

John D. Lee, First Trial

Elisha Hoops Testimony



**RT**

**RS**

**BT**

**PS**

<p>THEN KNOW          GEORGE A.          SMITH ? A. I DID.          Q. JESSE N.          SMITH ? A. I DID.          Q. BISHOP          FARNSWORTH ?          A. I DID, HE WAS          BISHOP OF THE          TOWN THE          LATTER PART          OF AUGUST, AND          FORE PART OF          SEPTEMBER,          IN          AUGUST OF 1857.          Q. DO YOU KNOW          —DID YOU GO</p> <p>ANYWHERE IN          THEIR          COMPANY          ABOUT THAT          TIME ? A. I WENT          WITH THEM TO          FILLMORE.          I CAN'T          EXACTLY TELL          THE TIME; IT          WAS THE          LATTER PART          OF AUGUST OR          FIRST OF          SEPTEMBER,          WHEN WE WENT          WITH GEORGE A.          SMITH TO          FILLMORE. Q.          WHERE DID YOU          CAMP ? A.          STAYED OVER          NIGHT AT ONE          POINT</p>	<p>THEN KNOW          GEORGE A          SMITH <sub>A</sub> I DID          Q JESSE N          SMITH <sub>A</sub> I DID          {<sub>Q</sub>}<sup>i</sup> BISHOP          FARNSWORTH          {<sub>A</sub>}<sup>i</sup> I DID, HE WAS          BISHOP OF          TOWN HERE THE          LATTER PART          OF AUGUST,          FORE PART OF          SEPTEMBER, OR          IN          AUGUST OF 1857          Q          DID YOU GO          {ABOUT THAT          TIME}<sup>i</sup>          ANYWHERE IN          THEIR          COMPANY</p> <p><sub>A</sub> I WENT          WITH THEM TO          —[?] &lt;FILLMORE&gt;          I CAN'T          EXACTLY TELL,          IT          WAS          LATTER PART          OF AUGUST, OR          FIRST OF          SEPTEMBER,          WHEN WE WENT          WITH GEORGE A          SMITH TO          FILLMORE Q          WHERE DID YOU          CAMP {<sub>A</sub>}<sup>i</sup>          STAYED OVER          NIGHT AT ONE          POINT</p>	<p>THEN KNOW          GEORGE A.          SMITH? A. I DID.          Q. JESSE N.          SMITH? A. I DID.          Q. BISHOP          FARNSWORTH?          A. I DID. HE WAS          BISHOP OF THE          TOWN HERE—          LATTER PART          OF AUGUST—          FORE PART OF          SEPTEMBER OR          ALONG IN          AUGUST OF I857.          Q.          DID YOU          ABOUT THAT          TIME GO          ANY WHERE IN          THEIR          COMPANY?</p> <p>A. I WENT          WITH THEM TO          FILLMORE,          BUT I CAN'T          EXACTLY TELL.          IT          WAS THE          LATTER PART          OF AUGUST OR          IST OF          SEPTEMBER,          WHEN WE WENT          WITH GEORGE          A. SMITH TO          FILLMORE. Q.          WHERE DID YOU          CAMP? A.          STAID OVER          NIGHT AT ONE          POINT</p>	
--	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>BETWEEN HERE AND FILLMORE. Q. WHERE DID YOU STAY? OVER NIGHT ? A. AT CORN CREEK. Q. DID YOU MEET ANY</p> <p>PARTY OF EMIGRANTS THERE ? A. WE DID. Q. HOW FAR DID THEY CAMP FROM YOUR CAMP ? A. I DON'T KNOW AS I CAN TELL EXACTLY, IN THE NEIGHBORHOOD OF 150 STEPS <sup>[393]</sup> IT WASN'T TO EXCEED THAT I DON'T THINK</p> <p>Q. YOU CAMPED THERE ? A. YES ,WE CAMPED CLOSE BY THEM, THEY WERE ENCAMPED WHEN WE GOT THERE. Q. DID YOUR PARTY HAVE ANY CONVERSATION WITH ANY MEMBERS OF THAT OTHER</p>	<p>BETWEEN HERE AND FILLMORE Q WHERE DID YOU STAY OVER NIGHT A ON CORN CREEK {Q}^i DID YOU MEET ANY PARTICULAR PARTY OF EMIGRANTS THERE A WE DID Q HOW FAR DID THEY CAMP FROM YOUR CAMP A I DON'T KNOW AS I CAN TELL EXACTLY, ≤IN THE≥ NEIGHBORHOOD OF 150 STEPS, IT WASN'T I DON'T THINK TO EXCEED THAT Q YOU CAMPED THERE ≤THAT≥ NIGHT A YES WE CAMPED CLOSE BY THEM; THEY WERE IN CAMP WHEN WE GOT THERE {Q}^i DID YOUR PARTY HAVE ANY CONVERSATION WITH ANY OF THE MEMBERS OF THAT OTHER</p>	<p>BETWEEN HERE AND FILLMORE. Q. WHERE DID YOU STAY OVER NIGHT? A. AT CORN CREEK. Q. DID YOU MEET ANY</p> <p>PARTY OF EMIGRANTS THERE? A. WE DID. Q: HOW FAR DID THEY CAMP FROM YOUR CAMP? A. I DON'T KNOW AS I CAN TELL EXACTLY. <sup>[246]</sup> BUT IN THE NEIGHBORHOOD OF I50 STEPS. IT WASN'T, I DON'T THINK TO EXCEED THAT. Q. YOU CAMPED THERE THA T NIGHT? A. YES, WE CAMPED CLOSE BY THERE. THEY WERE IN CAMP WHEN WE GOT THERE. Q. DID YOUR PARTY HAVE ANY CONVERSATION WITH ANY OF THE MEMBERS OF THEIR</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>PARTY ? A. WE DID, WE TALKED ABOUT AN OX IN THE MORNING. Q. DID YOU SAY SILAS S. SMITH WAS ALONG ? A. YES SIR, HE WAS, AND JACOB HAMBLIN. Q. DID YOU HAVE ANY CONVERSATION WITH ANY MEMBERS OF THE TRAIN, OR THE PARTY, IN THE MORNING ? A. WE DID. Q. WHAT WAS THE SUBJECT OF THAT CONVERSATION ? A. WELL I DON'T KNOW AS I _____ THEY ENQUIRED WHERE THEY COULD GET GRASS AND WATER AND I BELIEVE GEORGE A. SMITH, HE REFERRED THEM TO . JACOB HAMBLIN, TO TELL THEM. JACOB GAVE THEM AS NEAR A FULL ACCOUNT AS HE</p>	<p>PARTY <sub>A</sub> WE DID WE TALKED ABOUT OX IN MORNING DID YOU SAY SILAS S SMITH WAS ALONG <sub>A</sub> YES SIR HE WAS AND JACOB HAMBLIN. {<sub>Q</sub>}<sup>i</sup> DID YOU HAVE CONVERSATION WITH ANY MEMBERS OF TRAIN <sup>[[4]]</sup> PARTY IN THE MORNING <sub>A</sub> WE DID <sub>Q</sub> WHAT WAS {THE}<sup>i</sup> SUBJECT OF THAT CONVERSATION WELL <sub>A</sub> I DON'T KNOW AS I COULD TELL, THEY INQUIRED WHERE THEY COULD GET GRASS AND WATER SO I BELIEVE THEY ASKED GEORGE A SMITH HE REFERRED THEM TO JACOB HAMBLIN TO TELL THEM. JACOB GAVE THEM AS NEAR A FULL ACCOUNT AS HE</p>	<p>PARTY? A. WE DID; WE TALKED ABOUT AN OX IN THE MORNING. Q. DID YOU SAY SILAS S. SMITH <del>A</del> WAS ALONG? A. YES, SIR, AND JACOB HAMBLIN. Q. DID YOU HAVE ANY CONE<del>V</del>ERSATIO<del>N</del> WITH ANY MEN<del>M</del>BERS OF THE TRAIN OF THEIR PARTY IN THE MORNING? A. WE DID. Q. WHAT WAS THE SUBJECT OF THAT CONVERSATIO<del>N</del>? A. WELL, I DON'T KNOW AS I <del>HAVE IN</del> CAN TELL; THEY INQUIRED WHERE THEY COULD GET GOOD GRASS AND WATER; SO I SUPPOSE THEY ASKED GEORGE A. SMITH, AND HE REFERRED THEM TO JACOB HAMBLIN TO TELL THEM. JACOB GAVE THEM <del>S</del> AS NEAR AN ACCOUNT AS I</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>COULD OF THE CAMPING PLACES, CLEAR TO THE MUDDY. Q. WAS THERE ANYTHING SAID ABOUT AN OX THAT DIED IN THEIR CAMP ? A. WHEN WE GOT UP IN THE MORNING, AFTER WE MOVED OFF, THERE WAS AN OX LYING DEAD IN THE CORRALL, A LITTLE GERMAN DOCTOR WAS ALONG; AFTER WE GOT IN THE WAGONS, WE WAS JUST IN</p> <p>READY TO START, I SAW HIM TAKE A KNIFE FROM HIS POCKET AND STICK IT IN THREE SEPARATE TIMES AND POUR SOMETHING IN JUST AS WE LEFT. AS WE WAS LEAVING THERE WAS</p>	<p>COULD OF CAMPING PLACES CLEAR TO &lt;THE&gt; MUDDY. Q WAS THERE ANYTHING SAID ABOUT {AN}<sup>i</sup> OX THAT DIED IN THEIR CAMP? A WHEN {WE}<sup>i</sup> GOT UP IN MORNING = AFTER WE MOVED OFF, THERE WAS OX LYING DEAD IN {THE}<sup>i</sup> CORRAL. A LITTLE GERMAN DOCTOR ALONG. AFTER WE GOT IN THE WAGONS = WE WAS JUST {IN}<sup>i</sup> NOT &lt;ACTUALLY&gt; READY {TO}<sup>i</sup> START, I SAW HIM TAKE A KNIFE FROM HIS POCKET AND STICK IT IN 3 SEPARATE TIMES, AND POUR SOMETHING IN, AND I JUST AS WE LEFT— AS WE WAS LEAVING, THERE WAS 1</p>	<p>COULD OF THE CAMPING PLACES †CLEAR TO THE MEADOWS. Q. WAS THERE ANYTHING SAID ABOUT AN OX THAT HAD DIED IN THEIR CAMP? A. WHEN WE GET UP IN THE MORNING <del>AFTER</del> AFTER WE MOVED OFF, THERE WAS AN OX LYING DEAD IN THE CORRAL. THERE WAS A LITTLE GERMAN DOCTOR ALONG. AFTER WE GOT IN THE WAGONS WE <b>WERE</b> JUST NOT QUITE</p> <p>READY TO START. I SAW HIM TAKE A KNIFE FROM HIS POCKET AND STICK IT IN THREE SEPARATE TIMES AND POUR SOMETHING IN; AND I JUST AS WE LEFT— AS WE WAS LEAVING— THERE WAS</p>	
--	---	--	--

## RT

## RS

## BT

## PS

<p>TWO OR THREE INDIANS—I CANNOT TELL—THEY GAVE HIM TWO BUCKSKINS FOR THE OX, HE TOOK THE BUCKSKINS AND WENT ON. Q. HOW DO YOU KNOW THE BUCKSKINS WERE GIVEN FOR THE OX ? <sup>[394]</sup> A. I SAW ‘EM TAKE THE BUCKSKINS AND GO ON. THE INDIANS WERE BUYING IT, I THOUGHT FOR MOCCASIN SOLES. Q. DID YOU HEAR ANY CONVERSATION BETWEEN THAT EMIGRANT PARTY AND YOUR PARTY AS TO WHETHER THEY WOULD EAT THAT OX ? A. THE QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT, AND THE ANSWER WAS SOMETIMES THEY DID. Q. DID YOU SEE</p>	<p>←2&gt; TO THREE INDIANS = I CANNOT TELL = THEY GAVE HIM TWO BUCKSKINS FOR THE OX. HE TOOK THE BUCKSKINS AND WENT ON. Q HOW ←DO&gt; YOU KNOW BUCKSKINS WERE GIVEN FOR THE OX A. I SAW HIM TAKE THE BUCKSKINS AND GO ON, INDIANS WERE BUYING IT FOR MOCCASIN SOLES Q DID YOU HEAR ANY CONVERSATION BETWEEN THAT EMIGRANT PARTY AND YOUR PARTY, AS TO WHETHER THEY WOULD EAT THAT OX A QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT AND THE ANSWER WAS, “SOMETIMES THEY {DID}” Q DID YOU SEE</p>	<p>TWO OR THREE INDIANS, I CAN’T TELL—CAME UP. THEY €GAVE HIM TWO BUCKSKINS FOR <b>THE</b> OX. HE TOOK THE BUCKSKINS AND WENT ON. Q. HOW DO YOU KNOW THE BUSCKSKINS WERE GIVEN FOR THE OX? A. I SAW HIM TAKE THE BUCKSKINS AND GO ONGG. INDIANS WERE B¥UYING IT FOR MOCCASIN SOLES. Q. DID YOU HEAR ANY CONVERSATION BETWEEN THAT EMIGRANT PARTY AND YOUR PARTY AS TO WHETHER THEY WOULD EAT THAT OX.? A. THE QUESTION WAS ASKED AS TO WHETHER THEY WOULD OR NOT, AND THE <sup>[247]</sup> ANSWER WAS , SOMETIMES THEY DID. Q. DID YOU SEE</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>THAT PARTY OF EMIGRANTS AFTER ? A. I NEVER SAW THEM AFTERWARDS. I WORKED AT FILLMORE FIFTEEN DAYS; THEN I WENT ON. Q. DO YOU KNOW OF ANY SETTLERS HAVING ANY TRANSACTIONS WITH THE TRAIN THERE THAT NIGHT OR SELLING THEM ANYTHING ? A. I DO NOT. THERE WAS NOTHING MORE OCCURRED, IT WAS LATEISH, IN THE EVENING WHEN I GOT THERE. WE CAMPED THERE AND WENT TO SLEPEP. THERE WAS A FEW OF THEM CAME OVER AND SOMETHING OR OTHER, I DON'T RECOLLECT <del>WHHTS</del> &lt;WHAT&gt; WAS SAID THAT EVENING. Q. STATE WHO WERE WITH</p>	<p>THAT PARTY OF EMIGRANTS AFTER AI NEVER[?] SAW THEM AFTERWARD. I WORKED AT FILLMORE 15 DAYS THEN AND WENT ON. QDO YOU KNOW {OF}^i ANY SETTLERS HAVING ANY TRANSACTION{S }^i WITH THE TRAIN THERE THAT NIGHT OR SELLING THEM ANYTHING AI DID NOT, THERE WAS NOT ANYTHING OCCURRED; IT WAS LATEISH IN THE EVENING WHEN I GOT THERE. WE CAMPED THERE, WENT TO SLEEP. THERE WAS FEW OF THEM CAME OVER = SOMETHING OR OTHER, I DON'T RECALL WHAT WAS SAID THAT EVENING. Q STATE WHO WERE WITH</p>	<p>THAT PARTY OF EMIGRANTS AFTER? A. I NEVER SA≠W THEM AFTERWARDS. I WORKED AT FILLMORE 15 DAYS, THEN I WENT ON. Q. DO YOU KNOW OF ANY SETTLERS HAVING ANY TRANSACTION WITH THE TRAIN THERE THA T NIGHT, OR SELLING THEM ANYTHING? A. I DID NOT, THERE WASN'T NOTHING OCCURRED. IT WAS LATISH IN THE EVENING WHEN WE GOT THERE. WE CAMPED THERE AND WENT TO SLEEP. THERE WAS A FEW OF THEM CAME OVER— ØSOMETHING OR OTHER, I DON'T RECOLLECT WHAT WAS SAID THAT EVENING. Q. WHO WERE WITH</p>	
--	--	---	--



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

<p>YOU WHEN YOU SAW THIS GERMAN DOCTOR YOU SPEAK OF STICK HIS KNIFE INTO THE OX ? A. GEORGE A. SMITH, SILAS SMITH, PHILO T. FARNSWORTH— I WAS IN THE WAGON WHEN HE DONE IT. Q. DID THEY ALL SEE IT ? A. I DON'T KNOW WHAT THEY SAW. Q. DID YOU CALL THEIR ATTENTION TO IT ; S. I DON'T KNOW AS I DID, AND I DON'T KNOW BUT WHAT THEY SAW IT. Q. DIDN'T YOU SPEAK TO THEM ABOUT IT— WAS THERE ANYTHING SAID ABOUT IT AT THE TIME <sup>[395]</sup> A. I SUPPOSE— ——  SUTHERLAND: DON'T SAY</p>	<p>YOU WHEN YOU SAW THIS GERMAN DOCTOR, YOU SPEAK OF, STICK HIS KNIFE INTO THE OX A GEORGE A SMITH, SILAS SMITH, PHILO T FARNSWORTH, IN THE WAGON WHEN {HE}<sup>i</sup> DONE IT Q DID YOU {HE}<sup>i</sup> ALL SEE IT A I DON'T KNOW WHAT THEY SAW Q DID YOU CALL THEIR ATTENTION TO IT A I DON'T KNOW AS I DID, I DON'T KNOW BUT WHAT THEY SAW Q DIDN'T YOU SPEAK TO THEM ABOUT IT [space] WAS THERE ANYTHING SAID ABOUT IT AT THE TIME A I SUPPOSE BY BASKIN BASKIN WE OBJECT&gt;</p> <p>SUTHERLAND DON'T SAY</p>	<p>YOU WHEN YOU SAW THIS GERMAN DOCTOR , <b>WHEN</b> YOU SPEAK OF STICKING HIS KNIFE INTO THE OX? A. GEORGE A. SMITH, SILAS SMITH, <del>F</del>PHILO T: FARNSWORTH, IN THE WAGON WHEN HE DONE IT. Q. DID YOU ALL SEE IT? A. I DON'T KNOW WHAT THEY SAW. Q. DID YOU CALL THEIR ATTENTION TO IT? A I DON'T KNOW AS I DID; I DON'T KNOW BUT WHAT THEY SAW IT. Q DID YOU SPEAK TO THEM ABOUT IT; WAS THERE ANYTHING SAID ABOUT IT AT THE TIME? A. I SUPPOSE— BASKIN: HOLD ON, WE OBJECT TO WHAT YOU SUPPOSE/ SUTHERLAND: DON'T SAY</p>	
--	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>WHAT YOU SUPPOSE.</p> <p>BASKIN: I HAVE THE WITNESS NOW. Q. WHERE WERE YOU ? A. I WAS SITTING IN THE HIND END OF THE WAGON. Q. WHO WERE WITH YOU ? A. GEORGE A. SMITH AND SILAS, PHILO T. FARNSWORTH AND JACOB HAMBLIN, ANOTHER MAN WAS IN ANOTHER WAGON. Q. HOW FAR WERE THEY <del>THEY</del> FROM THE WAGONS ? A. THEY WAS ALL TOGETHER. Q. WITHIN TALKING DISTANCE ? A. YES SIR, TALKING BACKWARDS AND FORWARDS. Q. IN WHAT DIRECTION WAS THE EMIGRANT TRAIN FROM THE</p>	<p>WHAT YOU SUPPOSED.</p> <p>BY BASKIN I HAVE THE WITNESS NOW Q. WHERE WERE YOU A. I WAS SITTING IN THE HIND END OF THE WAGON &lt;WHO WERE WITH YOU&gt; QA GEORGE A SMITH, SILAS SMITH PHILO T FARNSWORTH, JACOB HAMBLIN. ANOTHER MAN WAS IN ANOTHER WAGON Q. HOW FAR WAS THE OTHER WAGON A. THEY WAS ALL TOGETHER <sup>[[5]]</sup> Q. WITHIN TALKING DISTANCE A. YES SIR Q. TALKING BACKWARDS AND FORWARDS &lt;YES SIR&gt; Q. IN WHAT DIRECTION WAS THE EMIGRANT TRAIN AND THE</p>	<p>WHAT YOU SUPPOSED.</p> <p><b>CROSS-EAM NATION OF E HOOPS BY R.N. BASKIN,</b></p> <p>Q. WHERE WERE YOU? A. I WAS SITTING IN THE HIND END OF THE WAGON. Q. WHO WERE WITH YOU? A. GEORGE A. SMITH, SILAS SIMMITH, FILO T. FARNSWORTH, JACOB HAMBLIN AND ANOTHER MAN WAS IN ANOTHER WAGON. Q. HOW FAR WAS THE OTH ER WAGON? A. THEY WAS ALL TOGETHER? Q. WITHIN SPEAKING DIASTANCE? A. YES, SIR. Q. TAKLLKING BACKWARDS AND FORWARDS? A. YES, SIR/ Q. IN WHAT DIRECTION WAS THE EMIGRANT TRAIN WITH THE</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>OX FROM WHERE YOUR WAGONS WAS ? A. RIGHT BEHIND US ON THE OPEN</p>	<p>OX [<i>space</i>] FROM WHERE YOUR WAGONS WAS A RIGHT BEHIND US, ON THE OPEN</p>	<p>OX, FROM WHERE YOUR WAGONS WERE? A. RIGHT BEHIND US ON THE OPEN <del>PERARIE.</del></p>	
<p>PRAIRIE. Q. WERE THE PARTIES IN THE WAGON WITH YOU PASSING THE DIRECTION OF THE OX ? A. THEY WERE NOT. Q. HOW LONG DID THE INDIANS AND WHITE MEAN THAT GOT THE OX THAT CUT ANSD STUCK THE KNIFE INTO THE OX REMAIN THERE ? A. I DON'T KNOW AS I COULD TELL YOU, BUT A VERY FEW MINUTES; HE STRUCK THE KNIFE INTO THE OX PRIOR TO THE INDIANS COMING UP. Q. HOW LONG PRIOR ? A. I PRESUME IT WAS 10 OR 15 MINUTES BEFORE THE INDIANS CAME UP. Q. WHEN HE STRUCK HIS</p>	<p>PRAIRIE Q WERE THE PARTIES IN THE WAGON WITH YOU FACING THE DIRECTION OF THE OX A THEY WERE NOT Q HOW LONG DID THE INDIAN AND WHITE MAN WHO CUT THE OX, WHO STUCK HIS KNIFE INTO THE OX REMAIN THERE A I DON'T KNOW AS I COULD TELL YOU, IT WAS A VERY FEW MINUTES; HE STRUCK &lt;THE&gt; KNIFE INTO THE OX PRIOR &lt;TO&gt; THE INDIANS COMING UP Q HOW LONG PRIOR A I PRESUME IT WAS 10 OR 15 MINUTES BEFORE {THE} I INDIANS CAME UP. Q BEFORE &lt;WHEN HE&gt; STRUCK HIS</p>	<p>PRAIRIE/ [248] Q. WERE THE PARTIES IN TTHE WAGON WITH YOU FACING IN THE DIRECTION OF THE OX? A. THEY WERE NOT? Q. HOW LONG DID THE INDIAN AND WHITE MEAN THAT <del>GODED THE OX,</del> WHO STUCK HIS KNIFE INTO THE OX REMAIN THERE? A. I DON'T KNOW AS I COULD TELL YOU, IT WAS A VERY FERW MINUTES. HE STUCK THE KNIFE INTO THE OX PRIOR TO THE INDIANS COMING UP. Q. HOW LONG PRIOR? A. I PRESUME IT WAS TEN OR FIRFTEEN MINUTEÐS BEFORE THE INDIANS CAME UP. Q. WHEN HE STUCK HIS</p>	

**RT**

**RS**

**BT**

**PS**

<p>KNIFE INTO THE OX, THE TRAIN WAS MOVING AT THAT TIME ? <sup>[396]</sup>  A. YES SIR. Q. WELL, WHAT WAS SAID BY YOU WHEN YOU SAW THAT DONE ? A. I COULD NOT TELL YOU WHAT WAS DONE. Q. DIDN'T YOU TURN AROUND AND SAY TO THESE MEN WHAT IS THAT FELLOW DOING ? A. I MIGHT ,BUT I DON'T RECOLLECT. Q. WAS THERE <del>NOTH</del> ANYTHING SAID AMONG YOU ABOUT IT ? A. NOT AT PRESENT, AS I RECOLLECT OF. Q. WHEN DID THE INDIANS GO ? A. AFTER THEY PAID THE BUCKSKINS THEY SKINNED IT. Q. DID THEY GO TO EATING ? A. I DON'T KNOW;) <del>Q</del> THEY DON'T EAT TILL THEY SKIN</p>	<p>KNIFE INTO THE OX THE TRAIN WAS MOVING AT THAT TIME  A YES SIR Q WELL WHAT WAS SAID BY YOU, WHEN YOU SAW THAT DONE A I COULD NOT TELL YOU WHAT WAS DONE Q DIDN'T YOU TURN AROUND AND SAY TO THESE MEN "WHAT IT IS THAT FELLOW DOING" A I MIGHT BUT I DON'T RECOLLECT {Q}^i WAS THERE ANYTHING SAID AMONG YOU ABOUT IT A NOT AT PRESENT AS I RECOLLECT OF {Q}^i WHEN DID INDIANS GO A AFTERWARD THEY PAID THE BUCKSKINS THEY SKINNED IT. Q DID THEY GO TO EATING A I DON'T KNOW Q THEY DIDN'T EAT TILL THEY SKINNED</p>	<p>KNIFE INTO THE OX, WAS THE TRAIN MOVING AT THAT TIME?  A. YES, SIR. Q. WELL, WHAT WAS SAID BY YOU WHEN YOU SAW THAT DONE ? A. I COULD NOT TELL YOU WHAT WAS DONE? Q. DIDN'T YOU TURN ROUND AND SAY TO THESE MEN, "WHAT'S THAT FELLOW DOING?" I MIGHT, BUT I DON'T RECOLLECT. Q. WAS THERE ANYTHING SAID AMONG YOU ABOUT IT OR NOT? A. NOT BY ANY PERSON AS I RECOLLECT OF. Q. <del>WHEN</del> WHAT DID THE INDIANS <del>GO?</del> DO? A. AFTER THEY PAID THE BUCKSKINGS, THEY SKINNED IT. Q. DID THEY GO TO EATING? A. I DON'T KNOW. Q. THEY DIDN'T EAT TILL THEY SKINNED</p>	
--	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>IT ? A. I COULD NOT SAY, MY SUPPOSITION IS THEY WERE SKINING IT FOR THE HIDE, AND THEN TO EAT IT AFTERWARDS. BASKIN REMARKED TO THE COURT AS TO THE FURTHER PURPOSE OF CROSS-EXAMINING THIS WITNES-S.</p>	<p>IT <sub>A</sub>I COULD NOT SAY <sub>A</sub>MY SUPPOSITION IS, THEY WAS SKIN IT FOR THE HIDE. AND THEN EAT IT AFTERWARDS BY BASKIN</p>	<p>IT? A. I COULD NOT SAY. MY SUPPOSITION WAS THEY WAS SKINNING IT FOR THE HIDE AND THEN EAT IT AFTERWARDS.</p>	
<p>Q. WHAT DO YOU SUPPOSE THEY WERE SKINNING FOR ? A I KNEW THEY WERE IN THE HABIT OF EATING SUCH THINGS AND MY SUPPOSITION WAS, I THOUGHT THEY WERE SKINNING</p>	<p>THE <i>INTIMATIONS</i>[?] AND THE THOUGHTS OF HIS MIND WHICH MAY HAVE DRAWN FROM THE CIRCUMSTANCES AND THEIR SKINNING THERE IS MATERIAL AND I WILL <i>MAKE/MG/MAGNIFY</i>[?] QWHAT DO YOU SUPPOSE THEY WAS SKINNING THAT OX FOR <sub>A</sub> I KNEW THEY WERE IN HABIT OF EATING SUCH THINGS, MY SUPPOSITION WAS, I THOUGHT THEY WERE SKINNING</p>	<p>Q. WHAT DO YOU SPUPPOSE THEY WERE SKINNING THAT OX FOR ? A IKNEW THEY WERE IN THE HABBIT OF EATING SUFCH THINGS. MY SUPPOSITION WWAS, I THOUGHT THEY WERE SKINNING</p>	

