

John D. Lee, First Trial

Philo T. Farnsworth Testimony

RT

RS

BT

PS

<p>[Bk 4 429] 365 PHILO</p> <p>T. FARNSWORTH, SR. SWORN FOR DEFENDANT.</p> <p>Q. HAVE YOU BEEN IN COURT DURING THE PENDENCY OF THIS TRIAL ? A. I HAVE NOT SIR.</p> <p>Q. WHERE DID YOU LIVE IN 1857 ? A. LIVED IN BEAVER. Q. WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME ?</p>	<p>[Bk 8 21 cont.] <u>PHILO</u></p> <p><u>T.</u> <u>FARNSWORTH</u> HAVE YOU BEEN SWORN NO SIR I HAVE NOT. OATH ADMINISTERED YOU BEEN HAVE BEEN [space]</p> <p>{Q}ⁱ HAVE YOU BEEN IN COURT DURING PENDENCY OF THIS TRIAL A I HAVE NOT SIR</p> <p>{Q}ⁱ WHERE DID YOU LIVE IN 1857 {A}ⁱ LIVED IN BEAVER {Q}ⁱ WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME</p>	<p>[274] PHILO</p> <p>T. FARNSWORTH BEING SWORN AS A WITNESS ON THE PART OF THE DEFENSE, WAS EXAMINED ASX BY J.G.SUTHERLAN D AS FOLLOWS: R.N. BASKIN: FOR PROSECUTION INQUIRY: Q. HAVE YOU BEEN IN COURT DURING THE PENDANCY OF THIS TRIAL? A. I HAVE NOT, SIR. J.G. SUTHERLANDF OR DEFENSE: Q. WHERE DID YOU LIVE IN 1857? A. I LIVED IN BEAVER. Q. WHAT POSITION DID YOU HOLD IN THE CHURCH AT THAT TIME?</p>	<p>[Patterson Shorthand is not extant for this material.]</p>
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365. JULY 1875.

BOOK NO 4.

FIRST TRIAL OF JNO. D. LEE.

DEFENCE.

PAGE 429. PHILO. T. FARNSWORTH SENIOR 6TH WITNESS

468. JNO HAMILTON. —"— 7. —"—

474. JNO HAMILTON, JR. 8. —"—

483. RICHARD ROBISON. 9. —"—

489. SAMUEL JACKSON, SENIOR. 10. —"—

491. JNO. M. MACFARLANE. 11. —"—

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

<p>A. BISHOP. Q. DID YOU KNOW A MAN HERE BY THE NAME OF JOHN MORGAN ? A. I DID. Q. STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH ? A. HE WAS A MEMBER OF THE CHURCH. Q. DO YOU REMEMBER A TRAIN OF EMIGRANTS PASSING THROUGH HERE THAT YEAR THAT WAS SAID TO BE SLAUGHTERED AT THE MOUNTAIN MEADOWS ? A. I KNOW OF SUCH A COMPANY PASSING, BUT ACCORDING TO THE BEST OF MY RECOLLECTION I WAS NOT IN G TOWN WHEN THEY PASSED THROUGH. I MET SUCH A COMPANY AT CORN CREEK ON MY WAY TO FILLMORE. Q. DID YOU KNOW OF JOHN</p>	<p>{A}ⁱBISHOP {Q}ⁱ DID YOU KNOW A MAN HERE BY NAME OF JOHN MORGAN {A}ⁱ I DID {Q}ⁱ STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH {A}ⁱHE WAS MEMBER OF CHURCH. [<i>space</i>] {Q}ⁱDO YOU REMEMBER THE TRAIN OF EMIGRANTS PASSING THROUGH HERE THAT YEAR THAT WAS SAID TO BE SLAUGHTERED AT MOUNTAIN MEADOWS ? {A}ⁱI KNOW OF SUCH A COMPANY PASSING {BUT}ⁱ ACCORDING BEST MY RECOLLECTION I WAS NOT IN TOWN WHEN THEY PASSED THROUGH, I MET SUCH A COMPANY AT CORN CREEK {ON}ⁱ MY WAY TO FILLMORE. {Q}ⁱDID YOU KNOW OF JOHN</p>	<p>A. BISHOP. Q. DID YOU KNOW A MAN HERE BY THE NAME OF JOHN MORGAN? A. I DI. Q. STATE WHETHER HE WAS ALSO A MEMBER OF THE CHURCH? A. HE WAS A MEMBER OF THE CHURCH. Q. DO YOU REMEMBER A TRAIN OF EMIGRANTS PASSING THROUGH HE RE THAT YEAR, THAT WAS SAID TO BE ASLSUGHTERED AT THE MOUTNNTAIN MEADOWS? A. I KNOW OF SUCH A COMPANY, BUT ACCORDING TO THE BEST OF MY RECOLLECTION, I WASN'T IN TOWN WHEN THEY PASSED THROUGH. I MET SUCH A COMPANY AT CORN CREEK ON MY WAY TO FILLMORE. Q. DI D YOU KNOW OF JOHN</p>	
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<p>MORGAN BEING DEALT WITH BY THE CHURCH FOR SELLING THIS EMIGRANT TRAIN ANY CHEESE OR</p> <p>PRODUCE ? A. NO SIR, HE WAS NOT TO MY RECOLLECTION OR KNOWLEDGE. BASKIN: LET ME ASK THE WITNESS ONE QUESTION. DO THE CHURCH KEEP RECORDS OF THESE PROCEEDINGS ? A. YES SIR. BASKIN: I SUBMIT, YOUR HONOR THAT THE RECORD IS THE BEST PROOF. SUTHERLAND EXPLAINED TO THE COURT THAT THE WITNESS ON THE STAND WAS BROUGHT THERE FOR THE PURPOSE OF CONTRADICTING A STATEMENT MADE BY ONE OF THE WITNESSES</p>	<p>MORGAN BEING DEALT WITH {BY THE}ⁱ CHURCH FOR SELLING THIS EMIGRANT TRAIN ANY CHEESE OR OTHER PROPERTY {A}ⁱ NO SIR HE WAS NOT TO MY RECOLLECTION {OR}ⁱ KNOWLEDGE. {Q}ⁱBY BASKIN LET ME ASK ONE QUESTION JUDGE, QDO THE CHURCH KEEP RECORDS OF THESE PROCEEDINGS {A}ⁱYES SIR {BASKIN}ⁱ. I SUBMIT</p> <p>THE RECORD IS THE BEST PROOF. {*}ⁱ SUTHERLAND WE HAVE</p> <p>{THE}ⁱ WITNESS ON {THE}ⁱ STAND HERE WHO HAS TESTIFIED ORALLY BY MEN QUESTION <i>FOUND</i>[?] STATING</p>	<p>MORGAN BEING DEALT WITH</p> <p>FOR SELLING THE EMIGRANT TRAIN A CHEESE OR OTHER PROPERTY? A. NO, SIR, HE WAS NOT TO MY RECOLLECTION OR KNOWLEDGE. R. N. BASKIN: LET ME ASK ONE QUESTION, JUDGE. DO THE CHURCH KEEP RECORDS OF THESE PROCEEDINGS? A. YES, SIR . R.N BASKIN: I SUBMIT,</p> <p>THE RECORD IS THE THE BEST PROOF. J. G. SUTHERLAND: WE HAVE HAD A</p> <p>THE WITNESS ON THE STAND HERE WHO HAS TESTIFIED ORALLY IN ANSWER TO QUESTIONS, HAVE STATED THAT</p>	
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<p>FOR THE PROSECUTION THAT THIS JOHN MORGAN</p> <p>WAS CUT ^[430] FROM THE CHURCH FOR SELLING THESE EMIGRANTS A CHEESE.</p>	<p>THIS JOHN MORGAN SOLD THIS TRAIN SOME CHEESE, AND THAT WAS SUCH AN OFFENSE AGAINST {THE}ⁱ CHURCH HE WAS DISFELLOWSHIP PED AFTERWARDS WHILE MR. FARNSWORTH WAS PRESIDING. WE HAVE CALLED THIS WITNESS {IN HERE}ⁱ IN ORDER TO CONTRADICT IT, I CONTEND IN REPLY ^[22] TO OBJECTION MADE BY ≤THE≥ COUNSEL, IF BOOKS WERE PRODUCED HERE THAT WOULD NOT BE EVIDENCE AT ALL MERE SIMPLE MEMORANDUM BY WHICH WITNESS MIGHT REFRESH THEIR MEMORIES RECORDS</p>	<p>THIS JOHN MORGAN SOLD THIS TRAIN SOME CHEESE AND THAT THAT IT WAS SUCH AN OFFENSE AGAINST THE CHURCH THT HE WAS DISFELLOWSHIP PED AFTERWARDS WHILE MR. FARNSWORTH WAS PRESIDING. WE HAVE CALLED THIS WITNESS IN ORDER TO CONTRADICT IT. I CONTEND IN ANSWER TO THE OBJECTION MABDE BY COUNSEL, IF THE BOOKS WERE PRODUCED HERE THEY WOULD NOT BE EVIDENCE AT ALL, ANY MORE THAN SIMPLY MEMORANDUM BY WITNESSES AND MIGHT REFRESH THEIR MEMORIES AS REGARDS</p>	
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<p>OBJECTION OVERRULED. Q. STATE WHETHER WHEN YOU WERE PRESIDING</p> <p>JOHN MORGAN WAS DISFELLOWSHIP PED</p> <p>FOR ANY DEALINGS WITH THIS TRAIN ? A. I HAVEN'T THE SLIGHTEST RECOLLECTION OF ANYTHING OF THE KIND, AND IF THERE HAD BEEN ANYTHING OF IT I SHOULD RECOLLECT IT. Q. HOW LONG HAD YOU BEEN RESIDING HERE THEN ? A. I RESIDED HERE ABOUT A YEAR. Q. HAVE YOU ANY</p>	<p>THEMSELVES</p> <p>ARE NOT EVIDENCE. BY COURT YOU CAN ASK YOUR QUESTION. {RULED}¹ [space] {Q}¹ STATE WHETHER WHEN YOU WERE PRESIDING <HERE AS BISHOP> JOHN MORGAN WAS DISFELLOWSHIP PED</p> <p>FOR ANY DEALINGS WITH THIS TRAIN {A}¹ I HAVEN'T {THE}¹ SLIGHTEST RECOLLECTION OF ANYTHING OF {THE}¹ KIND {AND}¹ IF THAT HAD BEEN ANYTHING OF IT I SHOULD COLLECT IT {Q}¹ HOW LONG DID HE CONTINUE A RESIDENT HERE AFTERWARDS {A}¹ HE RESIDED HERE ABOUT A YEAR. Q. HAVE YOU ANY</p>	<p>THEMSELVES BUT THEY ^[275] ARE NOT EVIDENCE. THE COURT: YOU CAN ASK THE YOUR QUESTION. J. G. SUTHERLAND: Q. STATE WHETHER WHEN YOU WERE PRESIDING HERE AS BISHOP, WHETHER JOHN MORGAN WAS DISFELLOWSHIP LED FROM THE CHURCH FROM FOR ANY DEALINGS WITH THIS TRAIN. A. I HAVN'T THE SLIGHTEST RECOLLECTION OF ANYTHING OF THE KIND; AND IF THERE HAD BEEN ANYTHING OF IT, I SHOULD RECOLLECT IT. Q. HOW LONG HAD HE YOU BEEN A RESIDENT HERE AT THAT TIME? A: HE RESIDED HERE ABOUT A YEAR. Q. HAVE YOU ANY</p>	
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<p>RECOLLECTION OF THE MAN STILL ? A. THE MAN WAS A GOOD FAITHFUL MAN, IN GOOD FELLOWSHIP IN THE CHURCH, AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE. Q. WERE YOU HERE AT THE TIME THE TRAIN PASSED THROUGH HERE ? A. I THINK I WAS BETWEEN HERE AND FILLMORE. I HAVE NO RECOLLECTION OF SEEING THE TRAIN, EXCEPT WHEN MEETING THEM AT CORN CREEK.</p> <p>Q. DID YOU HAVE ANY PERSONAL ACQUAINTANCE WITH ANY OF THIS COMPANY A. NOT WITH THAT COMPANY I DIDN'T. Q. TO ANY</p>	<p>RECOLLECTION OF THE MAN STILL {A}THEⁱ MAN WAS {A}ⁱ GOOD FAITHFUL MAN {IN}ⁱ GOOD FELLOWSHIP IN {THE}ⁱ CHURCH AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE {Q}ⁱ WERE YOU HERE AT THE TIME {THE}ⁱ TRAIN PASSED THROUGH HERE {A}ⁱ I THINK I WAS BETWEEN HERE AND FILLMORE I HAVE NO RECOLLECTION OF SEEING {THE}ⁱ TRAIN EXCEPT WHEN MEETING THEM AT CORN CREEK. <SEE AS TO THIS QUESTION> Q DID YOU EVER HEAR OF ANY PERSON MAKING SALE OF CHEESE TO THIS COMPANY {A}ⁱ NOT TO THAT COMPANY I DIDN'T [space] Q TO ANY</p>	<p>RECOLLECTION OF THE MAN STILL? A. THE MAN WAS A GOOD FAITHFUL MAN, IN GOOD FELLOWSHIP WITH THE CHURCH, AND AS SUCH I RECOMMENDED HIM WHEN HE WENT AWAY FROM HERE. Q. WERE YOU HERE AT THE TIME THE TRAIN PASSED THROUGH HERE? A. I THINK I WAS BETWEEN HERE AND FILLMORE . I HAVE NO RECOLLECTION OF SEEING THE TRAIN WEXCEPT WHEN WE MET TH EM AT CORN CREEK.</p> <p>Q. DID YOU EVER HEAR OF ANY PERSON MAKING A SALE OF CHEESE TO THIS COMPANY? A. NOT TO THAT COMPANY. Q. TO ANY</p>	
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<p>OTHER</p> <p>ABOUT THE SAME TIME ? A. I THINK I DID. Q. TO ANY OTHER COMPANY THAT CAME ALONG AFTERWARDS ? BASKIN: WE OBJECT . A. YES.</p> <p>Q. WHAT COMPANY WAS THAT, IF IT HAD ANY NAME ? A. IT WAS A LARGE COMPANY OF FIFTY MEN AND WAGONS THAT WERE ATTACKED AT INDIAN CREEK. A NUMBER OF THEM DIVIDED; THEY</p> <p>CAME ALONG ABOUT SOMEWHERE ABOUT TEN DAYS, WITH THREE WAGONS.</p>	<p>OTHER COMPANY ABOUT {THE}ⁱ SAME TIME {A}ⁱ I THINK I DID {Q}ⁱ TO ANOTHER COMPANY {THAT}ⁱ CAME ALONG AFTERWARDS ? BASKIN WE OBJECT</p> <p>{Q}ⁱ WHAT COMPANY WAS {THAT}ⁱ IF <i>THEY</i>[?] HAD ANY NAME {A}ⁱ IT WAS {A}ⁱ LARGE COMPANY OF {ABOUT}ⁱ 50 MEN {&}ⁱ WAGONS, THAT WERE ATTACKED {AT}ⁱ INDIAN CREEK = PART OF THEM AND THE COMPANY DIVIDED, THEY</p> <p>CAME ALONG ABOUT SOMEWHERE FROM TEN DAYS TO 3 WEEKS</p>	<p>OTHER COMPANY ABOUT THE SAME TIME? A. I THINK I DID. Q. TO ANY OTHER COMPANY THA T CAME ALONG AFTERWARD? R.N. BASKIN: WE OBJECT TO THAT. (NO RULING) Q: Q. WHAT COMPANY WAS IT , IF THEY HAD ANY NAME? A: I T WAS A LARGE CIOMPANY OF ABOUT 50 MEN AND WAGONS THAT WERE ATTEACKED AT INDIAN CREEK, PART OF THEM, AND THE COMPANY DIVIDED; AND THEY CAME ALONG ABOUT FROM SOMEWHERE FROM TEN TO SIX AND THREE WAGONS CAME ALONG ABOUT SOMEWHERE FORM TEN DAYS TO THREE WEEKS</p>	
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<p>I COULD NOT BE POSITIVE AS TO THE DAY WHEN THE OTHER COMPANY PASSED. ^[431] BASKIN: WE OBJECT TO THIS EVIDENCE AS NOT PERTAINING TO THE COMPANY MASSACRED.</p>	<p><AFTER> I COULD NOT BE POSITIVE AS TO THE DAY <IT WAS> AFTER {THE}ⁱ OTHER COMPANY PASSED <OBJECTED TO BY {BASKIN}ⁱ> SUTH {WE}ⁱ INSIST <i>IF IT IS NOT</i>[?] PROPER TO ANSWER THE IMPORTANT QUESTION IN REFERENCE TO THIS OTHER PARTY BECAUSE OF THAT CLAIM BY PROSECUTION THAT THE OTHER WAS PREVIOUS TO SLAUGHTER OF {THE}ⁱ EMIGRANTS. WE DESIRE TO HAVE TESTIMONY IN <REGARD> THAT. BY COURT IF I UNDERSTAND</p>	<p>AFTER THE OTHER COMPANY HAD PASSED . I COULD NOT BE POSITIVE AS TO THE DAY BUT IT WAS AFTER THE OTHER COMPANY HAD PASSED. OBJECTED TO. SUTHERLAND BASKIN: OBJECTED TO WE INSIST THAT IT IS NOT PROPER TO ANSWER THE QUESTION IN REFERENCE TO THIS OTHER PARTY, BECAUSE WE WE CALIM THAT THE OTHER ^[276] WAS PREVIOUS TO THE SLAUGHTER OF THE EMIGRANTS; ANSD WE DESIRE TO HAVE TESTIMONY IN IN IN REGARD TO THAT. THE COURT: IF I UNDERSTAND</p>	
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<p>HOGE: WE PROPOSE TO SHOW THAT GEORGE A. SMITH PREACHED HERE AND THAT HIS TEACHINGS WERE A GENERAL THING</p> <p>IN REGARD TO ALL PERSONS PASSING THROUGH THE TERRITORY. COURT: MY IMPRESSION IS THAT IT WAS CONFINED TO THIS TRAIN.</p>	<p>PROSECUTION</p> <p>PROHIBITION THEY HAD ALREADY TESTIMONY INTRODUCED</p> <p>ABOUT THIS TRAIN WITH THEIR <i>APPROBATION</i>[?]. BY HOGE</p> <p>GEORGE A SMITH PREACHED HERE, AND THAT THIS</p> <p>WAS GENERAL THING, ←BUT IT WAS ⇒ NOT IN REGARD TO ALL PERSONS PASSING THROUGH THE TERRITORY. BY COURT MY IMPRESSION IS THAT IT WAS CONFINED TO THIS TRAIN</p> <p>[<i>space</i>] JUDGE HOGE HAS PROBABLY MATTER CONFUSED IN</p>	<p>THE PROSECUTION THE PROPOSITION PROHIBITION THEY HAD ALREADY INTRODUCED EVIDENCE UPON, AWAS ABOUT THIS TRAIN. WITH THE PROHIBITION. E.D. HOGE: IT IS ALREADY THAT IN EVIDENCE THAT GEORGE A. SMITH PREACHED HERE AND THAT TH I S</p> <p>WAS THE GENERAL LANGUAGE, BUT IT WWAS NOT IDN REGARD TO ALL PERSONS PASSING THROUGH THE TERRITORY. THE COURT: MY IMPRESSION IS THAT IT WQAS CONFINED SCONFINED TO THIS TRAIN. JUDGE HOGE HAS PROBABLY GOT THE MATTER CONFUSED H IN</p>	
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<p>HOGE: KLINGENSMITH TESTIFIED TO THE SAME THING IN GENERAL TERMS. COURT: PERHAPS HE DID BUT I WAS THINKING</p> <p>ROBERT KERSHAW SAID MORE ABOUT IT.</p> <p>BASKIN: MY REMEMBRANCE IS MR. SMITH'S</p>	<p>THIS THE 2 SMITHS THAT WERE ON THE STAND THEY TOLD IT</p> <p>THEMSELVES ≤WITH GEORGE A SMITH≥ IN WHICH HE SAID THEY WERE NOT <i>GENERAL</i>[?]. SUTHERLAND. MY OWN RECOLLECTION AGREES WITH HIS. COURT RULED {THAT THE}ⁱ <i>REPORTERS</i>[?] NOTES BE REFERRED TO. BY HOGE K SMITH TESTIFIED TO {THE}ⁱ SAME THING ^[23] IN GENERAL TERMS. BY COURT PERHAPS HE DID, BUT I WAS THINK {ING}ⁱ MORE ABOUT ROBERT KERSHAW. BY COURT YOU CAN REFER TO PAGES OF THEM.</p> <p>BASKIN MY REMEMBRANCE {IS}ⁱ MR. SMITH'S</p>	<p>HIS MIND . THE TWO SMITHS THAT WERE ON THE STAND STARTED OUT BY WITH THEMSELVES WITH GEORGE A. SMITH, AND THEY SAID THAT IT WAS NOT. J.G. SUTHERLAND: MY OWN RECOLLECTION AGREES WTH HIS WITH HIS. THE COURT: THE REPORTER WILL PLEASE REFERR TO HIS NOTES. E.D. HOGE: KLINGENSMITH TESTIFIED TO THE SAME THING, IN GENERAL TERMS. THE COURT: PERHAPS HE DID, BUT I WAS THINKNG MORE ABOUT ROBERT KERSHAW, BUT YOU CAN REFER TO THE NOTES AS TO THAT. R.N. BASKIN: MY REMEMBERANC E IS THAT THE</p>	
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<p>TESTIMONY WAS THAT IT WAS CONFINED TO THIS TRAIN AND NO OTHER.</p> <p>SUTHERLAND: IF IT BE IT WOULD BE SAFE TO LET THIS TESTIMONY IN IF EITHER OF THEM TESTIFIED THAT WAY, BUT I WILL WAIVE THE QUESTION TO SAVE TROUBLE AND TIME. Q. STATE WHETHER YOU WERE HERE WHEN GEORGE A. SMITH RETURNED ? A. I WAS HERE; HE STAYED ALL NIGHT AT MY HOUSE. I TOOK HIM WITH MY WAGON TO FILLMORE. Q. WHAT TIME IN THE DAY DID HE ARRIVE HERE ?</p> <p>A. I COULD NOT SAY PRECISELY AS</p>	<p>TESTIMONY WAS IT WAS CONFINED TO THIS TRAIN {AND}ⁱ NO OTHER. BY COURT WE CAN TELL BY {THE}ⁱ REPORTERS <NOTES>.</p> <p>SUTHERLAND IT WOULD BE SUFFICIENT TO LET THIS TESTIMONY IN IF EITHER OF THEM TESTIFIED THAT WAY. BY SUTHERLAND I WILL WAIVE THE QUESTION TO SAVE TROUBLE AND TIME. [space] {Q}ⁱ STATE WHETHER YOU WERE HERE WHEN GEORGE A SMITH RETURNED {A}ⁱ I WAS HERE, HE STAYED ALL NIGHT AT MY HOUSE. I TOOK HIM WITH MY WAGON TO F{ILLMORE}}ⁱ Q WHAT TIME DID THEY ARRIVE HERE IN THE DAY {A}ⁱ I COULD NOT SAY PRECISELY AS</p>	<p>TESTIMONY WAS, IT WAS CONFINED TO THIS TRAIN AND NO OTHER. THE COURT: WE CAN TELL BY THE REPORTERS NOTES. J.G. SUTHERLAND: IT WOULD BE SUFFICIENT TO LET THIS TESTIMONY IN IF EITHER OF THEM TESTIFIED THAT WAY. I WILL WAVE THE QUESTION TO SAVE TROUBLE AND TIME.. Q. STATE WHETHER YOU WERE HERE WHEN GEORGE QA. SMITH RETURNED. A. I WAS HERE, HE STAID ALL NIGHT A T MY HUSE: I TOOK HIM IN MY WAGON TO FILLMORE. Q. WHAT TIME DID THE Y ARRIVE HERE IN THE HTHE DAY? A. I COULDNOT SAY PRECISELY AS</p>	
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RT

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<p>TO THE HOUR,BUT IN THE EVENING. THEY CMAME FROM PAROWAN, AS FAR AS MY MEMORY SERVES ME. Q. DID HE GO ON THE NEXT DAY ? A. I THINK HE DID,BUT CANNOT BE POSITIVE. Q. DID HE HOLD ANY MEETINGS HERE ? A. I THINK HE DID. Q. DID YOU HEAR HIM. ^[432] A. I DID. Q. YOUR ATTENTION HAS BEEN CALLED TO THE TESTIMONY GIVEN BY KERSHAW AS TO WHAT GEORGE A. SMITH SAID AT THAT TIME ?</p> <p>OBJECTED TO BY BASKIN. OBJECTION WAIVED.</p> <p>Q. DID HE CALL ATTENTION TO</p>	<p>TO {THE}ⁱ HOUR {BUT}ⁱ IN {THE}ⁱ EVENING; THEY CAME FROM PAROWAN AS FAR AS MY MEMORY SERVES ME. {Q}ⁱ DID HE GO ON NEXT DAY {A}ⁱ I THINK HE DID {BUT}ⁱ COULD NOT BE POSITIVE {Q}ⁱ DID HE HOLD ANY MEETING HERE {A}ⁱ I THINK HE DID {Q}ⁱ DID YOU HEAR HIM {A}ⁱ I DID {Q}ⁱ YOUR ATTENTION HAS BEEN CALLED TO {THE}ⁱ TESTIMONY GIVEN BY KERSHAW AS TO WHAT GEORGE {A}ⁱ SMITH <SAID> AT THAT TIME <SAID></p> <p>OBJECTED TO BY PROSECUTION HOLD ON PROSECUTION {BASKIN}ⁱ GO ON</p> <p>{Q}ⁱ A <ANSWER> DID NOT CALL ATTENTION TO</p>	<p>TO THE HOUR, BUT IN THE EVENING. THEY CAME FROM PAROWAN AS FAR AS MY MEMORY SERVES ME.. Q. DID HE GO ON NEXT DAY? A. I THINK HE DID, BUT COULD NOTBE POSITIVE. ^[277] Q. DID HE HOLD ANY MEETING HERE? A. HE DID. Q. DID YOU HEAR HEHM? A I DID. Q. YOUR ATTENTION HAS BEEN CALLED TO THE TESTIMONY GIVEN BY ROBERT KERYS HAW AS TO WHAT GEORGE A. SMITH SAID AT THAT TIME. M^R BASKIN: WE OBJECT.</p> <p>HOLD ON. ALL RIGHT, GO ON. SUTHERLAND: ALL RIGHT. QA. DID-DIDN'T HE CALL ATTENTION TO</p>	
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RT

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<p>ANY PARTICULAR COMPANY OF EMIGRANTS— DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY—OR YOU EITHER</p> <p>A. NOT TILL WE MET THEM AT CORN CREEK. Q. THAT LEADS YOU TO</p> <p>REMARK THAT HE DIDN'T FROM THE SIMPLE FACT THAT HE TOLD YOU SO. WHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR SELLING OF GRAIN, EITHER BY THE PEOPLE USING OF THE GRAIN OR THE SELLING OF IT TO THE EMIGRANTS, WHEN HE WAS HERE ? A. HIS REMARKS WAS TO THE EFFECT TO</p>	<p>ANY PARTICULAR COMPANY OF EMIGRANTS, NEITHER DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY NOR ME EITHER</p> <p>{A}ⁱTILL WE MET THEM AT CORN CREEK {Q}ⁱWHAT LEADS YOU TO</p> <p>REMARK HE HE DIDN'T {KNOW}ⁱ FROM THE SIMPLE FACT {THAT}ⁱ HE TOLD YOU SO A YES SIR {Q}ⁱWHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR THE SELLING OF GRAIN EITHER BY THE PEOPLE US{ING}ⁱ OF THE GRAIN OR THE SELLING OF IT TO {THE}ⁱ EMIGRANTS WHERE HE WAS HERE {A}ⁱHIS REMARKS WAS TO THE EFFECT TO</p>	<p>ANY PARTICULAR EMIGRANTS NEITHER DID HE KNOW THAT SUCH A COMPANY OF EMIGRANTS WAS IN THE TERRITORY WHEN WE MWET THEM THERE TILL WE MET THEM AT CORN CREEK. Q. THATWHAT LEADS YOU TO MAKE THE REMARK "HE DIDN'T KNOW" FROM THE SIMPLE FACT THAT HE TOLD YOU SO? A. YES, SIR. Q. WHAT DID HE SAY IN RESPECT TO THE USE OF GRAIN OR THE SELLING FOOF GRAIN, EITHER BY THE PEOPLE USING THE GRAIN OR SELLING OF IT TO THE EMIGRANTS WHEN HE WAS HERE? A. HIS REMARKS WAS TO THE EVFFECT TO</p>	
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<p>SAVE THE GRAIN NOT TO FEED IT TO HORSES OR HOGS. NOT TO HAVE IT WASTED IN ANYWISE, WE AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE.</p> <p>Q. HE REMARKED UPON THE PROPRIETY OF DISPOSING OF SOME TO EMIGRANTS OR TRAVELERS ?</p> <p>A. I DON'T THINK SIR HE REFERRED TO EMIGRANTS AT ALL —</p> <p>DON'T THINK HE DID IF MY MEMORY SERVES ME RIGHT — NOT AT THAT TIME Q. OR ANY OTHER TIME DID HE SAY ANYTHING ABOUT THE EMIGRANTS ? A. NOT PARTICULARLY IN THAT CONNECTION. Q. YOU SAY YOU ACCOMPANIED</p>	<p>SAVE THE GRAIN NOT TO FEED IT TO HORSES OR HOGS {AND NOT TO}ⁱ HAVE {IT}ⁱ WASTED IN ANY WISE AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE.</p> <p>{Q}ⁱ HE REMARKED UPON {THE}ⁱ PROPRIETY OF DISPOSING TO EMIGRANTS OR TRAVELERS.</p> <p>Q DON'T THINK SIR HE REFERRED TO EMIGRANTS AT ALL NOT SELL THEM {A}ⁱ</p> <p>DON'T THINK HE DID {IF}ⁱ MY MEMORY SERVES ME RIGHT OR ANY OTHER OR AT THAT TIME {Q}ⁱ OR ANY OTHER TIME SAID ANYTHING ABOUT EMIGRANTS</p> <p>Q YOU SAY YOU ACCOMPANIED</p>	<p>SAVE THE GRAIN AND NOT TO FEED IT TO HORSES OR HOGS, NOT TO HAVE IT WASTED IN ANY WISE, AS WE EXPECTED TO NEED ALL THE GRAIN WE COULD RAISE; AND HE RELMARKED UPON THE PROPRIETY OF DISPOSING TO EMIGRANTS OR TRAVELLERS.</p> <p>Q. YOU DON'T THINK HE REFERRED TO THE EMIGRANTS AT ALL, NOT TO THEM. A. I DON'T THINK HE DID, IF MY MEMORY SERVES ME RIGHT, NOT AT THAT TIME. Q. OR ANY OTHER TIME, DID HE SAY ANYTHING ABOUT THE EMIGRANTS A. I DON'T THINK HE DID.</p> <p>Q. AND YOU SAY YOU ACCOMPANIED</p>	
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RT

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<p>HIM TO FILLMORE ? A. I DID. Q. DID YOU STOP AT CORN CREEK ? A. YES SIR. WE CAMPED THERE. ^[433] Q. HOW LONG DID YOU STAY THERE ? A. ALL NIGHT ,AND THE BALANCE OF THE NIGHT AFTER WE GOT THERE. WE DROVE TILL ABOUT NINE OR TEN O’CLOCK. Q. WAS THERE A SETTLEMENT THERE AT THE TIME ? A. THERE WAS NOT AT THAT TIME. WE GOT WATER BY DRIVING UP CORN CREEK, AND PUT OUR STOCK ON THE GRASS, MAKING A LITTLE FIRE AND SLEEPING ON THE GROUND. Q. DID YOU MEET ANY PERSONS THERE ? A. YES SIR, WE DID, AT</p>	<p>HIM TO FILLMORE _AI DID ^[space] {Q}ⁱ DID YOU STOP AT CORN CREEK {A}ⁱYES SIR WE CAMPED THERE {Q}ⁱ HOW LONG DID YOU STAY THERE _AALL NIGHT {AND THE}ⁱ BALANCE OF {THE}ⁱ OF THE NIGHT AFTER WE GOT THERE. WE DROVE TO ABOUT 9 OR TEN O’CLOCK. Q WAS THERE {A}ⁱ SETTLEMENT THERE {AT THE TIME _A}ⁱTHERE WAS NOT AT THAT TIME WE GOT OURSELVES ALL DRIVEN UP CORN CREEK {AND}ⁱ PUT OUR STOCK ON GRASS GETTING LITTLE FIRE {AND}ⁱ SLEEPING ON {THE}ⁱ GROUND ^{[[24]]} {Q}ⁱDID YOU MEET ANY PERSONS THERE {A}ⁱYES SIR WE DID, AT</p>	<p>HIM TO FILLMORE? A. IDID. Q. DID YOU STOP AT CORN CREEK? A. YES, SIR, WE CAMØPERD THERE. Q HOW LONG DID YOU STAY SATAYT THERE? A . ALL NIGHT OR AND THE PBALANCE OF THE NIGHT AFTER WE GOT THERE. WE DROVE TILL ABOUT NINE OR TEN O’CLOCK AT NIGHT. Q. WAS THERE A SETTLEMENT THERE AT THE TIME? A . THERE WAS NOT AT THE TIME. WE GOT THERE IN THE NIGHT, UP TO CORN CREEK AND PUT ^[278] OUR STOCK ON GRASS; GOT A LITTLE SUPPER AND SLEPT ON THE GROUND. Q . DID YOU MEET ANY PERSONS THERE? A. YES, SIR, WE DID-; AT</p>	
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BT

PS

<p>LEAST THERE WAS A COMPANY CAMPED THERE WHEN WE CAME UP.</p> <p>WE DROVE UP A LITTLE WAYS I SHOULD THINK FOR PROBABLY TWENTY RODS OFF THEIR CAMP. Q. WERE THEY CAMPED OR NOT—WHAT PARTY WAS THAT ? A. IT WAS THE COMPANY OF EMIGRANTS GOING THROUGH TO SOUTHERN CALIFORNIA. Q. DO YOU KNOW WHETHER IT IS THE SAME COMPANY THAT WAS AFTERWARDS KILLED AT THE MOUNTAIN MEADOWS IF SO STATE ? A. IT IS THE COMPANY I HAVE HEARD WAS KILLED,</p>	<p>LEAST THERE WAS COMPANY CAMPED THERE WHEN WE CAME UP OR IN POSSESSION OF GROUND WE DROVE UP LITTLE WAYS I SHOULD THINK PROBABLY 20 <i>RODS/YARDS</i>[?] OFF THEIR CAMP Q.WHERE WE CAMPED <i>THE NIGHT</i>[?] WHAT PARTY WAS THAT {_A}¹IT {<i>A/THE</i>[?]}¹ WAS COMPANY OF EMIGRANTS GOING THROUGH {<i>TO</i>}¹ SOUTHERN CALIFORNIA [<i>space</i>] Q DID YOU KNOW WHETHER IT IS THE SAME COMPANY THAT WAS AFTERWARDS KILLED AT MOUNTAIN MEADOWS, IF SO STATE {_A}¹IT WAS THE COMPANY I HAVE HEARD WAS KILLED.</p>	<p>LEAST THERE WAS A COMPANY CAMPED THERE WHEN WE CAME UP. THEY WERE ON THE GOU GROUND WHEN WE FDROVE UP, A LITTLE WAYS FROM THEM, PROBABLY 20 YARDS OFF FROM THIER CAMP . Q.</p> <p>WHAT PARTY WAS THAT, IF ΘYOU KNOW? A. IT WAS A PARTY OF EMIGRANTS GOING THROUGH TO SOUTHERN CALIFORNIA. Q. DO YOU KNOW WHETHER IT IS THE SAME COMPANYT HAT WAS AFTERWARDS KILLED AT THE MOUNTAIN MEADOWS, IF SO STATE? A. IT WAS THE COMPANY I HAVE HEARD WAS KILLED;</p>	
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RT

