

# 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

**RT****RS****BT****PS**

<p>[279] E. C. MATTHEWS , SWORN FOR PROSECUTION</p> <p>Q. MR. MATTHEWS,WH ERE 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,</p>	<p>[[Bk 5 37 cont.]] <b>EC</b> <b>MATTHEWS.</b> OATH ADMINISTERED BY CLERK.</p> <p>{Q}^i MR. MATTHEWS WHERE DO YOU RESIDE. BEAVER CITY Q HOW LONG YOU RESIDED BEAVER CITY A WELL I HAVE BEEN SINCE 1859. KIND OF MADE IT MY HOME HERE Q STATE 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 A GOING FROM  SALT LAKE CITY TO SAN BERNARDINO</p>	<p>[Bk 4 96 cont.] E.C. MATHEWS SWORN FOR THE PROSECUTION.</p> <p><b>EXAMINED BY</b> <b>M<sup>R</sup> Q. MR.</b> MATHEWS, WHERE DO YOU RESIDE? A. BEAVER CITY. Q. HOW LONG HAVE YOU RESIDED IN BEAGVER CITY? A. WELL, I HAVE BEEN 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. COMING FROM  SALT LAKE CITY <del>TO</del> SANBERNARDIN O,</p>	<p>[No extant PS until James Pearce Recall]</p>
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>CALIFORNIA. q STATE WHETHER YOU PASSED THROUGH BEAVER OR NOT A YES SIR q WHAT OTHER PLACES {A}<sup>i</sup> PAROWAN CEDAR FILLMORE, TRAVELED WHAT IS CALLED SOUTHERN ROUTE <sup>[[38]]267</sup> {q}<sup>i</sup> DID YOU PASS THROUGH MOUNTAIN MEADOWS YES SIR ABOUT qWHAT TIME DID YOU PASS —[?] PAROWAN {A}<sup>i</sup> COULD NOT TELL {THE}<sup>p</sup> DATES, DIDN'T KEEP ANY JOURNAL, I THINK IT WAS THE MONTH OF SEPTEMBER FORE PART OF MONTH. {qWAS}<sup>i</sup> ANY PERSON</p>	<p>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 MEADOWS? 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 ABOUT THE MONTH OF SEPTEMBER— FORE PART OF THE MONTH. Q. WAS ANY PERSON</p>	
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267. In longhand at the top of the page: {E. C. MATHEWS, CONTINUED.}<sup>p</sup>

**RT**

**RS**

**BT**

**PS**

<p>WITH YOU—IF SO STATE WHO PASSED ? A. TO THE BEST OF MY REMEMBRANCE</p>	<p>WITH YOU IF SO STATE WHO A BEST OF MY REMEMBRANCE</p>	<p>WITH YOU IF SO STATE WHOMO? A. <b>BEST OF MY REMEMBERAN CE PARTIES WITH ME —</b></p>	
<p>SIDNEY TANNER, MY FATHER, WILLIAM MATTHEWS, MYSELF, ROBIN TANNER,</p>	<p>SIDNEY TANNER MY FATHER WILLIAM MATTHEWS MYSELF REUBEN TANNER</p>	<p>SIDNEY TANNER AND MY FATHER, WILLIAM MATHEWS, MYSELF, REUBEN TANNER,</p>	
<p>MARION LYMAN,<sup>268</sup> A SON OF OLD MAN LYMAN,<sup>269</sup> 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. <sup>[280]</sup> Q. WHERE DID YOU CAMP WHEN YOU</p>	<p>MARIAM LYMAN A SON {OLD}<sup>P</sup> MAN LYMAN, TWELVE OR 14 OF US, CAN'T REMEMBER ALL OF THEM {Q}<sup>P</sup>CAN YOU TELL ABOUT WHAT TIME IN MONTH YOU ARRIVED IN PAROWAN {A}<sup>P</sup> I CALLED IT FORE PART OF MONTH WHERE DID YOU CAMP WHEN</p>	<p>MARIAN LYMAN SON OF OLD AMASA LYMAN. TWELVE <b>OR OF</b> 14 OF US. I CANT REMEMBER ALL OF THEM. <sup>[97.]</sup> Q. CAN'T YOU TELL ABOUT WHAT TIME OF THE MONTH YOU ARRIVED IN PAROWAN? A. WE, <b>LL SIR, I</b> CALL IT THE FORE PART OF THE MONTH. Q. WHERE DID YOU CAMP WHEN YOU</p>	

268. Francis Marion Lyman.

269. Amasa Lyman.

**RT**

**RS**

**BT**

**PS**

<p>PASSED</p> <p>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</p>	<p>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</p>	<p>PASSED THROUGH PAROWAN? A. DRO€VE OUT TO WHAT IS CALLED SUMMIT CREEK-; ONLY STOPPED A SFEW 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. WELL SAID STAI D OVER THERE ONE DAY AND CAMPED THERE TWO NIGHTS. Q. WAS THERE ANY R4EASON FOR CAMPING THEREE ONE DAY AND TWO NIGHTS, IF SO STATE? A. IN THE MORNING ONE OR TWO BOYS ACAME AND BROT WROTE A NOTE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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<sup>270</sup> 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</p>	<p>TO {THE}<sup>P</sup> CAPTAIN OF {THE}<sup>P</sup> COMPANY MR. TANNER; HE WENT BACK TO PAROWAN, SIDNEY TANNER, HE WENT BACK TO PAROWAN {Q DID ANY ONE GO BACK ALONG A}<sup>P</sup> ANY ONE GO BACK WITH <del>HIM</del> {YOU}<sup>P</sup> 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}<sup>P</sup> I DON’T KNOW GOT HIM IN SALT LAKE CITY, BUT I THINK FROM THE STATE OF VERMONT Q WHAT WAS</p>	<p>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 <del>HIM</del> 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</p>	
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270. This passenger is George M. Powers of Little Rock, Arkansas. See “The Late Horrible Massacre,” *Los Angeles Star*, Oct. 17, 1857.

**RT**

**RS**

**BT**

**PS**

<p>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. <sup>[281]</sup> 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</p>	<p>{HE}<sup>P</sup> DOING = DID {HE}<sup>P</sup> PAY HIS PASSAGE WITH YOU {A}<sup>P</sup> YES GOING THROUGH AS PASSENGER. Q YOU SAY YOU LAID AT SUMMIT ABOUT 2 DAYS {A}<sup>P</sup> LAID THERE ONE DAY AND 2 NIGHTS Q WHAT DID YOU DO THEN {A}<sup>P</sup> HARNESSED UP DROVE ON {TO}<sup>P</sup> 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</p>	<p>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. HARNESSED UP AND DROVE ON TO CEDAR CITY. W<del>H</del>ENT <del>W</del>THROUGH<del>X</del> WHAT IS CALLED THE OLD FORT; RIGHT ON WHERE THE FORT ON<del>S</del>CE STOOD; THERE WE CAMPED AGAIN. Q. HOW LONG WERE YOU THERE? A. I CAN'T REMEMBER STAYING THERE B<del>U</del>T ONE NIGHT, AND STARTED OUT <del>THE THE</del> NEXT E<del>E</del>VENING. WE HAD MULE TEAMS. Q. HOW MANY PAIRS OF</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>MULES TO {THE}<sup>P</sup> WAGON {A}<sup>P</sup> 4 AND SOME HAD 6 I DON'T REMEMBER STAYING THERE BUT ONE NIGHT Q. WHAT TIME DID YOU START OUT FROM THERE {A}<sup>P</sup>I THINK IT WAS IN AFTERNOON; PAST 12 O'CLOCK</p>	<p>MULES TO THE WAGON? A. FOUR AND SOME HAD SIX. I DON'T REMEMBER SATAYING THERE BUT ONE NIGHT. Q. WHAT TIME DID YOU STRART OUT FROM THERE? A. I THINK IT F WAS IN THE AFTERNOON; IT WAW S PAST I2 O'CLOCK WHEN WE WENT ON TO</p>	
<p>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</p>	<p>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}<sup>P</sup>I SEEN, WILLIAM H DAME; CAME {AND}<sup>P</sup> GOT PAIR OF MULES FROM OUR {THE}<sup>I</sup> TRAIN {AND}<sup>P</sup> WENT ON OUT AHEAD OF US. SOME OTHER MEN WENT WITH HIM I THINK IT</p>	<p>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? <sup>[98]</sup> 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 WENT WITH HIM/ I THINK IT</p>	



**RT**

**RS**

**BT**

**PS**

<p>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 ?</p> <p>A. I THINK IT WAS ISAAC HAIGHT; I WAS A STRANGER AT THAT TIME; I DON'T REMEMBER THE MAN; I</p>	<p>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</p> <p>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</p> <p>I THINK IT WAS ISAAC HAIGHT I WAS STRANGER AT THAT TIME DON'T REMEMBER THE MAN I</p>	<p>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 INDIANS HAD ATTACTKED THE TRAIN ONAHEAD; HE WAS GOING ON OUT TO TRY AND CALL THE INDIANS OFF— WAS HIS WORDS EXACTLY. HE STARTED IN THAT DIRECTION. Q. DID YOU SEE A MAN WITH HIM HEAR ONE NAMED SMITH?</p> <p>A. I THINK IT WAS ISAAC C. HAIGHT; HE WAS A STRANGER AT THAT TIME; DON'T REMEMBER THE MAN MAN. I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>AIN'T CERTAIN, BUT THINK <del>HIG</del> &lt;THE OTHERS&gt;</p> <p>NAME IS LEWIS..<sup>271</sup> 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 <sup>[282]</sup> 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</p>	<p>AIN'T CERTAIN BUT THINK</p> <p>HIS NAME IS LEWIS THE TIME WE LEFT CEDAR CITY = THAT WAS {THE}<sup>P</sup> DAY FOLLOWING IN THE AFTERNOON. WE MET THAT SAME OUTFIT COMING BACK, JUST ABOUT A MILE THIS SIDE OF LEACH'S SPRINGS <sup>[[39]]</sup><sup>272</sup> IN THE CANYON, IT IS TWELVE MILES FROM CEDAR CITY Q WHAT COUNTY IS IT IN {A}<sup>P</sup>IRON COUNTY Q WHAT DID YOU DO WHEN YOU MET THEM THERE<sup>273</sup> {A}<sup>P</sup> STOPPED AND GOT THE MULES THEY GOT THEN STARTED ON. Q YOU PASSED</p>	<p>AIN'T CERTAIN ABOUT THAT; I THINK <b>THERE</b> <b>WAS A MAN</b> <b>NAMED HIS</b> <b>NAME IS</b> LWLEWIS. 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 OF FLEECHÉ'S SPRINGS- IN THE CANYON. IT IS 12 MILES FROM CEDAR CITY. Q. WHAT <b>COUNTY</b> <del>COULD</del>TY IS IT IN? A. IRON COUNTY. Q. WHAT DID YOU DO WHEN YOU MET <del>METN</del> THEM THERE? A.. STOPPED AND GOT THEIR MEALS. THEY THEN STRARTED ON. <b>Q. YOU PASSED</b></p>	
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271. James Lewis.

272. At the top of the page: {**E.C. Matthews, contd.**}<sup>P</sup> On the verso of this page: 1875-32=1843.

273. Word apparently added later.

**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>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</p>	<p>ON — GOT YOUR MULES BACK , DID YOU-?  A. YES, SIR. Q. PASSED ON FROM THERE?  A. YES, SIR. Q. WHAT WAS THE NEXT PLACE YOUR SAW? A.  WHERE THERE WAS ANY SETTLEMENTS — THE NEXT PLACE WAS PINTO CREEK, A SMAPLL SETTLEMENT.  Q. HOW FAR IS THAT BEYOND LEECHE’S SPRINGS? A.  IT IS 12 OR 15 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 <b>THE</b> LINE? A. I HAVN’T SEEN THE MAP OF THE COUNTRY. I DON’T KNOW WHERE THE LINES HAVE</p>	
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**RT****RS****BT****PS**

<p>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 <sup>[283]</sup> 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</p>	<p>RUN. Q DID YOU PASS FIRST THROUGH MOUNTAIN MEADOWS A YES SIR Q WHAT TIME {A}PWE 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}PWHAT 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</p>	<p>BE EN 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 IN THE MORNING— JUST GETTING DAYLIGHT. DIDN'T SEE A SOUL IN THE MOUNTAIN MEADOWS— NOT A LIVING SOUL. AS I PASSED I SEEM SOME BODIES LYING TO THE LEFT OF THE ROAD, RIGHT IN SIGHT. TEAKS TEAMS TURNED A LITTLE OUT TO THE LEFT. Q. WHAT MADE IT TURN OUT? A. I DON 'YT KNOW. BUT OTHER TEAMS <sup>[99]</sup> TURNED OUT IN FTROO-IN FRONT OF ME. I WAS DRIVING THE THIRD OR FOURTH. Q. DID THEY TURN OUT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p> <p>Q. HOW FAR DID YOU DRIVE BEFORE YOU STOPPED ? A. TWO AND A HALF MILES, TO A PLACE CALLED THE</p>	<p>AS THOUGH THEY WERE AFRAID {A}P OR SHEERED OUT OBJECTED TO</p> <p>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}PI 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</p>	<p>AS IF THEY WERE AFRAID OR SHEERED OUT? OBJECTED TO.</p> <p>BY <b>THE</b> COURT: 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, NEVER MADE A HALT AT ALL. Q. HOW MANY AS NEAR AS YOU CAN TELL? A.I SAW ABOUT THREE OR FOUR IS ALL I NOTICED — ABOUT THREE OR FOUR.—NOT MORE THAN THAT. Q. HOW FAR DID YOU DRIVE BEFORE YOU STOPPED? A. TWO AND A HALF MILES TO A PLACE CALLED</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>CANE SPRINGS  {Q}<sup>P</sup> WHAT  CONDITION  {WERE THE}<sup>P</sup>  WERE CORPSES  IN YOU  SAW {A}<sup>P</sup>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. Q.  ABOUT HOW  FAR FROM  PINTO CREEK  TOWN  CALL A  SETTLEMENT  {A}<sup>P</sup> IT IS NINE  OR TEN MILES  Q. WHAT  DIRECTION  RATHER  SOUTHERLY  DIRECTION  SOUTHWEST I  SHOULD  JUDGE ABOUT  QUARTER  ANGLE AS  ROAD  ANGLES    FROM PINTO</p>	<p>KANE SPRINGS.  Q. WHAT  CONDITION  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 PILED  <b>UP</b>—LAYING  SOME DISTANCE  APART. Q.  ABOUT HOW  FAR FROM  PINTO CREEK  TOWN, WHICH  YOU CALL THE  SETTLEMENT?  A. IT IS 9  OR 10 MILES.  Q. WHAT  DIRECTION?  A. RATHER  SOUTHERLY  DIRECTION —  SOUTHWARDS, I  SHOULD  JUDGE, ABOUT  A QUARTER  ANGLE. Q. WAS  THE ROAD  <b>CLOSE TO</b>  <del>ENCLOSED</del>  <del>FROM</del> PINTO</p>	
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**RT**

**RS**

**BT**

**PS**

<p>CREEK, RATHER WESTWARD. Q. DID YOU HAVE ANY ORDERS TO DRIVE ALL NIGHT, IF SO STATE WHAT THEY WERE <sup>[284]</sup> 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 STATE IT ? A. I KNOW OF NONE; WHEN WE LEFT CEDAR CITY WE INTEMDED TO CAMP AT <del>LINH</del> LYNCH'S SPRINGS, AND I</p>	<p>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 <del>THAT</del> <del>QUESTION</del><sup>[?]</sup> {QUESTION}<sup>P</sup> IS SOMEWHAT LEADING YOU MAY ASK HIM HOW HE TRAVELED. {Q}<sup>P</sup> WAS THERE Q ANY PARTICULAR REASON WHY YOU TRAVELED ALL NIGHT IF SO STATE {IT.}<sup>i</sup> A I KNOW OF NONE. WHEN WE LEFT CEDAR CITY WE INTENDED CAMP AT LEACHS SPRINGS, AND I</p>	<p>CREEK? A. NO, RATHER WESTWARD. Q. DID YOU HAVE ANY ORDERS TO DRIVE ON <b>ALL</b> <del>NIGHT OR NOR,</del> IF SO STATE WHAT THEY WERE? BY <b>M<sup>R</sup></b> HOGE: WE OBJECT TO THAT. MEN TRAVELING THROUGH THAT COUNTRY IS NOT NECESSARY — BY <b>THE COURT</b>:  THE QUESTION IS <del>SO</del> SOMEWHAT LEADING BUT YOU MAY ASK HIM HOW HE TRAVELED. Q. WAS THERE 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 LEECHES SPRINGS, AND I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DO NOT KNOW TO THIS DAY WHY WE TRAVELLED THAT NIGHT.</p> <p>JAMES PIERCE SWORN FOR PROSECUTION.</p> <p>BASKIN: Q. WHAT IS YOUR AGE ? A. THIRTY TWO YEARS OLD.<sup>274</sup> 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</p>	<p>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 <i>THAT IS</i>[?] BY COURT YOU CAN GO MR. MATTHEWS. {DEF WAIVED CROSS EXAMIN}P [<i>End of Shorthand Book 5</i>]</p>	<p>DO NOT KNOW TO THIS DAY WHY WE TRAVELED THA T NIGHT.</p> <p>CROSS-EXAMINATION WAIVED. [100] JAMES PEARCE SWORN FOR THE PROSECUTION. <b>EXAMINED BY M<sup>R</sup> CAREY: Q.</b> WHAT IS YOUR NAME? A. JAMES PEARCE. Q. WHERE DID YOU LIVE IN THE FALL OF '57? A. I LIVE D IN PAYSON IN THE FALL OF '57. Q. STAT E IF ØF YOU KNOW ANYTHING ABOUT A COMPANY OF EMIGRANTS</p>	
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274. Pearce was born March 6, 1839.



**RT**

**RS**

**BT**

**PS**

<p>TRAIN HAVING PASSED THROUGH THAT COUNTRY ABOUT THAT TIME ? A. YES SIR, I SAW THEM WHEN THEY PASSED PAYSON.</p> <p>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 SO DESCRIBE WHAT KIND AND NUMBER A. I COULD NOT TELL YOU SIR WHAT NUMBER OF STOCK THEY HAD; THEY HAD [285] THEIR</p>		<p>KNOWN AS THE ARKANSAS COMPANY?</p> <p>A. I SAW THE TRAIN AS THEY PASSED THROUGH PAYSON? Q. WHAT KIND OF A COMPANY WAS IT; HOW MANY WAGONS WERE THERE IN THE TRAIN?</p> <p>A. WELL, THERE WAS ABOUT 30 OR 40 WAGONS. AND</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 HAD. Q. ABOUT HOW MANY PERSONS WERE THERE IN THE TRAIN ? A. I COULDN'T 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 AND</p>		<p>THEY HAD SOME LOOSE STOCK BUT I DON'T KNOW</p> <p>HOW MANY..</p>	
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**RT**

**RS**

**BT**

**PS**

<p>CHILDREN. Q. WERE THERE FIFTY IN THE TRAIN ? A. I SHOULD JUDGE THERE WAS; I DON'T KNOW THROUGH<sup>5</sup>H,BUT I SHOULD JUDGE THERE WASTHAT MANY. Q. WERE THERE WOMEN TO THAT NUMBER ? A. THAT I COULD NOT SAY, WHETHER THERE WAS 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</p>		<p>Q. WHAT MONTH, WAS IT, IF YOU KNOW?  A. IT WAS HARVEST TIME</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DIRECTION WAS THE TRAIN TRAVELING ? A. TRAVELING SOUTH. <sup>[286]</sup> 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,</p> <p>A FEW DAYS AFTER THEY PASSED</p> <p>PAYSON I STARTED DOWN,MY FOLKS WAS THEN LIVING IN WASHINGTON,W ITH 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</p>		<p>WHEN THEY PASSED THROUGH PAYSON. Q. WHEN NEXT DID YOU</p> <p>SEE THE TRAIN, IF AT ALL , AFTER THAT? A. WE MOVED FROM PAYSON TO WASHINGTON; FATHER AND I WENT DOWN THERE. FOUR DAYS AFTER THE TRAIN PASSED THROUGH PAYSON; WE STARTED</p> <p>FOR WASHINGTON TO LIVE THERE ;</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>		<p>THEY TRAVELED SLOW BECAUSE THEIR OXEN WERE POOR. AND WE TRAVELED PRETTY FAST SO THAT WE GOT THERE BEFORE THEY DID.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 THEYREMAIN WAS THEY REMAIN THERE AT WASHINGTON ? A. NO,,TTHAT TRAIN WAS NOT AT WASHINGTON, THAT TRAIN WAS AT THE</p>	<p>[[Bk 6 2]]<sup>275</sup> AT WASHINGTON A NO THAT TRAIN WAS NOT AT WASHINGTON; THAT TRAIN WAS AT</p>	<p>Q. WHERE DID YOU NEXT SEE THAT TRAIN, AT WASHINGTON?  A. NO, THAT TRAIN WASN'T AT WASHINGTON. THAT TRAIN WAS AT THE</p>	
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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.**

**RT**

**RS**

**BT**

**PS**

<p>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. <sup>1287</sup> Q. WHAT WERE THY DOING THERE ? A. THEY WERE CORRALLED THERE. Q. HOW MANY TIMES DID YOU SEE THEM ? A. I DON'T REMEMBER, IF 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</p>	<p>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. <sup>276</sup> QWHAT WERE THY DOING THERE ATHEY WERE CORRALLED THERE {Q}P HOW MANY TIMES DID YOU SEE THEM I DON'T REMEMBER TWICE OR 3 TIMES MAYBE MORE QHOW NEAR TO THEIR CORRAL WERE YOU AI THINK IT WAS A MILE AND A HALF ABOVE IN {A}P LITTLE CANYON THERE</p>	<p>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 CORRAL WERE YOU? A. I THINK IT WAS A MILE AND A HALF ABOVE, IN A LITTLE CANYON. THERE</p>	
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276. Above the line: { \* **DEC 24/1030 PM.** }<sup>1</sup> In the center of the page over the shorthand, "COMPARED" is written.