**RT**

**RS**

**BT**

**PS**

<p>IT TO PUT RAW HIDE ON THEIR MOCCASINS FOR SOLES, TO WEAR. Q. YOU <del>OO</del> DIDN'T THINK THEY HAD ANY INTENTION OF EATING IT ? A. I DIDN'T KNOW. Q. DID THE OTHER PARTIES WITH YOU SEE THE OX SKINNED ? A. YOU KNOW VERY WELL I CAN'T TELL WHAT THE OTHER MEN SAW. Q. BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT OR NOT ? <sup>[397]</sup> A. WHETHER THEY WERE LOOKING AT IT OR NOT I <del>DO</del><sup>D</sup> DON'T KNOW. I WANT TO TELL THE FACTS. Q. NOW WONT YOU ACCO ACCOMODATE ME AS TO THAT QUESTION ? A. YOU KNOW VERY WELL JUDGE I DON'T KNOW WHAT THE OTHER MEN</p>	<p>IT TO PUT RAW HIDE ON THEIR MOCCASINS FOR SOLES TO WEAR Q YOU DIDN'T <del>THINK</del> THEY HAD ANY INTENTION OF EATING IT A I DIDN'T KNOW Q DID THE OTHER PARTIES WITH YOU SEE THAT OX SKINNED A YOU KNOW VERY WELL, I CAN'T TELL WHAT <del>THE</del> OTHER MEN SAW Q BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT <del>OR NOT</del> A WHETHER THEY WERE LOOKING AT IT <del>OR NOT</del> I DON'T KNOW I WANT TO TELL THE FACTS. Q WON'T YOU  ACCOMMODATE <del>ME</del> A YOU KNOW VERY WELL A JUDGE I DON'T KNOW WHAT THE OTHER MEN</p>	<p>IT TO PUT RAWHIDE ON THEIR MOCCASINS, FOR SOLES TO WEAR. Q. YOU DON'T THINK THEY HAD ANY INTENTION OF EATUHG IT? A I <del>DO</del> I DON'T KNOW. Q. DID THE OTHER PARTIEWS WITH YOU SEE THAT OX SKINNED? A. YOU KNOW VERY WELL I CAN'T STATE WHEAT THE OTHER MEN SEEN. <sup>[249]</sup> Q. BY THEIR EYES YOU COULD TELL WHETHER THEY WERE ALL LOOKING AT IT?  A. WHETHER THEY WERE LLOOKING AT IT OR NOT, I DON'T KNOW, I WANT TO TELL THE FACTS. Q. WON'T YOU  ACCONMODATE ME? A. YOU KNOW VERY WELL, JUDGE THAT I DON'T KNOW WHAT THE OTHER MEN</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>SAW AND I 'AINT A GOING TO SWEAR TO IT EITHER. Q. YOU KNOW I SEE YOU AND I KNOW YOU SEE ME— DON'T YOU KNOW WHETHER THESE PARTIES OR NOT WERE LOOKING IN THE DIRECTION OF THAT OX ? A. I DON'T KNOW WHETHER THEY SAW IT OR NOT.</p>	<p>≤SAW&gt; I AIN'T A GOING TO SWEAR TO IT EITHER. Q YOU KNOW I SEE YOU AND I KNOW I SEE YOU, DON'T YOU KNOW WHETHER THESE PARTIES OR[?] WERE LOOKING IN THE DIRECTION OF THAT OX ≤OR NOT&gt; I DON'T KNOW WHETHER THEY SAW OR NOT</p>	<p>SAƳW, AND I AINT AGOING TO SWEAR TO IT EITHER. Q. YOU KNOW I SEE YOU, AND YOU KNOW YOU SEE ME. DON'T YOU KNOW WHETHER THESE PARTIES WERE LOOKING IN THE DIRECTION OF THAT OX OR NOT? A. I A. I <b>DONT KNOW WHETHER THEY WERE OR NOT.</b></p>	
<p>I DON'T RECOLLECT WHETHER THERE WAS ANY TALK ABOUT IT OR NOT; † RECOLLECT IT HAS BEEN EIGHTEEN YEARS AGO. Q. WELL, BUT THAT WAS A VERY SIMPLE OCCURRENCE ? A. YES, BUT A VERY MINUTIA A MAN WOULD NOT BE EXPECTED TO RECOLLECT. Q. THERE ARE A GOOD MANY</p>	<p>A I DON'T RECALL WHETHER THERE WAS ANY TALK ABOUT QUESTION OR NOT, RECALL IT HAS BEEN 18 YEARS AGO Q WELL BUT THAT WAS VERY SIMPLE OCCURRENCE A BUT VERY MINUTIA A MAN WOULD NOT BE <sup>[[6]]</sup> EXPECTED TO RECALL Q THERE ARE GOOD MANY</p>	<p>Q. YOU DON'T KNOW WHETHER THEY SAƳW IT OR NOT? A. I DON'T RECOØLLECT WHETHER THERE WAS ANY TALK ABOUT THE OƳX OR NOT. RECOLLECT IT HAS BEEN 18 YEARS AGO. Q. WELL, BUT THAT WAS A VERY SIMPLE OCCURRENCE? A. ABOUT EVERY MINUTHE A A MAN WOULD NOTBE EXPECTED TO RECOLECT. Q. THERE ARE A GOOD MANY</p>	

**RT**

**RS**

**BT**

**PS**

<p>THINGS YOU DON'T RECOLLECT ?</p> <p>A. YES, AND THEN THERE ARE A GOOD MANY IN THIS TERRITORY THAT I CAN.</p> <p>Q. IN MOVING ON HOW NEAR DID YOU PASS NEAR THEM ? A. WE WERE GOING IN THE <del>OPPOSITE</del> OPPOSITE DIRECTION ALL THE TIME. Q. BUT YOU WERE STANDING STILL WHEN YOU SAW THIS TRANSACTION ? A. JUST AS WE WERE GETTING INTO THE WAGONS HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE INDIANS CAME UP WE WERE COMING HERE. Q. YOU JUST NOW SAID WHEN THEY PUT THE KNIFE</p>	<p>THINGS YOU DON'T RECOLLECT, &lt;AREN'T THERE&gt; [space] <sup>A</sup>AND THEN THERE ARE &lt;A&gt; GOOD MANY I CAN. [space]</p> <p>Q. IN MOVING ON HOW NEAR DID YOU PASS = NEAR THEM <sup>A</sup>WE WERE GOING IN THE OPPOSITE DIRECTION ALL THE TIME. Q. YOU WERE STANDING &lt;STILL&gt; <del>STILL</del> WHEN YOU SAW THIS TRANSACTION <sup>A</sup>JUST AS WE WERE GETTING INTO THE WAGONS. HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE INDIANS CAME UP WE WERE GOING AWAY. Q. YOU JUST NOW SAID WHEN HE PUT KNIFE</p>	<p>THINGS THAT YOU <del>W</del>DON'T RECOLLECT, ARN'T THERE? A. YES, IN THIS TERRITORY, A GOOD MANY I CAN'T AND <del>THERN H</del>THERE <b>THERE</b> ARE A GOOD MANY——</p> <p>Q. IN MOVING ON, HOW NEAR DID YOU PASS— HOW NEAR TO THEM? A. WE WERE GOING IN THE OPPOSITE DIRECTION ALL THE TIME. Q. YOU WERE STANDING STILL WHEN YOU SAW THIS TRANSACTION? A. <del>WAS</del> JUST AS WE WERE GETTING <del>F</del>INTO THE WAGONS, HE PUT THE KNIFE INTO THE OX, AND AFTERWARD WHEN THE INDIANS CAME UP WE WERE GOING AWAY. Q. YOU JUST NOW SAID WHEN HE PUT THE KNIFE</p>	
--	---	---	--



**RT**

**RS**

**BT**

**PS**

<p>INTO THE OX YOU WERE GETTING INTO THE WAGON, NOW THEN, DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE, WHY DID YOU STATE YOU WERE IN THE WAGONS ? A. I SAID THAT THEY WERE IN THEM. I KNOW THIS MUCH. THEY GOT IN THERE PRIOR TO ME. I GOT IN THE HIND END OF THE WAGON. Q. ARE YOU CERTAIN YOU WERE NOT IN THE WAGON ? A. I COULD NOT SAY. <sup>[398]</sup> Q. WHY DID YOU SAY JUST NOW YOU WERE OUT OF THE WAGON ? A. IT IS MY OPINION I WAS STANDING AT THE HIND END OF THE WAGON. Q. WHY DID YOU STATE YOU WERE SITTING DOWN AT THE HIND END OF THE WAGON AND THEM BEFORE —</p>	<p>INTO THE OX ALSO GETTING INTO THE WAGONS?. NOW THEN SIR; DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE? WHY DID YOU STATE YOU WERE IN THE WAGONS A I SAID THAT THEY WERE IN THEM; I KNOW THIS MUCH, THEY GOT IN THERE PRIOR TO ME; I GOT IN THE HIND END OF THE WAGON Q ARE YOUR CERTAIN YOU WERE NOT IN THE WAGON A I COULD NOT SAY Q WHY DID YOU SAY JUST NOW, YOU WERE OUT OF WAGON A IT IS MY OPINION, I WAS STANDING AT THE HIND END OF WAGON Q WHY DID YOU STATE YOU SITTING DOWN AT THE HIND END OF WAGON AND THEM BEFORE</p>	<p>INTO THE OX YOU WERE GETTING INTO THE WAGONS. NOW, THEN, SIR, DON'T YOU KNOW YOU DON'T KNOW WHERE YOU WERE? WHY DID YOU STATE YOU WERE IN THE WAGONS? A. I SAID THAT THEY WERE IN THE M; I KNOW THIS MUCH THEY GOT IN <del>THERE</del> THERE PRIOR TO ME. I GOT INTO THE HIND END OF THE WAGON. Q. ARE YOU CERTAIN YOU WERE NOT IN THE WAGON? A I COULD NOT SAY. <sup>[25 0]</sup> Q. WHY DID YOU SAY JUST NOW, YOU WERE OUT OF THE WAGON? A. IT WAS MY OPINION I WAS STANFEDING AT THE HIND END OF THE WAGON . Q . WHY DID YOU STATE YOU WERE SITTING DOWN AT THE HIND END OF THE WAFGON, AND THEN BEFORE</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>AIN'T YOU  <del>GESSING</del>  GUESSING AT  THIS THING ? A. I  AM NOT, WHAT I  STATE I STATE I  POSITIVELY. Q.  DO YOU STATE  POSITIVELY YOU  WERE IN THE  WAGON—WILL  YOU BE  POSITIVE  THAT GEORGE A.  SMITH AND THE  OTHER PARTIES  WERE IN THE  WAGONS ? A. I  WILL. Q. HOW IS  IT YOU  REMEMBER  THAT FACT AND  CAN'T  REMEMBER  WHETHER YOU  WERE IN THE  WAGONS OR NOT  ? A. THERE WAS  SOMETHING  ARONG ABOUT  THE HARNESS, I  GOT OUT; WHAT  IT WAS I CAN'T  SAY EXACTLY.  I WALKED  AROUND TO  THE HIND END.  Q. NOW THEN  YOU REMEMBER  YOU WERE NOT  IN THE WAGON ?  A. I REMEMBER</p>	<p>THEY ALSO <del>IN</del>  THE WAGON<del>≡</del>  AIN'T YOU    GUESSING AT  THIS THING <del>A</del>I  AM NOT, WHAT I  STATE I STATE I  POSITIVELY <del>Q</del>  DID YOU STATE  POSITIVELY YOU  WERE IN THE  WAGON? WILL  YOU BE  POSITIVELY  THAT GEORGE A  SMITH AND THE  OTHER PARTIES  WERE IN THE  WAGONS <del>A</del>I  WILL <del>Q</del>HOW IS  IT YOU  REMEMBER  THAT FACT AND  CAN'T  REMEMBER  WHETHER YOU  WERE IN THE  WAGON OR NOT  <del>A</del>THERE WAS  SOMETHING  WRONG ABOUT  THE HARNESS. I  GOT OUT; WHAT  IT WAS I CAN'T  SAY EXACTLY,  I WALKED  AROUND TO  <del>≡THE≡</del> HIND END.  <del>Q</del>NOW THEN  YOU REMEMBER  YOU WERE NOT  IN THE WAGON <del>A</del>  I REMEMBER</p>	<p>THAT YOU WERE  IN THE WAGON?  ARN'T YOU    GUESSING AT  THIS THING? A. I  AM NOT; WHAT I  STATE I STATE  POSITIVELY. Q.  DID YOU STATE  POSITIVELY YOU  WERE IN THE  WAGON? WILL  YOU BE  POSITIVE  THAT GEORGE A.  SMITH AND THE  OTHER PARTIES  WERE IN THE  WAGONS? A. I  WILL. Q. HOW IS  IT YOU  MREMEMBER  THAT FACT AND  CAN'T  REMEMBER  WHETHER YOU  WERE IN THE  WAGON OR NOT?  A. THERE WAS  SOMETHING  WRONG ABOUT  THE HSARNESS. I  GOT OUT. WHAT  IT WAS I CAN'T  SAY EXACTLY. <del>W</del>  I WALKED  AROUND TO  THE JHIND END.  Q. NOW THEN  YOU REMEMBER  YOU WERE NOT  IN THE WAGON?  A. I REMEMBER</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>I WAS OUT AT THAT TIME. I WAS IN THE WAGON AND OUT OF IT.THE CIRCUMSTANCES WAS JUST LIKE THIS. THERE WAS SOMETHING ABOUT THE HARNESS I WAS FIXING. Q. WERE YOU THE DRIVER OF THAT WAGON ? A. I DROVE PART OF THE TIME AND PHILO T. FARNSWORTH DROVE SOME OF IT; I DON'T REMEMBER. I WAS THERE RIGHT AT THE WAGON. Q. ARE YOU CERTAIN THERE WAS ANYTHING SAID ABOUT THE POISONING OF THIS OX BY THE COMPANY ? A. I THINK THERE WAS EVIDENTLY, BUT NOT RIGHT THERE, IF THERE WAS I DON'T RECOLLECT IT. Q. DID YOU HAVE ANY CONVERSATION</p>	<p>I WAS OUT AT THAT TIME = I WAS IN THE WAGON AND OUT OF IT. CIRCUMSTANCES WAS JUST LIKE THIS, THERE WAS SOMETHING ABOUT HARNESS, AND I WAS FIXING IT Q WERE YOU THE DRIVER OF THAT WAGON A I DROVE PART OF THE TIME AND PHILO FARNSWORTH DROVE SOME OF IT; I DON'T REMEMBER ≤THEN≥ = I WAS THERE RIGHT AT THE WAGON Q ARE YOU CERTAIN THERE WAS NOTHING SAID ABOUT THE POISONING OF THIS OX BY THE COMPANY A I THINK THERE WAS EVENTUALLY, BUT NOT RIGHT THERE, IF THERE WAS I DON'T RECOLLECT IT Q DID YOU HAVE ANY CONVERSATION</p>	<p>I WAS OUT AT THAT TIME; I WAS IN THE WAGON AND OUT OF IT. CIRCUMSTANCES WERE JUST LIKE THIS, JUDGE,— THERE WAS SOMETHING WRONG ABOUT THE HARNESS AND I WAS FIXING IT. Q. WERE YOU THE DRIVER OF THAT WAGON? A. I DROVE PART OF THE <del>TIME</del> <del>TIME</del> AND <del>F</del>PHILO FARNSWORTH DROVE SOME OF IT. I DON'T REMEMBER THEN. I <del>WAS</del> <del>WAS</del> THERE RIGHT AT THE WAGON. Q. ARE YOU CERTAIN THERE WAS NOTHING SAID ABOUT THE POISON OF THIS OX BY THE COMPANY? A . I THINK THERE WAS EVIDENTLY, BUT NOT RIGHT THERE; IF THERE WAS I DON'T RECOLLECT IT. Q. DID YOU HAVE ANY CONVERSATION</p>	
--	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>WITH ANY ONE ON THE GROUND ? A. THE OTHERS MIGHT HAVE HAD CONVERSATION, I KNOW WE DIDN'T, BECAUSE WE WERE NOT CLOSE ENOUGH. <sup>[399]</sup> Q. DIDN'T SOME OF THE INDIANS COME TO YOUR TRAIN ? A. I DISREMEMBER. Q. DIDN'T IT OCCUR TO YOU ON THAT OCCASION TO DRIVE OVER THERE AND ADVISE THEM THAT THE OX HAD BEEN POISONED OVER THERE AND NOT TO EAT OF IT ? A. I SUPPOSE THEY WERE SKINNING IT TO TAKE THE SKIN FOR MOCCASINS. Q. I UNDERSTOOD YOU TO SAY SOME PERSON RESPONDED THEY LIKELY WOULD EAT IT —</p>	<p>WITH ANY ONE ON THE GROUND <sup>A</sup>THE OTHERS MIGHT HAVE HAD CONVERSATION, <del>I</del> KNOW WE DIDN'T, BECAUSE WE WERE NOT CLOSE ENOUGH Q DIDN'T SOME <del>OF THE</del> INDIANS COME TO YOUR TRAIN [space] I DISREMEMBER Q DIDN'T IT OCCUR TO YOU ON THAT OCCASION, TO DRIVE OVER THERE AND ADVISE THEM <del>THAT</del> THE OX HAD BEEN POISONED OVER THERE AND NOT TO EAT OF IT <sup>A</sup>I SUPPOSED THEY WERE SKINNING OFF IT TO TAKE <del>THE</del> SKIN FOR MOCCASINS. Q I UNDERSTOOD YOU SAY SOME <sup>[17]</sup>357 PERSON RESPONDED THEY LIKELY WOULD EAT IT</p>	<p>WITH ANYONE ON THE GROUND-? A: THE OTHERS MIGHT HAVE HAD CONVERSATION; I KNOW WE DIDN'T BECAUSE WE WERE NOT CLOSE ENOUGH. Q. DIDN'T SOME OF THE INDIANS COME TO YOUR TRAIN? A. I DISREMEMBER. Q. DIDN'T IT OCCUR TO YOU ON THAT OCCASION TO DRIVE OVER THERE AND ADVISE THEM THAT THE OX HAD BEEN POISONED, OVER THERE AND NOT <sup>[251]</sup> TO EAT OF IT? A. I SUPPOSE THEY WERE SKINNING IT TO TAKE THE SKIN FOR MOCCASONS. Q. I UNDERSTOOD YOU TO SAY SOME PERSON <del>WAS</del> RESPONDED "THEY WOULD LIKELY EAT IT."</p>	
--	---	---	--

---

357. On the verso of page 7: WHO WAS IT REFERRED 'EM TO JACOB HAMBLIN WHO WAS IT REFERRED 'EM.

**RT**

**RS**

**BT**

**PS**

<p>DON'T YOU KNOW THEY DID EAT IT —THAT IS THE CARCASS ? A. I DON'T REMEMBER.</p> <p>I DIDN'T SUPPOSE A MAN OR ANY MAN WAS</p> <p>SO LOW DOWN AS TO POISON AN OX AND KICK UP A FUSS WITH THE INDIANS. Q. YOU DON'T SUPPOSE ANY OF THE INDIANS ATE ANY OF THAT MEAT— DIDN'T YOU THINK AT THE TIME WHETHER THEY WOULD OR NOT ? A. I DIDN'T THINK OF SUCH A THING AT THE TIME. Q. IT DIDN'T OCCUR TO YOU TO TELL GEORGE A. SMITH TO GO OVER THERE AND INFORM THE INDIANS ? A. NO, I DON'T THINK IT OCCURRED TO ME. Q. DON'T</p>	<p>DON'T YOU KNOW THEY DID EAT &lt;THAT IS THE&gt; CARCASS; A I DON'T REMEMBER. ≤COURT COULD ANY≥ A I DIDN'T SUPPOSE A MAN <i>WAS SO</i> <i>MEAN[?]</i> AND SO LOW DOWN AS TO POISON OX, TO KICK UP A FUSS WITH THE INDIANS Q YOU DON'T SUPPOSE ANY OF THESE INDIANS EAT ANY OF THAT MEAT, DIDN'T YOU THINK AT THE TIME ABOUT IT, WHETHER THEY WOULDN'T DIDN'T <i>OR NOT[?]</i> A I DIDN'T THINK OF SUCH A THING AT THE TIME IT DIDN'T OCCUR TO YOU TO TELL GEORGE A SMITH TO GO OVER THERE AND INFORM THE INDIANS A NO I DON'T THINK IT OCCURRED TO ME. Q DON'T</p>	<p><del>DON'T</del> <b>DIDN'T</b> <del>K</del>YOU KNOW THEY DID EAT IT; THAT IS THE CARCASS? A. I DON'T REMEMBER.</p> <p>I DIDN'T SUPPOSE A MAN WHO WAS A <b>MAN</b> <del>MAN</del> <b>MAN</b>WOULD BE SO LOW DOWN AS TO POISON AN OX TO KICK UP A FULSS WITH THE INDIANS. Q. YOU DON'T SUPPOSE ANY OF THESE INDIANS ATE ANY OF THAT MEAT? DIDN'T YOU THINK AT THE TIME ABOUT IT, WHETHER THEY <b>WOULDN'T</b> <del>DIDN'T</del> OR NOT-? A. I DIDN'T THINK <b>OF OS</b> SUCH A THING AT THE TIME. A Q. IT DIDN'T OCCUR TO YOU TO TELL GEORGE A. SMITH TO GO <del>OVF</del> OVER THERE AND IN<del>V</del>FORM THE INDIANS? A. NO, I DON'T THINK IT OCCUR<del>E</del>D TO ME. Q. DON'T</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>YOU KNOW NOTHING DID OCCUR TO YOU AT ALL ? A. I KNOW THAT SOMETHING DID OCCUR TO ME. MY SUPPOSITION, AS I TOLD YOU, WAS, THEY WAS GOING TO TAKE THE SKIN FOR MOCCASINS. Q. BUT YOU KNOW</p>	<p>YOU KNOW NOTHING DID OCCUR TO YOU AT ALL A I KNOW THAT SOMETHING DID OCCUR TO ME; MY SUPPOSITION AS I TOLD YOU WERE THEY WAS GOING TO TAKE THE SKIN FOR MOCCASINS Q. IN AS MUCH AS YOU KNEW</p>	<p>YOU KNOW THAT NOTHING DID OCCUR AT ALL. A. I KNOW THAT SOMETHING DID OCCUR TO ME. MY SUPPOSITIONS, AS I TOLD YOU WERE, THAT THEY WAS GOING TO TAKE THE SKIN OFF FOR MOCCASINS. Q. IN AS MUCH AS YOU KNEW THAT THEY</p>	
<p>VERY FREQUENTLY THEY EAT THE CARCASS, WAS NOT IT YOUR DUTY TO GO OVER TO THE INDIANS—</p>	<p>VERY FREQUENTLY EAT THE OX, WAS NOT IT YOUR DUTY TO GO OVER TO THE INDIANS &lt;AND TELL THEM?&gt;.</p>	<p>VERY FREQUENTLY EAT AN OX, WASN'T IT YOUR DUTY TO GO OVER TO THE INDIANS AND TELL THEM?</p>	
<p>DON'T YOU KNOW IF YOU HAD SEEN AN OX POISONED,AND THE INDIANS SHOULD GO UP TO IT ——— SUTHERLAND: WE OBJECT TO THISS MODE OF EXAMINATION, BUT DESIRE TO HAVE THE WITNESS ANSWER ALL HIS QUESTIONS.</p>	<p>DON'T YOU KNOW IF YOU HAD SEEN AN OX POISONED AND THE INDIANS ≤SHOULD≥ GO UP TO IT &lt;OBJ&gt; BY SUTHERLAND</p> <p>I DESIRE TO HAVE WITNESS ANSWER ALL HIS QUESTIONS &lt;, NOT TO</p>	<p>DIDN'T YOU KNOW IF YOU HAD SEEN AN OX POISONED AND THE INDIANS SHOULD GO UP TO IT. ——— SUTHERLAND:</p> <p>I DESIRE THE WITNESS TO ANSWER ALL HIS QUESTIONS, BUT NOT TO</p>	

RT

RS

BT

PS

<p>WITNESS: HE HAS GOT ME SO ENTIRELY CONFUSED——</p> <p>SUTHERLAND: WE WILL OBJECT TO THE QUESTIONS AS THEY ARE PUT TO HIM. <sup>[400]</sup></p> <p>Q. DIDN'T YOU STATE A WHILE AGO YOU SAW THE INDIANS GIVE THIS GERMAN DOCTOR SOME <del>B</del>DEER OR BUCKSKINS AND YOU SUPPOSED</p> <p>THEY WERE BUYING THAT OX</p> <p>—WHAT DID YOU THINK THEY WERE BUYING IT FOR ?</p> <p>A. I DON'T KNOW. I DON'T LIKE THAT WAY OF ASKING.</p>	<p>ANSWER COUNSEL'S SUPPOSITION&gt; SUTHERLAND HE HAS GOT HIM SO ENTIRELY <del>≪CONFUSED≫</del></p> <p>AND HE HAS <i>NOT</i>[?] GOT HIM SO BUT WHAT WE WILL OBJECT TO</p> <p>QUESTION HE MAY PUT TO HIM.</p> <p><del>≪BASKIN&gt;</del> Q DIDN'T YOU STATE LITTLE WHILE AGO YOU SAW THE INDIANS GIVE THIS GERMAN DOCTOR SOME DEER OR BUCKSKIN, AND YOU SUPPOSED</p> <p>THEY WERE BUYING THAT OX OF IT <del>≪WITH THEM&gt;</del>? WHAT DID YOU THINK THEY WERE BUYING IT FOR; <del>A</del>≪I DON'T KNOW. I DON'T LIKE YOUR MANNER OF ASKING ME&gt;</p>	<p>ANSWERS COUNSEL'S SUPPOSITIONS. HE HAS GOT THE WITNESS SO</p> <p>CONFUSED THAT HE DOES NOT KNOW WHAT HE IS SAYING; BUT HE HAS NOT GOT HIM <del>Ð</del>SO CONFUSED BUT WHAT WE CAN OBJECT TO IMPERTINENT QUESTIONS.</p> <p>Q. DIDN'T YOU STATE A LITTLE WHILE AGO THAT YOU SAW THE INDIANS <del>GIEVE</del> THIS GREMAN DOCKTOR SOME DEER OR BUCKSKINS, AND YOU SUPPOSED <del>YOU WERE</del> THEY WERE BUYING THAT OX WITH THEM? WHAT DID YOU THINK THEY WERE <del>B</del>UYING IT FOR?</p> <p>A. I DON'T LIKE YOUR MANNER OF ASKING ME?</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>Q. YOU DON'T LIKE MY MANNER OF ASKING ? A. I UNDERSTOOD YOU WELL ENOUGH, BUT YOU ARE NOT ASKING ME FAIR QUESTIONS. Q. YOU STATED THAT IN CHIEF DIDN'T YOU — DIDN'T YOU STATE THAT IN CHIEF — DIDN'T YOU STATE YOU SUPPOSED IT FOR THAT PURPOSE ? A. I DON'T KNOW BUT I DID. Q. GIVE ME WHAT YOU SUPPOSED ABOUT IT — WHAT DID YOU SUPPOSE THEY WERE BUYING THAT OX FOR ? A. I HAVE TOLD YOU LONG AGO. I DIDN'T THINK THEY WOULD EAT IT. I TOLD YOU I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO POISON IT. Q. DIDN'T YOU SUPPOSE,</p>	<p>Q YOU DON'T LIKE MY MANNER OF ASKING A I UNDERSTOOD YOU WELL ENOUGH BUT YOU ARE NOT ASKING ME FAIR QUESTIONS Q YOU STATED THAT IN CHIEF DIDN'T YOU = DIDN'T YOU STATE THAT IN CHIEF = DIDN'T YOU STATE YOU SUPPOSED IT WAS FOR THAT PURPOSE A I DON'T KNOW BUT I DID Q GIVE ME WHAT YOU SUPPOSED ABOUT IT = ≤WHAT≥ DID YOU SUPPOSE THEY WERE BUYING THAT OX FOR A I HAVE TOLD YOU LONG AGO, I DIDN'T THINK THEY WOULD EAT IT, I TOLD YOU I SUPPOSED HE WAS NOT[?] MEAN ENOUGH HAVE[?] IT POISONED. Q HADN'T YOU SUPPOSED</p>	<p>Q. YOU DON'T LIKE MY WAY OF ASKING YOU? A. I SUPPOSE YOU UNDERSTAND THE LAW WELL ENOUGH, BUT YOU ARE NOT ASKING ME FAIR QUESTIONS. [252] Q. YOU STATED THAT IN CHIEF, DIDN'T YOU ? DIDN'T YOU STATE THAT IN CHIEF? DIDN'T YOU STATE YOU SUPPOSED IT WAS FOR THAT PURPOSE? A. I DON'T KNOW BUT WHAT I DID. Q. GIVE ME WHAT YOU SUPPOSED ABOUT IT? WHAT DID YOU SUPPOSE THEY WERE BUYING THAT O X FOR? A. I HAVE TOLD YOU LONG AGO. IDIDN'T THINK THEY WOULD EAT IT. I TOLD YOU I SUPPOSED HE WASN'T MEAN ENOUGH FOR HIM TPO POISON IT. Q. DIDN'T YOU SUPPOSE THAT</p>	
---	---	---	--



**RT**

**RS**

**BT**

**PS**

<p>WHEN THEY WERE POISONING THAT OX THAT THEY INTENDED TO POISON THE INDIANS ? A. I DIDN'T SUPPOSE ANY PERSON WOULD DO IT. THE QUESTION WAS ASKED WHETHER THEY WOULD EAT THE OX THAT DIED. Q. DIDN'T YOU SUSPICION AT THE TIME THAT HE WAS GOING TO POISON THE OX SO AS TO POISON THE INDIANS ? A. I SUPPOSED HE WAS GOING TO POISON IT TO KILL CAYOTES. Q. WAS NOT THE QUESTION ASKED YOU WHETHER OR NOT THE INDIANS—</p> <p>DIDN'T IT OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POISON IN ? A. I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT</p>	<p>WHEN THEY POISONED THAT OX THEY INTENDED TO POISON INDIANS A I DIDN'T ANOTHER PERSON WAS ASKED A QUESTION WAS ASKED WHETHER THEY WOULD EAT AN OX THAT DIED. Q. HAD NOT YOU SUSPICION AT THE TIME THAT HE WAS GOING TO POISON OX SO AS TO POISON INDIANS, A I SUPPOSED HE WAS GOING TO POISON TO KILL COYOTES Q HAD/DID[?] NOT QUESTION ASKED YOU WHETHER OR NOT INDIANS ≤WOULD EAT IT≥ OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POISON IN A I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT</p>	<p>WHEN THEY POINSONED THAT OX THAT THEY INTENDED TO POISON THE INDIANS? A. I DIDN'T KNOW A PERSON WOULD DO I\$T. THE QUESTION WAS ASKED WHETHER THEY WOULD EAT THE OX THAT DIED. Q. HADN'T YOU SUSPICION AT THE TIME THAT THEY WERE GOING TO POINSON THE OX SO AS TO POISON THE INDIANS? A. I SUPPOSED HE WAS ØGOING TO POISON IT TO KILL THE CAYOTES. Q. WASN'T THE QUESTION ASKED YOU WHETHER OR NOT THE INDIANS WOULD EAT IT? DID IT OCCUR TO YOU WHEN YOU SAW HIM PUTTING THAT POISON IN IT:~? A. I DIDN'T SUPPOSE HE WAS MEAN ENOUGH TO HAVE WENT</p>	
--	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>AND POISONED THE OX TO KILL THE INDIANS. Q. BUT YOU SAW HIM DO IT ? <sup>[401]</sup> A. I SAW HIM, WELL, I SUPPOSED BE WAS SELLING <del>IF</del> THE HIDE. Q. YOU DIDN'T GO THERE AND TELL THE INDIANS OF IT ? A. I DIDN'T SEE THE INDIANS. Q. DON'T YOU KNOW THAT THE WHOLE THING YOU ARE TELLING ABOUT THE POISONING IS A FIXED UP STORY ? A. NO SIR, NOT AT ALL, I KNOW IT 'AINT. I KNOW EVERY WORD OF IT IS TRUE. Q. YOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT — WHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE ? A. I CANNOT TELL ABOUT</p>	<p>AND POISONED OX TO KILL THE INDIANS <b>Q</b> &lt;BUT YOU SAW <i>HIM</i>[?] DO IT&gt; I <b>A</b>SAW HIM WHILE I SUPPOSED HE WAS SELLING THE HIDE <b>Q</b> YOU DIDN'T GO THERE AND TELL THE INDIANS<sup>358</sup> <i>[18]</i> EAT OF IT <b>A</b>I DIDN'T SEE THE INDIANS <b>Q</b> DON'T YOU KNOW <b>≤</b>THAT THE<b>≥</b> WHOLE THING YOU ARE TELLING ABOUT POISONING <b>≤</b>OF THAT<b>≥</b> OX IS NOT A FIXED UP STORY ? <b>A</b><b>≤</b>NATURALLY NOT<b>≥</b> STATE I KNOW IT AIN'T I KNOW EVERY WORD OF IT IS TRUE. <b>Q</b>YOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT <b>Q</b>WHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE <b>A</b>I CANNOT TELL ABOUT</p>	<p>AND POISONED THE OX TO KILL THE INDIANS. Q. BUT YOU SAW HIM DO IT? A. I SAW HIM— WELL I SUPPOSED HE WAS SELLING THE HIDE. Q. YOU DIDN'T GO THERE AND TELL THE INDIANS NOT TO EAT OFIT ? A. I DIDN'T SEE THE INDIANS. Q. DON'T YOU KNOW THAT THE WHOLE THING YOU ARE TELLING ABOUT THE POISONING OF THAT OX IS A FIXED UP STOREY-;? A.NO, SIR, NOT AT ALL, I KNOW IT AINT; I KNOW EVERY WORD OF IT IS TRUE. Q. YOU CAN'T TELL WHETHER ANY PERSON ELSE SAW IT? A.NO. Q. WHEN DID YOU FIRST SPEAK ABOUT THAT OCCURRENCE? A. I CANNOT TELL ABOUT WHAT</p>	
---	---	--	--