RS

BT

PS

<p>BUT I KNOW NOTHING OF IT ONLY WHAT I HAVE HEARD AND READ IN THE PAPERS HERE SINCE, THAT SOME SAME COMPANY FIRST PASSED ON. Q. DID YOU HAVE ANY INTERCOURSE WITH THEM ? A. THEY CAME TO THE WAGONS, SOME TWO OR THREE ON GUARD WAS OUT ON DUTY LOOKING OUT FOR STOCK; THAT EVENING, AND TALKED A LITTLE WHILE TO MR. SMITH. THERE WAS SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY, BUT NOTHING OF ANY IMPORTANCE OCCURRED THAT EVENING. Q. DID YOU LEARN THEIR NAMES ? ^[434] A. I DID NOT.</p>	<p>{I}¹ KNOW NO{THING}¹ OF IT ONLY WHAT I HAVE HEARD AND READ IN THE PAPERS EVER SINCE THAT SAME COMPANY FIRST PASSED ON. Q DID YOU HAVE ANY INTERCOURSE WITH THEM A THEY CAME TO THE WAGONS SOME TWO OR 3 OF GUARD WAS OUT ON DUTY LOOKING OUT AFTER STOCK THAT EVENING AND TALKED A LITTLE WHILE TO MR. SMITH. THERE WAS SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY BUT NOTHING OF ANY IMPORTANCE OCCURRED THAT EVENING Q DID YOU LEARN THEIR NAMES A I DID NOT.</p>	<p>I KNOW NOTHING OF IT ONLY WHAT I HAVE HEARD AND READ IN THE PATPERS SINCE. THAT SAME COMPANY HASD PASSED ON. Q. DID YOU HAVE ANY INTERCOURSE WITH THEM? A. THEY CAME TO THE WAGONS, SOME TWO OR THREE OF THEM WASERE ON GRUARD, WAS OUT ON DUTY, LOOKING OUT AFTER STOCK THAT EVENING AND TALKED A LITTLE WHILE TO MR. SMITH. THERE WERE SEVERAL OTHERS BESIDES MR. SMITH IN THE PARTY BUT NOTHING OCCURRED-OF ANY IMPORTANCE OFCCURRED THA T EVENING. Q. DID YOU NNAMES? A. IDID NOT.</p>	
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RT

RS

BT

PS

<p>Q. DO YOU KNOW OF ANY PERSON SELLING THEM ANYTHING THERE ? A. WELL, TO SAY I KNOW THEY SOLD ANYTHING I CANNOT SAY THAT. I KNOW IN THE MORNING OF ONE PARTY ASKING THE QUESTION WHETHER WE SUPPOSED THE INDIANS WOULD EAT THE DEAD OX THAT HAD DIED DURING THE NIGHT, LYING OUT A LITTLE FROM CAMP TEN OR FIFTEEN RODS, OR TWENTY EITHER, BUT IT WAS NOT OVER TEN TO FIFTEEN RODS FROM OUR CAMP, POINTING OUT TO THE OX HE ASKED IF THE INDIANS WOULD EAT THAT OX. SOME</p>	<p>[<i>space</i>] QDO YOU KNOW OF ANY PERSON SELLING THEM ANYTHING THERE A WELL TO SAY I KNOW THEY SOLD ANYTHING I CANNOT SAY THAT. {A} I KNOW IN THE MORNING, OF ONE PARTY ASKING QUESTION, WHETHER WE SUPPOSED THE INDIANS WOULD EAT A DEAD OX THAT HAD DIED DURING THE NIGHT, LY{ING} I OUT A LITTLE FROM CAMP = 10 15 <i>RODS/YARDS</i>{?}, NOT 20 <i>EITHER</i>{?}, IT WAS NOT OVER TEN 15 <i>RODS/YARDS</i>{?} FROM OUR CAMP POINTING OUT TO THE OX <HE SAID> IF THE INDIANS WOULD EAT THAT OX. SOME</p>	<p>Q. DO YOU KNOW AOF ANY PERSON SELLING THEM ANYTHING THERE? A. WELL, TO SAY I KNOW THEY SOLD ANYTHINGA I CAN'T SAY THAT. I KNOW OF ONE PARTY IN THE MORNINFG ASKING THE QUESTION WHETHER THEY WE SUPPOSED THAT THE INDIANS WOULD EAT A DEAD OX THAT HAD DIED DURING THE NIGHT LYING OUT A LITTLE FROM CAMP -- 10 OR 15 RODS. NOT 20, IT WASN'T OVER 10 OR 15 RODS FROM OUR CAMP; AND POINTING OUT TO THE OX, HE ASKED IF THE INDIANS WOULD EAT THAT OX; SOME</p>	
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RT

RS

BT

PS

<p>OF THE COMPANY ANSWERED IN THE AFFIRMATIVE I THINK, THAT</p>	<p>OF <THE> COMPANY ANSWERED IN <THE> AFFIRMATIVE I THINK WE THOUGHT</p>	<p>OF THE COMPANY ANSWERED IN THE AFFIRMATIVE; I THINK THEY SAID THEY THOUGHT</p>	
<p>THEY WOULD. I AFTERWARDS SAW A MAN EATING PART OF THE OX AND A COUPLE OF INDIANS MAKING SOMEKIND OF DEMONSTRATION WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING OF WHAT HE WAS DOING FURTHER THAN WHAT I MIGHT</p>	<p>THEY WOULD. I AFTERWARDS SAW MAN OUT BY THE OX WITH COUPLE OF INDIANS, MAKING SOME KIND OF DEMONSTRATION WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING WHAT HE WAS DOING FURTHER THAN WHAT I MIGHT</p>	<p>THEY WOULD. I AFTERWARDS SAW A MAN OUT BY AN OX WITH A COUPLE OF INDIANS MAKING SOMEKIND OF A DEMONSTRATION WITH THEM, SOME KIND OF SIGNS OUT THERE. I DON'T KNOW ANYTHING WHAT HE WAS DOING, FURTHER THAN WHAT I HEARD</p>	
<p>JUDGE BY GESTURES. Q. WHAT WAS YOUR CONCLUSIONS ? OBJECTED TO BY PROSECUTION. Q. JUST DESCRIBE THE GESTURES ? A. HE WAS THERE IN THE ACT OF OPENING OUT THIS MEAT TO</p>	<p>JUDGE BY GESTURES. Q. WHAT WAS YOUR CONCLUSION OBJECTED BY PROSECUTION Q. JUST DESCRIBE THE GESTURES A HE WAS THERE IN THE ACT OF POINTING OUT THIS MEAT TO</p>	<p>JUDGE BY GESTURES. ^[279] Q. WHAT WAS YOUR CONCLUSIONS? OBJECTED TO. Q. JUST DESCRIBE THE GESTURES? A. HE WAS THERE IN THE ACT OF POINTING OUT THIS MEAT TO</p>	

RT

RS

BT

PS

<p>A COUPLE OF INDIANS. Q. DID YOU SEE THE INDIANS DELIVER ANYTHING TO THIS MAN ? A. I DID NOT. Q. DID YOU SEE ANYTHING DONE TO THAT OX ? A. NOTHING FURTHER THAN THAT. MY ATTENTION WAS NOT CALLED TO THE OX. I DIDN'T LOOK ANY FURTHER ABOUT IT. Q. YOU NOW STATE ALL THAT TRANSPIRED THERE RESPECTING THAT COMPANY ? A. AS FAR AS I KNOW ANYTHING OF THAT COMPANY ANYTHING THAT TRANSPIRED ON THE GROUND. ^[435] Q. DID YOU SEE THAT COMPANY AGAIN ? A. I DID</p>	<p>≤A> COUPLE OF INDIANS. ≤YOU> Q DID YOU SEE {THE}ⁱ INDIANS DELIVER ANYTHING TO THIS MAN A I DID NOT. [<i>space</i>] Q DID YOU SEE ANYTHING DONE TO THAT OX A NOTHING FURTHER THAM[?] THAT. MY ATTENTION WAS NOT CALLED TO THE OX. I DIDN'T LOOK ANY FURTHER ABOUT IT Q YOU NOW STATE ALL THAT TRANSPIRED THERE RESPECTING TO THAT COMPANY {A}ⁱ AS FAR AS I KNOW ANYTHING OF THAT COMPANY ANYTHING TRANSPIRED THERE ON THE GROUND. [<i>space</i>] ^{[[25]]} Q DID YOU SEE THAT COMPANY AGAIN A I DID</p>	<p>A COUPLE OF INDIANS. Q. DID YOU SEE THE INDIANS DELIVER ANYTHING TO THIS MAN? A. I DID NOT. Q. DDID YOU SEE ANYTHING DONE TO THAT OX? A. NO FURTHER THAN THAT ; MY ATTENTION ATTENTION WAS CALLED TO THE OX; I DIDN'T LOOK ANY FURTHER ABOUT IT. Q. YOU WILL NOW STATE ALL THAT TRANSPIRED THER IN RESPECT TO THAT THAT COMPANY? A. AS FAR AS I KNOW ANYTHING OF THAT COMPANY— ANYTHING THAT TRANSPIRED ON THE GROUND-- ---- Q: DID YOU SEE THAT COMPANY AGAIN? A. I DID</p>	
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RT

RS

BT

PS

<p>NOT. Q. HOW LONG WERE YOU ABSENT ? A. I WAS ABSENT FROM HOME SOME FOUR OR FIVE DAYS. Q. YOU RETURNED IN FOUR OR FIVE DAYS TO BEAVER ? A. YES SIR. Q. WAS NOT THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS ? A. YES SIR. Q. IF THAT PARTY HAS ANY NAME STATE WHAT NAME IT WAS CALLED BY ? A. COMMON REPORT IT WAS NAMED AS BEING DUKES. Q. STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND THE INDIANS AND CAME TO YOUR OBSERVATION—GO ON AND STATE IT ? BASKIN: WE OBJECT TO THE</p>	<p>NOT _QHOW LONG WERE YOU ABSENT _AI WAS ABSENT FROM HOME SOME 4 OR 5 DAYS. _Q RETURNED IN 4 OR 5 DAYS TO BEAVER _A≤YES SIR_Q WERE NOT THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS _AYES SIR _Q IF THAT PARTY HAS ANY NAME STATE WHAT NAME IT WAS CALLED BY _A CAPTAIN REPORTED HIMSELF HIS NAME AS BEING DUKES _Q STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND INDIANS AND ≤THAT_Q CAME UNDER YOUR OBSERVATION; GO ON AND STATE, BY BASKIN WE OBJECT</p>	<p>NOT. Q. HOW LONG WERE YOU ABSENT? A. I WAS ABSENT FROM HOME SOME FOUR OR FIVE DAYS. Q. AND YOU RETURNED IN FOUR OR FOUR FIVE DAYS TO BEAVER? A. YES, SIR. Q. WASN'T THERE ANOTHER EMIGRANT PARTY CAME ALONG SOON AFTERWARDS? A. YES, SIR'. Q. IF THAT COMPANY HAS ANY NAME STATE WHAT NAME IT WAS CALLED BY? A. THE CAPTAIN REPORTED THE MAN'S NAME AS BEING DUKE'S. Q. STATE IF ANY DIFFICULTY AROSE BETWEEN THAT PARTY AND THE INDIANS THAT CAME UNDER YOUR OBSERVATION—GO ON ANSD STATE UIT? M^R BASKIN: WE OBJECT TO</p>	
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RT

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BT

PS

<p>DEFENSE ASKING ANY QUESTIONS IN RELATION TO ANY OTHER EMIGRANT TRAIN THAN THAT WHICH WAS MASSACRED ? SUTHERLAND: THIS PART OF THE TESTIMONY I HAVE UNDERTAKEN TO CONNECT, AND IF CONNECTED——</p> <p>——</p> <p>BASKIN: THERE WAS BEEN NO CONNECTION MADE YET. WIT.: NO SIR. THE FIRST MY ATTENTION WAS CALLED TO THAT POINT WAS BY AN INDIAN WHO WENT ——</p> <p>SUTHERLAND: IF ANY QUESTION OR ANY COMMUNICATIO N WAS MADE TO YOU BY AN INDIAN WHAT DID YOU DO ? A. I WENT TO THE CAPTAIN OF</p>	<p>ASKING ANY QUESTIONS IN RELATION TO ANY OTHER EMIGRANT TRAIN <THAN THAT WHICH WAS> MASSACRED. SUTHERLAND THIS PART OF THE TESTIMONY I HAVE UNDERTAKEN TO CONNECT AND IF CONNECTED. INTERRUPTED BY BASKIN THERE WAS BEEN NO CONNECTION MADE YET. [space] {A} NO SIR FIRST OF MY <ATTENTION> WAS CALLED TO THAT POINT BY AN INDIAN WHO WENT INTERRUPTED SUTHERLAND {Q} IF ANY QUESTION OR {OF} ANY COMMUNICATIO N MADE TO YOU BY INDIAN WHAT DID YOU DO A I WENT TO THE CAPTAIN OF</p>	<p>ASKING ANY QUESTIONS IN RELATION TO ANY OTHER EMIGRANT TRAIN THAN THAT WHICH WAS MASSACRED. M^R SUTHERLAND: THIS PART OF THE TESTIMONY, I HAVE UNDERTAKEN TO CONNECT, AND IF CONNECTED IT WILL BE PROPER. M^R BASKIN: THERE HAS BEEN NO CONNECTION MADE YET. A. THE FIST MY ATTENTION WAS CALLED OT THAT POINT WAS BY AN INDIAN WHO WAS SENT TO ME.</p> <p>Q. IF IN CONSEQUENCE OF ANY COMMUNICATIO N MADE TO YOU BY AN INDIAN, STATE WHAT YOU DID? A. I WENT TO THE CAPTAIN OF</p>	
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RT

RS

BT

PS

<p>THE COMPANY, A PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK. A PORTION OF IT CAME THROUGH A LITTLE AHEAD OF ME.</p> <p>I HEARD OF THE COMPANY, PORTIONS OF THE COMPANY HAD COME ON AND GONE THROUGH AND OF THEIR BEING A BALANCE ^[436] LEFT BACK. I DO NOT KNOW ONLY WHAT AN INDIAN TOLD ME, BUT HAVING RECEIVED INFORMATION BY THE FRIENDLY INDIAN THAT THEY ———</p> <p>Q. STATE IF THE INDIANS HERE WERE ALL OUT</p>	<p><THE> COMPANY = PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK, PORTION OF IT CAME THROUGH A LITTLE AHEAD OF MY STORY. IT WAS <NOT> FIRST I HEARD OF THE COMPANY A PORTION OF THE COMPANY HAD COME ON AND GONE THROUGH, BUT OF THEIR BEING ANY BALANCE LEFT BACK I DID NOT KNOW UNTIL THE INDIAN TOLD ME; BUT HAVING RECEIVED INFORMATION BY FRIENDLY INDIAN THAT THERE <WAS> INTERRUPTED Q IF THE INDIANS HERE WERE AT <HOSTILITY></p>	<p>THE ^[280] A P COMPANY, A PORTION OF IT THAT HAD DRIVEN THROUGH. THE COMPANY DIVIDED AT INDIAN CREEK AND A PORTION OF IT CAME THROUGH A LITTLE AHEAD OF ME I AM A LITTLE AHEAD OF MY STOREY. IT WASN'T THE FIRST I HEARD OF THE COMPANY. A PORTION OF THE COMPANY HASD COME ON AND GONE THROUGH; BUT OF THERE BEING ANY BALANCE BEING LEFT BACK I DIDN'T KNOW TILL THE INDIAN TOLD ME, BUT HAVING RECEIVED INFORMATION BY FRIENDLY INDIANS THAT THE THING WAS -----</p> <p>Q. STATE IF THE INDIANS HERE WERE IN A STATE OF</p>	
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RT

RS

BT

PS

<p>ENTIRELY ? A. I CAN ONLY TELL MY STORY. I WENT TO THE CAPTAIN OF THE COMPANY, AND TOLD HIM I HAD LEARNED, HAD RECEIVED INFORMATION THAT THERE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. BASKIN: I OBJECT AND SHOULD LIKE THE GENTLEMEN TO STATE THE CONNECTION THEY EXPECT TO MAKE BY THAT QUESTION, AND AS TO HOW THIS WILL REACH JOHN D. LEE, BEING A PARTY CONSPIRATOR TO THE MASSACRE OF THESE EMIGRANTS. SUTHERLAND: IN ANSWER TO</p>	<p>ENTIRELY, I CAN'T STATE MY STORY, I WILL SAY THIS, I WENT TO {THE}ⁱ CAPTAIN OF {THE}ⁱ COMPANY ON INFORMATION <I HAD RECEIVED FROM THE INDIAN> HAD LEARNED THERE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. BASKIN I OBJECT AND SHOULD LIKE GENTLEMEN TO STATE THEIR CONNECTION REFLECT <HAS TO WHETHER> TO THE QUESTION WHETHER JOHN D. LEE BEING CONSPIRED TO DO TO IT MASSACRING OF THESE EMIGRANTS. SUTHERLAND IN ANSWER TO</p>	<p>HOSTILITY? A. I CAN TELL MY STOREY; I WILL SAY THIS: I WENT T O THE CAPTAIN OF THE COMPANY ON THE INFORMATION I HAD RECEIVED FROM THE INDIAN AND TOLD HIM I HAD LEARNED THE RE WAS AN ATTACK CONTEMPLATED ON THE BALANCE OF THAT COMPANY. M^R BASKIN: I OBJECT, AND I SHOULD LIKE THE GENTLEMEN TO STATE THEIR INTENTION OF IN INTRODUCING THIS STESTIOMONY. M^R SUTHERLAND: IN ASN ANSWER</p>	
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RT

RS

BT

PS

<p>THE OBJECTION WHICH WAS THEN MADE, WHAT I PROPOSE TO PROVE BY THIS WITNESS, TOGETHER WITH THOSE WHO WERE SWORN THIS MORNING WILL MAKE OUT THAT STATEMENT, WHICH WAS THAT THIS COMPANY DIVIDED FROM THE PARTY AS IT WAS ORIGINALLY SITUATED; ONE PART OF IT WENT FORWARD AND WAS KILLED BY THE MOUNTAIN MEADOWS AND ANOTHER CAME AFTERWARDS, THE DUKES PARTY, IN CONSEQUENCE OF WHICH ——— —COURT: THIS WITNESS SAYS DUKES PARTY DIVIDED UP HERE. SUTHERLAND: AND IN</p>	<p>THE OBJECTION WHICH WAS THEN MADE, WHAT I PROPOSE TO PROVE WITH THIS WITNESS TOGETHER WITH THOSE <THAT> WERE SWORN THIS MORNING WILL MAKE OUT THAT STATEMENT IT WAS {III}¹ THAT THIS COMPANY DIVIDED THE PARTY AS IT WAS ORIGINALLY CONSTITUTED. ONE PART OF IT WENT FORWARD AND WAS KILLED AT MOUNTAIN MEADOWS ANOTHER CAME AFTERWARDS THE DUKES PARTY AND IN CONSEQUENCE INTERRUPTED BY COURT THIS WITNESS SAYS DUKES PARTY DIVIDED UP HERE {<u>SUTHERLAND</u>}¹ ANOTHER</p>	<p>TO THE OBJECTIONS WHICH IS MADE WAS THEN MADE WHAT I PROPOSE TO PROVE BY THIS WITNESS, TOGETHER WITH THOSE THAT WERE SWORN THIS MORNING THAT WILL MAKE OUT THIS STATEMENT THAT THIS CONMPANY DIVIDED FROM THE PSRTY AS IT WAS ORIGINALLY STATED. ONE PART OF IT WENT FORWARD, AND WAS KILLED AT THE MOUNTAIN MEADOWS AND ANOTHER CAME AFTERWARDS, THE DUKES PARTY, AND IN CONSEQUENCE - - THE COURT: BUT THIS WITNESS SAYS THIS DUKES PARTY DIVIDED UP HERE. M^R SUTHERLAND: IN</p>	
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RT

RS

BT

PS

<p>CONSEQUENCE OF THE PROVOCATIONS FROM THE INDIANS BY THE POISONING OF SPRINGS THE POISONING OF MEAT WHICH THEY ATE, THE INDIANS WERE PROVOKED TO ATTACK THIS DUKE PARTY AND THAT THIS WITNESS AND OTHERS WERE CALLED IN TO PACIFY THEM AND DID PACIFY THEM. DIFFERENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER,</p> <p>NOTWITHSTANDING THE EARNEST PROTEST AND THE REQUEST OF FRIENDS TO PREVENT IT AND THE DECLARATION OF THE INDIANS</p>	<p>CONSEQUENCE OF PROVOCATIONS FROM THE INDIANS BY POISON {ING THE} SPRINGS POISON {ING} MEAT WHICH THEY ATE THE INDIANS WERE PROVOKED TO ATTACK THIS DUKE PARTY AND THAT THEY</p> <p>WAS CALLED IN TO PACIFY THEM ^{[[26]]} AND DID PACIFY THEM. DIFFERENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER, BY INDIANS <i>IN HIS OWN</i>—[?] <i>TR/TRUE</i>[?] <i>RT/RD</i>[?]</p> <p>NOTWITHSTANDING HIS OWN PROTEST AND {THE} EARNEST EFFORTS TO PREVENT IT. AND DECLARATION OF THE INDIANS</p>	<p>CONSEQUENCE OF THE PROVOCATIONS TO THE INDIANS TO THE INDIANS BY</p> <p>THE POISONING OF THE MEAT WHICH THEY ATE, THE INDIANS WERE PROVOKED TO ATTACK THIS DUKES PARTY, AND THAT THESE INDIANS</p> <p>WERE CALLED IN TO PACIFY THEM, AND DID PACIFY THEM. THAT DIFFERENT MEMBERS OF THAT COMPANY WERE SHOT DOWN HERE IN THE STREETS OF BEAVER BY THE INDIANS,</p> <p>NOTWITHSTANDING HIS OWN PROTEST AND THE REQUEST OF HIS FRIENDS TO PREVENT IT, AND THE DECLARATION OF THE INDIANS</p>	
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RT

RS

BT

PS

<p>AT THAT TIME IN CON- ^[437] NECTION WITH THAT SHOOTING WAS THAT IT WAS DONE IN CONSEQUENCE OF THE POISONING OF THE BEEF</p>	<p>AT THAT TIME IN CONNECTION WITH THAT SHOOTING WAS THAT IT WAS DONE IN CONSEQUENCE OF THE POISON {ING}ⁱ OF {THE}ⁱ BEEF</p>	<p>AT THAT TIME IN CONNECTION WITH THAT SHOOTING WAS THAT IT WAS DONE IN CONSEQUENCE OF THE POISONING OF THE BEEF</p>	
<p>WHICH THEY ATE BY THE</p>	<p>WHICH THEY ATE BY THE</p>	<p>WHICH THEY EAT BY THE ^[281] BEFORE, WHICH THEY ATE, POISONED BY THE BY THE COMPANY</p>	
<p>COMPANY THAT HAD JUST GONE FORWARD. THAT IS THE TESTIMONY OFFERED THIS MORNING, AND THAT THIS TESTIMONY WITH REGARD TO THIS DIFFICULTY, CONNECTS ITSELF WITH THE OTHER COMPANY. BASKIN: FROM THE STATEMENT OF THE GENTLEMAN ITSELF IT IS CLEARLY IRRELEVANT. I EXPECT HIM TO COUPLE THIS TRAIN</p>	<p>COMPANY THAT HAD JUST GONE FORWARD. THAT IS THE TESTIMONY I OFFERED THIS MORNING AND WITH HIS TESTIMONY BY WHICH THIS DIFFICULTY CONNECTS ITSELF WITH THE OTHER COMPANY. BASKIN NOW THEN FROM THE STATEMENT OF {THE}ⁱ GENTLEMAN THIS IS CLEARLY {IR}ⁱ RELEVANT. I EXPECT HIM TO COUPLE THIS TRAIN</p>	<p>COMPANY THAT HAD JUST GONE FORWARD. THIS TESTIMONY I OFFERED THIS MORNING, THE TESTIMONY WBY WHICH THIS DIFFICULTY CONNECTS ITSELF WITH THE COMPANY. M^R BASKIN: NOW, THEN, WITH THE STATEMENTS OF THE GENTLEMEN, THA T IS CLEARLY IRRELEVANT. I EXPEVCTED YOU TO COUPLE THIS TRAIN</p>	

RT

RS

BT

PS

<p>WITH THE OTHERS. I EXPECT HIM TO PROVE THIS TRAIN WENT ON AND JOINED THE MOUNTAIN MEADOWS TRAIN. IT IS TO PROVE THAT THE PARTIES WHO WERE CALLED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN; IN THE FIRST PLACE, IF THESE PARTIES— IF THAT DOCTOR HAD POISONED THAT BEEF IT DIDN'T JUSTIFY THE MASSACRE OF WOMEN AND CHILDREN, NOR THE PUNISHMENT OF ANY PERSON EXCEPT THAT DOCTOR AT THE MOUNTAIN MEADOWS. IT AINT IN ANY PART OF THE CASE RELEVANT. SUTHERLAND:</p>	<p>WITH THE OTHERS. I EXPECT THEM TO PROVE THIS TRAIN WENT ON AND, <JOINED> MOUNTAIN MEADOW TRAIN. IT IS TO PROVE THAT PARTIES ≤WHO≥ WERE CALLED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN ETC. <i>NFSP/NOW IF HIS PARTY[?] IF THESE PARTIES {THINK}ⁱ THAT DOCTOR HAD POISONED THAT BEEF IT DIDN'T JUSTIFY MASSACRE OF WOMEN AND CHILDREN OR THE PUNISHMENT OF ANY PERSON EXCEPTING THAT DOCTOR AT MOUNTAIN MEADOWS IT AIN'T IN ANY <i>FOR[?] CASE RELEVANT. <SUTHERLAND></i></i></p>	<p>WITH THE OTHER; I EXPECTED THEM TO PROVE THIS TRAIN WENT ON AND JOINED WITH IT AT THE MOUNTAIN MEADOWS, WITH THE OTHER. IT IS TO PROVE THE PARTIES WHO WERE CALLED DOWN THERE DID SOMETHING ON SOME OTHER TRAIN. . (ARGUED.)</p>	
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RT

RS

BT

PS

<p>COUNSEL MADE THE OBJECTION THIS MORNING ONLY STATING IT WAS IRRELEVANT. I STATED THEN IN FULL WHAT I HAVE STATED NOW. THE TESTIMONY I INTENDED TO GET IN FROM THE WITNESS ON THE STAND AND OTHERS THAT WOULD FOLLOW. THIS IS ONE OF THE WITNESSES. HE THEN WITHDREW THE OBJECTION. THE TESTIMONY IS ALL IN EXCEPT WHAT THIS WITNESS CAN GIVE,</p> <p>AND IT IS IMPORTANT IN THIS CASE. THERE HAS BEEN A GOOD DEAL OF TESTIMONY RESPECTING THE FINAL CATASTROPHY, AND AS TO THOSE WHO</p>	<p>COUNSEL MADE OBJECTION THIS MORNING ONLY STAT{ING}ⁱ IT WAS IRRELEVANT. I STAT{ED}ⁱ THEN IN FULL WHAT I HAVE STAT{ED}ⁱ NOW WHAT TESTIMONY I INTENDED TO GET IN FROM WITNESS ON THE STAND AND OTHERS THAT WOULD FOLLOW. THIS IS ONE OF {THE}ⁱ WITNESSES HE WITHDREW THE OBJECTION. THE TESTIMONY IS ALL IN EXCEPT WHAT THIS WITNESS CAN GIVE HE EXPRESSLY WAIVING HIS OBJECTION AT THE TIME. IT IS IMPORTANT IN THIS CASE. THERE HAS BEEN GOOD DEAL OF TESTIMONY IN THE CASE RESPECT{ING}ⁱ FINAL CATASTROPHE AS TO THOSE WHO</p>		
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RT

RS

BT

PS

<p>PARTICIPATED.</p> <p>THE OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT. THESE INDIANS, BECAUSE OF THE PROVOCATION THAT HAD BEEN GIVEN THEM BY THE COMPANY THAT WERE FINALLY DESTROYED.</p>	<p>PARTICIPATED AMONG THE PERSONS FIND ONLY PERSONS CRIMINAL WERE INDIANS {AND THE} OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT,</p> <p>BECAUSE OF THE PROVOCATION GIVEN TO THE INDIANS BY THE COMPANY THAT WAS FINALLY DESTROYED IT SHOWS A MOTIVE FOR THEIR DESTRUCTION GIVEN BY THE COMPANY DIRECTLY AND THE INSTRUMENT BY WHICH THEY WERE DESTROYED. IT IS PERTINENT AS OFFERING SOME EVIDENCE FOR THE CONSIDERATION OF THE JURY IN SUPPORT OF OUR THEORY</p>	<p>M^R SUTHERLAND: THE OBJECT OF THIS TESTIMONY IS TO SHOW THAT THEY WERE THERE ON THEIR OWN ACCOUNT</p> <p>BECAUSE OF THE PROVOCATION GIVEN TO THE INDIANS BY THE COMPANY THAT WAS FINALLY DESTROYED. IT SHOWS THE MOTIVE FOR THEIR DESTRUCTION GIVEN BY THE COMPANY DIRECTLY , AND THE INSTRUMENTALITIES BY WHICH THEY WERE DESTROYED. IT IS PERTINENT AND IMPORTANT FOR THE CONSIDERATION OF THE JURY IN SUPPORT OF OUR THEORY,</p>	
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RT

RS

BT

PS

<p>WE PROPOSE TO FOLLOW THIS PARTY BY TESTIMONY THAT THE INDIANS FROM CORN CREEK FOLLOWED THIS EMIGRANT TRAIN WHICH WAS DESTROYED, AND THESE IN- ^[438] DIANS WERE THERE FOR THE PURPOSE OF MASSING OTHER INDIANS AT THE MOUNTAIN MEADOWS, FOR THE VERY PURPOSE OF DESTROYING THE EMIGRANTS., BELIEVING THAT THEY HAD</p>	<p>THAT THEIR FINAL DESTRUCTION WAS ACCOMPLISHED BY THE INDIANS ON THEIR OWN ACCOUNT TO AVENGE THE WRONG WHICH THEY SUPPOSED THEMSELVES HAD SUFFERED. WE PROPOSE TO FOLLOW THIS PARTY BY TESTIMONY THAT THE INDIANS FROM CORN CREEK PRECEDED THE EMIGRANT TRAIN WHICH WAS DESTROYED AND INDIANS THEIR PURPOSE OF MASSING INDIANS AT THE MOUNTAIN MEADOWS FOR THE VERY PURPOSE OF DESTROYING EMIGRANTS</p>	<p>THAT THEIR FINAL DESTRUCTION WAS ACCOMPLISHED BY THE INDIANS ON THEIR OWN ACCOUNT TO AVENGE THE WRONG WHICH THEY SUPPOSED THEY HAD SUFFERED. WE FURTHER PROPOSE TO PROVE AND SHOW BY THIS PARTY THAT THE INDIANS FROM CORN CREEK PRECEDED THE EMIGRANT TRAIN WHICH WAS DESTROYED ,AND THE INTENTION AND THEIR PURPOSE OF MASSING THE INDIANS AT THE MOUNTAIN MEADOWS WAS FOR THE VERY PURPOSE OF DESTROYING THE EMIGRANTS.</p>	
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<p>SUFFERED, AND TO AVENGE THEIR WRONGS, AND ALTHOUGH THIS WAS COMMENCED BY THE INDIANS THEY WERE FOLLOWED BY FRIENDS, ON THE PART OF THE WHITES, TO DISCOURAGE IT.</p> <p>THEY SAID FIRST AND LAST THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING THE EMIGRANT TRAIN. LEFT IF THAT IS THE EVIDENCE IT NEGATIVES, TO THAT EXTENT ANY INFERERNCE THAT MAY BE DRAWN FROM ANY TESTIMONY HERETOFORE ADDUCED, THAT JOHN D. LEE MARTI MARSHALLED AND LED THOSE INDIANS TO THE MOUNTAIN</p>	<p>ALTHOUGH THIS —[?] {COMMENCEMENT}¹ BY {THE}¹ INDIANS ^{[[27]]} {AND THEY}¹ WERE FOLLOWED BY FRIENDS ON THE PART OF WHITES TO DISCOURAGE IT THEY WERE PERSISTED <i>IN</i>[?]. THEY SAID FIRST AND LAST THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING EMIGRANT TRAIN. IF THAT IS {THE}¹ EVIDENCE IT NEGATIVES TO THAT EXTENT ANY INFERENCE THAT MAY BE DRAWN FROM ANY TESTIMONY LET JURY FIND ANY THAT WHITE MEN INCITED IT THEY WERE MOVING ON THEIR OWN IMPULSE,</p>	<p>ALTHOUGH THIS COMMENCEMENT BY THE INDIANS – AND THEY WERE FOLLOWED BY FRIENDS ON THE PART OF THE WHITES TO DISCOURAGE IT --- YET THEY PERSISTED IN IT. THEY SAID FIRST AND LAST THAT THERE COULD BE NO SETTLEMENT OF IT EXCEPT BY DESTROYING THE EMIGRANT TRAIN . IF THAT IS THE EVIDENCE IT NEGATIVES TO THW TO THAT EXTENT ANY INFERENCE THAT MAY BE DRAWN FROM ANY TESTIMONY THAT THE JURY CAN FIND THAT WHITE MEN INCITED IT. THEY WERE MOVING ON THEIR OWN IMPULSE, ON</p>	
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RT

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<p>MEADOWS.</p> <p>CAREY: WERE THEY THE INDIANS OF BEAVER THAT ATTACKED THIS TRAIN ? IT IS ATTEMPTED TO SHOW THAT JOHN D. LEE IS NOT GUILTY OF JOINING THESE INDIANS AT THE MOUNTAIN MEADOWS,</p> <p>AND AS MR. BASKIN SUGGESTS THAT THESE INDIANS THAT</p> <p>WERE AT THE MOUNTAIN MEADOWS WERE HOSTILE TO THE WHITES AT ALL. COURT: THE TESTIMONY</p> <p>THIS MORNING</p> <p>WAS ADMITTED ON</p>	<p>AVENGING THEIR OWN WRONGS AND UNDER THE <i>LINE</i>[?] OF THE WHITES IN NO SENSE ACTING ON THEIR OWN DIRECTION. BY CAREY. WERE <i>THERE</i>[?] 3 INDIANS IN BEAVER THAT ATTACKED THIS TRAIN. IT IS ATTEMPTED TO SHOW THAT JOHN D. LEE IS EXCULPATED OF JOINING THESE INDIANS <i>DID/BEFORE</i>[?] ATTACK <OF THIS TRAIN.> [space] AND AS MR. BASKIN SUGGESTS THERE IS NO PROOF THAT <i>WERE SO</i>[?] WERE AT MOUNTAIN MEADOW HOSTILE AT ALL. BY COURT {THE}ⁱ TESTIMONY</p> <p>THIS MORNING {IN}ⁱ REGARD {TO}ⁱ THIS MATTER WAS ADMITTED ON</p>	<p>AVENGING THEIR OWN WRONGS AND NOT ON THE WHITES IN ANY SENSE, BUT ACTING UNDER THEIR OWN DIRECTION . [282] M^R CAREY: WAS IT THE INDIANS IN BEAVER THAT ATTACKED THIS TRAIN? (ARGUED BY COUNSEL ON BOTH SIDES)</p> <p>THE COURT .: THERE WAS NO STATEMENTS THIS MORNING SWHICH SHOWS CONNECTION,</p>	
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RT

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<p>THE STATEMENT OF COUNSEL FOR DEFENSE THAT THEY WOULD CONNECT IT WITH THE OTHER EVIDENCE. THE STATEMENT TO ME NOW SHOWS THERE IS NO CONNECTION WHATEVER. IT HAS NO JUSTIFICATION. IT IS NOT SHOWN THAT THEY WERE THE SAME PARTIES, OR ANYTHING ABOUT IT CONNECTING THEM WITH THESE PARTIES. IT IS NOT SHOWN THAT THESE INDIANS JOINED WITH THE OTHER INDIANS IN THE MASSACRE, NOT A SHADOW OF GROUND FOR THIS TESTIMONY. I WOULD NOT HAVE ADMITTED IT THIS MORNING IF I HAD KNOWN AT THE TIME. MR. BASKIN</p>	<p>THE STATEMENT OF COUNSEL IN WHAT IT WOULD BE TO/PUT[?] ON OTHER EVIDENCE. STATEMENT TO ME NOW SHOWS THERE IS NO CONNECTION WHATEVER IT HAS NO JUSTIFICATION NOT SHOWN THEY WERE SAME PARTIES OR ANYTHING ABOUT IT CONNECTING THEM WITH THESE PARTIES NOT SHOWN THESE INDIANS JOINED WITH THE OTHER INDIANS OF THE MASSACRE NOT {A}ⁱ SHADOW OF GROUND OF {FOR}ⁱ THIS TESTIMONY. I WOULD NOT HAVE ADMITTED IT THIS MORNING IF I HAD KNOWN AT THE TIME MR. BASKIN</p>	<p>NOTHING STATED NOW WHICH SHOWS CONNECTION AND I SUSTAINED THE OBJECTION.</p>	
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RT

