

John D. Lee, First Trial

Samuel Pollock and  
William Young Testimonies

RT	RS	BT	PS
<p>331 [313]</p> <p>SAMUEL POLLOCK,  SWORN FOR  DEFENDANT.</p> <p>Q. YOU HAVE BEEN EXAMINED ON THE PART OF THE PEOPLE, HAVE YOU NOT A. YES SIR. Q. WHERE DID YOU RESIDE IN 1857 ?</p> <p>A. CEDAR CITY, IRON COUNTY. Q. I UNDERSTOOD YOU TO SAY YOU</p>	<p>[Bk 7 6] BY COURT CALL YOUR WITNESS <u>SAMUEL</u> <u>POLLOCK</u> FIRST</p> <p>WITNESS FOR THE DEFENSE.</p> <p>Q YOU HAVE BEEN EXAMINED PART OF THE PEOPLE HAVE YOU NOT A YES SIR. Q WHERE DID YOU RESIDE 1857 I CAN'T HEAR YOU {Q}<sup>i</sup> WHERE DID YOU LIVE 1857 {A}<sup>i</sup> CEDAR CITY IRON COUNTY Q I UNDERSTOOD YOU SAY {ALSO}<sup>i</sup> YOU</p>	<p>[Bk 5 180]332</p> <p>SAMUEL POLLOCK BEING FIRST DULY SWORN AS A WITNESS ON THE PART OF THE DEFENSE WAS EXAMINED AS FOLLOWS: BY <del>W. W. BISHOP.</del> <b>SUTHERLAND:</b> Q. YOU HAVE BEEN EXAMINED ON THE PART OF THE PEOPLE, HAVE YOU NOT? A. YES, SIR. Q. WHERE DID YOU RESIDE IN 1857? A. I CAN'T HEAR YOU . Q. WHERE DID YOU LIVE IN 1857? A. CEDAR CITY, IRON COUNTY. Q. I UNDERSTOOD YOU TO SAY THAT YOU</p>	<p>[Patterson Shorthand is not extant for this material.]</p>

331. Table of contents for Rogerson Transcript, Book 3, on title page as follows:  
**JULY 1875.**

**BOOK NO 3.**  
**THE TRIAL OF JNO. D. LEE,**  
**DEFENCE.**

<b>PAGE 313. SAMUEL POLLOCKS, TESTIMONY. 1<sup>ST</sup> WITNESS.</b>	
<b>342. W<sup>M</sup>. YOUNG.</b>	<b>2. "</b>
<b>353. JESSE. N. SMITH.</b>	<b>3. "</b>
<b>358. SILAS S. SMITH.</b>	<b>4. "</b>
<b>392. ELISHA HOOPS.</b>	<b>5. "</b>

332. Beginning at this point, the material is drawn from the original typescript rather than a carbon.

**RT**

**RS**

**BT**

**PS**

<p>WERE AT THE MOUNTAIN MEADOW AT THE TIME OF THE SLAUGHTER OF THE EMIGRANTS ?  A. I WAS AT THE MOUNTAIN MEADOWS, MOUNTAIN MEADOW VALLEY. Q. WHERE DID YOU GO FROM ? A. I WENT FROM CEDAR CITY. Q. ON WHOSE REQUEST ? A' EZRA CURTIS, LIEUTENANT OF THE MILITIA. Q. WHAT DID HE SAY TO YOU WHEN YOU WERE REQUESTED TO GO ? A. HE TOLD ME NEWS HAD COME IN THAT THE INDIANS HAD SURROUNDED AND ABOUT KILLED THE EMIGRANT COMPANY THAT HAD PASSED THROUGH</p>	<p>WERE {AT}<sup>1</sup> THE MOUNTAIN MEADOWS AT THE TIME OF SLAUGHTER OF THE EMIGRANTS  <sub>A</sub>I WAS IN MOUNTAIN MEADOWS, MOUNTAIN MEADOW VALLEY <sub>Q</sub>  WHERE DID YOU GO FROM <sub>A</sub> WENT FROM CEDAR CITY ON WHOSE REQUEST <sub>A</sub> EZRA CURTIS. LIEUTENANT OF MILITIA  <sub>Q</sub> WHAT <math>\leftarrow</math>DID HE<math>\Rightarrow</math> SAY TO YOU WHEN YOU WERE REQUESTED TO GO <sub>A</sub>HE TOLD ME NEWS COME IN, THAT THE INDIANS HAD SURROUNDED AND ABOUT KILLED EMIGRANT COMPANY THAT HAD PASSED THROUGH</p>	<p>WERE AT THE MOUNTAIN MEADOWS AT THE TIME OF THE SLAUGHTER OF THE EMIGRANTS ?  A. I WAS IN THE MOUNTAIN MEADOWS, <b>MOUNTAIN</b> MEADOW VALLEY. Q. WHERE DID YOU <del>GO</del> <b>COME</b> FROM? A. WENT FROM CEDAR CITY. Q. ON WHOSE REQUEST? A. EZRA CURTIS<del>E</del>'S, A LIEUTENANT OF THE MILLITIA. Q. WHAT DID HE SAY TO YOU WHEN YOU WERE REQUESTED TO GO? A.HE TOLD ME THE NEWS HAD COME IN, THAT THE INDIANS HAD <b>BEEN</b> SURROUNDED, AND ABOUT KILLED THE EMIGRANT TRAIN THAT HAD PASSED THROUGH</p>	
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**RT**

**RS**

**BT**

**PS**

<p>A FEW DAYS PREVIOUS; HE SAID THAT THERE WAS A POSSEE CALLED TO GO OUT THERE IMMEDIATELY TO SAVE THE BALANCE AND BURY THE DEAD. THESE WERE MY ORDERS FROM HIM. Q. DID YOU RECEIVE ANY OTHER ? A. I DID NOT. THE OFFICER TOLD ME TO TAKE A PICK AND SHOVEL OR SPADE AS WELL AS A GUN. Q. DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT WAS GOING ON AT THE MOUNTAIN MEADOWS ? <sup>[314]</sup> A. I DID NOT. Q. I MEAN BEFORE YOU WENT ? A. NO. Q. WITH WHOM DID YOU GO AND HOW ? A. WELL, I CANNOT TELL,</p>	<p>FEW DAYS PREVIOUS. SAID THAT THERE WAS A POSSEE CALLED FOR GO OUT THERE IMMEDIATELY TRY AND SAVE BALANCE AND BURY DEAD; THESE WERE MY ORDERS FROM HIM Q DID YOU RECEIVE ANY OTHER A I DID NOT, OFFICER TOLD ME TAKE PICK SHOVEL OR SPADE AS WELL AS A GUN Q DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT WAS GOING ON OUT AT THE MOUNTAIN MEADOWS A I DID NOT NEVER Q I MEAN BEFORE YOU WENT A NO Q WITH WHOM DID YOU GO AND HOW WELL I A CANNOT TELL;</p>	<p>CEDAR A FEW DAYS PREVIOUS. HE STATED THERE WAS A POSSEE CALLED FOR TO GO OUT THERE IMMEDIATELY AND TRY AND SAVE THE BALANCE AND BURY THE DEAD. THESE WERE MY ORDERS FROM HIM . Q. DID YOU RECEIVE ANY OTHER? A. I DIDN'T ; THE OFFICER TOLD ME TO TAKE A PICK AND SHOVEL AND SPADE AS WELL AS A GUN. Q. DID YOU HAVE ANY OTHER OPINION IN RESPECT TO WHAT YOU WERE GOING TO DO AT THE MOUNTQIN MEADOWS? A. I DIDN'T NOT , NOTHING. Q. I MEAN BEFORE YOU WENT? A. NO. Q. WITH WHOM DID YOU GO AND HOW? A. WELL, I CAN'T TELL;</p>	
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**RT****RS****BT****PS**

<p>ONLY A FEW. Q. STATE THE NAMES OF SUCH PERSONS AS YOU REMEMBER ? A. THE MAN THAT NOTIFIED ME WENT WITH ME. HE WENT ALSO, EZRA CURTIS, ROBERT WILEY, WILLIAM BATEMAN AND THOMAS CARTWRIGHT I THINK IS ALL I CAN REMEMBER THAT WENT ALONG. THEY RODE IN THE SAME WAGON OR IN TWO WAGONS. Q. THESE TWO WAGONS GOT ALONG TOGETHER ? A. YES SIR, OR NEARLY SO, THEY WAS IN COMPANY TOGETHER. Q. AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE CEDAR CITY ? A. A LITTLE BEFORE DARK; IT WAS</p>	<p>SOME ONLY = FEW Q STATE NAMES OF SUCH PERSONS AS YOU REMEMBER A MAN THAT NOTIFIED ME CALLED ON ME, WENT ALSO, EZRA CURTIS, ROBERT WILEY, WILLIAM BATEMAN AND THOMAS CARTWRIGHT I THINK IS ALL I CAN REMEMBER Q THAT WENT ALONG A THEY RODE IN THE SAME WAGON: IN TWO WAGONS Q THESE TWO WAGONS GO ALONG TOGETHER [7] A YES SIR OR NEARLY SO; WAS IN COMPANY TOGETHER. Q AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE CEDAR CITY A LITTLE BEFORE DARK, IT WAS</p>	<p>SOMEONE—A FEW. Q. STATE THE NAMES OF AS MANY PERSONS AS YOU REMEMBER? A. THE MAN THAT NOTIFIED ME, I KNEW HIM; HE WENT ALSO. EZRA CURTICES, ROBERT WILY, WILLIAM BATEMAN, AND THOMAS CARTWRIGHT, I THINK IS ALL THA T I CAN REMEMBER. [181] Q. THAT WENT ALONG? A. THEY RODE IHN THE SAME WAGON; RODE IN TWO WAGONS. Q. DID THESE TWO WAGONS GO ALONG TOGETHER? A. YES, SIR, OR NEARLY SO,— WAS IN COMPANY TOGETHER. Q. AT WHAT TIME IN THE DAY OR NIGHT DID YOU LEAVE CEDAR CITY? A. A LITTLE BEFORE DARK; IT WAS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TOWARDS SUNDOWN AS NEAR AS I CAN REMEMBER. AT ANY RATE WE TRAVELLED ALL NIGHT. Q. AT WHAT TIME DID YOU REACH THE MEADOWS ? A. I CANNOT SAY DEFINITELY, WE STOPPED AT PINTO CREEK AND GOT SOME BREAKFAST ABOUT DAY LIGHT, RESTED THERE A LITTLE WHILE, WENT TO THE MEADOWS NEXT DAY. Q. WHAT IS THE DISTANCE FROM PINTO TO THE MOUNTAIN MEADOWS ? A. FROM PINTO CREEK TO WHERE THE COMPANY WAS CAMPED I SHOULD JUDGE IT TO BE IN THE NEIGHBORHOOD OF NINE MILES, PROBABLY. Q. AND YOU</p>	<p>TOWARDS SUNDOWN AS NEAR AS I CAN REMEMBER AT ANY RATE WE TRAVELED ALL ST[?] QAT WHAT TIME DID YOU REACH MEADOWS A I COULD NOT SAY DEFINITELY, WE STOPPED AT PINTO CREEK GOT SOME BREAKFAST ABOUT DAYLIGHT. RESTED THERE LITTLE WHILE. WENT TO MEADOWS NEXT DAY. QWHAT IS THE DISTANCE FROM PINTO TO  MEADOWS A FROM PINTO CREEK TO WHERE COMPANY WAS CAMPED A I SHOULD JUDGE IT TO BE IN THE NEIGHBORHOOD OF NINE MILES PROBABLY Q&lt;AND YOU&gt;</p>	<p>TOWARDS SUNDOWN, AS NEAR AS I CAN REMEMBER. AT ANY RATE WE TRAVELED ALL NIGHT. Q. AT WHAT TIME DID YOU REACH THE MEADOWS? A. I COULD NOT SAY DEFINITELY, FOR WE STOPPED AT PINTO CREEK AND GOT DSSOME BREAKFAST ABOUT DAYLIGHT , RESTED THERE A LITTLE WHILE AND WENT TO THE MEADOWS THE NEXT DAY. Q. WHAT IS THE DISTANCE FROM PINTO CREEK TO THE MOUNTAIN MEADOWS; THAT IS FROM PINTO CREEK TO WHERE THE COMPANY WAS CAMPED ? A. I SHOULD JUDGE IT TO BE SOMEWHERE IN THE NEIGHBORHOOD OF NINE MILES PROBABLY. Q. AND YOU</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ARRIVED THERE THEN ABOUT NOON OR TOWARDS NOON ? A. I COULD NOT SAY, I DON'T REMEMBER. Q. BUT YOU CAN JUDGE SOMETHING, FROM THE SPEED YOU TRAVELLED AND THE DISTANCE ? <sup>[315]</sup> A. IT PROBABLY WAS IN THE MIDDLE OF THE DAY. Q. WHEN YOU REACHED THE MEADOWS WHAT WHITE PERSONS DID YOU FIND ALREADY THERE, IF ANY, EXCEPT THE EMIGRANTS ? A. WE FIRST WENT TO JACOB HAMBLINS RANCH, WHICH WAS ON THE ROAD. THAT IS WHERE WE FIRST STRUCK THE MEADOWS. THERE HIS FAMILY WAS RANCHING AND THERE WAS SEVERAL</p>	<p>ARRIVED THERE THEN <math>\Leftarrow</math>THAT IS<math>\Rightarrow</math> ABOUT NOON OR TOWARDS NOON COULD NOT SAY DON'T REMEMBER EXACTLY Q YOU CAN JUDGE SOMETHING FROM SPEED YOU TRAVELED AND DISTANCE A IT PROBABLY WAS IN MIDDLE OF DAY. Q WHEN YOU REACHED MEADOWS WHAT WHITE PERSONS DID YOU FIND ALREADY THERE IF ANY EXCEPT EMIGRANTS A WE FIRST WENT TO JACOB HAMBLINS RANCH WHICH WAS ON THE ROAD THAT IS WHERE WE FIRST STRUCK MEADOWS. THERE HIS FAMILY WAS RANCHING AND THERE WAS SEVERAL</p>	<p>ARRIVED THERE WHEN? A. ABOUT NOON OR TOWARDS NOON. I COULD NOT SAY; DON'T REMEMBER EXACTLY. Q. YOU CAN JUDGE SOMETHING FROM THE SPEED YOU TRAVELED , AND THE DISTANCE? A. IT PROBABLY WAS IN THE MIDDLE OF THE DAY . Q. WHEN YOU REACHED THE MEADOWS, WHAT WHITE PERSONS DID YOU F IND ALREADY THERE, IF ANY, EXCEPT THE EMIGRANTS? A. WE FIRST WENT TO JACOJB HAMBLIN'S RANCH, WHICH WAS ON THE ROAD;. THAT IS WHERE WE FIRST STRUCK THE MEADOSWS; THERE HIS FAMILY WAS RANCHING, AND THERE WERE SEVERAL</p>	
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**RT**

**RS**

**BT**

**PS**

<p>HANDS THERE, THREE OR FOUR, LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE, AND HERDING IT FROM THE EMIGRANTS AND TO KEEP IT SAFE FROM THE INDIANS, AS I UNDERSTOOD IT. JOSHUA REEVES WAS THERE, AS I AM ACQUAINTED WITH, AND I THINK THERE WAS TWO OR THREE, PERHAPS TWO MORE, IN THE SAME BUSINESS. WE MADE BUT A LITTLE HALT THERE, AND WENT RIGHT ON DIRECTLY</p>	<p>HANDS, THERE 3 OR 4 LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE AND APART FROM EMIGRANTS AND KEEPING IT SAFE FROM THE INDIANS AS I UNDERSTOOD IT. JOSHUA REEVES WAS THERE AS I AM ACQUAINTED WITH AND I THINK THERE WAS 2 OR 3, PERHAPS TWO MORE IN THE SAME BUSINESS. WE MADE BUT LITTLE HALT THERE WENT RIGHT ON DIRECTLY</p>	<p>HANDS— THREE OR FOUR LOOKING AFTER HIS STOCK, KEEPING IT SEPARATE AND APART FROM THE EMIGRANTS ANDKEEPING IT SAFE FROM THE INDIANS , AS I UNDERSTOOD IT. JOSIAH REEVES<sup>333</sup> WAS THERE, AS I MIND, AND I THINK THERE WAS TWO OR THREE, PERHAPS TWO MORE IN THE SAME BUSINESS. WE MADE BUT A LITTLE HALT THERE, AND WENT RIGHT ON STRAIGHT FORWARD</p>	
<p>TOWARDS THE EMIGRANT COMPANY. Q. HOW NEAR TO THE EMIGRANT COMPANY DID YOU GO BEFORE YOU MADE A FINAL HALT ? A. I SHOULD JUDGE IT TO BE</p>	<p>TOWARDS EMIGRANT COMPANY Q HOW NEAR TO THE EMIGRANT COMPANY DID YOU GO BEFORE YOU MADE A FINAL HALT A I SHOULD JUDGE IT TO BE</p>	<p>TOWARDS THE EMIGRANT COMPANY. Q. HOW NEAR TO THE EMIGRANT TRAIN DID YOU GO BEFORE YOU MADE A FINAL HALT? A. I SHOULD JUDGE IT WOULD BE</p>	

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333. Josiah Reeves was Pollock's brother-in-law.



**RT**

**RS**

**BT**

**PS**

<p>ABOUT A MILE. <del>TO THE</del> POINT Q. TO THE POINT WHERE YOU SAID THAT</p> <p>YOU WERE CAMPED IN ANSWER TO A QUESTION WHICH I PUT TO YOU BEFORE, WHAT WHITE PERSON DID YOU FIND ALREADY THERE BESIDES THE EMIGRANTS THAT WERE THERE—I MEAN THE WHITE PERSONS REFERRED TO AT THE MEADOWS, THAT CAMPED AT THAT PLACE.</p> <p>A. YES SIR. Q. WHEN I ASK WHAT THE OTHER PERSONS WERE I MEAN AT THAT POINT ON THE MEADOWS ? A. I DIDN'T SEE ANY OTHER. I UNDERSTOOD THERE WAS ONE WHITE PERSON IN THE VICINITY, BESIDES</p>	<p>ABOUT MILE {Q}<sup>i</sup> TO THE POINT WHERE YOU SAID <i>YESTERDAY</i>[?]</p> <p>YOU CAMPED IN ANSWER {TO A}<sup>i</sup> QUESTION WHICH I PUT BEFORE WHAT WHITE PERSON DID YOU FIND ALREADY THERE BESIDES EMIGRANTS THINK YOU WERE FIRST WHITE PERSONS TO ARRIVE AT THE MEADOWS THAT CAMPED AT THAT PLACE</p> <p>A YES SIR Q WHEN I ASK <i>WHAT FURTHER</i>[?] PERSONS <i>AND</i>[?] I MEAN AT THE POINT ON THE MEADOWS ≤I DIDN'T SEE ANY OTHER≥ A I UNDERSTOOD THERE WAS ONE WHITE PERSON IN THE VICINITY <i>MAYBE</i>[?]</p>	<p>ABOUT A MILE. [<sup>182</sup>] Q. TO THE POINT WHERE YOU SAID THAT</p> <p>YOU CAME , IN <del>IN</del> ANSWER TO THE QUESTION WHICH I PUT TO YOU BEFOERE, WHAT WHITE PERSON DID YOU FI<del>ND</del> ALREADY THERE, BESIDES THE EMIGRANTS, THAT YOU SWORE WERE THE FIRST WHITE PERSONS TO ARRIVE AT THE MEADOWS THAT CAMPED AT THAT PLACE. YOU REMEMBER? A . YES, SIR. Q. NOW, WHEN I ASK, WAS THERE OTHER PERSONS THERE —I MEAN THAT POINT ON THE MEADOWS? A. I DIDN'T SEE ANY OTHER EXCEPT THERE WAS ONE WHITE PERSON IN THE VICINITY <del>WHICH SEEMS</del></p>	
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**RT**

**RS**

**BT**

**PS**

<p>JOHN D. LEE, BUT THAT WAS ONLY HEARSAY.</p> <p>Q. HOW MANY WERE THERE IN YOUR PARTY TOGETHER ? A. I SHOULD JUDGE THERE WAS ABOUT FIFTEEN, MORE OR LESS, COULD NOT SAY DEFINITELY; I DIDN'T COUNT THEM, NOT BEING ACQUAINTED WITH ALL OF THEM <sup>[316]</sup> DIDN'T PAY ANY PARTICULAR ATTENTION, BUT JUDGE ABOUT FIFTEEN. Q. WHAT DID THESE PERSONS TAKE WITH THEM ? A. THERE WAS SEVERAL TOOLS, IMPLEMENTS, SPADES, SHOVELS AND PICKS IN THE WAGONS. Q. AND THEY WERE NEARLY APP ALL ARMED</p>	<p>JOHN D. LEE <i>THAT</i>[?] WAS ONLY HEARSAY, I UNDERSTOOD HE HAD BEEN SENT <i>BEFORE</i> <i>HAND</i>[?] THAN WE QHOW MANY WERE THERE IN YOUR PARTY ALL TOGETHER A I SHOULD JUDGE THERE WAS ABOUT 15 MORE OR LESS COULD NOT SAY DEFINITELY. DIDN'T COUNT THEM. NOT BEING ACQUAINTED WITH ALL THEM, DIDN'T PAY ANY PARTICULAR ATTENTION, JUDGE ABOUT 15 QWHAT DID THOSE PERSONS TAKE WITH THEM A THERE WAS SEVERAL TOOLS, IMPLEMENTS, SPADES, SHOVELS, PICKS IN THE WAGONS AND THERE WERE NEARLY ALL ARMED</p>	<p>TO H ME, WAS JOHN D. LEE. THAT WAS ONLY HEARSAY; I UNDERSTOOD HE HAD BEEN SENT BEFORE THIS. Q. HOW MANY WERE THERE IN YOUR PARTY TOGETHER? A I SHOULD JUDGE THERE WERE ABOUT 15 , MORE OR MLESS. I COULDNOT SAY DEFINITELY; I DIDN'T COUNT THEM; NOT BEING ACQUAINTED WITH THEM I DIDN'T PAY ANY PARTICULAR ATTENTION; I SHOULD JUDGE ABOUT 15. Q. WHAT DID THESE PERSONS TAKE WITH THEM? A. THERE WERE SEVERAL TOOLS, IMPLEMENTS, STPADES, SHOVELS AND PICKS IN THE WAGONS . Q. AND THEY WERE NEARLY ALL ARMED?</p>	
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**RT**

**RS**

**BT**

**PS**

<p>? A. I COULD NOT SAY THAT ALL WERE ARMED, BUT AS A GENERAL THING ALL WERE ARMED. Q. STATE WHAT THE CUSTOM OF THE PEOPLE WAS THERE, GENERALLY, BOTH BEFORE THIS EMIGRANT PARTY WENT THERE AND AFTERWARDS, ABOUT CARRYING ARMS WITH THEM WHEN THEY WENT AWAY FROM HOME ? A. IT WAS CUSTOMARY THROUGH ALL THE COUNTRY IF WE ONLY</p> <p>WENT FOR A LOAD OF WOOD TO TAKE A REVOLVER OR A RIFLE WITH US, ON ACCOUNT OF THE STATE OF THE FEELING EXISTING WITH THE INDIANS. WE CONSIDERED IT NECESSARY FOR</p>	<p>A I COULD NOT SAY THAT ALL WERE ARMED BUT AS &lt;THE&gt; GENERAL THING ALL WERE ARMED Q STATE WHAT CUSTOM WAS OF THE PEOPLE THERE GENERALLY BOTH BEFORE THIS EMIGRANT PARTY WENT THERE AND AFTERWARDS ABOUT CARRYING ARMS WITH THEM WHEN THEY WERE AWAY FROM HOME A IT WAS CUSTOMARY THROUGH ALL COUNTRY IF WE ONLY</p> <p>WENT FOR A LOAD OF WOOD TO TAKE REVOLVER RIFLE WITH US ON ACCOUNT OF THE STATE OF FEELING EXISTED WITH INDIANS. WE CONSIDERED IT NECESSARY FOR</p>	<p>A. I COULD NOT SAY THA T ALL WERE ARMED; BUT AS A GENERAL THING ALL WERE ARMED. Q. STATE WHAT THE CUSTOM OF THE PEOPLE WAS THERE, GENERALLY, BOTH BEFORE THIS EMIGRANT TRAIN WENT THROUGH, AND AFTERWARDS, ABOUT CARRYING ARMS WITH THEM WHEN THEY WENT AWAY FROM HOME? A. IT WAS CUSTOMARY THROUGH ALL THE COUNTRY THAT EVERYONE WHO WENT AFTER A LOAD OF WOOD , TO TAKE A REVOLVER, <b>OR</b> A RIFLE WITH HIM , ON ACCOUNT OF THE STATE OF FEELING THAT EXISTED WITH THE INDIANS. WE CONSIDERED IT NECESSARY FOR</p>	
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**RT**

**RS**

**BT**

**PS**

<p>SELF PRESERVATION TO GO PREPARED FOR ANY EMERGENCY, WHETHER WE HAD BEEN IN DANGER OR NOT. Q. HAD THIS MILITIA</p> <p>ANY UNIFORM ? A. NO SIR. Q. I MEAN DID THE COMPANY HAVE UNIFORM TO PUT ON EXCEPT A FEW OFFICERS ON ANY OCCASION ? A. NO, ONLY EXCEPT A FEW OFFICERS. THERE WAS A FEW OFFICERS OF THE MILITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORMS. Q. STATE WHETHER ANY OF YOUR PARTY HAD ANY MILITARY UNIFORM ? A.</p>	<p>SELF PRESERVATION GO PREPARED FOR ≤ANY≥ EMERGENCY WHETHER WE BEEN IN DANGER OR NOT. Q. HAD THIS MILITIA ≤WHICH HAS BEEN SPOKEN OF&gt; ANY UNIFORMS A NO SIR I MEAN DID THE COMPANIES HAVE UNIFORMS TO PUT ON ANY</p> <p>A OCCASION</p> <p>A EXCEPT A FEW OFFICERS, THERE WAS FEW OFFICERS OF THE MILITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORM. <sup>[8]</sup>334 Q STATE WHETHER ANY OF YOUR PARTY HAD ON ANY MILITARY UNIFORM A</p>	<p>SELF PRESERVATION TO GO PREPARED FOR ANY IMMERGENCY, WHETHER WE HAPPENED IN DANGER OR NOT. Q. HAD THIS MILITIA WHICH HAS BEEN SPOKEN OF ANY UNIFORMS? A. NO, SIR. Q. I MEAN DID THE COMPANIES HAVE UNIFORMS? TO PUT ON IN ANY OCCASION?</p> <p>A. NONE EXCEPT A FEW OFFICERS; THERE WAS A FEW OFFICERS OF THE MILLITIA ON GENERAL TRAINING DAYS DID HAVE UNIFORM. <sup>[183]</sup> Q. STATE WHETHER OR NOT ANY OF YOUR COMPANY HAD ON ANY UNIFORM? A.</p>	
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334. “ANYWHERE/NOWHERE[?]” is written twice on the top of the page.

**RT**

**RS**

**BT**

**PS**

<p>NOT THAT I SAW. Q. STATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THERE UNDER ANY MILITARY DISCIPLINE AS SOLDIERS, OR AS BROTHERS IN THE MILITIA ? <sup>[317]</sup> A. THE ONLY REASON I CANGIVE IS THAT ALL ABLE BODIED MEN WERE ENROLLED AS [space] FOR SELF <del>DENE</del> DEFENSE AND SELF PROTECTION AT THAT TIME, AND I AMONG THE REST WAS ENROLLED IN A PLATOON, WHICH BEING ORGANIZED INTO A COMPANY OF BATTALLIONS ETC, AND THE OFFICER OF THE  PLATOON GAVE ME MY ORDERS; THAT IS ABOUT ALL I</p>	<p>NOT THAT I SAW QSTATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THERE UNDER ANY MILITARY DISCIPLINE AS SOLDIERS OR AS MEMBERS OF MILITIA A&lt;THE&gt; ONLY REASON I CAN GIVE IS, THAT ALL ABLE BODIED MEN WERE ENROLLED AS INTO MILITIA FOR SELF DEFENSE SELF PROTECTION AT THAT TIME, I AMONG THE REST WAS ENROLLED IN PLATOON WHICH BEING ORGANIZED INTO COMPANY BATTALLION ETC. THIS WAS OFFICER BELONGED TO PLATOON GAVE ME ORDERS THAT IS ALL I</p>	<p>NOT THAT I SAW. Q. STATE WHAT YOU KNOW IN REFERENCE TO YOUR BEING TAKEN OUT THERE UNDER ANY MILITARY DISIPLIN AS SOLDIERS O R AS MEMBERS OF THE MILITIA? A. THE ONLY REASON I CAN GIVE IS THAT ALL ABLE BODIED MEN WERE ENROLLED INTO THE MILITIA COM PANY FOR SELFE DEFENSE, SELF PPROTECTION, AT THAT TIME. I AMONG THE REST WAS <b>ENROLLED</b> <del>ENRLOOED</del> INTO A PLATOON, WHICH BEING ORGANISED INTO A COMPANY OF BATALLIONS &amp;C. THIS OTHER OFFICER BELONGINGTO THE BATALLION GAVE ME ORDERS. THAT IS ALL I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>KNOW IN RELATION TO THE MILITIA, I KNOW SUCH AN ORGANIZATION EXISTED AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE THE ORDERS ISSUED FROM MY SUPERIOR OFFICER. Q. ON THE WAY STATE WHAT FORM OR CEREMONY OF A MILITARY CHARACTER WAS OBSERVED OR ENFORCED RESPECTING YOUR TRAVEL OR MOVEMENTS ? A. NOT ANY THAT I SEEN WHATEVER; WE WENT AS A SQUAD OF CITIZENS, EXPECTING WE WERE GOING TO PERFORM A BENEVOLENT ACT. BASKIN: WE OBJECT TO WHAT HE EXPECTED. WIT.: GOING TO OBEY</p>	<p>KNOW IN RELATION OF MILITIA. I KNOW SUCH ORGANIZATION EXISTED, AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE ORDERS ISSUED FROM MY SUPERIOR OFFICER. Q. ON THE WAY STATE WHAT FORM OR CEREMONY OF A MILITARY CHARACTER WAS OBSERVED OR ENFORCED RESPECTING YOUR TRAVEL OR MOVEMENTS A NOT ANY THAT I SEEN WHATEVER. WE WENT AS SQUAD OF CITIZENS EXPECTED WE WERE GOING PERFORM BENEVOLENT ACT BASKIN I OBJECT WHAT HE EXPECTED A WERE GOING TO OBEY</p>	<p>KNOW IN RELATION TO THE MILITIA. I KNOW SUCH AN ORGANIZATION EXISTED, AND I CONSIDERED MYSELF UNDER OBLIGATIONS TO OBSERVE THE ORDERS ISSUED FROM MY SUPERIOR OFFICER. Q. ON THE WAY, STATE WHAT FORM OR CEREMONY OF A MILITARY CHARACTER WAS OBSERVED BY THE FORCES IN RESPECT TO YOUR TRAVELING OR MOVEMENTS ? A. NOT ANY THAT I SEEN WHATEVER. WE WENT AS A SQUAD OF CITIZENS, EXCEPTING THAT WE WERE GOING TO PERFORM A BENEVOLENT ACT. BY MR. BASKIN: I OBJECT TO WHAT HE EXPECTED. Q. A. WE WERE GOING TO OBEY</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ORDERS WE HAD RECEIVED, IF YOU PLEASE. Q. STATE WHETHER ON THE WAY OUT THERE YOU GOT ANY OTHER OPINION AS TO THE PURPOSE OF THE JOURNEY ? A. I DID NOT. Q. DO YOU REMEMBER WHAT DAY OF THE MONTH AND WHAT MONTH IT WAS THAT YOU WENT OUT THERE ? A. DIDN'T KEEP ANY JOURNAL, KNOW NOTHING ABOUT IT ONLY IT IS ABOUT THAT TIME. Q. WHAT TIME ? A. ABOUT THAT YEAR, 1857, DECEMBER — THE THING HAS BEEN SPOKEN OF SO MUCH. Q. DO YOU MEAN DECEMBER ? A. NO, SEPTEMBER. I KNOW FOR THE REASON THAT I LIVED IN CEDAR CITY AT <sup>[318]</sup> THAT YEAR, ABOUT</p>	<p>ORDERS WE HAD RECEIVED IF YOU PLEASE. Q STATE WHETHER ON THE WAY OUT THERE YOU GOT ANY OTHER INFORMATION AS TO THE PURPOSE OF ≤THE≥ JOURNEY A I DID NOT. DO YOU REMEMBER WHAT DAY OF MONTH WHAT MONTH IT WAS ≤THAT≥ YOU WENT OUT THERE ≤Q WHEN WAS THIS≥ QA DIDN'T KEEP ANY JOURNAL, KNOW NOTHING ABOUT IT ONLY IT WAS ABOUT THAT TIME Q WHAT TIME A ABOUT THAT YEAR 1857 DECEMBER; THING HAS BEEN TALKED OF SO MUCH Q DO YOU MEAN DECEMBER A NO SEPTEMBER, IT IS REASON WHY I LIVED IN CEDAR CITY AT THAT YEAR ABOUT</p>	<p>ORDERS WE HAD RECEIVED , IF YOU PLEASE. Q. WHEN WAS THIS? A I DIDN'T KEEP ANY JOURNAL; I KNOW NOTHING ABOUT IT ONLY IT WAS ABOUT THAT TIME. Q. WHAT TIME? A. ABOUT THAT YEAR, 1857; &lt;DECEMBER&gt; THE THING HAS BEEN TALKED OF SO MUCH. Q. DO YOU MEAN DECEMBER? A. NO; SEPTEMBER. IT IS THE REASON WHY I <b>KNOW</b> I LIVED IN CEDAR CITY AT THAT <del>TIME</del> YEAR, ABOUT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THAT MONTH.  Q. WHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED — WHAT DID YOUR PARTY DO ? A. NOTHING BUT LAY IN CAMP AND WATCH THE MOVEMENT OF THINGS AROUND. ALL THAT I REMEMBER OF; I DON'T REMEMBER OF ANY LEAVING CAMP ALTOGETHER THERE, NOTHING PARTICULAR DURING THE FIRST DAY. Q. COULD YOU SEE THE EMIGRANT CAMP ? A. YES SIR IN FULL SIGHT. Q-Q. COULD YOU SEE WHAT WAS BEING DONE AROUND IT ? A. WE ONLY SAW THE MOVEMENTS OF THE INDIANS, THE EMIGRANTS</p>	<p>THAT MONTH.  Q WHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED, WHAT DID YOUR PARTY DO A NOTHING BUT LAY IN CAMP AND WATCH THE MOVEMENT OF THINGS AROUND, ALL THAT I REMEMBER OF AI DON'T REMEMBER OF ANY LEAVING CAMP TO GO THERE NOTHING PARTICULAR DURING THE FIRST DAY. Q COULD YOU SEE EMIGRANT CAMP A YES SIR IN FULL SIGHT Q COULD YOU SEE WHAT WAS BEING DONE AROUND IT A WE ONLY SAW THE MOVEMENTS OF INDIANS, THE EMIGRANTS</p>	<p>THAT MONTH.  Q. WHAT DID YOU DO DURING THE REMAINDER OF THAT DAY ON WHICH YOU ARRIVED THERE; WHAT DID YOUR PARTY DO? A. NOTHING BUT LAY IN CAMP AND WATCHED THE MOVEMENTS OF THINGS AROUND ; ALL THAT I REMEMBER OF. I DON'T REMEMBER OF ANY LEAVING CAMP OR GOING BACK AND FRO; NOTHING PARTICULAR DURING THE DAY. Q. COULD YOU SEE THE EMIGRANT CAMP? A. YES, SIR, IN FULL SIGHT. [184] Q. COULD YOU SEE WHAT WAS BEING DONE AROUND IT? A. WE COULD ALWAYS SEE THE MOVEMENTS OF THE INDIANS. THEEMIGRANTS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WERE NOT SEEN FROM THE OUTSIDE. I NEVER SAW ONE OF THEM. Q. DID YOU SEE ANYBODY ELSE ? A. NOBODY BUT INDIANS AT THAT TIME ON THAT DAY. Q. STATE WHAT THE INDIANS WERE DOING AND HOW MANY THERE APPEARED TO BE A. DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARDS; THEY WERE SCATTERED AROUND THE HILLS, THEY WERE SHOOTING FROM SOME 5 OR 6 POINTS AT INTERVALS. Q. WHEN THE FIRING WAS BEING DONE DID YOU SEE THE INDIANS THAT FIRED A. SOMETIMES WE COULD AND SOMETIMES WE COULD ONLY SEE SMOKE; THEY WOULD</p>	<p>WERE NOT SEEN FROM THE OUTSIDE I NEVER[?] SAW ONE OF THEM. Q DID YOU SEE ANYBODY A NOBODY BUT INDIANS AT THAT TIME ON THAT DAY STATE WHAT INDIANS WERE DOING, HOW MANY THERE APPEARED TO BE A DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARDS, THEY WERE SCATTERED AROUND HILLS. THEY WERE SHOOTING FROM SOME 5 OR 6 POINTS AT INTERVALS. Q WHEN THE FIRING WAS DONE, DID YOU SEE THE INDIAN THAT FIRED A SOMETIMES WE COULD = SOMETIMES WE COULD ONLY SEE SMOKE; THEY WOULD</p>	<p>WERE NOT SEEN FROM THE OUTSIDE; I NEVER SAW ONE OF THEM. Q. D DID YOU SEE ANYBODY? A. NO BODY BUT INDIANS ON THAT TIME , ON THAT DAY. Q. STATE WHAT THE INDIANS WERE DOING, HOW MANY THERE APPERAED TO BE? A . I DIDN'T SEE NEAR SO MANY THAT DAY AS AFTERWARD. THEY WERE SCATTERED AROUND THE HILLS. THEY WERE SHOTOTING FROM FIVE OR SIX POINTS AT INTERVALS. Q. WHEN THE FIRING WAS DONE ,DID YOU SEE THE INDIANS THAT FIRED ? A. SOMETIMES WE COULD; SOMETIMES WE COULD ONLY SEE THE SMOKE. THEY WOULD</p>	
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**RT**