358. As Rogerson flipped the page, he might have easily neglected “NOT” as he hurried to inscribe the shorthand.

**RT**

**RS**

**BT**

**PS**

<p>WHAT TIME I SHOULD FIRST SPEAK OF IT. I SPOKE OF IT BEFORE THAT TIME, IN REGARD TO THE INDIANS BEING POISONED. Q. DID ANY MEMBER OF YOUR COMPANY GO TO THAT OX ? A. I DO NOT KNOW. Q. HOW LARGE WAS THE BOTTLE THAT THE DOCTOR HELD ? A. I KNOW THEY DIDN'T Q. HOW LARGE A VIAL WAS IT— DESCRIBE AS NEAR AS YOU CAN TELL ? A. I CANNOT TELL YOU, I SAY IT WAS BIG ENOUGH FOR ME TO SEE IT THAT DISTANCE. Q. IT WAS A VIAL; WAS IT THAT LONG ∴.SHOWING ∴. AS LONG AS MY ARM ? A. NO SIR. Q. WAS IT THAT LONG ? ∴.SHOWING ∴. A. PROBABLY</p>	<p>WHAT TIME I DID FIRST SPEAK OF IT. I SPEAK OF IT BEFORE THAT TIME IN REGARD TO THE INDIANS BEING POISONED Q DID ANY MEMBER OF YOUR COMPANY GO TO THAT OX A I DO NOT KNOW Q HOW LARGE WAS THE BOTTLE THAT THE DOCTOR HELD A I KNOW THEY DIDN'T. Q HOW LARGE &lt;A&gt; VIAL WAS IT A DESCRIBE AS NEAR AS &lt;I&gt; CAN TELL A I CANNOT TELL YOU, I SAY IT WAS BIG ENOUGH FOR ME TO SEE THAT DISTANCE. Q IT WAS A VIAL; WAS IT THAT LONG LONG AS &lt;MY&gt; ARM A NO SIR Q WAS IT THAT LONG A PROBABLY</p>	<p>TIME I <b>DID</b> SHOULD FIRST SPEAK OF IT. I SPOKE OF IT BEFORE <b>THIS</b> <del>THAT</del>-TIME, IN REGARD TO THE INDIANS BEING POISONED. <sup>[253]</sup> Q. DID ANY OF YOUR COMPANY GO TO THA T OX? A. I DON'T KNOW. Q. HOW LARGE WAS THE BOTTLE THAT <del>HE</del> <del>TOOK</del> THE DOCTOR HELD IN HIS HAND? A. I DON'T KNOW-; <b>BIG ENOUGH FOR ME TO SEE</b>, Q. HOW LARGE A VIAL WAS IT; DESCRIBE IT AS NEAR AS YOU CAN TELL? A. I CANNOT TELL YOU; I SAY IT WAS BIG ENOUGH FOR <del>N</del>M E TO SEE THAT DISTANCE. Q. IT WAS A VIAL ABOUT THAT LONG WAS IT; WAS IT THAT LONG, AS LONG AS MY ARM? A. NO, <del>AS I</del>R. Q. WAS IT THAT LONG? A. PROBABLY A</p>	
---	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>HAVE AN OUNCE VIAL. Q. WAS IT A DARK COLORED VIAL ? A. AS NEAR AS I CAN TELL IT WAS THE COLOR OF WINDOW</p>	<p>HALF OUNCE VIAL Q WAS IT A DARK COLORED VIAL A AS NEAR AS I CAN TELL IT WAS COLOR OF WINDOW</p>	<p>HALF AN OUNCE VIAL. Q. WAS IT A DARK COLORED VIAL? A. AS NEAR AS I COULD TELL IT WAS THE COLOR OF <b>WINDOW</b> <del>WINDOQW</del></p>	
<p>GLASS. Q. WHAT SORT OF KNIFE DID HE HAVE ? [402] A. HAD A KIND OF A DAGGER KNIFE, I NOTICED A PRETTY GUARD ON THE HANDLE. Q. WHEREABOUTS IN THE BEEF DID HE STICK IT IN ? A. ABOUT THE FORE SHOULDER, AND ABOUT THE HIP, AND ABOUT TOWARDS THE BACK' Q. HOW DO YOU KNOW THIS MAN WAS A DUTCH DOCTOR ? A. I HAD TALKED WITH HIM BEFORE. Q. WHAT DID HE SAY ABOUT IT ? A. WE WAS TALKING ABOUT OTHER MATTERS AND THE SUBJECT CAME UP ABOUT THAT.</p>	<p>GLASS Q WHAT SORT OF KNIFE DID HE HAVE A HAD A KIND OF DAGGER KNIFE I NOTICED A PRETTY GUARD ON THE HANDLE Q WHEREABOUTS IN BEEF DID HE STICK IT IN A ABOUT FORE SHOULDER AND ABOUT THE HIP AND ABOUT TOWARDS THE BACK Q HOW DO YOU KNOW THIS MAN WAS A DUTCH DOCTOR A I HAD TALKED WITH HIM BEFORE Q WHAT DID HE SAY ABOUT IT A WE WAS TALKING ABOUT OTHER MATTERS AND SUBJECT, NO TALKING ABOUT</p>	<p>GLASS. Q. WHA T SORT OF A KNIFE DID HE HAVE? A. HE HAD A KIND OF A DAGGER KNIFE. I NOTICED A P RETTY <b>GUARD</b> <del>GURAARD</del> ON THE HANDLE. Q. WHERE ABOUTS IN THE BEEF DID HE STICK IT IN? A. ABOUT THE JOINT OF THE SHOULDER, AND ABOUT THE <b>HIP</b> <del>HOP</del> AND ABOUT TOWARDS THE BACK? A. HOW DO YOU KNOW THIS MAEN WAS A DUTCH DOCTOR ? A. I HAD A TALK WITH HIM BEFORE. Q. WHAT DID HE SAY ABOUT IT? A. WE WAS TALKING ABOUT OTHER MATTERS AND SUBJECTS, NOT TALKING ABOUT</p>	

**RT**

**RS**

**BT**

**PS**

<p>Q. TALKING ON THE FACILITIES OF THE COUNTRY ETC ?  A. I DON'T KNOW ALL WHAT WE WERE TALKING ABOUT. Q. I WISH YOU WOULD REMEMBER ABOUT HOW; IT WAS — I WANT TO GET THE FACTS OF THE MATTER — I WANT YOU TO TELL WHAT THE DOCTORS SAID IN THAT CONVERSATION ?  A. NO, FOR I DON'T RECOLLECT.  Q. WONT YOU TELL ME A SINGLE WORD HE SAID ? A. I DON'T KNOW WHETHER I WILL OR NOT. IF I CAN REMEMBER I WILL. Q. I KNOW THE COURT CAN MAKE YOU ? A. I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR</p>	<p>THAT AT ALL Q TALKING ON FACILITIES OF COUNTRY ETC  A I DON'T KNOW ALL WHAT WE WERE TALKING ABOUT Q I WISH YOU WOULD REMEMBER ABOUT HOW IT &lt;WAS&gt;, BECAUSE I WANT TO GET THE FACTS OF THE MATTER. WON'T YOU TELL ME WHAT DOCTOR SAID IN THAT CONVERSATION  A NO FOR I DON'T RECOLLECT  Q WON'T YOU TELL ME A SINGLE WORD HE SAID A I DON'T KNOW WHETHER I WILL OR NOT, IF I CAN REMEMBER I WILL Q I KNOW THE COURT CAN MAKE YOU A I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR</p>	<p>THAT AT ALL. Q. TALKING ON THE FACILITIES OF THE COUNTRY AND FSO FORTH;?  A A. I DON'T KNOW ALL WHAT WE WERE TALKING ON. Q. I WISH YOU WOULD REMEMBER ABOUT WHAT IT WAS, BECAUSE I WANT TO GET AT THE FACCTS OF THE MATTER? WON'T YOU TELL ME WHAT THE DOCTOR SAID IN THAT CONVERSATION?  A. NO, FOR I DON'T RECOLLECT.  Q. WON'T YOU TELL ME A SINGLE WORD THAT HE SAID? A: . I DON'T KNOW WHETHER I WILL OR NOT; IF I CAN REMEMBER I WILL. Q. I KNOW THE COURT CAN MAKE YOU? A. I DON'T THINK THIS COURT OR ANY OTHER COURT WILL MAKE ME TELL SOMETHING I DON'T KNOW OR</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>REMEMBER. Q. WELL PLEASE TELL ME ?</p> <p>A. AS FAR AS THAT IS CONCERNED HE WAS TALKING ABOUT WATER AND GRASS AND FEED ETC, ASKED WHERE THEY WOULD FIND WATER AND GRASS. Q. WHO WAS IT REFERRED HIM TO JACOB HAMBLIN FOR THE INFORMARTION ? [403] A. WE KNEW JACOB COULD GIVE IT TO HIM, BUT I DON'T KNOW ALL THAT WAS SAID;</p> <p>I NEED NOT LISTEN TO WHAT WAS SAID. Q. DID THEY ASK HIM ANY QUESTIONS— WAS THERE ANYTHING SAID —DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY</p>	<p>REMEMBER. Q WELL PLEASE TELL ME ≤WHAT[?] TALKED ABOUT&gt; A AS FAR AS THAT IS CONCERNED, HE WAS TALKING ABOUT WATER GRASS AND FEED ETC., ASKED WHERE THEY WOULD FIND WATER AND GRASS Q WHO WAS IT REFERRED HIM TO JACOB HAMBLIN FOR THE THAT KNOWLEDGE A JACOB GAVE IT TO HIM I DON'T KNOW WHAT WAS ANYTHING UNTO[?] HIM AND I NEED NOT LISTEN TO WHAT WAS SAID Q DID THEY ASK HIM ANY QUESTION WAS THERE ANYTHING DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY</p>	<p>THAT I CAN'T REMEMBER. Q. WELL, PLEASE TELL ME WHAT YOU WERE TALKING ABOUT? [254] A. AS FAR AFS THAT IS CONCERNED HE WAS TALKING ABOUT WATER, GRASS AND FEED AND SO ON; <del>ASKED ASIED</del> WHERE THEY WOULD FIND WATER AND GRASS? Q. WHO WAS IT REFERRED HIM TO JACOB HAMBLIN FOR THAT KNOWLEDGE? A. JACOB GAVE IT TO HIM, BUT I DON'T KNOW WHAT WAS SAID TO HIM. I DID NOT LISTEN WHAT WAS SZAID. Q. DID HE ASK HIM ANY QUESTIONS ABOUT THE INDIANS? DID ANY OF THE MEMBERS OF YOUR COMPANY ASK ANY</p>	
---	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>QUESTIONS ABOUT ANY INDIVIDUAL MEMBER OF THE TRAIN ? A. NO. Q. DID YOU ASK OR HEAR THE DUTCHMAN ASK WHERE THEY WERE FROM ? A. NOT AS I KNOW OF. Q. DID THEY SAY ANYTHING ABOUT THE JOURNEY OVER THE PLAINS ? A. HE DID NOT. Q. DID HE SAY ABOUT HIS OCCUPATION HERE ? A. I THINK HE SAID HE WAS A DOCTOR. Q. WHAT DID HE SAY ABOUT THAT ? A. I CANNOT TELL YOU EVERY WORD HE SAID. Q. HE MUST HAVE USED THAT EXPRESSION IN SOME CONNECTION ? A. I DON'T KNOW AS I CAN RECOLLECT. Q. DON'T YOU KNOW YOU CAN'T RECOLLECT ANYTHING THAT</p>	<p>QUESTION ABOUT ANY INDIVIDUAL MEMBER OF THE TRAIN A NO Q DID YOU ASK OR HEAR THE DUTCHMAN ASK WHERE THEY WAS FROM A NOT AS I KNOW OF Q DID HE SAY ANYTHING ABOUT HIS JOURNEY OVER THE PLAINS A HE DID NOT Q DID HE SAY ABOUT HIS OCCUPATION WAS A I THINK HE SAID WAS A DOCTOR <sup>[[9]]</sup> Q WHAT DID HE SAY ABOUT THAT A I CAN'T TELL YOU EVERY WORD HE SAID Q HE MUST HAVE USED THAT EXPRESSION IN SOME CONNECTION A I DON'T KNOW AS I CAN RECALL Q DON'T YOU KNOW YOU CAN'T RECALL ANYTHING THAT</p>	<p>QUESTIONS ABOUT ANY INDIVIDUAL MEMBER OF THEIR TRAIN? A.NO. Q. DID YOU ASK OR HEAR THE DUTCHMAN; SAY WHERE THEY WAS FROM? A. NOT AS I KNOW OF. Q. DID HE SAY ANYTHING ABOUT HIS JOURNEY OVER THE PLAINS? A. HE DID NOT. Q.DID HE SAY ABOUT WHAT HIS OCCUPATION WAS? A. I THINK HE SAID HE WAS A DOCTOR. Q. WHAT DID HE SAY ABOUT THAT? A. I CAN'T TELL YOU EVERY WORD HE SAID. Q. THEN HE MAY NOT HAVE USED THAT EXPRESSION IN THE SAME CONNECTION? A. I DON'T KNOW AS I CAN RECOLLECT. Q. DON'T YOU KNOW THAT YOU CAN'T RECOLLECT ANYTHING THA T</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>WAS SAID ON THAT SUBJECT ? A. I CAN RECOLLECT OF HEARING HIM SAY OF SOME ONE OF THE TRAIN, HE WAS A DOCTOR. Q. WHAT MEMBER OF THE TRAIN ? A. IT IS A LONG TIME AGO, EIGHTEEN YEARS; I THINK IT WAS TO GEORGE A. SMITH. Q. WHAT WAS HE TALKING TO HIM ABOUT ? A. DIDN'T HEAR THE CONVERSATION ONLY IN REGARD TO HIS PROFESSION. Q. WHAT SUBJECT WAS HE TALKING ABOUT TO. MR. GEORGE A. SMITH ? <sup>[404]</sup> A. I CAN'T RECOLLECT, BUT SOMETHING IN REGARD TO CHOLERA— SOME DISEASE— SOME SUBJECT OF THAT KIND—I CAN'T TELL, BECAUSE I DIDN'T LISTEN, I WAS NOT IN THE HABIT OF IT. Q.</p>	<p>WAS SAID ON THAT SUBJECT A I CAN RECALL OF HEARING HIM SAY TO SOME ONE OF THE TRAIN HE WAS A DOCTOR Q WHAT MEMBER OF THE TRAIN A IT IS LONG TIME AGO 18 YEARS ≤I THINK≥ IT WAS TO GEORGE A SMITH. Q WHAT WAS HE TALKING TO HIM ABOUT A DIDN'T HEAR ≤THE≥ CONVERSATION ONLY IN REGARD TO HIS PROFESSION Q WHAT SUBJECT WAS HE TALKING ABOUT ≤MR. GEORGE A&gt; SMITH A ≤AS NEAR AS I CAN RECALL≥ SOMETHING ≤IN&gt; REGARD TO CHOLERA SOME DISEASE SOME SUBJECT OF THAT KIND. I CAN'T TELL BECAUSE I DIDN'T LISTEN. I WAS NOT IN THE HABIT OF IT Q</p>	<p>WAS ASADID ON THAT SUBJECT? A. I CAN RECOLLECT OF HIIM HX SAY ING OF SOMEONE OF THE TRAIN THAT WAS A DOCTOR. Q. WHAT MEMBER OF THE TRAIN? A. IT WAS A LONG TIME AGO; I8 YEARS. I THINK IT WAS TO GEORGE A. SMITH. Q. WHAT WAS THE TALK TO HIM ABOUT? A I DIDN'T HEAR THE CONVERSATION ONLY IN REGARD TO HIS HM PROFESSION. Q. WHAT SUBJECT WAS HE TALKING TO GEORGE A. SMITH ABOUT. A. AS NEAR AS I CAN RECOLLECT SOMETHING IN REGARD TO CHOLERA; SOME DISEASE, SOME SUBJECT OF THAT KIND. I CAN'T TELL BECAUSE I DIDN'T LISTEN; I WASN'T IN THE HABITOF IT. Q.</p>	
---	--	--	--



**RT**

**RS**

**BT**

**PS**

<p>'AINT IT A FACT YOU DON'T REMEMBER ANYTHING WHAT THEY WAS TALKING ABOUT ? A. NO SIR, I KNOW THERE WAS THAT SAID. Q. IF YOU THINK THEY WERE TALKING ABOUT SOMETHING WONT YOU ACCOMMODATE ME BY SAYING WHAT IT WAS ? A. I DID TELL YOU. Q. I MEAN ON THE SUBJECT OF THE DOCTOR MAN,</p> <p>IN AND ABOUT THEIR CAMP ? A. I TOLD YOU THEY WERE TALKING ABOUT HIS PROFESSION. Q. WHAT DID HE SAY ABOUT IT ? A. I DON'T JUST EXACTLY REMEMBER ABOUT WHAT, BUT REGARD TO THIS CHOLERA, THE DISEASE THAT WAS ON THE PLANES PREVALENT. Q. DID HE SAY</p>	<p>AIN'T IT &lt;A&gt; FACT YOU DON'T REMEMBER ANYTHING WHAT HE WAS TALKING ABOUT A NO SIR, I KNOW THERE WAS THAT SAID Q IF YOU THINK THEY WERE TALKING ABOUT SOMETHING, WON'T YOU ACCOMMODATE ME BY SAYING WHAT IT WAS A I DID TELL YOU Q I MEAN ON THE SUBJECT OF THE DOCTOR MAN</p> <p>IN ABOUT THEIR CAMP A I TOLD YOU THEY WERE TALKING ABOUT HIS PROFESSION Q WHAT DID HE SAY ABOUT IT A I DON'T JUST EXACTLY</p> <p>BUT WHAT REGARD TO HIS CHOLERA, THE DISEASE THAT WAS ON THE PLAINS PREVALENT Q DID HE SAY</p>	<p>ISN'T IST A FACT YOU DON'T REMEMBER ANYTHING THAT WHAT HE WAS TALKING ABUOT IF? [255] A. NO, SIFR, I KNOW THERE WAS THA T SAID . Q. IF YOU THINK THEY WERE TALKING ABOUT SOMETHING, WON'T YOU ACCONMODATE ME BY SAYING WHAT IT WAS? A I DID TELL YOU. Q. I MEAN ON THE SUBJEVCT OF THE DOCTOR WHEN HE CANME INTO YOUR CAMP? A. I TOLD YOU THEY WERE TALKING ABOU T THIS PROFSESSION. Q. WHAT DID HE SAY ABOUT IT? A. I DON'T JUST EXACTLY REMEMBER ABOUT WHAT IT WAS-; BUT WITH REGARD TO THE CHOLERA. THE DISEASE THAT WAS ON THE PLAINS SO PREVALENT. Q. DID HE WSAY</p>	
--	---	---	--

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

<p>WHERE IT WAS PREVALENT— ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS ? A. I AM CERTAIN OF IT. Q. HOW</p>	<p>WHERE IT WAS PREVALENT, ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS Δ I AM CERTAIN OF IT QHOW</p>	<p>WHERE IT WAS PREVALENT:?? ARE YOU CERTAIN THE CHOLERA WAS PREVALENT ON THE PLAINS? A. I AM CERTAIN OF IT. Q . YOU</p>	
<p>CERTAIN ? A. I AM CERTA IN <del>HN</del> I HEARD HIM SAY SLO. Q. ARE YOU MORE CERTAIN THAN YOU WERE A MOMENT AGO ?</p>	<p>CERTAIN Δ I AM CERTAIN I HEARD I HIM SAY SO QARE YOU MORE CERTAIN THAN YOU WERE A MOMENT AGO</p>	<p>SWEAR YOU ARE CERTAIN ∅OF IT? A. I AM CERTAIN I HEARD HIM SAY SO. Q. ARE YOU MORE CERTAIN THATN YOU WERE A MOMENT AGO? A.</p>	
<p>A. MY MIND IS REFRESHED IN REGARD TO THE MATTER. Q. I WANT TO GET WHAT OCCURRED</p>	<p>Δ MY MIND IS REFRESHED IN REGARD TO THE MATTER Q I WANT TO GET WHAT OCCURRED</p>	<p>MY MIND IS REFRESHED SOME LITTLE IN REGARD TO THE MATTER. Q. I WANT TO GET WHAT OCCURRED</p>	
<p>WHAT WAS SAID ABOUT THE CHOLERA ? A. I DON'T KNOW ANYTHING FURTHER SAID THAN IT WAS PREVALENT ON THE PLAINS. Q. DID HE SAY IT TO YOU — DID HE SAY SOME PERSONS HAD</p>	<p>WHAT WAS SAID ABOUT THE CHOLERA Δ DON'T KNOW ANYTHING FURTHER SAID THAN IT WAS PREVALENT ON THE PLAINS QDID HE SAY IT —[?] TO YOU [space] DID HE SAY SOME PERSONS HAD</p>	<p>WHAT WAS SAID ABO T THE CHOLERA? A. IDON'T KNOW OF ANYTHING FURTHER SAID, THAN THAT IT WAS PREVALENT ON THE PALINS. Q. DID HE SAY TO YOU, OR DID HE SAY TO SOME OTHER PARSONS, AS TO ANY</p>	

**RT**

**RS**

**BT**

**PS**

<p>DIED ON THE PLAINS WITH THE CHOLERA ?  <sup>[405]</sup> A. SOME I THINK. Q. DID HE SAY WHAT REMEDY HE ADMINISTERED ?  A. I DON'T KNOW AS I HEARD. Q. DIDN'T HE SAY PROBABLY HE HAD SEEN SOME IN THE CHOLERA ? A. I DON'T THINK HE DID. Q. DID HE STATE WHETHER HE SWEAT THE PATIENT OR NOT ? A. AS NEAR AS I CAN RECOLLECT IT WAS THAT HE HAD USED, AS NEAR AS I CAN RECOLLECT CAPSICUM. AND COMPHIRE AS NEAR AS I CAN REMEMBER. Q. WHAT MAKES YOU THINK THAT? — WHAT MAKES YOU THINK THAT WAS WHAT HE DID ?</p>	<p>DIED<sup>359</sup> ON PLAINS WITH THE CHOLERA  <sup>A</sup>SOME I THINK Q DID HE SAY WHAT REMEDY HE ADMINISTERED  <sup>A</sup>&lt;I DON'T&gt;  KNOW <sup>≡</sup>AS I HEARD<sup>≧</sup> Q DIDN'T HE STATE NUMBER OF SICK IN CHOLERA <sup>A</sup>I DON'T THINK HE DID DID HE STATE WHETHER HE SWEAT THE PATIENT &lt;OR NOT&gt; <sup>A</sup>AS NEAR AS I CAN RECOLLECT IT WAS WHAT HE HAD USED AS NEAR AS I CAN RECALL IT WAS <i>KSTKM</i>[?] GUM FIRE AND AS NEAR AS I CAN REMEMBER Q WHAT MAKES YOU THINK THAT WHAT MAKES YOU THINK &lt;THAT WAS HE DID</p>	<p>NUMBER THAT <del>DIED</del> ON THE PLAINS OF THE CHOLERA?  A. SOME OTHER, I THINK. Q. DID HE SAY AS TO <del>F</del>WHAT REMEMDY HE ADMINISTERED?  A. I DON'T KNOW AS I HEARD? Q. HE DIDN'T STATE THE NUMBER OF THE SICK IN THE CHOLERA? A. I DON'T THINK HE DID. Q. DID HE STATE WHETHER HE <del>SWEAT SWET</del> THE PATIENTS OR NOT? A. AS NEAR AS I CAN RECOLLECT IT WAS WHAT HE HAD USED, AS NEAR AS I CAN RECOLLECT IT WAS <b>CAPSICUM CAPSICUM</b> AND CAMPHOR AS NEAR AS I CAN REMEMBER. Q. WHAT MAKES YOU THINK THAT THAT IS WHAT HE SAID? A.</p>	
---	---	--	--

---

359. Word possibly crossed out.

**RT**

**RS**

**BT**

**PS**

<p>A. THAT IS WHAT HE THOUGHT. Q. IT IS A SIMPLE REMEMBRANCE, BUT YOU DON'T KNOW IT DID OCCUR ? A. IT IS MY OPINION IT DID OCCUR . Q. WHAT DO YOU PREDICATE THAT OPINION UPON ? A. UPON THE LANGUAGE I THINK THAT WAS USED. Q. HOW LONG DID THIS CONVERSATION LAST ? A. I COULD NOT TELL YOU HOW LONG, HE WAS THERE A FEW MINUTES. Q. ARE YOU A PHYSICIAN YOURSELF ? A. I AM NOT AND KNOW NOTHING ABOUT IT. Q. YOU ARE CERTAIN THE GERMAN SAID HE WAS A PHYSICIAN—DID HE STATE WHERE THE CHOLERA</p>	<p><sup>A</sup>THAT IS WHAT I THOUGHT<sup>Q</sup> IT IS A SIMPLE REMEMBRANCE, YOU DON'T KNOW IT DID OCCUR <sup>A</sup> IT IS MY OPINION IT DID OCCUR <sup>Q</sup>WHAT DID YOU PREDICATE THAT OPINION UPON <sup>A</sup>UPON LANGUAGE I THINK <sup>Q</sup>←THAT→ WAS USED <sup>Q</sup> HOW LONG DID THIS CONVERSATION LAST <sup>A</sup>I COULD NOT TELL YOU HOW LONG [<i>space</i>] <sup>Q</sup>←WE WAS THERE<sup>Q</sup> FEW MINUTES <sup>Q</sup> ARE YOU <sup>Q</sup>←A<sup>Q</sup> PHYSICIAN YOURSELF <sup>A</sup>I AM NOT KNOW NOTHING ABOUT IT <sup>Q</sup> YOU ARE CERTAIN GERMAN SAID HE WAS A PHYSICIAN, DID HE STATE WHERE THE CHOLERA</p>	<p>WHAT MAKES ME THINK SO, BECAUSE THAT IS WHA T HE SAID HE USED. THAT IS WHAT I THOUGHT. [<sup>256</sup>] Q . IT IS A SIMPLE REMEMBERANCE ; YOU DON'T KNOW THAT IT DID OCCUR? A. IT IS MY OPINION THAT IT DID OCCUFR. Q. WHAT DID YOU PREDICATE THA T OPINION UPON? A. UPON THE LANGUAGE I TØHOUGHT WAS USED. Q . HOW NLONG DID THIS CONVERSATION LAST? A. I COULDNOT TELL YOU HOW LONG, WE WERE THER3E A FEW MINUTES. Q. ARE YOU A PHYSICIAN YOURSELF? A. I AM NOT; NKNOW NOTHING ABOUT IT. Q. V BUT YOUR FRIEND THE GERMAN SAID THA T HE WAS A PHYSICIAN? DID HE STATE WHERE THE CHOLERA</p>	
--	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>WAS ? A. HE SAID HE HAD DOCTORED SOME. Q. HOW DID HE <del>HE</del> <math>\leq</math>THEY<math>\geq</math> COME TO SAY THAT — I SAW YOU REFRESH YOUR MEMORY — LETS SEE IF YOU CAN REFRESH YOUR MEMORY AND SAY IN WHAT CONNECTION HE USED THIS EXPRESSION — WHAT WERE THEY TALKING TO YOU ABOUT AT <sup>[406]</sup> THAT TIME — HOW MANY OF THE OTHER PERSONS</p>	<p>WAS <math>\Delta</math>HE SAID HE HAD DOCTORED SOME <math>\circ</math>HOW DID HE COME TO SAY <math>\leq</math>[?]<math>\geq</math> SO, YOU REFRESH YOUR MEMORY LET'S SEE IF I CAN'T REFRESH YOUR MEMORY, AND SAY IN WHAT CONNECTION HE USED THIS EXPRESSION WHAT WERE THEY TALKING TO YOU ABOUT <sup>[[10]]360</sup> AT THAT TIME HOW MANY OF THE OTHER PERSONS</p>	<p>WAS? A. HE SAID HE HAD DOCTORED SOME. Q. HOW DID HE COME TO SAY SO? YOU REFRESH YOUR MEMORY. LETS SEE IF I CAN'T REFRESH YOUR MEMORY, AND <del>SEE SAY</del> IN WHAT CONNECTION HE USED THIS EXPRESSION, AND WHAT WERE THEY TALKING TO HIM ABOUT. AT THAT TIME HOW MANY OF THE OTHER PERSONS <b>WERE WITH</b></p>	
<p>TOLD YOU THAT ? A. THREE OR FOUR OF THEM BUT I DON'T KNOW. Q. ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT TRAIN DID YOU HEAR SAY THIS MAN WAS A GERMAN DOCTOR ? A. I</p>	<p>TOLD YOU THAT, THREE OR 4 OF THEM <math>\Delta</math>I DON'T KNOW <math>\circ</math> ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT TRAIN DID YOU HEAR SAY THIS MAN SAY WAS A GERMAN DOCTOR <math>\Delta</math>I DON'T</p>	<p><b>YOU? TOLD YOU</b> <del>THAT? A. THREE</del> OR FOUR OF THEM? A. I DON'T KNOW. Q. ABOUT HOW MANY OF THE PERSONS BELONGING TO THAT <b>TRAIN TRA</b> <del>N</del> DID YOU HEAR SAY THAT THIS MA<del>CN</del> WAS A GERMAN DOCTOR? A. I</p>	

360. The verso of the page contains shorthand doodling, “I WAS GOING TO MKLS[?]”, “NOT”, and “CONSPICUOUS” written multiple times and the equation 409-385=24.