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<p>SAYS THAT YOU WOULD CONNECT IT.</p> <p>SUTHERLAND: YOU HONOR I SAID I WOULD CONNECT WITH FURTHER WITNESSES, ^[439] BUT DIDN'T MAKE MY STATEMENT IN FULL.</p> <p>COURT: YOUR STATEMENT IS NOW DOESN'T CONNECT IT AT ALL. IN THE STATEMENT YOU MADE THEN IT DOES NOT CONNECT IT. YOU STATED AT THAT TIME THAT YOU WOULD CONNECT IT BUT YOU HAVE NOT DONE.</p> <p>SUTHERLAND: MY STATEMENT MADE THIS MORNING WAS MADE IN GOOD FAITH, AND AS I UNDERSTAND, WE DID CONNECT IT.</p>	<p>SAYS YOU WOULD CONNECT. MR. BASKIN WITHDREW SUTHERLAND YOU HONOR SAID I WOULD CONNECT</p> <p>AND DIDN'T MAKE MY STATEMENT IN FULL YOUR STATEMENT NOW DOESN'T CONNECT IT IN FULL BY COURT. IN {THE}ⁱ STATEMENT YOU MADE THEN DIDN'T CONNECT IT AT ALL</p> <p>YOU STATE AT THAT TIME YOU WOULD CONNECT IT BUT YOU HAVE NOT DONE</p> <p>SUTHERLAND MY STATEMENT MADE THIS MORNING WAS MADE IN GOOD FAITH AS I UNDERSTAND DID CONNECT IT BY</p>		
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RT

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BT

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<p>COURT: YOU DIDN'T PROPOSE TO STATE THAT THIS MORNING. SUTHERLAND: YOUR HONOR IS MISTAKEN.</p> <p>SUTHERLAND: I DESIRED TO HAVE THE RECORDS READ. THEN MR. BASKIN WITHDREW HIS OBJECTION. ∴ TO REPORTER ∴ YOU WILL READ MY STATEMENT MADE AFTER MR. BASKIN'S OBJECTION. SUTHERLAND: YOUR HONOR DECIDED THAT,</p> <p>AND MR. BASKIN SAID I WILL WITHDRAW MY OBJECTION.</p> <p>MY STATEMENT WHICH I HAVE NOW MADE DOES CONNECT IT COURT: YOU DIDN'T PROPOSE TO STATE AT THAT TIME THAT THE</p>	<p>COURT YOU DIDN'T PROPOSE TO STATE THAT THIS MORNING ≪SUTHERLAND≫ YOUR HONOR IS MISTAKEN NO SIR SUTHERLAND I DESIRED TO HAVE RECORDS READ THEN MR. BASKIN WITHDREW HIS CONNECTION.</p> <p>YOU WILL READ MY STATEMENT MADE AFTER MR. BASKIN'S OBJECTION. BY SUTHERLAND YOUR HONOR DECIDES THAT <i>JUDGE[?]</i> AND I WOULD HAVE DECIDED THAT THIS MORNING MR. BASKIN SAYS I WILL WITHDRAW MY OBJECTION AND THEN I SAID GOOD [<i>space</i>] {S}ⁱ MY STATEMENT WHICH I HAVE NOW STATE DOES CONNECT IT. {COURT}ⁱ YOU DIDN'T PROPOSE TO STATE AT THAT TIME THE</p>		
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RT

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BT

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<p>FACTS WOULD BE CONNECTED WITH THESE PARTIES, AND IF YOU HAD STATED IT THEN YOUR REMARKS WERE ALL THAT YOU HAD TO SHOW IN REGARD TO THIS. YOU SAID I WILL CONNECT THAT WITH THIS PART OF THE CASE, THEN I ALLOWED YOU TO GO AHEAD. SUTHERLAND:</p> <p>WHEN I TOOK THE FIRST STEP TO INTRODUCE THIS TESTIMONY</p> <p>I THEN</p>	<p>FACTS CONNECTED WITH THIS POSITION AND IF YOU HAD STATED THEN AS YOUR REMARKS THEN WAS ALL THAT YOU HAD TO SHOW IN REGARD TO THIS YOU SAID I WILL CONNECT THEM ^{[[28]]} WITH THIS PARTICULAR CASE THEN I ALLOWED YOU {TO}ⁱ GO AHEAD SUTHERLAND I WILL STATE JUST AS <i>NOTES/NICE</i>[?] YOUR HONOR <i>DID OFFER ME MY</i>[?] FACTS CAN'T SO FAR AS RULING OUT TESTIMONY [space] IT <i>CONTAIN</i>[?] FACTS <i>GIVEN</i>[?] SO FAR AS <i>MY</i>[?] GOOD FAITH [space] WHEN I TOOK FIRST STEP TO INTRODUCE THIS TESTIMONY AN OBJECTION WAS MADE BY MR. BASKIN I THEN</p>		
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RT

RS

BT

PS

<p>MADE THE STATEMENT IN FULL, TO MAKE THE CASE FOLLOWS IN THE TESTIMONY ON THAT POINT,</p> <p>AND MAKING THAT STATEMENT PROSECUTION WITHDREW THEIR OBJECTION. UPON THE PRECEDING WITNESS HE RAISED THE OBJECTION AGAIN. HE SAYS THAT THIS IS CLEARLY IRRELEVANT. I REMARKED I WOULD CONNECT IT, AND ON THE MAKING OF WHICH HE WITHDREW HIS OBJECTION. I REGARDED THAT STATEMENT AS HAVING BEEN ACCEPTED BY HIM.</p> <p>[440] COURT: THERE</p>	<p>MADE {THE}¹ STATEMENT IN FULL TO MAKE THE CASE FULLY OF THE TESTIMONY OF WHICH THEY PERMIT AND —/PART[?] —/UPON[?] MY MAKING THAT STATEMENT HE WITHDREW THE OBJECTION UPON PRODUCING ANOTHER WITNESS HE RAISED {THE}ⁱ OBJECTION AGAIN HE SAYS THIS IS CLEARLY IRRELEVANT. I REMARKED I WOULD CONNECT IT ON THE MAKING OF WHICH HE HAD WITHDRAWN HIS OBJECTION. I REGARDED THAT STATEMENT AS HAVING BEEN ACCEPTED BY HIM [space] IT MUST BE ADMISSION/TESTI MONY[?] ≤BY COURT> THERE</p>		
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RT

RS

BT

PS

<p>WAS NO STATEMENT THIS MORNING WHICH SHOWS A CONNECTION, NOTHING AT ALL ; NOW IF WHICH SHOWS A CONNECTION. SUTHERLAND: I INTEND TO TAKE EXCEPTIONS TO YOUR RULING.</p> <p>COURT: HOW IT WAS TO BE CONNECTED I DIDN'T KNOW AND</p> <p>DON'T NOW. I COULD NOT SEE AT THE TIME AND I DON'T NOW SEE THE</p> <p>CONNECTION, BUT STILL I ALLOWED IT TO GO ON WITH THE UNDERSTANDING IT WOULD BE CONNECTED, BUT I HAVEN'T SEEN IT CONNECTED, AND THE PROPOSITION NOW SHOWS IT CANNOT BE</p>	<p>WAS NO STATEMENT THIS MORNING WHICH SHOWS CONNECTION NOTHING AT ALL NOW WHICH SHOWS CONNECTION. SUTHERLAND I INTEND TO TAKE EXCEPTIONS TO YOUR RULING. BY BASKIN BY COURT HOW IT WAS TO BE CONNECTED I DIDN'T KNOW AND</p> <p>DON'T NOW, I COULD NOT SEE AT THE TIME I DIDN'T SEE THE</p> <p>CONNECTION BUT STILL I ALLOWED IT TO GO ON WITH {THE}¹ UNDERSTANDING IT WOULD BE CONNECTED BUT I HAVEN'T SEEN IT CONNECTED</p> <p>PROPOSITION NOW SHOWS IT CANNOT BE</p>	<p>M^R SUTHERLAND: YOUR HONOR, WE TAKE EXCEPTION.</p> <p>THE COURT: HOW IT WAS TO BE CONNECTED I DON'T KNOW. ID DID NOT KNOW AND DON'T NOW KNOW KNOW. I COULD NOT SEE AT THE TIME AND I DON'T SEE NOW THE FIRST CONNECTION, BUT STILL I ALLOWED IT TO GO ON WITH THE UNDERSTANDING THAT IT WOULD BE CONNECTED, BUT I HAVEN'T SEEN IT CONNECTED; AND THE PROPOSITION NOW USHOWS IT CANNOT BE</p>	
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RT

RS

BT

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<p>CONNECTED.</p> <p>SUTHERLAND: I NEVER PROPOSED TO CONNECT IT IN ANY OTHER WAY THAN BY THIS WITNESS, AND I INSIST THAT I DIDN'T STATE THAT I WOULD CONNECT IT IN ANY OTHER WAY THAN BY THIS WITNESS. COURT: THERE COULD BE NO OBJECT AFTERWARDS IN SAYING YOU PROPOSED TO CONNECT IT.</p>	<p>CONNECTED.</p> <p>I NEVER PROPOS{ED}ⁱ TO CONNECT IN ANY OTHER WAY THAN BY THIS WITNESS. SUTHERLAND I INSIST THAT I DIDN'T STATE I WOULD CONNECT ANY OTHER WAY THAN BY THIS WITNESS. BY COURT THERE COULD NOT BE ANY OBJECT AFTERWARDS FOR SAYING YOU PROPOSE TO CONNECT IT.</p>	<p>CONNECTED..</p> <p>M^R</p> <p>SUTHERLAND: I NEVER PROPOSED TO CONNECT IT IN ANY OTHER WAY THAN BY THIS WITNESS, AND I INSIST THAT I DIDN'T STATE THAT I WOULD CONNECT IT IN ANY OTHER WASY THAN BY THIS VERY WITNESS. THE COURT: THERE COULD BE NO OBJECT AFTERWARDS IN YOUR SAYING, THAT YOU PROPOSED TO CONNECT IT.</p> <p>THE COURT:</p> <p>I WILL SUSTAIN THE OBJECTION?.</p> <p>[space]</p>	
<p>SUTHERLAND: COUNSEL OBJECTED REPEATEDLY AS THE TESTIMONY WENT FORWARD. CAREY: YOU KEPT REPEATING IT THAT YOU WOULD CONNECT.</p>	<p>SUTHERLAND OBJECTED REPEATEDLY AS TESTIMONY WENT FORWARD. BY CAREY YOU KEPT REPEATING IT YOU WOULD CONNECT IT.</p>		

RT

RS

BT

PS

<p>SUTHERLAND: MY GOOD FAITH IS SOMEWHAT INVOLVED IN THIS MATTER AND I ASK THAT THE REPORTER WILL GO BACK AND SEE WHAT I SAID ON MR. BASKIN RAISING HIS OBJECTION.</p> <p>SUTHERLAND: WHAT WAS SAID IN JESSE N. SMITH'S TESTIMONY, WHEN HE WAS ON THE STAND — I AM SURE JESSE N. SMITH, OR SILAS, WHEN I MADE THE STATEMENT OF THE GENERAL SCOPE OF THE TESTIMONY OF THAT WITNESS, AND SOME WHO WOULD SUCCEED HIM. COURT: SILAS S. SMITH WAS THE ONE WHO SPOKE OF THAT POINT. SUTHERLAND: HE CAME OVER HERE TO</p>	<p>SUTHERLAND MY GOOD FAITH IS —[?] SOMEWHAT INVOLVED IN THIS MATTER. I ASK {THAT THE}ⁱ REPORTER WILL GO BACK {AND}ⁱ SEE {WHAT}ⁱ I SAID ON MR. BASKIN RAISING HIS OBJECTION BY COURT AND LOOK AT THAT <SUTHERLAND> WHAT WAS SAID WHEN JESSE N SMITH</p> <p>HE WAS ON THE STAND [space] <I AM NOT> SURE JESSE N SMITH OR SILAS I MADE STATEMENT OF GENERAL SCOPE OF {THE}ⁱ TESTIMONY OF THAT WITNESS AND SOME WHO WOULD SUCCEED HIM. BY COURT SILAS S SMITH WAS {THE}ⁱ ONE {WHO}ⁱ SPOKE {OF}ⁱ [space] SUTHERLAND. HE CAME OVER HERE TO</p>		
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RT

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BT

PS

<p>RECONCILE WITH THE INDIANS.</p> <p>[441] BISHOP READ SOME REMARKS FROM HIS OWN NOTES. SUTHERLAND: THE SUBSTANCE AS MR. BISHOP IS READ IN CONNECTION WITH SILAS S. SMITH ARE CORRECT. BASKIN: I UNDERSTOOD FROM HIS GENERAL REMARKS THAT HE WOULD CONNECT IT WITH THE EMIGRANTS, OR I WOULD HAVE BEEN MORE PERTINENT IN MY REMARKS AND OBJECTED TO IT. SUTHERLAND: I DIDN'T STATE AT THAT TIME</p>	<p>RECONCILE OVER HERE WITH THE INDIANS. REMARKS BY CAREY JESSE N SMITH MADE HIS ^{[[29]]} REMARKS ABOUT GOING SOUTH BY COURT I THINK SILAS S SMITH BISHOP READ SOME REMARKS FROM HIS OWN NOTES. [space] ≪SUTHERLAND≫ MR. BISHOP HAS SUBSTANCE OF MY REMARKS IN CONNECTION WITH SILAS S SMITH. REMARKS BY BASKIN. I UNDERSTOOD FROM HIS GENERAL REMARKS HE WOULD CONNECT IT WITH THE EMIGRANTS OR I WOULD BE MORE PERTINENT IN MY REMARKS AND OBJECTED TO IT. [space] SUTHERLAND I DIDN'T STATE AT THAT TIME</p>		
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RT

RS

BT

PS

<p>THIS COMPANY JOINED THE OTHER ONE OBJECT I HAVE NOW IS IN REQUESTING IT TO BE READ, IT IS THE MISAPPREHENSION OF THE COURT AS TO MY STATEMENT. NOTES READ BY THE REPORTER. SUTHERLAND: I WANTED THEM READ, BECAUSE OF THE MISAPPLIED CENSURE THAT HAS BEEN MADE UPON ME.</p> <p>THE OBJECTION WAS WITHDRAWN BY THE PROSECUTION UPON THAT STATEMENT. COURT: THE OBJECTION I REFERRED TO WAS THAT THEY WOULD CONNECT. REPORTER READ FURTHER FROM HIS NOTES. SUTHERLAND: WHEN THE</p>	<p>THIS COMPANY JOINED THE OTHER ONLY ONE OBJECT I HAVE NOW {IS}ⁱ IN REQUESTING IT BEING READ IT IS MISAPPREHENSION ON PART OF COUNSEL AS <i>TO THE/IS NOT THERE[?]</i></p> <p>I ONLY ASKED IT BE READ FOR THE MISAPPLIED CENSURE THAT HAS BEEN MADE UPON ME. REPORTER READ THE ITEM IN QUESTION. [space] SUTHERLAND OBJECTION WAS WITHDRAWN UPON THAT STATEMENT. BY COURT OBJECTION I REFER TO WAS THAT HE WOULD CONNECT {II}ⁱ REPORTER READ FURTHER {II}ⁱ</p> <p>SUTHERLAND WHEN</p>		
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RT

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<p>OBJECTION WAS AFTERWARDS RENEWED I SIMPLY SAID I WILL CONNECT IT. SUTHERLAND FURTHER REPLIED TO COURT AND AFTER THE COURTS EXPLANATION AS TO HOW HE UNDERSTOOD THE PROPOSITION TO CONNECT</p>	<p>OBJECTION WAS AFTERWARDS RENEWED I SIMPLY SAID I WOULD CONNECT IT. BY COURT THIS I UNDERSTOOD I WAS NOT THROUGH HE MADE SOME STILL IN HIS STATEMENT</p> <p>HE DID NOT SAY HOW HE WOULD CONNECT THEM. [space] I DESIRE OBSERVE IF MADE THIS STATEMENT WHAT HE EXPECTED TO PROVE OF THAT WITNESS AND OTHER WITNESS AND OBJECTION BEING WITHDRAWN ON THAT STATEMENT BEING MADE { }ⁱ³⁶⁶ HAD A RIGHT TO INTERFERE EVEN IN THE OPINION OF COUNSEL THAT THAT STATEMENT AS A WHOLE WAS</p>		
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366. Ink over illegible shorthand.

RT

RS

BT

PS

	<p>ADMISSIBLE IF I COULD HAVE PROOF TO PUT BY ONE WITNESS NATURALLY I WAS AT LIBERTY TO PROVE IT BY SOME OTHER WITNESSES. I INTIMATED TO YOUR HONOR WITNESS I HAD THEN ON THE STAND WAS NOT THE ONE I EXPECT TO HAVE I HAD RIGHT TO ANOTHER FOR MAKING THAT STATEMENT AND REGARDED AS A WHOLE ADMISSIBLE WHEN I <i>WAS/SAW</i>[?] <i>POSITION</i>[?] TO GIVE IT IN TOTO ONLY PART OF IT [<i>space</i>] IF I INTRODUCE TESTIMONY IT WOULD BE <i>IN/ANOTHER</i>[?] CONNECT EVEN IN THE OPINION OF COUNSEL IT WAS ADMISSIBLE IT WAS THAT IN MY MIND THAT INDUCES ME TO</p>		
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RT

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BT

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<p>SUTHERLAND SAID: I ASK YOUR HONOR UPON THIS STATEMENT THAT ANY CENSURE THAT HAS BEEN PLACED UPON ME BE WITHDRAWN. COURT: THE CENSURE OUGHT TO HAVE BEEN MORE SEVERE UPON YOU FOR YOUR REMARK. YOU SAID THE COURT KNEW WHAT YOU SAID IN THIS MATTER. THE COURT UNDERSTOOD THAT IS WHAT YOU SAID AWHILE AGO. ^[442] SUTHERLAND: I SUPPOSE WHAT HAD BEEN READ HERE JUST NOW IS PROOF TO YOUR HONOR OF WHAT I SAID. COURT: I DON'T SHOW</p>	<p>SAY AS WELL AS MY OWN JUDGMENT THAT IT WAS ADMISSIBLE THAT I PROCEEDED AND I SHOULD CONNECT IT NOW I ASK YOUR HONOR UPON THIS STATEMENT ANY CENSURE THAT HAS BEEN PUT UPON ME. BY COURT THE CENSURE OUGHT TO HAVE BEEN MORE SEVERE UPON YOU FOR YOUR REMARK. YOU SAID {THE}ⁱ COURT KNEW WHAT YOU SAID IN THIS MATTER THE COURT UNDERSTOOD THAT IS WHAT YOU SAID {A}ⁱ WHILE AGO SUTHERLAND I SUPPOSE WHAT HAD BEEN READ HERE JUST NOW WAS [space] BY COURT IT DON'T SHOW</p>		
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RT

RS

BT

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<p>ANY CONNECTION. THE LAST STATEMENT WHEN YOU SAID YOU WOULD CONNECT THAT WASN'T UNDER IT. YOU ASKED ME TO RULE UPON THE PROPOSITION TO CONNECT. NOW YOU STATE HOW YOU PROPOSE TO CONNECT AND THAT DON'T SHOW ANY CONNECTION WHATEVER. THAT IS THE OPINION OF THE COURT AND THAT IS THE RULING IN THE CASE SO FAR AS THIS TESTIMONY IS CONCERNED.</p> <p>SUTHERLAND: WITH REGARD TO THIS TESTIMONY WHICH WE OFFER I DESIRE OUR EXCEPTION NOTED. I DON'T KNOW THAT THIS</p>	<p>ANY CONNECTION THE LAST STATEMENT WHEN YOU SAID YOU WOULD CONNECT THAT WASN'T <i>END/NATURE[?]</i> OF IT. YOU ASKED ME TO RULE UPON {THE}ⁱ PROPOSITION TO CONNECT NOW YOU STATE HOW YOU PROPOSE TO CONNECT AND THAT DON'T SHOW ^{[[30]]} ANY CONNECTION WHATEVER BY COURT THAT IS OPINION BY COURT THAT IS THE RULING IN THE CASE SO FAR AS THIS TESTIMONY IS CONCERNED.</p> <p><i>[space]</i> SUTHERLAND WITH REGARD TO THIS TESTIMONY I DESIRE {OUR}ⁱ EXCEPTION NOTED <i>[space]</i> I DON'T {KNOW}ⁱ THAT THIS</p>	<p>EXCEPTION TAKEN BY DEFENSE.</p>	
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RT

RS

BT

PS

<p>WITNESS KNOWS ANYTHING MORE THAN THE REMAINDER OF THAT STATEMENT, EXCEPT THIS ——— —— BASKIN: I OBJECT TO HIS ASKING THE QUESTION. ASK HIM WHAT ADDITIONAL HE KNOWS. SUTHERLAND: I WILL ALLOW THE OBJECTION TO GO GO ON RECORD. HE HAS OBJECTED TO MY ASKING ANY FURTHER QUESTIONS. COURT: PM PUT YOUR QUESTION. BASKIN: I WAS GOING TO STATE WHAT HE EXPECTED TO PROVE BY THIS WITNESS COURT: I DIDN'T UNDERSTAND HIM TO SAY THAT. I UNDERSTOOD HIM TO SAY THIS QUESTION.</p>	<p>WITNESS KNOWS ANYTHING MORE THAN THE REMAINDER OF THAT STATEMENT EXCEPT THIS BY BASKIN I OBJECT TO HIS ASKING QUESTION ASK HIM WHAT ADDITIONAL [space] SUTHERLAND I WILL ALLOW OBJECTION GO ON RECORD ATTORNEYS OBJECTED TO MY ASKING ANY QUESTION BY COURT PUT ≤YOUR≥ QUESTION. BASKIN. GENTLEMEN WAS GOING TO STATE WHAT HE EXPECTED TO PROVE BY THIS WITNESS BY COURT I DIDN'T UNDERSTAND HIM TO SAY I UNDERSTOOD HIM TO SAY THAT HIS QUESTION</p>		
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RT

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BT

PS

<p>BASKIN: I DON'T OBJECT TO JUDGE SUTHERLAND ASKING ANY ADDITIONAL QUESTION, EXCEPT MAKING THE STATEMENT WHAT HE IS GOING TO PROVE FURTHER. Q. STATE WHETHER WHEN THE DUKE COMPANY WAS HERE THE INDIANS——— BASKIN: I OBJECT TO THE QUESTION AS LEADING.———</p>	<p>[space] BY BASKIN I DON'T OBJECT TO JUDGE SUTHERLAND ASK {ING}ⁱ ANY ADDITIONAL QUESTION EXCEPT WHAT HE IS GOING {TO}ⁱ PROVE FURTHER. [space] {Q}ⁱ STATE WHETHER WHEN THE DUKE COMPANY WAS HERE THE INDIANS ≪BASKIN≫ I OBJECT TO THE LEADING FORM OF {THE}ⁱ QUESTION [space] INDIANS</p>	<p>Q. STATE WHETHER WHEN THE DUKES COMPANY WAS HERE, THE INDIANS ---- M^R BASKIN: I OBJECT TO THE LEADINFG FORM OF THE QUESTION. Q.}--</p>	
<p>WERE IN AND ABOUT YOUR PREMISES ? SUTHERLAND: BISHOP FARNSWORTH, DON'T ANSWER THE QUESTION TILL THEY GET ^[443] THROUGH OBJECTING Q. STATE IF IN AND ABOUT YOUR PREMISES THERE WAS</p>	<p>WERE IN AND ABOUT YOUR PREMISES BISHOP FARNSWORTH DIDN'T ANSWER THE QUESTION TILL HE GET THROUGH EXCEPTING {Q}ⁱ IN AND {ABOUT}ⁱ YOUR PREMISES THREATENED</p>	<p>WERE IN A BND ABOUT YOUR PREMISES? - BISHOP SFARNSWORTH DON'T EANSWER THE QUESTION T ILL THEY GET THROUGH OJB OBJECTING. - IN AND ABOUT YOUR PREMISES, THREATENING</p>	

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<p>NUMBERS OF THE DUKE PARTY—IF SO, STATE WHAT THEY SAID WAS THEIR GRIEVANCE IN THAT CONNECTION, INFORM THE COURT AGAIN, AFTER REFERRING</p> <p>TO THE POISONING OF THAT ANIMAL AS THE</p> <p>GRIEVANCE ? A- COURT: IF IT WAS SOME OF THE DUKE PARTY THE QUESTION WILL BE PROPER AND THAT GENTLEMAN COULD TESTIFY, BUT IT HAS NOTHING WHATEVER TO DO WITH THE MASSACRE OF THE OTHER OUTFIT. SUTHERLAND: HOWEVER, YOUR HONOR, WE WILL TAKE EXCEPTIONS TO</p>	<p>MEMBERS OF THE DUKE PARTY IF SO STATE WHAT THEY SAID WAS THEIR GRIEVANCE IN THAT CONNECTION INFORM THE COURT AGAIN <i>AFTER/THAT</i>[?]ⁱ REFERR {ING}</p> <p>TO THE POISONING {OF}ⁱ THAT ANIMAL AS <i>THE/A</i>[?]</p> <p>GRIEVANCE BY COURT IF IT WAS SOME OF THE DUKE PARTY {THE}ⁱ QUESTION {WOULD}ⁱ BE PROPER THAT GENTLEMAN COULD TESTIFY, BUT IT HAS NO{THING}ⁱ WHATEVER TO DO WITH {THE}ⁱ MASSACRE OF THE OTHER OUTFIT. <i>≪III≫</i> SUTHERLAND HOWEVER WE'LL TAKE AN EXCEPTION TO</p>	<p>MEMBERS OF THE DUKE'S PARTY, IF SO STATE WHAT THEY SAID QAS WAS THEIR GRIEVANCES IN THAT CONNECTION AND INFORM T HE COURT AGAIN IF THEY THEY REFERRED AFTER REFERRING TO THE POISONING OF THA T ANIMAL AS A CAUSE OF THEIR GRIEVANCE? THE COURT: IF IT WAS SOME OF THE DUKE PARTY, THE QUESTION WOULD BE PROPER, THAT GENTLEMAN COULD TESTIFY; BUT IT HAS NOTHING WHATEVER TO DO WITH THE MASSACRE OF THE OTHER OUTFIT. ^[283] M^R SUTHERLAMND</p> <p>WE WILL TAKE AN EXCEPTION TO</p>	
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<p>THE RULING. Q. MR. FARNSWORTH GIVE A GENERAL STATEMENT OF THE DETAILS ≪DUTIES≫ OF A BISHOP TO YOUR PEOPLE</p> <p>IN TEMPORAL MATTERS ? BASKIN: I OBJECT TO THAT BECAUSE IT CAN'T HAVE ANYTHING TO DO AT ALL WITH THE CRIME, OR THE JURY, EITHER DIRECTLY OR INDIRECTLY. COURT: THE SAME QUESTION WAS ASKED MR. SMITH. BASKIN: YES, ON CROSS- EXAMINATION. CAREY: IT WAS ASKED BY MR. BISHOP ON CROSS- EXAMINATION. COURT: I THOUGHT THE QUESTION A LITTLE OUT OF THE WAY BUT</p>	<p>THE RULE {Q}ⁱMR. FARNSWORTH GIVE {A}ⁱ GENERAL STATEMENT OF THE DUTIES OF A BISHOP {TO}ⁱ YOUR PEOPLE [space] ≪WITNESS≫ IN TEMPORAL MATTERS ? BASKIN I OBJECT TO THAT, BECAUSE IT WOULD HAVE NOTHING TO DO AT ALL WITH CRIME {OR}ⁱ CHARGE, EITHER DIRECTLY INDIRECT {LY}ⁱ BY COURT. {THE}ⁱ SAME QUESTION WAS ASKED MR. SMITH BY BASKIN YES ON CROSS- EXAMINATION BY CAREY IT WAS ASKED BY MR. BISHOP ON CROSS- EXAMINATION. COURT I THOUGHT {THINK}ⁱ {THE}ⁱ QUESTION {A}ⁱ LITTLE OUT OF WAY BUT I</p>	<p>YOUT HOWNORS RULING.. Q. MR. FARNSWORTH, GIVE A GENERAL STATEMENT OF THE DUTIES OF A BISHOP TO YOUFR PEOPLE?</p> <p>A. IN TEMPORAL AMATTERS:? M^R BASKIN: WE OBJECT TO THAT BECAUE IT WOULD HAVE NOTHING AT ALL TO DO WITH THE CRIME CHARGED,</p> <p>DIRECTLY OR INDIRECTLY. THE COURT: THE SAMWE QUESTION WAS ASKED MR. SMITH. M^R BASKIN: YES, BUT ON CROSS- EXAMINATION. M^R CAREY: IT WAS ASKED BY MR. BISHOP ON CROSS- EXAMINATION. THE COURT: I THOUGHT THE QUESTION A LITTLE OUT OF THE WAY, BUT I</p>	
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BT

PS

<p>THOUGHT I WOULD LET IT GO.</p> <p>SUTHERLAND: ACCORDING TO MY RECOLLECTION THEY WENT IN FULLY TO SHOW THE DUTIES OF A BISHOP IN RESPECT TO THE PEOPLE WERE, AND WHAT HIS RELATIONS WERE UNDER A SUPERIOR. FURTHER ARGUMENT ENSUED BETWEEN COUNSEL</p> <p>AS TO QUESTION PUT TO KLINGENSMITH, IF A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT, AND</p>	<p>THOUGHT I WOULD LET IT GO.</p> <p>SUTHERLAND ACCORDING TO MY RECOLLECTION, THEY WENT IN FULL TO SHOW DUTIES OF {A}ⁱ BISHOP IN RESPECT TO {THE}ⁱ PEOPLE WERE AND {WHAT}ⁱ HIS RELATIONS WERE SUCH UNDER {A}ⁱ SUPERIOR HE <i>WOULD</i>[?] SPEAK OF DURESS IN WHAT HE DID HE WAS ENTITLED TO THE EXCUSE OF BEING COMPELLED TO DO IT. BY CAREY. MY RECOLLECTION {OF THAT IS}ⁱ³⁶⁷ SIMPLY THIS, I ASKED MR. SMITH IF A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT,</p>	<p>THOUGHT I WOULD LET IT GO, SEEING THERE WAS NO OBJECTION RAISED. M^R SUTHERLAND. ACCORDING TO MY RECOLLECTION THEY WENT IN FULLY TO SHOW THE DUTIES OF A BISHOP IN RESPECT TO PEOPLE AND WHAT HIS RELATIONS WERE AS SUCH UNDER A SUPERIOR ;</p> <p>AND IN WHAT HE DID, HE WAS ENTITLED TO THE EXCUSE OF BEING COMPELLED TO DO IT. M^R CAREY: MY RECOLLECTION OF THAT IS SIMPLY THIS: I ASKED MR. SMIT[H] ISF A BISHOP WAS AN INFERIOR OFFICER TO THE PRESIDENT,</p>	
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367. Ink over illegible shorthand.

RT

RS

BT

PS

<p>MR. BISHOP BROUGHT OUT HIS DUTIES ON</p> <p>CROSS-EXAMINATION.</p>	<p>THE DUTIES CAME OUT ON MR. BISHOP'S CROSS EXAMINATION</p> <p>[[31]] BISHOP IN {THE}ⁱ EXAMINATION IN CHIEF</p> <p>THEY ASKED WHAT POSITION {HE}ⁱ OCCUPIED HE SAID HE WAS {A}ⁱ BISHOP AT CEDAR, HAIGHT WAS PRESIDENT AT PAROWAN</p> <p>MAN OVER HIM, UPON CROSS EXAMINATION I ASKED VERY FULLY PARTICULARLY AS TO HIS DUTIES AS BISHOP AND THE DUTIES OF PRESIDENT {THAT IS THE}ⁱ WAY THAT QUESTION CAME UP [space] {IN}ⁱ REGARD TO PERTINENCY OF</p>	<p>ABND THE DUTIES OF A BISHOP CAME OUT ON MR. BISHOP'S XROSS-EXAMINATION.</p> <p>M^R BISHOP: IN THE EXAMINATION OF SMITH THE CHIES PROSECUTION ASKED WITNESS WHAT POSITION HE OCCUPIED, AND HE SAID HE WAS A BISHOP AT CEDAR CITY, AND HAIGHT WASTHE PRESIDENT; HAIGHT WASTHE HEAD MAN THERE OVER HIM, AND UPON CROSS-EXAMINATION I ASKED VERY FULLY AND PARTICULARLY AS TO HIS DUTIES AS A BISHOP AND THE DUTIES OF A PRESIDENT; THAT IS THE WAY THAT PRESIDENT.</p> <p>IN REGARD TO THE PERTINANCY OF</p>	
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RT

RS

BT

PS

	<p>THIS QUESTION, WHETHER IT IS CORRECT OR NOT, WE HAVE A RIGHT NATURALLY AS <i>THEY</i>[?] HAVE TURNED OUT EVIDENCE ON HIS STATEMENT OF MR. SMITH THAT HE ACTED AS BISHOP IN THAT PLACE, AS BISHOP OF THE CHURCH {HE}ⁱ WAS COMPELLED BY ORDERS OF ISAAC HAIGHT, WE CLAIM, WE HAVE THE RIGHT KNOW BY COMPETENT TESTIMONY, WHICH ONE HAD THE GREATER AUTHORITY, HOW FAR BISHOP OF THE CHURCH IS COMPELLED TO OBEY PRESIDENT WE CLAIM WE HAVE RIGHT TO INTRODUCE THAT FOR TWO</p>	<p>THIS QUESTION, WHETHER IT IS CORRECT OR NOT,—WE HAVE THE RIGHT NOW, AS THE EVIDENCE HAS TURNED OUT, ACCORDING TO THE STATEMENTS OF MR. SMITH, THAT HE ACTED AS BISHOP OF THAT PLACE – AS BISHOP OF THE CHURCH, HE WAS COMPELLED TO AOB3EY THE ORDERS OF ISAAC C. HAUGHT. WE CLAIM WE HAVE THE RIGHT NOW TO SHOW BY COMPETENT TESTIMONY WHICH ONE HAD THE GREATER AUTHORITY AND HOW FAR THE BISHOP OF THE CHURCH IS COMPELLED TO OBEY THE PRESIDENT. ^[284] WE CLAIM WE HAVE THE RIGHT TO INTRODDUCE THAT FOR TWO</p>	
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RT

RS

BT

PS

<p>COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT IT RIGHT, HE ^[444] SAID THE BISHOP'S DUTIES WERE BROUGHT OUT BY BISHOP ON CROSS-EXAMINATION.</p>	<p>REASON, FIRST PLACE FOR PURPOSE OF SHOWING TO THE JURY WHAT MR. SMITH COULD HAVE DONE HAD HE DESIRED OCCUPYING THAT POSITION, IN THE SECOND PLACE FOR THE PURPOSE OF <i>CONTRADICTING</i> [?] STATEMENT OF SMITH IN REGARD TO WHAT HE DID [space] HOW FAR HE COULD HAVE GONE IN PREVENTING THE COMMISSION OF THE ACT COMPLAINED OF [space]</p>	<p>REASONS: IN THE FIRST PLACE FOR THE PURPOSE OF SHOWING TO THE JURY WHAT MR. SMITH COULD HAVE DONE, HAD HE SO DESIRED, OCCUPYING THAT POSITION; AND IN THE SECOND PLACE FOR THE PURPOSE OF CONTRADICTING THE STATEMENTS OF MR. SMITH IN REGARD TO WHAT HE DID AND HOW FAR HE COULD HAVE GONE IN PREVENTING THE COMMISSION OF THE ACT COMPLAINED OF.</p>	
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RT

RS

BT

PS

<p>BISHOP EXPLAINED AS TO TESTIMONY ADDUCED FROM SMITH DURING HIS CROSS-EXAMINATION ON THIS POINT. COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT ARIGHT, HE SAID THE BISHOPS DUTIES WERE IN REGARD TO LOCAL AND TEMPORAL AFFAIRS.</p>	<p>BY COURT IF I REMEMBER MR. SMITH'S TESTIMONY = IF I RECALL RIGHTLY HE SAID BISHOP DUTIES IN REGARD TO LOCAL TEMPORAL AFFAIRS BISHOP YES SIR.</p> <p>BY CAREY {THE}¹ WHOLE MATTER REGARD TO THIS MASSACRE WAS PLACED BY MR. SMITH IN BETWEEN BISHOP AND PRESIDENT. MR. SMITH SAID WAS ORDERED OUT AS A PRIVATE IN MILITARY ORGANIZATION BY HAIGHT WHO WAS</p>	<p>THE COURT: IF I REMEMBER MR. SMITH'S TESTIMONY, IF I RECOLLECT RIGHTLY – HE SAID, WHAT A BISHOPS DUTIES WERE IN REGARD TO LOCAL AND TEMPORAL AFFAIRS. M^R BISHOP: YES, HOUR HONOR. M^R CAREY: THE WHOLE MATTER IN REGARD TO THIS MASSSACRE WAS PLACED BY KLINGENSMITH IN BETWEEN THE BISHOP AND THE PRESIDENT. MR. SMITH STQATED HWE WAS ORDERED OUT AS A PRIVATE IN A MILITARY ORGANIZATION BY HAIGHT WAHO WAS</p>	
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RT

RS

BT

PS

	<p>COMMANDER IN THAT COMPANY. THIS MATTER REGARD LEDUTIES OF THE BISHOP LEAND OF LETHE PRESIDENT CAME UP REGARD DISPOSITION OF GOODS AFTER MATTER WAS OVER. BISHOP I MUST ASK LEAVE TO CORRECT</p> <p>HIS ACTS WERE THE RESULT OF MORAL COWARDICE AND THE ACTS THAT HE COMMITTED UPON THAT OCCASION, CONNECTED WITH THAT ENTIRE TRANSACTION, BECAUSE HE WAS AFRAID DISOBEY {ABUSIVE}ⁱ THE ORDERS OF {THE}ⁱ PRESIDENT OF THAT STAKE AND THAT IT GIVES</p>	<p>COMMANDER IN THAT COMPANY. THIS MATTER IN REGARD TO THE DUTIES OF A BISHOP AND OF A PRESIDENT CAME OUT IN REGARD TO THE DISPOSITION OF THE GOODS.</p> <p>M^R BISHOP: I MUST ASK LEAVE TO CORRECT COUNSEL . AS SMITH'S ACTS WERE THE RESULT OF MORAL COWARDICE. HE DID ALL THE ACTS THAT HE COMMITTED UPON THAT OCCASION , CONNECTED WITH THAT ENTIRE TRANSACTION BECAUSE HE WAS AFRAID TO DISOBEY THE ORDERWS OF THE PRESIDENT OF THAT STAKE, AND THAT HAIGHT GAVE</p>	
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RT

RS

BT

PS

	<p>ORDERS BY HIS ≪AUTHORITY≫ PRESIDENT {AND}ⁱ AS LIEUTENANT COLONEL OR RANKING MAJOR, AND THAT HE GAVE HIS ORDERS BOTH AS ECCLESIASTICA L AND MILITARY MAN BY COURT I DON'T RECALL WHETHER THAT IS THE STATEMENT AND I CONFIDENTLY [space] BY CAREY MATTER MR. BISHOP IS DISCUSSING IS REGARD TO COUNCILS PRECEDING {MASSACRE}ⁱ; MR. SMITH SAID, WHEN HE WENT = HE WENT AS PRIVATE UNDER COMMAND OF COMMANDER. BY BISHOP MR. SMITH SAID GOOD MANY THINGS BY</p>	<p>ORDERS BY HIS AUTHORITY AS PRESIDENT, AND AS LIEUTENANT COLONEOL OR AS RANKING MAJOR, AND THA T HE GAVE HIS ORDERS BOTH AS AN ECCLESIASTICA L AND A MILITARY MAN. COURT: DO NOT RECOLL ECT THAT THAT THA T IS THE STATEMENT. M^R CAREY: THE MATTER MR. BISHOP IS DISCUSSING IS IN REGARD TO COUNSEILS'S PRECEDING THE MASSACRE. MR. SMITH SAID WHEN HWE WENT HE WENT AS A PRIVATE UNDER THE COMMAND OF THE COMMANDE R.³⁶⁸</p>	
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368. The phrase is faintly crossed out; the strikethrough was possibly erased.