**RS**

**BT**

**PS**

<p>BE SECRETED IN THE BRUSH. Q. DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THAT DAY ? A. IT HAD THIS MUCH TO DO. BASKIN OBJECTED TO THE WITNESSES EXPLAINING AND JUDGE SUTHERLAND</p> <p>WITHDREW THE QUESTION. <sup>[319]</sup> Q. DID ANY OTHER PERSONS ARRIVE DURING THAT &lt;DAY&gt; OR AFTERWARDS ? A. NOT THAT I SEEN OF. Q. WHAT DID YOU DO IN CAMP THAT NIGHT ? A. LAY IN CAMP AND KEPT GUARD. THERE WERE THREE OR FOUR NIGHT GUARDS ON AT A TIME. Q. IF YOU KNOW WHY</p>	<p>BE SECRETED IN BRUSH DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THAT DAY ΔIT HAD THIS MUCH TO DO [space] <b>OBJ</b> BASKIN <del>BY BASKIN IT IS BECAUSE</del></p> <p>SUTHERLAND I AM DESIROUS TO SAVE TIME I WILL WITHDRAW THE QUESTION. Q DID ANY OTHER PERSONS ARRIVE DURING THAT ≤OR≥ AFTERWARDS ΔNOT <sup>19/335</sup> THAT I SEEN Q WHAT DID YOU DO THAT NIGHT ΔLAY IN CAMP KEPT GUARD UP THERE WERE THREE OR 4 NIGHT ON GUARD ALL THE TIME Q IF YOU KNOW WHY</p>	<p>BE SECRETED IN THE BRUSH. Q. DID THIS FIRING HAVE ANYTHING TO DO WITH YOUR REMAINING IN CAMP THA T DAY? A. IT HAD THIS MUCH TO DO WITH IT—— BY M<sup>R</sup> BASKIN: WE OBJECT TO IT.</p> <p>M<sup>R</sup> SUTHERLAND: THEN TO SAVE TIME WE WILL WITHDRAW THE QUESTION. Q. DID ANY OTHER PERSONS ARRIVE DURING THE AFTERNOODN? A. NOT THAT I SEEN. Q. WHAT DID YOU DOΔ TΔT THAT NIGHT? A. LAY IN CAMP AND KEPT GUARD UP. THERE WERE THREE OR FOUR ON THE GUARD ALL THE TIME. Q. NOW, IF YOU KNOW</p>	
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335. The verso of this page has illegible shorthand doodling.

**RT**

**RS**

**BT**

**PS**

<p>STATE ? A. FOR OUR SAFETY Q. FROM WHAT ? A. FROM THE SURROUNDING INDIANS. Q. HOW MANY DID YOU KEEP ON GUARD ? A. I THINK THERE WAS FOUR ON AT A TIME IF I REMEMBER RIGHT. Q. WHAT WAS THERE IN THE CONDUCT OF THE INDIANS TO MAKE THIS PROTECTION NECESSARY ? A. BASKIN OBJECTED TO THE QUESTION. THE COURT REQUIRED HIM TO STATE THE REASONS OF HIS OBJECTION. BASKIN ANSWERED: THE WITNESSES ARE ONLY PERMITTED TO STATE FACTS AND</p> <p>NOT</p>	<p>STATE <sub>A</sub> FOR OUR SAFETY <sub>Q</sub> FROM WHAT —[?] FROM THE SURROUNDING INDIANS <sub>Q</sub> HOW MANY DID YOU SAY YOU KEPT ON GUARD <sub>A</sub>I THINK THERE WAS 4 ON AT A TIME IF I REMEMBER RIGHT. <sub>Q</sub>WHAT WAS THERE IN THE CONDUCT OF THE INDIANS TO MAKE THIS PROTECTION NECESSARY <sub>A</sub>BASKIN. OBJECT TO THAT BASKIN BY COURT</p> <p>STATE</p> <p>OBJECTION ≠BASKIN≠ THE TRUE CRITERION IS TO PROVE FACTS AND THEN DISCLOSE</p> <p>ANY ENABLES WITNESS MIGHT ANSWER WHAT HIS</p>	<p>STATE WHY? A. FOR OUR OWN SAFETY. Q. FROM WHAT? A. FROM THE SURROUNDING INDIANS. Q. HOW MANY DØIDYOU SAY, YOU KEPT ON GUARD? A. I THINK THREE OR FOUR OR FIVE AT A TIME , IF I RØEMEMBER RIGHT. Q. WHAT WAS THERE IN THE CONDUCT OF THE INDIANS TO MAKE THIS PRECAUTION NECESSARY? <b>M<sup>R</sup></b> BASKIN: WE ALSO OBJECT TO THAT. COURT:</p> <p>STATE THE</p> <p>OBJECTION. <b>M<sup>R</sup></b>BASKIN: THE TRUE CRITERION IS TO PROVE THE FACTS, AND THUS DISCLOSE THE OBJECT, BUT NOT ENABLE THE WITNESS TO ANSWER WHAT HIS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>CONCLUSIONS OR OPINIONS, AND HELD THAT COUNSEL COULD ONLY ASK HIM</p> <p>WHAT THE SURROUNDINGS WERE AT THE TIME, AND HE FURTHER OBJECTED TO THE FORM OF THE QUESTION.</p>	<p>CONCLUSIONS ON THINGS MIGHT BE</p> <p>SUTHERLAND I REMONSTRATE FACT IS IN PROCESS OF REASONING ABOUT</p> <p>WHAT THERE WAS IN</p> <p>SURROUNDINGS BASKIN; &lt;THEN&gt; ASK HIM WHAT SURROUNDINGS WERE. BY BASKIN I</p> <p>OBJECT THAT FORM OF ANSWER QUESTION</p> <p>SHOULD BE WHAT DID THE INDIANS DO</p> <p>SUTHERLAND. I HAVE NO OBJECTIONS AND ACCEPT YOUR SUGGESTION BASKIN IT ENABLES WITNESS TO GET HIS CONCLUSIONS BEFORE JURY</p>	<p>CONCLUAIONS OF THINGS MIGHT BE. [185]</p> <p><b>M<sup>R</sup></b></p> <p>SUTHERLAND: WE SEE SO MANY FACTS IN PROCESS OF REASONING THAT WE WANTED TO KNOW WHAT THERE WAS IN THE SURROUNDINGS.</p> <p><b>M<sup>R</sup></b> BASKIN: THEN ASK HIM WHAT THE SURROUNDINGS WERE. AND I FURTHERE OBJECT TO THAT FORM OF ANSWERING THE QUESTION. THE QUESTION SHOULD BE, "WHAT DID THE INDIAND EDO?"</p> <p><b>M<sup>R</sup>S</b></p> <p>UTHERLAND: I HAVE NO OBJECTIONHS, AND ACCEPT YOUR SUGGESTION.</p> <p><b>M<sup>R</sup></b> BASKIN: IT ENABLES THE WITNESS TO GET HIS CONCLUSIONS BEFORE THE JURY. THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>OBJECTION OVERRULED. Q. WHAT DID THE INDIANS DO AND WHAT HAD THEY DONE ? A. WE SAW THAT THEY WERE IN WARLIKE ATTITUDE, WAGING WAR AGAINST THIS COMPANY OF EMIGRANTS. WE DIDN'T KNOW BUT WHAT THEY WOULD ATTACK US NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. WE CAMPED THERE IN OPEN DAY LIGHT, CAMPED BY A SPRING, A SHORT DISTANCE FROM THE OTHER PARTY. Q. GIVE THE REASON WHY ? [320] A. WE WAS ON THE LOOKOUT WITH THE SAME FEELINGS AS ANY OTHER WHITE PEOPLE.</p>	<p>&lt;COURT&gt; YOU MAY ANSWER QUESTION Q WHAT DID THE INDIANS DO, WHAT HAD THEY DONE&lt;?&gt; A WE SAW THAT THEY WERE IN WARLIKE ATTITUDE, AND WAGED WAR AGAINST THIS COMPANY OF EMIGRANTS. WE DIDN'T KNOW THEY WOULD APPLY TO US SAME, NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. AND WE CAMPED THERE IN OPEN DAY LIGHT, CAMPED BY A SPRING, AFTER THEY HAD SEEN US FROM THE OTHER PARTY Q.GIVE REASON WHY A WE WAS ON THE LOOKOUT Q ON THE FOLLOWING MORNING DID ANY OTHERS WHITE PEOPLE</p>	<p>COURT: ANSWER THE QUESTION. Q. WHAT DID THE INDIANS DO; WHAT HAD THEY DONE? A: WE SAW THAT THEY WERE IN WARLIKE ATTITUDE AND WAGING WAR AGAINST THIS COMPANY OF EMIGRANTS. WE DIDN'T KNOW BUT WHAT THEY WOULD APPLY TO US SOME, NOT KNOWING BUT WHAT WE WERE EMIGRANTS ALSO. WE CAMPED THERE IN OPEN DAYLIGHT; CAMPED BY A SPRING AFTER THEY HAD SEEN US FROM THE OTHER PARTY. Q. GOOD REASON WHY? A. YES, WE WAS ON THE LOOKOUT. Q. AND ON THE FOLLOWING MORNING, DID ANY OTHERS —WHITE PEOPLE—</p>	
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**RT**

**RS**

**BT**

**PS**

<p>Q. WHAT TIME DID THEY ARRIVE ? A. I THINK IT WAS EARLY IN THE MORNING. Q. WHO CAME ? A. JOHN D. LEE FOR ONE I THINK THE NEXT MORNING WAS THE FIRST TIME I SAW WILLIAM YOUNG. IT WAS THEN <del>TIME</del> THE TIME THAT WE CAME TOGETHER</p> <p>Q. THEY CAME UNDER YOUR OBSERVATION ABOUT THE SAME TIME THEN ? A. YES SIR AND SOME INDIANS CAME WITH THEM. Q. DID YOU KNOW THEM ? A. I I KNEW TWO OF THEM. Q. WHERE WERE THEY FROM ? A. FROM CEDAR CITY. Q. DO YOU KNOW ANY OTHER NAMES ? A. THERE WERE TWO CHIEFS</p>	<p>ARRIVE <sub>A</sub> YES SIR <sub>Q</sub> WHAT TIME DID THEY ARRIVE <sub>A</sub> I THINK IT WAS EARLY IN MORNING <sub>Q</sub> WHO CAME <sub>A</sub> JOHN D. LEE FOR ONE; I THINK NEXT MORNING FIRST TIME I SAW WILLIAM YOUNG I THINK IT WAS THEN SAW HIM AND THE COMPANY TOGETHER I COULD NOT SAY <sub>Q</sub> THEY CAME UNDER YOUR OBSERVATION ABOUT SAME TIME <sub>A</sub> YES SIR <i>AND</i>[?] SOME INDIANS CAME WITH THEM <sub>Q</sub> DID YOU KNOW THEM <sub>A</sub> I KNEW TWO OF THEM <sub>Q</sub> &lt;WHERE WERE THEY FROM&gt; <sub>A</sub> THEY WERE FROM CEDAR CITY DID YOU KNOW ANY OF THEIR NAMES <sub>A</sub> THEY WAS TWO CHIEFS</p>	<p>ARRIVE? A. YES, SIR. Q. WHAT TIME DID THEY ARRIVE? A. I THINK IT WAS EARLY IN THE MORNING . Q. WHO CAME? A. JOHN D. LEE FOR ONE; I THINK NEXT MORNING. THE FIRST TIME I SAW WILLIAM YOUNG, I THINK IT WAS THEN THE TIME THAT WE CAME TOGETHER, BUT I COULDNOT SAY. Q. THEY CAME UNDER YOUR OBSERVATION ABOUT THE SAME TIME? A. YES, SIR, AND SOME INDIANS CAME WITH THEM. Q. DID YOU KNOW THEM? A. I KNEW TWO OF THEM. Q. WHERE WERE THE Y FROM? A. THEY WERE FROM CEDAR CCITY. Q. DID YOU KNOW ANY OTHER NAMES? A. THERE WAS TWO CHIEFS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THAT CALLED THEMSELVES CAPTAINS WITH HIM. Q. WITH WHOM DID THEY COME ? A. THEY CAME WITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID. Q. HOW LONG DID THEY STAY ? A.</p> <p>I THINK NEAR HALF OF A DAY, THE INDIANS AND LEE, BUT I CANNOT BE CERTAIN IN RELATION TO THAT, IT IS A LONG TIME TO REMEMBER. Q. ABOUT HOW MANY INDIANS DID THESE INDIANS CHIEFS OR CAPTAINS REPRESENT ? A. THEY DIDN'T SAY HOW MANY. Q. IF YOU KNOW FROM YOUR OWN KNOWLEDGE STATE ? A. I CANNOT TELL THAT, HOW MANY THEY REPRESENTED</p>	<p>CALLED THEMSELVES CAPTAINS [space] Q WITH WHOM DID THEY COME A THEY CAME WITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID. Q HOW LONG DID THEY STAY A WELL THEY STAYED I THINK NEAR HALF OF DAY. THE INDIANS AND LEE. BUT I CANNOT BE CERTAIN IN RELATION TO THAT IT IS A LONG ≪TIME≫ REMEMBER Q ABOUT HOW MANY INDIANS DID THOSE INDIANS CHIEFS OR CAPTAINS REPRESENT. A THEY DIDN'T SAY HOW MANY Q IF YOU KNOW FROM YOUR KNOWLEDGE AI CANNOT TELL THAT HOW MANY THEY REPRESENTED</p>	<p>CALLED THEMSELVES "CAPTAINS". Q. WHOM DID THEY COME WITH? A. THEY CAME WITH JOHN D. LEE, AT LEAST I THOUGHT THEY DID. [186] Q. HOW LONG DID THEY STAY? A. WELL, <del>THEY WE</del> STAID, I THINK NEAR HAL F OF THE DAY ;— THE INDIANS AND LEE; BUT I WOULD NOT BE CERTAIN IN RELATION TO THAT. IT IS A LONG TIME I REMEMBER. Q. ABOUT HOW MANY INDIANS DO THESE INDIAN CHIEFS OR CAPTAINS REPRESENT? A. THEY DIDN'T SAY HOW MANY. Q. STATE IF YOU KNOW FROM YOUR OWN KNOWLEDGE? A. I CANNOT TELL THAT—HOW MANY THEY REPRESENTED</p>	
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**RT**

**RS**

**BT**

**PS**

<p>IN THEIR BAND, COULD NOT <sup>[321]</sup> GIVE ANY IDEA CORRECTLY. Q. STATE ANY NUMBER THAT YOU THINK PROBABLY THEY REPRESENTED ? A. I COULD NOT DEFINITELY. I COULD STATE HOW MANY INDIANS I HAVE SEEN AROUND CEDAR; BUT WHETHER THEY BELONGED TO THESE TWO BANDS OR NOT I OBJECTED TO BY BASKIN. COURT: HE CAN TELL THE NUMBER OF INDIANS HE SAW ON THE GROUND. SUTHERLAND: IT IS A CIRCUMSTANCE I WISH</p>	<p>IN THEIR BAND, COULD NOT GIVE ANY IDEA CORRECTLY Q STATE ANY NUMBER AS LOOSE NUMBER THEY REPRESENTED AI COULD NOT DEFINITELY I COULD STATE HOW MANY ≤WELL ABOUT HOW MANY≥ INDIANS AI HAVE SEEN ≤GOOD MANY≥ AROUND CEDAR CITY WHETHER THEY BELONGED TO THESE TWO BANDS OR NOT OBJECTED TO BASKIN BY COURT HE CAN STATE NUMBER OF INDIANS ON THE GROUND ≤IF HE KNOWS&gt; IT IS SUTHERLAND. IT IS CIRCUMSTANCE S I WISH</p>	<p>IN THEIR BANDS; I COULD NOT GIVE ANY IDEA CORRECTLY. Q. STATE ANY NUMBER AS THE LOWEST NUMBER THEY REPRESENT? A. I COULD NOT SAY ASNY ANY DEFINITELY, I COULD NOT STATE.. Q Q. WELL, ABOUT HOW MANY INDIANS? A. I HAVE SEEN A GOOD MANY AROUND CEDAR CITY, BUT WHETHER THEY BELONGED TO THESE TWO CHIEFS, I DO NOT KNOW. MR BASKIN: WE OBJECT TO THE ANSWER OF THE WITNESS. THE COURT: HE CAN STATE THE MEMBER OF INDIANS ON THE GROUND IF HE KNOWS. MR SUTHERLAND: IT IS A CIRCUMSTANCE THA T WE WISH</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TO BRING BEFORE THE JURY,</p> <p>HOW MANY INDIANS THERE WERE ON THE GROUND,</p> <p>AND THE JURY MAY CONSIDER IT, AS REFERRING TO CEDAR CITY, BEING WITHIN A DAYS RIDE, AND FOR THAT REASON WE INSIST THAT THE JURY MAY HAVE THE CHANCE TO DRAW THEIR INFERENCE WITH REGARD TO THE INDIANS BEING THERE.</p> <p>COURT:</p> <p>HOW MANY INDIANS WERE AROUND CEDAR IT WOULD BE TO THE CASE</p> <p>Q. YOU MAY GIVE ANY APPROXIMATE</p>	<p>TO BRING BEFORE JURY TO WEIGH HOW MANY &lt;INDIANS&gt; THEY WERE ON THE GROUND AT THAT TIME,</p> <p>JURY MAY CONSIDER <sup>[10]</sup> THEY WERE IT IS REFERRING TO CEDAR CITY, &lt;THAT PLACE&gt; BEING WITHIN DAYS RIDE, &lt;OF THERE,&gt; IF THEY WERE WE INSIST THAT THE JURY MAY</p> <p>DRAW INFERENCE OF THEIR BEING THERE. BY COURT</p> <p>Q HOW MANY INDIANS WERE AROUND CEDAR IT WOULD BE TO THE CASE. SUTHERLAND {Q} YOU CAN GIVE ANY APPROXIMATE</p>	<p>TO BRING BEFORE THE JURY AND FOR THEM TO WEIGH AS TO HOW MANY INDIANS THERE WERE ON THE GROUND AT THE T IME; AND THAT THE JURY MAY CONSIDER MAY THAT FACT. IT WAS REFERRING TO CEDAR CITY, THAT PLACE BEING WITHIN TWO DAYS RIDE; OF THERE; AND FOR THAT PURPOSE WE INSIST THAT THE JUR Y MAY</p> <p>DRAW THAT INFERENCE AS TO THESE INDIANS BEING THERE. THE COURT: IF YOU ASK THE QUESTION AS TO HOW MANY INDIANS THERE WERE AROUND CEDAR CITY IT WOULD BE TO THE CASE.</p> <p>Q. YOU MAY GIVE ANY APPROXIMATE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ESTIMATE OF THE INDIANS IN THEIR SEVERAL BANDS WHETHER THEY CONSISTED OF HUNDREDS OR MORE. A. I COULD NOT GIVE THE NUMBER. Q. HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP ? A. WELL THEY HAD BUT LITTLE TO SAY— TALKED A LITTLE IF THEY WERE SPOKEN TO—THEY SEEMED TO BE FRIENDLY. Q. TO WHOM DID THEY TALK ? A. THE MEN THAT WERE THERE; I MEAN THE</p> <p>INDIVIDUALS, THOUGH I TALKED WITH THEM MYSELF. Q. STATE WHETHER YOU LEARNED FROM THEM THAT THEY HAD BEEN PARTICIPATING</p>	<p>ESTIMATE OF INDIANS IN THEIR SEVERAL BANDS WHETHER THEY CONSISTED OF HUNDREDS OR MORE. A. I COULD NOT GIVE THE NUMBER. Q. HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP ? A. WELL THEY HAD BUT LITTLE TO SAY, TALKED A LITTLE IF THEY WERE SPOKEN TO, THEY SEEMED TO BE FRIENDLY. Q. TO WHOM DID THEY TALK {A} <sup>i</sup> MEN THAT WERE THERE / <i>AM WANTING</i>[?] <i>YOU</i>[?]</p> <p>INDIVIDUALS THOUGH I TALKED WITH THEM MYSELF. Q. STATE WHETHER YOU LEARNED FROM THEM THAT THEY HAD BEEN PARTICIPATING</p>	<p>ESTIMATE OF THE INDIANS IN THEIR SEVERAL BANDS; WHETHER THEY CONSISTED OF HUNDREDS OR MORE? A. I COULD NOT GIVE THE NUMBER. Q. HOW DID THESE CHIEFS EMPLOY OR OCCUPY THE TIME THAT THEY WERE IN CAMP? A. WELL, THEY HAD BUT LITTLE TO SAY; TALKED A LITTLE IF THEY WERE SPOKEN TO; THEY SEEMED TO BE FRIENDLY. <sup>[187]</sup> Q. TO WHOM DID THEY TALK? A. MEN THAT WERE THERE; I AM NOT ACQUAINTED WITH ALL THE INDIVIDUALS, THOUGH I TALKED TO THEM MYSELF. Q. STATE WHETHER OR NOT YOU LEARNED FROM THEM THAT THEY HAD BEEN PARTICIPATING</p>	
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**RT**

**RS**

**BT**

**PS**

<p>IN THIS FIRING ON THE EMIGRANTS // ?  <del>A. HE WAS IN COMPANY IN CAMP THERE</del> <sup>[322]</sup>  A. YES, THEY ADMITTED— THEY SAID THEY HAD BEEN SHOOTING AT THEM.  Q. DID THEY TELL YOU HOW LONG SINCE THE ATTACK WAS MADE ? A. NO. Q. WHERE WAS LEE AT THE TIME THEY MADE THAT REMARK ? A. HE WAS IN COMPANY, IN CAMP THERE; I DON'T KNOW WHETHER HE HEARD IT OR NOT. Q. HOW LONG DID LEE SAY HE HAD BEEN THERE ? A. I DIDN'T HEAR HIM SAY. OBJECTED TO BY BASKIN AS TO WHAT; LEE MAY HAVE SAID BEFORE THIS</p>	<p>IN THIS FIRING ON THE EMIGRANTS    <sup>A</sup>YES THEY ADMITTED THEY SAID THEY HAD SAID THAT THEY HAD BEEN SITTING AT 'EM &lt;AT 'EM. <i>SECOND</i>[?] TELL HOW LONG <sup>=</sup>SINCE THE ATTACK WAS MADE <sup>=A</sup> NO <sup>=Q</sup> WHERE WAS LEE AT THE TIME THEY MADE THAT REMARK <sup>A</sup>HE WAS IN COMPANY IN CAMP THERE I DON'T <sup>=KNOW</sup> WHETHER HE HEARD IT OR NOT <sup>Q</sup>HOW LONG DID LEE SAY HE HAD BEEN THERE <sup>A</sup> I DIDN'T HEAR HIM SAY OBJECTED TO BASKIN WHAT LEE MIGHT HAVE SAID THERE BEFORE HIS &lt;THIS&gt;</p>	<p>IN THIS FIRING ON THE EMIGRANTS?    A. YES, THEY ADMITTED; THEY SAID THEY HAD— SAID THAT THEY HAD BEEN.    Q. STATE THE TIME? WAS IT SINCE THE ATTACK WAS MADE? A. NO. Q. WHERE WAS LEE AT THE TIME THEY MADE THAT REMARK? A. HE WAS IN THE COMPANY, IN THE CAMP THERE; BUT I DON'T KNOW WHETHER HE HEARD IT OR NOT. Q. HOW LONG DID LEE SAY HE HAD BEEN THE RE? A. I DIDN'T HEAR HIM SAY. <sup>M<sup>R</sup></sup>BASKIN: WE OBJECT TO WHAT LEE MANY HAVE SAID BEFORE THAT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>OCCURRENCE IS NOT PROPER EVIDENCE AND WE DISCUSSED THAT QUESTION YESTERDAY. THEY ARE SPEAKING ABOUT A TIME AT LEAST A DAY OR TWO DAYS BEFORE THIS OCCURRENCE. Q. DID YOU <del>SEE</del> <del>&lt;SAY&gt;</del> THESE INDIANS <del>C</del>OME WHILE LEE WAS IN CAMP ? A. THEY CAME WITH HIM; I THINK I SAW THEM THEN, OR ABOUT THE SAME TIME Q. DID YOU HAVE ANY CONVERSATION WITH LEE ? A. I DID. Q. IN PERSON ? A. I HEARD HIM TALK WITH THE CROWD, GIVING A SHORT HISTORY. BASKIN: WE OBJECT TO WHAT LEE SAID. SUTHERLAND:</p>	<p>OCCURRENCE NOT PROPER EVIDENCE WE DISCUSSED THAT QUESTION YESTERDAY. THEY ARE SPEAKING ABOUT A TIME AT LEAST DAY OR 2 DAYS BEFORE THIS OCCURRENCE. Q. DID YOU SEE THOSE INDIANS COME WHILE LEE WAS IN CAMP A <del>&lt;THEY&gt;</del> CAME WITH HIM, I THINK I SAW HIM THERE THEN ABOUT SAME TIME. Q. DID YOU HAVE ANY CONVERSATION WITH LEE A I DID Q. IN PERSON A I HEARD HIM TALK <del>&lt;ING&gt;</del> WITH THE CROWD GIVING SHORT HISTORY. BY BASKIN, I OBJECT TO WHAT HE SAID SUTHERLAND</p>	<p>OFFCCURENCE, AND IT IS NOT PROPER EVIDENCE. WE DISCUSSED THAT QUESTION YESTERDAY. THEY ARE SPEAKING ABOUT THE TIME—AT LEAST A DAY OR TWO DAYS BEFORE THIS OCCURRENCE. Q. DID YOU SEE THESE INDIANS COME WHILE LEE WAS IN CAMP? A. THEY CAME WITH HIM; I THINK I SAW HIM THEN ABOUT THE SAM E TIME. Q. DID YOU EVER HAVE ANY CONVERSATION WITH LEE? A. I DID. Q. IN PERSON? A. YES , I HEARD HIM TALKING WITH THE CROUD, GIVING A SHORT HISTORY. M<sup>R</sup> BASKIN: WE OBJECT TO WHA T LEE SAID THERE. M<sup>R</sup> SUTHERLAND:</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WE INSIST THAT IT IS COMPETENT. COURT: I DO NOT THINK IT WOULD BE PROPER FOR HIM TO TESTIFY ONLY IN REGARD TO HIMSELF; HE MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY.</p> <p>SUTHERLAND: WE INSIST</p> <p>THAT WHAT WAS SAID THERE BY LEE IS PART OF THE RES GESTAE, AND THAT IT CAN BE SHOWN HERE. COURT: HOW LONG WAS IT BEFORE THE MASSACRE ? [323] A. I THINK IT WAS THE DAY BEFORE.</p> <p>SUTHERLAND: WE PROPOSE TO SHOW BY THIS WITNESS THE THEORY OF THE DEFENSE, BUT THE QUESTION NOW PROPOSED</p>	<p>WE INSIST IT IS COMPETENT. BY COURT I DO NOT THINK IT WOULD BE PROPER FOR HIM TO TESTIFY REGARD TO HIMSELF YOU MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY</p> <p>≪SUTHERLAND≫ WE INSIST</p> <p>WHAT WAS SAID THERE ≪BY LEE≫ IS PART OF ≪THE≫ RES GESTAE YOU CAN SHOWN HERE BY COURT HOW LONG WAS IT BEFORE MASSACRE A I THINK IT WAS THE DAY BEFORE.</p> <p>SUTHERLAND, THIS IS OUR WITNESS IF YOUR HONOR PLEASE.</p> <p>THIS QUESTION PERHAPS</p>	<p>AND WE INSIST THAT IT IS <del>CI</del>ON COMPETENT. THE COURT: I DON'T THINK IT WOULD BE PROPER FOR HIM TO TESTIFY IN REGARD TO LEE HIMSELF; YOU MIGHT MANUFACTURE ANY AMOUNT OF TESTIMONY IN THAT WAY.</p> <p><b>M<sup>R</sup></b> SUTHERLAND: WE INSIST , YOUR HONOR, THAT WHAT WAS SAID THERE BY LEE IS PART OF THE RES GESTE, AND WE HAVE THE RIGHT TO SHOW IT HERE. THE COURT: HOW LONG WAS IT BEFORE THE MASSACRE? A. I THINK IT WAS THE DAY BEFORE. [188] <b>M<sup>R</sup></b></p> <p>SUTHERLAND: THIS IS OUR WITNESS, IF YOUR HONOR PLEASE.</p> <p>THIS QUESTION</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DOES NOT SHOW AS FULLY AS WHAT WE OFFER TO PROVE IN THE FURTHER EXAMINATION.</p> <p>THE GENERAL SCOPE OF THIS TESTIMONY WILL EMBRACE THE DECLARATION THAT WE DESIRE TO PROVE. WE EXPECT TO SHOW AND PROVE _____ BASKIN: I OBJECT TO THE COUNSEL STATING WHAT HE EXPECTS TO PROVE BEFORE THIS JURY. SUTHERLAND: I AM NOT ON THE WITNESS STAND AND DO NOT HOLD MYSELF TO ANY SUCH RESTRICTIONS,</p>	<p>DOES NOT SHOW AS FULLY <i>WANTS</i>[?]</p> <p>BENEFIT TO THE DEFENDANT <i>WHAT</i>[?] IT IS OF VALUE WITH HIS TESTIMONY BEFORE HIM AS AN OFFER COVERING GENERAL SCOPE OF THIS TESTIMONY</p> <p>EMBRACING DECLARATION THAT WE DESIRE TO PROVE. WE EXPECT TO SHOW <i>BY THIS WITNESS</i> = BASKIN I OBJECT TO COUNSEL'S STATING WHAT <i>THEY</i> EXPECT TO PROVE &lt;BEFORE THE JURY&gt; <i>SUTHERLAND</i> I AM NOT ON WITNESS STAND DO NOT HOLD MYSELF SUBJECT TO ANY RESTRICTION</p>	<p>DOES NOT SHOW AS FULLY AS IT <del>N</del>MIGHT, BUT WE WANT IT FOR THE BENEFIT OF THE DEFENDANT, AND IT IS OF VALUE WITH HIS TESTIMONY BEFORE, AND INCLUDED IN THE OFFER COVERING THE GENERAL SCOPE OF HIS TESTIMONY AND EMBRACING THE GENERAL DECLARATION WITH WHAT WE <del>DE</del>SIRE TO PROVE. WE EXPECT TO SHOW BY THIS WITNESS—<i>M</i><sup>R</sup> BASKIN: AND WE OBJECT TO COUNSEL'S STATING WHAT HE EXPECTS TO PROVE.</p> <p><i>M</i><sup>R</sup> SUTHERLAND: I AM NOT ON THE WITNESW STAND AND DO NOT HOLD MYSELF SUBJECT TO ANY RESTRICTION IN</p>	
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**RT**