**RT**

**RS**

**BT**

**PS**

<p>DON'T KNOW WHETHER IT WAS ONE TWO OR THREE — I GUESS THREE OR FOUR OF THE MEN CAME THERE AND THERE WAS OTHERS AT DIFFERENT TIMES. ALONG, AS FAR AS THE CONVERSATION OF THE MAN I DON'T KNOW. Q. WHEN THEY CAME DID THEY TELL YOU GENERALLY THIS FELLOW WAS A GERMAN PHYSICIAN ? A. YES, SOME OF THEM. Q. HOW MANY OF THEIR COMPANY TOLD YOU HE WAS A PHYSICIAN ? A. I THINK THERE WAS SOME TWO OR THREE OF THEM. Q. DID THEY ALL SAY IT AT THE SAME VISIT OR AT DIFFERENT TIMES ? A. I DON'T KNOW. Q. YOU HAVE ALREADY TESTIFIED TO</p>	<p>KNOW WHETHER IT WAS ONE TWO OR 3, GUESS 3 OR 4 OF THE MEN CAME OVER, THERE WAS OTHERS THERE AT DIFFERENT TIMES ALONG AS FOR THE CONVERSATION OF THE MEN I DON'T KNOW Q. WHEN THEY CAME DID THEY TELL YOU GENERALLY THIS FELLOW WAS A GERMAN PHYSICIAN A. YES, SOME OF THEM Q. HOW MANY OF THEIR COMPANY PHYSICIAN A. I THINK THERE WAS SOME TWO 3 OR 4 OF THEM Q. DID THEY ALL SAY IT AT THE SAME VISIT A. AT DIFFERENT TIMES. Q. YOU HAVE ALREADY TESTIFIED TO</p>	<p>DON'T KNOW WHETHER IT WAS ONE , TWO OR THREE; GUESS THREE OR FOUR OF THE MEN CAME THERE .: THERE WAS OTHERS THERE AT DIFFERENCT TIMEWS ALONG. AS FOR THE CONVERSATION WITH THE MEN, I DON'T KNOW. Q. WHEN THEY CAME DID THEY TELL YOU GENTLEMEN, THAT THIS FELLOW WAS A GERMAN PHYSICIAN A. YES, SOME OFF THEM DID. Q. HOW MANY OF THEIR MEN SAID HE WAS A PHYSICIAN? A. I THINK THERE WAS SOME TWO Q, THREE OR Q, FOUR OF THEM. Q. DID THEY ALL SAY IT AT THE S AME VISIT? A. AT DIFFERENT TIMES. Q. YOU HAVE ALREADY TESTIFIED TO</p>	
--	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>THE CONVERSATION — STATE WHAT THE DOCTOR SAID ABOUT HOW THE CAPTAIN SAYING BRANDY BEING GOOD FOR IT — CAPSICUM AND BRANDY — WHAT THE OTHER PERSON SAID ? A. THEY BELONGED TO THAT TRAIN. Q. HOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT SUTHERLAND: IF THIS CROSS- EXAMINATION IS GOING TO CONTINUE SOMETIME FURTHER WE HAD BETTER <u>ADJOURN.</u></p> <p>FRIDAY, JULY</p>	<p>THE CONVERSATION, AS TO WHAT &lt;THE&gt; DOCTOR SAID ABOUT THE CAPSICUM SAYING BRANDY BEING GOOD FOR IT = <i>KPSTM[?]</i> AND BRANDY WHAT OTHER PERSON ≤HEARD≥ IT ^THEY BELONGED TO THAT TRAIN Q HOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT = BY SUTHERLAND. IF THIS CROSS- EXAMINATION IS GOING TAKE</p> <p>SOME TIME, WE HAD BETTER ADJOURN YOUR HONOR ≤AS IT IS NOW&gt; AFTER 12 LETTERS FOR MR. JARVIS CAME IN CHARGE OF MARSHALL ADJOURNED UNTIL HALF PAST TWO O’CLOCK. [<i>space</i>] <b>FRIDAY, JULY</b></p>	<p>THE CONVERSATION. STATE WHAT THE DOCTOR ĐSAID ABOUT THE CAPSICUM, OR HIS SAYING BRANDY BEING GOOD FOR IT — CAPSICUM AND BRANDY? WHAT OTHER PERSON HEARD IT? A. THE PEOPLE ABOUT THAT TRAIN. <sup>[257]</sup> Q. HOW LONG AFTER YOU HEARD THE DOCTOR SAY THAT ——— SUTHERLAND: IF THIS EXAMINATION IF’S GOING TO TAKE SO ME TIKME, WE HAD BETTER ADJOURN YOUR HONOR, AS IT IS NOW AFTER TWEŃLVE.</p> <p>RECESS TILL HALF PAŃST TWO . ——— ——OOO——— FRIDAY, ? JULY</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>30TH 1875. 2:30 O’CLOCK P.M.</p> <p>Q. WHEN YOU FIRST SAW THE DUTCH DOCTOR ON THE GROUND WHAT WAS HE DOING WHERE THAT DEAD OX WAS ? A. THAT WAS NOT THE FIRST TIME I SEEN HIM. <sup>[407]</sup> Q. AT THAT TIME WHEN THE TRAIN MOVED OUT WHAT WAS HE DOING ? A. STICKING HIS KNIFE IN THE OX. Q. YOU DIDN’T SEE HIM THEN TILL HE WAS ABOUT STICKING THE KNIFE IN THE OX ? A. I DID THEN AND THERE.</p>	<p><u>30, 230 PM.</u></p> <p>JURORS CALLED ALL PRESENT BY COURT AGAIN PROCEED WITH CROSS EXAMINATION. &lt;MR.&gt; HOOPS TOOK THE STAND 20 TO 3</p> <p>Q WHEN YOU FIRST SAW &lt;THE&gt; DUTCH DOCTOR ON THE GROUND WHAT WAS HE DOING, WHERE THAT DEAD OX WAS [space] A&lt;THAT&gt; WAS NOT FIRST TIME I SEEN HIM Q AT THAT TIME WHEN TRAIN MOVED OUT WHAT WAS &lt;HE&gt; DOING A STICKING HIS KNIFE IN THE OX [space] Q YOU DIDN’T SEE HIM THEN TILL HE WAS ABOUT STICKING KNIFE IN THE OX A I DID THEN AND THERE “(BY SUTHERLAND. YOUR HONOR</p>	<p><del>30TH</del>30TH 2:30 P.M: COURT MET PURSUANT TO ASDJOURNMENT. JURY CALLED, ALL PRESENT.</p> <p>CROSS- EXAMINATION OF ELISHA HOOPS CONTINUED BY MR . BASKIN. Q. WHEN YOU FIRST SAW THE DUTCH DOCTOR THAT MORNING, WHAT H WAS HE DOING WHERE THAT DEAD OX WAS? A. THAT WASN’T THE FIRST T IME I SEEN HIM. Q. AT THAT TIME WHEN THE TRAIN MOVED OUT WHAT WAS H E DOING? A. STICKING HIS KNIFE IN THE OX. Q. YOU DIDN’T SEE HIM THEN TILL HE WAS ABOUT STICKING THE KNIFE IN THE OX? A. I DID , THEN AND THERE. SUTHERLAND: YOUR HONOR,</p>	
---	--	--	--



**RT**

**RS**

**BT**

**PS**

<p>Q. WELL, THAT IS THE LAST THING YOU SAW HIM — HE WAS JUST IN THE ACT OF STICKING THE KNIFE IN THE OX ? A. I DIDN'T SAY THAT;</p> <p>WHEN I FIRST SAW HIM HE CAME TO THE CAMP Q. I AM SPEAKING ABOUT THE NARRATIVE OF THE OX ? A. I SAW HIM A DISTANCE FROM THE OX—I SAW HIM WALK TO IT AND STOCK THE OX. Q. ABOUT HOW FAR OFF ? A. I NEVER</p>	<p>THESE TWO GENTLEMAN SMITHS WHOM WE EXAMINED AS WITNESSES THIS MORNING WOULD LIKE TO BE EXCUSED IF THE OTHER SIDE WILL CONSENT BY PROSECUTION WE DON'T NEED THEM, THEY CAN GO.)” Q.WELL THAT IS WHEN YOU FIRST SAW HIM HE WAS JUST IN THE ACT STICKING HIS KNIFE IN THE OX A I DIDN'T SAY</p> <p>WHEN I FIRST SAW HE CAME TO THE CAMP Q I AM SPEAKING ABOUT NARRATIVE &lt;OF&gt; THE OX A I SAW HIM ≦A≧ DISTANCE FROM THE OX = I SAW HIM WALK TO IT, STICK THE OX Q ABOUT HOW FAR OFF [space] A I NEVER</p>	<p>THESE TWO GENTLEMEN, SMITHS, WHOM WE EXAMINED AS WITNESSES THIS MORNING, WOULD LIKE TO BE EXCUSED, IF THE OTHER SIDE WILL CONSENT? BASKIN: WE DON'T NEED THEM. Q.WELL, THEN WHEN YOU FIRST SAW HIM HE WAS JUST IN THE ACT OF STICKING THE KNIFE INTO THE OX? A. I DIDN'T SAY THAT WHEN I FIRST SAW HIM, I <del>DIDNT DIDN?</del> SAY THAT WHEN I FIRST SAW HIM, HE CAME TO THEM CAMP Q Q. I AM SPEAKING ABOUT THE NARATIVE OF THE OX? A. I SAW HIM A DISTANCE FROM THE OX; I SAW HIM WALKING TO IT, AND STICK THE OX. Q. ABOUT HOW FAR? A. I NEVER</p>	
---	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>MEASURE THE GROUND. Q. DID HE WALK FIFTY YARDS ? A. NO, I DON'T SUPPOSE HE WALKED HALF OF IT ?</p> <p>A. I NEVER MEASURED IT. Q. DID HE WALK AT ALL ? A. HE DID WALK. Q. .ABOUT HOW FAR ? A. I DON'T KNOW. Q. HOW DO YOU KNOW HE WALKED AT ALL ? A. I SAW HIM STEP. Q. ABOUT HOW MANY STEPS DID HE TAKE ? A. I DON'T KNOW — I NEVER COUNTED THEM. Q. DID HE TAKE ONE ? A. I SAID HE WALKED, HE TOOK MORE THAN ONE, FOR HE WALKED OUT, BUT I <sup>[408]</sup> DIDN'T COUNT THE STEPS— DON'T KNOW HOW MANY HE DID TAKE—SAW THAT HE TOOK MORE THAN THREE. Q. DID HE TAKE MORE</p>	<p>MEASURED THE GROUND Q DID HE WALK FIFTY YARD? A NO I DON'T SUPPOSE HE WALKED HALF OF IT Q DID HE WALK 25 I A NEVER MEASURED IT Q DID HE WALK AT ALL A HE DID WALK Q ABOUT HOW FAR A I DON'T KNOW Q HOW DO YOU KNOW HE WALKED AT ALL [space] A I SAW HIM STEP Q ABOUT HOW MANY STEPS DID HE TAKE A I DON'T KNOW I NEVER COUNTED &lt;THEM&gt; Q DID HE TAKE ONE A I SAID HE WALKED Q HE TOOK MORE THAN ONE, IF HE WALKED AT ALL DIDN'T HE <sup>[[11]]</sup> A I DIDN'T COUNT THE STEPS DON'T KNOW HOW MANY HE DID TAKE = SAW &lt;THAT&gt; HE TOOK MORE THAN 3 Q DID HE TAKE MORE</p>	<p>MEASURED THE GROUND. Q. DID HE WALK 50 YARDS? A. NO, I DON'T SUPPOSE HE WALKED <del>HALF HAF</del> OF IT. Q. DID HE WALK 25? A. I NEVER MEASURED IT? Q. DID HE WALK AT ALL? A HE DID WALK. Q. ABOUT HOW FAR? A. I DON'T KNOW. <sup>[258]</sup> Q. HOW DO YOU KNOW HE WALKED AT ALL? A. I SAW HIM STEP. Q. ABOUT HOW MANY STEPS DID HE TAKE? A. I DON'T KNOW I NEVER COUNTED THEM. Q. DID HE TAKE ONE? A . I DSAID HE WALKED. Q. HE TOOK MORE THAN ONE IF HE WALKED AT ALL, DIDN'T HE? A. I DIDN'T COUNT THE STEPS , DON'T KNOW HOW MANY HE DID TAKE. I SAW THAT HE TOOK MORE THAN THREE. Q . DID HE TALKE MORE</p>	
---	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>THAN THREE ? A. I COULD NOT SAY WHAT HE DID TAKE. Q. DID HE TAKE FOUR. A. DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH  QUESTIONS ? BASKIN: Q. I DON'T KNOW WHAT YOU CONSIDER. Q. ABOUT HOW FAR DID HE GO ? A. PROBABLY AS FAR AS THAT DOOR HERE. Q. HOW MANY FEET — HOW MANY INCHES ? A. I DON'T KNOW. Q. WHY DIDN'T YOU ANSWER ME AT FIRST ? A. YOU HAVE YOUR WAY OF ASKING QUESTIONS AND I HAVE MINE OF ANSWERING THEM Q. WHAT MAKES YOU THINK IT WOULD BE AS FAR AS THAT DOOR ? A. THAT IS MY JUDGMENT. Q. WHERE WERE YOU WHEN</p>	<p>THAN THREE <sup>A</sup> I COULD NOT SAY WHAT HE DID TAKE <sub>Q</sub> DID HE TAKE <sup>4</sup> <sub>A</sub>DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH ≪FOOLISH≫ QUESTIONS ≪BASKIN≫ <sub>A</sub>I DON'T KNOW WHAT YOU CONSIDER ME <sub>Q</sub>ABOUT FAR DID HE GO <sup>A</sup>PROBABLY AS FAR AS THAT DOOR HERE <sub>Q</sub> HOW MANY FEET HOW MANY INCHES <sup>A</sup>I DON'T KNOW. <sub>Q</sub>WHY DIDN'T YOU ANSWER ME ≪THAT WAY≫ AT FIRST <sup>A</sup>YOU HAVE YOUR WAY OR ASKING QUESTIONS, AND I HAVE MINE OF ANSWERING THEM. <sub>Q</sub>WHAT MAKES YOU THINK IT WAS ABOUT AS FAR AS THAT DOOR <sup>A</sup>≪THAT IS≫ MY JUDGMENT [space] <sub>Q</sub>WHERE WAS YOU WHEN</p>	<p>THAN THREE? A. I COULD NOT SAY <del>W</del> WHAT HE DID TAKE. <del>DO</del> Q. DID HE T<del>Q</del>AKE FOUR? A. DO YOU CONSIDER YOURSELF ANY PART OF A GENTLEMAN TO ASK ME SUCH FOOLISH QUESTIONS:? Q. I €DON'T KNOW WHAT YOU CONSIDER ME. ABOUT HOW FAR DID HE GO? A. PROBABLEY AS FAR AS THAT DOOR HERE? Q . HOW MANY FEET, HOW MANY INCHES? A. I DON'T KNOW. Q. WØHY DIDN'T YOU ANSWER ME THAT WAY AT FIRST? A. YOU HAVE YOUR WAY OF ASKING QUESTIONS AND I HAVE MINE OF ANSWERING THEM. Q. WHAT MAKES YOU THINK IT WAS ABOUT AS FAR AS THAT DOOR? A. THAT IS MY JUDGEMENT. Q WHERE WERE YOU WHEN</p>	
--	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>YOU FIRST SAW HIM STEP ? A. I WAS ABOUT AT THE WAGONS. Q. WHEREABOUTS AT THE WAGONS ? A. I DON'T KNOW EXACTLY WHEREABOUTS IT WAS. Q. WAS YOU AT THE END OF THE WAGON ? A. I CAN'T SAY EXACTLY. Q. WHEN HE WALKED UP TO THE OX WHAT DID HE DO ? A. STUCK A KNIFE INTO HIM AS I TOLD YOU, AS I TOLD YOU. Q. YOU SAW THE KNIFE ? <sup>[409]</sup> A. YES SIR, I DID. Q. WHAT KIND WAS IT ? A. I WAS OFF SOME DISTANCE — I SAW A GUARD ON THE HANDLE, AND HE STUCK IT DOWN THAT WAY INTO THE OX. Q. DO YOU MEAN LIKE A GUARD COMING; OVER HIS HAND, THAT WAY ? A. IT WAS A CROSS ON THE KNIFE. Q.</p>	<p>YOU FIRST SAW HIM STEP ? <sub>A</sub>I WAS ABOUT AT THE WAGONS <sub>Q</sub> WHEREABOUTS AT THE WAGONS <sub>A</sub>I DON'T KNOW EXACTLY WHEREABOUTS IT WAS <sub>Q</sub> <del>WAS</del> YOU AT THE END OF THE WAGON <sub>A</sub>I CAN'T SAY EXACTLY [<i>space</i>] <sub>Q</sub>WHEN HE WALKED UP TO THE OX WHAT DID HE DO <sub>A</sub> STUCK A KNIFE INTO HIM AS I TOLD YOU <sub>Q</sub> YOU SAW THE KNIFE <sub>A</sub>YES SIR I DID WHAT KIND WAS IT <sub>A</sub>I WAS OFF SOME DISTANCE; I SAW A GUARD ON THE HANDLE, AND HE STUCK IT DOWN THAT WAY INTO THE OX <sub>Q</sub>DO YOU MEAN LIKE A GUARD COMING OVER HIS HAND THAT WAY [<i>space</i>] IT WAS A CROSS GUARD ON THE KNIFE <sub>Q</sub></p>	<p>YOU FIRST SAW HIM STEP? A. I WAS ABOUT AT THE WAGON? <del>A-Q.</del> WHERE ABOUTS AT THE WAGONS-? A. I DON'T KNOW WHERE ABOUTS IT WAS. Q. <del>WAS</del><b>ERE</b> YOU AT THE END OF THE WAGON? A. I CAN'T SAY EXACTLY. <del>Q.</del> WHEN HE WALKED UP TO THE OX WHAT DID HE DO? <del>A.</del> STUCK HIS KNIFE INTO HIM AS I TOLD YOU. Q. YOU SAW THE KNIFE? A. YES, SIR. Q. WHAT KIND WAS IT? <del>A.</del> I WAS OFF SOME DISTANCE; I SAW THE GUARD ON THE HANDLE AND HE STUCK IT DOWN THAT WAY INTO THE OX. Q. DO YOU MEAN LIKE A GUARD COMING OVER HIS H<small>AND</small> THAT WAY? A. IT WAS A CROSS ON THE KNIFE. Q.</p>	
--	---	---	--

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

<p>IT WAS UNDER, WAS IT ? A. I SHOULD THINK SO. Q. WHERE WAS THIS CROSS, UNDER OR ABOVE ? A. UNDER THE OTHER END. . Q. HOW FAR AWAY WERE YOU ? A. ABOUT THAT, BUT I NEVER MEASURED IT, AS NEAR AS I CAN GUESS, BUT I MAY MISS, I SHOULD SUPPOSE, AS NEAR AS MY JUDGMENT IT WAS ABOUT A HUNDRED TO A HUNDRED AND FIFTY YARDS. Q. HOW LONG WAS THAT CROSS YOU SAW UNDER THE KNIFE—WAS NOT IT ABOUT THAT LONG ? A. IT WAS NOT. Q. WAS IT THAT LONG ? A. IT WAS LONGER —I DON'T KNOW, I DIDN'T MEASURE IT. Q. ABOUT HOW LONG ? A. I COULD NOT SAY JUST EXACTLY THE LENGTH OF</p>	<p>IT WAS UNDER WAS IT <sub>A</sub>I SHOULD THINK SO. <sub>Q</sub> WHERE WAS THIS CROSS UNDER THERE OR ABOVE <sub>A</sub> UNDER THE OTHER END <sub>Q</sub> HOW FAR AWAY WERE YOU <sub>A</sub> BUT I NEVER MEASURED IT, AS NEAR AS I CAN GUESS = I MAY MISS I SHOULD SUPPOSE, AS NEAR AS MY JUDGMENT WAS, 100 <b>TO</b> 150 YARDS. <sub>Q</sub>HOW LONG WAS THAT CROSS YOU SAW UNDER THE KNIFE? WAS IT ABOUT THAT LONG <sub>A</sub>IT WAS NOT <sub>Q</sub>WAS IT THAT LONG <sub>A</sub> IT WAS LONGER, I DON'T KNOW, I DIDN'T MEASURE IT <sub>Q</sub> ABOUT HOW LONG <sub>A</sub>I COULD NOT SAY JUST EXACTLY, LENGTH OF</p>	<p>IT WAS AT THE END WAS IT? A. I <b>€</b> SHOULD THINK SO. Q. WHERE WAS THIS CROSS, UNDER OR ABOVE — THE OTHER END. <b>A. UNDER AND ABOVE.</b> <sup>[259]</sup> <b>Q HOW FAR AWAY WERE YOU? A. ABOUT— BUT I NEVER MEASURED IT— AS NEAR AS I CAN GUESS—I MAY MISS, YET I SUPPOSE AS NEAR AS MY JUDGMENT, IT WAS A HUNDRED OR A HUNDRED AND FIFTY YARDS. Q. HOW LONG WAS THA T CROSS YOU SAW ON THE KNIFE; WAS IT ABOUT THAT LONG? A. IT WAS NOT. Q. WAS IT THAT L<small>ONG</small>? A. IT WAS LONGER. I DON'T KNOW, I NEVER MEASURED IT. Q. ABOUT HOW LONG THEN? <del>A.</del> I COULD NOT SAY JUST EXACTLY THE LENGTH,</b></p>	
--	---	--	--

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

<p>IT, PROBABLY IT MIGHT HAVE BEEN THAT LONG, AS FAR AS I KNOW, IT WAS NOTHING ONLY A COMMON SIZED DAGGER. Q. AT THAT DISTANCE CAN YOU STATE TO THE JURY IT WAS THAT LONG? A. I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON DAGGER. Q. I AM TALKING ABOUT THE KNIFE — I AM ASKING YOU ABOUT THAT LITTLE <sup>[410]</sup> CROSS YOU SAW UNDER THE DAGGER WHICH LOOKED LIKE SILVER OR A BRIGHT PIECE OF IRON? A. AS NEAR AS I CAN SAY ABOUT THREE OR FOUR INCHES LONG. Q. HE HELD IT IN HIS HANDS THAT WAY? A. I KNOW HE DIDN'T. Q. DID HE STICK IT DOWN THAT WAY— WHERE DID HE FIRST STICK IT?</p>	<p>IT, PROBABLY IT MIGHT HAVE BEEN THAT LONG, AS FAR AS I KNOW IT WAS NOTHING, ONLY A COMMON SIZED DAGGER. Q. IN THAT DISTANCE, CAN YOU SAY TO THE JURY IT WAS THAT LONG? A. I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON DAGGER. Q. I AM TALKING ABOUT THE KNIFE {= *}<sup>i</sup> I AM ASKING YOU ABOUT THAT LITTLE CROSS YOU SAW UNDER THE DAGGER. A. IT LOOKED LIKE SILVER OR <math>\Leftarrow A \Rightarrow</math> BRIGHT PIECE OF IRON, AS NEAR AS I CAN SAY, ABOUT 3 OR 4 INCHES LONG. AND HE <math>\circ</math>HELD IT IN HIS HAND THAT WAY. A. I KNOW HE DIDN'T. Q. DID HE STICK IT DOWN THAT WAY = WHERE DID HE FIRST STICK IT</p>	<p>PROBABLY IT MIGHT HAVE BEEN THAT LONG. AS FAR AS I KNOW IT WAS LONGER. ONLY A COMMON SIZED DAGGER. Q. IN THAT DISTANCE CAN YOU SAY TO THE JURY, IT WAS THAT LONG? A. I SAY IT WAS IN THE NEIGHBORHOOD OF A COMMON SIZED DAGGER. Q. I AM TALKING ABOUT THIS KNIFE. I AM ASKING YOU ABOUT THE LITTLE CROSS YOU SAW UNDER THE DAGGER? A. IT LOOKED LIKE SILVER OR A BRIGHT PIECE OF IRON AS NEAR AS I CAN SAY, ABOUT THREE OR FOUR INCHES LONG. Q. AND HE HELD IT IN HIS HANDS THAT WAY? A. I KNOW HE DIDN'T. Q. DID HE STICK IT DOWN THAT WAY? WHERE DID HE FIRST STICK IT.</p>	
--	--	--	--

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

<p>A. I COULD NOT SAY WHICH PLACE HE STUCK IT, TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. Q. NEAR THE EARS ? A. NO SIR, I TOLD YOU HE STUCK IT ABOUT THE SHOULDER, STUCK IT DOWN THAT WAY, PULLED IT DOWN. Q. DID YOU SEE HOW DEEP THE KNIFE WENT IN THERE ? A. I DIDN'T SEE IT IN THERE, <del>HE</del> JUST PUT THE KNIFE RIGHT DOWN LIKE YOU AND I WOULD. Q. WHERE DID HE HIT IT THE SECOND TIME ? A. I THINK, AS NEAR AS I REMEMBER, IT HIT SOMEWHERE IN THE BACK PART. HE WENT THROUGH SOME PERFORMANCE, HIT IT SOMEWHERE ABOUT THE THIGH OR THE</p>	<p>[[12]] <del>A</del> I CAN'T SAY WHICH PLACE, BUT HE STUCK IT TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. Q. NEAR THE EARS <del>A</del>NO I TOLD YOU, HE STUCK IT ABOUT SHOULDER STUCK IT DOWN THAT WAY, PULLED IT DOWN DID YOU SEE HOW DEEP <del>THE</del> KNIFE WENT IN THERE <del>A</del> I DIDN'T SEE IT IN THERE, HE JUST PUT THE KNIFE RIGHT DOWN LIKE YOU OR I WOULD. [space] Q. WHERE DID HE HIT IT THE SECOND TIME <del>A</del> I THINK AS NEAR AS I RECOLLECT, HIT IT SOMEWHERE IN THE BACK PART ~ <del>A</del>HE WENT THROUGH SOME PERFORMANCE = HIT IT SOMEWHERE ABOUT THIGH OR</p>	<p>A. I CAN'T SAY WHICH PLACE, BUT HE STUCK IT TOWARDS THE HEAD AS NEAR AS I CAN RECOLLECT. Q. <del>H</del>NEAR THE EARS? A. NO, I TOLD YOU; HE STUCK IT ABOUT THE SHOULDER; STUCK IT DOWN THERE THAT WAY—PULLED IT DOWN. Q. DID YOU SEE HOW DEEP THE KNIFE WENT IN THERE? <del>A</del>. I DIDN'T SEE IT IN THERE; HE JUST PUT THE KNIFE RIGHT DOWN LIKE YOU OR I WOULD <del>D</del> Q. <del>W</del>HERE DID HE HIT IT THE SECOND TIME? A. I THINK AS NEAR AS I CAN RECOLLECT, HE HIT IT SOMEWHERE IN THE BACK PART. HE WENT THROUGH SOME PERFORMANCE, HIT IT SOMEWHERE ABOUT THE THIGH THEN OR</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>HIP. Q. HOW FAR ABOVE THE KNEE ? A. I DON'T EXACTLY KNOW; I WAS NOT CLOSE ENOUGH TO SEE HIM. Q. YOU WAS CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN ON THE KNIFE ? Q. I WAS, BECAUSE THE SUN SHONE JUST RIGHT. HE TOOK IT FROM HIS SIDE, SOMEWHERE ABOUT THERE. Q. WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT ? A. STANDING RIGHT BY THE OX. <sup>[411]</sup></p> <p>Q. DON'T YOU REMEMBER OF HAVING STATED JUST THIS MORNING HE WALKED UP TO THE OX WITH HIS KNIFE IN HIS HAND THAT WAY WHEN YOU FIRST</p>	<p>HIP Q HOW FAR ABOVE THE KNEE A I DON'T KNOW EXACTLY, I WAS NOT CLOSE ENOUGH TO SEE HIM Q YOU WAS CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN ON THE KNIFE Q I WAS, BECAUSE THE SUN SHONE JUST RIGHT AT THE TIME, HE TOOK IT FROM HIS SIDE SOMEWHERE ABOUT THERE. Q WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT A STANDING RIGHT BY THE OX; HE DID NOT DRAW HIS KNIFE UNTIL HE WALKED UP TO THE OX Q DON'T YOU REMEMBER OF HAVING STATED JUST THIS MOMENT HE WALKED UP TO THE OX WITH HIS KNIFE IN HIS HAND THAT WAY A NO Q WHEN YOU FIRST</p>	<p>HIP. Q WABOUT HOW FAR ABOVE THE KNEE? A. I DON'T KNOW EXACTLY, I WASN'T CLOSE ENOUGH TO SEE HIM . Q. YOU WERE CLOSE ENOUGH TO SEE THIS LITTLE SILVER CONCERN <sup>[260]</sup> ON THE KNIFE? A. I SAW, IT, BECAUSE THE SUN SHONE JUST RIGHT AT THE TIME. HE TOOK IT FROM HIS SIDE SOME WHERE ABOUT THERE. (SHOWING) Q WHERE WAS HE WHEN YOU SAW HIM TAKE IT OUT? A. STANDING RIGHT BY THE OX; HE DIDN'T DRAW HIS KNIFE TILL HE WALKED UP TO THE OX. Q. DON'T YOU REMEMBER HAVING STATED JUST THIS MOMENT THAT HE WALKED UP TO THE OX WITH THE KNIFE IN HIS HAND, THAT WAY? A. NO/ Q. WHEN YOU FIRST</p>	
--	---	---	--