RT

RS

BT

PS

	<p>CAREY I N[?] HE DID GOOD MANY ^{[[32]]} {Q}ⁱ ARE THE DUTIES OF A BISHOP {OR}ⁱ OFFICER OF THE MORMON CHURCH REDUCED TO WRITING ≤{A}ⁱ YES SIR THEY ARE ≥ AND IN THE RECORDED ARCHIVES OF THE CHURCH [space]</p> <p>BISHOP. ONE REASON OF HIS ACTING/QUITTING G[?] IS HE HAD OBJECTION TO OTHER PARTIES BEING PUT OUT OF WAY FOR DISOBEYING COUNSEL/COUNCIL[?] THOSE ORDERS EMANATED FROM COUNCIL OF THE CHURCH AND NOT FROM THE MILITARY ORGANIZATION. HE NEVER PRETENDED IN ANY OTHER PORTIONS OF HIS TESTIMONY, THAT HE OR</p>	<p>Q. ARE THE DUTIES OF A BISHOP OR AN OFFICER OF THE MORMON CHURCH REDUCED TO WRITING AND RECORDED IN THE ARCHIVES OF THE CHURCH? ^[285] A .YES, SIR, THEY ARE:.</p>	
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RT

RS

BT

PS

	ANY ONE ELSE HELD THEMSELVES LIABLE TO DANGER THAT THEY WOULD BE DEALT WITH FOR VIOLATION OF MILITARY COMMAND AND THAT THIS WAS A PORTION OF CHURCH DISCIPLINE THAT COMPELLED THEM TO OBEY {THE} ⁱ ORDERS OF THEIR SUPERIORS YOUR HONOR WILL RECALL HE WENT SO FAR AS TO SAY IN SALT LAKE CITY HE SAID FACTS TO ONLY ONE MAN BECAUSE HE WAS STILL UNDER {THE} ⁱ INFLUENCE {OF} ⁱ HAIGHT {THE} ⁱ PRESIDENT {OF} ⁱ THE STAKE AND HIS SUPERIOR. BY COURT I REMEMBER HIS MAK {ING} ⁱ STATEMENT [space] BY CAREY THAT ALL REFER TO		
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RT

RS

BT

PS

	<p>COUNCIL BEFOREHAND. ≤BISHOP≥ AND IN/UNDER[?] HIS MILITARY ORGANIZATION/ COUNCIL[?]. BY COURT ACCORDING TO COUNCIL OF BOTH SIDES IF I UNDERSTAND YOU WHEN THIS WAS BROUGHT UP IN DEFENSE ON CROSS- EXAMINATION. BY BISHOP THE POSITION HE HELD WAS BROUGHT UP IN CROSS EXAMINATION BY COURT TO BISHOP IF YOU SAY IT WAS NOT BISHOP I AGREE WITH THE COURT {THAT}ⁱ THIS MATTER WAS ALL BROUGHT OUT IN EXAMINATION IN CHIEF. [space] BY COURT. {THE}ⁱ QUESTION AS TO DUTIES OF BISHOP WERE BROUGHT OUT IN CROSS- EXAMINATION.</p>		
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RT

RS

BT

PS

	<p>BY MR. BISHOP TO COURT AS TO THE DUTIES OF BISHOP THAT WAS DIFFERENT QUESTION. BY BASKIN IT WAS DRAWN OUT IN THIS WAY WE HAD NOT ANY SPECIAL OBJECT IN ASKING WHETHER HE WAS BISHOP OR PRESIDENT IN CHURCH {HE}ⁱ SAID WAS BISHOP OF CHURCH ALSO {AND A}ⁱ MEMBER OF {THE}ⁱ NAUVOO LEGION. NOW THEN <i>DEPENDENT</i>[?] ISSUE IS WHETHER JOHN D. LEE CONSPIRED TO KILL THESE PERSONS DOWN THERE HOW CAN COUNCIL OF MORMON CHURCH THROW ANY INFLUENCE UPON IT ONE WAY OR THE OTHER THEY <i>FELT</i>/—[?] THEY MIGHT HAVE BEEN DONE <i>WHATEVER</i>[?] {THE}ⁱ RULES</p>		
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RT

RS

BT

PS

<p>BISHOP: COUNSEL ASKS HOW IT CAN AFFECT THIS CASE IN ANYWAY; IT AFFECTS IT SIMPLY THIS WAY, IN MY JUDGEMENT. IF WE ARE PERMITTED TO INTRODUCE THIS TESTIMONY WE SHOW CONCLUSIVELY THAT THIS MAN SMITH, IF HE OCCUPIED THE POSITION HE</p>	<p>{OF THE}ⁱ MORMON CHURCH AS/IS[?] ESTABLISHED DUTIES AND/OF[?] POWERS OF SUPERIOR OFFICER OVER INFERIOR IS MATTER OF RECORD AS THIS WITNESS HAS TESTIFIED IN ARCHIVES OF THE CHURCH. THIS FACT CAME IN UNDERSTANDA BLY SIMPLY BECAUSE THESE FACTS EXIST. BISHOP</p> <p>HOW IT AFFECTS THIS CASE, IT AFFECTS {IT}ⁱ SIMPLY THIS WAY IN MY JUDGMENT ^{[[33]]} IF WE ARE PERMITTED {TO}ⁱ INTRODUCE THIS TESTIMONY WE SHOW CONCLUSIVELY THIS MAN SMITH IF HE OCCUPIED THE POSITION HE</p>		
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RT

RS

BT

PS

<p>SAYS HE DID, HAD THE CONFIDENCE OF HIS PEOPLE AS OTHER MEN IN THAT? POSITION GENERALLY DO HAVE, THAT THE POSITION OF THIS MAN AND THE POWER THAT HE HAD, MADE IT IMPOSSIBLE FOR ISAAC C. HAIGHT TO MOVE THE MEN AND THE LAMANITES OF CEDAR CITY BY ANY ORDERS OR ACTS HE ISSUED. COURT: I DIDN'T THINK THE QUESTION VERY MATERIAL IN THE FIRST PLACE. SUTHERLAND: IT WAS BROUGHT OUT ON THE PART OF THE DEFENSE FOR THE PURPOSE OF</p>	<p>SAYS HE OCCUPIED {AND}ⁱ HAD {THE}ⁱ CONFIDENCE OF HIS PEOPLE AS OTHER MEN IN THAT POSITION GENERALLY DO HAVE [<i>space</i>] THAT THE POSITION THEN MAN HAS THE³⁶⁹ POWER —[?] MADE IT IMPOSSIBLE FOR ISAAC C HAIGHT TO HAVE MOVE D THE MEN WITHOUT THE LIMITS {LAMANITES}ⁱ OF CEDAR CITY BY ANY ORDERS OR ACTS ISSUED. [<i>space</i>] BY COURT I DIDN'T THINK QUESTION VERY MATERIAL IN FIRST PLACE. BY SUTHERLAND IT WAS BROUGHT OUT ON PART OF DEFENSE FOR PURPOSE OF</p>	<p>THE COURT: I DIDN'T THINK THE QUESTION VERY MATERIAL IN THE FIRST PLACE. M^R SUTHERLAND: IT WAS BROUGHT OUT ON THE PART OF THE DEFENSE FOR THE PURPOSE OF</p>	
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369. The symbol transcribed to “MAN HAS THE” has vowels, apparently added later, that render the symbol “ANOINTS”.

RT

RS

BT

PS

<p>SHOWING HE WAS UNDER DURESS, AND SECOND, FOR THE PURPOSES OF IMPEACHMENT. HE PROCEEDS TO SAY, IN ANSWER TO QUESTION</p> <p>ON CROSS-EXAMINATION, THAT ALTHOUGH HE WAS IN THAT POSITION HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGHTER IT WOULD HAVE BEEN AT THE CERTAIN DANGER OF HIS OWN LIFE. COURT: SO I REMEMBER HIS STATEMENT WAS.</p> <p>SUTHERLAND: AND WE DESIRE TO DO, AMONG OTHER THINGS, CONTRADICT THAT.</p>	<p>SHOW{ING} HE WAS UNDER DURESS AND SECOND FOR PURPOSES OF IMPEACHMENT. HE PROCEEDS TO SAY IN ANSWER TO QUESTION PERHAPS ON CROSS-EXAMINATION THAT ALTHOUGH HE WAS IN THAT POSITION, HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGHTER IT WOULD HAVE BEEN AT THE CERTAIN DANGER TO HIS OWN LIFE BY COURT YES = I REMEMBER HE SAID THAT</p> <p>≤SUTH≥ WHAT WE DESIRE TO DO AMONG OTHER THINGS IS CONTRADICT THAT BY THIS WITNESS. BY</p>	<p>SHOWING HE WAS UNDER DURESS AND SECOND FOR THE PURPOSE OF IMPEACHEMTN. HE PROCEEDS TO SAY IN ANSWER TO QUESTIONS PRESSED TO HIM ON CROSS-EXAMINATION THAT ALTHOUGH HE WAS IN THAT POSITION, YET HE HAD SUPERIORS, AND IF HE HAD RAISED HIS VOICE AGAINST THIS SLAUGHTER, HE WOULD HAVE BEEN IN CERTAIN DANGER OF HIS OWN LIFE. THE COURT : YES, I REMEMBER HE STATED THAT. M^R SUTHERBLAND : WE HAT WHAT WE DESIRE TO DO AMONG OTHER THINGS IS TO CONTRADICT THAT BY THIS WITNESS. THE</p>	
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RT

RS

BT

PS

<p>COURT: THAT IS THE QUESTION, IN REGARD TO DUTIES AS BISHOP — YOU CAN SAVE YOUR EXCEPTIONS, I WILL RULE IT OUT.</p> <p>[445] Q. STATE, BISHOP FARNSWORTH, WHETHER IN 1850 —</p> <p>BEARING IN MIND CERTAIN THINGS IN REGARD TO</p> <p>YOUR</p> <p>INTERNAL RELATIONS —</p> <p>WOULD IT BE SAFE AT THAT TIME FOR A BISHOP IN ANY LOCALITY TO DECLINE</p> <p>THEN, UNDER ANY DIRECTION,</p>	<p>COURT THIS QUESTION IN REGARD TO DUTIES AS BISHOP YOU CAN SAY TO EXCEPTIONS I WILL RULE IT OUT. [space] {EXAMINATION RESUMED Q}¹</p> <p>STATE BISHOP</p> <p>≠WHETHER≠ F WAS IN 1850</p> <p>≠TIME OF THIS MASSACRE≠ BEARING IN MIND ALL SURROUNDINGS =</p> <p>EVERY THING IN YOUR</p> <p>INTERNAL POLICY <i>POLITIC</i>[?], WOULD IT HAD BEEN SAFE AT THAT TIME FOR BISHOP IN ANY LOCALITY TO DECLINE</p> <p>EVEN UNDER THE DIRECTION</p> <p>THOUGH THEY</p>	<p>COURT: THAT IS THE WQUESTION IN REGARD TO HIS DUTIES AS A BISHOP; YOU CAN SAVE THE EXCEPTION, BUT I WILL RULE IT OUT.</p> <p>Q.STATE, BISHOP FARNSORTH , WHETHER FROM THE YEAR 1850, DOWN TO THE DATE OF THIS MASSACRE, - BEARING IN MIND ALL THE SURROUNDING CIRCUMSTANCES, EVERYTHING IN YOUR ECCLESIASTICAL ETERNAL RELATIONS CONSIDERED, - WOULD IT HAVE BEEN SAFE AT THAT TIME FOR A BISHOP IN ANY LOCALIT</p> <p>IN THIS TERRITORY, EVEN UNDER THE DIRECTION OF A HIGHER AUTHORITY THOUGH THEY</p>	
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RT

RS

BT

PS

<p>IF IT WERE THE DIRECTION OF COUNSEL , TO COMMIT A MURDER ? PROSECUTION: WE OBJECT COURT: STATE YOUR OBJECTIONS. BASKIN: [space] BISHOP FARNSWORTH WAS BISHOP OF THIS CITY, AND THERE MAY HAVE BEEN A DIFFERENT STATE OF AFFAIRS HERE TO WHAT THERE WERE</p> <p>WHERE THIS OCCURRED</p> <p>CAREY: HE IS ASKING ABOUT 1850. SUTHERLAND IF I SAID 1850 I MEANT 1857. BASKIN: THERE MAY HAVE BEEN STILL A DIFFERENT STATE OF AFFAIRS DOWN IN CEDAR. COURT: IF HE KNOWS</p>	<p>HAD DIRECTION OF COUNCIL COMMIT A MURDER PROSECUTION WE OBJECT BY COURT STATE YOUR OBJECTIONS BISHOP F WAS BISHOP OF THIS CITY THERE MAY HAVE BEEN {A}ⁱ DIFFERENT STATE OF AFFAIRS HERE WHAT THERE WAS AT THE POINT WHERE THIS OCCURRED [space] BY CAREY HE IS ASKING ABOUT 1850, SUTHERLAND IF I SAID 1850 I MEANT 1857. BASKIN THERE MIGHT HAVE BEEN STILL DIFFERENT STATE OF AFFAIRS {DOWN}ⁱ IN CEDAR. BY COURT IF HE KNOWS</p>	<p>HAD THE DIRECTING AND RIGHT TO COULSEL IT, - TO COMMIT MURDER? M^R BASKIN: WE OBJECT. THE COURT: STATE YOUR OBJECTIONS. M^R BASKIN: BISHOP FARNSWORTH WAS BISHOP OF THIS CITY, AND THERE MIGHT HAVE BEEN A DIFFERENT STATE OFF AFFAIRS HERE THAN WHAT THERE WAS AT THE POINT WHERE THIS OCCURRED.: M^R CAREY: HE IS ASKING ABOUT 1850. M^R SUTHERLAND: IF I SAID 1850 I MENT 1857. ^[286] M^R BASKIN.: THERE MIGHT HAVE BEEN STILL A DIFFERENT STATE OF AFFAIRS DOWN IN CEDAR. THE COURT: IFHE KNOWS</p>	
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RT

RS

BT

PS

<p>ANYTHING ABOUT THAT COUNTRY DOWN THERE HE MAY STATE IT.</p> <p>Q. WERE YOU COGNIZANT WITH THE STATE OF THINGS IN THE MORE SOUTHERN PART,</p> <p>IN 1857 ? A. I WAS THERE</p> <p>NEAR THE END OF APRIL, WITH OTHER CITIZENS</p> <p>COUNSEL: THEN I RENEW THE QUESTION WHICH I ASKED BEFORE WHEN I LOCATED IT AT CEDAR CITY. Q. WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY, IN 1857 TO REFUSE TO COMMIT A MURDER IF COMMANDED</p>	<p>ANYTHING ABOUT THAT COUNTRY DOWN THERE HE MIGHT STATE. BY SUTHERLAND Q WERE YOU COGNIZANT WITH {THE}ⁱ STATE OF THINGS IN MORE SOUTHERN.</p> <p>OF THE STATE OF THINGS IN 1857 {A}ⁱ I WAS {THERE}ⁱ FROM ONE END OF TERRITORY <NEAR THE END OF APRIL> TO THE OTHER AS FAR AS IT WAS PEOPLED {COUNSEL}ⁱ {Q}ⁱ THEN I RENEW QUESTION WHICH I ASKED BEFORE WHEN LOCAT{ING}ⁱ IT AT CEDAR CITY Q WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY IN 1857, TO REFUSE TO COMMIT MURDER IF COMMANDED</p>	<p>ANYTHING ABOUT THAT COUNTRY DOWN THERE, HE MAY STATE IT; HE MAY ANSWER THE AUENTION. Q. WERE YOU COGNIZANT WITHOF THE STATE OF THINGS IN THE MORE SOUTHERN PART OF THE TERRITORY – OF THE STATE OF THISNGS IN I857? A. I WAS , FROM</p> <p>NEAR THE END OF APRIL.</p> <p>Q. THEN I REPEAT THE QUESTION WHICH I ASKED BEFORE, WHEN I LOCATED IT AT CEDAR CITY: WOULD IT BE SAFE FOR A BISHOP AT CEDAR CITY IN 1857, TO REFUSE TO COMMIT A CRIME, IF COMMANDED</p>	
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RT

RS

BT

PS

<p>BY THE COUNSEL OF HAIGHT OR THE CHURCH. BASKIN: THE MAIN STRESS OF THAT</p> <p>CALLS FOR A CONCLUSION OF THE WITNESS</p> <p>HE MAY STATE THE FACTS, BUT HE IS NOT PUT ON HERE AS AN EXPERT OF THE CHURCH. HE SHOULD HE REQUIRED TO STATE WHAT HE KNOWS AND LET THE JURY ^[446] DRAW THEIR CONCLUSIONS AND NOT HE HIMSELF.</p> <p>SUTHERLAND EXPLAINED THE PURPOSE AND ARGUED THE RELEVANCY OF THE QUESTION, FOR THE PURPOSE OF IMPEACHING THE STATEMENT OF KLINGENSMITH</p>	<p>BY COUNSEL OF HAIGHT <i>OR THE</i>[?] CHURCH. BASKIN WAIT A MINUTE <MR. F> THE QUESTION DROVES FOR CONCLUSION OF WITNESS THE JURY <i>SO</i>[?] DERIVE THAT FROM FACTS HE MAY STATE HE IS NOT PUT ON HERE AS {AN}ⁱ EXPERT ^{[[34]]} <i>ON/OF</i>[?] THE CHURCH SHOULD BE REQUIRED TO STATE WHAT HE KNOWS LET THE JURY DRAW THEIR CONCLUSIONS AND NOT HE HIMSELF. [<i>space</i>]</p> <p>SUTHERLAND</p>	<p>BY THE COUNSEL OR HEAD OF THE CHURCH? A- M^R BASKIN: WAIT A MOMENT, MR. FARNSWORTH. THE QUESTION CALLES FOR A CONCLUSION OF THE WITNESS, AND THE JURY MAY DERIVE THAT FROM THEFACTS HE MAY STATE; HE IS NOT PUT ON HERE AS AN EXPERT, AND</p> <p>HE SHOULD BE REQUIRED TO STATE WHAT HE KNOWS AND LET THE JURY DRAW THEIR CONCLUSIONS AND NOT HIMSELF. ARGUED BY M^R SUTHERLAND.</p>	
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RT

RS

BT

PS

<p>MADE BROUGHT OUT ON CROSS- EXAMINATION,</p>	<p>{THE}¹ RULE UPON THAT SUBJECT I BELIEVE IS A RULE ONLY WHEREVER THE MATTER SOUGHT TO BE OFFERED TO JURY CIRCUMSTANCE S OF AN INFINITE VARIETY CIRCUMSTANCE S OF MINUTE AND VARIETY TO BE DETAILED THAT GENERAL QUESTION MAY BE ASKED WHEN THEY HAVE A CONCLUSION WHICH THE WITNESS HAS TO <i>FR/NR</i>[?] OFFER ABOUT THESE CIRCUMSTANCE S HE KNOWS HIMSELF BUT WHICH HE CAN'T FULLY DETAIL TO THE JURY. THIS IS SUCH A CASE. <i>AND AGAIN</i>[?] OF COURSE THEY QUESTION THEY ARGUE HE</p>		
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RT

RS

BT

PS

	<p>COULD STATE SURROUNDING IN A GENERAL WAY [<i>space</i>] BUT IT IS IMPOSSIBLE <i>WE</i> <i>MOTION</i>[?] BROAD DESCRIPTION OF STATE OF SOCIETY TO IMPART TO ANOTHER WHAT ONE FEEL FROM ATMOSPHERE OF THAT PLACE COULD HIMSELF UNDERSTAND AND APPRECIATE [<i>space</i>] HOW HE BEING IN THE SAME POSITION HIMSELF AT THAT TIME BEING SURROUNDED WITH LIKE SURROUNDING OF THOSE AT CEDAR CITY A MAN EXPERIENCING WHAT A BISHOP WOULD BE LIKELY TO EXPERIENCE IN THIS SURROUNDING HE IS ABLE STATE HIS INTUITION AS WELL AS WHAT HIS JUDGMENT</p>		
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RT

RS

BT

PS

	<p>WOULD TEACH HIM UNDER <i>CIRCUMSTANCES</i> [?] A GREAT DEAL IS TO BE LEARNED FROM <i>INTUITION</i>[?] UNDER SUCH CIRCUMSTANCES AND IT WAS PROBABLY FROM MR. SMITH TESTIMONY HE WAS NOT REASONING FROM ANY FACTS IT WAS INTUITIVE FEAR IT WAS FEAR HE COULD NOT ANALYZE AND APPREHEND HE COULD NOT <i>DO THIS</i>[?] FROM ANY CIRCUMSTANCES WHICH HE WAS ABLE TO STATE HE NEVER HAD KNOWN OF ANY PERSON LOSING HIS LIFE BECAUSE HE HAD FAILED TO OBEY COUNSEL [space] THE <i>INTUITION</i>[?] <i>ABLE TO</i>[?] FEAR WHICH HE SAYS BROODED IN HIS MIND AND <i>DETERRED</i>[?]</p>		
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RT

RS

BT

PS

	<p>HIM FROM <i>DOING</i>[?] WHAT HE DID WHAT HE SAYS HE DID <i>ESTABLISH/ST</i>[?] THE CLAIM BY ORDERS OF HIS SUPERIORS I ARGUE THIS BISHOP WHO WAS IN NO SITUATION TO BE INFLUENCED BY SUCH APPREHENSIONS IF THERE WAS ANY CAUSE FOR THEM ANYTHING A MAN OF ORDINARY <i>STAMINA</i>[?] WOULD BE LIKELY TO FEAR I ASK HIM WHAT IS THE <i>BRS/BRTS</i>[?] ALL THAT SMITH COULD FEEL KNOW ALL ABOUT THAT SMITH COULD KNOW ARGUE IF IN THESE CIRCUMSTANCE S A BISHOP COULD DECLINE TO BE PARTY TO A MURDER ALTHOUGH IT WAS COMMANDED WHETHER HIS LIFE WOULD</p>		
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RT

RS

BT

PS

<p>AFTER WHICH BASKIN CLAIMED THAT COUNSELS STATEMENT SHOWED THE FALLACY OF THEIR PROPOSITION.</p>	<p>REALLY BE IN DANGER. BASKIN MAY IT PLEASE YOUR HONOR HIS OWN STATEMENT SHOWS FALLACY OF THE PROPOSITION [space] ONLY RULE IN WHICH THE OPINIONS ARE ALLOWED TO GO JURY IS ABOUT COMPLICATED MATTERS REQUIRING <i>WHAT IS ENOUGH SCHOLARLY[?]</i> WHICH IS NOT IN THE ^{[[35]]} POSSESSION OF ORDINARY MAN IN THIS CASE AN IMPOSTOR IF HE HAS SHOWN HIMSELF TO BE AN EXPERT OFFER ANY <i>MDSN/KRDSM[?] KMT/KM-T[?]</i> MAY GIVE HIS OPINIONS AS A RESULT HE THEN FOUND AN EXPERT WHO HAS NO PART [space] UNDER RULES OF TESTIMONY HE</p>	<p>ARGUED BY M^R BASKIN.</p>	
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RT

RS

BT

PS

	<p>CAN ONLY GIVE IT UPON STATEMENT OF FACTS YOU MUST LAY FOUNDATION OF FACTS BY OTHER TESTIMONY AND SHOW MAN TO BE EXPERT MAY GIVE THE OPINION IF IT COMES WITHIN EXCEPTION OF RULE THAT AIN'T THIS CASE IN ORDER TO LET STATEMENT OF THIS WITNESS HAVE EFFECT COUNSEL CLAIM FOR IT HE WOULD HAVE STATED JUST EXACTLY AS K SMITH HAS IN EVERY PARTICULAR BECAUSE SAME CAUSES OPERATING ON DIFFERENT PERSONS WOULD PRODUCE DIFFERENT RESULTS ANY SUCH EVIDENCE I VENTURE TO SAY AND SAY IF ADMITTED TO GO TO JURY.</p>		
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RT

RS

BT

PS

	<p><i>WHAT DOES HE[?] BY THIS WITNESS ASSUMES A FACT [space] DIDN'T EVEN ASSUME OR/AND[?] STATE FACT [space] WITHOUT STATEMENT OF FACTS PRESENTED AND LEADS[?] THE WITNESS [space] WITNESS HAS BEEN ABSENT HAS NOT HEARD TESTIMONY HE HAS NOT SHOWN BY HIS ANSWER HE KNOWS ANY OF FACTS TO GIVE WHAT AN INTUITION[?] AND CONCLUSION AND DEDUCTION ON THE JURY ARE BETTER OPTION[?] TO DRAW THAN[?] ON. [space] BY SUTHERLAND I ASK PERMISSION I UNDERSTAND HIM TO SAY THE ONLY CASE IN WHICH AN OPINION CAN BE GIVEN OF</i></p>		
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RT

RS

BT

PS

	<p>WITNESS THAT ONE WHO IS CALLED AS AN EXPERT AND DO NOT UNDERSTAND IT THAT TO BE LAW THAT EXPERTS SO CALLED TO GIVE IS TRUE THAT OPINIONS CAN'T BE GIVEN BY NO OTHER WITNESS IS NOT TRUE. WITNESS RIGHT OF MIND WHO HAS KNOWLEDGE OF <i>ALL[?] CASE[?]</i> MAY GIVE THEIR OPINION EXCEPTING INSANITY <i>USE[?]</i> THEM OF ANY OTHER CIRCUMSTANCE S UNDER RULE WHICH IS ANNOUNCED BEFORE WHERE THE AMOUNT OF THE INFORMATION CAN'T BE DETAILED TO JURY WITHOUT BEING SO MINUTE THE CONCLUSION DRAWN FROM WITNESS KNOWLEDGE MAY BE STATED</p>		
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RT

RS

BT

PS

<p>AFTER FURTHER DISCUSSION BETWEEN JUDGE SUTHERLAND AND BASKIN AND COUNSEL DESIRING TO LOOK AT AUTHORITIES AND TAKE FURTHER CONSIDERATION ON THE QUESTION, COURT ADJOURNED UNTIL TO-MORROW MORNING AT NINE O’CLOCK.</p> <p>SATURDAY MORNING, 31ST JULY 1875 NINE O’CLOCK A.M.</p>	<p>BY HIM BEING POSSESSED OF THIS KNOWLEDGE NECESSARY TO DRAW CONCLUSION. BY COURT IT IS ABOUT TIME TO ADJOURN I WILL LOOK AT THAT</p> <p>ADJOURNED COURT UNTIL TOMORROW MORNING 9 OCLOCK</p> <p><i>[[36]]370</i></p> <p>SATURDAY MORNING JULY 31ST 1875 9 AM [space]</p>	<p>THE COURT: IT IS ABOUT TIME TO ADJOURN AND I WILL LOOK UP THAT QUESTION THIS EVENING.</p> <p>COURT ADJOURNED TILL TO-MORROW MORNING AT 9 O’CLOCK. ----- O-----</p> <p>SATURDAY MORNING 9, A.M. 31ST, 1875.</p>	
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370. In purple pencil at the top of the page: **P. T. FARNSWORTH’S TESTIMONY CONTINUED.**

RT

RS

BT

PS

<p>COURT REQUIRED THE REPORTER TO READ LAST QUESTION ABOUT THE BISHOP AT CEDAR CITY.</p> <p>COURT: I SAID I WOULD LOOK AT THE QUESTION BEFORE COMING INTO THE COURT AGAIN. I HAVE EXAMINED PHILLIPS ON THE POINT AND GREEN-LEAF ALSO, AND I AM SATISFIED THAT THE LAW, AS LAID DOWN</p> <p>BY THEM, AND OTHERS, THAT THIS QUESTION WOULD NOT BE PROPER. SUTHERLAND: PLEASE ENTER OUR</p>	<p>9 AM CLERK READ NAMES OF JURORS. ALL PRESENT BY COURT</p> <p>REPORTER READ LAST QUESTION ABOUT BISHOP AT CEDAR CITY</p> <p>BY COURT I SAID I WOULD LOOK AT IT</p> <p>BEFORE COMING INTO COURT AGAIN I HAVE EXAMINED PHILLIPS ON POINT AND GREENLEAF ALSO I AM SATISFIED LAW AS LAID DOWN</p> <p>BY BOTH THESE AUTHORS THE QUESTION WOULD NOT BE PROPER. {SUTHERLAND}ⁱ EN{TER}ⁱ OUR</p>	<p>COURT PMET PURSUANT TO ADJOURNMENT, AND JURY CALLED. THE COURT : MR. REPORTER, PLEASE READ THE LAST QUESTION, PUT BY MR. SUTHERLAND TO THIS WITNESS. (QUESTION READ.) THE COURT: I SAID I WOULD LOOK AT THE AUTHORITIES BEFORE COMING INTO COURT AGAIN. I HAVE EXAMINAED PHILLIPS ON THE POINT AND GREENLEAF ALSO, AND I AM SATISFIED BY THE RULES LAIGD DOWN, ACCORDING ^[287] TO BOTH OF THESE AUTHORITIES, THE QUESTION WOULD NOT BE PROPER. M^R SUTHERLAND: PLEASE ENTER OUR</p>	
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RT

RS

BT

PS

<p>EXCEPTIONS.</p> <p>Q. HOW LONG WERE YOU A BISHOP MR. FARNSWORTH? A. I ACTED IN THE CAPACITY OF BISHOP FOR ABOUT NINE YEARS. Q. ARE YOU ACQUAINTED WITH THE POLITY OF THE CHURCH ? A. YES SIR. Q. AND YOU KNOW WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE WHEN THE REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT AND MODE OF DISCIPLINE IN REGARD TO DISOBEDIENT MEMBERS? ^[447] A. YES SIR, I AM.</p>	<p>EXCEPTION. {COURT SUSTAINED OBJN OF PROS, AND DEF EXCEPTED}ⁱ {Q}ⁱHOW LONG WERE YOU A BISHOP {MR. FARNSWORTH}ⁱ {A}ⁱACTED</p> <p>CAPACITY OF BISHOP ABOUT 9 YEARS. [<i>space</i>] {Q}ⁱARE YOU ACQUAINTED WITH THE POLITY OF CHURCH {A}ⁱ YES SIR {Q}ⁱ KNOW WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE WHEN THE REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT MODE OF DISCIPLINE DO YOU KNOW³⁷¹</p> <p>ON DISOBEDIENT MEMBERS {A}ⁱ YES SIR I AM.</p>	<p>EXCEPTION TO THE RULING OF THE COURT.</p> <p>Q. HOW LONG WERE YOU A BISHOP, KMR MR. FARNSWORTH? A. I ACTED IN THE THE CAPACIYTY OF BISHOP FOR ABOUT NINE YEARS. Q. ARE YOU ACQUAINTED WITH THE APOLITY OF THE CHUTRCH:? A. YES, SIR. Q. NOW, WHAT PENALTIES ARE INFLICTED FOR DISOBEDIENCE, WHEN A REQUIREMENT OF THE CHURCH OR ANY BRANCH OF IT, IS OR MODE OF DISCIPLINE? – DO YOU KNOW WHAT THE PENALTY TO IS FOR TO DISOBEDIENT MEMBERS? A. YES, SIR</p>	
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371. "DO YOU KNOW" was apparently added later.

