~~ SHE TRIED TO CONCEAL THAT FORK BECAUSE SHE DID NOT WANT HER MOTHER TO KNOW —[?] IT [*space*] I KNEW IT WAS [*space*] EXCLUDED SUPPOSITION THAT SHE THEREFORE		
WHEN SHE MADE THAT REMARK I SAW IT WAS A SUPPOSITION I HAD NOT ANY DOUBT ABOUT *[[3]]* IT KILLED FURTHER SUPPOSITION IT WAS CARELESSNESS IN NOT PUTTING FORK ON	WHEN SHE MADE THAT REMARK I SAW THAT IT WAS A SUPPOSITION THAT I HAD NOT ANY DOUBT ABOUT IT KILLED FURTHER SUPPOSITION IT WAS CARELESSNESS IN NOT PUTTING FORK ON THE		

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RS	PS	RT	BT
TABLE WHEN SHE HAD SET THE TABLE. [*space*] NOW GENTLEMEN THAT IS AN ILLUSTRATION OF THAT KIND OF CONFIRMING OF A HYPOTHESIS THAT IS REQUIRED IN ORDER TO CONVICT WHEN THERE IS NO DIRECT EVIDENCE IN ORDER TO CONVICT. YOU HAVE PROOF EMIGRANTS WERE IN DANGER FROM THE INDIANS; THEIR LIVES WERE THREATENED WHILE IN THEIR OWN ENTRENCHMENTS. THAT IS *EVIDENT*[?] [*space*] BY *PROSECUTION*[?] VERY MUCH IN THE EVIDENCE TO INDICATE IT IS	TABLE WHEN SHE SET THE TABLE THAT SHE HAD TRIED TO CONCEAL IT [*space*] THIS IS ILLUSTRATION OF THAT KIND OF CONFIRMATION OF A HYPOTHESIS THAT IS REQUIRED IN ORDER TO CONVICT WHERE THERE IS NO DIRECT EVIDENCE OF KILLING ITSELF NOW HERE YOU HAVE PROOF EMIGRANTS WERE IN DANGER THERE FROM THE INDIANS THEIR LIVES WERE THREATENED WHILE IN THEIR OWN ENTRENCHMENTS THAT IS EVIDENT BY THE *CONVICTIONS*[?] OF THE EMIGRANTS THEMSELVES THERE IS MUCH IN EVIDENCE TO [*space*]		

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RS	PS	RT	BT
TRUE WERE POSSESSED OF VERY VALUABLE PROPERTY. THE EMIGRANTS HAD EXHIBITED A WILLINGNESS IN EXTREMITY OF THE DAY OF THE SLAUGHTER TO ABANDON ALL THAT PROPERTY IN ORDER TO SAVE THEIR LIVES. IS NOT ≤WAS NOT≥ THAT TRUE THEY WERE WILLING TO TRUST THEIR LIVES TO THE MORMONS. THEY DID DO IT. THAT WAS THEIR COMMENTARY ON THE SITUATION INDIANS HAD BEEN FIRING UPON THEM THEY HAD NO ACCESS TO WATER [*space*] THEIR WATER WAS LIMITED THEY KNEW IT WAS ONLY {**A**}[i]	WERE POSSESSED OF VERY VALUABLE PROPERTY NOW THE EMIGRANTS HAD EXHIBITED A WILLINGNESS IN EXTREMITY ON THE DAY OF THE SLAUGHTER TO ABANDON THAT PROPERTY IN ORDER TO SAVE THEIR LIVES IS NOT THAT TRUE AND THEY WERE WILLING TO TRUST THEIR LIVES TO THE MORMONS THEY DID DO IT THAT WAS THEIR COMMENTARY ON THE SITUATION THE INDIANS HAD BEEN FIRING UPON THEM HAD PUT THEM IN FEAR OF DESTRUCTION THEY HAD NO ACCESS TO WATER THEIR AMMUNITION AND PROVISIONS WERE LIMITED THEY KNEW IT WAS ONLY A		

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RS	PS	RT	BT
QUESTION OF TIME IF THEY DID NOT SURRENDER THEY WERE WILLING TO ABANDON TO THE INDIANS AND LOSE TO SACRIFICE ALL THEY HAD IN THIS WORLD'S GOODS IN ORDER TO SAVE THEIR LIVES. THAT IS EVIDENCE THEY WERE IN AN EXTREMITY THEY ADMIT THEIR CONDITION A PERILOUS ONE. THE INDIANS HAD DISAPPEARED. THE WHITES ENCOURAGED THEM TO MARCH OUT OF THEIR ENTRENCHMENTS TOWARDS THEIR OWN SETTLEMENTS TOWARDS THEIR OWN SETTLEMENTS NOT FOR THE PURPOSE OF ESCAPING OPPOSITE DIRECTION BUT TOWARDS THEIR	QUESTION OF TIME IF THEY DID NOT SURRENDER THEY WERE WILLING TO ABANDON TO THE INDIANS ALL THEY HAD OF THIS WORLD'S GOODS IN ORDER TO SAVE THEIR LIVES THAT IS EVIDENCE THEY WERE IN AN EXTREMITY THEY ADMIT THEIR CONDITION A PERILOUS ONE THE INDIANS HAD DISAPPEARED THE WHITES ENCOURAGED THEM TO MARCH OUT OF THEIR ENTRENCHMENT TOWARDS THEIR OWN SETTLEMENTS NOT NEED FOR PURPOSE TO ESCAPE IN THE OPPOSITE DIRECTION BUT TOWARDS THEIR		

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RS	PS	RT	BT
OWN SETTLEMENTS THAT SHOWS TRUST AND CONFIDENCE IN THE MORMONS. ≤NOW GENTLEMEN≥ WERE THE INDIANS BY THIS ARRANGEMENT WITH MORMONS TO GO INTO AMBUSH TO HAVE THEIR VENGEANCE BY SHOOTING DOWN THESE DEFENSELESS EMIGRANTS WAS THAT {A}[i] FEATURE OF THE ARRANGEMENT YOU HAVE NO PROOF OF IT	OWN SETTLEMENTS THAT SHOWS TRUST AND CONFIDENCE IN THE MORMONS NOW GENTLEMEN WERE THE INDIANS BY THIS ARRANGEMENT WITH THE MORMONS GO INTO AMBUSH AND HAVE THEIR VENGEANCE BY SHOOTING DOWN THESE DEFENSELESS EMIGRANTS WAS THAT A FEATURE OF THE ARRANGEMENT		
THERE IS NO PROOF THAT THAT WAS ANY FEATURE OF {AN}[i] AGREEMENT IF YOU GOT IT OUT YOU MUST GET IT OUT BY INFERENCE. IF THESE MORMONS WERE PARTY TO AN	THERE IS NO PROOF THAT IT WAS ANY FEATURE OF THE *M*[?] AGREEMENT IF YOU GET IT OUT YOU MUST GET IT OUT BY INFERENCE IF THESE MORMONS WERE A PARTY TO AN *[[6]]*		
ARRANGEMENT WITH THAT FEATURE IN IT THAT THE	ARRANGEMENT THAT HAD THAT FEATURE IN IT THE		

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RS	PS	RT	BT
INDIANS WERE TO GO INTO AMBUSH AND WHEN EMIGRANTS CAME OUT WERE TO SHOOT THEM THEY ARE GUILTY NO PUNISHMENT HUMAN INGENUITY [*space*] INGENUITY HAS TOO GOOD FOR THEM BEFORE YOU LEVEL YOUR MALEDICTION FOR ANY SUCH THING YOU WANT TO BE SURE THERE IS TESTIMONY TO WARRANT THAT CONCLUSION THERE IS NO TESTIMONY HERE [*space*] [[4]] THEY AGREED INDIANS SHOULD HAVE *THAT*[?] VENGEANCE AND ~~YOU ARE ASKED~~ YOU ASKED HERE BY PROSECUTION TO GIVE THAT CONCLUSION THEY SEEM TO	INDIANS GO INTO AMBUSH AND EMIGRANTS COME OUT TO SHOOT THEM THEY ARE ALL GUILTY NO PUNISHMENT HUMAN INGENUITY IS TOO BAD ~~GOOD~~ FOR THEM BEFORE YOU LEVEL YOUR MALEDICTION FOR ANY SUCH THING YOU WANT TO BE SURE THAT THERE IS TESTIMONY WARRANTS YOU IN FORMING THAT CONCLUSION *NO/IF*[?] TESTIMONY HERE THAT THEY AGREED THE INDIANS SHOULD HAVE THAT VENGEANCE AND NOW —[?] YOU ARE ASKED THAT ~~IT~~ YOU SHOULD *GUESS/GIVE US*[?] BE SO THEY SEEM TO		

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RS	PS	RT	BT
RULE ON CLAIM OF THE CIVILIZED WORLD FOR THE BLOOD OF THIS MAN TO INDUCE TO DRIVE YOU TO INTIMIDATE YOU BY ADOPT THIS MURDERER'S DESCRIPTION FOR EVIDENCE. I TELL YOU THERE IS NO SYLLABLE OF EVIDENCE THAT THAT WAS A FEATURE OF THE CASE. DO YOU THINK OF ANY THE CASE IS PERFECTLY *BALD/B-L*[?] UPON THAT SUBJECT. THIS RULE IN REGARD TO THEIR HAVING PROOF OF THEIR HYPOTHESIS IS SO CONCLUSIVE AS EXCLUDE EVERY OTHER CAUSE NO. IT IS FACT THAT THE EMIGRANTS WERE KILLED WITHOUT PARTICIPATION OF JOHN D. LEE	RULE UPON CLAIM OF THE CIVILIZED WORLD TO INDUCE YOU TO DRIVE AND INTIMIDATE YOU TO ADOPT THIS MURDERER'S DESCRIPTION FOR EVIDENCE [*space*] I TELL YOU THERE IS NOT A SYLLABLE OF EVIDENCE THAT THAT WAS A *FEATURE/FACTO R*[?] OF THE AGREEMENT DO YOU THINK OF ANY THE CASE IS PERFECTLY *BALD/BLT/BLD*[?] UPON THAT SUBJECT [*space*] NOW THIS RULE IN REGARD TO THEIR HAVING PROOF OF THE HYPOTHESIS SO CONCLUSIVE AS TO EXCLUDE EVERY OTHER CAUSE NO [*space*] NOW IT IS A FACT THAT THE EMIGRANTS WERE KILLED WITHOUT THE PARTICIPATION OF JOHN D. LEE		

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RS	PS	RT	BT
WHO BROUGHT THEM OUT DOES THAT PROVE THAT IT WAS AGREED ON BEFORE? DID THOSE MORMONS WHO SHOT AT THE EMIGRANTS WHO TESTIFIES TO THAT SMITH CARRIES THAT IDEA WHITE DID NOT KNOW WHO DID SHOOT HE IS CAREFUL TO SAY HE DID NOT YOUNG DIDN'T SEE MORMONS SHOOT. POLLOCK DID NOT SAY SO WHAT WOULD THOSE OTHER TEN SAY IF THEY WERE BROUGHT HERE I DO NOT CARE WHAT SMITH SAYS. AND IF YOU ARE CANDID MEN YOU DO NOT CARE WHEN YOU CONSIDER ALL THE SURROUNDING OF THIS SMITH CONSIDER ALL THAT HE HAS DONE HOW HE IS	WHO BROUGHT THEM OUT DOES THAT PROVE THAT IT WAS AGREED ON BEFORE DID THOSE MORMONS ALL SHOOT AT THE EMIGRANTS WHO TESTIFIES TO THAT SMITH CARRIES THAT IDEA WHITE DID NOT KNOW WHO DID SHOOT HE IS CAREFUL TO SAY HE DID NOT YOUNG DID NOT HE DID NOT SEE THE MORMONS SHOOT POLLOCK DID NOT SAY SO WHAT WOULD THESE OTHER TEN SAY IF THEY WERE BROUGHT HERE I DO NOT CARE WHAT SMITH SAYS AND IF YOU ARE ACQUAINTED WITH HIM GENTLEMEN YOU DO NOT CARE WHEN YOU CONSIDER ALL THE SURROUNDINGS OF THIS SMITH ALL THAT HE HAS DONE HOW HE IS		

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RS	PS	RT	BT
CONTRADICTED[?] I CAN SAY AND I DO SAY WITH DELIBERATION THAT I PITY HIM THAT MAN'S JUDGMENT THAT CAN BE BROUGHT TO RAISE A VERDICT OF GUILTY THROUGH WHOLE OR IN PART UPON THE TESTIMONY OF THAT FELON. YOU DO NOT KNOW WHAT TOOK PLACE WHEN THAT FIRING OCCURRED YOU DO NOT KNOW WHETHER MORMONS GENERALLY FIRED OR NOT. STRIKES SMITH'S TESTIMONY OUT OF CASE AND THEN CONSIDER OTHER TESTIMONY HOW MEAGER IT IS HOW MUCH MORE TESTIMONY WAS WITHIN REACH AND NOT PRODUCED HOW POSSIBLE	CONTRADICTED I CAN SAY AND I DO SAY WITH DELIBERATION THAT I ~~≤~~*N TO SEE/SAY THE*[?]~~≥~~ [*space*] THAT MAN'S JUDGMENT THAT CAN BE BROUGHT TO RAISE A VERDICT ~~UPON~~ OF GUILTY EITHER WHOLLY OR IN PART UPON THE TESTIMONY OF THAT MAN YOU DO NOT KNOW WHAT TOOK PLACE WHEN THAT FIRING TOOK PLACE YOU DO NOT KNOW WHETHER THE MORMONS GENERALLY FIRED OR NOT STRIKE SMITH'S TESTIMONY OUT OF CASE AND THEN CONSIDER THE OTHER TESTIMONY HOW MEAGER IT IS HOW MUCH MORE TESTIMONY WAS WITHIN REACH AND NOT PRODUCED HOW POSSIBLE		

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RS	PS	RT	BT
IT IS EVEN THAT SOME OF THEM DID SHOOT SINCE IT IS PROVED MANY OF THEM DID NOT SHOOT THAT WAS DONE WAS DONE ON INDIVIDUAL IMPULSE AND NOT IN PURSUANCE OF ANY PREVIOUS UNDERSTANDIN G [*space*] IF IT IS REASONABLE HYPOTHESIS THAT JOHN D. LEE BY THIS CAPITULATION INTENDED TO SAVE LIFE RATHER THAN DESTROY IT THEN THAT HYPOTHESIS MUST BE ADOPTED PURSUANT TO LAW. THE LAW REQUIRES IT, HUMANITY REQUIRES IT, CHARITY REQUIRES IT, OUR OWN EXPERIENCE REQUIRES IT BECAUSE WE KNOW HOW EASY IT IS TO DO	IT IS THAT EVEN IF SOME OF THEM DID SHOOT SINCE IT IS PROVED MANY OF THEM DID NOT THAT THE SHOOTING THAT WAS DONE WAS DONE UPON INDIVIDUAL IMPULSE AND NOT IN PURSUANT TO ANY PREVIOUS UNDERSTANDIN G NOW IF IT IS REASONABLE HYPOTHESIS THAT JOHN D. LEE BY THIS CAPITULATION INTENDED TO SAVE LIFE RATHER THAN DESTROY IT THEN THAT HYPOTHESIS MUST BE ADOPTED PURSUANT TO LAW THE LAW REQUIRES HUMANITY REQUIRES IT [*space*] *[[7]]* CHARITY REQUIRES IT OUR OWN EXPERIENCE REQUIRES IT BECAUSE WE KNOW HOW EASY IT IS TO DO		

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RS	PS	RT	BT
GOOD ACTION AND HOW HARD IT IS TO COMMIT A MURDER THERE ARE VERY FEW MEN THAT CAN *[[5]]* COMMIT A MURDER THERE ARE FEWER THAT THEN COMPOUND IT BY TREACHERY BY PERFIDY. IT WILL {BE}[i] ARGUED TO YOU THESE MEN ALL WENT OUT THERE[465] FOR THE PURPOSE OF KILLING THOSE MEN IT WAS A SORT OF MORMON PROJECT TO KILL THEM WHAT DID THE MORMONS WANT TO KILL THEM FOR THEY DID THE MORMONS NO WRONG THEY MAY HAVE EXCITED SOME REMARKS JUST AS LIKE PARTY WOULD IN GOING	A GOOD ACTION AND HOW HARD IT IS TO COMMIT A MURDER THERE ARE VERY FEW MEN THAT CAN COMMIT MURDER THERE ARE FEWER THAT CAN COMPOSE IT BY —[?] TREACHERY BY PERFIDY [*space*] IT WILL BE ARGUED TO YOU THAT THOSE MEN ALL WENT OUT THERE TO KILL THOSE MEN THAT IT WAS A SORT OF A MORMON PROJECT TO KILL THEM [*space*] WHAT DID THE MORMONS ~~*CHARGE*~~[?] WANT TO KILL THEM FOR MAY HAVE GONE THROUGH THERE *POSSIBLY*[?] ~~*EXCITED*~~[?] [*space*] MADE SOME REMARKS		

465. Apparently added later.

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RS	PS	RT	BT
THROUGH ANY PLACE AND SPEAKING AGAINST VIEWS *RESPECT*[?] OF PEOPLE OF LOCALITY IT WOULD NOT GIVE ANY SUCH PROVOCATION AS WOULD LEAD MEN TO KILL THEM. SUPPOSE SUCH A PARTY SHOULD GO THROUGH MINING CAMP AND SHOULD SWEAR AT EVERY MINER EVERY MINER WAS A THIEF THEY WOULD ENTER INTO THEIR *SHOPS*[?] AND TAKING ALL THEIR ORE IT IS VERY LIKELY SOME OF THOSE MINERS WOULD ENGAGE LIBERTY OF FREE SPEECH AND WOULD PROBABLY TRY *FORM*[?] ALLIANCE *THOUGHT AS WAS*[?] NECESSARY *IN ORDER THEM*[?] GET OUT OF	SPEAKING AGAINST THE VIEWS RESPECTABLE TO PEOPLE OF LOCALITY BUT IT WOULD NOT GIVE ANY SUCH PROVOCATION AS WOULD LEAD MEN TO KILL THEM [*space*] SUPPOSE MEN SHOULD GO THROUGH A MINING CAMP AND SAY THAT EVERY MINER WAS A THIEF [*space*] ≤GOT INTO THEIR≥ TOOK AWAY THEIR ORE [*space*] VERY LIKELY THAT WOULD EXERCISE *FREE SPEECH*[?] [*space*] *TRY TO FORM ALLIANCES*[?] *PUT ONE*[?] OUT OF		

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RS	PS	RT	BT
CITY *SAY*[?] IT WAS *SM/SOME*[?] *FRGGDSH/PRGGDSH*/—[?] IT WOULD BE ONLY TOPIC OF SOME PLEASANTRY JUST SO IF THEY HAD GONE INTO AN AGRICULTURAL COMMUNITY THREATEN TO DRIVE OFF SOME OF THEIR STOCK ANYTHING ELSE DISTASTEFUL TO *THAT*[?] *PEOPLE*[?] IT MIGHT PROVOKE THEM OF HAVING THESE EXTRAVAGANT REMARKS SEEMS LIKE *VERY BEAUTIFUL LIE*[?] *ANNOUNCING/—*[?] WHO HEAR IT SPOKEN. IF THE MORMONS DID KILL THEM. SUPPOSE FOR A MOMENT MORMONS DID EXPRESS THEMSELVES	CITY —/*WELL*[?] *FRGDSH*[?] IT WOULD END IN A LAUGH IT WOULD BE ONLY THE TOPIC OF SOME *PLEASANTRY*[?] *JUST*[?] OR IF THEY HAD GONE INTO AGRICULTURAL *COMMUNITY*[?] DRIVE OFF STOCK DO ANYTHING ELSE DISTASTEFUL TO THAT PEOPLE IT MAY PROVOKE EXTRAVAGANT RUMORS THAT IT WOULD OVERRULE [*space*] WHAT DID THE MORMONS WANT TO KILL THEM FOR [*space*] SUPPOSE FOR A MOMENT THAT THE MORMONS DID WANT THEM TO BE KILLED BECAUSE KNEW SOME *VIEWS/VOICE*[?] GOING THROUGH THE		

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RS	PS	RT	BT
	TERRITORY		
THEY WOULD NOT BE LIKELY TO PREACH ABOUT IT *WOULD*[?] NOT BE VERY LIKELY TO TALK IT ON THE STREET [*space*] NONE OF THE MEN WHO HAD MURDER IN THEIR OWN HEART	THEY WOULD NOT BE VERY LIKELY TO PREACH ABOUT IT WOULD NOT BE VERY LIKELY TO TALK IT ON THE STREET NONE OF THE MEN THAT HAD MURDER IN HIS OWN HEART AND INTENDED TO HAVE A LITTLE PART IN IT		
WOULD *T*[?] ANYTHING ABOUT IT TO ANYBODY ELSE UNLESS HE HAD UTMOST CONFIDENCE IN THAT MAN	WOULD SAY ANYTHING ABOUT IT TO ANYONE ELSE		
BECAUSE CRIME IS VERY SECRETIVE CRIMINALS HAVE THEIR VERY FEW CONFIDANTS IT IS SIMPLY RIDICULOUS	BECAUSE CRIME IS VERY SECRETIVE CRIMINALS HAVE VERY FEW CONFIDANTS AND IT IS SIMPLY RIDICULOUS TO SAY THAT THE		
WHOLE COUNTRY WAS SO DESIROUS TO TAKE PART IN THIS MURDER THEY TALKED ABOUT	WHOLE COMMUNITY WERE DESIROUS OF TAKING PART IN THIS MURDER THEY WERE TAKING ABOUT		

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RS	PS	RT	BT
IT IN THEIR *YARDS*[?] AND IN THEIR CHURCH. THERE WERE INDIANS ENOUGH THERE TO KILL THEM WITHOUT THEIR ASSISTANCE THE DANGER TO THESE EMIGRANTS WAS FROM THE INDIANS THEY WERE THERE[466]	IT IN THEIR *CHURCHES*[?] AND *D*[?] HOW NECESSARY THE DANGER TO THESE EMIGRANTS WAS FROM THE INDIANS [*space*]	THE INDIANS	THE INDIANS
IN GREAT NUMBERS THEY SURROUNDED THEM THEY HAD CUT OFF THEIR WATER AND WOULD SOON EXHAUST ALL THEIR SUPPLIES IF THE	GREAT NUMBERS SURROUNDED THEM ~~<~~CUT OFF WATER~~>~~ SOON EXHAUSTED ALL SUPPLIES	HAD SURROUNDED THEM AND COULD OVERWHELM THEM.	HAD SURROUNDED THEM AND COULD HAVE OVERWHELM**ED** THEM.
MORMONS WANTED EMIGRANTS TO KILL THEM THEY HAD NOTHING TO DO BUT LET THEM ALONE	MORMONS WANTED EMIGRANTS TO BE KILLED ALL THEY HAD TO DO WAS TO LET THEM ALONE [*space*]	MORMONS DESIRING THEIR DESTRUCTION NEEDED ONLY TO LET THEM ALONE. THEY WERE CLOSELY BESIEGED, THEIR STOCK COULD BE DRIVEN OFF, THEIR SUPPLIES AND WATER COULD BE CUT	MORMONS DESIRING THEIR DESTRUCTION NEEDED ONLE TO LET THEM ALONE. THEY WERE CLOSELY BESIEGED.~~,~~ THEIR STOCK COULD BE DRIVEN OFF, THEIR SUPPLIES OF WATER COULD BE CUT

466. "WERE THERE" apparently added later.

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RS	PS	RT	BT
	INDIANS [[8]] WOULD NOT KILL YOU AND I	OFF AND A FEW DAYS WOULD SUFFICE TO MAKE THEM PERISH WITH THIRST. IT IS NOT A REASONABLE THEORY THAT THE PEOPLE OF THREE TOWNS WOULD GO THE MEADOWS TO TAKE PART IN THE SLAUGHTER OF A PARTY WHOSE DEATH WAS ALREADUY ASSURED. NO MAN, IN HIS COMMON SENSES,WILL BELIEVE IT. NOW, IN CONCLUSION, I SAY THAT ON THE THEORY WHICH I HAVE ADVANCED, ALL THE FACTS WHICH THE JURY CAN FIND SATISFACTORY EVIDENCE TO HARMONIZE WITH THE PRESUMPTION OF THE DEFENDANTS INNOCENCE. THE EMIGRANTS HAD RASHLY	OFF. A FEW DAYS WOULD SUFFICE TO MAKE THEM PERISH WITH THIRST. IT IS NOT A REASONABLE THEORY THAT THE PEOPLE OF THREE TOWNS WOULD GO TO THE NMEADOWS TO TAKE PART IN THE SLAUGHTER OF A PARTY WHOSE DEATH WAS ALREADY ASSURED. NO MAN IN HIS SENCES WILL BELIEVE IT. NOW, IN CONCLUSION I SAY, THAT, ION THE THEORY WHICH I HAVE ADVANCED, ALL THE FACTS WHICH THE JURY CAN FIND **IS** SATISFACTORY EVIDENCE TO HARMONIZE WITH THE PRESUMPTKION **OF** WITH THE DEFENDANTS INNOCENCE**,** THE EMIGRANTS HAD RASHLY

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RS	PS	RT	BT
[[6]] YOU KNOW WHAT TEMPER OF THE INDIANS WAS THEN YOU KNOW WHAT THEIR PROVOCATION HAD BEEN AND YOU KNOW WHAT THE INDIAN TEMPER IS WHEN THEY HAVE HAD PROVOCATION TO HAVE AMASSED THEIR FORCES	DO NOT NEED TO REMARK YOU KNOW WHAT THE TEMPER OF THE INDIANS WAS YOU KNOW WHAT THE PROVOCATION HAD BEEN YOU KNOW WHAT THE INDIAN TEMPER IS WHEN THEY HAVE HAD PROVOCATION AND WHEN THEY HAVE AMASSED THEIR FORCES	COURTED SUCH A FATE FROM THE INDIANS BY PłOISONING THEIR FOOD AND DRINK. THERE WAS A DEADLY PROVOCATION. THE INDIANS ACTED UPON IT. THEY PURSUED THE EMIGRANTS; THEY SUMMONED THEIR FRIENDS AND ALLIES TO JOIN THEM IN THEIR	COURTED SUCH A FATE FROM THE INDIANS BY POISONING THEIR FOOD AND DRINK. THERE WAS A DEADLY PROVOCATION. THE INDIANS ACTED UPON IT. THEY SUMMONED THEIR FRIENDS AND ALLIES TO JOIN THEM IN THEIR
TO TAKE VENGEANCE	TO TAKE REVENGE *YOU*[?] KNOW *THAT*[?] [*space*] *DO*[?] BUT THAT THE THE MOST MURDEROUS MEN COULD	PURSUIT OF VENGEANCE.	~~D~~PERSUIT OF VENGEANCE.
DO YOU BELIEVE IF DESIRING DEATH OF THOSE EMIGRANTS AND KNOWING THE INDIANS WERE THERE IN NUMBERS SUFFICIENT TO COMPLETE IT MORMONS WERE	DESIRE DO YOU BELIEVE IF DESIRED THE DEATH OF THOSE EMIGRANTS KNOWING INDIANS WERE THERE IN NUMBERS TO ACCOMPLISH DO YOU BELIEVE THAT MORMONS		

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RS	PS	RT	BT
SO DESIROUS TO DISTINGUISH THEMSELVES IN THIS HELLISH WORK THEY WERE GOING OUT THERE TO HAVE BLOODY HAND IN IT ≤IN ORDER TO HAVE BLOODY HAND IN IT≥ DOES THAT LOOK LIKELY THAT CONSIDERATION DON'T TEND TO SUPPORT VERY MUCH THEORY OF PROSECUTION IT IS A CONSIDERATION IN MY HUMBLE JUDGMENT OUGHT TO HAVE AT LEAST LITTLE INFLUENCE IN SUGGESTING THE THEORY WHICH I ADVANCE IS ONE THAT IS REASONABLE. YOU CAN SAY IT IS SO UNREASONABLE AS TO ADMIT OF *NO/ANY*[?] DOUBT	WOULD GO OUT THERE IN THESE LARGE NUMBERS IN ORDER TO *KTSL*[?] AND UNNECESSARILY TO HAVE A HAND IN IT [*space*] DOES THAT LOOK LIKELY THAT CONSIDERATION DON'T TEND TO SUPPORT VERY MUCH THE THEORY OF THE PROSECUTION AND IT IS A CONSIDERATION THAT IN MY HUMBLE JUDGMENT OUGHT TO HAVE AT LEAST A LITTLE INFLUENCE IN SUGGESTING THE THEORY THAT I ADVANCE IS ONE THAT IS REASONABLE YOU CAN SAY THAT IT IS SO UNREASONABLE AS TO ADMIT TO *NO/ANY*[?] DOUBT [*space*]	THEY WERE IMPLACABLE IN	THEY WERE IMPLACABLE IN

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RS	PS	RT	BT
		THEIR WRATH, AND THREATENED EVEN THE MORMONS, FOR THEIR EFFORTS TO PACIFY THEM IN BEHALF OF THEIR ENEMIES. THE MORMONS HAD NO MOTICE TO SLAY THEM. THE MORMONS WITH ONE HUMANE IMPULSE, RUSHED TO ~~THER~~ THEIR AID FROM CEDAR CITY, FROM HARMONY AND FROM WASHINGTON. THEY WENT *[[31]]* TO THE MEADOWS ON HEARING THAT THE EMIGRANTS WERE ATTACKED.	THEIR WRATH *[[27]]*[467] AND THREATEN~~DE~~ED EVEN THE MORMONS FOR THEIR EFFORTS TO PACIFY THEM IN BEHALF OF THEIR ENEMIES. THE MORMONS HAD NO MOTIVE TO SLAY THEM. THE MORMONS WITH ONE HUMANE IMPU~~S~~LSE, RUSHED TO THEIR AID FROM CEDAR CITY, FROM HARMONY AND FROM W~~H~~HASHINGTON. THEY WENT TO THE MEA~~E~~DOWS ON HEARING THAT THE EMIGRANTS WE~~E~~RE ATTACKED.
IF THE MORMONS WENT OUT THERE FOR ANY PURPOSE AT ALL I SAY IT WAS NOT TO INJURE EMIGRANTS. BUT TO HELP THEM AND THEY WOULD NOT HAVE GONE	IF THE MORMONS WENT OUT THERE FOR ANY PURPOSE AT ALL I SAY IT WAS NOT [*space*] TO INJURE EMIGRANTS BUT TO HELP THEM		

467. Page 27 of Sutherland's closing is considerably damaged around the edges.

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RS	PS	RT	BT
AT ALL IF THEY DESIRED THEM TO BE KILLED.			
THEY WENT OUT THERE FOR HUMANE PURPOSE TO ASSIST THE MORMONS THEY WOULD NOT HAVE DONE OTHERWISE ALL THAT SMITH HAS TESTIFIED TO THE CONTRARY IS A LIE IT STRIKES MY MIND SO IT STRIKES MY MIND SO WITH SUCH FORCE I CAN'T REPRESS THE EXPRESSION THAT HE LIES. SOME INFLUENCE COULD HAVE PUT THE LIES —[?] OF OUR OWN MIND FOR LIARS INFLUENCE EVERY OTHER MIND BRING US TO CONCLUSION AND FORCES US	THEY WENT OUT THERE FOR A HUMANE PURPOSE THEY WENT OUT THERE TO ASSIST THE MORMONS THEY WOULD NOT HAVE BEEN THERE OTHERWISE AND ALL THAT SMITH HAS TESTIFIED TO THE CONTRARY IS LIE [*space*] IT STRIKES MY MIND SO IT STRIKES MY MIND SO AND WITH SUCH FORCE THAT I CAN'T REPRESS THE EXPRESSION THAT HE LIES SOME INFLUENCE COULD HAVE PUT THE LIES PUT THEM IN MIND COULD HAVE PUT THE LIES *THAT*[?] WE HAVE OBSERVE *INFLUENCE*[?] *ON*[?] EVERY OTHER MIND BRING US TO CONCLUSIONS FORCES US		

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RS	PS	RT	BT
TO CERTAIN DECISIONS *WE CARRY*[?] THAT ARE BASED UPON CONVICTIONS AS STRONG AS WHEN WE SEE AND HEAR TO FEEL CONVICTIONS AS STRONG AS THOSE THAT ARE SUPPORTED BY EVIDENCE OF ALL OUR SENSES. THAT IS ONE. I FEEL MORAL CERTAINTY THAT SMITH LIED IN *HALF*[?] UTTERANCE HE GAVE THAT INDICATES *ANYBODY/NOBODY*[?] THERE DESIRED TO KILL THOSE EMIGRANTS BEFORE THEY LEFT CEDAR. <PROSECUTION> IT WOULD BE SUGGESTED PERHAPS THAT THE MORMONS AT	TO CERTAIN DECISIONS THAT ARE BASED UPON CONVICTIONS AS STRONG AS WHEN WE SEE AND HEAR AND FEEL AND CONVICTIONS AS STRONG AS THOSE THAT ARE SUPPORTED BY THE EVIDENCE OF ALL OUR SENSES THAT IS ONE I FEEL A MORAL CERTAINTY THAT THAT SMITH LIED IN EVERY UTTERANCE THAT HE GAVE THAT *INDICATES*[?] *ANY/NOT*[?] ANYBODY DESIRED TO KILL THOSE ~~MORMON'S THOSE~~ EMIGRANTS BEFORE THEY *LEFT*[?] CEDAR YET IT WILL BE SUGGESTED *PROSECUTION*[?] THAT THE MORMONS AT		

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RS	PS	RT	BT
CEDAR HARMONY AND WASHINGTON HAD LOOKED UPON THIS RICH TRAIN AND COVETED IT AND WENT THERE IN A SPIRIT OF PLUNDER IS THAT ANY MORE REASONABLE HYPOTHESIS CAN YOU BELIEVE THREE MORMON AND INJUN COMMUNITY THEY THEN DESIRED TO GO BACK AS FAR AS PAROWAN *AS* *FAR AS*[?] —[?] HAD BEEN ALSO INFECTED WITH COVETOUS DESIRE FOR THESE WAGONS AND ANIMALS CAN YOU BELIEVE 4 TOWNS THREE TOWNS 2 TOWNS OR EVEN ONE TOWN OF MORMONS WOULD BE SO EXCITED IN VIEW OF THAT TRAIN *[[7]]* AS TO	CEDAR AND HARMONY AND WASHINGTON HAD LOOKED UPON THIS RICH TRAIN AND COVETED IT [*space*] WENT THERE IN A SPIRIT OF PLUNDER NOW IS THAT ANY MORE REASONABLE HYPOTHESIS CAN YOU BELIEVE THAT 3 MORMON AND INJUN COMMUNITIES EVEN DESIRE TO GO BACK AS FAR AS PAROWAN AND TO SUPPOSE THAT PAROWAN ALSO *[[9]]* HAD BEEN INFECTED WITH A COVETOUS DESIRE FOR THESE WAGONS AND ANIMALS CAN YOU BELIEVE THAT FOUR TOWNS 3 2 OR EVEN 1 TOWN OF MORMONS WOULD BE SO EXCITED IN VIEW OF THAT TRAIN AS TO		

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RS	PS	RT	BT
PLOT THE DESTRUCTION OF OVER HUNDRED PERSONS IN ORDER TO ENRICH THEMSELVES WITH THAT AMOUNT OF BOOTY. IT IS SIMPLY RIDICULOUS IT IS SIMPLY RIDICULOUS WHAT IS THE EVIDENCE THEY RULE UPON. THEY SAY THE PROPERTY WAS AFTERWARDS TAKEN CARE OF DISTRIBUTED TO THE INDIANS AND DISTRIBUTED AMONG THE MORMONS AND THEN PUT INTO THE TITHING FUND {**TITHING OFFICE**}[i] GENTLEMEN WHO WAS IT PUT IT IN THE TITHING FUND WHO WAS IT MARKED THESE ANIMALS WITH THE CHURCH MARK WHY IT WAS SMITH AND THIS LEADS ME CALL YOUR	PLOT THE DESTRUCTION OF OVER A HUNDRED PERSONS IN ORDER TO ENRICH THEMSELVES WITH THAT AMOUNT OF BOOTY IT IS SIMPLY RIDICULOUS NOW WHAT IS THE EVIDENCE THEY RULE UPON THEY SAY THE PROPERTY WAS AFTERWARDS TAKEN CARE OF DISTRIBUTED TO THE INDIANS AND ~~WAS~~ DISTRIBUTED AMONG THE MORMONS AND THEN PUT INTO THE TITHING FUND AND GENTLEMEN WHO WAS IT PUT IT INTO TITHING FUND WHO WAS IT MARKED THESE ANIMALS WITH THE CHURCH MARK IT WAS SMITH AND THIS LEADS ME CALL YOUR		

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RS	PS	RT	BT
ATTENTION TO ANOTHER LIE HIS IS GUILTY OF IN CONNECTION WITH THIS VERY SUBJECT IT STILL MORE CONFIRMS WHAT I SAID BEFORE WHEREVER HIS TESTIMONY HAS NO EXPOSURE SO THAT NO OTHER WITNESS HAS GIVEN ANYTHING UPON SUBJECT	ATTENTION TO ANOTHER LIE THAT HE IS GUILTY OF IN CONNECTION WITH THIS VERY SUBJECT AND STILL MORE AFFIRMS WHAT I SAID BEFORE THAT WHEREVER HIS TESTIMONY HAS NO EXPOSURE		
HE LIES A LIE *PRS*[?]	HE LIES A LIE *APPEARS/PRS*[?]		
HE SAYS WAGONS WERE LEFT THERE UNDER *SOMEBODY*[?] ELSE'S DIRECTIONS HE SENT TWO PERSONS TO TAKE THEM OUT TO ≤IRON≥ SPRINGS SAME WAGONS AFTER *IS THAT A FACT*[?]	[*space*] HE SAYS THE[468] WAGONS WERE LEFT THERE AND UNDER SOMEBODY ELSE'S DIRECTIONS HE SENT TWO PERSONS TO TAKE THEM ON TO IRON SPRINGS SAME TWO WAGONS *SINCE/AS SOON AS*[?] [*space*]		
POLLOCK SAYS SMITH AND HE YOKED UP OXEN	POLLOCK SAYS THAT *SMITH/—*[?] AND HE YOKED UP THE OXEN		

468. "SAYS THE" apparently added later.

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RS	PS	RT	BT
AND *HE/THEY*[?] TOOK WAGONS RIGHT BACK TO MEADOWS FROM CEDAR CITY POLLOCK AND SMITH WENT DIRECT FROM MEADOWS TO CEDAR BY WAY OF IRON SPRING UNDOUBTEDLY IN ORDER TO AVOID MATTHEWS PARTY. SMITH DID THIS SMITH PUT THE CROSS ON THE ANIMALS SMITH TOOK THE WAGONS TO THE TITHING OFFICE. THIS IS NOT FIRST TIME THAT A ROBBER MURDERER LIKE SMITH HAS ATTEMPTED TO IN SOME WAY EXPIATE THEIR CRIMES AND ATONE FOR THEM BY DEVOTING THE PROCEEDS OF THEIR ROBBERIES TO PIOUS USES AND WHAT WAS DONE WHAT MIGHT BE	AND TOOK *OTHER/OVER*[?] WAGONS TO CEDAR SMITH AND POLLOCK WENT DIRECTLY TO CEDAR BY THE SPRINGS TO AVOID MATTHEWS PARTY [*space*] SMITH PUT THE CROSS ON THE ANIMALS SMITH TOOK WAGONS TO THE TITHING OFFICE THAT IS NOT THE FIRST TIME THAT A ROBBER MURDERER LIKE SMITH HAS ATTEMPTED TO IN SOME WAY EXPIATE THEIR CRIMES AND ATONE FOR THEM BY DEVOTING THE PROCEEDS OF THE CRIMES TO PIOUS USES AND WHAT WAS DONE AND WHAT MAY BE		

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RS	PS	RT	BT
EXPECTED TO BE DONE IF THIS TRAGEDY OCCURRED IN MANNER I HAVE SUPPOSED IT TO HAVE BEEN DONE THAT IT RESULTED FROM INDIAN TREACHERY ALONE THAT JOHN D. LEE DID NOT ANTICIPATE THEIR TREACHERY HE MADE THIS TREATY IN GOOD FAITH LEAD THEM OUT AS THE ONLY MEASURE IN SAFETY THAT WAS LEFT TO THEM THAT IT WAS STIPULATED INDIANS WERE TO ABSENT THEMSELVES GO AWAY TOGETHER HE WAS AS MUCH SURPRISED AS EMIGRANTS THEMSELVES WHEN THEY RETURNED AND SLEW EMIGRANTS	EXPECTED TO BE DONE IF THIS TRAGEDY OCCURRED IN THE MANNER I HAVE SUPPOSED ~~I~~ TO IF IT HAD RESULTED FROM INDIAN TREACHERY ALONE THAT JOHN D. LEE DID NOT ANTICIPATE THAT TREACHERY HE MADE THIS TREATY IN GOOD FAITH LED THEM OUT AS AS THE ONLY MEASURE OF SAFETY THAT WAS LEFT TO THEM THAT IT WAS STIPULATED THAT THE INDIANS WERE TO ABSENT THEMSELVES AND THAT HE WAS AS MUCH SURPRISED AS THE EMIGRANTS THEMSELVES WHEN THEY RETURNED AND SLEW THE EMIGRANTS [*space*]	A CAPITULATION WAS AGREED ON; IT WAS NEGOTIATED BY LEE AND OTHER LEADERS AMONG THE MORMONS IN GOOD FAITH, AND ITS EVENTUAL VIOLATIONS WAS NOT FOR SEEN. THE INDIANS RETIRED BEFORE THE EMIGRANTS WERE MADE A PARTY TO IT. THEY HAD APPARENTLY LISTENED FAVORABLY TO MORMON INTERCESSION. THEY RETURNED WHEN THE EMIGRANTS WERE	A CAPITULATION WAS AGREED ON; IT W AS NEGOTIATED BY LEE AND OTHER LEADE[RS] AMONG THE MORMONS IN GOOD **FAITH** ~~FATHE~~ , AND ITS EVENTUAL VIOLATION WAS NOT FORESE~~A~~**E**N. THE INDIANS RETIRED BEFORE THE EMIGRANTS WERE MADE A PARTY TO IT. THEY HAD A**P**PARENTLY LISTENED TO MORMON INTERSESSION. THEY RETURNED WHEN THE EMIGRANTS WERE

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RS	PS	RT	BT
		DEFENSELESS, AND EXPOSED AND FELL UPON THEM WITH THE FURY OF DEAMONS, AND SPARED NEITHER AGE NOR SEX. THIS IS THE WAY INDIANS GENERALLY FULFILL THEIR AGREEMENTS.	DEFENDSELESS AND EXPOSED AND FELL UPON THEM WITH THE FURY OF DEAMONS AND SPARED NEITHER AGE NOR SEX. THIS IS THE WAY INDIANS GENERALLY FULFILL THEIR AGREEMENTS.
HE PERFORMED HIS PART SAFELY CONVEYED CHILDREN AWAY IF THAT HAD BEEN DECIDED IN THIS MANNER WAS NOT IT NATURAL	HE PERFORMED HIS PART HE CONVEYED THE CHILDREN AWAY IF IT HAD INDEED BEEN DECIDED IN THIS MANNER WAS NOT IT *[[10]]* NATURAL	LEE SAVED THE CHILDREN AND WAS NOT EVEN A WITNESS OF THE SLAUGHTER THAT FOLLOWED HIS EXODUS FROM THE FIELD. SEVENTEEN CHILDREN WERE SAVED BY HIS COURAGE, ADDRESS AND DIPLOMACY.	LEE SAVED THE CHILDREN AND WAS NOT EVEN A WITNESS OF THE SLAUGHTER THAT FOLLOWED HIS EXEODUS FROM THE FIELD. SEVENTEEN CHILDREN WERE SAVED BY HIS COURAGE, ADDRESS AND DEPLOMACY. <**SKILL** *TKSTRT*/—[?] [*space*] ART OF CONDUCTING NEGOTIATIONS BETWEEN NATIONS. SKILL IN SACKING JUDGES>[469] THE
PROPERTY THE	THE PROPERTY	THE	

469. "**SKILL**" is written in longhand and the rest of the insertion is in shorthand. The shorthand appears to be Rogerson's.

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RS	PS	RT	BT
PROPERTY SO FAR AS IT COULD BE SAVED	≤PROPERTY	PROPERTY SAVED FROM THE RAPACITY OF THE INDIANS MIGHT PROPERLY	PROPERTY SAVED FROM THE RAPACITY OF THE INDIANS MIGHT PROP [*page torn*]
SHOULD BE HUSBANDED THESE 17 CHILDREN THAT WERE ORPHANS SHOULD HAVE BENEFIT OF IT. [*space*] [[8]]	SHOULD BE HUSBANDED≥ THAT THESE 17 CHILDREN THAT WERE ORPHANS SHOULD HAVE THE BENEFIT OF IT [*space*]	BE HUSBANDED FOR THE SUPPORT AND NURTURE OF THESE ORPHANS.	BE HUS~~N~~BANDED FOR THE SUPPORT AND NURTURE OF THESE ORPHANS.
THESE CHILDREN WERE DISTRIBUTED AROUND AMONG MEMBERS OF CHURCH.	THESE CHILDREN WERE DISTRIBUTED AROUND AMONG THE MEMBERS OF THE CHURCH		
		THERE COULD BE NO MORE APPROPRIATE TRUSTEE OF THE PROCEEDS FOR THIS PURPOSE THAN THE CHURCH.	THERE COULD BE NO MORE APPROPRIATE TRUSTEE OF THE PROCEEDS THAN THE CHURCH.
TITHING FUNDS IS THE FOR ASSISTING THE POOR OF THAT CHURCH THAT WAS THE PROPER DISTRIBUTOR OF ALL PROCEEDS OF THIS PROPERTY IF IT WAS TO GO TO THIS PROPER USE.	THE TITHING FUND IS THE FUND FOR ASSISTING THE POOR OF THAT CHURCH THAT WAS THE PROPER DEPOSITORY OF THE PROPERTY IF IT WAS TO GO TO ITS PROPER USE	THE TITHING FUND IS HER CHARITY FUND.	THE TITHING FUND IS HER CHARITY FUND.
		SLENDER AS THE	SLENDER AS THE

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RS	PS	RT	BT
		PROVISION DERIVED FROM THIS PROPERTY WOUL BE, FOR THE MAINTENANCE OF SO.MANY CHILDREN, THE CHURCH ASSUMED THE GUARDIANSHIP OF THEM AND SHE WAS PROPERLY ENTRUSTED WITH THE MEANS DESIGNED FOR SECONDING HER BENIGN AND MOTHERLY INTENTIONS. THE FORMER OWNERS HAVING BEEN MASSACRED, IT WAS FITTING THAT THE PROPERTY SHOULD GO TO THEIR USE AND THAT THEIR KIND GUARDIANS SHOULD ADMINISTER IT. [*space*]	PROVISION DERIVED FROM THIS PROPERTY WOULD BE FOR THE MAINTAINANCE OF SO MANY CHILDREN, THE CHURCH ASSUMED A GUARDIANSHIP OF THEM, AND SHE WAS PROPERLY INTRUSTED WITH THE MEANS DESIGNED FOR SECONDING HER BENIGN AND MOTHERLY INTENTIONS. THE FORMER OWNERS HAVING BEEN MASSACRED, IT WAS FITTING THAT ~~IF~~ THE PROPERTY SHOULD GO TO THE[*page torn*] THEIR KIND GUARDIAN SHOULD ADMINISTER IT..
I HAVE DEVOTED GOOD DEAL MY TIME TO THIS SUPPOSITION I WOULD	I HAVE DEVOTED A GOOD DEAL OF MY TIME TO THIS SUPPOSITION AND I WOULD ~~Ꝑ~~		

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RS	PS	RT	BT
LIKE PAY MY RESPECTS TO MY BROTHER HOGE I FEEL SOME WORRIED AND FATIGUED WITH MY EFFORT SO FAR I FEEL SATISFIED I COULD NOT DO US JUSTICE UNLESS I WAS IN GOOD CONDITION I THINK I SHALL LEAVE HERE TURN YOU OVER TO MY FRIENDS AND THANKING YOU FOR YOUR ATTENTION TO MY REMARKS I LEAVE THE CASE. BUT IN DOING SO I MUST EXPRESS TO YOU MY ABIDING CONFIDENCE THAT IF YOU EXAMINE THIS SUBJECT CANDIDLY UNDER THE *ET/LD*[?] OF THE EVIDENCE AND REFUSE CONVICT UNLESS ALL DOUBT IS REMOVED OF THAT GUILT. IF YOU	LIKE TO ~~M~~ PAY MY RESPECTS TO MY BROTHER HOGE BUT I FEEL SOME WORRIED AND FATIGUED WITH MY EFFORT SO FAR I FEEL AS THOUGH I COULD NOT DO HER JUSTICE UNLESS I WAS IN GOOD CONDITION I THINK I SHALL TURN HER OVER TO MY FRIENDS THANKING YOU FOR YOUR ATTENTION TO MY REMARKS I LEAVE THE CASE BUT IN DOING SO I MUST EXPRESS TO YOU MY ABIDING CONFIDENCE THAT IF YOU EXAMINE THIS SUBJECT CANDIDLY UNDER THE *WHOLE OF THE*[?] EVIDENCE AND REFUSE TO CONVICT UNLESS ALL DOUBT IS REMOVED OF THAT GUILT THAT YOU		

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RS	PS	RT	BT
REFUSE TO ADOPT SUPPOSITION THAT HE IS GUILTY BECAUSE ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED I SAY YOU CAN'T ADOPT THAT SUPPOSITION FOR THE REASON ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED AND THAT THEREFORE WHILE YOU MAY LAMENT AS EVERYBODY DOES THIS DESTRUCTION THAT THE GUILTY PARTIES ARE NOT MADE MANIFEST I THINK THERE IS NO REASON WHY ANOTHER SHOULD BE ADDED TO THE LIST OF THE SLAIN IN ORDER TO APPEASE ANYBODY OR AS IN SATISFACTION TO PUBLIC CONSCIENCE FOR THAT	REFUSE TO ADOPT THE SUPPOSITION THAT HE IS GUILTY BECAUSE ALL OTHER SUSPICIONS ARE NOT EXCLUDED I SAY YOU CAN NOT ADOPT THAT SUPPOSITION FIRST FOR THE REASON THAT ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED AND ~~YOU~~ THEREFORE WHILE YOU MAY LAMENT AS EVERYBODY DOES *S*[?] DESTRUCTION THAT THE GUILTY PARTIES ARE NOT MADE MANIFEST YET THERE IS NO REASON WHY ANOTHER SHOULD BE ADDED TO THE LIST OF THE SLAIN IN ORDER TO APPEASE ANYBODY OR AS IN SATISFACTION TO THE PUBLIC CONSCIENCE FOR THAT		

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RS	PS	RT	BT
DESTRUCTION YOU OUGHT TO BE AS CAREFUL OF THE LIFE OF JOHN D. LEE AS YOU WOULD OF ANY OTHER MAN'S LIFE YOU OUGHT NOT CONVICT HIM OF THIS MURDER BECAUSE THERE IS NOT QUANTITY OF EVIDENCE WHICH THE LAW REQUIRES. THE PEOPLE HAVE NOT GIVEN YOU ALL THE EVIDENCE WITHIN THEIR REACH AND THEY THEN SHOULD REMOVE THE REASONABLE DOUBT THAT NATURALLY AND NECESSARILY MUST EXIT IN EVERY CANDID MIND. 10 25. [*space*]	DESTRUCTION YOU SHOULD BE AS CAREFUL OF THE LIFE OF JOHN D. LEE AS YOU WOULD BE OF ANY OTHER MAN'S LIFE YOU SHOULD NOT TO CONVICT HIM OF THIS MURDER BECAUSE THERE IS NOT THE QUANTITY OF ~~MURDER~~ EVIDENCE WHICH THE LAW REQUIRES THE PEOPLE HAVE NOT GIVEN YOU ALL THE EVIDENCE WITHIN THEIR REACH AND THEY HAVE NOT REMOVED THE REASONABLE DOUBT AND NECESSARY AND MUST EXIST IN EVERY CANDID MIND. [*space*]		

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John D. Lee, First Trial

Enos D. Hoge Closing Argument

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RT	RS	BT	PS
[[Bk 5 1]][470] IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT OF THE TERRITORY OF UTAH. COUNTY OF BEAVER. THE PEOPLE. VS JOHN D. LEE.			*[[Bk 8 10]]* **JUDGE E. D. HOGE** ADDRESS JURY [*space*] BISHOP *[[11]]* **(E.D. HOGE.S REMARKS OMITTED) ADAM PATTERSON DID NOT RECORD**
		[Bk 7 1] ~~**(Book 6)**~~ **(Book 7) (ADAM PATTERSON DID NOT REPORT THIS SPEECH—SO I HAD TO GET IT ENTIRELY FROM ROGERSON'S NOTES.)** E. D. HOGE~~S~~'S ADDRESS TO THE JURY ON THE PART OF DEFENSE. (FIRST TRIAL.)	**E.D. HOGE'S CLOSING.**[471]
AUGUST 4TH	*[[Bk 11 9]]* **10 30. AM.** BEGAN **AUG 4,**	AUGUST 4TH,	

470. Rogerson Transcript Book 5 includes Sutherland, Hoge, and Bishop's closing arguments. Sutherland's closing is numbered pp. 1–30. The numbering restarts with Hoge.

471. In Rogerson's longhand.

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RT	RS	BT	PS
1875. 310:30 A.M. JUDGE HOGE IN BEHALF OF DEFENDANT BEGAN AND DELIVERED THE FOLLOWING ARGUMENT TO THE JURY. GENTLEMEN OF THE JURY:- IT NOW BECOMES MY DUTY TO LAY THE FACTS, AS ADDUCED BY THE EVIDENCE IN THIS CASE, BEFORE YOU, AND TO MAKE A FEW REMARKS, IN ORDER TO ASSIST YOU IN ARRIVING AT A CORRECT CONCLUSION AS TO THE GUILT OR INNOCENCE OF JOHN D. LEE,THE PRISONER AT THE BAR. I SHALL ATTEMPT TO CONFINE MY REMARKS TO	**1875.** {**HOGES SPEECH.**}[i] **HOGE**[472] IT BECOMES MY DUTY NOW TO LAY BEFORE YOU THE FACTS ≤IN THIS CASE AS ADDUCED≥ MAKE FEW REMARKS TO ASSIST YOU ≤IN≥ ARRIVING ≤AT A≥ CORRECT CONCLUSION IN REGARD ≤TO THE≥ EVIDENCE YOU HAVE ≤SO LONG AND≥ LISTENED. I SHALL ATTEMPT WHILE ADDRESSING YOU TO TO FOLLOW {THE}[i]	I875. I0:3: A.M. – IT BECOMES MY DUTY NOW, TO LAY BEFORE YOU THE FACTS INTHIS CASE WHICH HAVE BEEN ADDUCED AND TO MAKE A FEW REMARKS, TO ASSIST YOU IN ARRIVING AT A CORRECT CONCLUSION IN REGARD TO THE EVIDENCE, TO WHICH YOU HAVE SO LONG AND PATIENTLY LISTENED. I SHALL AT TEMPT ,WHILE ADDRESSING YOU, TO FOLLOW	

472. "**TRANSCRIBED**" is written in Rogerson's longhand diagonally across the page with lines above and below it.

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RT	RS	BT	PS
THE EVIDENCE AS I UNDERSTAND IT,AND TO THE LEGAL EFFECT OR BEARING OF THAT EVIDENCE, WHEN APPLIED TO THE CRIME CHARGED AGAINST THE DEFENDANT IN THE INDICTMENT.	EVIDENCE AS I UNDERSTOOD LEGAL BEARING SUBSTANCE OF THE EVIDENCE.	THE EVIDENCE AS I UNDERSTANED IT AND **GIVE** THE SUBSTANCE AND LEGAL BEARING OF IT.	
	I SHALL NOT ATTEMPT TO GO INTO ALL THE MINUTIAS {THAT THE}[i] WITNESSES HAVE GONE INTO <WHICH IS NOT NECESSARY NOW>.	I SHALL NOT ATE MPT TO GO INTO ALL THE MINUTIAS THAT THE WITNESSES HAVE GONE INTO, WHICH IS NOT NECESSARY NOW;	
I DO NOT DEEM IT NECESSARY TO COMMENT UPON ALL THE TESTIMONY, WHICH HAS BEEN DETAILED TO YOU BY THE WITNESSES FOR THE PROSECUTION; BUT WILL CONFINE MYSELF TO THAT PORTION ONLY WHICH SEEMS TO HAVE ANY			

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RT	RS	BT	PS
RELEVANCY TO THE ISSUE BEFORE YOU AND TO DRAW A PROPER CONCLUSION THEREFROM, AND ASSIST YOU IN FORMING A JUST OPINION, THAT WILL COMMEND ITSELF TO ALL REASONABLE MEN,WHO HAVE BECOME ACQUAINTED WITH THE TESTIMONY IN THIS CASE. IT IS MY DUTY AS AN ATTORNEY TO ASSIST YOU IN THIS,AND I DO NOT WISH TO ATTEMPT TO MISLEAD YOU; NOR DO I CONSIDER THAT IT IS THE PROVINCE OF AN ATTORNEY TO TRY	AND SEE IF WE CAN DRAW A PROPER CONCLUSION FROM THIS ALL EVIDENCE TO ARRIVE AT AN OPINION THAT WILL BE SATISFYING TO US ALL. IF I CAN ASSIST YOU IN ARRIVING AT THIS CONCLUSION IT IS MY DUTY TO DO SO, ~ AS AN ATTORNEY I SHALL NOT ~ ATTEMPT, NOR IS IT THE PROVINCE OF AN ATTORNEY FOR THE DEFENSE TO TRY TO MISLEAD	BUT TO SEE IF WE CAN ~~G~~DRAW A PROPER AN~~C~~**D** CORRECT CONCLUSION FROM ALL THIS EVIDENCE AND ARRIVE AT AN OPINION THAT WILL BE SATISFACTORY TO US ALL. IFI CAN ASSIST YOU IN ARRIVING AT THIS CONCL~~U~~SI~~U~~ON IT IS MY DUTY TO DO SO; AND AS AN ATTORNEY, I SHALL NOT ATTEMPT~~NOT~~ **NOR** IS IT THE PROVINCE OF AN ATTORNEY FOR THE DEFENSE OR THE PROSECUTION TO MISLEAD	

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RT	RS	BT	PS
TO DRAW YOUR MINDS AWAY FROM THE EVIDENCE, IN ORDER TO PREVENT YOU FROM ARRIVING AT A CONCLUSION NOT BASED UPON THE FACTS IN THIS [2] CASE. THE PROSECUTING ATTORNEY ∴ I WISH HE WERE IN THE ROOM ∴ IN HIS REMARKS YESTERDAY, TOLD YOU, IN SWEEPING TERMS "THAT THE EVIDENCE WAS CONCLUSIVE.	THEY MUST DRAW IT AWAY FROM {THE}[i] PROPER CONCLUSION TO BE ARRIVED AT OR PREVENT YOU FROM THE ARRIVING AT THE FACTS IN THE CASE. THE REMARKS THAT WERE MADE BY PROSECUTING ATTORNEY YESTERDAY (I WISH HE WAS IN) I WANTED TO CALL EYE THAT GENTLEMAN ATTENTION TO IT FOR ONE SINGLE MOMENT AS THE GENTLEMAN TOLD YOU IN SWEEPING TERMS THAT THE EVIDENCE WAS CONCLUSIVE	YOU. THEY MUST NOT ATTEMPT TO DRAW YOUR MIN~~E~~DS AWAY FROM A PROPER CON~~V~~CLUSION TO BE ARRIVED AT OR PREVENT YOU FROM ARRIVING AT THE FACTS IN THIS CASE. THE REMARKS THAT WE REMA~~T~~RKS THAT WERE MADE BY THE PROSECUTING ATTORNEY YESTERDAY, AND I WISH HE WAS IN HERE,, FOR I WANTED TO ~~F~~CALL THAT GENTLEMAN'S ATTENTION TO IT FOR ONE SINGLE MOMENT. HE TOLD YOU IN SWEEPING TERMS THAT THE EVIDENCE WAS CONCLUSIVE.	

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RT	RS	BT	PS
AND THIS ASSERTION WAS THE SUM AND SUBSTANCE OF MR. CAREY'S REMARKS,WITH THE EXCEPTION OF HIS DECLA~~M~~RATION OVER THE RIGHTEOUS INDIGNATION WHICH HE PRETENDED HE FELT. HE DID NOT DEIGN TO LAY BEFORE YOU A STATEMENT OF THE TESTIMONY,AND BY A FAIR DEDUCTION JUSTIFY HIMSELF IN MAKING SUCH AN ASSERTION.	YOU HAVE GOT MR. CAREY'S STATEMENT OF IT IN CONNECTION WITH THAT AND THE RIGHTEOUS INDIGNATION HE FELT	YOU HAVE GOT MR. ~~S~~CAREY'S STATEMENTS ~~AFTER~~, IN CONNECTION WITH THAT AND WHAT TOOK PLACE OF THE FIELD.	
NO! BUT HE TOLD YOU,THAT IF HE HIMSELF EVER WERE GUILTY OF SUCH AN OFFENSE AS JOHN D. LEE IS CHARGED WITH, HE WOULD AT ONCE GO BEFORE THE AUTHORITIES OR OFFICERS OF THE LAW AND CONFESS HIS GUILT AND ASK	HE TOLD YOU IF HE WAS GUILTY OF SUCH {AN}[i] OFFENSE AS JOHN D. LEE IS TODAY CHARGED WITH HE WOULD GO BEFORE AUTHORITIES AND ASK	HE TOLD YOU THAT IF HE WAS GUILTY OF SUCH AN OFFENSE THAT JOHN D. LEE IS TO DAY CHARGED WITH, HE WOULD GO BEFORE THE AUTHORITIES AND ASK	

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RT	RS	BT	PS
THEM TO PUNISH HIM FOR IT.	THEM TO PUNISH HIM.	THEM TO PUNISH HIM.	
GENTLEMEN,DID YOU LOOK AT MR. CAREY'S HEAD ? DID YOU BELIEVE WHAT HE SAID ?	GENTLEMEN, DID YOU LOOK AT HIS NOODLE,	GENTLEMEN, DID YOU LOOK AT HIS NODDLE? D~~O~~ID YOU LOOK AT THAT MAN?	
DO YOU BELIEVE FOR A MOMENT	DO YOU BELIEVE THAT THAT MAN NOTWITHSTANDING HE TOLD YOU THAT HERE FOR THE PURPOSE OF CREATING AN EFFECT ≼?≽ ~ UPON YOUR	AND DO YOU BELIEVE THAT THAT M~~E~~AN, NOTWITHSTANDING HE TOLD YOU THA**T** ~~HERE~~, FOR THE PURPOSE OF MAKINGAN EFFECT UPON YOUR	
THAT HE WOULD HAVE WALKED UP AND PUT HIS NECK IN THE HALTER WITHOUT A TRIAL, JUDGE OR JURY ? IF YOU DO,TAKE ANOTHER LOOK AT HIS PHISYOGNOMY AND WITH YOUR KNOWLEDGE OF HUMAN NATURE	MINDS AND HE THAT ~ WOULD HAVE WALKED UP AND STUCK HIS NECK IN THE HALTER IF YOU HAD LOOKED AT HIS FIG	MINDS, THAT HE WOULD HAVE WALKED UP AND STUCK HIS NECK IN THE HALTER? *[2]* IF YOU HAD LOOKED AT HIS PHIZOGG,	
YOU WILL READILY CONCLUDE THAT HE WOULD	YOU ~ WOULD HAVE READILY ~ CONCLUDED HE WOULD	YOU WOULD READILY HAVE CONCLUDED HE WOULD	

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RT	RS	BT	PS
HAVE GONE IN AN OPPOSITE DIRECTION— YOU WILL IMMEDIATELY COME TO THE CONCLUSION THAT HE WOULD NOT HAVE FACED THE OFFICERS OF THE LAW WITHOUT A MOST FORCIBLE COMPULSION. NO, GENTLEMEN, THIS ARGUMENT, OR RATHER DECLAMATION, IS NOT MADE IN GOOD FAITH ON HIS PART, BUT, HAVING NO TESTIMONY TO CONVICT THE DEFENDANT,HE USES THIS PALTRY SUBTERFUGE FOR EFFECT ONLY, AND FOR THE PURPOSE OF PREJUDICING YOUR MINDS AGAINST THE PRISONER. IN COMMENTING UPON THE TESTIMONY I SHALL FIRST NOTICE THAT OF	HAVE WALKED[473] IN ANOTHER DIRECTION. LET'S GO TO {THE}[i] TESTIMONY. FIRST WITNESS	HAVE WALKED IN ANOTHER DIRECTION. LET US COME TO THE ~~E~~TESTIMONY. THE FIRST WITNESS THAT	

473. Vowels, added later in ink, render the word "ARGUED". Rogerson wrote "**WALKED**" in longhand above the shorthand symbol.

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RT	RS	BT	PS
KLINGENSMITH. HE COMES BEFORE YOU AND TELLS A LONG DISCONNECTED STORY, THE SUBSTANCE OF WHICH I WILL TAKE UP, COMMENT UPON, AND COMPARE WITH THAT OF THE OTHER WITNESSES FOR THE PROSECUTION.	UPON STAND IS KLINGENSMITH IT WILL BECOME NECESSARY GENTLEMEN FOR ME {TO}[i] GO OVER THIS TESTIMONY {AND}[i] COMMENT UPON SAME TESTIMONY JUDGE SUTHERLAND HAS IN YOUR HEARING CLEARLY IT WILL HENCE TO SOME EXTENT A REPETITION OF THAT. LET US SEE {WHAT THE}[i] SUBSTANCE OF THIS TESTIMONY WAS. I AM FIRST GOING TO DEAL WITH THIS MAN SMITH. [*space*] SMITH COMES BEFORE YOU AND TESTIFIES TELLS YOU THE SUBSTANCE OF IT IS THIS. ON FRIDAY EMIGRANTS	COMES UPON THE STAND, IS KLINGENSMITH. AND IT WILL BECOME NECESSARY, GENTLEMEN, FOR ME TO GO OVER THIS TESTIMONY ~~WHICH~~ AND COMMENT UPON THE SAME TESTIMONY WHICH JUDGE SUTHERLAND HAS IN YOUR HEARIN~~N~~G SO CLEARLY SHOWN YOU, AND TO SOME EXTENT IT WILL BE A REPETITION OF THAT. LET US SEE WHAT THE SUBSTANCE OF THIS TESTIMONY WAS. I AM FIRST GOING TO DEAL WITH THIS MAN SMITH. SMITH COMES BEFORE YOU AND TESTIFIES; AND TELLS US —THE SUM AND SUBSTANCE IS THIS: ON FRIDAY THE EMIGRANTS	

ON THE SUNDAY BEFORE THE

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RT	RS	BT	PS
PASSED THROUGH CEDAR CITY [3] — WHICH WAS THE FRIDAY FOLLOWING — A MEETING WAS HELD, IN WHICH THE DESTRUCTION OF THE EMIGRANTS WAS DISCUSSED. HE SAID THAT HAIGHT ADVOCATED THEIR DESTRUCTION, AND THAT HE ∴ SMITH ∴ OPPOSED IT. BUT HE COULD NOT TELL YOU A SINGLE WORD OF WHAT WAS SAID IN REFERENCE TO THE DESTRUCTION OF THE EMIGRANTS. GENTLEMEN, COULD HE TELL YOU ONE SINGLE WORD OF WHAT HAIGHT SAID ? NO! COULD HE TELL YOU A SYLLABLE OF WHAT ANY ONE ELSE SAID AT THAT MEETING ? NO!	PASSED THROUGH CEDAR; ON SUNDAY MEETING WAS HELD WHEN THE ≤SUBJECT≥ OF THE DESTRUCTION OF THE EMIGRANTS CAME UP. IN THEIR MEETING, BUT DID HE TELL YOU SINGLE WORD THAT WAS SAID IN REGARD TO THIS DESTRUCTION, COULD HE TELL YOU WHAT HAIGHT SAID IN ≤THE≥ PUBLIC MEETING AT	PASSED THROUGH CEDAR~~,~~; ON SUNDAY A MEETING WAS HELD, WHEN THE SUBJECT OF THE DESTRUCTION OF THE EMIGRANTS CAME UP IN THAT MEETING, BUT HE COULD NOT TELL YOU A SINGLE WORD THA T WAS SAID IN REGARD TO THEIR DESTRUCTION; COULD NOT TELL ~~W~~YOU WHAT WAS SAID IN PUBLIC MEETING, IN	

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RT	RS	BT	PS
HE COULD ONLY REMEMBER THAT THE DESTRUCTION OF THE EMIGRANTS WAS DISCUSSED AND DETERMINED UPON. NOW, GENTLEMEN, I WISH YOU WOULD BEAR IN MIND,THAT THIS	CITY OF CEDAR	THE CITY OF CEDAR	
HAPPENED UPON THE SABBATH DAY, A DAY SET APART BY THE CHRISTIANS IN ALL THE WORLD TO BE REMEMBERED AND KEPT HOLY, AND UPON WHICH THEY	ON THE SABBATH DAY WHEN THE MAJORITY OF ≼THE≽ PEOPLE IN THE CIVILIZED COUNTRIES	ON THE SABBATH ~~O~~DAY~~.~~, WHEN THE MAJORITY OF THE PEOPLE IN CIVILIZED COUNTRIES	
ASSEMBLED IN THEIR TEMPLES AND CHURCHES FOR MEDITATION AND PRAYER,TO WORSHIP ALMIGHTY GOD,THE GIVER OF ALL GOOD, TO SEND UP THANKSGIVINGS TO AN ALL BOUNTIFUL FATHER IN HEAVEN, AND TO PRAY TO HIM TO FORGIVE THEIR TRESPASSES,AS THEY FORGIVE	CONGREGATE IN TEMPLES OF WORSHIP FOR THE PURPOSE OF OFFERING UP THEIR THANKSGIVING TO THE CREATOR OF ALL GOOD [*space*]	CONGREGATE IN THE PLACES AND TEMPLES OF WORSHIP FOR THE PURPOSE OF OFFERING UP THEIR THANKSGIVING S TO THE CREATOR OF ALL GOOD;	

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RT	RS	BT	PS
THOSE WHO TRESPASS AGAINST THEM. A DAY UPON WHICH THEY ASSEMBLED TO HOLD COMMUNION WITH THEIR REDEEMER. NOW,PICTURE TO YOUR MIND,GENTLEMEN OF THE JURY,THIS CONGREGATION AT CEDAR CITY ON THE DAY IN QUESTION; THE COMMUNICANTS HAVING ASSEMBLED IN ACCORDANCE WITH THEIR CHRISTIAN CUSTOM WITH BISHOP KLINGENSMITH PRESIDING: HAIGHT MAKES THE STARTLING ANNOUNCEMENT THAT 150 EMIGRANTS, MEN,WOMEN AND CHILDREN,WHO ARE ADVANCING TOWARDS THEIR LITTLE SETTLEMENT, MUST BE SLAIN, AND THAT THE MEMBERS			

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RT	RS	BT	PS
PRESENT MUST ASSIST IN SLAYING TH~~A~~EM ! IT IS IMPOSSIBLE THAT ANY ~~PERSN~~ PERSON WHO WAS THEN AND THERE PRESENT,COULD EVER FORGET THE LANGUAGE IN WHICH SUCH AN ANNOUNCEMENT WAS MADE.	*[[10]]* BUT ALL HE COULD TELL WAS A SIMPLE ~~<~~WORD~~>~~ AND THE ONLY EXPRESSION WAS THAT THE CONVERSATION CAME UP IN REGARD TO THE DESTRUCTION OF THESE UNFORTUNATE EMIGRANTS IT CAME UP AND IN ALL THAT CONVERSATION, NOT ANOTHER WORD NOR ANOTHER SYLLABLE, COULD THE PERJURED FELON DETAIL BEFORE YOU.	BU~~U~~T ALL HE COULD TELL WAS THE S~~M~~IMPLE WORD AND THE ONLY EXPRESSION WAS THAT THE CONVERSATION CAME UP IN REGARD TO THE DESTRUCTION OF THESE UNFORTUNATE EMIGRANTS. IT CAME UP THERE, AND IN ALL THAT CONVERSATION NOT ANOT**H**ER WORD NO~~T~~R ANOTHER SYLLABLE COULD THE PERJURED VILLAIN DETAIL BEFORE YOU.	
IS THERE A MAN ON THIS JURY	DON’T YOU	DON’T YOU	

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RT	RS	BT	PS
WHO BELIEVES THAT IF HE HAD BEEN PRESENT ON SUCH AN OCCASION HE WOULD HAVE FORGOTTEN EVERY WORD SPOKEN,EVEN AFTER A LAPSE OF [4] EIGHTEEN YEARS ? NO, GENTLEMEN, THE LANGUAGE	THINK THAT IF ONE OF YOU HAD BEEN PRESENT, EVEN I8 YEARS AGO ON THE 16 OF NEXT SEPTEMBER SUPPOSE IT TO BE, THAT YOU COULD HAVE TOLD WHEN CONVERSATION OF THIS KIND OF PUBLIC MEETING WAS HELD, MEN PREACHED FROM PULPIT DESTRUCTION 150 INNOCENT SOULS, YOU COULD HAVE RECOLLECTED SOMETHING ELSE THAN A MERE CONVERSATION IN REGARD TO THIS.	THINK THAT IF ONE OF YOU HAD BEEN P RESENT, EVERN I8 YEARS AGO ON THE I6TH OF NEXT SEPTEMBER, I SUPPOSE IT WOULDBE,— THAT YOU COULD HAVE TOLD WHEN A CONVERSATION OF THIS KIND, IN A PUBLIC MEETING WAS HELD, AND MEN WERE PREACHING ABOUT THE DESTRUCTION OF A HUNDRED AND FIFTY INNOCENT SOULS, YOU COULD HAVE RECOLLECTED SOMETHING ELSE THAN THE MERE CONVERSATION IN REGARD TO THIS.	

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RT	RS	BT	PS
WOULD HAVE RUNG IN YOUR EARS TO THIS DAY,YEA,EVEN UNTO THE DAY OF YOUR DEATH. BUT,SUPPOSE A PERSON WHO TOOK NO PART IN THE DISCUSSION SHOULD HAVE FORGOTTEN THE WORDS SPOKEN, WOULD IT BE POSSIBLE THAT A MAN WHO TOOK A PROMINENT PART IN IT SHOULD EVER FORGET IT ? KLINGENSMITH SAYS HE OPPOSED HAIGHT. IF HE OPPOSED HIM HE MUST HAVE HAD SOME REASONS FOR HIS OPPOSITION,AND IN THE CONTEST BETWEEN THEM A PART OF THE ARGUMENT, THE SUBSTANCE,IF NOT THE FORM,MUST NEEDS HAVE MADE AN IMPRESSION ON HIM,HE MUST HAVE BEEN CONVINCED—			

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RT	RS	BT	PS
FOR HE ACKNOWLEDGES HIMSELF TO HAVE TAKEN A PROMINENT PART IN THE MASSACRE, HE THEREFORE ABANDONED HIS FIRST POSITION OF OPPOSING THE KILLING, AND HE SHOULD THEREFORE REMEMBER SOMETHING OF THE ARGUMENT WHICH CARRIED CONVICTION TO HIS OWN HEART AND LED HIM TO TAKE PART IN SUCH A HORRIBLE DEED. BUT NO, NOT A WORD,NOT A SYLLABLE COULD HE REMEMBER.			
I NOW APPEAL TO YOU,AS MEN OF REASON,AND SOUND SENSE, AND ASK IF YOU COULD BELIEVE THIS STATEMENT ? I ASK NOTHING UNREASONABLE FROM YOU. ALL I ASK IS THAT YOU WILL DULY	I APPEAL TO YOU NOW GENTLEMEN AS GENTLEMEN OF ORDINARY SENSE I ASK NOTHING UNREASONABLE AT YOUR HANDS.	*[3]* I APPEAL TO YOU NOW, GENTLEMEN, AS GENTLEMEN O~~R~~F ORDINARY SENSE . I ASK NOTHING ~~OF YOU~~ UNREASONABLE AT YOUR HANDS.	

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RT	RS	BT	PS
WEIGH AND CONSIDER THE PROBABILITIES F THE TRUTH OF IT. HE NEXT GOES ON TO STATE THAT ON THE MONDAY FOLLOWING HE MET HIGBEE, HAIGHT AND OTHERS IN THE OLD FORT AT CEDAR CITY. A CONVERSATION IN REGARD TO THE DESTRUCTION OF THE EMIGRANTS TOOK PLACE, BUT HE COULD NOT REMEMBER ONE WORD OF WHAT WAS SAID, ALL HE COULD SAY WAS THAT THEIR DESTRUCTION WAS TALKED ABOUT. WHEN ASKED WHAT WAS SAID HE INVARIABLY SAID “I DON’T	THEN ON MONDAY HE MEETS HIGBEE HAIGHT AND OTHERS DOWN BY THE OLD FORT. THERE THAT CONVERSATION ON THE DESTRUCTION OF THE EMIGRANTS AGAIN CAME UP. WHAT WAS SAID IN THAT CONVERSATION [*space*] NOT A WORD COULD HE UTTER. OR TELL YOU, WITH THE EXCEPTION THAT THE DESTRUCTION OF THE EMIGRANTS WAS TALKED ABOUT.	THEN ON MONDAY HE MEETS HIGBEE , HAIGHT AND OTHERS DOWN BY THE OLD FORT. THERE THAT CONVERSATION O~~N~~F THE DESTRUCTION OF THE EMIGRANTS AGA IN CAME UP. WHAT WAS SAID IN THAT CONVERSAION**?** NOT A WORD COULD HE ~~TELL. HE TOLD YOU WITH THE EXCEPTION~~ UTTER OR TELL YOU WITH THE EXCEPTION THAT THE DESTRUCT ~~ON THAT THE DESTR CTION~~ OF THE EMIGRANTS WAS TALKED ABOUT.	

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RT	RS	BT	PS
REMEMBER." HE WAS ALWAYS READY WITH AN EXCUSE THAT HE COULD NOT REMEMBER,			
	AGAIN GENTLEMAN'S MEMORY IS AT FAULT, SHOULD I CALL HIM GENTLEMAN. AGAIN THE FELON'S MEMORIES WAS AT FAULT, AND AS JUDGE SUTHERLAND REMARKED,	AGAIN, ~~G~~ THE GENTLEMAN'S ME~~N~~MORY ~~WAS~~ IS AT FAULT. SHOULD I CALL HIM , "GENTLEMAN?" AGAIN THE FELON'S ME~~N~~MORY WAS AT FAULT. AND , AS JUDGE SUTHERLAND REMARKED
WHENEVER HE THOUGHT THERE WAS DANGER OF BEING CONTRADICTED.	WHEREVER IT WAS POSSIBLE THAT WE MAY BE CONTRADICTIN G ~~≤~~HIM~~≥~~, THEN HE FAILED TO RECALL, AND HIS MEMORY DID NOT SERVE HIM. [*space*] HE STARTED,	WHEREVER IT WAS POSSIBLE THAT WE MIGHT BE ABLE TO CONTRADICT HIM , THEN HE FAILED TO RECOLLECT, OR HIS MEMORY DIDN'T SERVE HIM. HIS STORY THERE—
HE NEXT SAYS THAT HE AND JOEL WHITE WERE ORDERED BY HAIGHT TO CARRY A LETTER TO THE BISHOP AT PINTO,	HIS TESTIMONY IS JOEL WHITE WAS ORDERED TO GO TO PINTO AND DELIVER A LETTER TO BISHOP THERE	HIS TESTIMONY ~~9~~ IS, THAT JOEL WHITE WAS ORDERED TO GO TO PINTO AND DELIVER A LETTER TO BISHOP

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RT	RS	BT	PS
BUT HE DID NOT REMEMBER THE [5] CONTENTS OF THE LETTER,	~~*SEEMS TO BE ROBINSON*~~[?] ≼MR. ARCHER≽ ≼**SEE ROBINSON**≽ ≼HE SAYS HAIGHT≽ ORDERED HIM TO GO WITH WHITE. THAT HAIGHT ORDERED HIM AND WHITE TO CARRY THIS LETTER, AND WHITE TO CARRY IT AND HE TO GO ALONG HE NOT KNOWING CONTENTS OF IT. BUT HE GOES ON TO SAY WHAT IN THIS CONVERSATION GENTLEMEN WHERE IT WAS SAID ≼THE≽ DESTRUCTION OF ≼THE≽ EMIGRANTS CAME UP IT WAS DETERMINED UPON AT THAT VERY INSTANT AT THAT TIME WHITE AND SMITH	RICHARD ROBINSON. HE SAYS THAT ISAAC C . HAIGHT ORDERED HIM TO GO WITH WHITE; THAT HAIGHT ORDERED HIM AND WHITE TO CARRY THIS LETTER, OR WHITE TO CARRY IT AND HE TO GO ALONG, AND YET HE KNOWS NOTHING OF THE CONTENTS OF IT. AND HE GOES ON TO SAY, IN THIS CONVERSATION, GENTLEMEN, WHERE IT WAS STATED, THE DESTRUCTION OF THE EMIGRANTS CAME UP AND WAS DETERMINED UPON **,** THAT, WITH THEIR UNDERSTANDIN G AT THAT TIME, ~~QH~~ WHITE AND SMITH,	

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RT	RS	BT	PS
	ACCORDING TO HIS OWN TESTIMONY	ACCORDING TO HIS OWN TESTIMONY	
YET WAS POSITIVE THAT THE OBJECT OF THE MESSAGE WAS ONE OF PEACE AND DIRECTING THE BISHOP TO USE HIS INFLUENCE TO ALLAY THE ANGRY PASSIONS OF THE INDIANS. IN THIS PART OF HIS TESTIMONY HE IS CORROBORATED BY JOEL WHITE. THUS FAR, THAT THEY			
WERE SENT AS MESSENGERS OF PEACE TO PREVENT AN OUTBREAK BY THE INDIANS,WHO,HE SAID, “WERE EXCITED AND MAD” I NOW LEAVE IT TO YOU, GENTLEMEN, TO RECONCILE THIS	WERE SENT AS MESSENGERS OF PEACE TO ALLAY ≤THE≥ EXCITEMENT OF THE INDIANS AT PINTO.	WERE SENT AS MESSENGERS OF PEACE TO A LLAY THE EXCITEMENT OF THEINDIANS AT PINTO.	
STATEMENT WITH HIS FORMER ONE, IN REGARD TO THE DESTRUCTION OF THE EMIGRANTS, IF	NOTWITHSTANDING SMITH’S TESTIMONY HERE THAT THE DESTRUCTION OF EMIGRANTS	NOTWITHSTANDING SMITH’S TESTIMONY HERE, THAT THE DESTRUCTION OF THE EMIGRANTWS	

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RT	RS	BT	PS
YOU CAN, ASKING YOU TO BEAR IN MIND THAT HE SAID THAT ON SUNDAY, HAIGHT CALLED UPON THE PEOPLE TO DESTROY THE EMIGRANTS,AND NOW HE,HAIGHT, SENT HIM AND JOEL WHITE WITH A MESSAGE OF PEACE AND ORDERED THE BISHOP TO RESTRAIN THE INDIANS THAT THE EMIGRANTS MIGHT PASS UNMOLESTED THROUGH THE COUNTRY. I WILL NEXT CALL YOUR ATTENTION TO	WAS ~~<~~THE SUBJECT OF THE~~>~~ CONVERSATION AND DETERMINED UPON, NOTWITHSTAND ING THAT THAT HAD BEEN TALKED ON SUNDAY PREVIOUS THE DAY BEFORE, THEY WERE SENT AND ORDERED BY HAIGHT TO GO PINTO AND ALLAY EXCITED SAVAGES, THAT THESE EMIGRANTS MIGHT PASS THROUGH THE COUNTRY IN PEACE AND UNMOLESTED. HE GOES ON THEN I WILL CALL YOUR ATTENTION TO	WAS THE SUBJECT OF THE CONVERSATION ANS**D** DETERMINED UPON, NOTWITHSTAND ING THAT HAD BEEN TALKED ABOUT ON THE SUNDAY PREVIOUS OR THE DAY BEFO~~E~~RE~~:~~, YET HE SAYS THAT THEY WERE SENT AND ORDERED TO GO TO PINTO AND A**L**LAY THE ~~THE~~ EXCITED SAVAGES SO THAT THESE EMIGRANTS MIGHT PASS THROUGH THE COUNT~~R~~RY IN PEACE AND UNMOLESTED . HE GOES ON THEN, AND I WILL CALL YOUR ATTENTION TO	

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RT	RS	BT	PS
THAT PART OF THE TESTIMONY OF KLINGENSMITH WHEREIN HE IS CONTRADICTED BY JOEL WHITE AND OTHERS.	THE FACT WHERE MR. WHITE'S TESTIMONY DID NOT CORROBORATE THAT OF MR. SMITH'S MR. SMITH; WHO SAYS HE WAS ORDERED TO	THE FACT, WHERE MR. WHITE'S TESTIMONY DOES NOT CORROBERATE THAT OF MR. SMITH 'S. HE SAYS HE WAS ORDERED TO	
THE THEORY OF THE PROSECUTION IS THAT KLINGENSMITH WAS COMPELLED TO DO ALL ACTS AND THINGS DONE BY HIM; AN UNWILLING ACTOR IN THIS BLOODY TRAGEDY,FROM THE BEGINNING TO THE END. TO SUPPORT THIS THEORY KLINGENSMITH ALWAYS USED THE EXPRESSION THAT HE DID AS HE WAS ORDERED. IT MUST BE BORNE IN MIND THAT	GO. ≤THE≥ THEORY OF MR. SMITH AND PROSECUTION HERE IS; SMITH WAS *[[11]]* COMPELLED TO DO THESE THINGS ALL THE TIME, AN UNWILLING ACTOR IN ALL THIS TRAGEDY FROM BEGINNING TO END.	GO. *[4]* ~~WHA~~ THE THEORY OF THE PROSECUTION AND MR. SMITH HERE IS,, SMITH WAS COMPELLED TO ~~F~~DO THESE THINGS HERE A**L**L THE TIME AND WAS AN UNWILLING ACTOR IN ALL THIS TRAGEDY FROM BEGINNING TO END.	

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RT	RS	BT	PS
KLINGENSMITH WAS A BISHOP IN THE CHURCH AND HAD, THEREFORE, FEW SUPERIORS, BUT, ASIDE FROM THIS,JOEL WHITE,CALLED BY THE PROSECUTION,TESTIFIED THAT KLINGENSMITH VOLUNTEERED TO GO. HENCE, IT IS CLEAR,THAT KLINGENSMITH TOLD ANOTHER LIE.	WHITE SWORE, SMITH VOLUNTEERED TO TO GO WITH HIM. THAT IS LIE NUMBER ONE OF THIS MAN SMITH.	WHITE SAYS, MR. SMITH VOLUNTERED TO GO WITH HIM. THAT IS LIE NUMBER ONE OF THIS MAN KLINGENSMITH.	
KLINGENSMITH SAYS THAT WHILE ON THE WAY TO PINTO HE AND JOEL WHITE MET JOHN D. LEE.	AGAIN WE FOLLOW HIM THEN TO PINTO. THEY WENT THERE; LETTER WAS DELIVERED; THEY RETURNED, AND ON THEIR WAY ≤BACK≥ THERE THEY MET JOHN D. LEE. THAT WAS ONE OF MATERIAL POINTS IN THIS	AGAIN WE FOLLOW HIM THEN T~~P~~**O** PINTO; THEY WENT THERE; THE LETTER WAS DELIVERED; THEY STARTED ON THEIR ~~T~~RETURN TO CEDAR; AND ON THEIR WAY BACK THERE THEY MET JOHN D . LEE. THAT WAS ONE OF THE MATERIAL POINTS OF THIS	

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RT	RS	BT	PS
THIS IS THE FIRST TIME THAT JOHN D. LEE HAS BEEN MENTIONED AT ALL, AND HERE LET ME CALL YOUR ATTENTION, A FEW MINUTES, TO THE PLAN OF THE PROSECUTION IN THIS MATTER. IT BECAME NECESSARY TO HAVE SOMEONE TO CORROBORATE THE TESTIMONY OF [6] KLINGENSMITH; AND JOEL WHITE, AN ACCOMPLICE, WITH HIS HANDS AS DEEPLY DIED IN THE BLOOD OF THE UNFORTUNATE EMIGRANTS AS	PROSECUTION, THAT THEY SHOULD MEET JOHN D. LEE AND IT WAS NECESSARY GENTLEMEN, THAT SOMEBODY SHOULD CORROBORATE THIS MAN SMITH IN HIS TESTIMONY IN REGARD TO THE MEETING OF JOHN D. LEE WHITE COMES UPON THE STAND AN ACCOMPLICE, AND WITH HIS HANDS AS DEEPLY <IN THE BLOOD OF THESE PARTIES> IMBUED AS	PROSECUTION THAT ~~THAT~~ T**H**EY SHOULD MEET JOHN D. LEE AND IT WAS NECESSARY , GENTLEMEN, THAT SOMEBODY SHOULD CORROBERATE THIS MAN SMITH, IN HIS TESTIMONY IN REGARD TO THE MEETING OF JOHN D. LEE. WHITE COMES UPON THE STAND WHO IS ANOTHER ACCOMPLICE, AND WITH HIS HANDS AS DEEPLY DIED IN THE BLOOD OFTHESE PARTIES, AS	

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RT	RS	BT	PS
KLINGENSMITHS, IS SELECTED FOR THIS PURPOSE, THEREFORE, WHITE'S TESTIMON~~H~~Y BEGINS WITH THE JOURNEY TO PINTO,AND HE SAYS "WE MET JOHN D. LEE. [*space*] **"**QUESTION. WHAT DID JOHN D. LEE SAY ? ANSWER WHEN WE TOLD HIM THAT WE WERE GOING TO PINTO TO TRY TO ALLAY THE ANGRY PASSIONS OF THE INDIANS, SO THAT THE EMIGRANTS MIGHT PASS **"**ALONG,**"** HE ANSWERED "I HAVE SOMETHING TO SAY ABOUT IT,AND I WILL SEE ~~B~~ TO IT".	SMITH HIMSELF, AND HE SAYS YES WE MET JOHN D. LEE <NEAR THE CORNER OF THE> FIELD WHAT DID JOHN D. LEE SAY. OLD SMITH SAYS THAT HE SAID WHEN HE TOLD THEM THEY WERE GOING PINTO FOR TO THERE ALLAY ANGRY PASSIONS OF THE INDIANS <SO THAT THE> EMIGRANTS MIGHT PASS THROUGH IN SAFETY, THAT LEE MADE THE REMARK, "I HAVE SOMETHING TO SAY ABOUT IT, AND WE'LL WILL SEE ABOUT IT"; I THINK THAT IS THE EXACT LANGUAGE OF LEE, BUT HERE	SMITH HIMSELF, AND HE SAYS, **"**YES WE MET JOHN D. LEE NEAR THE CORNER OF THE FIELD." WHAT DID JOHN~~.~~ D. LEE SAY? OLD SMITH SAYS, T**H**AT HE ~~TOLD~~ SAID WHEN HE TOLD HIM THAT THEY WERE GOING TO PINTO FOR TO ALLAY THE ANGRY PASSIONS OF THE INDIANS SO THAT THE EMIGR~~Z~~**A**NTS MIGHT PASS THROUGH IN SAFETY THAT **L**EE MADE THE REMARK, **"**I HAVE SOMETHING TO SAY ABOUT IT~~"~~, OR, **"**WE WILL SEE ABOUT IT~~.~~,**"** I THINK THAT IS THE EXACT LANGUAGE OF **L**EE. BUT HERE	

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RT	RS	BT	PS
	WAS WHERE PUT UP JOB CAME UP	WAS WHERE THE PUTTING UP OF THE JOB CAME UP.	
NOW, I WANT TO CALL ATTENTION TO THE PLOT BETWEEN KLINGENSMITH AND JOEL WHITE,AND IN WHICH THEY HAVE BEEN ASSISTED BY BILL HICKMAN, SINCE THIS TRIAL COMMENCED.			
WHITE HAS BEEN KEPT HID HERE IN BEAVER, IN ORDER TO PREVENT	WHITE WAS SHADED WHEN HE CAME TO THIS TOWN AND PREVENTED FROM RUNNING AT LARGE HERE, FOR FEAR WHITE SHOULD COULD BE TALKED TO	WHITE WAS SHADED WHEN HE CAME TO THIS TOWN, AND PREVENTED FROM RUNNING AT LARGE HERE, FOR FEAR THAT WHITE SHOULD ~~TA~~ BE TALKED TO	
ANY OF THE ATTORNEYS FOR THE DEFENSE, OR ANYBODY ELSE EXCEPT THOSE CONCERNED IN THE PLOT, FROM. SPEAKING TO HIM; HE HAS BEEN KEPT IN THE	BY SOME OF THE COUNSEL OF DEFENSE OR BY SOMEBODY ELSE HE WAS TAKEN WHERE, WHERE *IS/AS*[?] AN ASSOCIATE AND	BY SOME OF THE COUNSEL FOR THE DEFENDANT OR BY SOMEBODY ELSE, AND HE WAS TAKEN WHERE? WHERE, AS WE ARE TOLD, HE COULD ASSOCIATE AND BE ~~WITH~~	

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RT	RS	BT	PS
ROOM OCCUPIED BY KLINGENSMITH AND BILL HICKMAN. AS EVIDENCE JUSTIFYING ME IN MAKING THIS STATEMENT, I WILL CALL YOUR ATTENTION TO WHAT HE HIMSELF SAID ON THE WITNESS STAND. HE ASKED HIM IF HE WAS PERMITTED TO SPEAK TO THE DEFENDANTS ATTORNEYS. HE ANSWERED THAT HE WAS NOT; AND THAT HE WAS IN THE HANDS AND CUSTODY OF BILL HICKMAN. THE COURT	ASSOCIATED WITH THIS MAN KLINGENSMITH, AS THE EVIDENCE OF THAT FACT ~~≤~~IS WE WILL~~≥~~ FOLLOW IT LITTLE FURTHER, TO SHOW YOU I AM JUSTIFIABLE IN MAKING THE REMARK. THE QUESTION WAS ASKED WHITE, HERE IN COURT HOUSE IF HE WAS PERMITTED TO TALK TO ANY OF US? HE SAID HE WAS NOT, SAID WAS NOT UNDER INFLUENCE AND CUSTODY OF BILL HICKMAN. THE COURT	ASSOCIATED WITH THIS MAN KLINGENSMITH, AS THE EVIDENCE OF THAT ~~FAV~~ FACT~~,~~ IS**;** AND WE WILL FOLLO~~E~~W IT A LITTLE FURTHER TO SHOW YOU I AM JUSTIFIABLE IN MAK~~E~~ING THE REMARK. THE QUESTION ~~Q~~ WAS ASKED WHITE, HERE IN THE COURT HOUSE, IF HE WAS PERMITTED TO TALK TO ANY O~~R~~F US. HE SAID HE WAS NOT; AND HE SAID HE WAS IN THE CUSTODY OF BILL HICKMAN. AFTER THIS FACT WAS BROUGHT TO THE KNOWLEDGE OF THE [5] COURT, THE COURT	

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RT	RS	BT	PS
THEREUPON ORDERED THAT HE BE AT LIBERTY TO TALK WITH THESE ATTORNEYS. WE ALSO ASKED HIM TO MAKE A DIAGRAM OF THE GROUND OF THE EMIGRANT'S CAMP AND CORRALL, ALSO OF ~~R~~ THE ROUTE WHICH THE EMIGRANTS TRAVELLED WHEN THEY LEFT THE CORRALL AND ALSO THAT TRAVELLED BY THE TWO WAGONS. BEFORE HE HAD TIME TO ANSWER THE COURT ADJOURNED,AFTER ORDERING HIM TO PREPARE THE DIAGRAM AND PRODUCE IT WHEN THE COURT MET AGAIN AFTER	ORDERED HE MIGHT BE PERMITTED TO TALK TO US. BUT JUST PRIOR TO THAT TIME, ON CROSS EXAMINATION WHEN COURT ADJOURNED, WE ASKED HIM TO MAKE ~~<~~A~~>~~ DIAGRAM OF THE GROUND AND THE ROUTE OF THE EMIGRANTS AND THE TWO WAGONS WHAT WAS TAKEN <AFTER THEY CAME> OUT OF THAT CORRAL.	ORDERED THAT HE MIGHT BE PERMITTED TO TALK TO US, BUT JUST PRIOR TO THAT TIME, ON CROSS-EXAMINATION WHEN THE COURT ADJOURNED, WE ASKED HIM TO MAKE A ~~DAI~~ DIAGRAM OF THE GROUND AND THE ROUTE **OF**~~AND~~ THE EMIGRANTS AND THE TWO WAGONS THAT WAS TAKEN AFTER THEY CAME OUT OF THE CORRAL.	

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RT	RS	BT	PS
RECESS. HE THEN CAME IN WITH A DIAGRAM,	HE CAME BACK IN HERE WITH {A}[i] DIAGRAM. GENTLEMEN WE WERE NOT PERMITTED HERE BY THE COURT TO SHOW DIAGRAM TO HIM HAVE YOU —[?] IT, *LOOKS*[?] DIAGRAM DRAWN OUT BY JUDGE SPICER UPON THE TABLE HE COMES IN HERE WITH DIAGRAM.	HE CAME BACK INHERE WITH A D IAGRAM. GENTLEMEN, WE ~~W~~ARE NOT PERMITTED HERE BY THE COURT TO SHOW THE DIAGRAM TO YOU.	
AND WE ASKED HIM THE QUESTION "WHO MADE THIS DIAGRAM" HE ANSWERED *[7]* "KLINGENSMITH ASSISTED ME TO MAKE THAT DIAGRAM, HE,SMITH, GAVE ME SOME IDEAS. I DREW THE PENCIL MYSELF, ~~B~~ BUT THE IDEAS WERE KLINGENSMITHS " NOW, GENTLEMEN, AM I NOT JUSTIFIED IN SAYING THAT THIS WAS A PUT	~~<~~THE~~>~~ QUESTION WAS ASKED MR. ~~HIM~~ ~~<~~WHITE~~>~~ WHO MADE THE DIAGRAM ~~<~~HE SAID~~>~~ KLINGENSMITH ASSISTED ME IN MAKING THAT DIAGRAM. HE GAVE ME SOME IDEAS I DREW THE PENCIL MYSELF BUT THE IDEAS *[[12]]* WERE KLINGENSMITH' S. AM I NOT JUSTIFIABLE IN SAYING THAT THIS MAN	THE QUESTION WAS ASKED MR. WHITE WHO MADE THE DIAGRAM. HE SAID, "KLINGENSMITH , ASSISTED ME IN ~~K~~MAKING THAT DIAGRAM~~,~~ HE~~,~~ GAVE ME SOME IDEAS; I DREW THE PENCIL MYSELF, BUT THE IDEAS WERE KLINGENSMITH' S." AM I NOT JUSTIFIED IN SAYING THAT THIS MAN	

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RT	RS	BT	PS
UP JOB, WHITE WAS BROUGHT HERE AND TRAINED BY BILL HICKMAN, AND KLINGENSMITH,SO THAT HE MIGHT CORROBORATE THE PERJURER KLINGENSMITH. HE DID CORROBORATE HIM ON ONE POINT, AND ON ONE POINT ONLY, AND THAT WAS IN REGARD TO THE CIRCUMSTANCES OF GOING TO PINTO AND THE MEETING OF JOHN D. LEE ON THE ROAD. IT IS QUITE LIKELY THAT KLINGENSMITH AND WHITE HAD SOME	WHITE WAS BROUGHT HERE FOR PURPOSE CORROBORATING SMITH TESTIMONY. IN ONE TO TWO MATERIAL POINTS HE DID CORROBORATE HIM, WHEN BILL HICKMAN WAS CUSTODIAN THAT MAN WHITE, THIS CORROBORATION WAS AT THE DICTATION OF BILL HICKMAN, AND THAT WHITE AND SMITH HAD	WHITE WAS BROUGHT HERE FOR THE PURPOSE OF CORROBERATING SMITH'S TESTIMONY? IN ONE OR TWO IMMATERIAL POINTS HE DID CORROBERATE HIM, BUT WHEN BILL HICKMAN WAS THE CUSTODIAN OF THAT MAN WHITE , THIS CORROBERSATION WAS AT THE DICTATION OF BILL HICKMAN AND THAT WHITE AND SMITH HAD	

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RT	RS	BT	PS
CONVERSATION TOGETHER, AND THEREFORE, WITH THE AID OF BILL HICKMAN, THEY PUT UP THIS JOB, BUT THERE WERE SEVERAL POINTS IN KLINGENSMITH'S TESTIMONY WHICH IT WOULD HAVE BEEN MATERIAL TO CORROBORATE, BUT SUCH ESCAPED THEIR NOTICE. SUCH MEN AS HICKMAN, KLINGENSMITH AND WHITE EVEN ARE NOT CAPABLE OF CONCOCTING SUCH A STORY AS WILL STAND THE TEST~~D~~ OF A C~~O~~ROSS-EXAMINATION, WITHOUT EXPOSING ITS FALLACY, AND IT FULLY APPEARS IN THIS CASE THAT THEIR NEFARIOUS DESIGN WAS AN ABSOLUTE FAILURE.	CONVERSED TOGETHER UPON THESE POINTS, BUT WHENEVER YOU SEE JOB OF THAT KIND, YOU WILL SEE SOME MATERIAL POINTS THAT THE INGENUITY OF MAN IS HARDLY CAPABLE OF CONCEIVING BEFORE HAND.	CONVERSED TOGETHER UPON THESE POINTS; BUT WHEN YOU ~~J~~SEE A JOB OF THAT KIND YOU WIL~~,~~L ALSO SEE SOME MATERIAL POINTS THAT THE INJENUITY OF MAN IS HARDLY CAPABLE OF CONCEIVING BEFORE HA~~D~~ND.	

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RT	RS	BT	PS
KLINGENSMITH AND WHITE PROCEED ON THEIR ERRAND OF MERCY, SENT BY HAIGHT TO DELIVER THE MESSAGE TO BISHOP ROBINSON AT PINTO. KLINGENSMITH	≤¶≥ LET US FOLLOW THIS TESTIMONY WHILE FURTHER AND WE SHALL SEE IF THAT IS NOT THE CASE, IF THAT IS NOT A REASONABLE CONCLUSION TO DRAW FROM CASE AS IT STANDS BEFORE YOU. THEY GO TO PINTO, THEY GO THERE ON AN ERRAND OF MERCY. IS THE TESTIMONY OF WHITE AND KLINGENSMITH NEITHER OF THEM THAT ARE ENTITLED TO PARTICLE OF CREDIT TO GIVE THEM TAKE THEIR TESTIMONY TO BE TRUE. THAT THEY WAS ≤SENT THERE≥ ~~ORDERED~~ THEY GO ON AN ERRAND OF MERCY.	LET US FOLLOW THIS TESTIMONY A LITTLE FURTHER AND WE SHALL SEE THAT THAT IS NOT THE CASE; IF THAT IS NOT A REASONABLE CONCLUSION TO DRAW FROM THE CASE AS IT STANDS BEFORE YOU. THEY GO TO PINTO, THEY GO THERE ON AN ERRAND OF MERCY. AS THE TESTIMONY OF WHITE AND KLINGENSMITH, NEITHER OF THEM ARE ENTITLED TO A PARTICLE OF CREDIT ~~OR~~ TO GIVE THEM, OR TO TAKE THEIR TESTIMONY TO BE TRUE. THEY SAY THAT THEY WAS SENT FOR TO GO ON AN ERRAND ~~OR~~ OF MERCY~~,~~.	

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RT	RS	BT	PS
TESTIFIED THAT WHILE ON THEIR WAY,RETURNING FROM PINTO TO CEDAR THEY MET IRA ALLEN.	ON THEIR RETURN BACK THEY MET IRA ALLEN. AND HERE THIS MAN SMITH SAYS WHEN HE MET IRA ALLEN,	ON THEIR RETURN TOGETHER THEY MET IRA ALLEN, AND HERE THIS MA~~S~~N SMITH SAYS , WHEN HE MET IRA ALLEN,	
THEY ASKED HIM IF THERE WAS ANYTHING NEW. HE ∴ ALLEN ∴ ANSWERED "THE EMIGRANTS MUST DIE, THE DIE IS CAST THEIR DOOM IS SEALED" THIS IS IMPORTANT EVIDENCE, IN SOME RESPECTS, AND IF TRUE TENDS TO STRENGTHEN THE CASE FOR THE PROSECUTION, BUT IT SEEMS THAT HICKMAN AND KLINGENSMITH HAVE NEGLECTED TO POST WHITE UPON THIS PARTICULAR POINT.	HE ASKED HIM WHAT THE NEWS WAS? HE SAYS THE EMIGRANTS MUST DIE, "THE DIE IS CAST THEIR DOOM IS SEALED".	HE ASKED HIM WHAT THE NEWS WAS. HE SA~~U~~YS**, "**THE EMIGRANTS **MUST** ~~MYUST~~ DIE; THE DIE IS ~~E~~CAST THE DOOM IS SEALED.**"**	
WHITE SAYS	DID WHITE HEAR THAT CONVERSATION; WHITE SAYS	DID WHITE HEAR THAT CONVERSATION ? WHITE SAYS	

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RT	RS	BT	PS
THAT THEY ∴ HIMSELF AND KLINGENSMITH ∴ DID NOT MEET IRA ALLEN,	THEY DID NOT MEET IRA ALLEN.	THEY DIDN'T MEET IRA ALLEN. WH~~E~~ITE SAYS THEY DIDN'T [6] MEET IRA ALLEN.	
AND OR COURSE,NOT HAVING MET HIM NO SUCH CONVERSATION COULD HAVE TAKEN PLACE.	WHITE THEN COULD NOT HAVE HEARD ANY SUCH CONVERSATION.	WHITE THEN COULD NOT HAVE HEARD ANY SUCH CONVERSATION.	
HERE THE PLOT FAILED UPON A VERY MATERIAL POINT [8] AND THIS CIRCUMSTANCE TENDS TO SHOW	HERE IS WHERE THE PLOT FAILED, AND	HERE IS WHERE THE PLOT FAILED, AND	
THAT HICKMAN AND KLINGENSMITH WERE NOT EQUAL TO THE TASK FOR WHICH THEY HAD BEEN SELECTED.	BILL HICKMAN WAS NOT EQUAL TO THE OCCASION OF POSTING THIS MAN WHITE ON ALL THE POINTS. THERE SHOULD HAVE SELECTED SOME ONE ELSE. HERE IS WHERE THE TESTIMONY FAILS, AND ~~<~~THIS IS~~>~~ LIE NUMBER 2	BILL HICKMAN WASN'T EQUAL TO THE OCCASION OF POSTING THIS MAN WHITE ON ALL THE POINTS. THEY SHOULD HAVE SELECTED SOMEONE ELSE. HERE IS WHERE THE TESTIMO~~N~~Y FAILS. AND THIS IS LIE NUMBER TWO	

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RT	RS	BT	PS
	OF THIS MAN SMITH.[474]	OF THIS MAN KLINGENSMITH.	
THERE IS ANOTHER CIRCUMSTANCE THAT THROWS DISCREDIT UPON THE TESTIMONY OF KLINGENSMITH, NAMELY, THAT WHILE HE CANNOT REMEMBER A WORD OF WHAT WAS SAID AT THE MEETING ON SUNDAY OR IN THE CONVERSATION HAD IN THE OLD ON MONDAY,HE NOW DETAILS DISTINCTLY THE VERY WORDS SPOKEN BY ALLEN AT A CASUAL MEETING ON THE ROAD TO PINTO.			
RECONCILE THESE FAULTS AND CONTRAD~~C~~I~~H~~CTORY STATEMENTS,	RECONCILE THESE FACTS	RECONCILE THESE FACTS	
IF YOU CAN, GENTLEMEN OF THE JURY, AND THEN SAY THAT THE EVIDENCE CONVINCES YOU, BEYOND A	IF YOU CAN GENTLEMEN SAY ~~I~~IF JOHN D. LEE CAN BE CONVICTED UPON SUCH	IF YOU CAN, GENTLEMEN, AND SAY IF JOHN D. LEE CAN BE CONVICTED UPON SUCH	

474. Above the shorthand in longhand: **LIE NO 2 OF THIS MAN K SMITH.**

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RT	RS	BT	PS
REASONABLE DOUBT, AND TO A MORAL CERTAINTY THAT JOHN D. LEE IS GUILTY AS CHARGED IN THE INDICTMENT. DO YOU BELIEVE THAT AFTER THIS MESSAGE OF MERCY HAD BEEN SENT BY THE ORDER OF HAIGHT THE MEETING OF AND CONVERSATION WITH IRA ALLEN COULD HAVE ESCAPED WHITE'S ATTENTION ? DO YOU NOT BELIEVE THAT SUCH CONVERSATION WOULD HAVE MADE AN IMPRESSION UPON THE MEMORY OF WHITE AS LASTING AS	TESTIMONY. BUT WE GO ON AGAIN. AFTER THAT AND IF THIS MESSAGE COULD *REFLECT*[?] MESSAGE OF *CHRIST'S*[?] MERCY, ≤THESE GENTLEMEN≥ THESE GENTLEMEN *HAD*[?] BEEN BEARERS OF *HATE/HAIGHT*[?] EVEN DO YOU THINK —[?] IT COULD HAVE TAKEN PLACE AND THIS MAN WHITE NOT HAVE KNOWN IT WOULD IT OCCURRED ~~ASK~~ SAYING ≤TO≥ HIM WOULD HAVE MADE IMPRESSION UPON HIS MIND AS LASTING AS	TESTIMONY. BUT WE GO ON AGAIN ~~AFTER THAT , AND~~ AFTER THIS MESSAGE OR HARBINGER OR MESSENGER OF MERCY. IF THESE GENTLEMEN HAD BEEN BEARERS OF IT ~~BEFORE~~, DO YOU THINK IT COULD HAVE TAKEN PLACE AND THIS MAN WHITE NOT HAVE KNOWN IT NO~~T~~R KNOWN THAT IT OCCURRED. IF IT HAD**,** I ASK YOU WOULD IT NOT HAVE MADE AN I~~N~~MPRESSION UPON HIS MIND AS LASTING AS	

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RT	RS	BT	PS
LIFE ITSELF.	MIND ITSELF. IT SEEMS GENTLEMEN HENCE WHEN	HIS MIN~~E~~D ITSELF. IT IS IMPOSSIBLE , GENTLEMEN~~;~~.	
PERMIT ME TO DIGRESS HERE ONE MOMENT, FOR THE PURPOSE OF STATING WHAT I UNDERSTAND TO	WE HEAR OF I WILL STOP HERE ONE MOMENT.		
BE THE THEORY OF THE PROSECUTION. NONE OF THE WITNESSES SAW JOHN D. LEE AT CEDAR CITY, IF THEY HAD TESTIFIED THAT THEY SAW HIM AT THAT PLACE THEY PERCEIVE THAT IT WOULD HAVE BEEN EASY TO DISPROVE THEIR FALSE STATEMENTS. THEY, THEREFORE, MEET LEE; SOLITARY AND ALONE , SOME DISTANCE FROM CEDAR, IN ORDER THAT IT SHOULD HAVE BEEN IMPOSSIBLE TO CONTRADICT THEM, AND STILL	THE THEORY OF ~~<~~THE~~>~~ PROSECUTION IS THIS;	THE THEORY OF THE PROSECUTION I S THIS:	
IT WAS	IT IS	IT IS	

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RT	RS	BT	PS
NECESSARY, TO SUPPORT THEIR PLAN AGAINST LEE THAT HE SHOULD BE SEEN IN THAT VICINITY IN ORDER THAT HE MIGHT WITH PLAUSIBILITY, BE CHARGED WITH HAVING	NECESSARY GENTLEMEN IN ALL THESE THINGS *AND*[?]	NE~~V~~CESSARY THAT THE GENTLEMEN IN ALL THESE THINGS	
BEEN CONNECTED WITH THE CONSPIRACY CLAIMED TO BE ENTERED INTO AT CEDAR. YOU MUST RECOLLECT THAT *[9]* LEE LIVED AT HARMONY AT THIS TIME, SOME TWENTY FIVE MILES DISTANT AND SOUTH OF CEDAR CITY, AND ALSO THAT THE EMIGRANTS HAD NOT YET PASSED AND YET	SHOULD CONNECT JOHN D. LEE HERE PRIOR TO THIS TIME	SHOULD CONNECT JOHN~~E~~D. LEE, AND PRIOR TO THIS TIME	
	SMITH SAYS, JOHN D. LEE WAS SENT TO INCITE THE INDIANS. AND PRIOR TO THE POINT I AM NOW AT, WHO SAID SO *[[13]]* WHY SMITH	SMITH SAYS, JOHN D. LEE WAS SENT TO INCITE THE INDIANS. PRIOR TO THE POINT I AM NOW ~~AYT~~ AT. WHO SAID SO? WHY SMITH,	

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RT	RS	BT	PS
KLINGENSMITH TESTIFIES THAT HAIGHT TOLD HIM THAT HE HAD ALREADY SENT LEE TO INCITE THE INDIANS TO BUTCHER THE EMIGRANTS. KLINGENSMITH ALSO TESTIFIED THAT WHILE HE AND WHITE WERE RETURNING FROM PINTO ON THE TUESDAY MORNING THEY MET THE EMIGRANTS JUST LEAVING CAMP, SOME SIX MILES EAST OF PINTO AND ABOUT TWENTY TWO MILES WEST OF	HIMSELF, ~~<~~HE~~>~~ DIDN'T HAVE HARDIHOOD TO SAY HE WAS PRESENT, HE SAYS HAIGHT TOLD HIM HE HAD SENT HIM INCITE THE INDIANS TO INSURRECTION, OR RATHER TO MURDER THE EMIGRANTS. BISHOP AND THAT LEE HAD GONE BELOW. SOMEBODY ELSE AT LEAST TOLD THIS MAN SO THIS MAN SMITH.	HIMSELF. HE DIDN'T HAVE THE HARDIHOOD TO SAY HE WAS PRESENT, HE SAYS HAIGHT TOLD HIM ~~HIM~~ HE HAD SENT HIM TO INCITE THE INDIANS TO AN INSURRECTION; OR RATHER TO MURDER THE EMIGRANTS. BISHOP: AND THAT LEE HAD GONE BELOW. HOGE: SOMEBODY ELSE AT LEAST TOLD THIS MAN SO, THIS MAN SMITH.	

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RT	RS	BT	PS
CEDAR. HOW CAN THIS STATEMENT BE TRUE. IF THE EMIGRANTS DID NOT PASS THROUGH CEDAR CITY UNTIL THE FOLLOWING FRIDAY, AS BEFORE STATED BY HIM. I WILL NEXT CALL YOUR ATTENTION TO THE TESTIMONY OF KLINGENSMITH AT THE FIELD OF SLAUGHTER. IN ORDER TO CONVICT LEE, IT WAS NECESSARY FOR THE PROSECUTION TO BRING HIM IN AS THE LEADING SPIRIT AT THAT PLACE. UPON THIS POINT THEY FAILED ALSO, BUT THEY INSIST THAT YOU MUST OVERLOOK THEIR FAILURES AND CONVICT HIM UPON THE STATEMENT, CONTRADICTORY, AND	THEN WE GO TO THE FIELD, AND AS BEFORE SAID IT WAS NECESSARY (AND I WANT YOU KEEP THIS POINT IN VIEW) JOHN D. LEE MUST BE ACTIVE PARTICIPANT THERE~~ON~~ IN THIS TRANSACTION FIELD AND UPON TESTIMONY OF THIS PERJURED VILLAIN SMITH HIMSELF AND ALLEN BEGIN TO MAKE THE	THEN WE GO TO THE FIELD, AND AS BEFORE SAID IT WAS NECESSAY~~RT,—~~ AND I WANT YOU TO KEEP THIS POINT IN VIEW—THAT JOHN D. LEE MUST BE AN ACTIVE PARTICIPANT THERE IN THIS TRANSACTION ON THE FIELD. AND UPON THE TESTIMONY OF THIS PERJURED VILLAIN SMITH, HIMSELF AND ALLIES AGAINST THE	

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RT	RS	BT	PS
CONTRADICTED AS IT IS, OF THIS MAN KLINGENSMITH, WHO STANDS BEFORE YOU IN THE CHARACTER OF A CONFESSED ASSASSIN. WHEN THEY ARRIVE AT THE MOUNTAIN MEADOWS JOHN D. LEE, ACCORDING TO KLINGENSMITH, IS IN COMMAND OF THE TROPOPS. THEY WERE CALLED TROOPS BY THE PROSECUTION AND BY KLINGENSMITH. THE MEN FROM WASHINGTON WERE DENOMINATED SOUTHERN SOLDIERS AND THE MEN FROM CEDAR WERE CALLED NORTHERN SOLDIERS. LEE, AS I SAID BEFORE, MUST BE THE LEADING SPIRIT AND INCITE THE MEN FROM THE FRAY, CONSEQUENTLY, HE MUST MAKE A SPEECH, AND	CONNECTION.	EMIGRANT PARTY;,	

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RT	RS	BT	PS
ISSUE WORDS OF COMMAND; BUT HOW IS HE TO DO THIS SO THAT ALL CAN HEAR HIM ? SOME CONTRIVANCE MUST BE RESORTED TO THAT ALL THE MEN IN THE RANKS MAY HEAR HIM. KLINGENSMITH EXPLAINS HOW THIS WAS DONE. HE SAYS "THE TROOPS WERE ORDERED TO FORM A HOLLOW SQUARE" THAT IS IT,GENTLEMEN,A HOL-*[10]* LOW SQUARE WAS FORMED AND NOW THE SOLDIERS CAN HEAR WHAT IS SAID. SO FAR SO GOOD, BUT NOW LET US SEE OF HOW MANY MEN THESE TROOPS CONSISTED. ALL THE WITNESSES TOGETHER CAN ACCOUNT BUT FOR TWENTY FOUR MEN ONLY; AND SUPPOSE THERE	THEY GO TO THE FIELD, 24[475] MEN; 6 OF THESE MR.	THEY GO TO THE FIELD—24 MEN—AND SIX OF THESE MEN,	

475. "2" was written over an illegible digit or character.

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RT	RS	BT	PS
HAD BEEN THIRTY TWO MEN, THAT WOULD HAVE FORMED A SQUARE OF EIGHT MEN TO A SIDE, AND WOULD HAVE TAKEN UP TWELVE FEET SQUARE, ALLOWING EIGHTEEN INCHES TO EACH MAN, ACCORDING TO MILITARY RULES.	SMITH HIMSELF ≤*WAS/SAY*[?]≥ WERE NOT IN THE RANKS WERE NOT WHERE ≤THEY COULD BE≥ CALLED INTO HOLLOW SQUARE. HOW BIG A SQUARE WOULD IT MAKE MAKING 4 SIDES, THAT WOULD HAVE BEEN ABOUT 4 MEN ON A SIDE, IT WOULD HAVE MADE A SQUARE WITH 4 MEN ON EACH SIDE, BECAUSE SMITH HIMSELF SAYS THERE WAS ABOUT 6 OF MEN THERE THAT WERE NOT IN THE SQUARE, AND TAKE 30 MEN CONSTITUTE THAT SQUARE WHAT WAS THAT SQUARE FORMED FOR IT MUST HAVE BEEN FOR SOME PURPOSE. THAT	SMITH HIMSELF SAYS WERE NOT IN THE RA NKS— WERE NOT WHERE THEY COULDBE CALLED INTO THE HOLLOW SQUARE. HOW BIG A SQUARE WOULD IT MAKE OF FOUR SIDES? [7] THERE WOULD HAVE BEEN ABOUT FOUR ~~K~~MEN ON EACH SIDE—IT WOULDHAVE ~~A~~MA~~M~~DE A S~~W~~QUARE WITH ABOUT FOUR MEN ON EACH SIDE; BECAUSE SMITH HIMSELF SAYS THERE WAS ABOUT SIX OF THE MEN THERE THAT WERENOT IN THE SQUARE. AND TAKING 30 MEN IN THAT SQUARE, IF THAT WAS WHAT THE SQUARE WAS FORMED FOR; AND IT MUST HAVE BEEN FOR ~~M~~SOME PURPOSE. THAT	

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RT	RS	BT	PS
JUST IMAGINE, GENTLEMEN, THE COMMANDER STANDING IN THE MIDDLE OF THAT IMMENSE SQUARE, MAKING THAT INCITING SPEECH, WHICH WAS TO FIRE THE HEARTS OF THE TROOPS, AND, RAISING HIS	IS THEORY OF THE PROSECUTION THE IDEA QUOTED BY CONVEYED BY THIS MAN SMITH VARIES WITH WHITE'S SO *LARGE/MUCH*[?], *THAT IS*[?] JOHN D. LEE COULD NOT MAKE THEM TO HEAR [*space*] THEY CONSOLIDATED THEM IN A SQUARE SO THEY COULD BE HEARD ALL AROUND. WAS IT NECESSARY TO FORM SQUARE OF 30 MEN FOR THAT PURPOSE AND IT IS RIDICULOUS;	IS THE THEORY OF THE PROSECUTION AND YET IT COULD NOT BE CONVEYED BY THIS MAN SMITH WHO ~~V~~CARIES WITH WHITE SO MUSH; THAT IS **THAT** ~~THA T~~ JOHN D. LEE COULD NOT MAKE THEM HEAR, AND HE CONSULTED THEM IN THE SQUIARE SO THAT HE COULD BE HEARD ALL AROUND . WAS IT NECESSARY TO FORM A SQUARE FOR TH**A**T PURPOSE? IT IS RIDICULOUS.	

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RT	RS	BT	PS
VOICE TO THE HIGHEST PITCH, SO THAT ALL THE SOLDIERS MIGHT HEAR HIM,DON'T YOU THINK HE GOT HOARSE. THIS GENTLEMEN, IS NO FANCY PICTURE OF MINE. THE PROSECUTION HAVE CONVEYED THE IDEA THAT THERE WERE SO MANY MEN PRESENT, AND THAT IT BECAME NECESSARY FOR JOHN D. LEE TO PUT THEM THROUGH THESE MILITARY EVOLUTIONS AND FORM THEM INTO A HOLLOW SQUARE, IN ORDER THAT THEY MIGHT HEAR WHAT WAS SAID, BUT,UNFORTUNATELY,THIS THEORY, HAS ONE DEFECT, AND THAT IS IT IS NOT TRUE. JOEL WHITE SAYS THAT NO HOLLOW SQUARE WAS	THERE IS ANOTHER POINT GENTLEMEN WHERE BILL HICKMAN WAS AT FAULT AGAIN, FOR WHITE SAYS THERE WAS NO SUCH HOLLOW SQUARE	AND THERE IS ANOTHER POINT, GENTLEMEN, WHERE BILL HICKMAN WAS AT FAULT AGAIN; ~~W~~FOR WHITE SAYS THERE WAS NO SUCH HOLLOW SQUARE	

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RT	RS	BT	PS
FORMED AND HE IS CORROBORATED BY YOUNG, PEIRCE AND POLLOCK,WHO ARE ALL WITNESSES FOR THE PROSECUTION,AND THUS AGAIN THE PLOT OF HICKMAN AND KLINGENSMITH FAILS TO GET WITNESSES TO CORROBORATE THE CHIEF PERJURER IN THIS CASE. GENTLEMEN, NO HOLLOW SQUARE WAS FORMED, AND YOU MAY SAFELY CONCLUDE THAT NO SPEECH WAS MADE. THE WHOLE IS A FABRICATION TO SUPPORT THE TESTIMONY OR STATEMENT OF KLINGENSMITH,	FORMED. IT IS LIE NUMBER 3 OF SMITHS[476] [*space*] IN ADDITION TO WHAT WHITE SAYS IN REGARD TO THAT, THERE IS THE TESTIMONY OF YOUNG POLLOCK AND THE MAN WITH THE BOTS, AND THEY ALL SAY NO SUCH SQUARE WAS FORMED DO YOU BELIEVE FOR A MOMENT THERE WAS SUCH A SQUARE FORMED.	FROMED. THAT IS LIE NUMBER THREE OF SMITH**'S**. IN ADDITION TO WHAT WHITE SAYS IN REGARD TO THAT, THERE IS TESTIMONY OF YOUNG AND POLLOSK, AND THE MAN WITH THE BOTS. AND THEY ALL SAY NO SUCH SQUARE WAS FORMED. DO YOU BELIEVE FOR A MOMENT THERE WAS SUCH A SQUARE FORMED?	

476. Above the shorthand in longhand: **NO 3 SMITHS.**

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RT	RS	BT	PS
THAT THE PLAN OF DECOYING THE EMIGRANTS OUT OF THEIR STRONGHOLD WAS LAID AT CEDAR CITY AND THAT LEE,AS COMMANDER,WAS TO LAY THIS PLAN BEFORE THE TROOPS, W~~S~~HICH, ACCORDING TO KLINGENSMITH'S TESTIMONY LEE DID IN THE HOLLOW SQUARE. AND, GENTLEMEN, IN REFERENCE TO THIS STATEMENT, I AM CONVINCED THAT YOU HAVE *[11]* COME TO SAME CONCLUSION THAT I HAVE, THAT KLINGENSMITH HAS ADDED ANOTHER STAIN, AND THAT OF PERJURY, TO HIS ALREADY BLACKENED SOUL.	DIDN'T YOU BELIEVE SMITH PERJURED HIS SOUL ADDED THE SIN OF PERJURY TO THAT OF MURDER AND ASSASSINATION. —[?] YOU CAN'T HELP IT GENTLEMEN.	DON'T YOU BELIEVE SMITH P~~U~~ERJURED HIS SOUL, AND ADDED THE SIN OF PERJURY TO THAT OF MURDERER AND ASSASSIN.	

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RT	RS	BT	PS
	IN ADDITION TO THAT SMITH GOES ON TO SAY THERE JOHN D. LEE WAS IN CHARGE OF THE TROOPS AS HE CALLS THEM. THESE ARE CALLED TROOPS BY PROSECUTION AND BY SMITH ALL THE WAY THROUGH [*space*] MEN OF WASHINGTON WERE DENOMINATED SOUTHERN SOLDIERS. THEY WERE FROM DIXIE, MEN FROM CEDAR WENT THERE SOLDIERS ALL CALLED SOLDIERS *[[14]]* NOW THE HOLLOW SQUARE WAS IN THEORY OF PROSECUTION IS THIS, IT WAS FORMED THERE ≤IT WAS FROM THE AUTHORITY≥ AND JOHN D.	IN ADDITION TO THAT SMITH GOES ON TO SAY, THAT THERE JOHN D. LEE WAS IN CHARGE OF THE TROOPS, AS HE CALLS THEM. THESE ARE CALLED TROOPS BY THE PROSECUTION, AND BY SMITH ALL THE WAY THROUGH. THE MEN FROM WASHINGTON WERE DENOMINATED SOUTHERN SOLDIERS. THEY WERE FROM DIXIE. THE MEN FROM CEDAR THAT WENT THERE WERE CALLED SOLDIERS; AND ALL WERE CALLED SOLDIERS. NOW, THE HOLLOW SQUARE WAS, AND THE THEORY OF THE PROSECUTION IS THIS: IT WAS FROM THE AUTHORITY OF JOHN D.	

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RT	RS	BT	PS
	LEE WAS THERE IN COMMAND OF THE SOLDIERS, LAID THE PLAN AGREED UPON IT, TO DECOY THESE EMIGRANTS FROM THEIR STRONGHOLD ≤AND TO≥ ASSASSINATE THEM AND MASSACRE THEM UPON ≤THAT≥ MEADOW THERE IS ANOTHER THEORY THAT IS THEIR THEORY. NOW WE SEE THE HOLLOW SQUARE WAS NOT FORMED BUT	LEE, AND HE WAS THERE IN ~~COMMON WITH~~ **COMMAND OF** THE SOLDIERS, LAID THE ~~L~~PLAN AND AGREED UPON IT TO ~~F~~DECOY THESE EMIGRANTS FROM THEIR STRONGHOLD, AND TO ASSAS~~S~~INATE THEM AND MASSACRE THEM UPON THE MOUNTAIN MEADOWS. THAT IS THEIR THEORY, BUT THERE IS ANOTHER THEORY. NOW, WE SEE THE HOLLOW SQUARE WAS NOT FORMED. *[8]*	
KLINGENSMITH STICKS, WITH GREAT TENACITY, TO THE STATEMENT, THAT JOHN D. LEE WAS IN COMMAND OF THE TROOPS AT THE MEADOWS,BUT, IF HE WAS IN COMMAND,	K SMITH STICKS TO IT WITH GREAT TENACITY, THAT JOHN D. LEE WAS IN COMMAND. THAT JOHN D. LEE WAS IN COMMAND OF THE SOLDIERS	KLINGENSMITH STICKS TO IT WITH GREAT TENA~~S~~CITY THAT JOHN D. LEE WAS IN COMMAND, THAT JOHN D. LEE WAS IN COMMAND OF THE SOLDIERS	

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RT	RS	BT	PS
WHAT ORDERS DID HE ISSUE ? WHAT COMMAND DID HE GIVE ?	THAT WERE THERE $_{Q}$WHAT COMMAND DID HE ISSUE~~,~~ WHAT COMMAND DID HE GIVE, I NEVER HEARD UPON FIELD WHILE THERE ISSUE A WORD TO THE SOLDIERS.	THAT WAS THERE. WHAT COMMAND D ID HE ISSUE? WHAT COMMAND DIDHE GIVE? ~~"~~I NEVER HE~~R~~ARD UPON THE FIELD WHILE THERE THA T HE ISSUED AN ORDER TO THE SOLDIERS.~~"~~	
WHEN KLINGENSMITH WAS ASKED ON CROSS-EXAMINATION WHAT ORDER OR COMMAND WAS GIVEN BY LEE,HE ANSWERED "I NEVER HEARD OR KNEW OF LEE UPON THE FIELD AT THE MOUNTAIN MEADOWS OR AT ANY OTHER PLACE, ISSUING AN ORDER OR GIVING A COMMAND" NOW, THAT BEING SO,	ALTHOUGH HE WAS IN COMMAND THERE, AND CONSIDERED SO BY SMITH ON THE NEXT BREATH HE SAYS, "I NEVER HEARD A COMMAND OR A WORD FROM JOHN D. LEE	ALTHOUGH HE WAS IN COMMAND THERE AND IT WAS S AID BY SMITH IN ~~H~~ THE NEXT BREATH: HE SAYS, **"**INEVER HEARD A COMMAND OR AN ORDER FROM JOHN D. LEE.**"**	
COULD LEE HAVE BEEN IN COMMAND, AS STATED BY KLINGENSMITH, IN HIS DIRECT EXAMINATION ? THE WHOLE,GENTLE	COULD HE HAVE BEEN IN COMMAND? SO MUCH FOR THE THEORY OF SMITH AND THE PROSECUTION, IT SHOWS THAT IT WAS GOTTEN	COULDHE HAVE BEEN IN COMMAND? SO MUCH FOR THE THEORY OF SMITH AND THE PROSECUTION. IT SHOWS THAT IT WAS GOTTEN	

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RT	RS	BT	PS
MEN, IS A BASELESS FABRICATION AND CONSPIRACY, AS BEFORE STATED, GOTTEN UP FOR THE PURPOSE OF CONVICTING THE DEFENDANT AT THE BAR AND TO SAVE THE WORTHLESS NECK OF THAT VILLAIN KLINGENSMITH. KLINGENSMITH NEXT GOES ON TO STATE THAT WHILE THE TROOPS WERE STANDING IN THE HOLLOW SQUARE	UP BY THIS MAN SMITH AND THIS MAN WHITE THROUGH AND BY BILL HICKMAN, AND IT IS FABRICATION AND A FICTION GENTLEMEN, *FOR TO SAY*[?] *AND/HE*[?] SAVE THE NECK OF THAT FELON. <¶> A LITTLE FURTHER. WE SEE SMITH HAS LIED 3 TIMES, WHERE HE GETS TO THE HOLLOW SQUARE, HE SAYS THEN THAT THE COMMAND WAS GIVEN, ALTHOUGH JOHN D. LEE DID NOT GIVE ANY COMMAND, ALTHOUGH HE IS IN COMMAND, IT WILL TELL YOU HIS STATEMENT THERE IS ABOUT AS CONSISTENT	UP BY THIS MAN SMITH AND THIS MAN WHI~~T~~E THROUGH AND BY BILL HICKMAN; AND IT IS A FABRICATION AND A FICTION, GENTLEMEN, FOR TO SAVE THE NECK OF THAT VILLAIN. A LITTLE FURTHER. WE SEE SMITH HAS LIED THREE TIMES AND WHERE HE GETS TO THE HOLLOW SQUARE, HE SAYS THEN THA TTHE COMMAND WAS GIVEN, ALTHOUGH J**OH**.**N** D. LEE DIDN'T GIVE ANY COMMAND, ALTHOUGH HE IS **NOT** IN COMMAND. STILL THEY TELL YOU THAT HIS STATEMENTS ARE TR~~Y~~UE, BUT THEY ARE ABOUT AS CONSISTENT ~~WHEN HE SAYS~~	

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RT	RS	BT	PS
THE COMMAND WAS GIVEN TO MARCH AND THEY THEN MARCHED IN DOUBLE FILE FROM THE CAMP TO THE VICINITY OF THE CORRALL AT THE MEADOWS, UNDER THE COMMAND OF HIGBEE.	AS MR. BRADSHAW WAS WHEN HE SWORE SON TOLD HIM SOMETHING BUT HE WAS NOT ≤SURE≥ *I SEEN/HIS SON*[?], IT IS ONLY IN KEEPING WITH THAT THEORY. TO CARRY THIS OUT, SMITH SWORE COMMAND WAS THERE GIVEN TO MARCH TO THE MEADOWS, OR DOWN ≤THERE≥ TO THE EMIGRANTS, HIGBEE TOOK COMMAND AND THEN HE SAYS, HIGBEE THEN TOOK COMMAND. THEY MARCHED TO THE MEADOWS IN DOUBLE FILE ≤AND THAT IS≥ ANOTHER MISTAKE BILL HICKMAN MADE THESE MAY LOOK LIKE SMALL THINGS TO YOU GENTLEMEN OF THE JURY, BUT	AS MR. BRA**D**SHAW WHEN HE SAYS,,THAT HE SEEN SOMETHING, BUT HE WASN'T SURE WHAT I SEEN.⁹⁹ IT IS ONLY IN KEEPING WITH TH**A**T THEORY. TO CARRY THIS OUT, SMITH SAYS COMMAND WAS GIVEN TO MARCH TO THE MEADOWS OR DOWN THERE TO THE EMIGRANTS. HIGBEE TOOK COMMAND. THEN HE SAYS, "HIGBEE TOOK COMMAND." THEY MARCHED TO THE MEADOWS IN DOUBLE FILE. AND THAT IS ANOTHER MISTAKE BILL HICKMAN MADE . THESE MAY LOOK LIKE SMA**-**LL THINGS TO YOU GENTLEMEN OF THE**J**URY**;**, BUT	

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RT	RS	BT	PS
JOEL WHITE SAYS THAT THEY MARCHED IN SINGLE FILE,	WHEN A MAN COMES UPON STAND TESTIFIES TO THINGS BEING SO AND SO, WHEN THEY DID NOT EXIST IT IS WEIGHTY FOR YOU TO WEIGH, GENTLEMEN, *UNDERTAKE*[?] CONSIDERATION HIS STATEMENT AS A WHOLE. WHITE SAYS IT WAS "SINGLE FILE". THE IDEA WAS BETWEEN BILL HICKMAN WHITEMAN[477] AND KLINGENSMITH, THAT THE SOLDIERS WERE MARCHED FROM CAMP DOWN TO THE EMIGRANTS CORRAL, OR VICINITY OF IT; BUT KLINGENSMITH AND OLD BILL HICKMAN HAD FORGOTTEN TO	WHEN A MAN COMES UPON THE STAND TO TESTIFY TO THINGS BEING SO AND SO, WHEN THEY DIDN'T EXIST, IT IS WEIGHTY EVIDENCE FOR YOU TO WEIGH, GENTLEMEN÷, AND YOU SHOULD TAKE INTO CONSIDERATIO N HIS STATEMENTS AS A WHOLE. WHITE SAYS IT WAS SINGLE FILE. THE IDEA WAS BETWEEN BILL HICKMAN AND WHITE AND KLINGENSMITH, THAT THE SOLDIERS WERE MARCHED FROM THEIR CAMP DOWN TO THE EMIGRANT'S CORRAL OR THE VICINITY OFIT; BUT KLINGENSMITH AND OLD BILL HICKMAN HAD FORGOT EN TO	

477. Rogerson occasionally refers to Joel White as "Whiteman".

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RT	RS	BT	PS
	INFORM[?] ≤INTIMATE≥ WHITE, THAT SMITH HAD SWORN THEY HAD GONE *[[15]]* GONE THERE IN DOUBLE FILE THIS IS LIE NUMBER OF 4.[478] K SMITH SAYS HIMSELF, WHICH IS CONTRADICTED	INTIMATE TO WHITE THAT SMITH HAS SWORN THAT THEY HAD GONE TH ERE IN DOUBLE FILE. NOW, THIS IS LIE NUMBER FOUR. KLINGENSMITH SAYS HIMSELF, *[9]* BUT HE IS CONTRADICTED	
BUT POLLOCK, YOUNG AND PEIRCE,	BY POLLOCK YOUNG AND THIS YOUNG MAN, THAT TOOK THE BOTS,	BY POLLOCK, YOUNG AND THIS YOUNG MAN THAT TOOK THE BOTS. —	
ALL AGREE, IN THEIR TESTIMONY, THAT NO ORDERS WERE GIVEN TO MARCH, NO ORDER WAS GIVEN TO FALL INTO LINE AND THAT ALL THOSE WHO DID GO WENT OF THEIR OWN ACCORD AND WITHOUT ANY REGARD TO ORDER. THESE DISCREPANCIES	THEY ≤ALL≥ SAY THEY HEARD NO ORDERS FOR MARCHING DOWN THERE, AND THERE WAS NO HOLLOW SQUARE THEY WERE NOT GIVEN TO FALL INTO LINE BECAUSE THEY WENT DOWN THERE PROMISCUOUSL Y. [*space*]	THEY ALL SAY THEY HEARD NO ORDERS FOR MARCHING DOWN THERE, AND THERE WAS NO HOLLOW SQUARE. THEY WERE NOT GI~~V~~EN ANY COMMAND TO FALL INTO LINE, BECAUSE THEY WENT DOWN THERE PROMISCUOUSL Y.	

478. Above the line in longhand: **LIE NO 4.**

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RT	RS	BT	PS
MAY SEEM UNIMPORTANT, BUT WHEN A WITNESS COMES UPON THE STAND AND CONFESSES HIMSELF TO BE AN ACCOMPLICE IN ONE OF THE MOST DAMNABLE CRIMES EVER RECORDED IN THE ANNALS OF A CIVILIZED COMMUNITY, AND WHO HAS A THEORY WHICH HE ATTEMPTS TO CARRY OUT IN HIS TESTIMONY, *[12]* IT IS OF THE GREATEST IMPORTANCE THAT HE SHOULD BE CORROBORATED BY CREDIBLE WITNESSES, BEFORE HIS EVIDENCE IS ENTITLED TO CONSIDERATION, AND NOT CONTRADICTED, ESPECIALLY BY THE WITNESSES FOR THE PROSECUTION, AS THIS MAN HAS BEEN. NEXT KLINGENSMITH	THEN	THEN	

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RT	RS	BT	PS
STATES IN HIS CROSS-EXAMINATION, THAT ONE BATEMAN WAS SENT TO THE EMIGRANTS CAMP WITH A FLAG OF TRUCE, FOR THE AVOWED PURPOSE OF CARRYING OUT THE "TREATY" HE DID NOT STATE WHAT TREATY HE HAD REFERENCE TO,BUT LEAVES IT,SO FAR AS THE EMIGRANTS IS CONCERNED TO BE CONJECTURED,BUT WE SAY THAT THE TREATY REFERRED TO WAS THIS: IT WAS A TREATY PREVIOUSLY AGREED UPON BETWEEN THE CITIZENS AND THE INDIANS THE CONDITIONS OF WHICH WERE, THAT IF THE EMIGRANTS WOULD AGREE TO DELIVER THEIR HORSES AND CATTLE TO	WE *GO DOWN*[?] WITH FLAG OF TRUCE WITH BATEMAN SAYS ≤SMITH≥ SAYS HE TOOK THE FLAG OF TRUCE DOWN HIMSELF, HAD A TALK TO CARRY OUT TREATY ENTERED INTO AND MADE BY BATEMAN WITH THE EMIGRANTS;	THEY ~~D~~GO DOWN WITH A FLAG OF TRUCE WITH BATEMAN. SMITH SAYS, HE TOOK THE FLAG O~~T~~F TRUCE HIMSELF, AND HAD A TALK WITH THE EMIGRANTS, AND THAT A TREATY WAS ENTERED INTO AND MADE BY BATEMAN WITH THE EMIGRANTS.	

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RT	RS	BT	PS
THE INDIANS, THAT THEY AGREED TO CEASE THEIR HOSTILITIES AND LET THE EMIGRANTS PASS WITHOUT FURTHER MOLESTATION. AFTER THE RETURN OF BATEMAN LEE WAS SENT TO THE EMIGRANTS CORRALL TO CARRY INTO EFFECT, IN GOOD FAITH, THIS TREATY. THE INDIANS, AS HE SUPPOSED, HAD PREVIOUSLY WITHDRAWN.	LEE WAS SENT DOWN ≤TO THE≥ EMIGRANTS ~~CAME OUT~~ CAMP,	LEE WAS SENT DOWNTO THE EMIGRANT'S CAMP,	
LEE TOOK TWO WAGONS WITH HIM FOR THE PURPOSE OF CARRYING THE CHILDREN, THE SICK AND THOSE WHO HAD BEEN WOUNDED IN THE SEVERAL ATTACKS MADE BY THE INDIANS, TO CEDAR CITY. KLINGENSMITH STATES THAT LEE , WITH THE TWO WAGONS, WENT IMMEDIATELY IN	<AND THAT THE> WAGONS ≤CAME OUT IN≥ IN FRONT WITH THE CHILDREN IN, THE WOMEN AND MEN FOLLOWING. LEE IN ADVANCE.	AND ~~THAT~~ THE WAGONS CAME OUT IN FRO~~M~~NT WITH THE CHILDREN **IN** THE WAGONS AND WOMEN FOLLOWING — LEE IN ADVANCE.	

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RT	RS	BT	PS
FRONT OF THE EMIGRANTS, AS THEY CAME OUT OF THE CORRALL; THEY WOMEN NEXT TO THE WAGONS, AND THE MEN IN THE REAR. ON CROSS-EXAMINATION HE STATED THAT THE EMIGRANTS FOLLOWED EXACTLY IN THE TRACK OF THE WAGONS. BUT WHITE SAYS HE SHOWS BY HIS DIAGRAM ALSO, THAT THE EMIGRANTS	THE QUESTION WAS ASKED IN REGARD TO MEN AND WOMEN FOLLOWING IN THE LINE OF THE WAGONS. SMITH SAYS THEY FOLLOWED EXACTLY IN THE TRACK OF THE WAGONS. [*space*] SMITH TESTIFIED THAT THE MEN AND WOMEN FOLLOWED EXACTLY IN TRACK OF WAGONS. WHITE MADE THIS DIAGRAM GENTLEMEN SHOWING WAGONS STRUCK THE ROAD CONSIDERABLE DISTANCE ≤BELOW≥ EMIGRANTS TESTIMONY SHOWS EMIGRANTS	THE QUESTION WAS ASKED IN REGARD TO THE MEN AND WOMEN FOLLOWING IN THELINE OF THE WAGONS. SMITH SAYS THEYFOLLOWED EXACTLY IN THE TRACK OFTHE WAGONS. SMITH S~~S~~TESTIFIED THAT THE MEN AND THE WOMEN FOLLOWED EXACTLY IN THE TRA~~V~~CK OF THE WAGONS. WHITE MADE THIS DIAGRAM,GENTLEMEN, SHOWING THAT THE WAGON STRUCK THE ROAD **A** ~~D~~CONSIDERABLE DISTANCE BELOW THE EMIGRANTS; BUT THE TESTIMONY SHOWS T**H**E EMIGRANTS	

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RT	RS	BT	PS
DID NOT FOLLOW IN THEIR TRACK, BUT CAME OUT ON THE ROAD A CONSIDERABLE DISTANCE WEST FROM WHERE THE WAGONS FIRST STRUCK IT. KLINGENSMITH SAYS ALSO THAT [13] THE SOLDIERS AND EMIGRANTS MARCHED IN PARALLEL LINES FOR TWO HUNDRED YARDS, AND AT THE WORD “HALT” WHICH HAD BEEN PREVIOUSL~~AYS~~ AGREED UPON AS THE	DID NOT. THAT THE EMIGRANTS STRUCK THE ROAD NEAR WHERE THESE SOLDIERS WERE STATIONED, SOME CONSIDERABLE DISTANCE FURTHER SOUTH ON THE —[?] ~~<~~MAIN~~>~~ ROAD THAN WHERE THE WAGONS STRUCK THE ROAD NOW SMITH ~~<~~SAYS~~>~~ THIS, THAT WHEN THEY CAME UP THERE, THE EMIGRANTS MARCHED BY OUR CAMP PASSED SOLDIERS, AND THEY MARCHED PROBABLY FROM ONE TO TWO HUNDRED YARDS IN PARALLEL LINES, AND THAT THE WORD HALT ~~<~~WAS GIVEN~~>~~ WHICH WAS PREVIOUSLY AGREED UPON, ~~<~~AND THE~~>~~	~~DIDN’T; BUT~~ ~~THAT THE~~ ~~EMIGRANTS~~ STRUCH THE ROAD NEAR WHERE THESE SOLDIERS WERE STATIONED SOME CONSIDERABLE DISTANCE FARTHER DOUTH ON THE MAIN ROAD THAN WHERE THE WAGONS STRUCK THE ROAD. NOW, SMITH SAYS THIS, THAT WHEN THEY CAME UP THERE THE EMI~~F~~GRANTS MARCHED BY OUR CAMP AND PASSED THE SOLDIERS; AND THEY MARCHED PROBABLY FROM ONE TO TWO HUNDRED YARDS IN PARALELL LINES~~;~~, AND THAT THERE THE WORD “HALT” WAS GIVEN, WHICH WAS PREVIOUSLY AGREED UPON AND THAT THE	

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RT	RS	BT	PS
COMMAND OF "FIRE"	EMIGRANTS ALL HALTED, SOLDIERS HALTED AND PARTICULARLY DESCRIBING	EMIGRANTS ALL HALTED, AND THE SL~~L~~OLDIERS HALTED; AND PARTICULARLY DESCRIBED	
THE "TROOPS"	THEY WERE	THAT THEY WERE	
CARRYING THEIR GUNS ACROSS THEIR LEFT ARMS	CARRYING THEIR GUNS UPON THE LEFT ARMS, ~~≤~~AND THAT THEN THE~~≥~~	CARRYING THEIR GUNS UPON THEIR LEFT ARMS; AND THAT THEN THE	
HALTED, AND	SOLDIERS HALTED AND FIRED, AND HE	SOLDIERS HALTED AND FIRED, AND HE	
ALL OF THEM FIRED~~,~~**;** WITH EXCEPTION OF THIS STATEMENT THERE IS NOT ANOTHER WORD OF TESTIMONY TO SHOW	SAYS ALL FIRED. WITH THE EXCEPTION OF THAT TESTIMONY THERE IS NOT A WORD OR SYLLABLE GENTLEMEN BEFORE YOU; THERE IS NO INTIMATION FROM ANY OTHER WITNESS,	SAYS ALL FIRED. WITH THE EXCEPTION OF THAT TESTIMONY THERE IS NOT A WORD OR A SYLLABLE, GENTLEMEN, BEFORE YOU . THERE IS NO INTIMATION FROM ANY OTHER WITNESS	
THAT ANY WHITE MAN FIRED A SINGLE SHOT, EXCEPT THE ONE FIRED BY KLINGENSMITH HIMSELF.	~~≤~~THAT~~≥~~ THERE WAS SINGLE WHITE MAN ~~≤~~THERE~~≥~~ FIRED, THAT IS, WITH EXCEPTION OF K SMITH HIMSELF. HE WAS *A/THE*[?] MURDERER AND ASSASSIN~~<~~!~~>~~	THA T THERE WAS A SINGLE WHITE MAN FIRED; THAT IS WITH THE EXCEPTION OF KLINGENSMITH HIMSELF. HE WAS THE MURDERE~~D~~**R** [10] AND ASSASSIN. ~~HIS~~	

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RT	RS	BT	PS
WHITE DENIES HAVING FIRED S A SHOT HIMSELF, AND SAYS THAT HE DID NOT SEE ANY OTHER WHITE MAN FIRE. KLINGENSMITH NOT ONLY ACKNOWLEDGES HAVING FIRED HIS GUN BUT STATES THAT HE WAS PARTICULAR TO TAKE AIM AND WAS SURE HE BROUGHT DOWN HIS MAN. NOTWITHSTANDI NH THIS CON¥FESSION, AND NOTWITHSTANDI NG THE FACT THAT HE STANDS BEFORE YOU A PROVEN PERJURER,HE WANTED TO MAKE YOU BELIEVE THAT HE WAS AN EXEMPLARY MAN,AND THAT HIS BOSOM WAS ALL BUT	HE IS ONE PERJURED FELON UPON THIS STAND SAYS ≤THAT≥ HE FIRED.	**HE** IS THE PERJURED VILLAIN UPON THIS STAND THAT SAYS THAT HE FIRED;	

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RT	RS	BT	PS
OVERFLOWING WITH THE MILK OF HUMAN KINDNESS.	AND WITH ALL THE MILK OF HUMAN KINDNESS HE WOULD MAKE YOU BELIEVE HE HAS IN HIS BOSOM; HE SAYS FIRED AT HIS MAN	AND WITH A**L**L THE MILK OF HUMAN KINDNESS , HE WOULD MAKE YOU BELIEVE HE HAS IN HIS BOSOM, HE SAYS HE FIRED AT HIS MAN.	
KLINGENSMITH STATES THAT HE MARCHED AT THE HEAD OF THE COLUMN WHICH WAS MARCHING PARALLEL WITH THE EMIGRANTS.	K SMITH WAS AT THE HEAD OF THE COLUMN,	KLINGENSMITH WAS AT THE HEAD OF THE C**O**LUMN.	
WHITE SAYS HE HIMSELF WAS AT THE REAR END OF THE COLUMN, AND THAT THE COLUMN DID NOT MARCH PARALLEL WITH BUT IN THE REAR OF THE EMIGRANTS,	WHITE WAS AT THE OTHER END OF THE COLUMN AS THEY MARCHED ALONG. *[[16]]* WHITE SAYS ~~<~~THE~~>~~ EMIGRANTS HAD MARCHED ALONG THE ROAD [*space*] HEAD OF COLUMN UNTIL THE SOLDIERS BECAME OPPOSITE TO THE REAR MEN OF THE RANKS OF THE	WHITE WAS AT THE OTHER END OFTHE COLUM~~S~~N AS THEY MARCHED ALONG. WHITE SAYS THE EMIGRANTS HAD MARCHED ALONG THE ROAD~~;~~, AND AT THE HEAD OF THE COLUMN TILL THE SOLDIERS BECAME OPPOSITE TO THE REAR MEN IN THE RANKS OF THE	

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RT	RS	BT	PS
	EMIGRANTS. NOW THERE IS LIE NUMBER 5[479] ≤OF THIS MAN K SMITH≥. BECAUSE BILL HICKMAN AND SMITH AND WHITE HAD OVERLOOKED, THAT POINT SMITH SWORE, THEY WERE MARCHED IN PARALLEL COLUMNS OPPOSITE EACH OTHER. WHITE SAID HEAD OF SOLDIERS WAS OPPOSITE TO REAR MEN OF THE EMIGRANTS WHEN THE FIRING TOOK PLACE WHITE SAYS HE DID NOT FIRE, AND DID NOT SAY THERE WAS SINGLE MAN OF THESE WHITE MEN ≤THERE≥ THAT DID FIRE, BUT SMITH SAYS HE DID WHITE SAYS, ≤WHEN	EMIGRANTS. NOW, THERE IS LIE NUMBER FIVE OF THIS MAN KLINGENSMITH. BECAUSE BILL HICKMAN AND SMITH HAD OVERLOOKED THAT POINT, AND ~~THAT~~ SMITH SWORE THEY WERE MARCHED IN PARALLEL COLUMNS OPPOSITE EACH OTHER. WHITE SAID THE HEAD OF THE SOLDIERS WAS OPPOSITE TO THE REAR MEN OF THE EMIGRANTS WHEN THE FIRING TOOK PLACE. WHITE SAYS HE DIDN'T FIRE; HE DIDN'T SAY THAT THERE WAS A SINGLE MAN OF THESE WHITE MEN THERE THAT DID FIRE; BUT SMITH SAYS HE DID. WHITE SAYS WHEN	

479. Longhand above the shorthand: **LIE NUMBER 5.**

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RT	RS	BT	PS
AND THAT AT THE FIRST FIRE THE INDIANS CAME RUSHING DOWN IN OVERWHELMING NUMBERS UPON THE EMIGRANTS, SLAUGHTERING MEN, WOMEN AND CHILDREN. NOW, IS IT NOT A REASONABLE I~~F~~NFERENCE,AND IN FACT THE ONLY RATIONAL CONCLUSION THAT WE CAN ARRIVE AT THAT THE INDIANS WERE THE ONLY ONES WHO FIRED, WITH THE EXCEPTION OF KLINGENSMITH.	THE~~>~~ VOLLEY WAS FIRED, INDIANS RUSHED IN UPON EMIGRANTS BY HUNDREDS OVER WHELMING NUMBERS IS NOT THAT THE TESTIMONY OF MR. WHITE.	THE VOLLEY WAS FIRED THAT THE INDIANS RUSHED IN UPON THE EMIGRANTS BY NUMBERS, OVERWHELMMI NG NUMBERS. IS NOT THAT THE TESTIMONY OF MR. WHITE.	
ANOTHER THEORY OF THE PROSECUTION IS THAT; LEE INCITED THE INDIANS TO M~~S~~ASSACRE THE EMIGRANTS.	ANOTHER THING THE THEORY OF THE GENTLEMEN HERE IS MR. LEE INCITED ~~<~~THE~~>~~ INDIANS.	ANOTHER THING: THE THEORY OF THE GENTLEMEN HERE IS THAT MR. LEE INCITED THE INDIANS.	
THERE IS NOT ONE WORD OR SYLLABLE OF TESTIMONY TO	THERE IS NOT ~~<~~**A**~~>~~ WORD, ~~<~~NOT A~~>~~ SYLLABLE	THERE ISN’T A WORD, THERE I~~N~~SN’T A SYLLABLE	

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RT	RS	BT	PS
SUBSTANTIATE THIS, EXCEPT WHAT KLINGENSMITH SAYS, WHICH IS. *[14]* THAT HAIGHTOR SOMEONE ELSE TOLD HIM SUCH IS THE CASE. WHILE AT THE MOUNTAIN MEADOWS SMITH SAYS THAT THE INDIANS WERE UNDER THE CONTROL OF CARL SHIRTS, AND THAT HIGBEE HAD COMMAND OF THE TROOPS. SETTING ASIDE THE TESTIMONY OF KLINGENSMITH,	IN ALL WHAT SMITH SAYS, THAT HAIGHT OR SOMEONE ELSE TOLD HIM ~~<~~**A**~~>~~ THING ~~<~~IN~~>~~ REGARD TO THAT WHEN WE GET INDIANS UPON THE FIELD OF BATTLE THERE FIELD OF DISASTER AND SLAUGHTER, EVEN SMITH HIMSELF COULD NOT PLACE HIM IN CONTROL OF INDIANS AND ALSO IN COMMAND OF WHITES, HE THERE PLACES INDIANS UNDER COMMAND OF CARL SHIRTS	EXCEPT ~~T~~ WHAT MR. SMITH SAYS THAT ~~T~~HAIGHT OR SOMEONE TOLD HIM A THING IN REGARD TO THAT.. WHEN WE GOT IN COMPANY UPON THE FIELD OF BATTE THERE UPON THE FIELD OF THE DESASTER AND SLAUGHTER, EVEN ~~SMIGH~~ SMITH HIMSELF COULD NOT PLACE LEE IN CONTROL OF THE INDIANS, AND ALSO NOT IN COMMAND OF THE WHITE~~D~~S; BUT IN EVERY PLACE THE INDIANS WERE ~~IN~~ **UNDER THE** COMMAND OF CARL SHIRT~~Z~~**S**.	

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RT	RS	BT	PS
WHICH I THINK I HAVE CONCLUSIVELY SHOWN AS UNWORTHY OF YOUR SERIOUS CONSIDERATION,			
WHAT TESTIMONY HAVE WE LEFT THAT REFLECTS UPON JOHN D. LEE ? "NONE WHATEVER"	WHAT CONNECTION HAS MR. LEE HAD WITH THIS TRANSACTION; THROWING ASIDE TESTIMONY OF THIS MAN SMITH, AND I SAY GENTLEMEN ~~<~~OF THE JURY~~>~~ WHEN YOU STRIP IT OF ALL THESE CONTRADICTIO NS WHICH HAS GONE TO MAKE UP HIS TALE OF HORROR OR	WHAT CONNECTION HAS MR. LEE TO DO WITH THIS TRANSACTION THROWING ASIDE THE TESTIMONY OF THIS MAN SMITH? AND I SAY, GENTLEMEN OF THE JURY, WHEN YOU STRIP IT OF ALL THESE CONTRADICTIO NS WHICH HAS GONE TO MAKE UP THIS TALE OF HORRORS OR	
WHEN HIS STATEMENT IS STRIPPED OF ALL THE INCONSISTENCIE S AND	EVEN OF GUILT, I SAY WHEN YOU STRIP OFF FROM ALL THIS —[?] STUFF, WE HAVE NOTHING LEFT BUT AN UNFORMED AND LIMBLESS SKELETON.	EVEN OF GUILT~~;~~,, I SAY WHEN YOU STRIP **IT OF** ~~IF FROM~~ ALL OF THIS STUFF WE HAVE NOT**H**ING LE~~D~~FT BUT AN UNFORMED AND LIMBLESS SKELETON. *[11]*	
CONTRADICTION S WITH WHICH IT IS CLOTHED, THERE IS	BY THESE CONTRADICTIO NS WE HAVE	BY THESE CONTRADICTIO NS WE HAVE	

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RT	RS	BT	PS
NOTHING LEFT BUT A DEFORMED, LIMBLESS AND HIDEOUS SKELETON. GENTLEMEN OF THE JURY, LOOK AT THIS MAN KLINGENSMITH, AND SAY IF VILLAIN, COWARD, MURDERER AND ASSASSIN ARE NOT WRITTEN UPON EVERY LINE AND LINEAMENT OF HIS FEATURES ? NOT EVEN OLD AGE, AND THE SOOTHING INFLUENCES OF TIME WITH ITS GENTLE TREAD, CAN STAMP OUT	NOTHING LEFT BUT A DEFORMED AND HIDEOUS SKELETON HERE. I ATTEMPT GENTLEMEN OF THE JURY TO LOOK AT THIS MAN SMITH, IN CONNECTION WITH ALL OF THESE CONTRADICTIONS OF HIS OWN TESTIMONY AND THAT OF HIS ACCOMPLICES, I ASK YOU LOOK AT HIM AND SEE IF[480] A FELON COWARD MURDERER ASSASSIN IS NOT WRITTEN UPON EVERY LINE AND LINEAMENT OF HIS FEATURES. NOT EVEN OLD AGE OR THE SOOTHING INFLUENCE OF TIME, THAT ARE GENTLY TREATED, CAN STAMP OUT	NOTHING LEFT BUT A DEFORMED AND HEADLESS SKELETON HERE. I SHALL ATTEMPT, GENTLEMEN OF THE JURY, TO LOCATE THIS MAN SMITH, IN CONNECTION WITH ALL OF THESE CONTRADICTIONS OF HIS OWN TESTIMONY, AND~~THAT~~ ALL HIS EXAMPLES, I ASK YOU TO LOOK AT HIM AND SEE IF VILLAIN, COWARD, MURDER**ER** AND ASSASSIN ISN'T WRITTEN UPON EVE~~R~~Y LINE, AND LINEAMENT OF HIS FEATURES. NOT EVEN OLD AGE OR THE SOOTHING INFLUENCE OF TIME ~~THAT ARE GENTLY TREATED~~ CAN STAMP OUT	

480. Word later crossed out.

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RT	RS	BT	PS
OR EFFACE THE DAMNING MARKS OF CRIME UPON HIS VILLAINOUS COUNTENANCE. HE STANDS BEFORE YOU AND PROVEN TO BE A PERJURER AND CONFESSED ASSASSIN. HE STANDS BEFORE YOU,GENTLEME N, A CONFESSED MORAL COWARD, AND GOD HATES A COWARD. KLINGENSMITH CONFESSED HIMSELF A COWARD AND HATED OF GOD, AND WHEN HE SAID HE DID NOT HAVE THE MORAL COURAGE AND MANHOOD TO RAISE HIS VOICE TO STAY THE HAND OF THE SLAYER,BUT AS STATED BY HIMSELF, VOLUNTARILY	IT, OR DEFACE THE DAMNING LINES OF CRIME UPON HIS COUNTENANCE HE STANDS BEFORE YOU A CONFESSED PERJURER, ~~<~~A~~>~~ CONFESSED ASSASSIN [*space*] HE STANDS BEFORE YOU GENTLEMEN A MORAL COWARD AND A CONFESSED MURDER *[[17]]* GOD HATES A COWARD. THIS MAN SMITH CONFESSING HIMSELF TO BE A COWARD, WHEN THAT DID NOT HAVE HARDIHOOD TO RAISE HIS FINGER AND CHECK THIS DAMNABLE OUTRAGE BUT POSSIBLY TAKING HIS OWN STATEMENT FOR IT, ~~<~~THAT HE~~>~~	OR DEFACE THE DAMNING LINES OF CRIME UPON HIS COUNTENANCE. HE STANDS BEFORE YOU A CONFESSED PERJURER, A CONFESSED ASSASSIN. HE STANDS BEFORE YOU, GENTLEMEN, AS MR. CAREY CONFESSES A MURDERER. GOD HATES A COWARD. THIS MAN SMITH CONFESSES HIMSELF TO BE A COWARD, WHEN HE SAYS THAT HE DIDN'T HAVE THE HARDIHOOD TO RAISE HIS FINGER AND CHECK THIS DAMNABLE OUTRAGE . ~~B~~BUT IS IT POSSIBLE TAKING HIS OWN STATEMENT FOR IT, THAT HE	

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RT	RS	BT	PS
IMBRUED HIS HANDS IN THE BLOOD OF OVER ONE HUNDRED INNOCENT VICTIMS,MEN,WOMEN AND CHILDREN. I ASK YOU, GENTLEMEN, HOW MUCH CREDIT IS DUE TO THE STATEMENT OF SUCH A MAN. DO YOU, FOR A MOMENT, BELIEVE ANY OF HIS EVIDENCE ? DO YOU NOT FEEL MORALLY CERTAIN, IN YOUR OWN MINDS, THAT HE HAS LIED ? VILLAIN AND PERJURER,	IMBRUED HIS HANDS WITH THE BLOOD OF THESE INNOCENT MEN WOMEN CHILDREN I ASK YOU GENTLEMEN, HOW MUCH CREDIT IS DUE TO SUCH A MAN. DO YOU BELIEVE HIM FOR A MOMENT; DON'T YOU KNOW HE LIED. GENTLEMEN YOU KNOW THAT HE IS NOT WORTHY OF YOUR ATTENTION FOR A MOMENT DON'T YOU KNOW IF YOU HAD TO MEET HIM IN DARK ALLEY, WOULD NOT HIS VERY *INDEX*[?] ~~SOUL~~ TO HIS SOUL = IF YOU HAD ANY MONEY ON YOU ~~<~~PREPARE TO~~>~~	IMB~~U~~RUED HIS HANDS WITH THE BLOOD OF THESE INNOCENT WOMEN AND CHILDREN. I ASK OF YOU, GENTLEMEN OF THEJ~~J~~URY, **WHAT** IS DUE ~~TO~~ SUCH A MAN~~.~~? DO YOU BELIEVE HIM FOR A MO~~N~~MENT? DON'T YOU KNOWTHAT HE LIED? ~~SDON'T~~ DON'T YOU KNOW THAT HE ISN'T WORTH**Y** OF YOUR ATTENTION FOR A MOMENT? DON'T YOU KNOW IF YOU HAD TO MEET HIM ~~HIM~~ I~~H~~N A DARK ALLEY, WOULD NOT ~~HIS VERY~~ THE VERY INDEX TO HIS SOUL TELL YOU IF ~~HE~~ **YOU** HAD ANY MONEY WITH YOU TO PREPARE TO	

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RT	RS	BT	PS
ARE TWO TOO DISTINCTLY STAMPED UPON HIS EVERY FEATURE FOR YOU TO BELIEVE HIM. DID HE IMPRESS ONE OF YOU THAT HE WAS TELLING THE TRUTH ? [15] NO, GENTLEMEN, WHEN YOU COME TO LOOK OVER HIS TESTIMONY AND WEIGH IT COOLLY AND DISPASSIONATELY IN YOUR MINDS,CAN YOU SAY IT IS TRUE ? I CANNOT THINK IT POSSIBLE	PROTECT YOURSELF AGAINST THE FELON AND ASSASSINS WOULD BE PREPARED FOR HIM. IT IS TOO PROMINENT GENTLEMEN IN HIS FEATURES. DID HE IMPRESS SINGLE MAN OF YOU ON THIS JURY, THAT HE WAS TELLING THE TRUTH AS HE TOLD IT. DID HE MAKE AN IMPRESSION UPON ONE OF YOU THAT HE WAS FOR A MOMENT TELLING THE TRUTH. NO GENTLEMEN, WHEN YOU COME TO LOOK AT THIS THIS *DISPOSED*[?] OUTLAW, AND READ THIS TESTIMONY, IS IT POSSIBLE	PROTECT YOURSELF AGAINST A FELLON , AN ASSASSIN AND BE PREPARED FOR HIM. IT IS TOO PROMINENT, GENTLEMEN, IN HIS FEATURES. DID HE IMPRESS A SINGLE MAN OF YOU ON THIS JURY THAT HE WAS TELLING YOU THE TRUTH~~,~~? HAS HE TOLD IT ? DID HE MAKE AN IMPRESSION UPON~~E~~ ONE ~~Y~~OF YOU THAT HE W**A**S FOR A MOMENT TELLING TH~~R~~E TRUTH? ~~A.~~ NO, GENTLEMEN , WHEN YOU COME TO LOOK AT THIS ~~THIS~~ BASE OUTLAW AND READ THIS TESTIMONY, IS IT POSSIB LE	

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RT	RS	BT	PS
THAT YOU CAN. CAN YOU SAY FROM THE EVIDENCE THAT JOHN D. LEE IS GUILTY OF THE OFFENSE WITH WHICH HE IS CHARGED ? DON'T IT RAISE A DOUBT IN YOUR MINDS,AS TO HIS GUILT ? TEST THIS EVIDENCE IN THE CRUCIBLE OF REASON, AND I AM SURE YOU WILL ARRIVE AT THE SAME CONCLUSION ~~TO~~ THAT I HAVE ABOUT KLINGENSMITH, WHO,ON THE WITNESS STAND, ACKNOWLEDGED HIMSELF TO BE A COLD BLOODED	THAT YOU CAN FOR ONE MOMENT SAY AND THAT JOHN D. LEE WAS GUILTY OF THIS OFFENSE. DON'T IT RAISE A DOUBT IN YOUR MINDS. DON'T IT EVEN RAISE ONE DOUBT AS TO WHETHER ONE WORD THIS MAN SMITH HAS TOLD WAS TRUE. TEST THIS EVIDENCE GENTLEMEN IN THE CRUCIBLE OF REASON AND I THINK THAT YOU WILL ARRIVE AT THE SAME CONCLUSION ≤THAT≥ I HAVE, ≤THAT≥ THIS MAN WHO GETS UPON STAND HERE, AND ACKNOWLEDGES HIMSELF TO BE A FELON, ASSASSIN AND COLD BLOODED	THAT YOU CAN FOR A MOMENT SAY THAT JOHN D . LEE WAS GUILTY OF THIS OFFENSE? DON 'T IT R~~Q~~AISE A DOUBT IN YOUR MINDS? DIDN'T IT EVEN RAISE A DOUBT AS TO WHETHER ONE WORD THIS MAN SMITH HAS TOLD [12] YOU WAS TRUE~~.~~**?** TEST THIS EVIDENCE, GENTLEMEN, IN THE CRUCIBLE OF REASON, AND I THINK THAT YOU WILL ARRIVE AT THE SAME CO~~J~~NCLUSION THAT I HAVE~~;~~, THAT THIS MAN WHO GOES UPON THE S~~A~~TAND HERE, AND ACKNOWLEDGES HIMSELF TO BE A FELON AND COLD BLOODED	

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RT	RS	BT	PS
MURDERER AND ASSASSIN, ⊣ AND THAT HE IS UNWORTHY OF BELIEF. ASIDE FROM THE CIRCUMSTANCES ENUMERATED, AND WHICH TEND TO SHOW THAT KLINGENSMITH IS UNWORTHY OF BELIEF, THERE IS ANOTHER CIRCUMSTANCE OF A MORE CONVINCING NATURE, AND	MURDERER HE HAS DONE	MURDERER THAT HE IS NOT WORTHY OF BELIEF.	
WHICH I ONLY NEED TO CALL YOUR ATTENTION TO IN ORDER TO IMPRESS ON YOUR MINDS THAT HE IS UTTERLY UNWORTHY OF BELIEF,EXCEPT THAT HE IS CORROBORATED BY CREDIBLE WITNESSES. I NOW ALLUDE TO THE PRICE AT WHICH HE IS BOUGHT AND BROUGHT TO TESTI⊻FY.	I WILL NOW CALL YOUR ATTENTION TO ANOTHER POINT IN THIS ⊰CASE AND THAT IS⊱ THIS,	I WILL NOW CALL YOUR ATTENTION TO ANOTHER PARAGRAPH IN THIS CASE AND THAT I⊣S THIS:	
SUPPOSE A WITNESS SHOULD	SUPPOSE THAT THIS MAN ⊰K⊱ SMITH	SUPPOSE THAT THIS MAN KLINGENSMITH	

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RT	RS	BT	PS
COME ON THE STAND AND TESTIFY ~~THAT~~ AND AFTER HAVING DETAILED A STORY WHICH WAS CALCULATED TO FASTEN THE GUILT OF A HORRIBLE CRIME UPON THE P~~S~~RISONER AT THE BAR, HE SHOULD AFTERWARDS CONFESS THAT THE PROSECUTION HAD PAID HIM TEN THOUSAND DOLLARS FOR HIS TESTIMONY,	WAS TO COME UPON STAND HERE AND ACKNOWLEDGE TO YOU THAT HE HAD BEEN GUILTY AND HAD BEEN ONE OF THE PERPETRATORS OR THE ACTORS IN THE MOUNTAIN MEADOWS MASSACRE. SUPPOSE ON CROSS- EXAMINATION HE WAS TO TELL YOU GENTLEMEN OF THE JURY THE PROSECUTION AND THAT ATTORNEYS FOR {THE}[i] PEOPLE HERE, HAD GIVEN HIM TEN THOUSAND DOLLARS TO COME IN HERE AND DETAIL ~~<~~THE~~>~~ PLAN CIRCUMSTANCE S OF THIS HORRID BUTCHERY; WOULD YOU BELIEVE HIM FOR A MOMENT.	WAS PUT UPON THE STAND HERE AND ACKNOWLEDGE D TO YOU THAT HE HAD BEEN GUILTY OR **HAD** ~~HAVE~~ BEEN ONE OF THE PERPETRATORS OR AN ACTOR IN THE MOUNTA N MEADOW~~S~~ MASSACRE. SUPPOSE ON CROSS- EXAMINATION, HE WAS TO TELL YOU**,** GENTLE~~K~~MEN OF THE JURY, THAT THE PROSECUTION, OR THAT THE ATTORNE~~S~~YS HERE FOR THE PEOPLE HAD GIVEN HIM TEN THOUSAND DOLLARS TO COME IN HERE AND DETAIL THE PLAN OF THIS HORRID BUTCHERY, WOULD YOU BELIEVE HIM FOR A MOMENT?	

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RT	RS	BT	PS
GENTLEMEN, COULD YOU CONVICT THE PRISONER UPON SUCH PURCHASED TESTIMONY. WOULD YOUR CONSCIENCES ALLOW YOU TO PRONOUNCE HIM GUILTY WITHOUT COMPUNCTION ? IF YOU WOULD THEN YOUR SOULS WOULD BE EQUALLY STAINED WITH THE FOUL BLOT WHICH THE BLOOD MONEY FASTENED UPON THE PERJURERS SOUL.	WHAT WOULD YOU SAY IN REGARD SUCH A MAN AS THAT. WOULD NOT YOU SAY HE IS NOT WORTHY OF BELIEF [*space*] *ALTHOUGH YOUNG*[?] MAN I WOULD NOT COUNTENANCE, NEITHER WILL I AS A JUROR GIVE MY VOTE TO ~~MIND~~ ≤FIND≥ A MAN GUILTY WHERE THE ENTIRE TESTIMONY HANGS UPON THE TESTIMONY OF THAT MAN.	WHAT WOULD YOU SAY IN REGARD TO SUCH A MAN AS THAT? WOU~~N~~LDN'T YOU SAY, HE IS NOT WORTHY OF BEL**I**EF? ALTHOUGH AN OLD MAN, I WOULD NOT COUNTENANCE HIM, NEITHER ~~WILL~~ **WOULD I** AS A JUROR GIVE MY VOTE TO FIND A MAN GUILTY WHERE THE ENTIRE EVIDENCE HANGS UPON THE TESTI~~O~~MONY OF THAT MAN;	

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RT	RS	BT	PS
NOW, YOU MAY ASK ME IF I MEAN TO ASSERT THAT KLINGENSMITH HAS SOLD HIS TESTIMONY FOR TEN~~N~~THOUSAND DOLLARS. I WILL PROVE TO YOU	OF THE CHAIN OF EVIDENCE AGAINST JOHN D. LEE, THERE IS NOT ANY OTHER TESTIMONY *[[18]]* THAT CONNECTS HIM WITH THE AFFAIR WHAT WOULD YOU SAY GENTLEMEN, WOULD YOU BELIEVE HIM [*space*] THAT IS THE TEN THOUSAND DOLLAR QUESTION I HAVE SUGGESTED WERE TEN THOUSAND DOLLARS AT STAKE COMPARED WITH A MAN'S OWN LIFE. HE HAS PAID ~~≤~~FOR~~≥~~ HIS FREEDOM HERE, HE HAS PURCHASED IT AT A PRICE HE HAS SOLD SOME LIES TO PROSECUTION HERE FOR TEN THOUSAND DOLLARS	FOR ACCORDING TO ALL THE CHAIN OF EVIDENCE AGAINST JOHN D. LEE THERE IS NOT ANY CHAIN OF TESTIMONY THAT CONNECTS HIM WITH THE AFFAIR. WHAT WOULD YOU SAY, GENTLEMEN,? WOULD YOU BELIEVE HIM? THAT IS THE TEN THOUSAND DOLLAR QUESTION. I HAVE SUGGESTED THE WORD TEN THOUSAND DOLLARS AT STAKE WITH A MAN'S OWN LIFE. SMITH HAS PAID FOR HIS FREEDO~~N~~M HERE. HE HAS PURCHASED IT AT A PRICE. HE HAS SOLD MR. LEE TO THE PROSECUTION HERE FOR TEN THOUSAND DOLLARS.	

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RT	RS	BT	PS
[16] THAT HE SOLD IT FOR A SUM EQUAL TO MORE THAN TWICE THAT AMOUNT. HE HAS SOLD IT TO SAVE HIS OWN LIFE. KLINGENSMITH HAS PURCHASED HIS OWN LIFE BY GIVING THE TESTIMONY WHICH YOU HAVE HEARD. DO YOU SUPPOSE THAT KLINGENSMITH WOULD THRUST HIS NECK INTO THE HALTER AND EXPIRE UPON THE GALLOWS FOR THE SUM OF TEN THOUSAND DOLLARS ? NO! WORTHLESS AS HIS LIFE IS, STILL TO HIM IT IS WORTH MORE THAN MONEY. HE HAS NOT THAT LOVE FOR HIS FELLOW MAN THAT WOULD MAKE HIM TAKE MONEY THAT OTHERS MIGHT ENJOY, WHILE HE WOULD HAVE TO UNDERGO THE TORMENTS THAT	NOW, GENTLEMEN OF THE JURY, FOR TO SAVE HIS OWN VILE AND CORRUPT SELF. IS NOT HIS LIFE TO HIM, DO YOU SUPPOSE WITH ALL THE DAMNING CRIMES THAT STAIN HIS CHARACTER = DO YOU NOT SUPPOSE IT IS WORTH MORE TO HIM THAN ANY TEN THOUSAND DOLLARS WOULD BE [*space*]	NO, GENTLEMEN OF THE JURY, IF TO SAVE HIS OWN VILE AND CORRUPT LIFE — ISN'T HIS LIFE TO HIM — DO YOU SUPPOSE TH~~AT~~ WITH ALL THE DAMNING ~~V~~CRIMES THAT STAIN HIS CHARA~~D~~CTER — DO YOU N~~K~~OT SUPPOSE IT IS WORTH MORE TO HIM THAN ANY TEN THOUSAND DOLLARS WOULD **BE**?	

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RT	RS	BT	PS
RETRIBUTIVE JUSTICE WOULD BE SURE TO METE OUT TO HIM FOR HIS CRIMES, BEYOND A FELON'S GRAVE.	YET A MAN THAT COULD BE BOUGHT FOR TEN THOUSAND DOLLARS AND COME INTO COURT MAKE STATEMENT OF THIS CHARACTER, THE CIVILIZED WORLD WOULD BRAND HIM = NOT ONLY AS TRAITOR VILLAIN MURDERER BUT A PURCHASED VILLAIN. HOW MUCH MORE HAS BEEN ≤PAID≥ *FOR*[?] *FOR*[?] THIS TESTIMONY GENTLEMEN ≤THAN≥ IN THE CASE I HAVE SUGGESTED HOW MUCH MORE DO YOU SUPPOSE HIS MAN K SMITH VALUES WHAT HE GOT FOR	AND YET A MAN THAT COULD BE BOUGHT FOR TEN THOUSAND DOLLARS AND COME IN THIS COURT AND MAKE STATEMENTS OF THIS CHARACTER, THE CIVILIZED WORLD WOULD BRAND *[13]* HIM NOT ONLY AS A TRATOR~~L~~, VILLAIN A~~M~~ND MURDERER, BUT AS A PURCHASED VI LLAIN. MORE HAS BEEN PAID, FOR THIS TESTIMONY, GENTLEMEN, THAN IN THE CASE I HAVE SUGGESTED TOYOU. MORE! DO YOU SUPPOSE KLINGENSMITH VALUES WHAT HE FOT FOR	

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RT	RS	BT	PS
GENTLEMEN, HE HAS SOLD HIS TESTIMONY FOR A PURPOSE, AND THAT PURPOSE IS TO CONVICT JOHN D. LEE.	THIS TESTIMONY IN RETURN FOR THIS STATEMENT. DO YOU SUPPOSE EVEN K SMITH WOULD HAVE TAKEN MONEY FOR WHAT HE HAS SOLD HIMSELF HERE FOR. HE COMES HERE BEFORE YOU SOLD OUT TO THE PROSECUTION. HE SELLS HIMSELF TO THE PROSECUTION FOR A PURPOSE. THAT PURPOSE IS CONVICTION OF JOHN D. LEE. I DO NOT HOLD SMITH AS WORTH THOUSAND DOLLARS MYSELF NOR 500; BUT THAT IS THE MAN THAT STANDS BEFORE YOU TODAY GENTLEMEN ON WHOSE TESTIMONY THEY ASK YOU	THIS TESTIMONY IN RETURN FOR THESE STATEMENTS? DO YOU SUPPOSE EVEN KLINGENSMITH WOULDHAVE TAKEN MONEY FOR WHATHE HAS SOLD HIMSELF FOR. HE COMES HERE BEFORE YOU, SOLD OUT TO THE PROSECUTION. HE SELLS HIMSELF TO THE PROSECUTION FOR A PURPOSE. THAT PURPOSE ~~F I,F~~ **IS** FOR THE CONVI~~S~~CTION OF JOHN D. LEE. IDO NOT HOLD SMITH IS WORTH A THOUSAND DOLLARS, MYSELF, NOT FI~~C~~VE HUNDRED; BUT THAT IS THE MAN THAT STANDS BEFORE YOU TO DAY GENTLEMEN, UPON WHOSE TESTIMONY THEY ASK YOU	

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RT	RS	BT	PS
	CONVICT JOHN D. LEE [*space*] I SAY	TO CONVICT JOHN D. LEE. I SAY	
THROW ASIDE THE TESTIMONY OF HIS ACCUSER,	STRIKE THIS THE TESTIMONY THAT HAS BEEN PURCHASED IN THIS WAY FOR THIS JURY.	STRIKE OUT THIS TESTIMONY THAT HAS BEEN PURCHASED IN THIS WAY FOR THIS JURY.	
AND WHAT EVIDENCE HAVE YOU LEFT UPON WHICH LEE CAN BE CONVICTED. NOT A TITTLE.	WHERE IS ≤THERE A≥ SYLLABLE OF TESTIMONY TO CONNECT JOHN D. LEE WITH THE AFFAIR. [*space*] WHERE IS SYLLABLE OF TESTIMONY; OR A SCINTILLA OF TESTIMONY.	WHERE IS THERE A SYLLABLE OF TESTIMONY TO CONNECT JOHND . LEE WITH THE A FFAIR~~.~~**?** WHERE IS THERE A SYLLABLE OF TESTIMONY, OR A SCINTILLA OF TESTIMONY~~.~~**?**	
GENTLEMEN,	NONE GENTLEMEN, NOT A WORD ~ NOT A SYLLABLE.	NONE, GENTLEMEN, NOT A WORD, NOT A SYLLABLE.	
JUDGE SUTHERLAND HAS ALREADY FULLY STATED TO YOU OUR THEORY, WHICH IS THE ONLY REASONABLE ONE, OF THE CONSUMMATION OF THE UNFORTUNATE AND HORRIBLE MASSACRE, AND I SHALL NOT	[*space*] JUDGE SUTHERLAND HAS GONE OVER THEORY OF THIS CASE AND ILLUSTRATED IT TO YOU.	JU~~S~~DGE SUTHERLAND HAS GONE OVER THE THEORY OF THIS CASE AND ILLUSTRATED IT TO YOU.	

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RT	RS	BT	PS
REPEAT IT. THERE IS ANOTHER POINT IN THE EVIDENCE WHICH I DO NOT WANT YOU TO OVERLOOK.	THERE IS ONE POINT HE FORGOT AND OVERLOOKED; THAT IS THIS, THE CIRCUMSTANCES THAT SHOW THE PART JOHN D. LEE TOOK IN THIS JUDGE SUTHERLAND TOLD US TESTIMONY WAS RULED OUT ON THIS, THIS COMES FROM THEIR WITNESSES SUPPOSE IT TO BE TRUE THEY ARE BOUND BY IT WHETHER TRUE OR FALSE AT THE TIME	THERE IS ONE PONT HE FORGOT AND OVER, - LOOKED. THAT IS THIS: THE CIRCUMSTANCES THAT SHOW THE PART THAT JOHN D. LEE TOOK IN THIS. JUDGE SUTHERLAND TOLD US THE TESTIMONY WAS RULED OUT ON THIS. THIS COMES FROM ~~OTHER~~ THEIR WITNESSES. SUPPOSE IT TO BE TRUE. THEY ARE BOUND BY IT WHETHER TRUE OR FALSE. AT THE TIME
THE WITNESS BRADSHAW STATES THAT AFTER THE INDIANS HAD ATTACKED THE EMIGRANTS AT MOUNTAIN MEADOWS, HE HEARD HAIGHT SAY, IN HIS SERMON AT CEDAR CITY	THIS OLD MAN BRADSHAW WAS SENT OFF TO GO ≤TO THE≥ MEADOWS, SHORTLY AFTER THAT I BELIEVE IT WAS, WHERE HAIGHT WAS PREACHING IN PUBLIC MEETING, HE	THIS OLD MAN BRADSHAW WAS SENT FOR TO GO THERE TO THE MOUNTAIN MEADOWS, SHORTLY AFTER THAT I BELIEVE IT WAS, WHEN HAIGHT WAS PREACHING IN THE PUBLIC MEETING, HE	

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RT	RS	BT	PS
THAT “IF IT HAD NOT BEEN FOR THAT OLD FOOL INTERFERING, THE DESTRUCTION OF THE EMIGRANTS WOULD HAVE BEEN ACCOMPLISHED BY THE INDIANS BEFORE NOW. NOW, GENTLEMEN, WHAT “OLD FOOL” COULD BE ALLUDED TO ? IT COULD NOT BE KLINGENSMITH, HE NEVER CLAIMED TO HAVE ANYTHING TO DO WITH THE INDIANS, AND HE SAYS THE ONLY MEN WHO HAD ANYTHING TO DO WITH THEM WERE LEE AND CARL SHIRTS, HAIGHT MUST, THEREFORE, HAVE MEANT JOHN D. LEE,	SAID “IF IT HAD NOT BEEN FOR THAT *[[19]]* OLD FOOL, THE MASSACRE OF THE EMIGRANTS WOULD HAVE BEEN COMPLETE WHAT OLD FOOL I HAVE REFERENCE TO. HE DID NOT —[?] MEAN SMITH HE MUST HAVE MEANT JOHN D. LEE HE COULD HAVE MEANT NO ONE ELSE ACCORDING TO SMITH’S STATEMENT,	SAID “IF IT HAD NOT BEEN FOR THAT OLD FOOL, THE MASSACRE OF THE EMIG~~T~~RAN~~T~~S WOULD HAVE BEEN ACCOMPLISHED. ” WHAT OLD FOOL DIDHE HAVE REFERENCE TO?. HE DIDN’T MEAN SMITH . HE MUST HAVE MEANT JOHN D. LEE. HE COULD NOT HAVE MEANT ANYTHING ELSE ACCORDING TO SMITH’S STATEMANT,	

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RT	RS	BT	PS
HE COULD NOT MEAN CARL SHIRTS, BECAUSE HE WAS A VERY YOUNG MAN, A	BECAUSE SMITH SAYS THAT JOHN D. LEE WAS TO GO THERE AND INCITE {THE}[i] INDIANS TO COMMIT THIS OUTRAGE JOHN D. LEE WAS THE OLD MAN THEY HAD REFERENCE TO AT THE TIME OLD FOOL, YOU CAN DRAW NO OTHER CONCLUSION FROM THIS TESTIMONY I SAY IT IS A SIMPLE MATTER IT SHOWS JOHN D. LEE WAS NOT TAKING THE PARTS SMITH WOULD HAVE YOU BELIEVE HE TOOK THAT LITTLE CIRCUMSTANCE, "IF IT HAD NOT BEEN FOR THAT OLD FOOL" IT COULD NOT HAVE MEANT CARL SHIRTS, ≤BECAUSE≥ AT THE TIME HE WAS A	BECAU E SMITH SAYS THAT JOHN D. LEE WAS TO GO [14] THERE AND INCITE THE INDIANS TO COMMIT THIS OUTRAGE. JOHN D. LEE WAS THE OLD MAN THEY HAD REFERENCE TOAT THE TIME. THE "OLD FOOL"; AND YOU CAN DRAW NO OTHER CONCLUSION. AND FROM THIS ~~TESTIM ONY~~, ~~**ONLY**~~ **TESTIMONY** I SA~~W~~Y IT IS A SIMPLE MATTER. IT SHOWS JOHN D. LEE WAS NOT TAKING THE PART SMITH. W OULD HAVE YOU BELIEVE HE TOOK. THAT LITTLE CIRCUMST~~Q~~ANC E, "IF IT HADN'T BEEN FOR THAT OLD FOOL". IT COULD NOT HAVE MEANT CARL SHIRT~~Z~~**S**, BECAUSE AT THE TIME HE WAS A	

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RT	RS	BT	PS
MERE [17] BOY, AND COULD NOT THEREFORE BE CALLED AN OLD FOOL.	BOY; IT CAN ONLY BE THE OLD ≤FOOL≥ JOHN D. LEE THE <15 **PAGE**> DEFENDANT HERE. THE PROSECUTION ASK YOU FIND GUILTY UPON THIS TESTIMONY.	BOY. IT CAN ONLY BE THE OLD FOOL, JOHN D . LEE, THE DEFENDANT, WHOM THE PROSECUTION ASK YOU TO FIND GUILTY UPON THIS TESTIMONY.	
I HARDLY DEEM IT NECESSARY TO CALL YOUR ATTENTION TO THE TESTIMONY OF			
MRS. HOGE,	BUT THE GENTLEMAN ≤OF THE PROSECUTION≥ SAYS ANOTHER THING HE BRINGS THIS OLD LADY HOGE **A** NAME SAKE OF MINE. SHE HAS LIVED LONGER THAN I HAVE BUT CAN'T HEAR QUITE AS WELL AS I CAN.	BUT THE GENTLEMAN OF THE PROSECUTION SAYS ANOTHER THING. HE BRING~~S~~**S** THIS OLD LADY HOAG, A NAME SAKE OF MINE. SHE HAS L~~O~~IVED LONGER THAN I HAVE BUT CAN'T HEAR QUITE AS WELL AS I CAN.	
ONE OF THE WITNESSES FOR THE PROSECUTION. THE PROSECUTING ATTORNEYS ARE EVIDENTLY			

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RT	RS	BT	PS
ASHAMED TO REFER TO HER, AND IF THEY ATTACHED THE LEAST IMPORTANCE TO HER EVIDENCE IT OF COURSE WOULD DESTROY THEIR WHOLE THEORY OF THE CASE.			
SHE HAD LEARNED HER STORY LIKE A PARROT, AND AS SHE WAS DEAF AS A POST NEITHER THE ATTORNEYS NOR THE COURT COULD STOP HER UNTIL SHE HAD RATTLED OFF ALL SHE HAD TO TELL. SHE SAID AMONG OTHER THINGS, THAT LEE SAID THAT A MAN WAS SENT WITH A MESSAGE FROM CEDAR CITY TO SALT LAKE CITY, AND HE RETURNED WITH AN ANSWER TO HARMONY ON THE THIRD DAY, THUS TRAVELING FIVE HUNDRED AND FIFTY MILES IN LESS TIME THAN	SHE WAS JUST LIKE A PARROT	SHE WAS JUST LIKE A PAR~~A~~**O**T,	

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RT	RS	BT	PS
THREE DAYS AND TWO NIGHTS. WE DID NOT DEEM IT NECESSARY TO CROSS-EXAMINE HER, BECAUSE THERE WAS NOT A PERSON IN THE ROOM WHO BELIEVED A WORD OF WHAT SHE SAID.	GENTLEMEN THAT IS INTENDED TO CONNECT JOHN D. LEE ≤WITH THIS≥ MATTER. SHE GOES ON ≤THE≥ STAND AND TOLD YOU THAT JOHN D. LEE HELD MEETING SHE HELD UP HER HAND ETC., FOLLOWING IT ON THROUGH. TAKING IT ALL TO BE TRUE, IT DESTROYS THE THEORY OF PROSECUTION AND MAKES SMITH THE LIAR FELON PERJURER AND ASSASSIN THAT HE IS. THE TWO THEORIES *N*[?]	GENTLEM~~A~~EN, **SHE** ~~THAT~~ WAS INTENDED TO CONNECT JOHN D. LEE WITH THIS MATTER. SHE COMES ON THE STAND AND TOLD YOU THAT JOHN D. LEE HELD A MEETING, AND SHE HELD UP HER HAND &C. TAKING ALL HER STOREY TO BE TRUE, IT DESTROYS THE THEORY OF THE PROSECUTION AND MAKES SMITH A LIAR, A VILLAIN A PERJURER AND AN ASSASSIN THAT HE IS. THEIR THEORIES ARE NOT	

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RT	RS	BT	PS
	INCONSISTENT[?] BUT IF IT WAS NOT SO, SHE IS ENTITLED TO NO MORE BELIEF THAN THE OTHER PARTIES, FOR THE REASON SHE SAYS SHE HELD UP HER HAND THERE FOR PURPOSE OF HAVING THESE EMIGRANTS KILLED. WHEN HE GOT BACK THERE, SHE SAYS HE *FST*[?] THESE GUNS SOLD OUT TO INDIANS; —[?] AIN'T SHE MADE TO LIE IF THAT WAS TRUE, IT WOULD DESTROY THEORY OF PROSECUTION HERE, BECAUSE THEY SAY (AND THE TESTIMONY SHOWS) THERE WAS NO INDIANS THERE. WHAT WOULD JOHN D. LEE GO AND TELL THAT FOR	CONSISTANT. BUT IF IT WAS NOT SO, **S**HE IS ENTITLED TO NO MORE BELIEF THAN THE OTHER PARTIES, FOR THE RREASON SHE SAYS SHE HELD UP HER HAND THERE FOR THE PURPOSE OF HAVING THESE EMIGRANT'S KILLED. WHEN HE GOT BACK THERE SHE SAYS HE FEASTED THESE MEN AND SOLD OUT TO THE INDIANS. NOW, AINT SHE MADE TO LIE? IF THAT WAS TRUE IT WOULD DESTROY THE THEORY OF THE PROSECUTION HERE, BECAUSE THEY SAY — AND THE TESTIMONY SHOWS— THATTHERE WAS NO INDIANS THERE. WHAT WOULD JOHN D. LEE GO ~~TO~~ **AND** TELL THAT FOR?	

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RT	RS	BT	PS
	WOULD HE GO AND TELL IF MERELY THROUGH BOAST WOULD HE TELL IT BECAUSE IT TOOK PLACE WHAT IN THE NAME OF GOD COULD HAVE INDUCED HIM TO DO IT. WHY ≤BECAUSE≥ THAT OLD WOMAN HAS SUNG HER TALE FOR THE LAST 15 YEARS NO DOUBT BECAME ONE OF HER CHOICE[481] SHE HAS PROBABLY INCORPORATED INTO HER HYMN BOOK PROVE INCONSISTENT IN THE CASE WHATEVER [*space*] *[[20]]*[482] DISJOINTED AND DISCONNECTED TALE OF HERS [*space*] ON HER TESTIMONY THE GENTLEMEN	WOULD HE GO AND TELL IT SIMPLY THROUGH BOAST? WOULD HE TEL~~,~~L IT BECAUSE IT TOOK PLACE? WHAT ~~WOU~~ IN THE NAME OF GOD COULD HAVE INDUCED HIM TO DO IT? WHY, BECAUSE THAT OLD WOMAN ~~A~~HAS SUNG **IT** ~~HALE~~ AND NO DOUBT IT HAS *[15]* BECOME ONE OF HER CHOICEST SONGS~~,~~ AND PROBABLY INCORPORATED IN HER HYMN BOOK, AND IT HAS NO CONNECTION WHATEVER, THIS DISJOINTED AND DISCONNECTED ~~TAIL~~ TALE OF HERS. ON HER TESTIMONY~~,~~ THE GENTLEMEN~~,~~	

481. Word possibly crossed out.
482. At the top of the page: **HOGES ADDESS TO THE JURY.**

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RT	RS	BT	PS
	SAY YOU SHALL CONVICT JOHN D. LEE.	SAY, YOU SHALL CONVICT JOHN D. LEE.	
NOW, GENTLEMEN, I HAVE GONE OVER THE TESTIMONY,	NOW THEN	NOW, THEN	
OUTSIDE OF THAT WHICH I HAVE LAID BEFORE YOU IS THERE ANY EVIDENCE WHICH CONNECTS JOHN D. LEE IN ANY MANNER WHATEVER, WITH WHAT THE PROSECUTION CALL A CONSPIRACY,	OUTSIDE OF TESTIMONY I HAVE GONE OVER WHAT TESTIMONY POINTS TO JOHN D. LEE.	OUTSIDE OF THE TESTIMONY I HAVE GONE OVER, WHAT TESTIMONY POINTS TO JOHN D. LEE?	
NOT A WORD,NOT AN IOTA, JOHN D. LEE IS NOT EVEN MENTIONED AT ALL,	NOT A WORD THERE IS NOT ANOTHER WITNESS THAT MENTIONS JOHN D. LEE'S NAME, WITH EXCEPTION OF BILL ROBERTS, NOT ONE. LOOK OVER THIS ARRAY OF WITNESSES, COME PUT YOUR FINGER UPON THE WITNESS THAT HAS SAID ANYTHING CONNECT	IN A WORD THERE ISN'T ANY OTHER WITNESS THAT MENTIONS JOHN D. LEE'S NAME WITH THE EXCEPTION OF BILL ROBERTS, NOT ONE. LOOKK OVER THA~~I~~ S ARRAY OF WITNESSES AND PUT YOUR FINGER UPON THE WITNESS THAT HAS SAID ANYTHING THAT CONNECTED	

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RT	RS	BT	PS
	JOHN D. LEE	JOHN D. LEE	
	DIRECTLY OR *EITHER*[?]	DIRECTLY O~~T~~**R**	
	INDIRECTLY	INDIRECTLY.	
	NOT A SINGLE	NOT A SING~~E~~L~~L~~E	
AND STILL UPON	WITNESS. UPON	WITNESS. UPON	
THE TESTIMONY	THE TESTIMONY	THE TESTIMONY	
OF	OF THIS MAN	OF THIS MAN	
KLINGENSMITH,	KLINGENSMITH	KLINGENSMITH	
	THIS MAN	AND THIS MAN	
	WHITE WHOSE	WHITE WHICH IS	
	PROOF	PROVED TO BE	
	CONTRADICTS	INCONSISTANT	
	AND	AND	
	INCONSISTENT	CONTRADICTS	
	WITH EACH	EACH	
	OTHER, AND SO	OTHER AND SO	
	AT VARIANCE	AT VARIANCE	
	AND	AND	
CONTRADICTED	CONTRADICTED	CONTRADICTED	
BY WHITE AND	BY OTHER	BY OTHER	
OTHERS AND	TESTIMONY,	TESTIMONY,	
EVEN BY			
HIMSELF, THE			
PROSECUTION	THEY	THEY	
ASK YOU	ASK YOU	ASK YOU	
	GENTLEMEN	GENTLEMEN,	
	THOUGH	FOR	
TO BRING IN	TO BRING IN	TO BRING ~~A V~~ IN	
A VERDICT	VERDICT	A VERDICT	
OF~~?~~GUILTY.	AGAINST THIS	AGAINST THIS	
THEY WANT TO	OLD MAN	OLD MAN.	
IMPRESS UPON	WHY	WHY?	
YOU THAT IT IS			
NECESSARY TO		TO	
MAKE AN	MAKE	MAKE AN	
EXAMPLE OF THE	EXAMPLE OF	EXAMPLE OF ~~TH~~	
DEFENDANT,	HIM	HIM	
BECAUSE HE IS	BECAUSE	BECAUSE A	
CHARGED WITH	BLOODY	BLOODY	
BEING	OUTRAGE HAS	OUTRAGE HAS	
CONCERNED IN	BEEN	BEEN	
THE	PERPETRATED	PERPERTATED	
“CONSPIRACY”	AT	AT THE	

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RT	RS	BT	PS
AS THEY CALL IT. WILL YOU DO IT, GENTLEMEN ? WILL YOU MAKE AN EXAMPLE OF THIS OLD MAN, AND SHED HIS BLOOD TO APPEASE PUBLIC CLAMOR ? WILL YOU VIOLATE YOUR OATHS, AND DYE YOUR HANDS IN INNOCENT BLOOD, BECAUSE THE PROSECUTING ATTORNEY SAYS THAT *[18]* THE "PUBLIC DEMAND IT ?" GENTLEMEN, NO! YOU WILL NOT VIOLATE YOUR OATHS AND HONOR, BUT	MOUNTAIN MEADOWS ~~18~~ 17 OR 18 YEARS AGO WILL YOU DO IT WILL YOU MAKE AN EXAMPLE OF THIS OLD MAN AND SHED HIS BLOOD SIMPLY TO APPEASE PUBLIC CLAMOR PROSECUTION HAS CALLED DOWN UPON YOU TO DISPEL AND ASK YOU TO SATISFY THAT PUBLIC CLAMOR BY MAKING SACRIFICE OF YOUR OWN HONORS = YOUR VIOLATED OATHS AND SACRIFICE OLD JOHN D. LEE.	MOUNTAIN MEADOWS I7 OR I8 YEARS AGO. WILL YOU DO IT? WILL YOU MAKE AN EXAMPLE OF THIS OLD MAN AND SHED HIS BLOOD SIMPLY TO APPEASE PUBLIC CLAMOR? THE PROSECUTION HAS CALLED UPON YOU TO DISPELL TH**I**S AND ASK YOU TO SATISFY THE PUBLIC CLAMOR BY MAKING SACRIFICE OF YOUR OWN HONORS, ~~YOUR~~ VIOLATED **YOUR** OATHS, AND SACRIFICE OLD JOHN D. LEE.	

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RT	RS	BT	PS
WILL JUDGE ACCORDING TO THE LAW AND THE EVIDENCE.			
	IF YOUR HONOR PLEASE I WISH READ THAT INSTRUCTION IN REGARD TO REASONABLE DOUBT.	IF YOUR HONOR PLEASE, I WISH TO READ THE IN~~D~~STRUCTION TO THE JURY IN REGARD TO A REASONABLE DOUBT.	
	READ THE INSTRUCTIONS IN REGARD TO REASONABLE DOUBT	(COUNSEL **H**ERE READ FROM THE STATUTES IN REGARD TO REASONABLE DOUBT)	
I NOW CALL YOUR SPECIAL ATTENTION TO	~ I WILL CALL YOUR ATTENTION TO THAT PARTICULAR INSTRUCTION.	I WILL CALL YOUR ATTENTION TO THAT PARTICULAR **I**NSTRUCTION.	
THE LAW AS LAID DOWN BY HIS HONOR ON THE BENCH, IN HIS INSTRUCTIONS TO YOU, AND I WISH YOU TO CAREFULLY WEIGH IT, AND APPLY IT TO THE EVIDENCE IN THIS CASE. IT IS AS FOLLOWS: BEFORE YOU CAN FIND THE PRISONER	[*space*] THAT IS THE LAW GENTLEMEN AS THE COURT HAS GIVEN IT TO YOU.	THAT IS THE LAW, GENTLEMEN, AS THE COURT HAS GIVEN **IT** TO ~~T~~YOU.	

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RT	RS	BT	PS
GUILTY YOU MUST FROM THE EVIDENCE BELIEVE, BEYOND A REASONABLE DOUBT, THAT THE PRISONER IS GUILTY, AND TAKING THE WHOLE EVIDENCE TOGETHER, IT MUST EXCLUDE EVERY OTHER HYPOTHESIS BUT THE GUILT OF THE PRISONER. A REASONABLE DOUBT IS ONLY SUCH AN ONE AS WOULD ARISE IN THE MINDS OF REASONABLE MEN, SUCH AS YOU ARE, WHO ARE SELECTED BECAUSE IT IS SUPPOSED, AND EXPECTED THAT YOU ARE REASONABLE MEN, AND COMPELLED TO TRY SUCH A QUESTION; PROOF, BEYOND A POSSIBILITY OF DOUBT, IS NOT REQUIRED, BECAUSE SUCH PROOF NEVER CAN BE MADE. IT IS NOT			

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RT	RS	BT	PS
NECESSARY TO SHOW TO YOU THAT IT IS NOT POSSIBLE THAT THE PRISONER IS INNOCENT, TO SHOW, BEYOND ALL POSSIBILITY OF DOUBT THAT HE IS GUILTY, BUT IT IS REQUIRED THAT THE PROSECUTION PRODUCE SUCH EVIDENCE, THAT WHEN YOU LOOK IT OVER, AS REASONABLE MEN, YOU DO NOT DOUBT THE PRISONERS GUILT. THAT THE EVIDENCE PRODUCES IN YOUR MIND AN ABIDING CONVICTION, TO A MORAL CERTAINTY, OF THE GUILT OF THE DEFENDANT. PROOF BEYOND A REASONABLE DOUBT IS SOMETHING MORE THAN THE PREPONDERANCE OF EVIDENCE. A PREPONDERANCE OF EVIDENCE WILL DO TO RENDER A			

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RT	RS	BT	PS
VERDICT IN A CIVIL CASE, BUT IT IS NOT SO IN CRIMINAL CASES. YOU MUST BE SATISFIED FROM THE EVIDENCE, BEYOND ANY FAIR REASONABLE DOUBT, OF THE DEFENDANTS GUILT. YOU MUST HAVE AN ABIDING CONVICTION TO A MORAL CERTAINTY, OF HIS GUILT, OR YOU SHOULD ACQUIT HIM, BUT *[19]* ABSOLUTE CERTAINTY OF GUILT IS NOT NECESSARY—MORAL CERTAINTY IS SUFFICIENT.			
I ASK YOU TO GIVE THE TESTIMONY DUE CONSIDERATION, IN CONNECTION WITH THE LAW AS GIVEN TO YOU BY THE COURT. WEIGH AND DIGEST IT	AFTER CAREFULLY CONSIDERING THIS TESTIMONY AND GIVING IT ALL DUE CONSIDERATION, WEIGHING IT	AFTER CAREFULLY CONSIDERING THIS TESTIMONY AND AFTER GIVING IT ALL DUE CONSIDERATION, WEIGHING IT,	

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RT	RS	BT	PS
WELL, AND TRY IT IN THE CRUCIBLE OF REASON, AND THEN ASK YOURSELVES, IF YOU HAVE NOT A REASONABLE DOUBT OF THE DEFENDANTS GUILT AS CHARGED IN THE INDICTMENT; IF YOU HAVE NOT THEN YOU MUST FIND HIM GUILTY. I AM NO APOLOGIST FOR CRIME,ESPECIALLY SUCH A HORRIBLE CRIME AS THAT CHARGED IN THIS CASE. WE DO NOT COME BEFORE YOU TO DEFEND CRIME, BUT WE COME BEFORE YOU TO DEFEND THE RIGHTS OF JOHN D. LEE, THE ONLY DEFENDANT WHO IS ON TRIAL BEFORE YOU.	TRYING IT AS I BEFORE SAID IN THE CRUCIBLE OF REASON, ≤DIGEST≥ IT WELL, THEN UNDER THESE INSTRUCTIONS CAN YOU SAY YOU HAVE NO DOUBT BUT THAT THIS MAN JOHN D. LEE WAS GUILTY. I AM NO APOLOGIST GENTLEMEN FOR OFFENSES COMMITTED HERE 17 YEARS AGO. WE DO NOT COME BEFORE YOU WITH ANYTHING OF THAT KIND WE COME HERE SIMPLY DEFEND RIGHTS OF JOHN D. LEE THERE WAS NO ONE HERE BEFORE YOU BUT JOHN D.	TRYING IT, AS I SAID BEFORE IN THE CRUCIBLE OF REASON, DIGEST IT WELL~~;~~, THEN UNDER THESE INSTRUCTIONS CAN YOU SAY YOU HAVE NO DOUBT BUT THAT THIS MAN, JOHND. LEE *[16]* WAS GUILTY. I AM NO APPOLOGIST, GENTLEMEN, FOR AN OFFENSE COMMITTED HERE I7 YEARS AGO. I ~~C~~WOULDNOT COME BEFO RE YOU W ITH AN**Y**THING ~~OGF~~ **OF** THAT KIND. WE COME HERE SIMPLYTO DEFEND THE RIGHTS OF JOHN D. LEE AND THERE IS NO ONE HERE BEFORE YOU BUT JOHN D.	

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RT	RS	BT	PS
	LEE TO BE TRIED. WHEN OTHERS ARE ARRESTED BROUGHT BEFORE YOU TODAY	LEE TO BE TRIED; THERE MAY BE IF THE OTHERS ARE ARRESTED AND BROUGHT BEFORE YOU. BUT TO DAY	
YOU HAVE NOTHING TO DO EXCEPT TO PERFORM YOUR SWORN DUTY, TO FIND HIM GUILTY OR NOT GUILTY ACCORDING TO THE EVIDENCE,	YOU HAVE NOTHING TO DO BUT PASS UPON THE CASE OF JOHN D. LEE.	YOU HAVE NOTHING BUT TO PASS UPON THE CASE OF JOHN D. LEE .	
	CAN YOU SAY YOU ARE CONVINCED TO A MORAL CERTAINTY JOHN D. LEE HAD ANYTHING TO DO WITH THIS CASE MORE THAN THE WAY JUDGE SUTHERLAND INTIMATED AND IF NOT	CAN YOU SAY YOU ARE CONVINCED TO A MORAL CERTAINTY THAT JOHN D. LEE HAD ANYTHING TO DO WITH THIS CASE MORE THAN THE **WAY** ~~WAY~~ JUDGE SUTHERLAND INTIMATED? I THINK NOT. AND	
FEELING CONFIDENT THAT YOU UNDERSTAND THE TESTIMONY, AND THAT YOU WILL BRING IN A VERDICT IN ACCORDANCE WITH THE	FEELING CONFIDENT GENTLEMEN YOU UNDERSTAND THIS ≤TESTIMONY≥	FE~~L~~ELING CONFIDENT GENTLEMEN, THAT YOU UNDERSTAND THIS TESTIMONY,	

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RT	RS	BT	PS
EVIDENCE BEFORE YOU,WITHOUT FEAR OR FAVOR, I LEAVE THE CASE NOW WITH YOU.	MAKING THIS FURTHER REMARK [*space*] IN CLOSING I RECALL AN ANECDOTE ONCE TOLD OF AARON BURR WHO HAD BEEN IN HABIT OF GOING INTO CHURCH LATE MINISTER ONE *[[21]]*[483] DAY AS BURR WAS WALKING UP ≤THE≥ AISLE OF CHURCH PAUSED IN HIS SERMON SAID BURR WHEN THEY BOTH DIED AND HE WENT TO HEAVEN HE WOULD TURN STATE'S EVIDENCE AGAINST HIM BECAUSE OF HIS TARDINESS IN GOING TO CHURCH OF	MAKINGTHIS FURTHER REMARK IN CLOSING I RECOLLECT AN ANECDOTE, ONSE TOLD OF AARON BURR WHO HADBEEN IN THE HABIT OF GOING INTO CHURCH LATE, AND THE MI~~S~~NISTER ONE DAY, AS BURR WAS WALKING UP THE AISLE OF THE CHURCH PAUSED IN HIS SERMON AND SAID, "BURR, WHEN THE APOSTLE DIED ~~HE~~ **&** WENT TO HEAVEN HE WOULD TURN STATES EVIDENCE AGAINST ~~HIM~~ **YOU** BECAUSE OF ~~HIS~~ **YOUR** TARDINESS IN GOING TO CHURCH ." OF	

483. At the top of the page in ink: **PAGE 1 BISHOPS ADDRESS.**

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RT	RS	BT	PS
	ALL THE WITNESSES IN THE WORLD THOSE WHO TURN STATE'S EVIDENCE ARE THE MEANEST —[?] AND THAT THEIR TESTIMONY IS NOT BELIEVED BY ANYBODY UNLESS CORROBORATED IN MATERIAL POINTS OF THEIR STATEMENT.	ALL THE WITNESSES IN THE WORLD ~~WHO~~ THOSE WHO ~~S~~TURN STATES EVI~~N~~DENCE ARE THE MEANEST, AND THEIR TESTIMONY IS NOT BELIEVED BY ANYBODY UNLESS CORROBORATED IN THE MATRIAL POINTS OF THEIR STATEMENT.	

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John D. Lee, First Trial

William W. Bishop Closing Argument

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RS	PS	RT	BT
[*The arrangement of source columns is distinct in Bishop's Closing Argument in order to highlight the similarities between the Rogerson and Patterson shorthands, the similarities between the Rogerson and Boreman transcripts, and the significant differences between shorthands and transcripts.*]			
*[[Bk 11 21]]*484 {**PAGE 1 BISHOPS ADDRESS**}[i] **11.25 AM W. W. BISHOPS REMKS** **TO JURY** **AUG 4/75** 11 24.	*[[Bk 12 11 cont.]]* **11.25 AM W. W. BISHOPS REMKS** **TO JURY** **AUG 4/75 = 11 24.**	*[[Bk 5 1]]* FIRST LEE TRIAL. ADDRESS OF WILLIAM W. BISHOP, OF COUNSEL FOR DEFENSE, TO JURY, IN SECOND DISTRICT COURT, BEAVER CITY, UTAH TERRITORY, 11:30 A.M., AUGUST 4TH 1875. ∴ REPORTED BY JOSIAH ROGERSON.∴	*[Bk 9 1]* ~~**[Book 8]**~~ **(Book 9)** FIRST TRIAL OF JOHN D. LEE. ADDRESS OF WILLIAM W. BISHOP, OF COUNSEL ~~OF~~ **FOR** DEFENSE TO JURY IN THE SECOND DISTRICT COURT IN BEAVER CITY,BE┼AVER COUNTY, UTAH TERRITO~~R~~Y AUGUST 4TH, A. D. I875. ~~REPORTED BY J. ROGERSON.~~

484. "**TRANSCRIBED**" written in longhand diagonally across the page with a line above and below.

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RS	PS	RT	BT
COURT PLEASE ≤BISHOP≥ GENTLEMEN OF THE JURY IT HAS BEEN A QUESTION IN MY MIND SINCE THIS CASE COMMENCED WHY IT WAS THAT THE CREATOR OF THIS UNIVERSE SAW FIT TO SPEAK INTO EXISTENCE SUCH A MAN AS THE ONE THAT HAS APPEARED BEFORE YOU AS THE MAIN STAY AND BLOOD OF THIS PROSECUTION. WHY IT WAS ≤THAT≥ BEING THAT HAS BEEN SUPPOSED INCAPABLE OF WISHING HUMANITY WRONG	**W W BISHOPS ADDRESS**[485] IF THE COURT PLEASE GENTLEMEN OF THE JURY IT HAS BEEN QUESTION IN MY MIND SINCE THIS CASE COMMENCED WHY IT WAS THAT THE CREATOR OF THIS UNIVERSE SAW FIT TO SPEAK INTO EXISTENCE SUCH A MAN AS THE ONE THAT HAS APPEARED BEFORE YOU AS THE MAIN STAY AND PROP OF THIS PROSECUTION. WHY IT WAS THAT A BEING THAT HAS BEEN SUPPOSED INCAPABLE OF WISHING HUMANITY WRONG	MR. BISHOP FOR DEFENSE SAID —IF THE COURT PLEASE, GENTLEMEN OF THE JURY: IT HAS BEEN A QUESTION, IN MY MIND, SINCE THE TRIAL OF THIS CASE COMMENCED,WHY IT WAS THAT THE CREATOR OF THIS VAST UNIVERSE,SAW FIT TO SPEAK INTO EXISTENCE, SUCH A MAN AS THE ONE THAT HAS APPEARED BEFORE, AS Y~~OU~~ THE MAINSTAY AND SUPPORT OF THIS PROSECUTION. WHY IT WAS THAT A BEING THAT WE HAVE EVER SUPPOSED TO BE INCAPABLE OF EVEN WISHING HUMANITY ANY WRONG; WHO WE HAVE BEEN TAUGHT TO	~~MR. BISHOP FOR DEFENSE SAID:~~ **BISHOP:** IF THE COURT PLEASE, GENT~~L~~LEMEN OF THE JURY: IT HAS BEEN A QUE~~W~~**S**TION IN MY MIND SINCE THE TRIAL OF THIS CASE COMMENSED WHY IT WAS THAT ~~THE~~ **THE** CREATOR OF THIS VAST UNIVERSE, **SHOULD** ~~TO~~ SPEAK INTO EXISTENCE SUCH A MAN AS THE ONE THAT HAS APPEARED BEFORE YOU AS THE MAIN STAY AND SUPPORT OF THIS PROSECUTION. WHY IT WAS THAT A BEING THAT WE HAVE **N**EVER SUPPOSED OF EVEN WISHING HU MANITY ANY WRONG, AND WHOM WE HAVE BEEN TAUGHT TO

485. In Rogerson's longhand.

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RS	PS	RT	BT
		CONSIDER THE FRIEND, AS WELL AS CREATOR OF HUMANITY,	CONSIDER THE FRIEND AS WELL AS THE CREATOR OF HUMANITY,
SHOULD FOR ANY PURPOSE ≤IN≥ CREATE ONE LIKE THAT HARDENED WRETCH K SMITH.	SHOULD FOR ANY PURPOSE CREATE ONE LIKE THAT HARDENED WRETCH KLINGEN SMITH	SHOULD FOR ANY PURPOSE CREATE SUCH A BEING AS THIS HARDENED WRETCH KLINGENSMITH HAS PROVEN HIMSELF TO BE.	SHOULD FOR ~~ANY~~ **ANY** PURPOSE, CREATE SUCH A BEING AS THIS HARDENED WRETCH KLINGENSMITH HAS PROVEN HIMSELF TO BE.
I CAN ANSWER IT NOT ANY OTHER WAY THAN THIS. IT MAY BE	I CAN ANSWER IT IN NO OTHER WAY THAN THIS IT MAY BE	I CAN ONLY ANSWER THE QUESTION IN ONE WAY. IT MAY BE THAT THE	I CAN ONLY ANSWER THE QUESTION IN ONE WAY. IT MAY BE, THAT THE
GREAT I AM SAW FIT TO CREATE SUCH AN UNNATURAL VENOMOUS WRETCH AS K SMITH TO SERVE AS TERRIBLE HORRID EXAMPLE;	GREAT I AM SAW FIT TO CREATE SUCH AN UNNATURAL VENOMOUS WRETCH AS KLINGEN SMITH TO SERVE AS A TERRIBLE HORRID EXAMPLE	GREAT I AM SAW FIT TO CREATE SUCH AN UNNATURAL, VENOMOUS BEING AS KLINGENSMITH, TO SERVE AS A MOST TERRIBLE AND HORRIBLE EXAMPLE OF HUMAN FRAILTY AND DEPRAVITY, ONE SO FEARFULLY ODIOUS THAT OTHERS, SINFUL AS THEY MIGHT NATURALLY BE	GREAT I AM SAW FIT TO CREATE SUCH AN UNNATURAL VENEMOUS BEING AS KLINGENSMITH TO SERVE AS A MOST TERRIBLE AND HORRID EXAMPLE OF HUMAN FRAILTY AND DEPRA~~I~~**V**ITY, ONE SO FEARFULLY ODEOUS THAT OTHERS, SINFULL AS THEY MIGHT BE
TO CAUSE	TO CAUSE	SHOULD TAKE	SHOULD TAKE

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RS	PS	RT	BT
OTHER MEN TO SHUN HIS EVIL WAYS; THAT MAY HAVE BEEN THE REASON. WE ARE TAUGHT THAT NOTHING IS CREATED IN VAIN. THEN WE MUST CONSIDER THE ALMIGHTY FASHIONER OF THIS UNIVERSE AS SOMETHING NOT	OTHER MEN TO SHUN HIS EVIL WAYS THAT MAY HAVE BEEN THE REASON WE ARE TAUGHT THAT NOTHING IS CREATED IN VAIN THEN WE MUST CONSIDER THE ALMIGHTY FASHIONER OF THIS UNIVERSE A SOMETHING NOT	WARNING FROM HIM AND SHUN HIS ~~EVE~~ EVIL WAYS. IN OTHER WORDS, HE WAS PLACED ON THE SHORES OF TIME TO SERVE AS A LIGHT HOUSE ON THE COAST OF CRIME, TO WARN HUMANITY OF THE DANGERS THAT ENCIRCLE THE SEA OF LIFE, THAT HE MIGHT IN THIS WAY SERVE A WISE PURPOSE —THERE IS A POSSIBILITY. IF SUCH WAS NOT THE PURPOSE OF HIS CREAT~~OR,~~ION I AM UNABLE TO SOLVE THE PROBLEM. WE BELIEVE FROM OUR TEACHINGS THAT NOTHING WAS CREATED IN VAIN. IF THIS BE SO WE [2] MUST ADMIT THAT THE ALLWISE FASHIONER OF THIS UNIVERSE	WARNING FROM HIM AND SHUN HIS EVIL WAYS. IN OTHER WORDS, HE WAS PLACED ~~I~~ON THE SHORES OF TIME TO SERVE AS A LIGHTHOUSE ON THE COAST OF CRIME TO WARN HUMANITY OF THE DANGERS THAT ENCIRCLE THE SEA OF LIFE, THAT HE MIGHT IN THIS ~~A~~WAY SERVE A WISE PURPOSE IF THERE IS ~~A~~SUCH A POSSIBILITY. AND IF SUCH WAS NOT THE PURPOSE OF HIS CREATION I AM UNABLE TO SOLVE THE PROBLEM. WE BELIEVE FROM OUR TEACHINGS THAT NOTHING WAS CREATED IN VAIN, [2] IF THIS BE SO, WE MUST ADMIT THAT THE ALL WISE FASSIONER OF THIS UNIVER~~S~~E

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RS	PS	RT	BT
ALTOGETHER GOOD UNLESS WE CREDIT HIM WITH HAVING CREATED THAT MAN FOR SOME SUCH PURPOSE.	ALTOGETHER GOOD UNLESS WE CREDIT HIM WITH HAVING CREATED THAT MAN FOR SOME SUCH PURPOSE [*space*]	HAS ANIMATED THIS VILE COMPOUND OF TREACHERY, CRUELTY, IGNORANCE AND INFAMY FOR THE PURPOSE I HAVE MENTIONED, AND HAS PERMITTED HIM TO THUS LONG CUMBER THE EARTH, THAT MANKIND MAY HAVE REASON TO WONDER ~~BB~~AT THE WAYS OF PROVIDENCE — AND DREAD THE POWER OF A GOD THAT CAN AND WILL CREATE SUCH A MONSTER AS HE, WHO, IN YOUR PRESENCE SO LABORED TO DISGRACE HIMSELF; WHO LEFT NO CRIME UNCONFESSED, WHICH HE BELIEVED THE ADMISSION OF WOULD AID HIM	HAS ANIMATED THIS VILE COMPOUND OF TREACHERY, CRUELTY, IGNORANCE, AND INFAMY FOR THE PURPOSES THAT I HAVE MENTIONED, AND HAS PERMITTED HIM TO THUS LONG ENCUMBER THE EARTH, THAT MANKIND MAY HAVE REASON TO WONDER AT THE WAYS OF PROVIDEN~~V~~CE, - AND DREAD THE POWER OF A GOD THAT CAN AND WILL CREATE SUCH A MONSTER AS HE, WHO IN YOUR PRESENCE DURING THIS TRIAL HAS SO LABERED TO DISGRACE HIMSELF, WHO LEFT NO CRIME UNCONFESSED, ~~WHE~~ WHICH HE BELIEVED THE COMMISSION OF WOULD AID HIM

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RS	PS	RT	BT
		IN HIS COLD BLOODED DESIGN, TO CONVICT, AT ALL HAZARDS THE MAN HE ONCE CALLED FRIEND, BUT WHO, HE NOW THINKS MUST DIE, IN ORDER THAT HIS OWN WORTHLESS LIFE MAY BE SPARED A FEW SHORT YEARS, BEFORE HE TAKES HIS DEPARTURE FROM EARTH, TO THE REALMS OF THOSE CAST OUT FROM THE PRESENCE OF THE BLEST.	IN THIS CLODBLOODED DESIGN TO CONVICT AT ALL HAZARDS THE MAN THAT HE ONCE CALLED FRIEND~~:~~; BUT WHO HE NOW THINKS MUST DIE IN ORDER THAT HIS OWN WORTHLESS LIFE MAY BE SPAIRED A FEW SHORT YEARS BEFORE HE TAKES HIS DEPARTURE FROM EARTH ~~TO~~ **TO** THE CIRCLE OF THOSE CAS~~E~~T OUT FROM THE PRESSENCE OF THE BLESSED.***** ***IF I HAD A CHILD 5 YEARS OLD WHO WOULD BELIEVE A SINGLE WORD THAT KLINGENSMITH SAID I WOULD TAKE A SWITCH OR RAWHIDE AND WHIP IT JUST AS LONG AS I COULD DO SO WITHOUT DESTROYING

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RS	PS	RT	BT
LET'S TAKE HIM NOW AND TREAT HIM AS IT BECOMES YOUR DUTY TO TREAT HIM.	LET'S TAKE HIM NOW AND TREAT HIM AS IT BECOMES YOUR DUTY TO TREAT HIM.	IT IS MY DUTY TO TREAT HIM JUSTLY. IT IS YOUR DUTY, AS JURYMEN, TO GIVE DUE WEIGHT TO ALL THAT HE HAS SAID WHILE ON THE STAND AS A WITNESS, TO GIVE ATTENTION TO ALL THE EVIDENCE WHICH HE AND OTHERS HAVE GIVEN IN THE CASE,AND LET THE EVIDENCE BEAR ITS DUE WEIGHT UPON YOU~~N~~R MINDS AND	**ITS LIFE.**[486] IT IS M~~U~~Y DUTY TO TREAT HIM JUSTLY. IT IS YOUR DUTY AS JURYMEN TO GIVE DUE WEIGHT TO ALL THAT HE HAS SAID ON THE STAND AS A WITNESS**,** TO GIVE ATTENTION TO ALL THE EVIDENCE WHICH HE AND ~~T~~OTHERS HAVE GIVEN IN THE CASE, AND ~~T~~LET THAT EVIDENCE BEAR ITS DUE WEIGHT UPON YOUR MINDS AND
IT IS THE DUTY OF THE ATTORNEYS IN A CASE LIKE THIS TO ENABLE THE JURY TO ARRIVE AT THE TRUTH.	IT IS THE DUTY OF THE ATTORNEYS IN A CASE LIKE THIS TO ENABLE THE JURY TO ARRIVE AT THE TRUTH [*space*]	JUDGMENTS. IT IS THE DUTY OF THE ADVOCATE, IN A CASE LIKE THIS—YES, IN ALL CASES, TO AID THE JURY TO ARRIVE AT THE TRUTH OF THE QUESTION BEFORE THEM FOR INVESTIGATION	JUDGMENT. I**T** IS THE DUTY OF THE ADVOCATE IN A C ASE LIKE THIS—YEA~~W~~ IN ALL CASES TO AID THE JURY TO ARRIVE AT THE TRUTH OF THE QUESTION BEFORE T**H**EM FOR INVESTIGATION.
MY DUTY AS A SWORN	MY DUTY AS A SWORN	MY DUTY, AS A SWORN	MY DUTY AS A SWORN

486. This sentence is inserted on the side of the page.

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RS	PS	RT	BT
COUNSEL IS NOT TO PERVERT FACTS. IT IS NOT TO SAY TO YOU THAT THE EVIDENCE PROVES A FACT THAT IS NOT SHOWN BY IT. IT IS NOT MY PROVINCE TO DENY THAT WHICH THE EVIDENCE DOES ESTABLISH. BUT AS	COUNSEL IS NOT TO PERVERT FACTS IT IS NOT TO SAY TO YOU THAT THE EVIDENCE PROVES A FACT THAT IS NOT SHOWN BY IT IT IS NOT MY PROVINCE TO DENY THAT WHICH THE EVIDENCE DOES ESTABLISH. BUT AS	ATTORNEY, COUNSEL AND ADVOCATE, IN THIS CASE, IS NOT TO PERVERT THE FACTS, IT IS NOT TO SAY TO YOU THAT THE EVIDENCE ESTABLISHES A FACT WHICH IT DOES NOT PROVE. IT IS NOT MY PROVINCE TO DENY THAT WHICH THE EVIDENCE DOES SHOW. IT IS MY DUTY TO AID YOU IN *[3]* UNRAVELLING THE TWISTED SKEIN TO EXPLAIN THAT WHICH LOOKS OBSCURE, AND WITH SOBER REASONING REFUTE THE SOPHISTRY OF THE PROSECUTION. YOU, AS	ATTORNEY AND COUNSEL AND ADVOCATE IN THIS CASE IS NOT TO **PERVERT** ~~PREVERT~~ THE FACTS. IT IS **NOT** ~~OT~~ TO ~~SZ~~SAY TO YOU THAT THE EVIDENCE ESTABLISHES A FACT WHICH IT DOES NOT PROVE. IT IS NOT MY PROVIN~~V~~CE TO DENY THAT WHICH THE EVIDENCE DOES NOT SHOW~~,~~; BUT IT IS MY DUTY TO AID YOU IN UNRAVELING THE TWISTED SKEIN AND TO EXPLAIN THAT WHICH LOOKS OBSCURE, AND WITH SOBER RE~~S~~ASONING REFUTE THE SOPHESTRY *[3]* OF THE PROSECUTION. **GENTLEMEN, I ADMIT TO YOU THAT KLINGENSMITH HAS TOLD SOME TRUTH AND** YOU AS

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RS	PS	RT	BT
REASONABLE MEN YOU ARE TO TAKE IN CONNECTION WITH TESTIMONY UNDER RULES INSTRUCTIONS OF COURT YOU ARE TO TAKE THE AID I CAN GIVE YOU IN DIGESTING THAT TESTIMONY THAT HAS BEEN DETAILED TO YOU BY WITNESSES UNDER OATH AND ASK YOURSELVES WHEN YOU GO TO RETIRE	REASONING MEN YOU ARE TO TAKE IN CONNECTION WITH THE TESTIMONY AND UNDER THE RULES AND INSTRUCTIONS OF THE COURT YOU ARE TO TAKE THE AID THAT I CAN GIVE YOU IN DIGESTING THAT TESTIMONY THAT HAS BEEN DETAILED TO YOU BY WITNESSES UNDER OATH AND ASK YOURSELVES WHEN YOU GO TO RETIRE TO	REASONABLE AND RATIONAL MEN ARE REQUIRED TO CONSIDER, ALL OF THE EVIDENCE INTRODUCED IN THE CASE,AND THEN UNDER THE RULES OF LAW AS GIVEN TO YOU BY THE COURT IN ITS INSTRUCTIONS, YOU ARE TO APPLY THE LAW TO THE FACTS IN THE CASE. IT IS ALSO YOUR RIGHT,AS WELL AS YOUR DUTY, TO RECEIVE ALL OF THE ASSISTANCE THAT I CAN GIVE YOU IN DIGESTING THE EVIDENCE THAT HAS BEEN DETAILED BEFORE YOU BY THE WITNESSES, WHO HAVE TESTIFIED FOR THE PROSECUTION AND THE DEFENDANT, AND THEN WHEN YOU RETIRE TO	REASONING AND RATIONAL MEN, ARE REQUIRED TO SONSIDER ALL OF THE EVIDENCE INTRODUCED IN THE CASE, AND THEN UNDER THE RULES OF LAW AS GIVEN TO YOU BY THE COURT IN ITS INSTRUCTIONS, YOU ARE TO APPLY THE LAW TO THE FACTS IN THE CASE . IT IS ALSO YOUR RIGHT, AS WELL AS YOUR DUTY TO RECEIVE ALL OF THE ASSISTANCE THAT I CAN GIVE YOU IN DIGESTING THE EVIDENCE THAT HAS BEEN DETAILED BEFORE YOU BY THE WITNESS~~ES~~**S** WHO HA~~C~~VE TESTIFIED FOR THE PROSECUTION AND THE DEFENDANT, AND THEN WHEN YOU RETIRE TO

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RS	PS	RT	BT
DELIBERATE UPON YOUR VERDICT TAKING ALL THIS TOGETHER;	DELIBERATE UPON YOUR VERDICT TAKING ALL THIS TOGETHER	DELIBERATE UPON YOUR VERDICT, TAKING ALL THE FACTS INTO CONSIDERATIO N,GIVING THE SAME ALL DUE CREDIT, THEN APPLY THE LAW TO THE FACTS PROVEN, AND THEN ASK YOUR SELVES THE QUESTION,HAVE	DELIBERATE ~~ON~~UPON YOUR VERDICT TAKING ALL ~~YOU~~THE FACTS INTO CONSIDERATIO N — GIVING THE SAME ALL DUE CR~~4~~DIT, TH~~A~~EN APPLY THE LAW TO THE FACTS PROVE~~N~~**D**, THEN ASK YOURSELVES THE QUESTION:
HAVE I AN ABIDING FAITH WITHIN ME THAT THE TRUTH OF THE CHARGE IS	HAVE I AN ABIDING FAITH WITHIN ME THAT THE TRUTH OF THE CHARGE IS	I AN ABIDING FAITH WITHIN ME THAT THE TRUTH OF THE CHARGE HAS BEEN	HAVE I AN ABI**D**ING FAITH WITHIN ME THAT THE TRUTH OF THE CHARGE HAS BEEN
SUSTAINED HAVE	SUSTAINED HAVE	SUSTAINED BY LEGAL EVIDENCE ?	SUSTAINED BY LEGAL EVIDENCE?
I ANY REASON CAUSE TO DOUBT	I ANY REASON CAUSE TO DOUBT	HAVE I NO REASONABLE DOUB~~G~~T REMAINING AS TO THE GUILT OF THE ACCUSED ? HAS	HAVE I NO REASONABLE DOUBT REMAINING AS TO THE GUILT OF THE ACCUSED? HAS
EVIDENCE RELIED UPON BY PROSECUTION	THE EVIDENCE HANDED DOWN BY THE PROSECUTION	THE EVIDENCE RELIED UPON BY THE PROSECUTION SUSTAINED AND PROVEN, BEYOND A REASONABLE DOUBT,ALL	THE EVIDENCE RELIED UPON BY THE PROSECUTION BEEN SUSTAINED AND PROVEN BEYOND A REASONABLE DOUBT A S TO

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RS	PS	RT	BT
		THE ALLEGATIONS IN THE INDICTMENT, THEN ANSWER THE QUESTIONS AS YOUR BEST JUDGMENT SHALL DICTATE,AND AS YOUR CONSCIENCE WILL APPROVE, AND THE FACTS PROVEN WILL JUSTIFY. ACT	ALL THE MATERIAL ALLEGATIONS IN THE INDICTMENT? THEN ANSWER THE QUESTIONS AS YOUR OWN BEST JUDGMENT SHALL DICTATE, AS YOUR CONSCIENCE WILL APPROVE AND THE FACTS PROVEN MAY JUSTIFY. ACT
CAN WHEN I RETIRE TO MY COUCH	CAN I WHEN I RETIRE TO MY COUCH	SO THAT WHEN YOU RETIRE TO YOUR COUCH, AFTER THE TOIL OF THE DAY, TO REST YOUR WEARY BODIES DURING THE NIGHTS OF THE COMING FUTURE,	SO, THAT WHEN YOU RETIRE TO YOUR COUCH ~~AT~~ **AFTER** THE TOIL OF THE DAY TO REST YOUR WEARY BODIES DURING ~~COMING~~ **THE** NIGHTS OF THE COM**I**NG FUTURE —
AFTER LEAVING THIS JURY BOX AND RETURN HOME	AFTER LEAVING THIS JURY BOX AND RETURN HOME	AFTER YOUR LABORS AS JURORS IS ENDED AND YOU HAVE RETURNED TO YOUR HOMES AND HOUSEHOLD TREASURES, AS YOU RETURN THANKS TO THE GIVER OF ALL	~~AT~~A~~Y~~FTER YOUR PRESENT LABOR AS JURORS HAS ENDED AND YOU HAVE RETURNED **T**O YOUR HOMES AND HOUSEHOLD TREASURES, AND **AS** ~~AYS~~ YOU RETURN THANKS TO THE GIVER OF ALL

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RS	PS	RT	BT
AS I SAY MY EVENING PRAYER AND ASKING ALMIGHTY TO BLESS MY *[[22]]*[487]	AS I SAY MY EVENING PRAYER AND ASKING ALMIGHTY TO BLESS MY	GOOD FOR PAST BLESSINGS AND YOU PRAY FOR A CONTINUANCE OF DIVINE FAVORS, YOU [*space*] *[4]* CAN	GOOD FOR PAST BLESS~~E~~INGS, AND PRAY FOR A CONTINUENCE OF DIVINE FAVOR YOU CAN
EFFORTS CAN I SAY I	EFFORTS CAN I SAY THAT I	SAY "I FEEL A CONSCIOUSNESS OF	SAY, " I FEEL A CONSCIENTIOUSNESS OF
HAVE DONE MY DUTY	HAVE DONE MY DUTY	HAVING DONE MY WHOLE DUTY TO MY COUNTRY, THE PRISONER AT THE BAR, MYSELF — MY FAMILY, AND THE GOD OF NATURE" TO SO ACT YOU MUST RENDER A	HAVING DONE MY WHOLE DUTY TO ~~NK~~MY COUNTRY, THE PRISONER AT THE BA~~T~~R, M~~U~~YSELF, MY FAMILY AND THE GOD OF NATURE." **T**O SO ACT YOU MUST RENDER A
UNLESS I ACT IN ACCORDANCE WITH THE OPINION FORMED IN MY MIND AFTER A PROPER ESTIMATE OF THE EVIDENCE	UNLESS I ACT IN ACCORDANCE WITH THE OPINION FORMED IN MY MIND AFTER A PROPER ESTIMATE OF THE EVIDENCE	VERDICT IN ACCORD WITH THE OPINIONS FORMED IN YOUR MINDS, AFTER CAREFUL ESTIMATE OF THE EVIDENCE IN THIS CASE. THAT YOU MAY BE ABLE TO SO ACT THAT NO REMORSE OF CONSCIENCE SHALL	VERDICT IN ACCORDANCE WITH THE OPINIONS FORMED IN YOUR MINDS, AFTER A CAREFUL ESTIMATE OF THE *[4]* OF THE E~~F~~**V**IDENCE IN THIS CASE. THAT YOU ~~S~~MAY BE ABLE TO SO ACT THATNO REMORSE OF CONSCIENCE SHALL

487. In longhand at the top of the page: **BISHOPS 2 ADDRESS.**

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RS	PS	RT	BT
		HEREAFTER HAUNT YOU FOR A FAILURE OF DUTY ON THIS OCCASION, I WILL, SO FAR AS I HAVE POWER TO DO, MAKE PLAINTHE FACTS IN DISPUTE, TEAR AWAY THE FRAIL COVERING OF SOPHISTRY, AND REMOVE THE NET WORK OF PREJUDICE, THAT NOW CLOUDS THE WHOLE TRANSACTION, BLOW AWAY THE FOG OF MALICE, THE CLOUDS OF CALUMNY, PREJUDICED PRE-JUDGMENT AND POLITICAL HOSTILITY,WHI CH NOW, LIKE A PALL, OBSCURE THE TRUE FACTS IN THE CASE, AND THEREBY LET THE CLEAR SUN-LIGHT OF TRUTH BEAM UPON THE	HEREAFTER HAUNT YOU FOR A FAILURE OF DUTY ON THIS OC~~A~~CASION, I WILL SO FAR AS I HAVE POWER TO DO , MAKE PLAIN THE FACTS IN DISPUTE AND TRY AND TEAR AWA~~R~~RY THE FRAIL COVER**I**NG OF SOPHISTRY, AND REMOVE THE NET WORK OF PREJUDICE THAT NOW BECLOUDS THE WHOLE TRANSACTION; BLOW AWAY THE **FOG** ~~FOG~~ OF MAILCE, - THE CLOUDS OF CALUMNY, PREJUDICED JUDG**E**MENT AND POLITICAL HOSTILITY, WHICH NOW LIKE A ~~PAUL~~ PALL OBSCURE**S** THE TRUE FACTS IN THE CASE, AND THEREBY LET THE PURE SUNLIGHT OF TRUTH BEAM UPON THE

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RS	PS	RT	BT
		CAUSE — THEREBY SHOWING THE EXACT STATUS OF THE DEFENDANT, AND HIS TRUE CONNECTION WITH THIS MOST LEMANTABLE, UNNATURAL TRANSACTION. AND I CLAIM: THAT UPON A FULL, FAIR AND PERFECT EXAMINATION OF THE FACTS IN THE CASE I CAN CONVINCE YOU, AND ALL WHO MAY HEAR ME, THAT THE DEFENDANT HAS NOT BEEN PROVEN AS CHARGED IN THE INDICTMENT. MORE THAN THIS, I CLAIM THAT THERE IS NOT, JUDGING FROM COMPETENT EVIDENCE, EVEN A RESASONABLE PROBABILITY OF HIS GUILT AS CHARGED IN	CAUSE AND SHOW THE EXACT STATUS OF THE DEFENDANT, IN HIS TRUE CONNECTION WITH THIS ~~MOST~~ LAMENTABLE TRANSACTION. AND I CLAIM THAT UPON A FULL FAIT AND ~~PR~~ PERFECT EXAMINATION OF THE FACTS OF THE CASE, I CAN CONVINCE YOU AND ALL WHO MAY HEAR ME THAT THE DEFENDANT HAS NOT BEEN PROVEN **GUILTY** ~~GUILYTTY~~ AS CHARGED IN THE INDICTMENT. MORE THAN THIS, I CLAIM THAT THERS**RE** IS NOT— JUDGING FROM COMPETENT EVIDENCE— EVEN A REASONABLE PROBABILITY OF HIS GUILT AS CHARGED IN

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RS	PS	RT	BT
		THE INDICTMENT.	THE NDICTMENT.
NOW THEN GENTLEMEN LET'S RETURN TO THE EVIDENCE THAT IS INTRODUCED BEFORE YOU LET'S EXAMINE IT LET'S CONSIDER FOR A MOMENT	NOW GENTLEMEN LET'S RETURN TO THE EVIDENCE INTRODUCED BEFORE YOU LET'S EXAMINE IT LET'S CONSIDER FOR A MOMENT	THEREFORE, GENTLEMEN OF THE JURY, TURN WITH ME TO THE EVIDENCE THAT HAS BEEN GIVEN IN THE CASE. LET US EXAMINE IT, TEST IT, PROVE ITS WORTH, FOR THAT PURPOSE YOU ARE CHEMISTS, LEGAL CHEMISTS, ABLE TO PERFORM THE TASK ASSIGNED YOU, YOU MAY BE COMPARED TO THE PRACTICAL CHEMIST IN HIS LABORATORY, WITH A MASS OF CRUDE MATERIAL THAT IS TO BE ANALYZED. YOU MUST ANALYZE THE EVIDENCE, THE CRUDE MASS OF TESTIMONY BEFORE YOU. [5]	THEREFORE, GENT~~L~~LEMEN OF **T**HE GURY, TURN WITH ME TO THE EVIDENCE THAT HAS BEEN GIVEN IN TH**I**S CASE. LET US EXAMINE IT , TEST IT, AND PROVE ITS WORTH. FO**R** THAT PURPOSE YOU ARE CHEMISTS , - LEGAL CHEMISTS - ABLE TO PERFORM THE TASK ASSIGNED YOU. YOU ~~B~~MAY BE COMPARED TO THE PRACTICAL CHEMI~~ST~~**ST** IN HIS LABRATORY WITH A MASS OF CRUDE MATERIAL THAT IS TO BE ANALYSED. YOU MUST ANALYSE THE EVIDENCE — THE CRUDE MASS OF TESTIMONY BEFORE YOU.
YOU ARE LIKE A CHEMIST IN HIS LABORATORY WITH A LOT OF CRUDE MATERIAL BROUGHT BEFORE YOU FOR PURPOSE OF ANALYSIS	THAT YOU ARE LIKE A CHEMIST IN HIS LABORATORY WITH A LOT OF CRUDE MATERIAL BROUGHT YOU FOR THE PURPOSE OF ANALYSIS AND		
IT BECOMES	IT BECOMES	THE PRACTICAL	THE PRACTICAL

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RS	PS	RT	BT
YOUR DUTY TO APPLY THE TESTS TO THAT CRUDE MATERIAL IN ORDER TO ARRIVE AT PROPER DETERMINATION AS TO AMOUNT OF PRECIOUS MATERIALS THEREIN CONTAINED AS TO {THE}[i] COMPONENT PARTS OF THAT MASS. IN ORDER TO DO THIS IT BECOMES YOUR DUTY NOW TO TAKE EACH INGREDIENT	YOUR DUTY TO APPLY THE[488] TEST TO [*space*] AS THE COMPONENT PARTS ≤OF THAT MASS≥ *[[12]]* IN ORDER TO DO THIS AND TO GIVE THE TRUE CHEMISTRY IT BECOMES YOUR DUTY NOW TO TAKE EACH INGREDIENT	CHEMISTS APPLIES WELL KNOWN TESTS TO DETERMINE THE NATURE AND COMPOSITION OF THE CRUDE MATERIAL SUBMITTED TO ANALYSIS, AND TO DETERMINE ITS VALUE IN PRECIOUS METALS, OR TO LEARN ITS SECRET CHARACTERISTICS. YOU, AS LEGAL CHEMISTS,MUST APPLY THE TESTS OF REASON USE EVERY TEST OF HONEST EFFORT, YOUR KNOWLEDGE OF MANKIND, THE PASSIONS	CHEMIST APPLISES WELL NKNOWN TESTS TO DETERMINE THE NATURE AND COMPOSITION OF THE CRUDE MATERIAL SUBMITTED TO HIM FOR ANALYSES, AND TO DETERMINE ITS VALUE IN PRECIOUS METALS OR TO LEARN ITS SECRET CHARACTERISTICS. YOU AS LEGAL CHEMISTS MUST APPLY THE TESTS OF REASON; USE EVERY TEST OF HONEST EFFORT — YOUR KNOWLEDGE OF *[5]* **MAN**KIND, THE PASSIONS,

488. Word possibly added later.

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RS	PS	RT	BT
TO TAKE —[?] MASS AS IT IS PRESENTED TO YOU SEPARATE IT BACK IN ORIGINAL CONDITION APPLY PROPER TESTS; STRIP {IT FROM *ITSELF/ITS*[?]}[i] TRUTH FROM ERROR;	AS PRESENTED TO YOU SEPARATE IT BACK IN ORIGINAL NATURE AND ORIGINAL CONDITION APPLY THE PROPER TESTS SEPARATE TRUTH FROM ERROR	PREJUDICES, MOTIVESAND HOPES OF THE WITNESSES,WHICH ARE PROPER TESTS TO USE IN ANALYSING THE EVIDENCE. TAKE THE MASS OF EVIDENCE, REDUCE IT BACK TO ITS NATURAL ELEMENTS, APPLY THE PROPER TESTS TO DETERMINE ITS TRUTH AND RELEVANCE TO THE CASE ON TRIAL. CAUSE THE ERROR, FALSEHOOD, AND PREDETERMINED ~~JR~~ PERJURY, TO PAS OFF IN VAPOR, SETTLE THE INGREDIENT, TRUTH, BY THE TESTS OF REASON. PASS IT ALL THROUGH THE FURNACE OF CRITICISM, HEATED BY THE DISSOLVING FIRES OF A JUST	PREJUDICES, MOTIVES AND HOPES OF THE WITNESSES ARE PROPER TESTS TO USE IN ANALYS**I**NG THE EVIDENCE**.** TAKE THE MASS OF EVIDENCE, REDUCE IT BACK TO ITS NATURAL ELEMENTS, APPLY THE PROPER TESTS TO DETERMINE ITS TRUTH AND RELEVANCE TO THE CASE ON TRIAL.., CAUSE THE ERROR, FALSEHOOD, AND PREDETERMINED PERJURY **T**O PASS OFF IN VAPOR; SETTLE THE INGREDIENT TRUTH ~~T~~BY THE TEST OF REASON - PASS IT ALL T~~O~~HR~~T~~O~~H~~U~~E~~G~~H THE ~~WO~~FURNACE OF CRITICISM, HEAT IT BY DISOLVING FIRES OF A JUST

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RS	PS	RT	BT
		DETERMINATIO N TO DO EQUAL AND EXACT JUSTICE BETWEEN THE PEOPLE AND THE ACCUSED, THEN PUT IT IN THE CRUCIBLE OF JUSTICE AND SUBMIT IT TO THE TEST OF GODS LAWS, AND SEE HOW SMALL THE RESIDUE OF TRUTH REMAINING, AFTER THE DROSS OF FALSEHOOD HAS BEEN CAST ASIDE, AND DISREGARDED IN YOUR ESTIMATE OF TRUTH AND VALUE. DO THIS AND THE LIGHTS OF REASON WILL ILLUMINATE YOUR UNDERSTANDIN G. THROW ASIDE ALL THE ~~JER~~ PERJURED TESTIMONY,	DETERMINATIO N TO DE EQUAL AND EXACT JUSTICE BETWEEN THE P~~R~~**E**OPLE AND **T**HE ACCUSED; THEN PUT IT IN THE CRUC~~B~~IBLE OF JUSTICE AND SUBMITT **IT TO THE TE**ST OF GOD'S LAWS AND **SEE HOW SMALL IS T**HE RESIDUE OF TRU**T**H REMAINING AFTER THE DROSS OF FALSEHOOD HAS BEEN CAS~~E~~T ASIDE AND DISREGARDED IN YOUR ESTIMATE OF TRUTH AND ITS VALUE. **D**O THIS, AND THE LIGHTS OF REASON WILL I**L**LUMINATE YOUR ~~REASON~~ UNDERSTANDIN G. THROW ASIDE ALL ~~YOUR~~ THE P~~U~~**E**RGURED TESTIMONY
THROW ASIDE THE PERJURED WITNESS AS OF NO ACCOUNT. HERE IN THIS CASE RULING SIMPLY UPON TESTIMONY	THROW ASIDE THE PERJURED WITNESS AS OF NO ACCOUNT HERE IN THIS CASE RULING SIMPLY UPON THE TESTIMONY		

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RS	PS	RT	BT
OF THOSE MEN WHO HAVE TOLD THE TRUTH THOSE MEN YOU BELIEVE HAVE TESTIFIED HAVE DETERMINED TO ANSWER TO THEIR GOD FOR THE EVIDENCE THEY HAVE GIVEN. LOOKING AT IT THIS WAY ASK YOURSELVES HOW MUCH OF TRUTH REMAINS	OF THOSE MEN WHO HAVE TOLD THE TRUTH THOSE MEN THAT YOU BELIEVED THEY HAVE TESTIFIED WITH A DETERMINATIO N ANSWER TO THEIR GOD FOR THE EVIDENCE THEY HAVE GIVEN LOOK AT IT IN THIS WAY AND ~~<~~ASK YOURSELVES~~>~~ HOW MUCH OF TRUTH REMAINS	IT IS CHEMICALLY DESTROYED BY TRUTH, GIVE NO CREDENCE TO FALSE STATEMENTS, MADE BY THOSE WHO HAVE BIDDEN DEFIANCE TO TRUTH, WHILE ON THE STAND. GIVE CREDIT WHERE CREDIT IS DUE TO EVERY WITNESS, TO EACH WORD SPOKEN ON THE STAND; DO THIS, AND THEN SAY IF YOU CAN, THAT YOU ARE	WHICH WILL BE CHEMICALLY DES~~R~~TROYED BY TURTH; GIVE NO CREDENCE TO FALSE STATEMENTS MADE BY THOSE WHO HA~~B~~**V**E BIDDEN DEFIANCE TO TRUTH WHILE ON THE STAND. GIVE **CREDIT** ~~CREDIT~~ WHERE CREDIT I~~D~~**S** DUE TO EVERY WITNESS, TO EVERY WORD SPOKEN ON THE STAND. DO THIS NAD THEN SAY, IF YOU CAN, THAT YOU ARE
IS THERE ENOUGH TO	IS THERE ENOUGH TO		

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RS	PS	RT	BT
SATISFY ME BEYOND REASONABLE DOUBT THAT THAT PRISONER AT THE BAR HAS COMMITTED THE CRIME AS CHARGED IN THIS INDICTMENT. THEY SAY IN COMMON PARLANCE THAT A WORKMAN IS KNOWN BY HIS TOOLS WELL IF THAT BE SO MY BROTHER CAREY	SATISFY ME BEYOND REASONABLE DOUBT THAT THIS PRISONER AT THE BAR HAS COMMITTED THE CRIME AS CHARGED IN THIS INDICTMENT THEY SAY IN COMMON PARLANCE THAT A WORKMAN IS KNOWN BY HIS TOOLS IF THAT BE SO MY BROTHER CAREY	SATISFIED BEYOND A REASONABLE DOUBT THAT THE PRISONER AT THE BAR COMMITTED THE CRIME AS CHARGED IN THE INDICTMENT. WE SOMETIMES HEAR IT SAID THAT A [6] WORKMAN CAN BE TOLD BY THE CHARACTER OF THE TOOLS USED IN HIS LABORS. IF I SHOULD APPLY THIS RULE TO MY BROTHER CAREY, BASKIN AND OTHERS, WHO APPEAR AS ATTORNEYS FOR THE PROSECUTION, CALLING THEIR WITNESSES THE TOOLS THEY USED IN THEIR EFFORT TO CONSTRUCT A VERDICT OF GUILTY IN THIS CASE YOU WOULD BE JUSTIFIED IN PRONOUNCING THEM POOR	SATISFIED BEYOND A REASONABLE DOUBT THAT THE PRISONER AT **T**HE BAR **IS GUILTY** AS CHARGED IN THE INDICTMENT. [*space*] WE SOMETIMES HEAR IT SAID THAT A WORKMEN CAN BE TOL~~D~~**D** BY THE CHARACTER OF THE TOOLS USED IN HIS LABORS, IF I SHOULD APPLY THIS RULE TO MY BROTHERS CARY, BASKIN AND OTHERS WHO APPEAR AS ATTORNE~~S~~YS FOR THE PROSECUTION, CALLING THEIR WITNESSES THE TOOLES THEY USE IN THEIR EFFORTS TO BRING ABOUT A VERDICT OF GUILTY IN THIS CASE, YOU WOULD BE JUSTIFIED IN PRONOUNCING THEM POOR

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RS	PS	RT	BT
		WORKMEN INDEED, HARDLY RESPECTABLE APPRENTICES; FOR THEY HAVE BROUGHT FORWARD AN UNSIGHTLY, UNMANLY, YEA, AN UNGODLY SET OF MIS-SHAPEN MISCREANTS TO TESTIFY IN THIS CASE.	WORKMEN INDEED, - HARDLY RESPECTABLE APPRENTICES; FOR THEY HAVE BROUGHT FORWARD AN UNSIGHTLY -, UNMANLY, YEA, AN UNGODLY SET OF MISSHAPEN MISCREANTS TO TESTIFY IN THIS CASE! [6]
IS ONE OF THE WORKMEN ON EARTH [*space*] HE HAS PRESENTED TO YOU A SET OF TOOLS WITH WHICH HE IS OUT TO FORM VERDICT WITH THAT SEEMS TO BE IN MY JUDGMENT DISTORTED ILL FASHIONED CORRUPT ROTTEN AND DISGUSTING THAT HUMANITY ~~CAN~~ COULD CONCEIVE OF.	IS ONE OF THE WORST WORKMEN ON EARTH FOR HAS PRESENTED TO YOU A SET OF TOOLS WITH WHICH TO —[?] *A/THE*[?] *T* [?] AND FORM A VERDICT THAT SEEMS TO BE IN MY JUDGMENT THE MOST DISCREDITED ILL FASHIONED CORRUPT AND ROTTEN AND DISGUSTING THAT HUMANITY COULD CONCEIVE OF [*space*]	FEW OF THE WITNESSES FOR THE PROSECUTION	FEW OF THE WITNESSES FOR THE PROSECUTION

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RS	PS	RT	BT
		ARE ENTITLED TO FULL CREDIT. SOME OF THEM TO NO FAVORABLE CONSIDERATIO N; WHILE THOSE ENTITLED TO BELIEF AND THE CLAIM OF RESPECTABILIT Y, KNOW ABSOLUTELY NOTHING OF THE MATERIAL FACTS IN THE CASE. LOOK NOW AT THE EVIDENCE	ARE ENTITLED TO FULL CREDIT; SOME OF THEM TO NO FAVORABLE CONSIDERATIO N, WHILE THOSE ENTITLED TO BELIEF AND THE C~~A~~LAIM OF RESP~~R~~ECTABILI TY KNOW ABSOLUTELY NOTHING OF THE FACTS IN THE CASE:— LOOK , NOW AT THE EVIDENCE:—
WHAT DO WE FIND FIRST. LET'S TAKE THEM THROUGH *FIRST*[?] GO AT IT AND FIND IT WANT TO CALL YOUR ATTENTION TO THESE WITNESSES AS I GO ALONG SO THAT YOU CAN HAVE SOMETHING TO THINK OF.	WHAT DO YOU FIND FIRST LET'S TAKE THEM THROUGH GO AT IT AND *DEFINE*[?] IT [*space*] CALL YOUR ATTENTION TO THESE WITNESSES AS THEY COME ALONG SO THAT YOU CAN HAVE SOMETHING TO THINK ABOUT		
THEY START IN WITH ROBERT KEYES WELL. NOW ROBERT KEYES IS PERHAPS ONE OF THE BEST MEN ON EARTH BUT	THEY START IN WITH ROBERT KEYES NOW ROBERT KEYES IS PERHAPS ONE OF THE BEST MEN ON EARTH BUT	THEY START WITH ROBERT KEYES. WELL ROBERT IS PERHAPS A PURE, GOOD AND UPRIGHT MAN, BUT	THEY START WITH ROBERT KEYS. WELL, ROBERT IS PERHAPS A PURE, GOOD, AND UPRIGHT MAN, BUT

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RS	PS	RT	BT
UNFORTUNATELY FOR PROSECUTION HE DOES NOT KNOW ANYTHING ABOUT THIS CASE. HE RETURNED FROM CALIFORNIA *BY/BUT*[?] PERHAPS SOME MONTHS AFTER THIS TRANSACTION; SAW SOME BONES AT MOUNTAIN MEADOW. IF HE HAD LIVED WHEN SHAKESPEARE DID THERE WOULD HAVE BEEN ANOTHER TRAGEDY WRITTEN BECAUSE	UNFORTUNATELY FOR PROSECUTION HE DOES NOT KNOW ANYTHING ABOUT THIS CASE HE RETURNED FROM CALIFORNIA BUT PERHAPS SOME MONTHS AFTER THIS TRANSACTION SAW SOME BONES AT MOUNTAIN MEADOWS HE HAD LIVED WHEN SHAKESPEARE DID THERE WOULD HAVE BEEN ANOTHER TRAGEDY WRITTEN BECAUSE	UNFORTUNATELY FOR THE PROSECUTION HE DOES NOT KNOW ANYTHING ABOUT THIS CASE. HE RETURNED FROM CALIFORNIA SOME MONTHS AFTER THE TRANSACTION, PASSED BY THE MEADOWS ON HIS WAY, SAW SOME BONES THERE ON THE MOUNTAIN MEADOWS. IF ROBERT HAD LIVED IN THE DAYS OF SHAKESPEAR~~A~~E AND BEEN ACQUAINTED WITH THAT WONDERFUL WRITER, WHAT AN IMPROVEMENT COULD HAVE BEEN MADE IN HIS TRAJEDIES, WE CAN ONLY CONJECTURE, FROM THE STYLE AND MANNER OF	UNFORTUNATELY FOR THE PROSECUTION HE DOES NOT KNOW ANYTHING ABOUT THE CASE. HE RETURNED FROM CALIFORNIA SOME MONTHS AFTER THE TRANSACTION, PASSED BY THE MEADOWS ON HIS WAY AND SAW SOM~~WE~~ BONES THERE ON THE MOUNTAIN MEADOWS. IF ROBERT HAD LIV~~E~~D IN THE DAYS OF SHAKESPEARE AND BEEN ACQUAINTED WITH THAT WONDERDUL WRITER, WHAT AN I~~N~~MPROVEMENT COULD HAVE BEEN MADE IN HIS TRAGEDI~~S~~ES. WE CAN ONLY CONJECTURE FROM THE STYLE AND MANNER OF

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RS	PS	RT	BT
THE STORY THAT KEYES GIVES OF THAT YOUNG LADY LYING BY THE PILE OF BONES AND THAT HE RELATED NATURE HAD BEEN STAYED IN HER INSTANCE AND THE DECAY HAD NOT MARRED HER FAIR FORM.	THE STORY THAT KEYES GIVES OF THAT YOUNG LADY LYING BY THE PILE OF BONES AND THAT THE RULE OF NATURE HAD BEEN STAYED IN HER INSTANCE AND THAT DECAY HAD NOT MARRED HER FAIR FORM	ROBERT, AS HE WITH GUTTERAL SOUNDS DESCRIBES THE PLACE WHERE, ACCORDING TO HIS UNREASONABLE VERSION THE YOUNG LADY LAY, THE ONE THAT HE TELLS US WAS THEN UNDECAYED: THAT THE DESTROYERS, DEATH AND TIME , HAD NOT MARRED HER FAIR FEATURES, OR RO~~V~~BBED NATURE OF ITS LOVELINESS. THAT SHE LAY THERE WITH A SMILE ON HER COUNTENANCE, A MAJIC BUT STILL SILENT WITNESS OF ONE OF MAN'S MOST UNNAT- [7] URAL CRIMES. INCREDIBLE STATEMENT,	THIS ROBERT AS HE WITH GUTTERAL SOUNDS DESCRIBES THE PLACE WHERE ACCORDING TO HIS UNREASONABLE VERS~~O~~ION THE YOUN~~O~~**G** LADY LAY— THE ONE THAT HE TELLS US WAS THEN UNDECAYED— THAT THE DESTROYERS, DEATH AND TIME, HAD NOT MARRED HER FAIR FEATURES OR **ROBBED** ~~WROUGHT~~ NATURE OF ITS LOVLINESS. THAT ~~SHE~~ **SHE** LAY THERE WITH A SM~~L~~ILE ~~W~~**O**N HER ~~V~~COUNTENANCE, A MAGIC BUT STILL SILENT WITNESS, OF ONE OF MAN'S MOST UNNATURAL CRIMES. INCREDABLE STATEMENT!