**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>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}PI 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&lt;I DON'T&gt; 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</p>	<p>IS A LITTLE CREEK CAOMES OUT THAT WE WAWs 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 WASNT TOLD TO GO ALONG; I ASKED TO GO ALONG. I WENT ALONG WITH THEM? A. WAS THERE ANYTHING SAID AS TO WHAT YOU WERE TO GO FOR? A. I DON'T REMEMBER ANY TALK. OF IT- BEFORE WE STARTED FROM THERE. Q. WHAT DID THE COMPANY HAVE OR TAKE WITH YOU A. IN <del>OT OR TAKE</del> [101] ANY OF YOUR PARTIES? A. I THINK THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p>	<p>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}<sup>P</sup> BY SUTHERLAND HIS TESTIMONY</p>	<p>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 WERE TO TAKE WITH YOU? IF SO, STATE WHAT ? ? OBJECTED TO BY MR. SUTHERLAND. &amp; <b>OBJECTION</b></p>	
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**RT**

**RS**

**BT**

**PS**

<p><i>[288]</i> Q. I WILL ASK YOU NOW <del>FO S A E</del> 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 ?</p> <p>A. I WAS TOLD TO TAKE MY GUN ALONG BY SOME OF THE CITIZENS THERE. I HAD JUST MOVED DOWN THERE.</p> <p>THERE WAS A CROWD GOING UP—A SMALL PARTY FROM THERE. Q. WHAT WAS YOU TO TAKE THE GUN FOR ? A. I SUPPOSE ----- OBJECTED TO BY JUDGE SUTHERLAND.</p> <p>Q. STATE WHAT</p>	<p>— —[?] 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 <del>IF WAS</del> A I WAS <del>&lt;TOLD TO&gt;</del> —[?] MY GUN ALONG BY SOME OF THE CITIZENS THERE, I HAD JUST MOVED DOWN THERE.</p> <p>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</p>	<p><b>SUSTAINED.</b></p> <p>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?</p> <p>A. I WAS TOLD TO TAKE MY GUN ALONG BY SOME OF THE CITIZENS THERE. I HAD JUST MOVED DOWN THERE TO WASHINGTON. THERE WAS A CROUD GOING UP — SMAPLL PARTY FROM THERE. Q. WHAT WAS YOU TO TAKE A GUN FOR? A. I SUPPO SE— OBJECTED TO BY M<sup>R</sup> SUTHERLAND. QBY CAREY: STATE WHAT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>YOU KNEW <sup>A</sup> 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}<sup>P</sup> IT WAS {A}<sup>P</sup> FRONTIER INDIAN COUNTRY FOR ONE THING, ONLY VERY FEW SETTLERS; EVERY MAN PACKED HIS GUN AND SIX</p>	<p>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 FREONTIER C INDIAN COUNTRY FOR ONE THING, ONLY A VERY FEW SETTLERS; EVERY MAN PACKED HIS GUN <b>OR</b> <del>AND</del> SIX</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 <sup>[289]</sup> 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</p>	<p>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 &lt;THE&gt; STATES; SAID THEY WOULD EXTERMINATE THE MORMONS WHEN THEY GOT {TO}p CALIFORNIA; I HEARD IT IN THE CROWD I WAS WITH, <sup>[[3]]</sup> COULD NOT TELL YOU</p>	<p>SHOOTER WITH HIM; BUT I HAD NO GUN AT THAT TIME. Q. WH ERE DID YOU GET THE GUN THAT YOU TOOK? A. I FCOULD NOT TELL YOU SIR, TO SAVE MY LIVFE 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 THEREY WASERE SOME MOBOCRATS THAT HAD BEEN IN THE MODB IN <sup>[[102]]</sup> THE STATES; TH SAID THEY YWOULD EXTERMANATE THE MORMONS WHEN THEY GOT TO CALIFORNIA.. I HEARD IT IN THE CROUD I WAS WITH . I COULD NOT TELL YOU THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>IDENTICAL PARTY. THAT WAS THE TALK. Q. WHAT ELSE WAS SAID ? A. WHAT ELSE —IT WAS REPORTED THEY HAD BEEN POISONING SPRINGS AS THEY 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;?</p> <p>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</p>	<p>IDENTICAL PARTY, THAT WAS THE TALK QWHAT ELSE WAS SAID {A}PWHAT 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 QWHAT DID YOU STAR{T}P OUT THERE TO DO AI SUPPOSE OBJECTED TO BY SUTHERLAND, TO WITNESS SPECIFY</p> <p>{Q}PWHAT WAS SAID {S - I OBJ TO HIS}P</p> <p>SUTHERLAND OBJECTED TO HIS DRAWING ANY INFERENCE AS TO WHAT</p>	<p>IDENTICAL PARTY BUT THAT WAS THE TALK. Q. WHAT ELSE WAS SAID? A. WHAT ELSE —IT WAS REPORTED THEY HAD BEEN POINSONING SPRINGS AS THEY CAME DOWN AND COMMITTING OUTRAGES ON THE PEOPLE; THAT WAS THE WORD THROUGH THE CROUD. THAT WAS THE TQALK I HEARD ABOUT THEM. Q. WHAT DID YOU ARTART OUT THERE TO DO? A. I SUPPOSED</p> <p>BY MR SOUTHERLAND:</p> <p>I OBJECT TO SITNESSES SUPPOSING. Q. WHAT WAS SAID?</p> <p>BY MR SUTHERLAND: I OBJECT TO HIS DRAWING INFERENCES AS TO WHAT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WAS SAID. Q. FROM <del>YOU</del> WHAT YOU HEARD SAID OR SAW THERE,WHAT DID YOU GO OUT TO THE MOUNTAIN MEADOWS TO DO ? OBJECTED TO BY JUDGE SUTHERLAND.</p>	<p>WAS SAID {Q}<sup>P</sup> FROM WHAT YOU HEARD SAID AND SAW THERE, {Q}<sup>P</sup> WHAT DID YOU GO OUT TO THE MOUNTAIN MEADOWS TO DO ?  SUTHERLAND I OBJECT</p>	<p>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<sup>R</sup> SUTHERLAND: I OBJECT.</p>	
<p>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</p>	<p>{Q}<sup>P</sup>WHAT WAS SAID AMONG THOSE WHO WENT OUT WITH YOU WITH REFERENCE {TO THE}<sup>P</sup> OBJECT OF YOUR GOING {TO THE}<sup>P</sup> MOUNTAIN MEADOWS {A}<sup>P</sup> WELL I HAVE ALREADY STATED IT {A}<sup>P</sup> THE THING AS I UNDERSTOOD IT THAT THEY HAD BEEN POISONING {SOME}<sup>P</sup></p>	<p>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 HAV<del>E</del> ALREADY STATED IT. THE THING AS I UNDERSTOOD IT, THAT THEY HAD BEEN POISONING SOME</p>	
<p>SPRINGS AS THEY CAME ALONG, THE TALK, BY THE PARTY, OR SOME OF THEM,SAID THEY HAD HELPED TO KILL</p>	<p>SPRINGS AS THEY CAME ALONG THE TALK WAS {BY}<sup>P</sup> PARTY; SOME OF THEM SAID THEY HAD HELPED KILL</p>	<p>SPRINGS AS THEY CAME ALONG. THE TALK WAS BY THE PARTY,; <b>THAT</b> SOME OF THEM SAID THEY HAD HELPED TO KILL</p>	

**RT**

**RS**

**BT**

**PS**

<p>OLD JOE SMITH, AND THEY WERE GOING TO CALIFORNIA TO RAISE SOME FR NTS. TROOPS,</p> <p>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 ? <sup>[290]</sup></p> <p>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</p>	<p>OLD JOE SMITH AND THEY WERE GOING CALIFORNIA TO RAISE SOME TROOPS SAYING GOING TO BELOW FOR</p> <p>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</p> <p>{A} P I DIDN'T KNOW HEAR, <del>THEY</del> 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</p>	<p>OLD JOE SMIGTH AND THEY WERE GOING TO CALIFORNIA TO RAISE SOME TROOPS THEY WAS GOING DOWN BELOW FOR A THOUSAND MEN, GOING TO GET MEN ALREADY ARMED, AND WOULD COME BACK AND DRIVE THE MORMONS OUT AND TAKE THEIR MEANS FROM THEM. Q. WAS THERE ANYTHING SAID WHAT WAS INTENDED TO BE DONE TO THE COMPANY?</p> <p>A. I DON'T KNOW, WHETHER THEY WAS GOING TO ARREST THESE PARTIES OR WHETHER THEY WERE GOING <del>TO</del> TO KILL THEM. Q. WAS THERE ANYTHING THAT S WAS SAID AS TO THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>OBJECT ? MEN WAS GENERALLY LIKE ME DIDN'T KNOW THE NATURE OF THE THING WHAT WAS TO BE DONE WHEN WE GOT OUT THERE Q WAS THERE ANYTHING TALKED AMONG THE PARTY {A}PI 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</p>	<p>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 ETELL WHAT WAS SAID — SOME TALKED OF GOING TO ARREST [103] SOME OF THESE MEN, SOME OF THEM GOING TO BE STOPPED— ARESTEFD FOR WHAT THEY HASD SAID/. THEY BRAGED WHAT THEY HAD DONE — SOME TALKED OF KILLING SOME OF THEM. Q. WHAT TIME DID THEY DID THEY REACH THE MOUNTAIN MEADOWS WITH THIS PARTY</p>	
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**RT**

**RS**

**BT**

**PS**

<p>YOU WENT WITH OR AFTER REACHED THE MEADOWS WHAT DID YOU DO ?  A. I CAME UP IN A LITTLE HOLLOW,ABOUT A MILE,</p> <p>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</p> <p>THOSE WHO WENT WITH YOU AND CAMPED AROUND THERE ? A. I DO NOT KNOW. I AM NOT CERTAIN; I DON'T REMEMBER THEM. THERE</p>	<p>YOU WENT WITH = AFTER YOU REACHED THE MEADOWS {WHAT}<sup>P</sup> DID YOU SEE DO {A}<sup>P</sup> I CAME UP IN A LITTLE HOLLOW ABOUT A MILE</p> <p>OVER LITTLE HILL VERY LITTLE; {THE}<sup>P</sup> 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}<sup>P</sup> HOW MANY WERE IN THAT CAMP WITH YOU A INCLUDING</p> <p>THOSE WHO A WENT A WE MADE CAMPED AROUND THERE I DO NOT KNOW I AM CERTAIN I DON'T REMEMBER THEM, THERE</p>	<p>THEY WENT WITH. WAFTER YOU REACHED 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,</p> <p>THE TRAIN WAS IN IN SIGHT, THE CAMP WAS NOT IN SIGHT, AND THERE WAS A LITTLE HILL RIGHT BEY, 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</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WAS A PARTY OF THEM,BUT I COULD NOT STATE. Q. WELL,APPROXIMATE IT AS NEAR AS YOU CAN,</p> <p>YOU CAN TELL WHETHER THERE WAS ONE OR ONE HUNDRED ?</p> <p>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 <sup>[291]</sup> 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</p>	<p>WAS A PARTY OF THEM COULD NOT STATE Q. <del>WELL</del> APPROXIMATE TO IT <del>AS NEAR AS CAN</del> {Q}P AS NEAR AS YOU CAN. YOU CAN TELL WHETHER THERE WAS ONE OR HUNDRED <del>IF IF IS</del> 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</p>	<p>WAS A PARTY OF THEM; I COULD NOT STATE. Q. WELL, APPROXIMATE TO IT AS NEAR AS YOU CAN — AS NEAR AS YOU CAN. YOU CAN TELL WHETHER THERE WAS ONE OR A HUNDRED?</p> <p>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 THERE WAS . I WAS A LITTLE TIMID ABOUT RANTING AROUND AMONG THE MEN. Q. HOW</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p>	<p>MANY WAS THERE <sup>[[4]]</sup> 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  Q WONT YOU STATE {THE}P  NAMES OF ALL YOU CAN REMEMBER {A}P  THERE WAS WILLIAM YOUNG I THINK FROM WASHINGTON WAS THERE;</p>	<p>MANY WAS THERE IN BOTH CAMPS, AS NEAR AS YOU CAN REMEMBER;?  <b>I COULD NOT SAY.</b> I EXPECT THOUGH, THERE WAS 15 OR 20, I COULD NOT SAY POSITIVELY.  Q. DO YOU MEAN IN YOUR CAMP OR BOTH CAMPS. A.  BOTH CAMPS; AND THERE <del>£</del>MAY HAVE BEEN MORE THAN THAT.  THERE IS SOME HERE WHO IS ACQUAINTED WITH THE COUNTRY AND COULD GIVE 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.</p>	
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**RT****RS****BT****PS**

<p>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 GENTLEM<del>Z</del>AN 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</p>	<p>THERE WAS. <sup>Q</sup> DO YOU KNOW WHERE WILLIAM YOUNG NOW LIVES <sup>A</sup>I THINK HE IS LIVING IN WASHINGTON. <sup>Q</sup>{WHAT}<sup>P</sup> SORT OF LOOKING MAN IS HE {<sup>A</sup>}<sup>P</sup> 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 <sup>Q</sup>DO YOU KNOW WHERE HE LIVES NOW <sup>A</sup>HE IS DEAD, AND THERE WAS MORE THAN THAT. <sup>Q</sup> DID YOU SEE HIGBEE THERE <sup>A</sup>NOT TO BE CERTAIN I</p>	<p>Q. DO YOU KNOW WHE<del>T</del>RE 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.<sup>277</sup> <sup>[104]</sup> 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</p>	
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277. William Rufus Slade, Sr. (1811–1872) and John Wesley Clark (1818–1869).

**RT**

**RS**

**BT**

**PS**

<p>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 ? <sup>[292]</sup> 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. Q. DID</p>	<p>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} PNO 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</p>	<p>THINK THAT I DID BUT I COULD NOT SAY. Q. DID YOU SEE JOHN D. LEE THERE? A. I COULD NOT STATE THA T UNDER OATH; I THOUGHT I SAW LEE PASSING AROUND THERE; BUT 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. 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. DO YOU KNOW KLINGENSMITH? A. I THINK I WOULD KNOW HIM. Q. DID</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.<sup>278</sup> MY FATHER MOVED FROM DIXIE, IN</p>	<p>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 <i>THAT[?] TO</i> SAY SOME OF PARTIES <del>WAS</del> <del>←THAT→</del> WAS THERE AI 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</p>	<p>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 COULNTRY BEFORE YOU STARTED ON THEIS EXPEDITION — THAT IS IN PAYSON? A. I HAYD LIVED THERE SOME FIVE OR SIX YEARS. WE CAME INTO PAYSON IN I852; REMAINED THERE AT PAYSON <b>OR</b> POND TOWN TILL '57. MY FATHER MOVED TO DIXIE IN</p>	
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278. Currently Salem, Utah.

**RT**

**RS**

**BT**

**PS**

<p>THE SPRING OF '57; IN THE FALL OF 1858 WHEN I WENT DOWN WITH THIS OLD 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 CAMP 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,</p> <p>SQUADS. <sup>[293]</sup> Q. WHAT WERE THEY TALKING ABOUT, THE EMIGRANTS -- WHAT WERE THEY SAYING OR TALKING ABOUT ? A.</p>	<p>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</p> <p>SQUADS Q WHAT WERE THEY TALKING ABOUT A EMIGRANTS Q WHAT WERE THEY SAYING</p> <p>A</p>	<p>THE SPRING OF '57, AND IN THE FALL OF '587. WHEN I CAME DOWN WITH THIS OLD GENT, JOSEPH ADAIR;, HE WAS UP THERE FORR SOME OF HIS EFFECTS, WENT UP THERE TO GET SOME OF HIS THINGS; I WENT DOWN THERE WITH HIM. Q. YOU SAID YOU REMEINÆD IN CAMP ABOUT TWO DAYS; I WANT YOU TO TWELL WHAT WAS DONE IN CAMP AT THAT TIME OR DUTRING THAT TIME? A. THEY WAS RUNNING AROUND THERE TALKING IN LITTLE GROUPES GROOUPES AND ASQUADS. Q. WHAT WAS THEY TALKING ABOUT? A. THE EMIGRANTS. Q. WHAT WERE THEY SAYING?</p> <p>A.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 THEE MEN WHO LOOKED TO BE</p>	<p>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 <sup>[[5]]</sup> 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</p>	<p>TALKING ABOUT ARRESTING SOME OF THEM; TALKING ABOUT KILLING THEM ALL KINDS OF TALK. Q. WAS THERE ANYTHING SAID AS TO WHAT WAS TO BE BE DONE WITH THESE EMIGRANTS? A. ISOME TALKED THEY WOULD KILL THEM ALL OFF; SOME OF THEM WERE OPPOSED TO IT. <sup>[105]</sup> Q. HAD YOU LEADERS OR ANY PERSON COMMANDING? A. I DON'T KNOW. I SAW SEVERAL MEN RUNNIGN AROUND THAT 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 THEM MEN WHO LOOKED TO BE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p> <p>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.</p>	<p>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. A HE WAS NOT QUITE 14 OVER 14 YEARS OLD. THERE IS AN OLD GENTLEMAN HERE THIS YOUNG HE SAID HE REMEMBERED &lt;ME&gt; WELL I</p>	<p>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 STRANFGE TO THEM;— A BOY. I JUÐST STAYED AROUND CAMP AND ATTENEDED TO MY OWN BUSINESS? AQ. QHOW OLD WERE YOU AT THAT TIME? A. I AM 32 NOW. ( COUNSEL FIGURED IT UP) Q. HE YOU WAS NOT QUITE 14 . A. SOME 14 YEARS OLD. THERE IS AN OLD GENTLEMAN HERE, THIS M<sup>R</sup> YOUNG, HE SAID HE REMEMBERED ME, WELL, I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>HAVE REMEMBERED HIM EVER SINCE. Q. <del>IF</del> AFTER YOU WERE ON THAT GROUND WHAT WAS DONE— STATE 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 <sup>1294</sup> 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</p>	<p>HAVE REMEMBERED HIM EVER SINCE. Q AFTER YOU WERE ON THAT GROUND WHAT WAS DONE  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</p>	<p>HAVE REMEMBERED HIM EVER SINCE. Q. AFTER <del>W</del>YOU WERE ON THE GROUND WHAT WAS DONE?  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 THRESE MEN WHO SEEMED TO BE THE LEADING MEN; DIDN'T KNOW THE <del>L</del>PLAN. FIRST I KNOW <b>THE</b> MEN WERE SHOVING OUT OF CAMP ; WENT OFF; I THINK THEY WAS GONE A HALF A DAY, PROBABLY THREE OR FOUR HOUSRS , AMAY BE A</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>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 <del>A</del> WOLF. WHEN I GOT THERE, I ATE HEAVY OF FRESH BEEF AND I HAD THE BOTS <del>BOTTS</del> THERE. I WAS SICK THERE WAS MOVING OUT Q.WHERE DID THEY SHOVE OUT TO A DOWN TOWARDS EMIGRANTS Q <i>WHERE/WERE</i>[?] 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</p>	<p>HALF A DAY. WHEN I COME BACK INTO CAMP, THERE WAS NOTHING THERE TO EAT BUT FRESH BEEF, I DIDN'T SUPPLY MÛYSELF 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, <b>WHILE</b> THEREY WAS MOVING OUT. Q. WHERE DID THEY SHOVE OUT TO? A. DOWN TOWARDS THE EMIGRANTS. Q. WERE THEY— DO YOU KNOW <del>WW</del> WHO GAFVE THE COMMAND-, IF ANY PERSON? A. THEY JUST SEEMED TO ROLL RIGHT OUT; I WAS NOT PAYING MUCH ATTENTION. Q. WHAT DID</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THEY TAKE WITH THEM ?  A. THEY TOOK THEIR GUNS WITH THEM, 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; I WAS SLEEPING, 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 KILL THE 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</p>	<p>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</p>	<p>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 FGONE 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 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</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 <sup>[295]</sup> 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</p>	<p>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. &lt;Q YOU HEARD SHOOTING&gt; 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</p>	<p>FIRING. 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 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 DIRCEECTLY FOR HHOME. Q. WHEN THEY RETURNED WAS THERE ANYTHING SAID ABOUT THE COMPANY? A. THEY SAID ALL</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p>	<p>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. <sup>[[6]]</sup> I CONCLUDED THEY WAS KILLED OBJECTED TO BY DEFENSE. Q DID YOU SEE ANY INDIANS AROUND THERE A I 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 WHERE INDIANS WAS CAMPED Q</p>	<p>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 FDEFENSE. Q. DID YOU SEE ANY INDIANS AROUND THERE? A. I SAW LOTS OF THEM THERE, MORE THAN I EVER WSAW BEFORE. THE INDIANS WAS POW-WOWING AROUND. THEY CAME UP TO MY CAMP, BUT I COULD NOT TELL YOU WHERE THE INDIANS WERE CAMPED. I SAW THEM ALL AROUND ? I DON'T KNOW WHERE THEY INDIANS WERE CAMPED. Q.</p>	
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**RT**