RT

RS

BT

PS

<p>Q. STATE WHAT PUNISHMENTS THAT THE CHURCH OR ANY BRANCH OF IT OR ANY TRIBUNAL OF IT THERE ARE AND IMPOSED ? CAREY: YOU NEED NOT ANSWER THAT. WE OBJECT TO THE QUESTION,</p> <p>THAT IT HAS NOTHING TO DO WITH THE SLAUGHTER OF THE EMIGRANTS OR JOHN D. LEE . SUTHERLAND: THIS IS THE QUESTION BEARING UPON THE STATEMENT BY KLINGENSMITH IN WHICH HE STATED THAT HE PURSUED THE LINE</p>	<p>{Q} STATE WHAT PUNISHMENTS THAT THE CHURCH OR ANY BRANCH OF IT OR ANY TRIBUNAL OF IT ARE AUTHORIZED TO IMPOSE [space] BY CAREY {YOU} I NEED NOT ANSWER THAT. WE OBJECT TO THAT ANSWER</p> <p>CAREY OUR OBJECTIONS TO THE QUESTION IT HAS NOTHING TO DO WITH THIS SLAUGHTER OF EMIGRANTS WITH JOHN D. LEE. [space] SUTHERLAND THIS IS A QUESTION BEARING UPON STATEMENT BEARING MADE BY KLINGENSMITH IN WHICH HE STATED THAT HE PURSUED THE LINE</p>	<p>Q. STATE WHAT THE PUNISHMENTS, THAT THE CHURCH OR ANY BRANCH OFF IT OR QANY TRIBUNAL OFIT, ARE AUTHORIZED TO IMPOSE? M^R CAREY: YOU NEED NOT ANSWER THAT. WE OBJECT TO THA T QUESTION, IF YOUR HONOR PLEASE; AND THE GROUNDS OF OUR O BJECTIONS A RE T HAT IT HAS NOTHING TO DO WITH THIS SLAUGHTER OF THE EMIGRANTS OR WITH JOHN D. LEE. M^R SUTHERLAND: THIS IS A QUESTION BERARING UPON THE STATEMENT MADE BY KLINGENSMITH IN WHICH HE STQATED THA TIF HE DISOBEYED HE</p>	
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RT**RS****BT****PS**

<p>TESTIFIED TO BY HIM,OF CONDUCT FROM AN APPREHENSION OF THE CHURCH WITH REGARD TO HIMSELF. WE EXPECT TO SHOW BY THIS WITNESS THAT THE CHURCH NEVER IMPOSED ANY PUNISHMENTS EXCEPT DISFELLOWSHIP OR EXCOMMUNICATING.</p> <p>THAT NONE</p> <p>OF ITS MEMBERS HAD CAUSE TO FEAR FOR DISOBEDIENCE AND THAT THEIR LIVES WERE NEVER THREATENED, NOR ANY BODILY HARM. IF SUCH TESTIMONY SHOULD BE PERMITTED TO COME IN IT WOULD BE A</p>	<p>TESTIFIED TO BY HIM OF CONDUCT FROM AN APPREHENSION OF DANGER TO HIMSELF. WE EXPECT TO BE ABLE TO SHOW BY THIS WITNESS, THAT THE CHURCH NEVER IMPOSES ANY PUNISHMENTS EXCEPT DISFELLOWSHIP OR EXCOMMUNICATING, THAT IT OTHERWISE WAS PERSONAL CHASTISEMENT, NOTHING THAT WOULD PUT ANY OF ITS MEMBERS UNDER ANY FEAR PERTAINING THEIR LIFE</p> <p>OR ANY BODILY HARM. [space] IF SUCH TESTIMONY SHOULD</p> <p>COME IN, IT WOULD BE A</p>	<p>WOULD BE IN FEAR OR APPREHENSION OR DANGER TO HIMSELF. WE EXPECT TO BE ABLE TO SHOW BY THIS WITNESS THAT THE CHURCH NEVER IMPOSED ANY PUNISHMENTS EXCEPT DISFELLOWSHIP OR EXCOMMUNICATING; THAT IT NEVER AUTHORIZED ANY PERSONAL CHASTISEMENT; NOTHING THAT WOULD PUT ANY OF ITS MEMBERS UNDER ANY FEAR, THREATENING THEIR LIFE</p> <p>OR ANY BODILY HARM. IF SUCH TESTIMONY SHOULD</p> <p>COME IN, IT WOULD BE A</p>	
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RT

RS

BT

PS

<p>DIRECT CONTRADICTION OF KLINGENSMITH'S STATEMENT IN THAT REGARD, AS WE UNDERSTAND IT, AND WE OFFER THE TESTIMONY TO EFFECT ≤AFFECT≥ THE CREDIBILITY OF THE WITNESS — ≤FOR THE PEOPLE> COURT: DID KLINGENSMITH TESTIFY THAT THE CHURCH THERE MADE ANY PENALTIES FOR THESE THINGS ? A. CAREY, NO SIR, HE NEVER SAID ANYTHING ABOUT IT. SUTHERLAND: HE CARRIED THE IDEA, IF H HE DIDN'T EXPRESS IT, THAT HIS LIVVE WOULD BE IN DANGER IF HE REFUSED TO OBEY. BASKIN ADDED ANOTHER POINT TO THEIR</p>	<p>DIRECT CONTRADICTION OF KLINGENSMITH'S STATEMENT IN THAT REGARD AS WE UNDERSTAND IT. WE OFFER {THE}ⁱ TESTIMONY TO AFFECT THE CREDIBILITY OF THAT WITNESS FOR THE PEOPLE. [<i>space</i>] BY COURT DID KLINGENSMITH TESTIFY CHURCH THERE MADE ANY PENALTIES FOR THESE THINGS ? BY CAREY NO SIR HE NEVER SAID ANYTHING ABOUT IT. SUTHERLAND: HE CARRIED IDEA IF HE DIDN'T EXPRESS IT OUT RIGHT HIS LIFE WOULD BE IN DANGER IF HE REFUSES TO OBEY. BASKIN IT IS POINT OF ANOTHER</p>	<p>DIRECT CONTRADICTION OF KLINGENSMITH'S STATEMENTS IN THAT REGARD AS WE UNDERSTAND IT; AND WE OFFER THE TESTIMONY TO EFFECT THE CREDIBILITY OF THAT WITNESS FOR THE PEOPLE. THE COURT: DID KLINGENSMITH TESTIFY THAT THE CHURCH AUTHORITY MADE OR IMPOSED ANY PENALTIES FOR THESE THINGS? M^R CAREY: NO, SIR, HE NEVER SAID ANYTHING ABOUT IT. M^R SUTHERLAND: HE CARRIED THE IDEA IF HE DIDN'T EXPRESS IT OUT ^[288] RIGHT THAT HIS LIFE WOULD BE IN DANGER IF HE REFUSED TO OBEY. M^R BASKIN: AT THIS POINT WE WANT TO ENTER ANOTHER</p>	
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RT

RS

BT

PS

<p>OBJECTION AS TO DOCTRINES TAUGHT, SERMONS DELIVERED AND PUBLISHED IN THE JOURNAL OF DISCOURSES, AND THE PRINTED RECORDS WERE THE BEST EVIDENCE AS TO THE INSTRUCTIONS AND RESTRICTIONS GOVERNING THE OFFICE OF A BISHOP.</p>	<p>OBJECTION</p> <p>THAT IS THAT THIS WITNESS STATE THE <i>OPINION/INFORMATION</i>[?] OF WHAT THE TEACH DOCTRINE OF CHURCH ARE WHEN HE HAS ALREADY STATED THAT</p> <p>IS MATTER OF RECORD</p> <p>DOCTRINE AND TEACHING OF THIS CHURCH CAN BE ASCERTAINED</p> <p>IN THE BEST</p>	<p>OBJECTION:</p> <p>THAT IS THAT THIS WITNESS HAS STATED THAT HE KNOWS WHAT THE TEASCHING AND DOCTRINES OF THE CHURCH ARE, WHEN HE HAS ALREADY STATED THAT THESE THINGS ARE A MATTER OF RECORD, AND THAT THE DOCTRINES AND TEACHING OF THIS CHURCH CAN BE ASCERTAINED FROM SUCH RECORDS, AND THAT THIS IS NOT THE BEST</p>	
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RT

RS

BT

PS

	<p>EVIDENCE OF IT. ^{[[37]]} {&}ⁱ CONTAINED IN THEIR PRINTED JOURNALS THE OFFICIAL JOURNALS OF THEIR DISCOURSES. THERE IS A BOOK HERE IN THE CHURCH PUBLISHED BY AUTHOR {ITY}ⁱ CALLED THE JOURNALS OF DISCOURSES IN WHICH THE DOCTRINES OF THE CHURCH ARE TAUGHT FROM THE PULPIT [<i>space</i>] AS TAUGHT FROM THE PULPIT IN THESE JOURNALS {THE}ⁱ DOCTRINE OF BLOOD ATONEMENT, SHEDDING OF HUMAN BLOOD</p> <p>IS CONTAINED AND IF THIS DOCTRINE {IS A}ⁱ DOCTRINE OF THE</p>	<p>EVIDENCE OF IT; AND THEY ARE CONTAINED IN THEIR PRINTED JOURNALS, WHICH ARE THEIR OFFICIAL JOURNALWS OF THEIR DISCOURSES. THERE IS A BOOK HERE OF THE CHURCH PUBLISHED BY AUTHORITY, CALLED THE JOURNALS OF DISCOURSES IN WHICH THE DOCTRINES OF THE CHURCH ARE TAUGHT FROM THE PULPITS AND OUT OF THEIR PULPITS. IN THESE JOURNALS THE DOCTRINE OF BLOOD ATTONEMENT, THE SHEDDING OF HUMAN BLOOD FOR THE SHEDDING OF ATTONEMENT OF SIN, IS CONTAINED AND IF THIS DOCTRINE IS A A DOCTRINE OF THE</p>	
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RT

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BT

PS

	<p>CHURCH IF ANYTHING HE SEEKS TO PROVE WHATEVER THEIR DOCTRINES ARE IS {A}ⁱ MATTER OF RECORD, IT COULD NOT BE PROVEN BY THIS WITNESS BUT MUST BE PROVEN BY BEST EVIDENCE OF IT. HE IS ONLY {A}ⁱ BISHOP IN THE CHURCH. IF THEY WANT TO PROVE DOCTRINE OF MORMON CHURCH IT CAN {BE}ⁱ DONE BY THEIR JOURNALS OF DISCOURSES ON RECORD. IT DON'T MAKE ANY DIFFERENCE HOW MUCH MUCH BLOOD ATONEMENT MAY BE ESTABLISHED, IT DON'T CHANGE {THE}ⁱ FACT COUNCIL WAS HELD DOWN</p>	<p>CHURCH, IF ANYTHING HE SEEKS TO BPROVE OUT OF THEIR DOCTRINES, HERE IS A MATTER OF RECORD; IT COULD NOT BE PROVEN BY THIS WITNESS, BUT MUST BE PROVEN BY THE BEST EVIDENCE OF IT. HE IS ONLY A BISHOP IN THE CHURCH. IF THEY WANT TO PROVE- THE DOCTRINES OF THE MORMON CHURCH, IT CAN ONLY BE DONWE BY THEIR JOURNALS OF DISCOURSES ON RECORD ; BUT IT DON'T MAKE ANY DIFFERENCE HOW MUCH BLOOD ATONEMENT MAY BE ESTABLISHED , IT DON'T CHANGE THE FACT THAT THE COUNSEL WAS HELD DOWN</p>	
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RT

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BT

PS

<p>SUTHERLAND ANSWERED THAT COUNSEL HAD NOW STARTED A NEW OBJECTION. THE [448] PROSECUTION'S FIRST OBJECTION WAS AS TO RELEVANCY, NOW HE WANTS IT TO BE DECIDED BY THE PRINTED RECORD .</p>	<p>THERE BY WHICH THIS WAS ORDERED</p> <p>K SMITH SAYS³⁷² THAT <HE> BECAUSE OF THE DOCTRINE HE WAS AFRAID TO RESIST. SUTHERLAND</p> <p>COUNSEL NOW STARTS {A}ⁱ NEW OBJECTION. {THEIR}ⁱ</p> <p>OBJECTION FIRST WAS</p> <p>IRRELEVANCY</p> <p>IT DON'T³⁷³ APPEAR IN THIS CASE SOUGHT TO BE REACHED BY THIS QUESTION</p> <p>EXISTED IN ANY FORM ADMITTED IN PROOF BY SUPERIOR EVIDENCE, [space] IT IS</p>	<p>THERE BY WHICH THIS WAS ORDERED; THE KLINGENSMITH SAYS THE THING WAS DETERMINED UPON, AND HE WAS AFRAID TO RESIST. M^R SUTHERLAND:</p> <p>COUNSEL NOW STARTS A NEW OBJECTION. THEIR</p> <p>OBJECTION FIRST WAS ITS REL IRRELEVANCY;</p> <p>IT DON'T APPEAR IN THIS CASE SOUGHT TO BE REACHED BY THIS QUESTION, OR THAT IT EXISTED IN ANY PRINTED FORM.</p> <p>IT IS</p>	
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372. Word apparently added later.

373. Word apparently added later.

RT

RS

BT

PS

	<p>TRUE THAT THERE HAVE BEEN DISCOURSES DELIVERED THAT THOSE DISCOURSES HAVE BEEN PUBLISHED BY COURT HE TESTIFIED YESTERDAY THEY WERE PRINTED [space] SUTHERLAND HE SAID <i>IT</i> <i>GAVE</i>[?] OF SOMETHING {IN}ⁱ REGARD TO {THE}ⁱ</p> <p>CHURCH <LOCAL SAINTS> EXISTED IN WRITING BUT HOW ADOPTED [space] BISHOP IT WAS IN REFERENCE TO</p> <p>CUTTING OFF PARTIES FROM THE CHURCH</p> <p>RECORDS WERE KEPT. [space] BY SUTHERLAND WHAT THESE {WERE}ⁱ RULES HOW THOSE</p>	<p>TRUE THAT THERE HAVE BEEN DISCOURSES DELIVERD AND THAT THOSE HDISCOURSES HAVE BEEN PUBLISHED. THE COURT: HE TESTIFIED YESTERDAY THAT THEY WERE PRINTED. [289] M^R SUTHERLAND: HE GAVE SOME TESTIMONY OF SOMETHING IN REDGARD TO THE LOCAL ACTIONS IN THE CHURCH, THAT THEY</p> <p>EXISTED IN WRITING. M^R BISHOP: IT WAS IN REFERENCE TO ‡ TEHE CUTTINGG OFF OF PARTIES FROM THE CHURCH THAT THESE REFCORDS WERE KEPT. M^R SUTHERLAND: WHAT THEWSE WERE, HOW THESE</p>	
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RT

RS

BT

PS

	<p>RULES WERE ADOPTED, WHAT THEY EXTEND TO DOES NOT APPEAR BUT THAT ALL KINDS OF DISCIPLINE ARE SO REGULATED OR HOW ENFORCED DOESN'T APPEAR RETURNING AGAIN TO REMARKS OF COUNSEL, THAT THERE ARE THE DISCOURSES</p> <p>WE MAY ADMIT, THAT THOSE DISCOURSES</p> <p>ARE ALL OBLIGATORY AND SUCH THEY ARE EXPRESSION OF THEIR DOCTRINE, THAT THEY CAN'T BE PROVED WITHOUT PRODUCING THOSE DISCOURSES I DENY. AS FAR</p> <p>QUESTION</p>	<p>RULES WERE ADOPTED, WHAT THEY EXTENDED TO, DOESN'T APPEAR; OR THAT THESE RULES OF DISCIPLINE, HOW THEY ARE REGULATED OR HOW ENFORCED, DOESNT APPEAR. RETURNING AGAIN TO THE REMARKS OF COUNSEL THAT THEY ARE THE DISCOURSES OF THE CHURCH, WE WILL ADMIT;, THAT THESE DISCOURSES AND DECREES ARE ALL OBLIGATORY;, AND AS SUCH THEY ARE THE EXPOSITIONS OF THE DOCTRINE; BUT THAT THEY CAN NOT BE PROVED WITHOUT PRODUCING THESE DISCOURSES, I DENY. AS FAR AS THE</p> <p>QUESTION</p>	
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RT

RS

BT

PS

	<p>SHOULD ARISE WHATEVER JURISDICTION WHERE THE COMMON LAW PREVAILS COMMON LAW IS SEAT OF GREAT MANY JUDICIAL DECISIONS, GREAT MAY OF ELEMENTARY <i>TREATISES</i>[?] WHO HAVE HEARD OF THE RULE GENTLEMAN SPEAKS OF BEING APPLIED TO PROVE THE COMMON LAW</p> <p>TERRITORIAL RULE IS IN HARMONY; WITH ANY PROFESSOR,</p> <p>ANY PRACTITIONER ANY PERSON WHO HAS PROFESSION, <i>ACQUAINTED</i>[?] WITH THAT LAW MAY TAKE STAND AND TESTIFY SAY IT WOULD BE RECORD OF THE DOCTRINES</p>	<p>SHOULD ARISE, WHATEVER THE JURISDICTION MAY BE WHERE THE COMMON LAW PREVAILAS, THE COMMON LAW IS THE SUBJECT OF A GREAT MANY JUDICIAL DECISIONS, OF A GREAT MANY ELEMENTARY TREATIESE.S WHOEVER HEARD THE RULE THE GENTLEMAN SPEAKS OF, BEING APPLIED TO PROVE THE COM MON LAW. THE TERRITORIAL RULE IS IN HARMONY THAT ANY PROFESSIONAL ANY PROFESSIONER, ANY PRACTITIONER</p> <p>WHO HAS A PROFESSION COULD BE ALLOWED TO TAKE THE STAND AND TESTIFY; SO IT COULD BE WITH THE RECORD OF THE DOCTRINES</p>	
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RT

RS

BT

PS

	<p>OF THE CHURCH WHICH ARE IN SOME WAY ^{[[38]]}</p> <p>TEXTS THAT ARE A TRADITION,</p> <p>LIKE THE COMMON LAW [space]. I AM NOT</p> <p>INQUIRING WHAT AUTHORITY THEY ASSUME, BUT THE AUTHORITY WHICH THEY PRACTICALLY EXERCISE. IT WOULD BE THAT AUTHORITY THAT WOULD IMPRESS A PERSON WHO HAD ALTERNATIVE OF OBEDIENCE OR DISOBEDIENCE I ASKED HIM THE QUESTION WHETHER THE CHURCH EVER IMPOSES ANY OTHER PUNISHMENT THAN DISFELLOWSHIP OR EXCOMMUNICA</p>	<p>OF THE CHRUCH WHICH ARE IN SOKME WAY, THE DR</p> <p>DOCTRINES WHICH ARE TREATICIES TREATIES ON THE COMMON LAW. I AM NOT BY THIS QUESTION ENQUIRING BYWHAT AUTHORITY THEY ASSUME, BUT THE QAUTHORITY WHICH THEY PRACTICALLY EXERCISE; IT QWOULD BE THAT ATTHAT AUTHORITY WHICH WOULD IMPRESS A PERSON, WHO HAD BEEN GUILTY OF ACTS OF DISOBEDIENCE. I ASKED HIM THE QUESTION WHETHER THE CHURCH EVER IMPOSED ANY IOTHER IPUNISHMENT THAN DISFELLOWSHIP OR EXCOMMUNICA</p>	
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RT

RS

BT

PS

	<p>TION WHETHER IT EVER HAS DONE IT; IF THAT IS TRUE EVEN THOUGH A LOCAL COUNCIL MIGHT VOTE THAT SOME PERSON IN IT LOCAL JURISDICTION WHO DID SOME ACT, IF THAT ACT WAS OUT OF SCOPE OF GENERAL DEALINGS OF THE CHURCH WITH ITS MEMBERS, HE MAY FULLY AND CLEARLY RESORT TO OTHER AUTHORITIES OF THE CHURCH MIGHT FEEL PERFECT SAFETY IN DISOBEY THAT LOCAL COUNCIL. HE COULD DEPEND UPON SUPPORT OF THE CHURCH UNIVERSAL AGAINST ANY EXCEPTIONAL MEASURE OF A LOCAL</p>	<p>TION, WHETHER IT EVER DONEID IT? IF THAT IS TRUE EVENRTHOUGH A LOCAL COUNSEL MIGHT VOTE THAT SOME OTHER PERSON UNDER ITS LOCAL JURISDICTION , ASHOULD DO SOME ACT—IF THAT ACT WAS OUT OF THE GENERAL DEALINGS OF THE CHURCH WITH ITS MEMBERS, HE MIGHT FULLY AND CRLEARLY RESORT TO OTHER AUTHORITIES OF ^[290] THE CHURCH AND MIGHT FEEL PERFECT SAFETY IN DISOBEYING THAT LOCAL COUNSEL . HE COULD DEPEND UPON THE SUPPORT OF THE CHURCH UNIVERSALLY AGAINST ANY EXCEPTIONAL MAJORITY OF A LOCAL</p>	
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RT

RS

BT

PS

<p>BASKIN: THE GENTLEMAN SUGGESTS A NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH—WHAT WAS THE PRETEXT FOR THE MOUNTAIN MEADOWS MASSACRE—</p>	<p>TRIBUNAL. [space] BASKIN. GENTLEMAN SUGGESTS NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH, WHAT WAS THE PRACTICE</p>	<p>TRIBUNAL. M^R BASKIN: THE GENTLEMAN SUGGESTAS A NEW IDEA. HE SAYS HE PROPOSES TO PROVE WHAT WAS DONE BY THE CHURCH, AND WHAT WAS THE PRACTICE;</p>	
	<p>JUST THINK FOR A MOMENT</p>	<p>JUST TO THINK FOR A MONMENT</p>	
<p>WHAT WOULD THAT LEAD US TO; IT WOULD CARRYUS BACK TO <THE> “<u>PARISHES</u>”—</p>	<p>WHAT THAT WOULD LEAD US TO. IT WOULD CARRY US BACK TO PARISHES,</p>	<p>WHERE THEY WOULD LEAD US TO. IT WOULD CARRY US BACK TO THE PARISH MURDER. PARISHES MURD PUR</p>	
<p>IT WOULD CARRY US BACK TO THE MURDER OF THE AIKEN’S,AND</p>	<p>IT WOULD CARRY US BACK TO THE MURDER OF AIKINS</p>	<p>TTANS. IT WOULD CARRY US BACK TO THE MURDER OF THE AIKINS; IT WOULD CARRY</p>	
<p>TO THE MASSACRE OF THE GUNNISON PARTY,AND TO THE CUTTING OF THE THROAT OF NIGGER TOM IN</p>	<p><i>BACK[?]</i> TO THE MURDER OF THE GUNNISON PARTY, TO THE CUTTING OF THE THROAT OF NIGGER TOM IN</p>	<p>US BACK TO THE MASSACRE OF THE GUNNISON PARTY, AND THE CUTTING OF THE THROZAT OF NIGGR TOM IN</p>	

RT

RS

BT

PS

<p>SALT LAKE CITY. TO THE CUTTING OF IS IKE POTTER AT COALVILLE; IT WOULD CARRY US BACK TO THE MURDER OF DOCK.ROBINSON</p> <p>AND TO ALL THE OTHER SECRET AND MYSTERIOUS HOMICIDES THAT HAVE</p> <p>DISGRACED THIS TERRITORY.</p>	<p>SALT LAKE CITY, TO THE CUTTING OF THE THROAT OF IKE POTTER AT COALVILLE. IT WOULD CARRY US BACK TO THE MURDER OF DOC ROBINSON, {DOCK ROBINSON}ⁱ</p> <p>AND TO THE OTHER GREAT MYSTERIOUS HOMICIDES, THAT HAVE</p> <p>DISGRACED THIS TERRITORY. WE WOULD HAVE TO SHOW THE ACTS DONE BRING IT HOME THOSE THAT WERE SUPPOSED CHURCH HAVE BEEN IMPLICATED WITH, SO THAT YOU SEE THAT THERE IS NO END TO THIS TRAIL IF SUCH EVIDENCE WAS OFFERED.</p> <p>GENTLEMAN MAKES <A></p>	<p>SALT LAKE CITY, AND THE CUTTING OF THE THROAT OF IKE POTTER AT COALVILLE SPRINGVILLE. IT WOULD CARRY US BACK TO THE MURDER OF DOCKTER RONROBINSON IN SALT LAKE,</p> <p>AND TO ALL THE OTHER SERIOUS, MYSTERIOUS HOMICIDES THAT HAVE EVER DISGRACED THIS TERRITORY. WE SHOULD HAVE TO SHOW THE ACTS DONE AND BRING IT HOME TO THOSE THAT WERE SUPPOSED THE CHURCH HAVE BEEN IMPLICATED WITH. SO YOU SEE THAT THERE WOULD BE NO END TO THIS, ISF SUCH EVIDENCE WAS SUFFERED TO COME IN.. THE GENTLEMAN MAKES A</p>	
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RT

RS

BT

PS

	<p>VERY UNFORTUNATE ILLUSTRATION IN RESPECT COMMON LAW WE ASCERTAIN IT BY DECISIONS OF COURT BECAUSE COMMON LAW HAS PRINCIPLE BEEN ESTABLISHED</p> <p>IT IS UNWRITTEN LAW, ONLY IN THIS SENSE, IT AIN'T IN THE SHAPE OF A STATUTE, NOT EXPRESSED IN ANY ACT OF PARLIAMENT, IT DOES EXIST IN DECISIONS OF THE COURT WHICH ARE REDUCED TO WRITING SUPPOSE WHEN YOU GO TO PROVE CARDINAL DOCTRINES OF CHURCH, YOU</p>	<p>VERY UNFORTUNATE ILLUSTRATION IN RESPECT TO THE COMMON LAW, AND WE ASCERTAIN IT BY THE DECISIONS OF THE COURT; BECAUSE THE COMMON LAW HAS PRINCIPALLY BEEN ESTABLISHED BY LONG USAGE AND PRACTICE AND IT IS THE UNDERLYING PRINCIPLES OF OUT STATUTORY LAW; ONLY THIS SENSE IT IS NOT IN THE SHAPE OF A STATUTE, NOT EXPRESSED IN ANY ACT OF PARLIAMENT; BUT IT DOES EXIST IN THE DECISIONS OF THE COURT WHICH ARE REDUCED TO WRITING/ BUT WHEN YOU WANT TO PROVE THE CARDINAL DOCTRINES OF A CHURCH YOU</p>	
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RT

RS

BT

PS

	<p>CAN ONLY ASCERTAIN IT BY THE WRITTEN AND ^{[[39]]} ORAL TEACHINGS OF THE CHURCH. IT DON'T HAVE ANYTHING TO DO WITH THIS BECAUSE YOU WILL SEE IF IT IS ENTERED INTO WHERE IT WILL LEAD. BY COURT I DO NOT THINK THIS IS</p> <p>CONTRADICTION OF ANYTHING SMITH HAS STATED THAT IS ONE OF THE GROUNDS ON WHICH IT IS BASED, I DO NOT THINK IT IS ANY CONTRADICTION OF ANYTHING HE HAS STATED, AND THERE CAN BE NO SIMILARITY BETWEEN THIS AND COMMON LAW IF THERE IS ANY SIMILARITY, COMMON LAW BEING</p>	<p>CAN ONLY ASCERTAIN IT BY THE WRITTEN AND ORAL TEACHINGS OF THE CHURCH. IT DON'T HAVE NA ANYTHING TO DO WITH THIS CASE, AND YOU WILL SEE IF IT IS EVNTERED INTO WHERE IT WILL LEAD. THE COURT: I DON'T THINK THIS IS ANYTHING CONTRADICTORY TO ANYTHING THAT MR. SMITH STATED; THAT IS ONE OF THE GROUNDS ON WHICH IT IS BASED, AND I DON'T TH INK IT IS ANYTHING ANY CONTRADICTION ^[291] OF ANYTHING HE HAS STATED, AND THERE CAN BE NO SIMILARITY BETWEEN THIS AND THE COMMON LAW. IF THERE IS A NY SIMILARITY, THE COMMON LAY BEING</p>	
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RT

RS

BT

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	<p>ASCERTAINED BY DECISIONS OF COURTS GENERALLY AND BY OPINION EMINENT WRITERS, IF THERE WERE NO WRITTEN LAW OF THE CHURCH, IT COULD NOT BE ASCERTAINED</p> <p>BY ANY OF ITS LEADERS. THIS WITNESS SWEARS RULES ARE REDUCED TO WRITING.</p> <p>I CAN'T SEE ANY REASON FOR ADMITTING THIS TESTIMONY AT ALL, I DO NOT THINK IT HAS ANY BEARING UPON THE CASE SUTHERLAND PLEASE NOTE OUR EXCEPTIONS.</p> <p><COURT> PROCEED WITH WITNESS BY COURT. [space]</p>	<p>ASCERTAINED BY THE DECISION OF THE COURTS AND GENERALLY BY THE OPINIONS OF EMINENT WRITERS, IF THERE WERE ANY ORIGINAL LAW OF THE CHURCH, IT COULD NOT BE ASCERTAINED FROM OPINIONS OF BY ANY OF ITS LEADERS. THIS WITNESS SWEARS THAT THE RULES ARE REDUCED TO WRITING, SAME AS STATUTES: I CAN'T SEE ANY REASON FOR ADMITTING THIS TESTIMONY. AT ALL AND I DON'T TH INK IT HQAS ANY BEARING UPON THE CASE. M^R SUTHERLAND: PLEASE NOT OUR EXCEPTIONS TO YOUR HONORS RULING. COURT: PROCEED WITH THE WITNESS. M^R</p>	
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RT

RS

BT

PS

<p>AFTER REMARKS BY THE COURT</p> <p>THE OBJECTION WAS SUSTAINED, TO WHICH RULING DEFENSE EXCEPTED</p> <p>Q. MR. FARNSWORTH WHAT WAS THE RELATIVE PROPORTION OF THE LOCAL POPULATION IN THIS PART OF THE TERRITORY</p> <p>TO THE INDIANS IN 1857 ?</p> <p>BASKIN: WE OBJECT TO IT AS WHOLLY IRRELEVANT.</p> <p>SUTHERLAND: AND WE INSIST ON THE QUESTION YOUR HONOR. COURT. I DON'T</p>	<p>BASKIN DEFENSE CAN'T DRAW OUT IRRELEVANT MATERIAL FOR PURPOSE OF CONTRADICTION. BY COURT PROCEED</p> <p>COURT PROCEED {COURT SUSTAINED OBJN. DEF EXCEPTING}ⁱ</p> <p>{Q}ⁱMR. F WHAT WAS THE RELATIVE STRENGTH OF LOCAL POPULATION IN THIS PART OF TERRITORY</p> <p>TO THE INDIANS IN 1857</p> <p>~ BASKIN WE OBJECT TO THAT AS WHOLLY IRRELEVANT.</p> <p>SUTHERLAND WE INSIST ON IT YOUR HONOR. BY COURT. I DON'T</p>	<p>BASKIN: THE DEFENSE CANNOT DRAW OUT IRRELEVANT MATTER FOR THE PURPOSES OF CONTRADICTION.</p> <p>M^R SUTHERLAND Q. MR. FARNSWORTH WHAT WAS THE RELATIVE STRENGTH OF THE LOCAL POPULATION IN IN THIS PART OF THE TERRITORY AS COMPARED WITH THE INDIANS IN I857? M^R BASKIN : WE OBJECT TO THA T AS WHOLLY IRRELEVANT. M^R SUTHERLAND: AND WE INSIST ON Y IT YOUR HONOR. THE COURT: I DO</p>	
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RT

RS

BT

PS

<p>SEE THE OBJECT OF THE QUESTION IN THIS CASE, THE WITNESS NOT HAVING SWORN HE KNOWS ANYTHING ABOUT IT AT ALL, AND I CANNOT SEE IT WOULD BE ANY CONNECTION,</p>	<p>SEE THAT HAS <i>OBJECTIVE</i>[?] IN THE CASE. WITNESS NOT HAVING SWORN HE KNOWS ANYTHING ABOUT IT AT ALL BY COURT I CANNOT SEE IT WOULD BE ANY CONNECTION TO THIS,</p>	<p>NOT SEE ITS OBJECT. IN THE CASE AND. AND, THE WITNESS HAS NOT HAVING SWORN AT THAT HE KNOWS ANYTHING ABOUT IT AT ALL. I CANNOT SEE THAT IT WOULD HAVE ANY CONNECTION, TO THIS, BEARING UPON THE CASE,</p>	
<p>UNLESS YOU WOULD SHOW ALL THE WHITE MEN AND INDIANS WERE ON THE GROUND, AND THEN IT WOULD HAVE</p>	<p>UNLESS YOU WOULD SHOW ALL WHITE MEN AND INDIANS WERE ON THE GROUND, WHY THEN IT WOULD {HAVE}ⁱ</p>	<p>UNLESS YOU WOULD SHOW ALL THE WHITE MEN AND THE INDIANS WERE ON THE GROUND, WHY, THEN, IT WOULD HAVE</p>	
<p>SOMETHING TO DO WITH THAT. BASKIN: NO, IT WOULD NOT HAVE ANY RELEVANCY, EVEN THEN,</p>	<p>SOMETHING TO DO WITH THAT. BASKIN NO IT WOULD NOT HAVE ANY RELEVANCY THEN BECAUSE DURESS</p>	<p>SOMETHING TO DO WITH THAT IT. M^R BASKIN: NO, YOUR HONOR, IT WOULD NOT HAVE ANY RELEVANCY THEN, BECAUSE DURESS</p>	
<p>CANNOT JUSTIFY HOMICIDE. SUTHERLAND: NOTE OUR</p>	<p>CANNOT JUSTIFY HOMICIDE. DEFENSE NOTE OUR</p>	<p>CANNOT JUSTIFY HOMICIDE. M^R SUTHERLAND: PLEASE NOTE</p>	

RT

RS

BT

PS

<p>EXCEPTIONS. ^[449]</p> <p>Q. STATE, IF YOU KNOW WHAT, DURING THE MONTH OF THE LATTER PART OF AUGUST AND THE FORE PART OF SEPTEMBER, 1857, WAS THE GENERAL TEMPER OF THE INDIANS TOWARDS THE WHITES, IN THIS PART OF THE TERRITORY, AND SOUTHWARD, IF YOU KNOW ? PROSECUTION OBJECTED TO THE QUESTION.</p> <p>THE DEFENSE MUST CONFINE THEIR TESTIMONY TO THE INDIANS WHO PARTICIPATED. THIS IS NOTHING TO THE ISSUE. IF THESE INDIANS WERE</p>	<p>EXCEPTION. <i>[space]</i></p> <p>{Q} STATE IF YOU KNOW WHAT DURING MONTH OF LATTER PART OF AUGUST {AND THE} FORE PART OF SEPTEMBER 185{7} WAS THE GENERAL TEMPER OF THE INDIANS TOWARDS THE WHITES IN THIS PART OF THE TERRITORY AND SOUTHWARD IF YOU KNOW ? {PROS OBJECTED} BASKIN AND CAREY OBJECTED TO THAT <i>[space]</i> HE MUST CONFINE HIS TESTIMONY TO THE INDIANS WHO PARTICIPATED IT IS NOTHING TO ISSUE. CAREY IF THESE INDIANS WERE —[?]</p>	<p>OUT EXCEPTION TO THE RULING OF THE COURT Q. STATE IF YOU KNOW WHAT, DURING THE MONTHS OF THE LATTER PART OF AUGUST AND THE FORE PART OF SEPTEMBER, OF 1857, WAS THE GENERAL TEMPER OF THE INDIANS TOWARD THE WHITES IN THIS PART OF THE TERRITORY AND SOUTHWARD IF YOU KNOW.</p> <p>M^R BASKIN: WE OBJECT TO THAT ON THE GROUND THAT HE MUST CONFINE ^[292] HIS TESTIMONY TO THE INDIANS WHO PARTICIPATED. THIS HAS NOTHING TO DO IN WITH THE ISSUE; IF THESE THERESE INDIANS WERE WERE</p>	
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RT

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BT

PS

<p>HOSTILE IT DON'T EXCUSE THE WHITES. WE DON'T DENY THAT THE INDIANS ON THE GROUND WERE HOSTILE,BUT IT HAS NOTHING TO DO WITH IT NOW. HOGE,REPLIED AND APPEALED AT CONSIDERABLE LENGTH TO THE COURT AS TO THE RELEVANCY OF THE QUESTION, EXPLAINING THE THEORY OF DEFENSE, AS TO THE CAUSE OF THE MASSACRE,</p>	<p>HOSTILE IT DON'T EXCUSE THE WHITES. WE DON'T DENY ≤THAT THE≥ INDIANS ON THE GROUND WAS HOSTILE IT HAS NO {THING}ⁱ TO DO WITH IT NOW ^{[[40]]}</p> <p>{HOGE FOR DEFENSE}ⁱ HOGE. WE PROPOSE TO SHOW INDIANS WERE HOSTILE. THAT {A}ⁱ GREAT MANY INDIANS AND INDIANS FROM HERE PARTICIPATED IN THAT MASSACRE. {THAT}ⁱ THEY FOLLOWED THIS TRAIN THEORY INDIANS THAT</p>	<p>HOSTILE IT ØDON'T EXCUUSE THE WHITES/ WE DON'T DENY THAT THE INDIANS ON THE GROUND WAS HOSTILE, BUT IT HAS NOTHING TO DO WITH IT NOW.</p>	
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RS