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RS	PS	RT	BT
		BEARING NO SEMBLANCE OF TRUTH, YET TOLD WITH ALL THE EARNESTNESS OF AN ACTOR ON THE MIMIC STAGE. ~~S~~	BEARING NO SEMBL~~L~~**A**MCE OF TRUT~~;~~H; ~~;~~YET TOLD WITH ALL THE SEMBLENCE OF AN ACTOR ON THE MIMICS STAGE.
WHY DID HE SWING THAT IN{?}[i] *[[23]]*[489] IN SUPPORT OF THE OPENING STATEMENT OF MY FRIEND CAREY. YOU HAVE HEARD THIS STORY. YOU ALL SEE THE POINT. THERE IS NO EVIDENCE GENTLEMEN TO SUPPORT THE THEORY OF THE GENTLEMAN IN HIS OPENING STATEMENT AND THERE CERTAINLY IS NO OTHER MAN THAT BELIEVES THAT THERE WAS ANY SUCH THING THERE.	WHY DID HE SPRING THAT IN IN SUPPORT OF THE OPENING STATEMENT OF MY FRIEND CAREY YOU HAVE HEARD THIS STORY YOU ALL SEE THE POINT THERE IS NO EVIDENCE GENTLEMEN TO SUPPORT THEORY OF THE GENTLEMAN IN HIS OPENING STATEMENT AND THERE CERTAINLY IS NO MAN THAT BELIEVES THAT THERE WAS ANY SUCH THING THERE	A STATEMENT THAT NONE CAN BELIEVE, YET IT EXCITES PITY FOR THE MAN WHOSE PREJUDICE HAS CLOUDED HIS SENSE OF RIGHT, RATHER THAN PRODUCING	A STATEMENT THAT NONE CAN BELIEVE, YET EXCITES PITY FOR THE MAN WHOS**E** PREJUDICE HAS CLOUDED HIS SENCE OF RIGHT, R~~Z~~ATHER THAN PRODUCING

489. In longhand at the top of the page: **3 OF BISHOPS ADDRESS.**

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RS	PS	RT	BT
		HORROR FOR THE PERPETRATION OF THE ALLEGED	HORROR FOR THE PERPETRATION ~~FOOFRRTHHEE~~ **OF THE** ALLEGED
NEXT WE TAKE ASHAEL BENNETT A MAN THAT HAS PASSED HIS PRIME {MEMORY.}[i]	NEXT WE TAKE ASHAEL BENNETT A MAN WHO HAS PASSED HIS PRIME	CRIME. NEXT COMES ASHAEL BENNETT, A MAN AGED AND WEAKENED BY LONG COURSE OF TOIL; ONE THAT IS NATURALLY HONEST AND INTENDS TO BE ~~A~~ FAIR. HE	CRIME. NEXT COMES ASHAEL BENNETT, A MAN AGED AND WEAKENED BY A LONG COURSE OF TOIL, ONE THAT IS NATURALLY HONEST AND INTENDS TO BE FAI~~L~~R. HE
COMES BEFORE YOU DETERMINED TO TELL ALL	COMES BEFORE YOU DETERMINED TO TELL ALL	COMES BEFORE YOU DETERMINED TO TELL ALL HE KNOWS, ALL	COMES BEFORE YOU DETERMINED TO TELL ALL HE KNO~~E~~WS - , ALL
HE SAW AND I SUPPOSE HAS DONE SO	HE SAW AND I SUPPOSE HAS [*space*] DONE SO	HE SAW AND ALL THAT HE THINKS HE EVER SAW OR BEHELD AT OR NEAR MOUNTAIN MEADOWS.	HE SAW AND ALL THAT HE THINKS HE EVER SAW OR BEHELD AT OR NE~~Q~~**A**R MOUNTAINMEA DOWS.
BUT HE HAS THOUGHT OF THIS MATTER FROM THAT DAY TO THIS; AND HIS MIND HAS WANDERED FROM ONE SUBJECT TO ANOTHER.	BUT HE HAS THOUGHT OF THIS MATTER FROM THAT DAY TO THIS AND HIS MIND HAS WANDERED FROM ONE SUBJECT TO ANOTHER *[[13]]*		*[7]*
HE HAS TALKED WITH VARIOUS INDIVIDUALS	HE HAS TALKED WITH VARIOUS INDIVIDUALS	HE HAS TALKED	HE HAS TALKED OF THE SUBJECT FOR YE~~Q~~**A**RS

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RS	PS	RT	BT
ABOUT TRANSACTION UNTIL HE HAS COME TO THE CONCLUSION THAT HE SAW MORE THAN HE DID. IT IS SUFFICIENT FOR ME GENTLEMEN {IN}[i] PASSING {OVER IT}[i] TO SAY {THE}[i] EVIDENCE OF THIS OLD GENTLEMAN HAS NO BEARING UPON THIS CASE. HE IS THROWN IN FOR CLAP TRAP AND BUNKUM TO CARRY OUT {THE}[i] THEORY OF THE PROSECUTION AND TO ENABLE THEM TO PRESENT BEFORE THIS JURY AN EXTENSIVE CHAPTER OF HORRORS. IT IS SUFFICIENT ANSWER TO HIS EVIDENCE TO SAY	ABOUT THE TRANSACTION UNTIL HE HAS COME TO THE CONCLUSION THAT HE SAW MORE THAN HE DID IT IS SUFFICIENT FOR ME GENTLEMEN PASSING TO SAY THAT THE EVIDENCE OF THIS OLD GENTLEMAN HAS NO BEARING UPON THIS CASE [*space*] IS THROWN IN FOR CLAP TRAP AND FOR BUNK INTENT TO CARRY OUT THE THEORY OF THE PROSECUTION AND TO ENABLE THEM TO PRESENT BEFORE THIS JURY AN EXTENSIVE CHAPTER OF HORRORS [*space*] IT IS SUFFICIENT ANSWER TO HIS EVIDENCE	OF THE SUBJECT FOR YEARS, UNTIL NOW HE BELIEVES THAT HE SAW MORE THAN HE DID. IT IS SUFFICIENT ANSWER TO HIS TESTIMONY TO SAY, IT HAS NO BEARING ON THE CASE. HE WAS CALLED FOR ‘<u>EFFECT</u>, TO CARRY OUT THE THEORY OF THE PROSECUTION, WHICH IS,THAT THE DEFENDANT CAN AND MUST BE CONVICTED BY THE RECITAL OF A CHAPTER OF HORRORS WITH WHICH HE IS UNCONNECTED. IT IS A SUFFICIENT ANSWER TO HIS TESTIMONY TO SIMPLY CALL	UNTIL NOW HE BELIEVES HE SAW MORE THAN HE DID. IT IS SUFFICIENT ANSWER TO HIS TESTIMONY TO SAY THAT IT HAS NO BEARING ON THE CASE. HE WAS CA**L**LED FOR AN EFFECT TO CARRY OUT THE T~~E~~HEORY OF THE PROSECUTION, WHICH IS THAT THE DEFEND~~Z~~**A**NT CAN AND MUST BE CONVICTED BY THE RECITAL OF A CHA PTER OF HORRORS WITH WHICH HE IS UNCONNECTED. IT IS A SUFFICIENT ANSEWR **T**O HIS TESTIMONY TO SIMPLY CALL

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RS	PS	RT	BT
		YOUR ATTENTION TO HIM AS HE TESTIFIED; THE REMARKS HE THEN MADE BEAR OUT THE IDEA, THAT HE IS MISTAKEN AS	YOUR ATTENTION TO HIM AS HE TESTIFIED; THE REMARKS HE THEN MADE, BEAR OUT THE IDEA THAT HE IS MISTAKEN AS
THIS HE SAYS TO YOU HE THOUGHT HE WAS AT THE SCENE FOR 2 HOURS	THAT HE SAYS TO YOU THAT HE WAS THERE[490] AT THE SCENE FOR TWO HOURS	TO FACTS. HE SAYS "THAT HE THOUGHT HE WAS AT THE SCENE FOR TWO HOURS[22] LOOKING UPON THE MASS OF HUMAN	TO THE FACTS. HE SAYS, " THAT HE THOUGHT HE WAS AT THE SCEN~~T~~**E** FOR TWO HOURS LOOKING UPON THE MASS OF HUMAN
WHEN IN FACT HE WAS THERE BUT 2 MINUTES. THAT IS ENOUGH AS FAR AS HE IS CONCERNED TO SAY HE WAS THERE; WAS EXCITED UPON THAT OCCASION	WHEN IN FACT WAS THERE BUT TWO MINUTES THAT IS ENOUGH AS FAR AS HE IS CONCERNED TO SHOW THAT HE WAS[491] THERE SO EXCITED UPON THE OCCASION	REMAINS WHEN IN FACT HE WAS THERE BUT TWO MINUTES" . SO MUCH FOR THAT. HE WAS THERE — HE WAS GREATLY EXCITED WHILE THERE. THAT HE WAS THEN, HAS BEEN SINCE, AND IS	REMAINS, WHEN IN FACT HE WAS THERE BUT TWO MINUT~~E~~**S.** SO MUCH FOR THAT. HE WAS THERE — WAS GREATLY EXCITED WHILE THERE. THAT HE WAS THERE**,** HAS BEEN SINCE, AND IS
AND SO PREJUDICED BY SOMEONE SINCE THAT TIME HE CAN'T	AND SO PREJUDICED BY SOMETHING SINCE THAT TIME THOUGHT HE *CAN'T*[?][492]	NOW GREATLY PREJUDICED AGAINST THE DEFENDANT, AND THE WHOLE	NOW GREATLY PREJUDICED AGAINST THE DEFENDANT AND TH~~W~~**E** WHOLE

490. Word apparently added later.
491. "THAT HE WAS" apparently added later.
492. Word apparently added later.

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RS	PS	RT	BT
TELL WHAT HE SAW ONLY WHAT HE DID.	TELL WHAT HE SAW ONLY THAT HE DID [*space*]	MORMON PEOPLE, WHO, AT THAT TIME, INHABITED THE WILDS OF UTAH, AND THAT HE IS NOW AN UNFORTUNATE OLD MAN, WHOSE PREJUDICE REMAINS AFTER JUDGMENT AND REASON HAS BEEN DISSIPATED BY AGE AND *[8]* ~~DISSIPA~~ ASSOCIATION. CAN IT BE QUESTIONED BY YOU, SINCE LOOKING AND LISTENING TO HIM ON THE STAND. THE NEXT WITNESS IS THE PECULIAR PET OF THE UNITED STATES ATTORNEY, THE MONSTER, SELF-ACCUSED MURDERE~~D~~R, WHO COMES HERE TO AID THE GOVERNMENT; THE MISCREANT CALLED	MORMON PEOPLE WHO AT THAT TIME INHABITED THE WILDS OF UTAH, AND THAT HE IS NOW AN UNFORTUNATE OLD MAN ~~AT THE~~ **WHOSE** JUDGMENT AND REASON HAVE ~~M~~BEEN DISSIPATED BY AGE AND ASSOCIATION CANNOT BE QUESTIONED BY YOU, SINCE LOOKING AND LISTININGIN AT HIM ON THE STAND. THE NEXT WITNESS IS A P~~R~~ECULIA~~T~~R PET OF THE UNITED STATES ATTORNEY; THE MONSTER SELF ACCUSED MURDERER, WHO COMES HERE TO AID THE GOVERNMENT — THE MISCREANT CALLED
THEIR NEXT WITNESS IS THIS GREAT ASSISTANT TO THE UNITED STATES DISTRICT ATTORNEY	THEIR NEXT WITNESS IS THIS GREAT ASSISTANT TO THE UNITED STATES DISTRICT ATTORNEY		

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RS	PS	RT	BT
K SMITH THAT MAN THAT TELLS YOU FROM THE EARLIEST DAYS OF MORMONISM DOWN TO SOME 3 OR 4 YEARS AGO HE WAS AN EARNEST AND DEVOTED FOLLOWER IN THE FOOTSTEPS OF THE TEACHERS OF THAT RELIGION. THAT HE HAD FOLLOWED THROUGH ITS ENTIRE CAREER STARTING WITH IT WHEN BUT FEW HAD ADOPTED ITS TENETS THAT HE WAS AT NAUVOO	KLINGEN SMITH THAT MAN THAT TELLS YOU FROM THE EARLIEST DAYS OF MORMONISM DOWN TO SOME 3 OR 4 YEARS AGO HE WAS AN EARNEST AND DEVOTED FOLLOWER IN THE FOOTSTEPS OF THE TEACHERS OF THAT RELIGION THAT HE HAD FOLLOWED IT THROUGHOUT ITS ENTIRE CAREER STARTING WITH IT WHEN BUT FEW HAD ADOPTED HIS TENETS THAT HE WAS AT NAUVOO	KLINGENSMITH. THIS MAN TELL S YOU THAT FROM THE EARLIEST DAYS OF MORMONISM, UNTIL WITHIN THE LAST FOUR YEARS, HE WAS AN EARNEST AND DEVOTED FOLLOWER IN THE FOOTSTEPS OF THE TEACHERS OF THAT RELIGION. THAT HE HAD FOLLOWED THAT CHURCH THROUGH ITS WHOLE CAREER, STARTING OUT WITH THE EARLY FOUNDERS, WHEN BUT FEW HAD EMBRACED ITS FAITH, OR ADOPTED ITS TENETS AND MODES OF WORSHIP. THAT HE WAS AT NAUVOO, AIDED TO FOUND THE CITY, TO CONSTRUCT THE TEMPLE, LEARNED	KLINGENSMITH. THIS MAN TE**L**LS YOU THAT FROM THE EARLIEST DAYS OF MORMONISM UNTILL WITHIN THE LAST FOUR YEARS HE WAS AN EARNEST AND DEVOTED FOLLOWER IN THE FOOTSTEPS OF THE TEACHERS OF THAT RELIGION. THAT HE HAD FOLLOWED THAT CHURCH THROU~~GH~~**GH** ITS WHOLE CAREER, STARTING OUT WITH THE EARLY FOUN**D**ERS WHEN BUT FEW HAD EMBRACED ITS FAITH OR A~~D~~DOPTED ITS TENNETS ~~Z~~**A**ND AND MO~~R~~**D**ES OF WORSHIP. THAT HE WAS AT NAUVOO; AIDED TO FOUND THE ~~TEM~~CITY; **TO** CONSTRUCT THE TEMPLE; LE~~Q~~ARNED

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RS	PS	RT	BT
		WISDOM AT THE FEET OF THE PROPHET, AND THERE ASSISTED IN TEACHING THE FAITH.	WISDOM AT **T**HE FEET OF THE PROPHET AND THERE ASSISTED IN TE~~Z~~ACHING A THE F~~S~~**A**ITH.
		CAME WITH THE MORMON REFUGEES FROM THE SMILING GRAIN-FIELDS OF THE VALLEY OF THE	CAME W ITH THE MORMON REFUGEES FROM THE SMILING RAINFIELDS OF THE MIGHT**Y** V~~Z~~ALLEY OF
	AND	MISSISSIPPI,	THE MISSIPPI,
CAME ACROSS THE	CAME ACROSS THE	OVER THE TRACKLESS	OVER THE TRACKLESS
PLAINS AND	PLAINS AND	PLAINS, THROUGH THE MOUNTAIN REGIONS, AND AIDED IN PLANTING A	PLAINS**,** *[8]* THROUGH **T**HE MOUNTAIN REGIONS ~~S~~AND AIDED ~~A~~IN PLANT**I**NG THE
SETTLED IN	SETTLED IN	COLONY IN	COLONY OF
SALT LAKE	SALT LAKE	SALT LAKE CITY	SALT LAKE CITY
AT AN EARLY	AT AN EARLY	IN THE EA~~T~~RLY	IN THE EARLY
DATE	DAY	DAYS OF UTAH.	DAYS OF UTAH.
ACTED	ACTED	ACTED FOR	ACTED
AS	AS A	YEARS AS A	AS A
PIONEER OF	PIONEER OF	PIONEER OF	PIONEER OF
MORMON	MORMON	MORMON	MORMON
CIVILIZATION	CIVILIZATION	CIVILIZATION. WAS ONE OF THE FOUNDERS, RULERS, AND DEFENDERS OF CEDAR CITY,	CIVILIZATION, WAS ONE OF THE FOUNDERS, RULERS AND DEFENDERS OF CEDAR CIT~~Y~~**Y,**
ENTRUSTED	ENTRUSTED	AIDING IN	AIDING IN
WITH PLANNING	WITH PLANNING	PLANTING THAT	PLANTING THAT
THAT	AND	AND OTHER	~~Z~~AND OTHER
SETTLEMENT IN	SETTLING	SETTLEMENTS	SETTLEMENTS
NEW DISTRICTS	NEW DISTRICT	ON THE	ON THE
AND ENTRUSTED	TRUSTED	OUTSKIRTS OF	OUTSKIRTS OF

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RS	PS	RT	BT
BY HEADS OF THAT CHURCH WITH IMPORTANT AND GETS PLACED AT CEDAR CITY THEN MOST IMPORTANT POINT IN SOUTH WEST UTAH AS A BISHOP OF THAT CHURCH AS A BISHOP THAT OFFICE MEANT IN CHARGE OF TEMPORAL AFFAIRS OF THAT PEOPLE WITH BUT ONE ABOVE HIM THAT HE *HE/AND*[?] WITHOUT OBJECTION PERMITTED THIS DEED TO BE DONE [*space*]	BY HEADS OF THAT CHURCH WITH IMPORTANT AND GETS PLACED AT CEDAR CITY THEN THE MOST IMPORTANT POINT IN SOUTHWEST UTAH AS THE BISHOP OF THAT POST AS THE MAN IN CHARGE OF THE TEMPORAL AFFAIRS OF THAT PEOPLE WITH BUT ONE ABOVE HIM THAT HE THAT HE *WITHOUT*[?] OBJECTION PERMITTED THIS DEED TO BE DONE	CIVILIZATION IN SOUTH-WESTERN UTAH. THAT HE WAS A BISHOP OF THE CHURCH, AND AS THE BISHOP AT CEDAR CITY, HAD FULL CONTROL OF THE TEMPORAL AFFAIRS OF THE PEOPLE,WITH ONLY ONE MAN OVER HIM, AND HE TELLS YOU THAT ONE MAN ORDERED THE MASASSACRE,AND THAT HE, AS RULER OF THE PEOPLE, AS THEIR TEMPORAL HEAD, STOOD BY AND PERMITTED, YES, MORE THAN PERMITTED, AIDED IN THE COMMISSION OF THAT UNNATURAL	CIVILIZATION IN SOUTHWESTERN UTAH; THAT HE WAS A BISHOP OF THE CHURCH, AND AS THE BISHOP AT CEDAR CITY HAD FULL CONTROLL OF THE TEMPORAL ARFAIRS OF THE POEOPLE WITH ONLY ONE MAN OVER HIM AND HE TELLS YOU THAT ONE MAN ORDERED THE MASSACRE; AND THAT HE HAAS RULER OF THE PEOPLE — AS THEIR TEMPORAL HEAD — STOOD BY AND PERMITTED — YES, MORE THAN COMMITE PERMITTED, AIDED IN THE COMMISSION OF THE UNNATURAL,

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RS	PS	RT	BT
THAT HE DID NOT RAISE HIS VOICE AGAINST IT EXCEPT TO SIMPLY ASK QUESTION WHAT WILL BE THE RESULT IF THE EMIGRANTS WERE KILLED?. WAS NOT THAT A TERRIBLE OPPOSITION FOR A MAN LIKE SMITH BISHOP OF CHURCH COME BEFORE COUNCIL HE SPEAKS TO AND TO SAY HE OPPOSED THE PLAN FOR SLAUGHTERING THIS PEOPLE WHEN ASKED WHETHER HE WAS IN	THAT HE DID NOT RAISE VOICE THEN AGAINST IT EXCEPT TO SIMPLY ASK QUESTION WHAT WILL BE THE RESULT IF THE EMIGRANTS ARE KILLED [*space*] WAS NOT THAT A TERRIBLE OPPOSITION FOR A MAN LIKE SMITH A BISHOP OF THE CHURCH TO GO BEFORE THE COUNCIL THAT HE SPEAKS TO AND SAY THAT HE OPPOSED THE PLAN FOR SLAUGHTERING THIS PEOPLE WHEN ASKED THE WORDS THAT HE USED FOR	AND INEXCUSABLE CRIME. [9] HE DID NOT EVEN RAISE HIS VOICE TO PREVENT THE MASSACRE,BUT CONTENTED HIMSELF WITH ASKING THE QUESTION “WHAT WILL BE THE RESULT IF THE EMIGRANTS ARE ALL KILLED ? ” WAS NOT THAT A TERRIBLE OPPOSITION LIKE KLINGENSMITH, BISHOP OF THE CHURCH AT CEDAR CITY, EVEN IF HE DID GO BEFORE THE COUNCIL AND SAY HE WAS OPPOSED TO KILLING THE EMIGRANTS. WHEN ASKED BY COUNSEL FOR THE DEFENDANT WHAT HE DID TO PREVENT IT, WHAT	UNEXCU~~A~~SABLE CRI~~N~~ME. HE DID NOT EVEN RAISE HIS VOICE TO PREVENT THE MASSACR~~Z~~E; BUT CONTENTED HIMSELF WITH ASKING THE QUESTION, “ WHAT WILL BE THE RESULT, IF THE EMIGR~~S~~ANTS ARE ALL KI**L**LED?” WAS NOT THAT A TERRIBLE OPPOSITION FOR A MAN LIKE KLINGENSMITH, BISHOP OF THE CHURCH OF CEDAR CITY, EVEN IF HE DID GO BEFORE THE COUNSEL AND SAY HE WAS ~~P~~OPP~~X~~OSED TO KILLING THE EMIGRANTS**,** WHEN ASKED BY COUNSEL FOR THE DEFENDANT **W**HAT HE DID TO PREVENT IT**,** **—**WHAT

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RS	PS	RT	BT
OPPOSITION *[[24]]*[493] HE SAYS I ASKED THE QUESTION WHAT WILL BE CONSEQUENCES IF THESE EMIGRANTS ARE KILLED. ? THEN HE SAT BACK	OPPOSITION [*space*] HE SAYS I ASKED THE QUESTION WHAT WILL BE CONSEQUENCES IF THESE EMIGRANTS ARE KILLED THEN HE SETTLED BACK	OPPOSITION HE MADE ,HE SAYS " I ASKED THE QUESTION, WHAT WILL BE THE CONSEQUENCES IF THESE EMIGRANTS ARE KILLED." AFTER THIS QUESTION HE SETTLED BACK IN HIS SEAT WITH ALOOK OF SATISFACTION BEAMING FROM HIS STOLID FEATURES, AND FURTHER SAID "AFTER THAT OPPOSITION THAT I MADE IN COUNCIL I CONCLUDED TO LET IT ALL GO, IT WAS USELESS TO OPPOSE THE WILL OF THOSE IN ~~AUTHIRYT~~ AUTHORITY. HE WAS SATISFIED THAT FATE SHOULD TAKE ITS COURSE , THAT THE PEOPLE SHOULD DIE,	OPPOSITION HE MADE, HE SAY S, "I ASKED THE QUESTION, WHAT W O**U**LD BE THE CONSEQUENCES IF THESE EMIGRANTS ARE KILLED." AFTER THIS ANSWER HE SET**T**LED BACK IN HIS SEAT WITH A **LOOK** ~~KOOL~~ OF SATISFACTION BEAMING UPON HIS STOLID FEATURES ~~Z~~**A**ND SAID, "AFTER **T**HAT OPPOSITION TH~~W~~AT I MADE IN THE COUNSEL I CONCLUDED TO LET IT ALL GO , IT WAS USELESS TO OPPOSE THE WILL ~~OF THOSE ITHE WILL~~ OF THOSE IN AUTHORITY! HE WAS SATISFIED THAT FATE SHOULD TAKE ITS COURSE; TH~~Z~~AT THE PEOPLE SHOULD DIE,
CONTENT THAT FATE SHOULD TAKE ITS COURSE CONTENT THAT THE PEOPLE MIGHT DIE [*space*]	CONTENT THAT FATE SHOULD TAKE ITS COURSE CONTENT THAT THE PEOPLE MIGHT DIE		

493. At the top of the page in longhand: **4 BISHOP'S ADDRESS.**

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RS	PS	RT	BT
HE WOULD AID AND ASSIST IN THE WORK OF THE DESTRUCTION.	[*space*] HE WOULD AID AND ASSIST IN THE WORK OF DESTRUCTION	AND HE WOULD AID IN THE FOUL WORK OF THEIR DESTRUCTION. YES, HE AIDED, AND HE ADVISED THE DEED, - HE WENT TO THE SCENE WHERE INNOCENCE WAS TO SUFFER FROM RELIGIOUS FANATICISM; WHERE THE AGED AND THE YOUNG, THE MAN AND THE WOMAN, THE MAIDEN AND THE CHILD, SHOULD ALL DIE, BECAUSE OF THE DECREE OF THOSE HE STYLES “THOSE IN AUTHORITY” HE SAW THE DEFENSELESS MEN, THE WEEPING WOMEN, THE TIMID BLUSHING MAIDEN, THE PRATTLING CHILD, LED FORTH TO DEATH; AND HE, AS THE	AND HE WOULD AID IN THE FOUL WORK OF THEIR DESTRUCTION. YES, HE AIDED —HE ADVISED THE DEED. HE WENT TO THE SCENE WHERE INNOCENCE WAS TO SUFFER FROM RELIGIOUS FANATICISM; WHERE THE AGED AND ~~THE~~ **THE** YOUND ~~THE~~ THE MAN ~~Z~~**A**ND THE WOMAN, THE MAIDEN AND THE CHIL~~L~~D SHOULD ALL DIE BECAUSE OF THE DECREE OF THOSE HE STYLES, “ THOSE IN AUTHORITY.” *[9]* HE SAW THE DEFENSELESS MEN, THE W**E**EPING WOMEN, THE TIMID MAIDEN, THE PRATTLING CHILD LED FORTH TO DEATH; AND HE AS THE

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RS	PS	RT	BT
		TEMPORAL HEAD OF THIS PEOPLE, STOOD IN THE LINE OF THE ARMED ASSASSINS, AND IN COLD BLOOD SHOT DOWN HIS MAN AFTER THE MAN HAD BEEN DISARMED,HAD SURRENDERED AND BEEN PROMISED A SAFE CONDUCT BACK TO CEDAR CITY. HE AIDED TO STRIP THE DEAD—HE SUPERINTENDED THE GATHERING OF THE SPOIL, AFTER THE BLACK DEEDS WERE DONE; [10] HE USED THE PROCEEDS ARISING FROM THIS CRIME TO ADVANCE HIS OWN WORLDLY CONDITION. SUCH, IS THE FIEND IN HUMAN SHAPE, THAT ASKS YOU TO BELIEVE HIS STATEMENTS, WHICH ARE MADE BY HIS	TEMPORAL HEAD OF HIS PEOPLE STOOD IN THE LINE OF THE ARMED ASSASSINS AND IN COLD BLOOD SHOT DOWN HIS MAN AFTER THE M~~E~~**A**N HAD BEEN DISARMED, HAD SURRENDERED AND BEEN PROMISED A SAFE CONDUCT TO CEDAR CITY. HE AIDED TO**O,** TO STRIP THE DEAD, HE SUPERINTENDED THE GATHERING OF THE SPOIL AFTER THE **BLACK** ~~BALCK~~ DEEDS WERE DONE. H~~W~~**E** USED THE PROCEEDS ARISING FROM THIS CRIME TO ADVANCE HIS WORLDLY CONDITION. SUCH IS THE FIEND IN HU**M**AN SHAPE THAT ASKS YOU TO BELIEVE HIS STATEMENTS WHICH HAVE BEEN MADE BY HIS

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RS	PS	RT	BT
		TRAITOROUS TONGUE. TO GIVE FORCE TO	TRAITOROUS TONGUE. TO GIVE FORCE TO
AFTERWARDS HE DESCRIBES TO YOU	AFTERWARDS HE DESCRIBES TO YOU	HIS RECITALS, HE TELL S YOU THE STORY OF HIS REMOVAL FROM OFFICE AS BISHOP IN THE CHURCH, OF HIS DISGRACE AND SOCIAL DEGREDATION,	HIS RECITALS, HE TELLS YOU THE STORY OF HIS REMOVAL FROM OFFICE IN THE CHURCH, OR HIS DISGRACE, AND SOCIAL DEGREDATION;
HIS FLIGHT AND	HIS FLIGHT	OF HIS FLIGHT FROM THE SCENES OF HIS WICKEDNESS, AND POINTS OUT ~~FO~~ THE	OF HIS FLIGHT FROM THE SCENES OF HIS WICKEDNESS AND HE POINTS OUT **T**HE
HIS WANDERINGS.	HIS WANDERINGS	TRAILS OF HIS WANDERINGS, FAR FROM THE ABODES OF CIVILIZATION. YOU MAY WELL BELIEVE THAT HE BECAME A WANDERING OUTCAST, AFRAID OF MANKIND, YET DREADING	TRAILS OF HIS WANDERINGS, FAR FROM THE ABODES OF CIVILIZATION. YOU MAY WELL BELIEVE THAT HE BE~~A~~CAME A WANDERING OUTCAST— AFRAID OF MANKIND YET AFRAID OF
	AND	SOLITUDE.	SOLITUDE.
AFTER THAT DEED WAS DONE	AFTER THAT DEED WAS DONE	AFTER THAT DEED, THE SOIL OF UTAH WAS AS UNSUITED TO HIS GUILTY TREAD, AS WAS THE SURFACE OF THE GREAT DEEP FOR A	AFTER THAT DEED , THE SOIL OF UTAH WAS AS UNSUITED TO HIS GUILTY TREAD AS WAS THE SURFACE OF THE GREAT DEEP FOR A
HE WAS LIKE THE DOVE	HE WAS LIKE THE DOVE	RESTING PLACE FOR THE DOVE ,	RESTING PLACE FOR THE DOVE

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RS	PS	RT	BT
WHEN FIRST WAS SENT OUT FROM THE ARK	WHEN FIRST SENT FROM THE ARK	WHEN FIRST SENT FROM THE ARK, BEFORE THE DRY LAND HAD APPEARED, THE	WHEN FIRST SENT FROM THE AR K BEFORE THE DRY LAND HAD APPEARED. **T**HE
FINDING NO RESTING PLACE FOR ITS FEET,	FOUND NO *[[14]]* RESTING PLACE FOR ITS FEET [*space*]	DOVE FOUND NO RESTING PLACE FOR ITS FEET, SO RETURNED TO NOAH AND THE ARK. KLINGENSMITH, WITH MURDER IN HIS HEART, BLOOD ON HIS HANDS, PERJURY ON HIS TONGUE, AND MISERY IN HIS SOUL, RETURNS TO TESTIFY IN THIS CASE, IN ORDER TO DESTROY ONE THAT HE WISHES REMOVED FROM HIS PATHWAY.	DOVE FOUND NO RESTING PLACE FOR ITS FEET, SO RETURNED TO NOAH AND THE ARK. KLINGENSMITH, WITH MURDER IN HIS H~~R~~EART, BLOOD ON HIS HANDS, PER~~G~~JURY ON HIS TONGUE AND MISERY IN HIS SOUL, RETURN**S** TO TESTIFY IN THIS CASE IN ORDER TO DESRROY ONE HE WISHES REMOVED FROM HIS PATHWAY.
HE LEFT THIS COMMUNITY WITH THE MARK OF CAIN UPON HIS FOREHEAD WHAT LONELY MIND AND CONSCIENCE HE HAD THIS[494]	HE LEFT THIS COMMUNITY WITH THE MARK OF CAIN UPON HIS FOREHEAD THAT LOWLY MIND CONSCIENCE HAD WAS	HE LEFT UTAH WITH THE MARK OF CAIN UPON HIS BROWN . HE WAS A LONELY WANDERER, WITH MIND ILL AT EASE; A CONSCIENCE	~~AH~~**H**E LEFT UTAH WITH THE MARK OF CAIN ON HIS BROW. HE WAS A LONELY WANDERER, WITH MIND ILL AT EASE, A CONSCIEN~~I~~CE

494. Ink vowel added later renders the word “THOSE”.

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RS	PS	RT	BT
TORMENTING TORTURING *HIM/MATTER*[?]	TORMENTING TORTURING HIM	TORTURED WITH REMORSE, AND A JUDGMENT OF ETERNAL CONDEMNATIO N RINGING IN HIS EARS, AND ECHOING FROM EVERY BREEZE THAT FANNED HIS FEVERED HIS BROW, OR PLAYED WITH A ZEPHYROUS FREEDOM UPON HIS BLANCHED AND BLOODLESS FEATURES. AT EVERY GUILTY STEP, HE TOOK VISIONS OF THOSE WHO DIED BY REASON OF HIS CRUELTY, SEEMED TO PLEAD FOR JUSTICE UPON THEIR MURDERER,AND TO BAR HIS PATHWAY, WHILE HE FLED FROM PLACE TO PLACE,RUNNING FROM ALL FAMILIAR SCENES, SEEKING REST, YET REST,	TORCHERED WITH REMORSE AND A JUDGMENT OF ETERNAL CONDEM~~A~~NATI ON RINGING IN ~~T~~HIS EARS AND ECHOING FROM EVERY BREES THAT FANNED HIS GUILTY BROW, OR P~~O~~LAYED WITH HIS BLANCHED AND BLOODLESS FEATURES. AT EVERY GUILTY STEP HE TOOK HE HAD VISSIONS OF THOSE WHO DIED BY REASON OF HIS CRUELTY, AND S**E**MED TO *[10]* PLEAD FOR JUSTICE UPON THEIR MURDERERS, AND TO BARR HIS PATHWAY WHILE HE FLED FROM PLACE TO PLACE; RUNNING FROM ALL FAMILIAR SCENES, SEEKING REST**,** — SWEET REST.

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RS	PS	RT	BT
SO THAT HE COULD FIND REST UPON NO PLACE UPON GOD'S FOOTSTOOL. ~~WE WILL TAKE HIM~~ UP WE WILL TAKE UP AND DISSECT HIM AFTER DINNER. LET'S TAKE NEXT MAN. {BUT}[i] ONE {MORE}[i] WORD ABOUT KLINGENSMITH I WANT {TO}[i] ASK {YOU}[i] GENTLEMEN OF THE JURY {IF}[i] EITHER ONE OF YOU HAD LOST A DROVE OF CATTLE {AND}[i] SHOULD MEET KLINGENSMITH 20 MILES FROM HOME AND HE SHOULD TELL	SO THAT HE COULD FIND REST UPON NO PLACE UPON GOD'S FOOTSTOOL WE WILL TAKE UP AND DISSECT HIM AFTER DINNER [*space*] LET'S TAKE NEXT MAN THERE IS ONE WORD THOUGH ABOUT KLINGEN SMITH IF EITHER ONE OF YOU HAD LOST A DROVE OF CATTLE AND SHOULD MEET KLINGEN SMITH [*space*] AND [*space*] TELL	PEACE, CONTENT ~~ARE~~ WERE NOT, ARE NOT FOR HIM ON GOD'S FOOTSTOOL. I PROPOSE TO DISSECT HIM AFTER RECESS. [11] YET, I WILL SA~~W~~Y A FEW MORE WORDS ABOUT HIM NOW,AS AN IDEA SUGGESTS ITSELF TO MY MIND. I WANT TO ASK YOU,GENTLEMEN OF THE JURY, A PLAIN QUESTION. IF EITHER OF YOU HAD LOST A BAND OF CATTLE, AND WHILE SEARCHING THROUGH THE MOUNTAINS AND CANONS FOR THE LOST PROPERTY, YOU SHOULD BY CHANCE MEET KLINGENSMITH, AND HE SHOULD TELL	— PEACE AND CONTENT WERE NOT — ARE NOT FOR HIM ON GOD'S FOOTSTOOL. I PRO~~L~~POSE TO D~~E~~IS~~S~~SECT HIM AFTER RECESS; YET I WILL SAY A ~~S~~FEW WORDS MORE ABOUT HIM ~~B~~N OW. ~~ANIDEA SUGGE~~ AN IDEA SUGGESTS ITSELF TO TO MY MIND NOW, AND I WANT TO ASK YOU , GE~~L~~NTLEMEN OF THE JURY, A PLAIN QUESTION: IF EITHER OF YOU HAD LOST A BAND OF CATTLE AND WHILE SEARCHING THROUGH THE MOUNTAINS AND CANONS ~~AN~~FOR ~~L~~THE LOST PROPERTY, YOU SH**O**ULD BY CHANCE MEET KLINGENSMITH, AND HE SHOUL~~L~~**D** TELL

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RS	PS	RT	BT
YOU THAT THE HERD OF CATTLE WAS 40 MILES WOULD YOU BELIEVE IT? OR TURN AND GO RIGHT OTHER WAY. WOULD NOT YOU RATHER BELIEVE HE HAD SENT SOMEBODY OVER TO DRIVE ‘EM TO PIOCHE AND CAME TO TELL YOU ABOUT ‘EM. NO YOU WOULD NOT NEVER LOOK FOR THE CATTLE IN THAT DIRECTION. YOU WOULD NOT BELIEVE HIM. THERE AIN’T ONE OF YOU WOULD TRAVEL FROM HERE RIO VIRGIN ALONE AND	YOU THAT THAT BAND OF CATTLE WAS 40 MILES —/*OR*[?] IN A CANYON WOULD YOU BELIEVE IT OR [*space*] WOULD YOU RATHER BELIEVE HE HAD SENT SOME ONE TO STEAL THEM SENT THEM OVER TO PIOCHE THAN THAT HE HAD LEFT THEM ALONE [*space*] YOU WOULD NOT GO IN THE USUAL PLACE BUT *TO*[?] *LEAVE*[?] IN THE STATEMENT AND TESTIMONY OF THAT MAN NO ONE OF YOU WOULD TRAVEL FROM HERE TO THE RIVER VIRGIN WITH HIM ALONE	YOU THAT YOUR CATTLE WERE AT A CERTAIN POINT FIVE MILES DISTANT,WOULD YOU ACT ON HIS INFORM~~S~~ATION ? WOULD YOU BELIEVE WHAT HE SAID,OR WOULD YOU SEEK ~~INN~~ ~~<~~IN~~>~~ ANOTHER DIRECTION FOR YOUR MISSING STOCK ?	YOU THAT YO~~R~~**U**R CATTLE WERE AT A CERTAIN POINT, FIVE MILES DISTANT; WOULD YOU ACT ON HIS INFORMATION? WOULD YOU BELIEVE WHAT HE SAID OR WOULD YOU SEEK IN ANOTHER DIRECTION FOR YOUR MISSING STOCK?

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RS	PS	RT	BT
CARRY 40 DOLLARS WITH YOUR.	CARRY 40 DOLLARS WITH YOU [*space*]	YOU WOULD WISH TO RID YOURSELVES OF HIS UNWELCOME PRESENCE, AND, DISREGARDING HIS STATEMENTS, CONTINUE YOUR SEARCH THE SAME AS IF HE HAD REMAINED SILENT. NO ONE WHO KNOWS HIS AS YOU HAVE LEARNED TO KNOW HIM, HAVING LISTENED TO HIM FOR THE MANY HOURS HE WAS ON THE STAND,WOULD BELIEVE HIM UPON THE MOST COMMON AFFAIRS IN DAILY BUSINESS. THEN CAN YOU BELIEVE HIS EVIDENCE, OR CONVICT UPON HIS TESTIMONY ? KLINGENSMITH STANDS	WOULD YOU NOT WISH TO RID YOURSELF OF HIS UNWELCOME PRESENCE, AND DISREGARDING HIS STATEMENTS, CONTINUE YOUR SEARCH THE SAME AS IF HE HAD REMAINED SILENT. NO ONE WHO KNOWS HIM AS YOU HA~~S~~VE LEARNED TO KN OW HIM— HAVING LISTENED TO **HIM** ~~HIM~~ FO~~L~~**R** THE MAN~~T~~Y HOURS THAT HE WAS ON THE STAND, WO ULD BELIEVE HIM UPON THE MOST COMMO N AFFAIRS IN D~~Z~~AILY BUSINESS~~?~~**.** THEN CAN YOU BELIEVE HIS EVIDENCE OR CONVICT UPON HIS TESTIMONY? KLINGENSMITH STANDS ~~TH~~

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RS	PS	RT	BT
		HERE A CONFESSED LIAR, COWARD AND MURDERER,HENCE YOU ARE JUSTIFIED IN DISREGARDING ALL THAT HE HAS SAID AS A WITNESS BEFORE YOU.	HERE A CONFESSED LIAR, COWARD AND MURDERER. HENCE, YOU ARE JUSTIFI~~ED~~D IN ~~IN~~ DISREGARDING ALL THAT HE HAS SAID AS A WITNESS BEFORE YOU.
WE WILL TAKE JOEL WHITE {NOW}[i]. HIS TESTIMONY HAS BEEN FULLY REFERRED TO	TAKE JOEL WHITE NOW [*space*] HIS TESTIMONY HAS BEEN FULLY REFERRED TO	THE TESTIMONY OF JOEL WHITE HAS BEEN ABLY REVIEWED BY MY ASSOCIATES, WHO HAVE SO COMPLETELY DESTROYED THE WEIGHT OF HIS EVIDENCE,BY SHOWING ITS VERY FALSITY, THAT ANY OTHER MENTION OF IT IS USELESS, SAVE BY WAY OF WAY OF REFERENCE TO	THE TESTIMONY OF JOEL WHITE HAS BEEN ABLY REVIEWED BY MY ASSOCIATES WHO HAVE SO COMPLETELY DESTROYED THE WEIGHT OF HIS EVIDENCE BY SHOWING ITS VERY FALSITY THAT OTHER MENTION OF IT IS USELESS, SAVE BY WAY OF REFERENCE,~~-~~ TO
ALL I WANT TO ASK YOU IS THIS IT IS STRANGE	AND ALL I WANT TO ASK YOU TO CONSIDER ABOUT HIM IS —[?] THIS THAT IT LOOKS STRANGE THAT	ILLUSTRATE MY VIEWS, AS I SHALL PROCEED WITH MY ARGUMENT. IS IT NOT STRANGE TO YOU THAT IF	ILLUSTRATE MY VIEWS AS I SHALL PROCEED WITH M~~U~~Y ARGUEMENT. IS IT NOT STRANGE TO YOU THAT IF

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RS	PS	RT	BT
HE WAS THERE TOOK NO PART IN THIS WHOLE TRANSACTION AND YET PERMITTED IT TO BE DONE.	HE WAS THERE AND TOOK NO PART IN THIS TRANSACTION AND YET PERMITTED IT ALL TO BE DONE	THIS MAN WAS THERE ON THE GROUND,AND TOOK NO PART IN THE CRIME, THAT HE HAS SO LONG REMAINED A SILENT GUARDIAN OF THE SECRET ?	THIS MAN WAS THERE ON THE GROUND AND TOOK NO PART IN THE CR~~O~~IME THAT HE HAS SO LONG REMAINED A SILENT *[11]* GUARDIAN OF **T**HE SECRET?
HE CAME IN HERE HAD HIS CONSULTATION WITH PARTIES WHO DID; FAILED TO CONNECT {THE}[i] MATTER COMES TO SUPPORT {K}[i] SMITH AS HE DID ON SO MANY OCCASIONS I SHALL ≤TAKE≥ OCCASION TO REFER TO HIM {AND}[i] DESCRIBE HIM {AND}[i] IDEAS OF THE CONSULTATION BETWEEN SMITH AND WHITE AND BILL HICKMAN.	CAME IN HERE AND HAD HIS CONSULTATION WITH THE VARIOUS PARTIES AS HE DID AND THEN FAILED TO CONNECT THE MATTER AND SUPPORT SMITH AS HE DID FULLY ON SO MANY OCCASIONS I SHALL TAKE OCCASION TO REFER TO HIM MORE PARTICULARLY AND DESCRIBE TO YOU MY IDEAS OF THE CONSULTATION BETWEEN SMITH WHITE AND BILL HICKMAN	HE COMES HE	HE COMES HERE

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RS	PS	RT	BT
		AS AN AIDER AND ABETTOR OF THE CRIMES OF KLINGENSMITH, AND SWEARS HE KNOWS NOT,CARES NOT WHAT,SO THAT HE BE RELIEVED FROM ARREST. ACCORDING TO [12] THE PROMISE OF THE PROSECUTION WHICH HAS INDUCED HIM TO COME, JUDAS LIKE, TO BETRAY HIS FORMER ASSOCIATES. HIS EVIDENCE YOU HAVE LONG SINCE THROWN ASIDE, BECAUSE OF ITS LACK OF TRUTH AND WANT OF REASONABLENESS.	AS AN AIDER AND ABETTER OF **THE** ~~THE~~ CRIMES OF KLINGENSMITH AND SWEARS HE KNOWS NOT ~~A,~~ CARES NOT ~~WHZAT~~ SO TH~~Z~~**A**T HE BE RELIEVED FROM ARREST ACCORDING TO THE PROMISE OF THE PROSECUTION WHICH HAS INDUCED HIM TO COME HERE JUDAS LIKE TO BETRAY HIS FORMER ASSOCIATES. HIS EVIDENCE YOU HAVE LONG SINCE THROWN ASIDE, BECAUSE OF ITS LACK OF TRUTH AND WANT OF REASONABLENESS.
NEXT WITNESS THAT CAME ON STAND IS ONE THAT I ADMIT I WAS AFRAID OF WHEN SHE WAS CALLED {TO THE}[i] STAND.	THE NEXT WITNESS THAT CAME ON TO THE STAND IS ONE THAT I ADMIT I WAS AFRAID OF WHEN SHE WAS ON THE STAND [*space*]	NEXT COMES THAT UNRELIABLE WITNESS, THAT RAVING,CRAZED OLD WOMAN, TONGUE TIED IN THE MIDDLE AND WORKING AT BOTH ENDS; THE	NEXT COMES THAT UNRELIABLE WITNESS — THAT RAVING CRA~~SE~~**Z**D OLD WOMAN, — TONGUR TIED IN THE MIDDLE AND WORKING AT BOTH ENDS. THE

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RS	PS	RT	BT
		VIBRATIONS OF THIS FEMALE WEAPON, SO LONG HAS IT BEEN VIBRATING,HAS ~~UNJU~~ INJURED HER SENSE OF HEARING; YET TO HER THIS MUST BE A BLESSING, JUDGING FROM THE EFFECT OF HER TALK UPON OTHERS,FOR,BEING DEAF, SHE IS FREED FROM THE TORTURE OF LISTENING TO HER OWN WILD AND MEANINGLESS RAVINGS.	VIBRATIONS OF THIS FEMALE WEAPON SO LONG HAS IT BEEN VIBRATING, – HAS INJURED HER SENSE OF HEARING. YET TO HER THIS MUST BE A BLESSING, JUDGING FROM THE EFFECT OF HER TALK ~~Y~~UPON OTHERS FOR BEING **DEAF** ~~DEPH DEF~~. SHE IS FREED FROM THE **T**ORTURE OF LISTENING TO HER OWN WILD AND MEANINGL~~ES~~**ES S** RAVINGS.
IT IS THE FIRST WOMAN I WAS AFRAID TO TALK TO I WAS AFRAID TO CROSS EXAMINE HER FROM THE SIMPLE FACT SHE HAS BECOME SO DEAF FROM LISTENING TO HER OWN TONGUE {TO	THE FIRST WOMAN THAT I EVER SAW THAT I BEEN AFRAID TO TALK TO I WAS AFRAID TO CROSS QUESTION HER FROM THIS SIMPLE FACT THAT SHE HAS GOT SO DEAF FROM LISTENING TO HER OWN TONGUE AND	I CONFESS I WAS RATHER TIMID WHEN I ATTEMPTED TO CROSS-EXAMINE HER.	I CONFESS I WAS RATHER TI~~N~~MID WHEN I ATTEMPTED TO CROSS-EXAMINE HER.

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RS	PS	RT	BT
THE}[i] RETELLING OF HER OWN *LIES*[?]	RETELLING HER OWN *THOUGHTS*[?]		
SHE COULD NOT HEAR MY MILDER —[?] TONES.	THAT HE COULD NOT HEAR MY MILDER MILD TONES	SHE COULD NOT HEAR ME, AND MY VOICE IS NOT OF THE WEAKEST KIND,AND SHE	SHE COULD NOT HEAR ~~N~~ME, AND MY VOICE IS NOT OF THE WEAKEST KIND. SHE
IT WAS ONLY BY THE *[[25]]*[495]	IT WAS ONLY BY THE	~~S~~COULD ONLY GATHER THE MEANING OF MY QUESTIONS BY	COULD ONLY GATHER THE MEANING OF M~~U~~Y QUESTIONS BY
WORKING OF MY LIPS THAT SHE COULD TELL WHAT I SAID [*space*] WHEN WOMAN GETS {I THINK *NT-/ND*-[?] TO GET}[i] SO OLD AND DEAF SHE CAN'T UNDERSTAND FLATTERY THERE IS NO USE IN TALKING TO HER [*space*] SHE IS ONE OF THAT KIND.	WORKING OF MY LIPS THAT SHE COULD TELL WHAT I HAD SAID AND WHEN WOMAN GETS SO OLD AND DEAF SHE CAN'T UNDERSTAND FLATTERY IT IS NO USE TALKING TO HER SHE IS ONE OF THAT KIND	WATCHING THE MOTION OF MY LIPS AS I ADDRESSED HER. SHE IS ,ACCORDING TO APPEARANCES, TOO DEAF TO UNDERSTAND FLATTERY. ~~N~~ WHEN A WOMAN REACHES THAT STAGE IN LIFE, WHAT DO YOU THINK SHE COULD UNDERSTAND ?	WATCHING THE MOTIONS OF MY LIPS AS I ~~RESTED~~ X ADDRESSED HER. SHE IS ACCORDING TO APPEARANCES TOO **DEAF** ~~DEF~~ TO UNDERSTAND FLATTERY; AND WHEN A WOMAN REACHES THAT STAGE IN LIFE, WHAT DO YOU THINK SHE COULD UNDERSTAND?
HER STATEMENT I THINK WAS THE MOST REMARKABLE STATEMENT	HER STATEMENT I THINK WAS THE MOST REMARKABLE STATEMENT	HER STATEMENTS ARE SO MONSTROUS, THAT, COMING FROM A	HER STATEMENTS ARE ~~D~~SO MONSTROUS TH~~Z~~AT COMING FROM A

495. At the top of the page in longhand: **BISHOPS 5 ADDRESS.**

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RS	PS	RT	BT
HAVE HEARD IN MY LIFE. I WILL PAY LITTLE ATTENTION TO HER AS I GO ALONG. SO FAR WE HAVE HAD 2 WITNESSES THAT PROVED NOTHING [*space*] HAVE HAD THREE WITNESS ON STAND THAT WERE OPPOSED TO TRANSACTION SHE SAYS SHE	THAT I EVER HEARD IN MY LIFE I WILL PAY A LITTLE ATTENTION TO —/*HER*[?] HER AS *S*[?] WE GO ALONG WE HAVE *[[15]]* TWO WITNESSES THEY PROVED NOTHING 3 ON STAND THAT WERE OPPOSED TO TRANSACTION BECAUSE SHE SAID SHE	WOMAN, AS THEY DO, WE CANNOT BELIEVE THEM TRUE. THUS FAR THE PROSECUTION HAVE HAD TWO WITNESSES, WHO KNEW NOTHING OF THE MASSACRE; TWO ACCESSORIES, AND AN UNRELIABLE OLD WOMAN, WHO TELL~~S~~S YOU THAT SHE,WHILE SITTING IN HER USUAL PLACE OF WORSHIP IN THE CHURCH,RAISED HER HAND AND	WOMAN AS THEY DO WE CAN NOT BELIEVE THEM TRUE. THUS FAR, THE PROSECUTION HAVE HAD TWO WITNESSES WHO KNWE NOTHING OF THE ~~K~~MASSCACR E**,** TWO ACCESSORIES AND AN UNRELIABLE OLD WOMAN, WHO TELLS YOU THAT SHE WHILE SITTING IN HER USUAL PLACE OF WORSHIP IN THE CHURCH RAISED HER HAND AND
VOTED TO KILL THESE PEOPLE. *FOR*[?] SHE SAYS [*space*]	VOTED TO KILL ALL THESE PEOPLE ~~THINK~~DID YOU IF SHE HAD SHOWN ANY SIGNS OPPOSE	VOTED IN FAVOR OF THE PROPOSITION TO MURDER ALL THE EMIGRANTS. IF THIS BE SO, SHE IS ALSO AN ACCESSORY BEFORE THE FACT, AND GUILTY OF THE DEED AS. MUCH AS IF SHE HAD ENGAGED	VOTED IN FAVOR OF THE PROPOSITION TO MURDER ALL OF THESE EMIGRANTS. IF THIS BE TRUE , SHE IS ALSO AN ACCESSORY BEFORE THE FACT A~~B~~ND GUILTY OF THE DEED AS MUCH AS IF ~~A~~SHE HAD ENGAGED

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RS	PS	RT	BT
DO YOU BELIEVE THERE WAS WOMAN IN UTAH AT THAT TIME THAT WAS NOT {*A/THE*[?]}[i] DEVIL INCARNATE THAT WOULD RAISE HER HAND TO VOTE FOR SLAY MEN WOMEN CHILDREN AS SHE SAYS SHE DID CHARITY COMPELS YOU AND I TO SAY THAT WOMAN HAS BECOME *MISTAKEN*[?] SHE HAS HAS BECOME CRAZY UPON THIS SUBJECT THIS SUBJECT OF THE MOUNTAIN MEADOW MASSACRE <AND	DO YOU BELIEVE THAT THERE WAS A WOMAN IN UTAH THAT WAS NOT *A/THE*[?] DEVIL INCARNATE THAT WOULD RAISE HER HAND AND VOTE FOR THE DESTRUCTION OF MEN WOMEN AND CHILDREN AS SHE DID AND NO GENTLEMEN OF THE JURY CHARITY COMPELS YOU AND I TO SAY THAT THAT WOMAN FOR SOME CAUSE OR ANOTHER HAS BECOME CRAZED ON THIS *SUBJECT*[?]	IN THE BUTCHERY THAT FOLLOWED . DO YOU BELIEVE THAT THERE WAS IN *[13]* UTAH, AT THAT DATE, A WOMAN, WHO, UNDERSTANDING THE FACTS AS THIS WOMAN CLAIMS TO HAVE DONE, WOULD HAVE VOTED FOR THE MURDER OF OVER ONE HUNDRED AND TWENTY MEN, WOMEN AND CHILDREN ? NO, YOU CANNOT SO BELIEVE, HUMAN NATURE GIVES THE LIE TO THE PROPOSITION.	IN THE BUTCHERING THAT FOLLOWED. DO YOU BELIEVE TH~~Z~~**A**T THERE WAS IN UTAH**,** A WOMAN WHO**,** UNDERSTANDING THE FACTS AS **THIS** ~~THE~~ WOMAN CLAIMED TO HAVE DONE**,** ~~W~~W~~UN~~OULD HAVE VOTED FOR THE MURDER OF OVER I20 MEN, WOMEN AND *[12]* CHILDREN? NO, YOU CANNOT SO BELIEVE. ~~YO~~HUMAN NATUER GIVES THE LIE TO THE PROPOSITION.

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RS	PS	RT	BT
IT HAS BECOME> IMPOSSIBLE ~~<~~FOR HER TO~~>~~ STATE ONE FACT ~~<~~RESPECTING THIS MATTER~~>~~ BECAUSE SHE IS NOT ~~CHARITY <~~OF SOUND MIND~~>~~. CHARITY SAYS WE SHOULD SOONER SAY SHE WAS LIAR THAN MURDERESS. [*space*]	AND HAS MISSTATED THIS FACT BECAUSE CHARITY SHOULD SOONER SAY THAT WE SHOULD SAY LIAR THAN A MURDERESS THEY HAVE PROVED NOTHING [*space*]	CHARITY FOR HUMAN FRAILTY FORCES YOU TO SAY "WE WOULD RATHER BELIEVE HER UNTRUTHFUL THAN TO BELIEVE HER. A MURDERESS'!	CHARITY FOR HUMAN FRAILTY FORCES YOU TO SAY, "WE WOULD RATHER BELIEVE HER UNTRUTHFUL ~~A~~THAN TO BELIEVE HER A MURDERESS."
NOW WE WILL TAKE THOMAS **W** WILLIS THIS IS GREAT WITNESS GOOD	THOMAS W ~~<~~T~~>~~ WILLIS NOW IS A GREAT WITNESS HE IS A GOOD	THAT SHE IS MISTAKEN AND IN ERROR IS EVIDENT. SHE HAS GROWN INSANE, BY DEGREES, AND WAS <u>NEVER</u> RELIABLE. PITY HER, THAT IS RIGHT, BUT TO BELIEVE HER WOULD BE A CRIME. NEXT COMES THOMAS W. WILLIS, ONE UPON WHOM THE	THAT SHE IS IN ERROR AND MISTAKEN IS EVIDENT; AND THAT SHE HAS GROWN INSANE BY DEGREES AND NEVER REL~~A~~**I**ABLE. PITY HER THAT IS RIGHT; BUT TO BELIEVE HER THAT WOULD BE A CRIME. NEXT COMES THOMAS W. WILLACE, ONE UPON WHOM THE

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RS	PS	RT	BT
WITNESS. IF YOU RECALL HE IS ONE OF MEN THAT TESTIFIED HE HAD HEARD HAIGHT TALK TO HIS FATHER ABOUT ATTACKING THE EMIGRANTS AS THEY SET OUT	WITNESS IF YOU RECALL HE IS ~~ONE MAN~~ THE MAN THAT HEARD HAIGHT TALK TO HIS FATHER ABOUT ATTACKING EMIGRANTS AND FURTHER —[?]	PROSECUTION CONFIDENTLY RELIEF. HE HAS TESTIFIED THAT HE HEARD HAIGHT TALK TO HIS FATHER ABOUT ATTACKING THE EMIGRANTS AS THEY WOULD MARCH ALONG SOUTH OF CEDAR CITY, AND HE TELL S YOU THAT HAIGHT SAID THEY	**P**ROSECUTION CONFIDENTLY RELIED. HE HAS TESTIFIED THAT HE HEARD HAI~~E~~GHT T ALK TO HIS FATHER **ABOU**T A~~R~~TTACKING THE EMIGRANTS AS THEY W**O**ULD MARCH ALONG SOUTH OF CEDAR CITY , AND HE ~~WOULD~~ TELL**S** YOU THAT HAIGHT SAID THEY
THEY MUST ATTACK THE EMIGRANTS WHILE THEY WERE TRAVELING ALONG. THAT BOY HAS BEEN POSTED SOMEWHERE ~ ANYBODY KNOWS YOU *CAN/CAN'T*[?] KILL SOME MEN TRAVELING ALONG THAT WAY. [*space*] AND THIS IS ANOTHER THING THE PROSECUTION	HE MUST ATTACK EMIGRANTS WHILE TRAVELING ALONG [*space*] THAT *BOY HAS GOT POSTED*[?] AND *CAN/CAN'T*[?] *ANYTHING/NOTHING*[?] *UP FOR*[?] RIGHT AND ANYBODY KNOWS THAT [*space*] AND THEN HE DOES ANOTHER THING THAT THE PROSECUTION	WOULD NOT ATTACK THE EMIGRANTS AS THEY TRAVELED ALONG.	SOULD NOT ATTACK THE EMIGRANTS AS THEY TRAVELED ALONG.

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RS	PS	RT	BT
TRIED TO STOP HIM —[?] BUT THEY WERE NOT QUITE QUICK ENOUGH	TRIED TO STOP ~~THAT~~ REMARK BUT	THIS WITNESS SAYS HE WAS THEN A BOY ,AND IN INTELLECT HE IS STILL A CHILD. HE HAS BEEN DRILLED AND PRACTICEDREGARDING HIS EVIDENCE, BUT BY W~~G~~HOM I LEAVE YOU TO DETERMINE. HE TELLS OF THE TALK BETWEEN HIS FATHER AND HAIGHT; AND THAT HIS FATHER ADVISED THE ATTACK WHILE THE EMIGRANTS WOULD BE MARCHING; THAT THEY BE ATTACKED FROM AMBUSH, AND THAT HAIGHT REJECTED THE PLAN, AND DETERMINED TO MAKE THE ATTACK AFTER THE EMIGRANTS	THIS WITNESS SAYS HE WAS THEN A BOY, IN INTELLE~~E~~CT HE ~~H~~ **IS** STILL A CHILD~~,~~. HE HAS BEEN DRILLED AND PRACTICED REGARDING HIS EVIDENCE; BUT BY WHOM I LE~~Z~~AVE YOU ~~,~~ GENTLEMEN, TO DETERMINE. HE TELLS OF THE TALK BETWEEN HIS FATHER AND HAIGHT; THAT HIS FATHER ADVISED THE ATTACH WHILE THE EMIGRANTS WOUL~~D~~**D** BE MARCHING. THAT ~~HTEY~~ **THEY** BE ATTACKED FROM AMBUSH, AND THAT HAIGHT REJECTED THE PLAN AND DETERMINED TO MAKE THE ATTACK AFTER THE EMIGRANTS

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RS	PS	RT	BT
		HAD CAMPED.	HAD CAMPED.
HE SAW THE INDIANS RETURN WITH	HE SAW THE HORSES RETURN	HE TELLS YOU OF THE INDIANS RETURNING FROM THE MEADOWS,	HE TELLS YOU OF THE INDIANS RETURNING FROM THE MEADO~~S~~WS
HATS {RED TOP}[i] BOOTS ETC.	WITH HORSES HATS AND BOOTS	LOADED WITH THE SPOIL OF THE SLAUGHTERED VICTIMS;	LOADED WITH THE SPOILS OF THE VICTIMS;
HE SAW THEM ~~<~~WASH~~>~~ AND <HE SAW THEM WASH> CLOTHES IN THE DITCH THERE.	SAW THEM WASH BLOODY CLOTHES IN THE CREEK THERE [*space*] ONLY KNEW THAT HE DID KNOW AND THAT TELLS THE —[?] PROSECUTION AND MADE UP FOR THE BALANCE	THAT THE INDIANS WASHED THEIR BLOOD STAINED TROPHIES IN THE LITTLE STREAM THAT RAN THROUGH THE TOWN.	THAT THE INDIANS WASHED THEIR BLOOD STAINED TROPHIES IN THE LITTLE STREAM THAT RAN THROUGH THE TOWN;
HE SAID HE KNEW THE PROPERTY THAT SMITH TOOK TO TITHING OFFICE	HE KNEW THAT THE PROPERTY THAT SMITH TOOK TO THE TITHING OFFICE [*space*]	~~.~~THAT HE SAW THE CHURCH OFFICIALS PLACE MUCH OF THE CLOTHING AND PROPERTY OF THE EMIGRANTS IN THE TITHING HOUSE, AND THAT IT WAS LEFT IN CHARGE OF KLINGENSMITH, WHO SOMETIME AFTER	~~.~~THAT HE SAW THE CHURCH OFFICIALS PLACE MUCH OF THE CLO~~T~~HING AND PROPERTY IN THE TITHING HOUSE, AND THAT IT WAS LEFT IN CHARGE OF KLINGENSMITH, WHO SOME~~TING~~**TIME** AFTERAWARD

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RS	PS	RT	BT
WAS SOLD AT AUCTION AND HAIGHT TOLD THE PEOPLE NOT {TO}[i] BID TOO HIGH FOR IT.	 HE TOLD THE PEOPLE NOT TO BID TOO HIGH FOR IT [*space*]	SOLD THE SAME AT PUBLIC AUCTION.	SOLD THE SAME AT PUBLIC AUCTION.
		THIS AND MORE OF SIMILAR IMPORT HE TELLS WITH THE GLIBNESS OF A TRAINED DE- *[14]*	THIS AND ~~AND~~ MORE OF SIMILAR IMPORT HE TELLS WITH THE GLIBNESS OF A TRAINED DECLAIMER;
STILL DOES NOT		CLAIMER, BUT HE NEVERBY WORD OR DEED	BUT HE NEVER BY WORD OR DEED
CONNECT JOHN D. LEE WITH THIS MATTER.		CONNECTED JOHN D. LEE WITH THE CRIME OR WITH ITS PERPETRATORS.	CONNECTS JOHN D. LEE WITH THE CRIME OR ~~OR~~ WITH ITS PERPETRATORS.
	JN H	THEN COMES HIS BROTHER JOHN E.	NEXT COMES HIS BROTHER JOHN E.
WILLIS	WILLIS [*space*]	WILLIS.[496] THIS WITNESS GOES	WILLIS. THIS WITNESS GOES
COMES ON TO STAND CONTRADICTS THIS MAN	MAN THAT CONTRADICTS THIS MAN	UPON THE STAND AND CONTRADICTS HIS BROTHER	UPON THE STAND AND CONTRADICTS HIS B~~I~~ROTHER,
SMITH IN TOTO.	SMITH IN TO TO [*space*] *PRAY*[?] CALL YOUR	AND KLINGENSMITH IN TOTO.	AND KLINGENSMITH IN TOTO.
THIS MAN	ATTENTION TO HIM JOHN **H**	THIS	*[13]* THIS
WILLIS	WILLIS ONE	WITNESS	WITNESS TELLS

496. Actually John Henry Willis.

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RS	PS	RT	BT
ACCORDING TO HIS STATEMENT IS ONE WHO WENT	ACCORDING TO HIS STATEMENT	TELLS YOU THAT HE IS THE PERSON THAT WENT TO THE SCENE OF THE SLAUGHTER	YOU THAT HE IS THE **PERSON** ~~URPOSE~~ THAT ~~WENT~~**E** **WENT** TO THE SCEN~~T~~**E** OF THE SLAUGHTER
TO TAKE CHILDREN	TO TAKE THE CHILDREN	AND TOOK CHARGE OF THE CHILDREN AND TOOK THEM IN HIS WAGON TO HAMBLIN!S RANCH. THAT AFTERWARDS HE TOOK THEM	~~OF~~**AN**D TOOK CHARGE OF THE CHILDREN AND TOOK THEM IN HIS WAGON TO HAMBLINS RANCH; THAT HE TOOK THEM
FROM HAMBLIN'S RANCH [*space*]	FROM HAMBLIN'S RANCH THESE CHILDREN 3 OR FOUR YEARS OF AGE 6 OR 7 [*space*]	FROM HAMBLIN'S RANCH TO CEDAR CITY. HE TELLS YOU THESE CHILDREN	FROM HAMBLINS RANCH TO CEDAR CITY. HE TELLS YOU THAT THESE CHILDREN
THEY COULD ALL TALK		COULD ALL TALK.	COULD ALL ~~R~~TALK.
SMITH SAYS NONE OF CHILDREN COULD TALK ALL YOUNGER THAN 2 ½	SMITH SAID NONE OF THE CHILDREN COULD TALK ABOUT 2 ½ YEARS OLDEST [*space*]	KLINGENSMITH TELLS YOU THAT NONE THAT COULD TALK WERE SPARED.	KLINGENSMITH TELLS YOU THAT NONE THAT COULD TALK WERE SPARED.
SMITH TELLS YOU HE TOOK CHILDREN TO CEDAR	AND SMITH TELLS YOU HE TOOK THE CHILDREN TO CEDAR CITY HERE IS	HE ALSO TELLS YOU HE TOO~~?~~K THEM TO CEDAR CITY IN PERSON,WHILE	HE ALSO TEL~~L~~S YOU HE TOOK THEM TO CEDAR CITY IN PERSON; WHILE
ANOTHER PARTY TELLS YOU HE TOOK THEM	ANOTHER PARTY THAT TELLS YOU HE TOOK THEM [*space*] SMITH~~S~~	WILLIS SAYS HE ALONE TOOK THE CHILDREN TO CEDAR CITY.	WILLACE TELLS YOU HE ALONE TOOK THE CHILDREN TO CEDAR CITY.

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RS	PS	RT	BT
IT MUST HAVE TAKEN A GREAT MANY WAGONS TO HAUL THESE CHILDREN *[[26]]*[497] TO CEDAR CITY. SO HIS SPECIAL WAGON SENT OUT TO BRING IN BALANCE.	TELLS YOU HE TOOK THEM [*space*] HE HAS THE EXTRA WAGONS SENT OUT TO BRING IN THE BALANCE	EXPLAIN THIS DISCREPANCY, IF YOU CAN. HOW MANY WAGONS, THINK YOU, WOULD BE NECESSARY ON SUCH AN OCCASION, TO CONVEY SEVENTEEN CHILDREN FROM WHERE THE REMAINS OF THEIR MURDERED PARENTS LAY, TO THE PLACE OF THEIR CAPTIVITY. THE CONFLICT BETWEEN THESE WITNESSES PROVES THE DESPERATION OF THE PROSECUTION, AND SHOWS ITS DETERMINATIO N TO CONVICT ON QUANTITY RATHER THAN QUALITY OF EVIDENCE.	EXPLAIN THIS DESCREPENCY IF YOU CAN. HOW MANY WAGONS, THINK YOU NECESSARY ON SUCH AN OCCASION TO CONVEY I7 CHILDREN FROM WHERE THE REMAINS OF THEIR MURDERED PARENTS LAY TO THE PLACE OF THEIR CAPTIVITY? THE CONFLICT BETWEEN THESE WITNESSES PROOVES THE DESPERATION OF THE PROSECUTION AND SHOWS ITS DETERMINATIO N TO CONVICT RATHER ON QUANITY THAN QUALITY OF THE EVIDENC~~E~~.
NEXT WITNESS IS WILLIAM MATTHEWS.	NEXT WITNESS IS WILLIAM MATTHEWS	WILLIAM MATTHEWS	WILLIAM MATHEWS

497. At the top of the page in longhand in ink: **BISHOPS 6 ADDRESS.**

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RS	PS	RT	BT
HE DOES NOT KNOW ANYTHING EXCEPT HE HAD TALK WITH DAME LOANED DAME SOME MULES PROSECUTION REFUSED TO LET HIM TELL WHY DAME WANTED MULES REFUSED TO LET HIM SAY ANYTHING EXCEPT PROVE FACT HE WENT TO MEADOWS WITH MULES AND THAT	HE DID NOT KNOW ANYTHING EXCEPT THAT HE HAD A TALK WITH DAME [*space*] *[[16]]* LOANED [*space*] REFUSED TO LET HIM TELL WHAT DAME SAID REFUSED TO LET HIM PROVE ANYTHING THAT HE SAID [*space*] *WHO*[?] *HE*[?] —[?] DAME GOT THE MULES BACK FROM *HIM*[?] [*space*]	COMES NEXT, TO SUPPORT A LOST CAUSE. HE KNOWS NOTHING AT ALL OF THE FACTS IN THE CASE. TRUE HE HEARD DAME TALK OF GOING TO THE MEADOWS, TO SAVE THE EMIGRANTS,BUT THIS WAS AFTER THE MASSACRE. HE DID LOAN DAME AND OTHERS A SPAN OF MULES WITH WHICH TO GO TO THE MEADOWS, BUT WHAT DAME SAID TO HIM, THE PROSECUTION WOULD NOT CONSENT THAT THE WITNESS SHOULD RELATE. AFTER DAME RETURNED WITH THE MULES, THE WITNESS STARTED ON HIS JOURNEY, AND IN THE NIGHT TIME PASSED OVER THE MEADOWS,	COMES NEXT TO SUPPORT A LO~~T~~ST CAUSE. HE KNOWS NOTHING AT ALL IN THE CASE. TRUE, HE HEARD DAME TALK OF GOING TO THE MEADOWS TO SAVE THE EMIGRANTS, BUT THIS WAS AFTER THE MASSACRE. HE DID LOAN DAME AND OTHERS A SPAN OF MULES WITH WHICH TO GO TO THE MEADOWS; ~~W~~BUT WHAT DAME SAID TO HIM — THE PROSECUTION WOULD NOT CONSENT THAT THE WITNESS SHOULD RELATE. AFTER DAME ’S RETURN WITH THE MULES, THE WITNESS STARTED ON HIS JOURNEY AND IN THE NIGHTTIME PASSED OVER THE MEADOWS

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RS	PS	RT	BT
HE PASSED THROUGH MEADOWS AND	PASSED MOUNTAIN MEADOWS ABOUT	PASSED OVER THE FIELD OF CARNAGE,	~~—A~~PASSED OVER THE FIELD OF CARNAGE;
SAW NOTHING ABOUT IT.	DAYLIGHT SAW NOTHING OF THE KILLING —[?] [*space*]	YET SAW NOTHING STRANGE, NOTHING PECULIAR THERE,NO BODIES OF THE DEAD, NOTHING TO INFORM THE WITNESS *[15]* THAT ANY CRIME HAD BEEN COMMITTED. THIS WITNESS DOES NOT SPEAK THE NAME OF JOHN D. LEE. THIS WITNESS TELLS YOU NOTHING TO ENLIGHTEN YOU CONCERNING THE FACTS OF THE CASE, OR TO POINT OUT THE GUILTY PARTIES. STILL, THERE IS NO EVIDENCE OF THE GUILT OF THE DEFENDANT.	YET SAW NOTHING STRANGE— NOTHING PECULIA~~L~~R THERE—NO BODIES OF THE **DEAD** ~~DEAD;~~ NOTHING TO INFORM THE WITNESS THAT ANY CRIME HAD BEEN COMMITTED. THIS WITNESS DOES NOT SPEAK THE NAME OF JOHN D. LEE. THIS WITNESS TELL~~S~~**S** YOU NOTHING TO ENLIGHTEN YOU CONSERNING THE FACTS IN THE C ASE O~~T~~R TO POINT OUT THE GUILTY PARTIES AND STILL THERE IS NO EVIDENCE OF THE GUILT OF HE DEFENDANT.
NEXT WITNESS IS WILLIAM YOUNG	NEXT OLD WILLIAM YOUNG THAT DOES NOT		

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RS	PS	RT	BT
THOUGHT HE SAW JOHN D. LEE TAKE A CHILD RETIRING FROM FIELD AND SAW HIM NO MORE.	CONNECT JOHN D. LEE ANYTHING HERE THOUGHT HE SAW HIM TAKE CHILD *WENT AWAY*[?] [*space*]		
THEN COMES		NEXT IN ORDER OF EXERCISES COMES	NEXT IN ORDER OF EXERCISES COMES
SAMUEL POLLOCK HE IS ANOTHER WITNESS THEY RULED UPON — [?]	SAM POLLOCK ANOTHER WITNESS [*space*]	SAMUEL POLLOCK, ONE OF THE STRONG SUPPORTS OF THE PROSECUTION.	SAMUEL POLLOCK; ONE OF THE STR~~I~~ONG SUPPORTS OF THE PROSECUTION.
HE IS ONE OF MEN THAT STAY{ED}[i] IN		HE TELL S YOU THAT HE REMAINED IN THE	HE TELLS YOU THAT HE REMAINED IN THE
BACKGROUND; DIDN'T ASSIST IN DOING ANYTHING.		BACKGROUND, TOOK NO PART IN THE BUT~~X~~CHERY, SAW NOTHING,KNOWS NOTHING; IF HE EVER DID HE HAS FORGOTTEN IT.	**BACK** GROUND —TOOK NO PART IN THE BUTCHERY, SAY NOTHING , KNOWS NOTHING~~.~~**;** *[14]* IF HE EVER DID HE HAS FORGOTTEN IT.
HE HAS NOT BEEN AS STEEPED IN CRIME SUFFICIENT TO SWEAR TO AS MANY GLARING FALSITIES AS SMITH DID TO GIVE HIM		THIS WITNESS HAS NOT BEEN SUFFICIENTLY STEEPED IN CRIME TO QUALIFY HIM AS A WITNESS FOR THE PROSECUTION; AND STILL	T**HI**S WITNESS HAS **N**OT BEEN SUFFICIENTLY STEEPED IN CRIME TO QUALIFY HIM AS A GOOD WITNESS FOR THE PROSECUTION. STILL

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RS	PS	RT	BT
NOTORIETY. SHERRETT IS NEXT WITNESS	SHERRETT DEAF MAN [*space*]	THERE IS NO EVIDENCE TO JUSTIFY THE PEOPLE IN DEMANDING A VERDICT OF "GUILTY" AT YOU HANDS. SHERRATT, THE HONEST BUT MUTE WITNESS, IS THEN CALLED. HE, HAS LOST THE POWER OF SPEEC , BUT HE WROTE OUT THE HORRID DETAILS OF KLINGENSMITH' S ACTIONS,AND THE FACTS CONNECTED WITH THE SALE,BY KLINGENSMITH, OF THE GOODS, CLOTHING AND EFFECTS OF THE MURDERED EMIGRANTS BUT HE WRITES NOTHING ABOUT WHAT WAS DONE PREVIOUS TO, OR AT THE TIME OF THE MASSACRE, NOTHING OF JOHN D. LEE,	THERE IS NO EVIDENCE TO JUSTIFY THE PEO PLE IN DEMANDING A VERDICT OF GUILTY AT YOUR HANDS. SHER~~R~~ATT, THE HONEST BUT MUTE WITNESS, WAS THEN CALLED. HE HAS LOST THE ~~W~~POWER OF SPEECH, BUT HE WROTE OUT THE ~~HAND~~ DETAILS OF KLINGENSMITH S ACTIONS, AND THE FACTS CONNECTED WITH THE SALE BY BISH~~P~~OP KNLINGENSMIT H OF THE GOODS, CLOTHNING AND EFFECTS OF THE MURDERED EMIGRANTS. BUT HE WRITES NOTHING ABOUT WHAT WAS DONE PREVIOUS TO OR AT THE TIME OF THE M~~Z~~**A**SSACRE, AND NOTHING OF JOHN D. LEE;

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RS	PS	RT	BT
NEXT COMES OLD MAN BRADSHAW THAT HAD A DEAD SON {AND}[i] THAT WAS NOT DEAD. DOES NOT AMOUNT TO ANYTHING. THAN HE KNEW THAT HAIGHT HAD PREACHED CRUSADE AGAINST EMIGRANTS		NOTHING THAT CONNECTS LEE THE DEFENDANT WITH THE COMMISSION OF THE CRIME FOR WHICH HE IS UPON TRIAL. NEXT COMES A PRODIGY, ONE WHO IS SILLY OR KNAVISH, PERHAPS BOTH. HE TELLS YOU THAT HE HEARD HAIGHT AND OTHERS PREACH A CRUSADE AGAINST THOSE DOOMED TO DESTRUCTION. THIS WITNESS TELLS YOU THAT HIS SON IS DEAD, YET NOT DEAD. THAT HIS BODY IS BURIED, BUT THAT IT IS NOT DEATH THAT HAS TAKEN HIS SON FROM HIM, THAT HE IS SIMPLY TRANSLATED.	NOTHING THAT CONNECTS LEE , THE DEFENDANT**,** WITH THE CO**M**MISSION OF THE CRIME ~~W~~FOR WHICH HE IS UPON TRIAL. NEXT COMES THE PRODIGY; ONE WHO IS SILLY O**R NAVIS**H, AND PERHAPS **BOTH** ~~BOTH.~~ HE TELLS YOU TH~~Z~~AT HE HEARD HAIGHT AND OTHERS PREACH A CRUSADE AGAINST THOSE EMIGRANTS DOOMED TO DESTRUCTION. THIS WITNESS ~~TE SSL~~ TELLS YOU THAT HIS SON IS D~~O~~EAD — YET NOT DEAD. THAT HIS BODY IS BURIED BUT THAT IT IS NOT DEATH THAT HAS TAKEN HIS SON FROM HI~~S~~M. THAT HE **IS** ~~IS~~ SIMPLY TRANSLATED.

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RS	PS	RT	BT
AND WANTED TO GIVE YOU LECTURE ON SPIRITUALISM {BUT THE}[i] PROSECUTION OBJECTED.		YOU ALL REMEMBER THE FRANTIC EFFORTS OF THIS WITNESS TO GET TO DELIVER TO YOU A LECTURE ON SPIRITUALISM. THIS WITNESS, WITH ALL OF HIS DE- *[16]* TERMINATION TO BLAST THE DEFENDANT AND OBTAIN REVENGE AGAINST THE MORMON PEOPLE, WHO NO LONGER ASSOCIATE WITH HIM, WAS UNABLE TO SAY ONE WORD OF THE ACTS OF THE DEFENDANT, OR TO IN ANY WAY CONNECT HIM WITH THE CRIME CHARGED IN THE INDICTMENT.	YOU ALL REMEMBER THE FRANTIC EFFORTS OF THIS WITNESS TO GET TO DELIVER YOU A LECTURE UPON SPIRITUALISM. THIS WITNESS WITH ~~Z~~**A**LL OF HIS DETERMINATIO N TO BLAST THE DEFENDANT A**N**D OBTAIN REVENG AGAINST THE MORMON PEOPLE WHO NO LONGER ASSOCIATE WITH HIM, WAS UNABLE TO SAY ONE WORD OF THE ACTS OF THE DEFENDANT, OR IN ANY WAY CONNECT HIM WITH THE CRIME CHARGED IN THE INDICTMENT.
NEXT IS **C E** MATTHEWS	**E C** MATTHEWS [*space*]	C.E. MATTHEWS IS THEN CALLED. HE WAS A YOUNG	E. C. MATHEWS WAS THEN CALLED.[498] HE WAS A YOUNG

498. Ezekiel Cunningham Mathews.

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RS	PS	RT	BT
HE KNOWS THAT MULES WERE LOANED TO DAME {CROSSED MEADOWS FEW DAYS AFTERWARDS}[i] SAW NOTHING EXCEPT BE LOT OF BODIES SAW TWO OR 3 HE		MAN AT THE TIME OF THE MASSACRE. HE KNOWS OF HIS MATHER LOANING THE MULES TO DAME, BUT HE KNOWS NOTHING OF THE MASSACRE,OR WHO COMMITTED THE CRIME. HE CROSSES THE MOUNTAIN MEADOWS A NIGHT OR TWO AFTER THE MASSACRE, AND SAW SOME WHITE OBJECTS ON THE GROUND, THAT HE THINKS WERE THE DEAD BODIES OF A PORTION OF THE EMIGRANTS. HE MADE NO EXAMINATION OF THE OBJECTS TO DETERMINE WHAT THEY WERE, BUT THINKS THEY WERE HUMAN BODIES, BECAUSE THEY	MAN AT THE TIME OF THE MASSACRE, HE KNOWS OF HIS FATHER LOANI~~O~~NG THE MULES TO DAME, BUT HE KNOWS NOTHING OF THE MASSACRE OR WHO COMMITTED THE CRIME. HE CROSSES THE MOUNTAIN MEADOWS A NIGHT OR TWO AFTER THE MOUNTAIN MEADOW MASSACRE, AND SAW SOME **WHITE** ~~WHIGHT~~ OBJECTS ON THE GROUND THAT HE THIN~~KS~~**KS** *[15]* WERE THE DEAD BODIES OF A PORTION OF THE EMIGRANTS. HE MADE NO EXAMINATION OF THE BODIES OR THE OBJECTS TO DETERMIN**E** WHAT **T**H**E**Y **W**ERE; BUT THINKS THEY WERE HUMAN BODIES BECAUSE THEY

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RS	PS	RT	BT
TOOK TO BE BODIES {SEEMED}[i] TO BE LY{ING}[i] BY ROAD SIDE HE {COULD ONLY TELL THEM BY THEIR}[i] WHITENESS.		LOOKED WHITE IN THE MOONLIGHT. HE DOES NOT SAY THEY WERE DEAD BODIES, OR THE REMAINS OF THOSE WHO MAY HAVE DIED FROM VIOLENCE. HE KNOWS NOTHING; TELLS NOTHING OF JOHN D. LEE, NOR DOES HE PRETEND THAT HE KNOWS OF ONE THING TO CONNECT JOHN D. LEE WITH THE CRIME CHARGED IN THE INDICTMENT. GROWING WEARY AND DISGUSTED WITH THE FARCE THUS FAR PLAYED, THE PROSECUTION TAKE A NEW DEPARTURE AND BRING JAMES PEARCE ON THE STAND. THIS IS THE BEEF EATER, THAT YOU REMEMBER, BY SAYING THE	LOOKED WHITE IN THE MOONLIGHT. HE DOES NOT SAY THEY WERE ~~WH~~ DEAD BODIES OR THE REMAINS OF THOSE WHO DIED FROM VIOLENCE. HE KNOWS NOTHING, — TELLS NOTHING OF JOHN D. LEE; NOR DOES HE PRETEND THAT HE KNOWS OF ONE THING TO CONNECT JOHN D. LEE WITH THE CRIME AS CHARGED IN THE INDICTMENT. GRO**W**ING ~~AND~~ DISGUSTED WITH THE FARCE THUS FAR PLAYED, THE PROSECUTION TAKE A NEW DEPARTURE AND BRING JAMES PEARCE ON THE STAND. THIS IS THE "BEEF ~~TE~~EATER" THAT YOU REMEMBER SAYTING THE
NEXT IS JAMES PEARCE THAT YOUNG MUSTANG; I SUPPOSE THAT WAS {FIRST THE FIRST}[i]	JAMES PEARCE [*space*]		

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RS	PS	RT	BT
FRESH BEEF HE HAD FOUND FOR NUMBER OF YEARS. IF HE IS IMMODERATE AN EATER AS HE WAS SWEARER IT IS WONDER HE HAS NOT DIED SOONER. NEXT IS {**W D THOMPSON**}[i]		FRESH BEEF HE HAD EATEN WHILE CAMPED AT THE MEADOWS HAD GIVEN HIM THE "BOTTS" . AS AN EATER HE PROVED A SUCCESS, AS A SOLDIER AND FIGHTER A FAILURE; AND AS A WITNESS HE STANDS BEFORE YOU AS MISERABLE AND HALF WITTED MENTAL IMBECILE, REMEMBERING NOTHING MATERIAL THAT TRANSPIRED BEFORE,DURING OR AFTER THE MASSACRE,AS COULD BE. PEARCE IS SILENT AS [17] TO CRIMINAL ACTS OF THE DEFENDANT, AND SO THE PROSECUTION IS STILL WITHOUT EVIDENCE OF GUILT TO JUSTIFY THE DEMAND FOR A CONVICTION.	FRESH BEEF HE HAD EATEN WHILE CAMPED AT THE MEADOWN HAD GIVEN HIM THE "BOTTS". AS AN EATER HE PROVED ~~AN~~ A SUCCESS, AS A SOLDIER AND FIGHTER, A FAILUR~~E;~~**E** BUT AS A WITNESS BEFORE YOU HE STANDS AS A MISERABLE HALF WITTED MENTAL IMBECILE, REMEMBERING NOTHING MATERIAL THAT TRANSPIRED BEFORE, DURING OR AFTER THE MASSACRE. PEARCE IS S~~C~~ILENT AS TO CRIMINAL ACTS OF THE DEFENDANT, AN~~F~~D SO THE PROSECUTION IS STILL WITHOUT EVIDENCE OF GUI~~L~~T TO JUSTIFY THE DEMAND FOR A CONVICTION.

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RS	PS	RT	BT
WILLIAM DANIEL THOMPSON. PROVED TOO BY JOHN MCFARLANE MOUNTAIN MEADOWS WAS NOT IN IRON COUNTY.	JOHN MCFARLANE [*space*]	WILLIAM EDWARD THOMPSON, AND JOHN MACFARLANE, HAVE BEEN SWORN TO PROVE THE VENUE, TO PROVE THAT THE MOUNTAIN MEADOWS WERE IN THE COUNTY AND TERRITORY AS CHARGED IN THE INDICTMENT. THAT PROPOSITION WE DO NOT DENY. THESE WITNESSES SWEAR TO THAT AND NOTHING MORE. TO CALL YOUR MINDS TO THE FACT THAT THERE WAS NO EVIDENCE WORTHY OF BELIEF, CONNECTING THE DEFENDANT WITH THE CRIME CHARGED, THERE IS A WITNESS	WILLIAM EDWARD THOMPSON[499] AND JOHN MC FARLAND[500] HAVE BEEN SWORN TO PROVE THE VENUE, TO PROVE THAT THE MOUNTAIN MEADOW~~N~~**S** WERE IN THE COUNTY AND TERRITORY AS CHARGED IN THE INDICTMENT, AND THAT PROPOSITION WE DO NOT DENY. THESE WITNESSES SWEAR TO THAT AND NOTHING MORE. TO CALL YOUR MINDS TO THE FACT THAT THERE WAS NO EVIDENCE WORTHY OF BELIEF, CONNECTING THE DEFENDANT WITH THE CRIME CHARGED, THERE IS A WITNESS

499. He is referred to in the witness list as E. W. Thompson.
500. John MacFarlane.

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RS	PS	RT	BT
		CALLED WHO TALKS OF CAMPS,CANNONS, OF MOUNTAIN PASSES AND INDIAN ATTACKS, AWAY TO THE EASTWARD ON THE PLAINS, AND IN THE ROCKY MOUNTAINS, AND THEN IN THE WASATCH RANGE.	CALLED WHO TALKS OF CAMPS**,** CAN**Y**ONS, OF MOUNTAIN PASSES AND INDIA~~N~~**N** ATTACKS AWAY TO THE EASTWARD **ON** THE PLAINS **S**ND IN THE ROC~~H~~HKY MOUNTAINS; AND T~~EN~~HEN IN THE WASATCH RANGE.
	JAMES PEARCE IS RECALLED FOR THE PROSECUTION SAYS ONE GOOD THING THAT P K SMITH THAT HE WAS LIKE BIGGEST MAN THERE [*space*]		
FRANK KING HE SAW {THE COMPANY}[i] OF EMIGRANTS AT EMIGRATION CANYON HE DOES NOT CONNECT THEM WITH THIS MASSACRE;	FRANK KING SAW THE COMPANY OF EMIGRANTS [*space*]	THIS MAN IS FRANKLIN KING. HE WAS IN COMPANY WITH A TRAIN OF EMIGRANTS AT EMIGRANT CANON, BUT DOES NOT KNOW THEM TO BE THE SAME THAT WERE SLAIN AT THE MOUNTAIN MEADOWS. HE	THIS MAN IS FRANKLIN KING. HE WAS IN COMPANY WITH A TRAIN OF EMIGRANTS AT **“**EMIGRANT CANON;**”**[501] BUT DOES NOT KNOW THEM TO BE THE SAME THAT WAS SLAIN AT THE MOUNTAIN MEADOWS. HE

501. Emigration Canyon.

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RS	PS	RT	BT
KNOWS NOTHING OF THEM; AFTER THEY LEFT EMIGRATION CANYON PASSING ON WEST THEY WERE DETERMINED TO *REIN*[?] IN SOME EAST OF SALT LAKE BECAUSE CAREY IN HIS {OPENING}[i] STATEMENT HAD STARTED THEM OUT CLEAR FROM {THE}[i] MISSOURI RIVER HE HAD HAD THEM WEST WAY OVER JORDAN INDIANS HAD FOUGHT THEM ALL THE WAY ACROSS {THE}[i] PLAINS		NEVER SAW THEM THERE; KNOWS NOTHING OF THEM AFTER THEY LEFT THE EMIGRANT CANON AND PASSED ON TO THE WEST. THIS WAS AN EFFORT TO BRING SOME ONE AS A WITNESS WHO HAD SEEN THE UNFORTUNATES EAST OF SALT LAKE CITY, BECAUSE MY BROTHER CAREY IN HIS OPENING STATEMENT HAD STARTED THEM FROM THE MISSOURI RIVER, CROSSED THEM OVER THE PLAINS AND MOUNTAINS TO THE RIVER JORDAN, AND FROM THE JORDAN TO THE SCENE WHERE SUCH FEARFUL DEEDS WERE DONE IN THE NAME OF RELIGION,AND FOR THE UPBUILDING OF THE KINGDOM	NEVER SAW THEM— KNOW\~~\~~S NOTHING OF THEM AFTER THEY LEFT THE EMIGRANT *[16]* CANON AND PASSED ON TO THE WEST. THIS WAS AN EFFORT TO B~~L~~RING SOME ONE AS A WITNESS WHO HAD SEEN THE UNFORTUNATES EAST OF SALE LAKE CITY. BECAUSE MY BROTHER CARY IN HIS ~~U~~OPENING STATEMENT HAD STARTED FRO~~U~~M THE MISSOURI RIVER; CROSSED THEM OVER THE PLAINES AND MOUNTAINS TO THE RIVER JORDEN AND FROM THE JORDEN TO THE SCENE WHERE SUCH FEARFUL DEEDS WERE DONE IN THE **NAME** ~~MANE~~ OF RELIGION, AND FOR THE UP-BUILDING OF THE KINGDOM

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RS	PS	RT	BT
[[27]][502] SO HE BROUGHT IN THIS MAN KING TO PROVE THEY WERE A PEACEABLE COMPANY OF EMIGRANTS EVEN BEFORE THEY CAME TO SALT LAKE CITY ~~<~~VALLEY~~>~~ AND FAILS TO DO SO AS HE KING KNOWS NOTHING OF THEM AFTER THEY <LEFT EMIGRATION CANYON> THEN THEY BRING IN ISAAC RIDDLE	ISAAC RIDDLE [*space*]	OF CHRIST ON EARTH. IT WAS AN EFFORT TO PROVE THAT THE EMIGRANTS WERE PEACABLE MEN, MILD IN THEIR DISPOSITIONS AND HARMLESS IN THEIR ACTIONS. IN THIS THE PROSECUTION ADDS AN ADDITIONAL FAILURE TO ITS LONG LIST OF FAILURES. KING'S TESTIMONY ESTABLISHES NO MATERIAL FACT; HE STATES NOTH- *[18]* ING THAT REFERS TO THE DEFENDANT. ISAAC RIDDLE IS A WITNESS THAT GLADLY RELATES ALL THAT HE KNOWS, BUT, UNFORTUNATELY FOR THE PROSECUTION HE KNOWS	OF CH~~I~~RIST ON EARTH. IT WAS AN EFFORE PROV**E THAT THE E**MIGRANTS WERE PEACABLE MEN, MILD IN THEIR DISPOSITION AND HARMLESS IN THEIR ACTIONS. IN THIS THE PROSECUTION ADDS AN ADDITIONAL FAILURE TO ITS LONG LIST OF FAILURES. KINGS TESTIMONY ~~S~~EST~~I~~ABLISHES NO MATERIAL FACT . HE STATES NOTHING THAT REFERRS TO THE ~~F~~DEFENDANT. ISAAC RIDDLE IS A WITNESS THAT GLADLEY RELATES ALL THAT HE KNOWS BUT UNFORTUNATELY FOR THE PROSECUTION HE KNOWS

502. In longhand at the top of the page: **BISHOPS 7 ADDRESS.**

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RS	PS	RT	BT
THIS MAN BUT WENT TO MILL *OVER BY*[?] PINTO [*space*] HAIGHT TOLD HIM THERE WAS DANGER WITH THE INDIANS. TOLD HIM GO HOME HE WENT HOME.		NOTHING AGAINST THE DEFENDANT. YOU ALL REMEMBER THAT RIDDLE HAD GONE TO CEDAR CITY TO MILL. HE WANTED SOME GRAIN GROUND TO TAKE TO HIS HOME IN THE WILDERNESS. WHEN HE ARRIVED AT CEDAR CITY, HE WAS INFORMED BY HAIGHT THAT THE INDIANS WERE ON THE WAR PATH, AND THAT THE SETTLERS LIVING OUTSIDE OF THE FORTIFIED TOWNS, WERE IN DANGER OF BEING VICTIMS OF THEIR SAVAGE WRATH. HE WAS ADVISED AND DIRECTED TO HASTEN HOMEWARD, TO NOTIFY THE SETTLERS OF THEIR DANGER, AND TO AID IN PROTECTING	NOTHING AGAINST THE DEFENDANT. YOU ~~Z~~ALL REMEMBER THAT RIDDLE HAD GON**E** TO CEDAR CITY TO MILL; HWE WANTED ~~D~~SOME GRAIN GROUND TO TAKE TO HIS H~~I~~OME IN THE WILDERNES~~S~~.. WHEN HE ARRI~~C~~VED IN CEDAR CITY HE WAS INFORMED BY HAIGHT THAT THE INDIANS WERE ON THE WAR PA~~R~~TH AND THAT THE SETTLERS LIVING OUTSIDE OF THE FORTIFIED TOWNS WERE IN DANGER OF BEIGN VICTIMS OF THEIR SAVAGE WRATH. HE WAS ~~AND~~ DIRECTED TO HASTEN HOMEWARD, TO NOTIFY THE SET**T**LERS OF THEIR DANGER AND TO AID AND PROTECT

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RS	PS	RT	BT
TRAVELED PART WAY WITH THIS MAN HIGBEE SOME OTHERS UNTIL THIS —[?] AFFAIR WAS ALL OVER.		THEM FROM THE FURY? OF THEIR SAVAGE ASSAILANTS. HE HAD TAKEN HIS WIFE WITH HIM TO CEDAR CITY; HE LEFT HER THERE IN SAFETY; GLAD THAT SHE WOULD BE SECURE, EVEN THOUGH OTHERS FELL BEFORE THE MERCILESS FOE, AND LIKE A DUTIFUL CITIZEN HE HASTENED TO NOTIFY THE UNSUSPECTING PEOPLE OF THE OUTSIDE SETTLEMENTS OF THEIR DANGER. ON HIS WAY,WHILE FULL OF SOLICITUDE FOR HIS FRIENDS,HE MET WITH HIGBEE, AND SOME OTHERS,WHO TOLD HIM THAT THE FEARFUL AFFAIR WAS ENDED, BUT IN NO RESPECT DOES HIS EVIDENCE	THEM FROM THE FURY OF THEIR SAVAGE ASSAILENTS. HE HAD TAKEN HIS WIFE WITH HIM TO CEDAR CITY. HE HAD LEFT HER~~E~~ THERE IN SAFETY, GLAD THAT SHE WOULD BE SECURE, EVEN THOUGH OTHERS FELL BEFORE THE MERCILLESS FO~~R~~E AND LIKE A DUTIFUL CITIZEN HE HASTENED TO NOTIFY THE UNSUSPECTED PEOPLE OF THE OUTSIDE SET**T**LEENTS OF THEIR D~~Z~~ANGER. ON HIS WAY WHILE FULL OF SOLICITUDE FOR HIS FRIENDS HE MET WITH HIGBEE AND SOME OTHERS, WHO TOLD HIM THAT ~~TE~~**THE** FEARFUL AFFAIR WAS ENDED. BUT IN NO RESPECT DOES HIS EVIDENCE

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RS	PS	RT	BT
NEXT WILLIAM ROBERTS HE HEARD OF EMIGRANTS <BEFORE THEY GOT TO PAROWAN> AND SAW THEM HEARD DAME PREACH NOT TO SELL ANYTHING TO EMIGRANTS OR TRADE WITH INDIANS. THIS IS THE MAN THAT HAD THAT PECULIAR CONVERSATION WITH JOHN D. LEE,		CONNECT JOHN D. LEE WITH THE TRANSACTION. WILLIAM ROBERTS TESTIFIED THAT HE HEARD OF THE EMIGRANTS BEFORE THEY REACHED PAROWAN. THAT HE HEARD DAME PREACH IN THE CHURCH THERE THE SUNDAY BEFORE THE ARRIVAL OF THE EMIGRANTS; AND THAT IN HIS SERMON DAME ADVISED THE PEOPLE NOT TO TRADE WITH OR SELL THE EMIGRANTS ANY PROVISIONS. THIS WITNESS ALSO TELLS YOU THAT HE MET JOHN D. LEE AT LEE'S HOUSE,SOME YEARS AFTERWARDS, AND THAT LEE TOLD HIM CERT- [19] AIN	CONNECT JOHN D. LEE WITH THE TRANSACTION. WILLIAM ROBERTS TESTIFIED THAT HE HEARD OF HE EMIGRANTS BEFORE [17] THEY REACHED PAROWAN. THAT HE HEARD DAME PREACH IN THE CHURCH THERE THE SUNDAY BEFORE THE ARRIVAL OF THE EMIGRANTS AND THAT ~~J~~IN HIS SER~~C~~VICES DAME ADVISED THE PEOPLE NOT TO TRADE WITH OR SELL THE EMIGRANTS ANY PROVISIONS. THIS WITNESS ALSO TELLS YOU THAT HE MET JOHN D~~L~~**.** LEE AT HIS , **(**LEES**)** HOUSE SOME YEARS AFTERWARD S, AND THAT LEE TOLD HIM CERTAIN

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RS	PS	RT	BT
WHEN LEE TOOK HIM TO BE ANOTHER MAN. GENTLEMEN OF THE JURY[503] I WANT YOU REMEMBER ALL THE TESTIMONY DON'T DECIDE ON A PART OF IT. HE SAYS LEE TOLD HIM WAS DONE BY ORDERS AND DID NOTHING ONLY BY ORDERS WHAT WAS TOLD HIM. THERE IS THE CASE FOR THE PROSECUTION IN BRIEF.	THERE IS THE CASE FOR THE PROSECUTION IN BRIEF	THINGS; THAT LEE MISTOOK HIM FOR ANOTHER MAN, AND TOLD HIM "THAT ALL HE HAD DONE ON THAT OCCASION WAS DONE BY AUTHORITY", YET HE DOES NOT SAY THAT LEE ADMITTED ANY CRIME, NOR DOES HE TELL YOU OF ANY CRIME COMMITTED OR CONFESSED BY LEE. THIS IS ALL THE EVIDENCE OF THE PROSECUTION,E XCEPT THAT OF THE OLD MAN WILLIAM YOUNG, AND HE TELLS YOU THAT LEE WAS THERE ACTING AS A	THINGS. THAT LEE MISTOOK HIM FO~~T~~R ANOTHER MAN AND TOLD HIM, 'THAT ALL HE HAD DONE ON THAT OCCASION WAS DONE BY AUTHORITY" **BUT** ~~TYHET~~ HE DOES NOT ~~A~~SAY THAT LEE ADMITTE**D** ANY CRIME NOR DOES HE TELL YOU OF ANY CRIME COMMITTED OR CONFESSED TO BY LEE. THIS IS ALL THE EVIDENCE OF THE PROSECUTION E~~C~~XCEPT THAT OF OLD MAN WILLIAM YOUNG AND HE TELLS YOU THAT LEE WAS THERE ACTING ~~ACTING~~ AS A

503. "GENTLEMEN OF THE JURY" was apparently added later.

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RS	PS	RT	BT
		PEACE MAKER, AND TOOK NO PART IN THE MASSACRE. HE WISHED TO TELL, AND WE DESIRED HIM TO TELL, WHAT WAS SAID AND DONE BY THE WHITES THERE, BEFORE AND AFTER THE COMMISSION OF THE HORRID DEED, BUT THE PROSECUTION OBJECTED AND THE M~~I~~OUTH OF THE WITNESS WAS SEALED AND	PEACE MAKER, AND TOOK NO PART IN THE MASSACRE. HE WISHED TO TELL AND WE DESIRED HIM TO TELL WHAT WAS SAID AND WHAT WAS DONE BY THE WHITES THERE BEFORE AND AFTER THE HORRID DEED ~~THAT~~ **BU**T THE PROSSECUTION OBJECTED AND THE MOUTH OF THE WITNESS WAS SEALED AND ~~MADE~~
IT IS TIME NOW FOR ADJOURNMENT I WILL ASK COURT TO ADJOURN; AND AFTER DINNER I WILL DO AS WELL AS I CAN ASSIST YOU IN DISSECTING IT AND ENABLE YOU TO ARRIVE AT A CORRECT AND PROPER	IT IS TIME FOR ADJOURNMENT [*space*] AFTER DINNER I WILL DO AS WELL AS I CAN TO TAKE THIS EVIDENCE TO PIECES AND ASSIST YOU IN EXAMINING IT *SPEAK/SP*[?] THE NEAREST DESCRIPTION OF IT AND SEE WHO	SILENCED. IT IS NOW ABOUT TIME FOR THE COURT TO TAKE ITS RECESS. AFTER WE MEET AGAIN , I WILL, SO FAR AS I CAN, ASSIST YOU IN FORMING A JUST	SCILENT. IT IS NOW ABOUT TIME FOR THE COURT TO TAKE A RECESS. AFTER WE MEET AGAIN I WILL, SO FAR AS I CAN, ASSIST YOU IN FORMING A JUST

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RS	PS	RT	BT
CONCLUSION AS TO THE WEIGHT AND QUALITY OF OF IT.	HAS LIED AND WHO HAS NOT	CONCLUSION, FROM THE EVIDENCE, AND IN WEIGHING THE EVIDENCE IN THE JUDICIAL SCALE OF FAIRNESS AND CANDOUR.	CONCLUSION FROM THE EVIDEN CE AND IN WEIGHING THE EVIDENVE IN THE JUDICIAL SCALE OF FAIRNESS AND CANDOR.
BEFORE I GO THOUGH I WISH TO CALL YOUR ATTENTION TO THIS ONE FACT BECAUSE I SHALL REFER TO THAT REFER HERE AFTER THE STATEMENT MADE BY MY {FRIEND}[i] CAREY	I WISH TO CALL YOUR ATTENTION TO THIS ONE FACT THAT IS THE THE STATEMENT MADE BY MY FRIEND CAREY	BEFORE ADJOURNMENT, HOWEVER, I WISH TO NOTICE ONE REMARK ~~BY~~ THAT WAS MADE BY MY FRIEND CAREY, WHO IS REPRESENTING THEGOVERNME NT IN THIS PROSECUTION.	BEFORE ADJOURNMENT, HOWEVER, I WISH TO NOTICE ONE REMARK THAT WAS MADE BY MY FRIEND CAREY WHO IS REPRE SENTING THE GOVERNMENT IN THIS PROSECUTION.
{AND THAT IS THIS THAT THE}[i] EYES OF {THE}[i] CIVILIZED WORLD NOW REST ON THIS JURY. HOW DO YOU KNOW IT? WHERE IS	THAT THE EYES OF THE CIVILIZED WORLD NOW REST ON THIS JURY HOW DO YOU KNOW IT WHERE IS	HE SAYS TO YOU “THE EYES OF THE CIVILIZED WORLD ARE NOW DIRECTED TOWARDS— AND NOW REST UPON YOU” I ASK, DO YOU KNOW THAT ? WHERE IS THE	HE SAYS TO YOU, “ THE EYES OF THE ~~V~~CIVILIZED WOR~~N~~LD ARE ~~B~~NOW DIRECTED TOWARDS AND ~~NOW~~ REST UPON YOU.” I ASK HOW DO YOU KNOW **T**HAT? WHERE IS THE

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RS	PS	RT	BT
EVIDENCE OF	EVIDENCE THAT	EVIDENCE OF	EVIDENCE OF
IT	IT	IT ? WHO HAS SO	IT? WHO HAS SO
		TESTIFIED ?	TESTIFIED?
WHAT ARE	WHAT ARE	WHAT ARE	WHA~~R~~T ARE
YOU TRYING	YOU TRYING	YOU TRYING	YOU TRYING
THIS CASE ON	THIS CASE ON	THIS CASE UPON	THIS UPON ?
		? IS IT THE	IS IT THE
POPULAR	POPULAR	POPULAR	POPULAR
RUMOR	RUMOR	RUMOR,	RUMOR?
NEWSPAPER	NEWSPAPER	NEWSPAPER	NEWSPAPER
REPORTS	REPORTS	REPORT,	REPORTS?
		LOCAL	LOCAL
OR UPON	OR UPON	PREJUDICE, OR	PREJUDICE, OR
THE TESTIMONY.	THE TESTIMONY	THE TESTIMONY	THE TESTIMONY
		AS DETAILED	DETAILED
		BY THE	BY
		WITNESSES ? I	WITNESSES? I
		AM WILLING	AM WILLING
		THAT THE	THAT THE
		ARGUMENT	ARGUEMENTS
		SHALL TAKE A	SHOULD TAKE A
		WIDE RANGE,	A WIDE RANGE
		THAT FULL	THAT FULL
		SCOPE SHALL	SCOPE SHALL
		BE GIVEN	BE GIVEN TO
		THE FANCY OF	**T**HE **FANCY OF**
		THE COUNSEL,	COUNSE~~C~~L.
I AM	I AM	BUT I AM NOT	[18] I AM
			~~WILLLIINNGGFF~~
WILLING	WILLING	WILLING	~~RORM~~ **WILLING**
TO	TO	FOR THEM TO	**FOR** THEM TO
TRAVEL FORTH	TRAVEL FORTH	DEPART FROM	TRAVEL FROM
		THE EVIDENCE	THE EVIDENCE,
		OR DEAL	DEAL
		LIGHTLY WITH	LIGHTLY WITH
		FACTS, NOR	~~C~~FACTS,
INTO THE	INTO THE	REVEL IN THE	REVEL IN THE
REALMS OF	REALMS OF	FERTILE FIELDS	FERTILE FIELDS
THOUGHT[?] AND	THOUGHT AND	[20] OF	OF
		IMAGINATION,	IMMAGINATION,
GUESS WORK	~~*GUESS WORK*~~[?]	GUESS WORK	GU~~R~~ESS WORK
AND		AND FANCY,	AND FANCY~~.~~,
INVESTIGATE	INVESTIGATE	INVESTIGATING	INVESTIGATE
THE UNKNOWN	THE UNKNOWN	THE UNKNOWN,	THE UNKNOWN

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RS	PS	RT	BT
IF THE *~~DEFENSE~~*[?] PROSECUTION WISH TO	IF THE *~~DEFENSE~~*[?] PROSECUTION WISH TO	AND DEAL~~ING~~ IN FICTION, SOPHYSTRY AND LOGIC, AS WELL AS PRACTICE THE ART OF DECLAMATION; IF SUCH BE THEIR DESIRE I CAN USE THOSE IMPLEMENTS OF PERSUASION TO, WHEN THE OCCASION WILL JUSTIFY, BUT THIS IS NOT A CASE FOR FANCIFUL PICTURES OF RHETORIC, OR A SCHOOL FOR DECLAMATION. OUR BUSINESS IS WITH <u>FACTS</u> AND THE FEARFUL ~~RELA~~ REALITIES OF LIFE AND ACTION. BUT FOR ALL THIS I OBJECT TO THE PROSECUTIONC OMING HERE AND PREACHING A CRUSADE AGAINST A SECT OR PEOPLE, IN ORDER TO INTIMIDATE YOU, OR TO	AND DEAL IN FICTION, SOPHESTRY AND LOGIC AS WELL AS PRACTICE THE ART OF DECLAMATION, IF SUCH BE THEIR DESIRE. I CAN USE THOSE INSTRUMENTS OF PURSUASION TOO WHEN OCCASION WI**L**L JUSTIFY~~,~~**,** BUT THIS IS N~~I~~OT A CASE ~~OF~~FOR~~FANCIFU L~~FANCIFUL~~PIC~~PI CTUTES OF RHETORIC, O~~T~~**R** A SCHOOL FOR DECLAMATION. OU~~T~~**R** BUSINESS IS WITH FACTS AND FEARFUL REALITIES OF LIFE AND ACTION. BUT FOR ALL THIS I OBJECT TO THE PROSECUTIO~~H~~N COMING HERE AND PREACHING A CRUSADE AGAINST A SECT OF PEOPLE IN ORDER TO INTIMIDATE YOU, OR TO
BUT I DON'T WISH THE PROSECUTION TO COME HERE AND PREACH A CRUSADE AGAINST A SECT OR PEOPLE AND THEN INTIMIDATE THEM	BUT I DO NOT WISH THE PROSECUTION TO COME HERE AND PREACH A CRUSADE AGAINST A STATE AND PEOPLE AND THEN INTIMIDATE THEM		

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RS	PS	RT	BT
		SEEK A VERDICT BY INTIMIDATING THE JURY,	SEEK A VERD~~O~~ICT BY INTIMIDATING THE JURY
BY SAYING THAT YOU ARE NOW IN THE EYE OF THE PUBLIC {AND}[i]	BY SAYING THAT YOU ARE NOW IN THE EYE OF THE PUBLIC AND	WITH THREATS OF POPULAR INDIGNATION. I AM NOT WILLING THAT THEY SHOULD CLAIM A VERDICT AT YOUR HANDS,	~~O~~WITH THREATS OF POPULAR INDIGNATION. I AM NOT WILLING THAT THEY SHOULD CLAIM A VERDICT AT YOUR HANDS
{THAT}[i] YOU MUST SATISFY	THAT YOU MUST SATISFY	SIMPLY TO SATISFY THE CRAVINGS OF THE MASSES,	SIMPLY TO SATISFY THE CRAVINGS OF THE MAS~~SE~~S OR
THE MORBID DESIRE AND WISH OF THAT PUBLIC	THE MORBID DESIRE AND WISH OF THAT PUBLIC	OR THE MORBID DESIRES OF A MISINFORMED PUBLIC. THE CHARGE AS MADE BY MY FRIEND CAREY, THAT YOU MUST	THE MORBID DESIRE OF A MISINFORMED PUBLIC. THE CHARGE AS MADE BY MY FRIEND CARY THAT YOU MUST
~~AND~~ {OR}[i] GO FORTH	OR GO FORTH	CONVICT, OR; GO FORTH BRANDED BY PUBLIC	~~V~~CONVICT OR GO FORTH BRANDED BY PUBLIC
AS PERJURED WRETCHES. NO I DO NOT *WANT*[?] PROSECUTION TO PROSECUTE IN THAT WAY.	AS PERJURED WRETCHES ≤NO≥ I DO NOT WANT THE PROSECUTION TO PROSECUTE IN THAT WAY	OPINION, AS PERJURED WRETCHES, COMES WITH AN ILL-GRACE FROM THE PROSECUTION, AND IS NOT SUPPORTED BY THE EVIDENCE IN THE CASE ,	OPINION AS PURGERED WRETCHES, COMES WITH AN ILL GRACE WITH THE PROSECUTION AND IS NOT SUPPORTED BY THE EVIDENCE IN THE CASE.
THEY HAVE RELIED UPON	THEY HAVE RELIED UPON	TRUE, THEY RELY UPON	TRUE , THEY RELY UPON

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RS	PS	RT	BT
BUNKUM AND HEARSAY, POPULAR RUMOR AND THE INDIGNATION OF THOSE LIVING AT {A}[i] REMOTE {DISTANCE}[i] TOO MUCH.	BUNK AND HEARSAY POPULAR RUMOR AND THE INDIGNATION OF THOSE LIVING AT REMOTE PLACES TOO MUCH	RUMOR, BUNKUM, AND RECITAL OF HORRID DEEDS WITH WHICH THE DEFENDANT IS NOT CONNECTED, TO AROUSE THE INDIGNATION OF THOSE IN DISTANT REGIONS, AND THEY HOPE TO INDUCE YOU, BY THIS CLASS OF ARGUMENT TO CONVICT, NOTWITHSTANDING THE EVIDENCE IS INSUFFICIENT TO WARRANT THE VERDICT. I AM HERE TO HAVE THIS CASE TRIED ACCORDING TO LAW, AND TO BASE OUR CLAIMS FOR ACQUITTAL UPON THE EVIDENCE, WHICH FAILS TO ESTABLISH THE GUILT OF THE DEFENDANT, AND WE HAVE NO FEARS OF THE RESULT. THESE IDLE	RUMOR, BUNCOM AND A RECITAL OF HORRID CDEEDS WITH WHICH THE DEFENDANT IS NOT CONNECTED, TO AROUSE THE INDIGNATION OF THOSE IN DISTANT REGIONS AND THEY HOPE TO INDUCE YOU BY THIS CLASS OF ARGUEMENT TO CONVICT, NOTWITHSTANDING THE EVIDENCE IS INSUFFICIENT TO WARRANT THE VERDICT . I AM HERE TO HAVE THIS CASE TRIED ~~S~~ACCORDING TO LAW AND TO BASE OUR CLAIMS FOR ACQUITAL ~~F~~UPON THE EVIDENCE WHICH FAILS TO ESTABLISH THE GUILT OF THE DEFENDANT, AND WE HAVE NO FEARS OF **T**HE RESULT. THESE ~~D~~IDLE

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RS	PS	RT	BT
		VAPORINGS OF AN EXCITED IMAGINATION; THESE APPEALS TO PASSION AND PREJUDICE, THESE THREATS OF POPULAR FURY HAVE NO TER**R**ORS FOR [21] ME, AND NO WEIGHT WITH ~~O Y~~ YOU, SAVE TO AROUSE YOUR CONTEMPT FOR ADVOCATES WHO THUS DEBASE THEIR NOBLE CALLING, AND PROSTITUTE JUSTICE, HOPING FOR TEMPORARY VICTORY IN A BAD CASE. I DEMAND THAT THE EVIDENCE OF THE WITNESSES AND THE LAW OF THE LAND SHALL GUIDE YOU IN YOUR DELIBERATIONS, AND I SHALL HOLD THE PROSECUTION STRICTLY WITHIN THE LIMITS OF THE	VAPORINGS OF AN EXCITED IMMAGINATION, THESE APPEALS TO PASSION AND PREJUDICE, THESE THREATS OF POPULAR FURY HAVE NO TERRORS FOR ME, AND SHOULD HAVE NOT WEIGHT WITH YOU, SAVE TO ARROUSE YOUR CONTEMPT FOR ADVOCATES WHO THUS DEBASE THEIR NOBLE CALLING AND PROSTITUTE JUSTICE HOPING FOR TEMPORARY VICTORY IN A BAD CASE. I DEMAND THS**A**T THE [19] EVIDENCE OF THE WITNESS~~4~~**E**S AND THE LAW OF THE LAND SHALL GUIDE YOU IN YOUR DELIBERATIONS, AND I SHALL HOLD THE PROSECUTION STRICTLY WITHIN THE LIMITS OF THE
WE ARE HERE NOW CONFINE THEM TO THE FACTS	WE ARE HERE NOW TO CONFINE THEM TO THE FACTS		

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RS	PS	RT	BT
		EVIDENCE AND THE LAW.	EVIDENCE AND THE LAW.
THAT SHALL BE MY EFFORT FROM THIS TIME ON TO SHOW HOW AND WHAT THE FACTS ARE IN THIS CASE.	THAT SHALL BE MY EFFORT FROM THIS TIME ON TO SHOW HOW AND WHAT THE FACTS ARE IN THIS CASE.		
BY COURT WILL TAKE RECESS UNTIL HALF AFTER TWO O'CLOCK. 36 PAGES REPORTED THIS FORENOON. **AUG 4/75** FROM **9 15 TILL 11.45.** *[[28]]*504	[*space*] RECESS UNTIL HALF PAST 2 O'CLOCK *[[17]]*	∴THE COURT NOW ADJOURNED FOR TWO HOURS,	COURT ~~NOW~~ ADJOURNED FOR TWO HOURS.
NAMES OF JURORS CALLED BY CLERK ALL PRESENT. [*space*]	JURY CALLED [*space*]		
220 **PM**. BISHOP STEPPED TO CLERK ASKED FOR COPY OF INDICTMENT	BISHOP CONTINUED [*space*]	AFTER RECESS MR. BISHOP RESUMED HIS ARGUMENT AS FOLLOWS: ∴	AFTER **RECESS** MR. BISHOP CONTINUED HIS ARGUEMENT AS FOLLOWS:
COUNSEL. COURT PLEASE GENTLEMEN OF THE JURY LET'S NOW WILL NOW TAKE THIS CASE AT THE START AND CONSIDER IT	IF THE COURT PLEASE GENTLEMEN OF THE JURY WE NOW TAKE THIS CASE AT THE START AND CONSIDER IT	BY PERMISSION OF THE COURT, GENTLEMEN OF THE JURY, WE WILL NOW TAKE THIS CASE UP WHERE IT STARTS, AND GIVE IT THAT CAREFUL ATTENTION AND CONSIDERATIO	BY PERMISSION OF THE COURT, GENTLEMEN OF THE JURY: WE WILL NO~~T~~W TAKE UP THIS CASE WHERE IT ST~~S~~**A**RTS AND GIVE IT THAT CAREFUL ATTENTION AND CONSIDERATIO

504. In longhand at the top of the page: **BISHOPS 8 ADDRESS. WEDNESDAY AUG 4. 1875 230 PM CONTINUATION OF W W BISHOPS REMARKS TO JURY.**

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RS	PS	RT	BT
		N THAT THE MERITS OF THE CASE AND THE IMPORTANCE OF A JUST AND TRUE VERDICT DEMANDS. FIRST: - THAT YOU MAY UNDERSTAND	N THAT THE MERITS OF THE CASE AND THE IMPORT OF A JUST AND TRUE VERDICT DEMANDS. FIRST- THAT YOU MAY UNDERSTAND
FIRST I THINK WE SHOULD DO IS INQUIRE WHAT THE CHARGE IS BEFORE THE JURY WHAT THE CHARGE IS PENDING	AS I THINK WE SHOULD DO FIRST INQUIRE WHAT THE CHARGE IS THAT IS BEFORE THE JURY WHAT THE CHARGE IS PENDING	THE CASE IN ALL OF ITS PHASES, LET US INQUIRE WHAT THE CHARGE IS	THE CASE IN ALL ITS PHASES, LET US ENQUIRE WHAT THE CHARGE IS
AGAINST THIS DEFENDANT WHY HE IS HERE UPON TRIAL WHY YOU ARE CALLED UPON PASS VERDICT ONE WAY OR OTHER. [*space*]	AGAINST THIS PRISONER [*space*] WHY HE IS HERE ON TRIAL AND WHY YOU ARE CALLED UPON TO PASS VERDICT ONE WAY OR ANOTHER [*space*]	FOR WHICH JOHN D. LEE IS NOW UPON TRIAL, ARE, AND WHY YOU ARE HERE, AS JURORS, TO TRY THE ISSUE JOINED.	FOR WHICH JOHN D. LEE IS~~NOW~~ UPON TRIAL AND WHY YOU ARE HERE TO TRY THE ISSUE JOINED.
IN A CASE OF THIS CHARACTER IT BECOMES DUTY OF THE PROSECUTION TO PROVE BEYOND REASONABLE DOUBT THAT IS TO SATISFY JURY BEYOND	IN A CASE OF THIS CHARACTER IT BECOMES THE DUTY OF THE PROSECUTION TO PROVE BEYOND REASONABLE DOUBT THAT IS TO SATISFY THE JURY BEYOND	IN THIS CASE, AS IN ALL CASES OF THIS CHARACTER, IT IS THE DUTY OF THE PROSECUTION TO PROVE, BEYOND A REASONABLE DOUBT,	IN THIS CASE AS IN ALL CASES OF THIS CHARACTE~~S~~R IT IS THE DUTY OF THE PROSECUTION TO PROVE BEYOND A RE~~S~~ASONABLE DOUBT

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RS	PS	RT	BT
ANY REASONABLE DOUBT EVERY MATERIAL ALLEGATION OF THE INDICTMENT IS TRUE THAT THEY MUST SUSTAIN THAT BY EVIDENCE THAT YOU BELIEVE I WISH CALL YOUR ATTENTION TO CAREFUL READING OF THE FIRST COUNT IN THIS INDICTMENT SECOND IN THE INDICTMENT HAVING BEEN NOLLIED WHICH WAS DONE IN YOUR PRESENCE THEREFORE PART OF CASE.	ANY REASONABLE DOUBT THAT EVERY MATERIAL ALLEGATION IN THE INDICTMENT IS TRUE THAT THEY MUST SUSTAIN THAT BY EVIDENCE THAT YOU BELIEVE [*space*] NOW I SHALL CALL YOUR ATTENTION TO A CAREFUL READING OF THE FIRST COUNT IN THIS INDICTMENT THE SECOND HAVING BEEN NOLLIED WHICH WAS DONE IN YOUR PRESENCE AND IS THEREFORE PART OF THE CASE	EVERY MATERIAL ALLEGATION IN THE INDICTMENT; AND ALSO THE MATERIAL ALLEGATIONS IN THE INDICTMENT MUST BE SUSTAINED, AND PROVEN BY LEGAL, COMPETENT EVIDENCE, WHICH YOU, AS JURYMEN BELIEVE TO BE TRUE. I WISH TO CALL YOUR ATTENTION TO A CAREFUL READING OF THE INDICTMENT. THE SECOND COUNT HAVING BEEN NOLLIED, I WILL READ THE FIRST COUNT:	EVERY MATERIAL ALLEGATION IN THE INDICTMENT; AND ALSO THE MATERIAL ALLEGATIONS IN THE INDICTMENT MUST BE SUSTAINED AND PROVEN BY LEGAL**,** COMPETENT EVIDENCE WHICH YOU AS JURYMEN BELIEVE TO BE TRUE. I WISH TO ~~S~~CALL YOUR ATTENTION TO ~~C~~A CAREFUL REA~~F~~DING OF THE INDICTMENT: THE SECOND COUNT HAVING BEEN NOLLIED, I WILL READ THE FIRST COUNT UPON WHICH THE

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RS	PS	RT	BT
		DEFENDANT HAS BEEN ARRAIGNED AND IS NOW BEING TRIED.	DEFENDANT HAS BEEN ARRAIGNED AND IS NOW BEING TRIED.
ORIGINALLY THIS INDICTMENT WAS AGAINST ALL OF THE PARTIES CHARGED	ORIGINALLY THIS INDICTMENT WAS AGAINST ALL OF THE PARTIES CHARGING	ORIGINALLY THIS INDICTMENT WAS AGAINST ALL THOSE NAMED IN IT,CHARGING THEM WITH THE CRIME OF	ORIGINALLY THIS INDICTMENT WAS AGAINST ALL THOSE NAMED IN IT, CHARGING TH**E**M WITH THE CRIME OF
MURDER ALSO CONSPIRACY AT PRESENT	MURDER AND ALSO CONSPIRACY AT THE PRESENT	MURDER, [22] AND ALSO WITH CONSPIRACY.	MURDE~~R~~**RR** AND ALSO WITH CONSPIRACY.
TIME YOU ARE ONLY CONSIDER	TIME YOU ARE ONLY TO CONSIDER THE	YOU ARE TO CONSIDER ONLY THE FIRST	YOU ARE TO CONSIDER ONLY THE FIRST
COUNT GIVEN INDICTMENT	COUNT IN THE INDICTMENT	COUNT,. THIS INDICTMENT, AS IT NOW STANDS,	COUNT. THIS INDICTMENT AS IT NO W STANDS
CHARGE	CHARGING	CHARGES THIS DEFENDANT	CHARGES THIS DEFENDANT
MURDER AGAINST THE DEFENDANT	MURDER AGAINST THE DEFENDANT A	WITH MURDER;	WITH MURDER,;
CHARGE OF CONSPIRACY IS	CHARGE OF CONSPIRACY IS NOT CONTAINED IN THIS INDICTMENT AND DEFENDANT IS	THE CHARGE OF CONSPIRACY HAS BEEN ABANDONED,	THE CHARGE OF CONSPIRACY HA~~D~~**S** BEEN ABANDONED
NOT CHARGED WITH IT SO FAR AS YOU ARE CONCERNED STILL THE	NOT CHARGED WITH IT SO FAR AS YOU ARE CONCERNED STILL THE	SO FAR AS THIS CASE IS CONCERNED. STILL, IT IS	SO FAR AS **THIS** ~~TH~~**OSE** CASE IS CONCERNED. STILL IT IS

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RS	PS	RT	BT
EVIDENCE TO JUSTIFY PROSECUTION IN ARGUING FOR A CONVICTION MUST GO VERY FAR TOWARD SUPPORTING INDICTMENT FOR CONSPIRACY BEFORE THEY CAN CHARGE HIM HAVING ENTERED INTO COLLUSION WITH OTHERS AS {IS}[i] CHARGED IN THIS INDICTMENT. FOR FEAR WE SHALL STRAY FROM A PROPER CONSIDERATION OF {THE}[i] SUBJECT BEFORE US, I WILL READ INDICTMENT ~	EVIDENCE ASKED FOR BY PROSECUTION SHALL GO VERY FAR TOWARD SUPPORTING INDICTMENT OF CONSPIRACY BEFORE THEY CAN CHARGE HIM WITH HAVING ENTERED INTO COLLUSION WITH OTHERS FOR COMMITTING CRIME LIKE THE ONE CHARGED IN THE INDICTMENT [*space*] READ THE INDICTMENT	NECESSARY, IN ORDER TO JUSTIFY A CONVICTION HERE, THAT THE PROSECUTION GO VERY FAR TOWARDS SUPPORTING BY EVIDENCE, THE CHARGE OF CONSPIRACY. THIS MUST BE DONE TO SUPPORT THE CHARGE MADE, ACCUSSING THE DEFENDANT OF HAVING ENTERED INTO COLLUSION WITH OTHERS TO COMMIT THE CRIME CHARGED IN THE INDICTMENT. FOR FEAR YOU WILL STRAY FROM THE TRUE QUESTION THAT? IS BEFORE YOU, I MOST EARNESTLY DESIRE YOU TO GIVE DUE ATTENTION TO THE INDICTMENT, WHICH READS	NECESSARY IN ORDER TO JUSTIFY CONVICTION HERE THAT THE PROSECUTION GO VERY FAR TOWARDS SUPPORTING BY EVIDENCE THE CHARGE OF CONSPIRACY. THIS MUST BE DONE TO SUPPORT THE CHARGE MADE, ACCUSING THE DEFENDANT OF HAVING ENTERED INTO COLLUSION WITH OTHERS TO COMMIT THE CRIME CHARGED IN THE INDICTMENT. *[20]* SO FAR YOU WILL STRAY FROM THE TRUE QUESTION BEFORE YOU, I MOST EARNESTLY DESIRE YOU TO GIVE DUE ATTENTION TO THE INDICTMENT, WHICH READS

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RS	PS	RT	BT
PROCEEDED WITH READING OF INDICTMENT CHARGING LEE WITH CONSPIRACY DID JOHN D. LEE MAKE THE ASSAULT WITH SAID WILLIAM **H** DAME ISAAC HAIGHT ELLIOT WILDEN SAMUEL JUKES WILLIAM **C** STEWARD WITH CERTAIN GIVEN WITHIN THE[505] CHARGE WITH BULLETS FELONIOUSLY WILLFULLY PREMEDITATEDL Y —[?] IN CONCERT OF ACTION *AND SAID*[?] 50 *TRNSNS*[?] LAW OF THE UNITED STATES *THEN AND THE*[?][506] [*space*] YOU WILL NOTICE GENTLEMEN OF THE JURY BY READING THIS INDICTMENT	[*space*] YOU NOTICE GENTLEMEN OF THE JURY UPON READING OF THIS INDICTMENT THAT	AS FOLLOWS: ∴ HERE MR. BISHOP READ THE INDICTMENT TO THE JURY IN FULL ∴ YOU NOTICE, GENTLEMEN OF THE JURY, THAT THE	AS FOLLOWS: |HERE MR. BISHOP READ THE INDICTMENT TO THE JURY| YOU NOTICE GENTLEMEN OF THE JUTY**,** THAT THE

505. "WITHIN THE" is written seven times.
506. "THEN AND THE" is written three times.

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RS	PS	RT	BT
JOHN D. LEE IS CHARGED WITH ACTING IN CONCERT OF ACTION WITH ALL OF OTHER PARTIES NAMED IN THIS INDICTMENT YOU WILL FIND HE IS CHARGED WITH ACTING IN CONCERT WITH THEM AT THE TIME.	JOHN D LEE IS CHARGED WITH ACTING IN CONCERT OF ACTION WITH ALL THE[507] OTHER PARTIES CHARGED[508] IN THIS INDICTMENT	DEFENDANT JOHN D. LEE IS CHARGED WITH ACTING IN CONCERT WITH ALL THE OTHER PARTIES NAMED IN THE INDICTMENT. THAT HE IS CHARGED WITH HAVING ACTED WITH THEM AT THE TIME CHARGED IN THE INDICTMENT.	DEFENDANT, JOHN ,D. LEE, IS CHARGED WITH ACTING IN CONCERT WITH ALL THE OTHER PARTIES NAMED IN T~~HE~~**HE** INDICTMENT. THAT HE IS CHARGED WITH HAV**I**NG ACTED WITH THEM AT THE T~~EIM~~IME CHA~~G~~RGED IN THE INDICTMENT~~.~~;
THAT WHEN THIS TRANSACTION TOOK PLACE JOHN D. LEE BY PREVIOUS AGREEMENT WITH WILLIAM **H** DAME ISAAC **C** HAIGHT J M HIGBEE, GEORGE ~~DAME~~ {ADAIR}[i] JR., ELLIOT WILDEN, SAMUEL JUKES, PHILIP K SMITH, WILLIAM **C**	THAT WHEN THIS TRANSACTION TOOK PLACE JOHN D. LEE BY PREVIOUS AGREEMENT WITH WILLIAM H DAME ISAAC **C** HAIGHT J M HIGBEE GEORGE ADAIR JR. ELLIOT WILDEN SAMUEL JUKES AND PHILIP K SMITH WILLIAM **C**	THAT WHEN THIS TRANSACTION TOOK PLACE, JOHN D. LEE,BY REASON OF PREVIOUS AGREEMENT WITH WILLIAM H. DAME, ISAAC C. HAIGHT, JOHN M. HIGBEE, GEORGE ADAIR JR. ELLOTT WILDEN, SAMUEL JUKES, PHILIP K. SMITH AND WILLIAM C.	THAT WHEN THIS TRANSA~~T~~CTION TOOK PLACE JOHN D. LEE BY REASON OF PREVIOUS AGREEMEN~~6~~T WITH WILLIAM H. DAME, ~~IA~~ ASAAC C. HAIGHT, JOHN M. HIGBEE GEORGE AD~~I~~AIR,JR. ELLIOT WIL**L**DEN, SAMUEL JUKES, PHILLI~~L~~P K. SMITH AND WILLIAM C,

507. “ALL THE” was apparently entered later.
508. “CHARGED” was apparently added later.

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RS	PS	RT	BT
STEWARD, COMMITTED THE DEED. DO YOU FIND GENTLEMEN OF THE JURY FROM ANY OF TESTIMONY THAT HAS BEEN PRESENTED BEFORE YOU THAT THERE WAS A PREVIOUS AGREEMENT ENTERED INTO BY JOHN D. LEE [*space*] WITH ANYBODY?	[*space*] DID YOU FIND GENTLEMEN OF THE JURY FROM ANY TESTIMONY THAT HAS BEEN PRESENTED BEFORE YOU THAT THERE WAS A PREVIOUS AGREEMENT ENTERED INTO WITH JOHN D. LEE WITH ANYBODY	STEWART, COMMITTED THE DEED. DID YOU FIND FROM THE EVIDENCE, OR FROM ANY OF IT,DURING THE PROGRESS OF THIS TRIAL THAT THERE WAS A PREVIOUS AGREEMENT ENTERED INTO BY JOHN D. LEE WITH ANY BODY OF MEN, OR WITH ANY INDIVIDUAL, TO COMMIT THAT CRIME ? NO!	STEWART COMMIT~~T~~TED THE DEED. DID YOU FIND FROM THE EVIDENCE OR ANY OF IT DURING THE PROGRESS OF THIS TRIAL THAT THERE WAS A PREVIOUS AGREEMENT ENTERED INTO BY JOHN D. LEE WITH ANY BODY OF MEN, WITH ANY INDIVIDUAL TO COMMIT **T**HAT CRIME? NO,
NO GENTLEMEN OF THE JURY I DEFY YOU TO POINT[509] *[[29]]*[510] TO A WITNESS THAT SHOWS THERE WAS PREVIOUS AGREEMENT ENTERED INTO BY THAT MAN AND ANY ONE OF THE PARTIES	NO GENTLEMEN OF THE JURY I DEFY YOU TO POINT TO A WITNESS THAT SHOWS THAT THERE WAS A PREVIOUS AGREEMENT ENTERED INTO BY THAT MAN AND ANY ONE OF THE PARTIES	GENTLEMEN OF THE JURY, I DEFY YOU TO POINT TO THE WITNESS WHO HAS SHOWN THAT THERE WAS A PREVI~~I~~OS~~S~~US AGREEMENT, OR ANY AGREEMENT ENTERED INTO BY THEM IN CONCERT, OR AT ALL, TO	GENTLEMEN OF THE JURY, I DEFY YOU TO POINT TO THE WITNESS WHO HAS SHOWN A PREVIOUS AG**R**EEMENT OR ANY AGREEMENT ENTERED INTO BY THEM IN CONSERT OR AT ALL TO

509. "TRANSCRIBED SUNDAY AUGUST 29/75" is noted at the bottom of the page in ink.
510. In the center at the top of the page in longhand ink: **9**.

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RS	PS	RT	BT
HERE WHO IS INDICTED TODAY WITH OR ANY OTHER MURDERER AND I CALL UPON PROSECUTION WHO ~~REPRESENT~~ ~~<~~THAT~~>~~ REPRESENT ~~<~~GOVERNMENT~~>~~ OF THE UNITED STATES IN THIS ~~<~~TERRITORY~~>~~ [*space*] IF THEY HAVE ANY EVIDENCE UPON THAT POINT TO CALL THE JURY'S ATTENTION TO IT BUT I DO NOT WANT YOU GENTLEMEN OF THE JURY TO TAKE THEIR IDEAS THEIR IMAGININGS UPON THIS SUBJECT AND CONSIDER IT AS TESTIMONY I DO NOT WANT YOU TO TAKE	HERE INDICTED *OR WITH*[?] THERE OR ANY OTHER MURDERER AND I CALL UPON PROSECUTION ~~TO~~THAT REPRESENT THE GOVERNMENT OF THE UNITED STATES IN THIS TERRITORY IF THEY HAVE ANY EVIDENCE UPON THAT POINT TO CALL THE JURY'S ATTENTION TO IT BUT I DO NOT WANT YOU GENTLEMEN OF THE JURY TO TAKE THEIR IDEAS AND THEIR IMAGININGS UPON THIS SUBJECT AND CONSIDER IT AS TESTIMONY I DO NOT WANT YOU TO TAKE	COMMIT THAT OR ANY [23] OTHER MURDER, AND I CALL UPON THE PROSECUTION, UPON THE REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES IN THIS TERRITORY, IF THERE IS SUCH EVIDENCE, TO CALL THE ATTENTION OF THE JURY TO IT, AND SHOW YOU WHAT IT IS,AND WHO SO TESTIFIED. BUT I DO NOT WISH YOU TO TAKE THE IDEAS OF COUNSEL, ~~R~~OR THE WILD RAVINGS OF THE ADVOCATE, FOR TESTIMONY IN THIS CASE. DO NOT TAKE	COMMIT THAT OR ANY MURDER, AND I CALL UPON THE PROSECUTION, UPON THE REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES ~~O~~IN THIS TERRITORY, IF THERE IS SUCH EVIDENCE TO CALL THE ATTENT~~IO~~N OF THIS ~~H~~JURY TO IT AND SHOW YOU WHAT IT IS AND WHO SO TESTIFIED. I DO NOT WHSH YOU TO TAKE THE IDEAS OF THE COUNSEL OR THE WILD RAVINGS OF T~~HE~~**HE** ADVOCATE FOR TESTIMONY IN THIS CASE. DO NOT TAKE

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RS	PS	RT	BT
THE CONCLUSIONS	THE CONCLUSIONS	THE CONCLUSIONS OF MY BROTHER CAREY, OR THOSE TO BE SKILLFULLY	THE CONCLUSIONS OF ~~B~~MY BROTHER CAREY, OR THOSE YET TO BE SKILLFULLY
THAT MY BROTHER BASKIN ~~WHICH <~~WILL~~>~~ DRAW FROM THE TESTIMONY	THAT MY BROTHER BASKIN WILL DRAW FROM THE TESTIMONY *[[18]]*	DRAWN BY MY BROTHER BASKIN, AND	DRAWN BY MY BROTHER BASKIN AND
AND SAY THAT UPON THAT [*space*] YOU WILL FIND	AND SAY THAT UPON THAT —[?] YOU WILL FIND	SAY FROM THOSE CONCLUSIONS THAT YOU BELIEVE, OR	SAY FROM THOSE CONCLUSIONS THAT YOU BELIEVE OR
THAT THERE WAS {A}[i] PREVIOUS AGREEMENT; BECAUSE THERE IS NO TESTIMONY TO WARRANT SUCH A CONCLUSION THEN UNLESS THEY CAN PROVE THERE WAS CONCERT OF ACTION AND PREVIOUS AGREEMENT FORMED BY THOSE PARTIES AND IN ACCORDANCE WITH WHICH THEY ACTED THROUGHOUT	THAT THERE WAS A PREVIOUS AGREEMENT BECAUSE THERE IS NO TESTIMONY TO WARRANT SUCH A CONCLUSION THEN UNLESS THEY *CAN*[?] PROVE THAT THERE WAS A CONCERT OF ACTION AND PREVIOUS AGREEMENT FORMED BY THESE PARTIES AND IN ACCORDANCE WITH WHICH THEY ACTED THROUGHOUT	FIND AS A FACT, THAT SUCH PREVIOUS ARRANGEMENT EXISTED. THERE IS NO TESTIMONY BEFORE YOU TO JUSTIFY SUCH A CONCLUSION. UNLESS THEY HAVE PROVEN THAT THERE WAS A CONCERT OF ACTION, A PREVIOUS AGREEMENT FORMED BY THE PERSONS AS NAMED, IN ACCORDANCE WITH WHICH THEY ACTED THROUGHOUT	FIND AS A FACT THAT SUSH PREVIOUS AGREEMENT EXISTED.. THERE IS NO TESTIMONY BEOFRE YOU TO JUSTIFY SUCH A CONCLUSION. UNLESS THEY HAVE PROVEN THAT THERE WAS A CONCERT OF ACTION—A PREVIOUS AGREEMENT FORMED BY THE ~~PER~~ PERSONS NAMED IN ACCORDANCE WITH WHICH THEY ACTED THROUGHOUT

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RS	PS	RT	BT
ENTIRE TRANSACTION THEN THE PROSECUTION FALLS TO THE GROUND	ENTIRE TRANSACTION THEN THE PROSECUTION FALLS TO THE GROUND	THE ENTIRE TRANSACTION, ~~T~~ THE THEORY OF THE PROSECUTION FALLS TO THE GROUND. IS IT JUST THAT THIS DEFENDANT SHALL BE CONVICTED UNDER THE TESTIMONY BEFORE YOU.	THE ENTIRE TRANSACTION, THE THEORY OF **T**HE PROSECUTION FALLS TO THE G~~O~~ROUND. *[21]* IS IT JUST THAT THIS DEFENDANT SHALL BE CONVICTED UNDER THE TESTIMONY BEFORE YOU.
THEY DID NOT INDICT JOHN D. LEE FOR GOING UPON THE FIELD TAKING THESE 17 CHILDREN	THEY DID NOT INDICT JOHN D. LEE FOR GOING UPON THE FIELD AND TAKING THESE 17 CHILDREN	SHOULD HE BE CONVICTED FOR SAVING THE CHILDREN AND REMOVING THEM FROM THE PLACE OF SLAUGHTER TO A PLACE OF SAFETY, THUS SAVING THEM FROM THE FURY OF THE SAVAGES ? NOT AT ALL. IT CANNOT REASONABLY BE CLAIMED IN THIS CASE THAT THERE HAS BEEN ANY TESTIMONY TO PROVE THAT JOHN D. LEE RAISED HIS	SHOULD HE BE ~~V~~**C**ONVICTED FOR ~~A~~SAVING THE CHILDREN ~~REMOVINGANO REL~~ **REMOVING** THEM FROM THE PLACE OF SLAUGHTER TO A PLACE OF SAFETY, THUS SAVING THEM FROM THE FURY OF THE SAVAGES? NOT AT ALL**.** IT CANNOT REASONABLY BE CLAIMED IN THIS CASE THAT THERE HAS BEEN ANY TESTIMONY TO PROVE THAT JOHN D. LEE RAISED HIS
AND SAVING THEM FROM THE FURY OF THE SAVAGES. NOT AT ALL. THEY DO NOT CLAIM THAT THEY HAVE SHOWN TO YOU BY ANY WITNESS THAT JOHN D. LEE EVER RAISED	AND SAVING THEM FROM THE FURY OF THE SAVAGES NOT AT ALL THEY DO NOT CLAIM THAT THEY HAVE SHOWN TO YOU BY ANY WITNESS THAT JOHN D. LEE EVER RAISED		

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RS	PS	RT	BT
HIS HAND TO INJURE ANY HUMAN BEING. NO WITNESS HAS COME BEFORE YOU THAT PRETENDS THAT HE EVER SAW PRISONER AT THE BAR ENGAGED IN ANYTHING EXCEPT THE LAWFUL AND LAUDABLE ACT SO FAR AS THESE EMIGRANTS ARE CONCERNED. WHEN I SAY NO WITNESS I MEAN IT BECAUSE I SAY TO YOU THAT THE TESTIMONY OF THIS MAN K SMITH IS NOT ENTITLED TO SERIOUS CONSIDERATION BY YOU OR ANYBODY ELSE. ALL THAT IT IS FIT FOR	HIS HAND TO INJURE ANY HUMAN BEING NO WITNESS HAS COME BEFORE YOU THAT PRETENDS THAT HE EVER SAW PRISONER AT THE BAR ENGAGE IN ANYTHING EXCEPT A LAWFUL AND LAUDABLE ACT SO FAR AS THESE EMIGRANTS ARE CONCERNED [*space*] WHEN I SAY NO WITNESS I MEAN IT BECAUSE I SAY TO YOU THAT THE TESTIMONY OF THIS MAN KLINGEN SMITH IS NOT ENTITLED TO SERIOUS CONSIDERATIO N BY YOU OR BY ANYBODY ELSE ALL THAT IT IS FIT FOR	HAND IN ANGER AGAINST ANY HUMAN BEING ON THAT OCCASION. NO WITNESS HAS TESTIFIED THAT JOHN D. LEE DID ANYTHING, EXCEPT ACT AS A PEACE-MAKER,AND FRIEND TO THE UNFORTUNATE BEINGS FOUND AT MOUNTAIN MEADOWS. WHEN I SAY “NO WITNESS” I MEAN IN THE FULLEST SENSE OF THE TERM, FOR I TELL YOU THAT THE STATEMENTS OF KLINGENSMITH [24] ARE NOT ENTITLED TO SERIOUS CONSIDERATIO N BY YOU, OR BY OTHERS. ALL THAT HIS STATEMENTS ARE CAPABLE OF ACCOMPLISHIN	HAND IN ANGER AGAINST ANY HUMAN BEING ON THAT OCCASION. NO WITNESS HAS TESTIFIED THAT JOHN D. LEE DID ~~N~~AN~~THING~~YTHI NG EXCEPT ACT AS A PEACE MAKER AND FRIE~~D~~ND TO THE UNFORTUNATE BEINGS FOUND AT MOUNTAIN MEADOWS. WHEN I SAY NO WITNESS I MEAN IT IN THE FULLEST SENCE OF THE TERM, FOR I TELL YOU THAT THE STATEMENTS OF KLINGENSMITH ARE NOT ENTITLED TO SERIOUS CONSIDERATIO NS BY YOU, OR BY OTHERS. ALL THAT HIS STATEMENTS ARE CAPABLE OF ACCOMPLISHIN

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RS	PS	RT	BT
IS TO ATTRACT ATTENTION OF THAT PUBLIC THAT MY FRIEND CAREY SPOKE OF THIS MORNING. SERVING ITS PURPOSE TO ARRAY HOSTILE FEELINGS OF THE PEOPLE OF THE CIVILIZED WORLD AGAINST THE RESIDENTS OF UTAH TERRITORY AND IF PUBLI{SHED}[i] BROADCAST THROUGHOUT THE LAND AND REPRESENTED AS TRUTH IT WOULD HAVE ITS INFLUENCE AGAINST {THE}[i] PEOPLE HERE. BUT WHAT MAN	IS TO ATTRACT THE ATTENTION OF THAT PUBLIC THAT MY FRIEND CAREY SPOKE OF THIS MORNING SERVING ITS PURPOSE TO ARRAY THE HOSTILE FEELINGS OF THE PEOPLE OF THE CIVILIZED WORLD AGAINST THE RESIDENTS OF UTAH TERRITORY IF PUBLICLY BROADCAST THROUGHOUT THE LAND AND REPRESENTED AS TRUTH IT WOULD *HAVE*[?] ITS INFLUENCE AGAINST THE PEOPLE HERE BUT WHAT MAN	G, IS TO ATTRACT AND EXCITE THAT "PUBLIC" THAT MY BROTHER CAREY IS SO ANXIOUS TO SATISFY. ~~THROUGH~~ ~~<~~TRUE~~>~~ HIS STATEMENTS SERVED TO ARRAY IN HOSTILE ATTITUDE THE FEELINGS OF THE PEOPLE OF THE CIVILIZED WORLD AGAINST THE RESIDENTS OF UTAH TERRITORY. IF THE WORDS SPOKEN BY HIM ARE PUBLISHED BROADCAST THROUGH THE LAND AND ARE BELIEVED BY THE PEOPLE, THEN THEY WOULD CERTAINLY PRODUCE A FEELING OF INDIGNATION AGAINST ALL WHO DWELL IN UTAH. BUT THOSE WHO	G I~~T~~**S** TO ATTRACT AND EX~~E~~CITE THAT "PUBLIC" T**H**AT M~~U~~Y BROTHER CAREY IS SO ANXIOUS TO SATISFY. TRUE HIS STATEMENTS SERVE TO ARRAY IN HOSTILE ATTITUDE THE FEELINGS OF THE PEOPLE OF **T**HE CIVILI~~V~~ZED WORLD AGAINST THE RESIDENTS OF UTAH TERR~~O~~ITORY. IF THE WORDS SPOKE**N** BY ~~HIM~~ **CLINGENSMITH** ARE PUBLISHED BROA~~R~~DCAST THROUGH THE LAND AND ARE BELIEVED BY THE PEOPLE THEN THEY WOULD CERTAINLY PRODUCE A FE~~L~~ELING OF INDIGNATION AGAINST ALL WHO DWELL IN UTAH. BUT THOSE WHO

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RS	PS	RT	BT
THAT EXAMINES THE COUNTENANCE ≤THE MAIN WITNESS OF THE PROSECUTION?≥ OF THE PARTY IF HE TESTIFIES WHO STOPS TO CONSIDER THE CONDITION THAT HE PREVIOUSLY OCCUPIED THAT STOPS TO CONSIDER THE MANNER IN WHICH HE IS BROUGHT UPON THE STAND AND THAT A PRICE HAS BEEN THAT HAS BEEN PAID TO HIM FOR HIS TESTIMONY THE FREEDOM WITH WHICH HE	THAT EXAMINED THE COUNTENANCE OF THE PARTY AS HE TESTIFIES WHO STOPS TO CONSIDER THE CONDITION THAT HE PREVIOUSLY OCCUPIED THAT STOPS TO CONSIDER THE MANNER IN WHICH HE IS BROUGHT UPON THE STAND AND THE PRICE THAT HAS BEEN PAID TO HIM FOR HIS TESTIMONY THE FREEDOM WITH WHICH HE	HAVE LOOKED UPON HIS COUNTENANCE WHILE HE WAS ON THE STAND, LISTENED TO HIS TONES AS HE SPOKE, AND THEN STOPPED TO CONSIDER THE MAN AS HE ONCE WAS AND NOW IS — THE POSITION HE ONCE OCCUPIED— HIS PRESENT POSITION BEFORE, KNOWING THAT HE COMES AS A WITNESS TO SEAR FOR HIS OWN LIFE, THAT A PRICE HAS BEEN SET UPON HIS HEAD — THAT PRICE HIS LIFE,AND THAT THE GOVERNMENT GIVES HIM HIS LIFE, IN EXCHANGE FOR HIS STATEMENTS, WHO REMEMBERS THAT THIS BEING HAS	HAVE LOOKED UPON HIS COUNTENANCE WHILE HE WAS UPON THE STQAND LISTENED TO HIS TONES AS HE SPOKE AND THEN ZSTOPPED TO CONSIDER THE MAN AWS HE ONCE WAS AND NOW IS, THE POSITION HE ONECE OCCUPIED AND HIS PRESENT POSITION BEFORE YOU— KNOWING THAT HE COMESS AS A WITNESS TO SWEAR FOR HIS OWN LIFE, THAT A PRICE HAS BEEN SET U PON HIS HEAD AND THAT PRICE IS LIFE AND THAT THE GOVERNMENT GIVES HIM HIS LIFE IN EXCJHANGE FOR HIS STATEMENTS, WHO RELMEMBERS THAT THIS BEING HAS

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RS	PS	RT	BT
TESTIFIES CONCERNING EVERY ACT {?}[i511] THAT HE CONSIDERS {??}[i] MATERIAL TO SHOW {?}[i] THAT HE WOULD LIKELY TALK ABOUT IN THE ATTORNEYS OFFICE THE MAIN PART OF THE TRANSACTION TALKS IT ALL LIKE A PARROT CALLING FOR {A}[i] CRACKER; NO STOP, {AND}[i] NO BREAK IN HIS VOICE SOLID AS HE IS CAREFUL AND CONSIDERATE AS {HE}[i] SHOWS	TESTIFIES CONCERNING EVERY THING THAT HE CONSIDERS MATERIAL TO THE ISSUE THAT HE WOULD LIKELY TALK ABOUT FOR THE ATTORNEYS OFFICE ABOUT MAIN PART OF THE TRANSACTION AND DECREES IT TOO LIKE A PARROT CALLING FOR CRACKER NO STOP NO BREAK IN HIS VOICE SOLID AS HE IS CAREFUL AND CONSIDERATE AS HE SHOWS	TESTIFIED TO EVERY ACT, CIRCUMSTANCE AND THING THAT HE CONSIDERED WOULD ADD TO THE CHANCES OF CONVICTING THIS DEFENDANT. THESE THINGS CONSIDERED; NO BEHOLDER AND LISTENER WILL BELIEVE HIM. WHEN SPEAKING OF THE MASSACRE, RECITING THE TALE HE HAD MALICIOUSLY CONCOCTED,	TESTIFIED TO EVERY ACT, CIRCUMSTANCE AND TH~~E~~ING THAT HE CONSIDERED WOULD ADD TO THE CHANCES OF CONVICTING THIS DEFENDANT. THESE THINGS CONSIDERED NO BEHOLDER AND ~~YOUR~~ **PREJUDICED** LISTENTER WILL BELIEVE HIM. *[22]* WHEN SPEAKING ~~F~~OF THE MASSACREE AND RECITING THE TALE HE HAD MALICIOUSLY CONCOCTED,

511. There are a series of ink question marks on this page that seem to indicate that Rogerson had questions concerning the content of the shorthand.

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RS	PS	RT	BT
HIMSELF TO BE HE MAKES NO QUAVER IN HIS VOICE, THERE IS NO STOPPAGE IN HIS SPEECH	HIMSELF TO BE HE MAKES NO QUAVER IN HIS VOICE THERE IS NO STOPPAGE IN HIS SPEECH	THERE WAS NO STOPPAGE IN HIS SPEECH, NO QUAVERS IN HIS VOICE. STOLID AS A STOIC, CAREFUL IN THE SELECTION OF LANGUAGE,	THERE WAS NO STOPPAGE IN HIS SPEECH; NO QUAVERS IN HIS VOICE; STOLID AS A STOIC; CAREFUL IN THE SELECTION OF LANGUAGE;
NO TREMOR OF HIS MUSCLE{S;}[i] THE TONGUE GIVES FREE UTTERANCE TO EVERY POINT	NO TREMOR OF HIS MUSCLE THE TONGUE GIVES FREE UTTERANCE TO EVERY WORD	NOT A MUSCULAR TREMOR, THE TONGUE GAVE FREE UTTERANCE TO ~~ITS~~ <EACH> THOUGHT OF THE DISHONEST BRAIN, HE WAS CLEAR AND POSITIVE UPON EVERY SUBJECT	NOT A MUSCULAR TREMOR; THE ~~GA~~**TO**NGUE GAVE UTTERANCE TO EACH THOUGHT OF THE DISHONEST BRAIN; HE WAS CLEAR AND POSITIVE UPON EVERY SUBJECT
THAT THEY THIS PROSECUTION *[[30]]*[512]	THAT THEY THAT IS THE PROSECUTION	THAT THE PROSECUTION	~~OF~~ THE PROSECUTIO~~N~~ ~~WHISHED~~
WISH HIM TO TESTIFY TO	WISH HIM TO TESTIFY TO	WISHED HIM TO SPEAK OF. DURING HIS EXAMINATION IN CHIEF *[25]* HE SAT COOL, COLLECTED AND DETERMINED TO EARN WELL THE REWARD BESTOWED FOR	WISHED HIM TO SPEAK OF. DURING HIS EXAMINATION I~~S~~N CHIEF HE SAT COOL COLLECTED ~~Z~~AND DETERMINED, TO EARN WELL THE ~~W~~**R**EWARD BESTOWED FOR

512. In longhand at the top of the page, in ink: **BISHOPS 10 ADDRESS.**

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RS	PS	RT	BT
		HIS VILLAINOUS SERVICES.	HIS VILLAINOUS SERVICES.
BUT WHEN WE TAKE HIM FROM THE MAIN POINT WHEN WE COMMENCE TO QUESTION HIM UPON THOSE SMALL POINTS GO AND TEST HIS CREDIBILITY	BUT WHEN WE TAKE HIM FROM THE MAIN POINT WHEN WE COMMENCE TO QUESTION HIM UPON THOSE SMALL POINTS THAT GO TO TEST HIS CREDIBILITY	HOW CHANGED HE BECAME WHEN I CROSS QUESTIONED HIM.	~~N~~HOW CHANGED ~~BE~~ HE BECAME WHEN I CROSS- QUESTIONED HIM;
		HIS SELF CONFIDENCE VANISHED. THE STOLID FEATURES BECAME FLUSHED AND EXCITED WITH GUILTY FEAR. HIS MEMORY SUDDENLY BECAME	HIS SELF ~~F~~CONFIDENCE VANISHED. THE STOLID~~F~~ FACE BECAME FLUS~~S~~HED AND EXCITED WITH GUILTY FEAR. HIS MEMORY SUDDEN~~L~~Y BECAME
THEN HE HAS A REGULAR BEECHER MEMORY CAN'T RECALL A WORD THAT HE DOES NOT WANT TO RECALL NO MORE THAN HENRY WARD BEECHER CAN RECALL THINGS HE DID NOT WANT TO TELL. SOMETHING PUT ME IN MIND OF HIM VERY	THEN HE HAS A REGULAR BEECHER MEMORY CAN'T RECALL A WORD THAT HE DOES NOT WANT TO RECALL NO MORE THAN LOCAL HENRY WARD BEECHER COULD RECALL THINGS THAT HE DID NOT WANT TO TELL SOMETHING PUT ME IN MIND OF HIM VERY	FAULTY, AND LIKE BEECHER HE REMEMBERED NOTHING TO INJURE HIMSELF, OR BENEFIT THE DEFENDANT.	FAULTY AND LIKE BEECHER HE REMEMBERED NOTHING TO INJURE HIMSELF OR BENEFEIT THE DEFENDANT .

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RS	PS	RT	BT
MUCH THAT THAT HE WANTED TO STATE HE RECALLED AND KNEW IT WAS SO [*space*] THAT THAT HE HAD DOUBTS ABOUT AND THOUGHT	MUCH THAT THAT HE WANTED TO TELL HE RECOLLECTED AND KNEW IT WAS SO THAT THAT HE HAD DOUBTS ABOUT AND THOUGHT	IT IS EVIDENT THAT HE HAS SWORN BEFORE YOU ACCORDING TO THE WISH AND INSTRUCTION OF THE PROSECUTION,	IT IS EVIDENT THAT HE HAS SWORN B**E**FORE YOU ACCORDING TO THE WISH AN~~L~~**D** INSTRUCTION OF THE PROSECUTION,
IN HIS CUNNING WAY	IN HIS CUNNING WAY	WITH A CRUEL CUNNING HE REFUSED TO ANSWER ANY QUESTION TENDING TO	AND WITH A CRUEL CUNNING HE REFUSED TO ANSWER ANY QUESTION TENDING TO
HE THOUGHT IT MIGHT INJURE {THE}[i] PROSECUTION {AND}[i] HE REFUSED TO TESTIFY TO.	THAT WHICH MIGHT INJURE THE PROSECUTION HE REFUSED TO TESTIFY TO	DISPROVE OR INJURE THE THEORY OF THE PROSECUTION, ALL THE TIME REFUSING TO ANSWER, YET SHIELDING HIMSELF UNDER THE COWARDLY BULWARK OF "I	INJURE OR DISPROVE THE THEORY OF THE PROSECUTION, ALL THE ~~T~~**TIME** **RE**FUSING TO A~~O~~NSWER, YET SHIEL~~F~~DING HIMSELF UNDER THE COWARDLY BULLWARK, "I
{IF YOU WILL}[i] RECOLLECT I ASKED HIM {THE}[i] QUESTION	YOU RECOLLECT *[[19]]* I ASKED HIM QUESTION AS	FORGET". YOU ALL REMEMBER THAT I ASKED HIM "HOW IT WAS THAT	FORGET." YOU ALL REMEMBER THAT I ASKED HIM, "HOW IT WAS THAT

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RS	PS	RT	BT
HOW IT WAS HE GAVE HIS TESTIMONY SO FREELY COMPLETELY {AND}[i] FULLY UPON EVERY SUBJECT	TO HOW HE COULD GIVE HIS TESTIMONY AND FULLY AND FREELY UPON QUESTION BY THE PROSECUTION AND	HE COULD GIVE HIS TESTIMONY SO FREELY, COMPLETELY AND FULLY UPON EVERY SUBJECT TO WHICH HIS ATTENTION WAS CALLED BY THE PROSECUTION, AND WHY IT WAS THAT HE COULD NOT ANSWER THE	HE COULD GIVE HIS TESTIMONY SO FREELY, COMPLEETLY AND FULLY UPON EVERY SUBJECT TO WHICH HIS ATTENTION WAS CALLED B Y THE PROSECUTION A ND WHY IT W~~S~~AS THAT HE COULD NOT ANSWER THE
{BUT}[i] UPON QUESTIONS I ~~DREW~~ {*STATED/STD*[?]}[i] HIS ATTENTION TO HE COULD NOT TELL THE FACTS.	THAT QUESTIONS I DREW HIS ATTENTION TO HE COULD NOT TELL THE FACTS [*space*]	PLAINEST QUESTION IN A STRAIGHTFORW ARD MANNER FOR ME" HE COULD GIVE NO SATISFACTORY ANSWER TO THE QUESTION, BUT STAMMERED, FALTERED AND HUNG DOWN HIS GUILTY HEAD.	PLAINEST QUESTION IN A STRAIGHTFOR~~A~~ WARD MANNER FOR ME." HE COULD G~~O~~IVE NO SATISFACTORY ANSWER TO THE QUESTION, BUT ST~~Z~~**A**MMERED, FALTERED AND HUNG DOWN HIS GUILTY HEAD.
NO/KNOW[?] GENTLEMEN THE MAN HAS TOLD SOME TRUTHS K SMITH WAS AT THE MASSACRE HE IS	*NO/KNOW*[?] GENTLEMEN THE MAN HAS TOLD SOME TRUTH KLINGEN SMITH WAS AT THE MASSACRE HE IS THE	I ADMIT THAT HE HAS TOLD YOU SOME TRUTH. KLINGENSMITH WAS PRESENT AT THE MASSACRE. HE ACTED IN THE DRAMA TOO. HE IS THE	I ADMIT THAT HE HAS TOLD SOME TRUTH. KLINGENSMI~~G~~T H WAS PRESENT IN ~~THE~~**THE** MASSACRE AND HE ACTED I N THE DRAMA TOO. HE IS THE

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RS	PS	RT	BT
ONLY WHITE MAN THAT THERE IS NO[513] EVIDENCE AGAINST TO SHOW THAT THEY COMMITTED MURDER EXCEPT EVIDENCE OF ONE OR TWO THIS MAN STEWARD CUT MAN'S THROAT UPON THE FIELD. STEWARD IS NOT HERE, BUT LEE IS.	ONLY WHITE MAN THAT THERE IS ANY EVIDENCE AGAINST TO SHOW THAT THEY COMMITTED MURDER EXCEPT THE EVIDENCE ON ONE OR TWO THAT THIS MAN STEWARD CUT A MAN'S THROAT UPON THE FIELD [*space*] STEWARD IS NOT HERE BUT LEE IS	ONLY WHITE MAN THAT THE ~~EMIGRANTS~~ EVIDENCE HAS NAMED WHO HAS COME BEFORE THIS COURT,WHO HAS IMBRUED HIS HANDS IN THE BLOOD OF THOSE CLAIN AT MOUNTAIN MEADOWS. STEWART IS SHOWN TO BE GUILTY,BUT HE IS NOT HERE, AND JOHN D. LEE IS NOT CONNECTED WITH EITHER OF THOSE GUILTY MEN BY THE EVIDENCE INTRODUCED BEFORE YOU. NO! STEWART IS NOT HERE. KLINGENSMITH IS PAR- *[26]* DONED, BUT JOHN D. LEE IS	ONLY WHITE MAN THAT THE E~~C~~VIDENCE HAS NAMED O~~T~~R THAT HAS COME BEFORE THE COURT WHO IMBRUED ~~I~~HIS HANDS IN THE BLOOD OF THOSE SLAIN AT THE MOUNTAIN MEADOWS. STEWART IS SHOWN TO BE GUILTY, BUT HE IS NOT HERE; AND JO~~N~~HN D. LEE IS CONNECTED WITH ~~EN~~ITHER **NEITHER** OF THESE GUILTY MEN~~.~~ BY THE EVIDENCE INTRODUCED BEFORE YOU. NO, STEWART IS NOT HERE; AND KLINGENSMITH IS PARDONED; *[23]* BUT JOHN D. LEE IS

513. The word was originally "ANY". Vowels added later in ink, render the word "NO".

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RS	PS	RT	BT
		ON TRIAL. KLINSGENSMIT H ~~IS~~ HIS ACCUSER WISHES THAT LEE BE CONVICTED, AND HUNG OR SHOT, SO THAT HE MAY LIVE ON A FEW MORE YEARS IN SIN. NOW THE QUESTION IS THIS. DID JOHN D. LEE TOGETHER WITH THE OTHER PARTIES, AS CHARGED IN THE INDICTMENT, AT CEDAR CITY OR ELSEWHERE WITHIN UTAH TERRITORY , AND WITHIN THE JURISDICTION OF THIS COURT, CONSPIRE, MEET TOGETHER OR FORM AN AGREEMENT THAT THIS MURDER SHOULD BE COMMITTED ? THE EVIDENCE TELLS YOU NO. NEXT INQUIRE.	ON TRIAL. KLINGE~~M~~NSMIT H ~~HIISS~~ **HIS** ACCUSER, WISHES THAT HE BE CONVICTED AND ~~J~~HUNG OR SHOT, SO THAT HE MAY LIVE ON A FEW MORE YEARS IN SIN. NOW THE QUESTION IS THA~~I~~**S**: DID JOHN D. LEE TOGETHER WITH THE OTHER PARTIES AS CHARGED IN THE INDICTMENT, AT CEDAR CITY, O~~T~~R ELSEWHERE, WITHIN UTAH TERRITORY, AND WITHIN THE JURISDIFTION OF THIS COURT, CONSPIRE, MEET TOGETHER~~M~~ OR FORM AN AGREEMENT THAT TH**I**S MURDER SHOULD BE COMMITTED? THE EVIDENCE TELLS YOU KNOW. NEXT ENQUIRE,
NOW THEN THE QUESTION TO BE DECIDED IS THIS DID JOHN D. LEE TOGETHER WITH THE OTHER PARTIES CHARGED IN THIS INDICTMENT AT CEDAR CITY OR ELSEWHERE WITHIN UTAH TERRITORY	NOW THEN THE QUESTION TO BE DECIDED IS THIS DID JOHN D. LEE TOGETHER WITH THE OTHER PARTIES CHARGED IN THIS INDICTMENT AT CEDAR CITY OR ELSEWHERE		
MEET TOGETHER AND FORM AN AGREEMENT THIS THING SHOULD BE DONE. THE EVIDENCE TELLS YOU NO. THEN NEXT INQUIRE	MEET TOGETHER AND FORM AN AGREEMENT THIS THING SHOULD BE DONE THE EVIDENCE TELLS YOU NO THEN *I*[?] NEXT INQUIRE		

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RS	PS	RT	BT
GENTLEMEN DID HAIGHT HIGBEE DAME OR SMITH OR ANY TWO OF THEM FORM A COMBINATION UPON SAME SUBJECT FOR THE SAME PURPOSE AND INFORM JOHN D. LEE OF THE FACT THEY HAD MADE THIS AGREEMENT AND ASK HIM TO CONSENT TO IT. THERE IS NO TESTIMONY OF THAT POINT. [*space*] NO MAN CLAIMS EVEN SMITH HIMSELF DID NOT HAVE HARDIHOOD TO SAY THAT JOHN D. LEE WAS EVER PRESENT AT ANY MEETING	GENTLEMEN DID HAIGHT HIGBEE DAME OR SMITH OR ANY TWO OF THEM FORM A COMBINATION UPON SAME SUBJECT OR FOR THE SAME PURPOSE AND INFORM JOHN D. LEE OF THE FACT THAT THEY HAD MADE THIS AGREEMENT AND ASK HIM TO CONSENT TO IT THERE IS NO TESTIMONY TO THAT POINT NO MAN CLAIMS EVEN SMITH HIMSELF DID NOT HAVE HARDIHOOD TO SAY THAT JOHN D. LEE WAS EVEN PRESENT AT ANY MEETING	DID HAIGHT, HIGBEE, DAME OR SMITH OR ANY TWO OF THEM FORM A COMBINATION UPON THE SAME SUBJECT FOR THE SAME PURPOSE AND INFORM JOHN D. LEE OF THE FACT THAT THEY MADE SUCH A COMBINATION OR AGREEMENT AND ASK HIM TO CONSENT TO IT OR JOIN THEM IN ITS EXECUTION YOU MUST SAY “NO” TO THIS QUESTION,FOR THERE IS NO TESTIMONY TO SHOW THAT SUCH WAS THE FACT. NO MAN CLAIMS IT, EVEN THE BEING KLINGENSMITH HAS NOT THE HARDIHOOD TO CLAIM THAT JOHN D. LEE WAS EVER PRESENT AT ANY MEETING	DID HAIGHT, HIGBEE, DAME OR SMITH, OR ANY TWO OF THEM FORM A COMBINATION **UPON** ~~UPON~~ THE SAME SUBJECT FOR THE SAME PURPOSE; AND INFORM JOHN D. LEE OF THE FACT THAT THEY ~~N~~MADE S~~H~~UCH A **C**OMBINATION OR AGREEMENT AND ASKED HIM TO CONSENT TO IT, O~~T~~R JOIN TH**E**M IN ITS EXECUTION? YOU MUST S AY NO TO THI~~N~~**S** ~~W~~QUESTION FOR THERE IS NO TESTIMONY TO SHOW THAT ~~X~~SUCH WAS THE FACT. NO MAN CLAIMS THIS, EVEN THE BEING KLINGENSMINT HAS NOT THE HARDIHOOD TO CLAIM THAT JOHN D~~L~~ LEE WAS EVER PRESENT AT ANY MEETING

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RS	PS	RT	BT
WHERE THIS MATTER	WHERE THIS MATTER	OR COUNCIL WHERE THE SUBJECT RELATING TO THE MASSACRE	OR COUNSEL WHERE THE SUBJECT RELARING TO THE MASSA~~D~~CRE
WAS AGREED TO; UNTIL HE GETS TO THE FIELD OF SLAUGHTER. THEN HE BRINGS JOHN D. LEE IN PRESENCE WITH HIMSELF AND WITH HIGBEE AND HOPKINS AND I BELIEVE WITH YOUNG. THEN THERE BEING NO EVIDENCE OF PREVIOUS AGREEMENT	WAS AGREED TO UNTIL HE GETS TO THE FIELD OF SLAUGHTER THEN HE BRINGS JOHN D. LEE IN PRESENCE WITH HIMSELF AND WITH HIGBEE AND WITH HOPKINS —[?] AND I BELIEVE WITH YOUNG THEN THERE BEING NO EVIDENCE OF A PREVIOUS AGREEMENT	WAS DISCUSSED OR AGREED TO, UNTIL HE REACHES THE FIELD OF SLAUGHTER, THEN HE BRINGS JOHN D. LEE IN PRESENCE WITH HIMSELF,HIGBEE, HOPKINS, AND I BELIEVE WILLIAM YOUNG, AND THERE AND THEN IT IS THAT HE ENDEAVORS TO MAKE YOU BELIEVE THE CONSPIRACY WAS COMPETED BETWEEN THEM. THEN IT MUST BE THAT	WAS DISCUSSED OR AGREED TO, UNTIL HE REACHES THE FIE~~K~~LD OF SLAUGHTER. THEN HE BRINGS JOHN D. LEE IN PRESENCE WITH HIMSELF~~.~~, HIGBEE ~~A~~, HOPKINS AND I BELIEVE WILLIA~~N~~M YOUNG~~.~~ – AND THEN AND THERE IT IS THAT HE ENDEAVORS TO MAKE YOU BELIEVE THE CONSPIRACY WAS COMPLETED ~~W~~BETWEEN THEM; THEN IT MUST BE THAT
NO EVIDENCE THAT ANY CONTRACT OF THIS KIND WAS MADE OR THAT LEE ASSENTED TO IT THE PROSECUTION	NO EVIDENCE THAT ANY CONTRACT OF THIS KIND WAS MADE OR THAT LEE ASSENTED TO IT THEIR PROSECUTION	NO <u>PREVIOUS CONSPIRACY</u> HAD BEEN FORMED, IF NONE WAS FORMED, THEN THERE IS A COMPLETE	NO PREVIOUS CONSPIRACY HAD BEEN FORMED;IF NONE WAS EVER FROMED ~~AND~~ THEN THERE IS A COMPLETE

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RS	PS	RT	BT
FAILS IN THAT. THEN AGAIN GENTLEMEN WHERE DOES LEE GET HIS AUTHORITY TO DO ANYTHING AGAINST THESE EMIGRANTS WHO PROVES IT WHO SHOWS HE ACTED BY AUTHORITY NO PERSON EXCEPT K SMITH	FAILS IN THAT THEN AGAIN GENTLEMEN WHERE DOES LEE GET HIS AUTHORITY TO DO ANYTHING AGAINST THESE EMIGRANTS WHO PROVES IT WHO SHOWS THAT HE ACTED BY AUTHORITY NO PERSON EXCEPT KLINGEN SMITH	FAILURE UPON THAT PART OF THE CASE. THEN AGAIN, WHERE DOES LEE GET HIS AUTHORITY TO DO ANYTHING [27] AGAINST THE EMIGRANTS ? WHO PROVES IT ? WHY, NO ONE BUT KLINGENSMITH, WHO COMES WITH BLACK HEART, CRUEL DECEITFUL NATURE AND BL~~L~~OODY HANDS, TO ADD ONE MORE, IF POSSIBLE, TO THE LONG LIST OF THOSE HE HAS SENT SWIFT FROM EARTH TO THE REGIONS OF THE UNKNOWN LAND BEYOND THE RIVER OF DEATH.	FAILURE OF TH~~A~~E CASE. AGAIN, WHERE DOES LEE GET HIS AUTHORITY TO DO ANYTHING AGAINST THE EMIGRANTS? W HO PROVES IT? WHY, NO ONE BUT KLINGENSMITH, WHO COMES WITH HIS BLACK HE~~A~~ART, CRUEL DECEIPTFUL NATURE AND BLOODY HANDS TO ADD ONE MORE IF POSSIBLE TO THE LONG LIST OF THOSE HE HAS SENT SWIF~~T~~Y FROM EA~~T~~RTH TO THE REGIONS OF THE UNKNOWN LAND BEYOND THE RIVER OF DEATH.
K SMITH GIVES IT IN THIS WAY THAT HE HAD STARTED OUT UPON THIS MISSION OF	KLINGEN SMITH GIVES IT IN THIS WAY AFTER HE HAD STARTED OUT UPON THIS MISSION OF	KLINGENSMITH SAYS “I STARTED OUT ON MY MISSION OF	KLINGENSMITH SAYS, “I STARTED OUT ON MY MISSION OF

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RS	PS	RT	BT
MERCY TO PINTO IN COMPANY WITH JOEL WHITE IN GOING BACK ON HIS WAY HE MET IRA ALLEN *[[31]]* HE PRETENDS TO SAY AND DOES SAY TO YOU ALLEN TOLD HIM LEE HAD BEEN DIRECTED TO STIR UP INDIANS TO THAT TO THAT OUTFIT WE OBJECTED THE PROSECUTION ASSURED US THEY WOULD CONNECT THAT CIRCUMSTANCE WITH THE CASE.	MERCY TO PINTO IN COMPANY WITH JOEL WHITE [*space*] IN COMING BACK HE MET IRA ALLEN HE PRETENDS TO SAY AND HE DOES SAY TO YOU THAT ALLEN TOLD HIM THAT LEE HAD BEEN DIRECTED TO STIR UP THE INDIANS *TO*[?] THAT AT THE TIME WE OBJECTED BUT PROSECUTION ASSURED US THAT THEY WOULD CONNECT THAT CIRCUMSTANCE WITH THE CASE	MERCY, ON MY WAY TO PINTO, IN COMPANY WITH JOEL WHITE. WHEN COMING HOME FROM PINTO I MET IRA ALLEN, AND HE TOLD ME THAT JOHN D. LEE HAD BEEN ORDERED TO STIR UP AND EXCITE THE INDIANS AGAINST THE EMIGRANTS. "TO THAT STATEMENT WE OBJECTED ON THE GROUND THAT IT WAS HEARSAY, BUT; UPON THE PROMISE OF THE PROSECUTION THAT THEY WOULD CONNECT THAT CIRCUMSTANCE WITH THE CASE AND THE DEFENDANT, THE COURT PERMITTED THE EVIDENCE TO BE GIVEN. I NOW ASK YOU IF THE	MERCY, ON MY WAY TO PINTO, IN COMPANY WITH JOEL WHITE. WHEN COMING HOME FROM PINTO I MET *[24]* IRA ALLEN AND HE TOLD ME THAT JOHN D. LEE HAD BEEN ORDERED TO **START** ~~STIR~~ UP AND EXCITE THE INDIANS." TO THAT STATEMENT WE OBJECTED ON THE GROUND THAT IT WAS HEARSAY, BUT UPON THE PROMISE OF THE PROSECUTION THAT THEY WOULD CONNECT THAT CIRCUMSTANCE WITH THE CAASE AND THE ~~F~~DEFENDANT, THE COURT PERMITTED THE EVIDENCE TO BE GIVEN. I NOW ASK YOU IF THE

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RS	PS	RT	BT
HAVE THEY DONE SO? HAS ANY WITNESS TESTIFIED THAT IRA ALLEN EVER SPOKE TO HAIGHT OR TO DAME?	HAVE THEY DONE SO HAS ANY WITNESS TESTIFIED THAT IRA ALLEN EVER SPOKE TO HAIGHT OR DAME	PROSECUTION HAS KEPT ITS PROMISE ? HAS ANY WITNESS TESTIFIED THAT IRA ALLEN EVER SPOKE TO ONE OF THE MEN NAMED IN THIS INDICTMENT UPON THAT OR ANY	PROSECUTION HA S KEPT ITS PROMISE? HAS ANY WITNESS TESTIFIED THAT IRA ALLE~~D~~N EVER SPOKE TO ONE OF THE MEN NAMED IN THIS INDICTMENT UPON **THAT** ~~THAT~~ OR ANY
HAS ANY WITNESS TESTIFIED TO YOU IRA ALLEN EVER RECEIVED	HAS ANY WITNESS TESTIFIED TO YOU IRA ALLEN EVER RECEIVED	SUBJECT ? HA~~D~~S ANY ONE TESTIFIED THAT IRA ALLEN HAD ANY SUCH INFORMATION, OR THAT HE	SUBJECT. HAS ANYONE TESTIFIED THAT IRA ALLEN HAD ANY SUCH INFORMATION , O~~T~~R THAT HE
THE AUTHORITY TO MAKE SUCH A DECLARATION. MOST CERTAINLY NOT.	THE AUTHORITY TO MAKE SUCH A DECLARATION MOST CERTAINLY NOT [*space*]	HAD THE AUTHORITY TO MAKE SUCH A DECLARATION ? MOST CERTAINLY NO SUCH EVIDENCE HAS BEEN	H~~Z~~AD THE AUTHORITY TO MAKE SUCH A DECLARATION? ~~.~~**M**OST CERTAINLY NO SUCH EVIDENCE HAS BEEN
WHO WAS PRESENT AND	*[[20]]* WHO WAS PRESENT AND	GIVEN. WHO WAS PRESENT AT ANY TIME OR PLACE WITH LEE OR OTHERS OR HEARD SUCH ORDERS GIVEN	GIVEN. WHO WAS PRESENT AT ANY TIME O~~T~~R PLACE WITH LEE OR OTHERS, AND HEARD SUCH ORDERS GIVEN,
WILL SAY ~~*R/CH*~~[?] LEE RECEIVE SUCH A DIRECTION.	SAW LEE RECEIVE SUCH A DIRECTION [*space*]	OR KNOWS OF LEE RECEIVING SUCH ORDERS OR KNOWS OF SUCH A REQUEST BEING MADE OF HIM ? NO ONE,	OR KNOWS OF LEE RECEIVING SUCH ORDERS, OR OF ANY SUCH A REQUEST BEING MADE OF HIM? NO ONE, NO**,**

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RS	PS	RT	BT
NO MAN NO WOMAN OR CHILD SO FAR AS TESTIMONY HERE IS CONCERNED. BUT GENTLEMEN IT WAS NECESSARY TO CARRY OUT THE PLAN FORMED BY THIS MAN SMITH THAT HE SHOULD CONNECT LEE WITH THIS TRANSACTION WHY [*space*] SMITH PROPOSES LIKE THE PARTY WE READ OF IN HISTORYN THAT WISHED HIS NAME TO GO DOWN TO POSTERITY NOT BEING ABLE TO PERFORM NO[514] DEED OF VIRTUE NO[515] JUST ACT THAT	NO MAN [*space*] NO WOMAN OR CHILD SO FAR AS TESTIMONY HERE IS CONCERNED BUT GENTLEMEN IT WAS NECESSARY TO CARRY OUT THE PLAN FORMED BY THIS MAN SMITH THAT HE SHOULD CONNECT LEE WITH THIS TRANSACTION [*space*] WHY [*space*] SMITH PROPOSES LIKE THE PARTY THAT WE READ OF IN HISTORY THAT WISHED HIS NAME TO GO DOWN TO POSTERITY NOT BEING ABLE PERFORM TO A DEED OF VIRTUE ANY JUST ACT THAT	NOT A MAN WOMAN OR CHILD,ANIMATE OR INANIMATE THING, SO FAR AS IS SHOWN BY THE EVIDENCE. BUT,GENTLEME N, IN ORDER TO SUPPORT KLINGENSMITH' S THEORY OF THE CASE IT WAS NECESSARY TO CONNECT JOHN D. LEE WITH THE TRANSACTION IN SOMEWAY. KLINGENSMITH	NOT A MAN WOMAN OR CHILD, OR ANIMATE OR INANIMATE THING, SO FAR AS IS SHOWN BY THE EVIDENCE. BUT**,** GENTLEMEN**,** IN ORDER TO SUPPORT KLINGENSMITH S THEORY OF THE CA SE IT WAS NECESSARY TO CONNECT JOHN D. LEE WITH THE TRANSACTION IN SOM~~W E~~ WAY. KLINGENSMITH

514. Originally the word was "ANY". Long o added later in ink rendered the word "NO".
515. Originally the word was "ANY". Long o added later in ink rendered the word "NO".

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RS	PS	RT	BT
WOULD GIVE HIM THAT NOTORIETY	WOULD GIVE HIM THAT NOTORIETY	BELIEVED THAT IF HE ONLY TESTIFIED STRONGLY AND 'POSITIVELY HE COULD SECURE THE CONVICTION OF LEE,HE CARED NOT,HE [28] THOUGHT NOT OF TRUTH OR JUSTICE. HE WAS ANXIOUS FOR SUCCESS OR NOTARIETY OR BOTH. REPUTATION HE COULD NEVER HOPE FOR. FAME WAS BEYOND HIS REACH, BUT NOTARIETY COULD BE OBTAINED, AND HE WAS WILLING TO OBTAIN IT EVEN AT THE GREAT COST OF LOSING ALL OF TRUTH, ALL OF HONOR AND ALL OF JUSTICE. HE CAME BEFORE YOU TO GAIN IT,AND TO DESERVE	BELIEVED THAT **IF** ~~IDF~~ HE ONLY TESTIFIED STRONGLY AND POITIVELY HE COULD SECURE THE CONVICTION OF LEE. HE CARED NOT — ~~TH~~ HE THOUGHT NOT OF **THE** ~~THE~~ TRUTH **OR** OF JUSTICE. HE WAS ONLY ANXIOUS FOR SUCCESS OR NOTARIETY OR BOTH. REPUTATION HE COULD NEVER HOPE FOR AND FAME WAS BEYOND HIS REACH; BUT NOTARIETY COULD BE OBTAINED AND HE WAS WILLING TO OBTAIN IT EVEN AT THE GREAT COST OF LOSING AL L OF TRUTH — HIS ALL OF HONOR, AND ALL OF JUSTICE. HE CAME BEFORE YOU TO GAIN AND DESERVE

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RS	PS	RT	BT
		NOTARIETY, COVER HIS NAME AS HE MIGHT, WITH INFAMY. HE, LIKE ERASTRATUS,	NOTARIETY. COVER HIS NAME AS HE MIGHT WITH INFAMY, HE LIKE ERASTRATUS
HE APPLIES THE TORCH TO THE TEMPLE OF DIANA AND	HE APPLIES A TORCH TO THE TEMPLE OF DIANA AND	WHEN HE APPLIED THE TORCH TO THE TEMPLE OF DIANA, HAD DETERMINED THAT HIS NAME SHOULD BE REMEMBERED BY THOSE TO INHABIT THE EARTH IN THE DISTANT FUTURE. THERE THE TORCH WAS APPLIED TO ONE OF THE WORLD'S	WHEN HE APPLIED THE TORCH TO THE TEM**P**LE OF DIAN~~Z~~A HAD DETERMINED THAT HIS NAME **BE KNOWN** BY ALL THOSE TO IN~~S~~HABIT THE EARTH IN THE DISTANT FUTURE. THERE THE TORCH WAS APPLIED TO ONE OF THE WORLDS
CAUSES THE FINEST WORK OF ART THAT HAD EVER EXISTED	CAUSES THE FINEST WORK OF ART THAT HAD EVER EXISTED	WONDERS. THE FINEST WORK OF ART THEN EXISTING, THE STOREHOUSE OF THE WORSHIPPED IDOLS OF GREECE,WITH ALL ITS CONTENTS	WONDERS; THE FINEST WORK OF ART THEN EXISTING, THE STOREHOUSE OF THE WORSHIPPED IDOLS OF GREECE, WIL WITH ALL ITS CONTENTS **WAS DESTROYED**. IT
TO SMOLDER INTO ASHES IN ORDER HIS NAME MIGHT GO DOWN TO THE	TO *SMOLDER*[?] INTO ASHES IN ORDER THAT HIS NAME MIGHT GO DOWN TO THE	WAS REDUCED TO ASHES, SIMPLY THAT LINKED WITH THE STORY OF THE WORLD'S	WAS REDUCED TO ASHES~~.~~**,** SIMPLY THAT LINKED *[25]* WITH THE STORY OF THE WORLDS

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RS	PS	RT	BT
LATEST POSTERITY COUPLED WITH THAT INFAMOUS ACT. SO WE FIND THAT MAN K SMITH	LATEST POSTERITY COUPLED WITH THAT INFAMOUS ACT SO WE FIND THAT MAN KLINGEN SMITH	LOSS MIGHT BE JOINED THE NAME OF HE WHO COURTED INFAMY. HERE THE TEMPLE OF JUSTICE HAS BEEN VIOLATED,THE ANGEL TRUTH HAS BEEN INSULTED AND OUTRAGED BY KLINGENSMITH, WHOSE CRUEL TREACHERY AND PREMEDITATED FALSEHOOD HAS WELL EARNED HIM THE CROWN OF INFAMY HE HAS SO EARNESTLY STRIVEN TO OBTAIN. YES, HE STANDS BEFORE YOU BRANDED WITH EVERY CRIME KNOWN TO THE CODE OF MORALS, ONE OF THE MONSTER CRIMINALS OF THIS CIVILIZED WORLD; YET HE HOPED THAT	LOSS , MIGHT BE JOINED THE NAME OF HE WHO COURTED INFAMY. HERE THE TEMPLE OF JUSTICE HAS BEEN VIOLATED. THE ANGEL TRUTH HAS BEEN INSULTED AND OUTRAGED BY ~~LK~~KLINGENSMITH WHOS**E** CRUEL TREACHERY AND PREMEDITATED FALSEHOOD HAS WELL EARNED HIM THE CROWN OF INFAMY HE HAS SO ENERGETICALLY STRIVEN TO OBTAIN. YES, HE STANDS BEFORE YOU BRANDED WITH EVERY CRIME KNOWN TO THE CODE OF MORALS — ONE **OF** THE MONSTER CRIMINALS OF THE CIVILIZED WORLD; YET, HE HOPED THAT

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RS	PS	RT	BT
		YOU WOULD UPON HIS EVIDENCE CONVICT JOHN D. LEE, AND THAT THE NOTARIETY ATTACHED TO THE DEFENDANT AND HIS EXECUTION, WOULD BE COUPLED WITH THE NAME OF "KLINGENSMITH", THE ASSASSIN, WHOSE INSTRUMENT WAS ONLY THAT OF A FALSE TONGUE. HE HAS SECURED THE CROWN OF DISGRACE, INFAMY AND DISHONOR, BUT HIS PERJURED SENTENCES HAVE FALLEN UPON EARS THAT DETECT THE FALSEHOOD, AND IF JOHN D. LEE IS EVER CONVICTED IT WILL BE UPON OTHER EVIDENCE THAN	YOU WOU~~L~~D UPON HIS EVIDENCE CONVICT JOHN D. LEE AND THAT THE N~~A~~OTARIETY ATT~~Q~~**A**CHED TO THE DEFENDANT AND HIS EXECUTION WOULD BE COUPLED WITH **THE** NAME OF KLINGENSMITH, THE ASSASSIN, WHOS**E** INSTRUMENT WAS ONL~~E~~Y THAT OF A FALSE TONGUE. HE HAS SECURED THE CROWN OF DISGRACE**,** INFAMY AND DISHONOR; BUT BHIS ~~RU~~PERJURED SENTENCES HAVE FALLEN UPON EARS THAT DETECT THE FALSEHOOH, AND IF JOHN D. LEE IS EVER CONVICTED IT WILL BE UPON OTHER EVIDENCE **THAN** ~~THAN~~

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RS	PS	RT	BT
		THAT OF THE BASE WRETCH THAT YOU [29] ARE ASKED TO BELIEVE. YES,KLINGENSMITH IS COVERED WITH A MANTLE OF NOTARIETY AND INFAMY, BUT JOHN D. LEE IS NOT CONVICTED. KLINGENSMITH STANDS BEFORE YOU AND MANKIND IN GENERAL, AN OBJECT OF CONTEMPT AND LOATHING.	THEAT OF THE MBASSE WRETCH THAT YOU ARE ASKED TO BELIECVE,; YES, KLINGENSMITH IS COVERED WITH THE MANTLE OF NOTARIETY AND INFAAMY, BIUT JOHN D. LEE ISN NOT CONVICTED. KLINGENSMITH STANDS BEFORE YOU AND MANKIND IN GENERAL AN OBJECT OF COMNTEMPT AND LOATHING.
UPON WHOSE COUNTENANCE THE ALMIGHTY	UPON WHOSE COUNTENANCE THE ALMIGHTY	UPON HIS COUNTENANCE THE GOD OF NATURE	UPON HIS COUNTENANCE **THE** ~~THE~~ GOD OF NATURE**,** **—** THE UNIVERSAL CREATOR**,** **—**
HAS STAMPED IN INEFFACEABLE CHARACTERS EVERY MARK THAT WOULD CAUSE A WELL WISHER OF HIS KIND TO AVOID AND PASS{ING}[i] BY WITHOUT SPEAKING TO HIM.	HAS STAMPED IN INEFFACEABLE CHARACTERS EVERY MARK THAT WOULD CAUSE A WELL WISHER OF HIS KIND TO VIEW THEM PASS BY WITHOUT SPEAKING TO HIM [*space*]	HAS STAMPED IN-EFFACEABLE CHARACTERS, EVERY NEEDED MARK,	HAS STAMPED IN INEFACABLE CHARACTERS EVERY NEEDED MARK
		TO INDICATE THE HIDEOUS	TO INDIACATE THE HIDEOUS

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RS	PS	RT	BT
		CHARACTER OF THE DISTORTED MIND, THE BLACK REPULSIVE HEART, CRUEL NATURE OF THE INFAMOUS WRETCH, WHO IS A DISGRACE TO MANKIND. UPON HIS FACE THE GOD OF NATURE HAS WRITTEN "COWARD, TRAITOR, PERJURER, MURDERER AND ASSASSIN," AND THERE STAND THE CHARACTERS IN BOLD RELIEF. GENTLEMEN, THE GOD OF NATURE NEVER COMMITS PERJURY. HE THAT IS STAMPED BY VILLAIN BY GODS SIGN IS A VILLAIN IN FACT. LOOK AT HIM; THERE YOU BEHOLD THE BEING THAT IS NEITHER HONEST, BRAVE OR	CHARACTER OF THE DISTORTED MIND. THE BLACK REPULSIVE HEART, **THE** CRUEL NATURE OF THE INFAMOUS WRETCH ~~E~~WHO IS A DISGRACE TO MANKIND— UPON HIS FACE THE GOD OF NATURE **STAMPED** COWARD— TRAITOR— PERGURER— MURDERER AND ASSASSIN; AND THERE STANDS THE CHARACTERS IN BOLD RELIEF; AND ~~J~~GENTLEMEN, GOD NEVER COMMIT~~X~~S PERJURY. HE THAT IS **S**TAMPED VILLIAN IN GODS SIGN IS VILLAIN IN FACT. LOOK AT HIM! THERE YOU BEHOLD A BEING THAT IS NEITHER HONEST, BRAVE **NOR** ~~OR~~

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RS	PS	RT	BT
		TRUTHFUL. AS I HAVE SAID, THE HAND-WRITING OF GODS INDIGNATION IS UPON THAT COUNTENANCE.	TRUTHFUL. AS I HAVE SAID, THE HAND WRITING OF GOD'S INDIGNATION ~~H~~ IS UPON HIS COUNTENANCE.
WHEN I SEE A MAN LIKE HIM THAT PRETENDS TO BE HONEST, PRETENDS TO BE CAPABLE OF AN VIRTUOUS ACT OR AN ACT OF JUSTICE I SAY IT CAN'T BE; THE LAWS OF NATURE ARE FIXED. WHEN THE GREAT I AM SPAKE THIS WORLD INTO EXISTENCE HE AFFIXED TO ALL MATTER CERTAIN LAWS[516] FROM WHICH IT CAN NOT CHANGE LAWS THAT CAN NOT BE	WHEN I SEE A MAN LIKE HIM THAT PRETENDS TO BE HONEST PRETENDS TO BE CAPABLE OF A VIRTUOUS ACT OR AN ACT OF JUSTICE I SAY IT CAN'T BE THE LAWS OF NATURE ARE FIXED WHEN THE GREAT I AM SPAKE THIS WORLD INTO EXISTENCE HE AFFIXED TO ALL MATTER CERTAIN LAWS FROM WHICH IT CAN NOT CHANGE LAWS THAT CAN NOT BE	THE LAWS OF NATURE ARE FIXED AND CERTAIN. WHEN THE GREAT <u>I</u> <u>AM</u> SPAKE THIS WORLD INTO EXISTENCE, AS A <DWELLING PLACE FOR MANKIND, HE FIXED UPON ALL CREATED MATTER> ~~DWELLING PLACE FOR MANKICRATED~~ CERTAIN LAWS FROM WHICH IT COULD NEVER DEVIATE. THIS LAW CONNOT BE CHANGED OR	THE LAWS OF NATURE ARE FIXED AND CERTAIN. WHEN THE GREAT I AM SPAKE THIS WORLD INTO EXISTANCE AS A DWELLING PLACE FOR MANKIND, HE FIXED UPON AL L CREATED MATTER *[26]* CERTAIN LAWS FROM WHICH IT COULD NEVER DEVIATE, THIS LAW CANNOT BE CHANGED O~~T~~R

516. A long "I" and "N" added later in ink render the word "LINES".

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RS	PS	RT	BT
THROWN OFF AT WILL. AND ONE OF THOSE LAWS OF NATURE	THROWN OFF AT WILL AND ONE OF THESE LAWS OF NATURE	THROWN OFF AT WILL. ONE OF THESE CERTAIN LAWS IS, THAT THE FEATURES AND COUNTENANCES OF MEN INDICATE THEIR TRUE CHARACTER, AND AM I NOT RIGHT, WHEN I SAY THAT AS YOU LOOKED UPON THIS MONSTER KLINGENSMITH YOU SEE	THROWN OFF AT WILL; AND ONE OF THESE CERTAIN LAWS IS, THAT THE FEATURES AND COUNTENANCES OF MEN INDICATE THEIR TRUE CHARACTER; AND A~~N~~M I NOT RIGHT WHEN I SAY, THAT AS YOU LOOK UPON THIS MONSTER, KLINGENSMITH, YOU ~~W~~SEE
WILL FIND TO BE THAT THE MURDERER FELON ASSASSIN AND COWARD FIND HIM WHERE YOU WILL SEE *IMAKWL*[?]	WE FIND TO BE THAT A MURDEROUS FELON AND ASSASSIN AND COWARD FIND HIM WHERE YOU MAY CARRIES HIS MANNER	MORAL COWARD, VILLAIN-MURDERER, ASSASSIN WRITTEN UPON HIS VISAGE, AND FIRMLY STAMPED IN THE CHARACTERS OF NATURE UPON EVERY LINEAMENT OF	MORAL COWARD , VILLIAN, MURDERER AND ASS~~S~~ASSIN WRITTEN UPON HIS VISAGE, FIRMLY STAMPED IN THE CHARACTERS OF NATURE UPON EVERY ~~IN~~ LINEAMENT OF
ON HIS COUNTENANCE AND IT IS WRITTEN ALL OVER THIS MAN SMITH SO THAT THOSE WHO AROUND HIM READ ~	ON HIS COUNTENANCE AND IT IS WRITTEN ALL OVER THIS MAN SMITH SO THAT THOSE WHO *AROUND*[?] HIM READ	THE COUNTENANCE OF THE BASE WRETCH WHO NOW ~~FAMES~~ FEIGNS FEMORSE OF CONSCIENCE FOR FORMER CRIMES. GENTLEMEN, I	THE COUNTENANCE OF THE WRETCH WHO NOW FEIGNES REMORSE OF CONSCIENCE OF FORMER CRIMES. GENTLEMEN, I

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RS	PS	RT	BT
		ASK YOU IF YOU THINK THE HAND-WRITING OF DEITY IS NOT TRUE IN THIS INSTANCE ? YOU NOD [30] YOUR HEADS IN TALKING OF THE TRUTH OF MY STATEMENT, AND I ACCEPT THAT AS AN EVIDENCE OF YOUR GOOD AND CANDID JUDGMENT. THIS ALL BEING TRUE, WE STILL HEAR THE PROSECUTION ASKING YOU TO CONVICT A HUMAN BEING, AND TO SEND THIS OLD MAN TO THE	ASK YOU IF YOU THINK THE HAND WRITING OF THE DEITY IS NOT TRUE IN THIS INSTANCE? YOU NOD YOUR HEADS IN TOKEN OF THE TRUTH OF MY STATEMENT. AND I ACCEPT THAT AS ~~NA~~ EVIDENCE OF YOUR GOOD AND CANDID JUDGMENT. THIS ALL BEING TRUE WE STILL HEAR THE PROSECUTION ASKING YOU TO CONVICT A HUMAN BEING, TO SEND THIS OLD MAN TO THE
THEN TELL ME UPON SUCH TESTIMONY AS THAT	THEN TELL ME UPON SUCH TESTIMONY AS THAT	EXECUTIONER, UPON THE STATEMENT OF SUCH A WITNESS AS I HAVE JUST REFERRED TO.	EXECUTIONER UPON THE STATEMENTS OF SUCH A WITNESS.
THE GOVERNMENT OF THE UNITED STATES WOULD BE WILLING THE VILEST OF ITS CRIMINALS SHOULD BE CONVICTED	THAT THE GOVERNMENT OF THE UNITED STATES WOULD BE WILLING THAT THE VILEST OF ITS CRIMINALS SHOULD BE CONVICTED	WAS IT A FACT, AS CLAIMED BY THE PROSECUTION, THAT JOHN D. LEE IS THE VILEST CRIMINAL THAT HAS EXISTED SINCE ADAM	WAS IT A FACT AS CLAIMED BY THE PROSECUTION THAT JOHN D. LEE IS THE VILEST CRIMINAL THAT HAS EX~~S~~ISTED SINCE ADAM

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RS	PS	RT	BT
[*space*] I TELL YOU NO. BUT BEFORE WE COMMENCE I THINK {THE}[i] PEOPLE OF UNITED STATES ARE PROSECUTING IT THAT IS WAY IT LOOKS TO ME	[*space*] I TELL YOU NO AND BEFORE WE COMMENCE I THINK {THE}[i] PEOPLE OF THE UNITED STATES ARE PROSECUTING IT THAT IS THE WAY THAT IT LOOKS TO ME	LEFT THE ~~GR~~ GARDEN OF EDEN ?	LEFT THE GERDEN OF **EDEN** ~~UTAH~~?
	[*space*]	YOU WOULD NOT BE JUSTIFIED IN CONVICTING HIM UPON THE EVIDENCE OF A MILLION SUCH BEINGS, AS KLINGENSMITH. THE DEMAND OF THE PROSECUTION FOR A VERDICT OF GUILTY UPON THE EVIDENCE IN THIS CASE CONVINCES ME THAT THEY ARE NOT TRYING JOHN D. LEE.	WOULD YOU BE JUSTIFIED IN CON VICTING HIM UPON THE EVIDENCE OF A MILLION SUCH BEINGS AS KLINGENSMITH~~.~~ **?** THE DEMAND OF THE PROSECUTION FOR A VERDICT OF GUILTY UPON THE EVIDENCE IN THIS CASE~~,~~ CONVINCES ME~~,~~ THAT WE ARE NOT TRYING JOHN D. LEE.
TERRITORY OF UTAH NAME OF THE TERRITORY OF UTAH IS USED IT IS TRUE	THE TERRITORY OF UTAH THE NAME OF THE STATE OF UTAH IS USED IT IS TRUE	TRUE THE NAME OF THE TERRITORY OF UTAH IS USED IN THE INDICTMENT, BUT	TRU~~T~~E, THE NAME OF THE TERRITORY OF UTAH IS USED IN THE INDICTMENT AS THE PLAINTIFF , AND THAT OF JOHN D. LEE AS THE D EFENDANT; BUT

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RS	PS	RT	BT
		YOU MUST NOW ADMIT THAT THE PROSECUTION OF LEE IS ABANDONED, AND THAT ANOTHER PROSECUTION TAKES ITS PLACE.	YOU MUST NOW ADMIT, THAT THE PROSECUTION OF LEE IS ABANDONED AND THAT PERSECUTION TAKES ITS PLACE.
[[32]] BUT IF IT IS NOT THE PEOPLE OF THE UNITED STATES REPRESENTED BY ITS TERRITORIAL OFFICIALS PROSECUTING THE MORMON CHURCH THEN I DO NOT KNOW WHAT IT IS.	BUT IF IT IS NOT PEOPLE OF THE UNITED STATES REPRESENTED BY ITS TERRITORIAL OFFICIALS PROSECUTING THE MORMON CHURCH THEN I DO NOT KNOW WHAT IT IS	IT IS THE GOVERNMENT OFFICIALS PROSECUTION. YES,MORE THAN THAT, PERSECUTING THE MORMON CHURCH. THIS IS A COURT OF NATIONAL CONSTRUCTION, ACTING FOR LEGITIMATE PURPOSES, AND I PROTEST, IN THE NAME OF LAW AND JUSTICE, IN THE NAME OF HUMANITY, IN THE NAME OF MY COUNTRY, AGAINST THIS OUTRAGE UPON LAW,	IT IS THE GOVERNMENT OFFICIALS PROSECUTION. YES, ~~N~~MORE THAN THAT PERSECUTING THE MORMON CHURCH. THIS **IS** A COURT OF NATIONAL CONSTRUCTION ACTING FOR LEGITIM~~S~~ATE PURPOSES, AND I PROTEST IN THE NAME OF LAW AND JUSTICE — IN THE NAME OF HUMANITY — IN THE NAME OF MY VCOUNTRY AGAINST THIS OUTRAGE— UPON LAW ,

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RS	PS	RT	BT
		ORDER AND DECENCY, NOW ATTEMPTED IN THIS CASE. BY REASON OF THE ANIMUS SHOWN BY THOSE WHO CONDUCT THE PROSECUTION,	ORDER AND DECENCY NOW ATTE~~N~~MPTED IN THIS CASE. [27] BY RE~~Q~~**A**SON OF THE ~~N~~ANIMUS SHOWN BY THOSE WHO CONDUCT THE PROSECUTION,
MY BROTHER CAREY MUST NOT MAKE THESE LITTLE UNDERTONE EXPRESSION PEOPLE OF THE UNITED STATES ARE NOT PROSECUTING HERE THEY FURNISHED THE SINEWS OF WAR THE PEOPLE OF THE UNITED STATES PAYING THE TAXES TO RAISE THE MONEY TO ENABLE MAXWELL THE MARSHAL TO BRING HIS HERD OF WITNESS HERE AND FEED THEM AT THE PUBLIC EXPENSE AND TO PROSECUTE THIS	MY BROTHER CAREY MUST NOT MAKE THIS LITTLE UNDERTONE EXPRESSION THAT THE PEOPLE OF THE UNITED STATES WILL NOT PROSECUTE HERE THEY FURNISHED THE SINEWS OF WAR *BUT*[?] THE PEOPLE OF THE UNITED STATES PAID THEIR TAXES TO RAISE THE MONEY TO ENABLE MAXWELL AND [*space*] TO BRING [*space*] HIS HERD OF WITNESSES HIS HERD OF WITNESSES HERE TO PROSECUTE THIS AT THE PUBLIC EXPENSE		

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RS	PS	RT	BT
CASE MR. CAREY MY FRIEND IS PAID BY THE UNITED STATES GOVERNMENT TO LIVE AMONG THIS PEOPLE AND PROSECUTE IN THIS CASE. THE JUDGE UPON THE BENCH HIMSELF IS COMMISSIONED FROM GOVERNMENT OF THE UNITED STATES TO WARFARE {??}[i] GENTLEMEN I CHARGE THAT IT IS NOT PEOPLE OF UNITED STATES IN THE TERRITORY OF UTAH AGAINST JOHN D. LEE ACCORDING TO TITLE OF THIS CASE BUT IT IS THE PEOPLE THE PREJUDICE OF THE PEOPLE OF THE UNITED STATES FINDING VOICE BY ITS	CAREY IS *[[21]]* PAID BY THE UNITED STATES GOVERNMENT TO LIVE AMONG THIS PEOPLE AND PROSECUTE IN THIS CASE THE JUDGE UPON THE BENCH HIMSELF IS COMMISSIONED FROM THE GOVERNMENT OF THE UNITED STATES THEREFORE GENTLEMEN I CHARGE THAT IT IS NOT PEOPLE OF UNITED STATES IN THE TERRITORY OF UTAH AGAINST JOHN D. LEE ACCORDING TO TITLE OF THIS CASE BUT IT IS THE PEOPLE AND PREJUDICE OF THE PEOPLE OF THE UNITED STATES FINDING VOICE BY ITS	I CHARGE THE FACT TO BE THAT IT IS NOT THE PEOPLE OF THE UNITED STATES IN THE TERRITORY, AGAINST JOHN D. LEE,AS STATED IN THE INDICTMENT, AND THAT IS NOW BEING TRIED, BUT IT IS THE UNINFORMED PEOPLE, THE PREJUDICE OF THE PEOPLE OF THE UNITED STATES,FINDING VOICE THROUGH THEIR REPRESENTATIV	I CHARGE THE FACT TO BE; THAT IT IS NOT THE PEOPLE OF THE UN~~T~~ITES STATES, IN THE TERRITORY OF UTAH AGAINST JOHN D. LEE, AS STATED IN THE INDICTME~~N~~T THAT IS NOW BEIN~~T~~G TRIED, BUT IT IS THE UNINFORMED PEOPLE — THE PREJUDICE OF THE PEOPLE OF THE UNITED STATES, FINDING VOICE THROUGH THE~~I~~R REPRESENTATIV

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RS	PS	RT	BT
REPRESENTING DISTRICT ATTORNEY AGAINST BRIGHAM YOUNG GEORGE A SMITH AND THE MORMON CHURCH.	*ELECTIVE*[?] AND DISTRICT ATTORNEY AGAINST BRIGHAM YOUNG GEORGE **A** SMITH AND THE MORMON CHURCH	E — THE UNITED STATES ATTORNEY, AGAINST BRIGHAM *[31]* YOUNG, GEORGE A. SMITH AND THE MORMON CHURCH IN THE TERRITORY OF UTAH, AND NO ONE WHO KNOWS THE CONDITION OF AFFAIRS HERE HAS JUST REASON TO DISPUTE THE	E, THE UNITED STATES ATTORNEY, AGAINST BRIGHAM YOUNG, GEORGE A. SMITH AND THE MORM ON CHURCH IN THE TERRITORY OF UTAH, AND NO ONE WHO KNOWS THE CONDITION OF AFFAIRS HERE HAS JUST REASON TO DISPUTE THE
I WILL STAND BY THE ASSERTION IN ALL PLACES ON EARTH.	AND I WILL STAND BY THE ASSERTION IN ALL PLACES ON EARTH	FACT, AND I WILL MAINTAIN THE TRUTH OF THE CHARGE, HERE AND ELSEWHERE, NOW AND FOR ALL TIME TO COME. MY BROTHER CAREY OBJECTS TO THE	FACT AND I WILL MAINTAIN THT~~T~~E TRUTH OF THE CHARGE HERE AND ELSEWHERE, NOW AND FOR ALL TIME TO COME. MY BROTHER CARY OBJECTS TO THE
THEN LET HIM TELL ME UNITED STATES IS NOT PROSECUTING THESE. LET US GO BACK AND LOOK AT THIS.	THEN LET HIM TELL ME UNITED STATES IS NOT PROSECUTING [*space*] NOW LET'S GO BACK AND LOOK AT THIS	STATEMENT THAT IT IS THE UNITED STATES AGAINST THE CHURCH. BUT, GENTLEMEN, LOOK AT THE CASE, ~~IN~~ AS IT HAS BEEN PRESENTED AND	STATEMENT THAT IT IS THE UNITED STA~~T~~~~E~~S AGAINST THE CHURCH; BUT**,** GENTLEMEN, LOOK AT THE CASE AS IT HAS BEEN PRESENTED AND
WHY GENTLEMEN OF	WHY GENTLEMEN OF	THUS FAR TRIED, AND	THUS FAR TRIED AND

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RS	PS	RT	BT
THE JURY IF THIS CASE WAS SIMPLY SMALL ONE AGAINST JOHN D. LEE THAT OLD MAN THAT SITS HERE BEFORE YOU	THE JURY IF THIS CASE WAS SIMPLE ONE AGAINST JOHN D. LEE THAT OLD MAN THAT SITS HERE BEFORE YOU	THEN SAY IF I AM WRONG. IF THIS WAS SIMPLY A PROSECUTION OF JOHN D. LEE, THAT OLD MAN WHO SITS BEFORE YOU, WITH HIS HAIR SILVERED OVER WITH THE FROSTS OF MANY WINTERS;	THEN ~~X~~SAY IF I AM WRONG. IF THIS WAS SIMPLY A PROSECUTION OF JOHN D. LEE, THAT OLD M~~Z~~AN WHO SITS BEFORE YOU WI~~L~~TH HIS HAIR ~~FRISTED WITH~~ SILVERED WITH THE FROSTS OF MANY WINTERS~~.~~ —IF THERE WAS
IF THERE WAS NO QUESTION OF POLITICS OR RELIGION CONNECTED WITH IT	IF THERE WAS NO QUESTION OF POLITICS OR RELIGION CONNECTED WITH IT	IF THERE WAS NO QUESTION OF POLITICS OR RELIGION CONNECTED WITH IT, YOU WOULD NOT SEE THIS ARRAY OF ~~;~~LEGAL MEN, SO ANXIOUSLY STRIVING FOR A	NO ~~P~~QUESTION OF POLITICS OR RELIGION CONNECTED WITH IT, YOU WOULD NOT SEE THIS ARRAY OF LEGAL TALENT SO ANXIOUSLY STRIVING FOR A
YOU NEVER WOULD SEEN MY FRIEND CAREY OR BASKIN WITHIN TWO HUNDRED 50 MILES FROM HERE THEY WOULD HAVE TRUSTED TO LUCK [*space*] LIKELY BEEN TRIED BY RETAINED COUNSEL	YOU NEVER WOULD SEEN MY FRIEND CAREY OR BASKIN WITHIN 2~~0~~50 MILES FROM HERE THEY WOULD HAVE —[?] TRUSTED TO LUCK LET HIM BE TRUSTED TO COUNSEL	VERDICT. YOU WOULD NEVER HAVE SEEN MY BROTHER CAREY, OR MY BROTHER BASKIN WITHIN TWO HUNDRED MILES OF THIS QUIET TOWN. NO, IF JOHN D. LEE WAS ALONE ON THE TRIAL, THE GOVERNMENT WOULD HAVE BEEN	VERDICT. YOU WOULD NEVER HAVE SEEN MY BROTHER CAREY, OR MY BROTHER BASKIN WITHIN TWO HUNDRED MILES OF THIS TOWN. NO! IF JOHN D. LEE WAS ALONE ON THE TRI~~S~~AL THE GOVERNMENT WOULD HAVE BEEN

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RS	PS	RT	BT
		REPRESENTED HERE BY JUDGE WHEDON, THE ABLE ASSISTANT	REPRESENTED HERE BY JUDGE WHEDON, THE ABLE ASSISTANT ~~UNITED SASSISTANY~~
		UNITED STATES ATTORNEY ALONE. HE DREW THE INDICTMENT, COMMENCED THE PROSECUTION AGIANST LEE, BUT THE GOVERNMENT HAS DRAGGED IN THE CHURCH. IF IT HAD SIMPLY BEEN JOHN D. LEE ON TRIAL THESE LEGAL LIGHTS WOULD HAVE REMAINED IN THEIR COMFORTABLE OFFICES IN THE CITY OF SALT LAKE, AND	UNITED STATE S ATTORNEY ALONE. HE DREW THE INDICTMENT, COMMENCED THE PROSECUTION AGIANST LEE: BUT THE GOVERNMENT HAS DRAGGED IN THE CHURCH. IF IT HAD SIMPL~~U~~Y BEEN JOHN D~~L~~ LEE ON TRIAL, ~~LEES LE~~ THESE LE~~A~~GAL LIGHTS WOULD HAVE REMAINED IN THEIR COMFORTABLE OFFICES IN THE CITY OF SALT LAKE, AND
IF ACQUITTED THEY WOULD SAY INSIST	AND IF HE WAS ACQUITTED THEY WOULD HAVE SAID	WHEN LEE WAS ACQUITTED, WOULD HAVE CONTENTED THEMSELVES WITH SAYING, “AS I	WHEN LEE WAS ACQUITTED, WOULD HAVE CONTENTED THEMSELVES WITH SAYKING, “AS I
IT WAS ANOTHER OUTRAGE	IT WAS ANOTHER OUTRAGE	EXPECTED~~?~~; ANOTHER EVIDENCE OF THE OUTRAGES	EXPECTED.~~”~~ ANOTHER EVIDENCE OF THE OUTRAGES

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RS	PS	RT	BT
OF A MORMON JURY {≤?≥}[i]	OF A MORMON JURY	AGAINST LAW AND ORDER COMMITTED BY THE MORMON CHURCH." THIS IS CONSIDERED BY SOME OF THOSE REPRESENTING	AGAINST LAW AND ORDER COMMITTED B Y THE MOR~~N~~MON CHURCH. " THIS IS CONSIDERED BY SOME OF THOSE REPRESENTING
AND THERE IS A CHANCE HERE ≤THEY CAN≥ TAKE TO BLACKEN VILIFY THE CHARACTER OF BRIGHAM YOUNG GEORGE A SMITH OTHER PARTIES [*space*]	AND HE HAS A CHANCE HERE TO BLACKEN VILIFY THE CHARACTER OF BRIGHAM YOUNG ≤GEORGE **A**≥ SMITH *DEMONIZE*[?]	THE PROSECUTION AS A SAFE OCCASTION TO BLACKEN AND VILLIFY THE CHARACTER OF BRIGHAM YOUNG AND GEORGE A. SMITH, AND OTHERS WHO STAND HIGH IN THE CHURCH. [32]	THE PROSECUTION AS A SAFE OCCASION TO BLACKEN [28] AND VILLIFY THE CHARACTER OF BRIGHAM YOUNG ~~Z~~AND GEORGE A. SMITH AND OTHERS WHO STAND HIGH IN THE CHURCH.
AS HAS BEEN THE AIMS SINCE THIS CASE STARTED.		SUCH HAS BEEN THEIR COURSE THROUGH THE TRIAL, AND SUCH I PRESUME WILL BE THEIR COURSE UNTIL THE CLOSE OF THE CASE.	SUCH HAS BEEN THEIR COURSE THROUGH THE TRIAL; AND SUCH I PRESUME WILL BE THEIR COURSE UNTIL THE CLOSE OF THE CASE.
BECAUSE THAT IS POPULAR THEME BECAUSE THERE ARE MORE NOT MORMONS THAN MORMONS IN UNITED STATES IT	THERE ARE MORE NOT MORMONS THAN MORMONS IN THE UNITED STATES IT		

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RS	PS	RT	BT
BECOMES POPULAR MEASURE {??}[i] AND THEY LIE WAIT.	BECOMES POPULAR MEASURE AND THEY ARE[517] HERE [*space*]	THERE IS ALSO A CHANCE FOR THE COUNSEL TO GAIN NOTARIETY, BY PANDERING TO THE MASSES, THE MILLIONS OF THE PEOPLE OF THE UNION, WHO, AS IS CLAIMED BY MY BROTHER CAREY, DEMAND THIS DEFENDANTS BLOOD. IF	THERE IS ALSO A CHANCE FOR THE COUNSEL TO GAIN NOTORIETY BY PANDERING TO THE MASSES— THE MILLIONS OF THE PEOPLE OF THIS UNI~~TO~~ON , WHO**,** AS IS CLAIMED BY MY BROTHER CAREY, DEMAND THIS DEFENDANTS BLOOD. ~~I~~IF
I TELL YOU IF IT WAS SIMPLY JOHN D. LEE, THE DEFENSE SHOULD HAVE HAD NO TROUBLE	I TELL YOU IF IT WAS SIMPLY JOHN D. LEE THE DEFENSE I WOULD HAVE NO TROUBLE	IT WAS JOHN D. LEE AND NOT THE CHURCH ON TRIAL, WHY~~,~~ THE UNFAIR ACTIONS THAT WE HAVE WITNESSED ? WHY SUB~~M~~POENA AS WITNESSES A LARGE NUMBER OF JURORS WHO	IT WAS JO~~N~~HN D. LEE AND NOT THE CHURCH ON TRIAL WHY THE UNFAIR ACTIONS THAT WE HAVE WITNESSED? WHY SUBPOENA AS WITNESSES A LARGE NUMBER OF JURORS WHO
WOULD NOT HAVE THIS *MASS*[?] OF WITNESSES THEY WOULD	WOULD NOT HAVE THIS MASS OF WITNESSES THEY WOULD	WERE NOT CALLED OR USED AS WITNESSES, BUT ONLY, AS I	WERE NOT CALLED OR USED AS WITNESSES, BUT ONLY AS I

517. Word possibly added later.

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RS	PS	RT	BT
NOT HAVE SUBPOENAED WITNESSES OF THE JURY WHEN TAKEN UP TO BE ON PANEL SAY THEY WERE GOING TO USE THEM AS WITNESSES AND THEN NOT USE 'EM. YOU WOULD NOT HAVE SEEN COUNSEL INSULTED BECAUSE THEY OBJECTED TO	NOT HAVE SUBPOENAED WITNESSES OF THE JURY *AND/THEY*[?] WOULD NOT HAVE TAKEN PARTICULAR TROUBLE AS THEY HAVE HERE TO SAY THEY WERE GOING TO USE THEM AND NOT USE THEM[518] [*space*] WOULD NOT HAVE SEEN COUNSEL INSULTED BECAUSE THEY THOUGHT IT WAS	CHARGE ,SUBPOENAED TO KEEP THEM FROM BEING CALLED AS JURORS; TO PREVENT FAIR MEN FROM BEING CALLED AND ACTING IN THE CASE,. BUT THEY FAILED IN THIS OBJECT, FOR IN SPITE OF THEIR TACTICS WE HAVE A FAIR JURY WITHOUT ANY THANKS TO THE PROSECUTION. WAS IT SIMPLY JOHN D. LEE ON TRIAL YOU WOULD NOT HAVE HEARD THE SNEERING REMARKS OF COUNSEL ADDRESSED TO MY ASSOCIATE JUDGE SUTHERLAND WHEN HE OBJECTED TO	CHARGE SUBPOENAED TO KEEK THEM FROM BEING CALLED AS JURORS TO PREVENT FAIR MEN FROM BEING CALLED AND ACTING IN THE CASE. BUT THEY FAILED IN THIS OBJECT, FOR IN SPITE OF THEIR TACTICS, WE HAVE A FAIR JURY, WITHOUT ANY THANKS TO THE PROSECUTION. WQAS IT SIMPLY JOHN D. LEE ON TRIAL, YOU WOULD NOT HAVE HEARD THE SNEERING REŁMARK OF COUNSEL ADDRESSED TO MY ASSOCIATE JUDGE SUTHERLAND WHEN HE OBJECTED TO

518. Some prospective jurors were subpoenaed as witnesses by the prosecution in order to prevent them from being chosen as jurors. Trial matrix, pp. 194–197, 225–227, 233–234, 243–250.

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RS	PS	RT	BT
[*space*] PROPER QUESTION [*space*] PROSECUTING ATTORNEY. YOU {WOULD}[i] NOT HAVE HEARD HIM SAY TO MY ASSOCIATE	IMPROPER QUESTION WOULD NOT HAVE HEARD THE ASSISTANT *PROSECUTOR*[?] UTTER THAT	AN IMPROPER QUESTION, WHICH SNEERING REMARK, OF MR. BASKIN, WAS	AN IMPROPER QUESTION, WHICH SNEERING REMARK OF MR. BASKIN WAS,
IT IS REAL CRIMINAL GETTING TOUCHED NOW WHEN HE OBJECTS TO {A}[i]	IT IS YOUR REAL CRIMINAL THAT IS BEING TOUCHED NOW WHEN HE ASKS	"IT IS THE REAL CRIMINAL THAT IS GETTING TOUCHED NOW" AND THIS BECAUSE HE OBJECTED TO OUTSIDE	"IT IS THE REAL CRIMINAL **THAT** IS GETTING TOUCHED NOW**;**" AND THIS BECAUSE HE OBJECTED TO OUTSIDE
QUESTION THAT IS ASKED TOUCHING {THE}[i] CHARACTER *[[33]]* CHARACTER OF	QUESTION TOUCHING UPON	QUESTIONS CONCERNING	QUESTIONS CONSERNING
BRIGHAM YOUNG.	BRIGHAM YOUNG YOU NOT HAVE SEEN ANYTHING OF	BRIGHAM YOUNG. IT IS PLAIN THAT	BRIGHANM YOUNG. IT IS PLAIN THAT
NO GENTLEMEN THEY ARE AFTER HIGHER GAME.	THAT KIND NO GENTLEMEN THEY ARE AFTER HIGHER GAME AS	THE GOVERNMENT OFFICIALS ARE AFTER HIGHER GAME THAN THIS OLD MAN. YOU ARE	THE GOVERNMENT OFFICIALS ARE AFTER HIGHER GAIN THAN THI~~S~~**IS** OLD MAN. YOU WERE
MY FRIEND CAREY SAYS HE WAS GOING TO TRY{?}[i] <u>EVERYBODY HIGH AND LOW, RICH AND POOR</u>. {?}[i] MAYBE HE WILL BUT I	MY FRIEND CAREY SAID HE WAS GOING TO TRY EVERYBODY HIGH AND LOW RICH AND POOR MAYBE HE WILL *BUT*[?] I	TOLD BY BROTHER CAREY THAT HE WILL TRY ALL ACCUSED OF THE CRIME. I DENY THE	TOLD BY BROTHER CAREY THAT HE WILL TR~~U~~Y ALL ACCUSED OF THE CRIME. I DENY THE

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RS	PS	RT	BT
THINK HE WILL BE SATISFIED WITH THIS TRIAL. IT WILL ENABLE THE REPORTERS TO WRITE UPON THIS TRIAL FOR NEXT 18 OR 20 MONTHS AND FURNISH COPY FOR {THE}[i] PAPERS EACH MORNING; AND AS THERE IS {A}[i] GREAT DEAL {OF}[i] HARD WORK {IN A}[i] CASE OF THIS KIND I THINK MY FRIEND CAREY WILL STAY IN SALT LAKE AND DRAW HIS SALARY {FROM UNCLE SAM}[i] WITH REGULARITY AND LET THIS CASE ALONE. I HAVE NO IDEA THERE WILL BE ANOTHER TRIAL. [*space*]	TELL YOU HE WILL BE SATISFIED WITH THIS TRIAL IT WILL ENABLE THE REPORTERS TO WRITE UPON THIS TRIAL FOR NEXT 18 OR 20 MONTHS AND FURNISH —[?] IN THE PAPERS NEXT MORNING AS GREAT DEAL OF HARD *[[22]]* WORK IN CASE OF THIS KIND I THINK MY FRIEND CAREY WILL STAY IN SALT LAKE AND DRAW HIS SALARY WITH REGULARITY AND LET THIS CASE ALONE [*space*]	STATEMENT. NO OTHER MAN WILL EVER BE TRIED IN UTAH TERRITORY FOR THIS CRIME, UNLESS IT BE MANY YEARS AFTER THIS.	STZATEMENT. NO OTHER MAN IN UTAH TERRITORY WILL EVER BE TRIED IN UTAH TERRITORY FOR THIS CRIME, UNLESS IT BE MANY YRE ARS AFTER THIS.

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RS	PS	RT	BT
		BROTHER CAREY WILL CERTAINLY NEVER TRY ANOTHER MAN WHO HAS BEEN JOINED IN THIS INDICTMENT.	BROTHER CAREY CERTAINLY WILL NEV~~E~~R TRY ANOTHER MAN WHO HAS BEEN JOINED IN THIS INDICTMENT;
THAT IS THROWN IN TO MAKE YOU THINK THEY ARE GOING TO TEAR GROUND UP ALL AROUND. [*space*] I DO NOT THINK THEY WILL DO IT. [*space*]	THAT IS THROWN IN YOU KNOW TO MAKE YOU THINK *THEY*[?] ARE GOING TO TEAR THE GROUND UP ALL AROUND I DO NOT THINK THEY WILL DO IT. [*space*]	HIS THREATS ARE AS IDLE AS THE WIND.	HIS THREATS ARE AS IDLE AS THE WIND.
TO PROVE	TO PROVE	TO PROVE THE CHARGES IN THE INDICT~~E~~MENT,	TO PROVE THE ~~V~~CHARGES IN THE INDICTMENT
THIS COMBINATION AGAINST JOHN D. LEE THEY HAVE INTRODUCED	THIS COMBINATION AGAINST JOHN D. LEE THEY HAVE INTRODUCED	AND THE COMBINATION EN- *[33]* ~~B~~ TERED INTO BY THE PARTIES ACCUSED THERE HAS BEEN A	AND THE COMBINATION ENTERED INTO BY THE PARTIES ACCUSED, THERE HAS BEEN A
FOLLOWING WITNESSES AND	THE FOLLOWING WITNESSES AND	NUMBER OF WITNESSES EXAMINED BEFORE YOU. I SHALL NAME EACH WITNESS IN MY	NUMBER OF WITNESSES EXAMINED BEFORE YOU. I SHALL NA ME EACH WITNESS IN MY
GENTLEMEN I PROPOSE TO CALL YOUR ATTENTION TO	GENTLEMEN I PROPOSE TO CALL YOUR ATTENTION TO	REMARKS. I PROPOSE TO CALL YOUR ATTENTION TO	REMARKS. I PROPOSE TO CALL YOUR ATTENTION TO

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RS	PS	RT	BT
WHAT I CONSIDER THE STRONG POINT IN FAVOR OF PROSECUTION. IF THERE IS ANYTHING HERE THAT TENDS AGAINST PRISONER I WISH TO NAME IT AND EXPLAIN IT IF I CAN TO YOUR SATISFACTION IN ORDER {THAT}[i] WE MAY DO THIS PROPERLY I PROPOSE NOW TO TAKE EVIDENCE AS IT COMES THEN FOLLOW EACH ON THROUGH AND SEE IF WE CAN FIND WHERE JOHN D. LEE IS CONNECTED	WHAT I CONSIDER THE STRONG POINTS IN FAVOR OF THE PROSECUTION IF THERE IS ANYTHING HERE THAT TENDS AGAINST THE PRISONER I WISH TO NAME IT AND EXPLAIN IT IF I CAN TO YOUR SATISFACTION IN ORDER THAT WE MAY DO THIS PROPERLY I PROPOSE NOW TO *TAKE*[?] THE EVIDENCE AS IT COMES THEN FOLLOW IT ON THROUGH AND SEE IF WE CAN FIND WHERE JOHN D. LEE IS CONNECTED	WHAT I CONSIDER THE STRONG POINTS IN THE EVIDENCE,WHICH APPEARS TO FAVOR THE PROSECUTION. IF THERE IS EVIDENCE AGAINST THE DEFENDANT, I PROPOSE TO EXPLAIN IT, GIVE IT ITS TRUE MEANING, AND ASK YOU TO GIVE IT DUE CONSIDERATION. TO DO THIS I WILL REVIEW THE EVIDENCE IN THE ORDER THAT IT WAS GIVEN BEFORE YOU, FOLLOWING EACH WITNESS PATIENTLY AND FULLY, AND FIND, IF SUCH THERE BE, EVIDENCE TO SHOW WHEN, WHERE, HOW, IF AT ALL, JOHN D. LEE WAS CONNECTED	WHA T I CONSIDER THE ~~XS~~STRONG POINTS [29] IN THE EVIDENCE WHICH APPEARS TO FAVOR THE PROSECUTION. IF T**H**ERE IS EVIDENCE AGINST THE ~~THE~~ DEFENDANT I PROPOSE TO EXPLAIN IT, GIVE IT ITS TRUE MEANING AND ASK YOU TO GIVE IT DUE CONSIDERATION. TO DO THIS I WILL REVIEW THE EVIDENCE IN THE ORDER IN WHICH IT W~~A~~AS BROUGHT BEFORE YOU — FOLLOWING EACH WITNESS PATIENTLY AND FULLY, AND FIND~~M~~, IF SUCH THERE BE, EVIDENCE TO SHOW WHEN, WHERE, **OR** HOW IF AT ALL, JOHN D. LEE WAS CONNECTED

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RS	PS	RT	BT
WITH THESE CO- CONSPIRATORS AS CLAIMED BY THE PROSECUTION. FIRST THEY BRING ROBERT KEYES. COMES UPON STAND AND A MAN WOULD THINK ~~<~~BY THE~~>~~ VERY TONE OF VOICE IN WHICH HE GIVE TESTIMONY HE HAD LOST ALL THE NEAR AND DEAR FRIENDS HE EVER HAD ON EARTH AND THAT TOO SEVEN/8THS {7/8'S}[i] OF THEM	WITH THESE CO- CONSPIRATORS AS CLAIMED BY THE PROSECUTION [*space*] FIRST BRING ROBERT KEYES COMES UPON STAND AND A MAN WOULD THINK TO HEAR THE TONE OF THE VOICE IN WHICH HE GIVES TESTIMONY HE HAD LOST ALL THE NEAR AND DEAR FRIENDS HE EVER HAD ON EARTH AND THAT ABOUT 7/8 OF THEM	WITH THOSE CALLED JOHN D. LEE'S CO- CONSPIRATORS. THE FIRST WITNESS CALLED WAS ROBERT KEYES,. A PERSON WHO DID NOT KNOW HIM WOULD HAVE THOUGHT FROM HIS MANNER ON THE STAND, FROM THE SEPULCHRAL TONES OF VOICE, THAT HE HAD LOST ALL HIS EARLY FRIENDS, THE PLAYMATES OF HIS CHILDHOOD, HIS FRIENDS OF MORE MATURE YEARS; HIS BROTHERS,SIST ERS AND PARENTS, IN SHORT,EVERY ONE THAT HE EVER LOVED OR CONSIDERED A	WITH THOSE CALLED JOHN D. LEE'S CO- CONSPIRATORS. THE FIRST WITNESS ~~W~~CALLE D WAS ROBERT KEYS. A PERSON WHO DID NOT KNOW HIM WOULD HAVE THOUGHT FROM HIS MANNER ON THE STAND — FROM THE SEPULCH~~E~~RAL TONES OF HIS VOICE, THAT HE HAD LOST ALL OF HIS EARLY **FRIENDS** ~~FRIENDS~~ THE PLAYM~~E~~ATES OF HIS ~~V~~**C**HILDHOOD, ~~**AND**~~ HIS FRIENDS OF MORE MATURE YEARS; HIS BROTHERS, SISTERS, PARENTS — IN SHORT EVERYONE THAT HE EVER LOVED OR CONSIDERED A

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RS	PS	RT	BT
HAD BEEN MASSACRED UPON THAT OCCASION.	HAD BEEN MASSACRED UPON THAT OCCASION	FRIEND, THAT THEY EACH AND ALL HAD FALLEN VICTIMS UPON THE BLOODY FIELD OF MOUNTAIN MEADOWS.	FRIEND. THAT THEY EACH AND ALL HAD FA**L**LE~~D~~**N** VICTIME UP~~ON~~**ON** THE BLOODY FIELD OF MOUNTAIN MEADOWS.
WHETHER THAT WAS DONE FOR EFFECT OR NOT I CAN'T SAY.	WHETHER THAT WAS DONE FOR EFFECT OR NOT I CAN NOT SAY BUT	WHETHER HIS STAGE-STRUCK, DRAMATIC STYLE WAS	WHETHER HIS STAGE-STRUCH DRAMAT~~I~~C STYLE WAS ~~ADDOL~~
I COULD NOT SEE THE NECESSITY OF THAT SEPULCHRAL TONE HE USED UNLESS IT WAS TO IMPRESS THE JURY WITH {THE}[i] HORRORS OF THE SITUATION.	I COULD NOT SEE THE NECESSITY OF THAT SEPULCHRAL TONE HE USED UNLESS IT WAS TO IMPRESS JURY WITH THE HORRORS OF THE SITUATION	ADOPTED FOR EFFECT OR NOT, I LEAVE YOU TO JUDGE. I THOUGHT HE ADOPTED THAT STYLE AND TONE TO FULLY IMPRESS YOU WITH THE HORRORS CONNECTED WITH THE MASSACRE. ASIDE FROM HIS TRAGIC TONES AND FACIAL CONTORTIONS, THERE IS LITTLE IN HIS	ADOPTED FOR EFFECT OR NOT, I LE~~Z~~AVE YOU TO JUDGE; BUT I THOUGHT HE ADOPTED THAT STYLE AND TONE TO FULLY IMPRESS YOU OF THE HORRORS CONNECTED WITH THE MASSACRE. ASIDE FROM HIS TRAGIC TONES AND FACIAL CONTORTIONS, THERE IS LITTLE IN HIS
HIS TESTIMONY IS;	HIS TESTIMONY IS	TESTIMONY. HE TELLS YOU	TESTIMONY. HE TELLS YOU
WHEN	WHEN	THAT WHEN IN	THAT WHEN ON
HE CAME INTO	HE CAME INTO THE	HIS WAY FROM CALIFORNIA, HE CAME TO THE MOUNTAIN	HIS WAY FROM CALIFORNIA, HE CAME TO THE MOUNTAIN
MEADOWS IN {THE}[i] EARLY DAYS OF	MEADOWS IN THE EARLY DAYS OF	MEADOWS, EARLY IN THE MONTH OF	ME~~Q~~**A**DOWS EARLY IN THE MONTH OF

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RS	PS	RT	BT
OCTOBER THAT HE SAW BODIES OF A NUMBER OF WOMEN CHILDREN LYING AT THE UPPER PART OF THE MEADOW PAGE 20[519] HE SAYS THEY HAD TO ALL APPEARANCE BEEN BURIED WITH LIGHT COVERING OF EARTH BUT THAT THAT EARTH HAD BEEN REMOVED BY COYOTES OR WOLVES AND THE BODIES WERE THEN LYING UN BURIED GENTLEMEN I ADMIT IT THAT SPECTACLE	OCTOBER THAT HE SAW THE BODIES OF NUMBER OF WOMEN AND CHILDREN LYING AT THE UPPER PART OF THE MEADOW HE SAYS THEY HAD TO ALL APPEARANCE BEEN BURIED WITH A LIGHT COVERING OF EARTH BUT THAT THAT EARTH HAD BEEN REMOVED BY THE COYOTES OR WOLVES AND THE BODIES WERE THEN LYING UNBURIED GENTLEMEN I ADMIT THAT THAT SPECTACLE	OCTOBER. THAT HE THEN AND THERE SAW THE BODIES OF A NUMBER OF WOMEN, LYING AT THE UPPER END OF THE MEADOWS; THAT THEY [34] HAD EVERY APPEARANCE OF HA~~F~~VING <ONCE> BEEN BURIED WITH A LIGHT COVERING OF EARTH. THAT THE EARTH HAD BEEN REMOVED BY THE CAYOTES, OR WOLVES, AND THE BONES WERE THEN LYING UNBURIED. GENTLEMEN OF THE JURY: I ADMIT THAT THE SPECTACLE OPENED TO HIS VIEW ON THAT FATAL, BLOODY, DISHONORED	OCTO~~V~~**B**ER. THAT HE THEN AND THERE SAW THE BODIES OF A NUMBER OF MEN AND WO~~N~~MEN LYING AT THE UPPER END OF THE MEADOWS; T**H**AT THEY HAD EVERY APPEARANCE OF HAVING ONCE BEEN BURIED WITH A LIGHT COVERING OF EARTH. THAT THE EARTH HAD BEEN REMOVED BY THE CAYO~~R~~TES OR WOLVES AND THE BONES W~~D~~ERE THEN LYING UNBERRIED. GENTLEMEN OF THE JURY, I ADMIT THAT THE SPECTA~~V~~CLE OPEN TO HIS ~~F~~VIEW ON THAT FATAL BLOODY AND DISHONORED

519. What "PAGE 20" references is unknown.

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RS	PS	RT	BT
MUST HAVE BEEN HORRID. THERE IS NO MAN WHOSE BLOOD CURDLES MORE COMPLETELY THAN MINE AT THE RECITAL OF SUCH A DEED OF HORROR.	MUST HAVE BEEN HORRID THERE IS NO MAN WHOSE BLOOD —[?] CURDLES MORE COMPLETELY THAN MINE AT THE RECITAL OF SUCH A DEED OF HORROR	GROUND, MUST HAVE BEEN HORRID BEYOND THE POWERS OF MORTAL DESCRIPTION. DOUBTLESS THE BLOOD OF ROBERT KEYES CURDLED IN HIS VEINS AS HE LOOKED UPON THE SAD EVIDENCE OF THE CRIME AND CRUELTY OF HUMANITY. WHO, WITH A HEART NOT DEAD TO EVERY TRUE SENTIMENT, CALLOUSED TO EVERY CLAIM OF HUMANITY, COULD HAVE VIEWED THAT SIGHT UNMOVED ? I THINK THE BEHOLDER OF THAT SAD SPECTACLE MUST HAVE DROPPED UPON HIS KNEES AND THEN AND THERE REGISTERED A VOW IN HEAVEN THAT HE WOULD NEVER	GROUND MUST HAVE BEEN HORRID BEYOND THE ~~W~~POWERS OF MORTAL D~~I~~ESCRIPTION. DOUBTLESS THE **BLOOD** ~~BOLLD~~ OF ROBERT KEYS CURDLED IN HIS VEINS AS HE LOOKED UPON THE SAD EVIDENCE OF THE CRIME AND CRUELTY OF HUMANITY. WHO WITH A ~~R~~HEART NOT DEAD TO *[30]* EVERY TRUE SENTIMENT, CALLOUS TO EVERY CLAIM OF HUMANITY COULD HAVE VIEWED THAT SIGHT UNMOVED? I THINK THE BEHOLDER OFTHAT SAD SPECTACLE MUST HAVE DROPPED UPON HIS KNEES AND THEN AND THERE REGISTERED A VOW IN HEAVEN THAT HE WOU~~N~~LD NEVER

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RS	PS	RT	BT
		REST FROM HIS LABORS UNTIL THE PERPETRATORS OF THAT UNNATURAL FIENDISH BUTCHERY WERE BROUGHT TO PUNISHMENT. UNDER THE CIRCUMSTANCES I PARDON MUCH OF THAT IN THE ACTS OF ROBERT KEYES, WHICH WOULD UNDER CIRCUMSTANCES CALL FOR CRITICISM AND DISAPPROBATION. IT SEEMS AT THE FIRST BLUSH, THAT IT	REST FROM HIS LABORS UNTIL THE PERPꝺETRATORS OF THAT FIENDISH BUTCHERY WERE BROUGHT TO PUNISHMENT. UNDER THOSE CIRCUMSTANCES I PARDON MUCH OF THAT IN THE ACTS OF ROBERT KEYS, WHICH WOULD UNDER OTHER CIRCUMSTANCES CALL FOR CRITICISM AND DISAPPROBATION. IT SEEMS AT FIRST BLUSH THAT IT
NO MAN WOULD BELIEVE THAT HUMANITY *[[34]]* CONTAINED ANY NUMBER THAT *WERE* PROMPTED TO SUCH DEEDS OF SLAUGHTER AND CARNAGE. YET THAT SUCH PEOPLE EXISTED WE	NO MAN WOULD BELIEVE THAT HUMANITY CONTAINED ANY NUMBER THAT WERE PROMPTED TO SUCH DEEDS OF SLAUGHTER AND CARNAGE YET THAT SUCH PEOPLE EXISTED WE	WOULD BE IMPOSSIBLE TO FIND MEN ON THIS BEAUTIFUL EARTH, WHO COULD BE INDUCED TO COMMIT SO FEARFUL A CRIME AS THAT OF THE MASSACRE AT THE MOUNTAIN MEADOWS. YET, WE DO KNOW THAT SUCH MEN EXIST, AND	WOULD BE IMꝊPOSSIBLE **TO** ~~TO~~ FIND MEN ON THIS BEAUTIFUL EARTH WHO COULD BE INDUCED TO COMMIT SO FEARFUL A CRIME AS THAT OF THE MASSACRE AT MOUNTAIN MEADOWS; YET WE DO KNOW THAT SUCH MEN EXIST AND

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RS	PS	RT	BT
KNOW WE KNOW THAT CRIME HAS BEEN RUNNING RIOT SINCE THE EARLIEST OF HUMAN HISTORY. WE KNOW THERE ARE TWO PRINCIPLES IN MAN THE ONE STRIVING TO SUSTAIN JUSTICE THE OTHER SUGGESTS TO THE MIND OF MAN THAT PLEASURES OF SIN. AND IT DEPEND UPON WHICH PRINCIPLE IN NATURE IT IS THAT GETS THE BETTER OF A	KNOW AND KNOW THAT CRIME HAS BEEN[520] RUNNING RIOT SINCE THE EARLIEST OF HUMAN HISTORY WE KNOW THAT THERE ARE TWO PRINCIPLES IN MAN THE ONE STRIVING TO SUSTAIN JUSTICE THE OTHER SUGGESTING TO THE MIND OF MAN THE PLEASURES OF SIN AND IT DEPEND UPON WHICH PRINCIPLE IN NATURE IT IS THAT GETS BETTER OF THE	THAT SUCH A CRIME WAS COMMITTED AT THAT PLACE. WE KNOW THERE ARE TWO ACTIVE PRINCIPLES IN THE HUMAN MIND AND NATURE; THE ONE STRIVING TO SUSTAIN RIGHT AND JUSTICE AND MAKE MAN TRUE, NOBLE, GENEROUS AND KIND, WHILE THE OTHER PRINCIPLE IS EQUALLY BUSY IN SUGGESTING TO THE MIND ALL THE PLEASURES OF SIN. THE CHARACTER OF THE MAN DEPENDS UPON WHICH OF THESE SILENT, EVER-PRESENT MONITORS,	THAT SUCH A CRIME WAS CO~~N~~MMITTED AT THAT PLACE. WE KNOW THERE ARE T~~O~~WO ACTIVE PRINCIPLES IN THE HUMAN M~~U~~IND AND NATURE; THE ONE ~~SRT~~ STRIVING TO SUSTAIN RIGHT AN~~F~~D JUSTICE AND MAK E MAN TRUE, NOBLE, GENEROUS ~~N~~AND KIND~~,~~**;** WHILE THE OTHER PRINCIPLE IS EQUALLY BUSY IN SUGGESTING TO THE MIND, ALL THE PLEASURES OF SIN.. THE CHARACTER OF THE MAN DEPENDS UPON WHICH OF THESE S~~L~~ILENT~~,~~ YET EVER PRESENT MONITORS~~,~~

520. Word apparently added later.

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RS	PS	RT	BT
MAN TO WHICH ONE HE YIELDS THE CONTROL, I SAY IT DEPENDS UPON WHICH ONE HE GIVES THE —/*WHOLE*[?] CONTROL {(SUCH IS THE MIND OF MAN}[i] SO IS MIND OF MAN) HE SHALL BE WE *FIND*[?] THE BASER PRINCIPLE THE IMPURE *SIMPLER/SMPLR*[?] CIRCUMSTANCES HAVE CONTROLLED MANY ON THIS OCCASION.	MAN TO WHICH ONE HE YIELDS CONTROL *[[23]]* IT DEPEND UPON WHICH ONE HE GIVES THE CONTROL TO SEE WHAT KIND OF MAN HE SHALL BE WE FIND THAT THE BASER PRINCIPLE AND —/*SINFUL*[?] *RSLS/HEARTLESS*[?] HAVE CONTROLLED MANY ON THIS OCCASION	HE *[35]* YIELDS UP HIS NATURE AND HIS CONSCIENCE. WE KNOW, FURTHERMORE, THAT THOSE WHO COMMITTED THAT FEARFUL ACT HAD SURRENDERED THEMSELVES WILLING SLAVES TO THE BASER AND MORE CRUEL OF THE MONITORS WITHIN. HEARTLESS, CRUEL BEINGS, THEY WERE DEATH TO	HE Y~~E~~IELDS UP HIS NATURE AND HIS CONSC~~I~~IENCE TO. WE KNOW FURTHERMORE, THAT THOSE WHO COMMITTED THAT FEARFUL ACT SURRENDERED THEMSELVES WILLING SLAVE~~W~~**S** TO THE BASER AND MORE CRUEL TO THE MONITORS WITHIN. ~~HARTL~~ HEARTLESS CRUEL BEINGS, THEY WERE **DEAF** ~~DEF~~ TO

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RS	PS	RT	BT
I BELIEVE THE MASSACRE WAS AS BLOODY AND AS HORRID AND AS CRUEL <u>AND</u> {?}[i] <u>VINDICTIVE INHUMANE</u> AS ANY MAN CAN DESCRIBE IT.	I BELIEVE THE MASSACRE WAS AS BLOODY AND AS HORRID AND AS CRUEL AND AS HEARTLESS AND VINDICTIVE AND INHUMANE AS ANY MAN CAN DESCRIBE IT	THE CRIES OF ANGUISH AND THE WAIL OF DESPAIR SENT UP BY THE BEAUTIFUL WOMEN,DEATH TO THE PLEADINGS OF CHILDISH INNOCENCE, BLIND TO THE CLAIMS OF AGE,SEX OR CONDITION, OF THOSE SELECTED AS B VICTIMS OF THEIR BLIND AND VINDICTIVE FURY. I ADMIT THAT THIS MASSACRE, WAS AS HORRID IN SUBSTANCE, AND IN FACT, AS UNNATURAL AND CRUEL IN DETAIL, AS FEARFUL AND DEVELISH IN ITS CONSUMMATIO N,AS IT CAN BE PICTURED BY THE MOST FERTILE IMAGINATION. IT WAS AWFUL IN ALL OF ITS	THE CRIES OF ANGUISH AND THE WAILS OF D~~I~~ESPAIR, SENT UP BY THE BEAUTIFUL WOMEN; ~~DEF~~ **DEAF** TO THE PLEADINGS OF THE CHILDISH INNOCENCE; BLIND TO THE CLAIMS OF AGE, SEX OR CONDITION OF THOSE SELECTED AS VICTIMS OF THEIR BLIND AND VINDI~~V~~CTIVE FURY. I ADMIT THAT THIS MASSACRE WAS AS HORRID IN SUBSTANCE, AND IN FACT AS UNNATURAL AND CRUEL IN DETAIL, AS FEARFUL AND DEVELISH IN ITS CONSUMATION, AS IT C~~S~~AN BE PICTURED BY THE MOST FERTILE IMMA~~E~~GINATIO N. IT WAS A DISGRACE. IT WAS AWFUL IN ALL ITS

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RS	PS	RT	BT
		CHARACTERISTICS,AND IS NOT CAPABLE OF BEING JUSTIFIED BY ANY ONE. IT WAS A DISGRACE TO THE NATION, A STAIN UPON THE REPUTATION OF THE PEOPLE OF UTAH, AND SHOULD SEND EACH OF THOSE WHO WERE THERE,AND ENGAGED AS WILLING PARTICIPANTS IN THE WORK OF CARNAGE, TO A FELONS DEATH UPON THE BLOCK OR SCAFFOLD. I AM NOT HERE AS AN APOLOGIST FOR MURDER,NOR TO JUSTIFY THOSE ENGAGED IN THAT INHUMAN AND MOST UNNATURAL CRIME,FOR WHICH WE,AS AMERICANS SHOULD WEEP.	C~~A~~HARACTERISTICS AND IS NOT ~~V~~CAPABLE OF BEING JUSTIFIED BY ANYONE. IT IS A STAIN UPON THE REPUTATION OF THE PEOPLE OF UTAH, AND SHOULD [31] SEND EACH OF THOSE WHO WERE THERE AND ENGAGED AS WILLING PARTI~~V~~CIPANTS IN THE WORK OF CARNAGE TO A FELLONS DEATH UPON THE BLOCK OR SCAFFOLD. I AM NOT HERE AS AN APPOLOGIST FOR MURDER NOR TO JUSTIFY THOSE ~~EB~~ ENGAGES IN THAT **UN**HUMAN AND MOST UNNATURAL CRIME FOR WHICH WE AS AMERICANS SHOULD WEEP.
YET	YET	YET,	YET**,**

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RS	PS	RT	BT
GENTLEMEN ON ACCOUNT OF VERY GREATNESS OF	GENTLEMEN ON ACCOUNT OF VERY GREATNESS OF	GENTLEMEN OF THE JURY, ON ACCOUNT OF THE VERY GREATNESS, MAGNITUDE AND HORRID SURROUNDINGS	GENTLEMEN OF THE JURY, ON ACCOUNT OF THE **VERY** GREATNESS, MAGNITUD~~S~~E AND HORRID SURROUNDINGS
THE CRIME ON ACCOUNT OF NUMBERS THAT THERE DIED,	THE CRIME ON ACCOUNT OF THE NUMBERS THAT THERE DIED	OF THIS CRIME, ON ACCOUNT OF THE VAST NUMBER THAT WERE THERE FOULLY MURDERED, YES, WORSE, THAT WERE COWARDLY ASSASSINATED	OF THIS CRIME — ON ACCOUNT OF THE VAST NUMBER THAT WERE THERE SO FOULLY MURDERED, YES, WORSE THAN THAT — COWARDLY ASSAINATED**,**
ON ACCOUNT OF PREJUDICE THAT NOW IS IN EXISTENCE	ON ACCOUNT OF PREJUDICE THAT NOW IS IN EXISTENCE	ON ACCOUNT OF THE PREJUDICE NOW EXISTING AGAINST THOSE WHO COMMITTED THE CRIME ON ACCOUNT OF THE GENERAL EXISTING	ON ~~O~~**A**CCOUNT~~X~~ OF THE PREJUDICE NOW EXISTING AGAINST THOSE WHO COMMITTED THE CRIME**,** ON ACCOUNT OF THE GENERAL EXCITEMENT EXISTING
AGAINST THE PEOPLE OF UTAH TERRITORY	AGAINST THE PEOPLE OF UTAH TERRITORY	AGAINST THE PEOPLE OF UTAH TERRITORY, OCCASIONED BY THAT FATAL ACTION OF SOME OF THE THEN DWELLERS IN UTAH,	AGAINST THE PEOPLE OF UTAH TERRITORY, OCCASIONED BY THAT FATAL ACTION OF SOME OF THE THEN DWELLERS O~~N~~F UTAH —
ON ACCOUNT OF	ON ACCOUNT OF	ON ACCOUNT OF	ON ACCOUNT OF

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RS	PS	RT	BT
LAPSE OF TIME SINCE THE TRANSACTION	LAPSE OF TIME SINCE THE TRANSACTION	THE LONG YEARS THAT HAVE PASSED SINCE THE COMMISSION OF [36] THE MASSACRE. ON ACCOUNT OF THE APPARENT IMPOSSIBILITY OF LEARNING THE TRUE FACTS IN THE CASE FROM HUMAN	THE LONG YEARS THAT HA~~C~~VE PASSED SIN~~V~~CE THE COMMIS~~I~~SION OF THE MASSACRE — ON ACCOUNT OF THE APPARENT IMPOSSIBILITY OF LEARNING THE TRUE FACTS IN THE CASE FROM HUMAN
IT BECOMES YOUR DUTY AND MY DUTY TO CAREFULLY EXAMINE THESE ACTS AND LET US NOT ACT WITH UNDUE SPEED. TIMES LIKE THE PRESENT ARE SEIZED UPON BY	IT BECOMES YOUR DUTY AND MY DUTY TO CAREFULLY EXAMINE THESE ACTS AND LET US NOT ACT WITH UNDUE SPEED TIMES LIKE THE PRESENT ARE SEIZED UPON BY	WITNESSES, IT BECOMES YOUR DUTY, AS JURYMEN, AS WELL AS MY DUTY, AS COUNSEL AND ADVOCATE, TO CALMLY, CAREFULLY DISPASSIONATELY AND JUSTLY — AND FULLY AND FAIRLY EXAMINE THIS CASE AND THE FACTS CONNECTED WITH IT. TO DO THIS WE MUST ACT WITH CAUTION, THERE MUST BE TO UNDUE SPEED, NO JUMPING AT CONCLUSIONS, NO FORMING OF HASTY	WITNESSES, IT BECOMES YOUR DUTY AS JURYMEN AS WELL AS MY DYTUY AS COUNSEL AND ADVOCATE TO CALMLY, CAREFULLY, DISPASSIONATELY AND JUSTLY, FULLY AND FAIRLY EXAMINE THIS CASE ~~T~~AND THE FACTS CONNECT~~E~~ED WITH IT. TO DO THIS WE MUST ACT WITH CAUTION; THERE MUST BE NO UNDUE SPEED, NO JUMPING AT CONCLUSIONS, NO FORMING ~~H~~OF HASTY

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RS	PS	RT	BT
THE OFFICERS OF PROSECUTION	THE OFFICERS OF THE PROSECUTION	OPINIONS. IT IS OFTEN THE CASE THAT THE PROSECUTION, UPON OCCASIONS OF THIS KIND, TAKE ADVANTAGE OF THE EXCITED CONDITION OF THE COMMUNITY AND THE ~~NAU~~ NATURAL PREJUDICE OF	OPINIONS . IT IS OFTEN THAT THE PROSECUTION **UPON** ~~OUPON~~ OCCASIONS OF THIS KIND TAKE ADVANTAGE OF THE EXCITED CONDITION OF THE COMUNITY AND THE NATURAL PREJUDICES OF
TO ASK JURORS TO ENABLE THEM	TO SHOW JURORS TO ENABLE THEM	THE JURY AND ASK THEM TO AID THE GOVERNMENT BY GIVING A FALSE VERDICT TO SATISFY THE POPULAR CLAMOR TO STIFLE PUBLIC INDIGNATION BY THE	THE JURY, AND ASK~~D~~S THE JURY TO AID THE GOVERNMENT BY GIVING A FALSE VERDICT TO SATISFY THE POPULAR CLAMOR — TO STIFLE PUBLIC INDIGNATION BY THE
TO COMMIT JUDICIAL MURDER. WHEN YOU STOP AND CONSIDER IT WHICH WOULD BE THE WORST	TO COMMIT JUDICIAL MURDER WHEN YOU STOP AND CONSIDER IT WHICH WOULD BE THE WORST	COMMISSION OF JUDICIAL MURDER. WHEN YOU STOP TO CONSIDER IT, WHICH WOULD BE THE WORST; THE MOST REPULSIVE TO YOUR SENSE OF	COMMISSION OF JUDICIAL MURDER. WHEN YOU STOP TO CONSIDER WHICH WOULD BE THE WORST — THE MOST REPULSIVE TO YOUR SENSE OF
THE DEATH SCENE AT MOUNTAIN MEADOWS	THE DEATH SCENE AT MOUNTAIN MEADOW	JUSTICE; THE DEATH SCENE AT THE MOUNTAIN MEADOWS,	JUSTI~~V~~CE — THE DEATH SCEN~~T~~E AT THE MOUNTAIN MEADOWS,

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RS	PS	RT	BT
ACTUATED AND BROUGHT ABOUT BY THE WICKED DESIGNS OF CRUEL MEN WITH ALL ITS ATTENDANT HORRORS WITH ALL SOUL SICKENING SCENES SURROUNDING IT WHICH WOULD BE THE MOST TERRIBLE THAT OR THE GIBBET YOU SHOULD ERECT UPON INSUFFICIENT TESTIMONY. WHICH GENTLEMEN OF THE JURY WOULD YOU PREFER LAY YOUR LIFE DOWN BY THE SIDE OF THESE LOWLY	ACTUATED AND BROUGHT ABOUT BY THE WICKED DESIGNS OF CRUEL MEN WITH ALL ITS ATTENDANT HORRORS WITH ALL THE SOUL SICKENING SCENES SURROUNDING IT WHICH WOULD BE THE MOST TERRIBLE THAT OR THE GIBBET THAT YOU SHOULD ERECT ON INSUFFICIENT TESTIMONY [*space*] WHICH GENTLEMEN OF THE JURY WOULD YOU PREFER TO LAY YOUR LIFE DOWN BY THE SIDE OF THOSE LOWLY	ACTUATED AND BROUGHT ABOUT BY THE WICKED DESIGNS OF CRUEL MEN WITH ALL ITS ATTENDANT HORRORS, WITH ALL OF ITS SOUL-SICKENING DETAILS AND SAVAGE SURROUNDINGS, OR THE SIGHT OF THE GIBBET, WHICH YOU ARE ASKED TO ERECT ∴ ON WHICH TO EXECUTE THIS DEFENDANT ∴ UPON INSUFFICIENT EVIDENCE OF HIS GUILT ? WHICH WOULD YOU, AS JURYMEN, AS HONORABLE CITIZENS OF THIS MIGHTY REPUBLIC, PREFER, TO LAY YOUR BONES SIDE BY SIDE WITH THOSE WHO	ACTUATED AND BROUGHT ABOUT BY THE WICKED DESIGNS OF CRUEL MEN WITH ~~Z~~ AL L ITS ATTENDANT HORRORS, WITH ALL ~~O~~OF ITS SOUL-SICKENING DETAILS AND SAVAGE SURROUNDINGS OR THE SIGHT O~~G~~F THE GIBBET WHICH YOU ARE ASKED TO ERECT **[**ON WHICH TO EXECUTE THIS DEFENDANT**]** UPON INSUFFICIENT *[32]* EVIDENCE OF HIS GUILT? WHICH WOULD YOU**,** AS JURYMEN, AS HONORABLE CITIZENS OF THIS MIGHTY REPUBLIC PREFER**,** TO LAY YOUR BONES SIDE BY SIDE WITH THOSE WHO

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RS	PS	RT	BT
GRAVES AND THERE REST THROUGHOUT TIME OR	GRAVES AND THERE REST THROUGHOUT TIME OR	REST IN THE SILENT GRAVES, IN THE VAST SOLITUDE THAT HANGS LIKE A PALL OF GLOOM AROUND THE MOUNTAIN MEADOWS, THERE TO AWAKE THE SUMMONS TO COME FORTH IN THE MORN OF THE RESURRECTION,	REST IN THEIR **SILENT** ~~SCILENT~~ GRAVES IN THE VAST SOLITUDE THAT HANGS LIKE ~~THE~~ **A** PALL OF GLUME OVER THE MOUNTAIN MEADOW~~N~~S — THERE TO AWAIT THE SUMMONS TO ~~S~~**C**OME FORTH ON THE MORNING OF THE RESURECTION~~,~~**;**
HAVE YOUR NAME GO DOWN TO POSTERITY AS ONE MAN THAT UNDER FIT OF EXCITEMENT	HAVE YOUR NAME GO DOWN TO POSTERITY AS ONE MAN THAT IN A FIT OF EXCITEMENT	OR TO HAVE YOUR NAMES GO DOWN TO POSTERITY, AS MEN WHO, IN A CASE LIKE THIS, LACKED THE MORAL COURAGE TO DO YOUR DUTY, AND FOR FEAR OF POPULAR CRITICISMS, [37] FOR FEAR OF THE PREJUDICED PRESS HAD UNDER THE INFLUENCE OF	O~~T~~R TO HAVE YOUR NAMES GO DOWN TO POSTERITY AS MEN WHO, IN A CASE LIKE THIS, LACK THE MORAL COURAGE TO DO YOUR DUTY, AND FOR FEAR OF POPULAR CRITICISM — FOR FEAR OF THE LASH OF A PREJUDICED PRESS — HAD**,** UNDER THE INFLUENCE OF
IN ANSWER TO POPULAR CLAMOR TO SATISFY THE MORBID	IN ANSWER TO POPULAR CLAMOR TO SATISFY THE MORBID	FEAR IN ANSWER TO POPULAR CLAMOR, TO STIFLE AND SATISFY THE MORBID	FEAR IN ANSWER TO POPULAR CLAMOR TO STIFLE AND SATISFY THE MORBID

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RS	PS	RT	BT
APPETITE OF A MISGUIDED PUBLIC YOU GIVE YOUR *VOICE*[?] FOR AN UNJUST VERDICT? THERE ARE THINGS THAT ARE HORRIBLE OUTSIDE OF THE FIELD OF CARNAGE AND JUDICIAL MURDER IS ONE OF THE WORST.	APPETITE OF A MISGUIDED PUBLIC THAT YOU GAVE YOUR VOICE FOR AN UNJUST VERDICT THERE ARE THINGS THAT ARE HORRIBLE OUTSIDE OF THE FIELD OF CARNAGE AND JUDICIAL MURDER IS ONE OF THE WORST	CRAVINGS OF A MISGUIDED, UNINFORMED PUBLIC, AS CRAVING COWARDS; GIVING YOUR VOICE YOUR INFLUENCE, YOUR VOTE AND VERDICT CONTRARY TO LAW AND EVIDENCE; A VERDICT WHICH BY BEING CARRIED INTO EFFECT PRODUCED JUDICIAL MURDER. THESE QUESTIONS YOU WILL ANSWER BY YOUR VERDICT. THERE ARE THINGS THAT ARE HEARD OUTSIDE OF FAR REMOVED FROM THE FIELD OF CARNAGE, AND ONE OF THESE HORRORS IS JUDICIAL MURDER. IT IS FEARFUL TO CONTEMPLATE, FOR IT SAPS THE FOUNDATIONS OF JUSTICE, AND TAKES AWAY THE MAIN	CRAVINGS OF A MISSGUIDED, ~~I~~UNINFORMED PUB~~I~~LIC, AS CRAVEN COWARDS, GIVEN YOUR VOICE , YOUR INFLUENCE, YOUR VOTE AND VERDICT, CONTRARY TO LAW AND EVIDENCE, A VERDICT WHICH BY BEING CARRIED INTO EFFECT PRODUCED JUDICIAL MURDER. THE**SE** QUESTIONS YOU WILL ANSWER BY YOUR VERDICT. THERE ARE THIN~~S~~**GS** THAT ARE HORRID OUTSI~~F~~DE OF — FAR REMOVED FROM THE FIELD OF CARNAGE, AND ONE OF THESE HORRORS IS JUDICIAL MURDER. IT IS FEARFUL TO CONTEMPLA~~T~~E FOR IT SAPS THE FOUND~~S~~**A**TION OF JUSTICE AND TAKES AWAY THE MAIN

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RS	PS	RT	BT
THEN GENTLEMEN ROBERT KEYES GIVES NO TESTIMONY TENDING TO SHOW YOU CAUSED THE DEATH OF THESE PARTIES	THEN GENTLEMEN ROBERT KEYES GIVES NO TESTIMONY TENDING TO SHOW WHO CAUSED THE DEATH OF THESE PARTIES	SUPPORT OF POPULAR GOVERNMENT. ROBERT KEYES HAS GIVEN NO EVIDENCE TENDING TO EXPLAIN THE DEATH OF THOSE WHOSE REMAINS HE HAS DESCRIBED;	SUPPORT **OF** POPULAR GOVERNMENT. ROBERT KEYS HAS GIVEN NO EVIDENCE TENDING TO EXPLAIN THE DEATH OF THOSE WHOS**E** REMAINS HE HAS DESCRIBED.
NEITHER CAN YOU FIND	NEITHER CAN YOU FIND	NEITHER CAN YOU FIND FROM HIS STATEMENTS, OR FROM HIS ACTIONS, OR FROM ANY EVIDENCE BEFORE YOU,	NEITHER CAN YOU FIND FROM HIS STATEMENTS OR FROM HIS ACTIONS, OR UPON ~~E~~ANY EVIDENCE BEFORE YOU,
EXCEPT BY IMPLICATION	EXCEPT BY IMPLICATION	EXCEPT FROM IMPLICATION, THAT THE	EXCE~~L~~**P**T FROM IMPLICATION, THAT THE
BODIES HE SAW THERE ARE THE SAME ONES LEFT THERE {BY THE}[i] PARTIES WHO COMMITTED MASSACRE	BODIES HE SAW THERE ARE THE SAME ONES LEFT THERE BY THE PARTIES THAT COMMITTED THE MASSACRE	BODIES THERE FOUND UNBURIED, WERE THE REMAINS OF THE UNFORTUNATE PEOPLE DESCRIBED IN THE	B~~I~~ODIES THERE FOUND UNBURRIED WERE THE REMAINS OF THE UNFORTUNATE PEOPLE DESCRIBED IN THE
I BELIEVE THEY ARE THE SAME.	I BELIEVE THEY ARE	INDICTMENT. I BELIEVE THEY ARE IDENTICAL. I BELIEVE THAT THE BODIES FOUND THERE BY KEYES WERE THE REMAINS OF THE	INDICTMENT. I BELIEVE THEY ARE IDENTICAL; I BELIEVE THAT THE BODIES FOUND THERE BY KEYS WERE THE REMAINS OF THE

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RS	PS	RT	BT
		EMIGRANTS WHO WERE SO CRUELLY SLAIN NEAR THAT	EMIGRANTS~~W~~ WHO WERE SO CRUELLY SLAIN NEAR THAT
BUT THERE IS NO TESTIMONY TO SHOW IT NO WITNESS HAS TESTIFIED THEY ARE SAME BODIES *[[35]]* NO WITNESS HAS TESTIFIED THEY WERE FOUND {WITHIN}[i] HALF A MILE OF THE SCENE OF CONFLICT. OLD MAN BENNETT COMES NEXT. [*space*] IT IS A NATURAL <u>CONSEQUENCE THAT HUMAN BONES</u> WOULD REMAIN UPON THE FIELD AFTER SUCH A SLAUGHTER [*space*] HE COMES ALONG AFTER K SMITH [*space*] HE TELLS YOU WHAT HE SAW [*space*] I ADMIT THAT THE SCENE	BUT THERE IS NO TESTIMONY TO SHOW IT NO WITNESS HAS TESTIFIED THAT THEY ARE SAME BODIES NO WITNESS HAS TESTIFIED THEY WERE FOUND WITHIN HALF A MILE OF THE SCENE OF CONFLICT [*space*] OLD MAN BENNETT COMES NEXT IT IS A NATURAL CONSEQUENCE THAT HUMAN BONES WOULD REMAIN UPON THE FIELD AFTER SUCH A SLAUGHTER HE COMES *ALONG AFTER THE*[?] KLINGEN SMITH *TK/ATTACK/TALK* [?] HE TOLD YOU WHAT HE SAW THERE I ADMIT THAT THE SCENE	PLACE; YET THERE IS NO EVIDENCE TO ESTABLISH THE FACT. NO WITNESS HAS ~~G~~TESTIFIED THAT THE BODIES AND REMAINS WERE FOUND WITHIN ONE HALF MILE OF THE SCENE OF THE SLAUGHTER. OLD MAN BENNETT COMES NEXT. HE TELLS YOU OF THE NUMEROUS BONES FOUND ON THE MEADOWS. I BELIEVE HIS STATEMENT. WE ADMIT THAT THE SCENE THEN PRESENTED TO	PLACE; YET THERE IS NO EVIDENCE TO ESTABLISH THE FACT. NO WITNESS HAS TESTIFIED THAT THE BODI~~S~~ES ~~Z~~AND ~~I~~REMAINS WERE FOUND WITHIN ONE HALF MILE OF THE SCENT OF THE SLAUGHTER. OLD MAN BENNET COMES NEXT. HE TELLS YOU OF THE NUMEROU~~DS~~ BONES FOUND ON THE MEADOWS . I BELIEVE HIS STATEMENT. *[33]* WE ADMIT THAT THE SCENE THEN PRESENTED TO

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RS	PS	RT	BT
		THE VISION OF THE AGED WITNESS WAS ONE AWFUL TO CONTEMPLATE.	**THE** VISSION OF THE AGED WITNESS, WAS ONE AWFUL TO CONTEMPLATE.
WAS ENOUGH TO	WAS ENOUGH TO	IT WAS SUFFICIENT TO HAVE	IT WAS SUFFICIENT TO HAVE
SICKEN A	SICKEN A	SICKENED ONE WHO WAS	SI CKENED EVEN ONE WHO WAS ~~YOUNG AND~~ EVEN
STRONGER AND YOUNGER MAN THAN HE	STRONGER AND YOUNGER MAN THAN HE WAS [*space*]	YOUNG AND VIGOROUS, AND ITS EFFECT UPON ONE WHO WAS OLD, WEAK AND NERVOUS MUST HAVE BEEN FEARFUL IN ITS *[38]* EFFECTS UPON THE MIND OF THE OLD MAN.	**YOUNG AND** VIGOROUS, AND ITS EFFE~~V~~CT UPON ONE WHO ~~WS~~ OLD, WEAK AND ~~V~~**N**ERVOUS MUST HAVE BEEN FEARF~~I~~UL UPON THE MIND O~~G~~F THIS OLD MAN.
I ADMIT THAT THE SCENE PRESENTED THERE WAS ENOUGH TO MAKE HIM BELIEVE THAT HE HAD REMAINED HOURS VIEWING THAT SAD SPECTACLE WHEN ONLY {A}[i] FEW MOMENTS HAD PASSED.	I ADMIT THAT THE SCENE PRESENTED THERE WAS ENOUGH TO MAKE HIM BELIEVE THAT HE HAD REMAINED HOURS VIEWING THAT SAD SPECTACLE WHEN ONLY A FEW MINUTES HAD *[[24]]* PASSED AWAY		
		MR. BENNETT HAS DESCRIBED WHAT HE SAW AND DONE IT IN	MR, BENNET HAS DESCRIBED WHAT HE SAW AND DONE ~~IT~~ IN

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RS	PS	RT	BT
YET ALL THAT HAS NO RELATION TO THIS DEFENDANT NONE WHATEVER MOST OF ANYTHING IN THE CASE.	YET ALL THAT HAS NO RELATION TO THIS DEFENDANT NONE WHATEVER THE MOST OF ANYTHING IN THE CASE	A FAIR WAY, YET HE HAS GIVEN YOU NO STATEMENT BY WHICH YOU CAN IN ANYWAY CONNECT THE DEFENDANT WITH THE CRIME. THE HORRORS THERE PRESENTED TO THE SIGHT OF THE WITNESS FORM NO PART OF THE SUBJECT BEFORE YOU FOR INVESTIGATION. THEY FORM NO PART OF THE CASE, NOR DO THEY IN ANYWISE CRIMINATE THE DEFENDANT; THEY ONLY SERVE TO SHOW THAT SOMEONE DID A DEED FOR WHICH ANGELS MIGHT WEEP.	A FAIR WAY, YET HE HAS GIVEN YOU NO STATEMENT ~~W~~BY WHICH YOU CAN ~~K~~ IN ANY WAY CONNECT THE DEFENDANT WITH THE CRIME. THE HORRORS THERE PRESENTED TO THE SIGHT OF THE WITNESS, FORMED NO PART OF THE SUB~~L~~JECT BEFORE YOU FOR INVESTIGATION AND FROMED NO PART OF THE CASE; NOR DO THEY IN ANY WISE CRIMINATE THE ~~F~~DEFENDANT. THEY ONLY SERVE TO SHOW THAT SOME ONE DID A DEE~~N~~D FOR WHICH ANGELS MIGHT WELL WEEP.
NOW LET US TAKE K SMITH HE IS THE LAST FOND HOPE OF	NOW LET US *TAKE*[?] KLINGEN SMITH HE IS THE LAST FOND HOPE OF	NOW TURN WITH ME TO KLINGENSMITH, THE LAST FOND HOPE OF	NOW**,** TURN WITH ME TO KLINGENSMITH, THE LAST FOND HOPE OF

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RS	PS	RT	BT
AN EXPIRING PROSECUTION. HE IS THE PARTY THAT COMES UP AND FOR A PRICE *STAKES*[?] TO RENDER HIMSELF NOTORIOUS. HE DOES NOT INTEND COME HERE TELL A STORY THAT WILL BE WITHOUT ITS RESULTS HE INTENDS COME HERE SINGLE OUT SOME VICTIM AND TELL ENOUGH TO HANG THAT MAN. WHY DOES HE DO IT. IT IS A QUESTION THAT EVERYBODY SHOULD ASK WHY DOES HE COME.	AN EXPIRING PROSECUTION [*space*] HE IS THE PARTY THAT COMES UP AND FOR A PRICE SEEKS TO RENDER HIMSELF NOTORIOUS HE DOES NOT INTEND TO COME HERE AND TELL A STORY THAT WILL BE WITHOUT ITS RESULTS HE INTENDS TO COME HERE AND SINGLE OUT SOME VICTIM AND TELL ENOUGH TO HANG THAT MAN WHY DOES HE DO IT IT IS A QUESTION THAT EVERY BODY WILL ASK WHY DOES HE COME	AN EXPIRING PROSECUTION, HE COMES HERE FOR PRICE. HE COMES FOR NO IDLE PURPOSE. HE DOES NOT COME TO TELL A STORY INTENDING THAT IT SHALL BE BARREN OF RESULTS. HE COMES AS ONE WHO HAS SINGLED OUT HIS VICTIM, INTENDING TO TELL SUFFICIENT TO SECURE THE CONVICTION OF HIS SELECTION. WHY IS HE HERE ? WHY TESTIFY TO HIS OWN CRIMES ? WHY THE RECITAL OF HIS OWN INEXCUSABLE BRUTALITY ? YOU MAY WELL ASK THESE	AN EXPIRING PROSECUTION. HE COMES HERE FOR A PRI~~SC~~CE. HE COMES HERE FOR NO ID~~L~~LE PURPOSE. HE DOES NOT COME TO TELL A ~~T~~STORY INTENDING THAT IT SHALL BE BARREN OF RESULT~~D~~S. HE COMES AS ONE WHO HA S SINGLED OUT HIS VICTIM INTENDING TO TELL SUFFICIENT TO SECURE THE CONVICTION OF HIS SELECTION. WHY IS HE HERE? WHY TESTIFY TO HIS OWN CRIMES? WHY THE RECITAL OF HI~~N~~S OWN **I**NEXCUSABLE BRUTALITY? YOU MAY WELL ASK THE~~L~~S**E**

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RS	PS	RT	BT
		QUESTIONS. I WILL ANSWER THEM. THE	QUESTIONS. I WILL ANSWER THEM. THE
WHY GENTLEMEN HE COMES TO SAVE HIS OWN WORTHLESS LIFE	WHY GENTLEMEN HE COMES TO SAVE HIS OWN WORTHLESS LIFE	ANSWER IS SIMPLE. HE COMES HERE TO SAVE HIS OWN LIFE. HE COMES, TRAITOR AS HE IS TO DO HE CARES NOT WHAT, SO THAT IT SERVES TO SECURE HIM FROM DESERVED PUNISHMENT.	ANSWER IS SIMPLE. HE COMES HERE TO SAVE HIS OWN LIFE. HE CO~~N~~MES , TRAITOR AS HE IS, TO DO — HE CARES NOT WHAT, SO THAT IT SERVES TO SECURE HIM FROM ~~S~~DISE~~F~~RVING PUNISHMENT.
HE COMES HERE AFTER HAVING SOLD HIS LOST SOUL	HE COMES HERE AFTER HAVING SOLD HIS SOUL	HE COMES HERE AFTER HAVING; SOLD HIS SOUL TO THE EVIL ONE, WITH HANDS DRIPPING WITH THE GORE OF INNOCENT VICTIMS, WITH THE GHOSTS OF THOSE SLAUGHTERED AT THE MOUNTAIN MEADOWS FLITTING BEFORE HIS DISORDERED VISION, CLAIMING JUSTICE AT HIS HANDS.	HE COMES HERE AFTER HAVING SOLD HIS SOUL TO THE E~~F~~VIL ONE WITH HIS HANDS DRI~~O~~PPING WITH THE GORE OF INNOCENT VICTIMS; WITH THE G~~O~~HOSTS OF THOSE SLAUGHTERED AT MOUNTAIN MEADOWS, FLITTING BEFO~~E~~RE HIS DISORDERED VISSION, CLAIMING JUSTICE AT HIS HANDS,
UPON THE FIELD OF CARNAGE	UPON THE FIELD OF CARNAGE		

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RS	PS	RT	BT
AND SURRENDERING HIMSELF BOUND HAND AND FOOT STRAIGHTWAY TO EVIL ONE HE IS NOW DRIVEN BY THE TORMENTS OF HIS AGONIZED SOUL TO FLEE TO THE *FSTNS*[?] MINING REGIONS WAY DOWN SAN BERNARDINO CALIFORNIA AND THERE HE IS FOUND BY THE UNITED STATES MARSHAL ~~M~~ BROUGHT OVER HERE TESTIFY	AND SURRENDERING HIMSELF BOUND HAND AND FOOT STRAIGHTWAY TO EVIL ONE IS NOW DRIVEN BY THE TORMENTS OF HIS AGONIZED SOUL TO FLEE TO THE *FSTNS*[?] TO MINING REGIONS WAY DOWN SAN BERNARDINO CALIFORNIA THERE HE IS FOUND BY UNITED STATES MARSHAL BROUGHT OVER HERE TO TESTIFY	HE COMES, AFTER YEARS OF SILENCE, AFTER HE HAS LONG SUFFERED THE TORTURES THAT CONSCIENCE FEELS FOR EVIL DEEDS, BUT HE COMES NOT AS ONE WHO HAS REPENTED OF THE EVIL DONE,SEEKING TO MAKE ATONEMENT TO AN OUTRAGED	HE COMES AFTER YEARS OF S~~C~~ILENCE, AFTER HE HAS ~~OL~~ LONG SUFFERED THE **TORTURES** ~~TORCHERS~~ THAT CONSCIENCE FEELS FOR EVIL DEEDS; ~~W~~BUT HE COMES NOT AS ONE WHO HAS REPENTED OF THE EVIL DONE, SEEKING TO MAKE ATONEMENT T O AN OUTRAGED

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RS	PS	RT	BT
		COUNTRY, AND AN OFFENDED, VIOLATED LAW. NO, HE COMES HERE LIKE A TRAITOR, VILLAIN AND COWARDLY MONSTER, TO OBTAIN PARDON FOR PAST CRIMES *[39]* BY ADDING PERJURY TO HIS OTHER SINFUL	COUNTRY AND AN OFFENDED**,** VIOLATED LAW~~.~~**,** NO! HE COMES HERE LIKE A TRAITOR, VILLAIN AND COWARDLY MONSTER TO OBTAIN PARDEN FOR PAST CRIMES, *[34]* BY ADDING PERJURY TO HIS OTHER SINFUL
AND COMES UPON AGREEMENT INDICTMENT AGAINST HIM SHALL BE NOTHING. THEY SAY TO HIM K SMITH AS FAR AS GOVERNMENT OF MAN IS CONCERNED YOUR DEEDS *WHETHER*[?] TREACHERY AND OF VIOLENCE SHALL BE BROUGHT AGAINST YOU NO MORE	AND COMES HERE TO TESTIFY UPON THE AGREEMENT THAT THE INDICTMENT AGAINST HIM SHALL BE NOLLIED THEY SAY TO HIM KLINGEN SO FAR AS MAN AND GOVERNMENT OF MAN YOUR DEEDS AND TREACHERY AND OF[521] VIOLENCE SHALL BE BROUGHT AGAINST YOU NO MORE	ACTS. HE COMES ONLY AFTER THOSE IN AUTHORITY HAVE INFORMED HIM THAT AS FAR AS THE GOVERNMENT IS CONCERNED, YOUR DEEDS, YOUR TREACHERY, YOUR ACTS OF VIOLENCE, YOUR CRIMES TOWARDS MANKIND, SHALL NO MORE BE BROUGHT UP AGAINST YOU,	ACTS. HE COMES ONLY AFTER THOSE IN AUTHORITY HAVING INFORMED HIM THAT, " AS FAR AS THE GOVERNMENT IS CONCERNED, YOUR DEEDS, YOUR TREACHERY, YOUR AC~~R~~TS OF VIOLENCE, YOUR CRIMES TOWARDS MANKIND, SHALL NO MORE BE BROUGHT UP AGAINST YOU~~.~~**.**

521. Word apparently added later.

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RS	PS	RT	BT
FOREVER. YOU CAN COME INTO THE COURT AND TESTIFY OF YOUR OWN VILLAINY AND THE MORE VILE YOU MAKE YOUR OWN CHARACTER THE GREATER WEIGHT YOUR TESTIMONY WILL HAVE IN AIDING US TO CONVICT MAN WE HAVE TAKEN TO WRECK OUR VENGEANCE UPON. HE COMES ONTO THE STAND WITH AS MUCH ASSURANCE AS A	FOREVER YOU CAN COME INTO COURT AND TESTIFY OF YOUR OWN VILLAINY AND THE MORE VILE YOU MAKE YOUR OWN CHARACTER THE GREATER WEIGHT YOUR TESTIMONY WILL HAVE IN AIDING US TO [*space*] WRECK OUR VENGEANCE UPON [*space*] COMES HERE UPON STAND WITH AS MUCH ASSURANCE AS A	YOU MAY COME INTO COURT AND TESTIFY IN SAFETY; SPEAK OF YOUR OWN VILLAINY, AND THE MORE VILE YOU MAKE YOURSELF THE MORE DESPICABLE YOU PROVE YOUR CHARACTER, THE GREATER WEIGHT WILL BE GIVEN TO YOUR ~~STST~~ STATEMENTS; THE MORE CERTAIN YOU WILL BE TO CONVICT THE MAN THAT YOU HAVE SELECTED AS A SACRIFICE. THE ONE DESIGNED AS YOUR LAST VICTIM, ON WHOM YOU MAY SAFELY WREAK YOUR VENGEANCE, THUS TOLD, HE COMES ON THE STAND, WITH ALL THE DELIBERATION AND COOLNESS WITH WHICH	YOU MAY COME INTO COURT AND TESTIFY IN SAFETY — SPEAK OF YOUR OWN **VILLIANY** ~~FVILLIANY~~, AND THE MORE VILE YOU M~~A~~AKE YOURSELF, THE MORE DESPICABLE YOU PROVE **YOUR** ~~YOUR~~ CHARACTER THE GREATER WEIGHT WILL BE GIVEN TO YOUR STATE~~K~~MENTS, THE MORE CERTAIN YOU WILL BE TO CONVICT THE MAN THAT YOU HAVE SELECTED AS A SACTIFICE. THE ONE DESIGNED AS YOUR LAST VICTIM ON WHO~~N~~M YOU MAY SAFELY WREAK YOUR VENGEANCE.” THUS TOLD HE COMES ON THE STAND WI~~L~~TH AL L THE DELIBERATION AND C~~L~~OOLNESS WITH WHICH

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RS	PS	RT	BT
GLADIATOR IN OLDEN TIME ENTERED THE ARENA. TAKES HIS SEAT UPON THAT STAND AND STARTS OUT BY GIVING A PORTION OF HIS EARLY HISTORY SAYS HE WAS EARLY SETTLER ~~IN~~ AT NAUVOO I BELIEVE I WILL REFER TO THAT PLACE THAT AS EARLY AS 1846 BEFORE THAT TIME *[[36]]* HE WAS AN ELDER OF MORMON CHURCH AT NAUVOO. CAME TO UTAH WITH MORMONS AS A MORMON WHILE I SUPPOSE THE MAN WAS IN GOOD STANDING AT THAT TIME HE WAS	GLADIATOR IN OLDEN TIME INTO THE ARENA TAKES HIS SEAT UPON THAT STAND AND STARTS OUT BY GIVING A PORTION OF HIS EARLY HISTORY SAYS HE WAS EARLY SETTLER AT NAUVOO I BELIEVE I WILL REFER TO THAT PLACE THAT AS EARLY AS 1846 AND BEFORE THAT TIME I THINK AS EARLY AS 1838 THAT HE WAS AN ELDER OF MORMON CHURCH AT NAUVOO CAME TO UTAH WITH THE MORMONS AS A MORMON THEN I SUPPOSE A MAN IN GOOD STANDING [*space*] HE AT THAT TIME WAS	THE GLADIATOR IN OLDEN TIMES ENTERED THE ARENA. TAKING HIS SEAT UPON THE WITNESS STAND HE STARTED OUT BY RECITING A HISTORY OF HIS EARLY LIFE. SAYS HE WAS ONE OF THE EARLY SETTLERS AT NAUVOO. WAS AN ELDER AND TEACHER IN THE CHURCH AT THAT PLACE. CAME TO UTAH A MORMON WITH THE MORMONS. THEN I SUPPOSE HE WAS IN GOOD STANDING WITH THEM ~~I~~ AND IN THE CHURCH, AND GENERALLY	THE GLADIATOR IN **OLDEN** ~~OLDEN~~ TIMES ENTERED THE ARENA. TAKING HIS SEAT UPON THE WITNESS STAND, HE ~~STATRED~~ **STARTED** OUT BY RECITING A HISTORY OF HIS EARLY LIFE. SAYS HE WAS **ONE** ~~ONE~~ OF THE ~~EAAQRLY~~ **EARLY** SETTLERS AT NAUVOO, WAS AN EL DER AND TEACHER IN THE CHURCH AT THAT PLACE; CAME TO UTAH A MORMON WITH THE MORMONS. THEN I SUPPOSE HE W AS IN GOOD STANDING WITH THEM AND IN THE CHURCH AND GENERALLY

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RS	PS	RT	BT
CONSIDERED WORTHY OF BELIEF. IT IS NO WONDER THAT THE[522] LEADERS OF THAT PEOPLE CONSIDERED HIM WORTHY OF CONFIDENCE AND RESPECT WHEN THERE WERE SO MANY COMING INTO THEIR FOLD IT WOULD BE UNREASONABLE TO SUPPOSE THAT ANY MAN COULD SELECT AS LARGE A NUMBER OF FOLLOWERS AS FOLLOWED THAT PEOPLE FROM THE EASTERN STATES TO THE VALLEY OF THE MISSISSIPPI ACROSS THE MOUNTAINS IN INTO SALT LAKE VALLEY WITHOUT SELECTING MEN AND WOMEN	CONSIDERED A MAN WORTHY OF BELIEF IT IS NO WONDER THAT THE LEADERS OF THAT PEOPLE CONSIDERED HIM WORTHY OF CONFIDENCE AND OF RESPECT WHEN THERE WERE SO MANY THAT WERE COMING INTO THEIR FOLD IT WOULD BE UNREASONABLE TO SUPPOSE THAT ANY MAN COULD SELECT SO LARGE A NUMBER [*space*] OF FOLLOWERS AS FOLLOWED THAT PEOPLE FROM THE *UNITED*[?] STATES ACROSS TO THE SALT LAKE CITY VALLEY *[[25]]* WITHOUT SELECTING SOME MAN	CONSIDERED WORTHY OF BELIEF. I AM NOT SURPRISED AT THAT DATE, FOR ~~T~~ AT THAT DATE LARGE NUMBERS WERE JOINING THAT PEOPLE	FONSIDERED WORTHY OF BELIEF. I AM NOT SURPRISED AT THAT FOR AT TH~~Z~~AT DATE, LARGE NUMBERS WERE JOINING THAT P~~T~~EOPLE

522. "THAT THE" apparently added later.