**RT**

**RS**

**BT**

**PS**

<p>SAW HIM HE WAS WALKING UP TO THE OX — THAT IS, IN THAT POSITION ? A. I DON'T REMEMBER;</p>	<p>SAW HIM HE WAS WALKING UP TO THE OX WITH HIS KNIFE IN THAT POSITION ? A I DON'T REMEMBER,</p>	<p>SAW HIM HE WAS WALAKING UP TO THE OX IN THAT POSITION? A. I DON'T REMEMBER. <b>WHEN HE WAS WITHIN A STEP</b></p>	
<p>HE TOOK OUT HIS KNIFE IN HIS HAND AND STRUCK THE OX. I AM NOT VERY MUCH</p>	<p>HE TOOK OUT HIS KNIFE IN HIS HAND AND STRUCK THE OX, I AIN'T VERY MUCH</p>	<p>HE TOOK OUT HIS KNIFE IN HIS HAND AND STRUCK THE OX. I AINT VERY MUCH</p>	
<p>TECHNICAL. WHEN HE WAS WITHIN A STEP, THAT IS ABOUT IT. ——— Q. IF I WAS IN</p>	<p>TECHNICALITIES Q WHEN HE IS WITHIN A STEP &lt;DO YOU SAY&gt; HE IS UP TO IT. Q A IF I WAS IN</p>	<p>TECHNICALITIE. Q. WHEN HE IS WITHIN A STEP, YOU SAY HE IS UP TO IT? A. IF I WAS WITHIN</p>	
<p>STRIKING DISTANCE OF YOU AND WAS WITHIN STRIKING DISTANCE SO AS TO HIT YOU IN THE MOUTH I SHOULD THINK I WAS IN STRIKING DISTANCE. Q. THAT IS YOU CAN HIT ME A STEP AWAY YOU MEAN TO SAY ? A. NO NO. Q. WHY DID YOU SAY TO THE JURY WHEN YOU</p>	<p>STRIKING DISTANCE OF YOU AND WAS WITHIN STRIKING DISTANCE &lt;SO AS TO HIT YOU&gt; IN THE MOUTH, I SHOULD THINK I WAS IN STRIKING DISTANCE Q &lt;THAT IS&gt; YOU CAN HIT ME A STEP AWAY &lt;COULD YOU&gt; A NO NO . Q WHY DID YOU SAY TO THE JURY, WHEN YOU</p>	<p>STRIKING DISTANCE OF YOU, AND WAS WITHIN STRIKING DISTANCE SO AS TO HIT YOU IN THE MOUTH, I SHOULD THINK I WAS WITHIN STRIKING DISTANCE? Q. THAT IS YOU COULD HIT ME A STEP AWAY, COULD YOU? A. NO, NO. Q. WHY DID YOU SAY TO THE JURY, WHEN YOU</p>	

## RT

## RS

## BT

## PS

<p>FIRST SAW HIM HE WAS WALKING UP IN THIS MANNER TO THE OX AND SAY AFTERWARDS WHEN HE GOT TO THE OX HE DREW HIS DAGGER OUT AND STRUCK IT INTO HIM ? A. I DON'T THINK I SAID THAT. I THINK WHEN HE WAS WITHIN A REASONABLE DISTANCE HE DREW THE KNIFE OUT. Q. IN WALKING TO THE OX WAS HE WALKING TOWARDS YOU OR FROM YOU ? A. IT WASN'T NEITHER ONE. HE WAS TO ONE SIDE LIKE. Q. WHERE WAS HIS HORSE IN THE MEAN TIME ? A. IN THE BRUSH BY THE SIDE OF SOME WILLOWS. Q. HOW FAR WAS THE OX AWAY FROM WHERE HIS HORSE WAS ? A. OUTSIDE OF THE</p>	<p>FIRST SAW HIM, HE WAS WALKING UP IN THIS MANNER TO THE OX, AND THEN SAY AFTERWARDS, WHEN HE GOT UP TO THE OX HE DREW HIS DAGGER OUT AND STRUCK IT INTO HIM A I DON'T THINK I SAID THAT; I THINK WHEN HE WAS WITHIN REASONABLE DISTANCE HE DREW THE KNIFE OUT Q IN WALKING TO THE OX, WAS HE WALKING TOWARDS YOU OR FROM YOU A WAS NOT NARY A ONE. HE WAS TO ONE SIDE LIKE Q WHERE WAS HIS HORSE IN THE MEAN TIME A IN THE BRUSH BY THE SIDE OF SOME WILLOWS. Q HOW FAR WAS THE OX AWAY FROM WHERE HIS HORSE WAS A OUTSIDE OF THE</p>	<p>FIRST SAW HIM HE WAS WALKING UP <del>TO</del> <del>THE [?]</del> IN THIS MANNER, TO THE OX, AND THEN SAY AFTERWARDS WHEN HE GOT UP TO THE OX HE DREW HIS DAGGER OUT AND STUCK IT INTO HIM ? A. I DON'T THINK I SAID THAT. I THINK WHEN <b>HE</b> WAS WITHIN REASONABLE DISTANCE HE DREW THE KNIFE OUT. Q. IN WALKING TO THE OX WAS HE WALKING TOWARDS YOU OR FROM YOU? A. HE WASN'T NEITHER ONE; HE WAS OFF TO ONE SIDE LIKE.. Q. WHERE WAS HIS HORSE IN THE MEAN TIME? A. IN THE BRUSH BY THE SIDE OF SOME WILLOWS. Q. HOW FAR AWAY WAS THE OX FROM WHERE HIS HORSE WAS. A. OUTSIDE OF THE</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>CORRALL. Q.          WHEN YOU SAW          HIM GO UP          TO THE OX YOU          WERE JUST          GETTING READY          TO MOVE AWAY          ? A. YES. <sup>[412]</sup> Q.          HOW LONG          BEFORE HE          STRUCK THE          KNIFE INTO IT —          WAS IT BEFORE          HE MOVED OFF          — WAS IT TWO          SECONDS ?          A. MORE THAN          THAT. Q. WAS IT          A MINUTE ? A.          YES, MORE          THAN THAT. I          COULD NOT TELL          EXACTLY, BUT A          MIDDLING          SPACE.          THE COURT          KNOWS AND THE          JURY KNOWS          ABOUT WHAT          TIME IT TAKES.          Q. YOU HAD          YOUR HORSES          ALREADY          HITCHED UP TO          START WHEN          THIS OCCURRED          — YOU STATED          SO ? A. I          THINK THE <del>REST</del>          HORSES WAS          ON THE          WAGON AND          THEY MADE A          FEW JERKS.</p>	<p>CORRAL. q          WHEN YOU SAW          HIM GO UP <sup>[[13]]</sup>          TO THE OX YOU          WERE JUST          GETTING READY          TO MOVE AWAY          A YES {q}<sup>i</sup>          HOW LONG          BEFORE HE          STRUCK THE          KNIFE INTO IT,          WAS IT BEFORE          HE MOVED OFF          WAS IT TWO          SECONDS [space]          {A}<sup>i</sup> MORE THAN          THAT {q}<sup>i</sup> WAS IT          MINUTE A          YES MORE          THAN THAT, I          COULD NOT TELL          EXACTLY,          MIDDLING[?]          SPACE OF TIME          THE COURT          KNOWS AND THE          JURY KNOWS          WHAT          TIME IT TAKES.          q YOU HAD          YOUR HORSES          ALREADY          HITCHED UP TO          START WHEN          THIS OCCURRED          YOU STATED          SO A I          THINK THE          HORSES WAS          OFF[?] THE          WAGON          &lt;MADE A FEW          JERKS&gt;</p>	<p>CORRAL. Q.          WHEN YOU SAW          HIM GO UP          TO THE OX YOU          WERE JUST          GETTING READY          TO MOVE AWAY?          A. YES. Q.          HOW LONG          BEFORE HE <del>STUC</del>          STRUCK THE          KNIFE INTO IT          WAS IT BEFORE          YOU MOVED OFF;          WAS IT TWO          SECONDS?          A. MORE THA N          THAT. Q. WAS IT          A MINUTE :? A. I  <del>SAW</del> WAS MORE          THEN THAT, I          COULD NOT TELL          EXACTLY AS TO          THE          SPAVCE OF TIME.          THE COURT          KNOWS AND THE          JURY KNOWS <sup>[261]</sup>          WHAT          TIME IT TSAKES.          Q. YOU HAD          YOUR HORSES          ALREADY          HITCHED UP          WHEN          THIS OCCURRED          YOU STATED?          A. YES, BUT I          THINK THE          ØHORSES <del>WAS A</del>          KIND OF            MAADE A FEW          JERKS —WAS OFF</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>Q. DON'T YOU KNOW THEY WERE SO</p> <p>AT THE TIME YOU STOPPED THEM YOU HAD MOVED ON YOUR JOURNEY.</p>	<p>Q DON'T YOU KNOW THEY WERE SO A&lt;I WENT AROUND AND STOPPED THEM&gt; AT THE TIME YOU STOPPED THEM YOU HAD MOVED ON YOUR JOURNEY.</p>	<p>THE WAGON. Q: DON'T YOU KNOW THEY WERE SO? A. I WENT AROUND AND STOPPED THEM. Q . AT THE TIME YOU STOPPED THEM YOU HAD MOVED OR STARTED ON YOUR JOURNEY?</p>	
<p>THE REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS ? A. WE WERE FIXING TO MOVE. Q. YOU JUST STATED NOW YOU HAD STOPPED TO FIX SOMETHING ? A. GIVE ME A LITTLE TIME. Q. YOU STATED JUST NOW THAT YOU MOVED A STEP AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX — HAD YOU MOVED BEFORE YOU SAW IT — WERE THEY WAITING FOR YOU ? A. I WANT MORE TIME TO TELL YOU. Q.</p>	<p>A</p> <p>Q REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS A WE WERE FIXING TO MOVE Q YOU JUST STATED NOW YOU HAD STOPPED TO FIX SOMETHING A GIVE ME A LITTLE TIME Q YOU STATED JUST NOW, YOU MOVED A STEP, AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX. HAD YOU MOVED BEFORE YOU SAW IT? WERE THEY WAITING ON YOU A I WANT MORE TIME TO TELL YOU. Q</p>	<p>A. I WENT AROUND TO FIX THE HARNESS. Q SO THE REASON WHY YOU STOPPED WAS TO FIX YOUR HARNESS? A. WE WERE FIXING TO MOVE. Q. YOU JUST STATED NOW YOU HAD TO STPOP TO FIX SOMETHING? A. GIVE ME A LITTLE TIME. Q. YOU STATED JUST NOW YOU MOVED A STEP AT THE TIME YOU SAW THIS PARTY STRIKE THE KNIFE INTO THE OX?. HAD YOU MOVED BEFORE YOU SAW IT? WERE THEY WAITING FOR OF YOU? A . I WANT MORE TIME TO TELLYOU. Q.</p>	

**RT**

**RS**

**BT**

**PS**

<p>TAKE YOUR OWN TIME ? A. I PRESUME IT WAS VERY LITTLE SPACE. Q. YOU PRESUME — DON'T YOU KNOW YOU HAD ? A. I SAY I KNOW I HAD. Q. WHEN YOU STARTED YOU HAD BEEN IN THE WAGON BEFORE THIS THING OCCURRED, HAD YOU— YOU WERE THE DRIVER I UNDERSTOOD YOU TO SAY, ) &lt;A.&gt; PART OF THE TIME, AND PART OF THE TIME WAS IN THE WAGON, AND PART OF THE TIME — WAS <sup>[413]</sup> A MIGHTY HARD TRIP FOR A MAN TO HAVE TO CARRY A HEAVY RIFLE WITH ME. I WAS NATURALLY WORN OUT, ON GUARD, AND A MAN WAS NATURALLY WORN DOWN. Q.</p>	<p>TAKE YOUR OWN TIME A I PRESUME IT WAS VERY LITTLE SPACE Q YOU PRESUME = DON'T YOU KNOW YOU HAD A I SAY I KNOW I HAD Q WHEN YOU STARTED YOU HAD BEEN IN &lt;THE&gt; WAGON BEFORE THIS THING OCCURRED HAD YOU A, YES SIR Q YOU WERE THE DRIVER I UNDERSTOOD YOU TO SAY A PART OF THE TIME AND PART OF THE TIME WAS IN THE WAGON, THE PART OF THE TIME WAS MIGHTY HARD TRIP MAN HAVING TO CARRY HEAVY RIFLE WITH ME, I WAS NATURALLY WORN OUT ON &lt;ACCOUNT OF&gt; GUARDING MAN WAS NATURALLY WORN DOWN Q</p>	<p>TAKE YOUR OWN TIME? A. I PRESUME IT WAS VERY LITTLE SPACE. Q . YOU PRESUME. DON'T YOU K NOW YOU HAD? A. I SAY I KNOW I HAD. Q. WHEN YOU STARTED—YOU HAD BEEN IN THE WAGON BEFORE THIS THING OCCURRED , ØHAD YOU? A. YES. Q. YOU WERE THE DRIVER, I UNDERSTOOD YOU TO SAY? A PART OF <b>THE</b> <del>THE</del> TIME AN D PART OF THE TIME I WAS IN THE WAGON — A PART OF THE TIME-. IT WAS A MIGHTY HARD TRIP FOR A MAN; HAVING TO CARRY A HEAVY RIFLE WITH ME; I WAS NATURALLY WORN OUT ON ACCOUNT OF GUARDING; WAS NATURALLY WORN DOWN. Q.</p>	
--	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>BUT IT DIDN'T AFFECT YOUR MEMORY OF THAT SIGHT DID IT ? A. NO, BUT I WAS NATURALLY WORN DOWN. Q. YOU SAY AT THE TIME THIS OCCURRED THE HORSES HAD MADE A FEW JERKS — DID YOU MAKE ANY JERKS THEN ? A. I DIDN'T SAY I HAD. Q. THE HORSES THOUGH DID MAKE SOME JERKS ?</p> <p>A. THEY MADE A FEW JERKS— BRANCOS OFTEN DO. THEY WERE COMMON—AS <del>BRANCOH</del> BRONCHO HORSES GENERALLY DO. Q. WHERE WERE YOU WHEN THEY JUMPED ? A. I DON'T REMEMBER EXACTLY WHERE I WAS. Q. DID YOU HAVE HOLD OF THE LINES ? A. I THINK NOT.</p>	<p>BUT IT DIDN'T AFFECT YOUR MEMORY, THAT SIGHT DID IT <sub>A</sub>NO BUT I WAS NATURALLY WORN DOWN. <sub>Q</sub> YOU SAY AT THE TIME THIS OCCURRED, THE HORSES HAD MADE FEW JERKS, <sub>Q</sub>DID YOU MAKE ANY JERKS THEN <sub>A</sub> I DIDN'T SAY I DID <sub>Q</sub>THE HORSES &lt;THOUGH DID&gt; MAKE SOME JERKS &lt;DID NOT THEY&gt; <sub>A</sub>THEY MADE FEW JERKS, BRANCOS OFTEN DO. THEY JUMPED AS COMMON <del>AS</del></p> <p>BRONCO HORSES GENERALLY DO <sub>Q</sub>WHERE WERE YOU WHEN THEY JUMPED <sub>A</sub>I DON'T REMEMBER EXACTLY WHERE I WAS (<sub>Q</sub>DID YOU HAVE HOLD OF THE LINES <sub>A</sub> I THINK NOT.</p>	<p>BUT IT DIDN'T <b>AFFECT</b> <del>AACCFEFFECT</del> YOUR MEMORY, THAT SIGHT, DID IT? A. <del>NOO</del> BUT I WAS NATURALLY WORN DOWN. Q. YOU SAY AT THE TIME THIS OCCURRED THE HORSES HAD MADE A FEW JERKS; DIDYOU MAKE ANY JERKS THEN? A. I DIDN'T SAY I DID. Q. THE HORSES DID <del>MAKE KMAKE</del> SOME JERKS, DID THEY? A. THEY MADE A FEW JERKS; BRANCHOS, OFTEN DO. THEY JUMPED AS COMMON</p> <p>BRONCHO HORSES <sup>[262]</sup> GENERALLY DO . Q. WHERE WERE YOU WHEN THEY JUMPED? A. I DON'T REMEMBER EXACTLY WHERE I WAS. Q . DID YOU HAVE HOLD OF THE LINES? A. I THINK NOT.;</p>	
--	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>MR. FARNSWORTH HAD HOLD OF THEM. Q. DIDN'T THEY JUMP BECAUSE MR. FARNSWORTH WAS READY TO START OFF ?</p> <p>A. NO.</p> <p>Q. THEN YOU WASN'T IN THE WAGON—HOW DID YOU EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING ? A. DID I SAY I WAS IN THE WAGON. Q. WERE YOU IN THE WAGON ? A. I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY—I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY ONCE. WITNESS HESITATING. Q. HAVE YOU COME TO THE</p>	<p>MR. F HAD HOLD OF THEM {Q}^1 DIDN'T THEY JUMP BECAUSE MR. F WAS NOT STARTED? READY TO START OFF A I DON'T KNOW</p> <p>Q THEN YOU WASN'T IN THE WAGON HOW DID YOU EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING A DID I SAY I WAS IN THE WAGON Q WERE YOU IN THE WAGON? A I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY, I HAVE ANSWERED YOU ONCE</p> <p>FAIRLY AND SQUARELY ONCE/SINCE[?].</p> <p>[[14]] Q HAVE YOU COME {TO THE}^1</p>	<p>MR. FARNSWORTH HAD HOLD OF THEM. Q. DIDN'T THEY <b>JUMP</b> <del>JMP</del> BECAUSE MR. FARNSWORTH WAS READY TO START? A. I <del>DONT KNOW.</del> <del>KNOW</del> <b>A NO, THEY JUMPED AS THEY STARTED.</b> Q/ THEN YOU WANSN'T IN THE WAGON? HOW DID YOU EXPECT TO GET IN THE WAGON WHEN THE TEAM WAS STARTING? A. DID I SAY I WEAS IN THE WAGON-? Q. WERE YOU IN THE WAGON? A. I HAVE ANSWERED YOUR QUESTIONS FAIRLY AND SQUARELY. I HAVE ANSWERED YOU ONCE. Q. HAVE YOU COME TO A</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>CONCLUSION YET—</p> <p>WHEN THAT WAGON STARTED <sup>[414]</sup> BEFORE THE HARNESS BROKE WERE YOU IN IT OR OUT OF IT ? A. AS I TOLD YOU BEFORE I WAS SITTING IN THE HIND END OF THE WAGON. Q. HOW FAR DID IT GO BEFORE THE HARNESS BROKE ? A. NOT FAR. Q. THEN WHEN THE HARNESS BROKE YOU GOT UP AND OUT OF THE WAGON — YOU SAW THIS MAN STRIKE THE OX WITH A KNIFE ? A. IT WAS NOT ANY SUCH A THING. WHEN I SAW THE MAN STRIKE THE OX I WAS AT THE HIND END OF THE WAGON, AS NEAR AS I CAN REMEMBER I WAS. I REMEMBER IT</p>	<p>CONCLUSION YET <math>\Leftarrow</math>WHETHER YOU WAS <math>\Rightarrow</math> IN THE <math>\Leftarrow</math>WAGON OR <math>\Rightarrow</math> OUT OF IT <del>A</del>Q WHEN THAT WAGON STARTED, <math>\Leftarrow</math>AND <math>\Rightarrow</math> BEFORE <math>\Leftarrow</math>THE <math>\Rightarrow</math> HARNESS BROKE WERE YOU IN IT OR OUT OF IT ? [space] AS <del>A</del>I TOLD YOU BEFORE I WAS SITTING IN HIND END OF WAGON QHOW FAR DID IT GO BEFORE THE HARNESS BROKE <del>A</del>NOT FAR QTHEN WHEN <math>\Leftarrow</math>THE <math>\Rightarrow</math> HARNESS BROKE YOU GOT UP AND OUT OF WAGON, AND YOU SAW THIS MAN STRIKE <math>\Leftarrow</math>THE <math>\Rightarrow</math> OX WITH <math>\Leftarrow</math>THE <math>\Rightarrow</math> KNIFE <del>A</del>IT WAS NOT ANY SUCH THING, WHEN I SAW {THE}<sup>i</sup> MAN STRIKE <math>\Leftarrow</math>THE <math>\Rightarrow</math> OX I WAS AT THE HIND END OF THE WAGON AS NEAR AS I CAN REMEMBER, I SAY/SO[?] REMEMBER IT</p>	<p>CONCLUSION YET, WHETHER YOU WERE IN THE WAGON OR OUT OF IT? ? <del>A</del>. WHEN THAT WAGON WAS STARTING? BEFORE THE H<del>O</del>ARNESS BROKE WERE YOU IN IT OR OUT OF IT? A. AS I TOLD YOU BEFORE I WAS SITTTING IN THE HIND END OF THE WAGON . Q. HOW FAR DID IT GO BEFORE THE HARNESS BROKE: ? A. NOT FAR. Q. THEN WHEN THE HARNESS BROKE YOU GOT UP AND OUT OF THE WAGON, AND SAW THIS MAN STRIKE THE OX WITH THE KNIFE? A. IT WASNI'T ANY SUCH THING. WHEN I SAW THE MAN STRIKE THE OX I WAS AT THE HIND END OF THE WAGON , AS NEAR AS I CAN REMEMBER. I SAY I REMEMBER, IT</p>	
--	---	--	--



**RT**

**RS**

**BT**

**PS**

<p>WAS THAT TIME OF THE YEAR. Q. YOU WERE LYING IN THE OPPOSITE DIRECTION — THEN YOUR BACK MUST HAVE BEEN TO THEM ? A. IT WAS NOT. Q. DON'T YOU REMEMBER BEFORE DINNER YOU SAID YOU SAW HIM AND YOU WAS OUT OF THE WAGON ? A. WHEN I SAW HIM DO IT. Q. YOU SAID YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT ? A. I DON'T RECOLLECT IT. Q. I WILL ASK THE REPORTER FOR HIS NOTES TO REFRESH YOUR MEMORY ? A. IF I SAID SUCH A THING YOU BOTHERED ME SO I COULD NOT TELL, AND ANSWERED HASTILY — I HAVE TOLD NOTHING BUT</p>	<p>WAS THAT TIME I SAW HIM Q YOU WERE LYING IN OPPOSITE DIRECTION, THEN YOUR BACK MUST HAVE BEEN TO THEM A IT WAS NOT DON'T YOU REMEMBER BEFORE DINNER YOU SAID YOU SAW HIM YOU WAS OUT OF WAGON WHEN YOU SAW HIM DO IT; YOU STATED YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT ? AI DON'T RECOLLECT IT {Q} I WILL ASK {THE} I REPORTER TO HIS NOTES TO REFRESH {YOUR MEMORY} I A IF I SAID SUCH A THING YOU BOTHERED ME SO I COULD NOT TELL, <del>CORRECTLY</del> AND ANSWERED HASTILY, I HAVE TOLD YOU NOTHING BUT</p>	<p>WAS THAT TIME I SAW HIM. Q. YOU WERE LIKE IN AN OPOSITE DIRECTION, THEN YOUR BACK MUST HAVE BEEN TO THEM? A. AIT WAS NOT. Q. DON'T YOU REMEMBER BEFORE DINNER YOU STATED YOU <del>WASERE</del> OUT OF <del>THE THE</del> WAGON WHEN YOU SAW HIM DO IT; YOU STATED YOU WERE NOT IN THE WAGON WHEN YOU SAW HIM DO IT? AA. I DON'T RECOLLECT IT. Q. I WILL ASK THE REPORTER TO READ HIS NOTES TO REFRESH YOUR MEMORY. A. IF I SAID SUCH A THING YOU BOTHERED ME SO, I COULD NOT TELL, AND ANSWERED HASTILY, I HAVE TOLD NOTHING BUT</p>	
---	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>THE TRUTH AS TO THE WAGON. Q. DID YOU STATE THE TRUTH WHEN YOU SAY YOU WERE IN THAT WAGON ? A. I TOLD THE TRUTH, THE WAGON STARTED. Q. HOW LONG DID IT TAKE YOU TO FIX THE HARNESS ? A. I COULD NOT SAY. <sup>[415]</sup> Q. WHAT DID YOU FIX IT WITH ? A. MY HANDS, AS ANY MAN WOULD. Q. WHAT WAS BROKE ABOUT THE HARNESS ? A. I COULD NOT SAY EXACTLY, SOMETHING CAME UNBUCKLED. Q. DO YOU REMEMBER THE SOMETHING THAT CAME UNBUCKLED ? A. I REMEMBER WE STOPPED TO FIX SOMETHING ABOUT THE HAME STRAP — IT WAS THE BREAST STRAP, OR THE</p>	<p>THE TRUTH AS TO THE WAGON Q DID YOU STATE THE TRUTH WHEN YOU SAY YOU WERE IN THAT WAGON A I STATED THE TRUTH THE WAGON STARTED Q HOW LONG DID IT TAKE YOU {TO} I FIX THE HARNESS A I COULD NOT SAY Q WHAT DID YOU FIX IT WITH A MY HANDS AS A MAN WOULD. Q WHAT WAS BROKE ABOUT THE HARNESS A I COULD NOT SAY EXACTLY A SOMETHING CAME UNBUCKLED Q DO YOU REMEMBER THE SOMETHING WHAT CAME UNBUCKLED A I REMEMBER WE STOPPED TO FIX SOMETHING ABOUT THE HAME STRAP ON. Q WHICH WAS IT THE BREAST STRAP OR {THE} I</p>	<p>THE TRUTH AS TO THE WAGON. <sup>[263]</sup> Q. DID YOU STATE THE TRUTH WHEN YOU SAID YOU WERE IN THAT WAGON? A. I STATED TRUE, THE WAGON WAS STARTED. Q HOW LONG DID IT TAKE YOU TO FIX THE HARNESS? A. I COULDN'T SAY Q. WHAT DID YOU FIX IT WITH? A. MY HANDS , AS ANY MAN WOULD. I COULDN'T SAY EXACTLY, SOMETHING CAME UNBUCKLED. Q. DO YOU REMEMBER THE SOMETHING THAT CAME UNBUCKLED? A. I REMEMBER WE STOPPED TO FIX SOMETHING ABOUT THE HAMES STRAP; IT WAS THE BREAST STRAP OR THE</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>AME. Q. DID YOU DO ANYTHING MORE THAN TO BUCKLE UP A BUCKLE ? A. WENT RIGHT TO WORK, BUCKLED UP A BUCKLE, WHATEVER IT WAS, TIED IT UP WITH A STRAP OR STRING. Q. WHAT DID YOU TIE IT UP WITH ? A. I COULD NOT SAY EXACTLY WHAT IT WAS. WE HAD A BUCKSKIN STRING I PULLED OUT OF MY POCKET. Q. WHAT DID YOU TIE ? A. I TIED THE FRONT HARNESS AS NEAR AS I CAN RECOLLECT, IT WAS A KIND OF A RING THAT JERKED LOOSE—KIND OF HOLDS THE AMES UP — HELD THE NECKYOKE UP. Q. YOU JUST NOW STATED IT WAS A BUCKLE YOU WAS TIEING AND THE TONGUE BROKE,</p>	<p>HAME STRAP Q DID YOU DO ANYTHING MORE THAN BUCKLE UP A BUCKLE A WENT RIGHT TO WORK BUCKLED UP BUCKLE, WHATEVER IT WAS, TIED IT UP &lt;WITH A STRAP OR STRING&gt; WHAT Q DID YOU TIE UP WITH A I COULD NOT SAY EXACTLY WHAT IT WAS, WE HAD BUCKSKIN, A STRING OUT OF MY POCKET Q WHAT DID YOU TIE A I TIED FRONT HARNESS AS NEAR AS I CAN RECOLLECT, IT WAS A RING THAT KIND OF JERKED LOOSE, KIND A HELD THE HAMES UP, HELD NECK YOKE UP {Q} I YOU JUST NOW STATED IT WAS A BUCKLE YOU WAS TYING AND THE TONGUE BROKE</p>	<p>HAKMES STRAP. Q. DID YOU DO ANYTHING MORE THAN BUCKLE UP A BUCKLE? A. I WENT RIGHT TO WORK AND BUCKLED UP THE BUCKLE, WHATEVER IT WAS, TIED IT UP WITH A STRAP OR STRING. Q. WHAT DID YOU TIE IT UP WITH? A. I COULDN'T SAY EXACTLY, WHAT IS WAS; WE HAD A BUCKSKIN; I GOT A STRING OUT OF MY POCKET. Q. WHAT DID YOU TIES? A. I TIED THE <del>FRON</del> HARNESS, AS NEAR AS I CAN RECOLLECT; IT WAS A RING THAT KIND OF JERKED LOOSE; KIND OF HELD THE HAMES UP, HELD THE NECKYOKE UP. Q. YOU JUST NOW SAID IT WAS A BUCKLE YOU WERE TIEING <del>IF</del> UP. DID THE TONGUE BREAK</p>	
---	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>BUT IT SEEMS IT WAS A BUCKLE IN PLACE OF THE RING YOU TIED UP A. THE STRAP THAT WENT INTO THE RING. Q. YOU TIED UP A RING AND A BUCKLE THAT WENT INTO THE RING ? A. YOU KNOW JUST AS WELL AS I DO — YOU KNOW VERY WELL EVERY BREAST STRAP HAS A RING TO TIE THE BUCKLE ON THE STRAP. Q. I WANT TO KNOW WHETHER IT WAS A BUCKLE OR A RING YOU TIED AND HOW LONG YOU WERE IN TIEING THE RING ? <sup>[416]</sup> A. I DIDN'T COUNT THE MINUTES. Q. ABOUT HOW LONG ? A. I DON'T KNOW. Q. ABOUT HOW LONG ? A. I CANNOT STATE WHETHER IT WAS A</p>	<p>TOO, <math>\Leftarrow</math>AND NOW YOU SAY<math>\Rightarrow</math> IT WAS A BUCKLE IN PLACE OF A RING YOU TIED UP <u>A</u> THE STRAP THAT WENT INTO THE RING {Q}<sup>i</sup>YOU TIED UP <math>\Leftarrow</math>A<math>\Rightarrow</math> RING AND <math>\Leftarrow</math>A<math>\Rightarrow</math> BUCKLE THAT WENT INTO THE RING <u>A</u> YOU KNOW JUST AS WELL AS I DO, YOU KNOW VERY WELL EVERY BREAST STRAP HAS A RING TO TIE A BUCKLE ON STRAP Q I WANT TO KNOW WHETHER IT WAS BUCKLE OR RING YOU TIED; HOW LONG YOU WERE IN TYING THE RING <sup>[15]</sup> A <math>\Leftarrow</math>I DIDN'T<math>\Rightarrow</math> COUNT THE MINUTES Q ABOUT HOW LONG <u>A</u> I DON'T KNOW Q ABOUT HOW LONG YOU CAN'T {STATE}<sup>i</sup> WHETHER IT WAS A</p>	<p>TOO? NOW YOU SAY IT WAS A <del>RINGBUCKLE</del> IN PLACE OF A BUCKLE, A RING YOU TIED UP? A. A STARAP THAT WENT INTO THE RING. Q. YOU TIED UP A STRAP RING AND A BUCKLE THAT WENT INTO <del>A</del>THE RING? A. YOU KNOW JUST AS WELL AS I DO; YOU KNOW VERY WELL EVERY BREAST STRAP HAS A RING TO TIE OR BUCKLE ON A STRAP. Q. I WANT TO KNOW WHETHER IT WAS A BUCKLE OR A RING YOU TIED AND HOW LONG <del>W</del>YOU WERE IN TIEING THE RING? A. I DIDN'T COUNT THE MINUTES? Q. WELL ABOUT HOW LONG ? A. I DON'T KNOW . Q. ABOUT HOW LONG? CAN'T YOU STATE WHETHER IT WAS ABOUT A</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>MINUTE OR A          HALF A MINUTE,          I JUST TOLD YOU          _____ Q. I          INSIST THAT THE          JUDGE MAKE          YOU ANSWER ?          A. I COULD NOT          GIVE IT          EXACTLY.          COURT: GIVE IT          TO THE BEST OF          YOUR          RECOLLECTION ?          A. I COULD NOT          SAY- IT WAS          OVER          HALF AN HOUR          NO HOW. Q. HOW          MUCH MORE ? A.          I 'AINT GOING TO          TELL YOU. Q.          DON'T YOU          KNOW IT WAS          BUT A VERY FEW          MINUTES—YOU          KNOW IT WAS          NOT HALF AN          HOUR ? A. IT          WASN'T OVER          THAT I SAY.          Q. YOU KNOW          YOU DIDN'T          STAY THERE          TIEING THAT          BUCKLE          HALF AN          HOUR ? A. IF I          WAS TWO          MINUTES IT          WAS NOT HALF          AN HOUR. Q. I          WANT YOU TO          STATE, AS NEAR</p>	<p>MINUTE OR A          HALF A MINUTE          A I SHAN'T TELL          YOU BASKIN I          INSIST ON THE          JUDGE MAKING          YOU ANSWER          A I COULD NOT          GIVE IT          EXACTLY. BY          COURT GIVE IT          TO THE BEST OF          YOUR          RECOLLECTION          A I SHOULD NOT          SAY IT WAS          OVER          HALF AN HOUR          NO HOW. Q HOW          &lt;MUCH&gt; MORE A          I AIN'T GOING TO          TELL YOU Q          DON'T YOU          KNOW IT WAS          BUT VERY FEW          MOMENTS = YOU          KNOW IT WAS          NOT HALF AN          HOUR A IT          WASN'T OVER          THAT I SAY.          Q YOU KNOW          YOU DIDN'T          STAY &lt;THERE&gt;          TYING THAT          BUCKLE FOR          &lt;FOR&gt; HALF AN          HOUR A IF I          WAS 2          MINUTES IT          WAS NOT HALF          HOUR Q I          WANT YOU          STATE AS NEAR</p>	<p>MINUTE OR A          HALF A MINUTE?          A. I SHAN'T TELL          YOU. BASKIN: I          INSIST ON THE          COURT MAKING          YOU ANSWER?          A. I COLD NOT          GIVE IT          EXACTLY. THE          COURT: GIVE IT          TO THE BEST OF          YOUR          RECOLLECTION.  <sup>[264]</sup> A. I SHOULD          SAY IT WASN'T  <b>NOT</b> OVER A          HALF AN HOUR          NO HOW. Q: HOW          MUCH MORE? A.          I AIN'T GOING TO          TELL YOU. Q.          DON'T YOU          KNOW, IT WAS          BUT A VERY FEW          MINUTES; YOU          KNOW IT WASN'T          HALF AN          HOUR? A. IT          WASN'T OVER          THEAT, I SAWY.          Q. YOU KNOW          YOU DIDN'T          STAY THERE          TIEING THAT          BUCKLE A          HALF AN          HOUR? A . IF I          WAS TWO          MINUTES IT          WASN'T HALF AN          HOUR. Q. I          WANT YOU TO          STATE AS NEAR</p>	
---	---	--	--