**RS**

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**PS**

<p>WHICH ARE OPEN FOR DISCUSSION HERE. BASKIN: I RAISE THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THAT QUESTION; IT HAS BEEN ARGUED HERE AND THE COURT HAS HELD IT IMPROPER TO STATE, EVEN TO THE COURT,</p>	<p>UPON FREE DISCUSSION HERE BASKIN. I RAISED THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THE QUESTION. {IT}<sup>i</sup> HAS BEEN ARGUED AND THE COURT HAS HELD <del>IT</del> IMPROPER TO STATE TO THE COURT</p>	<p><del>UPON</del> <del>FROM</del> DISCUSSION HERE. M<sup>R</sup> BASKIN: I RAISED THE POINT THAT THE GENTLEMAN HAS NO RIGHT TO PUT THE QUESTION. IT HAS BEEN ASKED HERE AND THE COURT HAS HELD IT TO BE <b>IM-PROPER</b>, TO STATE TO THE COURT <del>AND</del></p>	
<p>WHAT HE EXPECTS TO PROVE BY THIS WITNESS, AND</p>	<p>WHAT HE EXPECTS TO PROVE BY THIS WITNESS AND <i>STATE</i>[?]</p>	<p>WHAT HE EXPECTS TO PROVE BY THIS WITNESS, WHAT WAS SAID OR</p>	
<p>WHAT JOHN D. LEE'S STATEMENT MAY HAVE BEEN IS NOT PROPER AND THE COURT HAS SO RULED.</p>	<p>WHAT JOHN D. LEE'S STATEMENTS WERE IT IS NOT PROPER AND THE COURT {HAS SO RULED}<sup>i</sup></p>	<p>WHAT JOHN D. LEE'S STATEMENTS<del>TS</del> WERE. IT IS NOT PROPER, AND THE COURT HAS SO RULED. M<sup>R</sup></p>	
<p>SUTHERLAND: THAT IS A VERY PEREMPTORY DICTATION TO YOUR HONOR TO SAY THAT IT IS IMPROPER. I AROSE TO DISCUSS THIS</p>	<p>SUTHERLAND THAT IS A VERY PEREMPTORY DIRECTION {TO}<sup>i</sup> YOUR HONOR TO SAY IT IS IMPROPER. I AROSE TO DISCUSS THIS</p>	<p>SUTHERLAND: THAT IS A VERY PEREMPTORY DIRECTION TO YOUR HONOR TO SAY THAT IT IS IMPROPER. I AROSE TO DISCUSS THIS</p>	

**RT**

**RS**

**BT**

**PS**

<p>MOTION. BASKIN:</p> <p>THESE GENTLEMEN WANT TO GET BEFORE THE JURY STATEMENTS AND IN A MANNER NOT SWORN TO. COURT: THE PROPER COURSE WOULD BE, IF YOU WANT A RULING ON IT ALL WOULD BE TO ASK THE QUESTION. ONE BRANCH OF IT I MIGHT BE WILLING TO ADMIT, AND ONE I WOULD NOT. ASK YOUR QUESTION, AND IF IT IS OBJECTED TO I WILL RULE UPON IT. SUTHERLAND: AS TO THE SCOPE OF THE TESTIMONY WE WISH TO BRING OUT</p>	<p>MOTION <sup>///</sup> BASKIN</p> <p>THIS GENTLEMEN WANTS TO GET BEFORE JURY STATEMENTS IN A MANNER NOT SWORN <del>TO</del>. BY COURT PROPER COURSE WOULD BE IF YOU WANT RULING ON ALL OF IT WOULD BE TO ASK THE QUESTION. ONE BRANCH OF IT I MIGHT BE WILLING TO ADMIT BUT ONE I WOULD NOT. ASK YOUR QUESTION AND IF IT IS OBJECTED TO I WILL RULE UPON IT. SUTHERLAND SCOPE OF MY TESTIMONY CAN BE FORSHADOWED BY HIS STATEMENTS YOUR HONOR AND THE GENTLEMAN WILL INDULGE</p>	<p>QUESTION. M<sup>R</sup> <del>YOUR</del>BASKIN: YOUR HONOR, THIS GENTLEMAN WANTS TO GET BEFORE THE JURY STATEMENTS IN A MANNER NOT SWORN TO. THE COURT: THE PROPER COURSE WOULD BE IF YOU WANT A RULING ON ALL OF IT, <del>WOULD BE</del>, TO ASK THE QUESTION. ONE BRANCH OF IT I <del>I</del> MIGHT BE WILLING TO ADMIT, AND ONE I WOULD NOT. ASK YOUR QUESTION AND IF IT IS OBJECTED TO I WILL RULE UPON IT. M<sup>R</sup> SUTHERLAND: THE SCOPE OF MY TESTIMONY CANNOT BE FORESHADOWE D BY HIS STATEMENTS. AND IF YOUR HONOR</p> <p>WILL INDULGE</p>	
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**RT**

**RS**

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**PS**

<p>YOUR HONOR CAN INSTRUCT THE JURY, THAT WHAT I MAY SAY IS NOT EVIDENCE.</p> <p>THIS QUESTION TAKEN ALONE DOES NOT FULLY EXHIBIT TO YOUR HONOR THE <sup>[324]</sup> SCOPE OF THE TESTIMONY WHICH WE NOW OFFER, AND</p> <p>WHICH WE CLAIM TO BE</p>	<p>UPON TESTIMONY WHEN I QUESTION <i>EXTEND[?] AT LARGE[?]</i>. YOUR HONOR WILL INSTRUCT THIS JURY {THAT}<sup>i</sup> WHAT I SAY IS NOT EVIDENCE WHEN IT IS NECESSARY <del>FOR THEM</del> TO HAVE INSTRUCTION. THIS QUESTION TAKEN ALONE DOES NOT FULLY EXHIBIT TO YOUR HONOR THE SCOPE OF THE TESTIMONY WHICH WE NOW OFFER, BUT AS {I}<sup>i</sup> <i>CONCEIVE[?]</i> {AND}<sup>i</sup> YOUR HONOR CAN FEEL ITS FORCE, ITS PERTINENCY OR ADMISSIBILITY WITHOUT MY STATING IT IN CONNECTION WITH THE CASE WHICH TENDS TO CHARACTERIZE <del>IT AS SUCH</del> I CLAIM IT BE</p>	<p>ME A MOMENT I WOULD LIKE TO EXPLAIN OUR POSITION.</p> <p>YOU HONOR WILL INSTRUCT THIS JURY THAT WHAT I SAY IS NOT EVIDENCE, WHEN IT IS NECESSARY FOR THE <b>JURY</b> TO HAVE INSTRUCTION. THIS QUESTION TAKEN ALONE DOES NOT FULLY EXHIBIT TO YOUR HONOR THE SCOPE OF THE TESTIMONY WHICH WE NOW OFFER; BUT AS I CONCEIVE YOUR HONOR CAN FEEL IT S FORCE<del>;</del>, ITS <sup>[189]</sup> PERTINANCY, OR ADMISSIBILITY WITHOUT MY STATING IT, IN CONNECTION WITH THE ACTS WHICH TENDS TO CHARACTERISE IT AS SUCH. WE CLAIM IT TO BE</p>	
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**RT**

**RS**

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**PS**

<p>A PART OF THE RES GESTAE, AND</p> <p>IT GREW OUT OF THE ACTS THAT REALLY ARE THE RESULT OF THAT CONVERSATION,</p>	<p>PART OF A RES GESTAE <i>WHENCE/ONCE</i>[?] ] BECAUSE IT ACCOMPANIED {=}<sup>i</sup> IT GREW OUT OF IT THE ACTS WERE REALLY {THE}<sup>i</sup> RESULT OF THAT CONVERSATION.</p>	<p>A PART OF THE <u>RES <del>KJ</del> GESTAE</u>;</p> <p>BECAUSE IT ACCOMPANIED —IT GREW OUT OF THE ACTS THAT REALLY RESULTED IN THAT <del>CONVERSATION</del> <b>DESTRUCTION</b>.</p>	
<p>WHICH WE STATED, IN THE OPENING OF OUR CASE BY JUDGE SPICER, THAT THE THEORY OF THE DEFENSE WAS THAT THERE WAS A CAPITULATION THAT WAS DONE IN CONNECTION WITH THE SLAUGHTER AND TOOK PLACE; THAT IT WAS DONE IN PURSUANCE OF A CAPITULATION, AND WE WISH TO PROVE THAT AND THIS QUESTION REACHES TO A NEGOTIATION</p>	<p>THE OFFER HAS ALREADY BEEN MADE IN THE OPENING BY JUDGE SPICER, THE THEORY OF THE DEFENSE IS THAT THERE WAS A CAPITULATION. WHAT WAS DONE AND IN CONNECTION WITH THE SLAUGHTER, AND WHAT TOOK PLACE WAS DONE IN PURSUANCE OF A CAPITULATION, AND WE WISH TO PROVE THAT CAPITULATION. THIS IS A QUESTION AND OF THAT NEGOTIATION</p>	<p>THE OFFER HAS ALREADY BEEN MADE IN THE OPENING BY JUDGE SPICER. THE THEORY OF THE DEFENSE IS THAT THERE WAS A CAPITULATION. WHAT WAS DONE IN CONNECTION WITH THIS SLAUGHTER, WHAT TOOK PLACE WAS DONE IN PURSUANCE OF A CAPITULATION, AND WE <del>W</del><b>WISH</b> TO PROVE <del>A</del>THAT <del>CA</del>APITULATION . THIS IS A <del>W</del>QUESTION OF NEGOTIATION ,</p>	

**RT**

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<p>WHICH RESULTED IN THE FORMATION OF AN AGREEMENT, BY WHICH THE INDIANS WOULD SPARE THE LIVES OF THESE EMIGRANTS IF THEY COULD HAVE THE PROPERTY AND THAT</p> <p>THIS WAS FINALLY AGREED ON THEN AND THERE. WHAT WAS DONE AFTERWARDS IS IN PURSUANCE OF THAT, AND IF THE JURY ARE PERMITTED TO HEAR THIS TESTIMONY THEY MAY BE FULLY PERSUADED IT WAS AN HONEST AND BONA FIDE CAPITULATION.</p>	<p>WHICH RESULTED IN THE FORMATION OF AN AGREEMENT BY WHICH THE INDIANS WOULD SPARE {THE}<sup>i</sup> LIVES OF THOSE EMIGRANTS IF THEY {COULD}<sup>i</sup> HAVE THEIR PROPERTY. IT TOOK SOME TIME <i>ACCOMPLISH/COMP</i> <i>MPLE[?] TO BRINGING THEM TO AGREE[?] TO SUCH A CAPITULATION.</i> IT WAS FINALLY AGREED ON <math>\leq</math>THEN AND THERE<math>\gt;</math> WHAT WAS DONE AFTERWARDS IS IN PURSUANCE THAT THE JURY IF THEY WERE PERMITTED TO HEAR THIS TESTIMONY MAY BE FULLY PERSUADED IT WAS AN HONEST BONA FIDE CAPITULATION.</p>	<p>WHICH RESULTED IN THE FORMATION OF AN AGREEMENT BY WHICH THE INDIANS WOULD SPARE THE LIVES OF THESE EMIGRANTS IF THEY COULD HAVE THE PROPERTY. IT TOOK SOME TIME IN ACCOMPLISHING <del>ABND</del> BRINGING THEM TO ASK FOR SUCH A CAPITULATION. IT <del>W</del>WAS FINALLY AGREED UPON, THEN AND THERE AND WHAT WAS DONE AFTERWARDS IS IN PURSUANCE OF THAT. IF THE JURY WERE PERMITTED TO HEAR THIS TESTIMONY, THEY MIGHT BE FULLY PERSUADED IT WAS AN HONEST, <u>BONA FIDE</u> CAPITULATION.</p>	
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**RT**

**RS**

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**PS**

<p>THE COURT RULED THAT THE QUESTION WAS NOT PROPER, TO WHICH RULING</p> <p>THE DEFENSE EXCEPTED. Q. STATE WHETHER EITHER THAT DAY OR ON THE FOLLOWING DAY THERE WAS ANY CONVERSATION BETWEEN THE INDIANS AND THE WHITES OF YOUR PARTY IN RESPECT TO SUCH AN</p>	<p>{BY}<sup>1</sup> COURT AS FAR AS THIS QUESTION GOES ALL THOSE ACTS WHAT IT SHOWS AND SHOWN THIS QUESTION ONLY GOES/GIVES[?] ST[?] FOR MR. LEE DAY PRECEDING MASSACRE. I UNDERSTAND QUESTION IS NOT PROPER.</p> <p>GIVE US BENEFIT OF EXCEPTION {DEF EXCEPTED * Q STATE}<sup>1</sup> WHETHER EITHER THAT DAY OR ON FOLLOWING DAY THERE WAS ANY CONVERSATION BETWEEN INDIANS AND WHITES &lt;THAT IS&gt; OF YOUR MEN WERE ONLY IN REFERENCE TO SUCH AN</p>	<p>THE COURT: &lt;SO FAR AS ALL&gt; THIS QUESTION GOES TO THESE ACTS;</p> <p><del>THIS</del> THE QUESTION ONLY GOES, AS IT STANDS NOW, TO WHAT MR. LEE SAID THE DAY PERECEDING THE MASSACRE. AS I UNDERSTAND THE QUESTION , IT IS NOT PROPER. M<sup>R</sup> SUTHERLAND: YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION .</p> <p>Q. STATE WHETHER EITHER THAT DAY OR THE FOLLOWING DAY, THERE WAS ANY CONVERSATION BETWEEN THE INDIANS AND WHITES; THAT IS , WHERE YOUR MEN WERE IN REFERENCE TO SUCH AN</p>	
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**PS**

<p>AGREEMENT. THE PROSECUTION OBJECTED. A. I CANNOT SAY THERE WAS. —I CANNOT SAY THERE WAS. I CANNOT STATE. IT IS A THING I CAN'T RECOLLECT AS TO WHAT OCCURRED BETWEEN THE INDIANS AND LEE.</p> <p>SUTHERLAND: THE COUNSEL HAVE WAIVED THEIR OBJECTIONS AND I INSIST THAT THE WITNESS SHALL STATE WHAT HE WAS GOING TO STATE. BASKIN: HE ANSWERED IT BEFORE I HAD A CHANCE TO EXCEPT. I REPEAT THE REMARK THAT HE HAD TOLD THEM, AND I</p>	<p>AGREEMENT. WE OBJECT BY PROSECUTION A I CANNOT SAY THERE WAS—I CANNOT SAY THERE WAS; I CANNOT STATE AS IT IS THING AS I CAN'T RECALL WHAT OCCURRED BETWEEN INDIANS AND LEE. &lt;WITNESS INTERRUPTED BY PROSECUTION&gt; SUTHERLAND COUNSELORS HAS WAIVED THEIR OBJECTIONS, AND I INSIST</p> <p>WITNESS TO STATE WHAT HE WAS GOING TO SAY BASKIN HE ANSWERED IT BEFORE &lt;I&gt; HAD &lt;A&gt; CHANCE TO EXCEPT, I REPEATED REMARK THAT HE HEARD TOLD <sup>[13]</sup>336</p>	<p>AGREEMENT? M<sup>R</sup> BASKIN: WE OBJECT TO THE QUESTION. A. I CANNOT SAY THERE WAS, I CANNOT <del>SAY THERE</del> WAS. I CANNOT STATE THE LANGUAGE AS I CANNOT RECOLLECT WHAT OCCURRED BETWEEN THE INDIANS AND LEE.— M<sup>R</sup> BASKIN: HOLD ON, HOLD ON THERE! M<sup>R</sup> SUTHERLAND: COUNSEL HAVE WAIVED THEIR OBJECTIONS; AND I INSIST THAT THE WITNESS BE PERMITTED TO STATE WHAT HE WAS GOING TO SAY. <sup>[190]</sup> M<sup>R</sup> BASKIN: HE ANSWERED IT BEFORE I HAD A CHANCE TO INTERRUPT. I REPEATED THE REMARK——</p>	
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336. Page 12 is blank except for page number and an “X” in the upper left-hand corner.

**RT**

**RS**

**BT**

**PS**

<p>HEARD HIS WORD, NO. <sup>[325]</sup> SUTHERLAND: IT WAS AN ANSWER IN THEIR FAVOR. BASKIN: THAT SORT OF PETTIFOGGING IS</p> <p>UNPROFESSIONA L. Q. STATE WHETHER UNDER YOUR OBSERVATION, OR COMING WITHIN YOUR HEARING, ANY TALK BETWEEN LEE, OR ANY OTHER CHIEFS, IN RESPECT TO THE SAVING THE LIVES OF THE EMIGRANTS, ON CONSIDERATION OF THEIR GETTING THEIR PROPERTY TOOK PLACE ? A. I CANNOT GIVE WHAT I HEARD LEE ADDRESS TO THE INDIANS. BASKIN: I OBJECT TO THAT BECAUSE IT IS A DECLARATION OF MR. LEE,</p>	<p>HEARD HIS WORD NO. SUTHERLAND IT WAS AN ANSWER IN THEIR FAVOR BY BASKIN THAT SORT OF PETTIFOGGING IS</p> <p>UNPROFESSION AL. BY COURT Q STATE WHETHER UNDER YOUR OBSERVATION COMING WITHIN YOUR HEARING, YOU HEARD ANY TALK BETWEEN LEE, OR ANY OTHER CHIEFS IN RESPECT TO SAVING THE LIVES OF EMIGRANTS, ON CONSIDERATIO N OF INDIANS GETTING THEIR PROPERTY ≤TAKE PLACE≥. A I CAN GIVE WHAT I HEARD LEE ADDRESS TO THE INDIANS BASKIN I OBJECT TO THAT BECAUSE IT IS DECLARATION OF MR. LEE</p>	<p><b>M<sup>R</sup></b> SUTHERLAND: IT WAS AN ANSWER IN THEIR FAVOR. <b>M<sup>R</sup></b> BASKIN: THAT SORT OF PETTIFOGGING <del>IS</del></p> <p>UNPROFESSION AL. COURT: STATE WHETHER OR NOT UNDER YOUR OBSERVATION, COMING WITHIN YOUR HEARING, YOU HEARD ANY TALK BETWEEN LEE OR ANY OF THE <del>IRRE</del> CHIEFS IN RESPECT TO SAVING THE LIVES OF THE EMIGRANTS, IN CONSIDERATIO N OF THEIR GETTING THEIR PROPERTY AT THAT PLACE? A. I CAN GIVE YOU WHAT I HEARD LEE ADDRESS TO THE INDIANS. <b>M<sup>R</sup></b> BASKIN: I OBJECT TO THAT BECAUSE IT IS A ≤DECLARATION OF MR. LEE</p>	
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**RT**

**RS**

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**PS**

<p>WHICH IS NOT ADMISSABLE.</p> <p>Q. WHAT DAY WAS THIS ? A. THE SECOND DAY, NEAR THE MORNING, AFTER WE CAMPED THERE. WE CAMPED THERE ONE NIGHT. Q. THE DAY BEFORE THE MASSACRE ? A. YES SIR. SUTHERLAND: NOW WE AGAIN <del>INSIST</del> INSIST UPON THAT CONVERSATION ? A. I CAN'T SAY WHETHER IT WAS THE DAY AFTER THE MASSACRE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFORE.</p> <p>A. WE ASK HIM TO GIVE THE CONVERSATION</p>	<p>WHICH IS NOT ADMISSIBLE</p> <p>Q WHAT DAY WAS THIS A SECOND DAY NEAR THE MORNING AFTER WE CAME THERE, WE CAME THERE, <del>WE</del> HAD BEEN ONE NIGHT Q THE DAY BEFORE THE MASSACRE A YES SIR. SUTHERLAND</p> <p>WE INSIST UPON <del>THAT</del> THE CONVERSATION A I CAN'T SAY WHETHER IT WAS THE DAY AFTER THE MASSACRE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFORE.</p> <p>A WE ASK TO GIVE CONVERSATION <del>THAT</del> TOOK PLACE</p>	<p>WHICH IS NOT ADMISSABLE. M<sup>R</sup> SUTHERLAND: Q. WHA T DAY WAS THIS? A. SECOND DAY, NEAR THE MORNING AFTER WE CAME THERE. WE HAD BEEN THE RE ONE NIGHT. Q. THE DAY BEFORE THE MASSACRE? A. YES, SIR. M<sup>R</sup> SUTHERLAND: NOW, YOUR HONOR , WE INSIST UPON THAT CONVERSATION . A. I CANNOT SAY WHETHER IT WAS THE DAY AFTER THE MASSACTRE OR THE DAY BEFORE; I KNOW WE HAD CAMPED THERE ONE NIGHT BEFOER—M<sup>R</sup> BASKIN: I OBJECT TO THAT. M<sup>R</sup> SUTHERLAND: WE ASKED HIM TO GIVE THE CONVERSATIO N THAT TOOK PLACE</p>	
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**RT**

**RS**

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**PS**

<p>BETWEEN LEE AND THESE CHIEFS ON THAT SUBJECT. OBJECTED TO BY BASKIN. WITNESS WAS GOING TO STATE—THAT WAS THE QUESTION. THE WITNESS WAS GOING TO DETAIL THE SPEECH MR. LEE MADE TO THE INDIANS. NOW THEN IT DOES NOT APPEAR HERE THE INDIANS UNDERSTOOD THE ENGLISH LANGUAGE. HE DIDN'T REMEMBER IN WHAT HE ADDRESSED THEM,</p> <p>AND IT DON'T APPEAR THIS WITNESS UNDERSTOOD THE INDIAN LANGUAGE. HE SAID HE UNDERSTOOD SOME LITTLE</p>	<p>BETWEEN LEE AND THOSE CHIEFS ON THAT SUBJECT OBJECTED BY BASKIN [space] WITNESS WAS GOING ON TO STATE THAT WAS THE QUESTION = WITNESS WAS GOING TO DETAIL OF THE SPEECH MR. LEE MADE TO THE INDIANS NOW THEN IT HAS NOT APPEARED HERE {THE}<sup>i</sup> INDIANS UNDERSTOOD ENGLISH LANGUAGE, HE DON'T REMEMBER IN WHAT HE ADDRESSED IT;</p> <p>DON'T APPEAR THIS WITNESS UNDERSTANDS {INDIAN}<sup>i</sup> ENGLISH LANGUAGE; HE SAID HE UNDERSTOOD SOME LITTLE</p>	<p>BETWEEN LEE AND THESE CHIEFS ON THAT SUBJECT. M<sup>R</sup> BASKIN: THE WITNESS WAS GOING ON TO STATE WHAT WAS THE CONVERSATION. THE WITNESS WAS GOING ON TO DETAIL THE SPEECH OF MR. LEE MADE TO THE INDIANS. NOW, THEN, IT HAS NOT YET APPEARED HERE THAT THE INDAINS UNDERSTOOD THE ENGLISH LANGUAGE, AND THE WITNESS DON'T REMEMBER IN WHAT LANGUAGE HE ADDRESSED <del>THEM HIM</del>. HE DON'T REMEMBER; IT DON'T APPEAR THAT THIS WITNESS UNDERSTOOD THE INDIAN LANGUAGE. HE SAID HE UNDERSTOOD SOME LITTLE</p>	
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**RT**

**RS**

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**PS**

<p>PORTION OF INDIAN SIGNS.  <sup>[326]</sup> Q. I WILL ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR</p>	<p>PORTION OF THE INDIAN SIGNS.  Q I WILL ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR</p>	<p>PORTION OF THE INDIAN SIGNS.  Q. I WILL ASK YOU IF MR. LEE ADDRESSED THEM IN THEIR OWN <del>L-N</del></p>	
<p>LANGUAGE ?  A. HE ADDRESSED THEM IN THE INDIAN AND THE ENGLISH LANGUAGE.  Q. STATE WHETHER</p>	<p>LANGUAGE  <del>≤</del>AHE ADDRESSED THEM IN THE INDIAN AND THE ENGLISH LANGUAGE&gt;  Q STATE WHETHER</p>	<p>LANGUAGE, OR  ADDRESSED THEM IN THE ENGLISH LANGUAGE;  STATE WHETHER <sup>[191]</sup></p>	
<p>THEY SPOKE THE ENGLISH LANGUAGE AT ALL ? A. THEY UNDERSTOOD SOME.  DEFENSE:  WE NOW COME BACK TO THE QUESTION.  BASKIN: THAT</p>	<p>THEY SPOKE ENGLISH LANGUAGE AT ALL A THEY UNDERSTOOD SOME.  &lt;DEF&gt;  WE NOW COME BACK TO THE QUESTION BY BASKIN THAT</p>	<p>THEY SPOKE THE ENGLISH LANGUAGE AT ALL. <b>A. THEY SPOKE SOME. M<sup>R</sup></b>  SUTHERLAND:  WE NOW COME BACK TO THE QUESTION. <b>M<sup>R</sup></b>  BASKIN: THAT <del>THAT</del></p>	
<p>DISCLOSURE SHOWS AGAIN THE INCOMPETENCY OF THE TESTIMONY. HOW WELL THE INDIANS UNDERSTOOD THE ENGLISH LANGUAGE THIS WITNESS CANNOT TELL.  COURT: IT IS THE SAME</p>	<p>DISCLOSURE SHOWS AGAIN THE INCOMPETENCY OF THE TESTIMONY. HOW WELL THE INDIANS UNDERSTOOD ENGLISH LANGUAGE THIS WITNESS CANNOT TELL.  BY COURT IT IS THE SAME</p>	<p>DISCLOSURE SHOWS AGAIN THE INCOMPETENCY OF THE TESTIMONY; HOW WELL THE INDIANS UNDERSTOOD THE ENGLISH LANGUAGE, THIS WITNESS CANNOT TELL.  THE COURT: IT IS THE SAME</p>	

**RT**

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<p>QUESTION DECIDED AS ON</p> <p>THE OTHER QUESTION AND IT WILL BE RULED OUT. DEFENSE EXCEPTED. Q. YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF THE SLAUGHTER OR BEFORE ? A. I CANNOT. Q. WERE YOU THERE WHEN THE TWO WENT TO THEIR CAMP WITH THAT FLAG OF TRUCE ? A. I WAS UP TO THE CAMP WHERE WE FIRST MADE. Q. DID THE PERSON WHO CARRIED THAT FLAG COME OVER TO YOUR CAMP ? A. YES, HE WENT BEFORE</p> <p>Q. WHERE DID HE GO FROM ? A. HE WENT FROM</p>	<p>QUESTION DECIDED <del>WITH</del> <del>OTHER</del> QUESTION WITH <i>OTHER</i>[?] QUESTION IT WILL BE RULED OUT ≪DEFENSE EXCEPTING&gt; Q YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF {THE}<sup>1</sup> SLAUGHTER OR BEFORE A I CANNOT Q WERE YOU THERE WHEN IMMEDIATELY BEFORE TWO WENT TO THEIR CAMP WITH THEIR FLAG OF TRUCE A I WAS UP TO ≪THE&gt; CAMP WHERE WE FIRST MEET DID THE PERSON WHO CARRIED THAT FLAG COME OVER {TO}<sup>1</sup> YOUR CAMP A YES HE WENT BEFORE THEN BUT NOT IMMEDIATELY Q WHERE DID HE GO FROM A WENT FROM</p>	<p>QUESTION UPON WHICH I HAVE RULLED, AND WITH THØE OTHER QUESTION IT WILL BE RULED OUT. EXCEPTION BY DEFENSE. Q. YOU SAY YOU DON'T REMEMBER WHETHER IT WAS ON THE SAME DAY OF THE SLAUGHTER OR BEFORE? A. I CANNOT. Q. WERE YOU THERE WHEN THE TWO MEN WERE SENT TO THEIR CAMP WITH THAT FLAG OF TRUCE? A. I WAS UP TO THE CAMP WHERE WE FIRST MET. Q. DID THE PERSON WHO CARRIED THAT FLAG, COME OVER TO YOUR CAMP? A. YES, SIR, HE WENT BEFORE THIS BUT NOT IMMEDIATELY. Q. WHERE DID HE GO FROM? A. HE WENT FROM</p>	
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**PS**

<p>THAT CAMP. Q. IN A BODY DOWN TOWARDS THE ROAD OR AFTER ? A. PROMISCUOUSLY . Q. DID THEY MARCH IN MILITARY ORDER ? A. NO SIR. <sup>[327]</sup> Q. NOR UNDER ANY ORDERS ? A. NOT THAT I KNEW OF. Q. EACH MAN WENT BECAUSE HE WAS INCLINED TO GO ? A.</p> <p>THEY ALL WENT TOGETHER — ALL STARTED LIKE A LOT OF MEN WOULD GO TO A MEETING HOUSE. Q. WHO WENT AHEAD ? A. I CANNOT TELL YOU. Q. DID YOU GO ? A. I DID NOT PARTICULARLY, I DID NOT GO THERE. Q. HOW MANY OTHERS</p>	<p>THAT CAMP <sub>Q</sub>IN {A}<sup>i</sup> BODY <math>\leq</math>WENT<math>\geq</math> DOWN TOWARDS THE ROAD ON FOOT <sub>A</sub> PROMISCUOUSL Y <sub>Q</sub>NOT MARCHED IN MILITARY ORDER <sub>A</sub>NO SIR NOR UNDER ANY ORDERS {A}<sup>i</sup> NOT THAT I KNEW OF <sub>Q</sub> EACH MAN WENT BECAUSE HE WAS INCLINED TO GO <sub>A</sub> WHETHER HE DID OR NOT, I CAN'T SAY, THEY ALL WENT TOGETHER, ALL STARTED LIKE <math>\leq</math>A<math>\geq</math> LOT OF MEN WOULD GO TO MEETING HOUSE <del>WHO</del> <del>WAS</del> <sub>Q</sub>WHO WENT AHEAD <sub>A</sub>I COULD NOT TELL YOU <sub>Q</sub> DID YOU GO <sub>A</sub> I DON'T REMEMBER I DID NOT GO THEN. <sub>Q</sub> HOW MANY OTHERS</p>	<p>THAT <del>CAMP</del> CAMP. Q. IN A BODY DOWN TOWARDS THE ROAD ON FOOT? A. PERMISCUOUSL Y. Q. IN MARCHING DID THEY MARCH IN MILITARY ORDER? A. NO, SIR. Q. NOR UNDER ANY OR<del>C</del>DERS? A. NOT THAT I KNEW OF. Q. SO EACH MAN <del>W</del>HENT BECAUSE HE WAS <del>E</del>INCLINED TO GO? A. WHETHER THEY DID OR NOT I CAN'T SAY. THEY ALL WENT TOGETHER; ALL STARTED LIKE A LOT OF MEN WOULD GO TO A ME<del>R</del>ETING HOUSE. Q. WHO WENT AHEAD? A. I COULD NOT TELL YOU? Q. DID YOU GO? A. I DON'T REMEMBER; I DIDN'T GO THEM<del>N</del> . Q Q. HOW MANY</p>	
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**RS**

**BT**

**PS**

<p>REMAINED IN THE CAMP WITH YOU ? A. THERE WAS TWO MORE THAT I REMEMBER OF, AND THERE WAS ONE MAN CLOSE BY ON THE HILL, ON GUARD. Q. ABOUT HOW MANY DID GO ? A. I THINK THERE WAS BETWEEN TWENTY TO TWENTY FIVE, SOMETHING NEAR THAT. Q. WERE THERE ANY OTHER WHITE MEN ON THE MEADOWS OR AT ANY OTHER POINT A. I SAW NONE. Q. WAS THIS PARTY THAT WENT OUT FROM YOUR CAMP DOWN TOWARDS THE EMIGRANT CAMP IN VIEW ? A. YES SIR. Q. HOW FAR DID THEY PROCEED BEFORE THEY CAME TO A STOP , OR WERE THEY HALTED ? A. THEY WENT</p>	<p>REMAINED IN CAMP WITH YOU <sub>A</sub> THERE WAS TWO MORE THAT I REMEMBER, AND THERE WAS ONE MAN CLOSE BY ON THE HILL AND GUARDING <sub>Q</sub> ABOUT HOW MANY DID GO <sup>[14]</sup> <sub>A</sub> I THINK THERE WAS BETWEEN 20 25 NEAR AS <i>THAT</i>[?] <sub>Q</sub> WERE THERE ANY OTHER WHITE MEN ON THE MEADOWS OR AT ANY OTHER POINT <sub>A</sub> I SAW NONE. <sub>Q</sub> WAS THIS PARTY <math>\leq</math>THAT<math>\geq</math> WENT OUT FROM YOUR CAMP DOWN TOWARDS EMIGRANT IN VIEW <sub>A</sub> YES SIR <sub>Q</sub> HOW FAR DID THEY PROCEED BEFORE THEY CAME TO A STOP OR WHERE THEY HALTED <sub>A</sub> THEY WENT</p>	<p>REMAINED IN CAMP WITH YOU? A. THERE WAS TWO MORE THAT I REMEMBER; THERE <del>OW</del>AS ONE CLOSE BY ON THE HILL GUARDING. Q . ABOUT HOMANY DID GO? A. THINK THERE WAS BETWEEN 2 0 AND 25 IN ALL, ABOUT THAT. Q. WERE THERE ANY OTHER WHITE MEN ON THE MEADOWS OR AT ANY OTHER POINT? A. I SAW NONE. Q. WAS THIS PARTY THAT WESNT OUT FROM YOUR CAMP, DOWN TOWARDS THE <sup>[192]</sup> EMIGRANTS IN VIEW, A. <del>U</del>YES, SIR . Q . HOW FAR DID THEY PRO<del>V</del>CEED BEFORE THEY CAME TO THE SPOT, WHERE THEY HALTED? A. THEY WENT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TO THE JUNCTION OF THE ROAD. BASKIN: WE CALLED ALL THIS OUT IN HIS EXAMINATION IN CHIEF. THEY ARE GOING OVER EXACTLY THE SAME GROUND WHICH THEY SHOULD HAVE GONE OVER <sup>[328]</sup> IN THEIR EXAMINATION IN CHIEF AND WE OBJECT TO THIS EXAMINATION AS IRRELEVANT AND UNNECESSARY.</p>	<p>TO THE JUNCTION OF THE ROAD. <u>BY BASKIN</u> WE CALLED {OUT}<sup>i</sup> ALL THESE THINGS OUT IN HIS IN EXAMINATION IN CHIEF. THEY ARE GOING OVER EXACTLY SAME GROUND WHICH THEY SHOULD HAVE GONE OVER IN THEIR <i>CROSS[?]</i> EXAMINATION IN CHIEF THEY ARE GOING OVER THE GROUND WHICH SHOULD HAVE BEEN GONE IN EXAMINATION IN CHIEF THEN HERE WERE RIGHTLY ALLOWED TO <i>IF IT IS/FOR THIS[?]</i> CROSS EXAMINATION HE HAS GONE EXACTLY OVER COURSE WE PURSUED THEY CAN'T RECALL OF <i>YOUR/WHOLE[?]</i> WITNESS WE CAN ASSUME IT IS</p>	<p>TO THE JUNCTION OF THE ROAD. <u>M<sup>R</sup></u> BASKIN: WE CALLED OUT ALL THIS MATTER IN THE EXAMINATION IN CHIEF THEY ARE GOING OVER THE VERY EXACT GROUND WHICH THEY SHOULD HAVE GONE OVER IN THEIR <del>CHIEF</del> EXAMINATION <del>IN</del> CHIEF, <del>Z</del>AND WE OBJECT TO IT BEING GONE OVER AGAIN AT THIS TIME.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>OBJECTION SUSTAINED AGAINST THE REMONSTRANCE OF HOGE FOR</p>	<p><i>RIGHT/HEARD</i>[?] IN GOING OVER VERY SAME GROUND WHEN THEY RECALL HIM THEY MUST SUMMON HIM AS TO NEW MATTER THEREFORE I OBJECT. BY COURT I DO NOT THINK THAT WOULD HARDLY BE NECESSARY = IF THERE ARE ANY AUTHORITIES AND IF THEY HAVE EXAMINED IN THE WAY THEY THINK PROPER AND THEY MAY MAKE HIM THEIR WITNESS. BY HOGE WE THOUGHT NOT <i>IN OUR</i>[?] RIGHT TO EXAMINE WITNESS IN CHIEF. BY COURT QUESTION IS DECIDED ANY WAY.</p>	<p>BY COURT: I DON'T THINK THAT WOULD HARDLY BE NECESSARY; BUT IF THERE ARE ANY AUTHORITIES ON THAT—I THINK THEY HAVE A RIGHT TO EXAMINE HIM THE WAY THEY WANT TO. I THINK THEY MAY MAKE HIM THEIR WITNESS.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DEFENSE.  A. WE WENT ON THE ONLY ROAD THAT WAS THERE, WE FOLLOWED WHAT IS CALLED THE OLD CALIFORNIA ROAD. Q. IF THERE WAS A JUNCTION THERE WAS SOME OTHER ROAD—WHAT DO YOU MEAN BY JUNCTION? A. I MEAN BY A ROAD THEY WERE TAKING. THEY PAUSED WHEN THEY GOT ON THE CALIFORNIA ROAD. Q. ABOUT HOW FAR WERE THEY THEN FROM THE EMIGRANT CAMP? A. I SHOULD JUDGE HALF A MILE. IT WAS IN THAT VICINITY. Q. THERE YOU SAY THEY PAUSED AND STOPPED—</p> <p>WHAT DID YOU OBSERVE AT THAT TIME OR</p>	<p><u>A</u>  ON ONLY ROAD THAT WAS THERE WE FOLLOWED WHAT IS CALLED OLD CALIFORNIA ROAD. Q. IF THERE WAS A JUNCTION, THERE WAS SOME OTHER ROAD. WHAT DID YOU MEAN BY JUNCTION? A. I MEAN BY ROAD THEY WERE TAKING, THEY PAUSED WHEN THEY GOT ON CALIFORNIA ROAD. Q. ABOUT HOW FAR WERE THEY THEN FROM THE EMIGRANT CAMP? A. I SHOULD JUDGE HALF MILE <i>THERE WAS[?]</i> IN THAT VICINITY. Q. THERE YOU SAY THEY PAUSED, STOPPED? A. YES SIR. Q. WHAT DID YOU OBSERVE THAT THEY DID</p>	<p>A.  THE ONLY ROAD THAT <del>W</del>AS THERE. WE FOLLOWED</p> <p>THE OLD CALIFORNIA ROAD. Q. IF THERE WAS A JUNCTION THERE <b>THERE</b> WAS SOME OTHER ROAD. WHAT DO YOU MEAN <del>B</del>Y JUNCTION? A. I MEAN BY THE ROAD THEY WERE TAKING. THEY PAUSED WHEN THEY GOT ON THE CALIFORNIA ROAD. Q. ABOUT HOW FAR WERE THEY THE N FROM THE</p> <p>CAMP? A. I SHOULD JUDGE ABOUT A HALF A MILE: THEY WAS IN <del>TH</del>S THAT VICINITY. Q. THERE YOU SAY THEY PAUSED, STOPPED? A. YES, SIR. Q: WHAT DID YOU OBSERVE THAT THEY DID</p>	
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**RT**