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RS	PS	RT	BT
THAT WAS VILE ENOUGH FOR ANY AND ALL PURPOSES.	THAT WAS *VILE/EVIL*[?] ENOUGH TO ANY AND ALL PURPOSES	AND TO GUARD AGAINST ALL VILE CHARACTERS WOULD HAVE BEEN IMPOSSIBLE. THAT HE DECEIVED THE CHURCH AUTHORITIES THEN, AND FOR YEARS AFTERWARDS, IS A SELF EVIDENT FACT. WE KNOW FROM READING THE NEW TESTAMENT,	AND TO GUARDD AGAINST ALL VILE CHARACTERS WOULD HAVE B~~E~~EEN IMPOSSIBLE. THAT HE DE~~V~~CEIVED THE CHURCH AUTHORITIES THEN AND FOR YEARS AFTERWARS IS A SELF EVIDENT FACT. WE KNOW FROM READING THE NEW TESTIMENT
IF SAVIOR OF MANKIND HAVING ENTIRE JEWISH RACE TO SELECT TO SELECT FROM COULD NOT SELECT TWELVE HONEST MEN FOR HIS APOSTLES	IF THE SAVIOR OF MANKIND [*space*] COULD NOT SELECT 12 HONEST MEN FOR HIS APOSTLES	THAT ONE OF THE TWELVE SELECTED BY THE SON OF GOD AS HIS APOSTLES TURNED TRAITOR, AND FOR THIRTY PIECES OF SOLVER BETRAYED THE	THAT ONE OF THE TWELVE SELECTED BY THE SON OF GOD~~,~~ AS HIS APOSTLES~~,~~ TURNED TRAITOR, AND FOR THIRTY PIECES OF SILVER BETRAYED THE

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RS	PS	RT	BT
		CHRIST. THEN CAN YOU WONDER THAT THIS MAN, DEBASED AS HE IS BY NATURE, AND RENDERED CALLOUS TO ALL *[40]* GOOD, SHOULD FOR THE SAKE OF PROLONGING HIS LIFE COME HERE AND COMMIT PERJURY.	CHRIST. THEN CAN YOU WONDER THAT THIS MAN, DEBASED ~~I~~AS HE IS BY NATURE, AND RENDERED CALLOUS TO ALL GOOD, SHOULD FOR THE SAKE OF PROLONGING HIS LIFE COME HERE AND COMMIT PERJURY.
IT WOULD BE VERY HARD FOR US TO ASK THE LEADERS OF THE PEOPLE OF SUCH A LARGE NUMBER CONSTITUTE A CHURCH WITHOUT ~~HAVING~~ {BEING}[i] SOME *DISPUTABLE*[?] CHARACTER IN IT	IT WOULD BE VERY HARD FOR US TO ASK FOR THE LEADERS OF THE PEOPLE [*space*] WITHOUT HAVING SOME *DESPICABLE*[?] CHARACTERS IN IT [*space*]		
K SMITH {USED}[i] TO BELONG TO THIS CHURCH IF WE WERE TO COMPARE HIS ACTS AND CHARACTER	KLINGEN SMITH [*space*]	KLINGENSMITH WAS, AT ONE TIME A FIRM SUPPORTER AND LEADER IN THIS CHURCH, BUT HOW HE HAS FALLEN.	KLINGENSMITH WAS AT **ONE** ~~ONR~~ TIME A FIRM SUPPORTER AND LEADER IN THE CHURCH. BUT HOW HE HAS FALLEN!

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RS	PS	RT	BT
WITH THAT OF JUDAS ISCARIOT IT WOULD BE SUCH A VILE SLANDER UPON JUDAS IF ANY OF HIS RELATIVES REMAINED THEY WOULD SUE HIM FOR SLANDER BUT I SHALL NOT MAKE THE *PARALLEL*[?].	~~IT~~ JUDAS ISCARIOT IT WOULD BE SUCH A VILE SLANDER UPON JUDAS THAT IF ANY OF HIS RELATIVES REMAINED THEY WOULD SUE HIM FOR SLANDER	IT WOULD BE BASE SLANDER UPON JUDAS ISCARIOT TO COMPARE THIS WRETCH TO HIM.	IT WOULD BE A BASE SLANDER UPON JUDA'S ~~A~~ ISCARIOT TO COMPARE THIS WRETCH TO HIM.
[*space*] HE TELLS YOU THEN AFTER GETTING TO SALT LAKE CITY HE WAS LEADING MAN IN AIDING FORM NEW SETTLEMENTS. HE IS NOT A MAN THAT IS WILLING TO HIDE HIS LIGHT UNDER A BUSHEL. HE HAS BEEN LEADER WITH THIS PEOPLE ALL THE TIME THERE IS NOTHING YOU CAN SPEAK OF FROM THE EARLIEST AGE {THAT THE}[i]	HE TELLS YOU THEN THAT AFTER GOING TO SALT LAKE CITY HE WAS A LEADING MAN IN AIDING TO FORM NEW SETTLEMENTS HE IS NOT A MAN THAT IS WILLING TO HIDE HIS LIGHT UNDER A BUSHEL BEEN A LEADER IN THIS PEOPLE ALL THE TIME NO CIRCUMSTANCES YOU CAN SPEAK OF FROM THE EARLIEST DAY THAT THE	NEXT HE TELLS YOU OF HIS GOOD WORKS AT SALT LAKE CITY; OF HIS MISSIONARY WORK, AND HIS EFFORTS TO BUILD UP THE CHURCH. THAT HE WAS A LEADER ALL THE TIME. IN EVERY MATTER OF CHURCH HISTORY HIS NAME IS CONNECTED FROM THE DAYS OF ITS EARLIEST HISTORY	*[35]* NEXT HE TELLS YOU OF HIS GOOD WORKS AT SALT LAKE CITY — OF HIS MISSIONARY LABORS, AND HIS EFFORTS TO BUILD UP THE CHURCH~~.~~**;** THAT HE WAS A LEADER ALL THE TIME. IN EVERY MATTER OF CHURCH HISTORY HIS NAME IS CONNECTED FROM THE DAYS OF ITS EARLIEST HI~~X~~STORY

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RS	PS	RT	BT
MORMON CHURCH SPRUNG INTO EXISTENCE DOWN TO THE PRESENT TIME KLINGENSMITH HAS BEEN A KEY STONE TO THE LOCKING ARC HE HAS BEEN LEADING SPIRIT GUIDING AND DIRECTING AFFAIRS. HE IS A LEADER IN NAUVOO HE IS CAPTAIN CROSSING THE PLAINS SENT OUT TO FORM ≤OPEN UP≥ NEW SETTLEMENTS SOUTHERN PART OF TERRITORY IS PLACED AS BISHOP OF CHURCH AT CEDAR. THERE HE SAYS I HAD THE FULL	MORMON CHURCH SPRANG INTO EXISTENCE DOWN TO THE PRESENT TIME BUT WHAT KLINGEN SMITH HAS BEEN A *GUIDING*[?] *DIRECT*[?] —[?] AND LEADING SPIRIT KEY STONE OF THE ARCH [*space*] WAS A LEADER IN NAUVOO CAPTAIN CROSSING PLAINS SENT OUT TO FORM NEW SETTLEMENTS IN SOUTHERN PART OF THE TERRITORY PLACED AS BISHOP AT CEDAR [*space*] THERE HE SAYS I HAD FULL	DOWN TO THE PRESENT MOMENT. IF HIS HISTORY BE TRUE, HE WAS TO THE CHURCH IN UTAH THE KEYSTONE OF THE ARCH. HE WAS ITS GUIDING SPIRIT, THE DIRECTING MIND. AT NAUVOO A LEADER, A CAPTAIN ON THE PLAINS AND SENT AS A LEADER FROM SALT LAKE CITY TO SUPERINTEND THE PLANTING OF SETTLEMENTS IN THE WILDERNESS. MADE BISHOP AT CEDAR CITY. THERE HE SAYS “I HAD FULL	DOWN TO ITS PRESENT MOMENT. IF HIS STORY BE TRUE, HE WAS TO THE CHURCH IN UTAH THE KEYSTONE OF THE ARCH. HE WAS ITS GUIDING SPIRIT, THE DIRECTING MIND. AT NAUVOO, A LEAD~~D~~ER— A CAPTAIN ON THE PLAINS; SENT AS A LEADER FROM SALT LAKE CITY TO SUPERIN~~E~~TEN~~T~~D THE PLANTING OF SETTLEMENTS IN THE WILDERNESS; MADE BISHOP AT CEDAR CITY. THERE HE SA~~U~~YS, “ I HAD FULL

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RS	PS	RT	BT
CHARGE OF THAT PEOPLE, ALL OF THEIR TEMPORAL AFFAIRS WERE {UNDER}[i] IN MY CONTROL THERE WAS ONLY ONE MAN THAT WAS OVER ME THAT WAS ISAAC **C** HAIGHT WHO WAS PRESIDENT OF THAT STAKE OF ZION. YET AT THE SAME TIME HE TELLS YOU WHILE HE OCCUPIED THE POSITION AS BISHOP AT CEDAR CITY THAT HE WAS POWERLESS IN THE COUNCILS	CHARGE OF THAT PEOPLE ALL OF THEIR TEMPORAL AFFAIRS WERE UNDER MY CONTROL THERE WAS ONLY ONE MAN THAT WAS OVER ME THAT WAS ISAAC **C** HAIGHT HE WAS PRESIDENT OF THAT STAKE OF ZION YET AT THE SAME TIME HE TELLS YOU THAT WHILE HE OCCUPIED THE POSITION AS BISHOP AT CEDAR CITY THAT HE WAS POWERLESS IN THE COUNCILS	CHARGE OF THAT PEOPLE, AND ALL THEIR TEMPORAL AFFAIRS WERE UNDER MY CONTROL. THERE WAS ONLY ONE MAN IN AUTHORITY OVER ME; THAT MAN WAS ISAAC C. HAIGHT, THE PRESIDENT OF THAT STAKE OF ZION. YET HE TELLS YOU THAT WHILE HE OCCUPIED THE POST OF BISHOP OF THE CHURCH AT CEDAR CITY HE WAS POWERLESS IN THE COUNCILS	CHARGE OF THAT PEOPLE AND ALL OF THEIR TEMPORAL AFFIARS WERE UNDER MY CONTROL . THERE WAS ONLY ONE MAN IN AUTHORITY OVER ME, THERE AND ~~6~~TH~~E~~AT WAS ISAAC C. HAIGHT, THE ~~LT~~PRESIDENT OF THAT STAKE OF ZION. YET HE TELLS YOU THAT WHILE **HE OCCUPIED THE POSITION OF BISHOP AT CEDAR CITY** ~~HE OCOUUPIEDTTH EPPOSOTSTOFOF BBISISHOHPOPA TOFCTEDHEARC CHUITRYCHHAE TWAS CPEODWAERRL ESS CITYIHETWASCP OUWERLESSCWI XTX IN THE, COUONCILSD CALLED THERE D TOD O NE H~~ **HE WAS POWERLESS IN THE COUNCIL**

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RS	PS	RT	BT
CALLED THERE. NOW THERE IS NO MAN IN UTAH THAT HAS TRIED TO LEARN *[[37]]* ANYTHING OF THE RULES THAT GOVERN THE PEOPLE PROFESSING MORMON FAITH BUT WHAT KNOWS THAT THERE NEVER WAS CONDITION OF AFFAIRS LIKE THAT TESTIFIED TO BY SMITH. THERE NEVER WAS A TIME IN A COUNCIL OF THE LEADERS OF THE CHURCH IN UTAH TERRITORY WHEN A BISHOP OF THE CHURCH HAD	CALLED THERE NOW THERE IS NOT A MAN IN UTAH THAT HAS TRIED TO LEARN ANYTHING OF THE RULES THAT GOVERN THE PEOPLE PROFESSING THE MORMON FAITH BUT WHAT KNOWS THAT THERE NEVER WAS A CONDITION OF AFFAIRS LIKE THAT TESTIFIED TO BY SMITH THERE NEVER WAS A TIME IN A COUNCIL OF THE LEADERS OF THE CHURCH IN UTAH TERRITORY WHEN A BISHOP OF THE CHURCH HAD	CALLED THERE TO CONSIDER WHAT SHOULD BE DONE WITH THE EMIGRANTS. IS THIS REASONABLE. THERE IS NOT A MAN IN UTAH WHO HAS MADE AN EFFORT TO LEARN THE RULES THAT GOVERN THE MORMON CHURCH BUT WHAT KNOWS THAT THERE NEVER WAS A CONDITION OF AFFAIRS EXISTED IN UTAH OR ELSEWHERE AMONG THE MORMONS SO THAT THE BISHOP COULD NOT	**THERE CALLED** **TO** CONSIDER WHA~~G~~T |SHOULD BE| DONE WITH THE EMI~~?~~GRANTS. IS THIS REASONABL~~,~~E**?** THERE IS NOT A ~~MZN~~ **MAN** IN UTAH WHO HAS MADE AN EFFORT ~~V~~TO LEARN THE RULES TH~~A~~T GOVERN THE ~~K~~MOR~~W~~MON CH~~T~~UR~~T~~CH BUT~~W~~ KNOWS ~~V~~THERE ~~VC~~NEVERO WAS A CONDITION OF AFFAI~~R~~S EXISTED

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RS	PS	RT	BT
NOT THE POWER TO SAY TO THE[523]	NOT THE POWER	EXERT AN INFLUENCE IN	EXERT AN INFLUENCE IN SUCH
		COUNCILS. YES, EVEN CONTROL AND DETERMINE ITS ACTION. THE POWER OF THE MORMON BISHOP, AT THAT DAY, AS YOU WELL KNOW, [41] WAS NEARLY ABSOLUTE IN HIS JJURISDICTION.	COUNSCELDS — YES, EVEN CONTROL AND DETERMINE ITS ACTIONS. THE POWER OF A MORMON BISHOP IN THAT DAY— AS YOU WELL KNOW— WAS NEARLY ABSOLUTE IN HIS JURISDICTION.
	TO SAY TO THE PEOPLE	WHEN HE SAID	WHEN HE SAID
PEOPLE I FORBID SUCH {AN}[i] ACT AND THAT HAD THE EFFECT TO SILENCE THE PRESIDENT OF THE STAKE. [*space*] IF ANY OF YOU KNOW ANYTHING OF MORMON CHURCH YOU KNOW THAT TO BE SO. I QUESTIONED UNTIL I GOT TIRED UPON THIS SUBJECT. UPON ALL TEMPORAL MATTERS HE HAD THE CHIEF VOICE. DO	I FORBID SUCH AN ACT AND THAT HAD THE EFFECT TO SILENCE THE PRESIDENT OF THE STAKE [*space*] IF ANY OF YOU KNOW ANYTHING OF MORMON CHURCH YOU KNOW THAT TO BE SO I QUESTIONED HIM UNTIL I GOT TIRED ON THIS SUBJECT UPON ALL TEMPORAL MATTERS HE HAD THE CHIEF VOICE	"I FORBID THE ACT" THE ACTORS STOPPED AND OBEYED THE ORDER. HE HAVING CONTROL OF ALL TEMPORAL AFFAIRS,	"I FORBID THE ACT" THE ACT**OR** WAS STOPPED AND OBEYED THE ORDER. HE HAVING CONTROLL OF ALL TEMPORAL AFFAIRS,

523. "TO THE" apparently added later.

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RS	PS	RT	BT
YOU SUPPOSE THAT HAIGHT COULD HAVE SENT A MAN OUT OF CEDAR CITY WITHOUT THE CONSENT OF SMITH; WHY NO. [*space*] SMITH COULD HAVE GOT RIGHT OUT THERE ON THE LITTLE PUBLIC SQUARE SAID HEAR GENTLEMEN I AS BISHOP OF THIS CHURCH; I AS LEADER OF THIS PEOPLE COMMAND YOU TO DO NO ACT OF VIOLENCE. I SAY TO YOU THAT ISAAC **C** HAIGHT IS WRONG; I SHALL PRESENT	WHY DID *HE/THEY*[?] SUPPOSE THAT HAIGHT COULD HAVE SENT A MAN OUT *OF*[?] CEDAR CITY WITHOUT THE CONSENT OF SMITH [*space*] WHY NO [*space*] SMITH COULD HAVE GOT RIGHT OUT THERE ON THE LITTLE PUBLIC *[[26]]* SQUARE AND SAID HEAR GENTLEMEN I AS BISHOP OF THIS CHURCH I AS A LEADER OF THIS PEOPLE COMMAND YOU TO DO NO ACT OF VIOLENCE I SAY TO YOU THAT ISAAC **C** HAIGHT IS WRONG AND I SHALL PRESENT	DO YOU BELIEVE THAT HAIGHT COULD HAVE PROCURED THE MASSACRE TO BE CARRIED OUT CONTRARY TO THE ORDERS AND WISHES OF KLINGENSMITH. YOU KNOW THAT HE COULD NOT, HAD HE GONE UPON THE PUBLIC SQUARE OF CEDAR CITY, AND ADDRESSED THE PEOPLE WHO WERE STARTING TO THE FESTIVAL OF CARNAGE, TO THE FEAST OF DEATH AND SAID "~~I ASK THAT~~ "I AS THE BISHOP OF THIS CHURCH FORBID THE ACT"	DO YOU BELIVE TH~~Z~~AT HAIGHT COULD HAVE PROCURED THE MASSACRE TO BE CARRIED OUT CONTRARY TO THE ORDERS AND WISHES OF KLINGENSMITH. YOU KNOW THAT HE COULD NOT. HAD H~~A~~**E** GON**E** UPON THE PUBLIC AQUARE OF CEDAR CITY, AND ~~S~~ADDRESSED THE PEOPLE WHO WERE STARTING TO THE FESTIVAL OF CARNAGE, TO THE FEAS T OF DEATH ~~AND~~ AND SAID, "I AS THE BISHOP OFTHIS CHURCH FORBID THE ACT."

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RS	PS	RT	BT
MATTER ≤AND BRING HIM BEFORE≥ THE PROPER COUNCIL FOR TRIAL FOR ADVISING AN IMPROPER ACTION. THERE IS NO MAN THAT BELIEVES FOR A MOMENT THAT THAT BEING DONE THAT A MAN WOULD HAVE STIRRED FROM CEDAR CITY, UPON ANY IMPROPER MISSION.	HIM BEFORE THE PROPER COUNCIL FOR A TRIAL FOR ADVISING AN IMPROPER ACTION WHY THERE IS NO MAN THAT BELIEVES FOR A MOMENT THAT THAT BEING DONE THAT A MAN WOULD HAVE STIRRED FROM CEDAR CITY UPON ANY IMPROPER MISSION	*[36]* YOU KNOW THE CONSEQUENCES WOULD HAVE BEEN A CESSATION OF ALL HOSTILE DEMONSTRATIO NS. NOT AN EMIGRANT WOULD HAVE BEEN SLAIN THERE. DO YOU BELIEVE THAT HE WAS THERE POWERLESS ? DO YOU AS CITIZENS OF UTAH, MANY OF YOU WELL VERSED IN CHURCH GOVERNMENT,	YOU KNOSW THE CONSEQUENCE WOULD HAVE BEEN A CESSATION OF ALL HOSTILE DEMONSTR~~Z~~**A**TI ONS. NOTT AN EMIGR~~Z~~ANT WOULD HAVE **B**EEN SLAIN THERE. DO YOU BELIEVE THA~~G~~T HE WAS THERE POWERLESS? YOU AS CITIZENS OF UTAH, ~~N~~MANY OF WHOM ARE WELL VERSED IN CHURCH GOVERNMENT

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RS	PS	RT	BT
		WELL KNOW THE POWER THAT HE THEN POSSESSED AND THAT HE COULD HAVE CONTROLLED THE PEOPLE.	KNOW WELL THE ~~WO~~ POWER THAT HE THEN ~~WELL~~ POSSESSED AND THAT HE COULD HAVE CONTROLLED THOS**E** PEOPLE.
HE TELLS YOU THAT HE WAS IN THE COUNCIL WITH HAIGHT AND WITH OTHERS. THERE IS THE FIRST COUNCIL SPOKEN OF. LET'S GO ON BECAUSE I WANT TO TAKE EACH COUNCIL CARRY IT RIGHT ON FORGOING JOHN D. LEE . THERE IS THE FIRST COUNCIL WHERE HE SAYS WITH HAIGHT WITH HIGBEE AND WITH HOPKINS AND WITH MORRILL. WE TALKED OVER THIS QUESTION OF KILLING THE EMIGRANTS. HE OPPOSED IT. WHAT WAS THE	HE TELLS YOU THAT HE WAS IN THE COUNCIL WITH HAIGHT AND WITH OTHERS THERE IS THE FIRST COUNCIL SPOKEN OF NOW THEN LET'S GO ON BECAUSE I WANT TO TAKE EACH COUNCIL CARRY IT RIGHT *DIRECT TO/FORGIVING*[?] JOHN D. LEE [*space*] THERE IS THE FIRST COUNCIL WHERE HE SAYS THAT HE HAIGHT [*space*] HIGBEE [*space*] HOPKINS MORRILL THEY TALKED OVER THIS QUESTION TO KILL THE EMIGRANTS HE OPPOSED IT [*space*] ~~MADE~~	YOU REMEMBER HIS STATEMENT OF BEING IN COUNCIL AND OF WHAT HAIGHT SAID THERE, AND HE TELLS YOU THAT HE OPPOSED THE PLAN OF KILLING THE EMIGRANTS.	YOOU REMEMBER HIS STATEMENT OF BEING IN THAT COUNSEL AND OF WHAT HAIGHT SAID THERE, AND HE TELLS YOU THAT HE OPPOSED THE PLAN OF KILLING THE EMIGR~~Z~~ANTS.

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RS	PS	RT	BT
TIME WHEN THE MADE THAT IMMENSE OPPOSITION; WHEN HE ASKED {THE}[i] QUESTION WHAT WILL BE THE RESULT IF WE KILL THE EMIGRANTS {HE}[i] SAYS HAIGHT GOT MAD; PERFECTLY PALTERISH FOR A MAN TO TALK THAT WAY THERE AIN'T ONE COULD BELIEVE A WORD OF IT IF HE HAS TOLD ANY TRUTH CONCERNING THAT HE HAS NOT TOLD {THE}[i] WHOLE TRUTH KEPT BACK ENOUGH TO	~~THAT~~ [*space*] WHAT WILL BE THE RESULT IF THEY KILLED THE EMIGRANTS HAIGHT GOT MAD BROKE UP THE MEETING PERFECT PALTERISH FOR A MAN TO TALK THAT WAY AIN'T ONE MAN BELIEVES A WORD [*space*] IF HE HAS TOLD ANY TRUTH CONCERNING THAT HE HAS NOT TOLD THE WHOLE TRUTH [*space*] TO	WHEN I ASKED HIM HOW HE OPPOSED IT, WHAT HE DID HE SAID "I ASKED THE QUESTION WHAT WILL BE THE CONSEQUENCES IF THE EMIGRANTS ARE ALL KILLED ? " HE TELLS YOU THIS MADE HAIGHT MAD AND HE SAID NO MORE. THIS IS ALL SHEER NONSENSE, DECEPTION AND FALSEHOOD. YOU DO NOT — CANNOT BELIEVE HIM. IF HE HAS TOLD YOU ANY TRUTH HE HAS NOT. TOLD YOU THE WHOLE TRUTH. YOU HAVE A CERTAINTY THAT HE HAS NOT TOLD IT ALL. YOU KNOW HE HAS KEPT BACK SUFFICIENT TO	WHEN I ASKED HIM HOW HE OPPOSED IT AND WHAT~~HE~~ ~~WHA T~~ HE DID, HE SAID, "I ASKED THE QUESTION WHAT WOULD BE THE CONSEQUE**N**~~N~~CE S IF THE EMIGRANTS ARE ALL KILLED." HE TELLS YOU THIS MADE **HAIGHT** ~~HAIGH**T**~~ MAD AND HE SAID NO MORE? THIS IS ALL SHEER NONSENSE — DECEPTION AND FALSEHOOD. YOU DO NOT — CANNOT BELIEVE HIM. IF HE HAS TOLD Y~~U~~O**U** ANY TRUTH HE HAS NOT TOL~~L~~D YOU THE WHOLE TRUTH . YOU HAVE A CERTAINTY THAT HE HAS NOT T OLD IT ALL. YOU KNOW HE HAS KEPT BACK SUFFICIENT TO

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RS	PS	RT	BT
MAKE IT APPEAR THAT HE HAS LIED FROM THE BEGINNING. {HE}[i] SAYS HE HEARD HAIGHT PREACH MANY TIMES AGAINST TRADING WITH THE EMIGRANTS AND HE SAYS HE HEARD HAIGHT PREACH MANY TIMES AGAINST TRADING WITH THESE EMIGRANTS SUNDAY BEFORE THEY CAME THEN HE THINKS THAT IS NOT QUITE IT —[?] HE HAS IT SUNDAY AFTER. {THERE}[i] HE MIXES HIMSELF UP. YOU RECALL HOW HE DID THAT GREATEST	MAKE APPEAR THAT HE HAS LIED FROM THE BEGINNING [*space*] SAYS HE HEARD HAIGHT PREACH MANY TIMES AGAINST TRADING WITH THE EMIGRANTS HAS *HAIGHT/IT*[?] ≤SAYS≥ AGAINST THESE EMIGRANTS THEN HE THINKS THAT *WHEN/—*[?] QUITE *DAY/IT*[?] AND HAS IT THE SUNDAY AFTER THEY CAME AND HE MIXED HIMSELF UP YOU RECALL HOW HE DID THAT BUT THE GREATEST	CAUSE YOU TO DISBELIEVE THE GARBLED STATEMENTS HE HAS GIVEN YOU. HE TELLS YOU THAT HE HEARD HAIGHT PREACH MANY TIMES AGAINST THE PEOPLE TRADING WITH THE EMIGRANTS; THAT HE HEARD HIM *[42]* PREACH MANY TIMES AGAINST THE PEOPLE TRADING WITH THE EMIGRANTS; THAT HE HEARD HIM PREACH SUCH A SERMON THE SUNDAY BEFORE THEY ARRIVED AT CEDAR CITY, THEN THINKING IT OVER HE CHANGES THE STATEMENT AND SAYS IT WAS THE SUNDAY AFTER THE EMIGRANTS PASSED THERE.	CAUSE YOU TO DISBELIEVE THE GARBELED STATEMENT HE HAS GIVEN YOU. HE TELLS YOU THAT HE HE~~S~~ARD HAIGHT PREACH MANY TIMES AGAINST THE PEOPLE TRADIN~~T~~G WITH THE EMIGRANTS. THAT HE HEARD HIM PREACH SUCH A SERMON THE SUNDAY BEFORE THEY ARRIVED AT CEDAR CITY; THEN THINKING IT OVER HE CHANGES THE STATEMENT AND SAYS IT WAS THE SUNDAY AFTER THE EMIGRANTS PASSED THERE.

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RS	PS	RT	BT
THING OF ALL WAS {HE}[i] HEARD HAIGHT PREACH ≤HIMSELF NOT {TO}[i] TRADE WITH EMIGRANTS≥ HE MADE HIM FEEL BAD.	THING OF ALL WAS WHEN HE HEARD HAIGHT PREACH THAT THEY MUST NOT TRADE WITH THE EMIGRANTS THAT IT MADE HIM FEEL BAD [*space*]	HE TELLS YOU THAT THE SERMONS OF HAIGHT MADE HIM FEEL BADLY.	HE TELLS YOU THAT THE SERMONS OF HAIGHT MADE HIM FELL BADLY.
CAN IT BE GENTLEMEN THERE IS ANYTHING SO HEINOUS *[[38]]* HEINOUS ANY CRIME SO VILE ANY ACT SO DASTARDLY AS TO MAKE THAT MAN FEEL BAD UNLESS IT INTERFERES WITH HIS PECUNIARY INTERESTS OR PERSONAL COMFORT? NO.	CAN IT BE GENTLEMEN THAT THERE IS ANYTHING TOO HEINOUS ANY CRIME SO VILE ANY ACT SO DASTARDLY AS TO MAKE THAT MAN FEEL BAD UNLESS IT INTERFERES WITH HIS —[?] PECUNIARY INTERESTS OR PERSONAL COMFORT NO [*space*]	CAN YOU CREDIT HIM EVEN IN THAT ? I DOUBT HIS EVER FEELING BADLY BECAUSE ANY HUMAN WAS TO BE KILLED. IF HE HAD A CHANCE TO GAIN PROFIT BY THE DEATH, AS HE DID IN THIS MATTER OF THESE EMIGRANTS.	CAN Y OU CREDIT HIM E~~C~~VEN IN THAT STATEMENT? I DOUBT HIS EVER FEELING BABLY BECAUSE ANY HUMAN WAS TO BE KILLED**,** IF HE HAD A CHAN~~E~~CE TO GAIM PROFIT B~~U~~Y THE DEATH AS HE DID IN THIS MATTER OF THE EMIGRANTS.
SAY THAT THAT MAN *LIKE A MAN/LOOK AS CAN*[?] LOVES HUMANITY TRUTH OR JUSTICE CERTAINLY A FOUL SLANDER	TO SAY THAT THAT MAN LIKES MAN THAT HE LOVES HUMANITY OR TRUTH OR JUSTICE IS CERTAINLY A FOUL SLANDER		

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RS	PS	RT	BT
UPON THE NAME. I ASKED HIM QUESTION DID HE OBJECT TO KILLING EMIGRANTS HE SAYS NO DID NOT, BECAUSE HIS LIFE WOULD NOT BE WORTH A CENT IF HE DID HE WOULD HAVE {BEEN}[i] PUT OUT OF WAY PUT OUT OF WAY IF HE OBJECTED WHY WHERE IS A MAN THAT WILL SAY FOR A MOMENT THAT HE BELIEVED HE WAS TELLING THE TRUTH WHEN HE AS AN ACTING BISHOP OF THAT CHURCH {AND THAT}[i] HIS REASONABLE OBJECTION TO WHOLESALE SLAUGHTER OF THAT KIND WOULD HAVE	UPON NAME OF THE MAN I ASKED HIM THE QUESTION DID HE OBJECT TO THE KILLING OF THE EMIGRANTS [*space*] HE SAID NO I DID NOT BECAUSE HIS LIFE WOULD NOT BE WORTH A CENT IF HE DID [*space*] HE WOULD BE PUT OUT OF THE WAY [*space*] PUT OUT OF THE WAY IF HE OBJECTED WHY WHERE IS A MAN THAT WILL SAY FOR A MOMENT THAT HE BELIEVED HE WAS TELLING THE TRUTH WHEN HE SAID THAT HE ACTING THE POSITION OF BISHOP *[[27]]* OF THAT CHURCH THAT HIS REASONABLE OBJECTION TO WHOLESALE SLAUGHTER OF THAT KIND WOULD HAVE	I ASKED HIM THE QUESTION “DID YOU OBJECT TO THE KILLING OF THE EMIGRANTS” HE ANSWERED, NO, I DID NOT, MY LIFE WOULD NOT HAVE BEEN WORTH A CENT IF I HAD DONE SO” CAN YOU DO YOU BELIEVE HIM. IS IT POSSIBLE THAT THE BISHOP OF THE CHURCH WOULD HAVE BEEN KILLED BY HIS CONGREGATION SIMPLY FOR OPPOSING THE COMMISSION OF SO DASTARDLY A	I ASKED HIM THE QUESTION, “DID YOU OBJECT TO THE KILLING OF THE EMIGRAN~~T~~S HE ANSWERED, “ NO, I DID NOT, MY LIFE WOULD NOT HAVE BEEN WORTH A CENT IF I HAD DONE SO.” CAN YOU — DO YOU BELIEVE HIM? IS IT POSSIBLE THAT THE BISHOP OF THE CHURCH WOULD HAVE BEEN KILLED BY THE CONGRE~~A~~GATIO N SIMPLY FOR ~~THE~~ OPPOSING THE COMMISION ~~FS~~ OF **S**O DASTARDLY A

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RS	PS	RT	BT
BROUGHT DOWN DESTRUCTION UPON HIM.	BROUGHT DOWN DESTRUCTION UPON HIM	CRIME ?	CRIME?
		YOU KNOW THAT THE STATEMENT IS FALSE.	[37] YOU KNOW THAT THE STATEMENT IS FALSE.
IT IS ENOUGH TO MAKE BLOOD BOIL WITHIN VEINS OF A MAN	ENOUGH TO MAKE BLOOD BOIL WITHIN THE VEINS OF A MAN IT IS ENOUGH TO DRIVE HIM	IT MAKES THE BLOOD BOIL IN THE VEINS OF A DECENT MAN	IT MAKES THE BLOOD BOIL IN THE VEINS OF A DE CENT MAN
WHEN HE THINKS THAT SUCH A PERJURED FELON CAN BE BROUGHT UPON STAND AND SAY *INSTRUCTED*[?]	*FRENZY*[?] WHEN HE THINKS THAT SUCH A PERJURED —[?] CAN BE BROUGHT UPON THE STAND	TO THINK OF PERMITTING SUCH A DEMON TO TESTIFY.	TO THINK OF PERMIT‡ING SUCH A DEMON TO TESTIFY.
BY GOVERNMENT LIKE OURS TO AID IN WHAT; WHY IN THE PROSECUTION OF A PEOPLE. MY GOD IF I HAD A CHILD 3 YEARS OLD THAT WOULD BELIEVE THE MOST SOLEMN ASSERTION THAT MAN COULD MAKE I WOULD TAKE IT	BY A GOVERNMENT LIKE OURS TO AID IN WHAT [*space*] WHY IN THE PROSECUTION OF A PEOPLE [*space*] MY GOD IF I HAD A CHILD 3 YEARS OLD THAT WOULD BELIEVE THE MOST SOLEMN ASSERTION THAT MAN COULD MAKE I WOULD TAKE IT		

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RS	PS	RT	BT
AND HIT WHIP AS LONG AS I THOUGHT THERE WAS A CHANCE OF ITS SURVIVING THE CANE TO MAKE IT KNOW BETTER. WHEN IT LOOKED UPON A MAN WHETHER HE WAS LIAR OR NOT HE AFRAID OF HIS LIFE?	AND HIT AND WHIP AS LONG AS THERE WAS A CHANCE OF ITS SURVIVING THE CANING TO MAKE IT KNOW BETTER WHEN IT LOOKED UPON A MAN WHETHER IT WAS LIAR OR NOT HE AFRAID OF HIS LIFE	HE, AFRAID OF HIS LIFE ? IMPOSSIBLE, NO. THAT MAN NEVER KNEW FEAR OF THAT CHARACTER. HIS WHOLE STORY OF THE COUNCIL AND OF HIS ACTS THERE AND AFTERWARDS IS A FABRICATION.	HE ~~AFAID~~ **AFRAID** OF HIM LIFE? IMPOSSIBLE! NO! THAT MAN NEVER KNEW ANY FEAR OF THAT CHARACTER. HIS WHOLE STORY OF THE COUNSEL AND OF HIS ACTS THERE AFTERWARDS I~~E~~S A FABRI~~A~~CATION.
HE BISHOP OF THAT STAKE; HE THE MAN THAT COUNSELED AND DIRECTED ACTIONS OF THE *ND/NT*[?] ENTIRE PEOPLE. MAN THAT HAD HAD THE CONFIDENCE OF THIS PEOPLE FOR OVER 30 YEARS KEEPING	HE BISHOP OF THAT STAKE HE THE MAN THAT COUNSELED AND DIRECTED THE ACTIONS OF THAT ENTIRE PEOPLE MAN THAT HAD HAD THE CONFIDENCE OF THIS PEOPLE FOR OVER 30 YEARS KEEPING		

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RS	PS	RT	BT
EXALTED POSITION HE DID, A LEADER AMONG THEM THAT HE WAS IN DANGER YOU DO NOT BELIEVE IT BUT DID IT STRIKE YOU AS PECULIAR THAT THE PROSECUTION WOULD PROVE A THING OF THAT CHARACTER OF THAT KIND AND DESCRIPTION BY THIS MAN AND THEN ASK YOU TO HANG JOHN D. LEE BECAUSE HE GOT SCARED *TO/BUT*[?]?[524] HOW RIDICULOUS IT LOOKS DON'T IT. HERE IS BISHOP OF THE CHURCH; GOES OUT THERE	THE EXALTED POSITION THAT HE DID A LEADER AMONG THEM THAT THAT HE WAS IN DANGER YOU DO NOT BELIEVE IT BUT DID IT STRIKE YOU AS PECULIAR THAT THE PROSECUTION WOULD PROVE A THING OF THAT CHARACTER OF THAT KIND AND DESCRIPTION OF THIS MAN AND THEN ASK YOU TO HANG JOHN D. LEE BECAUSE HE GOT *SCARED*[?] *TO*[?] [*space*] HOW RIDICULOUS IT SEEMS DON'T IT HERE IS BISHOP OF THE CHURCH GOES OUT THERE AND	HE TELLS YOU HE WENT WITH HIS CONGREGATION, HIS NEIGHBORS AND DAILY ASSOCIATES, FROM CEDAR CITY TO THE MOUNTAIN	HE TELLS YOU HE WENT WITH HIS CONGREGATION — HIS NEIGHBORS AND ASSOCIATE~~D~~S FROM CEDAR CITY TO THE MOUNTAIN

524. Question mark added later in ink.

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RS	PS	RT	BT
AIDS {IN THE}[i]	AIDS	MEADOWS, ~~ADI~~ AIDED AND ADVISED IN THE COUNCILS ON THE FIELD,	MEADOWS ; AIDED AND ADVISED IN THE COUNSELS ~~I~~ON THE FIELD;
SHOOT{ING}[i] AND KILL{ING,}[i]	SHOOT AND KILL	ENGAGED IN SHOOTING AND AIDED IN KILLING THE EMIGRANTS.	ENGAGED IN SHOOTING AND AIDED IN KILLING THE E~~N~~MIGRANTS;
SUPERINTENDS BRINGING IN ARMS	SUPERINTENDS BRINGING IN WAGONS	SUPERINTENDED THE GATHERING OF THE CATTLE AND SPOILS OF THE MASSACRED COMPANY.	SUPERINTENDED **THE** ~~THE~~ GATHERING OF THE CATTLE AND SPOILS OF THE MASSACRED COMPANY;
PILES THAT BLOODY CLOTHING	PILES THE BLOODY CLOTHING	PILED THE BLOODY CLOTHING TORN FROM THE QUIVERING LIMBS OF HIS VICTIMS IN	PILED THE BLOODY CLOTHING — TORN FROM THE QUIVERING LIMBS OF HIS VICTIMS — IN
IN TITHING HOUSE {AND}[i] CARRY TO HIS OWN STORE	IN THE TITHING OFFICE	THE TITHING OFFICE CELLAR AT CEDAR CITY; TOOK FOR HIS	THE TITHING OFFICE CELLAR AT CEDAR CITY. TOOK FOR HIS
USES MULES, ONLY WITH ONE	USES THE ONLY MULES	OWN USE A SPAN OF MULES FROM THE	OWN USE A SPAN OF MULES FROM THE
MULES WE HEAR OF TAKES THEM USES THEM	WE HEAR OF AND	EMIGRANT TRAIN.	EMIGRANT TRAIN.
HAULS LEAD ORE WITH (THEM THEY WERE GOOD AND CONVENIENT FOR HIM)	HAULS LEAD ORE WITH THEM THEY WERE *GOOD AND CONVENIENT*[?] FOR HIM		
HE RECEIVED THEN {THE}[i] PRICE OF	HE TOOK THEM HE RECEIVED THEN THE PRICE OF		

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RS	PS	RT	BT
BLOOD	BLOOD HE RECEIVED THAT THEN WITH THESE MULES		
[[39]] TAKING THEM AND KEEPING THEM AND USING THEM APPROPRIATING THEM AS HE DID THEN HE TAKES PAY FOR HIS BLOODY WORK THE SAME AS HE NOW TAKES PARDON TO PAY HIM FOR HIS ~~≤~~THE SAME AS HE NOW TAKES HIS NOLLE~~≥~~	TAKING THEM AND KEEPING THEM AND USING THEM APPROPRIATING THEM AS HE DID THEN TAKES PAY FOR HIS BLOODY WORK THE SAME AS HE NOW TAKE HIS NOLLE IN HIS HANDS TO PAY HIM FOR HIS		
DAMNABLE TREACHERY TREASON AND FALSITY.	DAMNABLE TREACHERY TREASON AND FALSITY		
		TELLS *[43]* YOU OF THIS AND MORE OF THE SAME CHARACTER; YET HE REMEMBERS NO NAME OF A LIVING MAN THAT TOOK PART IN THE MASSACRE, BUT HIMSELF AND THE DEFENDANT.	TELLS YOU **ALL** ~~OF~~ T**H**IS AND MORE **OF** ~~OF THE~~ THE SAME CHARACTER; AND YET HE REMEMBERS NO NAME OF A LIVING MAN THAT TOOK PART IN THE MASSACRE BUT HIMSELF AND THIS DEFENDANT.
AND IF THERE IS ONE OF YOU THAT CAN	IF THERE IS ONE OF YOU THAT CAN	IF ANY JURYMAN HERE	IF ANY JURYMAN HERE

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RS	PS	RT	BT
BELIEVE A WORD HE SAYS HE CONTRADICTS ANY OTHER WHITE MAN I DO NOT ENVY YOUR POWERS OF REASON OR JUDGMENT OR CHANCES *OF/THE*[?] HEREAFTER. SAYS IT WAS NOT SAFE TO DISOBEY ORDERS. WHY? BECAUSE HE HAD KNOWN MEN PUT OUT OF THE WAY WHO IS I WONDER GENERALLY GIVES DIRECTIONS TO PUT MEN OUT OF WAY. DO YOU SUPPOSE THEY WOULD GIVE ORDERS IN COMMUNITY OF THAT KIND	BELIEVE A WORD THAT HE SAYS HE CONTRADICTS ANY OTHER WHITE MAN'S THEN I DO NOT ENVY YOUR POWERS OF REASON OR JUDGMENT NOR CHANCES OF THE HEREAFTER [*space*] [[28]] HE SAYS IT WAS NOT SAFE TO DISOBEY ORDERS WHY SAYS HE HAS KNOWN MEN PUT OUT OF THE WAY WHO IS IT I WONDER THAT GENERALLY GIVES THE DIRECTIONS FOR PUTTING MEN OUT OF THE WAY DO YOU SUPPOSE THEY WOULD GIVE ORDERS IN A COMMUNITY OF THAT KIND TO PUT MAN OUT OF THE WAY	BELIEVES THAT MAN'S STATEMENT, SO FAR AS THEY RELATE TO THE DEFENDANT, I DO NOT ENVY YOU THE POWERS OF JUDGMENT THAT GOD HAS GIVEN YOU. HE TELLS YOU THAT IT WAS UNSAFE TO DISOBEY ORDERS**;** THAT HE HAD KNOWN MEN PUT AWAY FOR DISOBEYING ORDERS. IF SO, WHO GAVE THE ORDERS ? WHO COMMANDED THAT THE DISOBEDIENT BE PUT OUT OF THE WAY ? WAS IT M KLINGENSMITH THE BISHOP OF THE CHURCH ?	BELIEVES THAT MANS STATEMENTS SO FAR AS THEY RELATE TO THE DEFENDANT, I DO NOT ENVY YOU THE POWERS OF JUDGMENT THAT GOD HAS GIVEN YOU. HE TELLS YOU THAT IT WAS UNSAFE TO DISOBEY ORDERS; THAT HE HAD KNOWN MEN "PUT AWAY" FOR DISOBEYING ORDERS. IF SO, WHO GAVE THE ORDERS? WHO COMMANDED THAT THE DISOBEDIENT BE "PUT OUT OF THE WAY." WAS IT KLINGEMNSMITH, THE BISHOP OF THE CHURCH?

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RS	PS	RT	BT
WITHOUT BISHOP'S KNOWING IT?	WITHOUT BISHOP KNOWING	IF SUCH ORDERS WERE GIVEN HE MUST HAVE ISSUED THEM	IF SUCH ORDERS WERE GIVEN, HE MUST HA~~C~~VE ISSUED THEM
IF ANYBODY WAS EVER PUT OUT OF WAY IN CEDAR CITY	IT IF ANYBODY EVER WAS ~~<~~KILLED THERE~~>~~	I~~F~~N PERSON. IF MEN WERE KILLED IN CEDAR CITY BY ORDER OF CHURCH	IN PERSON. IF M~~W~~EN WERE KILLED IN CEDAR CITY BY THE ORDER OF CHURCH
IS NOT REASONABLE TO PRESUME	IS NOT IT REASONABLE PRESUME THAT	AUTHORITY DO YOU NOT THINK THEY WERE KILLED BY THE ORDER OF	AUTHORITY, DO YOU **NOT** ~~KNOW~~ THINK THEY WERE KILLED BY THE ORDER OF
KLINGENSMITH WAS MAN GUIDED SUPERINTENDED IN THEIR KILLING?	KLINGEN SMITH WAS THE MAN THAT GUIDE AND DIRECTING THE IN THEIR KILLING [*space*]	KLINGENSMITH. **?**	KLINGENSMITH?
CERTAIN{LY}[i] IT IS.		MOST CERTAINLY YOU SO BELIEVE IF MEN WERE KILLED IN CEDAR CITY, AND I DOUBT NOT BUT THAT MANY WERE, THEN THEIR DEATH IS CLEARLY CHARGEABLE TO THIS WITNESS WHO THEN HAD CHARGE OF ALL THE TEMPORAL AFFAIRS OF THE	MO ST CERTAINLY YOU SO BELIEVE. IFMEN WERE KILLED IN CEDAR CITY, AND I SUPPOSE MANY WERE, **THEN** ~~THEN~~ THEIR DEATH WAS CLEARLY CHARGEABLE TO THIS WI~~N~~**T**NESS~~.~~**,** WHO THEN HAD CH~~Z~~ARGE OF ALL THE TEMPORAL AFFAIRS OF THE

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RS	PS	RT	BT
		PEOPLE.	PEOPLE.
IF ANYBODY MET VIOLENT DEATH THEY CAN TRACE THEIR DOOM {TO THE}[i] WICKED HEART AND FOUL DESIGNS OF THAT FIEND IN HUMAN SHAPE.	THEY *CAN*[?] TRACE THEIR DOOM TO THE *WICKED*[?] HEART FOUL DESIGNS OF THAT FIEND IN HUMAN SHAPE		
HE IS A MAN EVER SO MUCH WORSE THAN ISAAC **C** HAIGHT	HE IS A MAN WHY HE IS SO MUCH WORSE THAN ISAAC **C** HAIGHT	HE IS A WORSE MAN THAN ISAAC C. HAIGHT., BAD AS HE IS PROVEN TO BE. I DENY THAT HE EVER YIELDED TO HAIGHT WHEN HE DID NOT SO DESIRE.	HE IS A WORSE MAN THAN ISAAC C. HAIGHT~~.~~ BAD AS HE IS PROVEN TO BE; BUT I DENY THAT HE EVER YIELDED TO HAIGHT WHEN HE DID NOT SO DESIRE.
THAT YOU CAN'T COMPARE 2 MEN TOGETHER. WHEN HE WAS ON THE STAND LOOK AT THAT *SQUARE FACE*[?] SHOWING HIS DUTCH EXTRACTION TELL ME THAT GERMAN CONTRARINESS	THAT YOU CAN'T COMPARE THE TWO MEN TOGETHER THEN WHEN HE WAS ON THE STAND LOOK AT THAT SQUARE FACE SHOWING HIS DUTCH EXTRACTION AND TELL ME THAT THAT GERMAN *CONTRARINESS*[?]	LOOK AT HIM, NOTE HIS FIXED FEATURES, THE UNUSUAL STERNNESS OF EXPRESSION AND HIS STUBBORNNESS OF	*[38]* LOOK AT HIM! NOTE HIS FIXED FEATURES! THE UNUSUAL STERNNESS OF ~~HIS FE~~ EXPRESSION, THE STUBBORNNESS OF

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RS	PS	RT	BT
		COUNTENANCE, AND	COUNTENANCE AND ~~SAYU~~ **~~SEE~~ SAY** IF YOU
COULD BE OVERCOME BY	COULD BE OVERCOME BY	SAY IF YOU CAN THAT	CAN**,** THAT
LITTLE TALK LIKE HAIGHT HAD UP THERE?	A LITTLE TALK LIKE HAIGHT HAD THERE [*space*]	A LITTLE TALK FROM HAIGHT WOULD CAUSE HIM TO CONSENT TO THE PERFORMANCE OF ANY ACT THAT HE OPPOSED IN HIS HEART.	A LITTLE TALK FROM HAIGHT WOULD CAUSE HIM TO CONSENT TO THE P~~R~~ERFORMANCE OF ANY ACT THAT HE OPPOSED IN HIS HE~~Q~~ART.
NOT MUCH NOT MUCH. HE IS MADE OF STERNER STUFF THAN THAT.	NOT MUCH NOT MUCH HE IS MADE OF STERNER STUFF THAN THAT	YOU KNOW THAT HE WOULD NOT. HE IS MADE OF STERNER STUFF.	YOU KNOW THAT HE WOULD NOT. HE IS MADE OF STERNER STUFF.
IT IS NOT {THE}[i] COWARD IT IS THE ABSOLUTE VILLAIN THAT	IT IS NOT THE COWARD IT IS THE ABSOLUTE VILLAIN THAT IS IN HIM THAT	IT WAS NOT COWARDICE, IT WAS NATURAL VILLAINY, THAT	IT WAS NOT COWARDICE; IT WAS NATURAL VILLAINY THAT
PROMPTS HIM TO DO ALL THESE UNNATURAL ACTS. SHOWS YOU HE *DOES*[?] NOT STATE HIS STORY WELL	PROMPTS HIM TO THESE UNNATURAL ACTS [*space*]	PROMPTED HIM TO COMMIT THE NUMEROUS CRIMES OF WHICH HE STANDS ACCUSED.	PROMPTED HIM TO COMMIT THE NUMEROUS CRIMES OF WHICH HE STANDS ACCUSED.
WHEN HE TELLS YOU {THAT}[i] HE WAS AFRAID {TO}[i] DISOBEY {THE}[i] ORDERS OF {THE}[i] CHURCH BECAUSE THOUGHT {HE}[i]	WHEN HE TELLS YOU THAT HE WAS AFRAID TO DISOBEY ORDERS OF THE CHURCH BECAUSE HE	THEN HE TELLS YOU THAT IF PEOPLE DISOBEYED ORDERS, SOLD PROVISIONS TO *[44]* THE EMIGRANTS, OR	THEN HE TELLS YOU THAT I~~D~~F PEOPLE OBEYED ORDERS— SOLD PROVISIONS TO THE EMIGRANTS OR

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RS	PS	RT	BT
WOULD HAVE BE KILLED IF HE SAID I DO NOT KILL THE PEOPLE THEY WOULD KILL HIM {BUT AT THE}[i] SAME TIME	WOULD BE KILLED IF HE SAID DO NOT KILL THE PEOPLE THEY WOULD KILL HIM AT THE SAME TIME	IN ANY MANNER GAVE OFFENSE TO HAIGHT AND HIS COUNCIL THEY WOULD BE PUT OUT OF THE WAY; YET IN THE FOLLOWING SENTENCE HE	IN ANY MANNER GAVE OF~~R~~FENSE TO HAIGHT OR HIS COUNSEL THEY WOULD BE PUT OUT OF THE WAY. YET IN THE FOLLOWING SENTENCE HE
{HE}[i] TELLS YOU SAM JACKSON SOLD WHOLE LOT OF WHEAT	TELLS YOU THAT SAM JACKSON SOLD THEM LOT OF WHEAT	INFORMS YOU THAT SAMUEL JACKSON DID SELL A LOT OF WHEAT TO THE EMIGRANTS, AND YET THIS MAN JACKSON	INFORMS YOU THAT SAMUEL JACJSON DID SELL A LOT OF WHEAT T~~H~~O THE EMIGRANTS AND YET THIS MAN JACKSON
AND HE WAS NOT KILLED. —/*JVSK*[?]	HE WAS NOT KILLED AND	ESCAPED UNHARMED.	ESCAPED UNHARMED.
JACKSON WAS A COMMON MAN	JACKSON WAS COMMON MAN AND	JACKSON IS A COMMON MAN. A PRIVATE CITIZEN.	JOCKSON ~~A~~WAS A COMMON MAN—A PRIVATE CITI~~V~~ZEN.
HE WAS BISHOP OF CHURCH.	HE WAS BISHOP OF THE CHURCH	KLINGENSMITH WAS THE SECOND IN AUTHORITY IN SPIRITUAL AFFAIRS, AND THE FIRST IN TEMPORAL MATTERS IN THAT COMMUNITY.	KLINGENSMITH WAS THE SECOND IN AUTHORITY IN SPIRITUAL AFFAIRS , AND THE FIRST IN TEMPORAL IN THAT COMMUNITY.
THAT DON'T AGREE.	THAT DON'T AGREE [*space*]	DOES THIS STATEMENT SOUND LIKE	DOES THIS STATEMENT SOUND LIKE
HE SAYS HE KNOWS OF MEN	HE KNOWS OF MEN	TRUTH ? HE TELLS YOU MEN	TR~~J~~UTH? HE TELLS YOU MEN

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RS	PS	RT	BT
BEING PUT OUT OF WAY.	BEING PUT OUT OF THE WAY	WERE PUT OUT OF THE WAY FOR SMALL OFFENSES . IF SO HOW DID JACKSON ESCAPE? KLINGENSMITH DOES DENY ONE CRIMINAL ACT LAID TO HIS CHARGE.	WERE PUT **O**UT OF THE WAY FOR SMALL OFFENCES; IF SO HOW DID JACKSON ESCAPE? KLINGENSMITH DOES DENY ONE CRIMINAL ACT LAID TO ~~HIS~~ HAS CHARGE.
BUT HE WAS NOT THERE. *BY*[?] THE TIME OF KILLING CAME ON WHEN HE WAS BISHOP THERE HE FOUND IT CONVENIENT TO STAND IN BACK RANKS ~~≤~~SEE~~≥~~ ~~WISH~~ IT WELL DONE AND NOT IMBRUE HIS OWN HANDS.	BUT HE WAS NOT THERE I SUPPOSE BY THE TIME OF KILLING CAME ABOUT THAT HE FOUND IT CONVENIENT TO STAND IN THE BACK RANKS AND STAND BY AND WISH IT WELL DONE AND NOT IMBRUE HIS OWN HAND		
HE SAYS HE DID NOT KILL RASMUS ANDERSON SO I WON'T REFER TO THAT. SAYS ALL IN	[*space*] SAYS HE DID NOT KILL RASMUS *ANDERSON*[?] SO I WON'T REFER TO THAT [*space*] SAYS ALL IN	HE SAYS HE DID NOT KILL RASMUS ANDERSON, SO I WILL NOT REFER TO THAT TRANSACTION. HE TELLS YOU THAT ALL IN A	HE SAYS HE DID NOT **KILL** ~~KLH~~ RASMUS ANDERSON SO I WI**L**L NOT REFER TO THAT TRANSACTION. HE TELLS YOU THAT ALL IN A

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RS	PS	RT	BT
SUBORDINATE	SUBORDINATE	SUBORDINATE	SUBORDINATE
CAPACITY *[[40]]*[525]	CAPACITY	CAPACITY ARE	CAPACITY ARE
HAD TO	HAD TO	COMP LLED TO	COMPELLED TO
OBEY	OBEY	OBEY THE	O~~C~~BEY THE
		ORDERS OF THE	ORDERS OF THE
CHURCH.	CHURCH AND	CHURCH.	CHURCH.
	MILITARY		
	OFFICERS	THIS WAS SAID	THIS WAS SAID
AS HE	AND	BECAUSE HE	BECAUSE HE
INTENDED TO	HAS INTENDED	THEN INTENDED	THEN INTENDED
LAY THIS UPON	LAY IT ALL ON	TO LAY THE	TO LAY THE
MORMON	MORMON	CRIME TO THE	CRIME TO THE
CHURCH.	CHURCH AND	CHURCH AS A	CHURCH AS A
	THEN	CHURCH; THIS	CHURCH. THIS
	CONCLUDED[?]	PLAN WAS	PLAN WAS
	TO *RNT/ARRAIGN*	CHANGED,	CHANGED
	IT[?] IN ON THE		
	MILITARY [*space*]		
	WE FIND HIM		
	WITH A	AND HE LAYS IT	AND HE LAYS IT
	DETERMINATIO	ALL TO	~~S~~ALL NOW TO
	N TO CONNECT	JOHN D.	JOHN D.
	LEE WITH THE	LEE, AND A FEW	LEE AND A FEW
	MILITARY	OTHERS AS	OTHERS AS
		INDIVIDUALS.	INDIVIDUALS;
		BUT TO DO	AN D TO DO
		THIS HE	THIS HE RAISED
		ARRAYS THE	THE
		TROOPS;	TROOPS —
		BRINGS OUT	BRINGS OUT
		THE NAUVOO	THE NAUVOO
		LEGION. HE	LEGION. HE
		TALKS OF	TALKS OF
		DOUBLE AND	DOUBLE AND
		SINGLE FILE,	FILE—
		THE TROOPS,	THE TROOPS—
		THE HOLLOW	THE HOLLOW
WAY HE DOES		SQUARE, AND	AQUARE AND
USE THE		USES OTHER	USES OTHER
		MILITARY	MILIRARY
TERMS WE FIND		TERMS WITH	TERMS WITH

525. Page is torn; long piece of lower right-hand corner is missing, as well as a smaller portion of lower left-hand corner.

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RS	PS	RT	BT
IN TACTICS IS SURPRISING.		THE FREEDOM OF A VETERAN.	T~~Y~~**H**E FREEDOM OF A VETRAN.
HAVING	HAVE	HE	HE
‘EM FORM ALL	HIM FORM A	FORMS THE	FORMS THE
MANNER OF	MANNER OF	TROOPS IN	~~R~~TROOPS IN
COLUMN	COLUMN	COLUMN,	COLUMN,
THROW	THROWING	THROWS THEM	THROW~~N~~**S** THEM
THEM INTO	THEM INTO	WITH LIGHTNING RAPIDITY FROM	WITH LIGHTNING RAPIDITY FROM
DOUBLE AND	DOUBLE AND	DOUBLE TO	DOUBLE TO
SINGLE FILE	SINGLE FILE	SINGLE FILE,	SINGLE FILE;
LEADING THEM	LEADING THEM	LEADS THEM	LEADS THEM
UP IN	UP IN	UP IN	UP IN
PLATOONS	PLATOONS	PLATOONS, AND	PLATOONS, AND
{AND}[i] FORM	FORMING	FORMS	FORMS
THEM INTO	THEM IN	THEM IN A	THEM INTO A
HOLLOW	HOLLOW	HOLLOW	HOLLOW
SQUARE MAY	SQUARES MAY	SQUARE. MY	SQUARE. MY
REMEMBER	REMEMBER *[[29]]*	ASSOCIATE JUDGE	ASSOCIATE, JU~~GH~~DGE
HOGE	HOGE	HOGE	HOGUE
REFERRED	CALLED YOUR	DESCRIBED	DESCRIBED
TO	ATTENTION TO	THE	THAT
THIS HOLLOW	THIS HOLLOW	HOLLOW	HOLLOW
SQUARE	SQUARE	SQUARE IN AN ABLE MANNER;	SQUARE IN AN ABLE MANNER;
I WISH	I WANT	BUT I FEEL IT	BUT I FEEL IT
TO	TO	NECESSARY TO	NECESSARY TO
REFER YOUR	REFER	REFER	REFER
ATTENTION TO IT	TO IT	TO IT	TO IT
ALSO	TOO [*space*]	AGAIN. THE EVIDENCE OF ALL THE WITNESSES	AGAIN. THE EVIDENCE OF ALL *[39]* THE WITNESSES
THEY HAVE		REFERR~~ED~~ TO	REFER TO
NAMED		AND NAME~~S~~	AND NAME
2~~2~~3	*23*[?] PRESENT	TWENTY THREE	23
MEN AND		MEN**,** AS THE ENTIRE NUMBER THERE IN THE VICINITY OF THE MEADOWS;	MEN AS THE ENTIRE NUMBER THERE IN **THE** ~~THE~~ VICINITY OF THE MEADOWN.

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RS	PS	RT	BT
WITH LEE	WITH LEE	KLINGENSMITH SAYS JOHN D. LEE CALLED THE MEN UP IN A HOLLOW SQUARE THE NIGHT BEFORE THE MASSACRE AND [45] MADE	KLINGINSMITH SAYS, ~~H~~JOHN D. LEE CALLED THE **MEN** ~~MEN~~ UP IN A HOLLOW S QUARE BEFORE THE MASSACRE AND MADE
TO DO TALKING THERE WOULD BE 22 MEN	TO DO THE TALKING 22[526] [*space*]	TO THEM A SPEECH. ADMIT, IF YOU WILL, THAT TWENTY THREE WHITE MEN WERE THERE IN THE VICINITY. STOP AND EXAMINE WHERE THEY ALL WERE, AND WHO WERE IN	THEM A SPEECH. ADMIT IF YOU WILL THAT 23 WHITE MEN WERE THERE IN THE VICINITY. STOP AND EXAMINE WHERE THEY ALL WERE, AND WHO WERE IN
NOW THEN ACCORDING TO SMITH HE WAS NOT IN THE HOLLOW SQUARE HE WAS OUTSIDE WHEN THE HOLLOW SQUARE WAS FORMED TALKING TO OLD MAN SLADE THAT TAKES TWO OUT OF WAY	NOW THEN ACCORDING TO SMITH HE WAS NOT THERE IN THE HOLLOW SQUARE WAS OUTSIDE TALKING TO OLD MAN SLADE THAT TAKES TWO OUT OF THE WAY [*space*]	THE HOLLOW SQUARE. KLINGENSMITH WAS NOT IN IT; HE WAS OUTSIDE TALKING TO A MAN AT THE TIME THE SQUARE WAS FORMED; THE MAN HE WAS TALKING TO WAS SLAIN. THAT TAKES TWO MEN OUT OF THE WAY AND	THE HOLLOW SQUARE. KLINGENSMITH WAS NOT IN IT. HE WAS OUTSIDE TALKING TO A MAN AT THE TIME THE SQUARE WAS FOR~~N~~MED, AND ~~T~~HE MAN WAS TALKING TO WAS SLADE. THAT TAKES TWO MEN OUT OF THE WAY AND

526. Second "2" is written over illegible digit.

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RS	PS	RT	BT
THAT LEAVES 20 OLD MAN YOUNG AND THE SICK MAN HE WAS TAKING CARE OF THEY WERE OUT OF THE WAY KNEW NOTHING OF IT THAT LEAVES 18. JOEL WHITE DIDN'T *SEE/SAY*[?] ANY THING OF HOLLOW SQUARE. NEVER HEARD OF IT. NEVER SAW IT WAS NOT IN IT RECEIVED NO ORDERS. HEARD LEE GIVE NO ORDERS OF THE KIND. THAT LEAVES 17. POLLOCK HE WAS NOT THERE HE DID NOT SEE IT HE WAS [*page*	THAT LEAVES 20 YOUNG AND SICK MAN NOT THERE THAT LEAVES 18 JOEL WHITE DID NOT SAY ANYTHING ABOUT HOLLOW SQUARE NEVER HEARD OF IT NEVER SAW IT WAS NOT IN IT RECEIVED NO ORDERS HEARD LEE GIVE NO ORDERS OF THE KIND THAT LEAVES 17 POLLOCK HE WAS NOT THERE HE DID NOT SEE IT HE WAS	LEAVES BUT TWENTY MEN REMAINING. OLD MAN YOUNG AND A SICK MAN**,** HE WAS ATTENDING TO, WERE NOT THERE; THEY KNEW NOTHING OF ITS BEING FORMED. THAT LEAVES BUT EIGHTEEN MEN. JOHN WHITE WAS NOT THERE; HE NEVER HEARD OF A HOLLOW SQUARE BEING FORMED AT THAT PLACE. WHITE RECEIVED NO ORDERS TO JOIN IN THE SQUARE; HE HEARD NO SPEECH MADE BY LEE, NOR DID HE HEAR LEE GIVE ANY ORDERS AT THAT TIME OR PLACE. THAT LEAVES BUT 17 MEN. POLLOCK WAS NOT IN THE SQUARE; NEVER HEARD OF IT.	LEAVES BUT 20 ~~R~~MEN REMAINING. O~~K~~LD MAN YOUNG AND THE SIC~~H~~K MAN HE WAS ATTENDING TO, WERE NOT THERE; THEY KNEW NOTHING OF ITS BEING FOR~~N~~MED. THAT LEAVES BUT I8 MEN. JOEL WHITE WAS NOT THERE; HE NEVER HEARD OF A HOLLO~~S~~W SQUARE BEING FORMED AT THAT PLACE. WHITE RECEIVED NO~~T~~ ORDER~~E~~S TO JOIN IN THE SQUARE; AND HEARD NO SPEECH MADE BY LEE, NO~~T~~R ~~DD~~ DID HE HEAR LEE GIVE ANY ORDERS AT T**H**AT TIME O~~T~~R PLACE. THAT LEAVES BUT I7 MEN THEN. POLLOCK WAS NOT IN THE SQUARE; NEVER HE~~Q~~**A**RD OF IT.

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RS	PS	RT	BT
torn: *ON THE*[?]] GROUND THAT LEAVES 16 THEN TAKE YOUR LITTLE MUSTANG WITH THE BOTS HE WAS NOT THERE THAT LEAVES IT TO 15 MEN THAT LEE WAS TO GET TOGETHER IN HOLLOW SQUARE AND TALK TO. WHY DID HE SAY HOLLOW SQUARE? WHY BECAUSE HE	ON THE GROUND THAT LEAVES 16 THEN TAKE YOUR LITTLE MUSTANG WITH THE BOTS AND HE WAS NOT THERE THAT LETS IT DOWN TO 15 [*space*] 15 MEN THAT LEE WAS TO GET TOGETHER IN A HOLLOW SQUARE AND TALK TO WHY DOES HE *USE/SAY*[?] HOLLOW SQUARE WHY BECAUSE HE	THAT LEAVES BUT SIXTEEN MEN. THEN THERE IS ~~A ≤~~**THE**~~≥~~ MUSTANG, THE BEEF-EATER, WITH THE BOTTS. HE WAS SO EXERCISED WITH HIS DISEASE, THAT HE KNEW NOTHING OF A HOLLOW SQUARE BEING FORMED, AND KNOWS NOTHING OF ANY ORDERS BEING GIVEN BY LEE. THAT LEAVES BUT FIFTEEN MEN. ADMITTING THAT ALL THE OTHERS REFERRED TO WERE THERE WITH WHICH LEE WOULD FORM THAT HOLLOW SQUARE. WHY DO YOU THINK THE WITNESS USED THE TERM <u>HOLLOW SQUARE</u>,**?**	THAT LEAVES BUT I6 MEN. **THE**N THERE IS THE MUSTANG, THE "BEEF EATER" WITH THE **"**BOTTS**"**. HE WAS SO EXERCISED WITH HIS DISEASE THAT HE KNEW NOTHING OF A HOLLOW SQUARE BEING FORMED AND KNOWS ~~O~~NOTHING OF ANY ORDERS BEING GIVEN BY LEE. THAT~~L~~ LEAVES BUT I5 MEN; ADMITTING THAT ALL THE OT**H**ERS REFERRED TO WERE THERE WITH LEE COULD **THAT** FORM **A** ~~THAT~~ HOLLOW SQUARE. WHY DO YOU THINK THE WITNESS USED THE TERM "HOLLOW SQUARE?"

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RS	PS	RT	BT
SAT AND THOUGHT [*page torn*] BLACK PICTURE HE WAS TO DRAW AND FOUND IT WOULD BE BEST FOR HIM START RIGHT.	SAT AND THOUGHT OVER THE BLACK PICTURE HE WAS TO DRAW THE ILLUSTRATION THOUGHT IT WOULD BE BEST FOR HIM START RIGHT	THE TERM WAS USED BY HIM TO GIVE PLAUSIBILITY TO HIS STATEMENT THAT LEE ADDRESSED THE TROOPS. IT HAS A MILITARY SOUND AND HE IS NOW TRYING TO PROVE LEE A MILITARY MAN, AND LEADER, AND NO ORDINARY COMMUNICATIO N WOULD	THE TERM WAS USED BY HIM TO GIVE PLAUSABILITY TO HIS STATEMENT THAT LEE ADDRESSED THE TROOPS. IT HAS A MILITARY SOUND, AND HE IS NOW TRYING TO PROVE LEE A MILITARY MAN AND LEADER, AND NO ORDINARY COMMUNICATIO N WOULD
HE CLAIMED LEE WAS MILITARY [*page torn*] HE MUST ACT AS SUCH. IN COMMAND DRAW UP ALL THESE MEN {IT MUST BE IN A MILITARY STYLE}[1] AND HERE BOYS WE HAVE GOT TO GO DOWN HERE DO THING [*page torn*] THIS KIND.	HE HAD CLAIMED THAT LEE WAS *A/THE*[?] MILITARY LEADER AND HE MUST ACT AS SUCH IN *KINGDOM/K*[?] DRAWING UP ALL THESE MEN AND SAYING HERE BOYS WE HAVE GOT TO GO DOWN AND DO A THING OF THIS KIND		

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RS	PS	RT	BT
		ANSWER THE PURPOSE OF THIS WITNESS. THE MEN — THE TROOPS MUST BE BROUGHT UP IN HOLLOW SQUARE. STRANGE THAT NONE BUT THE WITNESS EVER HEARD OF THAT EXTENSIVE *[46]* HOLLOW SQUARE.	ANSWER THE PURPOSES OF THIS WI~~N~~TNESS. THE MEN — THE TROOPS MUST BE BROUGHT UP IN A HOLLOW SQUARE.
15 MEN DRAW THEM ALL UP IN HOLLOW SQUARE. HE HAS GOT 15 NOW. WE HAVE 4 ON 3 SIDES AND [*page torn*] 3 ON OTHER HARDLY ROOM TO TURN AROUND. IT WOULD NOT MAKE AS NEAR AS BIG SQUARE AS THIS TABLE. [*page torn*] IT; THE BARE STATEMENT OF {THE}[i] PROPOSITION SATISFIES YOU	15 MEN DRAW THEM ALL UP IN A HOLLOW SQUARE GOT 15 NOW 4 ON 3 SIDES AND 3 ON THE OTHER ONE [*space*] HARDLY ROOM TO TURN AROUND JUST THINK OF IT WHY THE *BARE/DR*[?] STATEMENT OF THE PROPOSITION SATISFIES YOU THAT	FIFTEEN MEN IN THE HOLLOW SQUARE.**!** FOUR ON THREE SIDES OF THE SQUARE AND THREE ON THE OTHER! LEE WOULD NOT HAVE ROOM TO TURN ROUND INSIDE THAT SQUARE. JUST THINK OF IT**!** THE STATEMENT OF THE FACT PROVES THAT NO SUCH HOLLO~~O~~**W** SQUARE WAS EVER FORMED. THAT THE WITNESS HAS	I5 MEN IN A HOLLOW SQUARE~~?X~~! FOUR ON THREE SIDES OF THE SQUARE AND THREE O~~I~~**N** THE OTHER! LEE WOULD NOT HAVE ROOM TO TURN AROUND INSIDE THAT SQUARE. JUST THINK OF IT! *[40]* THE STATEMENT OF THE FACT **PROVES** ~~PROSVES~~ THAT NO SUCH SQUARE W AS FORMED, THAT THE WITNESS HAS

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RS	PS	RT	BT
HE LIED LIED INTENDING TO LIE! LIED FOR [*page torn*] INJURING THE MAN HE HAD MARKED AS A VICTIM. [*space*][527] *[[Bk 12 1]]*[528] THOUGHTLESSLY NEEDLESSLY CRUELLY LIED UPON THIS ACCOUNT WHEN HE SAID THERE WAS HOLLOW SQUARE FORMED AS QUICK AND GETS THE SQUARE FORMED HE PLAYS COWARD AGAIN AND RETIRES FROM THE SCENE DID NOT HEAR WHAT WAS SAID. (345 {**PM.**}[i]	HE LIED [*space*] LIED INTENDING TO LIE LIED FOR THE PURPOSE OF INJURING THE MAN HE HAD MARKED AS A VICTIM THOUGHTLESSLY NEEDLESSLY CRUELLY LIED UPON THIS QUESTION WHEN HE SAID THERE WAS HOLLOW SQUARE FORMED AND THEN AS QUICK AS AND GETS THE SQUARE *FORMED/FORMS*[?][529] PLAYS THE COWARD AGAIN RETIRES FROM THE SCENE AND DID NOT HEAR WHAT WAS SAID [*space*]	PREMEDITATEDLY TOLD AN UNTRUTH. A COOL, DETERMINED LIE, LIED FOR THE PURPOSE OF INJURING THE MAN HE HAS SELECTED AS A VICTIM, NEEDLESSLY, CRUELLY, FELONIOUSLY LIED ABOUT THE ENTIRE SUBJECT OF THE FORMATION OF THE HOLLOW SQUARE. HE TELLS YOU THAT LEE MADE A SPEECH**,** BUT HE DID NOT HEAR WHAT JOHN D. LEE SAID ON THAT	PREMEDITATEDLY TOLD AN UNTRUTH— A COOL DETERMINED LIE—LIED FOR THE PURPOSE OF INJURING THE MAN HE HAD SELECTED AS A VICTIM; NEEDLESSLY, CRUELLY, FELONIOUSLY LIED ABOUT THE ENTIRE SUBJECT OF THE FORMARTION OF **“**THE HOLLOW SQUARE.” HE TE**L**LS YOU THAT LEE MADE A SPEECH BUT HE DID NOT ~~HERE~~ HEAR WHAT JOHN D~~LX~~. LEE SAID ON THAT

527. At end of page: {FOR CONTINUATION SEE BOOK NUMBER 12}[i].

528. Written in longhand at the top of the page: **BOOK NO. 12 AUG 4/75 W. W. {BISHOPS SPEECH BEHALF DEFT CONCLUDED.}[p] BASKINS COMMENCES PAGE 27.**

529. The word is written both ways.

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RS	PS	RT	BT
THIS HOLLOW SQUARE IS SOMETHING HE HAS THOUGHT —[?] SINCE HE *GOT HERE*.	THIS HOLLOW SQUARE IS SOMETHING HE THOUGHT UP SINCE GOT HERE	OCCASION. IT IS EVIDENT THIS MATTER OF THE HOLLOW SQUARE IS OF RECENT ORIGIN IN THE BRAIN OF THE WITNESS; HE HAD NOT MATURED THE SUBJECT IN HIS MIND AND HIS STATEMENTS CONCERNING IT PROVE THE UNTRUTHFULNE	OCCASION. IT IS EVIDENT THAT THIS MATTER OF THE HOLLOW SQUARE IS OF RECENT ORIGIN IN THE BRAIN OF THE WITNESS. HE HAD NOT MATURED THE SUBJECT IN HIS OWN MIND; AND HIS STATEMENTS CONSERNING IT PROVED THE UNTRUTHFUL~~L~~N
HE TELLS YOU THAT LEE WAS ORDERED TO GO INTO CAMP AND CONDUCT THE EMIGRANTS OUT. UP TO THIS TIME MIND YOU NO ORDERS HAVE BEEN GIVEN TO LEE. LEE HAS NOT BEEN NOTIFIED AS YET.	AND THEN HE TELLS YOU THAT LEE WAS ORDERED TO GO INTO THE CAMP AND CONDUCT THE EMIGRANTS OUT UP TO THIS TIME MIND YOU NO ORDERS HAVE BEEN GIVEN TO LEE LEE HAS NOT BEEN NOTIFIED AS YET	SS OF THE WITNESS. YOU ARE NEXT TOLD THAT JOHN D. LEE WAS ORDERED TO GO TO THE CAMP OF THE EMIGRANTS AND CONDUCT THEM OUT FOR SLAUGHTER. UP TO THIS TIME YOU WIL~~;~~L REMEMBER THAT NO ORDERS HAVE BEEN GIVEN BY ANY ONE TO JOHN D. LEE. UNTIL NOW JOHN D. LEE HAS BEE**N** A STRANGER TO ALL THE PROCEEDINGS.	ESS OF THE WITNESS. YOU ARE NEXT TOLD TH~~Z~~A**T** ~~H~~ JOHN D. LEE WAS ORDERED TO GO TO THE CAMLP OF THE EMIGRANTS AND CONDU~~F~~CT THEM OUT FOR SLAUGHTER. UP TO THIS TIME YOU WILL RE~~K~~MEN~~N~~MBER THAT NO RODERS HAD BEEN GIVEN TO ANYONE BUT JOHN D. LEE. UNTIL NOW JOHN D. LEE HAS BEEN A STRANGER TO ALL THE PROCEEDINGS.

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RS	PS	RT	BT
		HE HAS NOT BEEN CONNECTED WITH ANY AGREEMENT,	HE HAS NOT BEEN CO~~J~~NNECTED WITH AND AGREEMENT,
THAT THERE WAS ANY CONSPIRACY TO KILL EMIGRANTS.	THAT THERE WAS ANY CONSPIRACY TO KILL EMIGRANTS	COMBINATION OR A CONSPIRACY TO KILL THE EMIGRANTS.	COMBINATION OR CONSPIRACY TO KILL THE E~~N~~MIGRANTS;
DOES CLAIM THOUGH THAT ON THE FIELD AT	HE DOES CLAIM THEY WERE ON THE FIELD AT	BUT KLINGENSMITH DOES CLAIM THAT ALL THE TIME, AT THAT MEETING, NEAR THE MEADOWS,	BUT KLINGENSMITH DOES CLAIM, THT ALL THE TIME — AT THAT MEETING NEAR THE MEADOWS
THIS COUNCIL	THIS COUNCIL	THAT COUNCIL HELD BEFORE THE HOLLOW SQUARE WAS FORMED THAT	THAT COUNSEL HELD BEFORE THE HOLLOW SQUARE WAS FORMED, THAT
THE MATTER WAS TALKED OVER AND THE PLAN WAS DEVISED. HE DID NOT OBJECT TO IT. I WAS WRONG WHEN I SAID AT THE TIME LEE WAS ORDERED TO GO TO ~~<~~EMIGRANT~~>~~ CAMP. SMITH WAS NOT NOTIFIED OF THIS TRANSACTION.	THE MATTER WAS TALKED OVER AND THE PLAN WAS DEVISED AND THAT HE DID NOT OBJECT TO IT [*space*] *[[30]]* I WAS WRONG WHEN I SAID AT THE TIME HE *FIRST/WAS*[?] ~ [*space*] AND	THE MATTER WAS TALKED OVER AND THE PLAN OF THE MASSACRE ADOPTED.	THE MATTER W~~Z~~**A**S TALKED OVER, AND THE **PLAN** ~~POAND~~ OF THE MASSACRE ADOPTED.
UP TO THE TIME OF THEIR	UP TO THE TIME OF THEIR	UP TO THIS TIME, AS I SAID	UP TO THIS T~~O~~IME AS I SAID

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RS	PS	RT	BT
MEETING AT CAMP WHICH IS BEFORE HOLLOW SQUARE WAS FORMED THERE IS NO EVIDENCE LEE HAD EVER BEEN NOTIFIED OF [*page torn*] TOOK PLACE ANY INTENTIONS TO INJURE EMIGRANTS. THERE HE CONCLUDES TO MAKE LEE A PARTY TO COMBINATION AND WHO HAS HE GOT WITH HIM ? HE HAS HIGBEE THERE ON THE FIELD. HE PUTS LITTLE CARL SHIRTS OUT IN CHARGE OF THE INDIANS *THAT IS*[?]	MEETING AT THE CAMP WHICH IS BEFORE HOLLOW SQUARE WAS FORMED THAT HE SUPPOSES *BUT*[?] THERE IS NO EVIDENCE THAT LEE HAD EVER BEEN NOTIFIED OF ANYTHING THAT TOOK PLACE OR ANY INTENTION TO INJURE EMIGRANTS THERE HE CONCLUDES TO MAKE LEE A PARTY TO THE COMBINATION WHO HAS HE GOT WITH HIM HE HAS HIGBEE THERE ON THE FIELD PUTS LITTLE CARL SHIRTS OUT IN CHARGE OF INDIANS	BEFORE, LEE WAS A STRANGER SO FAR AS EVIDENCE IS ADDUCED TO, ANY PLAN OF INJURING THE EMIGRANTS, BUT NOW THIS WITNESS THINKS BEST TO MAKE LEE A PARTY TO THE COMBINATION. BUT WHO DOES HE HAVE WITH *[47]* HIM ? ~~B~~ KLINGENSMITH PLACES HIGBEE IN COMMAND OF THE TROOPS, AND LITTLE CARL SHIRTS IN CHARGE OF THE INDIANS, THUS HE RELIEVES LEE FROM ALL CHARGE OF ACTING AS	BEFORE LEE WAS A STRANGER, SO ~~D~~FAR AS EVIDENCE WAS ADUCED TO ANY PLAN OF INJURING THE EMIGRANTS. BUT NOW THIS WITNESW THINKS BEST TO MAKE LEE A PARTY TO THE COMBIN~~S~~ATION. WHO DOES HE HAVE WITH HIM? ~~L~~KLINGENSMIT H PLACES HIG~~G~~BEE IN COMMAND **OF** ~~OF THE~~ THE TROOPS, AND LITTLE CARL SHIRT~~Z~~**S** IN CHARGE OF THE INDIANS; AND THUS HE RELIEVES LEE ~~FROM ALL CHARGE~~**,** FROM ALL CHARGE OF ACTIN~~D~~G AAS

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RS	PS	RT	BT
		COMMANDER ~~OF THE~~ ON THE FIELD, OR DURING THE CONFLICT.	COMMANDER ON THE FIELD OR DURING THE CONFLICT.
HE THOUGHT TO FINDS OUT HE MUST PUT ~~<~~AND PUTS~~>~~ SOMEBODY ELSE OUT IN CHARGE OF INDIANS IF HE —[?] TO HAVE LEE TAKE CHARGE.	*THIS/THAT IS*[?] *FIELD/FOR THAT*[?] FOR THAT *PUT*[?] FOUND HE HAS NEED TO PUT SOMEONE[530] ELSE OUT IN CHARGE OF INDIANS FIELD AND HAS LEE MILITARY COMMANDER		
SAYS LEE WAS DIRECTED TO GO TO CAMP AND TAKE EMIGRANTS OUT. THAT HAS BEEN GENTLEMEN PART TAKEN THERE UPON THE FIELD	SAYS LEE WAS THEN DIRECTED TO GO OUT TO THE CAMP AND TAKE THE EMIGRANTS OUT AT THIS POINT THE PART THAT WAS TAKEN THERE ON THE FIELD	LEE**,** HENTELLS**,** YOU**,** WAS DIRECTED TO GO TO THE CAMP AND TAKE THE EMIGRANTS OUT.	LEE, HE TELLS YOU, WAS DIRECTED TO GO TO THE CAMP AND B~~T~~RING THE EMIGRANTS OUT.
WE OFFERED TO SHOW BY {A}[i] WITNESS	WE OFFERED TO SHOW BY WITNESSES	**W**E OFFERED TO EXPLAIN BY LIVING WITNESSES ALL THAT LEE DID ON THE FIELD**,** AND WHY HE DID IT**;** BUT THIS	WE OFFERED TO EXPLAIN BY LIVING WITNESSE~~X~~S, ALL THAT LEE DID ON THE FIELD, ~~Z~~AND WHY HE DID IT~~.~~**;** BUT THE

530. Original shorthand reads “SOMEONE”. “BODY” was added later to render the word “SOMEBODY”.

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RS	PS	RT	BT
THAT HAS BEEN RULED OUT	THAT HAS BEEN RULED OUT	EVIDENCE WAS RULED OUT BY THE COURT; SO FROM THIS POINT YOU ARE LEFT TO CONJECTURE WHAT LEE ADVISED; HOW HE SOUGHT TO SAVE LIFE IS LEFT TO CONJECTURE.	EVIDENCE WAS R~~E~~ULED OUT B~~U~~Y THE COURT; SO UPO N THIS POINT YOU [41] ARE LEFT TO CONJECTURE WHAT LEE ADVISED—HOW HE SOUGHT TO SAVE LIFE IS LEFT TO CONJECTURE. ~~N~~
ALL I HAVE RIGHT TO SAY TO YOU GENTLEMEN	AND ALL I HAVE THE RIGHT TO SAY TO YOU ON THE SUBJECT	ALL I HAVE A RIGHT TO SAY ON THAT SUBJECT CONCERNING THE CONDUCT OF JOHN D. LEE**,** AT AND NEAR THE MOUNTAIN MEADOWS PRECEDING AND DURING THE TIME OF THE MASSACRE,	ALL I HAVE A RIGHT TO SAY ON THAT SUBJECT, CONSERNING THE CONDU~~S~~CT OF JOHN C D. LEE AT, AND NEAR THE MOUNTAIN ~~MEADO~~ MEADOWS, PRECEDING ~~S~~AND DURING THE TIME OF THE MASSACRE,
WE MADE OFFER TO PROVE BY WITNESSES BROUGHT HERE BY PROSECUTION WHAT THE FACT WERE	IS THAT *WE*[?] MADE THE OFFER TO PROVE WHAT THE FACTS WERE	IS THAT WE HAVE OFFERED TO PROVE HIS LANGUAGE AND CONDUCT ON THAT OCCASION. HAVE OFFERED TO PROVE THAT HE USED ALL HIS EFFORTS TO PREVENT THE COMMISSION OF	IS, THAT WE HAVE OFFERED TO PROVE HIS LANGUAGE AND CONDUCT ON THAT OCCASION; HAVE OFFERED TO PROVE THAT HE USED ALL HIS EFFORTS TO PREVENT THE COMMISSION OF

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RS	PS	RT	BT
		THAT AWFUL DEED. THAT HIS LIFE WAS PLACED IN DANGER BY THE FURY OF THE INDIANS RAISED AGAINST HIM, BY REASON OF HIS CONTINUED EFFORTS TO PREVENT THE SHEDDING OF BLOOD. BUT, GENTLEMEN, AT THE REQUEST OF THE	THZAT AWFUL DEED. THAT HIS LIFE WAS PLACED IN DANDER BY THE FURY OF THE INDIANS, RAISED AGAINST HIM BY REASON OF HIS CONTINUED EFFORTS TO PREVENT THE SHEDDING OF BLOOD. BUT, GENTLEMEN, AT THE REQUEZST OF THE
PROSECUTION OBJECTED. AND WE STOPPED BECAUSE WE WERE NOT PERMITTED TO STATE WHAT LEE HAD DONE UPON FIELD THERE *ALL WE*[?] COULD BRING OUT WAS SIMPLY TO QUESTION PARTIES UPON POINTS PROSECUTION WERE WILLING TO BE MADE PUBLIC. WHAT {ELSE COULD}[i] LEE DO THIS	PROSECUTION OBJECTED AND WE STOPPED BECAUSE WE WERE NOT PERMITTED TO TELL WHAT LEE SAID NOR WHAT HE HAD DONE UPON THE FIELD THERE ALL THAT WE COULD BRING OUT WAS SIMPLY *TO/A*[?] [*space*] PARTS THAT THE PROSECUTION WERE WILLING SHOULD BE MADE PUBLIC WHAT ELSE COULD LEE DO EVERY	PROSECUTION THIS EVIDENCE WAS RULED OUT. WE WERE NOT PERMITTED TO INTRODUCE IT. THEREFORE, WE ARE FORCED TO REST CONTENT WITH THE TESTIMONY OF THE PROSECUTION BEARING UPON THESE POINTS.	PROSSECUTION THIS EVIDENCE WAS RULED OUT; WE WERE NOT ~~PR~~ PERMITTED TO INTRODUCE IT; THEREFORE WE ARE FORCED TO REST CONTENT WITH THE TESTIMONY OF THE PROSECUTION BEARING UPON THESE POINTS.

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RS	PS	RT	BT
EVERY OBJECT IN HUMANITY PROMPTED HIM TO GO AND CONDUCT THESE EMIGRANTS OUT AS HE DID DO, ACCORDING TO —[?] STATEMENT ACCORDING TO SMITH'S.	NECESSITY EVERY OBJECT IN HUMANITY PROMPTED HIM GO AND CONDUCT THESE EMIGRANTS OUT AS HE DID DO ACCORDING TO ~~LEE'S~~ ≤SMITH'S≥ STATEMENT [*space*]	WHY LEE WENT TO THE CAMP OF THE EMIGRANTS YOU CAN ONLY GATHER FROM THE UNSATISFACTO RY STATEMENTS OF INTERESTED WITNESSES.	WHY LEE WENT TO THE ~~M~~CAMP ~~T~~OF THE EMIGRANTS, YOU CAN ONLY GATHER FROM THE UNSATISFACTO RY STATEMENTS OF ~~THE~~ INTERESTED WITNESSES.
SMITH THEN GETS LEE DOWN NEXT {TO}[i] CORRAL SAYS THERE HE STAYED THERE ABOUT 2 HOURS I COULD NOT HELP THINK WHILE HE SAW LEE AS BEING THERE ABOUT TWO HOURS THAT THOUGHT HE WAS ABOUT AS BAD —[?] AT THE TIME AS OLD MAN BENNETT WAS WHEN HE	SMITH THEN GETS LEE DOWN NEXT CORRAL AND —[?] STAYED THERE ABOUT 2 HOURS [*space*] LEE'S BEING THERE TWO HOURS THOUGHT HE WAS BE AS BADLY PERTAINING TO THE TIME AS OLD MAN BENNETT WAS WHEN HE	KLINGENSMITH SAYS LEE WAS AT THE CAMP OF THE EMIGRANTS <**TWO HOURS**>. I COULD NOT HELP THINKING WHILE HE WAS PLACING THIS TIME AT TWO HOURS OF OLD MAN BENNETT, AS HE TOLD YOU OF	KLINGENSMITH S~~Z~~AYS LEE WAS AT THE CA M P OF THE EMIGRANTS TWO HOURS. I COULD NOT HELP ~~THINK~~ THINKING**,** WHILE HE WAS PLACING THIS TIME AT TWO HOURS**,** OF OLD MAN BENNET, AS HE TOLD OF

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RS	PS	RT	BT
SAW THE *[[2]]*[531] BONES THOUGHT	SAW THE BONES AND HE THOUGHT *THEM*[?]	LOOKING TWO HOURS AT THE REMAINS, AND THEN ADMITTING HE WAS THERE	LOOKING TWO HOURS AT THE REMAINS THERE, AND THEN ADMITTING HE WA~~X~~S THERE
2 MINUTES WAS TWO HOURS.	TWO MINUTES WAS TWO HOURS	ONLY TWO. MINUTES. KLINGENSMITH, CONSCIOUS OF THE CRIME ABOUT TO *[48]* BE COMMITTED, AND THINKING OF FUTURE CONSEQUENCES, WAS AS BADLY FRIGHTENED AS HE STOOD IN THE RANKS AT THE HEAD OF THE COLUMN WITH GUN IN HAND AND MURDER IN HIS HEART, AS BENNETT WAS, AS HE STOOD SOLITARY AND ALONE LOOKING UPON THE SCENE OF SO MUCH WOE.	ONLY TWO MINUTES. K~~N~~LINGENSMITH CONSCIOUS OF THE CRIME THAT WAS ABOUT TO BE COMMITTED AND THINKING OF "FUTURE CONSEQUENCES" WAS AS BADLY FRIGHTENED AS HE STOOD IN THE RANKS AT THE HEAD OF THE ~~H~~COLUMN WITH GUN IN HAND AND MURDER IN HIS HEART AS BENNET WAS WHEN HE STOOD SOLITARY AND ALONE LOOKING UPON THE SCENE OF SO MUCH WOE.
I DO NOT BELIEVE SMITH TOOK ANY NOTE OF	I DO NOT BELIEVE THAT SMITH TOOK ANY NOTE OF		

531. Written at the top of the page in longhand: **CONCLUSION OF W W BISHOPS ARGUMENT BOOK 12 COMMENCEMENT OF R. N BASKINS CLOSING ARGUMENT.**

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RS	PS	RT	BT
TIME BUT HE WANTS LEE THERE LONG ENOUGH SO AS TO MAKE HIS STORY LOOK REASONABLE *CONSISTENT*[?]	TIME BUT HE WANTS LEE THERE LONG ENOUGH SO AS TO MAKE HIS STORY LOOK REASONABLE AND CONSISTENT	KLINGENSMITH KEEPS LEE AT THE CAMP TWO HOURS TO GIVE PLAUSIBILITY TO HIS STORY, AND MAKE HIS DESCRIPTION SOUND REASONABLE AND CONSISTENT. HE	KLINGENSMITH KEEPS LEE AT THE CA MP TWO HOURS TO GIVE PLAUSIBILITY TO **HIS** ~~HIS~~ ~~T~~STORY, AND MAKE HIS DESCRIPTION SOUND REASONABLE AND CONSISTEN~~E~~T.
TELLS YOU LEE TOOK WAGON FOLLOWED ON OUT	TELLS YOU THAT LEE TOOK THE WAGONS FOLLOWED ON OUT	TELLS YOU THAT LEE LED THE WAGONS OUT WITH THE CHILDREN IN THEM;; THE WOMEN FOLLOWING THE WAGONS, AND THE MEN OF THE EMIGRANT TRAIN BRINGING UP THE REAR. THAT HE CONDUCTED THEM BY WHERE THE TROOPS WERE	HE TELLS YOU THAT LEE LED THE WAGONS OUT WITH THE CHILDREN IN THEM, THE WOMEN FOLLOWING THE WAGONS AND THE MEN OF THE EMIGRANT TRAIN BRINGING UP THE REAR; THAT HE CONDUCTED THEM BY WHERE THE TROOPS WERE
TRAVELED SOME 50 YARDS FROM WHERE HE WAS *STAYED/STOOD*[?] THERE THE TROOPS.	TRAVELED SOME 50 YARDS FROM WHERE HE WAS STATIONED WITH THE TROOPS	STATIONED, WITHIN 50 YARDS OF WHERE SMITH STOOD IN THE RANKS, GOING SO THAT THE SOLDIERS WERE TO THE RIGHT OF THE PEOPLE; SO THAT**,** AS THE	STATIONE~~S~~D WITHIN 50 YARDS OF WHERE SMITH STOOD IN THE RANKS, GOING SO THA T THE SOLDIERS WERE TO THE RIGHT OF THE PEOPLE, SO THAT AS THE ~~STREETS~~ *[42]*

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RS	PS	RT	BT
		TROOPS CLOSED UP**,**	TROOPS CLOSED UP
HE STAYED NEAR HEAD OF LINE AND THAT AS THE SOLDIERS *STOOD*[?] *SO*[?] HE IS CLOSE *THEN THE*/—[?] EMIGRANTS WENT DIAGONALLY ACROSS STRIKING ROAD BEFORE THEM AND THAT LEE KEPT RIGHT ALONG WITH THE WAGONS AND HE SAW LEE UPON THE FIELD NO MORE.	AND LEE STAYED NEAR THE HEAD OF THE LINE AND THESE SOLDIERS STAYED NEAREST THEM EMIGRANTS WENT DIAGONALLY ACROSS STRIKING THE ROAD BEFORE THEM AND THAT LEE KEPT RIGHT ALONG WITH THE WAGONS AND THAT HE SAW LEE UPON THE FIELD NO MORE	THE EMIGRANTS WENT DIAGONALLY ACROSS THE FIELD STRIKING THE ROAD ABOVE. THAT LEE KEPT ALONG WITH THE WAGONS. THAT HE SAW HIM UPON THE MEADOWS NO MORE, AND THIS FROM THE MAN WHO TELLS YOU THAT HE STOOD IN THE RANKS WITHOUT OBJECTION AND SHOT HIS MAN BY REASON OF HIS DESIRE TO DO SO. HE TELLS YOU THAT HE WAS FORCED TO ACT. IF THIS BE TRUE WHY WAS YOUNG, POLLOCK,	THE EMIGRANTS WENT DIAGONALLY ACROS THE FIELD, STRIKING THE ROAD ABOVE~~.~~**;** THAT LEE KEPT ALONG WITH THE WAGONS , THAT HE SAW HIM UPON THE MEADOWN NO MORE, AND THIS IS FROM THE MAN WHO TELL S YOU THAT HE STOOD IN THE RANKS WITHOUT OBJECTION AND SHOT HIS MAN BY REASON OF HIS DESIRE TO DO SO. HE TELLS YO~~J~~U THAT HE WAS FORCED TO ACT. IF THIS BE TRUE, WHY WAS YOUNG, POLLOCK,
HE SAYS I STAYED IN THE RANKS WITHOUT OBJECTION BECAUSE REFUSING TO DO SO WOULD DO NO GOOD.	*[[31]]* HE SAYS I STAYED IN THE RANKS WITHOUT OBJECTION BECAUSE REFUSING TO DO SO WOULD DO NO GOOD		
HOW DOES IT COME OLD MAN YOUNG, THAT POLLOCK, AND THAT WHITE,	HOW DOES IT COME OLD MAN YOUNG THAT POLLOCK THAT WHITE		

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RS	PS	RT	BT
AND THE MUSTANG ONE FIFTH OF ENTIRE CROWD WERE PERMITTED TO STAND UP ON HILL SIDE OUT OF THE WAY. AND K SMITH WAS FORCED INTO THE RANKS WHY YOU DON'T BELIEVE A WORD OF WHAT HE SAYS HE STARTS OUT OPENING STATEMENT OF MY FRIEND CAREY WAS HE SHOULD PROVE AT THE WORD FIRE JOHN D. LEE WAS IN COMMAND OF THE TROOPS UPON FIELD THEY PROVED BY THIS MAN SMITH THAT HIGBEE GAVE THE ORDERS TO FIRE SO THE OPENING STATEMENT OF COUNSEL	AND THE MUSTANG 1/5 OF ENTIRE CROWD WERE PERMITTED TO STAND UP ON THE HILLSIDE OUT OF THE WAY BUT SMITH WAS FORCED INTO THE RANK WHY YOU DON'T BELIEVE A WORD OF WHAT HE SAYS [*space*] STARTS OUT THE OPENING STATEMENT OF MY FRIEND CAREY WAS THAT HE SHOULD PROVE THAT AT THE WORD FIRE JOHN D. LEE WAS IN COMMAND OF THE TROOPS UPON THE FIELD THEY PROVED ~~THAT THIS~~ BY THIS MAN SMITH THAT HIGBEE GAVE THE ORDERS TO FIRE SO THE OPENING STATEMENT OF COUNSEL	T**HE** MUSTANG, IN FACT A FIFTH OF THOSE HE CALLS TROOPS, PERMITTED TO BE ABSENT, OUT OF LINE, OUT OF SERVICE**?** YOU DO NOT BELIEVE HE WAS FORCED TO ACT AT ALL.. MY FRIEND CAREY TOLD YOU IN HIS OPENING ADDRESS THAT JOHN D. LEE WAS IN COMMAND OF THE TROOPS ON THE FIELD. KLINGENSMITH, THE MAINSTAY OF THE PROSECUTION, SAYS HIGBEE WAS IN COMMAND AND GAVE THE ORDER TO FIRE.	THE MUSTANG—IN FACT A FIFTH OF THOSE HE CALLS TROOPS PERMITTED TO ABSENT OUT OF LINE AND OUT OF SERVICE? YOU DO NOT BELIEVE HE WAS FORCED TO ACT AT ALL. MY FRIEN~~T~~D CAREY TOLD YOU IN HIS OPENING ADDRESS THAT JOHN D. LEE WAS IN COMMAND OF THE TROOPS ON THE FIELD. KLINGENSMITH THE MAIN STAY OF THE PROSECUTION, SAYS HIGBEE WAS IN CO MMAND AN~~T~~D GAVE THE ORDER TO FIRE.

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RS	PS	RT	BT
SHOWS PREVIOUS CONVERSATION HE HAD HAD WITH HIS WITNESS FAILED TO INFORM HIS MIND UPON THAT SUBJECT. ~~≤~~?~~≥~~. HE WAS HONESTLY MISTAKEN. HE EXPECTED TO BE ABLE TO PROVE BY THIS MAN SMITH LEE ACTUALLY WAS THE COMMANDER THERE HE WAS NOT ONLY COMMANDER THERE[532] BUT DRESSED IN FULL REGIMENTALS AND IN ADDITION TO THAT PAINTED LIKE INDIAN	SHOWS THAT THE THE PREVIOUS CONVERSATION THAT HE HAD HAD WITH THIS WITNESS FAILED TO INFORM HIS MIND UPON THAT SUBJECT HE WAS HONESTLY MISTAKEN HE EXPECTED TO BE ABLE TO PROVE BY THIS MAN SMITH THAT LEE ACTUALLY WAS THE COMMANDER THERE NOT ONLY COMMANDER BUT DRESSED IN FULL REGIMENTALS IN ADDITION TO THAT PAINTED LIKE AN INDIAN	THIS PROVES THAT THE WITNESS HAD MISINFORMED TH~~A~~E COUNSEL. FOR I BELIEVE THAT MY ~~FREIDN~~ FRIEND CAREY WAS ~~HONEST IN~~ HONESTLY MISTAKEN UPON THIS QUESTION. HE DID EXPECT THAT KLINGENSMITH *[49]* WOULD SWEAR THAT JOHN D. LEE WAS THE COMMANDER OF THE TROOPS AND THAT HE GAVE THE ORDERS OF ATTACK**,** ALSO**,** THAT LEE WAS DRESSED IN FULL REGIMENTALS, PAINTED AS AN INDIAN,	T HIS PRO~~O~~VES THAT THE WITNESS HAD MISINFORMED THE COUNSEL FOR I BELIEVE MY FRIEND CAREY WAS HO~~M~~NESTLY MISTAKEN UPON THIS QUESTION. HE DID EXPECT TH~~Z~~**A**T KLINGENSMITH WOULD SWEAR THAT JOHN D. LEE WAS THE COMMANDER OF THE TROOPS, AND THAT HE GAVE THE ORDERS OF A~~R~~TTACK. ALSO THAT LEE WAS DRESSED IN FULL REGIMENTALS, PAINTED AS **AN** INDIAN,

532. Word apparently added later.

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RS	PS	RT	BT
HAD BOW AND ARROW SPEAR AND A GUN SWORD AND A HORSE AND LEGION OF INFANTRY OBEY HIS COMMANDS NOT SO LEE WAS OFF THE FIELD NOT IN SIGHT SO THE VERY WITNESS TESTIFIES VERY WITNESS THAT THEY PLACED UPON THE STAND PUTS LEE OUT OF SIGHT	AND [*space*] ~~≤~~WORE HIS SWORD AND GUN~~≥~~ LEGION OF INFANTRY [*space*] ~~A[?]~~ THERE TO OBEY HIS COMMANDS NOT SO LEE WAS OFF THE FIELD NOT IN SIGHT SO THE VERY WITNESS TESTIFIES PUTS LEE OUT OF SIGHT	WITH BOW FIRMLY STRUNG, QUIVER FULL OF ARROWS, AND A SPEAR REEKING WITH BLOOD. HE RUSHED AT THE HEAD OF THE COLUMN OF WELL ORDERED AND PERFECTLY EQUIPPED INFANTRY TO THE WORK OF DEATH, WHILE WELL CHOSEN CAVALRY STOOD WAITING TO CAPTURE AND DESTROY THOSE WHO ESCAPED FROM THE INFANTRY ATTACK. HOW SADLY HE WAS MISTAKEN IN ALL THIS. LEE WAS NOT IN COMMAND. HE WAS NOT ON THE FIELD, NOT IN SIGHT OF THE TRAJEDY. EVERY WITNESS FOR THE PROSECUTION PROVES THAT JOHN D. LEE WAS ABSENT FROM THE FIELD AND	WITH BROW FIRMLY STRUNG, QUIVER FULL OF ARROWS AND SPEAR WREAKING WITH BLOOD; HE RUSHED AT THE HEAD OF THE COLUMN OF WELL ORDERED AND PERFECTLY EQUIP~~ED~~**ED** INFANTRY TO THE WORK OF DEATH, WHILE WELL CHOSEN CAVELRY STOOD WAIT**I**NG TO CAPTURE ~~W~~THOSE WHO ESCAPED FROM THE INFANTRY ATTACKED. HOW SA~~X~~DLY HE WAS MISTAKEN IN ALL THIS ! LEE WAS NOT IN COMMAND; HE WAS NOT ON~~T~~ THE FIELD; NOT INSIDE OF THE TRAGEDY. EVERY WITNESS FOR THE PROSECUTI~~O~~N PROVES THAT JOHN D. LEE WAS ABSENT FROM THE FIELD AND

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RS	PS	RT	BT
AND PERFORMING AN ACT OF MERCY AT THE TIME THE CARNAGE TOOK PLACE.	PERFORMING AN ACT OF MERCY AT THE TIME THE CARNAGE TOOK PLACE [*space*]	NEVER HAD COMMAND OF ANY TROOPS OR BODY OF MEN, BUT ON THE CONTRARY ALL THE EVIDENCE SHOWS HIM TO HAVE BEEN ENGAGED IN AN ACT OF MERCY AT THE TIME, SAVING THE CHILDREN FROM SAVAGE FURY, AND CARRYING THEM TO A PLACE OF SAFETY.	NEVER HAD COMMAND OF ANY TROOPS **OR** ~~OF~~ BODY OF MEN; ON THE CONTRA~~Y~~RY ALL THE EVIDENCE SHOWS HIM TO H~~Q~~AVE BEEN ENGAGED IN AN ACT OF ME~~C~~RCY AT THE TIME— SAVING THE CHILDREN FROM ~~SAGA~~ SAVAGE FURY AND CONVEYING THEM TO A PLACE OF SAFETY.
SMITHS SAYS HE THINKS HE FETCHED HIS MAN HE SHOT AND KILLED YES THE PRINCIPLE OF CRUELTY IS SO LARGELY DEVELOPED IN THAT MAN HE WOULD KILL A PERSON RATHER THAN TO LIFT HIS GUN SHOOT OVER THEIR HEAD.	SMITH SAYS HE THINKS FETCHED HIS MAN HE SHOT TO KILL NOTE THE PRINCIPLE OF CRUELTY IS SO LARGELY DEVELOPED IN THAT MAN THAT HE WOULD KILL A PERSON RATHER THAN TO LIFT HIS GUN AND SHOOT OVER THEIR HEAD [*space*]	KLINGENSMITH ADMITS THAT HE DID KILL HIS MAN. NO RAISING OF HIS GUN AND NO SHOOTING OVER THE HEADS OF THE UNFORTUNATES ; BUT HIS NATURAL DESIRE TO ACT	KLINGENSMITH ADMITS THAT HE DID KILL HIS MAN. NO RAISING OF HIS GUN, NO SHOOTING OVER THE HEADS OF THE UNFOR~~U~~T~~I~~NATE, BUT HIS NATURAL DESIRE TO ACT

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RS	PS	RT	BT
		THE ASSASSIN PROMPTED HIM TO FIRE ~~THE~~ **A** FATAL SHOT.	THE ASSASSIN PROMPTED HIM TO FIRE *[43]* A FATAL SHOT.
I BELIEVE ONLY THING I AM AFRAID OF IS AN ASSASSIN	I BELIEVE THE ONLY THING ON EARTH THAT I AM AFRAID OF IS AN ASSASSIN *BUT/AND*[?] I WILL TELL YOU	ALL MEN FEAR ASSASSINS,	ALL MEN FEAR ASSASSINS,
I WOULD BE AFRAID TO LIVE IN COMMUNITY WITH SMITH {AND}[i] LET HIM CATCH ME OUT I EXPECT HE WOULD KILL ME TO SEE HOW IT WOULD *SEEM/SL*[?] *[[3]]* *AGAIN*/—[?] TO SEE HOW HE WOULD INITIATE HIMSELF IN HIS OLD PATHS.	THAT I WOULD BE AFRAID TO LIVE IN THE SAME COMMUNITY WITH SMITH AND BE OUT ALONE [*space*] INITIATE HIMSELF INTO HIS OLD CRIMINAL PRACTICES [*space*]	SO, ALL MEN FEAR THIS WITNESS, BOTH AS ONE LIABLE TO ASSASSINATE HIS FELLOW MAN BY STEALTH, OR ~~;~~**,** TO PROCURE HIS CONVICTION BY COOL PREMEDITATED	SO ALL MEN FEAR THIS WITNESS, BOTH AS ONE LIABLE TO ASSASSINATE HIS FELLOW MAN BY STEALTH OR TO PROCURE HIS VONVICTION BY COOL PREMEDITATED

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RS	PS	RT	BT
		PLANNING AND PERJURY.	PLANNING AN~~I~~D ~~L~~PERJURY.
WHERE IS EVIDENCE	WHERE IS EVIDENCE THEN GENTLEMEN	WHERE IS THE EVIDENCE	WHERE IS THE EVIDENCE
SHOWS LEE KILLED ANYBODY? THERE IS NO EVIDENCE OF IT. FAR FROM IT. HE DOES	THAT SHOWS THAT LEE KILLED ANYBODY THERE IS NO EVIDENCE OF IT FAR FROM IT DOES	THAT JOHN D. LEE ~~EVR~~ EVER TOOK HUMAN LIFE ? IT IS NOT BEFORE YOU. FAR FROM IT.	THAT JOHN D. LEE EVER TOOK HUMAN LIFE? IT IS NOT BEFORE YOU— FAR FROM IT.
TAKE THE CHILDREN, CARRIES THEM	TAKE THE CHILDREN AND CARRIES THEM	HE TAKES THE CHILDREN, CARRIES THEM AT THE RISK OF HIS OWN LIFE	HE TAKES THE CHILDREN, CARRIES THEM AT THE RISK OF HIS OWN LIFE
TO HAMBLIN'S RANCH. HE IS NOT SEEN UPON THE FIELD ANY MORE; NOT EVEN NEXT DAY WHEN	TO HAMBLIN'S RANCH SEEN NOT UPON THE FIELD ANY MORE NOT THERE NEXT DAY WHEN	TO HAMBLINS RANCH**,** AND IS NO MORE UPON THE FIELD AT MOUNTAIN MEADOWS; NOT EVEN THE NEXT DAY, WHEN THE PEOPLE ARE	TO **H**AMBLINS RANCH, AND IS NO MORE ~~U~~UPON THE FIELD OF MOUNTAIN MEADOWS NOT EVEN THE NEXT DAY WHEN THE PEOPLE ARE
BURYING DEAD		BURYING THE DEAD DO WE HEAR OF JOHN D. LEE BEIND IN THE	BURYING THE DEAD, DO WE HEAR OF ~~J~~JOHN D. LEE BEING **IN** ~~IN~~ THAT
NOT EVEN NEXT DAY WHEN		VICINITY. NOT THERE WHEN	VICINITY. NOT THERE WHEN ~~JK LG~~
SMITH IS	SMITH IS	KLINGENSMITH IS SUP- *[50]* ERINTENDING THE GATHERING UP AND REMOVAL OF THE SPOIL. [*space*]	KLINGENSMITH IS SUPERINTENDIN G THE GATHERING UP AND REMOVAL OF THE SPOILS.

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RS	PS	RT	BT
~~<~~*SAID/SET*[?]	SEARCHING WAGONS		
TO~~>~~ TAKE CHARGE OF WAGONS AND AT WORK LOOKING THROUGH REMAINS INDIANS HAD LEFT SEEING IF THEY COULD NOT FIND SOMETHING THEY HAD LEFT THERE PAY HIM FOR HIS CRIMINAL ACTS AND PRACTICES. LEE WAS NOT THERE. THEY TOLD YOU THEY WERE GOING SHOW YOU SOMETHING ABOUT MONEY THAT TRAIN HAD THEY FOUND OUT IF THERE WAS ANY MONEY ON THAT TRAIN THEY FOUND OUT SMITH STOLE IT. WHATEVER MONEY SMITH STOLE ON THAT OCCASION HE SPENT IT LONG	TAKING CHARGE OF THEM WHEN SMITH IS AT WORK LOOKING THROUGH THE REMAINS THAT INDIANS HAD LEFT SEEING IF HE COULD NOT FIND SOMETHING THERE TO PAY HIM FOR CRIMINAL ACTS AND PRACTICES [*space*] TOLD YOU SHOW SOMETHING ABOUT MONEY THAT TRAIN HAD NOW THEN FOUND OUT IF THERE WAS ANY MONEY ON THAT TRAIN THAT SMITH STOLE IT AND THEY *[[32]]* CAN'T TRACE IT THAT IS ONE THING THAT HE WILL NOT [*space*] TELL	YOU WERE PROMISED EVIDENCE CONERNING THE MONEY BELONGING TO THE TRAIN; THAT EVIDENCE HAS NOT BEEN PRODUCED. IF THERE WAS ANY MONEY BELONGING TO THE TRAIN THE PRESUMPTION IS THAT KLINGENSMITH STOLE IT AND CONVERTED IT TO HIS OWN INDIVIDUAL AND BASE USES. BY THE	YOU WERE PROMISED EVIDEN~~C~~E CONSERNING THE MONEY BELONGING TO THE TRAIN. THAT EVIDENCE HAS NOT BEEN PRODUCED. IF THERE WAS MONEY BELONGING TO THE TRAIN, THE PRE~~S~~SUMPTION WAS THAT KLIGENSMITH STOLE IT AND C ONVERTED IT TO HIS O~~E~~WN ~~AND~~ BASE USES. BUT~~HE~~ **IN THE**

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RS	PS	RT	BT
AGO CONSEQUENTLY HE SWEARS HE NEVER SAW A DOLLAR	MY BROTHER CAREY SWEARS HE NEVER SAW A DOLLAR IN KEEPING WITH HIS OTHER CONDUCT	EVIDENCE	EVIDENCE
BECAUSE HE IS THE ONLY WHITE MAN THEY CAN'T GIVE ANY IDEA OF BEING		HE IS THE ONLY WHITE MAN	HE IS THE ONLY WHITE MAN
AROUND TRAIN HAVING CHARGE OF ~~ANY~~ ALL THEIR THINGS.		SHOWN TO HAVE CONTROL OF THE PROPERTY AND EFFECTS OF THOSE UNFORTUNATE BEINGS SO WE NATURALLY CONCLUDE	SHOWN TO HAVE CONTROLL OF THE PROPERTY A ND EFFECTS OF THOSE UNFORTUNATE BEINGS; SO WE NATURALLY CONCLUDE
	IF THERE WAS MONEY ON THAT TRAIN SMITH STOLE IT [*space*]	THAT IF THERE WAS MONEY THERE KLINGENSMITH STOLE IT ALL.	IF THERE WAS MONEY THERE KLINGENSMITH STOLE IT AL~~L~~.
THEN YOU WERE TOLD ANOTHER THING IN OPENING IN THIS CASE. *WOULD*[?]	THEN YOU ARE TOLD ANOTHER THING IN OPENING OF THIS CASE MAY	YOU WERE ALSO TOLD BY THE PROSECUTION	YOU ARE ALSO TOLD BY THE PROSECUTION
SUFFICE YOU TO THINK THIS WAS PECULIAR KIND	YOU THINK THIS IS PECULIAR KIND OF		
TRANSACTION THE PEOPLE OF THE TOWN CEDAR CITY THROUGH THAT	TRANSACTION IF THE PEOPLE DOWN AROUND CEDAR CITY COMMITTED	THAT THE PEOPLE OF CEDAR CITY COMMITTED	THAT THE PEOPLE AT CEDAR CITY COMMITTED

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RS	PS	RT	BT
GO THERE FOR THE PURPOSE OF OBTAINING PROPERTY THESE EMIGRANTS HAD. *MATTER*/— [?] *OF*[?] *TIME/TM*[?] JUSTICE SO	THIS MASSACRE FOR THE PURPOSE OF OBTAINING PROPERTY ~~IF *HE/THEY*~~[?] [*space*] I WANT JURY TO KNOW IF SUCH A THING AS THAT WAS *NO ACCIDENT*[?] [*space*]	THE MASSACRE FOR THE PURPOSE OF OBTAINING THE PROPERTY OF THE EMIGRANTS.	THE MASSACRE FOR THE PURPOSE OF OBTAINING THE PROPERTY OF THE EMIGRANTS.
{I}[i] TRIED TO PROVE THAT WAS SO BY SMITH I ASKED HIM IN CROSS EXAMINATION		WE MADE AN EFFORT TO PROVE THAT BY KLINGENSMITH, IN CROSS-EXAMINATION, BUT HE STOUTLY DENIED THE FACT, AND SAID	WE MADE AN EFFORT TO PROVE THAT BY KLINGENSMITH IN CROSS-EXAMIN~~I~~ATION, BUT HE STOUTLY DENIED THE FACT, AND SAID
IF HE[533] EVER HEARD ANYBODY IN ANY COUNCILS SPEAK OF TAKING {THE}[i] PROPERTY	IF HE EVER HEARD ~~ANYTHING~~ SAID IN COUNCILS SPEAK OF THAT PROPERTY	HE NEVER HEARD ANY ONE SPEAK IN COUNCIL OR ELSEWHERE OF TAKING THE PROPERTY BELONGING TO THE	HE NEVER HEARD ANYONE SPEAK IN COUNSEL OR ELSEWHERE OF TAKING THE PROPERTY BELONGING TO THE
THESE EMIGRANTS HAD OR SPEAK OF THAT PROPERTY AS {THE}[i] REASON WHY THESE	AS REASON WHY	EMIGRANTS' MY FRIEND CAREY TELLS YOU THAT TO OBTAIN THE PROPERTY THE	EMIGRANTS. MY FRIEND CAREY TELLS YOU THAT TO OBTAIN THIS PROPERTY THE
EMIGRANTS SHOULD BE KILLED.	EMIGRANTS SHOULD BE KILLED	PEOPLE KILLED THE EMIGRANTS.	PEOPLE KILLED THE EMIGRSNTS.

533. Word apparently added later.

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RS	PS	RT	BT
SAYS HE NEVER HEARD WORD ABOUT {THE}[i] PROPERTY OF EMIGRANTS NEVER HEARD THAT MENTIONED. IN A COUNCIL NEVER HEARD ANYBODY SPEAK OF IT AND NEVER THOUGHT OF SUCH A THING AS PROPERTY BEING REASON FOR KILLING EMIGRANTS. THERE GOES THAT PORTION OF THEIR BUNKUM STATEMENT.	NEVER HEARD WORD OF THE PROPERTY OF EMIGRANTS NEVER HEARD THAT MENTIONED IN A COUNCIL NEVER THOUGHT OF SUCH A THING AS THE PROPERTY BEING THE REASON FOR THEIR KILLING THE EMIGRANTS AND THERE GOES THAT PORTION OF THEIR BUNK STATEMENT	KLINGENSMITH SAYS IT I~~Z~~S NOT SO. HE NEVER HEARD A WORD SAID ABOUT THE PROPERTY OF THE EMIGRANTS; NEVER HEARD THE SUBJECT MENTIONED IN COUNCIL. NEVER HEARD A PERSON SPEAK OF IT, AND THAT HE NEVER HAD AN IDEA THAT THE PROPERTY WAS THE CAUSE OF THE PEOPLE BEING MASSACRED. SO MUCH FOR THAT PART OF THE STATEMENT OF THE PROSECUTION. IT WAS MADE FOR EFFECT, AND RECOILS UPON THEIR OWN HEADS.	KLINGENSMITH SA~~U~~YS IT ISNOT SO,- HE NE~~I~~VER HEARD A WORD ABOUT **THE** PROPERTY OF THE EMIGRANTS— NEVER HEARD THE SUBJECT ~~N~~MENTIONED IN COUNSEL: NEVER HEARD A PERSON SPEAK OF IT AND HE NEVER HAD AN IDEA THAT THE PROPERTY WAS THE CAUSE OF THE PEOPLE BEING MASSACRED. SO MUCH FOR THAT PART OF THE STATEMENT OF THE PROSECUTION. IT WAS MADE FOR EFFECT AND RECOILS UPON THEIR OWN HEADS.
SAYS HE NEVER HEARD MENTION OF PROPERTY OF EMIGRANTS IN COUNCIL	SAYS HE NEVER HEARD THE QUESTION ABOUT THE OF PROPERTY OF EMIGRANTS MENTIONED IN A COUNCIL		

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RS	PS	RT	BT
NEITHER ON THE FIELD NEVER HEARD OF IT. NEXT THING HE PASSES TO HE SAYS NO INDIANS AROUND CEDAR CITY PREVIOUS TO THIS KILLING EXCEPTING A FEW THAT LIVED THERE ON COAL CREEK. AND THAT WHEN HE GOT TO THE FIELD OF BATTLE HE SAW NO INDIANS AROUND THERE UNTIL THE TIME OF CONFLICT EXCEPT ONE OR 2[534] *[[4]]* THEN HE SAW MAYBE 20 OR 30. THE EVIDENCE FOR THE	NOR ON THE FIELD NEITHER ONE NEVER HEARD OF IT THEN THE NEXT THING THAT HE SPEAKS ABOUT IS THAT NO INDIANS AROUND CEDAR CITY PREVIOUS TO THIS KILLING EXCEPT A FEW THAT LIVED THERE ON COAL CREEK AND THAT WHEN HE GOT TO THE FIELD OF BATTLE HE SAW NO INDIANS AROUND THERE UNTIL THE TIME OF THE CONFLICT EXCEPT ONE OR TWO THEN HE SAW MAYBE 20 OR 30 THE EVIDENCE FOR THE	NEXT, CAREY TELLS YOU, AND KLINGENSMITH ECHOES THE STATEMENT, THAT NO INDIANS WERE AROUND CEDAR CITY PREVIOUS TO THIS MASSACRE, EXCEPT A FEW WHO LIVED ON CORN CREEK. THAT WHEN THE WHITES GOT TO THE *[51]* FIELD OF BATTLE THERE WERE NO INDIANS AROUND THE MEADOWS. NONE THERE UNTIL THE TIME OF THE ATTACK EXCEPT ONE OR TWO, THEN HE ADMITS THAT HE SAW PERHAPS TWENTY OR THIRTY. THIS IS ALL DISPROVED BY EVIDENCE OF THE	*[44]* NE~~S~~XT CARY TELLS YOU AND KLINGENSMITH ECHOES THE STATEMENT THAT NO INDIANS WERE AROUND CEDAR CITY EXCEPT A FEW WHO LIVED ON COAL CREEK. THAT WHEN THE WHITES GOT TO THE FI~~R~~ELD OF BATTLE THERE WERE NO INDIANS ~~R~~AROUND THE MEADOWS,- NONE THERE UNTIL THE TIME OF THE ATTACK EXCEPT ONE O~~T~~R TWO. THEN HE ADMITTS TH AT HE SAW PERHAPS 20 OR 30. BUT THIS IS ALL DISPROVED BY EVIDENCE OF THE

534. At the bottom of the page: 422 WORDS ON THIS PAGE)422(.

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RS	PS	RT	BT
PROSECUTION SHOWS THEY CAN'T DENY IT NO RIGHT TO DISPUTE IT OR QUESTION IT	PROSECUTION SHOWS THEY CAN'T DENY IT NO RIGHT TO DISPUTE IT OR QUESTION IT	PROSECUTION, **1T** CANNOT BE DISPUTED, THAT THE PROSECUTION HAS PROVEN BY THE MASS OF ITS WITNESSES	PROSECUTION. IT CAN NOT BE DISPUTED THAT THE PROSECUTION HAS PROVEN BY THE ~~MASS~~ **MOST** OF ITS WITNESSES
THAT THE INDIANS WERE FIRING UPON THE EMIGRANTS AT THE TIME THAT SMITH WENT UPON THE FIELD THAT THEY KEPT UP THEIR FIRING AT IRREGULAR INTERVALS FROM THAT TIME UNTIL MORNING BEFORE MASSACRE.	THAT THE INDIANS *WERE*[?] FIRING UPON THE EMIGRANTS AT THE TIME THAT SMITH WENT UPON THE FIELD THAT THEY KEPT UP THEIR FIRING AT IRREGULAR INTERVALS FROM THAT TIME UNTIL MORNING BEFORE MASSACRE	THAT THE INDIANS WERE FIRING UPON THE EMIGRANTS WHEN KLINGENSMITH ARRIVED AT THE MEADOWS. THAT THEY KEPT UP THEIR FIRING AT REGULAR INTERVALS FROM THAT TIME UNTIL EARLY IN THE MORNING OF THE DAY THE MASSACRE WAS COMMITTED.	THAT THE INDIANS WERE FIRING UPON THE EMIGRANTS WHEN KLINGENSMITH ARRIVED ~~T~~AT THE MEADOWS; THAT THEY KEPT UP THEIR FIRING AT REGULAR INTERVALS FROM TH~~E~~AT TIME UNTIL EARLY OF THE MORNING OF THE DAY THE MASSACRE WAS COMMITTED.
YET SMITH NEVER HEARD OR SAW ANY SMITH SAW NO INDIANS DURING ALL THIS TIME THERE IS ANOTHER	YET SMITH NEVER HEARD A SHOT AND SMITH SAW NO INDIANS DURING ALL THIS TIME THERE IS ANOTHER	YET THIS WITNESS KLINGENSMITH TELLS YOU HE NEVER HEARD A SHOT FIRED, SAW NO INDIANS DURING THE TIME HE WAS THERE. FALSE AS THIS	YET THIS WITNESS,KLING ENSMITH, TELLS YOU HE NEVER HEARD A SHOT FIRED; SAW NO INDIANS DURING THE TIME HE WAS THERE. FALSE IN THIS

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RS	PS	RT	BT
THING HE FAILED TO AGREE WITH OTHER WITNESSES UPON PREVIOUS TO TESTIMONY HE IS DETERMINED TO BE CHIEF IN EVERY THING IN VIRTUOUS ACTION AS WELL AS IN FELONIOUS PROJECTS AND HE SAYS HE WAS DIRECTED TO GO TAKE CHARGE OF CHILDREN. MY GOD WHO WOULD BELIEVE THAT ANY MAN EVER EXISTED THAT WOULD PLACE THAT MAN IN CHARGE OF 17 LITTLE CHILDREN. ⪦?⪧ *FR/VR*[?] *LOWLY*[?]	THING THAT HE FAILED TO AGREE WITH OTHER WITNESSES UPON PREVIOUS TO THEIR TESTIMONY HE IS DETERMINED TO BE THE CHIEF AND IN EVERYTHING IN VIRTUOUS ACTS AS WELL AS DIABOLICAL ACTS [*space*] SAYS THAT HE ~~WOULD BE~~ WAS DIRECT TO GO AND [*space*] MY GOD WHAT HUMAN BEING EVER EXISTED THAT WOULD PLACE THAT MAN IN CHARGE OF 17 LITTLE CHILDREN	AS HE IS FALSE IN ALL, YET TO IMPRESS YOU WITH HIS IMPORTANCE, TO MAKE YOU BELIEVE HIM A LEADER IN EVERYTHING, HE TELLS YOU HE WAS SELECTED TO TAKE CHARGE OF THOSE INNOCENT, ORPHANED CHILDREN. MY GOD! IS IT POSSIBLE THAT HUMAN DEPRAVITY COULD GO SO FAR AS TO PROMPT ANY ONE IN THE SEMBLANCE OF HUMANITY TO PLACE THAT MONSTER IN CHARGE OF SEVENTEEN HELPLESS BABES. ? GENTLEMEN OF THE JURY, CAN YOU IMAGINE THE TERRORS	AS HE IS FALSE IN ALL; YET TO IMPRESS YOU WITH HIS IMPORTANCE ,- ~~YET TO IMPRESS YOU WITH~~ TO MAKE YOU BELIEVE HIM A LEADER IN EVERYTHING, HE TELLS YOU HE WAS SELECTED TO TAKE CHARGE OF THOSE INNOCENT CHILDREN. MY GOD! IS IT POSSIBLE TH~~Z~~AT HUMAN DEPRAVITY COULD GO SO FAR AS TO PROMPT ANYONE IN THE SEMBLANCE OF HUMANITY TO PLACE THAT MONSTER IN CHARGE OF I7 HELPLESS BABES? GENTLEMEN OF THE JURY, CAN YOU I~~N~~MAGINE THE TERROR

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RS	PS	RT	BT
WHY YOU WOULD NOT TRUST YOURSELVES WITH HIM MUCH LESS INNOCENT ≤ORPHANED≥ CHILDREN	WHY YOU WOULD NOT TRUST YOURSELVES WITH HIM MUCH LESS AN INNOCENT CHILD	OF THE SITUATION THAT WOULD CAUSE YOU, OR ONE OF YOU TO TRUST ONE OF YOUR INNOCENT OFFSPRING TO THE TENDER MERCY AND PROTECTING CARE OF SUCH A WRETCH ? MUCH LESS WOULD YOU PLACE HIM IN A CHARGE OF A NUMBER OF NEW MADE ORPHANS,	OF THE SITUATION~~?!~~**,** THAT WOULD CAUSE ~~U~~YOU OR ~~N~~ANYONE OF YOU TO TRUST ONE OF YOUR INNOCENT OFFSPRING TO THE TENDER MERCY AND PROTECTING CARE OF SUCHA WRETCH**!**~~?~~ MUCH LESS ~~Y~~WOULD YOU PLACE HIM IN CHARGE OF A NUMBER OF NEW MADE **ORPHANS** ~~ORFANTS~~,
UNLESS YOU EXPECT HIM TO ACT THE PART OF HEROD'S MESSENGER AND KILL ALL THE CHILDREN.	UNLESS YOU EXPECTED HIM TO ACT THE PART OF HEROD'S MESSENGER AND KILL ALL THE CHILDREN	UNLESS YOU WISHED AND EXPECTED HIM TO ACT THE PART OF HEROD'S MESSENGER, AND KILL ALL THE CHILDREN TO MAKE THE WORK OF DEATH COMPLETE.	UNLESS YOU WISH**ED** AND EXPECTED HIM TO ACT THE PART OF HERODS MESSENGER AND KILL ALL THE CHILDRE~~J~~**N** TO MAKE THE WORK OF DEATH COMPLETE.
NO HE NEVER WAS SELECTED AS	NO HE NEVER WAS SELECTED AS	HE NEVER WAS SELECTED	HE NEVER WAS SELECTED TO TAKE INNOCENT CHILDREN TO

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RS	PS	RT	BT
			A PLACE OF SAFETY. ~~HE VEN~~ HE NEVER WAS SE~~N~~LECTED TO ACT THE PART OF SUCH AN ANGEL OF MERCY. HE NEVER WAS SE~~C~~LECTED TO ~~E~~TAKE CARE OF AND
A MESSENGER	A MESSENGER	TO ACT THE PART OF SUCH AN ANGEL OF MERCY. HE NEVER WAS SELECTED TO	
TO TAKE INNOCENT {CHILDREN}[i] TO A PLACE OF SAFETY	TO TAKE INNOCENT CHILDREN TO A PLACE OF SAFETY	TAKE CARE OF AND	
AND KEEP THEM ALIVE;	AND KEEP THEM ALIVE *[[33]]*	KEEP ALIVE ANY CHILDREN NO, NEVER,	KEEP ALIVE ANY CHILDREN.—NO NEVER —
NOT ANY ON EARTH. BUT HOW NICELY HE DOES ≤TELLS STORY AND≥ MANAGE THE THING	NEVER ON EARTH BUT HOW NICELY HE DOES MANAGE THETHING	NEVER UPON EARTH. BUT HOW CLEVERLY HE RECITES HIS ACTS *[52]* AND DOINGS, HOW PLAUSIBLE HIS STORY.**!**	NEVER UPON EARTH! BUT HOW CLEVERLY HE RECITES HIS ACTS AND DOINGS,- HOW PLAUSABLE HIS STORY.
HE SAYS THERE WAS 5 OR 6 SMALL ONES. HE GOT HOMES FOR THEM ALL.	SAYS FIVE OR 6 OF THESE SMALL ONES	HE SAYS THERE WERE FIVE OR SIX SMALL ONES**,** HE GOT HOMES FOR THEM ALL , FOR ALL OF THE SEVENTEEN CHILDREN , BUT	HE SAYS THERE WERE FIVE *[45]* OR SIX SMALL ONES. HE GOT HOMES FOR THEM ALL — FOR ALL OF THE I7 CHILDREN, BUT
	CAN'T TELL WHO HE *WENT*[?] GAVE *THEM/THEY*[?] *CAME/K*[?]	CAN RECOLLECT	CAN RECOLLECT
CAN'T			

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RS	PS	RT	BT
RECALL BUT 5 PEOPLE THAT TOOK THE CHILDREN.		ONLY FIVE ~~CHILDREN~~ PEOPLE, THAT EACH TOOK A CHILD**.**	ONLY FIVE PEOPLE, THAT EACH TOOK A CHILD**,**
CAN'T TELL YOU WHERE BUT 5 OF THEM WERE LEFT.	CAN'T TELL WHERE BUT FIVE CHILDREN WERE LEFT		
		UPON THIS SUBJECT HIS MEMORY IS DEFECTIVE, WHILE	UPON THIS SUBJECT HIS MEMORY I~~D~~S DEFECTIVE. WHILE
HE CAN TELL YOU THE VERY ACCENT OF EVERY WORD	BUT HE CAN TELL YOU THE VERY ACCENT OF EVERY WORD OF	HE CAN GIVE THE VERY ACCENT AND EVERY WORD HE PRETENDS TO HAVE HEARD	HE CAN GIVE THE VERY ACCENT OF EVERY WORD, HE PRETENDS TO HAVE HEARD
JOHN D. LEE	JOHN D. LEE	JOHN D. LEE UTTER DURING A LOND COURSE OF YEARS.	JOHN D. LEE UTTER DURING A LONG COURSE OF YEARS,.
<u>LYING</u> WELL AND EVERY THING THAT IS CALCULATED *CONVICT/AFFECT* [?] THIS DEFENDANT [*space*] HE CAN'T TELL AT ALL. FIXED IT ALL UP WHEN	LYING PERFECTLY EVERYTHING THAT IS CALCULATED TO CONVICT HIS DEFENDANT HE *CAN/CAN'T*[?] TELL IT AT ALL [*space*] KNOWS IT ALL [*space*] BUT		
HE GOES FROM THERE TO SISTER HOPKINS; THAT IS ABOUT {THE}[i] BEST THING	THEN HE GOES FROM THERE TO SISTER HOPKINS	HE ARRIVES AT THE HOUSE OF HOPKINS, SO HE INFORMS YOU, AND SAYD	HE ARRIVES AT THE HOUSE OF HOP~~I~~KINS , SO HE INFORMES YOU, A~~D~~ND SAYS

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RS	PS	RT	BT
HE SWORE TO SAYS SHE KNEW ALL ABOUT {IT AND}[i] HE SAYS HOPKINS WAS THERE **Q** ≈	AND HE LIED KNEW ALL ABOUT IT AND SHE RUSTLED AROUND AND FIXED UP FOR THE CHILDREN HOW DID HE KNOW SHE KNEW ALL ABOUT [*space*] *WHO WAS SHE*[?] [*space*] ~	SISTER HOPKINS KNEW ALL ABOUT IT BECAUSE HER HUSBAND WAS THERE.	SISTER HOPKINS KNEW ALL ABOUT IT BECAUSE HER HUSBAN~~S~~D WAS THERE.
YOU WAS THERE TOO WAS NOT *TO/TOO*[?] I DID SAY I WAS THERE ≈ DID YOUR WIFE KNOW ABOUT AND HE REPLIED[535] I DID NOT TELL MY WIFE BECAUSE I DID NOT WISH TO BOTHER HER MIND. DO YOU SUPPOSE THAT THAT IMP OF CREATION EVER STOPPED TO CONSIDER	 NO I DID NOT TELL MY WIFE BECAUSE I DID NOT WISH TO BOTHER HER MIND DO YOU SUPPOSE THAT IMP OF CREATION EVER STOPPED TO CONSIDER	WHEN ASKED IF HIS WIFE KNEW ALL ABOUT IT TOO, HE REPLIED NO, I DID NOT TELL MY WIFE, BECAUSE I DID NOT WANT TO BOTHER HER MIND" DO YOU BELIEVE HIM — DO YOU BELIEVE THAT THIS IMP OF CREATION EVER STOPPED TO CONSIDER	~~W~~WHEN ASKED IF HIS WIFE KNEW ALL ABOUT IT TOO, HE REPLIED," NO I DID NOT TELL MY WIFE BECAUSE I ~~E~~DID NOT WANT **TO** ~~TO~~ BOTHER HER MIND." DO YOU BELIVE HIM? DO YOU BELIVE THAT THIS IMP OF CREATION EVER STOPPED TO CONSIDER

535. "AND HE REPLIED" apparently added later.

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RS	PS	RT	BT
WHETHER HE WOULD BOTHER WOMAN'S MIND OR NOT; GIVE JOY OR PAIN? NO. {HE}[i] DID NOT TELL HIS WIFE BECAUSE HE DID NOT WISH TO BOTHER HER MIND THE FACT OF THE BUSINESS IS GENTLEMEN HE WAS *THE/A*[?][536] LEADING CRIMINAL ON THAT OCCASION AND DARE NOT TELL IT UNTIL GOVERNMENT HAD WRITTEN ITS NOLLE {AND}[i] HAD IT IN HIS POCKET HE WOULD BE HERE NOT PLEADING UNTIL THE	WHETHER HE WOULD BOTHER A WOMAN'S MIND OR NOT WHETHER HE WOULD GIVE JOY OR PAIN≤?≥ NO DID NOT TELL HIS WIFE BECAUSE HE DID NOT [*space*] ~ FACT GENTLEMEN IS THAT HE WAS *THE/A*[?][537] LEADING CRIMINAL ON THAT OCCASION DID NOT DARE TO TELL IT UNTIL GOVERNMENT HAD WRITTEN OUT ITS NOLLE HE WOULD HAVE BEEN HERE PLEADING NOT GUILTY UNTIL	WHETHER HE WOULD BOTHER A WOMAN'S MIND OR NOT, WHETHER HE WOULD GIVE HER PLEASURE OR PAIN ? NO, MOST EMPHATICALLY NO. THE FACT ~~O~~IS HE DID NOT TELL IT BECAUSE HE WAS THE LEADING CRIMINAL ON THAT OCCASION, AND DARE NOT TELL IT UNTIL THE GOVERNMENT HA~~S~~D THROWN AROUND HIM ITS NOLLE, AND HE HAD IT IN HIS POCKET; AND HAD HE NOT PROTECTION FROM THE GOVERNMENT HE WOULD NOT BE HERE NOW.	WHETHER HE WOULD BOTHER A WOMANS MIND OR NOT~~;~~**?-** WHETHER HE WOULD GIVE HER PLEASURE OR PAIN? NO, MOST EMPHATICALLY NO! THE FACT IS HE DID NOT TELL IT BECAUSE HE WAS THE LEAD**I**NG CRIMINAL ON THAT OCCASION AND DARE D NOT TELL IT UNTIL THE GOVERNMENT HAD THROWN AROUND HIM ITS NOLLE AND HE HAD IT IN HIS POCKET; AND HAD HE NOT THE PROTECTION OF THE GOVERNMENT HE WOULD NOT BE HERE NOW.

536. It is impossible here to differentiate between "THE" and "A".
537. It is impossible here to differentiate between "THE" and "A".

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RS	PS	RT	BT
PROSECUTION WOULD SAY WE'LL GIVE YOU *[[5]]* FREE RIDE	PROSECUTION SAID GIVE YOU FREE RIDE PUT *ASIDE/SD/SSD*[?] *SET/ST*[?] GUARD YOU MAKE		
IN FACT GIVE YOU CHANCE TO BE NOTORIOUS PLACE A GUARD ROUND ABOUT YOU	MUCH OF YOU ~~GIVE~~ [*space*] BECOME NOTORIOUS PLACE GUARD ROUND ABOUT YOU		
		WAS IT NOT FOR THE FACT THAT HE WAS GUARDED THROUGH NEVADA ON HIS WAY HERE, THE GUARD PLACED AROUND HIM AFTER HIS ARRIVAL, HIS FREEDOM FROM FUTURE PROSECUTION ASSURED AND ENTERED AS A MATTER OF RECORD IN THE PROCEEDINGS OF THE COURT AND A CHANCE FOR NOTARIETY OPENED UP TO HIM,	WAS IS NOT FOR THE FACT THAT HE WAS GUARDED THROUGH NEVADA ON HIS WAY HERE,- A GUARD PLACED AROUND HIM AFTER HIS ARRIVAL HERE,- HIS FREEDOM FROM **THE** FU~~R~~TURE SECURED AND ENTERED AS A MATTER OF RECORD IN THE PROCEEDINGS OF T**H**IS COURT, AN D A CHA~~G~~**N**CE FOR NOTARIETY OPENED UP TO HIM,
BRING NEWSPAPER REPORTERS TO	BRING NEWSPAPER REPORTERS		

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RS	PS	RT	BT
INTERVIEW {YOU;}[i] SWEAR YOU IN COURT	AROUND YOU		
		HE WOULD NOT HAVE DISGRACED THE WITNESS STAND IN THIS PROCEEDING, BUT HE HAS BEEN HERE, HAS BEEN PETTED, FLATTERED, FEASTED AND INTERVIEWED, UNTIL HE BELIEVES HIS CRIMES ARE FORGOTTEN, AS WELL AS EXCUSED. THAT HE WILL SOON BE RE-ENSTATED IN THE GOOD GRACES OF THE PEOPLE, AND [53] THAT RICHES AND PREFERMENT ARE WITHIN HIS REACH.	HE WOULD NOT HAVE DISGRACED THE WITNESS STAND IN THIS PROCEEDING. BUT HE HAS BEEN HERE~~;~~**,** HAD BEEN PETTED, FLATTERED, FEASTED AND INTERVIEWED UNTIL HE BELIEVES HIS CRIMES ARE FORGOTTEN AS WELL AS EXCUSED; THAT HE WILL SO**O**N BE REINSTATED IN THE GOOD GRACES OF THE PEOPLE AND THAT RICHES AND PREFERMENT ARE WITHIN HIS REACH.
TALK TO PEOPLE TELL THEM YOU ARE TRUTHFUL MAN AND TRY REINSTATE YOU IN THE GOOD WILL OF YOUR FELLOW MEN AGAIN IN BUSINESS.	TALK TO THE PEOPLE AND TELL THEM YOU ARE A TRUTHFUL AND TRY TO REINSTATE YOU IN THE GOOD WILL OF YOUR FELLOW MEN		
WHERE DOES THAT APPEAR IN THE TESTIMONY ~~IN~~ *BUT*[?] IT APPEARS IN THIS HE TESTIFIED HE WAS FOUND IN SAN	~~<~~BASKIN~~>~~ WHERE DOES THAT APPEAR IN THE TESTIMONY LET ME ASK [*space*] IT APPEARS IN THIS THAT HE TESTIFIES HE WAS FOUND IN SAN	HE HAS TESTIFIED THAT HE WAS FOUND IN SAN	HE HAS TESTIFIED THAT HE HAS FOUND IN SAN

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RS	PS	RT	BT
BERNARDINO CALIFORNIA CAME THROUGH {THE}[i] STATE {OF}[i] NEVADA TO THIS PLACE. CAME HERE AND THAT HE WAS A PRISONER OF THE OFFICERS OF THIS COUNTRY UNTIL BROUGHT INTO THIS COURT AS A WITNESS AND THEN A NOLLE ENTERED IN HIS BEHALF	BERNARDINO COUNTY CALIFORNIA THAT HE CAME THROUGH THE STATE OF NEVADA TO THIS PLACE CAME HERE AND THAT HE WAS A PRISONER OF THE OFFICERS OF THIS COURT UNTIL BROUGHT INTO THIS COURT AS A WITNESS AND THEN A NOLLE ENTERED IN HIS BEHALF	BERNARDINO COUNTY, CALIFORNIA. WAS BROUGHT HERE AS A PRISONER, CHARGED WITH MURDER; THAT HE DID NOT KNOW HE WAS TO BE RELEASED. DO YOU BELIEVE THIS STATEMENT ? NO! WHY NOT ? BECAUSE YOU HAVE SEEN THE COURT	BARNADINO COUNTY, CA LIFORNIA; WAS BROUGHT HERE AS A PRISONER CHARGED WITH MURDER; THAT HE DID NOT KNOW THAT HE WAS TO BE RELEASED. ~~O~~DO YOU BELIEVE THIS STATEMENT? NO! AND WHY NOT? BECAUSE YOU HAVE SEEN THE COURT *[46]*
AS IT WERE THE SHACKLES —[?] KNOCKED FROM HIS TREMBLING OLD LIMBS IN THE PRESENCE OF THIS JURY. THAT IS WHERE IT COMES IN. OF COURSE	AS IT WERE THE SHACKLES KNOCKED FROM HIS TREMBLING LIMBS IN THE PRESENCE OF THIS JURY THAT IS WHERE IT COMES IN [*space*] OF COURSE	KNOCK THE SHACKLES FROM HIS OLD AND TREM~~V~~BLING LIMBS, HERE IN OPEN COURT.	~~N~~KNOC~~H~~KED THE SHACKLE~~D~~S FROM HIS OLD AND TREMBLING LIMBS HERE IN OPEN COUR~~T~~.

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RS	PS	RT	BT
THAT THING ABOUT HIS BEING INTERVIEWED AND THEIR TRYING MAKE HIM RESPECT≤ABLE≥ THAT I DREW FROM MY IMAGINATION AND	THAT THING ABOUT HIS BEING INTERVIEWED THEIR TRYING TO MAKE HIM RESPECTABLE THAT I DREW UP IN MY IMAGINATION *IF/FOR*[?] BECAUSE HE *WOULD*[?] TRY TO MAKE HIM RESPECTABLE		
BEG MY BROTHER BASKIN'S PARDON FOR {IT}[i].	≤BEG PARDON FOR IT≥ THEY *DID ALL THEY*[?] CAN DO [*space*] .		
HE SAYS 40 OR 50 HEAD OF THESE CATTLE BEFORE I LEAVE IN REGARD TO THIS CHILDREN HOW DOES IT COME IF HE TOOK {THE}[i] CHILDREN OVER TO CEDAR CITY	HOW DOES IT COME IF HE TOOK THE CHILDREN OVER TO MOTHER HOPKINS *[[34]]*	HE TELLS YOU THAT HE CARRIED THE CHILDREN TO CEDAR CITY.	HE TELLS YOU THAT HE CARRIED THE CHILDREN TO CEDAR CITY.
THAT THIS OTHER PARTY ≤WILLIS≥ WENT AND TOOK CHILDREN {THE}[i] NEXT DAY YOU CAN'T RECONCILE THAT MATTER WITH	THAT THIS OTHER PARTY WENT AND TOOK THE CHILDREN THE NEXT DAY YOU CAN'T RECONCILE THAT MATTER WITH THE	WILLIS DISPUTES THIS AND SAYS THAT HE CARRIED THEM. THERE. RECONCILE THIS, IF YOU CAN.	JOHN WILLIS DISPUTES THIS, AND SAYS THAT HE CARRIED THEM THERE. RECONCILE THI~~S~~S IF YOU CAN.

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RS	PS	RT	BT
EVIDENCE OF WHITE AND POLLOCK. THEY SAY SMITH TOOK THE WAGONS AND PROPERTY HE HAD AN EYE TO BIGGER GAME. THAN FEW LITTLE CHILDREN HE WAS NOT AT THAT TIME PERFORMING PART OF A WET NURSE	EVIDENCE OF WHITE AND POLLOCK THEY SAY SMITH TOOK THE WAGONS AND PROPERTY HE HAD AN EYE TO BIGGER GAME THAN A FEW LITTLE CHILDREN HE WAS NOT AT THAT TIME PERFORMING PART OF A WET NURSE	HE SAYS HE LEFT THE FIELD THE NIGHT OF THE MASSACRE. WHITE AND POLLOCK BOTH SAY THAT HE DID NOT DO SO; THAT HE STAYED ON THE MEADOWS ALL NIGHT WITH THEM AND HELPED THEM GATHER AND REMOVE THE PROPERTY NEXT DAY. THIS ALSO NEEDS RECONCILING. HE CLAIMS TO HAVE TAKEN CHARGE OF THE CHILDREN. I DENY THAT HE WAS THEN ACTING THE PART OF NURSE FOR TENDER INNOCENCE. NO, GENTLEMEN, HE WAS OTHERWISE ENGAGED. WHILE THE CHILDREN WERE BEING REMOVED TO A PLACE OF SAFETY, BY KINDER HANDS,	KLINGENSMITH S AYS HE LEFT THE FIE LD THE NIGHT OF THE MASSSCRE; WHITE AND POLLOCK BOTH SAY THAT HE DID NOT DO SO; BUT THAT HE STAID ON THE MEADOWS ALL NI~~T~~GHT WITH THEM AND HELPED THEM GATHER AND REMOVE THE PROPERTY WITH THEM THE NEXT DAY. THIS ALSO NEEDS RECONCILIN~~E~~G. HE ~~V~~**C**LAIMS TO HAVE TAKEN CHARGE OF THE CHILDREN~~;~~ I DENY THAT HE WAS THEN ACTING THE NURSE FOR TENDER INNOCENCE. NO, GENTLEMEN, HE WAS OT**H**ERWISE ENGAGED. WHILE THE CHILDREN WERE BEING REMOVED TO A PLACE OF SAFETY BY KINDER HANDS,

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RS	PS	RT	BT
HE WAS ACTING {THE}[i] PART OF A WHOLESALE THIEF OF CHILDREN AND	BUT IN THE PART OF A WHOLESALE THIEF OF THE CHILDREN	HE WAS ACTING THE PART OF WHOLESALE THIEF AND ROBBER AS HE HAD ACTED THE PART OF COWARDLY ASSASSIN AND WHOLESALE MURDERER THE DAY BEFORE. HE	HE WAS ACTING THE PART OF A WHOLESALE THIEF AND ROBBER, AS HE HAD BEFORE ACTED THE PART OF THE COWARDLY ASSASSIN AND WHOLESALE MURDERER THE DAY PREVIOUS~~,~~.
CARED NOTHING FOR THEM;	HE CARED NOTHING FOR	CARES NOTHING FOR THE CHILDREN.	HE CARED NOTHING FOR THE CHILDREN,-
THEIR WANTS HE DID NOT ATTEND TO.	THEIR WANTS HE DID NOT ATTEND TO	HE ATTENDED TO NONE OF THEIR WANTS.	HE ATTENDED TO NONE OF THEIR WANTS.
HE STAYED UPON THE FIELD SLEEPING ~~≤~~DURING THE~~≥~~	HE STAYED THERE UPON THE FIELD SLEPT	HE SLEPT UPON THE BLOODY GROUND,	HE ~~SAT~~ SLEPT UPON THE BLOODY GROUND
CLOS{ING}[i] SCENE OF CONFLICT THERE HE LAID UPON THE GROUND AND	CLOSE TO THE SCENE OF CONFLICT THERE HE LAID UPON THE GROUND AND	NEAR THE SCENE OF HIS TREACHERY AND CRIME,	NEAR THE SCEN~~T~~E OF HIS TREACHERY AND CRIME,
WAITED FOR MORNING LIGHT TO ENABLE HIM TO GATHER UP ENOUGH OF {THE}[i] STOCK TO TAKE THE WAGONS OVER TO CEDAR CITY.	WAITED FOR MORNING'S LIGHT TO ENABLE HIM TO GATHER UP ENOUGH STOCK TO TAKE THE WAGONS OVER TO CEDAR CITY	WAITING FOR THE MORNING LIGHT TO ENABLE HIM TO GATHER UP THE STOCK AND REMOVE THE SPOILS TO HIS DEN WHERE HE REIGNED AS SUPREME	WAITHING FOR THE MORNING LI~~F~~GHT TO ENABLE HIM TO G~~O~~**A**THER UP TH**I**S ~~TOO~~ STOCK AND REMOVE THEM WITH THE SPOILS TO HIS DEN, WHERE HE REIGNED AS SUPREME

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RS	PS	RT	BT
		COMMANDED.	SCOMMANDER.
BUT YOU SEE HE MUST GO FURTHER. THAN THAT. HE MUST HIT; ANOTHER LOOK AT SOME MAN ABOVE HIM	BUT YOU SEE THAT HE MUST GO FURTHER THAN THAT HE MUST *HIT*[?] ANOTHER LOOK AT SOME MAN THAT IS ABOVE HIM IT WOULD NOT DO TO STOP		
HE SAYS 40 AND FIVE HEAD OF CATTLE WERE TAKEN FROM THE BAND AND	HERE HE SAID THAT FORTY OR 50 HEAD OF CATTLE WERE TAKEN FROM THE BAND	HE TELLS YOU THAT 40 OR 50 HEAD WERE	HE TELLS YOU THAT 40 OR 50 HEAD OF THE CATTLE WERE
DRIVEN BY HAIGHT TO SALT LAKE CITY AND SOLD TO HOOPER.	DRIVEN BY HAIGHT TO SALT LAKE CITY AND SOLD TO WILLIAM H HOOPER	DRIVEN BY HAIGHT TO SALT LAKE CITY AND SOLD TO WILLIAM H. HOOPER FOR GOODS. HE DID; NOT SEE THEM SOLD, BUT SO STATES. HE	DRIVEN BY HAIGHT TO SALRT LAKE CITY AND SOLD TO WILLIAM H. HOOPER GFOR GOODS. HE DID NOT SEE THEM SOLD BIUT SO STATES. HE
ADMITS HE BRANDED {THE}[i] CATTLE FIRST NEVER SHOWS HOW ANYBODY ELSE BRANDED CATTLE. HE BRANDS {THE}[i] CATTLE WITH CHURCH BRAND	ADMITS THAT HE BRANDED THE CATTLE FIRST NEVER SHOWS HOW ANYBODY ELSE BRANDS THE CATTLE AND THAT HE BRANDS CATTLE WITH THE CHURCH BRAND	ADMITS THAT HE BRANDED ALL THE CATTLE WITH THE CHURCH BRAND, BECAUSE IT WAS [54] HIS DUTY AS THE	ADMITS THAT HE BRANDED ALL THE CATTLE WITH THE CHURCH BERAND, BECAUSE IT WAS HIS DUTY AS THE
BEING	BEING IN	PERSON HAVING	PERSON HAVING

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RS	PS	RT	BT
IN CHARGE OF {THE}[i] TEMPORAL AFFAIRS HE DID THAT{.}[i] HE CHARGES HOOPER WITH BUYING 50 HEAD OF THE CATTLE. IF PROSECUTION HAD INTENDED SHOW FACTS IN THIS CASE WHY NOT PLACE HOOPER UPON THE STAND THERE WOULD BE VERY NICE STARTING *[[6]]* POINT MEN. THAT BROUGHT THEM TO HOOPER SOLD THEM TO HIM. SHOW HOW HOOPER CAME TO GET THEM.	CHARGE OF THE TEMPORAL AFFAIRS AND HE CHARGES HOOPER WITH BUYING 40 HEAD OF CATTLE IF THE PROSECUTION INTENDED TO SHOW THE FACTS IN THIS CASE WHY NOT PLACE HOOPER ON STAND AND MEN THAT BROUGHT 40 OR 50 HEAD OF CATTLE TO RELATE HOW THE PARTY CAME TO GET THEM	CHARGE OF THE TEMPORAL AFFAIRS OF THE CHURCH AND PEOPLE. HE CHARGES HOOPER WITH PURCHASING 40 OR 50 HEAD OF THE CATTLE. WHY DOES THE PROSECUTION REST ON THIS EVIDENCE ? WHY NOT HAVE HOOPER HERE AS A WITNESS ? THE FACT IS THEY DID NOT WISH TO GIVE ALL THE FACTS IN THIS CASE. IF THE FACTS WERE TO BE GIVEN WHY NOT PLACE HOOPER ON THE STAND AND PROVE BY HIM WHAT HE DID IN THIS MATTER;	~~T~~CHARGE OF THE TEMPORAL AFFAIRS OF THE CHURCH AND THE PEOPLE THERE. HE CHARGES HOOPER WITH PURCHASING 40 OR 50 HEAD . OF THE CATTLE. WHY DO THE PROSECUTION REST ON THIS EVIDENCE? WHY NOT BRING HOOPER HERE AS A WITNEWS? THE FACT IS, THEY DID NOT ~~S~~WISH TO GIVE ALL THE FACTS IN THE CASE. IF THE FACTS WERE TO BE GIVEN WHY NOT PLACE HOOPER ON THE STAND AND PROVE BY HIM WHAT HE DID IN THIS MATTER;

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RS	PS	RT	BT
		WHO HE PURCHASED CATTLE FROM, IF ANY ONE, AT THAT TIME. THEN IF HE HAD PURCHASED SUCH CATTLE HAVE FOLLOWED UP THE FACTS UNTIL THE GUILTY PARTIES WERE FOUND AND ARRESTED.	WHO HE PUR~~V~~CHASED CATTLE FROM~~.~~ , IF ANYONE AT THAT TIME? AND IF HE HAD PURCHASED SUCH CATTLE HAVE FOLLOWED U_P THE FACTS UNTIL *[~~547~~]* UNTIL THE GUILTY PARTIES WERE FOUND AND ARRESTED.
START BACK FROM THAT {AND}[i] TRACE THE THING FROM ITS RESULT BACK TO {THE}[i] FIRST CAUSE. I WILL TELL YOU THERE WAS ~~<~~GENTLEMEN~~>~~ CLUE TO ENTIRE MATTER. FACT OF BUSINESS IS PROSECUTION THEMSELVES DO NOT BELIEVE HOOPER EVER GOT HOOF OF THAT STOCK.	START BACK FROM THAT TRACE THE THING BACK FROM THIS RESULT BACK TO THE FIRST CAUSE WHY I TELL YOU THERE WAS A CLUE TO THE ENTIRE MATTER BUT THE FACT OF THE MATTER THE PROSECUTION THEMSELVES DO NOT BELIEVE THAT HOOPER EVER GOT A HOOF OF THIS STOCK	THUS THEY COULD TRACE THE WHOLE MATTER, FROM ITS RESULT TO ITS FIRST CAUSE. THE PROSEZUTION DID NOT AND DO NOT NOW BELIEVE THAT WILLIAM H. HOOPER EVER OWNED-PURCHASED OR HANDLED A HOOF OF THAT STOCK, HENCE HE IS	THUS THEY COULD TRACE THE WHOLE MATTER FROM ITS RESULT TO ITS FIRST CAUSE. THE PROSECUTION DID NOT — DO NOT NOW B~~W~~ELIEVE THAT WILLIAM H. HOOPER EVER PURCHASED OWNED OR HANDLED ONE HOOF OF THAT STOCK AND HENCE HE IS

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RS	PS	RT	BT
IF THEY HAD BELIEVED IT THEY WOULD HAVE SENT TELEGRAM FOR HIM PLACED HIM UPON THE STAND, {AND}[i] SUPPORTED THIS MAN SMITH. HE TELLS YOU HE IS WITNESS BECAUSE HE WANTED TO BE. HE CAME HERE WILLING TO TAKE HIS CHANCES GO AS IT MIGHT. BUT YOU DON'T BELIEVE A WORD OF THAT AND NO MAN BELIEVES HE CAME HERE THINKING FOR A MOMENT HE WOULD BE[538] TRIED FOR HIS ACT. 405 **PM**[539]	IF THEY BELIEVED IT THEY WOULD HAVE ~~BELIEVED HIM AT ALL~~ TELEGRAMMED PLACED HIM UPON STAND AND THEN SUPPORT THIS MAN SMITH [*space*] BUT HE TELLS YOU THAT HE IS A WITNESS BECAUSE HE WANTED TO BE THAT HE CAME HERE WILLING TO TAKE HIS CHANCES GO AS IT MIGHT [*space*] BUT YOU DON'T BELIEVE A WORD OF THAT NO MAN BELIEVES THAT HE CAME HERE THOUGHT FOR A MOMENT THAT HE WOULD BE TRIED FOR THIS ACT. [*space*]	NOT CALLED AS A WITNESS. IF HE WAS HE WOULD IN ANSWER TO A TELEGRAM COME AND SUPPORT KLINGENSMITH'S STATEMENT OR DISPUTE IT AND THE PROSECUTION FEARED THE TRUTH UPON THIS SUBJECT. HAVING FAILED TO CONNECT JOHN D. LEE WITH ANY CRIMINAL ACT UP TO THIS TIME	NOT CALLED HERE AS A WITNESS. IF HE WAS , HE WOULD ~~N~~ IN ANSWER TO A TELEGRAM COME AND SUPPORT KLINGENSMITH**S** STATEMENT O~~T~~**R** DISPUTE IT; AND THE PROSECUTION FEAR THE TRUTH UPON THIS SUBJECT. HAVING FAILED TO CONNECT JOHN D. LEE WITH ANY CRIMINAL A~~V~~CT UP TO THIS TIME

538. "HE WOULD BE" apparently added later.
539. "**PM**" apparently added later.

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RS	PS	RT	BT
		UNTIL LONG AFTER THE MASSACRE WAS COMMITTED	**AND** UNTIL NONG AFTER THE MASSACRE WAS COMMITTED
HE COMES TO SALT LAKE CITY GOT TO DO SOMETHING NOW CONNECT JOHN D. LEE WITH THIS IN SOME WAY HE HAS FAILED TO CONNECT JOHN D. LEE IN ANY OTHER WAY. GOING TO TAKE HIM TO SALT LAKE CITY AND CONNECT HIM	THEN HE GOES TO SALT LAKE HE HAS GOT TO DO SOMETHING TO CONNECT JOHN D. LEE WITH THIS IN SOME WAY FAILED TO CONNECT JOHN D. LEE IN ANY OTHER WAY CONNECT HIM	HE GETS HIM TO SALT LAKE CITY, AND CONNECTS LEE	HE GETS ~~H~~HIM TO SALT LAKE CITY AND CONNECTS LEE
AND BRIGHAM YOUNG IN THE TRANSACTION HE TELLS YOU AS YOU RECALL HOW HE TALKED TO JOHN D. LEE BY THE TEMPLE WALL AND WENT TO SEE BRIGHAM YOUNG ABOUT IT. BRIGHAM YOUNG SAID FOR JOHN D. LEE TO TAKE	AND BRIGHAM YOUNG WITH THE TRANSACTION [*space*] *[[35]]* TELLS YOU AS YOU RECALL HOW HE TALKED TO JOHN D. LEE OUT BY THE TEMPLE WALL HOW HE [*space*] WENT TO BRIGHAM YOUNG ABOUT IT AND YOUNG SAID JOHN D. LEE TAKE	AND BRIGHAM YOUNG WITH THE TRANSACTION. HE RELATES A CONVERSATION WHICH HE SAYS HE HAD WITH JOHN D. LEE NEAR THE TEMPLE WALL; SAYS HE AFTERWARDS TALKED TO BRIGHAM YOUNG ABOUT THE STOCK, AND THAT BRIGHAM YOUNG ORDERED JOHN D. LEE TO TAKE	AND BRIGHAM YOUNG WITH THE TRANSACTION. HE RELATES A CONVERSATION WHICH HE SAYS HE HAD WITH JOHN D.LEE NEAR THE TEMPLE WALL SAYS HE AFTERWARDS TALKED TO BRIGHAM YOUNG ABOUT THE STOC~~H~~K AND THAT BRIGHAM YOUNG ORDERED JOHN D. LEE TO TAKE

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RS	PS	RT	BT
CARE OF THE PROPERTY TAKE CHARGE OF THAT; RECALL HE SAYS THAT. THEN HE SAYS BRIGHAM YOUNG ~~SAYS~~ SAID ALSO FOR THEM NOT TO SAY WORD ABOUT IT. KEEP STILL UPON THAT SUBJECT. YOU DON'T BELIEVE THAT. HE HAD TO BRING THAT IN IN ORDER TO MAKE BRIGHAM YOUNG AN ACCESSORY AFTER THE FACT. IF YOU WOULD BELIEVE THAT. THEN BRIGHAM YOUNG AS HEAD OF MORMON CHURCH WOULD BE RESPONSIBLE FOR KEEPING QUIET FOR KEEPING SECRET THIS ~~≤~~GREAT~~≥~~ CRIME AND THAT	CARE OF THE PROPERTY YOU RECALL HE SAYS THAT THEN HE SAYS THAT BRIGHAM YOUNG SAID ALSO FOR THEM NOT TO SAY A WORD ABOUT IT BUT KEEP STILL ON THAT SUBJECT YOU DON'T BELIEVE BUT HE HAD TO BRING THAT IN IN ORDER TO MAKE BRIGHAM YOUNG AN ACCESSORY AFTER THE FACT AND IF YOU WOULD BELIEVE THAT THEN BRIGHAM YOUNG AS HEAD OF THE MORMON CHURCH WOULD BE RESPONSIBLE FOR KEEPING QUIET KEEPING SECRET THIS CRIME AND THAT	CARE OF THE PROPERTY. ALSO THAT THEY WERE ORDERED BY BRIGHAM YOUNG "NOT TO SAY A WORD ABOUT THE MASSACRE" TO KEEP STILL UPON THAT SUBJECT. THIS IS STATED TO MAKE BRIGHAM YOUNG AN ACCESSORY AFTER THE [55] FACT. IF THAT WAS BELIEVED THEN BRIGHAM YOUNG, AS THE HEAD OF THE MORMON CHURCH WOULD BE RESPONSIBLE FOR KEEPING THE MATTER QUIET, WITH HAVING KEPT SECRET THE FACTS CONNECTED WITH A GREAT CRIME;	CARE OF THE PROPERTY; ALSO, THAT THEY WERE ORDERED BY BRIGHAM YOUNG " NOT TO SAY A WORD ABOUT THE MASSACRE" — TO KEEP STILL ON THAT SUBJECT . THIS IS STATED TO MAKE BRIGHAM YOUNG AN ACCESSORY AFTER THE FACT. IF THAT ~~W~~WAS BELIEVED THEN BRIGHAM YOUNG AS THE HEAD OF THE MORMON CHURCH WOULD BE RESPONSIBLE FOR KEEPING THE MATTER QUIET,- WITH HAVING KEPT SECRET THE FACTS CONNECTED WITH THIS GREAT CRIME,- AND

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RS	PS	RT	BT
THEREBY THE MAIN OBJECT OF THIS MAN SMITH WOULD BE ACCOMPLISHED HE WOULD HAVE DISGRACED MORMON CHURCH	THERE BY THE MAIN OBJECT OF THIS MAN SMITH WOULD BE ACCOMPLISHED THAT HE WOULD HAVE DISGRACED THE MORMON CHURCH	THE OBJECT OF THIS WITNESS WOULD THEN BE ACCOMPLISHED. HE WOULD SUCCEED IN DISGRACING THE MORMON CHURCH. BUT HE IS NOT BELIEVED BY YOU UPON THIS POINT, MORE THAN ANY OTHER.	THE OBJECT OF THIS WITNESS WOULD THEN BE ACCOMPLISHED. HE WOULD THE~~M~~N SUCC**E**ED IN DISGRACING THE MORMON CHURCH; BUT HE IS NOT BELIEVED BY YOU ON THIS POINT **ANY** MORE THAN **ANY** ~~ANY~~ OTHER.
~~<~~IF HE COULD HAVE~~>~~ GOT ANYBODY TO BELIEVE HIM BELIEVE HE TALKED TO BRIGHAM YOUNG HE HEARD BRIGHAM YOUNG RECEIVE ANY NEWS OF THIS TRANSACTION THEN HE WOULD HAVE POSITIVE EVIDENCE THAT BRIGHAM YOUNG WAS A CRIMINAL FROM THE START AND THE WORLD WOULD SO	IF HE GOT ANYBODY TO BELIEVE THAT HE TALKED TO BRIGHAM YOUNG THAT HE HEARD BRIGHAM YOUNG RECEIVE ANY NEWS OF THIS TRANSACTION THAT THEN HE WOULD HAVE POSITIVE EVIDENCE THAT BRIGHAM YOUNG WAS A CRIMINAL FROM THE START AND THE WORLD WOULD SO		

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RS	PS	RT	BT
CONSIDER MATTER. NO PERSON BELIEVE HIM. I CAN'T BELIEVE THAT THE ZEAL OF COUNSEL THAT THEIR NECESSITY FOR CONVICTION THEIR THIRST FOR NOTORIETY AND GLORY CAN PROMPT THEM RUSH THEM CROWD THEM SO FAR AS TO MAKE THEM BELIEVE STATEMENT OF THIS MAN. WHO HAS KEPT THIS THING SECRET ACCORDING TO HIS OWN STATEMENT FOR 13 YEARS THEN HE SAYS GOT GOOD PAPER WHAT THAT WAS JURY CAN'T TELL IT WAS NOT SHOWN TO JURY[540] *[[7]]* HE HAS BEEN OUT OF UTAH EVER SINCE UNTIL HE MADE {BROUGHT}[i] THIS STATEMENT	CONSIDER IT NO PERSON BELIEVES IT I CAN'T BELIEVE THAT THE ZEAL OF COUNSEL THAT THEIR NECESSITY FOR A CONVICTION THAT THEIR THIRST FOR NOTORIETY AND GLORY CAN PROMPT THEM RUSH THEM CROWD THEM SO FAR AS TO MAKE THEM BELIEVE THE STATEMENT OF THIS MAN WHO HAS KEPT THIS THING SECRET ACCORDING TO HIS OWN STATEMENT FOR 13 YEARS THEN HE SAYS GOT A PAPER WHAT THAT WAS THE JURY CAN'T TELL IT WAS NOT SHOWN TO JURY HE HAS BEEN OUT OF UTAH EVER SINCE [*space*]		

540. At the bottom of the page: **(<u>453 WDS</u>**.

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RS	PS	RT	BT
EVER SINCE [*space*] TELLS YOU UPON STAND HE MADE AFFIDAVIT ABOUT 3 YEARS AGO CONCERNING THIS MATTER HE CAME OVER HERE STAND HIS TRIAL IF HE WOULD BE TRIED ANY WAY TO SEE MATTER OUT.	TELLS YOU ON THE STAND THAT HE MADE AFFIDAVIT ABOUT 3 YEARS AGO CONCERNING THIS MATTER THE HE CAME OVER HERE ≺TO≻ STAND HIS TRIAL IF HE WAS TO BE TRIED ANY WAY TO SEE MATTER OUT		
NOW THEN GENTLEMEN HAS HE SHOWN IN ONE PARTICULAR IN HIS EVIDENCE WHERE JOHN D. LEE IS CONNECTED WITH EITHER ONE OF MEN NAMED INDICTMENT	[*space*] NOW GENTLEMEN HAS HE SHOWN IN ONE PART OF THE EVIDENCE WHERE THERE [*space*]	NOW, GENTLEMEN, HAS HE SHOWN BY ANY PART OF HIS TESTIMONY, THAT JOHN D. LEE WAS EVER CONNECTED WITH EITHER OF THE MEN NAMED IN THE INDICTMENT AS HIS ACCOMPLICES,	NOW ~~G~~, GENTLEMEN, HAS HE SHOWN BY ANY PART OF HIS TESTIMONY THAT JOHN D. LEE WAS EVER CONNECTED WITH ANY OF THE MEN NAMED IN THE INDICTMENT AS HIS ACCO~~N~~MPLICES,
EXCEPT AT THAT INTERVIEW UPON THE FIELD.	EXCEPT AT THAT INTERVIEW UPON THE FIELD	EXCEPT AT THE COUNCIL WHICH HE SAYS WAS HELD ON THE FIELD THE NIGHT BEFORE THE MASSACRE	EXCEPT AT THE COUNSEL, WHICH HE SAYS WAS HELD ON THE FIELD THE NIGHT BEFORE THE MASSACEE.
TAKE HIS OWN TESTIMONY NOW GIVE IT ALL	TAKE HIS OWN TESTIMONY NOW GIVE IT ALL OF THE	? TAKE HIS ENTIRE EVIDENCE, GIVE IT ALL THE	TAKE HIS ENTIRE EVIDENCE; GIVE IT ALL THE

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RS	PS	RT	BT
POWER FORCE IT IS POSSIBLE TO GIVE ENGLISH LANGUAGE HOLD DEFENDANT BOUND BY WHATEVER ASSERTION MADE BY THIS WITNESS AND THEN SAY IF YOU CAN THAT IT CONNECTS HIM WITH THIS MATTER IN ANY WAY UNTIL HE GETS HIM THERE UPON THE FIELD.	POWER AND FORCE THAT IT IS POSSIBLE TO GIVE TO THE ENGLISH LANGUAGE HOLD THE DEFENDANT BOUND BY EVERY ASSERTION THAT IS MADE BY THIS WITNESS THEN SAY IF YOU CAN THAT HE CONNECTS HIM WITH THIS MATTER IN ANY WAY UNTIL HE GETS HIM THERE UPON FIELD	POWER AND FORCE THAT IT IS POSSIBLE TO GIVE SUCH WORDS, HOLD THE DEFENDANT BOUND BY EVERY ASSERTION MADE BY THE WITNESS, AND THEN SAY IF YOU CAN THAT IT CONNECTS JOHN D. LEE WITH THIS MATTER IN ANYWAY, UNTIL THE COUNCIL ON THE FIELD, THE TIME OF THE FORMING OF THE HOLLOW SQUARE.	POWER AND FORCE THAT IT IS POSSIBLE TO GIVE SUCH WORDS; HOLD THE<br ~~F~~DEFENDANT BOUND BY EVERY ASSERTION MADE BY THE WITNESS, AND THEN SAY IF YOU CAN, THAT IT CONNECTS<br ~~H~~JOHN D . LEE<br ~~I~~WITH **THIS** ~~THIS~~ MATTER IN ANY WAY, UNTIL THE C OUNSEL ON THE FIELD, THE TIME OF THE *[48]* FORMING OF THE ~~M~~HOLLOW SQUARE.
NO EXPLANATION HOW IT CAME NO EXPLANATION WHAT HE DID YET CLAIM LEE TALKED TO THE MEN UPON THAT FIELD PREVIOUS TO TRANSACTION	NO EXPLAINING HOW HE CAME NO EXPLAINING WHAT HE DID NO CLAIMING LEE TALKED TO THE MEN THAT WAS UPON THAT FIELD PREVIOUS TO THAT TRANSACTION	NO TALK, NO	NO TALK — NO

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RS	PS	RT	BT
		ACT OF LEES IS GIVEN THAT SHOWS GUILTY INTENTION OR CRIMINAL ACTION;	ACT~~IVE~~ OF LEE'S IS GIVEN THAT SHOWS GUILTY INTENTION OR CRIMINAL ACTION;
YET HE CLAIMS HE WAS CONSPIRATOR FROM THE START.	YET HE CLAIMED THAT HE WAS CONSPIRATOR FROM THE START	STILL HE CLAIMS THAT LEE WAS AN ORIGINAL CONSPIRAT~~I~~OR, A LEADING SPIRIT IN THE ENTIRE TRANSACTION. UPON THE EVIDENCE OF KLINGENSMITH YOU CANNOT CONVICT JOHN D. LEE OF THE CRIME CHARGED IN THE INDICTMENT.	STILL HE CLAIMS THAT LEE WAS AN ORIGINAL CONSPIRATOR, A LEADING SPIRIT IN THE ENTIRE TRANSACTION. UPON THE EVIDENCE OF PHILIP KLINGENSMITH, YOU CAN NOT CONVICT JOHN D. LEE FOR THE CRIME CHARGED IN THE INDICTMENT.
NOW THEN GENTLEMEN LET'S TAKE JOEL WHITE AND ALL I WISH TO STATE IN REGARD <u>HIS TESTIMONY IS THIS</u> HE IS ALSO AN	NOW THEN GENTLEMEN LET'S TAKE JOEL WHITE BUT I WISH TO SAY REGARD HIS EVIDENCE THAT HE IS ALSO AN	JOEL WHITE NOW CLAIMS OUR ATTENTION. HE IS NOT GUILTLESS, BUT COMES BEFORE YOU A SELF-ACCUSED	JO~~W~~EL WHITE NOW CLAIMS OUR ATTENTION. HE IS NOT GUILTLESS, BUT COMES BEFORE YOU A SELF ACCUSED

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RS	PS	RT	BT
ACCESSORY HE IS PARTY WHO STAND CHARGED WITH THIS CRIME THE SAME AS JOHN D. LEE CHARGED WITH THIS CRIME THE SAME AS KSMITH ALTHOUGH HE IS NOT INDICTED THE FACT GRAND JURY OVERLOOKED HIM FAILED FIND AN INDICTMENT RENDERS HIS CRIMINAL ACTS NO LESS GREAT NO LESS HEINOUS HE IS AN ACCESSORY. [*space*] IS ACCUSED AND HIS EVIDENCE SHOULD BE RECEIVED WITH GREAT DEAL OF ALLOWANCE. *AND*[?] HE TELLS	ACCESSORY HE IS A PARTY WHO STANDS CHARGED WITH THIS CRIME THE SAME AS JOHN D. LEE CHARGED WITH THIS CRIME THE SAME AS KLINGENSMITH *[[36]]* SMITH ALTHOUGH HE IS NOT INDICTED THE FACT THAT THE GRAND JURY OVERLOOKED HIM RENDERS HIS CRIMINAL ACTS NO LESS GREAT NO LESS HEINOUS HE IS AN ACCESSORY AS SUCH AND HIS EVIDENCE SHOULD BE RECEIVED WITH GREAT DEAL OF ALLOWANCE *AND*[?] HE TELLS	ACCESSORY TO ALL OF KLINGENSMITH'S CRIMINAL ACTS, DONE AT MOUNTAIN MEADOWS. HE SHOULD BE INDICTED AND HUNG FOR HIS CRIME, IF WHAT HE HAS SWORN IS TRUE. THE FACT THAT THE GRAND JURY OVERLOOKED HIM AND FAILED TO INDICT HIM RENDERS HIS CRIMES NONE THE LESS *[56]* BLACK. HIS TESTIMONY NONE THE LESS SUBJECT TO CRITICISM. IT IS YOUR DUTY TO RECEIVE HIS EVIDENCE WITH A GREAT DEAL OF ALLOWANCE. HE TELLS	ACCESSORY TO ALL OF LKINGENSMITH'S ACTS DONE AT THE MOUNTAIN MEADOWS. HE ~~HS~~**S**OULD BE INDICTED AND **HUNG** ~~HUNG~~**N** FOR HIS CRIME, IF WHAT HE HAS SWORN TO IS TRUE. THE FACT THAT THE GRAND JURY OVERLOOKED HIM AND FAILED TO INDICT HIM RENDER**S** HIS CRIMES NONE THE LESS BLACK, AND HIS TESTIMONY NONE THE LESS SUBJECT TO CRITICISM. IT IS YOUR DUTY TO RECEIVE HIS EVIDENCE WITH A GREAT DEAL OF ALLOWANCE. HE TELLS

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RS	PS	RT	BT
YOU HE CARRIED THIS LETTER TO BISHOP ROBINSON. SMITH WENT WITH HIM. HOW STRANGE IT IS BISHOP ROBINSON WHO WAS NOT A PARTY TO MASSACRE SHOULD HAVE RIGHT TO KEEP ANYTHING SECRET NEVER RECEIVED SUCH A LETTER —[?] SMITH AND WHITEMAN ≤BOTH≥[541] SWORE THEY TOOK THE LETTER TO HIM WHY DID THEY	YOU HE CARRIED THIS LETTER TO BISHOP ROBINSON AND SMITH WENT WITH HIM HOW STRANGE IT IS THAT BISHOP ROBINSON WHO WAS NOT A PARTY TO THE MASSACRE WHO HAD NO OBJECT TO KEEP ANYTHING SECRET NEVER RECEIVED SUCH A LETTER WHEN SMITH AND WHITE *BOTH*[?] SWORE THAT THEY TOOK THE LETTER TO HIM WHY DID THEY	YOU THAT HE CARRIED A LETTER FROM HAIGHT TO BISHOP ROBINSON AT PINTO CREEK, AND THAT KLINGENSMITH WENT WITH HIM AND YOU KNOW ROB~~S~~INSON WAS A STRANGER TO THE ENTIRE TRANSACTION. HE TOOK?NO PART IN THE MASSACRE, AND ROBINSON, WHO HAD NO REASON FOR KEEPING ANYTHING RELATING TO THE MATTER A SECRET TELLS YOU HE NEVER RECEIVED SUCH A LETTER AS ≤**THE**≥ ONE SPOKEN OF BY WHITE. WHY DO YOU	YOU THAT HE CARRIED A LETTER FROM HAIGHT TO BISHOP ROBINSON AT PINTO CREEK, A~~B~~ND THAT KLINGENSMITH WENT WITH HIM AND YOU KNOW ROBINSON WAS A S~~R~~TRANGER TO THE ENTIRE TRANSACTION. HE TOOK NO PART IN THE MASSACRE AND ROBINSON WHO HAD NO REASON FOR KEEPING AN~~I~~YTHING RELARING TO THE MATTER A SECRET**, —** TELLS YOU THAT HE NE~~C~~VER RECEIVED ANY SUCH LETTER AS THE ONE SPOKEN OF BY WHITE. WHY DO YOU

541. Rogerson occasionally refers to Joel White as "WHITEMAN".

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RS	PS	RT	BT
SWEAR THAT? THEY SWORE THAT FOR PURPOSE FIXING UP THIS STORY ABOUT CARRYING THAT LETTER TO BISHOP *LN*/*RN*[?] SO THAT THEY COULD MEET LEE OUT ON THE ROAD LAY THEIR PLAN FOR RINGING HIM IN IN THIS CONSPIRACY SO THAT THEY COULD MAKE IT APPEAR LEE WAS ON HIS WAY CEDAR CITY AND THAT LEE HAD AN OPPORTUNITY TO KNOW WHAT WAS DONE THEY NEVER CARRIED LETTER. WHY BECAUSE ROBINSON DID NOT	SWEAR THAT THEY SWORE THAT FOR THE PURPOSE OF HAVING FIXED UP THAT STORY ABOUT CARRYING THAT LETTER TO BISHOP ROBINSON SO THAT THEY COULD MEET LEE OUT ON THE ROAD SO THAT THEY COULD MAKE IT APPEAR THAT LEE WAS ON HIS WAY TO CEDAR CITY AND THAT LEE HAD AN OPPORTUNITY OF KNOWING WHAT WAS DONE THEY NEVER CARRIED A LETTER AND WHY BECAUSE ROBINSON DID NOT	THINK THE TWO WITNESSES SAY THEY CARRIED SUCH A LETTER TO ROBINSON ? THEY DO SO IN ORDER THAT THEY MAY HAVE AN EXCUSE FOR STATING THAT THEY MET LEE ON THE WAY, AND MAKE IT APPEAR THAT LEE WAS ON HIS WAY TO CEDAR CITY, AND THAT LEE HAD A KNOWLEDGE OF WHAT WAS GOING ON AND WHAT WAS TO BE DONE. THEY NEVER CARRIED THE LETTER. ROBINSON NEVER	THIN~~G~~**K** THE TWO WITNESSES SAY THEY CARRIED SUCH A LETTER TO ROBINSON? THEY DO SO IN ORDER THAT THEY MAY HAVE AN EXCUSE FOR STATINTG THAT THEY MET LEE ON THE WAY, AND TO MAKE IT APPEAR THAT LEE WAS ON ~~T~~HIS WAY TO CEDAR CITY — THAT HE HAD KNOWLEDGE OF WHAT WAS GOING **ON** ~~ON~~ AND WHAT WAS GOING TO BE DONE. THEY NEVER CARRIED THE LETTER AND ROBINSON NEVER

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RS	PS	RT	BT
GET IT. ~~THERE WAS~~ THEY WAS NOT AT HIS HOUSE *[[8]]* NEITHER OF *THEM*[?] HE RECALLS EMIGRANTS AND TRANSACTION.	GET IT SAYS HE SAW NO MEN THEY WERE NOT AT HIS HOUSE THEY BROUGHT NO LETTER THEY —[?] *IF THEY CAN/*—[?] [*space*]	RECEIVED IT. THEY WERE NOT AT HIS HOUSE. ROBINSON SAW AND KNOWS ALL ABOUT THE EMIGRANTS, BUT HE DOES NOT EVER REMEMBER SEEING WHITE OR KLINGENSMITH AT HIS RESIDENCE.	RECEIVED IT. THEY WERE NOT AT HIS HOUSE. ROBINSON SAW AND KNOWS ALL ABOUT THE EMIGRANTS BUT HE DOES NOT ~~EVER~~ REMEMBER SEEING WHITE OR KLINGENSMITH AT HIS RESIDENCE.
NOW YOU KNOW GENTLEMEN IF HE HAD RECEIVED THAT LETTER AND HAD READ CONTENTS	YOU KNOW GENTLEMEN IF HE HAD RECEIVED LETTER AT THAT TIME ASKING HIM TO PACIFY THE INDIANS AND HEARD THAT THAT *ENTIRE*[?] —[?] WAS KILLED [*space*] GENTLEMEN	IF HE HAD RECEIVED THAT LETTER AND READ IT AND HAD EVER SEEN ITS CONTENTS	IF HE HAD RECEIVED THAT LETTER AND READ IT — HAD EVER S~~E~~EEN ITS CONTENTS
YOU KNOW HE WOULD HAVE REMEMBERED THAT AS LONG AS LIFE WOULD LAST.	YOU KNOW THAT HE WOULD HAVE REMEMBERED THIS AS LONG AS LIFE WOULD LAST [*space*]	YOU KNOW HE WOULD HAV~~R~~E REMEMBERED IT AND WOULD HAVE TOLD OF IT TOO. HE WOULD UNTIL	YOU KNOW HE WOULD HAVE REMEMBERED IT AND WOULD HAVE TOLD OF IT TOO. HE WOULD UNTIL

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RS	PS	RT	BT
		HIS LAST DAY ON EARTH BE ABLE TO REPEAT IT VERBATIM.	HIS LAST DAY ON EATHE BE ABLE TO REPEAT IT VERBATIM.
NO THEY DID NOT TAKE THE LETTER IN MY JUDGMENT. WHY ANOTHER REASON IS THIS JOEL WHITE WHEN HE CAME TO COMPARE NOTES WITH KLINGENSMITH	THEY DID NOT TAKE THE LETTER IN MY JUDGMENT ANOTHER REASON IS THAT JOEL WHITE WHEN HE CAME TO COMPARED NOTES WITH KLINGEN SMITH	JOEL WHITE	*[49]* JOEL WHITE
DID NOT MENTION IRA ALLEN OR IRA ALLEN'S NAME. ON WAY BACK	DID NOT MENTION IRA ALLEN NOR HEAR IRA ALLEN'S NAME USED ON THEIR WAY BACK	DID NOT MENTION MEETING IRA ALLEN ON HIS WAY BACK FROM PINTO.	DID NOT MENTION MEETING IRA ALLEN ON HIS WAY BACK FROM PINTO.
HE DID NOT SEE THIS MAN IRA ALLEN HE DID NOT HEAR THE WORDS ≤RELATIVE≥ THEIR DOOM IS SEALED THEIR DIE IS CAST. WHY NO. WHITE NEVER HEARD OF THAT KNEW NOTHING OF IT SHOWS THERE WAS NOTHING OF KIND	HE DID NOT SEE THIS MAN IRA ALLEN HE DID NOT HEAR THE WORDS THEIR DOOM IS SEALED THEIR DIE IS CAST WHY NO WHITE NEVER HEARD A WORD OF THAT KNEW NOTHING ABOUT IT SHOWS THERE WAS NOTHING OF THE KIND	HE DOES NOT SEE THIS MAN IRA ALLEN. HE DID NOT HEAR THE WORDS "THEIR DOOM IS SEALED, THE DIE IS CAST" NO, WHITE NEVER HEARD A WORD OF THAT KIND, HE KNEW NOTHING OF IT. THIS SH~~W~~OWS THAT KLINGENSMITH WAS NOT	HE DOES NOT SEE THIS MAN IRA ALLEN. HE DID NOT HEAR THE WORDS" THEIR DOOM IS SEALED, THE DIE IS CAST." NO , WHITE NEVER HEARD A WORD OF THAT KIND; HE KNEW NOTHING OF IT. THIS SHOWS THAT KLINGENSMITH WAS NOT

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RS	PS	RT	BT
THERE. WHITE SAYS INDIANS WERE HOSTILE AROUND THERE SMITH TELLS YOU INDIANS WERE NOT HOSTILE. IF THEY WERE NOT WHERE THE NECESSITY OF CARRYING A LETTER TO PINTO SMITH TELLS YOU THERE WAS NO EVIDENCE OF ~~<~~INDIAN~~>~~ HOSTILITY AROUND CEDAR {CITY.}[i] WHY THEN SEND RUNNER IN SO AS TO STOP THE HAND AND STAY THE BLOW ABOUT TO BE STRUCK BY THE INDIANS?	THERE WHITE SAYS INDIANS WERE HOSTILE AROUND THERE SMITH TELLS YOU INDIANS WERE NOT HOSTILE IF THEY WERE NOT WHERE THE NECESSITY OF CARRYING LETTER TO PINTO SMITH TELLS YOU THERE WAS NO EVIDENCE OF INDIAN HOSTILITY AROUND CEDAR WHY THEN SEND A RUNNER IN ADVANCE TO STOP THEIR HAND AND STAY THE BLOW ABOUT TO BE STRUCK BY THE INDIANS	TELLING THE TRUTH WHEN HE SPOKE OF MEETING IRA ALLEN. WHITE ALSO SAYS THE INDIANS WERE HOSTILE AROUND CEDAR AND PINTO. KLINGENSMITH TELLS YOU THEY WERE NOT HOSTILE. IF THE INDIANS WERE NOT HOSTILE WHY THE [57] THE NECESSITY OF SENDING A MESSAGE TO ROBINSON THAT WHITE SPEAKS OF ? IF THERE WERE NO HOSTILE INDIANS AROUND THERE, WHY SEND THE MESSENGER, AS THEY CLAIM WAS DONE, TO PACIFY THE INDIANS, AND STAY THEIR WORK OF DEATH THAT THEY WERE ABOUT TO PERFORM ? THE WHOLE STORY OF THIS	TELLIN~~T~~**G** THE TRUTH WHEN HE SPOKE OF ME~~D~~**E**TING IRA ALLEN. WHITE ALSO SAY~~E~~S THE INDIANS WERE HOSTILE AROUND CEDAR AND PINTO. KLINGENSMITH TELLS YOU THEY WERE NOT HOSTILE. IF THE INDIANS WERE NOT HOSTILE WHY THE NECESSITY OF SENDING THE MESSAGE TO ROBINSON THAT WHITE SPEAKS OF? IF ~~THEY~~ THERE WERE NO HOSTILE INDIANDS AROUND THERE WHY SEND A MESSENGER AS THEY CLAIM WAS DONE TO PACIFY THE INDIANS AN~~S~~**D** STAY THEIR WORK OF DEATH THEY WERE ABOUT TO PERFORM? THE WHOLE STORY OF THIS

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RS	PS	RT	BT
NO TRUTH IN HIS ASSERTION. WHITE SAYS THEY MET NO ONE ON THEIR WAY BACK. THEN IN A DAY OR SO AFTERWARD HIGBEE ORDERED HIM {TO}[i] GO {TO THE}[i] MOUNTAIN MEADOWS. HE WENT {THERE AND}[i] SAW MANY INDIANS THERE, LYING AROUND IN {THE}[i] SHADE; MANY OF THEM. THEN HE SPEAKS OF A FLAG OF TRUCE BEING SENT BY MAN HE THINKS	THERE IS NO TRUTH IN HIS ASSERTION WHITE SAYS THAT THEY MET NO ONE ON THEIR ROAD BACK THEN IN A DAY OR SO AFTERWARDS HE SAYS HIGBEE ORDERED HIM TO THE MOUNTAIN MEADOWS WENT THAT HE SAW MANY INDIANS *[[37]]* AROUND IN THE SHADE THEN HE SPEAKS OF A FLAG OF TRUCE BEING SENT THINKS A MAN	LETTER IS A FABRICATION. NO TRUTH IN IT AT ALL. WHITE SAYS AGAIN "~~E~~WE MET NO ONE ON OUR WAY BACK FROM PINTO." A DAY OR TWO AFTERWARDS HIGBEE ORDERED HIM TO GO TO THE MOUNTAIN MEADOWS. HE WENT THERE AND SAW MANY INDIANS LYING AROUND IN THE SHADE. VERY MANY OF THEM. THEN HE SPEAKS OF A FLAG OF TRUCE BEING SENT TO THE CAMP OF THE EMIGRANTS. THAT IT WAS CARRIED	~~T~~LETTER WAS A FABRICATION — NO TRUTH IN IT AT ALL. WHITE SAYS AGAIN, "WE MET NO ONE ON OUR WAY BACK TO PINTO." A DAY OR TWO AFT**E**RWARDS HIGBEE ORDERE D HIM TO GO TO THE MOUNTAIN MEADO~~W~~S. HE WENT THERE AND SAW MANY INDIANS LYING AROUND IN THE SHADE — VERY MA~~N~~Y OF THEM. THEN HE SPEAKS OF A FLAG OF TR~~Y~~UCE BEING SENT TO THE CAMP OF THE EMIGR~~Z~~ANTS, AND THAT IT WAS CARRIED
BY NAME OF BATEMAN CERTAINLY HE DOESN'T SEND LEE WITH IT. AFTER FLAG OF TRUCE WAS SENT IN LEE THEN -*GTV/*-	BY THE NAME OF BATEMAN [*space*] CERTAINLY DOESN'T SEND LEE WITH IT AFTER THE FLAG OF TRUCE WAS SENT IN [*space*]	BY A MAN BY THE NAME OF BATEMAN. AFTER THE FLAG OF TRUCE RETURNED HE HAS LEE GO IN	BY A MAN BY THE NAME OF **BATEMAN** ~~MATEMLAN~~. AFTER THE FLAG OF TRUCE RETURNED HE HAS LEE GO IN

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RS	PS	RT	BT
GTTION[?] THEM		AND DECOY THE EMIGRANTS FROM THEIR STRONGHOLD, YET, HE ADMITS	AND DECOY THE EMIGRANTS FROM THEIR STRONGHOLD. YET HE ADMIT S
HE NEVER EVEN SEES LEE UPON THE FIELD.	HE NEVER EVEN SEES LEE UPON THE FIELD	THAT HE DID NOT SEE LEE ON THE FIELD. MY ASSOCIATES HAVE SO MINUTELY PULVERIZED THIS WITNESS THAT I SHALL NOT FOLLOW HIM AS CLOSELY AS I OTHERWISE WOULD DO. HE	THAT HE DID NOT SEE LEE ON THE FIELD. MY ASSOCIATES HAVE SO MINUTELY PULVERIZAED THIS WITNESS THAT I SHALL NOT FOLLOW HIM AS CLOSELY AS I OTHERWISE WOULD DO. HE
TELLS ABOUT INDIANS	TELLS ABOUT THE INDIANS HAVING	SAW THE INDIANS	SAW THE INDIANS
SECRET{ING}[i] THEMSELVES IT HAS BEEN SPOKE TO ENOUGH HE	SECRETED THEMSELVES THAT HAS BEEN SPOKEN OF ENOUGH HE	SECRETE THEMSELVES,	SECRETE THEMSELVES
SAYS HE SAW NO CHILDREN KILLED.	SAYS HE SAW NO CHILDREN KILLED HE	BUT SAW NO CHILDREN KILLED. HE	BUT SAW NO CHILDREN KILLED. HE
GIVES NUMBER OF SOLDIERS AT FROM 30 TO 50. RIGHT	GIVES THE NUMBER OF SOLDIERS AT FROM 30 TO 50 RIGHT	GIVES THE NUMBER OF SOLDIERS PRESENT AT FROM THIRTY TO FORTY.	GIVES THE NUMBER OF SOLDIERS PRESENT AT FROM 30 TO 40.
HERE WHERE WE SPEAK ABOUT SOLDIERS LET'S GO BACK AND SPEAK ONE WORD ABOUT THIS MAN KSMITH.	HERE WHILE WE SPEAK ABOUT SOLDIERS LET'S GO BACK TO KLINGEN SMITH	SPEAKING OF SOLDIERS YOU WILL REMEMBER THAT KLINGENSMITH	SPEAKING OF SOLDIERS YOU WILL REMEMBER THAT KLINGENSMITH

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RS	PS	RT	BT
HE TELLS YOU SOLDERS THERE WERE PORTION {OF THE}[i] NAUVOO LEGION WHY DOES RING IN THAT NAME SIMPLY BECAUSE IT WAS THE NAME OF THE TROOP MADE FAMOUS IN WESTERN HISTORY, AND HE BELIEVED CUNNING AS HE IS IF HE WOULD RING IN NAME NAUVOO LEGION THAT THAT VERY WORD WOULD CONNECT WITH THIS DEED OF HORROR *EVERY*[?] PERSON PROFESSING MORMON FAITH HE BELIEVED THEREBY HE WOULD STAB IN A VITAL PART THAT CHURCH HE HAD DISGRACED AND FROM WHICH HE SAYS HE HAS WITHDRAWN	[*space*] THAT THE SOLDERS THERE WERE A PORTION OF THE NAUVOO LEGION WHY DOES RING IN THAT NAME SIMPLY BECAUSE IT WAS THE NAME OF THE TROOP MADE FAMOUS IN WESTERN HISTORY AND HE BELIEVED CUNNING AS HE IS THAT IF HE WOULD RING IN NAME OF THE NAUVOO LEGION THAT THAT VERY WORD WOULD CONNECT WITH THAT DEED OF HORROR EVERY PERSON PROFESSING MORMON FAITH BELIEVED THEREBY HE WOULD STAB IN A VITAL PART THAT CHURCH HE HAD DISGRACED AND FROM WHICH HE SAYS HE HAS WITHDRAWN	REFERRED TO THE TROOPS AS PART OF THE NAUVOO LEGION. WHY USE THAT NAME ? BECAUSE IT WAS A NAME MADE FAMOUS IN WESTERN HISTORY, AND HE BELIEVED THAT BY USING THAT NAME HE WOULD CONNECT THE WHOLE PEOPLE PROFESSING THE MORMON FAITH WITH A HORRID BUTCHERY. THAT HE WOULD THUS STAB IN A VITAL PART THE CHURCH WHICH HE HAD DISGRACED AND FROM WHICH HE SAYS HE HAD WITHDRAWN,	REFERRED TO THE TROOPS AS PART OF THE NAUVOO LEGION. WHY USE THAT NAME? BECAUSE IT WAS A NAME MADE FAMOUS IN WESTERN HISTORY, AND HE BELIEVED BY USING THAT **NAME** ~~NAME~~ HE WOULD CONNECT THE WHOLE PEOPLE PROFESSING THE MORMON FAITH WITH THE HORRID BUTCHERY. THAT HE WOULD ~~B~~THUS STAB IN A VITAL PART THE CHURCH, HE HAD DISGRACED, AND FROM WHICH HE SAYS HE HAD WITHDRAWN,

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RS	PS	RT	BT
OR BEEN CUT OFF.	OR BEEN CUT OFF [*space*]	BUT FROM WHICH HE WAS LONG SINCE EXPELLED ON ACCOUNT OF HIS VILLAINOUS CRIMES.	BUT FROM *[50]* WHICH HE WAS LONG SINCE EXPELLED ON A~~C~~COUNT OF HIS CRIMES.
HE KNEW THE DEEDS THAT HAD BEEN PERFORMED {AND THE}[i] LONG MARCHES THAT HAD BEEN MADE BY THAT NAUVOO LEGION *[[9]]* HE KNEW PEOPLE OF THE UNITED STATES WERE AS PERFECTLY CONVERSANT WITH HISTORY OF NAUVOO LEGION	HE KNEW THE DEEDS THAT HAD BEEN PERFORMED AND LONG MARCHES MADE BY THAT NAUVOO LEGION HE KNEW THAT THE PEOPLE OF THE UNITED STATES WERE AS PERFECTLY CONVERSANT WITH THE HISTORY OF THE NAUVOO LEGION	KLINGENSMITH KNEW THE BRAVE DEEDS THAT HAD BEEN PERFORMED, THE LONG MARCHES THAT HAD *[[58]]*[542] BEEN MADE BY THE NAUVOO LEGION. HE KNEW THAT THE PEOPLE OF THE UNITED STATES WAS AS PERFECTLY FAMILIAR WITH THE **HISTORY OF THE** LONG MARCH AND GREAT SERVICES OF THAT LEGION,	KLINGENSMITH KNEW THE BRAVE DEEDS THAT HAD BEEN PERFORMED; THE LONG MARCHES THAT HAD BEEN MADE BY THE NAUVOO LEGION. HE KNEW THAT THE PEOPLE OF THE UNITES STATES WERE AS PERFECTLY FAMILIAR WITH THE HISTORY OF THE LONG MARCH AND GREAT SERVICES OF THAT ~~R~~**L**EGION
AS THEY WERE WITH FACTS CONNECTED WITH WASHINGTON AND HIS BAREFOOTED SOLDIERS AT VALLEY FORD. HE KNEW	AS THEY WERE WITH FACTS CONNECTED WITH WASHINGTON AND HIS BAREFOOTED SOLDIERS AT VALLEY FORD HE KNEW	AS THEY WERE WITH THE FACTS CONNECTED WITH WASHINGTON AND THE BAREFOOTED SOLDIERS AT VALLEY FORGE. HE KNEW	AS THEY WERE WITH THE FACTS CONNECT~~D~~ED WITH WASHINGTON AND HIS BAREFOOTED ~~X~~SOLDIERS AT VALLEY GORGE. HE KNOWS

542. Handwritten over this number is 57½.

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RS	PS	RT	BT
WHEN HE CALLED THE NAME NAUVOO LEGION THAT EVERY PERSON THROUGHOUT LENGTH BREADTH OF THE UNITED STATES WOULD SEE THAT WAS MORMONS. THEY WERE MORMONS COMMITTED DEED. PARTIES CLAIMING TO REPRESENT THAT OLD COMPANY THAT STARTS IN UPON —[?] MISSISSIPPI RIVER MARCHES ACROSS THE CONTINENT	THAT WHEN HE CALLED THE NAME NAUVOO LEGION THAT EVERY PERSON THROUGHOUT LENGTH AND BREADTH OF THE UNITED STATES WOULD SEE THAT WAS MORMONS THEY WERE MORMONS COMMITTED THE DEEDS PARTIES CLAIMING TO REPRESENT THAT OLD COMPANY THAT STARTS IN UPON THE MISSISSIPPI RIVER MARCHES ACROSS THE CONTINENT	THAT LEGI~~O~~N WAS COMPOSED OF MORMONS. THAT IT STARTED FROM THE MISSOURI RIVER AND MARCHED ACROSS THE CONTINENT, RISKING THEIR LIVES AT THE CALL OF THEIR COUNTRY. THAT THEY DID MUCH MORE THAN ANY OTHER BODY OF MEN TO SAVE THIS PORTION OF THE AMERICAN CONTINENT TO OUR GOVERNMENT.	THAT LEGION WAS COMPOSED OF MORMONS; THAT IT STA~~T~~RTED FROM THE MISSIP~~S~~I RIVEF; MAR~~V~~CHED ACROSS THE CONTINENT; RISKING THEIR LIVES AT THE CALL OF THEIR COUNTRY. THAT THEY DID MUCH MORE **THAN** ~~THAN~~ ANY OTHER BODY OF MEN TO SAVE ~~T~~SAVE THIS PORTION OF THE CONTINENT TO THE AMERI~~V~~CAN GOVERNMENT.
HELPS SAVE THIS COUNTRY TO THE AMERICAN GOVERNMENT	HELPS SAVE THIS COUNTRY TO THE AMERICAN GOVERNMENT		

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RS	PS	RT	BT
{BY}[i] MAKING LONGEST MARCH THROUGH THE DESERT COUNTRY EVER MADE UPON EARTH BY ANY ARMY. HE KNEW. THAT THAT MARCH WAS MADE BY THE NAUVOO LEGION HE KNEW THAT THEY WERE MORMONS ~~WENT~~ WHO HAS WENT INTO THAT LEGION MORMONS FLEEING FROM THE WRATH OF THE PEOPLE OF NORTHWESTERN STATES AT THE CALL OF THEIR COUNTRY THEY STOPPED LEFT THEIR WIVES AND THEIR LITTLE ONES UPON ~~<~~THE~~>~~ PRAIRIE LEFT THEM	MAKING LONGEST MARCH THROUGH THE DESERT COUNTRY EVER MADE ON EARTH HE KNEW THAT MARCH WAS MADE BY THE NAUVOO LEGION HE KNEW THAT THEY WERE MORMONS THAT WENT INTO THAT LEGION MORMONS THAT WERE FLEEING FROM THE WRATH OF PEOPLE IN THE WESTERN STATES YET AT THE CALL OF THEIR COUNTRY [*space*] PEOPLE LEFT [*space*] WIFE	THAT THEIR MARCH WAS ONE OF THE LONGEST IF NOT THE VERY LONGEST EVER MADE BY AN ARMY. HE KNOWS THAT THAT MARCH WAS MADE BY THE NAUVOO LEGION, HE KNEW THEY WERE ALL OF THE PROFESSED MORMON FAITH. THAT WHILE FLEEING FORM THE W~~A~~RATH OF THE PEOPLE OF THE NORTHWESTER N STATES THAT THEY WERE AT THE CALL OF THE COUNTRY STOPPED IN THEIR COURSE, LEFT THEIR WIVES AND THEIR LITTLE ONES UPON THE P~~A~~RAIRIE, WITH SCARCELY SUFFICIENT	THAT THEIR MARCH WAS ONE OF THE LONGEST IF NOT THE VERY LONGEST EVER MADE BY AN ARMY. HE ~~M~~KNOWS THAT ~~THAT~~ MARCH WAS MADE BY THE NAUVOO LEGION. ~~KNEWWE~~ **KNOWS** THEY WERE ALL OF PROFESSED **MORMON** **FAITH** ~~MORMON FAITH.~~ KN~~L~~**O**W**S** THAT WHILE FLEEING FROM THE WRATH OF THE PEO PLE OF THE NORTH WESTERN STATES, THEY AT THE CALL OF THE COUNTRY STOPPED IN THEIR COURSE, LEFT THEIR WIVES AND THEIR LITTLE ONES ON THE PRAIRIE WITH SCARCELY SUFFICIENT

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RS	PS	RT	BT
		FOOD OR CLOTHING TO PROTECT THEM FROM ABSOLUTE WANT, AS THEY SHOULD JOURNEY ONWARD	~~CL~~FOOD OR CLOTHING TO PROTECT THEM FROM ABSOLUTE WANT AS THEY SHOULD JOURNE**Y** ONWARD
TO COME ACROSS TO SALT LAKE VALLEY	TO COME ACROSS TO SALT LAKE VALLEY	TOWARDS THE SETTING SUN **TO SALT LAKE CITY**, WHERE THEY WERE	TOWARD THE SETTNING SUN —THE SALT LAKE VALLEY, WHERE THEY
FOR A HOME	FOR A HOME AND [*space*]	SEEKING A HOME. AS THIS LEGION STARTED OVER A TRACKLESS DESERT	WERE SSEEKING A HOME. AS THIS LEGION STARTED OVER A ~~R~~ TRACKLESS DESERT
WHERE THEY WENT AROUND *TO*[?] SANTA FE		COUNTRY TO SANTA FE AND	TO SANTAFEE, AND
ACROSS BY CALIFORNIA TO DO DUTY AND BENEFITS THE GOVERNMENT.	ACROSS INTO CALIFORNIA TO DO DUTY AND BUSINESS OF THE GOVERNMENT	ACROSS FROM THEIR TO CALIFORNIA, DOING THEIR DUTY ON ALL OCCASIONS, AS AMERICAN SOLDIERS HAVE EVER DONE. THE WITNESS WAS AS CUNNING AS HE WAS CRUEL WHEN HE REFERRED IN THIS WAY TO THE NAUVOO LEGION, COMPOSED OF MEN WHO HAD LEFT THEIR [*space*]	ACROSS FROM THERE TO CALIFORNI~~S~~A, DOING THEIR DUTY ON ALL OCCASIONS AS AMERICAN SO~~U~~LDIERS HAVE EVER DONE. THE WITNESS WAS AS CUNNING AS HE WAS C~~U~~RUEL; WHEN HE REFERRED IN THIS WAY TO THE NAUVOO LEGION, COMPOSED OF MEN WHO HAD LEFT THEIR
THE MAN WAS SO CUNNING AND WAS SO CRUEL WHEN HE SAID IT WAS A PART OF NAUVOO LEGION BECAUSE <HE HAD AN OBJECT IN THIS>	*[[38]]* *OH*[?] THE MAN WAS SO CUNNING HE WAS SO CRUEL WHEN HE SAID IT WAS A PART OF THE NAUVOO LEGION HE HAD AN OBJECT IN DOING THIS BECAUSE		

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RS	PS	RT	BT
EVERY MAN THAT WAS IN THE NAUVOO LEGION WAS A MORMON. THEY HAD BEEN DRIVEN FROM NAUVOO [*space*] NO MAN KNEW IT BETTER THAN SMITH. THEY TELL YOU THERE WAS NO INDIANS THERE FROM BEAVER THIS MAN WHITE SAYS THERE WERE THERE WERE INDIANS THERE FROM BEAVER AND OTHER PLACES UPON THIS FIELD. ANOTHER THING HE SAY THEY STARTED ABOUT DARK TO GO PINTO CREEK NOW IF THEY DID THAT THEY WOULD HARDLY SEE JOHN D. LEE AS THEY SAID THEY DID SMITH STARTS ABOUT NOON WHITE~~MAN~~	EVERY MAN THAT WAS IN THE NAUVOO LEGION WAS A MORMON THEY HAD BEEN DRIVEN FROM NAUVOO AND NO MAN KNEW IT BETTER THAN SMITH. THEY TELL YOU THAT THERE WAS NO INDIANS THERE FROM BEAVER THIS MAN WHITE SAYS THERE WERE INDIANS FROM BEAVER AND THERE FROM OTHER PLACES UPON THIS FIELD ANOTHER THING THEY SAID THAT THEY STARTED ABOUT DARK FROM CEDAR CITY TO PINTO CREEK NOW IF THEY DID THAT THEY WOULD HARDLY SEE JOHN D. LEE AS THEY SAID THEY DID SMITH STARTS ABOUT NOON WHITE	*[[59]]* HOMES SMOULDERING IN RUINS AT NAUVOO, KLINGENSMITH SAYS THAT THERE WERE NO INDIANS THERE FROM BEAVER. WHITE SAYS THAT HE SAW INDIANS ON THE FIELD FROM BEAVER AND OTHER PLACES. WHITE STARTS FRIM CEDAR TO PINTO, AT DARK. KLINGENSMITH SAYS HE STARTED AT NOON. IF THEY STARTED	HAOMES, SMOULDERING IN RUINS AT NAUVOO. KLNIGENSMITH SAYS THERE WAS NO INDIANS THERE FROM BEAVER. WHITE SAYS HE SAW INDIANS ON ~~F~~THE FIELD FROM BEAVER AND OTHER **PLACES** ~~PAACES~~. WHITE STARTS FROM CEDAR TO **PINTO** ~~P INTO FROM~~ AT DARK; K~~N~~LINGENSMIT ~~Y~~H SAYS THEY STARTED AT NOON. IF THEY STARTED

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RS	PS	RT	BT
ABOUT DARK THERE THEY DEVIATE AGAIN CIRCUMSTANCES SHOW *WHICH*[?] *WAS IT*[?] *WENT*[?] *BL-/PL-[?]* ALL THESE LITTLE THINGS SHOW THEY HAVE NOT MADE UP THEIR SCHEME AS THEY SHOULD HAVE DONE SAYS HE NEVER SAW ANY HOLLOW SQUARE DID NOT SEE LEE AFTER FIRING SAYS LEE TOOK NO PART.	ABOUT DARK THERE THEY DEVIATE AGAIN ALL THESE LITTLE THINGS SHOW THAT THESE MEN HAVE NOT MADE UP THEIR SCHEME AS THEY SHOULD HAVE DONE SAYS HE NEVER SAW ANY HOLLOW SQUARE DID NOT HEAR LEE ADDRESS TROOPS [*space*] SAYS LEE TOOK NO PART NOW GENTLEMEN	AT DARK THEY DID NOT SEE JOHN D. LEE, AS THEY SAID THEY DID. THE WITNESSESS DIFFER ON THIS SUBJECT, BUT IT IS A CIRCUMSTANCE THAT SHOWS THE ANIMUS OF THE PROSECUTION, AND PROVES HOW POORLY THE CASE OF THE PEOPLE HAS BEEN PLANNED. WHITE ~~A~~ SAYS HE SAW NO HOLLOW SQUARE . DID NOT SEE LEE AFTER THE FIRING COMMENCED~~A~~, AND HE TELLS YOU LEE TOOK NO PART IN THE PROCEEDINGS	AT DARK THEY DID NOT SEE JOHN D. LEE AS THEY SAID THEY DID. THE WITNESSES DIFFER ON THIS SUB~~H~~JECT BUT IT IS *[51]* A CIRCUMSTANCE THAT SHOW~~N~~S THE ANIMUS OF THE ~~L~~PROSECUTION, AND PROVES HOW POORLY THE CASE OF THE PEOPLE HAS BEEN PLANNED. WHITE SAYS HE SAW NO ~~H~~HOLLOW SQUARE; DID NOT SEE L**E**E AFTER THE FIRING COMMENCED, AND HE TELLS YOU LEE TOOK NO PART IN THE PROCEEDINGS

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RS	PS	RT	BT
THERE IS ANOTHER WITNESS HERE I HAVE TO COME BACK TO SO FAR YOU WILL ADMIT WITH ME THERE IS NO EVIDENCE TO CONVICT JOHN D. LEE WITH THE CRIME FACTS PROVED OUT SO FAR. AS YET THE TWO WITNESSES FAILED TO CONNECT HIM. LET'S TAKE THAT OLD GADABOUT ANNIE HOGE DIFFICULT WOMAN HER TONGUE {HANGS}[i] ON A PIVOT AND RUNNING AT BOTH ENDS SHE CAN'T HEAR HER OWN VOICE *[[10]]* SHE COMES HERE AND PRETENDS THAT SHE HAD VOTED IN FAVOR OF KILLING THESE	THERE IS ANOTHER WITNESS THAT I HAVE GOT TO COME BACK TO SO FAR YOU ADMIT WITH ME THAT THERE IS NO EVIDENCE TO THAT HE KILLED PEOPLE HAVE TO ADMIT IT FACTS PROVED OUT SO FAR AS *INDEED*[?] —[?] TWO WITNESSES SMITH AND WHITE FAILED TO CONNECT HIM [*space*] NOW LET'S TAKE THAT OLD GAD ABOUT [*space*] *M*[?] **E** HOGE DIFFICULT WOMAN HER TONGUE HANG ON PIVOT RUNNING AT BOTH ENDS SHE CAN'T HEAR HER OWN VOICE SHE GETS HERE AND PRETENDS THOUGHT[?] *THAT*[?] SHE HAD VOTED IN FAVOR OF KILLING THESE	ON THE FIELD. THERE IS NO WITNESS YET TO PROVE THE GUILT OF JOHN D. LEE. NOW WE HAVE AN UNPLEASANT SUBJECT TO DEAL WITH, IT IS THAT OF THE TONGUE-TIED WOMAN; THIS FEMALE PRETENDS SHE VOTED IN FAVOR OF THE WHOLESALE	~~O~~N THE FIELD, THERE IS NO~~T~~ WITNESS YET TO PROOVE THE GUILT OF JOHN D. LEE. NOW WE HAVE AN UNPLEASANT SUBJECT TO DEAL WITH. IT IS THAT OF THE TONGUE TIED WOMAN— THE FEMALE WHO PRETENDS SHE VOTED IN FAVOR OF WHOLESALE

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RS	PS	RT	BT
PEOPLE THERE SHE WAS THERE AT THIS MEETING AT HARMONY DO YOU SUPPOSE IF SUCH A MEETING AS THAT HAD BEEN HELD PROSECUTION WOULD NOT HAVE EVERY RESIDENT OF HARMONY HERE AS A WITNESS WHY IMPORTED HER FROM SALT LAKE CITY DID YOU BELIEVE HER STORY WHEN YOU HEARD IT SHE WAS THERE. DID YOU NOTICE HOW QUICK IT WAS THAT SHE GOT MESSAGE BACK FROM BRIGHAM YOUNG RECALL IT WAS THE DAY BEFORE MASSACRE THEY HAD THE MEETING	PEOPLE THERE THAT SHE WAS AT A MEETING [*space*] HARMONY DO YOU SUPPOSE THAT IF SUCH A MEETING HAD *EVEN*[?] BEEN HELD DON'T YOU YOU SUPPOSE THE PROSECUTION WOULD HAVE EVERY PERSON WHO THEN RESIDED IN HARMONY [*space*] WHY IMPORTED HER FROM SALT LAKE CITY DID YOU NOTICE HOW QUICK IT WAS THAT SHE GOT THE MESSAGE BACK FROM BRIGHAM YOUNG YOU WILL RECALL IT WAS DAY BEFORE MASSACRE THAT THEY HAD THE MEETING	MURDER. THE ONE WHO CLAIMED TO HAVE BEEN PRESENT AT A PUBLIC MEETING AT HARMONY	MURDER. THE ONE WHO CLAIMS TO HAVE BEEN PRESENT AT A PUBLIC MEETING AT HARMONY,

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RS	PS	RT	BT
THERE WHEN	THERE		
		AND VOTED THAT SHE HEARD	AND TO HA~~C~~VE HEARD
JOHN D. LEE SAID		JOHN D. LEE TELL THE PEOPLE THAT	JOHN D. LEE TELL THE PEOPLE THAT
EMIGRANTS HAD WHIPPED		THE EMIGRANTS HAD WHIPPED	THE EMIGRANTS HAD WHIPPED
THEM ALL HE LEFT THERE AFTER PEOPLE HAD LIFTED UP THEIR HANDS ONCE[543]	THAT THEY LEFT THERE AFTER THE PEOPLE HAD HELD UP HANDS [*space*]	THE MORMONS	THE INDIANS
		AND THAT IT WAS NECESSARY TO KILL ALL THE EMIGRANTS.	AND THAT IT W~~Z~~AS NE~~F~~CESSARY TO KILL THE EMIGRANTS.
JOHN D. LEE WHEN PEOPLE WERE IN CHURCH NEXT DAY WAITING FOR NEWS FROM THE FIELD WHEN ALL AT ONCE THEY CAME	THAT JOHN D. LEE WHEN PEOPLE WERE IN THE CHURCH NEXT DAY WAITING FOR NEWS FROM THE FIELD WHEN ALL AT ONCE THEY CAME SHE WAS WITH THE OTHER WOMEN		
THEY WERE ALL PRESENT IN THE MEETING WAS WAITING TO HAVE THIS THING MADE KNOWN WHEN LEE GOT BACK HOW GOD HAD	THEY WERE ALL PRESENT IN THE MEETING *[[39]]* WAS WAITING TO HAVE THIS THING DONE [*space*]		

543. “PEOPLE” written over “ONCE”, or vice versa.

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RS	PS	RT	BT
BLESSED HIM JUST THEN DISPATCH CAME IN FROM BRIGHAM YOUNG DID YOU ~~EVER~~ *EVER*[?] THINK HOW QUICK SHE GOT THAT DISPATCH TO GO TO SALT LAKE CITY	THEN DISPATCH CAME IN FROM BRIGHAM YOUNG [*space*] HOW QUICK SHE GOT THAT DISPATCH TO SALT LAKE AND BACK AGAIN	YOU RECOLLECT HOW RAPIDLYSHE OBTAINED A MESSAGE FROM SALT LAKE CITY. IT ONLY TOOK HER MESSENGER THREE DAYS TO TRAVEL FROM CEDAR TO SALT LAKE AND BACK. THAT THE CARRIER OF THE DISPATCH TRAVELLED AS FAST AS SHE TALKED AND THAT EQUALS CHAIN LIGHTNING.	YOU RECOLLECT HOW RAPIDLY SHE OBTAINED THE MESSAGE FROM SALT LAKE CITY. IT ONLY TOOK HER MESSENGER THREE DAYS TO TRAVEL FROM CEDAR CITY TO SALT LAKE CITY AND BACK. THAT CARRIER OF DISPATCHES TRAVELED AS FAST ALMOST AS SHE TALKS AND THAT EQUALS CHAIN LIGHTNING.
SHE HAS DISPATCH THERE YOU KNOW BRINGS IT RIGHT IN. NOW SIMPLE FACT ONLY TAKING IN CONSIDERATION HOW FAST SHE TOOK GETTING THAT MESSENGER THAT SHE TELLS THIS THING SO	SHE HAS THE DISPATCH THERE THAT DAY BRINGS IT RIGHT IN SIMPLE FACT *BUT*[?] HOW FAST SHE TOOK IN GETTING THAT MESSENGER AND TELLS THIS THING SO		

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RS	PS	RT	BT
ODDLY *WHAT/TO*[?] *SHE/WHAT*[?] ALL ALONE SWEARS BUT IT WAS PHYSICALLY IMPOSSIBLE TO HAVE SENT MESSAGE TO BRIGHAM YOUNG TO HAVE IT RETURN IN TIME SHE HAS SAID [*space*] SHE HAS BEEN *TENDING*[?] IT PASSED AROUND FOR LAST 18 YEARS I GUESS SHE HAS A WHOLE SUIT OF CLOTHES NOW SHE HAS LEFT WHOLE SOUTHERN PART OF UTAH [*space*] HER AND OLD MAN SHIRTS HAND DIVIDED THEY DO NOT LIVE TOGETHER NOW SHE IS NO RELATION OF MY FRIEND HOGE ANYWAY SHE HAS CHANGED HER NAME	DIFFERENTLY THAT ALL I CAN SAY IS IT IS IMPOSSIBLE TO BELIEVE HER IT WAS PHYSICALLY IMPOSSIBLE TO SEND A MESSENGER TO BRIGHAM YOUNG HAVE IT BACK IN THAT TIME [*space*] FACT IS SHE IS CARELESS OLD WOMAN [*space*] SHE SAYS SHE WAS MRS. SHIRTS THEN I SUPPOSE SHE HAS A WHOLE SUIT OF CLOTHES NOW SHE HAS LEFT SOUTHERN UTAH HER AND OLD MAN HAVE SHIRTS HAVE DIVIDED BECAUSE HER NAME IS HOGE NOW ANYWAY SHE HAS CHANGED HER NAME	SHE HAS BEEN	SHE HAS BEEN

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RS	PS	RT	BT
		RECITING HER STORY SO CONSTANTLY FOR THE LAST EIGHTEEN YEARS, THAT SHE NOW BELIEVES IT HERSELF.	RECITING HER STORY SO CONSTANTLY FO~~T~~R THE LAST I8 **YEARS** ~~YERAA~~ THAT SHE COMMENCES TO BELIEVE IT HERSELF.
SHE HAS BEEN GOING AROUND TO TEA PARTIES QUILTING PARTIES —[?] SUCH THINGS AS THAT GONE ON TALKING THIS MATTER OVER	AND SHE HAS BEEN GOING AROUND TO TEA PARTIES [*space*] *HG*[?] PARTIES [*space*] ~~TALK~~ [*space*] **&C** [*space*]	HAS GONE OVER IT FOR THE INFORMATION OF HUNGRY REPORTERS	HAS GON**E** OVE**R** IT FOR THE INFORMATION OF WANDERING REPORTERS,
UNTIL SHE	UNTIL SHE	UNTIL SHE TELLS IT WELL AND FLUENTLY.	UNTIL SHE TELLS IT WELL AND FLUENTLY.
HAS COME TO	HAS COME TO THE		
CONCLUSION	CONCLUSION IF *THAT*[?] SHE SAW IT ALL		
SHE KNOWS WHOLE FACTS FINDING IT HARD TO TAKE AS HISTORY HER EVIDENCE IT HAS DRAWN UPON HER	UNTIL SHE KNOWS IT ALL FINDING IT HARD TAKE AS HISTORY BIASED SHE HAS DRAWN UPON HER		

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RS	PS	RT	BT
IMAGINATION FOR EVERYTHING NECESSARY TO FILL OUT HER STORY.	IMAGINATION FOR EVERYTHING NECESSARY TO FILL OUT HER STORY [*space*] ~~SHE PUTS~~	BUT, AS IT IS TOLD, IT IS COVERED WITH THE EAR MARKS OF FALSEHOOD, AS THE HIPS OF A MUSTANG ARE WITH SCARS AND BRANDS. HER STORY HAS NO REASON, SENSE OR SYSTEM IN IT, AND NO ONE BELIEVES IT TRUE. EVEN BROTHER CAREY TREATED HER EVIDENCE WITH SILENT *[60]* CONTEMPT. SHE HAS TALKED ON TH~~K~~IS SUBJECT SO LONG THAT SHE NOW CONSIDERS HERSELF A HEROINE. SHE PUTS ME IN MIND OF MANY MEN WHOM I HAVE MET IN VARIOUS SECTIONS OF	BUT AS IT IS TOLD IT IS COVERED WITH THE EARMARKS OF FALSEHOOD, AS THE HIPS OF A MUST~~S~~ANG HORSE ARE WITH SCARS AND BR~~Z~~ANDS. HER STORY HAS NO REASON SENCE OR SYSTEM IN IT AN~~S~~D NO ONE BELIEVE~~X~~D IT **IS** TRUE. EVEN BROTHER CAREY TREATED HER EVIDENCE WITH SCILENT CONTEMPT. SHE HAS TALKED ON THIS SUBJECT SO LONG THAT SHE NOW CONSIDERS HERSELF A HEROIN. SHE PUTS ME IN MIND OF MANY MEN WHOM I HAVE MET IN VARIOUS SECTIONS OF
IT PUTS ME IN MIND VERY MUCH OF EVERY SOLDIER I HAVE EVER TALKED	IT PUTS ME IN MIND OF EVERY SOLDIER THAT I HAVE EVER TALKED TO		

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RS	PS	RT	BT
		THE COUNTRY, ESPECIALLY THOSE WHO CLAIM ANY KNOWLEDGE OF MILITARY MOVEMENTS, TERRIBLE DEEDS OF VIOLENCE OR HORRID ACCIDENTS. EACH IS THE HERO OF HIS OWN STORY; AS AN EXAMPLE, YOU SELDOM FIND A	THE COUNTRY, ESPECIALLY THOSE WHO CLAIM ANY KNOWLEDGE OF MILITARY MOVEMENTS- TERRIBLE DEEDS OF VIOLENCE O~~T~~R HORRID ACCIDENTS. EACH IS THE HEROE OF HIS OWN STORY. AS AN EXAMPLE, YOU SELDOM ~~I~~FIND A
TO WHO WAS IN THE ARMY IN CRIMEA EVERY ONE OF THEM WAS IN CELEBRATED CHARGE OF THE 500	THAT WAS IN THE ARMY IN THE CRIMEA EVERY ONE OF THEM WERE IN CHARGE OF THE CELEBRATED CHARGE OF FIVE HUNDRED	SOLDIER OF THE CRIMEA, WHO WAS NOT ONE OF THOSE WHO MADE THAT CELEBRATED CHARGE WITH THE SIX HUNDRED AT BALACLAVA. SELDOM DO YOU FIND A DESCENDENT OF THOSE WHO LIVED IN SUNNY FRANCE IN THE DAYS OF NAPOLEON	SOLDIER WHO WAS IN THE CRIMEA WHO WAS NOT ONE OF TH~~K~~OSE WHO MADE THAT CELEBRATED CHARGE [52] OF THE SIX HU~~M~~ND~~E~~RED TO BALACLAVA. SELDOM DO YOU FIND A DE~~S~~CENDANT OF THOSE WHO LIVED IN SUNNY FRONCE IN THE DAYS OF NAPOLEON
YOU NEVER SEE ANY FRENCHMAN	NEVER WAS A *YOUNG*[?] FRENCHMAN BUT WHAT WAS [*space*] NEVER FIND		

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RS	PS	RT	BT
	ANY BUT WHAT HAD SOME RELATIVE THAT WAS WITH NELSON		
WITHOUT HIS FATHER WAS WITH FRENCH TROOPS WHEN THEY MADE CELEBRATED CHARGE AT LODI		WHOSE FATHER WAS NOT ONE OF THE LEADERS AT LODI; NOR CAN YOU FIND A MAN FROM NEW ENGLAND WHO DOES NOT TRACE HIS LINEAGE BACK TO ~~HO~~ THOSE WHO LANDED ON PLYMOUTH ROCK. SELDOM HAVE YOU SEEN A PRIVATE OF THE LATE WAR~~O~~,	WHOS**E** FATHER WAS NOT ONE OF THE LEADERS AT LODI; NOR CAN YOU FIND A MAN FROM ~~F~~ NEW ENGLAND WHO DOES NOT TRACE HIS LINEAGE BACK TO THOSE WHO LANDED O N PLYMOTH ROCK. SELDOME DO YOU FIN~~F~~D A PRIVATE OF THE LATE WAR;
NEVER. CAN'T FIND PRIVATE OF THE LAST WAR TO SAVE YOUR LIFE *[[11]]* NEVER ONE GOT THIS FAR WEST.	YOU CAN'T FIND A PRIVATE OF THE LAST WAR TO SAVE YOUR LIFE NEVER ONE CAME THIS FAR WEST		
EVERY ONE THAT COMES OUT HERE WAS AT LEAST CAPTAIN	EVERYBODY THAT COMES THIS FAR OUT HERE WAS AT LEAST A CAPTAIN	ALL WERE COMMISSIONED OFFICERS; ALL TOOK AN ACTIVE AND IMPORTANT PART IN THE CAMPAIGNS AND BATTLES THAT THEY	ALL WERE COMMISSIONED OFFICERS; ALL TOOK AN ACTIVE AND IMPORTANT PART IN THE C~~Z~~AMPAI**G**NS AND BATTLES THEY

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RS	PS	RT	BT
		TELL OF; BUT HISTORY — EVER UNJUST TO THE LIVING, HAS FAILED TO AWARD THEM CREDIT FOR DEEDS OF NOBLE DARING, DANGERS~~SN~~OUS FACED AND VICTORIES WON. MANKIND IS NATURALLY AMBITIOUS OF THE APPROBATION OF HIS RACE; SO WITH WOMEN.	TELL OF; BUT HISTORY, EVER UNJUST TO THE LIVING HAS FAILED TO A~~R~~WARD THEM CREDIT FOR DEEDS OF NOBLE DARING, DANGERS FACED AND VICTORIS WON. MANKIND IS N~~S~~ATURALLY AMBITIOUS **FOR** ~~OF~~ THE APPROBATION OF HIS RACE, SO WITH WOMAN.
AND MAKES NO DIFFERENCE WHICH ONE HE WAS IN THE PEOPLE WISH TO BECOME GREAT THEY WANT TO HAVE TAKEN SOME CONSIDERABLE PART IN THAT WAR OR IN ANY *ESTABLISHMENT/* —[?] ANYTHING IF THEY WERE IN ARMY THEY WISH TO HAVE OCCUPIED RESPONSIBLE POSITION. SO IT WAS WITH THIS OLD LADY SHE HAD BEEN	THE REASON IS THIS WHEN A THING BECOMES INTEREST PEOPLE WISH TO BECOME GREAT WANT TO HAVE TAKEN SOME CONSIDERABLE PART IN THAT WAR IF THEY WERE IN THE ARMY THEY WISHED TO HAVE OCCUPIED A RESPONSIBLE POSITION SO IT WAS WITH THIS OLD LADY SHE HAD BEEN	THIS WITNESS IS	THIS WITNESS IS

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RS	PS	RT	BT
		NO EXCEPTION TO THE RULE,	NO EXCEPTION TO THE RULE.
IN SOUTH UTAH LIVED PERHAPS IN THAT VICINITY AT THE TIME	IN SOUTHERN UTAH LIVED PERHAPS IN THAT VICINITY AT THE TIME [*space*]	HAVING LIVED AT THE TIME IN UTAH, IN SOUTHWESTERN UTAH; SHE IMAGINES SHE KNOWS IT ALL; AT LEAST THAT SHE WILL BE JUSTIFIED IN TELLING IT ALL.	HAVING LIVED AT THE TIME IN UTAH — IN SOUTH WESTERN UTAH, SHE IMAGINS SHE KNOWS IT ALL—AT LEAST THAT SHE WI**L**L BE JUSTIFIED IN TELLING IT ALL.
PEOPLE HAVE ASKED HER ABOUT THIS *QUESTION*[?] SHE CONCLUDED SHE WOULD BE THROWING ALL ON HERSELF UNLESS SHE ADMITTED SHE KNEW ALL ABOUT IT. SHE HAS MADE THIS STORY AS MEN CLAIM THEY HAVE DONE DEEDS THEY NEVER THOUGHT OF SAME HERE WITH THIS OLD LADY. ANOTHER THING SHE TELLS YOU WAS THIS SHE SAW CHILD BROUGHT BACK	PEOPLE HAVE ASKED HER ABOUT THESE THINGS CONCLUDED THAT SHE WOULD BE THROWING ALL ON HERSELF UNLESS SHE [*space*] KNEW SOMETHING ABOUT IT [*space*] JUST IN THE WAY THAT MEN CLAIM TO HAVE *DONE*[?] *[[40]]* DEEDS THAT THEY NEVER SAW [*space*] —[?] HERE 19 YEARS —[?] *IT*/*D*[?] BELIEVING AND [*space*] ANOTHER THING SHE TELLS YOU IS THAT SHE SAW CHILD BROUGHT BACK	ACCORDING TO HER STORY THERE WAS A CHILD SAVED AND BROUGHT	ACCORDING TO HER**,** THERE WAS A CHILD SAVED AND BROUGHT

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RS	PS	RT	BT
7 YEARS OLD. YOU DON'T BELIEVE THAT.	THERE THAT WAS 7 OR 8 YEARS OLD	TO HARMONY÷ THAT WAS SEVEN YEARS OLD. THAT AFTERWARDS BILL STEWART PUT THAT CHILD OUT OF THE WAY. WILD AS THIS STATEMENT IS, CONTRADICTING KLINGENSMITH, WILLIS, WHITE AND OTHERS AS IT DOES, IT IS ON A PAR WITH HER WHOLE STATEMENT AND RUINES HER STORY, SO FAR AS FINDING BELIEVERS IN ITS TRUTH IS [61] CONCERNED.	TO HARMONY THAT WAS SEVEN YEARS OLD. THAT AFTERWARDS BILL STEWART PUT THAT CHILD OUT OF THE WAY. WILD AS THIS STATEMENT IS, CONTRADICT~~ED~~ING KLINGENSMITH, WILLACE, WHITE AND OTHER~~E~~S AS IT DOES, IT IS ON A PAR WITH HER WHOLE STATEMENT AND RUINS HER STORY SO FAR AS FINDING BELIEF IN ITS TRUTH IS CONCERNED.
IF YOU DO YOU CAN'T BELIEVE OTHER WITNESS. DO YOU SUPPOSE SMITH TOOK CHILD FROM THAT FIELD 7 YEARS OLD NO FACT IS HE NEVER TOOK ONE [*space*] SHE	IF YOU DO YOU CAN'T BELIEVE ONE OF THE OTHER WITNESS DO YOU SUPPOSE KLINGEN SMITH TOOK CHILD FROM THAT FIELD OF CARNAGE 7 OR 8 YEARS OLD NO SHE HAS *WITNESSED*[?] HIM TO DO SHE		

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RS	PS	RT	BT
IS GOING TO TELL THIS THING CLEAR THROUGH IS GOING ACT HER PART SHE HAS BILL HICKMAN MAKE AWAY WITH THIS CHILD AND BRING POOR OLD MAN PARRISH TO SUPPORT THAT THEORY FULLY SAYS HE SAW CHILD THERE ONCE NEVER SAW IT AGAIN SATISFIED SOMETHING DONE WITH CHILD BECAUSE HE NEVER SAW IT AGAIN. SO FAR GENTLEMEN YOU MUST THROW HER EVIDENCE OUT OF SCHOOL SHE IS UNSUPPORTED BY ANY TESTIMONY SHE IS AS GUILTY OF MURDER AS IF SHE HAD	IS GOING TO ACT HER PART SHE HAS BILL HICKMAN MAKE AWAY WITH THIS CHILD AND THEN THEY BRING POOR OLD MAN PARRISH IN TO SUPPORT THIS THEORY FULLY SAYS HE SAW IT THERE ONCE NEVER SAW IT AGAIN SATISFIED THAT SOMETHING EVIL WAS DONE WITH CHILD BECAUSE NEVER [*space*] MUST THROW HER EVIDENCE OUT OF SCHOOL BECAUSE SHE IS UNSUPPORTED BY ANY TESTIMONY SHE IS AS GUILTY OF MURDER AS IF SHE HAD	IT IS YOUR DUTY TO THROW HER STATEMENTS OUT OF THE CASE AND PAY NO MORE ATTENTION TO IT THAN IF YOU HAD NEVER HEARD IT.	IT IS YOUR DUTY TO THROW HER STATEMENTS OUT OF THE CASE AND PAY NO MORE ATTENTION TO IT THAN IF YOU HAD NEVER HEARD IT.