PARTICIPATED IN THE MASSACRE. THE GENTLEMAN HAS AGAIN SAYS THIS BECAUSE WITH THESE PARTIES THERE IS BUT ONE THEORY IN THIS CASE NOT WITHSTANDING ALL THIS WE HAVE A THEORY OF OUR OWN WE HAVE PRESENTED THIS THEORY TO THIS COURT THESE THINGS IN EVERY TESTIMONY IS ADMISSIBLE IF THEY SEE NOW THE CAUSE OF THIS MASSACRE THAT INDIANS WERE ENRAGED WHITE MEN BROUGHT THEM UPON 'EM THEMSELVES *WHERE*[?] THESE OUTRAGES THEY FOLLOWED 'EM TO PLACE OF MASSACRE AND PARTICIPATED IN THAT MASSACRE *THINK YOU*[?] HAVE WE NOT A RIGHT TO SHOW CONNECT OUR THEORY MAY POSSIBLY BE CORRECT TO THIS JURY APPEARS ON RECORD AS I NOW UNDERSTAND BY COURT DO YOU PROPOSE TO SHOW THESE INDIANS PARTICIPATED IN THE SAME MASSACRE INDIANS OF THE SAME TRIBE WE PROPOSE TO SHOW INDIANS FOLLOWED THIS TRAIN DOWN CORN CREEK INDIANS I DO NOT UNDERSTAND EVIDENCE AS GIVEN ALL ARBITRARY IT MIGHT TEND OR SEEM TO TEND TO DISPROVE EVIDENCE IN THIS CASE IF YOUR HONOR WILL ALLOW ME NOW I WILL CALL YOUR HONOR'S ATTENTION TO ONE THING AND THAT IN PARTICULAR. CASE PEOPLE OFFERS VS. *ARNER*—[?] 15 CALIFORNIA CASE RESTS IN THIS AREA CASE OF MURDER WHERE MAN BY NAME OF *SWEENEY*[?] WAS INDICTED FOR MURDER THIS MAN *SWEENEY*[?] HAD BORROWED PISTOL IT SAYS HAD BORROWED A PISTOL FROM CERTAIN PARTY REMARKING AT THE TIME BORROWED THAT HE INTENDED TO USE IT ON THE DEFENDANT BUT ARGUES PRIOR TO *DIFFICULTY*[?] ORIGINATED THIS QUESTION WAS ASKED BY THE COUNSEL AT THE TIME *CURTIS*[?] GAVE PISTOL TO SWEENEY WAS ANYTHING SAID BY *SWEENEY*[?] WITH REFERENCE TO USING PISTOL AGAINST DEFENDANT ^{[[41]]} COURT RULED OUT QUESTION [space] QUESTION WAS RESTORED COURT SUSTAINED THIS QUESTION [space] THREATS ARE NOT ADMISSIBLE IN EVIDENCE FOR ANY PURPOSE UNLESS PARTICULAR MATTER TO KNOWLEDGE OF DEFENSE AND NOT THEN UNLESS EXCEPTION [space] DANGER THEY SPEAK OF WITH REFERENCE TO THOSE INDIANS THIS IS *LONG*[?] ESTABLISHED GROUND TAKEN BY DEFENDANT'S COUNSEL IS [space] THEY SAY WE DID THIS [space] WE SAY THE INDIANS DID THIS [space] NOW GENTLEMEN TESTIMONY SO FAR SHOWS INDIANS PARTICIPATED IN THIS MATTER [space] THAT IS A PORTION OF THE PROOF THEY GO FURTHER AND SAY THE WHITES DID WE SAY IF THE WHITES DID WE HAVE NO CONNECTION WITH THE WHITES JOHN D. LEE HAD NO PART IN THE TRANSACTION FROM *PRB/PROBABILITY*[?] OF ACTS FROM ACTS OF PARTIES WE HAVE A RIGHT THEN TO PROVE THE INTERFERENCES TO BE DRAWN FROM THESE FACTS IF IS ANYTHING IN THIS REPORT PROCEEDED TO READ FURTHER RESPECT INFERENCES TO BE DRAWN WE URGE THAT THIS OUTRAGE WAS NOT COMMITTED BY THE WHITES BUT THE INDIANS READ FURTHER RESPECT ASSERTION BEING MADE BY *SWEENEY*[?] [space] RES GESTAE NOT BEING AS WAS CONTENTED BY GENTLEMAN THE MERE ACT OF KILLING THESE PARTIES EVIDENTLY HAVING CONFOUNDED OPPORTUNITY OF RES GESTAE WITH CORPUS DELICTI RES GESTAE MAY

COVER GREAT DEAL MORE GROUND THAN CORPUS DELICTI. IT SHOWS IN OTHER WORDS THE PURPOSE FOR WHICH WEAPON WAS PROCURED [space] BUT/ALL[?] FURTHER [space]. NO SIR[?] WE CONTEND THAT THIS EVIDENCE OR ANYTHING THAT TENDS TO ESTABLISH AND THEN CONCLUSIONS TO BE ARRIVED AT FROM THE ACTS AND TENDS TO DISPROVE THEORY OF COMPLAINT OUR THEORY OF DEFENSE IN REGARD TO THIS MATTER WE ARE ENTITLED TO ENTITLED TO ALL INDIANS MAY HAVE DONE THERE THAT INCITED INDIANS TO DO THESE ACTS THE INDIANS FOLLOWING THESE EMIGRANTS WERE[?] RESULTS FROM THESE INFLUENCES WE CONTEND THIS IS PROPER TESTIMONY TO GO TO THE JURY ALL THIS SURROUND CONSIDERATION[?] THOUGH SMALL THEY MAY BE IF TENDS TO THAT ONE FACT WE ARE ENTITLED THAT[?] THIS CONSIDERATION[?] IN THIS CASE AND CLAIM RIGHT TO INTRODUCE THAT TO THE JURY [space] BY BASKIN GENTLEMAN KNOWS ARGUMENT ASSUMES WE HAVE FACT WE HAVE SAID WE HAVE ALREADY ADMITTED RULE AS HE EXPLAINS IT [space] WE HAVE STATED TO YOUR HONOR IF THEY BROUGHT THESE INDIANS ON THE GROUND SHOWED THEIR PARTICIPATION IT WOULD BE ALLEGED GENTLEMAN ASSUMES NO PARTICIPATION WHICH WE HAVE MENTIONED THAT IS WE HAVE ONE THEORY OF THOSE ACTS THAT IS THAT THESE PARTIES PARTICIPATED IN IT WERE OBEYING WHITE MEN THAT BEING PROVEN DEFENSE HAS NO ^{[[42]]} RIGHT TO DISPROVE CONTRARY ONLY YOU COULD NOW BRING DOWN ANY LINES[?] HE HAS ARGUED WE HAVE SAID SUBSTANCE OF IT IN VARIOUS FORMS IF GENTLEMAN WILL UNDERTAKE TO SAY AS —[?] PROFESSIONAL HERE THEY EXPECT TO SHOW INDIANS THAT WERE HOSTILE AT THIS POINT FOLLOWED IT DOWN TO MOUNTAIN MEADOWS THEY PARTICIPATED IN IT NO OTHER EXCEPT INDIANS DID NO COALITION BETWEEN THEM AND WHITE MEN [space] AT THE TIME I MADE THIS OBJECTION NO SUCH STATEMENT WAS MADE IF THEY INTEND TO DO THAT I GRANT YOU IT WOULD BE COMPETENT TESTIMONY [space] IN RELATION TO HIS CASE IN CALIFORNIA THAT CASE IS GENERALLY SIMPLE WHAT YOUR HONOR DECIDED FEW DAYS AGO DECLARATION AGAINST PERSON MAY BE ALWAYS BE PROVEN. THERE WAS COALITION BETWEEN 2 PARTIES [space] PISTOL WITH WHICH HE WAS SLAIN WAS PROCURED BY PERSON AT THE TIME HE PROCURED IT HE DECLARED WHAT HE PROCURED IT FOR [space] BY HOGE YOU HAVE GOT THAT ENTIRELY WRONG THERE IS NO DECLARATION OF PRISONER/PERSON[?] ATTEMPTED TO BE PROVEN IN THAT CASE [space] IT HAS BEEN ESTABLISHED BY NUMEROUS DECISIONS [space] OF COURSE THERE ARE FEW AGAINST IT DECLARATION OF DESIRE[?] THREATEN PERSON MAY BE PROVED ALTHOUGH KNOWLEDGE OF THE FACT WAS NOT BROUGHT HOME. ≤CAREY≥ STILL IT IS NO JUSTIFICATION AS THEY SAY IN THIS CASE. THE THREATS MUST BE SHOWN TO HAVE BEEN UNCONNECTED[?] TO DS—[?] BEFORE THEY CAN BE SHOWN BY DEFENSE [space] BY COURT THESE ARE NOT THREATS OF DS— [?] [space] HOGE TO CAREY WE HAVE NOT CLAIMED IT AS JUSTIFICATION. BASKIN UNTIL HE GOT UP MADE THAT STATEMENT IT DID NOT APPEAR

WHAT DECLARATION THEY EXPECTED TO MAKE. ONLY JUDGE SPICER COULD *POINT*[?] THIS BECAUSE HE HAS SAID THERE WERE SOME WHITE MEN IN THAT COMPANY WHO DID ENTER INTO CONSPIRACY WITH THE INDIANS AND FORCED MR. LEE TO ENTER INTO IT WITH THEM. THERE IS ANOTHER THEORY OF THINGS WHICH GENTLEMAN PRESENTS THAT THE INDIANS BY COERCION AND TERRORS FORCED WHITE MAN INTO IT AND THEY WERE NOT GUILTY OF CRIME WITH ALL THIS CONTRADICTORY UNDERSTANDING OF THE DEFENSE IT LEADS US TO THE CONCLUSION THEY HAVE NOT A WELL DEFINED DEFENSE THEY SEEM TO BE GROPING IN THE DARK. BY HOGE THAT *DS*—[?] THREATS ARE NOT ADMISSIBLE UNLESS BROUGHT HOME BY DEFENSE I BELIEVE I *STATED*[?] THAT WHEN I READ TESTIMONY AND SKIPPED OVER THAT PORTION OF IT CONSIDERABLE OF IT CAME TO REASONING ON THE SUBJECT THAT REASONING ASSUMED TO BE IN HARMONY *WORDS MINDS*[?] OF THOSE IN CONSIDERATION AND TEND TO THROW *ON/IN*[?] THEORY OF THE DEFENSE IT IS NOT NECESSARY *BUT*[?] HE THROW SOME LIGHT ^{[[43]]} AND TENDS TO DISPROVE THEORY OF PROSECUTION WE ARE ENTITLED TO THAT CLASS OF TESTIMONY THIS CLASS OF TESTIMONY IS NOT GIVEN BY ANY ARBITRARY OR CONVENTIONAL RULES IT IS GIVEN BY GOOD COMMON SENSE WE DO NOT CLAIM THREATS HAD ANYTHING TO DO OR THAT THERE IS ANYTHING LIKE THREATS HERE BUT THE REASONING OF THE COURT AS TO THAT CLASS OF TESTIMONY ALL I READ *TO THE COURT*[?] [space] GENTLEMEN SEEM TO HOLD ON TO THAT *WORK/RULING*[?] AS THOUGH I —[?] FROM SOME *WRITING/READING*[?] ACCOUNT PROPOUNDED TO WITNESS THREATS WERE NOT ADMISSIBLE FOR ANY PURPOSE UNLESS PARTICULAR MATTER OF KNOWLEDGE OF DEFENDANT AND NOT THEN UNLESS EXPLAINED TO KNOWLEDGE OF JURY AND COURT. [space] BASKIN THAT DECISION ON THAT BRANCH OF THINGS AIN'T LAW RULE IS NOW WELL ESTABLISHED IF *DS*—[?] MAKES THREAT WITNESS MAY DISPROVE IT NOW GENTLEMEN AS I UNDERSTAND IS A LOST ARGUMENT [space] THEY WANT TO INTRODUCE THIS TESTIMONY BECAUSE IT TENDS TO PROVE AND THEN *NKPLD*[?] WITH OTHER TESTIMONY IT TENDS TO SUPPORT THEORY OF PROSECUTION TO WIT INDIANS WERE ENGAGED IN IT IN CONNECTION WITH WHITE MEN BY HOGE THEN GENTLEMAN SHOULD NOT OBJECT TO EVIDENCE BROUGHT UP IN FAVOR OF *'EM/HIM*[?]. [space]

RT

RS

BT

PS

	BY COURT WHAT IS	ARGUED BY M ^R HOSGE. THE COURT: SUPPOSE YOU SHOULD SHOW THAT THE THE COURT: WHAT IS YOUR OBJECT IN	
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RT

RS

BT

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<p>THAT THE EMIGRANTS HAD FIRST INCITED THE INDIANS BY THE POISONING OF THE SPRINGS AND THE OX NEAR CORN CREEK, WHO FOLLOWED THE EMIGRANTS TO BEAVER COUNTY AND ATTACKED THEM THERE, AND CONTINUED TO FOLLOW THEM, GATHERING OTHER INDIANS ON THE WAY TO THE MEADOWS, WHEN THE FINAL ATTACK WAS MADE, AND IF THIS QUESTION AND TESTIMONY BE PERMITTED TO COME IN</p>	<p>YOUR OBJECT IN GETTING THIS TESTIMONY OUT?</p> <p>HOGE FIRST PLACE WE HAVE TRIED ESTABLISH THIS FACT; THAT THERE WAS OUTRAGE PERPETRATED ON INDIANS AT</p>	<p>GETTING THIS TESTIMONY OUT?</p> <p>M^R HOGE: IN THE FIRST PLACE WE HAVE TRIED TO ESTABLISH TH IS FACT, THAT THERE WAS AN OUTRAGE PERPETRATED ON THE INDIANS</p>	
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RT

RS

BT

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	<p>CORN CREEK AND CONSEQUENCE OF THAT OUTRAGE PERPETRATED ON THE INDIANS AT CORN CREEK AND OTHER PLACES, THEY FOLLOWED THESE EMIGRANTS WITH THE AVOWED DETERMINATIO N OF EXTERMINATIN G THEM, ACCUMULATIN G INDIANS TO THEIR ASSISTANCE AS THEY WENT HAVING RUNNERS SENT TO SOUTHERN COUNTRY ACCUMULATIN G</p> <p>THERE TO[?] EXTENT OF 4 OR 5 HUNDRED AS GIVEN OUT BY GENTLEMAN'S OWN TESTIMONY AND THAT INDIANS</p>	<p>AT CORN CREEK AND IN CONSEQUEN CE OF THAT OUTRAGE PERPETRATED ON THE INDIANS AT CORN CREEK AND OTHER PLACES, THEY FOLLOWED THESE EMIGRANTS WITH THE AVOW3ED DETERMINATIO N OF EXTERMINATIO GNFG THEM, ACCUMULATIN G GATHERING INDIANS TO THEIR ASSISTANCE AS THEY WENT; HAVING RUNNERS SENT TO THE SOUTHERN COUNTRY, ACCUMULATIN G CONGREGATIN G THE RE TO THE EXTENT OF FOUR OR FICVE HUNDRED AS HAS COME OUT BY TTHE GENTLEMAN'S OWN TESTIMONY-, AND THAT THE INDIANS</p>	
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RT

RS

BT

PS

<p>THAT JOHN D. LEE HAD NOTHING TO DO WITH THE WHITE MEN, IF ANY DID PARTICIPATE IN IT, BUT</p> <p>TRIED TO DEFEND THE EMIGRANTS.</p> <p>COURT: SUPPOSE YOU SHOULD PROVE THAT THE INDIANS WERE INCENSED AND DID AND WENT AS YOU SAY, THAT WOULD NOT HOW SHOW WHETHER THE DEFENDANT WAS GUILTY OR NOT GUILTY.</p>	<p>PERPETRATED THIS OUTRAGE <i>IF SO</i> <i>NOTHING</i>[?] <i>THAT</i>[?] IS NOTHING AGAINST US JOHN D LEE HAD NOTHING TO DO WITH WHITE MEN IF HE DID PARTICIPATE IN IT BUT THAT TRULY HE TRIED TO DEFEND THE EMIGRANTS. [space] {COURT RULED}ⁱ BY COURT SUPPOSE YOU SHOULD PROVE INDIANS WERE INCENSED, THAT WOULD NOT SHOW WHETHER {THE}ⁱ DEFENDANT WAS GUILTY OR NOT GUILTY [space] BY HOGE IS NOT CIRCUMSTANCE S YOUR HONOR THAT MIGHT GO AND TEND TO SHOW THE INDIANS DID</p>	<p>PERPETRATED THIS OUTRAGE; AND FOR THE FURTHER REASON TO SHOW THAT</p> <p>JOHN D. LEE HAD NOTHING TO DO WITH THE WHITE MEN IF HE DID PARTICIAPATE IN IT, AND THAT HE TRIED TO DEFEND THE EMIGRANTS.</p> <p>COURT: SUPPOSE YOU WOULD PROVE THE INDIANS WERE INSENCESED, THAT WOULD NOT SHOW WHETHER THE INDIANS OR WHITES WERE GUILTY OR NOT GUILTY. (ARGUED BY COUNSEL). (</p>	
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RT

RS

BT

PS

	<p>THIS ACT THAT THEY DID ALL THIS BEFORE THERE WAS WHITE MEN CONSULTED ON SCENE AT CEDAR CITY AND THEY WERE FOLLOWING UP TO <i>RUV</i>—[?] VENGEANCE UPON THESE [[44]]³⁷⁴ EMIGRANTS. BY COURT DO YOU PROPOSE TO SHOW THESE INDIANS WENT ON AND PARTICIPATED IN IT [<i>space</i>] BY COURT IF YOU CAN GO AHEAD WITH WITNESS. BY COURT SOME MIGHT KNOW WHAT PORTION OF TRIBE WAS DOING AND SOME OF THEM MIGHT KNOW <i>MANY</i>—[?]. THERE WAS INDIAN RUNNERS ALL THROUGH SOUTHERN COUNTRY</p>		
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374. This last page of the notebook is loose; it is in very poor condition, with parts of the left side torn.

RT

RS

BT

PS

	<p>INCITING THE INDIANS. BY COURT I RECALL THEY SAID RUNNERS CAME FROM THE NORTH ≤HOGE≥ TESTIMONY SHOWS FROM FOUR TO FIVE HUNDRED INDIAN RUNNERS FROM THE NORTH INCITED INDIANS TO CONCENTRATE AT MOUNTAIN MEADOWS [space] WITH/THAT[?] CIRCUMSTANCE S IS UNDER THESE CIRCUMSTANCE S IT IS IMMATERIAL YOU HAVE[?] CONCLUSIVE CIRCUMSTANCE S M[?] THAT TENDS TO THAT FACT WE HAVE A RIGHT TO THE TESTIMONY THAT IS OUR THEORY OF THE CASE. NOW THEN IF WE CAN SHOW THAT THE FACT IS THESE INDIANS HAD FOLLOWED</p>		
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RT

RS

BT

PS

	<p>THESE EMIGRANTS THAT RUNNERS FROM THESE INDIANS HAD GONE BEFORE INCITING INDIANS <i>HERE/THERE</i>[?] SOUTH IN THE MEAN TIME THERE WAS FOUR TO FIVE INDIANS CONCENTRATED THERE IT TEND TO SHOW WHY THEY WERE THERE [<i>space</i>] <i>THINK THAT I</i> <i>WILL</i>[?] SHOW YOUR HONOR <i>WHITE MEN</i>[?] FOR WE PROPOSE TO GO ON SHOW JOHN D. LEE DID NOT PARTICIPATE THAT IS THE VERY QUESTION BEFORE JURY <i>OUR OWN</i>—[?] QUESTION <i>ENTIRE</i>[?] IS DID JOHN D. LEE PARTICIPATE IN THE MURDER AND THEIR THEORY IS HE DID OURS IS THAT HE DID NOT THERE IS WHERE THEORIES</p>		
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RT

RS

BT

PS

	<p>SEPARATE AT THAT POINT [space] BY HOGE HERE[?] WE — /TEND[?] TO SHOW WHERE JOHN D. LEE DID PARTICIPATE BY COURT SUPPOSE PORTION OF THESE INDIANS CAME DOWN HERE MADE THREATS AGAINST DIFFERENT CLASS OF EMIGRANTS</p> <p>AND THAT THING IS CONSISTENTLY CONFIRMED [space] THEY ARE ONES[?] BY</p>	<p>THE COURT: SUPPOSE A PORTION OF THESE INDIANS CAME DOWN HERE AND MADE THREATS AGAINST A DIFFERENT CLASS OF EMIGRANTS THAN THOSE THA T WERE MASSACREED AND THAT THI\$NG WAS SETTLED AND COMPROMISED, THEN THIS TESTIMONY WOULDN'T BE ADMISSIBLE.— —— (HERE ONE PAGE OF THE NOT REPORTERS NOTES WAS GONE AND COULD NOT BE FOUND.)^[293]</p>	
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RT

RS

BT

PS

	<p>HOGUE STILL SO FAR AS THAT TRAIN IS CONCERNED IF YOUR HONOR WILL PERMIT US TO SHOW WE WILL PROVE THAT THIS TRAIN WAS THE ONE. BUT SUPPOSE WE COULD GO ON SHOW SOME INDIANS SO FAR AS DIFFICULTY WAS CONCERNED BETWEEN DUKES TRAIN AND BECAUSE THOSE SAME INDIANS PASS ON SOUTH SUPPOSE WE COULD DO THAT SUPPOSE WE COULD <i>SHOW THEY ARE</i>[?] INDIANS THAT DID NOT ATTACK DUKES [<i>corner of page missing</i>] <i>HERE</i>[?] PASS ON BY COURT THAT WOULD BE ALL RIGHT BUT WHAT I HAD REFERENCE TO WAS PORTION OF INDIANS CAME DOWN HERE [<i>corner of</i></p>		
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RT

RS

BT

PS

<p>AFTER FURTHER ARGUMENT BETWEEN COUNSEL HOGE SAID:— Q. ARE YOU ACQUAINTED WITH THE INDIAN HISTORY AND WITH THE OUTRAGES:? BASKIN OBJECTED AND SAID: THE APPLICATION OF THIS WOULD BE PRETTY ROUGH ON THE MORMON CHURCH IN THIS CASE. ^[450] BISHOP: I DIDN'T KNOW THE MORMON CHURCH WERE ON TRIAL. Q. STATE IF ANY INDIANS OF THE PIEED TRIBE MADE ANY THREATS TO DESTROY THOSE</p>	<p><i>page missing]</i> REMAIN AT HOME PORTION MAY GO DOWN THERE AND THEN CREATING TROUBLE HERE MIGHT NOT BE ONES MIGHT NOT BE ONES³⁷⁵</p>		
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375. On verso of page 45: {**FRANK X. MURPHY DUNCAN GARDNER WEST JORDAN UTAH**}ⁱ

RT

RS

BT

PS

<p>WHO HAD WRONGED THEM AND THAT BELONGED AT CORN CREEK ? COURT: I THINK THE QUESTION PUT BEFORE THAT WOULD BE PROPER.</p> <p>Q. YOU MIGHT STATE WHAT INDIANS THERE WERE HERE THAT HAD DIFFICULTY WITH THE DUKES PARTY ?</p> <p>A. THEY WERE THE PAHVANTE TRIBE. Q. WHERE WERE THEY LOCATED ?</p> <p>A. AT CORN CREEK.</p> <p>SUTHERLAND: I DESIRE TO ASK HIM WHAT THREATS THEY MADE AGAINST ANY PERSON IN CONSEQUENCE OF SUFFERING FROM THE ALLEGED POISONING OF THEIR INDIANS AT</p>	<p>[Book 9 2]376 {Q}^i YOU MIGHT STATE WHAT INDIANS THEY WERE HERE THAT HAD DIFFICULTY WITH THE DUKES COMPANY [space] {A}^i THEY WERE PAHVANTE TRIBE. {Q}^i WHERE {WERE}^i THEY LOCATED ? {A}^i AT CORN CREEK. {S}^i I DESIRE TO ASK HIM WHAT THREATS THEY MADE AGAINST ANY PERSON IN CONSEQUENCE OF SUFFERING FROM {THE}^i ALLEGED POISONING OF OTHER/THEIR[?] INDIANS AT</p>	<p>SUTHERLAND:</p> <p>Q. YOU MA Y STATE WHAT INDIANS THEY WERE THAT HAD THE DIFFICULTY WITH THE DUKES LPARTY?</p> <p>A. THEY WERE THE PAHVANTS TRIBE. Q. WHERE WERE THEY LOCATED? A CORN CREEK. M^R</p> <p>SUTHERLAND: I DESIRE TO ASK HIM WHAT THREASTS THEY MADE AGAINST ANY PERSON, IN CONSEQUENCE OF SUFFERING THROUGH THE ALLEGED POISONING AT INDIAN</p>	
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376. Page 1 is missing. At the top of the page in longhand: BOOK 9 - TRANSCRIBED. The page is dirty and difficult to read.

RT

RS

BT

PS

<p>CORN CREEK . BASKIN: AND I OBJECT TO THE QUESTION. COURT: BRING IT HOME TO THIS TRAIN. SUTHERLAND: THERE IS EVIDENCE</p>	<p>CORN CREEK. {BASKIN: I OBJ TO THAT}¹ BY COURT BRING IT HOME TO THIS TRAIN. SUTHERLAND THERE IS EVIDENCE</p>	<p>CREEK . M^R BASKIN: I OBJECT TO THAT. THE COURT: BRING IT HOME TO THIS TRAIN. M^R SUTHERLAND: THERE IS EVIDENCE</p>	
<p>TENDING TO SHOW THAT THE INDIVIDUALS OF THIS TRAIN POISONED THAT OX, HOW MUCH WEIGHT IS TO BE GIVEN AS TENDING TO PROVE THAT IS FOR THE JURY TO DECIDE. EVIDENCE ONF THE SAME TRIBE ALLEGING THEIR GRIEVANCES TO BE THE POISONING. SOME INDIVIDUALS OF THEIR TRIBE AT CORN CREEK</p>	<p>TENDING TO SHOW THAT THOSE INDIVIDUALS OF THIS TRAIN POISONED THAT OX. HOW MUCH WEIGHT IS TO BE GIVEN TENDING TO PROVE THIS IS FOR THE JURY TO DECIDE. INDIANS OF THE SAME TRIBE ALLEGING AS THEIR GRIEVANCES THE POISONING OF SOME INDIVIDUALS OF THEIR TRIBE AT CORN CREEK</p>	<p>TENDING TO SHOW THAT SOME INDIVIDUAL OF THIS TRAIN POISONED THAT OX, HOW MUCH WEIGHT IS TO BE GIVEN AND TENDING TO PROVE THAT, IS FOR THE JURY TO DECIDE. EVIDENCES OF THE SAME TRIBE ALLEGING AS THEIR GRIEVANCES, THE POISONING OF SOME OF THEIR TRIBE AT CORN CREEK,</p>	
<p>MADE THREATS, NO MATTER AGAINST WHOM, THEY REFERRED TO THAT AS THE GRIEVANCE.</p>	<p>MADE THREATS NO MATTER AGAINST WHOM IF THEY REFERRED TO THAT AS THE GRIEVANCE IT</p>	<p>MADE THREATS NO MATTER AGAINST WHOM, IF THEY REFER TO THA T, AS THEIR GRIEVANCE, IT</p>	

RT

RS

BT

PS

<p>I ASK TO PROVE THESE THREATS AS TENDING TO PROVE THAT PROVOCATION .</p>	<p>SHOWS THE EXASPERATED STATE OF THEIR MIND AND THE CAUSE OF IT AND THAT BECAUSE THERE IS EVIDENCE INDIANS³⁷⁷ <i>TURNED</i> <i>HIM/MATTER[?]</i> TO THE MASSACRE OF THE TRAIN BY SUTHERLAND I SEEK TO PROVE THESE THREATS AS TENDING TO THAT PROVOCATION. BY BASKIN</p> <p>≤THAT QUESTION> H WAS LEADING THE WITNESS. OTHER OBJECTION TO IT IS THAT THEY MUST CONFINE THESE</p> <p>THREATS AND {THE}ⁱ DECLARATION TO HAD TIME</p>	<p>SHOWS THE EXASPERATED STATE OF THEIR MINDS AND THE CAUSE OF IT; AND THAT CAUSE ENDED IN</p> <p>THE MASSACRE OF THE EMIGRANT TRAIN :</p> <p>I ASK TO PROVE THESE THRESATS AS TENDING TO THAT PROVOCATION. M^R BASKIN: MY FIRST OBJECTION TO THA T QUESTION, WAS THAT IT WAS LEADING THE WITNESS, MY OTHER OGBJECTION TO IT IS, THAT THEY MUST CONFINE THEMSELVES TO THE TRHREATS AND THE DECLA+RATION S, TO THE TIME</p>	
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377. The shorthand symbols for “EVIDENCE” and “INDIANS” are very similar; this phrase could be “EVIDENCE INDIANS” or “INDIANS EVIDENCE”, or either word written twice.

RT

RS

BT

PS

<p>COURT: WAS THIS PRIOR TO THE MASSACRE ?</p> <p>A. IT WAS. WHEEDON: THERE WAS ONE TRAIN PASSED</p> <p>BETWEEN THIS EMIGRANT TRAIN AND THE MASSACRED</p> <p>TRAIN ? ^[451] COURT: I HAVE NO OBJECTIONS TO ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.</p>	<p>PREVIOUS TO THE MASSACRE AT THE TIME THAT TRAIN THAT WAS THREATENED IN THIS SITUATION PASSED THROUGH HERE TWO WEEKS HAD EXPIRED BETWEEN THE TIME THEY WENT THROUGH AND THE MASSACRE. [space] BY COURT TO DEFENSE. WAS THIS PRIOR TO THE MASSACRE</p> <p>A IT WAS. BY WHEDON. THERE WAS ONE HE DIDN'T PROVE</p> <p>BETWEEN THIS EMIGRANT TRAIN AND THE MASSACRED</p> <p>TRAIN. BY COURT I HAVE NO OBJECTION ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.</p>	<p>PREVIOUS TO THE MASSACRE, AT THE TIME THAT TRAIN THAT WAS THREATENED IN THIS TOWN AND TOWN PASSED THROUGH HERE; THE DUKES PARTY; BETWEEN WHICH TIME THEY WENT THROUGH TO THE MASSACRE.</p> <p>COURT: WAS THIS PRIOR TO THE MASSACRE? M^R SUTHERLAND: IT WAS. M^R WHEDON: THERE IS ONE POINT HE DIDN'T PROVE, THE DIFFERENCE BETWEEN THIS EMIGRANT TRAIN AND THE OTHER EMIGRANT TRAIN. THE COURT: I HAVE BNO OBJECTION TO ANY THREATS CONNECTED WITH THESE PARTICULAR EMIGRANTS.</p>	
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RT

RS

BT

PS

<p>COURT: I DON'T THINK THAT WOULD BE TESTIMONY AT ALL.</p>	<p>IF THERE IS ANYTHING IN THE OTHER MATTER SPEAKING ABOUT OTHER INDIANS —[?] THAT IT WAS THIS COMPANY THEIR³⁷⁸ ACTIONS THEY WENT AGAINST IT THIS ANOTHER <i>POINT/COMPANY</i> [?] SUTHERLAND THAT IS IN CONSEQUENCE OF THE DISPOSITION OF THE INDIANS. THE OBJECT WE HAD IN VIEW NOT TO SHOW THREATS PARTICULARLY; BUT TO SHOW STATEMENT BY THEM OF THEIR GRIEVANCE. BY COURT. I DO NOT THINK THAT WOULD BE TESTIMONY AT ALL. SUTHERLAND IN</p>	<p>IFTHERE IS ANYTHING IN THE OTHER MATTER—— — YOU SPOKE ABOUT OTHER INDIANS—— ^[2894] IF IT WAS FOR THI S COMPANY, FOR THEIR ACTIONS, THAT THEY WENT AGAINST IT, THAT IS ANOTHER POINT. M^R SUTHERLAND: THAT IS NOT THE OBJECT OF OUR QUESTION. THE OBJECT WE HAD IN VIEW WAS NOT TO SHOW THE THREATS PARTICULARLY Y, BUT TO SHOW THE STATEMENTS BY THEM OF THEIR GRIEVANCES. THE COURT: I DON'T THINK THA T WOULD BE TESTIMONY AT ALL—— M^R SUTHELAND: IN</p>	
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378. An ink vowel that was added later would render the word “OTHER”.

RT

RS

BT

PS

<p>CROSS - EXAMINED.</p> <p>Q. WHAT TIME</p>	<p>CONNECTION WITH THREATS THEY MADE SEEMED CHARGEABLE WITH THE PROVOCATION BY COURT I DO NOT THINK THAT WOULD BE TESTIMONY AT ALL UNLESS YOU SHOWED THESE INDIANS WERE PARTICIPATORS.</p> <p>SUTHERLAND WE DO EXPECT TO SHOW THEY WERE INDIANS OF THE SAME TRIBE. BY COURT I HAVE RULED ON THAT QUESTION.</p> <p>SUTHERLAND <i>PRESUPPOSE[?]</i> OBJECTION TO WHAT I OFFERED TO PROVE WOULD BE REGARDED AS THE OBJECTION.</p> <p><i>[space]</i> <i>[3]</i></p> <p>EXAMINATION. {Q}ⁱ</p> <p>SUTHERLAND BASKIN {Q}ⁱWHAT TIME</p>	<p>CONNECTION WITH THE THREATS THEY MADE——</p> <p>THE COURT: I DON'T THINK THAT WOULD BE TESTIMONY AT ALL, UNLESS YOU SHOWED THAT THESE INSDIANS WERE PARTICIPATORS.</p> <p>M^R</p> <p>SUTHERLAND: BUT WE DO EXPECT TO SHOW THAT THEY WERE INDIANS OF THE SROME STRIBE. THE COURT: I HAVE RULED ON THAT QUESTION.</p> <p>BY BASKIN: CROSS-EXAMINATION</p> <p>Q. WHAT TIME</p>	
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RT

RS

BT

PS

<p>WAS IT, MR. FARNSWORTH, YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A. SMITH TO GO NORTH ? A. I COULD NOT GIVE THE DAY. Q. WHAT MONTH ? A. IT WAS THE LATTER PART OF AUGUST, AS WELL AS MY MEMORY SERVES ME, I THINK ABOUT THE 20TH OF AUGUST.</p>	<p>WAS IT YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A SMITH TO GO NORTH ? [space] {A}^i COULD NOT GIVE THE DAY. {Q}^i WHAT MONTH {A}^i IT WAS THE LATTER PART OF AUGUST, AS WELL AS MY MEMORY SERVES ME I THINK ABOUT 20TH OF AUGUST. ³⁷⁹BASKIN I DO NOT DESIRE TO STATE {THE}^i CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES, I WOULD LIKE CALL THE ATTENTION OF {THE}^i COURT AND COUNSEL. BY COURT. THE QUESTION WAS ASKED HIM, IF HE HEARD GEORGE A SMITH SAY</p>	<p>WAS IT YOU STARTED FROM THIS CITY IN COMPANY WITH GEORGE A. SMITH TO GO NORTH? A. I COULD NOT GIVE THE DAY. Q. WHAT MONTH? A. IT WAS THE LATTER PART OF AUGUST, AS WELL AS MY MEMORY SERVES ME, ABOUT THE 20TH OF AUGUST.</p>	
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379. The section from this point to the next question matches closely with the Boreman Transcript on Trial matrix, pp. 2016–2017.