**RS**

**BT**

**PS**

<p>IMMEDIATELY AFTERWARDS ? A. I COULD NOT OBSERVE ANYTHING BEING DONE UNTIL WE SAW A MAN CARRYING A FLAG. Q. SO THAT WAS MARCHED OUT OF THE OLD CAMP IMMEDIATELY BEFORE THE FLAG WENT— CAN'T YOU NOW, BY CONNECTING THIS DEPARTURE OF THE MEN FROM YOUR CAMP WITH THE APPEARANCE OF THESE INDIANS OF TO YOUR CAMP STATE WHETHER THAT WAS ON THE SAME DAY OR THE DAY BEFORE THAT THESE INDIANS AND MR. LEE WERE THERE ? A. I THINK IT MUST HAVE BEEN THE SAME DAY, AT ANY RATE, <del>THESE MARCHED</del></p>	<p>IMMEDIATELY AFTERWARDS [space] A I COULD NOT OBSERVE ANYTHING BEING DONE UNTIL WE SAW MAN CARRYING THE FLAG [space] SAW THAT WAS HE MARCHED OUT {OF THE}i OLD CAMP IMMEDIATELY BEFORE THE FLAG WENT. Q CAN'T YOU NOW BY CONNECTING THIS DEPARTURE OF MEN FROM YOUR CAMP WITH APPEARANCE OF THOSE INDIANS TO YOUR CAMP TELL WHETHER IT WAS ON THE SAME DAY OR DAY BEFORE, THAT THOSE INDIANS AND MR. LEE WERE THERE A I THINK MUST HAVE BEEN THE SAME DAY, AT ANY RATE</p>	<p>IMMEDIATELY AFTERWARDS ? A. I <del>CANT</del> <b>DID</b> <b>NOT</b> OBSERVE ANYTHING BEING DONE, TILL SWE SAW THE MAN CARRYING THE FLAG, SAW THAT HE WAS MARCHING. Q. OUT OF YOUR CAMP? A. IMMEDIATELY BEFORE THE FLAG WENT. Q. CAN'T YOU NOW BY CONNECTING THIS DEPARTURE OF THE MEN FROK YOUR CAMP WITH THE APPEARANCE OF THESE INDIANS AND OF YOUR CAMP, STATE WHETHER IT WAS ON THE SAME DAY OR THE DAY BEFORE THAT THESE INDIANS AND MR. LEE WERE THERE? A. I THINK IT MUST HAVE BEEN THE SAME DAY; AT ANY RATE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THIS MARCHING OUT OF THE CAMP WAS DONE THE DAY OF THE MASSACRE, BUT AS I SAID I COULD NOT SAY DEFINITELY TO THE DAY PREVIOUS. IF I HAD KEPT A JOURNAL I COULD HAVE TOLD. Q. WHAT TIME IN THE DAY DID YOUR PARTY GO DOWN TOWARDS THE CAMP ? <sup>[329]</sup> A. I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT MIDDLE OF THE DAY. Q. CAN YOU STATE WHETHER THESE INDIAN CAPTAINS HAD LEFT THEIR CAMP THEN ? A. THEY HAD — NONE IN SIGHT WHEN THIS TRANSACTION TOOK PLACE.</p>	<p>THIS MARCHING OUT FROM THE CAMP WAS DONE THE DAY OF THE MASSACRE, BUT AS I STATED ◀BEFORE▶ I COULD NOT SAY DEFINITELY TO THE DAY PREVIOUS IF I HAD KEPT JOURNAL I COULD HAVE TOLD Q WHAT TIME IN THE DAY YOUR PARTY WENT DOWN TOWARDS THE CAMP A I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT THE MIDDLE OF DAY [space] Q CAN YOU STATE WHETHER THESE INDIAN CAPTAINS HAD LEFT YOUR CAMP THEN A THEY HAD, NONE IN SIGHT WHEN THIS TRANSACTION ◀HAD PLACE▶</p>	<p>THIS MARCHING OUT FROM THE CAMP WAS DONE ON THE DAY OF THE MASSACRE; BUT AS I STATED BEFORE, I COULD NOT SAY DEFINITELY TO THE DAY. PERHAPS IF I HAD KEPT A JOURNAL I COULD HAVE STATED. <sup>[193]</sup> Q. WHAT T IME IN THE DAY DID YOUR PARTY GO DOWN TOWARDS THE CAMP? A. I COULD NOT TELL THAT NEITHER, BUT SOMEWHERE ABOUT THE MIDDLE OF THE DAY. Q. CAN YOU STATE WHETHER THESE INDIAN CAPTAINS HAD LEFT THE OTHER MCAMP THEN? A. THEY HAD; THERE WAS NONE IN SIGHT WHEN THIS TRANSACTION TOOK PLACE.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THERE WAS NO INDIANS AROUND IN SIGHT ON THE HILLS. THE FIRING HAD CEASED ENTIRELY. Q. HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP ? A. I COULD NOT SAY DEFINITELY. Q. HOW LONG HAD THERE BEEN ANY FIRING THAT DAY ? A. COULD NOT SAY THAT I REMEMBER. Q. WHEN THE PARTY HALTED AT THE ROAD STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER, WHETHER THEY WERE IN A COLUMN OR PROMISCUOUSLY OVER THE GROUND WHERE THEY STOOD ? A. I COULD NOT TELL. ONLY</p>	<p>THERE WAS NO INDIANS AROUND IN SIGHT ON THE HILLS. {THE}<sup>i</sup> FIRING HAD CEASED ENTIRELY Q. HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP A I COULD NOT SAY DEFINITELY Q. HOW LONG HAD THERE BEEN ANY FIRING THAT DAY A COULD NOT SAY THAT I REMEMBER <sup>[15]</sup> Q. WHEN THE PARTY HALTED AT THE ROAD, STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER, WHETHER IN A COLUMN OR PROMISCUOUSLY OVER THE GROUND WHERE THEY STOOD A I COULD NOT TELL ≤AS THEY WERE, &gt; NEAR</p>	<p>THERE WAS <del>N</del> NO INDIANS AROUND IN SIGHT ON THE HILLS. THE FIRING HAD CEASED <del>ENTIRELY</del>. Q. HOW LONG WAS THERE A SUSPENSION OF FIRING BEFORE THEY WENT OUT OF YOUR CAMP? A . I COULD NOT SAY DEFINITELY. Q. HOW LONG <del>HAD</del> <b>SINCE HAD</b> THERE BEEN ANY FIRING THAT DAY? A. I CAN'T SAY THAT I R3EMEMBER. Q. WHEN THE PARTY HALTED AT THE ROAD, STATE HOW THEY STOOD WITH REFERENCE TO EACH OTHER; WHETHER IN A COLUMN OR PROMISCUOUSLY OVER THE GROUND WHERE THEYSTOOD? A. I COULD NOT TELL, AS THERY WERE NEAR A</p>	
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**RT**

**RS**

**BT**

**PS**

<p>A HALF A MILE DISTANT, I COULD NOT TELL IN WHAT POSITION THEY STOOD. Q. WHEN THE FLAG OF TRUCE WENT TO THE EMIGRANT CAMP HOW MANY MEN WENT WITH IT ? A. THERE WAS ONE WENT. Q. COULD YOU DISTINGUISH WHO THAT WAS ? A. I COULD NOT, DON'T KNOW. Q. HOW FAR DID THE FLAG GO TOWARDS THE CAMP ? A. I SHOULD JUDGE ABOUT HALF WAY BETWEEN WHERE THE MEN STOOD AND THE CAMP, AND IT WAS LEFT THERE. <sup>[330]</sup> Q. AFTER THE PARLEY DID THEY SEPARATE OR ALL GO ONE WAY—THIS PERSON THAT MET THE FLAG— THIS PERSON</p>	<p>HALF A MILE DISTANT, I COULD NOT TELL WHAT POSITION THEY STOOD WHEN THE FLAG OF TRUCE WENT TO THE EMIGRANT CAMP, HOW MANY MEN WENT WITH IT. A. &lt;WITH THAT&gt; THERE WAS ONLY ONE Q. COULD YOU DISTINGUISH WHO THAT WAS A I COULD NOT, DON'T KNOW Q. HOW FAR DID THE FLAG GO TOWARDS THE CAMP A I SHOULD JUDGE ABOUT HALF WAY &lt;BETWEEN&gt; WHERE THE MEN STOOD AND THE CAMP AND IT WAS LEFT THERE Q. AFTER PARLEY DID THEY SEPARATE OR ALL GO ONE WAY, THOSE PERSONS THAT MET FLAG THIS PERSON</p>	<p>HALF A MILE DISTANT; I COULD NOT TELL WHAT POSITION THEY STOOD IN. Q. WHEN THE €FLAG OF TRUCE WENT TO THE EMIGRANT CAMP, HOW MANY MEN WENT WITH IT? A. THERE WAS ONLY ONE. Q. COULD YOU DISTINGUISH WHO THAT WAS? A I COULD NOT, DON'T KNOW. Q. HOW FAR DID THE FLAG GO TOWARDS THE CAMP? A. I SHOULD JUDGE ABOUT HALF WAY; BETWEEN WHERE THE MEN STOOD AND THE €CAP CAMP AND IT WAS LEFT THERE. Q. AFTER THE PARLEY DID THEY SEPARATE OR ALL GO ONE WAY, THESE PERSONS THAT MET THE FLAG, THIS PERSON</p>	
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**RT****RS****BT****PS**

<p>THAT CARRIED IT ? A. COULD NOT SAY, I DON'T REMEMBER WHETHER THEY SEPARATED OR WHETHER THEY BOTH WENT ONE WAY. Q. DO YOU KNOW WHETHER ANY OR YOUR PARTY DID GO INTO THE CAMP ? A. I SUPPOSE THEY DID. Q. WHY DO YOU SAY YOU SUPPOSE ? A. I SAW THE WAGONS LOADED UP AT THE CAMP, BUT WHERE THESE WAGONS WENT FROM — WHETHER THEY WENT FROM THE HILL OR WHETHER THEY WERE WAGONS BELONGING TO THE EMIGRANTS I CAN'T REMEMBER AS TO THAT MATTER, DON'T REMEMBER</p>	<p>THAT CARRIED IT <sub>A</sub>≤COULD NOT SAY≥ I DON'T REMEMBER WHETHER THEY SEPARATED OR WHETHER THEY BOTH WENT ONE WAY <sub>Q</sub>DO YOU KNOW WHETHER ANY <del>OF</del> YOUR PARTY DID GO INTO THE CAMP <sub>A</sub>I SUPPOSE THEY DID WHY DO YOU SAY YOU SUPPOSE <sub>A</sub> I SAW THE WAGONS LOADED UP AT THE CAMP <sub>Q</sub> BUT WHERE THOSE WAGONS WENT FROM = WHETHER THEY WENT FROM THE HILL OR WHETHER THEY WERE WAGONS BELONGING TO <del>THE</del> EMIGRANTS, CAN'T REMEMBER TO SAVE ME ≤MATTER≥, DON'T REMEMBER</p>	<p>WHO CARRIED IT? A. I COULD NOT SAY, I DON'T REMEMBER WHETHER THEY <del>W</del>SEPARATED OR WHETHER THEY BOTH WENT ONE WAY. Q. DO YOU KNOW WHETHER ANY OF YOUR PARTY DID GO INTO THE CAMP? A. I SUPPOSED THEY DID. Q. WHY DO YOU SAY YOU SUPPOSE? A. BECAUSE I SAW THE WAGONS LOADED UP AT THE CAMP, BUT WHERE THESE WAGONS WENT FROM, WHETHER <sup>[194]</sup> THEY WENT FROM THE HILL, OR WHETHER THEY WERE WAGONS BELONGING TO THE EMIGRANTS, I CAN'T REMEMBER AS TO THAT MATTER, DON'T REMEMBER</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ANYTHING ABOUT IT. I KNOW THERE WAS TWO WAGONS LOADED UP. Q. WHAT SORT OF A TEAM WAS HITCHED UP ? A. THEY WERE HORSE TEAMS, I THINK, TWO WAGONS. Q. WHAT APPEARED TO BE PUT IN THE WAGONS ? A. I COULD NOT TELL WHETHER PERSONS GOT IN OR NOT. I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT. Q. DID YOU SEE THEM AFTER THEY HAD MOVED OUT ? A. SAW THEM A DISTANCE OFF, ABOUT A M HALF A MILE TO THE NEAREST PLACE BUT COULD NOT TELL; L WHAT THEY WAS LOADED WITH, NOR WHO WENT WITH THE</p>	<p>ANYTHING ABOUT IT, I KNOW THERE WAS TWO WAGONS LOADED UP. Q. WHAT SORT OF A TEAM <math>\leq</math>WAS<math>\geq</math> HITCHED UP. A. THEY WERE HORSE TEAMS, I THINK TWO WAGONS. Q. WHAT APPEARED TO BE PUT IN THE WAGONS. A. I COULD NOT TELL WHETHER PERSONS GOT IN OR NOT, I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT. Q. DID YOU SEE THEM AFTER THEY HAD MOVED OUT. A. SAW THEM A DISTANCE OFF ABOUT HALF MILE, NEAREST PLACE COULD NOT TELL. <i>SEE IT TELL</i>[?] WHAT THEY WAS LOADED WITH. Q. NOR WHO WENT WITH THE</p>	<p>ANYTHING ABOUT IT; I KNOW THERE WAS TWO WAGONS LOADED UP. Q. WHAT SORT OF A TEAM WAS THERE HITCHED UP? A. THEY WERE HORSE TEAMS, I THINK TWO WAGONS. Q. WHAT APPEARED TO BE PUT INTO THE WAGONS? A. I COULD NOT TELL WHETHER PERSONS GOT IN OR NOT; I COULD NOT TELL WHETHER PERSONS WERE IN THEM OR NOT. Q. DID YOU SEE THEM AFTER THEY HAD MOVED OUT? A. SAW THEM A <del>SID</del> DISTANCE OFF, OF ABOUT A HALF A MILE, THE NEAREST PLACE. I COULD NOT TELL WHAT THEY WERE LOADED WITH; <del>Q-NOT Q.</del> WHO WENT WITH THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WAGONS, NOR WHAT WAS DRIVEN ON IMMEDIATELY WITH THE WAGONS I DO NOT KNOW. Q. HOW FAR DID THE PERSONS COMING OUT OF THE CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE ? <b>WITH THEM</b> A. I THINK IT WAS WELL NIGH ON TO A MILE FROM THE WAGONS. Q. HOW FAR DID THEY HAVE TO TRAVEL BEFORE THEY WERE JOINED BY THE PERSONS WHO WENT FROM YOUR CAMP ? <sup>[331]</sup> A. ABOUT A HALF A MILE. Q. AND WHEN THEY WERE SO JOINED STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER— HOW THEY WALKED,</p>	<p>WAGONS DRIVING OR IMMEDIATELY WITH THE WAGONS <sub>A</sub>I DO NOT KNOW QHOW FAR <sub>Q</sub> DID THE<sub>Q</sub> PERSONS COMING OUT OF <sub>Q</sub>THE<sub>Q</sub> EMIGRANT CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE WITH THEM? <sub>A</sub>I THINK WAS WELL NIGH ONTO <i>MILE, A MILE</i>[?] FROM THE WAGONS. Q HOW FAR DID THEY HAVE <sub>Q</sub>TO<sub>Q</sub> TRAVEL BEFORE THEY WERE <sub>Q</sub>JOINED<sub>Q</sub> BY THE PERSONS WHO WENT FROM YOUR CAMP <sub>A</sub>ABOUT HALF MILE <sub>Q</sub>AND WHEN THEY WERE SO JOINED, STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER, HOW EACH PARTY WALKED,</p>	<p>WAGONS, DRIVING OR IMMEDIATELY WITH THE WAGONS? A. I DON'T KNOW. Q. HOW FAR DID THE PERSONS COMING OUT OF THE EMIGRANT CAMP MARCH BEFORE THERE WAS ANY INTERFERENCE WITH THEM? A. I THINK THEY WAS WELL NIGH ONTO A MILE, A MILE FROM THE WAGONS. Q. HOW FAR DID THEYHAVE TO TRAVEL BEFORE THEY WERE JOINED BY THE PERSONS WHO WENT FROM YOUR CAMP? A. ABOUT HALF A MILE. Q. AND WHEN THEY WERE SO JOINED, STATE HOW THEY PROCEEDED WITH REFERENCE TO EACH OTHER, HOW EACH PARTY,</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WHETHER IN FILE OR NOT ? A. I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, THE WHOLE MASS WE COULDSEE WAS MOVING ON THE ROAD, WHITE MEN</p> <p>WAS AHEAD, BUT WHAT POSITION THE MENWERE EXACTLY IN I COULD NOT TELL. Q. YOU CAN STATE WHETHER THE MEN OF THE EMIGRANT PARTY OR THE MEN OF YOUR PARTY WALKED ABREAST OR NOT ? A. I COULD NOT SAY DEFINITELY, I THINK THEY DID. Q. HOW DIDIT LOOK AS TO SPACE BETWEEN ? A. THERE WAS NO SPACE VISIBLE FROM WHERE I WS WAS. Q. YOU SAY THEY WALKED</p>	<p>WHETHER IN FILE OR NOT A I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, «THE» WHOLE MASS WE COULD SEE WAS MOVING ON THE ROAD; WHITE</p> <p>WOMEN WAS AHEAD. WHAT POSITION MEN WERE IN «EXACTLY» I COULD NOT TELL YOU CAN STATE WHETHER MEN OF EMIGRANT PARTY OR MEN OF YOUR PARTY, WALKED ABREAST OR NOT AI COULD NOT SAY DEFINITELY, I THINK THEY DID QHOW DID IT LOOK AS TO SPACE BETWEEN A THERE WAS NO SPACE VISIBLE FROM WHERE I WAS QYOU SAY THEY WALKED</p>	<p>WHETHER IN FILE OR NOT? A. I COULD NOT TELL WHETHER THEY WERE IN FILE OR NOT, SINGLE OR DOUBLE, THE WHOLE MASS WE COULD SEE WAS MOVING ON THE ROAD. SOME WHITE MEN AND WHITE WOMEN WERE AHEAD. Q. WHAT POSITION WERE THEY IN? A. ZEXACTLY I COULD NOT TELL. Q. YOU CAN STATE WHETHER THE MEN OF THE EMIGRANT PARTY OR THE MEN OF YOUR PARTY WAKLKD ABREAST OR NOT? A: I COULD NOT SAY DEFINITELY; I THINK THEY DID. HOW DID IT LOOK AS TO SPACE BETWEEN? A. THERE WAS NO SPACE VISIBLE FROM WHERE I WAS. Q. YOU SAY THEY WALKED</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TOGETHER FOR ABOUT HALF A MILE ? A. I THINK IN A NORTHERN DIRECTION TOWARDS HAMBLIN'S RANCH. Q. THAT ISTOWARDS CEDAR CITY ? A. YES SIR, THAT IS THE ROAD TO CEDAR CITY. Q. STATE WHETHER YOU GAVE THEM YOUR ATTENTION WHILE THEY WERE TRAVELING ? A. WE WERE NOT WATCHING THEM STEADY ALL THE TIME. WE DID WATCH AND LOOK AT THE COMPANY WHEN WE HEARD THE REPORT OF THE GUNS. Q. WERE THEYSTILL IN SIGHT ? A. NO, WE HAD TO GO</p>	<p>TOGETHER FOR ABOUT HALF MILE <sub>A</sub>I THINK, YES, IN NORTHERN DIRECTION, TOWARDS HAMBLIN'S RANCH <sub>Q</sub>THAT IS TOWARDS CEDAR CITY <sub>A</sub> YES SIR THAT IS THE ROAD CEDAR CITY. <sub>Q</sub> STATE WHETHER YOU GAVE THEM YOUR ATTENTION WHILE THEY WERE TRAVELING <sub>A</sub> WE WERE NOT WATCHING THEM STEADY ALL THE TIME, WE HAD CEASED WATCHING LOOKING AT COMPANY WHEN WE <sup>[16]</sup>337 HEARD THE REPORT OF GUN <sub>Q</sub>WERE THEY STILL IN SIGHT <sub>A</sub>NO, WE HAD TO GO</p>	<p>TOGATHER FOR ABOUT A HAL F A MAILE? A. I THINK SO, YES, IN A NORTHERLY DIRECTION TOWARDS HAMBLIN'S RANCH. <sup>[195]</sup> Q. THENCE TOWARDS CEDAR CITY? A YES, SIR, THAT IS THE ROAD TOWARDS CEDAR CITY. Q. STATE WHETHER YOU GAVE THEM YOUR ATTENTION WHILE THEY WERE TRAVELING? A. WE WERE NOT WATCHING THEM STEADY ALL THE TIME. WE <del>HAD</del> <b>HAD</b> CEASED TO WATCH THE COMPANY WHEN WE HEARD THE REPORT OF GUNS. Q. WERE THEY STILL IN SIGHT? A. NO, WE HAD TO GO</p>	
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337. Shorthand doodling across the top of the page is mostly crossed out and written repeatedly.



**RT**

**RS**

**BT**

**PS**

<p>SOME FOUR RODS BEFORE WE CAME IN SIGHT. Q. ABOUT FOUR RODS — WAS THAT AFTER YOU HEARD THE REPORT AND YOU JUMPED UP ? A. I WENT ABOUT FOUR RODS BEFORE WE CAME IN VIEW OF THEM. Q. DESCRIBE THE SCENE AS IT APPEARED TO YOU WHEN YOU FIRST LOOKED UPON <sup>[332]</sup> IT AFTER THIS REPORT ? A. IT SEEMED THERE WAS A CLOUD OF SMOKE THAT NEARLT ENVELOPED ALL THE INDIVIDUALS THAT WERE THERE, AT THE SAME TIME WE BEHELD THE INDIANS FROM THE RIGHT COMING OUT; IT WAS NOT EXACTLY AT RIGHT ANGLES, A</p>	<p>SOME 4 RODS BEFORE WE CAME IN SIGHT ABOUT 4 RODS SO THAT AFTER YOU HEARD THE REPORT YOU JUMPED UP <sup>A/AND[?]</sup> WENT ABOUT 4 RODS BEFORE WE CAME IN VIEW OF THEM {Q}<sup>i</sup> DESCRIBE SCENE AS IT APPEARED TO YOU WHEN YOU FIRST LOOKED UPON {IT}<sup>i</sup> AFTER THIS REPORT <sup>A</sup>IT SEEMED THERE WAS CLOUD OF SMOKE THAT NEARLY ENVELOPED {ALL THE}<sup>i</sup> INDIVIDUALS THAT WERE THERE, AT THE SAME TIME WE BEHELD INDIANS FROM THE RIGHT COMING OUT. IT WAS EXACTLY RIGHT ANGLE</p>	<p>SOME FOUR RODS BEFORE WE CAME IN SIGHT. Q.  SO THAT AFTER YOU HEARD THE REPORT YOU JUMPED UP? A. I WENT ABOUT FOUR RODS BEFORE WE CAME IN VIEW OF THEM. Q. DESCRIBE THE SCENE AS IT APPEARED TO YOU AS YOU FIRAT LOOKED UPON IT AFTER YOU HEARD THE REPORT? A. IT SEEMED THAT THERE WAS A CLOUD OF SMOKE THAT NEARLY INVELOPED ALL THE INDIVIDUALS THAT WERE THERE; AT THE SAME TIME WE BEHELD THE INDIANS RUSHING FROM THE RIGHT COMING OUT&amp;T. IT WAS EXACTLY AT RIGHT ANGLES,</p>	<p></p>
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RT

RS

BT

PS

<p>LITTLE AHEAD SEEMINGLY; THAT WAS NOT HALF A ROD I SUPPOSE BETWEEN THEM AND THE EMIGRANTS WHEN WE FIRST OBSERVED THEM. IT IS A PRETTY HARD MATTER TO TELL AT THAT DISTANCE. I SAW THERE WAS A LITTLE SPACE. Q. DID YOU GO ANY NEARER ? A. NOT RIGHT THEN. Q. HOW LONG DID YOU STOP THERE BEFORE YOU WENT ON ? A. STAYED THERE TILL THE NEXT MORNING. Q. YOU DON'T UNDERSTAND MY QUESTION— YOU WENT ABOUT FOUR RODS IN ORDER TO GET A VIEW OF THE PARTY ? A. OH YES, I WENT ON UP FOR FIFTEEN RODS, SO AS TO HAVE A</p>	<p>LITTE AHEAD SEEMINGLY, THAT WAS NOT HALF ROD SPACE BETWEEN THEM AND {THE}<sup>i</sup> EMIGRANTS; WHEN WE FIRST OBSERVED THEM. IT IS PRETTY HARD MATTER TO TELL AT THAT DISTANCE, BUT I SAW THERE WAS LITTLE SPACE. [space] Q DID YOU GO ANY NEARER A NOT RIGHT THEN Q HOW LONG DID YOU STOP THERE BEFORE YOU WENT ON A STAYED &lt;THERE&gt; UNTIL NEXT MORNING Q YOU DON'T UNDERSTAND MY QUESTION, YOU &lt;SAY YOU&gt; WENT ABOUT 4 RODS IN ORDER TO GET VIEW OF THE PARTY A OH YES, I WENT ON UP FOR 15 YARDS/RODS[?] SO TO HAVE</p>	<p>LITTLE AHEAD SEEMINGLY. THAT WASN'T A HALF A ROD SPACE BETWEEN THEM AND THE EMIGRANTS WHEN WE FIRST OBSERVED THEM. IT IS A PRETTY HARD MATTER TO TELL AT THEAT TIME WHAT THE DISTANCE WAS, BUT I SAW THAT THERE WAS A LITTLE SPACE. Q. SDID YOU GO ANY NEARER? A. NOT RIGHT THEN. Q. HOW LONG DID YOU STOP THERE BEFORE YOU WAENT ON ? A. I STAID THERE TILL THE NEXT MORNING. Q. YOU DON'T UNDERSTAND MY QUESTION:. YOU SAY YOU WENT ABOUT FOUR RODS IN ORDER TO GET A <del>VIEW VIEWW</del> OF THE PARTY? A. OH, YES, I WENT ON UP FOR FIFTEEN RODS SO AS TO HAVE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>BETTER SIGHT. Q. WHEN YOU GOT NEAR, WITHIN FIFTEEN RODS, STATE WHAT WAS STILL GOING ON, OR WHERE THE EMIGRANTS WENT ? A. IT WAS ONE CONTINUAL SCENE FROM THE FIRST ATTACK;</p> <p>DEATH AND CARNAGE BY THE INDIANS. Q. WHAT WAS THE MODE OF WARFARE—WAS IT A CONTINUAL DISCHARGE OF FIRE ARMS ? A. NOT MUCH; THERE WAS SOME CONSIDERABLE GUNS FIRED, NOT A GREAT MANY. THEY WERE IN RIGHT AMONGST, IN CLOSE CONNECTION. THE INDIANS RUSHED RIGHT IN UPON</p>	<p>◀SIGHT▶ BETTER SIGHT ◻ WHEN YOU GOT NEAR ◀WITHIN 15 RODS▶ STATE WHAT WAS STILL GOING ON ◻ WHERE THE EMIGRANTS WENT IT WAS ONE CONTINUAL SCENE FROM THE FIRST ATTACK, EVERYTHING WAS DEATH AND CARNAGE BY INDIANS ◻ WHAT WAS THE MODE OF WARFARE ◀WAS IT A▶ CONTINUAL DISCHARGE OF FIRE ARMS A◀NOT MUCH▶, THERE WAS SOME CONSIDERABLE GUNS FIRED, NOT GREAT MANY; THEY WERE IN RIGHT AMONGST ◀THEM▶, IN CLOSE {CON}◻NECTION. {THE}◻INDIANS RUSH{ED}◻ RIGHT IN UPON</p>	<p>A BETT3ER SIGHT. Q. WHEN YOU GOT NEARER BY FIFTEEN RODS, STATE WHAT WAS STILL GOING ON? A. WHERE THE EMIGRANTS WERE IT WAS ONE CONTINUAL SCENE◻ RFROM THE FIRST ATTACK. EVERYTHING WAS DEATH AND CARNAGE BY THE INDIANS. Q. WHAT WAS THE MODE OF WARFARE? WAS IT A CONTINUAL DISCHARGE [196] OF FIRE ARMS? A. NOT MUCH; THERE WAS S OME CONSIDERABLE GUNS FIRED , NOT A GREAT MANY. THERE THEY WERE IN RIGHT AMONG THEM IN CLOSE CONNECTION. THE INDIANS RUSHED RIGHT IN UPON</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THEM. THEY DIDN'T SKULK OFF AT A DISTANCE TO DO THEIR SHOOTING. Q. WHEN YOU FIRST HEARD THE FIRING CAN YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY ? <sup>[333]</sup> A. I COULD NOT. IT WAS ALL OVER IN A MINUTE. THE REPORT DIDN'T LAST OVER A MINUTE.</p> <p>Q. COULD YOU FORM SOME IDEA OF THE NUMBER OF SHOTS ?</p> <p>A. IT WAS LIKE ONE LOUD SHOT, LIKE A VOLLEY; IT IS A HARD MATTER FOR A GREAT MANY MEN TO SHOOT ALL IN ONE SECOND, BUT IT CONTINUED FOR ABOUT A MINUTE. THE</p>	<p>THEM THEY DIDN'T SKULK OFF DOWN AT DISTANCE TO DO THE SHOOTING. WHEN YOU FIRST HEARD FIGHTING, COULD YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY A I COULD NOT IT WAS ALL OVER IN A MINUTE, THE REPORT DIDN'T LAST OVER <del>A</del> MINUTE A Q IF IT LASTED QA MINUTE, YOU MIGHT FORM SOME IDEA OF <del>THE</del> SHOTS A IT WAS LIKE ONE LOUD SHOT, IT WAS LIKE A VOLLEY. IT IS HARD MATTER FOR GREAT MANY MEN TO SHOOT IT AT ALL IN ONE SECOND,</p> <p>IT CONTINUED FOR ABOUT A MINUTE, THE</p>	<p>THEM. THEY DIDN'T SCATTER OFF ANY DISTANCE TO DO THE SHOOTING. Q. WHEN YOU FIRST HEARD THE FIRING COULD YOU FORM ANY IDEA OF WHAT NUMBER OF SHOTS WERE FIRED IN THAT VOLLEY? A. I COULD NOT, IT WAS ALL OVER IN A MINUTE.; THE REPORT DIDN'T LAST OVER A MINUTE. Q. IF IT LASTED A MINUTE, YOU MIGHT FORM SOME IDEA OF THE NUMBER OF SHOTS?</p> <p>A. IT WAS LIKE ONE LOUD SHOT; IT WAS LIKE A VOLEY. IT IS A HARD MATTER GFOR A GREAT MANY MEN TO SHOOT ALL IN ONE SECOND.</p> <p>IT CONTINUED FOR ABOUT A MINUTE. THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>REPORT WAS NOT OF THE GUNS DISCHARGED AT THE SAME INSTANT BUT SUCCESSIVELY, ONE AFTER THE OTHER. Q. NOW, DO YOU THINK THERE WAS A SUCCESSIVE FIRING FOR A MINUTE ? A. I DO, CERTAINLY. Q. AS FREQUENTLY AS A WATCH WOULD TICK OR ABOUT HOW. OBJECTED TO BY PROSECUTION.</p> <p>A. I COULD NOT SAY, BUT IT CONTINUED MORE OR LESS FOR HALF AN HOUR. Q. I AM SPEAKING OF THAT FIRST MINUTE YOU SAY THERE WAS A CONSTANT SUCCESSION OF FIRING. Q. NOW, ABOUT HOW NEAR TOGETHER WERE THE</p>	<p>REPORT WAS NOT OF GUNS DISCHARGED AT THE SAME INSTANT BUT SUCCESSIVELY ONE AFTER OTHER Q NOW DO YOU THINK THERE WAS SUCCESSION OF FIRING FOR A MINUTE A I DO CERTAINLY GUESS FREQUENTLY AS A WATCH WOULD TICK</p> <p>≤OBJECTED BY PROSECUTION&gt; Q ABOUT HOW OFTEN A I COULD NOT SAY IT CONTINUED MORE OR LESS FOR NEARLY HALF ≤AN&gt; HOUR. Q I AM SPEAKING OF THAT FIRST MINUTE, YOU SAY THERE WAS CONSTANT SUCCESSION OF FIRING; NOW ABOUT HOW NEAR TOGETHER WERE THE</p>	<p>REPORT WAS N'T OF GUNS DISCHARGED AT THE SAME INSTANT, BUT SUCCESSIVELY ONE AFTER THE OTHER. Q. NHOW , DO YOU THINK THERE WAS A SUCCESSIVE FIRING FOR A MINUTE? A. I DO CERTAINLY;. A. AND AS FREQUENTLY AS A WATCH WOULD TICK-?</p> <p>OBJECTED TO BY THE PROSECUTION ? Q. ABOUT HOW OFTEN? A. I COULD NOT SAY, IT CONTINUED MORE OR LESS FOR ABOUT A HALF AN HOUR. Q. I AM SPEAKING OF THAT FIR ST MINUTE. YOU SAY THERE WAS A CONSTANT SUCCESSION OF FIRING. NOW, ABOUT HOW NEAR TOGETHER WERE THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>REPORTS— STATE WHETHER THEY WERE AS OFTEN AS A WATCH WOULD TICK OR OFTENER, OR NOT SO OFTEN ? A. I COULD NOT DESCRIBE IT AT ALL, IT WOULD BE IMPOSSIBLE, THERE WAS A GREAT MANY GUNS FIRED</p> <p>ALTOGETHER, ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING OF IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGNAL. Q. COULD YOU SAY WHETHER THERE WAS FIFTY OR MORE ? A. I COULD NOT SAY WHETHER THERE WAS BETWEEN TEN AND A HUNDRED. Q. THERE IS CONSIDERABLE LATITUDE BETWEEN THAT</p>	<p>REPORTS, WHETHER</p> <p>AS OFTEN AS ≤A≥ WATCH WOULD TICK, OR OFTENER OR NOT SO OFTEN A I COULD NOT DESCRIBE IT AT ALL IT WOULD BE IMPOSSIBLE. THERE WAS GREAT MANY GUNS FIRED ALMOST ALTOGETHER, ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING OF IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGNAL. <sup>/17/338</sup> Q COULD YOU SAY WHETHER THERE WAS 50 OR MORE A I CAN NOT SAY WHETHER THERE WAS BETWEEN TEN AND A HUNDRED. A Q THERE IS CONSIDERABLE LATITUDE BETWEEN THAT</p>	<p>REPORTS, WHETHER O R NOT THEY WERE AS OFTE N AS A WATCH WOULD TICK OR OFTENER OR NOT SO OFTEN? A. I COULD NOT D<del>H</del>ESCRI<del>B</del>E AIT AT ALL. IT WOULD BE IMPOSSIN<del>B</del>LE. THERE WAS A GREAT MANY GUNS FIRED , ALMOST TOGETHER; ALMOST LIKE IT WOULD BE INTENTIONAL TO MAKE ONE FIRING <b>O</b>F IT, BUT COULD NOT DO IT FROM THE PIN POINT OR SIGNAL Q. COULD YOU SEEAY WHETHER THERE WAS FIFTY OR MORE? A. I COULD NOT SAY WHETHER THE RE WAS BETWEEN TEN OR A HUNDRED. Q. THERE IS CONSIDERABLE LATITUDE BETWEEN</p>	
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338. In the center top of the page: SLAUGHTER.