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RS	PS	RT	BT
ACTED UPON THE FIELD; BECAUSE THERE WAS NO POWER TO COMPEL HER TO VOTE IN FAVOR OF MASSACRE YET SHE DID SO SHE VOTED TO GO ON WITH KILLING IF HER STORY IS TRUE AS I SAID BEFORE RECESS CHARITY COMPEL US TO RATHER SAY SHE LIED THAN TO SAY SHE IS ACCESSORY TO MURDER [*space*] WE'LL DISMISS HER *SAYING/SO FAR*[?].	ACTED UPON THE FIELD BECAUSE THERE WAS NO POWER TO COMPEL HER TO VOTE IN FAVOR OF THE MASSACRE ~~N~~ YET SHE DID SO SHE VOTED TO GO ON WITH THE KILLING IF HER STORY IS TRUE AS I SAID BEFORE RECESS CHARITY COMPEL US TO RATHER SAY THAT SHE LIED THAN TO SAY SHE IS AN ACCESSORY TO MURDER WE'LL DISMISS HER [*space*] SO FAR [*space*]	AS I SAID ONCE BEFORE, PITY THE OLD WOMAN, FORGIVE HER FOR HER FOLLY, THIS IS CHARITY, BUT TO BELIEVE HER WOULD BE A SIN. IT WOULD BE MADNESS ON MY PART TO CALL YOUR ATTENTION TO ANY MORE OF HER INSANE, INCOHERENT	A~~X~~S I SIAD ONCE BEFORE PITY THE OLD WOMAN; FORGIVE HER FOR HER FOLLY; THIS IS CHARITY B~~I~~UT TO BELIEVE HER WOULD BE A SIN. IT WOULD BE MADNESS ON MY PART TO CALL YOUR ATT~~E~~NTION TO ANY MORE OF HER INSANE , INCOHERENT

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RS	PS	RT	BT
		RAVINGS. SO I SAY, LET HER FAULTS BE FORGIVEN AS HER FALSEHOODS ARE FORGOTTEN.	RAVINGS; SO I SAY, LET HER FALTS BE FORGIVEN AS HER FALSEHOOD ~~IN~~S FORGOTTEN.
ONE THING I HAVE NEARLY FORGOTTEN. SHE SAYS LEE CLAIMED IN MEETING HE GAVE GUNS TO INDIANS ONE BY ONE HE WAS PAINTED AS AN INDIAN AND A WHITE MAN WHO KNEW HIM HAD SEEN HIM IN NAUVOO HOW DOES IT COME THAT IF LEE WAS PAINTED AS AN INDIAN THAT SMITH DOESN'T SAY SO? HOW DOES IT COME OLD BILL[544] YOUNG DOESN'T SAY SO HOW DOES IT COME THAT POLLOCK DOESN'T SAY SO	ONE THING I HAD NEARLY FORGOTTEN SHE SAID THAT LEE CLAIMED THERE IN THE MEETING THAT HE GAVE THE GUNS TO THE INDIANS ONE BY ONE AND THAT HE WAS PAINTED AS AN INDIAN AND A WHITE MAN TOLD HIM HE KNEW HIM HAD SEEN HIM IN NAUVOO HOW DOES IT COME THAT IF LEE WAS PAINTED AS AN INDIAN THAT SMITH DOESN'T SAY SO HOW DOES IT COME THAT OLD BILL YOUNG DOESN'T SAY SO HOW DOES IT COME THAT POLLOCK DOESN'T SAY SO		

544. Vowels were later added in ink, rendering the word "BILLY".

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RS	PS	RT	BT
NO ONE SAW HIM PAINTED AS AN INDIAN NO ONE PRETEND THAT HE WAS PAINTED AS AN INDIAN *[[12]]* BUT THE OLD LADY HAS DRAWN UPON HER IMAGINATION UNTIL SHE HAS MADE HERSELF BELIEVE THAT WOULD HAVE GREATER EFFECT BEFORE THE PEOPLE AND YOU GENTLEMEN OF THE JURY WOULD SHUDDER WITH HORROR WHEN YOU THOUGHT OF HIS BEING PAINTED AS AN INDIAN AND ACT LIKE SHE HAD SEEN POOR OLD NERVOUS WOMEN ACT WHEN SHE HAS TOLD THAT LIE TO THEM AT SOME PRIVATE PARTY.	NO ONE SAW HIM PAINTED AS AN INDIAN NO ONE PRETENDS THAT HE WAS PAINTED AS AN INDIAN BUT THE OLD LADY HAS DRAWN UPON HER IMAGINATION UNTIL SHE HAS MADE HERSELF BELIEVE THAT IT WOULD HAVE GREATER EFFECT BEFORE PEOPLE AND THAT YOU GENTLEMEN OF THE JURY WOULD SHUDDER WITH HORROR WHEN YOU THOUGHT OF HIS BEING PAINTED AS INDIAN AND THAT YOU WOULD ACT LIKE SHE DID ACT LIKE POOR OLD NERVOUS WOMEN ACT WHEN SHE TOLD THAT LIE TO THEM [*space*] AT SOME —/ *PRIVATE*[?] PARTY AND SHE HAS TOLD IT UNTIL SHE BECAME USED TO IT [*space*]		

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RS	PS	RT	BT
I SAY UP TO {THE}[i] PRESENT TIME EVERY FACT OF THE CASE		SO FAR, GENTLEMEN OF THE JURY EVERY FACT IN THE CASE, ALL THE TESTIMONY	SO FAR, GENTELMEN OF THE JURY, EVERY FACT IN THE CASE— ALL THE TESTIMONY
EVERY CIRCUMSTANCE IN THE CASE	*[[41]]* EVERY CIRCUMSTANCE IN THE CASE	ENTITLED TO CREDIT, EVERY CIRCUMSTANCE THAT IS SUPPORTED BY EVIDENCE,	ENTITLE D TO CREDIT, EVERY CIRCUMSTANCE THA T IS SUPPORTED BY EVIDEN~~V~~CE,
STAMPS THEORY OF PROSECUTION AS UNTRUE. THAT WHAT	STAMPS THE THEORY OF PROSECUTION AS UNTRUE THAT WHAT	STAMPS THE ~~THRO~~ THEORY OF THE PROSECUTION AS UNTRUE; THAT EVERY ACT DONE BY THE DEFENDANT	STAMPS THE THEORY OF THE PROSSECUTION AS UNTRUE. THAT EVERY ACT DONE B~~U~~Y THE DEFENDANT
LEE DID WAS DONE ~~FOR A~~ WITH A LAWFUL BENEVOLENT INTENTION.	LEE DID WAS DONE WITH A LAWFUL BENEVOLENT INTENTION [*space*]	JOHN D. LEE WAS DONE WITH A BENEVOLENT INTENTION AND FOR A LAWFUL PURPOSE IS FULLY ESTABLISHED BY THE EVIDENCE FOR THE	JOHN D. LEE, WAS DONE WITH A BENEVOLENT INTENTION AND FOR A LAWFUL PURPOSE, IS FULLY ESTABLISHED BY THE *[53]*
WELL WHAT HAS THOMAS	THOMAS	PROSECUTION. THAT NO UNFAIRNESS BE DONE, NO PART OF THE EVIDENCE NEGLECTED, I CALL YOUR ATTENTION AGAIN TO THOMAS	PROSECUTION. THAT NO UNFAIRNESS BE DONE, NO PART OF THE EVIDENCE NEGLECTED, I CALL YOUR ATTENTION TO THOMAS

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RS	PS	RT	BT
WILLIS	WILLIS	WILLIS; A CONVERSATION THAT HE CLAIMED TO	WILLACE, THE CONVERSATION THAT HE CLAIMS TO
HEARD	HEARD	HAVE HEARD BETWEEN	HAVE HEARD BETWEEN
HAIGHT ASK HIS FATHER HOW HE SHOULD ATTACK THE PEOPLE	HAIGHT ASK FATHER HOW BEST MURDER	HAIGHT AND HIS FATHER	HAIGHT AND HIS FATHER
		IS FRESH IN YOUR MINDS. YOU REMEMBER IT ALL AS PERFECTLY AS YOU DISBELIEVED IT IN ALL.	IS FRESH IN YOUR MI~~D~~NDS. YOU REMEMBER IT ALL, AS PERFECTLY AS YOU DISBELIEVE IT IN THE WHOLE.
BUT[?] SAYING HE HAS FORGOTTEN WHERE HIS BROTHER LIVED AT THE TIME *WHAT*[?] SAYS HIS BROTHER WAS MARRIED LIVED AWAY FROM HOME HIS	BUT SAYING THAT HE FORGOT WERE HIS BROTHER LIVED AT THE TIME		
BROTHER LEMUEL LIVED WITH HIM.	BROTHER LEMUEL LIVED WITH HIM	HE TELLS YOU THAT HIS BROTHER SAMUEL LIVED WITH HIM.	HE TELLS YOU THAT HIS BROTHER LEMUEL LIVED WITH HIM.
	BROTHER LEMUEL LIVED WITH HIM	THIS IS DENIED AND DISPUTED BY HIS OTHER BROTHER,	THIS IS DENIED AND DISPUTED BY HIS OTHER BROTHER ,
JOHN **H** WILLIS TELLS YOU WHEN HE COMES BEFORE YOU DISPATCH	JOHN H WILLIS TELLS YOU THAT THE DISPATCH	JOHN H. WILLIS. HE TELLS YOU THAT WHEN THE DISPATCH	JOHN H. WILLA~~V~~CE, WHO TELLS YOU THAT WHEN THE DISPATCH WAS

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RS	PS	RT	BT
SENT BY SMITH OR SOMEBODY ELSE FOR HIM TO GO TO HAMBLIN'S RANCH GET THE CHILDREN WAS LEFT AT HOME WITH HIS MOTHER	SENT BY SMITH OR SOMEBODY ELSE WAS LEFT AT HOME WITH HIS MOTHER	SENT TO HIM ABOUT THE CHILDREN WAS DELIVERED FOR HIM IT WAS LEFT WITH HIS MOTHER. ALL THE BOYS THEN LIVED AT HOME.	SENT TO HIM ABOUT THE CHILDREN AND WAS DELIVERED FOR HIM IT WAS LEFT WITH HIS MOTHER. ALL THE BOYS THEN LIVED AT HOME~~,~~**.**
DID NOT SEE MESSENGER WHEN HE GOT HOME HIS MOTHER TOLD HIM OF IT. *ACCEPT*[?]	AND *DO YOU*[?] RECALL THAT DID NOT SEE THE MESSENGER WHEN HE GOT HOME HIS MOTHER TOLD HIM OF IT HE WENT THEN OUT TO HAMBLIN'S BROUGHT IN CHILDREN	I ASK THE PROSECUTION TO EXPLAIN THIS.	I ASK THE PROSECUTION TO EXPLAIN THIS.
THIS JOHN **H** WILLIS WHEN HE COMES UPON THE STAND	[*space*] WILLIS	JOHN H. WILLIS ALSO FLATLY DISPUTED KLINGENSMITH UPON EVERY QUESTION THAT HE, WILLIS, SPEAKS OF, ESPECIALLY IS	JOHN H. WILLACE ALSO FLATLY DISPUTED KLINGENSMITH UPON EVERY QUESTION, THAT HE **(**WILLACE**)** SPEAKS OF; ESPECIALLY IS

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RS	PS	RT	BT
		THIS SO WITH REGARD TO THE CHILDREN, AND ALL THAT RELATES TO THEM. THEIR AGE, ABILITY TO TALK, AND THE ~~MEMORY~~ ~~<~~MANNER~~>~~ OF THEIR CONVEYANCE FROM THE HAMBLIN RANCH TO CEDAR CITY.	THIS SO WITH REGARD **TO** ~~TO~~ THE CHILDREN AND ALL **THAT** ~~THAT~~ RELATES TO THEM; THEIR AGE ABILITY TO **TALK** ~~TLAK~~ AND THE MANNER OF THEIR CONVEYANCE FROM HAMBLINS RANCH TO CEDAR CITY.
AND SAYS HE DID NOT SEE SMITH WENT TO HAMBLIN'S GOT HIS LOAD OF CHILDREN BROUGHT THEM BACK TO CEDAR {CITY}[i] NEXT DAY SMITH TELLS YOU CHILDREN WERE ALL TAKEN FROM HAMBLIN'S TO CEDAR THE MORNING AFTER MASSACRE JOHN **H** WILLIS TELLS YOU THAT THE EVENING AFTER THE MASSACRE NEXT DAY AFTER IT THIS WORD CAME	SAID THAT HE DID NOT SEE SMITH THAT DAY HE WENT TO HAMBLIN'S GOT HIS LOAD OF CHILDREN BROUGHT THEM BACK TO CEDAR NEXT DAY SMITH TELLS YOU CHILDREN WERE ALL TAKEN FROM HAMBLIN'S TO CEDAR THE MORNING AFTER THE MASSACRE JOHN WILLIS TELLS YOU THAT THE EVENING AFTER THE MASSACRE THIS WORD CAME		

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RS	PS	RT	BT
THAT HE DID NOT GO THAT DAY BUT WAITED UNTIL NEXT MORNING WENT TO HAMBLIN'S AND BROUGHT IN 5 OR 6 SOLDIERS. SMITH TELLS YOU OUT OF ENTIRE NUMBER NONE WERE OVER 2 1/2 YEARS OLD WILLIS TELLS YOU THEY WERE FROM 3 TO 4 SMITH TELLS YOU NONE OF THEM COULD TALK WILLIS TELLS YOU THAT ALL OF THEM COULD TALK AND HEARD THEM TALK CONSEQUENTLY HE DISPUTES HIM *ON*[?] THAT. SO FAR THEN THERE IS NOTHING CONNECT LEE WITH THIS[545] MASSACRE NOTHING TO	THAT HE DID NOT GO THAT DAY BUT WAITED UNTIL NEXT MORNING THEN WENT TO HAMBLIN'S AND BROUGHT IN FIVE OR 6 CHILDREN SMITH TELLS YOU THAT OUT OF THE ENTIRE NUMBER HE BROUGHT NONE WERE TWO AND A HALF WILLIS TELLS YOU 3 OR FOUR SMITH TOLD NONE TALK YET JOHN WILLIS TELLS ALL TALKED CONSEQUENTLY THERE HE DISPUTES HIM [*space*] SO AS FAR AS THEN THERE IS NOTHING HAS NOT YET TO CONNECT LEE WITH THIS MASSACRE NOTHING TO	*[62]* STILL, GENTLEMEN, THERE IS NO EVIDENCE TO JUSTIFY A VERDICT AGAINST JOHN D. LEE, NOTHING TO	STILL, GENTLEMEN, THERE IS NO EVIDENCE TO JUSTIFY A VERDIC~~Y~~T AGAINST JO~~HN~~**HN** D. LEE; NOTHING TO

545. "WITH THIS" apparently added later.

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RS	PS	RT	BT
CONNECT HIM WITH CONSPIRACY. WE'LL TAKE WILLIAM MATTHEWS [*space*] HIS EVIDENCE IS AS I SAID BEFORE RECESS TO GO TO WHAT HE SAID THAT COLONEL DAME AND THE LOAN OF THE MULES TO DAME.	CONNECT HIM WITH A CONSPIRACY TAKE WILLIAM MATTHEWS HIS EVIDENCE IS AS I SAID BEFORE RECESS TAKE UP WHAT HE SAID THAT COLONEL DAME AND THE LOANING OF THE MULES TO DAME	CONNECT HIM WITH THE CONSPIRACY OR THE MASSACRE. WILLIAM MATTHEWS THE MAN THAT LOANED DAME THE MULES IS AN HONEST AND TRUTHFUL MAN, BUT HIS EVIDENCE HAS NO BEARING ON THE CASE THAT IS BEFORE YOU.	CONNECT HIM WITH **THE ~~A~~** CONSPIRACY OR THE MASSACRE. WILLIAM MATHEWS THE MAN THAT LOANED DAME THE MU~~K~~LES IS AN HONEST AND TRUTHFUL MAN, BUT HIS EVIDENCE HAS NO BEARING ON THE CASE THAT IS BEFORE YOU.
DAME'S GOING OUT THERE EVENING AFTER SLAUGHTER HAD BEEN COMMITTED. HE PASSES ON GOING OVER THE FIELD IN THE NIGHT SEEING NOTHING. [*space*] *[[13]]*[546] NEXT WITNESS IS WILLIAM YOUNG {THAT}[i] THEY PUT UPON	AND DAME'S GOING OUT THERE EVENING AFTER THE SLAUGHTER HAD BEEN COMMITTED AND HE PASSES ON GOING OVER THE FIELD IN THE NIGHT AND SEEING NOTHING [*space*] NEXT WITNESS IS WILLIAM YOUNG THAT THEY PUT UPON	THE NEXT WITNESS IS	THE NEXT WITNESS IS

546. At the top of the page in ink: WENT THERE WENT THERE [*space*] WENT THERE WEDNESDAY JOHN D. LEE [*space*] HE SAW JOHN D. LEE THERE.

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RS	PS	RT	BT
THE STAND.	THE STAND	A MAN THAT KNOWS MUCH OF THE HORRID DETAILS OF THE BLOODY TRANSACTION. HE COULD TELL ALL THE FACTS AS FAR AS THEY RELATE TO JOHN D. LEE, BUT HE WAS NOT PERMITTED TO DO SO. THE PROSECUTION ARE APPARENTLY AS FEARFUL OF FACTS IN THIS CASE AS WE ARE TAUGHT BY SOME CREEDS TO BELIEVE THE DEVIL IS OF HOLY WATER. FACTS ARE DEATH TO THE PROSECUTION. SO THIS OLD MAN WAS HELD IN ~~X~~CHECK, AND ONLY PERMITTED TO TELL A LITTLE, AND THAT .LITTLE JUST ALL THE PROSECUTION DARE LET HIM TELL. WILLIAM YOUNG	A MAN THAT KNOWS MUCH OF THE HORRID DETAILS OF THE BLOODY TRANSACTION. HE COULD TELL ALL THE FACTS SO FAR AS THE Y RELATE TO JOHN D. LEE, BUT HE WAS NOT PERMITTED TO DO SO. THE PROSECUTION ARE APPARENTLY AS FEARFUL OF FACTS IN THIS CASE AS WE ARE TAUTHG BY SOME CREEDS TO BELIEVE THE DEVIL ~~OF IS A HOL~~ IS OF H~~L~~OLY WATER. FACTS ARE DEATH TO THE PROSECUTION, SO THIS OLD MAN WAS HELD IN CHECK AND ONLY PERMITTED TO TELL A LITTLE~~.~~; AND THAT LITTLE JUST ALL THE PROSECUTION DARE LET HIM TELL. WIL**L**IAM YOUNG

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RS	PS	RT	BT
HE TELLS YOU HE WAS AT THE MEADOWS SAW *MANY*[?] MEN THERE.	HE TELLS YOU AT THE MEADOWS SAW *MANY*/—[?] THERE	ADMITS THAT HE WAS THERE AT MOUNTAIN MEADOWS, BEFORE, AT THE TIME AND AFTER THE MASSACRE. HE SAW MANY WHITES AND NUMEROUS INDIANS THERE. HE SAW AND TALKED TO LEE, BUT WHAT LEE SAID, HOW HE ACTED ON THE FIELD IS NOT KNOWN.	ADMITTS THAT HE WAS THERE AT THE MOUNTIN MEADO~~W~~S BEFORE**,** —AT THE TIME—AND AFTER THE MASSACRE. HE SAW MANY WHITES AND NUMEROUS INDIANS THERE. HE SAW AND TALKED TO LEE, BUT *[54]* WHAT HE SAID—HOW HE ACTED ON THIS FIELD IS NOT KNOWN,
HE SAW JOHN D. LEE THERE SAYS HE WAS IN SIGHT AT THE MASSACRE. GOES ON DESCRIBE WHAT HE SAW.	HE SAW JOHN D. LEE THERE SAYS HE WAS IN SIGHT OF THE MASSACRE *HE*[?] GOES ON TO DESCRIBE WHAT HE SAW		
TELLS YOU HE SAW CHILDREN IN WAGONS AND THAT JOHN D. LEE SAT UPON AND WAS DRIVING THE FORWARD	TELLS YOU THAT HE SAW THE CHILDREN IN THE WAGON AND THAT JOHN D. LEE SAT UPON AND WAS DRIVING THE FORWARD	HE WAS NOT PERMITTED TO TELL THAT, BUT HE DOES TELL YOU THAT HE SAW THE CHILDREN IN THE WAGONS, AND THAT JOHN D. LEE SAT UPON THE FORWARD WAGON, AND WAS DRIVING	HE WAS NOT PERMITTED TO TELL THAT; BUT HE DOES TELL YOU THAT HE SAW THE CHILDRE~~N~~. IN THE WAGONS AND THAT JOHN D LEE SAT UPON THE FORWARD WAGON AND WAS DRIVING

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RS	PS	RT	BT
TEAM	TEAM	THE TEAM.	THE TEAM.
THAT AT THE	THAT AT THE	THAT WHEN	THAT WHEN
TIME THAT THE	TIME THAT THE	THE	THE
FIRING	FIRING	FIRING	FIRING
COMMENCED	COMMENCED	COMMENCED	CO MMEC~~N~~ED
JOHN D.	*[[42]]* JOHN D.	JOHN D.	JOHN D.
LEE WAS	LEE WAS	LEE WAS HALF	LEE, WAS HALF
		A MILE OR	A MILE OR
		MORE DISTANT,	MORE DIST~~Z~~ANT
OUT OF SIGHT	OUT OF SIGHT	OUT OF SIGHT	OUT OF SIGHT
OF THE ENTIRE	OF THE ENTIRE	OF THE ENTIRE	OF THE ENTIRE
COMPANY. THAT	COMPANY THAT	COMPANY, ON	COMPANY ON
THE WAGONS	THE WAGONS	HIS WAY TO	HIS WAY TO
		CEDAR CITY,	CEDAR CITY,
		AND THAT HE	AND THAT HE
KEPT RIGHT ON	KEPT RIGHT ON	KEPT RIGHT ON	KEPT RIGHT ON
THAT	THAT	WITH THE	WITH THE
		CHILDREN AND	CHILDREN, AND
HE SAW THEM	HE SAW THEM	HE SAW HIM	HE SAW HIM
NO	NO	THERE NO	THERE NO
MORE THAT THE	MORE THAT THE	MORE.	MORE.
CHILDREN	CHILDREN		
ESCAPED; AND	ESCAPED AND		
AS YOUNG	AS YOUNG		
TELLS YOU SO	TELLS YOU SO	HE WITH ALL	HE WITH ALL
WILLIS	WILLIS	OTHERS	THE OTHERS
TELLS YOU	TELLS YOU	TELLS YOU	TELL YOU
	THAT THE	THAT	THAT
INDIANS DID	INDIANS DID		
NOT ATTACK	NOT ATTACK		
THE WAGONS	THE WAGONS		
THAT THE	THAT THE		
CHILDREN	CHILDREN		
ESCAPED	ESCAPED		
UNHARMED.	UNHARMED		
THEY UNDER	THEY UNDER		
THE CHARGE OF	THE CHARGE OF		
JOHN D. LEE	JOHN D. LEE		
WERE TAKEN IN	WERE TAKEN IN		
SAFETY TO	SAFETY TO		
HAMBLIN’S	HAMBLIN’S		
RANCH	RANCH [*space*]		
		JOHN D. LEE	JOH N D. LEE
		SAVED THE	SAVED THE

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RS	PS	RT	BT
		CHILDREN FROM THE VIOLENT DEATH METED OUT TO ALL BESIDES THEM. THAT HAD BELONGED TO	CHILDREN FROM THE VIOLENT DEATH ~~MEET~~ METED OUT TO ALL BESIDES THEM THAT HAD BELONGED TO
AND WAS		THE TRAIN, AND THAT	THE TRAIN; AND THA T
AFTERWARDS		AFTERWARDS ALL THE CHILDREN, NOT A PART OF THEM,	AFTERWARDS ALL THE CHILDREN— NOT A PART OF THEM ,
TURNED OVER ENTIRE NUMBER		BUT THE ENTIRE NUMBER WERE SAFELY DELIVERED TO	BUT THE ENTIRE NUMBER WERE SAFELY DELIVERED TO
TO DOCTOR FORNEY.		DOCTOR [63] FORNEY, THE AGENT OF THE UNITED STATES, WHO CAME FOR THEM AND TOOK THEM BACK TO THE STATES. OLD	DR. FORNEY, THE INDIAN AGENT OF THE UNITED STATES WHO CAME F~~R~~OR THEM AND TOOK THEM BACK TO THE STATES. OLD
OLD MAN YOUNG TELLS YOU		MAN YOUNG TELLS YOU HE WAS NOT IN THE RANKS. HE WAS NOT WITH SMITH AND THE	MAN TELLS YOU HE WAS NOT IN THE RANKS; HE WA~~A~~S NOT WITH SMITH AND THE
HE DOESN'T KNOW WHO FIRED	DOESN'T KNOW WHO FIRED	SOLDIERS; HE DOES NOT KNOW WHO FIRED FIRST ON THE EMIGRANTS, THE WHITES OR THE INDIANS.	SOLDIERS. HE DOES NOT KNOW WHO FIRED ~~S~~FIRST ON THE EMIGRANTS, THE WHITES OR THE INDIANS, AS

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RS	PS	RT	BT
HE WAS ATTENDING A SICK MAN. IT APPEARS EVERYBODY WAS SICK THERE EXCEPT SMITH IF HE HAD THOUGHT ABOUT IT IN TIME HE WOULD HAVE BEEN SICK. YET BECAUSE THEY TOLD MR. SMITH HERE IF WE ARE GOING TO TAKE THE NOOSE OFF YOUR NECK	HE WAS ATTENDING A SICK MAN IT APPEARS THAT EVERYBODY WAS SICK THERE EXCEPT SMITH IF HE HAD THOUGHT ABOUT IT IN TIME HE WOULD HAVE BEEN SICK DID NOT KNOW THE THING WAS GOING TO WORK THAT WAY	HE WAS ATTENDING TO A SICK MAN. FROM THE EVIDENCE IT APPEARS THAT ALL THE WHITES WERE SICK, DISABLED OR OUT OF THE WAY, EXCEPT KLINGENSMITH, STEWART AND HIGBEE, AND IF KLINGENSMITH HAD THOUGHT OF IT IN TIME HE WOULD HAVE BEEN SICK TOO. I THINK THE REASON THAT HE DOES NOT SWEAR TO BEING SICK WAS BECAUSE HE WAS TOLD ABOUT THIS BY THE GOVERNMENT. I THINK THEY MUST HAVE SAID “SIR, IF WE ARE GOING TO TAKE THE HALTER OFF YOUR NECK YOU MUST NOT	HE WAS TENDING TO A SICK MAN. FROM THE EVIDENCE IT APPEARS THAT ALL THE WHITES WERE SICK, DISABLE**D** OR OUT OF THE WAY EXCEPT KLINGENSMITH, STEWART OF HIGBEE, AND IF KLINGENSMITH ~~A~~HAD THOUGHT OF IT IN TIME, HE WOULD HAVE BEEN SIC~~H~~K TOO. I THINK THE REASON THAT HE DOES NOT ~~W~~SWEAR TO BEING SICK WAS BECAUSE HE WAS TOLD ABO~~U~~T THIS BY THE GOVERN~~A~~MENT ; I THINK THEY MUST HAVE SAID , “SIR, IF WE ARE GOING TO TAKE THE HALTER OFF YOUR NECK YOU MUST NOT

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RS	PS	RT	BT
YOU MUST HANG SOMEBODY FOR THIS.	I SUPPOSE THEY TOLD YOU MUST HANG SOMEBODY *MIGHT/YOU*[?] HAVE TO HANG TO PAY FOR THIS WE CAN'T OFFER TO TURN YOU LOOSE UNLESS WE HAVE A HANGING AND	SHIELD YOURSELF, YOU MUST SWEAR SO THAT WE CAN HANG SOMEONE.	SHIELD YOURSELF. YOU MUST SWEAR SO WE CAN HANG SOME ONE.
WE HAVE BEEN PUT {TO}[i] GREAT TROUBLE {TO GET}[i] PEOPLE ARE EXCITED THEY WANT A VICTIM; WE MUST DO SOMETHING TO KEEP UP OUR REPUTATION AND YOU MUST SWEAR ENOUGH TO HANG SOMEBODY.	WE HAVE BEEN AT GREAT TROUBLE PEOPLE ARE EXCITED KEEP THE REPUTATION YOU MUST SWEAR ENOUGH TO HANG SOMEBODY SO	WE ARE BEING PUT TO GREAT TROUBLE, AND SUBJECTED TO GREAT EXPENSE TO GET THE PEOPLE OF THE NATION EXCITED, AND NOW HAVING THEM DULY EXCITED AND ATHIRST FOR BLOOD, THEY DEMAND A VICTIM, AND YOU MUST FURNISH IT, SO AS TO KEEP UP OUR REPUTATION, AND YOU MUST SWEAR TO ENOUGH TO HANG LEE, WITHOUT FAIL"	WE HAVE BEEN PUT TO A GREAT DEA~~T~~L OF TROUBLE AND SUBJECTED TO A HEAVY EXPENSE TO ~~B~~**G**ET THE PEOPLE OF THE NATION EXCITED, AND NOW HAVING THEM DULY EXCITED AND A THIRST FOR BLOOD, THEY DEMAND A VICTIM AND YOU MUST FURNISH IT, SO AS TO KEEP UP OUR REPU~~R~~TATION , AND YOU MUST SWEAR TO ENOUGH TO HANG LEE WITHOUT FAIL."

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RS	PS	RT	BT
SMITH CONCLUDES HE WON'T BE SICK; BUT THAT HE WILL KILL HIS MAN AND NOW HE WANTS TO KILL ANOTHER HE KILLED ONE WITH HIS RIFLE AND NOW HE WANTS TO KILL ONE WITH PERJURY. WHITE TELLS YOU HE SWORE SAW THE INDIANS PERFORMING THEIR DEEDS OF VIOLENCE. POLLOCK TELLS YOU {THE}[i] SAME. WHITE IS THE ONLY MAN KNOWN TO HAVE TAKEN PART IN THIS KILLING EXCEPT	SMITH CONCLUDES THAT HE WON'T BE SICK BUT WILL KILL HIS MAN NOW HE WANTS TO KILL ANOTHER KILLED ONE WITH HIS RIFLE AND NOW HE WANTS TO KILL ANOTHER WITH PERJURY. WHITE TELLS YOU HE SAW THE MURDERERS AND INDIANS PERFORMING DEEDS OF VIOLENCE POLLOCK TELLS THE SAME WHITE IS THE ONLY MAN THAT IS [*space*]	KLINGENSMITH THEREFORE CONCLUDED HE WAS NOT SAFE, BUT THAT HE WOULD SWEAR AS HE HAS DONE, THAT HE KILLED HIS MAN, AND NOW HE WISHES TO HANG LEE. HE KILLED AND MAIMED EMIGRANTS WITH HISRIFLE, AND NOW HE WISHES TO HANG THIS OLD MAN BY AND WITH PERJURY. WHITE TELLS YOU THAT HE SAID THAT THE INDIANS WERE ENGAGED IN THEIR ACTS OF VIOLENCE. POLLOCK TELLS YOU THE SAME. ALL ADMIT NOW THAT THE ONLY WHITE MAN SEEN TAKING PART IN THE MASSACRE, ASIDE FROM	KLINGENSMITH THEREFORE CONCLUDED HEWAS NOT SICK, BUT THAT **HE** ~~HE~~ WOULD SWEAR AS HE HAS DONE; THAT HE KI**L**LED HIS MAN, AND NOW HE WISHES TO HANG LEE. *[55]* HE KILLED AND MAIMED EMIGRANTS WITH HIS RIFLE AND NOW HE WISHES TO HANG THIS OLD MAN BY AND WITH PERJURY. WHITE ~~W~~TLLS YOU THAT HE SAW THE INDIAN~~D~~**S** ENGAGED IN THEIR ACTS OF VIOLENCE. POLLOCK TELLS Y**O**U THE SAME. ALL ADMIT NO**W** THAT THE ONLY WHITE MAN SEEN TAKING PART IN THE MASSACRE, ASIDE FROM

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RS	PS	RT	BT
THIS MAN STEWARD.		KLINGENSMITH, WAS STEWART,.	~~M~~KLINGENSMITH WAS STEWART.
NO PROPERTY LEFT NEXT MORNING	BY DAYLIGHT NEXT MORNING AFTER HE CAME *EXPRESSLY TO* *BRING*[?] NO PROPERTY LEFT		
EXCEPT WAGONS ALL OF THE PROVISIONS EVERY THING OF THAT KIND HAD BEEN CARRIED AWAY. OLD MAN WHITE	EXCEPT THE WAGONS ALL OF THE PROVISIONS AND EVERYTHING OF THAT KIND HAD BEEN CARRIED AWAY OLD MAN ~~WHITE~~	OLD MAN	OLD MAN
GOES FURTHER THAN THAT.	≤YOUNG≥ GOES FURTHER THAN THAT	YOUNG TELLS YOU, AND HE IS SUPPORTED BY WHITE IN HIS STATEMENTS, THAT DURING THE NIGHT AFTER THE MASSACRE, THE INDIANS CAR- *[64]* RIED TO THE MOUNTAINS ALL THE MOVEABLE PROPERTY THAT WAS IN THE EMIGRANTS CAMP AT THE TIME OF THE ATTACK AND MURDER. HE	YOUNG TELLS YOU AND HE IS SUPPORTED BY WHITE IN HIS STATEMENT THAT DURING THE NIGHT AFTER THE MASSACRE, THE INDIANS CARRIED **T**O THE MOUNTAINS ALL THE MOVABLE PROPERTY THAT WAS IN THE EMIGRANT CAMP AT THE TIME OF ATTACK AND MURDER. HE
HE TELLS	TELLS	ALSO TELLS	ALSO TELLS

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RS	PS	RT	BT
YOU ABOUT MEETING INDIANS THAT WERE ENRAGED PREVIOUS TO HIS GETTING UPON THE FIELD	YOU ABOUT MEET INDIANS THAT WERE ENRAGED *PREVIOUSLY*[?] [*space*]	YOU ABOUT MEETING INDIANS WHO WERE ENGAGED AGAINST THE EMIGRANTS, INDIANS WOUNDED AND ON THE WAR PATH WHILE ON HIS WAY FROM THE SOUTH UP TO THE MOUNTAIN MEADOWS, SOME DAYS BEFORE THE SLAUGHTER.	YOU ABOUT MEETING INDIANS WHO WERE EN~~G~~**R**AGED AGAINST THE EMIGRANTS—— INDIANS WOUNDED AND ON THE WAR PATH WHILE HE WAS ON HIS WAY FROM THE SOUTH UP TO THE MOU~~T~~NTAIN MEADOWS , SOME DAYS BEFORE THE SLAUGHTER.
OLD ~~YOUNG~~ MAN YOUNG TELLS YOU WHILE GOING UP FROM WASHINGTON BEFORE HE HAD SEEN JOHN D. LEE JOHN D. LEE DID NOT TALK WITH THEM NO CONSPIRACY HEARD IN THIS MATTER AND IT CAME UP WHILE THEY WERE GOING UP	OLD MAN ~~*WHITE*~~ YOUNG TELLS YOU THAT WHILE COMING UP FROM WASHINGTON BEFORE HE HAD SEEN JOHN D. LEE JOHN D. LEE DID NOT TALK WITH THEM NO CONSPIRACY THERE IF HAD HEARD OF THIS MATTER AND CAME UP AND IT WAS NOT FROM	THAT HE SAW AND TALKED TO THESE ENRAGED INDIANS,	THAT HE SAW AND TALKED TO THESE ENRAGED IN~~I~~DIANS

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RS	PS	RT	BT
AND THEY MET INDIANS ON THE WAY WITH	JOHN D. LEE MET INDIANS ON THE WAY WITH	BEFORE HE SAW JOHN D. LEE. THESE INDIANS WERE DRIVING OFF SOME OF THE EMIGRANTS	BEFORE HE SAW ~~JOHN DL~~ JOH N D. LEE. THESE INDIANS WERE DIRVING OFF SOME OF THE EMIGRANTS
CATTLE	CATTLE	CATTLE. HE MET SEVERAL	CATTLE. HE MET SEVERAL
INDIANS WERE MAD THEY FINALLY PASSED THEM MET SECOND BAND OF INDIANS MET OTHER *[[14]]* BAND OF INDIANS AND WITH THAT MY FRIEND OF PROSECUTION OBJECTED THEY REFUSED TO LET US TELL WHAT WAS DONE THERE HOW INDIANS ACTED AND	THE INDIANS WERE MAD WITH THEM AND FINALLY PASSED THEM MET THEN SECOND BAND OF INDIANS AND ONE BEARING WOUNDED 3 BANDS AND WITH THAT MY FRIEND OF THE PROSECUTION OBJECTED AND REFUSED TO LET US TELL WHAT WAS DONE THERE HOW THE INDIANS ACTED	BANDS OF ENRAGED INDIANS AND TALKED TO THEM ABOUT THE EMIGRANTS,	~~C~~BANDS OF ENRAGED INDIANS AND TALKED TO THEM AMOUT THE EMIGRANTS;
		BUT WHAT WAS SAID THE PROSECUTION PREVENTED	BUT WHAT WAS ~~D~~SAID**,** THE PROSECUTION PREVENTED
		HIS TELLING YOU. FINDING OUR MOUTHS THUS FORCIBLY SHUT ON THE	HIS TELLING**;** ~~YOU WHAT HE~~ ~~H~~. FINDING OUR MOUTH S THUS FORCIBLY SHUT ON THE

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RS	PS	RT	BT
WE STOPPED CROSS EXAMINATION NO FURTHER FINALLY PUT HIM ON THE STAND ON OUR OWN BEHALF. THEN HE STATES ABOUT SAME STORY ONLY OBJECT PLACING HIM ON STAND WAS THIS SO THAT WE COULD HAVE RIGHT TO ASK CERTAIN QUESTIONS AND MAKE OUR OBJECTIONS AND TAKE OUR EXCEPTIONS IN PROPER FORM SO WE'LL LEAVE THE STORY FROM THIS TIME ON.	AND WE STOPPED AND CROSS EXAMINED HIM NO FURTHER FINALLY PUT HIM ON THE STAND IN OUR OWN BEHALF [*space*] *[[43]]* THEN HE TELLS THE SAME STORY ONLY OBJECT IN PLACING HIM ON STAND WAS THIS *AND MAKE*[?] OUR OBJECTION EXCEPTION IN PROPER FORM LEAVE HIS STORY FROM THIS TIME ON [*space*]	THRESHOLD OF OUR DEFENSE WE STOPPED THE EXAMINATION OF OLD MAN YOUNG. TRUE, WE PUT HIM ON THE STAND AS OUR WITNESS BUT WE DID THIS TO MAKE CERTAIN OFFERS OF EVIDENCE THAT WE KNEW WOULD BE RULED OUT, BUT IT WAS OUR DUTY TO DO THIS, SO AS TO SAVE OUR	THRESHOLD OF OUR DEFENSE, WE STOPPED THE EXAMINATION OF OLD MAN YOUNG. TRUE WE PUT HIM ON THE STAND AS OU~~T~~**R** WITNESS, BUT WE ~~F~~DID THIS TO MAKE CERTAIN OFFERS OF EVIDENCE, THAT WE KNEW WOULD BE RULED **OUT** ~~OJUT~~**;** BUT IT WAS OU~~T~~**R** DUTY TO DO THIS, ~~A~~SO AS TO SAVE OUR

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RS	PS	RT	BT
		RECORD OF THE CASE IN CORRECT STYLE. SAVE POINTS FOR THE DEFENDANT THAT WE DEEMED MATERIAL.	RECORD OF THE CASEE IN CORRECT STYLE, SAVE POINTS FOR THE DEFENDANT THAT WE D**E**EMED MATERIAL.
TAKE THE STORY OF POLLOCK SAYS HE WENT MEADOWS COMMAND OF CAPTAIN CURTIS FOUND INDIANS THERE IN LARGE NUMBERS [*space*] LARGE NUMBERS OF THEM THEY WERE FIRING AT THE EMIGRANTS ALL OF THE FIRST DAY AFTER HE ARRIVED UPON THE FIELD TELLS YOU HE WAS NOT IN RANKS AT THE TIME OF THE FIRING UPON THE EMIGRANTS	TAKE THE STORY OF POLLOCK [*space*] CAP. CURTIS SAYS HE FOUND THE INDIANS THERE IN LARGE NUMBERS BUT THAT COULD NOT GIVE THE NUMBER THAT THEY WERE FIRING AT THE EMIGRANTS ALL OF THE FIRST DAY AFTER HE ARRIVED UPON THE FIELD TELLS YOU THAT HE WAS NOT IN THE RANKS AT THE TIME OF FIRING UPON EMIGRANTS	NOW, TAKE THE STORY OF POLLOCK. HE PRETENDS THAT HE WENT TO THE MEADOWS BY COMMAND OF CAPTAIN CURTIS; FOUND THE INDIANS THERE IN LARGE NUMBERS, AND THAT THEY WERE FIRING UPON THE EMIGRANTS THERE AND ALL THE FIRST DAY AFTER HIS ARRIVAL THERE. THAT HE WAS NOT IN THE HOLLOW SQUARE, WAS IN THE RANKS,	NOW**,** TAKE THE STORY OF POLLOCK . HE PRETENDS THAT HE WENT TO THE MEADOWS BY COMMAND OF CAPTAIN CURTIS; FOUND THE INDIANS THERE **IN** ~~IS~~ LARGE NUMBERS, AND THAT THEY WERE FIRING UPON THE ~~I~~EMIGRANTS THEN AND ALL THE FIRST DAY AFTER HIS ARRIVAL THERE~~.~~**;** THAT HE WAS NOT IN THE HOLL W SQUARE—WAS IN THE RANKS

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RS	PS	RT	BT
THAT HE KNOWS NOTHING OF ANY HOLLOW SQUARE BEING FORMED HE KNOWS OF LEE'S TAKING NO PART IN THAT DAY'S TRANSACTION EXCEPTING THAT HE SAW LEE GOING[547] FROM THE CORRAL LEADING ~~EMIGRANTS~~ ≼CHILDREN≽ TO PLACE OF SAFETY. I WONDER WHERE HE WAS WHEN SMITH HAD THIS HOLLOW SQUARE FORMED WHERE ALL THESE PARTIES WERE FACT OF BUSINESS IS GENTLEMEN NO SUCH THING EVER TOOK PLACE THAT IS THE MATTER DEPENDENT SOLELY UPON THE INVENTIVE GENIUS OF THIS MAN SMITH. SUPPOSE SMITH	KNOWS NOTHING OF ANY HOLLOW SQUARE BEING FORMED KNOWS OF LEE'S TAKING NO PART IN THAT DAY'S TRANSACTION EXCEPT THAT HE SAW LEE GOING FROM THE CORRAL LEADING ~~INDIANS~~ EMIGRANTS TO PLACE OF SAFETY [*space*] I WONDER WHERE HE WAS WHEN SMITH HAD HIS HOLLOW SQUARE FORMED WHERE THEY ALL WERE NO SUCH THING EVER TOOK PLACE THAT IS THE MATTER DEPENDED SOLELY UPON THE INVENTIVE GENIUS OF THIS MAN SMITH AS I SAID AND	BUT TOOK NO PART IN THE MASSACRE. THAT HE KNOWS NOTHING OF THE ACTS OF LEE EXCEPT THAT LEE TOOK THE CHILDREN TO A PLACE OF SAFETY.	BUT TOOK NO PART IN THE MASSACRE.; THAT HE KNOWS NOTHING OF THE ACTS OF LEE EXCEPT THAT LEE TOOK THE *[56]* CHILDREN TO A PLACE OF SAFETY.

547. Word apparently added later.

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RS	PS	RT	BT
MADE UP THIS HOLLOW SQUARE COLUMN SINGLE AND DOUBLE FILE ≤ARRANGEMENT ≥ AFTER HE CAME BACK TO THIS PLACE.	SMITH MADE UP THIS HOLLOW SQUARE COLUMN SINGLE AND DOUBLE FILE ARRANGEMENT AFTER THEY CAME BACK TO THIS PLACE		
JUDGE SUTHERLAND'S REMARKS IN REGARD WITHDRAWAL OF INDIANS FROM SIGHT AND THEIR CRUEL ACTIONS AFTERWARDS WERE SUFFICIENT UPON THAT POINT.	JUDGE SUTHERLAND'S REMARKS IN REGARD TO THE WITHDRAWAL OF THE INDIANS FROM SIGHT AND THEIR CRUEL ACTIONS AFTERWARDS WERE SUFFICIENT UPON THAT POINT	JUDGE SUTHERLAND	JUDGE SOUTHERLAND
		HAS SO HANDSOMELY DEMOLISHED POLLOCK, THAT I WILL LEAVE HIM TO YOUR JUST INDIGNATION.	HAS SO HANDSOMLY DEMOLISHED POLLOCK THAT I WILL LEAVE HIM TO YOUR JUST INDIGNATION.
I WILL SIMPLY CALL YOUR ATTENTION TO FACT AND PASS ALONG.	BUT I WILL SIMPLY CALL YOUR ATTENTION TO THE FACT AND PASS ALONG		
POLLOCK SAYS WHITES WENT DOWN TOWARDS CORRAL	POLLOCK SAYS THAT THE WHITES WENT DOWN TOWARDS THE CORRAL THAT	POLLOCK SAYS	POLLOCK SAYS

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RS	PS	RT	BT
IT WAS THE UNDERSTANDING THAT I HAD THAT THEY WERE GOING TO TRY TO SAVE THE EMIGRANTS. HOW DO YOU EXPLAIN THE UNDERSTANDING OF POLLOCK AND THE UNDERSTANDING OF SMITH IF BOTH TOLD THE SAME STORY WHEN THE EVIDENCE OF POLLOCK HERE DISPUTES SMITH SMITH	IT WAS THE UNDERSTANDING THIS IS EVIDENCE FOR THE PROSECUTION IT WAS THE UNDERSTANDING THAT I HAD THAT THEY WERE GOING TO TRY TO SAVE THE EMIGRANTS HOW DO YOU EXPLAIN THE UNDERSTANDING OF POLLOCK AND THE UNDERSTANDING OF SMITH IF BOTH TOLD THE SAME STORY WHEN THE EVIDENCE OF POLLOCK HERE DISPUTES SMITH SMITH [*space*]	THAT HE UNDERST~~AN~~OOD THAT THE EMIGRANTS WERE TO BE SAVED AT THE TIME THE FLAG OF TRUCE WAS SENT INTO THE CORRALL, BUT THIS DIS- *[65]* PUTES KLINGENSMITH, AND DISPUTES THE STATEMENTS ABOUT THE HOLLOW SQUARE AND THE PRETENDED SPEECH OF LEE. SO MUCH FOR POLLOCK AND THE WITNESSES THUS FAR. THE EVIDENCE THUS FAR DOES NOT	THAT HE UNDERSTOOD THAT THE EMIGRANTS WERE TO BE SAVED AT THE TIME THE FLAG OF TRUCE WAS SENT INTO THE CORRAL; BUT THIS DISPUT~~E~~S KLINGENSMITH, AND DISPU~~R~~TES THE STATEMENTS ABOUT THE HOLLOW AQUARE AND THE PRETENDED SPEECH OF LEE. SO MUCH FOR POLLOCK AND THE WITNESSES THUS FAR.THE EVIDENCE THUS FAR DOES NOT

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RS	PS	RT	BT
SAYS UNDERSTANDIN G WAS BEFORE LEAVING CAMP THE WORD HALT WAS TO BE GIVEN AT THAT WORD BEING GIVEN THE EMIGRANTS WERE TO BE KILLED THE SOLDIERS WERE TO FIRE POLLOCK IN THE RANKS HEARD NO SUCH WORD. HE SAYS WE STARTED {FROM THE}[i] CAMP SAME AS MEN HE STARTED TO ANY MEETING TRAVELING ALONG GOING AT WILL THAT NO SUCH COMMAND HAD BEEN GIVEN. THAT DISPUTES SMITH. [*space*] *[[15]]* BASKIN POLLOCK WAS NOT IN THE RANKS HE TESTIFIED HE WAS NOT IN THE RANKS AT THE TIME OF	HE SAYS UNDERSTANDIN G WAS BEFORE LEAVING CAMP THAT THE WORD HALT WAS TO BE GIVEN AT THAT WORD BEING GIVEN THE EMIGRANTS WOULD BE KILLED AND SOLDIERS WERE TO FIRE POLLOCK IN THE RANKS HEARD NO SUCH WORDS HE —[?] WE STARTED FROM THE CAMP THE SAME AS MEN WOULD START FROM ANY MEETING GOING AT WILL AND THAT NO SUCH COMMAND HAD BEEN GIVEN THAT DISPUTES SMITH [*space*] BASKIN POLLOCK WAS NOT IN THE RANKS TESTIFIED THAT HE STAYED OUT OF THE RANKS I BELIEVE YOU	JUSTIFY THE CONVICTION OF JOHN D. LEE.	JUSTIFY THE CONVICTION OF JOH ~~D~~. LEE.

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RS	PS	RT	BT
FIRING BISHOP I WILL ACCEPT THAT. BUT IF I AM NOT MISTAKEN HE STARTS FROM THE CORRAL WITH THEM. HOW DOES IT COME GENTLEMEN IF SMITH'S THEORY BE RIGHT SMITH HAS WITNESSED UNDER PERIL OF HIS LIFE ENTER INTO THE RANKS COMMIT MURDER POLLOCK YOUNG HAS SOME *FIGURES*[?] *IS/HAS*[?] PERMITTED TO *THROW IN*[?] WILD AND LOOSE UPON HILLSIDE AND UNDER DIRECTION CRIMSONED HIS HANDS WITH THE BLOOD OF THOSE SLAIN. THE FACT IS SMITH HAS LIED I AM	ARE *RIGHT*[?] *[[44]]* I WILL ACCEPT THAT [*space*] HE SAID HE WAS NOT IN THE RANKS AT THE TIME OF THE FIRING [*space*] IF I AM NOT MISTAKEN *HE*/*LEE*[?] AND HOW DOES IT COME GENTLEMEN THAT SMITH HAS WITNESSED UNDER PERIL OF HIS LIFE ENTER INTO RANKS POLLOCK ADAIR *HENRY/NR*[?] MR. *BAKER'S*[?] MAN IS PERMITTED TO RUN WILD AND LOOSE UPON THE HILLSIDE AND CRIMSONED HIS HAND IN THE BLOOD OF THESE PARTIES TO BE SLAIN — *STATE/HOW* *STT*[?] WHY THE FACT IS SMITH HAS LIED I AM		

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RS	PS	RT	BT
GLAD YOU GET HIM OUT OF RANKS. SAID WAGONS PASSED ON SEEN PASSING ON TO HAMBLIN'S RANCH WHEN FIRING COMMENCED THERE IS WHERE JOHN D. LEE WAS JOHN D. LEE WAS AWAY FROM THE SCENE SAW NOTHING OF IT HAD NO CHANCE TO KNOW ANY MORE OF IT THAN THIS MAN POLLOCK FOR POLLOCK WAS THERE WHAT IS THE RESPONSIBILITY THAT JOHN D. LEE HELD AT THE TIME [*space*] HE WENT THERE TOOK CHILDREN AND STARTED TO CEDAR CITY	GLAD ~~TO~~ THAT YOU GATHER HIM OUT OF THE RANKS HE SAYS THAT THE WAGONS PASSED ON WHEN THE FIRING COMMENCED THAT THE WAGONS PASSED ON TO HAMBLIN'S RANCH AND HE SAW NO MORE OF THEM JOHN D. LEE WAS AWAY FROM THE SCENE HAD NO CHANCE TO KNOW MORE ABOUT IT THAN THIS MAN POLLOCK SAW THE WHOLE MATTER SUPPOSED THEY WERE TO GO AND ~~SAVE THE EMIGRANTS~~ [*space*] THAT HE TOOK THE CHILDREN TO CEDAR ~~SALT LAKE CITY~~ CEDAR [*space*]		

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RS	PS	RT	BT
AND THAT AS A MATTER OF COURSE THEY WERE TO BE SAVED. POLLOCK SAYS FURTHER THAN THAT THEY DID NOT GO THERE FOR PURPOSE OF INJURING EMIGRANTS THEY DID NOT FIRE {A}[i] SHOT FIRST DAY. {I}[i] ASK{ED}[i] HIM IF HE WAS CERTAIN OF THAT HE	HE THOUGHT AS A MATTER OF COURSE THAT THEY WERE TO BE SAVED[548] POLLOCK SAYS FURTHER THAN THAT THAT THEY DID NOT GO THERE FOR THE PURPOSE INJURING EMIGRANTS THAT THEY *NOT*[?] DID NOT FIRE A SHOT FIRST *DAY*[?]		
SAYS WE NEVER DREAMED OF FIRING SHOT UPON EMIGRANTS HE WAS THERE DAY BEFORE AND SAW LEE SAW LEE MORNING OF THE SECOND DAY AND 2 INDIAN CHIEFS WERE THERE WITH HIM LEE WAS TALKING WITH THESE INDIANS. UNDERSTOOD	WE NEVER DREAMED OF THAT [*space*] NEVER DREAMED TO FIRE SHOT UPON EMIGRANTS HE WAS THERE THE DAY BEFORE AND SAW LEE SAW LEE THE MORNING OF THE SECOND DAY AND TWO INDIAN CHIEFS THAT WERE WITH HIM THAT LEE WAS TALKING WITH THESE INDIANS THAT HE CAN		

548. The word is partially written over.

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RS	PS	RT	BT
WHAT THEY TALKED ABOUT.	TALK AND UNDERSTAND ANYTHING HIMSELF [*page torn*] BUT THAT		
BUT THAT IS A LAND *WHOLE/WHILE*[?] TALK TO YOU	IS AND *STILL/WHILE*[?] *TALK TO YOU*[?] THE		
PROSECUTION COMES TO YOU WITH ONLY HALF {OF THE}[i] TESTIMONY.	PROSECUTION COMES TO YOU WITH ONLY HALF THE TESTIMONY		
THEY STRIKE FROM YOUR KNOWLEDGE ALL THAT WAS SAID UPON THAT FIELD BETWEEN LEE AND {THE}[i]	THEY STRIKE FROM YOU KNOWLEDGE ALL THAT WAS SAID UPON THAT FIELD BETWEEN LEE		
INDIANS. THEY ARE CONTENT TO ASK WHEN THEY WANT TO TO ILLUSTRATE ACTS	INDIANS THEY ARE CONTENT TO ASK *WHEN THEY*[?] WANT TO TO ILLUSTRATED		
		BUT WITH ALL THE WANT OF EVIDENCE THE PROSECUTION	BUT WITH ALL THE WANT OF EVIDENCE THE PROSECUTION
THEN ASK THIS JURY TO CONVICT JOHN D. LEE BECAUSE HE IS OLD. THAT IS THE ARGUMENT OF	AND THEN ASK THIS JURY TO CONVICT AS JURY BECAUSE HE IS OLD THIS IS THE ARGUMENT OF	ASK YOU TO CONVICT LEE BECAUSE HE IS OLD.	ASK YOU TO CONVICT LEE BACAUSE HE IS OLD.
MY BROTHER CAREY HE SAYS LEE IS OLD	MY BROTHER CAREY	MY BROTHER CARY TOLD YOU THAT LEE WAS AN OLD	MY BROTHER CAREY TOLD YOU THAT LEE IS AN OLD

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RS	PS	RT	BT
		MAN, NEAR THE END OF LIFE.	MAN, NEAR THE END OF LIFE.
IT WOULD NOT MIND TOO MUCH FEW YEARS OF LIFE HE HAS GOT LEFT. BUT NO BUT THEY WILL PAY SUCH AS PRICE AS THEY HAVE PAID TO KLINGENSMITH THEY WILL OFFER HIM HIS LIFE BECAUSE HE IS OLD THEY WANT TO HANG JOHN D. LEE JUST SIMPLY BECAUSE HE IS OLD AND THAT IS THE WAY THE CHINESE DO I BELIEVE PERSON GETS USELESS {THEY}[i] TAKE THEM OUT AND KILL THEM SAVE THEM FROM TROUBLE IN THEIR OLD AGE [*space*] I AM GLAD CAREY MADE USE OF THAT	IT WOULD NOT MEAN TOO MUCH A FEW YEARS OF LIFE HE HAS *GOT* LEFT NO [*space*] BUT GOVERNMENT WILL PAY SUCH A PRICE AS PAID TO KLINGEN SMITH [*space*] NOW THEY WANT TO HANG LEE JUST SIMPLY BECAUSE OLD IT IS THE WAY THE CHINESE DO I BELIEVE PERSON GETS USELESS TAKE THEM OUT KILL THEM SAVE THEM FROM TROUBLE IN THEIR OLD AGE I AM GLAD CAREY MADE USE OF THAT	IS THIS A JUST CAUSE TO KILL OR CONVICT JOHN D. LEE; IS THE INDIAN MODE TO BE ADOPTED HERE; SHALL MEN BE KILLED AS SOON AS THEY BECOME OLD, SO AS TO PREVENT THEM FROM BECOMING A PUBLIC CHARGE ? I AM GLAD I HAVE LEARNED THE REASON THAT BROTHER CAREY HAD FOR	IS THIS A JUST CAUSE TO KILL OR CONVICT JOHN D. LEE? IS THE INDIAN MODE TO BE ADOPTED HERE? SHALL MEN BE KILLED AS SOON AS THEY BECOME OLD, SO AS TO PREVENT THEM BECOMING A PUBLIC CHARGE. I AM GLAG I HAVE LEARNED THE RE~~S~~ASON THAT BROTHER CAREY HAD **FOR** ~~FOE~~

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RS	PS	RT	BT
REMARK BECAUSE I COULD NOT UNDERSTAND HOW IT WAS THAT HE HAD NERVED HIMSELF UP TO THE DESIGN OF ASKING THIS JURY *[[16]]* FOR A VERDICT WHEN I HEARD HIM SAY LEE WAS AN OLD MAN AND OUGHT TO BE HUNG I THOUGHT I HAD THE KEY TO IT. IT WON'T BE LONG BEFORE THEY WILL HAVE TO HANG HIM HE IS GETTING OLD THAT IS THE ONLY THING CHARGED AGAINST HIM.	REMARK BECAUSE I COULD NOT UNDERSTAND UNTIL I HEARD THAT HOW IT WAS THAT HE HAD NERVED HIMSELF UP TO THE TASK OF ASKING THIS JURY FOR A VERDICT WHEN I[549]	ASKING YOU TO CONVICT JOHN D. LEE. WHEN HE SAID LEE WAS OLD AND SHOULD BE HANGED I CAUGHT THE KEY NOTE THAT HE WAS PLAYING. IF THIS THEORY BE CORRECT IT WILL NOT BE LONG BEFORE MY BROTHER CAREY WILL HAVE TO BE HUNG FOR HE IS NO CHILD IN YEARS. LEE IS ACCUSED OF BEING OLD. TRUE, HE IS AN OLD MAN, BUT THIS IS THE FIRST TIME I EVER HEARD	ASK~~L~~ING YOU TO CONVICT JOHN ~~DL~~**D**. LEE. WHEN **HE** ~~HE~~ SAID HE WAS OLD AND COULD BE HANGED, I CAU~~T~~GHT THE KEY NOTE THAT HE WAS PLAYING; IF THIS THEORY BE CORRECT IT WILL NOT BE LONG B EFORE MY B~~T~~ROTHER CAREY WIL L HAVE TO BE HUNG FOR HE IS NO CHILD IN YEARS. LEE IS ACCUSED OF BEING AN OLD MAN; TRUE HE IS AN OLD MAN; BUT THIS IS THE FIRST TIME I EVER HEAR D

549. This is the end of the extant Patterson shorthand for Bishop's closing argument. On the verso of page 44 in longhand: **SUTHERLAND HOGE BISHOP SPEECHES.**

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RS	PS	RT	BT
I HAVE HEARD CRIME OF BEING YOUNG MAN BROUGHT AGAINST HIM HANG MAN SIMPLY BECAUSE HE WAS OLD. YOU CAN'T TELL WHAT A MAN WILL DO WHEN HE TRAVAIL		AGE CLASSED AMONG THE FELONIOUS CRIMES. I HAVE FREQUENTLY HEARD THE PHRASE "THE CRIME OF BEING A YOUNG MAN" BUT NEVER UNTIL THE PRESENT OCCASION HAVE I HEARD AN ATTORNEY ASK A JURY TO CONVICT A MAN SIMPLY BECAUSE HE WAS OLD. THIS REQUEST PROVES THE DESPERATE CONDITION OF BROTHER CAREY THE UNITED STATES ATTORNEY. HE IS IN TROUBLE, HE HAS CAUSED ALL TO BELIEVE LEE GUILTY THAT HE POSSIBLE COULD, AND REACH BY	AGE~~D~~ CLASSED A MO~~O~~UNG THE FELONIOUS CRIMES. I HAVE FREQUENTLY HEARD THE PHRASE, "THE CRIME OF BEING A YOUNG MAN," BUT NEVER UNTIL THE PRESENT O~~VV~~CCASION HAVE I HEARD AN ATTORNEY ASK A JURY TO CONVICT A MAN SIMPLY BECAUSE HE WAS OLD. THIS RE QUEST PROVES ~~A DE~~ THE DESP~~R~~ERATE CONDITION OF BROTHER CAREY, THE UNITED ST~~Z~~ATES ATTORNEY. HE IS IN TROUBLE, HE HAS CAUSED ALL TO BELIEVE LEE GUILTY THA T HE COULD POSIBLY REACH BY

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RS	PS	RT	BT
CAREY'S ENTIRE REPUTATION HINGED IS WITH HIS SUCCESS UPON THIS CASE HE FEELS DESPERATE NEVER COME BACK TO ≤BEAVER≥ PRACTICE LAW AGAIN UNLESS HE HANGS JOHN D. LEE.		VOICE OR PUBLIC PRESS; AND HIS REPUTATION GREATLY DEPENDS ON THE VERDICT IN THIS CASE,	VOICE OR PUBLIC PRESS; AND HIS REPUTATION GREATLY DEPENDS UPON A VERDICT IN THIS CASE;
		HENCE THE SENTIMENT "HANG LEE BECAUSE HE IS OLD". I PITY BROTHER C~~Z~~AREY IN HIS MISFORTUNE, BUT I CANNOT AGREE WITH *[66]* HIS LAW OR HIS PHILOSOPHY. I AM FORCED TO AGAIN REFER TO POLLOCK, CONTRARY TO MY FORMER INTENTION.	HENCE THE SENTIMENT, "HANG LEE BECAUSE HE IS OLD." I PITY BROTHER CAREY IN HIS MISFORTUNE, BUT **I** CANNOT AGREE WITH HIS LAW OR HIS PHILOSOPHY. *[57]* I AM FORCED TO AGAIN REFERR TO PO**L**LOCK, CONTRARY TO MY FORMER INTENTION.
POLLOCK TELLS YOU THERE WERE 4 —[?] HUNDRED INDIANS RUN OVER BATTLE FIELD		POLLOCK TELLS YOU THERE WAS FOUR OR FIVE HUNDRED INDIANS RUNNING ALL OVER THE FIELD AT THE	POLLOCK TELLS YOU THAT THERE WERE FOUR OR FIVE HUNDRED INDIANS RUNNING ALL OVER THE FIELD AT THE

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RS	PS	RT	BT
NEXT/COMMENCED[?] STRUCK {FOR THE}[i] WAGONS IMMEDIATELY AFTER FIRING BUT THIS IS MORE THAN SMITH THINKS LEE *DID SEND*[?] ACCORDING TO CAREY HE SAW ONLY ABOUT 30 INDIANS TOGETHER. POLLOCK SAYS NEXT DAY UPON THE FIELD SMITH AND HIGBEE WAS THERE SMITH GAVE ORDERS FOR REMOVAL OF WAGONS ALL OF PROPERTY WAS REMOVED BY THEM UNDER DIRECTION OF SMITH AND THAT		TIME OF THE MASSACRE, AND THAT THEY WENT TO THE WAGONS AT ONCE AFTER THE FIRING COMMENCED. KLINGENSMITH SAW THIRTY INDIANS, AND SAYS HE WENT OFF WITH THE CHILDREN. POLLOCK SAYS KLINGENSMITH WAS THERE ON THE FIELD THE NEXT DAY, AND THERE ALL NIGHT TOO. THAT HE ALSO GAVE ORDERS FOR THE REMOVAL OF THE PROPERTY FROM THE MEADOWS TO CEDAR CITY, AND THAT IT WAS ALL MOVED UNDER THE IMMEDIATE ORDERS OF KLINGENSMITH.	TIME OF THE MASSACRE, AND THAT THEY WENT TO THE WAGONS AT ONCE AFTER THE FIRING COMMENCED. KLINGENSMITH SAW BUT THIRTY INDIANS AND SAYS HE WENT OFF WITH THE CHILDREN. POLLOCK SAYS KLINGENSMITH WAS THERE I~~D~~**N** THE **FIELD** ~~FIRLD~~ THE NEXT DAY AND THERE ALL NI~~T~~GHT**,** TOO. T~~Y~~**H**AT HE ALSO GAVE ORDERS FOR THE REMOVAL OF THE PROPERTY FROM THE ME~~Z~~ADOW~~N~~S TO CEDAR CITY, AND THAT IT WAS ALL MOVED UNDER THE IMMEDIATE ORDERS OF KLINGENSMITH.

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RS	PS	RT	BT
HE WENT TO CEDAR CITY WITH SMITH SMITH SAYS HE WENT ALONE WITH THE CHILDREN. AFTER SMITH HAD GOT A FELLOW KILLED ON THE FIELD SAID HE HAD AGREED WITH JOHN D. LEE TO DO IT AFTER HE KILLED HIS MAN HE COULD NOT RECALL ANYTHING FURTHER THIS SHOULD AND DOES IN MY JUDGMENT DESTROY HIS CREDIBILITY. POLLOCK SAYS WAGONS WITH CONTENTS PASSED ON IN SAFETY. HE TELLS YOU INDIANS WERE ARMED WITH GUNS BOWS		THAT HE POLLOCK WENT WITH KLINGENSMITH WITH THE PROPERTY FROM THE MEADOWS TO CEDAR CITY. KLINGENSMITH SAYS HE WENT TO CEDAR CITY ALONE, EXCEPT THE CHILDREN. POLLOCK TELLS YOU HOW PERFECTLY THE INDIANS WERE ARMED,	THAT HE **(**POLLOCK**)** WENT WITH KLINGENSMITH WITH THE PROPERTY FROM THE MEADOWS TO CEDAR CITY. KLINGENSMITH SAYS HE WENT **ALONE** TO CEDAR CITY EXCEPT THE CHILDREN. POLLOCK TELLS YOU HOW PERFECTLY THE INDIANS WERE ARMED,

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RS	PS	RT	BT
ARROWS ABOUT HALF OF INDIANS HAD GUNS AND ALL OF THEM HAD BOWS AND ARROWS THAT THESE BOWS AND ARROWS WERE DEADLY WEAPONS WHERE EVER BODY WAS FOUND THERE		AND ~~T~~ ALSO THAT BY EVERY DEAD BODY	vAND ALSO THAT BY EVERY DEAD BODY
THE GROUND WAS COVERED WITH ARROWS AND THERE WAS EVIDENCE OF INDIAN ATTACK		THE GROUND WAS COVERED WITH ARROWS AND OTHER EVIDENCES OF INDIAN ATTACK AND MASSACRE.	THE GROUND WAS COVERED WITH AR**R**OWS AND OTHER EVIDENCES OF INDIAN ATTACK AND MASSACRE.
ALL THIS WE GET FROM THE EVIDENCE OF THE PROSECUTION.		THIS IS ALL FROM THE EVIDENCE OF THE PROSECUTION.	THIS IS ALL FROM THE EVIDENCE OF THE PROSE~~S~~CUTION.
GENTLEMEN DON'T THINK I AM TRYING TO BE TEDIOUS		GENTLEMEN, DO NOT THINK THAT I AM TRYING TO WEARY YOU, OR TO MISLEAD YOUR MINDS BY TAKING UP	GENTLEMEN, DO NOT ~~THIN~~**THINK** THAT I AM TRYING TO WEARY YOU OR TO MISLEAD YOUR MINDS BY TAKING TUP
TAKING THIS EVIDENCE PART BY PART		THIS EVIDENCE PART BY PART, THAT IS NOT MY OBJECT, I AM	THIS EVIDENCE PART BY PART; THAT IS NOT MY OBJECT. I AM
TRYING TO FIND SOMETHING		TRYING TO FIND SOMETHING IN THE EVIDENCE,	TRYING TO FIND SOMETHING IN THE EVIDENCE **,**
IF I CAN THAT WILL		IF I CAN, THAT WILL	~~—~~ IF I CAN~~—~~**,** THAT WILL

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RS	PS	RT	BT
WARRANT ME IN BELIEVING THAT THE DEFENDANT HAS BEEN CONNECTED WITH THESE ACTS [*space*]		WARRANT YOU IN BELIEVING THAT THE DEFENDANT HAS BEEN CONNECTED WITH THE MASSACRE AT MOUNTAIN MEADOWS AS A GUILTY AND BLOOD STAINED ACTOR AND PARTICIPANT.	WARRANT YOU IN BELIEVING THAT THE DEFENDANT HAS BEEN CONNECTED WITH THE MASSACRE AT MOUNTAIN MEADOWS AS A GUILTY AND BLOOD-STAINED ACTOR AND PARTICIPANT ~~I~~.
SO FAR THEN THERE IS NO TESTIMONY.		SO FAR, I HAVE BEEN UNABLE TO FIND THE EVIDENCE TO JUSTIFY SUCH A CONCLUSION.	SO FAR I HAVE BEEN UNABLE TO FIND THE EVIDENCE TO JUSTIFY SUCH A CONCLUSION.
WE NEXT TAKE JOHN SHERRETT HE SAW PROPERTY SOLD AT THE TITHING OFFICE. HE THINKS LEE ACTED AS AUCTIONEER SUPPOSE THAT HE DID WHAT OF THAT DOES THAT MAKE HIM A PARTY TO A COMBINATION THAT WAS FORMED PREVIOUS TO ATTACK. MOST		JOHN SERRATT, THE TRUTHFUL MUTE, SAW THE PROPERTY SOLD AT AUCTION, AND <u>THINKS</u> THAT JOHN D. LEE ACTED AS AUCTIONEER. SUP- *[67]* POSE THAT HE DID SO ACT,THAT DOES NOT MAKE HIM A PARTY TO THE COMBINATION, THAT WAS FORMED PREVIOUS TO THE MASSACRE, MOST	JOHN S~~E~~HERRATT, THE TRUTHFUL MUTE, SAW THE PROPERTY SOLD AT AUCTION, AND THINKS THAT JOHN D. LEE ACTED AS AUCTIONEER. SUPPOSE HE DID SO ZACT, THAT DOES NOT MA~~D~~KE HIM A PARTY TO THE COMBINATION THAT WAS FORMED PREVIOUS TO THE MASSACRE — MOST

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RS	PS	RT	BT
CERTAINLY NOT OF THIS YOU WILL RECOLLECT NO WORD OF HAIGHT'S HAS BEEN BROUGHT {TO THE}[i] KNOWLEDGE OF JOHN D. LEE. NO WORD OF DAME'S NO WORD OF ANY ~~<~~HUMAN BEING~~>~~ *[[17]]* HAS BEEN BROUGHT KNOWLEDGE OF JOHN D. LEE. HE COMES IN IT {NOT}[i] EVEN ACCORDING TO SMITH EXCEPT THAT THAT TOOK PLACE UPON THE FIELD AT THE COUNCIL SO FAR THEN THERE IS NOTHING.		CERTAINLY NOT. NO WORD OF HAIGHT HAS BEEN BROUGHT TO THE KNOWLEDGE OF JOHN D. LEE. NO WORD OF DAMES, NO WORD OF ANY HUMAN BEING HAS BEEN BROUGHT TO THE KNOWLEDGE OF JOHN D. LEE. NO EVIDENCE IS GIVEN TO EXPLAIN HOW HE BECAME A PARTY TO THIS CONSPIRACY. NOT EVEN KLINGENSMITH PRETENDS TO GIVE ANY OTHER EXPLANATION OF THIS,	CERTAINLY NOT. NO WORD OF HAIGHT HAS BEEN BROUGHT TO THE ~~M~~ KNOWLEDGE OF JOHN D. LEE. NO WORD OF DAMES — NO WORD OF ANY HUMAN BEING HAS BEEN BROUGHT TO THE KNOWLEDGE O~~G~~F JOHN D. LEE. NO EVIDENCE IS GIVEN TO EXPLAIN HOW HE BECAME A PARTY TO THIS *[58]* CONSPIRACY. NOT EVEN KLINGENSMITH PRETENDS TO GIVE ANYOTHER EXPLENATI~~O~~ON O~~N~~F THIS

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RS	PS	RT	BT
		EXCEPT TO DESCRIBE THE VISIONARY HOLLOW SQUARE AND MYTHICAL SPEECH OF LEE TO THE TROOPS COMPOSING THE HOLLOW SQUARE.	EXCEPT TO DESCRIBE THE VISSIONARY HOLLOW SQUARE AND MYTHICAL SPEECH OF LEE TO THE TROOPS COMNPROSING THE HOLLOW SAQUARE.
NOW WE GO TO MY FRIEND BRADSHAW HE HEARD HAIGHT SAY THE SUNDAY BEFORE MASSACRE THAT ALL WOULD HAVE BEEN DEAD IF AN OLD FOOL HAD NOT INTERFERED WITH THE INDIANS BUT IT MADE NO DIFFERENCE THEIR DOOM WAS FIXED THEY COULD ONLY LAST LITTLE WHILE LONGER OTHER ORDERS WOULD HAVE TO BE GIVEN		BRADSHAW CLAIMS TO HAVE HEARD HAIGHT SAY THE SUNDAY BEFORE THE MASSACRE, THAT ALL THE EMIGRANTS WOULD HAVE BEEN DEAD THEN IF THE OLD FOOL HAD NOT INTERFERED WITH THE INDIANS; BUT IT MADE NO DIFFERENCE, THEIR DOOM WAS SEALED, FIXED, THEY COULD ONLY LAST A LITTLE LONGER. FRESH ORDERS WOULD HAVE TO BE GIVEN. IT IS AN ABSURDITY TO CLAIM THAT HE	BRADSHAW CLAIMS TO HAVE HEARD HAIGHT SAY THE SUNDAY BEFORE THE MASSACRE THAT ALL THE EMGRANTS WOULD HAVE BEEN DEAD THEN IF THE OLD FOOL HAD NOT IFNTERLFERED WITH THE INDIANS , BUT IT MADE NO DIFFERENCE, THEIR DOOM WAS FIXED, THEY COULD ONLY LAST A LITTLE LONGER. FRESH ORLE ORDERS WOULD HAVE TO BE GIVEN. IT IS AN ABSURDITY TO BE CLAIMED

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RS	PS	RT	BT
HEARD HAIGHT PREACH THIS SERMON. IT IS TOO ABSURD FOR BELIEF. BASKIN IF YOUR HONOR I HATE INTERRUPT GENTLEMAN IN SPEAKING BRADSHAW SAID HAIGHT SAID IF AN OLD FOOL HAD NOT INTERFERED WITH THE INDIANS THE EMIGRANTS WOULD HAVE BEEN DEAD. BISHOP I BELIEVE I HAVE NOT MISSTATED THE TESTIMONY I DO NOT THINK THAT I HAVE I AM NOT IN HABIT OF DOING		HEARD HAIGHT PREACH SUCH A SERMON ON THAT SUNDAY. MR. BASKIN: IF YOUR HONOR PLEASE I HAVE NO INTENTION OF INTERRUPTING THE GENTLEMAN SPEAKING, BUT I WISH TO CORRECT ONE THING THAT HE SAID JUST NOW. BRADSHAW SAID THAT HAIGHT SAID “IF THE OLD FOOLS HAD NOT INTERFERED WITH THE INDIANS THE EMIGRANTS WOULD THEN HAVE BEEN DEAD” BISHOP: I BELIEVE I HAVE NOT MIS- STATED THE TESTIMONY, I DO NOT THINK I HAVE, I AM NOT IN THE HABIT OF DOING	THAT HE HEARD H~~E~~AIGHT PREACH SUCH A SERMON ON THAT SUNDAY. MR. BASKIN: IF YOUR HONOR PLEASE, I HAVE NO INTENTION OF INTERUPTING THE GENTLEM~~E~~AN NOW SPEAKING BUT I WISH TO CORRECT ONE THING THAT HE SAID ~~G~~**J**UST NOW. BRADSHAW SA~~U~~ID THAT HAIGHT SAID, “IF THE OLD **FOOLS** ~~FOOLS~~HAD NOT INTERFERE D WITH THE INDIAND ~~**THER**~~ **THEY** WOULD THEN HAVE BEEN DEAD.” MR. BISH~~P~~OP**:** I BELIEVE I HAVE NOT MISSTATED THE TESTIMONY — IDO NOT THI~~N~~K I HAVE. I AM NOT IN THE HABIT OF DOING

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RS	PS	RT	BT
THAT VERY SELDOM ACCUSED OF DOING THAT IF JURY CATCHES ME LYING TO THEM IT IS WORSE FOR ME THAN ANY ONE ELSE. I HAVE IT THIS WAY [*space*] OLD FOOLS HAD TAMPERED WITH THE INDIANS BY BISHOP I HAVE RIGHT TO MAKE THAT APPLICATION IF THEY WANT ~~N~~ IT MAY BE INTERRUPTION OF THIS KIND WILL INTERFERE WITH MY REMARKS I SAID OLD FOOL FOR THE EVIDENCE I SHALL ASK		THAT. I NEVER DO SO INTENTIONALLY . I AM TOLD BY MR. PATTERSON THE REPORTER, THAT THE WORDS ARE IN HIS NOTES "THE OLD FOOLS", NOT ~~NO~~ "OLD FOOL" AS I SAID. I STAND CORRECTED. IT IS TWO FOOLS IN THE PLACE OF ONE.	THAT . I NEVER DO INTENTIONALLY . I AM TOLD BY MR. PATTERSON , THE OFFICIAL REPORTER**,** THAT THE WORDS ARE IN HIS NOTES, 'THE OLD **FOOLS"** ~~FOOL'S~~**,"** NOT**, "**~~O~~**N**~~L~~**L**D FO~~L~~**O**L**"** AS I SAID. I STAND CORRECTED. IT IS TWO FOOLS IN THE PLACE OF ONE .

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RS	PS	RT	BT
REPORTER TO READ I SAY IN SUBSTANCE I AM RIGHT *ABOUT THE CONCLUSION*[?] WHAT *THE MATTER*[?] IT CLAIMS THAT HAIGHT PREACHED TO THE PEOPLE AND THAT THE EMIGRANTS WOULD BEEN DEAD IF BEEN FOR SOME OLD FOOLS WHO TAMPERED WITH INDIANS BUT THAT THEY HAD GONE FURTHER INTO THE TRAP. PLACE YOUR OLD MAN UPON THE STAND READ HIS TESTIMONY AND SEE IF HE DOESN'T CLAIM THAT HE HEARD HAIGHT PREACH SERMON AND I SAY THIS I HAVE RIGHT TO ASK YOU BELIEVE IF HAIGHT MADE USE OF STATEMENT HE MEANT JOHN D. LEE THAT IS *FS/THS*[?] AS I		I WAS RIGHT IN *[68]* SUBSTANCE. PLACE YOUR OLD MAN ON THE STAND, WEIGH HIS TESTIMONY, AND SEE IF HE DOES NOT CLAIM THAT HE HEARD HAIGHT PREACH IN HIS SERMON THE WORDS I HAVE REFERRED TO, AND IF HE DID NOT AS I CLAIM HE DID MEAN, AND REFERRED TO JOHN D. LEE AS HIS OLD FOOL. TRUE,	I WAS RIGHT IN SUBSTANCE. PLACE YOUR OLD MAN ON THE STAND, WEIGH HIS TESTIMONY AND SEE IF HE DOES NOT CLAIM THAT HE HEARD HAIGHT PREACH IN HIS SERMON THE WORDS I HAVE REFERRED TO; AND IF HE DID NOT, AS I CLAIM HE DID, MEAN AND REFER TO JOHN D. LEE AS HIS OLD FOOL. TRUE,

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RS	PS	RT	BT
HAVE GIVEN. GENTLEMEN IF I MISQUOTE TESTIMONY YOU ARE PARTIES TO JUDGE ME FOR IT IS CERTAINLY NOT MY OBJECT I HAVE CERTAINLY NOT TRIED IT. ON THAT WITNESS I PLACE NO RELIANCE IN HIM {AND}[i] I THINK YOU DO NOT AND FROM HEARING THE CONVERSATION FROM SOME PARTIES THERE IN CEDAR SWEARS CERTAIN WAGON CAME FROM MEADOWS AND ADMITS HE KNOWS NOTHING ABOUT IT HE SAYS HIS SON IS DEAD HAD A SON HE GOES ON TESTIFIED ABOUT HIS SON HAV{ING}[i] LONG TALK THEN SAYS HE WAS NOT HIS SON SAYS HE IS DEAD IT IS NOT THAT		YOU HAVE HEARD THE EVIDENCE. I HAVE MIS-QUOTED THE WORD **"**FOOL**"** IN PLACE OF "FOOLS". BE THAT AS IT MAY, I PLACE NO RELIANCE UPON THE WORDS OF THE WITNESS, AND I THINK YOU DO NOT.	YOU HAVE HEARD THE EVIDENCE . I HAVE MISQUOTED THE EVIDENCE – "FOOL" IN PLACE OF "FOOLS". BE THAT AS IT MAY I PLACE NO RELIANCE UPON THE WORDS OF THE WITNESS AND I THINK YOU DO NOT.

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RS	PS	RT	BT
PHILOSOPHIZING/—[?] *DOES/IT IS*[?] *DEEMED*[?] TO BE IS IN THAT PECULIAR CONDITION PEOPLE CHOOSE CALL DEAD YOU CAN DRAW YOUR OWN CONCLUSION UPON HIS TESTIMONY. I SUPPOSE HE WANTED DELIVER LECTURE UPON SPIRITUALISM I DON'T HAVE TIME TO LISTEN TO HIM *[[18]]* TELLS YOU THIS HE SAW GOOD SIZED CHILD THERE A WHILE. IT WAS CERTAINLY UNKNOWINGLY ON MY PART I MADE THAT SINGULAR WHICH SHOULD BE PLURAL ~~=~~I STAND CORRECTED~~=~~ HE SAID THERE HAD BEEN SOME OLD FOOLS THAT HAD BEEN TAMPERING WITH THE INDIANS NOW		YOU MUST DRAW YOUR OWN CONCLUSION UPON HIS TESTIMONY. GENTLEMEN, I AM AGAIN REMINDED THAT I MADE THAT SINGULAR, WHICH WAS PLURAL, AS I SAID BEFORE, I STAND CORRECTED. HAIGHT SAID THERE HAD BEEN SOME OLD FOOLS THAT HAD BEEN TAMPERING WITH THE INDIANS. NOW,	YOU MUST DRAW YOUR OWN CONCLUSIONS UPON HIS TESTIMONY. GENTLEMEN, I AM AGAIN REMINDED THAT **I USED** S~~L~~**I**NGULAR WHICH WAS PLURAL**.** AS I SAID BEFOER I STAND CORRECTED. HAIGHT SAID THERE HAD BEEN ~~OX~~SOME OLD FOOLS THAT HAD BEEN ~~A~~TAMPERING WITH THE INDIANS. NOW,

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RS	PS	RT	BT
GENTLEMEN THAT IS A FEARFUL MISTAKE AIN'T IT A FEARFUL MISSTATEMENT OF TESTIMONY I GAVE MY BROTHER BASKIN CREDIT FOR MORE GENIUS THAT TO INTERRUPT ME TO TRY TO CREATE ANY UNPLEASANTNES S ABOUT THING OF THAT KIND WHOLLY IMMATERIAL AND AMOUNTS TO NOTHING BASKIN I ONLY WANTED THE CORRECT ~~<~~BISHOP~~>~~ WORD I STAND CORRECTED I WONDER IF PROSECUTION *WON'T/WANT*[?] CLAIM IT WAS MADE BECAUSE HE SENT WHITE AND SMITH TO BISHOP ROBINSON WITH THAT LETTER TO PACIFY		GENTLEMEN, THAT WAS A FEARFUL MISTAKE, WAS IT NOT, A FEARFUL MIS-STATEMENT OF TESTIMONY. I GAVE MY BROTHER BASKIN CREDIT FOR MORE GENIUS THAN TO INTERRUPT ME SO THAT HE COULD CREATE AN UNPLEASANTNE SS ABOUT A THING OF THAT KIND, A THING THAT IS WHOLLY IMMATERIAL, AND AMOUNTS TO NOTHING. BASKIN: I ONLY WANTED TO CORRECT THE WORD. MR. BISHOP: I STAND CORRECTED. I WONDER IF THE PROSECUTION WANT TO CLAIM THAT IT WAS KLINGENSMITH AND WHITE WHO WENT TO ROBINSON WITH THAT LETTER TO PACIFY THE	GENTLEMEN, TH~~A~~T *[59]* THAT WAS A FEARFUL MISTAKE , WAS IT NOT — FEARFUL MISSTATEMANT OF TESTIMONY. I GAVE MY BROTHER BASKIN CREDIT FOR MORE GENIOUS THAN TO INTERRUPT ME TO CREATE AN UNPLEASANTNE SS ABOUT A THING OF THAT KIND, A THING THAT IS WHOLLY IMMATERIAL AND AMOU~~+~~NTS TO NOTHING. MR. BASKIN: I ONLY WANTED TO CORRECT THE WORD. MR. BISHOP; I STAND CORRECTED. I WONDER IF THE PROSECUTION WANTS TO CLAIM THAT IT WAS LKINGENSMITH AND WHITE WHO WENT TO ROBINSON WITH THAT LETTER TO PASSIFY THE

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RS	PS	RT	BT
INDIANS AIN'T THAT YOUR OLD FOOLS		INDIANS. THAT WERE THE "OLD FOOLS" DOES NOT KLINGENSMITH SAY HE UNDERSTOOD BEFORE HE STARTED ON HIS ERRAND OF MERCY THAT LEE HAD BEEN ORDERED TO GO AROUND BELOW AND STIR UP THE INDIANS. NOW, WHO IS THE OLD FOOL OR FOOLS.	INDIANS THAT WERE THE OLD FOOLS. DOES NOT KLINGENSMITH SAY HE UNDERSTOOD BEFORE HE STARTED ON HIS ERRAND OF MERCY THAT LEE HAD ~~DEMANDED~~ BEEN ORDERED TO GO AROUND BELOW AND STIR UP THE INDIANS?
BY BASKIN GENTLEMAN GUESSES PRETTY WELL I GUESS THAT MUST BE IT {BISHOP}[i] I SEE HIS DESIRE TO GET IT IN THE PLURAL **AH** WHEN PROSECUTION IS		I SAY LEE WAS MEANT. I THINK THE PROSECUTION MEAN KLINGENSMITH [69] AND WHITE. BASKIN: THE GENTLEMAN GUESSES WELL, I GUESS HE IS RIGHT AS TO WHO WE MEAN. BISHOP: I SEE THE GENTLEMAN IS DESPERATE TO GET IN PLURAL WORD "FOOLS". [*space*] GENTLEMEN, WHEN THE PROSECUTION IS	I SAY LEE WA S MENT. I THINK THE PROSECUTION MEAN KLINGENSMITH AND WHITE. MR. BASKIN: THE GENTLEMAN GUESS~~S~~ES WELL; I GUESS HE IS RIGHT AS TO WHO WE MEAN. BISHOP: I SEE THE GE~~L~~NTLEMAN IS DESPERATE TO GET IN THE PLURAL WORD "FOOLS." GENTLEMEN, WHEN THE PROSECUTION IS

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RS	PS	RT	BT
DRIVEN TO STRAITS LIKE THAT DRAW UPON THE IMAGINATION AS THEY ARE COMPELLED TO DRAW IN THIS INSTANCE AND WARP THE FACTS TO JUSTIFY THEIR STATEMENT AND POSITIONS I TELL YOU WE ARE IN A PECULIAR CONDITION WHEN THEY WILL HAVE THE HARDIHOOD TO CLAIM THIS MAN YOUNG THIS MAN WHITE THIS MAN SMITH ASSERT OLD FOOLS THAT HAVE TAMPERED WITH INDIANS		GIVEN TO STRAIGHTS LIKE THAT, FORCED TO DRAW UPON THEIR OWN IMAGINATION, AS THEY ARE COMPELLED TO DO IN THIS INSTANCE, AND WARP THE FACTS TO JUSTIFY THEIR STATEMENT AND POSITION, I TELL YOU THEY ARE IN; A PECULIAR POSITION, WHEN THEY HAVE THE HARDIHOOD TO CLAIM THIS MAN WHITE AND THIS MAN KLINGENSMITH AS THE OLD FOOLS THAT HAVE TAMPERED WITH THE INDIANS, —WHEN THEY TOOK THE LETTER TO PINTO CREEK, WHEN THEY SAY THEY ONLY HAD TIME TO MAKE THE TRIP FROM CEDAR	DRIVEN TO S~~R~~TRAIGHTS LIKE THAT FORCED TO DRAW UPON THEIR IMAGINATION, AS THEY ARE COMPELLED TO DO IN THIS INSTANCE AND ~~WAL~~ WARP THE FACTS TO JUSTIFY THEIR STATEMENTS AND POSITION, I TELL YOU THE~~R~~Y ARE IN A PECULIAR POSTION, WHEN THEY HAVE THE HARDIHOOD TO ~~V~~CLAIM THIS MAN WHITE AND THIS MAN, ~~L~~KLINGENSMIT H, AS THE OLD FOOLS THAT HAD TAMPERED WITH THE INDIANS WHEN THEY TOOK THE LETTER TO PINTO CREEK. WHEN THEY SAY THEY ONLY HAD TIME TO MAKE THE TRI P FROM CEDAR

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RS	PS	RT	BT
NEAR THE TIME THAT THEY LEFT AT DARK AND RETURNED BEFORE DAYLIGHT ON THEIR RETURN THEY FOUND FIAT HAD GONE FORTH HAD GONE FORTH THEY SAW NO INDIAN ON THEIR JOURNEY. MAKE THE ~~BEST~~ MOST OF IT BROTHER BASKIN IF YOU CAN HARM A HAIR OF THAT OLD MAN'S HEAD BY SUCH STATEMENT AND DRAWING YOUR CONCLUSION FROM SUCH PREMISES		CITY THERE, LEAVING AT DARK AND RETURNING BEFORE DAY LIGHT, THAT ON THE RETURN OF THIS PAIR OF BEINGS THEY ME I~~T~~RA ALLEN, AND LEARNED THAT THE FIAT HAD GONE FORTH THAT THE EMIGRANTS WERE DOOMED, THAT ALL WERE TO BE KILLED, THAT THEY SAW NO INDIANS ON THEIR JOURNEY, HEARD OF NO INDIANS, NO, NOT ONE. CALL KLINGENSMITH AND WHITE THE OLD FOOLS, MAKE THE MOST OF IT POSSIBLE, BROTHER BASKIN, IF YOU CAN HARM A HAIR OF THIS OLD MAN'S HEAD BY THIS STATEMENT BY DRAWING YOUR CONCLUSIONS FROM SUCH PREMISES, AND	CITY THERE, LEAVING AT DARK AND RETURNING BEFORE DAYLIGHT. THAT ON THE RETURN OF THIS PAIR OF BEINGS THEY MET IRA ALLE~~S~~**N,** AND THAT THE FIAT AND GONE FORTH THAT THE EMIGRANTS WERE DOOMED, THAT ALL WERE TO BE KILLED; THAT THEY SAW NO INDIANS ON THEIR JOURNEY —HEARD OF NO INDIANS—NO**,** NOT ONE. CALL KLINGENSMITH AND **W**HITE , THE OLD FOOLS, MAKE THE MOST OF IT POSSIBLE , BROTHER BASKIN~~,~~. IF YOU CAN HARM *[60]* A HAIR ON THIS OLD MANS HE~~Z~~AD BY THEIR STATEMENT— BY DRAWING YOUR CONCLUSIONS FROM SUCH PREMISES

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RS	PS	RT	BT
THEN IN GOD'S NAME *SO SEEK*/*ASK*[?]. IF YOU CAN MAKE THIS JURY BELIEVE SUCH {A}[i] STATEMENT AS THAT THEN SIR IT IS TIME THAT LAW CEASED TO BE CONSIDERED AS A RULE OF ACTION. IT IS TIME THAT OATHS BE WIPED AWAY AND THAT THE PROSECUTION HAVE A RIGHT TO FILE A CHARGE OF COMPLAINT AGAINST A MAN AND ARREST, SENTENCE HIM AND CONVICT HIM AT WILL WITHOUT EVIDENCE AND WITHOUT A TRIAL.		THEN SAY AND DO YOUR WORST. IF YOU CAN SO SECURE A CONVICTION, IF YOU CAN MAKE THIS JURY BELIEVE SUCH A STATEMENT AS THAT, THAT IT IS TRUE THAT IT IS TIME THAT LAW CEASES TO BE CONSIDERED AS A RULE OF ACTION, IT IS TIME THAT OATHS BE WIPED AWAY, ABOLISHED ENTIRELY, AND THAT THE PROSECUTION HAVE THE RIGHT TO FILE A CHARGE IN THAT SHAPE, OF A COMPLAINT, AGAINST A MAN. ARREST HIM WITHOUT A WARRANT, SENTENCE HIM WITHOUT TRIAL, AND EXECUTE [70] HIM WITHOUT HIS	THEN SAY AND DO YOUR ~~S~~WORST. IF YOU CAN SO SECURE A CONVICTION —IF YOU CAN MAKE THIS JURY BELIEVE SUCH A STATEMENT AS THAT , IT IS TIME THAT LAW CEASES TO BE CONSIDERED AS A RULE OF ACTION. IT IS TIME THAT OATHS BE WI PED AWAY, ABOLISHED ENTIRELY; AND THAT THE PROSECUTION HA~~C~~VE THE RIGHT TO FILE A CHARGE IN SHAPE OF A COMPLAINT AGAINST ~~Z~~A MAN ARRESTED WITHOUT A ~~R~~WARRANT SENTENCE HIM WITHOUT TRIAL AND EXECUTE HIM WITHOUT

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RS	PS	RT	BT
I AM NOT AFRAID I KNOW MY FRIEND BASKIN IS A GOOD TALKER I KNOW HE PAINTS WELL WITH HIS TONGUE KNOW HE IS AN ABLE LAWYER HE IS NOT ABLE TO MAKE YOU BELIEVE WHAT THE TESTIMONY DOESN'T POINT TO. NEXT GENTLEMEN WE WILL TAKE UP		HAVING A CHANCE TO APPEAL TO A FAIR TRIBUNAL. BUT, GENTLEMEN OF THE JURY, I AM NOT ALARMED FOR MY CLIENTS SAFETY. I KNOW THAT MY FRIEND BASKIN IS AN ABLE LAWYER, A FLUENT TALKER, A LOGICAL REASONER, THAT HE IS SUPERIOR AS A WORD PAINTER, AND CONVINCING AS AN ADVOCATE, BUT HE IS NOT, FOR ALL THIS, ABLE TO MAKE YOU BELIEVE THAT KLINGENSMITH AND WHITE ARE THE PERSONS REFERRED TO BY HAIGHT IN HIS SERMON WHEN REFERRING TO THE OLD FOOLS. NEXT IN ORDER COMES	HIS ~~M~~HAVING A CHANCE TO APPEAL TO A FAIR TRIBUNAL. BUT, GENTLEMEN OF THE JURY, I AM NOT ALARMED FOR MY CLIENTS SAFETY. I KNOW THAT MY FRIEND BASKIN IS AN ABLE LAWYER, A FLUENT TALKER, A LOGICAL REASONER, THAT HE IS SUPERIOR AS A WORD PAINTER AND CONVINC**I**NG AS AN ADVOCATE, BUT HE IS NOT FOR ALL THIS ABLE TO MAKE YOU BELIEVE THA T ~~LK~~KLINGENSMITH AND WHITE ARE THE PERSONS ~~T~~REFERRED TO BY HAIGHT ~~K~~IN HIS SERMON WHEN REFERRING TO**,** ~~THE~~ **THE** OLD FOOLS. NEXT IN ORDER COMES

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RS	PS	RT	BT
ROBERT KERSHAW [*space*] *[[19]]* MAN THAT HEARD THE SERMON. I BELIEVE HE WAS BEFORE THIS ROBERT KERSHAW HAS LIVED HERE IN BEAVER NUMBER OF YEARS APPEARS TO BE INTELLIGENT NICE MAN CAME UPON THE STAND IN WAY CALCULATED TO IMPRESS JURY VERY FAVORABLY AND MAKE THEM BELIEVE THAT HIS INTENTION WAS TESTIFY TRUTH AND THE WHOLE TRUTH I HAVE COME TO CONCLUSION SOMETHING IS MATTER WITH HIM DON'T KNOW WHAT IT IS HAS FACULTY OF		ROBERT KERSHAW, HE HAS LIVED IN BEAVER A NUMBER OF YEARS, HE APPEARS TO BE AN INTEELIGENT, FAIR MAN. HE COMES UPON THE STAND WITH A MANNER CALCULATED INSPIRE THE JURY VERY FAVORABLY, AND MAKE THEM BELIEVE IT WAS HIS INTENTION TO TESTIFY TO THE TRUTH AND THE WHOLE TRUTH, BUT I HAVE COME TO THE CONCLUSION THAT THERE IS SOMETHING THE MATTER WITH HIM. I CANNOT SAY WHAT IT IS. IT MAY BE THAT HE HAS THE FACULTY OF	ROBERT KERSHAW~~W~~ . HE ~~L~~H**H**AS LIVED IN BEAVER A NUMBER OF YEARS. HE APPEARS TO BE AN INTEL**L**IGENT , FAIR MAN. HE COMES UPON THE STAND IN ~~Z~~A MANNER CALCULATED TO INSPIRE THE JURY VERY FAVORABLE AND MAKE THEM BELIEVE IT WAS HIS INTENTION TO TESTIFY TO THE TRUTH AND THE WHOLE TRUTH. BUT I HAVE COME TO THE CONCLUSION THAT THERE IS SOMETHING THE MATTER WITH HIM, I CANNOT SAY WHAT IT IS. IT MAY BE THE FACULTY ~~THAT HE HAS TH~~ OF

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RS	PS	RT	BT
HEARING MORE THAN ANY[550] BODY ELSE CAN HEAR KNOWING THINGS MORE THAN ANY OTHER MAN IN BEAVER CAN FIND OUT. TELLS YOU SAW TRAIN PASS THROUGH BEAVER. SAID BEFORE TRAIN ARRIVED HERE HE HEARD GEORGE A SMITH PREACH HERE IN BEAVER AGAINST THE PEOPLES TRADING WITH THAT TRAIN OF EMIGRANTS. OTHER PARTIES TOLD YOU GENTLEMEN THAT NO SUCH SERMON WAS DELIVERED AND IF A SERMON		HEARING MORE THAN OTHERS IN A SIMILAR POSITION COULD HEAR, AND KNOWING MORE OF MYSTERIOUS AFFAIRS THAN OTHERS WITH EQUAL FACILITY FOR ACQUIRING KNOWLEDGE COULD LEARN. HE TELLS YOU HE SAW THE EMIGRANTS PASS THROUGH BEAVER. HE HEARD GEORGE A. SMITH PREACH HERE IN BEAVER AGAINST THE PEOPLE TRADING THAT THAT TRAIN OF EMIGRANTS. OTHER MEN OF EQUAL RESPECTABILIT Y, TELL YOU THAT GEORGE A. SMITH DID NOT DELIVER SUCH A SERMON,	HEARING MORE THAN OTHERS IN A SIMILAR POSITION — COULD HEAR; AND KNOW~~ING~~ OF M~~U~~**Y**STERIOUS AFFAIRS THAN OTHERS WITH EQUAL FACILITI~~S~~ES FOR ACQUIRING KN~~L~~OWLEDGE COULD **NOT** LEARN. HE TELLS YOU HE SAW THE EMIGRANTS PASS THROU~~G~~H BEAVER; HE H~~A~~EARD GEORGE A. SMITH PREACH HERE IN BEAVER AGAINST THE PEOPLE TRADING WITH THAT TRAIN OF EMIGRANTS. OTHER MEN OF E~~W~~**Q**UAL RESPECTABILIT Y TELL YOU THAT GEORGE A. SMITH DID NOT DELIVER SUCH A SERMON;

550. Long “O” added later would render word “NO”.

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RS	PS	RT	BT
WAS DELIVERED HERE IN BEAVER NO SUCH SENTIMENTS WERE UTTERED		NOR DID HE UTTER SUCH SENTIMENTS AS THOSE THAT ARE ATTRIBUTED TO HIM BY THE WITNESS. I SAY TO YOU THAT I PROTEST AGAINST THIS ATTEMPT TO PLACE GEORGE A. SMITH UPON TRIAL HERE AND NOW, AS IS ATTEMPTED TO BE DONE BY INUENDOES OF THE WITNESSES FOR THE PROSECUTION.	NOTR DID HE UTTER SUCH SENTIMENTS AS THOSE THAT ARE ATTRIBUTED [61] TO HIM BY THE WITNESS. I SAY TO YOU THAT I PROTEST AGAINST THIS ATTEMPT TO PLACE GEORGE A. SMITH UPON TRIAL HERE, AND NOW, AS IT **IS** ATTEMPTED TO BE DONE BY INNUENDOS OF THE WITNESSES FOR THE PROSECUTION .
GEORGE A SMITH SHOULD NOT BE UPON TRIAL			
YET IT APPEARS THEY ARE DETERMINED TO HAVE POPULAR VERDICT AGAINST HIM. THEY ARE DETERMINED TO RING HIM IN. BROUGHT HIM INTO THIS CASE SIMPLY BECAUSE HE WAS AT THAT TIME APOSTLE OF HIS CHURCH. BUT BY THIS TIME MY IMPRESSION IS THIS THAT		I BELIEVE THAT	I BELIEVE THAT

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RS	PS	RT	BT
GEORGE A SMITH DID MAKE A TALK HERE IN BEAVER ON THE JOURNEY HE DID I BELIEVE DURING THAT TALK WHILE HE WAS SPEAKING TO HIS PEOPLE HERE HE SAID NATURALLY GAVE HIS OWN PECULIAR ADVICE [*space*] HE USED MUCH OF THE LANGUAGE KERSHAW HAS SO SAID TO THEM JOHNSTON'S ARMY IS UPON THE ROAD WE ARE IN STATE OF WAR OUR CROPS HAVE BEEN SHORT FOR SOME YEARS IT IS NECESSARY YOU HUSBAND YOUR RESOURCES YOU TAKE CARE OF YOUR BREADSTUFF YOU SELL NONE OF IT TO		GEORGE A. SMITH DID PREACH AT BEAVER, BUT [71] I DO NOT THINK THAT HE GAVE THE AD~~I~~VICE THAT HE IS CHARGED WITH HAVING GIVEN AT THAT TIME. I THINK HE SPOKE ABOUT AS FOLLOWS "JOHNSON'S ARMY IS UPON THE ROAD TO UTAH; WE ARE ENGAGED IN WAR, OUR CROPS HAVE BEEN SHORT FOR SOME YEARS, IT IS NECESSARY FOR YOU TO HUSBAND YO~~I~~UR RESOURCES, I WISH YOU TO TAKE CARE OF YOUR BREADSTUFFS, YOU MUST SELL NONE OF IT TO	GEORGE A. SMITH DID PREACH IN BEA~~C~~VER, BUT I DO NOT BELIEVE THAT HE GAVE THE ADVICE THAT HE IS ~~V~~CHARGED WITH HAVING GIVEN AT THAT TIME. I THINK HE SPOKE ABOUT AS FOLLOWS: " JOHNSONS ARMY IS UPON THE ROAD TO UTAH; WE ARE ENGAGED IN WAR; OUR CROPS HAVE BEEN SHORT FOR SOME YEARS; IT IS NECESSARY FOR YOU TO HUSBAND YOUR RESOURCES. I WISH YOU WOULD TAKE CARE OF YOUR BREAD STUFF. YOU MUST SELL NONE OF IT TO

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RS	PS	RT	BT
PEOPLE TO FEED TO HORSES OR TO HOGS OR USE NONE OF THAT FOR THAT PURPOSE YOURSELVES YOU MUST WASTE NONE OF THIS GRAIN KEEP UP FOR BREADSTUFFS BECAUSE WE EXPECT WAR.		PEOPLE TO FEED TO HORSES OR TO HOGS, USE NONE OF IT YOURSEL~~F~~VES FOR THAT PURPOSE, YOU MUST WASTE NONE OF YOUR GRAIN, BUT KEEP IT FOR BREAD STUFF, BECAUSE WE EXPECT WAR, WAR WITH ALL ITS ATTENDANT HORRORS, AND THAT BEFORE OTHER CROPS CAN BE MATURED. FURNISH THE NEEDY WITH BREAD, LET NONE SUFFER ~~V~~FOR WANT OF FOOD, STILL, USE GREAT ~~CU~~ CAUTION UPON THIS SUBJECT" THIS WAS, I BELIEVE, THE SUBSTANCE OF THE ADVICE GIVEN BY GEORGE A. SMITH, BUT I DO NOT BELIEVE THAT HE SPOKE OF ANY PARTICULAR	THE PEOPLE TO FEED TO HORSES OR TO HOGGS. USE NONE OF IT YOURSELVES FOR THAT PUR~~O~~POSE. YOU MUST WASTE NONE OF YOUR GRAIN~~L,~~; KEEP IT FOR BREADSTUFF; BECAUSE WE EXPECT WAR — WAR WITH ALL ITS ATTENDANT HORRORS AND THAT BEFORE OTHER CROPS CAN BE MATURED. FURNISH THE NEEDY WITH BREAD; LET NONE SUFFER FOR WANT OF FOOD; STILL USE GREAT CAUTION UPON THIS SUBJECT." THIS WAS I BELIEVE THE SUBSTANCE OF THE ADVICE GIVEN BY GEORGE A. SMITH; BUT I DO NOT BELIEVE THAT HE SPOKE OF ANY PARTICULAR

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RS	PS	RT	BT
KERSHAW TELLS US THAT AT THAT TIME HE SAYS QUOTING HIS OWN LANGUAGE WE EXPECT TO HAVE TO GO TO MOUNTAINS HE SAYS JOHNSTON'S ARMY WAS COMING WE EXPECT TO GO TO MOUNTAINS WE EXPECT TO HAVE TO FIGHT JOHNSTON'S ARMY I SUPPOSE TALK THAT HE HEARD SOMETHING LIKE THAT AND THAT THEY MUST BE CAREFUL OF THE BREAD STUFFS AND THAT AS YEARS HAD PASSED AWAY SINCE HE HAD APOSTATIZED [*space*] HE SAYS HE DOESN'T BELONG TO THE CHURCH NOW IN HIS EVIDENCE I BELIEVE THAT CALLED		EMIGRANTS, OR THAT HE HAD THEN HEARD OF ANY SUCH TRAIN OF EMIGRANTS. KERSHAW TELLS YOU THAT HE THEN EXPECTED THAT THE PEOPLE WOULD BE COMPELLED TO FLEE TO THE MOUNTAINS FOR SAFETY FROM THE ADVANCING FOE.	EMIGRANTS OR THAT HE HAD THEN HEARD OF ANY SUCH TRAIN OF EMIGRANTS. KERSHAW TELLS YOU THAT HE THEN EXPECTED THAT THE PEOPLE WOULD BE COMPELLED TO FLEE TO THE NMOUNTAINS FOR SAFETY FROM THE ADVANCING FO~~R~~E.

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RS	PS	RT	BT
APOSTATIZING *[[20]]* SINCE THAT TIME HAS STUDIED MATTER OVER CONSIDERED CONCLUSION GEORGE A SMITH SAID YOU MUST NOT SELL A THING TO EMIGRANTS [*space*] AND HE HAS ADDED LITTLE BY LITTLE UNTIL THAT ABIDING RULE OF FACT HE NOW BELIEVES THAT WHENEVER WAR TOOK PLACE WE CAN ACCOUNT FOR HIMSELF BEING MISTAKEN IN THAT WAY ALTHOUGH WHAT THEY SAID IS NOT SO AT THE SAME TIME THEY HAVE HONESTLY TESTIFIED BELIEVING WHAT THEY SAY IS A FACT THEREFORE YOU CAN VERY READILY TAKING WHAT FEW ACTS VERY READILY HARMONIZE HIS TESTIMONY WITH THEM			

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RS	PS	RT	BT
WITH THAT OF THE 2 SMITH BOYS AND BISHOP FARNSWORTH.			
		WHERE HE IS OPPOSED BY SUCH MEN AS THE SMITHS AND BISHOP FARNSWORTH, AND CONTRADICTED BY THEM, I LEAVE THE QUESTION AS TO HIS CREDIBILITY TO BE SETTLED BY YOU AS A JURY.	WHEN HE IS OPPOSED BY SUCH MEN AS THE SMITHS AND BISHOP FARNSWORTH AND CONTRADICTED BY THEM I LEAVE THE QUESTION AS TO CREDIBILITY TO BE SETTLED BY YOU AS A JURY..
ONE THING DOES RATHER STUMP {ME}[i] FOR HE SAYS THIS MAN MORGAN WAS CUT OFF BECAUSE HE SOLD CHEESE [*space*] BISHOP CAME IN HE SAYS ONE GENTLEMAN MORGAN LIVED HERE GAVE HIM RECOMMEND SOMETHING WRONG THERE SOME PLACE GENTLEMEN. **E C** MATTHEWS COMES NEXT		E.C.MATTHEWS IS THE NEXT WITNESS.	E. C. MATHEWS IS THE NEXT WITNESS. HE

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RS	PS	RT	BT
SAYS HE SAW DAME AND {HAD A}[i] TALK WITH HIM HE WAS NOT PERMITTED TO GIVE WHAT CONVERSATION WAS BETWEEN HIS FATHER HIMSELF AND DAME. WHAT *SAW/DID*[?] HE DO DAME BORROWED MULES WENT OUT TO THE GROUND HE WAS YOUNG MAN NOW MIDDLE AGE TELLS YOU WHEN PASSED MOUNTAIN MEADOWS NEXT MORNING AFTER MASSACRE ABOUT DAYLIGHT HE SAW TWO OR 3 BODIES LYING BY THE ROAD SIDE THAT		HE SAYS HE SAW DAME AND HAD A TALK WITH HIM AT THE TIME HIS FATHER FURNISHED DAME WITH THE MULES TO GO TO THE MEADOWS. HE WAS NOT PERMITTED TO STATE <u>WHAT THE CONVERSATION WAS</u> THAT WAS THEN HAD BY DAME, HIS FATHER AND HIMSELF. *[72]* HIS TRIP OVER TO THE MEADOWS THE NEXT NIGHT, AND SEEING THE BODIES ON THE FIELD YOU ALL REMEMBER. HIS TESTIMONY DOES NOT	SAYS HE SAW DAME AND HAD A TALK WITH HIM AT THE TIME HIS FATHERE FURNISHED DAME WITH THE MULES TO GO TO THE MEADOWS. HE WAS NOT PERMITTED TO STATE WHAT THE CONVERSATION WAS THAT WAS THEN HAD BY DAME, HIS FATHER AND HIMSELF. . HIS TRI P OVER THE MEADOWS THE NEXT NIGHT AND SEEING BODIES ON THE FIELD YOU ALL REMEMBER. HIS TESTIMONY DOES NOT

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RS	PS	RT	BT
PROVES NOTHING AGAINST JOHN D. LEE NO MORE THAN EVIDENCE OF BRADSHAW OR OF KERSHAW PROVED BRADSHAW DOESN'T SHOW ANY OF THIS THING ESTABLISH ALL HAIGHT SAID WAS EVER BROUGHT TO KNOWLEDGE OF LEE DOESN'T SHOW LEE EVER LEARNED OF IT DOESN'T KNOW HAIGHT EVER PREACHED SERMON OR		PROVE ANYTHING AGAINST JOHN D. LEE. IT PROVES NO MORE ~~THN~~ THAN THE EVIDENCE OF BRADSHAW OR OF KERSHAW DID, SO FAR AS LEE IS CONCERNED. NONE OF THE WITNESSES HAVE SHOWN THAT ANY WORD EVER UTTERED BY A MAN NAMED IN THE INDICTMENT WAS MADE KNOW TO JOHN D. LEE AT ANY TIME PREVIOUS TO THE MASSACRE.	PROVE ANYTING AGAINST *[62]* JOHN D. LEE. IT PROVES NO MORE THAN THE EVIDENCE OF BRADSHAW OR OF ~~H~~KERSHAW DID SO FAR AS LEE IS CONSERNED. NONE OF THE WITNESSES HA VE SHOWN THAT ANY WORD EVER UTTERED BY A MAN NAMED IN THE INDICTMENT WAS MADE KNOWN TO J HN D. LEE AT ANY TIME PREVIOUS TO THE MASSACRE.

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RS	PS	RT	BT
THAT GEORGE A SMITH WAS IN THIS COUNTRY PREVIOUS TO THAT TIME NEXT TAKE JAMES PEARCE HE COMES FROM THE SOUTHERN COUNTRY HE TELLS YOU EXPLAINS YOU AND WHY HE HAD TRAVELED IN THAT WAY SEEING PEOPLE WERE GATHERING GOING UP FROM THAT COUNTRY HE FELL IN WITH THEM SUPPOSING THEY WERE GOING TO ARREST SOMEBODY [*space*] HE SAYS UNDERSTOOD		NEXT TAKE JAMES PEARCE. HE COMES FROM THE SOUTHERN COUNTRY; HE HAS EXPLAINED HIS REASONS FOR BEING IN THE SOUTH, SHORTLY BEFORE THE MASSACRE. HE TELLS YOU THAT HE LEARNED THAT THE PEOPLE WERE GATHERING IN THE SOUTH, TO MARCH TO THE MOUNTAIN MEADOWS. HE FELL IN WITH THEM SUPPOSING THEY WERE GOING TO ARREST SOMEBODY. HE SAID THAT HE HEARD THAT A LARGE BODY OF EMIGRANTS WERE MARCHING THROUGH UTAH; THAT	NEXT TAKE JAMES PEARCE. HE COMES FROM THE COUTHERN COUNTRY. HE HAS EXPLAINED HIS REASONS FOR BEING IN THE SOUTH SHORTLY BEFORE THE MASSACRE. HE TELLS YOU THAT HE LEARNED ~~THE~~ THE PEO PLE WERE G ATHERING IN THE SOUTH TO MARCH TO THE MOUNTAIN MEADOWS. HE FELL IN WITH THEM SUPPOSING THEY WERE GOING TO ARREST SOMEBODY.. HE SA~~J~~ID THAT HE HAD HEARD THAT A ~~P~~ LA~~G~~RGE BODY OF EMIGRANTS WERE MARCHING THROUGH UTAH. THAT

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RS	PS	RT	BT
PEOPLE WERE MOBOCRATS POISONING CATTLE HE SPRINGS [*space*] AND FURTHER HEARD SOME OF THEM HAD HELPED KILL JOSEPH[551] SMITH THE PROPHET. I PLACE BUT {A}[i] VERY LITTLE RELIANCE IN THE TESTIMONY THAT IS GIVEN BY A MAN THAT WAS AS BADLY SICK AT THE TIME THIS MAN SHOWS HE WAS. MIGHT HAVE HEARD OF THESE THINGS AT THAT TIME MIGHT HAVE HEARD OF THIS SINCE WAS EVIDENTLY *[[21]]* TOO SICK TO FIGHT HE WAS IN NO DANGER.		THEY WERE MOBOCRATS AND HAD POISONED SPRINGS. THAT SOME OF THEM HAD HELPED TO KILL JOSEPH SMITH THE PROPHET. I PLACE BUT LITTLE RELIANCE UPON THE ~~STSTA~~ STATEMENTS OF THIS WITNESS. HIS FEAR AND SICKNESS AFTER HIS ARRIVAL ON THE FIELD AT MOUNTAIN MEADOWS RENDERS HIS MEMORY FAULTY IN MY	THEY WERE MOBOCRAT~~E~~S,— HAD POISONED SOME SPRINGS AND THAT SOME OF THEM HAD HELPED **T**O KILL JOSEPH SMITH THE PROPHET. I PLACE BUT LITTLE RELIANCE UPON THE STATEMENTS OF THIS WITNESS. HIS FEAR AND SICKNESS AFTER HIS ARRIVAL ON THE FIELD ON THE MOUNTAIN MEADOW S RENDERS HIS MEMORY FALTY IN MY

551. Word apparently added later.

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RS	PS	RT	BT
HE DOES SAY ONE THING HE CAN'T RECALL SEEING LEE ON THE FIELD DOES RECALL SEEING INDIANS ALL OVER. HE DOES NOT MENTION LEE'S NAME COMES FROM *DGS/DKS*[?] COUNTY HE SAYS. IF HE DID NOT SEE LEE OUT THERE IT IS EVIDENT HE DID NOT COMMAND THERE GAVE NO INSTRUCTIONS DID NOT TALK TO PEOPLE FROM *DKS/DGS*[?] COUNTY. [*space*] THOMPSON'S EVIDENCE AS I SAID ONCE BEFORE AMOUNTS TO NOTHING.		JUDGMENT. THIS WITNESS HEARD NO ORDERS GIVEN BY LEE. HE SAW NO CRIMINAL ACT COMMITTED BY LEE ON THE FIELD OR ELSEWHERE . THOMPSON'S EVIDENCE IS IMMATERIAL, EXCEPT THAT HE DISPUTES OTHER	JUDGMENT. THIS WITNESS HEARD NO ORDERS GIVEN BY LEE; ~~B~~HE SAW NO CRIMINAL ACT COMMITTED BY LEE ON THE FIELD OR ELSEWHERE. THOMPSONS EVIDENCE IS IMMATERIAL EXCEPT THAT HE DISPUTES OTHER

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RS	PS	RT	BT
		WITNESSES FOR THE PROSECUTION.	WITNESSES FOR THE PROSECUTION.
DOESN'T CONNECT LEE WITH {THE}[i] TRANSACTION. DOESN'T SAY HE KNEW LEE WAS GOING SAYS HE		HE SAYS HE LIVED IN BEAVER, BUT	HE SAYS HE LIVED IN BEAVER BUT
NEVER HEARD GEORGE A SMITH PREACH AGAINST SELLING PRODUCE TO EMIGRANTS. JAMES PEARCE BEING RECALLED GIVES SOME PECULIAR TESTIMONY		DID NOT HEAR GEORGE A. SMITH ADVISE AGAINST TRADING WITH THE EMIGRANTS. JAMES PEARCE WAS RECALLED BY THE PROSECUTION TO PROVE THAT KLINGENSMITH WAS AT THE SCENE OF THE MASSA- [73] CRE.	DID NOT HEAR GEORGE A. SMITH ADVISE AGAINST TRADING WITH THE EMIGRANTS. JAMES PEARC~~S~~E WAS RECALLED FOR THE PROSECUTION TO PROVE TH~~Z~~AT KLINGENSMITH WAS AT THE SCEN~~T~~E OF THE MASSACRE.
HE SAYS ON FIELD SMITH WAS {THE}[i] LEADER AND THAT HE WAS BIGGEST MAN THERE		HE SAYS "ON THE FIELD KLINGENSMITH WAS A LEADER, AND WAS THE BIGGEST MAN THERE. "YOU BELIEVE THAT	HE SAYS, " ON THE FIELD, K~~,~~LINGENSMITH WAS A LEADER AND WAS THE BIGEST MAN ~~THEIR~~ THERE~~"~~. DO YOU BELIEVE THAT
I GUESS HE WAS LEADING		THIS WAS SO, THAT HE WAS THE LEADING	THIS WAS SO, THAT HE WAS THE LEADING

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RS	PS	RT	BT
SPIRIT FRANK KING SEEN EMIGRANTS IN CANYON WHAT DOESN'T MEAN ANYTHING AT ALL. BECAUSE IF HE DID COME WITH EMIGRANTS FROM THE TIME THEY LEFT MISSOURI RIVER UNTIL THEY STRUCK EMIGRATION CANYON EAST OF SALT LAKE {CITY}[i] DOESN'T MATTER HAS NOTHING TO DO WITH THE MATTER IT WAS		AND CONTROLLING SPIRIT THROUGHOUT THAT WHOLE LAMENTABLE AND BLOODY TRANSACTION. FRANK KING WAS THE NEXT MAN. HE WAS WITH AND SAW THE EMIGRANTS. HE TELLS OF NOTHING THAT RELATES TO THEM AFTER THEY PASSED WEST FROM EMIGRANT CANON. THAT WAS	AND CONTROLLING SPIRIT THROUGHOUT THAT WHOL~~W~~E LAMENTABLE AND BLOODY TRANSACTION. FRANK KING WAS THE MAN THAT SAW THE EMIGRANTS EAST OF SALT LAKE . HE TELLS OF NOTHING THAT RELATES T~~H~~O **THEM** ~~THE M~~ AF~~E~~TER THEY ~~O~~PASSED WEST FROM EMIGRA~~N~~TION CANYON; AND THAT WAS

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RS	PS	RT	BT
MONTHS BEFORE IT IS CLAIMED EMIGRANTS HAVE COME INTO THIS SECTION OF COUNTRY.		MONTHS BEFORE THE MASSACRE TOOK PLACE.	MONTHS BEFORE THE MASSACR TOOK PLACE. *[63]*
EVIDENCE OF RIDDLE HAS NOTHING TO DO WITH THIS CASE IT DOES SHOW SOME MEN FROM CEDAR CITY WENT OUT TO THAT LOCALITY [*space*] IT SHOWS *THIS/THESE*[?] —[?] THERE HAIGHT *N*[?] NOTIFIED HIM TO GO HOME BECAUSE THERE WAS DANGER TROUBLE WITH THE INDIANS HE WENT HOME AND STAYED THERE IT DOES SHOW PEOPLE OF CEDAR EXPECTED TROUBLE WITH		THE EVIDENCE OF RIDDLE IS ALSO IMMATERIAL IN THIS CASE. IT DOES NOT SHOW THAT MEN WENT FROM CEDAR CITY TO THE MEADOWS. IT SHOWS THAT HAIGHT NOTIFIED HIM THAT THERE WAS DANGER IN HIS NEIGHBORHOOD , WHERE HE LIVED, FROM HOSTILE INDIANS, AND THIS CAUSED HIM TO GO HOME. IT DOES NOT SHOW THAT THE PEOPLE OF CEDAR CITY AT THAT TIME EXPECTED TROUBLE FROM	THE EVIDENCE OF ~~RIEDDLE~~ RIDDLE IS ALSO IMMATERIAL IN THIS C~~Z~~**A**SE IT DOES WHO~~W~~**S** THAT MEN WENT FROM CEDAR CITY TO THE MEADOWS. IT SHOWS THAT HAIGHT NOTIFIED THEM TH~~E~~A T THERE WAS DANGER TO HIS NEIGHBORHOOD FROM HOSTILE INDIANS AND CAUSED HIM TO GO HOME. IT DOES SHOW THAT THE PEOPLE OF CEDAR CITY AT THAT TIME EXPECTED TROUBLE FROM

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RS	PS	RT	BT
THE INDIANS AT THAT TIME		THE INDIANS, AND IT DISPROVES, IN SUBSTANCE, AND IN FACT MUCH OF THE EVIDENCE OF KLINGENSMITH. AND YET JOHN D. LEE IS NOT PROVEN GUILTY AS CHARGED IN THE INDICTMENT.	THE INDIANS AND IT DOES DISPROVE IN SUBSTANCE AND IN FACT MUCH OF THE EVIDENCE OF KLINGENSMITH. AND YET JOHN D. LEE IS NOT PROVEN GUILTY AS CHARGED IN THE INDICTMENT.
THEY FINALLY THINK THEY HAVE CONNECTED LEE WITH TRANSACTION BY INTRODUCING WILLIAM ROBERTS HE SAYS HE HAD TALKED WITH LEE SOMETIME AFTERWARDS AND THAT LEE SAID WHAT HE DID WAS DONE BY ORDERS. HE TOOK THESE CHILDREN LED THEM TO PLACE OF SAFETY AND THAT WAS ALL HE DID THERE IS THE EVIDENCE FOR THE PROSECUTION THERE IS ALL THERE IS OF IT.		THERE IS THE EVIDENCE FOR THE PROSECUTION, AND THAT IS ALL THAT THERE IS OF IT,	THERE IS THE EVIDENCE FOR THE PROSECUION THAT IS ALL THERE IS OF IT.

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RS	PS	RT	BT
I HAVE GONE OVER IT CAREFULLY CALLED YOUR ATTENTION I BELIEVE TO EVERY FACT THAT HAS BEEN TESTIFIED BY ONE ~~OF THE~~ WITNESS. I CAN'T CALL TO MIND NOW A CIRCUMSTANCE OF ANY MAGNITUDE THAT HAS NOT BEEN MENTIONED AND IN MY WAY EXPLAINED AWAY. BUT GENTLEMEN ONE THING I SHALL CALL YOUR ATTENTION TO BEFORE I CLOSE THIS CASE [*space*] MY FRIEND PROSECUTION STARTED OUT IN THIS CASE IN BAD HUMOR HE		I HAVE GONE OVER IT CAREFULLY, AND I BELIEVE I HAVE CALLED YOUR ATTENTION TO EVERY FACT THAT HAS BEEN DETAILED BY THE WITNESSES. I CANNOT NOW CALL TO MIND A CIRCUMSTANCE OF ANY IMPORTANCE OR MAGNITUDE THAT HAS NOT BEEN MENTIONED, AND IN MY WAY EXPLAINED TO YOU. MY FRIEND CAREY STARTED OUT IN THIS CASE IN A BAD HUMOR. HE SHOULD TEMPER IT BY GOING OVER THE JEWISH HISTORY FOR A COMPANION TO THIS AFFAIR. HE	I HAVE GON~~E~~ OVER IT ~~V~~CAREFULLY AND I BELIEVE I HAVE CALLED YOUR ATTENTION TO EVERY F~~Z~~ACT THAT HAS BEEN DETAILED BY THE WITNESSES. I CANNOT NOW ~~V~~CALL TO MIND A CIRCUMSTANCE OF ANY IMPORTANCE OR MAGNITUDE, THAT HAS NOT BEEN MENTIONED AND IN MY WAY EXPLAINED TO YOU. MR FRIEND CAREY STA~~T~~RTED OUT IN THIS CASE IN A ~~N~~BAD HUMOR. HE SHOWED TEMPER BY GOING OVER JEWISH HISTORY FOR A COMPANION TO THIS AFFAIR. HE

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RS	PS	RT	BT
ARRAIGNED THE JEWS FOR ACTING ACCORDING TO COMMAND OF THE ALMIGHTY SLAYING PEOPLE OF **AI** *[[22]]* **AI** THIS WE THINK WAS TERRIBLE ARRAIGNMENT [*space*] I SUPPOSE IF ALMIGHTY TOOK IN [*space*] WOULD NOT HAVE DONE IT BUT IT WAS DONE [*space*] I DO NOT KNOW BUT WHAT HE WOULD GO STILL ~~<~~GO~~>~~ FURTHER BACK AND RAKE UP ANOTHER OLD TRANSACTION SIT PRETTY ROUGH ON CERTAIN PEOPLE I DO NOT KNOW BUT HE WAS GOING FIND		ARRAIGNED THE JEWS FOR ACTING ACCORDING TO THE COM- *[74]* MAND OF THE ALMIGHTY AND ~~SLAIN~~ ~~<~~SLAYING~~>~~ THE PEOPLE OF "A.I.". THIS WAS, I THINK, A PECULIAR ARGUMENT. I SUPPOSE IF THE ALMIGHTY HAD ONLY STOPED TO THINK OF FRIEND CAREY'S DISPLEASURE WITH HI~~M~~,FOR THATS ACTION, HE WOULD HAVE STAYED HIS HAND AND LET THE SINFUL PEOPLE GO UNPUNISHED. I LOOKED FOR FRIEND CAREY TO ALSO	ARRAIGNED THE JEWS FOR ACTING ACCORDING TO THE CO~~N~~MAND OF THE ALMIGHTY **IN** ~~AND~~ SLAYING THE PEOPLE OF ~~I~~ AI. THIS WAS I THINK A PECULIAR ARGUEMENT. I SUPPOSE IF THE ALMIGHT HAD ONLY ~~THOUG~~ STOPPED TO THINK OF FRIEND CAREYS DISPLEASURE WITH HIM FOR THAT ACTION HE WOULD HAVE STAYED HIS HAND AAND LET THE SINFUL PEOPLE GO UNPUNISHED. I LOOKED FOR FRIEND CARY TO ALSO

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RS	PS	RT	BT
FAULT WITH THE *SINK/SNGK/SNK*[?] OF SODOM AND GOMORRAH THAT IS ANOTHER TRANSACTION OF THE ALMIGHTY WHERE HE KILLED LOTS OF FOLKS DID THAT HIMSELF DID NOT CALL UPON JEWS TO DO THAT. ONE WAS JUST AS BLAMELESS AS THE OTHER.		ARRAIGN THE GREAT JEHOVA FOR THE DESTRUCTION OF SODOM AND GOMORRAH. THERE MANY WERE PUT TO DEATH, BUT, IN THE LAST INSTANCE THERE WAS NO AGENT SELECTED TO DO THE LORD'S WORK THAT HE DID HIMSELF. I THINK THE REMARKS ABOUT "A.I." WERE IN BAD TASTE,BUT IT	ARRAIGN THE GREAT JEHOVA~~H~~ ~~OF~~ FOR THE DESTRUCTION OF SODOM AND ~~GP~~ GOMMORAH. THERE, MANY WERE PUT TO DEATH, BUT IN THE LAST INSTANCE THERE WAS NO AGENT SELECTED TO DO DEATH, BUT IN THE LAST INSTANCE THERE WAS NO AGENT SELECTED TO DO THE LORDS WORK. THAT HE DID HIMSELF. I THINK THE REMARKS ABOUT AI WERE IN BAD TASTE BUT IT

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RS	PS	RT	BT
HE CALLS YOUR ATTENTION TO ST. BARTHOLOMEW. THERE IT IS TRUE FRENCH PEOPLE COMMITTED A DEED THAT HAS BEEN STAIN UPON THEIR CHARACTER FROM TIME UNTIL THIS. AND AS LONG AS TIME SHALL ROLL HIS ≤—[?]≥ *M*[?] ALONG THAT DEED WILL STAND AS A BLACK STAIN UPON THE FRENCH CHARACTER. BUT GENTLEMEN HE MIGHT HAVE REFERRED TO		WAS ALL FOR A PURPOSE. I PRESUME IT WAS TO PAVE HIS WAY TO HIS CHAPTER OF HORRORS. YOUR ATTENTION IS CALLED TO ST. BARTHOLOMEW . THERE, ITIS TRUE, THE FRENCH PEOPLE COMMITTED A CRIME THAT HAS BEEN A STAIN UPON THEIR NATIONAL REPUTATION FROM THAT DAY TO THIS, AND SO LONG AS TIME SHALL ROLL HIS AMPLY ROUND, SO LONG AS DEEDS OF WRONG AND VIOLENCE ARE REPUGNANT TO THE JUST AND BRAVE THAT DEED WILL STAND AS A BLACK STAIN UPON THE FRECH CHARACTER; BUT GENTLEMEN, HE MIGHT HAVE REFERRED TO	WAS ALL FOR A PURPOSE. I PRESUME IT WAS TO PAVE HIS WAY TO HIS CHAPTER OF HORRORS. YOUR ATTENTION IS CALLED TO ST. BARTHOLOMEW . THERE IT IS TRUE THE FRENGH PEOPLE COMMIT ED A CRIME THAT HAS BEEN A **STAIN** ~~STAYN~~ UPON THEIR NATIONAL REPUTATIO~~J~~N FROM THAT DAY TO THIS; AND SO LONG AS TIME SHALL ROLL HIS **AMPLE** ~~AMPOE~~ ROUND; SO LONG AS *[64]* ~~TIME O~~ DEEDS OF WRONG AND VIOLENCE ARE REPUGNANT TO THE JUST AND BRAVE , THAT DEED WILL STAND AS A BLACK STAIN UPON THE FRENCH CHAR~~Z~~ACTER. BUT GENTLEMEN, HE MIGHT HAVE REFERRED TO

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RS	PS	RT	BT
OTHER HORRORS MIGHT HAVE COME NEARER HOME MIGHT HAD HE WISHED TO GONE TO THE OLD PRISON *SHIP*[?] IN THE DAYS OF THE REVOLUTION HE MIGHT HAVE GONE TO ANDERSONVILLE WHERE THE DEAD LINE WAS SET AROUND PRISONERS OF WAR MIGHT HAVE DESCRIBED HORRORS OF PEOPLE IN THEIR SITUATION WHAT WAS DONE AT ST. BARTHOLOMEW		OTHER ACTS EQUALLY HORRIBLE AND TO THOSE COMMITTED NEAR HOME. HE COULD HAVE GONE TO THE OLD PRISON SHIP IN THE DAYS OF THE REVOLUTION, AND HAVE DESCRIBED A SCENE AS APPALLING AS THAT OF ANY HE HAS PICTURED. HE MIGHT HAVE GONE TO ANDERSONVILLE, WHERE THE "DEAD LINE" IS DRAWN AROUND THAT CHARNEL HOUSE, WHERE PRISONERS OF WAR WERE TORTURED AND DONE TO DEATHBY THE MOST BARBAROUS PRACTICES. BUT HE WANTS A SUBJECT THAT IS NOTORIOUS. HE TAKES ST. BARTHOLOMEW; THAT IS NO	OTHER ACTS EQUALLY HORRIBLE AND TO THOSE COMMITTED NEARED HO~~K~~ME. HE COULD HAVE GONE TO THE OLD ~~P~~PRISONSHIP IN THE DAYS OF THE REVOLUTION AND DESCRIBED A SCENE AS APPALLING AS THAT OF ANY HE ~~W~~HAS PICTURED. HE MIGHT HAVE GONE TO ANDERSONVILLE WHERE THE DEAD LINE WAS DRAWN AROUND THAT CHARNAL HOUSE, WHERE PRISONERS OF WAR WERE TORTURED AND DONE TO DEATH B~~U~~Y THE MOST BARBEROUS PRACTICES. BUT HE WA~~S~~NTS A SUBJECT THAT IS NOTORIOUS. HE TAKES BARTHOL~~E~~OM~~W~~EW; THAT ISNO

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RS	PS	RT	BT
IS NO MORE PART OF HISTORY THAN WHAT WAS DONE AT NAUVOO. WHY NOT ENTER INTO THAT. YOU HAVE TALKED ABOUT NAUVOO LEGION WHY NOT TELL HOW THAT TOWN WAS DESTROYED GIVE THE HISTORY OF THE TRANSACTIONS IN JACKSON COUNTY MISSOURI WHY NOT ENTER ANYTHING OF THIS KIND IF YOU WANT CATALOG OF HORRORS THAT		MORE NOTORIOUS OR BETTER ESTABLISHED BY HISTORY, THAN IS THE CRUEL ACTS OF AN AMERICAN MOB ON THE MORMONS AT NAUVOO. WHY NOT REFER TO NAUVOO ? HE HAS SPOKEN OF THE NAUVOO LEGION, WHY NOT TELL THE HISTORY OF THE [75] LEGION— WHY NOT TELL HOW AND WHY NAUVOO WAS DESERTED, AND BY WHOM IT WAS REDUCED TO RUINS ? WHYN~~N~~OT GIVE A HISTORY OF THE CRIMES COMMITTED BY THE ENEMIES OF THE CHURCH UPON THE MORMONS IN JACKSON COUNTY, MISSOURI ? IF HE WISHED TO RECITE A TALE OF HORRORS SUFFICIENT	MORE NOTORIOUS NOR BETTER ESTABLISHED B~~U~~Y HISTORY THAN ~~T~~ I S THE CRUEL A~~S~~CTS OF AN AMERICAN MOB AT NAUVOO. WHY NOT REFER TO NAUVOO? HE HAS SPOKEN OF THE NAUVOO LEGION; WHY NOT TELL THE HISTORY OF THE LEGION? WHY NOT TELL WHY AND HOW NAUVOO WAS DISERTED AND BY ~~H~~WHOM IT WAS REDUCED TO RUINS? WHY NOT GIVE A HISTORY OF THE CRIMES COMMITTED BY THE ENEMIES OF THE CHURCH UPON THE MORMONS IN JACKSON COUNTY, MISSOURI? IF HE WISHED ~~TO~~ TO RECITE A TALE OF HORRORS SU~~O~~FFICIENT

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RS	PS	RT	BT
WILL SICKEN HEART OF EVERY LISTENER HE WANTED TO GO FAR AWAY CHARGE A PEOPLE THAT COULD NOT PLEAD TO HIS INDICTMENT ARRAIGN ALMIGHTY AND THE KING OF FRANCE. HE HAS NOT WORKED WITH MUCH BETTER SENSE *THEN/THAN*[?] AGAINST THESE OTHER PARTIES HE SAYS WAS GLAD OF THIS. ANOTHER THING I SHALL CALL YOUR ATTENTION TO THAT IS THIS IN A CASE OF THIS KIND WHERE AN ENTIRE PEOPLE ARE AROUSED WHERE THE ACT HAS BEEN ONE		TO SICKEN THE HEART OF EVERY HEARER, THOSE ARE SUBJECTS THAT FURNISH A TEXT FOR SUCH A RECITAL. WHY ARRAIGN THOSE WHO HAVE NO ADVOCATE HERE ? WHY ATTACK THOSE SO FAR AWAY ?	TO SICKEN THE HEART OF EVERY HEARER, THOSE A~~T~~R~~H~~E SUBJECTS THAT FURNISH A TEXT FOR SUCH A RECITAL. WHY A**R**RAIGN THOSE WHO HAVE NO ADVOCATE HERE? WHY ATTACK THOSE SO FAR AWAY?

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RS	PS	RT	BT
OF SUCH SERIOUS. WHERE THE VERY THOUGHT THAT A DEED OF THE KIND SHOULD BE COMMITTED MAKES THE BLOOD CURDLE IN THE FACE		HIS OBJECT WAS TO AROUSE YOUR SYMPATHIES, AND BY EXCITING YOUR JUST ANIMOSITY AGAINST CRIME, WRONG AND OPPRESSION, OBTAIN A VERDICT UPON "PREJUDICE WITHOUT EVIDENCE". STOP AND CONSIDER THE FACTS IN THE CASE, THE EVIDENCE OF THE WITNESSES, THAT NATURE OF THE CHARGE AND WHAT SU~~U~~PPORTS IT. IN A CASE OF THIS NATURE, WHERE THE CHARGE IS THAT OF MURDER "MURDER MOST	HIS OBJECT WAS TO AROUSE YOUR SYMPATHIES; AND BY EXCITING YOUR **UN-**JUST ANIMOSITY AGAINST CRIME WRONG AND OPPRESSION ~~O~~, OBTAIN A VERDICT UPON PREJUDICE WITHOUT EVIDENCE. STOP AND CONSIDER **THE** ~~THE~~ FACTS IN THE CASE— THE EVIDENCES OF THE WITNESSES— THE NATURE OF THE CHARGE AND WHAT ~~U~~SU PPORTS IT. IN A CASE OF THIS NATURE , WHERE THE CHARGE ISTHAT OF MURDER, " MURDER MOST

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RS	PS	RT	BT
		FOUL AND ~~UNNATORL~~ UNNATURAL" WHERE THE PUNISHMENT FOLLOWING A CONVICTION IS DEATH, AT A TIME OF UNNATURAL EXCITEMENT IN A COMMUNITY, WHEN THE PASSIONS OF THE PEOPLE ARE AROUSED, WHEN THE JUDGMENT AND REASON OF THE MASSES, IS BLINDED BY PASSION AND PREJUDICE, AND THE WHOLE MACHINERY OF GOVERNMENT IS IN MOTION TO SECURE A CONVICTION, RIGHT OR WRONG, A CONVICTION WITH OR WITHOUT EVIDENCE OF GUILT, — IT BECOMES THE DUTY OF THE JURY TO PAUSE AND CONSIDER THE TRUE FACTS OF THE	FOUL AND UNNATURAL," WHERE THE PUNISHMENT ~~I~~FS~~S~~OLLOWING A CONVICTION IS DEATH, AT A TIME OF UNNATURAL EXCITEMENT IN THE COMMUNITY, WHEN THE PASSIONS OF THE PEOPLE ARE A~~R~~ROUSED,— WHEN THE JUDGMENT AND REASON O~~D~~F THE MASSES IS BLINDED BY PASSION AND PREJUDICE, AND THE WHOLE MACHINERY OF GOVERNMENT IS IN *[65]* MOTION TO SECURE A CONVI~~S~~CTION RIGHT OR WR~~I~~ONG; A CONVICTION WITH OR WITHOUT EVIDENCE OF GUILT, IT BECOMES THE DUTY OF THE JURY TO PAUS AND CONSIDER THE TRUE FACTS IN THE

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RS	PS	RT	BT
WHEN WE FIND AN ACT OF THAT KIND COMMITTED BY ANY ONE WE SHOULD EXAMINE WITH CARE BEFORE WE ACT.		CASE, AND LET JUDGMENT, COOL AND REASONABLE, CONTROL, IN PLACE OF PASSION AND PREJUDICE; THE OUTGROWTH OF UNNATURAL EXCITEMENT, ENVY AND HATRED. GREAT CRIMES, WHEN COMMITTED, SHOULD BE EXAMINED INTO WITH CARE; PERSONS COMMITTING THOSE CRIMES, SHOULD, WHEN PROVEN GUILTY BY COMPETENT EVIDENCE, BE PUT TO DEATH, AS A PUNISHMENT FOR THEIR UNLAWFUL [76] ACTS. JUSTICE SHOULD EVER BE THE OBJECT SOUGHT IN A JUDICIAL INVESTIGATION, THEREFORE, I AGAIN SAY, STOP AND	CASE, AND LET JUDGMENT COOL AND REASONABLE CONTROLL IN PLACE OF PASSION AND PREJUDICE— THE OUTGROTH OF UNNATURAL EXCITEMENT, ENVY AND HATRED. GREAT CRIMES WHEN COMMITTED SHOULD BE EXAMINED INTO WITH CARE. PERSONS COMMITTING THOSE CRIMES, SHOULD WHEN PROVEN GUILTY BY COMPETENT EVIDENCE BE PUT TO DEATH, AS A PUNISHMENT FOR THEIR UNLAWFUL ACTS. JUSTICE SHOULD EVER BE THE OBJECT SOUGHT IN A JUDICIAL INVESTIGATION; THEREFORE I AGAIN SAY, STOP AND

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RS	PS	RT	BT
		THINK WHAT IS RIGHT— WHAT IS YOUR DUTY AT THIS TIME WITH RESPECT TO YOURSELVES, YOUR COUNTRY AND THE PRISONER UPON TRIAL. HASTY ACTS ARE OFTEN CALCULATED TO DISGRACE THE COUNTRY AND CRIPPLE THE CAUSE OF JUSTICE. THERE IS O?NE RASH, HASTY ACT THAT WAS COMMITTED BY " <A COURT> SO HIGH AND POWERFUL, THAT ITS VERDICT WAS PRONOUNCED AS THE VERDICT OF THE PEOPLE; STILL IT HAS NOW FEW DEFENDERS IN THE NATION. YOU ALL REMEMBER THE ACT I REFER TO. A FEARFUL CRIME HAD BEEN COMMITTED. THE PEOPLE WERE IN A	THINK WHAT IS ~~W~~RIGHT,— WHAT IS YOUR DUTY AT THIS TIME WITH RESPECT TO YOURSELVES, YOUR COUNTRY, AND THE PRISONER UPON TRIAL. HASTY ACTS ARE OFTEN CALCULATED TO DISGRACE THE COUNTYR AND CRIPPLE THE CAUSE OF JUSTICE. THERE IS ONE RASH HASTY ACT THAT WAS COMMITTED BY A COURT SO HIGH AND PUWERFUL, **AND** ~~THAT~~ ITS VERDICT WAS PRONOUNCED AS THE VERDICT OF THE PEOPLE; STILL IT HAS NOW FEW DEFENDE~~W~~**R**S IN THE NATION. YOU ALL REMEMBER THE ACT I REFER TO. A FEARFUL CRIME HAD BEEN COMMITTED; THE PEOPLE WERE IN A

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RS	PS	RT	BT
		FRENZY OF EXCITEMENT. VENGE~~N~~ANCE WAS DEMANDED; AND THE BLOOD OF EVERY ONE GUILTY OF THE DEED COULD NOT SATISFY THE MOURNING PEOPLE, BUT, GENTLEMEN, THE RASH ACT WAS ADDITIONAL CAUSE GENERAL LAMENTATION. JUSTICE WAS DETHRONED.	FRENZY OF EXCITEMENT; VENGEANCE WAS DEMANDED, AND THE BLOOD OF EVERY ONE GUILTY OF THE DEED COULD NOT SATISFY THE MOURNING PEOPLE. BUT , GENTLEMEN, THE RASH ACT WAS ADDITIONAL CAUSE FOR GENERAL LAMENTATION. JU STICE WAS DETHROANED.
YOU ALL RECALL THE APRIL MORNING WHEN THE NEWS WAS FLASHED OVER THE WIRES THROUGH LENGTH BREADTH OF THE UNITED STATES ABRAHAM LINCOLN HAD FALLEN A VICTIM TO		YOU ALL REMEMBER THE APRIL MORNING WHEN THE SOUL SICKENING NEWS WAS FLASHED OVER THE WIRES OF THE ENTIRE NATION, THROUGHOUT THE LENGTH AND BREADTH OF OUR UNION, THAT ABRAHAM LINCOLN, THE GOOD AND GREAT MAN, THE ABLE AND JUST RULER, HAD ~~OA~~ FALLEN A VICTIM TO	YOU ALL REMEMBER THE APRIL MORNING WHEN THE SOUL SICKENING NEWS W~~Z~~AS FLASHED OVER THE ENTIRE NATION, THROUGHOUT THE LENGHT AND BREADTH OF THE NATION, THAT ABRAHAM LINCOLN, THE GOOD AND GREAT MAN; THE ABLE AND JUST RULER HAD FALLEN A VICTIM TO

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RS	PS	RT	BT
THE MALICE AND CRUEL REVENGE OF J WILKES BOOTH *[[23]]* YOU ALL RECALL THE FEELING OF SADNESS AND GLOOM THAT OVERSPREAD THE PEOPLE OF THE UNITED STATES EVERY MIND STIFLED IN MOURNING		THE MALICE AND HATRED OF J. WILKES BOOTH,THE ASSASSIN. THE PEOPLE OF A NATION IN TEARS, GLOOM AND ANGUISH, SPREAD LIKE A PALL OVER THE ENTIRE COUNTRY.	THE MALICE AND HATRED OF J. WILKES BOOTH, THE ASSASSIN. THE PEOPLE OF A NATION IN TEARS GLOOM AND ANGUISH, SPREAD LIKE A PALL OVER THE ENTIRE COUNTRY.
		LIBERTY SEEMED TO HAVE TAKEN FLIGHT FROM OUR LAND, AND HOPE ALMOST DESERTED THE FIRMEST HEART. LINCOLN WAS DEAD, BUT HIS ASSASSIN STILL LIVED. A NATION DEMANDED THE EXECUTION OF ALL WHO AIDED AND ABETTED IN THOS MOST CRUEL, UNCALLED FOR, MURDER AND ASSASSINATION.	LIBERTY SEEMED TO HAVE TAKEN HER FLIGHT FROM OUR LAND AND HOPE ALMOST DISERTED THE FIRMEST HESART.. LINCOLN WAS DEAD BUT HIS ASSASSIN STILL LIVED. A NATION *[66]* DEMANDED THE EXECUTION OF ALL WHO AIDED OR ABETTED IN THIS MOST CRUEL , UNCALLED FOR MURDER AND ASSASSINATION.
PEOPLE OF THE SOUTH AS WELL AS OF THE NORTH		STOUT HEARTS NORTH AND SOUTH, BRAVE MEN BENEATH	STOUT HEARTS NORTH AND SOUTH, BRAVE MEN BELNEATH

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RS	PS	RT	BT
		THE STARRY BANNER, AND EQUALLY BRAVE *[77]* MEN WHO WERE UPHOLDING THE CTARS AND BARS, LAMENTED ALIKE THAT SUCH A DEED HAD BEEN DONE.	THE STARRY BANNER AND EQUALLY BRAVE MEN WHO WERE UPHOLDING THE STARS **AND** ~~ABD~~ BARS LAMENTED ALIKE THAT SUCH A DEED HAD BEEN DONE.
SHED TEARS OF BITTER SORROW TO THINK THAT THE GREAT AND GOOD MAN HAD FALLEN AND FALLEN IN SUCH A WAY.		ALL WISHED THE GUILTY CONVICTED.	ALL ~~T~~WISHED THE GUILTY CONVICTED.
AFTER HIS REMAINS HAD BEEN SENT		LINCOLN'S REMAINS HAD BEEN TAKEN BY HIS WEEPING FRIENDS FROM WASHINGTON	LINCOLN'S REMAIN~~D~~S HAD BEEN T AKEN BY HIS W**E**EPING FRIENDS FROM WAH~~S~~HINGTION
TO HIS OLD[552] HOME IN ILLINOIS		CITY TO HIS FORMER HOME AT SPRINGFIELD, ILLS., AND THERE, IN THE PARIRIE STATE THAT HE HAD SO FAITHFULLY SERVED, SO DEVOTEDLY LOVED, THEY HAD DEPOSITED ALL THAT REMAINED TO EARTH OF A	CITY TO HIS FORMER HOME AT SPRINGFIELD AND THERE **IN** ~~IS~~ THE PRAIRIE STATE THAT HE HAD SO FAITHFULLY SERVED , SO DEVOTEDLY LOVED THEY HAD DEPOSITED ALL THAT REMAINED TO EARTH OF THE

552. Word apparently added later.

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RS	PS	RT	BT
A COURT WAS ESTABLISHED FORMED IN WASHINGTON CITY TO TRY THE CONSPIRATORS CLAIMED TO BE GUILTY OF THE ACT.		NOBLE MAN. THE GRAVE WAS STILL FRESH OVER THE REMAINS OF AN ASSASSINATED PRESIDENT. WHEN A COURT WAS ESTABLISHED AT WASHINGTON CITY TO TRY THOSE CHARGED WITH CONSPIRING THE DEATH OF THE PRESIDENT, THIS COURT WAS COMPOSED OF MEN NOTED FOR A LIFE OF JUDICIAL PURITY, NATURAL HONESTY, AND MORE THAN USUAL ABILITY.	NOBLE MAN, THE GRAVE WAS STILL FRESH OVER THE REMAINS OF AN ASSASSINATED PRESIDENT, WHEN A COURT WAS ESTABLISHED AT WASHINGTION CITY TO TRY THOSE ~~V~~CHARGED WITH CONSPIRING THE DEATH OF THE PRESIDENT. THIS COURT WA S COMPOSED OF MEN NOTED FOR A LIFE OF JUDICIAL PURITY, NATURAL HONESTY, AND MORE THAN USUAL ABILITY.
AT THAT TIME SEVERAL DEFENDANTS WERE PLACED UPON TRIAL BEFORE A COURT THAT WAS SUPPOSED TO BE ABOVE THE POWER OF PREJUDICE. OR OPINION		IT WAS SUPPOSED TO BE FAR REMOVED FROM PREJUDICE. IT WAS THOUGHT IT WOULD BE	IT WAS SUPPOSED TO BE FAR REMOVED FROM PREJUDICE. IT WAS THOUGHT IT WOULD BE

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RS	PS	RT	BT
BEFORE[?] A COURT IT WAS PRESUMED COULD NOT AND WOULD NOT ERR A WOMAN ~~WAS~~ WAS THERE FORCED TO PLEAD FOR HER LIFE AS ONE OF THE CONSPIRATORS.		UNMOVED BY PASSION. IT WAS BELIEVED IT COULD NOT BE SWAYED BY INTEREST OR MISLED BY THE CLAMOR OF THE PRESS OF THE NATION OR FORCED TO A HASTY ACT BY AN ANGRY PUBLIC. A PRISONER APPEARED BEFORE THAT HIGH , HONORED AND ABLE TRIBUNAL, WAS BROUGHT THERE AND CHARGED WITH BEING AN ACCESSORY TO THE MURDER OF THE LAMENTED LINCOLN. THIS PRISONER WAS DEFENDED BY ABLE COUNSEL. THE EVIDENCE WAS CIRCUMSTANTI AL AND UNSATISFACTO	UNMOVED BY PASSION; IT WAS BELIEVED IT COULD NOT BE SWAYED BY INTEREST, OR MISLED BY THE CLAMOR OF THE PRESS OF THE NATION, OR FORCED TO A HASTY ACT BY AN ANGRY PUBLIC. A PRISONER APPEARED BEFORE THAT HIGH , HONORED AND ABLE TRIBUNAL, BROUGHT THERE CHARGED WITH BEING AN ACCESSORY TO THE MURDER OF THE LAMENTED LINCOLN. THIS PRISONER WAS DEFENDED BY ABLE COUNSEL; THE EVIDEN CE WAS CIRCUMSTANTI AL AND UNSATISFACTO

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RS	PS	RT	BT
THIS SAME POPULAR FUROR YOUR ATTENTION HAS BEEN CALLED TO ENLISTED ITSELF ON THE SIDE OF THE PROSECUTION. THIS SAME POPULAR SENTIMENT FORCED A CRY TO GO UP FROM NEARLY EVERY NORTHERN HEART CONVICT ANY CONVICT ALL THAT ARE CHARGED WITH THE CRIME DO NOT STOP TO INVESTIGATE BUT CONVICT AT ONCE. THAT WAS THE POPULAR OUTCRY EDITORS THAT SPOKE FOR MERCY		RY. BUT, GENTLEMEN, THAT SAME PUPULAR FURY THAT YOU ARE THREATENED WITH WAS THEN EXCITED, THE CRY WENT UP ALL OVER THE LAND “CONVICT AND EXECUTE THOSE CHARGED WITH THE CRIME” DO NOT STOP TO INVESTIGATE NOW, BUT CONVICT AND EXECUTE, IN HASTE”. SUCH WAS THE POPULAR OUTCRY. EDITORS WHO SPOKE FOR MERCY THAT SUGGESTED MODERATION, THAT DEMANDED	RY. BUT**,** GENTLEMEN, THAT SAME POPULAR FURY THAT YOU ARE THREATENED WITH WAS THEN EXCITED. THE CRY WENT UP ALL OVER THE LAND, “CONVICT AND EXECUTE THOSE CHARGED WITH THE CRIME; DO NOT STOP TO INVESTIGATE NOW BUT CONVICT AND EXECUTE IN HASTE.’ SUCH WAS THE POPULAR OUTCRY. EDITORS WHO SPOKE FOR MERCY, THAT SUGGESTED MODERATION; THAT DEMANDED

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RS	PS	RT	BT
WERE DENOUNCED AS TRAITORS TO THEIR COUNTRY MEN THAT SAID SPARE THE WOMAN WERE DENOUNCED AS ENEMIES OF THEIR COUNTRY. ALL THAT THE PEOPLE REMEMBERED WAS THAT LINCOLN WAS THEIR IDOL THAT THEY LOVED THE MAN WHO HAD BEEN FOULLY MURDERED. [*space*]		FULL PROOF OF GUILT~~Y~~ BEFORE CONVICTION, WERE DENOMINATED AS TRAITORS TO THEIR COUNTRY ,AND ENEMIES TO JUSTICE AND HUMANITY. ADVOCATES WHO PLEAD FOR THE PRISONER WERE CALLED TRAITORS, AND INSULTED AS ENEMIES *[78]* DANGEROUS TO THE PUBLIC WELLFARE. ALL THAT THE PEOPLE REMEMBERED WAS THAT LINCOLN WAS THEIR IDOL. THAT THEY LOVED HIM LIVING, AND REVERED HIM DEAD, AND THAT HE HAD BEEN MURDERED, AND THAT THOSE ACCUSED OF	FULL PROOF OF GUILT BEFORE CONVICTION WERE DENOMINATED AS TRAITORS TO THEIR ~~V~~COUNTRY AND ENEMIES, TO JUSTICE AND HUMANITY. ADVOCATES WHO PLED FOR THE PRISONER WERE CALLED TRAITOR S AND INSULTED AS ENEMIE~~D~~S DANGEROUS TO THE PUBLIC *[67]* WELFARE. AL L THAT THE POOPLE REMEMBERE~~S~~D WAS THAT LINCOLN WAS THEIR IDOL; THAT THEY LOVED HIM LIVING AND REVERED HIM DEAD; AND THAT HE HAD BEEN MURDERED AND THOSE ACCUSED OF

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RS	PS	RT	BT
COURT'S DUTY WAS UNDER SUCH CIRCUMSTANCES TO BE MORE CAREFUL THAN IF THE PUBLIC CLAMOR HAD NOT BEEN RAISED.		THE ~~MUROER~~ ≤CRIME≥ WERE UPON TRIAL. THE FIRST GREAT DUTY OF THE COURT, UNDER THE CIRCUMSTANCES, WAS TO USE GREAT CARE, GREAT CAUTION, MORE IF POSSIBLE THAN IF THE PUBLIC WERE CALM, THE PEOPLE QUIET, THE PRESS SILENT UPON THE SUBJECT. UNFORTUNATELY THE COURT WAS COMPOSED OF MEN, AND LIKE OTHERS LIABLE TO ERR. THEY HEARD THE PUBLIC OUTCRY, THEY LISTENED TO THE VOICE OF THE PEOPLE AS SENT FORTH FROM IN THE PRESS OF THE COUNTRY. THEY BECAME FOR THE TIME MEN AND WERE NO LONGER UNIMPASSIONE	THE CRIME WERE UPON TRIAL. THE FIRST GREAT DUTY OF THE COURT UNDER THE CIRCUMSTANCES, WAS TO USE GREAT CARE, GREAT CAUTION, - MORE , IF POSSIBLE THAN IF THE PUBLIC WERE CALM, THE PEOP~~O~~LE QUIET AND THE PRESS S~~C~~ILENT UPON THE SUBJECT. UNFORTUNATELY THE COURT WAS COMPOSED OF MEN, AND LIKE OTHERS L~~A~~IABLE TO ERR. THEY HEARD THE PUBLIC OUTCRY, THEY LIST**E**NED TO THE VOI~~V~~CE OF THE PEOPLE AS SET FORTH IN THE PRESS OF THE COUNTRY. THEY BECAME FOR THE TIME MEN AND WERE NO LONGER UNIMPASSIONE

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RS	PS	RT	BT
COURT FOUND ITS VERDICT [*space*]. THAT VERDICT WAS SENTENCING THIS WOMAN TO DEATH.		D, CO~~L~~OL AND DISCRIMINATIN G JUDGES. THEY GAVE A VERDICT OF GUILTY,	D, COOL AND DISCRIMINATIN G JUDGES. THEY GAVE A VERDICT OF GUILTY,
		AND IS NOW BELIEVED BY NINE TENTHS OF THE READING PEOPLE OF THE UNITED STATES, WHO HAVE READ ALL OF THE EVIDENCE INTRODUCED UPON THAT TRIAL, THAT THEY SENTENCED TO DEATH ON THE GIBBET, AND WITHOUT FULL PROOF OF GUILT, UPON INSUFFICIENT EVIDENCE, A WOMAN. AFTER THE VERDICT	AND IT IS NOW BELIEVED BY NINE TENTHS OF THE READING PUBLIC OF THE UNITED STATES WHO HAVE READ ~~O~~ALL OF THE EVIDENCE INTRODUCED UPON THAT TRIAL**,** — THEY SENTENCED TO DEATH ON THE ~~GU~~ GIBBETT, AND WITHOUT FULL PROOF OF GUILT, UPON INSUFFICIENT**,** EVIDENCE A WOMAN! AFTER THE VERDICT
AFTER THE SENTENCE HAD BEEN PASSED THAT IT WAS THAT THE AMERICAN HEART TO BEAT AGAIN AS IT		THE AMERICAN HEART BEGAN TO BEAT AGAIN AS IT DID	THE AMERICAN HEART BEGAN TO BEAT AGAIN AS IT DID

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RS	PS	RT	BT
STRAIGHTWAY		BEFORE THE	BEFORE THE
		ASSASSINATION.	ASSASSINATION.
MEN OF		THEN MEN OF	THEN MEN OF
STRONG MIND		STRONG MINDS,	STRONG MINDS,
		CULTURED	CULTURED
AND		REFINED AND	REFINED AND
PATRIOTIC		PATRIOTIC	PATRIOTIC
FEELING		FEELINGS,	FEELINGS
RUSHED TO THE		RUSHED TO THE	RUSHED TO THE
EXECUTIVE		EXECUTIVE	EXECUTIVE
		MANSION,	MANSION
ASKING		ASKING THE	ASKING T~~O~~HE
FOR HIS		AID OF	AID OF
		EXECUTIVE	EXECUTIVE
CLEMENCY		CLEMENCY,	CLEMENCY;
		ASKING THAT	ASKING THAT
		THE WOMAN	THE WOMAN
		SHOULD LIVE;	SHOULD LIVE~~.~~
			~~PLEQAD~~
		PLEADING	**PLEADING** ~~ING~~
		THAT SHE	THAT SHE
		SHOULD NOT BE	SHOULD NOT BE
		MURDERED IN	MURDERED IN
		THE NAME OF	THE NAME OF
		THE LAW	THE LAW
		WITHOUT FULL	WITHOUT FULL
		PROOF OF	PROOF OF
BUT THE		GUILT. BUT THE	GUILT. BUT THE
ROBES OF		ROBES OF	ROBES OF
OFFICE WERE		OFFICE WERE	OFFICE WERE
THEN NEW UPON		THEN UPON	NEW UPON
THE SHOULDERS		THE SHOULDERS	THE SHOULDERS
OF ANDREW		OF ANDREW	OF ANDREW
JOHNSON. HE		JOHNSON. HE	JOHNSON ~~.H~~ HE
HAD NOT THE		FAILED FROM	FAILED FROM
NECESSARY		SOME	SOME
MORAL			
COURAGE TO		CAUSE TO	CAUSE TO
REVIEW THE		REVIEW THE	REVIEW THE
EVIDENCE IN		EVIDENCE IN	EVIDENCE IN
THE CASE. HE		THE CASE. HE	THE CASE . HE
HAD NOT THE		LACKED THE	LACKED THE
MORAL		MORAL	MORAL
COURAGE TO		COURAGE TO	COURAGE TO

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RS	PS	RT	BT
WITHHOLD HIS SIGNATURE FROM THE SENTENCE AND HE DID SIGN THE DEATH WARRANT AND MRS. SURRATT WAS EXECUTED. WHEN AT THIS DATE THERE IS NOT ONE MAN IN 50 THOUSAND THAT HAS TAKEN THE PAINS TO READ THE TESTIMONY AND APPLY LAW TO IT WHAT WILL SAY THE SENTENCE WAS RIGHT. [*space*] THAT TIME THERE WAS POPULAR CLAMOR. THE EYES OF THE PEOPLE OF THE UNITED STATES WERE CENTERED UPON THAT COURT THE POPULAR DEMAND WAS APPLIED TO THESE ARRESTED THAT		WITHHOLD HIS SIGNATURE FROM THE SENTENCE. HE SIGNED THE DEATH WARRANT, AND MRS. SURRATT *[79]* WAS EXECUTED. AT THIS DAY THERE IS NOT A MAN IN FIFTY THOUSAND WHO HAS CAREFULLY READ THE EVIDENCE IN THE CASE AND APPLIED THE LAW TO THE CASE AS PROVEN, WHO WILL SAY THAT THE SENTENCE WAS JUST.	WITHHOLD HIS SIGNATURE FROM THE SENTENCE. HE SIGNED THE DEATH WARRANT AND MRS. SURRATT WAS EXECUTED. AT THIS DAY THERE IS NOT A MAN IN FIFTY THOUSAND WHO HAS CAREFULLY READ THE EVIDENCE IN THE CASE AND APPLIED THE LAW TO THE CASE AS PROVES~~S~~N, WHO WILL SAY THAT THE SENTENCE WAS JUST.

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RS	PS	RT	BT
POPULAR CLAMOR GUIDED I FEAR THAT COURT.		THEN THE VERDICT, THE SENTENCE, THE EXECUTION WERE APPLAUDED BY THE EXCITED, UNINFORMED POPULACE NOW HOW CHANGED IS THE POPULAR SENTIMENT. REGRETS WILL NOT RIGHT THE WRONG THEN DONE. WE CAN ONLY PROFIT BY THE PAST EXPERIENCE.	THEN, THE VERDICT, THE SENTENCE, THE EXECUTION, WERE APPLAUDED BY THE EXCITED UNINFORMED P~~U~~**O**P~~O~~**U**LACE. NOW**,** HOW CHANGED I~~N~~S THE POPULAR SENTIMENT. REGRETS WILL NOT RIGHT THE *[68]* WRONG TH**E**N DONE. WE CAN ONLY PROFIT BY THE PAST EXPERIENCE.
IF IN SUCH CIRCUMSTANCES AS THEN SURROUND THAT COURT MEN THAT HAD BEEN SAID TO SIT IN COURTS *[[24]]* ALL THEIR LIVES TAKE LET THE CONDUCT A MAN SUPPOSED TO BE SO HIGH IN HIS PROFESSION SO PURE AS A MAN SO LEARNED AND JUST IT WAS IMPOSSIBLE FOR FOR HIM TO ERR			

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RS	PS	RT	BT
YET HE FELL BENEATH THE POWER WELDED BY THIS POPULAR CLAMOR GAVE HIS VOICE FOR THE EXECUTION.		ARE YOU STRONGER MEN THAN THOSE WHO COMPOSED THAT COURT ? ARE YOU LESS LIABLE TO ERR THAN THEY WERE ? LIKE CAUSE PRODUCES LIKE EFFECT, THEREFORE, GENTLEMEN PROCEED WITH CAUTION; ACT WITH CARE; RENDER YOUR VERDICT UPON EVIDENCE, AND NOT UPON THE EXCITED MISSTATEMENTS OF A SENSATIONAL PRESS, OR THE PREJUDICE AND CLAMOR OF A MISGUIDED PUBLIC.	ARE YOU STRONGER MEN THAN THOSE WHO COMPOSE THZAT COURT? ARE YOU LESS LIABLE TO ERR THAN THEY WERE? LIKE CAUSE PRODUCES LIKE EFFECT. THEREFORE, GENTLEMEN, PROCEED WITH CAUTION, CAT WITH CARE, RENDER YOUR VERDICT UPON EVIDENCE, NOT UPON THE EXCITED MISSTATEMENTS OF A SENSATIONAL PRESS, OTR THE PREJUDICED CLAMOR OF A MISGUIDED PUBLIC.
ARE WE TO REENACT ANOTHER SUCH SCENE NO NEVER.		ARE YOU HERE TO ERECT A	ARE YOU HERE TO CREATE A

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RS	PS	RT	BT
		GIBBET UPON WHICH TO ENACT ANOTHER JUDICIAL MURDER ? NO! YOU WILL NOT, I WILL NOT BELIEVE IT.	GIBBET UPON WHICH TO ENACT ANOTHER JUDICIAL MURDER? NO, YOU WILL NOT — I WILL NOT BELIEVE IT!
MOST OF THOSE HAVE PASSED AWAY THAT RENDERED JUDGMENT AGAINST MRS. SURRATT.		MOST OF THOSE HAVE PASSED AWAY WHO RENDERED THE VERDICT AGAINST MRS. SURRATT, BUT NOT ALL. THAT LAST WHO DEPARTED FROM THIS EARTH WAS	MOST OF THOSE HAVE PASSED AWAY WHO RENDERED THE VERDICT AGAINST MRS. SURRATT,- BUT NOT ALL. THE LAST ONE WHO DEPARTED FROM EARTH WAS
ANDREW JOHNSON AFTER HAVING OCCUPIED ALL OF THE POSITIONS		ANDREW JOHNSON. AFTER HAVING OCCUPIED ALL THE POSITIONS OF PRIFOT AND HONOR	ANDREW JOHNSON. AFTER HAVING OCCUPIED ALL THE POSITIONS OF PROFIT AN D HO~~M~~NOR
WITHIN {THE}[i] GIFT OF {THE}[i] PEOPLE		WITHIN THE GIFT OF THE PEOPLE, HE HAS BID FAIRWELL TO ALL EARTHLY GREATNESS; HE	WITHIN THE GIFT OF THE PEOPLE HE HAS BID FAREWELL TO ALL EARTHLY GREATNESS. HE
NOW LIES IN HIS WIND{ING}[i] SHEET AT HOME TENNESSEE. DEATH HAS CALLED HIM FROM THE		NOW LIES IN HIS WINDING SHEET AT HIS HOME IN TENNESSEE. DEATH HAS CALLED HIM FROM THE	LIES IN HIS WINDING SHEET AT HIS H~~MO~~OME IN TENNESSEE. DEATH HAS CALLED ~~JHI~~ HIM FROM THE

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RS	PS	RT	BT
SCENE OF HIS LABOR AND HE NOW WITHIN LAST 48 HOURS HIS SPIRIT HAS GONE TO THE UNKNOWN SHORE THERE TO MEET AND ANSWER TO THAT OF MRS. SURRATT AND SAY TO HER IF IT CAN I JUSTLY SENTENCED YOU.		SCENE OF HIS EARTHLY LABORS, AND WITHIN THE LAST FORTY EIGHT HOURS HIS SPIRIT HAS PASSED TO THE UNKNOWN SHORE, THERE TO MEET AND ANSWER THAT OF MRS. SURRATT, AND SAY TO HER, IF HIS SPIRIT CAN, I JUSTLY SENTENCED YOU TO DEATH. THE SPIRIT OF THE WOMAN WILL PARDON THE ACT OF THE PRESIDENT FOR MALICE IS NOT REMEMBERED BY THOSE ON THE OTHER SHORE OF TIME. BUT HU- *[80]* MANITY WILL REMEMBER THE WHOLE TRANSACTION, AND THE MEMORY THEREOF WILL FORCE THE LIVING TO INSIST, THROUGHOUT CIVILIZATION,	SCEN~~T~~E OFHIS EARTHLY LABORS, AND WITHIN THE LAST 48 HOURS HIS SPIRIT HAS PASSED TO THE UNKNOWN SHORE; THERE TO MEET AND ANSWER ~~THAT OF~~ **TO** MRS. SURRATT AND SAY TO HER — IF HIS SPIRIT CAN~~,~~ " I JUSTLY SENTENC~~E~~D YOU TO DEAT~~H~~." THE SPIRIT OF THE WOMAN WILL PARDON THE SPIRIT OF THE PRES~~E~~IDENT FOR MALICE IS NOT REMEMBERED BY THOSE ON THE OTHER SHORE OF TIME? BUT HUMANITY WILL REMEMBER THE WHOLE TRANSACTION, AND THE MEMORY THEREOF WILL FORCE THE LIVING TO INSIST THROUGHOUT CIVILIZATION

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RS	PS	RT	BT
{THE}[i] TIME WILL COME WHEN YOU WILL ALSO PASS AWAY. TIME WILL COME WHEN YOU WILL GIVE MORE TO KNOW YOU HAVE ACTED ARIGHT ON THIS OCCASION THEN YOU CONSIDER YOUR OATH WELL.		THAT COURTS AND JURIES SHALL NOT ACT HASTILY, AND SHALL NO MORE COMMIT JUDICIAL MURDER AT THE COMMAND OF AN EXCITED PEOPLE WHO WERE THIRSTY FOR BLOOD. GENTLEMEN, THE TIME IS SWIFTLY APPROACHING, WHEN YOU AND I MUST ALSO PASS BEYOND THE DARK RIVER, WHEN WE MUST YIELD UP OUR EARTHLY POSSESSIONS. ENTER THE UNKNOWN LAND OF SPIRITS AND STAND BEFORE THE THRONE OF	THAT C OURTS AND JURI~~S~~ES SHALL NOT AC~~Y~~T HASTILY— SHALL NO MORE COMMIT JUDICIAL MURDER AT THE COMMAND OF AN EXCITED PEOPLE WHO ARE TH~~U~~IRSTING FOR BLOOD. GENTLEMEN, THE TIME IS SWIFTLY APPROACHING WHEN YOU AND I MUST ALSO PASS BEYOND THE DARK RIVER; WHEN WE MUST YIELD UP OUR EARTHLY POSSESSIONS,- ENTER THE UNKNOWN LAND OF SPIRITS AND STAND BEFORE THE THROAN OF

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RS	PS	RT	BT
WHEN YOU COME {TO}[i] LAY DOWN UPON YOUR BED OF DEATH AND THROW ASIDE ALL HOPES OF THIS EARTH KNOWING YOU ARE TRIED *RELATES/RELATIV* *E*[?] TO THAT UNKNOWN UNEXPLORED HEREAFTER THEN THE FACT THAT YOU HAVE ~~<~~PERFORMED~~>~~ YOUR DUTY RENDER AND GOT A JUST ~~<~~VERDICT~~>~~ ON		THE EVER- LIVING GOD, TO GIVE AN ACCOUNT OF OUR EARTHLY ACTS, TO RENDER AN ACCOUNT FOR OUR CONDUCT ON THIS OCCASION. GENTLEMEN: YOU HAVE THE LIFE OF A HUMAN BEING IN YOUR HANDS, IT IS A DREAD RESPONSIBILITY . ACTBWELL YOUR PART, AND ACT SO THAT WHEN YOU LIE UPON THE BED OF DEATH, WHEN EARTH~~Y~~LY HOPE HAS FLED,	THE EVER LIVING GOD, TO GIVE AN ACCOUNT OF OUR EARTHLY ACTS; TO REM~~M~~NDER AN ACCOUNT FOR OUR CONDUCT ON THIS OCC~~S~~ASION. GENTLEMEN, YOU HAVE THE LIFE OF A HUMAN BEING IN YOUR HANDS. ITIS A DREAD**FUL** *[69]* RESPONSIBILITY . ACT WELL YOUR PART. ACT SO, THAT WHEN YOU LIE UPON THE BED OF DEATH, WHEN EARTHLY HOPE HAS FLED,

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RS	PS	RT	BT
THIS OCCASION WILL BE BROUGHT BY YOU WITH GREATER PRIDE THAN WOULD THE FACT OF YOUR HAVING CONQUERED MILLIONS UPON THE FIELD OF BATTLE.			
		WHEN ALL DEPENDS UPON YOUR RECEPTION IN THE HEAVEN ABOVE, YOU CAN THEN MEET DEATH WITH A THOUGHT OF HAVING COMMITTED WRONG ON THIS OCCASION. WILL YOU SO ACT ; CLAMOR SAYS LEE MUST DIE. EVIDENCE, JUSTICE, LAW, SAYS NO.	WHEN ALL DEPENDS UPON Y**O**UR RECEPTION IN THE HEAVEN ABOVE YOU CAN THEN ME**E**T DE~~Z~~ATH WITHOUT A THOUGH OF HAVING COMMITTED WRONG ON THI S OCCASION. WILL YOU SO ACT? CLAMOR SAY~~W~~S, LEE MUST DIE~~!~~. EVIDENCE, JUSTICE, LAW SAYS NO!
YOU OCCUPY NO COMMON POSITION. YOU ARE TWELVE MEN SITTING HERE TO TRY A MAN FOR HIS		YOU OCCUPY NO COMMON POSITION. YOU SIT HERE TO TRY JOHN D. LEE FOR HIS	YOU OCCU~~L~~P**P**Y NO COMMON POSITION. YOU SIT HERE TO TR~~U~~Y JOHN D. LEE FOR HIS

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RS	PS	RT	BT
LIFE THAT THE POPULAR CLAMOR SAYS SHALL BE CONVICTED AND CONVICTED WHY SIMPLY BECAUSE HE WAS ONCE A MORMON. LIVED IN THE VICINITY OF CEDAR CITY IN 1857 AND WAS UPON THE FIELD AT THE TIME OF THE MOUNTAIN MEADOW MASSACRE. YOU ARE ASKED TO BELIEVE A MAN THAT HAS PROVEN HIMSELF TO BE ONE OF THE VILEST CRIMINALS OF THE AGE. [*space*] YOU AS ASKED TO DO ALL THIS AND WHY SIMPLY BECAUSE THE ~~PEOPLE~~ ALL THE PEOPLE ARE WATCHING YOU BECAUSE THE DEFENDANT IS OLD THEY ARE THE ONLY REASONS PROSECUTION HAS GIVEN		LIFE. YOU ARE ASKED TO CONVICT HIM BECAUSE HE WAS NEAR THE PLACE AT THE TIME OF THE MASSACRE. YOU ARE ASKED TO BELIEVE A MAN WHO HAS PROVED HIMSELF TO BE ONE OF THE VILEST CRIMINALS OF THE AGE. YOU ARE ASKED TO CONVICT JOHN D. LEE, SIMPLY BECAUSE <u>ALL THE PEOPLE ARE WATCHING YOU</u>, BECAUSE THE DEFENDANT IS OLD. THEY ARE THE ONLY REASONS THE PROSECUTION HAVE GIVEN	LIFE. YOU ARE ASKED TO CONVICT HIM BECAUSE HE WAS NEAR THE PLACE AT THE TIME OF THE MASSACRE. YOU ARE ASKED TO BELIEVE A MAN WHO HAS ~~L~~PROVEN HIMSELF TO BE ONE OF THE VILEST CRIMINALS OF THE AGE. YOU AR~~D~~E ASKED TO CO~~M~~NVICT JOHN D. .LEE SIMPLY BECAUSE ALL THE PEOPLE ARE WATCHING YOU; BECAUSE THE DEFENDANT IS OLD. THEY ARE THE ONLE REASONS THE PROSECUTION HAVE GIVEN

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RS	PS	RT	BT
GENTLEMEN OF THE JURY. I WISH THAT I POSSESSED THE POWER TO APPEAL TO YOU AS I KNOW I OUGHT TO DO. I WISH THAT I KNEW HOW TO USE LANGUAGE THAT WOULD IMPRESS UPON YOU THE RESPONSIBILITY OF THE SITUATION YOU NOW OCCUPY [*space*] *[[25]]* I KNOW THAT ~~YOU HAVE~~ YOU HAD RATHER DO RIGHT THAN ANYTHING ELSE I KNOW YOU WISH TO SO ACT WHEN YOU RETIRE FROM THIS PLACE YOU CAN SAY NOTWITHSTANDING WHAT OTHERS THINK		YOU FOR ASKING YOU FOR A VERDICT. I WISH THAT I POSSESSED THE POWER TO APPEAL TO YOU, AS I FEEL IT MY DUTY TO DO, ~~I~~ON THIS OCCASION. I WISH THAT I COULD USE THE LANGUAGE THAT WOULD FULLY *[81]* IMPRESS YOU WITH THE RESPONSIBILITY OF THE POSITION YOU NOW OCCUPY. I KNOW THAT YOU WOULD RATHER DO RIGHT THAN ANYTHING ELSE. I KNOW YOU WISH TO SO ACT THAT WHEN YOU RETIRE FROM THIS PLACE AND GO TO YOUR ROOM FOR	YOU FOR ASKING YOU FOR A VERDICT. I WISH THAT I POSSEDDED THE POWER TO APPEAL TO YOU AS I FEE**L** IT MY DUTY TO DO ON THIS OCCASION. I WISH THAT I COULD USE THE ~~N~~ LANGUAGE THAT WOU~~O~~LD FULLY IMPRESS YOU WITH THE **RESPONSIBILIT Y OF THE** POSITION YOU KNOW OCCUPY. I KNOW THAT YOU WOULD RATHER DO RIGHT ~~A~~THAN ANYTHING ELSE. I KNOW YOU WISH TO SO ACT **THAT** WHEN YOU RETIRE ~~G~~FROM THIS PLACE AND GO TO YOUR ROOM FOR

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RS	PS	RT	BT
MY HEART MY CONSCIENCE JUSTIFIES THE ACT KNOWING YOU FEEL THIS WAY I WISH THAT I COULD MORE FULLY PERFECTLY PICTURE TO YOU THE PERFIDY OF THOSE WHO HAVE TURNED STATE'S EVIDENCE AND COULD MORE PERFECTLY PICTURE TO YOU NECESSITY OF YOUR CAREFUL CONSIDERING SITUATION I CAN DO NO MORE THAN I HAVE DONE I CAN ONLY ASK AT THIS TIME REMEMBER THE		CONSULTATION, THAT JUSTICE WILL BE DONE, SO THAT WHEN YOUR DUTY HERE IS ENDED, YOU CAN SAY "MY CONSCIENCE JUSTIFIES THE ACT. KNOWING THAT YOU FEEL THIS WAY, I WISH I COULD MORE PERFECTLY AND COMPLETELY PICTURE TO YOU THE PERFIDY OF THOSE WHO HAVE TURNED STATES EVIDENCE, AND COULD MORE CLEARLY PICTURE TO YOU THE NECESSITY OF YOUR FULLY, CAREFULLY AND CALMLY CONSIDERING THE EVIDENCE IN THIS CASE, BUT I CAN DO NO MORE THAN I HAVE DONE, EXCEPT TO ASK YOU TO REMEMBER THE	CONSULTATION THAT JUSTICE WILL BE DONE; SO THAT WHEN YOUR DUTY HERE IS ENDED, YOU CAN SAY, "MY CONSCIENCE JUSTIFIES THE ACT." KNOWING YOU FEEL THIS WAY I WISH THAT I COULD MORE P~~R~~ERFECTLY~~,~~ **AND** COMPLETELY PICTURE TO YOU THE PERFIDY OF THOSE WHO HAVE TURNED STSTES EVIDENCE, AND COULD MORE P~~R~~ERFECTLY PICTURE TO YOU THE NECESSITY OF YOUR CAREFULLY AND CALMLY CONSIDERING THE EVIDENCE IN THIS ~~V~~CASE. BUT I ~~C XAN~~ **CAN** DO NO MORE THAN I HAVE DONE, EXCEPT TO ASK YOU TO REMEMBER THE

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RS	PS	RT	BT
LAW AS IT HAS BEEN GIVEN TO YOU BY THE COURT. RECALL YOU MUST BE CONVINCED BEYOND A REASONABLE DOUBT. YOU MUST BE SATISFIED TO A MORAL CERTAINTY OF THE GUILT OF THIS DEFENDANT OR ELSE YOU MUST ACQUIT HIM. AND MERE GUESS WORK WILL NOT DO. IT IS NOT SUFFICIENT YOU SHOULD BELIEVE IT SEEMED MORE LIKELY HE DID IT {AND}[i] THAN HE DIDN'T; THAT WILL NOT {DO}[i]. YOU MUST BELIEVE BEYOND ALL QUESTION WITHOUT ANY DOUBT JOHN D. LEE ENTERED INTO CONSPIRACY WITH OTHERS		LAW AS IT HAS BEEN GIVEN TO YOU BY THE COURT. RECOLLECT THAT YOU MUST BE CONVINCED BEYOND A REASONABLE DOUBT, YOU MUST BE SATISFIED TO A MORAL CERTAINTY OF THE GUILT OF THE DEFENDANT, OR YOU MUST ACQUIT HIM. NO MERE GUESS WORK WILL DO. YOU MUST BE SATISFIED, AND MUST BELIEVE, BEYOND A DOUBT, THAT JOHN D. LEE ENTERED INTO THE CONSPIRACY WITH OTHERS NAMED IN THE INDICTMENT,	LAW AS IT HAS BEEN GIVEN TO YOU BY THE COURT. RECOLLECT THAT YOU MUST BE CONVINCED BEYOND A REASONABLE DOUBT. YOU MUST BE SATISFIED TO A MORAL CERTAINTY OF THE GUILT OF THE DEFENDANT OR YOU MUST ACQUIT HIM. ~~NO MORE~~ NO MERE GUESS— WORK WILL DO. YOU MUST BE SATISFIED, MUST BELIEVE BEYOND A DOUBT THAT JOHN D. LEE ENTERED INTO THE *[70]* CONSPIRACY WITH OTHERS NAMED IN THE INDICTMENT

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RS	PS	RT	BT
AND CARRIED {OUT}[i] COMMON DESIGN AND AIDED IN {FOR THE}[i] MURDER {OF}[i] THESE PEOPLE OR ELSE YOU MUST FIND VERDICT OF NOT GUILTY GENTLEMEN OF THE JURY OF THE JURY I CAN'T SEE HOW ANY SET OF MEN CAN BELIEVE THE CLASS OF TESTIMONY THAT THEY HAVE PRODUCED. I CONSIDER IT WHOLLY UNCORROBORATED. THE RULE OF LAW IS TOO WELL SETTLED FOR NO[553] ONE TO DENY THAT JURORS WILL NOT CONVICT UPON EVIDENCE {OF}[i] AN ACCOMPLICE UNLESS THAT IS ALL		AND CARRIED OUT THE COMMON DESIGN; THAT HE AIDED IN THE MURDEROF THOSE PERSONS MASSACRED AT MOUNTAIN MEADOWS, OR YOU MUST FIND A VERDICT OF NOT GUILTY. IF IS A WELL SETTLED PRINCIPLE OF LAW THAT NO JURY CAN JUSTLY CONVICT A PERSON UPON THE EVIDENCE OF AN ACCOMPLICE, UNLESS THAT EVIDENCE IS	AND CARRIED OUT THE COMMON DESIGN; THAT HE AIDED IN THE MURDER OF THOSE PERSONS MASSACRED AT MOUNT~~I~~AIN MEADOWS O~~T~~R YOU MUST FIND A VERDICT OF NOT GUILTY. IT IS A WELL SETTLED PTINCIPLE OF LAW THAT NO JURY CAN JUSTLY ~~V~~CONVICT A PERSON UPON THE EVIDENCE OF AN ACCOMPLICE , UNLESS THAT EVIDENCE IS

553. Long "O", added later in ink, would render word "NO".

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RS	PS	RT	BT
CORROBORATED BY OTHER EVIDENCE. *THEN/EVEN*[?] IF THERE ARE SIX ACCOMPLICES UNCORROBORATED IT STANDS THE SAME AS ONE. WHEN YOU RETIRE TO YOUR JURY ROOM GENTLEMEN OF THE JURY TALKING THROW OUT OF YOUR TESTIMONY THE STATEMENT OF SMITH WHITE AND THE STATEMENT OF POLLOCK AND		CORROBORATED BY OTHER EVIDENCE. WHERE SIX ACCOMPLICES STAND UNCORROBORATED BY OUTSIDE EVIDENCE IT STANDS THE SAME AS IF ONLY AN ACCOMPLICE HAD TESTIFIED. GENTLEMEN OF THE JURY: YOU ARE ABOUT TO RETIRE TO DELIBERATE UPON YOUR VERDICT. WHEN YOU DO RETIRE FOR THAT PURPOSE, THROW OUT ALL THE EVIDENCE OF THE ACCOMPLICES, THAT IS NOT CORROBORATED BY HONESTSTESTIMONY. IN *[82]* DOING THAT YOU WILL DISREGARD THE STATEMENTS OF KLINGENSMITH AND WHITE, OF POLLOCK AND	CORROBERATEDED BY OTHER EVIDENCE. WHERE SIX ACCOMPLICES STAND UNCORROBERATED BY OUTSIDE EVIDENCE, IT STANDS THE SAME AS IGF ONLY ONE ACCOMPLICE HAD TESTIFIED. GENTLEMEN OF THE JURY, YOU ARE ABOUT TO RETIRE TO DELIBERATE UPON YOUR VERDICT. WHEN YOU DO RETIRE FOR THAT PURPOSE THROW OUT ALL THE EVIDENCE OF THE ACCONMPLICES THAT IS NOT CORROBERATED BY HONEST TESTIMONY IN DOING THAT, YOU WILL DISREGARD THE STATEMENTS OF KILINGENSMITH AND WHITE, OF POLLOCK AND

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RS	PS	RT	BT
THE STATEMENT OF YOUNG AND THE STATEMENT OF THE MUSTANG AND OF THE OLD DEAF WOMAN AND WHAT ON EARTH HAVE YOU GOT LEFT?.		YOUNG, AND MISTRESS HOGE; THEN WHAT HAVE YOU LEFT TO JUSTIFY CONVICTION ? ABSOLUTELY NOTHING.	YOUN~~R~~**G** AND MRS . HOAG. ~~WHEN~~ THEN WHAT HAVE YOU LEFT TO JUSTIFY CONVICTION? ABSOLUTELY NOTHING.
THEY ARE ALL PERHAPS AGREEING ALL THEIR STATEMENTS THEY ALL TOOK PART IN THE MASSACRE OR SAT BY AND AIDED AND ABETTED OR GAVE AID AND COMFORT AFTER THE THING WAS DONE. STRIPPING CASE GENTLEMEN OF ALL TESTIMONY THAT HAS BEEN INTRODUCED BY *ANY SUCH/INTERESTE D*[?] WITNESSES YOU CAN NEVER FIND A VERDICT OF GUILTY. ANOTHER THING I WISH TO SAY TO YOU NOW IS THIS WHEN YOU			

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RS	PS	RT	BT
RETIRE CAREFULLY CONSIDER THE INSTRUCTIONS FROM THE COURT CAREFULLY READ THEM OVER. FORM NO PREJUDICE; NO BIAS TO INFLUENCE YOUR VERDICT BUT GIVE US BENEFIT OF THE LAW. WE COME IN THE NAME OF THE LAW ASKING YOU FOR A VERDICT ACCORDING TO THE EVIDENCE. GIVE US BENEFIT OF THAT REASONABLE DOUBT GIVE US BENEFIT THAT WE HAVE A RIGHT TO CLAIM		CAREFUL~~LL~~YEX AMINE THE COURTS INSTRUCTIONS, THEY CONTAIN THE LAW THAT IS TO GUIDE YOU IN YOUR DELIBERATIONS . I ASK THIS BECAUSE WE COME IN THE NAME OF THE LAW, ASKING FOR A VERDICT IN ACCORDANCE WITH THE EVIDENCE AND THE RULES OF THE LAW. GIVE THE PRISONER THE BENEFIT OF THE REASONABLE DOUBT THAT IS IN YOUR MINDS. GIVE HIM THE BENEFIT OF THE DOUBT	CAREFULLY EXAMINE THE COURTS INSTRUCTIONS; THEY CONT~~S~~AIN THE LAW THAT IS TO GUIDE YOU IN YOUR DELIBERATIONS . I ASK THIS BECAUSE WE COME IN THE NAME OF THE LAW ASKING FOR A VERDICT IN ACCORDANCE WITH THE ~~W~~VIDENCE AND THE RULES OF LAW. GIVE THE PRISONER THE BENEFEI~~R~~T OF THE REASONABLE DOUBY **THAT** IS IN ~~T~~YOUR MIN DS. GIVE HIM THE BENEFEIT OF THE FACT

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RS	PS	RT	BT
FROM THE CHARACTER OF THE MAN *[[26]]* SMITH GIVE US BENEFIT ARISING FROM THE FACT THESE OTHERS ARE ALL ACCOMPLICES {AND}[i] OUTSIDE OF THAT THERE IS NO TESTIMONY GIVE US BENEFIT OF ALL THIS AND RECALL THIS MAN'S LIFE IS AS DEAR TO HIM AS YOURS TO YOU AS AMERICAN CITIZEN HE HAS THE RIGHT TO EXPECT OF YOU THAT THE LAW SHALL BE CARRIED OUT AND THAT HE SHALL RECEIVE EVERY BLESSING THAT THE LAW CONFERS UPON ITS CITIZENS EVERY RIGHT OF PROTECTION IN		THAT THE WITNESSES ARE ACCOMPLICES IN THE TRANSACTION. REMEMBER THAT THIS MAN'S LIFE IS DEAR TO HIM AS YOURS IS TO YOU. THAT, AS AN AMERICAN CITIZEN, HE HAS THE RIGHT TO EXPECT OF YOU THAT YOU WILL BE GUIDED BY THE LAW AND CONTROLLED BY LEGAL EVIDENCE; THAT HE HAS A RIGHT TO EXPECT AND RECEIVE AT YOUR HANDS EVERY BLESSING THAT THE LAW CONFERS UPON ITS CITIZENS. EVERY RIGHT THAT IT	THAT THE WITNESSES ARE ACCOMPLICES IN THE ~~R~~TRANSACTION. REMEMBER THAT THIS MANS LIFE IS AS DEAR TO HIM, AS YOURS IS TO YOU. THAT AS A~~M~~N AMERICAN CITIZEN HE HAS THE RIGHT TO EXPECT OF ~~UT~~YOU THAT YOU WILL BE GUIDED BY THE LAW AND BE CONTROLLED BY LEGAL EVIDENCE. THAT HE HAS A RIGHT TO EXPECT AND RECEIVE AT YOUR HANDS EVERY BLESSING THAT THE LAW CONFERS UPON ITS CITIZENS, EVERY RIGHT THAT IT

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RS	PS	RT	BT
EVERY WAY. THE LAW IN ITS MORAL *PROFESSION*[?] IS MADE FOR THE PROTECTION OF THOSE CHARGED WITH *CRIME/MASSACRE* [?] [*space*] GENTLEMEN OF THE JURY I LEAVE THE CASE WITH YOU I HAVE AS FAR AS I CAN AS FAR AS I WAS ABLE TO DURING PROGRESS OF THIS TRIAL LABORED FAITHFULLY EARNESTLY FOR THAT. THAT I BELIEVE TO BE LAW. I HAVE TODAY PRESENTED THIS CASE TO YOU AS I BELIEVE IT SHOULD BE PRESENTED AS FAR AS I AM		GUARANTEES TO THOSE UPON TRIAL FOR ALLEGED CRIMES. GENTLEMEN OF THE JURY, I MUST NOW LEAVE THE CASE IN YOU HANDS. I HAVE, SO FAR AS I WAS ABLE, DURING THE COURSE OF THIS TRIAL, LABORED FAITHFULLY, EARNESTLY AND CONSTANTLY FOR THAT WHICH I BELIEVE TO BE THE LAW OF THE LAND; I HAVE TO THE BEST OF MY ABILITY PRESENTED THE CASE TO YOU	GUARANTEES TO THOSE UPON TRIAL FOR ALLEGED CRIMES. GENTLEMEN OF THE JURY, I MUST NOW LEAVE THE CASE IN YOUR HANDS; I HAVE SO FAR AS I WAS ABLE, DURING THE COURSE OF THIS TRIAL LABORED FAITHFULLY, ~~R~~EARNESTLY, CONSTANTLY FOR THAT WHICH I BELIEVE TO BE THE *[71]* LAW OF THE LAND. I HAVE TO THE BEST OF MY ABILITY PRESENTED THE CASE TO YOU

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RS	PS	RT	BT
ABLE TO DO SO. MY DUTY ENDS HERE. YOURS CONTINUES AND IT BECOMES NOW YOUR DUTY TO FURTHER CONSIDER THIS CASE NOW BECOMES YOUR DUTY EITHER		IN MY ARGUMENT, AS I THINK THE FACTS AND THE TESTIMONY IN THE CASE AND THE SURROUNDINGS JUSTIFIED ME IN DOING. IF I HAVE ERRED IT HAS BEEN AN ERROR, NOT OF THE HEART; IF I HAVE FAILED TO CONVINCE YOU OF THE TRUTH OF MY POSITION, IT IS MY MISFORTUNE, AS WELL AS *[83]* THAT OF THE DEFENDANT. WE NOW PART, SO FAR AS THE CASE, AND THE FATE OF THIS OLD MAN IS CONCERNED. MY DUTY ENDS HERE. YOURS CONTINUES. YOU MUST FURTHER CONSIDER AND ACT AS JURYMEN.	IN MY ARGUEMENT AS I THINK THE FACTS AND THE TESTIMONY IN THE CASE AND THE SURROUNDINGS JUSTIFIE D ME IN DOING. IF I HAVE ERRED IT HAS BEEN AN ERROR ~~BUT~~ **OF THE MIND BUT** NOT OF THE HEART. IF I HAVE FAILED TO CONVINCE YOU OF THE TRUTH OF MY POSITION IT IS MY MISFORTUNE AS WELL AS THAT OF THE DEFENDANT. WE NOW PART SO FAR AS THE CASE AND THE FATE OF THIS OLD MAN IS CONCERNED. MY D~~Y~~UTY ENDS HERE — YOURS CONTINUES. YOU MUST FURTHER CONSIDER AND ACT ~~O~~AS JURYMEN.

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RS	PS	RT	BT
FREE YOUR MINDS ALL OF THE GLOSS THAT HAS BEEN PLACED UPON IT BY {THE}[i] *ARGUMENT*[?] OF {THE}[i] OPPOSITE COUNSEL. IT BECOMES YOUR DUTY SET YOURSELVES FREE FROM ALL ~~{OF}~~[i] THE *RUMORS*[?] OF THIS PUBLIC CLAMOR AND ACT AS MEN SHOULD ACT		FREE YOUR MINDS OF ALL PREJUDICE.	FREE YOUR MINDS OF ALL PREJUDICE,
		FROM ALL THS UNDUE INFLUENCE OF OUTSIDE PRESSURE, OF POPULAR CLAMOR, AND HEED NOT THE BESEECHING ELOQUENCE OF THOSE WHO ARGUE FOR VENGEANCE INSTEAD OF MERCY. THOSE WHO ARGUE FOR POPULAR EFFECT, AND THE PLAUDITS OF AN EXCITED PUBLIC, INSTEAD OF JUSTICE AND LAW. DISREGARD	FROM ALL THE ~~N~~**U**NDUE INFLUENCE AND OUTSIDE PRESSURE ~~Z~~AND POPULAR CLAMOR, AND HEE~~N~~**D** NOT THE BESEECHING ELOQUENCE OF THOSE WHO ARGUE FOR VENGEANCE INSTEAD OF MERCY; THOSE WHO ARGUE FOR POPULAR EFFECT, AN THE PLAUDITS OF AN EXCITED PUBLIC INSTEAD OF JUSTICE AND LAW. DISREGARD

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RS	PS	RT	BT
I AM SATISFIED YOU WILL ACT YOU DOING YOUR DUTY AS YOU FEEL YOU		EVERYTHING BUT THE LAW AS GIVEN YOU BY THE COURT, AND THE TESTIMONY IN THE CASE; AND THEN WITH A FIXED DETERMINATIO N TO DO JUSTICE BY THE GOVERNMENT AND THE PRISONER AT THE BAR, CAST YOUR BALLOT; YOU WILL THUS PERFORM A NOBLE DUTY, YOU WILL THEN DO A LAWFUL DEED, AND I WILL TRUST YOU TO DO AS I KNOW YOU MUST DO, THAT IS, ACT CONSCIENCIOUS LY UPON THE QUESTION THAT YOU ARE HERE TO DECIDE. BELIEVING YOU WILL SO ACT I HAVE NO FEARS FOR THE RESULT.	EVERYTING B~~Y~~UT THE LAW AS GIVEN YOU BY THE COUR~~Y~~T AND THE TESTIMONY IN THE CASE, AND THE~~I~~N WITH A FIXED DETERMINATIO N TO DO JUSTICE BY THE GOVERNMENT AND PR~~O~~ISONER AT THE BAR CAST YOUR BALLOT. YOU WILL TH~~I~~US PERFORM A NOBLE DUTY; YOU WILL DO A LAWFULL DEED, AND I WILL TRUST YOU TO DO AS I KNOW YOU MUST DO, THAT IS, ACT CONSCIENTIOUS LY UPON THE QUESTION THAT YOU ARE TO DECIDE. BELIEVING THAT YOU WILL SO ACT I HAVE NO FEARS FOR THE RESUL~~Y~~T.

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RS	PS	RT	BT
MUST DO, UNDER YOUR OATHS WILL SATISFY ME BECAUSE ACTING IN THAT WAY AS CONSCIOUS MEN I CAN'T HAVE ANY CAUSE TO FEAR BECAUSE EVIDENCE OF THE LAW THE FACTS IN THIS CASE WARRANT ME NOW ASK YOU GENTLEMEN TO RENDER VERDICT OF NOT GUILTY IN BEHALF OF JOHN D. LEE. 537 **PM** [*space*]		YOUR VERDICT MUST BE ONE OF NOT GUILTY IN BEHALF OF MY OLD CLIENT, THIS AGED DEFENDANT, JOHN D. LEE.	YOUR VERDICT ~~MEU~~ MUST BE ONE OF NOT GUILTY IN BEHALF OF MY OLD CLIENT, THIS AGED DEFENDANT JOHN D. LEE. —— [*page torn*]

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John D. Lee, First Trial

Robert N. Baskin Closing Argument

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RS	PS	RT	BT
[*The arrangement of source columns is distinct in Baskin's Closing Argument in order to highlight the similarities between the Rogerson and Patterson shorthands and the similarities between the Rogerson and Boreman transcripts.*] *[Bk 12 1]*554 **PAGE 27**555 {**BASKIN'S (CLOSING) SPEECH FOR PROSECUTION**}p {**BOOK 12.**}i **THURSDAY MNG. AUG 5. 1875. 9 AM. 9 10 AM** JUDGE READ		*[[Bk 6 1]]* IN THE SECOND JUDICIAL DISTRICT C URT, TERRITORY OF UTAH, COUNTY OF BEAVER. THE PEOPLE OF THE TERRITORY OF UTAH. VS. JOHN D. LEE. MURDER. CLOSING ARGUEMENT TO THE JURY OF R.N.BASKIN, ESQ., IN THE ABOVE CASE; COMMENCING THURSDAY MORNING, AUGUST 5TH, 1875, AT 9:15 A.M.	*[Bk 10 1]*556 **FIRST LEE TRIAL (BOOK 10)** IN THE SECOND JUDICIAL DISTRICT C**O**URT, TERRITORY OF UTAH, COUNTY OF BEAVER. THE PEOPLE OF THE TERRITORY OF UTAH. MURDER. VS. JOHN D. LEE. CLOSING ARGUEMENT TO THE JURY OF R.N.BASKIN, ESQ., IN THE ABOVE CASE; COMMENCING THURSDAY MORNING , AUGUST 5TH, I875, AT 9:I5 A.M. **AND CLOSED AT 4:45 P.M.**

554. All page numbers in the Rogerson Shorthand of Baskin's closing are underlined.

555. Baskin's closing includes two sets of page numbers. This is page 27 of Book 12 and the first page of Baskin's closing. Page numbering here reflects the renumbering beginning with page 1.

556. The following note was written by Cook in longhand in the margins of the first page: **THIS ADDRESS WAS A VERY POOR SHORTHAND REPORT, THERE BEING FREQUENT OMISSIONS, AND NO MARKS OF PUNCTUATION—WAS TAKEN DOWN AS A MERE MASS OF WORDS. RATHER THAN FILL IN THE GAPS AND CORRECT MANY AWKWARD EXPRESSIONS,—** [*page torn*] **HAT EVIDENTLY ~~APPEAR~~ OCCURRED THROUGH BEING IMPERFECTLY REPORTED,— I HAVE LEFT IT FOR THE AUTHOR TO CORRECT WHICH I THINK CAN BEST BE DONE BY MAKING A LITTERAL TRANSCRIPT OF THE NOTES.**

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RS	PS	RT	BT
ILLUSTRATED PAPER. MR. BASKIN CAME INTO THE COURT 912 **AM.** NAMES OF THE JURORS CALLED ALL PRESENT. **915** MR. BASKIN AROSE. MAY IT PLEASE YOUR HONOR GENTLEMEN OF THE JURY ALMOST 2 WEEKS HAVE ELAPSED SINCE THIS TRIAL COMMENCED AND BY REASON OF THE NATURE OF THE TRIAL OF THE REVOLTING CRIMES THAT WAS COMMITTED AT MOUNTAIN MEADOWS BOTH ATTORNEYS AND ATTENDANTS AT COURT HAVE SHOWN MUCH INTEREST IN THE TRIAL. IT HAS BEEN SAID BY MR. BISHOP WE DON'T DENY THE		MR. BASKIN:- MAY IT PLEASE YOUR HONOR, GENTLEMEN OF THE JURY: ALMOST FOUR WEEKS HAVE ELAPSED SINCE THIS TRIAL COMMENCED, AND BY REASON OF THE NATURE OF THE TRI~~A~~L AND OF THE REVOLTING CRIMES THAT WERE COMMITTED AT THE MOUNTAIN MEADOWS, IN THIS TERRITORY AND IN THIS DISTRICT, THE ATTENDANCE AT TH~~A~~IS COURT, WHICH HAS BEEN GREAT HAS SHOWN MUCH INTEREST IN THIS TRIAL. IT HAS BEEN SAID BY MR. BISHOP (AND WE DON'T DENY THE	MR. BASKIN:- MAY IT PLEASE YOUR HONOR, GENTLEMEN OF THE JURY: ALMOST FOUR WEEKS HAVE ELAPSED SINCE THIS TRIAL COMMENCED, AND BY REASON OF THE ~~H~~NATURE OF THE TRI~~A~~L AND OF THE REVOLTING CRIMES THAT WERE COMMITTED AT THE MOUNTAIN MEADOWS, IN THIS TERRITORY AND IN THIS DISTRICT, THE ATTENDANCE AT TH~~A~~IS COURT, WHICH HAS BEEN GREAT HAS SHOWN MUCH INTEREST IN THIS TRIAL. IT HAS BEEN SAID BY MR. BISHOP (AND WE DON'T DENY THE

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RS	PS	RT	BT
PROPOSITION THAT THIS IS A CASE THE ~~<~~STYLE~~>~~ WHICH RUNS THUS: "PEOPLE OF THE UNITED STATES TERRITORY OF UTAH, AGAINST JOHN D. LEE CHARGING HIM IN CONNECTION CONCERT OF ACTION WITH OTHER PERSONS NAMED IN THE INDICTMENT WITH HAVING {ON THE}[i] 16 OF SEPTEMBER 1868 WITH MALICE AFORETHOUGHT HAVING KILLED MURDERED THE EMIGRANTS WHICH HAD BEEN DESIGNATED IN THE TESTIMONY AS ARKANSAS EMIGRANTS. THE GENTLEMAN IN HIS ARGUMENT TO		PROPOSITION) THAT THIS IS A CASE—THE STYLE WHICH RUNS THUS: "THE PEOPLE OF THE UNITED STATES IN THE TERRITORY OF UTAH, AGAINST JOHN D. LEE," CHARGING HIM IN CONNECTION AND CONCERT OF ACTION WITH OTHER PERSONS NAMED IN THE INDICTMENT WITH HAVING ON THE 10TH DAY OF SEPTEMBER, 1858, WITH MALICE AFORETHOUGH T, HAVING KILLED MURDERED AND MAIMED CERTAIN PERSONS, WHICH HAVE BEEN DESIGNATED IN THE TESTIMONY AS THE "ARKANSAN ~~EMIG~~ COMPANY OF EMIGRANTS". THE GENTLEMAN, IN HIS ARGUEMENT TO	PROPOSITION) THAT THIS IS A CASE—THE STYLE WHICH RUNS THUS: "THE PEOPLE OF THE UNITED STATES IN THE TERRITORY OF UTAH, AGAINST JOHN D. LEE," CHARGING HIM IN CONNECTION AND **IN** CONCERT OF ACTION WITH OTHER PERSONS NAMED IN THE INDICTMENT WITH HAVING ON ~~THE~~ **THE** I0TH DAY OF SEPTEMBER, I858, WITH MALICE AFORETHOUGH T, HAVING **KILLED** ~~KILLED~~ MURDERED AND MAIMED CERTAIN PERSONS, **THAT** ~~WHICH~~ HAVE BEEN DESIGNATED IN THE TESTIMONY AS THE "ARKANSAN ~~EMIG~~ COMPANY OF EMIGRANTS". THE GENTLEMAN, IN HIS ARGUEMENT TO

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RS	PS	RT	BT
YOU I REFER TO MR. BISHOP SEEMED IN A *MIND/MND TSD AN EXTRAVAGANT SERMON ON YOU*[?] TO THIS JURY TO COMPLAIN OF THE FACT THAT THIS WAS THE CASE OF THE PEOPLE OF THE UNITED STATES AGAINST JOHN D. LEE HE ALSO STATED TO YOU THAT JOHN D. LEE WAS BEING TRIED BY THE PREJUDICE OF THE COUNTRY THAT PROSECUTION SOUGHT TO HANG HIM BY VERDICT OF POPULAR CLAMOR RIGHT HERE GENTLEMEN OF THE JURY ALLOW ME ASK YOU WHAT EVIDENCE THERE IS BEFORE YOU THAT JOHN D. LEE IS BEING TRIED IN ANY SUCH {AN}[i]		YOU (I REFER TO MR. BISHOP) SEEMED TO COMPLAIN OF THE FACT THAT THIS WAS THE CASE OF THE PEOPLE OF THE UNITED STATES AGAINST JOHN D. LEE. HE ALSO SAID AND STATED TO YOU THAT JOHN D. LEE WAS BEING TRIED BY THE PREJUDICE OF THE COUNTRY. THAT THE PROSECUTION STATED THAT YOUR VERDICT MUST SATISFY THE POPULAR CLAMOR. *[2]* RIGHT HERE, GENTLEMEN OF THE JURY, ALLOW ME TO ASK YOU, WHAT EVIDENCE THERE IS BEFORE YOU THAT THE PRISONER, JOHN D. LEE IS BEING TRIED IN ANY SUCH AN	YOU (I REFER TO MR. BISHOP) SEEMED TO COMPLAIN OF THE FACT THAT THIS WAS THE CASE OF THE PEOPLE OF THE UNITED STATES AGAINST JOHN D. LEE. HE ALSO SAID AND STATED TO YOU THAT JOHN D. LEE WAS BEING TRIED BY THE PREJUDICE OF THE COUNTRY. THAT THE PROSECUTION STATED THAT YOUR VERDICT MUST SATISFY THE POPULA~~T~~R CLAMOR. *[2]* RIGHT HERE, GENTLEMEN OF THE JURY, ALLOW ME TO ASK YOU, WHAT EVIDENCE THERE IS BEFORE YOU THAT THE PRISONER, JOHN D. LEE IS BEING TRIED ~~I~~**O**N ANY SUCH AN

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RS	PS	RT	BT
ISSUE OR THAT PUBLIC OUTSIDE CLAMOR HAS ANYTHING TO DO WITH YOUR INVESTIGATION YOU KNOW EVERY PERSON WHO HEARD MR. BISHOP SPEAK UPON THIS POINT KNOWS THAT THIS WAS DONE FOR THE PURPOSE OF APPEAL TO PREJUDICE OF CHURCH MORE ESPECIALLY APPEALING TO THE PREJUDICE OF THE CROWD WHICH SAT BACK OF HIM AND WHICH *BY*[?] REASON OF SOME MOTIVE WHICH I CANNOT UNDERSTAND WAS READY AT ALL TIMES ALL OCCASIONS TO LAUGH TO JEER AT THE WITTICISMS OF THE GENTLEMAN.		ISSUE OR, THAT THE PUBLIC, OUTSIDE CLAMOR HAS ANYTHING TO DO WITH YOUR INVESTIGATION OF THIS MA TER? YOU ~~N~~KNOW THAT EVERY PERSON THAT HEARD MR. BISHOP, SPEAK UPON THIS POINT, KNOWS THAT THIS WAS DONE FOR THE PURPOSE OF APPEALING TO THE PREJUDICES OF THE CHURCH , BUT MORE ESPECIALLY APPEALING TO THE PREJUDICE OF THE CROUD WHICH SAT BACK OF HIM, AND WHICH BY THE REASON OF SOME MOTIVE, THAT I CANNOT UNDERSTAND WAS READY AT ALL TIMES, AND ~~ALL~~ ON ALL OCCASIONS TO LAUGH OR GEER AT THE WITICISMS OF THE GENTLEMAN.	ISSUE**,** OR, THAT THE PUBLIC, OUTSIDE CLAMOR HAS ANYTHING TO DO WITH YOUR INVESTIGATION OF THIS MA**T**TER? YOU ~~N~~KNOW THAT EVERY PERSON THAT HEARD MR. BISHOP, SPEAK UPON THIS POINT, KNOWS THAT THIS WAS DONE FOR THE PURPOSE OF APPEALING TO THE PREJUDICES OF THE CHURCH , BUT MORE ESPECIALLY APPEALI~~J~~NG TO THE PRE~~H~~JUDICE**S** OF THE CRO~~U~~W**D** WHICH SAT BACK OF HIM, AND WHICH BY ~~THE~~ REASON OF SOME MOTIVE, THAT I CANNOT UNDERSTAND WAS READY AT ALL TIMES, AND ~~ALL~~ ON ALL OCCASIONS TO LAUGH OR GEER AT THE WITICISMS OF THE GENTLEMAN.

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RS	PS	RT	BT
THERE CERTAINLY MUST BE WOEFUL DEFECT IN THE EDUCATION OF THIS COMMUNITY HAS DEVELOPED *JEERING*[?] AND LAUGHING BY THAT CROWD THE OUT-OF - PLACE WITTICISMS OF THE COUNSEL TO A MOST SERIOUS MATTER. THE GENTLEMAN *RAISED ONCE*[?] THE COMPLAINT YOU HEAR IT WAS THE PEOPLE OF THE UNITED STATES AGAINST D. LEE. NOT ONLY THAT BUT THE GENTLEMAN ARRAIGNED THE COUNSEL AND ATTORNEYS OF THE UNITED STATES IN CONNECTION WITH PROSECUTION. THAT IS IF ANY PERSON HAD		THERE CERTAINLY MUST BE A WOEFUL DEFECT IN THE EDUCATION OF THIS COMMUNITY AS DEVELOPED~~Z~~. ~~G~~JEERING AND LAUGHING BY THAT CROUD AT THE OUT-OF WAY-PLACE WITICISMS OF THE COUNSEL, ABOUT THIS MOST CERIOUS MATTER/ THE GENTLEMEN SAYS, “IT IS THE UNITED STATES”IN THE COMP~~A~~LAINT BUT YOU HEAR IT IS THE PEOPLE OF THE UNITED STATES AGAINST JOHN D. LEE. NOT ONLY THAT, BUT THE GENTLEMAN ARRAIGNED THE COUNSEL AND ATTORNEYS OF THE UNITED STATES IN ONNECTION WITH THE PRO~~P~~SECUTION. THAT IS, IF ANY PERSON HAD	THERE CERTAINLY MUST BE A WOEFUL DEFECT IN THE EDUCATION OF THIS COMMUNITY AS DEVELOPED~~Z~~. — ~~J~~GEERING AND LAUGHING BY THAT CROUD AT THE OUT-OF-WAY-PLACE WITICISMS OF THE COUNSEL, ABOUT THIS MOST CERIOUS MATTER/ THE GENTLEMAN SAYS, “IT IS THE UNITED STATES” IN THE COMP~~A~~LAINT BUT YOU HEAR IT IS THE PEOPLE OF THE UNITED STATES AGAINST JOHN D. LEE. NOT ONLY THAT, BUT THE GENTLEMAN ARRAIGNED THE COUNSEL AND ATTORNEYS OF THE UHNITED STATES IN C~~O~~CNNECTION WITH THE PRO~~P~~SECUTION. THAT IS, IF ANY PERSON HAD

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RS	PS	RT	BT
DROPPED {DOWN}[i] IN THIS TOWN CAME IN THIS COURT HOUSE HEARD MR. BISHOP SPEAK HE WOULD NOT {HAVE}[i] KNOWN FROM *INTENT/ANYTHIN G*[?] GREAT PORTION OF THE REMARKS {HE}[i] MADE WHO WAS ON TRIAL HERE. WHETHER IT WAS THE PEOPLE OF THE UNITED STATES OR THE ATTORNEY OF THE UNITED STATES HERE OR D. LEE THE INFERENCE WOULD HAVE BEEN ATTORNEYS OF THE PROSECUTION HERE ATTORNEYS REPRESENT WHO THE GOVERNMENT OF THE UNITED STATES WERE ON TRIAL RATHER THAN THE PRISONER AT THE BAR		DROPPED DOWN IN THIS TOWN AND CAME IN THIS COURT HOUSE, AND HEARD MR. BISHOP SPEAK, HE WOULD NOT HAVE KNOWN FRO M THE INTENT OF A GREAT PORTION OF THE REMARKS THAT HE MADE WHO WS~~S~~AS ON TRIAL HERE; WHETHER IT WAS THE PEOPLE OF THE UNITED OF THE STATES OR THE ATTORNEY OF THE UNITED STATES HERE OF JOUN D. LEE THE INFERENCE WOULD HAVE BEEN THEREFORE, THAT IT WAS THE PROSECUTION HERE, THE ATTORNEYS REPRESENTING THE GOVERNMENT OF THE UNITED STATES, WERE ON TRIAL RATHER THAN THE PRISONER AT THE BAR.	DROPPED DOWN IN THIS TOWN AND CAME IN THIS COURT HOUSE, AND HEARD MR. BISHOP SPEAK, HE WOULD NOT HAVE KNOWN FRO M THE ~~INTD~~ INTENT OF A GREAT PORTION OF THE REMARKS THAT HE MADE WHO W~~W~~AS ON TRIAL HERE; WHETHER IT WAS THE PEOPLE OF THE UNITED ~~OF THE~~ STATES OR THE ATTORNEY OF THE UNITED STATES HERE **OR** OF JO~~U~~**H**N D. LEE. THE INFERENCE WOULD HAVE BEEN ~~THEREFORE~~, THAT IT WAS THE PROSECUTION HERE, THE ATTORNEYS REPRESENTING THE GOVERNMENT OF THE~~H~~ UNITED STATES, WERE ON TRIAL RATHER THAN THE PRISONER AT THE BAR.

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RS	PS	RT	BT
NOW GENTLEMAN OF THE JURY BEFORE I GET INTO HIS TESTIMONY I WANT TO ADVERT TO THE FACT WHICH HAS BEEN DISCUSSED IN THAT PARTICULAR IN RELATION TO THIS CASE AND SHOW YOU HOW IT COME TO YOU HOW IT IS THE GOVERNMENT OF THIS NATION [*corner of the page missing*] OF THIS TERRITORY APPEARS HERE BY *ITS/THESE*[?] ATTORNEYS. LET US GO BACK A LITTLE WHILE. THE EVIDENCE CONCLUSIVELY SHOWS GENTLEMEN AS ADMITTED THERE WAS A MOST HEINOUS MASSACRE *[2]* MASSACRE ON OR ABOUT THE {16}[i] DAY OF SEPTEMBER		NOW, GENTLEMAN OF THE JURY, BEFORE I GO INTO T IS TESTIMONY I WANT TO ADVERT THE FACT WHICH HAS BEEN DISCUSSED IN THE *[[3]]* PARTICULAR, IN RELATION TO THIS CASE, AND SHOW YOU HOW IT SHOULD COME TO YOU AND HOW IT IS THAT THE GOVERNMENT OF THIS NATION AND OF THIS TERRITORY, APPEARS HERE BY ITS ATTORNEYS. LET US GO BACK A LITTLE WHILE. THE EVIDENCE CONCLUSIVELY SHOWS, GENTLEMEN, AND AS ADMI TED, AND AS ADMITTED THERE WAS A MOST HEINOUS MASSACRE , ON OR ABOUT THE 16TH DAY OF S~~P~~EPTEMBER,	NOW, GENTLEMAN OF THE JURY, BEFORE I GO INTO T**H**IS TESTIMONY I WANT TO ADVERT **TO** THE FACT WHICH HAS BEEN DISCUSSED IN THAT *[3]* PARTICULAR, IN RELATION TO THIS CASE, AND SHOW YOU HOW IT SHOULD COME TO YOU AND HOW IT IS THAT THE GOVERNMENT OF THIS NATION AND OF THIS TERRI~~R~~TORY, APPEARS HERE BY ITS ATTORNEYS. LET US GO BACK A LITTLE WHILE. THE EVIDENCE CONCLUSIVELY SHOWS, GENTLEMEN, ~~AND AS ADMI TED~~, AND AS ADMITTED THERE WAS A MOST H~~I~~EINOUS MASSACRE , ON OR ABOUT THE I6TH DAY OF S~~P~~EPTEMBER,

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RS	PS	RT	BT
1857 ON MOUNTAIN MEADOWS A CRIME IN ITS DETAILS IS REVOLTING {AND}[i] SICKENING TO HUMANITY AND A CRIME WHICH IS A DISGRACE TO CIVILIZATION; A DISGRACE FOR THIS SIMPLE REASON THAT IN THIS GREAT COUNTRY {OF}[i] AMERICA HERE {IN}[i] THIS BOASTED COUNTRY OF FREEDOM THAT A CRIME OF THAT MAGNITUDE A CRIME OF THAT HORROR IN WHICH INNOCENT WOMEN AND CHILDREN AND OLD MEN WERE RUTHLESSLY SLAIN {SHOULD}[i] REMAIN FOR THAT TIME UNPROSECUTED IT IS A FACT THAT IS KNOWN BY YOU {ALL}[i] THAT AT THE		1857, ON THE MOUNTAIN MEADOWS. A CRIME IN ITS DETAILS WHICH IS SICKENING AND REVOLTING TO HUMANITY.; A CRIME WHICH IS A DISGRA~~V~~CE TO CIVILIZATION; AND A DISGRACE FOR THIS SIMPLE REASON THAT IN THIS GREAT COUNTRY OF AMERICA— HERE IN THIS BROAD COUNTRY OF FREEDONM, A CR ME OF THAT MAGNITUDE, A CRIME OF THAT HORROR, IN WHICH INNOCENT MEN, WOMEN AND CHILDREN WERE RUTHLESSLY SLAIN AND SHOULD FOR SO LONG A TIME REMAIN UNPROSECUTED . IT IS A FACT THAT IS KNOWN BY ALL THAT AT THE	I8~~8~~57, ON THE MOUNTAIN MEADOWS. A CRIME I~~H~~N ITS DETAILS WHICH IS SICKENING AND REVOLTING TO HUMANITY~~.~~;; A CRIME WHICH IS A DISGRA~~V~~CE TO CIVILIZATION; AND A DISGRACE FOR THIS SIMPLE REASON**,** THAT IN THIS GREAT COUNTRY OF AMERICA— HERE IN THIS BROAD COUNTRY OF FREEDON~~M~~M, A CR**I**ME OF THAT MAGNITUDE, A CRIME OF THAT HORROR, IN WHICH INNOCENT MEN, WOMEN AND CHILDREN WERE RUTHLESSLY SLAI~~M~~N**,** ~~AND~~ SHOULD FOR SO LONG A TIME REMAIN UNPROSECUT~~4~~ED. IT IS A FACT THAT IS KNOWN BY ALL THAT AT THE

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RS	PS	RT	BT
TIME OF THIS MASSACRE THERE PERHAPS WAS NOT OVER 100 INHABITANTS OF WHAT IS TERMED HAS BEEN REFERRED TO HERE IN EVIDENCE VARIOUS TIMES AS GENTILES THAT IS ALL THE POPULATION SAVE 100 IN ALL TERRITORY AT THE TIME OF THE PERPETRATION OF THIS CRIME COMPOSED AS BY WHAT IS KNOWN AS MORMONS IN OTHER WORDS MEMBERS OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS IT HAS APPEARED IN TESTIMONY HERE THE MEN WHO COMBINED TOGETHER FOR		TIME OF THIS MASSACRE, THE E ~~PRE~~ PERHAPS WAS NOT OVER TWO HUNDRED AND FIFTY INHABITANTS OF WHAT IS TERMED AND WHAT HAS BEEN REFERRED TO HERE IN EVIDENCE AT VARIOUS TIMES, AS GENTILES IN THIS COUNTRY. THAT IS ALL THE POPULATION, SAVE THE TWO HUNDRED AND FIFTY IN ALL THE TERRITORY, AT THE TIME OF THE PERPETRATION OF THIS CRIME COMPOSED BY WHAT IS KNOWN AS MORMONS; IN OTHER WORDS MEMBERS OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. IT HAS APPEARED IN TESTIMONY HERE TH AT THE MEN DID COMBINE TOGETHER, FOR	TIME OF THIS MASSACRE, THE**R**E ~~PWE~~ PERHAP~~W~~S WAS NOT OVER TWO HUNDRED AND FIFTY INHABITANTS OF WHAT IS TERMED AND WHAT HAS BEEN REFERRED TO HERE IN EVIDENCE AT VARIOUS TIMES, AS GENTILES IN THIS COUNTRY. THAT IS ALL THE POPULATION, SAVE THE TWO HUNDRED AND FIFTY IN ALL THE TERRITORY, AT THE TIME OF THE PERPETRATION OF THIS CRIME ~~COMPOSED BY~~ WHAT IS KNOWN AS MORMONS; IN OTHER WORDS MEMBERS OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. IT HAS APPEARED IN TESTIMONY HERE TH AT THE MEN DID COMBINE TOGETHER, FOR

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RS	PS	RT	BT
THE PURPOSE OF THIS WHOLESALE SLAUGHTER AND MASSACRE {AND THE}[i] LEADERS OF IT RANK AND FILE WHO UPON THE FIELD WERE MEMBERS OF THE MORMON CHURCH. IT HAS APPEARED TO YOU IN EVIDENCE THAT THE ORGANIZATION DESIGNATED BY MR. SMITH AND TO WHICH GENTLEMAN TAKES EXCEPTION WAS KNOWN BY NAUVOO LEGION THE ORGANIZATION WHICH WE OBTAIN FROM THE GENTLEMAN'S OWN STATEMENT THEIR ORGANIZATION IN NAUVOO BEFORE THIS TERRITORY WAS SETTLED THE		THE PURPOSE OF THIS WHOLESALE SLAUGHTER AND MASSACRE. THE LEADERS OF IT, RANK AND FILE WHO WERE UPON THE FIELD WERE MEMBERS OF THE MORMON CHURCH. IT HAS APPEARED TO YOU IN EVIDENCE THAT THE ORGANIZATION DESIGNATED BY MR. SMITH, ND TO WHICH THE GENTLEMAN TAKES EXCEPTION, WAS KNOWN BY THE NA E OF THE NAUVOO LEGION; AN ORGANIZATION WHICH WE OBTAIN FROM THE GENTLEMAN'S OWN TATEMENT, THAT THEY WERE AN ~~A~~ORGANIZATIO N IN NAUVOO. BEFORE THIS TERRITORY WAS SET LED. AN	THE PURPOSE OF THIS WHOLESALE SLAUGHTER AND MASSACRE. THE LEADERS OF IT, RANK AND FILE WHO WERE UPON THE FIELD WERE MEMBERS OF THE MORMON CHURCH. IT HAS APPEARED TO YOU IN EVIDENCE THAT THE ORGANIZATION DESIGNATED ~~AS~~ BY MR. SMITH, **A**ND TO WHICH THE GENTLEMAN TAKES EXCEPTION, WAS KNOWN BY THE NAME OF THE NAUVOO LEGION; AN ORGANIZATION WHICH WE OBTAIN FROM THE GENTLEMAN'S OWN ~~W~~STATEMENT, THAT THEY WERE AN ~~A~~ORGANIZATIO N IN NAUVOO, BEFORE THIS TERRITORY WAS SET**T**LED. AN

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RS	PS	RT	BT
ORGANIZATION WHICH BY REASON ITS CONNECTION WITH THE MORMON CHURCH ACCORDING GENTLEMAN'S OWN STATEMENT *LARGE*[?] *CREATED*[?] RELIGIOUS ORGANIZATION THROUGHOUT COUNTRY. HE SAYS K SMITH RANG IN THE WORD NAUVOO LEGION BECAUSE HE WANTED TO INJURE THE CHURCH BECAUSE HE KNEW THIS PREJUDICE EXISTED. [*space*] NOW SIR WE KNOW ALL POLITICAL POWER BECAUSE THIS CHURCH IS A THEOCRACY IT IS SHOWN BY THE TESTIMONY IT IS SHOWN THAT POLITICAL		ORGANIZATION, WHICH BY *[4]* REASON WITH ITS CONNECTION WITH THE MORMON CHURCH, ACCORDING TO THE GENTLEMAN'S OWN STATEMEN~~N~~T, WAS A RELIGIOUS ORTANIZATION, THROUGHOUT THE COUNTRY.. HE SAYS, KLINGENSMITH WRUNG IN THE WORD "NAUVOO" BECAUSE HE WANTED TO INJURE THE CHURCH, BECAU E HE KNEW THIS PREJUDICE EXISTED.. NOW, SIR, WE COMMAND ALL POLITICAL POWER, BECAUSE THIS CHURCH IS A THEOCRACY, AND IT IS SHOWN BY THE TESTIMONY. IT IS SHOWN THAT A POLITICAL	ORGANIZATION, WHICH BY *[4]* REASON **OF** ~~WITH~~ ITS CONNECTION WITH THE MORMON CHURC~~G~~H, ACCORDING TO THE GENTLEMAN'S OWN STATEME~~H~~N~~N~~T, WAS A RELIGIOUS ORTANIZATION, THROUGHOUT THE COUNTRY.. HE SAYS, KLINGENSMITH ~~W~~RUNG IN THE **WORD** ~~WORD~~ "NAUVOO" BECAUSE HE WANTED TO INJURE THE CHURCH, BECAU**S**E HE KNEW THIS PREJUDICE EXISTED.. NOW, SIR, WE COMMAND ALL POLITICAL POWER, BECAUSE THIS C~~Y~~HURCH IS A THEOCRACY, AND IT IS SHOWN BY THE TESTIMONY. IT IS SHOWN THAT A POLITICAL

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RS	PS	RT	BT
ORGANIZATION {…}[i] THAT MILITIA ORGANIZATION WAS A MERE APPENDAGE PART AND PARCEL OF CHURCH ORGANIZATION IT IS TRUE AS I SHALL SHOW YOU HEREAFTER [*space*] IT EXISTED UNDER FORMS OF LAW IN THE LAW *OF THE STATE*[?] AND SOCIETY AS IT THEN EXISTED WHOLE CIVIL MILITARY POWER OF THE GOVERNMENT WAS IN {THE}[i] HANDS OF THE LEADERS {OF}[i] THIS MORMON CHURCH. THEREFORE THERE BEING NO OTHERS EXCEPT THAT POPULATION IN THE TERRITORY THEY MUST NECESSARILY SELECT THEIR OWN		ORGANIZATION, THAT A MILITARY ORGANIZATION, WAS A MERE APPEARANCE —A PART AND PARCEL OF THE CHURCH ORGANIZATION; AND IT IS TRUE, AS I SHALL S HOW, THAT IT EXISTED UNDER FORMS OF LAW, AS PASSED IN THIS TERRITORY, WHEN THE LAW AND THE LAW ADMINISTRA IONS AND THE WHOLE CIVIL AND MILITARY POWER OF THE GOVERNMENT WAS IN THE HANDS OF THE LEADERS OF THE MORMON ~~H~~CHU~~T~~RCH. THEREFORE THERE BEING NO OTHERW EXCEPT THAT POP,ULATION IN THIS TERRITORY, THEY MUST NECESSARILY SELECT THEIR OWN	ORGANIZATION, THAT A MILITARY ORGANIZATION, WAS A MERE APPEARANCE**;** —**IT IS** A PART AND PARCEL OF THE CHURCH ORGANIZATION; AND IT IS TRUE, AS I S~~A~~HALL S HOW, THAT IT EXISTED UNDER FORMS OF LAW, AS PASSED IN THIS TERRITORY, WHEN THE LAW AND THE LAW ADMINISTRA**T**IO NS AND THE WHOLE CIVIL AND MILITARY POWER OF THE GOVERNMENT WAS IN THE HANDS OF THE LEADERS OF THE MORMON ~~H~~CHU~~T~~RCH. THEREFORE THERE BEING NO OTHER~~W~~**S** EXCEPT THAT POP~~,~~ULATION IN THIS TERRITORY, THEY MUST NECESSARILY SELECT THEIR OWN

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RS	PS	RT	BT
LEGISLATORS THEIR OWN EXECUTIVE OFFICERS AND CREATE THEIR OWN COURT THEY DID IT THEN. I SHALL CALL GENTLEMAN ATTENTION TO THAT SUBJECT OF THE TERRITORY. I READ FROM THE 29 SECTION OF THE ACT OF THE UTAH LEGISLATURE ENTITLED AN ACT RELATION TO JUDICIARY THE SEVERAL PROBATE COURTS IN THEIR RESPECTIVE COUNTIES HAVE POWER EXAMINATION AS WELL AS CHANCERY AS IN COMMON LAW ETC. BE ACTIVE IN ALL RESPECTS AS *REGARDS*[?] PRACTICE IN		SOLDIERS— THEIR EXECUTIVE OFFICERS, AND ACCORDING TO THEIR OWN RECORD THEY DID DO ~~SO.~~ THIS. I SHALL CALL THE GENTLEMAN ’S ATTENTION TO THAT SUBJECT OF ~~A~~ TERRITORY. I NOW READ FROM THE 29TH SECTION OF THE ACT OF THE UTAH LEGISLATURE, ENTITLED “ AN ACT IN RELATION TO THE JUDICIARY AND THE SEVERAL PROBATE COURTS IN THEIR RESPECTIVE COUNT~~IE~~S HAVING CRIMINAL JURISDICTION AS WELL AS CIVIL,, AS IN COMMON LAW ETC.,” IN ALL RESPECTS THE SAME POWER AS PRACTICED IN	SOLDIERS— THEIR EXECUTIVE OFFICERS, AND ACCORDING TO THEIR OWN RECORD THEY DID DO ~~SO.~~ THIS. I SHALL CALL THE GENTLEMA~~H~~N ’S ATTENTION TO THAT SUBJECT OF **THE** TERRITORY. I NOW READ FROM THE 29TH SECTION OF THE ACT OF THE UTAH LEGISLATURE, ENTITLED “ AN ACT IN RELATION TO THE JUDICIARY AND THE SE~~C~~VERAL PROBATE COURTS IN THEIR RESPECTIVE **COUNTIES** ~~COUNTIES~~ HAVING CRIMINAL JURISDICTION AS WELL AS CIVIL,~~,~~ AS IN COMMON LAW AT ~~ETFCF”~~ ETC., **(READS)**” IN ALL RESPECTS THE SAME POWER AS **IS** PRACTICED IN

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RS	PS	RT	BT
DISTRICT COURT NOW THEN SIR THIS ACT WAS PASSED *[3]*[557] IN 1852 BY THE DOMINANT PARTY [*space*] THIS THEOCRACY GAVE TO PROBATE COURTS OF COUNTY CONCURRENT JURISDICTION WITH THE DISTRICT COURTS OF THE UNITED STATES WITH THE UNITED STATES WHICH IS NOW TRYING THIS CASE. NOT ONLY THAT BUT IN THE SAME YEAR THEY PASSED A LAW CREATING THE OFFICE OF TERRITORIAL MARSHAL AND THE DUTIES OF THAT TERRITORIAL MARSHAL WAS PERFORM THE EXECUTIVE FUNCTIONS		THE DISTRICT C URTS. NOW, THEN, SIR, THIS ACT WAS PASSED IN 1852, BY A DOMINANT PARTY. THIS THEOCRACY GAVE TO THE PROBATE COURTS OF THE SEVERAL COUNTIES CONCURRENT JURISDICTION WITH THE DISTRICT COURTS OF THE UNITED STATES, WITH THE NATION WHICH IS NOW TRYING THIS CASE. NOW ONLY THAT BUT IN THE SAME YEAR THEY PASSED A LAW CREATING THE OFFICE OF TERRITORIAL MARSHALL AND PRESCRIBING THE DUTIES OF THE MARSHALL WHICH WERE TO REFOR M THE EXECUTIVE *[5]* FUNCTIONS	THE DISTRICT C URTS. NOW, THEN, SIR, THIS ACT WAS PASSED IN I852, BY A DOMINANT PARTY. THIS THEOCRACY GAVE TO THE PROBATE COURTS OF THE SEVERAL COUNTIES CONCURRENT JURISDICTION WITH THE DISTRICT COURTS OF THE UNITED STATES, WITH THE NATION WHICH IS NOW TRYING THIS CASE. ~~NOW~~ **~~MO~~** **NOT** ONLY THAT BUT IN THE SAME YEAR THEY PASSED A LAW CREATING THE OFFICE OF TERRITORIA~~N~~L MARSHAL~~L~~ AND PRESCRIBING THE DUTIES OF THE MARSHAL~~L~~ WHICH WERE TO REFOR M THE EXECUTIVE *[5]* FUNCTIONS

557. The verso of page 3 contains doodling without any meaningful content.

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RS	PS	RT	BT
OF ALL COURTS IN ALL MATTERS ARISING UNDER THE LAWS OF TERRITORY. NOT ONLY THAT BUT THEY APPOINTED CREATED OFFICE OF ATTORNEY GENERAL[558] AND I NOW READ FROM THE FOURTH SECTION OF THE ACT RELATION TO MARSHAL AND ATTORNEYS IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL[559] TO ATTEND ALL LEGAL BUSINESS ON THE PART OF THE TERRITORY BEFORE THE COURT. AND PROSECUTE INDIVIDUALS ACCUSED OF CRIME IN THE JUDICIAL IN WHICH HE KEEPS HIS		OF ALL COURTS, IN ALL MAT ERS ARISING UNDER THE LAWS OF THE TERRITORY. NOT ONLY THAT BUT THEY ~~P~~APPOINTED AND CREATED THE OFFICE ~~O~~OF ATTORNEY GENERAL; AND I WILL NOW READ FRO M THE FOURTH OF AN ACT ENTITLED, "AN ACT IN RELATION~~SD~~ TO MARSHALS AND ATTORNEYS.. IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO ATTEND TO ALL LEGAL BUSINESS IN THE PART OF THE TERRITORY BEFORE THE COURT, TO PROSECUTE INDIVIDUALS ACCUSED OF CRIME, IN THE JUDICIAL DISTRICT IN WHICH HE KEEPS HIS	OF ALL COURTS, IN ALL MAT**T**ERS ARISING UNDER THE LAWS OF THE TERRITORY. NOT ONLY THAT BUT THEY ~~P~~APPOINTED AND CREATED THE OFFICE ~~O~~OF ATTORNEY GENERAL; AND I WILL NOW READ FRO M THE ~~FOURTH OF~~ AN ACT ENTITLED, "AN ACT IN RELATION~~D~~S TO MARSHALS AND ATTORNEYS**"**.. IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO ATTEND TO ALL LEGAL BUSINESS IN THE PART OF THE TERRITORY BEFORE THE COURT, TO PROSECUTE INDIVIDUALS ACCUSED OF CRIME, IN THE JUDICIAL DISTRICT IN WHICH HE KEEPS HIS

558. Word apparently added later.
559. Word apparently added later.

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RS	PS	RT	BT
OFFICE IN CASES ARISING UNDER HE LAWS OF UTAH TERRITORY AND SUCH OTHER DUTIES PERTAIN TO HIS OFFICE [*space*] NOT ONLY THAT GENTLEMEN OF THE JURY BUT THEY PASSED ANOTHER LAW AND THAT IS AN ACT RELATING MODE OF PROCEDURE CRIMINAL CASES BY 17 SECTION OF THAT ACT WHICH WAS ALSO PASSED IN 1853 WHEN NECESSARY THE COURT SHALL ISSUE AN ORDER REQUIRING OFFICER SHOULD SUMMON 15 *JD/JUDICIAL*[?] {*}[i] MEN RESIDENTS OF THE COUNTY		OFFICE, IN ALL CASES ARISING UNDER HE LAWS OF UTAH TERRITORY; AND SUCH OTHER DUTIES AS APPERTAIN TO HIS OFFICE." NOT ONLY THAT, GENTLEMEN OF THE JURY, BUT THEY PASSED ANOTHER LAW, AND THAT IS AN ACT RELATING TO THE MODEMODE OF CRIMINAL PROCEEDURE IN CRIMINAL CASES, BY THE SEVENTEENTH SECTION OF THAT ACT, WHICH WAS ALSO PASSED IN 1853, "WHEN NECESSARY THE COURT SHALL ISSUE AN ORDER REQUIRING REQUIRING TO OFFICER TO SUMMON FIFTEEN COMPETENT MEN, RESIDENTS OF THE COUNTY	OFFICE, IN ALL CASES ARISING UNDER THE LAWS OF UTAH TERRITORY; AND SUCH OTHER DUTIES AS APPE~~A~~RTAIN TO HIS OFFICE." NOT ONLY THAT, GENTLEMEN OF THE JURY, BUT TH-EY PASSED ANOTHER LAW, AND THAT IS AN ACT RELATING TO THE ~~MODE~~MODE OF CRIMINAL PROCEEDURE IN CRIMINAL CASES, BY THE SEVENTEEN~~TH~~**T H** SECTION OF THAT ACT, WHICH WAS ALSO PASSED IN I853, "WHEN ~~H~~NECESSA~~R~~Y THE COURT SHALL ISSUE AN ORDER REQUIRING ~~REQUIRING THE TO~~ **THE MARSHALL OR OTHER** OFFICER TO SUMMON FIFTEEN COMPETENT MEN, RESIDENTS OF THE COU~~H~~**N**TY,

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RS	PS	RT	BT
FOR GRAND JURY WHO SHALL BE SWORN TO ENQUIRE FAITHFULLY INTO OFFENCES AGAINST DISTRICT ATTORNEYS WHO SHALL BE PROSECUTOR. 9TH SECTION PROVIDES IN JURY CASES STOPPED HIMSELF HERE DID NOT PROCEED FURTHER. RESTED HERE 3 MINUTES. THERE IS *ANOTHER/NO OTHER*[?] PROVISION OF THIS SECTION — */ON COURT*[?] *LT/LD*[?] *MAY I*[?] FOLLOW ON IT WHICH PROVIDES FOR EMPANELING OF PETIT JURY IN JURY CASES COURT SHALL ISSUE ORDER FOR THAT PURPOSE. *JUDICIOUS*[?]		FOR A GRAND JURY, WHO SHALL BE SWORN TO ENQUIRE FAITHFULLY INTO OFFENCES AGAINST THE TERRITORY, AND THE DISTRICT ATTORNEY SHALL BE THE PROSECUTORS. THE NINTH SECTION PROVIDES IN JURY CASES THERE IS NO PROVISION IN THIS SECTION [*space*] WHICH PROVIDES FOR THE EMPANELLING OF PETIT JURORS IN JURY CASES THE COURT SHALL ISSUE AN ORDER FOR THAT PURPOSE. GENTLEMEN,	FOR A GRAND JURY, WHO SHALL BE SWORN TO ENQUIRE FAITHFULLY INTO OFFENCES AGINST THE TERRITORY, AND THE DISTRICT ATTORNEY**S** SHALL BE THE PROSECUTORS.**”** THE NINTH SECTION PROVIDES IN JURY CASES**;** THERE IS NO PROVISION IN THIS SECTION [*space*] WHICH PROVIDES FOR THE E~~N~~MPANELLING OF PETIT JURORS IN JURY CASES **BU**T THE COURT SHALL ISSUE AN ORDER FOR THAT PURPOSE. GENTLEMEN,

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RS	PS	RT	BT
MEN I WAS RIGHT IT WAS THE 9TH SECTION [*space*] CONTINUED READING SECTION NOW THEN WHAT DO WE SEE HERE THAT LAW MAY IT PLEASE YOUR HONOR AND GENTLEMEN OF THE JURY WAS IN FULL FORCE ALL OF THESE LAWS TO WHICH I HAVE REFERRED ~~<~~CONTINUED IN FORCE~~>~~ UNTIL THE PASSAGE OF POLAND BILL WHICH REPEALED MOST OF THEM ADOPTED DIFFERENT SYSTEM JURISDICTION IN CRIMINAL CASES PROBATE COURT CONTINUED IN THIS TERRITORY UNDER THAT LAW CONTINUED TO EXERCISE JURISDICTION		I WAS RIGHT, IT WAS THE NINTH SECTION, (COUNSEL CONTINUED TO READ THE SECTION) ~~I~~NOW, THEN, WHAT DO WE SEE HERE? THAT LAW, MAY IT PLEASE YOUR HONOR, AND GENTLEMEN OF THE JURY, WAS IN FULL FORCE AND ALL OF THESE LAWS TO WHICH I HAVE REFERRED CONTINUED IN FORCE TILL THE PASSAGE OF THE POLAND BILL WHICH REPEALED THE MOS~~O~~T OF THEM AND ADOPTED A DIFFERENT SYSTEM OF JURISDICTION IN CRIMINAL CASES. THE PROBATE COURT CONTINUED IN THIS TERRITORY UNDER *[6]* THAT LAW, AND CONTINUED TO EXERCISE JURISDICTION	I WAS RIGHT, IT WAS THE NINTH SECTION, **(**COUNSEL CONTINUED TO READ THE SECTION) ~~I~~NOW, THEN, WHAT DO WE SEE HERE? THAT LAW, MAY IT PLEASE YOUR HONOR, AND GENTLEMEN OF THE JURY, WAS IN FULL FORCE AND ALL OF THESE LAWS TO WHICH I HA~~C~~VE REFERRED CONTINUED IN FORCE TILL THE PASSAGE OF THE POLAND BILL WHICH REPEALED THE MOS~~E~~T OF THEM AND ADOPTED A DIFFERENT SYSTEM OF JURISDICTION IN CRIMINAL CASES. THE PROBATE COURT CONTINUED IN TH~~E~~IS TERRITORY UNDER *[6]* THAT LAW, AND CONTINUED TO EXERCISE JURISDICTION

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RS	PS	RT	BT
GIVEN TO THEM. UNTIL THE DECISION OF THE CASE OF HORNBUCKLE AGAINST TUNE WHICH WAS DECIDED SUPREME COURT OF THE UNITED STATES SOME TIME DURING LAST YEAR. IT WAS CRONAN VS. PIERCE *MAG/MOIGE*[?] I REPRESENTED ONE PARTY AND BROTHER HOGE THE OTHER. FROM THE TIME {OF THE}[i] PASSAGE OF THAT ACT UP TO PRESENT TIME THERE IS *ANOTHER/NO OTHER*[?] PROVISION OF LAW PROVIDES PROBATE COURTS SHALL BE ELECTED EACH COUNTY IN THIS TERRITORY AND WE FIND UNDER A SYSTEM DEVISED BY THIS THEOCRACY FOR		GIVEN TO THEM. UNTIL THE DECISION OF THE CASE OF HORNBUCKLE AGAINST TANE, WHICH WAS DECIDED IN THE SUPREME COURT OF THE UNITED STATES SOME TIME DURING LAST YEAR. IT WAS CRONAN VS. PIERCE AND MEIGE. I REPRESENTED ONE PARTY AND BROTHER HOGE THE OTHER SIDE. FROM THE TIME OF THE PASSAGE OF THAT ACT UP TO THE PRESENT TIME THERE IS NO PROVISION OF LAW WHICH PROVIDES THAT PROBATE COURTS SHALL BE ELECTD. EACH COUNTY IN THIS TERRITORY WE FIND UNDER A SYSTEM DEVISED UN DER THIS THEOCRACY FOR THE	GIVEN TO THEM~~.~~**,** UNTIL THE DECISION OF THE CASE OF HORNBUCKLE AGAINST TANE, WHICH WAS DECIDED IN THE ~~Z~~**S**UPREME COURT OF THE UNITED STATES SOME TIME DURING LAST YEAR. IT WAS CRONAN VS. PIERCE AND MEIG~~E~~. I REPRESENTED ONE PARTY AND BROTHER HOGE THE OTHER SIDE. FROM THE TIME OF THE PASSAGE OF THAT ACT UP TO THE PRESENT TIME THERE IS NO PROVISION OF ~~A~~LAW WHICH PROVIDES THAT PROBATE COURTS SHALL BE ELECT~~ED~~. **IN** EACH COUNTY IN THIS TERRITORY WE FIND ~~UNDER~~ A SYSTEM DEVISED UN DER THIS THEOCRACY FOR THE

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RS	PS	RT	BT
PURPOSE OF TAKING CONTROL TAKING OVER GENERAL[560] GOVERNMENT JURISDICTION AND CONTROL OF CRIMINAL CASES UNDER LAWS OF TERRITORY WE FIND THEY HAD A PERFECT MACHINE THE PROBATE COURT HAVING CONCURRENT JURISDICTION WITH THIS COURT THEY HAVE AN ATTORNEY GENERAL *[4]*[561] WHOSE DUTY IT WAS TO PROSECUTE ALL CRIME THEY HAVE A TERRITORIAL MARSHAL WHOSE DUTY IT WAS TO SELECT THE JURY THAT ARE TO TRY CRIMINALS IN THESE COURTS AND		PURPOSE OF TAKING CONTROL, TAKING FROM THE GENERLA GOVERNMENT JURISDICTION AND CONTROL OF CRIMINAL CASES UNDER THE LAWS OF THE TERRITORY. WE FIND THEY HAD A PERFE~~T~~CT MACHINE THE PROBATE COURTS HAVING CONCURRENT JURISDICTION WITH THIS COURT. THEY HAVE AN ATTORNEY GENERAL WHOS DUTY IT WAS TO PROSECUTE ALL CRIMINALS. THEY HAD A TERRITORIAL MARSHALL WHOSE DUTY IT ~~WAS~~ TO SELECT THE JURY TO THAT ARE TO TRY CRIMINAL CASES IN THESE COURTS AND	PURPOSE OF TAKING CONTROL, TAKING FROM THE GENERLA**L** GOVERNMENT JURISDICTION AND CONTROL OF CRIMINAL CASES UNDER THE LAWS OF THE TERRITORY. WE FIND THEY HAD A PERFE~~T~~CT MACHINE**,** THE PROBATE COURTS HAVING CONCURRENT JURISDICTION WITH THIS COURT. THEY HA~~D~~VE AN ATTORNEY GENERAL WHOS**E** DUTY IT WAS TO PROSECUTE ALL CRIMINALS. THEY ~~D~~HAD A TERRITORIAL MARSHALL WHOSE DUTY IT **WAS** ~~WAS~~ TO SELECT THE JURY ~~TUX~~ THAT ARE TO TRY CRIMINAL CASES IN THESE COURTS AND

560. Word possibly added later.
561. The verso of the page contains doodling in ink with no meaningful content.

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RS	PS	RT	BT
THAT OFFICER WAS NOT BOUND BY THE SAME SYSTEM BY WHICH YOU HAVE BEEN BROUGHT TOGETHER TO BE DRAWN FROM THE BOX UNDER THE SYSTEM OF PRACTICE UNDER LAWS WHICH THEY CREATED IT GAVE HIM POWER TAKE OPEN VENIRE AND SELECT HIS OWN JURYMEN. THESE OFFICERS AT THE TIME THAT THIS MASSACRE OCCURRED EXISTED THEY HAVE EXISTED IN THIS TERRITORY FROM THE TIME OF ITS ORGANIZATION FROM THE TIME OF THE PASSAGE OF THESE LAWS UP TO THE DATE OF DECISION {I HAVE REFERRED TO}[i] PASSAGE OF		THAT OFFICER WAS NOU BOUND BY THE SAME SYSTEM BY WHICH YOU HAVE BEEN BROUGHTTOGE THER TO BE DRAWN FROM THE BOX UNDER THE SYSTEM OF THE UNITED SATES LAWS ~~AS~~ **WHICH** THEYCREATED.. IT GAVE HIM POWER TO TAKE AN OPEN VENIRE AND SELECT HIS OWN JURYMEN. THESE OFFICERS AT THE TIME THAT THIS MASSACRE OCCURRED EXISTED. THEY HAVE EXISTED IN THIS TERRITORY FROM THE DAY OF ITS ORGANIZATION FROM THE TIME OF THE PASSA GE OF THESE LAWS TO THE DAY OF THE DECISION WHICH I HAVE REFERRED TO, AND THE PASSAGE OF	THAT OFFICER WAS **NOT** ~~NOU~~ BOUND BY THE SAME SYSTEM BY WHICH YOU HAVE BEEN BROUGHT **TOGETHER** ~~OGETHER~~ TO BE DRAWN FROM THE BOX UNDER THE SYSTEM OF THE UNITED STATES LAWS ~~AS~~ **WHICH** THEYCREATED.. IT GAVE HIM POWER TO TAKE AN OPEN VENIRE AND SELECT HIS OWN JURYMEN. THESE OFFICERS AT THE TIME THAT THIS MASSACRE OCCURRED EXISTED. THEY HAVE EXISTED IN THIS TERRITORY FROM THE DAY OF ITS ORGANIZATI~~ON~~, FROM THE TIME OF THE PASSA GE OF THESE LAWS TO THE DAY OF THE DECISION WHICH I HAVE REFERRED TO, AND THE PA~~W~~SSAGE OF

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RS	PS	RT	BT
POLAND BILL. HOW WAS IT WITH SUCH FACILITIES OF THE[562] EXECUTION OF THE LAW COURTS PERFORMING CRIMINAL JURISDICTION IN EVERY COUNTRY WITH OFFICERS AND A GRAND JURY WITH AMPLE POWER THIS CRIME SHOULD SLEEP FOR 18 YEARS WITHOUT INVESTIGATION [*space*] IT IS BY REASON JUSTICE HAS BEEN ALLOWED TO SLUMBER THAT IT HAS BEEN MADE NECESSARY FOR THE DISTRICT ATTORNEY TO COME INTO THIS COURT AND INTERFERE IN THIS PROSECUTION [*space*] IF THESE		THE POLAND BILL. HOW IS IT? IF SUCH FACILITIES OF THE COURTS AND EXECUTIVES OF THE LAW COURTS PERFORMING CRIMINAL JURISDICTION IN EVERY COUNTRY THAT OFFICERS OF THE GRAND JURY WITH AMPLE POWER —THAT THIS CRIME SHOULD KEEP FOR EIGHTEEN YEARS WITHOUT INVESTIGATION. IT IS BY REASON THAT JUSTICE HAS BEEN ALLOWED TO SLUMBER THAT IT HAS BEEN MADE NECESSARY FOR THE DISTRICT ATTORNEY TO COME INTO THSI *[7]* COURT AND INTERFERE IN ITS PROSECUTION. IF THESE	THE POLAND BILL. HOW IS IT**,** IF SUCH FACILITIES OF THE COURTS AND EXECUTIVES OF THE LAW COURTS PERFORMING CRIMINAL JURISDICTION IN EVERY COUNT~~R~~Y ~~THAT~~ **WITH** OFFICERS ~~OF THE~~ **AND A** GRAND JURY WITH AMPLE POWER**,** —THAT THIS CRIME SHOULD KEEP FOR EIGHTEEN YEARS WITHOUT INVESTIGATION. IT IS BY REASON THAT JUSTICE HAS BEEN ALLOWED TO SLUMBER THAT IT HAS BEEN MADE NECESSARY FOR THE DISTRICT ATTORNEY TO COME INTO **THIS** ~~THSI~~ *[7]* COURT AND INTERFERE IN ITS PROSECUTION. IF THESE

562. Word possibly crossed out.

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RS	PS	RT	BT
MEN HAD DONE THEIR DUTY IF THESE MEN HAD EXECUTED THE LAWS IF THESE MEN HAD NOT THROWN BARRIERS IN THE WAY OF THIS EXECUTION THEN IT WOULD NOT HAVE BECOME DUTY OF MY FRIEND MR. CAREY UNITED STATES ATTORNEY ≤AND I AS ASSISTANT≥[563] TO APPEAR BEFORE YOU ON THIS OCCASION IS THERE ANYTHING IN THAT WHICH IS JUST GROUND COMPLAINT{?}[i] OF THE GENTLEMAN DID COMPLAIN ~~HERE~~ *HORRID*[?] PROSECUTION HERE *HORRID*[?] PEOPLE OF UNITED STATES ≤WHAT IS {THE}[i] GROUND OF THE {COMPLAINT}[i]≥		MEN HAD DONE THEIR DUTY—IF THESE MEN HAD EXE~~F~~CUTED THE LA~~S~~WS—IF THESE MEN HAD NOT THROWN BARRIERS IN THE WAY OF THIS EXECUTIVE, THEN IT WOULD NOT HAVE BE~~F~~C**OME** THE DUTY OF MY FRIEND, MR. CAREY, THE UNITED STATES ATTORNEY, AND I ,AS ASSISTANT, TO APPEAR BEFORE YOU ON THIS OCCASIN. IS THERE ANYTHING THAT CAN BE CITED BY COUNSEL FOR A JUST GROUND OF COMPLAINT?	MEN HAD DONE THEIR DUTY—IF THESE MEN HAD EXE~~F~~CUTED THE LA~~S~~WS—IF THESE MEN HAD NOT THROWN BARRIERS IN THE WAY OF THIS EXECUTIVE, THEN IT WOULD NOT HAVE BEEN THE DUTY OF MY FRIEND, MR. CAREY, THE UNITED STATES ATTORNEY, AND I ,AS ASSISTANT, TO APPEAR BEFORE YOU ON THIS OCCASI~~ON~~. IS THERE ANYTHING THAT CAN BE CITED BY COUNSEL FOR A JUST GROUND OF COMPLAINT?