**RS**

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**PS**

<p>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</p> <p>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.</p>	<p>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</p> <p>VERY SMALL PARTY FROM WASHINGTON. &lt;DID THEY SHOW HOSTILITY ON THE GROUND</p> <p>TO YOUR PARTY&gt; A NO NOT ON THE GROUND THEY DID NOT. Q DID YOU SEE ANY WHITE MEN TALKING WITH THEM A I <del>SOME</del> SAW SOME MEN TALKING WITH INDIANS BUT I COULD NOT TELL YOU NAMES OF PARTIES</p>	<p>DID THEY SHOW ANY HOSTILITY TOWARDS THESE MEN WHO WERE CAMPED TERE 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 <del>VERY SMAPPL</del> VERY SMALL PARTY FROM WASHINGTON. Q. DID THEY SHOW HOSTILITY ON THE GROUND</p> <p>TO YOUR PARTY? A. NO, NOT ON THE GROUND, <del>D</del>THEY DIDN'T. 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.</p>	
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**RT**

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**PS**

<p>[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</p>	<p>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</p>	<p>Q. HOW LONG DID THE INDIANS REMAIN IN CAMP THERE? A. THEY WAS <del>STO</del> <del>BE</del> <del>BE</del> <del>BE</del> SEEN AT ONE TIME—AT THE TIME THE COMPANY SHOVED OUT. [107] Q. WHERE WERE THE INDIANS, OUT OF CAMP? A. THE INDIANS WERE OFF SOMEWHERE BELOW, DOWN THE HOLLOW. 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 <del>FILED</del> <del>PILED</del> OUT THAT THE INDIANS <del>DISAPPER</del> <del>ARED</del> A. WELL, SIR, I DON'T REMEMBER BEFORE</p>	
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**RT**

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**PS**

<p>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</p>	<p>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</p>	<p>THEY PILED OUT. Q. WHEN DID YOU LAST NOTICE THE INDIANS AROUND THE CAMP? A. ALONG SOMETIME THAT MORNING. Q. I MEAN THE INDIANS. Q. HAD THE INDIANS 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</p>	
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**RT**

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**PS**

<p>ON THAT OCCASION ? A. I DID NOT. I HAD NO INCLINATION TO SEE THEM WHATEVER. Q. DID 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, THE PROPERTY MOVED ALL THIS WAY, ALL. [297]</p> <p>Q. YOU CAME INTO THE MOUNTAIN MEADOWS FROM THE SOUTHWEST ? A. YES SIR. Q. YOU NEVER SAW ANY PROPERTY AFTERWARDS ? A. THERE WAS A PARTY<sup>33</sup> SOMEWHERE FROM THE NORTH</p>	<p>ON THAT OCCASION <sup>A</sup> SIR, I DID NOT; I HAD NO INCLINATION TO SEE THEM WHATEVER <sup>Q</sup> DID YOU SEE ANY OF THE PROPERTY OF THAT TRAIN <sup>A</sup>I SAW THERE ABOUT THE TIME WE WAS MOVING CAMP, I SAW WAGONS MOVING THIS WAY; <sup>A</sup> I KNOW THERE WAS NOT A BIT OF PROPERTY TAKEN TO WASHINGTON <sup>A</sup>PROPERTY MOVED OFF THIS WAY BAD AND GOOD. <sup>Q</sup>YOU CAME INTO THE MOUNTAIN MEADOWS FROM THE SOUTHWEST <sup>A</sup>YES SIR YES <sup>Q</sup>YOU NEVER SAW ANY OF THE PROPERTY <sup>A</sup>AFTERWARDS THERE WAS PARTIES SOMEWHERE FROM THE NORTH</p>	<p>ON THAT OCCASION? A. NO, SIR, I DID NOT: I HAD NO INCLINATION TO SEE THEM<del>EM</del> WHATEVER. Q. DID YOU SEE ANY OF THE PROPERTY OF THAT <del>R</del>TRAIN? A. I SA<del>W</del> 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</p>	
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**RT**

**RS**

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**PS**

<p>COUNTRY; SOME OF THIS PARTY, I JUDGE, CAME IN FROM THIS WAY, TOWARDS THE TWO ROADS, COMING INTO THE MEADOWS,</p> <p>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.</p>	<p>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</p>	<p>GOT SOME OF THIS PROPERTY I JUDGE CAME IN FROM THIS WAY. THERE IS TWO ROUTES COMING INTO THE MEADOWS. ONE FROM THE SOUTH AND 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 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 WASHINGTON COUNTY? Q. IN WHAT TERRITORY? A.</p>	
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**RT**

**RS**

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**PS**

<p>UTAH TERRITORY. 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, 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</p>	<p>UTAH TERRITORY. * [[7]] 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 EXACT DISTANCE. Q HOW MANY PEOPLE CAME UP WITH YOU FROM WASHINGTON A I DON'T REMEMBER &lt;THE&gt; NUMBER; THERE WAS A FEW, THEY HAD LITTLE TWO HORSE WAGON; DON'T REMEMBER WHO DROVE IT, I CAME ON AFTER ≤A WHILE&gt; Q WHILE YOU WERE LYING IN CAMP THERE, DID YOU HEAR ANY FIRING OF GUNS A YES SIR, I HEARD VOLLEY OF GUNS A I HEARD CONSIDERABLE</p>	<p>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</p>	
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**RT**

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**PS**

<p>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 <sup>1298</sup> 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</p>	<p>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 Q I DON'T WANT SUPPOSITION = <del>YES SIR</del> WE WANT FACTS THAT IS WHAT YOU &lt;WE&gt;</p>	<p>FIRING. I <del>USUPPOSEED</del> AT THE TIME THE EMIGRANTS WERE BEING KILLED. Q. DO YOU KNOW AT WHAT PART OF THE TIME THE EMIGRANTS, <del>THE EMIGRANTS</del> 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 BEFORE 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</p>	
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**RT**

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**PS**

<p>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 -----</p> <p>OBJECTED TO BY COUNSEL FOR DEFENSE. Q. HOW MANY FROM WASHINGTON WERE THERE ON THE GROUND ? A.</p> <p>THERE WAS SOME 5 OR 6 I THINK,</p>	<p>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≥ QLET 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</p> <p>QHOW MANY FROM WASHINGTON WERE THERE ON THE GROUND. A WHEN YOU CAN DECIDE I WILL ANSWER; THERE WAS SOME 5 OR 6 I THINK</p>	<p>WANT TO COME AT. DID YOU HEAR—HEAR WHAT WAS SAID; IF SO, BY WHOM <b>HAD</b> THEY HAD BEEN ATTACKED? A. I DO NOT, I WOULD HAVE KNOWN IF I HAD BEEN</p> <p>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—————</p> <p>OBJECTED TO.</p> <p>Q. HOW MANY FROM WASHINGTON WERE THEYRE ON THE GROUND? A. WHEN YOU CAN DECIDE I WILL ANSWER. THERE WAS SOME FIVE OR SIX</p>	
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**RT**

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**PS**

<p>MAY BE SEVEN, A SMALL PARTY.</p> <p>CROSS - EXAMINATION WAIVED.</p> <p><i>[299]</i> E. W. THOMPSON ,SWORN FOR PROSECUTION.</p> <p>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</p>	<p>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 <i>[space]</i> {<b>DEFENSE WAIVED CROSS EXAMINATION</b>}</p> <p><sup>p</sup> <i>[space]</i> <b>E. W.</b> <b>THOMPSON.</b> CLERK ADMINISTERED OATH.</p> <p>QMR. 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</p>	<p>MAY BE SEVEN—SMALL PARTY. BY PROSECUTION: THAT IS ALL.</p> <p><i>[109]</i> E.W. THOMPSON, SNR. SWORN FOR THE PROSECUTION. <b>EXAMINED BY M<sup>R</sup> Q. MR.</b> 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,</p>	
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**RT**

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**PS**

<p>DURING THAT MONTH YOU SAW AN EMIGRANT TRAIN PASSING THROUGH,</p> <p>CALLED THE ARKANSAS,OR NOT ? A. I SAW A TRAIN PASSING THROUGH HERE, DESIGNATED BY THAT TITLE; I THINK I WAS TOLD SO.</p> <p>Q. WHERE DID</p>	<p>DURING THAT MONTH SAW EMIGRANT TRAIN PASS</p> <p>THERE CALLED ARKANSAS OR NOT A I SAW TRAIN PASS THROUGH HERE DESIGNATED BY THAT TITLE, I THINK I WAS TOLD SO.</p> <p>Q WHERE DID</p>	<p>DURING THAT MONTH, YOU SAW AN EMIGRANT TRAIN APASS <b>THROUGH</b> THERE ,</p> <p>OR NOT? A.I SAW A TRAIN PASS THROUGH HERE DESIGNATED BY THAT TITLE; I THINK I SAW IT.</p> <p>Q. WHERE DID <del>THEY COME FROM, DO YOU</del> <b>THEY CAMP</b></p>	
<p>THEY CAMP, DID YOU KNOW ? A. I NEVER WAS AT THEIR CAMP,BUT THEY CAMPED ON THE RIVER,ACROSS THE CREEK HERE.</p> <p>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</p>	<p>THEY CAMP, DID YOU KNOW A I NEVER WAS AT THEIR CAMP =</p> <p>CAMPED ON THE RIVER ACROSS THE CREEK HERE</p> <p>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</p>	<p><b>THEY CAMP, DO YOU KNOW? A. I NEVER WAS AT THEIR CAMP—</b></p> <p>CAMPED ON THE RIVER ACROSS THE CREEK HERE? A Q</p> <p>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 THE</p>	



**RT**

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**PS**

<p>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 ? <sup>1300</sup> A. I HAVE NO KNOWLEDGE, I NEVER VISITED THEIR CAMP. Q. DID YOU SEE ANY OF THEM ?</p>	<p>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 <del>OR</del> 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,</p>	<p>DAY? Q. OF SEPTEMBER, '5&amp;7? A. YES, SIR. Q. AND TELL US ABOUT HOW LARGE A TRAIN OF SWAGONS? 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 NEVER VISITED THEIR CAMP. Q. DID YOU SEE ANY OF THEM?</p>	
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**RT****RS****BT****PS**

<p>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, AT BTBH</p>	<p>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 AI 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 AT THE</p>	<p>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</p>	
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**PS**

<p>E TIME, 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 ? <sup>[301]</sup> A. I WAS FREQUENTLY AT MEETING IN THOSE DAYS. Q. STATE WHETHER YOU</p>	<p>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  <i>COMPANY[?] OR</i> 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</p>	<p>TIME <b>AS TO</b> HOW MANY LOOSE CATTLE THERE WERE IN THE HEARD? A. I <del>DO</del> <b>DID</b> NOT. Q. STATE WHETHER YOU WERE PRESENT AT ANY MEETING BEING HELD HERE? A I WILL CHANGE THE QUESTION. STATE <sup>[110]</sup> 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 MEETING IN A SQUARE? A. I WAS FREQUENTLY AT MEETING IN THOSE DAYS. Q. STATE WHETHER YOU</p>	
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**BT**

**PS**

<p>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</p>	<p>HEARD ANY REMARKS MADE AT THAT MEETING ABOUT THIS TRAIN, IF SO TELL WHAT WERE THEY <del>WERE</del> A 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 A THERE WAS LETTER READ IN A MEETING AT <del>THAT AT</del> ONE TIME WHEN I WAS THERE Q WHO WROTE AND READ THE LETTER A WHETHER IT WAS READ BY BISHOP OR HIS CLERK I</p>	<p>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 <del>REMEMBER IT.</del> 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 <del>L</del>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</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 YOU SEE HIM AFTER THAT ?</p> <p>A. NOT IMMEDIATELY AFTER; I COULD NOT SAY, I MIGHT HAVE DONE, AND MIGHT NOT, BUT CANNOT CALL THE</p>	<p>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 COUNTRY 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</p>	<p>WOULD NOT <del>KNOW</del> BE POSITIVE. Q. D<del>IO</del> YOU REMEMBER EVER SEEING GEORGE A. SMITH HERE AT THAT TIME? A. DON'T <del>RE</del>COLLECT 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 <del>T</del>IME OF THAT T IME? A. HE WAS DOWN THROUGH THIS COUNTRY AT THAT TIME; I COULD NOT STATE WHETHER HE WAS IN THE COUNTRY 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; <del>N</del>MIGHT NOT ; CAN'T CALL THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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 ? <sup>[302]</sup> A. PHILO T. FARNSWORTH. 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 TELL, BUT ON THE SUBJECT OF THE EMIGRANTS, AND TRADING WITH THEM.</p> <p>Q. NOT TO SELL GRAIN OR ANYTHING OF THAT KIND ? A. THE LETTER WAS READ.</p> <p>SUTHERLAND: HE SAYS THE LETTER WAS</p>	<p>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 A PHILO T FARNSWORTH. Q STATE WHAT IF ANYTHING WAS SAID AFTER READING OF THAT LETTER A COULD NOT CALL TO MIND JUST NOW WHAT WAS SAID, I COULD NOT EXACTLY STATE A ON SUBJECT OF EMIGRANTS, AND TRADING WITH THEM MUCH &lt;COUNSEL NOT TO SELL THEM GRAIN&gt; ANYTHING OF THAT KIND, THE LETTER WAS READ BY</p> <p>SUTHERLAND: HE SAYS THE LETTER WAS</p>	<p>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? 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; <del>20</del> ON THE SUBJECT OF EMIGRANTS AND TRADING WITH THEM,</p> <p><del>AND OR</del> SOMETHING OF THAT KIND?— THE LETTER WAS READ. BY M<sup>R</sup></p> <p>SUTHERLAND: HE SAYS THE LETTER WAS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>READ AS COUNSELING NOT TO SELL.</p> <p>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</p>	<p>READ AS COUNSELING NOT TO SELL. = BY DEFENSE HOLD ON WE OBJECT TO ANYTHING <del>THAT/THE</del><sup>[?]</sup> 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</p>	<p>READ.</p> <p>HOLD ON, WE OBJECT TO ANYTHING THAT THE PROSECUTION —<sup>[11]</sup> A. I DON'T REMEMBER WHAT ELSE WAS SAID. Q. AFTER THE LETTER WAS READ WAS THERE ANY COMMENTS ABOUT IT? A. I DØID NOT CHARGE MY MIND WITH WHAT WAS SAID. M<sup>R</sup> BASKIN: IN RELATION TO THAT LETTER WE WILL SUSPEND IT AT PRESENT—<b>AS TO</b> WHETHER IT WOULD BE PROPER TO PROVE THE CONTENTS OF THAT LETTER OR NOT. IT IS MY IMPRESSION AS COMING FROM THESE CONSPIRATORS., <b>IF</b> WE COULD CONNECT, IT WOULD BE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p> <p>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</p>	<p>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 <del>THE</del> ACCUSATION <del>ON YOUR</del> OUR SIDE = THAT THAT LETTER CAME FROM ANY OF THE CONSPIRATORS. BASKIN IF WE COULD CONNECT IT,</p> <p>I SPEAK OF IT AT THIS TIME FOR PURPOSE OF RESERVING THE RIGHT TO RECALL WITNESS FOR THAT PURPOSE. BISHOP,</p>	<p>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 TILL THE ADJOURNMENT OF THE COURT. <b>M<sup>R</sup></b> SUTHERLAND: WE RESENT THE ACCUSATION ON OUR SIDE THAT THAT LETTER CAME FROM ANY OF THE CONSPIRATORS. BY <b>M<sup>R</sup></b> BASKIN: IF WE COULD CONNECT IT—</p> <p>I <del>SPOKE</del> <b>SPEAK</b> OF <del>AT</del> AT THIS TIME FOR THE PURPOSE OF</p> <p>RECALLING THE WITNESS AGAIN FOR THAT PURPOSE. BY <b>M<sup>R</sup></b> BISHOP: <del>WE AR</del> IF THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>COURT PLEASE, WE ARE EXCEEDINGLY SENSITIVE ON THAT POINT,</p> <p>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 CONSPIRATORS, AND TAKE IT FOR <sup>[303]</sup> 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</p>	<p>COURT PLEASE WE ARE EXCEEDINGLY SENSITIVE ON THAT POINT,</p> <p>YES SIR</p> <p>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 <sup>[9]</sup> 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</p>	<p>COURT PLEASE, WE ARE EXCEEDINGLY SENSITVSENSITI VE ABOUT THAT. BY M<sup>R</sup> BASKIN: YES, SIR, I BELIEVE THAT. BY M<sup>R</sup> BISHOP: 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 MESN AS CONSPIRATORS TAKING IT AS GRANTED,— AND THE FACT <del>HAS AS HAVING</del> BEEN PROVEN, THE JURY MUST SO FIND. WE OBJECT AS WE ARE SENSITIVE ON THAT POINT. BY <b>THE</b> COURT: HE DIDN 'T STATE THAT. BY M<sup>R</sup> BISHOP: HIS FIRST</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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.</p>	<p>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.</p> <p>BISHOP. IF COURT PLEASE,</p> <p>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</p>	<p>STATEMENT, I THINK, THE COURT DID MISUNDERSTAND HIM(REFERING TO M<sup>R</sup> BASKIN) I THINK I DID NOT MISUNDERSTAND THESE GENTLEMAN. BY M<sup>R</sup> BASKIN: I HAVE BEEN MISUNDERSTOOD AND MISS STATED ON MORE THAN ONE OCCASION, WHICH OCCURS SO OFTEN I CANNOT ACCORD TO THEM CANDOR. <sup>[112]</sup> BY M<sup>R</sup> BISHOP: IF THE COURT PLEASE, THE GENTLEMAN CANNOT GO ANY FARTHER THAN I CAN; BUT</p> <p>WHAT <del>WHAT</del> HIS LANGUAGE LEADS ME TO BELIEVE I SHALL</p>	
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**RT**