## RT

## RS

## BT

## PS

<p>AS YOU CAN REMEMBER—I DON'T EXPECT YOU CAN GIVE THE EXACT TIME, BUT AS NEAR AS YOU</p>	<p>AS YOU CAN REMEMBER, I DON'T EXPECT YOU CAN GIVE {THE}<sup>i</sup> EXACT TIME AS NEAR AS YOU</p>	<p>AS YOU CAN REMEMBER; I DON'T EXPECT YOU CAN GIVE THE EXACT TIME, BUT AS NEAR AS YOU CAN, WHAT TIME</p>	
<p>WAS, TIEING THAT BUCKLE A. I DON'T KNOW THE EXACT TIME — I DON'T' KNOW NOTHING ABOUT IT. Q. <del>HOW</del> Q. DIDN'T YOU TIE IT UP JUST AS SOON AS YOU COULD DO IT—HOW MANY KNOTS DID YOU TIE IN IT—TELL ME THAT QUESTION YOURSELF ? A. I SUPPOSE I COULD DO IT IN HALF A MINUTE; I MIGHT NOT BE AS QUICK AS YOU. Q. <del>DID</del> DO YOU THINK IT TOOK YOU HALF A MINUTE ? <sup>[417]</sup> A. I TOLD YOU I WAS. LESS THAN HALF AN HOUR. Q. HOW WIDE WAS THE BLADE OF THAT KNIFE ? A. I</p>	<p>WAS TYING THAT BUCKLE A I DON'T KNOW THE EXACT TIME, I DON'T' KNOW NOTHING ABOUT IT Q DIDN'T YOU TIE IT UP JUST AS SOON AS YOU COULD TIE IT. Q HOW MANY KNOTS DID YOU TIE IN IT A TELL ME THAT QUESTION YOURSELF I SUPPOSE I COULD DO IT IN HALF MINUTE, I MIGHT NOT BE AS QUICK AS YOU Q DO YOU THINK IT TOOK ME <math>\leq</math> YOU <math>\geq</math> HALF MINUTE A I TOLD YOU I WAS LESS THAN HALF HOUR. [space] Q HOW WIDE WAS THE BLADE OF THAT KNIFE A I</p>	<p>YOU WERE TIEING THAT BUCKLE? A. I <del>KNOW'T DONT</del> KNOW THE EXAVCT TIME. I DON'T KNOW ANYTHING ABOUT IT. Q. DINDN'T YOU TIE IT UP JUST AS SOON AS YOU COULD TIE IT? HOW MANY KNOTS €DID YOU TIE IN IT? A. TELL ME THAT QUESTION YOURSELF? I SUPPOSE I C UL D DO IT IN HALF A MINUTE. I MUGHT <b>MIGHT</b> BE AS QUICK AS YOU. Q. DO YOU THINK IT TOOK YOU A HALF A MINUTE? A. I TELL YOU I WAS LESS THAN A HALF AN HOUR . Q. HOW WIDE WAS THE BALADE OF THAT KNIFE? A . I</p>	

**RT**

**RS**

**BT**

**PS**

<p>COULD NOT TELL, I DIDN'T MEASURE IT. Q. WELL, ABOUT HOW LONG ? A. IT OCCURS TO ME IT WAS A COMMON LOOKING DAGGER. Q. ABOUT HOW WIDE WAS THE BLADE ? A. IF I WAS IN ONE OF THESE STORES HERE I COULD SHOW YOU SOMETHING SIMILAR TO IT; — A COMMON LOOKING DAGGER — SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN. Q. WAS IT ABOUT AS WIDE AS THAT PIECE OF PAPER — HALF AN INCH WIDE ? A. I PRESUME IT WAS; — I COULD NOT TELL. Q. YOU CAN TELL WHETHER IT WAS A VERY WIDE KNIFE OR A VERY NARROW KNIFE ? A. THE</p>	<p>COULD NOT TELL I DIDN'T MEASURE IT Q WELL ABOUT HOW LONG A IT IS CURIOUS THING TO ME, WAS COMMON LOOKING DAGGER Q ABOUT HOW WIDE WAS THE BLADE A IF I WAS IN ONE OF THESE STORES HERE I COULD SHOW YOU SOMETHING SIMILAR TO IT; COMMON LOOKING DAGGER SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN Q WAS IT ABOUT AS WIDE AS THAT PIECE OF PAPER, ≪SAY ½≫ AN INCH WIDE AI PRESUME IT WAS, I COULD NOT TELL Q YOU CAN TELL WHETHER IT WAS VERY WIDE KNIFE OR {A}i VERY NARROW KNIFE A</p>	<p>COULD NOT TELL; I DID NOT MEASURE IT. Q. WELL, ABOUT HOW LONG? A. IT IS A CURIOUS THING TO ME— IT WAS A COMMON LOOKING DAGGER. Q. ABOUT HOW WIDE WAS THE BLADE? A. IF I WAS IN ONE OF THESE STORES HERE, I COULD SHOW YOU SOMETHING SIMILAR TO IT; COMMONY LOOKING ADAGGER, SUCH A ONE AS IS COMMONLY CARRIED BY GENTLEMEN. Q. WAS IT ABOUT AS WIDE AS THAT PIECE OF PAPER; SAY ABOUT HALF AN INCH WIDE? A. I PRESUME IT WAS, I COULD NOT TELL? Q. YOU CAN TELL WHETHER IT WAS A VERY WIDE KNIFE OR A VERY NARROW KNIFE? A.</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>DAGGER  LOOKED TO ME,  THE SHAPE OF IT,  AS THOUGH IT  HAD TWO EDGES.  Q. DID YOU SEE  IT ENTER OR  PENETRATE THE  DEAD OX ? A. I  SAW HIM STRIKE  IT RIGHT  CLEAR IN —  THAT IS WHAT I  SAID. Q. YOU  ARE CERTAIN OF  THAT ? A. YES  S.I.R. Q. THEN  WHAT DID HE DO  ? A. HE TOOK  AND Poured  SOMETHING IN  FROM A VIAL  OUT OF HIS  POCKET. Q.  COULD YOU  TELL WHAT WAS  IN THE  VIAL ? A. I  COULD NOT  TELL, ONLY IT  LOOKED LIKE A  PIECE OF  WINDOW GLASS  — JUST ABOUT  THE COLOR OF  THAT WINDOW  GLASS. Q.  AFTER THE  HORSES MADE  THAT JUMP YOU  SPOKE OF HOW  LONG WAS IT  BEFORE <sup>[418]</sup> YOU  STARTED ON</p>	<p>DAGGER  LOOKED TO ME =  SHAPE OF IT  AS THOUGH IT  HAD TWO EDGES  Q DID YOU SEE  IT ENTER  PENETRATE  DEAD OX A I  SAW HIM STRIKE  IT RIGHT  CLEAR IN,  THAT IS WHAT I  SAID &gt; Q YOU  ARE CERTAIN OF  THAT A YES  SIR Q THEN  WHAT DID HE DO  A HE TOOK  AND Poured  SOMETHING IN  FROM A VIAL  OUT OF HIS  POCKET Q  COULD YOU  TELL WHAT WAS  IN THE  VIAL A I  COULD NOT  TELL, &lt;ONLY&gt; IT  LIKE  PIECE OF  WINDOW GLASS,  JUST ABOUT  COLOR OF  THAT WINDOW  GLASS. Q  AFTER THE  HORSES MADE  THE JUMP YOU  SPOKE OF, Q HOW  LONG WAS {IT} I  BEFORE YOU  STARTED ON</p>	<p>DAGGER  LOOKED TO ME  —SHAPE OF IT —  AS IF IT  HAD TWO EDGES.  Q. DID YOU SEE  IT ENTER OR  PENETRATE  THE OX? A. I  SAW HIM STRIKE  IT RIGHT  W CLEAR IN;  THAT IS WHAT I  SEEN. <sup>[265]</sup> Q. YOU  ARE CERTAIN OF  THAT? A. YES, SIR.  Q. THEN WHAT  DID HE DO?  A . HE TOOK  AND Poured  SOMETHING IN  FROM A VIAL  OUT OF HIS  POCKET. Q.  COULD YOU  TELL WHAT WAS  IN <del>THE</del> <del>TH&amp;E</del>  VIAL? A. I  COULD NOT  TELL-, ONLY IT  LOOKED LIKE A  PIECE OF  WINDOW GLASS;  JUST ABOUT  THE COLOR OF  THAT WINDOW  GLASS. Q. NOW  AFTER THE  HORSES MADE  THE JUMP YOU  SPOKE OF, HOW  LONG WAS IT  BEFORE YOU  STARTED ON</p>	
---	--	---	--



**RT**

**RS**

**BT**

**PS**

<p>YOUR JOURNEY ?  A. I DON'T  KNOW, I  HAD NOTHING  TO MEASURE  IT  WITH.  COURT:    I  DON'T  UNDERSTAND  HIM JUDGE.  Q. HOW  LONG WAS IT  AFTER THE  HORSES JUMPED  THAT HE  STARTED  FORWARD AS  YOU HAVE  STATED—  BEFORE YOU  GOT INTO THE  WAGON AGAIN  AND  STARTED ON  YOUR JOURNEY ?  A. I COULD  NOT TELL YOU.  Q. NOW ABOUT  HOW LONG—  WITHIN  HALF AN HOUR ?  A. UNDER THAT.  Q. DON'T YOU  KNOW IT WAS A  VERY FEW  MINUTES ? A. I  SAY IT WAS  SEVERAL  MINUTES. Q.  HOW  MANY ? A. I</p>	<p>YOUR JOURNEY  A I DON'T  KNOW, I  HAD NO {THING}<sup>i</sup>  TO MEASURE  TIME  WITH. {BY  COURT}<sup>i</sup> WELL  STATE AS NEAR  AS YOU CAN. A I  DON'T  UNDERSTAND  HIM JUDGE  Q HOW  LONG WAS IT  AFTER  HORSES JUMPED  AND  STARTED  FORWARD AS  YOU HAVE  STATED,  BEFORE YOU  GOT IN THE  WAGON {AND}<sup>i</sup>  AGAIN  STARTED ON  YOUR JOURNEY ?  <sup>[16]</sup> A I COULD NOT  TELL YOU [space]  Q NOW ABOUT  HOW LONG  WITHIN  A HALF AN HOUR  A UNDER THAT  Q DON'T YOU  KNOW IT WAS  VERY FEW  MINUTES A I  SAW IT WAS  SEVERAL  MINUTES. Q  HOW  MANY A I</p>	<p>YOUR JOURNEY?  A. I <del>CDON</del> 'T <del>YOU</del>  <b>KNOW</b> <del>KONE</del>; I  HAD NOTHING  TO MEASURE  THE <b>TIME</b>  <del>TIME</del> WITH? THE  COURT. WELL,  STATE AS NEAR  AS YOU CAN? A. I  DON'T  UNDERSTAND  HIM, JUDGE.  <b>BASKIN:</b> Q. HOW  LONG WAS IT  AFTER THE  HORSES JUMPED  OR  STARTED  FORWARD AS  YOU HAVE  STATE<del>ED</del>  BEFORE YOU  GOT IN THE  WAGON  AGAIN, AND  STARTED ON  YOUR JOURNEY?  A. I COULD NOT  TELL YOU.  Q. IN ABOUT  HOW LONG,  IN ABOUT A  HALF AN HOUR?  A. NOT THAT.  Q . DON'T YOU  KNOW IT WAS A  VERY FEW  MINUTES? A. I  SAW IT WAS  SEVERAL  MINUTES. Q  ABOUT HOW  LONG? A. I</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>COULD NOT TELL YOU ?I HAVE NO JUDGEMENT IN REGARD TO THAT MATTER, HOW MANY MINUTES IT WAS. Q. YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OR CROSS ON THAT DAGGER A. YES, I AM CERTAIN I SAW A KNIFE OR DAGGER WITH A GUARD ON IT-, JUST AS I STATED, AS ONE I SAW IN THE <del>SO</del> STORE. Q. AFTER THE PARTY<del>N</del> HAD DRIVEN THE KNIFE INTO THE BEEF HOW LONG DID HE REMAIN THERE — WHAT DID HE DO THEN ? A. HE STEPPED OFF A FEW PACES AND THE INDIANS CAME UP. Q. HOW MANY PACES DID HE STEP OFF ? A. I DON'T KNOW, MAY BE AS FAR AS THE DOOR; I DON'T PRETEND TO SAY THE DISTANCE, HE WALKED A</p>	<p>COULD NOT TELL YOU, I HAVE NO JUDGMENT IN REGARD TO THAT MATTER HOW MANY MINUTES IT WAS <sub>Q</sub>YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OF <del>≤</del>CROSS ON THAT DAGGER<del>≥</del> <sub>A</sub>YES I AM CERTAIN I SAW KNIFE OR DAGGER WITH GUARD ON IT JUST <del>≤</del>AS I<del>≥</del> STATED AS ONE AS I SAW IN THE STORE <sub>Q</sub>AFTER THE PARTY HAD DRIVEN THE KNIFE INTO THE BEEF HOW LONG DID HE REMAIN THERE, AND WHAT DID HE DO <del>≤</del>THEN<del>≥</del> <sub>A</sub>HE STEPPED OFF FEW PACES AND THE INDIANS CAME UP <sub>Q</sub>HOW MANY PACES DID HE STEP OFF <sub>A</sub>I DON'T KNOW = MAY BE THAT FAR AS THE DOOR, I DON'T PRETEND TO SAY <del>≤</del>THE<del>≥</del> DISTANCE = HE WALKED</p>	<p>COULD NOT TELL YOU; I HAVE NO<del>F</del> JUDGEMENT IN REGARD TO THAT MATTER, HOW MANY MINUTES IT <del>E</del>WAS. Q. YOU ARE CERTAIN YOU SAW THAT LITTLE PIECE OF CROSS ON THE DAGGER? A . YES, I AM CERTAIN I SAW THE KNIFE, THE DAGGER WITH THE GUARD ON IT, JUST AS I STATED, AS ONE I SAW IN THE STORE. Q. <del>I</del><b>AFTER</b> THE PARTY HAD DRIVEN THE KNIFE INTO THE BEEF, HOW LONG DID HE REMAIN THERE, AND WHAT DID <del>T</del>H HE <del>R</del>DO THEN? A. HE STEPPED OFF A FEW PACES AND THE INDIANS CAME UP. Q. HOW MANY PACES DID HE STEP OFF ? A. I DON'T KNOW; MIGHT BE THAT FAR — AS THE DOOR. DON'T PRETEND TO SAY THE DI<del>A</del>STANCE. HE WALKED A</p>	
--	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>FEW PACES, BUT HOW FAR I DON'T KNOW. Q. DON'T YOU REMEMBER BEFORE DINNER YOU STATED AFTER HE POISONED THE BEEF IN ABOUT FIFTEEN MINUTES THE INDIANS CAME ? A. ABOUT FIFTEEN MINUTES. <sup>[419]</sup> Q. DIDN'T YOU SAY IT WAS BUT A MINUTE OR A FEW MINUTES ? A. NO, I GUESS I DIDN'T SAY THAT. COUNSEL REQUESTED THE NOTES TO BE READ AS TO WHAT HE DID SAY, WHICH WERE READ BY ROGERSON. Q. THAT WAS UNDER HALF AN HOUR WAS IT NOT. AFTER HE STUCK THE KNIFE INTO THE OX HE HAD ONLY TO WALK A SHORT DISTANCE AFTER THE INDIANS CAME UP, WAS IT SO HE HAD ONLY</p>	<p>FEW PACES; HOW FAR I DON'T KNOW. Q. DON'T YOU REMEMBER BEFORE DINNER, YOU STATED AFTER HE POISONED &lt;THE&gt; BEEF IN ABOUT 15 MINUTES THE INDIANS CAME AABOUT 15 MINUTES, NO = NO I GUESS I DID NOT SAY THAT &lt;III&gt; MINUTES READ BY ROGERSON &lt;III&gt;. Q. THAT IS UNDER HALF AN HOUR WAS IT NOT. {Q} AFTER HE STUCK THE KNIFE INTO THE OX HE ONLY TO WALK A SHORT DISTANCE AFTER INDIANS CAME UP; WAS IT SO HE HAD ONLY</p>	<p>FEW PACES, HOW FAR I DON'T KNOW. Q: DON'T YOU REMEMBER BEFORE DINNER YOU STATED AFTER HE POISONED HEX THE BEEF IN ABOUT I5 MINUTES THE INDIANS M CAME. <sup>[266]</sup> A. ABOUT I5 MINUTES — NO, I GUESS I DIDN'T SAY THAT. (BASKIN: I WILL CALL FOR THE REPORTERS NOTES. ( NOTES READ BY REPORTER) Q. THAT IS UNDER A HALF AN HOUR, WAS IT NOT.? AFTER HE STUCK THE KNIFE INTO THE OX, HE DID ONLY WALK A SHORT DIASTANCE, AFTER THE INDIANS CAME UP. WAS IT SO THAT HE ONLY</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>TO WALK UP A FEW STEPS WHEN THE INDIANS CAME UP ? A. THE INDIANS WAS COMING. Q. THEN YOU WAS MISTAKEN ABOUT HAVING BEEN FIFTEEN MINUTES ? A. I EXPECT I WAS MISTAKEN. IT WAS A SHORT TIME; WITHIN THE LIMITS OF HALF AN HOUR, WE HAD TO STOP AND FIX THE HARNESS; WHILE WE WAS FIXING IT AND WE WAS THERE HE CAME ALONG. Q. HOW LONG WERE YOU IN FIXING THE HARNESS ? A. UNDER HALF AN HOUR, BUT I PUT THAT <del>EHAD</del> AHEAD TO THE BEST OF MY JUDGMENT. Q. THEN THE INDIANS CAME UP AND HE DIDN'T WALK BUT A SHORT DISTANCE</p>	<p>TO WALK UP FEW STEPS WHEN THE INDIANS CAME UP <sup>A</sup>THE INDIANS WAS A COMING <sub>Q</sub> THEN YOU WAS MISTAKEN ABOUT <del>COME</del> HAVING BEEN 15 MINUTES <sup>A</sup>I EXPECT I WAS MISTAKEN; IT WAS <del>A</del> SHORT TIME, WITHIN  LIMITS OF HALF AN HOUR; WE HAD TO STOP TO FIX THE HARNESS WHILE WE WAS FIXING IT AND WE WAS THERE, HE CAME ALONG <sub>Q</sub>HOW LONG WERE YOU IN FIXING HARNESS <sup>A</sup> UNDER HALF AN HOUR I PUT THAT AHEAD TO THE BEST OF MY JUDGMENT. [space] <sub>Q</sub> THEN THE INDIANS CAME UP {<sub>Q</sub>} THEN HE DIDN'T WALK BUT {<sup>A</sup>} SHORT DISTANCE</p>	<p>HAD TO WALK BACK A FEW STAPS WHEN THE INDIANS CAME UP? A. THE INDIANS WAS ACOMING. Q. THEN YOU WERE MISTANKEN ABOUT <b>IT</b> HAVING BEEN I5 MINUTES? A. I EXPECT I WAS MISTAKEN; IT <del>W</del>WAS A SHORT TIME. WITHIN THEX <del>LIM</del> LIMITS OF HALF AN HOUR. WE HAD TO STOP TO FIX THE HARNESS AND WHILE WE WAS FIXING IT AND WE WAS THERE HE CAME ALONG. Q. HOW LONG WREERE YOU IN FIXINIGN THE HARNESS? A. UNDER A HALF AN HOUR. I PUT THAT A HEAD TO THE BEST OF MY JUDGMENT. Q. THEN THE INDIANS CAME UP— THEN HE DIDN'T WALK BUT A SHORT DISTANCE</p>	
--	---	--	--

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

<p>FROM THE OX ‘TILL THE INDIANS CAME UP ? A. WE WAS THEN ON THE WAY, GOING OFF, WHEN HE CAME, AND HOW FAR WE HAD GOT I COULD NOT TELL YOU, AS TO ANY PARTICULAR DISTANCE. I SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL . Q. YOU WERE OUT ON THE GROUND FIXING</p> <p>THE WAGON AT THE TIME HE STUCK THE KNIFE INTO THE OX ? A. I DIDN’T SAY THAT. Q. WHY, YES YOU DID ? A. NO, I DIDN’T. <sup>[420]</sup> Q. WELL, HOW WAS IT ? A. EITHER YOU OR I HAVE LIED, ONE OR TOTHER.</p> <p>Q. WHEN THE REPORTER TURNED TO HIS NOTES WHERE YOU SAID YOU WAS ON THE</p>	<p>&lt;FROM THE OX&gt; UNTIL INDIANS CAME UP A WE WAS THEN ON {THE}<sup>i</sup> WAY GOING OFF, WHEN THEY CAME; Q HOW FAR WE HAD GOT I COULD NOT TELL YOU ANY PARTICULAR DISTANCE A I SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL. Q YOU WERE OUT ON THE GROUND FIXING &lt;SOMETHING ON THE&gt; WAGON AT THE TIME HE STUCK &lt;THE&gt; KNIFE INTO THE OX I DIDN’T SAY THAT Q WHY YES YOU DID A NO, I DIDN’T OR</p> <p>EITHER I OR YOU HAVE LIED ONE OR T’OTHER T’OTHER.</p> <p>Q WANT THE REPORTER TURN TO HIS NOTES WHERE HE SAID HE WAS ON THE</p>	<p>FROM THE OX TILL THE INDIANS CAME UP? A. WE WAS THEN ON THE WAY GOING OFF WHEN THEY CAME. HOW FAR WE HAD GOT I COULD NOT TELL YOU — ANY PARTICULAR DISTANCE. I SAW HIM TAKE THE BUCKSKINS, JUMP ON HIS HORSE AND TRAVEL . Q. YOU WERE OUT ON THE GROUND FIXING SOMETHING ABOUT THE WAGON AT THE T IME HE STUCK THE KNIFE INTO THE OX? A. I DIDN’T SAY THAT. Q. WHY, YES, YOU DID? A. NO, I DIDN’T; OR</p> <p>EITHER YOU OR I HAVE LIED ONE OR T’OTHER.</p> <p>BASKIN: I WANT THE REPORTER TO TURN ¥TO HIS NOTES WHERE HE SAID HE WAS ON THE</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK THE THING INTO THIS DEAD OX</p>	<p>GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK <del>END</del> OF THIS DEAD OX COURT</p>	<p>GROUND NEAR THE BACK END OF THE WAGON WHEN HE STUCK THE THING INTO THIS DEAD OX . (NOTES READ BY REPORTER) Q.</p>	
<p>DID HE READ CORRECTLY OR NOT ? A. I TOLD YOU PLAINLY <del>HE</del> YOU GOT ME SO, I WAS BOTHERED.</p>	<p><del>DID HE READ CORRECT</del> A I TOLD YOU PLAINLY <del>JUDGE</del> HE GOT ME SO I WAS BOTHERED</p>	<p>DID HE READ CORRECTLY? A. I TELL YOU PALAINLY, JUDGE, HE GOT ME SO I WAS BOTHERED.</p>	
<p>Q. BEFORE DINNER I WANT THE REPORTERS TO REFER <del>TO</del> YOU AS TO WHAT YOU JUST NOW SAID THAT YOU WERE IN AND SITTING SIDEWAYS — WERE YOU IN THE WAGON OR JUST GETTING IN THE WAGON WHEN YOU SAW THIS ? A. I TOLD YOU I WAS THERE ALL HANDS OF US GETTING INTO THE WAGONS—ALL HANDS OF US—FOUR OF US WERE ABOUT GETTING IN. Q. HOW MANY</p>	<p>Q. BEFORE DINNER I WANTED THE REPORTERS TO REFER TO <del>THOSE NOTES</del> YOU JUST NOW SAID YOU WERE IN AND SITTING SIDEWAYS. Q WERE YOU IN THE WAGON OR JUST GETTING IN THE WAGON WHEN YOU SAW THIS ? <sup>[17]</sup> A I TOLD YOU I WAS THERE = ALL HANDS OF US GETTING INTO THE WAGON = ALL HANDS OF US = 4 OF US WERE {ABOUT}<sup>i</sup> GETTING IN Q HOW MANY</p>	<p>BASKIN: WELL, BEFORE DINNER, I WANT THE REPOERTER TO REFERR AGAIN TO THOSE NOTES. YOU JUST NOW SAID YOU WERE IN <b>THE WAGON</b> AND SITTING SIDEWISE. <sup>[267]</sup> Q. WERE YOU IN THE WAGON OR JUST GETTING INTO THE WAGON WHEN YOU SAW THIS? A. I TOLD YOU I WAS TH ERE, ALL HANDS OF US, GETTING INTO THE WAGON—ALL HANDS OF US—FOUR OF US WERE ABOUT GETTING IN. Q. HOW MANY</p>	