563. Insertion apparently added later.

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RS	PS	RT	BT
SIMPLY THAT JUSTICE HAS BEEN DELAYED BY THE ORGANIZATION AS {WE}[i] SHALL SHOW WHO IS RESPONSIBLE AND FOR THE BLOOD SPILLED AT MOUNTAIN MEADOWS [*space*] IT IS SIMPLY BECAUSE THE MORMONS THIS THEOCRACY WHEN THEY HAD ALL FACILITIES IN THEIR OWN HANDS TO DO IT WOULD NOT PUNISH CERTAIN CRIMINALS OR THE PERPETRATORS OF CERTAIN CRIMES AMONGST WHICH IS THIS MOST HORRIBLE OF ALL CRIMES MOUNTAIN MEADOWS [*space*] IT BECAME NECESSARY FOR UNITED STATES TO ABOLISH THAT		SIMPLY THAT JUSTICE HAS BEEN DELAID BY THE ORGANIZATION AS **WE** ~~WILL SHOW~~ WE SHALL SHOW, WHO IS RESPONSIBLE AND FOR THE BLOOD SPILLED AT THE MOUNTAIN MEADOWS. IT IS SIMPLY BECAUSE THE MORMONS, THIS THEOCRACY, WHEN THEY HAD ALL THE FACILITIE IN THEIR OWN HANDS TO DO IT, WOULD NOT PUNISH CERTAIN CRIMINALS, OR THE PERPETRATORS OF CERTAIN CRIMES, AMONGST WHICH IS THIS, MOST HORRIBLE OF ALL CRIMES, THE MOUNTAIN MEADOW'S MASSACRE. IT BECAME NECESSARY FOR THE UNITED STATES TO ABOLISH THAT	SIMPLY THAT JUSTICE HAS BEEN DELAID BY THE ORGANIZATION AS ~~WE~~ ~~WILL SHOW~~ WE SHALL SHOW, WHO IS RESPONSIBLE AND FOR THE BLOOD SPILLED AT THE MOUNT AI N MEADOWS. IT IS SIMPLY BECAUSE THE MORMONS, THIS THEOCRACY, WHEN THEY HAD ALL THE FACILIT~~IE~~S IN THEIR OWN HANDS TO DO IT, WOULD NOT PUNISH CERTAIN CRIMINALS, OR THE PERPE~~R~~TRATOR S OF CERTAIN CRIMES, AMO~~U~~**N**GST WHICH IS THIS, MOST HORRIBLE OF ALL CRIMES, THE MOUNTAIN MEADOW'S MASSACRE. IT BECAME NECESSARY FOR THE UNITED STATES TO ABOLISH THAT

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RS	PS	RT	BT
JURISDICTION AND PLACE IT IN OTHER HANDS. UNTIL THE PASSAGE OF THESE LAWS THAT I HAVE SPOKEN OF UNTIL THE PASSAGE OF THE POLAND BILL THE UNITED STATES COULD NOT MOVE IN THIS MATTER THEIR OFFICERS THEIR PROSECUTING OFFICER HAD NOT ANY JURISDICTION OVER BUT THEN WHEN THEY HAD SEEN THIS WHEN IT WAS MADE MANIFEST NOT ONLY THIS CRIME WAS NOT PUNISHED BY THE PERSONS WHO HAD THE CIVIL AUTHORITY		JURISDICION AND PLACE IT IN OTHER HANDS,. UNTIL THE PASSAGE OF THESE LAWS THAT I HAVE SPOKEN OF— TILL THE PASSAGE OF THE POLAND BILL; THE UNITED STATES COULD NOT MOVE IN THIS MATTER . THERIE OFFICE OCCICERS, THEIR PROSECUTING OFFICER, DID NOT GET JURISDICTION OVER THESE MATTERS UNTIL THE PASSAGE OF THE BILL REFERRED TO, BUT THEN WHEN THEY HAD SEEN THIS —WHEN IT WAS MADE MANIFEST, NOT ONLY THIS CRIME WAS NOT PUNISHED BY THE PERSONS WHO HAD CIVIL AUTHORITY, ON THE	JURISDIC~~TIO~~N AND PLACE IT IN OTHER HANDS,. UNTIL THE PASSAGE OF THESE LAWS THAT I HAVE SPOKEN OF— TILL THE PASSAGE OF THE POLAND BILL, THE UNITED STATES COULD NOT MOVE IN THIS MATTER . **THESE OFFICERS** ~~THERIE OFFICE OCCICERS~~, THEIR PROSECUTI~~I~~NG OFFICER, DID NOT GET JURISDICTION OVER THESE MATTERS UNTIL THE PASSAGE OF THE BILL REFERRED TO, BUT ~~T~~WHEN WHEN THEY HAVE SEEN THIS —WHEN IT WAS MADE MANIFEST, NOT ONLY **THIS** ~~THIS~~ THE CRIME WAS NOT PUNISHED BY THE PERSONS WHO HAD CIVIL AUTHORITY, ~~ON~~ **OF** THE

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RS	PS	RT	BT
POLITICAL OFFICERS OF THE TERRITORY IN THEIR HANDS {AND}[i] THESE LAWS WERE PASSED FOR THEIR PURPOSE IT BECAME NECESSARY FOR GOVERNMENT WHOSE DUTY IT IS TO SEE THEM GET UP EVEN IN THIS LATE DAY AND REPEAL THESE ACTS THEY ABOLISHED OFFICE OF TERRITORIAL [5]564 OF MARSHAL. THEY *OVERDONE*[?] JURISDICTION OF THESE PROBATE COURTS [*space*] THESE FAILED FOR 18 YEARS TO DO ITS DUTY THEY ADOPTED ANOTHER SYSTEM AS		POLITICAL FORCES OF THE TERRITORY IN THEIR OWN HANDS, AND THESE LAWS WERE PASSED FOR THEIR PU POSE, IT BECAME NECESSARY FOR THE GOVERNMENT, WHOS DUTY IT IS TO SEE THEM CARRED OUT, IN THIS LATE DAY, AND REPEAL THESE FIRST ACTS I HAVE REFERRED TO. THEY ABOLIWHED THE OFFICE OF THE TERRITORIAL MARSHAL ~~WE~~ THEY OVERDID THE JURISDICTION THIS PART OF THE EXECUTIVE AND THEY HAVE FAILED FOR 18 YEARS TO DO THEIR DUTY. THEY ADOPTED ANOTHER SYSTEM, AS	POLITICAL FORCES OF THE TERRITORY IN THEIR OWN HANDS, AND THESE LAWS WERE PASSED FOR THEIR PU**R**POSE, IT BECAME NECESSARY FOR THE GOVERNMENT, WHOS**E** DUTY IT IS TO SEE THEM CARR**I**ED OUT, IN THIS LATE DAY, AND REPEAL THESE FIRST ACTS I HAVE REFERRED TO. THEY ABOLI~~W~~**S**HED THE OFFICE OF TERRITORIAL MARSHAL. ~~WE~~ THEY OVERDID THE JURISDICTION **IN** THIS PART OF THE EXECUTIVE AND THEY HAVE FAILED FOR I8 YEARS TO DO THEIR DUTY. THEY ADOPTED ANOTHER SYSTEM, AS

564. At the top of the page in ink longhand: **BASKINS ARGUMENT.**

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RS	PS	RT	BT
SOON AS THAT CHANGED. WHAT IS THE RESULT WE NOW HAVE UNDER INVESTIGATION THAT WHICH SHOULD HAVE BEEN INVESTIGATED 18 YEARS AGO AND THE FACT THAT IT WAS NOT SO INVESTIGATED IS A STIGMA UPON THE MORMON CHURCH THIS MORMON THEOCRACY AND THIS TERRITORY. THAT IS THE REASON WHY WE APPEAR HERE. IF THESE OFFICERS HAD DONE THEIR DUTY INVESTIGATED THIS CRIME WHEN IT WAS FRESH THERE WOULD HAVE BEEN NO DIFFICULTY IN ARRIVING AT THE TRUTH IT WOULD HAVE BEEN MUCH MORE EASIER		SOON AS THAT CHANGE. WHAT IS THE RESULT? [8] WE HAVE NOW UNDER INVESTIGATION THAT WHICH SHOULD HAVE BEEN INVESTIGATED 18 YEARS AGO, AND THE FACT THAT IT WAS NOT SO INVESTIGATED, IS A STIGMA UPON THE MORMON CHURCH—THIS MORMON THEOCRACY, AND THIS TERRITORY. THAT IS THE REASON WHY WE APPEAR HERE NOW, IF THESE OFFICERS HAD DONE THEIR DUTY, AND INVESTIGATED THIS CRIME WHEN IT W S FRESH, THERE WOULD HAVE BEEN NO DIFFICULTY IN ARRIVING AT THE TRUTH. IT WOULD HAVE B EN MUCH EASIER	SOON AS THAT CHANGE. WHAT IS THE RESULT? [8] WE HAVE NOW UHNDER INVESTIGATION THAT SWHICH SHOULD HAVE BEEN INVESTIGATED I8 YEARS AGO, AND THE FACT THAT IT WAS NOT SO INVESTIGATED, IS A STIGMA UPON THE MORMON CHURCH—THIS MORMON THEOCRACY, AND THIS TERRITORY. THAT IS THE REASON WHY WE APPEAR HERE NOW. IF THESE OFFICERS HAD DONE THEIR DUTY, AND INVESTIGATED THIS CRIME WHEN IT WQAS FRESH, THERE WOULD HAVE BEEN NO DIFFICULTY IN ARRIVING AT THE TRUTH. IT WOULD HAVE BEEN MUCH EASIER

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RS	PS	RT	BT
THEN TO BRING THOSE GUILTY PARTIES TO JUSTICE THAN AT THIS LATE DAY [*space*] GENTLEMEN OF THE JURY LET US GO BACK THEN AND ANSWER GENTLEMAN THIS THEORY. {THE}[i] REASON WHY WE ARE HERE IS REASON OF NECESSITY [*space*] IT IS SIMPLY BECAUSE — /*SOME*[?] AUTHORITIES THIS POWER WHICH CONTROLS TERRITORY WOULD NOT DO THIS THEREFORE IT HAD TO BE TAKEN FROM THEM WHICH LISTENED TO IT IN ITS HORRIBLE DETAILS. NOW THEN GENTLEMEN I HAVE MADE REMARK WHICH APPLIES GENTLEMEN TO MORMON		TO BRING THOSE GUILTY PARTIES TO JUSTICE THAN AT THIS LATE DAY. GENTLEMEN OF THE JURY, LET US GO BACK THEN, AND ANSWER THE GENTLEMAN AS TO THIS THEORY. THE REASON WHY WE ARE HERE IS THE REASON OF NECESSITY. IT IS SIMPLY BECAUSE THE AUTHORITIES HOLDING THIS POWER, AND THAT CONTROLS THE TERRITORY, DID NOT DO THEIR DUTY. IT IS THEREFORE TIME THAT IT BE TAKEN FROM THEM WHO LISTEN TO IT IN ITS HORRIBLE DETAILS. NOW, THEN, GENTLEMEN, I HAVE MADE A REMARK WHICH APPLIES GENTLEMEN, TO THE MORMON	TO BRING THESE GUILTY PARTIES TO JUSTICE THAN AT THIS LATE DAY. GENTLEMEN OF THE JURY, LET US GO BACK THEN, AND ANSWER THE GE~~B~~NTLEMAN AS TO THIS THEORY. THE REASON WHY WE ARE HERE IS THE REASON OF NECESSITY. IT IS SIMPLY BECAUSE THE AUTHORITIES HOLDING THIS POWER, AND THAT CONTROLS THE TERRITO~~T~~RY, DID NOT DO THEIR DUTY. IT IS THEREFORE TIME THAT IT BE TAKEN FROM THEM WHO LISTEN TO IT IN ITS HORRIBLE DETAILS. NOW, THEN, GENTLEMEN, I HAVE MADE A REMARK WHICH APPLI~~E~~S GENTLEMEN, TO THE MORMON

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RS	PS	RT	BT
THEOCRACY I WANT TO MAKE THIS RESPONSIBLE AND WHILE I REFER TO THE MORMON THEOCRACY [*space*] AS ORGANIZATION I HOLD IT RESPONSIBLE FOR THE PERPETUATION OF THAT HEINOUS CRIME I DON'T WANT TO BE UNDERSTOOD AS MEANING TO IMPLICATE THE INDIVIDUAL MEMBERS AS BELONG TO THAT ORGANIZATION IN MY ASSOCIATIONS IN MORMON COMMUNITY IT HAS BEEN MY GOOD FORTUNE TO HAVE MET NUMBERS OF THEM WHOM I REGARD AS NOT ONLY GOOD BUT AS HONEST MEN AND THEREFORE		THEOCRACY. I WANT TO REMARK ON THIS QUESTION —AND WHILE I REFER TO THE MORMON THEOCRACY AS AN ORGANIZATION —I ALLUDE TO IT AS A RESPONSIBLE FOR THAT H~~E~~**EI**NOUS CRIME. I DON'T WANT TO BE UNDERSTOOD AS MEANING TO IMPLICATE ALL THE INDIVIDUALS AS BELONGING TO THAT ORGANIZATION. IN MY ASSOCIATIONS IN THIS MORMON COMMUNITY, IT HAS B EN MY GOOD FORTUNE TO MEET NUMBERS OF THEM WHOM I REGARD, AND HONORABLE, GOOD HONEST MEN, AND THEREFORE,	THEOCRACY. I W~~Q~~**A**NT TO REMARK ON THIS QUESTION —AND WHILE I REFER TO THE MORMON THEOCRACY AS AN ORGANIZATION —I ALLUDE TO IT AS RESPONSIBLE FOR THAT **HEINOUS** ~~HIE~~**EI**~~NOUS~~ CRIME. I DON'T WANT TO BE UNDERSTOOD AS MEANING TO IMPLICATE ALL THE INDIVIDUALS AS BELONGING TO THAT ORGANIZATION. IN MY ASSOCIATIONS IN THIS MORMON COMMUNITY, IT HAS B**E**EN MY GOOD FORTUNE TO MEET NUMBERS OF THEM WHOM I REGARD, AND HONORABLE, GOOD HONEST MEN, AND THEREFORE,

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RS	PS	RT	BT
WHILE I DO ARRAIGN THIS SYSTEM AND HOLD IT RESPONSIBLE NOT ONLY AS ACCESSORIES BEFORE THE FACT AND THE ROBBERS OF THESE CHILDREN AFTER THE FACT I WOULD NOT IMPLICATE ALL MEMBERS IN THIS COMMUNITY THERE ARE MANY OF YOU WHOM I NO DOUBT THINK ABOUT *F-KTRD*[?] ABOUT THIS MATTER NO DOUBT YOU HAVE ENTERTAINED BITTER FEELINGS BEEN DISSATISFIED THIS ENORMOUS *CRIME/CRUEL*[?] SHOULD NOT HAVE BEEN INVESTIGATED LONG BEFORE. GENTLEMEN OF		WHILE I DO ARRAIGN THIS SYSTEM ~~WHELL~~ AND HOLD IT RESPONSIBLE AS ACCESSERIES BEFORE THE FACT, BUT THE ROBERS OF THESE CHILDREN AFTER THE FACT, I WOULD NOT IMPLICATE ALL THE MEMBERS OF THIS COMMUNITY. THE E ARE MANY OF YOU WHOM I NO DOUBT THINK ABOUT AND PONDER ABOUT THIS MATTER . NO DOUBT YOU HAVE ENTERTAINED BITTER FEELINGS AND BEEN DISSATISFIED WITH THIS— ONE OF THE MOST CRUEL MASSACRES, AND WHICH SHOULD HAVE BEEN INVESTIGATED LONG BEFORE. GENTLEMEN, OF	WHILE I DO ARRAIGN THIS SYSTEM ~~WHELL~~ AND HOLD IT RESPONCIBLE AS ACCESSERIES BEFORE THE FACT, ~~BUT THE~~ **AND THE** ROBERS OF THESE CHILDREN AFTER THE FACT, I WOULD NOT IMPLICATE ALL THE MEMBERS OF THIS COMMUNITY. THE**R**E ARE MANY OF YOU WHOM I NO DOUBT THINK ABOUT AND PONDER ABOUT THIS MATTER . NO DOUBT YOU HAVE ENTERTAINED BITTER FEELINGS AND BEEN DISSATISFIED WITH THIS— ONE OF THE MOST CRUEL MASSACRES, AND WHICH SHOULD HAVE BEEN INVESTIGATED LONG BEFORE. GENTLEMEN, OF

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RS	PS	RT	BT
THE JURY PUBLIC CLAMOR WAS REFERRED TO IT WAS SAID IN THE OPENING {THAT THE}[i] EYES OF {THE}[i] CIVILIZED WORLD IS UPON YOU {THIS IS}[i] TRUE EYES OF CIVILIZED WORLD ARE UPON YOU [*space*] AND THEN THE REASON OF THEIR EYES BEING ON YOU ENTIRELY DIFFERENT ONE MR. BISHOP COULD MAKE YOU BELIEVE WHY ARE THEY UPON YOU [*space*] THEY WOULD BE UPON THE TRIAL OF ANY CASE INVOLVING SUCH HORRIBLE CRIME AS THIS. IT IS SIMPLY BECAUSE THIS BEING CRIME AGAINST HUMANITY AND CHRISTIANITY A CRIME DEEPER IN ITS DYE		THE JURY, *[9]* PUBLIC CLAMOR WAS REFERRED TO. IT WAS SAID IN THE OPENING THAT THE EYES OF THE WHOLE CIVILIZED WORLD WERE ON THIS TRIAL; THE EYES OF THE CIVILIZED WORLD A**R**E ON YOU. IF, THEN, BY REASON OF THEIR EYES BEING ON YOU, IS UNUSUAL OR UNCALLED FOR, WHY DOES MR. BISHOP TRY TO MAKE YOU BELIEVE TO THE CONTRARY— WHY ARE THEY UPON YOU? THEY WOULD BE UPON A TRIAL OF ANY CASE INVOLVING SUCH A HORRIBLE CRIME AS THIS. IT IS SIMPL Y BECAUSE THIS BEING A CRIME AGAINST HUMANITY, A DEGREE OF CRIME DEEPER IN ITS DYE	THE JURY, *[9]* PUBLIC CLAMOR WAS REFERRED TO. IT WAS SAID IN THE OPENING, THAT THE EYES OF THE WHOLE CIVILIZED WORLD WERE ON THIS TRIAL; THE EYES OF THE CIVILIZED WORLD A**R**E ON YOU. IF, THEN, BY REASON OF THEIR EYES BEING ON YOU, IS UNUSUAL ~~OR~~ ~~UNCALLED FOR~~, WH~~U~~Y DOES MR. BISHOP TRY TO MAKE YOU BELIEVE TO THE CONTRARY— WHY ARE THEY UPON YOU? THEY WOULD BE UPON A TRIAL OF ANY CASE INVOLVING SUCH A HORRIBLE CRIME AS THIS. IT IS SIMPL Y BECAUSE THIS BEING A CRIME AGAINST HUMANITY, A DEGREE OF CRIME DEEPER IN ITS DYE

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RS	PS	RT	BT
THAN HISTORY REPORTS IT IS SIMPLY BECAUSE AS THIS IS A CHRISTIAN WORLD DESIRE PERPETRATORS OF THIS CRIME BROUGHT TO JUSTICE [6] IT IS NOT THAT THEY WOULD LIKE SEE THAT OLD MAN EXECUTED [*space*] IT IS SIMPLY BECAUSE JUSTICE LAWS OF MEN AND LAWS OF GOD THE SAFETY OF COMMUNITY THE GOOD NAME OF YOUR TERRITORY THE GOOD NAME OF THIS AMERICAN NATION DEMAND THAT THAT CRIME BE EXPIATED BY THE BLOOD OF THE MEN WHO PERPETRATED IT ON THE MOUNTAIN MEADOWS. IT IS NOT THE		THAN HISTORY RECORDS. IT IS SIMPLY BECAUSE, AS THIS IS A CHIRISTIAN WORLD, THEY DESIRE THE PERPETRATORS OF THIS CRIME TO BE BROUGHT TO JUSTICE. IT IS NOT THAT THEY WOULD LIKE TO SEE "THE OLD MAN" EXECUTED; IT IS SIMPLY BECAUSE JUSTICE AND THE LAWS OF MAN AND LAWS OF GOD— THE SAFETY OF THE COMMUNITY, AND A GOOD NAME OF YOUR TERRITORY— THE GOOD NAME OF THIS AMERICAN NATION DEMAND THAT THAT CRIME BE EXPIATED BY THE BLOOD OF THE MEN WHO PERPETRATED IT ON THE MOUNTAIN MEADOWS. IT ISNOT THE	THAN HISTORY RECORDS. IT IS SIMPLY BECAUSE, AS THIS IS A CHIRISTIAN WORLD, THEY DESIRE THE PERPETRATORS OF THIS CRIME TO BE BROUGHT TO JUSTICE. IT IS NOT THAT THEY WOULD LIKE TO SEE "THE OLD MAN" EXECUTED; IT IS SIMPLY BECAUSE JUSTICE AND THE LAWS OF MAN AND THE LAWS OF GOD— THE SAFETY OF THE COMMUNITY, AND **THE** ~~A~~ GOOD NAME OF YOUR TERRITORY— THE GOOD NAME OF THIS AMERICAN NATION DEMAND THAT THAT CRIME BE EXPIATED BY THE BLOOD OF THE MEN WHO PERPETRAT~~E~~D IT ON THE MOUNTAIN MEADOWS. IT ISNOT THE

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RS	PS	RT	BT
DESIRE TO SEE THAT OLD MAN HUNG IT IS THE DESIRE THAT THEY WANT SEE JUSTICE DONE IN THE PREMISES. CHILDREN TORN FROM THE BREASTS OF THEIR MOTHERS LITTLE SUCKLINGS DASHED ON THE GROUND IT IS BECAUSE THEY ARE INDIGNANT AT THIS CRIME. IT IS BECAUSE THEY ARE DISSATISFIED SUCH A CRIME SHOULD GO SO LONG UNINVESTIGATED GENTLEMEN OF THE JURY PERMIT ME TO SAY GENTLEMEN *ASSUME/ATTEMPT* [?] GREAT MANY THINGS PROSECUTION DID NOT INSIST UPON ONE THING BUT YOU ARE NOT		DESIRE TO SEE THAT OLD MAN HUNG. IT ISTHE DESIRE ~~TO S~~ THAT THEY WAN~~Y~~**T** TO SEE JUSTI~~V~~CE DONE IN THE PREMISES. CHILDREN TORN FROM THE BREASTS OF THEIR MOTHERS, LITTLE SUCKLINGS DASHED ON THE GROUND. IT IS BECAUSE THEY ARE INDIGNANT OF THIS CRIME. IT IS BECAUSE THEY ARE DISSATISFIED THAT SUCH A CRIME SHOULD GO SO LONG ~~I~~UNINVESTIGATED. GENTLEMEN OF THE JURY, I SAY THE GENTLEMEN ON THE OTHER SIDE HAVE ATTEMPTED A GREAT MANY THINGS, THE PROSECUTION DID NOT INSIST UPON. YOU ARE NOT	DESIRE TO SEE THAT OLD MAN HUNG. IT ISTHE DESIRE ~~TO S~~ THAT THEY **WANT** ~~WANY~~**T** TO SEE JUSTI~~V~~CE DONE IN THE PREMISES. CHILDREN TORN FROM THE BREASTS OF THEIR MOTHERS, LITTLE SUCKLINGS DASHED ON THE GROUND. IT IS BECAUSE THEY ARE INDIGNANT OF THIS CRIME. IT IS BECAUSE THEY ARE DISSATISFIED THAT SUCH A CRIME SHOULD GO SO LONG ~~I~~UNINVESTIGATED. GENTLEMEN OF THE JURY, I SAY THE GENTLEMEN ON THE OTHER SIDE HAVE ATTEMPTED A GREAT MANY THINGS, THE PROSECUTION DID NOT INSIST UPON. YOU ARE NOT

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RS	PS	RT	BT
RETURN TO TRY THIS CASE UPON PUBLIC RUMOR NOT TO TRY IT UPON SAY SO OF DEFENSE NOT TO ~~TRY~~ DETERMINE IT BY ANYTHING ATTORNEYS MAY SAY DECIDE *BY*[?] THE EVIDENCE ON YOUR OATHS IN THE DISCHARGE OF A DUTY WHICH YOU OWE TO CREATOR OF HUMANITY WHICH YOU OWE TO THE NATION OWE TO THE MORMON PEOPLE WHICH YOU OWE TO THIS TERRITORY YOU WILL TRY IT UPON THE EVIDENCE AS ADDUCED BEFORE YOU AND UPON LAW. WE HAVE ADMITTED PROPOSITION UNLESS THAT EVIDENCE CONVINCES YOU OF THE		TO TRY THIS CASE UPON PUBLIC RUMOR. ; NOT TO TRY IT UPN THE SAY SO OF THE DEFEN~~D~~SE; NOT TO DETERMINE IT BY ANYTHING THE WITNESSES MAY SAY, BUT ~~BE~~ DECIDE BY THE EVIDENCE, ON YOUR OATHS, IN THE DISCHARGE OF A DUTY WHICH YOU OWE TO THE CREATOR OF HUMANITY, WHICH YOU OWE TO THE NATI N, AND OWE TO THE MORMON PEO~~L~~PLE; WHICH YOU OWE TO THIS TERRITORY; AND YOU WILL TRY IT UPON THE EVIDENCE AS ADDUCED BEFORE YOU AND UPON THE LAW. *[10]* WE HAVE ADMITTED THE PROPOSITION; UNLESS THAT EVIDENCE CONVINCES YOU OF THE	TO TRY THIS CASE UPON PUBLIC RUMOR~~.~~ ; NOT TO TRY IT UP~~O~~N THE SAY SO OF THE DEFEN~~D~~SE; NOT TO DETERMINE IT BY ANYTHING THE WITNESSES MAY SAY, BUT ~~BE~~ DECIDE BY THE EVIDENCE, ON YOUR OATHS, IN THE DISCHARGE OF A DUTY WHICH YOU OWE TO THE CREATOR OF HUMANIT~~Y~~, WHICH YOU OWE TO THE NATI**O**N, AND OWE TO THE MORMON PEO~~L~~PLE; WHICH YOU OWE TO THIS TERRITORY; AND YOU WILL TRY IT UPON THE EVIDENCE. AS ADDUCED BEFORE YOU AND UPON THE LAW. *[10]* WE HAVE ADMITTED THE PROPOSITION~~;~~, UNLESS THAT EVIDENCE CONVINCES YOU OF THE

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RS	PS	RT	BT
GUILT OF THIS *OLD*[?] MAN BEYOND REASONABLE DOUBT YOU MUST ACQUIT HIM. AS REASONABLE MEN DISCARDING HYPOTHETICAL SPECULATIONS HE WAS UPON THE GROUND PARTICIPATED IN THIS MOST BLOODY SLAUGHTER IT IS YOUR DUTY WITHOUT REGARD TO PUBLIC CLAMOR; WITHOUT REGARD TO YOUR SYMPATHIES IN THE DISCHARGE OF YOUR OATH AS YOU WISH {TO}[i] ANSWER IN THAT GREAT DAY WHEN THE WHOLE WORLD SHALL STAND READY BEFORE {THE}[i] CREATOR OF THE WORLD {AND OF}[i] THE UNIVERSE AND GIVE AN		GUILT, THAT IS, BEYOND A REASONABLE DOUBT, YOU MU ST ACQUIT HIM. AS REASONABLE MEN, DISREGARDING HYPOTHETICAL SPECULATIONS, HE WAS UPON THE GROUND AND PARTICIPATED IN THIS MOSE BLOODY MURDER. IT IS YOUR DUTY, WITHOUT REGARD TO PUBLIC CLAMOR; WITHOUT REGARD TO YOUR SYMPATHIES, IN THE DISCHARGE OF YOUR OATHS, AS YOU WISH TO ANSWER IN THAT GREAT DAY, WHEN THE WHOLD WORL D SHALL STAND READY BEFORE THE CREATOR OF THE WORLD AND OF THE UNIVERSE, AND GIVE AN	GUILT, THAT IS, BEYOND A REASONABLE DOUBT, YOU MU ST ACQUIT HIM. AS REASONABLE MEN, DISREGARDING HYPOTHETICAL SPECULATIONS, **YOU MUST ADMIT** HE WAS UPON THE GROUND AND PARTICIPATE~~R~~D IN THIS MOSE BLOODY MURDER. IT IS YOUR DUTY, WITHOUT REGARD TO PUBLIC CLAMOR; WITHOUT REGARD TO YOUR SYMPATHIES, IN THE DISCHARGE OF YOUR OATHS, AS YOU WISH TO ANSWER IN THAT GREAT DAY, WHEN THE ~~WHOLD~~ WORL D SHALL STAND READY BEFORE THE CREATOR OF THE WORLD AND OF THE UNIVERSE, AND GIVE AN

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RS	PS	RT	BT
ACCOUNT OF THE DEEDS DONE IN THE BODY IT IS IN THE DISCHARGE OF THAT DUTY YOU ARE TO ACT LOOKING INTO THE TESTIMONY TO THE TESTIMONY ALONE NOT TO ANY PETTIFOGGING ATTORNEYS ON EITHER SIDE IN THIS CASE MAY RESORT TO WHILE I HAVE HIGH RESPECT FOR PROFESSION DUTIES OF ATTORNEYS ARE VERY OFTEN MISTAKEN. IT IS NOT THE DUTY OF AN ATTORNEY ON EITHER SIDE TO MISREPRESENT MISCONSTRUE COVER UP BUT IT IS HIS DUTY IN THE DISCHARGE OF		ACCOUNT OF THE DEEDS DONE IN THE BODY. IT IS IN THE D ISCHARGE OF THAT DUTY YOU ARE TO ACT—LO KING INTO THE TESTIMONY— AND THE TESTIMONY ALONE ; NOW TO A~~M~~NY PET~~I~~TIFOGGIN~~D~~ G DIRECTIONS ON EITHER SIDE OF THIS CASE THAT THEY MAY RESORT TO. ~~Q~~**W**HILE I HAVE A HIGHER RESPECT FOR THE PROFESSION, THE~~Y~~ DUTIES OF ATTORNEYS ARE VERY OFTEN MISTAKEN. IT IS NOT THE DUTY OF AN ATTORNEY, ON EITHER SIDE TO MISREPRESENT, MISCONSTRUE OR ~~CORRUPT~~ **COVER UP**. THAT IS NOT HIS DUTY, BUT IT IS HIS DUTY, AND IN THE DISCHARGE OF~~A~~	ACCOUNT OF THE DEEDS DONE IN THE BODY. IT IS IN THE D ISCHARGE OF THAT DUTY YOU ARE TO ACT—LO KING INTO THE TESTIMONY— AND THE TESTIMONY ALONE ; ~~NOW~~ **NOT** TO A~~M~~NY PET~~I~~TIFOGGIN~~D~~ G DIRECTIONS ON EITHER SIDE OF THIS CASE THAT THEY MAY RESORT TO. ~~Q~~**W**HILE I HAVE A HIGH~~ER~~ RESPECT FOR THE PROFESSION, THE~~Y~~ DUTIES OF ATTORNEYS ARE VERY OFTEN MISTAKEN. IT IS NOT THE DUTY OF AN ATTORNEY, ON EITHER SIDE TO MISREPRESENT, MISCONSTRUE OR ~~CORRUPT~~ **COVER UP**. THAT IS NOT HIS DUTY, BUT IT IS HIS DUTY, AND IN THE DISCHARGE OF

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RS	PS	RT	BT
THAT DUTY HE SHOULD CONFINE HIMSELF TO FACTS AND EVIDENCE AND IF BY REASON OF HIS EXPERIENCE IN *R*[?] RAVELING CONFLICTS OF TESTIMONY HE CAN BE OF ASSISTANCE OF JURY TO ARRIVE AT THE TRUTH THEN HE HAS PERFORMED HIS FUNCTIONS. *[7]* I MUST SAY GENTLEMEN OF THE JURY COURSE OF THIS TRIAL WHEREBY THE TESTIMONY PERVERSION PERVERSION OF FACT [*space*] IT IS WELL CALCULATED TO GIVE COLOR TO THAT NOTION TO LAWYERS ARE UNIVERSAL LIARS. IT IS NOT ONLY BEEN		THAT DUTY HE SHOULD CONFINE HIMSELF TO THE FACTS AND THE EVIDENCE; AND IF, BY REAWON OF HIS POSITION, IN THE DETAILING AND UNRAVELING OF CONFLICTING PORTIONS OF TESTIMONY, HE CAN BE OF ANY ASSISTANCE TO THE JURY IN ARRIVING AT THE TRUTY, THEN HE HAS DONE HIS DUTY. [*space*] *[11]* I MUST SAY, GENTLEMEN OF THE JURY, DURING THE COURSE OF THIS TRIAL, WHEREBY THE TESTIMONY HAS BEEN SO M~~O~~ISCONSTRUE D AND SO MUCH PERVERSION OF FACTS, IT IS WELL CALCULATED TO THAT OPINION, THAT LAWYERS ARE UNIVERSAL LIARS. IT HAS NOT ONLY BEEN	THAT DUTY HE SHOULD CONFINE HIMSELF TO THE FACTS AND THE EVIDENCE; AND IF, BY REA~~W~~**S**ON OF HIS POSITION, IN THE DETAILING AND UNRAVELING OF CONFLICTING PORTIONS OF TESTIMONY, HE CAN BE OF ANY ASSISTANCE TO THE JURY IN ARRIVING AT THE **TRUTH** ~~TRUTY~~, THEN HE HAS DONE HIS DUTY. *[11]* I MUST SAY, GENTLEMEN OF THE JURY, DURING THE COURSE OF THIS TRIAL, WHEREBY THE TESTIMONY HAS BEEN SO M~~O~~ISCONSTRUE D AND SO MUCH PERVERSION OF FACTS, IT IS WELL CALCULATED TO THAT OPINION, THAT LAWYERS ARE UNIVERSAL LIARS. IT HAS NOT ONLY BEEN

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RS	PS	RT	BT
PERVERTED MISREPRESENTATION OF THE TESTIMONY HAS BEEN RESORTED TO AS I SHALL SHOW YOU AND IT IS BY REASON OF THAT FACT GENTLEMEN I SAY IN THIS CASE THERE IS COLOR GIVEN TO THAT POPULAR NOTION. GENTLEMEN OF THE JURY. WHEN I COME ARRAY THIS TESTIMONY IT IS VOLUMINOUS SOMEWHAT COMPLICATED MAYBE ALL OF YOU REMEMBER IT BETTER THAN I CAN IF I DEPART FROM WHAT WAS SAID I DO NOT ASK YOU TO PAY ANY ATTENTION TO ANY FINE *EXPLANATION*[?] *SYNTHESIS*[?] OF THE TRUTHS I MAY DRAW IF IN THE PLAIN SIMPLE		PREVERTED BUT ACTUAL MISREPRESENTATION OF THE TESTIMONY HAS BEEN RESORTED TO, AS I SHALL SHOW YOU; AND IT IS BY REASON F THAT ~~D~~FACT, GENTLEMEN, I SAY IN THIS CASE THAT ~~THERE I~~ COLOR HAS BEEN GIVEN TO THAT POPULAR OPINION. GENTLEMEN, OF THE JURY, WHEN I COME TO ARRAY THIS TESTIMONY IT IS VOLUMINOUS AND SOMEWHAT COMPLICATED; AND MAY BE ALL OF YOU REMEMBER IT BETTER THAN I CAN. IF I DEPART FROM WHAT WAS SAID I DO NOT ASK YOU TO PAY ANY ATTENTION TO ANY FINE EXPLENATIONS OR AS TO THE CONSTRUCTIONS I MAY DRAW. IF IN THE PLAIN SIMPLE	PREVERTED BUT ACTUAL MIS~~T~~REPRESENTATION OF THE TESTIMONY HAS BEEN RESORTED TO, AS I SHALL SHOW YOU; AND IT IS BY REASON **O**F THAT ~~D~~FACT, GENTLEMEN, I SAY IN THIS CASE THAT ~~THERE I~~ COLOR HAS BEEN GIVEN TO THAT POPULAR OPINION. GENTLEMEN, OF THE JURY, WHEN I COME TO ARRAY THIS TESTIMONY IT IS VOLUMINOUS AND SOMEWHAT COMPLICATED; AND MAY BE ALL OF YOU REMEMBER IT BETTER THAN I CAN. IF I DEPART FROM WHAT WAS SAID I DO NOT ASK YOU TO PAY ANY ATTENTION TO ANY FINE EXPLENATIONS OR AS TO THE CONSTRUCTIO~~H~~NS I MAY DRAW. IF IN THE PLAIN SIMPLE

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RS	PS	RT	BT
COMMON SENSE STATEMENTS OF THIS EVIDENCE YOU ARE CONVINCED PRISONER JOHN D. LEE AND THOSE CHARGED WITH HIM ARE GUILTY OF THAT HEINOUS CRIME IT IS A DUTY YOU OWE TO YOUR CHILDREN TO YOUR RACE OUR GOD WITHOUT RESPECT TO ANY PREJUDICE THAT —[?] MAY HAVE GROWN OUT OF FACT MORMON COMMUNITY HAVE BEEN IMPLICATED YOU SHOULD FIND VERDICT ACCORDING TO LAW AND THE FACT. MR. BISHOP SAYS WE ARE TRYING JOHN D. LEE ASKING YOU CONVICT HIM UPON TWO		COMMON SENSE STATEMENTS OF THIS EVIDENCE YOU ARE CONVINCED THAT THE PRISONER, JOHN D. LEE AND THOSE CHARGED WITH HIM ARE GUILTY OF THAT HEINOUS CRIME , IT IS A DUTY YOU OWE TO YOUR CHILDREN, TO YOUR RACE AND TO YOUR GOD, WITHOUT RESPECT TO COMMON PREJUDICE THAT MAY HAVE GROWN OUT OF THE FACT THAT THE MORMON COMMUNITY HAVE BEEN IMPLICATED — YOU SHOULD FIND A VERDICT ACCORDING TO THE LAW, AND EVIDENCE AND FACTS. MR. BISHOP SAYS "WE ARE TRYING JOHN D. LEE AND ASKING YOU TO CONVICT HIM UPON TWO	COMMON SENSE STATEMENTS OF THIS EVIDENCE YOU ARE CONVINCED THAT THE PRISONER, JOHN D. LEE AND THOSE CHARGED WITH HIM ARE GUILTY OF THAT HEINOUS CRIME , IT IS A DUTY YOU OWE TO YOUR CHILDREN, TO YOUR RACE AND TO YOUR GOD, WITHOUT RESPECT TO COMMON PREJUDICE THAT MAY HAVE GROWN OUT OF THE FACT THAT THE MORMON COMMUNITY HAVE BEEN IMPLICATED,— YOU SHOULD FIND A VERDICT ACCORDING TO THE LAW, AND EVIDENCE AND FACTS. ~~MR~~ MR. BISHOP SAYS "WE ARE TRYING JOHN D. LEE AND ASKING YOU TO CONVICT HIM UPON TWO

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RS	PS	RT	BT
SIMPLE FACTS FIRST THAT HE IS MORMON SECOND HE IS AN OLD MAN GENTLEMEN OF —[?] JURY FACT IS WHEN YOU LOOK AT TESTIMONY SUCH A PROPOSITION IN THE LIGHT OF FACTS THAT *THEY*[?] HAVE BROUGHT TO LIGHT IS AN INSULT TO ITS INTEGRITY THAT SEEK TO DO THIS THING. LET US LOOK AT TESTIMONY . FIRST TO {THE}[i] WITNESSES UPON {THE}[i] STAND WHO WERE INTRODUCED NOT TO PROVE ANY FACTS OF KILLING SIMPLY TO SHOW CORPUS DELICTI [*space*] IT IS TRUE THEY TESTIFIED NOT TO WHAT APPEARED UPON THE		SIMPLE FACTS: FIRST, THAT HE IS A MORMON, AJD SECOND THAT HE IS AN OLD MAN." GENTLEMEN OF THE JURY, WHEN YOU LOOK AT THE TESTIMONY, SUCH A PROPOSITION IN THE LIGHT OF FACTSTHAT WE HAVE BROUGHT TO LIGHT, IS PREPOSTEROUS AND UNREASONABLE . NOW, LET US LOOK AT THE TESTIMONY . THE FIRST TWO WITNESSES WE PUT UPON THE STAND WERE INTRODUCED— NOT TO PROVE ANY FACTS PARTICULARLY OR ANYTHING REMARKABLE BUT TO PROVE THE CORPUS DELICTI *[12]* IT IS TRUE THEY TESTIFIED , NOT TO WH T A PEARED UPON THE	SIMPLE FACTS: FIRST, THAT HE IS A MORMON, A~~J~~ND SECOND THAT HE IS AN OLD MAN." GENTLEMEN OF THE JURY, WHEN YOU LOOK AT THE TESTIMONY, SUCH A PROPOSITION IN THE LIGHT OF **THE** FACTSTHAT WE HAVE BROUGHT TO LIGHT, **THAT** IS PREPOSTEROUS AND UNREASONABLE . NOW, LET US LOOK AT THE TESTIMONY . THE FIRST TWO WITNESSES WE PUT UPON THE STAND WERE INTRODUCED— NOT TO PROVE ANY FACTS PARTICULARLY OR ANYTHING REMAR~~L~~KABLE BUT TO PROVE THE CORPUS DELICTI**.** *[12]* IT IS TRUE THEY TESTIFIED , NOT TO WH**A**T A**P**PEARED UPON THE

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RS	PS	RT	BT
GROUND BUT TO SOMETHING ABOVE IT PROBABLY 15 OR 16 DAYS [*space*] FIRST WITNESS RELATED TO YOU WHAT WAS SEEN UPON THAT HORRIBLE SCENE OF SLAUGHTER THERE WERE MEN WOMEN CHILDREN PROMISCUOUSLY PILED UP TOGETHER MEN WOMEN AND CHILDREN WHO HAD BY REASON AFTER HAVING BEEN MURDERED BY THIS MOST INHUMANE ACT EVIDENTLY HADN'T BENEFIT OF CHRISTIAN BURIAL [*space*] THEY COVERED SO SLIGHTLY THEY BECAME PREY OF COYOTES AND WOLVES AND AS SAID		GROUND BUT TO SOMETHING BEFORE, PROBABLY 15 OR 16 DAYS AFTERWARD AS FAR AS RELATED TO YOU, WHAT WAS SEEN UPON THAT HORRIBLE FIELD OF SLAUGHTER. THERE WERE MEN WOMEN AND CHILDREN PROMISCUOU~~W~~ LY PILED UP TOGETHER. MEN, WOMEN AND CHILDREN , WHO HAD BE REASON OF THEIR HAVING BEEN MURDERED BY THIS MOST INHUMANE ACT EVIDENTLY HADN'T HAD THE BENEFEIT OF A CHRISTIAN BURIAL; BUT THEY WERE COVERED SO LIGHTLY THAT THEY BECAME THE PREY OF CAYOTES AND WOLVES; AND AS I STATED IT	GROUND **AT THE TIME OF THE MASSACRE** BUT TO SOMETHING ~~BEFORE~~, PROBABLY I5 OR I6 DAYS AFTERWARD AS FAR AS RELATED TO YOU, WHAT WAS SEEN UPON THAT HORRIBLE FIELD OF SLAUGHTER. THERE WERE MEN WOMEN AND CHILDREN PROMISCUOUW LY PILED UP TOGETHER. MEN, WOMEN AND CHILDREN , WHO HAD B~~E~~**Y** REASON OF THEIR HAVING BEEN MURDERED BY THIS MOST INHUMANE ACT E~~C~~VIDENTLY HADN'T HAD THE BENEFEIT OF A CHRISTIAN BURIAL~~.~~; BUT THEY WERE COVER~~E~~D SO LIGHTLY THAT THEY BECAME THE PREY OF CAYOTES AND WOLVES; AND AS I STATED IT

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RS	PS	RT	BT
TESTIMONY WAS SIMPLY TO SHOW YOU IN THE BEGINNING TO LAY WHAT LAWYERS CALL CORPUS DELICTI. PASSING FROM 2 FIRST WITNESS; WE COME TO KLINGENSMITH HERE PERMIT ME TO SAY KLIGENSMITH BY REASON OF HAVING BEEN PLACED UPON STAND HAS BEEN MADE A CUSS WORD AN OBJECT OF VENOM AND [8] VITUPERATION OF ALL COUNSEL WHO HAVE SPOKE IN THIS CASE [*space*] THEY HAVE ATTEMPTED TO IMPEACH HIS TESTIMONY TO BREAK IT DOWN THEY ASSUME IF K SMITH'S TESTIMONY IS BROKEN DOWN IN THIS CASE		WAS SIMPLY TO SHOW YOU IN THE BEGINNING WHAT IN LAW , LAWYERS CALL CORPUS DELICTI. PASSING FROM THE TWO FIRST WITNESSES, WE CAME TO KLINGENSMITH. HERE PERMIT ME TO SAY KLINGENSMITH BY REASON OF HAVING BEEN PLACED UPON THE STAND, HAS BEEN MADE THE CUSS-WORD AND THE OBJECT OF VENUM AND VITUPERATION OF ALL THE COUNSEL WHO HAVE SPOKEN IN THIS CASE. THEY HAVE ATTEMPTED TO IMPEACH HIS TESTIMONY A D TO BREA K IT DOWN . WITHOUT THAT TESTIMONY—IF KLINGENSMITH' S TESTIMONY IS BROKEN DOWN IN THIS CASE,	WAS SIMPLY TO SHOW YOU IN THE BEGINNING WHAT IN LAW ~~,~~ LAWYERS CALL CORPUS DELICTI. PASSING FROM THE TWO FIRST WITNESWES, WE COME TO KLINGENSMITH. HERE PERMIT ME TO SAY KLINGENSMITH BY REAS~~O~~N OF HAVING BEEN PLACED UPON THE STAND, HAS BEEN MADE THE CUSS-WORD AND THE OBJECT OF VE~~M~~NUM AND VITUPERATION OF ALL THE COUNSEL WHO HAVE SPOKEN IN THIS CASE. THEY HAVE ATTEMPTED TO IMPEACH HIS TESTIMONY A**N**D TO BREA K IT DOWN . WITHOUT THAT TESTIMONY—IF KLINGENSMITH' S TESTIMONY IS BROKEN DOWN IN THIS CASE,

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RS	PS	RT	BT
{THAT THE}[i] PROSECUTION HAVE FAILED. YOU CAN TAKE OUT WHOLE TESTIMONY OF K SMITH YET UNDERTAKE TO SHOW THERE IS STILL EVIDENCE TO CONVINCE ANY MAN BEYOND {A}[i] REASONABLE DOUBT THAT JOHN D. LEE *WHO*[?] PARTICIPATED WITH HIM IN THAT ACTION WILLFULLY DELIBERATELY AND WITH *FLS*[?] AFORETHOUGHT BATHED THEIR HANDS IN THE BLOOD OF THOSE INNOCENT WOMEN AND CHILDREN. WHY IS IT PROSECUTION ASSAILS K SMITH IN THIS WAY		THEY ~~W~~SAY THE PROSECUTION HAVE FALIED. YOU CAN TAKE OUT THE WHOLE OF KLINGENSMITH'S EVIDEN~~V~~CE AND I UNDERTAKE TO SHOW THAT THERE IS STILL EVIDENCE TO CONVINCE A Y MAN BEYON~~I~~D A REASONABLE DOUBT THAT JOHN D. LEE AND THOSE WHO PARTICIPATED WITH HIM IN THAT CONNECTION, WILF LLY, DELIBERATELY AN~~O~~ ITH MALICE AFORETHOUGH T BATHED THEIR HANDS IN THE BLOOD OF THOSE INNOCENT MEN, WOMEN AND CHILDREN. WHY IS IT THAT THE~~E~~ DEFENSE ASSAILS KLINGENSMITH IN THIS WAY?	THEY ~~W~~SAY THE PROSECUTION HAVE FALIED. YOU CAN TAKE OUT THE WHOLE OF K~~I~~LINGENSMITH'S EVIDEN~~V~~CE AND I UNDERTAKE TO SHOW THAT THERE IS STILL EVIDENCE TO CONVINCE AN Y MAN BEYON~~I~~D A REASONABLE DOUBT THAT JOHN D. LEE AND THOSE WHO PARTICIPATED WITH HIM IN THAT CONNECTION, **WILLFULLY** ~~WILF LLY,~~ DELIBERATELY AN~~O~~**D W**ITH MALICE AFORETHOUGH T BATHED THEIR HANDS IN THE BLOOD OF THOSE INNOCENT MEN, WOMEN AND CHILDREN. WHY IS IT THAT THE~~E~~ DEFENSE ASSAILS KLINGENSMITH IN THIS WAY?

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RS	PS	RT	BT
WHO IS K SMITH. AND WHY [*space*] HE WAS BISHOP OF MORMON CHURCH [*space*] IT WAS BY VIRTUE OF HIS OFFICE AS BISHOP OF THE CHURCH ACCORDING TO THEIR OWN STATEMENT HE WAS MADE CONSPICUOUS ACTOR IN THIS CASE LET US LOOK AT HIS TESTIMONY K SMITH STATES THAT AT A CERTAIN SPECIAL COUNCIL MEETING JUDGE HOGE SAID IT WAS AT A PUBLIC MEETING AND THAT K SMITH DID NOT REMEMBER SINGLE WORD SAID AT THAT		WHO IS KLINGENSMITH? WHY, HE WAS A BISHOP OF THE MORMON CHURCH. IT WAS BY ~~I~~VIRTUE OF HIS OFFICE AS BISHOP OF THE CHURCH ACCORDING TO THEIR OWN STATEMENT, HE WAS MADE A CHIEF ACTOR IN THIS CASE. LET US LOOK AT HIS TESTIMONY. KLINGENSMITH STATES THAT AT A CERTAIN SPECI~~A~~L COUNCIL MEETING (JUDGE HOGE SAYS, IT WAS AT A PUBLIC MEETING). JUDGE HODE SAID IT WAS AT A PUBLIC[565]	WHO IS KLINGENSMITH? WHY, HE WAS A BISHOP OF THE MORMON CHURCH. IT WAS BY ~~I~~VIRTUE OF HIS OFFICE AS BISHOP OF THE CHURCH ACCORDING TO THEIR OWN STATEMENT, **THAT** HE WAS MADE A CHIEF ACTOR IN THIS CASE. LET US LOOK AT **H**IS TESTIMONY. KLINGENSMITH STATES THAT AT A CERTAIN SPECI~~A~~L COUNCIL MEETING (JUDGE HOGE SAYS, IT WAS ~~I~~ AT A PUBLIC MEETING)~~.~~**,** JUDGE HODE SAID IT WAS AT A PUBLIC MEETING AND THAT KLINGENSMITH DID NOT REMEMBER A SINGLE WORD SAID AT THAT

565. The last line is mostly cut off from this carbon copy.

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RS	PS	RT	BT
MEETING. JUDGE HOGE WHO IS MAN WHO NEVER MISSTATES WILLFULLY IN HIS TESTIMONY NOR MY BROTHER WITH HIM IF HE MAKES ANY MISSTATES IT IS BY INADVERTENCE BUT HE DID MISSTATE THIS [*space*] HE SAID IT WAS FIRST BROACHED IN PUBLIC MEETING K SMITH SAYS AFTER THE PUBLIC MEETING WAS OVER *ON*[?] SUNDAY AFTERNOONS IT WAS THE CUSTOM OF THE COUNCIL OF THIS CHURCH TO MEET IN COUNCIL COUNSEL ABOUT GENERAL AFFAIRS OF COMMUNITY IT IS FACT DUTIES PER OUR		*[13]* MEETING; JUDGE HOGE WHO IS A MAN WHO NEVER MISSTATES WILFULLY NOR MY BROTHERS WITH HIM. IF HE MAKES ANY MISSTATEMENT IT IS BY INADVERTANC~~E~~ Y, BUT HE DID MISSTATE THIS. HE , KLINGENSMITH, SAID IT WAS FI~~S~~RST BROACHED IN A PUBLIC MEETING, AND KLINGENSMITH SAYS AFTER THE PUBLIC MEETING THERE, EVERY SSUNDAY AFTERNOON, IT WAS THE CUSTOM OF THE COUNSEL OF THE CHURCH TO MEET IN COUNCIL AND COUNSEL ABOUT THE GENERAL AFFAIRS OF THE COMMUNITY. IT IS IN FACT ~~O~~THE DUTY OF THOSE BRETHREN, FROM THE	*[13]* MEETING; JUDGE HOGE WHO IS A MAN WHO NEVER MISSTATES WI**L**LLFULLY NOR MY BROTHERS WITH HIM. IF HE MAKES ANY MISSTATEMENT IT IS BY INADVERTANC~~E~~ Y, BUT HE DID MISSTATE THIS. HE , KLINGENSMITH, SAID IT WAS FI~~S~~RST BROACHED IN A PUBLIC MEETING, AND KLINGENSMITH SAYS AFTER THE PUBLIC MEETING THERE, EVERY SSUNDAY AFTERNOON, IT WAS THE CUSTOM OF THE COUNSEL OF THIS CHURCH TO MEET IN COUNCIL AND COUNSEL ABOUT THE GENERAL AFFAIRS OF THE COMMUNITY. IT IS IN FACT ~~O~~THE DUTY OF THESE BRETHREN, FROM THE

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RS	PS	RT	BT
TESTIMONY IN THIS THEOCRATIC COUNCIL OF MORMON CHURCH THEY HAVE CONTROL OF ALL MATTERS BOTH SPIRITUAL AND TEMPORAL. HE SAYS THAT THEY MET ONE AFTERNOON IN COUNCIL HE NAMED MEMBERS THAT WERE THERE I FORGET THE NUMBER SOME 3 4 OR 5 [*space*] HAIGHT WAS THERE [*space*] HE SAYS THE DESTRUCTION OF THESE EMIGRANTS WAS BROUGHT UP[566] AFTER THEY TRANSACTED OTHER BUSINESS. HE SAYS HE OPPOSED IT HE SAYS STATEMENTS OF HAIGHT		TESTIMONY , THAT IN THIS THEOCRATIC, ORGAN IZATION OF THE MORMON CHURCH,— THEY HAVE CONTROL OF ALL MATTERS BOTH TEMPORAL AND SPIRITUAL. HE SWORE THEY MET ONE AFTERNOON IN COUNCIL. HE NAMED THE ME~~B~~MBERS THAT WERE THERE. I FORGET THE NUMBER, BUT SOME THREE FOUR OR FIVE. HAIGHT WAS THERE. HE SAYS THE DISTRUCTION OF THESE EMIGRANTS W~~Q~~S BROUGHT UP AFTER THEY HAD TRANSACTED OTHER BUSINESS. HE SA~~U~~YS HE OPPOSED IT. HE SAYS THE STATEMENTS OF HAIGHT—WHAT	TESTIMONY , THAT IN THIS THEOCRATIC~~,~~ ORGANIZATION OF THE MORMON CHU~~T~~RCH,— THEY HAVE CONTROL OF ALL MATTERS BOTH TEMPORAL AND SPIRITUAL. HE SWORE THEY MET ONE AFTERNOON IN COUNCIL. HE NAMED THE ME~~B~~MBERS THAT WERE THERE. I FORGET THE NUMBER, BUT SOME THREE FOUR OR FIVE. HAIGHT WAS THERE. HE SAYS THE DISTRUCTION OF THESE EMIGRANTS W~~Q~~**A**S BROUGHT UP AFTER THEY HAD TRANSACTED OTHER BUSINESS. HE SA~~U~~YS HE OPPOSED IT. HE SAYS THE STATEMENTS OF HAIGHT—WHAT

566. Word apparently added later.

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RS	PS	RT	BT
HE DIDN'T PRETEND GIVE LANGUAGE A GREAT MANY WITNESSES DON'T PRETEND NOR COULD NOT AFTER PERIOD OF 18 YEARS ONLY THING THAT HUMAN MEMORY COULD DO WAS TO GIVE SUBSTANCE OF WHAT OCCURRED THERE WHAT DID OCCUR HE SAYS MR. HAIGHT STATED HE HAD ORDERS TO DESTROY THESE EMIGRANTS ALL EXCEPT {THE}[i] SMALL CHILDREN THOSE THAT WERE SO SMALL COULD NOT REMEMBER STORY HE[567] SAYS I OPPOSED IT I		THEY WERE— BUT HE DON'T PRETEND TO GIVE THE LANGUAGE. A GREAT MANY OF THE WITNESSES DON'T PRETEND NOR COULD NOT AFTER A PERIOD OF 18 YEARS THE ONLY THING THAT A MAN'S MENOTRY COULD DO WAS TO GIVE THE SUBSTANCE OF WHAT AOCCURRED THERE. WHAT DID OCCUR? A. HE SAYS MR. HAIGHT STATED HE HAD ORDERS TO DESTROY THESE EMIGRANTS, ALL EXCEPT THE SMALL CHILDREN, THOSE THAT WERE SO SMALL THAT COULD NOT REMEMBER THE STORY . HE SAYS, "I OPPOSED IT"; I	THEY WERE— BUT HE DON'T PRETEND TO GIVE THE LANGUAGE. A GREAT MANY OF THE WITNESSES DON'T PRETEND NOR COULD NOT AFTER A PERIOD OF I8 YEARS **REMEMBER EVERY DETAIL.** THE ONLY THING THAT A MAN'S MENO~~T~~RY COULD DO WAS TO GIVE THE SUBSTANCE OF WHAT AOCCURRED THERE. WHAT DID OCCUR? ~~A~~. HE SAYS MR. HAIGHT STATED HE HAD ORDERS TO DESTROY THESE EMIGRANTS, ALL EXCEPT THE SMALL CHILDREN, THOSE THAT WERE SO SMALL THAT COULD NOT REMEMBER THE STORY . HE SAYS, "I OPPOSED IT"; I

567. Word possibly added later.

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RS	PS	RT	BT
GOT UP AND ASKED WHAT THE CONSEQUENCES WOULD BE OF SUCH A THING *AS FAR AS*[?] WAS DONE RESULT OF IT WAS PRESIDENT HAIGHT BECAUSE HE WAS PRESIDENT THAT STAKE AT THAT TIME. IT WAS NOT IN PUBLIC MEETING WHILE K SMITH DIDN'T PRETEND GIVE LANGUAGE IT WAS EVIDENT FROM HIS WHOLE STATEMENTS *[9]* HE HEARD ORDER MAKE AWAY WITH THESE EMIGRANTS MR. SMITH DID OBJECT THEREUPON MR. HAIGHT DISSOLVED {THE}[i] MEETING. NOW THEN WE HAVE *OF IT*[?]		GOT UP AND ASKED WHAT THE CONSEQUENCES WOULD BE OF SUCH A THING." AS FAR AS WHAT WAS DONE, THE RESULT OF IT WAS: PRESIDENT HAIGHT, BECAUSE HE WAS A PRESIDENT OF THAT STAKE AT THAT TIME, BUT IT WAS NOT IN A PUBLIC MEETING, AND WHILE KLINGENSMITH DON'T PRETEND TO GIVE THE LANGUAGE, IT WAS EVIDENT FROM HI WHOLE STATEMENT HE HEARD THE ORDER TO MAKE AWAY WITH THESE EMIGRANTS. MR. SMITH DID OBJECT, THE CUP THE EUPON MR. HAIGHT D~~O~~ISOLVED THE MEETING. *[14]* NOW, THEN WE HAVE THE	GOT UP AND ASKED WHAT THE CONSEQUENCES WOULD BE OF SUCH A THING." AS FAR AS WHAT WAS DONE, THE RESULT OF IT WAS~~:~~ PRESI~~F~~DENT HAIGHT, BECAUSE HE WAS A PRESIDENT OF THAT STAKE AT THAT TIME, BUT IT WAS NOT IN A PUBLIC MEETING, AND WHILE KLINGENSMITH DON'T PRETEND TO GIVE THE LANGUAGE, IT WAS EVIDENT FROM HI**S** WHOLE STATEMENT HE HEARD THE ORD~~E~~**R** TO MAKE AWAY WITH THESE EMIGRANTS. MR. SMITH DID OBJECT, THE CUP THE**R**EUPON MR. HAIGHT D~~O~~ISOLVED THE MEETING. *[14]* NOW, THEN WE HAVE THE

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RS	PS	RT	BT
THAT MEETING NO STATEMENTS EXCEPT K SMITH. BUT AFTER A WHILE I WILL SHOW YOU WE HAVE CORROBORATIN G CIRCUMSTANCES WHICH GO TO SHOW YOU THAT MEETING DID OCCUR BECAUSE IT IS REASONABLE IT IS NOT ONLY REASONABLE IT IS CONSISTENT WITH HARMONY WITH FACTS THAT FOLLOW. WHAT NEXT APPEARS IN THIS MAN'S TESTIMONY HE SAYS HE MET HAIGHT AND OTHERS HE WAS HINDMOST I CANNOT REMEMBER OUTSIDE OF THE ADOBE WALL HE SAYS		FACT TOF THAT MEETING IN OTHER WTATE ENTS EXTEPT SMITH'S. BUT IF, AN D WHILE , I WILL SAY TO YOU , WE HAVE COR**R**OBERATIN G CIRCUMSTANCE S WHICH GO TO SHOW THAT THAT ~~J~~**M**EETIN~~D~~G DID OCCUR, BECAUSE IT IS REASONABLE AND IT IS NOT ONLY REASONABLE BUT IT IS CONSISTENT AND IN HAR MONY WITH THE FACTS THAT FOLLOW. WHAT NEXT APPEARS IN THIS MAN'S TESTIMONY. HE SAYS HE MET HAIGHT AND OTHERS. HE WAS THE HINDMOST—I CANNOT REMEMBER WHERE BUT THINK OUTSIDE OF THE ADOBE WALL. HE SA~~U~~YS THE	FACT ~~T~~OF THAT MEETING IN OTHER ~~W~~**ST**ATE**M**EN**T**S EXTEPT SM**IT**H'S. B~~Y~~U**T** IF, AN D WHILE ~~,~~ I WILL SAY TO YOU , WE HAVE COR**R**OBERATIN G CIRCUMSTANCE S WHICH GO TO SHOW THAT THAT ~~J~~**M**EETIN~~D~~G DID OCCUR, BECAUSE IT IS REASONABLE AND IT IS NOT ONLY REASONABLE BUT IT IS CONSISTENT AND IN HAR MONY WITH THE FACTS THAT FOLLOW. WHAT NEXT APPEARS IN THIS MAN'S TESTIMONY. HE SAYS HE MET HAIGHT AND OTHERS. HE WAS THE HINDMOST—I CANNOT RMEMBER WHERE BUT **I** THINK OUTSIDE OF THE ADOBE WALL. HE SA~~U~~YS THE

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RS	PS	RT	BT
QUESTION OF EMIGRANTS WAS AGAIN CALLED TO HIS ATTENTION AND HE INTERCEDED HE SAYS BY VIRTUE OF CONVERSATION HE HAD AT THAT TIME IT WAS AGREED UPON MESSENGER SHOULD BE SENT PINTO CREEK WITH MESSAGE TO EFFECT INDIANS WERE TO BE CALLED OFF EMIGRANTS ALLOWED TO GO FREE. IN THIS K SMITH'S TESTIMONY IS CORROBORATED BY JOEL WHITE'S TESTIMONY; BECAUSE SAYS HE WENT WITH JOEL WHITE CORROBORATED		QUESTION OF THE MASSACRE OF THE EMIGRANTS WAS AGAIN CA**L**LED TO HIS ATTENTION AND HE INTERRUPTED IT, BUT HE SAYS, BY VIRTUE OF THE ~~V~~CONVERSAT ION HAD AT THAT TIME IT WAS AGRED UPON THAT A MESSENGER SHOULD BE SENT TO PINTO CREEK WITH A MESSAGE TO THE EFFECT THAT THE IN DIANS WERE TO BE CALLED OFF AND THE EMIGRANTS ALLOWED TO GO FREE. NOW, THEN, KLINGENSMITH' S TESTIMONY IS CORROBERATED ~~BECAUSE HE~~ ~~SAYS~~ BY JOEL WHITE'S TESTIMONY, BECAUSE HE SAYS HE WENT WITH JOEL WHITE AND THIS IS CORROBETATED	QUESTION OF THE MASSACRE OF THE EMIGRANTS WAS AGAIN CA**L**LED TO HIS ATTENTION AND HE INTERRUPTED IT, BUT HE SAYS, BY VIRTUE OF THE ~~V~~CONVERSAT ION HAD AT THAT TIME IT WAS AGREE**E**D UPON THAT A M~~A~~E**E**SSENGER SHOULD BE SENT TO PINTO CREEK WITH A MESSAGE TO THE EFFECT THAT THE INDIANS WERE TO BE CALLED OFF AND THE EMIGRANTS ALLOWED TO GO FREE. NOW, THEN, KLINGENSMITH' S TESTIMONY IS CORROBERATED ~~BECAUSE HE~~ ~~SAYS~~ BY JOEL WHITE'S TESTIMONY, BECAUSE HE SAYS HE WENT WITH JOEL WHITE AND THIS IS CORROBETATED

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RS	PS	RT	BT
BY JOEL WHITE'S TESTIMONY YOU SAW BOTH SMITH AND WHITE UPON STAND WHITE STATED IS MEMBER OF THE MORMON CHURCH AND *HE*[?] HAS BEEN SINCE THIS MASSACRE OCCURRED I HAVE NO DOUBT HE HAS REGULARLY TAKEN THE SACRAMENT OF THE LORD JESUS CHRIST AMONG HIS BRETHREN REGULARLY AND PRESUME IT WAS NOT UNKNOWN CERTAINLY NOT TO AUTHORITIES AT CEDAR CITY PROBABLY HERE EVERY MAN WHO WAS ENGAGED IN THIS WAS KNOWN AND HE WAS NOT CUT OFF MORMON CHURCH. MR.		BY JOEL WHITE'S TESTIMONY. YOU SAW BOTH SMITH AND WHITE UPON THE STAND. WHITE STATED HE IS A MEMBER OF THE MORMON CHURCH AND HAD BEEN SINCE THE MASSACRE OCCURRED. I HAVE NO DOUBT HE HAS REGULARLY TAKEN THE SACRAMENT OF THE LORD JESUS CHRIST ~~M~~AMONG HIS BRETHREN REGULARLY. HE PRESUMED IT WAS NOT UNKNOWN— CERTAINLY NOT TO THE AUTHORITIES AT CEDAR CITY AND PROBABLY HERE. EVERY MAN WHO WAS ENGAGED IN THIS WAS KNOWN AND HE WAS NOT CUT O F THE MORMON CHUR~~N~~CH. MR.	BY JOEL WHITE'S TESTIMONY. YOU SAW BOTH SMITH AND WHITE UPON THE STAND. WHITE STATED HE IS A MEMBER OF THE MORMON CHURCH AND HAD BEEN SINCE THE MASSACRE OCCURRED. I HAVE NO DOUBT HE HAS REGULARLY TAKEN THE SACRAMENT OF THE LORD JESUS CHRIST ~~M~~AMONG HIS BRETHREN REGULARLY. HE PRESUMED IT WAS NOT UNKNOWN— CERTAINLY NOT TO THE AUTHORITIES AT CEDAR CITY AND PROBABLY HERE~~.~~ **THAT** EVERY MAN WHO WAS ENGAGED IN THIS WAS KNOWN AND HE WAS NOT CUT O F THE MORMON CHUR~~N~~CH. MR.

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RS	PS	RT	BT
BISHOP HAS ALLUDED IT HAS *MAGNIFIED*[?] IT WE HAVE A BROTHER IN GOOD STANDING OF THE MORMON CHURCH ON THAT STAND. K SMITH EVEN IN TESTIMONY WAS AN ACTING BISHOP IN THAT CHURCH FOR YEARS AFTER THIS OCCURRED. NOW THEN LET US LOOK AT IT WE HAVE TESTIMONY OF MR. SMITH CORROBORATED BY JOEL WHILE A MAN WHOSE MANNER UPON STAND WAS —[?] WAS MODEST WITH UNASSUMING *UNREMARKABLE*[?] HE WAS A MEEK MAN HEARTBROKEN MAN. RIGHT NOW PERMIT ME TO DEVIATE PERMIT ME CALL {YOUR}[i] ATTENTION TO SMITH HE WAS		BISHOP HAS ALLUDED TO ~~A~~IT AS A [*space*]. WE HAVE HAD A BROTHER IN GOOD STANDING OF THE MORMON CHURCH ON THAT STAND. KLINGENSMITH IN HIS TESTIMONY H~~AS~~ STATES HE WAS ACTING BISHOP IN THAT CHURCH FOR YEARS AFTER THIS O CURRED. NOW, THEN, LET US LOOK AT IT; WE HAVE THE TESTIMONY OF KLINGENSMITH, CORROBERATED BY JOEL WHILE; A MAN WHOS MANNER UPON THE STAND WAS THAT OF A MEEK , UNASSUMING, HEARTBROKEN MAN. *[15]* RIGHT NOW LET ME DEVIATE AND PERMIT ME TO CALL YOUR ATTENTION TO SMITH. HE WAS	BISHOP HAS ALLUDED TO ~~A~~IT AS A [*space*]. WE HAVE HAD A BROTHER IN GOOD STANDING OF THE MORMON CHURCH ON THAT STAND. KLINGENSMITH IN HIS TESTIMONY H~~AS~~ STATES HE WAS ACTING BISHOP IN THAT CHURCH FOR YEARS AFTER THIS O CURRED. NOW, THEN, LET US LOOK AT IT; WE HAVE THE TESTIMONY OF KLINGENSMITH, CORROBERATED BY JOEL WHILE; A MAN WHOS**E** MANNER UPON THE STAND WAS THAT OF A MEEK , UNASSUMING, HEARTBROKEN MAN. *[15]* RIGHT NOW LET ME DEVIATE AND PERMIT ME TO CALL YOUR ATTENTION TO SMITH. HE WAS

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RS	PS	RT	BT
NOT FORWARD MAN NOT INSOLENT MAN K SMITH WHATEVER MAY HAVE BEEN HIS FORMER CHARACTER AS FAR AS EVIDENCE IS CONCERNED ABOUT THAT WE HAVE NOTHING {TO SAY}[i] UPON HIS CHARACTER EXCEPT HE WAS BISHOP IN MORMON CHURCH HE WAS A SUBDUED MAN. WHILE I AM ON THIS I WILL MAKE {**A**}[i] STILL FARTHER DIGRESSION WILLIAM YOUNG WAS PUT UPON {THE}[i] THAT STAND OLD MAN ON HIS DEATH BED YOU HEARD {THE}[i] DEATH RATTLE IN HIS		NOT A FORWARD MAN, NOT AN INSOLENT MAN, KLINGENSMITH. WHATEVER MAY HAVE BEEN HIS FORMER CHARACT R (AS FAR AS THE EVIDENCE IS CONCERNED) ABOUT THAT WE HAVE NOTHING TO SAY UPON HIS CHARACTER, EXCEPT THAT HE WAS A BISHOP IN THE MORMON CHUŦRCH, BUT ON THIS OCCASION HE WAS A SUBDUED MAN. WHILE I AM ON THIS SUBJECT I WILL MAKE A STILL FARTHER DIGRESSION. WI LIAM YOUNG WAS PUT ON THE STAND; BUT THE OLD MAN IS DEAD TO- DAY.[568] YOU HEARD THE DEATH RATTLE IN HIS	NOT A FORWARD MAN, NOT AN INSOLENT MAN, KLINGENSMITH. WHATEVER MAY HAVE BEEN HIS FORMER CHARACT R (AS FAR AS THE EVIDENCE IS CONCERNED) ABOUT THAT WE HAVE NOTHING TO SAY UPŌN HIS CHARACTER, EXCEPT THAT HE WAS A BISHOP IN THE MORMON CHUŦRCH, BUT ON THIS OCCASION HE WAS A SUBDUED MAN. WHILE I AM ON THIS SUBJECT, I WILL MAKE A STILL FARTHER DIGRESSION. WI**L**LIAM YOUNG WAS PUT ON THE STAND; BUT THE OLD MAN IS DEAD TO-DAY. YOU HEARD THE DEATH RATTLE IN HIS

568. William Young actually died a month later, September 2, 1875, in Washington, Utah.

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RS	PS	RT	BT
THROAT YOU SAW THE LINES DRAWN UPON HIS FEATURES YOU SAW THE MARKS {THE}[i] TRACE/// OF MISERY; **AH** THE MISERY OF 18 YEARS WHICH GREW FROM THE KNOWLEDGE OF THE SAVAGE SCENES THAT OCCURRED ON THAT BLOODY FIELD MOUNTAIN MEADOW. K SMITH AS I SAID WAS A SUBDUED MAN, AND FOR A VERY SIMPLE REASON [10] IT IS THE LAW OF HUMAN NATURE. IT IS THE LAW OF GOD HIMSELF THAT A MAN WHO STEEPS HIS HANDS IN INNOCENT BLOOD = IF IN THE MERCY OF GOD IS ALLOWED TO REMAIN ON HIS FOOTSTOOL HE IS SUFFERING ALL THE TORTURES		THROAT; YOU SAW THE LINES DRAWN UPON HIS FEATURES. YOU SAW THE TRACE OF MISSERY—AH! THE MISERY OF I8 YEARS, WHICH GROWS FROM THE KNOWLEDGE OF THE FACTS SINCE THAT OCCURRED ON THAT BLOODY FIELD, THE MOUNTAIN MEADOWS KLINGENSMITH WAS A SUBDUED MAN, AND FOR A VERY SIMPLE REASON. IT WAS THE LAW OF HUMAN NATURE , IT IS THE LAW OF GOD HIMSELF, THAT A MAN WHO STEEPS HIS HANDS IN INNOCENT BLOOD—IF IN THE MERCY OF GOD HE IS ALLOWED TO REMAIN ON HIS FOOTSTOOL, HE IS ~~F~~SUFFER~~E~~ING ALL THE TORTURES OF	THROAT; YOU SAW THE LINES DRAWN UPON HIS FEATURES. YOU SAW THE TRACE OF MISSERY—AH! THE MISERY OF I8 YEARS, WHICH GROWS FROM THE KNOWLEDGE OF THE FACTS SINCE THAT OCCURRED ON THAT BLOODY FIELD, THE MOUNTAIN MEADOWS**.** KLINGENSMITH WAS A SUBDUED MAN, AND FOR A VERY SIMPLE REASON. IT WAS THE LAW OF HUMAN NATURE , IT IS THE LAW OF GO~~R~~D HIMSELF, THAT A MAN WHO STEEPS HIS HANDS IN INNOCENT BLOOD—IF IN THE MERCY OF GOD HE IS ALLOWED TO REMAIN ON HIS FOOTSTOOL, HE IS ~~F~~SUFFER~~E~~ING ALL THE TORTURES OF

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RS	PS	RT	BT
DEATH DAILY LIFE TO SUCH A MAN IS CRUCIFIXION IT IS DYING INCH BY *INCH*[?] IT IS THE TORTURE OF HELL HE CARRIES AROUND IN HIS CONSCIENCE **AH** GENTLEMEN OF THE JURY ALL THREE OF THESE MEN BEAR THE LINEAMENTS AND MARKS AND RAVAGES OF CONSCIENCE IF WE LOOK WITHIN THEIR SOULS THAT HAS FOR 18 YEARS MADE THEM ~~≤~~MISERABLE~~≥~~ HOWEVER RECKLESS BLOODTHIRSTY RAVENOUS MORE BLOODTHIRSTY AND SAVAGE AS THE WOLVES *MIGHT*[?] ~~≤~~THEY		DEATH DAILY. LEAVE TO SUCH A MAN HIS ~~CRUCIFICTION~~ CRUCIFI~~Z~~XION. IT I DYING INCH BY INCH; IT IS THE TORTURE OF HELL WHICH HE CARRIES AROUND IN HIS CONSCIENCE. AH! GENTLEMEN OF THE JURY, ALL THERE IS OF THIS MAN BEARS THE LINEAMENTS AND MARKS AND THE RAGAGES OF CONSCIENCE. IF WE COULD LOOK WITHIN THEIR SOULS THAT HAS FOR I8 YEARS MADE THEM MISERABLE— HOWEVER RECKLESS AND BLOODTHIRSTY —AND MORE BLOODTHIRSTY AND RAVENOUS AND BLOODTHIRSTY ALMOST THAN WOLVES AS THEY	DEATH DAIL~~U~~Y. LEAVE TO SUCH A MAN HIS ~~CRUS~~**C**~~CIFIC~~**X**~~TIO~~ ~~N~~ CRUCIFI~~Z~~XION. IT I DYING INCH BY INCH; IT IS THE TORTURE OF HELL WHICH HE CARRIES AROUND IN HIS CONSCIENCE. AH! GENTLEMEN OF THE JURY, ALL THERE IS OF THIS MAN BEARS THE LINEAMENTS AND MA~~K~~RKS AND THE **RAVAGES** ~~RAGAGES~~ OF CONSCIENCE. IF WE COULD LOOK WITHIN THEIR ~~L~~SOULS THAT HAS FOR I8 YEARS MADE THEM MISERABLE— HOWEVER RECKLESS AND BLOODTHIRSTY ~~—AND~~ **THE** MORE BLOODTHIRSTY AND RAVENOUS ~~—AND~~ **MORE** BLOODTHIRSTY ALMOST THAN WOLVES AS THEY

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RS	PS	RT	BT
MAY HAVE BEEN[?] WHEN THEY CAME UPON STAND~~=~~ THEY WERE SUBDUED HUMBLE AS LITTLE CHILDREN IT IS THE ~~<~~MISERABLE~~>~~ LAW OF GOD IT IS THE RESULT OF THE RANKLING AND WORKINGS OF A GUILTY CONSCIENCE WHICH HAS PRODUCED THAT RESULT NOW GENTLEMEN OF JURY JOEL WHITE THEN I SAY *AND*[?] IF THERE IS ANYTHING TO DISCREDIT HIM HERE IS THE FACT THAT TODAY HE IS IN GOOD STANDING WITH THIS MORMON CHURCH BY REASON OF HAVING ~~ITS~~ BEEN A MEMBER OF AND SUBJECT TO THAT MOST INFAMOUS		MAY HAVE BEEN—WHEN THEY CAME UPON THE STAND THEY WERE SUBDUED AND HUMBLE AS LITT~~L~~E CHILDREN. IT IS THE LAW OF GOD, IT IS THE RESULT OF A RANKLING AND THE WORKINGS OF A GUILTY CONSCIENCE WHICH HAS PRODUCED THAT RESULTZ. NOW, GENTLEMEN OF THE JURY, JOEL WHITE THEN, I SAY SHOULD IF THE E IS ANYTHING TO DISCREDIT HIM HERE—AS TO THAT FACT THAT HE TO-DAY, IS IN GOOD STANDING WITH THIS MORMON CHURCH BY *[16]* REASON OF HAVING BEEN A ME~~N~~MBER OF AND SUBJECT TO THAT MOST INFAMOUS	MAY HAVE BEEN—WHEN THEY CAME UPON THE STAND THEY WERE SUBDUED AND HUMBLE AS LITT~~L~~E CHILDREN. IT IS THE LAW OF GOD, IT IS THE RESULT OF A RANKLING AND ~~THE~~ WORKINGS OF A GUILTY CONSCIENCE WHICH HAS PRODUCED THAT RESULT~~Z~~**S**. NOW, GENTLEMEN OF THE JURY, JOEL WHITE THEN, I SAY SHOULD ~~,~~ IF THE**R**E IS ANYTHING TO DISCREDIT HIM HERE~~—AS TO THAT~~ **IS THE** FACT THAT HE TO-DAY, IS IN GOOD STANDING WITH THIS MORMON CHURCH **WHICH** BY *[16]* REASON OF HAVING BEEN A ME~~N~~MBER OF AND SUBJECT TO THAT MOST INFAMOUS

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RS	PS	RT	BT
ORGANIZATION		ORGANIZATION.	ORGANIZATION~~.~~ **, HE WAS ~~LEADER~~ MADE A WITNESS OF THIS BLOODY MASSACRE**
WHO CALLED THAT YOUNG MAN PIERCE WHO WAS ONLY 14 YEARS OLD OUT THERE LAID BURDEN OF THAT CRIME UPON HIS SOUL PRESENTED THAT HORRIBLE SPECTACLE TO THAT YOUNG MAN THAT AUTHORITIES OF THIS CHURCH WHO ORDERED HIM OUT WOULD HAVE BEEN MERCIFUL TO THAT YOUNG MAN ~~<~~IF THEY~~>~~ HAD TAKEN HIM OUT AND WITH BROAD AX SEVERED HIS HEAD FROM HIS BODY AS THEY WOULD HAVE BEEN MERCIFUL TO OTHER MEN THEY ORDERED OUT. NOW THEN HAS NOT		WHO CALLED THAT YOUNG MAN PIERCE WHO WAS O~~L~~NLY I4 YEARS OLD OUT THERE? WHO LAID THE BURDEN OF THAT CRIME UPON HIS SOUL? PRESENTED THAT HORRIBLE SPECTACLE? THE AUTHORITIES OF THIS CHURCH WHO ORDERED HIM OUT WOULD HAVE BEEN MERCIFUL TO THAT YOUNG MAN IF THEY HAD TAKEN HIM OUT AND WITH A BROAD AX AND SECERED HISHEA~~R~~D FROM HIS BODY AS THEY WOULD HAVE BEEN MERCIFUL TO OTHER MEN THEY ORDERED OUT. NOW, THEN, SIR,	WHO CALLED THAT YOUNG MAN PIERCE WHO WAS O~~L~~NLY I4 YEARS OLD OUT THERE? WHO LAID THE BURDEN OF THAT CRIME UPON HIS SOUL? PRESENTED THAT HORRIBLE SPECTACLE? THE AUTHORITIES OF THIS CHUR~~C~~H WHO ORDERED HIM OUT WOULD HAVE BEEN MERCIFUL TO THAT YOUNG MAN IF THEY HAD TAKEN HIM OUT AND WITH A BROAD AX AND SE~~C~~**V**ERED HISHEA~~R~~D FROM HIS BODY AS THEY WOULD HAVE BEEN MERCIFUL TO OTHER MEN THEY ORDERED OUT. NOW, THEN, SIR,

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RS	PS	RT	BT
JOEL WHITE CORROBORATED KLINGENSMITH THEN /// THAT ONE MORNING HE CAME ALONG SAW SOME MEN IN CONSULTATION HAIGHT AND SMITH HE REMEMBERS I DO NOT THINK HE REMEMBERS THE OTHER. WHAT OCCURRED THERE[569] IN CORROBORATIO N OF SMITH. WHY HE SAID BY REASON OF SOME TALK SOMETHING OCCURRED BEFORE HE CAME UP THERE WHICH HE DIDN'T HEAR IF SMITH AND JOEL WHITE HAD BEEN IN COLLUSION HAD YOU		JOEL WHITE CORROBERATED KLINGENSMITH THE~~M~~N; THAT ON THE MORNING HE CAME THERE THERE WAS SOME MEN IN CONSULTATION. HAIGHT AND SMITH HE REMEMBERED; BUT I DO~~N~~ NOT THINK HE REMEM~~N~~BERS THE OTHER. WHAT OCCURRED THERE IN CORROBORA ION OF KLINGENSMITH? WHY, HE SAID BY REASON OF SOME TLAK— SOMETHING OCCURRED BEFORE HE CAME UP THERE WHICH HE DIDN'T HE~~R~~AR. IF XLINGENSMITH AND JOEL WHITE HAVE BEEN IN COLLUSION — HAD YOU	JOEL WHITE CORROBERATED KLINGENSMITH ~~THENM;~~ **IN** THAT ~~ON THE~~ **ONE** MORNING ~~HE~~ CAME **ALONG HE SAW** ~~THERE THERE WAS~~ SOME MEN IN CONSULTATION. HAIGHT AND SMITH HE REMEMBERED; BUT I DO~~N~~ NOT THINK HE REMEM~~N~~BERS THE OTHER. WHAT OCCURRED THERE IN CORROB~~O~~**E**RA**T**I ON OF KLINGENSMITH? WHY, HE SAID BY REASON OF SOME **TALK** ~~TLAK —~~ SOMETHING OCCURRED BEFORE HE CAME UP THERE WHICH HE DIDN'T HE~~R~~AR~~.~~ — IF XLINGENSMITH AND JOEL WHITE HAVE BEEN IN COLLUSION — HAD YOU

569. Word apparently added later.

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RS	PS	RT	BT
STUDIED *DULY*[?] THERE IS OCCASION PROSECUTION IT MAY BE MADE APPEAR WHEN THEY DID DISAGREE IN SOME PARTICULARS I WILL CALL YOUR ATTENTION TO IT REMEMBER FACT THEY DID DISAGREE IS THE BEST EVIDENCE THAT THERE IS NO COLLUSION EACH WAS TELLING THE TRUTH FROM HIS OWN STANDPOINT. HE SAYS ⪦HE DIDN'T HEAR⪧ WHAT OCCURRED LETTER WAS PUT INTO MY HAND WHEN IT WAS PUT INTO MY HAND IT WAS SAID IT WAS A LETTER TO BE CARRIED TO PRESIDING OFFICER TO PINTO CREEK		STAID TILL HIS PROSECUTION, IT MAY HAVE BEEN MADE TO APPEAR. NOW, THEY DO DISAGREE IN SOJME PARTICULARS, AND I WILL CALL YOUR ATTENTION TO IT, BUT REMEMBER THE FACT THAT THEY DID DISAGREE IS, THE BEST EVIDENCE THAT THERE IS NO COLLUSION. EACH WAS TELLING THE TRUTH FROM HIS OWN STANDPOINT. HE SAYS HE DIDN'T HEAR WHAT OCCURRED. THE LETTER WAS PUT INTO MY HAND. WHEN IT WAS PUT INTO MY HAND IT WAS SAID IT WAS A LETTER TO BE CARRIED TO THE PRESIDING OFFICER TO PINTO CREEK.	STAID TILL HIS PROSECUTION, IT MAY HAVE BEEN MADE TO APPEAR. NOW, THEY DO DISAGREE IN SO⊣ME PARTICULARS, AND I WILL CALL YOUR ATTENTION TO IT, BUT REMEMBER THE FACT THAT THEY DID DISAGREE IS, THE BEST EVIDENCE THAT THERE IS NO COLLUSION. EACH WAS TELLING THE TRUTH FROM HIS OWN STANDPOINT. HE SAYS HE DIDN'T HEAR WHAT OCCURRED. THE LETTER WAS PUT INTO MY HAND. WHEN IT WAS PUT INTO MY HAND IT WAS SAID IT WAS A L⊣ETTER TO BE CARRIED TO THE PRESIDING OFFICER TO PINTO CREEK.

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RS	PS	RT	BT
OBJECT WHICH WAS TO CALL OFF INDIANS AND LET EMIGRANTS GO FREE. DOES NOT THAT HARMONIZE AIN'T IT CONSISTENT WITH DECLARATIONS OF MR. SMITH HE DID OPPOSE THIS THING NOT ONLY SO BUT HE SAYS MR. SMITH HE VOLUNTEERED [11] {HE}[i] ALSO SAYS HE VOLUNTEERED. ONE OF THEM SAYS ABOUT 12 O'CLOCK ANOTHER LITTLE BEFORE SUNDOWN MY BROTHER BISHOP SAYS AT 12 HE STARTED ON THAT JOURNEY ABOUT 12 AND SMITH SAYS HE STARTED IN THE EVENING ≤AND MY BROTHER HOGE		THE OBJECT WAS TO CALL OFF THE INDIAND AND LET THE EMIGRANTS GO FREE. DOES NOT THAT HARMONIZE; AIN'T IT CONSISTENT WITH THE DECLARATIONS OF MR. SMITH? HE DID OPPOSE THIS THING, NOT ONLY SO, BUT HE SAYS MR. SMITH , T E THAT HE VOLUNTEERED; HE ALSO SAYS THAT HE VOLUNTEERED. ONE OF THEM SAYS ABOUT 12 O'CLOCK, AND ANOTHER BEFORE SUNDOWN. MY BROTHER BISHOP SAYS HE STARTED ON THAT JOURNEY ABOUT 12, AND SMITH SAYS [17] HE STARTED ON THAT JOURNEY ABOUT 12, AND SMITH SAYS HE STARTED IN THE EVENING, AND MY BROTHER HOGE	THE OBJECT WAS TO CALL OFF THE INDIAND AND LET THE EMIGRANTS GO FREE. DOES NOT THAT HARMONIZE;**?** AIN'T IT CONSISTENT WITH THE DECLA~~T~~RATION S OF MR. SMITH? HE DID OPPOSE THIS THING, NOT ONLY SO, BUT HE SAYS MR. SMITH , ~~THE THAT HE~~ VOLUNTEERED; HE ALSO SAYS THAT HE VOLUNTEERED. ONE OF TH~~E~~M SAYS ABOUT I2 O'CLOCK, AND ANOTHER BEFORE SUNDOWN. MY BROTHER BISHOP SAYS HE STARTED ON THAT JOURNEY ABOUT I2, A ND SMITH SAYS [17] ~~HE STARTED ON THAT JOURNEY ABOUT I2~~, AND SMITH SAYS HE START~~F~~D~~R~~ED IN THE EVENING; AND MY BROTHER HOGE

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RS	PS	RT	BT
SAYS~~>~~ LIE NUMBER 5. IT HAS BEEN THESE LITTLE DISCREPANCIES I EXCUSE THE ANXIOUS DESPERATION IF THEIR CASE DRIVES THEM TO IT. APPEAL TO YOUR EXPERIENCE AS SENSIBLE MEN HOW MANY GENTLEMEN OF THE JURY DO YOU SUPPOSE TO TESTIFY WHAT HAS OCCURRED IN THIS COURT THAT WOULD TELL IT JUST ALIKE IN ALL ITS DETAILS. THERE IS NO TWO MEN I VENTURE WILL TESTIFY TO IT EXACTLY ALIKE I UNDERTAKE IN ALL ITS DETAILS I		SAYS THAT IS “LIE NUMBER **5**” OF THIS MAN KLINGENSMITH! IT HAS BEEN THESE LIT LE DISCREPENCIES **(**AND I EXCUSE THE EXIGENT DESPERATION OF THEIR CASE**)** THAT DRIVES THEM TO IT. THEY APPEAL TO YOUR EXPERIENCE AS SENCIBLE MEN. HOW MANY, GENTLEMEN OF THE JURY, DO YOU SUPPOSE COULD TESTIFY AND THAT HAVE DONE IN THIS COURT AS TO WHAT OCCURRED THAT WOULD TELL IT JUST AL~~K~~IKE IN ALL ITS DETAILS? THERE ARE NO TWO MEN, I VENTURE THAT WILL TESTIFY TO IT EXACTLY ALIKE. I U NDERTAKE, IN ALL ITS DETAILS—I	SAYS THAT IS “LIE NUMBER **5**” OF THIS MAN KLINGENSMITH! ~~IT~~ **THERE** HAS BEEN THESE LIT**T**LE DISCREPANCIES ~~AND~~ **WHICH** I EXCUSE **BECAUSE OF** THE EXIGENT DESPERATION OF THEIR CASE ~~THAT~~ DRIVES THEM TO IT. THEY APPEAL TO YOUR EXPERIENCE AS SENCIBLE MEN. HOW MANY, GENTLEMEN OF THE JURY, DO YOU SUPPOSE COULD TESTIFY ~~AND~~ THAT HAVE DONE IN THIS COURT AS TO WHAT OCCURRED THAT WOULD TELL IT JUST AL~~K~~IKE IN ALL ITS DETAILS? THERE ARE NO TWO MEN, I VENTURE THAT WILL TESTIFY TO IT EXACTLY ALIKE. I U NDERTAKE, IN ALL ITS DETAILS—I

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RS	PS	RT	BT
UNDERTAKE TO SAY IF PROVED THE ISSUE OF WHAT OCCURRED HERE WAS INVOLVED IN LAW SUIT IF ANY TWO WITNESSES WENT UPON STAND TOLD IT ALIKE IN ALL ITS DETAILS IT WOULD RENDER THEIR ≤UNWORTHY≥ STORIES WORTHY OF BELIEF. JURY WOULD NOT BELIEVE THEM ONLY SO FAR AS THEIR STATEMENT. IT WOULD SHOW THAT THESE MEN HAD COLLUDED TOGETHER AND FIXED UP STORIES TOGETHER. EXCEPT IN CASE WHERE THERE COLLUSION IF THERE HAD BEEN COLLUSION AND WHAT IS THE EVIDENCE		UNDERTAKE TO SAY, IF PROVED, THE ISSUE OF WHAT OCCURRED HERE WAS INVOLVED IN A LAWSUIT, IF ANY TWO WITNESSES WENT UPON THE STAND WOULD TELL IT ALIKE IN AL ITS DETAILS~~.~~**,** IT WOULD RENDER THEIR STORIES UNWORTHY OF BELIEF. THE JURY WOULD NOT BELIEVE TH~~E~~M ONLY SO FAR AS THEIR STATEMENT. IT WOULD SHOW THAT THESE MEN HAD COLLUDED TOGETHER AND FIXED UP STORIES TOGETHER; EXCEPT IN A CASE WHERE THERE ARE COLLUSIONS, IF THERE HAD BEEN A COLLUSION, AND WHAT IS THE EVIDENCE	UNDERTAKE TO SAY, IF **PROVIDED** ~~PROVED~~, THE ISSUE OF WHAT OCCURRED HERE WAS INVOLVED IN A LAWSUIT, ~~IF~~ **AND** ANY TWO WITNESSES WENT UPON THE STAND **AND** WOULD TELL IT ALIKE IN AL**L** ITS DETAILS~~.~~**,**IT WOULD RENDER THEIR STORIES UNWORTHY OF BELIEF. THE JURY WOULD NOT BELIEVE TH~~E~~M ONLY SO FAR AS THEIR STATEMENT. IT WOULD SHOW THAT THESE MEN HAD COLLUDED TOGETHER AND FIXED UP STORIES TOGETHER~~;~~ ~~EXCEPT~~ IN A CASE WHERE THERE ARE COLLUSIONS, IF THERE ~~HAD~~ **HAS** BEEN ~~A~~ **A** COLLUSION, ~~AND~~ WHAT IS THE EVIDENCE

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RS	PS	RT	BT
OF IT IF THERE HAD BEEN COLLUSION BETWEEN SMITH AND THIS MAN WHITE WHO CERTAINLY IS MEEK HIS MANNER WAS GOOD I DON'T BELIEVE MR. WHITE IS A BAD MAN HE DIDN'T IMPRESS THIS JURY SO HE EXCITED YOUR SYMPATHY GENTLEMEN OF THE JURY BECAUSE YOU SAW IN HIM A MAN ON WHOM HAD BEEN LAID A BURDEN WHICH HAS BLASTED HIS LIFE JEOPARDIZED HIS SOUL. BECAUSE K SMITH AFTER THE LAPSE OF {1}[i]8 YEARS THOUGHT IT WAS ABOUT TWELVE O'CLOCK BECAUSE JOEL WHITE THINKS THEY STARTED LITTLE BEFORE SUNDOWN		OF IT? IF THERE HAD BEEN COLLUSION BETWEEN KLINGENSMITH AND THIS MAN WHITE, WHO CERTAINLY IS MEEK AND HIS MANNER IS GOOD (AND I DON'T BELIEVE MR. WHITE IS A BAD MAN) HE DON'T IMPRESS THE JURY SO. HE EXCITED YOUR SYMPATHY, GENTLEMEN OF THE JURY, BECASUE YOU SAW IN HIM A MAN ON WHOM HAD LAID A BURDEN WHICH HAS BLASTED HIS SOUL AND JEOPARDIXED HIS LIFE. BECAUSE KLINGENSMITH, AFTER THE LAPSE OF I8 YEARS, SAID IT WAS ABOUT I2 O'CLOCK, AND BECAUSE JOEL WHITE THEN SAYS THEY STARTED A LITTLE BEFORE SUNDOWN,	OF IT? IF THERE HAD BEEN COLLUSION BETWEEN KLINGENSMITH AND THIS MAN WHITE, WHO CERTAINLY IS MEEK AND HIS MANNER IS GOOD— ~~(~~AND I DON'T BELIEVE MR. WHITE IS A BAD MAN~~)~~ —HE DON'T IMPRESS THE JURY SO. HE EXCITED YOUR SYMPATHY, GENTLEMEN OF THE JURY, BECAUSE YOU SAW IN HIM A MAN ON WHOM HAD BEEN LAID A BURDEN WHICH HAS BLASTED HIS SOUL AND JEOPARDI~~X~~**Z**ED HIS LIFE. BECAUSE KLINGENSMITH, AFTER THE LAPSE OF I8 YEARS, SAID IT WAS ABOUT I2 O'CLOCK, AND BECAUSE JOEL WHITE THEN SAYS THEY STARTED A LITTLE BEFORE SUNDOWN,

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RS	PS	RT	BT
THERE IS LIE NUMBER FIVE THAT IS GOOD ILLUSTRATION OF THE *RKS/WORKS*[?] OF COUNSEL. THEY WENT TO PINTO CREEK JOEL WHITE SAYS HE DELIVERED THAT LETTER, *THOUGH/THINK*[?] IT *WITH NO* *EXCEPTIONS*[?]		THEN THERE IS **“**LIE NUMBER FIVE**”**. THAT IS A G OD ILLUSTRATION OF THE WEAKNESS OF THE COUNSEL. THEY WENT TO PINTO. JOEL WHITE SAYS HE DELIVERED THAT LETTER, KLINGENSMITH SAYS HE DELIVERED IT—	THEN THERE IS **“**LIE NUMBER FIVE.**”** THAT IS A G**O**OD ILLUSTRATION OF THE WEAKNESS OF THE COUNSEL. THEY WENT TO PINTO. JOEL WHITE SAYS HE DELI~~E~~VERED THAT LETTER, ~~KLINGENSMITH~~ ~~SAYS HE~~ ~~DELIVERED IT —~~ **~~AND SAYS IT~~** **~~CONTAINED A~~** **~~MESSAGE~~& SAYS HE** **THOUGHT**
CONTAINING A MESSAGE OF MERCY IT MAY HAVE CONTAINED FROM THE HANDS OF THAT MAN A MESSAGE OF DEATH EVIDENCE HAS SHOWN HIM TO BE ONE OF THE FALSEST OF MEN HERE IS MURDERER IN THIS MATTER SAVING AND EXCEPT THE		CONTAINING A MESSAGE OF MERCY. IT MAY HAVE CONTAINED ~~TH~~ FROM THE HANDS OF THAT MAN A MESSAGE OF DEATH. THE EVIDENCE HAS SHOWN HIM TO BE ONE OF THE VILEST, *[18]* FALSEST OF MEN. HERE IS THE MURDER IN THIS MATTER, SAVE AND EXCEPT THE	CONTAINING A MASSAGE OF MERCY. IT MAY HAVE CONTAINED ~~TH~~ FROM THE HANDS OF THAT MAN A MESSAGE OF DEATH. THE EVIDENCE HAS SHOWN HIM TO BE ONE OF THE VILEST, *[18]* FALSEST OF MEN. HE~~RE~~ **WAS** ~~IS~~ THE **GREATEST** MURDER**E** IN THIS MATTER, ~~W~~SAVE AND EXCE~~P~~T THE

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RS	PS	RT	BT
PRISONER AT THE BAR. WHAT THAT LETTER CONTAINED YOU DO NOT KNOW WE DO NOT KNOW GENTLEMEN YOU ARE NOT CALLED UPON TO KNOW YOU WOULD BE RECREANT AS TO WHAT THAT LETTER CONTAINED IN AS MUCH AS IT HAS NOT BEEN PRODUCED HERE YOU TO KNOW ABOUT IT. WOULD EXPECT PURPOSE FOR WHICH THE MESSAGE WAS CARRIED WAS FOR BENEFIT {OF}[i] THESE EMIGRANTS. THE DEFENSE PUT HIM ON ROBINSON {THEY CLAIMED WAS THEIR WITNESS.}[i] *LIKE/LOOK THEY/THEM*[?]		PRISONER AT THE BAR. WHAT THAT LETTER CONTAINED YOU DO NOT KNOW, I DO NOT KNOW, AND GENTLEMEN YOU ARE NOT CALLED UPON TO KNOW. YOU WOULD BE RECREANT TO YOUR TRUST AS TO WHAT THAT L~~3~~ETTER CONTAIND IN AS MUCH AS IT HAS NOT BEEN PRODUC~~T~~ED ~~TH~~ HERE FOR YOU TO KNOW ANYTHING ABOUT IT. THE OBJECT AND PURPOSE FOR WHAT THE LETTER WAS CARRIED WAS FOR THE BENEF~~E~~IT OF THOSE EMIGRANTS. THE DEFENSE PUT HIM ON THE STAND, THE MAN ROBINSON, WHOM THEY CLAIMED AS THEIR WITNESS. THE	PRISONER AT THE BAR. WHAT THAT LETTER CONTAINED YOU DO NOT KNOW, I DO NOT KNOW, AND GENTLEMEN YOU ARE NOT CALLED UPON TO KNOW. YOU WOULD BE RECREANT TO YOUR TRUST **IF YOU STOPPED TO ENQUIRE** AS TO WHAT THAT L~~3~~ETTER CONTAIND IN AS MUCH AS IT HAS NOT BEEN PRODUC~~T~~ED ~~TH~~ HERE FOR YOU TO KNOW ANYTHING ABOUT IT. THE OBJECT AHD PURPOSE FOR WHAT THAT LETTER WAS CARRIED WAS FOR THE BENEF~~E~~IT OF THESE EMIGRANTS. THE DEFENSE PUT HIM ON THE STAND, THE MAN ROBINSON, WHOM THEY CLAIMED AS THEIR WITNESS. THE

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RS	PS	RT	BT
PROSECUTION NOW STATE WHITE'S EVIDENCE TO BE HE DELIVERED IT TO THAT MAN MY REMEMBRANCE OF MR. WHITE'S EVIDENCE SAYS HE SAYS {HE}[i] DELIVERED TO THE LETTER THE PERSON IN CHARGE OF THE INDIANS HE THINKS HIS NAME [12] WAS ROBINSON. WHEN ROBINSON ~~WAS~~ IS PUT ON THE STAND DOES HE CONTRADICT MR. WHITE SAYS HE DIDN'T REMEMBER ANY SUCH LETTER {ALTHOUGH}[i] 18 YEARS ELAPSED HE MUST REMEMBER FACT OF RECEIVING THAT LETTER. HE DOES REMEMBER OF SOMETHING BEING PLACED IN HIS HANDS. ANY ONE MAN IF		PRO~~W~~SECUTION NOW STATE WHITE'S EVIDENCE TO BE, THAT HE DELIVERED IT TO THAT MAN. MY REMEMBERENCE OF MR. WHITE'S EVIDENCE SAYS HE DELIVERED THE LETTER TO THE PERWON IN CHARGE OF THE INDIAN~~D~~S. HE THOUGHT HIS NAME WAS ROBINSON. WHEN ROBINSON IS PUT ON THE STAND, DOES HE CONTRADICT MR. WHITE? HE SAYS HE DON'T REMEMBER ANY SUCH LETTER, AND ALTHOUGH I8 YEARS HAVE ELAPSED, HEMUST REMEMBER THE FACT OF RECEIVING THAT LETTER. HE DOES REMEMBER OF SOMETHING BEING PLACED IN HIS HANDS. IF ANY ONE MAN	PRO~~W~~SECUTION NOW STATE WHITE'S EVIDENCE TO BE, THAT HE DELIVERED IT TO THAT MAN. MY REMEMBERENCE OF MR. WHITE'S EVIDENCE SAYS HE DELIVERED THE LETTER TO THE PER~~W~~**S**ON IN CHARGE OF THE INDIAN~~D~~S. HE THOUGHT HIS NAME WAS ROBINSON. WHEN ROBINSON IS PUT ON THE STAND, DOES HE CONTRADICT MR. WHITE? HE SAYS HE DON'T REMEMBER ANY SUCH LETTER, AND ALTHOUGH I8 YEARS HAVE ELAPSED, HE MUST REMEMBER THE FACT OF RECEIVING THAT LETTER. HE DOES REMEMBER OF SOMETHING BEING PLACED IN HIS HANDS. IF ANY ONE MAN

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RS	PS	RT	BT
YOU *SAY/SEE*[?] DIAGRAPH IT THERE THERE IS A DOZEN MEN STANDING AROUND THERE EACH ONE HAS HIS ATTENTION DIRECTED TO {THE}[i] SAME PARTICULAR POINT THEY OCCUPY DIFFERENT POSITIONS EACH ONE IS LOOKING AT THE OBJECT FROM HIS STANDPOINT ONE MAY BE INTENT UPON SOME PARTICULAR POINT THAT WILL LEAD THEM OVERLOOK SOMETHING ELSE DONE IN CROWD IN HUMAN EXPERIENCE IN ALL CASES WHERE VARIOUS WITNESSES ARE BROUGHT UP TOGETHER		THAT YOU NOW SEE TOOK THAT OUT THERE (AND THERE IS A DOZEN MEN STANDING AROUN~~D~~ THERE) EACH ONE HAS HI S ATTENTION TO THE SAME PARTICULAR POINT, BUT THEY OCCUPY DIFFERENT POSITIONS; EACH ONE IS LOOKING AT THE OBJECT; ONE MAY BE INTENT UPON THE SAME PARTICULAR POINT THAT WILL LEAD HIM TO OVERLOOK SOMETHING ELSE DOWN IN THE CROW~~N~~D. THAT IS HUMAN EXPERIENCE . IN ALL CASES WHE E VARIOUS WITNESSES ARE BROUGHT ON THE STAND, AND WERE TOGETHER IN THE INCIDENT	THAT YOU NOW SEE TOOK THAT OUT THERE (AND THERE IS A DOZEN MEN STANDING AROUN~~D~~ THERE) EACH ONE HAS HI S ATTENTION TO THE SAME PARTICULAR POINT, BUT THEY OCCUPY DIFFERENT POSITIONS; EACH ONE IS LOOKING AT THE OBJECT; ONE MAY BE INTENT UPON THE SAME PARTICULAR POINT THAT WILL LEAD HIM TO OVERLOOK SOMETHING ELSE DONE IN THE CROW~~N~~D. THAT IS HUMAN EXPERIENCE . IN ALL CASES WHE**R**E VARIOUS WITNESSES ARE BROUGHT ON THE STAND, AND WERE TOGETHER IN THE INCIDENT

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RS	PS	RT	BT
ONE WITNESS REMEMBERS THING ANOTHER DOESN'T. —[?] TAKE THAT CASE SUPPOSED TO BE CASE DOWN THERE HE TELLS CERTAIN FACT PENNING OUT A DIAGRAPH ANOTHER WITNESS COMES UP WHO WAS THERE DIDN'T SEE IT. THAT DON'T CONTRADICT MAN BECAUSE HE DON'T REMEMBER HE MAY NOT HAVE IT FASTENED ON HIS MEMORY AS OTHERS DID THAT DON'T CONTRADICT JOEL WHITE IF HE *HAD SAID*[?] POSITIVELY NO SUCH LETTER WAS DELIVERED		BEI NG DETAILED, AND THEY WERE ALL TOGETHER. ONE WITNESS WILL REMEMBER ONE THING AND THE OTHER DOESN'T. TAKE THAT CASE, SUPPOSED TO BE THE CASE DOWN THERE. HE TELLS CERTAIN FACTS DOWN THERE, AND ANOTHER WITNESS COMES UP WH WAS THERE BUT HE DIDN'T SEE IT. THAT DON'T CONTRADICT THE MAN BECAUSE HE DON**'**T REMEMBER. HE STANDS ON HIS MEMORY AS THE OTHERS DID. THEY DON'T CONTRADICT JOEL WHITE, FOR ~~HE~~ <**KLINGENSMIT** **H**> TESTIFIED POSITIVELY NO SUCH LET ER WAS DELIVERED/ *[19]*	BEI~~J~~NG DETAILED, AND THEY WERE ALL TOGETHER~~.~~**,**~~—~~ ONE WITNESS WILL REMEMBER ONE THING AND THE OTHER DOESN'T. TAKE THAT CASE, SUPPOSED TO BE THE CASE DOWN THERE. HE TELLS CERTAIN FACTS DOWN THERE, AND ANOTHER WITNESS COMES UP ~~WH~~ **WHO** WAS THERE BUT HE DIDN'T SEE IT. THAT DON'T CONTRADICT THE MAN BECAUSE HE DON'T REMEMBER. HE STANDS ON HIS MEMORY AS THE OTHERS DID. THEY DO~~D~~N'T CONTRADICT JOEL WHITE, **EVEN IF** **ROBINSON** ~~FOR~~ ~~HE~~ TESTIFIED POSITIVELY NO SUCH LETTER WAS DELIVERED/ *[19]*

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RS	PS	RT	BT
IF HE HAD STATED HE REMEMBERED JOEL WHITE BEING THERE THEY DELIVERED NO SUCH MESSAGE DELIVERED ENTIRELY DIFFERENT MESSAGE THAT STATED SOMETHING INCONSISTENT WITH MESSAGE BROUGHT THERE THEN THAT WOULD BE CONTRADICTION YOU WOULD HAVE POSITIVE WORDS OF MR. ROBINSON AGAINST POSITIVE STATEMENT OF WHITE AS IT NOW STANDS YOU HAVE THE POSITIVE STATEMENT OF SMITH AND WHITE AGAINST ONE OF UNSURE MEMORY OF MR. ROBINSON {THE}[i] GENTLEMEN		IF HE HAD STATED HE REMEMBERED JOEL WHITE BEING THERE, THEY DELIVERED NO SUCH MESSAGE —DELIVERED AN ENTIRELY DIFFERENT MESSAGE, THAT STATED SOMETHING INCONSISTENT WITH THE MESSAGE BROUGHT THERE—THEN THAT WOULD BE A CONTRADICTIO N, AND YOU WOULD HAVE POSITIVE EVIDENCE OF MR. ROBINSON AGAINST T THE POSITIVE STATEMENT OF MR. WHITE. AS IT NOW STANDS, YOU HAVE THE POSITIVE STATEMENT OF SMITH AND WHITE AGAINST ONE, OF THE WANT O~~N~~F MEMORY , OF MR. ROBINSON, AND YET THE GENTLEMEN FOR THE	IF HE HAD STATED HE REMEMBERED JOEL WHITE BEING THERE, THEY DELIVERED NO SUCH MESSAGE —DELIVERED AN ENTIRELY DIFFERENT MESSAGE, THAT STATED SOMETHING I~~H~~NCONSISTENT WITH THE MESSAGE BROUGHT THERE—THEN THAT WOULD BE A CONTRADICTIO N, AND YOU WOULD HAVE PO~~I~~SITIVE EVIDENCE OF MR. ROBINSON AGAINST ~~T~~ THE POSITIVE STATEMENT MR. WHITE. AS IT NOW STANDS, YOU HAVE THE POSITIVE STATEMENT OF SMITH AND WHITE AGAINST ONE, OF THE WANT O~~N~~F MEMORY , OF MR. ROBINSON, AND YET THE GENTLEMEN FOR THE

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RS	PS	RT	BT
SAY TO YOU THAT IS LIE NUMBER 4 I APPEAL TO YOU AS SENSIBLE MEN; ARE MEN TO BE DISCREDITED BECAUSE ROBINSON DON'T REMEMBER {THE}[i] FACT BOTH JOEL WHITE AND THOSE OTHER MEN IN ADDITION TO THEIR —[?] CRIME AND I HAVE NOT A WORD OF EXCUSE FOR ANY MAN WHO EXCUSES ANY OF *THAT/THEM*[?] IF THERE HAD BEEN MEN AT THE FIELD BLOOD TRUE AMERICAN STOCK IF ANY THOSE THEY WOULD HAVE SACRIFICED THEIR OWN LIVES RATHER THAN IMBRUED THEIR HANDS IN THE BLOOD OF LITTLE		DEFENSE SAY THAT THAT IS "LIE NUMBER 4." I APPEAL TO YOU AS SENSIBLE MEN, ARE THOSE TWO MEN TO BE DISREGARDED BECAUSE ROBINSON DON'T REMEMBER THE FACT? BOTH JOEL ~~H~~ WHITE AND THESE OTHER~~E~~ MEN, IN ADDITION TO THEIR CRIME (AND I HAV NOT A WORD OF EXCUSE FOR ANY MAN WHO ENGAGED IN THAT) IF THERE HAD BEEN MEN AT THAT FIELD OF BLOOD WITH THE TRUE AMERICAN STOCK IN THEIR VEINS THEY WOULD HAVE SACRIFICED THEIR OWN LIVES RATHER THAN IMBRUE THEIR HANDS WITH THE BLOOD OF LITTLE	DEFENSE SAY THAT THAT IS "LIE NUMBER 4." I APPEAL TO YOU AS SENSIBLE MEN, ARE THOSE TWO MEN TO BE DISREGARDED BECAUSE ROBINSON DON'T REMEMBER THE FACT? BOTH JOEL ~~H~~ WHITE AND THESE OTHER~~E~~ MEN, IN ADDITION TO THEIR CRIME (AND I HAV**E** NOT A WORD OF EXCUSE FOR ANY MAN WHO ENGAGED IN THAT) IF THERE HAD BEEN MEN AT THAT FIELD OF BLOOD WITH THE TRUE AMERICAN STOCK IN THEIR VEINS THEY WOULD HAVE SACRIFICED THEIR OWN LIVES RATHER THAN IMBRUE THEIR HANDS WITH THE BLOOD OF LITTLE

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RS	PS	RT	BT
CHILDREN SUCKLINGS UPON THE BREASTS OF THEIR MOTHERS. THEY DIDN'T DO IT. UNFORTUNATEL Y FOR THEM THEY WERE MEMBERS OF ORGANIZATION WHICH {THE}[i] SEQUEL SHOWS THEY ROBBED THEM OF THEIR MANHOOD. {THE}[i] MOMENT THEY WENT THROUGH {THE}[i] ENDOWMENT HOUSE [*space*] THERE THEY LAID DOWN THEIR MANHOOD AND THEY HADN'T ENOUGH OF A MAN LEFT TO {EVEN}[i] PROTEST AGAINST THAT MOST HELLISH OPERATION. NOW THEN LET US FOLLOW THESE GENTLEMEN BACK IN GOING BACK		CHILDREN— SUCKLINGS UPON THE BREASTS OF THEIR MOTHERS; BUT THEY DIDN'T DO IT. UNFORTUNATEL Y FOR THEM, THEY WERE MEMBERS OF AN ORGANIZATION WHICH THE SEQUEAL SHOWS ROBBED THEM OF THEIR ~~HAN~~ MANHOOD. THE MOMENT THEY WENT THROUGH THE ENDOWMENTHO USE, THERE THEY LAID DOWN THEIR MANHOOD, AND THEY HADN'T ENOUGH OF THE MAN LEFT TO EVEN PROTEST AGAINST THAT MOST HELLISH OPERATION. NOW, THEN LET US FOLLOW THESE MEN BACK FROM PINTO CREEK. IN GOING BACK	CHILDREN— SUCKLINGS UPON THE BREASTS OF THEIR MOTHERS; BUT THEY DIDN'T DO IT. UNFORTUNATEL Y FOR THEM, THEY WERE MEMBERS OF AN ORGANIZATION WHICH THE SEQUEAL SHOWS ROBBED THEMOF THEIR ~~HAN~~ MANHOOD. THE MOMENT THEY WENT THROUGH THE ENDOWMENT HOUSE, THERE THEY LAID DOWN THEIR MANHOOD, AND THEY HADN'T ENOUGH OF THE MAN LEFT TO EVEN PROTEST AGAINST THAT MOST HELLISH OPERATION. NOW, THEN LET US FOLLOW THESE MEN BACK FROM PINTO CREEK. IN GOING BACK

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RS	PS	RT	BT
BOTH JOEL WHITE SMITH TESTIFIES OF THEIR SEEING THE TRAIN THERE IS NO COMMENT MADE UPON THAT BY THE DEFENSE THEY CAME ON MR. SMITH STATES MET IRA ALLEN [13] IN GOING OUT THERE BEFORE HE REACHED PINTO CREEK MR. SMITH STATES HE MET JOHN D. LEE AND THAT JOHN D. LEE ASKED THEM WHERE ARE YOU GO{ING}[i] SOMETHING INTERCHANGED AS TO WHERE THEY WERE GOING THEY SAID WE ARE GOING OUT HERE CARRY ORDER FOR THESE INDIANS CALLED OFF SMITH SAYS JOHN D. LEE SAYS I WILL SEE		BOTH JOEL WHITE AND KLINGENSMITH TESTIFIES OF THEIR SEEING THE EMIGRANT TRAIN. THERE IS NO COMMENT MADE UPON THAT BY THE DEFENSE. THEY CAME ON . MR. SMITH TELLS YOU HEMET IRA ALLEN. IN GOING OUT THERE BEFORE HE REACHED PINTO CREEK, MR. STATES THAT HE MET JOHN D. LEE, AND THAT JOHN D. LEE ASKED THEM "WHERE ARE YOU GOING?" SOMETHING WAS EXCHANGED IN WORDS AS TO WHERE THEY WERE GOING. THEY SAID, "WE ARE GOING OUT HERE, CARRYING AN ORDER FOR THESE INDIANS TO BE CALLED OFF." SMITH SAYS, JOHN D. LEE SAID, "I WILL SEE	BOTH JOEL WHITE AND KLINGENSMITH TESTIFIES OF THEIR SEEING THE EMIGRANT TRAIN. THERE IS NO COMMENT MADE UPON THAT BY THE DEFENSE. THEY CAME ON . MR. SMITH TELLS YOU HE MET IRA ALLEN. IN GOING OUT THERE BEFORE HE REACHED PINTO CREEK, MR. **SMITH** STATES THAT HE MET JOHN D. LEE, AND THAT JOHN D. LEE ASKED THEM "WHERE ARE YOU GOING?" SOMETHING WAS EXCHANGED IN WORDS AS TO WHERE THEY WERE GOING. THEY SAID, "WE ARE GOING OUT HERE, CARRYING AN ORDER FOR THESE INDIANS TO BE CALLED OFF." SMITH SAYS, JOHN D. LEE SAID, "I WILL SEE

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RS	PS	RT	BT
ABOUT THAT MR. WHITE TESTIFIED HE MET MR. LEE AT SAME PLACE MR. LEE'S REMARKS WAS "" I DO NOT LIKE THAT; I WILL HAVE SOMETHING TO SAY ABOUT THAT HE SAYS {HE DID NOT}[i] THE KNOW {THE}[i] EXACT EXPRESSION THERE IS CONTRADICTION NUMBER 6 7 AND 8 AIN'T THE FACT SUBSTANTIALLY THE TWO MEN'S DECLARATION AMOUNT TO {THE}[i] SAME THING IF THESE MEN HAD BEEN IN COLLUSION WHAT THEY STATE IS IMPORTANT FACT IN THE CASE ""IT IS BLOOD THEY ARE AFTER"" GENTLEMEN THIS BLOOD ARE NOT AFTER		SOMETHING ABOUT THEAT." HE SAYS HE *[20]* DON'T KNOW THE EXACT EXPRESSION, AND THERE COUNSEL FOR THE DEFENSE SAY IS A CONTRADICTIO N OF NUMBER 6 , 7, AND 8. ARN'T THE FACTS SUBSTANTIALL Y THE SAME DECLARTATION AND AMOUNTING TO THE SAME THING? IF THESE MEN HAD BEEN IN COLLUSION WHAT THEY STATED IS AN IMPORTANT FACT IN THE CASE, IT IS BLOOD FOR BLOOD. GENTLEMEN, IT IS BLOOD FOR	SOMETHING ABOUT THEAT." HE SAYS HE *[20]* DON'T KNOW THE EXACT EXPRESSION, AND THERE COUNSEL FOR THE DEFENSE SAY IS A CONTRADICTIO N OF NUMBER 6 , 7, AND 8. ARN'T THE FACTS SUBSTANTIALL Y THE SAME DECLARATION AND AMOUNTING TO THE SAME THING? IF THESE MEN HAD BEEN IN COLLUSION WHAT THEY STATED IS AN IMPORTANT FACT IN THE CASE, IT IS BLOOD FOR BLOOD. GENTLEMEN, IT IS BLOOD FOR

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RS	PS	RT	BT
BLOOD NOW THEY HAD BEEN SUBDUED THEY ARE NOT BLOODTHIRSTY NO DANGER FROM ANY OF THESE MEN WHO HAVE BEEN PUT ON THE STAND LAW APPLICABLE TO HUMAN NATURE HAS DONE AWAY WITH THEIR DESIRE TO KILL THEY ARE LOOKING FORWARD TO THE TIME WHEN THEY LAY THEIR BODIES DOWN IN THE GRAVE {AND}[i] THEIR SOULS WILL ENTER INTO {THE}[i] PRESENCE OF GOD IT IS EXPECTATION OF THAT COMING EVENT {AND}[i] WHICH HAS CEASED TO MAKE THESE MEN BLOODTHIRSTY MEN IN MY OPINION WHEN THEY DID THEY DID AT THIS MOUNTAIN		BLOOD! NOW, AFTER THEY HAD BEEN SUBDUED THEY WERE NOT BLOODTHIRSTY; NO DANGER NOW FROM ANY OF THESE MEN WHO HAVE BEEN PUT ON THE STAND, ALL THEIR SUFFERINGS IN HUMAN NATURE HAS DONE AWAY THEIR DESIRE TO KILL. THEY ARE LOOKING FORWARD TO THE TIME WHEN THEY WILL LAY THEIR BODIES DOWN IN THE GRAVE AND THEIR SOULS WILL ENTER INTO THE PRESENCE OF GOD. XX X [*space*]	BLOOD! NOW, AFTER THEY HAD BEEN SUBDUED THEY WERE NOT BLOODTHIRSTY; NO DANGER NOW FROM ANY OF THESE MEN WHO HAVE BEEN PUT ON THE STAND, ALL THEIR SUFFERINGS IN HUMAN NATURE HAS DONE AWAY **WITH** THEIR DESIRE TO KILL. THEY ARE LOOKING FORWARD TO THE TIME WHEN THEY WILL LAY THEIR BODIES DOWN IN THE GRAVE AND THEIR SOULS WILL ENTER INTO THE PRESENCE OF GOD. XX X [*space*]

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RS	PS	RT	BT
MEADOWS MASSACRE. {THE}[i] BEST EVIDENCE THERE WAS {OF}[i] ANY COLLUSION IS BECAUSE THAT WAS AN IMPORTANT POINT CERTAINLY IF THERE HAD BEEN COLLUSION THEY WOULD HAVE AGREED IN THE PHRASEOLOGY OF THIS IMPORTANT POINT [*space*] THE SUBSTANCE OF IT IS THE SAME REMARK OF WHITE AMOUNT TO THE SAME IN SUBSTANCE AS REMARK OF LEE TESTIFIED TO BY WHITE IN SUBSTANCE AS TESTIFIED TO BY THE OTHER.		THE BEST EVIDENCE THERE WAS OF ANY COLLUSION, IS BECAUSE THAT WAS AN IMPORTANT POINT AND THAT THERE WAS A COUN~~S~~CIL HELD. IF THERE HAD BEEN A COLLUSION THEY WOUOD HAV3E AGREED, IN THE PHRASEOLOGYO F THIS IMPORTANT POINT. THE SUBSTANCE OF IT IS THE SAME, AND THE RE MARKS OF WHITE AMOUNT TO THE SAME IN THE SUBSTANCE, AS MR. SMITH'S. THE WH LE EVIDENCE TESTIFIED TO BY WHITE IN SUBSTANCE IS THE SAME AS TESTIFIED TO BY THE OTHERS. THE	THE BEST EVIDENCE **THAT** THERE WAS **NO** ~~OF ANY~~ COLLUSION, IS BECAUSE THAT WAS AN IMPORTANT POINT AND THAT THERE WAS A COUN~~S~~CIL HELD. IF THERE HAD BEEN A COLLUSION THEY WOUOD HAV~~3~~E AGREED, IN THE PHRASEOLOGYO F THIS IMPORTANT POINT. THE SUBSTANCE OF IT IS THE SAME, AND THE RE MARKS OF WHITE A~~N~~MOUNT**S** TO THE SAME IN SUBSTANCE, AS MR. SMITH'S. THE WH**O**LE EVIDENCE TESTIFIED TO BY WHITE IN SUBSTANCE IS THE SAME AS TESTIFIED TO BY THE OTHERS. THE

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RS	PS	RT	BT
GENTLEMEN SAY IN COMING BACK FROM PINTO CREEK MR. SMITH SAYS HE MET IRA ALLEN: HE REMARKED TO HIM {THE}[i] DIE IS CAST {THE}[i] DOOM OF {THE}[i] EMIGRANTS IS SEALED THEY SAY NOW JOEL WHITE WHOM THEY SAY IS A LIAR IS NOT WORTHY OF BELIEF CONTRADICTS HIM JUDGE SUTHERLAND MADE THE ASSERTION HE CERTAINLY COULD NOT HAVE BEEN MISTAKEN IN IT HE SAYS WHITE SAYS, HE {DID NOT}[i] MEET IRA ALLEN *KM*[?] MR. WHITE SAID NOTHING OF {THE}[i] SORT THE DECLARATION WAS ⊰IF WE⊱ MET IRA ALLEN[570] ON		GENTLEMEN SAY, IN COMING BACK FROM PINTO CREEK—MR. WHITE SAYS HE MET IRA ALLEN; HE REMARKED TO HIM, “THE DIE IS CAST, THE D OM IS SEALED.” THEY SAY NOW,, JOEL WHITE—WHOM THEY SAY IS A LIAR IS NOT WORTHY OF BELIEF BECAUSE HE CONTRADICTS HIM, SMITH. JUDGE SUTHERLAND MADE THE ASS⊰E⊱RTION, HE CERTAINLY COULD NOT HAVE BEEN MISTAKEN IN IT. HE SAYS WHITE SAYS, HE DID NOT MEET IRA ALLEN. MR. WHITE SAID NOTHINGOF THE SORT. THE DECLARATION WAS, “ IF WE MET IRA ALLEN ON THAT	GENTLEMEN SAY, IN COMING BACK FROM PINTO CREEK—MR. ~~WHITE~~ **K. SMITH** SAYS HE MET IRA ALLEN; HE REMARKED TO HIM, “THE DIE IS CAST, THE D**O**OM IS SEALED.” THEY SAY NOW,~~,~~ JOEL WHITE—WHOM THEY SAY IS A LIAR IS NOT WORTHY OF BELIEF BECAUSE HE CONTRADICTS HIM, ~~SMITH~~. JUDGE SUTHERLAND MADE THE ASS⊰E⊱RTION, HE CERTAINLY COULD NOT HAVE BEEN MISTAKEN IN IT. HE SAYS WHITE SAYS, HE DID NOT MEET IRA ALLEN. MR. WHITE SAID NOTHING OF THE SORT. THE DECLARATION WAS, “ IF WE MET IRA ALLEN ON THAT

570. Above the shorthand in ink longhand: **WILLIS**.

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RS	PS	RT	BT
THAT OCCASION WE DON'T REMEMBER THEY PUT {THE}[i] QUESTION TO HIM "DO YOU THINK YOU WOULD HAVE REMEMBERED IT IF YOU HAD MET HIM HE SAYS I THINK I WOULD. HE SAYS I DID SEE IRA ALLEN AFTER WE RETURNED TO CEDAR. NOW, THAT CONTRADICTS ~~JOHN D. LEE~~ ~~≤~~SMITH~~≥~~ AND BESIDES IT IS ABOUT COLLATERAL MATTER WE EXPECT AFTER {THE}[i] LAPSE OF 18 YEARS THAT THERE WILL BE SOME CLASHING IT WILL BE A MONSTROUS THING. KNOW THAT NEVER		OCCASION, WE DON'T REMEMBER." THEY PUT THE QUESTION TOHIM, "DO YOU THINK YOU WOULD HAVE REMEMBER~~E~~D IT ~~F~~IF YOU HAD MET HIM?" HE SAYS, "I THINK HE WOULD.**"** HE SAYS , "I DID SEE IRA ALLEN AFTER WE RETURNED TO CEDAR." *[21]* NOW, THAT CONTRADICTS SMITH, AND BESIDES IT IS ABOUT COLLATERAL MATTER. WE EXPECT AFTER THE LAPSE OF 18 YEARS THAT THERE WILL BE SOME CLAIMING IT WILL BE A MONSTROUS THING. WE KNOW IN EVERY CORNER OF THE	OCCASION, **I** ~~WE~~ DON'T REMEMBER." THEY PUT THE QUESTION TO HIM, "DO YOU THINK YOU WOULD HAVE REMEMBER~~E~~D IT IF YOU HAD MET HIM?" HE SAYS, "I THINK ~~HE~~ **I** WOULD.**"** HE SAYS , "I DID SEE IRA ALLEN AFTER WE RETURNED TO CEDAR." *[21]* NOW, **DOES** THAT CONTRADICTS SMITH, AND BESIDES IT IS **BUT** ~~ABOUT~~ COLLATERAL MATTER. WE EXPECT AFTER THE LAPSE OF I8 YEARS THAT THERE ~~WILL~~ **WOULD** BE SOME **CLASHING.** ~~CLAIMING IT~~ ~~WILL~~ **IT WOULD** BE A MONSTROUS THING **TO** **CLAIM THEY** **COULD**. ~~WE~~ ~~KNOW IN~~ ~~EVERY CORNER~~ ~~O F THE~~ **IT**

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RS	PS	RT	BT
OCCURRED IN TERRITORY IF SUCH WAS NOT THE CASE WHITE MAY HAVE FORGOTTEN THAT FACT OF MEETING ALLEN. {**WILLIS**}[i571]		TERRITORY IF SUCH IS NOT THE CASE IT WILL SHOW COLLUSION. WHITE MAY HAVE FORGOTTEN THAT FACT OF MEETING WILLIS/SMITH TESTIFIED TOIT AND IN HIS MANNER HE SHOWED HOW HE MET IRA ~~ALEE~~ ALLEN. IT MAY BE MR. WHITE FORGOT THAT ~~S~~CIRCUMSTANCE. IT MAY HAVE BEEN MR. SMITH CONFUSED THE	**WOULD NEVER HAVE OCCURRED IN THIS** TERRITORY IF SUCH **WAS** ~~IS~~ NOT THE CASE**.** ~~IT WILL SHOW COLLUSION.~~ WHITE MAY HAVE FORGOTTEN THAT FACT OF MEETING WILLIS/SMITH TESTIFIED TOIT AND IN HIS MANNER HE SHOWED HOW HE MET IRA ~~ALEE~~ ALLEN. IT MAY BE MR. WHITE FORGOT THAT ~~S~~CIRCUMSTANCE. IT MAY HAVE BEEN MR. SMITH CONFUSED THE

571. This is the last extant page of shorthand book 12; book 13 continues with page 15 (which is also numbered page 1). Page 14 is missing.

A loose page in longhand is also included at the end of this notebook. The text reads: "**IT IS TAUGHT ALL OVER THIS TERRITORY THAT THE GOVERNMENT AND PEOPLE OF THESE UNITED STATES ARE NOT THEIR FRIENDS BUT ARE VIRTUALLY <A FOREIGN NATION WHICH RULES OVER THEM> AND THEY WANT TO PERSECUTE THEM SIMPLY FOR THEIR RELIGION. ≤THE MEN WHO SEEK TO TEACH THE MASSES SUCH A DOCTRINE KNOW FULL WELL ITS FALSITY≥ THEY KNOW FULL WELL - FOR THE MOST OF THIS PEOPLE WERE MOSTLY FOREIGNERS THAT THE GOVERNMENT OF THE UNITED STATES ARE DESIROUS ONLY FOR THE REIGN OF PEACE. THE POWER OF THE LEADERS WILL BE BROKEN AND MANY BY A FAIR ENFORCEMENT OF THE LAW WILL FIND THEMSELVES IN FELONS CELLS - THE IDEA OF PERSECUTION IS PREPOSTEROUS - NOBODY DESIRES ANYTHING OF THE KIND AND ANY FEDERAL OFFICIAL WHO WOULD FAVOR ANY SUCH AN ACT.**" This is similar to some of the material included in the pretrial motions. See Trial matrix, p. 7.

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RS	PS	RT	BT
		CONVERSATION, AND THAT HE MISTOOK THE PLACE OF THE CONVERSATION. IT MAY HAVE OCCURRED WHEN THEY MET IN CEDAT CITY. THEY SAY NOW, BECAUSE MR. W HIT E DON'T REMEMBER ALL THE CIRCUMSTANCES THAT KLINGENSMITH HAW TESTIFIED TO AFTER THE LAPSE OF I~~3~~**8** YEARS AND IT IS NOT POSSIBLE IN HUMAN NATURE TO DO SO ~~)~~ IN REGARD TO HUMAN MEMORY AS TO IMPRESSION OT TO DO WITH ANYTHING). BECAUSE HE DON'T AGREE WITH THE CASE MATTER, BECAUSE HE DIDN'T REMEMBER THAT PARTICULAR	CONVERSATION, AND THAT HE MISTOOK THE PLACE OF THE CONVERSATION. IT MAY HAVE OCCURRED WHEN THEY MET IN CEDAT CITY. THEY SAY NOW, BECAUSE MR. W HIT E DON'T REMEMBER ALL THE CIRCUMSTANCES THAT KLINGENSMITH ~~HS~~AW TESTIFIED TO ~~AFTER~~ **OFTEN** THE LAPSE OF I**8** YEARS **THAT HE IS NOT TO BE BELIEVED** AND IT IS NOT POSSIBLE IN HUMAN NATURE TO DO SO ~~)~~ **)** ~~IN RE~~GARD TO ~~HUMAN MEMORY AS TO IMPRESSION OT TO DO WITH ANYTHING).~~**,** BECAUSE HE DON'T AGREE WITH THE **(**CASE **(?)** MATTER**)**, BECAUSE HE DIDN'T REMEMBER THAT PARTICULAR

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RS	PS	RT	BT
		FACT , BECAUSE HE DIDN'T TESTIFY FORSOOTH, THAT YOU MUST DISCARD THE TESTIMONY OUT THERE OF OLD KLINGENSMITH. WHITE DIDN'T TESTIFY TO THAT CIRCUMSTANCE AS SMITH TESTIFIED TO IT, SHOWING THERE WAS NO COLLUSIOH AS ALLEGED BETWEEN WITNESSES WHITE AND SMITH. IF THERE HAD ~~E~~BEEN A COLLUSION ABOUT THAT IMPORTANT MATER, WOULD NOT WHITE HAVE STATED IT AND SA~~I~~D IT? MOST ASSUREDLY. JUDGE SUTHERLAND STATED TO YOU THA JOEL WHITE SAID POSITIVELY, THEY, SMITH AND WHITE	FACT , BECAUSE HE DIDN'T TESTIFY**,** FORSOOTH, **AS SMITH DOES** THAT YOU MUST DISCARD THE TESTIMO~~H~~NY ~~OUT THERE~~ OF OLD KLINGENSMITH. WHITE DIDN'T ~~R~~TESTIFY TO THAT CIRCUMSTANCE AS SMITH TESTIFIED TO IT, SHOWING THERE WAS NO COLLUSIO~~H~~N AS ALLEGED BETWEEN WITNESSES WHITE AND SMITH. IF THERE HAD ~~E~~BEEN A COLLUSION ABOUT THAT IMPORTANT MA**T**TER, WOULD NOT WHITE HAVE STATED IT AND SA~~I~~D IT? MOST ASSUREDLY. JUDGE SUTHERLAND STATED TO YOU THA**T** JOEL WHITE SAID POSITIVELY~~,~~ THEY~~,~~ SMITH AND WHITE

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RS	PS	RT	BT
		DIDN'T MEET THAT PART~~Y~~. JUDGE SUTHERLAND DIDN'T HEAR ANYTHING OF THE KIND. THE NEXT STEP IN MR. SMITH'S TESTIMONY IS THIS: HE STATED SOME TIME AFTER THIS OCCURRED THAT WILLIS TOLD HIM, "THE DOOM OF THE EMIGRANTS WAS SEALED?" AT THE SAME TIME HE SAID, " I WANT YOU TO GO TO THE MEADOWS; THE INDIANS AND THE WHITE MEN HAVE BEEN FIGHTING THERE, THE WHITE MEN (EMIGRANTS) ARE TOO MUCH FOR THE INDIANS; IT IS NECESSARY FOR US TO GO AND HELP EXTERMINATE ALL OF THEM." MR. SMITH SOMEWHERE IN HIS TESTIMONY SAYS "IT WAS THE PLAN OF	DIDN'T MEET THAT PART~~Y~~. JUDGE SUTHERLAND DIDN'T HEAR ANYTHING OF THE KIND. THE NEXT STEP IN MR. SMITH'S TESTIMONY IS THIS: HE STATED SOME T IME AFTER THIS OCCURRED THAT WILLIS TOLD HIM, "THE DOOM OF THE EMIGRANTS WAS SEALED~~?~~" AT THE SAME TIME HE SAID, " I WANT YOU TO GO TO THE MEADOWS; THE INDIANS AND THE WHITE MEN HAVE BEEN FIGHTING THERE, THE WHITE MEN (EMIGRANTS) ARE TOO MUCH FOR THE INDIANS; IT IS NECESSARY FOR US TO GO AND HELP EXTERMINATE ALL OF THEM." MR. SMITH SOMEWHERE IN HIS TESTIMONY SAYS**,** "IT WAS THE PLAN OF

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RS	PS	RT	BT
		OPERATION." HE THEN, BEING BISHOP OF THE CHURCH WAS ADMIT**T**ED *[[22]]* INTO THE SECRET COUNCIL, AND THE TESTIFIES TO THE PLAN THAT THEY WAS TO HAVE, THE INDIANS DO THIS WORK UNDER THE LEADERSHIP OF THE [*space*] AND WHEN IT WAS DONE TO CHARGE THE DEED TO THE INDIANS AND CLEAR THEIR SKIRTS OF THIS FOUL CRIME. LOOK AT THE DUPLICITY, ~~C~~DECEPTION, PERTAINING TO THIS CRIME OF MURDER IN AS MUCH AS THOSE GALLANT MEN ON THE GROUND WERE UNABLE TO RESIST THE POWER OF THE INDIANS AND WERE UNABLE TO SLAUGHTER THESE INNOCENT MEN, WOMEN AND	OPERATION." HE THEN, BEING BISHOP OF THE CHURCH WAS ADMIT**TE**~~E~~D *[22]* INTO THE SECRET COUNCIL, AND ~~T~~HE TESTIFIES TO THE P~~P~~LAN**;** THAT THEY **WERE** TO HAVE~~.~~ THE INDIANS DO THIS WORK UNDER THE LEADERSHIP OF ~~THE~~ **JOHN D LEE** AND WHEN IT WAS DONE TO CHARGE THE DEED TO THE INDIANS A~~N~~D CLE~~Q~~AR THEIR SKIRTS OF THIS FOUL CRIME. LOOK AT THE DUPLICITY, ~~C~~DECEPTION, PERTAINING TO TH IS CRIME OF MURDER IN AS MUCH AS THOSE GALLANT MEN ON THE GROUND WERE UNABLE TO RESIST T~~O~~HE POWER OF THE INDIAN~~D~~S AND WERE UNABLE TO SLAUGHTER THESE INNOCENT MEN, WOMEN AND

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RS	PS	RT	BT
		CHILDREN, THEN IT BECOMES NECESSARY THAT WHITE MEN, FOR THESE MORMONS— FOR THIS MILITIA , FOR THIS NAUVOO LEGION TO MAKE OF THEMSELVES ALLIES TO THE INDIANS; TO GO TOGETHER IN A COMPLETE MOPRMON CIRCLE. HE TESTIFIED HIGBEE TOLD HIM, HE MUST MUSTER HIS MEN AND GO TO THE MOUNTAIN MEADOWS. THAT FOL OWED THE DECLARATION OF WILLIS. NOW, WILLIS WAS GOING IN THAT DIRECTION. A SHORT TIME—A FEW DAYS AFTERWARDS HERE COMES THIS NOTICE:. DO ES THE JURY FOR A MOMENT DOUBT THAT SUCH AN ORDER	CHILDREN, THEN IT BECOMES NECESSARY THAT WHITE MEN, FOR THESE MORMONS— FOR THIS MILITIA , FOR THIS NAUVOO LEGION TO MAKE OF THEMSELVES ALLIES TO THE INDIANS; TO GO TOGETHER IN A COMPLETE **MORMON** ~~MOPRMON~~ CIRCLE. HE TESTIFIED HIGBEE TOLD HIM, HE MUST MUSTER HIS MEN **AND**~~AND~~ GO TO THE MOUNTAIN MEADOW~~N~~S. THAT FOL**L**OWED THE DECLARATION OF WILLIS. NOW, WILLIS WAS GOING IN THAT DIRECTION. A SHORT TIME—A FEW DAYS AFTERWARDS HERE COMES THIS NOTICE:. DO ES THE JURY FOR A MOMENT DOUBT THAT SUCH AN ORDER

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RS	PS	RT	BT
[Bk 13 1] **OFFICE OF ~~W.L. COOK,~~ REPORTER, *SECOND DISTRICT COURT* 1ST TRIAL OF JOHN D. LEE. FOR MURDER, IN THE MOUNTAINS MEADOWS MASSACRE. IN THE DISTRICT COURT, FOR THE SECOND JUDICIAL DISTRICT, TERRITORY OF UTAH. THE PEOPLE OF THE TERRITORY OF UTAH** PLAINTIFF, VS. **JOHN D. LEE.** ~ DEFENDANT, INDEX.		WAS GIVEN. DOES ANY GENTLEMAN ON THIS JURY DOUBT THE OBJECT FOR WHICH THESE MEN WERE TO GO TO THE MOUNTAIN MEADOWS? THE THEORY OF THE DEFEN~~SE~~D ON THE FINDING IN THAT CASE IS AN INSULT IN THIS CAUSE.	WAS GIVEN. DOES ANY GENTLEMAN ON THIS JURY DOUBT THE OBJECT FOR WHICH THESE MEN WERE TO GO TO THE MOUNTAIN MEADOWS? THE THEORY OF THE **DEFENSE** ~~DEFENSED~~ ON THE FINDING IN THAT CASE IS AN INSULT IN THIS CAUSE.

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RS	PS	RT	BT
JOSIAH ROGERSON, REPORTER. WITNESSES. **BASKINS ADDRESS TO THE JURY DELIVERED AUGUST, 5TH, 1875.** *[2]*572			
TAKE {THE}[i] STATEMENT OF IRA ~~ALLEN~~ {WILLIS}[i] COMPARED WITH MR. SMITH IT WITH STATEMENTS MADE AFTERWARDS		TAKE THE STATEMENT OF WILLIS AS COMPARED WITH MR. SMITH, AND COMPA~~R~~E IT WITH OTHER STATEMENTS MADE AFTERWARDS	TAKE THE STATEMENT OF WILLIS AS COMPARED WITH MR. SMITH, AND COMPA~~R~~E IT WITH OTHER STATEMENTS MADE AFTERWARDS**.**

572. The pages of Rogerson Shorthand Notebook 13, the conclusion of Baskin's closing, are paginated twice. The page numbers in the upper left-hand corner of each page represent the page number in notebook 13, counting the cover as page 1; the page numbers in the top center of each page continue pagination from Baskin's closing in Rogerson Shorthand Notebook 12. The page numbers given here are from notebook 13, which started fresh with that notebook.

The first page of this notebook—as is the case with several other notebooks—is dirty, faded, and hard to read. Written diagonally across the page in Rogerson's longhand: **TRANSCRIBED.** The equation: 56+29=27 is also written vertically over the shorthand. The following is written on the inside of the cover in longhand: **MEMO- BASKIN COMMENCED HIS ARGUMENT (FIRST PART OF WHICH IS CONTAINED IN MY PENCIL BOOK NO 12) AT 915 AM, AUGUST 5TH 1875, CONTINUING TILL 11.55AM, WHEN NOON RECESS WAS TAKEN. HE COMMENCED AGAIN AT 235 PM AND CLOSED AT 445 PM.**

FROM 9.15 A.M. TILL 10 AM 45 MINS
" 10 " " " " 11 " 60
11 " " 1155 " 55
235 " 445 P 25
60
45
290 MINUTES [*space*]

THOMAS TAYLOR. [*begin shorthand*] THOMAS TAYLOR. CONTINUANCE ASKED FOR BY PLAINTIFF GRANTED BY COURT.

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RS	PS	RT	BT
MADE AFTERWARDS. ~~IRA ALLEN~~ {WILLIS}[i] WAS GOING IN THE DIRECTION {OF THE}[i] MOUNTAIN MEADOWS THAT MISSION DOOM OF ~~THE~~ EMIGRANTS WAS SEALED FEW DAYS AFTERWARDS IN CONFIRMATION OF THAT HE STATED MR. SMITH {IS}[i] ORDERED OUT FOR PURPOSE AND *AFTERWARDS*[?] DECLARED OF ASSISTING THE INDIANS IN MASSACRING THAT BELEAGUERED TRAIN. HE IMMEDIATELY GOES {AND}[i] SAYS REASON WHY ON HIS CROSS - EXAMINATION WHY HE WENT WAS BECAUSE WAS ORDERED TO OTHERS STATED THEY WENT BECAUSE THEY WERE UNDER ORDERS		MADE AFTERWARDS. WILLIS WAS GOING IN THE DIRECTION OF THE MOUNTAIN MEADOWS, ON THAT MISSION. "THE DOOM OF THE EMIGRANTS WAS SEALED." A FEW DAYS AFTERWARDS IN CONFIRMATION OF THAT STATEMENT KLINGENSMITH IS ORDERED OUT FOR THE PURPOSE AS HE AFTERWARD DECLARED OF ASSISTING THE INDIANS IN MASSACREING THAT BELEAGURED TRAIN . HE IMMEDIATELY GIVES —AND SAYS THE REASON WHY ON HIS CROSS-EXAMINAT ON WHY HE WENT WAS BECAUSE HE WAS ORDERED TO. OTHERS STATE HE WENT BECAUSE THEY WERE UNDER ORDERS.	~~MADE AFTERWARDS.~~ WILLIS WAS GOING IN THE DIRECTION OF THE MOUNTAIN MEADOWS, ON THAT MISSION. "THE DOOM OF THE EMIGRANTS WAS SEALED." A FEW DAYS AFTERWARDS IN CONFIRMATION OF THAT STATEMENT KLINGENSMITH IS ORDERED OUT FOR THE PURPOSE AS HE AFTERWARD DECLARED OF ASSISTING THE INDIANS IN MASSACREING THAT BELEAGURED TRAIN . HE IMMEDIATELY GIVES**,** —AND SAYS THE REASON WHY ON HIS CROSS-EXAMINATION WHY HE WENT WAS BECAUSE HE WAS ORDERED TO. OTHERS STATE **THEY** ~~**THEY**~~ WENT BECAUSE THEY WERE UNDER ORDERS.

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RS	PS	RT	BT
{THE}[i] WHOLE {EVIDENCE}[i] GOES {TO}[i] SHOW THAT {THE}[i] MORMON COMMUNITY DOWN THERE WERE NOTHING BUT DUMB CATTLE THEY HAD SO GIVEN UP THEIR INDIVIDUALITY HAD SO GIVEN UP THEIR MANHOOD TO THIS INFAMOUS SYSTEM THAT WAS INAUGURATED TO WHICH THEY WERE SUBJECTED WHEN ORDERED THEY DARED NOT ASK {**A**}[i] QUESTION THEY DID NOT ASK {**A**}[i] QUESTION FROM BEGINNING {TO}[i] END WITH ALL THE OTHERS EVEN *UPON*[?] FIELD WHEN MEN TALKED TOGETHER {**&**}[i] YOUNG PIERCE TESTIFIES AND OTHER		THE WHOLE EVIDENCE GOES TO SHOW THAT THE MORMON COMMUNITY DOWN THERE WERE NOTHING BUT DUMB CATTLE. THEY HAD SO GIVEN UP THEIR ~~A~~INDIVIDUALITY—HAD SO GIVEN UP THEIR *[23]* MANDHOD TO HIS INFAMOUS SYSTEM THAT WAS ENAUGURATED AND TO WHICH THEY WERE SUBJECTED WHEN ORDERED THAT THEY DARED NOT ASK A QUESTION FROM BEGINNING TO END; AND SO WITH ALL THE OTHERS. #EVEN UPON THE FIELD WHEN THE MEN TALKED TOGETHER AND YOUNG PIERCE TESTIFIED AS POLLOCK TESTIFIED, AND OTHER	THE WHOLE EVIDENCE GOES TO SHOW THAT THE MORMON COMMUNITY DOWN THERE WERE NOTHING BUT DUMB CATTLE. THEY HA~~S~~D SO GIVEN UP THEIR ~~A~~INDIVIDUALITY—HAD SO GIVEN UP THEIR *[23]* MANDHOD TO THIS INFAMOUS SYSTEM THAT WAS ~~EI~~NAUGURATED AND TO WHICH THEY WERE SUBJECTED WHEN ORDERED**,** THAT THEY DARED NOT ASK A QUESTION FROM BEGINNING TO END; AND SO WITH ALL THE OTHERS. #EVEN UPON THE FIELD WHEN THE MEN TALKED TOGETHER AND YOUNG PIERCE TESTIFIED AS POLLOCK TESTIFIED, AND OTHER

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RS	PS	RT	BT
TESTIFIED THAT IT WAS TALKED AMONG THEMSELVES OBJECT WAS DESTRUCTION OF TRAIN NOT ONE OF THEM ASKED ANY QUESTIONS **AH** GENTLEMEN IT WAS BECAUSE THERE WAS A SYSTEM ORGANIZATION WHEN THEY BECAME {**A**}[i] MEMBER OF {THE}[i] CHURCH AND IN {GOING}[i] INTO IT THEY LAID DOWN THEIR MANHOOD THEY LAID DOWN THEIR INDIVIDUALITY. HERE ONE UNDER THE MERE *SHAPE*[?] OF MORMON CHURCH COMES THE NAUVOO LEGION IS AN APPENDAGE		WITNESSES TESTIFIED, THAT IT WAS TALKED OF AMONG THEMSELVES, THAT THE OBJECT WAS THE DISTRUCTION OF THE COMPANY. NOT ONE OF THEM ASKED ANY QUESTIONS. AH, IT WAS BECAUSE OF THIS SYSTEM AND ORGANIZATION WHEN THEY BECAME A MEMBER OF THE CHURCH IN GOING INTO IT—THEY LAID DOWN THEIR MANHOOD , THEY LAID DOWN THEIR INDIVIDUALITY. HERE IS WHERE UNDER THE MERE SHADOW OF THE MORMON CHURCH COMES THE NAUVOO LEGION; WHICH IS AN APPENDAGE	WITNESSES TESTIFIED, THAT IT WAS TALKE~~D~~**D** OF AMONG THEMSELVES, THAT THE OBJECT WAS THE DISTRUCTION OF THE COMPANY. NOT ONE OF THEM ASKED ANY QUESTION~~W~~S. AH, IT WAS BECAUSE OF THIS SYSTEM AND ORGANIZATION WHEN THEY BECAME A MEMBER OF THE CHURCH IN GOING INTO IT—THEY LAID DOWN THEIR MANHOOD , THEY LAID DOWN THEIR INDIVIDUALITY. HERE IS WHE~~R~~E UNDER THE MERE SHADOW OF THE MORMON CHU~~T~~RCH COMES THE NAUVOO LEGION; WHICH IS AN APPENDAGE

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RS	PS	RT	BT
ADDED TO MORMON CHURCH. WHEN ORDERED OUT THEY GO LIKE DUMB DRIVEN CATTLE TO THE SLAUGHTER WHICH APPALLS EVERY CHRISTIAN HUMAN MAN WHICH HAS *RIGHT OF HIS TITLE*[?] *NOW THEN SIR*[?] FACT HE WAS ORDERED OUT AFTERWARDS CORROBORATES THE OTHER FACT THAT IRA ALLEN HAD THAT CONVERSATION WITH MR. SMITH. SUPPOSE HE DIDN'T THAT DON'T CHANGE {THE}[i] MAIN FACT SUPPOSE HE WAS MISTAKEN ABOUT THAT, SUPPOSE *HE*[?] WILLFULLY LIED BUT JUST AS YOU PLEASE IT CANNOT OVERCOME		ADDED TO THE MORMON CHURCH, AND WHEN ORD RED OUT THEY GO LIKE DUMB DRIVEN CATTLE TO THE SLAUGHTER. IT APPALS EVERY MAN THAT HAS HEARD OF THIS DETAIL. NOW, THEN, SIR, THE FACT THAT HE WAS ORDERED OUT AFTERWARDS CORROBERATES THE OTHER FACET THAT WILLIS HAD THAT CONVERSATION WITH MR. SMITH. SUPPOSE HE DIDN'T. THAT DON'T CHANGE THE MAIN FACT. SUPPOSE HE WAS MISTAKEN ABOUT THAT, SUPPOSE HE WILFULLY LIED, JUST AS YOU PLEASE, IT CANNOT OVERCOME THE	ADDED TO THE MORMON CHURCH, AND WHEN ORDERED OUT THEY GO LIKE DUMB DRIVEN CA~~L~~TTLE TO THE SLAUGHTER. IT ~~ALL~~ APPAL**L**S EVERY MAN THAT HAS HEARD OF THIS DETAIL. NOW, THEN, SIR, THE FACT THAT HE WAS ORDERED OUT AFTERWARDS CORROBERATES THE OTHER FAC~~E~~T THAT WILLIS HAD THAT CONVERSATION WITH MR. SSMITH. SUPPOSE HE DIDN'T~~.~~**,** THAT DON'T CHANGE THE MAIN FACT. SUPPOSE HE WAS MISTAKEN ABOUT THAT, SUPPOSE ~~W~~HE WIL**L**FULLY LIED, JUST AS YOU PLEASE, IT CANNOT OVERCOME THE

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RS	PS	RT	BT
OTHER STATEMENTS MADE BY THOSE MEN MY BROTHER SUTHERLAND QUOTED A LATIN MAXIM {AND}[i] IN IT, {I}[i] THINK HE BUTCHERED THE LATIN {"}[i]FALUS IN UNUS FALUS IN OMNIBUS" FALSE IN ONE THING FALSE IN EVERYTHING IF YOU SUPPOSE THIS MAN WILLFULLY LIED IN ONE PART BELIEVE IT IN ALL. I SAY TO YOU THAT IS NOT THE RULE IN LAW OR IN COMMON SENSE. IF WITNESS GOES UPON {THE}[i] STAND {AND}[i] JURY BELIEVE HE HAS WILLFULLY LIED THEN THEY MUST		OTHER STATEMENTS MADE BY THESE OTHER MEN. MY BROTHER SUTHERLAND QUOTED A LATIN MAXIM IN HIS ARGUEMENT AND IN IT , I THINK HE BUTCHERED THE LATIN~~?~~, "FALSUS IN UNUM, FALSIS IN OMNIBUS", FALSE IN ONE THIN~~F~~G, FALSE IN EVERYTHING. IF YOU SUPPOSE THIS MAN WILFULLY LIED IN ONE PART, HE JUDGE SUTHERLAND SA~~U~~YS, YOU ARE TO BELIEVE IT IN ALL. [*space*] I SAY TO YOU, THAT THAT IS NOT THE RULE IN LAW OR IN COMMON SENSE. IF A WITNESS GOES UPON THE ST ND AND THE JURY BELIEVE THAT HE HAS WILFULL LIED, THEN THEY MUST	OTHER STATEMENTS MADE BY THESE OTHER MEN. MY BROTHER SUTHERLAND QUOTED A LATIN MAXIM IN HIS ARGUEMENT, AND IN IT , I THINK HE BUTCHERED THE LATIN~~?~~, "FALSUS IN UNUM, FALSIS IN OMNIBUS", FALSE IN ONE THIN~~F~~G, FALSE IN EVERYTHING. IF YOU SUPPOSE THIS MAN WIL**L**FULLY LIED IN ONE PART, HE**,** JUDGE SUTHERLAND SA~~U~~YS, YOU ARE TO **DIS**BELIEVE **HIM** ~~IT~~ IN ALL. I SAY TO YOU, THAT THAT IS NOT THE RULE IN LAW OR IN COMMON SENSE. IF A WITNESS GOES UPON THE ST**A**ND AND THE JURY BELIEVE THAT HE HAS WIL**L**FULL**Y** LIED, THEN THEY MUST

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RS	PS	RT	BT
DISCARD EVERYTHING THAT IS NOT CORROBORATED BY OTHER TESTIMONY OR FROM THE SURROUNDING CIRCUMSTANCES LEADS {THE}[i] JURY TO BELIEVE HE IS TELLING TRUTH IN OTHER WORDS IF THERE IS NO CORROBORATIN G CIRCUMSTANCES WHICH HE TESTIFIES TO IN SHOW ANYTHING PARTICULAR PROBABILITY THEN THEY CAN DISCARD HIS WHOLE STATEMENT IF NO PORTION OF HIS TESTIMONY {IS}[i] CORROBORATED BY OTHER WITNESSES {BUT}[i] IF IT IS CORROBORATED BY SURROUNDING CIRCUMSTANCES THEN YOU MUST GIVE		DISCARD EVERYTHING THAT IS NOT CORROBERATED T~~HE~~ BY OTHER TESTIMONY, OR FROM THE SURROUNDING CIRCUMSTANCE S LEAD THE JURY TO BELIEVE HE IS TEL ING THE TRUTH. *[24]* IN OTHER WORDS IF THERE IS NO CORROBERATIN G TESTIMONY OR CIRCUMSTANCE S WHICH HE TESTIFIES TO, IN SHOWING ANY PARTICULAR OR THE PROBABILITY THEN THEY MUST DISCARD THE WHOLE TESTIMONY OR STATEMENT. IF NO PORTION OF HIS TESTIMONY IS CORROBERATED BY OTHER WITNESSES BUT IT IS CORROBERATED BY ~~C~~SURROUNDING CIRCUMSTANCE S THEN YOU MUST GIVE	DISCARD EVERYTHING THAT IS NOT CORROBERATED ~~THE~~ BY OTHER TESTIMONY, OR ~~FROM~~ THE SURROUNDING CIRCUMSTANCE S LEAD THE JURY TO BELIEVE HE IS TE**L**LING THE TRUTH. *[24]* IN OTHER WORDS IF THERE IS NO CORROBERATIN G TESTIMONY OR CIRCUMSTANCE S WHICH HE TESTIFIES TO, IN SHOWING ANY PARTICULAR **FACT** OR ~~THE~~ PROBABILITY**,** THEN THEY MUST DISCARD THE WHOLE TESTIMONY OR STATEMENT. IF NO PORTION OF HIS TESTIMONY IS CORROBERATED BY OTHER WIT~~H~~NESSES BUT IT IS CORROBERATED BY ~~C~~SURROUNDING CIRCUMSTANCE S THEN YOU MUST GIVE

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RS	PS	RT	BT
CREDIT TO THAT PORTION IN WHICH HE SPOKE {THE}[i] TRUTH AND THAT PORTION IN WHICH HE PREVARICATED THAT IS THE RULE OF COMMON SENSE IT IS RULE OF LAW. SUPPOSE HE WILLFULLY LIED ABOUT IT IT DON'T CHANGE MANY FACTS AS OCCURRED UPON THE FIELD ABOUT WHICH THERE IS MOUNTAIN OF TESTIMONY ON MASSACRE OF THAT TRAIN BY THE {WHITE MEN}[i] UPON THAT GROUND WHEN MR. WHITE SAYS HE DID WHAT HE WENT FIELD IN PURSUANCE OF WHAT WAS THERE		CREDIT TO THAT PORTION IN WHICH HE SPOKE THE TRUTH AND NOT TO THAT PORTION IN WHICH HE PREVARICATED. THAT IS THE RULE OF LAW, AND THAT IS THE RULE OF COMMON SENSE. SUPPOSE HE WILFULLY LIED ABOUT IT —IT DON'T CHANGE THE MANY FACTS THAT OCCURRED UPON THE FIELD ABOUT WHICH THERE IS A MOUNTAIN OF TESTIMONY AS TO THE MASSARCRE OF THAT EMIGRANT TRAIN BY THE WHITE MEN UPON THAT GROUND. NOW, SAM KNIGHT SAYS, THAT HE WENT TO THE FIELD IN PURSUANCE OF THAT ORDER	CREDIT TO THAT PORTION IN WHICH HE SPOKE THE TRUTH AND NOT TO THAT PORTION IN WHICH HE PREVARICATE~~E~~D. THAT IS THE RULE OF LAW, AND THAT IS THE RULE OF COMMON SENSE. SUPPOSE HE WIL**L**FULLY LIED ABOUT IT —IT DON'T CHANGE THE MANY FACTS THAT OCCURRED UPON THE FIELD ABOUT WHICH THERE IS A MOUNTAIN OF TESTIMONY AS TO THE MASSA~~R~~CRE OF THAT EMIGRANT TRAIN BY THE WHITE MEN UPON THAT GROUND. NOW, SAM KNIGHT SAYS, THAT HE WENT TO THE FIELD IN PURSUANCE OF THAT ORDER

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RS	PS	RT	BT
COMMANDED AND HE WAS —[?] THE GROUND HE WOULD NOT HAVE GONE UPON THAT GROUND IF HE HAD NOT BEEN ORDERED [*space*] HE STATES WHO ORDERED IT WHAT WAS DONE FARTHER FACTS AS THEY GO HE STATED STEP BY STEP WHAT HE STATED TO BE TRUE ≤HE≥ SAYS HE WENT ON FIELD WHEN HE GOT THERE THERE WAS A CONSIDERABLE NUMBER OF WHAT HE TERMED SOLDIERS. THERE WAS INDIANS ABOUT THERE. {SAW}[i] D. LEE UPON GROUND AND MR. HIGBEE. JOHN D. LEE *HIMSELF*[?] AND MR. HIGBEE HELD		AND HE WAS UPON THE GROUND. HE WOULD NOT HAVE GONE UPON TH~~Q~~AT GROUND IF HE HAD NOT BEEN ORDERED. HE TELLS US WHO ORDERED IT AND WHAT WAS DONE; AND WITH FARTHER FACTS FACTS AS THEY GO ON HE STATED STEP BY STEP WHAT HE STATED TO BE TRUE . HE SAYS HE WENT ON THE FIELD; WHEN HE GOT THERE , THERE WAS A CONSIDERABLE OF WHAT HE TERMED SOLDIERS THERE. THERE W S ALSO INDIANS ABOUT THERE. HE SAW JOHN D. LEE UPON THE GROUND AND MR. HIGBEE. JOHN D. LEE, HIMSELF, AND MR. HIGBEE HELD A	AND HE WAS UPON THE GROUND. HE WOULD NOT HAVE GONE UPON TH~~Q~~**A**T GROUND IF HE HAD NOT BEEN ORDERED. HE TELLS US WHO ORDERED IT AND WHAT WAS DONE; AND WITH FARTHER FACTS AS THEY ON HE STATED STEP BY STEP WHAT HE **BELIEVED** ~~STATED~~ TO BE TRUE . HE SAYS HE WENT ON THE FIELD; WHEN HE GOT THERE , THERE WAS A CONSIDERABLE OF WHAT HE TERMED SOLDIERS THERE. THERE W**A**S ALSO INDIANS ABOUT THERE. HE SAW JOHN D. LEE UPON THE GROUND AND MR. HIGBEE. JOHN D. LEE, HIMSELF, AND MR. HIGBEE HELD A

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RS	PS	RT	BT
COUNSEL I BELIEVE IT WAS AT HAMBLIN'S RANCH [*space*] NOW AT THAT COUNCIL HE SAYS IT SEEMS INFLUENCE *TAKEN*[?] —[?] TO *DETERMINED*[?] TO DESTROY *ALL*[?] THIS TRAIN LEE INSISTED ON THEY MET AT HAMBLIN'S RANCH TALKED BUT WHAT WAS THE CONSULTATION ABOUT HE SAYS IT WAS DESTRUCTION OF THOSE EMIGRANTS. HE SAYS THERE IT WAS STATED BY LEE IN THE PRESENCE OF MYSELF AND HIGBEE THAT {THE}[i] PLAN WAS THAT IN AS MUCH AS THEY WERE SO ENTRENCHED THE GROUND WAS DUG {UP}[i]		COUNSEL; AND I BELIEVE IT WAS AT HAMBLIN'S RANCH. NOW WHAT OCCURRED AT THAT COUNCIL? HE SAYS IT SEEMS THAT INFLUENCE WAS—AND IT WAS DETERMINED TO DESTROY ALL THIS TRADE. LEE AND OTHERS , THEY MET AT HAMBLIN'S RANCH AND THEY TALKED ABOUT IT. WHAT WAS THE CONSULTAT ON ABOUT? ~~A.~~ HE SAYS IT WAS O DESTROY ALL THIS EMIGRANT TRAIN. HE SAYS**,** **"**THAT THERE IT WAS STATED BY LEE IN THE PRESENCE OF MYSELF AND HIGBEE THAT THE PLAN WAS, THAT IN AS MUCH AS THEY WERE SO INTRENCHED, AND THAT THE GROUND WAS GUG UP	COUNSEL; AND I BELIEVE IT WAS AT HAMBLIN'S RANCH. NOW WHAT OCCURRED AT THAT COUNCIL? HE SAYS IT SEEMS THAT INF~~U~~LUENCE WAS—AND IT WAS DETERMINED TO DESTROY ALL THIS **TRAI**N ~~TRADE~~. LEE AND OTHERS , THEY MET AT HAMBLIN'S RANCH AND THEY TALKED ABOUT IT. WHAT WAS THE CONSULTAT**I**ON ABOUT? ~~A.~~ HE ~~W~~SAYS IT WAS **T**O DESTROY ALL THIS EMIGRANT TRAIN. HE SAYS**,** **"**THAT THERE IT WAS STATED BY LEE IN THE PRESENCE OF MYSELF AND HIGBEE THAT THE PLAN WAS, THAT IN AS MUCH AS THEY WERE SO INTRENCHED, AND THAT THE GROUND WAS **DUG** ~~GUG~~ UP

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RS	PS	RT	BT
THEIR WAGON WHEELS LAID IN {AND THE}[i] FACTS AND CIRCUMSTANCES IT[573] *[~~3~~]*[574] CORROBORATES HIM IN IT IN AS MUCH AS THEY WERE SO PERSISTENT IN THEIR *DEFENSE*[?],		AND THEIR WAGONS LET IN AND THE FACTS AND CIRCUMSTANCE S IT CORROBERATED HIM INIT, AND IN AS MUCH AS THEY WERE SO WELL ENTRENCHED IN THEIR DEFENSE, THEY HAD TO BE DECOYED OUT.[575]	AND THEIR WAGONS ~~L~~SET IN AND THE FACTS AND CIRCUMSTANCE S ~~IT~~ CORROBERATED HIM INIT, AND IN AS MUCH AS THEY WERE SO WELL ENTRENCHED IN THEIR DEFENSE, THEY HAD TO BE DECOYED OUT. *[25]*
AH MY GOD WHAT WHITE MAN WOULD NOT HAVE BEEN STUBBORN IN THEIR RESISTANT IN THE PROTECTION OF THEIR LITTLE ONES; NURSING UPON THE BREASTS OF THEIR MOTHERS MEN INSTIGATED ~~<~~BY~~>~~ SUCH MOTIVES OF DEFENSE WOULD HAVE BEEN HARD TO OVERCOME {THE}[i]			AH! MY GOD! WHAT WHITE MEN WOULD NOT HAVE BEEN STUBBORN IN THE IR RESISTANCE AND THE PRETECTION OF THEIR LITTLE ONES NUR~~C~~SING UPON THE BREASTS OF THEIR MOTHERS? MEN INSTIGATED BY SUCH MOTIVES OF DEFENSE WOULD HAVE BEEN HARD TO OVERCOME. THE

573. The corner of the page is missing.
574. At the top of the page in longhand: **TRANSCRIBED JULY 11/88**.
575. Page 25 is missing in the Rogerson Transcript.

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RS	PS	RT	BT
EXPERIENCE THEY HAD HAD FIGHTING WITH INDIANS SHOWED IF THEY WERE WHIPPED BY FEAR {FOR}[i] FIGHT SOME OF THEM MUST LAY DOWN THEIR COWARD CARCASSES SACRIFICE THEIR OWN CRAVEN LIVES [*space*] THAT MAN WAS CAIN AND HAS MARK UPON HIS COUNTENANCE {I}[i] WILL HAVE OCCASION {TO}[i] CALL {THE}[i] ATTENTION OF {THE}[i] JURY TO {THE}[i] COUNTENANCE BY AND BY			EXPERIENCE ~~THAT~~ THEY HAD HAD FIGHTING WITH THE INDIANS HAD TOLD THEM OF THE WAR WHOOP **AND** ~~TH~~WHEN THEY HEARD IT WAS FOR FIGHT; AND THOUGH SOME OF THEM MIGHT LAY DOWN SOME OF THEIR BODIES IT WOULD NOT BE WITHOUT SOME OF THE COWARDLY CARCASSES BEING SACRIFICED AND SLAUGHTERED TOO. THAT MOVEMENT ON THE PART OF LEE WAS THE BEGINNING OF THE STAMP OF CAIN UPON HIS COUNTENANCE. I SHALL HAVE OCCASION TO CALL THE ATTENTION OF THE JURY TO HIS COUNTENANCE AGAIN AFTER A

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RS	PS	RT	BT
BECAUSE HE HAS LINEAMENTS AND MARKS OF CRIME SUCH CRIME STAMPED ITSELF UPON COUNTENANCE UPON PERPETRATOR [*space*] INDELIBLY STAMPED ITSELF THAT THE FOOL MAY READ IT AND A LITTLE CHILD WILL SHRINK FROM SUCH A MAN EDUCATED BY INSTINCTS GOD HAS GIVEN IT. [*space*] COUNSEL SAY THOSE PARTIES WERE SO ENTRENCHED SO DESPERATE IN THE DEFENSE OF THEIR LITTLE ONES THAT IT BECOMES NECESSARY NOW FOR US TO PLAY SOME TRICK —[?] WAS TAKEN HERE SIR THE PLAN WAS THERE LAID DOWN BY			WHILE BECAUSE HE HAS THE LINEAMENTS AND MARKS OF CRIME. SUCH A CRIME STAMPS ITSELF UPON THE PERPETRATOR WITH AN INDELLIBLE STAMP ~~ITSELF~~ AND THOUGH A FOOL **SEE IT** HE MAY READ IT. A LITTLE CHIL~~L~~D WILL SHRINK FROM SUCH A MAN, EDUCATED BY THE INSTINCTS GOD HAS GIVEN IT. **THE** COUNSEL SAY THESE PARTIES WERE SO INTRENCHED ~~9~~ —SO DESPERATE IN THE DEFENSE OF THEIR LITTLE ONES THAT IT BECAME N~~3~~ECESSARY FOR US TO PLAY SOME TRIC~~H~~K AND A VOTE WAS TAKEN. HERE, SIR, THE PLAN WAS THERE LAID ~~W~~DOWN BY

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RS	PS	RT	BT
WHICH IT WAS DONE DECIDED DETERMINED UPON K SMITH'S TESTIMONY THEY SAY THAT IT *HAD/DID*[?] NOT THINK YOU DON'T HAVE TESTIMONY EXCEPT K SMITH AND HEAR HIM ON STAND I WILL GRANT YOU THIS SO FAR AS HIS ENTRY INTO THAT COMBINATION IS CONCERNED IT RESTS UPON K SMITH'S TESTIMONY FOLLOWED BY THE CORROBORATIN G CIRCUMSTANCES WHICH FOLLOWED THAT IS BETTER THAN POSITIVE HUMAN			WHICH IT WAS DONE AND DECIDED UPON. ~~A.~~ VOTE HAD BEEN TAKEN ACCORDING TO KLINGENSMITH' S STESTIMONY. COUNSEL, THEY SAY, THAT IT HADN'T; THAT YOU DON'T ~~K~~HAVE ANY TESTIMO~~N~~Y EXCEPT KLINGENSMITH' S**.** WITHOUT PUTTING HIM ON THE STAND, I WILL GRANT THEM **(**THE COUNSEL**)** THIS, SO FAR AS HIS ENTERING THAT COMBINATION IS CONCERNED IT RESTS UPON KLINGENSMIGH' S TESTIMONY FOLLOWED BY CORROBERATIN G CI~~T~~RCUMSTANC ES**.** ~~THAT FOLLOWED~~. ~~THAT~~ **WHAT** IS BETTER THAN POSITIVE HUMAN

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RS	PS	RT	BT
TESTIMONY IN WHICH ALL THE WITNESSES AGREE EVERY MAN WHO WAS ON THE GROUND SAW TRANSACTION TESTIFIES TO {THE}[i] FACTS WE *SAY/SHALL*[?] BEYOND REASONABLE DOUBT TO DEMONSTRATE SO FAR AS HUMAN TESTIMONY **&** CIRCUMSTANCES CAN DEMONSTRATE THE FACT SMITH TOLD THE TRUTH NOW WHAT WAS THE PLAN? IT WAS STATED *SIR*[?] BY MR. LEE THEY WOULD GO TO THAT BELEAGUERED ~ THAT BLEEDING TRAIN WITH A FLAG OF TRUCE PREVIOUS TO THAT TIME FIGHT HAD		*[26]* THE CIRCUMSTANCE S CAN AND DO DEMONSTRATE THE FACT THAT SMITH TOLD THE TRUTH. NOW, WHAT WAS THE PLAN, IT WAS STATED BY MR. LEE, THAT THEY WOULD GO TO THAT BELEAGURED THAT BLEEDING TRAIN WITH A FLAG OF TRUCE. PREVIOUS AND IN THAT DAY THE FIGHT HAD	TESTIMONY AND WHICH ALL THE WITNESSES AGREE~~.~~**?** ALL THE WITNESSES AGREE, EVERY MAN WHO WAS ON THE GROUND SAW THE TRANSACTION, AND TESTIFIES TO THE FAC~~E~~T ; AND WE SAY BEYOND A REASONABLE DOUBT **IT IS** ~~IT~~ ~~CAN BE~~ DEMONSTRATE D AS FAR AS ~~M~~HUMAN TESTIMONY *[26]* **AND** THE CIRCUMSTANCE S CAN ~~AND DO~~ DEMONSTRATE THE FACT**,** THAT SMITH TOLD THE TRUTH. NOW, WHAT WAS THE PLAN, IT WAS STATED BY MR. LEE, THAT THEY WOULD GO TO THAT BELEAGURED THAT BLEE~~E~~DING TRAIN WITH A FLAG OF TRUCE. PREVIOUS AND IN THAT DAY THE FIGHT HAD

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RS	PS	RT	BT
BEEN BETWEEN THE INDIANS AND WHITES OR EMIGRANTS . OF COURSE NO CAPITULATION COULD BE MADE WITH THE INDIANS BECAUSE IT IS A PART OF THEIR RELIGION IT SEEMS TO BE AS SHOWN BY THESE FACTS; AND PART OF THE MORMON RELIGION TO KILL PART AND PARCEL OF IT AN INTEGRAL PART OF IT *TO*[?] SHED HUMAN BLOOD THEY KNOWING IT WAS PART OF THE ~~≤~~RELIGION~~≥~~ OF INDIAN TO KILL WHEN HE KILLS AND SCALPS HIS VICTIM *HE HAS CAUSE/HIS ACTS*[?] TO *PRMTION/PROMO TION*[?] WITH THE INDIAN. ~~≤~~EMIGRANTS~~≥~~ ~~THESE SAVAGES~~		BEEN GOIN ON BETWEEN THE INDIANS AND THE WHITES OR EMIGRANTS . OF COURSE NO CAPITULATION COULD BE MADE BY THE INDIANS BECAUSE IT IS NOT A PART OF THEIR RELIGION . IT SEEMS TO ME AS IS SHOWN BY THESE FACTS, A PART OF THE MORMON RELIGION IS TO KILL AND PART AND PARCEL OF IT AND THE UNGREATFUL PART OF IT IS TO SHED HUMAN BLOOD FOR ANOTHER. IT WAS PART OF THE RELIGION OF AN INDIAN TO KILL; BUT WHEN HE KILLS AND SCALPS HIS VICTIM [*space*]	BEEN GOI~~N~~G ON BETWEEN THE INDIANS AND THE WHITES OR EMIGRANTS . OF COURSE NO CAPITULATION COULD BE MADE BY THE INDIANS BECAUSE IT IS NOT A PART OF THEIR RELIGION . IT SEEMS TO ME AS IS SHOWN BY THESE FACTS, **THAT** A PART OF THE MORMON RELIGION IS TO KILL—AND **A** PART AND PARCEL OF IT— AND **A** ~~THE~~ ~~UN~~GREAT~~FUL~~ PART OF IT IS TO SHED HUMAN BLOOD FOR ANOTHER. IT ~~WAS~~ **IS** PART OF THE RELIGION OF AN INDIAN TO KILL; BUT WHEN HE KILLS ~~AND~~ **HE** SCA~~;~~LPS HIS VICTIM [*space*]

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RS	PS	RT	BT
WOULD NEVER CAPITULATE TO WHILE HE WEARS THE SKIN OF THE WHITE MAN HE BEARS A HEART BLACKER MORE DEGRADED MORE CONTEMPTIBLE THAN AN INDIAN BUT THEN THEY WELL KNEW WHILE {THE}[i] INDIANS COULD NOT SUCCEED FLAG OF TRUCE WHITE FLAG WITH WHITE MAN UPON ITS FACE THOUGH NOT BEING FAMILIAR WITH THIS MORMON RELIGION WOULD LEAD MEN WHO WOULD RECOGNIZE *WITH HIM*[?] AS CHRISTIAN A MAN WHO HAD BEEN ROCKED IN CRADLE IN CHRISTIANITY WHO WAS BROUGHT UP IN		WHILE, HE (LEE) WEARS THE SKIN OF A WHITE MAN HE BEARS A HEART BLACKER AND MORE DEGRADED— MORE CONTEMPTIBLE THAN AN INDIAN. BUT THEN THEY WELL KNEW WHILE THE INDIANS COULD NOT SUCCEED THAT THAT THE FLAG OF TRUCE , THE FLAG WITH A WHITE MAN'S GUARANTEE UPON ITS FACE, THEY COULD WITH THAT SUCCEED. WITH THAT MAN WHO HAD BEEN BORN AND RAISED IN THE CRADLE OF CHRISTIANITY; WHO HAD BEEN BROUGHT UP IN	WHILE, HE (LEE) WEARS THE SKIN OF A WHITE MAN HE BEARS A HEART BLACKER AND MORE DEGRADED— MORE CONTEMPTIBLE THAN AN INDIAN. BUT THEN THEY WELL KNEW WHILE THE INDIANS COULD NOT SUCCEED THAT ~~THE~~ FLAG OF TRUCE , THE FLAG WITH A WHITE MAN'S GUARANTEE UPON ITS FACE, THEY COULD WITH THAT SUCCEED. WITH THAT MAN WHO HAD BEEN BORN AND RAISED IN THE CRADLE OF CHRISTIANITY; WHO HAD BEEN BROUGHT UP IN

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RS	PS	RT	BT
{THE}[i] TEACHINGS OF {THE}[i] MEEK AND LOWLY SAVIOR JESUS CHRIST, WHOSE DOCTRINE WOULD SO REFORM TO *LARGE*[?] *FROM*[?] THAT OLD MODE OF DISCIPLINE OF AN EYE FOR AN EYE TOOTH FOR {A}[i] TOOTH TO INAUGURATE THAT DOCTRINE JESUS RETURNED GOOD FOR EVIL PRAY THOSE WHO DESPITEFULLY USE YOU DO UNTO OTHERS AS WOULD HAVE OTHERS DO UNTO YOU THEY KNEW WHEN WHITE MEN APPEARED UPON {THE}[i] GROUND {THE}[i] PRESUMPTION WAS HE HAD BEEN REARED UNDER {THE}[i] BENIGN INFLUENCE OF		THE TEACHINGS O F THE MEEK AND LOWLY SAVIOR JESUS CHRIST WHOSE DOCTRINE WAS A REFEORMATION —A CHANGE OF THE OLD MODE OF DISCIPLINE OF "AN EYE FOR AN EYE, AND A TOOTH FOR A TOOTH". TO INAUGURATE THAT DOCTRINE, JESUS RETURNED "GOOD FOR EVIL" PRAYED FOR THOSE WHO DISPITEFULLY USED YOU; DO UNTO OTHERS AS YOU WOULD HAVE OTHERS DO UNTO YOU". THEY(THE EMIGRANTS) KNEW WHEN WHITE MEN APPEARED UPON THE GROUND—THE PRESUMPTION WAS, THAT HE HAD BEEN REARED UNDER THE BENIGN INFLUENCES OF	THE TEASCHINGS O F THE MEEK AND LOWLY SAVIOR JESUS CHRIST WHOSE DOCTRINE WAS A REFEORMATION —A CHANGE OF THE OLD MAODE OF DISCIPLINE OF "AN EYE FOR AN EYE, AND A TOOTH FOR A TOOTH". TO INAUGURATE THAT DOCTRINE, JESUS RETURNED "GOOD FOR EVIL" PRAYED FOR THOSE WHO DISPITEFULLY USED YOU; DO UNTO OTHERS AS YOU WOULD HAVE OTHERS DO UNTO YOU". THEY (THE EMIGRANTS) KNEW WHEN WHITE MEN APPEARED UPON THE GROUND—THE PRESUMPTION WAS, THAT HE HAD BEEN REARED UNDER THE BENIGN INFLUENCES OF

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RS	PS	RT	BT
THE HOLY RELIGION OF JESUS CHRIST AND THEREFORE UNDER ITS BENIGN INFLUENCE HE COULD NOT POSSESS SAVAGE POSSESSED WHOSE RELIGION IT WAS TO KILL THEREFORE HE ARMED HIMSELF WITH FLAG OF TRUCE {THE}[i] EVIDENCE IS CONFLICTING *SOMEWHAT*[?] AS TO WHETHER HE CARRIED IT SOME WITNESSES SAY HE TOOK IT SOME OTHERS SAY SOME OTHER TOOK IT; ALL CONCUR IN THE FACT THAT THAT MAN ACCOMPANIED {THE}[i] FLAG OF TRUCE THAT EMBLEM		THE HOLY RELIGION OF JESUS CHRIST, AND THEREFORE UNDER ITS BENIGN INFLUENCE HE **C**OULD NOT POSSESS, AS THE SAVAGE POSSESSED THE TREACHERY AND DISREGARD FOR HUMAN LIFE, AND WHOSE RELIGION WAS TO KILL; THEREFORE HE ARMED HIMSELF WITH A FLAG OF TRUCE. *[27]* THE EVIDENCE IS CONFLICTING AS TO WHETHER HE CARRIED IT. SOME WITNESSES S Y HE TOOK IT; SOME OTHERS SAY SOME OTHER MAN TOOK IT; BUT ALL CONCUR IN THE FACT THAT THAT MAN ACCOMPANIED THAT FLAG OF TRUCE THE RE. THAT EMBLEM	THE HOLY RELIGION OF JESUS CHRIST, AND THEREFORE UNDER ITS BENIGN INFLUENCE HE ~~W~~**C**OULD NOT POSSESS, AS THE SAVAGE POSSESSED**,** THE TREACHERY AND DISREGARD FOR HUMAN LIFE, AND WHOSE RELIGION WAS TO KILL; THEREFORE HE ARMED HIMSELF WITH A FLAG OF TRUCE. *[27]* THE EVIDENCE IS CONFLICTING AS TO ~~T~~WHETHER HE CARRIED IT. SOME WITNESSES SA**Y** HE TOOK IT; SOME OTHERS SAY SOME OTHER MAN TOOK IT~~.~~; BUT ALL CONCUR IN THE FACT THAT THAT MAN ACCOMPANIED THAT FLAG OF TRUCE THE RE. THAT EMBLEM

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RS	PS	RT	BT
OF PEACE THAT SECURITY THAT IS OFFERED BY SAVAGE AND {*EVERY*[?]}[i] CIVILIZED NATION WHEN SENT, TO AN ENEMY IF WE ARE NOT MISTAKEN NO MAN WHO LOOKS INTO THE FACE OF THAT PRISONER WOULD TAKE HIM BE A FOOL HIS LOOKS SHOWS MORE OF A *[~~4~~]* KNAVE THAN A FOOL;[576] SEQUEL IN THIS CASE SHOWS HOW GOOD {**A**}[i] JUDGE OF HUMAN NATURE HE WAS IT WAS HE {WHO}[i] CAUSED THEM EMIGRANTS TO BE DECOYED OUT BY A FLAG OF TRUCE. WHETHER IT BE		OF PEACE, THAT SECURITY THAT IS OFFERED BY THE SAVAGE AND EVERY CIVILIZED NATION WHEN INTO A CONFLICT WITH AN ENE~~L~~MY ~~BY~~ BUT IN THIS THEY WERE MISTAKEN. NO MAN WHO LOOKS INTO THE FACE OF THAT PRISONER WOULD TAKE HIM TO BE A FOOL, YET HIS LOOKS SHOWS HIM TO BE MORE OF A NAVE THAN A FOOL, AND THE SEQUEL IN THIS CASE SHOWS HOW GOOD A JUDGE OF HUMAN NATURE HE WAS. IT WAS HE WHO CAUSED THEM EMIGRANTS TO BE DECOYED OUT OF THEIR STRONGHOLT BY A FLAG OF TRUCE WHETHER IT WOULD BE OR	OF PEACE, THAT SECURITY THAT IS OFFERED BY THE SAVAGE AND EVERY CIVILIZED NATION WHEN IN~~TO~~ A CONFLICT WITH AN ENE~~L~~MY ~~BY~~ BUT IN THIS THEY WERE MISTAKEN. NO MAN WHO LOOKS INTO THE FACE OF THAT PRISONER WOULD TAKE HIM TO BE A FOOL, YET HIS LOOKS SHOWS HIM TO BE MORE OF A **K**NAVE THAN A FOOL, AND THE SEQUEL IN THIS CASE SHOWS HOW GOOD A JUDGE OF HUMAN NATURE HE WAS. IT WAS HE WHO CAUSED **THOSE** ~~THEM~~ EMIGRANTS TO BE DECOYED OUT OF THEIR STRONGHOL~~T~~**D** BY A FLAG OF TRUCE WHETHER IT WOULD BE OR

576. Rogerson's hand symbol.

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RS	PS	RT	BT
ACCOMPANIED BY ONE TO 2 IT MAKES NO DIFFERENCE. WHEN THEY GOT NEAR {THE}[i] TRAIN {**A**}[i] MESSENGER COMES OUT ≤FROM THE CORRAL≥ WHAT MUST HAVE BEEN PRAYER AND TEARS <OF THAT COMPANY OH> HOW FONDLY MUST THESE WOMEN HAVE CLASPED THEIR INFANTS TO THEIR BOSOMS AND WHEN THEY SAW HIM APPROACH WITH THAT FLAG; A WHITE MAN, WHO HAD BEEN RAISED UNDER {THE}[i] INFLUENCE OF {CHRISTIANITY}[i] ≤OH WHAT **A**≥ SHOUT MUST HAVE[577] GONE UP FROM THAT TRAIN ≤BUT IT		WAS ACCOMPANIED BY ONE OT TWO PERSONS IT MAKES NO DIFFERENCE . WHEN THEY GOT NEAR TO THE TRAIN, A MESSENGER COMES OUT FROM THE CORRAL. WHAT MUST HAVE BEEN THE PRAYERS AND TEARS OF THAT COMPANY AT THAT TIME? HOW FONDLY MUST ESE WOMEN HAVE CLASPED THEIR INFANTS TO THEIR BOSOMS, WHEN THEY SAW HIM APPROACH WITH THAT FLAG**,** A WHITE MAN APPROACHING WHO HAD BEEN RAISED UNDER THE INFLUENCE OF CHRISTIANITY. OH, WHAT A SHOUT MUST HAVE GONE UP FROM THAT TRAIN! BUT IT	WAS ACCOMPANIED BY ONE O~~T~~**R** TWO PERSONS IT MAKES NO DIFFERENCE . WHEN THEY GOT NEAR TO THE TRAIN, A M~~A~~ESSENGER COMES OUT FROM THE CORRAL. WHAT MUST HAVE BEEN THE PRAYERS AND TEARS OF THA T COM~~A~~PANY AT THAT TIME~~?~~**!** HOW FONDLY MUST THESE WOMEN HAVE CLASPED THEIR INFANTS TO THEIR BOSOMS, WHEN THEY SAW HIM APPROACH WITH THAT FLAG**,** —A WHITE MAN APPROACHING WHO HAD BEEN RAISED UNDER THE INFLUENCE OF CHRISTIANITY. OH, WHAT A SHOUT MUST HAVE GONE UP FROM THAT TRAIN! BUT IT

577. Word apparently added later.

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RS	PS	RT	BT
WAS DONE BY ONE≥ WHOSE RELIGION IT IS TO BETRAY AND THEN TO KILL YOUNG AND MEN AND CHILDREN *AS*[?] IS ORDERED UNDER THE DIVINE INSTITUTION OF RELIGION; WHEN HE COME WITH **A** FLAG OF TRUCE ≤THEY SAY HE≥ COMES IN SINCERITY AND THAT FLAG OF TRUCE IN HIS HANDS[578] THAT PROTECTS WHICH *CHARACTER*[?] CIVILIZATION = WHICH THE CHRISTIAN RELIGION BY {THE}^{i} BENIGN INFLUENCE HAVE ≤**A**≥ GIVEN GUARANTEE {WITH IT}^{i} TO. THEY APPROACH. NOW THEN {THE}^{i} A CONSULTATION IS HELD. THAT IS THE TESTIMONY		WAS TAKEN BY ONE WHOSE RELIGION IT IS TO BETRAY A THEN TO KILL, YOUNG WOMEN AND CHILDREN. HE IS ORDERED OUT UNDER THE DIVINE INSTITUTIONS OF RELIGION; WHEN HE COME WITH A FLAG OF TRUCE , THEY SAY HE COMES IN C~~E~~INCERITY , AND THAT FLAG OF TRUCE CARRIES WITH IT PROTECTION AND CHRISTIAN CIVILIZATION, AND WHICH THE CHRISTIAN RELIGION BY THE BENGN INFLUENCE HAS A GIVEN GUARANTEE WITH IT. THEY APPROACH. NOW, THEN, A CONSULTATION IS HELD; THAT IS THE TESTIMONY,	WAS TAKEN BY ONE WHOSE RELIGION IT IS TO BETRAY A**ND** ~~THEN~~ TO KILL,YOUNG WOMEN AND CHILDREN. HE IS ORDERED OUT UNDER THE DIVINE INSTITUTIONS OF RELIGION; WHEN HE COMES WITH A FLAG OF TRUCE , THEY SAY HE COMES IN ~~C~~**CS**~~E~~INCERITY , AND THAT FLAG OF TRUCE CARRIES WITH IT PROTECTION AND CHRISTIAN CIVILIZATION, AND WHICH THE CHRISTIAN RELIGION BY THE BEN**I**GN INFLUENCE HAS A GIVEN GUARANTEE WITH IT. THEY APPROACH. NOW, THEN , A CONSULTATION IS HELD; THAT IS THE TESTIMONY,

578. Word apparently added later.

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RS	PS	RT	BT
ALL AGREE ≤THAT≥ JOHN D. LEE HELD NEGOTIATIONS WITH THAT PARTY, AND THAT THEY WENT INTO {THE}[i] TRAIN, HAD A NEGOTIATION, ≤HE WAS **ONE OF THE 2≥** WERE TWO WHO PARTICIPATED IN ≤IT≥, BECAUSE IT IS CORROBORATED BY THE FACT OF K SMITH'S STATEMENTS UPON THE STAND NOW WHAT WAS IT? K SMITH SAID IT WAS TO GET THEM OUT THAT WAS DETERMINED UPON, NOT ONLY THAT, BUT THE ARRANGEMENTS WAS THEY WERE TO GET {THE}[i] ARMS OF THE EMIGRANTS BRING {THE}[i] LITTLE		AND THEY ALL AGREE THAT JOHN D. LEE AND OTHERS HELD NEGOTIATION WITH THAT PARTY, ~~THA~~ AND THAT THEY WENT INTO THE TRAIN —HAD A NEGOTIATION, AND HE WAS ONE OF THE TWO WHO PARTICIPATED IN IT, BECAUSE IT IS CORROBERATED BY THE FACT OF KLINGENSMITH' S STATEMENTS UPON THE STAND. *[28]* NOW, WHAT WAS IT. KLINGENSMITH SAID IT WAS ~~GIVEN~~ **TO GET THEM** OUT, THAT WAS DETERMINED UPON; NOT ONLY THAT BUT THE ARRANGEMENT S WAS THEY WERE TO GET THE ARMS OF THE EMIGRANTS; BRING THE LIT LE	AND THEY ALL AGREE THAT JOHN D. LEE AND OTHERS HELD NEGOTIATION WITH THAT PARTY, ~~THA~~ AND THAT THEY WENT INTO THE TRAIN —HAD A NEGOTIATION, AND HE WAS ONE OF THE TWO WHO PARTICIPATED IN IT, BECAUSE IT IS CORROBERATED BY THE FACT OF KLINGENSMITH' S STATEMENTS ~~O~~UPON THE STAND. *[28]* NOW, WHAT WAS IT. KLINGENSMITH SAID IT WAS ~~GIVEN~~ **TO GET THEM** OUT, THAT WAS DETERMINED UPON; NOT ONLY THAT BUT THE ARRANGEMENT S WAS THEY WERE TO GET THE ARMS OF THE EMIGRANTS; BRING THE LIT**T**LE

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RS	PS	RT	BT
CHILDREN OUT, IN ADVANCE ≤OF THE WAGONS≥ EVEN UNDER THIS INFAMOUS RELIGION BECAUSE IT IS *AUTHORIZED*[?] BY PROPHETS IT WAS DONE IN PURSUANCE OF RELIGIOUS FANATICISM; EVEN UNDER {THE}[i] INFLUENCE OF THIS RELIGION THEY HAVE RESPECT ≤FOR INFANTS≥. FOR WHAT IS IT? THEY CALL IT INNOCENT BLOOD TO SHED {THE}[i] BLOOD OF A LITTLE CHILD WOULD BE TO SHED INNOCENT BLOOD. ~~THEY~~ {THE}[i] ARRANGEMENT WAS THEN {THAT}[i] THESE LITTLE CHILDREN, WERE TO BE BROUGHT OUT {IN}[i] ADVANCE OF THE WAGONS, THE WOMEN TO BE		CHILDREN OUT, IN ADVANCE OF THE WAGONS; EVEN UNDER THIS INFAMOUS RELIGION BECAUSE IT IS AUTHORI~~V~~ZED BY PROPHETS. IT WAS DONE IN PURSUANCE OF RELIGIOUS FANATACISM; BUT UNDER THE INFLUENCE OF THIS RELIGION THEY HAVE RESPECT FOR INFANTS. FOR WHAT AND WHY? THEY CALL IT INNOCENT BLOOD**:** TO SHED THE BLOOD OF THE LITTLE CHILDREN WOULD BE TO SHED INNOCENT BLOOD. THE ARRANGEMENT WAS THEN THAT THESE LITTLE CHILDREN, ~~A~~SHOULD BE BROUGHT OUT IN ADVANCE OF THE WAGONS; THE WOMEN TO BE	CHILDREN OUT, IN ADVANCE OF THE WAGONS; EVEN UNDER THIS INFAMOUS RELIGION BECAUSE IT IS AUTHORI~~V~~ZED BY PROPHETS. IT WAS DONE IN PURSUANCE OF RELIGIOUS FANATACISM; BUT UNDER THE INFLUENCE OF THIS RELIGION THEY HAVE RESPECT FOR INFANTS. FOR WHAT AND WHY? THEY CALL IT INNOCENT BLOOD**;** TO SHED THE BLOOD OF THE LITTLE CHILDREN WOULD BE TO SHED INNOCENT BLOOD. THE ARRANGEMENT WAS THEN THAT THESE LITTLE CHILDREN, ~~A~~SHOULD BE BROUGHT OUT IN ADVANCE OF THE WAGONS; THE WOMEN TO BE

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RS	PS	RT	BT
≤SLAIN BY THE INDIANS WHO WERE≥ LY≤ING≥ IN AMBUSH = ≤BE≥ SLAIN[579] INDIANS = TO BE SLAUGHTERED BY INDIANS ≤WHO SEEMED TO FORGET EVEN THE≥ LITTLE ≤DEGREE≥ CLAIM OF CHRISTIANITY THAT MAY HAVE THROWN ITS RAYS OVER THESE MEN EVEN THE RELIGION OF JESUS CHRIST OF LATTER DAY SAINTS AND IT IS A BLASPHEMOUS EXPRESSION, AND ONE ~~IS~~THAT {SHOULD BE}[i] OBLITERATED AND FORMER INFLUENCE {AND THE}[i] INFLUENCE[580] NERVE THEMSELVES UP TO THE TASK OF SLAYING WOMEN;		SLAIN BY THE INDIANS WHO WERE LYING IN AMBUSH TO BE SLAIN, TO BE SLAUGHTERED BY THE INDIANS, WHO SEEMED TO FORGET EVEN THE LITTLE DEGREE OF CHRISTIANITY THAT MAY HAVE THROWN ITS RAYS OVER THESE MEN. EVEN THE RELIGION OF JESUS CHRIST OF LATTER DAY SAINTS, AND IT IS A BLASPHEMOUS EXPRESSION, AND ONE THAT SHOULD BE OBLITERATED THROUGHOUT ALL FORMER TIMES. THE INFLUENCE NERVED THEMSELVES UP TO THE TASK OF SLAY~~9~~ING WOMES AND	SLAIN BY THE INDIANS WHO WERE LYING IN AMBUSH ~~TO BE SLAIN~~, TO BE SLAUGHTERED BY THE INDIANS, WHO SEEMED TO FORGET EVEN THE LITTLE ~~E~~DEGREE OF CHRISTIANITY THAT MAY HAVE THROWN ITS RAYS OVER THESE MEN. EVEN THE RELIGION OF JESUS CHRIST OF LATTER DAY SAINTS, AND IT IS A BLASPHEMOUS EXPRESSION, AND ONE THAT SHOULD BE OBLITERATED THROUGHOUT ALL ~~FORMER~~ TIME~~S~~. THE ~~INFLUENCE~~ **WHITE SOLDIERS NEVER** NERVED THEMSELVES UP TO THE TASK OF SLAY~~9~~ING WOME~~S~~**N** AND

579. Word may be crossed out.
580. Word may be crossed out.

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RS	PS	RT	BT
THEREFORE THEY IMPOSED UPON THEM THAT TASK THEY WERE TO BE SLAIN {AND}[i] THESE SOLDIERS = THESE MEMBERS OF THE MORMON CHURCH WERE TO SLAY THE MEN <AND THE INDIANS THE WOMEN>. THAT IS **THE** STATEMENT NOW THEN TO CORROBORATE K SMITH ALL THE TESTIMONY SHOWS THAT {THE}[i] FLAG OF TRUCE AS WAS AGREED UPON {AND}[i] TALKED ABOUT THERE, WAS TAKEN {TO}[i] THIS EMIGRANT CORRAL, AND THERE THEY DID HOLD {**A**}[i] NEGOTIATION WITH THESE PERSONS LET US SEE. ~~<~~**DEF** TO THE COUNSEL WHEN THEY GAVE THAT~~>~~		CHILDREN, THEREFORE THEY THEY IMPOSED UPON THEM THAT TASK. THEY WERE TO BE SLAIN; AND THESE LEADERS —THESE MEMBERS OF THE MORMON CHURCH WERE TO SLAY THE MEN AND THE INDIANS THE WOMES~~S~~N. THAT IS THE STATEMENT. NOW THEN TO CORROBERATE KLINGENSMITH. ALL THE TESTIMONY SHOWS THAT THE FLAG OF TRUCE AS WAS AGREED UPON AND TALKED ABOUT THERE WAS TAKEN TO THIS EMIGRANT CORRAL AND THERE THEY DID HOLD A NEGOTIATION WITH THESE PERSONS. LET US SEE, THE DEFENSE AND THE COUNSEL, WHEN THEY GIVE THAT AS A	CHILDREN, THEREFORE ~~THEY~~ THEY IMPOSED UPON THE~~M~~ **INDIANS** THAT TASK. THEY WERE TO BE SLAIN; AND THESE LEADERS —THESE MEMBERS OF THE MORMON CHURCH WERE TO SLAY THE MEN AND THE INDIANS THE WOMES~~S~~N. THAT IS THE STATEMENT. NOW**,** THEN TO CORROBERATE KLINGENSMITH. ALL THE TESTIMONY SHOWS THAT THE FLAG OF TRUC~~R~~E AS WAS AGREED UPON AND TALKED ABOUT THERE WAS TAKEN TO THIS EMIGRANT CORRAL AND THERE THEY DID HOLD A NEGOTIATION WITH THESE PERSONS. LET US SEE, THE DEFENSE**.** ~~AND~~ **T**HE COUNSEL, WHEN THEY GIVE THAT AS A

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RS	PS	RT	BT
PROSECUTION TO THE COUNSEL REASON THEY DO INJUSTICE TO THEIR OWN SENSE OF RIGHT AND REASON WHEN THEY ALLEGE INTIMATE THAT {THE}[i] MEN WENT TO THIS = TRAIN ≤WENT≥ TO SAVE THEM {AND}[i] NOT TO DESTROY THEM. {THE}[i] PROPOSITION IS RIDICULOUS IT IS MONSTROUS IT DOES VIOLENCE TO {THE}[i] COMMON SENSE. SMITH HAS STAT{ED}[i] THEY DETAILED THE CIRCUMSTANCES HE *SAYS*[?] HE WAS RATHER AFRAID GO AND KILL ALL {THE}[i] WOMEN AND CHILDREN; <AND IT IS TRUE> FOR THE FACTS THAT HAVE BEEN SHOWN AS		REASON, THEY DO INJUSTICE TO THEIR OWN SENSE OF RIGHT AND REASON, WHEN THEY ALLEGE AND INTIMATE, THAT THE GOING OF THESE TWO MEN WHO WENT TO THIS TRAIN, WENT TO SAVE THE M AND NOT TO DESTROY THEM. THE PROPOSITION IS RIDICULOUS, AND IT IS MONSTROUS AND DOWS VIOLENCE TO COMMON SENSE. SMITH HAS STATED AND OTHER WITNESSES HAV DETAILED THE CIRCUMSTANCES. HE SAYS HE *[29]* WAS RATHER AFRAID TO GO AND KILL ALL THE WOMEN AND CHILDREN; AND IT IS TRUE FOR THE FACTS THAT HAVE BEEN SHOWN AS	REASON, THEY DO INJUSTICE TO THEIR OWN SENSE OF RIGHT AND REASON~~,~~; WHEN THEY ALLEGE AND INTIMATE, THAT THE GOING OF THESE TWO MEN WHO WENT TO THIS TRAIN, WENT TO SAVE THEM AND NOT TO DESTROY THEM. THE PROPOSITION IS RIDICULOUS**,** ~~AND~~ IT IS MONSTROUS AND DO~~W~~ES VIOLENCE TO COMMON SENSE. SMITH HAS STATED AND OTHER WITNESSES HAVE DETAILED THE CIRCUMSTANCES. HE SAYS HE *[29]* WAS RATHER AFRAID TO GO AND KILL ALL THE WOMEN AND CHILDREN; AND IT IS TRUE FOR THE FACTS THAT HAVE BEEN SHOWN AS

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RS	PS	RT	BT
THEY TRANSPIRED UPON THE GROUND ARE IN HARMONY WITH WHAT K SMITH STATES IT WAS AGREED UPON, AIN'T IT STRONG THAT HUMAN TESTIMONY HE TOLD THE TRUTH, THAT {AN}[i] ARRANGEMENT WAS ENTERED INTO BY THESE PARTIES THAT THEY GO, {AND}[i] THE FIRST STEP THEY DID ≤WAS TO≥ GO INTO {THE}[i] THAT TRAIN WITH {A}[i] FLAG OF TRUCE K SMITH SAYS, THAT WAS PART OF {THE}[i] ARRANGEMENT PROSECUTION **≤DEF≥** {PROSECUTION}[i] ≤COUNSEL OF THE DEFENSE≥ SAYS, IT WAS ON A MISSION OF **GREAT** MERCY JOHN D. LEE WENT IN THERE WITH {THAT}[i] FLAG OF		THEY TRANSPIRED UPON THE GROUND ARE IN HARMONY WITH WHAT KLINGENSMITH STATES IT WAS AGREED UPON AND ISN'T IT STRONGER THAN HUMAN TESTIMONY. HE TOLD THE TRUTH, THAT THE ARRANGEMENT S WAS ENTERED INTO BY THESE PARTIES, THAT WERE THERE; AND THE FIRST STEP THEY DID WAS TO GO INTO THAT TRAIN WITH A FLAG OF TRUCE. KLINGENSMITH SAYS THAT WAS A PART OF THE ARRANGEMENT. COUNSEL FOR DEFENSE SAYS IT WAS ON A MISSION OF MERCY . JOHN D. LEE WENT IN THERE WITH THAT FLAG OF	THEY TRANSPIRED UPON THE GROUND ARE IN HARMONY WITH ~~T~~WHAT KLINGENSMITH STATES IT WAS AGREED UPON AND ISN'T IS STRONGER THAN HUMAN TESTIMONY. HE TOLD THE TRUTH, THAT THE ARRANGEMENT S WAS ENTERED INTO BY THESE PARTIES, THAT WERE THERE; AND THE FIRST STEP THEY DID WAS TO GO INTO THAT TRAIN WITH A FLAG OF TRUCE. K~~I~~LINGENSMITH SAYS THAT WAS A PART OF THE ARRANGEMENT. COUNSEL FOR DEFENSE SAYS IT WAS ON A MISSION OF MERCY. JOHN D. LEE WENT IN TH~~A~~ERE WITH THAT FLAG OF

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RS	PS	RT	BT
TRUCE DEFENDANT {DEFENSE}[i] WENT INTO ≤THAT CAMP≥ TO SAVE THESE LITTLE CHILDREN ≤BUT IT WAS TO BETRAY≥ THESE *SKLNS TR/TL*[?] MEMBERS THESE BELEAGUERED OLD MEN AND WOMEN. WHAT WAS DONE WHEN HE GOES INTO THE TRAIN {THE}[i] FIRST CONSPIC{UOUS}[i] ACTION THAT APPEARS WHAT HAS TO OCCUR ≤IS THIS≥ YOU HAVE SEEN THE SPECTACLE OF LOADING UP ≤**THE**≥ EMIGRANTS ARMS INTO THE WAGONS, WOULD RENDER IT NECESSARY ≤TO PROVE≥ THAT ≤THE≥ REAL THEORY OF {THE}[i] PROSECUTION		TRUCE. DEFENSE SAY WE WENT INTO THAT CAMP TO SAVE THESE LITTLE CHILDREN, BUT IT WAS TO BETRAY THE MEMBERS OF THISEBELEAGU RED OLD MEN, WOMEN AND CHILDREN. WHAT WAS DONE WHEN HE GETS INTO THE TRAIN? THE FIRST CONSPICUOUS THING THAT APPEARS, AND WHAT OCCURRED IS THIS: YOU HAVE SEEN THE SPECTACLE OF LOADING UP THE EMIGRANTS ARMS INTO THE WAGONS. THE VERY ACT TH T WOULD RENDER IT NECESSARY TO PROVE THE REAL THEORY OF THE PROSECUTION,	TRUCE. DEFENSE SAY WE WENT INTO THAT CAMP TO SAVE THESE LITTLE CHILDREN, BUT IT WAS TO BETRAY TH~~I~~E MEMBERS OF TH~~I~~ES**E** BELEAGURED**,** ~~OLD~~ MEN, WOMEN AND CHILDREN. WHAT WAS DONE WHEN HE GETS INTO THE TRAIN? THE FIRST CONSPICUOUS THING THAT APPEARS, AND WHAT OCCURRED IS THIS: YOU HAVE SEEN THE SPECTACLE OF LOADING UP THE EMIGRANTS ARMS INTO THE WAGONS. THE VERY ACT TH**A**T WOULD RENDER IT NECESSARY TO PROVE THE REAL THEORY OF THE PROSECUTION,

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RS	PS	RT	BT
≼WOULD BE≽ TO HAVE ≼**TO**≽ DISARMED THESE VICTIMS {—[?]}[i] MUST HAVE BEEN. WHAT COULD HAVE BEEN {THE}[i] OBJECT OF JOHN D. LEE HE MUST HAVE BEEN *HIS*[?] FIRST ACT = IF THE THEORY OF THE DEFENSE IS CORRECT =		WOULD BE TO DISARM THESE VICTIMS AS IT MUST HAVE BEEN. WHAT WOULD HAVE BEEN THE OBJECT OF JOHN D. LEE? HE MUST HAVE BEEN FIRST, IF THE THEORY OF THE DEFENSE IS CORRECT,—	WOULD BE ~~TO~~ **THE** DISARM**ING OF** THESE VICTIMS AS IT MUST HAVE BEEN. WHAT ~~W~~COULD HAVE BEEN THE OBJECT OF JOHN D. LEE? HE MUST HAVE BEEN FIRST, IF THE THEORY OF THE DEFEN~~D~~SE IS CORRECT, **AND IF THEIR THEORY IS CORRECT WHAT GOOD**
WOULD IT HAVE BEEN TO HAVE DISARMED THOSE PERSONS OF THE ONLY MEANS THAT THEY HAD TO PROTECT THEMSELVES AGAINST {THE}[i] INDIANS; TO HAVE TAKEN THEIR ARMS *[4]* FROM THEM WHAT ACCORDING TO THE THEORY OF THE DEFENSE WAS ≼THE≽ NECESSITY OF TAKING THOSE ARMS FROM		WOULD IT HAVE BEEN TO HAVE DISARMED THESE PRISONERS OF THE ONLY MEANS THAT THEY HAD TO PROTECT THEMSELVES AGAINS T THE INDIANS, TO HAVE TAKEN THEIR ARMS FROM THEM? THAT , ACCO~~D~~RDING TO THE THEORY OF THE DEFENSE WAS THE NECESSITY OF TAKING THESE ARMS FROM	WOULD IT HAVE BEEN TO HAVE DISARMED THESE PRISONERS OF THE ONLY MEANS THAT THEY HAD TO PROTECT THEMSELVES AGAINST THE INDIANS, TO HAVE TAKEN THEIR ARMS FROM THEM? WHAT , ACCO~~D~~RDING TO THE THEORY OF THE DEFENSE WAS THE NECESSITY OF TAKING THESE ARMS FROM

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RS	PS	RT	BT
THESE EMIGRANTS. WAS IT STIPULATED, AS IT IS CLAIMED. IT WAS STIPULATED {THAT THE}[i] INDIANS WERE {TO}[i] HAVE THEIR ARMS, THEY PRETEND INDIANS WERE TO HAVE ARMS AND PLUNDER {THE}[i] ARMS WERE CARRIED AWAY BY JOHN D. LEE. LET US CONTRAST {THE}[i] TWO THEORIES {IT}[i] CORROBORATES KLINGENSMITH TESTIMONY IN THAT REGARDS ON AN ASSUMED THEORY, ≤IT IS≥ MERE ASSUMPTION, HYPOTHESIS OF THE DEFENSE IF THEY HAD GONE ON MISSION OF MERCY, WHY ≤DID THEY≥ NOT, IF THEY		THE EMIGRANTS~~A~~? IS IT STIPULATED, IS IT CLAIMED, WAS IT STIPULATED THAT THE INDIANS WERE TO HAVE THEIR ARMS? THEY PRETEND THE INDIANS WERE TO HAVE THE WAGONS AND PLUNDER. THE ARMS WERE PUT IN THE WAGONS AND CARRIED AWAY BY JOHN D. LEE. LET US EXAMINE AND CONTRAST THE TWO THEORIES. IT CORROBER~~S~~ATES KLINGENSMITH'S TESTIMONY, IN THAT REGARDS ON AN ASSURED THEORY, BUT IT IS MERE ASSUMPTION. I PUT THIS TO THE DEFENSE, IF THEY HAD GONE THERE ON A MISSION OF MERCY, WHY DID THEY *[30]* NOT, INSTEAD	THE EMIGRANTS~~A~~? IS IT STIPULATED, IT IS CLAIMED, ~~**THAT** WAS IT STIPULATED~~ THAT THE INDIANS WERE TO HAVE THEIR ARMS? THEY PRETEND THE INDIANS WERE TO HAVE THE WAGONS AND PLUNDER. THE ARMS WERE PUT IN THE WAGONS AND CARRIED AWAY BY JOHN D. LEE. LET US EXAMINE AND CONTRAST THE TWO THEORIES. IT CORROBER~~S~~ATES KLINGENSMITH'S TESTIMONY, IN THAT REGARD~~S~~ ON AN ASSUMED THEORY, BUT IT IS MERE ASSUMPTION I PUT THIS TO THE DEFENSE, IF THEY HAD GONE THERE ON A MISSION OF MERCY, WHY DID THEY *[30]* NOT, INSTEAD

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RS	PS	RT	BT
WERE THERE ON MISSION INCREASE THEIR MISSION IN PLACE OF MARCHING THESE MEN OUT DEFENSELESS WITHOUT ARMS, ~~EACH~~ AS THEY HAD EACH OF THEM {**A**}[i] GUN WELL LOADED WELL BACKED BY BULLET AND POWDER{?}[i] NO SIR VERY FACT IS **THE** ACT APPEARS CONSPICUOUS IN ~~≤~~PERSUADING~~≥~~ PREPARING ~~≤~~DECOYING~~≥~~ MOVING THESE EMIGRANTS OUT ON THIS MISSION OF *IMMENSE*[?] MERCY GREAT HEAVENS {THE}[i] FIRST STEP TAKEN IS IN CONSUMMATION ~~≤~~OF THE~~≥~~ VERY PLAN K SMITH SWEARS WAS ENTERED INTO <ON THE FIELD> BEFORE JOHN D.		OF DECREASING THEIR MEANS OF DEFENSE INCREASE THEIR MEANS INSTEAD—IN PLACE OF MARCHING THESE MEN OUT DEFENSELESS WITHOUT ARMS, AS THEY HAD EACH OF THEM A GUN WELL LOADED, WELL BACKED BY BULLET AND POWDER, BUT NO, SIR, THE VERY ~~FEAT~~ **FACT** AS THE ACT APPEARS CONSPICIOUS **AND** ~~IN~~ PURSUADING, DECOYING AND MOVING THESE EMIGRANTS OUT ON THIS MISSION OF MERCY. GREAT HEAVENS! THE FIRST STEP TAKEN IS IN CONSUMATION OF THE VERY PLAN, KLINGENSMITH SWEARS WAS ENTERED INTO ON THE FIELD BEFORE JOHN D.	OF DECREASING THEIR MEANS OF DEFENSE INCREASE THEIR MEANS INSTEAD—IN PLACE OF MARCHING THESE MEN OUT DEFENSELESS WITHOUT ARMS, AS THEY HAD EACH OF THEM A GUN WELL LOADED, WELL BACKED BY BULLET AND POWDER, BUT NO, SIR, THE VERY ~~FEAT~~ **FACT,** AS THE ACT APPEARS CONSPICUOUS **IS THE** ~~IN~~ PERSUADING, DECOYING AND MOVING THESE EMIGRANTS OUT ON THIS MISSION OF MERCY. GREAT HEAVENS! THE FIRST STEP TAKEN IS IN CONSUMATION OF THE VERY PLAN, KLINGENSMITH SWEARS WAS ENTERED INTO ON THE FIELD BEFORE JOHN D.

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RS	PS	RT	BT
LEE STARTED WITH THAT FLAG OF TRUCE THEN THE ACTS DONE SHOW ≼THAT≽ K SMITH WAS TELLING TRUTH IT CORROBORATES HIM ENTIRELY **&** INCONSISTENT WITH THIS IMAGINED THEORY OF DEFENSE. NOT ONLY THAT, BUT WHEN ANOTHER STEP IS TAKEN IN THIS TERRIBLE TRAGEDY, WHAT DO WE SEE? WE SEE JOHN D. LEE WITH CHILDREN ≼HAD WAGONS AND ARMS≽ WITH THE ARMS WOUNDED MEN MARCHING OUT ≼WITH HIM≽ WE SEE THE WOMEN FOLLOWING, MEN AGAIN FOLLOWING THEM WHICH IS EXACTLY IN THE ORDER IN		LEE STARTED WITH THAT FLAG OF TRUCE. THEN THE ACTS DONE SHOW THAT K LINGENSMITH WAS TELLING THE TRUTH. IT CORROBERATES HIM ENTIRELY AND IS INCONSISTENT WITH THIS IMAGINATION AND THEORY OF THE DEFENSE. NOW, ONLY THAT, BUT WHEN ANOTHER STEP IS TAKEN IN THIS TERRIBLE TRAGEDY , WHAT DO WE SEE ? WE SEE JOHN D. LEE WITH THE CHILDREN THAT HE HAD THE WAGONS AND ARMS AND THE WOUNDED MEN MARCHING OUT WITH HIM. WE SEE THE WOMEN FOLLOWING HIM, MEN, AGAIN FOLLOWING THEM; THIS IS EXACTLY IN THE ORDER IN	LEE STARTED WITH THAT FLAG OF TRUCE. THEN THE ACTS DONE SHOW THAT K LINGENSMITH WAS TELLING THE TRUTH. IT CORROBERATES HIM ENTIRELY AND IS INCONSISTENT WITH THIS IMAGINATION AND THEORY OF THE DEFENSE. NO~~W~~**T** ONLY THAT, BUT WHEN ANOTHER STEP IS TAKEN IN THIS TERRIBLE TRAGEDY , WHAT DO WE SEE ? WE SEE JOHN D. LEE WITH THE CHILDREN THAT HE HAD THE WAGONS AND ARMS AND THE WOUNDED MEN MARCHING OUT WITH HIM. WE SEE THE WOMEN FOLLOWING HIM, MEN, **AGAN** FOLLOWING THEM; THIS IS EXACTLY IN THE ORDER IN

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RS	PS	RT	BT
WHICH K SMITH TESTIFIED THAT IN THAT COUNCIL IT WAS DETERMINED AGREED UPON THEY SHOULD MARCH OUT. THEN THERE IS ANOTHER CIRCUMSTANCE THAT CORROBORATES K SMITH AND THE ORDER IN WHICH ≤THE≥ THOSE MEN WERE MARCHED OUT, IS CORROBORATED BY *EVERY*[?] WITNESS IT IS TRUE THEY DIDN'T TELL IT EXACTLY ALIKE, BUT THE SUM AND SUBSTANCE OF ALL THEIR TESTIMONY GOES TO SHOW THAT WAS THE WAY ORDER IN WHICH THEY WERE MARCHED OUT. THERE IS ANOTHER CIRCUMSTANCE I SHALL CALL		WHICH KLINGENSMITH THAT IN THAT COUNSEL, IT WAS DETERMINED AND AGREED UPON THAT THEY SHOULD MARCH OUT. THEN THERE IS ~~NO~~ ANOTHER CIRCUMSTANCE THAT CORROBERATES KLINGENSMITH. AND THE ORDER IN WHICH THESES MEN WERE MARCHED OUT IS CORROBERATED ~~M~~BY EVERY WITNESS. I T IS TRUE THEY DIDN'T TELL IT EXACTLY ALOKE, BUT THE SUM AND SUBSTANCE OF ALL THEIR TESTIMONY GOES TO SHOW, THAT THAT WAS THE WAY AND ORDER IN WHICH THEY WERE MARCHED OUT. THERE IS ANOTHER CIRCUMSTANCE I WISH TO CALL	WHICH KLINGE~~M~~NSMIT H **SAID** ~~THAT~~ IN THAT COUNSEL, IT WAS DETERMINED AND AGREED UPON THAT THEY SHOULD MARCH OUT. THEN THERE IS ~~NO~~ ANOTHER CIRCUMSTANCE THAT CORROBERATES KLINGENSMITH. AND THE ORDER IN WHICH THESES MEN WERE MARCHED OUT IS CORROBERATED ~~M~~BY EVERY WITNESS. I T IS TRUE THEY DIDN'T TELL IT EXACTLY **ALIKE** ~~ALOKE~~, BUT THE SUM AND SUBSTANCE OF ALL THEIR TESTIMONY GOES TO SHOW, THAT THAT WAS THE WA~~N~~Y AND ORDER IN WHICH THEY WERE MARCHED OUT. THERE IS ANOTHER CIRCUMSTANCE I WISH TO CALL

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RS	PS	RT	BT
YOUR ATTENTION TO MOST OF WITNESSES TESTIFIED WHILE THEY WERE WAITING ON GROUND, ≤AND BEFORE THE≥ MASSACRE, THE INDIANS WERE LOITERING AROUND THEIR CAMP THEY SHOWED NO HOSTILITY ON THE GROUND TO THE SOLDIERS AS THEY WERE TERMED ON ON THE ≤GROUND≥ SAME AS MORMONS "WHICH IS {THE}[i] BETTER EXPRESSION BECAUSE IT WAS *MORMON/MILITIA* [?] **MILITIA** ORGANIZATION LEAD BY LEADERS OF {THE}[i] MORMON CHURCH, WHILE I WOULD NOT HOLD ANY INDIVIDUAL RESPONSIBLE FOR IT, BECAUSE I KNOW		YOUR ATTENTION TO. MOST OF THE WITNESSES TESTIFIED THAT WHILE THEY WERE WAITING UPON THE GROUND AND BEFORE THE MASSACRE THE INDIANS WERE LOITERING AROUND THE CA~~N~~MP THERE. THAT SHOWED NO HOSTILITY ON THE GROUND TO THE SOLDIERS; AND THEY WERE TERMED ON ON THE GROUND AS MORMONS . WHICH IS THE BETTER EXPRESSION, BECAUSE IT WAS A MORMON ORGANIXATION LEAD BY THE LEADERS OF THE MORMON CHURCH. AND WHILE I WOULD HOLD A GOOD MANY OF THEM RESPON- *[31]* SIBLE FOR IT, BECAUSE I KNOW THERE	YOUR ATTENTION TO. MOST OF THE WITNESSES TESTIFIED THAT WHILE THEY WERE WAITING UPON THE GROUND AND BEFORE THE MASSACRE THE INDIANS WERE LOITERING AROUND THE CA~~N~~MP THERE. THAT SHOWED NO HOSTILITY ON THE GROUND TO THE SOLDIERS; AND THEY WERE TERMED ~~ON~~ ON THE GROUND AS MORMONS~~.~~**,** WHICH IS THE BETTER EXPRESSION, BECAUSE IT WAS A MORMON ORGANIXATION LEAD BY THE LEADERS OF THE MORMON CHURCH. AND WHILE I WOULD HOLD A GOOD MANY OF THEM RESPON- *[31]* SIBLE FOR IT, BECAUSE I KNOW THERE

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RS	PS	RT	BT
THOUSANDS IN THE MORMON CHURCH REVOLT AT THE DEED THEIR LEADERS HAVE ABUSED THEM, HAVE IMPOSED UPON THEM, THEY ~~<~~HAVE~~>~~ LAID BURDENS UPON THEM WHICH IS GRIEVOUS THERE IS **AN** ILLUSTRATION OF ONE OF THEM BEFORE YOU NOW. THOSE INDIANS WERE NOT HOSTILE TO THESE ~~<~~MEN BUT~~>~~ THEY WERE IN **COM**MUNICATIO N *WITH*[?] THEM SEVERAL WITNESSES TESTIFIED THEY WERE LYING ABOUT AND ~~<~~AND AROUND~~>~~ CAMP ~~<~~**AND**~~>~~ CONTINUED TO LAY ABOUT CAMP; HELD INTERCOURSE WITH THESE SOLDIERS TILL THE TIME ~~<~~THAT~~>~~ THIS		ARE THOUSANDS IN THE MORMON CHURH REVOLT AT THE DEED. BUT THEIR LEADERS HAVE ABUSED THEM, HAVE IMPOSED UPON THEM, THEY HAVE LAID BURDENS UPON THEM WHICH IS GRIEVOUS. THERE IS AN ILLUST~~A~~RATION OF ONE OF THEM BEFORE YOU NOW. THESE INDIANS WERE NOT HOSTILE TO THESE MEN; BUT THEY WERE IN COMMUNICATIO N WITH THEM. SEVERAL WITNESSES TESTIFIED THAT THEY WERE LYING ABOUT AND AROUND CAMP, AND CONTINUED TO LAY ABOUT CAMP; HELD INTERCOURSE WITH THESE SOLDIERS TILL THE TIME THAT THIS	ARE THOUSANDS IN THE MORMON CHURH REVOLT AT THE DEED. BUT THEIR LEADERS HAVE ABUSED THEM, HAVE IMPOSED UPON THEM, THEY HAVE LAID BURDENS UPON THEM WHICH ~~IS~~ **ARE** GRIEVOUS. THERE IS AN ILLUST~~A~~RATION OF ONE OF THEM BEFORE YOU NOW. THESE INDIANS WERE NOT HOSTILE TO THESE MEN; BUT THEY WERE IN COMMUNICATIO N WITH THEM. SEVERAL WITNESSES TESTIFIED THAT THEY WERE LYING ABOUT AND AROUND CAMP, AND CONTINUED TO ~~LAY~~ **LIE** ABOUT CAMP; HELD INTERCOURSE WITH THESE SOLDIERS TILL THE TIME THAT THIS

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RS	PS	RT	BT
MASSACRE WAS TO BE PERPETRATED AND THEN THEY SUDDENLY DISAPPEARED STILL THERE IS NO EVIDENCE DIRECTLY AS THEIR ≤**AS TO THEIR**≥ PLAN OR ARRANGEMENT UNDER WHICH THEY DISAPPEARED WHOLE TRANSACTION SHOWS CONCLUSIVELY *THEY DID/HAD*[?] DISAPPEARED, AND, AND		MASSACRE WAS TO BE PERPETRATED, THEN THEY SUDDUNLY DISAPPEARED.	MASSAC **M**ASSACRE WAS TO BE PERPETRATED, THEN THEY SUDDENLY DISAPPEARED.
WHERE DID THEY GO WHEN THEY DISAPPEARED? YOU DON'T KNOW I DON'T KNOW EXCEPT FROM WHAT OCCURRED AFTERWARD <**ONE WITNESS** SAYS> THEY DISAPPEARED BEHIND **A** LITTLE HILLOCK OUT OF SIGHT, {BUT}[i] IN CLOSE PROXIMITY TO THE ROAD OVER WHICH {THE}[i]		WHERE DID THEY GO TO WHEN THEY DISAPPEARED? YOU DON'T KNOW, AND I DON'T KNOW, EXCEPT FROM WHAT OCCURRED AFTERWARDS. ONE WITNESS SAYS THEY DISAPPEARED BEHIND A LITTLE HILLOCK OUT OF SIGHT, BUT IN CLOSE PROXIMITY TO THE ROAD OVER WHICH THOSE	WHERE DID THEY GO TO WHEN THEY DISAPPEARED? YOU DON'T KNOW, A**N**D I DON'T KNOW, EXCEPT FROM WHAT OCCURRED AFTERWARDS. ONE WITNESS SAYS THEY DISAPPEARED BEHIND A LITTLE HILLOCK OUT OF SIGHT, BUT IN CLOSE PROXIMITY TO THE ROAD OVER WHICH THESE

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RS	PS	RT	BT
EMIGRANTS AFTERWARDS PASSED . HOW DOES THAT CORROBORATE K SMITH'S TESTIMONY HE TELLS THAT THE INDIANS WERE LY{ING}[i] IN AMBUSH {TO}[i] KILL THE WOMEN, ≤WHO WERE≥ TO BE TOOK OUT AND LED INTO THIS AMBUSCADE OR AMBUSH ≤**THE**≥ INDIANS THEN ON THE MORNING OF THE MASSACRE ≤SUDDENLY≥ DISAPPEARED HAD JOHN D. LEE AND THOSE MEN ENGAGED IN THIS HORRIBLE CRIME INTENDED *WHAT DEFENSE*[?] *IN FL/VL/—*[?] ≤THEY≥ WOULD HAVE DONE WHAT? THEY WOULD HAVE MADE IT CONDITION BEFORE		EMIGRANTS AFTERWARDS PASSED . HOW DOES THAT CORROBERATE KLINGENSMITH'S TESTIMONY? HE TELLS THAT THE INDIANS WERE LYING IN AMBUSH TO KILL THE WOMEN, WHO WERE TO BE TOOK OUT AND LED INTO THIS AMUSCADE OR AMBUSH. THE INDIANS THEN, ON THE MORNING OF THE MASSACRE SUDDENLY DISAPPEARED. HAD JOHN D. LEE AND THOSE MEN WHO WERE ENGAGED IN THIS HORRIBLE CRIME INTENDED WHAT THE DEFENSE CLAIM THEY ENDEAVORED TO DO, - THEY WOULD HAVE DONE WINT? THEY WOULD HAVE MADE ~~IT~~ A DIFFERENT CONDITION OF	EMIGRANTS AFTERWARDS PASSED. HOW DOES THAT CORROBERATE KLINGENSMITH'S TESTIMONY? HE TELLS THAT THE INDIANS WERE LYING IN AMBUSH TO KILL THE WOMEN, WHO WERE TO BE ~~TOOK~~ **TAKEN** OUT AND LEAD INTO THIS AMBUSCADE OR AMBUSH. THE INDIANS THEN, ON THE MORNING OF THE MASSACRE SUDDENLY DISAPPEARED. HAD JOHN D. LEE AND THOSE MEN WHO WERE ENGAGED IN THIS HORRIBLE CRIME INTENDED WHAT THE DEFENSE CLAIM THEY ENDEAVORED TO DO, - THEY WOULD HAVE DONE WHAT? THEY WOULD HAVE MADE ~~IT~~ A DIFFERENT CONDITION OF

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RS	PS	RT	BT
SURRENDER OF THIS TRAIN TO HAVE TAKEN THESE INDIANS TO SUCH REMOTE CIRCUMSTANCE DISTANCE AS TO HAVE PUT IT IN BEYOND POWER ≤OF THE INDIANS TO HAVE≥ ATTACK THESE EMIGRANTS. AND THEY WERE LYING AROUND CAMP THE WHEN LEE AND THESE MEN = IF THEY ACTED IN GOOD FAITH WHAT WOULD THEY HAVE DONE? ≤THEY WOULD HAVE≥ REQUIRED INDIANS TO HAVE RETIRED ON THE BLUFF IN SIGHT *TO HAVE*[?] PLACED IT BEYOND THEIR POWER TO RUSH UPON THESE EMIGRANTS, ASSAIL AND SLAUGHTER		SURRENDER OF THIS TRAIN AND THEY WOULD HAVE TAKEN THESE INDIANS TO SUCH A REMOTE PLACE OR DISTANCE AS TO PUT IT BEYOND THE POWER OF THE INDIANS TO HAVE ATTACKED THESE EMIGRANTS. BUT THEY WERE LYING AROUND CAMP THERE WHEN LEE AND THESE MEN WENT THERE. IF THEY HAD ACTED IN GOOD FAITH, WHAT WOULD THEY HAVE DONE? THEY WOULD HAVE REQUIRED THE INDIANS TO HAVE RETIRED ON THE BLU FF INSIGHT, AND WOULD HAVE PLACED IT BEYOND THEIR POWER TO RUSH UPON THESE EMIGRANTS AND ASSAIL AND SLAUGHTER	SURRENDER OF THIS TRAIN AND THEY WOULD HAVE TAKEN THESE INDIANS TO SUCH A REMOTE PLACE OR DISTANCE AS TO PUT IT BEYOND THE POWER OF THE INDIANS TO HAVE ATTACKED THESE EMIGRANTS. BUT THEY WERE LYING AROUND CAMP THERE WHEN LEE AND THESE MEN WENT THERE. IF THEY HAD ACTED IN GOOD FAITH, WHAT WOULD THEY HAVE DONE? THEY WOULD HAVE REQUIRED THE INDIANS TO HAVE RETIRED ON THE BLUFF INSIGHT, AND WOULD HAVE PLACED IT BEYOND THEIR POWER TO RUSH UPON THESE EMIGRANTS AND ASSAIL AND SLAUGHTER

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RS	PS	RT	BT
THEM. WOULDN'T THAT HAVE BEEN ≤THE CASE≥ = WOULD NOT THAT HAVE BEEN TACTICS. INDIANS DESIRED GUNS ARE TAKEN ≤AWAY≥ [5] FROM PARTIES JOHN D. LEE AND THESE MEN IN THAT COUNTRY = AND AS APPEARED BEFORE YOU IN THE TESTIMONY = LIVED IN MIDST OF INDIAN COUNTRY, LIVED WITH INDIANS; ≤WERE≥ FAMILIAR WITH ≤THE≥ INDIAN HABITS AND TRAITS. IF THEY HAD LED THEM OUT IN PURSUANCE OF AN ARRANGEMENT MADE THERE <**MADE** *ACCORDING*[?] THEORY OF THE DEFENSE>, THEY WOULD HAVE HAD		THEM. WOULDN'T THAT HAVE B EN THE CASE? WOULD NOT THAT HAVE BEEN THE DICTATES? THE INDIANS HAD SOME GUNS [32] HERE TAKEN AWAY FROM THESE PARTIES. JOHN D. LEE AND THESE MEN IN THAT COUNTRY , AS HAS APPEARED BEFORE YOU IN THE TESTIMONY LIVED IN THE MIDST OF AN INDIAN COUNTR;Y, LIVED WITH THE IHNDIANS; WERE FAMILIAR WITH THE INDIAN HABITW AND TRAITS. IF THEY HAD LED THEM OUT IN PURSUANCE OF THE AR~RANGEMEN TS MADE THERE AND ACCORDING TO THE THEORY OF THE DEFENSE, THEY WOULD HAVE HAD THE	THEM. WOULDN'T THAT HAVE BEEN THE CASE? WOULD NOT THAT HAVE BEEN THE DICTATES? THE INDIANS HAD SOME GUNS [32] HERE TAKEN AWAY FROM THESE PARTIES. JOHN D. LEE AND THESE MEN IN THAT COUNTRY , AS HAS APPEARED BEFORE YOU IN THE TESTIMONY LIVED IN THE MIDST OF AN INDIAN COUNTR;Y LIVED WITH THE I~~H~~NDIANS; WERE FAMILIAR WITH THE INDIAN HABIT~~W~~S AND TRAITS. IF THEY HAD LED THEM OUT IN PURSUANCE OF THE AR~~F~~RANGEMEN TS MADE THERE ~~AND~~ OR ACCORDING TO THE THEORY OF THE DEFENSE, THEY WOULD HAVE HAD THE

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RS	PS	RT	BT
INDIANS RETIRE TO ≤SOME≥ REMOTE DISTANCE HOW THESE FACTS CORROBORATE = HOW DO THEY CONTRADICT THIS MISERABLE THEORY THIS CONTEMPTIBLE THEORY OF {THE}[i] DEFENSE THESE MEN AND WOMEN NOW HAVE BEEN BROUGHT OUT IN THE VERY ORDER K SMITH SAID THEY SHOULD COME OUT IT WAS ≤A≥ PART OF THE PROGRAM ≤THAT THE≥ CHILDREN SHOULD BE SAVED, WOMEN WAS TO BE MASSACRED BY INDIANS = I MEAN BY ≤INDIANS AND THE≥ MORMONS. WHAT IS THE TESTIMONY OF		INDIAN~~D~~S RETIRE TO SOME REMOTE DISTANCE. HOW DOES THE TESTIMONY CORROBERATE THESE FACTS? HOW DO THEY NOT CONTRACDICT THIS MISERABLE THEORY, THIS CONTEMPTABLE THEORY OF THE DEFENSE? THESE MEN AND WOMEN NOW, HAVE BEEN BROUGH OUT IN THE VERY ORDER KLINGENSMITH SAID THEY SHOULD COME OUT. IT WAS A PART OF THE PROGRAMME THAT THE CHILDREN SH ULD BE SAVED; AND THE WOMEN SHOULD BE MASSACREED BY THE INDIANS, I MEAN BY THE INDIA~~I~~NS AND THE MORMONS. WHAT IS THE TESTIMONY OF	INDIAN~~D~~S RETIRE TO SOME REMOTE DISTANCE. HOW DOES THE TESTIMONY CORROBERATE THESE FACTS? HOW DO THEY NOT CONTRADICT THIS MISERABLE THEORY, THIS CONTEMPTABLE THEORY OF THE DEFENSE? THESE MEN AND WOMEN NOW, HAVE BEEN BROUGH OUT IN THE VERY ORDER KLINGENSMITH SAID THEY SHOULD COME OUT. IT WAS A PART OF THE PROGRAMME THAT THE CHILDRE~~S~~N SHOULD BE SAVED; AND THE WOMEN **THEN** SHOULD BE MASSACRED BY THE INDIANS, I MEAN BY THE INDIANS AND THE MORMONS. WHAT IS THE TESTIMONY OF

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RS	PS	RT	BT
ALL WITNESSES WHO SAW THIS TRANSACTION WHEN THEY MOVED OUT ≼A FEW WAGONS IN FRONT≽ = MEN BEHIND = JUST AT THE MOMENT WHERE THESE WOMEN WERE BROUGHT OPPOSITE TO ATTESTED HERE BY TESTIMONY ≼THAT≽ JOHN D. LEE, HE IT IS IN FRONT = INCREASE HIS SPEED AND MOVED AWAY, OBJECT OF WHICH WAS TO TAKE THE CHILDREN BEYOND RANGE OF {THE}[i] ARROWS OF THOSE INDIANS. IT DOES THERE TURN OUT NOW ON THIS MISSION OF MERCY = OF		ALL THE WITNESSES WHO SAW THIS TRANSACTION? WHEN THEY MOVED OUT A FEW WAGONS IN FRONT, THE WOMEN BEHIDND THEM AND THE MEN BEHIDND THEM, JUST AT THE MOMENT WHERE THESE WOMEN WERE BROUGHT OPPOSITE TO THE INDIANS, IT IS THE ORDER BY THE TESTIMONY THAT JOHN D. LEE, HE IS IN FRONT, INCREASES HIS SPEED AND MOVED AWAY. THE OBJECT OF WHICH WAS TO TAKE THE CHILDREN BEYOND THE RANGE OF THE ARROWS OF THESE INDIANS. IT DOES THERE TURN OUT , NOW, ON THIS MISSION OF MERCY OF	ALL THE WITNESSES WHO SAW THIS TRANSACTION? WHEN THEY MOVED OUT A FEW WAGONS IN FRONT, THE WOMEN BEHIDND THEM AND THE MEN BEHIDND THEM, JUST AT THE MOMENT WHERE THESE WOMEN WERE BROUGHT- OPPOSITE TO THE INDIANS, IT IS THE ORDER<br~~BY THE~~ **ACCORDING TO THE** TESTIMONY THAT JOHN D. LEE, ~~HE~~ **WHO** IS IN FRONT, INCREASES HIS SPEED AND MOVED AWAY. THE OBJECT OF WHICH WAS TO TAKE THE ~~CHI~~ CHILDREN BEYOND THE RANGE OF THE ARROWS OF THESE INDIANS. ~~IT~~ **HOW** DOES THERE TURN OUT , NOW, ON THIS MISSION OF MERCY OF

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RS	PS	RT	BT
THAT MAN, HE LEADS THEM RIGHT INTO ~~<~~AN~~>~~ AMBUSCADE = LEADS THEM RIGHT TO POINT = WHERE ACCORDING TO K SMITH'S TESTIMONY HE SAYS THEY WE WERE TO BE LED WHAT *IT IS*[?] THE RESULT? <WHAT BRINGS THE INDIANS FROM THEIR> AMBUSCADE UPON THE FIRING OF THE GUNS UPON THE EMIGRANTS ~~<~~THE INDIANS~~>~~ RUSH OUT, AND WHAT DID THEY DO; ASSAIL THESE HELPLESS ~~<~~EMIGRANTS~~>~~ MURDERS *TO THE*[?] SLAUGHTERING THEM WITHOUT MERCY, IN THE MOST RELENTLESS MANNER. WHICH THEORY		THAT M~~A~~N .HE LEADS THEM RIGHT INTO AN AMBUSCADE, LEADS THEM RIGHT TO THE POINT, WHERE ACCORDING TO KLINGENSMITH' S TESTIMONY, HE SAYS THEY WERE TO BE LED. WHAT IS THEIR POS~~S~~ITION , AND WHAT IS THE RESULT? WHAT BRINGS THE INDIANS FROM THEIR ~~AMUS~~ AMBUSCADE? UPON THE FIRING OF THE GUNS UPON THE EMIGRANTS THE INDIANS RUSH OUT; AND WHAT DO THEY DO? ASSAIL THESE HELPLESS EMIGRANTS AND THE~~.~~ SLAUGHTERING OF THEM WITHOUT MERCY IN THE MOST RELENTLESS MANNER. WHICH THEORY	THAT **MAN?** HE LEADS THEM RIGHT INTO AN AMBUSCADE, LEADS THEM RIGHT TO THE POINT, WHERE ACCORDING TO KLINGENSMITH' S TESTIMONY, ~~HE SAYS~~ THEY WERE TO BE LED. WHAT IS THEIR POS~~S~~ITION , AND WHAT IS THE RES~~Y~~UL~~Y~~T? WHAT BRINGS THE INDIANS FROM THEIR ~~AMUB~~ AMBUSCADE? UPON THE FIRING OF THE GUNS UPON THE EMIGRANTS THE INDIANS RUSH OUT; AND WHAT DO THEY DO? ASSAIL THESE HELPLESS EMIGRANTS AND ~~THE~~ SLAUGHTER THEM WITHOUT MERCY IN THE MOST RELENTLESS MANNER. WHICH THEORY

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RS	PS	RT	BT
DOES IT SUPPORT? ALL THE TESTIMONY GOES TO SHOW THAT,		DOES IT SUPPORT? ALLL THE TESTIMONY GOES TO SHOW THAT,	DOES IT SUPPORT? ALL~~L~~ THE TESTIMONY GOES TO SHOW THAT, **SUPPORTS THE THEORY OF THE PROSECUTION**
AND EVERY MAN WHO TESTIFIED CORROBORATES IT IN AND A		AND EVERY MAN WHO TESTIFIED CORROBERATE~~D~~ S IT AND IN A	AND EVERY MAN WHO TESTIFIED CORROBERATE~~D~~ S IT AND IN ~~A~~ **SOME**
MANNER THAT SHOWS NO COLLUSIONS WHATEVER,		MANNER, THAT SHOWS NO COLLUSION WHATEVER,	MANNER~~,~~**;** THAT SHOWS NO COLLUSION WHATEVER **OF THE WITNESSES**
IN A MANNER SHOWING SPONTANEOUS UTTERANCES OF TRUTHFUL [*space*]		IN A MANNER *[[33]]* SHOWING THE SPONTANEOUS UTTERENCES OF TRUTH, THE DETAILS BROUGHT AND	~~,~~**BUT**> IN A MANNER *[33]* SHOWING THE SPONTANEOUS UTTERANCES OF T~~H~~RUTH, THE DETAILS BROUGHT AND
DERIVED FROM THE MASSACRE *THEY HAVE*[?] FROM WITNESSING IT UPON GROUND. HOW DO THEY MARCH; K SMITH SAYS THEY ARE MARCHED NOW IN THIS DIRECTION THEY <MEN = THE		DERIVED FROM THE MASSACRE, FROM WHAT WAS SEEN AND TOOK PLACE UPON THE GROUND. NOW HOW DO THEY MARCH? KLINGENSMITH SAYS THEY ARE MARCHED IN THIS DIRECTION. THE MEN, THE	DERIVED FROM THE MASSACRE, FROM WHAT WAS SEEN AND TOOK PLACE UPON THE GROUND. NOW HOW DO THEY MARCH? ~~L~~KLINGENSMIT H SAYS THEY ARE MARCHED IN THIS DIRECTION. THE MEN, THE

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RS	PS	RT	BT
MORMONS> PUT THEIR GUNS ON THEIR LEFT ARMS SOMETHING CONTRADICTORY THEY MARCHED ALONG SIDE BY SIDE TO <TILL THEY CAME TO A> CERTAIN POINT WHERE THE WORD HALT WAS TO BE GIVEN THAT IS THE SIGNAL FOR FIRING HE SAYS THAT WAS THE ARRANGEMENT JOEL WHITE STATES ~~<~~THE~~>~~ SAME THING HERE IS **A** SINGULAR COINCIDENCE JUST AT TIME WOMEN GOT OPPOSITE TO WHERE THESE INDIANS WERE CONCEALED AND THE WORD ~~<~~HALT~~>~~ WAS GIVEN = INDIANS DID RUSH UPON ~~<~~THEM~~>~~ AND THE SLAUGHTER WAS BEGAN,		MORMONS PUT THEIR GUNS ON THE LEFT ARM. SOMETHING CONTRADICTORY. THEY MARCHED ALONG SIDE BY SIDE TILL THEY CAME TO A CERTAIN POINT WHERE THE WORD "HALT!" WAS TO BE GIVEN. THAT IS THE SI~~F~~GNAL FOR FIRING. HE SAYS THAT WAS THE ARRANGEMENT. JOEL WHITE TELLS THE S**A**ME THING. HERE IS A SINGULAR COINCIDENCE. JUST AT THE TIME THE WOMEN GOT OPPOSITE TO WHERE THESE INDIANS WERE CONCEALED AND THE WORD "HALT" WAS GIVEN, THE INDIAN~~N~~S DID RUSH UPON THEM AND THE SLAUGHTER WAS BEGAN;	MORMONS PUT THEIR GUNS ON THE LEFT ARM **IN THIS MANNER**. ~~SOMETHING CONTRADICTORY.~~ THEY MARCHED ALONG SIDE BY SIDE TILL THEY CAME TO A CERTAIN POINT WHERE THE WORD "HALT!~~22~~" WAS TO BE GIVEN. THAT IS THE SI~~F~~GNAL FOR FIRING. HE SAYS THAT WAS THE ARRANGEMENT. JOEL WHITE TELLS THE S**A**ME THING. HERE IS A SINGULAR COINCIDENCE. JUST AT THE TIME THE WOMEN GOT OPPOSITE TO WHERE THESE INDIANS WERE CONCEALED AND THE WORD "HALT" WAS GIVEN, THE INDIAN~~W~~S DID RUSH UPON THEM AND THE SLAUGHTER WAS **BEGU**N

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RS	PS	RT	BT
AND YET THIS DEFENSE GOT UP HERE //// GENTLEMEN *I/WHO*[?] HAVE *LEFT/LIVED*[?] IN A CALM *DISTANCE*[?] IN THEIR PROFESSION //// AND SAY TO YOU THERE IS NOT ONE IOTA OF TESTIMONY CONNECT JOHN D. LEE WITH THIS TRANSACTION EXCEPT THE PERJURED TESTIMONY OF K SMITH. **5 TO 11.** GENTLEMEN WHOLE PROGRAM = ONE UNDER WHICH IT WAS CARRIED OUT, SHOWS THAT IT WAS NOT THE RESULT OF ACCIDENT ~~<~~OR BASED~~>~~ UPON THE THEORY OF DEFENSE, THAT THING THAT OCCURRED UPON ~~<~~THE~~>~~ GROUND COULD *NR/NL*[?] OCCUR BY		AND YET THIS DEFEN SE GET UP HERE AND SAY— AND SAY TO YOU THERE IS NOT ONE IOTA OF TESTIMONY TO CONNECT JOHN D. LEE WITH THIS TRANSACTION, EXCEPT THE PURJURED TESTIMONY OF KLINGENSMITH. GENTLEMEN THE WHOLE PROGRAMME, THE ONE IN WHICH IT WAS CARRIED OUT SHOWS THAT IT WAS NOT THE RESULT OF ACCIDENT OR BASED UPON THE THEORY OF THE DEFENSE; THAT THING THAT OCCURRED UPON THE GR UND COULD NOT HAVE OCCURRED BY	~~BEGAN~~; AND YET THIS DEFEN SE GET UP HERE ~~AND~~ ~~SAY —~~ AND SAY TO YOU THERE IS NOT ONE IOTA OF TESTIMONY TO CONNECT JOHN D. LEE WITH THIS TRANSACTION, EX~~T~~C~~3~~EPT THE P~~U~~ERJURED TESTIMONY OF KLINGENSMITH. GENTLEMEN**,** THE WHOLE PROGRAMME, THE ONE IN WHICH IT WA~~W~~S CARRIED OUT SHOWS THAT IT WAS NOT THE RESULT OF ACCIDENT OR BASED UPON THE THEORY OF THE DEFENSE; THAT THING THAT OCCURRED UPON THE GR**O**UND COULD NOT HAVE OCCURRED BY

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RS	PS	RT	BT
ACCIDENT AND THEN IF IT HAD BEEN MATTER OF ACCIDENT, THE WOMEN AND CHILDREN IN ALL PROBABILITY WOULD HAVE BEEN SLAIN IN COMMON WITH OTHERS, BECAUSE IF THERE WAS WASN'T COLLUSION BETWEEN INDIANS AND **THE** WHITE MEN WHEN THEY MADE THE ATTACK THEY WOULD HAVE FOLLOWED JOHN D. LEE AND KILLED THE CHILDREN, BECAUSE ≤THEY≥ ARE NO RESPECTER≤S≥ OF AGE AND SEX THEY ARE LITTLE BETTER THAN THE MORMONS WHO WERE ENGAGED IN THIS MATTER BECAUSE THEY HAD SUPERSTITION ENOUGH = ENOUGH CHRISTIANITY		ACCIDE*N*T; AND EVEN IF IT HAE BEEN A MATER OF ACCIDENT, THE WOMEN AND CHILDREN IN ALL PROBABILITY WOULD HAVE BEEN SLAIN IN COMMON WITH OTHERS. BECAUSE IF THERE WASN'T A COLLUSION BETWEEN THE INDIANS AND THE WHITE MEN WHEN THEY MADE THE ATTACK THEY WOULD HAVE FOLLOWED JOHN . D . LEE AND KILLED THE CHILDREN, BECAUSE THEY ARE NO RESPECTERS OF AGE OR SEX. THEY ARE LITTLE BETTER THAN THE MORMONS WHO WERE ENGAGED IN THIS MATTER, BECAUSE THEY HAD SUPERSTITION ENOUGH— ENOUGH CHRISTIANITY	ACCIDENT; AND EVEN IF IT HA~~E~~**D** BEEN A MATER OF ACCIDENT, THE ~~WOMEN AND~~ CHILDREN IN ALL PROBABILITY WOULD HAVE BEEN SLAIN IN COMMON WITH **THE** OTHERS. BECAUSE IF THERE WASN'T A COLLUSION BETWEEN THE INDIANS AND THE WHITE MEN WHEN THEY MADE THE ATTACK THEY WOULD HAVE FOLLOWED JOHN D. LEE AND KILLED THE CHILDREN, BECAUSE THEY ARE NO RESPECTERS OF AGE OR SEX. THEY ARE LITTLE BETTER THAN THE MORMONS WHO WERE ENGAGED IN THIS MATTER, BECAUSE THEY HAD SUPER~~W~~STITION ENOUGH— ENOUGH CHRISTIANITY

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RS	PS	RT	BT
IN THEIR BOSOMS TO PRESERVE THE CHILDREN ~~<~~**&** **THE**~~>~~ MOTIVES WHICH LED THEM TO IT ARE NOT PRAISEWORTHY, ~~<~~BECAUSE THEY SAW~~>~~ THAT IT WOULD BE IMPOSSIBLE FOR THEM IN FUTURE TIME TO REVEAL THE FACTS OF THEIR CRIME. ¶ GENTLEMEN OF THE JURY, THEY SAY ALL OF THIS TESTIMONY ON THIS SUBJECT AS TO WHAT OCCURRED THERE, WAS GIVEN BY PARTIES IMPLICATED IN THIS MATTER. GENTLEMEN OF THE JURY, THEY INTRODUCE SOME WITNESSES UPON THE STAND HAVE RESPONSIBILITY *WHERE UPON*[?]		IN THEIR BOSO~~N~~MS TO PRESERVE THE CHILDREN AND THE MOTIVES WHICH MADE THEM DO IT ARE NOT PRAISWORTHY, BECAUSE THEY SAW IT WOULD BE IMPOSSIBLE FOR THEM IN THE FUTURE TIME TO REVEAL THE FACT S OF THEIR CRIME. *[34]* GENTLEMEN OF THE JURY, THEY SAY ALL OF THIS TESTIMONY ON THIS SUBJECT, AS TO WHAT OCCURRED THERE, WAS GIVEN BY PARTIES IMPLICATEE IN THIS MATTER. GENTLEMEN OF THE JURY, THEY THEMSELVES, INTRODU~~C~~E SOME WITNESSES UPON THE STAND FOR WHOM THEY ARE RESPONSIBLE, AN**D** BY	IN THEIR BOSO~~N~~MS TO PRESERVE THE CHILDREN**.** ~~AND~~ **T**HE MOTIVES WHICH MADE THEM DO IT ARE NOT PRAISWORTHY, BECAUSE THEY SAW IT WOULD BE IMPOSSIBLE FOR THEM IN THE FUTURE ~~TIME~~ TO REVEAL THE FACT S OF THEIR CRIME. *[34]* GENTLEMEN OF THE JURY, THEY SAY ALL OF THIS TE~~X~~STIMO~~H~~NY ON THIS SUBJECT, AS TO WHAT OCCURRED THERE, WAS GIVEN BY PARTIES IMPLICATE~~E~~**D** IN THIS MATTER. GENTLEMEN OF THE JURY, THEY THEMSELVES, INTRODU~~C~~E SOME WITNESSES UPON THE STAND FOR WHOM THEY ARE RESPONSIBLE, AN**D** BY

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RS	PS	RT	BT
ITS DECLARATIONS UPON PARTICULAR HE IS ENTITLED TO CORROBORATE THEREFORE THE LAW WOULD NOT ALLOW THEM TO IMPEACH ≤THEIR OWN≥ WITNESS PUT UPON THE STAND. THEY PUT TWO WITNESSES UPON THE STAND, WILLIAM YOUNG SAM POLLOCK AND, YET ANYTHING THEY[581] CORROBORATED K SMITH OUT OF {THE}[i] MOUTH OF THEIR OWN WITNESSES, WHO INTEND AND BY CIRCUMSTANCES WHICH IS CORROBORATED BY OTHERS THEY TESTIFIED		THEIR DECLARATIONS THEY ARE ENTITLED TO CREDIBILITY, THEREFORE THE LAW WOULD NOT ALLOW THEM TO IMPEACH THEIR OWN WITNESSES, THAT THEY PUT UPON THE STAND. THEY PUT TWO WITNESSES UPON THE STAND, SAM POLLOCK AND WILLIAM YOUNG; AND YET IN EVERYTHING THEY SAID THEY CORROBERATED KLINGENSMITH OUT OF THE MOUTHS OF THEIR OWN WITNESSES BY THE DETAILING OF CIRCUMSTANCES WHICH IS CORROBERATED BY OTHERS; AND THEY TESTIFY	THEIR DECLARATIONS THEY ARE ENTITLED TO CREDIBILITY, THEREFORE THE LAW WOULD NOT ALLOW THEM TO IMPEACH THEIR OWN WITNESSES, THA ~~T~~Y THEY PUT UPON THE STAND. THEY PUT TWO WITNESSES UPON THE STAND, SAM POLLOCK AND WILLIAM YOUNG; AND YET IN EVERYTHING THEY SAID THEY CORROBERATED KLINGE~~M~~NSMIT H OUT OF THE MOUTHS OF THEIR OWN WITNESSES BY THE DETAILING OF CIRCUMSTANCES WHICH IS CORROBERATED BY OTHERS; AND THEY TESTIFY

581. Written over illegible shorthand.

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RS	PS	RT	BT
ABOUT LEE DEMONSTRATED AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE ~~<THE>~~ PLAN TESTIFIED TO OF K SMITH BY WHICH THOSE ~~<MEN>~~ WERE SLAUGHTERED IS TRUE NO; NEITHER WILLIAM YOUNG NOR ROBERT POLLOCK AS IT WAS DISPLAYED TO YOU UPON STAND WERE VERY WILLING WITNESSES. [6] THEY WERE EVIDENTLY NOT MUCH PREDISPOSED TO ~~<FAVOR THE>~~ PART OF PROSECUTION AS WAS SHOWN. WHAT IS TESTIMONY OF THESE PARTIES? THE TESTIMONY ~~<PART OF>~~ POLLOCK IS, THAT AT THE TIME THIS		ABOUT LEE, AND DEMONSTRATE AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE, THE PLAN, TESTIFIED TO BY KLINGENSMITH BY WHICH THESE MEN WERE SLAUGHTERED AND IS TRUE. NO, NEITHER WILLIAM YOUNG NOR SAM POLLOCK, AS IT WAS DISPLAYED TO YOU UPON THE STAND, WERE VERY WILLING WITNESSES. THEY WERE EVIDENTLY NOT MUCH FREE DISPO ED TO FAVOT THE PART OF THE PROSECUTION AS WAS SHOWN. WHAT IS THE TESTIMONY OF THESE PARTIES. THE TESTIMONY OF SAM POLLOCK IS, THAT AT THE TIME THIS	ABOUT LEE, AND DEMONSTRATE AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE, THE PLAN, TESTIFIED TO BY KLINGENSMITH BY WHICH THESE MEN WERE SLAUGHTERED**,** AND **IT** IS TRUE. NO, NEITHR WILLIAM YOUNG NOR SAM POLLOCK, AS IT WAS DISPLAYED TO YOU UPON THE STAND, WERE VERY WILLING WITNESSES. THEY WERE EVIDENTLY NOT ~~MUCH~~ FREE**LY** DISPOWED TO FAVO~~T~~**R** THE PART OF THE PROSECUTION AS WAS SHOWN. WHAT IS THE TESTIMONY OF THESE PARTIES. THE TESTIMONY OF SAM POLLO~~S~~CK IS, THAT AT THE TIME THIS

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RS	PS	RT	BT
MASSACRE OCCURRED HE WAS BACK WITH THE TRAIN ≤COMPANY≥. SAYS HE WAS SITTING DOWN ≤AT TIMES≥ AND STANDING UP; ABOUT 4 RODS FROM A LITTLE HILLOCK, FROM WHICH HE COULD SEE TRAIN HE SAYS HEARD VOLLEY OF SHOO{TING.}[i] WHAT WAS THE RESULT{. THE}[i] EMIGRANTS HAD PREVIOUSLY MARCHED OUT{.}[i] HE SAYS HE DIDN'T HEAR ANY ORDERS. HIS TESTIMONY TAKEN TOGETHER SHOWS THAT BEFORE MARCHED OUT IN **SINGLE** FILE ≤AND AFTER THAT IS≥ WHEN THEY HEARD THIS SHOOTING; RUSHED TO THIS BLUFF. WHAT DOES HE SEE? SEES THE		MASSACRE OCCURRED, HE WAS BACK WITH THE TRAIN OR COMPANY. HE SAYS HE WAS SITTING DOWN AT TIMES AND STANDING UP ~~A~~; ABOUT FOUR RODS FROM A LITTLE HILLOCK FROM WHICH HE COULD SEE THE TRAIN. HE AT ONCE HEARD A VOLLEY OF SHOT. WHAT WAS THE RESULT? THE EMIGRANTS HAD PREVIOUSLY ~~K~~MARCHED OUT. HE ~~W~~SAYS HE DIDN'T HEAR ANY ORDERS. HIS TESTIMONY TAKEN TOGETHER SHOWS THAT BEFORE **THAT** THEY MARCHED OUT IN SINGLE FILE, AND AFTER THAT IS WHEN THEY HEARD THIS SHOT; AND RUSHED TO THIS BLUFF. WHAT DOES HE SEE? HE SEES THE	MASSACRE OCCURRED, HE WAS BACK WITH THE TRAIN OR COMPANY. HE SAYS HE WAS SITTING DOWN AT TIMES AND STANDING UP ~~A~~ ABOUT FOUR RODS FROM A LITTLE HILLOCK FROM WHICH HE COULD SEE THE TRAIN. HE AT ONCE HEARD A VOLLEY OF SHOT. WHAT WAS THE RESULT? THE EMIGRANTS HAD PREVIOUSLY ~~K~~MARCHED OUT. HE ~~W~~SAYS HE DIDN'T HEAR ANY ORDERS. HIS TESTIMONY TAKEN TOGETHER SHOWS THAT BEFORE **THAT** THEY MARCHED OUT IN SINGLE FILE, AND AFTER THAT IS WHEN THEY HEART THIS SHOT; AND RUSHED TO THIS BLUFF. WHAT DOES HE SEE? HE SEES THE

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RS	PS	RT	BT
INDIANS COMING RIGHT DOWN UPON {THE}[i] WOMEN AND CHILDREN; SAYS THEY WERE SEVERAL RODS AWAY. DIDN'T START TILL THEY HEARD THE VOLLEY OF RIFLES. SAYS HE SAW INDIANS COMING FROM 30 40 RODS AWAY. GENTLEMEN IF IT HADN'T BEEN FOR ONE FACT BROUGHT OUT BY THE PROSECUTION AS TO THE DISPATCH THOSE WHO WERE NOT FINISHED IN THE FIRST VOLLEY = ¶ THERE MUST BE SOMETHING IN THE NATURE OF THINGS {=}[i] THE AUTHOR OF TRUTH {=}[i] THE AUTHOR OF JUSTICE WOULD SEEM TO HAVE SO		INDIANS COMING RIGHT DOWN UPON THE WOMEN AND CHILDREN, SAYS THEY WERE SEVERAL YARDS AWAY; DIDN'T START TILL THEY HEARD THE VOLLEY OF RIFLES; SAYS HE SAY INDIANS COMING IN FROM 30 TO 40 RODS AWAY. GENTLEMEN, IF IT HADN'T BEEN FOR ONE FACT BROUGHT OUT ~~IN~~**BY** THE PROSECUTION AS TO THE DISPATCHING OF THOSE WHO WERE NOT FINISHED IN THE FIRST VOLLEY— THERE MUST BE~~E~~ SOME- *[35]* THERE MUST BE SOMETHING IN THENATURE OF THINGS, IN THE AUTHOR OF TRUTH, IN THE AUTHOR OF JUSTICE THAT WOULD SEEM TO HAVE	INDIANS COMING RIGHT DOWN UPON THE WOMEN AND CHILDREN, SAYS THEY WERE SEVERAL YARDS AWAY; DIDN'T START TILL THEY HEARD THE VOLLEY OF RIFLES; SAYS HE **SAW** ~~SAW~~ INDIANS COMING FROM 30 TO 40 RODS AWAY. GENTLEMEN, IF IT HADN'T BEEN FOR ONE FACT BROUGHT OUT ~~IN~~**BY** THE PROSECUTION AS TO THE DISPATCHING OF THOSE WHO WERE NOT FINISHED IN THE FIRST VOLLEY— **IT WOULD SEEM THAT** ~~THERE MUST BEE SOME-~~ *[35]* THERE MUST BE SOMETHING IN THE NATURE OF THINGS, IN THE AUTHOR OF TRUTH, IN THE AUTHOR OF JUSTICE THAT WOULD SEEM TO HAVE

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RS	PS	RT	BT
ESTABLISHED ≤THAT≥ IT IS IMPOSSIBLE TO HARMONIZE FALSEHOOD AND TRUTH, IS ALSO CONSISTENT WITH ITSELF IT IS HARD TO LIE, AS WAS DISPLAYED TO YOU WHEN THIS MAN HOOPS, <WAS PUT UPON THE STAND AND PREVARICATED AS YOU SAW **HOOPS** HIM DO.> I WAS SORRY, MY FRIEND FROM PIOCHE, WITH ALL HIS ELOQUENCE DIDN'T COMMENT SOMETHING UPON HOOPS' TESTIMONY. WHEN THIS MAN WAS *PUT*[?] UPON CROSS- EXAMINATION, <WHAT DID YOU SEE?> REMEMBER K SMITH STATED THAT THEY MARCHED WITH		ESTABLISHED OR DEVISED IT, THAT IT IS IMPOSSIBLE TO HARMONIZE FALSEHOOD WITH TRUTH; AND IT IS ALSO INCONSISTENT WITH ITSELF. IT IS HARD TO LIE, AS WAS DISPLAYED TO YOU WHEN THIS MAN **H**OOPS, WAS PUT UPON THE STAND AND PREVARICATED AS YOU SAW HIM DO. I WAS SORRY THAT FRIEND BISHOP OF PIOCHE WITH ALL HIS ELOQUENCE DIDN'T COMMENT SOMETHING UPON HOOP'S TESTIMONY. WHEN THI S MAN WAS PUT PUT UPON CROSS- EXAMINATIO~~H~~N, WHAT DID YOU SEE? REMEMBER KLINGENSMITH STATED THAT THEY MARCHED WITH THEIR	ESTABLISHED OR DEVISED IT, THAT IT IS IMPOSSIBLE TO HARMONIZE FALSEHOOD WITH TRUTH; AND IT IS ALSO INCONSISTENT WITH ITSELF. IT IS HARD TO LIE, AS WAS DISP~~A~~LA~~U~~YED TO YOU WHEN THIS MAN **H**OOPS, WAS PUT UPON THE STAND AND PREVARICATED AS YOU SAW HIM DO. I WAS SORRY THAT MY FRIEND BISHOP OF PIOCHE WITH ALL HIS ELOQUENCE DIDN'T COMMENT SOMETHING UPON HOOP'S TESTIMONY. WHEN THI S MAN WAS PUT ~~PUT~~ UPON CROSS- EXAMINATIO~~H~~N, WHAT DID YOU SEE? REMEMBER KLINGENSMITH STATED THAT THEY MARCHED WITH THEIR

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RS	PS	RT	BT
GUNS OVER LEFT HAND, MARCHED IN THIS DIRECTION WHICH WOULD THROW THE MORMON SOLDIERS ON THE OPPOSITE SIDE FROM WHICH THE INDIANS CAME. **11 AM** HE SAYS THAT WHEN HE RAN UP THERE, HE SAW ~~<~~THE~~>~~ INDIANS COMING TOWARD THE FIRING MR. YOUNG STATES WHEN HE SAW ~~<~~THE~~>~~ FIRING = SAW MEN FALLING THERE WAS AN ENVELOPMENT OF SMOKE HE ALSO TESTIFIES = MR. YOUNG, THAT THEY WERE ON THE <RUN> NOW THEN SIR, IF THESE INDIANS HAD FIRED THAT VOLLEY THEY WERE IN SUCH A POSITION THEY MUST HAVE KILLED MORMON		GUNS ON THEIR LEFT HAND; MARCHED IN THIS MANNER, WHICH WOULD THROW THE MORMON SOLDIERS ~~ON THE OPPOSITE DIDE~~ **ON THE SIDE** FROM WHICH THE INDIANS CAME. HE SAYS THAT WHEN HE RAN UP THERE HE SAW THE INDIANS COMING TOWARD THE FIRING, MR. YOUNG STATES, WHEN HE SAW THE FIRING, SAW MEN FALLING, THERE W S AN INVELOPMENT OF SMOKE. HE ALSO TESTIFIES, MR. YOUNG, THAT THEY WERE ON THE RUN. NOW, THEN, SIR, IF THESE INDIANS HAD FIRED THAT VOLLEY THEY WERE IN SUCH A POSITION THAT THEY MUST HAVE KILLED THE MORMON	GUNS ON THE LEFT HAND; MARCHED IN THIS MANNER, WHICH WOULD THROW THE MORMON SOLDIERS ~~ON THE OPPOSITE DIDE~~ **ON THE SIDE** FROM WHICH THE INDIANS CAME. HE SAYS THAT WHEN HE RAN UP THERE HE SAW THE INDIANS COMING TOWARD THE FIRING, MR. YOUNG STATES, WHEN HE SAW THE FIRING, **HE** SAW MEN FALLING, THERE W**A**S AN ~~I~~**E**NVELOPMENT OF SMOKE. HE ALSO TESTIFIES, **(**MR. YOUNG**)**, THAT THEY ~~A~~WERE ON THE RUN. NOW, THEN, SIR, IF THESE INDIANS HAD FIRED THAT VOLLEY THEY WERE IN SUCH A POSITION THAT THEY MUST HAVE KILLED THE MORMON

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RS	PS	RT	BT
SOLDIERS. MORMON SOLDIERS BEING NEXT {TO THE}[i] INDIANS, THEY KILLED SOME OF MORMON SOLDIER. WHAT DOES THE EVIDENCE SHOW. NOT A SINGLE ONE OF THESE *ONE*[?] BASE CRAVEN COWARDS HAD AS MUCH AS A SCRATCH UPON THEIR PERSONS. {YET THE GENTLEMEN}[i] ≤OF THE DEFENSE≥ WILL UNDERTAKE TO SAY TO ME THEY WERE LED OUT ON A MISSION OF MERCY. OUT OF **THE** MOUTHS OF THEIR OWN WITNESSES HE WAS CORROBORATED. IF THAT BE TRUE, I DRAWED IT FROM FACTS OF SOME OF		SOLDIERS. THE MORMON SOLDIERS BEING NEXT TO THE INDIANS, THEY MUST HAVE KILLED SOME OF THE MORMON SOLDIERS. WHAT DOES THE EVIDENCE SHO~~E~~W? NOT A SINGLE ONE OF THESE POOR BASE CRAVEN ~~W~~COWARDS HAD AS MUCH AS A SCRATCH UPON THEIR PERSONS; YET THE GENTLEMAN OF THE DEFENSE WILL UNDERTAKE TO SAY TO ME, THAT THEY WERE LED OUT ON A MISSION FOR MERCY. OUT OF THE MOUTHS OF THEIR OWN WITNESSES HE WAS CORROBERATED , IF THAT BE TRUE, AND I TAKE IT FROM THE FACTS AND TESTIMONIES OF SOME OF THE	SOLDIERS. THE MORMON SOLDIERS BEING NEXT TO THE INDIANS, THEY MUST HAVE KILLED SOME OF THE MORMON SOLDIERS. WHAT DOES THE EVIDENCE SHO~~E~~W? NOT A SINGLE ONE OF THESE POOR BASE CRAVEN ~~W~~COWARDS HAD AS MUCH AS A SCRATCH UPON THEIR PERSONS; YET THE GENTLEMAN OF THE DEFENSE WILL UNDERTAKE TO SAY TO ~~ME,~~ **YOU** THAT THEY WERE LED OUT ON A MISSION FOR MERCY. OUT OF THE MOUTHS OF THEIR OWN WITNESSES ~~HE~~ **SMITH** WAS CORROBERATED , IF THAT BE TRUE, AND I TAKE IT FROM THE FACTS AND TESTIMONIES OF SOME OF THE