**RT**

**RS**

**BT**

**PS**

<p>QUESTION —</p> <p>AIN'T YOU AN OLD HUNTER AND YOU ARE ACCUSTOMED TO HEARING A GREAT DEAL OF FIRING, ARE YOU NOT ? <sup>[334]</sup> A. CERTAINLY I AM. Q. AND YOU HAD YOUR WITS ABOUT YOU AT THAT TIME DID YOU ? A. I SHOULD HAVE HAD THEM. Q. I WOULD LIKE TO HAVE YOU GIVE IT WHETHER THERE WAS TEN OR A HUNDRED SHOTS BY THEM ? A. I HAVE DESCRIBED THE THING ABOUT AS NEAR AS I CAN. Q. WELL, DID YOU GET ANY NEARER TO THE NB SCENE OF THE SLAUGHTER THAN YOU MENTIONED, ABOUT FIFTEEN RODS ? A. I</p>	<p>&lt;COUNT&gt;,  AIN'T YOU AN OLD HUNTER AND YOU ARE ACCUSTOMED &lt;TO&gt; HEARING A GREAT DEAL OF FIRING ARE YOU NOT A CERTAINLY I AM Q AND YOU HAD YOUR WITS ABOUT YOU THAT TIME DID YOU AI SHOULD HAVE HAD THEM Q I WOULD LIKE TO HAVE YOU GIVE IT, WHETHER THERE WAS TEN OR HUNDRED SHOTS BY THEM  AI HAVE DESCRIBED THING ABOUT &lt;AS&gt; NEAR &lt;AS&gt; I CAN. Q WELL DID YOU GET ANY NEARER TO THE SCENE OF THE SLAUGHTER THAN MENTIONED ABOUT 15 A RODS AI</p>	<p><del>BETWEEN</del> THOSE NUMBERS GIVEN IN YOUR ANSWER. ARN'T YOU AN OLD HUMTER, AND YOU ARE ACCUSTOMED TO HEARING A GOD DEAL OF FIRING , ARE YOU NOT? A. CERTAINLY I AM. <sup>[197]</sup> Q. AND YOU HAD YOUR WITS ABOUT YOU AT THAT TIME, DID YOU? A. I SHOULD HAVE HAD THEM. Q. I SHOULD LIKE TO HAVE YOU GIVE IT, WHETHER THERE WAS TEN OR A HUNDRED SHOTS, OR ABOUT THWAT? A. I HAVE DESCRIBED THE THING ABOUT AS NEAR AS I CAN. Q. W3ELL, DID YOU GET ANY NEARER TO THE SCENTE OF THE SLAUGHTER, THAN YOU MENTIONED , ABOUT I5 RODS? A. I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>GUESS I WAS  CAMPED UPON  THE TOP OF THE  RIDGE. Q. HAVE  YOU STATED  ALL YOU  SAW DONE ON  THAT DAY ? A.  THAT IS ALL I  SAW DONE  UNTIL THE  INDIANS  RUSHED FROM  THE HILL AND  THE FIRING  CEASED. Q. HOW  LONG DID THE  INDIANS  REMAIN WHERE  THE WAGONS  WERE ? A. I  EXPECT THEY  REMAINED ALL  NIGHT THERE,  OR THE  BALANCE OF  THAT DAY.  THEY WERE  THERE THE  NEXT MORNING  AT ANY  RATE. Q. ABOUT  WHAT TIME  IN THE  AFTERNOON  DID YOU SEE  THEM GO  THERE ? A. I  COULD NOT  SAY; IT WAS IN  THE  AFTERNOON I  AM  AWARE OF</p>	<p>GUESS I WAS,  CAME AT  THE TOP OF  RIDGE. Q.HAVE  YOU STATED  ALL YOU  SAW DONE ON  THAT DAY A  THAT IS ALL I  SAW DONE,  UNTIL THE  INDIANS  RUSHED FROM  HILL AND  THE FIRING  CEASED. QHOW  LONG DID  INDIANS  REMAIN WHERE  THE WAGONS  WERE AI  EXPECT THEY  REMAINED ALL  NIGHT THERE  AND THE  BALANCE OF  THAT DAY,  THEY WERE  THERE  NEXT MORNING  AT ANY —[?]  RATE QABOUT  WHAT TIME  IN  AFTERNOON  DID YOU SEE  THEM GO  THERE AI  COULD NOT  SAY IT WAS IN  THE  AFTERNOON I  AM  AWARE OF</p>	<p>GUESS I WAS. I  CAME UPON  THE TOP OF THE  RIDGE. Q. HAVE  YOU STATED  ALL YOU SAY  SAW DONE ON  THAT DAY? A.  THAT IS ALL I  SAW DONE,  TILL THE  INDIANS  RUSHED FROM  THE HILL AND  THE FIRING  CEASED. Q. HOW  LONG DID THE  INDIANS  REMAIN WHERE  THE WAGONS  WERE? A. I  EXPECT THEY  REMAINED ALL  NIGHT THERE,  AND THE  BALANCE OF  THA T DAY;  THEY WERE  THERE THE  NEXT MORNING  AT ANY  RATE. Q. ABOUT  TH WHAT TIME  IN THE  AFTERNOON  DID YOU SEE  THEM GO  THERE? A. I  COULD NOT  SAY, IT WAS IN  THE  AFTERNOON,  ASOMEWHERE  ABOUT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THAT. Q. YOU ESTIMATED THE NUMBERS</p> <p>WHEN YOU WERE ON THE STAND BEFORE AT BETWEEN FOUR AND FIVE HUNDRED INDIANS ?</p> <p>A. BETWEEN THE TWO I SHOULD JUDGE.</p> <p>Q. THEY WERE STILL THERE THE NEXT MORNING ? A. YES SIR. Q. WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS ? A. I DON'T KNOW OF THEM DOING ANYTHING, ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE, HIDING IN THE BRUSH OR THE HILLS, AND IN ROCKS. <sup>[335]</sup> Q. THAT WAS THE LABORS IN THE AFTERNOON THEN ? A.</p>	<p>THAT. Q YOU ESTIMATED THE NUMBERS <del>OF</del> THE INDIANS</p> <p>WHEN YOU WERE ON THE STAND BEFORE, AT BETWEEN 4 AND 5 HUNDRED INDIANS</p> <p>A BETWEEN THE 2 I SHOULD JUDGE THERE WAS Q</p> <p>THEY WERE STILL THERE THE NEXT MORNING A</p> <p>YES SIR Q</p> <p>WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS A I</p> <p>DON'T KNOW OF THEM DOING ANYTHING ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE, HIDING IN THE BRUSH OR HILLS AND IN ROCKS. Q</p> <p>THAT WAS THEIR LABORS IN THE AFTERNOON THEN A &lt; YES</p>	<p>THAT. Q. YOU ESTIMATED THE <del>M</del>NUMBERS OF THE INDIANS</p> <p>WHEN <del>YU</del> YOU WERE ON THE STAND BEFORE AS BETWEEN FOUR AND FIVE HUNDRED?</p> <p>A. BETWEEN THE TWO, I SHOULD JUDGE THERE WAS. Q. AND THEY WERE STILL THERE THE NEXT MORNING? A. YES SIR. Q. WHAT HAD THEY DONE NEXT MORNING TO THE WAGONS? A. I DON'T KNOW OF THEM;</p> <p>ONLY PACKING OFF EVERYTHING THAT WAS PACKABLE , AND HIDING IT IN THE BRUSH AND THE HILLS AND THE ROCKS. Q. THAT WAS THEIR LABORS IN THE AFTERNOON THEN? A. YES,</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THEY WERE AT IT THE NEXT MORNING. Q. WHAT WAS THE CHARACTER OF THE PROPERTY THEY CARRIED OFF ? A. COULD NOT TELL, ONLY IT WAS PRINCIPALLY CLOTHING. Q. WERE THE WAGONS COVERED WHEN THEY WENT THERE ? A. THEY WERE. Q. WHAT WITH ? A. WITH WAGON COVERS, THAT IS I JUDGE THEY WERE—THIS DUCKING CLOTH — DUCKING MOSTLY I GUESS, BUT I DIDN'T EXAMINE IT. WAGONS COVERS IS MADE OF ONE THING AND SOME OF ANOTHER, FITTED OUT FOR TRAVELERS. Q. WHAT BECAME OF THESE COVERS THEN,</p>	<p>AND&gt; THEY WERE AT IT THE NEXT MORNING QWHAT WAS THE CHARACTER OF PROPERTY THEY CARRIED OFF A COULD NOT TELL, ONLY IT WAS PRINCIPALLY CLOTHING. Q WERE THE WAGONS COVERED WHEN THEY WENT THERE A THEY WERE QWHAT WITH AWITH WAGON COVERS, THAT IS I JUDGE THEY WERE, THIS DUCKING CLOTH, DUCKING, MOSTLY I GUESS I DIDN'T EXAMINE. WAGON COVERS IS MADE OF ONE THING AND SOME OF ANOTHER, FITTED OUT FOR TRAVELERS Q WHAT BECAME OF THOSE COVERS THEN</p>	<p>AND THEY WERE AT IT THE NEXT MORNING. Q. WHAT <del>WAW</del> WAS THE CHARACTER OF THE PROPERTY THEY CARRIED OFF ? A. I COULDNOT TELL ONLY IT WAS PRINCIPALLY CLOTHING. Q. WERE THE WAGONS COVERED WHEN THE INDIANS WENT THERE? A. THEY WERE. <sup>[198]</sup> Q. WHAT WITH? A. WITH WQAGON COVERS; THAT IS I JUDGE THEY WERE; THIS DUCKING CLOTH — DUCKING MOSTLY, I THINK IT WAS. I DIDN'T EXAMINE THEM. <b>SOME WAGON COVERS IS ARE</b> MADE OF ONE THING AND SOME FROM ANOTHER, FITTED OUT FOR TRAVELLERS. Q. WHAT BECAME OF THESE CONVERS THEN,</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WHEN THE INDIANS WENT THERE ? A. THEY WERE STILL LEFT ON THE WAGONS, BUT NOT ALL. Q. ABOUT HOW MANY WAGONS WERE THERE ? A. I COULD NOT TELL. I MIGHT SAY ABOUT TWELVE TO FIFTEEN. I DON'T KNOW, I NEVER COUNTED THEM COULD NOT SAY DEFINITELY, MADE NO ITEM. Q. DID YOU SEE ANYTHING DONE WITH THESE WAGONS ? A. I DID. Q. WHAT WAS DONE WITH THEM ? A. I SAW TEAMS GATHERED UP, OXEN, WAGONS PUT ON THEM, HITCHED TO THESE WAGONS AND TAKEN TO CEDAR CITY. Q. UNDER WHOSE DIRECTION OR BY WHOSE COMMAND ? A.</p>	<p>WHEN THE INDIANS <sup>A</sup>THEY WERE STILL LEFT ON THE WAGONS BUT NOT ALL <sup>Q</sup> ABOUT HOW MANY WAGONS WERE THEY <sup>A</sup>I COULD NOT TELL <sup>A</sup>I MIGHT SAY ABOUT 12 TO 15, I DON'T KNOW, I NEVER COUNTED THEM, COULD NOT SAY DEFINITELY, MADE NO ITEM OF IT <sup>Q</sup>DID YOU SEE ANYTHING DONE WITH THOSE WAGONS <sup>A</sup>I DID <sup>Q</sup>WHAT WAS DONE WITH THEM <sup>A</sup>I SAW TEAMS GATHERED UP, OXEN, YOKES PUT ON THEM, HITCHED TO THESE WAGONS, TAKEN TO CEDAR CITY <sup>Q</sup> UNDER WHOSE DIRECTION OR <sup>A</sup>BY WHOSE <sup>A</sup>COMMAND</p>	<p><del>F</del>WHEN THE INDIANS WENT IN: ? A. THEY WERE STILL LEFT ON THE WAGONS BUT NOT ALL. Q. ABOUT HOW MANY WAGONS WERE <del>THEY</del>R THERE? A I COULD NOT TELL; BUT I MIGHT <del>D</del>SAY ABOUT I2 OR I5; I DON'T KNO<del>W</del>, I NEVER COUNTED THEM. I COULD NOT SAY DEFINITELY, MADE NO ITEM OF IT. Q DID YOU SEE ANYTHING <del>DONE DOWN</del> WITH THESE WAGONS? A. I DID. Q. WHAT WAS DONE WITH THEM? A. I SAW TEAMS GATHERED <del>U</del>P, OXON, YOKES PUT ON THEM, HITCHED TO THESE WAGONS AND TAKEN TO CEDAR CITY. Q. UNDER WHOSE DIRECTION OR BY WHOSE COMMAND? A.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>BY P. K. SMITH'S ORDERS AND DIRECTION. Q. WHO WENT WITH THEM ? A. I WENT WITH THEM FOR ONE AND SMITH DID. Q. YOU MEAN KLINGENSMITH ? [336] A. YES SIR. A- <del>YES SIR.</del> Q. WHERE WERE THEY PUT, IN CEDAR CITY ? A. THEY WERE DEPOSITED NEAR THE TITHING OFFICE. Q. BY WHOSE DIRECTIONS ? A. BY SMITHS. THERE IS WHERE HE ORDERED THEM TO BE  UNHITCHED  <del>CROSS-</del> EXAMINATION.  Q. ON WHAT SIDE OF THE ROAD LEADING FROM CEDAR CITY TO THE MOUNTAIN</p>	<p><del>A</del><del>BY</del> <del>KP</del> <del>PK</del> SMITH'S ORDERS AND DIRECTION Q WHO WENT WITH THEM A I WENT WITH THEM FOR ONE AND SMITH DID Q YOU MEAN KLINGENSMITH A YES SIR Q WHERE WERE THEY PUT IN CEDAR CITY A THEY WERE DEPOSITED NEAR THE TITHING OFFICE Q BY WHOSE DIRECTIONS A BY SMITH'S THERE IS WHERE HE [18] ORDERED THEM TO BE  UN HITCHED. BY DEFENSE WE ARE THROUGH WITH THE WITNESS. <u>CROSS</u> <u>EXAMINATION.</u> [space]  BASKIN. Q ON WHAT SIDE OF THE ROAD LEADING FROM CEDAR CITY TO MOUNTAIN</p>	<p>PHILIP KLINGENSMITH' S ORDERS AND DIRECTION. Q. WHO WENT WITH THEM? A. I WENT WITH THE M FOR ONE, AND SMITH DID. Q. YOU MEAN KLINGENSMITH? A. YES, SIR. Q. <del>WERE</del> WHERE WERE THEY PUT IN CEDAR CITY? A. THEY WERE DEPOSITED NEAR THE TITHING OFFICE. Q. BY WHOSE DIRECTION? A BY SMITH'S; THERE IS WHERE HE ORDERED THEM TO BE <b>UNHITCHED</b> <del>UNHITCHED.</del>  CROSS – EXAMINATION OF SAMUEL POLLOCK BY M<sup>R</sup> R.N.BASKIN: Q. ON <del>WHAT</del> <b>WHICH</b> <del>DSSIDE</del> OF THE REOAD LEADING TO THE MOUNTQIN</p>	
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**RT**

**RS**

**BT**

**PS**

<p>MEADOWS DID THIS EMIGRANT TRAIN PASS ?</p> <p>A. FROM THE EAST. Q. HOW FAR FROM THE ROAD ? A. ABOUT HALF A MILE FROM THE ROAD. Q. YOU SAY IN YOUR EXAMINATION THAT YOU THINK THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING THEIR CORRALL BEFORE THEY WERE FIRED ON ? A. I THINK SO. Q. IN WHAT DIRECTION WERE THEY MARCHING ? A. NEARLY NORTH. Q. TOWARDS WHERE YOU WERE STANDING ? A. NO, PASSED BY. Q. IN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS</p>	<p>MEADOWS ON BY[?] THIS EMIGRANT TRAIN DID YOU COME</p> <p>A. FROM THE EAST Q. HOW FAR FROM THE ROAD A</p> <p>ABOUT HALF MILE FROM THE ROAD. Q. YOU SAY IN YOUR EXAMINATION THAT YOU THINK THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING THEIR CORRAL BEFORE THEY WERE FIRED ON A I THINK SO Q. IN WHAT DIRECTION WERE THEY MARCHING A</p> <p>NEARLY NORTH Q. TOWARDS WHERE YOU WERE STANDING A. NO PASSED BY = OUT BEYOND[?] Q. IN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS</p>	<p>MEADOWS, OF OR TO THIS EMIGRANT TRAIN, DID YOU CAMP? A. FROM ON THE EAST. Q. HOW FAR FROM THE ROAD? A. ABOUT A HALF A MILE FROM THE ROAD. Q. YOU SAY SAID IN YOUR EXAMINATION BEFORE , THAT YOU <del>THINK</del> <b>THOUGHT</b> THE EMIGRANTS MARCHED NEAR A MILE AFTER LEAVING <b>THEIR</b> CORRRAL BEFORE <sup>[199]</sup> THEY WERE FIRED ON? A. I THINK SO. Q. IN WHAT DIRECTION WERE THEY MARCHING? A. NEARLY NORTH. Q. TOWARDS WHERE YOU WERE STANDING? A. NO, PASSED BY, OUT BEYOND. Q. IN THEIR MARCHING WERE THEY APPROACHING NEAR YOU AS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THEY ADVANCED OR</p> <p>GOING FROM YOU ? A. THEY HAD.PASSED THE NEAREST POINT, ABOUT HALF A MILE WAS THE NEAREST POINT. THEN IT WAS PASSED, GOING FROM US. Q. YOU STATED THAT</p> <p>YOU JUMPED UP AND WENT</p> <p>FOUR RODS UP ON THE POINT OF THAT HILL AND</p> <p>THEN YOU COULD SEE THE INDIAND RUNNING OR COMING TOWARDS THE EMIGRANTS AND AT THE TIME YOU ZSAW THEM THERE WAS ABOUT A ROD BETWEEN THEM AND THE EMIGRANTS ? A. I COULD NOT</p>	<p>THEY ADVANCED OR</p> <p>GOING FROM YOU [<i>space</i>] A THEY HAD PASSED NIGHEST POINT, ABOUT HALF MILE WAS NIGHEST POINT, THEN IT WAS PASSED GOING FROM US. Q YOU STATE THAT</p> <p>WE JUMPED UP ≤AND≥ WENT</p> <p>4 RODS UP ON THE POINT OF THAT HILL, WE &lt;YOU&gt; BELIEVE, AFTER YOU HEARD THE FIRING, AND THAT YOU SAW THE INDIANS RUNNING OR COMING TOWARDS THE EMIGRANTS, AND AT THE TIME YOU SAW THEM THERE WAS ABOUT ROD BETWEEN THEM AND THE EMIGRANTS AI COULD NOT</p>	<p>THEY ADVANCED OR WERE THEY GOING FROM YOU? A. THEY HAD PASSED THE NIGHEST POINT A ABOUT A HALF A MILE WAS THE NIGHEST POINT; THEN IT WAS PASSED GOING FROM US. Q. YOU STATED THAT, "<del>WE JUM PED UP BETWEEN FOUR RODS</del>" WE JUMPED UP AND WENT UP WITHIN ABOUT FOUR RODS UP ON THE POINT OF TH AT HILL," YOU BELIEVE AFTER YOU HEARD THE FIRING, AND THAT YOU SAW THE INDIANDS RUNNING AND COKMING TOWARDS THE E MIGRANTS, AND AT THE TIME YOU SAW THEM THERE WAS ABOUT A ROD BETWEEN THEM AND THE EMIGRANTS? A. I COULD NOT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TELL, ROD OR A HALF; IT SEEMED LIKE ABOUT THAT. <sup>[337]</sup> Q. NOW THEN WHEN YOU HEARD THE FIRST FIRE WHERE WERE YOU ? A.</p>	<p>TELL, ROD OR  HALF ROD IT SEEMED LIKE ABOUT PRETTY MUCH. Q NOW THEN WHEN YOU HEARD FIRST FIRE WERE WITH YOU A</p>	<p>TELL—ROD OR ROD AND A HALF; IT SEEMED ABOUT LIKE THAT. Q. NOW, THEN, WHEN YOU HEARD THE FIRST FIRE WHERE WEREYOU? A. I WAS WITH</p>	
<p>THEY THAT WAS WITH ME, OLD MR. YOUNG WAS WITH ME AT THE CAMP. Q. WHO ELSE ? A. NOT ANYBODY THAT I KNOW OF. [space] THERE WAS A SICK MAN LAYING UNDER COVER. Q. DO YOU REMEMBER WHO HE WAS ? A. I DO NOT KNOW. I DIDN'T KNOW HIM THEN. Q. WAS THERE ANY OTHER PERSON ELSE EXCEPT THE SICK MAN, YOUNG AND YOURSELF ? A. NOT IMMEDIATELY THERE, THERE WAS ANOTHER MAN ON THE HILL ABOUT A</p>	<p>THEY THAT WAS WITH ME, OLD MR. YOUNG WAS WITH ME AT CAMP Q WHO ELSE A NOT ANYBODY THAT I KNOW OF; THERE WAS SICK MAN LAYING UNDER COVER Q DO YOU REMEMBER WHO HE WAS A I DO NOT KNOW DIDN'T KNOW HIM THEN. Q WAS THERE ANY PERSON ELSE THERE EXCEPT SICK MAN, YOUNG AND YOURSELF A NOT IMMEDIATELY THERE, THERE WAS ANOTHER MAN ON THE HILL, ABOUT</p>	<p>THEM THAT WAS WITH ME. OLD MR. YOUNG WAS WITH ME AT THE CAMP. WHO ELSE? A. NOT ANYBODY THAT I KNOW OF. THERE WAS A SICK MAN LAYING UNDER COVER. Q. DO YOU REMEMBER WHO HE WAS? A. I DON'T KNOW, I DIDN'T KNOW HIM THEN. Q. WAS THERE ANY PERSON ÆELSE THERE EXCEPTÆ THE SICK MAN, YOUNG AND YOURSELF? A. NOT IMMEDIATELY THERE?. THERE WAS ANOTHER MAN ON THE HILL,ABOUT A</p>	

RT

RS

BT

PS

<p>QUARTER OF A MILE DISTANT. HE HAD BEEN THERE FOR SOMETIME. Q. DO YOU KNOW WHO HE WAS ? A. HE WAS A WHITE MAN. Q. LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARD THE FIRST SHOT FIRED OR THAT VOLLEY ? A. WE WAS AT CAMP AT THE SPRING. Q. FROM WHERE YOU WERE COULD YOU SEE THE EMIGRANTS ? A. NO SIR. Q. NOW HOW FAR DID YOU HAVE TO GO OR RUN OR GO BEFORE YOU WOULD SEE THEM ? A. ABOUT THREE OR FOUR RODS. Q. WERE YOU STANDING UP OR SITTING DOWN ? A. I WAS STANDING WHEN IT</p>	<p>QUARTER &lt;OF A &gt;MILE DISTANCE, HAD BEEN THERE FOR SOME TIME Q DO YOU KNOW WHO HE WAS A HE WAS A WHITE MAN Q LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARD FIRST SHOT, FIRED THAT VOLLEY A WE WAS AT CAMP, AT THE SPRING Q FROM WHERE YOU WERE, COULD NOT YOU SEE THE EMIGRANTS A NO SIR Q NOW HOW FAR DID YOU HAVE TO RUN OR GO BEFORE YOU COULD SEE THEM A ABOUT 3 OR 4 RODS Q WERE YOU &lt;THEN STANDING UP &gt; SITTING UP OR STANDING/SITTIN G[?] 339 DOWN A I WAS STANDING WHEN IT</p>	<p>QUARTER OF A MILE DISTANT.  Q. DID YOU KNOW WHO HE WAS? A. HE WAS A WHITEMAN. Q. LET ME ASK YOU WHERE YOU WERE AT THE TIME YOU HEARD THE FIRST SHOT— THE FIRING OF THAT VOLLEY? A. WE WAS AT CAMP, AT THE SPRING. Q. FROM WHERE YOU WERE COULD NOT YOU SEE THE EMIGRANTS? A. NO, SIR. Q. NOW , HOW FAR DID H YOU HAVE TO RUN OR GO BEFORE YOU COULD SEE THEM? A. ABOUT THREE OR FOUR RODS. [200] Q. WERE YOU STANDING UP OR SITTING DOWN? A. I WAS STANDING, WHEN THEY</p>	
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339. “STANDING” written over “SITTING” or vice versa.



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

<p>WAS FIRED.  Q. WHAT DID YOU DO ? A. I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON.  Q. WHEN YOU GOT UP OVER THE HILL WHAT DID YOU SEE ?  <sup>[338]</sup> A. SAW A CLOUD OF SMOKE. Q. DID THE INDIANS CONTINUE TO ADVANCE ? A. THEY CONTINUED TO ADVANCE TILL THE WHOLE THING WAS ENVELOPED WITH INDIANS.  Q. WHAT WERE THE WHITE MEN DOING ? A. DOING NOTHING BUT STANDING STILL. Q. DID THE INDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING ? A. THEY SEEMED TO BE AHEAD OF THE WHITE MEN, AHEAD OF ALL THE WHITE MEN. Q. HOW FAR AHEAD OF THE</p>	<p>WAS FIRED  Q WHAT DID YOU DO A I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON  Q WHEN YOU GOT UP OVER HILL, WHAT DID YOU SEE  A SAW <del>A</del> CLOUD OF SMOKE Q HAD INDIANS CONTINUED TO ADVANCE A THEY CONTINUED TO ADVANCE TILL <del>THE</del> WHOLE THING WAS ENVELOPED WITH INDIANS  Q WHAT WERE WHITE MEN DOING A NOTHING BUT STANDING STILL. Q DID INDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING A THEY SEEMED TO BE AHEAD OF THE WHITE MEN = AHEAD OF ALL THE WHITE MEN. Q HOW FAR AHEAD OF</p>	<p>WERE FIRING.  Q. WHAT DID YOU DO? A. I JUMPED AND RAN AROUND TO SEE WHAT WAS GOING ON.  Q. WHEN YOU GOT UP OVER THEHILL WHAT DID YOU SEE?  A. SAW A CLOUD OF SMOKE. Q. DID THE INDIANS CONTINUE TO <del>S</del>ADVANCE? A: THEY CONTINUED TO ADVANCE TILL THE WHOLE THING WAS INVELOPED WITH INDIANS.  Q. WHAT WERE THE WHITE MEN DOING? A. NOTHING BUT STANDING STILL. Q. DID THE INDIANS RUSH IN TO WHERE THE WHITE MEN WERE STANDING? A. THEY SEEMED TO BE AHEAD OF THE WHITE MEN, AHEAD OF ALL THE WHITE MEN. Q. HOW FAR AHEAD OF THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>WHITE MEN WERE THE WOMEN ? A. WELL I COULD NOT SEE ANY SPACE BETWEEN THEM. Q. ABOUT HOW FAR WAS THE COLUMN OF MEN ? A. I COULD NOT TELL ABOUT THAT DISTANCE, MIGHT HAVE BEEN FIFTY TO SEVENTY FIVE YARDS. Q. THEN IT WAS THE HEAD OF THE COLUMN WHERE THE WOMEN WERE THAT YOU SAW THE INDIANS RUSH IN ? A. IT SEEMED TO ME SO. Q. AND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE OTHER END ? A. YES SIR Q. WHERE ABOUTS WERE THE EMIGRANT MEN WITH REFERENCE TO THE SOLDIERS THAT WENT OUT ? A.</p>	<p>WHITE MEN WERE THE WOMEN A WELL I COULD SEE NO/ANY[?] SPACE BETWEEN THEM QABOUT HOW FAR WAS THE COLUMN OF MEN &lt;FROM THE WOMEN&gt; [19] AI COULD NOT TELL ABOUT THAT DISTANCE, MIGHT HAVE BEEN 50 OR 75 YARDS/RODS[?] QTHEN IT WAS THE HEAD OF THE COLUMN WHERE WOMEN WERE THAT YOU SAW THE INDIANS RUSH IN &lt;A&gt;IT SEEMED TO ME SO&gt; QAND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE FURTHER END AYES SIR QNOW THEN WHERE ABOUTS WAS THE EMIGRANT MEN WITH REFERENCE TO THE SOLDIERS THAT WENT OUT A</p>	<p>WHITE MEN WERE THE WOMEN? A . WELL, I COULDNOT SEE ANY SPACE BETWEEN THEM. Q. ABOUT HOW FAR WAS THE COLUMN OF MEN DFROM THE WOMEN? A. I COULDNOT TELL-, ABOUT THAT DISTANCE; IT MAY HAVE BEEN FIFTY OR SEVENTY FIVE YARDS. Q. THEN IT WAS THE HEAD OF THE COLUMN WHERE THE MEN WERE, THAT YOU SAW THE INDIANS RUSH IN? A. IT SEEMED TO ME SO. Q. AND THE SOLDIERS THAT WENT OUT WITH YOU WERE AT THE VERY END? A. YES, SIR. Q. NOW WHERE ABOUTS WERE THE EMIGRANT MEN WITH REFERENCE W TO THE SOLDIERS THAT WENT OUT? A.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THEY WERE JUST IN BEHIND THE WAGONS, AS THAT I OBSERVED WAS THE NEAREST POINT. Q. LET THAT REPRESENT THE SOLDIERS THAT YOU SPEAK OF —</p> <p>WHERE WERE THE SOLDIERS WITH REFERENCE TO THE EMIGRANT TRAIN ? <sup>[339]</sup> A. THEY WERE AHEAD, RIGHT AFTER THE WOMEN, SOME OF THESE MEN MIGHT HAVE BEEN ALONGSIDE OF THE EMIGRANTS. Q. THEY WERE TOWARDS THE CORRALL HERE, WHERE THE INDIANS RUSHED OUT A. ? YES SIR. Q. NOW THEN DID YOU SEE THE INDIANS ATTACK ANY OF</p>	<p>THEY WERE JUST RIGHT ON BEHIND THE WAGONS, AS THAT <del>WE</del> OBSERVED THEM <del>AT THE</del> NIGHTEST POINT. Q. LET THAT LINE REPRESENT THE SOLDIERS, YOU SPEAK WITH REFERENCE TO THEM AND, WHERE WERE SOLDIERS TO EMIGRANT TRAIN A. THEY WERE AHEAD RIGHT AFTER THE WOMEN, SOME OF THESE MEN MIGHT HAVE BEEN ALONGSIDE OF THE EMIGRANTS Q. THEY WERE TOWARDS CORRAL HERE WHERE THE INDIANS RUSHED OUT A. YES SIR. Q. NOW THEN DID YOU SEE THE INDIANS ATTACK ANY OF</p>	<p>THEY WERE JOINED RIGHT ON BEHIND THE WAGONS AS WE OBSERVED THEM AT THE NIGHTEST POINT : Q. LET THAT LINE REPRESENT THE SOLDIERS THAT YOU SPOKE OF: WITH REFERENCE TO THEM, WHERE WERE THE SOLDIERS TO THE EMIGRANT TRAIN? A. THEY WERE RIGHT HAHEAD AFTER THE WONEN. SOME OF THESE MEN MAY HAVE BEEN ALONG SIDE OF THE EMIGRANTS. Q. THEY WERE TOWARDS THE CORRAL HERE WHERE THE INDIANS RUSHED OUT? A. YES, SIR. <sup>[201]</sup> Q. NOW, THE E7N, DID YOU SEE ANY OF THE INDIANS ATTACK ANY OF</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THE MEN THERE ? A. AI COULD NOT TELL. Q. DIDN'T YOU SEE THEM ATTACK THE WOMEN ? A. I DIDN'T SEE THEM ATTACK. COULD NOT TELL THE DISTANCE WHEN THEY MADE THE ATTACK. Q. ABOUT WHERE WERE THE WOMEN WHILE YOU WERE STANDING AROUND THERE, OR WHILE YOU WERE LYING IN CAMP — DID YOU SEE THE INDIANS FREQUENTLY A. ONLY THE TIME THEY CAME IN WITH LEE. Q. HOW MANY DID YOU SEE SAY THERE WAS THERE ? A. EIGHT OR TEN CAME WITH LEE. Q. WERE THEY ARMED ? A. YES SIR. Q. WITH WHAT ? A. BOWS, ARROWS,</p>	<p>THE MEN THERE AI COULD NOT TELL Q DIDN'T YOU SEE THEM ATTACK THE WOMEN AI DIDN'T SEE THEM ATTACK, COULD NOT TELL THE DISTANCE WHEN THEY MADE THE ATTACK. Q ABOUT WHERE THE WOMEN WERE WHILE YOU WERE STANDING AROUND &lt;THERE.&gt; WHILE YOU WERE LYING IN CAMP DID YOU SEE THE INDIANS FREQUENTLY A ONLY THE TIME THEY CAME IN WITH LEE Q HOW MANY DID YOU SAY THERE WAS THERE A 8 OR 10 CAME WITH LEE. Q WERE THEY ARMED A YES SIR Q WITH WHAT A BOWS ARROWS</p>	<p>THE MEN THERE? A I COULD NOT TELL. Q. DIDN'T YOU SEE THE M ATTACK THE WOMEN? A. I DIDN'T SEE THEM <del>WHEN</del> ATTACKED; I COULDNOT TELL FROM THE DISTANCE WHEN THEY MADE THE ATTACK Q. ABOUT WHERE WERE THE WOMEN WHILE YOU WERE STANDING AROUND THERE, OR WHILE YOU WERE LYING IN CAMP? DID YOU SEE THE INDIANS FREQUENTLY? A. ONLY THE TIME THEY CAME IN WITH LEE. Q. HOW MANY DID YOU SAY THERE WAS THERE? A. EIGHT OR TEN CAME WITH LEE. Q WERE THEY ARMED? A. YES, SIR. Q. WITH WHAT? A BOWS, ARROWS, AND</p>	
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**RT**