**RS**

**BT**

**PS**

<p>Q. HOW LONG HAVE YOU RESIDED IN BEAVER, MR. THOMPSON ? A. I HAVE RESIDED IN BEAVER SINCE I</p>	<p>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 <i>ONE WAY</i>[?] 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 <del>THE</del> COURT PLEASE. <del>X EXAMINATION</del></p> <p>Q HOW LONG HAVE YOU RESIDED IN BEAVER MR. THOMPSON A I HAVE RESIDED IN BEAVER SINCE {I}P</p>	<p>CERTAINLY STATE WHAT I THINK. BY MR BASKIN: I SUBMIT THAT IS BEYOND ALL POWER. BY THE COURT: WHEN A PARTY MAKES A STATEMENT</p> <p>THERE IS BUT ONE WAY TO OBJECT TO THE QUESTION. BY MR 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 MR BISHOP: YES, SIR, IF THE COURT PLEASE. CROSS-EXAMINATION BY MR. BISHOP.</p> <p>Q. HOW LONG HAVE YOU RESIDED IN BEAVER, MR. THOMPSON? A.</p> <p>SINCE I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>MOVED TO THIS TOWN, IN 1857, I BELIEVE. Q. YOU SAY YOU</p> <p>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 OF THE 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</p>	<p>MOVED HERE TO THIS TOWN 1857 I BELIEVE. Q YOU SAY YOU GENERALLY &lt;GENERALLY&gt; 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</p>	<p>MOVED HERE TO THIS TOWN, 1857, I BELIEVE. Q. YOU SAY YOU</p> <p>GENERALLY ATTENDED MEETINGS? A. NOT ALWAYS.</p> <p>I FREQUENTLY DID. I HAVEN'T BEEN MUCH OF A MEETING GOER, NO TIME. Q. I UNDERSTAND YOU TO SAY YOU DON'T RECOLLECT OF SEEING GEORGE A. SMITH HERE, IMMEDIATELY PREVIOUS TO THE ARRIVAL OF THE EMIGRANTS. A. I DIDN'T SEE HIM IMMEDIATELY AFTER OR BEFORE. Q. DID YOU ATTEND A MEETING IN THE SQUARE HERE, DURING THE MONTH OF AUGUST OR SEPTEMBER, AT WHICH MEETING GEORGE A. SMITH</p>	
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**RT**

**RS**

**BT**

**PS**

<p>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</p>	<p>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. &lt;THAT WILL DO BY DEFENSE AND PROSECUTION &gt; THAT WILL DO BY BOTH PROSECUTION AND DEFENSE. BY WHEDON.</p> <p>ONE MOMENT DID YOU HEAR HIM SPEAK DURING MONTH OF SEPTEMBER A COULD NOT</p>	<p>PREASC HED? A. I COULD NOT STATE AS TO THAT; I HAVE HEARD HIM PREACH HERE AT DIFFERENT TIMES.</p> <p>Q. DID YOU HEAR ANY SERMONS OF GEORGE A. 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.</p> <p>BY JUDGE M<sup>R</sup> WHEDON: (ASSISTANT U.S. DIST. ATTORNY)</p> <p>Q. DID YOU HEAR HIM SPEAK DURING THE MONTH OF SEPTEMBER? A. I COULD NOT</p>	
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**RT**

**RS**

**BT**

**PS**

	<p>SAY THAT I DID. THAT IS ALL. [space] <b>C J AUTHUR:</b> 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 <i>BOUND/POINT[?]</i> TO OF <i>JURY/CHARGE[?]</i> <i>THEY NEED[?]</i> EXAMINE HIM WANT HIM TO STAY HERE UNTIL THE CLOSE OF THIS TRIAL SO WE CAN HAVE RIGHT TO CALL HIM FOR PURPOSE OF</p>	<p>SAY THAT I DID.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>[304]</p> <p>JOHN M. MACFARLANE,</p> <p>SWORN FOR PROSECUTION.</p> <p>Q. WHERE DO YOU RESIDE? A. ST. GEORGE, WASHINGTON CO. Q. WHAT IS YOUR OCCUPATION, MR. MACFARLANE ?</p>	<p>EXAMINATION. BY PROSECUTION YOU CAN HAVE HIM COUNT TO MARSHALL IS CHICHESTER IN TOWN I UNDERSTAND HE HAS LEFT TOWN NAME OF <b>JOHN BLACKBURN</b> WAS CALLED. BLACKBURN NOT IN TOWN [space]</p> <p>[[10]]279</p> <p><b>JNO M MACFARLANE</b> I HAVE BEEN SWORN</p> <p>Q WHERE DO YOU RESIDE A ST. GEORGE WASHINGTON COUNTY WHAT IS YOUR OCCUPATION</p> <p>MACFARLANE<sup>280</sup></p>	<p>[113]281 (SEE <b>SAME BETWEEN PAGES 122O123)</b> JOHN MCM. MC. FAR JOHN M. MAC FARLANE</p> <p>SWORN FOR THE PROSECUTION. <b>EXAMINED BY M<sup>R</sup> —</b> WHERE DO YOU RESIDE? A. ST. GEORGE, WASHINGTON COUNTY. Q. WHAT IS YOUR OCCUPATION, MR. MAC FARLAND?</p>	
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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.

**RT**

**RS**

**BT**

**PS**

<p>A. SURVEYOR AND ATTORNEY AT LAW, AT PRESENT. Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE LOCATED, IN WHAT COUNTY?<sup>282</sup> 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.</p>	<p>A. SURVEYOR AND ATTORNEY AT LAW AT PRESENT Q DO YOU KNOW WHERE MOUNTAIN MEADOWS ARE LOCATED IN WHAT COUNTY. ARE THEY I <del>THINK</del> A ALL OF THE MOUNTAIN MEADOWS <del>IN</del> IRON OR WASHINGTON COUNTY I THINK THEY ARE SO RECOGNIZED IN THAT COUNTY <del>I</del> AM SURVEYOR OF THAT COUNTY <del>I</del> HOW DO YOU KNOW THAT FACT: {A}<sup>P</sup> I KNOW {A}<sup>P</sup> FROM DISTANCES AND THE DIVISIONS OF COUNTY AND ACCORDING TO {THE}<sup>P</sup> TERRITORIAL STATUTES THAT</p>	<p>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 <del>IRON AND</del> <del>IRON AND</del> WASHINGTON COUNTIES I <del>THINK</del> <del>ISS</del>. 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.</p>	
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282. The question mark is pennaed 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.



**RT**

**RS**

**BT**

**PS**

<p>CROSS - EXAMINED .</p> <p>Q. STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN 1847—IN WHAT COUNTY ? A. IN WASHINGTON COUNTY, AS THEY ARE NOW.</p>	<p>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 <b>CHICESTER</b> INFORMED ME MR. WHEADON HAD EXCUSED &lt;HIM&gt; AND TOLD HIM TO WRITE TO HIM IF HE WAS NOT. BY PROSECUTION HE HAS NOT BEEN DISCHARGED ACCORDING TO MY</p>	<p>Q-BY <b>THE</b> COURT: DO YOU WISH TO ASK HIM ANY MORE QUESTIONS.</p> <p>BY <b>M<sup>R</sup></b> SUTHERLAND: I WASNT 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]</p>	
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**RT**

**RS**

**BT**

**PS**

<p>[305] JAMES PEARCE,</p> <p>RECALLED FOR FURTHER CROSS-EXAMINATION.</p> <p>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</p>	<p>RECOLLECTION [space] <b>MR. ISAAC RIDDLE</b> {<b>NOT PRESENT</b>}<sup>P</sup> 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.</p> <p>{<b>JAS PEARCE,</b></p> <p><b>RECALLED - }</b><sup>P</sup> BY COURT LET THE WITNESS</p> <p>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</p>	<p>[#114] JAMES PEARCE SWORN FOR THE PROSECUTION. <b>RECALLED FOR FURTHER CROSS-EXAMINATION.</b> M<sup>R</sup> _____</p> <p>Q: WERE YOU ACQUAINTED WITH KLINGENSMITH?</p> <p>A. I THINK I KNOW HIM BY SIGHT PRETTY WELL;</p>	<p>[[Bk 7 1]]</p> <p><b>ISAAC RIDDLE TRANSCRIBE D</b><sup>283</sup></p> <p>SPICER ASKED PRIVILEGE TO <del>CROSS</del> RECALL FOR CROSSEXAMINATION JAMES PEARCE [space]</p> <p><b>OPENING OF DEFENSE</b><sup>284</sup> [space] <b>JAMES PEARCE</b> [space]</p> <p>WERE YOU ACQUAINTED WITH KLINGEN[?] SMITH I THINK I KNOW HIM BY SIGHT PRETTY WELL <del>ALL ALONG</del>[?]</p>
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283. "TRANSCRIBED" in Rogerson's hand.

284. "OPENING OF DEFENSE" in Rogerson's longhand; that heading is obviously misplaced.

**RT**

**RS**

**BT**

**PS**

<p>DOWN AND I THINK HE WAS BISHOP OF CEDAR CITY.</p> <p>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.</p> <p>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. KIND OF LOOKED UP TO AS BEING KIND OF CAPTAIN AT THESE MOUNTAIN</p>	<p>DOWN I THINK HE WAS BISHOP OF CEDAR CITY,</p> <p>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</p> <p>Q WHAT POSITION DID HE OCCUPY A I COULD NOT SAY POSITIVELY I THINK HE WAS ONE <del>OF THE</del> OFFICERS SEEMED TO HAVE GOOD DEAL TO SAY ABOUT IT FREQUENTLY. Q HE WAS BISHOP AT THAT TIME, KIND OF LOOKED UP TO AS BEING KIND OF CAPTAIN AT THOSE MOUNTAIN</p>	<p>I THINK HE WAS THE BISHOP OF CEDAR CITY AT THAT TIME. Q. YOU SAW HIM AS YOU PASSED DOWN? A. I THINK I DID.</p> <p>Q. DID YOU SEE HIM AS AN OFFICER;</p> <p>DID YOU SEE HIM AT THE MOUNTAIN MEADOWS? A. I THINK I DID, SIR. Q. WHAT WAS HE DOING THERE? A. WHAT POSITION DID HE OCCUPY? A. I COULD NOT SAY POSITIVELY; I THINK HE WAS ONE OF THE— OFFICERS; HE SEEMED TO HAVE A GOOD DEAL TO SAY ABOUT IT.</p> <p>Q. HE WAS A BISHOP AT THAT TIME? A. I THINK HE WAS KIND OF LOOKED UP TO AS BEING KIND OF A CAPTAIN. Q. HE WAS AT THE MOUNTAIN</p>	<p>I THINK HE WAS THE BISHOP OF CEDAR CITY AT THAT TIME DID YOU SEE HIM AS YOU PASSED DOWN I THINK I DID [space] DID YOU SEE HIM AS AN OFFICER</p> <p>DID YOU SEE HIM AT MOUNTAIN MEADOWS I THINK I DID SIR 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</p> <p>HE WAS A BISHOP AT THAT TIME I THINK HE WAS KIND OF LOOKED TO AS BEING KIND OF A CAPTAIN [space] THAT IS AT MOUNTAIN</p>
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**RT**

**RS**

**BT**

**PS**

<p>MEADOWS, DURING THIS TIME ? A. I THINK HE WAS 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</p> <p>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.</p>	<p>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 AND DISPOSITION WITH ME THERE WAS VERY SMALL PARTY OF US FROM WASHINGTON WE SAW LOTS OF INDIANS THAT</p> <p>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</p>	<p>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 INDIANS; HOW WERE THEY THAT YOU MET AS TO TEMPER, DISPOSITION ? &amp;C.?</p> <p>A. THERE WAS LOTS OF INDIANS THAT I UNDERSTOOD HAD BEEN TO THE MOUNTAIN MEADOWS.</p> <p>THEY WAS VERY MAD. I KNOW WE WAS <del>SCAFRED</del> <del>OF THEM</del> VERY SCARED OF THEM. WE THOUGHT THEY WERE ABOUT TO ATTACK US. Q. WHAT</p>	<p>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 &amp;C [space]</p> <p>WE SAW LOTS OF INDIANS THAT</p> <p>I GUESSED HAD BEEN THEY WAS VERY MAD I KNOW WE WAS SCARED OF THEM</p> <p>THOUGHT THEY WERE ABOUT TO ATTACK US [space] WHAT</p>
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**RT**

**RS**

**BT**

**PS**

<p>Q. WHAT MADE THEM MAD ?</p>	<p>WHAT MADE THEM MAD</p>	<p>WAS THE CAUSE OF THEIR ANGER?</p>	<p>WAS THE CAUSE OF THEIR ANGER</p>
<p>A. I DON'T KNOW, EXCEPT, BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE</p>	<p>A I DON'T KNOW EXCEPT BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE</p>	<p>QA. I DON'T KNOW UNLESS IT WAS BECAUSE SOME OF THEIR FRIENDS WERE KILLED— OBJECTED TO.</p>	<p>UNLESS IT WAS BECAUSE SOME OF THEIR FRIENDS WERE KILLED THERE OBJECTED TO</p>
<p>Q. STATE WHAT WAS THE CAUSE OF THEIR ANGER, FROM WHAT YOU SAW</p>	<p>Q STATE WHAT WAS CAUSE OF THEIR ANGER FROM WHAT YOU SAW</p>	<p>Q. TELL WHAT WAS THE CAUSE OF THEIR ANGER?</p>	<p>[space] TELL WHAT WAS THE CAUSE OF THEIR ANGER [space]</p>
<p>? A. I HEARD THERE WAS AN INDIAN</p>	<p>A I HEARD THERE WAS {AN}P INDIAN</p>	<p>A. HEARD THERE WAS AN INDIAN— THAT THERE WAS AN INDIAN KILLED UP THERE AT THE</p>	<p>I HEARD THERE WAS AN INDIAN THAT THERE WAS AN INDIAN KILLED UP THERE AT</p>
<p>KILLED THERE; HEARD THE TALK AMONG THE MEN, AND UP THERE ABOUT THE MOUNTAIN MEADOWS. I THINK IT WAS THAT THAT <sup>1306</sup> MADE 'EM MAD. Q. DID YOU SEE ANY OF THEM WOUNDED ? A. I DON'T REMEMBER. THEY WERE MAD THAT WERE THERE,</p>	<p>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</p>	<p>MOUNTAIN MEADOWS; I THINK THAT 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? <del>THEY COULD DO</del></p>	<p>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</p>
<p>AND GETTING VERY SAUCY,</p>	<p>ACTING VERY SAUCY</p>	<p>A. THEY ACTED VERY SHY</p>	<p>A THEY ACTED VERY SAUCY =</p>

**RT**

**RS**

**BT**

**PS**

<p>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.</p> <p>THEY HAD GOT ALONG DOWN AHEAD OF US, GOING SOUTH,</p>	<p>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 <sup>[[11]]285</sup> ENTERS RIO VIRGIN THEN RUNS WEST.</p> <p>THEY HAD GOT ALONG DOWN AHEAD OF US &lt;GOING SOUTH&gt;</p>	<p>AT THAT TIME THERE WAS PROBABLY TEN INDIANS TO ONE WHITE MAN ON THE SANTA CLARA. Q. WHICH WASY WERE THEY GOING? A . THEY LIVED ON THE SANTA CLARA.</p> <p><sup>[#2115]</sup> Q. WHICH DIRECTION IS THE SANTA CLARA FROM THE MOUNTAIN MEADOWS? A.</p> <p>SOUTH, THE SAMNTA CLARA RUNS SOUTH TILL IT F CONNECTS WITH THE RIO VIRGIN. Q. WHICH DIRECTION WERE THESE INDIANS COMINEG FROM THE MEADOWS? A. THEY HAD <del>TCO</del> COME DOWN AHEAD OF US.</p>	<p>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 <i>[space]</i></p> <p>WHICH DIRECTION IS SANTA CLARA FROM THE MOUNTAIN MEADOWS; A</p> <p>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 =</p>
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285. There is illegible shorthand doodling on verso.

**RT**

**RS**

**BT**

**PS**

<p>AND SOME OF THEM WAS ALONG AT THEIR CAMPS, ALONG THE CLARA; THEY HAD CORN FIELDS AT THE CLARA AND THEY WAS FARMING THEM.</p>	<p>SOME OF THEM WAS ALONG AT THEIR CAMPS ALONG THE CLARA. THEY HAD CORN FIELDS AT CLARA THEY WAS FARMING THEN</p>	<p>SOME OF THEM WAS ALONG AT THEIR CAMPS ALONG THE CLARA. THE MOST I SAW HAD CORN FIELDS ALONG THE CLARA .</p>	<p>SOME OF THEM <sup>[[2]]</sup> WAS ALONG AT THEIR CAMPS ALONG THE CLARA, THE MOST I SAW HAD CORN FIELDS ALONG THE CLARA;</p>
<p>Q. WHERE ANY OF THEM GOING IN THE DIRECTION OF WASHINGTON ?</p>	<p>Q. WHERE ANY OF THEM GOING <del>IN THE</del> DIRECTION OF WASHINGTON</p>	<p>Q : THE INDIANS HAD CORN FIELDS? A. YES, SIR. Q. WERE ANY OF THEM COMING IN THE DIRECTION OF WASHINGTON THAT YOU SAW ON YOUR WAY RETURNING FROM THERE?</p>	<p>Q. THE INDIANS HAD CORN FIELDS YES SIR WERE ANY OF THEM COMING IN THE DIRECTION OF WASHINGTON, THAT YOU SAW ON YOUR WAY RETURNING?</p>
<p>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</p>	<p>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 —[?]</p>	<p>A. NO, SIR . A NUMBER OF OUR INDIANS LIVED IN REACH OF WASHINGTON —LIVED ON THE SANTA CLARA. Q. HOW FAR IS THE SANTA CLARA FROM</p>	<p>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</p>

**RT****RS****BT****PS**

<p>WASHINGTON ? A. SOME 10 OR 12 MILES, TO THE MOUTH OF IT. IT HEADS IN TOWARDS THE MOUNTAIN MEADOWS. Q.</p>	<p>WASHINGTON A SOME TEN <math>\leq</math>10 <b>OR</b> <math>\geq</math> 12 MILES, MOUTH OF IT A IT HEADS IN TOWARDS MOUNTAIN MEADOWS Q</p>	<p>WASHINGTON? A. SOME TEN OR TWELVE MILES; BUT</p>	<p>WASHINGTON A SOME TEN OR 12 MILES, BUT</p>
<p>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 ? <sup>1307</sup> A. INTO THE RIO VIRGIN, A MILE AND A HALF BELOW WASHINTON.</p>	<p>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</p>	<p>IT HEADS IN TOWARDS THE MOUNTAIN MEADOWS. Q. HEADS IN TOWARDS THE MOUNTAIN MEADOWS AND RUNS SOUTH? A. YES, SIR.</p> <p>Q. WASHINGTON IS WATERED BY SPRINGS</p>	<p>IT HEADS IN TOWARDS MOUNTAIN MEADOWS Q HEADS IN TOWARDS MOUNTAIN MEADOWS AND RUNS SOUTH A YES SIR [<i>space</i>] <del>MOUNTAIN MEADOWS</del></p> <p>WASHINGTON IS WATERED BY SPRINGS</p>
<p>WASHINTON IS A MILE AND A HALF FROM THE RIO VIRGIN. Q. WHICH DIRECTION IS THE SETTLEMENT OF INDIANS YOU SPEAK OF</p>	<p>Q WASHINGTON IS MILE AND HALF FROM RIO VIRGIN Q WHICH DIRECTION IS THE SETTLEMENT OF INDIANS YOU SPEAK OF</p>	<p>AND RUNS INTO THE <del>VIRGIN</del> RIO VIRGIN A MILE AND A HALF BELOW? A. WASHINGTON</p> <p>IS A MILE AND A HALF FROM THE RIO VIRGIN. Q. WHAT DIRECTION IS THE CLARA SETTLEMENT OF <del>THE</del> INDIANS YOU SPEAK OF,</p>	<p>RUNS INTO RIO VIRGIN MILE AND HALF BELOW A WASHINGTON [<i>space</i>] <math>\leq</math>WASHINGTON IS <math>\geq</math> MILE AND HALF FROM THE RIO VIRGIN [<i>space</i>] Q <math>\leq</math>WHAT DIRECTION <math>\geq</math> CLARA SETTLEMENT OF INDIANS YOU SPEAK OF</p>



**RT**

**RS**

**BT**

**PS**

<p>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.</p> <p>RE-DIRECT .</p> <p>Q. DO YOU KNOW, OF YOUR OWN KNOWLEDGE, THAT KLINGSMITH 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.</p>	<p>FROM WASHINGTON A I 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</p> <p><b>PROSECUTION</b> {<b>REDIRECT</b>}<sup>P</sup> PROSECUTION</p> <p>Q DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLINGSMITH WAS CAPTAIN DOWN THERE A I COULD NOT MAKE {OUT}<sup>P</sup> THOUGH HE WAS THE BIGGEST CHIEF THERE I COULD NOT SAY POSITIVELY BUT I JUDGE HE WAS</p>	<p>FROM WASHINGTON? A.</p> <p>UP SOME 20 MILES FROM WASHINGTON, WHERE THE <del>REIR</del> UPPER CAMPS WERE; IT WAS NORTH-WEST— A LITTLE WEST OF NORTH MAY BE FROM WASHINGTON. BY MR. BASKIN:</p> <p>Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLINGSMITH WAS CAPTAIN?<sup>286</sup></p> <p>A. I COULD NOT MAKE OUT <del>THAT WHAT,</del> ONLY HE WAS THE BIGGEST CHIEF.—</p> <p>I SHOULD JUDGE HE WAS;</p>	<p>FROM WASHINGTON A</p> <p>UP SOME TWENTY MILES FROM WASHINGTON WHERE THEIR PRINCIPLE CAMPS WERE; IT WAS NORTHWEST = LITTLE WEST OF NORTH MAYBE FROM WASHINGTON BASKIN [space]</p> <p>Q DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT KLINGSMITH WAS CAPTAIN</p> <p>A I COULD NOT MAKE THINK THAT HE WAS BIGGEST CHIEF =</p> <p>I JUDGE HE WAS =</p>
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286. Philip Klingensmith was not a captain; he was a private in Company D, 1<sup>st</sup> Platoon.