RT

RS

BT

PS

<p>Q. HOW FAR DID YOU GO NORTH WITH HIM ?</p> <p>A. AS FAR AS FILLMORE.</p> <p>Q. DID YOU KNOW WHAT WAS THE OBJECT OF GEORGE A. SMITH'S VISITING TO THIS SOUTHERN COUNTRY— WHAT IT WAS AT THAT TIME ?</p> <p>A. HE MADE NOTHING KNOWN TO ME. A PORTION OF HIS FAMILY WAS LIVING AT PAROWAN. HE WAS DOWN ON A VISIT TO THEM,</p> <p>PREACHING AS AN APOSTLE TO</p>	<p>ANYTHING ABOUT {THE}ⁱ EMIGRANTS OR OF ANY EMIGRANTS AND SUTHERLAND WAS NOT THIS THE EVIDENCE <i>HERE</i>[?] THIS WITNESS WITH HIM {Q}ⁱHOW FAR DID YOU GO NORTH WITH HIM {A}ⁱAS FAR AS FILLMORE — {Q}ⁱDID YOU KNOW WHAT {WAS THE}ⁱ OBJECT OF GEORGE A. SMITH' {S}ⁱ VISIT TO THIS SOUTHERN COUNTRY WAS AT THAT TIME [space] {A}ⁱHE MADE NO{THING}ⁱ KNOWN TO ME. {A}ⁱ PORTION OF HIS FAMILY {WAS}ⁱ LIVING AT PAROWAN {HE WAS}ⁱ DOWN ON {A}ⁱ VISIT TO THEM AND PREACH{ING}ⁱ AS {AN}ⁱ APOSTLE THROUGH</p>	<p>Q. HOW FAR DID YOU GO NORTH, MR. FARNSWORTH?</p> <p>A. AS FAR AS FILLMORE.</p> <p>Q. DID YOU KNOW WHAT WAS THE OBJECT OF GEORGE A. SMITHS VISIT WAS TO THIS SOUTHERN COUNTRY AT THAT TIME.?</p> <p>A. HE MADE NOTHING KNOWN TO ME;; A PORTION OF HIS FAMILY WAS LIVING AT PAROWAN AND HE WAS DOWN ON A VISIT TO THEM, AND PREACHINØG AS AN APPOSTLE THROUGH</p>	
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RT

RS

BT

PS

<p>THE DIFFERENT SETTLEMENTS. Q. WHAT WAS HE PREACHING ABOUT ? ✓ A. PREACHING THE GOSPEL GENERALLY, STIRRING UP THE PEOPLE TO THEIR DUTIES, URGING UPON THEM THE NECESSITY OF SAVING THEIR GRAIN AND NOT FEEDING IT TO HORSES OR</p> <p>HOGS. Q. WAS NOT HE ALSO PREACHING THAT THEY MUST NOT GIVE IT TO THE EMIGRANTS ? A. I NEVER HEARD ONE WORD IN HIS PREACHING AND IN MY CONVERSATION WITH HIM. ——— —</p>	<p>{THE}ⁱ DIFFERENT SETTLEMENTS. [space] {Q}ⁱWHAT WAS HE PREACHING ABOUT {A}ⁱ PREACH{ING THE}ⁱ GOSPEL GENERALLY. STIRRING UP {THE}ⁱ PEOPLE TO THEIR DUTIES, URGING UPON THEM {THE}ⁱ NECESSITY OF SAV{ING}ⁱ THEIR GRAIN {AND}ⁱ NOT FEEDING WHEAT TO HORSES {OR}ⁱ FEEDING IT TO HOGS. {Q}ⁱ WAS NOT HE ALSO PREACHING THEY MUST {NOT}ⁱ GIVE IT TO {THE}ⁱ EMIGRANTS {A}ⁱ I NEVER HEARD ONE WORD IN ALL HIS PREACHING, OR IN MY CONVERSATION WITH HIM <ABOUT THAT> QDID YOU HAVE ANY CONVERSATION</p>	<p>THE DIFFERENCT SETTLEMENTS. Q . WHAT HWAS HE PREACHING ABOUT? A PREACHING THE GOSPEL GENERALLY; STIRRING UP THE PEOPLE TO THEIR DUTIES; URGING UPON THEM THE NECESSITY OF SAVING THEIR GRAIN AND NOT FEED IT TO HORSES OR FEED IT TO HOGS. Q. WASN'T HE ALSO PREACHING THAT THE Y MUST NOT GIVE IT TO THE EMIGRANTS ? A. I NEVER HEARD ONE WORD IN ALL HIS PREASHING IN OR IN MY CONVERSATION WITH HIM ABOUT THA T. [295] Q. DID YOU HAVE ANY CONVERASSATI</p>	
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RT

RS

BT

PS

<p>[452] _____ IN RELATION TO THE EMIGRANT TRAIN WHATEVER. A. NOTHING AT ALL, TILL WE MET THAT TRAIN AND THE CHAT TOOK PLACE THERE. Q. WHAT TOOK PLACE THERE ? A. HE CAME UP AS I HAVE SAID BEFORE NEAR ABOUT TEN O’CLOCK AT NIGHT TO OUR TRAIN THERE. I DON’T RECOLLECT OF ANY PARTICULAR CHAT, OTHER THAN SOME ABOUT THE TRAIN. Q. DID YOU AND GEORGE A. SMITH HAVE ANY TALK OR SPEAK OF THAT TRAIN AT ALL ? A. YES, WE HAVE, BUT I CAN’T RECOLLECT ANYTHING PARTICULAR THAT WAS SAID AT THAT TIME</p>	<p>{IN}¹ RELATION IN {TO}ⁱ EMIGRANT TRAIN WHATEVER {A}ⁱ NOTHING AT ALL, TILL WE MET THAT TRAIN, AND THE CHAT THAT TOOK PLACE THERE. {Q}ⁱ WHAT TOOK PLACE HE CAME UP AS {I}ⁱ HAVE SAID BEFORE NINE OR TEN O’CLOCK AT NIGHT FOUND TRAIN THERE. I DON’T RECOLLECT OF ANY PARTICULAR CHAT OTHER THAN SOME CHAT ABOUT {THE}ⁱ TRAIN. {Q}ⁱ DID YOU AND GEORGE {A}ⁱ SMITH HAVE ANY TALK OR SPEAK OF THAT TRAIN AT ALL {A}ⁱ YES, WE HAVE, {BUT}ⁱ I CAN’T RECOLLECT ANYTHING PARTICULAR WE SAID THAT TIME</p>	<p>ON WITH HIM IN RELATION TO THE EMIGRANT TRAIN WHATEVER, A. NOTHING AT ALL, TILL WE MET THAT TRAIN, AND THE CHAT THAT TOOK PLACE THERE. Q. WHAT TOOK PLACE? A. WE CAME UP AS I SAID BEFORE, ABOUT NINE OR TEN O’CLOCK AT NIGHT TO THIS TRAIN THERE. I DON’T RECOLLECT OF ANY PARTICULAR CHAT CHATTH THERE, THOUGH THERE WAS SOME ABOUT THE TRAIN. Q. DID YOU AND GEORGE A. SMITH HAVE ANY TALK OR SPEAK OF THAT TRAIN AT ALL? A. YES, WE HAVE, BUT I CAN’T RECOLLECT ANYTHING PARTICULAR WE SAID AT THAT TIME</p>	
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RT

RS

BT

PS

<p>ABOUT IT. Q. CAN YOU RECOLLECT ANYTHING PARTICULARLY THAT WAS SAID, SO THAT I CAN GET IT TO THE JURY ? A. HE TOLD ME IN CONVERSATION ————— SUTHERLAND: WE DESIRE TO INTERPOSE THE OBJECTION THAT IT IS IRRELEVANT AND IMMATERIAL — THE CONVERSATION BETWEEN THIS WITNESS AND GEORGE A. SMITH. IT IS ENTIRELY IMMATERIAL AND FOREIGN TO THE SUBJECT OF THE ENQUIRY IN THIS CASE, AND FOREIGN TO THE PARTIES; WHAT THEY MAY HAVE SAID THROWS NO LIGHT UPON THE CONNECTION THAT JOHN D.</p>	<p>ABOUT IT. {Q}¹ CAN YOU RECOLLECT ANYTHING PARTICULARLY WHAT WAS SAID ON IT AT ANY TIME YES I CAN = GEORGE A TOLD ME IN CONVERSATION AND. SUTHERLAND WE DESIRE TO INTERPOSE OBJECTION HERE THAT IT IS IRRELEVANT IMMATERIAL WHATEVER CONVERSATION ≤OCCURRED≥ BETWEEN THIS WITNESS {AND}¹ GEORGE A SMITH IS ENTIRELY IMMATERIAL AND FOREIGN TO SUBJECT OF INQUIRY IN THIS CASE AND FOREIGN TO PARTIES AND WHAT THEY MAY HAVE SAID THROWS NO LIGHT UPON {THE}¹ CONNECTION {WITH}¹ JOHN D.</p>	<p>ABOUT IT. Q. CAN YOU RECOLLECT ANYTHING PARTICULARLY THAT WHAT WAS SAID AT ON ANY TIME? A. YES, ICAN. GEORGE A. SMITH TOLD ME IN CONVERSATION ————— SUTHERLAND: WE DESIRE TO INTERPOSE AN OBJECTION HERE THAT IS IT IS IRRELEVANT AND IMMATERIAL WHATEVER CONVERSATION OCCURRED BETWEEN THIS WITNESS AND GEORGE A. SMITH. IT IS ENTIRELY IMMATERIAL AND FOREIGN TO THE SUBJECT OF THE INQUIRY OF THIS CASE AND FOREIGN TO THE PARTIES. WHAT THEY MAY HAVE SAID THROWS NO LIGHT UPON THE CONNECTION OF JOHN D.</p>	
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RT

RS

BT

PS

<p>LEE HAD WITH THAT PART OF THE TRANSACTION. WE HAVE INTRODUCED NO CONVERSATION BETWEEN THESE PARTIES. BASKIN EXPLAINED THE REASON FOR THE QUESTION. THE NOTES WERE CALLED FOR AND READ AS TO THE QUESTION</p> <p>ASKED IF THE WITNESS HEARD GEORGE A. SMITH SAY ANYTHING ABOUT THE EMIGRANTS OR OF ANY</p>	<p>LEE WITH THE {THAT}ⁱ PARTICULAR TRANSACTION. WE HAVE INTRODUCED NO CONVERSATION BETWEEN THESE PARTIES.</p> <p>BASKIN I DO NOT DESIRE TO STATE THE CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES, I WOULD LIKE CALL THE ATTENTION OF THE COURT AND COUNSEL. BY COURT. THE QUESTION WAS ASKED OF HIM, IF HE HEARD G A SMITH SAY ANYTHING ABOUT EMIGRANTS</p>	<p>LEE WITH THAT TRANSACTION. WE HAVE INTRODUCED NO CONVERSATION BETWEEN THESE TWO PARTIES.</p> <p>BASKIN: I DON'T DESIRE TO STATE THE CONNECTION TO THIS WITNESS AT THIS TIME. IF THE REPORTER WILL REFER TO THE NOTES I WOULD LIKE TO CALL THE ATTENTION OF THE COURT, AND THE COUNSEL TO IT. COURT: THE QUESTION WAS ASKED HIM IF HE HEARD GEORGE A. SMITH SAY ANYTHING ABOUT THE EMIGRANTS OR ANY</p>	
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RT

RS

BT

PS

<p>EMIGRANTS . [453] SUTHERLAND: I ASKED THE QUESTION</p> <p>WHETHER AT THIS MEETING THAT WAS HELD HERE WHETHER HE HAD HEARD ANYTHING PREACHED</p>	<p>AND SUTHERLAND ASKED/SAYING[?] THIS THE INDIANS/EVIDEN CE[?] WHETHER THIS WITNESS WITH HIM [4] ON THE TOUR BY COURT I MEANT</p> <p>WHAT WAS ASKED THIS WITNESS MY RECOLLECTION IS, {HE}^i WAS ASKED IF GEORGE A SMITH SAID ANYTHING ABOUT THESE EMIGRANT {S}^i, ANYTHING ABOUT THEM, ABOUT FEEDING THEM GRAIN, ≤WHETHER≥ HE SAID ANYTHING</p> <p>ABOUT THEM OR NOT. SUTHERLAND</p> <p>WHETHER HE AT THE TIME THIS MEETING THAT WAS HELD HERE, WHETHER HE HAD HEARD ANYTHING ABOUT</p>	<p>EMIGRANTS AND SUTHERLAND ASKED HIM WITNESS</p> <p>WHETHER HE WENT WITH HIM ON THE TOUR. THE COURT: I AM NOT CERTAIN WAHAT WAS ASKED THIS WITNESS, BUT MY RECOLLECTION IS , WHE WAS ASKED IF GEORGE A. SMITH SAID ANYTHING ABOUT THESE EMIGRANTS, ANYTHING ABOUT THEM, ABOUT FEEDING THEMG GRAIN — WHETHER HE SAID ANYTHING ABOUTHING ABOUT THIS OR NOT. [296] SUTHERLAND: AND I ASKED HIM WHETHER, AT THIS MEETING THA T WAS HELD HERE WHETHER HE HAD HEARD ANYTHING ABOUT THE</p>	
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RT

RS

BT

PS

<p>ABOUT THESE EMIGRANTS AND I THINK HE ANSWERED HE HADN'T HEARD OF IT ONLY BY GEORGE A. SMITH, AND I APPLIED IT FURTHER AND ASKED HIM HOW HE CAME TO KNOW, HOW GEORGE A. SMITH HAD HEARD, AND HE SAID GEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. WIT.: I DIDN'T SAY AT CORN CREEK, IF YOU WILL ALLOW ME TO CORRECT. SUTHERLAND:</p> <p>Q. THE QUESTION WAS ASKED YOU HOW HE KNEW AND YOU SAID I DON'T KNOW ANYTHING ABOUT IT. WITNESS: I TOLD YOU HE SAID</p>	<p>APPROACH OF THESE EMIGRANTS. I THINK HE ANSWERED HE HADN'T HEARD OF IT ONLY BY GEORGE A SMITH, {AND}¹ I FOLLOWED IT UP AND ASKED³⁸⁰ HOW HE CAME TO KNOW, HOW GEORGE A. SMITH HAD HEARD, HE SAID GEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. BY F I DIDN'T SAY AT CORN CREEK. IF YOU WILL ALLOW ME TO CORRECT</p> <p>BISHOP F QUESTION WAS ASKED YOU WHETHER HOW HE/[?] KNEW GEORGE A DIDN'T KNOW ANYTHING ABOUT IT A I TOLD YOU AND SAID</p>	<p>APPROACH OF THESE EMIGRANTS. I THINK HE ANSWERED THAT HE HADN'T HEARD OF IT ONLY BY GEORGE A . SMITH; AND I FOLLOWED IT UP AND ASKED HIM HOW HE CAME TO HKNOW HOW GEORGE A. SMITH HAD HEARD; AND HE SAID GGEORGE A. SMITH HAD TOLD HIM SO AT CORN CREEK. WITNESSA.: I DIDN'T SAY AT CORN CREEK, IF YOU WILL ALLOW ME TO CORRECT. SUTHERLAND: BISHOP FARNSWORTH, THE QUESTION WAS ASKED YOU WHETHER YOU OR GEORGE A. DIDN'T KNOW ANYTHING ABOUT IT. A. I TOLD YOU HE SAID HE</p>	
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380. "AND ASKED" was apparently added later.

RT

RS

BT

PS

<p>OR TOLD ME SO, BUT IT WAS NOT IN CORN CREEK, IT WAS AT BISHOP MURDOCK'S HOUSE.</p>	<p>AND TOLD ME SO, IT WAS NOT IN CORN CREEK, IT WAS IN BISHOP MURDOCK'S HOUSE. {III}ⁱ</p>	<p>TOLD ME SO; IT WAS NOT IN CORN CREEK , IT WAS IN BISHOP MURDOCK'S HOUSE.</p>	
<p>BASKIN: I WANT HIM TO GO; ON AND STATE WHAT CONVERSATION HE HAD WITH GEORGE A. SMITH ON THE SUBJECT OF THE MASSACRE ?</p>	<p>INTERRUPTED BY COURT. {II}ⁱ BASKIN I WANT YOU GO ON {AND}ⁱ STATE WHAT CONVERSATION YOU HAD WITH GEORGE A SMITH ON SUBJECT OF THE</p>	<p>BASKIN Q. I WANT YOU TO GO ON AND STATE WHAT CONVERSATION YOU HAD WITH GEORGE A. SMITH ON THE SUBJECT OF THE</p>	
<p>WITNESS SAID THEY HAD NO CONVERSATION AT THAT TIME.</p>	<p>EMIGRANTS. BY HOGE WITNESS STATED THEY HAD NO CONVERSATION AT THAT TIME. BASKIN AT THE TIME.</p>	<p>EMIGRANTS. HOGE: WITNESS STATED THEY HAD NO CONVERSATION AT THAT TIME.</p>	
<p>Q. THIS CONVERSATION WAS IS SEVERAL YEARS SINCE THE MASSACRE TOOK PLACE— HOW LONG SINCE ? A. IT IS SINCE THAT. COUNSEL: THE WITNESS PREVIOUSLY STATED GEORGE A. SMITH DIDN'T</p>	<p>[space] HOGE THIS CONVERSATION IS SEVERAL YEARS SINCE THIS MASSACRE TOOK PLACE, HOW LONG SINCE {A}ⁱ IT IS SINCE THAT [space] WITNESS SAID GEORGE A SMITH DIDN'T</p>	<p>Q. (BY HOGE) THIS CONVERSATION IS SEVERAL YEARS SINCE THE MASSACRE TOOK PLACE— HOW LONG SINCE? A. IT IS SINCE THEN. BASKIN: WITNESS STATED GEORGE AA. SMITH DIDN'T</p>	

RT

RS

BT

PS

<p>KNOW OF THE THAT TRAIN. THE WITNESS PROCEEDED TO EXPLAIN:</p> <p>WITNESS: WELL THE CONVERSATION AROSE. HOGE: HOW LONG AFTER THE MASSACRE WAS THAT CONVERSTAION ? CAREY: HE HASN'T SAID IT WAS AFTER THE MASSACRE.</p>	<p>KNOW OF THAT TRAIN, HE KNOWS IT BECAUSE HE TOLD HIM SO, I AM CALLING HIS ATTENTION TO FACTS AND CIRCUMSTANCE S ABOUT THAT. [space] NOW THEN ANSWER MY QUESTION {A}ⁱWELL CONVERSATION AROSE <HOGE HOW LONG AFTER {THE}ⁱ MASSACRE WAS THAT CONVERSATION BY CAREY HE HASN'T SAID IT WAS AFTER THE MASSACRE BY COURT HE ASKED HIM ANOTHER SUBJECT OF CONVERSATION THAT DREW IT OUT. BY COURT JUDGE SUTHERLAND JUST STATE HOW DID YOU KNOW GEORGE A SMITH DID NOT KNOW THIS SUTHERLAND THAT IS THE SAME</p>	<p>KNOW OF THAT TRAIN TRAIN HE KNOWS IT BECAUSE HE TOLD HIM SO. I AM NOW CALLING HIS ATTENTION TO THE FACTS AND CIRCUMSTANCE S ABOUT THAT. NOW THEN ANSWER MY QUESTION: A. WELL, THE CONVERSATION AROSE—— HOGE: HOW LONG AFTER THE MASSACRE WAS THAT CONVERSATION ? CAREY: HE HASN'T SAID IT WAS AFTER THE MASSACRE: THE COURT: HE ASKED HIM AS TO THE SUBJECT OF THE CONVERSATION AND THAT DREW IT OUT.</p> <p>JUDGE SUTHERLAND JUST STATED H “HOW, DID YOU KNOW GEORGE A. SMITH DIDN'T KNOW THIS?” SUTHERLAND: THAT IS THE SAME</p>	
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RT

RS

BT

PS

<p>WITNESS: I AM GOING TO TELL THE TRUTH ABOUT IT; SOMETIME WHEN PRESIDENT AND YOUNG</p> <p>AND SMITH WAS ON THEIR RETURN FROM ST. GEORGE, I CAN'T ^[454] TELL THE TIME, BUT I THINK IT WAS IN THE LAST TIME OR TRIP; IT HAS BEEN SOMETHING OVER A YEAR AGO IF I RECOLLECT IT. I COULD BY CHARGING MY MIND, IF I HAD MORE TIME TO REFLECT UPON IT. I COULD LOCATE</p>	<p>CONVERSATION WE HAVE NO OBJECTION BY COURT LET WITNESS GO ON STATE <i>[space]</i> BASKIN WITNESS AIN'T GOING HURT GENTLEMAN IF HE CAN HELP IT ALL F {A}ⁱ I AM GOING TELL THE TRUTH ABOUT IT. SOMETIME WHEN PRESIDENT YOUNG {PRESIDENCY}ⁱ AND SMITH WAS ON THEIR RETURN FROM ST. GEO I CAN'T TELL {THE TIME BUT}ⁱ I THINK {IT}ⁱ WAS IN THE LAST TIME IT HAS BEEN SOMETHING OVER {A}ⁱ YEAR AGO IF I RECOLLECT IT, I COULD BE CHARGING³⁸¹ MY MIND IF I HAD MORE TIME TO REFLECT {UPON}ⁱ IT I COULD LOCATE</p>	<p>CONVERSATION; WE HAVE NO OBJECTION. THE COURT: LET THE WITNESS GO ON AND ASTATE. THEN.</p> <p>A. I AM GOING TO TELL THE TRUTH ABOUT IT. WSOMETIME FWHEN THE</p> <p>PRESIDENCY AND SMITH WAS ON THEIR RETURN FROM ST GEORGE; I CAN'T STATE THE TIME, BUT I THINK IT WAS NOT THE LAST TIME; IT HAS BEEN ^[297] SOMETHING OVER A YEAR AGO IF I RECOLLECT . I COULD TELL BY REFRESHING MY MIND, IF I HAD MORE TIME TO REFLECT UPON IT.. I COULD LOCATE</p>	
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381. Consonants are “CHRGNG”.

RT

RS

BT

PS

<p>THE TIME, BUT I CANNOT BE POSITIVE BOW.</p> <p>LOCATING IT IN MY MIND THE CONVERSATION CAME UP OF</p> <p>MEETING WITH THE TRAIN, MY TAKING</p> <p>THEM OUT WITH FOUR OF THE COMPANY; I THEN REMEMBER OF SPEAKING ABOUT MEETING WITH A TRAIN AT CORN CREEK AND HE SAID THERE THAT HE HAD NO KNOWLEDGE OF ANY SUCH A TRAIN BEING IN THE TERRITORY; IN THE COURSE OF HIS CONVERSATION . HE DIDN'T KNOW TILL WE MET THEM THAT NIGHT THAT THERE WAS SUCH A TRAIN IN THE TERRITORY. BASKIN: THEN IT WAS ON THAT</p>	<p>TIME BUT I COULD NOT BE POSITIVE NOW,</p> <p>LOCATING IT IN THE COURT, CONVERSATION CAME UP OF</p> <p>MEETING WITH {THE}ⁱ TRAIN, MY TAKING</p> <p><GEORGE></p> <p>THEM OUT WITH PAIR OF PONIES I HAD THEN AND</p> <p>OF OUR MEETING THE TRAIN AT CORN CREEK. HE SAID THERE THAT HE HAD NO KNOWLEDGE OF ANY SUCH ^[5] TRAIN BEING IN TERRITORY. IN THE COURSE OF HIS CONVERSATION HE HADN'T KNOW TILL WE MET THEM THAT NIGHT THERE WAS SUCH TRAIN IN {THE}ⁱ TERRITORY [space] BASKIN THEN IT WAS ON THAT</p>	<p>THE TIME; YET I COULD NOT BE POSITIVE, NOR NOWT;</p> <p>LOCATING IT IN COURT. THE CONVERSATION CAME UP ON THE CON</p> <p>MEETING OF THE TRAIN, AND MY TAKING TAKING</p> <p>GEORGE A. OUT WITH A PAIR OF PONEYS I HAD THEN AND</p> <p>OF OUR MEETING THE TRAIN AT CORN CREEK. HE SAID THERE THAT HE HAD NO KNOWLEDGE OF ANY SUCH TRAIN BEING IN THE TERRITORY. IN THE COURSE OF HIS CONVERASTION HE SAID HE DIDN'T KNOW TILL WE KEF MET THEM THAT NIGHT, THAT THERE WAS SUCH A TRAIN IN THE TERRITORYZ. BASKIN: Q. THEN IT WAS ON THA T</p>	
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RT

RS

BT

PS

<p>STATEMENT MADE A YEAR AGO THAT YOU PREDICATED THE STATEMENT THAT YOU KNOW GEORGE A. SMITH DIDN'T KNOW THAT TRAIN WAS ON THE ROAD AT THAT TIME. A. I SAID ON HIS STATEMENT TO ME I SAID WHAT I DID, MY KNOWING HE DIDN'T KNOW. Q. DO YOU KNOW HE DIDN'T KNOW, EXCEPT ON HIS STATEMENTS ? A. I KNOW TO ME IT WAS A PERFECT SURPRISE. Q. IT WAS ON THAT KNOWLEDGE— ON WHAT HE TOLD YOU</p> <p>THAT YOU MADE THE STATEMENT HE DID NOT KNOW AT THAT TIME THAT THE EMIGRANTS</p>	<p>STATEMENT OF HIS MADE YEAR AGO YOU PREDICATE STATEMENT THAT YOU KNOW GEORGE A SMITH DIDN'T KNOW THAT TRAIN WAS ON THE ROAD AT THAT TIME [<i>space</i>] {A} I WAS ON HIS STATEMENT TO ME, I SAID WHAT I DID MY KNOWING HE DIDN'T KNOW. {Q} DO YOU KNOW HE DIDN'T KNOW EXCEPT FROM HIS STATEMENT {A} I KNOW TO ME IT WAS A PERFECT SURPRISE {Q} IT WAS ON THAT KNOWLEDGE ON WHAT HE TOLD YOU YEARS AGO THAT YOU MADE STATEMENT HE DID NOT KNOW THING AT THAT TIME EMIGRANTS</p>	<p>STATEMENT MADE A YEAR AGO TO YOU THAT YOU PREDICATE THE STATEMENT A THAT YOU KNOW GEORGE A. SMITH DIDN'T KNOW, THAT THAT TRAIN WAS ON THE ROAD AT THAT TIME? A. IT WAS ON HIS STATEMENT TO ME, I SAID WHAT I DID; AND MY KNOWING HE DIDN'T KNOW. Q. DID YOU KNOW HE DIDN'T KNOW EXCEPT FROM HIS STATEMENT? A. I KNOW TO ME IT WAS A PERFECT SURPRISE . Q. IT WAS ON THAT KNOWLEDGE OR WHAT HE TOLD ME YOU A YEAR AGO THAT YOU MADE THE STATEMENT THAT HE DIDN'T KNOW A THING AT THAT TIME, ABOUT THE EMIGRANTS</p>	
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RT

RS

BT

PS

<p>WERE IN THE COUNTRY ? A. YES, FROM THAT I MADE A POSITIVE STATEMENT, AND THE CIRCUMSTANCES . BASKIN: I DON'T WANT THE CIRCUMSTANCES . Q. YOU STATED YOU MADE IT FROM THAT — WAS IT BEFORE OR AFTER THESE INDICTMENTS WERE FOUND ? A. IT WAS LONG BEFORE THESE INDICTMENTS WERE FOUND. ^[455] Q. ABOUT HOW LONG AGO WAS IT ? A. I SAID I DON'T RECOLLECT EXACTLY. IT WAS THE LAST TIME HE PASSED THROUGH. Q. YOU WERE TALKING ABOUT THE MOUNTAIN MEADOWS MASSACRE WHEN HE GAVE YOU THAT</p>	<p>WERE {YET}¹ IN THE COUNTRY {A}¹ YES FROM THAT {I}ⁱ MADE POSITIVE STATEMENT {AND}ⁱ THE CIRCUMSTANCE S BASKIN I DON'T WANT {THE}ⁱ CIRCUMSTANCE S {Q}ⁱ YOU STATED {YOU}ⁱ MADE IT FROM THAT {Q}ⁱ WAS IT BEFORE OR AFTER THESE INDICTMENTS WERE FOUND {A}ⁱ IT WAS LONG BEFORE THESE INDICTMENTS WERE FOUND {Q}ⁱ ABOUT HOW LONG AGO WAS IT ? {A}ⁱ I SAID I DON'T RECOLLECT EXACT{LY}ⁱ IT WAS NOT LAST TIME HE PASSED THROUGH [<i>space</i>] BASKIN YOU WERE TALKING ABOUT MOUNTAIN MEADOWS MASSACRE WHEN HE GAVE YOU THAT</p>	<p>BEING IN THE COUNTRY? A. YES, FROM THAT I MADE THE POSITIVE STATEMENT AND THE CIRCUMSTQANC E S. Q. I DON'T WANT ANY EXPLENATION. YOU STATED YOU MADE IT FROM THAT. WAS IT BEFORE OR AFTER THESE INDIVCTMENTS WERE FOUND? A. IT WAS NLONG BEFORE THESE INDICTMENTS WERE FOUND. Q. ABOUT HOW LONG AGO WAS IT? A. I SAID I DIDN'T RECOLLECT EXACTLY; IT WASN'T THE LAST TIME HE PASSED THROUGH . Q . YOU AWERE TALKING ABOUT THE MOUNTAIN MEADOW MASSACRE WHEN HE GAVE YOU THAT</p>	
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RT

RS

BT

PS

<p>INFORMATION ? A. NO SIR, WE WERE TALKING ABOUT THE MEETING WITH THAT TRAIN. Q. NOW THEN, DON'T YOU REMEMBER OF HAVING STATED YESTERDAY IN YOUR EXAMINATION IN CHIEF THAT GEORGE A. SMITH, WHEN HE REACHED CORN CREEK TOLD YOU HE WAS NOT AWARE ANY SUCH TRAIN AS THAT WAS ON THE PLAINS ? A. NO SIR, I DON'T REMEMBER ANY SUCH STATEMENTS. I SAID ON MY OWN RESPONSIBILITY I KNOW HE DID NOT KNOW IT. Q. THEN THAT WASN'T SO WAS IT ? WIT.: WHAT WASN'T SO ? Q. IT WAS NOT ON YOUR OWN RESPONSIBILITY THAT YOU</p>	<p>INFORMATION {A}ⁱ≠NO SIR≧ WERE TALKING ABOUT MEETING WITH THAT TRAIN {Q}ⁱ BY BASKIN NOW THEN DON'T YOU REMEMBER OF HAVING STATED YESTERDAY IN YOUR EXAMINATION IN CHIEF THAT GEORGE A SMITH WHEN YOU ARE HE REACHED CORN CREEK TOLD YOU HE WAS NOT AWARE ANY SUCH TRAIN AS THAT WAS ON THE PLAINS {A}ⁱ NO SIR I DON'T REMEMBER ANY SUCH STATEMENT. I SAID ON MY OWN RESPONSIBILITY , I NOR HIM DID NOT KNOW IT. BASKIN THAT WASN'T SO WAS IT {Q}ⁱ WHAT WASN'T SO Q.IT WAS NOT SO ON YOUR OWN RESPONSIBILITY</p>	<p>INFORMATION? A. NO, SIR, WE WERE TALKING ABOUT THE MEETING OF THAT TRAIN: Q. NOW, THEN DON'T YOU REMEMBER OF HAVING STATED YESTERDAY ON YOUR EXAMINATION IF CHIEF, THAT GERORGE A. SMITH WHEN YOU AND ^[298] HE REACHED CORN CREEK, TOLD YOU HE WASN'T AWARE OF ANY SUCH TRAIN AS THAT WAS ON THE PALAINS? A. NO, SIR, I DON'T REMEMBER ANY SUCH A STATEMENT; I SAID ON MY OWN RESPONSIBILITY I NOR HIM DID NOT KNOW IT. Q. THAT WAS NOT SO WAS IT? A. WHAT WASN'T SO ? Q. IT WASN'T SO ON YOUR OWN RESPONSIBILITY THAT Y OU</p>	
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RT

RS

BT

PS

<p>KNEW IT—AND YOU DON'T KNOW WHETHER HE KNEW IT OR NOT ? A. I WAS PERFECTLY SATISFIED HE DIDN'T. Q. BUT YOU DON'T KNOW IT 'AINT YOU AWARE, WHILE ON THIS STAND, YOU ARE TO SPEAK OF FACT, YOU STATED IT AS A POSITIVE FACT ? A. I TOLD YOU HOW I BASED THE FACT. HE TOLD ME SO. Q. WHY DID YOU STATE IT AS POSITIVELY SO ? A. YOU ASKED ME HOW I CAME TO KNOW IT AND I TOLD YOU HE TOLD ME SO. Q. YOU SAY THAT HE NEVER KNEW OF THEIR EXISTENCE TILL WE CAME TO CORN CREEK AND HE</p>	<p>KNEW IT {Q}^i YOU DID NOT WHETHER HE KNEW IT OR NOT {A}^i I WAS PERFECT {LY}^i SATISFIED HE DIDN'T {Q}^i BUT YOU <i>DIDN'T/DON'T</i>[?] KNOW IT [<i>space</i>] AIN'T YOU AWARE WHILE ON THIS STAND YOU ARE TO SPEAK OF FACT A YES SIR {Q}^i YOU STATED IT AS {A}^i POSITIVE FACT {A}^i I TOLD YOU HOW I BASED THE FACT HE TOLD ME SO {Q}^i WHY DID YOU STATE IT AS POSITIVE {LY}^i SO {A}^i YOU ASKED ME HOW I CAME {TO KNOW IT}^i AND I TOLD YOU HE TOLD ME SO. <i>[space]</i> Q YOU SAY THAT NEITHER HE NOR YOU KNEW OF THEIR EXISTENCE TILL YOU KNEW IT {AT}^i CORN CREEK AND HE</p>	<p>KNEW IT HR, YOU DON'T KNOW WHETHER HE KNEW IT OR NOT? A. I WAS PERFECTLY SATISFIED HE DIDN'T. Q. BUT YOU DIDN'T KNOW IT. ARN'T YOU AWARE WHILE ON THIS STAND YOU ARE TO SPEAK THE FACTS? . YES, SIR . Q. YOU STATED IT AS A POSITIVE FACT? A. I TOLD YOU HOW I BASED THE FACT. HE TOLD ME SO. Q. WHY DID YOU STATE IT AS POSITIVELY SO? A. YOU ASKED ME HOW I CAME TO KNOW IT, AND I TOLD YOU HE TOLD ME SO. Q. YOU SAY THAT NEITHER HE NOR YOU KNEW OF THEIR EXISTENCE , TILLYOU KNEW IT AT CRON CREEK, AND HE</p>	
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RT

RS

BT

PS

<p>TOLD YOU SO YEARS AGO AND THAT? IS ALL THE REASON YOU HAVE A. I HAVE FURTHER REASONS FOR STATING; I HAVE THAT REASON AND OTHER REASONS. HE WANTED AND STAYED ALL NIGHT WITH ME. I TOOK HIM TO FILL- ^[456] MORE. Q. AND WHEN IN HIS CONVERSATION AND IN HIS PUBLIC PREACHING WHAT DID HE ALLUDE TO ? A. HE ALLUDED TO NOTHING OF THAT KIND. Q. FROM THAT FACT WILL YOU STATE OR UNDERTAKE TO STATE ON YOUR OATH AND SAY HOW YOU KNOW IT — IS THAT THE SOURCE OF PROCESS BY</p>	<p>TOLD YOU SO YEAR³⁸² AGO AND THAT IS ALL THE REASON YOU HAVE A I HAVE FURTHER REASONS FOR STATING IT. I HAVE THAT REASON AND FURTHER REASONS <i>THE/AND[?]</i> FACT HE STAYED ALL NIGHT WITH ME I TOOK <i>HIM[?]</i> UP TO FILLMORE. IN ALL MY CONVERSATION IN ALL HIS PUBLIC PREACHING</p> <p>HE ALLUDED {TO}ⁱ NO{THING}ⁱ OF THE KIND [<i>space</i>] Q FROM {THAT}ⁱ {YOU}ⁱ ^[6] YOU UNDERTAKE ON YOUR OATH TO SAY YOU KNOW IT [<i>space</i>] IS THAT THE SOURCE OF PROCESS BY</p>	<p>TOLD YOU SO YEARS AGO, AND THAT IS ALL THE REASON YOU HAVE? A . I HAVE FURTHER REASONS FOR STATING IT; I HAVE THAT REASON AND OTHER REASONS; AND THE FACT THAT I STAID ALL NIGHT WITH HIM. I TOOK HIM TO FILLMORE AND IN ALL MY CONVERSATION, IN ALL HIS PUBLIC PREACHING</p> <p>HE ALLUDED TO NOTHING OF THE KIND. Q . FROM THA T FACT WILL YOU UNDERTAKE ON YOUR OATH TO SAY YOU KNOW IT? IS THAT THE SOURCE OR PROCESS BY</p>	
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382. “YEARS” is written in ink above the shorthand for “YEAR”.