**RS**

**BT**

**PS**

<p>GUNS. Q. HOW MANY GUNS HAD THEY ? A. I COULD NOT SAY. Q. HOW WERE THE INDIANS THAT RUSHED IN ON THE WOMEN ARMED ? A. I COULD NOT TELL, THE DISTANCE WAS GREAT. Q. DID YOU SEE THE INDIANS THAT WERE THERE FIRE ANY SHOTS, OR DID THEY SHOOT WITH BOWS AND ARROWS ? A. THERE WAS GUNS, BUT I DIDN'T SEE THE INDIANS FIRE ANY SHOTS, COULD <sup>[340]</sup> NOT TELL. Q. YOU COULD NOT TELL WHETHER THEY WERE ARMED WITH GUNS OR BOWS AND ARROWS ? A. I COULD NOT. Q. THEN WHEN YOU FIRST SAW THE INDIANS THEY WERE ON THE HILL TOWARDS THE POINT WHERE</p>	<p>GUNS QHOW MANY GUNS HAD THEY AI COULD NOT SAY HOW WERE THE INDIANS THAT RUSHED IN ON THE WOMEN ARMED AI COULD NOT TELL, THE DISTANCE WAS TOO GREAT QDID YOU SEE THE INDIANS THEY COULD[?] FIRE ANY SHOTS OR DID THEY SHOOT WITH BOWS ARROWS A THERE WAS GUNS, BUT I DIDN'T SEE &lt;THE&gt; INDIANS FIRE ANY SHOTS, COULD NOT TELL Q COULD NOT TELL WHETHER THEY WERE ARMED WITH GUNS, BOWS AND ARROWS AI COULD NOT QTHEN WHEN YOU FIRST SAW THE INDIANS, THEY WERE ON THE HILL TOWARDS THE POINT WHERE</p>	<p>GUNS. Q. HOW MANY GUNS HAD THEY? A. I COULD NOT SAY. Q HOW WERE THE INDIANS THAT RUSHED IN ON THE WOMEN ARMED? A. I COULD NOT TELL, THE DISTANCE WAS TOO GREAT. . Q. DID YOU SEE THE INDIANS ? A- THAT WERE THERE FIRE ANY SHOTS; OR DID THEY DO SHOOTING WITH BOWS AND ARROWS ? A. THERE WAS GUNS, BUT I DIDN'T SEE THE INDIANS FIRE ANY SHOTS; I COULD NOT TELL. Q. COULD YOU TELL WHETHER THEY WERE ARMED WITH GUNS, OR BOWS AND ARROWS? A. I COULD NOT. Q. THEN WHEN YOU SAW THE INDIANS, THEY WERE ON THE HILLS TOWARDS WHERE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THE WOMEN WERE ? A. IN CLOSE PROXIMITY TO THEM. Q. AFTER THEY CAME IN THERE BEHIND THEY ALL MIXED, WHITE MEN AND INDIANS—ALL CONFUSION.? A. I COULD NOT SEE NO DISTANCE. Q. DID ANY OF THE PARTIES THAT WENT OUT WITH YOU GET AHEAD ? A. NO, NOT THAT I KNOW OF; NEVER HEARD OF ANYTHING OF THE KIND. Q. NOW THEN LET THAT ROW REPRESENT THE SOLDIERS YOU SPEAK OF THAT WENT OUT THERE—WHERE DID THE EMIGRANT MEN — LET ME ASK YOU THE QUESTION — STAND, WITH REFERENCE TO THOSE MEN ?</p>	<p>THE WOMEN WERE ? <sup>A</sup>IN CLOSE PROXIMITY TO THEM <sup>Q</sup>AFTER THEY CAME IN THERE DIDN'T THEY ALL MIX, WHITE MEN INDIANS, ALL CONFUSION? <sup>A</sup>I COULD NOT SEE NO <sup>≡</sup>DIFFERENCE<sup>≡</sup> DISTANCE. <sup>Q</sup> DID ANY OF THE PARTIES WHO WENT OUT WITH YOU GET HIT <sup>A</sup> NOT THAT I KNOW OF NEVER HEARD OF ANYTHING OF THE KIND. <sup>Q</sup>NOW THEN LETTING THAT ROW REPRESENT SOLDIERS YOU SPOKE OF THAT WENT OUT THERE, WHERE DID THE EMIGRANT MEN LET ME ASK THE QUESTION, STAND WITH REFERENCE TO THOSE MEN &lt;(COUNSELOR</p>	<p>THE WOMEN WERE? A. IN CLOSE PROXIMITY. Q. AFTER THEM<sup>Y</sup> CAME IN THERE, DIDN'T THEY ALL MIX<sup>;</sup>, WHITEMEN, <del>IN</del> <del>DI</del><sup>S</sup> AND INDIANS, ALL CONFUSION? A. I COULD NOT SEE O<sup>R</sup> TELL THE DI FFERENCE Q. DID ANY OF THE PARTIES WHO WENT OUT WITH YOU GET HIT? A. NOT THAT KNOW OF; NEVER HEARD OF ANYTHING OF THE KIND. Q. NOW, THEN LET THAT <del>R</del>ROW REPRESENT THE SOLDIERS YOU SPOKE OF THAT WENT OUT THERE; WHERE DID THE EMIGRANT MEN, — LET ME ASK THE QUESTION,— SATAND WITH REFERENCE TO THESE MEN?</p>	
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**RT**

**RS**

**BT**

**PS**

<p>A. SOME OF THEM WERE IN ADVANCE AND SOME OF THEM ALONGSIDE, A PORTION OF THEM.</p> <p>Q. IN WHAT DIRECTION DID THE INDIANS RUSH IN WITH REFERENCE TO THIS LINE— WHAT POSITION WERE THEY IN AT THE TIME OF THE FIRING ?</p> <p>A. NEXT TO THIS.</p> <p>Q. WHEN THEY PASSED THE NEAREST POINT OF THE ROAD, SUPPOSING THIS REPRESENTS THE SOLDIERS AND THIS LINE REPRESENTS THE EMIGRANTS DID THE INDIANS COME IN HERE,</p> <p>THAT WAY, THAT WAY OR THAT WAY</p> <p>∴.POINTING ∴. A.</p>	<p>POINTING TO JURY)&gt; A SOME OF THEM WERE IN ADVANCE, AND SOME OF THEM ALONGSIDE, A PORTION OF THEM LEADING</p> <p>Q IN WHAT DIRECTION DID THE INDIANS RUSH IN WITH REFERENCE TO THIS LINE; WHAT POSITION THEY WERE IN TIME FIRING</p> <p>A NEXT TO THESE</p> <p>Q WHEN THEY PASSED NIGHEST POINT OF THE ROAD = SUPPOSING THIS REPRESENTS THE SOLDIERS, THIS LINE REPRESENTS EMIGRANTS, DID &lt;THE&gt; INDIANS COME IN HERE,</p> <p>THAT WAY THAT WAY OR THAT WAY</p> <p>A</p>	<p>(POINTING TO JURY) A. SOME OF THEM WERE IN ADVANCE, AND SOME OF THEM ALONG SIDE; <del>A POR</del> <sup>[202]</sup> A PORTION OF THEM A LITTLE.</p> <p>Q. IN WHAT DIRECTION DID THE INDIANS RUSH IN WITH RE FERENCE TO THIS LINE; WHAT POSITION WERE THEY IN AT THE TIME OF THE FIRING?</p> <p>A. NEXT TO THESE.</p> <p>(INDICATING) Q. WHEN THEY PASSED THE NEAREÐST POINT OF THE ROAD, SUPPOSING THIS REPRESENTS (ILLUSTRATING ) THE SOLDIERS, AND THIS <del>LINE</del> REPRESENTS THE EMIGRANTS, DID THE INDIANS COME IN HERE (INDICATING) THAT WAY , THAT WAY OR THAT WAY-?</p> <p>A.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION <sup>[341]</sup> Q. .THEN AGAIN IF THE INDIANS AFTER THEY HAD FIRED— WAS THE WHITE SOLDIERS NEXT TO THE INDIANS, OR WERE THE EMIGRANTS BETWEEN THEM AND THE INDIANS ? A. THE EMIGRANTS WERE ON THE LEFT HAND SIDE. Q. IF THEY WERE ALONGSIDE THEN THE SOLDIERS WERE AT THE LEFT OF THE INDIANS ? A. THEY CAME IN AT THAT SIDE. Q. AFTER <del>IF</del> THE INDIANS HAD FIRED IN UPON THE RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS ? A. I STATED WHEN THEY PASSED THE NEAREST POINT OF THE</p>	<p>ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION Q THEN AGAIN, <i>ALL</i>[?] THE INDIANS <sup>[20]</sup> <i>IF/AFTER</i>[?] THERE HAD BEEN FIRED = WAS THE WHITE SOLDIERS NEXT TO THE INDIANS, OR WAS THE EMIGRANTS BETWEEN <del>THEM</del> AND THE INDIANS A EMIGRANTS WAS ON THE LEFT HAND SIDE Q IF THEY WERE ALONGSIDE, THEN THE SOLDIERS WERE AT THE LEFT OF THE INDIANS A THEY CAME IN AT THAT SIDE. Q IF THE INDIANS HAD FIRED IN UPON THE RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS A I STATED WHEN THEY PASSED THE NIGHEST POINT OF THE</p>	<p>ALL THAT I SAW CAME IN FROM THE SOUTH DIRECTION. Q. THEN AGAIN ALL THE INDIANS AFTER THE  FIRING— WAS THE WHITE SOLDIERS NEXT TO THE INDIANS OR WAS THE EMIGRANTS BETWEEN THEM AND THE INDIANS? A. THE EMIGRANTS WERE ON THE LEFT HAND SIDE. Q. IF THEY WERE ALONG THE SIDE, THEN THE SOLDIERS WERE AT THE LEFT OF THE INDIANS? A. THEY CAME IN AT THAT SIDE. Q. IF THE INDIANS HAD FIRED IN UPON THEIR RANKS THEY WOULD HAVE HIT THE WHITE SOLDIERS? A. I STATED WHEN THEY PASSED THE NIGHEST POINT OF THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ROAD. THAT IS THE POSITION OF ABOUT HALF OF THE WHITE MEN — ALONGSIDE POSITION.</p>	<p>ROAD THAT IS THE POSITION OF ABOUT HALF OF WHITE MEN, ALONGSIDE <math>\leq</math>AS THEY<math>\gt</math> PASSED.</p>	<p>ROAD, THAT IS THE POSITION OF ABOUT HALDF OF THE WHITE MEN, ALONG SIDE AS THEY PASSED. <b>(ILLUSTRATING</b></p>	
<p>Q. WHAT POSITION ?</p>	<p><math>\circ</math>WHAT POSITION SEEMS BY</p>	<p>) Q. WHAT POSITION?</p>	
<p>BASKIN.: THEY WOULD HAVE HAD TO HAVE FIRED OBLIQUELY BACK. Q. DID YOU SEE ANY WHITE SOLDIERS INJURED OR WOUNDED THERE ? A. I DID NOT THERE. COURT: WAS THERE ANY NOISE BESIDES THE HOLLERING OF THE INDIANS ? A. YES SIR, SCREAMING AND YELLING, WE SUPPOSED IT WAS THE INDIANS. Q. DID YOU HEAR ANY SHRIEKS OF INDIANS ? A. COULD NOT DISTINGUISH ANYTHING</p>	<p>BASKIN THEY WOULD HAVE TO FIRE OBLIQUELY BACK <math>\circ</math>DID YOU SEE ANY WHITE SOLDIER INJURED OR WOUNDED THERE <math>\text{\AA}</math> DID THERE. BY COURT WAS THERE ANY NOISE BESIDES THE HOLLERING OF INDIANS <math>\text{\AA}</math>YES SIR <math>\text{\AA}</math>SCREAMING AND YELLING, WE SUPPOSED IT WAS THE INDIANS <math>\circ</math>DID YOU HEAR ANY SHRIEKS OF INFANTS <math>\text{\AA}</math> COULD NOT DISTINGUISH ANYTHING</p>	<p>A. THEY WOULD HAVE TO FIRE OBLIQUELY BACK. Q. DID YOU SEE ANY WHITE SOLDIERS INJURED OR WOUNDED THERE.? A. I DID <b>NOT</b> <del>THE</del> THE COURT: WAS THERE ANY NOISE BESIDES THE <del>H</del>HOLLOWING OF THE INDIANS? A YES, SIR, SCREAMING AND YELLING. WE SUPPOSED IT WAS THE INDIANS. Q. DID YOU HEAR ANY SHRIEKS OF INFANTS? A. I COULD NOT DISTINGUSIH ANYTHING</p>	

**RT**

**RS**

**BT**

**PS**

<p>PARTICULAR. [space]</p> <p>[342] WILLIAM YOUNG</p> <p>RECALLED FOR DEFENSE.</p> <p>Q. MR. YOUNG, YOU STATED THE OTHER DAY YOU WAS AT THE MOUNTAIN MEADOWS— WHEN WAS THAT ? A. I DON'T KNOW AS I CAN RECOLLECT THE</p>	<p>PARTICULARLY. [space] BY DEFENSE HAVE YOU ANY OBJECTION MR. POLLOCK LEAVING FOR HOME, BY BOTH SIDES</p> <p>NO. [space] <u>WILLIAM</u> <u>YOUNG</u></p> <p>BY COURT IN ORDER TO SAVE TIME GO OVER AS LITTLE OF OLD GROUND</p> <p>AS POSSIBLE Q MR. YOUNG, YOU STATED OTHER DAY YOU WAS AT MOUNTAIN MEADOWS; WHEN WAS THAT A I DON'T KNOW AS I CAN RECALL</p>	<p>PARTICULAR. M<sup>R</sup> SUTHERLAND: HAVE YOU ANY OBJECTIONS TO OF MR. POLLOCKS LEAVING FOR HOME. COUNSEL ON BOTH SIDES RESPONDED, “NO”. [203] WILLIAM YOUNG BEING <del>SWORN CALLED</del> AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS: BY M<sup>R</sup> SUTHERLAND: BY COURT: IN ORDER TO SAVE TIME TRY AND GO OVER AS LITTLE OF THE GROUND AS HAS BEEN GONE OVER BEFORE, AS POSSIBLE. Q. MR. YOUNG, YOU STATED THE OTHER DAY THAT YOU WERE AT THE MORUNTAIN MEADOWS. WHEN WAS THAT? A. I DON'T KNOW AS I CAN RECOLLECT THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DATE, SOMETIME IN SEPTEMBER 1857 I BELIEVE. Q. WELL, WHO DID YOU SEE THERE BESIDES YOURSELF ? A. WELL I SAW JOHN D. LEE THERE. Q. WHO ELSE ? WIT.: YOU MEAN WHEN I GOT THERE. Q. AFTER YOU WERE THERE ? A. I SAW JOHN D. LEE AND OSCAR HAMBLIN. Q. ANYONE ELSE ? A. I SAW WHILE I WAS THERE JOHN M. HIGBEE. Q. DID YOU SEE MR. LEE AND MR. HIGBEE TOGETHER ? A. YES. Q. STATE WHAT YOU SAW THERE AT THE TIME YOU SAW THEM TOGETHER AND WHAT YOU SAW MR. LEE DO ? A. I WALKED OUT FROM WHERE I STOOD BACK AND FORTH, IN THE MORNING AND {✓}P WALKED BEFORE.</p>	<p>DAY, SOMETIME IN SEPTEMBER 1857 I BELIEVE Q WELL, WHO DID YOU SEE THERE BESIDES YOURSELF ? A WELL I SAW JOHN D. LEE THERE Q WHO ELSE A YOU MEAN WHEN I GOT THERE Q AFTER YOU WERE THERE A I SAW JOHN D. LEE AND OSCAR HAMBLIN Q ANYONE ELSE A I SAW WHILE I WAS THERE J M HIGBEE Q DID YOU SEE MR. LEE AND MR. HIGBEE TOGETHER ? A ≤YES≥ Q STATE WHAT YOU SAW THERE AT THE TIME YOU SAW THEM TOGETHER; WELL WHAT YOU SEE MR. LEE DO A I WALKED OUT WHERE I STOOD BACK AND FORTH IN THE MORNING  WALKED BEFORE.</p>	<p>DAY; SOMETIME IN SEPTEMBER, //57, I BELIEVE. Q. WELL, WHOM DID YOU SEE THERE BESIDES YOURSELF? A. WELL, I SAW JOHN D . LEE THERE. Q. WHO EØLSE? A. YOU MEAN WHEN I GOT THERE? Q. AFTER YOU WERE THERE? A. I SAW JOHND. LEE AND OSCAR HAMBLIN. Q. ANY ONE ELSE? A. I SAW WHILE I WAS THERE, JOHN M. HIGBEE. Q . DID YOU SEE MR. LEE AND MR. HIGBEE THERE TOGETHER? A. YES . Q. STATE WHAT YOU SZA W THERE AT THE T IME YOU SAW THEM TOGETHER— WHAT YOU SAW MR. LEE DO? A. I WALKED OUT FROM HWHERE I STOOD, BACK AND FORTH IN THE MORNING — WALKED BACK AND FORTH /.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>JOHN M. HIGBEE WAS HOLDING SOME KIND OF A PAPER; WE WERE STANDING PRETTY CLOSE TOGETHER. I WALKED UP AND I SAW JOHN D. LEE HAND SOME PIECE OF PAPER, SOMETHING IN THE FORM OF A LETTER; I DID NOT KNOW THE CONTENTS OF IT NOR WHAT WAS IN IT; I GOT A LITTLE PIECE OFF, I HEARD JOHN D. LEE STATE. BASKIN: WE OBJECT. DEFENSE ASKED FOR THE GROUNDS OF THE OBJECTION. <i>[343]</i></p> <p>PROSECUTION: IT IS THE SAME WE OBJECTED TO BEFORE. Q. HOW MANY DAYS WAS THIS BEFORE THE MASSACRE,</p>	<p>J M HIGBEE WAS HOLDING SOME KIND OF PAPER; WE WAS STANDING PRETTY CLOSE TOGETHER, I WALKED UP. AND I SAW JOHN D. LEE HAND HIM PIECE OF PAPER SEEMED TO BE IN FORM OF LETTER, I DID NOT KNOW CONTENTS OF IT, NOR WHAT WAS IN IT, I GOT A LITTLE PIECE OF; I HEARD JOHN D. LEE STATE BASKIN I OBJECT</p> <p>HOGE STATE YOUR OBJECTIONS.</p> <p>≤BASKIN IT IS THE SAME WE PREVIOUSLY HAD≥ QHOW MANY DAYS ≤WAS THIS≥ BEFORE THE MASSACRE WAS</p>	<p>JOH N ĐM. HIGBEE WAS HOLDING SOME KIND OF A PAPER IN HIS HANDS. THEY WAS STANDING PRETTY CLOSE TOGETHER. I WALKED UP. I SAW JOHN D. LEE HAND HIM A PIECE OF A PAPER FROM SOMEBODY IN THE FROORM OF A LETTER. I DON'T KNOW THE CONTENTS OF IT, HNOR WHAT WAS IN IT. I GOT A LITTLE PIEVCE OF WHAT WAS IN; I HEARD JOHN D. LEE STATE————— M<sup>R</sup> BASKIN: WE OBJECT TO THAT. M<sup>R</sup> HOGE: STATE YOUR OBJECTIONS.</p> <p>M<sup>R</sup> BASKIN: IT IS THE SAME THAT WE RAI<sup>V</sup>SED BEFORE. (NO RULING) Q. HOW MANY D<sup>I</sup>AYS BEFORE THE MASSACRE WAS</p>	
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**RT**

**RS**

**BT**

**PS**

<p>MR. YOUNG ? A. I THINK THAT WAS THE FORE PART OF THE DAY AS WELL AS I CAN RECOLLECT, AND THE NEXT EVENING THE MASSACRE OCCURRED. HOGE: WHEN DID YOU SEE MR. HIGBEE NEXT TIME ? A. NEXT TIME I SAW HIM HE CAME PAST ME THE NEXT DAY, AFTER I SAW THEM TOGETHER , SOMETHING NOT FAR FROM THE NEXT DAY TO THE BEST OF MY RECOLLECTION. Q. WHERE DID YOU SEE HIM ? A. I SAW HIM ABOUT NEAR THE CAMP, WHERE LEE HAD CAMPED, AT THE SPRING. Q. WHO WAS WITH HIM, IF ANYONE ? A. I SAW BISHOP KLINGENSMITH, . WITH JOHN M.</p>	<p>THAT MR. YOUNG <sup>A</sup>I THINK THAT WAS THE FOREPART OF THE DAY AS WELL AS I CAN RECOLLECT NEXT EVENING MASSACRE OCCURRED <del>BASKIN</del> HOGE <sup>Q</sup> WHEN DID YOU SEE MR. HIGBEE NEXT TIME <sup>A</sup>NEXT TIME I SAW HIM; CAME PAST ME NEXT DAY AFTER I SAW THEM TOGETHER , SOMETHING NOT FAR FROM NEXT DAY; BEST OF MY RECOLLECTION <sup>Q</sup>WHERE DID YOU SEE HIM ? <sup>A</sup> I SAW HIM ABOUT NEAR THE CAMP WHERE LEE HAD CAMPED <del>WHERE</del> <del>≤AT THE≥</del> SPRING <sup>Q</sup>WHO WAS WITH HIM IF ANYONE <sup>A</sup> I SAW BISHOP KLINGENSMITH <sup>[21]</sup> WITH J M</p>	<p>THAT MR. YOUNG? A . I THINK THAT WAS THE <b>FORE</b> <del>FARE</del> PART OF THE DAY AS WELL AS I CAN RECOLLECT. NEXT <del>EN</del>VENING THE MASSACREE OCCURRED. <sup>[204]</sup> Q. (<b>BY M<sup>R</sup></b> HOGE) WHEN DID YOU SEE MR. HIGBEE, THE NEXT TIME? A. THE NEXT T IME I SAW HIM — HE CAME PAST ME THE <del>THE</del> NEXT DAY AFTER I SAW THEM TOGETHER; SOMETHING NORT FAR FROM THE NEXT <del>E</del>DAY TO THE BEST OF MY RECOLLECTION. Q. WHERE DID YOU SEE HIM? A. I SAW HIM ABOUT NEAR THE CAMP, WHERE LEE HAD CAMPED AT THE SPRING. Q. WHO WAS WITH HIM IF ANYBODY? A. I SAW BISHOP KLINGENSMITH <del>M</del> AND <del>H</del> JOHN</p>	
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**RT**

**RS**

**BT**

**PS**

<p>HIGBEE. Q. ANYONE ELSE ? A. YES, I THINK I SAW, BUT I AM NOT CERTAIN, A MAN BY THE NAME OF WHITE, THAT IS MY MIND. Q. I WILL CALL YOUR ATTENTION BACK TO WHAT YOU WERE SPEAKING OF JUST BEFORE AS TO THE TIME OF THE DAY IN THE FIRST PLACE, THAT YOU ARRIVED THERE, AND IN THE PRESENCE OF JOHN M. HIGBEE ? A. WELL, HE WAS STANDING TALKING; I SAID JOHN M. HIGBEE HANDED A LETTER Q. I WANT YOU — —  OBJECTED TO BY PROSECUTION ON THE</p>	<p>HIGBEE <sub>Q</sub> ANYONE ELSE, <sub>A</sub>WELL I THINK I SAW = BUT I AIN'T CERTAIN = MAN BY NAME OF WHITE, <sub>≠</sub>THAT IS MY MIND<sub>≧</sub> <sub>Q</sub>I WILL CALL YOUR ATTENTION BACK TO WHAT YOU WAS SPEAKING OF, JUST BEFORE WHAT YOU SAW HIM DO; IN THE FIRST PLACE YOU CAN REPEAT THAT <sub>≠</sub>WHAT[?] SAW HIM DO<sub>≧</sub> IN THE PRESENCE OF J M HIGBEE <sub>A</sub> WELL HE WAS STANDING TALKING, HE SAID J M HIGBEE HANDED A LETTER <sub>Q</sub>I WANT YOU TO <sub>≠*</sub>  BY HOGE <sub>≠</sub>NOW WHAT IS<sub>≧</sub> YOUR OBJECTION. <sub>≠</sub>B PROSECUTION<sub>≧</sub> WE OBJECT</p>	<p>M. HIGBEE. Q. ANYBODY ELSE? A. WELL, I THINK I SAW, <sub>≠</sub>BUT I AINT CERTAIN, A MAN BY THE NAME OF WHITE; THAT IS MY MIND. Q. I WILL CALL YOUR ATTENTION BACK TO WHAT YOU WERE SPEAKING OF JUST BEFORE WHAT YOU SA<sub>≠</sub>W HIM DO. IN THE FIRST PLACE YOU CAN REPEAT THAT WHAT YOU SAW HIM DO IN THE PRESENCE OF JOHN M: HIGBEE? A. WELL, HE WAS STAN<sub>≠</sub>EDING TALKING; HE SAID JOHN M: HIGBEE HANDED <b>HIM</b> <del>HIM</del> THE LETTER. Q. I WANT YOU TO — OBJECTED TO. <b>M<sup>R</sup></b> HOGE: WHAT IS YOUR OBJECTION. <b>M<sup>R</sup></b> HASKIN: WE OBJECT TO</p>	
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**RT**

**RS**

**BT**

**PS**

<p>MAKE EXPLANATION AS TO WHAT THEY EXPECTED TO PROVE BY THIS WITNESS. [344]</p>	<p>WISH<sup>340</sup> TO ≤NOW≥ STATE THAT I EXPECT TO PROVE BY THIS WITNESS</p>	<p>TO S HOW NOW, AS I STATED THAT WE EXPECT TO PROVE BY THIS WITNESS _____</p>	
<p>PROSECUTION OBJECTED TO COUNSEL MAKING THE STATEMENT BEFORE THE JURY AS TO WHAT THEY EXPECTED TO PROVE.</p>	<p>CAREY WE OBJECT TO THAT.</p>	<p><b>M<sup>R</sup></b> CAREY: WE OBJECT TO COU<del>N</del>SEL</p>	
	<p>BY HOGE I KNOW YOU DO, YOU DON'T WANT IT. HOGE I UNDERSTAND YOUR HONOR HAS RULED ON IT? WE WANT TO GET TESTIMONY WHAT IT WOULD BE WITH REGARD WHAT WE EXPECT TO PROVE AND IF ≤YOUR HONOR≥</p>	<p>STATING</p> <p>WHAT THEY EXPECT TO PROVE. [205] <b>M<sup>R</sup></b> HOGE: I KNOW YOU DO BECAUSE YOU DOH'T WANT IT. DO I UNDERSTAND THAT YOUR HONOR HAS RULED IT OUT. WE WANT TO GET TESTIMONY WHAT IT WOULD BE , AND IN REGARD TO WHAT WE EXPECT TO PROVE, IF YOUR HONOR</p>	
	<p>WE ARE ENTITLED TO THAT. ANY STATEMENT I MAY MAKE IS NOT EVIDENCE</p>	<p>PLEASE, WE CLAIM WE ARE ENTITLED TO THAT. ANY STATEMENTS I MAY MAKE IS NOT EVIDENCE</p>	

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340. Vowel, added later, renders the word "SHOW".