**RT**

**RS**

**BT**

**PS**

<p>Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE</p> <p>WHETHER HE WAS OR NOT ? A. NO, I DO NOT KNOW. I DO NOT KNOW THAT HE WAS A BISHOP</p> <p>[308]</p> <p>FRANK KING , SWORN FOR PROSECUTION.</p> <p>Q. STATE IF YOU HAVE SEEN A TRAIN OF EMIGRANTS FROM ARKANSAWS THAT PASSED THROUGH THIS COUNTRY IN 1857 OR THE FALL OF 1857 ?</p>	<p>Q DO YOU KNOW OF YOUR OWN KNOWLEDGE</p> <p>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. <b>MR. FRANK KING</b> NEXT WITNESS CALLED BY COURT HAVE BEEN SWORN NO SIR. OATH ADMINISTERED.</p> <p>Q STATE DID YOU HAVE SEEN TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN 1857 THE FALL OF 185{7}i</p>	<p>I WAS A STRANGE<del>R</del> 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</p> <p>THAT HE WAS.</p> <p>[116]</p> <p>FRANK KING SWORN FOR THE PROSECUTION.</p> <p><b>EXAMINED BY M<sup>R</sup> Q. DID</b> YOU EVER SEE A TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN '57, —THE FALL OF I857?</p>	<p>I WAS STRANGER TO THE PARTY DO YOU KNOW OF YOUR = OWN KNOWLEDGE</p> <p>WHETHER HE WAS A NO, I DON'T KNOW</p> <p>THAT HE WAS [space]</p> <p><b>FRANK KING</b> SWORN FOR THE PROSECUTION [space]</p> <p>Q DID YOU EVER SEE A TRAIN OF EMIGRANTS FROM ARKANSAS THAT PASSED THROUGH THIS COUNTRY IN 1857, FALL OF I857 ?</p>
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**RT****RS****BT****PS**

<p>A. YES SIR. Q. WHERE DID YOU SEE THEM ? A. I SAW THEM FIRST AT PACIFIC SPRINGS, SOUTH PASS,</p> <p>CAMPED AT PACIFIC SPRINGS.</p> <p>Q. WHAT WERE YOU DOING AT THE PACIFIC SPRINGS ? A. I WAS CAMPED THERE TOO.</p> <p>Q. WHICH WAY WERE THEY COMING ? A. TOWARDS SALT LAKE. Q. WHICH WAY WERE YOU COMING ? A. I WAS TRAVELING TOWARDS SALT LAKE.</p> <p>Q. DID YOU TRAVEL TOGETHER OR NOT ? A. WE TRAVELLED AS FAR AS EMIGRATION CANON TOGETHER.</p> <p>Q. WHERE IS EMIGRATION</p>	<p>{A}<sup>1</sup> YES SIR Q WHERE DID YOU SEE THEM A I SAW THEM FIRST AT PACIFIC SPRINGS SOUTH PASS</p> <p>CA{MPED}<sup>P</sup> AT PACIFIC SPRINGS.</p> <p>WHAT WERE YOU DOING AT PACIFIC SPRINGS I WAS CAMPED THERE TOO.</p> <p>{Q}<sup>1</sup> WHICH WAY WERE THEY COMING {A}<sup>1</sup> TOWARDS SALT LAKE {Q}<sup>1</sup> WHICH WAY WERE YOU GOING {A}<sup>1</sup> I WAS TRAVELING TOWARDS SALT LAKE</p> <p>{QDID}<sup>1</sup> YOU TRAVEL {ALL}<sup>1</sup> TOGETHER OR NOT {A}<sup>1</sup> WE TRAVELED AS FAR AS EMIGRATION CANYON TOGETHER</p> <p>Q WHERE IS EMIGRATION</p>	<p>A. YES, SIR. Q. WHERE DID YOU SEE THEM ? A.</p> <p>FIRST AT <del>SOUTH</del> PACIFIC SPRINGS, SOUTH PASS WHERE THEY WAS CAMPED. IT WAS CALLED PACIFIC SPRINGS..</p> <p>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.</p> <p>Q. DID YOU TRAVEL TOGETHER OR NOT? A. I WE TRAVELED AS FAR AS EMIGRANTTION CANYON TOGETHER.</p> <p>Q. WHERE IS EMIGRATION</p>	<p>Q WHERE DID YOU SEE THEM A</p> <p>FIRST AT PACIFIC SPRINGS = SOUTH PASS, THEY WAS CAMPED IT WAS CALLED PACIFIC SPRINGS</p> <p>Q WHAT WERE YOU DOING AT THE PACIFIC SPRINGS I WAS CAMPED THERE WITH THEM; THEY WAS COMING TOWARDS SALT LAKE Q WHICH WAY WERE YOU A I WAS TRAVELING TOWARDS SALT LAKE AT THE TIME</p> <p>DID YOU TRAVEL TOGETHER OR NOT A WE TRAVELED AS FAR AS EMIGRATION CANYON TOGETHER</p> <p>[space]<sup>{[3]}</sup> Q WHERE IS EMIGRATION</p>
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**RT**

**RS**

**BT**

**PS**

<p>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 ? <sup>[309]</sup> A. THEY HAD A FEW- OX TEAMS.</p> <p>Q. HOW MANY WAGONS HAD THEY ? A. I COULD NOT SAY, COULD NOT TELL. Q. WELL ABOUT</p>	<p>CANYON? <sup>QA</sup>IT IS ON THE OTHER SIDE OF SALT LAKE CITY Q. HOW LONG WERE YOU WITH THAT TRAIN {A}<sup>i</sup> I SHOULD JUDGE 2 WEEKS HOW MANY PERSONS COMPOSED THAT TRAIN {A}<sup>i</sup> I COULD NOT SAY QUITE A LOT OF THEM I COULD NOT TELL HOW MANY. HAD THEY ANY STOCK IF SO WHAT KIND {A}<sup>i</sup> WELL THEY HAD A GOOD MANY HORSES AND SOME MULES. SOME LOOSE STOCK HAD THEY ANY CATTLE {A}<sup>i</sup> HAD FEW OX TEAMS.</p> <p>Q. HOW MANY WAGONS HAD THEY {A}<sup>i</sup> I COULD NOT SAY COULD NOT TELL Q. WELL ABOUT</p>	<p>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 AMANY 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 MANUY WAGONS HAD THEY? A. I COULD NOT SAY AS TO THAT. Q. ABOUT</p>	<p>CANYON ON THE <sub>A</sub>OTHER SIDE OF SALT LAKE CITY HOW LONG WERE YOU WITH THAT TRAIN <sub>A</sub>I SHOULD JUDGE TWO WEEKS HOW MANY PERSONS COMPOSED THAT TRAIN <sub>A</sub> I COULD NOT SAY, THERE WAS QUITE A LOT OF THEM <sub>A</sub>I COULD NOT TELL YOU HOW MANY [space] HAD THEY ANY STOCK, AND IF SO WHAT KIND ATHEY HAD A GOOD MANY HORSES AND SOME MULES AND SOME LOOSE STOCK HAD THEY ANY CATTLE? <del>DID</del> <sub>A</sub>THEY HAD A FEW OX TEAMS WITH THE TRAIN HOW MANY WAGONS HAD THEY <sub>A</sub>I COULD NOT SAY THAT ABOUT</p>
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**RT**

**RS**

**BT**

**PS**

<p>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.</p>	<p>HOW MANY {MIGHT HAVE HAD}<sup>i</sup> 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,</p>	<p>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. THERE WAS SANOTHER FELLOW, WHO THAT WENT ON TO CALIFORNIA,</p>	<p>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</p>
<p>THERE WAS ANOTHER TRAIN JOINED, CALLED THE ILLINOIS COMPANY. THEY HAD THE MOST OF THE LOOSE STOCK, BUT WHETHER THEY WENT ON <del>WHAT THAT</del> &lt;WITH THEM&gt; AT THE TIME I COULD NOT SAY. I HEARD</p>	<p>THERE WAS ANOTHER TRAIN JOINED CALLED {THE}<sup>i</sup> ILLINOIS COMPANY <sup>[[12]]</sup> THEY HAD {THE}<sup>i</sup> MOST OF {THE}<sup>i</sup> LOOSE STOCK; BUT WHETHER THEY WENT ON WITH THAT OUTFIT I COULD NOT SAY I HEARD</p>	<p>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</p>	<p>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</p>

**RT**

**RS**

**BT**

**PS**

<p>THROUGH THEY DIVIDED UP.</p> <p>Q. HOW MANY CATTLE DID THEY HAVE ?</p> <p>A. I COULD NOT SAY.</p> <p>Q. DO YOU KNOW HOW MANY PERSONS COMPOSED THE ARKANSAS TRAIN ? A. NO SIR, I DO NOT. Q.</p> <p>WERE THERE ANY WOMEN AMONG THEM ? A. YES SIR, BOTH MEN AND WOMEN AND GROWN CHILDREN, BOTH OLD AND YOUNG. CROSS - EXAMINED.</p>	<p>THROUGH THEY DIVIDED UP.</p> <p>Q. HOW MANY CATTLE DID THEY HAVE</p> <p>{A}^i I COULD NOT SAY</p> <p>{DO}^i YOU KNOW HOW MANY PERSONS COMPOSED THE ARKANSAS TRAIN {A}^i</p> <p>NO SIR I DO NOT {Q}^i</p> <p>WERE THERE ANY WOMEN AMONG THEM {A}^i YES SIR BOTH MEN {AND}^i WOMEN</p> <p>CHILDREN BOTH OLD AND YOUNG. (BY DEFENSE YOU CAN TAKE THE WITNESS)</p>	<p>THEY HAD DIVIDED UP BETWEEN HERE AND SALT LAKE.</p> <p>Q. HOW MANY CATTLE WERE THERE IN BOTH TRAINS? OBJECTED TO .</p> <p><del>RECESS TILL 2</del> <del>O'CLOCK</del> <sup>[#411&amp;7]</sup></p> <p>Q. DON'T KNOW HOW MANY CATTLE WERE WITH THE ARKANSAS EMIGRANTS? A. NO, SIR, I DIDN'T MIX WITH THEM A GREAT DEAL. Q. DO YOU KNOW HOW MANY PERSONS COMPOSE THE ARKANSAS TRAIN? A. I COULD NOT SAY. Q. ABOUT HOW MANY— WERE THERE ANY WOMEN AABMONG THEM? A. YES, SIR. Q. BOTH MEN, WOMEN AND CHILDREN? A. BOTH OLD AND YOUNG. CROSS - EXAMINATION</p>	<p>THEY HAD DIVIDED UP BETWEEN HERE AND SALT LAKE HOW MANY CATTLE WERE WITH BOTH TRAINS OBJECTED TO</p> <p>DON'T KNOW HOW MANY CATTLE WERE WITH THE ARKANSAS EMIGRANTS A</p> <p>NO SIR, I DIDN'T MIX IN WITH THEM GREAT DEAL DO YOU KNOW HOW PERSONS COMPOSED THE ARKANSAS TRAIN AI COULD NOT [space] ABOUT HOW MANY WERE THERE ANY WOMEN AMONG THEM YES SIR BOTH MEN WOMEN AND CHILDREN BOTH OLD AND YOUNG [space] CROSSEXAMINATION [space]</p>
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**RT**

**RS**

**BT**

**PS**

<p>BISHOP:- YOU TRAVELLED WITH THIS TRAIN EAST OF SALT LAKE AND DID YOU</p> <p>TRAVEL WITH THEM WEST OF SALT LAKE ? A. NEVER TRAVELLED WITH THEM A DAY AFTER WE LEFT EMIGRATION CANYON. Q. DID YOU SEE THEM IN UTAH ? A. YES SIR, I WENT OUT OF EMIGRATION CANYON WITH THEM Q. DID YOU EVER SEE THEM WEST OF SALT LAKE ? <i>[N 310]</i> A. NO. Q. DO YOU KNOW ANYTHING ABOUT WHAT THEY DID AFTER THEY PASSED THROUGH THE TERRITORY ? A. NO SIR.</p>	<p>DEFENSE {<b>BISHOP</b>}<sup>i</sup> BEFORE {<b>Q</b>}<sup>i</sup>YOU TRAVELED WITH THIS TRAIN EAST FROM SALT LAKE {<b>Q</b>DID YOU}<sup>i</sup> EVER TRAVEL WITH THEM WEST OF SALT LAKE {<b>A</b>}<sup>i</sup> NEVER TRAVELED WITH THEM {<b>A</b>}<sup>i</sup> DAY AFTER WE LEFT EMIGRATION CANYON <b>Q</b>DID YOU SEE THEM IN UTAH {<b>A</b>}<sup>i</sup> YES SIR I WENT OUT {<b>OF</b>}<sup>i</sup> EMIGRATION CANYON WITH THEM <b>Q</b>DID YOU EVER SEE THEM WEST OF SALT LAKE <b>A</b>DO YOU {<i>KNOW/NO</i>[?]}<sup>i</sup> <b>Q</b> DO YOU KNOW ANYTHING ABOUT WHAT THEY DID {<b>AFTER</b>}<sup>i</sup> THEY PASSED THROUGH TERRITORY <b>A</b> NO SIR</p>	<p>BY MR. BISHOP. Q. YOU SAY YOU TRAVELED <b>WITH THIS</b> TRAIN SOUTH TO SALT LAKE ? A. YES, SIR. Q. NEVER TRAVELED WITH THEM WEST OF SALT LAKE? A. NO, SIR. <b>Q</b>. I NEVER TRAVELED WITH THEM A DAY AFTER I GO TO <del>IN</del> EMIGRATION CANYON. Q. DID YOU SEE THEM IN UTAH? A. I DID, I WENT OUT TO EMIGRATION CANYON THREE TIMES TO SEE THEM.</p> <p>Q. DO YOU KNOW ANYTHING OF WHAT THEY DID WHILE PASSING THROUGH THE TERRITORY? A. <b>NO, SIR. Q. DO</b> YOU KNOW HOW MANY</p>	<p>BISHOP [<i>space</i>] YOU SAY YOU TRAVELED WITH THIS TRAIN EAST OF SALT LAKE <b>A</b>YES SIR NEVER TRAVELED WITH THEM WEST OF SALT LAKE <b>ANO</b> SIR, NEVER TRAVELED WITH THEM DAY AFTER I GOT IN EMIGRATION CANYON DID YOU SEE THEM IN UTAH <b>A</b>I DID <b>A</b>I WENT OUT TO EMIGRATION CANYON [<i>space</i>] THREE TIMES TO SEE THEM</p> <p>DO YOU KNOW ANYTHING ABOUT WHAT THEY DID WHILE PASSING THROUGH THE TERRITORY DO YOU KNOW HOW MANY</p>
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**RT**

**RS**

**BT**

**PS**

<p>Q. DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN WERE WITH THE OTHER TRAIN ? A. I DO NOT.</p> <p>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</p> <p>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</p>	<p>Q DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN WERE WITH THE OTHER TRAIN {A}<sup>1</sup> I DO NOT.</p> <p>Q DO YOU KNOW ANYTHING ABOUT THAT TRAIN AFTER IT LEFT EMIGRATION CANYON {A}<sup>1</sup> I KNOW NOTHING OF THEM AFTER THAT {Q DO YOU}<sup>1</sup> KNOW WHERE IT WENT AFTER IT</p> <p>LEFT EMIGRATION CANYON OF YOUR OWN KNOWLEDGE {A}<sup>1</sup> NO SIR I KNOW —[?] {TRAIN}<sup>1</sup> DIDN'T GO NORTH IT CAME SOUTH. HOW DO YOU KNOW IT {A}<sup>1</sup> I</p>	<p>CATTLE THEY HAD AFTER THEY LEFT THE ILLINOIS TRAIN? <b>A. I DO NOT.</b> Q. DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN WERE WITH THE OTHER TRAIN? <b>A. NO SIR.</b> <del>AFTER THAT?</del> Q. DO YOU KNOW ANYTHING OF THRE TRAIN AFTER IT LEFT EMIGRATION CANYON? A. NO, SIR. Q. OF YOUR OWN KNOWLEDGE , DO YOU KNOW TO WHERE THEY WENT</p> <p>FROM EMIGRATION CANYON?</p> <p>A. I KNOW THEY DIDN'T GO NORTH. Q. DID THEY C OME SOUTH</p>	<p>CATTLE THEY HAD AFTER THEY LEFT THE ILLINOIS TRAIN [space] DO YOU KNOW HOW MANY OF THE ARKANSAS TRAIN AFTER[?] THAT</p> <p>[[4]]</p> <p>DO YOU KNOW ANYTHING ABOUT THEIR TRAIN AFTER IT LEFT EMIGRATION CANYON A NO SIR [space] OF YOUR OWN KNOWLEDGE DO YOU KNOW <del>WHERE THEY WENT</del> TO WHERE IT WENT FROM EMIGRATION CANYON</p> <p>I KNOW THEY DIDN'T GO NORTH. I[?] CAME SOUTH</p>
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**RT**

**RS**

**BT**

**PS**

<p>KNOW IT WENT SOUTH. Q. OF YOUR OWN KNOWLEDGE ? A. NO SIR.</p> <p>Q. OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON ? A. NO SIR, I DO NOT.</p>	<p>KNOW IT WENT SOUTH OF YOUR OWN KNOWLEDGE NO SIR</p> <p>OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON A NO SIR &lt;I DO NOT&gt;</p> <p>BY DEFENSE THAT IS ALL. PROSECUTION AND DEFENSE DO NOT WANT ANYTHING</p>	<p>OF YOUR OWN KNOWLEDGE? A. NO, I DIDN'T SEE THEM</p> <p>MYSELF PASS THROUGH SALT LAKE CITY. Q. OF YOUR OWN KNOWLEDGE, DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON? A. NO, SIR.</p> <p><del>Q. DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS.</del></p> <p><b>Q. DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS A. NO SIR</b><sup>287</sup></p>	<p>OF YOUR OWN KNOWLEDGE NO I DIDN'T SEE THEM I DIDN'T SEE THEM MYSELF PASS THROUGH SALT LAKE CITY OF YOUR OWN KNOWLEDGE DO YOU KNOW WHICH WAY THEY WENT AFTER THEY LEFT EMIGRATION CANYON NO SIR COURT</p> <p>DID YOU LEARN THE NAMES OF ANY OF THESE ARKANSAS EMIGRANTS NO SIR [space]</p>
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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.