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RS	PS	RT	BT
EVIDENCE TENDED TO GO WITH FACT, THEN IT IS PROVED AS NEAR MATHEMATICAL DEMONSTRATIO N AS HUMAN TESTIMONY CAN PROVE A FACT ≼, THAT≽ JOHN D. LEE IN CONCERT OF ACTION ≼&≽ SOME OF THEM NAMED IN ≼THE≽ INDICTMENT DID BAND TOGETHER LEE PLANNED THE KILLING OF THOSE INNOCENT WOMEN AND CHILDREN. HAVE I PERVERTED {THE}[i] TESTIMONY; HAVE I MADE ANY STRAINED OR FALSE CONSTRUCTION OF THE TESTIMONY? HAVEN'T I DRAWN THIS THEORY ≼BUT THE WEIGHT OF THE TESTIMONY≽		~~EVIDENCE~~ WITNESSES THAT TENDED TO GO TO THAT FACT. THEN IT IS PROVED TO AS NEAR A MATHMATICAL DEMONSTRATIO N AS HUMAN TESTIMONY CAN PROVE A FACT, THAT JOHN D. LEE IN CONCERT OF ACTION **AND** SOME OF THEM NAMED IN THE INDICTMENT, DID BAND TOGETHER. LEE PLANNED THE KILLING OF THESE INNOCENT WOMEN AND CHILDREN. HAVE I PERVERTED THE TESTIMONY? HAVE I MADE ANY STRAINED OR FALSE CONSTRUCTION OF *[36]* THE TESTIMONY? I HAVN'T DRAWN THIS THEORY, BUT TO WEIGHT OF THE TESTIMONY	~~EVIDENCE~~ WITNESSES ~~T~~THAT TENDED TO GO TO THAT FACT. THEN IT IS PROVED TO AS NEAR A MATHMATICAL DEMONSTRATIO N AS HUMAN TESTIMONY CAN P PROVE A FACT, THAT JOHN D. LEE IN CONCERT OF ACTION **WITH** ~~AND~~ SOME OF **THEM** NAMED IN THE INDICTMENT, DID BAND TOGETHER. LEE PLANNED THE KILLING OF THESE INNOCENT WOMEN AND CHILDREN. HAVE I PERVERTED THE T~~3~~ESTIMONY? HAVE I MADE ANY STRAINED OR FALSE CONSTRUCTION OF *[36]* THE TESTIMONY? I HAVEN'T **OVER** DRAWN THIS THEORY, BUT T**H**E WEITGHT OF THE TESTIMONY

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RS	PS	RT	BT
WEIGHT OF THE WITNESSES MUST BE OF SUCH FORCE UPON YOUR MINDS AS TO LEAVE NO REASONABLE DOUBT THAT HIS PLAN WAS CONCOCTED {AND}[i] CARRIED OUT FOR DESTRUCTION OF THAT TRAIN. <¶> TAKE THE TESTIMONY OF YOUNG ≤**PEARCE**≥ PEARCE AND HE CORROBORATES IT ≤THIS CONCLUSION≥ SAYS {HE}[i] WAS {**A**}[i] YOUNG MAN ≤TELLS HOW HE CAME THERE AND HOW HE CAME TO GO THERE≥ HE CRIMINATES TESTIMONY SO FAR AS PARTICULAR AND WHAT MANNER ≤IN≥ THEY MARCHED OUT SHOWED THE		MUST BE OF SUCH FORCE UPON YOUR MINDS AS TO LEAVE NO REA ONABLE DOUBT THAT THIS PLAN WAS CONCOCTED AND CARRIED OUT FOR THE C~~ONS~~ DISTRUCTION OF THAT TRAIN. TAKE THE TESTIMONY OF YOUNG PERCE, AND HE CORROBERATES IT, THIS CONCLUSION; SAYS HE WAS A YOUNG BOY; TELLS HOW HE CAME THERE AND HOW HE CAME TO GO THERE. HE CORROBERATED THE TESTIMONY SO FAR AS HE REMEMBERS, AND THE PARTICULARS AND THE MANNER IN WHICH THEY MARCHED OUT. SHOWED THE	MUST BE OF SUCH FORCE UPON YOUR MINDS AS TO LEAVE NO REASONABLE DOUBT THAT THIS PLA~~R~~N WAS CONCOCTED AND CARRIED OUT FOR THE C~~ONS~~ DISTRUCTION OF THA**T** TRAIN. TAKE THE TESTIMONY OF YOUNG P**I**ERCE, AND HE CORROBORATES IT~~;~~ ~~THIS~~ **IN** CONCLUSION~~;~~ **HE** ~~W~~SAYS HE W~~S~~AS A YOUNG BOY; TELLS HOW HE CAME THERE AND ~~HOW~~ **WHY** HE CAME TO GO THERE. HE CORROBERATED THE TESTIMONY SO FAR AS HE REMEMBERS, AND THE PARTICULARS AND THE MANNER IN WHICH THEY MARCHED OUT. SHOWED THE

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RS	PS	RT	BT
PLAN WAS LAID WITH AN *ERRING/-R-ING*[?] CERTAINTY AT THE VERY TIME ORDER OF HALT WAS GIVEN; MORMON SOLDIERS AS K SMITH STATES HIMSELF; HE SAYS HE SHOT AT HIS MAN. HE DIDN'T CLAIM IT WAS ANY CREDIT TO HIM IT DON'T FOLLOW BECAUSE HE SAYS HE SHOT AT HIS MAN—IT DON'T FOLLOW HE TELLS A LIE WHEN HE TELLS ALL THE PARTICULARS. WE HAVE INTRODUCED {**A**}[i] PARTICIPANT TO PROVE THIS THING [*space*] WHO UNDER THE FACE OF THE SUN COULD TELL WHAT OCCURRED AT MOUNTAIN MEADOWS UNLESS IT BE		PLAN WAS LAID WITH UNERRING CERT INTY, AT THE VERY TIME THE ORDER OF "HALT" WAS GIVEN—THE MORMON SOLDIERS AS KLINGENSMITH STATES HIMSELF . HE SAYS HE SHOT AT HIS MAN, HE DIDN'T CLAIM IT WAS ANY CREDIT TO HIM . IT DON'T FOLLOW BECAUSE HE SAYS HE SHOT AT HIS MAN—IT DON'T FOLLOW HE TELLS A LIE WHEN HE TELLS ALL THE OTHER PARTICULARS. WE HAVE INTRODUCED A PARTICIPANT TO PROVE THIS THING. WHO INDER THE FACE OF THE SUN COULD TELL WHAT OCCURRED AT THE MOUNTAIN MEADOWS UNLESS IT BE	PLA~~C~~N WAS LAID WITH UNERRING CERT**A**INTY, **TO KILL THE EMIGRANTS** AT THE VERY TIME THE ORDER OF "HALT" WAS GIVEN~~.~~ **BY** THE MORMON SOLDIERS AS KLINGENSMITH STATES HIMSELF. HE SAYS HE SHOT AT HIS MAN, HE DIDN'T CLAIM IT WAS ANY CREDIT TO HIM . IT DON'T FOLLOW BECAUSE HE SAYS HE SHOT AT HIS MAN—IT DON'T FOLLOW HE TELLS A LIE WHEN HE TELLS ALL THE OTHER PARTICULARS. WE HAVE INTRODUCED A PARTICIPANT TO PROVE THIS THING. WHO ~~I~~**U**NDER THE FACE OF THE SUN COULD TELL WHAT OCCURRED AT THE MOUNTAIN MEADOWS UNLESS IT BE

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RS	PS	RT	BT
SOME PERSON WHO WAS ENGAGED IN THAT MASSACRE. THERE IS IMPORTANT FACT ~~<~~SOME OF JURORS WHO SIT IN THIS JURY BOX SAY THAT THEY NEVER HEARD ABOUT~~>~~ HE SAYS THERE ARE PART THAT HAVE TESTIFIED THEY DIDN'T HEAR OF THIS TRANSACTION. WHERE ARE MEN WHO LIVED IN THE COMMUNITY CRIME AT THE TIME ~~<~~IT WAS COMMITTED~~>~~ LIVED THERE AND EVER SINCE WHO NEVER HEARD WORD ABOUT IT [*space*] IT WOULD BE VERY HARD MATTER TO PROVE UNLESS IT BE FROM THESE		SOME PERSON WHO WAS ENGAGED IN THAT MASSACRE. THERE IS AN IMPORTANT AND SINGULAR FACT; AND SOME OF THE JURY WHO SIT IN THIS JURY BOX SAY THAT THEY NEVER HEARD ABOUT IT. THEY TESTIFY THEY DIDN'T HEAR OF THIS TRANSACTION, WHERE MEN WHO LIVED IN THE COMMUNITY IN THE IMMEDIATE VICINITY OF THIS CRIME AT THE TIME. IT WAS COMMITTED , AND HAVE LIVED THERE EVER SINCE, WHO NEVER HAVE HEARD A WORD ABOUT IT. SO YOU SEE, IT WOULD BE A VERY HARD MATTER TO PROVE UNLESS IT WERE DONE BY THOSE WHO	SOME PERSON WHO WAS ENGAGED IN THAT MASSACRE. THERE IS A~~M~~N IMPO~~S~~RTANT AND SINGULAR FACT; **THAT** SOME OF THE JURY WHO SIT IN THIS JURY BOX SAY THAT THEY NEVER HEARD ABOUT IT. THEY TESTIFY THEY DIDN'T HEAR OF THIS TRANSACTION, WHERE MEN WHO LIVED IN THE COMMUNITY IN THE IMMEDIATE ~~C~~VICINITY OF THIS CRIME AT THE **TIME** IT WAS COMMITTED , AND HAVE LIVED THERE EVER SINCE, WHO NEVER HAVE HEARD A WORD ABOUT IT. SO YOU SEE, IT WOULD BE A VERY HARD MATT~~E~~R TO PROVE UNLESS IT WERE DONE BY THOSE WHO

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RS	PS	RT	BT
UPON THE GROUND. I WILL COMMENT UPON THIS ≤AFTER A WHILE.≥ *SMITH*[?] HEREAFTER PUT <WAS PUT UPON THE STAND AND REFERRED TO> *GENTLEMEN COMPLAIN/I PLANNED*[?] SMITH'S ≤TURNING≥ STATES EVIDENCE DON'T ALL OF YOU KNOW, ≤THAT≥ EVER SINCE EXISTENCE OF CRIMINAL JURISPRUDENCE THIS HAS BEEN DONE. EVEN CRIME THROWS SECRECY AROUND ITSELF . WHEN MEN GET READY TO COMMIT ≤A≥ CRIME THEY ≤IMPULSE CIRCUMSTANCES IS TAKEN ADVANTAGE≥ EMPLOY		WERE UPON THE ~~H~~GROUND. I WILL COMMENT UPON THIS AFTER A ~~A~~WHILE. SMITH WAS SUPOENAED, BROUGHT HERE AND WAS PUT UPON THE STAND AS HAS BEEN REFERRED TO . AND ,GENTLEMEN, WHO PLA NED SMITH'S TURNING STATES EVIDENCE? DON'T ALL OF YOU KNOW THAT EVER SINCE THE EXISTENCE OF CRIMINAL JURISPRUDENCE , THIS HAS ALWAYS BEEN DONE. EVEN CRIME THROWS SECRECY AROUND ITSELF . WHEN MEN GET READY AND PLAN TO COMMIT A CRIME EVERY IMPULSE AND CIRCUMSTANCE IS TAKEN ADVANTAGE OF	WERE UPON THE ~~H~~GROUND. I WILL COMMENT UPON THIS AFTER A ~~A~~WHILE. SMITH WAS SUBPOENAED, BROUGHT HERE AND WAS PUT UPON THE STAND AS HAS BEEN REFERRED TO . AND ,GENTLEMEN, WHO PLANNED SMITH'S TURNING STATES EVIDENCE? DON'T ALL OF YOU KNOW THAT EVER SINCE THE EXISTANCE OF CRIMINAL JURISPRUDENCE , THIS HAS ALWAYS BEEN DONE. EVEN CRIME THROWS SECRECY AROUND ITSELF . WHEN MEN GET READY AND PLAN TO COMMIT A CRIME EVERY IMPULSE AND CIRCUMSTANCE IS TAKEN ADVANTAGE OF

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RS	PS	RT	BT
CIRCUMSTANCE TO COVER UP THAT CRIME *[7]*[582] EXCEPT THOSE WHO WERE PRESENT PARTICIPATED IN THE CRIME [*space*] FROM THE VERY NECESSITY OF THE CASE, ONLY WAY YOU CAN GET IT [*space*] ~~<~~**THE**~~>~~ CIRCUMSTANCES OF THESE FACTS IS BY SOMEONE WHO PARTICIPATED IN IT RULE OF LAW READS WHERE **A** WITNESS <CHOOSES HE TURNS> MAY TURNS STATES EVIDENCE [*space*] THEY ~~<~~DEFENSE~~>~~ TALKING ABOUT IT, TREAT UPON IT, THEY ~~PROSECUTE HIM~~ ARRAIGN THE		TO COVER UP THAT CRIME. SO THAT EXCEPT BY THOSE WHO WERE PRESENT *[37]* AND PARTICIPATED IN THE CRIME— FROM THE VERY NECESSITY AND NATURE OF THE CASE THAT IS THE ONLY WAY WE CAN GET AT IT. THE CIRCUMSTANCES OF THESE ~~R~~FACTS IS BY SOMEONE WHO PARTICIPATED IN IT. THE RULE OF LAW READS THAT WHEREVER A WITNESS CHOOSE HE MAY TURN STATES E~~C~~VIDENCE. THE DEFENSE TALK ABOUT IT AND TREAT UPON IT; THEY ~~PROCLAIM~~ ARRAIGN THE	TO CO~~G~~VER UP THAT CRIME. SO THAT EXCEPT BY THOSE WHO WERE PRESENT *[37]* AND PARTICIPATED IN THE CRIME— FROM THE VERY NECESSITY AND NATURE OF THE CASE THAT IS THE O~~L~~NL~~U~~Y WAY WE CAN GET AT IT. THE CIRCUMSTANCES OF THESE ~~R~~FACTS IS BY **SHOWN** SOMEONE WHO PARTICIPATED IN IT. THE RULE OF LAW READS THAT WHEREVER A WITNESS CHOOSE HE MAY TURN STATES E~~C~~VIDENCE. THE DEFENSE TALK ABOUT IT AND TREAT UPON IT; THEY ~~PROCLAIM~~ ARRAIGN THE

582. Written at the top of the page: 28
25
140
56
700

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RS	PS	RT	BT
PROSECUTION AS THOUGH *THOUGHT*[?] THIS WAS THE FIRST TIME IN THE HISTORY OF CRIMINAL JURISPRUDENCE THAT A FELON WHO WAS ENGAGED IN A CRIME IS PUT UPON THE STAND TO PROVE DETAILS AND EXPLAIN IN RELATION TO WHAT ROBERT POLLOCK MAY HAVE SAID, ≤AS TO≥ ANY ORDER BEING GIVEN AS TO WHAT I MIGHT SAY I MAY POSSIBLY BE MISTAKEN; BUT ≤HE≥ WAS STATING AFTER HE GOT INTO THE CAMP = IN RELATION TO JAMES PEARCE; HE WAS {**A**}[i] BOY {OF}[i] 14 YEARS OLD = BE UNDER AGE = BE		PRO ECUTION AS THOUGH THAT THIS WAS THE FIRST TIME IN THE HISTORY OF CRIMINAL JURISPRUDENCE THAT A FELLON WHO WAS ENGAGED IN A CRIME IS PUT UPON THE STAND TO PROVE THE DETAILS AND EXPLAIN IN RELATION TO WHAT SAM POLLOCK MAY HAVE SAID, AS TO NO ORDER BEING GIVEN— AS TO WHAT I MIGHT SAY I MAY POSSIBLY BE MISTAKEN BUT HE WAS STATING AFTER HE GOT INTO THE CAMP IN RELATION TO JAMES PEARCE. HE WAS **O**N~~K~~LY A BOY OF 14 YEARS OLD AND BEING UNDER AGE, HE WOULD BE	PRO**S**ECUTION AS THOUGH ~~THAT~~ THIS WAS THE FIRST TIME IN THE HISTORY OF CRIMIHAL JURISPRUDENCE THAT A FELLON WHO WAS ENGAGED IN A CRIME **WAS** ~~IS~~ PUT UPON THE STAND TO PROVE THE DETAILS AND EXPLAIN IN RELATION**S**. ~~TO~~ **W**HAT SAM POLLOCK MAY HAVE SAID, AS TO NO ORDER BEING GIVEN— **HE MIGHT BE MISTAKEN AS HE WAS ONLY A BOY AT THAT TIME** ~~AS TO WHAT I **HE** MIGHT SAY I MAY POSSIBLY BE MISTAKEN. BUT HE WAS STATING AFTER HE GOT INTO THE CAMP IN RELATION TO JAMES PEARCE~~. HE WAS **O**N~~K~~LY A BOY OF 14 YEARS OLD AND BEING UNDER AGE, HE WOULD BE

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RS	PS	RT	BT
HARDLY ACCOUNTABLE. YOU WOULD NOT HOLD HIM TO {THE}[i] SAME RESPONSIBILITY OR CONNECT WITH HIM THE TAINT THAT WOULD BE CONNECTED TO A FULL GROWN MAN. I DON'T EXCUSE JOEL WHITE = DON'T EXCUSE YOUNG = DON'T EXCUSE K SMITH DON'T EXCUSE THE ADULT MEN I HAVEN'T ANY APOLOGIES TO MAKE THE DEFENSE COULD NOT HAVE CRITICIZED AND BORN TOO HARD UPON THESE MEN; THEY COULD NOT HAVE BORN DOWN ≤TOO HARD≥ UPON ≤THEM TO HAVE≥ DISPLEASED ME. ONE MITIGATING CIRCUMSTANCE IN THEIR		HARDLY ACCOUNTABLE. YOU WOULD NOT HOLD HIM TO THE SAME RESPONSIBILITY OR CONNECT WITH HIM THE TAINT THAT WOULD BE CONNECTED TO A FULL GROWN MAN. I DON'T EXCUSE JOEL WHITE; I DON'T EXCUSE THE OLD MAN YOUNG; I DON'T EXCUSE KLINGENSMIGH; I DON'T EXCUSE THE ADULT MEN; I HAVEN'T ANY APPOLIGIES TO MAKE FOR THE M. THE DEFENSE COULD NOT HAVE CRITICISED AND BORN TOO HARD UPON THESE MEN, THEY COULD NOT HAVE BOURN DOWN TOO HARD UPON THEM TO HAVE DISPLEASED ME. ONE MITT,IGATING CIRCUMSTANCE IN THEIR	HARDLY ACCOUNTABLE. YOU WOULD NOT HOLD HIM TO THE SAME RESPONSIBILITY OR CONNECT ~~WITH~~ HIM **WITH** THE TAINT THAT WOULD BE CONNECTED TO A FULL GROWN MAN. I DON'T EXCUSE JOEL WHITE; I DON'T EXCUSE THE OLD MAN YOUNG; I DON'T EXCUSE KLINGENSMIGH; I DON'T EXCUSE THE ADULT MEN; I HAVN'T ANY APPOLIGIES TO MAKE FOR THE M. THE DEFENSE COULD NOT HAVE CRITI~~C~~SIS~~E~~D AND BORN TOO HARD UPON THESE MEN, THEY COULD NOT HAVE BOURN DOWN TOO HARD UPON THEM TO HAVE DISPLEASED ME. ONE MIT~~T~~IGATING CIRCUMSTANCE IN THEIR

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RS	PS	RT	BT
FAVOR THEY BELONGED TO THIS CHURCH THEY ALLEGIANCE SUBJECT TO THAT *DISCIPLES*[?] ACCORDING TO STATEMENT OF MR. SMITH IF THEY HAD BEEN REFRACTORY OF LAW REQUIRED OF THEM THEY WOULD HAVE BEEN PUT AWAY. I SHALL REFER TO MR. BISHOP, WHEN HE STATED MR. SMITH SAID HE HAD KNOWN MEN TO HAVE BEEN PUT AWAY. IF MEN WERE TO BE PUT AWAY HE WOULD KNOW IT AS A BISHOP, AND K SMITH AT THAT TIME WAS A BISHOP NOW THEN SIR,		FAVOR. THEY BELONGED TO T IS CHURCH TO WHICH THEY OWE THEIR ALLEGIANCE AND ARE SUBJECT TO THAT. THE DISCIPLES OF CHRISTIANITY ACCORDING TO THE STATEMENT OF MR. SMITH, IN WHICH , IF THEY HAD BEEN REFRACTORY TO THE LAW REQUIRED OF THEM, THEY WOULD HAVE BEEN PUT OUT OF THE WAY. I SHALL REFER TO MR. BISHOP, WHEN HE STATED MR. MITH , SAID HE HAD KNOWN MEN TO HAVE BEEN PUT OUT OF THE WAY. IF MEN WERE TO BE PUT AWAY , HE WOULD KNOW IT, AS A BISHOP, AND KLINGENSMITH AT THAT TIME WAS A BISHOP. NOW, THEN, SIR,	FAVOR~~.~~**,** THEY BELONGED TO T**H**IS CHURCH TO WHICH THEY OWE THEIR ALLE~~L~~GIANCE AND ARE SUBJECT TO THAT. THE DISCIPLE~~S~~ OF **THEIR CHURCH** ~~CHRISTIANITY~~ ACCORDING TO THE STATEMENT OF MR. SMITH, ~~IN WHICH~~ **IS THAT** , IF THEY HAD BEEN REFRACTORY TO THE LAW REQUIRED OF THEM, THEY WOULD HAVE BEEN PUT OUT OF THE WAY. I SHALL REFER TO MR. BISHOP, WHEN HE STATED MR. **S**MITH , SAID HE HAD KNOWN MEN TO HAVE BEEN PUT OUT OF THE WAY. IF MEN WERE TO BE PUT AWAY , HE WOULD KNOW IT, AS A BISHOP, AND KLINGENSMITH AT THAT TIME WAS A BISHOP. NOW, THEN, SIR,

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RS	PS	RT	BT
COMING FROM THAT SOURCE, IT IS MORE SEVERE CRITICISM = ~~<~~**CMG** FROM **AN~~>~~ MORE SEVERE ARRAIGNMENT OF THE MORMON CHURCH THEN ANY I HAVE MADE HE VIRTUALLY DECLARED TO YOU, = ~~<&>~~ IT WAS ~~<~~**A~~>~~ VIRTUAL ADMISSION ~~<~~THAT~~>~~ MEN WERE PUT AWAY UNDER THAT ORGANIZATION THAT ORDER IN WHICH BISHOPS ACT ~~<~~**IN THE~~>~~ CHURCH, K SMITH BEING **IN** SYMPATHY = BEING A BISHOP WHO WOULD KNOWED IT IF K SMITH DID NOT KNOW IT HE WAS THEN BISHOP ~~<~~OF~~>~~ THAT CHURCH. I GRANT YOU *SQUARELY*[?] IN		COMING FROM THAT SOURCE IT IS A MORE SEVERE CRITICISM , A MORE ~~C~~SEVERE ARRAIGNMENT OF THE MORMON CHURCH THEN ANY I HAVE MADE. HE VIRTUALLY DECLARED TO YOU ~~THAT~~ IT WAS A *[38]* VIRTUAL ADMISSION THAT MEN WERE PUT OUT OF THE WAY UNDER THAT ORGANIZATION, THAT ORDER IN WHICH BISHOPS ACT IN THE CHURCH; AND KLINGENSMITH BEING IN SYMPATHY, BEING A BISHOP, WHO WOULD DOUBT FOR A MOMENT THAT KLINGEMSMITH DID NOT KNOW IT,. HE WAS THEN A BISHOP OF THE CHURCH AND I GRANT YOU THAT IN	COMING FROM THAT SOURCE IT IS A MORE SEVERE CRITICISM , A MORE ~~C~~SEVERE ARRAIGNMENT OF THE MORMON CHURCH THAN ANY I HAVE MADE. HE VIRTUALLY DECLARED TO YOU ~~THAT~~ IT WAS A *[38]* VIRTUAL ADMISSION THAT MEN WERE PUT OUT OF THE WAY UNDER THAT ORGANIZATION~~,~~ **.** ~~THAT ORDER IN WHICH BISHOPS ACT IN THE CHURCH~~; AND KLINGENSMITH BEING IN SYMPATHY, BEING A BISHOP, WHO WOULD DOUBT FOR A MOMENT THAT KLINGENSMITH DID NOT KNOW IT,. H~~3~~E WAS THEN A BISHOP OF THE CHURCH AND I GRANT YOU THAT IN

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RS	PS	RT	BT
THIS CASE CIRCUMSTANCES CONNECTED WITH IT = LONG ~~TAIL~~ **TALE** OF CHAINS IN THIS MATTER WHICH HAS BEEN COVERED UP SECRECY WHICH FOLLOWED IN THIS *NO/KNOW*[?]. MY GOD WHAT AN ARRAIGNMENT OF THE MORMON CHURCH COMING FROM THAT SOURCE. SOME PARTIES THEN I SAY IS NOT TO BE HELD RESPONSIBLE; LIKE THIS ~~≤~~YOUNG~~≥~~ MAN ~~≤~~PIERCE~~≥~~ AND HE WAS MORE TO BE PITIED ~~≤~~THAN CENSURED~~≥~~ HADN'T ARRIVED AGE OF MAJORITY HIS CHARACTER WAS AT THIS		THIS CASE THERE ARE CIRCUMSTANCES CONNECTD WITH IT A LONG CHAIN AND TALE OF CIRCUMSTANCES IN THIS MATTER WHICH HAVE BEEN COVERED UP BY SECRECY AND WHICH HAVE FOLLOWED IN THIS CONNECTION? MY ~~W~~GH~~H~~OD! WHAT AN ARRAIGNMENT OF THE MORMON CHURCH COMING FROM THAT SOURCE ! SOME PARTIES THEN, I SAY IS NOT TO BE HELD RESPONSIBLE; LIKE THIS YOUNG MAN PIERCE. HE WAS MORE TO BE PITIED THAN SENSURED . HE HADN'T ARRIVED AT THE AGE OF MATURITY; HIS CHARACTER HADN'T THEN	THIS CASE THERE ARE CIRCUMSTANCES CONNECTED WITH IT A LONG CHAIN AND TALE OF CIRCUMSTANCES IN THIS MATTER WHICH HAVE BEEN COVERED UP BY SECRECY AND WHICH **YOU** HAVE FOLLOWED IN THIS CONNECTION? MY ~~W~~GH~~H~~OD! WHAT AN ARRAIGNMENT OF THE MORMON CHURCH COMING FROM THAT SOURCE ! SOME PARTIES THEN , I SAY ~~IS~~ **ARE** NOT TO BE HELD RESPONSIBLE; LIKE THIS YOUNG MAN PIERCE. HE WAS MORE TO BE PITIED THAT ~~S~~**C**ENSURED . HE HADN'T ARRIVED AT THE AGE OF MATURITY; HIS CHARACTER HADN'T THEN

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RS	PS	RT	BT
POINT EMERGING FROM ≤HIS BOYHOOD≥, AS ≤THE≥ MEN WAS AT MORE MATURE AGE ≤PIERCE≥ COULD NOT BE SAID TO BE A PARTY TO THIS TRANSACTION, ≤ALTHOUGH HE SAID≥ WHEN LYING AROUND CAMP HE HEARD THE DESTRUCTION OF EMIGRANTS TALKED ABOUT, ≤HE SAYS THAT IS THE≥ WAY ≤THEY FELT≥ = HE HEARD THE SUBJECT COME DISCUSSED REASON ASSIGNED THEIR HATRED TO THESE MEMBERS ≤OF THE TRAIN≥ WAS ≤THAT≥ SOME OF ITS MEMBERS WAS THOSE WHO HAD MURDERED		BEEN FORMED AND WAS JUST IMMERGING FROM HIS BOYHOOD; BUT IT IS DIFFERENT WITH MEN OF MORE MATURE AGE . PIERCE COULD NOT BE SAID TO BE A PARTY TO THIS ~~C~~TRANSACTION ALTHOUGH HE SAID THAT WHEN LYING A OUND THE CAMP HE HEARD THE SISTRUCTION OF THE EMIGRANTS TALKED ABOUT. HE SAYS THAT IS THE WAY THE FELT; HE HEARD THE SUBJECT DISCUSSED. AND THE REASON ASSIGNED FOR THEIR SLAUGHTER, AND ABOUT ITS MEMBERS OF THE TRAIN WAS THAT SOME OF ITS MEMBERS WAS THOSE WHO HAD MURDERED	BEEN FORMED**;** **HE** ~~AND~~ WAS JUST IMMERGING FROM HIS BOYHOOD; BUT IT IS DIFFERENT WITH MEN OF MORE MATURE AGE . PIERCE COULD NOT BE SAID TO BE A PARTY TO THIS ~~C~~TRANSACTION ALTHOUGH HE SAID THAT WHEN LYING A**R**OUND THE CAMP HE HEARD THE ~~SI~~**DE**STRUCTION OF THE EMIGRANTS TALKED A~~O~~BOUT. HE SAYS THAT IS THE WAY THEY FELT; HE HEARD THE SUBJECT DISCUSSED. AND THE REASON ASSIGNED FOR THEIR SLAUGHTER, AND ABOUT ITS MEMBERS OF THE TRAIN**,** WAS THAT SOME OF ITS MEMBERS ~~WAS~~ **WERE** THOSE WHO HAD MURDERED

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RS	PS	RT	BT
THE PROPHET JOE SMITH = THEY HAD POISONED SPRING = AND POISONED **AN** OX. SHOWS ALL CIRCUMSTANCES DERIVED FROM ANY OF THE MEN. WHEN HE COMES TO TESTIFY ≤AS TO THE≥ ORDER IN WHICH THESE MEN WERE MARCHED OUT, HE CORROBORATES ALL ABOUT IT. NOW THEN GENTLEMEN, WE ARE NOT LEFT ALONE TO THAT ≤WHAT KLINGENSMITH SAID **TO**≥ K SMITH'S TESTIMONY I SAY ≤HE≥ IS OVERWHELMING LY CORROBORATED, ≤AND THE≥ FACTS ≤**THAT**≥ TRANSPIRED UPON {THE}[i] GROUND COULD NOT HAVE BEEN TESTIFIED TO UNLESS HE MADE {THE}[i]		THE PROPHET , JOSEPH SMITH, AND THAT THEY HAD POISONED A SPRING AND POISONED AN OX. HE SHOWS ALL THE CIRCUMSTANCE S, DERIVED FROM ANY OF THE MEN: . WHEN HE COME TO TESTIFY AS TO ORDER IN WHICH THOSE MEN WERE MARCHED OUT, HE CORROBERATES ALL ABOUT IT. NOW, THEN, GENTLEMEN, WE ARE NOT LEFT ALONE TO WHAT KLINGENSMITH SAID OR TO KLINGENSMITH' S TESTIMONY. I SAY HE IS OVERWHELMIN GLY CORROBERATED , AND THE FACTS THAT TRANSPIRED UPON THE GROUND COULD NOT HAVE BEEN TESTIFIED TO UNLESS HE MADE THE	THE PROPHET , JOSEPH SMITH, AND THAT THEY HAD POISONED A SPRING AND POISONED AN OX. HE SHOWS ALL THE CIRCUMSTANCE S, DERIVED FROM ANY OF THE MEN÷ . WHEN HE COME**S** TO TESTIFY AS TO THE ORDER IN WHICH THESE MEN WERE MARCHED OUT, HE CORROBERATES ALL ABOUT IT. NOW, THEN, GENTLEMEN, WE ARE NOT LEFT ALONE TO WHAT KLINGENSMITH SAID OR TO KLINGENSMITH' S TESTIMONY. I SAY HE IS OVERWHELMIN GLY CORROBERATED , AND THE FACTS THAT TRANSPI3RED UPON THE GROUND COULD NOT HAVE BEEN TESTIFIED TO UNLESS HE MADE THE

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RS	PS	RT	BT
DECLARATION HE DID MAKE BY HIM ≤?≥ WILLIAM ROBERTS, COMES UPON STAND AND TESTIFIES, YOU SAW HIS MANNER . HE IS NOT PARTY TO IT; **AND YET** DECLARATIONS OF A PARTY MADE {IN RELATION}[i] TO CRIME IS ALWAYS COMPETENT HIS MANNER WAS RIGHT *STRAIGHTFORWARD*[?] **&** FREE; SHOWED NO DISPOSITION TO WARP {THE}[i] TESTIMONY ONE WAY OR ANOTHER HE TESTIFIES TO THE FACT THAT AT ONE TIME WHEN HE WAS TRAVELING SOUTH PORTION OF THIS COUNTRY [*space*] SOMEWHERE		DECLARATIONS HE DID MAKE **OR** WERE MADE BY HIM. WILLIAM ROBERS~~S~~TS COMES UPON THE STAND AND HE TESTIFIES. YOU SAW HIS MANNER . HE IS NOT A PARTY TO IT; AND YET ~~THE~~ DECLARATOIN OF A PARTY ~~WERE~~ MADE TO HIM IN RELATION TO ~~THE~~ **A** CRIME IS ALWAYS *[39]* COMPETENT. HIS MANNER WAS RIGHT STRAIGHTFORWARD AND FREE, AND HE SHOWED NO DISPOSITION TO WARP THE TESTIMONY ONE WAY OR THE OTHER. HE TESTIFIES TO THE FACT THAT AT ONE TIME, WHEN HE WAS TREVELING SOUTH THROUGH A PORTION OF THIS COUNTRY SOMEWHERE,	DECLARATIONS HE DID MAKE ~~OR~~**AND** OR WERE MADE BY HIM. WILLIAM ROBERS~~S~~TS COMES UPON THE STAND AND HE TESTIFIES. YOU SAW HIS MANNER. HE IS NOT A PARTY TO IT; AND YET ~~THE~~ **THE** DECLARATI~~ON~~S**N** OF A PARTY ~~WERE~~ MADE TO HIM IN RELATION TO ~~THE~~ **A** CRIME IS ALWAYS *[39]* COMPETENT. HIS MANNER WAS RIGHT STRAIGHTFORWARD AND FREE, AND HE SHOWED NO DISPOSITION TO WARP THE TESTIMONY ONE WAY OR THE OTHER. HE TESTIFIES TO THE FACT THAT ONE TIME, WHEN HE WAS TREVELING SOUTH THROUGH A PORTION OF THIS COUNTRY SOMEWHERE,

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RS	PS	RT	BT
HE MET JOHN D. LEE WHO MISTOOK HIM AS SOME ~~≤~~OTHER~~≥~~ PERSON; MET ARRAIGNED HIM AS SOME ~~≤~~OTHER~~≥~~ MAN WHO HAD SAID HARD THINGS IN PROVO VALLEY, IN CONNECTION = TO HIS ALLEGED CONNECTION WITH THE MOUNTAIN MEADOW THERE WAS GOOD REASON ~~≤~~FOR IT~~≥~~. JOHN D. LEE AT THAT TIME HAD BECOME NOTORIOUS; BECAUSE IT DID LEAK OUT AT **A** VERY EARLY DAY = IT WAS WHISPERED AROUND = TALKED ABOUT THAT THIS MASSACRE HAD BEEN DONE BY WHITE MEN HE WAS ~~≤~~**ROBERTS**~~≥~~		HE MET JOHN D. LEE, WHO MISTOOK HIM OR SOME OTHER PERSON. HE MET AND ARRAIGNED HI M AS SOME OTHER MAN WHOM LEE HAD HEARD HAD SAID SOME HARD THINGS ABOUT HIM IN PROVO VALLEY IN CO~~M~~N~~M~~NECTIO N— TO HIS ALLEGED CONNECTION WITH THE MOUNTAIN MEADOW MASSACRE. THERE WAS GOOD REASON FOR IT. JOHN D. LEE AT THAT TIME HAD BECOME NOTORIOUS BECAUSE IT DID LEAK OUT AT A VERY EARLY DAY; IT WAS WHI~~C~~PERED AROUND— TALKED ABOUT THAT THIS MASSACRE HAD BEEN DONE BY WHITE MEN. ROBERTS	HE MET JOHN D. LEE, WHO MISTOOK HIM FOR SOME OTHER PERSON. HE MET AND ARRAIGNED HI~~J~~M AS SOME OTHER MAN WHOM LEE HAD HEARD HA~~S~~D SAID SOME HARD THINGS ABOUT HIM IN PROVO VALLEY IN CO~~M~~N~~M~~NECTIO N— ~~TO~~ **WITH** HIS ALLEGED CONNECTION WITH THE MOUNTAIN MEADOW MASSACRE. THERE WAS GOOD REASON FOR IT. JOHN D. LEE AT THAT TIME HAD BECOME NOTORIOUS BECAUSE IT DID LEAK OUT AT A VERY EARLY DAY; IT WAS WHI**S**PERED AROUND— TALKED ABOUT THAT THIS MASSACRE HAD BEEN DONE BY WHITE MEN. ROBERTS

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RS	PS	RT	BT
ARRAIGNED BY THIS DESPERATE CHARACTER HE SAYS HE ARRAIGNED HIM BECAUSE HE THOUGHT HE HAD BEEN TALKING ABOUT HE THEN SAID "WHAT I DID THERE I DID UNDER ORDERS, AND WENT ON FURTHER TO SAY ≤THAT THE≥ EMIGRANTS WERE BAD MEN AMONG OTHERS [8] OTHER THINGS, HAD KILLED THE PROPHET JOE SMITH. THAT WAS DECLARATION MADE AFTER THE FACT BY JOHN D. LEE HIMSELF UNDER CIRCUMSTANCES DETAILS OF WHICH IS BEYOND *RST*-[?] **DISPUTE** THAT SITUATION SHOWS YOU		WAS ARRAIGNED BY THIS DESPERATE CHARACTER. HE SAYS, HE A RAIGNED HIM BECAUSE HE THOUGHT HE HAD BEEN TALKING ABOUT HIM. LEE THEN SAID , "WHAT I DID THERE I DID UNNDER ORDERS" N A D WENT ON FURTHER TO SAY THAT THE EMIGRANTS WERE BAD MEN. AND A MONG OTHER THINGS HE SAID THAT THEY HAD KILLED THE PROPHET JOSEPH SMITH. THAT WAS A DECLA⊣RATION MADE AFTER THE FACT BY JOHN D. LEE HIMSELF , UNDER CIRCUMSTANCE S, AND THE DETAILS OF WHICH ARE BEYOND DISPUTE. THAT CIRCUMSTANCE SHOWS YOU,	IS ARRAIGNED BY THIS DESPERATE CHARACTER. HE SAYS, HE A**R**RAIGNED HIM BECAUSE HE THOUGHT HE HAD BEEN TALKING ABOUT HIM. LEE THEN SAID , "WHAT I DID THERE I DID UNDER ORDERS" A**N**D WENT ON FURTHER TO SAY THAT THE EMIGRANTS WERE BAD MEN. AND AMONG OTHER THINGS HE SAID THAT THEY HAD KILLED THE PROPHET JOSEPH SMITH. THAT WAS A DECLA⊣RATION MADE AFTER THE FACT BY JOHN D. LEE HIMSELF , UNDER CIRCUMSTANCE S, AND THE DETAILS OF WHICH ARE BEYOND DISPUTE. THAT CIRCUMSTANCE SHOWS YOU,

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RS	PS	RT	BT
THAT YOUNG MAN COULD NOT BE MISTAKEN DIDN'T SHOW ANY[583] BIAS = ANY[584] ~~<~~PREJUDICE~~>~~ ~~ANY~~. WE HAVE THE DECLARATIONS OF JOHN D. LEE THAT HE DID PARTICIPATE IN THE MATTER IT IS ADMITTED HE DID PARTICIPATE ~~<~~IN THAT MASSACRE~~>~~ THERE WE HAVE EVIDENCE SIGNIFYING FOR THAT FACT WE ~~<~~ALSO~~>~~ HAVE A CUE AS TO THE MOTIVES WHICH PROMPTED JOHN D. LEE TO PARTICIPATE IN THAT ACT; THAT THERE WERE BAD MEN = SOME OF		GENTLEMEN OF THE JURY, THAT THAT YOUNG MAN COULD NOT HAVE BEEN MISTAKEN. I DIDN'T SHOW ANY BIAS— NO PREJUDICE. WE HAVE THE DECLARATIONS OF JOHN D. LEE THAT HE DID PARTICIPATE IN THE MATTER. IT IS ADMITTED HE DID PARTICIPATE IN THAT MASSACRE. THERE WE HAVE EVIDENCE SIGNIFYING AND TESTIFYING TO THAT FACT . WE ALSO HAVE THE QUE AS TO THE MOTIVE WHICH PROMPTED JOH N D. LEE TO PARTICIPATE IN THAT ACT; THAT THEY~~R~~S WERE BAD MEN —SOME OF	GENTLEMENT OF THE JURY, THAT THAT YOUNG MAN COULD NOT HAVE BEEN MISTAKEN. I DIDN'T SHOW ANY BIAS— NO PREJUDICE. WE HAVE THE DECLARATIONS OF JOHN D. LEE THAT HE DID PARTICIPATE IN THE MATTER. IT IS ADMITTED HE DID PARTICIPATE IN THAT MASSACRE. THERE WE HAVE EVIDENCE SIGNIFYING AND TESTIFYING TO THAT FACT . WE ALSO HAVE THE **CUE** ~~QUE~~ AS TO THE MOTIVE WHICH PROMPTED JOH N D. LEE TO PARTICIPATE IN THAT ACT; THAT THE~~RE~~Y WERE BAD MEN —SOME OF

583. Long "O"—added later—would render the word "NO". **"ANY"** is written in longhand above the shorthand.

584. A long "O" vowel added later rendered the word "NO".

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RS	PS	RT	BT
THEM HAD KILLED {THE}[i] PROPHET SOME OF THESE MEN HAVING KILLED {THE}[i] PROPHET AND UNDER THIS MONSTROUS SYSTEM OF RELIGION (WHICH GENTLEMEN IS GOOD) IT WAS ALLEGED ACCORDING TO THEIR CODE OF MORALS = BECAUSE SOME HAD MURDERED JOE SMITH IN PRISON IN NAUVOO = IT AUTHORIZED THESE MEN TO KILL ALL ≼THE MEN≽ WOMEN AND CHILDREN IN THAT TRAIN; SAVING ONLY SUCH AS WAS SO YOUNG ≼THAT THEY≽ COULD NOT TELL THE STORY AND WHEN THEY GREW UP IT WOULD BE IMPOSSIBLE FOR THEM {TO}[i] GO UPON {THE}[i] STAND {AND}[i] GIVE SUCH		THEM HAD KILLED THE PROPHET. SOME OF THESE MEN HAVING KILLED THE PROPHET AND UNDER THIS MONSTROUS SYSTEM OF RELIGION WHICH THE GENTLEMEN SAY IS GOOD; IT WAS ALLEGED ACCORDING TO THEIR CODE OF MORALS, BECAUSE SOME HAD MURDERED JOE SMITH, IN PERSON —IN NAUVOO, IT AUTHORIZED THESE MEN TO KILL ALL THE MEN WOMEN AND CHILDREN IN THAT TRAIN. *[40]* SAVING ONLY SUCH AS WAS SO YOUNG, THAT THEY COULD NOT TELL THE STORY, AND WHEN THEY GREW UP IT WOULD BE IMPOSSIBLE FOR THEM TO GO UPON THE ST ND AND GIVE SUCH A	THEM HAD KILLED THE PROPHET. SOME OF THESE MEN HAVING KILLED THE PROPHET AND UNDER THIS MONSTROUS SYSTEM OF RELIGION WHICH THE GENTLEMEN SAY IS GOOD; IT WAS ALLEGED ACCORDING TO THEIR CODE OF MORALS, BECAUSE SOME HAD MURDERED JOE SMITH, IN **PRISON** ~~PERSON~~ —IN NAUVOO, IT AUTHORIZED THESE MEN TO KILL ALL THE MEN WOMEN AND CHILDREN IN THAT TRAIN. *[40]* SAVING ONLY SUCH AS WAS SO YOUNG, THAT THEY COULD NOT TELL THE STORY, AND WHEN THEY GREW UP IT WOULD BE IMPOSSIBLE FOR THEM TO GO UPON THE ST**A**ND AND GIVE SUCH A

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RS	PS	RT	BT
DETAIL OF THE CIRCUMSTANCES AS WOULD ENDANGER THEM ≤THE LIBERTY OF THE PARTICIPATORS≥ . **THE** TESTIMONY FROM BEGINNING TO END = DECLARATIONS OF JOHN D. LEE AFTER THE FACT WAS TESTIFIED TO BY THESE WITNESSES, NOT ONLY SHOWS A COMPLICITY BUT SHOWS ≤THE≥ MOTIVES WITH WHICH IT WAS DONE HOW DOES THAT CORRESPOND WITH OF ≤ROBERT≥ POLLOCK = JAMES PEARCE, TESTIFIES, WHEN **A** BOY GOING TO THE FIELD ≤FROM≥ WASHINGTON THOSE WHO WERE GOING ADVANCED SAME PROPOSITION = GAVE		DETAIL OF THE CIRCUMSTANCES AS WOUOD ENDANGER THE LIBERTY OF THE PARTICIPATORS. THE TESTIMONY FROM BEGINNING TO END, THE DECLARATIONS OF JOHN D. LEE WAS TESTIFIED TO BY THESE WITNESSES, AND IT NOT ONLY SHOWS A COMPLICITY BUT IT SHOWS THE MOTIVE UNDER WHICH IT WAS DONE. HOW OES IT CORRESPOND WITH SAM POLLOCK. JAMES PEARCE TESTIFIES, THAT WHEN A BOY , AND GOING TO THE FIELD FROM WASHINGTON, THOSE WITH WHOM HE WAS GOING ALONG, DISCUSSED SOME PROPOSITIONS; GAVE	DETAIL OF THE CIRCUMSTANCES AS WOUOD ENDANGER THE LIBERTY OF THE PARTICIPATORS. **IN** THE TESTIMONY FROM BEGINNING TO END, THE DECLARATIONS OF JOHN D. LEE WAS TESTIFI~~E~~D TO BY THESE WITNESSES, AND IT NOT ONLY SHOWS A COMPLICITY BUT IT SHOWS THE MOTIVE UNDER WHICH IT WAS DONE. HOW DOES IT CORRESPOND WITH SAM POLLOCK. JAMES PEARCE TESTIFIES, THAT WHEN A BOY , AND GOING TO THE FIELD FROM WASHINGTON, THOSE WITH WHOM HE WAS GOI~~N~~G ALONG, DISCUSSED SOME PROPOSITIONS; GAVE

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RS	PS	RT	BT
UTTERANCE TO ≤THE≥ SAME SENTIMENTS ≤THAT≥ JOHN D. LEE HAD TO ≤THE≥ ROBERTS ≤THAT≥ THESE EMIGRANTS HAD SLAIN {THE}[i] PROPHETS {PROPHET}[i] = POISONED {AN}[i] OX AND SPRINGS <NORTH OF HERE>; THEREFORE BECAUSE SOME OF THEM <HAD DONE = OR WAS ACCUSED OF HAVING DONE THESE THINGS THEY MUST BE MASSACRED> BUT IT WAS {**A**}[i] SLANDER MANUFACTURED BY LEE ≤THEY MUST BE KILLED≥ INNOCENT {AND}[i] GUILTY INDIVIDUALS SHOULD BE PUNISHED *AND/BUT*[?] ALL THE WOMEN AND CHILDREN EXCEPT THOSE TOO YOUNG TO TELL		UT ERENCE TO THE SAME SENTIMENTS THAT JOHN D. LEE HAD —TO THE REPORTS, THAT THESE EMIGRANTS HAD SLAIN THE PROPHET, POI~~N~~SONED AN OX AND SPRINGS NORTH OF HERE, THEREFORE BECAUSE SOME OF THEM HAD DONE THAT, OR WAS ACCUSED OF HAVING DONE THESE THINGS, WHICH WAS A SLANDER AND MANUFACTURE D BY LEE, THEY MUST BE KILLED, NOT ONLY THE GUILTY INDIVIDUALS, SHOULD BE PUNISHED BUT ALL THE WOMES AND CHILDREN EXCEPT THOSE WHO WERE TOO YOUNG TO TELL	UTTERENCE TO THE SAME SENTIMENTS THAT JOHN D. LEE HAD **MADE** —TO THE REPORTS, THAT THESE EMIGRANTS HAD SLAIN THE PROPHET, POI~~N~~SONED ~~T~~AN OX AND SPRINGS NORTH OF HERE~~,~~**;** THEREFORE**,** BECAUSE SOME OF THEM HAD DONE THAT, OR WAS ACCUSED OF HAVING DONE THESE THINGS, WHICH WAS A ~~X~~SLANDER AND MANUFACTURE D BY LEE, THEY MUST BE KILLED, NOT ONLY THE GUILTY INDIVIDUALS, SHOULD BE PUNISHED BUT ALL THE **WOMEN** ~~WOMESN~~ AND CHILDRE~~S~~N EXCEPT THOSE WHO WERE TOO YOUNG TO TELL

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RS	PS	RT	BT
THE TALE SHOULD FALL {**A**}[i] VICTIMS TO THEIR VENGEANCE THAT IS THE SORT {OF}[i] RETRIBUTIVE JUSTICE = THAT IS THE SORT OF DUTY ≤AND CRIME≥ WHICH THIS MORMON CHURCH HAS COVERED UP ≤FOR THE LAST≥ 18 YEARS IT WOULD HAVE BEEN COVERED UP TO ≤ETERNITY≥ UNTO THE <BUT IT HAS> <OTHERWISE BEEN DECREED>[585] <AND WHEN ALL MEN WILL BE CALLED TO> JUDGMENT = WHEN ≤THE ACTS≥ OF ≤ALL≥ MEN WILL BE LAIN BEFORE LAST AND FINAL JUDGE, *EXCELLENT*[?] LAWS *RI*[?] FINE CODE OUGHT TO HAVE BEEN		THE TALE SHOULD FALL VICTIMS T THEIR VENGEANCE. THAT IS THE SORT OF RETRIBUTIVE JUSTICE. THAT IS THE SORT OF DUTY AND CRIME WHICH THIS MORMON CHURCH HAS COVERED UP FOR THE LAST I8 YEARS. IT WOULD HAVE BEEN CO~~N~~VERED UP TO ETERNITY, BUT IT HAS OTHERWISE BEEN DECREED, AND WHEN ALL MEN WILL BE CALLED TO JUDGMENT— WHEN THE ACTS OF ALL MEN WILL BE LAID BARE BEFORE THE LAST FINAL JUDGE, THEN WILL THERE BE A REC~~O~~KONING OF THE CRIMES OF THESE	THE TALE **,**SHOULD FALL VICTIMS T**O** THEIR VENGEANCE. THAT IS THE SORT OF RETRIBUTIVE JUSTIC~~E~~E. THAT IS THE SORT OF DUTY AND CRIME WHICH THIS MORMON CHURCH HAS COVERED UP FOR THE LAST I8 YEARS. IT WOULD HAVE BEEN CO~~N~~VERED UP TO ETERNITY, BUT IT HAS OTHERWISE BEEN DECREED, AND WHEN ALL MEN WILL BE CALLED TO JUDGMENT— WHEN THE ACTS OF ALL MEN WILL BE LAID BARE BEFORE THE LAST FINAL JUDGE, THEN WILL THERE BE A REC~~O~~KONING OF THE CRIMES OF THESE

585. This phrase is in darker pencil than the previous phrase; it was apparently added after the prior insertion.

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RS	PS	RT	BT
REPEALED ADMINISTRATIO N OF LAWS HAD BEEN PUT INTO DIFFERENT HANDS. ≤¶≥		WRETCHED MEN..	WRETCHED MEN..
NOW THEN LET US LOOK AT THINGS AFTER {THE}[i] FACT; WHAT TRANSPIRED I THINK WE HAVE SHOWN IT BEFORE **THE** FACT; LET US TRACE IT AFTER {THE}[i] FACT. PERMIT ME TO COMMENT ON		NOW , THEN LET US LOOK AT THE THINGS AFTER THE FACT; WHAT TRANSPIRED. I THINK WE HAVE SHOWN IT BEFORETHE FACT. NOW, LET US TRACE IT AFTER THE FACT. PERMIT ME TO COMMENT ON THE THEORY AND THE	NOW , THEN LET U~~P~~S LOOK AT THE THINGS AFTER THE FACT~~;~~**,** WHAT TRANSPIRED. I THINK WE HAVE SHOWN IT BEFORETHE FACT. NOW, LET US TRACE IT AFTER THE FACT. PERMIT ME TO COMMENT ON THE THEORY AND THE
CIRCUMSTANCES OF THE DEFENSE IS CONFUSING IN THE EXTREME IT IS SIMPLY BECAUSE THEIR *DEFENSE*[?] IS SO SENSELESS IN THE LIGHT OF REASON AND		CIRCUMSTANCE S OF THE DEFENSE THAT ARE CONFUSING IN THE EXTREME. IT IS SIMPLY BECAUSE THEIR EFEN~~D~~SE IS SO SENSELESS IN THE LIGHT OF REASON AND THE LIGHT OF	CIRCUMSTANCE S OF THE DEFENSE THAT ARE CONFUSING IN THE EXTREME. IT IS SIMPLY BECAUSE THEIR **D**EFEN~~D~~SE IS SO SENSELESS IN THE LIGHT OF REASON AND THE LIGHT OF
TRUTH LEAVES TO *ONE*[?] RESULT THEREFORE ≤**THE**≥ GENTLEMEN IN		TRUTH; AND TO WHICH THERE CAN	TRUTH~~.~~; AND TO WHICH THERE CAN BE NO RESULT. THEREFORE, GENTLEMEN, IN THEIR

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RS	PS	RT	BT
STRUGGLING TO OVERCOME SOME OF THIS TESTIMONY ≤THEY≥ HAVE BEEN DRIVEN INTO ALL SORTS OF ANCIENT THEORIES. FIRST GENTLEMEN, WAS {THE}[i] REMARK ≤THAT IT≥ WAS DONE IN PURSUANCE OF ORDER ISSUED TO THE PARTIES ≤OR≥ LEADERS WHO PERPETRATED IT. ≤THE DEFENSE≥ KNOW MOST CERTAINLY MUST KNOW WHERE IT EMANATED FROM HE ADMITTED {THE}[i] FACT TOOK GOOD CARE NOT TO TELL YOU WHERE. HE FIRST DID ASSERT TO YOU;		*[41]* COME SOME OF THIS TESTIMONY. THEY HAVE BEEN DRIVEN INTO ALL SORTS OF ANCIENT THEORIES. FIRST, GENTLEMEN, WAS THE REMARK THAT IT WAS DONE IN PURSUANCE OF ORDERS ISSUED TO PARTIES OR THE LEADERW WHO PERPETRATED IT. THE COUNSEL FOR THE DEFENSE MUST CERTAINLY KNOW WHERE THOSE ORDERS EMINATED FROM. HE ADMITTED THE FACT BUT HE FORGOT TO TELL YOU WHERE , IF HE COULD, BUT I THINK HE COULD NOT TELL YOU WHERE. HE FIRST DID ASSERT TO YOU,	STRUGGLING TO OVER *[41]* COME SOME OF THIS TESTIM~~X~~ONY. ~~THEY~~ THEY HAVE BEEN DRIVEN INTO ALL SORTS OF ANCIENT THEORIES. FIRST, GENTLEMEN, WAS THE REMARK THAT IT WAS DONE IN PURSUANCE OF ORDERS ISSUED TO PARTIES OR THE LEADER~~W~~**S** WHO PERPETRATED IT. THE COUNSEL FOR THE DE~~R~~FENSE MUST CERTAINLY KNOW WHERE THOSE ORDERS EMINATED FROM. HE ADMITTED THE FACT BUT HE FORGOT TO TELL YOU WHERE , IF HE COULD, BUT I THINK HE COULD NOT TELL YOU WHERE. HE FIRST DID ASSERT TO YOU,

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RS	PS	RT	BT
THESE MEN WHO WENT UPON THAT GROUND ≤TO THE MASSACRE≥ = DID GO THERE IN PURSUANCE OF ORDER = [*space*] {THE}[i] WHITE MEN WENT OUT THERE WITH ORDERS TO KILL ANOTHER OF HIS THEORIES IS, {THAT}[i] WHEN THEY WENT UPON GROUND THE INDIANS WERE SO NUMEROUS <THAT THE WHITES **DARED** **NOT TRY TO** **APPEASE** **THEM**>. THAT IS THE THEORY OF MY PLAUSIBLE = FRIEND ≤MY LEGALLY≥ SOPHISTICATED FRIEND JUDGE SUTHERLAND. ≤AFTER THEY GET OUT THERE≥		THAT THESE MEN WHO WENT THERE UPON THAT GROUND, TO THE MOUNTAIN MEADOWS DID GO THERE I PURSUANCE OF ORDERS. THE WHITE MEN WHO WENT OUT THERE WITH ORDERS TO KILL. ANOTHER OF HIS THEORIES I~~D~~S THAT WHEN THEY WENT UPON THE GROUND THAT THE WHITES DQRE NOT INTERFERE OR TRY TO APPEASE THE INDIANS BECAUSE THEY WERE SO NUMEROUS. THAT IS THE THEORY OF MY PLAUSABLE FRIEND, MY LEGAL AND SOPHISTICAL FRIEND JUDGE SUTHERLAND/ AFTER THEY GET THERE	THAT THESE MEN WHO WENT THERE UPON THAT GROUND, TO THE MOUNTAI N MEADOWS DID GO THERE I**N** PURSUANCE OF ORDERS. THE WHITE MEN WHO WENT OUT THERE WITH ORDERS TO KILL. ANOTHER OF HIS THEORIES I~~D~~S THAT WHEN THEY WENT UPON THE GROUND THAT THE WHITES **DARED** ~~DQRE~~ NOT INTERFERE OR TRY TO APPEASE THE INDIANS BECAUSE THEY WERE SO NUMEROUS. THAT IS THE THEORY OF MY PLAUSIBLE FRIEND, MY LEGAL AND SOPHISTICAL FRIEND JUDGE SUTHERLAND/ AFTER THEY GET THERE

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RS	PS	RT	BT
THEY TAKE THESE WHITE MEN IN CHARGE <AND THE INDIANS SAY IF YOU DON'T => YOU DON'T KILL THESE FELLOWS WE WILL KILL YOU. LAST THEORY IS JOHN D. LEE WHILE THERE WAS AN ORDER TO DO THIS THING, AND THAT WHILE THE INDIANS TOOK THEM IN CHARGE JOHN D. LEE DID NOT HAVE ANYTHING TO DO WITH EITHER OF THOSE TWO THINGS AND NOTHING TO SAY ABOUT IT **THE** LAST AND MOST REMARKABLE THEORY THERE *IN*[?] ~~<~~THAT THE~~>~~ WHITE MEN ON THAT GROUND DIDN'T PARTICIPATE IN IT HAVEN'T I STATED IT CORRECTLY.		THEY TA KE THESE WHITE MEN IN CHARGE, AND THE INDIANS SAY, IF YOU DON'T—IF YOU DON'T KILL THESE FELLOWS, WE WILL KI L YOU. THAT IS THE THEORY OF JOHN D. LEE. WHILE THERE WAS AN ORDER ABOUT THIS THING , THAT WHILE THE INDIANS TOOK THEMIN CHARGE, JOHN D. LEE WOULDN'T HAVE ANYTHING TO DO WITH EITHER OF THESE TWO THINGS, AND NOTHING TO SAY ABOUT IT. THE LAST AND MOST REMARKA LE THEORY THERE, WAS THAT THE WHITE MEN THERE ON THE GROUND DIDN'T PARTICIPATE IN IT. HAVN'T I STATED ITCORRECTL~~Y~~,?	THEY TA~~O~~KE THESE WHITE MEN IN CHARGE, AND THE INDIANS SAY, IF YOU DON'T—IF YOU DON'T KILL THE~~W~~**S**E FE~~P~~LLOWS, WE WILL KI**L**L YOU. THAT IS THE THEORY OF JOHN D. LEE. WHILE THERE WAS AN ORDER ABOUT THIS THING, ~~THAT~~ WHILE THE INDIANS TOOK THEM IN CHARGE, JOHN D. LEE WOULDN'T HAVE ANYTHING TO DO WITH EITHER OF THESE TWO THINGS, AND NOTHING TO SAY ABOUT IT. THE LAST AND MOST REMARKA**B**LE THEORY THERE, WAS THAT THE WHITE MEN THERE ON THE GROUND DIDN'T PARTICIPATE IN IT. HAVN'T I STATED ITCORRECTL~~Y~~,?

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RS	PS	RT	BT
WHICH OF THEORIES OF THIS DEFENSE ≤DO THEY≥ WISH YOU TO RELY UPON THEY ARE DRIVEN INTO THESE ANTAGONISTIC THEORIES THAT THEY ARE DRIVEN INTO BECAUSE OF THE SCARCITY OF EVIDENCE ON THEIR SIDE, *BE FOUND*[?] *SPN*[?] THEORIES ARE NOT REASONABLE DEDUCTIONS FROM THE TESTIMONY AND IT IS TO PUT THE CHARGE UPON K SMITH ≤TO SAY THAT≥ HE DIDN'T TELL THE TRUTH WHEN ≤ALL THE≥ EVIDENCE OF THE CIRCUMSTANCES BOTH BEFORE AND AFTER THE FACT SHOW ≤HE≥ DID		WHICH OF THE THEORIES OF THESE DEFENDENTS DO THEY WISH YOU TO RELY UPON, THESE ANTAGONISTIC THEORIES THAT THEY ARE DRIVEN INTO BECAUSE OF THE SCARCETY OF EVIDENCE ON THEIR SIDE, TO S PPORT ANY OF THEIR THEORIES. THEIR TOEORIES ARE NOT REASONABLE FROM THE DEDUCTIONS FROM KLINGENSMITH 'S TESTIMONY , AND IT IS AN OUTRAGE UPON KLINGENSMITH TO SAY THAT HE DIDN'T TELL THE TRUTH WHEN ALL THE EVIDENCE AND ALL THE CIRCUMSTANCES BOTH BEFORE AND AFTER THE FACT SHOW THAT HE DID	WHICH OF THE THEORIES OF THESE DEFENDENTS DO THEY WISH YOU TO RELY UPON, THESE ANTAGONISTIC THEORIES THAT THEY ARE DRIVEN INTO BECAUSE OF THE SCARCETY OF EVIDENCE ON THEIR SIDE, TO S**U**PPORT ANY OF THEIR THEORIES. THEIR T~~O~~**H**EORIES ARE NOT REASONAB~~L~~LE FROM THE DEDUCTIONS FROM KLINGENSMITH 'S TESTIMONY , IT IS AN OUTRAGE UPON KLINGENSMITH TO ~~A~~SAY THAT HE DIDN'T TELL THE TRUTH WHEN ALL THE EVIDENCE AND ALL THE CIRCUMSTANCES BOTH BEFORE AND AFTER THE FACT SHOW THAT HE DID

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RS	PS	RT	BT
TESTIFY TO THE TRUTH, AND NOT ONLY IN ITS GENERAL RESULT = IN THESE DETAILS STATED CORRECTLY, HE WAS NOT CONTRADICTED IN ANY MATERIAL PART. IT IS TRUE THEY HAVE GOOD DEAL TO SAY ABOUT HOLLOW SQUARE *[9]* SUPPOSE K SMITH WAS MISTAKEN; <WAS SOME PARTICULARS AS TO THAT> IT DOESN'T CHANGE FACT THAT {**A**}[i] CONSPIRACY WAS ENTERED INTO ON THE FIELD NEAR HAMBLIN'S RANCH. THEY HAVE BEEN CATCHING AT STRAWS = BEEN TAKING UP LITTLE MINOR DETAILS THAT DO NOT		TESTIFY TO THE TRUTH, NOT ONLY IN ITS GENERAL RESULT, BUT IN ALL THESE DETAILS HE STATED IT CORRECTLY AND HE WAS NOT CONTRADICTED IN ANY MATERIAL POINT. *[42]* IT IS TRUE THEY HAVE A GOOD DEAL TO SAY ABOUT THE HOLLOW SQUARE SUPPOSE KLINGENSMITH WAS MISTAKEN IN SOME PARTICULARS AS TO THAT; T DOESN'T CHANGE THE FACT THAT A CONSPIRACY WAS ENTERED INTO ON THE FIELD NEAR HAMBLIN'S RANCH. THEY HAVE BEEN CATCHING AT STRAWS, HAVING BEEN TAKING UP LITTLE MINOR DETAILS THAT DO NOT	TES**T**IFY TO THE TRUTH, NOT ONLY IN ITS GENERAL RESULT, BUT IN ALL THESE DETAILS HE STATED IT CORRECTLY AND HE WAS NOT CONTRADICTED ~~A~~IN ANY MATERIAL POINT. *[42]* IT IS TRUE THEY HAVE A GOOD DEAL TO SAY ABOUT THE HOLLOW SQUA~~R~~E**.** SUPPOSE KLINGENSMITH WAS MISTAKEN IN SOME PARTICULARS AS TO THAT; **I**T DOESN'T CHANGE THE FACT THAT A CONSPIRACY WAS ENTERED INTO ON THE FIELD NEAR HAMBLIN'S RANCH. THEY HAVE BEEN CATCHIN~~C~~G AT STRAWS, HAVING BEEN TAKING UP LITTLE MINOR DETAILS THAT DO NOT

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RS	PS	RT	BT
TAKE/TK[?] NECESSARILY TO PROVE THE MAIN FACTS IF THEY CAN SUCCEED IN SOME LITTLE TRIFLING ≼THEY≽ MUST GET SOME FACTS ≼TO WHICH≽ KLINGENSMITH DIDN'T TESTIFY TO, AND YOU MUST NOT BELIEVE SO IN ANY RESPECT. <MR. BISHOP SAID> MR. SMITH SAID <HE> HEARD LEE GIVE THE ORDERS IN THAT HOLLOW SQUARE ≼HE≽ DIDN'T TESTIFY ANY SUCH **A** THING; HE SAID HE AND SOME OTHER PERSON WAS STANDING OUTSIDE HE DIDN'T HEAR ANY ORDERS GIVEN THERE. WHITE SAYS HE DIDN'T REMEMBER OF ANY HOLLOW SQUARE BEING		TEND NECESSARILY TO PROVE THE MAIN FACTS. IF THEY CAN SUCCEED IN SOME LITTLE TRIFLING DETAIL THEY MUST GET SOME OTHER WITNESS ABOUT WHICH KLINGENSMITH DIDN'T TESTIFY TO PROVE IT AND YOU MUST NOT BELIEVEHIM IN ANY RESPECT. MR. BISHOP SAID THAT MR. SM TH TESTIFIED HE HEARD LEE GIVE THE ORDERS IN THAT HOLLOW SQUARE. HE DIDN'T TESTIFY ANY SUCH A THI~~N~~G HE SAID HE AND SOME OTHER PERSON WAS STANDING OUTSIDE; HE DIDN'T HEAR ANY ORDERS GIVEN THERE. WHITE, THERE, HE DIDN'T BROACH OF ANY HOLLOW SQUARE BEING	TEND NECESSARILY TO PROVE THE MAIN FACTS. IF THEY CAN SUCCEED IN SOME LITTLE TRIFLING DETAIL THEY MUST GET SOME OTHER WITNESS ABOUT WHICH KLINGENSMITH DIDN'T TESTIFY TO PROVE IT AND YOU MUST NOT BELIEVE HIM IN ANY RESPECT. MR. BISHOP SAID THAT MR. SMITH TESTIFIED HE HEARD LEE GIVE THE ORDERS IN THAT HOLLOW SQUARE. HE DIDN'T TESTIFY ANY SUCH A THI~~N~~G. HE SAID HE AND SOME OTHER PERSON WAS STANDING OUTSIDE; HE DIDN'T HEAR ANY ORDERS GIVEN THERE. WHITE, THERE, **SAYS** HE DIDN'T BROACH **THE SUBJECT** OF ANY HOLLOW SQUARE BEING

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RS	PS	RT	BT
THERE POLLOCK AND YOUNG SAY THE SAME. ROBERT POLLOCK, WILLIAM YOUNG, WERE NOT ON THE GROUND THEY DIDN'T MARCH OUT WITH THE SOLDIERS POLLOCK BEING BAGGAGE MASTER HAVING CONTROL OF THE PACK TRAIN ≤BAGGAGE TRAIN WASN'T THERE≥ HE STAYED TOGETHER WITH ≤THE≥ WAGONS HE WAS NOT IN ≤A≥ POSITION WHERE HE COULD HAVE SEEN IT WILLIAM YOUNG WAS SCOUTING OUT ON THE GROUND SOMEWHERE IT DON'T APPEAR THAT HE WAS IN SIGHT OF THIS POINT WHERE {THE}[i] HOLLOW SQUARE WAS FORMED THERE.		THERE. POLLOCK AND YOUNG SAY THE SAME THING. ROBERT POLLO~~S~~CK AND WILLIAM YOUNG WERE NOT ON THE GROUND. THEY DIDN'T MARCH OUT WITH THE SOLDIERS. POLLOCK BEING A BAGGAGE MASTER AND HAVING CONTROLL OF THE BAGGA~~N~~GE TRAIN WASN'T THERE. ~~HE SIAD~~ HE STAID TOGETHER WITH THE WAGGONS; HE WAS NOT IN A POSITION WHERE HE COULD HAVE SEEN IT. WILLIAM YOUNG WAS SCOUTING ON THE HILLS AROUND SOMEWHERE. IT DON'T APPEA~~T~~R THAT HE WAS IN SIGHT OF THIS POINT WHERE THE HOLLOW SQUARE WAS FORMED THERE.	THERE. POLLOCK AND YOUNG SAY THE SAME THING. ROBERT POLLO~~S~~CK AND WILLIAM YOUNG WERE NOT ON THE GROUND. THEY DIDN'T MARCH OUT WITH THE SOLDIERS. POLLOCK BEING A BAGGAGE MASTER AND HAVING CONTROLL OF THE BAGGA~~N~~GE TRAIN WASN'T THERE. ~~HE SIAD~~ HE STAI~~S~~D TOGETHER WITH THE WAGGONS; HE WAS NOT IN A POSITION WHERE HE COULD HAVE SEEN IT. WILLIAM YOUNG WAS SCOUTING ON THE HILLS AROUND SOMEWHERE. IT DON'T APPEA~~T~~R THAT HE WAS IN SIGHT OF THIS POINT WHERE THE HOLLOW SQUARE WAS FORMED THERE.

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RS	PS	RT	BT
≺**THE**≻ FACT ≼THAT HE≽ DOES NOT REMEMBER IT ≼DOESN'T CONTRADICT≽ IT IS CORRECT ≼CORROBORATE D≽ MR. SMITH. FOR FACT WHETHER {THE}[i] HOLLOW SQUARE WAS FORMED OR NOT IT ≼DOESN'T MAKE ANY DIFFERENCE≻. MY BROTHER SUTHERLAND THINKS THREATENED INDIANS AROUND THERE ATTACK THESE GALLANT BRAVE WHITE MEN HAD THEIR FAMILIES TO PROTECT ONE THING MADE THEM DO THESE ACTS. THESE WHITE MEN AFTER DEED IS DONE SEPARATE ≼**40**≽ GO <TO		THE FACT THAT HE DOES NOT BROACH IT DOESN'T CONTRADICT, AND IT IS CORROBERATED BY KLINGENSMITH. AS TO THE FACT WHETHER THE HOLLOW QUARE WAS FORMED OR NOT IT DOESN'T MAKE ANY~~TY~~ DIFFERENCE. MY BROTHER SUTHERLAND THINKS THAT THE INDIANS AROUND THERE THREATENED AND INTIMIDATED THESE SOLDIERS TO ATTACK THE GALLENT WHITE MEN WHO HAD THEIR FAMILIES TO PROTECT AND THAT WAS ONE THING THAT MADE THEM DO THESE ACTS. THESE WHITE MEN AFTER THE DEED WAS DONE SEPARATE, ~~GO~~ TO GO AWAY	THE FACT THAT HE DOES NOT BROACH IT DOESN'T CONTRADICT, AND IT IS CORROBERATED BY KLINGENSMITH. AS TO THE FACT WHETHER THE HOLL~~O~~W QUARE WAS FORMED OR NOT IT DOESN'T MAKE ANY~~TY~~ DIFFERENCE. MY B~~T~~ROTHER SUTHERLAND THINKS THAT THE INDIANS AROUND THERE THREATENED AND INTIMIDATED THESE SOLDIERS TO ATTACK THE GALLENT WHITE MEN WHO HAD THEIR FAMILIES TO PROTECT AND THAT WAS ONE THING THAT MADE THEM DO THESE ACTS. THESE WHITE MEN AFTER THE DEED WAS DONE SEPARATE, ~~GO~~ TO GO AWAY

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RS	PS	RT	BT
THE> MOUNTAIN MEADOWS IN PIECE MEAL; DIDN'T GO IN MILITARY ARRAY [*space*] REMAINED ON THE GROUND WHEN THEIR PASSIONS BEEN EXCITED WITH KILLING WERE THE ONES ENGAGED IN DEEDS OF MURDER THEY BECAME WILD {**&**}[i] RAVENOUS LIKE WILD BEASTS. I THINK THE PANTHER THIRST OF BLOOD BECOMES *MN*[?] WITH THEM [*space*] NOT A SINGLE *MORMON*[?] WAS MOLESTED PASSING THROUGH INDIAN COUNTRY, PASSING TO AND FROM		FROM THE MOUNTAIN MEADOWS IN PIECEMEAL. THEY DIDN'T GO AWAY IN MILITARY A RAY. SOME REMAINED ON THE *[43]* GROUND AND WHEN THEIR PASSIONS HAD BEEN EXCITED WITH KILLING,— WHEN THEY WERE ONCE ENGAGED IN DEEDS OF MURDER THEY BECAME WILD AND RAVENOUS.LIKE WILD BEASTS. MANY OF THEM IN TRAVELING IN THE TERRITORY SHOWS THAT NOT A WINGLE WOMAN OF THOSE PASSING THROUGH THAT INDIAN COUNTRY — PASSING TOO AND FRO TO	FROM THE MOUNTAIN MEADOWS IN PIECEMEAL. THEY DIDN'T GO AWAY IN MILITARY A**R**RAY. SOME REMAINED ON THE ~~GROUND~~ ~~AFTER~~ *[43]* GROUND AND WHEN THEIR PASSIONS HAD BEEN EXCITED WITH KILLING,— WHEN THEY WERE ONCE ENGAGED IN DEEDS OF MURDER THEY BECAME WILD AND RAVENOUS~~.~~ LIKE WILD BEASTS. M~~Z~~ANY OF THEM IN TRAVELING~~IN~~ **ON THE** **CONTRARY** ~~THE~~ ~~TERRITORY~~ SHOWS THAT NOT A ~~W~~**S**INGLE ~~WOMAN~~ **MAN** OF THOSE PASSING THROUGH THAT INDIAN COUNTRY – PASSING TOO AND FRO TO

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RS	PS	RT	BT
RESPECTIVE HOMES AS THE TESTIMONY SHOWS < THAT NONE OF THEM WERE KILLED, SCRATCHED OR HURT IN THE MELEE; NOTHING OF SORT, YET THEY SAY IT WAS BECAUSE THESE HOSTILE INDIANS WERE RAGING FOR BLOOD UNLESS WHITE MEN JOINED IN ≤THE≥ PERPETRATION THIS ≤DEED≥ THEY WOULD HAVE BEEN KILLED, JEOPARDIZED THEIR OWN FAMILIES AT HOME.		THEIR PESPECTIVE HOMES AS THE TESTIMONY SHOWS THAT NONE OF THEM WERE KILLED, SCRATCHED OR HURT IN THE MELEE; NOTHING OF THE SORT, YET THEY SAY IT WAS BECAUSE THESE HOSTILE INDIAN~~D~~S WERE RAGING FOR THEIR BLOOD THAT UNLESS THE WHITE MEN JOINED IN THE PERPETRATION OF THIS DEED THEY WOULD HAVE BEEN KILLED AND THE LIVES OF THEIR FAMILIES AT HOME AND THEIR OWN LIVES WOULD HAVE BEEN JEOPARDIZED.	THEIR ~~P~~RESPECTIVE HOMES AS THE TESTIMONY SHOWS**,** ~~THAT NONE OF THEM~~ WERE KILLED, SCRATCHED OR HURT IN THE MELEE; NOTHING OF THE SORT, YET THEY SAY IT WAS BECAUSE THES**E** HOSTILE INDIAN~~D~~S WERE RAGING FOR THEIR BLOOD THAT UNLESS THE WHITE MEN JO~~N~~INED IN THE PERPETRATION OF THIS DEE~~S~~D THEY WOULD HAVE BEEN KILLED AND THE LIVES OF THEIR FAMILIES AT HOME AND THEIR OWN LIVES WOULD HAVE BEEN JEOPARDIZED.
THE WHOLE EVIDENCE CONTRADICTS IT BEFORE THE FIGHT AS I HAVE SHOWN YOU, INDIANS WERE LYING AROUND CAMPS,		THE WHOLE EVIDENCE CONTR~~AD~~I~~T~~ICTS IT. BEFORE THE FIGHT , AS I HAVE SHOWN~~,~~ YOU, THE INDIANS WERE LYING AROUND THE CAMPS,	THE WHOLE EVIDENCE CONTR~~AD~~I~~T~~ICTS IT. BEFORE THE FIGHT , AS I HAVE SHOWN~~,~~ YOU**,** THE INDIANS WERE LYING AROUND THE CAMPS,

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RS	PS	RT	BT
PEACEABLE WITH THESE WHITE SOLDIERS AND ON AMICABLE TERMS WITH THEM, ACTING CO-OPERATING TOGETHER **THE** WHOLE THING SHOWS IT WAS DONE IN CONCERT BECAUSE AFTER THE FIGHT SHOWS SOME INDIANS ~~≤~~CAME AWAY FROM THERE WITH CLOTHING~~≥~~. IT WAS NOT FIRED UP AND MUST HAVE BEEN; THEY DIDN'T SLAY ONE OF THEM IF IT HAD BEEN FOR THAT CONCERT OF ACTION WITH THE INDIANS THERE		PEACABLE WITH THESE WHITE SOLDIERS AND ON AMICABLE TERMS WITH THEM, ACTING AND ~~CORPERATING~~ CO-OPERATING TOGETHER. THE WHOLE THING SHOWS IT WAS DONE IN CONCERT BECAUSE AFTER THE FIGHT IT SHOWSTHAT SOME INDIANSCAME AWAY FROM THERE WITH CLOTHING AND OTHER THINGS. IT WAS DONE IN CONCERT AND UNDERSTOOD, IT MUST HAVE BEEN, AS THEY DIDN'T SLAY ONE OF THE WHITE. IF IT HADN'T BEEN FOR THAT CONCERT OF ACTION WITH THE INDIANS, THERE	PEACABLE WITH THESE WHITE SOLDIERS AND ON AMICABLE TERMS WITH THEM, ACTING AND ~~CORPORATING~~ CO-OPERATING TOGETHER. THE WHOLE THING SHOWS IT WAS DONE IN CONCERT BECAUSE AFTER THE FIGHT IT SHOWS THAT SOME INDIANS CAME AWAY FROM THERE WITH CLOTHING AND OTHER THINGS. IT WAS DONE IN CONCERT AND UNDERSTOOD, IT MUST HAVE BEEN, AS THEY DIDN'T SLAY ONE OF THE WHIT~~E~~ **SOLDIERS,** IF IT HADN'T BEEN FOR THAT CONCERT OF ACTION WITH THE INDIANS, THE~~R~~E

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RS	PS	RT	BT
WOULDN'T HAVE BEEN[586] A MORMON CARCASS ALIVE UPON THAT GROUND THEY WOULD HAVE BEEN SLAYED BY EMIGRANTS FOR INDIANS [*space*] THESE BELEAGUERED EMIGRANTS WOULD HAVE FALLEN WITH THE CARCASSES AND THESE CRAVEN COWARDS WHO WERE WHO DESTROYED WOULD HAVE LAY THEIR BONES DOWN THERE IF THE THEORY OF THE DEFENSE IS TRUE. I APPEAL TO {YOUR}[i] KNOWLEDGE OF {THE}[i] INDIAN CHARACTER [*space*] AFTER INDIANS ~~<~~EVIDENTLY~~>~~ STRIPPED ~~<~~THE~~>~~ DEAD BODIES		WOULDN'T HAVE BEEN A MORMON CARCASS ~~LEFT~~ L~~E~~IVING UPON THAT GROUND. THEY WOULD HAVE BEEN ~~L~~SLAIN AS THE EMIGRANTS WERE BY THE INDIANS. THESE BELEAGURED EMIGRANTS WOULD HAVE FALLEN TO WITH THE CARCASSES OF THESE CRAVEN COWARD~~W~~S WHO WERE NOT HU~~T~~RT, BUT THEY WOULD HAVE BEEN DISTROYED AND WOULD HAVE LAID THEIR BONES THERE IF THE THEORY OF THE DEFENSE IS TRUE. I APPEAL TO YOUR KNOWLEDGE OF THE INDIAN CHARACTER. IF THE INDIANS DO NOT ALWAYS STRIP THE DEAD BODIES,	WOULDN'T HAVE BEEN A MORMON C~~O~~ARCASS ~~LEFT~~ L~~E~~IVING UPON THAT GROUND. THEY WOULD HAVE BEEN ~~L~~SLAIN AS THE EMIGRANTS WERE BY THE INDIANS. THESE BELEAGURED EMIGRANTS WOULD HAVE FALLEN ~~TO~~ WITH THE CARCASSES OF THESE CRAVEN COWARD~~W~~S WHO WERE NOT HU~~T~~RT, BUT THEY WOULD HAVE BEEN DISTROYED AND WOULD HAVE LAID THEIR BONES THERE IF THE THEORY OF THE DEFENSE IS TRUE. I APPEAL TO YOUR KNOWLEDGE OF THE INDIAN CHARACTER~~.~~**,** IF THE INDIANS DO NOT ALWAYS STRIP THE DEAD BODIES**.**

586. "THERE WOULDN'T HAVE BEEN" was written over illegible shorthand.

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RS	PS	RT	BT
THEY LEFT THEM EXPOSED TO {THE}[i] CROWS AND WOLVES THEY STRIPPED THEIR BODIES DRESSED THEMSELVES UP IN THEIR BLOODY CLOTHES WHAT WAS THE RESULT ACCORDING TO THE TESTIMONY OF ONE YOUNG MAN THEY GO BACK TO CEDAR CITY, BECAUSE ~~≤~~**A**~~≥~~ PORTION OF {THE}[i] BAND REMAINED AROUND CEDAR CITY PROBABLY IN {THE}[i] PUBLIC STREETS OF THAT CEDAR CITY WITH THESE DYED = BLOODSTAINED GARMENT UPON THEM WALKING AROUND {THE}[i] STREETS OF THE CITY; CAMPING {A}[i] SHORT DISTANCE OF TOWN; AMICABLE		THEY LEFT THEM EXPOSED TO THE CROWS AND WOLVES AND THEY STRIPPED THEIR BODIES AND DRESSED THEMSELVES UP IN THEIR BLOODY CLOTHES. WHAT WAS THE RESULT**?** ~~ASSO~~ ACCORDING TO THE TESTIMONYO OF ONE YOUNG MAN THEY GO BACK TO CEDAR CITY BECAUSE ~~O~~A PORTION OF *[44]* THE BAND REMAINED AND LIVED AROUND CEDAR CITY. PROBABLY IN THE PUBLIC STREETS OF THAT CEDAR CITY, WITH THESE D~~I~~YED, BLOOD-STAI~~NE~~D GARMENT UPON THEM, WALKING AROUND THE STREETS OF THE CITY, CAMPING A SHORT DISTANCE OUT OF TOWN, THE~~Y~~E AMICABLE	**T**HEY LEFT THEM EXPOSED TO THE CROWS AND WOLVES AND THEY STRIPPED THEIR BODIES AND DRESSED THEMSELVES UP IN THEIR BLOODY CLOTHES. WHAT WAS THE RESULT**?** ~~ACCO~~ ACCORDING TO THE TESTIMONY OF ONE YOUNG MAN THEY GO BACK TO CEDAR CITY BECAUSE ~~O~~A PORTION OF *[44]* THE BAND REMAINED AND LIVED AROUND CEDAR CITY. PROBABLY IN THE PUBLIC STREETS OF ~~THAT~~ CEDAR CITY, WITH THESE D~~I~~YED, BLOOD-STAI~~NE~~D GARMENT UPON THEM, WALKING AROUND THE STREETS OF THE CITY, CAMPING A SHORT DISTANCE OUT OF TOWN~~,~~**;** THE~~YE~~ AMICABLE

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RS	PS	RT	BT
RELATIONS WHICH HAD BEFORE EXISTED IS RESUMED THERE IS NO DISTURBANCE = NO FEELINGS OF FEAR; BUT THE INDIANS COME INTO THE TOWN ≤AS BEFORE,≥ WASH THEIR BLOODY GARMENTS {IN THE DITCHES}[i] THAT RUNS THROUGH THAT CITY MY GOD CAN IT BE POSSIBLE AFTER SUCH AN EVENT, ≤THAT≥ ANY WHITE MAN CAN DRINK FROM THE DITCH IN WHICH THE BLOODY CLOTHES OF THOSE VICTIMS WERE WASHED IN CEDAR CITY THERE IT WAS DONE IN THE PRESENCE OF CHRISTIANS; NO IN THE PRESENCE OF MERE *BARBARIANS*[?], BECAUSE IN ≤A≥ CIVILIZED		RELA~~6~~TIONS WHICH HAD BEFORE EXISTED IS RESUMED, THERE IS NO DISTURBANCE, NO FEELINGS OF FEAR, BUT THE INDIANS COME RIGHT INTO TOWN AS BEFORE, **AND** WASH THEIR BLOODY GARMENTS IN THE DITCHES T AT RUNS THROUGH THAT CITY. MY GOD! CAN IT BE POSSIBLE, AFTER SUCH AN EVENT THAT ANY WHITE MAN CAN DRINK FROM THAT DITCH IN WHICH THE BLOODY CLOTHES OF THOSE VICTIMS WERE WASHED IN CEDAR CITY. THERE IT WAS DONE IN THE PRESENCE OF CHRISTIANS , NO, IN THE PRESENCE OF MERE BARBARIANS; BECAUSE IN ~~A~~ **NO** CIVILIXED	RELA~~6~~TIONS WHICH HAD BEFORE EXISTED IS RESUMED, THERE IS NO DISTURBANCE, NO FEELINGS OF FEAR, BUT THE INDIANS COME RIGHT INTO TOWN AS BEFORE, **AND** WASH THEIR BLOODY GARMENTS IN THE DITCHE~~S~~ T**H**AT **R**UNS THROUGH THAT CITY. MY GOD! CAN IT BE POSSIBLE, AFTER SUCH AN EVENT THAT ANY WHITE MAN CAN DRINK FROM THAT DITCH IN WHICH THE BLOODY CLOTHES OF THOSE VICTIMS WERE WASHED IN CEDAR CITY. THERE IT WAS DONE IN THE PRESENCE OF CHRISTIANS , NO, IN THE PRESENCE OF MERE BARBARIANS; BECAUSE IN ~~A~~ **NO** CIVILIXED

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RS	PS	RT	BT
COMMUNITY UNDER THE FACE OF THE SUN COULD SUCH A THING HAVE BEEN DONE, WITHOUT HAVING BEEN FULLY PUNISHED AND DENOUNCED [*space*] IT IS BECAUSE OF THIS SYSTEM OF MORMONISM HAS DESTROYED THE INDIVIDUALITY OF MEN, IT *HAVE*[?] CONVERTED CHRISTIANS INTO FIENDS IT HAS MADE THEM WILD [10] ~~<~~AND MADE~~>~~ THEM DUMB BEASTS; IT HAS MADE THEM SUBJECT TO LEADERS COME HERE AND *KILL*[?] & GO AND SCUTTLE THE THROAT ~~<~~OR TAKE THE~~>~~ LIFE OF THAT MAN IT IS DONE IT IS WELL KNOWN FACT, THAT IN INDIAN		COMMUNITY UNDER THE FACE OF THE SUN COULD SUCH A THING HAVE BEEN DONE WITHOUT HAVING BEEN FULLY PUNISHED AND DENOUNCED. IT IS BECAUSE OF THIS SYSTEM OF MORMONISM THAT HAS DESTROYED THE INDIVIDUALITY OF MEN. IT HAS ~~V~~CONVERTED CHRISTIANS INTO FIENDS. IT HAS MADE THEM WILD; MADE THEM DUMB BEASTS. IT HAS MADE THEM SUBJECT TO LEADERS WHO SAY "COME HERE," AND "GO THERE"—GO AND SCUTTLE A THROAT OR TAKE THE LIFE OF THAT MAN AND IT IS DONE. IT IS A WELL KNOWN FACT THAT IN INDIAN	COMMUNITY UNDER THE FAC~~T~~E OF THE SUN COULD SUCH A THING HAVAE BEEN DONE WITHOUT HAVING BEEN FULLY PUNISHED AND DENOUNCED. IT IS BECAUSE ~~OF~~ THIS SYSTEM OF MORMONISM ~~THAT~~ HAS DESTROYED THE INDIVIDUALITY OF MEN. IT HAS ~~V~~CONVERTED CHRISTIANS INTO FIENDS. IT HAS MADE THEM WILD; MADE THEM DUMB BEASTS. IT HAS MADE THEM SUBJECT TO LEADERS WHO SAY "COME HERE," AND "GO THERE"—"**GO** AND SCUTTLE A THROAT OR TAKE THE LIFE OF THE MAN ~~I~~AND IT IS DONE." IT IS A WELL KNOWN FACT THAT IN INDIAN

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RS	PS	RT	BT
WARFARE THEY SCALP THEIR VICTIM WHO EVER HEARD OF AN INDIAN KILLING ~~<~~**A**~~>~~ VICTIM THAT THE INDIAN DIDN'T SCALP HIM ONE OF THE GREATEST BADGES OF HONOR IS THE SCALP OF HIS VICTIM IT DIDN'T APPEAR FROM BEGINNING TO END ~~<~~THAT A~~>~~ SINGLE ONE OF THESE VICTIMS WERE SCALPED WILL ANY REASONABLE MAN SUPPOSE FOR A MOMENT IF THESE INDIANS HAD DONE ~~IT~~ THAT ~~THING~~ UNDER A KNOWN LEADERSHIP THAT THEY WOULDN'T HAVE SCALPED NO SIR, IT WAS BECAUSE THEY WERE UNDER TUTELAGE = UNDER {THE}[i]		FARFARE, THEY SCALP THEIR VICTIMS WHO EVER HEARD OF AN INDIAN KILLING A VICTIM THAT THE INDIAN DIDN'T SCALP HIM. ONE OF THE GREATEST BADGES OF HONOR IS THE SCALP OF HIS VICTIM. IT DIDN'T APPEAR FROM BEGINNING TO END THAT A SINGLE ONE OF THESE VICTIMS WERE SCALPED . WILL ANY REASONABLE MAN SUPPOSE FOR A MOMENT, IF THESE INDIANS HAD **NOT** DONE THAT THING UNDER A KNOWN LEADERSHIP THAT THEY WOULDN'T HAVE SCALPED THEIR VI~~V~~**C**TIMS? NO, SIR, IT WAS BECAUSE THEY WERE UNDER THE TUTELAGE, UNDER THE	~~F~~**W**ARFAR~~W~~E, THEY SCALP THEIR VICTIMS**.** **W**HO EVER HEARD OF AN INDIAN KILLING A VICTIM THAT THE INDIAN DIDN'T SCALP HIM. ONE OF THE GREATEST BADGES OF HONOR IS THE SCALP OF HIS VICTIM. IT DIDN'T APPEAR FROM BEGINNING TO END THAT A SINGLE ONE OF THESE VICTIMS WERE SCALPED . WILL ANY REASONABLE MAN SUPPOSE FOR A MOMENT, IF THESE INDI**A**NS HAD **NOT** DONE THAT THING UNDER A KNOWN LEADERSHIP THAT THEY WOULDN'T HAVE SCALPED THEIR VI~~V~~**C**TIMS? NO, SIR, IT WAS BECAUSE THEY WERE UNDER THE TUTELAGE, UNDER THE

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RS	PS	RT	BT
DIRECTION AND LEADERSHIP OF JOHN D. LEE WHO WAS THEIR FARMER. ≤THAT IS≥ THE CAUSE ≤IT≥ WERE NOT DONE. WHY WASN'T IT DONE? I SAY IT IS SIMPLY ≤FOR THE≥ REASON ≤THAT THE≥ INDIANS WERE MERE ALLIES OF THE WHITES AND UNDER ≤THEIR≥ DIRECTION		DIRECTION AND LEADERSHIP OF JOHN D. LEE WHO WAS THEIR FARMER. THAT IS BECAUSE IT WERE NOT DONE. WHY WASN'T IT DONE? I SAY IT WAS SIMPLY FOR THE REASON THAT THE INDIANS WERE MERE ALLIES OF	DIRECTION AND LEADERSHI~~L~~P OF JOHN D. LEE WHO WAS THEIR FARMER~~.~~**,** THAT IS **WHY** ~~BECAUSE~~ IT **WAS** ~~WERE~~ NOT DONE. WHY WASN'T IT DONE? I SAY IT WAS SIMPLY FOR THE REASON THAT THE INDIANS WERE MERE ALLIES OF THE WHITES AND UNDER THEIR DIRECTION.
WE SEE ANOTHER THING NOT KNOWN TO US INDIAN WARFARE MR. SMITH SAYS = HE STATES HE SAW ONE MAN KILLED = ANOTHER MAN {HIS THROAT}[i] CUT FROM EAR TO EAR. GUESSES WERE 15, SAYS MANY OF THESE VICTIMS WERE LYING THERE WITH THEIR THROATS CUT FROM EAR {TO}[i]		*[45]* WE SEE ANOTHER THING NOT KNOWN TO US IN INDIAN ~~I~~WARFARE. MR. S~~IM~~MITH SAYS—HE STATES HE SAW ONE MAN KILLED AND ANOTHER MAN HIS THROAT CUT FROM EAR TO EAR—GUESSES THERE WERE FIFTEEN, SAYS MANY OF THESE VICTIMS WERE LYING THERE WITH THEIR THROATS CUT FROM EAR TO	*[45]* WE SEE ANOTHER THING NOT KNOWN TO US IN INDIAN ~~I~~WARFARE. MR. S~~IM~~MITH SAYS—HE STATES HE SAW ONE MAN KILLED AND ANOTHER MAN **HAVE** HIS THROAT CUT FROM EAR TO EAR—GUESSES THERE WERE FIFTEEN, SAYS MANY OF THESE VICTIMS WERE LYING THERE WITH THEIR THROATS CUT FROM EAR TO

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RS	PS	RT	BT
EAR THIS IS REMARKABLE IN INDIAN WARFARE YOU NEVER HEARD *PLACE/PLS*[?] VICTIM IT IS SINGULAR FACT IN THIS PARTICULAR MURDER GENTLEMEN I CALL YOUR ATTENTION TO K SMITH HEARD SOME BOY = SOME MAN ASK HIM IF HE DIDN'T TAKE HIM CERTAIN PLACE, KNEEL HIM DOWN SLAY HIM = CUT HIS THROAT FROM EAR TO EAR **&** BURY HIM. FIRST TIME IN INDIAN WARFARE YOU FIND VICTIMS WITH THEIR THROATS CUT FROM EAR TO EAR. MANY OF YOU ARE MORMONS ON THIS JURY; CAN YOU EXPLAIN IT WHY WAS IT DONE. HAVE		EAT. THIS IS REMARKABLE IN INDIAN WARFARE. YOU NEVER HEARD OF SUCH A THING BEFORE. IT IS A SINGULAR FACT IN THIS PARTICULAR MURDER. GENTLEMEN, I CALLED YOUR ATTENTION TO KLINGENSMITH HAVING HEARD SOME BOY— SOME MAN— ASK HIM IF HE DIDN'T TAKE A A MAN TO A CERTAIN PLACE KNEEL HIM DOWN SLAY KIN, AND CUT HIS THROAT FROM EAR TO EAR AND BURY HIM. IT IS THE FIRST TIME IN INDIAN WARFARE THAT YOU FIND VICTIMS WITH THEIR THROATS CUT FROM EAR TO EAR. MANY OF YOU ARE MORMONS ON THIS JURY, CAN YOU EXPLAIN IT? WH~~I~~Y WAS IT DONE? HAVE	EAT. THIS IS REMARKABLE IN INDIAN WARFARE. YOU NEVER HEARD OF SUCH A THING BEFORE. IT IS A SINGULAR FACT IN THIS PARTICULAR MURDER. GENTLEMEN, I CALLED YOUR ATTENTION TO KLINGENSMITH HAVING HEARD SOME BOY— SOME MAN— **AND** ASK**ED** HIM IF HE DIDN'T TAKE A MAN TO A CERTAIN PLACE KNEEL HIM DOWN SLAY KIN, AND CUT HIS THROAT FROM EAR TO EAR AND BURY HIM. IT IS THE FIRST TIME IN INDIAN WARFARE THAT YOU FIND VICTIMS WITH THEIR THROATS CUT FROM EAR TO EAR. MANY OF YOU ARE MORMONS ON THIS JURY, CAN YOU EXPLAIN IT? WH~~I~~Y WAS IT DONE? HAVE

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RS	PS	RT	BT
YOU EVER HEARD ≤**OF**≥ ANY SUCH ≤THING≥, IN PASSING UP AND DOWN IN THE TERRITORY. HOW IS IT? WHAT LED UP TO IT WHAT SICKENING ≤SIGHT≥ OF THESE CHILDREN, AFTER THE RELENTLESS ARROWS OF THE INDIANS AND THE SHOTS OF THE WHITE MEN HAD DONE ALL = INFLICTED ALL THE PUNISHMENT THAT COULD BE INFLICTED, THEIR THROATS MUST BE CUT FROM EAR TO EAR . THERE HAS BEEN ≤**A**≥ GREAT DEAL SAID IN RELATION TO THE TEACHINGS FROM {THE}[i] MORMON PULPIT MR. BISHOP HAD SOMETHING TO SAY IN		YOU EVER HEARD OF SUCH THING IN YOUR PASSING UP AND DOWN IN THE TERRITORY? HOW IS IT AND WHAT LED UP TO IT.? WHAT A SICKENING SIGHT OF THESE CHILDREN AFTER THE RELENTLESS ARROWS OF THE INDIANS AND THE SHOTS OF THE WHITE MEN HAD DONE ALL —INFLICTED ALL THE PUNISHMENT THAT COULD BE INFLICTED, THEIR THROATS MUST BE CUT FROM EAR TO EAR . THERE HAS BEEN A GREAT DEAL SAID IN RELATION TO THE TEACHINGS FROM THE MORMON PULPIT. MR. BISHOP HAD ALSO SOMETHING TO SAY IN	YOU EVER HEARD OF SUCH THING IN YOUR PASSING UP AND DOWN IN THE TERRITORY? HOW IS IT AND WHAT LED UP TO IT.? WHAT A SICKENING SIGHT ~~OF THESE CHILDREN~~ AFTER THE RELENTLESS ARROWS OF THE INDIANS AND THE SHO~~R~~TS OF THE WHITE MEN HAD DONE ALL —INFLICTED ALL THE PUNISHMENT THAT COULD **BE** INFLICTED, **THEN THAT** THEIR THROATS MUST BE CUT FROM EAR TO EAR . THERE HAS BEEN A GREAT DEAL SAID IN RELATION TO THE TEACHINGS FROM THE MORMON PULPIT. MR. BISHOP HAD ALSO SOMETHING TO SAY IN

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RS	PS	RT	BT
RELATION TO THAT TEACHING TO THEM, THOUGHT MR. SUTHERLAND IT WAS WONDERFUL IN ANY MAN WHERE CRIMES ARE KEPT SECRET IT HIDES ITSELF IN THE DARKNESS ~~≤&≥~~ SHUNS THE LIGHT THESE THING SHOULD BE —[?] TALKED ~~≤~~ABOUT~~≥~~ IN PUBLIC HE SAYS IT WAS INSULT OF YOUR INTELLIGENCE THIS DEED OF CRIME SHOULD HAVE BEEN PREACHED FROM THE PUBLIC STAND IN UTAH TERRITORY. MANY OF YOU ARE MORMONS; I APPEAL TO YOU HAVE YOU EVER HEARD SUCH THINGS PREACHED IN YOUR EXPERIENCE;		RELATION TO THAT TEACHING TO THEM, AND THOUGHT, AS MR. SUTHERLAND, THAT IT WAS WONDERFUL IN ANY MAN WHERE CRIMES ARE KEPT SACRED, IT HIDES ITSELF IN THE DARKNESS AND SHUNS THE LIGHT. THIS THING SHOULD BE TALKED ABOUT IN PUBLIC . HE SAYS IT WAS AN INSULT TO YOUR INTELLIGENCE THAT THIS DEED OF CRIME SHOULD HAVE BEEN PREACHED FROM THE PUBLIC STAND IN UTAH TERRITORY. MANY OF YOU ARE MORMONS. I APPEAL TO YOU HAVE YOU EVER HEARD SUCH THINGS PREACHED IN YOUR EXPERIENCE?	RELATION TO THAT TEACHING TO THEM, AND THOUGHT, AS MR. SUTHERLAND, THAT IT WAS WONDERFUL IN ANY MAN**, TO THINK** WHERE CRIMES ARE KEPT ~~SACRED;~~ **SECRET I**T HIDES ITSELF IN THE DARKNESS AND SHUNS THE LIGHT. **THAT** THIS THING SHOULD BE TALKED ABOUT IN ~~B~~PUBLIC~~.~~**,**~~-~~ HE SAYS IT WAS AN INSULT TO YOUR INTELLIGENCE THAT THIS DEED OF CRIME SHOULD HAVE BEEN PREACH~~E~~D FROM THE PUBLIC STAND IN UTAH TERRITORY. MANY OF YOU ARE MOMRONS. I APPEAL TO YOU HAVE YOU EVER HEARD SUCH THINGS PREACHED IN YOUR EXPERIENCE?

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RS	PS	RT	BT
HAVE YOU EVER HEARD FROM THE STAND SUCH THINGS AS *SRSSY*[?] BELOW EARS TALKED OF; IF MEN DIDN'T DO SO AND SO THEY WOULD BE SENT TO HELL ACROSS LOTS I ASK YOU ≤IF YOU HAVEN'T HEARD OF SUCH THINGS≥ HE REFERRED TO THAT PUBLIC TEACHING, HE SAID IT WOULD BE MONSTROUS PROPOSITION. I APPEAL TO YOU TO KNOW WHETHER SUCH THINGS WERE SO OR NOT; YOU KNOW IT IF IT ≤WERE≥ SO AND HAVE YOU SEEN IT IN YOUR PUBLIC DISCOURSES? *HAVEN'T*[?] YOU SEEN IT IN THE PUBLIC JOURNALS; DOCTRINES OF {THE}[i] CHURCH HAVE		HAVE YOU ~~W~~EVER HEARD FROM THE S~~A~~TAND SUCH THINGS AS [*space*] BELOW THE EARS TALKED OF? IF MEN DIDN'T DO SO AND SO THEY WOULD BE SENT TO HELL ACROSS LOTS. I ASK YOU IF *[46]* YOU YAVN'T HEARD OF SUCH THINGS? HE REFERRED TO THAT PUBLIC TEACHING; HE SAID IT WOULD BE A MON~~W~~STROUS PROPOSITION. I APPEAL TO YOU TO KNOW WHETHER SUCH THINGS WERE SO OR NOT; YOU KNOW IT IF IT WERE SO. HAVN'T YOU SEEN IT IN YOUR PUBLIC DISCOURCES? HAVN'T YOU SEEN IT IN THE PUBLIC JOURNALS—IN THE DOCTRINES OF THE CHURCH? HAVE	HAVE YOU ~~W~~EVER HEARD FROM THE S~~A~~TAND SUCH THINGS AS **"CUT HIM OFF"** BELOW THE EARS TALKED OF~~,~~? IF MEN DIDN'T DO SO AND SO THEY WOULD BE **"**SENT TO HELL ACROSS LOTS.**"** I ASK YOU IF *[46]* YOU IF YOU ~~Y~~**H**AVN'T HEARD OF ~~T~~SUCH THINGS? HE REFERRED TO THAT PUBLIC TEACHING; HE SAID IT WOULD BE A MON~~W~~STROUS PROPOSITION. I APPEAL TO YOU TO KNOW WHETHER SUCH THINGS WERE SO OR NOT; YOU KNOW IT IF IT WERE SO. HAVN'T YOU SEEN IT IN YOUR PUBLIC DISCOURCES? HAVN'T YOU SEEN IT IN THE PUBLIC JOURNALS—IN THE DOCTRINES OF THE CHURCH? HAVE

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RS	PS	RT	BT
YOU NOT SEEN IT AND ≤HEARD IT≥ ADVOCATED; THE SHEDDING OF HUMAN BLOOD FOR THE ATONEMENT OF SIN WAS IN PURSUANCE OF THAT SYSTEM = WAS IN PURSUANCE OF THAT TEACHING, ≤THAT≥ THESE POOR VICTIMS = THESE CHILDREN THAT THEY WERE MADE ORPHANS; THAT THEIR PARENTS = THEIR BROTHERS, SISTERS WHEN THEY WERE PROSTRATE BLEEDING UPON EARTH SLAUGHTERED IN THEIR GORE; SHOULD BY THESE FIENDS BE SET UPON AND WITH KNIVES HAVE THEIR THROATS CUT FROM EAR TO EAR SUCH A COMMENTARY = SUCH A		YOU NOT SEEN IT AND HEARD IT ADVOCATED —THE SHEDDING OF HUMAN BLOOD FOR THE ATONEMENT OF SIN? IT WAS IN PURSUANCE OF THAT SYSTEM— WAS IN PURSUANCE OF THATTTEACHIN G THESE POOR VICTIMS— THESE CHILDREN, THAT THEY WERE MADE ORPHANS; THAT THEIR PARENTS, THEIR BROTHERS, THEIR SISTERS WHEN THEY WERE HELPLESSLY BLEEDING UPON THE EARTH, SLAUTHTERED IN THEIR GORE, SHOULD B~~Y~~E THESE FIENDS BE SET UPON AND WITH KNIVES HAVE THEIR THROATS CUT FROM EAR TO EAR. SUCH A COMMENTARY, S~~H~~UCH A	YOU NOT SEEN IT AND HEARD IT ADVOCATED —THE SHEDDING OF HUMAN BLOOD FOR THE ATONEMENT OF SIN? IT WAS IN PURSUANCE OF THAT SYSTEM— WAS IN PURSUANCE OF THATT~~THS~~TEAC HING THESE POOR VICTIMS— THESE CHILDREN ~~THAT THEY~~ WERE MADE ORPHANS; THAT THEIR PARENTS, THEIR BROTHERS, THEIR SISTERS WHEN THEY WERE HELPLESSLY BLEEDING UPON THE EARTH, SLAUTHTERED IN THEIR GORE, SHOULD B~~Y~~E THESE FIENDS BE SET UPON AND WITH KNIVES **AND** HAVE THEIR **“**THROATS CUT FROM EAR TO EAR.**”** SUCH A COMMENTARY, S~~H~~UCH A

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RS	PS	RT	BT
SPECTACLE WAS NEVER BEFORE PRESENTED IN THE ANNALS OF THE HISTORY OF THE WORLD. NO WHERE ELSE IN UTAH WAS EVER SUCH ≤A≥ THING SEEN, {AND}[i] I HOPE FOR THE SAKE OF THE MORMON COMMUNITY = THOSE OF THEM WHO ARE HONEST WELL INTENDED, I HOPE FOR {THEIR}[i] REPUTATION = FOR THE NATION SUCH A THING WILL NEVER OCCUR ≤AGAIN≥ I HOPE FROM THIS ≤TIME≥ FORWARD, NO HOMICIDE WILL BE COMMITTED IN WHICH VICTIM IS FOUND WITH HIS THROAT CUT FROM EAR TO EAR. IT AIN'T RELIGION AND THE RELIGION THAT INCULCATES COVERS UP		SPECTACLE WAS NEVER BEFORE PRESENTED IN THE ANNALS OF THE HISTORY OF THE WORLD. NO WHERE ELSE IN UTAH WAS EVER SUCH A THING ~~W~~SEEN ON, AND I HOPE FOR THE SAKE OF THE MORMON COMMUNITY— THOSE OF THEM WHO ARE HONEST AND WELL INTENDED —I HOPE FOR THEIR REPUTATION, AND FOR THE NATION THAT SUCH A THING WILL NEVER OCCUR AGAIN. I HOPE FROM THIS TIME FORWARD THAT NO HOMICIDE WILL BE CO MMITTED IN WHICH THE VICTIM IS FOUND WITH HIS THROAT CUT FROM EAR TO EAR.. IT IS NOT RELIGION, AND THE RELIGION THAT INCULCATES, COVERS UPL,	SPECTACLE WAS NEVER BEFORE PRESENTED IN THE ANNALS OF THE HISTORY OF THE WORLD. NO WHERE ELSE IN UTAH WA~~W~~S EVER SUCH A THING ~~W~~SEEN, AND I HOPE FOR THE SAKE OF THE MORMON COMMUNITY— THOSE OF THEM WHO ARE HONEST AND WELL INTENDED —I HOPE FOR THEIR REPUTATION AND FOR THE NATION THAT SUCH A THING WILL NEVER OCCUR AGAIN. I HOPE FROM THIS TIME FORWARD THAT NO HOMICIDE WILL BE COMMITTED IN WHICH THE VICTIM IS FOUND WITH HIS "THROAT CUT FROM EAR TO EA~~T~~R".. IT IS NOT RELIGION, AND THE RELIGION THAT INCULCATES, COVERS UP~~L~~,

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RS	PS	RT	BT
HIDES SUCH CRIME DOES NOT EMANATE [11] FROM A GOOD SOURCE, BUT IT EMANATES FROM THE DEPTHS OF HELL AND CANNOT SURVIVE IN THIS 19{**TH**}[i] CENTURY. LET US GO ONE STEP FURTHER. THESE INDIANS THEN WERE PEACEABLE; THEY AMALGAMATED WITH THE COMMUNITY, HAVING WASHED THEIR BLOODY GARMENTS IN THE DITCHES SOME OF YOU BY THIS LONG TIME <THAT HAS ELAPSED> LIVING THERE NEVER HEARD OF IT THE VERY FACT THIS CRIME WAS CONCEALED SO LONG SHOWS IT WAS THE RESULT AN ORGANIZATION WHICH ACTS		HI DES SUCH CRIMES DOES NOT EMINATE FROM A GOOD SOURCE, BUT IT EMINATED FROM THE DEPTHS OF HELL AND CANNOT SURVIVE IN THIS NINETEENTH CENTURY. LET US GO ONE STEP FARTHER. THESE INDIANS WERE THEN PEACABLE. THEY AMALGAMATED WITH THE COMMUNITY, HAVING WASHED THEIR BLOODY GARMENTS IN THE DITCHES. SOME OF YOU BY THIS LONG TI~~K~~ME THAT HAS ELAPSED AND LIVING T E RE NEVER HEARD OF IT. THE VERY FACT THAT THIS CRIME WAS CONCEALED SO LONG SHOWS IT WAS THE RESULT OF AN ORGANIZATION THAT ACTS	HI DES SUCH CRIMES DOES NOT EMINATE FROM A GOOD SOURCE, BUT IT EMINATED FROM THE DEPTHS OF HELL AND CANNOT SURVIVE IN THIS NINETEENTH CENTURY. LET US GO ONE STEP F~~A~~URTHER. THESE INDIANS WERE THEN PEACABLE. THEY AMALGAMATED WITH THE COMMUNITY, HAVING WASHED THEIR BLOODY GARMENTS IN THE DITCHES. SOME OF YOU BY THIS LONG TI~~K~~ME THAT HAS ELAPSED AND LIVING T**H**E R~~3~~E NEVER HEARD OF IT. THE VERY FACT THAT THIS CRIME WAS CONCEALED SO LONG SHOWS IT WAS IN THE RESULT OF AN ORGANIZATION THAT ACTS

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RS	PS	RT	BT
WITH CERTAINTY, THAT SEALS LIPS OF ITS ADHERENTS, BY WHAT MODE SYSTEM, OATHS OBLIGATIONS GOD ONLY KNOWS, WE KNOW IN NO OTHER CIVILIZED COMMUNITY, SUCH A FACT COULD NOT BE CONCEALED SECRET MURDERS *TM SPT*[?] AND CALLED THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. THERE IS NO USE TO DISGUISE IT WHEN THE GENTLEMAN SAID THE MORMON CHURCH WAS ON TRIAL I AM WILLING TO ACCEPT GENTLEMAN STATEMENT JOHN D. LEE IS ON TRIAL IT IS TRUE DRED SCOTT AT A		WITH CERTAINTY, THAT SEALS THE LIPS OF ITS ADHERANTS.— BY WHAT MODE OR SYSTEM, OATHS, AND [47] OBLIGATIONS GOD ONLY KNOWS. WE KNOW, IN NO OTHER CIVILIZED COMMUNITY SUCH A FACT COULD NOT BE CONCEALED AS SECRET MURDERS EXCEPT IN WHAT IS CALLED THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. THERE IS NO USE TO DISGUISE IT WHEN THE WORLD SAID THAT THE MORMON CHURCH WAS ON TRIAL. I AM WILLING TO ACCEPT THE GENTLEMAN'S STATEMENT— JOHN D. LEE IS ON TRIAL. IT IS TRUE DRED SCOTT AT ONE	WITH CERTAINTY, THAT SEALS THE LIPS OF ITS ADHERENTS~~.~~**,** BY WHAT MO~~F~~DE OR SYSTEM, **OF** OATHS AND [47] OBLIGATIONS GOD ONLY KNOWS. WE KNOW, IN NO OTHER CIVILIZED COMMUNITY SUCH A FACT COULD NOT BE CONCEALED AS SECRET MURDERS EXCEPT IN WHAT IS CALLED THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS. THERE IS NO USE TO DISGUISE IT WHEN **COUNSEL** ~~THE WORLD~~ SAID THAT THE MORMON CHURCH WAS ON TRIAL~~.~~**,** I AM WILLING TO ACCEPT THE GENTLEMAN'S STATEMENT— JOHN D. LEE IS ON TRIAL. IT IS TRUE DRED SCOTT AT ONE

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RS	PS	RT	BT
TIME IN HISTORY OF THIS COUNTRY WAS ON TRIAL, ≼AND THE≽ LEGAL PROPOSITION PRESENTED IN HIS CASE WAS WHETHER HE WAS ENTITLED TO HIS LIBERTY OR NOT; THAT WAS THE ISSUE TO BE DRAWN BY THE COURT [*space*] WE ARGUE FACT WAS ON TRIAL IN THAT TRIAL ≼**THE**≽ WHOLE SYSTEM OF NEGRO SLAVERY WAS INVOLVED AND WAS IN THE PERSON OF DRED SCOTT IN AS MUCH AS THIS CRIME WAS CONCOCTED BY THE LEADERS OF THE MORMON CHURCH AS HAS ≼BEEN≽ SHOWN BY THIS TESTIMONY, AND IT HAS BEEN CONCEALED		TI ME IN THE HISTORY OF THIS C~~H~~OUNTRY WAS ON TRIAL AND THE LEGAL PROPOSITION PRESENTED IN HIS CASE WAS WHETHER HE WAS ENTITLED TO HIS LIBERTY OR NOT. THAT WAS THE ISSUE THAT WAS TO BE DRAWN AND DETERMINED BY THE COURT. WE ASSERT THE FACT HE WAS ON TRIAL IN THAT CASE AND THE WHOLE SYSTEM OF NEGRO SLAVERY WAS INV~~L~~OLVED AND IT WAS IN TH3 PERSON OF **D**READ SCOTT. IN AS MUCH AS THIS CRIME WAS CONCOCTED BY THE LEADERS OF THE MORMON CHURCH AS HAS BEEN SHOWN BY THIS TESTIMONY , AND IT HAS BEEN CONCEALED	TI ME IN THE HISTORY OF THIS C~~H~~OUNTRY WAS ON TRIAL AND THE LEGAL PROPOSITION PRESENTED IN HIS CASE WAS WHETHER HE WAS ENTITLED TO HIS LIBERTY OR NOT. THAT WAS THE ISSUE THAT WAS TO BE DRAWN AND DETERMINED BY THE COURT. WE ASSERT THE FACT HE WAS ON TRI~~L~~AL IN THAT CASE AND THE WHOLE SYSTEM OF NEGRO SLAVERY WAS INV~~L~~OLVED LAND IT WAS IN TH~~3~~**E** PERSON OF **D**READ SCOTT. IN AS MUCH AS THIS CRIME WAS CONCOCTED BY THE LEADERS OF THE MORMON CHURCH AS HAS BEEN SHOWN BY THIS TESTIMONY , AND ~~IT~~ HAS BEEN CONCEALED

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RS	PS	RT	BT
FOR 18 YEARS AFTER THAT TIME IN ALL PARTS OF THE GOVERNMENT OF THE COURTS OF THE OFFICER THE GOVERNMENT WAS IN THEIR *POSITION*[?], AND THEY HAD AMPLE POWERS TO ENFORCE THIS FACT IN CONNECTION WITH THE TRIAL OF JOHN D. LEE FARTHER FACT WAS THE RESULT OF A SECRET AND MYSTERIOUS ORGANIZATION WHICH STRIKES MYSTERIOUSLY AND SECRETLY AND SEALS *LIPS*[?] OF THOSE {WHO}[i] PARTICIPATE IN IT [*space*] IN THE TRIAL OF JOHN D. LEE THIS SYSTEM THIS INIQUITOUS SYSTEM, THE VERDICT OF		FOR EIGHTEEN YEARS AFTER THAT TIME IN ALL PARTS OF THE GOVERNMENT AND THE COURTS AND THE OFFICES OF THE GOVERNMENT WAS IN THEIR POSSITION, AND THEYHAD AMPLE POWERS TO INFORCE ITS LAWS, AND THIS FACT IN CONNECTION WITH THE TRIAL OF JOHN D. LEE AND THE FARTHER FACT SHOWS IT WAS THE RESULT OF A SECRET AND MISTERIOUS ORGANIZATION WHICH STRIKES MISTERIOUSLY AND SECRETLY AND SEALS THE LIPS OF THOSE WHO PARTICPATED IN IT. IN THE TRIAL OF JOHN D. LEE THIS SYSTEM—THIS RELIGIOUS INIQUITOUS SYSTEM—THE VERDICT OF	FOR EIGHTEEN YEARS AFTER THAT TIME**, AND** ~~IN~~ ALL PARTS OF THE GOVERNMENT**;** AND THE COURTS AND THE OFFICE~~R~~**RS** OF THE GOVERNMENT W~~AS~~**ERE** IN THEIR POSS~~IT~~**ES**ION, AND THEYHAD AMPLE POWERS TO INFORCE ITS LAWS, AND THIS FACT IN CONNECTION WITH THE TRIAL OF JOHN D. LEE AND THE F~~A~~URTHER FACT SHOWS IT WAS THE RESULT OF A SEC~~T~~RET AND MISTERIOUS ORGANIZATION WHICH STRIKES MISTERIOUSLY AND SECRETLY AND SEALS THE LIPS OF THOSE WHO PARTICIPATED IN IT. IN THE TRIAL OF JOHN D. LEE THIS SYSTEM—THIS RELIGIOUS INIQUITOUS SYSTEM—THE VERDICT OF

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RS	PS	RT	BT
CIVILIZATION WILL PASS UPON IT = JUST AS THEY = JUST AS THEY DID PASS UPON ~~≤~~THE~~≥~~ QUESTION OF SLAVERY IN THE DRED SCOTT DECISION [*space*] THEY WILL DECIDE RIGHT WHILE YOU ARE NOT TO KNOW ANYTHING ABOUT THE OUTSIDE CLAMOR CERTAINLY DON'T KNOW IT IS NOT BROUGHT BEFORE YOU YOU ARE TO DECIDE ACCORDING TO ~~≤~~THE~~≥~~ EVIDENCE AS HAS BEEN PRESENTED ~~≤~~BEFORE YOU~~≥~~ IF YOU FIND HIM GUILTY YOU ARE BOUND BY YOUR OATHS TO SO RETURN ~~≤~~YOUR VERDICT~~≥~~ IF YOU FIND THAT {HE}[i] IS NOT		CIVILIZATION WILL PASS UPON ~~.~~ **IT,** ~~YES,~~ ~~THEY,~~ ~~THEY~~ ~~**JUST THEY**~~ **JUST AS THEY** DID PASS UPON THE QUESTION OF SLAVERY IN THE DREAD SCOTT DECISION. THEY WILL DECIDE RIGHTLY. WHILE YOU ARE NOT TO KNOW ANYTHING ABOUT THE OUTSIDE CLAMOR—AND CERTAINLY YOU DON'T KNOW— IT IS NOT BROUGHT BEFORE YOU— YOU ARE TO DECIDE ACCORDING TO THE EVIDENCE AND FACTS AS THEY HAVE BEEN PRESENTED BEFORE YOU. IF YOU FIND HIM GUILTY, YOU ARE BOUND BY YOUR OATHS TO SO RETURN YOUR VERDICT. IF YOU FIND THAT HE IS NOT *[48]*	CIVILIZATION WILL PASS UPON ~~.~~**IT,** ~~YES,~~ ~~THEY, THEY~~ ~~**JUST AS THEY**~~ **JUST AS THEY** DID PASS UPON THE QUESTION OF SLAVERY IN THE DREAD SCOTT DECISION. THEY WILL DECIDE RIGHTLY. WHILE YOU ARE NOT TO KNOW ANYTHING ABOUT THE OUTSIDE CLAMOR—AND CERTAINLY YOU DON'T KNOW— IT IS NOT BROUGHT BEFORE YOU— YOU ARE ~~6~~TO DECIDE ACCORDING TO THE EVIDENCE AND FACTS AS THEY HAVE BEEN PRESENTED BEFORE YOU. IF YOU FIND HIM GUILTY, YOU ARE BOUND BY YOUR OATHS TO SO RETURN YOUR VERDICT. IF YOU FIND THAT HE IS NOT *[48]*

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RS	PS	RT	BT
GUILTY IT IS YOUR DUTY NOTWITHSTANDI NG ≺THE PUBLIC PREJUDICE≻ YOU ARE THUS TO FIND AND BRING AN ACQUITTAL. THEREFORE IN THAT SENSE, I AM WILLING TO ACCEPT THE GENTLEMAN'S PROPOSITION; IT IS THE MORMON CHURCH ON TRIAL THERE IS NO USE DISGUISING FACT. IT DON'T MAKE ANY DIFFERENCE IT PERVADES SAME ATMOSPHERE IT PERVADES GUILTY ATMOSPHERE. *HEARD YOU*[?] **≺YOU HEARD≻** THAT MY FRIEND CAREY AND MYSELF REPRESENT GOVERNMENT OF THE UNITED STATES SO THE QUESTION OF MORMON		GUILTY, IT IS YOUR DUTY NOTWITHSTAND ING THE PUBLIC PREJUDICE, BUT UPON YOUR OATHS TO FIND AND BRING IN AN ACQUITAL. THEREOFRE IN THAT SENCE I AM WILLING TO ACCEPT THE GEHTLEMAN'S PROPOSITION , THAT IT IS THE MORMON CHURCH THAT IS NOW ON TRIAL. THERE IS NO USE TO DISGUISE THE FACT. IT DON'T MAKE ANY DIFFERENCE IT PERVADES THE SAME ATMOSPHEREL IT PERVADES A GUILTY ATMOSPHERE. YOU HAVE HEARD THAT MY FRIEND CAREY AND MYSEL F REPRESENTED THE GOVERNMENT OF THE UNITED STATES, SO THE QUESTION OF THE MORMON	GUILTY, IT IS YOUR DUTY NOTWITHSTAND ING THE PUBLIC PREJUDICE, BUT UPON YOUR OATHS TO FIND AND BRING ~~AN~~ IN AN ACQUITAL. THEREOF~~E~~RE IN THAT SEN~~C~~SE I AM WILLING TO ACCEPT THE GEHTLEMEN'S PROPOSITION , THAT IT IS THE MORMON CHURCH THAT IS NOW ON TRIAL. THERE IS NO USE TO DISGUISE THE FACT. IT DON'T MAKE ANY DIFFERENCE IT PERVADES THE SAME ATMOSPHERE~~L~~, IT PERVADES A GUILTY ATMOSPHERE. YOU HAVE HEARD THAT M-Y FRIEND CAREY AND MYSELF REPRESENTED THE GOVERNMENT OFTHE UNITED STATES, SO THE QUESTION OF THE MORMON

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RS	PS	RT	BT
CHURCH AND THIS THEOCRACY IS INVOLVED. LET US TAKE ONE STEP FURTHER IN THIS MATTER WHAT WAS DONE WITH THIS PROPERTY AFTER MASSACRE. BY JUDGE SUTHERLAND WITH ALL HIS SUAVITY SAYS KLINGENSMITH AS BISHOP OF THE MORMON CHURCH, IT WAS HIS DUTY TO COLLECT UP THESE LITTLE CHILDREN {AND THE}[i] PROPERTY {AND}[i] PROCEEDS <OF THAT MASSACRE> PUT <& **PUT TO**> THEIR USE [*space*] HE SAYS [*space*] CIRCUMSTANCES HE DISPOSED AFTER FACTS SHOW THE MAIN INTENTION WITH WHICH		CHURCH AND THIS THEOCRACY IS INVOLVED. LET US TAKE ONE STEP FARTHER IN THIS MATTER. WHAT WAS DONE WITH THIS PROPERTY THAT WAS TAKEN AT THE MASSACRE . JUDGE SUTHERLAND WITH ALL HIS SUAVITY WAYS THAT KLINGENSMITH AS BISHOP OF THE MORMON CHURCH, IT WAS HIS DUTY TO COLLECT UP ALL THESE LITT~~L~~E CHILDREN AND THE PROPERTY AND THE PROCEEDS OF THAT MASSA~~V~~CRE AND TO PUT IT TO THEIR USE . HE SAYS UNDER THE CIRCUMSTANCE S, HE DISPOSED OF IT, BUT THE AFTER FACTS SHOWS THE MAIN INTEN~~S~~TION WITH WHI~~C~~H	CHURCH AND THIS THEOCRACY IS INVOLVED. LET US TAKE ONE STEP FARTHER IN THIS MATTER. WHAT WAS DONE WITH THIS PROPERTY THAT WAS TAKEN AT THE MASSACRE. JUDGE SUTHERLAND WITH ALL HIS SUAVITY ~~W~~**S**AYS THAT KLINGENSMITH AS BISHOP OF THE MORMON CHURCH, IT WAS HIS DUTY TO COLLECT UP ALL THESE LITT~~L~~E CHILDREN AND THE PROPERTY AND THE PROCEEDS OF THAT MASSA~~V~~CRE AND TO PUT IT TO THEIR USE . HE SAYS UNDER THE CIRCUMST~~Q~~**A**NCES, HE DISPOSED OF IT, BUT THE AFTER FACTS SHOW~~S~~ THE MAIN INTEN~~S~~TION WITH WHI~~C~~H

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RS	PS	RT	BT
THIS THING WAS DONE IT SHOWS JOHN D. LEE LED THESE INNOCENT CHILDREN INTO THAT AMBUSH FOR THE PURPOSE OF SAVING THIS PROPERTY AFTER FACT WAS APPROPRIATE TO THE NURTURE OF THESE CHILDREN WASN'T ~~<~~IT~~>~~ THE DUTY OF ~~<~~THE~~>~~ BISHOP AFTER THESE CHILDREN WERE BROUGHT IN THERE, HAVING CONTROL OF ALL TEMPORAL MATTERS APPROPRIATE THIS PROPERTY TO NURTURE OF THESE CHILDREN; WHEREAS TESTIMONY GOES TO SHOW NOT ONE CENT OF THAT PROPERTY WAS APPROPRIATED		WITH WHICH THIS THING WAS DONE. IT SHOWS THAT JOHN D. LEE LED THESE INNOCENT CHILDREN INTO THAT AMBUSH FOR THE PURPOSE OF SAVING THIS PROPERTY, AND THAT PROPERTY SHOULD HAVE BEEN USED FOR THE NURTURE OF THESE CHILDREN. WASN'T IT THE DU~~R~~TY OF THE BISHOP AFTER THESE CHILDREN WERE BROUGHT IN THERE, HAVING CONTROL OF ALL TEMPORAL MATTERS TO APPROPRIATE~~S~~ HSI PROPERTY TO THE NURTURE OF THE THESE CHILDREN; WHEREAS THE TESTIMONY GOES TO SHOW THAT NOT ONE CENT OF THAT PROPETY WAS APPROPRIATED	WITH WHICH THIS THING WAS DONE. IT SHOWS THAT JOHN D. LEE LED THESE INNOCENT ~~CHILDREN~~ **PEOPLE** INTO THAT AMBUSH FOR THE PURPOSE OF SAVING THIS PROPERTY, AND THAT PROPERTY SHOULD HAVE BEEN USED FOR THE NURTURE OF THESE CHILDREN. WASN'T IT THE DU~~R~~TY OF THE BISHOP AFTER THESE CHILDREN WERE BROUGHT IN THERE, HAVING CONTROL OF ALL TEMPORAL MATTERS TO APPROPRIATE~~S~~**T HIS** ~~HSI~~ PROPERTY TO THE NURTURE OF TH~~E~~S THESE CHILDREN; WHEREAS THE TESTIMONY GOES TO SHOW THAT NOT ONE CENT OF THAT PROPERTY WAS APPROPRIATED

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RS	PS	RT	BT
~~<~~THAT WAY~~>~~ THEY WERE TRANSPORTED AROUND AMONG SOME {OF THE}[i] COMMUNITY; ONE AMONG OTHERS WAS DISAPPEARED *SEEN*[?] HAIGHT WHO I THINK IS THE LEADING DEMON NEXT TO JOHN D. LEE IN THIS MOST OUTRAGEOUS MASSACRE HE HAD NEXT POSITION. WHEN AND *HOW*[?] IN CHILD ONLY EVIDENCE WE HAVE UPON THAT CHILD IS SOON AFTER MASSACRE IT MYSTERIOUSLY WITHOUT ANY PERSON KNOWING ~~INTIMATING~~ {KNEW}[i] ABOUT IT DISAPPEARED. MR. BISHOP {**BP**}[i] YOU {BASKIN}[i] MEANT HIGBEE		THAT WA~~S~~Y, THEY WERE TRANSPORTED AROUND AMONG SOME OF THE COMMUNITY; ONE AMONG OTHERS DISAPPEARED ONE DAY WITH HAIGHT WHOM I THINK IS THE LEADING DEAMOND NEXT TO JOHN D. LEE IN THIS MOST OUTRAGIOUS MAS ACRE . HE HAD THE NEXT POSITION. WHEN A CHILD ONE DAY — AND THE ONLY EDIDENCE WE HAVE UPON THAT CHILD— IS THAT SOON AFTER THE MASSACRE IT MISTERIOUSLY DISAPPEARED WITHOUT ANY PERWON KNOWING OR INTIMAT- *[49]* BY MR. BISHOP: (TO BASKIN) YOU MEAN HIGBEE	THAT WA~~S~~Y, THEY WERE TRANSPORTED AROUND AMONG SOME OF THE COMMUNITY; ONE AMONG OTHERS ~~**WAS**~~ DISAPPEARED ONE DAY WITH HAIGHT WHOM I THINK IS THE LEADING DEAMON~~D~~ NEXT TO JOHN D. LEE IN THIS MOST OUTRAGIOU~~W~~**S** MASSACRE . HE HAD THE NEXT POSITION. WHEN A CHILD ONE DAY —AND THE ONLY E~~D~~**V**IDENCE WE HAVE UPON THAT CHILD— IS THAT SOON AFTER THE MASSACRE IT MISTERIOUSLY DISAPPEARED WITHOUT ANY PER~~W~~**S**ON KNOWING OR INTIMATING ANYTHING ABOUT ITS DISAPPEARANCE. *[49]* BY MR. BISHOP: (TO BASKIN) YOU MEAN HIGBEE

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RS	PS	RT	BT
HAD THE CHILD ≼**BASKIN**≽ YES SIR IT DISAPPEARED MYSTERIOUS{LY}[i] FROM THAT DAY TO THIS = IT HAS BEEN HEARD FROM; IT HAS BEEN ≼IT HAS NOT BEEN≽ TRACED BEYOND ≼**HIGBEE**≽, I DON'T KNOW WHAT OCCURRED {WITH IT}[i]. HE DID HAVE IT IT WAS A CHILD AND COULD TALK *WHAT ALTOGETHER*[?] *WELL*[?] WE WOULD [~~12~~] ONLY IMAGINE WHAT TRANSPIRED BEFORE IT. LITTLE ONES WHO COULD TALK AND TELL THE TALE WAS MASSACRED IN COLD BLOOD IF THAT CHILD HAPPENED TO DISPLAY SAGACITY ENOUGH TO PROVE ANY CIRCUMSTANCES		HAD THE CHILD. BY MR. BASKIN: YES, SIR. THEN IT DISAPPEARED MISTERIOUSLY AND FROM THAT DAY TO THIS IT HAS NOT BEEN HEARD FROM. IT DISAPPEARED AND WE DON'T K NOW WHAT BECAME OF IT. HIGBEE DID HAVE IT IT WAS A YOUNG CHILD THAT COULD TALK. ONLY IMAGINE WHAT TRANSPIRED BEF RE IT. LITTLE ONES WHO COULD TALK AND TELL THE TALE WERE MASSACRED IN COLD BLOOD. IFTHAT LITTLE CHILD HAPPENED TO DISPLAY SAGACITY ENOUGH TO PROVE ANY OF THE CIRCUMSTANCE	HAD THE CHILD. BY MR. BASKIN: YES, SIR. THEN IT DISAPPEARED MYSTERIOUSLY AND FROM THAT DAY TO THIS IT HAS NOT BEEN HEARD FROM. IT DISAPPEARED AND WE DON'T K NOW WHAT BECAME OF IT. HIGBEE DID HAVE I~~T~~. IT WAS A YOUNG CHILD THAT COULD TALK. ONLY IMAGINE WHAT TRANSPIRED BEF**O**RE IT. LITTLE ONES WHO COULD TALK AND TELL THE TALE WERE MASSACREED IN COLD BLOOD. IFTHAT LITTLE CHILD HAPPENED TO DISPLAY SAGACITY ENOUGH TO PROVE ANY OF THE CIRCUMSTANCE

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RS	PS	RT	BT
, IT IS NOT UNREASONABLE TO SUPPOSE THAT CHILD WAS TAKEN OUT AND DISPOSED OF . WHAT EVIDENCE IS THERE ≤THAT≥ THIS PROPERTY WAS USED FOR ≤THE≥ EDUCATION OF NURTURE THOSE CHILDREN [*space*] IT WAS PLACED IN THE TITHING HOUSE, REPOSITORY OF CHURCH PROPERTY WHAT WAS DONE THERE? BY WHOM WAS IT DEPOSITED IN THE DEPOSITORY OF THE CHURCH≤?≥ I ANSWER K SMITH AS A BISHOP OF THE CHURCH DEPOSITED IT THERE HE STATES, SOON AFTER RETURNED TO CEDAR HE WAS SENT OFF WITH		S IT IS NOT UNREASONABLE TO SUPPOSE THAT THAT CHILD WAS TAKEN OUT AND DISPOSED OF . WHAT EVIDENCE IS THERE THAT THIS PROPERTY WAS USED FOR THE EDUCATION AND NURTURE OF THOSE CHILDREN? IT WAS PLACED IN THE TITHING OFFICE, THE REPOSITORY OF CHURCH PROPERTY. NOW WHAT WAS DONE THERE? BY WHOM WAS IT DEPOSITED IN THE REPOSITORY OF THE CHURCH? I ANSWER, KLINGENSMITH; AS THE BISHOP OF THE CHURCH DEPOSITED IT THERE? HE TELLS YOU THAT SOON AFTER HE RETURNED TO CEDAR CITY, HE WAS SENT OFF SOUTH WITH	S IT IS NOT UNREASONABLE TO SUPPOSE THAT THAT CHILD WAS TAKEN OUT AND ~~S~~DISPOSED OF . WHAT EVIDENCE IS THERE THAT THIS PROPERTY WAS USED FOR THE EDUCATION AND NURTURE OF THESE CHILDREN? IT WAS PLACED IN THE TITHING OFFICE~~.~~, THE REPOSITORY OF CHURCH PROPERTY . NOW WHAT WAS DONE THERE? BY WHO~~J~~M WAS IT DEPOSITED IN THE REPOSITORY OF THE CHURCH? I ANS~~E~~WE~~R~~ER, KLINGENSMITH; AS THE BISHOP OF THE CHURCH DEPOSITED IT THERE? HE TELLS YOU THAT SOON AFTER HE RETURNED TO CEDAR CITY, HE WAS SENT OFF SOUTH WITH

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RS	PS	RT	BT
TWO ~~<~~SPAN~~>~~ OF MULES <DOWN TO THE **VEGAS** TO GET LEAD> I PRESUME FOR PURPOSE OF GETTING READY FOR THE REBELLION AND ANTICIPATED WAR THAT WAS COMING ON [*space*] AFTERWARDS THIS PROPERTY WAS SOLD OFF AT AUCTION, SOLD OFF AND TO THAT *GUILTY*[?] COMMUNITY WHICH SAT BY SINCE THIS CRIME HAD BEEN PERPETRATED UNDER THE NOSES A COMMUNITY THAT NOT ONLY SAT BY COOLLY AND SAID NOTHING LYING WORSE THAN SLAVES AND CONCEALED THE FACT		TWO SPAN OF MULES, DOWN TO THE VEGAS TO GET LEAD, I SUPPOSE, I PRESUME FOR THE PURPOSE OF GETTING READY FOR THE REBELLION— THE ANTICIPATED WAR THAT WAS COMING ON. AFTER THIS PROPERTY WAS SOLD OFF AT AUCTION, SOLD OFF BY THAT GUILTY HEINOUS MAN —SOLD AT PUBLIC AUCTION BY HE PERPETRATOR OF THIS CRIME WHICH HAD BEEN PERPETRATED UNDER THE NOSES OF THE COMMUNITY THAT NOT ONLY SAT BY CO LLY AND SAID NOTHING LIKE— YES, WORSE THAN SLAVES, AND CONCEALED THE FACT	TWO SPAN OF MULES, DOWN TO THE VEGAS TO GET LEAD, I SUPPOSE, I PRESUME FOR THE PURPOSE OF GETTING READY FOR THE REBELLION— THE ANTICIPATED WAR THAT WAS COMING ON. AFTER THIS PROPERTY ~~S~~WAS SOLD OFF AT AUCTION, SOLD OFF BY THAT GUILTY H~~A~~EINOUS MAN —SOLD AT PUBLIC AUCTION BY **T**HE PERPETRATOR**S** OF THIS CRIME WHICH HAD BEEN PERPETRATED UNDER THE NOSES OF THE COMMUNITY THAT NOT ONLY SAT BY COOLLY AND SAID NOTHING LIKE— YES, WORSE THAN SLAVES, AND CONCEALED THE FACT

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RS	PS	RT	BT
AFTERWARD IT WAS SOLD TO THEM, AND SOLD FOR WHAT? SOLD FOR WHEAT AND CORN AND THINGS OF THAT KIND WHAT WAS DONE WITH {THE}[i] WAGONS THERE IS NO EVIDENCE CLEAR{LY}[i] SHOWS {SHOWING}[i] WHAT DISPOSITION ~~<~~WAS~~>~~ MADE OF THAT PROPERTY LET ME CALL YOUR ATTENTION TO EVIDENCE UPON THAT POINT EVIDENCE SHOWS THAT THERE WAS SOME 4 HUNDRED {HEAD OF}[i] CATTLE -- 3 TO FIVE AT LEAST SOME STATES I THINK FROM ALL THE TESTIMONY IT IS CLEAR{LY}[i] SHOWN THERE WERE 3 50 HEAD		AFTER IT WAS SOLD TO THEM. AND SOLD FOR WHAT? SOLD FOR WHEAT AND CORN AND THINGS OF THAT KIN D. WHAT WAS DONE WITH THE WA~~F~~GONS? THERE IS NO EVIDENCE CLEARLY SHOWING WHAT DISPOSITION WAS MADE OF THAT CLASS OF PROPERTY. LET ME CALL YOUR ATTENTION TO THE EVIDENCE UPON T**H**AT POINT. THE EVIDENCE SHOWS THAT THERE WAS SO~~J~~ME FOUR HUNDRED HEAD OF CATTLE — THREE TO FIVE AT LEAST SOME OF THE WITNES SES STATE. I THINK F ROM ALL THE TESTIMONY IT CLEARLY SHOWS TH~~R~~EE~~E~~RE *[50]* WERE 350 HEAD	AFTER IT WAS SOLD TO THEM. AND SOLD FOR WHAT? SOLD FOR WHEAT AND CORN AND THINGS OF THAT KIN D. WHAT WAS DONE WITH THE WA~~F~~GONS? THERE IS NO EVIDENCE CLEARLY SHOWING WHAT DISPOSITION WAS MADE OF THAT CLASS OF PROPERTY. LET ME CALL YOUR ATTENTION TO THE EVIDENCE UPON T**H**AT POINT. THE EVIDENCE SHOWS THAT THERE WAS SO~~J~~ME FOUR HUNDRED HEAD OF CATTLE – THREE TO FI~~C~~VE AT LEAST SOME OF THE WITNESSES STATE. I THINK F ROM ALL THE TESTIMONY IT CLEARLY SHOWS TH~~R~~EE~~E~~RE *[50]* WERE 350 HEAD

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RS	PS	RT	BT
OF CATTLE TAKEN FROM THAT TRAIN. DID ANY PERSON HEAR ANY WITNESSES TESTIFY TO FACT AFTER THIS MASSACRE THOSE CATTLE WERE GATHERED UP AND SOLD ≤AND THE≥ PROCEEDS APPROPRIATED TO {THE}[i] NURTURE EDUCATION OF THESE FATHERLESS ORPHAN CHILDREN; CHILDREN WHO WERE CAST UPON WORLD WHO BY THIS MOST HEINOUS CRIME; HAD EVEN LOST THEIR NAMES *THOUGH*[?] APPARENTLY THEIR KINDRED WAS LOST BY THIS MOST HORRIBLE MASSACRE YET		AT LEAST OF CATTLE TAKEN FROM THAT EMIGRANT TRAIN. DID ANY PERSON HEAR ANY OF THE WITNESSES TESTIFY TO THE FACT THAT AFTER THIS MASSACRE WAS OVER, THESE CATTLE WERE GATHERED UP AND SOLD AND THE PROCEEDS APPROPRIATED TO THE NURTURE AND EDUCATION OF THESE FATHERLESS AND MOTHERLESS ORPHANED CHILDREN; CHILDREN WHO WERE CAST UPON THE WORLD, WHO BY THIS MOST HE~~N~~INOUS CRIME HAD EVEN LOST THEIR NAMES AND APPARENTLY THE NAMES OF OF THEIR KINDRED WAS LOST BY THIS MOST HORRID MASSACRE. YET	AT LEAST OF CATTLE TAKEN FROM THAT EMIGRANT TRAIN. DID ANY PERSON HEAR ANY OF THE WITNESSES TESTIFY TO THE FACT THAT AFTER THIS MASSACRE WAS OVER, THESE CATTLE WERE GATHERED UP AND SOLD AND THE PROCEEDS APPROPRIATED TO THE NURTURE AND EDUCATION OF THESE FATHERLESS AND MOTHERLESS ORPHAN~~ED~~ CHILDREN; CHILDREN WHO WERE CAST UPON THE WORLD, WHO BY THIS MOST HE~~N~~INOUS CRIME HAD EVEN LOST THEIR NAMES AND APPARENTLY THE NAMES OF ~~OF~~ THEIR KINDRED WAS LOST BY THIS MOST HORRID MASSACRE. YET

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RS	PS	RT	BT
JUDGE SUTHERLAND DISPOSES OF THIS PROPERTY AFTER{THE}[i] FACT SHOWS THAT THEY WERE LED OUT FOR HUMANE INTENTION. LET US LOOK LITTLE FARTHER JOEL WHITE AND OTHERS TESTIFIED TO THE FACT THERE WERE CATTLE AROUND THERE JOEL WHITE TESTIFIES *SOON AFTERWARDS*[?] *TO*[?] MOUNTAIN MEADOWS SAW JOHN D. LEE BUTCHER THESE CATTLE AND DOING WHAT DISTRIBUTE THEM OUT AND RATION IT TO INDIANS THEY ARE IN ON MASSACRE		JUDGE SUTHERLAND ATTEM PTS TO DISPOSE OF THIS PROPERTY IN THE CARE OF BISHOP SMITH, AND SAYS THE FACT SHOWS THAT THEY WERE LED OUT FOR HUMANE INTENTIONS. LET US LOOK A LITTLE FARTHER. JOEL WHITE AND OTHERS TESTIFIED TO THE FACT THAT THERE WERE CATTLE AROUND THERE. JOEL WHITE TESTIFIES, WHEN HE GOT TO THE MOUNTAIN MEADOWS HE SAW JOHN D. LEE BUTCHER THESE CATTLE, AND SAW HIM DISTRIBUTE THEM OUT, AND RATION IT OUT AMONG THE INDIANS THERE. SO WE SEE THAT THEY ARE NOT ON THE MASSACRE,	JUDGE **S**UTHERLAND ATTEM P~~T~~S TO DISPOSE OF THIS PROPERTY IN THE CARE OF BISHOP SMITH, AND SAYS THE FACT SHOWS THAT THEY WERE LED OUT FOR HUMANE INTENTIONS. LET US LOOK A LITTLE FARTHER. JOEL WHITE AND OTHERS TESTIFIED TO THE FACT THAT THERE WERE CATTLE AROUND THERE. JOEL WHITE TESTIFIES, WHEN HE GOT TO THE MOUNTAIN MEADOWS HE SAW JOHN D. LEE BUTCHER THESE CATTLE, AND SAW HIM DISTRIBUTE THEM OUT, ~~AND~~ **OR** RATION IT OUT AMONG THE INDIANS THERE. SO WE SEE THAT THEY ARE NOT ON THE MASSACRE,

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RS	PS	RT	BT
THESE INDIANS; PERHAPS CONSIDERATION FOR THESE MEN FOR THE INHUMAN MEN INHUMAN SAVAGES WHO HAD MADE ORPHANS OF THESE CHILDREN JOHN D. LEE HE SAID HAD BOOKS IN WHICH KEPT ACCOUNTS OF THE RATIONS ≼GIVEN TO THE INDIANS≽ OF THE PROPERTY TAKEN FROM ≼THAT≽ THE EMIGRANT TRAIN FURNISHED FOR THE INDIANS. IT WAS STATED BY THE DEFENSE IN {THEIR}[i] OPENING ≼THAT≽ BRIGHAM YOUNG AT THE TIME OF THIS MASSACRE WAS GOVERNOR OF {THIS}[i] TERRITORY EX-OFFICIO		THEN THESE INDIANS; AHD SHOWS HIS CONSIDERATIO N FOR THESE HUMAN WRETCHES IN HUMAN SAVAGES WHO HAD MADE ORPHANS OF THOSE CHILDREN. JOHN D. LEE , HE SAID, HAD BOOKS IN WHE KEPT THE ACCOUNT OF THE RATIONS GIVEN OUT TO THE INDIANS AND THE PROPERTY TAKEN FROM THAT EMIGRANT TRAIN, AND FURNISHED TO THE INDIANS. IT WAS STATED BY THE DEFENSE IN THE OPENING THAT BRIGHAM YOUNG AT THE TIME OF THIS MASSACRE WAS GOVERNOR OF THE TERRITORY OF UTAH, AND EX-OFFICIO	THEN**,** THESE INDIANS; AHD SHOWS HIS CONSIDERATIO N FOR THESE HUMAN WRETCHES ~~IN HUMAN~~ **THESE INHUMANE** SAVAGES WHO HAD MADE ORPHANS OF THESE CHILDREN. JOHN D. LEE, HE SAID, HAD BOOKS IN ~~WHE~~ **WHICH HE** KEPT THE ACCOUNT OF THE RATIONS GIVEN OUT TO THE INDIANS**,** ~~AND~~ **OF** THE PROPERTY TAKEN FROM THAT EMIGRANT TRAIN, AND FURNISHED TO THE INDIANS. IT WAS STATED BY THE DEFENSE IN THE OPENING THAT BRIGHAM YOUNG AT THE TIME OF THIS MASSACRE WAS GOVERNO~~T~~R OF THE TERRITORY OF UTAH, AND EX-OFFICIO

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RS	PS	RT	BT
SUPERINTENDENT OF INDIAN AFFAIRS. LET US CALL K SMITH'S TESTIMONY AND CONNECT IT WITH WHAT OCCURRED IN RELATION TO THIS PROPERTY HE STATED HE AFTERWARDS WENT {TO}[i] SALT LAKE CITY WAS PRESENT AT **A** CONVERSATION BETWEEN BRIGHAM YOUNG JOHN D. LEE IN THAT CONVERSATION BRIGHAM YOUNG TOLD JOHN D. LEE THAT AS HE WAS THE INDIAN AGENT HE {HAD}[i] CONTROL OVER THESE INDIANS {TO}[i] GO BACK {AND}[i] TAKE CHARGE OF {THE}[i] PROPERTY, AND THEN HE SAYS DON'T SAY ANYTHING ABOUT THIS		SUPERIENTENDANT OF INDIAN AFFAIRS. LET US RE-CALL KLINGENSMITH'S TES IMONY AND CONNECT IT WITH WHAT O~~F~~CCURED IN RELATION TO THIS PROPERTY. HE STATED THAT HE AFTERWARDS WENT TO SALT LAKE CITY; THAT HE WAS PRESENT AT A CONVERSATION BETWEEN BRIGHAM YOUNG AND JOH N D. LEE. IN THAT CONVERSATION BRIGHAM YOUNG TOLD JOHN D. LEE THAT AS HE WAS THE INDIAN AGENT DOWN THERE HE HAD CONTROL OVER THESE INDIANS; TO GO BACK AND TAKE CHARGE OF THE PROPERTY; AND THEN HE SAYS, "DON'T SAY ANYTHING ABOUT THIS	**S**UPERINTENDANT OF INDIAN AFFAIRS. LET US RECALL KLINGENSMITH'S TESTIMONY AND CONNECT IT WITH WHAT O~~F~~CCURRED IN RELATION TO THIS PROPERTY. HE STATED THAT HE AFTERWARDS WENT TO SALT LAKE CITY~~.~~; THAT HE WAS PRESENT AT A CONVERSATION BETWEEN BRIGHAM YOUNG AND JOH N D. LEE. IN THAT CONVERSATION BRIGHAM YOUNG TOLD JOHN D. LEE THAT AS HE WAS THE INDIAN AGENT DOWN THERE HE HAD CONTROL OVER THESE INDIANS~~;~~, TO GO BACK AND TAKE CHARGE OF THE PROPERTY; AND THEN HE SAYS, "DON'T SAY ANYTHING ABOUT THIS

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RS	PS	RT	BT
OCCURRENCE, DON'T EVEN TALK ABOUT IT AMONG YOURSELVES BRIGHAM IS ~~<~~**THE**~~>~~ PROPHET SEER ~~<&>~~ REVELATOR; HE IS HEAD AND FRONT ~~<&>~~ EMBODIMENT OF THIS MORMON CHURCH, AND IT WAS BY VIRTUE OF THAT *RRH*/—[?] GENTLEMEN OF THE JURY OF THIS MYSTERY ~~<&>~~ SECRECY THAT HAS COVERED {UP}[i] OF THIS CRIME FOR 18 YEARS WOULD HAVE CONTINUED TO HAVE DONE IT AS LONG AS THESE SAME CONDITIONS SAME LOCAL OFFICERS SAME PROSECUTING ATTORNEYS HAD IN THEIR HANDS		OCCURRENCE; DON'T EVEN TALK ABOUT IT AMONG *[51]* YOURSELVES." BRIGHAM YOUNG IS A PR~~P~~OPHET, SEER AND REVELATOR , HE I THE HEAD AND FRONT AND EMBODYMENT, AND IT WAS BY VIRTUE OF THAT AUTHORITY, GENTLEMEN OF THE JURY, **TO** THIS MISTERIOUS~~L~~NESS AND SECRECY WHICH HAS CO~~N~~VERED UP THIS CRIME FOR EIGHTEEN YEARS. AND IT WOULD HAVE COUNTINUED TO HAVE DONE IT AS LONG AS THIS SAME CONDITION OF THINGS EXISTED WITH THE WITNESSES AND PROSECUTING ATTORNEY.	OCCURRENCE; ~~"X~~DON'T EVEN TALK ABOUT IT AMONG *[51]* YOURSELVES." BRIGHAM YOUNG IS A PROPHET, SEER AND REVELATOR , HE IS THE HEAD AND FRO~~M~~NT AND EMBODYMENT, **OF THE** **CHURCH** AND IT WAS BY VIRTUE OF THAT AUTHORITY, GENTLEMEN OF THE JURY, ~~ALL~~ **THAT COMES** THIS MISTERIOUS~~L~~NESS AND SECRECY WHICH HAS CO~~N~~VERED UP THIS CRIME FOR EIGHTEEN YEARS. AND IT WOULD ~~M~~HAVE CONTINUED TO HAVE DONE IT AS LONG AS THIS SAME CONDITION OF THINGS EXISTED WITH THE WITNESSES AND PROSECUTING AT ATTORNEY.

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RS	PS	RT	BT
THE EXECUTION OF THE LAW IT WAS BY VIRTUE OF THIS *MAN*[?] OF GOD, BECAUSE THEY GAVE TO HIS UTTERANCES THE SANCTION OF A PROPHET OF GOD AND REVELATOR, IT WAS BECAUSE OF THIS ORDER ISSUED BY THAT GOVERNOR FOR THESE LONG YEARS THIS PEOPLE HAVE SO GOOD CAREFUL GOOD *KNR*[?] COME FROWARD AND TELL WHAT KNEW OF RELATION TO IT SO SECRET THAT *SOME*[?] OF THE CHURCH UPON THIS BECAUSE WHEN FACTS WERE KNOWN AND CIVILIZED WORLD WHEN		IT WAS BY VIRTUE OF THIS PROPHET OF GOD, BECAUSE THEY GAVE TO HIS UTTERENCES THE SANCTION OF THE PROPHET OF GOD AND REVELATOR,- IT WAS BECAUSE OF THIS OR~~ED~~DER THAT WAS ISSUED BY THAT GOVERNOR TO NOT EVEN TALK ABOUT IT, THAT FOR ALL THESE LONG YEARS, THIS PEOPLE HAVE BEEN QUITE CAREFUL TO ~~V~~COVER IT UP OR TELL WHAT THEY KNEW OF IT OR ANYTHING IN RELATION TO IT. IT IS BECAUSE , WHEN THE FACTS WERE KNOWN BY THE CIVILIZED WORLD—WHEN	IT WAS BY VIRTUE OF THIS PROPHET OF GOD, BECAUSE THEY GAVE TO HIS UTTERANCES THE SAN**C**TION OF ~~THE~~ **A** PR~~P~~OPHET OF GOD AND REVELATOR,- IT WAS BECAUSE OF THIS OR~~ED~~DER THAT WAS ISSUED BY THAT GOVERNOR TO NOT EVEN TALK ABOUT IT, THAT FOR ALL THESE LONG YEARS, THIS PEOPLE HAVE BEEN QUITE CAREFUL TO ~~V~~COVER IT UP O~~T~~R **NOT** TELL WHAT TH~~E~~Y KNEW OF IT OR ANYTHING IN RELATION TO IT. IT IS BECAUSE , WHEN THE FACTS WERE KNOWN BY A CIVILIZED WORLD—WHEN

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RS	PS	RT	BT
THEY HEARD OF THE MATTER SPOKE OF A MOST WONDERFUL COMMENTARY UPON THIS SYSTEM WHICH HAS LED TO THIS MOST INFAMOUS SLAUGHTER [13] INVESTIGATION THAT MATTER *EVIDENT/THEY DIDN'T*[?] *THESE CHARGES/THESE JURORS*[?] WHO SO TESTIFIED *WE FIND NO REASON*[?] NO REASON AND TESTIFIED THERE TO BECAUSE ≤**A**≥ GREAT MANY OTHER MEN WHO HAVE BEEN PLACED IN POSITION DIFFERENT TO IT EVIDENTLY *HAD NO*[?] KNOWLEDGE IN RELATION TO IT. THEN BY VIRTUE OF MORAL OBLIGATION		THEY HEARD OF THE MATTER THEY SPOKE OF IT AS A MOST WONDERFUL COMMENTARY, UPON THIS SYSTEM WHICH HAS LED TO THIS MOST INFAMOUS AND UNCHRISTIANLIKE SLAUGHTER. IN THE INVESTIGATION OF THAT MATTER, WE DO NOT CHARGE THOSE WHO WERE OUTSIDE BECAUSE A GREAT MANY OTHER MEN WHO HAVE BEEN PLACED IN POSSITION THAT THEY DID NOT KNOW OF IT, AND EVIDENTLY HAD NO KNOWLEDGE IN RELATION TO IT :; THEN BY VIRTUE OF THE MORAL OB~~K~~LIGATIO~~H~~N	THEY HEARD OF THE MATTER THEY SPOKE OF IT AS A MOST WONDERFUL COMMENTARY, UPON THIS SYSTEM WHICH HAS LED TO THIS MOST INFAMOU~~N~~S AND UNCHRISTIANLIKE SLAUGHTER. IN THE INVESTIGATION OF THAT MATTER, WE DO NOT CHARGE THOSE WHO WERE OUTSIDE BECAUSE A GREAT MANY OTHER MEN WHO HAVE BEEN PLACED IN POSSITION ~~THAT THEY~~ DID NOT KNOW OF IT, AND ~~L~~EVIDENTLY HAD NO KNOWLEDGE IN RELATION TO IT~~:~~; THEN BY VIRTUE OF THE MORAL OB~~K~~LIGATIO~~H~~N

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RS	PS	RT	BT
THEY —[?][587]FEAR IT IT WAS SIMPLY PEOPLE ARE TAUGHT TO YIELD SUCH OBEDIENCE, ABSTAINED FROM ASKING ANY QUESTIONS THE *MERE*[?] INTERCHANGE OF SENTIMENT SAME TALK ABOUT HORRIBLE CRIME LIKE THIS IS THAT WOULD EXIST IN ANY OTHER CIVILIZED COMMUNITY DOES NOT APPLY TO SOME COMMUNITY YOU CANNOT EXPLAIN IT ON ANY OTHER THEORY ≤THAN OBEDIENCE≥. EVIDENTLY THERE IS SOMETHING ABOUT IT AS IS TAUGHT THAT YOU MUST NOT		AND ACCORDING TO THEIR BELIEF, THEY ARE TAUGHT TO YIELD SUCH OBEDIENCE, THEY ABSTAIN FROM ASKING ANY QUESTIONS OR EXCHANGING OR INTERCHANGE OF SENTIMENT; AND THEY DIDN'T SEEM TO LIKE TO TALK ABOUT SUCH A HORRIBLE CRIME AS T IS~~.~~, THAT WOULD EXIST IN ANY OTHER CI~~Z~~VILIZED COMMUNITY. BUT IT DOES NOT APPLY TO THIS COMMUNITY AND YOU CANNOT EXPLAIN IT ON ANY OTHER THEORY THAN OBEDIENCE. EVIDENTLY THERE IS SOMETHING ABOUT IT, AS IS TAUGHT, THAT YOU MUSTN'T	AND ACCORDING TO THEIR BELIEF, THEY ARE TAUGHT TO YIELD SUCH OBEDIENCE, THEY ABSTAIN FROM ASKING ANY QUESTIONS OR EXCHANGING OR INTERCHANGE OF SENTIMENT; AND THEY DIDN'T SEEM TO LIKE TO TALK ABOUT SUCH A HORRIBLE CRIME AS T**H**IS~~.~~**,** THAT WOULD EXIST IN ANY OTHER CI~~Z~~VILIZED COMMUNITY. BUT IT DOES NOT APPLY TO THIS COMMUNITY AND YOU CANNOT EXPLAIN IT ON ANY OTHER THEORY THAN OBEDIENCE. EVIDENTLY THERE IS SOMETHING ABOUT IT, AS IS TAUGHT **"**, THAT "YOU MUSN'T

587. Over illegible shorthand.

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RS	PS	RT	BT
ASK ANY QUESTION, EVEN IF YOU SEE NEIGHBOR'S HEAD IN ≼**A**≽ DOG'S MOUTH YOU MUST NOT SAY ANYTHING ABOUT IT. GO ON ≼ABOUT≽ YOUR BUSINESS *AS/WHEN*[?] BRIGHAM YOUNG HAS *STARTED*[?] UP THIS MASSACRE IS SECOND JESUS CHRIST —[?] HE SPEAKS BY AUTHORITY FROM GOD IS SEER REVELATOR AND PROPHET {IT}[i] AIN'T REMARKABLE WERE FANATICS WHO INHABITED THAT WITHIN TERRITORY WHO HAS SEALED THEIR LIPS UPON THIS HEINOUS CRIME [*space*] LET US VIEW IT IN ANOTHER *EFFECT*[?] THAT		ASK ANY QUESTION EVEN IF YOU SEE YOUR NABERS HEAD IN A DOG'S MOUTH —YOU MUST NOT SAY ANYTHING ABOT IT; GO ON ABOUT YOUR BUSINESS. WHEN BRIGHAM YOUNG STARTED UP THIS ORGANIZATION HE IS THE SECOND JESUS CHRIST. HE SPEAKS BY AUTHORITY**;** EVERYTHING IS SAID AS SEER, REVELATOR AND PROPHET *[52]* IT AINT REMARKABLE THAT THESE PEOPLE WHO INHABITED THIS TERRITORY COULD HAVE SEALED THEIR LIPS UPON THIS HEINOUS CRIME. LET US VIEW IT NOW IN ANOTHER LIGHT. THAT	ASK ANY QUESTION EVEN IF YOU SEE YOUR NABERS HEAD IN A DOG'S MOUTH**"** -—YOU MUST NOT SAY ANYTHING ABO~~O~~T IT; **BUT** GO ON ABOUT YOUR BUSINESS.**"** WHEN BRIGHAM YOUNG STARTED UP THIS ORGANIZATION HE IS THE SECOND JESUS CHRIST. HE SPEAKS BY AUTHORITY÷**;** EVERYTHING IS SAID AS SEER, REVELATOR AND PROPHET. *[52]* IT AINT REMARKABLE THAT THE PEOPLE WHO INHABITED THIS TERRITORY COULD HAVE SEALED THEIR LIPS UPON THIS HEINOUS CRIME. LET US VIEW IT NOW IN ANOTHER LIGHT. THAT

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RS	PS	RT	BT
ORDER WAS GIVEN BY K SMITH'S TESTIMONY WHY SIR, AS ~~≤~~**A**~~≥~~ RESULT OF IT, WHY THIS CHURCH PROPERTY WAS SOLD AT AUCTION SOME OF THE WITNESSES SAY THEY THINK JOHN D. LEE WAS AUCTIONEER, SEEMED TO HAVE SUPERVISION OVER THERE THEY WERE TO SELL THAT PROPERTY; NOT ONLY THAT BUT 50 HEAD OF THOSE CATTLE WAS BRANDED WITH CHURCH BRAND; THE BRAND OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS WAS PUT UPON THE PROPERTY THAT WAS TAKEN FROM THESE MURDERED EMIGRANTS. WHY THE CROSS IS AM		ORDER WAS GI~~N~~VEN BY KLINGENSMITH' S TESTIMONY. WHY SIR, AS A RESULT OF IT—WHY THIS CHURCH PROPERTY WAS SOLD AT AUCTION. SOME OF THE WITNESSES SAY THAT THEY THINK JOHN D . LEE WAS THE AUCTION~~R~~EER; SEEMED TO HAVE SUPERVISION OVER THERE. THEY WERE TO SEL L THAT PROPETY; NOT ONLY THAT BUT 50 HEAD OF THOSE CATT~~E~~LE WERE BRANDED WITH THE CHURCH BRAND; THE BRAND OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS WAS PUT UPON THE PROPERTY THAT WAS TAKEN FROM THESE MURDERED EMIGRANTS. WHY, THE 'CROSS' IS AM	ORDER WAS GI~~N~~VEN BY KLINGENSMITH' S TESTIMONY. WHY**,** SIR, AS A RESULT OF IT—WHY THIS CHURCH PROPERTY WAS SOLD AT AUCTION. SOME OF THE WITNESSES SAY THAT THEY THINK JOHN D . LEE WAS THE AUCTION~~R~~EER; SEEMED TO HAVE SUPERVISION OVER THERE. THEY WERE TO SELL~~L~~ THAT PROPERTY; NOT ONLY THAT BUT 50 HEAD OF THESE CATT~~E~~LE WERE BRANDED WITH THE CHURCH BRAND; THE BRAND OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS WAS PUT UPON THE PROPERTY THAT WAS TAKEN FROM THESE MURDERED EMIGRANTS. WHY, THE **"C**ROSS**"** IS AM

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RS	PS	RT	BT
EMBLEM OF MERCY, IT IS EMBLEM OF MERCY = SUGGESTIVE OF GOOD FEELINGS, BECAUSE IT WAS ON THE CROSS ITSELF ≤THAT THE≥ SON OF MAN WAS CRUCIFIED TO REDEEM THE WORLD, AND YET THIS COUNSELOR = YET A BISHOP IN GOOD STANDING IN THIS CHURCH AND REMAINED A BISHOP IN GOOD STANDING BY VIRTUE OF HIS OFFICE AS BISHOP = DID WHAT HE PUT THIS EMBLEM OF = THAT EMBLEM WHICH SUGGESTS PEACE, GOOD WILL **&** LOVE UPON THOSE CATTLE AND WHAT WAS DONE WITH THEM ACCORDING TO		EMBLEM OF MERCY; IT IS AN EMBLEM OF MERCY AND PEACE, SUGGESTIVE OF GOOD FEELINGS, BECAUSE IT WAS ON THE CROSS ITSELF THAT THE SON OF MAN WAS CRUCIFIES TO REDEEM THE WOR~~K~~LD.; YET THIS COUNCILLER, YET A BISHOP IN GOOD STANDING IN THE CHURCH, AND REMAINED FOR YEARS AFTERWARDS IN GOOD STANDING—BY VIRTUE OF HIS OFFICE AS BISHOP DID WHAT? HE PUT THIS EMBLEM OF— THAT EMBLEM WHICH SUGGESTS PEACE, GOOD WILL AND LOVE UPON THESE CATTLE AND WHAT WAS DONN WITH THEM? ACCORDING TO	EMBLEM OF MERCY; IT IS AN EMBLEM OF MERCY AND PEACE, SUGGESTIVE OF GOOD FEELINGS, BECAUSE IT WAS ON THE CROSS ITSELF THAT THE SON OF MAN WAS CRUCIFIES TO REDEEM THE WOR~~K~~LD.; YET THIS COUNCILLOR, YET A BISHOP IN GOOD STANDING IN THE CHURCH, AND REMAINED FOR YEARS AFTERWARDS IN GOOD STANDING—BY VIRTUE OF HIS O FICE AS BISHOP DID WHAT? HE PUT THIS EMBLEM OF **MERCY**— THAT EMBLEM THAT SUGGESTS PEACE, GOOD WILL AND LOVE**,** UPON THESE CATTLE AND WHAT WAS DONE WITH THEM? ACCORDING TO

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RS	PS	RT	BT
~~<~~THE~~>~~ STATEMENTS OF THOSE MEN ENGAGED IN IT THEY WERE DRIVEN TO SALT LAKE CITY AND SOLD AND BARTERED FOR ~~<~~**A**~~>~~ STOCK OF GOODS WHICH WAS BROUGHT DOWN INTO THAT COMMUNITY AND AGAIN DISPOSED OF. **5** **TO**[588] **12**. WE WILL TAKE RECESS TILL HALF AFTER TWO O'CLOCK. **RECESS {TILL HALF AFTER TWO PM**.}[i] [*space*] 2 40 **PM** SAW BASKIN WAS SPEAKING WHEN I CAME IN.[589]	*[[Bk 14 1]]*[590] **2:30 PM AUG 5TH 1875**[591] [*space*] I HAVE NOT *EXAMINED*[?] STATEMENTS MAKES BY THAT JAMES PEARCE WHO TESTIFIED	THE STATEMENTS OF THESE MEN ENGAGED IN IT, THEY WERE DRIVEN TO SALT LAKE CITY AND SOLD AND BARTERED FOR A STOCK OF GOODS, WHICH WAS BROUGHT DOWN INTO THAT COMMUNITY AND GAIN DISPOSED OF. BY THE COURT: IT IS NOW FIVE MINUTES TO TWELVE AND WE WILL TAKE A RECESS TILL TWO O'CLOCK. ~~BY MR. BASKIN~~ RECESS TILL TWO O'CLOCK. TWO O' CLOCK. BY MR. BASKIN (RESUMING) I HAVE NOT YET COME TO THE STATEMENTS MADE BY JAMES PEARCE WHO TESTIFIED	THE STATEMENTS OF THESE MEN ENGAGED IN IT, THEY WERE DRIVEN TO SALT LAKE CITY AND SOLD AND BARTERED FOR A STOCK OF GOODS, WHICH WAS BROUGHT DOWN INTO THAT COMMUNITY AND **A**GAIN DISPOSED OF. BY THE COURT: IT IS NOW FIVE MINUTES TO TWELVE AND WE WILL TAKE A RECESS TILL TWO O'CLOCK. ~~BY MR. BASKIN~~ <u>RECESS TILL TWO O'CLOCK</u> TWO O'CLOCK. BY MR. BASKIN (RESUMING)**;** I HAVE NOT YE~~R~~T COME TO THE STATEMENTS MADE BY JAMES PEARCE WHO TESTIFIED

588. Over illegible word or symbol.

589. Court resumed before Rogerson returned.

590. This page is the front cover of the notebook and is dirty and faded. There is an * in the upper left-hand corner, written as "X" with a dot in each corner, indicating the speech is continued from elsewhere, though that shorthand is not extant. Longhand transcriptions above Patterson's shorthand are in Rogerson's hand.

591. In Rogerson's hand.

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RS	PS	RT	BT
	TO THE SAME FACT; TESTIFIED WHILE LAYING IN THE CAMP = THE DESCRIPTION OF THE CAMP, AND WHAT WAS TALKED ABOUT AMONG THE SOLDIERS [*space*] WHEN I CLOSED BEFORE DINNER, I WAS DISCUSSING THE QUESTION AND HOW FAR THE FACTS AFTER THE HOMICIDE, BEFORE AND AFTER THE MASSACRE CORROBORATE KLINGEN SMITH'S TESTIMONY, AND AS TO THE DESPERATION AND *THEORY*[?] OF THE DEFENSE THAT IT WAS DONE IN MERCY I WISH YOU TO REVERT TO THE FACT THAT THE INDIANS CAME AWAY WITH PLUNDER THAT THEY TESTIFY TO ALL AROUND, IN	TO THE SAME FACT, TESTIFIED WHI~~L~~LE LAYING IN THE CAMP, THE DISCRIPTION OF THE CAMP AND WHAT WAS TALKED ABOUT AMONG THE SOLDIERS. WHEN I CLOSED BEFORE DINNER I WAS DISCUSSING THE ~~W~~QUESTION *[53]* CORROBERATES KLINGENSMITH' S TESTIMONY, AND AS TO THE DESPERATION AND THEORY OF THE DEFENSE THAT IT WAS DONE IN MERCY. I WAHT YOU TO REVERT TO THE FACT THAT HE INDIANS CAME AWAY WITH THE PLUNDER, FOLLOWING THAT AND IN	TO THE SAME FACT, TESTIFIED WHI~~L~~LE LAYING IN THE CAMP, THE DISCRIPTION OF THE CAMP AND WHAT WAS TALK~~E~~D ABOUT AMONG THE SOLDIERS. WHEN I CLOSED BEFORE DINNER I WAS DISCUSSING THE ~~W~~QUESTION AND HOW FAR THE FACTS AFTER ~~H~~THE HOMICIDE AND AFTER THE MASSACRE *[53]* CORROBERATES KLINGENSMITH' S TESTIMONY, AND AS TO THE DESPERATION AND THEORY OF THE DEFENSE **TO SHOW** THAT IT WAS DONE IN MERCY. I WAHT YOU TO REVERT TO THE FACT THAT THE INDIANS CAME AWAY WITH THE PLUNDER, FOLLOWING THAT AND IN

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RS	PS	RT	BT
	THAT CONNECTION I WANT TO CALL YOUR ATTENTION TO THE TESTIMONY OF TWO WITNESSES WHOSE CANDOR AND WHOSE STIPULATORY STATEMENTS AS COMPARED WITH OTHER WITNESSES OF THE DEFENSE, PIERCE AND STATEMENTS OF THOSE TWO HAMILTON'S TO THOSE WITH FARNSWORTH AND HOOPS [*space*] INDIANS CAME UPON THE GROUND, AND UPON **A** PROMISE THERE MADE[592] FOR MASSACRE, THE LEADING MEN SAID THEY WOULD TURN THE CATTLE ≤INDIANS≥ NEXT FALL, WHEN THEY WENT OUT TO THE INDIANS	THAT CONNECTION; I WANT TO ~~A~~CALL YOUR ATTENTI~~O~~N TO THE TESTIMONY OF TWO WITNESSES WHOS CANDOR AND WHOSE TRUTHFUL STATEMENTS AS COMPARED WITH OTHER WITNESSES OF THE DEFENSE. PIERC~~E~~S STATEMENTS AND THOSE BEFORE HAMILTON'S, ~~A~~THAT HEAPS OF INDIANS CAME UPON THE GROUND, BUT UPON A PROMISE THERE MADE AFTER THE MASSACRE, THE LEADING MEN SAID THAT THEY WOULD TURN THE CATTLE TO THE INDIANS NEXT FALL. WHEN THEY WENT OUT TO THE INDIANS	THAT CONNECTION~~;~~, I WANT TO ~~A~~CALL YOUR ATTENTI~~O~~N TO THE TESTIMONY OF TWO WITNESSES WHOS**E**CANDOR AND WHOSE TRUTHFUL STATEMENTS ~~AS~~ **MIGHT BE** COMPARED WITH OTHER WITNESSES OF THE DEFENSE. PIERC~~E~~S STATEMENTS ~~AND~~ **TO** THOSE ~~BEFORE~~ **OF** HAMILTON'S, ~~A~~THAT HEAPS OF INDIANS CAME UPON THE GROUND, BUT UPON A PROMISE THERE MADE AFTER THE MASSACRE, THE LEADING MEN SAID THAT THEY WOULD TURN THE CATTLE TO THE INDIANS N~~W~~EXT FALL. WHEN THEY WENT OUT TO THE INDIANS

592. Over illegible shorthand.

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RS	PS	RT	BT
	THEY DIDN'T MAKE ANY EFFORT TO MAKE[593] ~~EFFORT~~ OF [*space*] TOWARDS 'EM YOUNG MEN SAID WHEN THEY WENT OUT PEACEABLY THEY REQUESTED THEM TO TAKE THE STOCK BEFORE FALL **&** ≤UPON REQUEST≥ THEY DID SO [*space*] **THE DEF**[594] INTRODUCED SOME TESTIMONY THAT ≤THE≥ INDIANS THREATENED HOSTILITY TO THE MORMONS THAT PROPOSITION IS RIDICULOUS, BECAUSE BOTH {THE}^{p} INDIANS ≤AND	THEY DIDN'T MAKE ANY EF~~O~~FORT OR MAKE ANY DEMONSTRATIO N OF HOSTILITY TOWARDS THEM. T E YOUNG MEN SAID WHEN THEY WENT OUT PEACABLY THEY REQUESTED THEM TO TAKE THE STOCK BEFORE FALL AND THEY DID SO. THEY INTRODUCED SOME TESTIMONY THAT THE INDIANS THREATENED HOSTILITY TO THE MORMONS. THE PROPOSITION IS REDICULOUS, BECAUSE BOTH THE INDIANS AND	THEY DIDN'T MAKE ANY EF~~O~~FORT OR MAKE ANY DEMONSTRATIO N OF HOSTILITY TOWARDS THEM. T**H**E YOUNG MEN SAID WHEN THEY WENT OUT PEACAB~~L~~LY THEY REQUESTED THEM TO TAKE THE STOCK BEFORE FALL AND THEY DID SO. THEY INTRODUCE~~S~~D SOME TESTIMONY THAT THE INDIANS THREATENED HOSTILITY TO THE MORMONS. THE PROPOSITION IS RIDICULOUS, BECAUSE BOTH THE INDIANS AND

593. Above Patterson's shorthand in Rogerson's longhand is written: **DEMONSTRATION OF HOSTILITY**. As noted above, Rogerson was not in court at this time; therefore, this and subsequent additions to Patterson's shorthand—either shorthand or longhand—were not made from Rogerson's own knowledge or from his own record.

594. In Rogerson's longhand.

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RS	PS	RT	BT
	THE **MORMONS**[595] = **THE**[596]≥ FACT IS THEY WERE TOGETHER AT THE MEADOWS, AND GENERALLY THAT THERE WAS PERFECT HARMONY BETWEEN THE MORMONS AND INDIANS, INSULT TO THE INTELLIGENCE OF THIS JURY TO CLAIM THAT THE MORMONS AND THE INDIANS WERE HOSTILE ≤THEY WERE≥ TALKING AND CALLING TO 'EM **THE**[597] TESTIMONY IS INDIANS WERE ALL ACCESSORIES TO WHITES IN DOING THIS THING. [*space*] THEN WE COME TO THE	THE MORMONS AS THE FACTS SHOW, THEY WERE TOGETHER AT THE MOUNTAIN MEADOWS, AND GENERALLY THERE WAS PERFECT HARMONY BETWEEN THE MORMONS AN THE INDIANS. IT IS AN INSULT TO THE INTELLIGENCE OF HIS JURY TO CLAIM THAT THE MORMONS AND THE INDIANS WERE HOSTILE WHEN THEY WERE TALKING AND CALLING TO THEM ON THE GROUND. THE TESTIMONY IS THAT THE INDIANS WERE ALL ACCESSARY AD A~~ND~~FTER AND BEFORE THIS THING. THEN WE COME TO THE	THE MORMONS A~~N~~S THE FACTS SHOW, THEY WERE TOGETHER AT THE MOUNTAIN MEADOWS, AND GENERALLY THERE WAS PERFECT HARMONY BETWEEN THE MORMONS AN**D** THE INDIANS. IT IS AN INSULT TO THE INTELLIGENCE OF HIS JURY TO CLAIM THAT THE MORMONS AND THE INDIAN~~D~~S WERE HOSTILE WHEN THEY WERE TALKING AND CALLING TO THEM ON THE GROUND. THE TESTIMONY IS THAT THE INDIANS WERE ALL ACCESSARY ~~AD ANDFTER~~ **AFTER** AND ~~G~~BEFORE THIS THING. THEN WE COME TO THE

595. In Rogerson's longhand.
596. In Rogerson's longhand.
597. In Rogerson's longhand.

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RS	PS	RT	BT
THE CONVERSATION IN BRIGHAM YOUNG'S OFFICE K SMITH LET US NOW {**SEE**}[i] HOW HE WAS CORROBORATED IN THAT IT WAS STATED THERE BY BRIGHAM YOUNG ~~TO~~ {THAT}[i] THIS PRISONER {HE}[i] BEING INDIAN AGENT {= AND}[i] IT DON'T APPEAR HE WAS {AN}[i] INDIAN AGENT IN THE CORRECT {AND}[i] SENSE OF THAT TERM{, BUT}[i] IT DOES APPEAR HE WAS {INDIAN}[i] FARMER TO {THE}[i] INDIANS {ALSO}[i] {IN THE OPENING}[i]	PROPERTY THE[598] CONVERSATION AT *BRIGHAM YOUNG'S*[?] OFFICE ≼WHEN≽ KLINGEN SMITH ≼WAS≽ PRESENT LET US SEE HOW HE WAS CORROBOERATED IN THIS IT WAS STATED THERE ~~BY THIS~~ TO THIS PRISONER = THAT HE BEING INDIAN AGENT AND IT DON'T APPEAR THAT HE WAS AN INDIAN AGENT ≼CORRECT SENSE OF THAT TERM≽ BUT IT DOES APPEAR THAT HE INDIAN FARMER ALSO APPEARS IN THE OPENING OF	PROPERTY AND THE CONVERSATION IN BRIGHAM YOUNG'S OFFICE WHEN KLINGENSMITH WAS P~~ER~~RESENT. LET US NOW SEE HOW HE WAS CORROBERATED IN THAT. UT WAS STATED THERE BY BRIGHAM THAT THIS PRISONER, HE BEING THE INDIAN AGENT, (AND IT DON'T APPEAR THAT HE WAS AN INDIAN AGENT I N THE CHARACTER AND SENCE OF THAT TERM, BUT IT DOES APPEAR THAT HE WAS AN INDIAN FARMEN~~T~~R TO THE INDIANS) AND IT ALSO APPEARS IN THE OPENING	PROPERTY AND THE CONVERSATION IN BRIGHAM YOUNG'S OFFICE WHEN KLINGENSMITH WAS P~~ER~~RESENT. LET US NOW SEE HOW HE WAS CORROBERATED IN THAT. ~~U~~**I**T WAS STATED THERE BY BRIGHAM THAT THIS PRISONER, HE BEING THE INDIAN AGENT, (AND **WHILE** IT DON'T APPEAR THAT HE WAS AN INDIAN AGENT ~~)~~ I ~~T~~N THE CHARACTER AND SENCE OF THAT TERM, BUT IT DOES APPEAR THAT HE WAS AN INDIAN FARMEN~~T~~R TO THE INDIANS) AND IT ALSO APPEARS IN THE OPENING

598. * and Rogerson's hand symbol mark the place where Rogerson began recording again, after coming into court late. There is very little Rogerson longhand above Patterson shorthand in Baskin's closing after this point.

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RS	PS	RT	BT
BUT/NOT[?] ONLY BY JUDGE SPICER, {WHO}[i] ADMITTED JOHN D. LEE WAS A FARMER TO {THE}[i] INDIANS THAT NATURALLY BROUGHT HIM IN CONTACT WITH INDIANS	JUDGE SPICER WHO ADMITTED THAT JOHN D. LEE WAS FARMER TO THE INDIANS [*space*]	BY JUDGE SPICER, WHO ADMITTED T~~H~~A T JOHN D. LEE WAS A FARMER TO THE INDIANS. *[54]*	BY JUDGE SPICER, WHO ADMITTED T~~H~~A T JOHN D. LEE WAS A FARMER TO THE INDIANS. *[54]*
{NOW THEN THE}[i] CONVERSATION	NOW THEN CONVERSATION THAT	NOW, THEN THE CON VERSATION THAT	NOW, THEN THE CON VERSATION THAT
K SMITH TESTIFIES {TO}[i] WHAT BRIGHAM WHO WAS GOVERNOR {OF UTAH,}[i]	KLINGEN SMITH TESTIFIES TO THAT WAS WITH BRIGHAM YOUNG WHO, AS GOVERNOR OF UTAH	KLINGENSMITH TESTIFIES TO , THAT WAS WITH BRIGHAM YOUNG, WHO, AS GOVERNOR OF THE TERRITORY,	KLINGENSMITH TESTIFIES TO , THAT WAS WITH BRIGHAM YOUNG, WHO, ~~S~~AS GOVERNOR OF THE TERRITORY,
WAS {EX OFFICIO}[i] INDIAN SUPERINTENDEN T IT IS VERY NATURAL THAT SUCH ORDERS WAS GIVEN , AND WHEN YOU CONSIDER THE *STRENGTH*[?] IN AUTHORITY OF BRIGHAM YOUNG OVER CHURCH OVER INDIVIDUAL MEMBERS OF CHURCH,	WAS EX OFFICIO INDIAN SUPERINTENDE NT VERY NATURAL THAT SUCH ORDERS *[[2]]* WAS GIVEN AND WHEN YOU TAKE THE POWER OF BRIGHAM YOUNG OVER THE CHURCH	AND WAS EX~~)~~- OFFICIO INDIAN SUPERINTENDA NT. IT IS VERY NATURAL THAT SUCH ORDERS WAS GIVEN , AND WHEN YOU CONSIDER THE POWER AND AUTHORITY OF BRIGHAM YOUNG OVER THE MORMON CHU RCH, AND OVER THE INDIVIDUAL PARTS OF THE CHURCH,	AND WAS EX~~)~~ OFFICIO INDIAN SUPERINTENDA NT~~.~~~~,~~—IT IS VERY NATURAL THAT SUCH ORDER~~W~~S WAS GIVEN , AND WHEN YOU CONSIDER THE POWER AND AUTHO~~T~~RITY OF BRIGHAM YOUNG OVER THE MORMON CHU RCH, AND OVER THE INDIVIDUAL PARTS OF THE CHURCH,

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RS	PS	RT	BT
THAT THAT ORDER WOULD HAVE BEEN CARRIED OUT. THE TESTIMONY OF JOEL WHITE SHOWS THAT PROPERTY WAS APPROPRIATED, SOME FROM BEEF CATTLE TAKEN FROM THESE EMIGRANTS WAS SHOT BY JOHN D. LEE OF WHICH HE KEPT ACCOUNT AND OTHER PROPERTY FOR PURPOSE OF FEEDING {THE}[i] VERY INDIANS WHO MURDERED EMIGRANTS. NOT ONLY THAT WE FIND ANOTHER FACT IN CONNECTION WITH IT; JOHN D. LEE IS IN THAT TITHING OFFICE WHILE K SMITH IS OFF ON THIS TRIP HE WENT ON A MISSION IT WAS NOT ON HIS ON OWN VOLITION OR	*WITH THEM THE ORDER TO*[?] HAVE BEEN CARRIED OUT THE TESTIMONY OF JOEL WHITE SHOWS THAT THEY WAS CARRIED OUT AND BEEF WAS USED JOEL WHITE [*space*] WHO KEPT ACCOUNT [*space*] FOR THE PURPOSE OF FEEDING VERY INDIANS WHO MURDERED EMIGRANTS ANOTHER FACT WE FIND JOHN D. LEE IS IN TITHING OFFICE WHILE KLINGENSMITH WAS ON A MISSION	WITH THEM THE ORDER, WOULD HAVE BEEN CARRIED OUT. THE TESTIMONY OF JOEL WHITE SHOWS THAT PROPERTY WAS APPROPRIATED AND THE ORDER WAS CARRIED OUT AND SOME OF THE VERY BEEF CATTLE TAKEN FROM THESE EMIGRANTS WAS SHOT BY JOHN D. LEE OF WHICH HE KEPT AN ACCOUNT AND OTHER PROPERTY FOR THE PURPOSE OF FEEDING THE VERY INDIANS WHO MURDERED THE EMIGRANTS. NOT ONLY THAT BUT WE FIND ANOTHER FACT IN CONNECTION WITH IT. JOHN D. LEE ~~WAS~~ IS IN THAT TITHING OFFICE WHILE KLINGENSMITH IS OFF ON THIS TRIP. HE WENT ON A MISSION. IT WAS NOT ON HIS ON OWN VOLITON OR	WITH THEM THE ORDER~~,~~ WOULD HAVE BEEN CARRIED OUT. THE TESTIMONY OF JOEL WHITE SHOWS THAT PROPERTY WAS APPROPRIATED AND THE ORDER WAS CARRIED OUT AND SOME OF THE VERY BEEF CATTLE TAKEN FROM THESE EMIGRANTS ~~S~~WAS SHOT BY JOHN D. LEE OF WHICH HE KEPT AN ACCOUNT AND OTHER PROPERTY FOR THE PURPOSE OF FEEDING THE VERY INDIANS WHO MURDERED THE EMIGRANTS. NOT ONLY THAT BUT WE FIND ANOTHER FACT IN CONNECTION WITH IT. JOHN D. LEE ~~WAS~~ IS IN THAT TITHING OFFICE WHILE KLINGENSMITH IS OFF O~~H~~N THIS TRIP. HE WENT ON A MISSION. IT WAS NOT ON HIS OWN VOLITION OR

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RS	PS	RT	BT
HIS PRIVATE ACCOUNT; HE SAYS I WAS ORDERED TO GO TO SOME MINES I HAVE DISCOVERED THE VEGAS LEAD MINE FOR {THE}[i] PURPOSE OF HAULING LEAD; I WAS ORDERED OFF BY THOSE COUNCILS SUTHERLAND WOULD WARP TESTIMONY SO AS {TO}[i] MAKE YOU BELIEVE KLINGENSMITH THAT STOLE THOSE MULES, WHEN THE FACT IS VERY TRIP IN WHICH HE TOOK THOSE MULES [14] WAS IN THE INTEREST OF THIS COMBINATION = INTEREST OF MORMON CHURCH NOW THEN THESE CATTLE AS I STATED BEFORE,	TO SOME LEAD MINES DOWN ON THE VEGAS FOR THE PURPOSE OF HAULING LEAD ~~I~~ [*space*] JUDGE SUTHERLAND DID WARP TESTIMONY TO MAKE *JURY*[?] BELIEVE THAT KLINGEN SMITH STOLE THESE MULES [*space*] WHEN VERY TRIP THAT HE TOOK WAS IN THE INTEREST OF THE MORMON CHURCH IN THE INTEREST OF THAT COMBINATION [*space*] THESE CATTLE AS I SAID BEFORE	HIS PRIVATE ACCOUNT. HE SAYS, "I WAS ORDERED TO GO TO SOME MINES —SOME LEAD MINES WHICH I HAD DISCOVERED DOWN ON THE ~~VAGA~~ VEGAS FOR THE PURPOSE OF HAULING LEAD. I WAS ORDERED OFF BY THESE COUNCILS. JUDGE SUTHERLAND DID WARP THE TESTIMONY SO AS TO MAKE YOU BELIEVE THAT KLINGENSMITH DID STEAL THESE MULES, WHEN THE FACTS ARE THAT ON THE VERY TRIP IN WHICH HE TOOK THESE MULES WAS IN THE INTEREST OF THIS COMBINATION AND IN THE INTEREST OF THE MMORMON CHURCH. NOW, THEN THESE CATTLE AS I STATED BEFORE	HIS PRIVATE ACCOUNT. HE SAYS, "I WAS ORDERED TO GO TO SOME MINES —SOME LEAD MINES WHICH I HAD DISCO~~N~~VERED DOWN ON THE ~~VAG~~A VEGAS FOR THE PURPOSE OF HAULING LEAD. I WAS ORDERED OFF BY THESE COUNCILS. JUDGE SUTHERLAND DID WARP THE TESTIMONY **SO** AS TO MAKE YOU BELIEVE THAT KLINGENSMITH DID STEAL THESE MULES, WHEN THE FACTS ARE THAT ~~ON~~ THE VERY TRIP IN WHICH HE TOOK THESE MULES WAS IN THE INTEREST OF THIS COMBINATION AND IN THE INTEREST ~~OF~~ **OF** THE ~~M~~MORMON CHURCH. NOW, THEN THESE CATTLE AS I STATED BEFORE

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RS	PS	RT	BT
SOME OF THEM AS REPORTED, WAS SOLD IN SALT LAKE CITY {JUDGE}[i] SUTHERLAND TWISTED *HEARSAY/SAY SO/*—[?] FROM DISPOSITION OF THAT PROPERTY THERE *SAYS* —[?] WAS IN COMMUNITY, {AND}[i] DONE FOR BENEFIT OF THOSE CHILDREN IS THERE ANY EVIDENCE PROVING {TO}[i] YOU GENTLEMEN OF THE JURY {THEY WAS NOT}[i] ONE CENT OF THAT PROPERTY APPROPRIATED LET US LOOK AT IT MOMENT; THERE WERE 500 CATTLE = SAY 300 PUT IT AT {THE}[i] LEAST ESTIMATE,	IT IS REPORTED WERE SOLD IN SALT LAKE CITY YET JUDGE SUTHERLAND WILL TWIST IT *SO AS*[?] TO *FROM*[?] DISPOSITION OF THAT PROPERTY SAYS IT WAS IN COMMUNITY AND DONE FOR THE BENEFIT OF THESE CHILDREN IS THERE ANY EVIDENCE THAT THERE WAS ONE CENT OF THAT PROPERTY APPROPRIATED [*space*] LET US LOOK AT IT A MOMENT THERE WERE FIVE HUNDRED CATTLE = SAY 3 PUT IT AT THE LEAST ESTIMATE YET	—SOME AS REPRESENTED WAS SOLD IN SALT LAKE CITY. JUDGE SUTHERLAND TWISTED THE TESTIMONY SO AS TO SHOW THEIR DISPOSITON OF THAT PROPERTY WAS THAT IT WAS SOLD IN THE COMMUNITY AND DONE FOR THE BENEF**E**I**T** OF THESE CHILDREN, AND THERE IS NO EVIDENCE PROVING TO YOU, GENTLEMEN OF THE JURY, THAT THERE WAS ONE CENT OF THAT PROPERTY APPROPRIATED . LET US LOOK AT THE MOUNTAIN MEADOWS. THERE WERE 500 HEAD OF CATTLE, SAY 300—PUT IT AT THE LEAST ESTIMATE. YET	—SOME AS REPRESENTED WAS SOLD IN SALT LAKE CITY. JUDGE SUTHERLAND TWISTED THE TESTIMONY SO AS TO SHOW THE~~IR~~ DISPOSITION OF THAT PROPERTY ~~WAS —~~THAT IT WAS SOLD IN THE COMMUNITY AND DONE FOR THE BENEF~~E~~I**T** OF THESE CHILDREN, AND THERE IS NO EVIDENCE PROVING TO YOU, GENTLEMEN OF THE JURY, THAT THERE WAS ONE CENT OF THAT PROPERTY APPROPRIATED **TO THE CHILDREN**. LET US LOOK AT THE MOUNTAIN MEADOWS. THERE WERE 500 HEAD OF CATTLE, SAY 300—PUT IT AT THE LEAST ESTIMATE. YET

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RS	PS	RT	BT
WE ALL KNOW INDIANS IN THIS COUNTRY AT THAT TIME, ANY ~~PERSON~~ {PERSONS}[i] WHO IS FAMILIAR WITH THEIR HABITS KNOWS {THEY}[i] COULD NOT MANAGE {THAT MANY}[i] CATTLE THIS CATTLE WAY THEY DID WHEN THEY CAPTURED BAND OF CATTLE {WHEN THEY WERE ONLY FOR THEIR PRESENT USE}[i] DEPEND UPON ~~AFTER~~ DEVELOPMENT TO SUPP{LY}[i] WITH BEEF HEREAFTER, THESE 300 CATTLE AT THAT TIME VERY VALUABLE WOULD MAKE {**A**}[i] NICE SUM OF MONEY THERE IS ANOTHER THING IS IN	WE ALL KNOW THAT THE INDIANS IN THIS COUNTRY = ANY PERSON FAMILIAR WITH THEIR HABITS KNOWS THEY COULD NOT HANDLE THAT MANY CATTLE THE WAY THEY DO WHEN THEY CAPTURE A BAND OF CATTLE KILL WHAT THEY WANT FOR THEIR PRESENT USE AND DEPEND UPON DEVELOPMENTS TO SUPPLY FUTURE USE THESE CATTLE AT THE VALUE OF CATTLE AT THAT TIME WOULD HAVE MADE A LARGE SUM OF MONEY [*space*] ANOTHER THING THAT IS IN	WE ALL KNOW *[55]* WHOSE FAMILY WITH THEIR HABITS KNOWS THEY COULD NOT MANAGE THAT MANY CATTLE. T~~HEY~~ THE WAY THEY DO WHEN THEY CAPTURE A BAND OF CATTLE , THE KILL WHAT THEY WANT FOR THEIR P~~ER~~RESENT USE AND DEPEND UPON FURTHER DEVELOPMENTS TO SUPPLY THEMSELVES WITH BEEF FOR FUTURE USE. THESE THREE HUNDRED HEAD OF CATTLE AT THAT TIME, WERE VERY VALUABLE AND WOULD HAVE MADE A NICE LARGE SUM OF MONEY, THERE IS ANOTHER THING THAT IS SEEN IN	WE ALL KNOW THAT THE INDIANS IN THE~~W~~S COUNTRY, AT THAT TIME — ANY PERSON *[55]* WHOSE ~~FAMILY~~ **IS FAMILIAR** WITH THEIR HABITS KNOWS THEY COULD NOT MANAGE THAT M~~A~~NY MANY CATTLE. T~~HEY~~ THE WAY THEY DO WHEN THEY CAPTURE A BAND OF CATTLE , THE**Y** KILL WHAT THEY WANT FOR THEIR P~~ER~~RESENT USE AND DEPEND UPON FURTHER DEVELOPMENTS TO SUPPLY THEMSELVES WITH BEEF FOR FUTURE USE. THESE THREE HUNDRED HEAD OF CATTLE AT THAT TIME, WERE VERY VALUABLE AND WOULD HAVE MADE A NICE LARGE SUM OF MONEY, THERE IS ANOTHER THING THAT IS SEEN IN

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RS	PS	RT	BT
CONNECTION WITH INDIAN WARFARE, {AND}[i] YOU HAVE {THE}[i] RIGHT IN PASSING UPON THIS CASE BRING ~~<~~**TO**~~>~~ YOUR {AID}[i] COMMON SENSE YOUR KNOWLEDGE AS THEY EXIST TO YOUR AID IN DECIDING TESTIMONY IN TRYING TESTIMONY. {WHAT USE COULD AN INDIAN MAKE OF AN OX YOKE, **OX** BOWS}[i] TENS OF OX CHAINS, OX YOKES OF FARMING IMPLEMENTS *IF/FOR*[?] THAT WERE NO COOKING UTENSILS *IF/FOR*[?] THERE WERE NO WAGON THERE IS NO {EVIDENCE, GENTLEMEN	CONNECTION IN INDIAN WARFARE AND YOU HAVE RIGHT TO BRING THESE THINGS TO YOUR AID IN TESTING TESTIMONY WHAT USE COULD AN INDIAN MAKE OF AN OX YOKES OX BOWS COOKING UTENSILS AND OF WAGONS THERE IS NO EVIDENCE GENTLEMEN TO	CONNECTION WITH INDIAN WARFARE, AND YOU HAVE THE RIGHT IN PASSING FROM ~~THESE~~ THIS CA~~E~~SE TO BRING TO YOUR AID COMMONSENSE WITH YOUR KNOWLEDGE AS THEY EXISTE TO A~~D~~DD YOU IN DECIDING THE TESTIMONY AND IN TRYING AND TESTING THE TESTIMONY. WHAT USE C ULD AN INDIAN MAKE OF AN OX YOKE, OX BOWS, CHA~~NE~~INS AND FARMING IMPLEMENTS AND OF WAGONS. IF THERE WERE NO COOKING UTENSILS , IF THERE WERE NO WAGONS AND THERE IS NO EVIDENCE, GENTLEMEN, TO	CONNECTION WITH INDIAN WARFARE, AND YOU HAVE THE RIGHT IN PASS ING FROM T~~HESE~~ THIS CA~~E~~SE TO BRING TO YOUR AID COMMONSENSE WITH YOUR KNOWLEDGE AS **IT** ~~THEY~~ EXIST~~E~~**S** TO ~~AIDDD~~ **AID** YOU IN DECIDING THE TESTIMONY AND IN TRYING AND TESTING THE TESTIMONY. WHAT USE C**O**ULD AN INDIAN MAKE OF AN OX YOKE, OX BOWS, CHA~~NE~~INS AND FARMING IMPLEMENTS AND OF WAGONS. IF THERE WERE NO COOKING UTENSILS , IF THERE WERE NO WAGONS AND THERE IS NO EVIDENCE, GENTLEMEN, TO

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RS	PS	RT	BT
SHOW THAT}[i] THESE WAGONS WERE BURNED UPON {THE}[i] GROUND IT IS IMPOSSIBLE FOR INDIANS {TO}[i] CARRY AWAY LOG CHAINS, THAT IS COUPLING CHAINS,	SHOW THAT THESE WAGONS WERE BURNED UPON THE GROUND IT IS IMPOSSIBLE FOR INDIANS TO CARRY AWAY LOG CHAIN TO CARRY AWAY THEIR WAGONS	SHOW THAT THESE WAGONS WERE BURNED UPON THE GROUND/. IT IS IMPOSSIBLE FOR INDIAN~~D~~S TO CARRY AWAY LOG CHAINS, THAT IS CUPPLEING CHAINS AND TO CARRY AWAY THEIR WAGONS BECAUSE THE INDIANS BEING	SHOW THAT THESE WAGONS WERE BURNED UPON THE GROUND/. I~~F~~T IS IMPOSSIBLE FOR INDIAN~~D~~S TO CARRY AWAY LOG CHAINS, THAT IS CUPPLEING CHAINS—AND TO CARRY AWAY THEIR WAGONS BECAUSE THE INDIANS ~~BEING~~
INDIANS BEING SHIFTING {FROM}[i] POINT {TO}[i] POINT NEVER REMAINING LONG AT ONE PLACE, {**A**}[i] WAGON WOULD BE USELESS THING, IT WOULD BE LIKE AN ELEPHANT ENTIRELY USELESS THING IN THIS	SHIFT FROM *[[3]]* POINT TO POINT NEVER REMAINING LONG AT ONE PLACE A WAGON WOULD BE A USELESS THING LIKE AN ELEPHANT AND ONLY *TO YOU/BUT MADE*[?]	SHIFTING FROM POINT TO POINT NEVER REMAIN LONG AT ONE PLACE. A WAGON WOULD BE A USELESS ~~TEAM~~ THING, IT WOULD BE LIKE AN ELEPHANT ON THEIR HANDS AN ENTIRELY USELESS THING, TO THOSE INDIANS.	SHIFTING FROM POINT TO POINT NEVER REMAIN LONG AT ONE PLACE. A WAGON WOULD BE A USELESS ~~TEAM~~ THING, IT WOULD BE LIKE AN ELEPHANT ON THEIR HANDS A~~S~~N ENTIRELY USELESS THING~~.~~, TO THOSE INDIANS.
WHAT WAS DONE {AND}[i] WHAT WAS THE DUTY OF BRIGHAM YOUNG IN THE PREMISES? THERE IS NOT {A}[i] MAN ON	WHAT WAS DONE AND WHAT WAS THE DUTY OF BRIGHAM YOUNG IN THE PREMISES THERE IS NOT A MAN ON	~~Z~~WHAT WAS DONE, AND WHAT WAS THE DUTY OF BRIGHAM YOUNG IN THE PREMISES? THERE IS NOT A MAN ON	~~Z~~WHAT WAS DONE, AND WHAT WAS THE DUTY OF BRIGHAM YOUNG IN THE PREMISES? THERE IS NOT A MAN ON

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RS	PS	RT	BT
THIS JURY THAT DOUBTS FOR A MOMENT {THAT THE}[i] FACT OF THIS MASSACRE WAS CARRIED TO HIM {**&**}[i] CARRIED TO HIM BY JOHN D. LEE IT IS IMPOSSIBLE {FOR}[i] ANY MAN OCCUPYING {THAT}[i] POSITION = HAVING {THE}[i] POWER IN MORMON CHURCH HAVING CONTROL {OF}[i] MATTERS ECCLESIASTICAL {AND}[i] LEGISLATIVE, {THAT SUCH AN}[i] OCCURRENCE COULD HAVE OCCURRED IN {THE}[i] COUNTRY, WITHOUT {THE}[i] KNOWLEDGE OF IT HAVING BEEN CARRIED TO HIM WE HAVE EVIDENCE THAT WAS DONE AS GOVERNOR OF TERRITORY, AS EX-OFFICIO SUPERINTENDEN T INDIAN	THIS JURY THAT DOUBTS FOR A MOMENT BUT WHAT THE FACT OF THIS MASSACRE WAS CARRIED TO HIM AND CARRIED TO HIM BY JOHN D. LEE IT IS IMPOSSIBLE FOR A MAN HAVING THAT POWER IN THE MORMON CHURCH THAT SUCH AN OCCURRENCE COULD HAVE OCCURRED IN THE COUNTRY WITHOUT THE NEWS OF IT BEING CARRIED TO HIM AS GOVERNOR OF THE TERRITORY EX-OFFICIO SUPERINTENDE NT OF INDIAN	THIS JURY THAT DOUBTS FOR A MOMENT THAT THE FACT OF THIS MASSACRE WAS CARRIED TO HIM, AND CARRIED TO HIM BY JOHN D. LEE. IT IS IMPOSSIBLE FOR ANY MAN OCCUPYING THAT POSITION— HAVINFG THE POWER IN THE MORMON CHURCH, HAVING CONTROL OF MATTERS ECLESIASTICAL AND LEGISLATIVE THAT SUCH AN OCCURRENCE COULD HAVE OCCURRED IN THE COUNTRY WITHOUT THE KNOWLEDGE OF IT HAVING BEEN CARRIED TO HIM.. WE ~~Y~~AVE THE EVIDENCE OF WHAT WAS DONE AS GOVERNOR OF THE TERRITORY, AS ES-OFFICIO SUPERINTENDE NT OF INDIAN	THIS JURY THAT DOUBTS FOR A MOMENT THAT THE FACT OF THIS MASSACRE WAS CARRIED TO HIM, AND CARRIED TO HIM BY JOHN D. LEE. IT IS IMPOSSIBLE FOR ANY MAN OCCUPYING THAT POSITION— HAVINFG THE POWER IN THE MORMON CHURCH, HAVING CONTROL OF MATTERS ECLESIASTICAL AND LEGISLATIVE THAT SUCH AN OCCURRENCE COULD HAVE OCCURRED I~~H~~N THE COUNTRY WITHOUT THE KNOWLEDGE OF IT HAVING BEEN CARRIED TO HIM.. WE ~~Y~~**H**AVE THE EVIDENCE OF WHAT WAS DONE AS GOVERNOR OF THE TERRITORY, AS ES-OFFICIO SUPERINTENDE NT OF INDIAN

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RS	PS	RT	BT
AFFAIRS, I ASK YOU WHAT WOULD HAVE BEEN HIS DICTATES, FIRST THING SUGGESTED ITSELF TO ANY CHRISTIAN HUMANE GENTLEMAN WHO WAS INNOCENT OF ANY CONNECTION {OF}[i] ANY KNOWLEDGE OF THIS FACT; FIRST DICTATES OF COMMON HUMANITY WOULD HAVE BEEN THIS; HERE WERE 17 LITTLE CHILDREN, WHO BY THAT DEED ON THE MOUNTAIN MEADOW, LEFT WITHOUT FRIENDS, WITHOUT {A}[i] NAME = WITHOUT RELATIONS, {THEY WERE}[i] CAST AMONG STRANGERS,	AFFAIRS I ASK YOU WHAT WOULD HAVE BEEN THE FIRST THING THAT WOULD HAVE SUGGESTED ITSELF TO ANY CHRISTIAN HUMANE GENTLEMAN WHO WAS ~~IGNORANT~~ ≤INNOCENT≥ OF THIS FACT [*space*] THE FIRST THING WOULD HAVE BEEN THIS HERE WERE 17 LITTLE CHILDREN LEFT WITHOUT A NAME WITHOUT RELATIONS THEY WERE CAST AMONG STRANGERS	AFFAIRS; AND I ASK YOU WHAT WOULD HAVE BEN HIS DICTATES? [*rest of page is cut off*] *[56]* ITSELF TO ANY CHRISTIAN, HUMANE GENTLEMAN, AND WHO WAS INNOCENT OF ANY CONNECTION OR ANY KNOWLEDGE OF THIS FACT; THE FIRST DICTATES OF COMMON HUMANITY, WOULD HAVE BEEN T IS: HERE WAS SEVENTEEN LITTLE CHILDREN, WHO BY THAT DEE~~N~~D ON THE MOUNTAIN MEADOWS WERE LEFT W THOUT FRIENDS, WITHOUT A NAM~~D~~E, WITHOUT RELATIONS. THEY WERE CAST AMONG STRANGERS,	AFFAIRS; AND I ASK YOU WHAT WOULD HAVE BE**E**N HIS DICTATES? THE FIRST THING THAT WOULD HAVE SUGGESTED *[56]* ITSELF TO ANY CHRISTIAN, HUMANE GENTLEMAN, AND WHO WAS INNOCENT OF ANY CONNECTION OR ANY KNOWLEDGE OF THIS FACT; THE FIRST DICTATES OF COMMON HUMANITY, WOULD HAVE BEEN T**H**IS: HERE WAS SEVENTEEN LITTLE CHILDREN, WHO BY THAT DEE~~N~~D ON THE MOUNTAIN MEADOWS WERE LEFT W**I**THOUT FRIENDS, WITHOUT A NAM~~D~~E, WITHOUT RELATIONS. THEY WERE CAST AMONG STRANGERS,

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RS	PS	RT	BT
{AND THE}[i] EVIDENCE SHOWS THEY WERE AFTERWARDS COLLECTED UP TAKEN AWAY TO STATE OF GEORGIA SOMEWHERE ELSE [*space*] IN AS MUCH AS THEY WERE YOUNG, SOME OF THEM LIKELY BORN UPON {THE}[i] PLAINS; THEY HAD LOST THEIR KINDRED, YOUNG CHILDREN, HELPLESS CHILDREN, THEY MUST HAVE DEPENDED UPON {THE}[i] MERCY CHARITY OF STRANGERS, FOR COMMON NECESSARIES OF LIFE, SAYING NOTHING {ABOUT}[i] CARE, NURTURE {AND}[i] EDUCATION THAT IS NECESSARY IN	AND THE EVIDENCE SHOWS THAT THEY WERE AFTERWARDS TAKEN UP AND CARRIED AWAY TAKEN UP TO GEORGIA OR SOMEWHERE ELSE, IN AS MUCH AS THEY WERE YOUNG AND SOME NOT UNLIKELY BORN UPON THE PLAINS THEY HAVE LOST THEIR ALL THOSE WERE YOUNG CHILDREN HELPLESS CHILDREN AND *MUST* *HAVE*[?] DEPENDING UPON CHARITY OF STRANGERS FOR COMMON NECESSARIES OF LIFE SAYING NOTHING ABOUT GREAT *WANTS*[?] OF NURTURE AND EDUCATION	AND THE EVIDENCE SHOWS THAT THEY WERE AFTERWARDS COLLECTED UP AND CARRIED AWAY TO THE STATE OF GEORGIS AND SOMEWHERE ELSE. IN AS MUCH AS THEY WERE YOUNG A D SOME OF THEM LIKELY BORN UPON THE PLAINS, THEY HAD LOST THEIR KINDRED ; YOUNG CHILDREN, HELPLESS CHILDREN. THEY MUST HAVE DEPENDED UPON THE MERCY AND CHARITY OF STRANGERS FOR THE COMMON NECESSARIES OF LIFE ~~TO SAY~~ SAYING NOTHING A OUT THE CARE AND NURTURE AND EDUCATION THAT IS NECESSARY IN	AND THE EVIDENCE SHOWS THAT THE~~R~~Y WERE AFTERWARDS COLLECTED UP AND CARRIED AWAY TO THE STATE OF GEORGI~~S~~**A** AND SOMEWHERE ELSE. IN AS MUCH AS THEY WERE YOUNG A**N**D SOME OF THEM LIKELY BORN UPON THE PLAINS, THEY HAD LOST THEIR KINDRED ; YOUNG CHILDREN, HELPLESS CHILDREN. THEY MUST HAVE DEPENDED UPON THE MERCY AND CHARITY OF STRANGERS FOR THE COMMON NECESSARIES OF LIFE ~~TO SAY~~ SAYING NOTHING ABOUT THE CARE AND NURTURE AND EDUCATION THAT I~~N~~S NECESSARY IN

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RS	PS	RT	BT
ORDER TO PREPARE THEM {TO}[i] ENTER UPON DUTIES		ORDER TO PREPARE THEM TO ENTER UPON THE DUTIES OF LIFE AND FIT THEM FOR GOOD SOCIETY AND FIGHT THE BATTLE OF LIFE. THEN WE SAY THAT SPECTACLE WAS PRESENTED WHICH MUST HAVE TOUCHED THE HEART OF ANY HUMANE MAN, ANY CHRISTIAN GENTLEMAN.	ORDER TO PREPARE THEM TO ENTER UPON THE DUTIES OF LIFE AND FIT THEM FOR GOOD SOCIETY AND FIGHT THE BATTLE OF LIFE. THEN WE ~~SAY~~ **SEE** THAT SPECTACLE ~~WAS~~ PRESENTED WHICH MUST HAVE TOUCHED THE HEART OF ANY HUMANE MAN, ANY CHRISTIAN GENTLEMAN~~.~~**,**
OF SOCIETY FIGHT BATTLE OF LIFE {WE}[i] SEE THAT SPECTACLE	~~≤~~TO FIGHT THE BATTLE OF LIFE~~>~~ THEN WE SEE THAT SPECTACLE PRESENTED		
WHICH MUST HAVE {TOUCHED THE}[i] HEART {OF}[i] ANY HUMANE MAN, ANY CHRISTIAN GENTLEMAN	THAT = MUST HAVE TOUCHED THE HEART OF ANY CHRISTIAN GENTLEMAN HUMANE MAN		
HERE WE FIND BRIGHAM YOUNG ACCORDING {TO THE}[i] ADMISSION OF {THE}[i] DEFENSE,	HERE WE FIND BRIGHAM YOUNG	HERE WE FIND BRIGHAM YOUNG ACCORDING TO THE ADMISSION OF THE DEFENSE	HERE WE FIND BRIGHAM YOUNG ACCORDING TO THE ADMIASSION OF THE ~~DEFEND~~ DEFENSE
OCCUPY{ING}[i] HIGHEST POSITION IN THE TERRITORY, TO WIT, GOVERNOR AND SUPERINTENDEN T OF INDIAN AFFAIRS, I SAY GENTLEMEN OF THE JURY {THE}[i] FIRST DICTATES OF HUMANITY {TO}[i]	OCCUPYING THE HIGHEST POSITION IN THE TERRITORY [*space*] THAT [*space*] I SAY GENTLEMEN THAT THE FIRST DICTATES OF HUMANITY OF	OCCUPYING THE HIGHEST POSITION IN THE TERRITORY OF UTAH. GOVERNOR AND SUPERINTENDE DT OF INDIAN AFFAIRS. I SAY, GENTLEMEN OF THE JURY, THE FIRST DICTATED OF HUMANITY	OCCUPYING THE HIGHEST POSITION IN THE TERRITORY OF UTAH~~.~~**,** GOVERNOR AND SUPERINTENDE NT OF INDIAN AFFAIRS~~.~~**;** I SAY, GENTLEMEN OF THE JURY, THE FIRST DICTATE~~D~~**S** OF HUMANITY

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RS	PS	RT	BT
ANY MAN WHO HAD A SOUL WITHIN HIS BREAST {WOULD HAVE}[i] BEEN TO HAVE {BEEN TO}[i] SEND {AN}[i] ARMY OF SOLDIERS WHICH HE HAD UNDER HIS COMMAND IT WAS AS EASY FOR BRIGHAM YOUNG AT THE CROOK OF HIS FINGER TO HAVE ASSEMBLED TOGETHER 3000 {SOLDIERS 8 IF HE WANTED}[i] HUNDRED 15 HUNDRED = ANY NUMBER {IF HE WANTED TO}[i] TAKE TO THAT PURPOSE COLLECT UP {THE}[i] REMNANTS OF THAT PROPERTY	ANY MAN WHO HAD A SOUL WITHIN HIS BREAST WOULD HAVE BEEN TO HAVE SENT AN ARMY OF SOLDIERS WHICH HE HAD IN HIS COMMAND IT WAS AS EASY FOR BRIGHAM YOUNG TO HAVE ASSEMBLED 3000 SOLDIERS IF HE WANTED TO 1500 800 ANY NUMBER THAT HE WANTED TO SEND THEM ON THE MOUNTAIN MEADOWS AND COLLECT UP THE CATTLE	THAT WOULD HAVE COME TO ANY MAN WHO HAD A SOUL WITHIN HIS BREAST, WOULD HAVE BEEN TO HAVE SENT A~~H~~N ARMY OF SOLDIERS WHICH HE HAD UNDER HIS COMMAND OUT THERE. IT WAS AS EASY FOR BRIGHAM YOUNG AT THE CROOK OF HIS FINGER TO HAVE ASSEMBLED TOGETHER THREE THOUSAND SOLDIERS IF HE WANTED TO— EIGHT HUNDRED OR FIFTEEN HUNDRED, ANY NUMBER IF HE WANTED TO TAKE FOR THAT PURPOSE, AND TO HAVE SENT THEM TO THE MOUNTAIN MEADOWS , AND COLLECT UP THE CATTLE AND THE REMNANTS OF THAT PROPRTY	THAT WOULD HAVE COME **TO** ~~TO~~ ANY MAN WHO HAD A SOUL WITHIN HIS BREAST, WOULD HAVE BEEN TO HAVE SENT A~~H~~N ARMY OF SOLDIERS WHICH HE HAD UNDER HIS COMMAN~~S~~D**,** OUT THERE. IT WAS AS EASY FOR BRIGHAM YOUNG AT THE CROOK OF HIS FINGER TO HAVE ASSEMBLED TOGETHER THREE THOUSAND SOLDIERS IF HE WANTED TO— EIGHT HUNDRED OR FIFTEEN HUNDRED, ANY NUMBER IF HE WANTED TO TAKE FOR THAT PURPOSE, AND TO HAVE SENT THEM TO THE MOUNTAIN MEADOWS , AND COLLECT UP THE CATTLE AND THE REMNANTS OF THAT PROPERTY

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RS	PS	RT	BT
BY VIRTUE OF HIS OFFICIAL POSITION AND COLLECT UP		BY VIRTUE OF HIS OFFICIAL POSITION, AND	BY VIRTUE OF HIS OFFICIAL POSITION, AND
CATTLE, {= TO HAVE COLLECTED UP THESE **OX**}[i]	AND HAVE COLLECTED UP THOSE ON CHAINS OX	TO HAVE COLLECTED UP THESE CATTLE AND OX	TO HAVE COLLECTED UP THSE CATTLE AND OX
YOKES CHAINS ALL THOSE ACCOUTREMENTS {THAT HE COULD LAY HANDS ON}[i]	YOKES ALL THE PROPERTY *[[4]]* THAT HE COULD HAVE LAID HANDS ON,	YOKES—ALL THESE ACCOUTREMENTS;	YOKES—ALL THESE ACCOUTREMENTS;
AND IF HE HAD FOUND THEM IN ~~ANY~~ {THE HANDS OF THE}[i] ~~HANDS~~ OF THOSE INDIANS HE SHOULD HAVE DEMANDED RESTORATION OF THIS PROPERTY, {AND}[i] IF THEY FAILED TO DO	AND IF HE HAD FOUND THEM IN THE HANDS OF ANY OF THESE INDIANS DEMANDED THIS THING —[?] [*space*]	AND IF HE HAD FOUND THEM IN THE HANDS OF ANY OF THESE INDIAN~~D~~S HE SHOULD HAVE DEMANDED RESTORATION OF THIS PROPERTY AND IF THEY FAILED TO DO SO TO HAVE *[57]*	AND IF HE HAD FOUND THEM IN THE HANDS OF ANY OF THESE INDIAN~~D~~S HE SHOULD HAVE DEMANDED RESTORATION OF THIS PROPERTY AND IF THEY FAILED TO DO SO TO HAVE *[57]*
{MOVED}[i] UPON THEM {AND COLLECTED AND RESISTED}[i] THEM BY FORCE IT SHOULD NOT HAVE BEEN DONE SECRETLY = IT SHOULD HAVE BEEN DONE OPENLY	COLLECTED BY FORCE [*space*] SHOULD NOT BEEN SECRETLY BUT OPENLY IF HE HAD MOTIVE OF	MOVED UPON THEM, TO HAVE COLLECTED IT AND TO HAVE RESISTED THEM BY FORCE. IT SHOULD NOT HAVE BEEN DONE SECRETLY, IT SHOULD HAVE BEEN DONE OPENLY.	MOVED UPON THEM, TO HAVE COLLECTED IT AND TO HAVE RESISTED THEM BY FORCE. IT SHOULD NOT HAVE BEEN DONE SECRETLY, IT SHOULD HAVE BEEN DONE OPENLY.
WHEN	A MAN WHEN	W EN	WHEN

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RS	PS	RT	BT
YOU KNOW INFLUENCE {THAT}[i] HE HAS = WHEN YOU KNOW {THE}[i] RESPECT IN WHICH {HE}[i] IS HELD = IN WHICH HE IS HELD BY THE GREAT BODY OF THE MORMON COMMUNITY, WHOSE WORD IS LAW, WHOSE WORD IS AS SACRED AS IF IT EMANATED FROM GOD, {HE}[i] WOULD HAVE SENT HIS AGENTS AMONGST YOU, YOU WOULD HAVE GIVEN {ITS DICTATION THAT}[i] YOUR ASSISTANCE IN GATHERING UP THIS PROPERTY {WHAT}[i] SHOULD HAVE BEEN DONE; IT SHOULD HAVE BEEN REMOVED TO SALT LAKE CITY WHERE	YOU KNOW INFLUENCE THAT HE HAS WHEN YOU KNOW RESPECT IN WHICH HE IS HELD BY THE GREAT BODY OF THE MORMON COMMUNITY HIS WORD IS LAW HIS WORD IS AS IF IT EMANATED FROM GOD HE WOULD HAVE SENT HIS AGENTS AMONGST YOU AND YOU WOULD HAVE GIVEN AT HIS DICTATION AND HIS REQUEST THIS PROPERTY IT SHOULD HAVE BEEN REMOVED TO SALT LAKE CITY OR SOME POINT WHERE THESE THINGS WOULD HAVE DEMANDED	YOU KNOW THE INFLUENCE THAT HE HAS— WHEN YOU KNOW THE RESPECT IN WHICH HE ~~H~~ IS HELD BY THE GREAT BODY OF THE MORMON COMMUNITY, AND WHOSE WORD IS LAW, ~~A~~WHOSE WORD IS AS SACRED AS IF IT EMINATED GROM GOD, HE WOULD HAVE SENT HIS AGENTS AMONGST YOU AND YOU WOULD HAVE GIVEN ITS DICTATI N RESPECT AND YOUR ASSISTANCE IN GATHERING UP THIS PROPERTY. WHAT SHOULD HAVE BEEN DONE? IT SHOULD HAVE BEEN REMOVED TO SALT LAKE CITY OR SOME POINT WHERE THESE THINGS WOULD HAVE DEMANDED ~~THE~~	YOU KNOW THE INFLUENCE THAT HE HAS— WHEN YOU KNOW THE RESPECT, IN WHICH HE ~~H~~ IS HELD BY THE GREAT BODY OF THE MORMON COMMUNITY, AND WHOSE WORD IS LAW, ~~A~~WHOSE WORD IS AS SACRED AS IF IT EMINATED GROM GOD, HE WOULD HAVE SENT HIS AGENTS AMONGST YOU AND YOU WOULD HAVE GIVEN ITS DICTATION RESPECT AND YOUR ASSISTANCE IN GATHERING UP THIS PROPERTY. WHAT SHOULD HAVE BEEN DONE? IT SHOULD HAVE BEEN REMOVED TO SALT LAKE CITY OR SOME POINT WHERE THESE THINGS WOULD HAVE DEMANDED ~~THE~~

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RS	PS	RT	BT
HIGHEST PRICE COULD BE OBTAINED.	HIGHEST PRICE IN THE MARKET IT WOULD HAVE MADE A NICE SUM OF MONEY	THE HIGHEST PRICE IT WOULD HAVE MADE A NICE SUM OF MONEY	THE HIGHEST PRI~~I~~CE IT WOULD HAVE MADE A NICE SUM OF MONEY
IF {THE}[i] PROPERTY {OF}[i] THESE EMIGRANTS WERE IN POSSESSION OF AT THE TIME {OF THE}[i] MASSACRE {HAD BEEN COLLECTED AND SOLD}[i] *[15]* COLLECTED AND SOLD IT WOULD HAVE MADE A SUM OF SEVERAL {100}[i599] DOLLARS IT CERTAINLY WOULD HAVE MADE SUM OVER {**A**}[i] HUNDRED THOUSAND DOLLARS IT IS FAIR TO PRESUME THAT THAT GREAT BODY OF EMIGRANTS MUST HAVE {HAD}[i] MONEY THEIR PERSONS THAT SHOULD HAVE	IF THE PROPERTY THAT THESE EMIGRANTS WERE IN POSSESSION OF AT THE TIME OF MASSACRE HAD BEEN COLLECTED AND SOLD IT WOULD HAVE MADE A SUM OF SEVERAL HUNDRED DOLLARS IT WOULD HAVE MADE A SUM OVER A HUNDRED THOUSAND DOLLARS IT IS FAIR TO PRESUME THAT THAT GREAT BODY OF EMIGRANTS HAD MONEY UPON THEIR PERSONS *JLL/JLR/LARGELY*	IF THE PROPERTY THAT THESE EMIGRANTS WERE IN POSSESSION OF AT THE TIME OF THE MASSA~~D~~CRE HAD BEEN COLLECTED AND SAID, IT WOULD HAVE MADE A SUM OF SEVERAL HUNDRED DOLLARS. IT WOULD HAVE MADE A SUM OVER A HUNDRED THOUS~~Q~~**A**ND DOLLARS. IT IS FAIR TO PRESUME THAT THAT GREAT BODY OF EMIGRANTS HAD MONEY UPON THEIR PERSONS. THAT SHOULD HAVE	IF THE PROPERTY THAT THESE EMIGRANTS WERE IN POSSESSION OF AT THE TIME OF THE MASSA~~D~~CRE HAD BEEN COLLECTED AND SOLD, IT WOULD HAVE MADE A SUM OF SEVERAL HUNDRED DOLLAR~~X~~S. IT WOULD HAVE MADE A SUM OVER A HUNDRED THOUS~~Q~~**A**ND DOLLARS. IT IS FAIR TO PRESUME THAT THAT **A** GREAT BODY OF EMIGRANTS HAD MONEY UPON THEIR PERSONS. THAT SHOULD HAVE

599. Ink over an illegible pencil digit.

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RS	PS	RT	BT
BEEN COLLECT{ED}[i] UP AND THEN WHAT SHOULD BE DONE WITH MONEY *WHAT*[?]	[?] *PERSONAL*[?] —[?] SUM AND THEN WHAT SHOULD HAVE BEEN DONE WITH THE MONEY? WOULD DO AS COMMON HUMANITY AND AS CHRISTIANITY ANY	BEEN COLLECTED UP, AND THEN ~~S~~WHAT SHOULD HAVE BEEN DONE WITH THE MONEY. WHAT WOULD HAVE BEEN THE DEEDS OF A CHRISTIAN OR OF ANY	BEEN COLLECTED UP, AND THEN ~~S~~WHAT SHOULD HAVE BEEN DONE WITH THE MONEY. WHAT WOULD HAVE BEEN THE DEEDS OF A CHRISTIAN OR OF ANY
WHO HAS HEART OF CHRISTIAN IN THE BREAST ~~EVIDENT~~ {THAT HAD BEEN}[i] OCCUPYING {THAT}[i] POSITION OF THIS MAN	MAN WHO HAS A HEART OF CHRISTIAN IN HIS HEART THAT BEEN OCCUPYING THE POSITION OF	PERSON THAT HAD BEEN OCCUPYING THE POSITION THAT	PERSON THAT HAD BEEN OCCUPYING THE POSITION THAT
BRIGHAM YOUNG WHY *SIR*[?] IT WOULD BE JUST AS SUGGESTED	BRIGHAM YOUNG	BRIGHAM YOUNG DID HERE, SIR**?** IT WOULD HAVE BEEN JUST AS SUGGESTED—	BRIGHAM YOUNG DID HERE~~,~~**?** ~~SIR?~~ IT WOULD HAVE BEEN JUST AS SUGGESTED—
COLLECT REMNANTS, SELL IT {AND}[i] APPROPRIATE {THE}[i] MONEY	TO COLLECT REMNANTS SELL IT AND APPROPRIATE THE MONEY	TO HAVE COLLECTED THE REMNANTS, SOLD THEM AND TO HAVE APPROPRIATED THE MONEY OR	TO HAVE COLLECTED THE REMNA~~M~~NTS, SOLD THEM AND TO HAVE APPROPRIATED THE MONEY OR
DEPOSIT {IT}[i] IN {A}[i] SAVINGS BANK COMPANY FOR {THE}[i] PURPOSE OF REARING, EDUCATING THESE	DEPOSITED IN A SAVINGS BANK, TO THE PURPOSE OF THE REARING EDUCATING OF THESE	TO HAVE DEPOSITED IT IN A SAVINGS BANK F~~O~~OR THE PURPOSE OF R~~A~~EARING AND EDUCATING THESE	TO HAVE DEPOSITED IT IN A SAVINGS ~~N~~BANK ~~FRO~~ **FOR** THE PURPOSE OF R~~A~~EARING AND EDUCATING THESE

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RS	PS	RT	BT
UNFORTUNATE LITTLE CHILDREN, WHO WERE LEFT WITHOUT PARENTS AND WITHOUT A NAME. WHAT DOES {THE}[i] EVIDENCE SHOW DONE IN THIS CASE DID BRIGHAM YOUNG WHEN {THE}[i] KNOWLEDGE {OF THAT THING}[i] WAS CARRIED HOME TO HIM = YOU KNOW IT IS NO USE IF HE HAD BEEN PUT ON {THE}[i] STAND AND I AM SORRY HE HAS NOT BEEN = BROUGHT HIM UPON STAND = WE WOULD HAVE HAD HIS DECLARATION HIS EXPLANATION OF THE FACT UNDER CROSS-EXAMINATION	UNFORTUNATE INNOCENT CHILDREN WHO WERE LEFT WITHOUT PARENTS AND WITHOUT A NAME WHAT DOES THE EVIDENCE SHOW WAS DONE IN THIS CASE DID BRIGHAM YOUNG WHEN THE KNOWLEDGE OF THAT FACT WAS CARRIED HOME TO HIM AND YOU *CAN'T*[?] DOUBT IT FOR A MOMENT [*space*] IF HE HAD BEEN PUT UPON THE STAND THEN WE HAVE HAD HIS DECLARATION AND EXPLANATION OF FACT UNDER CROSS-EXAMINATION	UNFORTUNATE LITTLE CHILDREN? WHAT DOES THE EVIDENCE SHOW WAS DONE IN THIS CASE? DID BRIGHAM YOUNG WHEN THE KNOWLEDGE OF THAT THING WAS CARRIED HOME TO HIM,, AND YOU HAVE NO DOUBT OF IT FOR A MOMENT— IF HE HAD BEEN PUT UPON THE STAND—AND I AM SORRY HE WAS NOTPUT UPON THE STAND—IF WE COULD HAVE BROUGHT HIM AND PUT HIM UPON THE STAND WE WOULD HAVE HAD HIS DECLARATION, HIS EXPLENATION OF THE FACT UNDER CROSS-EXAMINATION	UNFORTUNATE LITTLE CHILDREN? WHAT DOES THE EVIDENCE SHOW WAS DONE IN THIS CASE? DID BRIGHAM YOUNG WHEN THE KNOWLEDGE OF THAT THING WAS CARRIED HOME TO HIM,~~,~~ AND YOU HAVE NO DOUBT OF IT FOR A MOMENT— IF HE HAD BEEN PUT UPON THE STAND—AND I AM SORRY HE WAS NOTPUT UPON THE STAND—IF WE COULD HAVE BROUGHT HIM AND PUT HIM UPON THE STAND WE WOULD HAVE HAD ~~I~~HIS DECLARATION, HIS EXPLENATION OF THE FACT U~~I~~NDER CROSS-EXAMINATION

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RS	PS	RT	BT
~~<~~AS TO~~>~~ WHAT WAS DONE; EACH **&** ALL {OF}[i] YOU MORMONS, GENTILES ON THIS JURY[600] THAT HAS {THE}[i] FEELINGS OF A MAN MUST ADMIT {THAT THE}[i] COURSE {THAT}[i] I HAVE SUGGESTED IS THE SUGGESTED[601] COURSE SUGGESTED BY DICTATES OF HUMANITY. EVIDENCE SHOWS THAT PROPERTY WAS PARTITIONED OUT,	WHAT WAS DONE EACH AND ALL OF YOU MORMONS AND GENTILES ON THIS JURY THAT HAS THE FEELINGS OF A MAN MUST ADMIT THAT THE COURSE THAT I SUGGESTED WAS THAT WOULD SUGGEST BY THE MOST COMMON DICTATES OF HUMANITY WHAT WAS DONE EVIDENCE SHOWS THAT ~~H~~ THAT PROPERTY WAS DISTRIBUTED AROUND AMONG THE MORMON *[[5]]* COMMUNITY	AS TO WHAT WAS DONE. THAT EACH AND L L OF YOU, MORMONS, JEWS AND *[58]* GENTILES ON THIS ~~H~~JURY THAT HAS THE FELLINGS OF A MAN MUST ADMIT THAT THE COURSE THAT I HAVE SUGGESTED WOULD HAVE BEEN THE COURSE AND SUGGESTIONS WHICH WOULD HAVE SUGGESTED ITSELF TO A MAN ACTING UNDER THE INFLUENCE AND DICTATES OF HUMANITY. WHAT WAS DONE WITH THIS PROPERTY? THE EVIDENCE SHOWS THAT THE PROPERTY WAS SOLD AND	AS TO WHAT WAS DONE. THAT EACH AND **A**L L OF YOU, MORMONS, JEWS AND *[58]* GENTILES ON THIS ~~H~~JURY THAT HAS THE FELLINGS OF A MAN MUST ADMIT THAT THE COURSE THAT I HAVE SUGGESTED WOULD HAVE BEEN THE COURSE AND SUGGESTIONS WHICH WOULD HAVE SUGGESTED ITSELF TO A MAN ACTING UNDER THE INFLUENCE AND DICTATES OF HUMANITY. WHAT WAS DONE WITH THIS PROPERTY? THE EVIDENCE SHOWS THAT THE PROPERTY WAS SOLD AND

600. Ink over illegible shorthand.
601. Word may be crossed out.

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RS	PS	RT	BT
IT WAS BOUGHT OFF AT AUCTIONS {BY THE}[i] INHABITANTS OF CEDAR CITY, AND YOU KNOW {THAT}[i] ALL ANY OF EVIDENCE FAILS TO SHOW IT, BUT SHOWS A DIFFERENT CONCLUSION THE GREAT BODY OF THAT PROPERTY WAS APPROPRIATED BY THE MEN WHO MURDERED THE CHILDREN AND FRIENDS OF THOSE LITTLE ORPHAN CHILDREN [*space*] NO SIR I SAY IN FACT AND THESE FACTS HAVE APPEARED BEFORE YOU = AND I THANK DEFENSE ENABLING IN THEIR STATEMENT TO HAVE POINTED *QUOTES/ACTS*[?] ENABLING ME <TO GO INTO	AND BOUGHT OFF BY THE INHABITANTS OF CEDAR CITY AND EVIDENCE *FAILS*[?] TO SHOW THAT GREAT BODY OF THAT PROPERTY WAS APPROPRIATED —[?] BY THOSE WHO MURDERED [*space*] *M*[?] CHILDREN [*space*] I SAY IN THE FACT AND I THANK THE DEFENSE FOR ENABLING ME TO GO INTO	BOUGHT OFF AT AUCTION BY THE INHABITANTS OF CEDAR CITY, AND YOU KNOW THAT ALL OR ANY OF THE EVIDE NCE FAILS TO SHOW TO THE CONTRARY, OR TO SHOW A DIFFERENT CONCLUSION, THAT THE GREAT BODY OF THAT PROPERTY WAS APPROPRIATED BY THE MEN WHO MURDERED THE CHILDREN AND FRIENDS OF THOSE LITTLE OFPHAN CHILDREN. AND SIR, **I** SAY IN FACT, AND THESE FACTS APPEAR BEFORE YOU,- AND I THANK THE DEFENSE FOR ENABLING ME TO GO INTO	BOUGHT OFF AT AUCTION BY THE INHABITANTS OF CEDAR CITY, AND YOU KNOW THAT ALL OR ANY OF THE EVIDE NCE FAILS TO SHOW TO THE CONTRARY, OR TO SHOW A DIFFERENT CONCLUSION, THAT THE GREAT BOD~~Y~~**Y** OF THAT PROPERTY WAS APPROPRIATED BY THE MEN WHO MURDERED THE CHILDREN AND FRIENDS OF THOSE LITTLE OFPHAN CHILDREN. AND SIR, ~~U~~**I** SAY IN FACT, AND THESE FACTS APPEAR BEFORE YOU, - AND I THANK THE DEFENSE FOR ENABLING ME TO GO INTO

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RS	PS	RT	BT
THIS>, FACT I ARRAIGN BRIGHAM YOUNG FIRST AS {AN}[i] ACCESSORY WITH THIS MURDER, BECAUSE CONSIDERING POWER HE HAD OVER THIS PEOPLE, THE POSITION CONTROL HE HAD OVER THEM NO MEN BISHOP *HAIGHT*[?] NOR ANY OTHER MEMBER OF MORMON CHURCH WOULD HAVE DARED TO HAVE TAKEN SUCH {AN}[i] IMPORTANT STEP AND DO SUCH ACT IF HE HADN'T DIRECT AND *IMPLIED*[?] SANCTION OF MORMON CHURCH; {BECAUSE THE}[i] WHOLE EVIDENCE SHOWS {THAT}[i] IT WAS {A	THIS FACT I ARRAIGN BRIGHAM YOUNG FIRST AS AN ACCESSORY TO THIS MURDER, BECAUSE CONSIDERING POWER AND POSITION *CONTROL*[?] OVER THIS PEOPLE NO MAN BISHOP HAIGHT OR ANY OTHER MAN WOULD HAVE DARED TO TAKE SUCH AN IMPORTANT STEP IF THEY HADN'T THE DIRECT OR IMPLIED SANCTION OF THE HEAD OF THE CHURCH BECAUSE THE WHOLE EVIDENCE SHOWS THAT IT WAS A	THESE FACTS. I ARRAIGN BRIGHAM YOUNG, FIRST AS AN ACCESSORY OF THIS MURDER, BECAUSE CONSIDERING THE POWER HE HAD OVER THIS PEOPLE, THE POSITION IN THE TERRITORY HE HAD OVER THEM—NO MAN, BISHOP NOT ANY OTHER PERSON OR HEAD OF THE MO~~U~~RMON CHURCH WOULD HAVE DARED TO HAVE TAKEN SUCH AN IMPORTANT STEP TO DO SUCH AN HEINOUS ACT, IF HE HADN'T A DIRECT OR IMPLIED SANCTION OF THE HEAD OF THE CHURCH, BECAUSE THE WHOLE EVIDENCE SHOWS THAT IT WAS A	THESE FACTS. I ARRAIGN BRIGHAM YOUNG, FIRST AS AN ACCESSORY OF THIS MURDER, BECAUSE CONSIDERING THE POWER HE HAD OVER THIS PEOPLE, THE POSITION IN THE TERRITORY HE HAD OVER THEM—NO MAN, BISHOP, NO~~T~~**R** ANY OTHER PERSON OR HEAD OF THE MO~~U~~RMON CHURCH WOULD HAVE DARED TO HAVE TAKEN SUCH AN IMPORTANT STEP TO DO SUCH AN HEINOUS ACT, IF HE HADN'T A DIRECT OR IMPLIED SANCTION OF THE HEAD OF THE CHURCH, BECAUSE THE WHOLE EVI~~C~~DENCE SHOWS THAT IT WAS A

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RS	PS	RT	BT
CHURCH COMBINATION}[i] DONE UNDER A CHURCH COUNCIL, AND A MALICIOUS PURPOSE IN IT EVIDENCE SHOWS IT WAS *SMS*[?] *SOME/SAME*[?] COUNSELOR I ARRAIGN BRIGHAM YOUNG AS ACCESSORY BEFORE THE FACT OF THIS ASSASSINATION; I ARRAIGN HIM AS HAVING VIOLATED HIS OATH OF OFFICE, IN NOT HAVING DONE WHAT THE COMMON DICTATES HUMANITY SUGGESTED; I ARRAIGN HIM FOR HAVING QUIETLY SAT BY AND SEEN	CHURCH COMBINATION DONE UNDER THE CHURCH ORGANIZATION [*space*] MILITIA WAS A MERE ~~MR~~ *ACCESSORY*[?] TOO OF THAT CHURCH THEN I ARRAIGN BRIGHAM YOUNG AS ~~CHURCH~~ ACCESSORY BEFORE THE FACT; I ARRAIGN HIM FOR HAVING VIOLATED HIS OATH OF POSITION I ARRAIGN HIM FOR HAVING QUIETLY SAT BY AND SEEN	CHURCH COMBINATION, AND DONE UNDER THE CHURCH ORGANIZA TION, AND A MILICIOUS PURPOSE IN IT. THE EVIDENCE SHOWS THAT THE LEADERS OF THAT MASSACRE WERE LEADERS IN THAT CHURCH. THEN I ARRAIGN BRIGHAM YOUNG AS ACCESSORY BEFORE THE FACT OF THIS ASSINATION. I ARRAIGN HIM AS HAVING VIOLATED HIS OATH OF OFFICE AND FOR NOT HAVING DONE AND ACTED WITH THE COMMON DIC~~A~~TATES OF HUMAN ITY AS SUGGESTED. I ARRAIGH HIM FOR HAVING QUIETLY SIT BY AND SEEN	CHURCH COMBINATION, AND DONE UNDER THE CHURCH ORGANIZA TION, AND **WITH** A MILICIOUS PURPOSE IN IT. THE EVIDENCE SHOWS THAT THE LEADERS OF THAT MASSACRE WERE LEADERS IN THAT CHURCH. THEN I ARRAIGN BRIGHAM YOUNG AS ACCESSORY BEFO~~R~~E THE FACT OF THIS ASSINATION. I ARRAIGN HIM AS HAVING VIOLATED HIS OATH OF OFFICE AND FOR NOT HAVING DONE AND ACTED WITH THE CO~~NN~~MMON DIC~~A~~TATES OF HUMANITY AS SUGGESTED. I ARRAIG~~H~~HN HIM FOR HAVING QUIETLY SIT BY AND SEEN

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RS	PS	RT	BT
THESE LITTLE CHILDREN MADE ORPHANS OF, I ARRAIGN HIM {AS}[i] HAVING BEEN ACCESSORY TO THE ROBBERY OF THESE INFANT CHILDREN WHEN ANY MAN WHO HAD HEART OF A CHRISTIAN IN HIS BOSOM WOULD HAVE RALLIED TO THEIR RELIEF TO APPROPRIATE *REMNANT*[?] OF THAT PROPERTY TO THEIR NURTURE AND EDUCATION IN PLACE OF DOING THAT WHAT THIS MAN OF ALMOST OMNIPOTENT POWER POWER GREATER THAN CZAR OF RUSSIA POSSESSED IN THIS COUNTRY AT THAT TIME [*space*] HE SUFFERS THE CHILDREN = THE FATHERS AND	THESE LITTLE CHILDREN MADE ORPHANS OF I ARRIAGN HIM AS HAVING BEEN ACCESSORY TO THE ROBBERY OF THESE LITTLE CHILDREN WHEN ANY MAN WITH THE HEART OF CHRISTIAN IN HIS BOSOM WOULD HAVE RALLIED TO THEIR RELIEF [*space*] WHO IN PLACE OF DOING THIS THIS MAN MAN OF ALMOST OMNIPOTENT POWER; POWER GREATER THAN CZAR OF RUSSIA POSSESSED AT THAT TIME AND SUFFERS FATHERS	THESE LITTLE CHILDREN MADE ORPHANS OF. I ARRAIGH HI~~J~~M AS HAVING BEEN ACCESSORY TO THE ROBERY OF THESE INFANT CHILDREN**:** WHEN ANY MAN WHO HAD THE HEART OF A CHRISTIAN IN HIS BOSOM COULD HAVE RALLIED TO THEIR RE~~I~~LIEF AND TO HAVE APPROPRIATED THE REMNANTS OF THAT PROPERTY TO THEIR NURTURE AND EDUCATION. IN PLACE OF DOING THAT THIS MAN WITH ALMOST OMNIPOTENT POWER— *[59]* POWER GREATER THAN THE ~~ZA~~ CZAR OF THE RUSSIA POSSESSED POSSESSED AT THAT TIME— SUFFERS THE FATHERS AND	THESE LITTLE CHILDREN MADE ORPHANS OF. I ARRIAGH HI~~J~~M AS HAVING BEEN ACCESSORY TO THE ROBERY OF THES~~EE~~**E** INFANT CHILDREN**:** WHEN ANY MAN WHO HAD THE HEART OF A CHRISTIAN IN HIS BOSOM COULD HAVE RALLIED TO THEIR RE~~I~~LIEF AND TO HAVE APPROPRIATED THE REMNANTS OF THAT PROPERTY TO THEIR NURTURE AND EDUCATION. IN PLACE OF ~~G~~DOING THAT THIS MAN WITH ALMOST OMNIPOTENT POWER— *[59]* POWER**,** GREATER THAN THE ~~ZA~~ CZAR OF RUSSIA**,** POSSESSED ~~POSSESSED~~ AT THAT TIME— SUFFERS THE FATHERS AND

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RS	PS	RT	BT
MOTHERS AND FRIENDS OF THESE LITTLE CHILDREN TO BE BUTCHERED LIKE DOGS BY SAVAGES AND WHITE MEN COMBINED, AND THEN WHEN THE NEWS IS CARRIED TO HIM OF THAT RUTHLESS BUTCHERY, HIS ADVICE IS GO AND TAKE CHARGE OF THE {PROPERTY}[i602] AS INDIAN AGENT AND DISTRIBUTE FOR THE BENEFIT OF THE INDIANS THERE EVIDENCE SHOWS THAT THE ADVICE WAS COMPLIED WITH NOW THEN THESE ARE THE PLAIN UNVARNISHED FACTS {IN THIS CASE}[i] FACT *TNS/TNGS*[?] WHICH ARISE	MOTHERS AND FRIENDS OF THESE LITTLE CHILDREN BY SAVAGES AND WHITE MEN COMBINED, AND THEN WHEN THE NEWS IS CARRIED TO HIM OF THAT RUTHLESS BUTCHERY, HIS ADVICE IS GO AND TAKE CHARGE OF IT AS INDIAN AGENT ~~≤~~DISTRIBUTE IT~~≥~~ WHICH THE EVIDENCE [*space*] WHICH THE EVIDENCE SHOWS WAS DONE [*space*] THESE ARE THE FACTS IN THIS CASE [*space*]	MOTHERS AND FRIENDS OF THESE LITTLE CHILDREN TO BE BUTCHERED LIKE DOGS BY SAVAGES AND WHITE MEN COMBINED, AND THEN WHEN THE NEWS IS CARRIED TO HIM OF THAT RUTHLESS BUTCHERY HIS ADVICE IS TO GO BACK AND TAKE CHARGE OF THE PROPERTY AS THE INDIAN AGENT, AND DISTRIBUTE IT FOR THE BENEFEIT OF THE INDIANS THAT ARE THERE. AND THE EVIDENCE SHOWS THAT THE ADVI~~V~~CE WAS COMPLIED WITH. NOW, THEN, THESE ARE THE PLAIN UNVARNISHED FACTS IN THIS CASE WHICH ARISE	MOTHERS AND FRIENDS OF THESE LITTLE CHILDREN TO BE BUTCHERED LIKE DOGS BY SAVAGES AND WHITE MEN COMBINED, AND THEN WHEN THE NEWS IS CARRIED TO HIM OF THAT RUTHLESS BUTCHERY HIS ADVICE IS TO GO BACK AND TAKE CHARCGE OF THE PROPERTY AS THE INDIAN AGENT, AND DISTRIBUTE IT FOR THE BENEFEIT OF THE INDIANS **T**HAT **WERE** ~~ARE~~ THERE. AND THE EVIDENCE SHOWS THAT ~~THE~~ **HIS** ADVI~~V~~CE WAS COMPLIED WITH. NOW, THEN, THESE ARE THE PLAIN ~~O~~UNVARNISHED FACTS IN THIS CASE WHICH ARISE

602. Ink over illegible shorthand.

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RS	PS	RT	BT
FROM *ADMITTED*[?] *FACTS*[?][603] DECLARATIONS OF EVIDENCE IN THIS CASE. GENTLEMAN SAYS IN THE OUTSET WE WAS SEEKING TRY SOME PERSON ELSE HERE PERSON ON TRIAL BEFORE YOU NOW IS JOHN D. LEE WE WILL *MIGHT HAVE/MOTIVE*[?] TO *DEAL*[?][604] HE MAY HAVE HAD CONNECTION IN RELATION {BUT}[i] BUT THIS IS {A}[i] MATTER FOR {FUTURE}[i] INVESTIGATION {AND}[i] FUTURE TRIAL. BUT THESE ARE PROPER CONSIDERATION S, THEY ARE PROPER PORTIONS OF	*[[6]]* THE GENTLEMEN SAID IN THE OUTSET THAT *WE WERE*[?] SEEKING TRY SOME PERSON ELSE AND PERSON ON TRIAL BEFORE YOU IS JOHN D. LEE HE MAY HAVE HAD CONNECTION IN RELATION *TO/BUT*[?] THIS IS A MATTER FOR FUTURE INVESTIGATION AND FUTURE TRIAL BUT THESE ARE PROPER CONSIDERATIO NS THEY ARE PROPER PORTIONS OF	FROM THE TESTIMONY AND THE FACTS AND DECLARATIONS AND THE EVIDENCE IN THIS TRIAL. THE GENTLEMAN STATED IN THE OUTSET THAT WE WAS SEEKING TO TRY SOME PERSON ELSE, AND THE PERSON ON TRIAL BEFORE YOU NOW IS JOHN D. LEE. WE W LL HAVE OCCASION TO DEAL WITH THAT HEREAFTER. THAT HE MAY HAVE HAD CONNECTION IN RELATION TO THIS IS A MATTER FOR FUTURE INVESTIGATION AND FUTURE TRIAL; BUT THESE ARE PROPER CONSIDER ATIONS; TEY ARE PROPER PORTIONS OF	FROM THE TESTIMONY AND THE FACTS AND DECLARATIONS AND THE EVI~~C~~DENCE IN THIS TRIAL. THE GENTLEMEN STATED IN THE OUTSET THAT WE WAS SEEKING TO TRY SOME PERSON ELSE, ~~AND~~ **BU**T THE PERSON ON TRIAL BEFORE YOU NOW IS JOHN D. LEE. WE W**I**LL HAVE OCCASION TO DEAL WITH THAT HEREAFTER. THAT HE MAY HAVE HAD CONNECTION IN RELATION TO THIS IS A MATT**E**R FOR FUTURE INVESTIGATI**O**N AND FUTURE TRIAL; BUT THESE ARE PROPER CONSIDER ATIONS; T**H**EY ARE PROPER PORTION~~S~~**S** OF

603. May be crossed out.
604. Original shorthand character is ambiguous; ink shorthand above the original is "DEAL".

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RS	PS	RT	BT
THE EVIDENCE TO CONSIDER, BECAUSE THEY SUPPORT SMITH'{S}[i] TESTIMONY OF THE CONVERSATION THAT HAPPENED BETWEEN THIS BLOODY BUTCHER AND HIS MASTER BRIGHAM YOUNG IN HIS OFFICE ≤IN SALT LAKE CITY≥ IT WAS ORDERED TO BE DONE BY THE PROPHET OF GOD TO ONE OF HIS ABJECT ADHERENTS {AND}[i] —/*EVIDENCE*[?] AROUND AND {**ALL THE**}[i] *[16]* AND THE CIRCUMSTANCES SHOW {THAT THE}[i] ORDER MADE BY BRIGHAM YOUNG, WAS ACTUALLY CARRIED OUT, AN ORDER WHICH SENT <**AN ORDER** &	THE EVIDENCE TO CONSIDER BECAUSE THEY SUPPORT KLINGEN SMITH'S TESTIMONY OF THE CONVERSATION BETWEEN THIS BLOODY BUTCHER AND HIS MASTER BRIGHAM YOUNG IN HIS OFFICE IT WAS ORDERED TO BE DONE BY THE PROPHET OF GOD TO ONE OF HIS ABJECT ADHERENTS ALL THE CIRCUMSTANCES SHOW THAT THE ORDER GIVEN WAS ACTUALLY CARRIED OUT AN ORDER A LEADER HAD —[?] BUT WHICH SENT	THE EVIDENCE TO CONSIDER BECAUSE THEY SUPPORT KLINGENSMITH'S TESTIMONY AS TO THE CONVERSATION BETWEEN THIS BLOODY BUTCHER AND HIS MASTER BRIGHAM YOUNG IN HIS OFFICE IN SALT LAKE CITY. IT WAS ORDERED TO BE DONE BY THE PROFIT OF GOD; TO ONE OF HIS ABJECT ADHERANTS; AND THE EVIDENCE AND ALL THE CIRCUMSTANCES SHOW THAT THE ORDER MADE BY BRIGHAM YOUNG WAS ACTUALLY CARRIED OUT— AN ORDER WHICH SENT	THE EVIDENCE TO CONSIDER BECAUSE THEY SUPPORT KLINGENSMI~~GT~~H'S TESTIMONY AS TO THE CONVERSATION BETWEEN THIS BLOODY BUTCHER AND HIS MASTER BRIGHAM YOUNG IN HIS OFFICE IN SALT LAKE CITY. IT WAS ORDERED TO BE DONE BY THE PRO~~FIT~~**PHET** O~~G~~F GOD~~;~~, TO ONE OF HIS ABJECT ADHERENTS; AND THE EVIDENCE AND ALL THE CIRCUMSTANCES SHOW THAT THE ORDER MADE BY BRIGHAM YOUNG WAS ACTUALLY CARRIED OUT— AN ORDER WHICH SENT

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RS	PS	RT	BT
CARRIED OUT BY> 17 LITTLE CHILDREN, WHOSE PARENTS HAD BEEN RUTHLESSLY MURDERED OUT UPON THE COLD CHARITIES OF THE WORLD IS THAT CHRISTIANITY? IS THAT HUMANITY?	SEVENTEEN LITTLE CHILDREN WHOSE PARENTS HAD BEEN RUTHLESSLY MURDERED OUT UPON THE COLD CHARITIES OF THE WORLD IS THAT CHRISTIANITY	SEVENTEEN LITTLE CHILDREN , WHOSE PARENTS HAVE BEEN RUTHLESSLY MURDERED , OUT UPON THE COLD CHARIT~~ABLE~~**IES OF THE** WORLD. IS THAT CHRISTIANITY? IS THAT HUMANITY~~,~~? ~~IS IT BY AN PURSUANCE~~ IS	SEVENTEEN LITTLE CHILDREN , WHOSE PARENTS HAVE BEEN RUTHLESSLY MURDERED , OUT UPON THE COLD CHARIT~~ABLE~~**IES OF THE** WORLD. IS THAT CHRISTIANITY? IS THAT HUMANITY~~,~~? ~~IS IT BY ANY PURSUANCE~~ IS
IS IT BY AND {IN}[i] PURSUANCE OF SUCH CHRISTIANITY AS THAT THAT MEN OBTAIN {THE}[i] CELESTIAL KINGDOM TO WHICH WE ARE ALL STRIVING TO OBTAIN IF SUCH CHRISTIANITY IS NECESSARY, AND SUCH PRACTICES ARE NECESSARY IN ORDER TO REACH THAT HEAVENLY ABODE, I FOR MY PART WILL TAKE THE	IS IT BY AND IN PURSUANCE OF SUCH CHRISTIANITY AS THAT THAT MEN OBTAIN THE CELESTIAL KINGDOM THAT WE ARE ALL STRIVING TO ATTAIN IF SUCH PRACTICES *A*[?] NECESSARY IN ORDER TO REACH THAT HEAVENLY ABODE, I FOR MY PART WILL TAKE THE	IT BY AND IN PURSUANCE OF ~~I~~ANY CHRISTIANI AS THAT WHAT MEN OBTAIN THE CELESTIAL GOAL ~~W~~TO WHICH WE ARE ALL STRIVING TO ATTAIN. IF SUCH CHRISTIANITY IS NECESSARY AND SUCH PRACT I CES ARE NECCESSARY IN ORDER TO REA~~S~~CH THAT HEAVENLY ABODE, I FOR MY PART, WILL TAKE THE	IT BY AND IN PURSUANCE OF ~~I~~ANY **SUCH** CHRISTIANITY ~~AS~~ THAT ~~THAT~~ MEN OBTAIN THE CELESTIAL GOAL ~~W~~TO WHICH WE ARE ALL STRIVING TO ATTAIN~~.~~**?** IF SUCH CHRISTIANITY IS NECESSARY AND SUCH PRACT I CES ARE NECESSARY IN ORDER TO REA~~S~~CH THAT HEAVENLY ABODE, I FOR MY PART, WILL TAKE THE

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RS	PS	RT	BT
OTHER ALTERNATIVE AND RECEIVE MY PORTION IN HELL, RATHER THAN GAIN HEAVEN AT THE EXPENSE OF SUCH OUTLANDISH UNCHRISTIAN ACTS. HERE WAS BRIGHAM YOUNG LEADER OF RELIGIOUS SYSTEM THE MASSACRE WAS CARRIED ON AND PLANNED, CARRIED OUT OFFICERS ON THE GROUND WHO WERE ENGAGED IN IT WERE BISHOPS AND PRESIDENTS, OF THAT RELIGIOUS ORGANIZATION AND THE HEAD OF THE CHURCH WHO MILITATES TO TO HIMSELF {THE}[i] POWERS OF PROPHET	OTHER ALTERNATIVE AND RECEIVE MY PORTION IN HELL RATHER THAN GAIN TO HEAVEN AT THE EXPENSE OF SUCH OUTLANDISH UNCHRISTIAN ACTS NOW THOSE WERE THE LEADERS AND HERE WAS BRIGHAM YOUNG LEADER A RELIGIOUS SYSTEM MASSACRE WAS CARRIED OUT AND PLANNED CARRIED BY OFFICERS *AND*[?] THE MEN WHO WERE ENGAGED IN IT BISHOPS AND PRESIDENTS OF IT AND HEAD OF THE CHURCH WHO *MILITATES*[?] TO HIMSELF THE POWERS OF PROPHET	OTHER ALTERNATIVE AND RECEIVE MY PORTION IN HELL RATHER THAN GAIN HEAVEN AT THE EXPENSE OF SUCH OUTLANDISH AND UNCHRISTIAN ACTS. *[60]* NOW, THOSE WERE THE LEADERS AND HERE WAS BRIGHAM YOUNG, LEADER OF A RELIGIOUS SYSTEM. THE MASSACRE WAS CARRIED ON AND PLANNED —CARRIED OUT BY OFFICERS ON THE GROUND. WHO WERE ENGAGED IN IT? BISHOPS AND PRESIDENTS OF THAT RELIGIOUS ORGANIZATION AND THE HEAD OF THE CHURCH, WHO MILITATES WI~~TH~~ TO HIMSELF THE POWERS OF THE PROPHET - THE	OTHER ALTERNATIVE AND RECEIVE MY PORTION IN HELL RATHER THAN GAIN HEAVEN AT THE EXPENSE OF SUCH OUTLANDISH AND UNCHRISTIAN ACTS. *[60]* NOW, THOSE WERE THE LEADERS AND HERE WAS BRIGHAM YOUNG, LEADER OF A RELIGIOUS SYSTEM. THE MASSACRE WAS CARRIED ON AND PLANNED —CARRIED OUT BY OFFICERS ON THE GROUND**.** WHO WERE ENGAGED IN IT? BISHOPS AND PRESIDENTS OF THAT RELIGIOUS ORGANIZATION ~~AND~~ THE HEAD OF ~~THE~~ **WHICH** CHURCH, **ARROGATES** ~~WHO~~ ~~MILITATES~~ ~~WITH~~ TO HIMSELF THE POWERS OF PROPHET - THE

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RS	PS	RT	BT
VICE-GERENT GOD THOSE MEN WHO ARE THE CHOSEN OF GOD DIRECTS ONE OF HIS AGENTS = ONE OF HIS ADHERENTS WHOM HE BAPTIZED INTO THE CHURCH TO GO FORTH AND ROB THESE POOR HELPLESS {LITTLE}[i] CHILDREN MY GOD WHAT A SPECTACLE IS PRESENTED TO THE WORLD IS IT POSSIBLE MEN WHO HAVE WHITE MAN'S SKIN COULD HAVE DONE LET THE RELIGIOUS[605] FANATICISM AND THE FALSE TEACHING MADE THEMSELVES PARTY TO SUCH AN HEINOUS OFFENSE	IF SUCH MAN OF GOD TELLS THOSE ~~TELL~~ AGENTS ONE OF HIS ADHERENTS *WHOM*[?] HE BAPTIZED INTO THE CHURCH TO GO FORTH AND ROB THESE POOR LITTLE CHILDREN MY GOD WHAT A SPECTACLE IS PRESENTED TO THE WORLD IS IT POSSIBLE THAT MEN COULD BY A RELIGIOUS FANATICISM AND *ACT*/*SUBJECT* [?][606] HAVE MADE THEMSELVES [*space*] TO DO THIS	VICE-GERENT O~~G~~**F** GOD. THE**I**SE MEN WHO ~~ARE~~ **WAS** THE CHOSEN~~ESS~~ ~~OF~~ **OF** GOD DIRECTS ONE OF HIS RELIGIOUS BODY, ONE OF HIS ADHERENTS WHOM HE BAPTISED INTO THE CHURCH TO GO FORTH AND ~~HELP~~ ROB THESE POOR ~~L~~HELPLESS LITTLE ~~LITTLE~~ CHILDREN. MY GOD WHAT A SPECTACLE IS HERE PRESENTED TO THE WORLD! IS IT POSSIBLE THAT A MAN HAVING A WHITE MAN'S SKIH COULD HAVE BEEN LED BY A RELIGIOUS FANATICISM AND ON FALSE TEACHING NERVE THEMSELVES TO COMMIT SUCH AN HEINOUS OFFENSE.	VICE-GERENT O~~G~~**F** GOD. TH~~E~~**I**S~~E~~ M~~E~~**A**N ~~ARE~~ **WAS** THE CHOSEN ~~GGOF G~~ **OF** GOD DIRECTS ONE OF HIS RELIGIOUS BODY, ONE OF HIS ADHERENTS WHOM HE BAPTISED INTO THE CHURCH TO GO FORTH AND ~~HELP~~ ROB THESE POOR ~~L~~HELPLESS LITTLE ~~LITTLE~~ CHILDREN. MY GOD WHAT A SPECTACLE IS HERE PRESENTED TO THE WORLD! IS I~~S~~T POSSIBLE THAT ~~A MAN~~ **MEN** HAVING A WHITE MAN'S SKI~~H~~N COULD HAVE BEEN LED BY ~~A~~ RELIGIOUS FANATICISM AND ~~ON~~ FALSE TEACHING NERVE THEMSELVES TO COMMIT SUCH AN HEINOUS OFFENSE.