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

<p>WERE IN ?  A. I DON'T KNOW.  I WAS IN AND  THE HORSES  COMMENCED  JUMPING. Q. YOU  JUST NOW SAID  THEY WERE ALL  IN WHEN IT  OCCURRED.</p> <p>DON'T YOU  KNOW ALSO YOU  SAY THAT THEY  HAD MOVED  SOME DISTANCE  BEFORE IT  OCCURRED —  HOW COULD YOU  THEN BE  GETTING INTO  THE WAGON ? A. I  WAS STANDING  ON THE HIND  END — I EXPECT  TO TELL THE  JURY ON  GENERAL TERMS.  Q. NOW YOU  WERE GETTING  INTO THE  WAGON WHEN  YOU SAW THIS  OCCURRENCE A.  I WAS EITHER IN  OR GETTING IN. I  WAS SITTING IN  THE HIND END OF  THE WAGON  WITH MY SIDE  OF THE WAGON.  Q. DON'T YOU  KNOW THAT A  WHILE AGO YOU</p>	<p>WERE IN  <sup>A</sup>I DON'T KNOW.  I WAS WHEN  THE HORSES  COMMENCED  JUMPING <sup>Q</sup>YOU  JUST NOW SAID,  THEY WERE ALL  IN WHEN IT  OCCURRED.  <sup>A</sup>WELL [<i>space</i>]  DON'T YOU  KNOW ALSO YOU  SAY, THEY  HAD MOVED  SOME DISTANCE  BEFORE IT  OCCURRED?  HOW COULD YOU  THEN BE  GETTING INTO  THE WAGON <sup>A</sup>I  WAS STANDING  ON THE HIND  END, I EXPECT  TO TELL THE  JURY ON  GENERAL TERMS  <sup>Q</sup>NOW WERE  YOU GETTING  INTO THE  WAGON WHEN  YOU SAW THIS  OCCURRENCE <sup>A</sup>  I WAS EITHER IN  OR GETTING IN. I  WAS SITTING IN  HIND END OF  THE WAGON  WITH MY SIDE  TO THE WAGON  <sup>Q</sup>DON'T YOU  KNOW <sup>≤A≥</sup>  WHILE AGO YOU</p>	<p>WERE IN THERE?  A. I DONT KNOW.  I WAS WHEN  THE HORSES  COMMENCED  JUMPING. Q. YOU  JUST NOW SAID  THEY WERE ALL  IN, WHE<del>ON</del> IT  OCCURRED? A.  WELL,—— Q.  DON'T YOU  KNOW ALSO YOU  SAID THEY  HAD MOVED  SOME DISTANCE  BEFORE IT  OCCURRED?  HOW COULD YOU  THEN BE  GETTING INTO  THE WAGON? A. I  WAS STANDING  ON THE HIND  END. I EXPECT  TO TELL THE  TRUTH ON  GENERAL TERMS.  Q. NOW YOU  WERE <del>H</del>GETTING  INTO THE  WAGON WHEN  YOU SAW THIS  OCCURRENCE A .  I WAS EITHER IN  OR <del>H</del>GETTING IN.  I WAS SITTING IN  THE HIND END OF  THE WAGON,  WITH MY SIDE TO  THE WAGON. Q.  DON'T YOU  KNOW <del>WA</del>  WHILE AGO YOU</p>	
---	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>SAID YOU WERE JUST GETTING IN A. I HAVE TOLD YOU THAT TWO OR THREE TIMES. Q. DON'T YOU THINK THE FIRST STATEMENT YOU MADE OF IT THAT YOU WERE JUST GETTING IN IS THE CORRECT ONE ? <sup>[421]</sup> A. I MEAN AS A GENERAL TERM; I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE WAGON. Q. THEN YOU WERE NOT GETTING IN. WAS GEORGE A. SMITH OR WAS <del>HE</del> GETTING IN ? A. I THINK GEORGE A. SMITH WAS THE FIRST THAT GOT IN. Q. THAT IS HE WAS TRYING TO GET<del>N</del> INTO THE WAGON WHEN IT WAS ON THE MOVE A. NO, AS NEAR AS I CAN RECOLLECT HE WAS. Q. DID YOU SAY JUST NOW HE WAS GETTING IN OR WAS IN ? A.</p>	<p>SAID YOU WERE JUST GETTING IN? <sub>A</sub>I HAVE TOLD YOU THAT 2 OR 3 TIMES <sub>Q</sub>DON'T YOU THINK THE FIRST STATEMENT YOU MADE ABOUT IT, THAT YOU WERE JUST GETTING IN IS THE CORRECT ONE <sub>A</sub>I MEAN AS A GENERAL TERM, I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE WAGON <sub>Q</sub> THEN YOU WERE NOT GETTING IN; WAS GEORGE A SMITH IN OR WAS <del>HE</del> GETTING IN <sub>A</sub>I THINK GEORGE A SMITH WAS THE FIRST THAT GOT IN; <sub>Q</sub>THAT IS, HE WAS TRYING TO GET INTO THE WAGON, WHEN IT WAS ON THE MOVE, <sub>A</sub>NO AS NEAR AS I CAN RECALL HE WAS <sub>Q</sub>DID YOU SAY JUST NOW WAS HE GETTING IN OR IN <sub>A</sub></p>	<p>SAID YOU WERE JUST <del>H</del>GETTING IN. A. I HAVE TOLD YOU THAT TWO OR THREE TIMES. Q. DON'T YOU THINK THAT THE FIRST STATEMENT THAT YOU MADE ABOUT IT, THAT YOU WERE JUST GETTING IN, IS THE CORRECT ONE? A. I MEAN AS A GENERAL TERM. I AM SATISFIED I WAS SITTING IN THE WAGON WITH MY SIDE TO THE <del>A</del>WAGON. Q. THEN YOU WERE NOT GETTING IN. WAS GEORGE A. SMITH IN OR WAS HE GETTING IN? A. I THINK GEORGE A. SMITH WAS THE FIRST THAT GOT IN; THAT IS, HE WAS TRYING TO GET INTO THE WAGON WHEN IT WAS ON THE MOVE; NOW, AS NEAR AS I CAN RECOLLECT HE WAS.. Q. DIDN'T YOU SAY JUST NOW HE WAS GETTING <del>OR</del> NOT? IN OR IN? A.</p>	
---	---	---	--



**RT**

**RS**

**BT**

**PS**

<p>I AM NOT CERTAIN OF THAT NOW. Q. HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON, BEFORE IT STARTED ON AGAIN ? A. I HAD NO WATCH AND I COULD NOT TELL WHAT TIME. Q. HOW LONG AFTER THE INDIANS CAME UP TO THE MAN DID HE WALK AWAY FROM THAT OX BEFORE YOU STARTED — OR WAS IT BEFORE YOU STARTED ON ? A. I TOLD YOU WE WAS ON THE MOVE, RIGHT STRAIGHT ALONG, ABOUT OUR BUSINESS. WE WERE IN PLAIN OPEN SIGHT FOR A HALF A MILE. Q. HOW LONG DID YOU GO BEFORE YOU WERE OUT OF SIGHT ? A. I SUPPOSE IT WAS ONLY THREE</p>	<p>I AM CERTAIN OF THAT NOW Q HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON REMAIN BEFORE IT STARTED ON AGAIN A I HAD NO WATCH AND I COULD NOT TELL WHAT TIME. Q HOW LONG AFTER &lt;THE&gt; INDIANS CAME UP TO THE MAN, AFTER HE WALKED AWAY FROM THAT OX BEFORE YOU STARTED, OR WAS IT BEFORE YOU STARTED ON A I TOLD YOU &lt;WE&gt; WAS &lt;ON THE&gt; MOVE MOVED RIGHT STRAIGHT ALONG ABOUT OUR BUSINESS, WE WERE IN PLAIN OPEN SIGHT FOR HALF A MILE Q HOW LONG DID YOU HAVE GO BEFORE YOU WERE OUT OF SIGHT A I SUPPOSE IT WAS ONLY THREE</p>	<p>I AM CERTAIN OF THAT NOW . Q. HOW LONG DID YOU REMAIN OR DID THAT ONE WAGON <b>REMAIN</b> BEFORE IT STARTED ON AGAIN? A. I HAD NO WATCH, AND I COULD NOT TELL <del>WHAT</del> WHAT TIME. Q. HOW LONG AFTER THE INDIANS CAME UP TO THE MAN AFTER HE <sup>[268]</sup> WALKED AWAY FROM THAT OX<del>X</del>, BEFORE YOU STARTED; OR WAS IT BEFORE YOU STARTED ON? A. I TOLD YOU <del>H</del><b>WE</b> <del>WAS</del><b>ERE</b> ON THE MOVE; MOVED RIGHT STRAIGHT ALONG ABOUT OUR BUSINESS. WE WERE IN PLAIN OPEN SIGHT FOR A HALF A MI<b>K</b>LE. Q. HOW LONG DID YOU HAVE TO GO BEFORE YOU WERE OU T OF SIGHT ? <b>OF THEM?</b> A. I SUPPOSE IT WAS <b>NEARLY</b> THREE</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>MILES, AS NEAR AS I CAN JUDGE, BETWEEN THREE OR FOUR MILES,</p> <p>THEREABOUTS, THAT IS, THESE PARTIES WERE RIGHT ALONG, A SORT OF LEVEL SMOOTH BOTTOM.</p> <p>Q. AFTER YOU STARTED ON DID YOU LOOK BACK ? A. OF COURSE I DID. Q. AND OBSERVED THE OX TO SEE WHAT WAS DONE WITH IT ? A. I HAVEN'T HEARD OF THE INDIANS KILLING IT. Q. HOW FAR DID YOU GO BEFORE YOU OBSERVED THE INDIANS KILLING IT AND WHAT DID THE MAN DO AFTER THAT, HOW LONG DID HE REMAIN ? <sup>[422]</sup> A. HE TOOK THE BUCKSKINS, I SAW HIM SWINGING THEM OUT, ONE IN</p>	<p>MILES AS NEAR AS I CAN JUDGE, BETWEEN 3 AND 4 MILES</p> <p>THEREABOUT, THAT IS, PAST THAT ROAD, <i>ALONG[?]</i> <del>&lt;A&gt;</del> SORT OF {A}<sup>i</sup> LEVEL SMOOTH BOTTOM</p> <p>Q. AFTER YOU STARTED ON, DID YOU LOOK BACK <sub>A</sub>OF COURSE I DID Q. AND OBSERVE THAT OX <del>&lt;AND</del> SEE WHAT WAS DONE WITH THE OX<sup>&gt;</sup> <sub>A</sub> {I}<sup>i</sup> HAVEN'T HEARD OF THE INDIANS SKINNING IT {Q}<sup>i</sup> HOW FAR DID YOU GET YOU OBSERVE INDIANS SKINNING IT AND WHAT DID {THE}<sup>i</sup> MAN DO AFTER THEY = HOW LONG DID HE REMAIN <sub>A</sub> HE TOOK THE BUCKSKINS, I SAW HIM SWINGING THEM OUT, ONE IN</p>	<p>MILES AS NEAR AS I CAN JUDGE; BETWEEN THREE AND FOUR MILES AS NEAR AS I CAN JUGDGE THERE ABOUTS-; THAT IS PAST THATA ROAD, A LONG A SORT OF SMOOTHE LEVEL <b>BOTTOM.</b> <del>BORROM.</del> Q. AFTER YOU STARTED ON DID YOU LOOK BACK? A. OF COURSE I DID. Q. AND OBSERVED THAT OX AND SAW WHAT WAS <b>DONE DOME</b> WITH THE OX? A. I HAVN'T HEARD OF THE INDIANS SKINNING IT? <del>A.</del> Q. HOW FAR DID YOU GET — OR DID YOU OBSERVE THE INDIANS SKINNING IT; AND WHAT DID THE MAN DO AFTER, THERE? HOW LONG DID HE REMAIN? A. HE TOOK THE BUCKSKINS. I SAW HIM SWINGING THEM OUT, ONE IN</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>EACH HAND, I SHOULD? JUDGE TWO — I THINK THERE WAS TWO. Q. HOW LONG HAD <del>HE BEEN</del> &lt;THEY BEEN GONE&gt; BEFORE YOU SAW THE DUTCH DOCTOR. A. I COULD NOT TELL. Q. WAS THE COMPANY MOVING? A. OF COURSE IT WAS MOVING, RIGHT ALONG. Q. ABOUT HOW LONG DID THE INDIANS AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER? A. I CANNOT TELL YOU HOW LONG BUT SOMETIME. Q. WAS IT A MINUTE? A. I GUESS IT WAS, IT WAS A VERY SHORT SPACE. Q. DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE THE REMARKS ABOUT WHAT WAS GOING ON? A. I</p>	<p>EACH HAND, I SHOULD JUDGE 2 I THINK THERE WAS ABOUT 2 {Q}^i HOW LONG HAD THE TRAIN BEEN GONE BEFORE YOU SAW THE MAN &lt;DUTCH DOCTOR&gt; A I COULD NOT TELL Q WAS IT</p> <p>MOVING {A}^i OF COURSE IT WAS MOVING RIGHT ALONG Q</p> <p>ABOUT HOW LONG DID THE INDIANS <sup>[18]</sup> AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER A I COULD NOT TELL YOU LONG {BUT}^i SOMETIME Q</p> <p>WAS IT MINUTE A I GUESS IT WAS ~ IT WAS A VERY SHORT SPACE. Q DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE REMARKS ABOUT {WHAT}^i WAS GOING ON {A}^i I</p>	<p>EACH HAND — I SHOULD JUDGE TWO. I THINK THERE <del>WAS WAS</del> BUT TWO. Q. HOW LONG HAD <del>B</del>THE TRAIN BEEN GONE, BEFORE YOU SAW THE DUTCH DOCTOFR? A. I COULDNOT TELL. Q. WAS IT</p> <p>MOVING? A. OF COURSE IT WAS MOVING RIGHT ALONG? Q. ABOUT HOW LONG DID THE INDIANS AND THIS WHITE MAN WHO TOOK THESE BUCKSKINS TALK TOGETHER? A. I COULD NOT TELL YOU HOW LONG BUT SOME TIME. Q. WAS IT FIVE MINUTES? A. I HGUESS IT WAS. IT WAS A VERY SHORT SAPCE. Q. DID YOU CALL THE ATTENTION OF ANY PERSON AND MAKE REMARKS ABOUT WHAT WAS GOJING ON? A. I</p>	
--	---	--	--

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

<p>CALLED THE ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE INDIANS —I CALLED THEIR ATTENTION TO IT. Q. DIDN'T YOU CALL THEIR ATTENTION TO THE FACT OF STICKING THIS KNIFE INTO THE OX ? A. I <del>DIDN'T</del> DON'T KNOW ANYTHING ABOUT THAT. Q. WHAT DID YOU SAY IN REGARD TO THAT WHEN YOU CALLED THE ATTENTION TO THE BUCKSKINS ? A. I THOUGHT HE HAD SOLD THEM THAT FOR MOCCASIN BOTTOMS. Q. HOW FAR OFF WERE YOU</p> <p>WHEN HE DID THIS ? A. THEY WERE ON THE MOVE — I COULD NOT TELL, BETWEEN A ROD</p>	<p>CALLED ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE INDIANS, I CALLED THEIR ATTENTION TO IT DIDN'T Q YOU CALL THEIR ATTENTION TO THE FACT HE STUCK THIS KNIFE INTO THE OX A I DON'T KNOW ANYTHING ABOUT THAT Q WHAT DID YOU SAY</p> <p>WHEN YOU CALLED THE ATTENTION TO THE BUCKSKINS A I THOUGHT HE HAD SOLD THEM THAT FOR MOCCASIN BOTTOMS. Q HOW FAR OFF</p> <p>≤WERE WHEN YOU DID THIS ≥ A THEY WERE ON THE MOVE, I COULD NOT TELL, BETWEEN ROD</p>	<p>CALLED ATTENTION THAT HE HAD TRADED THE OX FOR BUCKSKINS TO THE INDIANS; I CALLED THEIR ATTENTION TO IT. Q. DIDN'T YOU CAL L THEIR ATTENTION TO THE FACT THAT HE <del>STUCKH</del> STUCK THIS KNIFE INTO THE OX? A. I DON'T KNOW ANYTHING ABOUT TH AT. <sup>[269]</sup> Q. WHAT DID YOU SAY</p> <p>WHEN YOU CALLED THEIR ATENTION TO THE BUCKSKIN S? A. I THOUGHT HE HAD SOLD THE OX TO THEM FOR MOCCASIN BOTTOMS Q. HOW FAR OFF WERE YOU WH ENN YOU <del>THE</del> TRAIN YOU MOVED <del>HE</del> WHEN HE DID THIS? A. THEY WERE ON THE THE MOVE; I COULD NOT TELL TO A ROD</p>	
---	--	--	--

## RT

## RS

## BT

## PS

<p>AND TEN RODS. Q. ABOUT HOW FAR ? <sup>[423]</sup> A. THEY HADN'T MOVED TO EXCEED THAT. Q. ABOUT HOW FAR DID YOU MOVE ? A. I DO NOT KNOW. Q. YOU CAN TELL ? A. THEY DIDN'T MOVE FURTHER THAN THAT. Q. YOU CAN TELL WHETHER YOU HAD MOVED A HUNDRED YARDS FOUR HUNDRED YARDS OR <del>VIE</del> FIVE HUNDRED ? A. I CANNOT SWEAR TO IT' Q. BUT YOU ARE CORRECT ENOUGH TO SAEE THAT LITTLE KNOB ON THE DAGGER — GIVE US THE APPROXIMATE <del>DIFFERENCE</del> DISTANCE YOU HAD MOVED BEFORE YOU SAW THAT . WIT.: I ASK YOU THAT I CAN'T GIVE THAT. ISN'T THAT FAIR. Q.</p>	<p>AND TEN ROD. Q ABOUT HOW FAR <sub>A</sub> THEY HADN'T MOVED TO EXCEED THAT Q ABOUT HOW FAR DID YOU MOVE <sub>A</sub>I DO NOT KNOW [space] Q YOU CAN TELL <sub>A</sub> WE HADN'T MOVED FURTHER THAN THAT Q YOU CAN <del>≤TELL≥</del> WHETHER YOU HAD MOVED A HUNDRED YARDS, 4 HUNDRED YARDS OR 5 HUNDREDS CAN'T YOU <sub>A</sub>I CANNOT SWEAR TO IT YOU ARE ACCURATELY ENOUGH TO SEE THAT LITTLE KNOB THAT DAGGER, GIVE US <del>≤THE≥</del> APPROXIMATE  DISTANCE YOU HAD MOVED BEFORE YOU SAW THAT <sub>A</sub> JUDGE, I ASK YOU I CAN'T GIVE THAT, ISN'T THAT FAIR Q</p>	<p>OR IO ROD. Q. ABOUT HOW FAR? A. THEY HADN'T MOVED TO EXCED THAT. Q. ABOUT HOW FAR HAD YOU MOVED? A. I DON'T KNOW. Q. YOU <del>€-N-AN</del> CAN TELL? A. WE HADN'T MOVED FARTHER THAN THA T. Q. YOU CAN TELL WHETHER YOU HAD MOVED 100 YARDS 400 YARDS OR 500  CAN'T YOU? A. I CAN'T SWEAR TO IT. Q. YOU WERE ACCURATED ENOUGH TO SEE THAT LITTLE <b>KNOB</b> ON THE DAGGER. GIVE US THE APPROXIMATE  DISTANCE YOU HA<del>V</del>D MOVED BEFORE YOU SAW THAT? A. JUDGE, I ASK YOU, — I CAN'T GIVE THAT. ISN'T THAT FAIR. Q.</p>	
---	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>ABOUT HOW FAR DID YOU MOVE ? A. I DON'T KNOW. I SAID</p>	<p>ABOUT HOW FAR HAD YOU MOVED A I DON'T KNOW I SAID;</p>	<p>ABO<del>FUT</del> HAOW FAR HAD YOU MOVED? A. I DON'T KNOW I SAID <del>SDAND,</del> ABOUT, <del>YET</del> I <del>CAN'T</del></p>	
<p>WITHIN A QUARTER OF A MILE. IT WAS ABOUT THAT</p>	<p>WITHIN <del>A</del> QUARTER OF A MILE, BUT I CAN'T SAY, I SAY</p>	<p><del>SAY</del> WITHIN A QUARTER OF A MILE, BUT I CAN'T SAY. I</p>	
<p>FAR THAT DIDN'T EXCEED IT. I DON'T THINK IT EXCEEDED A QUARTER. Q. WHO HAVE YOU TALKED WITH MR. HOOPS BEFORE YOU CAME TO COURT ABOUT WHAT YOU WERE TO TESTIFY TO HERE ? A. I COULD NOT TELL THAT. HAVEN'T TALKED WITH ANY PERSON. Q. TO-DAY AND NOT ANY TIME RECENTLY ? A. I HAVEN'T TALKED WITH ANYBODY PARTICULARLY WITH REGARD TO IT. Q. WERE YOU SUMMONED TO APPEAR</p>	<p>IT WAS WITHIN THAT, THAT DON'T EXCEED IT. I DON'T THINK IT EXCEEDED QUARTER Q YOU <del>A</del> WHO HAVE YOU TALKED WITH MR. HOOPS BEFORE YOU CAME TO COURT ABOUT WHAT YOU HAVE TESTIFIED TO HERE? A I COULD NOT TELL YOU THAT, HAVEN'T TALKED WITH ANY PERSON Q TODAY, ANY TIME, RECENTLY A I HAVEN'T TALKED WITH ANYBODY PARTICULARLY IN REGARD TO IT. Q WERE YOU SUMMONED TO APPEAR</p>	<p>SAW IT WAS THEN — THAT DON'T EXCEED IT. I DON'T THINK THAT IT ESXCEEDED A QUARTER. Q . WHO HAVE YOU TALKED WITH, MR. HOO PS, BEFORE YOU CAME INTO COURT, ABOUT WHAT YOU WOULD TESTIFY HERE? A.I COULD NOT TELL, THAT. HAVN'T TALKED WITH ANY PERSON. Q. TO DAY, ANY TIME, RECENTLY? A. I HAVN'T TALKED WITH ANYBODY PARTICULARLY IN REGARD TO IT. Q. WERE YOU SUMMONED TO APPEAR</p>	

**RT**

**RS**

**BT**

**PS**

<p>HERE ? A. I WAS.  Q. BY WHOM ?—  UNITED STATES  MARSHAL ? A.  YES SIR. Q. WHO  HAVE YOU  TALKED WITH  ABOUT THIS  STORY YOU  HAVE TOLD ?  A. I  SUPPOSE I WAS  COMPELLED  TO COME ON  THAT  TO  SAVE  EXPENSES. <sup>[424]</sup> Q.  IT WAS A  TELEGRAM YOU  CAME ON  WAS IT ? A. YES  SIR, MR.  STOKES SERVED  A SUBPOENA  ON ME. Q. WITH  WHOM HAVE  YOU TALKED  ABOUT THIS  POISONING  STORY BEFORE  YOU CAME  HERE ? A. NO  ONE  PARTICULARLY.  Q. DID YOU EVER  TELL ANY  PERSON  RECENTLY  OR  BEFORE OR  RECENTLY ? A. I  COULD NOT TELL</p>	<p>HERE <sub>A</sub>I WAS <sub>Q</sub>BY  WHOM,  <sub>US</sub>  MARSHAL <sub>A</sub>  YES SIR <sub>Q</sub>WHO  HAVE YOU  TALKED WITH  ABOUT THIS  STORY YOU  HAVE TOLD,  <sub>A</sub>NOBODY, I  SUPPOSE I WAS  COMPELLED  TO COME ON  THAT  TO  SAVE  EXPENSES <sub>Q</sub>IT  WAS NOT  TELEGRAM YOU  CAME ON,  WAS IT <sub>A</sub>YES  SIR, MR.  STOKES SERVED  SUBPOENA  ON ME. <sub>Q</sub>WITH  WHOM HAVE  YOU TALKED  ABOUT THIS  POISONED THE  STEER BEFORE  YOU CAME  HERE <sub>A</sub>NO  ONE  PARTICULARLY  <sub>Q</sub>DID YOU EVER  TELL ANY  PERSON  RECENTLY <sub>A</sub>  YES AND  BEFORE TOO  <sub>Q</sub>WHO  RECENTLY <sub>A</sub>I  COULD NOT TELL</p>	<p>HERE? A. I WAS.  Q. BY WHOM?  UNITED STATES  MARSHAL? A.  YES, SIR. Q: WHO  HAVE YOU  TALKED WITH  ABOUT THE  STOREY YOU  HAVE TOLD? <del>A. N</del>  A. NOBODY. I  SUPPOSED I WAS  COMPELLED  TO COME ON  THAT  SUBPOENAE TO  SAVE  EXPENSES. Q.  WAS IT A  TELEGRAM YOU  CAME HERE ON,  WAS IT? A. <del>YES</del>,  NO SIR, MR.  STOKES SERVED  A SUBPOENAE  ON ME. Q. WITH  <del>H</del>WHOM <del>A</del>HAVE  YOU TALKED  ABOUT THIS  POISONING  STORY BEFORE  YOU CAME  HERE? <sup>[270]</sup> A. NO  ONE,  PARTICULARLY.  Q. DID YOU EVER  TELL ANY  PERSON  RECENTLY? A.  YES, AND  BEFORE TOO. Q.  WHO,  RECEJNTLY? A. I  COULD NOT TELL</p>	
--	--	---	--

**RT**

**RS**

**BT**

**PS**

<p>JUST EXACTLY WHO WITH. Q. HOW RECENTLY ? A. I HAVE TOLD THE STORY AT DIFFERENT TIMES. Q. YOU HAVE STATED RECENTLY ? A. I TOLD JUDGE SPICER, BUT NOT WHEN I CAME TO TOWN. Q. WHO HAVE YOU TALKED ABOUT IT WITH SINCE YOU CAME TO TOWN ? A. I DON'T THINK I HAVE TALKED WITH ANYBODY WHERE I STAYED LAST NIGHT. I MIGHT HAVE SAID SOMETHING BUT I DON'T RECOLLECT. Q. DIDN'T YOU SAY YOU HAD TALKS WITH THE ATTORNEYS AS SOON AS YOU CAME TO TOWN ? A. I HAVE. BUT I CONSIDER YOU ARE ABUSING ME. Q. I MEANT ABOUT THAT POISONING ARRANGEMENT</p>	<p>JUST EXACTLY WHO WERE QHOW RECENTLY AI HAVE TOLD THE STORY AT DIFFERENT TIMES QYOU STATED RECENTLY AI TOLD JUDGE SPICER, BUT NOT SINCE I CAME TO TOWN QWHO HAVE YOU TALKED ABOUT IT WITH SINCE YOU CAME TO TOWN AI DON'T THINK I HAVE TALKED WITH ANYBODY; WHERE I STAYED LAST NIGHT I MIGHT HAVE SAID SOMETHING BUT COULD I DON'T RECOLLECT Q DID YOU SAY YOU HAVEN'T TALKED WITH THE ATTORNEYS SINCE YOU CAME [19] TO TOWN AI HAVE SAID I CONSIDER YOU ARE ABUSING ME QI MEANT ABOUT THAT POISONING ARRANGEMENT,</p>	<p>YOU JUST EXACTLY WHO IT FWAS. Q. HOW RECENTLY? A. I HAVE TOLD THE STOREY AT DIFFERENT TIMES. Q. HOW  RECENTLY? A. I TOLD JUDGE SPICER, BUT NOT SINCE I CAME TO TOWN. Q. WHO HAVE YOU TALKED ABOUT IT WITH, SINCE YOU CAME TO TOWN? A. I DON'T THINK I HAVE TALKED ABOUT IT WITH ANYBODY. WHERE I STAID LAST NIGHT I MIGHT HAVE SAID SOMETHING ABOUT IT BUT I DON'T RECOLLECT. Q. DO YOU SAY YOU HAVN' T RTALKED WITH THE ATTORNEYS SIJNCE YOU CAME TO TOWN? A. I HAVE. BUT I CONSIDER YOU ARE ABUSING ME . Q. I MEAN ABOUT THAT POISONING ARRANGEMENT. I</p>	
--	---	---	--



**RT**

**RS**

**BT**

**PS**

<p>[space]</p> <p>Q. DID ANY PERSON EVER TELL YOU TO COME TO THIS COURT AND</p> <p>TELL THE STORY ON THE STAND THAT YOU HAVE STATED ABOUT THE POISONING EMPHATICALLY ?</p> <p>A. THEY TOLD ME TO COME AND TELL THE</p> <p>TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.</p> <p>Q. DIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE ? A. NO SIR. <sup>[425]</sup> Q. DID YOU STATE TO JUDGE SPICER THE OX WAS POISONED ? A. I THINK I TOLD JUDGE SPICER OVER IN LINCOLN,<sup>361</sup> IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER.</p>	<p>I PLEAD GUILTY TO THE CHARGE I AM ABUSING YOU. Q DID ANY PERSON EVER TELL YOU TO COME TO THIS COURT</p> <p>TELL THE STORY ON THE STAND THAT YOU HAVE STATED ABOUT POISONING EMPHATICALLY</p> <p>A THEY TOLD ME TO COME TO TELL THE</p> <p>TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH</p> <p>Q DIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE A NO SIR. Q DID YOU TELL JUDGE SPICER THE OX WAS POISONED A I THINK I TOLD JUDGE SPICER OVER IN LINCOLN; IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER WHOLE</p>	<p>PLEEAD GUILTY TO THE GCHARGE, I AM ABUSING YOU. DID ANY PERSON TELL YOU TO COME TO THIS COURT AND TELL YOU TO TELL THE STORY</p> <p>YOU HAVE STATED ON THE STAND ABOUT THE POISONING, EMPHATICALLY?</p> <p>A. THEY TOLD ME TO COME AND TELL THE <del>WHOLE TRUTH</del> TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.</p> <p>Q. DIDN'T SOME OF THEM TELL YOU THE OX HAD BEEN POISONED UP THERE? A. NO, SIR. Q. DID YOU TELL JUDGE SPICER THE OX WAS POISON3ED? A I THINK I TOLD JUDGE SPICER OVER IN LINCOLN. IT HAS BEEN SOME TIME SINCE I TOLD JUDGE SPICER ABOUT</p>	
--	--	---	--

---

361. Lincoln County, Nevada. Pioche is in Lincoln County.

**RT**

**RS**

**BT**

**PS**

<p>Q. WHO DID YOU TALK WITH OR DID YOU WITH ANY PERSON, SOMETIME AFTER IT OCCURRED ? A. I WAS INTERPRETER TO THE INDIANS; AFTER I FOUND THEY WERE POISONED AND KILLED — THAT THE SPRINGS KILLED BENJAMIN ROBINSON’S SONS WAS POISONED FROM THE SPRING THERE.<sup>362</sup> Q. HOW DO YOU KNOW IT ? A. HE DIED FROM THE EFFECTS OF IT, BECAUSE HE DIED THERE.</p> <p><del>Q</del> IT DIDN’T FOLLOW THAT HE WAS POISONED BECAUSE HE DIED ? A. THE</p>	<p>CONCERN THERE Q DID YOU TALK WITH ANY PERSON SOMETIME AFTER IT OCCURRED. A I WAS INTERPRETER TO THE INDIANS, AFTER I FOUND THEY WERE POISONED AND KILLED; SPRINGS <del>POISONED AND</del> KILLED BENJAMIN ROBINSON’S SON <del>WHO</del> WAS POISONED FROM THE SPRING THERE Q HOW DO YOU KNOW IT A HE DIED FROM THE EFFECTS OF IT, KNOW IT BECAUSE HE DIED THERE</p> <p>Q IT DIDN’T FOLLOW IT HE WAS POISONED BECAUSE HE WAS/SO[?] <del>POISONED</del> <del>DIED</del>? A</p>	<p>THE CONCERN THERE. Q. DID YOU TALK WITH ANY PERSON SOMETIME AFTER IT OCCURRED? A. I WAS INTERPRETER TO THE INDIANS . AFTER <b>THAT</b> I FOUND THEY WERE POISONED AND KILLED, SPRINGS POISONED, AND KILLED BENJAMEN ROBINSON’S SON, WHO WAS POSITIOND FROM THE SPRING HERE. A. HOW DID YOU KNOW IT? A. HE DIED FROM THE EFEFFECTS OF IT. I KNOW IT BECAUSE HE DIED THERE. XXXQ. BUT I <sup>[271]</sup> Q. IT DIDN’T FOLLOW HE WAS POISONED BECAUSE HE DIED? A .</p>	
---	---	--	--

362. Proctor Hancock Robinson died September 21, 1857, in Fillmore, Millard County, Utah. His father’s name was Joseph, not Benjamin.