**RT**

**RS**

**BT**

**PS**

<p>RECESS UNTIL HALF PAST TWO O’CLOCK. <i>[Rogerson noted on the cover of Book 2 that the testimony of Isaac Riddle and William Roberts were omitted.]</i></p>	<p>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’LL TAKE RECESS UNTIL <b>HALF PAST 2 O’CLOCK</b> {<b>RECESS TILL HALF PAST TWO O’CLOCK.</b>}<sup>i</sup> [space]<sup>[[13]]</sup> <b>WEDNESDAY AFTERNOON 2 30 PM</b> {—}<sup>p</sup> [space]</p>	<p>RECESS TILL TWO P.M. <sup>[#5118]</sup> TWO P.M..  JURY CALLED ALL PRESENT. <b>COURT ADJOURNED WITHOUT DOING ANYTHING THE AFTERNOON</b></p>	<p>WE ARE ALMOST THROUGH WITH OUR CASE. BUT EXPECT A  WITNESS  HERE AT TWELVE O’CLOCK. [space]</p> <p>RECESS TILL HALF PAST TWO O’CLOCK [space]</p>
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**RT**

**RS**

**BT**

**PS**

		<p><del>FILL</del> <del>TOMORROW</del> <del>MORNING AT 9</del> <del>O'CLOCK</del> ISAAC RIDDLE SWORN FOR THE PROSECUTION. <b>EXAMINED BY</b> <b>M<sup>R</sup> Q.</b> HAVE YOU BEEN SWORN? A. YES, SIR. Q. WHERE DO YOU RESIDE? A. IN BEAVER CITY. Q. HOW LONG HAVE YOU BEEN IN BEAVER? A II YEARS. Q. WHERE DID YOU RESIDE DURING 1857? Q. I WAS LIVING AT PINE VALLEY, A LITTLE VALLEY AT THE HEAD OF THE SANTA CLARA. Q. HOW FAR FROM WASHINGTON? A. ABOUT 40 MILES, I BELIEVE FROM WASHINGTON; RIGHT NORTH OF THOSE MOUNTAINS THERE. Q. DO YOU KNOW WHERE A PLACE <del>IS</del> CALLED THE MOUNTAIN</p>	<p><b>ISAAC RIDDLE</b> 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 1857 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>MEADOW VALLEY IS? A. YES, SIR. Q. HOW FAR DID YOU RESIDE FROM THAT? A. 21 OR 22 MILES. Q. WHAT COUNTY IS THAT IN? A. WASHINGTON COUNTY, I BELIEVE. Q. STATE WHETHER YOU SAW A TRAIN CALLED THE ARKANSAS TRAIN PASS THROUGH THE TERRITORY DURING 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 IF STATE IT</p>	<p>MEADOW VALLEY IS YES SIR HOW FAR <del>FROM</del> <del>THERE</del> 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>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 WAS CAMPED ON THE MEADOWS, <del>QUITE A</del> <b>WHILE. I WAS GOING TO MILL.</b> Q. DIDN'T YOU COME THROUGH THE MEADOWS? A. THE FIRST PLACE I STRUCK 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.</p>	<p>EXACTLY <del>AS</del> NEAR AS YOU CAN TELL<del>IN</del> 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 <sup>[[5]]</sup> NORTH END OF MEADOWS THINK THEY WERE CAMPED IN THE MEADOWS THEN —[?] SAID THEY HAD PASSED A DAY OR TWO <i>BEFORE</i>[?] AND WENT [space] <del>HOW SOON AFTER THEY</del></p>
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**RT**

**RS**

**BT**

**PS**

		<p>Q. WERE YOU EVER AT THE MOUNTAIN MEADOWS ? A. YES, SIR, NBEEN THERE MANY A TIME. Q. <del>HAOW</del> <b>HOW</b> SOLOON WERE YOU THERE AFTER <del>W</del>YOU WERE AT THE MEADOWS THAT DAY THAT YOU SPEAK OF? A. THAT WAS IN SEPTEMBER. Q. AND IN APRIL OF THE NESXT SPRING WAS THE FIRST TIME I WAS <sup>[#6119]</sup> THERE AFTERWARDS. Q. WHAT DID YOU SEE THERE ON THE GROUND WHEN YOU WERE THERE? A. I DIDN'T SEE ANYTHING, 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</p>	<p>[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 <del>WAS</del> 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>TOOK THEM TO BE, I DIDN'T GAET OUT OF THE TEAM. BY THE MOUNTAIN MEADOWS NEAR WHERE THE DIVIDE IS. Q. WERE THEY SCATTERED ABOUT ON THE 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 MILL. A. I WENT TO CEDAR CITY TO MILL. Q. WHEN YOU WENT TO CEDAR CITY TO MILL—WHEN YOU WENT HOME WHAT</p>	<p>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 &lt;WHEN YOU WENT TO MILL&gt; I WENT TO CEDAR CITY TO MILL WHEN YOU WENT TO CEDAR CITY TO MILL WHEN YOU WENT HOME WHAT</p>
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**RT**

**RS**

**BT**

**PS**

		<p>DIRECTION DID YOU GO??</p> <p>A.I WENT BACK <del>UP</del> BY PINTO CREEK RIGHT OVER TO WHERE I LIVED. Q. THEN YOU KEPT NORTH OF THE MEADOWS? A. NO, SIR. <del>Q.</del> THE MOUNTAIN MEADOWS LIES FIVE MILES WEST OF PINTO, AND THE ROAD TO MY PALACE TOOK A DURE ROAD SOUTH FROM PINTO. Q. HOW FAR FROM PINTO <del>DO</del> DID YOU LIVE? A. FROM PINTO 12 MILES. Q. HOW FAR FROM WASHINGTON? A. IN A STRAIGHT LINE AS NEAR <del>AS</del> THE ROAD WAS, ABOUT 40 MILES. Q. WAS THERE ANY ROAD LEADING FROM PINT O TO THE MOUNTAIN MEADOWS? A.</p>	<p>DIRECTION DID YOU GO I WILL GIVE YOU WHOLE OF MY TREK NO ANSWER QUESTION I WENT BACK AND <i>BY/UP</i>[?] 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>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 PIEVCE  OF ONE DAY. Q.  YOU  RECOLLECT  SEEING  KLINGENSMITH  WHILE AT  CFAEDAR? A.  NO, SIR. Q.  HAIGHT? A. YES,  SIR . Q. HIGBEE?  A. YES, SIR, I  SAW HIM AT  CEADAR. Q. DID  YOU HAVE ANY  CONVERSATION  WITH HAIGHT?  A. YES, SIR.  VERY LITTLE.  [et7120] Q. ANY  WITH HIGBEE?  A. I DON'T  RECOLLECT  ANY WITH HIM.</p> <p>Q. DID YOU  WSEE MR.  WILLIAM  YOUNG AOF  WASHIHNGTON?</p>	<p>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 <sup>[6]</sup> 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  &lt;HAVING ANY  CHL/TL[?]&gt;  [space] DID YOU  SEE MR.  WILLIAM  YOUNG OF  WASHINGTON</p>
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**RT**

**RS**

**BT**

**PS**

		<p>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 ONE ON 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 ANAME. 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 NOTICE</p>	<p>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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>PISTOLS OR KNIVES? A. I DIDN'T NOTICE ANY THAT I RECOLLECT OF.</p> <p>Q. LARGE DIRKS OR ANYTHING OF THAT SORT?</p> <p>A. NO, SIR. Q. WHICH WAY WERE THEY TRAVELING?</p> <p>A. THEY WERE TRAVELING WEST.</p> <p>Q. THAT WAS WHILE YOU WERE GOING UP TO CEDAR? A. NO, SIR, THEY WERE GOING WESTWARD.</p> <p>Q. YOU WERE GOING WESTWARD?</p> <p>A. YES, SIR, I TRAVELLED A PART OF THE ROAD WITH THEM. Q. WAS IT ON SUNDAY THEY WERE GOING TO THE MEADOWS?</p> <p>A. I DO NOT REMEMBER THAT.</p> <p>CROSS-EXAMINATION .</p>	<p>PISTOLS OR KNIVES I DIDN'T NOTICE ANY THAT I RECOLLECT OF LARGE DIRKS &lt;OR ANYTHING OF THAT SORT&gt;</p> <p>NO SIR WHICH WAY WERE THEY TRAVELING THEY WERE TRAVELING WEST [space]</p> <p>THAT WAS WHILE YOU WERE GOING UP TO CEDAR NO SIR THEY WERE GOING WESTWARD YOU WERE GOING WESTWARD YES SIR &lt;I TRAVELED PART WAY WITH THEM.&gt; I DID I SENSED THEY WAS GOING TO THE MEADOWS</p> <p>I UNDERSTOOD FROM THEM [space] CROSSEXAMINATION SPICER THAT IS</p>
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**RT**

**RS**

**BT**

**PS**

		<p><b>BY M<sup>R</sup></b></p> <p>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 BUSINESS? A. I DON'T RECOLLECT ANY PARTICULAR THING; BUT THAT WAS THE UNDERSTANDING I GOT WHILE WITH THE PARTY.</p>	<p><del>ALL FOR THE PRESENT</del> [space]</p> <p>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 &lt;YES SIR&gt; 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 UNDERSTANDING I GOT WHILE WITH THE PARTY [space]</p>
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**RT**

**RS**

**BT**

**PS**

		<p>Q. YOU GOT IT FROM THEM? A. YES, SIR. Q. DID YOU LEARN FROM THEM WHAT THEY WERE GOING THERE FOR. A. NO. <sup>[#8122/288]</sup> A. NO, SIR, I DIDN'T. <b>NOT.</b> Q. GOT NO PARTICULAR UNDERSTANDING FROM THEM— CAN YOU TELL US ANYTHING FROM YOUR OWN KNOWLEDGE WHAT THE CONDITION OF THE COUNTRY WAS AT THAT TIME AS TO SAFETY? OBJECTED TO. Q. DID YOU SEE ANY INDIANS IN THE COUNTRY? A. YES, SIR. OBJECTED TO AS NOT CROSS - EXAMINATION. BY MR. SUTHERLAND:</p>	<p>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 UNDERSTANDING FROM THEM <del>DID YOU</del> 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 CROSSEXAMINATION <del>SUTHERLAND</del> ASK WITH A VIEW OF SHOWING THEY</p>
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288. The handwritten number assigned to the page is 122, but the page is actually 121.

**RT**

**RS**

**BT**

**PS**

		<p>I PROPOSE TO SHOW THAT THE INDIANS WERE SWARMED</p> <p>AT THAT TIME AND ON TWO OCCASIONS WHEN THE SETTLERS WERE UNITED IN ARMS—AND THAT IT WAS THE CUSTOM TO GO ARMED.</p> <p>OBJECTION SUSTAINED.</p> <p>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</p>	<p>WERE NECESSARILY TRAVELING ARMED IT IS PROPER TO CROSS EXAMINE THEM. <i>[[?]]</i></p> <p>DESIRE TO SHOW THAT THE COUNTRY WAS SWARMING WITH INDIANS AT THE TIME AND ON ALL OCCASIONS WHEN THE SETTLERS HAVE <i>UNITED[?]</i> ARMED</p> <p>←THAT IT WAS CUSTOM TO GO ARMED⇒</p> <p><i>[space]</i></p> <p>OBJECTION SUSTAINED</p> <p><i>[space]</i> 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>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. DID YOU STAY AND GET YOUR GRIST?</p> <p>A. NO, SIR. Q. WHY DID YOU NOT STAY TO GET YOUR GRIST? A. THE REASON WAS THAT MR. HAUGHT CAME TO ME <b>AND</b> <b>SAID</b> THAT THE PROBABILITY WAS THAT THERE WAS A FUSS IN THE COUNTRY I WAS.— OBJECTED TO.— <b>OVERULED</b>— Q. A. PROBABILITIES WAS THAT THERE WAS A</p>	<p>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 [<i>space</i>] DID YOU STAY AND GET YOUR GRIST OBJECTED TO <del>AS IMMATERIAL</del> NO SIR WHY DID YOU NOT STAY TO GET YOUR GRIST REASON WAS THAT MR. HAUGHT CAME TO ME TOLD ME THAT THE PROBABILITY WAS THAT THERE WAS A FUSS IN THE COUNTRY WHERE I WAS OBJECTED TO [<i>space</i>] PROBABILITIES WAS THAT THERE WAS A</p>
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**RT**

**RS**

**BT**

**PS**

		<p>FEUSS WITH THE INDIANS, AND I HAD BETTER GO HOME AND ATTEND TO MY AFFAIRS. I CONSEQUENTLY LEFT MY WAGON AND HORSES AND <b>MY WIFE</b> THAT WAS WITH ME, GOT ONTO THE OTHER HORSE IN THE AFTERNOON;, <b>AND SHUCKED</b> OUT FOR HOME AS QUICK AS I COULD, AND THE NEXT MORNING AT SUNRISE I WAS THERE.. I TRAVELLED <del>WWITFHHTHEM</del> <b>WITH THEM</b> A LITTLE WAYS. 37 MILES FROM CEDAR TO MY PLACE. <sup>[[122]]</sup></p> <p><sup>289</sup>JOHN M. MCFARLANE<sup>290</sup> SWORN FOR THE PROSECUTION. <b>EXAMINED BY</b> <b>M<sup>R</sup> — Q.</b> WHERE DO YOU RESIDE?</p>	<p>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</p> <p>WITH THEM A LITTLE WAYS 37 MILES FROM CEDAR TO MY PLACE [space] <b>REDIRECT</b></p>
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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.



**RT**

**RS**

**BT**

**PS**

		<p>A. ST. GEORGE, WASHINGTON COUNTY. Q. WHAT IS YOUR OCCUPATION MR. MCFARLANE? A . SURVEYOR AND ATTORNEY AT LAW AT PRESENT.. Q. DO YOU KNOW WHERE THE MOUNTANM MEADOWNS 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 RECOGNISZED IN THAT COUNTY. I AM THE SURGVEYOR 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</p>	
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**RT**

**RS**

**BT**

**PS**

		<p>THE COURT: DO YOU WISH TO ASK HIM ANY MORE QUESTIONS? BY MR. SUTHERLAND: Q. I WANT TO ASK HIM ONE QUESTION. Q. STATE WHERE THE MOUNTAIN MEADOWS WERE SITUATED IN 1857, IN WHAT COUNTY? A. IN WASHINGTON COUNTY AS THEY ARE NOW. <del>THAT IS ALL.</del> [space] <sup>123</sup></p> <p>WILLIAM ROBERTS SWORN FOR THE PROSECUTION. <b>EXAMINED BY MR. —</b> 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</p>	<p><b>CHRISTOPHER J. ARTHUR</b> NOT HERE [space] <b>WM ROBERTS</b> 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>EXACTLY —  PARAGOONAH ,  FOUR MILES  THIS SIDE. Q.  YOU HAVE  HEARD OF THE  MOUNTAIN  <b>MEADOW</b>  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  <b>NAME NAKME</b>  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</p>	<p>EXACTLY  PARAGONAH  4 MILES  THIS SIDE [<i>space</i>]  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  <sup>[[8]]</sup> ALONG THE  ROAD I  COULD NOT  NAME  THE PLACES  [<i>space</i>] CAN YOU  TELL ABOUT  WHAT SEASON  OF THE YEAR  YOU SAW  THEM IN THE  FALL <del>ABOUT</del>  ALONG ABOUT  HARVEST  TIME [<i>space</i>]  HOW MANY OF  THEM WERE  THERE &lt;I  COULD NOT  TELL YOU&gt;=  HOW MANY</p>
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**RT**

**RS**

**BT**

**PS**

		<p>WAGONS WERE THERE? A. I COULD NOT TELL YOU. Q. WERE YOU NEAR THEM? A. YES, SIR. Q. RIGHT CLOSE TO THEM?— A. TALKED WITH TWO OF THEM. Q. OF WHOM WERE THEY COMPOSED, MEN? A. THEY <b>WERE</b> <del>HAD</del> FAMILIES —EMIGRANTS MAKING THROUGH THE COUNTRY. Q. DID YOU SEE THEM AFTER THEY 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 RUMOR THAT SUCH A COMPANY WAS</p>	<p>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 —[?] <i>FROM/OVER</i>[?] THE COUNTRY DID YOU SEE THEM AFTER THEY LEFT PARAGONAH NO SIR YOU SAY YOU HEARD OF THEM BEFORE THEY ARRIVED AT <i>YOUR</i>[?] PLACE YES SIR DO YOU RECOLLECT ANY PERSONS YOU HEARD SPEAK OF THEM BEFORE YOU SAW THEM I DID NOT <i>ONLY</i>[?] A RUMOR THAT SUCH A COMPANY WAS</p>
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**RT**

**RS**

**BT**

**PS**

		<p>ON THE ROAD, FREQUENTLY. Q. DID YOU EVER HEAR ANY PREACHING ABOUT IT? A. YES, SI HEARD SOME LITTLE SORT OF PREACHING. Q. BY HWHOM? A. MR. DAME. Q. WHAT DID HE SAY? A. ADVISED THE PEOPLE NOT TO TRZADE 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. [e+124] Q. ARE YOU ACQUAINTED FWITH JOHN D. LEE? A. I AM. Q. DID YOU EVER HEAR HIM SPEAK ABOUT IT? A. VERY LITTLE. Q. DO YOU KNOW ANYTHING</p>	<p>ON THE WAY FREQUENTLY [space] DID YOU EVER HEAR ANY PREACHING ABOUT IT YES I <del>DID</del> 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p><b>B</b>ABOUT THE MASSACRE AT THE MOUNTAIN MEADOWS? A. NO, SIR. Q. HAVE YOU EVER HEARD ANYTHING ABOUT IT OR <del>TALKED</del> TALKED 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 10 OR 12 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 <b>AFTERWARDS</b> HE FOUND OUT WHO I WAS; AND WAS CONVINCED THAT I WAS NOT</p>	<p>ABOUT THE MASSACRE AT MOUNTAIN MEADOWS NO SIR [<i>space</i>] 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 —[?] [<i>space</i>] HE TOOK ME FOR ANOTHER MAN BY THE SAME NAME [<i>space</i>] 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</p>
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**RT**

**RS**

**BT**

**PS**

		<p>THE NMAN. 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.</p> <p>Q. WHERE WAS THIS CONVERSATION YOU SPEAK OF?</p> <p>A. AT HARMONY</p> <p>.</p> <p>Q. WHAT DREW THAT REMARK FROM MR. LEE —WHAT CAUSED MR. LEE TO MAKE THAT REMARK?</p> <p>A. IT WAS BECAUSE THIS OTHER MAN HAD BEEN ABUSING HIM?</p> <p>A. HOW DO YOU KNOW THAT?</p> <p>A. FROM WHAT MR/ LEE SAID.</p> <p>Q. WHAT DID HE SAY THE OTHER MAN HAD BEEN ABUSING HI M ABOUT? A. ABOUT THE MOUNTAIN MEADOW MASSACRE</p>	<p>MAN, HE MADE THE REMARK AND SAYS HE, I WAS THERE, AND WHAT I DONE I DONE BY ORDERS. THAT IS JUST THE <sup>[[9]]</sup> AS NEAR THE WORDS AS I CAN RECOLLECT</p> <p>[space] WHERE WAS THIS CONVERSATION YOU SPEAK OF AT HARMONY</p> <p><del>WHAT DID HE SAY THERE</del></p> <p>WHAT DREW THAT REMARK FROM MR. LEE</p> <p>[space] WHAT CAUSED MR. LEE TO MAKE THAT REMARK</p> <p>IT WAS BECAUSE THIS OTHER MAN HAD BEEN ABUSING HIM</p> <p>HOW DO YOU KNOW THAT FROM WHAT MR LEE [space]</p> <p>WHAT DID HE SAY OTHER MAN HAD BEEN ABUSING HIM ABOUT [space]</p> <p>ABOUT THE MOUNTAIN MEADOW MASSACRE</p>
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**RT**