605. Written over lighter, illegible shorthand.
606. Possibly crossed out.

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RS	PS	RT	BT
NOTHING SHORT OF THE POSITIVE EVIDENCE WHICH HAS BEEN SHOWN IN THIS CASE WOULD MAKE ME BELIEVE ANY SUCH A RESULT EVIDENCE BEING BEFORE YOU UNCONTRADICTED EVIDENCE THAT MUST CONVINCE MEN OF WHAT WAS DONE THIS INEVITABLY LEADS YOU {TO}[i] THAT CONCLUSION AND THE WHOLE FACTS, CERTAIN CIRCUMSTANCES, DECLARATIONS OF THE PARTIES, IN GOING TO {THE}[i] FIELD THAT THESE FIENDS WHO KILLED ~~<~~THE~~>~~ PROPHET J SMITH DECLARATION OF LEE MADE	NOTHING SHORT OF POSITIVE EVIDENCE SUCH HAS BEEN SHOWN IN THIS CASE CAN MAKE ME BELIEVE THIS ~~<~~AND I MAY SUPPOSE~~>~~ THE EVIDENCE THAT CAN CONVINCE A MAN OF WHAT WAS DONE AND INEVITABLY LEAD YOU TO THAT CONCLUSION [*space*] AND *DECLARE*[?] *[[7]]* OF THE PARTIES GOING TO THE FIELD [*space*]	NOTHING SHORT OF THE POSITIVE EVIDENCE WHICH HAS BEEN SHOWN IN THIS CASE CAN MAKE ME BELIEVE ANY SUCH A RESULT. THE EVIDENCE BEING BEFORE YOU, UNCONTRADICTED,—THE EVIDENCE THAT MUST CONVINCE THE MIND OF WHAT WAS DONE, ~~THAT~~ AND THAT HAS INEVITABLY LED YOU TO THAT CONCLUSION, AND THE WHOLE FACTS —CERTAIN CIRCUMSTANCES, DECLA~~T~~RATION F OF THE PARTIES IN GOING TO THE FIEL~~;~~D THAT THEY HAD KILLED THE PROPHET JOSEPH SMITH,, WITH THE DECLARATIONS OF LEE MA DE	NOTHING SHORT OF THE POSITIVE EVIDENCE WHICH HAS BEEN SHOWN IN THIS CASE CAN MAKE ~~N~~ME BELIEVE ANY SUCH A RESULT. THE EVIDENCE BEING BEFORE YOU, UNCONTRADICTED,—THE EVIDENCE THAT MUST CONVIN~~E~~CE THE MIND OF WHAT WAS DONE, ~~THAT~~ AND THAT HAS INEVITABLY LED YOU TO THAT CONCLUSION, AND THE WHOLE FACTS —CERTAIN CIRCUMSTANCES, DECLA~~T~~RATION ~~F~~**S** OF THE PARTIES IN GOING TO THE FIEL~~;~~D THAT THEY HAD KILLED THE PROPHET JOSEPH SMITH,, WITH THE DECLARATIONS OF LEE MA DE

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RS	PS	RT	BT
TO MR. ROBERTS THAT WAS THE CAUSE OF IT, {AND}[i] JUSTIFIED HIS COMPLICITY IN IT ON THAT GROUND	AND BY MR. ROBERTS AFTER AND THAT THAT WAS THE CAUSE OF OF IT JUSTIFIED ON THAT GROUND [*space*]	TO MR. ROBERTS THAT THAT WAS THE CAUSE OF IT, AND HE JUSTIFIED HIS COMPLICITY IN IT ON THE GROUND.	TO MR. ROBERTS THAT THAT WAS THE CAUSE OF OF IT, AND HE JUSTIFIED ~~J~~HIS COMPLICITY IN IT ON THE GROUND **THAT HE WAS ACTING UNDER ORDERS & BECAUSE SOME OF THEM WERE SAID TO HAVE TAKEN PART IN THE KILLING OF THE PROPHET JOSEPH.**. IT IS **NOT** ~~THE~~ ONLY PROOF **BUT** ~~THAT~~ ~~IS~~ POSITIVE FACTS **THAT WE WANT TO MAKE US BELIEVE**, THAT ANY 50 MEN, ~~30 ,~~ 40 OR 30 MEN, O~~T~~R THAT ANY NUMBER OF MEN WEARING WHITE SKINS COULD HAVE BEEN ENGAGED IN SUCH AN IN~~N~~HUMAN BUTCHERY AS THAT OF THE MOUNTAIN
IT IS ONLY PROOF THAT IS POSITIVE FACTS	IT IS ONLY PROOF THAT IS THE *TRUSTED/*—[?] FACTS	IT IS THE ONLY PROOF THAT IS POSITIVE FACTS,	
{THAT ANY 50 MEN = 30 40 OR> 50[607] <THAT ANY MEN>}[i] MEN WEARING WHITE SKINS COULD HAVE BEEN ENGAGED IN SUCH AN INHUMAN BUTCHERY AS THAT OF THE MOUNTAIN	THAT ANY 50 MEN 40 OR 30 MEN THAT ANY MEN COULD HAVE BEEN ENGAGED IN SUCH INHUMAN BUTCHERY AS THAT OF THE MOUNTAIN	THAT ANY 50 MEN, 30 , 40 OR 30 MEN, OR THAT ANY NUMBER OF MEN WEARING WHITE SKINS COULD HAVE BEEN ENGAGED IN SUCH AN INHUMAN BUTCHERY AS THAT OF THE MOUNTAIN	

607. Ink digits written over illegible pencil characters.

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RS	PS	RT	BT
MEADOW BUTCHERY AS I SAID BEFORE NOT ONLY FACTS CERTAIN CIRCUMSTANCES	MEADOW BUTCHERY [*space*] EVERYTHING	BUTCHERY. AS I HAVE SAID BEFORE NOT ONLY THE FACTS BUT CERTAIN CIRCUMSTANCES	BUTCHERY. AS I HAVE SAID BEFORE NOT ON~~,~~LY THE FACTS BUT CERTAIN CIRCUMSTANCES
CORROBORATE KLINGENSMITH [*space*] THE FACT THAT {THE}[i] MASSACRE WAS PERPETRATED CORROBORATES HIM. IF IT IMPLICATES MORMON CHURCH GENTLEMEN OF THE JURY IT IS NOT THE FAULT OF THIS	CORROBORATES KLINGEN SMITH IF HE IMPLICATES THE MORMON CHURCH IT IS NOT THE FAULT OF THIS	CORROBERATE KLINGENSMITH, IN FACT THAT THE MURDER WAS PERPETRATED CORROBERATE~~S~~D ~~IT~~ HIM .. IF IT IMPLICATES THE MORMON CHURCH, GENTLEMEN OFTHE JURY, IT IS NOT THE FAULT OF THIS	CORROBERATE KLINGENSMITH, IN FACT THAT THE MURDER WAS PERPETRATED CORROBERATE~~S~~D ~~IT~~ HIM .. IF IT IMPLICATES THE MORMON CHURCH, GENTLEMEN OFTHE JURY, IT IS NOT THE FAULT OF ~~THIS~~ **THIS**
PROSECUTION, {AND}[i] WHILE IT WOULD BE {AN}[i] UNJUST THING, I HERE WISH {TO}[i] EXPLAIN IT UP EXPLICITLY IN THAT, WHILE IT WOULD BE UNJUST IN ARRAIGNING ALL MEMBERS OF THAT CHURCH	PROSECUTION AND WHILE IT WOULD BE AN UNJUST THING AND TO ARRAIGN AND HOLD RESPONSIBLE ALL THE MEMBERS OF THAT CHURCH	PROSECUTION, AND WHILE IT WOU~~O~~LD BE AN UNJUST THING TO ARRAIGN AND HOLD RESPONSIBLE ALL OF THE MEMBERS OF THAT CHURCH, —AND I HERE	PROSECUTION, AND WHILE IT WOU~~O~~LD BE AN UNJUST THING TO ARRAIGN ~~THEM~~ AND HOLD RESPONSIBLE ALL OF THE MEMBERS OF THAT CHURCH, —AND I HERE

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RS	PS	RT	BT
I DO HOLD BRIGHAM YOUNG RESPONSIBLE; I DO HOLD THE SYSTEM HE HAS CREATED, WHICH DISTINCT{LY}[i] TEACHES AND CARRIES OUT IN —[?] {PREACHING AND PRACTICE THE}[i] SHEDDING OF HUMAN BLOOD TO ATONE FOR REAL OR IMAGINARY OFFENSES{, BUT}[i] I HOLD I ARRAIGN {THE}[i] LEADERS OF {THE}[i] CHURCH BUT {WHILE I}[i] ARRAIGN THIS INIQUITOUS SYSTEM I WOULD NOT HOLD RESPONSIBLE {THE}[i] INDIVIDUAL MEMBERS OF	I DO HOLD BRIGHAM YOUNG RESPONSIBLE I DO HOLD THE SYSTEM THAT HE HAS CREATED THAT DISTINCTLY TEACHES THE SHEDDING OF BLOOD TO ATONE FOR REAL OR IMAGINARY OFFENSES BUT WHILE I ARRAIGN THIS INIQUITOUS SYSTEM I WOULD NOT HOLD RESPONSIBLE THE INDIVIDUAL MEMBERS OF	WISH TO EXPLAIN IT EXPLICITLY—I DO HOLD BRIGHAM YOUNG RESPONSIBLE; I DO HOLD THE SYSTEM WHICH HAS CARRIED OUT [61] ~~AND~~ WHICH DISTINC~~L~~TLY TEA~~S~~CHES AND AND CARRIES OUT IN ITS PREACHING AND PRACTICES NO SHEDDING OF HUMAN BLOOD TO ATONE FOR REAL OR IMAGINARY OFFENSES. I HOLD, I ARRAIGN THIS INIQUITOUS SYSTEM, AND THE LEADERS OF THE CHURCH. BUT WHILE I ARRAIGN THIS INIQUITOUS SYSTEM I WOULD NOT HOLD RESPONSIBLE THE INDIVIDUAL MEMBERS OF	WISH TO EXPLAIN IT EXPLICITLY—I DO HOLD BRIGHAM YOU~~N~~G RESPONSIBLE; I DO HOLD THE SY~~E~~STEM WHICH HAS CARRIED OUT— [61] ~~AND~~ WHICH DISTINC~~L~~TLY TEA~~S~~CHES AND ~~AND~~ CARRIES OUT IN ITS PREACHING AND PRACTICES THE SHEDDING OF HUMAN ~~L~~BLOOD TO ATONE FOR REAL OR IMAGINARY OFFENSES. I HOLD, I ARRAIGN THIS INIQUITOUS SYSTEM, AND THE LEADERS OF THE CHURCH. BUT WHILE I ARRIAIGN THIS INIQUIT~~OU~~S SYSTEM I WOULD NOT HOLD RESPONSIBLE THE INDIVIDUAL MEMBERS OF

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RS	PS	RT	BT
THE CHURCH AND IT IS NOT —[?] OF THEIR MIND *AFTERWARD/*—[?] AND IF SOME COME UNDER SUSPICION FACT HE SEEMS TO ACT AS ACCESSORY AFTER THE FACT, I WOULD {NOT}[i] HOLD 'EM RESPONSIBLE BECAUSE ~~*ASSOCIATION*[?]~~ {CONSCIENCE}[i] WOULD NOT JUSTIFY SUCH A RESULT THERE ARE {A}[i] GREAT MANY HONEST MEN {JUST MEN,}[i] GOOD MEN MANY WHO *MAKE*[?] GREATER PERSONAL SACRIFICES FOR THEIR RELIGION THAN ANY OTHER CLASS AND *KT*[?] ALTHOUGH THEY LIVED AMONG EVIL *HERE*[?] THIS THING THEY HAVE GIVEN UP THEIR	THE CHURCH AND IT IS NOT GOING TO SPREAD ALL AROUND UTAH AND [*space*] SEEM TO ACT AS ACCESSORY AFTER THE ACT I WOULD NOT HOLD THEM RESPONSIBLE BECAUSE MY ASSOCIATION AMONG THE MORMONS WOULD NOT JUSTIFY THE RESULT GREAT MANY ~~HAVE~~ GOOD ~~MANY~~ MEN JUST MEN WHO MAKE GREATER PERSONAL SACRIFICES FOR THE CHURCH THAN ANY OTHER MEN	THE CHURCH AND IT IS NOT GOING TO SPREAD ALL AROUND UTAH.. YET HE SEEMS TO COME IN AS ACCESSORY AFTER THE FACT. I WOULD NOT HOLD THEM ALL RESPONSIBLE BECAUSE MY ASSOCIATION AMONG THE MORMONS WOULD NOT JUSTIFY SUCH A RESULT. THERE ARE A GREAT MANY HONEST MEN, JUST MEN, G OD MEN— MANY WHO HAVE MADE GREATER PERSONAL SACRIFICES FOR THEIR RELIGI N AND CHURCH THAN ANY OTHER CLASS. BUT THEY HAVE GIVEN UP THEIR	THE ~~D~~CHURCH AND IT IS NOT GOING TO SPREAD ALL AROUND UTAH.. YET HE SEEMS TO COME IN AS ACCESSORY AFTER THE FACT. I WOULD NOT HOLD TH EM ALL RESPONSIBLE BECAUSE MY ASSOCIATION **AMONG** ~~AMONG~~ THE MORMONS ~~S~~WOULD NOT JUSTIFY SUCH A RESULT. THERE ARE A GREAT MANY HONEST MEN, JUST MEN, G**O**OD MEN— MANY WHO HAVE MADE GREATER PERSONAL SACRAFICES FOR THEIR RELIGION AND CHURCH THAN ANY OTHER CLASS. BUT THEY HAVE GIVEN UP THEIR

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RS	PS	RT	BT
INDIVIDUALITY TO THEIR LEADERS; THEY HAVE LAID DOWN THAT MANHOOD IN THIS ALLOW LEADERS AND TEACHERS IN THIS SYSTEM, TO DICTATE TO THEM IN ALL MATTERS SPIRITUAL AS WELL AS TEMPORAL; THEY HAVE ALLOWED THEMSELVES TO BE MADE VASSALS OF SLAVES OF, THOSE WHO HAVE BEEN EDUCATED = THOSE OF THEM WHO HAVE BEEN BORN IN THE CHURCH FROM EARLY CHILDHOOD TO OBEY WITHOUT QUESTION OR DISPUTE ANY COUNSEL, ANY ORDERS OF THE HEADS {OF}[i] THE CHURCH IT HAS BEEN A PRINCIPLE THAT	THEY *GO/TOGETHER*[?] GIVE UP THEIR MANHOOD IN THIS THAT THEY ALLOW LEADERS TO DICTATE IN ALL MATTERS SPIRITUAL AS WELL AS TEMPORAL ALLOWED THEMSELVES TO BE MADE ~~≤~~VASSALS~~≥~~ SLAVES OF THOSE WHO HAVE BEEN EDUCATED IN THE CHURCH FROM EARLY CHILDHOOD OBEY WITHOUT QUESTION OR DISPUTE LEARN TO DO ANYTHING WITHOUT DISPUTE ~~THIS~~ [*space*] IT IS A *PRINCIPLE*[?] THAT	INDIVIDUALITY TO THEIR LEADERS; THEY HAVE LAID DOWN THAT MANHOOD TO THE~~R~~SE LEADERS AND TEACHERS OF THIS SYSTEM TO DICTATE TO THEM ALL MATTERS, SPIRITUAL AS WELL AS TEMPORAL. THEY HAVE ALLOWED THEMSELVES TO ~~M~~BE B MADE VA~~LL~~SSALS OF , SLAVES OF. THOSE WHO HAVE BEEN EDUCATED FROM EARLY CHILDHOOD TO OBEY WITHOUT ANY QUESTION OR DISPUTE, ANY COUNCIL ANY ORDERS OF THE HEADS OF THE CHURCH. IT HAS BEEN A PRINCIPAL THAT	INDIVIDUALITY TO THEIR LEADERS; THEY HAVE LAID DOWN THAT MANHOOD TO THE~~R~~SE LEADERS AND TEACHERS OF THIS SYSTEM TO DICTATE TO THEM IN ALL MATTERS, SPIRITUAL AS WELL AS TEMPORAL. THEY HAVE ALLOWED THEMSELVES TO **BE** ~~MBE~~ ~~B~~ MADE VA~~LL~~SSALS OF , SLAVES OF. THOSE WHO HAVE BEEN EDUCATED **IN IT** FROM EARLY CHILDHOOD **HAVE BEEN TAUGHT** TO OBEY WITHOUT ANY QUESTION OR DISPUTE, ANY COUNC~~I~~L ANY ORDERS OF THE HEADS OF THE CHURCH. IT HAS BEEN A PRINCIPAL THAT

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RS	PS	RT	BT
EVERYTHING THAT EMANATES FROM THE HEADS OF THE CHURCH IS FROM GOD; AND TO DISPUTE HEADS OF THE CHURCH IS TO DISPUTE GOD HIMSELF THEN COUPLE THAT WITH THE SIMILAR MASSACRE EVERY PRINCIPLE IN THE OLD TESTAMENT ~~<~~WHICH IS SAID~~>~~ TO HAVE EMANATED FROM GOD HIMSELF, AS IN THE ACTS OF "AI." THIS INFLUENCE ACTED UPON THE MIND [17] AND PROBABLY MANY {OF THE}[i] MEN WHO WENT INTO THIS MASSACRE MAY HAVE BEEN LED BY THEIR	EVERYTHING FROM HEADS OF CHURCH IS FROM GOD AND TO DISPUTE THAT TO DISPUTE GOD HIMSELF AND THIS AS IN THE ACTS **AI** *THESE THINGS/THIS INFLUENCE*[?] ACTED UPON THE MIND PROBABLY MANY OF THE MEN WHO WENT INTO THIS MASSACRE IT BEING A RELIGIOUS MASSACRE MAY HAVE BEEN LED BY THEIR	EVERYTHING THAT EMINATES FROM THE HEADS OF THE CHURCH IS FROM GOD, AND TO DISPUTE THE HEADS OF THE CHURCH IS TO DISPUTEG~~T~~OD HIMSELF. THEN, COU~~L~~PLE THAT WITH A SIMILAR MAS ACRE. EVERY PRINCIPLE IN THE OLD TESTAMENT WHICH IS SAID TO HAVE EMINATED FROM GOR HIMSELF AS IN THE ACTS OF AI. THESE THINGS ACTED UPON THE MIND AND PROBABLY MANY OF THE MEN WHO WENT INTO THIS MASSACRE ~~MIGHT~~ **THINKING A RELIGION UP AND MAY** HAVE BEEN LEAD BY THEIR	~~3~~EVERYTHING THAT EMINATES FROM THE HEADS OF THE CHURCH IS FROM GOD, AND TO DISPUTE THE HEADS OF THE CHURCH IS TO DISPUTEG~~T~~OD **H**IMSELF. THEN, COU~~L~~PLE THAT WITH A SIMILAR MASS**S**ACRE. EVERY PRINCIPLE IN THE OLD TESTAMENT ~~WHICH~~ IS SAID TO HAVE EMINATED FROM GO~~R~~**RD** HIMSELF AS IN THE **MASSACREE** ~~ACTS~~ OF AI. THESE THINGS ACTED UPON THE MIND AND PROBABLY MANY OF THE MEN WHO WENT INTO THIS MASSACRE ~~MIGHT~~ **IT BEING A RELIGIOUS MASSACRE MAY** HAVE BEEN LEAD BY THEIR

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RS	PS	RT	BT
RELIGIOUS FANATICISM, BY THE FACT THAT THEY HAD YIELDED THEIR INDIVIDUAL MANHOOD {TO THE}[i] HEADS OF {THE}[i] CHURCH	RELIGIOUS FANATICISM BY THE *[[8]]* FACT THAT THEY HAD —[?] MANHOOD TO THE HEADS OF CHURCH	RELIGIOUS FANATICISM BY THE FACT THAT THEY HAD YIELDED THEIR INDIVIDUALIT AND MANHOOD TO THE HEADS OF THE CHURCH.	RELIGIOUS FANATICISM BY THE FACT THAT THEY HAD YIELDED **UP** THEIR INDIVIDUALITY AND MANHOOD TO THE HEADS OF THE CHURCH **THAT THEY WERE DOING THE WILL OF GOD**.
THEY WERE DRAGGED IN TO IMPLICATED INTO THIS MOST HEINOUS CRIME. {**A**}[i] GREAT MANY HONEST MEN IN THE MORMON CHURCH DON'T BELIEVE {THESE THINGS AND THE}[i] FACT THAT WOULD PRESENT ITSELF TO THEIR MINDS IF THEY WILL ONLY THROW OFF SHACKLES ≤AND USE≥ THAT REASON GOD GAVE YOU TO EXERCISE INDEPENDENT~~LY~~ = IF YOU THEY	AND DRAGGED INTO THIS HEINOUS CRIME A GREAT MANY HONEST MEN IN THE MORMON CHURCH DON'T BELIEVE THESE THINGS AS THEY WOULD IF THEY *THROW/THREW*[?] OFF THE SHACKLES AND IF THE FACTS WERE	THEY WERE DRAGGED INTO IMPLICATED INTO—THIS MOST HEINOUS CRIME. A GREAT MANY HONEST MEN IN THE MORMON CHURCH DON'T BELIEVE THESE THINGS AND THE FACT THAT WOULD PRESENT ITSELF TO THEIR MINDS, IF THEY WILL ONLY THROW OFF THE SHACKLES AND *[62]*	THEY WERE DRAGGED INTO —IMPLICATED INTO—THIS MOST HEINOUS CRIME. A GREAT MANY HONEST MEN IN THE MORMON CHURCH DON'T BELIEVE THESE THINGS **BUT IT IS A** ~~AND THE~~ FACT THAT WOULD PRESENT ITSELF TO THEIR MINDS, IF THEY WILL ONLY THROW OFF THE SHACKLES AND USE THAT REASON THAT GOD GAVE YOU **TO** EXERCISE INDEPENDENTL Y**. I**F THEY *[62]*

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RS	PS	RT	BT
KNEW THE FACTS AS THEY EXIST THOSE OF THEM THAT ARE SINCERE {IN THE MORMON CHURCH =}[i] IF {THEY}[i] DO NOT BREAK LOOSE FROM {THE}[i]	BROUGHT HOME AND THE FACTS BROUGHT HOME THOSE OF THEM THAT ARE SINCERE IN THE MORMON CHURCH IF THEY DO NOT BREAK LOOSE FROM THE	KNEW THE FACTS AS THEY EXIST, THOSE OF THEM THAT ARE CINCERE IN THE MORMON CHURCH, IF THEY DO NOT BREAK LOOSE FROM THE ~~INSTITUTION~~	KNEW THE FA~~S~~CTS AS THEY EXIST, THOSE OF THEM THAT ARE ~~C~~**S**INCER~~S~~E IN THE MORMON CHURCH, IF THEY DO NOT BREAK LOOSE FROM THE ~~INSTITUTION~~
INIQUITOUS ~~HOUSE~~ {INSTITUTION,}[i] THEY WILL DO	MORMON CHURCH	INIQUITOUS INSTITUTION,	INIQUITOUS INSTITUTION,
THIS [*space*] THEY {WILL}[i] RISE UP IN MAJESTY OF THEIR STRENGTH CORRECT	THEY WILL RISE UP IN THE MAJESTY OF THEIR STRENGTH	THEY WILL RISE UP IN THEIR MAJESTY AND IN THEIR STRENGTH AND CORRECT THIS	THEY WILL RISE UP IN THEIR MAJESTY AND IN THEIR STRENGTH AND CORRECT THIS
THIS EVIL [*space*] WILL MAKE IT IMPOSSIBLE	AND MAKE IMPOSSIBLE FOR THE LEADERS OF THIS CHURCH	EVIL AND MAKE IT IMPOSSIBLE FOR THE LEADERS OF THIS CHURCH	EVIL AND MAKE IT IMPOSSIB~~L~~LE FOR THE LEADERS OF THIS CHURCH
TO ORDER THIS ONE HERE, AND THAT ONE THERE **TO** SCUTTLE THIS MAN, PUT THIS ONE SECRETLY OUT OF WAY AND THESE CRIMES	TO ORDER HERE AND THERE SCUTTLE THAT AND [*space*] OUT OF WAY [*space*] THESE CRIMES AMONG ~~<DISCUSSION *REAL/RULE IF I*[?]>~~ WHICH MOST FOUL	TO ORDER THIS ONE HERE AND THAT ONE THE~~R~~E TO SCUTTLE THIS MAN, PUT THIS ONE SECRETLY OUT OFTHE WAY. THESE CRIMES AMONG WHICH THE MOUST FOUL	TO ORDER THIS ONE HERE ~~ZM~~AND THAT ONE THE~~RE~~**,** TO SCUTTLE THIS MAN, **AND** PUT THIS ONE SECRETLY OUT OF THE WAY. THESE CRIMES AMONG WHICH THE MOUST FOUL

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RS	PS	RT	BT
	ONE IS THE MOUNTAIN MEADOW MASSACRE ≤NOW≥ IN[608] CONSIDERATIO N WILL STOP THESE MEN,	ONE IS THE MOUNTAIN MEADOW MASSACRE, WHICH IS NOW UNDER CONSIDERATIO N HAS	ONE ~~IN~~S THE MOUNTAIN MEADOW MASSACRE, WHICH IS NOW UNDER CO~~H~~NSIDERATI ON HAS
DISGRACED TERRITORY FOR YEARS THOSE MEN AND THIS TRIAL I HOPE WILL	AND THIS TRIAL I HOPE WILL	DISGRACED THE TERRITORY FOR YEARS, AND IT IS TO BE HOPED ~~IT~~ **THE TRIAL** WILL STOP THESE MEN AND	DISGRACED THE TE~~F~~RRITORY FOR YEARS, AND IT IS TO BE HOPED ~~IT~~ **THIS TRIAL** WILL STOP THESE MEN ~~,~~AND
BE PROLIFIC WITH MUCH GOOD, IF IT DON'T RESULT IN {THE}[i] PUNISHMENT OF THOSE MEN WHO {WERE}[i] ENGAGED IN THAT FOUL CRIME I HOPE IT WILL CORRECT THIS FANATICISM WHICH LED TO THIS FEARFUL RESULT, IF IT ACCOMPLISHES THAT GOOD {THEN THE}[i] TIME WE HAVE {SPENT HERE}[i] OUT HERE WILL NOT BE IN VAIN	BE PROLIFIC OF THAT MUCH GOOD, IF IT DON'T RESULT IN THE PUNISHMENT OF THOSE MEN WHO [*space*] I HOPE THAT IT WILL CORRECT THIS FANATICISM WHICH LED TO THIS FEARFUL RESULT IF IT ACCOMPLISHES THAT GOOD THEN THE TIME WE SPENT HERE WILL NOT BE IN VAIN	BE PROLIFIC OF THAT MUCH GOOD IF IT DON'T RESULT IN THE PUNISHMENT OF THESE MEN WHO WERE ENGAGED IN THAT FOUL CRIME. I HOPE IT WILL CORRECT THIS FANATICISM WHICH LED TO THIS FEARFUL RESULT. IF IT ACCOMPLISHES THAT MUCH GOOD, THEN THE A~~TTEM~~ TIME WE HAVE SPENT HERE WILL NOT BE IN VAIN.	BE PROLIFIC OF THAT MUCH GOOD IF IT DON'T RESULT IN THE PUNISHMENT OF THESE MEN WHO WERE ENGAGED IN THAT FOUL CRIME. I HOPE IT WILL CORRECT THIS FANATICISM WHICH LED TO THIS FEARFUL RESULT. IF IT ACCOMPLISHES THAT MUCH GOOD, THEN THE A~~TTEM~~ TIME WE HAVE SPENT HERE WILL NOT BE IN VAIN.

608. Originally written "NOW"; "OW" crossed out.

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RS	PS	RT	BT
{¶}[i] MY BROTHER BISHOP RELATED TO YOU, HAVING *PRP-T*[?][609] HE SAID MORMON CHURCH WAS ON TRIAL	~~HERE~~ [*space*] MY BROTHER BISHOP APPEALED TO YOU SAID THE MORMON CHURCH WERE ON TRIAL [*space*] BELIEVE FOR THE REASON THAT MANY MORMONS ON	MY BROTHER BISHOP RELATED TO YOU, HE SAID THE MORMON CHURCH WAS ON TRIAL.	MY BROTHER BISHOP RELATED TO YOU, HE SAID THE MORMON CHURCH WAS ON TRIAL.
HE APPEALED TO YOUR PREJUDICES = IT WAS THAT {HE}[i] APPEALED TO	THE JURY APPEALED TO YOUR PREJUDICES	IN THAT HE APPEALED TO YOUR PREJUDICES—IT WAS THAT WHICH HE APPEALED TO.	IN THAT HE APPEALED TO YOUR PREJUDICES—IT WAS THAT WHICH HE APPEALED TO.
THAT WAS THE OBJECT {WHICH HE}[i] HAD IN ARRAIGNING MORMON CHURCH. NO SIR	THAT WAS THE OBJECT WHICH HE HAD IN ARRAIGNING MORMON CHURCH NOW GENTLEMEN	THAT WAS THE OBJECT HE HAD IN ARRAIGNING THE MORMON CHURCH. NOW, GENTLEMEN,	THAT WAS THE OBJECT HE HAD IN ARRAIGNING THE MORMON CHURCH. NOW, GENTLEMEN,
YOU DON'T	YOU SHOULD NOT AS	DON'T YOU AS	DON'T YOU AS
JURYMEN ALLOW YOUR PREJUDICES TO WEIGH ON THE SCALE EITHER FOR OR AGAINST THIS PRISONER. EVIDENTLY THAT WAS	JURYMEN TO ALLOW YOUR PREJUDICES TO WEIGH IN THE SCHEME EITHER FOR OR AGAINST THIS JURY	JURYMEN ALLOW YOUR PREJUDICES TO WEIGH EITHER FOR OR AGAINST THIS PRISONER. EVIDENTLY THAT WAS	JURYMEN ALLOW YOUR PREJUDICES TO WEIGH EITHER FOR OR AGAINST THIS PRISONER. EVIDENTLY THAT WAS
{THE}[i] WHOLE TENOR OF THE GENTLEMAN'S	THE WHOLE TENOR OF THE GENTLEMAN'S	THE WHOLE TENOR OF THE GENTLEMAN'S	THE WHOLE TENOR OF THE GENTLEMAN'S

609. Ink shorthand was written over illegible pencil shorthand.

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RS	PS	RT	BT
DISCOURSE *{PATTERSON.[610] WAS TO REACH YOUR PREJUDICE.}[i] I DON'T KNOW HOW MANY MORMONS ARE ON THIS JURY; IT WAS SIMPLY BECAUSE HE KNEW THERE WAS ONE MORE ON THIS JURY WHO AS MEN THROUGH *L LS*[?] ~~<~~ALLEGIANCE~~>~~ WENT THROUGH THAT DARK INIQUITOUS HOLE IN WHICH SOME TERRIBLE OATHS ~~<~~ARE ADMINISTERED~~>~~ IN WHICH MEN HAVE SOMETHING DONE TO THEM, ~~THEREAFTER~~ {THEREFORE}[i]	*DISCOURSE*[?] WAS TO REAR YOUR PREJUDICE [*space*] I DON'T KNOW HOW MANY MORMONS WERE ON THIS JURY A SINGLE MORMON ~~<~~**OUT THERE**~~>~~[611] THROUGH THAT[612] HOLE INIQUITOUS HOLE IN WHICH SOME TERRIBLE OATHS IN WHICH MEN HAVE SOMETHING DONE TO THEM THAT *THEREAFTER/THEREFORE*[?]	DISCOURSE— WAS TO REACH YOUR PREJUDICE. I DON'T KNOW HOW MANY MORMONS ARE ON THIS JURY. IT WAS SIMPLY BECAUSE HE KNEW THERE WAS ONE OR MORE ON THS~~S~~IS JURY, WHO AS MEN ~~THREW THEIR~~ , THROUGH THEIR ALLEGIANCE HAD WENT THROUGH THAT DARK INIQUITOUS HOLE IN WHICH SOME TERRIBLE OATHS ARE ADMINISTERED, IN WHICH MEN HAVE SOMETHING DONE TO THEM, AND THAT THEREFORE	DISCOURSE— WAS TO REACH YOUR PREJUDICE. I DON'T KNOW HOW MANY MORMONS ARE ON THIS JURY. IT WAS SIMPLY BECAUSE HE KNEW THERE WAS ONE OR MORE ON THS~~S~~IS JURY, WHO AS MEN ~~THREW THEIR~~ , THROUGH THEIR ALLEGIANCE HAD **BEEN** ~~WENT~~ THROUGH THAT DARK INIQUITOUS HOL~~D~~E IN WHICH SOME TERRIBLE OATHS **WERE** ~~ARE~~ ADMINISTERED, IN WHICH MEN HAVE SOMETHING DONE TO THEM, **THAT** ~~AND~~ ~~THAT~~ ~~THEREFORE~~

610. Rogerson here noted that this insertion was taken from Patterson's shorthand. Rogerson's longhand appears above many shorthand symbols in the first two-thirds of the page; it is noted only where it becomes part of this transcript.

611. "**OUT THERE**" is written in Rogerson's longhand.

612. "THAT" is written over "*M*" or "*I/H M*[?]".

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RS	PS	RT	BT
DESTROYS THEIR INDIVIDUALITY, MAKES THEM FOLLOW AFTER BLIND BATS IT MAY BE ~~IF~~ ≤THAT HE≥ THOUGHT ≤THERE WERE≥ SOME MAN OF THAT SORT {WAS ON THIS JURY}[i] BY APPEALING TO HIS PREJUDICE IT MIGHT ENABLE HIM OVERCOME = OVERPOWERING {THE}[i] WEIGHT OF TESTIMONY SHOW{ING **THE**}[i] GUILT OF THAT MAN JOHN D. LEE. ¶ GENTLEMEN OF THE JURY AS I HAVE BEFORE SAID, IF THIS TRIAL MUST BE PROLIFIC {OF}[i] ANY GOOD RESULTS WHETHER IT PROVES GUILT OF *OF/AND/*—[?] JUSTICE OR NOT, I KNOW THIS	DESTROYS THEIR INDIVIDUALITY IT MAY BE THAT HE THOUGHT SOME MAN OF THAT SORT WAS ON THIS JURY AND BY APPEALING TO HIS PREJUDICE *[[9]]* IT MIGHT ENABLE HIM TO *OVERCOME/OVER POWER*[?] THE WEIGHT OF TESTIMONY SHOWING GUILT OF THAT MAN JOHN D. LEE ¶[613] AS THAT I BEFORE SAID, IF THIS TRIAL MUST BE PROLIFIC ANY GOOD RESULTS WHETHER IT PROVES GUILT OR JUSTICE OR NOT I KNOW THIS	DESTROYS THEIR INDIVIDUALITY ; MAKES THEM FOLLOW LIKE BLIND BATS. IT MAY BE THAT HE THOUGHT THERE WA SOME MEN OF THAT SORT WAS ON THIS JURY, AND BY APPEALING TO HIS PREJUDICE, IT MIGHT ENABLE HIM TO OVERCOME THE OVERPOWERING WEIGHT OF TESTIMONY ~~THROWING~~ SHOWING THE GUILT OF THAT MAN JOHN D. LEE. *[[63]]* GENTLEMEN, OF THE JURY AS I BEFORE SAID, IF THIS TRIAL MUST BE PROLIFIC OF ANY GOOD RESULTS, WHETHER IT PROVES THE GUILT OF JUSTI~~C~~E OR NOT, I KNOW THIS	DESTROYS THEIR INDIVIDUALITY ; MAKES THEM FOLLOW LIKE BLIND BATS. IT MAY BE THAT HE THOUGHT THERE WA**S** SOME MEN OF THAT SORT ~~WAS~~ ON THIS JURY, AND BY APPEALING TO HIS PREJUDICE, IT MIGHT ENABLE HIM TO OVERCOME THE OVERPOWERING WEIGHT OF TESTIMONY ~~THROWING~~ SHOWING THE GUILT OF THAT MAN JOHN D. LEE. ***[63]*** GENTLEMEN, OF THE JURY AS I BEFORE SAID, IF THIS TRIAL MUST BE PROLIFIC OF ANY GOOD RESULTS, WHETHER IT PROVES THE GUILT OR JUSTI~~C~~E OR NOT, I KNOW THIS

613. In Rogerson's hand.

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RS	PS	RT	BT
PREJUDICE EXISTS I HAVE SEEN IT IN THE JURY BOX YES I HAVE, AND I {HERE}[i] NOW	PREJUDICE EXISTS *AND*[?] I HAVE SEEN IT IN THE JURY BOX AND I AM NOW	PRE JUDICE EXISTSZ. I HAVE SEEN IT IN THE JURY BOX—YES, I HA~~C~~VE; AND I HERE NOW	PREJUDICE EXISTS~~Z~~. I HAVE SEEN IT IN **THIS** ~~THE~~ JURY BOX—YES, I HA~~C~~VE; AND I HERE NOW
LIBERTY TO TALK TO YOU UPON {THAT THE}[i] POINT BECAUSE BY DISCUSSIONS OF TRIALS CASES IN JURY BOX	LABORING AND TALKING TO YOU ON THIS POINT BECAUSE	TAKE THE LIBERTY OF TALKING TO YOU UPON THAT PONT BECAUSE BY DISCUSSIONS OF TRIALS IN THE JURYBOX	TAKE THE LIBERTY OF TALKING TO YOU UPON THAT PONT**,** BECAUSE BY DISCUSSIONS OF TRIALS IN THE JURY BOX
POLITICAL INFLUENCES WERE ESPECIALLY BROAD; THEY HAVE AN INFLUENCE OUTSIDE OF THE SIMPLE CONVICTION OR ACQUITTAL OF THE MAN ON TRIAL NO	POLITICAL INFLUENCES ARE SHED ABROAD *RFSMS/RTHSMS*[?] ~~*RS*[?]~~ [*space*]	POLITICAL INFLUENCES ARE SHED ABROAD, AND THEY HAVE AN INFLUENCE OUTSIDE OF THE SIMPLE CONVICTION OR ACQUITAL OF THE MAN ON TRIAL. NO,	POLITICAL INFLUENCES ARE SHED ABROAD, AND THEY HAVE AN INFLUENCE OUTSIDE OF THE SIMPLE CONVICTION OR ACQUITAL OF THE MAN ON TRIAL. NO,
SIR, HE REFERRED TO THAT FOR PURPOSE OF IMPRESSING UPON YOUR MIND {THAT THE}[i] PROSECUTION IS PERSECUTING MORMON CHURCH {I SAY}[i] THAT IS A MISTAKEN IDEA	HE REFERRED TO THAT FOR THE PURPOSE OF IMPRESSING UPON YOUR MIND THAT THE PROSECUTION IS PERSECUTING THE MORMON CHURCH I SAY THAT IS A MISTAKEN IDEA	GENTLEMEN, HE REFERRED TO THAT FOR THE PURPOSE OF IMPRESSING UPON YOUR MINDS THAT THE PROSECUTION IS PERSECUTING THE MORMON CHURCH. I SAY THAT TH T IS A MISTAKEN IDEA.	GENTLEMEN, HE REFERRED TO THAT FOR THE PURPOSE OF IMPRESSING UPON YOUR MINDS THAT THE PROSECUTION IS PERSECUTING THE MORMON CHURCH. I SAY THAT TH**A**T IS A MISTAKEN IDEA.

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RS	PS	RT	BT
NO PERSON DESIRES TO PERSECUTE MORMON CHURCH OR ANY INDIVIDUAL MEMBER OF MORMON CHURCH CERTAINLY {THE}[i] SUGGESTION I HAVE MADE MUST APPEAL TO REASON, ANYTHING {THAT WE}[i] MAY SAY {ON THIS TRIAL THAT MAY LEAD TO IT TO}[i] THROW OFF THESE SHACKLES {AND}[i] THESE MEN WHO HAVE CONTEMPLATED FOLLOWED VOICE {OF THE}[i] LEADERS GONE OUT TO HORRIBLE MASSACRE IF IT ENABLE YOU ASSERT YOUR INDIVIDUALITY AND LOP OF THOSE FAULTS OF MORMON CHURCH IS THAT	NO PERSON DESIRES TO PERSECUTE MORMON CHURCH OR ANY INDIVIDUAL MEMBER OF MORMON CHURCH [*space*] IF ANYTHING THAT WE MAY SAY ON THIS TRIAL MAY LEAD YOU TO THROW OFF THE SHACKLES AND THOSE MEN WHO HAVE *CONTEMPLATED*[?] FOLLOWING THE ADVICE OF LEADERS IF IT *COURAGES*[?] THEM TO LOP OFF THOSE FAULTS OF THE MORMON CHURCH, IS THAT	NO PERSON DESIRES TO PERSECUTE THE MORMON CHURCH OR ANY ONE ~~D~~ INDIVIDUAL OF THE MORMON CHURCH, AND CERTAINLY THE SUGGE~~N~~STION THAT I HAVE MADE MUST APPEAL TO YOUR REASON/ NOTHING THAT WE MAY SAY ON THIS TRIAL OR THAT MAY LEAD TO IT TO THROW OFF THE SHACKLES, AND THESE MEN WHO HAVE CONTEMPLATED FOLLOWING THE VOICE OF THE LEADERS AGAIN~~S~~T IT— THAT HORRIBLE MASSACRE—IF IT WILL ENABLE YOU ASSERT YOUR INDIVIDUALITY AND LOP OF THESE FAULTS OF THE MORMON CHURCH, —IS THAT	NO PERSON DESIRES TO PERSECUTE THE MORMON CHURCH OR ANY ONE ~~D~~ INDIVIDUAL OF THE MORMON CHURCH, AND CERTAINLY THE SUGGE~~N~~STION**S** THAT I HAVE MADE MUST APPEAL TO YOUR REASON/ NOTHING THAT WE MAY SAY ON THIS TRIAL OR THAT MAY LEAD **YOU** ~~TO IT~~ TO THROW OFF THE SHACKLES, AND THESE MEN WHO HAVE CONTEMPLATED FOLLOWING THE VOICE OF THE LEADERS AGAIN~~S~~T IT— THAT HORRIBLE MASSACRE—IF IT WILL ENABLE YOU ASSERT YOUR INDIVIDUALITY AND LOP OF THESE FAULTS OF THE MORMON CHURCH, —IS THAT

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RS	PS	RT	BT
PERSECUTION IS THAT DOING YOU HARM I ASSURE YOU SIR I THINK MY BROTHER CAREY IS IN THIS WE HAVE NO FEELING AGAINST {A}[i] MEMBER OF MORMON CHURCH IF IS {HE}[i] IS {A}[i] GOOD CITIZEN, HONEST MAN LAW-ABIDING MAN MY FRIEND {I AND MY BROTHER}[i] MY FRIEND CAREY WOULD BE AS FAR FROM DOING INJUSTICE AS WE WOULD ANY MAN, IN PLACE OF PERSECUTING YOU MORMONS ANY TENDENCY TO MERCY OBJECT I SEEK {TO}[i] ACCOMPLISH, IS TO DO YOU	PERSECUTION IS THAT DOING YOU HARM ~~◅~~I SPEAK FOR MYSELF AND SOME[614]~~▻~~ I WHO HAVE [*space*] WE HAVE NO FEELING AGAINST MORMON CHURCH IF HE IS A GOOD CITIZEN, LAW ABIDING MAN I AND MY FRIEND CAREY WOULD BE AS FAR FROM DOING HIM INJUSTICE AS WOULD ANY —/*OTHER*[?] LIVING MAN, INSTEAD OF PERSECUTING YOU THIS TENDENCY IS PITY	PERSECUTION? IS THAT DOING YOU HARM. AND I ASSURE YOU GENTLEMEN , THAT I THINK MY BROTHER CAREY IS ALSO WITH ME IN THIS. WE HAVE NO FEELING AGAINST A MEMBER OF THE MORMON CHURCH IS HE IS A GOOD CITIZEN, AN HONEST MAN~~L~~, A LAW-ABIDING MAN. I AND MY BROTH~~E~~R CAREY WOULD BE AS FAR FROM DOING AN INJUSTICE AS WE WOULD ANY LIVING MAN. INSTEAD OF PERSECUTING YOU MORMONS IT IS MORE OF A TENDENCY TO MERCY. THE OB ECT I S EK TO ACCOMPLISH IS TO AID YOU	PERSECUTION? IS THAT DOING YOU HARM. AND I ASSURE YOU GENTLEMEN , THAT I THINK MY BROTHER CAREY IS ALSO WITH ME IN THIS. WE HAVE NO FEELING AGAINST A MEMBER OF THE MORMON CHURCH **IF** ~~IS~~ HE IS A GOOD CITIZEN, AN HONEST MAN~~L~~, A LAW-ABIDING MAN. I AND MY BROTH~~E~~R CAREY WOULD BE AS FAR FROM DOING AN INJUSTICE AS ~~WE~~ WOULD ANY LIVING MAN. INSTEAD OF PERSECUTING YOU MORMONS IT IS ~~A~~MORE OF A TENDENCY TO MERCY. THE OB**J**ECT I SEEK TO ACC~~P~~OMPLISH IS TO AID YOU

614. Illegible shorthand written over "SOME".

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RS	PS	RT	BT
BENEFIT, AND NOT TO DO YOU HARM BUT TO MAKE IT IMPOSSIBLE THE UNSCRUPULOUS FANATICAL LEADERS THAT ARE IN TERRITORY IN POWER TO DAY PLACE IT BEYOND THEIR POWERS, EVER AGAIN TO ORDER ANY MEMBER OF {THE}[i] MORMON CHURCH OUT IN {THE}[i] NAME OF RELIGION, FORCE HIM EITHER BY RELIGIOUS PREJUDICE OR OTHERWISE TO STAIN HIS HANDS IN THE INNOCENT BLOOD {OF HIS}[i] FELLOW MEN. YOU MAY CALL THAT {PERSECUTION}[i] *[18]* PERSECUTION, {AND}[i] IT WAS REFERRED TO FOR THAT	MADE TO *BENEFIT*[?], AND NOT TO DO YOU A HARM BUT TO MAKE IT IMPOSSIBLE FOR THE UNSCRUPULOUS FANATICAL LEADERS WHO LED TO THE PERPETUATION OF THIS HEINOUS OFFENCE PLACE IT BEYOND THEIR POWERS EVER AGAIN TO ORDER ANY MEMBER OF THE MORMON CHURCH OUT AGAIN OR FORCE HIM BY RELIGIOUS PREJUDICE OR OTHERWISE TO STAIN HIS HANDS IN THE INNOCENT BLOOD OF HIS FELLOW MEN YOU MAY CALL THAT PERSECUTION AND IT WAS REFERRED TO FOR THAT	AND TO BENEFIT YOU IN A REVIEW OF THIS EVIDENCE AND NOT TO DO YOU HARM, AND TO M~~A~~K E IT IMPOSSIBLE OT THE UNSCRUPELOUS FANATICAL LEADERS THAT ARE IN THE TERRITOR IN POWER TO DAY AND PLACE IT BEYOND THEIR POWER EVER AGAIN TO ORDER ANY MEMBER OF THE MORMON CHURCH OUT IN THE NAME OF RELIGION; OR TO FORCE HIM EITHER BY RELIGIOUS PREJUDICE OR OTHERWISE TO STAIN HIS HANDS IN THE INNOCENT *[64]* YOU MAY CALL THAT PROSECUTION OR P~~3~~ERSECUTION, BUT IT WAS REFERRED TO FOR THAT	AND TO BENEFIT YOU IN A REVIEW OF THIS EVIDENCE AND NOT TO DO YOU HARM, AND TO M~~A~~K**K**E IT IMPOSSIBLE FO~~T~~**R** THE UNSCRUPELOUS FANATICAL LEADERS THAT A~~T~~RE IN THE TERRITOR IN POWER TO DAY**,** AND PLACE IT BEYOND THEIR POWER EVER AGAIN TO ORDER ANY ME~~N~~MBER OF THE MORMON CHURCH OUT IN THE NAME OF RELIGION; OR TO FORCE HIM EITHER BY RELIGIOUS PREJUDICE OR OTHERWISE TO STAIN HIS HANDS IN THE INNOCENT BLOOD OF HIS FELLOWMAN. *[64]* YOU MAY CALL THAT PROSECUTION OR P~~3~~ERSECUTION, BUT IT WAS REFERRED TO FOR THAT

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RS	PS	RT	BT
{PURPOSE}[i] WELL GENTLEMEN OF THE JURY AS I SAID BEFORE, I DO NOT KNOW OF ANY INDIVIDUAL MEMBERS ON THIS JURY {BUT}[i] IF THERE IS ONE MAN WHO IS BOUND BY SHACKLES WHO HAS BEEN SUBJECT TO INFLUENCES KLINGENSMITH > JOEL WHITE WILLIAM YOUNG AND ≤ANY OR≥ ALL OF THE OTHERS WHO MARCHED OUT RUTHLESSLY BATHED THEIR HANDS IN THE BLOOD OF WOMEN CHILDREN = IF THERE IS ANY ONE MEMBER ON THIS JURY	PURPOSE I DO NOT KNOW ANY INDIVIDUAL MEMBERS UPON THIS JURY OR EVEN ONE *[[10]]* MAN WHO HAS BEEN BOUND BY THE SHACKLES WHICH LEAD WHITE YOUNG OTHERS ~ [*space*] ≤RUTHLESSLY≥ AND BATHED THEIR HANDS IN THE BLOOD INNOCENT WOMEN AND CHILDREN [*space*] IF THERE IS ANY ONE MEMBER [*space*]	PURPOSE. WELL, GENTLEMEN OF THE JURY, AS I SAID BEFORE, I DO NOT KNOW OF ANY INDIVIDUAL MEMBERS OF THIS CHURCH~~,~~ ~~AND~~ ON THIS JURY, OR EVEN ONE MAN WHO ~~IS BOU~~ HAS BEEN BOUND BY THE SHACKLES, WHO HAS BEEN SUBJECTED TO THE INFLUENCES THAT KLINGENSMITH HAS, JOEL WHITE, WILLIAM YOUNG, AND ANY OR ALL OF THE OTHERS WHO MARCHED OUT TO THE MOUNTAIN MEADOWS AND RUTHLESSLY BATHED THEIR HANDS IN THE BLOOD OF MEN, WOMEN AND CHILDREN. IF THERE IS ANY ONE ~~MEMBER ON THIS JURY~~ OF	PURPOSE. WELL, GENTLEMEN OF THE JURY, AS I SAID BEFORE, I DO NOT KNOW OF ANY INDIVIDUAL MEMBERS OF THIS CHURCH, ~~AND~~ ON THIS JURY, OR EVEN ONE MAN WHO ~~IS BOU~~ HAS BEEN BOUND BY THE SHACKLES, WHO HAS BEEN SUBJECTED TO THE INFLUENCES THAT KLINGENSMITH HAS, JOEL WHITE, WILLIAM YOUNG, AND ANY OR ALL OF THE OTHERS WHO MARCHED OUT TO THE MOUNTAIN MEADOWS AND RUTHLESSLY BATHED THEIR HANDS IN THE BLOOD OF MEN, WOMEN AND CHILDREN. IF THERE IS ANY ONE ~~MEMBER ON THIS JURY~~ OF

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RS	PS	RT	BT
WHO IS MEMBER IN THAT CHURCH, I DON'T EXPECT ANY VERDICT {FROM ANY SUCH}[i]—[?] ANY ECCLESIASTICAL CHARACTER; IN OTHER WORDS IF ANY MEMBER OF THAT JURY HAS UPON HIM ENDOWMENT GARMENTS UPON HIM,	I DON'T EXPECT ANY VERDICT ANY SUCH [*space*] IN OTHER WORDS IF ANY ONE MEMBER ON THERE HAS UPON HIM THE ENDOWMENT GARMENTS	YOUR NUMBER ON THIS JURY WHO IS A MEMBER OF THAT CHURCH I DON'T EXPECT ANY ~~EV~~VERDICT FROM ANY SUCH MAN OR ANY SUCH ECLESIASTICAL CHARACTER; IN OTHER WORDS IF THERE IS ANY MEMBER OF THIS JURY THAT HAS THE ENDOWMENT GARMENTS UPON HIM WHICH HE ~~D~~RECEIVES	YOUR NUMBER ON THIS JURY WHO IS A MEMBER OF THAT CHURCH I DON'T EXPECT ANY ~~EV~~VERDICT FROM ANY SUCH MAN OR ANY SUCH ECLESIASTICAL CHARACTER; IN OTHER WORDS IF THERE IS ANY MEMBER OF THIS JURY THAT HAS THE ENDOWMENT GARMENTS UPON HIM WHICH HE ~~DRECEIVES~~ **RECEIVED**
{WHEN HE GOES THROUGH THIS INIQUITOUS INSTITUTION}[i] IN WHICH HE TAKES OATHS AT THAT PLACE = WHERE HE LAYS DOWN HIS INDIVIDUALITY THERE CANNOT BE A CASE = NO TESTIMONY CAN BE MADE OUT THAT INDUCES A MAN AS LONG AS AS FAR AS HE IS UNDER THAT	WHEN HE GOES THROUGH THIS INIQUITOUS INSTITUTION AT THAT PLACE WHERE HE LAYS DOWN HIS INDIVIDUALITY THERE CANNOT BE A CASE NO TESTIMONY CAN BE MADE OUT THAT WOULD INDUCE A MAN AS LONG AS UNDER THAT	WHEN HE GOES THROUGH THIS INIQUITOUS INSTITUTION—THIS GREESE-VAT—WHEREIN HE TAKES THOSE OATHS AT TH T PLACE, WHERE HE LAYS DOWN HIS INDIVIDUALITY, THERE CANNOT BE A CASE. NO TESTIMONY CAN BE MADE OUT THAT WILL INDUCE A MAN AS LONG AS HE IS UNDER THAT	WHEN HE GOES THROUGH THIS INIQUITOUS INSTITUTION—THIS GREESE-VAT—WHEREIN HE TAKES THESE OATHS AT THAT PLACE, WHERE HE LAYS DOWN HIS INDIVIDUALITY, THERE CANNOT BE A CASE. NO TESTIMONY CAN BE MADE OUT THAT WILL INDUCE A MAN AS LONG AS HE IS UNDER THAT

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RS	PS	RT	BT
INFLUENCE TO FIND A CALL OF GUILTY, AND I DON'T EXPECT IT, IF ANY SUCH A MAN IS A JUROR. IF ON THE OTHER HAND THERE IS NO SUCH MAN ON JURY ~~<~~IF YOU ARE FREEMEN AND THAT~~>~~ YOU POSSESS ~~<~~YOUR~~>~~ INDIVIDUALITY EXERCISE IT HONESTLY IN THIS CASE I DO NOT SAY {IT,}[i] BECAUSE I HAVE ANY FEELINGS AGAINST JOHN D. LEE DON'T DESIRE TO SEE HIM HANG ON SCAFFOLD; I AM OPPOSED TO CAPITAL PUNISHMENT, {BUT A}[i] MAN WHO COMMITS MURDER, IF I WAS LEGISLATOR I WOULD LOCK HIM UP **&** GIVE HIM BALANCE OF	INFLUENCE AND I DON'T EXPECT IT IF ANY SUCH A MAN IS ON THE JURY AND IF ON THE OTHER HAND THERE IS NO SUCH MAN ON THE JURY IF YOU ARE FREE MEN THAT YOU POSSESS YOUR INDIVIDUALITY AND EXERCISE IT IN THIS *CASE/OCCASION*[?] I DO NOT SAY IT BECAUSE I WANT TO SEE JOHN D. LEE UPON ON THE SCAFFOLD BUT A MAN WHO COMMITS MURDER IF I WAS A LEGISLATOR I WOULD LOCK HIM UP AND GIVE HIM THE LAST OF	INFLUENCE TO FIND A VERDICT OF GUILTY, AND I DON'T EXPECT IT. IF THERE IS ANY SUCH A MAN ON THIS JURY. IF ON THE OTHER HAND **THERE ARE ANY MEN** ON THE JURY; IF YOU ARE FREE MEN AND YOU POSSESS YOUR INDIVIDUALITY, EXERCISE IT HONESTLY IN THIS CASE— I DO NOT SAY IT BECAUSE I HAVE ANY FEELINGS AGAINST JOHN D. LEE, OR THAT I DESIRE TO SEE HIM HANGED UPON THE SCAFFOLD; I AM ~~A~~OPPOSED TO CAPITAL PUNISHMENT; BUT A MAN WHO COMMITS MURDER, IF I WERE A LEGISLATOR, I WOULD LOCK HIM UP AND GIVE HIM THE BALANCE OF	INFLUENCE TO FIND A VERDICT OF GUILTLY, AND I DON'T EXPECT IT~~.~~—~~-~~IF THERE IS ANY SUCH A MAN ON THIS JURY. IF ON THE OTHER HAND **THERE ARE ANY MEN** ON THE JURY~~;~~ **THAT** ~~IF YOU~~ ARE FREE MEN AND YOU POSSESS YOUR INDIVIDUALITY, EXERCISE IT HONESTLY IN THIS CASE— I DO NOT SAY IT BECAUSE I HAVE ANY FEELINGS AGAINST JOHN D. LEE, OR THAT I DESIRE TO SEE HIM HANGED UPON THE SCAFFOLD; **FOR** I AM ~~A~~OPPOSED TO CAPITAL PUNISHMENT; BUT A MAN WHO COMMITS MURDER, IF I WERE A LEGISLATOR, I WOULD LOCK HIM UP AND GIVE HIM THE BALANCE OF

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RS	PS	RT	BT
DAYS TO REPENT, NOT EVEN SHED HIS BLOOD, EVEN FOR PERPETRATION OF MILITARY LAW IN TERRITORY IF YOU FIND JOHN D. LEE GUILTY WILL FORFEIT HIS LIFE WITH THE LAWS WITH THE POLICY OF THE LAW I HAVE NOTHING TO DO. 3 10 **PM** {¶}[i] THE GENTLEMAN REFERRED TO MORMON CHURCH THAT IT WAS ON TRIAL FOR PURPOSE TO MAKE YOU BELIEVE THIS IS {**A**}[i] SORT OF RELIGIOUS CRUSADE {I AM A}[i] MOST LIBERAL MAN IN MY VIEWS ON RELIGION AS ANY	HIS DAYS TO REPENT BUT I AM NOT A MAKER OF THE LAW IF YOU FIND JOHN D. LEE GUILTY WILL FORFEIT HIS LIFE UNDER THE LAW PUT THE POLICY OF THE LAW I NOR YOU HAVE ANYTHING TO DO ¶[615] THE GENTLEMAN REFERRED TO THE MORMON CHURCH THAT IT WAS ON TRIAL FOR THE PURPOSE OF MAKING YOU BELIEVE THAT THIS WAS A SORT RELIGIOUS CRUSADE ≤NOTHING OF THE SORT≥ I AM AS LIBERAL A MAN IN MY RELIGIOUS VIEWS [*space*]	HIS DAYS TO REPENT. NOT EVEN SHEDDING HIS BLOOD, EVEN FOR THE PERPETRATION OF ACTS ON VIOLATION OF DILLATORY LAW IN THE TERRITORY. IF YOU FIND JOHN D. LEE GUILTY, THE LAW FORFEITS HIS LIFE, AND FARTHER THAN THAT I HAVE NOTHING TO DO. ITHE GENTLEMAN REFERRED TO THE MORMON CHUR~~C~~H THAT IT WAS ON TRIAL FO~~T~~R THE PURPOSE OF MAKING YOU BELIEVE THAT THIS WAS A SORT OF ARELIGIOUS CRUSADE. I AM THE MOST LIBERAL MAN [65] IN MY VIEWS ON RELIGION AS ANY ONE	HIS DAYS TO REPENT. NOT EVEN SHEDDING HIS BLOOD, ~~EVEN~~ FOR THE PERPETRATION OF ACTS OR VIOLATION**S** OF ~~DILLATORY~~ **STATUTARY** LAW IN THE TERRITORY. IF YOU FIND JOHN D. LEE GUILTY, THE LAW FORFEITS HIS LIFE, AND FARTHER THAN THAT I HAVE NOTHING TO DO. ~~I~~THE GENTLEMAN REFERRED TO THE MORMON CHUR~~C~~H THAT IT WAS ON TRIAL FO~~T~~R THE PURPOSE OF MAKING YOU BELIEVE THAT TH~~I~~S WAS A SORT OF A RELIGIOUS CRUSADE. I AM THE MOST LIBERAL MAN [65] IN MY VIEWS ON RELIGION **OF** ~~AS~~ ANY ONE

615. In Rogerson's hand.

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RS	PS	RT	BT
WHO INHABITS {THE}[i] TERRITORY OF UTAH. ONE {OF THE}[i] FUNDAMENTAL PRINCIPLES OF THIS AMERICAN NATION = ONE OF THE FUNDAMENTAL PRINCIPLES OF DEMOCRACY EVERY MAN HAS {THE}[i] RIGHT TO WORSHIP HIS GOD ACCORDING TO THE DICTATES OF HIS OWN CONSCIENCE. WHEN OUR FOREFATHERS CAME TO FORM THIS GREAT NATION, THEY INCORPORATED THAT IN THE FUNDAMENTAL LAW THEY MADE IT **A** CONSTITUTIONA L PROVISION {THAT}[i] NO MAN {SHOULD}[i] BE MOLESTED IN PROPER EXERCISE OF HIS RELIGIOUS CREED. {BUT GENTLEMEN,}[i] IT DOESN'T	ONE OF THE FUNDAMENTAL PRINCIPLES OF THIS AMERICAN NATION = ONE FUNDAMENTAL PRINCIPLES OF DEMOCRACY [*space*] WORSHIP GOD ACCORDING TO THE DICTATES OF OWN CONSCIENCE AND WHEN OUR FOREFATHERS CAME TO FORM THIS GREAT NATION THEY INCORPORATED THAT IN THE FUNDAMENTAL LAW THEY MADE A CONSTITUTIONA L PRIVILEGE THAT NO MAN SHOULD BE [*space*] — BUT GENTLEMEN IT DOESN'T	WHO INHABITS T E TERRITORY OF UTAH. ONE OF THE FUNDAMENTAL PRINCIPLES OF THIS AMERICAN NATION, ONE OF THE FUNDAMENTAL PRINCIPLES OF DEMOCRACY, IS THAT EVERY MAN HAS THE RIGHT TO WORSHIP HIS GO~~R~~D ACCORDIN~~T~~G TO THE DICTATES OF HIS OWN CONCIENCE. WHEN OUR FOREFATHERS CAME TO FORM THIS GREAT NATION THEY INCORPORATED THAT IN THE FUNDAMENTAL LAW, AND THEYMADE A CONSTITUTIONA L PROVISION THAT NO MAN SHOULD BE MOLESTED IN THE PROPER EXERCISE OF HIS RELIGIOUS CREED; BUT GENTLEMEN IT DOESN'T	WHO INHABITS THE TERRITORY OF UTAH. ONE OF THE FUNDAMENTAL PRINCIPLES OF THIS AMERICAN NATION, ONE OF THE FUNDAMENTAL PRINCIPLES OF DEMOCRACY, IS THAT EVERY MAN HAS THE RIGHT TO WORSHIP HIS GO~~R~~D ACCORDIN~~T~~G TO THE DICTATES OF HIS OWN CONCIENCE. WHEN OUR FOREFATHERS CAME TO FORM THIS GREAT NATION THEY INCORPORATED THAT IN THE FUNDAMENTAL LAW, AND THEYMADE A CONSTITUTIONA L PROVISION THAT NO MAN SHOULD BE MOLESTED IN THE PROPER EXERCISE OF HIS RELIGIOUS CREED; BUT GENTLEMEN IT DOESN'T

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RS	PS	RT	BT
FOLLOW, BECAUSE THIS GENERAL DOCTRINE IS LAID DOWN THAT EVERY~~BODY~~ EVERYTHING THAT MEN MAY SEE PROPER TO CLAIM TOLERATION FOR UNDER OF RELIGION IS JUSTIFIABLE. IN ORDER TO COME AT PROVISIONS OF {THE}[i] CONSTITUTION IT MUST {BE}[i] A RELIGION BECAUSE IT IS NO{THING}[i] ELSE EXCEPT RELIGION THAT IS PROTECTED BY {THE}[i] CONSTITUTION {AND}[i] NO CLASS OF MEN EITHER IN {THE}[i] NAME OF CHURCH {OR}[i] ANY OTHER NAME CAN SHIELD THEMSELVES FROM CRIME SIMPLY BECAUSE IT IS DONE IN THE NAME OF THE	FOLLOW BECAUSE THIS GENERAL DOCTRINE IS LAID *[[11]]* DOWN THAT EVERYTHING THAT MEN MAY SEE FIT TO CALL TOLERATION FOR UNDER RELIGIOUS *TOLERANCE/TERMS*[?] [*space*] IT MUST BE A RELIGION IT IS NOTHING ELSE EXCEPT A RELIGION THAT IS PROTECTED BY A RELIGION, AND NO CLASS OF MEN EITHER IN THE NAME OF A CHURCH OR ANY OTHER NAME CAN SHIELD THEMSELVES FROM CRIME SIMPLY BECAUSE IT IS DONE IN THE NAME THE	FOLLOW BECAUSE THIS GENERAL DOCTRINE IS LAID DOWN THAT EVERYTHING THAT A MAN MAY SEE PROPER TO CLAIM TOLERATION FOR UNDER THE NAME OF RELIGION IS JUSTIFIABLE. IN ORDER TO COME UNDER THE PROVISIONS OF THE CONSTITUTIONS IT MUST BE A RELIGION; BECAUSE IT IS NOTHING ELSE EXCEPT RELIGION THAT IS PROTECTED BY THE CONSTITUTION, AND NO CLASS OF MEN, EITHER IN THE NAME OF A CHURCH OR ANY OTHER N~~A~~M E CAN SHIELD THEMSELVES FROM RIME SIM LY BECAUSE IT IS DONE IN THE NAME OF THE	FOLLOW BECAUSE THIS GENERAL DOC~~R~~TRINE IS LAID DOWN THAT EVERYTHING THAT A MAN MAY SEE PROPER TO CLAIM TOLERATION FOR UNDER THE NAME OF RELIGI**O**N**,** IS JUSTIFIABLE. IN ORDER TO COME UNDER THE PROVISIONS OF THE **C**ONSTITUTIONS IT MUST BE A RELIGION; BECAUSE IT IS NOTHING ELSE EXCEPT RELIGION THAT IS PROTECTED BY THE CONSTITUTION, AND NO CLASS OF MEN, EITHER IN THE NAME OF A CHURCH OR ANY OTHER N~~A~~M E CAN SHIELD THEMSELVES FROM CRIME SIMPLY BECAUSE IT IS DONE IN THE NAME OF THE

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RS	PS	RT	BT
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS {OR}[i] ANY OTHER NAME. CRIMES ARE CRIMES; CRIME COMMITTED AT THE MOUNTAIN MEADOWS IS NOT ONLY {CRIME}[i] AGAINST LAW OF MAN, IT WAS {A}[i] CRIME A AGAINST LAW OF GOD, WHICH ACCORDING TO THE LAW OF GOD HAS AFFIXED TO IT {THE}[i] PENALTY OF DEATH. ESPECIALLY I SAY, WHILE I AM IN FAVOR OF RELIGIOUS TOLERATION, I DO NOT CARE HOW MUCH ANY MAN MAY BELIEVE IN JOE SMITH'S {PROPHECIES AND}[i] DIVINE MISSION HIS PROPHECIES {AND THE}[i] BOOK OF MORMON, I DO	CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS OR ANY OTHER CRIMES ARE CRIMES AND CRIME AT MOUNTAIN MEADOWS IS NOT ONLY CRIME AGAINST LAWS *BEFORE*[?] YOU WAS AGAINST LAW OF GOD WHICH ACCORDING TO THE LAW OF GOD UPON A FIXED UPON IT THE PENALTY OF DEATH [*space*] WHILE IN FAVOR OF RELIGIOUS TOLERATION I [*space*] JOE SMITH'S PROPHECIES I DO	CHURCH OF JESUS CHRIST OR ANY **O**THER NAM~~E~~. CRIMES ARE CRIMES AND A CRIME COMMITED AT THE MOUNTAIN MEADOWS IS NOT THE ONLY CRIME AGAINST HE LAWS OF MAN. IT WAS A CRIME AGAINST THE LAW OF GOD, ~~WHI~~ AND WHICH ACCORDING TO THE LAW OF ZGOD HAS A FIXED PENALTY TO IT OF DEATH. E~~X~~SPECIALLY, I SAY, WHILE I AM IN FAVOR OF RELIGIOUS TOLERATION, I DO NOT CARE HOW MUCH ANY MAN MAY BELIEVE IN JOE SMITH'S PROPHECIES— HIS DIVINE MISSION AND HIS PROFICIES AND THE **B**OOK OF MORMON; I DO	CHURCH OF JESUS CHRIST OR ANY **O**THER NAM~~E~~**.** CRIMES ARE CRIMES AND **THE** ~~A~~ CRIME COMMITTED AT THE MOUNTAIN MEADOWS IS NOT ~~THE~~ ONLY **A** CRIME AGAINST THE LAWS OF MAN~~.~~**,** **BUT** IT ~~WAS~~ **IS** A CRIME AGAINST THE LAW OF GOD, ~~WHI~~ AND WHICH ACCORDING TO THE L~~T~~AW OF ~~Z~~GOD HAS A FIXED PENALTY TO IT OF DEATH. E~~X~~SPECIALLY, I SAY, WHILE I AM IN FAVOR OF RELIGIOUS TOLERATION, I DO NOT CARE HOW MUCH ANY MAN MAY BELIEVE IN JOE SMITH'S PROPHECIES— HIS DIVINE MISSION AND HIS PROFICIES AND THE **B**OOK OF MORMON~~:~~**,** I DO

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RS	PS	RT	BT
CLAIM {THAT}[i] NO RELIGIOUS TOLERATION; NO MAN HAS {THE}[i] RIGHT {IN THE}[i] NAME OF RELIGION TO *PRACTICE*[?] {PROVOKE}[i] ≤OR PROTECT≥ CRIME {= THE}[i] CRIME ESPECIALLY OF MURDER OR ANY OTHER HIGH FELONY. THEREFORE YOU SEE {THAT}[i] NOT ONLY THIS GREAT NATION GIVES A SET PROPOSITION AS TO —[?] *TMN/DMN/IT* *MEAN*[?] AND IT SAYS{, BUT}[i] THIS PROSECUTION RECOGNIZES THE RIGHT OF EVERY MAN {TO}[i] WORSHIP GOD ACCORDING DICTATES OF HIS OWN CONSCIENCE,	CLAIM THAT NO MEN IN THE NAME OF RELIGION HAVE RIGHT TO PROVOKE CRIME CRIME ESPECIALLY OF MURDER OR ANY OTHER HIGH FELONY THEREFORE YOU SEE THAT NOT ONLY THIS GREAT NATION BUT THIS PROSECUTION RECOGNIZES THE RIGHT OF EVERY MAN TO WORSHIP GOD ACCORDING TO DICTATE [*space*]	CLAIM THAT NO MAN CAN CLAIM RELIGIOUS TOLERATION— NO MAN HAS THE RIGHT IN THE NAME OF RELIGION TO PROVOKE OR PROTECT CRIME; THE CRIME ESPECIALLY OF MURDER OR ANY OTHER HIGH FELLONY. THERE~~OF~~FORE YOU SEE THAT NOT ONLY THIS GREAT NATION GIVES A SET PROPOSITION AS TO WHAT IT MEANS AND THIS PROSECUTION RECOGNISES THE RIGHT FOR EVERY MAN TO WORSHIP GOD ACCORDING TO THE DICTATES OF HIS OWN CONSCIENCE,	CLAIM THAT NO MAN CAN CLAIM RELIGIOUS TOLERATION— NO MAN HAS THE RIGHT IN THE **NAME** ~~NAME~~ OF RELIGION TO PROVOKE OR PROTECT CRIME; THE CRIME ESPECIALLY OF MURDER OR ANY OTHER HIGH FELLONY. THERE~~OF~~FORE**,** YOU SEE THAT NOT ONLY THIS GREAT NATION GIVES A **(**S~~T~~ET PROPOSITION AS**)** TO WHAT IT MEANS ~~BUT AND~~ **BUT** THIS PROSECUTION RECOGNISES THE RIGHT FOR EVERY MAN TO WORSHIP GOD ACCORDING TO THE DICTATES OF HIS OWN CONSCIENCE,

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RS	PS	RT	BT
{BUT}[i] ONE THING WE {REMEMBER}[i616] HERE {THAT WE}[i] DENY IS, {THAT}[i] UNDER {THE}[i] GUISE {OF}[i] RELIGION UNDER RELIGIOUS FANATICISM, IN THE NAME OF RELIGION TO REVENGE THE {BY}[i617] OF THE PROPHET OR SOME ONE WHO BELIEVED TO BE PROPHET {THAT WE}[i] HAVE {NO}[i] RIGHT IN THE NAME OF RELIGION AND WITH RUTHLESS HANDS TO STRIKE DOWN DEFENSELESS WOMEN LITTLE CHILDREN. {NOW}[i] IS THIS PERSECUTION? IT IS NOT {AND I}[i] APPEAL TO YOUR REASON; HAVE YOU ANY DOUBT {BUT	BUT ONE THING WE REMEMBER HERE *AND*[?] DENY THAT IN THE GUISE OF RELIGION AND IN THE NAME OF RELIGION *OR*[?] TO JUST AVENGE THE BLOOD OF PROPHET OR THEY BELIEVE TO BE A PROPHET THAT THEY HAVE A RIGHT IN THE NAME OF RELIGION TO STRIKE DOWN DEFENSELESS WOMEN AND LITTLE CHILDREN NOW IS THIS PERSECUTION DOES IT NOT APPEAL TO YOUR REASON HAVE YOU ANY DOUBT BUT	AND ONE THING WE REMEMBER IS THAT WE DENY IS THAT UNDER THE GUYS OF RELIGION AND UNDER THE *[66]* NAME OF RELIGI N TO REVENGE THE BLOOD OF THE PROPHET OR SOME ONE WHO IS BELIEVED TO BE A PROPHET; THAT WE HAVE NO RIGHT IN THE NAME OF RELIGION TO ATTACK WI H RUTHLESS HANDS AND STRIKE DOWN DEFENSELESS WOMEN AND CHILDREN. NOW, IS THIS PERSECUTION? IT IS NO~~.~~T. AND I APPEAL TO YOUR REASON . HAVE YOU ANY DOUBT BUT	~~AND~~ **BU****T** ONE THING ~~WE~~**,** REMEMBER**,** ~~IS~~ THAT WE DENY IS**,** THAT UNDER THE GUYS OF RELIGION AND UNDER THE NAME OF RELIGIOUS FANATICISM, IN THE *[66]* NAME OF RELIGI**O**N TO REVENGE THE BLOOD OF THE PROPHET OR SOME ONE WHO IS BELIEVED TO BE A PROPHET~~;~~**,** THAT WE HAVE NO RIGHT IN THE NAME O~~R~~F RELIGION TO ATTACK WI**T**H RUTHLESS HANDS AND STRIKE DOWN DEFENSELESS WOMEN AND CHILDREN. NOW, IS THIS PERSECUTION? IT IS NO~~.~~T**,** AND I APPEAL TO YOUR REASON . HAVE YOU ANY DOUBT BUT

616. Ink over illegible shorthand.
617. Over illegible shorthand.

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RS	PS	RT	BT
WHAT}[i] THIS THING WAS CONCOCTED IN {THE}[i] MORMON CHURCH, DOES EVIDENCE ALLOW YOU FOR A MOMENT TO DOUBT THAT FACT IF YOU BELIEVE IT, AND THOSE WHO HEARD [19] THIS TESTIMONY IN THIS TRIAL BELIEVE SUCH A THING IT BEHOOVES FOR THEIR OWN PROTECTION IN ORDER TO REDEEM THEM FROM THE ENTHRALLMENT OF THE DESPOTISM AND {SLAVERY}[i618] WHICH WAS WORSE THAN NEGRO SLAVERY IN SOUTH IT BEHOOVES THEM ASSERT THEIR INDIVIDUALITY THEIR MANHOOD	WHAT THIS THING WAS CONCOCTED IN THE MORMON CHURCH DOES THE EVIDENCE ALLOW YOU FOR A MOMENT BELIEVE IT IT BEHOOVES THEM *FKN/FKF*[?] PROTECTION IN ORDER TO REDEEM THEM FROM THEIR ENTHRALLMEN T AND THE DESPOTISM [*space*] WORSE ANY NEGRO SLAVERY OF SOUTH IT ASSERT MANHOOD [[12]]	WHAT THIS THING WAS CONCOCTED IN THE MORMON CHURCH? DOES THE EVIDENCE FOR A MOMENT ALLOW YOU TO DOUBT THAT FACT. IF YOU BELIEVE IT AND THOSE WHO HEARD THIS TESTIMONY IN THE TRIAL BELIEVE SUCH A THING IT BEHOOVES THEM FOR THEIR OWN PROTECTION IN ORDER TO REDEEM THEM FROM THEIR ENTHROLLMEN T AND THE DESPOTISM AND SLAVERY WHICH IS WORS WHICH IS WORSE THAN NEGRO SLAVERY IN THE SOUTH, IT BEHOOVES THEM TO ASSERT THEIR INDIVIDUALITY, THEIR MANHOOD AND	WHAT THIS THING WAS CONCOCTED IN THE MORMON CHURCH? DOES THE EVIDENCE FOR A MO~~N~~MENT ALLOW YOU TO DOUBT THAT FACT. IF YOU BELIEVE IT AND THOSE WHO HEARD THIS TESTIMONY IN THE TRIAL BELIEVE SUCH A THING IT BEHOOVES THEM FOR THEIR OWN PROTECTION IN ORDER TO REDEEM THEM FROM THEIR ENTHR~~O~~ALLME NT AND THE DESPOTISM AND SLAVERY ~~WHICH IS WORS~~ **WORSE** WHICH IS WORSE THAN NEGRO SLAVERY IN THE SOUTH, IT BEHOOVES THEM TO ASSERT THEIR INDIVIDUALITY, THEIR MANHOOD AND

618. Ink over illegible shorthand.

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RS	PS	RT	BT
TEACH THE LEADERS OF THIS MORMON CHURCH WHILE IN MATTERS OF THEOLOGY THEY HAVE FIXED CONVICTIONS OF FAITH THEY HAVE NO RIGHT TO *PBLD/PPLT*[?] TAKE HOLD OF THE MEMBERS OF THE CHURCH AND ORDER TO GO HERE OR THERE TO MASSACRE THIS MEN OR CUT THROATS OF THAT. YOU CAN DO IT = YOU HAVE IT IN {YOUR}[i] POWER TO LOP OFF THESE FELLOWS, DESTROY AND STRIKE THEM DOWN THE LEADERS WHO *MANDATE*[?] WHICH CULMINATED IN THE MURDER OF THE EMIGRANTS AT THE MOUNTAIN	TO TEACH THE LEADERS OF THIS MORMON CHURCH THAT IN MATTERS OF THEOLOGY ~~THEY HAVE~~ [*space*] THEY NOT HAVE ANY RIGHT TO BODILY TAKE HOLD OF THE MEMBERS OF THE CHURCH TO GO HERE AND THERE AND MASSACRE THIS MAN CUT THE THROAT OF THAT [*space*] LOP OFF THESE FELLOWS DESTROY AND STRIKE DOWN THE LEADERS AND *CREED/TOGETHER*[?] *GIVEN*[?] *FIGHT/FD/FT*[?] WHICH CULMINATED IN THE MURDER TO THE	TEACH THE LEADERS OF THIS MORMON CHURCH, WHILE IN MATTERS OF THEOLOGY THEY HAVE FIXED CONGICTIONS OF FAITH, THEY HAVE NO RIGHT TO BODILY TAKE HOLD OF THE MEMBERS OF THE CHURCH AND ORDER THEM TO GO HERE AND THERE TO MASSACRE THE E MEN OR CUT THE THROATS OF THEM. YOU CAN DO IT. YOU HAVE IT IN YOUR POWER TO LOP OFF THESE FAULTS, DESTROY AND STRIKE THEM DOWN, THE LEADERS WHO CREATED THAT INFLUENCE WHICH CULMINATED IN THE MURDER OF THE EMIGRATNS AT THE MOUNTAIN	TEACH THE LEADERS OF THIS MORMON CHURCH, WHILE IN MATTERS OF THEOLOGY THEY HAVE FIXED CON~~G~~**V**ICTIONS OF FAITH, THEY HAVE NO RIGHT TO BODILY TA~~L~~KE HOLD OF THE MEMBERS OF THE CHURCH AND ORDER THEM TO GO HERE AND THERE TO MASSACRE THES**S**E MEN OR CUT THE THROATS OF THEM. YOU CAN DO IT. YOU HAVE IT IN YOUR POWER TO LOP OFF THESE FAULTS, DESTR~~O~~**O**~~Y~~**OY** AND STRIKE THEM DOWN, THE LEADERS WHO CREATE~~E~~D THAT INFLUENCE WHICH CULMINATED IN THE MURDER OF THE EMIGRANTS AT THE MOUNTAIN

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RS	PS	RT	BT
MEADOWS TEACH THEM LESSON THAT BECAUSE MEN BELONG TO MORMON CHURCH OR HONOR THE RELIGION THAT CHURCH , THEY DON'T LAY DOWN THEIR INDIVIDUAL RESPONSIBILITY, BECAUSE EVERY MAN IS RESPONSIBLE TO HIS MAKER FOR THE ACTS DONE IN THE BODY IF HE DOES A FOUL ACT {=}[i] AUTHORITY OF NO PRIESTS, OF NO BISHOP, NO PRESIDENT {OF}[i] ANY STAKE OF ZION OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS CAN GIVE HIM IMMUNITY. BEST EVIDENCE OF IT IS SHOWN IN	MEADOWS TEACH THEM A LESSON THAT BECAUSE MEN BELONG TO THE MORMON CHURCH THAT IN DOING SO THEY DON'T LAY DOWN THEIR INDIVIDUAL RESPONSIBILITY BECAUSE EVERY MAN IS RESPONSIBLE TO HIS MAKER FOR THE —[?] DONE IN THE BODY IF HE DOES A FOUL ACT THE AUTHORITY OF NO BISHOP AND NO PRESIDENT NO PRIEST CAN GIVE HIM IMMUNITY BEST EVIDENCE OF IT IS SHOWN IN	MEADOWS. AND TEACH THEM A LESSON THAT ~~C~~BECAUSE A MAN BELONGS TO THE MORMON CHURCH OR MAY HONOR THE RELIGION OF THAT CHURCH , THAT IN DOING SO THEY DON'T LAY DOWN THEIR INDIVIDUAL RESPONSIBILITY , BECAUSE EVERY MAN IS RESPONSIBLE TO HIS MAKER FOR THE ACTS DONE IN THE BODY. IF HE DOES A FOUL ACT , THE AUTHORITY OF NO PRIESTS OR ANY BISHOP OR ANY PRES~~I~~IDENT OF ANY STAK OF ZION OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, CANNOT GIVE HIM IMMUNITY. THE BEST EVIDENCE OF IT IS SHOWN IN	MEADOWS. AND TEACH THEM A LESSON THAT ~~C~~BECAUSE A MAN BELONGS TO THE MORMON CHURCH OR MAY HONOR THE RELIGION OF THAT CHURCH , THAT IN DOING SO THEY DON'T **HAVE TO** LAY DOWN THEIR INDI~~C~~VIDUAL RESPONSIBILITY , BECAUSE EVERY MAN IS RESPONSIBLE TO HIS MAKER FOR THE ACTS DONE IN THE BODY**.** IF HE DOES A FOUL ACT , THE AUTHOR~~O~~ITY OF **THE CHURCH,** NO PRIESTS**,** OR ANY BISHOP OR ANY PRES~~I~~IDENT OF ANY STAKE OF ZION OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, CANNOT GIVE HIM IMMUNITY. THE BEST EVIDENCE OF IT IS WHOWN IN

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RS	PS	RT	BT
FACES OF THOSE WHO {WERE}[i] UPON {THE}[i] STAND. I HAVE NO DOUBT {BUT THAT}[i] WHEN JOEL WHITE WENT UPON THAT GROUND HE NATURALLY ISN'T A BAD MAN {CERTAINLY HIS VERY}[i] HIS BEARING UPON {THE}[i] STAND DID NOT SHOW IT TODAY I HAVE NO DOUBT WHEN K SMITH, HIGBEE HAIGHT AND STEWART THESE MEN WHO {CUT THE}[i] THROATS OF VICTIMS AFTER THEY WERE SHOT ≤AS TESTIMONY SHOWS≥ THAT HIGBEE THOUGHT PROBABLY THOUGHT THEY WERE DOING ACTING *TOGETHER*[?] IN	THE FACES OF THE MEN WHO WERE PUT UPON THE STAND I HAVE NOT ANY DOUBT BUT THAT JOEL WHITE WENT UPON THE GROUND WAS NOT A BAD MAN AND CERTAINLY HIS VERY BEARING DON'T SHOW IT TODAY I HAVE NO DOUBT WHEN HIGBEE HAIGHT AND STEWART, THESE MEN WHO CUT THE THROATS OF — [?] AND VICTIMS AFTER THEY WERE SHOT DOWN THAT HIGBEE DID THINK PROBABLY THOUGHT THEY WERE ACTING TOGETHER IN	THE FACES OF THOSE WHO WERE PUT UPON THE STAND. I HAVE NO DOUBT BUT WHEN JOEL WHITE WENT UPON THAT GROUND**,** HE NATURALLY ISN'T A BAD MAN**,** AND CERT INLY HIS BEARING UPON THE STAND DID NOT SHOW IT TO-DAY. I HAVE NO DOUBT BUT WHEN KLINGENSMITH, HAIGHT AND STEWA RT AND THESE MEN WHO ~~UNDE THE~~ *[67]* CUT THE THROATS OF THEIR VICTIMS AFTER THEY WERE SHOT DOWN, AS THE TESTIMONY SHOWS, THAT HIGBEE THOUGHT PROBABLY THAT WH T THEY WERE DOING, ACTING TOGETHER IN	THE FACES OF THOSE WHO WERE PUT UPON THE STAND. I HAVE NO DOUBT BUT WHEN JOEL WHITE WENT UPON THAT GROUND**, AND** HE NATURALLY ISN'T A BAD MAN**,** AND CERT**A**INLY HIS BEARING UPON THE STAND DID NOT SHOW IT TO-DAY~~.~~**;** I HAVE NO DOUBT BUT WHEN KLINGENSMITH, HAIGHT AND STEWA RT AND THESE MEN WHO ~~UNDER THE THREATS~~ *[67]* CUT THE THROATS OF THEIR VICTIMS AFTER THEY WERE SHOT DOWN, AS THE TESTIMONY SHOWS, ~~THAT HIGBEE~~ THOUGHT PROBABLY THAT WH**A**T THEY WERE DOING, ACTING TOGETHER IN

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RS	PS	RT	BT
THEIR RELIGIOUS ZEAL, AND THEY WOULD ESCAPE FROM ALL PUNISHMENT {AND}[i] THAT WOULD HAVE IMMUNITY FOR THE ACT BUT WHAT HAS {THE}[i] TIME SHOWN 18 YEARS HAVE PASSED AWAY AND THOSE MEN HAVE LIVED A LIV{ING}[i] DEATH THEY HAVE BEEN UNDERGOING CRUCIFIXION, LITERAL CRUCIFIXION FROM THAT DAY TO THIS AND THE MISERY TORMENT AGONY IS TRACED UPON {THE}[i] VERY LINEAMENTS OF VERY FACES WHO WAS PUT UPON STAND WHO PARTICIPATED	THEIR RELIGIOUS ZEAL THEY WOULD HAVE IMMUNITY FOR THE ACT BUT WHAT HAS TIME SHOWN 18 YEARS HAVE PASSED AWAY AND THESE MEN HAVE LIVED A LIVING DEATH [*space*] THEY HAVE BEEN UNDERGOING A CRUCIFIXION LITERAL CRUCIFIXION FROM THAT DAY TO THIS AND THE [*space*] AND ≤TORMENT≥ AGONY IS TRACED UPON LINEAMENTS OF EVERY WITNESS PLACED [*space*]	THEIR RELIGIOUS ZEAL AND THAT THEY WOULD ESCAPE FROM ALL PUNISHMENT, AND THAT THEY WOULD HAVE IMMUNITY FOR THE ACT; BUT WHAT HAS TIME SHOWN? EIGHTEEN YEARS HAVE PASSED AWAY AND THESE MEN HAVE LIVED A LIVING DEATH. THE**Y** HAVE BEEN UNDERGOING A CRUCIFICTION —A LITERAL CRUCIFIXION FROM THAT DAY TO THIS AND THE MISERY AND TORMENT AND AGONY OF THOSE LONG YEA RS IS TRACED UPON THE VERY LINEAMENTS OF THEIR FACES, AND OF EVERY ONE WHO WAS PUT UPON THE STAND WHO PARTICIPATED	THEIR RELIGIOUS ZEAL**,** ~~AND THAT~~ THEY WOULD E~~X~~SCAPE FROM ALL PUNISHMENT, AND THAT THEY WOULD HAVE IMMUNITY FOR THE ACT; BUT WHAT HAS TIME SHOWN? EIGHTEEN YEARS HAVE PASSED AWAY AND THESE MEN HAVE LIVED A LIVING ~~L~~DEATH. THE**Y** HAVE BEEN UNDERGOING A CRUCIFICTION —A LITERAL CRUCIFIXION FROM THAT DAY TO THIS AND THE MISERY AND TORMENT AND AGONY OF THOSE LONG YEA RS IS TRACED UPON THE VERY LINEAMENTS OF THEIR FAC~~R~~ES, AND OF EVERY ONE WHO WAS PUT UPON THE STAND WHO PARTICIPATE~~S~~D

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RS	PS	RT	BT
IN THAT MOST HEINOUS CRIME SCAN {THE}[i] COUNTENANCE OF K SMITH {AND THE}[i] IMPRESSION {THAT}[i619] HE MUST HAVE MADE UPON {YOU}[i] WAS {THAT OF}[i] REMORSE AND FEAR HE HAD LIVED {IN}[i] HELL UPON EARTH	SCAN THE COUNTENANCE OF KLINGEN SMITH AND THE IMPRESSION THAT HE MUST HAVE MADE UPON YOU WAS THAT OF REMORSE AND FEAR HELL UPON EARTH CONSCIENCE TORMENTED	IN THAT MOST HEINOUS CRIME. SCAN THE COUNTENANCE OF KLINGENSMITH AND THE IMPRESSION THAT HEMUST HAVE MADE UPON YOU WAS THAT OF DEEP REMORSE AND FEAR. HE HAS LIVED A HELL UPON EARTH.	IN THAT MOST HEIN~~OU~~S CRIME. SCAN THE COUNTENANCE OF KLINGENSMITH AND THE IMPRESSION THAT HE MUST HAVE MADE UPON YOU WAS THAT OF DEEP REMORSE AND FEAR. HE HAS LIVED A HELL UPON EARTH.
SAME WITH JOEL WHITE SUBDUED MEEK	HIM SAME WITH JOEL WHITE SUBDUED WALK	THE SAME WITH JOEL WHITE—A SUBDUED WALK, A MEEK AND	THE SAME WITH JOEL WHITE—A SUBDUED WALK, A MEEK AND
SUBMISSIVE MEMORY OF CRIME LAW WHICH GOD HAS ESTABLISHED	SUBMISSIVE AND MEMORY OF [*space*]	SUMBISSIVE MEMORY OF THE CRIME AND OF THE DECREE WHICH IS WRITTEN IN HIS HEART THAT	SUBMI**S**SIVE MEMORY OF THE CRIME AND OF THE DECREE WHICH IS WRITTEN IN HIS HEART THAT
“WHO SO SHEDDETH MAN’S BLOOD BY MAN SHALL HIS BLOOD BE SHED” AS INCIDENT FOR THE PROPITIATION OF CRIME IF HE IS	“BY MAN SHALL HIS BLOOD BE SHED AND AS AN INCIDENT FOR THE PROPITIATION OF THAT CRIME *[[13]]* IF HE IS	WHO SO SHEDDETH MAN’S BLOOD BY MAN SHALL HIS BLOOD BE SHED. AND AS AN INCEDENT FOR THE PERPETRATION OF THAT CRIME I~~S~~F HE IS	**“**WHO SO SHEDDETH MAN’S BLOOD BY MAN SHALL HIS BLOOD BE SHED.**”** AND AS AN INCEDENT **OFTEN** ~~FOR~~ THE PERPETRATION OF THAT CRIME **IF** ~~ISF~~ HE IS

619. Over illegible shorthand.

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RS	PS	RT	BT
NOT EXECUTED SOON AFTER VERY KNOWLEDGE OF FACT SEEMS ALWAYS BEEN PRESENT WITH HIM AND IN HIS DREAMS THESE LITTLE CHILDREN WITH THEIR BLOODY LOCKS, THESE MOTHERS WITH THEIR BABES CLINGING TO THEIR BOSOMS, {THE}[i] SHRIEKS SUPPLICATIONS OF PARENTS THE *ACTS*[?] AND PRAYERS FOR MERCY THAT MUST HAVE ASCENDED TO THE {GOD OF MERCY,}[i] MUST HAVE BEEN PRESENT WITH *THIS MAN/THESE MEN*[?] FROM THE DAY OF THAT CRIME TO {THE}[i] PRESENT IT IS MARKED UPON {THE}[i] COUNTENANCE OF *THIS MAN/THESE MEN*[?] IN LINES {THAT	NOT EXECUTED SOON AFTER THE VERY KNOWLEDGE OF THE FACT [*space*] IN HIS [*space*] DREAMS, THESE LITTLE CHILDREN WITH THEIR BLOODY LOCKS, THESE MOTHERS WITH THEIR BABES CLINGING TO THEIR BOSOMS THE SHRIEKS SUPPLICATIONS OF PARENTS ACTS AND APPEALS FOR MERCY THAT MUST HAVE DESCENDED TO THE GOD OF MERCY MUST HAVE BEEN PRESENT WITH *THIS MAN/THESE MEN*[?] FROM THE DAY OF THAT CRIME TO THE PRESENT IT IS MARKED UPON COUNTENANCE OF *THIS MAN/THESE MEN*[?] IN LINES THAT	NOT EXECUTED SOON AFTER THE VERY KNOWLEDGE OF THE FACT SEEMS ALWAYS TO HAVE BEEN PRESENT WITH HIM. IN HIS D**R**EAMS THESE LITTLE CHILDREN WITH THEIR BLOODY LOCKS, THESE MOTHERS WITH THEIR BABES CLINGING TO THEIR BOSOMS, THE SHRIEKS AND SUPPLICATIONS OF PARENTS, THE ACTS AND APPEALS FOR MERCY THAT MUST HAVE ASSENDED TO THE GOD OF MERCY, MUST HAVE BEEN PRESENT WITH THESE MEN FROM THE DAY OF THAT CRIMES TO THE PRESENT. IT IS MARKED UPON THE COUNTENANCES OF THESE MEN IN LINES THAT	NOT EXECUTED SOON AFTER THE VERY KNOWLEDGE OF THE FACT SEEMS ALWAYS TO HAVE BEEN PRESENT WITH HIM. IN HIS D**R**EAMS THESE LITTLE CHILDREN WITH THEIR BLOODY LOCKS, THESE MOTHERS WITH THEIR BABES CLINGING TO THEIR BOSOMS, THE SHRIEKS AND SUPPLICATIONS OF PARENTS, THE ACTS AND APPEALS FOR ~~M~~MERC~~H~~Y THAT MUST HAVE ~~S~~ASSENDED TO THE GOD OF MERCY, MUST HAVE BEEN PRESENT WITH THESE MEN FROM THE DAY OF THAT CRIMES TO THE PRESENT. IT IS MARKED UPON THE COUNTENANCES OF THESE **MEN** IN LINES THAT

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RS	PS	RT	BT
ARE}[i] UNMISTAKABLE SEE THE MEN NO DIFFERENCE UNDER WHAT NAME OR UNDER	ARE *UNMISTAKABLE*[?]	ARE UNMISTAKABLE. SO THE MAN N DIFFERENCE IN WHAT NAME OR WHAT NATURE—	ARE UNMISTAKABLE. SO THE MAN N**O** DIFFERENCE IN WHAT NAME OR WHAT NATURE—
WHAT PROTECTION EVEN UNDER HALO OF RELIGION AND —[?] IT IS CRIME	THAT EVEN UNDER HALO RELIGION	WHAT PROTECTION EVEN UNDER THE ~~HALO~~ <**HOOD**> OF RELIGION IT IS A CRIME AND HE	WHAT PROTECTION EVEN UNDER THE HALO OF RELIGION IT IS A CRIME AND HE
CAN'T ESCAPE PENALTY WHICH GOD OF THE CHRISTIANS HAS FIXED FOR THE PERPETRATORS OF SUCH A	CAN'T ESCAPE THE PENALTY WHICH GOD HAS FIXED FOR THE PERPETRATORS OF SUCH A	CANNOT ESCAPE THE PENALTY WHICH THE GOD OF THE CHRISTIANS HAS FIXED FOR THE PERPETRATORS OF SUCH A MONSTROUS	CANNOT ESCAPE THE PENALTY WHICH THE GOD OF THE CHRISTIANS HAS FIXED FOR THE PERPETRATORS OF SUCH A MONSTROUS
CRIME. {¶}[i] LET ME CALL {YOUR}[i] ATTENTION	CRIME LET ME CALL THE ATTENTION OF THE JURY TO	CRIME. LET ME CALL YOUR ATTENTION ONCE MORE TO	CRIME. LET ME CALL YOUR ATTENTION ONCE MORE TO
TO THAT COUNTENANCE OF THAT POOR UNFORTUNATE MAN. A MAN {WHO PROBABLY}[i] EMBRACED MORMONISM, BELIEVING IT WAS HIS ONLY CHANCE FOR SALVATION IN	THE COUNTENANCE OF THAT POOR UNFORTUNATE MAN A MAN WHO PROBABLY EMBRACED MORMONISM BELIEVING IT WAS *ONLY*[?] [*space*] IN	THE COUNTENANCE OF THAT POOR UNFORTUNATE MAN, A MAN WHO PROBABLY EMBRACED MORMONISM *[68]* BELIEVING IT WAS HIS ONLY CHANCE FOR SALVATION. IN	THE COUNTENANCE OF THAT POOR UNFORTUNATE MAN, A MAN WHO PROBABLY EMBRACED MORMONISM *[68]* BELIEVING IT WAS HIS ONLY CHANCE FOR SALVATION. IN

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RS	PS	RT	BT
THE HOUR *N*[?] WHEN THIS MAN UNDER LEADERSHIP OF {THE}[i] CHURCH WAS LED INTO WILLINGLY	A MOMENT *CHOOSES/JSS*[?] THIS MATTER UNDER THE LEADERSHIP OF THE CHURCH HE WAS LED IN IT WILLINGLY AND WILLINGLY A PARTICIPANT	A MOMENT IN AN HOUR, IN THIS MATTER UNDER THE LEADERSHIP OF THE CHURCH HE WAS LED INTO IT—WILLINGLY	A MOMENT IN AN HOUR, IN THIS MATTER UNDER THE LEADERSH~~O~~IP OF THE CHURCH**,** HE WAS LED INTO IT—WILLINGLY
LED THEM INTO THE CRIME WHICH MUST HAVE MADE HIS CONSCIENCE A HELL UNTO HIM FROM THAT TIME TO THIS LOOK AT {HIS}[i] FACE {! WHAT DO WE SEE}[i]	WAS LED INTO THE CRIME WHICH HE MUST HAVE MADE HIS [*space*] HELL ON EARTH TO THIS TIME [*space*]	LED INTO THE CRIME, AND HE MUST HAVEMADE HIS CONSCIENCE A LAW UNTO HIM FROM THAT TIME TO THIS . LOOK AT HIS FACE! WHAT DO WE SEE? WE SEE THE	LED INTO THE CRIME, AND HE MUST HAVE MADE HIS CONSCIENCE A LAW UNTO HIM FROM THAT TIME TO THIS . LOOK AT HIS FACE! WHAT DO WE SEE? WE SEE THE
LINEAMENTS {OF CRIME}[i] STAMPED ON THAT BROW HE WAS ENGAGED IN THE MASSACRE OF LITTLE CHILDREN DEFENSELESS WOMEN IF {ANY OF}[i] YOU {WOULD}[i] TAKE {A}[i] CHILD 9 MONTHS OLD AND VENTURE {TO}[i] PLACE IT IN HIS {IN THE}[i]	LINEAMENTS OF CRIME STAMPED ON HIS BROW *BEFORE*[?] HE WAS ENGAGED IN THE [*space*] IF ANY IF YOU WOULD TAKE A CHILD 9 MONTHS OLD [*space*] *OVER/RR*[?] TO PLACE IN THE	LINEAMENTS OF CRIME STAMPED ON THAT BROW. HE WAS ENGAGED IN THE MASSACRE OF L**I**TTLE CHILDREN AND DEFENSELESS WOMEN. IF ANY OF YOU WOULD TAKE A CHILD NINE MONTHS OLD AND YOULD VENTURE TOPLACE IT IN THE	LINEAMENTS OF CRIME STAMPED ON THAT BROW. HE WAS ENGAGED IN THE MASSACRE OF L**I**TTLE CHILDREN AND DEFENSELESS WOMEN. IF ANY OF YOU WOULD TA~~L~~KE A CHILD NINE MONTHS OLD AND YOU~~LD~~ **WOULD** VENTURE TO PLACE IT IN THE

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RS	PS	RT	BT
HANDS OF JOHN D. LEE {**THE**}[i] INSTINCTS OF THAT CHILD WOULD LEAD IT SHRINK FROM HIM, BECAUSE IT IS A FACT THOSE THAT HIS {THE}[i] INSTINCTS {OF A}[i] CHILD CAN READ MARKS OF DEPRAVITY UPON {THE}[i] FACE OF THAT MAN. {YOU MAY}[i] TAKE {A}[i] CHILD EVEN BEFORE IT HAS IDEAS AND PRESENT *[20]* IT TO AN INDIAN, {BRUTAL BY NATURE = BRUTAL BY DEPRAVITY}[i] AND LIKE JOHN D. LEE CARRIES THAT BRUTAL {**BY NATURE = BRUTAL**}[i] MARK UPON HIS FACE; TAKE AND OFFER IT {TO HIM AND}[i] IT INSTINCTIVELY SHRINKS AWAY, BECAUSE BY {THE}[i] LAW OF	HANDS OF JOHN D. LEE THE INSTINCTS OF THAT CHILD WOULD LEAD IT TO SHRINK FROM HIM BECAUSE IT IS A FACT THAT EVEN THE INSTINCTS OF CHILD CAN READ THE CRIMES AND DEPRAVITY UPON A MAN *NOT QUESTION*[?] TAKE BEFORE SHE HAD IDEAS AND PRESENT IT TO AN INDIAN BRUTAL ~~BY NATURE~~ THING BRUTAL BY *PRVK/PRK/PRACT ICE*[?] CARRIES THAT BRUTAL MARK LIKE JOHN D. LEE UPON HIS FACE [*space*] IT INSTINCTIVELY SHRINKS AWAY BECAUSE	HANDS OF JOHN D. LEE, THE INSTINCTS OF THAT CHILD WOULD LEAD IT TO SHRINK FROM HIM, BECAUSE IT IS A FACT TH T THE INSTINCTS OF A CHILD CAN READ THE MARKS OF DEPRA VITY ON THE FACE OF TH AT M~~E~~AN. YOU MAY TAKE A CHILD EVEN BEFORE IT HAS IDEAS AND PRESENT IT TO THE INDIAN — BRUTAL BY NATURE, BRUTAL BY DEPRAVITY AND LIKE JOHN D. LEE WHO CARRIES THAT BRUTAL MARK BY NATURE UPON HIS FACE, TAKE IT AND OFFER IT TO HIM AND IT INSTINCTIVELY SHRINKS AWAY, BECAUSE BY THE LAW OF	HANDS OF JOHN D. LEE, THE INSTINCTS OF THAT CHILD WOULD LEAD IT TO SHRINK FROM HIM, BECAUSE IT IS A FACT THAT THE INSTINCTS OF A CHILD CAN READ THE MARKS OF DEPRAVITY ON THE FACE OF **A** ~~TH AT~~ M~~E~~AN. YOU MA~~K~~Y TAKE A CHILD EVEN BEFORE IT HAS IDEAS AND PRESENT IT TO THE INDIAN — BRUTAL BY NATURE, BRUTAL BY DEPRAVITY AND LIKE JOHN D. LEE WHO CARRIES THAT BRUTAL MARK BY NATURE UPON HIS FACE, TAKE IT AND OFFER IT TO HIM AND IT INSTINCTIVELY SHRINKS AWAY, BECAUSE BY THE LAW OF

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RS	PS	RT	BT
NATURE BY FEELS DEPRAVITY OF THAT MAN UPON HIS COUNTENANCE. ¶ NOW GENTLEMEN OF THE JURY I WILL PAUSE, {AND}[i] IN CONCLUSION I DESIRE TO MAKE SOME COMMENTS UPON SUMMATION OF OPPOSING COUNSEL [*space*] {JUDGE}[i] SUTHERLAND APPEARED BEFORE YOU HERE WAS FULL OF COMPLAINT ONE OF HIS COMPLAINTS ILLUSTRATION OF THE FAIRNESS {OF THE DEFENSE THAT}[i] OUT OF THE NUMEROUS PARTICIPANTS IN THIS MOUNTAIN MEADOW, AFFAIR, =	IT READS DEPRAVITY OF THAT MAN *[[14]]* UPON HIS COUNTENANCE ¶[620] NOW GENTLEMEN OF THE JURY I WILL PAUSE AND IN CONCLUSION I DESIRE TO MAKE SOME COMMENTS UPON THE REMARKS OF THE OPPOSING COUNSEL [*space*] JUDGE SUTHERLAND APPEARED BEFORE YOU AND WAS FULL OF COMPLAINT AND SAY TO HIS COMPLAINTS *IT*[?] IS A FAIR ILLUSTRATION OF THE *FAIRNESS*[?] OF THE DEFENSE THAT OUT NUMEROUS PARTICIPANTS IN THIS MOUNTAIN MEADOW AFFAIR THAT	NATURE IT READS A FELLON'S DEPRAVITY OF THAT MAN UPON HIS COUNTENANCE. NOW, GENTLEME~~H~~N OF THE JURY I WILL PAUS, AND IN CONCLUSION, I DESIRE TO MAKE SOME COMMENTS UPON THE REMARKS OF THE OPPOSING COUNSEL. JUDGE SUTHERLAND APPEARED BEFORE YOU HERE AND HE WAS FULL OF COMPLAINT. ONE OF ~~T~~HIS MAIN COMPLAINTS— AND IT WAS AN ILLUSTRATION OF THE FAIRNESS OF THE DEFENSE— THAT OUT OF THE NUMEROUS PARTICIPANTS IN THIS MOUNTAIN MEADOWS AFFAIR THAT	NATURE IT READS A FELLON'S DEPRAVITY OF THAT MAN UPON HIS COUNTENANCE. NOW, GENTLEME~~H~~N OF THE JURY I WILL PAUS, AND IN CONCLUSION, I DESIRE TO MAKE SOME COMMENTS UPON THE REMARKS OF THE OPPOSING COUNSEL. JUDGE SUTHERLAND APPEARED BEFORE YOU HERE AND HE WAS FULL OF COMPLAINT. ONE OF ~~T~~HIS MAIN COMPLAINTS— AND IT WAS AN ILLUSTRATION OF THE FAIRNESS OF THE DEFENSE— THAT OUT OF THE NUMEROUS PARTICIPANTS IN THIS MOUNTAIN MEADOW~~S~~ AFFAIR THAT

620. In Rogerson's hand.

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RS	PS	RT	BT
ONLY 5 OF THEM WERE PLACED UPON STAND; THEREFORE HE SAYS {GENTLEMEN OF THE JURY}[i] NOW IT WAS THE DUTY OF PROSECUTION TO SHOW TO YOU ALL THE FACTS SURROUNDING THIS CASE HOW COULD YOU SEE BEYOND A REASONABLE DOUBT THEY BROUGHT IN THIS CASE WHEN {ALL THE}[i] BALANCE OF THE MEN WHO PARTICIPATED IN THIS EXCEPT FIVE WERE NOT PLACED UPON STAND. THIS {IS A}[i] MISTAKEN IDEA OF DUTIES OF THE PROSECUTION WE	ONLY FIVE OF THEM WERE PLACED UPON THE STAND; THEREFORE —[?] [*space*] ALL THE FACT SURROUNDING THIS CASE HOW COULD YOU SEE BEYOND A REASONABLE DOUBT WHEN ALL WHO *COUNSELED*[?] PARTICIPATED IN THESE ACTS [*space*] EXCEPT FIVE WERE NOT PLACED UPON THE STAND THIS IS A MISTAKEN IDEA OF THE DUTIES OF THE PROSECUTION THE PROSECUTION	ONLY FIVE OF THEM WERE PLACED UPON THE STAND HERE; THEREFORE HE SAYS, GENTLEMEN OF THE JURY, THAT IT WAS THE DUTY OF THE PROSECUTION TO SHOW TO YOU ALL THE FACTS SURROUNDING THIS CASE. HOW COULD YOU SEE BEYOND A REASONABLE DOUBT ALL THE FACTS THAT BELONGED OR OCCURRED IN THIS CASE WHEN ALL THE BALANCE OF THE MEN WHO PARTICIPATED IN THIS MASSACRE EXCEPT FIVE WERE NOT PLACED UPON THE STAND. THIS IS A MISTAKEN IDEA OF THE DU~~R~~TIES OF THE PROSECUTION. WE	ONLY FIVE OF THEM WERE PLACED UPON THE STAND HERE; THEREFORE HE SAYS, GENTLEMEN OF THE JURY, THAT IT WAS THE DUTY OF THE PROSECUTION TO SHOW TO YOU ALL THE FACTS SURROUNDING THIS CASE. **“**HOW COULD YOU **SEE** ~~SEE~~ BEYOND A REASONABLE DOUBT ALL THE FACTS THAT BELONGED OR OCCURRED IN THIS CASE WHEN ALL THE BALANCE OF THE MEN WHO PARTICIPATED IN THIS MASSACRE EXCEPT FIVE WERE NOT PLACED UPON THE STAND~~.~~**?”** THIS IS A MISTAKEN IDEA OF THE DU~~R~~TIES OF THE PROSECUTIO~~J~~N. WE

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RS	PS	RT	BT
ARE ONLY BOUND TO INTRODUCE **A** SUFFICIENT AMOUNT OF EVIDENCE AS WILL CONVINCE {**A**}[i] JURY THAT THE PERSON ARRAIGNED IS GUILTY BEYOND A REASONABLE DOUBT. WE INTRODUCED 5 WITNESSES TO SHOW THAT THAT FEARFUL TRAGEDY AND MURDERS {WAS ENACTED AT THE}[i] MOUNTAIN MEADOWS. THEY ALL AS I HAVE SHOWN YOU LED TO SAME RESULT{, AND THAT WAS}[i] THESE PARTIES AS WERE CONDUCTED OUT BY JOHN D. LEE UNDER A FLAG OF TRUCE {AND THOSE CO-OPERATING	ARE ONLY BOUND TO INTRODUCE SUFFICIENT AMOUNT OF EVIDENCE AS WILL CONVINCE THE JURY THAT THE PRISONER ARRAIGNED IS GUILTY BEYOND A REASONABLE DOUBT I INTRODUCED FIVE WITNESSES WHO SAW THAT MOST FEARFUL TRAGEDY ENACTED AT MOUNTAIN MEADOWS THEY ALL AS I HAVE SHOWN YOU LED TO THE SAME RESULT AND THAT WAS THAT THOSE PARTIES WERE *CONDUCTED/TO O*K[?] OUT BY JOHN D. LEE UNDER A FLAG OF TRUCE AND THOSE CO-OPERATING	ARE *[69]* AS WILL CONVINCE THEJURY THAT THE PRISONER ARRAIGNED IS GUILTY BEYOND A RESONABLE DOUBT. WE INTRODUCED FI~~C~~VE WITNESSES TO SHOW THAT THAT MOST FEARFUL TRAGEDY WAS ENACTED AT THE MOUAIN MEADOWS. THEY ALL— THEIR TESTIMONY, AS I HAVE SHOWN YOU, ALL LED TO THE SAME RESULT, AND THAT WAS THAT THESE PARTIES WERE CONDUCTED OUT OF THEIR CORRAL BY JOHN D. LEE UNDER A FLAG OF TRUCE, CO-OPERATING	ARE ONLY REQUIRED AND BOUND TO INTRODUCE A SUFFICIENT AMOUNT OF EVIDE~~NC~~E *[69]* AS WILL CONVINCE THEJURY THAT THE PRISONER ARRAIGNED IS GUILTY BEYOND A REASONABLE DOUBT. WE INTRODUCED FI~~C~~VE WITNESSES TO SHOW THAT THAT MOST FEARFUL TRAGEDY WAS ENACTED AT THE MOUA~~T~~IN MEADOWS. THEY ALL— THEIR TESTIMONY, AS I HAVE SHOWN YOU, ALL LED TO THE SAME RESULT, AND THAT WAS THAT THESE PARTIES WERE CONDUCTED OUT OF THEIR CORRAL BY JOHN D. LEE UNDER A FLAG OF TRUCE, CO-OPERATING

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RS	PS	RT	BT
WITH THEM WERE}[i] LED IN TO {THAT FEARFUL}[i] AMBUSH {AND}[i] RUTHLESSLY SLAUGHTER {ALL MEN}[i] WOMEN {AND CHILDREN}[i] BY {THE}[i] INDIANS AND WHITE MEN THIS IS CERTAINLY THE EVIDENCE WHICH IS ATTESTED BEFORE YOU **&** CASTS **A** SHADOW OVER THIS MAN JOHN D. LEE {AYE MORE,}[i] IT APPEARS TO DEMONSTRATIO N AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE, THE FACT THAT HE WAS {**A**}[i] GUILTY PARTICIPANT IN IT. {NOW THEN THEY SAY THE}[i] PROSECUTION HAVE THE WHOLE	*THEY/THEM*[?] — [*space*] RUTHLESS SLAUGHTER BY THE INDIANS AND WHITE MEN THIS IS CERTAINLY THE EVIDENCE CASTS A SHADOW OVER THIS MAN JOHN D. LEE *BUT/WHILE*[?] IT PROVES FIT DEMONSTRATIO N AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE THE FACT THAT HE WAS PARTICIPANT IN IT NOW THEN THEY SAY PROSECUTION HAVE THE WHOLE	WITH THEM AND WERE LED IN TO THAT FEARFUL AM~~U~~BUSH, AND THE RUTHLESS SLAUGHTER OF MEN, WOMEN AND CHILDREN BY THE INDIANS AND WHITE MEN WAS DONE. THIS IS CERTAINLY THE EVIDENCE WHICH HAS BEEN ADDUCED BEFORE YOU AND THAT CASTS A SHADOW OVER THIS MAN JO**HN** D. LEE . AYE, MORE, IT APPEARS TO A DEMONSTRATIO N AS FAR AS HUMAN TESTIMONY CAN DOMONSTRATE THE FACT THAT HE WAS A GUILTY PARTICIPANT IN IT. NOW, THEN, THE DEFENSE SAY, THAT THE PROSECUTION HAD THE WHOLE	WITH **OTHERS** ~~THEM AND~~ ~~E~~WERE LED IN TO THAT FEARFUL AM~~U~~BUSH, AND THE RUTHLESS SLAUGHTER OF MEN, WOMEN AND CHILDREN BY THE INDIANS AND WHITE MEN WAS DONE. THIS IS CERTAINLY THE EVIDENCE WHICH HAS BEEN ADDUCED BEFORE YOU AND THAT CASTS A SHADOW OVER THIS MAN JO~~N~~**HN** D. LEE . AYE, MORE, IT APPEARS TO A DEMONSTRATIO N AS FAR AS HUMAN TESTIMONY CAN DEMONSTRATE THE FACT THAT HE WAS A GUILTY PARTICIPANT IN IT. NOW, THE~~J~~N, THE DEFENSE SAY, THAT THE PROSECUTION HAD THE WHOLE

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RS	PS	RT	BT
GOVERNMENT TO BACK THEM THEY HAVE PROCESS OF THIS COURT, THEY HAVE THE WRIT OF ATTACHMENT TO ASSIST THEM ALL THIS SORT OF THING,	GOVERNMENT TO BACK THEM < WRIT OF ATTACHMENT TO ASSIST THEM [*space*] *SAYS*[?] JOHN D. LEE	GOVERNMENT TO BACK THEM; THAT THEY HAVE THE PROCESS OF THIS COURT THEY HAD THE ~~V~~WI~~I~~RIT OF ATTACHMENT AND ALL THIS SORT OF THING .	GOVERNMENT TO BACK THEM; THAT THEY HAVE THE PRO~~E~~CESS OF THIS COURT THEY HAD THE WI~~I~~RIT OF ATTACHMENT AND ALL THIS SORT OF THING . **THE DEFENDANT CAN AVAIL HIMSELF OF THESE PRIVILEGES AS MUCH AS THE PROSECUTION,**
BECAUSE UNDER OUR DIVINE INSTITUTIONS FROM REPUBLIC OF AMERICA NO MAN IS ~~=~~**OR**~~=~~ CAN BE TRIED EVEN FOR {A}[i] FELONY OR LESS CRIME, WITHOUT HE HAS {THE}[i] PRIVILEGE OF BEING HEARD BY COUNSEL HE HAS {THE}[i] RIGHT TO BE CONFRONTED BY {THE}[i] WITNESSES	BECAUSE UNDER OUR DIVINE INSTITUTION OUR REPUBLIC OF ~~MORMON~~ AMERICA NO MAN CAN BE TRIED EVEN FOR A FELONY OR LESS CRIME WITHOUT PRIVILEGE OF BEING HEARD BY COUNSEL RIGHT TO BE CONFRONTED BY THE WITNESSES	BECAUSE UNDER OUR DIVINE INSTITUTIONS FROM THE REPUBLIC OF AMERICA NO MAN IS OR CAN BE TRIED EVEN FOR A FELONY OR A LESSER CRIME WITHOUT HEHAS THE PRIVILEGE OF BEING HEARD BY COUNSEL AND ~~THE RIGHT~~ HE HAS THE RIGHT TO BE CONFRONTED BY THE WITNESSES	BECAUSE UNDER OUR DIVINE INSTITUTIONS ~~FROM~~ THE REPUBLIC OF AMERICA NO MAN IS OR CAN BE TRIED EVEN FOR A FELONY O~~R~~**F** A LESSOR CRIME WITHOUT HE HAS THE PRIVILEGE OF BEING ~~HEARD~~ **DEFENDED** BY COUNSEL AND ~~THE RIGHT~~ HE HAS THE RIGHT TO BE CONFRONTED BY THE WITNESSES

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RS	PS	RT	BT
AGAINST HIM {HE}[i] HAS THE RIGHT OF PROCESS OF THE COURT TO FORCE ATTENDANCE OF WITNESSES NOW WHAT WOULD HAVE BEEN {THE}[i] COURSE AN INNOCENT MAN, BECAUSE IT WAS SHOWN BY THEIR TESTIMONY, THAT MAN MC FARLANE WAS TO *WITNESS*[?] IT, {HE}[i] SHOWED {**A**}[i] MORE PREFECT {KNOWLEDGE THAN THE}[i] PROSECUTION, POSSESSED THAN THE PROSECUTION POSSESSED{AND SEEMED TO BE THE COUNSEL OF JOHN D. LEE.}[i]	AGAINST HIM RIGHT TO PROCESS OF COURT TO FORCE ATTENDANCE OF WITNESSES NOW WHAT WOULD HAVE BEEN THE COURSE AN INNOCENT MAN TAKES≤?≥ IT WAS SHOWN [*space*] *[[15]]* MC FARLANE SHOWED A MORE PREFECT KNOWLEDGE THAN THE PROSECUTION; AND SEEMED TO *HAVE THE/BE A*[?] THE COUNSEL OF JOHN D. LEE	AG AINST HIM. HE HAS THE RIGHT OF PROCESS OF THE COURT TO FORCE THE ATTENDANCE OF WITNESSES. NOW, WHAT WOULD HAVE BEEN THE COURSE THAT AN INNOCENT MAN WOULD TAKE—— BECAUSE IT WAS SHOWN BY THEIR OWN TESTIMONY THAT THAT MAN MC FARLANE(AND THE E IS EVIDENCE OF ~~O~~ IT) HE SHOWED A MORE PERFECT KNOWLEDGE THAN THE PROSECUTION, AND SEEMED TO BE THE COUNSEL OF JOHN D. LEE AND IN POSSESSION OF MORE KNOWLEDGE OF THE AFFAIR	AG AINST HIM. HE HAS THE RIGHT OF PROCESS OF THE COURT TO FORCE THE ATTENDANCE OF WITNESSES. NOW, WHAT WOULD HAVE BEEN THE COURSE THAT AN INNOCENT MAN WOULD TAKE— BECAUSE IT WAS SHOWN BY THEIR OWN TESTIMONY THAT THAT MAN MC FARLANE(AND THE**R**E IS EVIDENCE OF ~~O~~ IT) HE SHOWED A MORE PREFECT KNOWLEDGE THAN THE PROSECUTION, AND SEEMED TO BE THE COUNSEL OF JOHN D. LEE AND IN POSSESSION OF MORE KNOWLEDGE OF THE AFFAIR

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RS	PS	RT	BT
		THAN THE PROSECUTION POSSESSED.	THAN THE PROSECUTION POSSESSED.
{HE}[i] SEEMED TO KNOW {WHERE}[i] ALL THESE ≼THE PARTICIPANTS≽ MEN LIVING BY HEARSAY IT SEEMED {THAT}[i] HE HAD BEEN GIVING HIS ATTENTION IN THAT REGARD VERY RECENTLY WHY DIDN'T THESE MEN WHEN THEY *HEARD*[?] ≼WHEN THIS≽ CASE CAME OFF SEEK *EVERYWHERE*[?] OF THIS COUNTRY TO BRING THOSE MEN, {THE}[i] WHEREABOUTS OF WHICH THEY WERE SO WELL ADVISED OF {LET ME TELL YOU}[i]	SEEMED TO KNOW WHERE ALL THESE MEN LIVED SEEMED THAT HE HAD BEEN GIVING HIS ATTENTION TO THAT REGARD VERY RECENTLY WHY DIDN'T THESE MEN SEEK THE *PRINCIPLE*[?] TO THIS *DEGREE*[?] AND BRING THOSE MEN THE WHEREABOUTS OF WHICH THEY WERE SO WELL ADVISED OF ~~LET ME~~ THEY TELL [*space*]	HE SEEMED TO KNOW WHERE ALL THESE MEN, THE PARTICIPANTS WERE LIVING, BY HEARSAY. IT SEEMED THAT THAT HE HAD BEEN GIVING HIS ATTENTION IN THAT REGARD VERY RECENTLY. WHY DIDN'T THESE MEN , WHEN THEY KNEW THAT THIS CASE WAS COMING OFF, SEEK ALL ~~OVER~~ THROUGH THIS COUNTRY AND BRING THESE MEN, THE WHEREABOUTS OF WHICH THEY WERE SO WELL ADVISED OF. *[70]* ~~7~~LET ME TELL YOU GENTLEMEN OF THE JURY, THAT	HE SEEMED TO KNOW WHERE ALL THESE MEN, THE PARTICIPANTS WERE LIVING, BY HEARSAY. IT SEEMED THAT ~~THAT~~ HE HAD BEEN GIVING HIS ATTENTION IN THAT REGARD VERY RECENTLY. WHY DIDN'T THESE MEN , WHEN THEY KNEW THAT THIS CASE WAS COMING OFF, SEEK ALL ~~OVER~~ THROUGH THIS COUNTRY AND BRING THESE MEN, THE WHEREABOUTS OF WHICH THEY WERE SO WELL ADVISED OF. *[70]* ~~7L0ET~~ **LET** ME TELL YOU**,** GENTLEMEN OF THE JURY, THAT
JOHN D. LEE KNOWS MORE ABOUT WHAT TRANSPIRED ON MOUNTAIN	JOHN D. LEE KNOWS MORE ABOUT WHAT TRANSPIRED ON MOUNTAIN	JOHN D. LEE KNOWS MORE ABOUT WHAT TRANSPIRED ON THE MOUNTAIN	JOHN D. LEE KNOWS MORE ABOUT WHAT TRANSPIRED ON THE MOUNTAIN

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RS	PS	RT	BT
MEADOWS THAN THIS PROSECUTION CAN DO HE KNOWS WHO WAS THERE BECAUSE PROSECUTION WAS FORCED TO ADMISSION HE WAS THERE HE KNOWS WHAT THOSE WHAT *DONE THERE* *AFTER THEY* *WENT DOWN*[?]	MEADOWS THAN THIS PROSECUTION *CAN DO*[?] THE PROSECUTION WERE FORCED AND HE KNOWS WERE THOSE WENT DOWN ~~AFTER~~	MEQDOWS THAN THIS PROSECUTION CAN DO. HE KNOWS WHO WAS THERE, BECAUSE THE PROSECUTION WAS FORCED TO THE ADMISSION THAT HE WAS THERE. HE KNOWSN WHO WAS THERE AND WHAT WAS DONE THERE;	MEQDOWS THAN THIS PROSECUTION CAN DO. HE KNOWS WHO WAS THERE, BECAUSE THE PROSECUTION **HAS** ~~WAS~~ FORCED ~~TO~~ THE ADMISSION THAT HE WAS THERE. HE ~~KNOWSN~~ **KNOWS** WHO WAS THERE AND WHAT WAS DONE THERE;
HE KNOWS WHOLE TRANSACTION BECAUSE THE GOD OF NATURE DIDN'T MAKE HIM A FOOL. NO MAN CAN LOOK INTO HIS FACE {AND}[i] TAKE HIM FOR A FOOL. GOD HAS STAMPED THAT RESULT IN THIS STAMPED UPON HIS FEATURES THAT OF A HEARTLESS RUTHLESS MAN HE DON'T SHOW ANY	HE KNOWS WHOLE TRANSACTION BECAUSE THE *GOD OF* *NATURE*[?] DIDN'T MAKE HIM A FOOL NO MAN CAN LOOK INTO HIS FACE AND TAKE HIM FOR A FOOL ~~GOD HAS~~ ~~STAMPED~~ AND THAT RESULT OF THIS CRIME IS STAMPED A HEARTLESS RUTHLESS MAN HE DON'T SHOW ANY	HE KNOWS THE WHOLE TRANSACTION BECASUE THE GOR OF NATURE DIDN'T MANKE HIM A F~~L~~OOL. ~~NOW~~ NO MAN CAN LOOK INTO HIS FACE AND TAKE HIM FOR A FOOL. GOD HAS STAMPED THAT RESULT UPON HIM, HAS STAMPED THIS CRIME UPON HIS FEATURES— THAT OF A HEARTLESS RUTH~~E~~LESS MAN. HE DIDN'T SHOW ANY	HE KNOWS THE WHOLE TRANSACTION BECAUSE THE **GOD** ~~GOR~~ OF NATURE DIDN'T MANKE HIM A F~~L~~OOL. ~~NOW~~ NO MAN CAN LOOK INTO HIS FACE AND TAKE HIM FOR A FOOL. GOD HAS STAMPED THAT RESULT UPON HIM, HAS STAMPED THIS CRIME UPON HIS FEATURES— THAT OF A HEARTLESS RUTH~~E~~LESS MAN. HE DIDN'T SHOW ANY

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RS	PS	RT	BT
IDIOCY *OF/ON*[?] THAT COUNTENANCE, WANT OF FORCE OR INTELLECT. WHY WAS IT	IDIOCY OR LACK [*space*]	IDIOSY OF THAT COUNTENANCE WANT OF FORCE OR INTELLECT. HERE WAS	IDIOSY **IN** ~~OF~~ THAT COUNTENANCE ~~**OR**~~ WANT OF FORCE OR INTELLECT. HERE WAS
JOHN D. LEE THROUGH HIS USELESS	JOHN D. LEE SHOWS ~~≺~~*USELESS*[?]~~≻~~ SUPERIOR KNOWLEDGE	JOHN D. LEE THROUGH HIS ASSURANCE	JOHN D. LEE THROUGH HIS ASSURANCE
COUNSEL, THROUGH THE SUPERIOR KNOWLEDGE OF THAT MAN AND HE DID	COUNSEL *SUPERIOR*[?] KNOWLEDGE OF THAT MAN	AND COUNSEL , THROUGH THE SPIRITUAL KNOWLEDGE OF THAT MAN— AND HE DID	AND COUNSEL , THROUGH THE SPIRITUAL KNOWLEDGE OF THAT MAN— AND HE DID
SEEM TO HAVE {A}[i] KNOWLEDGE WHICH WAS *NOT*[?] SHOWED TO PROSECUTION WHICH	SEEM TO HAVE THE KNOWLEDGE WHICH WAS NOT SHOWN TO THE PROSECUTION	SEEM TO HAVE THE KNOWLEDGE WHICH WAS INTELLIGENT TO THE PROSECUTION AND WHICH	SEEM TO HAVE THE KNOWLEDGE WHICH WAS INTELLIGEN~~T~~**CE** TO THE PROSECUTION AND WHICH
WE WOULD *HAVE*[?] LIKED TO POSSESS		WE WOULD HAVE LIKED TO HAVE POSSESSED	WE WOULD HAVE LIKED TO ~~HAVE~~ POSSESSED
BEFORE WHY HAVE NOT THEY	~~*AND*[?]~~ WHY HAVE NOT THEY	BEFORE. WHY HAVE THEY NOT LONG AGO	BEFORE. WHY HAVE THEY NOT LONG AGO
BROUGHT THAT MAN	BROUGHT THIS ~~MAN~~ MAN	BROUGHT THAT M N ON THE STAND AND	BROUGHT THAT MAN ON THE STAND AND
SHOWED EXCULPATING CIRCUMSTANCES WHICH THEY ATTEMPT TO RAISE HERE BY IMPLICATION WHY HAVE	SHOWED THE EXCULPATING CIRCUMSTANCE S <	SHOW THE EXCULPATING CIRCUMSTANCE S WHICH THEY ATTEMPT TO RAISE HERE BY IMPLICATION? WHY HAVE	SHOW THE EXCULPATING CIRCUMSTANCE S WHICH THEY ATTEMPT TO RAISE HERE BY IMPLICATION? WHY HAVE

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RS	PS	RT	BT
THEY NOT DONE IT IF THEY WERE TAKEN BY SURPRISE IN THIS CASE {**A**}[i] COURT SHOULD ALWAYS LEAN TO SIDE OF MERCY WOULD HAVE CONTINUED THIS CASE ENABLED HIM TO GET THESE WITNESSES HERE IT IS WITHIN HIS *NATURE/LANGUAGE*[?] TO EXPLAIN THESE FACTS WHY HAVE THEY NOT DONE IT FOR {THE}[i] SIMPLE REASON IF THEY PUT THESE WITNESSES UPON {THE}[i] STAND THEY WOULD ONLY ACCUMULATE {THE}[i] CONVINCING TESTIMONY OF THAT MAN'S GUILT. THAT	IF THEY WERE TAKEN BY SURPRISE IN THIS CASE ~~THEN~~ A COURT SHOULD ALWAYS LEANS TO THE SIDE OF MERCY WOULD HAVE CONTINUED THIS CASE FOR IF IT IS TO AND ENABLE HIM TO GATHER WITNESSES HERE IT IS WITHIN HIS LANGUAGE TO EXPLAIN THESE FACTS WHY HAVE THEY NOT DONE IT FOR THE SIMPLE REASON, THAT THEY KNEW THEY WOULD BUT ACCUMULATE AN ALREADY CONVINCING TESTIMONY OF THIS MAN'S GUILT THAT	THEYNOT DONE IT, IF THEY WERE TAKEN BY SURPRISE, AS THEY SAY THEY WERE IN THIS CASE. A COURT SHOULD ALWAYS LEAN TO THE SIDE OF MERCY; AND IT WOULD HAVE CONTINUED THIS CASE FOR TESTIMONY, AND GIVEN TIME TO ENABLE HIM TO GET THESE WITNESSES HERE~~.~~. IT IS WITHIN HIS LANGUAGE TO EXPLAIN THESE FACTS. WHY HAVE THEY NOT DONEIT? FOR THE SIMPLE REASON, THAT THEY KNEW IF THEYPUT THESE WITNESSES UPON THE STAND, THEY WOULD NOLY ACCUMULATE, CONVICING TESTIMONY OF THAT MAN'S GUILT. THAT	THEYNOT DONE IT, IF THEY WERE TAKEN BY SURPRISE, AS THEY SAY THEY WERE IN THIS CASE. A COURT SHOULD ALWAYS LEAN TO THE SIDE OF MERCY; AND IT WOULD HAVE CONTINUED THIS CASE FOR **THE TERM** ~~TESTIMONY~~, AND GIVEN TIME TO ENABLE HIM TO GET THESE WITNESSES HERE~~.~~, IT IS WITHIN HIS LANGUAGE TO EXPLAIN THESE FACTS. WHY HAVE THEY NOT DONE IT? FOR THE SIMPLE REASON, THAT THEY KNEW IF THEYPUT THESE WITNESSES UPON THE STAND, THEY WOULD ~~NOLY~~ **ONLY** ACCUMULATE, CONVINCING TESTIMONY OF THAT MAN'S GUILT. THAT

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RS	**PS**	**RT**	**BT**
IS THE	WAS THE	IS THE	IS THE
REASON WHY	REASON [*space*]	REASON WHY	REASON WHY
THOSE	GENTLEMAN	THESE	THESE
WITNESSES	HAS SAID WE	WITNESSES	WITNESSES
		THEY TALK OF	THEY TALK OF
HAVE NOT	HAVE NOT	HAVE NOT	HAVE NOT
APPEARED	BROUGHT THEM	APPEARED	APPEARED
ON THIS	HERE THAT WAS	UPON THIS	UPON THIS
STAND.	OUTSIDE OF THE	STAND.	STAND.
I	CASE AND I	I	I
HAVE {THE}[i]	HAVE	HAVE THE	HAVE THE
RIGHT TO REFER	RIGHT TO REFER	RIGHT TO REFER	RIGHT TO REFER
TO REASON	TO THE REASON	TO THE REASON	TO THE REASON
WHY THEY	WHY THEY	WHY THEY	WHY THEY
WERE NOT	[*space*]	WERE NOT	WERE NOT
BROUGHT HERE.		BROUGHT HERE.	BROUGHT HERE.
SUBPOENAS	SUBPOENAS	SUBPOENAS	SUBPOENAS
WERE OUT {AND	ARE OUT AND	WERE OUT AND	WERE OUT AND
THEY HAVE	HAVE	THEYHAVE	THEYHAVE
BEEN OUT	BEEN OUT HAVE	BEEN OUT	BEEN OUT
FOR DAYS}[i] IT	BEEN FOR DAYS	FOR DAYS .	FOR DAYS .
WAS	<	THE	THE
{GENTLEMAN		GENTLEMEN	GENTLEMEN
HAS SAID WE		HAVE SAID WE	HAVE SA~~U~~ID WE
HAVE NOT		HAVE NOT	HAVE NOT
BROUGHT THEM		BROUGHT THEM	BROUGHT THEM
HERE. THAT		HERE; THAT	HERE; THAT
WAS		RE~~K~~MARK WAS	RE~~K~~MARK WAS
OUTSIDE OF THE		OUTSIDE OF THE	OUTSIDE OF THE
CASE.		CASE AND I	CASE AND I
		HAVE A RIGHT	HAVE A RIGHT
		TO REFER TO	TO REFER TO
		THE REASON	THE REASON
		WHY THEY	WHY THEY
		WERE NOT	WERE NOT
		BROUGHT HERE	BROUGHT HERE
		. SUBPOENAES	. SUBPOENAES
		ARE OUT AND	ARE OUT AND
		HAVE BEEN OUT	HAVE BEEN OUT
		—HAVE BEEN	—HAVE BEEN
[*21*] ISSUED FOR		ISSUED FOR	ISSUED FOR
DAYS FOR		DAYS FOR	DAYS FOR
MANY OF THESE		MANY OF THESE	MANY OF THESE
MEN IT	BUT IT	MEN, BUT IT	MEN, BUT IT

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RS	PS	RT	BT
WAS BEYOND THE POWER {OF THE EXECUTIVE OFFICERS}[i] IN THIS COURT TO FIND THESE MEN [*space*] AGAIN {THE}[i] PROSECUTION WAS IS NOT IN POSSESSION {OF THAT}[i] KNOWLEDGE OF ALL THOSE MEN WHO PARTICIPATED IN THAT CRIME, {AND}[i] ARE NOT IN POSSESSION OF THE KNOWLEDGE TODAY. ≤AND IS IT *NOTHING/ANYTHI NG*[?] REMARKABLE≥ {**WHY**}[i] HERE IS {A}[i] CRIME {THAT HAS BEEN}[i] PERPETRATED 18 YEARS, {AND}[i] EVEN DOWN IN {THE}[i] COMMUNITY WHERE {IT}[i] TRANSPIRED, THE MEN WHO	WAS *BEYOND/NOT*[?] THE POWER *[[16]]* OF THE EXECUTIVE OFFICERS OF THIS COURT AGAIN PROSECUTION WAS NOT IN POSSESSION OF THAT KNOWLEDGE *TODAY*[?] < [*space*] < [*space*] IS IT *NOTHING/ANYTH ING*[?] REMARKABLE WHY HERE IS A CRIME THAT HAS BEEN PERPETRATED 18 YEARS AND EVEN DOWN IN THE COMMUNITY WHERE IT TRANSPIRED MEN WHO	WAS NOT IN THE POWER OF THE EXECUTING OFFICERS OF THIS COURT *[71]* TO FIND THESE MEN. AGAIN, THE PR~~E~~OSECUTION WAS NOT IN POSSESSION OF THAT KNOWLEDGE AS TO THE WHEREABOUTS OF ALL THESE MEN WHO PATICIPATED IN THAT CRIME AND ARE NOT IN POSSESSION OF THAT KNOWLEDGE TO-DAY. AND IS IT REMARKABLE WHY HERE IS A CRIME THAT HAS BEEN PERPETRATED FOR EIGHTEEN YEARS AND EVEN DOWN IN THE COUMMUNITY WHERE IT ~~R~~TRANSPIRED, THE MEN WHO	WAS NOT IN THE POWER OF THE EXECUTIVE OFFICERS OF THIS COURT *[71]* TO FIND THESE MEN. AGAIN, THE PR~~E~~OSECUTION WAS NOT IN POSSESSION ~~T~~OF THAT KNOWLEDGE AS TO THE WHEREABOUTS OF ALL THESE MEN WHO PARTICIPATED IN THAT CRIME AND ARE NOT IN POSSESSION OF THAT KNOWLEDGE TO-DAY. AND IS IT REMARKABLE**?** WHY HERE IS A CRIME THAT HAS BEEN PERPETRATED FOR EIGHTEEN YEARS AND EVEN DOWN IN THE COMMUNITY WHERE IT ~~R~~TRANSPIRED, THE MEN WHO

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RS	PS	RT	BT
LIV~~E~~{ING}[i] IN THE CITY {WHERE THE INDIANS}[i] WHO WASHED THEIR BLOODY CLOTHES IN THE CEDAR, WHERE THEY LIVED THERE NEVER HEARD OF TRANSACTION [*space*] KLINGENSMITH HAS TESTIFIED {**THE**}[i] BOGUS PROPHET OF GOD ENJOINED THESE PARTIES ACT TO KEEP THIS MURDER SECRET {AND}[i] IT WAS THAT DIFFICULTY {THAT THE}[i] PROSECUTION {COULD NOT}[i] MAKE ANY HEADWAY IN UNRAVELING ~~<~~AND GETTING *OUT/AT*[?]~~>~~ THIS {MYSTERIOUS}[i] DEED OF CRIME. {NOW}[i] UNDER	LIVE IN THE CITY WHERE THE INDIANS WASHED THEIR BLOODY CLOTHES IN THE STREAM WHERE THEY DRINK FROM NEVER HAD HEARD OF THE TRANSACTION ~~THE PROPHET OF~~ [*space*] THE BOGUS PROPHET OF GOD ENJOINED UPON THESE PARTIES TO ~~MATTER~~ KEEP THIS MATTER SECRET IT WAS THAT DIFFICULTY THAT THE PROSECUTION COULD MAKE NO HEADWAY IN UNRAVELING THIS MYSTERIOUS DEED OF CRIME NOW UNDER	LIVE IN THE CITY WHERE THE INDIANS WHO WASHED THEIR BLOODY CLOTHES IN THE STREAMS IN CEDAY CITY AND DRINK FROM THEM, WHERE THEY LIVED THERE, NEVER HAD HEARD OF THE TRANSACTION. KLINGENSMITH HAS TESTIFIED THAT THE BOGUS PROPHET OF GOD ENJOINED ON THESE PATIES TO KEEP THIS MATTER SECRET. IT WAS BECAUSE OF THAT DIFFICULTY THAT THE PROSECUTION COULD NOT MAKE ANY HEADWAY IN UNRAVELING AND GETTING AT THIS MISTERIOUS DEED OF CRIME. NOW, UNDER	LIVE IN THE CITY WHERE THE INDIANS WHO WASHED THEIR BLOODY CLOTHES IN THE STREAMS IN CEDAY CITY AND ~~DRAN~~ DRINK FROM TH~~A~~EM, WHERE THEY LIVED THERE, NE~~F~~VER HAD HEARD OF THE TRANSACTION. KLINGENSMITH HAS TESTIFIED THAT THE BOGUS PROPHET OF GOD ENJOINED ON THESE PARTIES TO KEEP THIS MATTER SECRET. IT WAS BECAUSE OF THAT DIFFICULTY THAT THE PROSECUTION COULD NOT MAKE ANY HEADWAY IN UNRAVELING AND GETTING AT THIS MISTERIOUS DEED OF CRIME. NOW, UNDER

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RS	PS	RT	BT
THESE CIRCUMSTANCES THEY WOULD HAVE US BRING EVERY MAN {ON THIS STAND}[i] WHO IS IMPLICATED WITH IT. {IT IS BROUGHT BEFORE YOU THAT}[i] SEVERAL MEN {THEY HAVE}[i] BEEN INDICTED {AND ARRAIGNED}[i] BEFORE YOU >	THESE CIRCUMSTANCES THEY WOULD HAVE US TO BRING EVERY MAN ON THIS STAND WHO WAS IMPLICATED IN IT IT IS BROUGHT BEFORE YOU THAT SEVERAL MEN HAVE BEEN INDICTED AND ARRAIGNED BEFORE YOU ~~THE GENTLEMAN~~ *NOT*[?] UNDER ARREST THE	THESE CIRCUMSTANCES , THEY W ULD HAVE US TO BRING EVERYMAN ON THIS STAND WHO IS IMPLICATED IN IT. IT HAS APPEARED BEFORE YOU THAT SEVERAL MEN HAVE BEN INDICTED AND ARRAIGNED BEFORE YOU, AND THE	THESE CIRCUMSTANCES , THEY W**O**ULD HAVE US ~~TO~~ BRING EVERYMAN ON THIS STAND WHO IS IMPLICATED IN IT. IT HAS APPEARED BEFORE YOU THAT SEVERAL MEN HAVE BEEN INDICTED AND ARRAIGNED BEFORE YOU, AND THE
GENTLEMAN IN HIS TESTIMONY SEEMS TO KNOW WHERE THESE MEN ARE, HE THINKS	GENTLEMAN KNOWS TESTIMONY SEEMS TO KNOW WHERE THESE MEN ARE [*space*] KNOWS	GENTLEMAN KNOWS THE TESTIMONY OR SEEMS TO KNOW WHERE THESE MEN ARE. HE THINK S	GENTLEMAN KNOWS THE TESTIMONY OR SEEMS TO KNOW WHERE THESE MEN ARE. HE THINK S **HE KNOWS WHERE**
WERE GREAT MANY OF PARTICIPANT = SOME OF THEM {ARE}[i] WITHIN THE JURISDICTION OF THIS COURT.	WHERE GREAT MANY WITNESSES [*space*]	THERE WERE A GREAT MANY OF THE PARTICIPANTS. SOME OF THEM ARE WITHIN~~G~~ THE JURISDICTION OF THIS COURT.	THERE WERE A GREAT MANY OF THE PARTICIPANTS. SOME OF TH EM ARE WITHIN~~G~~ THE JURISDICTION OF THIS COURT.
THEY REFERRED TO FACT JOEL WHITE WAS BROUGHT HERE	REFER TO FACT THAT JOEL WHITE WAS BROUGHT HERE	THEY REFER TO THE FACT THAT JOEL WHITE WAS BROUGHT HERE	THEY REFER TO THE FACT THAT JOEL WHITE WAS BROUGHT HERE

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RS	PS	RT	BT
UNDER ATTACHMENT. >	UNDER ATTACHMENT < THE SECRET	UNDER A WRIT OF ATACHMENT. THE SECRET AND THE FACT	UNDER A WRIT OF ATACHMENT. THE SECRET AND THE FACT
{THE}[i] FACT OF WHITE HAV{ING}[i] RUN AWAY FROM PROCESS OF THIS COURT, THE COURT ISSUED AN ORDER FOR HIS ATTACHMENT	OF THAT IS THAT JOEL WHITE *M*[?] THAT ON THE RETURN OF THE OFFICER THAT HE WAS [*space*] THE COURT ISSUED AN ORDER FOR HIS ATTACHMENT	OF THAT IS— THE FACT OF WHITE HAVING RUN AWAY FROM THE PRO CESS OF THIS COURT, THE COURT ISSUED AN ORDER FOR HIS ATTACHMENT AND MADE RETURNABLE BY THE OFFICER TO WHOM THE ORDER WAS ISSUED AND HE	OF THAT IS— **THAT** ~~THE FACT OF~~ WHITE HAV ING RUN AWAY FROM THE PROCESS OF THIS COURT, THE COURT ISSUED AN ORDER FOR HIS ATTACHMENT AND MADE RETURNABLE BY THE OFFICER TO WHOM THE ORDER WAS ISSUED AND HE
WAS BROUGHT HERE BY THAT PROCESS BILL HICKMAN, WHOM I HAVE OCCASION TO REFER TO WAS {THE}[i] PRAISEWORTHY AGENT IN ACCOMPLISHING THAT END.	WAS BROUGHT HERE ~~BY THIS~~ BY THAT PROCESS AND BILL HICKMAN WAS THE PRAISEWORTHY GENTLEMAN TO ACCOMPLISH THAT END AND *WORKS/BECAUSE* [?] *TO/PUT*[?] *SINGLE/SNG/*—[?] —[?] —[?] [*space*] IS SIMPLY TO CORRECT	WAS BROUGHT HERE BY THAT PROCESS. BILL HICKMAN, WHOM I SHALL HAVE OCCASION TO REFER TO WAS THE PRAISWORTHY GENTLEMEN IN ACCOMPLISHIN G THAT END.	WAS BROUGHT HERE ~~UNDER THAT ATTA~~ BY THAT PROCESS. BILL HICKMAN, WHOM I SHALL HAVE OCCASION TO REFER TO WAS ~~A~~THE PRAISWORTHY GENTLEMAN IN ACCOMPLISHIN G THAT END.

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RS	PS	RT	BT
	A/AND/THE[?] *STMP/STMPT*[?] TO MAKE THOSE WHO PARTICIPATED IN THAT CRIME NOW GENTLEMEN [*space*] BECAUSE WE HAVE NOT DONE WHAT THE GENTLEMAN		
THEY KNOW THEIR WHEREABOUTS, AND JOHN MCFARLANE POSSESSES {THE}[i] INFORMATION BECAUSE WE HAVE NOT DONE MORE THAN IT WAS POSSIBLE FOR PROSECUTION *FIT/FOUGHT*[?] TO = BECAUSE WE HAVEN'T	*APPEAR/PR/PK*[?] TO DO AND THEY DID [*space*] JOHN MCFARLANE POSSESSES THE INFORMATION BECAUSE WE HAVE NOT DONE MORE THAN IT WAS POSSIBLE *[[17]]* FOR THE PROSECUTION TO DO; BECAUSE WE HAVE NOT MORE THAN PROVED	THEY KNOW THEIR WHEREABOUTS AND JOHN MCFARLANE POSSESSES THE INFORMATION. BECAUSE WE HAVE NOT DONE MORE THAN IT WAS POSSIBLE FOR THE PROSECUTION TO DO, BECAUSE WE HAVEN'T	THEY KNOW THEIR WHEREABOUTS AND JOHN MCFARLANE POSSESSES THE INFORMATION. BECAUSE WE HAVE NOT DONE MORE THAN IT WAS POSSIBLE FOR THE PROSECUTHON TO DO, BECAUSE WE HAVN'T
PROVEN {ALL THE}[i] ALL OUR THE FACTS = BECAUSE WE HAVEN'T PILED UP EVIDENCE UPON EVIDENCE =	FACTS BECAUSE WE HAVE NOT	PROVEN ALL THE FACTS BECAUSE WE HAVEN'T PILED UP EVIDENCE UPON EVIDENCE	PROVEN ALL THE FACTS, BECAUSE WE HAVN'T PILED UP EVIDENCE UPON EVIDENCE
ACCUMULATED {THAT HERE}[i] MOUNTAINS	ACCUMULATED OUR EVIDENCE MOUNTAIN	ACCUMULATED ~~THE~~ **OVER**	ACCUMULATED ~~THE~~ **OUR** EVIDENCE ~~OVER~~ MOUNTAINS

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RS	PS	RT	BT
HIGH, THEREFORE {WE}[i] OUGHT {TO}[i] ACQUIT THIS MAN; YOU CANNOT REASONABLY SAY {THAT}[i] THOSE {TWO}[i] OTHER WITNESSES IF CAME HERE WOULD NOT SHOW DIFFERENT RESULT YOU ARE NOT TO SPECULATE {WHAT THE}[i] EVIDENCE OF THOSE WITNESSES MAY BE. {THE QUESTION BEFORE YOU IS, HAS THE PROSECUTION SHOWN THE GUILT OF JOHN D. LEE BEYOND REASONABLE DOUBT.}[i] AGAIN {THE}[i] ARGUMENT OF THE GENTLEMEN WORKS AGAINST THEM	HIGH THAT YOU CAN REASONABLY SAY THAT THOSE OTHER WITNESSES THAT [*space*] YOU ARE NOT TO SPECULATE ABOUT WHAT THE EVIDENCE OF THOSE WOULD BE THE QUESTION BEFORE YOU HAS THE PROSECUTION SHOWN THE GUILT OF JOHN D. BEYOND REASONABLE DOUBT IN SUCH A SPECULATIVE EVIDENCE [*space*] AND AGAIN THE ARGUMENTS OF THE GENTLEMEN WORK AGAINST THEM	*[72]* YOU CANNOT REASONABLE SAY THAT THOSE TWO OTHER WITNESSES , IF THEY CAME HERE WOULD SHOW A DIFFERENT RESULT. YOU ARE NOT TO SPECUAL~~T~~E AS TO WHAT THE EVIDENCE OF THESE OTHER WITNESSES MIGHT BE. THE QUES ION BEFORE YOU IS, HAS THE PROSECUTION SHOWN THE GUILT OF JOHN D. LEE BEYOND A REASONABLE DOU~~N~~BT? A AGAIN THE ARGUEMENT OF THE GENTLEMEN WORKS AGAINST THEM. THERE IS NOT ANY SUCH	HIGH, THEREFORE WE OUGHT TO ACQUIT THIS MAN *[72]* YOU CANNOT REASONABL~~E~~**Y** SAY THAT THOSE ~~TWO~~ **FEW** OTHER WITNESSES , IF THEY CAME HERE WOULD SHOW A DIFFERENT RESULT. YOU ARE NOT TO SPECULA~~T~~E AS TO WHAT THE EVIDENCE OF THESE OTHER WITNESSES MIGHT BE. THE QUESTION BEFORE YOU IS, HAS THE PROSECUTION SHOWN THE GUILT OF JOHN D. LEE BEYOND A REASONABLE DOU~~N~~BT? ~~A~~ AGAIN THE ARGUEMENT**S** OF THE GENTLEMEN WORK~~S~~ AGAINST THEM. THERE IS NOT ANY SUCH

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RS	PS	RT	BT
CONCLUSION TO BE DERIVED FROM THAT IS, THEY DARED NOT BRING THESE MEN INTO {THE}[i] COURT [*space*] WE WANTED THEM {TO DO}[i] IT WERE THAT TRUE WE DID NOT DESIRE TO PUNISH ANY INNOCENT MAN FAR BE IT FROM IF THE PROSECUTION WOULD USE POWERS {OF THE}[i] GOVERNMENT GIVEN TO THEM BY VIRTUE {OF THE}[i] OFFICE {OF THE}[i] PROSECUTING ATTORNEY, IF THIS JURY WOULD LEND US THEIR AID TO {THE}[i] HANGING {OF AN}[i] INNOCENT MAN{,}[i] THEY THEMSELVES WOULD BE	THEY DARED NOT BRING THESE MEN INTO COURT WE WANT THEM TO DO IT [*space*] IF THIS JURY WOULD LEND THEIR AID TO THE HANGING OF AN INNOCENT MAN THEY THEMSELVES WOULD BE MURDERERS	SPECULATIVE EVIDENCE. THE QUESTION TO BE DERIVED FROM THAT IS THAT THEY DARED NOT BRING THESE OTHER MEN THEY SPEAK OF INTO THE COURT. WE WANTED THEM T DO IT, WE WERE NOT TRYING AND WE DID NOT DESIRE TO PUNISH ANY INNOCENT MAN. FAR BE IT FROM OUR PURPOSE. IF THE PROSECUTION WOULD ~~R~~USE THE POWERS TH T THE G~~VF~~OVERMENT HAS GIVEN TO THEM BY VIRTUE OF THE OFFICE OF THE PROSECUTING ATTORNEY, IF THIS JURY W ULD LEND US THEIR AID TO THE HANGING OF AN INNOCENT MAN, THEY THEMSELVES WOULD BE MURDERERS	SPECULATIVE EVIDENCE. THE QUESTION TO BE DERIVED FROM THAT IS THAT THEY DARED NOT BRING THESE OTHER MEN THEY SPEAK OF INTO THE COURT. WE WANTED THEM TO DO IT, WE WERE NOT TRYING AND WE DID NOT DESIRE TO PUNISH ANY INNOCENT MAN. FAR BE IT FROM OUR PURPOSE. IF THE PROSECUTION WOULD ~~R~~USE THE POWERS THA**T** THE G~~VF~~OVERNMEN T HAS GIVEN TO THEM BY VIRTUE OF THE OFFICE OF THE PROSECUTING ATTORNEY, IF THIS JURY WOULD LEND US THEIR AID TO THE HANGING OF AN INNOCENT MAN, THEY THEMSELVES WOULD BE MURDERERS

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RS	PS	RT	BT
ACCESSORIES TO MURDER, ONE THING {THAT THE}[i] LAW REQUIRES, ONE THING {THAT}[i] CRIMINAL JURISPRUDENCE REQUIRES, IS TO BRING {THE}[i] EVIDENCE THAT WILL CONVINCE THE JURY BEYOND {A}[i] REASONABLE DOUBT OF THE FACT {OF THE}[i] CHARGE AGAINST {THE}[i] PRISONER. LET ME PURSUE MY BROTHER SUTHERLAND'S {IDEA **A**}[i] STEP FURTHER, {HE SAYS THAT}[i] BECAUSE WE ONLY PRODUCED 5 OF THOSE WITNESSES UPON {THE}[i] STAND, {THEREFORE IT}[i] IS IMPOSSIBLE FOR THIS JURY TO SAY BEYOND A REASONABLE DOUBT = TO	AND ACCESSORIES TO MURDER AND ONE THING THAT LAW REQUIRES IS TO BRING EVIDENCE THAT WILL CONVINCE THE JURY BEYOND A REASONABLE DOUBT OF THE FACT OF THE CHARGE AGAINST THE PRISONER [*space*] NOW LET ME PURSUE [*space*] SUTHERLAND'S IDEA ONE STEP FURTHER SAYS THAT BECAUSE WE ONLY PRODUCED FIVE OF THOSE MEN THEREFORE ~~IT IS~~ THIS JURY CAN'T SAY BEYOND A REASONABLE DOUBT [*space*]	AND ACCESSORIES TO MURDER; AND ONE THING THAT LAW REQUIRES, ONE THING TH T CRIMINAL JURIDPRUDENC E REQUIRES IS TO B~~E~~RING THE EVIDENCE THAT WILL CONVINCE THE JURY BEYOND A REASONABLE DOUT OF THE FACT OF THE CHARGE AGAINS T THE PRISONER. NOW, THEN LET ME PURSUE MY BROTHER SUTHERLANDS IDEA A STEP FURTHER. HE SAYS THAT BECAUSE WE ONLY PRODUCES FI~~C~~VE OF THESE WITNESSES UPON THE STAND, T EREFORE IT IS IMPOSSIBLE FOR THIS JURY TO SAY BE YOND A REASONABLE DOUBT, TO	AND ACCESSORIES TO MURDER; AND ONE THING THAT LAW REQUIRES, ONE THING THAT CRIMINAL JURIDPRUDENC E REQUIRES IS TO B~~E~~RING THE EVIDENCE THAT WILL CONVINCE THE JURY BEYOND A REASONABLE DOUT OF THE FACT OF THE CHARGE AGAINS**T** ~~T~~ THE PRISONER. NOW, THEN LET ME **PERUSE** ~~PURSUE~~ MY BROTHER SUTHERLANDS IDEA A STEP FURTHER. HE SASY THAT BECAUSE WE ONLY PRODUCES FI~~C~~VE OF THESE WITNESSES UPON THE STAND, THEREFORE IT IS IMPOSSIBLE FOR THIS JURY TO SAY BEYOND A REASONABLE DOUBT, ~~TO~~

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RS	PS	RT	BT
SAY JOHN D. LEE IS GUILTY WHERE WILL YOU STOP {AND}[i] IF WE ARE NOT AUTHORIZED TO STOP AT 5 WE COULD NOT AT ~~<~~AUTHORIZED~~>~~ {AT}[i] 6 7 {**OR**}[i] 8 OR 50 REASON THE GENTLEMEN WOULD SAY BRING EVERY MAN {IMPLICATED}[i] INTO THIS COURT TESTIFY. THEY HAVE DWELT UPON {THE}[i] FACT {THAT}[i] K SMITH HAD TURNED STATES EVIDENCE{, THAT THE}[i] PRICE HE PAID {HIM}[i] HERE {THAT HE DESIRED}[i] ~~FOR~~ ~~HIS~~ {WAS HIS}[i] LIBERTY	 AND WHERE WILL YOU STOP IF WE WERE NOT AUTHORIZED TO STOP AT FIVE COULD NOT 7 8 OR 50 THE REASON THAT THE GENTLEMEN SAY TO BRING EVERY MAN IMPLICATED IN THIS COURT TO TESTIFY. AND THEY HAVE DWELT UPON THE FACT THAT KLINGEN SMITH TURNED STATES EVIDENCE THAT THE PRICE PAID FOR WHICH HE TESTIFIED HERE WAS HIS LIBERTY; THEY HAVE REFERRED TO THE FACT AS EVIDENCE OF	SAY THAT JOHN D. LEE IS GUILTY. WHERE WILL YOU STOP. THEY WERE NOT AUTHORIZED TO STOP AT FIVE ; WERE NOT AUTHORIZED TO STOP AT SIX, SEVEN, EIGHT OR FIFTY. REASON, GENTLEMEN, WOULD SAY, BRING EVERY MAN IMPLICATED IN THIS CRIME TO THIS COURT WHATSOEVER. THEY HAVE DWELT UPON THE FACT THE T KLINGENSMITH HAD TURNED STATES EVIDENCE; THAT THE PRICE PAID HIM FOR HIS TESTIMONY WAS HIS LIBERTY.	~~SAY~~ THAT JOHN D. LEE IS GUILTY. WHERE WILL YOU ST~~I~~OP. THEY WERE NOT AUTHORIZED TO STOP AT FIVE ; WERE NOT AUTHORIZED TO STOP AT SIX, SEVEN, EIGHT OR FIFTY. REASON, GENTLEMEN, WOULD SAY, BRING EVERY MAN IMPLICATED IN THIS CRIME TO THIS COURT WHATSOEVER. THEY HAVE DWELT UPON THE FACT TH~~E~~**A**T KLINGENSMITH HAD TURNED STATES EVIDENCE; THAT THE PRICE PAID HIM FOR HIS TESTIMONY WAS HIS LIBERTY.

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RS	PS	RT	BT
BECAUSE SMITH SHOWED IN HIS TESTIMONY HE SPOKE {THE}[i] TRUTH HE CAME HERE {WITHOUT}[i] ANY ARRANGEMENT WITH THIS PROSECUTION; WITHOUT ANY EXPECTATION OF IMMUNITY SIMPLY BECAUSE HE WAS HERE IN THIS COURT INDICTED OFFICER SENT AFTER HIM,	THAT BECAUSE KLINGEN SMITH CAME HERE WITHOUT ARRANGEMENT WITH THIS PROSECUTION; WITHOUT ANY EXPECTATION OF IMMUNITY ~~AND HE~~ CAME HERE BECAUSE HE WAS INDICTED.	BECAUSE KLINGENSMITH SHOWED IN HIS TESTIMONY THAT HE SPOKE THE TRUTH. HE CAME HERE WITHOUT ANY ARRANGEMENT ON THE PART OF THIS PROSECUTION; WITHOUT ANY EXPECTATION OF IMMUNI~~T~~Y. *[73]* SIMPLY BECAUSE HE WAS HERE INDICTED IN TH~~E~~IS COURT AND AN OFFICER WAS SENT AFTER HIM.	~~BECAUSE~~ KLINGENSMITH SHOWED IN HIS TESTIMONY THAT HE SPOKE THE TRUTH. HE CAME HERE WITHOUT ANY ARRANGEMENT ON THE PART OF THIS PROSECUTION; WITHOUT ANY EXPECTATI**O**N OF IMMUNI~~T~~Y. *[73]* SIMPLY BECAUSE HE WAS HERE INDICTED IN TH~~E~~IS COURT AND AN OFFICER **WAS** ~~WAS~~ SENT AFTER HIM **HE IS NOT WORTHY OF BELIEF,**.
THAT HAS {BEEN THE}[i] RULE		THAT HAS BEEN THE RULE,	THAT HAS BEEN THE RULE,

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RS	PS	RT	BT
GENTLEMEN OF THE CRIMINAL LAW EVER SINCE IT HAS BEEN EXISTENCE. IT IS RULE CARRIES OUT TO ANY STATE WHERE THESE GREAT CRIMES ARE PERPETRATED.	GENTLEMEN ASSUME FROM THE FACT THAT WE ENTERED A NOLLE PROSEQUI IN THE CASE OF SMITH AND THEREFORE GAVE HIM IMMUNITY AND LET HIM GO FREE THAT HAS BEEN THE RULE GENTLEMEN OF THE CRIMINAL LAW EVER SINCE IT CAME INTO *EXISTENCE*[?] *KR/CARRY*[?] *[[18]]* ~~THEY SAY~~	GENTLEMEN, OF THE CRIMINAL LAW EVER SINCE IT HAS BEN IN EXIST NCE. IT IS THE RULE CARRIED OUT UNIVERSALLY. , IN ALL COUNTRIES W ERE THESE GREAT CRIMES ARE PERPETRATED. THE GENTLEMEN ASSUME FOR M THE FACT THAT WE ENTERED A NOLLE PROSEQUI IN THE CASE OF SMITH, AND THEREFORE GAVE HIM IMMUNITY AND LET HIM GO FREE..	GENTLEMEN, OF THE CRIMINAL LAW EVER SINCE IT HAS BE**E**N IN EXISTANCE. IT IS THE RULE CARRIED OUT UNIVERSALLY~~.~~ , IN ALL COUNTRIES WHERE THESE GREAT CRIMES ARE PERPETRATED. THE GENTLEMEN ASSUME FOR**O**M THE FACT THAT WE ENTERED A NOLLE PROSEQUI IN THE CASE OF SMITH, **WHICH** ~~AND~~ THEREFO~~R~~E GAVE HIM IMMUNITY AND LET HIM GO FREE~~.~~ —
THEY DRAW THIS ARGUMENT FROM THE FACT	THEY DRAW THIS ARGUMENT FROM THE FACT	THEY DRAW THIS ARGUEMENT FROM THE FACT	THEY DRAW THIS ARGUEMENT FROM THE FACT

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RS	PS	RT	BT
WE NOLLIED INDICTMENT LET US LOOK AT THE FAIRNESS OF THAT DON'T YOU REMEMBER WHEN K SMITH WAS CALLED MR. SPICER AROSE IN IS PLACE, {AND}[i] SAID	THAT WE NOLLIED THE INDICTMENT LET US LOOK AT THE INDICTMENT DON'T YOU REMEMBER THAT WHEN KLINGEN SMITH ≤**MR. SPICER**≥[621] AROSE IN HIS PLACE	THAT WE NOLLIED THEINDICTMENT. LET US LOOK AT THEINDICTMENT. DON'T YOU REMEMBER WHEN KLINGENSMITH WAS CALLED, JUDGE SPICER AROSE INHIS PLACE AND SAID ON THE PART OF THE DEFENSE, ~~" WE OBJECT ", - DID WHAT WAS NECESSARY TO BE DONE~~ ~~BECAUSE~~ "WE OBJECT TO MR. KLINGENSMITH'S TESTIMONY." THAT WAS WHILE THE OFFICER WAS OUT FOR MR. SMITH BEFORE HE ARRIVED IN COURT. SO MR. CAREY THEN AROSE IN HIS PLACE AND DID WHAT WAS NECESSARY TO BE DONE BECAUSE WE COULD NOT PUT	THAT WE NOLLIED THE INDICTMENT. LET US LOOK AT THE INDICTMENT. DON'T YOU REMEMBER WHEN KLINGENSMITH WAS CALLED, JUDGE SPICER AROSE IN HIS PLACE AND SAID ON THE PART OF THE DEFENSE, ~~" WE OBJECT ", - DID WHAT WAS NECESSARY TO BE DONE~~ ~~BECAUSE~~ "WE OBJECT TO MR. KLINGENSMITH'S TESTIMONY." THAT WAS WHI~~L~~E THE OFFICER WAS OUT FOR MR. SMITH BEFORE HE ARRIVED IN COURT. SO MR. CAREY THEN AROSE IN HIS PLACE AND DID WHAT WAS NECESSARY TO BE DONE BECAUSE WE COULD NOT PUT
WE OBJECT TO MR. K SMITH'S TESTIMONY WHILE OFFICER WAS *OUT*[?] FOR MR. SMITH BEFORE ARRIVED TO COURT HOUSE MR. CAREY AROSE IN HIS PLACE AND DID WHAT WAS NECESSARY TO BE DONE, BECAUSE WE COULD NOT PUT	WE OBJECT TO MR. KLINGEN SMITH'S TESTIMONY WHILE OFFICER WAS OUT FOR KLINGEN SMITH MR. CAREY AROSE IN HIS PLACE AND DID WHAT WAS NECESSARY TO BE DONE, BECAUSE WE COULD NOT PUT		

621. In Rogerson's longhand.

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RS	PS	RT	BT
HIM ON WITNESS STAND WITHOUT {IT}^{i} = ENTERING {**A**}^{i} NOLLE. SMITH TOOK HIS SEAT UPON STAND AGAIN OBJECTION ON OPPOSITE JUDGE SPICER OBJECTED TO HIS EXAMINATION JUDGE SPICER IMMEDIATELY ROSE IN HIS PLACE {AND}^{i} SAID GENTLEMAN HAVING ENTERED NOLLE AT THIS HOUR WITH THE OBJECTION HE WAS ABOUT TO MAKE. ~~<~~**NOW THEY** COMPLAIN BECAUSE WE~~>~~ WE NOLLIED INDICTMENT, {THEY}^{i} ~~DREW~~ {DRAW}^{i} ALL THOSE UNWARRANTED	HIM UPON THE STAND WITHOUT IT MR. SMITH ~~THEN~~ TOOK HIS SEAT UPON THE STAND QUESTION *BEFORE*[?] HIS EXAMINATION WAS [*space*] JUDGE SPICER OBJECTED TO HIS EXAMINATION JUDGE SPICER IMMEDIATELY AROSE SAID THE GENTLEMAN HAVING ENTERED A NOLLE IT DOES AWAY WITH THE OBJECTION THEY WERE ABOUT TO MAKE NOW THEY COMPLAIN BECAUSE *WE/THAT/THEY*[?] NOLLIED THE INDICTMENT AND THEY DRAW ALL THESE UNWARRANTED	HIM UPON THE STAND WITHOUT IT, ENTERING A NOLLE. . SMITH THEN TOOK HIS SEAT UPON THE ST ND AND THE QUESTION BEFORE THE EXAMINATIO~~N~~.. WAS: " [*space*] JUDGE SPICER OBJECTED TO HIS EXAMINATION. JUSGE SPICER IMMEDIATELY AROSE IN HIS PLACE AND SAID THE GENTLEMANHAVING ENTERED A NOLLE PROSEQUI AT THIS HOUR WITH THE OBJECT~~I~~OIOHN THAT WE WERE ABOUT TO ~~K~~MAKE. NOW THE**Y** COMPLAIN BECAUSE WE NOLLE THE INDICTMENT, AND THEY DRAW ALL THESE UNWARRANTED	HIM UPON THE STAND WITHOUT IT~~,~~ - ENTERING A NOLLE. . SMITH THEN TOOK HIS SEAT UPON THE STAND ~~AND~~ AND THE QUESTION BEFORE THE EXAMINATION WAS: " [*space*] JUDGE SPICER OBJECTED TO HIS EXAMINATION. JUSGE SPICER IMMEDIATELY AR~~E~~OSE IN HIS PLACE AND SAID THE GENTLEMANHAVING ENTERED A NOLLE PROSEQUI AT THIS HOUR **DOES AWAY** WITH THE OBJECT~~E~~TIOHN THAT WE WERE ABOUT TO ~~K~~MAKE. NOW THE**Y** COMPLAIN BECAUSE WE NOLLE THE INDICTMENT, AND THEY DRAW ALL THESE UNWARRANTED

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RS	PS	RT	BT
INFERENCES FROM *[22]* {IT;}[i] AT THE SAME TIME {THEY}[i] WERE GOING TO OBJECT {TO K SMITH'S TESTIMONY BECAUSE THAT WE HAD NOT NOLLIED IT.}[i] AS SOON AS MAN IS UNDER INDICTMENT IN CONNECTION WITH OTHERS HE CAN NOT BE PLACED UPON STAND UNTIL THAT INDICTMENT IS NOLLIED {AND THAT POINT SETTLED UPON}[i], THAT {SETTLED UPON}[i] POINT WOULD HAVE FORCED US; IF ARE HAD NOT DONE IT WE WERE IN VIOLATION. WE KNEW {THAT}[i] K SMITH TESTIMONY	INFERENCES FROM IT AT THE SAME TIME THEY WERE GOING OBJECT TO KLINGENSMITH'S TESTIMONY BECAUSE THAT WE HAD NOT NOLLIED IT [*space*] > [*space*] > [*space*] CANNOT BE PLACED UPON STAND UNTIL THAT INDICTMENT IS NOLLIED THAT POINT SETTLED UPON; THEY HAVE RAISED THAT POINT WOULD HAVE FORCED US [*space*] KNEW THAT KLINGEN SMITH'S TESTIMONY	INFERENCES FROM IT. AT THE SAME TIME THEY WERE GOING TO OBJECT TO A LL OF KLINGENSMITH'S TESTIMONY BECAUSE WE HADN'T NOLLIED IT. AS LONG AS A MAN IS IN AN IN INDICTMENT IN CONNECTION WITH OTHERS, HE CANNOT BE PLACED UPON THE STAND TO GAVE TESTIMONY UNTIL THAT INDICTMENT IS NOLLIED AND THATPOINT SETTLED UPON. THAT POINT WOULD HAVE FORCED US TO HAVE DONE IT, AND IF WE HADN'T DONE IT THAT WOULD HAVE ~~E~~BEEN A VIOLATIONOF OUR DUTY AND OF THE LAW. WE INTIMATED THAT KLINGENSMITH'S TESTIMONY	INFERENCES FROM IT. AT THE SAME TIME THEY WERE GOING TO OBJECT TO A LL OF KLINGENSMITH'S TESTIMONY BECAUSE WE HADN'T NOLLIE D IT. AS LONG AS A MAN IS IN AN ~~IN~~ INDICTMENT IN CONNECTION WITH OTHERS, HE CANNOT BE PLACED UPON THE STAND TO GAVE TESTIMONY UNTIL THAT INDICTMENT IS NOLLIED AND THAT POINT SETTLED UPON. THAT POINT WOULD HAVE FORCED US TO ~~HAVE DONE~~ **DO** IT, AND IF WE HADN'T DONE IT THAT WOULD HAVE ~~E~~BEEN A VIOLATIONOF OUR DUTY AND OF THE LAW. WE INTIMATED THAT KLINGENSMITH'S TESTIMONY

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RS	PS	RT	BT
COULD NOT GET INTRODUCED UNTIL WE DID THAT, <AND WE OFFERED THESE FACTS>. THEY WOULD HAVE YOU IMPLY {THAT THE}[i] PROSECUTION HAVE GIVEN THIS MAN SMITH {LIBERTIES}[i] PRICE {OF HIS}[i] LIFE, FOR TELLING {**A**}[i] LIE UPON THIS STAND BUT {NOT ONLY THAT}[i] MY BROTHER SUTHERLAND AND I DON'T WHAT OBJECT HE COULD HAVE HAD UNLESS EXCITE {THE}[i] PREJUDICE OF THIS JURY WHILE THIS JURY MAY ENTERTAIN PREJUDICES ON QUESTION OF	COULD NOT BE INTRODUCED *NOT BEFORE*[?] *THAT/THEY*[?] NOLLIED [*space*] WE OFFER THESE FACTS GENTLEMAN WOULD HAVE YOU IMPLY THAT THE PROSECUTION HAS GIVEN THIS MAN SMITH THE *PRICE OF HIS LIFE*[?] FOR TELLING LIE ON THIS STAND, NOT ONLY THAT BUT MY BROTHER SUTHERLAND [*space*] OBJECT [*space*] EXCITE THE PREJUDICE [*space*]	COULD NOT BE INTRODUCED TILL WE DID THAT. *[74]* AND WE OFFERED THESE FACTS. THE GENTLEMEN WOULD HAVE YOU IM LY THAT THE PROSECTUION HAD GIVEN THIS MAN, KLINGENSMITH THE LIBERTY AND PRICE OF HISLIFE FOR TELLING A LIE UPON THIS STAND; NOT ONLY THAT BUT MY BROTHER SUTHERLAND (AND I DON'T KNOW WHAT OBJECT HE COULD HAVE HAD IN ENDEAVORING TO EXCITE THE PREJUDICES OF THIS JURY) WHILE THIS JURY MAY ENTERTAIN PREJUDICES ON QUESTIONS OF	COULD NOT BE INTRODUCED TILL WE DID THAT. *[74]* AND WE OFFERED THESE FACTS. THE GENTLEMAN WOULD HAVE YOU IMPLY THAT THE PROSECUTION HAD GIVEN THIS MAN, KLINGENSMITH THE LIBERTY AND PRICE OF HISLIFE FOR TELLING A LIE UPON THIS STAND; NOT ONLY THAT BUT MY BROTHER SUTHERLAND **TRIED TO EXCITE THE PREJUDICE OF THIS JURY AGAINST THIS WITNESS** (AND I DON'T KNOW WHAT OBJECT HE COULD HAVE HAD IN ENDEAVORING TO EXCITE THE PREJUDICES OF THIS JURY) WHILE THIS JURY MAY ENTERTAIN PREJUDICES ON QUESTIONS OF

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RS	PS	RT	BT
RELIGION; I SAY {THAT}[i] PREJUDICES OF ANY KIND ARE FOOLISH {AND}[i] UNPROFITABLE FOR ANY MAN TO ENTERTAIN [*space*] DOESN'T {JUDGE SUTHERLAND}[i] KNOW YES HE DOES KNOW, BECAUSE HE HAS BEEN {A JUDGE}[i] UPON {THE}[i] BENCH {AND}[i] MY FRIEND BISHOP TOGETHER, {AND}[i] ARE TOO GOOD LAWYERS NOT TO KNOW, IF WE ALLOW THIS JURY TO SEPARATE {DURING THIS TRIAL}[i] THAT VERDICT ITSELF WHATEVER YOUR VERDICT MAY BE {IF IT BE A VERDICT OF GUILTY}[i] THIS COURT WOULD SET IT ASIDE	I SAY THAT PREJUDICES OF ANY KIND ARE FOOLISH AND UNPROFITABLE FOR ANY MAN ENTERTAIN DOESN'T JUDGE SUTHERLAND KNOW; YES, BECAUSE BEEN A JUDGE UPON THE BENCH FRIEND AND BISHOP ARE TOO GOOD LAWYERS *KNOW TOGETHER*[?] IF WE LET THIS JURY TO SEPARATE DURING THIS TRIAL *PUT THEY THEMSELVES*[?] WITH THEM *TO TESTIFY/OF TESTIMONY*[?] = THEN YOUR VERDICT MAY BE IF IT BE A VERDICT OF GUILTY COURT WOULD SET IT ASIDE AND WHEN THAT WAS	RELIGION, AND I SAY THAT PREJUDICES OF ANY KIND ARE FOOLISH AND UNPROFITABLE FOR ANY MAN TO ENTERTAIN. DOESN'T JUDGE SUTHERLAND KNOW? YES, HE DOES KNOW, BECAUE HE HAS BEEN A JUDGE UPON THE BENCH FOR YEARS, AND HE AND MY FRIEND BISHOP ARE T~~W~~OO GOOD LAWYERS NOT TO KNOW THAT IF WE ALLOW THIS JURY TO SEPARATE DURING THIS TRIAL THAT THE VERDICT ITSELF —WHATEVER YOUR VERDICT MAY BE, IF IT BE A VERDICT OF GUILTY, THIS COURT WOULD BE COMPELLED TO SET IT ASIDE.	RELIGION, AND I SAY THAT PREJUDICES OF ANY KIND ARE FOOLISH AND UNPROFITABLE FOR ANY MAN TO ENTERTAIN. DOESN'T JUDGE SUTHERLAND KNOW? YES, HE DOES KNOW, BECAUSE HE HAS BEEN A JUDGE UPON THE BENCH FOR YEARS, AND HE AND MY FRIEND BISHOP ARE ~~TWOO~~ **TOO** GOOD LAWYERS ~~T~~NOT TO KNOW THAT IF WE ALLOW THIS JURY TO SEPARATE DURING THIS TRIAL THAT THE VERDICT ITSELF —WHATEVER YOUR VERDICT MAY BE, IF IT BE A VERDICT OF GUILTY, THIS COURT WOULD BE COMPELLED TO SET IT ASIDE.

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RS	PS	RT	BT
IF COUNSEL EVEN CAME INTO COURT HERE AND SUBMITTED TO THE SEPARATION OF JURY IT WOULD NOT CARRY DIFFERENT COURSE PRISONER IS ENTITLED {TO A}[i] CAREFUL TRIAL WHEN HIS LIFE IS AT STAKE LAW WILL NOT THEN ALLOW COUNSELOR OF PRISONER. HE CONSENT TO SEPARATION. OF JURY AT LAST TERM OF THE SUPREME COURT IN {THE}[i] CASE OF SHEFFEL, JUDGMENT WAS REVERSED, BECAUSE	CALLED TO ATTENTION IF THE COUNSEL EVEN *[[19]]* CAME INTO COURT AND SUBMITTED TO THE [*space*] IT WOULD NOT ~~*RNL*~~[?] A *DIFFERENT/DIFF ICULT*[?] THE LAW WILL NOT EVEN ALLOW THE COUNSEL THE PRISONER TO WAIVE THAT RIGHT TO WAIVE OR CONSENT TO THE SEPARATION OF THE JURY [*space*] IN THE CASE OF SHEFFEL BECAUSE THE	IF THE COUNSEL EVEN CAME INTO COURT HERE AND CONSENTED OR SUBMITTED TO THE SEPARTATION OF THE JURY IT WOULD NOT OBVIATE THE DIFFICULTY, BECAUSE THE PRISONER IS ENTITLED TO A CAREFUL ERROR WHEN HIS LIFE IS AT ST KE, AND THE LAW WILL NOT ALLOW THE COU~~L~~NSEL OR THE PRISONER TO THE SEPARATION. HE CONSENTED TO THE SEPARATION OF A JURY AT THE ALST TERM OF THE SUPREME COURT IN THE CASE OF SHEFFEL AND THE JUDGMENT WAS REVERSED BECAUSE THE	IF THE COUNSEL EVEN CAME INTO COURT HERE AND CONSENTED OR SUBMITTE~~C~~D T**O** THE SEPARATION OF THE JURY IT WOULD NOT OBVIATE THE DIFFICULTY, BECAUSE THE PRISONER IS ENTITLED TO A CAREFUL **TRIAL** ~~ERROR~~ WHEN HIS LIFE IS AT STAKE, AND THE LAW WILL NOT ALLOW THE COU~~L~~NSEL OR **EVEN** THE PRISONER TO **CONSENT** THE SEPARATION. HE CONSENTED TO THE SEPARATION OF A JURY **AND** AT THE **LAST** ~~ALST~~ TERM OF THE SUPREME COURT IN THE CASE OF SHEFFEL ~~AND~~ THE JUDGMENT WAS REVERSED BECAUSE THE

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RS	PS	RT	BT
COUNSEL {IN THAT CASE}[i] CONSENTED {TO A}[i] SEPARATION OF THE JURY. HERE YOU HAVE BEEN LOCKED UP UNDER THE ORDER OF {THE}[i] COURT AND INSINUATIONS AGAINST THE PROSECUTION, WHEN IF PROSECUTION HADN'T *PRT/—*[?] THAT STEP YOUR WORKS WOULD HAVE BEEN THROWN AWAY {IF YOU ARRIVED AT A VERDICT OF GUILTY}[i] BEING {**AN**}[i] ACUTE CAREFUL SOPHISTICAL LAWYER HE USES THIS SORT OF ARGUMENTS TO LEAD YOU TO	COUNSEL IN THAT CASE CONSENTED TO A SEPARATION OF THE JURY HERE YOU HAVE BEEN LOCKED ≼**UP**≽[622] IT WAS INSINUATION AGAINST THE PROSECUTION, WHEN IF THE PROSECUTION HADN'T *PROPOSED*[?] THAT STEP YOUR WORK WOULD HAVE BEEN THROWN AWAY IF YOU ARRIVED AT A VERDICT OF GUILTY ~~BEING~~ AN [*space*] AND YET HE COMES AND USES THIS SORT OF ~~EVIDENCE~~ ARGUMENT BEFORE YOU APPEAL TO YOUR PREJUDICE TO	OUNSEL IN THAT CASE CONSENTED TO A SEPARATION OF THE JURY. HERE YOU HAVE BEEN LOCKED UP UNDER THE ORDER OF THE COURT AND IT WAS AN INSINUATION AGAINS TH E PROSECUTION WHEN IF THE PROSECUTION HADN'T PROPOSED THAT STEP YOUR WORKS WOULD HAVE BEEN THROWN AWAY IF YOU HAD ARRIVED AT A VERDICT OF GUILTY, BUT HE BEING AN ACUTE CAREFUL SOPHISTICAL LAWYER HE USES THESE WORDS AND THES~~S~~E **KIND OF** ARGUEMENTS AND APPEALS TO YOUR PREJUDICE TO LEAD YOU TO	OUNSEL IN THAT CASE CONSENTED TO A SEPARATION OF THE JURY. HERE YOU HAVE BEEN LOCKED UP UNDER THE ORDER OF THE COURT AND IT WAS AN INSINUATION AGAINS TH~~T~~E PROSECUTION WHEN IF THE PROSECUTION HADN'T PROPOSED THAT STEP YOUR WORKS WOULD HAVE BEEN THROWN AWAY IF YOU HAD ARRIVED AT A VERDICT OF GUILTY, BUT HE BEING AN ACUTE CAREFUL SOPHISTICAL LAWYER HE USES THESE WORDS AND ~~THE SEIS~~ **THIS SORT OF** ARGUEMENTS AND APPEALS TO YOUR PREJUDICE TO LEAD YOU TO

622. In Rogerson's longhand.

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RS	PS	RT	BT
ACQUIT A GUILTY MAN WHOSE HANDS ARE STAINED IN THE BLOOD OF INFANT CHILDREN {AND}[i] DEFENSELESS WOMEN. 3.36 PM. {**THE** GENTLEMEN}[i] USED THIS ARGUMENT BEFORE {YOU}[i] I AM NOW DRAWING ON JUDGE SUTHERLAND "HE SAYS, CAN IT BE POSSIBLE {THAT}[i] 50 {WHITE}[i] MEN IN A COMMUNITY OF WHITE MEN COULD HAVE CONNIVED TOGETHER = COMBINED TOGETHER TO HAVE PERPETRATED THIS HORRIBLE CRIME CAN IT BE POSSIBLE IT IS POSSIBLE	ACQUIT A GUILTY MAN A MAN WHOSE HANDS ARE STAINED IN THE BLOOD OF INFANT CHILDREN AND DEFENSELESS WOMEN [*space*] **336 PM**[623] THE GENTLEMAN USED THIS ARGUMENT BEFORE YOU I AM NOW DRAWING ON SUTHERLAND HE SAYS CAN IT TO BE POSSIBLE THAT FIFTY WHITE MEN IN A COMMUNITY COULD ~~HAVE~~ [*space*] HAVE CONNIVED TOGETHER = AND ~~HAVE~~ COMBINED TOGETHER > > CAN IT POSSIBLE IT IS POSSIBLE THE	ACQUIT A GUILTY MAN WHOSE HANDS ARE STAINED IN THE BLOOD OF INFANT CHILDREN AND DEFENSELESS WOMEN. THE GENTLEMEN USED THESE ARGUEMENTS BEFORE YOU ~~AND~~ . I AM NOW DRAWING ON JUDGE *[75]* SUTHERLAND. HE SAYS CAN IT BE POSSIBLE THAT FIFTY WHITE MEN IN A COMMUNITY OF WHITE MEN, COULD HAVE CONIVED TOGETHER— COMBINED TOGETHER TO HAVE PERPETRATED THIS HORRIBLE CRIME. CAN IT BE POSSIBLE? IT IS POSSIBLE. AND THE	ACQUIT A GUILTY MAN WHOSE HANDS ARE STAINED IN THE BLOOD OF ~~INFANT~~ **INNOCENT** CHILDREN AND DEFENSELESS WOMEN. THE GENTLEMEN USED **THIS** ~~THESE~~ ARGUEMENT~~S~~ BEFORE YOU**.** ~~AND~~ . I AM NOW DRAWING ON JUDGE *[75]* SUTHERLAND. HE SAYS**, "**CAN IT BE POSSIBLE THAT FIFTY WHITE MEN IN A COMMUNITY OF WHITE MEN, COULD HAVE CONN**I**VED TOGETHER— COMBINED TOGETHER TO HAVE PERPETRATED THIS HORRIBLE CRIME.**"** CAN IT BE POSSIBLE? IT IS POSSIBLE, AND THE

623. In Rogerson's longhand.

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RS	PS	RT	BT
EVIDENCE SHOWS IT TO YOU, SHOWS IT BEYOND ANY REASONABLE DOUBT ≺"HE SAYS≻, CAN IT BE POSSIBLE MEN WOULD TALK ABOUT SUCH CRIME{; THAT}[i] THEY WOULD REFER TO IT IN PUBLIC DISCOURSE MY BROTHER SUTHERLAND UNFORTUNATEL Y WAS REARED AND BROUGHT IN DIFFERENT COMMUNITY = DIFFERENT SET OF CIRCUMSTANCES FROM WHAT EXIST{ED}[i] DOWN AT CEDAR WHERE ELSE I ASK GENTLEMEN, {IN WHAT PLACE UNDER THE SUN WHERE THE ANGLO SAXON	EVIDENCE SHOWS IT BEYOND ANY REASONABLE DOUBT CAN IT BE POSSIBLE THAT MEN WOULD TALK ABOUT SUCH CRIME THAT THEY WOULD DISCUSS SUCH CRIMES IN PUBLIC *DISCOURSE*[?] [*space*] MY BROTHER SUTHERLAND UNFORTUNATEL Y WAS REARED AND *BROUGHT*[?] IN A DIFFERENT STATE OF CIRCUMSTANCE S ~~WHERE~~ AT LEAST [*space*] > > WHERE ELSE IN A PLACE OF THE SUN WHERE THE ANGLO SAXON	EVIDENCE SHOWS IT TO BE—SHOWS IT BEYOND ANY REASONABLE DOUBT . HE SAYS, "CAN IT BE POSSIBLE THAT MEN WOULD TALK ABOUT SUCH A CRIME; THAT THEY WOULD REFER TO IT AND DISCUSS IT IN PUBLIC DISCOURSES?" MY BROTHER SUTHERLAND UNFORTUNATEL Y WAS REARED AND BROUGHT UP IN A DIFFERENT COMMUNITY, UNDER A DIFFERENT STATE OF CIRCUMSTANCE S, AT LEAST FROM WHAT EXISTED DOWN HERE IN UTAH AT CEDAR CITY. WHERE ELSE, I ASK, GENTLEMEN, IN WHAT PLACE UNDER THE SUN WHERE THE ANGLO SAXON	EVIDENCE SHOWS IT TO BE—SHOWS IT BEYOND ANY REASONABLE DOUBT . HE SAYS, "CAN IT BE POSSIBLE THAT MEN WOULD TALK ABOUT SUCH A CRIME; THAT THEY WOULD REFER TO IT AND DISCUSS IT IN PUBLIC DISCOURSES?" MY BROTHER SUTHERLAND UNFORTUNATEL Y WAS REARED AND BROUGHT UP IN A DIFFERENT COMMUNITY, UNDER A DIFFERENT STATE OF CIRCUMSTANCE S, AT LEAST FROM WHAT EXISTED DOWN HERE IN UTAH AT CEDAR CITY. WHERE ELSE, I ASK, GENTLEMEN, IN WHAT PLACE UNDER THE SUN WHERE THE ANGLO SAXON

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RS	PS	RT	BT
RACE RESIDED,}[i] IN REFERRING TO HIS ARGUMENT COULD SUCH A CRIME {BE}[i] PERPETRATED WITHOUT {THE}[i] PERPETRATORS OF IT HAVING IMMEDIATELY WHILE PEOPLE WERE WRITHING UNDER OUTRAGE, WHILE BLOOD OF THESE VICTIMS CRYING FOR VEN{GEANCE}[i] DUE TO PERPETRATION OF SUCH A CRIME WHERE IS THE COMMUNITY {WHERE A}[i] CRIME {LIKE}[i] THIS AND THEN COULD HAVE SLEPT FOR 18 YEARS WITHOUT INVESTIGATION, {AND}[i] DURING PORTION	RACE RESIDE [*space*] —[?] [*space*] COULD HAVE THE PERPETRATOR BE IMMEDIATELY WHILE THE BLOOD OF THOSE VICTIMS *WERE/WITH*[?] *PRNSH/FRNSH*[?] AND CRYING FOR THE VENGEANCE DUE TO THE PERPETRATION OF SUCH A CRIME WHERE IS THE COMMUNITY WHERE A CRIME LIKE THIS COULD HAVE *SLEPT*[?] 18 YEARS WITHOUT INVESTIGATION AND DURING A PORTION	RACE RESIDES IN REFERING TO HIS ARGUEMENT WOULD SUCH A CRIME BE PERPETRATED WITHOUT THE PERPETRATORS OF IT BEING IMMEDIATELY BROUGHT TO JUSTICE WHILE THE PEOPLE WERE WRITHING UNDER THE OUTRAGE, WHILE THE BLOOD OF THESE VICTIMS WAS CRYING FOR VENGEANCE DUE TO THE PERPETRATION. WHERE IS THE COMMUNITY WHERE A CRIME LIKE THAT OF THAT NATURE EVEN COULD HAVE SLEPT FOR EIGHTEEN YEARS WITH UT INVESTIGATION, AND DURING THAT PORTION	RACE RESIDES IN REFERING TO HIS ARGUEMENT WOULD SUCH A CRIME BE PERPETRATED WITHOUT THE PERPERTATORS OF IT BEING IMMEDIATELY BROUGHT TO JUSTUCE~~.~~**,** WHILE THE PEOPLE WERE WRITHING UNDER THE OUTRAGE, WHILE THE BLOOD OF THESE VICTIMS WAS CRYING FOR VE~~H~~NGEANCE DUE TO THE PERPETRATION**;** **—** WHERE IS THE COMMUNITY WHERE A CRIME LIKE THAT OF THAT NATURE EVEN COULD HAVE SLEPT FOR EIGHTEEN YEARS WITHOUT INVESTIGATION, AND DURING THAT PORTION

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RS	PS	RT	BT
OF 18 YEARS, PERMIT TO SAY, THAT ONE OF {THE}[i] COUNSELORS OF THIS PRISONER HAS ACTED AS TERRITORIAL ATTORNEY, ≤WHICH WOULD≥ ENABLE[624] HIM TO {HAVE PUNISHED}[i] THIS CRIME WHERE COULD SUCH A THING ELSEWHERE HAVE OCCURRED **AH, YES** EXPLANATION OF IT IS THIS, WHILE CRIME SEEKS DARK CAVERNS IT SHRINKS FROM THE LIGHT OF DAY WHEN MEN ARE COMBINED TOGETHER, IN BONDS OF CRIME AND UNITED HIGHWAYMEN WHERE HIS BAND IS SO PERFECT AS	THAT *ONE*[?] OF THE COUNSELORS OF THIS PRISONER HAS ACTED AS *GOVERNMENT*[?] ATTORNEY WHICH WOULD HAVE ENABLED HIM TO HAVE PUNISHED THIS CRIME *[[20]]* WHERE COULD SUCH A THING ELSEWHERE HAVE OCCURRED [*space*] THE EXPLANATION OF IT WHILE CRIME SEEKS DARK CAVERNS, SHRINKS FROM LIGHT OF DAY WHEN MEN ARE BANDED TOGETHER IN BONDS OF CRIME *THE/AND*[?] POWER OF HIGHWAYMEN WHERE HIS BAND IS SO PERFECT AS	OF EIGHTEEN YEARS PERMIT ME TO SAY THAT ONE OF THE COUNSELORS OF THIS PRISONER HAS ACTED AS COUNTY AND TERRITORIAL AT ORNEY, WHICH WOULD ENABLE HIM TO HAVE PUNISHED THIS CRIME. WHE E COULD SUCH A THING ELSEWHERE HAVE OC~~+~~URED? AH, YES! THE EXPLANATION OF IT IS THIS: WHILE CRIMES SEEKS DARK CAVERNS IT~~S~~ SHRINKS FROM THE LIGHT OF DAY. WHEN MEN ARE BANDED TOGETHER IN BONDS OF CRIME WITH THE POWER OF THE HIGHWAYMEN WHERE HIS BAND IS SO PERFECT AS	OF EIGHTEEN YEARS PERMIT ME TO SAY THAT ONE OF THE COUNSELORS OF THIS PRISONER HAS ACTE~~R~~D AS COUNTY AND TERRITORIAL AT**T**ORNEY, WHICH WOULD ENABLE HIM TO HAVE PUNISHED THIS CRIME. WHE**R**E COULD SUCH A THING ELSEWHERE HAVE OC~~+~~**C**UR**R**ED? AH, YES! THE EXPLENATION OF IT IS THIS: WHILE CRIMES SEEK~~S~~ DARK CAVERNS IT~~S~~ SHRINKS FROM THE LIGHT OF DAY. WHEN MEN ARE BANDED TOGETHER IN BONDS OF CRIME WITH THE POWER OF THE HIGHWAYMEN**,** WHERE HIS BAND IS SO PERFECT AS

624. Ink diacritical mark would render the word “ENABLING”.

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RS	PS	RT	BT
TO GIVE HIM IMMUNITY HE IS CONTENTED IN HIS ADMINISTRATIO N [*space*] IT WAS SIMPLY BECAUSE {THOSE}[i] MEN {WHO}[i] PERPETRATED THAT CRIME DOWN {THERE}[i] FELT SECURED THEY KNEW THAT UNDER THE AUTHORITIES WHICH REIGNED IN THIS COUNTRY = OF WHICH BRIGHAM YOUNG WAS HEAD = THEY KNEW FOR THIS MASSACRE THEY {HAD}[i] IMMUNITY IT WAS FOR THIS REASON THEY TALKED ABOUT [*space*] WHEN {THE}[i] PROPHET OF {THE}[i] LORD SPOKE THE IN NOTWITHSTANDI NG {IT WAS REFERRED TO IN PUBLIC HERE BY THE}[i] WITNESSES AS	TO GIVE HIM IMMUNITY HE THEN *IS/HAS*[?] AND [*space*] FOR THOSE CRIMES [*space*] IT WAS SIMPLY BECAUSE THOSE MEN WHO PERPETRATED THOSE CRIMES FELT SECURED THEY KNEW THAT UNDER THE AUTHORITY WHICH REIGNED IN THIS COUNTRY AT WHICH BRIGHAM YOUNG WAS THE HEAD = THEY KNEW THEY HAD IMMUNITY AND WHEN THE PROPHET OF THE LORD SPOKE NOTWITHSTAND ING IT WAS REFERRED TO IN PUBLIC	TO GIVE HIM IMMUNITY, HE IS C~~I~~ONTENTED IN HIS [*space*] . IT WAS SIMPLY BECAUSE THESE MEN WHO PERPETRATED THAT CRIME DOWN THERE FELT SECURED. THEY KNEW THAT UNDER THE AUTHORITIES WHICH REIGNED IN THIS COUNTRY OF WHICH BRIGHAM YOUNG WAS THE HEAD— THEY KNEW FOR THIS MASSACRE THEY HAD IMMUNITY. IT WAS FOT THIS REASON THAT THEY TALKED ABOUT IT, AND WHICH THE PROF *[76]* IN PUBLIC HERE THAT DAY AS IS SHOWN BY	~~G~~TO GIVE HIM IMMUNITY, HE IS C~~I~~ONTENTED IN HIS [*space*] . IT WAS SIMPLY BECAUSE THESE MEN WHO PERPETRATED THAT CRIME DOWN THERE FELT SECURED. THEY KNEW THAT UNDER THE AUTHORITIES WHICH R~~A~~EIGNED IN THIS COUNTRY OF WHICH BRIGHAM YOUNG WAS THE HEAD— THEY KNEW FOR THIS MASSACRE THEY HAD ~~A~~**I**MMUNITY. IT WAS FO~~T~~**R** THIS REASON THAT THEY TALKED ABOUT IT, AND WHE~~H~~N THE ~~PROF~~ PROPHET OF THE LORD SPOKE, NOTWITHSTAND ING IT WAS REFERRED TO IN *[76]* IN PUBLIC HERE THAT DAY AS IS SHOWN BY

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RS	PS	RT	BT
SHOWN = FROM THAT DAY HENCEFORWARD THE LIPS OF THESE DUMB, THESE CATTLE, THESE NABOBS THAT COME THAT {IN THE}[i] SHAPE OF MEN WERE CLOSED {AND}[i] MOUNTAIN MEADOWS WAS {A}[i] SEALED BOOK {FROM THAT DAY,}[i] AND THE PROPHET OF THE LORD ISSUED HIS EDICT THROUGH HIS SERVANT JOHN D. LEE TO TALK NOTHING ABOUT THIS CRIME [*space*] BRIGHAM YOUNG KNEW {THE}[i] NECESSITY OF KEEPING IT QUIET, BECAUSE IF THEY BEGAN TO TALK ABOUT {IT}[i] = IT WOULD CREATE DISTURBANCE *AT ONCE*[?] THERE WERE A	 FROM THAT DAY HENCEFORWAR D THE LIPS OF THESE DUMB THESE CATTLE THAT NABOBS THAT COME IN THE SHAPE OF MEN WERE CLOSED AND MOUNTAIN MEADOWS WAS A SEALED BOOK FROM THE DAY A PROPHET OF THE LORD ISSUED HIS EDICT THROUGH HIS SERVANT JOHN D. LEE TO TALK NOTHING ABOUT THIS CRIME BRIGHAM YOUNG KNEW THE NECESSITY OF KEEPING IT QUIET BECAUSE IF THEY TALKED ABOUT < THERE WERE	THE EVIDENCE FROM THAT DAY HENCEFORWAR D. THE LIPS OF THESE ARE DUM. THESE CATTLE THESE NABOBS THAT CAME IN THE SHAPE OF MEN, THEIR LIPS WERE CLOSED AND THE MOUNTAIN MEADOW MAS ACRE WAS A SEALED BOOK FROM THAT DAY, BECAUSE FROM THAT DAY THE PROPHET OF THE LORD ISSUED THIS EDICT TO HIS SERVANT, JOHN D. LEE TO TALK NOTHING AT ALL ABOUT THIS CRIME. BRIGHAM YOUNG KNEW THE NECESSITY OF KEPPING IT QUIET BECAUSE IF THEY BEGAN TO TALK ABOUT IT IT WOULD CREATE DISTURBANCE AT ONCE . THERE WERE A	THE EVIDENCE FROM THAT DAY HENCEFORWAR D~~.~~**,**— THE LIPS OF THESE ARE DUM. THESE CATTLE THESE NABOBS THAT CAME IN THE SHAPE OF MEN, THEIR LIPS WERE CLOSED AND THE MOUNTAIN MEADOW MASSACRE WAS A SEALED BOOK FROM THAT DAY, BECAUSE FROM THAT DAY THE PROPHET OF THE LORD ISSUED HIS EDICT TO HIS SERVENT, JOHN D. LEE**,** TO TALK NOTHING AT ALL ABOUT THIS CRIM~~E~~. BRIGHAM YOUNG KNEW THE NECESSITY OF KEPPING IT QUIET BECAUSE IF THEY BEGAN TO TALK ABOUT IT IT WOULD CREATE DISTURBENCE AT ONCE . THERE WERE A

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RS	PS	RT	BT
GREAT MANY HONEST PEOPLE [23] DOWN IN THAT COUNTRY AS SOON AS THEY GOT FACTS IN CASE THEY WOULD BECOME RESTIVE UNDER IT THEY WOULD IMBIBE THE SPIRIT OF APOSTASY {AND BRIGHAM YOUNG}[i] HE HAS GREAT FEAR OF HAVING ANY OF HIS FAVORITE FOLLOWERS WHOM HE EXPECTS TO HAVE CROWNED IN CELESTIAL KINGDOM TO GET THAT SPIRIT OF APOSTASY. TO ALLOW HIS ADHERENTS TO DISCUSS WOULD BE TO EXPOSE IT {AND}[i] BRING PERPETRATORS OF CRIME TO JUSTICE. {YET}[i] THIS ATTORNEY GETS UP	GREAT MANY HONEST PEOPLE WHO WOULD SOON BECOME RESTIVE UNDER IT AFFECT THEIR FAITH IF THEY IMBIBE THE SPIRIT OF APOSTASY AND BRIGHAM YOUNG HAS A GREAT FEAR OF ANY OF HIS FAVORITE FOLLOWERS WHOM HE EXPECTS TO HAVE CROWNED IN THE HIGHEST KINGDOM [*space*] KNEW THAT ALLOWING IT TO BE DISCUSSED WOULD BE TO EXPOSE AND BRING THE PERPETRATORS OF CRIME TO JUSTICE YET THIS ATTORNEY GETS UP	GREAT MANY HONEST PEOPLE DOWN IN THAT COUNTRY, WHO AS SOON AS THEY GOT THE FACTS IN THE CASE THEY WOULD BECOME RESTIVE UNDER IT; THEY WOULD IMBIBE THE SPIRIT OF APOSTACY AND BRIGHAM YOUNG HE HAS A GREAT FEAR OF HAVING ANY OF HIS FAVORITE FOLLOWERS WHO HE EXPECTS TO HAVE CROWNED IN THE CELESTIAL KINGDOM TO GET THAT SPIRIT OF APOSTACY. NOW W HOUT ALLOWING HIS ADHERANTS TO DISGUISE IT WOULD BE TO DISPOSE IT AND BRING THE PERPETRATORS TO JUDSTICE. YET THIS ATTORNEY GETS UP	GREAT MANY HONEST PEOPLE DOWN ~~AM~~ IN THAT COUNTRY, WHO AS SOON AS THEY GOT THE FACTS IN THE CASE ~~THEY~~ WOULD BECOME RESTIVE UNDER IT; THEY WOULD IMBIBE THE SPIRIT OF APOSTACY AND BRIGHAM YOUNG ~~HE~~ HAS A GREAT FEAR OF HAVING ANY OF HIS FAVORITE FOLLOWERS WHO**M** HE EXPECTS TO HAVE CROWNED IN THE CELESTIAL KINGDOM**,** ~~TO~~ GET THAT SPIRIT OF APOSTACY. NOW WI**T**H~~OUT~~ ALLOWING HIS ADHERANTS TO DIS~~GUISE~~**CUSS** IT WOULD BE TO DISPOSE IT AND BRING THE PERPETRATORS TO JU~~D~~STICE.~~?~~**?** YET THIS ATTORNEY GETS UP

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RS	PS	RT	BT
BEFORE YOU, HE SAYS {AND BECAUSE OF THAT =}[i] BECAUSE THESE THINGS	BEFORE YOU AND ARGUES THAT BECAUSE THESE THINGS WERE DONE	BEFORE YOU AND HE SAYS BECAUSE OF THESE THINGS	BEFORE YOU AND HE SAYS BECAUSE OF ~~THAT~~ THESE THINGS **KLINGENSMITH**
JOHN D. LEE MUST HAVE LIED WHY SIR DID HE FORGET FACT TILL {A}[i] RECENT DAY BRIGHAM YOUNG WAS AUTOCRAT IN THIS MATTER, {THAT}[i] HE HAS {THE} OF POWER OF GOD, IS VICE GERENT OF GOD ABLE WIELD TO HOLD THAT AUTHORITY THAT {HE}[i] HAS CONTROL OF ALL POLITICAL AFFAIRS AND HE CAN ELECT THESE MEN TO OFFICE HE ADOPTS THAT DID HE FORGOT FACT, THAT MAN BY VIRTUE {O}[i]F HIS LEADERSHIP OF	JOHN D. LEE[625] MUST HAVE LIED DID HE FORGET THE FACT THAT TILL RECENT DAY BRIGHAM YOUNG WAS AN AUTOCRAT IN THIS COUNTRY THAT HE HAS THE POWER OF GOD ABLE TO *WIELD TO HOLD*[?] THAT AUTHORITY THAT HAS THE *[[21]]* CONTROL OF ALL POLITICAL AFFAIRS [*space*] DID HE FORGOT THE FACT THAT THAT MAN	JOHN D. LEE MUST HAVE LIED. WHY, SIR, DID HE FORGET THE FACT TILL A RECENT DAY BRIGHAM YOUNG WAS A TALKING OF THIS MATTER; THAT HE HAS THE POWER OF GOD; TH T HE IS THE VICE GERANT OF GOD ABLE TO WIELD AND HOLD THAT AUTHORITY, THAT HE HAS THE CONTROL OF ALL POLITICAL AFFAIRS AND HE CAN ELECT THESE MEN TO OFFICE WHO WILL ADOPT THAT. HAD HE FORGOT THE FACT THAT MEN BY VIRTUE OF THAT LEADERSHIP OF	MUST HAVE LIED. WHY , SIR, DID HE FORGET THE FACT **THAT** TILL A RECENT ~~S~~DAY BRIGHAM YOUNG WAS ~~A~~ TALKING OF THIS MATTER; THAT HE HAS THE POWER OF GOD; THAT HE IS THE VICE GERANT OF GOD**,** ABLE TO WIELD AND HOLD THAT AUTHORITY~~,~~**;** THAT HE HAS THE CONTROL OF ALL POLITICAL AFFAIRS AND HE CAN ELECT T**H**ESE MEN TO OFFICE WHO WILL ADOPT THAT~~.~~**?** HAD HE FORGOT THE FACT THAT MEN BY VIRTUE OF THAT LEADERSHIP OF

625. "JOHN D. LEE" is partially written over with illegible shorthand.

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RS	PS	RT	BT
HIS CHURCH COULD HAVE BROUGHT THESE GUILTY PARTIES TO JUSTICE{; THEN}[i] I ANSWER HIS SUGGESTION BY SAYING, WHERE ELSE IN THE CIVILIZED WORLD CAN IT BE CONSONANT WITH TRUTH, THAT A CRIME {COULD BE}[i] PERPETRATED IN A RACE AMONGST COMMUNITY OF PEOPLE WHO WORE WHITE SKINS, IN A PLACE WHERE ALL THE COURTS WERE PERFORMING THEIR FUNCTIONS, AND WHEREIN ONE OF THE PRISONER'S COUNSEL FOR {**A**}[i] PORTION {OF THE}[i] TIME WAS {TERRITORIAL}[i] EXECUTIVE OF COURTS THIS HEINOUS CRIME {COULD	 COULD HAVE BROUGHT THESE GUILTY PARTIES TO JUSTICE THEN I ANSWER HIS SUGGESTION [*space*] WHERE ELSE IN THE CIVILIZED WORLD CAN IT CONSONANT WITH TRUTH THAT A CRIME COULD BE PERPETRATED IN A RACE AMONGST A COMMUNITY OF PEOPLE WHO WORE WHITE SKINS IN A ~~ONE~~ PLACE WHERE ALL THE COURTS WERE PERFORMING THEIR COUNSEL [*space*] WHERE ONE COUNSEL OF THE PRISONER WERE *PROFESSIONAL*[?] EXECUTIVE [*space*] HAS BROUGHT ON THIS NATION [*space*]	HIS CHURCH GOVER~~M~~NMENT COU~~N~~LD HAVE BROUGHT THESE GUILTY PARTIES TO JUSTICE , THEN I ANSWER AS HIS SUGGESTION BY SAYING WHERE ELSE IN THE CIVILIZED WORLD CAN IT BE CONSONANT WITH TRUTH THAT A CRIME COULD BE PERPETRATED IN A RQCE AMONGST A COMMUNITY OF PEOPLE WHO WERE WHITE SKINS, IN A PLACE WHERE ALL THE COURTS WERE PERFORMING THEIR FUNCTIONS, WHEREIN ONE OF THE PRISONERS COUNSEL FOR A PORTION OF THE TIME WAS A JUDICIAL EXECUTIVE OF THE COURTS~~.~~,	HIS CHURCH GOVER~~M~~NMENT COU~~N~~LD HAVE BROUGHT THESE GUILTY PARTIES TO JUSTICE~~,~~**?** THEN I ANSWER ~~AS J~~HIS SUGGESTION BY SAYING**,** WHERE ELSE IN THE CIVILIZED WORLD CAN IT BE CONSONANT WITH T~~T~~HRUTH THAT A CRIME COULD BE PERPETRATED IN ~~WHI~~ A ~~RQCE~~ **RACE** AMONGST A COMMUNITY OF PEOPLE WHO WORE WHITE SKINS, IN A PLACE WHERE ALL THE COURTS WERE PERFORMIN~~T~~G THEIR FUNCTIONS, **AND** WHEREIN ONE OF THE PRISONERS COUNSEL FOR A PORTION OF THE TIME WAS A JUDICIAL EXECUTIVE OF THE COURTS~~.~~**,** HOW COU~~O~~LD THIS HEINOUS CRIME

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RS	PS	RT	BT
HAVE}[i] —/*SLEPT*[?] FOR 18 YEARS;[626] SIMPLY BECAUSE NECESSITY OF FOR ENFORCEMENT OF LAW BRINGING JUSTICE THIS ENORMOUS CRIME, TOGETHER WITH GREAT MANY OTHERS THAT HAVE GONE UNPUNISHED IN TERRITORY, WHEN {THE}[i] GOVERNMENT OF UNITED STATES CHANGED EXECUTIVE OFFICERS OF COURT, OVERTURNED JURIS{DICTION}[i] OF THIS PROBATE COURT, {THAT}[i] GAVE PROTECTION TO THIS CRIME {FOR 18	<TOGETHER WITH GREAT MANY OTHERS GONE UNPUNISHED IN THE TERRITORY WHEN THE GOVERNMENT OF THE UNITED STATES CHANGED THE EXECUTIVE OFFICERS OF THE COURT AN OVERTURNED JURISDICTION OF THIS PROBATE COURT THAT HAS GIVEN PROTECTION —/*NFNT*[?] FOR 18	*[77]* SIMPLY BECAUSE THE NECESSITY OF HAVING THE INFORCEMENT OF THE LAW AND BRINGING TO JUSTICE THE PERPETRATORS OF THIS ENORMOUS CRIME, TOGETHER WITH A GREAT MANY OTHERS WHO HAVE ~~F~~GONE UNPUNISHED IN THE TERRITORY. WHEN THE GOVERNMENT OF THE UNITED STATES CHANGED THE EXECUTIVE OFFICERS OF THE COURT AND OVERTURNED THE JURISDICTION OF THESE PROBATE COURTS THAT HAVE GIVEN PROTECTION TO THIS CRIME FOR THE PAST 18	HAVE SLEPT FOR EIGHTEEN YEARS~~?~~**;?** *[77]* **S**IMPLY BECAUSE ~~THE~~ ~~NECESSITY~~ **OF** **THE ABSENCE** OF HAVING THE ~~I~~**E**NFORCEMENT OF THE LAW AND BRINGING TO JUSTICE THE PERPETRATORS OF THIS ENORMOUS CRIME~~.~~, TOGETHER WITH A GREAT MANY OTHERS WHO HAVE ~~F~~GONE UNPUNISHED IN THE TERRITORY. WHEN THE GOVERNMENT OF THE UNTIED STATE~~D~~S CHANGED THE EXECUTIVE OFFICERS OF THE COURT AND OVERTURNED THE JURISDICTION OF THESE PROBATE COURTS THAT HAVE GIVEN PROTECTION TO THIS CRIME FOR THE PAST I8

626. Rogerson's hand symbol.

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RS	PS	RT	BT
YEARS}[i] THEN {IT IS THAT THESE}[i] STARTLING DEVELOPMENTS	YEARS THEN IT IS THAT THESE STARTLING DEVELOPMENTS	YEARS. THEN IT IS THAT THESE STARTLING DEVELOPMENTS	YEARS~~.~~**,** THEN IT IS THAT THESE STARTLING DEVELOPMENTS **ARE UNEARTHED**
WHICH MUST *SHAKE/SHOCK* [?][627] {THE}[i] CHRISTIAN WORLD AT ITS ENORMITY IN DETAIL. {AS SUTHERLAND TELLS US AS TO}[i] WHO BRANDED CATTLE, K SMITH BRANDED BY HIM, SIMPLY BECAUSE {HE}[i] WAS {THE}[i] BISHOP OF CHURCH {AND}[i] TOOK CHARGE OF {THE}[i] CHURCH PROPERTY. IF JOEL WHITE WILLIAM YOUNG OR SOME OTHER PERSONS WHO ARE NOW SITTING UPON THIS JURY HAD BEEN SO UNFORTUNATE {= (BECAUSE}[i] IT	THAT MUST SHOCK THE CHRISTIAN WORLD AT ITS ENORMITY IN DETAIL SUTHERLAND STATES AS TO WHO BRANDED THE CATTLE BY KLINGEN SMITH SIMPLY BECAUSE BISHOP OF THE CHURCH AND TOOK CARE OF THE CHURCH PROPERTY IF JOEL WHITE = IF MR. YOUNG OR SOME PERSONS THAT ARE NOW SITTING UPON THIS JURY HAD BEEN SO UNFORTUNATE BECAUSE IT WOULD HAVE	WHICH MUST HAVE SHOCKED THE CHRIST~~A~~IAN WORLD AT ITS ENORMITY IN DETAIL. SUTHERLAND TELLS US AS TO WHO BRANDED THE CATTLE. KLINGENSMITH BRANDED THEM SIMPLY BECAUSE HE WAS THE BISHOP OF THE CHURCH AND T OK CHARGE OF THE CHURCH PROPERTY. IF JOEL WHITE—IF MR. YOUNG OR ~~MR. PEARCE~~ OR SOME PERSONS WHO ARE NOW SITTING UPON THIS JURY HAD BEEN SO UNFORTUNATE (BECAUSE IT	WHICH MUST HAVE SHOCKED THE CHRIST~~A~~IAN WORLD AT ITS ENORMITY IN DETAIL. SUTHERLAN~~I~~D TELLS US AS TO WHO BRANDED THE CATTLE. KLINGENSMITH BRANDED THEM SIMPLY BECAUSE HE WAS THE **B**ISHOP OF THE CHURCH AND T**O**OK CHARGE OF THE CHURCH PROPERTY. IF JOEL WHITE—IF MR. YOUNG ~~OR MR. PEARCE~~ OR SOME PERSONS WHO ARE NOW SITTING UPON THIS JURY HAD BEEN SO UNFORTUNATE (BECAUSE IT

627. Ink has both vowels, “A” and “O”, added later in ink.

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RS	PS	RT	BT
WAS A MISFORTUNE ON THAT OCCASION {TO BE A}[i] HIGH OFFICER IN MORMON CHURCH, IF SOME MORMON MEMBERS ON THIS JURY HAD HELD POSITION) K SMITH WAS HONORED WITH {THE HIGHEST POSITION ON THAT OCCASION;}[i] IF THEY HAD BEEN AT THAT TIME ~~ONE~~ {HONORED}[i] WITH THAT OFFICE IT WOULD HAVE BEEN THEIR PAINFUL {BOUNDEN}[i] DUTY TO HAVE PUT CROSS {PUT THE CHURCH BRAND ON THOSE CATTLE}[i] CROSS UPON THOSE CHURCH CATTLE THAT WAS *VIOLENTLY*[?]	BEEN A MISFORTUNE IT WAS A MISFORTUNE ON THAT OCCASION TO BE A HIGH OFFICIAL ~~OF THE~~ IF SOME OF THE MORMON JURORS WAS ONE THAT [*space*] HIMSELF PLACED ON THAT OCCASION IF THEY HAD BEEN AT THAT TIME HONORED WITH THAT OFFICE IT WOULD HAVE BEEN THEIR PAINFUL DUTY TO PUT THE CHURCH BRAND ON THOSE CATTLE [*space*]	WAS A MISFORTUNE ON THAT OCCASSION TO HAVE BEEN A HIGH OFFICIAL IN THE MORMON CHURCH) IF SOME MEMBERS ON THIS JURY HAD HELD POSITION—AND KLINGENSMITH WAS HONORED WITH THE HIGHEST POSITION ON THAT OCCASION—IF THEY HAD BEEN AT THAT TIME HONORED WITH THAT OFFICE, IT WOULD HAVE BEEN THEIR BOUNDEN DUTY TO HAVE PUT THE C~~o~~HURCH BRAND (THAT OF A CROSS) ON THOSE CATTLE, PUT IT UPON THOSE CHURCH CATTLE THAT WAS SO FOULLY	WAS A MISFORTUNE ON THAT OCCASION TO HAVE BEEN A HIGH -OFFICIAL IN THE MORMON CHURCH) IF SOME MEMBERS ON THIS JURY HAD HELD POSITION—AND KLINGENSMITH WAS HONORED WITH THE HIGHEST POSITION ON THAT OCCASION—IF THEY HAD BEEN AT THAT TIME HONORED WITH THAT OFFICE, IT WOULD HAVE BEEN THEIR BOUNDEN DUTY TO HAVE PUT THE C~~o~~HURCH BRAND (THAT OF A CROSS) ON THOSE CATTLE, PUT IT UPON THOSE CHURCH CATTLE THAT WAS SO FOULLY

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RS	PS	RT	BT
STOLEN FROM THESE INNOCENT CHILDREN AFTER MEN FOULLY MURDERED ALL THEIR MOTHERS AND FRIENDS. IT WAS BY VIRTUE OF THIS FACT THIS MAN AND HE CARES OF THEM {K SMITH FOR HAVING BRANDED THOSE CATTLE}[i] WHEN THEY ARRAIGN HIM < THEY < ARRAIGN MORMON CHURCH {BECAUSE}[i] HE PUT THAT THAT BRAND UPON ≤THOSE≥ CATTLE BY VIRTUE {OF HIS	AFTER THE MOST FOUL OF THE MURDERS TO BRAND [*space*] THEY ARRAIGN KLINGEN SMITH FOR HAVING BRANDED THOSE CATTLE = WHEN THEY ARRAIGN HIM THEY ARRAIGN THE MORMON CHURCH,[628] BECAUSE HE PUT THAT BRAND ON THE CHURCH CATTLE BY VIRTUE OF HIS	STOLE N FROM THESE INNOCENT CHILDREN, AFTER THE MEN WERE FOULLY MURDERED THEY WERE TORN F OM THEIR MOTHERS AND SOME OF THEIR BRAINS BEAT OUT. IT WAS BY VIRTUE OF THIS FACT THAT THIS MAN, OF COURSE, TOOK THE CARE OF THEM, KLINGENSMITH, AFTER HAVING BRANDED THESE CATTLE, WHEN THEY ARRAIGNED HIM THEY ARRAIGNED THE MORMON CHURCH, BECAUSE HE PUT THAT THAT BRAND UPON THESE CATTLE—ON THE CHURCH CATTLE—BY VIRTUE OF HIS	STOLEN FROM THESE INNOCENT CHILDREN~~.~~**,** AFTER THE MEN WERE FOULLY MURDERED **AND** THEY WERE TORN F**R**OM THEIR MOTHERS AND SO~~M~~E OF THEIR BRAINS BEAT OUT. IT WAS BY VIRTUE OF THIS FACT THAT THIS MAN, OF COURSE, TOOK THE CARE OF **AND BRANDED THE CATTLE WITH THE CHURCH BRAND;** ~~THEM~~ KLINGENSMITH, AFTER HAVING BRANDED THESE CATTLE, WHEN THEY ARRAIGNED HIM **FOR IT** THEY ARRAIGNED THE MORMON CHURCH, BECAUSE HE PUT THIT THAT BRAND UPON THOSE CATTLE—ON THE CHURCH CATTLE - BY VIRTUE OF HIS

628. Comma in Rogerson's hand.

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RS	PS	RT	BT
ECCLESIASTICAL OFFICE}[i]	ECCLESIASTICAL OFFICE [*space*]	ECLESIASTICAL OFFICE.	ECLESIASTICAL OFFICE.
THIS HAVING BEEN CHURCH	THIS HAVING BEEN A CHURCH	THIS HAVING BEEN DONE, THE CHURCH ~~MURDER HAVING BEEN A GREED UPON~~	T**H**IS HAVING BEEN DONE, THE CHURCH ~~MURDER HAVING BEEN A GREED UPON~~
MURDER ONE DETERMINED AND AGREED UPON IN COUNCIL	MURDER ONE DETERMINED AND AGREED UPON IN COUNCIL AND SPOIL BELONGING *[[22]]* ~~TO THE~~ IN	MURDER WHEN DETER MINED AND AGREED UPON IN COUNSEL,	MURDER**,** WHEN DETERMINED AND AGREED UPON IN COUNSEL,
{THE}[i] SPOILS BELONGING TO THEM THAT TRAIN, BELONGED TO THE CHURCH	COUNCIL THE SPOIL BELONGING TO THAT TRAIN BELONGED TO THE CHURCH	THE SPOILS BELONGING TO THAT TRAIN *[78]* BELONGED TO THE CHURCH; AND THE	THE SPOILS BELONGING TO THAT TRAIN *[78]* BELONGED TO THE CHURCH; AND THE
EVIDENCE ≤AND PROOF≥ OF IT CONSISTS IN THE FACT {THAT THEY}[i] WERE BRANDED WITH BY CHURCH BRAND = APPROPRIATED {BY}[i] AUTHORITIES OF CHURCH GENTLEMEN OF THE JURY, THOSE OF YOU WHO ARE OF MORMON	AND PROOF IS THAT THEY WERE BRANDED WITH THE CHURCH BRAND AND APPROPRIATED BY AN OFFICER OF THE CHURCH ¶[629] GENTLEMEN OF THE JURY THOSE OF YOU WHO ARE OF MORMON	EVI~~N~~DENCE AND PROOF OF IT CONSISTS IN THE FACT THAT THEY WERE BRANDED WITH THE CHURCH BRAND AND A P;ROPRIATED BY THE AUTHORITIES OF THE CHURCH. GENTLEMEN OF THE JURY, THOSE OF YOU WHO ARE OF MORMON	EVI~~N~~DENCE AND PROOF OF IT CONSISTS IN THE FACT THAT THEY WERE BRANDED WITH THE CHURCH BRAND AND AP~~;~~**P**ROPRIATED BY THE AUTHORITIES OF THE CHURCH. GENTLEMEN OF THE JURY, THOSE OF YOU WHO ARE OF MORMON

629. Appears to be in Rogerson's hand.

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RS	PS	RT	BT
EXTRACTION AT THAT TIME {¶}[i] WHEN YOU ARE DISCHARGED FROM THIS JURY, GO TO YOUR HOMES AND KNEEL DOWN {AND}[i] OFFER {UP THE}[i] SUPPLICATION {AND}[i] THANK GOD {THAT}[i] YOU {WERE}[i] NOT {A}[i] BISHOP {A}[i] HIGH OFFICER IN THE MORMON CHURCH AT THAT {TIME,}[i] OR YOU WOULD {HAVE HAD TO}[i] BRANDED THE STOCK THE PRICE MURDER ASSASSINATION PRICE OF BLOOD OF LITTLE CHILDREN, PRICE OF THEIR CRUSHED SKULLS MUTILATED BODIES. {¶}[i] WHY DID WHITE AND SMITH NOT OBJECT [*space*] THE GENTLEMAN	EXTRACTION [*space*] WHO KNEEL DOWN AND OFFER UP YOUR SUPPLICATION THANKING GOD THAT YOU WERE NOT A BISHOP A HIGH OFFICER IN THE MORMON CHURCH AT THAT TIME, OR YOU WOULD HAVE HAD TO BRAND THE STOCK THE PRICE OF BLOOD OF LITTLE CHILDREN PRICE OF CRUSHED SKULLS AND MUTILATED BODIES WHY DID WHITE AND SMITH NOT OBJECT THE GENTLEMAN	EXTRACTION AT THAT TIME, WHEN YOU ARE DISCHARGED FROM THIS JURY ~~AND~~ GO TO YOUR HOMES AND KNEEL DOWN AND OFFER UP YOUR SUPPLICATIOJN AND THANKS ~~TO~~ GOD THAT YOU WERE NOT A MORMON BISHOP OR A HIGH OFFICER IN THE MORMON CHURCH AT THAT TIME; OR YOU WOULD HAVE HAD TO HAVE BRANDED THE STOCK, THE PRICE OF MURDER, ASSASSINATION, THE PRICE OF BLOOD, OF LITTLE CHILDREN, THE PRICE OF THEIR CRUSHED SKILLS AND MUTILATED BODIES! WHY DID WHITE AND SMITH NOT OBJECT, THE GENTLEMEN	EXTRACTTION AT THAT TIME, WHEN YOU ARE DISCHARGED FROM THIS JURY**,** ~~AND~~ GO TO YOUR HOMES AND KNEEL DOWN AND OFFER UP YOUR SUPPLICATIO~~J~~N AND THANKS ~~TO~~ GOD THAT YOU WERE NOT A MORMON BISHOP OR A HIGH OFFICER IN THE MORMON CHURCH AT THAT TIME; OR YOU WOULD HAVE HAD TO ~~HAVE~~ BRAND~~ED~~ THE STOCK, THE PRICE O~~R~~F MURDER, ASSASSINATION, THE PRICE OF BLOOD, OF LITTLE CHILDREN, THE PRICE OF THEIR CRUSHED SKILLS AND MUTILATED BODIES! **“**WHY DID WHITE AND SMITH NOT OBJECT~~,~~**?”** THE GENTLEMAN

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RS	PS	RT	BT
SAYS. IN GOD'S NAME WHY DID THEY NOT OBJECT; WHY DID THEY NOT OBJECT I ASK YOU IN GOD'S NAME WHY DID THEY NOT OBJECT [*space*] THAT IS A MYSTERY THAT CAN ONLY BE SOLVED WHEN YOU LOOK UPON {THE}[i] SECRECY THAT HAS *INVOLVED/ENVEILED*[?] {IN}[i] THIS WHOLE TRANSACTION {WHEN}[i] YOU LOOK {AT THE}[i] CAUTION OF OTHER WITNESSES IN CONNECTION WITH IT {WHEN YOU LOOK AT THE}[i] FIRE AND THE ZEAL WITH WHICH ALL PERSONS WHO HAVE KNOWN THIS FACT HAVE SEALED THEIR LIPS SINCE THAT EVIL DAY YOU MUST LOOK TO THAT FOR EXPLANATION	SAYS [*space*] IN GOD'S NAME WHY DID THEY NOT OBJECT ~~NOT~~ WHY DID THEY NOT OBJECT I ASK YOU IN GOD'S NAME WHY DID THEY NOT OBJECT THAT IS A MYSTERY THAT CAN ONLY BE SOLVED WHEN YOU LOOK UP THE SECRECY THAT HAS ENVEILED THIS WHOLE TRANSACTION WHEN YOU LOOK AT THE CAUTION OF OTHER WITNESSES IN CONNECTION WITH IT WHEN YOU ~~AT~~ LOOK AT THE FEAR AND ZEAL WITH WHICH ALL PERSONS WHO HAVE KNOWN THIS FACT HAVE SEALED THEIR LIPS SINCE THAT EVIL DEED <	SAYS. IN GOD'S NAME WHY DID THEY NOT OBJECT? WHY DID THEY NOT OBJECT, I ASK YOU IN GOD'S NAME? WHY DID THEY NOT OBJECT? THAT IS A MISTERY THAT CAN ONLY BE SOLVED WHEN YOU LOOK THE SECRECY THAT IS INV~~LO~~OLVED IN THIS WHOLE TRANSACTION ; WHEN YOU LOOK AT THE ACTION OF OTHER WITNESSES IN CONNECTION W TH IT; WHEN YOU LOOK AT THE **FEAR** ~~FIRE~~ AND THE ZEAL WITH WHICH ALL PERSONS WHO HAVE KNOWN THIS FACT HAVE SEALED THEIR LIPS SINCE THAT EVIL DAY. YOU MUST LOOK TO THAT FOR EXPLENATION.	SAYS. IN GOD'S NAME WHY DID THEY NOT OBJECT? WHY DID THEY NOT OBJECT, I ASK YOU IN GOD'S NAME? WHY DID THEY NOT OBJECT? THAT IS A MISTERY THAT CAN ONLY BE SOLVED WHEN YOU LOOK THE SECRECY THAT IS INV~~LO~~OLVED IN THIS WHOLE TRANSACTION ; WHEN YOU LOOK AT THE ACTION OF OTHER WITNESSES IN CONNECTION W**I**TH IT; WHEN YOU LOOK AT THE **FEAR** ~~FIRE~~ AND THE ZEAL WITH WHICH ALL PERSONS WHO HAVE KNOWN THIS FACT HAVE SEALED THEIR LIP~~L~~S SINCE THAT EVIL DAY. YOU MUST LOOK TO THAT FOR E~~S~~XPLENATION.

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RS	PS	RT	BT
THERE IS SOME GREAT POWER WHICH HAS NOT {BEEN DISPLAYED}[i] ~~DISPLAYED~~ TO THIS JURY {AND}[i] WHICH THE MORMONS ON THIS JURY MIGHT UNDERSTAND THERE WAS SOME SECRET INFLUENCE OPERATING THROUGH AND BY VIRTUE OF THIS ORGANIZATION CALLED JESUS CHRIST CHURCH LATTER-DAY SAINTS THAT LED TO THAT RESULT [~~24~~] {BECAUSE}[i] I WILL VENTURE TO SAY THAT NOWHERE ELSE {IN THE WORLD}[i] WHERE CHRISTIANITY PREVAILS WHERE WHITE MEN LIVE COULD SUCH A DEED BE PLANNED = BE CARRIED OUT {AND}[i] NO TWO MEN OF ANY	THERE IS SOME GREAT POWER WHICH HAS NOT BEEN DISPLAYED TO THIS JURY AND WHICH THE MORMONS ON THIS JURY CAN UNDERSTAND THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS LED TO THAT RESULT [*space*], BECAUSE I WILL VENTURE TO SAY THAT NOWHERE ELSE ~~IN~~ UNDER THE SUN WHERE WHITE MEN LIVE COULD SUCH A DEED BE PLANNED BE CARRIED OUT AND NO TWO MEN IN ANY	THERE IS SOME GREAT POWER WHICH HAS NOT BEEN DISPLAYED TO THIS JURY, AND WHICH THE MORMONS ON THIS JURY MAY UNDERSTAND. THERE WAS SOME SEC~~T~~RET INFLUENCE OPERATI~~ON~~NG THROUGH AND BY VIRTUE OF THIS ORGANIZATION WHICH IS CALLED THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS THAT LED TO THAT RESULT. BECAUSE I WI LLVENTURE TO SAY THAT NOWHERE ELSE WHERE CHRISTIANITY PREVAILS, WHERE WHITE MEN LIVE COULD SUCH A DEED BE PLANNED, BE CARRIED OUT AND NO ~~S~~TWO MEN OF ANY	THERE IS SOME GREAT POWER WHICH HAS NOT BEEN ~~DISPLAYED~~ **EXPLAINED** TO THIS JURY, AND ~~T~~WHICH THE MORMONS ON THIS JURY MAY UNDERSTAND. THERE WAS SOME SEC~~T~~RET INFLUENCE OPERATI~~ON~~NG THROUGH AND BY VIRTUE OF THIS ORGANIZATION WHICH IS CALLED THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS THAT LED TO THAT RESULT **:** BECAUSE I WILL VENTURE TO SAY THAT NO WHERE ELSE WHERE CHRISTIANITY PREVAILS, WHERE WHITE MEN LIVE COULD SUCH A DEED BE PLANNED, BE CARRIED OUT AND NO ~~S~~TWO MEN OF ANY

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RS	PS	RT	BT
COMMUNITY BE FOUND THAT WOULD NOT RAISE THEIR VOICE AGAINST ITS CONSUMMATION WHY DID WHITE AND SMITH NOT OBJECT. SMITH STATES {THE}[i] REASON, IT WOULD NOT HAVE BEEN WELL FOR ME IF I HAD, "I MIGHT BEEN PUT AWAY" [*space*] IF HE HAD BEEN PUT AWAY ACCORDING TO THE PHILOSOPHY {ARGUMENT}[i] OF MY BROTHER BISHOP, HE WOULD BE MOST LIKELY TO KNOW IT, WHY, SIMPLY AS AN OFFICER OF MORMON CHURCH HE WOULD HAVE KNOWN IT. BUT BISHOP SMITH AND WHITE, WHY DID HE	COMMUNITY THAT WOULD NOT RAISE ITS VOICE AGAINST IT CONSUMMATIO N [*space*] WHY DID THEY NOT OBJECT [*space*] SMITH STATES THE REASON IT WOULD NOT HAVE BEEN WELL FOR HIM IF HE [*space*] IF HE HAD BEEN PUT AWAY ACCORDING TO THE ~~PHILOS~~ ARGUMENT OF MY FRIEND BISHOP BECAUSE HE SAID IF HE [*space*] SAW SAW OTHER ACT [*space*] PUTTING AWAY [*space*] WHY DID THEY	COMMUNITY BE FOUND THAT WOULD NOT RAISE THEIR VOISE AGAINST ITS CONSUMATION. WHY DID WHI~~L~~TE AN D SMITH NOT OBJECT? KLINGENSMITH STATES THE REASON. IT WOULD NOT HAVE B EN WELL FOR ME IF I HAD; I MIGHT HAVE BEEN PUT AWAY. IF HE HAD BEEN PUT AWAY ACCORDING TO THE PHILOS~~P~~OPHY [79] AND ARGUEMENT OF MY BROTHER BISHOP, HE WOULD BE MOST LIKELY TO KNOW IT~~;~~ WHY? SIMPLY AS AN OFFICIAL OF THE MORMON CHURCH HE WOULD KNOW IT; BUT BISHOP SMITH AND WHIT~~3~~E, WHY DID THEY	COMMUNITY BE FOUND THAT WOULD NOT RAISE THEIR VOISE AGAINST ITS CONSUMATION. WHY DID WHI~~L~~TE AN ~~S~~D SMITH NOT OBJECT? KLINGENSMITH STATES THE REASON~~.~~**: "**IT WOULD NOT HAVE BEEN WELL FOR ME IF I HAD; I MIGHT HAVE BEEN PUT AWAY.**"** IF HE ~~HAD~~ **WOULD HAVE** BEEN PUT AWAY, ACCORDING TO THE PHILOS~~P~~OPHY [79] AND ARGUEMENT OF MY BROTHER **B**ISHOP, HE WOULD BE MOST LIKELY TO KNO**W** IT**"** **W**HY? SIMPLY AS AN OFFICIAL OF THE MORMON CHURCH HE WOULD KNOW IT; BUT BISHOP SMITH AND WHIT~~3~~E, WHY DID THEY

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RS	PS	RT	BT
NOT HOLD UP THEIR HANDS LIKE MEN WHY NOT ASSERT THEIR ANGLO- SAXON BLOOD THEY DISGRACE {THE}[i] ANGLO-SAXON STOCK TO WHICH WE BELONG IT IS {A}[i] STIGMA UPON IT I SAY THEY DIDN'T OBJECT, SIMPLY BECAUSE THEY WERE IN {AN}[i] ORGANIZATION WHICH HAD MADE THEM SERFS, NAY MORE, WHICH HAD MADE THEM CRIMINALS, WHICH HAD DESTROYED THEIR MANHOOD; YES WHICH HAD MADE {THEM}[i] CRAVEN COWARDS, AND THEY WERE LOWER THAN THE INDIANS, THEIR	NOT *[[23]]* HOLD UP THEIR HANDS LIKE MEN BECAUSE THEY DID INJUSTICE BECAUSE THEY DISGRACE THE ANGLO-SAXON STOCK TO WHICH WE BELONG WHY DID THEY NOT OBJECT THEY DID NOT OBJECT SIMPLY BECAUSE THEY WERE IN AN ORGANIZATION ~~THAT~~ WHICH HAD MADE THEM SERFS, NAY MORE, WHICH HAD MADE THEM CRIMINALS DESTROYED THEIR MANHOOD WHICH HAD MADE THEM CRAVEN COWARDS, AND THEY WERE LOWER THAN THE INDIANS THEIR	NOT HOLD UP THEIR HANDS LIKE MEN? WHY NOT ASSERT THEIR ANGLO-SAXON BLOOD, AND IN NOT DOING SO, THEY DISGRACED THE ANGLO-SAXON STOCK TO WHICH THEY BELONGED, AND IT IS A STIGMA UPON IT. I SAY THEY DIDN'T OBJECT, AND WHY? SIMPLY BECAUSE THEY WERE IN AN ORGANIZATION WHICH HAD MADE THEM SERFS. NAY, MORE, WHICH HAD MADE THEM CRIMINALS, WHICH HAD MADE THEM COWARDS AND DESTROYED THEIR MANHOOD; YES, WHICH HAD MADE THEM CRE~~A~~VEN COWA RDS; AND THEY W ERE LOWER THAN THE INDIANS, THEIR	NOT OHOLD UP THEIR HANDS LIKE MEN? WHY NOT ASSERT THEIR ANGLO-SAXON BLOOD, AND IN NOT DOING SO, THEY DISGRACED THE ANSLO-SAXON STOCK TO WH**I**CH THEY BELONGED, AND IT IS A STIGMA UPON IT. I SAY THEY DIDN'T OBJECT, AND WHY? SIMPLY BECAUSE THEY WERE IN AN ORGANIZATION WHICH HAD MADE THEM SERFS. NAY, MORE, WHICH HAD MADE THEM CRIMINALS, WHICH HAD MADE THEM COWARDS AND DESTROYED THEIR MANHOOD; YES, WHICH HAD MADE THEM CRE~~A~~VEN COWARDS; AND THEY W ERE LOWER THAN THE INDIANS, THEIR

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RS	PS	RT	BT
CONFEDERATES IT WAS BY VIRTUE OF THAT SYSTEM = BY VIRTUE OF SOME DEVELOPMENT I DO NOT UNDERSTAND, THAT IS INFLICTED UPON {THE}[i] OFFICERS AND MANY OF {THE}[i] MEMBERS OF THAT CHURCH {=}[i] WHO MADE THEM CRAVEN COWARDS, {AND}[i] INFLUENCE THEY COME AND GO AS THEIR LEADERS CRACK THEIR FINGERS THEY DIRECT THAT IS THE ONLY EXPLANATION OF IT.	CONFEDERATES IT WAS BY VIRTUE OF THAT SYSTEM = IT WAS BY VIRTUE OF SOME DEVELOPMENT THAT IS INFLICTED UPON OFFICERS AND MANY MEMBERS OF THE CHURCH [*space*] WHO MANY OF THEM COWARDS MAKE THEM COME AND GO AS THEIR LEADERS DIRECT THAT IS THE EXPLANATION AND NO OTHER RATIONAL EXPLANATION CAN BE *TOWARDS*[?] IT [*space*] THE	CONFEDERATES. IT WAS BY VIRTUE OF THAT SYSTEM, BY VIRTUE OF SOME DEVELOPMENT I DO NOT UNDERSTAND THAT IS INFLICTED UPON THE OFFICERS AND MANY OF THE MEMBERS OF THAT CHURCH THAT MAKES THEM COWARDS; AND UNDER ITS INFLUENCE THEY COME AND GO AS THEIR LEADERS CRACK T EIR FINGERS, JUST AS THEY ARE DIRECTED. THAT IS THE ONLY EXPLENAT ION OF IT.	CONFEDERATES. IT WAS BY VIRTUE OF THAT SYSTEM, BY VIRTUE OF SOME DEVELOPMENT I DO NOT UNDERSTAND**,** THAT IS INFLICTED UPON THE OFFICERS AND MANY OF THE MEMBERS OF THAT CHURCH THAT MAKES THEM COWARDS; AND UNDER ITS INFLUENCE THEY COME AND GO AS THEIR LEADERS CRACK THEIR FINGERS, JUST AS THEY ARE DIRECTED. THAT IS THE ONLY EXPLENATION OF IT.
THE SAME EXPLANATION MAY BE ATTRIBUTED TO FACT{, THAT FOR}[i] 18 YEARS	SAME EXPLANATION CAN BE ATTRIBUTED THAT FOR 18 YEARS	THE SAME EXPLENATION MAY BE ATTRIBUTED TO THE FACT, THAT FOR I8 YEARS	THE SAME EXPLENATION MAY BE ATTRIBUTED TO THE FACT, THAT FOR I8 YEARS

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RS	PS	RT	BT
OF THE TIME THAT COMMUNITY, {THEIR LIPS}[i] WERE SEALED;	THE LIPS WERE SEALED AND SO CLOSELY SEALED THAT MEN WHO LIVED IN THAT COMMUNITY NEVER HEAD A WHISPER OF	OF THE TIME THAT COMMUNITY , THEIR LIPS WERE SEALED, SO CLOSELY SEALED, THAT MEN WHO LIVED IN THAT COMMUNITY NEVER HEAD A WHISPER OF	OF THE TIME THAT COMMUNITY , **HAD** THEIR LIPS WERE SEALLED, SO CLOSELY SEALED, THAT MEN WHO LIVED IN THAT COMMUNITY NEVER HEAD A WHISPER OF
DIDN'T HEAR {A}[i] WHISPER OF {THE}[i] MASSACRE	IT NEVER DID HEAR A WHISPER OF IT	IT—DIDN'T HEA R A WHISPER OF THE MASSACRE.	IT—DIDN'T HEAR A WHISPER OF THE MASSACRE.
THEY THEMSELVES HAD LOST THEIR INDIVIDUALITY = THEY THEMSELVES HAD GIVEN THEMSELVES OVER TO AUTHORITY OF CHURCH AND CEASED TO BE MEN;	THEY THEMSELVES HAD LOST THEIR INDIVIDUALITY [*space*] AND WERE [*space*]	THEY THEMSELVES HAD LOST THEIR INDIVIDUALITY, THEY THEMSELVES HAD GIVEN THEMSELVES OVER TO THE AUTHORITY OF THE CHURCH AND CEASED TO BE MEN. AND THEY WERE	THEY THEMSELVES HAD LOST THEIR INDIVIDUALITY, THEY THEMSELVES HAD GIVE THEMSELVES OVER TO THE AUTHORITY OF THE CHURCH AND CEASED TO BE MEN. AND THEY WERE
ONLY THINGS TO BE PLAYED UPON AND DIRECTED AS THE LEADERS CHURCH MIGHT DIRECT THAT IS THE EXPLANATION OF IT IN ANY	ONLY THINGS TO BE PLAYED UPON AND DIRECTED AS THE LEADERS OF THE CHURCH MIGHT DIRECT THAT IS EXPLANATION OF IT IN ANY	ONLY THINGS TO BE PLAYED UPON AND DIRECTED AS THE LEADERS OF THE CHURCH MIGHT DIRECT. THAT IS THE EXPLENATION OF IT. IN ANY OTHER	ONLY THINGS TO BE PLAYED UPON AND DIRECTED AS THE LEADERS OF THE CHURCH MIGHT DIRECT. THAT IS THE EXPLENATION OF IT. IN ANY OTHER

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RS	PS	RT	BT
COMMUNITY WHERE MEN HAD THE HEARTS OF MEN IN THEIR BREASTS = IN ANY COMMUNITY WHERE MEN BREATHED AIR OF FREEDOM COULD SUCH A SPECTACLE *IT IS*[?] YOU MAY CALL IT PERSECUTION, YOU MAY CALL IT WHAT YOU PLEASE THESE ARE DEDUCTIONS DERIVED FROM {THE}[i] FACTS {IN THIS CASE,}[i] DISPLAYED BY THE EVIDENCE WHO DID IT WHO CONSENTED TO {THIS}[i] INFAMY? {THE}[i] LEADERS OF THIS PEOPLE {THE LEADERS OF THIS ABOMINABLE INSTITUTION}[i] WHO	COMMUNITY WHERE MEN HAD THE HEARTS OF MEN IN THEIR BREAST IN ANY COMMUNITY WHERE MEN BREATHED THE ~~AIR~~ BREATH OF FREEDOM AND WERE FREE MEN COULD SUCH A THING BE DONE [*space*] THESE ARE THE DEDUCTIONS DERIVED FROM THE FACTS IN THIS CASE [*space*] WHO HAD WHO DID CONSENT TO INFAMY, LEADERS OF THIS ABOMINABLE INSTITUTION WHO DIRECT	COMMUNITY WHERE MEN HAD THE HEARTS OF MEN IN THEIR BREASTS—IN ANY COMMUNITY WHERE MEN BREATHED THE AIR OF FREEDOM, COULD SUCH A T~~HING~~ SPECTACLE BE PRESENTED AS THIS. YOU MAY CALL IT PERSECUTION, OR YOU MAY CALL IT WHAT YOU PLEASE BUT THESE ARE THE DEDUCT ONS DERIVED FRO~~K~~M THE FACTS AS DISPLAYED BY THE EVIDENCE IN THIS CASE. WHO CONCENTED TO THIS INFAMY? THE LEADERS OF THIS PEOPLE, THE LEADERS OF THIS ABOMINABLE *[80]* INSTITUTION WHO	COMMUNITY WHERE MEN HAD THE HEART~~A~~S OF MEN IN THEIR BREASTS—IN ANY COMMUNITY WHERE MEN BREATHED THE AIR OF FREEDOM, COULD SUCH A T~~HING~~ SPECTACLE BE PRESENTED AS THIS. YOU MAY CALL IT PERSECUTION, OR YOU MAY CALL IT WHAT YOU PLEA**SE** BUT THESE ARE THE DEDUCT**I**ONS DERIVED FRO~~K~~M THE FACTS AS DISPLAYED BY THE EVIDENCE IN THIS CASE. WHO CONCENTED TO THIS INFAMY? THE LEADERS OF THIS PEOPLE, THE LEADERS OF THIS ABOMINABLE *[80]* INSTITUTION WHO

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RS	PS	RT	BT
CONSUMMATED {AND TOOK PART}[i] IN DESTRUCTION OF {INNOCENT}[i] MEN WOMEN CHILDREN. THOSE {OF THE}[i] MORMON COMMUNITY = THOSE OF THEM WHO HAVE BEEN STEEPED IN CRIME, AT THE DICTATORSHIP	[*space*] INNOCENT WOMEN AND CHILDREN [*space*] THOSE OF THE MORMON BELIEF WHO HAVE NOT BEEN STEEPED IN CRIME AT THE DICTATION OF THAT LEADERSHIP THEY INFLUENCE,	CONSUMMATED AND TOOK PART IN THE DISTRUCTION OF INNOCENT WOMEN AND CHILDREN. ~~THIS IS~~ THOSE OF THE MORMON COMMUNITY— THOSE OF THEM WHO HAVE NOT BEEN STEEPED IN CRIME **AT THE DICTATION OF THESE FIENDS**	CONSUMMATED AND TOOK PART IN THE DISTRUCTION OF INNOCENT WOMEN AND CHILDREN. ~~THIS IS~~ THOSE OF THE MORMON COMMUNITY— THOSE OF THEM WHO HAVE NOT BEEN STEEPED IN CRIME **AT THE DICTATION OF THESE FIENDS**
SHOULD RISE UP IN MAJESTY OF STRENGTH, ~~≤~~AND TEACH~~≥~~ THESE {CONTUMACIOUS LEADERS,}[i] ~~≤~~THOSE~~≥~~ BLASPHEMOUS LEADERS, *IN WHOSE*[?] NAME ALL WHO HAVE DONE THIS HORRIBLE CRIME IN NAME OF GOD AND RELIGION;	SHOULD RISE UP AND TEACH THOSE CONTUMACIOUS LEADERS THESE BLASPHEMOUS LEADERS *[[24]]*[630] WHO HAVE DONE THIS CRIME IN THE NAME OF GOD AND HOLY RELIGION	SHOULD RISE UP IN THE MAJESTY OF THEIR STRENG TH AND TEACH THE E CONTUMACIOUS LEADERS, THESE BLASPHEMOUS LEADERS, WHO HAVE IN THE NAME OF GOD DONE THIS HORRIBLE CRIME—IN THE NAME OF GOD AND RELIGION .	SHOULD RISE UP IN THE MAJESTY OF THEIR STRENGTH AND TEACH THES**E** ~~CONSTUMACIOUS~~ **CONTUMILEOUS** LEADERS, THESE BLASLPHEMOUS LEADERS, WHO HAVE IN THE NAME OF GOD DONE THIS HORRIBLE CRIME—IN THE NAME OF GOD AND RELIGION.

630. At the top of the page: Rogerson's hand symbol and **"NOV 15/88."** in Rogerson's hand.

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RS	PS	RT	BT
BECAUSE MAN JOINS MORMON CHURCH IT DOESN'T FOLLOW THAT HE MUST LAY DOWN HIS RESPONSIBILITY SAVE *EXCEPTION*[?] LEADER OF CHURCH. HE CARRIES WITH HIM IN SOCIETY A RESPONSIBILITY TO THE GOD {THAT}[i] CREATED HIM, {TO THE}[i] GOD WHEN IN HIS PLEASURE, WILL REMOVE HIM FROM THE EARTH THAT RESPONSIBILITY CANNOT BE SHIRKED; {AND}[i] NO MAN CAN STAND BETWEEN {AN}[i] INDIVIDUAL HIS PRACTICE AND HIS GOD HE IS RESPONSIBLE FOR HIS OWN ACTS HE PAYS {THE}[i] PENALTY OF THE	[*space*] AND TEACH THIS THAT HE ~~THEY SHOULD~~ WHEN LAY DOWN HIS RESPONSIBILITY = HE CAN'T LAY DOWN HIS RESPONSIBILITY [*space*] HE CARRIES WITH HIM ≤IN SOCIETY≥ A RESPONSIBILITY AND [*space*] THAT TO HIS GOD AND THAT RESPONSIBILITY CANNOT BE SHIRKED, AND NO MAN CAN STAND BETWEEN AN INDIVIDUAL AS TO PRACTICE AND HIS GOD HE IS RESPONSIBLE FOR HIS OWN ACTS, HE PAYS THE PENALTY OF THE	BECAUSE A MAN ~~.~~JOINS THE MORMON CHURCH IT DOESN'T FOLLOW THAT HE MUST LAY DOWN HIS RESPONSIBILITY —HE CANNOT LAY DOWN HIS RESPONSIBILITY . HE CARRIES WITH HI~~J~~M IN SOCIETY A RESPONSIBILITY TO T E GOD THAT CREATED HIM; TO THE GOD WHEN IN HIS PLEASURE, HE WILL REMOVE HIM FROM THE EARTH AND THAT RESPONSIBILITY CANNOT BE SHIRKED, AND NO MAN CAN STAND BETWEEN AN INDIVIDUAL AND HIS GOD. HE IS RESPONSIBLE FOR HIS OWN ACTS; HE PAYS THE PENALTY OF THE	BECAUSE A MAN ~~.~~JOINS THE MORMON CHURCH IT DOESN'T FOLLOW THAT HE MUST LAY DOWN HIS RESPONSIBILITY —HE CANNOT LAY DOWN HIS RESPONSIBILITY . HE CARRIED WITH HI~~J~~M IN SOCIETY A RESPONSIBILITY TO T**H**E GOD THAT CREATED HIM; TO THE GOD ~~WHON~~ **WHOM** IN **HIS** PLEASURE, HE WILL REMOVE HIM FROM THE E~~Q~~ARTH AND THAT RESPONSIBILITY CANNOT BE SHIRKED, AND NO MAN CAN STAND BETWEEN AN INDIVIDUAL AND HIS ~~F~~GOD. HE IS RESPONSIBLE FOR HIS OWN ACTS; HE PAYS THE PENALTY OF THE

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RS	PS	RT	BT
VIOLATION OF THE LAWS OF GOD, AND {HOW}[i] DEARLY THESE PENALTIES HAVE BEEN PAID{, AND}[i] WAS MARKED IN THE FEATURES OF {THAT OLD}[i] MAN YOUNG {LITERALLY CRUSHED}[i] WITH THE DEATH RATTLE IN HIS {THROAT IN HIS}[i] FACE {YOU COULD}[i] TRACE {THE LINEAMENTS}[i] OF DESPAIR {AND THE}[i] ANGUISH OF {ALL THOSE}[i] 18 YEARS, BECAUSE HE HAPPENED UNFORTUNATELY FOR HIM TO BE {A}[i] MEMBER OF MORMON CHURCH. IN {THE}[i] HONESTY OF HIS HEART HE YIELDED HIS INDIVIDUALITY TO THE UNSCRUPULOUS LEADERS OVER HIM WHO LED	VIOLATION OF THE LAWS OF GOD AND HOW DEARLY THESE PENALTIES HAVE BEEN PAID WAS MARKED IN THE FEATURES OF THAT POOR MAN YOUNG LITERALLY CRUSHED AND DEATH RATTLE IN HIS THROAT [*space*] COMES BY THE INSPECTION [*space*] AND BROUGHT UPON HIM, BECAUSE HE HAPPENED UNFORTUNATELY *BNK*[?] TO BE A MEMBER OF THE MORMON CHURCH IN THE HONESTY OF HIS HEART HE YIELDED HIS INDIVIDUALITY TO	V~~OI~~IOLATION OF THE LAWS OF GOD, AND HOW DEARLY THESE PENALTIES HAVE BEEN PAID, WAS MARKED IN THE FEATURES OF THAT POOR OLD MAN,YOUNG. HE WAS LITERALLY CRUSHED AND THE DEATH RATTLE WAS IN HIS THROAT, AND IN HIS FACE YOU COULD TRACE THE LINEAMENTS OF DISPAIR, AND THE ANGUISH OF ALL THESE I8 YEARS, BECAUSE HAPPENED UNFORTUNATELY FOR HIM TO BE A MEMBER OF THE MORMON CHURCH. IN THE HONESTY OF HIS HEART HE YIELDED HIS INDIVIDUALITY TO THE UNSCRUPELOUS LEADERS WHO LED	V~~OI~~IOLATION OF THE LAWS OF GOD, AND HOW DEARLY THESE PENALTIES HAVE BEEN PAID, WAS MARKED IN THE FEATURES OF THAT POOR OLD MAN,YOUNG. HE WAS LITERALLY CRUSHED AND THE DEATH RATTLE WAS IN HIS THROAT, AND IN HIS FACE YOU COULD TRACE THE LINEAMENTS OF DISPAIR, AND THE ANGUISH OF ALL THESE I8 YEARS, BECAUSE **IT** HAPPENED UNFORTUNATELY FOR HIM TO BE A MEMBER OF THE MORMON CHURCH. IN THE HONESTY OF HIS HEART HE YIELDED HIS INDIVIDUALITY TO THE UNSCRUPELOUS LEADERS WHO LED

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RS	PS	RT	BT
HIM TO CRIME THEY HAD BETTER FAR TAKEN THESE MEN.		HIM ON TO THIS CRIME. THEY HAD BETTER FA~~T~~R HAVE TAKEN THESE MEN THAT ORDERED IT	HIM ON TO THIS CRIME. THEY HAD BETTER FA~~T~~**R** HAVE TAKEN THESE MEN THAT ORDERED IT
{THAT}[i] DOES NOT RELIEVE FROM RESPONSIBILITY OF MURDER, BECAUSE IT WAS THEIR ETERNAL DUTY LAW OF CHRISTIANITY RECOGNIZED, RATHER THAN TO HAVE STAINED THEIR HANDS IN BLOOD OF INNOCENT WOMEN AND CHILDREN. [*space*] NOT	WHO WERE BROUGHT TO BEAR RESPONSIBILITY , BUT THAT DOES NOT EXCUSE A COWARDLY ACT RELIEVE FROM RESPONSIBILITY OF MURDER, BECAUSE LAW OF GOD DEMANDED LAW OF CHRISTIANITY DEMANDED PAY AND THESE SHOULD HAVE LAIN DOWN THEIR BELIEF INSTEAD OF SHEDDING BLOOD OF INNOCENT WOMEN AND CHILDREN [*space*]; NOT	THAT ~~B~~WERE BROUGHTO TO BEAR THE RESPONSIBILITY . BUT THAT DOES NOT EXCUSE A COWARDLY ACT NOW RELIEVE THEM ~~FOR~~ FROM THE RESPONSIBILITY OF MURDER, BECAUSE IT WAS THEIR DUTY WHICH THE LAW OF GOD RECOGNISED AND THE LAW OF CHRISTIANITY DEMANDED— THESE S OULD HAVE LAIN DOWN THEIR LIVES RATHER THA~~T~~N TO HAVE STAINED THEIR HANDS IN THE BLOOD OF INNOCENT WOMEN AND CHILDREN. NOT	**WHO** ~~THAT~~ ~~B~~WERE BROUGH~~TO~~ TO BEAR THE RESPONSIBILITY . BUT **T**HAT DOES NOT EXCUSE A COWARDLY ACT NO~~W~~**R** RELIEVE THEM ~~FOR~~ FROM THE RESPONSIBILITY OF MURDER, BECAUSE IT WAS THEIR DUTY WHICH THE LAW OF GOD RECOGNISED AND THE LAW OF CHRISTIANITY DEMANDED— THESE ~~S~~**C** OULD HAVE LAIN DOWN THEIR LIVES RATHER THA~~T~~N TO HAVE STAINED THEIR HANDS IN THE BLOOD OF INNOCENT WOMEN AND CHILDREN. NOT

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RS	PS	RT	BT
ONLY THAT, BUT THAT OLD	ONLY THAT, BUT THAT OLD	ONLY THAT, BUT THAT OLD	ONLY THAT, BUT THAT ~~OLD~~ **PITEABLE OLD**
PITIABLE MAN HAS PAID HIS PENALTY, CAST OUT FROM SOCIETY, SECLUDED ON THE BORDERS OF CIVILIZATION FOR THESE 18 YEARS I HAVE NO DOUBT HE HAS RUN FROM	PITIABLE MAN HAS PAID HIS PENALTY AND ~~MORE~~ CAST OUT FROM SOCIETY [*space*]	PIT-YABLE MAN HAS PAID HIS PENALTY; BECAUSE OUT FROM SOCIETY, SECLU DED ON THE BORDER~~W~~S OF CIVILIZATION FOR THESE I8 YEARS, I HAVE NO DOUBT HE HAS RUN FROM EVERY	~~PIT.YABLE~~ MAN HAS PAID HIS PENALTY; BECAUSE OUT FROM SOCIETY, SECLUDED ON THE BORDER~~W~~S OF CIVILIZATION FOR THESE I8 YEARS, I HAVE NO DOUBT HE HAS RUN FROM EVERY
SHADOW, HIS BED SIDE HAS BEEN HAUNTED BY PHANTOM OF THESE INNOCENT BABES *[25]* THEY APPEARED TO HIM {IN HIS DREAMS AND}[i] SHAKEN THESE GORY LOCKS BEFORE HIM,	BEDSIDE BEEN HAUNTED BY PHANTOMS OF THESE INNOCENT VICTIMS, HAVE APPEARED TO HIM IN DREAMS SHAKEN GORY LOCKS AT HIM NO DOUBT OFTEN FLED FROM THESE FRIGHTFUL PHANTOMS *[[25]]*	SHADOW; HIS BEDSIDE HAS BEEN HAUNTED BY THE *[[81]]* FANTOM OF THESE INNOCENT BABES. THEY APPEARED TO HIM IN HIS DREAMS AND HAVE SHAKEN THEIR GORY LOCKS BEFORE HIM, AND NO DOUBT **OFTEN** FLED FROM THESE FRIGHTFUL FANTOMS,	SHADOW; HIS BEDSIDE HAS BEEN HAUNTED BY THE *[[81]]* FANTOM OF THESE INNOCENT BABES. THEY APPEARED TO HIM IN HIS DREAMS AND HAVE SHAKEN THEIR GORY LOCKS BEFORE HIM, AND NO DOUBT **HE HAS OFTEN** FLED FROM THESE FRIGHTFUL FANTOMS,
BUT ALL IN VAIN IT IS THE LAW OF GOD; IS AS IMMACULATE AS THE LAWS OF THE MEDES AND	BUT ALL IN VAIN IT IS THE LAW OF GOD *AS*[?] [*space*]	BUT ALL IN VAIN. IT IS THE LAW OF GOD AND IT IS AS IMACULATE AS THE LAWS OF THE MEDES AND	BUT ALL IN VAIN. IT IS THE LAW OF GOD AND IT IS AS IMACULATE AS THE LAWS OF THE MEDES AND

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RS	PS	RT	BT
PERSIANS {AND FROM SUCH A CRIME = FROM SUCH ALL INFAMY}[i] FROM SUCH CONDEMNATION THERE IS NO ESCAPE. IN THE {DARK}[i] RESORTS OF THE CAVES OF THE MOUNTAINS; IN THE DARK CELLARS ON THE WAY IN THE SLEEPING HOURS, THESE SCENES MUST HAVE BEEN PRESENT WITH THESE MEN, {AND THE}[i] PROOF OF IS IT HAS STAMPED IT UPON VERY COUNTENANCES, EVERY ONE OF THEM SHOWED <WHO CAME UPON THIS STAND> THEY HAD LIVED LIFE OF MISERY, WATCHING *CARE*[?] AND CONCERN ~~<~~**YES**~~>~~ JOHN D.	FROM SUCH A CRIME FROM SUCH INFAMY FROM SUCH CONDEMNATIO N THERE IS NO ESCAPE IN THE CAVES OF THE MOUNTAINS IN THE *DARK*[?] CELLARS ON THE WAY IN THE SLEEPING HOURS THESE SCENES MUST HAVE BEEN PRESENT WITH THESE MEN AND THE PROOF OF IT IS, IT HAS STAMPED IT UPON THEIR VERY COUNTENANCES . EVERY ONE OF THEM SHOWED THAT THEY HAD LIVED A LIFE OF MISERY WHILE WATCHING AND CONCERN [*space*] YES JOHN D.,	PERSIONS,. FROM SUCH A CRIME, FROM SUCH INFAMY—FROM SUCH CONDEMNATIO N TH RE IS NO ESCAPE. IN THE DARK RECESSES AND IN THE CAVES IN THE MOUNTAINS; IN THE DARK CELLARS ON THE WAY IN THE SLEEPING HOUSE THESE SCENES MUST HAVE BEEN PRESENT WITH THESE MEN, AND THE PROOF OF IT IS THAT IT IS , IT HAS STAMPED IT ON THEIR VERY CO NTENANCE~~S~~. EVERY ONE OF THEM WHO CAME UPON T HIS STAND SHOWED THAT THEY HAD LIVED A LIFE OF MISERY WHILE WATCHING, SECRETING AND HIDING. YES, JOHN D.	PERSIONS~~.~~, . FROM SUCH A CRIME, FROM SUCH INFAMY—FROM SUCH CONDEMNATIO N TH**E**RE IS NO ESCAPE. IN THE DARK RECESSES AND IN THE CAVES IN THE MOUNTAINS; IN THE DARK CELLARS **AND** ON THE WAY**;** IN THE SLEEPING **HOURS** ~~HOUSE~~ THESE SCENES MUST HAVE BEEN PRESENT WITH THESE MEN, AND THE PROOF OF IT I~~S,~~ ~~IT~~ HAS STAMPED IT ON THEIR VERY COUNTENANCE~~S~~ . EVER ONE OF THEM WHO CAME UPON T HIS STAND SHOWED THAT THEY HAD LIVED A LIFE OF MISERY WHILE WATCHING, SECRETING AND HIDING. YES, JOHN D.