**RT**

**RS**

**BT**

**PS**

<p>MEN TOLD ME THEY HAD TAKEN POISON OUT OF A SPRING, THAT GENTLEMAN TOLD ME.</p> <p>Q. HOW MANY BAGS OF POISON <del>DID</del> HAD THEY TAKEN OUT OF THE SPRING ? A. THERE WAS MORE THAN ONE. Q. DID THEY TELL YOU HOW LARGE THE BAGS WERE THEY HAD TAKEN ? A. THEY DIDN'T. Q. DO YOU KNOW HOW LARGE THEY WERE ? A. I DO NOT. I SAY THERE WERE SACKS OF POISON FOUND IN THESE SACKS — IF YOU WOULD GIVE ME TIME I CAN FETCH MEN FROM FILLMORE TO PROVE IT. Q. YOU HAVE SEEN THEM SACKS, HAVEN'T YOU ? A. I HAVE NOT</p>	<p>MEN TOLD ME THEY HAD TAKEN THE POISON OUT OF THAT SPRING, THAT GENTLEMAN TOLD ME</p> <p>Q HOW MANY BAGS OF POISON DID <del>HE</del> SAY THEY HAD TAKEN OUT OF SPRING A THERE WAS MORE THAN ONE. Q DID THEY TELL YOU HOW LARGE THE BAGS THEY WERE A THEY DIDN'T Q DO YOU Q KNOW HOW LARGE THEY WERE I A DO NOT. I SAY THERE WERE SACKS = POISON FOUND IN THOSE SACKS; IF YOU GIVE ME TIME I CAN FETCH MEN FROM FILLMORE TO PROVE <del>IT</del>. Q YOU HAVE SEEN THEM SACKS DID YOU A I HAVE NOT</p>	<p>MEN TOLD ME THEY HAD TAKEN THE POISON OUT OF THAT SPRING. THAT GENTLEMAN TOLD ME: <del>THEY</del> <del>THEY TO</del> <b>TOOK</b> <b>OUT SOME BAGS</b> <b>OF POISON.</b> Q. HOW MANY <del>BAND</del> BAGS OF POISON DID HE SAY THEY HAD TAKEN OUT OF THE SPRING? A. THERE WAS OMORE THEN ONE. Q. DID HE TELL YOU HOW LARGE BAGS <del>THERE THEY</del> WERE? A. THEY DIDN'T. Q. DID YOU KNOW HOW LARGE THEY WERE? A. I DO NOT-; BUT I SAY <del>THER</del>-E WERE SACKS <del>OF</del> POISON FOUND IN THESE SACKS. IF YOU WILL GIVE ME TIME I CAN FETCH THE MAN <del>F</del>FROM FILLMORE TO PROVE IT. Q. YOU HAVE SEEN THOSE SACKS HAVE YOU? A. I HAVE NOT</p>	
---	---	---	--

**RT**

**RS**

**BT**

**PS**

<p>SEEN THEM, BUT</p> <p>THEY PRESERVED THIS POISON SINCE FOR EIGHTEEN YEARS. IT IS GENERALLY BELIEVED BY ALL THE PEOPLE THAT BOY OF JOSEPH ROBINSON'S DIED FROM THE POISONING OF THAT SPRING. Q. HOW LARGE IS THAT SPRING ? A. THEY ARE SMALL HOLES IN THE GROUND. <sup>[426]</sup> Q. DO YOU KNOW HOW MANY BAGS OF POISON WOULD THEY HOLD ? A. THEY WERE SMALL ONES. Q. DIDN'T SOME PERSON ALSO TELL YOU ABOUT THE OX STORY AFTER YOU HEARD THAT AND IMAGINED IT WAS TRUE ? A. NO SIR, I SAW IT. Q. DIDN'T ANY OTHER PERSON SEE IT BUT YOU ? A. THEY CAN ANSWER FOR</p>	<p>SEEN THEM, DO NOT THINK THEY HAVE PRESERVED THOSE POISON SACKS FOR 18 YEARS. IT IS GENERALLY BELIEVED &lt;BY&gt; ALL PEOPLE THAT THAT BOY OF JOSEPH ROBINSON DIED FROM POISON OF THAT SPRING Q HOW LARGE IS THAT SPRING A THEY ARE SMALL HOLES IN THE GROUND QABOUT HOW MANY BAGS OF POISON WOULD THEY HOLD ATHEY WERE SMALL ONES. QDIDN'T SOME PERSON ALSO TELL YOU ABOUT &lt;THE&gt; OX STORY AFTER YOU HEARD THAT AND IMAGINED THAT IS TRUE A NO SIR I SAW IT QDIDN'T ANY OTHER PERSON SEE IT BUT YOU ATHEY CAN ANSWER FOR</p>	<p>SEEN THEM. I DON'T THINK THEY HAVE PRESERVED THESE POISONED SACKS FOR 18 YEARS. IT IS GENERALLY BELIEVED BY ALL PEOPLE THAT THAT BORY OF JOSEPH ROBINSON'S DIED FROM THAT POISON FROM THAT SPRING. Q. HOW LARGE IS THAT SPRING? A. THEY ARE SMALL HOLES IN THE GROUND. Q. HOW MANY BAGS OF POISON WOULD THEY HOLD? A. THEY WERE SMALL ONES. Q. DIDN'T SOME PERWSON ALSO TELL YOU ABOUT THE OX STOREY, SO <del>OFTEN OFTEN</del> THAT YOU IMAGINE THAT IT IS TRUE? A. NO, SIR, I SAW IT. Q. DID ANY OTHER PERSON SEE IT BUT YOU? A. THEY CAN <del>ASN</del> ANSWER FOR</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>THEMSELVES, I CANNOT SAY. Q. ARE THERE ANY IN THE COURT NOW WHO SAW IT ? A. I CANNOT SEE THEM. Q. WHO SAW IT BESIDES YOU ? A. I TOLD WHO WAS IN THE WAGIONS. WHETHER THEY SAW IT OR NOT I DO NOT KNOW. Q. YOU JUST NOW STATED YOU DID SEE IT ? A. NO, DID NOT, I STATE THEY WERE ALONG IN THE WAGONS, WHETHER THEY SAW IT OR NOT I DO NOT KNOW. Q. WONT YOU TELL ME WHO WERE THERE ? A. PHILO T. FARNSWORTH, GEORGE A. SMITH, SILAS SMITH, JACOB HAMBLIN AND THALES HASKWEEL. Q. DID ANY OF YOUR PARTY EVER TELL YOU THAT THEY HAD SEEN IT ? A. I DO NOT KNOW; AS TO</p>	<p>THEMSELVES I CAN'T SAY Q ARE THERE &lt;ANY&gt; IN COURT NOW WHO SAW IT A I CAN'T SEE THEM Q WHO SAW IT BESIDES YOU AI TOLD YOU WHO WAS IN THE WAGON, WHETHER THEY SAW IT OR NOT I DO NOT KNOW Q YOU JUST NOW STATED YOU DID SEE IT A NO I DID NOT I STATED THEY WERE ALONG IN THE WAGONS WHETHER THEY SAW IT I DON'T KNOW. Q WONT YOU TELL ME —[?] WHO WERE THERE [space] <sup>[20]</sup> A F T F&lt;ARNSWORTH&gt; , GEORGE A SMITH, SILAS SMITH, JACOB HAMBLIN AND THALES HASKELL I THINK Q DID ANY OF YOUR PARTY EVER TELL YOU THAT THEY HAD SEEN IT AI DO NOT KNOW AS &lt;TO</p>	<p>THEMSELVES, I CAN'T SAY. Q. ARE THERE ANY €Ø IN COURT NOW WHO SAW IT? A. I CAN'T SEE THEM. Q. WHO SAW IT BESIDES YOU? A. I TOLD YOU WHO WAS IN THE WAGON. WHETHER THEY SAW IT OR NOT I DON'T KNOW. Q. YOU JUST NOW STATED YOU DID SEE IT? A. NO, I DID NOT ; I STATED THEY WERE ALONG IN THE WAGON; WHETHER THEY SAW IT OR NOT I DON'T KNOW . Q. WON'T YOU TELL ME WHO WERE THERE? A. PHILO T. FARNSWORTH, GEORGE A. SMITH, SILAS SMITH, JACOB HAMBLIN AND P THALES HASKELL, I THINK. <sup>[272]</sup> Q. DID ANY OF YOUR PARTY EVER TELL YOU THEY HAD SEEN IT? A. I DON'T KNOW AS TO</p>	
---	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>THEIR TELLING ME THEY SAW OR KNEW ANYTHING OF IT I NEVER HEARD THEM SAY SO. Q. HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR ? A. BY GENERAL CONVERSATION OF THE MATTER WITH THE COMPANY THAT CAME TO SEE US ? A. IT WAS GENERAL TALK WITH THOSE WHO WERE THERE. Q. HOW MANY DID YOU HEAR SAY HE WAS A DOCTOR ? [427] A. THEY TALKED TO US. Q. HOW MANY DIFFERENT PERSONS DID YOU HEAR SAY THAT THAT GERMAN WAS A DOCTOR ? A. IT WAS THE GENERAL TALK AMONG THEM THAT CAME TO OUR</p>	<p>THEIR<sup>&gt;</sup> TELLING ME THEY SAW IT OR KNEW ANYTHING OF IT, I NEVER HEARD THEM SAY SO. Q HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR A BY GENERAL CONVERSATION IN THE CAMP WITH THE COMPANY THAT CAME TO SEE US = A IT WAS GENERAL TALK WITH THOSE WHO WERE THERE Q HOW MANY DID YOU HEAR SAY HE WAS DOCTOR A THEY TALKED — [?] <sup>363</sup> TO US Q HOW MANY DIFFERENT PERSONS DID YOU HEAR SAY THAT THAT GERMAN<sup>364</sup> WAS A DOCTOR A IT WAS GENERAL TALK AMONG THEM <del>THAT</del> {THEY} <sup>1</sup> CAME TO &lt;OUR&gt;</p>	<p>THE IR TELLING ME THEY SAW IT, OR KNEW ANYTHINKG OF IT. I NEVER HEARD THEM SAY SO. Q. HOW DO YOU KNOW THIS DUTCHMAN WAS A DOCTOR? A. BY THE GENERAL CONVERSATION IN THE CAMP WITH THE COMPANY THAT CAME TO SEE US . IT WAS THE GENERAL TALK WITH THOSE THAT WERE THERE. Q HOW MANY DID YOU HEAR SAY HE WAS A DOCTORA. A. THEY TALKED TO US. Q. HOW MANY DIFFERENT PERSONS DID YOU HEAR SAY THAT DUTCHMAN WAS A DOCTOR? A. IT WAS THE GENERAL TALK AMONG THEM THAT CAME TO OUR</p>	
---	---	--	--

363. The word is written over or crossed out until illegible.

364. Originally written "GERMAN", a "D" (written more like a "B") was later added to the beginning of the word in ink, rendering the word "DUTCHMAN", as in the BT.

**RT**

**RS**

**BT**

**PS**

<p>CAMP. Q. HOW GENERAL ? A.</p> <p>THOSE WHO CAME TO CAMP. Q. DID YOU HEAR THE DOCTOR SAY ANYTHING ON THE SUBJECT ? A. I HEARD HIM SAY HE WAS A DOCTOR HIMSELF. Q. IN WHAT CONNECTION DID HE SAY IT ? A. HE HAD DOCTORED ON THE PLAINS — WAS THEIR CAMP DOCTOR, AND HAD ATTENDED THE CHOLERA. Q. WHO ELSE DID YOU HEAR SAY HE WAS A DOCTOR ? A. MANY OF THE TRAIN THAT CAME. Q. HOW MANY ? A. I COULD NOT TELL YOU. Q. WHAT DID <del>HE</del> <math>\Leftarrow</math>THEY<math>\Rightarrow</math> SAY ? A. THEY SAID HE WAS THEIR CAMP DOCTOR. Q. WHAT WERE THEY TALKING ABOUT THAT LED THEM TO</p>	<p>CAMP <sub>Q</sub> HOW GENERAL <sub>A</sub> WITH THOSE WHO CAME TO CAMP <sub>Q</sub>DID YOU HEAR <math>\Leftarrow</math>THE<math>\Rightarrow</math> DOCTOR SAY ANYTHING ON <math>\Leftarrow</math>THE<math>\Rightarrow</math> SUBJECT <sub>A</sub>I HEARD HIM SAY HE WAS A DOCTOR HIMSELF <sub>Q</sub>IN WHAT CONNECTION DID HE SAY IT <sub>A</sub>HE HAD DOCTORED ON THE PLAINS <math>\Leftarrow</math>WAS<math>\Rightarrow</math> THEIR CAMP DOCTOR HAD TENDED CHOLERA <sub>Q</sub> WHO ELSE DID YOU HEAR SAY HE WAS DOCTOR <sub>A</sub> MEN OF TRAIN <math>\Leftarrow</math>THAT<math>\Rightarrow</math> CAME <sub>Q</sub>HOW MANY <sub>A</sub>I COULD NOT TELL YOU <sub>Q</sub>WHAT DID THEY SAY <sub>A</sub>THEY SAID HE WAS THEIR CAMP DOCTOR. <sub>Q</sub> WHAT WERE THEY TALKING ABOUT THAT LED THEM TO</p>	<p>CAMP. Q. HOW GENERAL? A. <b>WITH</b> <del>I</del><b>WITH</b> THOSE WHO CAME TO CAMP. Q. DID YOU HEAR THE DOCTOR SAY ANYTHING ON THE SUBJECT. A. I HEARD HIM SAY HE WAS A DOCTOR HIMSELF. Q. IN WHAT CONNECTION DID HE SAY IT? A. HE WAS THEIR DOCTOR ON THE PLAINS, <del>A</del><b>WAS</b> THEIR CAMP DOCTOR; HAD TENDED CHOLERA. Q. WHO ELSE DID YOU <b>HEAR</b> SAY HE WAS A DOCTOR? A. MEN OF THEIR OWN CAMP. Q. HOW MANY? A. I COULD NOT TELL YOU. Q. WHAT DID THEY SAY? A. THEY <del>D</del><b>SAID</b> HE WAS A CAMP DOCTOR. Q. WHAT WERE THEY TALKING ABOUT THAT LED THEM TO</p>	
--	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>SAY THAT ? A. I COULD NOT TELL YOU. OTHERS WERE TALKING ABOUT THE MILITARY. [space]</p> <p>Q. WHAT DID THEY SAY ABOUT IT ? A. I COULD NOT TELL YOU BUT THEY WERE TALKING ABOUT GEORGE A. AND OTHERS; I AM CERTAIN HE WAS A DOCTOR, BUT I DIDN'T SEE HIS DIPLOMA. I DON'T KNOW HE WAS A DOCTOR ONLY FROM WHAT I HEARD AND THEM SAY. I SUPPOSE HE WAS JUST AS MUCH A DOCTOR AS JONES IS A DOCTOR HERE. I <sup>[428]</sup> NEVER SAW HIS DIPLOMA. <del>JONES</del> <del>HE GOT</del> Q. DON'T YOU REMEMBER IN YOUR EXAMINATION IN CHIEF BEFORE DINNER YOU TOLD ME HOW THIS SUBJECT CAME UP WITH</p>	<p>SAY THAT <sup>A</sup>I COULD NOT TELL YOU, OTHERS WERE TALKING ABOUT CHOLERA THEY HAD HAD SOME IN THE CAMP Q WHAT DID THEY SAY ABOUT IT <sup>A</sup>I COULD NOT TELL YOU THEY WERE TALKING TO GEORGE A AND OTHERS; I AM CERTAIN HE WAS A DOCTOR; I DIDN'T SEE HIS DIPLOMA, I DON'T KNOW HE WAS DOCTOR ONLY FROM WHAT I HEARD AND THEM SAY, I SUPPOSE HE WAS JUST AS MUCH A DOCTOR JONES IS DOCTOR DOWN HERE, I NEVER SAW HIS DIPLOMA. Q DON'T YOU REMEMBER IN YOUR EXAMINATION IN CHIEF [space]; BEFORE DINNER, YOU TOLD ME YOU DID NOT REMEMBER CONNECTION</p>	<p>SAY THA T? A. I COULD NOT TELL YOU; OTHERS WERE TALKING ABOUT THE CHOLERA. THEY HAD HAD SOME IN <del>THE</del> THEIR CAMP. Q. WHAT DID THEY SAY ABOUT IT? A. I COULD NOT TELL YOU, THEY WERE TALKING TO GEORGE A. AND OTHERS. I AM CERTAIN HE WAS A DOCTOR. I DIDN'T SEE HIS DIPLOMA; I DON'T KNOW HE WAS A DOCTOR ONLY FROM WHAT I HEARD THEM SAWY. I SUPPOSE HE WAS JUST AS MUCH A DOCTOR AS JOHNES WAS A DOCTOR <del>W</del>DOWN HERE. I NEVER SAW HIS DOCTOR. Q. DON'T YOU REMEMBER IN YOUR EXAMINATION IN <del>IN</del> CHIEF BEFORE DINNER THAT YOU TOLD ME YOU DIDN'T REMEMBER THE CONNECTION IN <b>WHICH THAT</b></p>	
---	--	--	--



**RT**

**RS**

**BT**

**PS**

<p>THESE OUTSIDE PARTIES—THAT SUBJECT OF HIS BEING A DOCTOR ?</p> <p>A. I MIGHT, AND AGAIN I MIGHT NOT. Q. WHAT DO YOU THINK ABOUT IT ?</p> <p>A. I DON'T THINK ANYTHING ABOUT IT. Q. YOU STATED BEFORE DINNER YOU SAY YOU COULD NOT REMEMBER THE CONNECTION.</p> <p>DID YOU OR DID YOU NOT SAY IT ? A. I CANNOT SAY. I RECOLLECT VERY WELL OF TELLING YOU HOW IT WAS — A GENERAL THING, AND THAT IT WAS THAT THE DOCTOR HAD THIS TALK ABOUT THE CHOLERA, AND THAT WHAT HE HAD GIVEN HIS</p>	<p>THOSE OUTSIDE PARTIES = THEY SPOKE OF HIS BEING A = DOCTOR IN; DIDN'T YOU TELL ME SO</p> <p>A I MIGHT AND AGAIN I MIGHT NOT Q WHAT DID YOU THINK <del>KNOW</del> ABOUT IT</p> <p>A I DIDN'T THINK ANYTHING ABOUT IT Q YOU STATED BEFORE DINNER = YOU STATED YOU COULD NOT REMEMBER THE CONNECTION A</p> <p>&lt;I TOLD YOU I MIGHT AND THEN AGAIN I MIGHT NOT&gt; Q ANSWER MY QUESTION DID YOU OR DID YOU NOT SAY IT A I CANNOT SAY IT, I RECALL VERY WELL OF TELLING YOU IT WAS GENERAL THING AND THAT IT WAS THAT THE DOCTOR HAD THIS TALKING ABOUT CHOLERA BEING THERE, THAT AND WHAT HE HAD GIVEN</p>	<p>THESE OUTSIDE PARTIES, <del>THAT</del> <del>THEY</del> SPOKE OF HIS BEING A DOCTOR <del>IN</del>?</p> <p>DIDN'T YOU TELL ME SO? <sup>[273]</sup></p> <p>A. I MIGHT AND AGAIN I MIGHT NOT. Q. WHAT DO YOU THINK ABOUT IT?</p> <p>A. I DON'T THINK ANYTHING ABOUT IT. Q. YOU TOLD BEFORE DINNER — YOU STATED YOU COULD NOT REMEMBER THE CONNECTION ? A. I TOLD YOU I MIGHT AND AGAIN I MIGHT NOT. Q. ANSWER MY QUESTION? DID YOU OR DID YOU NOT SAY IT? A. I CAN'T SAY IT. I RECOLLECT VERY WELL, OF TELLING YOU IT WAS A GENERAL THING AND THAT IT WAS THE DOCTOR HAD TOLD US IN HIS TALK ABOUT THE CHOLERA ABOUT THERE, AND WHAT HE HAD GIVEN</p>	
--	---	--	--

**RT**

**RS**

**BT**

**PS**

<p>PATIENTS, THAT IS AS NEAR AS I CAN RECOLLECT WAS CAPSICUM, OPIUM, GUM, CAMPHOR AND BRANDY. Q. DID ANY PERSON ELSE REFER TO THE CHOLERA PARTICULARLY — OR ANY PERSONS OF THE CAMP THAT HE HAD TREATED SPEAK OF HIM AS DOCTOR ? A. IT WAS A GENERAL CONVERSATION, HE WAS NOT DIRECTING HIS CONVERSATION TO ME. GEORGE A. SMITH WAS THE HEAD MAN. I WAS PASSING AROUND THE CAMP AND I ONLY JUST HEARD WHAT WOULD DROP.</p> <p>SUTHERLAND: WE OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER IT HAS GONE AS FAR AS IT OUGHT TO, AS PERTAINING TO</p>	<p>AS NEAR AS I CAN RECOLLECT WAS <i>CAPSICUM/KSPK</i>[?] ], OPIUM GUM AND CAMPHOR AND BRANDY Q ANY PERSON ELSE REFER TO CHOLERA PARTICULARLY <i>HEAR</i>[?] PERSONS OF THE CAMP HE HAD TREATED THEM AS DOCTOR AIT WAS GENERAL CONVERSATION, HE WAS NOT DIRECTING HIS CONVERSATION TO ME, GEORGE A SMITH WAS THE HEAD MAN, I WAS PASSING <sup>[21]</sup> AROUND CAMP ONLY JUST WHAT I HEARD WAS DROPPED. <i>[space]</i> BY SUTHERLAND I OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER,</p>	<p>AS NEAR <del>NEAR</del> AS I CAN RECOLLECT WAS, CAPSICUM , OPIUM, GUM CHAMPHOR AND BRANDY. Q. NO PERSON ELSSSE REFERRED TO THE CHOLERA PARTICULARLY. WAS IT THE PERSONS OF THE CAMP HE <b>TALKING TO?</b> <del>HAD TREATED THEN AS A DOCTOR?</del> A. IT WAS GENERAL CONVERSATION. HE WAS NOT DIRECTING HIS CONVERSATION TO ME. GEORGE A. SMITH WAS THE HEAD MAN. I WAS PASSING AROUND CAMP AND I ONLY HEARD JUST WHAT DROPPED.</p> <p>SUTHERLAND: I OBJECT TO THIS CROSS-EXAMINATION PROCEEDING ANY FURTHER.</p>	
--	--	--	--

**RT**

**RS**

**BT**

**PS**

<p>ALL THE PARTICULARS OF THE CASE.</p>	<p>WE HAVE BEEN REASONABLE ABOVE A REASONABLE EXTENT, <del>I THINK</del> SINCE HE HAS COME AROUND TO WHERE HE STARTED I THINK THAT IS ENOUGH. FOR THEY HAVE GOT THAT WAGON</p>	<p>WE HAVE PERMITTED COUNSEL TO GO TO AN UNREASONABLE EXTENT AND <del>SINCE HE HAS COME AGAIN TO WHERE HE HAS STARTED IN,</del> I THINK THAT IS ENOUGH.</p>	
<p>COURT: I AM NOT DISPOSED GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN THAT ON SEVERAL OCCASIONS HE CHANGED HIS OPINION. IF HIS MIND CAN BE REFRESHED BY INCIDENT I HAVE NO OBJECTIONS TO THE PROSECUTION QUESTIONING HIM ANY FURTHER</p>	<p>COURT I AM NOT DISPOSED GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN ON SEVERAL INSTANCES HAS CHANGED HIS POSITION. IF HIS MIND CAN BE REFRESHED BY QUESTIONING I HAVE NO OBJECTIONS TO HIS QUESTIONING HIM . WHERE ALL {THE}<sup>i</sup> SUBSTANCE IS</p>	<p>THE COURT: I AM NOT DISPOSED, GENERALLY TO ALLOW SUCH EXTENSIVE CROSS-EXAMINATION, BUT THIS WITNESS HAS SHOWN ON SEVERAL INSTANCES HE HAS CHANGED HIS POSITION. IF HIS MIND CAN BE REFRESHED BY EXTENDING IT, I HAVE NO OBJECTIONS TO HIS QUESTIONING HIM, SO THAT ALL THE SUBSTANCE CAN BE</p>	

**RT**

**RS**

**BT**

**PS**

<p>WIT.: I HAVE TOLD YOU ALL I KNOW. [<i>End of transcript book 3</i>]</p>	<p>BROUGHT OUT BY CROSS EXAMINATION. {DEF}<sup>i</sup></p> <p>COURT RULES &lt;HE SHOULD PROCEED NO FURTHER&gt; YOUR HONOR HE HAS BEEN OVER THIS SUBJECT ONCE BEFORE BY BASKIN THAT IS NOT CORRECT BEFORE. BY COURT WITNESS CHANGED HIS POSITION, HIS MIND HAD BEEN</p> <p>REFRESHED BY WITNESS. I HAVE TOLD YOU ALL I KNOW {II}<sup>i</sup></p> <p>AS MY BROTHERS HAVE INTIMATED THEY ARE THOUGH WITH HIM I WILL LET HIM GO. <b>10 TO 4</b></p>	<p>BROUGHT OUT BY CROSS-EXAMINATION. SUTHERLAND: ACCORDING TO THE RULES, YOUR HONOR, HE SHOULD PROCEED NO FARTHER BECAUSE HE HAS BEEN OVER THIS SUBJECT BEFORE.</p> <p>THE COURT: YES, BUT THE WITNESS HAS CHANGED HIS POSITION, AND HIS MIND MIGHT BE FURTHER REFRESHED. WITNESS: I HAVE TOLD YOU ALL I KNOW ABOUT IT. SUTHERLAND: <del>BY MY</del> BROTHERS HAVE INTIMATED THEY ARE THROUGH WITH YOU SO I WILL LET YOU GO.</p>	
--	---	--	--