**RT**

**RS**

**BT**

**PS**

<p>{✓}P  HOGE: WE  EXPECT TO  PROVE BY THIS  WITNESS THAT  AT  THIS TIME JOHN  D. LEE HANDED  A LETTER TO  JOHN M. HIGBEE  AND ASKED HIM  TO GO TO  CEDAR CITY  AND REQUEST  THE  AUTHORITIES  THERE  IN  THE NAME OF  GOD TO SEND  RE-  ENFORCEMENTS  THERE, TO  PROTECT THE  EMIGRANTS;  IN  THE NAME OF  GOD, FOR MY  SAKE AND FOR  GOD’S SAKE,  AND FOR THE  SAKE OF THE  PEOPLE TO  SEND RE-  ENFORCEMENTS  OUT THERE TO  PROTECT THE  EMIGRANTS  AGAINST THE  ASSAULTS OF  THE INDIANS,  AND THIS WE  EXPECT TO  PROVE IN THE</p>	<p>BEFORE THIS  JURY. WE  EXPECT TO  STATE  HOWEVER  AT  THE TIME JOHN  D. LEE HANDED  THIS <i>SAME</i>[?] TO  J M HIGBEE  ASKED HIM  TO GO  CEDAR CITY,  AND ASK    AUTHORITIES  AT  CEDAR CITY IN  THE NAME OF  GOD, TO SENT  REINFORCEMEN  TS  THERE TO  PROTECT  EMIGRANTS;  ≪SAYING≫ IN  THE NAME OF  GOD, FOR MY  SAKE, FOR  GOD’S SAKE  AND FOR THE  SAKE OF THE  PEOPLE, TO  SEND  REINFORCEMEN  TS THERE TO  PROTECT  EMIGRANTS  AGAINST THE  ASSAULT OF  THE INDIANS.  WE  EXPECT  PROVE THIS IN</p>	<p>BEFORE THIS  JURY. WE  EXPECT TO  PROVE WHAT  LEE SAID TO  THESE MEN AT  THE TIME JOHN  D. LEE HANDED  THIS LETTER TO  JOHN M. HIGBEE  AND ASKED HIM  TO GO TO  CEDAR CI TY,  AND ASKED  THE  AUTHORITIES  THERE AT  CEDAR CITY, IN  THE NAME OF  GOD TO SEND  RE-  INFORCEMENTS  THERE TO  PROTECT THE  EMIGRANTS ;  SAYING “IN  THE NAME OF  GOD, FOR MY  SAKE, FOR  GOD’S SAKE  AND FOR THE  SAKE OF THE  PEOPLE” TO  SEND RE-  INFORCEMENTS  THERE TO  PROTECT THE  EMIGRANTS  AGAINST THE  ASSAULTS OF  THE INDIANS.  WE  EXPECT TO  PROVE THIS IN</p>	
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**RT**

**RS**

**BT**

**PS**

<p>ANSWER.</p> <p>COURT DENIED THE OFFER. DEFENSE EXCEPTED.</p> <p>Q. MR. YOUNG WHAT WAS DONE AT THE TIME THAT YOU SAW JOHN M.HIGBEE, KLINGENSMITH AND MR. LEE THERE IN CAMP TOGETHER — STATE TO THE JURY WHAT THEY DID ? A. I SAW THEM AS I STATED, HIGBEE, KLINGENSMITH PASS BY WHERE I WAS AND WENT TO WHERE JOHN D. LEE WAS, PERHAPS FIFTY OR SIXTY YARDS, TOWARDS THE EMIGRANTS, AND HANDED THEM A</p>	<p>ANSWER. BASKIN THAT IS <i>KL/CLEAR[?]</i> WITHIN THE RULES</p> <p>BY COURT WE WANT <i>≪HAVE≫</i> THAT TAKEN OUT OF THE RECORD OVERRULED BY COURT <i>≪BY</i> HOGE <i>*-&gt; q</i> MR. YOUNG, WHAT WAS DONE AT THE TIME THAT YOU SAW J M HIGBEE, KLINGENSMITH MR. LEE THERE IN CAMP TOGETHER <i>q</i> STATE JURY WHAT THEY DID <i>ΔI</i> SAW THEM AS I STATED, HIGBEE, K SMITH PASS BY WHERE I WAS, AND WENT TO WHERE JOHN D. LEE WAS OFF PERHAPS 50 OR 60 <i>≪YARDS/RODS[?]</i>, <i>≧</i> TOWARDS EMIGRANTS CAMP, AND HANDED HIM A</p>	<p>ANSWER. <b>M<sup>R</sup></b> BASKIN: THAT IS CLEAR THEN THAT THE COURT RULES( IT OUT. <b>M<sup>R</sup></b> HOGE: AND WE WANT IT TAKEN DOWN THEN AND PUT ON RECORD. OBJECTION SUSTAINED. EXCE PTION. Q. MR/ YOUNG WHAT WAS DONE AT THE TIME YOU SAW JOHN M. HIGBEE, KLINGENSMITH, AND MR. LEE THERE IN CAMP TOGETHE R? STATE TO THE JURY WHAT THEY DID? A. I SAW THEM AS I STATED — HIGBEE AND KLINGENSMITH CAME BY WHERE I WAS AND THEY CAME WHERE JOHN D. LEE WAS, OFF PERHAPS FIFTY OR SIXTY YARDS <b>TO</b> THE EMIGRANT CAMP AND HANDED HIM A</p>	
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**RT**

**RS**

**BT**

**PS**

<p>PAPER, I DO NOT KNOW WHAT WAS IN IT, DON'T RECOLLECT, I COULD NOT HEAR THE TALK, THEY SEEMED TO BE TALKING TOGETHER AND</p> <p>STARTED TO WALK DOWN TOWARDS THE CAMP. Q. TOWARDS WHAT CAMP ? A. TOWARDS THE EMIGRANT CAMP, GOING ON, SEEMED TO ME BETWIXT ME AND THE ROAD SOUTH; THEY WENT DOWN THERE, AND, AS I SAID THE OTHER DAY I SAW A FLAG CARRIED <del>OUT</del> BY A MAN. ANOTHER ONE CAME OUT; I SAW LEE ADVANCE TO WHERE HE MET ANOTHER MAN FROM THERE. Q. LET ME ASK YOU, DO YOU KNOW</p>	<p>PAPER. I DO NOT KNOW WHAT WAS IN IT, DON'T RECOLLECT; I COULD NOT HEAR THE TALK, SEEMED TO BE TALKING TOGETHER AND</p> <p>STARTED WALK DOWN TOWARDS <del>THE</del> CAMP Q TOWARDS WHAT CAMP A TOWARDS <del>THE</del> EMIGRANT CAMP, GO ON SEEMED BE BETWIXT ME AND ROAD SOUTH AS THEY WENT DOWN THERE; AND THEN AS I SAID OTHER DAY, I SAW A FLAG CARRIED BY A MAN. ANOTHER ONE CAME OUT, I SAW LEE ADVANCE TO WHERE HE MET ANOTHER MAN FROM THERE [space] Q LET ME ASK YOU, DO YOU KNOW</p>	<p>PAPER. I DON'T KNOW WHAT WAS IN IT. I DON'T RECOLLECT; I COULD NOT HEAR THE TALK; THEY SEEMED TO BE TALKING TOGETHER, AND THEN THEY STARTED TO WALK DOWN TOWARDS THE CAMP. Q. TOWARDS WHAT CAMP? A. TOWARDS THE EMIGRANT CAMP; GOING ON; SEEMED TO BE BETWIXT ME AND THE ROAD AS THEY WENT DOWN THERE; AND THEN AS I SAID THE OTHER DAY, I SAW A FLAG CARRIED BY A MAN. ANOTHER ONE CAME OUT; I SAW LEE THEN ADVANCE TO WHERE HE MET ANOTHER MAN FROM THERE. Q. LET ME ASK YOU; DO YOU KNOW</p>	
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RT

RS

BT

PS

<p>WHO CARRIED THAT FLAG ? A. IF I AM NOT CERTAIN IT WAS A MAN BY THE NAME OF BATES—BATES OR <sup>[345]</sup> BATEMAN ?<sup>341</sup> Q. DO YOU KNOW WHERE MR. LEE WAS WHILE THAT FLAG OF TRUCE WAS BEING CARRIED ? A. UP NEAR TO  THE CAMP WHERE THE MAN WAS. Q. WHAT WAS DONE ? A. THEN THEY SEEMED TO HAVE A TALK, BUT I COULD NOT HEAR IT; THEN I SAW THE WAGONS—THIS WAGON WHO WENT TOWARDS THE CAMP.  JOHN D. LEE AND THIS MAN WHO WERE</p>	<p>WHO CARRIED THAT FLAG A I THINK I AIN'T CERTAIN, IT WAS A MAN BY THE NAME OF BATES, BATES OR BATEMAN, BATEMAN. Q DO YOU KNOW WHERE MR. LEE WAS A WHILE THAT FLAG OF TRUCE <sup>[22]</sup> WAS BEING &lt;A CARRIED UP&gt; A NEAR TO M/'EM[?] &lt;THEM&gt; CAMP WHERE —/HIS[?] MEN/MAN[?] WAS. WHAT WAS DONE A THEN THEY SEEMED &lt;STOPPED&gt; TO HAVE &lt;A&gt; TALK; I COULD NOT HEAR IT, THEN I SAW THE WAGONS  WENT INTO CAMP OF THESE WAGONS Q WHO WENT TOWARDS CAMP QA JOHN D. LEE THESE MEN WHO WERE</p>	<p>WHO CARRIED THAT FLAG? <sup>[206]</sup> A. IF I AAIN'T MISTAKEN , IT WAS A MAN BY THE NAME OF BATESØ, OR BATEMAN — BATEMAN. Q. DID YOU KNOW WHERE MR. LEE WAS WHILE THAT FLAG OF TRUCE WAS BEING CARRIED UP? A. ONE OF THEM CAME  WHERE HIS MEN WAS. Q. WHAT WAS DONE? A. THEN THEY SEEMED TO STOP AND HAVE A TALK; I COULD NOT HEAR IT. THEN I SAW THE TWO WALK AND THEY WENT INTO THE CAMP OF THESE WAGONS. Q. WHO WENT TOWARDS THE CAMP? A. JOHN D. LEE, AND THESE MEN WHO WERE</p>	
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341. William Bateman.

**RT**

**RS**

**BT**

**PS**

<p>STOPPING WITH THEM. THEY SEEMED TO GO INTO THE CORRALL THERE AGAIN AND BRING THE THINGS OUT. I DO NOT KNOW</p> <p>WHERE THEY CAME FROM, BUT THEY BEGAN TO PUT IN THE THINGS INTO THE WAGONS, LOOKED LIKE CLOTHING, AND AFTER THEY GOT THEM IN, I SUPPOSE LOADED———</p> <p>Q. WHAT WAS SAID ?</p> <p>A.</p> <p>JOHN D. LEE STARTED OUT— THE TEAMS STARTED OUT WITH THE WAGONS AND THE PARTY FOLLOWED OUT, SEEMED TO BE LOADED WITH SMALL CHILDREN AND OTHER THINGS, I COULD NOT TELL JUST WHAT THEY WAS. Q. COMING BACK</p>	<p>STOPPING WITH THEM, THEY SEEMED TO GO INTO &lt;THE&gt; CORRAL THERE AGAIN AND BRING THE THINGS OUT, DO NOT KNOW <del>WHETHER</del></p> <p>WHERE THEY CAME FROM, BUT THEY BEGAN TO PUT IN THE THINGS INTO THE WAGONS LOOKED LIKE CLOTHING; AFTER THEY GOT ‘EM I SUPPOSE LOADED</p> <p>Q WHAT WAS SAID &lt;OR DONE&gt; A</p> <p>JOHN D. LEE STARTED OUT, SAW HIM START OUT WITH WAGONS, PARTY FOLLOWED OUT, SEEMED TO BE LOADED WITH SMALL CHILDREN AND OTHER THINGS, &lt;I COULD TELL&gt; JUST WHAT THEY WAS Q COMING BACK</p>	<p>STOPPING WITH THEM. THEY SEEMED TO GO INTO THE CORRAL AGAIN, AND BRING THINGS OUT. I DON’T KNOW</p> <p>WHERE THEY CAME FROM; BUT THEY BEGAN TO PUT THE THINGS INTO THE WAGONS, LOOKED LIKE CLOTHING. AFTER THEY GOT THEM I SUPPOSE LOADED.</p> <p>Q. WHAT WAS SAID OR DONE? A.</p> <p>JOHN D. LEE STARTED OUT; SAW HIM START OUT WITH A WAGON. THE PARTY FOLLOWED OUT. SOMEBODY LED WITH THE SMALL CHILDREN AND THEIR THINGS, I COULD NOT TELL JUST WHAT THEY WERE. Q. COMING BACK</p>	
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**RT**

**RS**

**BT**

**PS**

<p>NOW TO WHERE YOU SAW SMITH HIGBEE AND LEE, I WANT TO KNOW, PRIOR TO THAT TIME WHETHER YOU HAD HAD SOME CONVERSATION WITH LEE ? A. YES SIR, I HAD SOME CONVERSATION BEFORE KLINGENSMITH. Q. WHAT WAS THAT CONVERSATION IN REFERENCE TO —NWHAT WAS SAID — OR WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE —</p> <p>BASKIN: WE OBJECT, THAT THE QUESTION</p> <p>HAS BEEN RULED UPON AND AS PROVING A STATEMENT BETWEEN THAT PARTY AND JOHN D. LEE. COUNSEL: WHAT WAS THE</p>	<p>NOW TO WHERE YOU SAW SMITH, HIGBEE AND LEE, I WANT TO KNOW PRIOR TO THAT TIME WHETHER YOU HAD HAD SOME CONVERSATION WITH LEE A YES SIR, I HAD SOME CONVERSATION BEFORE KLINGENSMITH QWHAT WAS THAT CONVERSATION IN REFERENCE TO</p> <p>WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE—</p> <p>BY BASKIN WE OBJECT, THAT THE QUESTION</p> <p>HAS BEEN RULED ON AS PROVING A STATEMENT BETWEEN THAT PARTY AND JOHN D. LEE WHAT WAS THE</p>	<p>NOW TO WHERE YOU SAY SMITH, HIGBEEN AND LEE, I WANT TO KNOW PRIOR TO THAT TIME WHETHER YOU HAD SOME CONVERSATION OR NOT WITH LEE. A YES, SIR, I HAD SOME CONVERASATION WITH KLINGENSMITH. Q. WHAT WAS THAT CONEVERSATION IN REFERENCE TO?</p> <p>WHAT WAS THAT CONVERSATION IN REFERENCE TO WHILE HE AND HIGBEE —</p> <p>———— M<sup>R</sup></p> <p>BASKIN: WE OBJECT TO THAT QUESTION . THAT QUESTION HAS BEEN RULED UPON AS PROVING A STATEMENT BETWEEN THA T PARTY AND JOHN D. LE Q. WHAT WAS THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>SUBJECT OF THAT CONVERSATION — THAT IS WHAT I AM TRYING TO GET AT ?</p> <p>MR. YOUNG, <del>YOU</del> YOU NEED NOT TELL WHAT WAS SAID <sup>[346]</sup> —WHAT WAS THE SUBJECT OF THE CONVERSATION — WHAT WERE YOU TALKING ABOUT ? A. ABOUT THE EMIGRANTS. Q. NOW THEN, I WANT YOU TO STATE WHAT MR. LEE SAID THERE ? PROSECUTION OBJECTED; IT IS THE SAME QUESTION ASKED AS TO WHAT TOOK PLACE THE MORNING BEFORE THE MASSACRE. COURT: THE RULING OF THE COURT WILL BE THE SAME ON THAT</p>	<p>SUBJECT OF THAT CONVERSATION <sup>A</sup> THAT IS WHAT I AM TRYING GET AT [<i>space</i>] HE SAID OBJECTION <sub>Q</sub></p> <p>MR. YOUNG, YOU NEED NOT TELL WHAT HE SAID, WHAT WAS THE SUBJECT OF CONVERSATION = WHAT WERE YOU TALKING ABOUT <sup>A</sup> ABOUT EMIGRANTS <sub>Q</sub></p> <p>NOW THEN I WANT YOU STATE WHAT MR. LEE SAID THERE? <del>≤*≥</del></p> <p>PROSECUTION WE OBJECT TO THAT BASKIN IT IS THE SAME QUESTION</p> <p>THE MORNING BEFORE THE MASSACRE. <del>≤COURT&gt;</del> RULING OF COURT BE THE SAME ON THAT</p>	<p><del>QUESTION Q</del> SUBJECT OF THAT CONVERSATION ? A. THAT IS WHAT I AM TRYING TO GET AT. HE SAID TO HIM — Q.</p> <p>YOU NEEDN'T <del>TO</del> STATE , MR. YOUNG, WHAT HE SAID. WHAT WAS THE SUBJECT OF THE CONVERSATION ? WHAT WER<del>E</del> YOU TALKING ABOUT? A. ABOUT THE EMIGRANTS. Q. NOW, THEN I WANT YOU TO STATE WHAT MR. LEE SAID THERE? <sup>[207]</sup> <b>M<sup>R</sup></b> BASKIN: WE OBJECT TO THAT. IT IS THE SAME QUESTION—</p> <p>THE MORNING BEFORE THE MASASACRE. THE COURT: THE RULING WILL BE THE SAME ON THAT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>QUESTION.  PROSECUTION OBJECTED TO HIS  STATING SOMETHING THAT THE COURT HAS RULED TO BE INCOMPETENT. HOGE: THIS  QUESTION THE COURT MAY HEREAFTER PASS UPON, AND WE WISH TO HAVE IT GO TO RECORD WITH HIS RULING UPON IT. COURT: HE WANTS TO STATE WHAT THAT MATTER IS AND LET IT GO UPON THE RECORD.</p>	<p>QUESTION CAREY IF THE COURT PLEASE I OBJECT TO THIS  STATING SOMETHING THAT IS KNOWN NOT TO BE COMPETENT BY HOGE THAT IS THE QUESTION; COURT HEREAFTER MAY PASS UPON AND WISH THE COURT TO HAVE IT <del>PUT</del> UPON <del>THE</del> RECORD.  BY COURT. HE WANTS TO STATE WHAT THAT MATTER IS AND LET <del>IT</del> GO UPON THE RECORD. CAREY <del>CAREY</del> <del>HOGE</del> IN THE FIRST PLACE HE HAS PROVED AND WANTS TO STATE WHAT THAT CONVERSATION IS AND HAVE THE COURT RULE UPON IT OBJECTIONAL PART OF IT</p>	<p>QUESTION. M<sup>R</sup> CAREY: WE OBJECT TO <del>THESE</del> COULNSEL STATING SOMETHING WHICH HE KNOWS NOT TO BE COMPETENT. M<sup>R</sup> HOGE: THAT IS A QUESTION FOR THE COURT  TO PASS UPON; SO WE CAN HAVE IT GO UPON RECORD/  THE COURT: HE WANTS TO STATE WHAT THA T MATTER IS AND LET IT GO UPON THE RECORD. M<sup>R</sup> CAREY: IN THE FIRST PLACE HE HAS PROVED AND WANTS TO STATE WHAT THAT CONVERSATION IS, AND HAV<del>E</del> THE COURT RULE UPON IT. <b>AND I</b> OBJECT TO IT BEFORE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DEFENSE ASKED THAT THE QUESTION BE PLACED ON THE RECORD WITH THE OBJECTION OF COUNSEL AND RULING OF THE COURT,</p>	<p>GOES TO JURY GIVE <del>≤THEM≥</del>.</p> <p>I HAVE ASKED HIM IN REGARD TO CONVERSATION ABOUT THESE EMIGRANTS WHAT MR. LEE SAID THERE, OF COURSE THIS IS <del>≤A≥</del> DECLARATION OF MR. LEE. PROSECUTION STATE WE HAVE NO RIGHT PROVE DECLARATION OF MR. LEE IN HIS FAVOR ON THE GROUND IT IS NOT PART OF A RES GESTAE,</p> <p>YOUR HONOR AT <i>LAST/LEAST</i>[?] RULES <del>&lt;THE&gt;</del> QUESTION</p> <p>IS NOT PROPER BECAUSE A DECLARATION</p>	<p>HE GETS IT BEFORE THE JURY. <del>I HAVE ASKED HIM M<sup>R</sup></del> HOGE: I HAVE ASKED HIM IN REGARD TO A CONVERASTION ABOUT THESE EMIGRANTS AND WHAT MR. LEE SAID THERE. OF COURSE IT IS A DEFCLARATION OF MR. LEE. THE PROSECUTION STATED THAT WE HAVE NO RIGHT TO PROVE DECLATRATION S OF MR. LEE IN HIS FAVOR, ON THE GROUND THAT <b>IT</b> IS NOT A PART OF THE RES GESTE, <del>WHICH AND</del> YOUR HONOR AT LEAT LEAST RULES THAT THE <del>W</del>QUESTION</p> <p>IS NOT PROPER, BECAUSE THAT DECLARATION</p>	
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**RT**

**RS**

**BT**

**PS**

<p>SO THAT WHEN THIS CASE IS CARRIED TO THE SUPERIOR  COURT THEY CAN SEE EXACTLY WHAT THE EVIDENCE WAS WHICH WAS RULED OUT.</p>	<p>OF MR. LEE AND WE ADMIT WE HAVE SHOWN IT IS A DECLARATION OF MR. LEE BECAUSE IT WAS MADE ON THE MORNING OF MASSACRE.  WHEN IT GOES TO THE SUPERIOR  COURT THE COURT ABOVE CAN SEE EXACTLY WHAT EVIDENCE WAS WHICH WAS RULED OUT. ≪<b>COURT</b>≧ IF I[?] HAVE ANY AUTHORITY ABOUT IT I WOULD LIKE <sup>[23]</sup> TO SEE IT. BASKIN. THEIR OBJECT IS TO SHOW ITS APPLICATION. IF THEY PROVE WHAT IS JOHN D. LEE'S STATEMENT AND THE COURT RULES IT OUT THAT IS ERROR.</p>	<p>OF MR. LEE— AND WE ADMIT  IT IS A DECLARATION OF MR. LEE— <del>IF</del> WAS MADE ON THE MORNING OF THE MASSACRE.  WHEN IT GOES TO THE <b>SUPERIOR</b> <b>SUPREME</b> COURT, THE COURT ABOVE CAN SEE EXACTLY WHAT THE EVIDENCE WAS THAT WAS RULED OUT. THE COURT: IF YOU HAVE ANY AUTHORITY <del>ABOUT</del> <b>UPON</b> <b>THE POINT I</b> WOULD LIKE TO SEE IT . <b>M<sup>R</sup></b> BASKIN: THEIR OBJECT IS TO SHOW ITS COMPLICATION/ IF THEY PROVE WHAT IS JOHN D. LEE'S STATEMENT AND THE COURT RULES IT OUT THAT <del>IS</del> <b>SHOWS</b> <del>RERROR</del>-, <b>IF</b> <b>ANY</b>. THE</p>	
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**RT**

**RS**

**BT**

**PS**

	<p>WITNESS MAY OR MAY NOT STATE THE CONVERSATION AS THE ATTORNEY SEEK TO REPEAT THEY MIGHT HAVE <i>LET</i>[?] WITNESS CAN'T UNDER HIS OATH STATE CONVERSATION <i>≤BETWEEN≥</i> JOHN D. LEE IF THE CONVERSATION <i>OF</i>[?] JOHN D. LEE IS PROPER TO</p> <p>ADMIT BEFORE JURY, IT WOULD BE <i>ERROR TO ALLOW</i>[?] WITNESS TO STATE IT. YOU CAN ONLY SPREAD EVIDENCE OF THAT KIND ON THE RECORD, WHEN WITNESS IS EXCLUDED BECAUSE HE IS NOT COMPETENT. BY COURT ALL THAT CAN BE SAVED IF HE BE</p>	<p>WITNESS MAY OR MAY NOT STATE THE CONVERSATION WHICH THEY ARE TRYING AND SEEKING TO HAVE HIM REPEAT. IF YOU LET THE WITNESS</p> <p>STATE THE CONVERSATION BETWEEN JOHN D. LEE AND—IF THE CONVERSATION OF JOHN D. LEE IS <b>NOT</b> PROPER TO <sup>[208]</sup> <b>TO BE</b> ADMITTED TO THE JURY IT WOULD BE <del>IN</del> ERROR TO ALLOW THE WITNESS TO STATE IT. YOU CAN ONLY SPREAD THE EVIDENCE OF THAT KIND ON THE RECORD WHEN A WITNESS IS EXCLUDED BECAUSE HE IS NOT COMPETENT. THE COURT: ALL THIS TIME CAN BE SAVED IF THE PARTY</p>	
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**RT**

**RS**

**BT**

**PS**

<p>COURT SUGGESTED</p>	<p>WILL REDUCE IT TO WRITING, SAVE THIS DISCUSSION</p> <p>MR. YOUNG MAY ANSWER WOULD BE &lt;THAT IS&gt; AS GENERAL PROPOSITION <i>GENTLEMAN'S</i>[?] RULE IS CORRECT = SUPERIOR COURT WHEN THIS CASE IS APPEALED</p> <p>THEY COULD NOT TELL WHETHER TESTIMONY WOULD BE RELEVANT TO CASE AS IT NOW STAND, &lt;OR NOT&gt;. WHETHER THIS IS &lt;A&gt; PART OF A RES GESTAE WHETHER WE AS DEFENSE ARE ENTITLED TO ADMISSION AS EVIDENCE DISCLOSED &lt;OR NOT&gt;. BY COURT. IN ORDER TO SAVE</p>	<p>WILL REDUCE IT TO WRITING AND SAVE THIS DISCUSSION, AS WE DO NOT KNOW WHAT MR. YOUNG MAY ANSWER.</p> <p>AS A GENERAL PROPOSITION IF THE RULING IS CORRECT, WHEN THIS CASE IS COMPLETED, THE SUPERIOR SUPREME COURT COULD NOT TELL WHETHER THE TESTIMONY WOULD BE RELEVANT TO THE CASE AS IT NOW STANDS OR NOT; OR WHETHER THAT IS A PART OF THE RES GESTAE, WHETHER THESE DEFENDANTS ARE ENTITLED TO THE TESTIMONY AS THE EVIDENCE DISCLOSES OR NOT; AND IN ORDER TO SAVE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THAT COUNSEL  REDUCE THE QUESTION TO WRITING, AND SUBMIT IT TO PROSECUTION.</p>	<p>TIME IF YOU WILL ONLY REDUCE THIS QUESTION IN WRITING</p> <p>BISHOP I BELIEVE CORRECT RULE IS THIS. DEFENSE OFFERS TO PROVE BY WITNESS ON THE STAND FOLLOWING FACTS. THEN SETTING FORTH ARE WHAT HIS FACTS ARE HE PROPOSES TO PROVE TO GIVE COURT AND COURT &lt;WILL&gt; RULE UPON IT INSTANTLY QUESTIONS SHOULD THEN FOLLOW THE OFFER IT BEING UNDERSTOOD THIS QUESTION WAS ASKED BY COURT BOTH THESE STATEMENTS WERE MADE AFTER I WAS CALLED UPON TO MAKE RULING.</p>	<p>TIME, YOU HAD BETTER REDUCE THIS QUESTION TO WRITING. M<sup>R</sup></p> <p>BISHOP: I BELIEVE THE CORRECT RULE IS THIS: THE DEFENDANT OFFERS TO PROVE BY THE WITNESS ON THE STAND THE FOLLOWING FACTS . THEN SETTING <del>THE</del> FORTH THESE FA<del>F</del>CTS THAT WE PROPOSE TO PROVE SO AS TO GET THE COURT TO RULE UPON IT INSTANTLY.</p> <p>THEN FOLLOWING THE OFFER—</p> <p>THE COUR T: BOTH THESE STATEMENTS WERE MADE AFTER I WAS CALLED UPON TO MAKE THE RULING.</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DEFENDANTS COUNSEL REDUCED THE QUESTION TO WRITING.</p>	<p>BISHOP THIS IS THE PRINCIPLES I HAVE SEEN ADOPTED. QUESTION REDUCED TO WRITING AND THEN THAT IS VALID TO SHOW THE GOOD FAITH OF THE PARTY OFFERING TESTIMONY PROPOSING TO BRING OUT THESE ANSWERS. BY COURT BETTER REDUCE IT TO WRITING. IT WON'T TAKE LONG. 4 17 <b>PM</b> MR. BISHOP PROCEEDED WITH THE AID OF OTHER COUNSEL TO PREPARE STATEMENT ON QUESTION TO BE ANSWERED BY WITNESS WILLIAM YOUNG, 4 45 WAS HANDED TO PROSECUTION TO EXAMINE IT BASKIN I SUGGEST THIS</p>	<p>BISHOP: THAT IS THE PROPOSITION THAT WE HAVE ADOPTED. IT CAN BE REDUCED TO WRITING AND THEN THIS FOLLOWED, TO SHOW THE GOOD FAITH OF THE PARTY OFFERING THE TESTIMONY-, AND PROPOSING TO BRING OUT THESE ANSWERS. THE COURT : YOU HAD BETTER REDUCE IT TO WRITING. IT WON'T TAKE YOU LONG . { (COUNSEL PROCEEDED WITH THE AID OF THE OTHER COUNSEL TO PREPARE A STATEMENT OR QUESTION TO <b>BE</b> ANSWERED BY MR.  YOUNG.) WHICH WAS HANDED TO THE PROSECUTION FOR THEIR EXAMINATION ) <b>M<sup>R</sup></b>BASKIN: I SUGGEST THIS</p>	
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**RT**

**RS**

**BT**

**PS**

	<p>AMENDMENT TO <i>THIS</i>[?] TO FORM OF THIS IT BEGINS WITH “DEFENSE PROPOSAL IS TO PROVE BY WITNESS AFTER THE RULING OF COURT, ADDING THIS, THAT AFTER THE RULING OF THE COURT DEFENSE SUBMITS FULLY WRITTEN STATEMENT OF WHAT THEY EXPECTED TO PROVE THEY DID NOT PROPOSE &lt;THIS IS MERELY A STATEMENT OF WHAT&gt; THEY EXPECT TO PROVE. SUTHERLAND COUNSEL PROCEEDED TO STATE WHAT HE OFFERED TO PROVE</p> <p>&lt;PROSECUTION&gt; DEFENSE OBJECTING TO STATEMENT IN PRESENCE</p>	<p>AMENDMENT TO THE FORM OF THIS, WHICH BEGINS WITH, “DEFENDANTS PROPOSALS TO PROVE <b>BY WITNESS</b>— AFTER THE RULING OF THE COURT — ”<sup>22</sup> ADDING THIS, “THAT AFTER THE RULING OF THE COURT, THE DEFENDANTS SUBMIT A FULL WRITTEN STATEMENT OF WHAT THEY EXPECT TO PROVE. THEY DO NOT<sup>342 [209]</sup></p> <p><del>SUTHERLAND:</del> (COUNSEL (<b>M<sup>R</sup></b> SUTHERLAND))</p> <p>PROCEEDED TO STATE WHAT THEY OFFERED TO PROVE AND THE PROSECUTION</p> <p>OBJECTING TO A STATEMENT BEING MADE IN THE PRESENCE</p>	
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342. This is cut off at the very bottom of the page.

**RT**

**RS**

**BT**

**PS**

<p>COURT RULED THAT THE QUESTION COULD NOT BE ASKED.</p> <p>EXCEPTION BY DEFENSE.</p> <p>Q. MR. <del>LEE</del> YOUNG WHERE WAS MR. LEE WHEN THE EMIGRANTS MARCHED OUT OF THE CAMP ? A. WELL TO THE BEST OF MY RECOLLECTION _____<sup>[347]</sup> OBJECTED TO.</p> <p>HOGUE: I THINK THE WITNESS HAS A RIGHT TO STATE ACCORDING TO</p>	<p>OF JURY COURT DIRECTED HIM TO PRODUCE <del>REDUCE</del> QUESTION IN WRITING BY COURT</p> <p>COURT RULES ON QUESTION AND NOT ON STATEMENT.</p> <p>BY COURT THE EXCEPTION TO ONE OF THESE RULES IS THE QUESTION. <del>BY</del> BY HOGUE <del>QUESTION</del> MR. YOUNG WHERE WAS MR. LEE WHEN THE EMIGRANTS MARCHED OUT OF CAMP? A WELL, TO THE BEST OF MY RECOLLECTION. BY CAREY WAIT WAIT <sup>[24]</sup> UNLESS YOU KNOW BY HOGUE. I THINK THE MAN HAS RIGHT TO STATE ACCORDING TO</p>	<p>OF THE JURY, THE COURT DIRECTED HIM TO REDUCE THE QUESTION IN WRITING.) THE COURT: (<b>TO REPORTER</b>) THE COURT RULES ON THE QUESTION <del>OF</del> AND NOT ON THE STATEMENT AND <del>TO THE M<sup>R</sup></del> <b>REPORTER</b>, AN EXCEPTION, <del>TO</del> BETWEEN <del>ALL</del> <b>EACH OF THESE RULINGS IS TO BE ENTERED AS TAKEN. M<sup>R</sup> HOGUE Q.</b></p> <p>MR. YOUNG, WHERE WAS MR. LEE, WHEN THE EMIGRANTS MARCHE<del>D</del> OUT OF CAMP? A. WELL, TO THE BEST OF MY RECOLLECTION — <b>M<sup>R</sup> CAREY</b>: HOLD ON, HOLD ON, UNLESS YOU KNOW. <b>M<sup>R</sup></b> HOGUE: I THINK A MAN HAS A RIGHT TO STATE ACCORDING TO</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THE BEST OF HIS RECOLLECTION.</p> <p>Q. GO ON MR. YOUNG ?</p> <p>A. WELL HE WAS STANDING WHEN HE GOT THE WAGONS LOADED, OR SITTING ON ONE OF THE WAGONS AND DRIVING IT OUT.</p> <p>Q. WHICH ONE OF THE WAGONS ?</p> <p>A. THE FOREMOST ONE OF THE WAGONS. Q. JUST DESCRIBE HOW THESE WAGONS — HOW THEY MARCHED -- — HOW THEY EMIGRANTS MARCHED OUT ?</p> <p>A. WELL, AS SOON AS THEY GOT LOADED JOHN D. LEE GOT INTO ONE OF THE WAGONS, STARTED IT DROVE THE</p>	<p>HIS RECOLLECTION. BY HOGE MAN'S RECOLLECTION IS NOT ≤HEARSAY≥ OR REPORTS qGO ON MR. YOUNG</p> <p>^A WELL HE WAS SITTING ON THE ONE AND HE ≤WHOM HE≥ GOT LOADED WAGON AND AFTER SITTING ON ONE OF THE WAGONS DRIVING IT OUT</p> <p>q“WHICH ONE OF WAGONS</p> <p>^A THE FOREMOST ONE WAGON. q JUST DESCRIBE HOW THOSE WAGONS, HOW ≤THEY≥ THEY MARCHED, ≤HOW≥ EMIGRANTS MARCHED OUT</p> <p>^A WELL, AS SOON AS THEY GOT LOADED JOHN D. LEE GOT INTO ONE OF WAGONS, DROVE IT DISTANCE = DROVE</p>	<p>THE BEST OF HIS RECOLLECTION; A MAN'S RECOLLECTION S IS NOT HEARSAY OR REPORTS .</p> <p>A. WELL, I WAS STATING WHEN THEY GOT THE WAGONS LOADED, HE WAS SITTING ON ONE OF THE WAGONS DRIVING IT OUT.</p> <p>Q. WHICH ONE OF THE WAGON S? A. THE FOREMOST ONE OF THE WAGONS. Q . JUST DESCRIBE <del>HOW</del> <b>NOW</b> THOSE WAGONS;</p> <p>HOW THE EMIGRANTS MARCHED OUT?</p> <p>A. WELL, AS SOON AS THEY GOT LOADED, JOHN D. LEE GOT INTO ONE OF THE WAGONS AND DROVE IT A DISTANCE — DROVE THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TEAM AND THE OTHER WAGONS FOLLOWED AFTER Q. WHAT NEXT ? A. THE WOMEN, AS I SAID, AND THE CHILDREN, SWAS IN THE WAGONS—THE WOMEN BACK OF THE CHILDREN. [space] THE PEOPLE WALKED, FOLLOWED THE WAGON THAT LEAD OUT TOWARDS THE ROAD, TOWARDS CEDAR CITY. Q. I WANT YOU NOW TO DESCRIBE THE CONFIGURATION OF THE GROUND FROM THE NORTH OF THE EMIGRANTS CAMP— NORTH OF IT ? A. IT SEEMS TO BE SLANTING AND SAGE BRUSH ON IT AS THEY CALL IT. Q. FOLLOWING ON THE ROAD OFF</p>	<p>TEAM, AND THE OTHER WAGONS FOLLOWED AFTER Q WHAT NEXT A THE WOMEN AS I SAID ≪AND THE≫ CHILDREN WAS IN WAGON, WOMEN BIGGER CHILDREN THAT WERE ABLE WALK FOLLOWED WAGONS AND LED OUT TOWARDS THE ROAD = TOWARDS CEDAR CITY Q HOGE I WANT YOU NOW DESCRIBE THE CONFIGURATIO N OF GROUND FROM THE VALLEY NORTH OF EMIGRANTS CAMP, NORTH OF IT A YES SIR, A IT SEEMS TO BE SLANTED, SAGE BRUSH ON IT AND CALL IT FOLLOWING ON ROAD OFF</p>	<p>TEAM, AND THE OTHER WAGON FOLLOWED AFTER. Q. WHAT NEXT? A. THE WOMEN, <b>WOUNDED</b> AS I SAID, AND THE CHILDREN WERE IN THE WAGONS. THE WOMEN AND THE BIGGER CHILDREN THEY WERE ALL WALKØING AND FOLLOWED THE WAGONS AS THEY LED OUT TOWARDS THE ROAD TOWARDS CEDAR CITY . † Q. I WANT YOU <del>NOW</del> TO DESCRIBE NOW THE CONFIGURATIO N OF THE GROUND FROM THE NORTH OF THE EMIGRANTS CAMP? A. NORTH OF IT? Q. YES, SIR . A . IT SEEMS TO BE SLANTING, SAGEBRUSH ON IT, AS THEY CALL IT. Q. NOW, FOLLOWING ON THE ROAD OFF</p>	
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**RT**