**RS**

**BT**

**PS**

		<p>THAT HE WAS SUPPOSED TO <del>ME</del> <b>HAVE BEEN</b> IN. Q. IT WAS IN THAT CONN<del>N</del>NECTION THAT HE STATED<del>S</del> TO YOU HE WAS THERE? A. YES, SIR; BECAUSE MY NAME WAS THE SAME AS THE OTHER MANS<del>S</del>, HE HAD HEARD ABOUT THIS MAN TALKING ABOUT HIM. Q. DID MR. LEE STATE WHAT HE DID THERE? A. NO, SIR, 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 SUB<del>N</del>STANCE OF IT. Q. DID HE MAKE ANY <del>W</del>EXCUSE FOR DOING IT? A. YES, <del>SHE</del> <del>D</del> SAID THAT THEY WERE BAD MEN;</p>	<p>THAT HE WAS SUPPOSED TO BE IN [<i>space</i>] <del>THAT</del> 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 <del>WAS</del> IS ABOUT THE SUM AND SUBSTANCE OF IT DID HE MAKE ANY EXCUSE FOR DOING IT YES HE SAID THAT THEY WERE BAD MEN</p>
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**RT**

**RS**

**BT**

**PS**

<p>[342 311] HOGE: IN BEHALF OF THE DEFENDANT I ASK FOR AN ADJOURNMENT OR</p>	<p>[[Bk 6 13]] {HOGE BEHALF DEF ASKED ADJT TOMORROW MNG}P [space] HOGE {ON}P BEHALF OF DEFENSE ASKED  ADJOURNMENT</p>	<p>THAT THEY HAD MURDERED THE PROPHET; OR SOME OFF THEM HAD. NO CROSS-EXAMINATION.  PROSECUTION RESTS. [64125] 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 <b>FOR US TO MAKE PREPARATION: TO GO ON. BY THE COURT:</b> DON'T YOU WISH TO MAKE AN OPENING SPEECH TO THE JURY?  BY MR. HOGE:  WE ASK, YOUR HONOR, FOR A</p>	<p>THAT THEY HAD MURDERED THE PROPHETS OR SOME OF THEM HAD [space] CROSS-EXAMINATION [space]. THE PROSECUTION RESTS [space] HOGE PROSECUTION <i>CLOSED</i>[?] 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]  ASK FOR</p>
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**RT**

**RS**

**BT**

**PS**

<p>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]</p> <p>SUTHERLAND: NOTIFIED THE COURT THAT HE HAD JUST RECEIVED A TELEGRAM FROM THE PHYSICIAN AT</p>	<p>CONTINUANCE UNTIL TOMORROW MORNING. BASKIN SOME OF OUR WITNESSES HAVE NOT ARRIVED IF THEY {SHOULD}<sup>P</sup> COME IN MEANTIME DESIRE {TO}<sup>P</sup> RESERVE {THE}<sup>P</sup> 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. SUTHERLAND YOUR HONOR PLEASE I HAVE NOW AFFIDAVIT BY TELEGRAM OF PHYSICIAN OF</p>	<p>CONTINUANCE TILL TO-MORROW MORNING. BY MR. BASKIN:</p> <p>WE DESIRE TO RESERVE THE RIGHT TO <del>PRU</del> PUT OTHER WITNESSES ON BECAUSE SOME ARE EXPECTED HERE TO-NIGHT.</p> <p>THE DEFENSE MAKE NO OBJECTION TO THAT.</p> <p>BY MR. SUTHERLAND. IF YOUR HONOR PLEASE, I HAVE JUST RECEIVED AN AFFIDAVIT BY TELEGRAM OF A PHYSICIAN OF</p>	<p>CONTINUANCE TILL TOMORROW MORNING. BASKIN <del>I WOULD SAY THIS</del> [space]</p> <p>DESIRE TO RESERVE THE RIGHT TO PUT OTHER WITNESSES ON BECAUSE SOME ARE EXPECTED TONIGHT <i>WISH TO RESERVE</i>[?]</p> <p>DEFENSE MAKE NO OBJECTION TO THAT. [space]</p> <p>SUTHERLAND IF YOUR HONOR PLEASE I HAVE NOW AN AFFIDAVIT BY TELEGRAM OF THE PHYSICIAN OF</p>
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**RT**

**RS**

**BT**

**PS**

<p>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</p> <p>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</p> <p>AT 12 O’CLOCK, GIVING</p>	<p>THE TWO WITNESSES I REFERRED TO YESTERDAY BOTH OF THEM</p> <p>ARE TOO FEEBLE TO MAKE JOURNEY HERE I HAVE GIVEN THIS MORNING</p> <p>NOTICE TO</p> <p>THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE</p> <p>TOMORROW COMMENCING AT TWELVE O’CLOCK AND OFFER PAY THE EXPENSES</p>	<p>THE TWO WITNESSES THAT I REFERRED TO YESTERDAY, THAT BOTH</p> <p>WERE TOO FEEBLE TO MAKE THE JOURNEY HERE. I HAVE THIS MORNING GIVEN NOTICE TO</p> <p>THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE</p> <p>TO-MORROW</p> <p>AT TWO O’CLOCK AND OFFER TO PAY THE EXPENSES</p>	<p>THE TWO WITNESSES I REFERRED TO YESTERDAY THAT BOTH</p> <p>WERE TOO FEEBLE TO MAKE THE JOURNEY HERE I HAVE THIS MORNING <sup>[[10]]291</sup> GIVEN NOTICE TO</p> <p>THE DISTRICT ATTORNEY OF THEIR EXAMINATION IN SALT LAKE</p> <p>TOMORROW</p> <p>1 OR 2 O’CLOCK AND OFFERED TO PAY EXPENSES</p>
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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.

RT	RS	BT	PS
<p>THEM</p> <p>AMPLE TIME TO ATTEND THE EXAMINATION THERE, AND</p> <p>HE DESIRED TO READ THE AFFIDAVIT, IN ORDER TO MAKE IT KNOWN TO THE COURT.</p> <p>CAREY; I OBJECT TO THIS AFFIDAVIT</p>	<p>OF THEIR TELEGRAM</p> <p>EMPLOY ONE ATTORNEY TO ATTEND EXAMINATION AND CHARGES OF ATTORNEY TO INDEMNIFY UNITED STATES</p> <p>AGAINST EXPENSES AGAINST TERRITORY <i>WHO</i>[?] WOULD BE CHARGEABLE WITH IT. I DESIRE TO READ THIS AFFIDAVIT IN ORDER TO MAKE IT KNOWN</p> <p>≪ORDER≫ THE COURT OBJECTION BY PROSECUTION CAREY. I OBJECT {TO}P THIS AFFIDAVIT</p>	<p>OF THEIR TELEGRAM [space]<sup>[126]</sup> AND FOR THE ATTORNEY , THE CHARGES OF THE ATTORNEY TO ATTEND THE EXAMINATION. AND THE CHARGES OF THE ATTORNEY TO INDEMNIFY THE UNITED STATES AND THE TERRITORY AGAINST THE</p> <p>TERRITORY, WHO WOULD BE CHARGEABLE WITH IT. I DESIRE TO READ THIS AFFIDAVIT,</p> <p>WITH A VIEW TO OBTAINING THE ORDER OF THE COURT. BY</p> <p>M<sup>R</sup> CAREY: WE OBJECT TO THIS AFFIDAVIT</p>	<p>OF THEIR TELEGRAM</p> <p>FOR ATTORNEY<sup>292</sup> AND ALSO CHARGES OF AN ATTORNEY</p> <p>TO INDEMNIFY UNITED STATES AND TERRITORY AGAINST THE EXPENSES.</p> <p>I DESIRE TO READ THIS AFFIDAVIT</p> <p>WITH A VIEW TO OBTAINING THE ORDER OF THE COURT. [space]</p> <p>OBJECT TO AFFIDAVIT</p>

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292. Rogerson's hand symbol.

**RT**

**RS**

**BT**

**PS**

<p>BEING READ BEFORE THE JURY;</p> <p>IT IS ONLY AN AFFIDAVIT OF A PHYSICIAN THAT BRIGHAM YOUNG AND GEORGE A. SMITH</p> <p>ARE TOO FEEBLE TO MAKE THE JOURNEY</p> <p>HERE AS WITNESSES. COURT: IF THAT IS THE</p>	<p>BEING READ BEFORE {THE}<sup>P</sup> JURY AT THIS TIME<sup>293</sup></p> <p>&lt;SUTH&gt;</p> <p>IT IS ONLY AFFIDAVIT OF A PHYSICIAN THAT BRIGHAM YOUNG GEORGE A SMITH TO HIS KNOWLEDGE</p> <p>ARE IN TOO FEEBLE STATE MAKE JOURNEY</p> <p><i>INVOLVING</i>[?]</p> <p>HERE AS WITNESSES. BY COURT IF THAT IS {THE}<sup>P</sup></p>	<p>BEING READ BEFORE THE JURY AT THIS TIME; <del>IT IS ONLY THE AFFIDAVIT OF A BY M<sup>R</sup></del></p> <p>SUTHERLAND: IT IS ONLY THE AFFIDAVIT OF A PHYSICIAN THAT BRIGHAM YOUNG AND GEORGE A. SMITH</p> <p>ARE NOW TOO FEEBLE TO <del>KA</del> MAKE THE JOURNEY HERE. AND HA VE GIVEN NOTICE THIS MORNING TO THE DISTRICT ATTORNEY OF THEIR <del>A</del>EXAMINATION IN SALT LAKE TO-MORROW, COMMENCING AT 12 O’CLOCK, AND OFFER THO PAY THE EXPENSES OF THE ATTORNEY.</p> <p>BY <b>THE</b> COURT: IF THAT IS THE</p>	<p>BEING READ BEFORE THE JURY AT THIS TIME.</p> <p>SUTHERLAND IT IS ONLY THE AFFIDAVIT OF PHYSICIAN THAT BRIGHAM YOUNG AND GEORGE A SMITH</p> <p>ARE <i>NOW/IN</i>[?] TOO FEEBLE TO MAKE JOURNEY HERE. [<i>space</i>]</p>
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293. “AT THIS TIME” apparently added later.

RT	RS	BT	PS
<p>SUM AND SUBSTANCE OF IT IT WOULD BE NECESSARY</p> <p>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 <sup>[312]</sup> OBJECTION TO ITS BEING READ, UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM. IF SO, I CAN CALL THE OPERATOR AND SHOW THE</p> <p>CORRECTNESS OF THE</p>	<p>SUM AND SUBSTANCE OF IT IT WOULD BE <i>NECESSARY/UNN CESSARY[?]</i><sup>294</sup></p> <p>TO READ IT BASKIN MAKING AFFIDAVIT BY TELEGRAM IS {A}<sup>P</sup> NOVEL PROCEEDING I HAVE NEVER YET HEARD OF BEFORE. SUTHERLAND IT IS BECAUSE {HE}<sup>P</sup> NEVER HEARD OF IT BEFORE IT MUST THEREFORE BE INADMISSIBLE HE STATES NO LEGAL PRINCIPLE THAT IS VIOLATED NO PRINCIPLE IS VIOLATED BY IT</p> <p>UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM I CAN CALL {THE}<sup>P</sup> OPERATOR AND SHOW THE</p> <p>CORRECTNESS OF THE</p>	<p>SUJM AND SUBSTANCE OF IT, IT WOULD BE UNNECESSARY</p> <p>TO READ IT. BY M<sup>R</sup> BASKIN: TO MAKE AN AFFIDAVIT BY TELEGRAM IS IS A NOVEL AFFAIR THAT I HAVE NEVER HEARD OF BEFORE.. BY M<sup>R</sup> SUTHERLAND: IT IS BECAUZSE HE NEVER HEARD OF IT BEFORE IT MUST THEREFORE BE INADMISSIBLE. NO LEGAL PRINCILPE IS VIOLATED</p> <p>BY IT</p> <p>UNLESS HE DOUBTS THE VERITY OF THE TELEGRAM.. I CAN CQALL THE OPERATOR TO PROVE THE</p> <p>CORRECTENNES S OF IT.</p>	<p>BASKIN THE MAKING OF AFFIDAVIT BY TELEGRAM A NOVEL AFFAIR THAT I HAVE NOT HEARD OF.</p> <p>SUTHERLAND [space]</p> <p>I CAN CALL THE WITNESSES OPERATOR TO PROVE THE TELEGRAM CORRECTNESS OF IT. [space]</p>

294. Word is written “NSR”, there are no vowels.

**RT**

**RS**

**BT**

**PS**

<p>COMMUNICATION.</p> <p>BASKIN: TO SHOW THE CORRECTNESS OF THE COMMUNICATION 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.</p> <p>JUDGE SUTHERLAND. ARGUED AS TO THE RELEVANCY OF THE READING OF THE AFFIDAVITS WHICH BASKIN STRENUOUSLY OPPOSED.</p>	<p>COMMUNICATION.</p> <p>BASKIN TO SHOW THE CORRECTNESS OF THE CORRECTION YOU WOULD HAVE TO PROVE AND SWEAR THE PERSONS WHO WENT TO THE TELEGRAPH OPERATOR DID <i>HE/—[?]</i> IT CORRECTLY. AND ALL THESE THINGS IT CAN'T BE DONE. SOME THINGS MUST BE TAKEN FOR GRANTED</p> <p>HERE IS TELEGRAM WITH <i>LEGAL/REGULAR</i> [?] JURAT TO IT OFFICER INSCRIBING IT WITH TITLE ETC.</p>	<p>BY <b>THE COURT</b>: IF YOU PROVE BY A NOTARY PUBLIC THAT IT WAS VARIFIED</p> <p>AND ALL THOSE THINGS——</p> <p>BY <b>M<sup>R</sup></b> SUTHERLAND: HERE IS A TELEGRAM THAT COMES WITH A REGULAR JURAT TO IT; OFFICERS SUBSCRIBING TO IT WITH <del>WITH</del> A TITLE THAT DOES</p>	<p>IF YOU PROVE BY NOTARY PUBLIC THAT IT WAS <i>FORWARDED</i>[?] AND ALL THOSE THINGS.</p> <p>HERE IS A TELEGRAM THAT COMES WITH A REGULAR JURAT TO IT</p> <p>SUBSCRIBE <i>IT</i>[?] WITH A TITLE THAT</p>
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**RT**

**RS**

**BT**

**PS**

	<p>CAREY COURT WILL SEE THIS THEN THE COPY OF THE AFFIDAVIT IS ON FILE PROBABLY IF THERE IS ONE IT IS THE ORIGINAL AFFIDAVIT</p> <p>SUTHERLAND CERTIFIED BY NOTARY UNDOUBTEDLY WILL BE PLACED ON FILE HERE IS TRAIL IN PROGRESS WITNESS TWO HUNDRED</p> <p>MILES ABSENT WHO COULD BE HERE IF THEY WERE IN HEALTH THEY RESORTED ONLY MODE OF COMMUNICATION <sup>[[14]]</sup> CIRCUMSTANCES ADMIT OF RESORTED TO</p>	<p>ENTITLED HIM TO</p> <p>ADMINISTER THE OATH;</p> <p>IT IS THE ORIGINAL AFFIDAVIT. IT IS AS SUBSCRIBED. IT IS BY THE WITNESS AND CERTIFIED BY THE NOTARY.</p> <p>THE WITNESSES ARE TWO HUNDRED AND FIFTY MILES <del>ABSENT</del> <b>DISTANT</b>, AND COULD BE HERE IF THEY WERE IN HEALTH. <sup>[[127]]</sup> THEY HAVE RESORTED TO THE ONLY MODE OF COMMUNICATION THAT THE CIRCUMSTANCES ADMIT OF ; RESORTED TO</p>	<p>ENTITLES HIM TO</p> <p><i>SCRIBE/DESCRIBE</i><sup>[?]</sup></p> <p>ADMINISTER AN OATH</p> <p>&lt;SUTHERLAND&gt;</p> <p>IT IS THE ORIGINAL AFFIDAVIT IT IS AS SUBSCRIBED IT IS BY THE WITNESS AND CERTIFIED BY THE NOTARY =</p> <p>WITNESSES 250</p> <p>MILES ABSENT AND COULD BE HERE IF IN HEALTH THEY HAVE RESORTED TO THE ONLY MODE OF COMMUNICATION THAT THE CIRCUMSTANCES ADMIT TO</p> <p>[space]</p>
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**RT**

**RS**

**BT**

**PS**

	<p>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 <del>THE</del> 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. <b>THE</b> COMMON LAW IS HERE FLEXIBLE</p>	<p>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 <del>IMPORTANCE</del> OF THE TESTIMONY OF THE WITNESSES IN A CASE WHERE A MAN'S LIFE IS AT STAKE. WHEREAS <del>WITHOUT</del> THEY HAD THE ORIGINAL BEFORE THE TELEGRAPHS HAD LITTLE APPLICATION. THE COMMON LAW IS SO FLEXABLE THAT</p>	<p>THAT EVERYBODY IN THE MOST IMPORTANT CONCERNS RESORT TO IN EMERGENCIES THERE IS NO MORE TO<sup>295</sup> SUSPICION  THAN <del>ANY</del> 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</p>
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295. Word possibly erased.

**RT**

**RS**

**BT**

**PS**

	<p>IT READILY ADAPTS ITSELF TO NEW CIRCUMSTANCES NEW SITUATIONS NEW WANTS. &lt;THE COMMON HAS ADAPTED ITSELF {TO}<sup>P</sup>&gt; COMMUNICATIONS BY TELEGRAPH WHICH ARE ADMITTED DAILY IN COURT FOR WHAT THEY PURPORT TO BE</p> <p>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</p>	<p>IT READILY ADAPTS ITSELF TO NEW SITUATIONS, AND NEW CIRCUMSTANCES AND NEW WANTS. THE COMMON LAW HAS ADAPTED ITSELF TO COMMUNICATIONS BY TELEGRAPH, 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 EXPENSES AND WE ASK THIS</p>	<p>IT READILY ADAPTS ITSELF TO</p> <p>NEW CIRCUMSTANCES NEW WANTS COMMON LAW HAS ADAPTED ITSELF [space] COMMUNICATIONS BY TELEGRAPH ARE ADMITTED DAILY</p> <p>IS ENTITLED TO THE SAME CONSIDERATION AS LETTERS COMING BY POST</p> <p>WE HAVE GIVEN THEM NOTICE <sup>[[11]]</sup> TO APPEAR AND EXAMINE WITNESSES <del>ASK</del> OFFER TO PAY EXPENSES AND WE ASK THIS</p>
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**RT**

**RS**

**BT**

**PS**

	<p>SANCTION OF THE COURT THAT THEY MAY BE PLACED UNDER <i>SOME/SAME</i>[?] OBLIGATION, AND APPEAR AND ATTEND TO THE INTEREST OF THE GOVERNMENT IN THAT EXAMINATION THAT IT MAY NOT BE CAUSE <i>APPEAR</i>[?].</p> <p>WHEN THAT DEPOSITION ARRIVES HERE WE INTEND TO HAVE IT COME HERE<sup>296</sup> WITH SUCH CIRCUMSTANCES <i>ANNEXED</i>/—[?] <i>INDICATING</i>[?]</p> <p>WHEN IT IS BROUGHT AS TESTIMONY TO THIS JURY THEY WILL HAVE NO PROPER GROUND OF OBJECTION TO IT. BY COURT &lt;A LONG ESTABLISHED RULE THAT&gt;</p> <p>NO</p>	<p>SANCTION OF THE COURT THAT THEY MAY BE FORCED UNDER THE <i>SAOME</i> OBLIGATIONS TO APPEAR AND ATTENED TO THE INTEREST OF THE GOVERNMENT IN THAT EXAMINATION.</p> <p>WHEN THAT DEPOSITION ARRIVES HERE; WE INTEND TO HAVE IT COME HERE,</p> <p>SO THAT THEY WILL HAVE NO PROPER GROUNDS OF OBJECTION TO IT. BY COURT: A LONG EXSTABLISHED RULE <b>IS</b> THAT</p> <p>NO</p>	<p>SANCTION OF THE COURT THAT THEY MAY BE FORCED TO APPEAR THERE.</p> <p>WHEN THAT DEPOSITION ARRIVES HERE WE INTEND TO HAVE IT COME HERE</p> <p>THAT COUNSEL HAVE NO PROPER GROUNDS OF OBJECTION TO IT. [<i>space</i>] COURT A LONG ESTABLISHED RULE THAT</p> <p>NO</p>
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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".