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RS	PS	RT	BT
LEE DURING THOSE LONG 18 YEARS WHICH HAVE ELAPSED, GUILT HAS BEEN THE DREAD CHAMBERLESS {VOICE}[i] WHICH LIGHTED HIM TO BED, DREW HIS MIDNIGHT ~~≤~~CURTAINS AROUND~~≥~~ WITH HIS FINGERS BLOOD RED. {¶}[i] MY BROTHER HOGE = AND IT BECAME LOT OF KLINGENMSITH TO BE ASSAILED BY {THE}[i] WHOLE COUNSEL ONE OBJECTION HE MADE TO K SMITH, ONE OF THINGS HE URGED UPON AND WHY HE SHOULD NOT BE BELIEVED WAS, HE	DURING THESE LONG I8 YEARS THAT HAVE ELAPSED SINCE THAT TERRIBLE MASSACRE GUILT HAS BEEN THE DREAD CHAMBERLESS VOICE LIGHTING *D*[?] TO BED [*space*] BLOODIED RED. [*space*] MY BROTHER HOGE = AND IT BECAME THE LOT OF KLINGEN SMITH TO BE ASSAILED BY ALL THE COUNSEL ONE OBJECTION HE MADE TO KLINGEN SMITH WHY HE SHOULD NOT BE BELIEVED WAS THAT HE	LEE DURING THOSE LONG I8 YEARS WHICH HAD ELAPSED SINCE TH T TERRIBLE MASSACRE, GUILT HAS BEEN THE DREAD CHAMBERLESS VOICE WHICH LIGHTED HIM TO BED AND HE DREW HIS MIDNIGHT CURTAINS AROUND HIM WITH HIS FINGERS RED WITH BLOOD. MY BROTHER HOGE—AND IT BECAME THE LOT OF KLINGENSM~~TH~~IT H TO BE ASSIALED BY THE WHOLE COU~~L~~NSEL FO R THE DEFENSE. ONE OBJECT~~IO~~N HE MADE TO KLINGENSMITH, ONE OF THE THINGS HE URGED AGAINST HIM, AND WHY HE SHOULD ~~B~~NOT BE BELIEVED WAS THAT HE	LEE DURING THESE LONG I8 YEARS WHICH **HAS** ~~HAD~~ ELAPSED SINCE TH**A**T TERRIBLE MASSACRE, GUILT HAS BEEN THE DREAD **CHAMBERMAID** ~~CHAMBERLESS~~ ~~VOICE WHICH~~ **THAT HAS** LIGHTED HIM TO BED **AS HE** ~~AND HE~~ DREW HIS MIDNIGHT ~~F~~CURTAINS AROUND HIM WITH HIS FINGERS RED WITH BLOOD. MY BROTHER HOGE—AND IT BECAME THE LOT OF KLINGENSM~~TH~~IT H TO BE ASSIALED BY THE WHOLE COU~~L~~NSEL FO R THE DEFENSE. ONE OBJECT**ION** HE MADE TO KLINGENSMITH, ONE OF THE THINGS HE URGED AGAINST HIM, AND WHY HE SHOULD ~~B~~NOT BE BELIEVED WAS THAT **WHILE** ~~HE~~

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RS	PS	RT	BT
WAS CALLED UPON {TO}[i] DRAW {A}[i] DIAGRAM OF GROUND. {AND}[i] K SMITH AIDED HIM IN DOING SO WAS THERE ANY INTIMATION TO YOU HERE, THAT DIAGRAM WAS NOT CORRECTLY DRAWN [*space*] ROBERT POLLOCK WAS UPON THE FIELD[631] JAMES PEARCE WAS UPON FIELD, AND OLD MAN YOUNG WAS UPON {THE}[i] FIELD, CERTAINLY TWO LAST WERE NOT UNWILLING WITNESSES TO THE DEFENSE, IF THOSE HAD DRAWN **A** DIAGRAM,	WAS CALLED UPON TO DRAW A DIAGRAM OF THE GROUND AND KLINGEN SMITH AIDED HIM IN DOING IT NOW THE LAST MAP OF THAT THE MOUNTAIN MEADOWS IS THERE ANY INTIMATION TO YOU THAT THAT DIAGRAM WAS NOT CORRECTLY DRAWN ROBERT POLLOCK WAS UPON THE FIELD, JAMES PEARCE WAS UPON THE FIELD, AND OLD MAN YOUNG WAS UPON THE FIELD AND CERTAINLY TWO LAST WERE NOT UNWILLING WITNESSES FOR THE DEFENSE, HAVE NO MEANS DRAWING OF A DIAGRAM SHOWING IT	WAS CALLED UPON TO DRAW A DIAGRAM OF THE GROUND AND KLINGENSMITH AIDED HIM IN DOING SO. NOW THE LAST MAP OF THE MOUNTAIN MEADOW S; IS THERE ~~I~~ANY INTIMATION TO YOU HERE THAT THAT DIAGRAM WAS NOT CORRECTLY DRAWN. ROBERT POLLOCK WAS UPON THE FIELD; JAMES PEARCE WAS UPON THE FIELD AND OLD MAN YOUNG WAS UPON THE FIELD; AND CERTAINLY THE TWO LAST WERE NOT UNWILLING WITNESSES FO~~T~~R THE DEFEN~~D~~SE. WHY DIDN'T THOSE DRAW A DIAGRAM?	WAS CALLED UPON TO DRAW A DIAGRAM OF THE GROUND AND KLINGENSMITH AIDED HIM IN DOING SO. NOW**,** THE LAST MAP OF THE MOUNTAIN MEADOW S~~:~~**,** **ADDED TO .** IS THERE ~~I~~ANY INTIMATION TO YOU HERE THAT THAT DIAGRAM WAS NOT CORRECT~~O~~LY DRAWN. ROBERT POLLOCK WAS UPON THE FIELD; JAMES PEARCE WAS UPON THE FIELD AND OLD MAN YOUNG WAS UPON THE FIELD; AND CERTAINLY THE TWO LAST WERE NOT UNWILLING WITNESSES FO~~T~~R THE DEFEN~~D~~SE. WHY DIDN'T THOSE DRAW A DIAGRAM?

631. Samuel Pollock, not Robert.

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RS	PS	RT	BT
WAS NOT EASY MATTER TO PUT ROBERT POLLOCK, {ANOTHER WITNESS}[i] UPON {THE}[i] STAND, {AND}[i] SHOW {THE}[i] INACCURACY OF THAT DIAGRAM WHY DIDN'T {THEY}[i] DO IT; {FOR THE}[i] SIMPLE FACT {THAT THE DIAGRAM THAT}[i] JOEL WHITE DREW {THERE}[i] WAS CORRECT, SHOW {THE}[i] POSITION OF THE TRAIN {AND THE}[i] POSITION OF THE TROOPS {**&**}[i] OF THE SURROUNDINGS UPON THE FIELD THAT WAS THE REASON WHY THEY DIDN'T CALL WITNESSES TO EXPLAIN IT JOHN D. LEE COULD TELL	OVER [*space*] *BECOMES/BECAUSE*[?] AND SPICER YOU SAY ON THE FIELD [*space*] PUT ROBERT POLLOCK ~~≤~~ANY OTHER WITNESS~~≥~~ ON THE STAND AND SHOW THE INACCURACY OF THAT DIAGRAM WHY DIDN'T THEY DO IT; FOR THE SIMPLE FACT THAT THE DIAGRAM THAT JOEL WHITE DREW THERE WAS CORRECT SHOWED THE POSITION OF THE TRAINS AND ALL SURROUNDING JOHN D. LEE COULD TELL	WHY NOT PUT ROBERT POLLOCK, ANOTHER WITNESS UPON THE STAND AND SHOW THE INACURACY OF THAT DIGRAM? WHY DIDN'T THEY DO IT? FOR THE SIMP LE FACT THAT THE D~~A~~IAGRAM OF JOEL WHITE DREW THERE WAS CORRECT, AND SHOW THE POSITION OF THE TRAIN AND THE POSITION OF THE TROOPS, AND ALL THE SURROUNDINGS UPON THE FIELD. THAT WAS THE REASON WHY THEY DIDN'T CALL WITNESSES TO ESPLAIN IT. *[82]* JOHN D. LEE COULD TELL	WHY NOT PUT ROBERT POLLOCK, ANOTHER WITNESS UPON THE STAND AND SHO~~T~~W THE INACURACY OF THAT DIAGRAM? WHY DIDN'T THEY DO IT? FOR THE SIMPLE FACT THAT THE D~~A~~IAGRAM OF JO~~W~~EL WHITE DREW THERE WAS CORRECT, AND **SHOWED** ~~SHOW~~ THE POSITION OF THE TRAIN AND THE POSITION OF THE TROOPS, AND ALL THE SURROUNDINGS UPON THE FIELD. THAT WAS THE REASON WHY THEY DIDN'T CALL WITNESSES TO E~~S~~**X**PLAIN IT. *[82]* JOHN D. LEE COULD TELL

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RS	PS	RT	BT
WHETHER OR NOT THAT DIAGRAM WAS CORRECTLY DRAWN HE COULD HAVE {BROUGHT THAT UPON THE STAND}[i] COULD HAVE POINTED *MEN*[?]> WHETHER IT WAS INACCURATE OR NOT HE PARTICIPATED IN {THAT}[i] FOUL TRAGEDY, AND COULD HAVE BROUGHT THEM UPON FIELD. MY BROTHER BISHOP SAYS, K SMITH LEFT HIS COUNTRY WITH THE MARK OF CAIN UPON HIM {NO}[i] I DO NOT APOLOGIZE FOR K SMITH HE DID AN ACT AT {THE}[i] MOUNTAIN MEADOWS WHICH WAS MURDER; {BUT THE PROSECUTION	WHETHER OR NOT THAT DIAGRAM WA ACCURATELY DRAWN JOHN D. LEE COULD HAVE BROUGHT THAT UPON THE STAND AND > > >[[26]] ~~BY~~ MY BROTHER BISHOP THOUGHT KLINGEN SMITH LEAVES HIS COUNTRY WITH THE MARK OF CAIN UPON HIM NOW I DO NOT APOLOGIZE FOR KLINGEN SMITH HE DID ACT ON THE MOUNTAIN MEADOWS WHICH WAS MURDER BUT THE PROSECUTION	WHETHER OR NOT THAT DIAGRAM WAS CORRECTLY DRAWN. HE COULD HAVE BROUGHT THAT UPON THE STAND AND COULD HAVE POINTED OUT WHETHER IT WAS INACURATE OR NOT. HE PERTICIPATED IN THAT FOUL TRAGEDY, AND COULD HAVE BROUGHT THEM UPON THE STAND. MY BROTHER BISHOP SAYS THAT KLINGENSMITH LEFT HIS COUNTRY WITH THE MARK OF CANE UPON HIM. NOW, I DO NOT APPOLOGISE ~~OFF~~FOR KLINGENSMITH. HE DID AN ACT AT THE MOUNTAIN MEADOWS WHICH WAS MURDER; BUT THE PROSECUTION	WHETHER OR NOT THAT DIAGRAM WAS CORRECTLY DRAWN. HE COULD HAVE BROUGHT THAT UPON THE STAND AND COULD HAVE POINTED OUT WHETHER IT WAS INACURATE OR NOT. HE P~~E~~**A**RTICIPATED IN THAT FOUL TRAGEDY, AND COULD HAVE BROUGHT THEM UPON THE STAND. MY BROTHER BISHOP SAYS THAT KLINGENSMITH LEFT HIS COUNTRY WITH THE MARK OF CANE UPON HIM. NOW, I DO NOT APPOLOGISE **FOR** ~~OFFOR~~ KLINGENSMITH. HE DID AN ACT AT THE MOUNTAIN MEADOWS WHICH WAS MURDER; BUT THE PROSECUTION

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RS	PS	RT	BT
COULD NOT HAVE ASCERTAINED THE THING HAPPENED OCCURRED THERE EXCEPT BY HIM=BY AN EYE WITNESS AND}[i] INASMUCH AS K SMITH WAS THERE ONE {OF THE}[i] MOST VALUABLE{, THE}[i] PROSECUTION SAW PROPER TO AVAIL THEMSELVES OF HIS TESTIMONY, {AND THEY CHARGE HIM **WITH THE**}[i] THEY {SHOULD}[i] BRAND HIM WITH THE BRAND OF CAIN; AND I DON'T DISPUTE {IT;}[i] I DON'T CLAIM {THAT}[i] K SMITH WAS A {GOOD}[i] MAN; I DON'T CLAIM {THAT}[i] ANY MAN WHO PARTICIPATED IN THAT OUTRAGEOUS MASSACRE WAS A GOOD MAN	COULD NEVER ASCERTAINED THE FACT OF WHAT OCCURRED THERE EXCEPT AS BY EYE WITNESS; AND IN AS MUCH AS KLINGENSMITH WAS MOST VALUABLE [*space*] THEY CHARGE HIM WITH THE BRAND OF CAIN AND WE DON'T DISPUTE IT I DON'T CLAIM THAT KLINGEN SMITH WAS GOOD MAN, I DON'T CLAIM THAT ANY MAN WHO PARTICIPATED IN THAT MASSACRE WAS A GOOD MAN,	COULD NOT HAVE ASCERTAINED THE FACT OF WHAT OCCURRED THERE EXCEPT BY AN EYE WITNESS; AND IN AS MUCH AS KLINGENSMITH WAS ONE OF THE MOST VALUABLE, THE PROSECUTION SAW PROPER TO AVAIL THEMSELVES OF HIS TESTIMONY; BUT THE DEFENSE CHARGE HIM AND THEY BRAND HIM WITH ~~HT~~ THE BRAND OF ~~CANE~~ CAIN, AND ~~W~~ I DON'T DISPUTE IT. I DON'T CLAME THAT KLINGENSMITH WAS A GOOD MAN. I DON'T CLAME THAT ANY MAN WHO PARTICIPATED IN THAT OUTRAGIOUS MASSACRE WAS A GOOD MAN .	COULD NOT HAVE ASCERTAINED THE FAC~~E~~T OF WHAT OCCURRED THERE EXCEPT BY AN EYE WITNESS; AND IN AS MUCH AS KLINGENSMITH WAS ONE OF THE MOST VALUABLE, THE PROSECUTION SAW PROPER TO AVAIL THE~~K~~MSELVES OF HIS TESTIMONY; BUT THE DEFENSE CHARGE HIM AND THEY BRAND HIM WITH ~~HT~~ THE BRAND OF ~~CANE~~ CAIN, AND ~~W~~ I DON'T DISPUTE IT. I DON'T CLAME THAT KLINGENSMITH WAS A GOOD MAN. I DON'T CLAME THAT ANY MAN WHO PARTICIPATED IN THAT OUTRAGIOUS MASSACRE WAS A GOOD MAN .

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RS	PS	RT	BT
WE HAVE NO EXCULPATION TO OFFER {BUT SIMPLY}[i] IT IS ONLY THOSE WHO WAS ENGAGED UPON THE GROUND {THAT KNEW THE}[i] PROVE {TO THE}[i] FACT. {I}[i] LEAVE IT TO YOU GENTLEMEN OF THE JURY, AS HONEST MEN; AND IN THE LIGHT OF ALL {THE}[i] CIRCUMSTANCES = {IN THE LIGHT OF}[i] ALL THEIR EVIDENCE {AND THAT THAT IS}[i] WHETHER OR NOT HE SPOKE THE TRUTH ALL WE ASK YOU IS, {THAT}[i] YOU BELIEVE K SMITH KLINGENSMITH{'S }[i] STATEMENT SO FAR AS FROM ALL THE SURROUNDING CIRCUMSTANCES, THE CONVICTIONS	BUT SIMPLY IT WAS ONLY THOSE WHO WERE PRESENT ON THE GROUND WHO KNEW THE FACTS [*space*] AND [*space*] LEAVE IT TO YOU GENTLEMEN, IN THE LIGHT OF ALL THE CIRCUMSTANCES IN THE LIGHT OF ALL THEIR EVIDENCE TO DETERMINE ON YOUR OATHS WHETHER OR NOT HE SPOKE THE TRUTH ALL WE ASK YOU IS THAT YOU BELIEVE KLINGEN SMITH	WE HAVE NO EXCULPATION TO OFFER; BUT SIMPLY HE WAS ONE OF THOSE WHO WERE ENGAGED UPON THE GROUND AND KNEW ALL THE FACTS. I LEAVE IT TO YOU , GENTLEMEN OF THE JURY, AS HONEST MEN AND IN THE LIGHT OF A L THE CIRCUMSTANCES—IN THE LIGHT OF ALL THEIR EVIDENCE TO DETERMINE ON THIS POINT WHETHER OR NOT HE SPOKE THE TRUTH. ALL WE ASK OF YOU IS THAT YOU PLACE KLINGENSMITH' S STATEMENTS SO FAR AS OFFERED OF ALL THE SURROUNDING CIRCUMSTANCES WITH THE CONVICTIONS IN	WE HAVE NO EXCULPATION TO OFFER; BUT SIMPLY HE WAS ONE OF THOSE WHO WERE ENGAGED UPON THE GROUND AND KNEW ALL THE FACTS. I LEAVE IT TO YOU , GENTLEMEN OF THE JURY, AS HONEST MEN AND IN THE LIGHT OF A**L**L THE CIRCUMSTANCES—IN THE LIGHT OF ALL THEIR EVIDENCE TO DETERMINE ON THIS POINT WHETHER OR NOT HE SPOKE THE TRUTH. ALL WE ASK OF YOU IS THAT YOU PLACE KLINGENSMITH~~'~~S STATEMENTS SO FAR AS OFFERED OF ALL THE SURROUN~~D~~**D**ING CIRCUMSTANCES WITH THE CONVICTIONS IN

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RS	PS	RT	BT
YOUR MIND {AND}[i] HE TOLD THE TRUTH; {ABOUT THIS TRANSACTION, BUT}[i] NO FURTHER. YES, THE MARK OF CAIN PERHAPS IS ON IS FACE; MARK OF CAIN {I}[i] COULD SEE UPON {THE}[i] FACES OF OTHER WITNESSES; {THE}[i] MARK OF CAIN IS UPON FACES {OF MANY ALL}[i] OTHERS WHO PARTICIPATED IN THAT ACT AND YET ABROAD WHAT DOES THAT ARGUE,	THAT HE TOLD THE TRUTH ABOUT THIS TRANSACTION BUT NO FURTHER YES THE MARK OF CAIN PERHAPS IS ON HIS FACE, THE MARK OF CAIN WAS UPON THE OTHERS, AND THE MARK OF CAIN IS UPON FACES OF MANY OTHERS WHO PARTICIPATED IN THAT ACT; WHO ARE YET UNWHIPPED OF JUSTICE ARE YET ABROAD	YOUR MIND AND SEE IF HE TOLD THE TRUTH ABOUT THIS TRANSACTION, BUT NO FURTHER. YES, THE MARK OF CAIN PERHAPS IS ON HIS FACE; THE MARK OF ~~K~~CAIN, I COULD SEE UPON THE FACES OF OTHER WITNESSES; AND THE MARK OF CAIN IS UPON THE FACES OF MANY OTHERS WHO PARTICIPATED IN THAT ACT ~~AND YET ABROAD. WHAT DOES THAT ARGUE~~ WHO ARE YET UNWHIPPED OF JUSTICE AND ARE YET ABROAD. WHAT DOES THAT ARGUE?	YOUR MIND AND SEE IF HE TOLD THE TRUTH ABO~~U~~T THIS TRANSACTION, BUT NO FURTHER. YES, THE MARK OF CAIN PERHAPS IS ON HIS FACE; THE MARK OF ~~K~~CAIN, I COULD SEE UPON THE FACES OF OTHER WITNESSES; AND THE MARK OF CAIN IS UPON THE FACES OF MANY OTHERS WHO PARTICIPATED IN THAT ACT ~~AND YET ABROAD. WHAT SDOES THAT ARGUE~~ WHO ARE YET UNWHIPPED OF JUSTICE AND ARE YET ABROAD. WHAT DOES THAT **AUGUR** ~~ARGUE~~?
WHAT COULD BE THE RESULT, WHAT SORT OF A MARK IT IS THAT OLD MAN AND I PITY HIM, IT IS SIMPLY {FOR	THAT SPIRIT OF A MAN, I PITY HIM, IT IS SIMPLY FOR	WHAT COULD BE THE RESULT UPON THE AMERICAN PEOPLE TO LET SUCH CRIMES AS THIS GO UNPUNISHED. IT IS SIMPLY FOR	WHAT COULD BE THE RESULT UPON THE AMERICAN PEOPLE TO LET SUCH CRIMES AS THIS GO UNPUNISHED. IT IS SIMPLY FOR

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RS	PS	RT	BT
THE EFFECT IT WILL PRODUCE}[i] TO EXPOSE TO IN TERRIFYING MEN {OF THE SHEDDING OF BLOOD, THOSE CHURCH LEADERS HAVE IN THE NAME OF GOD}[i]	FOR THE EFFECT IT WILL PRODUCE IN TERRIFYING MEN IN SHOWING THOSE CHURCH LEADERS HAVE FOR IN THE NAME OF GOD THEY WILL CONJURE MURDER UNDER THE LAWS OF GOD THEY WILL EXPIATE IT UPON SCAFFOLD [*space*] IT IS TO PROTECT	*[83]* FOR THE EFFECT IT WILL PRODUCE TO EXPOSE, TO BRI~~G~~NG TO LIGHT AND TERRIFY MEN, NOT TO SHED BLOOD AND TO SHOW TO THESE CHURCH LEADERS THAT HAVE IN THE M~~ANE~~ NAME OF GOD UNDER THE REVELATIONS OF GOD, THAT HAVE CONJURED MURDER UNDER THE LAWS OF GOD, THAT THESE MEN MUST EXPIATE THEIR CRIMES ON THE SCAFFOLD/ IT IS TO PROTECT THE INNOCENT; IT IS TO PROTECT THE MEMBERS OF, THE CONFIDING MEMBERS OF THE MORMON CHURCH FROM HAVING THE BURDEN REST AND HEAPED	*[83]* FOR THE EFFECT IT WILL PRODUCE**,** TO EXPOSE, TO BRI~~G~~NG TO LIGHT AND TERRIFY MEN, NOT TO SHED BLOOD**;** AND TO SHOW TO THESE CHURCH LE~~Q~~ADERS THAT HAVE IN THE M~~ANE~~ NAME OF GOD UNDER THE REVELATIONS OF GOD, THAT HAVE CONJURED MURDER UNDER THE LAWS OF GOD, THAT THESE MEN MUST EXPIATE THEIR CRIMES ON THE SCAFFOLD/ IT IS TO PROTECT THE INN~~C~~OCENT; IT IS TO PROTECT THE MEMBER~~W~~S OF, THE CONFIDING MEMBERS OF THE MORMON CHURCH FROM HAVING THE BURDEN REST AND HEAPED

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RS	PS	RT	BT
UPON THEM WHICH HAS STAMPED JOHN D. LEE WITH THE MARK OF CAIN, AS IT DID K SMITH AND OTHER PARTICIPANTS IN THAT CRIME. IT IS TO PLACE IT BEYOND {THE}[i] POWERS OF THESE MEN TO CAST {OR HEAP IT}[i] UPON {THE}[i] BURDEN ON ANY HONEST FOLLOWERS OF THE CHURCH, {BECAUSE UNLESS THERE ARE}[i] [*space*] THERE ARE EXAMPLES MADE OF {VICIOUS}[i] MEN, IT IS ONLY THROUGH {THE}[i] MEDIUM OF PUNISHMENT {THAT}[i] YOU CAN DETER OTHER EVIL DOERS IT IS ONLY THROUGH THIS MEANS COMMUNITIES	WHICH HAS STAMPED JOHN D. LEE'S BROW AS IT HAS STAMPED KLINGEN SMITH AND OTHERS WHO [*space*] IT IS TO PLACE IT BEYOND THE POWER OF THESE *[[27]]* MEN TO HEAP UPON THE BURDENS ON ANY —[?] HONEST FOLLOWERS OF THE CHURCH [*space*] BECAUSE UNLESS THERE ARE EXAMPLES MADE OF VICIOUS MEN IT IS ONLY THROUGH THE MEDIUM OF PUNISHMENT THAT YOU CAN DETER OTHER EVIL DOERS [*space*] ONLY [*space*] COMMUNITY	UPON THEM; AND WHICH HAS STAMPED JOHN D. LEE WITH THE MARK OF CAIN AS IT DID KLINGENSMITH AND THE OTHER PARTICIPANTS IN THAT CRIME. IT IS TO PLACE IT BEYOND THE P~~U~~OWERS OF THESE MEN , TO CAST IT OR HEAP IT— THIS BURDEN—UPON ANY OF THE HONEST GOLLOWERS OF THE CHURCH, BECAUSE UNLESS THERE ARE EXAMPLES MADE OF VISCIOUS MEN, IT IS ONLY THROUGH THE MEDIUM OF PUNISHMENT THAT YOU CAN DETER OTHER EVIL DOERS. IT IS ONLY THROUG H THIS MEANS THAT COMMUNITIES	UPON THEM; AND WHICH HAS STAMPED JOHN D. LEE WITH THE MARK OF CAIN AS IT DID KLINGENSMITH AND THE ~~T~~OTHER PARTICIPANTS IN THAT CRIME. IT IS TO PLACE IT BEYOND THE P~~U~~OWERS OF THESE MEN , TO CAST IT OR HEAP IT— THIS BURDEN—UPON ANY OF THE HONEST ~~G~~FOLLOWERS OF THE CHURCH, BECAUSE UNLESS THERE ARE EXAMPLES MADE OF VISCIOUS MEN, IT IS ONLY THROUGH THE MEDIUM OF PUNISHMENT THAT YOU CAN DET**T**ER OTHER EVIL DOERS. IT IS ONLY THROUG H THIS MEANS THAT COMMUNITIES

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RS	PS	RT	BT
ARE PROTECTED IN ENJOYMENT OF LIFE AND PROPERTY THE LAW DOES NOT STRIKE DOWN THE INDIVIDUAL, SIMPLY FOR {THE}[i] LOVE OF [26] KILLING IT DOES NOT SHED MAN'S BLOOD SIMPLY FOR {THE LOVE OF}[i] SHEDDING HIS BLOOD; {THE}[i] LAW DON'T EXECUTE {**A**}[i] MAN IN REVENGE; IT EXECUTES MAN FOR PROTECTION OF SOCIETY, AND WHILE I AS AN INDIVIDUAL {(AND}[i] IF IT WERE {**AN**}[i] INDIVIDUAL MATTER) WOULD NOT CONSENT TO THE SHEDDING OF JOHN D. LEE'S BLOOD, EVEN STAINED AS HE IS ALL OVER WITH CRIME; I WOULD NOT OF	PROTECTED IN THE ENJOYMENT OF LIFE AND LIBERTY LAW DOES NOT STRIKE DOWN THE INDIVIDUAL SIMPLY FOR THE LOVE OF KILLING IT DOES NOT SHED A MAN'S BLOOD SIMPLY FOR THE LOVE OF SHEDDING A MAN'S BLOOD NOT FOR REVENGE BUT FOR THE PROTECTION OF SOCIETY, AND WHILE I AS INDIVIDUAL IF IT WERE AN INDIVIDUAL MATTER WOULD NOT CONSENT TO THE SHEDDING OF JOHN D. LEE'S BLOOD, EVEN STAINED AS HE IS I WOULD NOT OF	ARE PROTECTED IN THE ENJOYMENT ~~AND THE~~ OF LI~~V~~FE AND PROPERTY. THE LAW DOES NOT STRIKE DOWN THE INDIVIDUAL SIMPLY FOR THE LOVE OF KILLING HIM; IT DOES NOT S HED A MAN'S BLOOD, SIMPLY FOR THE LOVE OF SHEDDING HIS BLOOD. THE LAW DOES NOT EXECUTE A MAN IN REVENGE. IT EXECUTES A MAN FOR THE PROTECTION OF SOCIETY; AN D WHILE I AS AN INDIVIDUAL— IF IT WERE AN INDIVIDUAL MATTER— WOULD NOT CONSENT TO THE SHEDDING OF JOHN D. LEES BLOOD, EVEN STAINED AS HE IS ALL OVER WITH CRIME—I WOULD NOT OF	ARE PROTECTED IN THE ENJOYMENT ~~AND THE~~ OF LI~~V~~FE AND PROPERTY. THE LAW DOES NOT STRIKE DOWN THE INDIVIDUAL SIMPLY FOR THE LOVE OF KILLING HIM; IT DOES NOT SHED A MAN'S BLOOD, SIMPLY FOR THE LOVE OF SHEDDING HIS BLOOD. THE LAW ~~S~~DOES NOT EXECUTE A MAN IN REVENGE. IT EXECUTES A MAN FOR THE PROTECTION OF SOCIETY; AN D WHILE I AS AN INDIVIDUAL— IF IT WERE AN**Y** INDIVIDUAL MATTER— WOULD NOT CONSENT TO THE SHEDDING OF JOHN D. LEES BLOOD. **E**VEN STAINED AS HE IS ALL OVER WITH CRIME—I WOULD NOT OF

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RS	PS	RT	BT
MY {OWN}[i] VOLITION SEND HIM TO {THE}[i] SCAFFOLD. BUT IT BECOMES NECESSARY IN SOCIETY {THAT}[i] MEN WHO COMMIT THESE CRIMES, SHOULD SACRIFICE THEIR LIVES, NOT TO GRATIFY POPULAR CLAMOR, NOT TO SATISFY REVENGE, {BUT}[i] TO SHOW TO EVIL DOERS {THAT THE}[i] WAY OF TRANSGRESSOR {IS HARD AND THAT THE LAWS GOD FIXES}[i] AS TO TO THE PENALTY OF DEATH TO THE CRIME OF MURDER CANNOT BE ESCAPED MR . BISHOP SAYS, EVIDENCE DOES NOT SHOW ANY AGREEMENT IF HE MEANT BY THAT {THAT}[i]	MY OWN VOLITION SEND HIM TO THE SCAFFOLD [*space*] BUT IT BECOMES NECESSARY IN SOCIETY THAT MEN WHO COMMIT THESE CRIMES AND *NOT*[?] TO SATISFY ANY REVENGE BUT TO SHOW UNTO THE EVIL DOERS THAT THE WAY OF THE TRANSGRESSOR S IS HARD THAT THE LAWS OF GOD FIXES PENALTY OF DEATH TO THE CRIME OF MURDER CANNOT BE ESCAPED [*space*] MR. BISHOP SAYS THE EVIDENCE DOES NOT SHOW ANY AGREEMENT IF HE MEANT BY THAT THAT	MY OWN VOLITION SEND HIM TO THE SCAFFOLD. BUT IT BECOMES NECESSARY IN SOCIETY THAT MEN WHO COMMIT THOSE CRIMES SHOULD SACRIFICE THEIR LIVES, NOT TO GRATIFY POPULAR CLAMOR, NOT TO SATISFY REVENGE, BUT TO SHOW TO EVIL DO~~W~~ERS THAT THE WAY OF THE TRANSGRESSOR IS HARD, AND THAT THE LAWS OF GOD **WHICH** FIXES THE PENALTY OF DEATH TO THE CRIME OF MURDER CANNOT BE ESCAPED. MR . BISHOP SAYS THE EVIDENCE DOES NOT SHOW ANY AGREEMENT AS TO THE PERPETRATION OF THIS AFFAIR. IF HE MEANT BY THAT THAT	MY OWN VOLITION SEND HIM TO THE SCAFFOLD. BUT IT BECOMES NECESSARY IN SOCIETY THAT MEN WHO COMMIT THESE CRIMES SHOULD SACRIFICE THEIR LIVES**, -** NOT TO GRATIFY POPULAR CLAMOR, NOT TO SATISFY REVENGE, BUT TO SHOW TO EVIL DO~~W~~ERS THAT THE WAY OF THE TRANSGRESS~~O~~R IS HARD, AND THAT THE LAWS OF GOD **WHICH** FIXE~~S~~ THE PENALTY OF ~~C~~DEATH TO THE CRIME OF MURDER CANNOT BE ESCAPED. MR . BISHOP SAYS THE EVIDENCE DOES NOT SHOW ANY AGREEMENT AS TO THE PERPETRATION OF THIS AFFAIR. IF HE MEANT BY THAT THAT

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RS	PS	RT	BT
THERE WAS SOME BINDING AGREEMENT IN WHICH THE PARTIES ENTERED, ACTUAL OBLIGATION BY WHICH ONE AGREED TO DO OR NOT TO DO CERTAIN THINGS, THERE IS NO EVIDENCE ESTABLISHING AGREEMENT IN THAT SENSE PROSECUTION IS NOT REQUIRED, {AND}[i] THE COURT {WILL}[i] SO INSTRUCT YOU TO ESTABLISH SOME EXPRESS AGREEMENT DETAILS OF ALL OF WHICH IS FIXED. ALL WE HAVE TO DO IS SHOW IN PURSUANCE OF SOME COMBINATION = SOME UNDERSTANDIN G, {THAT}[i] THEY PARTICIPATED JOINTLY IN	THERE WAS SOME BINDING AGREEMENT BY WHICH *AND/A*[?] ONE AGREED TO DO OR NOT TO DO CERTAIN THINGS THERE IS NO EVIDENCE ESTABLISHING AGREEMENT IN THAT [*space*] THE DETAIL ALL OF WHICH IS FIXED THE ONLY THING IS TO SHOW THAT IN *PRESENCE/PURS UANCE*[?] OF COMBINATION OF SOME UNDERSTANDIN G THAT THEY PARTICIPATED JOINTLY IN THE	THERE WAS SO~~K~~ME BINDING AGREEMENT IN WHICH THE PARTIES ENTERED ACTUAL *[84]* OBSERVATION OBLIGATION BY WHICH ONE AGREED TO DO OR NOT TO DO CERTAIN THINGS. THERE IS NO EVIDENCE ESTABLISHING AN AGREEMENT IN THAT SENSE. THE PROSECUTION IS NOT REQUIRED AND THE COURT WILL SO INSTRUCT YOU TO ESTABLISH SOME EXPRESS AGR EMENT, THE DETAILS ~~O~~ALL OF WHICH IS ~~E~~FIXED. ALL WE HAVE TO DO IS TO SHOW THAT UN PURSUANCE OF SOME COMBINATION , OF SOME UNDERSTANDIN G THAT THEY PARTICIPAT~~DE~~E D JOINTLY IN THE	THER**E** WAS SO~~K~~ME BINDING AGREEMENT IN WHICH TH~~T~~E PARTIES ENTERED **INTO** ACTUAL *[84]* OBSERVATION ~~OBSERVATION~~ OBLIGATION BY WHICH ONE AGREED TO DO OR NOT TO DO CERTAIN THINGS~~.~~**,** THERE IS NO EVIDENCE ESTABLISHING AN AGREEMENT IN ~~THAT~~ **THIS** SENSE. THE PROSECUTION IS NOT REQUIRED AND THE COURT WILL SO INSTRUCT YOU**,** TO ESTABLISH SOME EXPRESS AGR**E**EMENT, THE DETAILS ~~O~~ALL OF WHICH IS ~~E~~FIXED. ALL WE HAVE TO DO IS TO SHOW THAT **IN** ~~UN~~ PURSUANCE OF SOME COMBINATION , OF SOME UNDERSTANDIN G THAT THEY PARTICIPAT~~DE~~E D JOINTLY IN THE

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RS	PS	RT	BT
PERPETRATION IN THIS CRIME THAT AGREEMENT {MAY BE}[i] DERIVED FROM FACTS AND CIRCUMSTANCES AS WELL AS POSITIVE EVIDENCE TO THAT EFFECT. ¶ I HAVE OCCUPIED {THE}[i] TIME OF JURY *ASSUME*[?] LONG ENOUGH {IN SHOWING THAT THAT WAS NOT ONLY EXPRESSLY ENTERED INTO BUT}[i] I HAVE ALSO SHOWN YOU THAT IT DID EXIST FROM THE CIRCUMSTANCES THAT ~~SURROUNDED~~ IT, BECAUSE EMIGRANT TRAIN WERE BROUGHT OUT IN SUCH A WAY AS TO REPEL ALL IDEA THEY WERE BROUGHT OUT THERE INCIDENTALLY INDIANS {MADE THE}[i] ATTACK	PERPETRATION OF THIS CRIME AND THAT AGREEMENT MAY BE DERIVED FROM FACTS AND CIRCUMSTANCES AS WELL AS POSITIVE —[?] [*space*] ALREADY OCCUPIED THE TIME OF THE JURY IN SHOWING THAT THAT WAS NOT ONLY EXPRESSLY ENTERED INTO BUT I HAVE ALSO SHOWN YOU FROM THE CIRCUMSTANCES THAT SURROUNDED IT *[[28]]* BECAUSE EMIGRANT TRAIN WERE BROUGHT OUT IN SUCH A WAY AS TO REPEL ALL IDEA THAT THAT THE INDIANS INCIDENTALLY MADE THE ATTACK	PERPETRATION OF THIS CRIME. THAT AGREEMENT **MAY BE** DERIVED FROM FACTS AND CIRCUMSTANCES AS WELL AS POSITIVE EVIDENCE TO THAT EFFECT . I HAVE OCUPIED THE TIME OF THE JURY IN SHOWING THAT THAT WAS NOT ONLY ENTERED INTO, BUT I HAVE ALSO SHOWN YOU THAT IT DID EXIST FROM THE CIRCUMSTANCES THAT SURROUNDED IT, BECAUSE THE EMIGRANT TRAIN WAS BROUGHT OUT IN SUCH A WAY AS TO REPEL ALL THE IDEA THAT THEY WERE BROUGHT OUT INCIDENTALLY AND THAT THE INDIANS MADE THE ATTACK.	PERPETRATION OF THIS CRIME. THAT AGREEMENT **MAY BE** DERIVED FROM FACTS AND CIRCUMSTANCES AS WELL AS POSITIVE EVIDENCE TO THAT EFFECT . I HAVE OCUPIED THE TIME OF THE JURY IN SHOWING THAT THAT WAS NOT ONLY ENTERED INTO, BUT I HAVE ALSO SHOWN YOU THAT IT DID EXIST FROM THE CIRCUMSTANCES THAT SURROUNDED IT, BECAUSE THE EMIGRANT TRAIN WAS BROUGHT OUT IN SUCH A WAY AS TO REPEL ALL IDEA THAT THEY WERE BROUGHT OUT INCIDENTALLY AND THAT THE INDIANS MADE THE ATTAC~~E~~K.

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RS	PS	RT	BT
[*space*] IT {ALL}[i] SHOWED DESIGN {*IT ALL*[?] SHOWED **A**}[i] FIXED CERTAIN PLAN {**A** ONE FIXED AND CERTAIN PLAN}[i] CORRESPONDING EXACTLY WITH THE AGREEMENT THAT K SMITH TESTIFIED TO WAS MADE PREVIOUS TO CONSUMMATION OF THAT MASSACRE. MY BROTHER BISHOP SAYS = ({AND HE}[i] WAS DRIVEN TO ADMISSION =) FOR A MOMENT HE WAS THROWN OFF HIS CAUTION WHEN HE MADE ADMISSION = HE SAYS GENTLEMEN OF THE JURY I ADMIT TO YOU {THAT}[i] K SMITH HAS TOLD SOME TRUTH NOW ALL I ASK OF YOU	IT ALL SHOWED DESIGN IT ALL SHOWED A FIXED AND CERTAIN PLAN A ONE FIXED AND CERTAIN PLAN CORRESPONDIN GLY EXACTLY WITH THE AGREEMENT THAT KLINGEN SMITH TESTIFIED WAS MADE PREVIOUS TO THE CONSUMMATIO N OF THAT MASSACRE [*space*] MY BROTHER BISHOP SAYS AND HE WAS DRIVEN TO THE ADMISSION AND FOR A MOMENT WAS THROWN OFF HIS CAUTION I ADMIT TO YOU THAT KLINGEN SMITH AS TOLD SOME TRUTH ALL I ASK OF YOU	IT ALL SHOWED DESIGN. IT ALL SHOWED A FIXED AND CERTAIN PLAN —ONE FIXED AND CERTAIN PLAN CORRESPONDIN GLY EXACTLY THAT KLINGENSMITH TESTIFIED TO AND WAS MADE PREVIOUS TO THE CONSUMMATIO N OF THAT MASSACRE. MY BROTHER BISHOP SAYS — AND HE WAS DRIVEN TO THE ADMISSION— FOR A MOMENT HE WAS THROWN OFF HIS CAUTION WHEN HE MADE THE ADMISSION. HE SAYS, “GENTLEMEN OF THE JURY, I A~~M~~DMIT TO YOU THAT KLINGENSMITH AS TOLD SOME TRUTH.” NOW ALL I ASK OF YOU,	IT ALL SHOWED DESIGN. IT ALL SHOWED A FIXED AND CERTAIN PLAN —ONE FIXED AND CERTAIN PLAN CORRESPONDIN GLY **EXACLLY** ~~EXACTLY~~ ~~T~~**W**HAT KLINGENSMI~~T~~H TESTIFIED TO AND WAS MADE PREVIOUS TO THE CONSUMMATIO N OF THAT MASSACRE. MY BROTHER BISHOP SAYS— AND HE WAS DRIVEN TO THE ADMISSION— FOR A MOMENT HE WAS THROWN OFF HIS CAUTION WHEN HE MADE THE ADMISSION: HE SAYS, “GENTLEMEN OF THE JURY, I A~~M~~DMIT TO YOU THE KLINGENSMITH AS TOLD SOME TRUTH.” NOW ALL I ASK OF YOU,

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RS	PS	RT	BT
GENTLEMEN OF THE JURY IS TO BELIEVE WHATEVER OF TRUTH K SMITH HAS TOLD AND NOTHING ELSE IF HE HAS BEEN MISTAKEN AS TO HOLLOW SQUARE SOME OTHER MINOR INCIDENTAL ~~<~~MATTERS~~>~~, YOU ARE NOT BOUND TO BELIEVE THEN EVERYTHING KLINGENSMITH {HAD}[i632] SPOKEN AND {THAT}[i] WAS {THE}[i] TRUTH {AND}[i] HAS BEEN CORROBORATED BY OTHER WITNESSES AND SURROUNDING CIRCUMSTANCES . AND I ASSUME BELIEVED THIS, BUT THIS GENTLEMAN TURNED AROUND AND IN FEW SENTENCES HE KICKED {THE}[p]	IS TO BELIEVE WHATEVER OF TRUTH KLINGEN SMITH HAS TOLD IF HE HAS BEEN MISTAKEN AS TO THE HOLLOW SQUARE AND MINOR INCIDENTAL *OR TWO*[?] EVERYTHING KLINGENSMITH HAD SPOKE THAT WAS TRUE AND HAS BEEN CORROBORATE D BY OTHER WITNESSES AND SURROUNDING CIRCUMSTANCE S > [*space*] > TURNED AROUND AND KICKING	GENTLEMEN OF THE JURY, IS TO BELIEVE WHATEVER OF TRUTH KLINGENSMITH HAS TOLD HERE AND NOTHING ELSE. IF HE HAS BEEN MISTAKEN AS TO THE HOLLOW SQUAREAND SOME OTHER MINOR INCIDENTAL MATTERS YOU ARE ~~NOT~~ BOUND TO BELIEVE THEN EVERYTHING KLINGENSMITH HAD SPOKEN THAT WAS TRUE AND HAS BEEN CORROBER~~S~~ATE D BY OTHER WITNESSES AND SURROUNDING CIRCUMSTANCE S. AYE, ASSUMING HE BELIEVED THIS, YET THIS GENTLEMAN TURNED AROUND AND IN A FEW SENTENCES HE KICKED THE	GENTLEMEN OF THE JURY, IS TO BELIEVE WHATEVER OF TRUTH KLINGENSMITH HAS TOLD HERE AND NOTHING ELSE. IF HE HAS BEEN MISTAKEN AS TO THE HOLLOW SQUARE AND SOME OTHER MINOR INCIDENTAL MATTERS YOU ARE **NOT** BOUND TO BELIEVE THEN EVERYTHING KLINGENSMITH HAD SPOKEN THAT WAS TRUE AND HAS BEEN CORROBER~~S~~ATE D BY OTHER WITNESSES AND SURROUNDING CIRCUMSTANCE S. AYE, ASSUMING HE BELIEVED THIS, YET THIS GENTLEMAN TURNED AROUND AND IN A FEW SENTENCES HE KICKED THE

632. Ink over illegible pencil shorthand.

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RS	PS	RT	BT
WHOLE THING OVER WHATEVER SORT *OF A*[?] MAN K SMITH IS TOLD SOME TRUTH; HE MUST HAVE BELIEVED HIM TO CERTAIN EXTENT HE SAYS, IF I HAD A CHILD {FIVE **YRS** OLD}^{p} WHO WOULD BELIEVE {THE}^{p} SINGLE WORD {THAT}^{p} KLINGENSMITH {SAID}^{p}, I WOULD TAKE A SWITCH[633] OR RAW HIDE AND WHIP IT JUST AS LONG AS I COULD DO SO WITHOUT DESTROYING ITS LIFE [*space*] {I}^{p} THINK IF MY BROTHER BISHOP THAT CHILD *HAD/OUGHT*[?] TO LAMBAST HIM IN THAT {SORT OF}^{p} WAY FOR {THE}^{p} SIMPLE REASON	WHOLE THING OVER [*space*] THE MAN KLINGEN SMITH HAS TOLD SOME TRUTH, NOT IN A FEW BREATHS HE SAYS IF I CHILD FIVE YEARS OLD WHO WOULD BELIEVE A SINGLE WORD THAT KLINGEN SMITH SAID I WOULD TAKE A SWITCH AND RAWHIDE [*space*] DESTROY ITS LIFE [*space*] I THINK IF MY BROTHER BISHOP SHOULD *HE*[?] TAKE AT HIM LAMBAST HIM IN THAT SORT WAY, FOR THE SIMPLE REASON	WHOLE THING OVER. WHATEVER SORT OF A MAN KLINGENSMITH IS HE TOLD SOME TRUTH, AND HE MUST HAVE BELIEVED HIM TO A CERTAIN EXTENT. [85] HE SAYS "IF I HAD A CHILD FIVE YEARS OLD, WHO WOULD BELIEVE A SINGLE WORD, THAT KLINGENSMITH SAID, I WOUOD TAKE A S~~Q~~**W**ITCH OR RAWHIDE AND WHIP IT JUST AS LONG AS I COULD DO SO WITHOU~~G~~T DESTROYING ITS LIFE.**"** I THINK IF MY BROTHER BISHOP HAD A CHILD, HE WOULD NOT TIE HIM TO A LAMP-POST AND BEAT HIM IN THAT SORT OF A WAY, FOR THE SIMPLE REASON	WHOLE THING OVER. WHATEVER SORT OF A MAN KLINGENSMITH IS HE TOLD SOME TRUTH, AND HE MUST HAVE BELIEVED HIM TO ~~S~~A CERTAIN EXTENT. [85] HE SAYS "IF I HAD A CHILD FIVE YEARS OLD, WHO WOULD BELIEVE A SINGLE WORD, THAT KLINGENSMITH SAID, I WOUOD TAKE A S~~Q~~**W**ITCH OR RAWHIDE AND WHIP IT JUST AS LONG AS I COULD DO SO WITHOU~~G~~T DESTROYING ITS LIFE.**"** I THINK IF MY BROTHER BISHOP HAD A CHILD, HE WOULD NOT TIE HIM TO A LAMP-POST AND BEAT HIM IN THAT SORT OF A WAY, FOR THE SIMPLE REASON

633. Purple pencil over illegible pencil shorthand.

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RS	PS	RT	BT
HE ADMITTED IN HIS ARGUMENT K SMITH TOLD SOME TRUTH IT IS FORTUNATE FOR MY BROTHER BISHOP HE IS NOT BLESSED WITH A CHILD, OR I WOULD HAVE HIM TAKEN FROM THAT PRIVATION. {NOW THE}^{p} DEFENSE AGAIN ASSERTS MR. SMITH COMES HERE UNDER AGREEMENT {THAT HE TESTIFIED AS THOUGH HE CAME HERE UNDER AGREEMENT}^{p} WHAT DOES HE COME HERE UNDER AGREEMENT FOR? THE TESTIMONY SHOWS THAT HE CAME HERE UNDER NO	THAT HE ADMITTED IN HIS ARGUMENT THAT KLINGEN SMITH TOLD SOME TRUTH IT IS FORTUNATE FOR HIM THAT HE IS NOT BLESSED WITH A CHILD OR I WOULD HAVE HIM TAKEN FROM THAT *ADJURATION*[?] [*space*] NOW THE DEFENSE AGAIN ASSERTS MR. SMITH COMES HERE UNDER AGREEMENT, THAT EVIDENCE AS TO THAT HE CAME HERE UNDER AGREEMENT TESTIFY SHOWS THAT HE CAME HERE NOT UNDER ANY AGREEMENT BUT	THAT HE ADMITTED IN HIS ARGUEMENT THAT KLINGE~~J~~NSMITH TOLD SOME TRUTH. IT IS FORTUNATE FOR MY BROTHER BISHOP THAT HE IS NOT BLESSED WITH A CHILD OR I WOULD HAVE HIM TAKEN THROUGH THAT PRIVATION. NOW, THE DEFENSE AGAIN ASSERTS THAT MR. SMITH COMES HERE UNDER AN AGREEMENT, ~~BUT~~ **AND** THE EVIDENCE IS THAT HE CAME HERE UNDER AGREEMEN~~T~~. WHAT DOES HE COME HERE UNDER AGREEMANT FOR? THE TESTIMONY SHOWS THAT HE CAME HERE UNDER NO	THAT HE ADMITTED IN HIS ARGUEMENT THAT KLINGE~~J~~NSMITH TOLD SOME TRUTH. IT IS FORTUNATE FOR MY BROTHER BISHOP THAT HE IS NOT BLESSED WITH A CHILD OR I WOULD HAVE HIM TAKEN THROUGH THAT PRI~~C~~VATION. NOW, THE DEFENSE AGAIN ASSERTS THAT MR. SMITH COMES HERE UNDER AN AGREEMENT ~~BUT~~ **AND** THE EVIDENCE IS THAT HE CAME HERE UNDER AGREEMEN~~T~~. WHAT DOES HE COME HERE UNDER AGREEMANT FOR? THE TESTIMONY SHOWS THAT HE CAME HERE UNDER NO

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RS	PS	RT	BT
AGREEMENT, SIMPLY BECAUSE WAS BROUGHT HERE BY {THE}[p] OFFICER OF COURT THERE WAS WARRANT INDICTED HIM AS OTHERS, FOR OTHERS WHO ARE AROUND, AND ARE CERTAINLY IN COMMUNITY SOMEWHERE. BUT UNDER SITUATION OF THE CASE NOT WAIT FOR WARRANT, BUT BY VIRTUE OF THEIR OFFICES CITIZENS [*space*] HE HAS THE RIGHT TO ARREST ANY MAN UNDER INDICTMENT HE HAS {THE}[p] RIGHT USE FORCE ENOUGH TO ARREST HIM AND IF IT IS NECESSARY TO KILL HIM FOR THAT PURPOSE THESE MEN ARE	BROUGHT HERE BY THE OFFICER OF THE COURT BROUGHT HERE [*space*] *[[29]]* SUCH AS [*space*] WHO ARE BROUGHT ≤*ALL*[?] THE OTHERS BROUGHT≥ WERE IN THIS MORMON COMMUNITY WHO WHEN THEY HEARD OF THIS INDICTMENT AND BY VIRTUE OF THEIR OFFICES AS CITIZENS IT IS RIGHT OF ANY CITIZEN THE RIGHT TO USE FORCE ENOUGH TO ARREST HIM IF HE IS INDICTED FOR FELONY THESE MEN ARE	AGREEMENT; BUT SIMPLY BECAUSE HE WAS BROUGHT HERE BY THE OFFICERS OF THE COURT. TH RE WAS A WARRANT OF INDICTMENT AGAINST HIM AS OTHERS, FOR OTHERS WHO WERE ARROUND, AND ARE CERTAINLY IN THE COMMUNITY SOME WHERE. BUT UNDER THE CIRCUMSTANCES OF THE CASE THEY NEED NOT WAIT FOR A WARRANT BUT BY VIRTUE OF THEIR OATHS AS CITIZENS, IT IS THE RIGHT TO ARREST ANY MAN UNDER AN INDICTMENT.. HE HAS THE RIGHT ~~OT~~ TO USE FORCE ENOUGH TO ARREST HIM, AND IF IT IS NECESSARY TO KILL HIM FOR THAT PURPOSE. THESE MEN ARE	AGREEMENT; BUT SIMPLY BECAUSE HE WAS BROUGHT THERE BY THE OFFICERS OF THE COURT. THERE WAS A WARRANT OF INDICTMENT AGAINST HIM AS OTHER, FOR OTHERS WHO WERE ARROUND, AND ARE CERTAINLY IN THE COMMUNITY SOME WHERE. BUT UNDER THE CIRCUMSTANCES OF THE CASE THEY NEED NOT WAIT FOR A WARRANT BUT BY ~~F~~VIRTUE OF THEIR OATHS AS CITIZENS, IT IS THE RIGHT TO ARREST ANY MAN UNDER AN INDICTMENT.. HE HAS THE RIGHT ~~OT~~ TO USE FOR~~S~~CE ENOUGH TO ARREST HIM, AND IF IT IS NECESSARY TO KILL HIM FOR THAT PURPOSE. THESE MEN ARE

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RS	PS	RT	BT
BROUGHT UNDER INDICTMENT IT IS DUTY OF THE COMMUNITY IN WHICH THESE MEN ARE BROUGHT, IF THEY DESIRE TO SEE JUSTICE {DONE AND THE}[p] PERPETRATORS {OF}[p] THIS HEINOUS CRIME PUNISHED; IF THEY DON'T DESIRE TO SCREEN AND PROTECT THIS CRIMINAL; IT IS THE DUTY OF THEMSELVES TO BRING THEM HERE {IN BEAVER AND}[p] PLACE THEM IN [27] {HANDS OF THE}[p] EXECUTIVE {AUTHORITIES}[p] HANDS OF COURTS HERE IN UTAH {BUT THAT I FEAR WILL NOT BE DONE.}[i] I HAVE NO DOUBT	BROUGHT UNDER AN INDICTMENT IT IS THE DUTY OF THE COMMUNITY IN WHICH THESE MEN ARE BROUGHT IN THEIR OWN *MIDST*[?] IF THEY DESIRE TO SEE JUSTICE DONE, IF THEY DON'T DESIRE TO SCREEN IT AND PROTECT THESE CRIMINALS [*space*] TO BRING THEM HERE IN BEAVER AND PLACE THEM IN THE HANDS OF THE EXECUTIVE AUTHORITIES OF THE TERRITORY [*space*] BUT THAT I FEAR WILL NEVER BE DONE I HAVE NO DOUBT	BROUGHT UNDER INDICTMENT. IT IS T THE DUTY OF THE COMMUNITY IN WHICH THESE MEN ARE BROUGHT, IN THEIR OWN MIDST, IF THEY DESIRE JUSTICE DONE AND THE PERPETRATORS OF THIS HEINOU~~R~~S CRIME PUNISHED—IF THEY DON'T DESIRE TO SCREAN AND PROTECT THESE CRIMINALS, IT IS THE DUTY OF THEMSELVES TO BRING THEM HERE IN BEAVER AND PLACE THEM IN THE HANDS OF THE EXECUTIVE AUTHORITIES, IN THE HANDS OF THE COURT HERE IN UTAH; BUT THAT I FEAR WILL NEVER NE DONE. I HAVE NO DOUBT BUT	BROUGHT UNDER INDICTMENT. IT IS T**O** THE DUTY OF THE COMMUNITY IN WHICH THESE MEN ARE BROUGHT, IN THEIR OWN MIDST, IF THEY DESIRE JUSTICE DONE AND THE PERPETRATORS OF THIS HEINOU~~R~~S CRIME PUNISHED—IF THEY DON'T DESIRE TO SCREAN AND PROTECT THESE CRIMINALS, IT IS THE DUTY OF THEMSELVES TO BRING THEM HERE IN BEAVER AND PLACE THEM IN THE HANDS OF THE EXECUTIVE AUTHORITIES, IN THE HANDS O~~G~~F THE COURT HERE I~~H~~N UTAH; BUT THAT I FEAR WILL NEVER NE DONE. I HAVE NO DOUBT BUT

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RS	PS	RT	BT
THERE ARE THOUSANDS OF HONEST {MEN AND}[p] WOMEN WHO HAVE EMBRACED RELIGION OF JESUS CHRIST OF LATTER-DAY {SAINTS}[p] FROM CONSCIENTIOUS CONVICTIONS, IF THEY WERE LEFT {TO THEIR OWN}[p] FREE VOLITION, WOULD BRING THESE MEN IN, BUT THEY FEAR {THE}[p] SAME POWER IN THAT ENJOINED SILENCE UPON THE COMMUNITY <NOW AS TO THE> MANNER WHICH THIS MOUNTAIN MEADOW MASSACRE WAS PERPETRATED. WHAT EVIDENCE IS THERE OF THAT AGREEMENT {WHY}[p] IT EXISTS ONLY IN THE DISTORTED	THOUSANDS OF GOOD MORMONS [*space*] JESUS CHRIST OF LATTER-DAY SAINTS FROM CONSCIENTIOUS CONVICTIONS IF BROUGHT TO THEIR OWN FREE VOLITION WOULD BRING THESE SAME MEN IN BUT THEY FEAR THE SAME POWER [*space*] MANNER WHICH THIS MOUNTAIN MEADOW MASSACRE WAS PERPETRATED [*space*] NOW WHAT EVIDENCE IS THERE OF THAT AGREEMENT WHY IT EXISTS ONLY IN THE DISTORTED	THAT THERE ARE THOUSA~~M~~NDS OF HONEST MEN AND WOMEN WHO ARE MORMONS OR MEMBERS OF THE CHURCH OF JESUS CHRIST *[86]* IF THEY WERE LEFT TO THEIR OWN FREE VOLITION, WOULD BRING THESE MEN IN; BUT THEY FEAR THE SAME POWER IN THAT ENJOINES SILENCE UPON THE COMMUNITY. NOW, AS TO THE MANNER IN WHICH THIS MOUNTAIN MEADOW MASSACRE WAS PERPETRATED: WHAT EVIDENCE IS THERE OF THAT AGREEMENT? WHY IT EXISTS ONLY IN THE DISTURBED	THAT THERE ARE THOUSA~~M~~NDS OF HONEST MEN AND WOMEN WHO ARE MORMONS OR MEMBERS OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, WHO FROM THEIR CONSCIENTIOUS CONVICTIONS , *[86]* IF THEY WERE LEFT TO THEIR OWN FREE VOLITION, WOULD BRING THESE MEN IN; BUT THEY FEAR THE SAME POWER THAT ENJOINES SILENCE UPON THE COMMUNITY. NOW, AS TO THE MANNER IN WHICH THIS MOUNTAIN MEADOW MASSACRE WAS PERPETRATED~~:~~**,** WHAT EVIDENCE IS THE E OF THAT AGREEMENT? WHY**,** IT EXISTS ONLY IN THE DISTURBED

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RS	PS	RT	BT
IMAGINATION OF THE PROSECUTION K SMITH WAS BROUGHT HERE UNDER {A}^{p} WARRANT , {AND}^{p} WHEN ASKED QUESTION, HE TESTIFIED HE HAD NOT MADE ANY AGREEMENT; HAD NO CONVERSATION WITH MARSHAL OR PROSECUTING ATTORNEY ON THE SUBJECT OF IMMUNITY FOR HIS CRIME [*space*] WHEN ASKED AND QUESTIONED ~~<~~UPON THAT~~>~~ SUBJECT, HE DREW OUT OF HIS POCKET A PAPER THAT PAPER PURPORTED TO HAVE COME FROM DISTINGUISHED GENTLEMAN IN THIS COURT, WHO ONCE OCCUPIED {THE}^{p} HONORABLE POSITION OF MY	IMAGINATION OF THE PROSECUTION KLINGEN SMITH WAS BROUGHT HERE UNDER A WARRANT ASKED THE QUESTION TESTIFIED THAT HE HAD NEVER MADE ANY AGREEMENT, HAD NO CONVERSATION WITH MARSHALS OR PROSECUTING ATTORNEY ON THE SUBJECT OF AUTHORITY [*space*] DREW OUT OF HIS ~~<~~POCKET~~>~~ PAPER A PAPER TO COME FROM A DISTINGUISHED GENTLEMAN IN THIS COURT WHO ONCE OCCUPIED THE HONORABLE POSITION OF MY	IMMAGINATION. KLINGENSMITH WAS B~~T~~ROUGHT HERE UNDER WARRANT , AND WHEN ASKED THE QUESTION, HE TESTIFIED HE HAD NEVER MADE ANY AGREEMENT— HAD HAD NO CONVERSATION WITH THE MARSHAL OR PROSECUTING ATTORNEY ON THE SUBJECT OF IMMUNITY OF HIS ~~V~~CRIME. WHEN HE WAS ASKED AND QUESTIONED UPON THAT SUBJECT, HE DREW OUT OF HIS POCKET A PAPER . THAT PAPER PERPORTED TO HAVE COME FROM A DISTINGUISHED GENTLEMA~~X~~N ~~XOFFKT~~ IN THIS COURT, WHO ONCE OCCUP~~O~~IED ~~AN~~ **THE** HONORABLE POSITION OF MY	IMMAGINATION. KLINGENSMITH WAS B~~T~~ROUGHT HERE UNDER WARRANT, AND WHEN ASKED THE QUE~~N~~STION, HE TESTIFIED HE HAD NEVER MADE ANY AGREEMENT— HAD HAD NO CONVERSATION WITH THE MARSHAL OR PROSECUTING ATTORNEY ON THE SUBJECT OF IMMUNITY OF HIS ~~V~~CRIME. WHEN HE WAS ASKED AND QUESTIONED UPON THAT SUBJECT, HE DREW OUT OF HIS POCKET A PAPER . THAT PAPER PERPORTED TO HAVE COME FROM A DISTINGUISHED GENTLEMA~~X~~N ~~XOFFKT~~ IN THIS COURT, WHO ONCE OCCUP~~O~~IED ~~AN~~ **THE** HONORABLE POSITION OF MY

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RS	PS	RT	BT
FRIEND CAREY I REFER TO GEORGE C BATES BISHOP: HE DID SHOW HE HAD PROMISED <HIM> A NOLLE BEFORE HE TESTIFIED. {**BASKIN &** **CAREY**}^{p} $_{A}$NO SIR BY CAREY AND BASKIN {**BISHOP** WE WILL LET THE CURTAIN DROP OVER GEORGE CAESAR BATES. }^{p} WHAT WAS IN THAT LETTER GENTLEMEN IS NOT BEFORE YOU, BUT IT EMANATED FROM GEORGE CAESAR; *WHY/HE*[?] IS ONE OF ATTORNEYS {FOR THIS PRISONER AND}^{p} OF THIS AGREEMENT BISHOP HE WAS UNITED STATES ATTORNEY WHEN IT WAS WRITTEN BY CAREY	FRIEND CAREY I REFER TO GEORGE CAESAR BATES [*space*] BISHOP; I PLEAD WE WILL LET THE CURTAIN DROP OVER GEORGE CAESAR WHAT WAS IN THAT LETTER GENTLEMEN IS NOT BEFORE YOU BUT IT EMANATED FROM GEORGE CAESAR *WHO/HE*[?] IS ONE OF THE ATTORNEYS FOR THIS PRISONER ~ [*space*] NOW THEN I WANT TO REFER TO THE LETTER BUT TO [*space*]	FRIEN D CAREY. I REFERR TO GEORGE CAESAR BATES. BY MR BISHOP: IT DID SHOW THAT IT PROMISED HIM A NOLLE BEFORE HE TESTIFIED. BY: BASKIN: NO, SIR. BY MR CAREY: NO, SIR: BY BISHOP: WELL, WE WILL LET THE CURTAIN DROP OVER GEORGE CAESAR BATES. BY MR. BASKIN: WHAT WAS IN THAT LETTER GENTLEMEN, IS NOT BEFORE YOU ,BUT IT EMINATED FROM GEORGE CAESAR, AND HE IS ONE OF THE ATTORNEYS FOR THIS PRISONER, AND OF THIS AGREEMENT. BY MR: BISHOP: HE WAS THE UNITED STATES ATTORNEY WHEN IT WAS WRITTEN. BY MR. CAREY:	FRIEN D CAREY. I REFERR TO GEORGE CAESAR BATES. BY MR. BISHOP: IT DID SHOW THAT IT PROMISED HIM A NOLLE BEFORE HE TESTIFIED. BY: BASKIN: NO, SIR. BY MR. CAREY: NO, SIR: BY BISHOP: WELL, WE WILL LET THE CURTAIN DROP OVER GEORGE CAESAR BATES. BY MR. BASKIN: WHAT WAS IN THAT LETTER GENTLEMEN, IS NOT BEFORE YOU ,BUT IT EMINATED FROM GEORGE CAESAR, AND HE IS ONE OF THE ATTORNEYS FOR THIS PRISONER, AND OF THIS AGREEMENT. BY MR: BISHOP: HE WAS THE UNITED STATES ATTORNEY WHEN IT WAS WRITTEN. BY MR. CAREY:

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RS	PS	RT	BT
THAT HAS NOTHING TO DO JURY BY BISHOP THEN IT HAS NOTHING TO DO WITH THE PROSECUTION. MC FARLANE, HE TOOK MR. BASKIN'S PLACE. 4 12 {¶}[i] MY BROTHER BISHOP FOUND ANOTHER MARES NEST TO {WHICH}[i] I WANT TO REFER. HE SAYS THIS MAN K SMITH IT APPEARED {THAT}[p] HE WAS CUT OFF FROM THE CHURCH BUT WHEN DID HE {IT}[p] APPEAR HE HELD HIS BISHOPRIC FOR ONE YEAR {OR MORE}[p] AFTER THIS OCCURRENCE {HE}[i] DISCHARGED ITS DUTIES.	*[[30]]* MY BROTHER BISHOP NOW FOUND ANOTHER MARES NEST TO WHICH I WANT TO REFER [*space*] HERE HE SAYS THIS MAN KLINGEN SMITH IT APPEARED THAT HE WAS CUT OFF THE CHURCH BUT WHEN DID IT APPEAR THAT HE WAS CUT OFF THE CHURCH WHILE HE HELD HIS BISHOPRIC FOR ONE YEAR OR MORE AFTER THIS OCCURRENCE ~~AFTER THAT~~ [*space*] HE DISCHARGED ITS DUTY BUT	THAT HAS NOTING TO DO WITH THE JURY. BY MR. BISHOP: THEN IT HAS NOTHING TO DO WITH THE PROSECUTION. BY MC FARLANE: HE TOOK MR. BASKIN'S PLACE. *[87]* MR. BASKIN: MY BROTHER FOUND ANOTHER MARES NEST TO WHICH I WANT TO REFER. HE SAYS, THIS MAN KLINGENSMITH, IT APPEARED ~~FROM~~ WAS CUT OFF FROM THE CHURCH, BUT WHEN DID IT APPEAR THAT HE WAS CUT OFF FROM THE CHURCH— WHILE HE HELD HIS BISHOPRIC ? FOR ONE YEAR O MORE AFTER THIS OCCURRENCE HE DISCHARGED ITS DUTIES. THE	THAT HAS NOTHING TO DO WITH THE JURY. BY MR. BISHOP: THEN IT HAS NOTHING TO DO WITH THE PROSECUTION. BY MC FARLANE: HE TOOK MR. BASKIN'S PLACE. *[87]* MR. BASKIN: MY BROTHER FOUND ANOTHER MARES NEST TO WHICH I WANT TO REFER. HE SAYS, THIS MAN KLINGENSMITH, IT APPEARED ~~FROM~~ WAS CUT OFF FROM THE CHURCH, BUT WHEN DID IT APPEAR THAT HE WAS CUT OFF FROM THE CHURCH— WHILE HE HELD HIS **B**ISHOPRIC ? FOR ONE YEAR O**R** MORE AFTER THIS OCCURRENCE HE DISCHARGED ITS DUTIES **AS** **BISHOP**. THE

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RS	PS	RT	BT
EVIDENCE SHOWED LEADER {OF}[p] THIS MORMON CHURCH WHO HAS THE POWER TO DEPOSE ANY MAN IN OFFICE AT HIS WILL HAD HIS KNOWLEDGE CALLED {TO THE}[p] FACT OF MOUNTAIN MEADOW {AT THE}[p] NEXT OCTOBER CONFERENCE, WHEN THESE ASSASSINS WENT UP TO HOLY CITY TO DELIVER THEIR VOWS OF WORSHIP THEIR GOD, WHEN THEY WENT UP TO SAN HEDRIN, THERE THEY TOLD THE LEADER OF THIS CHURCH CHRISTIANS OF COURSE AND IT WAS CHRISTIAN DUTY {THAT}[p] TOOK THEM UP	EVIDENCE SHOWS THAT THE LEADER OF THIS MORMON CHURCH HAD HIS KNOWLEDGE CALLED TO THE FACT OF THIS MOUNTAIN MEADOW MASSACRE AT THE NEXT OCTOBER CONFERENCE, WHEN THESE ASSASSINS WENT UP TO THE HOLY CITY TO DELIVER THEIR VOW [*space*] WHEN THEY WENT UP TO THE SAN HEDRIN THERE THEY TOLD THE LEADER OF THIS CHURCH CHRISTIANS OF COURSE IT WAS CHRISTIAN DUTY THAT TOOK THEM UP	EVIDENCE SHOWED THAT THE LEADER OF THIS MORMOS CH RCH WHO HAS THE POWER TO DEPOSE ANY MAN IN OFFICE, HAD HIS KNOWLEDGE CALLED TO THE FACT OF THE MO NTAIN MEADOW MASSACRE AT THE NEXT OCTOBER CONFERENCE: WHEN THESE HOLY ASSASSAINS WENT UP TO THE HOLEY CITY TO DELIVER THEIR VOWS OF WORSHIP TO THEIR GOD; WHEN THEY WENT UP TO THE SANHEIDRIM, THERE THEY TOLD THE LEADER OF THIS CHURCH. CHRISTIANS OF COURSE! IT WAS A CHRISTIAN DUTY THAT TOOK THEM UP	EVIDENCE SHOWED THAT THE LEADER OF THIS MORMO~~S~~**SN** CH**U**RC~~U~~H WWHO HAS THE POWER TO DEPOSE ANY MAN IN OFFICE**,** HAD HIS KNOWLEDGE CALLED TO THE F**A**CT OF THE MOUNTAIN MEADOW MASSACRE AT THE NEXT OCTOBER CONFERENCE~~:~~**,** WHEN THESE HOLY ASSASSINS WENT UP TO THE HOLEY CITY TO DELIVER THEIR VOWS OF WORSHIP TO THEIR GOD; WHEN THEY WENT UP TO THE SANHE~~I~~DRIM, THERE THEY TOLD THE LEADER OF T**H**IS CHURCH. CHRISTIANS OF COURSE! IT WAS A CHRISTIAN DUTY THAT TOOK THEM UP

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RS	PS	RT	BT
THERE; RELIGIOUS SENTIMENT THAT TOOK THEM THERE = **A** RELIGIOUS CONFERENCE OF CHURCH THEY HAD BEEN SERVING, AND WHEN THERE, INFORMED {THE}^{p} LEADERS {OF THE ORGANIZATION}^{p} OF THE PERPETRATION OF THIS CRIME AND YET KLINGENSMITH HELD HIS OFFICE IN THAT CHURCH FOR THE {YEAR AFTER THAT;}^{p} NAY MORE {AND}^{p} HE HOLDS HIS STANDING IN THAT CHURCH IN EACH SUNDAY MEETING; HE DRANK THE EMBLEMATICAL BLOOD {OF THE}^{p} MEEK AND LOWLY SAVIOR JESUS CHRIST; NO DOUBT OF IT; HE SAT DOWN AT BOARD DRANK	THERE THAT TOOK THEM UP TO VISIT CONFERENCE OF CHURCH HE THERE INFORMED LEADERS OF ORGANIZATION OF THE PERPETRATION OF THIS CRIME AND YET HELD HIS OFFICE IN THAT CHURCH [*space*] NAY MORE AFTER IT EACH SUNDAY MEETING AND DRANK THE EMBLEMATICAL BLOOD OF THE MEEK AND LOWLY JESUS NO DOUBT OF IT THAT HE DRANK THE	THERE; A RELIGIOUS SENTIMENT THAT TOOK THEM THERE; A RELIGIOUS CONFERENCE OF THE CHURCH THEY HAD BEEN SERVING. HE THERE INFORMED THE LEADERS OF THE ORGANIZTION AND THE PERPETRATION O F THIS CRIME; AND YET KLINGENSMITH HELD HIS OFFICE IN THAT CHURCH FO R A YEAR AFTER THAT. NAY, MO~~S~~RE~~.~~! HE HOLDS HIS STANDING IN THAT CHURCH IN EACH SUNDAY MEETING; HE DRANK THE EMBLEMATICAL BLOOD OF THE MEEK AND LOLY SAVIOR JESUS CHRIST; NO, DOUBT OF IT, THAT HE SAT DOWN AND ATE AT THE BOARD; DRANK	THERE; A RELIGIOUS SENTIMENT THAT TOOK THEM THERE; A RELIGIOUS CONFERENCE OF THE CHURCH THEY HAD BEEN SERVING. HE THERE INFORMED THE LEADERS OF THE ORGANIZATION AND THE PERPETRATION O F THIS CRIME; AND YET KLINGENSMITH HELD HIS OFFICE IN THAT CHURCH FOR A YEAR AFTER THAT. NAY, MO~~S~~RE~~.~~**!** HE HOLDS HIS STANDING IN THAT CHURCH IN EACH SUNDAY MEETING; HE DRANK THE EMBLEMATICAL BLOOD OF THE MEEK AND LOLY SAVIOR JESUS CHRIST**.** NO, DOUBT OF IT, THAT HE SAT DOWN AND ATE AT THE BOARD~~.~~; DRANK

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RS	PS	RT	BT
WINE {AND}[p] ATE {THE}[p] BREAD WHICH WAS TYPICAL OF THE BODY BLOOD DEATH OF SON OF MAN; A MAN WHOSE PRECEPTS WERE MERCIFUL; WHOSE PRECEPTS WHICH IF FOLLOWED, MAKE MEN HUMANE, MAKE THEM GOOD IF IT WERE NOT FOR {THE}[p] DIVINE INFLUENCE AND TEACHING{S}[p] OF THAT MAN AND THAT CHRISTIANITY HUMANITY WOULD BE DARK BUT THE THE ONLY *FAITH/FF*[?] {THE}[i] ONLY CHEERFUL PLACE THAT EXIST IS BY VIRTUE OF THE TEACHING AND PRECEPTS OF THAT MEEK	WINE AND ATE THE BREAD WHICH WAS TYPICAL OF THE BODY AND BLOOD OF DEATH OF THE SON OF MAN A MAN WHOSE PRECEPTS WERE MERCIFUL, A MAN WHOSE PRECEPTS WHICH IF FOLLOWED MAKE MEN HUMANE MAKE [*space*] THEM GOOD IF IT WERE NOT FOR THE TEACHINGS OF THAT [*space*] THE ONLY CHEERFUL SPOTS THAT EXIST ARE BY REASON OF PRECEPTS OF THAT MEEK	WINE AND BROKE THE BREAD THE BREAD WHICH WAS TIPICAL OF THE BODY AND BLOOD OF THE DEATH OF THE SUN OF MAN. A MAN WHOSE PRECEPTS WE E MER~~F~~CIFUL, WHOSE PRECEPTS WHICH IF FOLLOWED MAKE MEN HUMANE AND MAKE THEM GOOD. IF IT WERE NOT FOR THE DIVINE INFLUENCE AND TEACHINGS OF THAT MAN AND THAT CHRISTIANITY, THE BEYOND, THE GREAT BEYOND WOULD BE DARK FOREVER. THE ONLY CHEARFUL PLACE THAT EXISTS IS BY VIRTUE OF THE TEACHINGS AND PRECEPTS OF THAT MEEK	WINE AND BROKE ~~THE BREAD~~ THE BREAD WHICH WAS TIPICAL OF THE BODY AND BLOOD ~~OF THE DEATH~~ OF THE SUN OF MAN~~.~~**;** A MAN WHOSE PRECEPTS WE**R**E MER~~F~~CIFUL, WHOSE PRECEPTS WHICH IF FOLLOWED **WOULD** MAKE MEN HUMANE AND MAKE THEM GOOD. IF IT WERE NOT FOR THE DIVINE INFLUENCE AND TEACHINGS OF THAT MAN AND THAT CHRISTIANITY, THE BEYOND, THE GREAT BEYOND WOULD BE DARK FOREVER. THE ONLY CHE**E**RFUL PLACE THAT EXISTS IS BY VIRTUE OF THE TEACHINGS AND PRECEPTS OF THAT MEEK

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RS	PS	RT	BT
AND LOWLY SAVIOR AFTER {THE}[i] CONFESSION OF THE PERPETRATION OF THIS CRIME, WHAT DID WE SEE {AND HEAR}[i] I HAVE NO DOUBT JOHN D. LEE HIGBEE AND HAIGHT AND THE WHOLE RETINUE OF THOSE RED HANDED ASSASSINS, SAT DOWN A COMMUNION A BOARD REGULARLY ON EACH SUNDAY {AND}[p] CONFERENCE {AND PARTOOK}[p] OF THE EMBLEMATICAL BODY BLOOD OF JESUS CHRIST JOHN D. LEE WAS NOT CUT OFF = ACCORDING {TO THE}[p] TESTIMONY = {CUT}[p] OFF OF THE CHURCH TILL 1863, THAT IS ACCORDING TO HIS OWN TESTIMONY.	AND LOWLY SAVIOR [*space*] WHAT DO WE HEAR I HAVE NO DOUBT THE JOHN D. LEE HIGBEE AND HAIGHT AND WHOLE RETINUE OF THESE RED HANDED ASSASSINS SAT DOWN TO THE COMMUNION BOARD REGULARLY EACH SUNDAY AND PARTOOK OF EMBLEMATICAL [*space*] JOHN D. LEE WAS NOT CUT OFF FROM THE THE CHURCH TILL 1863 ACCORDING TO HIS OWN TESTIMONY *[[31]]*	AND LOWLY SAVIOR. AFTER THE FINISHING AND PERPETRATION OF THIS CRIME WHAT DID WE HEAR? I HAVE NO DOUBT THAT JOHN D. LEE HIGBEE AND HAIGHT AND THE WHOLE ROUTINE OF THESE RED HANDED ASSASSINS SAT DOWN AT THE COMMUNION *[88]* BOARD REGULARLY ON EACH SUNDAY AND CONFERENCE AND PERTOOK OF THE EMBLEMATICAL BODY OF THE BLOOD OF ~~T~~JESUS CHRIST. JOHN D. LEE WAS NOT CUT OFF, ACCORDING TO THE TESTIMONY , OF THE THE CHURCH TI LL I863, THAT IS ACCORDING TO HIS OWN TESTIMONY.	AND LOWLY SAVIOR. AFTER THE FINISHING AND PERPETRATION OF THIS CRIME WHAT DID WE HEAR? I HAVE NO DOUBT THE JOHN D. LEE HIGBEE AND HAIGHT AND THE WHOLE ROUTINE OF THESE RED HANDED ASSASSINS SAT DOWN AT THE COMMUNION *[88]* BOARD REGULARLY ON EACH SUNDAY AND **AT** CONFERENCE AND PERTOOK OF THE EMBLEMATICAL BODY OF THE BLOOD OF ~~T~~JESUS CHRIST. JOHN D. LEE WAS NOT CUT OFF, ACCORDING TO THE TESTIMONY , **(**~~OF~~ **OFF** THE THE CHURCH**)** TI LL I863, THAT IS ACCORDING TO HIS OWN TESTIMONY.

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RS	PS	RT	BT
IT DOES NOT APPEAR {THAT}[p] THIS POOR UNFORTUNATE MAN WHO MAY HAVE BEEN VICTIM OF HIS OWN RELIGION WAS CUT OFF FROM THE CHURCH TO THIS DAY. THE EVIDENCE IS SILENT UPON THAT FACT, BUT IT IS REASONABLE TO SUPPOSE NAMES WHEN IT WAS REPORTED ABOUT THIS DEED {TO THE}[p] HEAD {OF}[p] THE CHURCH, MAN WHO IS LEADING {THE}[p] PEOPLE TO EXALTATION, TO THE KINGDOM OF GOD, PROPHET SEER {AND}[p] REVELATOR, WHOM PEOPLE BOTH LOVE REVERE AND	IT DOES NOT APPEAR THAT THIS POOR UNFORTUNATE MAN WHO MAY HAVE BEEN A VICTIM OF HIS OWN RELIGION WAS CUT OFF THE CHURCH TO THIS TIME THE EVIDENCE IS SILENT ON THIS FACT, IT IS REASONABLE TO SUPPOSE THAT THE NAMES WHEN IT WAS REPORTED TO THE HEAD OF THIS CHURCH THE MAN WHO IS LEADING THIS PEOPLE ON TO EXALTATION OF THE KINGDOM OF GOD PROPHET SEER AND REVELATOR WHOM THE PEOPLE IN THIS —[?] BOTH LOVE REVERE AND	IT DOES NOT APPEAR THAT THESE POOR UNFORTUNATE MEN WHICH MAY HAVE BEEN VICTIMS OF THEIR OWN RELIGION, WAS CUT OFF FROM THE CHURCH TO THIS DAY. THE EVIDENCE IS SILENT UPON THAT FACT, BUT IT IS REASONABLE TO SUPPOSE, WHEN THE NAMES—WHEN IT WAS REPORTED TO THE HEAD OF THIS CHU⊣RCH, THE PARTICULARS OF THIS DEED WAS TOLD TO THE HEAD OF THIS CHURCH , THE MAN WHO IS LEADING THIS PEOPLE ON TO EXALTATION TO THE KINGDON OF GOD, THE PROPHET, SEER AND REVELATOR, WHOM THE PEOP⊣LE BOTH LOVE RE⊣VERE AND	IT DOES NOT APPEAR THAT THESE POOR UNFORTUNATE MEN WHICH MAY HAVE BEEN VICTIMS OF THEIR OWN RELIGION, WAS CUT OFF FROM THE CHURCH TO THIS DAY. THE EVIDENCE IS SILENT UPON THAT FACT, BUT IT IS REASONABLE TO SUPPOSE, WHEN THE NAMES—WHEN IT WAS REPORTED TO THE HEAD OF THIS CHU⊣RCH, THE PARTICULARS OF THIS DEED WAS TOLD TO THE HEAD OF THIS CHURCH , THE MAN WHO IS LEADING THIS PEOPLE ON TO EXALTATION TO THE KINGDON OF GOD, THE PROPHET, SEER AND REVELATOR, WHOM THE PEOP⊣LE BOTH LOVE RE⊣VERE AND

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RS	PS	RT	BT
RESPECT, AIN'T IT REASONABLE WHEN IT WAS MADE APPEAR TO HIM THAT WHITE MEN WERE ENGAGED IN THIS MOST HORRIBLE OFFENSE, SHOULD INQUIRE OF HIS SERVANT AND THE SERVANT OF THE LORD FIGURATIVELY; I SAY JOHN D. LEE SAT DOWN AND PENNED TO HIM NAMES OF THE {OTHER}[p] WHITE MEN WHO ENGAGED IN THAT MOST CRUEL MASSACRE. WHAT WOULD THEN HAVE FOLLOWED; WHY AS SOON AS THESE MEN'S NAMES WERE PENNED, A DECREE OF [28] EXCOMMUNICAT ION FROM THE CHURCH WOULD HAVE GONE FORTH, AND THE DECREE	RESPECT [*space*] IS IT REASONABLE THAT [*space*] SHOULD INQUIRE OF HIS SERVANT AND SERVANT OF THE LORD JOHN D. LEE SAT DOWN AND PENNED TO HIM THE NAMES OF ALL WHITE MEN WHO ENGAGED IN THAT MOST CRUEL MASSACRE WHAT WOULD THEN HAVE FOLLOWED WHY AS SOON AS THESE MEN'S NAMES WERE PENNED A DECREE OF EXCOMMUNICA TION OF THE CHURCH IF HE HAD *FROM*[?] THAT	RESPECT— ISN'T IT REASONABLE WHEN IT WAS MADE TO APPEAR TO HIM THAT WHITE MEN WERE ENGAGED IN THIS MOST HORRIBLE TRANSACTION, SHOULD ENQUIRE OF HIS SERVANTS AND THE SERVANTS OF THE LORD FIGURATIVELY. I SAY JOHN D. LEE SAT DOWN AND PENNED TO HIM THE NAMES OF THE WHITE MEN WHO ENGAGED IN THAT MOST CRUEL MASSACRE. WHAT WOULD THEN HAVE FOLLOWED? WHY AS SOON AS THEE MEN'S NAMES WERE PENNED A DECREE OF EXCOMMUNICA TION OF THE CHURCH WOULD HAVE GONE FORTH, AND THE DECREE	RESPECT— ISN'T IT REASONABLE WHEN IT WAS MADE TO APPEAR TO HIM THAT WHITE MEN WERE ENGAGED IN THIS MOST HORRIBLE TRANSACTION, **THAT HE** SHOULD ENQUIRE OF HIS SERVANTS AND THE SERVANTS OF THE LORD FIGURATIVELY. I SAY JOHN D. LEE SAT DOWN AND PENNED TO HIM THE NAMES OF THE WHITE MEN WHO ENGAGED IN THAT MOST CRUEL MASSACRE. WHAT ~~W~~**S**OULD THEN HAVE FOLLOWED? WHY AS SOON AS THESE MEN'S NAMES WERE PENNED A DECREE OF EXCOMMUNICA TION OF THE CHURCH ~~W~~**S**OULD HAVE GONE FORTH, AND THE DECREE

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RS	PS	RT	BT
WOULD HAVE GONE FORTH TO THESE RED HANDED ASSASSINS THAT THE CHURCH WAS NOT ACCESSORY TO THIS UNHOLY MURDER, COULD AFTER THAT TIME SIT DOWN AMONG {THE}^{p} HONEST SAINTS {AND}^{p} PARTAKE {THE}^{p} BREAD {AND PARTAKE OF THE BLOOD OF THE}^{p} EMBLEMS OF THE MEEK AND LOWLY SAVIOR JESUS CHRIST; BUT HOW WAS IT; IS THERE ANY EVIDENCE GOING TO SHOW JOHN D. LEE WAS EVER CUT OFF THAT BISHOP HAIGHT = THAT DAME?, THERE IS EVIDENCE GOING TO SHOW THAT ONE OF PARTICIPANTS	DAY WOULD KNOW ALL THESE RED HANDED ASSASSINS THAT THE CHURCH WAS NOT ACCESSORY TO THIS UNHOLY MURDER COULD NOT SIT DOWN AMONG THE HONEST SAINTS AND PARTAKE THE BODY AND DRINK THE BLOOD OF THE MEEK AND LOWLY SAVIOR JESUS CHRIST [*space*] BUT HOW WAS IT IS THERE ANY EVIDENCE THAT JOHN D. LEE WAS EVER CUT OFF THAT BISHOP HAIGHT THAT DAME THERE IS EVIDENCE GOING TO SHOW THAT ONE OF THE PARTICIPANTS	WOULD HAVE GONE FORTH TO ALL THESE RED HANDED ASSASINS THAT THE CHURCH WA NOT ACCESSORY TO THIS UNHOLY M~~A~~URDER; AND AFTER THAT TIME THEY COULD NOT SIT DOWN AMONG THE HONEST SAINTS AND ~~B~~PERTAKE OF THE BROKEN EMBLEMS OF THE MEEK AND LOWLY SAVIOR JESUS CHRIST. BUT HOW WAS IT? IS THERE ANY EVIDENCE GOING T SHOW THAT JOHN D. LEE WAS EVER CUT ~~OF G~~ O FF. THAT BISHOP HAIGHT OR BISHOP DAME WAS EVER CUT OFF**?** ~~THE~~ THERE IS EVIDENCE GOING TO SHOW THAT ONE ~~T~~OF THE PARTICI~~;~~PANTS	~~W~~**S**OULD HAVE GONE FORTH TO ALL THESE RED HANDED ASSASSINS THAT THE CHURCH WA~~W~~**S** NOT ACCESSORY TO THIS UNHOLY M~~A~~URDER; AND AFTER THAT TIME THEY COULD NOT SIT DOWN AMONG THE HONEST SAINTS AND ~~B~~PERTAKE OF THE BROKEN EMBLEMS OF THE MEEK AND LOWLY SAVIOR JESUS CHRIST. BUT HOW WAS IT? IS THERE ANY EVIDENCE GOING T**O** SHOW THAT JOHN D. LEE WAS EVER CUT ~~OF G~~ O FF**,** THAT BISHOP HAIGHT OR BISHOP DSME WAS EVER CUT OFF**?** ~~THE~~ THERE IS EVIDENCE GOING TO SHOW THAT ONE ~~T~~OF THE PARTICI~~;~~PANTS

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RS	PS	RT	BT
OF THAT CRIME IN THE RANKS, IS A MEMBER IN GOOD STANDING OF THE CHURCH TODAY, {AND}[p] FROM THAT TO THE PRESENT TIME IN THE SERVICE OF THIS MAN WHO ARROGATES TO HIMSELF THE OFFICE OF PROPHET SEER *REVELATOR*[?], HE HAS SAT DOWN WITH HONEST MEN, WHO HAD JOINED MORMON CHURCH FROM HONEST CONVICTION FOR PURPOSE OF SECURING EXALTATION IN {THE}[p] KINGDOM OF GOD, FOR REDHANDED ASSASSIN {AND VILLAIN}[p] FOR TO HAVE BEEN ACCEPTED TO EMULATION ~~≤~~OF THE SACRAMENT~~≥~~ OF	IN THAT CRIME AND IN THE RANKS IS MEMBER OF THE CHURCH TODAY, AND FROM THAT TO PRESENT DAY WHO ARROGATES TO HIMSELF PROPHET SEER AND REVELATOR HAS SAT DOWN WITH HONEST MEN WHO HAVE JOINED THE MORMON CHURCH FROM HONEST CONVICTION FOR THE PURPOSE [*space*] FOR THE RED-HANDED ASSASSIN AND VILLAIN THAT HAVE BEEN ACCEPTED TO THE EMULATION OF	OF THAT CRIME AND IN THE RANKS IS A MEMBER IN GOOD STANDING TO-DAY; AND FROM THAT TO THE PRESENT TIME OF THIS MAN WHO ARRAGATES TO HIMSELF THE OFFI ~~C~~E OF PROPHET, SEER AND REVELATOR, HE HAS SAT DOWN WITH HONEST MEN WHO HAD JOINED THE MORMON CHURCH FROM HONEST CONVICTIONS FOR THE *[89]* PURPOSE OF SECURING EXALTATIONS IN THE KINGDOM OF GOD; FOR REDHANDED ASSASSINS AND VILLAINS TO HAVE BEEN ACCEPTED TO THE EMULATION OF THE SACRAMENT OF THE B~~ODY~~	OF THAT CRIME AND IN THE RANKS IS A MEMBER IN GOOD STANDING TO-DAY; AND FROM THAT TO THE PRE~~W~~SENT TIME ~~OF~~ THIS MAN WHO ARR~~A~~**O**GATES TO HIMSELF THE OFFI**C** E OF PROPHET, SEER AND REVELATOR, ~~HE~~ HAS SAT DOWN WITH HONEST MEN WHO HAD JOINED THE MORMON CHURCH FROM HONEST CONVICTIONS FOR THE *[89]* PURPOSE OF SECURING EXALTATIONS IN THE KINGDO~~N~~M OF GOD~~;~~ **F**OR RED-HANDED ASSASSINS AND VILLAINS TO HAVE BEEN ACCEPTED TO THE EMULATION OF THE SACRAMENT OF THE ~~BODY~~

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RS	PS	RT	BT
BROKE BODY AND OF THE BLOOD OF JESUS CHRIST,	BREAKING BODY AND DRINKING BLOOD OF JESUS CHRIST	BROKEN BODY AND OF THE BLOOD OF THE SAVIOR JESUS CHRIST; FOR HONEST PEOPLE TO SIT DOWN	BROKEN BODY AND OF THE BLOOD OF THE SAVIOR JESUS CHRIST~~;~~, FOR HONEST PEOPLE TO SIT DOWN
WITH RED HANDED MURDERER {MY GOD,}[p] WHAT A COMMENTARY	WITH A RED HANDED MURDERER [*space*] MY GOD WHAT A COMMENTARY ON THIS INSTITUTION WHAT A COMMENTARY	WITH SUCH A RED HANDED MURDERER— MY GOD, WHAT A COMMENTARY! UPON THIS INSTITUTION ,	WITH SUCH A RED HANDED MURDERER— MY GOD, WHAT A COMMENTARY! UPON THIS INSTITUTION ,
UPON THAT BOGUS PROPHET WHO WAS RESPONSIBLE FOR THIS MOST HEINOUS CRIME, AS THAT HAS EVER DISGRACED THE HISTORY OF THE CIVILIZED WORLD. THESE ARE FACTS YOU CANNOT GET RID OF IT IT IS NO EXCUSE TO SAY BRIGHAM YOUNG = TO SAY HE IS A PROPHET; IT IS NO EXCUSE TO SAY IT IS PERSECUTION; THIS MISERABLE	ON [[32]] THIS BOGUS PROPHET WHO IS RESPONSIBLE FOR THIS HEINOUS CRIME [*space*] CIVILIZED WORLD [*space*] IT IS NO EXCUSE TO SAY THAT BRIGHAM YOUNG IS A PROPHET IT IS NO EXCUSE TO SAY IT IS PERSECUTION BECAUSE THIS IS MISERABLE	AND UPON THAT BOGUS PROPHET, WHO WAS RESPONSIBLE FOR THIS MOST HEINOUS CRIME, THAT HAS EVER DISGRACE THE HISTORY OF THE CIVILIZED WORLD! THESE ARE FACTS AND YOU CANNOT GET RID OF IT. IT IS NO EXCUSE TO SAY THAT BRIGHAM YOUNG IS A PROPHET— IT IS NO EXCUSE TO SAY IT IS PERSECUTION. THIS MISEABLE	AND UPON THAT BOGUS PROPHET, WHO WAS RESPONSIBLE FOR THIS MOST HEINOUS CRIME, THAT HAS EVER DISGRACE THE HISTORY OF THE CIVILIZED WORLD! THESE ARE FACTS AND YOU CANNOT GET RID OF IT. IT IS NO EXCUSE TO SAY THAT BRIGHAM YOUNG IS A PROPHET— IT IS NO EXCUSE TO SAY IT IS PERSECUTION. THIS MISE**R**ABLE

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RS	PS	RT	BT
SUBTERFUGE, WILL NOT AVAIL TO SCREEN UNSCRUPULOUS PERPETRATORS OF SUCH AN OUTRAGEOUS DEED I ASK YOU, WHAT PUNISHMENT, WHAT EXECRATION SHOULD BE HEAPED UPON {THE}^{p} HEAD OF A MAN, WHO WHEN THE PERPETRATORS OF THIS DEED WAS CALLED TO HIS ATTENTION, WOULD ALLOW *HIM/'EM*[?] TO REMAIN IN THE CHURCH WITH THE HONEST PORTION OF HIS CONGREGATION AND COMMUNE WITH THEM AT THE SACRED BOARD. NO PUNISHMENT IS TOO GREAT, NO EXECRATION TOO SEVERE FOR A MAN WHO WILL THUS DEAL WITH AN HONEST AND	SUBTERFUGE WHICH WILL NOT AVAIL TO SCREEN THE PERPETRATOR WHO CAUSED DEED [*space*] I SAY YOU WHAT PUNISHMENT WHAT *EXECRATION/KS N*[?] SHOULD BE HEAPED UPON TO MAN WHO WHEN THE PERPETRATOR OF DEED WAS CALLED TO HIS ATTENTION WOULD ALLOW *HIM/'EM*[?] TO REMAIN IN THE CHURCH WITH THE HONEST PORTION OF HIS CONGREGATION AND COMMUNE WITH THEM AT THE SACRED BOARD NO PUNISHMENT IS TOO GREAT, NO EXECRATION TOO SEVERE FOR A MAN WHO WILL THUS DEAL WITH AN HONEST AND	SUBTERFUGE WILL NOT FAIL TO SCREEN THE UNSCRUPELOUS PERPETRATORS OF SUCH AN OUTRAGIOUS DEED. I ASK YOU WHAT PUNISHMENT— WHAT EXECRATION SHOULD BE HEAPED UPON THE HEAD ~~OSSA~~ OF A MAN WHOM, WHEN THE PERPETRATORS OF THE DEED WAS CALLED TO HIS ATTENT ION WOULD ALLOW HIM TO REMAIN IN THE CHURCH WITH THE HONEST MEMBERS OF HIS CONGREGATION AND COMMUNE WITH THEM AT THE SACRED SUPPER. NO PUNISHMENT IS TOO GREAT, NO EXECRATION TOO SEVERE FOR A MAN W HO WILL TH~~I~~US DALLY WITH THE HONEST AND	SUBTERFUGE WILL NOT FAIL TO SCREEN THE UNSCRUPELOUS PERPETRATORS OF SUCH AN OUTRAGIOUS DEED. I ASK YOU WHAT PUNISHMENT— WHAT EXECRATION SHOULD BE HEAPED UPON T**H**E HEAD ~~OSSA~~ OF A MAN WHOM, WHEN THE PERPETRATORS OF THE DEED WAS CALLED TO HIS ATTENT ION WOULD ALLOW **THEM** ~~HIM~~ TO REMAIN IN THE CHURCH WITH THE HONEST MEMBERS OF HIS CONGREGATION AND COMMUNE WITH THEM AT THE SACRED SUPPER. NO PUNISHMENT IS TOO GREAT, NO EXECRATION TOO SEVERE FOR A MAN W HO WILL TH~~I~~US DALLY WITH THE HONEST AND

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RS	PS	RT	BT
CONFIDING PEOPLE. NOW THEN MR. BISHOP SAYS, IN ORDER = (AND HE DID IT TO APPEAL TO YOUR PREJUDICES, THESE MEN FOR {THE}^{p} PURPOSE NOW OF STRIKING A LICK AT THE MORMON CHURCH MY GOD, HOW CAN ANY MAN WHO WAS ORDERED OUT HAVE ANY OTHER THAN {A}^{p} FEELING AGAINST THE CHURCH, BY REASON OF HIS CONNECTION WHICH WAS IMPOSED UPON HIM [*space*] SUCH BURDEN {AS THAT UNFORTUNATE MEN = I BELIEVE WAS MANY SUCH MEN}^{p} THOSE MEN WHO WERE ORDERED OUT THERE UNWILLINGLY;	CONFIDING PEOPLE [*space*] NOW THEN MR. BISHOP SAYS IN ORDER = (AND HE DID IT TO APPEAL TO YOUR PREJUDICE THESE MEN FOR THE PURPOSE NOW OF STRIKING LICK AT THE MORMON CHURCH AND MY GOD HOW CAN ANY MAN WHO WAS ORDERED OUT HAVE ANY OTHER THAN A FEELING AGAINST THE CHURCH BY REASON OF HIS CONNECTION WHICH IMPOSED UPON HIM SUCH BURDENS AS THAT UNFORTUNATE MEN I BELIEVE MANY SUCH MEN [*space*]	CONFIDING PEOPLE. NOW, THEN MR. BISHOP SAYS IN ORDER— AN HE DID IT TO APPEAL **YOU**R TO PREJUDICES— THESE MEN FOR THE PURPOSE , NOW, OF STRIKING A LICK AT THE MORMON CHURCH, MY GOD HOW ANY MAN WHO WAS ORDERED OUT THERE HAVE ANY OTHER THAN A FEELING AGAINST THE CHURCH BY REASON OF OF H S CONNECTION, WHICH WAS IMPOSED UPON HIM,- SUCH BURDENS AS THAT. UNFORTUNATE MEN! I BELIEVE THE RE WERE MANY SUCH MEN. THESE MEN WHO WERE ORDERED OUT THERE UNWILLINGLY ,	CONFIDING PEOPLE. NOW, THEN MR. BISHOP SAYS IN ORDER— AN**D** HE DID IT TO APPEAL TO **YOUR** PREJUDICES— **”**THESE MEN FOR THE PURPOSE , ~~NOW~~ OF STRIKING A LICK AT THE MORMON CHURCH~~,~~.**”** **M**Y GOD HOW ANY MAN WHO WAS ORDERED OUT THERE **COULD** HAVE ANY OTHER THAN A FEELING AGAINST THE CHURCH BY REASON ~~OF~~ OF HIS CONNECTION, WHICH WAS IMPOSED UPON HIM, - SUCH BURDONS AS THAT. UNFORTUNATE MEN! I BELIEVE THE RE ~~WERE~~ **ARE** MANY SUCH MEN. THESE MEN WHO WERE ORDERED OUT THERE UNWILLINGLY ,

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RS	PS	RT	BT
THOSE MEN WHO HAVE BORN THIS BURDEN, CERTAINLY COULD NOT FAIL TO HAVE {A}[p] FEELING AGAINST THE ORGANIZATION AND SYSTEM {THAT}[p] LAID SUCH BURDENS UPON THEIR BACK{; BUT}[p] MY BROTHER {**BP**}[p] SAYS NOW OF *ORDER*[?] THAT K SMITH SHOULD STRIKE {AN}[p] INDIRECT BLOW AT THE CHURCH, HE MAKES USE OF THIS EXPRESSION; " THE NAUVOO LEGION" AND THAT HE HAD AN ANIMUS IN THAT, BECAUSE IT WAS KNOWN ABROAD {THAT}[p] THERE WAS SUCH AN ORGANIZATION FORMED AT NAUVOO, {AT THE TIME}[p] OF THE MASSACRE OF THE	THOSE MEN WHO HAVE BORN THESE BURDENS CERTAINLY COULD NOT FAIL TO HAVE A FEELING AGAINST THE ORGANIZATION AND *SYSTEM*[?] THAT LAID SUCH BURDENS UPON THEIR BACK BUT MY BROTHER BISHOP SAYS NOW IN ORDER *THAT*[?] KLINGEN SMITH SHOULD STRIKE AN INDIRECT BLOW AT THE CHURCH THAT HE MAKES USE OF THE EXPRESSION "THE NAUVOO LEGION" AND THAT HE HAD AN ANIMUS IN THAT, BECAUSE IT WAS KNOWN ABROAD THAT THERE WAS SUCH ORGANIZATION FORMED ~~IN~~ AT NAUVOO AT THE TIME OF THE MASSACRE OF	THESE MEN WH HAVE BORN THIS BURDEN , CERTAINLY COULD NOT FAIL TO HAVE A FEELING AGAINST THE ORGANIZATION AND SYSTEM THAT LAID SUCH BURDENS UPON THEIR BACKS. BUT MY BROTHER BISHOP SAYS NOW, IN ORDER THE KLINGENSMITH SHOULD STRIKE AN INDIRECT BLOW AT THE CHURCH HE MAKES USE OF THIS EXPRESSION, "THE NAUVOO LEGION," AND THAT HE HAD AN ANNIMUS IN THAT, BECAUSE IT WAS KNOWN ABROAD THAT THERE W S SUCH AN ORGAN- *[90]* GANIZATION FORMED AT NAUVOO, AT THE TIME OF THE MASAACE OF THE	THESE MEN WHO HAVE BORN**E** THIS BURDEN , CERTAINLY COULD NOT FAIL TO HAVE A FEELING AGAINST THE ORGANIZATION AND SYSTEM THAT LAID SUCH BURDENS UPON THEIR BACKS. BUT MY BROTHER BISHOP SAYS NOW, IN ORDER **THAT** ~~THE~~ KLINGENSM**I**TH SHOULD STRIKE AN INDIRECT BLOW AT THE CHURCH HE MAKES ~~U~~USE OF THIS E~~S~~XPRESSUON, "THE NAUVOO LEGION;" AND THAT HE HAD AN ANNIMUS IN THAT, BECAUSE IT WAS KN**O**WN ABROAD THAT THERE W**A**S SUCH AN ~~ORGAN~~ *[90]* GANIZATION FORMED AT NAUVOO, AT THE TIME OF THE MASAACE OF THE

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RS	PS	RT	BT
PROPHET JOSEPH SMITH I WILL GIVE YOU MY OPINION UPON THAT DISGRACEFUL SCENE WHEN I GET TO IT IN *GOOD*[?] ORDER; HE SAYS THAT THAT WAS DONE BY K SMITH IT WAS AN APPEAL TO YOUR PREJUDICE, BECAUSE I BELIEVE MY BROTHER BISHOP HAD IN HIS MIND THIS FACT, IF A SINGLE *SMN*[?] POOR MORMON WHO HAS PASSED THROUGH ORDEAL, WHO HAS TAKEN THESE OATHS WHATEVER THEY MAY BE, THAT	PROPHET JOSEPH SMITH [*space*] HE SAYS NOW THAT THAT WAS DONE BY KLINGEN SMITH AND IT WAS APPEAL TO YOUR PREJUDICE, BECAUSE I BELIEVE THAT HE HAD IN HIS MIND THAT IF A *[[33]]*634 SINGLE *SMN*[?] POOR MORMON WHO HAS TAKEN OATHS AND OBLIGATIONS THAT SACRIFICES	PROHET JOSEPH SMITH. I WILL GIVE MY OPINION UOPN THAT DISGRACEFUL SCENE WHEN I GET TO IT IN PROPER ORDER. HE SAYS NOW, THAT THAT WAS DONE BY KLINGENSMITH, AND IT WAS AN APPEAL TO YOUR PREJUDICE, BECAUSE I BELIEVE MY BROTHER BISHOP HAD IN HIS ~~MISD~~ THIS FACT , THAT IF A SINGLE , POOR MORMON WHO HAS PASSED THROUGH THE ORDEAL, WHO HAS TAKEN THE OATHS AND O BLIGATIONS THAT ARE REQUIRED WHATEVER THEY MAY BE, AND THAT SACRIFICE MEN — IT MUST	PROPHET JOSEPH SMITH. I WILL GIVE MY OPINION UOPN THAT DISGRACEFUL SCENE WHEN I GET TO IT IN PROPER ORDER. HE SAYS NOW, ~~THAT~~ THAT WAS DONE BY KLINGENSMITH, AND IT WAS AN APPEAL TO YOUR PREJUDICE **GENTLEMEN** BECAUSE I BELIEVE MY BROTHER BISHOP HAD IN HIS **MIND** ~~MISD~~ THIS FACT , THAT IF A SINGLE , POOR MORMON WHO HAS PASSED THROUGH THE ORDEAL, WHO HAS TAKEN THE OATHS AND O BLIGATIONS THAT ARE REQUIRED WHATEVER THEY MAY BE, ~~AND~~ THAT SACRIFICE MEN**,** **–** IT MUST

634. Rogerson's numbers are tallied on the verso of page 33.

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RS	PS	RT	BT
STRUCK THOSE MEN DUMB WHEN CALLED UPON TO DO THIS DEED, HE KNEW {THAT}^{p} IF SUCH A MAN WAS UPON {THE}^{p} JURY = {THAT IF}^{p} HE COULD APPEAL TO YOUR PREJUDICES {IN THIS CASE}^{p}, IT WOULD DEFEAT HANDS OF JUSTICE IN THIS CASE {AND}^{p} ACQUIT THIS PRISONER IF J D LEE SHOULD BE ACQUITTED, IT IS SIMPLY {AN}^{p} EXTENSION OF HIS LIFE MY BROTHER BISHOP MIGHT JUSTIFY {MY}^{p} PROPOSITION I MIGHT MYSELF, IF I WAS ON THE DEFENSE *ONE*[?] MIGHT ASSERT AND JUSTIFY ON THE GROUND IT IS ONLY IN FAVOR OF MERCY IF HE IS	STRUCK THOSE MEN DUMB WHEN CALLED UP TO DO THIS DEED HE KNEW IF SUCH A MAN WAS UPON THE JURY THAT IF HE COULD APPEAL TO THEIR PREJUDICE IN THIS CASE I WILL *GRANT*[?] YOU *THAT* *WITH*[?] THE DEFENSE AND IF JOHN D . LEE SHOULD BE ACQUITTED IT IS SIMPLY AN EXTENSION OF HIS LIFE AND MY BROTHER BISHOP MIGHT JUSTIFY MY PROPOSITION IN MY *SOUL*[?] IF I WAS ON THE DEFENSE [*space*]	HAVE STRUCK THESE MEN DUMB WHEN CALLED UPON TO DO THIS DEED/ HE KNEW THAT IF SUCH MEN WERE UPON THE JURY ~~L~~,- THAT IF HE COULD APPEAL TO YOUR PREJUDICES IN THIS CASE IT WOULD DEFEAT THE ENDS OF JUSTICE AND ACQUIT THIS PRISONER . IF JOHN D. LEE SHOULD BE ACQUITTED, ~~THIS SIMPLE EXTENSION OF HIS LIFE~~ IT IS SIMPLY AN EXTENSION OF HIS LIFE, AND MY BROTHER BISHOP MIGHT JUSTIFY MY PROPOSITION, AND MIGHT MYSELF IF I WAS ON THE DEFEN~~N~~SE; BUT IT WILL ONLY BE IN THE ~~V~~FAVOR OF MERCY IF HE IS	HAVE STRUCK THESE MEN DUMB WHEN CALLED UP TO DO THIS DEED/ HE KNEW THAT IF SUCH MEN WERE UPON THE JURY ~~L~~,- THAT IF HE COULD APPEAL TO YOUR PREJUDICES IN THIS CA~~W~~SE IT WOULD DEFEAT THE ENDS OF JUSTICE AND ACQUIT THIS PRISONER . IF JOHN D . LEE SHOULD BE ACQUITTED, ~~TH S SIMPLE EXTENSION OF THIS LIFE~~ IT IS SIMPLY AN EXTENSION OF HIS LIFE, AND MY BROTHER BISHOP MIGHT JUSTIFY MY PROPOSITION, AND **I** MIGHT MYSELF IF I WAS ON THE DEFEN~~D~~SE; BUT IT WILL ONLY BE IN THE ~~V~~FAVOR OF MERCY IF HE IS

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RS	PS	RT	BT
ALLOWED TO GO FREE {NOW}[p] I WILL APPEAL TO YOUR PREJUDICE; I WANT TO READ TO YOU I READ NOW 190 PAGE REVISED STATUTES OF UTAH TERRITORY AMONG OTHER PROVISIONS THEY {SAY}[p] “ AND THERE SHALL BE A LIEUTENANT GENERAL [*space*] FORMED IN IT INDEPENDENT TO BE CALLED THE NAUVOO LEGION {NOW THEN}[p] GENTLEMAN SAYS {THAT}[p] THIS OLD MAN <AND IT SHOWS BY ALL THAT HE EXPRESSED> THAT HE WAS DRAGGING UP {OLD}[p]	 NOW WILL APPEAL TO YOUR PREJUDICE [*space*] I READ ON THE 190 PAGE REVISED STATUTES OF UTAH TERRITORY; WITHIN THAT TERRITORY BY STATUTE AND LAW [*space*] AMONG OTHER PROVISIONS THEY SHALL BE CALLED THE NAUVOO LEGION [*space*] ALL ARE *THUS*[?] SENT BY [*space*] NOW THEN GENTLEMAN SAYS THAT THIS OLD MAN AND IT SHOWS ALL THAT EXPRESSED AND THAT HE WAS DRAGGING UP AN OLD	ALLOWED TO GO FREE. NOW, I WILL APPEAL TO YOUR PREJUDICE. I WANT TO READ TO YOU ABOUT THIS NAUVOO LEGION. I READ NOW IN THE I 90 PAGE OF THE REVISED STATUTES OF THE UTAH TERRITORY: AMONG OTHER PROVISIONS THEY SAY, IT SHALL BE CALLED THE “NAUVOO LEGION”, **“**AND THERE SHALL BE AN INDEPENDENT BODY FORMED TO BE CA LED THE NAUVOO LEGION.” NOW THEN GENTLEMEN SAY THAT THIS OLD MAN (AND IT SHOWS BY ALL HE EXPRESEED) THAT HE WAS DRAGING UP AN OLD	ALLOWED TO GO FREE. NOW, I WILL APPEAL TO YOUR PREJUDICE. I WANT TO READ TO YOU ABOUT THIS NAUVOO LEGION. I READ NOW ON THE I~~9~~90**TH** PAGE OF THE REVISED STATUTES OF UTAH TERRITORY: AMONG OTHER PROVISIONS THEY SAY, IT SHALL BE CALLED THE “NAUVOO LEGION”, **“**AND THERE SHALL BE AN INDEPENDENT BODY FORMED TO BE CA**L**LED THE NAUVOO LEGION.” NOW**,** THEN**,** THE GENTLEMAN SAYS THAT THIS OLD MAN (AND IT SHOWS BY ALL HE EXPRESEED) THAT HE WAS DRAGING UP AN OLD

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RS	PS	RT	BT
ORGANIZATION THAT EXISTED IN NAUVOO; {HE}[p] WAS DRAGGING IT IN, APPLYING THAT EPITHET ≤NAUVOO LEGION≥ = THAT ODIOUS NAME, FOR THE PURPOSE OF EFFECT WHEN IN FACT STATEMENT {TO THE}[p] CONTRARY SHOWS [29] {THAT THAT ORGANIZATION}[p] ~~ORGANIZATION~~ BY THE VERY {ARTICLES WHICH CALLED IT INTO EXISTENCE = THAT ITS}[p] CHARTER WAS KNOWN BY THAT NAME BISHOP; ≤YOU ARE DISPUTING MY PROPOSITION≥ I WISH YOU WOULD CALL ATTENTION OF THE JURY TO FACT THAT	ORGANIZATION THAT EXISTED IN NAUVOO HE WAS DRAGGING IT IN APPLYING THAT EPITHET THAT IT IS ANOTHER WHEN IN FACT STATUTES OF THE TERRITORY SHOWS THAT THAT ORGANIZATION BY THE VERY ARTICLES WHICH CALLED IT INTO EXISTENCE IT WAS KNOWN BY THAT NAME [*space*] BISHOP [*space*] AS YOU ARE DISPUTING MY PROPOSITION I WISH YOU TO SPEAK INTO EXISTENCE REFERENCE TO THE PARTIES WHO WERE THE	ORGANIZATION THAT EXISTED IN NAUVOO, THE NAUVOO LEGION. HE WAS “DRAGGING IT IN,” APPLYING THAT APPETHET, THAT ODIOUS NAME FOR THE PURPOSE OF EFFECT, WHEN IN FACT STATEMENTS TO THE CONTRARY SHOWS THAT THAT ORGANIZATION BY THE VERY ARTICLES THAT CALL IT INTO EXISTENCE, THAT IS BY ITS VERY CHARTER, WAS KNOWN BY THAT NAME . BY MR. BISHOP: YOU ARE DISPUTING MY PROPOSITION. I WISH TO CALL THE ATTENTION OF THE JURY TO THE FACT, THAT	ORGANIZATION THAT EXIS-EXISTED IN NAUVOO, THE NAUVOO LEGION. HE WAS “DRAGGING IT IN,” APPLYING THAT **EPITHET** ~~APPEITHET~~, THAT ODIOUS NAME FOR THE PURPOSE OF EFFECT, WHEN IN FACT STATEMENTS TO THE CONTRARY SHOWS THAT THAT ORGANIZATION BY THE VERY ARTICLES THAT CALL IT INTO EXISTENCE, ~~THAT IS~~ BY ITS VERY CHARTER, WAS KNOWN BY THAT NAME . BY MR. BISHOP: YOU ARE DISPUTING MY PROPOSITION. I WISH TO CALL THE ATTENTION OF THE JURY TO THE FACT, ~~THAT~~

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RS	PS	RT	BT
IS OFFERED TO THIS MILITARY POWER REFERENCE TO PARTIES WHO WAS SURVIVORS REFERENCE TO THAT NAUVOO LEGION. BASKIN THOSE CREATORS OF THE ORGANIZATION ≼CALLED THE≽ NAUVOO LEGION, BUT THEN THE GENERAL INFERENCE WAS HERE, HE DRAGS INTO {A}^{p} THING THAT HAD THE NAME ONLY OF NAUVOO, WHEN {THE}^{p} ORGANIZATION {THAT WAS}^{p} FORMED THAT NUCLEUS FORMED UPON OLD	~~PARTIES~~ SURVIVORS OF THE NAUVOO LEGION AND IS ANOTHER STATUTE [*space*] YES, SIR HE DRAGS INTO A THING THAT HAD THE NAME ONLY IN NAUVOO WHEN THE ORGANIZATION THAT WAS FORMED ON THE NUCLEUS OF THIS [*space*] IS ANOTHER DISTINCT IN ITS VERY	IS OFFERED OF T IS MILITARY NAME WITH *[91]* MILITARY POWER WITH REFERENCE TO THE PARTIES WHO WERE THE SURVIVORS OF THAT NAUVOO LEGION. BY MR. BASKIN: YES, SIR. THIS CREATED THE ORGANIZATION CALLED THE NAUVOO LEGION; BUT THEN THE GENERAL INF RENCE WAS HERE: HE DRAGS IN IT A THING THAT HAD A NAME ONLY OF NAUVOO, WHEN HE ORGANIZATION THAT WAS FORMED ON THE NUCLEUS OF THIS, WAS FORMED UPON THE OLD	~~IS OFFERED OF THIS MILITARY POWER WITH REFERENCE TO THE PARTIES WHO ARE THE~~ *[91]* ~~MILITARY POWER WITH~~ **THAT THAT NAME HAS** REFERENCE TO THE PARTIES WHO WERE THE SURVIVERS OF THAT NAUVOO LEGION. BY MR. BASKIN: YES, SIR. THIS CREATE~~D~~S THE ORGANIZATION CALLED THE NAUVOO LEGION; BUT THEN THE GENERAL INFERENCE WAS HERE: **"**HE DRAGS IN IT**"** A THING THAT HAD ~~A~~ **THAT** NAME ONLY OF NAUVOO, WHEN **IN FACT** ~~THE~~ **THIS** ORGANIZATION ~~THAT~~ WAS FORMED ON THE NUCLEUS OF **THAT** ~~THIS,~~ WAS FORMED UPON THE OLD

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RS	PS	RT	BT
ORGANIZATION. K SMITH WAS COMMITTED PERJURY SIMPLY BECAUSE HE HAD BIAS AGAINST CHURCH HAVE I BEEN STATING SUBTERFUGES; IT IS PAINFUL TALK OF SUCH THINGS AS THIS [*space*] THE MASSACRE WAS ONE TOO HORRIBLE TOO TERRIBLE BE DISPOSED OF BY SUCH SUBTERFUGES. I WISH CALL YOUR ATTENTION TO ANOTHER FACT; 23 SECTION OF THIS ORGANIZATION PROVIDES FOR GENERAL COURT MARTIAL SHALL HAVE GENERAL	ORGANIZATION —[?] *EFFECT/FACT*[?] COMMITTED PERJURY SIMPLY BECAUSE BIAS AGAINST MORMON CHURCH HAVE I BEEN SUCH SUBTERFUGES IT IS PAINFUL TO TALK OF SUCH THINGS AS THAT [*space*] IT IS TOO FATAL IN ITS CONSEQUENCES THE MASSACRE WAS ONE TOO HORRIBLE AND TERRIBLE TO BE DISPOSED OF BY SUCH SUBTERFUGES [*space*] I WISH TO CALL YOUR 23 SECTION ON THIS [*space*]	ORGANIZATION. KLINGENSMITH, HAS COMMITTED PERJURY SIMPLY BECAUSE HE HAD BIAS AGAINST A MORMON JURY. HAVE I BEEN STATING SUBTERFUGES? IT IS PAINFUL TO TALK OF SUCH THINGS AS THAT. THE MASSACRE WAS ONE TO TERRIBLE, AND TOO FATAL IN ITS CONSEQUENCES TO BE DISPOSED OF BY SUCH SUBTERFUGES. I WISH TO CALL YOUR ATTENTION TO ANOTHER FACT: THE 23 SECTION OF THIS ORGANIZATION PROVIDES FOR A GENERAL COURT MARTIAL WHICH SHALL HAVE GENERAL	ORGANIZATION. KLINGENSMITH, HAS COMMITTED PERJURY SIMPLY BECAUSE HE HAD BIAS AGAINST A MORMAN JURY. HAVE I BEEN STATING SUBTERFUGES? IT IS PAINFUL TO TALK OF SUCH THINGS AS THAT. THE MASSACRE WAS ONE TO TERRIBLE, AND TOO FATAL IN ITS CONSEQUENCES TO BE DISPOSED OF BY SUCH SUBTERFUGES. I WISH TO CAL**L** YOUR ATTENTION TO ANOTHER FACT~~:~~. THE 23 SECTION OF THIS **STATUTE** ~~ORGANIZATION~~ PROVIDES FOR A GENERAL COU~~E~~RT MARTIAL WHICH SHALL HAVE GENERAL

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RS	PS	RT	BT
JURISDICTION. 427 **P.M** <NOW WHAT DO WE SEE> I HAVE ALREADY REFERRED YOU TO FACT THAT AT THE TIME OF THIS MOUNTAIN MEADOW FOR ~~<~~ALMOST~~>~~ 18 YEARS SUBSEQUENT *MORE*[?] POLITICAL POWER OF THE TERRITORY WERE IN THE MORMON CHURCH, THEY HAD A PERFECT COMPLETE MACHINERY IN EVERY COUNTY AND *COULD/COURT*[?] EXERCISED JURISDICTION AUTHORIZED THEM TO TRY THIS CRIME THEY HAD A PROSECUTING OFFICER, WHOSE DUTY IT WAS TO HAVE DONE IT	*[[34]]* NOW WHAT DO WE SEE, I HAVE ALREADY REFERRED YOU TO THE FACT THAT AT THE TIME OF THIS MOUNTAIN MEADOW FOR ALMOST I8 YEARS SUBSEQUENT THE POLITICAL POWERS OF THE TERRITORY WERE IN THE MORMON CHURCH, THEY HAD A PERFECT AND COMPLETE MACHINERY IN THE *VERY*[?] COUNTY AND ACCORDINGLY EXERCISED JURISDICTION THAT AUTHORIZED THEM TO TRY THIS CRIME THEY HAD A PROSECUTING OFFICER WHO WAS TO HAVE DONE IT	JURISDICTION, WHICH COUNSEL PROCEEDED WITH AND READ IN FULL. NOW, WHAT DO WE SEE? I HAVE ALREADY REFERRED YOU TO THE FACT THAT AT THE TIME OF THIS MOUNTAIN MEADOW MASSACRE AND FOR ALMOST I8 YEARS SUBSEQUENT, THE POLITICAL POWERS OF THE TERRITORY WERE IN THE MORMON CHURCH; THEY HAD A PERFECT, COMPLETE ~~K~~MACHINERY IN EVERY COU~~L~~NTY, AND ACCORDINGLY EXERCISED JURISDICTION THAT AUTHORIZED THEM TO CONTR~~I~~OL THIS CRIME. THEY HAD A PROSECUTING OFFICER WHOSE DUTY IT WAS TO HAVE DONE IT .	JURISDICTION~~,~~**.** **[**WHICH COUNSEL PROCEEDED **TO** ~~WITH AND~~ READ IN FULL**]**. NOW, WHAT DO WE SEE? I HAVE ALREADY REFERRED YOU TO THE FACT THAT AT THE TIME OF THIS MOUNTAIN MEADOW MASSACRE AND FOR ALMOST I8 YEARS SUBSEQUENT, THE POLITICAL POWERS OF THE TERRITORY WERE IN THE MORMON CHURCH: **T**HEY HAD A PERFECT, COMPLETE ~~K~~MACHINERY IN EVERY COU~~L~~NTY, AND ACCORDINGLY EXERCISED JURISDICTION THAT AUTHORIZED THEM TO CONTR~~I~~OL THIS CRIME. THEY HAD A PROSECUTING OFFICER WHOSE DUTY IT WAS TO HAVE DONE IT .

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RS	PS	RT	BT
TERRITORIAL MARSHAL OF TERRITORY, HAD RIGHT TO GO OUT **ON AN** OPEN VENUE [*space*] FOR 18 YEARS IT SLEPT WE HAVE MILITIA ORGANIZATION; IT WAS SHOWN ≤THAT THE≥ MILITIA FIGURED IN THIS MANNER AS AN APPENDAGE TO {THE}[i] MORMON CHURCH WE TURN TO THAT LAW <AND I THANK THE GENTLEMAN FOR CALLING MY ATTENTION TO IT> WE FIND A PROVISION IN THERE FOR A COURT MARTIAL IN VIOLATION OF MILITARY ETHICS. LET US SUPPOSE A CASE WHERE TWO HOSTILE ARMIES ARE CONFRONTING EACH OTHER,	THE TERRITORIAL MARSHAL OF THE TERRITORY HAD A RIGHT TO GO OUT [*space*] OPEN VENUE AND *SLKS*[?] ANY MAN FOR I8 YEARS IT SLEPT IN A MILITIA ORGANIZATION [*space*] IT FIGURED INTO [*space*] WE TURN TO THAT LAW AND I ~~TURN~~ THANK THE GENTLEMAN FOR CALLING MY ATTENTION TO IT WE FIND A PROVISION IN THERE FOR A COURT MARTIAL BY THE *MILITIA*[?] LET US SUPPOSE A CASE WHERE TWO HOSTILE ARMIES ARE CONFRONTING EACH OTHER,	THE TERRITORIAL MARSHAL OF THE TERRITORY HAD A RIGHT TO GO OUT ON AN OPEN VENIRE AND SECURE ANY MAN.. FOR I8 YEARS IT SLEPT IN A MILITIA ORGANIZATION; AND IT WAS SHOWN THAT THE MILITIA FIGURED IN THIS MATTER AS AN APPENDAGE TO THE MORMON CHURCH. WE TURN T THAT LAW AND I THANK THE GENTLEMAN FOR CALLING MY ATTENTION TO IT . WE FIND A PROVISION IN THERE FOR A COURT MARTIAL OF THE MARSHAL, IN VIOLATION OF MILITARY ETHICS. LET US SUPPOSE A CASE WHERE TWO HOSTILE ARMIES ARE CONFRONTING EACH OTHER,	THE TERRITORIAL MARSHAL OF THE TERRITORY HAD A RIGHT TO GO OUT ON AN OPEN VENIRE AND SECURE ANY MAN.. FOR I8 YEARS IT SLEPT IN A MILITIA ORGANIZATION; AND IT WAS SHOWN THAT THE MILITIA FIGURED IN THIS MATT~~3~~ER AS AN APPENDAGE TO THE MORMON CHURCH. WE TURN T**O** THAT LAW AND I THANK THE GENTLEMAN FOR CALLING MY ATTENTION TO IT . WE FIND A PROVISION IN THERE FOR A COURT MARTIAL **BY** ~~OF~~ THE MARSHAL, IN VIOLATION OF MILITARY ETHICS. LET US SUPPOSE A CASE WHERE TWO HOSTILE ARMIES ARE CONFRONTING EACH OTHER,

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RS	PS	RT	BT
AND SOME GENERAL OR SOME DIVISION SENT OUT ON HIS DUTY AND HE UNDER **A** FLAG OF TRUCE	AND SOME GENERAL A DIVISION OFFICER IS SENT OUT UPON HIS DUTY AND HE UNDER FLAG OF TRUCE WITHIN WAR STATE OF WAR	AND SOME GENERAL OR SOME ADVISE IS SENT OUT ON HIS DUTY AND HE IS UNDER A FLAG OF *[92]* TRUCE ,	AND SOME GENERAL ~~OR SOME ADVISE~~ IS SENT OUT ON HIS DUTY AND HE IS UNDER A FLAG OF *[92]* TRUCE ,
DECOYS WOMEN AND CHILDREN OUT FROM THEIR STRONGHOLD, OUT FROM THE SAME CITY, HE TELLS	DECOYS WOMEN AND CHILDREN OUT FROM THEIR STRONGHOLD OUT FROM SOME CITY [*space*] STATIONED	AND HE DECOYS WOMEN AND CHILDREN OUT FROM THEIR STRONGHOLD, OUT FROM THE SAME CITY , AND HE TELLS	AND HE DECOYS WOMEN AND CHILDREN OUT ~~O~~FROM THEIR STRONGHOLD, OUT FRO~~K~~M THE SAME CITY , AND HE TELLS
HIS SOLDIERS LAYS IN WAIT AS HE COMES ALONG HE BLOWS THEM AWAY;	SOLDIERS ~~<~~ */CAME ALONG*[?]~~>~~	HIS SOLDIERS IN THE MEAN TIME TO SAY IN WAIT. AS HE COMES ALONG HE BLOWS THEM AWAY,	HIS SOLDIERS IN THE MEAN TIME TO **LAY** ~~SAY~~ IN WAIT. AS HE COMES ALONG HE BLOWS THEM AWAY,
SENDS THEM TO ETERNITY, WITHOUT EVEN {**A**}^{i} CHANCE {OF}^{i} OFFERING UP LAST SUPPLICATION TO THEIR GOD	SENDS THEM TO ETERNITY WITHOUT EVEN CHANCE TO [*space*]	SENDS THEM TO ETERNITY WITHOUT EVEN A CHANCE OF OFFERING ~~THEM~~ UP A LAST SUPPLICATION TO THEIR GOD.	SENDS THEM TO ETERNITY WITHOUT EVEN A CHANCE OF OFFERING T~~HEM~~ UP A LAST SUPPLICATION TO THEIR GOD.
WHAT WOULD RESULT, WHAT WOULD BE ACTION IF SUCH A CASE WOULD OCCUR IN ARMIES	WHAT WOULD BE THE RESULT WHAT WOULD BE THE ACTION IN SUCH A CASE */AND/WHO*[?] ACCORDING TO THE ARMIES	WHAT WOULD BE THE RESULT IN SUCH A CASE? WHAT WOULD BE THE ACTION IN SUCH A CASE? THE LAW ACCO- TO THE ARMEYS	WHAT WOULD BE ~~O~~THE RESULT IN SUCH A CASE? WHAT WOULD BE THE ACTION IN SUCH A CASE? THE LAW ACCO**RDING** TO THE ARMEYS

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RS	PS	RT	BT
WHERE THERE WAS HOSTILITY IN ANY PLACE WHERE CIVILIZED MEN EXIST, ⪡?⪢ RESULT WOULD *HAVE/*—[?] THERE WOULD NOT BE {**A**}[i] TRIAL WOULD NOT OCCUPY 10 <20 **OR** 30> DAYS ⪡IN THE⪢ INVESTIGATION OF {THE}[i] CASE BY DRUMHEAD MARTIAL MEN WHO WAS {THE}[i] LEADERS; PARTICIPATORS IN IT WOULD BE TRIED {AT THE DRUMHEAD}[i] TIED TO {THE}[i] CANNON'S MOUTH AND BLOWED INTO ATOMS FOR THE OFFENSE. NOW SIR, LOOK AT THE TWO CASES HERE WAS **A** CASE WHERE PEACEABLE EMIGRANTS WAS PASSING THROUGH COUNTRY IT WAS NOT THEIR	WHERE THERE WAS HOSTILE —[?] BETWEEN [*space*] RESULT WOULD NOT BE A TRIAL THAT WOULD HAVE OCCUPIED 10 20 OR 30 DAYS IN INVESTIGATION [*space*] BUT BE DRUMHEAD COURT MARTIAL THE PARTICIPATORS IN IT WOULD BE TRIED BY DRUM-HEAD WOULD BE TIED IN TO CANNON'S MOUTH AND BLOWED TO ATOMS FOR THE OFFENSE NOW LOOK AT THE TWO CASES, HERE WAS CASE WHERE PEACEABLE EMIGRANTS WERE PASSING THROUGH THE TERRITORY MERELY NO	WHERE THERE WAS HOSTILE⪡ITY— WHERE CIVILIZED MEN EXIST, THE RESULT WOULD BE, THERE WOULD NOT BE A TRIAL THAT WOULD OCCUPY 10, 20 OR 30 DAYS IN THE INVESTIGATION OF THE CASE BY A DRUM-HEAD COURT MARTIAL. MEN WHO WERE THE LEADERS AND PARTICIPATORS IN IT WOULD BE TRIED AT THE DRUM-HEAD, WOULD BE TIED TO THE CANNON'S MOUTH AND BLOWED INTO ATOMS FOR THE OFFENSE. NOW, SIR, LOOK AT THE TWO CASES. THERE WAS A CASE WHER E PEACEABLE EMIGRANTS WAS PASSING THROUGH THE COUNTRY. IT WAS NOT THIER	WHERE THERE WAS HOSTILE⪡ITY— WHERE CIVILIZED MEN EXIST, THE RESULT WOULD BE, THERE WOULD NOT BE A TRIAL THAT WOULD OCCUPY I0, 20 OR 30 DAYS IN THE INVESTIGATION OF THE CASE BY A DRUM-HEAD COURT MARTIAL ⪡**BU**T MEN WHO WERE THE LEADERS AND PARTICIPATORS IN IT WOULD BE TRIED AT THE DRUM-HE⪡RAD, WOULD BE TIED TO THE CANNON'S MOUTH AND BLOWED INTO ATOMS FOR THE OFFENSE. NOW, SIR, LOOK AT THE TWO CASES. THERE WAS A CASE WHER E PEACABLE EMIGRANTS WAS PASSING THROUGH THE COUNTRY. IT WAS NOT THIER

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RS	PS	RT	BT
OBJECT TO SOJOURN WITH {THE}[i] LATTER-DAY SAINTS;	VISION TO SOJOURN AMONG LATTER-DAY SAINTS [*space*]	OBJECT TO SOJOURN HERE WITH THE LATTER-DAY SAINTS, BUT THEY WERE GOING AND	OBJECT TO SOJOURN HERE WITH THE LATTER-DAY SAINTS, BUT THEY WERE GOING AND
GOING {ON AND PASSING TO THE}[i] SUNNY CLIME OF CALIFORNIA HAVING BECOME TIRED > PROBABLY	≤PASSING WAY TO CALIFORNIA≥	PASSING ON THE SUNNY CLIME OF CALIFORNIA, HAVING BECOME TIRED PROBABLY	PASSING ON TO THE SU~~M~~NNY CLIME OF CALIFORNIA, HAVING BECOME TIRED PROBABLY **OF THE COUNTRY**
	THEY HAVING HAD HAD HEARD OF ITS RICH VALLEYS RICH *MEADOWS*[?] *[[35]]* PROBABLY	THEY HAD LEFT AND HAVING HEARD OF ITS RICH VALLEYS AND FINE MEADOWS, PROBABLE	THEY HAD LEFT AND HAVING HEARD OF ITS RICH VALLEYS AND FINE MEADOWS, ~~S~~PROBABLE
SOME RESTLESS SPIRIT AMONG THEM HAD BEEN {= AND}[i]	SOME RESTLESS SPIRIT AMONG THEM [*space*]	SOME RESTLESS SP IRIT AMONG THEM HAD BEEN THERE AND RETURNING,	SOME RESTLESS SPIRIT AMONG THEM HAD BEEN THERE AND RETURNING,
HAVING SEEN COUNTRY	HE WILL HAVE TOLD THE TALE TO HIS *FRIENDS WARMLY*[?]	HAVING SEEN THE COUNTRY,	**AND** HAVING SEEN THE COUNTRY,
PREVAILED UPON THEM START TO THIS NEW WORLD, BUILD A NEW HOME AND **A** NEW COMMUNITY	PREVAILED UPON THEM TO START TO THIS ≤NEW≥ WORLD [*space*]	HE PREVAILED UPON THEM TO START TO THIS NEW WORLD AND BUILD UP NEW HOMES IN A NEW COMMUNITY.	HE PREVAILED UPON THEM TO START TO THIS NEW WORLD AND BUILD UP NEW HOMES IN A NEW COMMUNITY.
THEY WERE ON AMERICAN SOIL {THE}[i] FLAG	THEY WERE ON AMERICAN AND THE FLAG	THEY WERE ON AMERICAN SOIL, AND THE FLAG	THEY WERE ON AMERICAN SOIL, AND THE FLAG

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RS	PS	RT	BT
OF COUNTRY SHOULD HAVE GIVEN THEM PROTECTION; {BECAUSE THE}[i] FLAG SHOULD PROTECT {ALL OF}[i] ITS CITIZENS WHEREVER IT WAVES	OF THE COUNTRY [*space*] GIVEN THEM PROTECTION, BECAUSE FLAG SHOULD PROTECT CITIZENS WHEREVER IT WAVES IF THERE BE ANY WHERE	OF THE COUNTRY SHOULD HAVE GIVEN T THEM PROTECTION, BECAUSE THE FLAG SHOULD PROTECT ALL OF IT~~C~~S CITIZENS WHERE EVER IT WAVES IF THERE BE ANY WHERE	OF THE COUNTRY SHOULD HAVE GIVEN T**O** THEM PROTECTION, BECAUSE THE FLAG SHOULD PROTECT ALL OF IT~~W~~S CITIZENS WHERE EVER IT WAVES IF THERE BE ANY WHERE **THAT**
IT IS TRUE {THAT}[i] SOME EVIDENCE STATES {THAT}[i] JOHNSTON'S ARMY WAS {IN THE ROCKY MOUNTAINS}[i] SOMEWHERE COMING HERE	SOME EVIDENCE STATES THAT JOHNSTON'S ARMY WAS IN THE ROCKY MOUNTAINS	THEY ARE. IT IS TRUE THAT SOME EVIDENCE STATES THAT JOHNSON'S ARMY WAS IN THE ROCKY MOUNTAINS COMING HERE.	THEY ARE. IT IS TRUE THAT SOME EVIDENCE STATES THAT JOHNSON'S ARMY WAS IN THE ROCKY MOUNTAINS COMING HERE.
THERE WAS NO WAR NO HOSTILE FORCES	THERE NO WAR NO HOSTILE FORCES ADVANCING TOWARD	THERE WAS NO WAR, NO HOSTILE FORCES ARMED ARMED AGAINST ~~THESI~~ THIS PEOPLE, THEY WERE	THERE WAS NO WAR, NO HOSTILE FORCES ARMED ~~ARMED~~ AGAINST ~~THESI~~ THIS PEOPLE, THEY WERE
ARMED ONLY TO PROTECT THEMSELVES AGAINST INDIANS WE SEE THE MILITIA ORGANIZATION, WHICH IS ORGANIZATION NOT TO VIOLATE LAW =	ARMED ONLY AGAINST INDIANS [*space*] MILITIA ORGANIZATION WHICH IS ORGANIZED NOT TO VIOLATE ~~LAW~~	ARMED ONLY TO PROTECT THEMSELVES AGAINST THE INDIANS. WE SEE A MILITIA ORGANIZATION, WHICH IS AN ORGANIZATION NOT TO VIOLATE LAW ,	ARMED ONLY TO PROTECT THEMSELVES AGAINST THE INDIANS. WE SEE A MILITIA ORGANIZATION, WHICH IS **AN** ~~ANS~~ ORGANIZATION NOT TO VIOLATE LAW ,

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RS	PS	RT	BT
BUT TO PROTECT THE CITIZENS AND IT IS BY THIS ORGANIZATION FOR THAT PURPOSE A BAND OF THIS MILITIA THE LEADERSHIP OF WHICH = THE GENERAL OF WHICH = THE LIEUTENANT OF WHICH WAS DANIEL **H**. WELLS SECOND IN COMMAND TO BRIGHAM YOUNG LEADER OF CHURCH WHAT IS THE RESULT; THESE EMIGRANTS HAVING BEEN BELEAGUERED BY {THE}[i] INDIANS, ARE DECOYED OUT, AMBUSHED IS CORRECT WHEN THEY GET IN THE AMBUSH MOST SHOCKING CRIME THAT HAS EVER	[*space*] *PRP*[?] [*space*] IT IS BY THIS ORGANIZATION *THAT/WITHOUT*[?] *SKT/SKRT*[?] OR *LF*[?] AND *PR*[?] SHOULD BE DONE [*space*] THE LIEUTENANT GENERAL OF WHICH WAS DANIEL H. WELLS SECOND IN COMMAND TO BRIGHAM YOUNG [*space*] THESE EMIGRANTS HAVING BEEN BELEAGUERED BY THE INDIANS AMBUSH OCCURRED A SHOCKING CRIME THAT EVER	BUT TO PROTECT THE CITIZENS, AND IT IS BY ITS ORGANIZTION FOR THAT PURPOSE. *[93]* A COMPANY OF THIS MILITIA, THE LEADER OF W ICH WAS THE GENERAL HAVING THE CHARGE—THE LIEUTENANT OF WHICH WAS DANIEL H. WELLS, SECOND IN COMMAND TO BRIGHAM YOUNG, THE LEADER OF THE CHURCH. WHAT IS THE RESULT ? THESE EMIGRANTS HAVING BEEN BELEAGURED BY THE INDIANS FOR SEVERAL DAYS ARE DECOYED OUT— AMBUSHED , IS MORE CORRECT; AND WHEN THEY GET IN THE AMBUSH, THE MOST SHOCKING CRIME THAT HAS EVER	BUT TO PROTECT THE CITIZENS, AND IT IS **TO BE AN** ~~BY ITS~~ ORGANIZATION FOR THAT PURPOSE. *[93]* A COMPANY OF THIS MILITIA, THE LEADER OF W**H**ICH WAS THE GENERAL HAVING THE CHARGE—THE LIEUTENANT **GENERAL** OF WHICH WAS DANIEL H. WELLS, SECOND IN COMMAND TO BRIGHAM YOUNG, THE LEADER OF THE CHURCH. WHAT IS THE RESULT ? THESE EMIGRANTS HAVING BEEN BELEAGURED BY THE INDIANS FOR SEVERAL DAYS ARE DECOYED OUT— AMBUSHED , IS MORE CORRECT; AND WHEN THEY GET IN THE AM~~N~~BUSH, THE MOST SHOCKING CRIME THAT HAS EVER

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DISGRACED CIVILIZATION OCCURRED MEN WOMEN CHILDREN ARE <MERCILESSLY> MURDERED IN COLD BLOOD <AND DONE UNDER A MILITARY ORGANIZATION> DANIEL. **H.** WELLS. SECOND IN COMMAND, IS LEADER OF THAT CHURCH ORGANIZATION, IN WHICH HE IS CONNECTED AUTHORIZED HIM TO COURT MARTIAL MAN WHO HAS VIOLATED RULES <OF MILITARY> OF LAW [*space*] IF THAT WAS DONE BY MILITIA IT COULD NOT HAVE BEEN BROUGHT TO HIS ATTENTION FLOATING RUMORS ~~OF IT~~ IF [30]	DISGRACED CIVILIZATION [*space*] MEN WOMEN AND CHILDREN MURDERED IN COLD BLOOD [*space*] DONE UNDER MILITIA ORGANIZATION DANIEL H. WELLS AS LEADER OF THAT CHURCH ORGANIZATION AUTHORIZED HIM TO [*space*] WE —/*SAID*[?] SAID *OUTSET*[?] DANIEL H. WELLS IF THAT WAS DONE BY THE MILITIA IT HAS BEEN BROUGHT TO OUR ATTENTION FLOATING RUMORS HAVE EXISTED HERE FOR YEARS FACT IS IF	DISGRA~~V~~CED CIVILIZATION OCCURRED. MEN, WOMEN AND CHILDREN ARE MERCILESSLY MURDERED IN COLD BLOOD, AND DONE UNDER A MILITAR~~U~~Y ORGANIZATION. DANIEL H. WELL~~,~~S, SECOND IN COMMAND IS THE LEADER OF THAT CHURCH ORGANIZATION IN WHICH HE IS CONNECTED , AUTHORIZED HIM TO COURT MARTIAL THE MEN WHO HAS VIOLATED THE RULES OF MILITARY LAW, IF THAT WAS DONE BY THE MILITIA. IT HAS BEEN BROUGHT TO OUR AT ENTION THAT FLOATING RUMORS HAVE EXISTED HERE FOR YEARS AS TO JOHNSON'S ARMY.	DISGRA~~V~~CED CIVILIZATION OCCURRED. MEN, WOMEN AND CHILDREN ARE MERCILESSLY MURDERED IN COLD BLOOD, AND DON~~3~~E UNDER A MILITAR~~U~~Y ORGANIZATION. DANIEL H. WELL~~,~~S, SECOND IN COMMAND IS THE LEADER OF THAT CHURCH ORGANIZATION IN WHICH HE IS CONNECTED; **COULD HAVE** AUTHORIZED HIM TO COURT MARTIAL THE MEN WHO HAS VIOLATED THE RULES OF MILITARY LAW, IF THAT WAS DONE BY THE MILITIA. IT HAS BEEN BROUGHT TO OUR AT**T**ENTION THAT FLOATING RUMORS HAVE EXISTED HERE FO R YEARS AS TO JOHNSON'S ARMY.

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LOOKED AT, IF THESE MEN HAD DONE THEIR DUTY = IF THE CHURCH WAS NOT RESPONSIBLE FOR THIS MOST HEINOUS CRIME THESE MEN WOULD NOT HAVE BEEN LIBERTY FOR THIS LONG AND AT THIS TRIAL DANIEL **H**. WELLS IF THEY HAD HEARTS OF MEN IN THEIR BODY WOULD HAVE ORDERED MEN WHO LED THAT MASSACRE, TRIED THEM BY DRUM HEAD COURT MARTIAL, WOULD HAVE BLOWN THEM AWAY AT MOUTHS OF	LOOKED AT WAS THERE EVER ANY COURT MARTIAL IF THESE MEN HAD DONE THEIR DUTY AND THE CHURCH WAS NOT RESPONSIBLE FOR THIS MOST HEINOUS CRIME [*space*] WHAT WOULD <*NOT/HAVE*[?]> BEEN THE RESULT *BUT/AND*[?] DANIEL H. WELLS ~~<~~LEADERS OF MORMONS~~>~~ IF THEY HAD [*space*] WOULD HAVE [*space*] ORDERED THEM TRIED THEM DRUM HEAD COURT MARTIAL AND BLOWN THEM AWAY AT THE MOUTHS OF	IF THESE MEN HAD ~~S~~DONE THEIR DU~~R~~TY , IF THE CHURCH WAS NOT RESPONSIBLE FOR THIS MOST HEINOUS CRIME, THESE MEN WOULD NOT HAVE BEEN AT LIBBERTY ALL THIS LONG AND WITH US NOW AT THIS TRIAL. DANIAL H. WELLS AND OTHERS IF THEY HAD HAD THE HEARTS OF MEN IN THEIR BODIES WOULD HAVE ARRESTED THE ME~~N~~WHO LED THAT MASSACRE , TRIED THEM BY DRUM-HEAD COURTMARTIAL AND WOULD HAVE PLOWN THEM AWAY AT THE MOUTHS OF	IF THESE MEN HAD ~~S~~DONE THEIR DU~~R~~TY ~~,~~ IF THE CHURCH WAS NOT RESPONSIBLE FOR THIS MOST HEINOUS CRIME, THESE MEN WOULD NOT HAVE BEEN AT LIBBERTY ALL THIS LONG AND WITH US NOW AT THIS TRIAL. DANIAL H. WELLS AND OTHERS IF THEY HAD HAD THE HEARTS OF MEN IN THEIR BODIES WOULD HAVE ARRESTED THE **MEN WHO** ~~MENWHO~~ LED THAT MASSACRE , TRIED THEM BY DRUM-HEAD COURTMARTIAL AND WOULD HAVE ~~P~~**B**LOWN THEM AWAY AT THE MOUTHS OF

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MUSKETS. WHY WAS IT NOT DONE; I ASK YOU WHY WAS IT NOT DONE? SO MUCH THEN FOR SUGGESTION NAUVOO LEGION IS DRAGGED IN HERE WHY I ASK YOU HAVE THESE THINGS NOT BEEN DONE. COMMON HUMANITY DEMANDS IT = DEMANDS IT OF BRIGHAM YOUNG, DANIEL **H**. WELLS OF THIS AMERICAN MILITIA, THAT MURDERS IN BLOOD TO HAVE ARRAIGNED THEM AND SHOT EVERY LIVING SOUL OF THEM AWAY BEFORE {THE}[i]	THE MUSKETS OF THE MILITIA WAS IT DONE I ASK YOU WHY WAS IT DONE [*space*] SO MUCH THEN FOR THE GENTLEMAN'S SUGGESTION THAT THE NAUVOO LEGION WAS DRAGGED IN HERE WHY HAVE THESE THINGS NOT BEEN DONE [*space*] COMMON HUMANITY DEMANDS IT OF BRIGHAM YOUNG DANIEL *WELLS*[?] LIEUTENANT OR GENERAL OF THIS AMERICAN *[[36]]* MILITIA THAT MURDERS IN COLD BLOOD MEN WOMEN AND CHILDREN SHOT EVERY LIVING SOUL OF THEM AWAY BEFORE THE	THEIR MUSKETS. WHY WAS IT NOT DONE, AND I ASK YOU NOW , GENTLEMEN, OF THE JURY, WHY WAS IT NOT DONE? SO MUCH THEN FOR THE SUGGESTION THAT THE NAUVOO LEGION WAS DRAGGED IN HERE. WHY, I ASK YOU HAVE THESE THINGS NOT BEEN DONE? COMMON HUMANITY DEMANDS IT— DEMANDS IT OF BRIGHAM YOUNG, DANIEL H. WELLS,, LIEUTENANT GENERAL OF THIS AMERICAN MILITIA THAT MURDERS IN COLD BLOOD, TO HAVE ARRAIGNED THEM AND SHOT EVERY LIVING SOLE OF THEM AWAY BEFORE THE	THEIR MUSKETS. WHY WAS IT NOT DO~~W~~NE, AND I ASK YOU NOW , GENTLEMEN, OF THE JURY, WHY WAS IT NOT DON~~W~~E? SO MU~~S~~CH THEN FOR THE SUGGE~~N~~STION THAT THE NAUVOO LEGION WAS DRAGGED IN HERE. WHY, I ASK YOU HAVE THESE THINGS NOT BEEN DONE? COMMON HUMANITY DEMANDS IT— DEMANDS IT OF BRIGHAM YOUNG, DANIEL H. WELLS,~~,~~ LIEUTENANT GENERAL OF THIS AMERICAN MILITIA ~~THAT~~ MURDERS IN COLD BLOOD, TO HAVE ARRAIGNED THEM AND SHOT EVERY LIVING SOLE OF THEM AWAY BEFORE THE

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MOUTHS OF MUSKETS IT WAS NOT DONE AND I APPEAL TO THIS {**MORMON**}[i] COMMUNITY AND ASK YOU WHY IT WAS NOT DONE, IN THE NAME OF JUSTICE I ASK. WHY SIR CIVIL COURTS IN THOSE COUNTIES OUGHT TO HAVE BEEN RELIEVED THE TERRIBLE TOIL AND VEXATION IN THE INVESTIGATION THIS CASE AT THIS TIME. NOW ALL OF {THE}[i] COUNSEL REFER TO BILL HICKMAN BILL HICKMAN HAS NOT FIGURED IN {THE}[i] CASE EXCEPT BROUGHT HERE *2*[?] THE MEN BROUGHT WERE	MOUTHS OF MUSKETS IT WAS NOT DONE I APPEAL TO THIS MORMON COMMUNITY AND ASK WHY IT WAS NOT DONE WHY SIR THE CIVIL COURTS IN THOSE COUNTIES OUGHT TO HAVE BEEN RELIEVED FROM THE TERRIBLE TOIL AND VEXATION OF INVESTIGATION [*space*] AT THIS TIME [*space*] ¶[635] NOW ALL OF THE COUNSEL REFER TO BILL HICKMAN [*space*] BILL HICKMAN HAS NOT FIGURED IN THE CASE	MOUTHS OF MUSKETS. IT WAS NOT DONE, AND I APPEAL TO THIS MORMON COMMUNITY, AND ASK YOU WHY IT WAS NOT DONE, IN THE NAME OF JUSTICE I ASK? WHY, SIR, SEVERAL OF THE COURTS IN THOSE COUNTIES OUGHT TO HAVE BEEN RELIEVED FROM THE TERRIBLE TOIL AND VEXATION IN THE INVESTIGATION *[94]* OF THIS CASE. NOW, ALL OFTHE COUNSEL REFER TO BILL HICKMAN. BILL HICKMAN HAS NOT FIGURED IH THE CASE SAVE AND EXCEPT THAT HE WAS BROUGHT HERE BY AN OFFICER; THE MAN BROUGHT HIM	MOUTHS OF MUSKETS. IT WAS NOT DONE, AND I APPEAL TO THIS MORMON COMMUNITY, AND ASK YOU WHY IT WAS NOT DONE, IN THE NAME OF JUSTICE I ASK? WHY, SIR, SEVERAL OF THE COURTS IN THESE COUNTIES OUGHT TO HAVE BEEN RELIEVED FROM THE TERRIBLE TOIL AND VEXATION IN THE INVESTIGATION *[94]* OF THIS CASE. NOW, ALL OFTHE COUNSEL REFER TO BILL HICKMAN. BILL HICKMAN HAS NOT FIGURED IHN THE CASE SAVE AND EXCEPT THAT HE WAS BROUGHT HERE BY AN OFFICER; THE MAN BROUGHT HIM

635. Appears to be in Rogerson's hand.

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RS	PS	RT	BT
UNDER ATTACHMENT. AND THEY ATTEMPT BY INNUENDO INSINUATION TO MAKE {**A**}[i] BUGABOO THAT BILL HICKMAN BROUGHT WITNESS IN THIS COURT WHO I ASK IS BILL HICKMAN THEY REFER TO HIM, THEY DO NOT ANALYZE HIS CHARACTER; BUT REFER TO HIM IN SUCH A WAY {AS TO}[i] IMPRESS UPON THIS COMMUNITY WAS ODIOUS CHARACTER WHO IS BILL HICKMAN WHAT HAS GIVEN HIM NOTORIETY {THAT}[i] THEY SEEM TO	UNDER ATTACHMENT ISSUED BY THE COURT ATTEMPT NOW BY INNUENDO INSINUATION TO MAKE A BUGABOO OF THE FACT THAT [*space*] BROUGHT WITNESSES TO THE COURT [*space*] WHO I ASK YOU IS BILL HICKMAN THEY REFER TO HIM THEY DO NOT ANALYZE HIS CHARACTER BUT REFER TO HIM IN SUCH A WAY AS TO IMPRESS UPON THE JURY ~~M~~ [*space*] WHO I ASK YOU IS THIS MAN BILL HICKMAN IS AND WHAT IS IT THAT HAS GIVEN HIS NOTORIETY THE INFAMOUS NOTORIETY AS THEY SEEM TO	HERE UNDER ATTACHMENT/ AND THE**Y** ATTEMPT BY INUENDO AND INCINUATION TO MAKE A BUGABOO OF THE FACT OF IT — THAT BILL HICKMAN WAS BROUGHT HERE AS A WITNESS IN THIS MATTER OF THE COURT. WHO, I ASK YOU, IS BILL HICKMAN? THEY REFER TO HIM—THEY DO NOT ANALYSE HIS CHARACTER, BUT REFER TO HIM IN SUCH A WAY AS TO IMPRESS UPON THE JURY AND THIS COMMUNITY WHAT ODIOUS CHARACTER THAT BILL HICKMAN HAS. WHAT HAS GIVEN HIM THIS NOTERIETY THAT THEY SEEM TO	HERE UNDER ATTACHMENT/ AND THE**Y** ATTEMPT BY INNUENDO AND INCINUATION TO MAKE A BUGABOO OF THE FACT OF IT —THAT BILL HICKMAN WAS BROUGHT HERE AS A WITNESS IN THIS MATTER OF THE COURT. WHO, I ASK YOU, IS BILL HICKMAN? THEY REFER TO HIM—THEY DO NOT ANALYSE HIS CHARACTER, BUT REFER TO HIM IN SUCH A WAY AS TO IMPRESS UPON THE JURY AND THIS COMMUNITY WHAT AN ODIOUS CHARACTER THAT BILL HICKMAN **IS** ~~HAS~~. WHAT HAS GIVEN HIM THIS NOTORIETY THAT THEY SEEM TO

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SUGGEST WHY SIR THIS MAN BILL HICKMAN IF HE IS NOTORIOUS, IT IS BY VIRTUE HIS RELATION WITH BRIGHAM YOUNG AND THE MORMON CHURCH IF BILL HICKMAN IS STEEPED IN CRIME (AS THEY INSINUATE) IT WAS BY REASON OF THE FACT HE WAS CONFIDENTIAL AGENT OF THIS THING CALLED CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND BILL HICKMAN LIKE OTHERS = LIKE K SMITH, JOEL WHITE CRIMES AND BURDENS THAT HAVE BEEN HEAPED UPON THEM IN CONNECTION WITH THAT MORMON CHURCH MAY HAVE	SUGGEST WHY SIR THIS MAN BILL HICKMAN IT WAS BY VIRTUE OF HIS RELATIONS WITH BRIGHAM YOUNG AND MORMON CHURCH IF BILL HICKMAN IS STEEPED IN CRIME AS THEY INSINUATE IT WAS BY REASON OF THE FACT THAT HE WAS CONFIDENTIAL AGENT OF THE [*space*] JESUS CHRIST OF LATTER-DAY SAINTS AND BILL HICKMAN LIKE KLINGEN SMITH WHITE THE CRIMES BURDENS HEAPED UPON ‘EM IN HIS CONNECTION TO THAT MORMON CHURCH MAY HAVE	SUGGEST? WHY, SIR, IF THIS MAN BILL HICKMAN, IF ~~I~~HE IS NOTORIOUS IT IS BY VIRTUE OF HIS RELATIONS WITH BRIGHAM YOUNG AND THE MORMON CHURCH. IF BILL HICKMAN IS ST EPED IN CRIME AS THEY SEEM TO INSINUATE, IT WAS BY REASON OF THE FACT OF THIS THING CALLED THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, N AND BILL HICKMAN AND OTHERS, LIKE KLINGENSMITH, LIKE JOEL WHITE HAVE HAD CRIMES AND BURDENS THAT HAVE B EN HEAPED UPON THEM IN CONNECTIONWI TH THAT MORMON CHURCH, THAT MAY HAVE	SUGGEST? WHY, SIR, IF THIS MAN BILL HICKMAN , IF ~~IT~~HE IS NOTORIOUS IT IS BY VIRTUE OF HIS RELATIONS WITH BRIGHAM YOUNG AND THE MORMON CHURCH. IF BILL HICKMAN IS ST**E**EPED IN CRIME AS THEY SEEM TO INSINUATE, IT WAS~~A~~S BY REASON OF THE FACT OF THIS THING CALLED THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, ~~N~~ AND BILL HICKMAN AND OTHERS, LIKE KLINGENSMITH, LIKE JOEL WHITE HAVE HAD CRIMES AND BURDENS THAT HAVE B**E**EN HEAPED UPON THEM IN CONNECTION WITH THAT MORMON CHURCH, THAT MAY HAVE

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MADE HIM MEEK HUMBLE IF THEY BROUGHT ANY WITNESS OF THAT KIND, IT IS IN EVIDENCE THAT HE IS NOW TRYING TO REPAIR, TO MAKE AMENDS OF WHAT EVIL HE MAY HAVE DONE IN {THE}[i] SERVICE OF THIS INFAMOUS CHURCH [*space*] THAT IS WHO BILL HICKMAN IS I THANK THE GENTLEMEN FOR REFERRING TO HIM. MY BROTHER BISHOP "WHAT COULD HAVE BEEN {THE}[i] OBJECT OF GOD IN HIS PROVIDENCE TO HAVE CREATED SUCH A MAN AS K SMITH? I ASK WHAT COULD BEEN THE OBJECT OF GOD	MADE HIM MEEK AND HUMBLE IF THEY BROUGHT ANY WITNESSES OF THAT KIND AS THEY BROUGHT BEFORE YOU IT IS ONLY AN EVIDENCE THAT HE IS TRYING MAKE AMENDS FOR THE EVIL THAT HE HAS DONE IN THE SERVICE OF THIS INFAMOUS CHURCH THAT IS WHO BILL HICKMAN IS ~~<~~*BISHOP*[?] ASKS~~>~~ WHAT COULD HAVE BEEN THE OBJECT OF GOD IN HIS PROVIDENCE TO HAVE CREATED MAN AS KLINGEN SMITH I ASK WHAT COULD HAVE BEEN *[[37]]* THE OBJECT OF GOD	MADE THEM MEEK AND HUMBLE. IF THEY CROUGHT ANY WITNESSES OF THAT KIND, IT IS ONLY AN EVIDENCE THAT HE IS NOW TRYING TO REPAIR AND MAKE AMENDS OF WHAT EVIL HE MAY HAVE DONE IN THE SERVICE OF THIS INFAMOUS CHURCH. THAT IS WHO BILL HICKMAN I~~D~~S. I THANK THE GENTLEMEN FOR REFERRING TO HIM. MY BROTHER BISHOP SAYS, WHAT COULD HAVE BEEN THE OBJECT OF GOD IN HIS PROVIDENCE TO HAVE CREATED SUCH A MAN AS KLINGENSMITH? I ASK WHAT COULD HAVE BEEN THE OBJECT OF GOD	MADE THEM MEEK AND HUMBLE. IF THEY ~~C~~**B**ROUGHT ANY WITNESSES OF THAT KIND, IT IS ONLY AN EVIDENCE THAT HE IS NOW TRYING TO REPAIR AND MAKE AMENDS OF ~~T~~WHAT EVIL HE MAY HAVE DONE IN THE SERVICE OF THIS INFAMOUS CHURCH. THAT IS WHO BILL HICKMAN I~~D~~S. I THANK THE GENTLEMEN FOR REFERRING TO HIM. MY BROTHER BISHOP SAYS, WHAT COULD HAVE BEEN THE OBJECT OF GOD IN HIS PROVIDENCE TO HAVE CREATED SUCH A MAN AS KLINGENSMITH? I ASK WHAT COULD HAVE BEEN THE OBJECT OF GOD

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IN CREATING {ANY}[i] OF THE MEN WHO PARTICIPATED IN THAT INFAMOUS CRIME{;}[i] WHAT COULD HAVE BEEN THE OBJECT OF GOD TO HAVE CREATED ANY OF THE MEN WHO SUPPRESSED KNOWLEDGE OF FACT FOR 18 LONG YEARS THE GENTLEMEN AGAIN IN ANOTHER *BEGINNING*[?] CONCLUSION SAYS, "I CANNOT IMAGINE ANY USE KLINGENSMITH COULD *PROFITABLY*[?] BE PUT = IN ANY WAY BE PUT TO, AND I DO NOT KNOW IT IS NOT FOR ME TO SUGGEST TO THE JURY OR SPECULATE WHAT HE MAY BE PROBABLY GOOD FOR I WILL CALL	IN CREATING ANY OF THE MEN WHO PARTICIPATED IN THAT [*space*] WHAT COULD HAVE BEEN THE OBJECT OF GOD [*space*] WHO SUPPRESSED THE THING FOR 18 YEARS [*space*] I CANNOT IMAGINE ANY USE THAT KLINGEN SMITH COULD PROFITABLY PUT TO IT IS NOT FOR ME TO SUGGEST TO THE [*space*] I WILL CALL THE	IN CREATING ANY OF THE MEN WHO PARTICIPATED IN THAT INFAMOUS CRIME? WHAT COULD HAVEBEEN THE OBJECT OF GOD TO HAVE CREATED ANY OF THE MEN, WHO SUPPRESSED THE ~~FACT~~ KNOWLEDGE OF THE FACT FOR I8 LONG YEARS? THE GENTLEMEN, AGAIN, I N THE BEGINNING SAYS: "I CANNOT IMAGIN ANY USE THAT KLINGENSMITH COULD BE PROFITABLE PUT TO AND I DON'T KNOW. IT IS NOT FOR ME TO *[95]* SUGGEST TO THE JURY WHAT HE MAY BE PROBABLY GOOD FOR. I WILL CALL THE	IN CREATING ANY OF THE MEN WHO PARTICIPATED IN THAT INFAMOUS CRIME? WHAT COULD HAVE BEEN THE OBJECT OF GOD TO HAVE CREATED ANY OF THE MEN, WHO SUPPRESSED THE ~~FACT~~ KNOWLEDGE OF THE FACT FOR I8 LONG YEARS? THE GENTLEMEN, AGAIN, I N THE BEGINNING SAYS: "I CANNOT IMAGIN ANY USE THAT KLINGENSMITH COULD BE PROFITABL~~Y~~E PUT TO, AND I DON'T KNOW. ITIS NOT FOR ME TO *[95]* SUGGEST TO THE JURY WHAT HE MAY BE PROBABLY GOOD FOR. I WILL CALL THE

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ATTENTION OF JURY TO WHAT USE HAS BEEN MADE OF IT HE WOULD DO FOR A LEADER AT NAUVOO; NOT ONLY THAT BUT HE WAS FIT SUBJECT FOR PROMOTION, HE WAS PROMOTED TO A BISHOP [*space*] HE WAS FIT AS BISHOP OF CHURCH TO PARTICIPATE IN THIS MOST FOUL INFAMOUS MURDER. I THINK HE WOULD DO FOR A POLYGAMIST BILL HICKMAN, BY REASONS OF HIS SERVICES OUT OF SERVICE NOW THEY RENDER HIM INFAMOUS, WAS BLESSED WITH ONE LAWFUL WIFE AND ELEVEN	ATTENTION OF THE JURY TO WHAT USE HAS BEEN MADE OF HIM [*space*] HE ~~MAY~~ ~~<~~WOULD~~>~~ DO FOR A MORMON [*space*] HE WOULD DO FOR A LEADER AT NAUVOO BUT NOT ONLY THAT A FIT SUBJECT FOR PROMOTION AND WAS PROMOTED TO A BISHOP HE WAS FIT AS A BISHOP OF THE CHURCH TO PARTICIPATE IN THIS MOST FOUL AND INFAMOUS MURDER I THINK HE WOULD DO FOR A POLYGAMIST BILL HICKMAN BY REASON OF HIS SERVICES OUT OF [*space*] AND WAS BLESSED WITH 1 LAWFUL WIFE AND 11	ATTENTION OF THE JURY, AND TO WHAT USE HAS BEEN MADE OF HIM. HE WOULD DO FOR A LEADER AT NAUVOO; NOT ONLY THAT BUT HE WAS A FIT SUBJECT FOR PROMOTION; HE WAS PRO MOTED TO A BISHOP . HE WAS FIT AS A BISHOP OF THE CHURCH TO PARTICIPATE IN THIS MOST FOUL AND INFAMOUS MURDER. I THINK HE WOULD DO FOR A POLYGAMIST. BILL HICKMAN, BY REASON OF HIS SERVICES,—THOUGH HE IS OUT OF SERVICE NOW—AND THEY ARRAIGN HIM AS INFAMOUS, WAS BLESSED WITH ONE LOVELY WIFE AND TWO	ATTENTION OF THE JURY, ~~AND~~ TO WHAT USE HAS BEEN MADE OF HIM. HE WOULD DO FOR A LEADER AT NAUVOO; NOT ONLY THAT BUT HE WAS A FIT SUBJECT FOR PROMOTION; HE WAS PRO MOTED TO A BISHOP . HE WAS FIT AS A BISHOP OF THE CHURCH TO PARTICIPATE IN THIS MOST FOUL AND INFAMOUS MURDER. I THINK HE WOULD DO FOR A POLYGAMIST. BILL HICKMAN, BY REASON OF HIS SERVICES,—THOUGH HE IS OUT OF SERVICE NOW—AND THEY ARRAIGN HIM AS INFAMOUS, WAS BLESSED WITH ONE LOVELY WIFE AND TWO

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CONCUBINES. WHATEVER K SMITH UTILITY HE MAY HAVE HAD = AND HE FILLED THESE OFFICES ~~<~~ADMIRABLY~~>~~, NOT ONLY THAT, BUT AFTER HE HAD PERFORMED THESE MIRACULOUS DEEDS GENTLEMEN REFER TO TRIED TO HOLD UP SO ODIOUS{LY,}[i] HE CONTINUED TO BE BISHOP MEMBER OF THE MORMON CHURCH I SUPPOSE ALL THE BALANCE EXCEPT HIM, {~~JOHN D. LEE~~}[i] UNLESS IT IS JOHN D. LEE UNLESS HE WAS CUT OFF FOR IT, ARE MEMBERS OF THAT CHURCH TODAY. I SAY ALL THESE	CONCUBINES [*space*] KLINGEN SMITH WHATEVER UTILITY HE FILLED THESE OFFICES ADMIRABLY, NOT ONLY THAT BUT AFTER HE HAD PERFORMED THESE MIRACULOUS DEEDS THAT THE GENTLEMAN HAS COMMITTED HE CONTINUED TO BE BISHOP A MEMBER OF THE MORMON CHURCH AND I SUPPOSE ALL THE BALANCE ~~ARE~~ EXCEPT JOHN D. LEE ARE MEMBERS OF CHURCH TODAY I SAY THAT KLINGEN SMITH	CONCUBINES. WHATEVER UTILITY KLINGENSMTIH MAY HAVE HAD, HE FILLED THESE OFFICES ADMIRABLY . NOT ONLY THAT BUT AFTER HE HAD PERFORMED THESE ~~MIRACLES~~ MIRACULOUS DEEDS THAT THE GENTLEMEN HAVE REFERRED TO AND TRIED TO HOLD UP SO ODIOUSLY, HE CONTINUED TO BE BISHOP AND A MEMBER OF THE MORMON CHURCH. I SUPPOSE ALL THE BALANCE, EXCEPT HIM— UNLES IT IS JOHN D. LEE— UNLESS HE WAS CUT OFF FOR IT ARE MEMBERS OF THAT CHURCH TO-DAY. I SAY ALL THESE, KLINGENSMTIH	CONCUBINES. WHATEVER UTILITY KLINGE~~M~~NSMIT H MAY HAVE HAD, HE FILLED THESE OFFICES ADMIRABLY . NOT ONLY THAT BUT AFTER HE HAD PERFORMED THES~~E~~ ~~MIRACLES~~ MIRACULOUS DEEDS THAT THE GENTLEMEN HAVE REFERRED TO AND TRIED TO HOLD UP SO ODIOUSLY, HE CONTINUED TO BE BISHOP AND A MEMBER OF THE ~~?~~MORMON CHURCH. I SUPPOSE ALL THE BALANCE, EXCEPT HIM ~~8~~— UNLES IT IS JOHN D. LEE— UNLESS HE WAS CUT OFF FOR IT ARE MEMBERS OF THAT CHURCH TO-DAY. I SAY ALL THESE, KLINGENSMITH

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RS	PS	RT	BT
& JOHN D. LEE WOULD MAKE GOOD MORMONS UNDER THE LEADERSHIP OF BRIGHAM YOUNG WHAT ELSE THEY WOULD MAKE ≤OR BE≥ USE FOR I CONFESS I AM PUZZLED. <WHATEVER MY BROTHER BISHOP DID SAY> THEY DID MAKE GOOD [31] MORMONS AT MURDER OF THIS EMIGRANT TRAIN, ~~AND~~ ~~THEY~~ ≤AND BY≥ HELPING TO APPROPRIATE THIS PROPERTY THEY WERE FIT PUT THAT CROSS UPON OUR SAVIOR WAS SACRIFICED, PUT IT UPON	AND THOSE WHO [*space*] WOULD MAKE GOOD MORMONS BUT WHAT ELSE I MUST CONFESS I AM PUZZLED ONE WITH MY BROTHER BISHOP ON THAT THEY DID *MAKE*[?] GOOD MORMONS [*space*] DID APPROPRIATE PROPERTY OF THEIR CHIEF AS SHOWN BY THE EVIDENCE THEY WERE FIT TO PUT THE BRAND OF THE CROSS ON WHICH OUR SAVIOR WAS CRUCIFIED ON	AND JOHN D. LEE WOULD MAKE GOOD MORMONS UNDER THE LEADERSHIP OF BRIGHAM YOUNG. WHAT ELSE THEY WOULD ~~BE~~ MAKE OR BE OF USE FOR, I CONFESS I AM PUSSELED. ~~W~~H ATEVER MY BROTHER BISHOP DID SAY, THEY DID MAKE GOOD MORMONS AT THE MOUNTAIN MEADOWS BY THE MURDER OF THIS EMIGRANT TRAIN, AND ~~THEY~~ **BY** HELP~~ED~~**ING** TO APPROPRIATE THIS PROPERTY. THEY WENT AND PUT THE BRAND OF THE CROSS ON THE CATTLE ~~L~~ON WHICH OUR SAVIOR WAS SCRIFICED— PUT IT UPON	AND JOHN D. LEE WOULD MAKE GOOD MORMONS UNDER THE LEADERSHIP OF BRIGHAM YOUNG. WHAT ELSE THEY WOULD ~~BE~~ MAKE OR BE OF USE FOR, I CONFESS I AM ~~PUSSELED~~ **PUZZLED**. ~~W~~H**H**ATEVER MY BROTHER BISHOP DID SAY, THEY DID MAKE GOOD MORMONS AT THE MOUNTAIN MEADOWS BY THE MURDER OF THIS EMIGRANT TRAIN, AND ~~THEY~~ **BY** HELP~~ED~~**ING** TO APPROPRIATE THIS PROPERTY. THEY WENT AND PUT THE BRAND **ON THE** **CATTLE** OF THE CROSS ON ~~THE~~ ~~CATTLE ON~~ WHICH OUR SAVIOR WAS SCRIFICED— PUT IT UPON

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RS	PS	RT	BT
THE PROPERTY OF THESE ≤DEFENSELESS≥ MURDERED EMIGRANTS. I DO NOT PALLIATE THE CRIMES OF ANY MAN, {HE}[i] REFERRED TO THE MASSACRE OF JOSEPH SMITH IN {THE}[i] JAIL OF CARTHAGE I HAVE SIMPLY TO SAY OF THIS, {THAT}[i] WHEN JOSEPH SMITH WAS ARRESTED PLACED IN THAT JAIL HE WAS ENTITLED UNDER THE LAWS TO ALL THE PROTECTION AND POWER OF ≤GOVERNMENT OF THE≥ UNITED STATES, AND THOSE MEN WHO BROKE IN THAT JAIL RUTHLESSLY SLAUGHTERED HIM WERE GUILTY OF	THE STOLEN PROPERTY OF THESE DEFENSELESS EMIGRANTS I DO NOT PALLIATE THE CRIMES OF ANY MAN HE REFERRED TO THE TO THE MASSACRE OF JOSEPH SMITH IN THE JAIL AT *CARTHAGE*[?] I HAVE SIMPLY *[[38]]* TO SAY, THAT WHEN JOE SMITH WAS PLACED IN THAT [*space*] HE WAS ENTITLED UNDER THE LAW TO ALL THE PROTECTION AND POWER OF THE UNITED STATES AND THOSE MEN WHO BROKE INTO THAT JAIL WERE GUILTY OF	THE STOLEN PROPERTY OF THESE DEFENSELESS MURDERED EMIGRANTS. I DO NOT PALLIATE THE CRIMES OF ANY MAN. MY BROTHER BISHOP REFERRED TO THE MASSACRE OF JOSEPH SMIGH IN THE JAIL AT CARTHAGE. I HAVE SIMPLY TO SAY OF THIS THAT WHEN JOSEPH SMITH WAS ARRESTED AND PLACED IN THAT JAIL HE WAS ENTITLED UNDER THE LAWS OF THE LAND TO ALL THE PROTECTION AND POWER OF THE GOVERNMENT OF THE UNITED STATES. AND THOSE MEN WHO BROKE INTO THE JAIL AND RUTHLESSLY SLAUGHTERED HIM WERE GUILTY OF	THE STOLEN PROPERTY OF THESE DEFENSELESS MURDERED EMIGRANTS. I DO NOT PALLIATE THE CRIMES OF ANY MAN. MY BROTHER BISHOP REFERRED TO THE MASSACRE OF JOSEPH SMIGH IN THE JAIL AT CARTHAGE. I HAVE SIMPLY TO SAY OF T**H**IS THAT WHEN JOSEPH S WAS ARRESTED AND PLACED IN THAT JAIL HE WAS ENTITLED UNDER THE LAWS OF THE LAND TO ALL THE PROTECTION AND POWER OF THE GOVERNMENT OF THE UNITED STATES. AND THOSE MEN WHO BROKE INTO THAT JAIL AND RUTHLESSLY SLAUGHTERED HIM WERE GUILTY OF

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RS	PS	RT	BT
MURDER {AND}[i] THEY SHOULD HAVE BEEN HUNG UP LIKE JOHN D. LEE, AND THOSE OTHER MEN WHO PERPETRATED ≤THE≥ MOUNTAIN MEADOWS SHOULD HAVE BEEN HUNG I AM ASHAMED THAT JUSTICE WAS NOT METED OUT TO THOSE MEN IT IS A SAD COMMENTARY ON THE EXECUTIVES OF THE LAWS OF THE COUNTRY WHERE THIS HEINOUS CRIME OCCURRED; BECAUSE WHEN ≤A≥ COMMUNITY MIGHT HAVE FOLLOWED AND PUNISHED THESE RED-HANDED MURDERERS, {YET}[i] LET THAT JUSTIFY {THE	MURDER AND THEY SHOULD HAVE BEEN HUNG UP LIKE JOHN D. LEE AND THOSE OTHER WHO PERPETRATED [*space*] MOUNTAIN MEADOWS MASSACRE [*space*] AND I AM ASHAMED THAT JUSTICE WAS NOT METED OUT TO THEM A SAD COMMENTARY ON THE LAWS [*space*] *AND THAT*[?] BECAUSE WHEN THE COMMUNITY ≤MIGHT HAVE≥ FOLLOWED AND PUNISHED THESE RED-HANDED MURDERERS YET LET THAT JUSTIFY	MURDER AND THEY SHOULD HAVE BEEN *[96]* HUNG UP JOHN D. LEE, AND ALL THESE O~~F~~THER MEN WHO PERPETRATED THE MOUNTAIN MEADOWS MASSACRE SHOULDHAVE BEEN HUNG.. I AM ASHAMED THAT JUSTICE WAS NOT METED OUT TO THESE MEN ~~,~~LONG AGO. IT IS A SAD COMMENTARY ON THE EXECUTIVES OF THE ~~TERRITORY~~ COUNTRY WHERE THIS HEINOUS CRIME O CCURRED; BECAUSE WHEN A COMMUNITY MIGHT HAVE FOLLOWED AND PUNISHED THESE RED-HANDED MURDERERS YET THEY E FT THAT JUSTIFY THE	MURDER AND THEY SHOULD HAVE BEEN *[96]* HUNG UP **WITH** JOHN D. LEE, AND ALL THESE O~~F~~THER MEN WHO PERPETRATED THE MOUNTAIN MEADOWS MASSACRE SHOULDHAVE BEEN HUNG.. I AM ASHAMED THAT JUSTICE WAS NOT METED OUT TO THESE MEN ~~,~~LONG AGO. IT IS A SAD COMMENTARY ON THE EXECUTIVES OF THE ~~TERRITORY~~ COUNTRY WHERE THIS HEINOUS CRIME O CCURRED; BECAUSE WHEN A COMMUNITY MIGHT HAVE FOLLOWED AND PUNISHED THESE RED-HANDED MURDERERS ~~YET THEY LEFT THAT JUSTIFY~~ **THEY JUSTIFIED** THE

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RS	PS	RT	BT
DEED}[i] ~~MURDER~~ {DONE}[i] ON THE MOUNTAIN MEADOWS = {THE}[i] MASSACRE OF INNOCENT CHILDREN AND DEFENSELESS WOMEN WHO WERE TOOK OUT UNDER {A}[i] FLAG OF TRUCE IT IS TRUE THAT {THE}[i] MEN WHO PERPETRATED THAT OUTRAGE UPON JOSEPH SMITH (AND IT WAS {AN}[i] UNFORTUNATE THING) THEY WERE NOT BROUGHT TO JUSTICE AND DID NOT EXPIATE THEIR CRIMES UPON {THE}[i] SCAFFOLD; YET THERE WAS ONE REMARKABLE DIFFERENCE BETWEEN THE DEED AND THIS, TWO MEN ≼I BELIEVE WAS≽ KILLED AND ONE WOUNDED ON	THE MASSACRE OF INNOCENT CHILDREN AND DEFENSELESS CHILDREN [*space*] TOOK OUT— [*space*] IT IS TRUE THAT THE MEN WHO PERPETRATED OUTRAGE ON JOE SMITH THAT THEY WERE NOT BROUGHT TO JUSTICE YET THERE WAS ONE REMARKABLE DIFFERENCE BETWEEN THAT DEED AND THIS[636], TWO MEN I BELIEVE WAS KILLED AND ONE WOUNDED ON	DEED DONE ON THE MOUNTIAN MEADOWS— THE MASSACRE OF INNOCENT CHILDREN AND DEFENSELESS WOMES WHO WERE TAKEN OUT UNDER A FLAG OF TRUCE. IT IS TRUE THAT THE MEN WHO PERPETRATED THAT OUTRAGE UPON J OSEPH SMITH—AND IT WAS AN UNFORTUNATE ~~D~~ THINK THEY WERE NOT BROUGHT TO JUSTICE AND DID NOT EXPATE THEIR CRIMES UPON THE SCAFFOLD; YET THERE WAS ONE REMARKABLE ~~DEFECT ≼ ≽~~ BETWEEN THAT DEED AND THIS. TWO MEN WERE KILLED AND ONE WOUNDED ON	DEED DONE ON THE MOUNTIAN MEADOWS— THE MASSACRE OF INNOCENT CHILDREN **A**ND DEFENSELESS WOME~~S~~**N** WHO WERE TAKEN OUT UNDER A FLAG OF TRUCE. IT IS TRUE THAT THE MEN WHO PERPETRATED THAT OUTRAGE UPON J OSEPH SMITH—AND IT WAS AN UNFORTUNATE ~~D~~ THIN~~K~~**G THAT** THEY WERE NOT BROUGHT TO JUSTICE AND ~~T~~DID NOT ~~EXPIATER~~ **EXPIATE** THEIR CRIMES UPON THE SCAFFOLD~~;~~;, YET THERE WAS ONE REMARKABLE ~~DEFECT~~ DIFFERENCE BETWEEN THAT DEED AND THIS. TWO MEN WERE KILLED AND ONE WOUNDED ON

636. Rogerson's hand symbol.

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RS	PS	RT	BT
THAT OCCASION; THEY BROKE INTO THAT JAIL AGAINST {THE}[i] OFFICERS OF {THE}[i] LAW = AN <EXCITED> MOB AND DID THE DEED HERE DEFENSELESS WOMEN AND CHILDREN UNDER {THE}[i] GUISE OF {A}[i] FLAG OF TRUCE IN THE HANDS OF A WHITE MAN, THAT LED THESE UNFORTUNATE VICTIMS TO BELIEVE WAS CONTROLLED ~~UNDER~~ BY THE DIVINE INFLUENCE OF RELIGION OF JESUS CHRIST A NAZARENE {AND}[i] THAT IS THE MARKED DIFFERENCE BETWEEN THESE TWO CASES IN ONE CASE {TWO}[i] FULL GROWN MEN WAS	THAT ~~AFFAIR~~ ≤OCCASION≥ AND THEY BROKE INTO JAIL AGAINST THE OFFICERS [*space*] OF THE [*space*] HERE DEFENSELESS MEN AND WOMEN UNDER THE GUISE OF FLAG OF TRUCE IN THE HANDS OF WHITE MEN THAT LED THESE VICTIMS OFF BELIEVE CONTROLLED BY THE DIVINE INFLUENCE OF THE RELIGION OF JESUS CHRIST *THERE NO HUMANE AN INFLUENCE*[?] [*space*] THAT IS THE MARKED DIFFERENCE BETWEEN THE TWO CASES IN ONE CASE TWO FULL GROWN MEN WAS	THAT OCCASION. THEY BRO~~A~~KE INTO THAT JAIL AGAINST THE OFFICERS OF THE LAW, AND EXCITED A MOB AND DID THE DEED. HERE DEFENSELESS WOMEN AND CHILDREN UNDER THE GUISE OF A FLAG OF TRUCE IN THE HANDS OF WHITE MEN THAT LED THESE UNFORTUNATE VICTIMS TO BELIEVE WAS CONTROLLED BY THE DIVINE INFLUENCE OF RELIGION OF JESUS CHRIST, THE ~~NAZARARENE~~ NAZARENE. THAT IS THE MARKED DIFFERENCE BETWEEN THESE TWO CASES. IN ONE CASE TWO FULL GROWN MEN WERE	THAT OCCASION. THEY BRO~~A~~KE INTO THAT JAIL AGAINST THE OFFICERS OF THE LAW, AND EXCITED A MOB AND DID THE DEED. HERE DEFENSELESS WOMEN AND CHILDREN UNDER THE GUISE OF A FLAG OF TRUCE IN THE HA~~D~~NDS OF WHITE MEN THAT LED THESE UNFORTUNATE VICTIMS TO BELIEVE WAS CONTR~~I~~OLLED BY THE DIVINE INFLUENCE OF RELIGION OF JESUS CHRIST, **~~OF~~ THE** ~~THE NAZARARENE~~ NAZARENE. THAT IS THE MARKED DIFFERENCE BETWEEN THESE TWO CASES. IN ONE CASE TWO FULL GROWN MEN WERE

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RS	PS	RT	BT
KILLED BY A LAWLESS MOB, ≤TO THE≥ DISGRACE ≤OF THE≥ COMMUNITY WHERE IT OCCURRED. THAT WAS THE RESULTS WAS DONE PURPOSE {**SEE PATTERSONS NOTES**}[i] HAS BEEN CLAIMED BY SOME IT IS	KILLED BY FULL GROWN [*space*] MEN [*space*]	~~C~~KILLED BY A LAWLESS MO~~D~~B TO THE DISGRACE OF THE COMMUNITY.	~~C~~KILLED BY A LAWLESS MO~~D~~B TO THE DISGRACE OF THE COMMUNITY.
"TO AVENGE THAT WRONG = HERE WOMEN AND CHILDREN UNDER THESE CIRCUMSTANCES	¶[637] TO AVENGE THAT WRONG, HERE WOMEN AND CHILDREN UNDER THESE CIRCUMSTANCE S	TO AVENGE THAT WRONG— HERE WOMEN AND CHILDREN UNDER THE CIRCUMSTANCE S DETAILED	TO AVENGE THAT WRONG— HERE WOMEN AND CHILDREN UNDER THE CIRCUMSTANCE S DETAILED
WERE MASSACRED}[i]	WERE MASSACRED AND	WERE MASSACRED. AND WHY WAS IT DONE AND FOR WHAT PURPOSE ?	WERE MASSACRED. AND WHY WAS IT DONE AND FOR WHAT PURPOSE ?
WHEN THAT MAN JOHN D. LEE APPEARED IN SIGHT I ASK YOU {TO}[i] AGAIN > TO DEPICT EMOTION {AND THE PRAYERS THAT MUST HAVE GONE UP FROM THEM,}[i]	WHEN THAT MAN JOHN D. LEE APPEARED IN SIGHT, I ASK YOU TO AGAIN DEPICT THE EMOTION AND HOPE AND PRAYERS THAT MUST HAVE GONE UP FROM THAT GALLANT LITTLE	WHEN THAT MAN JOHN D. LEE APPE~~Z~~ARED IN SIGHT I ASK YOU AGAIN TO DEPICT THE M EMOTIONS AND THE PRAYERS THAT MUST HAVE GONE UP FROM THAT GALLANT LITTLE	WHEN THAT MAN JOHN D. LEE APPE~~Z~~**A**RED IN SIGHT I ASK YOU AGAIN TO DEPICT THE ~~M~~ EMOTIONS AND THE PRAYERS THAT MUST HAVE GONE UP FROM THAT GALLANT LITTLE

637. Appears to be Rogerson's hand.

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RS	PS	RT	BT
WHEN THEY SAW {**A**}[i] MAN WHOSE WHITE SKIN ≤BESPOKE[638] TO THEM THAT≥ HE WAS A CHRISTIAN, HAD BEEN REARED IN {THE}[i] CRADLE OF CHRISTIANITY, AND THEREFORE {I}[i] WAS UNDER IT {**A**}[i] DIVINE INFLUENCE, OH HOW THEIR HOPES WERE SOON CAST TO THE GROUND THEY TRUSTED HIM = RECEIVED HIM AS {**A**}[i] CHRISTIAN, NOT ONLY BECAUSE HE HAD A WHITE SKIN {BUT}[i] BECAUSE HE HAD A FLAG OF MERCY, {AND}[i] PEACE IN HIS HANDS, AND RELYING UPON THAT "WITH A LYING TONGUE AND	COMPANY WHEN THEY SAW A MAN WHOSE WHITE SKIN [*space*] THAT HE WAS CHRISTIAN REARED IN THE CRADLE OF CHRISTIANITY THEREFORE *[[39]]* UNDER ITS DIVINE INFLUENCE, BUT OH, HOW THEIR HOPES WERE SOON CAST TO THE GROUND THEY RECEIVED HIM AS A CHRISTIAN [*space*] ≤NOT ONLY BECAUSE WHITE MAN≥ BECAUSE HE HAD A FLAG OF MERCY IN HIS HAND	COMPANY WHEN THEY SA¥W A MAN WHOSE WHITE SKIN BESPOKE TO THEM THAT HEWAS A CHRISTIAN AND HAD BEEN REARED IN THE CRA DLE OF CHRISTIANITY, AND THEREFORE I SAY UNDER ITS DIVINE INFLUENCE— BUT, OH, HOW THEIR HOPES WERE SOON CAST TO THE GROUND! THEY TRUSTED HIM; THEY RECEIVED HIM AS A *[97]* CHRISTIAN , NOT ONLY BECAUSE HE HAD A WHITE SKIN, BUT BECAUSE HE HAD A FLAG OF MERCY AND PEACE IN HIS HANDS, AND RELYING UPON THAT WITH A LYING TONGUEAND	COMPANY WHEN THEY SA¥**W** A MAN WHOSE WHITE SKIN BESPOKE TO THEM THAT HE WAS A CHRISTIAN AND HAD BEEN REARED IN THE CRADLE OF CHRISTIANITY, AND THEREFORE I SAY UNDER ITS DIVINE INFLUENCE**;**— BUT, OH, HOW THEIR HOPES WERE SOON CAST TO THE GROUND! THEY TRUSTED HIM; THEY RECEIVED HIM AS A *[97]* CHRISTIAN , NOT ONLY BECAUSE HE HAD A WHITE SKIN, BUT BECAUSE HE HAD A FLAG OF MERCY AND PEACE IN HIS HANDS, AND RELYING UPON THAT WITH A LYING TONGUE AND

638. Ink over illegible shorthand.

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RS	PS	RT	BT
WORSE THAN INDIANS TONGUE IN HIS MOUTH, HE GOT THEIR CONFIDENCE ~~<&>~~ WENT IN THERE THESE PARTIES THEN SACRIFICE OF ALL {THEIR}[i] WORLDLY GOODS TO SAVE THEIR LITTLE ONES WHAT WOULD NOT MEN HAVE DONE TO SAVE THEIR LITTLE ONES, TO SEE THE ~~BREAST~~ {BABE}[i] CLINGING TO ITS MOTHER{S ~~<~~BREAST, AND~~>~~ RELYING UPON THE FACT HE WAS {**A**}[i] CHRISTIAN, AND RELYING {AND WOULD CARRY OUT}[i] HIS PROMISE {THEY MARCHED OUT AND}[i] THEY GAVE UP {THE}[i]	HE GOT THEIR CONFIDENCE AND *WHEN THEY CHOSE*[?] A PEACE EVEN AT THE SACRIFICE OF ALL THEIR WORLDLY GOODS *THAT*[?] HIGH *HOPED*[?] TO SAVE THEIR LITTLE ONES AND WOULD NOT MEN HAVE *THE/AND*[?] DONE [*space*] ~~RELY~~ [*space*] RELYING UPON THE FACT THAT HE WAS CHRISTIAN AND WOULD CARRY OUT HIS PROMISE, THEY MARCHED OUT THEY GAVE UP THE	WITH THE INDIANS LANGUAGE IN HIS MOUTH HE GOT THEIR CONFIDENCE AND WHEN IN THERE AND THEN THESE PARTIES MADE A SACRIFICE OF ALL THEIR WOR LDLY GOODS TO SAVE THEIR LITTLE ONES. WHAT WOULD NOT MEN AND WOMEN HAVE DONE TO SAVE THEIR LITTLE ONES! TO SEE THE BABE CLINGING TO ITS MOTHERS BREAST, AND RELYING UPON THE FACT TH T HE WAS A CHRISTIAN , AND RELYING AND DEPENDING THAT HE WOULD CARRY OUT HIS PROMISE . THEY MARCHED OUT AND GAVE UP THE	WITH THE INDIANS LANGUAGE IN HIS MOUTH HE GOT THEIR CONFIDENCE AND ~~WHEN~~ **WENT** IN THERE AND ~~THEN~~ THESE PARTIES MADE A SACRIFICE OF ALL THEIR WOR LDLY GOODS TO SAVE THEIR LITTLE ONES. WHAT WOULD NOT MEN AND WOMEN HAVE DONE TO SAVE \THEIR LITTLE ONES~~!~~**?** TO SEE THE BABE CLINGING TO ITS MOTHERS BREAST, **WHO WERE** ~~AND~~ RELYING UPON THE **FACT** ~~FACT~~ THAT HE WAS A CHRISTIAN , AND RELYING AND DEPENDING THAT HE WOULD CARRY OUT ~~T~~HIS PROMISE . THEY MARCHED OUT AND GAVE UP THE

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RS	PS	RT	BT
ONLY THING THAT WOULD SHIELD THEIR LITTLE INFANTS CHILDREN FROM THE ARROW OF THE RUTHLESS SAVAGE, FROM HIS TOMAHAWK {OF THESE MURDEROUS IDOLATERS,}[i] WITH WHICH THEIR LITTLE BRAINS WERE CRUSHED OUT HE TOOK FROM THESE UNFORTUNATE EMIGRANTS, {THE}[i] VERY MEANS BY WHICH, THEY COULD PROTECT THEIR LITTLE INFANTS {FROM BEING}[i] MUTILATED, ≼AND≽ THEIR SKULLS WERE BROKEN IN WITH THE BOULDERS OF THE PLAINS. OH MY GOD WHAT MISTAKEN CONFIDENCE THAT WAS {THAT}[i] LED ≼THEM≽ ~~MEN~~ TO TRUST THAT	ONLY THING THAT WOULD HAVE SHIELDED THEIR LITTLE INFANT CHILDREN FROM THE ARROW OF THE RUTHLESS SAVAGE AND FROM TOMAHAWK, OF THESE MURDEROUS IDOLATERS WITH WHICH THEIR BRAINS WERE KNOCKED OUT TOOK FROM THESE UNFORTUNATE EMIGRANTS THE VERY MEANS BY WHICH THEY COULD PROTECT THEIR LITTLE INFANTS FROM BEING MUTILATED AND [*space*] OH MY GOD WHAT A MISTAKEN CONFIDENCE IT WAS THAT LED THEM TO TRUST THAT	ONLY THING THAT WOULD SHEALD THEIR LITTLE INFANT CHILDREN FROM THE ARROW OF THE RUTHLESS SAVAGE AND FROM ~~HIS~~ **THE** TOMAHAWK OF THESE MURDEROUS IDOLATERS WITH WHICH THEIR BRAINS WERE KNOCKED OUT. HE TOOK FROM THESE UNFORTUNATE EMIGRANTS THE VERY MEANS BY WHICH THEY COULD PROTECT THEIR LITTLE INFANTS FROM BEING MUTILATED, AND THEIR SKULLS WERE BROKEN IN WITH BOULDERS AND STONES. OH, MY GOD WHAT A MISTAKEN CONFIDENCE THAT WAS THAT LED THEM MEN TO TRUST THAT	ONLY THING THAT WOULD SHEALD THEIR LITTLE INFANT CHILDREN FROM THE ARROW OF THE RUTHLESS SAVAGE AND FROM ~~HIS~~ **THE** TOMAHAWK OF THESE MURDEROUS IDOLATERS WITH ~~I~~WHICH THEIR BRAINS WERE KNOCKED OUT. HE TOOK FROM THESE UNFORTUNATE EMIGRANTS THE VERY MEANS BY WHICH THEY COULD PROTECT THEIR LITTLE INFANTS FROM BEING MUTILATED, AND THEIR SKULLS WERE BROKEN IN WITH BOULDERS AND STONES. OH, MY GOD WHAT A MISTAKEN CONFIDENCE THAT WAS THAT LED **THOSE** ~~THEM~~ MEN TO TRUST THAT

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RS	PS	RT	BT
MAN {AND}[i] GIVE {UP TO}[i] HIM {THEIR}[i] ONLY MEANS OF DEFENSE, BECAUSE SCARCELY HAD THEY PROCEEDED {A}[i] MILE UPON THEIR JOURNEY WHEN IT WAS DISCLOSED TO THEM BY THE MURDERING CRASH OF THE SHOTS FROM THE GUNS OF THESE WHITE SOLDIERS RELEASING SHAFTS AND SHAFTS TOMAHAWKS OF INDIANS = {THAT THE}[i] WHITE MAN WHO CAME WITH {BADGE}[i] OF CHRISTIANITY UPON HIM WAS WORSE THAN THE SAVAGES WITH WHOM HE HAD FORMED THE COLLUSION TO DESTROY THEM OH WHAT MUST HAVE BEEN HORROR GENTLEMEN OF	MAN AND GIVE UP TO THEM THEIR ONLY MEANS OF DEFENSE, BECAUSE SCARCELY HAD THEY PROCEEDED A MILE ON THEIR JOURNEY IT WAS DISCLOSED BY THE SHOTS OF WHITE SOLDIERS THAT THE WHITE MAN WHO CAME WITH THE BADGE OF A WHITE SKIN WAS A BADGE WAS WORSE THAN THE SAVAGES WITH WHOM HE HAD FORMED COLLUSION TO DESTROY THEM OH WHAT MUST HAVE BEEN THE HORROR GENTLEMEN	MAN AND GIVE UP TO HIM THEIR ONLY MEANS OF DEFENSE, BECAUSE SCARCELY HAD THEY PROCEEDED A MILE UPON THEIR JOURNEY, WHEN IT WAS DISCLOSED TO THEM BY THE SHOTS—THE MURDERING CRASH OF THE SHOTS FROM THE GUNS OF THESE WHITE SOLDIERS, AND THE WHURLING SHAFTS AND TOMAHAWKS OF THE INDIANS, THAT THE WHITE MAN WHO CAME WITH THE BADGE OF CHRIATIANITY UPON HIM WAS WORSE THAN THE SAVAGES WITH WHOM HE HAD FORMED THE COLLUSION TO DESTROY THEM. OH, WHAT MUST HAVE BEEN THEIR HORROR, GENTLEMEN OF	MAN AND GIVE UP TO HIM THEIR ONLY MEANS OF DEFENSE, BECAUSE SCARCELY HAD THEY PROCEEDED A MILE UPON THEIR JOURNEY, WHEN IT WAS DISCLOSED TO THEM BY THE SHOTS—THE MURDERING CRASH OF THE SHOTS FROM THE GUNS OF THESE WHITE SOLDIERS, AND THE WHURLING SHAFTS AND TOMAHAWKS OF THE INDIANS, THAT THE WHITE MAN WHO CAME WITH THE BADGE OF CHRIATIANITY UPON HIM WAS WORSE THAN THE SAVAGES WITH WHOM HE HAD FORMED THE COLLUSION TO DESTROY THEM. OH, WHAT MUST HAVE BEEN THEIR HORROR, GENTLEMEN OF

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RS	PS	RT	BT
THE JURY [*space*] THE IMAGINATION CANNOT PICTURE THE SCENE AND COMMOTION AND PITEOUS GROANS SHRIEKS OF THESE POOR CHILDREN SOME OF THEM SENT INTO ETERNITY WITHOUT EVEN HAVING {**A**}^{i} CHANCE TO MAKE A LAST *[~~32~~]* SUPPLICATION, PREVIOUS TO BEING USHERED INTO PRESENCE OF THEIR GOD, AND THAT {A}^{i} {AND THAT TOO BY THE TREACHERY OF A CHRISTIAN WITH A}^{i} FLAG OF MERCY IN HIS HAND THAT MAKES A MARKED DIFFERENCE CARVES OPEN WIDE THE GAP BETWEEN {THE}^{i} FOUL ASSASSINS	 THE IMAGINATION CANNOT PICTURE THE SCENE AND COMMOTION AND PITEOUS AND GROANS AND SHRIEKS OF THESE POOR CHILDREN SOME OF THEM SENT INTO ETERNITY WITHOUT EVEN HAVING A CHANCE TO MAKE A LAST SUPPLICATION AND THAT TOO BY THE TREACHERY OF A CHRISTIAN WITH A FLAG OF MERCY IN HIS HAND THAT MAKES A MARKED DIFFERENCE AND CARVES OUT AS WIDE GAP BETWEEN THE FOUL ASSASSINATION	THE JURY, AT THAT TIME!! THE IMAGINATION CANNOT PICTURE THE SCENE AND COMMOTION AND THE PITIOUS SHRIEKS AND GROANS OF THESE POOR CHILDREN. SOME OF THEM WENT INTO ATTURNITY WITHOUT EVEN HAV NG A CHANCE TO MMAKE A LAST SUP LICATION PREVIOUS TO THEIR BEING USHERED INTO THE PRESENCE OF THEIR GOD; AND THAT TOO BY A TEACHER OF CHRISTIANITY WITH A FLAG OF MERCY IN HIS HAND. THAT MAKES A MARKED DIFFERENCE AND SERVES A WIDE GAP BETWEEN THE ASSINATION *[98]*	THE JURY, AT THAT TIME~~L~~! ! THE IMAGINATION CANNOT PICTURE THE SCENE AND COMMOTION AND THE PITIOUS SHRIEKS AND GROANS OF THESE POO**R** CHILDREN. SOME OF THEM WENT INTO **ETERNITY** ~~ATTURNITY~~ WITHOUT EVEN HAVING A CHANCE TO ~~M~~MAKE A LAST SUP**P**LICATION PREVIOUS TO THEIR BEING USHERED INTO THE PRESENCE OF THEIR GOD; AND THAT TOO BY A TEACHER OF CHRISTIANITY WITH A FLAG OF MERCY IN HIS HAND. THAT MAKES A MARKED DIFFERENCE AND CARVES A WIDE GAP BETWEEN THE ASSINATION *[98]*

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RS	PS	RT	BT
OF JOSEPH SMITH AND MURDER OF THE MOUNTAIN MEADOW EMIGRANTS. [*space*] THEREFORE I SAY; WHEN YOU REFER TO THESE THINGS IS IT POSSIBLE THAT A JUROR IN THIS BOX WILL LOOK BACK {TO THE SCENE OF MURDER AT CARTHAGE JAIL, }[i] WHATEVER HIS PREJUDICES MAY {BEEN}[i] ABOUT TO THIS MURDER OF CHILDREN TO JUSTIFY {TO}[i] THIS MASSACRE. {NO SIR I DO NOT JUSTIFY THAT ASSASSINATION}[i] JOSEPH SMITH IN THE HANDS OF THAT OFFICER, IN THE HANDS OF CIVIL OFFICER WERE ENTITLED TO {THE}[i] SAME	OF JOSEPH *[[40]]* SMITH AND MURDER TO MOUNTAIN MEADOWS [*space*] MUST HAVE APPEALED TO YOUR —[?] [*space*] IS IT POSSIBLE THAT A JUROR IN THIS BOX WILL LOOK BACK TO THE SCENE OF MURDER IN THE CARTHAGE JAIL TO JUSTIFY THE SPECTACLE I HAVE JUST DETAILED NO SIR I DO NOT JUSTIFY THAT ASSASSINATION *DOES STAND*[?] WITH MURDER OF WOMEN AND CHILDREN [*space*]	OF JOSEPH SMITH AND THE MURDER OF THE MOUNTAIN MEADOW EMIGRANTS. THEREFORE ~~WHE~~ I SAY WHEN YOU REFER TO THESE T HINGS, IS IT POSSIBLE THAT A JUROR IN THIS BOX WILL LOOK BACK TO THE SCENE OF THE MURDER IN THE CARTHAGE JAIL WHATEVER HIS PREJUDICES MAY HAVE BEEN ABOUT THIS MURDER OF WOMEN AND CHILDREN TO JUSTIFY THE SPECTACLE WHICH I HAVE JUST DETAILED TO YOU OF THIS MASSACRE. NO, SIR, I DO NOT JUSTIFY THAT ASSASSINATION OF JOSEPH SMITH IN THE HANDS OF THAT OFFICER; IN THE HANDS OF A CIVIL OFFICER. WE ARE ENTITLED TO THE SAME	OF JOSEPH SMITH AND THE MURDER OF THE MOUNTAIN MEADOW EMIGRANTS. THEREFORE ~~WHE~~ I SAY WHEN YOU REFER TO THESE T ~~I~~HINGS, IS IT POSSIBLE THAT A JUROR IN THIS BOX WILL LOOK BACK TO THE SCENE OF THE MURDER IN THE CARTHAGE JAIL WHATEVER HIS PREJUDICES MAY HAVE BEEN ABOUT THIS MURDER OF WOMEN AND CHILDREN TO JUSTIFY THE SPECTACLE WHICH I HAVE JUST DETAILED TO YOU OF THIS MASSACRE. NO, SIR, I DO NOT JUSTIFY THAT ASSASSINATION OF JOSEPH SMITH IN THE HANDS OF THAT OFFICER; IN THE HANDS OF A CIVIL OFFICER. WE ARE ENTITLED TO THE SAME

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RS	PS	RT	BT
PROTECTION I HAVE A RIGHT TO CLAIM = YOU HAVE RIGHT TO CLAIM, AND {THE}[i] MOST HUMBLE CITIZEN IN THE COUNTRY THOUGH HE BE BLACK OR WHITE, OR OF WHATEVER NATIONALITY HE MAY BE {HAS THE}[i] RIGHT TO CLAIM WHY SHOULD HE REFER TO THAT ACT UNLESS IT WAS {TO}[i] APPEAL TO YOUR PREJUDICE. HE REFERRED AGAIN TO MRS . SURRATT'S CASE {AND THE}[i] INDIGNATION WHICH WAS RAISED AGAINST EXECUTION OF MRS. SURRATT AFTER {THE}[i] PASSAGE OF	JOE SMITH IS ENTITLED TO SAME PROTECTION THAT I A RIGHT TO CLAIM YOU HAVE THE RIGHT TO CLAIM HUMBLE CITIZEN BLACK AND WHITE WHATEVER NATIONALITY HAS THE RIGHT TO CLAIM WHY SHOULD HE REFER THAT UNLESS REFER TO YOUR PREJUDICE REFERRED AGAIN TO MRS. SURRATT'S CASE AFTER THE PASSAGE OF	PROTECTION. JOE SMITH WAS ENTITLED TO THE SAME PROTECTION THZAT I HAVE THE RIGHT TO CLAIM AND THAT YOU HAVE THE RIGHT TO CLAIM AND THE MOST HUMBLE CITIZEN IN THE C UNTRY , THOUGH HE BE BLACK OR WHITE OR WHATEVER NATIONALITY HE MAY HAVE BEEN HAS THE RIGHT TO CLAIM. WHY SHOULD HE REFER TO THAT ACT UNLES IT WAS TO APPEAL TO YOUR PREJUDICES? HE REFERRED AGAIN TO MRS . SURRATT'S CASE; AND THE INDIGNATION WHICH WAS RAISED AGAINST THE EXECUTION OF MRS. SURRATT. AFTER. THE PASSAGE OF	PROTECTION. JOE SMITH WAS ENTITLED TO THE SAME PROTECTION THZAT I HAVE THE RIGHT TO CLAIM AND THAT YOU HAVE THE RIGHT TO CLAIM AND THE MOST HUMBLE CITIZEN IN THE C**O**UNTRY , THOUGH HE BE BLACK OR WHITE OR WHATEVER ~~H~~**N**ATIONALITY HE MAY HAVE BEEN HAS THE RIGHT TO CLAIM. WHY SHOULD HE REFER TO THAT ACT UNLES IT WAS TO APPEAL TO YOUR PREJUDICES? HE REFERRED AGAIN TO MRS . SURRATT'S CASE; AND THE INDIGNATION WHICH WAS RAISED AGAINST THE EXECUTION OF MRS. SURRATT**.** AFTER**.** THE PASSAGE OF

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RS	PS	RT	BT
{THE}[i] SENTENCE WAS AN ABHORRENCE *WAS/SAY*[?] WHATEVER A WOMANS CRIME MAY HAVE BEEN TO SEE HER EXPIATE THAT CRIME UPON SCAFFOLD THAT WAS THE PUBLIC CLAMOR WHICH CAME TO HER RELIEF, AND WHICH ANDY JOHNSON BY SIGNING DEATH WARRANT, THE WOMAN = ALTHOUGH ≤SHE WAS≥ CONVICTED OF THE KILLING {OF THE}[i] PRESIDENT OF THE UNITED STATES (I MAY NOT BELIEVE AT LEAST IN ANY CONCLUSION OF THE COUNTRY), IT WAS THAT THAT RAISED THE CLAMOR, AND IT WAS THE	THE SENTENCE WAS AN ABHORRENCE IN THE HEARTS OF THOSE GALLANT AMERICAN PEOPLE TO SEE HER EXPIATE THAT CRIME ON THE SCAFFOLD THAT WAS THE POPULAR CLAMOR AND WHICH ANDREW JOHNSON BY SIGNING DEATH WARRANT THE WOMAN ALTHOUGH SHE WAS CONVICTED OF KILLING PRESIDENT OF THE UNITED STATES IT WAS THAT THAT RAISED [*space*], IT WAS THE	THE SENTENCE T ERE WAS AN ABHORRANCE, THAT WHATEVER THE WOMANS CRIME MAY HAVE BEEN IT WAS NOT TO SEE HER EXPIATE THAT CRIME UPON THE SCAFFOLD. ~~THAT WAS THE PUBLIC CLAMOR~~ THAT WAS THE POPULAR CLAMOR WHICH CAME TO HER RELIEF, AND WHICH ANDREW JOHNSON BY SIGNING THE DEATH WARRANT, THE WOMAN ALTHOUGH SHE WAS CONVICTED OF KILLING THE PRESIDENT OF THE UNITED STATES; AND I MAY NOT BELIEVE, AT LEAST IN THAT CONCLUSION OF THE COUNTRY; BUT IT WAS THAT THAT RAISED THE CLAMOR, AND IT WAS THE	THE SENTENCE T**H**ERE WAS AN ABHORRENCE, THAT WHATEVER THE WOMANS CRIME MAY HAVE BEEN IT WAS NOT TO SEE HER EXPIATE THAT CRIME UPON THE SCAFFOLD. ~~THAT WAS THE PUBLIC CLAMOR~~ THAT WAS THE POPULAR CLAMOR WHICH CAME TO HER RELIEF, AND **TO** ~~WHICH~~ AN~~R~~DREW JOHNSON ~~BY~~ **NOT TO** SIGNIN~~G~~**M** THE DEATH WARRANT**. T**HE WOMAN ALTHOUGH SHE WAS CONVICTED OF KILLING THE PRESIDENT OF THE UNITED STATES~~;~~, AND I MAY NOT BELIEVE, AT LEAST IN THAT CONCLUSION OF THE COUNTRY~~;~~, BUT IT WAS **NOT** THAT **THAT** RAISED THE CLAMOR, ~~AND~~ IT WAS THE

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RS	PS	RT	BT
GALLANTRY OF MEN IN THIS COUNTRY WHO PROTESTED AGAINST THE SHEDDING (<OF A WOMAN'S> INNOCENT) BLOOD, EVEN FOR THE ASSASSINATION OF PRESIDENT LINCOLN. [*space*] WHO CARES FOR JOHN D. LEE I DON'T SUPPOSE GREAT UNITED STATES A FEW PEOPLE OR PART HAS EVER HEARD OR CARES {ABOUT}[i] JOHN D. LEE CONDITION {—[?] A}[i] POPULAR CLAMOR MAY EXIST IN THIS TERRITORY ON THIS DAY ABOUT	GALLANTRY OF THE AMERICAN MEN IN THIS COUNTRY WHO PROTESTED [*space*] EVEN FOR THE ASSASSINATION OF PRESIDENT LINCOLN HE REFERS TO THAT = REFERS TO THE POPULAR CLAMOR IN THIS CASE IN THIS CONNECTION WHO CARES FOR JOHN D. LEE I DON'T SUPPOSE FEW PEOPLE OF	GALLENTRY OF THE MEN IN THIS COUNTRY WHO PROTESTED ~~EVEN~~ AGAINST THE SHEDDING OF A ~~M~~WOMAN'S BLOOD EVEN FOR THE ASSASSINATION OF PRESIDENT LINCLO~~J~~N. WHO CARES FOR JOHN D. LEE ? I DON'T SUPPOSE THAT IN THE GR EAT UNITED STATES THAT ONLY A FEW PEOPLE OR PART HAS EVER HEARD OR CARES ABOUT JOHN D. LEE'S CONVICTION: C UNSEL REFERS TO THE POPULAR CLAMOR THAT MAY EXIST IN THIS TERRITORY IN THIS CASE. IN THIS CONNECTION WHO CARES FOR JOHN D . LEE ? *[99]* ON THIS DAY OR ON THIS	GALLENTRY OF THE MEN IN THIS COUNTRY WHO PROTESTED ~~EVEN~~ AGAINST THE SHEDDING OF A ~~M~~WOMAN'S BLOOD EVEN FOR THE ASSASSINATION OF PRESIDENT LINCLO~~J~~N. WHO CARES FOR JOHN D. LEE ? I DON'T SUPPOSE THAT IN THE GREAT UNITED STAT~~S~~E~~D~~S THAT ONLY A FEW PEOPLE OR A PART **OF THEM** HAS EVER HEARD OR CARE~~S~~ ABOUT JOHN D. LEE'S CONVICTION: C**O**UNSEL REFERS TO THE POPULAR CLAMOR THAT MAY EXIST IN THIS TERRITORY IN THIS CASE. IN THIS ~~AC~~CONNECTION WHO CARES FOR JOHN D . LEE ? *[99]* ON THIS DAY OR ON THE

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RS	PS	RT	BT
DECISION TRIAL THERE ISN'T A DESIRE FOR BLOOD OF JOHN D. LEE, IT IS SIMPLY BECAUSE THEY LOATHE THEY HATE CRIME WHICH CONSIGNED THESE INNOCENT WOMEN AND CHILDREN TO THEIR GRAVES ON MOUNTAIN MEADOW. NOT A CHRISTIAN GRAVE BUT DENUDED " PILED UP TOGETHER, SPARSELY COVERED AND THEIR FLESH LEFT TO BE THE PREY OF THE COYOTE RAVENS OF THE HEAVENS. IT IS	THE U S WHO CARES ABOUT JOHN D. LEE THEN POPULAR CLAMOR IS NOT A DESIRE FOR THE BLOOD OF JOHN D. LEE BUT SIMPLY BECAUSE THEY LOATHE THAT HE DID CRIME WHICH CONSIGNED THESE INNOCENT WOMEN AND CHILDREN TO THEIR GRAVES ON MOUNTAIN MEADOW NOT A CHRISTIAN GRAVE DENIED PILED UP TOGETHER SPARSELY COVERED AND FLESH LEFT TO BE THE PREY OF THE COYOTE AND THE RAVENS OF THE HEAVENS IT IS	DECISION OF THIS TRIAL, THERE ISN'T A DESIRE FOR THE BLOOD OF JOHN D. LEE; IT IS SIMPLY BECAUSE OF THE LOVE THAT THEY HAD TO SEE JUSTICE DONE, AND THE PERPETRATORS PUNISHED FOR THE CRIME WHICH CONSIGNED THESE INNOCENT WOMEN AND CHILDREN TO THEIR GRAVES ON THE MOUNTAIN MEADOWS. NOT A CHRISTIAN GRAVE—EVEN THAT WAS DENIED THEM, AND THEY WERE P~~L~~ILED U P TOGETHER, SPARCELY COVERED, AND THEIR FLESH LEFT TO BE THE PREY OF THE CAYOTE OF THE HILLS AND THE RAVENS OF THE HEAVENS. IT IS	DECISION OF THIS TRIAL, THERE ISN'T A DESIRE FOR THE BLOOD OF JOHN D. LEE; IT IS SIMPLY BECAUSE OF THE LOVE THAT THEY HAD TO SEE JUSTICE DONE, AND THE PERPETRATORS PUNISHED FOR THE CRIME WHICH CONSIGNED THESE INNOCENT WOMEN AND CHILDREN TO THEIR GRAVES ON THE MOUNTAIN MEADOWS. NOT A CHRISTIAN GRAVE—EVEN THAT WAS DENIED THEM, AND THEY WERE P~~L~~ILED U P TOGETHER, SPARCELY COVERED, AND THEIR FLESH LEFT TO BE THE PREY OF THE CAYOTE OF THE HILLS AND THE RAVENS OF THE HEAVENS. IT IS

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RS	PS	RT	BT
OUR INDIGNATION OF THAT CRIME SUCH CRIMES SHOULD BE SHIELDED SHOULD BE COVERED UP SHOULD BE EXCUSED IT IS BECAUSE THAT THE WHITE MEN WHO PERPETRATED THAT DEED SHOULD WITH LYING TONGUES ATTEMPT TO SADDLE IT UPON INDIANS TO ESCAPE RESPONSIBILITY. IT IS OUR INDIGNATION AT THIS MOST HORRIBLE OFFENSE THAT CREATES CLAMOR AND NOT THAT JOHN D. LEE {=}[i] NOT A DESIRE JOHN D. LEE SHOULD EXPIATE HIS CRIME, THOUGH LIKE MRS. SURRATT IF YOU WILL FIND VERDICT AGAINST JOHN D. LEE THAT	THEIR INDIGNATION OF THAT CRIME THAT SUCH CRIME SHOULD BE SHIELDED TOLERATED *[[41]]* SHOULD BE EXCUSED IT IS BECAUSE THE WHITE MEN WHO PERPETRATED THAT DEED WHO WITH LYING TONGUES ATTEMPT TO SADDLE IT UPON THE INDIANS IT IS THEIR INDIGNATION THAT CREATES THE CLAMOR AND NOT THAT JOHN D. LEE NOT A DESIRE THAT JOHN D. LEE SHOULD EXPIATE HIS CRIME THOUGH LIKE MRS. SURRATT IF YOU FIND A VERDICT AGAINST JOHN D. LEE THAT	THEIR INDIGNATION OF THAT CRIME, AND THAT SUCH CRIMES SHOULD BE SHEALDED, COVERED UP AND SHOULD BE EX~~V~~CUSED. IT IS BECAUSE THE WHI~~I~~TE MEN WHO PERPETRATED TH T DEED SHOULD WITH LYING TONGUES ATTEMPT TO SADDLE IT UPON THE INDIANS TO ESCAPE THE RESPONSIBILITY . IT IS THEIR INDIGNATION AT THIS MOST HORRIBLE AFFAIR THAT CREATE~~D~~S THE CLAMOR; AND NOT THAT JOHN D. LEE—NOT A DESIRE THAT JOHN D. LEE SHOULD EXPIATE HIS CRIME , THOUGH LIKE MRS. SURRATT, IF YOU SOULD FIND A VERDI~~V~~CT AGAINST JOHN D. LEE THAT	THEIR INDIGNATION OF THAT CRIME, AND THAT SUCH CRIMES SHOULD BE SHEALDED, COVERED UP AND SHOULD BE EX~~V~~CUSED. IT IS BECAUSE THE WHI~~I~~TE MEN WHO PERPERATED THA**A**T DEED SHOULD WITH LYING TONGUES ATTEMPT TO SADDLE IT UPON THE INDIANS TO ESCAPE THE RESPONSIBILITY . IT IS THEIR INDIG~~A~~NATION AT THIS MOST HORRIBLE AFFAIR THAT CREATE~~D~~S THE CLAMOR; AND NOT THAT JOHN D. LEE—NOT A DESIRE THAT JOHN D. LEE SHOULD EXPIATE HIS CRIME**.** , **T**HOUGH LIKE MRS. SURRAT, ~~IF~~ IF YOU SOULD FIND A VERDI~~V~~CT AGAINST JOHN D. LEE THAT

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RS	PS	RT	BT
WAS NOT AUTHORIZED BY THE EVIDENCE, WHY THE UNITED STATES BAR WOULD NOT SUSTAIN YOU IN IT, BUT THEY WILL SUSTAIN YOU IN IT, ~~≤~~THEY WILL~~≥~~ REJOICE ~~≤~~THAT THE~~≥~~ SUPREMACY OF LAW HAS BEEN ESTABLISHED IN CONVICTION OF THE PERPETRATORS OF THIS CRIME THEY WILL REJOICE TO KNOW ~~≤~~THAT THE~~≥~~ ORGANIZATION WHICH SEALED LIPS OF THIS COMMUNITY AS WELL AS PERPETRATORS OF CRIME HAS BEEN PUNISHED. THAT IS WHY	WAS NOT AUTHORIZED BY THE EVIDENCE THE NATIONAL BAR WOULD NOT SUSTAIN YOU IN IT BUT THEY WILL SUSTAIN YOU IN IT THEY WILL REJOICE THAT THE SUPREMACY OF THE LAW HAS BEEN [*space*] ASSERTED AND [*space*] THEY WILL KNOW THAT THE ORGANIZATION WHICH PERPETRATOR OF THE CRIME HAS BEEN OVERTURNED IN THE CONVICTION OF THE GUILTY PARTICIPANTS IN IT THAT IS THE REASON WHY THE	WAS NOT AUTHORIZED BY THE EVIDENCE, WHY THE UNITED STATES BAR WOULD NOT SUSTAIN YOU IN IT. BUT THEY WILL SUSTAIN YOU IN IT. THEY WILL REJOICE AT THE SUPREMICY OF THE LAW HAS BEEN ESTABLISHED AND ASSERTED IN THE CONVICTION OF THE PERPETRATORS OF THIS CRIME. THEY WI LL REJOICE TO KNOW THAT THE ORGANIZATION WHICH SEALED THE LIPS OF THIS COMMUNITY AS WELL AS THE PERPETRATORS OF THE CRIME HAVE BEEN PUNISHED, AND THAT ORGANIZATION HAS BEEN OVERTURNED. THAT IS THE REASON WHY THE	WAS NOT AUTHORIZED BY THE EVIDENCE, WHY THE UNITED STATES BAR WOULD NOT SUSTAIN YOU IN IT. BUT THEY WILL SUSTAIN YOU IN IT. THEY WILL REJOICE ~~AT~~ **THAT** THE SUPREMICY OF THE LAW HAS BEEN ESTABLISHED AND ASSERTED IN THE CONVICTION OF THE PERPETRATORS OF THIS CRIME. THEY WILL REJOICE TO KNOW THAT THE ORGANIZATION WHICH SEALED THE LIPS OF THIS COMMUNITY AS WELL AS THE PERPETRATORS OF THE CRIME HA~~C~~VE BEEN PUNISHED, AND THAT ORGANIZATION HAS BEEN OVERTURNED. THAT IS ~~THE~~ THE REASON WHY THE

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RS	PS	RT	BT
CLAMOR APPEARED IT IS NOT PRAISEWORTHY CLAMOR I ASK YOU IN CONCLUSION IF I WAS NOT CONVINCED BEYOND {A}^{i} REASONABLE DOUBT IF I WAS NOT CONVINCED TO {A}^{i} MORAL CERTAINTY THAT JOHN D. LEE WAS {THE}^{i} LEADER {AND}^{i} ONE OF CHIEF PERPETRATORS OF THAT CRIME, I *WOULD NOT*[?] APPEARED BEFORE YOU AT ALL. IT IS BECAUSE I HAVE ABIDING CONVICTION , **A** MORAL CONVICTION WHICH AMOUNTS TO SUCH CERTAINTY AS	CLAMOR APPEARED IT IS NOT A PRAISEWORTHY CLAMOR I SAY TO YOU NOW IF I WAS NOT CONVINCED BEYOND A REASONABLE DOUBT IF I WAS NOT CONVINCED TO A [*space*] CHIEF PERPETRATOR [*space*] I WOULD NOT HAVE OCCUPIED YOUR ATTENTION A HALF HOUR IN APPEARED BEFORE YOU AT ALL IT IS BECAUSE I HAVE AN ABIDING CONVICTION A MORAL CONVICTION [*space*]	CLAMOR APPEARED; AND IT IS A PRAISEWORTHY CLAMOR. I ASK YOU IN CONCLUSION IF I WAS NOT CONVINCED BEYOND A REASONABLE DOUBT IF I WAS NOT CONVINCED TO A MORAL CERT INTY THAT JOHN D . LEE WAS THE LEADER AND ONE OF THE CHIEF PERPETRATORS OF THAT CRIME, I WOULD NOT HAVE OCCUPIED YOU~~T~~R AT ENTION, NOR WOULD I HAVE APPEARED BEFORE YOU AT ALL IN THIS CASE. BUT IT IS BECAUSE I HAVE AN ABIDING CONVICTION , AND A MORAL CONVICTION WHICH AMOUNTS TO SUCH A CERTAINTY AS	CLAMOR APPEARED; AND IT IS A PRAISEWORTHY CLAMO~~R~~. I ~~ASK~~ **SAY TO** YOU IN CONCLUSION IF I WAS NOT CONVINCED BEYOND A REASONABLE DOUBT IF I WAS NOT CONVINCED TO A MORAL CERT**A**INTY THAT JOHN D. LEE WAS THE LEADER AND ONE OF THE CHIEF PERPETRATORS OF THAT CRIME, I WOULD NOT HAVE OCCUPIED YOU~~T~~R AT**T**ENTION, NOR WOULD I HAVE APPEARED BEFORE YOU AT ALL IN THIS CASE. BUT IT IS BECAUSE I HAVE AN ABIDING CONVICTION , AND A MORAL CONVICTION WHICH AMOUNTS TO SUCH A CERTAINTY AS

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RS	PS	RT	BT
HUMAN ≤TESTIMONY≥ CAN DEMONSTRATE FACT HE DID THIS MOST OUTRAGEOUS CRIME IN MANNER DETAILS IN WHICH HE SAYS IT SHOULD BE DONE. NOW {GENTLEMEN OF THE JURY}[i] IN CLOSING THIS CASE THANK YOU FOR KIND PATIENT ATTENTION YOU HAVE GIVEN TO ME WHILE I HAVE MADE AWARE OF FACTS ≤**IF**≥ I HAVE DRAWN TOO MANY SENTIMENTS {OR MADE}[i] —[?] PERSONAL ≤I CERTAINLY HAVE NOT MEANT TO OFFEND≥ MADE PERHAPS	≤HUMAN TESTIMONY≥ DEMONSTRATE *THE*[?] [*space*] THAT HE DID THIS MOST OUTRAGEOUS CRIME IN THE MANNER IN WHICH KLINGEN SMITH DETAILED IT IN MANNER CLAIMED [*space*] IN CLOSING THIS CASE I THANK YOU FOR THE KIND PATIENT ATTENTION THAT YOU HAVE WHILE I MADE AWARE OF THE FACTS [*space*] IF I HAVE GIVEN [*space*] CERTAINLY	HUMAN TESTIMONY CAN DEMONSTRATE THE FACT THAT HE *[100]* DID THIS MOST OUTRAGIOUS CR ME IN THE MANNER IN WHICH KLINGENSMITH DETAILS IT, AND IN WHICH HE SAYS IT WAS TO BE DONE. NOW, GENTLEMEN, OF THE JURY, IN CLOSINGTHIS CASE, I THANK YOU FOR THE KIND AND PATIENT ATTENTION YOU HAVE GIVEN TO ME WHILE I HAVE RELATED AND COMMENTED UPON THESE FACTS. IF I HAVE DRAWN TOO MANEY SENTIMENTS OR MADE PERSONAL REMEARKS, I CERTAINLY HAVE NOT MEANT TO OFFEND, THOUGH I MAY PERHAPS HAVE	HUMAN TESTIMONY CAN DEMONSTRATE THE FACT, THAT HE *[100]* DID THIS MOST OUTRAGIOUS CRME IN THE MANNER IN WHICH KLINGENSMITH DETAILS IT, AND IN WHICH **H**E SAYS IT WAS TO BE DONE. NOW, GENTLEMEN, OF THE JURY, IN CLOSING THIS CASE, I THANK YOU FOR THE KIND AND PATIENT ATTENTION YOU HAVE GIVEN TO ME WHILE I HAVE RELATED AND COMMENTED UPON THESE FACTS. IF I HAVE DRAWN TOO MANEY SENTIMENTS OR MADE PERSONAL REMEARKS, I CERTAINLY HAVE NOT MEANT TO OFFEND, THOUGH I MAY PERHAPS HAVE

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RS	PS	RT	BT
TOUCHING SOME MEMBERS OF JURY, ≤BUT I SAW THAT THE≥ STALE JOKES OF MR. BISHOP, ≤THE AUDIENCE≥ WAS READY TO JEER AND HOOT, WHEN THEY SHOULD HAVE HAD BEFORE THEIR EYES THESE MURDERED INNOCENT VICTIMS WHATEVER I HAVE SAID [*space*] I HAVE SAID FROM HONEST CONVICTION THAT CONVICTION IT WAS A FAIR DEDUCTION FROM THE EVIDENCE IN THIS CASE. I HAVE NO APOLOGIES TO MAKE BECAUSE IN THE SENSE FOR WHICH I	 WHEN THE JEERING CROWD WHO JEERED AT THE STALE JOKES OF MR. BISHOP WAS READY JEER AND HOOT WHEN THEY SHOULD HAVE HAD BEFORE THEIR EYES THESE MURDERED INNOCENT VICTIMS [*space*] WHATEVER I HAVE SAID I HAVE SAID FROM HONEST CONVICTIONS THAT CONVICTION THAT HONEST CONVICTION FROM THE FACTS IN THE CASE I HAVE NOT [*missing corner*] APOLOGIES TO MAKE [*space*]	TOUCHED THE FEELINGS OF SOME MEMBERS OF THE JURY, SOR I SAW THAT THE STALE JOKES OF MR. BISHOP WAS RE CEIVED WITH LAUGHTER, AND AT OTHER TIMES DURING SOME OF MY ARGUEMENT THE AUDIENCE WAS READY TO JEER AND HOOT, WHEN THEY SHOULD HAVE HAD BEFORE THEIR EYES THESE MURDERED INNOCENT VICTIMS. WHATEVER I HAVE SAID I HAVE SAID FROM HONEST CONVICTIONS, AND THAT CONVICTION WAS A FAIR DEDUCTI ON FROM THE EVIDENCE IN THIS CASE. I HAVE NO MORE APPOLOGIES TO MAKE BECAUSE OF THE FACT THAT I	TOUCHED THE FEELINGS OF SOME MEMBERS OF THE JURY~~,~~**;** ~~S~~OR I SAW THAT THE STALE JOKES OF MR. BISHOP WAS RE CEIVED WITH LAUGHTER, AND AT OTHER TIMES DURING SOME OF MY ARGUEMENT THE AUDIENCE WAS READY TO JEER AND HOOT, WHEN THEY SHOULD HAVE HAD BEFORE THEIR EYES THESE MURDERED INNOCENT VICTIMS. WHATEVER I HAVE SAID I HAVE SAID FROM HONEST CONVICTIONS, AND THAT CONVICTION WAS A FAIR DEDUCTI ON FROM THE EVIDENCE IN THIS CASE. I HAVE NO MORE APOLOGIES TO MAKE BECAUSE OF THE FACT THAT I

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RS	PS	RT	BT
HAVE DONE [~~33~~] DUTY MY SIMPLE DUTY NOTHING BUT MY DUTY I LEAVE THE CASE TO YOU TO DETERMINE IT UPON YOUR OATHS AND AS YOU SHALL ANSWER IN {THE}[i] GREAT {DAY}[i] OF JUDGMENT WHEN WE SHALL {ALL}[i] BE ARRAYED BEFORE {THE}[i] FINAL JUDGE OF ALL INTENTIONS OUR ACTS WILL BE LAID BARE	 MY DUTY SIMPLE DUTY NOTHING BUT *[[42]]*[639] DUTY I LEAVE THE CASE TO YOU TO DETERMINE IT UPON YOUR OATHS AS YOU SHALL [*space*] FINAL JUDGE OF AND OUR MOTIVES ALL OUR INTENTIONS AND ALL OUR ACTS WILL BE LAID BARE. [*space*]	HAVE DONE MY DUTY ND MY SIMPLE DUTY TO THE PEOPLE ANDTO THE COUNTRY, AND HAVING DONE MY DUTY I LEAVE THE DACE WITH YOU TO DETERMINE IT UPON YOUR OATHS, AND YOU SHALL ANSWER IN THE GREAT DAY OF JUDGMENT WHEN WE SHALL ALL BE ARRAIGNED BEFORE THE FINAL JUDGE, WHEN ALL OUR MOTIVES AND ALL OUR INTENTIONS, AND ALL OUR ACTS WILL BE LAID BARE BFORE HIM. THE FOREGOING ARGUEMENT OF MR. BASKIN WAS COMMENCED AT NINE FIFTEEN A .M. AND CONCLUDED AT FOUR FORTY- SEVEN P.M.	HAVE DONE MY DUTY AND MY SIMPLE DUTY TO THE PEOPLE ANDTO THE COUNTRY, AND HAVING DONE MY DUTY I LEA~~C~~VE THE **CASE** ~~DACE~~ WITH YOU TO DETERMINE IT UPON YOUR OATHS, AND YOU SHALL ANSWER IN THE GREAT DAY OF JUDGMENT WHEN WE SHALL ALL BE ARRAIGNED BEFORE THE FINAL JUDGE, WHEN ALL OUR MO~~R~~TIVES AND ALL OUR INTENTIONS, AND ALL OU~~T~~R ACTS WILL BE LAID BARE BFORE **H**IM. ~~THE~~ ~~FOREGOING~~ ~~ARGUMENTS FO~~ ~~MR. BASKIN~~ ~~WAS~~ ~~COMMENCED AT~~ ~~NINE FIFTEEN A.~~ ~~M. AND~~ ~~CONCLUDED AT~~ ~~FOUR FORTY~~ ~~SEVEN P.M.~~

639. The verso of page 42 reads: **BASKINS SPEECH 1ST LEE TRIAL**, in Rogerson's hand**.**

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RS	PS	RT	BT
{**CLOSE. _____ BASKIN CLOSES 447 PM.**}[i] 4:47 PM. _____ **BASKIN CLOSES: 4:47 PM. CLOSE.** GENTLEMEN OF THE JURY THERE IS ANOTHER INSTRUCTION I OUGHT PERHAPS TO GIVE IN REGARD TO VERDICT. ~~<~~4.47 **PM~~>~~ BISHOP *LET*[?] THE COURT READ ONLY THE FIRST. [*space*] BISHOP I WOULD ASK THE COURT IF THE FORM IS GIVEN FORM BE GIVEN TO JURY PROVIDED HE HAS BOTH FORMS AND IF DOES NOT FOREMAN HAS *SINCE*[?] I HAVE NO OBJECTION I DO NOT WISH	COURT READ INSTRUCTIONS TO THE JURY ON THE FORM OF VERDICT [*space*] COURT TOOK THE JURY TO THE ROOM COURT MARSHALL [*space*]	AN INTERMISSION OF TWO HOURS AND FORTY MINUTES AT NOON.	~~WITH AN INTERMISSION OF TWO HOURS AND FORTY MINUTES AT NOON.~~

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RS	PS	RT	BT
FORM GIVEN TO CONVICT. BY CAREY I HAVE LEFT IT THAT WAY [*space*] HAS ONE [*space*] ONE OF THESE FORMS GUILTY ON THE OTHER HAND I WANT ONE FORM NOT GUILTY THE OTHER GUILTY I WANT FAIR SHOW BY CAREY IF JURY SAY NOT GUILTY. BY HOGE I THINK IF YOU ONLY SUPPOSE YOU HAD BETTER WITHDRAW THESE FORMS *FROM*[?] JURY [*space*] BY COURT THE COURT INSTRUCTS THE JURY {THAT IF THEY}[i640] FIND DEFENDANT GUILTY OF MURDER THEY WILL NOTE IN THEIR VERDICT WHETHER HE BE GUILTY OF MURDER IN THE FIRST DEGREE OR SECOND DEGREE IF THEY FIND DEFENDANT NOT GUILTY THEY			

640. Ink over illegible shorthand.

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RS	PS	RT	BT
WILL SO SAY IN THEIR VERDICT.			
“‘‘ BISHOP WE PREFER BY VERY MUCH TO THE ONE CAREY SUGGESTS. BY BISHOP. IF THEY ARE TO HAVE INDICTMENT I EXPECT THEM TO HAVE	BISHOP		
INSTRUCTIONS I MAKE A DEMAND MATTER MAY COME PROPERLY DISCHARGED YOU HAVE HEARD PRESENT	I MAKE A DEMAND THAT IT MAY COME PROPER [*space*]		
OBJECTION. I NOW MOVE INSTRUCTIONS THAT HAVE BEEN GIVEN BY COURT BE SEPARATED THOSE ≤THESE≥ FROM THESE	I MOVE THAT THE INSTRUCTIONS THAT HAVE BEEN GIVEN BY THE COURT BE SEPARATED BY THOSE		
THAT HAVE BEEN REFUSED AND *THAT*[?] INSTRUCTIONS THAT HAVE BEEN GIVEN TO THE THIS JURY BE	THAT HAVE BEEN ASKED AND REFUSED AND THAT THE INSTRUCTION GIVEN TO THE THIS JURY AS THE LAW TO OT THEM AS THE LAW TO *BEAR*[?] ≤AND		
GIVEN TO THEM WORK OF THE FOREMAN TO	GIVEN TO THE JURY≥		

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RS	PS	RT	BT
ESTABLISH AS THEIR GUIDE IN FURTHERANCE OF THEIR DUTIES ON THIS OCCASION. BY COURT ONLY OBJECTIONS IS THIS THEY ARE NOT SEPARATED VERY EASY TO TEAR THEM APART. [*space*]	THE FURTHERANCE OF THEIR DUTIES. ≼INSTRUCTIONS GIVEN≽ SEPARATED FROM THOSE THAT WERE NOT GIVEN ≼AND GIVEN TO THE JURY≽ MOTION GRANTED [*space*] __[641]		

RS

[642]≼{**CASE OF THE PEOPLE FIELDING**}≽ CASE OF THE PEOPLE OF *FIELDING*[?] *VS.*[?]. MOTION TO STRIKE OUT COMPLAINT MOTION OF DEMURRER TO TO THE *INSERTS*[?] AND OBJECTIONS THE COMPLAINT WAS IT WAS NOT SENT TO ATTORNEY OBJECTION TO INSERT WAS IT WAS NOT SWORN I BELIEVE OBJECTION TO COMPLAINT IS NOT VERY MATERIAL TO BE SIGNED AS ASSISTANT UNITED STATES ATTORNEY I DO NOT THINK *ANSWER/NECESSARY*[?] TO BE SWORN SO I WILL OVERRULE BOTH OF THEM. [THIS DOES NOT BELONG WITH THIS] [*space*] PEOPLE AGAINST WILLIAM **H** DAME POINT SUBMITTED AT THE SAME TIME MOTION MADE TO QUASH WAS GENERALLY REQUIRED TO BE IN WRITING PARTIES DID NOT UNDERSTAND WHERE MOTION WILL BE SUSTAINED AND ≼THIS IS≽ REFERENCE TO FIRST INDICTMENT. IN CASE OF —[?] {**BERT**}[i] SKINNER COLONEL ADAIR WAS SUBPOENAED TOLD ME WOULD BE BACK ABOUT FIRST SEPTEMBER WE ASK ON THAT ACCOUNT IT TO BE CONTINUED UNTIL REGULAR TERM OF COURT. BISHOP OF COURSE WE CAN'T ASK GO TO TRIAL NOT REASONABLE WE ARE ANXIOUS TO TRY THE CASE SUBPOENAS HAVE BEEN ISSUED HAVE BEEN SERVED PREVIOUS TO THE COLONEL'S ALTHOUGH THESE COULD STILL CONSENT TO THE SUBPOENA OF *CASE*[?] FOR THE TRIAL. CASE AGAINST UNITED STATES *DANIEL*[?] TYLER BY COURT WHAT IS NUMBER 29{TH}[i] RECEIVING LEGAL VOTES WITH PERMISSION OF COURT WILL ENTER NOLLE PROSEQUI TO IT 504 LET {THE}[i] DEFENDANT BE DISCHARGED {ON}[i] HIS BOND. ANY OTHER ENTRIES [*space*] ≼WHEADON≽ PEOPLE AGAINST WILLIAM **H** DAME IMPLICATED WITH OTHERS WE HAVE MOTION FOR CONTINUANCE FOR {THE}[I]

641. The following numbers are in Rogerson's hand: **290)37000(13 290 800 770**.
642. This last section includes multiple cases. All have been included.

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TERM IN THAT CASE. ≼**APPLICATION FOR CONTINUANCE DAMES TRIAL.**≽ [*space*] *[[34]]* ≼505≽ WHEADON. I WILL READ APPLICATION. {THE}[i] INNOCENT *COMES/CAUSE*[?] NOW MOVES THIS HONORABLE COURT CONTINUES TRIAL OF ABOVE DEFENDANT FOR FOLLOWING REASONS. HERE ARE ISAAC **C** HAIGHT CARL SHIRTS ≼**CARL SHIRTZ**≽, WILLIAM MANGRAM HERE AND SAITH MATERIAL NECESSARY IMPORTANT WITNESSES FOR PROSECUTION OF TRIAL OF SAID DEFENDANT PROCEEDED WITH READING OF IT. ON THIS STATEMENT WE ASK FOR CONTINUANCE OF CASE UNTIL NEXT TERM OF COURT [*space*] SUTHERLAND IF YOUR HONOR PLEASE, THIS APPLICATION IS OF VERY *EXTRAORDINARY*[?] CHARACTER. WHEN I FIRST CAME IN HERE, IT WAS ANNOUNCED THAT ON THE FOLLOWING MONDAY THEN A WEEK HENCE EITHER THE LEE TRIAL AND THE DAME TRIAL WOULD PROCEED. IN WHICH SHOULD PROCEED WOULD DEPEND *WON'T/*—[?] ON A CONTINGENCY NOT ANNOUNCED IN COURT. ON THE OUTSET IT WAS SIMPLY CONTINGENT MR. LEE SHOULD BECOME WITNESS INSTEAD OF ~~BEING~~ ≼SERVE≽ DEFENDANT [*space*] WITHOUT CONTINGENCY ~~*TO BE*~~[?] *ONE*[?] REFER AS DEFENDANT TO GO TO TRIAL IN THE DAME CASE [*space*] WHEN THAT DATE ARRIVED NEITHER LEE NOR DAME WERE BROUGHT TO TRIAL UPON ANY INDICTMENT WHICH HAD BEEN PUBLISHED TO THE WORLD OR PRESENTED EITHER OF THESE DEFENDANTS. THE ONE AGAINST DAME HAS JUST NOW BEEN QUASHED IT WAS QUASHED ON MOTION *THEN*[?] AND IMMEDIATELY THE OTHER SEEMS TO HAVE BEEN ABANDONED WHEN THE INDICTMENT WAS BROUGHT FORWARD WHICH IS AN INDICTMENT JOINTLY AGAINST LEE DAME ISAAC **C** HAIGHT AND OTHERS [*space*] ISAAC **C** HAIGHT IS ONE OF WITNESSES MENTIONED IN THIS AFFIDAVIT BECAUSE HE COULD NOT BE WITNESS UNLESS THEY SERVE HIM AS THEY SERVE KLINGENSMITH DISCHARGE INDICTMENT AS TO HIM. THEY KNEW HE WAS ABSENT THEN THEY KNEW THAT HE HAS BEEN ABSENT OUT OF TERRITORY DEPUTY KNOWS THAT PROSECUTION HAVE BEEN UNABLE ARREST HIM EVER SINCE INDICTMENT WAS FOUND THE FACT THERE HAS BEEN THAT ONE HAS BEEN MADE PUBLIC AND HAS BEEN CONSTANTLY BEFORE PUBLIC *FOR/IF*[?] NEARLY A YEAR FOR TRIAL LAST YEAR FOR THEY DID NOT EXPECT PROCURE HIS ATTENDANCE WITH OBJECT OF ARRESTING HIM HE SAID I WOULD LIKE TO KNOW HOW MUCH RULE IS SUBJECT TO PROSECUTOR WHO CAN GET HIM HERE BY SUBPOENA NEXT TERM OF COURT. I DO NOT KNOW WITNESS IS ANY LESS RELUCTANT NOW THAN HE HAS BEEN I DO NOT KNOW THIS COURT HAS ANY MORE JURISDICTION OVER HIM. I DO NOT KNOW [*space*] *INCOMPETENT BECAUSE FNST*[?] TUESDAY MAKE THIS LITTLE STATEMENT TO HELP *ANY/NO MORE*[?] *LIKE THEM/THEY DID THE EFFORTS*[?] AND SHOULD AGREE WE SHOULD KNOW ANY WITNESSES ARE —[?] ABSENT ALSO *DAMES*[?] ALSO CARL SHIRTS WILLIAM MANGRAM ARE THE OTHER WITNESSES ACCORDING TO THIS STATEMENT THEY HAD ALL BEEN SUBPOENAED EVEN THIS TERM *NONE/KNOWN*[?]. ALL HAD BEEN DONE THAT HAS BEEN DONE. IT DON'T APPEAR FROM THIS STATEMENT OFFICERS HAVE BEEN MAKING ANY EFFORTS OBTAIN SWEAR OATHS OF ANY OF THESE WITNESSES [*space*] NOT SINGLE AFFIDAVIT IS SWORN. IT DON'T APPEAR SINGLE AFFIDAVIT SINCE YOUR HONOR'S ANNOUNCEMENT AFTER CONCLUSION OF LEE TRIAL DAME'S TRIAL SHOULD FOLLOW YOUR ONLY ACTION FOR IT APPEARS TO STATE EXCEPT FOR

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VERY REMARKABLE GOOD CAUSE DAME CASE SHOULD BE TRIED THERE IS NO AFFIDAVIT IN THAT WHOLE STATEMENT SHOWS *DISREGARD*[?] FROM OR THAT THE MATTER IF NOT ANYBODY APPROVED IN BEHALF OF PEOPLE HAVE TAKEN ONE STEP TO MAKE THEM NO MORE READY GO TO TRIAL THAN WERE THEN. WITHOUT ANY NAMED NONE HAS BEEN *INCLUDED*[?] TO GIVE. THIS WILLIAM MANGRAM DON'T EXIST THERE AIN'T ANY SUCH MAN THERE IS JOHN MANGRAM IF IT IS ONE THEY REFER TO. TAKE STATEMENT AS THEY REFER TO HIM WHAT WAS WAS *THE OPTION/HE BEFORE*[?] THERE MADE WITHOUT ATTEMPTING TO SUBPOENA HIM WITNESS MADE SUCH THREATS OFFICER BARELY ESCAPED WITH HIS LIFE. AFTER SERVED SUBPOENAS HE *HAS HAD*[?] ATTACHMENT EVER SINCE [*space*] THERE ONLY THIS GENERAL STATEMENT AS TO WHAT HAS BEEN DONE WITH THAT WRIT OF ATTACHMENT HE HAS BEEN UNABLE TO SERVE IT CAN'T YOUR HONOR FIND ANY JUDICIAL SUBJECT OR SUCH REMARK AS THAT OR ANY OTHER CONCLUSION OF LAW IF HE ASSUME TO MAKE SHOW HERE *[[35]]* BY WHICH YOUR HONOR CAN SAY JUDICIALLY THEY HAVE MADE SHOW OF SERVICE WHICH THEY MAY STATE WHAT WAS DONE [*space*] OFFICERS THOUGHT WITHOUT ANY OTHER *PK*[?] DID NOT HAVE FREEDOM ENOUGH TO BRING JOHN MANGRAM HERE. IF *THAT*[?] HAD *GAIN*[?] *RESPONSIBILITY*[?] OF WITNESS DID NOT FIND HIM THEY WOULD HAVE STATED THAT OR IF THE FACT HAD BEEN THEY HAD FOUND WITNESSES BUT HE WAS SO BELEAGUERED DOESN'T ARREST THEM THEY *SHOULD HAVE*[?] STATED WE WOULD HAVE STATED IT [*space*] WHAT IS THE BASIS OF THAT STATEMENT THEY HAVE BEEN UNABLE TO SERVE OR IS IT BECAUSE THEY BEEN ABLE TO TAKE CHARGE OF JURY DURING ~~LEE~~ TRIAL OF MR. LEE IT IS LIKELY TO BE THAT AS ANYTHING DON'T STATE WHAT IT IS DIDN'T STATE FACT ON WHICH YOUR HONOR CAN PASS ANY JUDGMENT *AND STILL DECIDE PRINCIPLE*[?] IN FACT AS TRANSPIRED SOON IT WAS ANNOUNCED BY YOUR HONOR DAME TRIAL SHOULD SUCCEED LEE TRIAL. [*space*] WHAT FACT DID HE STATE WITH REFERENCE TO *DAME'S/JAMES*[?] ALSO *BSN*[?] ALSO A WRIT —/*HAD*[?] TO PREVENT THEIR BEING ATTACHED. THIS GENERAL STATEMENT HERE THAT THE PARTY HAD NOT SEEN IMPORTANT TO APPLY TO THAT IT SEEMS TO BE SORT OF INDICTMENT OF THE INHABITANTS OF THIS COUNTY THAT OWING NATURAL UNWILLINGNESS OF RESIDENTS IN THE VICINITY OF STATE *DEFENDANT*[?] AND OF THE RESISTANCE OF STATE WITNESSES TO ASSIST IN RENDERING INFORMATION THE OFFICERS OF THE COURT ARE GREATLY HINDERED AND DELAYED IN EXECUTING PROCESS IN THIS COURT FOUND IT IMPOSSIBLE TO ARREST MANY OF DEFENDANTS IN SAID INDICTMENT *WHO*[?] BE SUBPOENAED [*space*] BECAUSE INHABITANTS ARE UNWILLING TO GIVE INFORMATION THEY ARE HINDERED UNABLE TO ARREST DEFENDANT. YOUR HONOR IS THAT A STATEMENT ON WHICH ANY JUDGMENT OF COURT CAN BE GIVEN AS SHOW OF CAUSE REASON SINCE TIME TRIAL WAS SET DOWN FOR TRIAL I SAY IT IS NOT. THIS IS NOT CAUSE ARISEN SINCE THAT TIME FOR THERE IS NO GOOD GROUND FOR MAKING THAT STATEMENT IT IS PROBABLY A CHRONIC FILING IT IS A FILING WHICH IS LIKELY TO EXCITE DRAWING ATTENTION AND WHEN THE DESIRE TO MAKE PREPARATION IS NOT. WE WERE ENTITLED TO KNOW IT AT THAT TIME IF ANY CAUSE EXISTED. [*space*] I AT A GREAT EXPENSE TO DEFEND DAME FOR WITNESSES WE HAVE BEEN

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RIDDEN OVER HALF THIS TERRITORY [*space*] THERE HAS NOT BEEN SUGGESTION AND THERE HAS NOT BEEN SYLLABLE OF WARNING UNTIL THIS MOMENT THERE WAS PARTICLE OF DOUBT ABOUT DAME'S TRIAL GOING ON [*space*] WE ANNOUNCED IN COURT IN AS MUCH AS DAME'S TRIAL WAS SET FOR NEXT MONDAY I SHOULD RETAIN MY WITNESSES HERE. [*ink blot*] COUNSEL HAS *HE*[?] PERFECTLY SILENT AND NOW SUGGESTS NO CAUSE THAT IS SAID TO HAVE ARISEN SINCE THE CASE WAS SET DOWN FOR TRIAL [*space*] IT IS WELL KNOWN TO YOUR HONOR THAT DAME HAS BEEN IN PRISON FOR 8 MONTHS SEVERAL TERMS OF THE COURT HAVE ELAPSED AND HIS TRIAL DISMISSED HE SEEK THAT TRIAL ASKS THAT RATIONALLY NOW I SUBMIT IT IS NOT TREATING HIM WITH THAT FAIRNESS DEFENDANT HAS RIGHT TO EXPECT [*space*] FROM PUBLIC PROSECUTOR TO KEEP HIM CONSTANTLY IN PRISON DENY HIM TRIAL ON SUCH A GRAVE CHARGE. {$^{\backslash\backslash\backslash}$}^{i} I PROTEST YOUR HONOR IN BEHALF OF DAME AGAINST A CONTINUANCE TO THIS CASE {$^{///}$}^{i} WE EXPECT TO HAVE *JAMES*[?] ALSO HERE AS WITNESS NO DOUBT WE SHALL BE ABLE TO OBTAIN HIS ATTENDANCE OR *PASS*[?] BY ONE OF OUR WITNESS [*space*] WE HAVE A RIGHT TO HAIGHT'S TESTIMONY ONCE THE PROSECUTION NOLLES THEM NOLLE PROSEQUI INDICTMENT I HAVE NO REASON TO SUPPOSE IT WILL BE DIFFICULT TO OBTAIN HIS TESTIMONY IF THERE WAS ENTRY OF SUCH A NOLLE PROSEQUE ≤CAREY≥ COURT PLEASE [*space*] ONE CAUSE OF COMPLAINT IS NO ATTACHMENT HAS BEEN ISSUED FOR THIS EVEN NOW IF THE GENTLEMAN WILL INFORM ME ANY PROCESS BY WHICH OFFICER CAN SERVE ATTACHMENT BETTER THAN SUBPOENA I WOULD LIKE TO KNOW IT. THIS APPLICATION CONSISTED OF FACTS. EVERY THING THAT IS NECESSARY ARE STATED THEY HAVE USED ALL DILIGENCE POSSIBLE OFFICERS HAVE TRAVELED FAR AND WHEN THEY HAVE USED ALL THE *VARIOUS*[?] POSSIBILITIES THEY HAVE TO USE [*space*] HOW MANY DAYS THEY HAVE USED IT IS NOT NECESSARY WE HAVE TO STATE FACTS AS THEY EXIST NOT ONLY HAS *MORE/GREATER*[?] *[[36]]* HERE DONE ALL HE COULD DO THESE PARTIES HAVE AVOIDED SERVICE OF SUBPOENAS NO DOUBT OF IT. WE THINK WE ARE ENTITLED TO CONTINUANCE THE GENTLEMAN SAYS WE WERE READY TO GO TO TRIAL OF DAME WITH CONTINGENCIES WITHOUT CONTINGENCIES DID NO REASON IF HAD REASON WE WOULD HAVE ACCUSED LEE WITH OPEN RIOT. WE DECIDED IT WAS NOT ADVISABLE TO TAKE LEE'S STATEMENT. FACTS HAVE COME OUT DURING TRIAL WE NEED THESE WITNESSES WE SPEAK OF [*space*] WE DO NOT MAKE THIS APPLICATION BECAUSE WE ARE NOT WILLING TO TRY MR. DAME ALL WE ASK IS WE MAY HAVE OPPORTUNITY TO GET THESE WITNESSES SHALL THIS CAUSE BE IN THIS TERRITORY ALLOWED. THROUGH UNWILLINGNESS OF WITNESSES AID OF COMMUNITY HINDER ARREST THESE WITNESSES CAN'T BE SERVED. WE ARE NOT BLAME FOR IT [*space*] WE HAVE DONE ALL WE COULD DO *THUS FAR*[?] WE HAVE NO DOUBT WE SHOULD BE ABLE TO GET WITNESSES FACTS ARE BEING BROUGHT IN EVERY DAY WHICH SHOW WE CAN'T GET WITNESSES WHICH WILL SHOW THIS THING OUT WE THINK CAUSE OF JUSTICE DEMANDS WE HAVE *SET OUT*[?] SUFFICIENT REASON FOR CONTINUANCE AND WE ASK IT. [*space*] BY COURT ARE THESE NAMES SAME NAMES MR. MACFARLANE WAS ASKED ABOUT [*space*] BY SUTHERLAND MANGRAM ONE OF THEM CAREY I THINK THERE IS

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MISTAKE IN ONE OF NAMES THERE IT IS MISTAKE 525 **PM.** [*space*] I HAVE LISTENED TO THIS CAREFULLY. FELT I MADE STATEMENT AS I HAD MADE IT REPEATEDLY I MADE IT IN COURT I BELIEVE ONCE TO MR. CAREY SAID SOMETHING BUT MAY BEEN MISTAKE MY IMPRESSION WAS IT WAS IN COURT CAREY SPOKE ABOUT IT WAS POSSIBLE IN THIS CASE OF DAME'S THEY WOULD WANT CONTINUANCE I KNOW I ANSWERED IT WOULD BE PARTICULARLY DIFFICULT FOR PROSECUTION TO MAKE OUT FOR CONTINUANCE IN THAT CASE OR LEE'S CASE EITHER [*space*] I AM DETERMINED TO PRESS CASES THEIR TERMINATION IF CONTINUANCE WAS GRANTED BY EITHER SIDE IT WOULD BE ON VERY STRONG GROUND. *REVEALS*[?] IN THIS STATEMENT MY IMPRESSION IS IT COVERS ALL THE GROUND NECESSARY TO BE COVERED AS FAR AS STATEMENT IN REGARD BUT COURT COULD NOT GET WITNESSES THAT IS COMMON HISTORY IN THIS CASE *WHILE*[?] WITNESS RUN AWAY AT THE APPROACH OF OFFICERS THAT IS *INTEREST*[?] TO EVERY PARTY MEN RUN AWAY MEN WORKING ON THE SAME —[?] STATE TWO DIFFERENT STORIES REGARDING PRESENCE OF PARTIES ALL THAT IS KNOWN HERE COMMON HISTORY. I KNOW IT IS VERY DIFFICULT TO GET PARTIES AT THE SAME TIME IT IS THE DETERMINATION TO PRESS ON THIS APPLICATION I WILL CONTINUE THIS ≼CASE≽ UNTIL THE SEPTEMBER TERM. BY SUTHERLAND ON WHAT DAY DOES IT COMMENCE [*space*] I BELIEVE IT WAS SECOND DAY OF SEPTEMBER. I WILL NOT ADJOURN COURT FOR PRESENT WHEN JURY SHOULD AGREE AT ANY TIME LET ME KNOW I WILL COME IN COURT RECEIVE THEIR VERDICT . ADJOURNED *TO HAVE*[?] JURORS I WOULD ASK FOREMAN OF THE JURY BE BROUGHT BACK HERE [*space*] ADJOURNED TEMPORARILY [*rest in ink*] **THURSDAY AUG 6, 1875. 9AM** STOKES ANNOUNCED COURT IN SESSION. ~ BY COURT *JAILER/DNL*[?] SAYS THESE JURORS TOLD LITTLE TOO LOUD WHEN IN THIS ROOM HERE SOME OF WORDS MAY BE HEARD DOWN BELOW [*space*] JURY SHOULD BE VERY CAREFUL NOT TO TALK LOUD ENOUGH TO BE HEARD ON THE STREET. ASKED CONSENT OF THE DEFENSE TO SEND THIS TO THEM ASSENTED TO BY MR. BISHOP AND HOGE. [*space*] 21 CASE IN WHICH JUDGE *SEARLESS*[?] MADE MOTION. *SPECIALLY/SPICER*[?] PRESS A MOTION AS SOON AS THAT DEFENDANT *SCOFIELD*[?] HAS BEEN SERVED AT SALT LAKE CITY I WISH MAKE COMPLAINT MY MOTION IS FILED *ORDER/WORD*[?] BE PUT UPON COMPLAINT. HE IS NOT HERE ALL I ASK IS TO AMEND COMPLAINT LEAVE OUT 4 DEFENDANTS THAT ARE NOT INTERESTED IN MATTER NOW IT WILL BE NECESSARY TO RESTRICT COMPLAINTS AND HOW COMPLAINTS TO BE SERVED. IT IS TO BE SERVED ON DEFENDANT. PRESUME JUDGE SUTHERLAND WILL BE HERE SOON. BY COURT ANOTHER MOTION THIS MORNING FILED WALKER AGAINST SUTHERLAND IT WILL BE SATISFACTION HAVE THIS *SATISFIED*[?] MONDAY. ≼BY COURT≽ TWO OR 3 CASES OF THAT *SWIFT*[?] THIS IS ONE. BISHOP MR. WALKER RETURNED LAST EVENING IS NOT WELL ENOUGH TO BE ABOUT THIS MORNING. IF WE FIND PARTIES CAN'T SETTLE ≼BETWEEN≽ NOW AND MONDAY THEN *MR./WE MAY BE*[?] READY FOR TRIAL. [*space*] *[[37]]* BY PROSECUTION THE CASE PEOPLE AGAINST WINN ≼**WINN**≽ IS DISPOSED OF. SOME MISUNDERSTANDING BETWEEN CLERK AND PROSECUTOR SAID HE DID NOT KNOW IT HAD BEEN DISMISSED. ORDER OUGHT TO BE SO RECORDED CASE PEOPLE AGAINST WINN DISMISSED ON MOTION OF PLAINTIFF.

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HOGE TO WHEADON WHY CAN'T WE TAKE UP FIELDING CASE AND TRY IT. WHEADON BUT AM NOT READY YET FOR TRIAL. I DO NOT FEEL FIT TO TAKE IT UP THIS MORNING NOW. HOGE IT IS NOT A JURY CASE IT IS LEGAL ACTION. HOGE ONE OBJECTION PRESSING IT TODAY AS I WANT TO GO AWAY ALL NIGHT PROSECUTION WE WILL BE DISPOSED OF IT ON MONDAY. BY WHEADON WILL PROBABLY HAVE TO HAVE WITNESS OR TWO FROM PAROWAN WILL *SUMMON*[?] INTO IT TODAY IN ORDER TO BE READY FOR TRIAL ON MONDAY. HOGE I DO NOT SEE WHY GENTLEMAN WANTS WITNESSES ON THE CASE IT IS SIMPLY MATTER OF LEGAL ACTIONS. HOGE DO YOU DEMAND JURY *JUDGE*[?] PROSECUTION I DO NOT KNOW WHETHER I SHALL NEED JURY OR NOT. WHEADON IF YOU ARE GOING FORCE ME ON THIS MORNING I DEMAND A JURY. [*space*] JURY CAN OCCUPY THIS ROOM TODAY I WILL NOT ADJOURN 'EM UNTIL TOWARDS EVENING. [*rest of page is blank*]

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