**RS**

**BT**

**PS**

<p>FROM IT — DID YOU SEE SAY THAT WAS WHERE THE ATTACK WAS MADE UPON THE EMIGRANTS ? WITNESS: THE ATTACK — WHAT, AFTER THEY STARTED ? A. AT THE TIME THE FIRING TOOK PLACE I WAS NOT LOOKING AT THEM AT THAT TIME; I WAS KIND OF LAYING DOWN TO THE GROUND AND STUDYING, WHEN THE GUNS FIRED I RAISED MY HEAD I SAW THEM. <sup>[348]</sup> Q. WHERE WAS THE WAGON THAT MR. LEE WAS ON AT THE TIME THE FIRING TOOK PLACE ? A. I SAW IT JUST BEFORE, I THINK, AT LEAST, THOUGH I</p>	<p>FROM IT, Q DID YOU SAY &lt;THAT WAS WHERE THE&gt; ATTACK WAS MADE UPON THE EMIGRANTS A THE ATTACK WHAT AFTER THEY STARTED A Q AT THE TIME THE FIRING TOOK PLACE A I WAS NOT LOOKING AT THEM AT THAT TIME, I WAS KIND LAYING DOWN TO GROUND STUDYING. WHEN THE GUNS FIRED I RAISED MY HEAD, I SAW THEM Q WHERE WAS THE WAGON &lt;THAT&gt; LEE HIMSELF MR. LEE HIMSELF WAS ON AT THE TIME FIRING TOOK PLACE A I SAW IT JUST BEFORE, I THINK AT LEAST &lt;THOUGH I &gt;</p>	<p>FROM IT, DID YOU SAY THAT WAS WHERE THE ATTACK WAS MADE UPOJN THE EMIGRANTS? A. THE ATTACK, WHAT?, <sup>[20 210]</sup> AFTER THEY STARTED? Q. AT THE TIME THE FIRING TOOK PLACE? A. I WASN'T LOOKING AT THEM AT THAT TIME; I WAS KIND OF LAYING DOWN ON THE GROUND STURDDYING . WHEN THE GUNS FIRED I RAISED MY HEAD. I SAW THEM. Q. WHERE WAS THE WAGONS THAT MR. LEE WAS ON AT THE TIME THE FIRING TOOK PLACE? A. I SAW IT JUST BEFOERRE, I THINK; AT LEAST THOUGH I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>NEVER MEASURED THE GROUND, IT WAS TWO HUNDRED AND FIFTY YARDS AHEAD OF THE MEN. Q. I WILL ASK YOU NOW IF THERE WAS ANY RISE IN THE GROUND THERE OR A HILL ? A. THERE SEEMED TO BE A RISE. Q. WHEN THESE WAGONS WENT OVER IT</p> <p>THEY SEEMED TO GET OVER IN A KIND OF A SINK) -- &lt;A.&gt; I STAYED THERE BUT I COULD NOT SEE Q. WHERE WAS HE AT THE TIME THIS ATTACK WAS MADE ? A. WELL I DON'T KNOW WHERE HE WAS, THE LAST I SAW OF HIM HE WAS ON THE WAGONS. Q. WAS THE WAGONS IN SIGHT AT THE</p>	<p>NEVER MEASURED ≤THE≥ GROUND, I THINK IT WAS 250</p> <p>YARDS AHEAD OF ≤THE≥ MEN Q I WILL ASK NOW IF THERE WAS ANY RISE IN GROUND THERE OR A RISE HILLOCK ≤NEAR THERE≥ A THERE SEEMED TO BE A RISE. Q WHEN THESE WAGONS WENT OVER IT WITH WOMEN AND CHILDREN GOT OVER KIND OF A SINK A I STAYED THERE BUT COULD NOT SEE Q WHERE WAS HE AT THE TIME THIS ATTACK WAS MADE A WELL I DON'T KNOW WHERE HE WAS; LAST I SAW OF HIM HE WAS ON THE WAGONS Q WAS THE WAGONS IN SIGHT AT THE</p>	<p>NEVER MEASURED THE GROUND,— I THINK IT WAS 250</p> <p>YARDS AHEAD OF THE MEN. Q. I WILL ASK YOU NOW IF THERE WAS ANY RISE IN THE GROUND OR A HILL LIKE NEAR THERE? A. THERE SEEMED TO BE A RISE. Q. SO THAT WHEN THESE WAGONS WENT OVER IT WITH THE WOMEN AND CHILDREN, THEY WENT OVER A KIND OF A SINK? A. I STAID THERE BUT I COULD NOT SEE. Q. WHERE WAS HE AT THE <b>TIME</b> <del>THE</del> THIS ATTACK WAS MADE? A. WELL, I DON'T KNOW WHERE HE WAS; THE LAST I SAW OF HIM HE WAS ON THE WAGON. Q. WAS THE <del>W</del>TWO WAGONS IN SIGHT AT THE</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TIME OF THE ATTACK ? WAS MADE ? A. NOT THAT I SEEN, THEY HAD GONE <del>LO</del>VER IN A KIND OF HOLLOW PLACE. Q. I UNDERSTAND YOU TO SAY THE WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER IN A HOLLOW DECLIVITY ? A. AFTER I SAW THE INDIANS I ADVANCED A LITTLE HERE ON THE FRONT AND I THEN SAW THE WOMEN GOING BACK FROM WHERE THE WAGONS WENT. Q. DESCRIBE  WHAT YOU SAW WHEN THE INDIANS MADE THE ASSAULT— RIGHT THERE WHEN YOU RAISED YOUR HEAD ? A. I LOOKED AT THE</p>	<p>TIME THE ATTACK WAS MADE <del>A</del> &lt;NOT THAT I SEED&gt; THEY HAD GONE OVER IN A KIND OF A LOWER<sup>343</sup> PLACE. Q I UNDERSTOOD YOU SAY  WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER IN A LITTLE DECLIVITY <del>A</del> AFTER I SAW INDIANS, I ADVANCED A LITTLE HERE ON THE FRONT AND I THEN SAW WOMEN GOING BACK FROM WHERE WAGONS WENT. Q DESCRIBE &lt;AS&gt; NEAR AS &lt;CAN&gt; WHAT YOU SAW, WHEN THE INDIANS MADE THE ASSAULT RIGHT THERE WHEN YOU RAISED YOUR HEAD <del>A</del> I LOOKED AT THE</p>	<p>TIME THE ATTACK WAS MADE? A. NOT THAT I SEEN. THEY HAD GONE OVER IN A KIND OF A HOLLOW PLACE. Q. I UNDERSTOOD YOU TO SAY THAT THE WAGONS HAD PASSED OVER THIS RIDGE AND GONE OVER <del>A</del> IN A LITTLE DECLIVITY? A. AFTER I SAW THE INDIANS, I ADVANCED A LITTLE HERE ON THE FRONT, AND I THEN SAW WOMEN GOING BACK FROM WHERE THE WAGONS WENT. Q. DESCRIBE AS NEAR AS YOU CAN WHAT YOU SAW WHEN THE INDIANS MADE THE ASSAULT, RIGHT THERE WHAN YOU RAI<del>S</del>ED YOUR HEARD? A. I LOOKED AT THE</p>	
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343. An “HO” was later added to the beginning of the symbol; it rendered the word “HOLLER”.

## RT

## RS

## BT

## PS

<p>EMIGRANTS, NEXT I LOOKED WHERE THE FIRING CAME FROM, I SAW NO MEN <del>FR</del> WHITE OR BLACK IN THE POSITION OF FIRING. I LOOKED SUDDENLY AGAIN AND I SAW THE INDIANS RISING UP; I HADN'T SEEN THEM TILL THEN; SOME OF THEM MADE FOR THE MEN, KINDER THAT WAY, OTHERS RUSHES FOR THE WAGONS; SHORTLY I HEARD GUNS FIRING, I WAS EXCITED, THEN I SAW WOMEN RUNNING BACK AND THE INDIANS COMING INTO THE BACK OF WHERE <sup>[349]</sup> THE MEN WERE, BUT THE INDIANS CUT THEM OFF— HEADED THEM THEY  WHEELED AND</p>	<p>EMIGRANTS; NEXT I LOOKED WHERE THE FIRING CAME. I SAW NO MEN WHITE OR BLACK IN THE POSITION OF FIRING, I LOOKED SUDDENLY AGAIN AND I SAW THE INDIANS RISING UP. I HADN'T SEEN THEM UNTIL THEN. SOME OF THEM MADE FOR THE MEN, KINDER RAN THAT WAY; OTHERS RUSHED FOR THE WAGONS. SHORTLY, I HEARD GUNS FIRING, I WAS EXCITED. THEN I SAW WOMEN <sup>[25]</sup> RUNNING BACK AND THE INDIANS COMING TO THE BACK TO WHERE MEN WERE, BUT THE INDIANS CUT THEM OFF, HEADED THEM ≤OFF≥. THEY  WHEELED AND</p>	<p>EMIGRANTS; NEXT I LOOKED WHERE THE FIRING CAME; I SAW NO MAN WHITE OR BLACK IN THE POSITION OF FIRING. I LOOKED SUDDENLY AGAIN, AND I SAW THE INDIANS <del>RIDING</del> <del>UP</del> RISING UP; I HADN'T SEEN THEM TILL THEN. SOME OF THEM MADE FOR THE MEN,— KINDER RAN THAT WAY, OTHERS RUSHED FOR THE WAGONS. SHORTLY I HEARD GUNS FIRING AND I WAS EXCITED. THEN I SAW THE WOMEN <sup>[2+2 211]</sup> RUNNING BACK AND THE INDIANS COMING TO THE BACK OF WHERE THE MEN WERE; BUT THE INDIANS CUT THEM OFF; HEADED THEM OFF; THEY <b>WHEELED</b> <del>WHEELED</del> AND</p>	
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**RT**

**RS**

**BT**

**PS**

<p>TURNED TO THE NEAREST POINT <del>THEY COULD</del>  <del>&lt;THAT&gt;</del>  REACHED THEM FIRST. I SAW THE WOMEN FIGHT, AND THEN I SAW THE INDIANS KILL A MAN AND THREE WOMEN; I SAW THEM STRIKE AT THEM; I SAW THEM LEADING TWO BOYS. THE INDIANS HAD COME IN FAIR SIGHT. I SAW IT WAS THE INDIANS.</p> <p>I SUPPOSED THEN THEY FIRED AMONG THE INDIANS— THAT IS THE LAST I SAW OF THEM, MAY BE FIFTEEN STEPS — MAY BE TWENTY STEPS; I SAW THE INDIAN COME UP TO THEM AND I SAW HIM PICK UP A BIG ROCK, RAISE IT UP THIS WAY—</p>	<p>TURNED TO THE NEAREST POINT</p> <p>THEY REACHED. THEM FIRST. I SAW THE WOMEN FIGHT; AND THEN I SAW THE INDIANS KILL AS MANY AS 3 WOMEN. I SAW THEM STRIKE AT THEM. I SAW THEM LEADING TWO,</p> <p>INDIANS HAD COME IN FAIR SIGHT, I SAW IT WAS THE INDIANS</p> <p>EMIGRANTS, I SUPPOSED THESE FIRED AMONG INDIANS. THAT IS {THE}<sup>i</sup> LAST I SAW OF THEM, MAYBE 15 STEPS MAYBE 20 STEPS I SAW THE INDIAN COME TO HIM AND I SAW HIM <del>KP</del> <del>&lt;PICK&gt;</del> UP THAT BIG ROCK RAISED IT UP, THIS WAY,</p>	<p>TURNED TO THE NEAREST POINT</p> <p>THAT THEY COULD REACH. THOUGH FIRST I SAW THE WOMEN FIGHT, AND THEN I SAW THE INDIANS KILL ANS MANY AS THREE WOMEN; I SAW THEM <del>Ø</del>STRIKE AT THEM. I SAW THEM LEADING <del>TO</del> TWO OF THEM. THE INDIANS HAD COME IN FAIR SIGHT; I SAW IT WAS THE INDIANS AND THE EMIGRANTS. I SUPPOSE THIS FIRING WAS AMONG THE INDIANS. THAT IS THE LAST I SAW OF THEM. MAY BE 15 STEPS MAY BE 20 STEPS, I SAW <del>THE AN</del> INDIAN GO TO <del>HIM</del> <del>THEM</del>, BUT AND I SAW HIM PICK UP A BIG ROCK; HE RAISED IT UP <del>H</del> THIS WAY</p>	
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**RT**

**RS**

**BT**

**PS**

<p>RAISE IT</p> <p>MAY BE THREE TIMES AND STRUCK HIM IN THE BREAST; THE BOY SEEMED TO BE ABOUT FIFTEEN YEARS OF AGE. Q. ABOUT HOW FAR WERE THE WOMEN BEHIND THE WAGONS AS THEY MARCHED ALONG ? A. I COULD NOT TELL YOU THE DISTANCE. Q. HOW LARGE A SPACE WAS THERE BETWEEN THE FOREMOST WOMEN AND CHILDREN AND THE HINDMOST WAGON AS THEY PASSED ALONG IN YOUR SIGHT ? A. I PROBABLY WOULD SUPPOSE 15 OR 20 YARDS BETWEEN THE WAGONS, THE LAST I SAW OF THEM. Q. BETWEEN THE WAGONS AND</p>	<p>RAISED IT AS/FIRST[?] &lt;MAYBE 3 TIMES&gt; AND STRIKE HIM IN THE BREAST, BOY SEEMED TO BE 15 YEARS OF AGE. QHOW FAR WERE WOMEN BEHIND WAGONS AS THEY MARCHED ALONG A I CAN'T TELL YOU THE DISTANCE Q HOW LARGE &lt;A&gt; SPACE WAS THERE BETWEEN FOREMOST WOMEN AND CHILDREN AND HINDERMOST WAGON AS THEY PASSED ALONG IN YOUR SIGHT A PROBABLY WOULD SUPPOSE A15 OR 20 YARDS &lt;BETWEEN&gt; WAGONS, THE LAST I SAW THEM Q BETWEEN WAGONS AND</p>	<p>(SHOWING) RAISED IT FIRST, MAY BE THREE TIMES, AND STRIKE HIM IN THE BREAST. THE BOY SEEMED TO BE ABOUT 15 YEARS OLD. Q. HOW FAR WERE THE WOMEN BEHIND THE WAGONS? AS THEY MARCHED ALONG? A. I CANNOT TELL YOU THE DISTANCE. Q. HOW LARGE A SPACE WAS THERE BETWEEN THE FOREMOST OF THE WOMEN AND CHILDREN AND THE HINDERMOST WAGONS AS THEY PASSED ALONG IN YOUR SIGHT. PROBABLY WHAT SPACE? A. 15 OR 20 YARDS, BETWEEN THE WAGONS THE LAST I SAW OF THEM. Q BETWEEN THE WAGONS AND</p>	
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**RT**

**RS**

**BT**

**PS**

<p>THE FRONT PART OF THE RANKS— WHAT WAS THE SPACE BETWEEN THE HINDMOST WAGON AND NEAREST TO THE CHILDREN ? A. I DO NOT RECOLLECT. Q. WAS THE WOMEN RIGHT CLOSE UP TO THE WAGON OR SOME DISTANCE BEHIND A. SOME WERE NEAR, PRETTY CLOSE. Q. HOW CLOSE ? A. I SUPPOSE WITHIN 10 OR 15 FEET, SEEMED TO KEEP UP, BUT SOME COULD NOT, THEY KIND OF STRUNG ALONG. <sup>[350]</sup> <del>Q. WAS THE</del> Q. WHEN THE WAGONS PASSED OVER THIS RIDGE OUT OF YOUR SIGHT HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS ? A. I COULDN'T TELL YOU HOW FAR</p>	<p>FRONT PART OF THE RANKS WHAT WAS THE SPACE BETWEEN HINDMOST WAGON AND NEAREST CHILDREN A I DO NOT RECOLLECT WAGON Q WAS THE WOMEN RIGHT CLOSE UP TO THE WAGONS OR SOME DISTANCE BEHIND A SOME WERE NEAR PRETTY CLOSE. Q HOW CLOSE ? I A SUPPOSE WITHIN 10 OR 15 FEET, SEEMED TO KEEP UP BUT SOME COULD NOT. THEY KIND OF STRUNG ALONG Q WHEN THE WAGONS PASSED OVER THIS RIDGE OUT OF YOUR SIGHT HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS A I COULDN'T TELL HOW FAR</p>	<p>THE FRONT <del>PART PART</del> OF THE RANKS, WHAT WAS THE SPACE BETWEEN THE HINDERMOST WAGON AND THE NEAREST CHILDREN? A. I DON'T RECOLLECT. Q. WAS THE WOMEN RIGHT CLOSE UP TO THE WAGONS, OR SOME DISTANCE BEHIND ? A. SOMEWHERE, BUT NOT <b>VERY PRETTY</b> CLOSE. Q. HOW CLOSE? A. I SUPPOSE WITHIN 10 OR 15 FEET; THEY SEEMED TO KEEP UP, BUT SOME COULDN'T, THEY KIND OF STRUNG ALONG. Q. WHEN THE WAGON PASSED OVER THIS RIDGE OUT OF YOUR SIGHT, HOW NEAR WAS THE NEAREST WOMEN TO THE WAGONS? A. I CANNOT TELL YOU BUT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>BEHIND THEM, BUT THEY WAS BEHIND THEM THE LAST I SEEN OF THE WAGONS.</p> <p>CROSS- EXAMINED.</p> <p>Q. YOU SAY AFTER YOU FIRST HEARD THE FIRING THERE WAS A GREAT DEAL OF SMOKE —</p> <p>WAS THERE ANY SMOKE—DID YOU SEE ANY SMOKE</p> <p>AT THE TIME OF THE FIRING OF GUNS WHEN YOU LOOKED UP ? A. NO SIR, I DON'T RECOLLECT AS FOR</p>	<p>BEHIND THEY WAS</p> <p>LAST I SEEN OF WAGONS. BY HOGE TO PROSECUTION YOU CAN TAKE THE WITNESS <b>&lt;CROSS EXAMINATION BY BASKIN.&gt;</b></p> <p>BASKIN Q YOU SAY AFTER YOU FIRST HEARD THE FIRING THERE WAS GREAT DEAL OF SMOKE <b>&lt;A YES SIR&gt;</b> BY SPICER AS IT IS ABOUT ADJOURNING TIME I PROPOSE WE LEAVE WITNESS UNTIL TOMORROW MORNING. Q WAS THERE ANY SMOKE DID YOU SEE ANY SMOKE</p> <p>AT THE TIME FIRING OF GUNS WHEN YOU LOOKED UP A NO SIR I DON'T RECOLLECT AS FOR</p>	<p>THEY WAS BEHIND OF THEM , WAS THE LAST I SEEN OF THE WAGON.</p> <p>[212]</p> <p>CROSS- EXAMINATION OF WILLIAM YOUNG BY BASKIN: Q. YOU SAY THAT AFTER YOU FIRST HEARD THE FIRING THERE WAS A GOOD DEAL OF SMOKE? A. YES, SIR.</p> <p>Q. DID YOU SEE ANY SMOKE, WAS THERE ANY SMOKE AT THE TIME OF THE FIRING OF THE GUNS WHEN YOU LOOKED UP? A. NO, SIR I DON'T RECOLLECT, ONLY I SAW</p>	
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**RT**

**RS**

**BT**

**PS**

<p>SMOKE. Q. HOW FAR WAS IT FROM WHERE YOU SAW THE EMIGRANTS WHEN YOU LOOKED UP TO WHERE YOU SAW THE INDIANS RISE OUT—ABOUT HOW MANY RODS ? A. IT HAS BEEN A LONG TIME SINCE , I HAVE NEVER BEEN UPON THE GROUND— IT IS A HASTY MATTER, I COULD NOT JUDGE. Q. ABOUT HOW FAR, WAS IT FIFTY YARDS ? A. I THINK IT WAS THAT MUCH— FIFTY OR ONE HUNDRED. Q. DID THE INDIANS HAVE ANY GUNS ? A. I DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS. Q. DID YOU SEE THE INDIANS SHOOT ANY GUNS ON THAT OCCASION ? A. NO, I</p>	<p>SMOKE qHOW FAR WAS IT FROM WHERE YOU SAW THE EMIGRANTS WHEN YOU LOOKED UP TO WHERE YOU SAW INDIANS RISE OUT ABOUT HOW MANY ROD ΔIT HAS BEEN LONG TIME I HAVE NEVER BEEN ON GROUND, IT IS HASTY MATTER, I COULD NOT JUDGE q ABOUT HOW FAR WAS IT; WAS IT 50 YARDS ΔI THINK IT WAS THAT MUCH, 50 OR 100 qDID THE INDIANS HAVE ANY GUNS ΔI DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS qDID YOU SEE THE INDIANS SHOOT ANY GUNS ON THAT OCCASION ΔNO I</p>	<p>SMOKE. Q. HOW FAR WAS IT FROM HWHERE YOU SAW THE EMIGRANTS WHEN YOU LOKOKED UP TO WHERE YOU SAW THE INDIANS RISE UP, ABOUT HOW MANY RODS? A IT HAS BEEN A LONG TIME; I HAVE NEVER NBEEN ON THE GROUND SINCE; IT IS WAS A HASTY MATTER, I COULD NOT JUDGE. Q. ABOUT HOW FAR W AS IT? WAS IT 50 Y\$ARDS? A. I THINK IT WAS THAT MUCH, 50 OR A HUNDRED. Q. DID THE INDIANS HAVE ANY GUNS? A. I DON'T KNOW AS I PARTICULARLY NOTICED ANY GUNS. Q. DID YOU SEE THE INDIANS SHOOT ANY GUNS ON THAT OCCA SION? A. NO, I</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DON'T KNOW AS I DID. Q. DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUSIVELY</p> <p>ON THAT OCCASION ? A. I SAY I COULD NOT TELL WHAT WEAPON THEY DID SHOOT WITH —</p> <p>DIDN'T SEE THEM FIRE ANY SHOTS—DIDN'T SEE ANY WHITE MEN. Q. DID THE INDIANS MAKE THE ATTACK ON THE WOMEN ?</p> <p>A. I SAW THEM</p> <p>RUNNING BACK AND THE INDIANS WAS AFTER THEM, SEEMINGLY TO <sup>[351]</sup> KILL THEM. Q. AFTER YOU LOOKED UP AND YOU HAD SEEN THE TROOPS WHEN YOU LAST OBSERVED THEM, HOW WERE THEY</p>	<p>DON'T KNOW AS I DID Q DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUSIVELY</p> <p>ON THAT OCCASION A I SAY I COULD NOT TELL WHAT WEAPON THEY DID SHOOT, WE</p> <p>DIDN'T SEE THEM FIRE ANY SHOTS, DIDN'T SEE ANY WHITE MEN Q DID INDIANS MAKE ATTACK ON THE WOMEN <sup>[26]</sup></p> <p>A I SAW THEM RUNNING IN[?] AFTER THEM THEY BODY[?] BACK =</p> <p>RUNNING BACK, &lt;THE&gt;</p> <p>INDIANS WAS AFTER THEM SEEMINGLY TO KILL THEM. Q AFTER YOU LOOKED UP {AND YOU} <sup>i</sup> HAD SEEN THE TROOPS WHEN YOU LAST OBSERVED THEM, HOW WERE THEY</p>	<p>DON'T KNOW AS I DID. Q. DIDN'T THEY DO THEIR SHOOTING WITH ARROWS EXCLUSIVELY <del>WITH ARROWS</del></p> <p>ON TH T OCCASION? A. I SAY I COULDN'T TELL WHAT WEAPON THEY DID SHOOT WITH; I</p> <p>DIDN'T FSEE THEM FIRE ANY SHOTS. DIDN'T SEE ANY WHITE MEAN. Q. DID THE INDIANS MAKE THE ATTACK ON THE WOMEN? A. I SAW THEM RUNNING IN AFTER, <b>THEM IN A BODY THEY WERE BEAR BACK 9</b>—</p> <p>RUNNING BACK. THE INDIANS WAS AFTER THEM SEEMINGLY TO KILL THEM. Q: AFTER YOU LOOKED UP, AND YOU HAD SEEN THE TROOPS WHEN YOU <b>LAST LAT</b> OBSERVED THEM, HOW WERE THEY</p>	
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**RT**

**RS**

**BT**

**PS**

<p>SITUATED WITH REFERENCE TO EACH OTHER, THE WHITE MEN AND THE SOLDIERS ? A. I COULD NOT TELL YOU, ONLY SUPPOSE. Q. WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE ? A. THAT WAS THE LAST I NOTICED THEM. Q. WHEN YOU LOOKED UP DID YOU SEE THE SOLDIERS AND WHITE MEN IN THE VICINITY THERE ? A. YES, I SAW THEM NOT FAR FROM WHERE THESE MEN WERE. THE ROAD MADE A KIND OF A TURN. Q. LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS AND THE OTHER THE EMIGRANTS STANDING OUT HERE ? A. THE</p>	<p>SITUATED WITH REFERENCE TO EACH OTHER WHITE MEN AND SOLDIERS A I COULD NOT TELL YOU AS FAR AS[?] Q WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE A THERE &lt;THEY&gt; WAS &lt;THE&gt; LAST I NOTICED THEM Q WHEN YOU LOOKED UP DID YOU SEE SOLDIERS AND WHITE MEN IN THE VICINITY THERE [space] {A}^1 YES, I SAW THEM NOT FAR FROM WHERE THESE MEN WERE. THE ROAD MADE A KIND OF TURN Q LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS OR HOWEVER THEY WERE DID THE EMIGRANTS STAND OUT HERE A {THE}^1</p>	<p>SITUATED WITH REFERENCE TO EACH OTHER WHITE MEN AND SOLDIERS? A. I COULD NOT TELL YOU AS TO THAT. Q. WERE THEY WALKING ALONG TOGETHER SIDE BY SIDE? [213] A. THAT WAS THE LAST I NOTICED THEM- THEY WAS. Q. WHEN YOU LOOKED UP, DID YOU SEE THE SOLDIERS AND WHITE MEN IN THE VICINITY THERE? A. YES, S I SAW THEM NOT FAR FROM WHERE THESE MEN WERE. THE ROAD MADE A KIND OF A TURN. Q . LET THAT BENCH REPRESENT THE SOLDIERS IN THEIR RANKS, OR HOWEVER THEY WERE, DID THE EMIGRANTS STAND OUT HERE? A. THE</p>	
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**RT**

**RS**

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**PS**

<p>LAST I SAW OF THEM THEY WAS IN A KIND OF THAT POSITION. Q. HOW LONG HAD YOU BEEN LOOKING AT THEM BEFORE YOU HEARD THE FIRE ? A. I WAS IN A KIND OF STUDY AS TO HOW THEY MIGHT TREAT US, BUT IT WAS ONLY A SHORT TIME. Q. LET THAT REPRESENT THE SOLDIERS — WHERE WERE THE INDIANS WITH REFERENCE TO THEM ? A. ON THAT SIDE</p> <p>WHEN I FIRST SAW THEM RISE UP I WAS ON THE RIGHT HAND SIDE. Q. POINT OUT AS NEAR AS YOU CAN WHERE THEY ROSE UP ? A. THEY WAS ON THE RIGHT, SOMETHING</p>	<p>LAST I SAW OF THEM THEY WAS IN {A}<sup>i</sup> KIND OF THAT POSITION Q HOW LONG HAD YOU BEEN LOOKING AT <i>KIND/KND/KNT</i>[?] BEFORE YOU HEARD THE FIRING A I WAS IN A KIND OF STUDY AS TO HOW THEY MIGHT TREAT US BUT IT WAS ONLY SHORT TIME Q LET THAT REPRESENT SOLDIERS, WHERE WERE THE INDIANS WITH REFERENCE TO THEM A ON THAT SIDE ON THAT SIDE NEAR AS I ~ A AS I FIRST SAW ≤THEM≥ RISE UP WAS ON THE RIGHT HAND SIDE Q POINT OUT AS NEAR AS YOU CAN WHERE THEY ROSE UP A THEY WAS ON THE RIGHT SOMETHING</p>	<p>LAST I SAW OF THEM, THEY WERE IN A KIND OF THAT POSITION. Q. HOW LONG HAD YOU BEEN LOOKING AT THE MEN BEFORE YOU HEARD THE FIRING ? A. I WAS IN A KIND OF STUDDY AS TO H OW THEY MIGHT TREAT US, AND IT WAS ONLY A SHORT TIME. Q. LET THAT REPRESENT THE SOLDIERS, WHERE WERE THE INDIANS WITH REFERENCE TO THEM? A. ON THAT SIDE? A. YES, ON THAT SIDE; WHEN I FIRST <del>WHEN</del> SAW THEM RISE UP THEY WAS ON THE RIGHT HAND SIDE. Q. POINT OUT AS AW NEAR AS YOU CAN WHERE THEY ROSE UP? A. THEY WAS ON THE RIGHT SOMETHING</p>	
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**RT**

**RS**

**BT**

**PS**

<p>LIKE THAT. Q. WHEN YOU SAW THE INDIANS RUN OFF WHICH WAY DID THEY RUN ? A. I SAW, AS I SAID BEFORE, A PILE OF THEM RUSH</p> <p>BETWEEN THE SOLDIERS <sup>[352]</sup> AND THE EMIGRANTS. THE OTHERS MADE A RUSH TOWARDS THE WAGONS. Q. WHEN YOU LAST SAW THE SOLDIERS AND THE EMIGRANTS MARCHING TOGETHER, WERE THE SOLDIERS NEXT TO THE SIDE OF THE INDIANS OR WERE THEY ON THE EMIGRANTS ? A. THEY WERE ON THE SIDE THE EMIGRANTS</p> <p>WAS. THAT IS WHERE I SAW THE INDIANS. Q. AND <del>SAW</del> <math>\Leftarrow</math>SO<math>\Rightarrow</math> COMING FROM THAT</p>	<p>LIKE THAT <sub>Q</sub> WHEN YOU SAW THE INDIANS RUN OFF WHICH WAY DID THEY RUN <sub>A</sub> I SAW AS I SAID <math>\Leftarrow</math>A<math>\Rightarrow</math> PILE OF THEM RUSH <del>AMONG</del> BETWEEN {THE}<sup>i</sup> SOLDIERS AND EMIGRANTS;</p> <p>OTHERS MADE RUSH TOWARDS WAGONS. <sub>Q</sub>WHEN YOU LAST SAW THE SOLDIERS AND EMIGRANTS MARCHING TOGETHER WERE THE SOLDIERS NEXT TO THE SIDE OF INDIANS <i>WERE</i> <i>OVER/WHEREVER</i> [?] ON EMIGRANTS A THEY WERE ON THE SIDE THE EMIGRANTS</p> <p>WAS SO THAT IS WHERE I SAW THE INDIANS {Q}<sup>i</sup> A SHOT COMING FROM THAT</p>	<p>LIKE THAT. Q. WHEN YOU SAW THE INDIANS RUNNING TO THEM WHICH WAY DID THEY RUN? A. I SAW, AS I SAID, A PILE OF THEM RUSH</p> <p>BETWEEN THE SOLDIERS AND THE EMIGRANTS, AND THE OTHERS MADE A RUSH TOWARDS THE WAGONS. Q. WHEN YOU LAST SAW THE SOLDIERS AND EMIGRANTS MARCHING TOGETHER WERE THE SOLDIERS NEXT TO THE SIDE OF THE INDIANS OR WERE THEY OVER <del>NEAR</del> ON THE OTHER SIDE, AWAY. A. THEY WERE ON THE SIDE THE <del>EMIGRANTS</del> <b>INDIANS</b> WAS <del>ERE</del>, THAT IS WHERE I SAW THE INDIANS. Q. AND SO COMING FROM THAT</p>	
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**RT**

**RS**

**BT**

**PS**

<p>DIRECTION THE SHOTS MUST HAVE HIT THE SOLDIERS BEFORE HITTING THE EMIGRANTS ? A. I COULD NOT TELL.</p> <p>COURT: WHO WERE WITH YOU AT THE TIME YOU SPEAK OF WHEN YOU ROSE UP AT THAT POINT ? A. I WAS BEHIND EVERYBODY—I WAS OUT OF SIGHT OF THE WHOLE. Q.</p> <p>WAS YOU BY YOURSELF ? A. YES SIR.</p> <p>Q. WHEN YOU GOT BACK WHO WAS WITH YOU AT THE TIME ? A. I DON'T THINK ANYBODY WAS WITH ME, I ONLY SAW _____ [space]</p>	<p>DIRECTION MUST HAVE HIT SOLDIERS BEFORE HITTING THE EMIGRANTS A I COULD NOT TELL BASKIN THAT IS ALL. BY COURT WHO WAS WITH YOU AT THE TIME YOU SPOKE OF, WHEN YOU ROSE UP AT THAT POINT AI WAS {BEHIND}<sup>i</sup> EVERYBODY I {AND}<sup>i</sup> WAS OUT OF SIGHT OF THE WHOLE Q</p> <p>WAS YOU BY YOURSELF A /A YES SIR[?].</p> <p>Q WHEN YOU GOT BACK WHO WAS WITH YOU AT THE TIME AI DON'T THINK ANYBODY WAS WITH ME I SEEN [ink blot] BY PROSECUTION THAT IS ALL. (BY HOGE</p> <p>YOU CAN GO HOME IN THE MORNING TO[?] MR. YOUNG IF YOU WISH</p>	<p>DIRECTION, THEY MUST HAVE HIT THE SOLDIERS BEFORE HITTING THE EMIGRANTS? A. I COULD NOT TELL.</p> <p>THAT IS ALL. BY COURT: WHO WAS WITH YOU AT THE TIME YOU SPOKE OF, WHEN YOU ROSE UP THAT FOR POINT? A. I WAS BEHIND EVERYBODY; I WAS OUT OF SIGHT OF THE WHOLE</p> <p>BY COURT: WASERE YOU BY YOURSELF? A. YES, SIR? <sup>[214]</sup></p> <p>COURT: WHEN YOU GOT UP TO GO,— WHO WAS WITH YOU AT THE TIME? A. I DON'T THINK ANYBODY WAS WITH ME, WHILE I WENT AND LOOKED. THAT IS ALL. BY MR. HOGE: (TO WITNESS)</p> <p>YOU CAN GO HOME IN THE MORNING, MR. YOUNG IF YOU WIFSSH</p>	
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**RT**

**RS**

**BT**

**PS**

	<p>TO BY CAREY YOU CAN GO RIGHT ALONG. BY HOGE YOU HAD BETTER GO TO THE CLERK [ink blot] YOUR CERTIFICATE FOR ATTENDANCE I PRESUME WHEN THAT WEARS OUT I GUESS THEY WILL GIVE YOU ANOTHER ONE BY COURT WILL ADJOURN UNTIL TOMORROW MORNING AT 9 O'CLOCK [space]</p>	<p>TO. M<sup>R</sup> <del>BY</del> CARY: YOU CAN GO HOME RIGHT NOW.</p> <p>WHEREUPON COURT WAS ADJOURNED TILL TO MORROW MORNING AT 9 O'CLOCK. _____ —OO—</p>	
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