**RT**

**RS**

**BT**

**PS**

	<p>DEPOSITION CAN BE READ = (WITH REGARD TO CRIMINAL TRIALS) &lt;LONG ESTABLISHED&gt; NOT ONLY IN THIS COUNTRY BUT ENGLAND FOR GENERATIONS THAT HAS BEEN THE RULE BUT NO &lt;NEVER&gt; CHANGED &lt;A RULE&gt; EXCEPT BY STATUTE. THAT STATUTE MAKES CHANGE AND <b>OR</b> 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 &lt;AND THEY REFUSE TO GIVE THEIR CONSENT TO COURSE SUGGESTED&gt; THERE IS NO GROUND &lt;IN</p>	<p>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 <del>TO</del> NEVER CHANGES A <del>NEW RULE</del> EXCEPT BY STATUTE; THAT <del>THE</del> STATUTE ONLY MAKES THE CHANGE; OR WHEN THE PARTIES MAKE CONSENT IN THE PRESENCE OF PARTIES. <b>IN</b> THIS CASE IT CAN BE MADE IN THE PRESENCE OF PARTIES.—<b>THE</b> GOVERNMENT OFFICERS <del>WHICH</del> ARE HERE, <del>AND</del> <b>BUT</b> THEY REFUSE TO GIVE THEIR CONSENT, <b>OF</b> COURSE  THERE IS NO GROUND IN</p>	<p>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 &lt;OR WHEN PARTIES MAKE CONSENT&gt;.  GOVERNMENT OFFICERS ARE HERE AND THEY REFUSE TO GIVE THEIR CONSENT; OF COURSE  THERE IS NO GROUND IN</p>
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**RT**

**RS**

**BT**

**PS**

	<p>THE WORLD&gt; WHEREBY I COULD GRANT IT. <del>SUTHERLAND</del> <del>≤COURT≥</del> I HAVE DECIDED THIS QUESTION ITSELF AND HEARD THE ARGUMENTS</p> <p>S I WISH TO MAKE SOME MORE REMARKS&gt;</p> <p>YOUR REMARKS SHOULD HAVE BEEN MADE BEFORE I DECIDED IT. [space] SUTHERLAND I MADE NO ARGUMENT UPON THIS EXCEPTING {A}P PASSING</p> <p>REMARK YESTERDAY. <del>SUTHERLAND</del> <del>≤S≥</del> I COULD NOT APPREHEND YOUR HONOR WOULD PUT THE CONSTRUCTION UPON IT <i>EXPENSES/NFS[?]</i> OF TAKING</p>	<p>THE WORLD UPON WHICH I COULD GRANT <del>IF</del> <b>THE</b> <b>APPLICATION.</b> I HAVE DECIDED THIS QUESTION <sup>[128]</sup> ITSELF AND HEARD THE ARGUEMENTS.. BY M<sup>R</sup> SUTHERLAND: I WISH TO MAKE SOME REMARKS. BY <b>THE COURT:</b> YOUR REMARKS SHOULD HAVE BEEN MADE BEFORE I DECIDED IT. BY M<sup>R</sup> SUTHERLAND: I MADE NO ARGUEMENT UPON THIS EXCEPT A <del>PASSING</del> PASSING REMARK YESTERDAY.</p> <p>I DID NOT APPREHEND YOUR HONOR WOULD PUT THE CONSTRUCTION UPON IT THAT <b>YOU</b> <del>HE</del> DID..</p>	<p>THE WORLD UPON WHICH I CAN GRANT IT.</p> <p>I HAVE DECIDED THIS QUESTION ITSELF AND MAY <del>ASK</del> HEAR ARGUMENTS ITSELF. [space] SUTHERLAND I WISH TO MAKE REMARKS COURT REMARKS SHOULD HAVE BEEN MADE BEFORE RULING [space]</p>
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**RT**

**RS**

**BT**

**PS**

	<p>TESTIMONY, IF HE HAD OFFERED TO SO DO WOULD BE OPTIONAL WITH THEM <del>BY</del> COURT <del>&gt;</del> VIRTUALLY IT IS OPTIONAL WITH THEM WHEN THEY ARE 230 MILES AWAY</p> <p>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</p> <p>BY COURT I</p>	<p>BY <b>THE</b> COURT: <del>€</del>VIRTUALLY IT IS OPTION<del>S</del>AL WITH THEM WHEN THEY ARE <del>TWO</del> 230 MILES AWAY; OTHERWISE YOU FORCE THE GOVERNMENT TO SECURE THEIR PRESENCE. <del>THERE</del> . BY M<sup>R</sup> SUTHERLAND: THE PEOPLE OF THE TERRITORY OF UTAH IN THIS TERRITORY ARE THERE AND WE OFFER TO PAY ALL EXPENCES.</p> <p>BY <b>THE</b> COURT: IF YOU OFFER TO PAY ALL THE EXPENCES OF THE TRIAL IT WOULD NOT MATTER; THAT PART OF IT WOULD NOT CHANGE THE SITUATION OF IT AT ALL. I</p>	<p>COURT IT IS VIRTUALLY IT IS OPTIONAL</p> <p>WHEN THEY ARE 230 MILES AWAY OTHERWISE YOU FORCE GOVERNMENT TO SECURE THEIR PRESENCE</p> <p>[space]</p> <p>SUTHERLAND THE PEOPLE OF THE TERRITORY OF UTAH IN THIS TERRITORY ARE THERE AND WE OFFER TO PAY ALL THE EXPENSES.</p> <p>[space]</p> <p>COURT<sup>297</sup> [space]</p> <p>THAT PART OF IT WOULD NOT CHANGE SITUATION AT ALL. [space]</p>
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297. Word is circled.

**RT**

**RS**

**BT**

**PS**

	<p>HAVE NO OBJECTIONS IN COMMENTING</p> <p>BEFORE COURT <i>DECIDED</i>[?] <i>TO</i>[?]</p> <p>SUTHERLAND BY SOME INFIRMITY BELONGS TO ME IN COMMON WITH EVERYBODY ELSE I CAN ONLY SPEAK SUCH THINGS AS <sup>[[15]]</sup> OCCUR TO ME THIS STATUTE &lt;THE NECESSITY <b>OF</b> COMMENTING UPON THIS STATUTE AS IT NOW OCCURS TO ME.&gt; 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</p>	<p>HAD NO OBJECTIONS TO YOUR COMMENTING UPON THE MATTER BEFORE I DECIDED IT. BY <b>M<sup>R</sup></b></p> <p>SUTHERLAND: BY SOME INFIRMITY THAT BELAONGS TO ME IN COMMON WITH EVERY BODY ELSE, I CAN ONLY SPEAK SUCH THINGS AS OCCUR TO ME.</p> <p>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 PERESENCE.”</p>	<p>SUTHERLAND BY SOME INFIRMITY THAT BELONGS TO ME IN COMMON WITH EVERY BODY ELSE I CAN ONLY SPEAK SUCH THINGS AS OCCUR TO ME</p> <p>THE NECESSITY OF COMMENTING UPON THIS STATUTE AS NOW OCCURS TO ME. STATUTE IS “WHEN IT IS NOT REASONABLE &amp;C. [<i>space</i>]</p>
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**RT**

**RS**

**BT**

**PS**

	<p>NOW I REGARD THAT PROVISION AS OBLIGATORY, WHEN THE CIRCUMSTANCES EXIST TO RENDER IT NOT REASONABLE <del>THAT THE</del> WITNESS BE PRESENT AT THE TRIAL, AND THAT THE WORD "MAY" HERE IS UNDER <del>ALL THE</del> 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 <i>BY</i>[?] <i>COUNSEL</i>[?] IS MANDATORY WHEREVER COURT IS SATISFIED WITNESS CAN'T ATTEND HIS TESTIMONY IS MATERIAL THEN</p>	<p>NOW I REGARD THAT PROVISION AS OBLIGATORY WHEN THE CIRCUMSTANCES EXIST TO RENDER IT NOT REASONABLE THAT THE <del>WITNESS BE</del> PRESENT AT THE TRIAL AND THAT THE <del>WORD</del> "MAY" HERE IS UNDER ALL THE RULES OF CONSTRUCTION <del>IN</del> APPLICABLE TO LIKE WORDS IN STATUTES WHERE THE PUBLIC INTERESTS IS CONCERNED AS WHERE THE INTEREST OF INDIVIDUALS <del>ARE IS</del> CONCERNED.. ARGUED BY M<sup>R</sup> SUTHERLAND.</p>	<p>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 <i>[[12]]</i> IN STATUTES WHERE THE PUBLIC INTERESTS ARE CONCERNED. <i>[space]</i></p>
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**RT**

**RS**

**BT**

**PS**

	<p>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 CIRCUMSTANCE S 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</p>		
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**RT**

**RS**

**BT**

**PS**

	<p>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</p> <p>BY COURT I <i>DO/DID</i>[?] NOT SAY <del>AND</del> <i>SAITH</i>[?] THAT THE <sup>≥</sup> 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</p>	<p>BY <b>THE</b> COURT: I <del>CONCEIVES</del> <b>IDE</b> <b>R</b> THAT THE RULE <b>THERE IS NOT OBLIGATORY, AND THE COURT WOULD NOT MAKE IT OBLIGATORY UPON THE PARTIES . IT ONLY</b> <sup>[129]</sup> ALLOWS THIS TO BE DONE UNDER CERTAIN CIRCUMSTANCES, BUT THE STATUTE DOES NOT OAUTHORIZE THE COURT TO FORCE THE</p>	<p>COURT<sup>298</sup> 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 <i>HAVE</i>[?] FORCES THE</p>
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298. Word is circled.

**RT**

**RS**

**BT**

**PS**

	<p>PROSECUTION UNDER CIRCUMSTANCES TO HAVE THESE DEPOSITIONS TAKEN IN SALT LAKE. <del>IN THE</del> FIRST PLACE <del>THESE</del> 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</p>	<p>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 <del>OR</del> WITH THE TELEGRAM. WHEN MEN ANNOUNCE THEMSELVES READY FOR TRIAL, THEY KNEW THE WITNESSES THEY EXPECTED TO USE, AND KNEW WHETHER OR NOT THEY ARE IN COURT. IF THE PARTIES</p>	<p>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 <i>IT WOULD</i>[?] =</p> <p>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. [<i>space</i>]</p>
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**RT**

**RS**

**BT**

**PS**

	<p>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 <sup>[[16]]</sup> COURT, OR PARTIES MUST SAY THEY ARE NOT READY FOR TRIAL; IF SO CONTINUANCES WILL BE GRANTED. THERE IS NO WORTHY <del>REASONABLE</del> GROUND IN MY VIEW FOR GRANTING SUCH PERMISSION IN THIS CASE THE MOTION IS OVERRULED.</p> <p>[space] BASKIN I</p>	<p>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 THROUGH THIS TRIAL; AND I WOULDNOT THE N FORCE IT, EVEN THEN <del>IF</del> IT WOULD BE POSSIBLE TO DO IT/. PARTIES MUST BE IN COURT, OR PARTIES MUST SAY THEY ARE NOT READY FOR TRIAL, <del>SO</del>, IF SO CONTINUANCE WILL BE GRANTED. THERE IS NO REASONABLE GROUND IN MY VIEW FOR GRANTING SUCH PERMISSION IN THIS CASE. THE MOTION IS OVERRULED.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>AFTER WHICH JUDGE SUTHERLAND EMPHATICALLY STATED TO THE COURT THAT HE DESIRED TO FILE THE TELEGRAM, THEN AND THERE IN THE COURT.</p>	<p>REST MAY IT PLEASE YOUR HONOR</p> <p>SUTHERLAND I <u>DESIRE TO FILE THIS TELEGRAM</u> &lt;AS READ IN THIS ARGUMENT&gt; <u>IN THE COURT</u></p> <p>[space]</p> <p>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 <i>AND THAT WAY</i>[?] IF THEY RECEIVE IT <i>FULLY</i>[?] ON THEIR OWN PERSONAL ACCOUNT IT WOULD BE WHOLLY IMPROPER THING FOR ATTORNEYS TO RECEIVE IT FOR</p>	<p>BY M<sup>R</sup> SUTHERLAND: I DESIRE TO FILE THIS TELEGRAM AS READ IN THIS ARGUEMENT.</p>	<p>SUTHERLAND<sup>299</sup> DESIRE TO FILE THIS TELEGRAM AS READ IN THIS ARGUMENT.</p> <p>[space] <del>REPLY</del> AND REMARKS BY BASKIN [space].</p>
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299. Word is circled.

**RT**

**RS**

**BT**

**PS**

<p>THE COURT THE COURT SUSTAINED THE OBJECTION OF THE PROSECUTION, TO WHICH RULING JUDGE SUTHERLAND EXCEPTED.</p>	<p>THIS PURPOSE BECAUSE WE HAVE NOT ANY AUTHORITY TO DO IT HE WOULD NOT HAVE ANY AUTHORITY <i>OF/AND[?]</i> PROPRIETY EXCEPT BY SOME PROVISION OF LAW IF PROSECUTION RECEIVED MONEY <i>ANY/IN[?] CONT—</i> <i>/CONDITIONS[?]</i> <i>FACTOR[?]</i> THEY WOULD BE SUBJECT TO CENSURE <i>RMR-</i> <i>N/[?]</i> OF THEIR DUTY ACTING WITHOUT THE AUTHORITY. <b>←HOGE DEF</b></p> <p><b>EXCEPTION TO RULING OF COURT→ BY HOGE EXCEPTION TO RULING BY COURT THERE IS</b></p>	<p>DEFENSE TAKES AN EXCEPTION TO THE RULING OF THE COURT.</p>	<p>DEFENSE TAKES EXCEPTION <i>[space]</i></p>
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**RT**

**RS**

**BT**

**PS**

<p>AFTER WHICH COURT ADJOURNED UNTIL NINE O’CLOCK TO-MORROW MORNING.</p> <p>THURSDAY MORNING, NINE O’CLOCK, JULY 29TH, 1975.</p> <p>SPICER OFFERED</p> <p>A MOTION</p>	<p>NOTHING MORE TO BE DONE IN THIS CASE</p> <p>UNTIL</p> <p>TOMORROW MORNING <b>9 OCLOCK</b> = [space]</p> <p><b>THURSDAY, MNG, 9 12, AM. JULY 29 1875</b> = [space]</p> <p>CLERK CALLED NAMES OF THE JURORS BY COURT TO PROSECUTION HAVE YOU ANYTHING FURTHER <b>≡(WITNESSES)≡</b> ONE MOMENT NO SIR. BY COURT DEFENSE WILL PROCEED [space]</p> <p>SPICER</p> <p>WE HAVE A MOTION TO PRESENT YOUR HONOR THIS MORNING AS</p>	<p>ADJOURNED TILL</p> <p>TO-MORROW MORNING AT 9 O’CLOCK. ————000———</p> <p>——THURSDAY MORNING,</p> <p>JULY 29<sup>TH</sup>, 1875. 9 O’CLOCK A.M..</p> <p>JURY CALLED. ALL PRESENT.</p> <p>BY <b>M<sup>R</sup></b> SPICER: IF YOUR HONOR PLEASE, I HAVE A MOTION TO PRESENT WHICH IS AS</p>	<p><i>BARTON/BURTON</i> [?] OFFICER SWORN TO TAKE CHARGE OF THE JURY [space] COURT ADJOURNED UNTIL</p> <p>TOMORROW MORNING 9 O’CLOCK [space]</p> <p><b>THURSDAY</b></p> <p><b>JULY 29/75</b> [space]</p> <p>JURY CALLED ALL PRESENT [space]</p> <p>SPICER TO THE JURY [space]</p> <p>MOTION TO PRESENT</p> <p>AS</p>
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**RT**

**RS**

**BT**

**PS**

	<p>FOLLOWS &lt;SECOND DISTRICT COURT OF THE TERRITORY OF UTAH PEOPLE OF THE UNITED STATES VS JOHN D. LEE INDICTED WITH</p> <p>DEFENSE COUNSEL MOVES&gt; PROCEED TO READ MOVE 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 NOW BEING HELD THIS MOTION</p>	<p>FOLLOWS: SECOND DISTRICT COURT, TERRITORY OF UTAH. PEOPLE OF THE UNITED STATES VS. JOHN D. LEE INDICTED WITH <sup>[130]</sup> ISAAC C. HAIGHT, WILLIAM H. DAME, JOHN M. HITGBEE, P.K.SMITH ET AL. DEFENDANTS, COUNSEL MOVES THE</p> <p>COURT THAT IT PROCEED NO AURTHER IN <del>THE</del> TRIAL OF THIS CASE AT THIS TIME FOR THE REASON THAT THERE IS NO LEGAL TERM OF THE SECOND JUDICIAL DISTRICT COURT, AS AFORESAID ,</p> <p>NOW BEING HELD. THIS MOTION IS</p>	<p>FOLLOWS SECOND DISTRICT COURT TERRITORY OF UTAH PEOPLE OF THE UNITED STATES JOHN D. LEE INDICTMENT WITH <i>MORE PARTIES</i>[?]</p> <p>DEFENSE COUNSEL MOVES</p> <p>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</p> <p>NOW BEING HELD THIS MOTION IS</p>
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**RT**

**RS**

**BT**

**PS**

<p>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;</p> <p>THE PROCLAMATION OF THE GOVERNOR WAS</p>	<p>FOUNDED UPON PROCLAMATION OF GOVERNOR FIXING THE TERMS OF COURTS IN THIS TERRITORY OF</p> <p>AND THE JOURNAL OF SAID COURT; IT IS SIGNED BY COUNSEL IN THE CASE BY COURT MOTION BE OVERRULED. &lt;FOLLOWED WITH A LECTURE&gt; SUTHERLAND I DESIRE MORE PARTICULARLY TO SHOW GROUNDS OF THIS MOTION.</p> <p>PROCLAMATION OF THE GOVERNOR</p>	<p>FOUNDED UPON THE PROCLAMATION OF THE GOVERNOR FIXING THE TERMS OF COURTS IN <del>THE</del> TERRITORY. <b>THIS DISTRICT,</b></p> <p>AND THE JOURNAL OF SAID COURT. IT IS SIGNED BY THE COUNSEL IN THE CASE.. BY THE COURT: THE MOTION WILL BE OVERRULED.</p> <p>BY MR. SUTHERLAND: I DESIRE MORE PARTICULARLY TO SHOW THE GROUNDS OF THIS MOTION.. I DESIRE TO HAVE THE PROCLAMATION THERE REFERRED TO</p>	<p>FOUNDED UPON THE PROCLAMATION OF THE GOVERNOR FIXING THE TERM OF COURT <del>BOTH</del> FOR THIS DISTRICT [space]</p> <p>[[13]] MOTION OVERRULED [space]</p> <p>SUTHERLAND DESIRE TO HAVE</p> <p>THE PROCLAMATION THERE REFERRED TO</p>
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**RT**

**RS**

**BT**

**PS**

	HERE <sup>[[17]]</sup> <sup>300</sup> CORRECTED BY  SUTHERLAND 14 <sup>TH</sup> DAY OF JULY 1874	HERE. (CORRECTED BY MR. SUTHERLAND TO THE I4TH DAY OF JULY I874.)	          [space] FILED WITH THE CLERK [space]
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300. Written in longhand at top of the page: {**WELLS SPICER CLOSING FOR DEFENSE.**}<sup>p</sup> “CLOSING” written out over “OPENING” or vice versa.