RT

RS

BT

PS

<p>WHICH YOU PREDICATE YOUR STATEMENT OF FACTS ? A. THAT IS THE GROUNDS OF HIS STATEMENTS TO ME. POSITIVELY I DO NOT KNOW. I HAVE STATED THE FACTS AND CIRCUMSTANCES CONNECTED WITH IT. Q. DO YOU RECOGNIZE THE OBLIGATION OF THE OATH ADMINISTERED BY THIS COURT ? A. I THINK I DO.</p> <p>Q. DO YOU KNOW WHAT THE FORCE IS ? A. I DO. PERJURY LAYS ONE LIABLE TO THE PENITENTIARY. Q. DON'T YOU KNOW UNDER THE OBLIGATIONS OF THAT OATH YOU ARE REQUIRED TO STATE WHAT YOU KNOW OF YOUR OWN</p>	<p>{WHICH}¹ YOU PREDICATE YOUR STATEMENT OF FACTS THAT IS THE GROUNDS OF HIS STATEMENT TO ME, POSITIVELY HE DID NOT [<i>space</i>] {A}¹ I HAVE STATED {THE}¹ FACTS {AND}¹ CIRCUMSTANCES CONNECTED WITH IT. {Q}¹ DO YOU RECOGNIZE OBLIGATION OF THE OATH ADMINISTERED IN THIS COURT A I THINK/HAVE[?] I HAVE MADE {Q}¹ DO YOU KNOW WHAT {THE}¹ FORCE OF {THE}¹ OATH IS {A}¹ I DO, PERJURY LEAVES ONE LIABLE TO THE PENITENTIARY Q {DON'T}¹ YOU KNOW UNDER {THE}¹ OBLIGATION OF THAT OATH YOU ARE REQUIRED ONLY TO STATE WHAT YOU KNOW OF YOUR OWN</p>	<p>WHICH YOU PREDICATE YOUR STATEMENT OF FACTS? A. THAT IS THE AMOUNT OF HIS STATEMENT TO ME; POSITIVELY HE DID NOT; AND I HAVE STATED THE FACTS AND CIRCUMSTANCES CONNECTED WITH IT. Q. DO YOU RECOGNISE THE OBLIGATION OF THE OATH ADMINISTERED IN THIS COURT? A . I THINK I DO.</p> <p>Q. DO YOU KNOW WHAT THE FORCE OF THE OATH IS? A. IDO, PERJURY, LAYS ONE LIABLE TO THE PENITENTIARY. ^[299] Q. DON'T YOU KNOW THAT UNDER THE OBLIGATION OF THAT OATH YOU ARE REQUIRED ONLY TO STATE WHAT YOU KNOW OF YOUR OWN</p>	
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RT

RS

BT

PS

<p>KNOWLEDGE AND FACTS ? A. I HAVE TOLD YOU HOW I CAME INTO POSSESSION OF THAT KNOWLEDGE. Q. AND DO YOU NOW STATE — — WIT.: I STATED TO THIS JURY HOW I CAME IN POSSESSION OF THE FACTS. Q. WHO WERE WITH YOU ON THAT JOURNEY WITH GEORGE A. SMITH ? A. SILAS S. SMITH, JACOB HAMBLIN AND ELISHA HOOPS AND HASKELL HIS NAME WAS, FROM THE SOUTH. Q. WHO ELSE ? A. THAT IS ALL THE WHITE MEN THAT WERE ALONG, I THINK MAY BE THERE WAS, MIGHT HAVE BEEN, A COUPLE OF</p>	<p>KNOWLEDGE AND STATE FACTS {A}^i HAVE TOLD YOU HOW I CAME IN THE POSSESSION OF THAT KNOWLEDGE {Q}^i DO YOU NOW STATE THAT YOU KNOW A STATED TO THIS JURY HOW I CAME IN POSSESSION OF THE FACTS. {Q}^i WHO WAS WITH YOU ON THAT JOURNEY WITH GEORGE A SMITH {A}^i SILAS ≡S≡ SMITH, JACOB HAMBLIN, ELISHA HOOPS, AND ANOTHER MAN HASKELL HIS NAME WAS FROM THE SOUTH. {Q}^i WHO ELSE ? {A}^i THAT IS ALL {THE}^i WHITE MEN THAT WERE ALONG, I THINK MAYBE THERE MIGHT HAVE BEEN, COUPLE OF</p>	<p>KNOWLEDGE? A. I HAVE AND TOLD YOU HAOW I CAME Θ IN THE POSSESSION OF THAT KNOWLEDGE . Q. DO YOU NOW STATE THAT YOU KNOW? A. I STATED TO THIS JURY HOW I CAME IN THE POSSESSION OF THE FACTS. Q. WHO WERE WITH YOU ON THAT JOURNEY WITH GEORGE A. SMITH. ? A. SILAS S. SMITH, JACOB HAMBLIN, ELISH HOOPS AND ANOTHER MAN — HASKELL, HIS NAME WAS, FROM THE SOUTH. Q. WHO ELSE? A. THAT IS ALL THE WHITE MEN THAT WERE ALONG. I TH I THINK THE MAY BE THERE WAS MIGHT HAVE BEEN A COUPLE OF</p>	
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RT

RS

BT

PS

<p>PIEEDS. ^[457] Q. ARE YOU ACQUAINTED POSITIVE OF THE FACT THAT THAT IS ALL OF THE WHITE MEN WITH YOU ? A. I AM POSITIVE THAT IS ALL I CAN RECOLLECT OF. Q. DID YOU SEE A MAN BY THE NAME OF HOAKS THERE ? BASKIN: OH HOOPS I MEAN ? A. I SAID ELISHA HOOPS. Q. WHERE WAS MR. HOOPS RESIDING AT THE THAT TIME ? A. HE WAS LIVING IN BEAVER. Q. HOW LONG HAD HE BEEN LIVING HERE ? A. WELL, I COULD NOT GIVE YOU THE PRECISE TIME. I DIDN'T SET IT DOWN WHEN HE CAME INTO THE PLACE. Q. ARE YOU POSITIVE OF</p>	<p>PIEEDS³⁸³ {Q}ⁱ ARE YOU POSITIVE OF {THE}ⁱ FACT THAT THAT IS ALL OF {THE}ⁱ WHITE MEN ALONG {A}ⁱI AM POSITIVE THAT IS ALL I CAN RECOLLECT OF { Q}ⁱ DID YOU SEE MAN BY THE NAME OF HOAKS THERE ≦BASKIN≧ OH HOOPS {A}ⁱI SAID ELISHA HOOPS { Q}ⁱWHERE WAS MR. HOOPS RESIDING AT THAT TIME {A}ⁱ HE WAS LIVING IN BEAVER. [space] {Q}ⁱHOW LONG HAD HE BEEN LIVING HERE {A}ⁱWELL I COULD NOT GIVE YOU PRECISE TIME, I DIDN'T SET IT DOWN WHEN HE CAME INTO THE PLACE. {Q}ⁱ ARE YOU POSITIVE OF</p>	<p>PIEEDS. Q. ARE YOU POSITIVE OF THE FACT THAT IS ALL OF THE WHITEMEN THAT WERE WITH YOU? A. I AM POSITIVE THAT IS ALL I CAN RECOLLECT OF OF Q. DID YOU SEE A MAN BY THE NAME OF HOKES— OH, NO, HOOPS? A. I SAID ELISH HOOPS. Q. WHERE WAS MR. HOOPS RESIDING AT THA T TIME? A. HE WAS LIVING HERE IN BEAVER. Q. HOW LONG HAD BE BEEN LIVING HERE. A. WELL, I COULD NOT GIVE YOU THE PRECISE TIME; I DIDN'T SET IT DOWN WHEN HE CAŁME INTO THE PLACE. Q. ARE YOU POSITIVE OF</p>	
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383. The vowels are in ink. The consonants could read “PAIUTES” or “PIEEDS”.

RT

RS

BT

PS

<p>THE FACT HE WAS LIVING HERE AT THAT TIME ? A. I SHALL HAVE TO COLLECT MY THOUGHTS ON THE SUBJECT, AS TO HIS</p>	<p>FACT HE WAS LIVING HERE AT THAT TIME {A} I SHALL HAVE TO COLLECT MY THOUGHTS ON SUBJECT HE WAS EITHER</p>	<p>THE FACT HE WAS LIEVING HERE AT THAT TIME? A. I SHALL HAVE TO COLLECT MY THOUGHTS ON THE SUBJECT. HE WAS</p>	
<p>LIVING HERE; HE MOVED HERE SHORTLY AFTER; I CANNOT SWEAR POSITIVE AS TO THAT.</p>	<p>LIVING HERE HE MOVED HERE SHORTLY AFTER. I COULD NOT SWEAR POSITIVE I CAN NOT SWEAR POSITIVELY.</p>	<p>THERE — MOVER HERE — HE MOVED HERE SHORTLY AFTER; I COULD NOT SWEAR POSITIVE;—I CAN'T SAY POSITIVELY.</p>	
<p>Q. WASN'T HE LIVING AT FILLMORE AT THAT TIME ? A. I THINK HE WAS HERE ACCORDING TO THE BEST OF MY RECOLLECTION; I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD.</p>	<p>{Q} WASN'T HE LIVING AT F FILLMORE AT THAT TIME {A} I THINK HE WAS HERE ACCORDING TO THE BEST OF MY RECOLLECTION, BUT I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD</p>	<p>Q. WASN'T HE LIVING AT FILLMORE AT THAT TIME? A. I THINK HE WAS ACCORDING TO THE BEST OF MY RECOLLECTION; BUT I AM POSITIVE HE WAS WITH THAT LITTLE SQUAD.</p>	
<p>Q. YOU SAY YOU SAW SOME INDIANS NEAR THE OX AND THE WHITE MAN WAS MAKING SOME MOTIONS OVER THE OX — SOME GESTURES</p>	<p>{Q} YOU SAY YOU SAW SOME WHITE MEN INDIANS NEAR {THE} OX, {A} WHITE MAN WAS MAKING SOME MOTIONS OVER {THE} OX IN GESTURE</p>	<p>Q. YOU SAY YOU SAW SOME INDIANS NEAR THE OZX, AND THE WHITE MAN WAS MAKING SOME MOTINONS, OVER THE OX?</p>	

RT

RS

BT

PS

<p>? A. I SUPPOSED HE WAS TRADING. Q. I DON'T WANT YOU TO SUPPOSE ? A. I SAW HIM AND THE INDIANS BUY BY THE OX Q. DID YOU SEE THEM MORE THAN ONCE — WAS IT THIS WAY ?</p> <p>THAT IS HE LOOKED AROUND AND</p> <p>AWAY AGAIN PREVIOUS TO THAT TIME ?</p> <p>A. I SUPPOSE IT TO BE THE SAME MAN. ^[458] Q. I DON'T WANT TO</p> <p>SUPPOSITION ? A. IT IS A PRETTY DIFFICULT MATTER TO KNOW A MAN FROM FIRST SIGHT Q.; IF YOU DIDN'T KNOW THE MAN DON'T STATE IT ON SUPPOSITION—I DON'T WANT</p>	<p>^AI SUPPOSED HE WAS TRADING {Q}ⁱ<I DON'T WANT YOUR SUPPOSITION> ^AI SAW HIM AND INDIANS BY THE OX {Q}ⁱ DID YOU SEE THEM MORE THAN ONCE WAS IT THIS WAY</p> <p>^AOH HE LOOKED AROUND AND THEN LOOKED AWAY AGAIN Q PREVIOUS TO THAT TIME <WHAT DID HE DO> {A}ⁱ I SUPPOSE IT TO BE SAME MAN {Q}ⁱI DON'T WANT SUPPOSITION {A}ⁱIT IS {A}ⁱ PRETTY DIFFICULT MATTER TO KNOW A MAN FROM {FIRST}ⁱ SIGHT {Q}ⁱIF YOU DIDN'T KNOW THE MAN, DON'T STATE IT ON SUPPOSITION. I DON'T WANT</p>	<p>A. I SUPPOSED HE WAS TRADING. Q . I DON'T WANT YOU TO SUPPOSE? A. I SAW HIM AND THE INDIANS ^[300] BY THE OX. Q. DID YOU SEE THEM NMORE THAN ONCE. WAS IT THIS WAY? — (ILLUSTRATING) A. OH, I HE LOOKED AROUND AND THEN LOOKED AWAY AGAIN. Q. LPREVIOUS TO THA T TIME WHAT DID YOU SEE HE DO.? A. ISUPPOSED IT WAS THE SAME MAN. Q. I DON'T WANT YOU TO SUPPOSE? A IT IS A PRETTY DIFFICULT MATTER TO KNOW A MAN FROM THE FIRST SIGHT. Q. IF YOU DIDNT DON'T KNOW THE MAN , DON'T STATE IT ON SUPPOSITION. I DON'T WANT</p>	
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RT

RS

BT

PS

<p>ANY SUPPOSITION — IT IS IMPROPER TO STATE THAT BEFORE THIS JURY. A. I CAN'T STATE UNDER SUCH A MATTER OF OATH THAT HE WAS IDENTICALLY THE SAME MAN. Q. THEN DON'T STATE ANYTHING ABOUT IT ? A. I SAW A MAN THERE, I MERELY THOUGHT HE WAS A WHITEMAN. Q. THAT IS YOU MERELY LOOKED AROUND THAT WAY ? A. I DIDN'T CONFINE MYSELF TO LOOK ONE WAY. Q. HOW LONG WAS HE THERE ? A. I HAD NO WATCH. Q. DID YOUR EYES FOLLOW HIM MORE THAN ONCE— YOU DIDN'T</p>	<p>ANY SUPPOSITION. IT IS IMPROPER TO STATE THAT BEFORE THIS JURY ^{[7]384} I CAN'T STATE UNDER SOLEMN OATH {THAT}ⁱ HE WAS {THE}ⁱ IDENTICAL SAME MAN [space] {QSTATE}ⁱ THEN DON'T STATE ANYTHING ABOUT IT {A}ⁱ SAW A MAN THERE, I <MERELY> SAW HE WAS A WHITE MAN {Q}ⁱ THAT IS YOU MERELY LOOKED AROUND THAT WAY {A}ⁱ DIDN'T CONFINE MYSELF TO LOOK ONE WAY {Q}ⁱHOW LONG WAS HE THERE {A}ⁱI HAD NO {WATCH}ⁱ {Q}ⁱDID YOUR EYES FOLLOW HIM MORE THAN ONCE YOU DIDN'T</p>	<p>ANY SUPPOSITION. IT IS IMPROPER TO STATE THAT BEFORE THIS JURY. A. I CAN'T STATE UNDER MY OATH THAT HE WAS THE IDENTICAL SAME MAN. Q. THEN DON'T STATE ANYTHING ABOUT IT? A I SAW A MAN THERE; I MERELY SAW HE WAS A WHITE MAN. Q. THEN YOU MERELY LOOKED AROUND THA T WAY? A. I DIDN'T CONFINE MYSELF TO LOOK IN ONE WAY? A. Q. HOW LONG WAS HE THERE? A. I WAS NOT WATCHING. Q. DID YOUR EYES FOLLOW HIM MORE THAN ONCE? YOU DIDN'T</p>	
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384. The verso of page 7 contains shorthand doodling: “WHERE DO YOU RESIDE” written repeatedly, in addition to illegible shorthand.

RT

RS

BT

PS

<p>HAVE YOUR WATCH THERE TO SEE THE TIME OF IT ? A. CAN'T TELL HOW LONG HE REMAINED THERE—I CAN'T SAY. Q. YOU DIDN'T SEE ANY BUCKSKINS AROUND THERE ? A. NO. Q. DID YOU HAVE A TALK WITH HIM ABOUT THE QUESTION OF THAT OX BEING THERE ? A. I HAVE. Q. DIDN'T YOU TELL HIM THAT OX WAS POISONED — MR. HOOPS MADE OATH ON THAT SAME SUBJECT ? A. I KNOW WHAT HIS TESTIMONY WAS. COURT: DON'T BE SO ANXIOUS TO TELL THINGS YOU ARE NOT ASKED FOR. WIT.: I AM ONLY ANXIOUS TO TELL THE</p>	<p>HAVE WATCH THERE TO SEE THE TIME OF IT {A}ⁱCAN'T TELL HOW LONG HE REMAINED THERE CAN'T SAY {Q}ⁱ DIDN'T SEE ANY BUCKSKINS AROUND THERE {A}ⁱNO. HAVE YOU {HAD}ⁱ TALK WITH HIM ABOUT THE QUESTION OF THAT OX BEING THERE {A}ⁱI HAVE. {Q}ⁱ DIDN'T YOU TELL HIM THAT OX WAS POISONED UP THERE MR. HOOPS MADE OATH ON THAT SAME SUBJECT {A}ⁱI KNOW WHAT HIS TESTIMONY WAS BY COURT DON'T BE SO ANXIOUS TO TELL THINGS YOU ARE NOT ASKED FOR {A}TO THE}ⁱ COURT I AM ONLY ANXIOUS TO TELL THE</p>	<p>HAVE A WATCH THERE TO SEE HIM ALL THE TIME ? A. I CAN'T TELL YOU HOW KHOW LONG HE REMAINED, CAN'T SAY. Q. YOU DIDN'T SEE ANY BUCKSKINS AROUND THERE? A. NO. Q.HAVE YOU HAD A TALK WITH HIM ABOUT THE QUESTION OF THA T OX BEING THERE? A. I HAVE.. Q. DIEN'T YOU TELL HIM THAT OX WAS POISONED UP THERE? A. MR. HOOPS MADE OATH ON THAT SAME SUBJECT. Q . I KNOW WHAT HI S TESTIMONY WAS. THE COURT: DON'T BE TOO ANXIOUS TO TELL THINGS YOU ARE ANOT ASKED FOR. A. IAM ONLY ANXIOUS TO TELL THE</p>	
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RT

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BT

PS

<p>TRUTH. ^[459] Q. YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX MAKING GESTURES OF THIS KIND ? A. I DON'T RECOLLECT MAKING SUCH GESTURES AS YOU DO.</p>	<p>TRUTH {Q}ⁱ YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX {MAKING GESTURES OF THIS KIND A}ⁱ DON'T RECOLLECT MAKING SUCH GESTURES AS YOU DO</p>	<p>TRUTH. Q. YOU SAW TWO INDIANS OUT THERE TOWARDS THE OX ?A MAKING GESTURES, OF THIS KIND? A. I DON'T RECOLLECT THEIR MAKING SUCH GESTURES AS YOU DO. Q.</p>	
<p>[space]</p> <p>I THINK MY LANGUAGE WILL CONVEYWITHOUT T ANY GESTURES TO ME. Q. I WANT THE WITNESS TO GET UP AND SAY HOW HE SAW THEM. A. I LOOKED OUT OF THESE TWO EYES SAND SAW THEM Q. YOU DON'T KNOW WHO THAT WHITE MAN WAS ? A. NO MORE THAN THEY BELONGED TO THAT EMIGRANT TRAIN, FROM THE LOOKS OF HIS DRESS. I</p>	<p>[space]</p> <p>I THINK MY LANGUAGE WILL CONVEY WITHOUT ANY GESTURES OF ME {Q}ⁱ I WANT WITNESS TO GET UP AND SAY HOW HE SAW THEM {A}ⁱ LOOKED OUT OF THESE TWO EYES AND SAW THEM {Q}ⁱYOU DON'T KNOW WHO THAT WHITE MAN {WAS A}ⁱNO MORE THAN {HE}ⁱ BELONGED TO THAT EMIGRANT TRAIN, FROM THE LOOKS OF HIS DRESS {Q}ⁱI</p>	<p>YOU MAKE THEM THEN? A. I THINK MY LANGUAGE WILL CONVEY WITHOUT ANEY ^[301] GESTURES OF ME. BASKIN I WANT THE WITNESS TO GET UP AND SHOW HOW HE SAW THE GESTURES. A. I LOOK OUT OF THESE TWO EYES AND SAW THEM. Q . YOU DON'T KNOW WHO THAT WHITE MAN WAS? A. NO, NORE THAN THAT HE BELONGED TO THAT EMIGRANT TRAIN FROM THE LOOKDS OF HIS DRESS.</p>	

RT

RS

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<p>JUDGED HIM ABOUT FIFTEEN RODS ACCORDING TO THE BEST OF MY RECOLLECTION. Q. WHAT KIND OF CLOTHES HAD HE ON — WAS NOT HE DRESSED LIKE THE OTHER PEOPLE WHO WERE TRAVELING ? A. I THINK HE HAD A COAT ON. Q. HAD HE A PAIR OF BREECHES ON ? A. YES SIR. Q. HAD HE A SHIRT ON ? A. I SAID HE WAS CLOTHED, DRESSED. Q. DID YOU OBSERVE HIS SHIRT ?</p> <p>A. I OBSERVED HE WAS DRESSED AND CLOTHED — WAS NOT IN A STATE OF NUDITY. Q. DID HE HAVE IT ON ? A. HE HAD.</p>	<p>JUDGE HIM ABOUT 15 YARDS/RODS[?] ACCORDING TO THE BEST OF MY RECOLLECTION {Q}^i WHAT KIND OF CLOTHES HAD HE ON. {WAS NOT}^i DRESSED LIKE OTHER PEOPLE {WHO WERE}^i TRAVELING {A}^i I THINK HE HAD COAT ON {Q}^i HAD HE {A}^i PAIR OF BREECHES ON {A}^i YES SIR {Q}^i HAD HE SHIRT ON [space] {A}^i I SAID HE WAS CLOTHED DRESSED. Q {DID}^i YOU OBSERVE HIS SHIRT ? {A}^i I SAID HE WAS CLOTHED DRESSED. {Q}^i DID YOU OBSERVE HIS SHIRT {A}^i I OBSERVED HE WAS CLOTHED NOT IN A STATE OF NUDITY {Q}^i DID HE HAVE IT ON {A}^i HE HAD.</p>	<p>Q WHAT KIND OF CLOTHES DID HE HAVE ON? A I DONT KNOW DRESSED LIKE OTHER PEOPLE WHO WERE TRAVELING. I THINK HE HAD A COAT ON. ** Q. HAD HE A PAIR OF BREECHES ON? A YES SIR.</p> <p>Q. DID YOU OBSERVE HIS SHIRT? I OBSERVED HE WAS CLOTHED, NOT IN A STATE OF NUDITY. Q. DID HE HAVE IT ON? A. HE HAD.</p>	
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<p>Q. DID YOU SEE WHERE HE CAME FROM ? A. NOT AT THAT PARTICULAR TIME. Q. DID YOU KNOW WHETHER YOU HAD EVER SEEN THE MAN BEFORE OR NOT ? ^[460] A.</p> <p>ACCORDING TO THE BEST OF MY KNOWLEDGE HE WAS THE SAME MAN. Q. HOW LONG DID YOU LOOK AT HIM ?</p> <p>A. I DIDN'T TIME MYSELF , BUT LONG ENOUGH TO DETERMINE HE WAS THE SAME MAN. Q. WAS IT A SECOND ? A. I DIDN'T TIME MYSELF, I THINK PROBABLY IT MIGHT HAVE BEEN. Q. WAS IT MORE THAN A SECOND ? A. DIDN'T TIME MYSELF,MY WATCH</p>	<p>{Q}ⁱ DID YOU SEE WHERE {HE}ⁱ CAME FROM {A}ⁱ NOT AT THAT PARTICULAR TIME. {Q}ⁱDID YOU KNOW WHETHER YOU HAD EVER SEEN {THE}ⁱ MAN BEFORE OR NOT {A}ⁱ ←ACCORDING TO BEST MY RECALL⇒ ACCORDING TO THE BEST OF MY KNOWLEDGE {HE}ⁱ WAS SAME {THE}ⁱ MAN. {Q}ⁱHOW LONG DID YOU LOOK AT HIM {THEM A}ⁱI DIDN'T TIME MYSELF, BUT LONG ENOUGH TO DETERMINE HE WAS THE MAN Q WAS IT A SECOND {A}ⁱI DIDN'T TIME MYSELF I THINK PROBABLY IT MIGHT HAVE BEEN. {Q}ⁱWAS IT MORE THAN SECOND {A}ⁱ DIDN'T TIME MYSELF WATCH</p>	<p>Q. DI D HE YOU SEE WHEREHE CAME FROM ? A. NOT AT THAT PARTICU AR TIME. Q. DIDYOU KNOW WHETHER YOU HAD EVER SEEN THE MAN BEFORE OR NOT.? A.</p> <p>ACCORDING TO THE BEST OF MY KN WLEDGE, HE WAS THE SAME MAN. Q. HOW LONG DID YOU LOOK AT HIM?</p> <p>A. I DIDN'T TIME MYSELF; BUT LONG ENOUGH TO DETERMINE HE WAS THE MAN. Q. WAS IT A €SECOND? A. I DIDN'T TIME MYSELF; I THINK PROBABLY IT MAY HAVE BEEN. Q. WAS IT MOFRE THAN A CSECOND? A. I DIDN'T TIME MYSELF. MY WATCH</p>	
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<p>WAS NOT THERE. Q. I WANT THE COURT TO MAKE THIS WITNESS ANSWER, AND IF HE DON'T DO IT COMMIT HIM FOR CONTEMPT—HE KNOWS ABOUT WHAT TIME IT WAS ? BECAUSE THIS IS TRIFLING WITH THE COURT ? A. I TOLD YOU PLAINLY I SAW HIM WITH THESE TWO EYES Q. IT IS MATERIAL, MY DEAR FRIEND, FOR YOU TO GIVE TO THIS JURY</p> <p>THIS, IN ORDER TO TEST THE ACCURACY OF THIS STATEMENT. ABOUT HOW LONG WERE YOU LOOKING AT HIM)</p>	<p>WAS NOT THERE. {Q}^i I WANT THE COURT TO MAKE THIS WITNESS ANSWER IF HE DON'T {DO}^i IT COMMIT HIM FOR CONTEMPT HE KNOWS ABOUT WHAT TIME IT WAS ^{8/} BECAUSE THIS IS TRIFLING WITH COURT A I TOLD YOU I SAW HIM PLAINLY WITH THESE TWO EYES {Q}^i IT IS MATERIAL MY DEAR FRIEND FOR YOU TO GIVE TO THIS JURY</p> <p>IN ORDER TO TEST {THE}^i ACCURACY OF THIS STATEMENT {Q}^i ABOUT HOW LONG YOU LOOKED AT HIM [space] BUT YOU MUST HAVE SOME</p>	<p>WASN 'T THERE. QB-ASKIN: I WANT THE COURT TO MAKE THIS WITNESS ANSWER MY QUESTIONS IF HE DON'T DO IT TO COMMIT HIM FOR CONTEMPT. HE KNOWS ABOUT WHAT TIME IT WAS. THIS I S TRIFLING WITH THE COURT. A. I TOLD YOU I SAW HIM PLAINLY WITH THESE TWO EYES . Q. IT IS MATERIAL MY DEAR FRIEND, FOR YOU TO GIVE TO THIS JURY THE ANSWER TO THIS QUESTION, IN ORDER TO TEST THE ACCURACY OF THESE STATEMENTS ABOUT HOW LONG YOU LOOKED AT HIM; FOR YOU MUST HAVE SOME</p>	
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<p>≡A.≡ I SAW HIM WITH A COUPLE OF INDIANS. Q. ABOUT HOW LONG WERE YOU LOOKING AT HIM ? A. I COULD NOT TELL YOU EXACTLY THE TIME. MY MEMORY SERVES ME THAT I DIDN'T MAKE IT A POINT TO STARE AT THE MAN. WAS NOT SUSPECTING ANYTHING. Q; THERE WAS NO MOTIVE IN YOUR MIND AT THE TIME THAT LED YOU TO MAKE A CRITICAL OBJECT OF HIM— WHERE WAS THE CAMP OF THE TRAIN ? A. THE OTHERS HAD NOT BROKE CAMP.</p>	<p>REMEMBRANCE A I TOLD THIS JURY I SAW HIM WITH COUPLE OF INDIANS [space] {Q}ⁱ ABOUT HOW LONG YOU LOOKED AT HIM {A}ⁱ I COULD NOT TELL YOU EXACTLY THE TIME MY MEMORY DOESN'T SERVE ME I DIDN'T MAKE IT POINT TO STARE AT THE MAN. WAS NOT EXPECTING ANYTHING WAS NOT SUSPECTING ANYTHING. [space] {Q}ⁱ THERE WAS {Q}ⁱ NO MOTIVE IN YOUR MIND AT THE TIME THAT LED YOU TO MAKE CRITICAL OBJECT OF HIM A NO SIR {Q}ⁱ WHERE WAS {THE}ⁱ CAMP {OF THE}ⁱ TRAIN {A}ⁱ THE TRAIN HAD NOT BROKE CAMP</p>	<p>REMEMBERANC E? A. I TOLD THIS JURY, I SAW HIM WITH A COUPLE OF INDIANS. Q. ABOUT HOW LOND DID YOU LOOK AT HIM? A. I COULD NOT TELL EXACTLY THE TIME; MY MEMORY DOES NOT SERVE ME. I DIDN'T MAKE IT A POINT TO STARE AT THE MAN. [302] WASN'T EXPEĐCTING ANYTHING, WASN'T SUSPECTING ANYTHING. Q. THERE WAS NO MORTIVE IN YOUR MIND AT THAT TIME THAT LED YOU TO MAKE A CRITICAL OBSERVATION OBJECT OF HIM? A. NO, SIR. Q WHERE WAS THE CAMP OF THRE TRAIN? A. THE TRAIN HAD NOT BROKE CAMP. Q.</p>	
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<p>Q. THEY HADN'T BROKE CAMP — WHERE WAZS THE OX LYING WITH REFERENCE TO THE CORRALL ? A. ACCORDING TO THE BEST OF MY MEMORY THE CORRALLS WERE FORMED VERY NEAR,BUT</p> <p>I WILL GIVE YOU A DIAGRAM OF IT ACCORDING TO THE BEST OF MY <i>[461]</i></p> <p>RECOLLECTION. WITNESS MADE A DIAGRAM. WIT.: THAT IS ABOUT THE SHAPE IT RUNS IN, (SHOWING THE POINTS OF THE COMPASS TO THE PROSECUTION, AND SHOWING WHICH WAY THE ROAD WENT.) BISHOP: WE OBJECT TO THIS DIAGRAM BEING SHOWN TO</p>	<p>{Q}THEY HADN'T BROKE CAMP. WHERE WAS {THE}OX LYING WITH REFERENCE TO THE CORRAL A ACCORDING TO BEST OF MY MEMORY CORRALS WERE FORMED VERY NEAR (A CONTINUED)³⁸⁵ I WILL GIVE YOU {A}OX DIAGRAM OF IT SIR ACCORDING BEST OF MY</p> <p>RECOLLECTION =--- 10 40 AM MADE DIAGRAM. THAT IS ABOUT {THE}SHAPE IT RUNS IN, SHOWED {THE}OX POINTS OF COMPASS TO {THE}OX PROSECUTION AND COURT. SHOWS WHERE THE ROAD WENT BY BISHOP WE OBJECT TO THIS DIAGRAM BEING SHOWN TO</p>	<p>THEY HADN'T BROKE CAMP, YOU SAY? WHERE WAS THE OX LYING WITH REFERENCE TO THE CORRAL? A. ACCORDING TO THE BEST OF MY MEMORY THE CORRALS WERE FORMED VERY HNEAR. BUT I WILL GIVE YOU A DIAGRAM OF RS IT SIR, ACCORDING TO THE BEST OF MY</p> <p>RECOLLECTION. (WITNESS MAKES A DIAGRAM) A. THAT IS ABOUT THE SHAPE IT RUNS IN. (WITNESS EXPLAINING DIAGRAM TO COUNSEL)</p> <p>BISHOP : WE OBJECT TO THIS DIAGRAM BEING SHOWN TO</p>	
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385. Word apparently added later.

RT

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BT

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<p>THE JURY BECAUSE THE WITNESS DON'T PRETEND TO BE AN EXPERT AND IT IZS NOT DRAWN BY ANY RULE, AND WE OBJECT FURTHER AS</p> <p>BEING IRRELEVANT AND IMMATERIAL.</p> <p>OBJECTION OVERRULED. EXCEPTION BY DEFENDANT. Q. BASKIN: I WOULD LIKE YOU TO STAND UP HERE AND SHOW AND EXPLAIN THIS MATTER TO THE</p>	<p>{THE}¹ JURY, BECAUSE WITNESS DON'T PRETEND TO BE {AN}ⁱ EXPERT. {IT IS}ⁱ NOT DRAWN BY ANY RULE. WE OBJECT TO IT FROM <i>THE</i> <i>FACT</i>[?]³⁸⁶ OF ITS BEING IRRELEVANT</p> <p>IMMATERIAL BY COURT IT IS VERY COMMON TO ADMIT MAP WHERE PARTIES KNOWS OF TRANSACTION IT IS VERY PROPER TO DRAW DIAGRAM OF IT BY BISHOP</p> <p>WE'LL TAKE BENEFIT {OF AN}ⁱ EXCEPTION [space] {COURT OVERRULED OBJN. DEF EXCEPTING.}ⁱ BASKIN {Q}ⁱ I WOULD LIKE YOU TO STAND UP HERE SO YOU CAN EXPLAIN THIS MATTER TO</p>	<p>THE JURY BECAUSE THE WITNESS DON'T PRETENT TO BE AN EXPERT; IT IS NOT DRAWN BY ANY RULE;, AND WE OBJECT FROM THE FACT OF ITS BEING IRRELEVANT AND IMMATERIAL. THE COURT: THIS IS NOT ADMITTING A MAP; BUT WHERE A PARTY KNOWS OF A TRANSACTION IT IS VERY PROPER TO DRAW A DIAGRAM. BISHOP: THEN YOUR HONOR, WE WILL TAKE THE BENEFIT OF AN EXCEPTION</p> <p>Q. I WOULD LIKE YOU TO STAND UP HERE SO YOU CAN EXPLAIN THIS MATTER TO THE</p>	
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386. "THE FACT" was apparently added later.

RT

RS

BT

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<p>JURY. COURT: THE DIAGRAM HAS NOT BEEN OFFERED YET. BASKIN: WE NOW SHOW IT TO THE JURY. Q. WHERE WAS FILLMORE ? BISHOP: MY OBJECTION COMES TO THIS; I OBJECT TO THEIR USING IT AT ALL, BECAUSE OF WHAT I PREVIOUSLY STATED. COURT: WHERE IS FILLMORE ON THAT MAP ? A. IN THAT DIRECTION,</p> <p>PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT FURTHER. FILLMORE IS OVER HERE. Q. WERE YOU TRAVELING</p> <p>TO FILLMORE ? A. I WAS TRAVELING IN THE DIRECTION OF FILMORE,</p>	<p>JURY BY COURT [<i>space</i>] IT HAS {NOT}ⁱ BEEN OFFERED YET BASKIN {WE}ⁱ WISH IT EXPLAINED TO JURY {Q}ⁱ WHERE WAS FILLMORE BY BISHOP MY OBJECTION COMES TO THIS I OBJECT TO THEIR USING IT AT ALL</p> <p>BY COURT {Q}ⁱWHERE IS FILLMORE ON THAT MAP {A}ⁱ IN THAT DIRECTION, <WITNESS></p> <p>PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT FURTHER, FILLMORE OVER HERE. {Q}ⁱWERE YOU TRAVELING IN DIRECTION OF FILLMORE {A}ⁱI WAS TRAVELING IN {THE}ⁱ DIRECTION OF FILMORE, YES I WAS {Q}ⁱ</p>	<p>JUTRY.? THE COURT: IT HAS NOT BEEN OFFERERD. BASKIN: WE WISH IT EXPLAINED TO THE JURY. Q. WHERE WAS FILLMORE? A: BISHOP: MY OBJECTION COMES TO THIS; THAT I OBJECT TO THEIR USING IT AT ALL.</p> <p>Q. WHERE IS FILLMORE ON THAT MAP? A . IN THAT DIRECTION. (WITNESS INDICATING.) : PERHAPS THAT MIGHT HAVE BEEN DRAWN OUT AFARTHER AND FILLMORE PUT OVER HERE. Q. WERE YOU TRAVELLING IN THE DIRECTION OF FILLMORE? A. I WAS TRAVELLING IN THE DIRECTION OF FILLMORE? YES, I WAS. Q. AND</p>	
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<p>WE TRAVELLED THE ROAD ON TO FILLMORE.</p> <p>Q. WHEREABOUTS WITH REFERENCE TO YOUR CAMP ? A. WE CAMPED RIGHT IN HERE BESIDE THE CREEK.) ≤Q⇒ THIS IS SUPPOSED TO BE THE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY. . WHERE DID THE EMIGRANTS —CAMP? ^[462] A. THEY CAMPED JUST OVER THERE.</p> <p>Q. ABOUT HOW FAR WAS IT FROM THE EMIGRANTS CORRALL TO WHERE YOU CAMPED ? A. TO THE BEST OF MY KNOWLEDGE IT WAS SOME TWELVE RODS. Q. WHEREABOUTS ON THAT MAP</p>	<p>FROM CORN CREEK TO WHERE {A}ⁱWE TRAVELED ROAD ON TO FILLMORE.</p> <p>{Q}ⁱ WHEREABOUTS WITH REFERENCE TO WHERE YOU CAMPED {A}ⁱ WE CAMPED RIGHT IN HERE BESIDE THE CREEK {Q}ⁱ THIS IS SUPPOSED TO BE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY {Q}ⁱWHERE DID THE EMIGRANTS {*}ⁱ CAMP {A}ⁱ CAMPED JUST OVER THERE. [<i>space</i>]</p> <p>{Q}ⁱ ABOUT HOW FAR WAS IT FROM EMIGRANTS CORRAL TO WHERE YOU CAMPED TO {THE_A}ⁱ BEST OF MY KNOWLEDGE IT WAS SOME TWELVE 15 RODS. {Q}ⁱ WHEREABOUTS ON THAT MAP</p>	<p>FROM CORN CREEK TO WHERE? A. WE TRAVELLERD RIGHT ON TO ^[303] FI LLLMORE.</p> <p>Q. WHERE ABOUTS WAS THA T WITH REFERENCE TO WHERE YOUR CAMP WAS? A. WE CAMPED RIGHT IN HERE BESIDE THE CREEK. Q. THIS IS SUPPOSED TO BE THE CREEK SPOKEN OF BY YOU IN YOUR TESTIMONY? WHERE D ID THE EMIGRANTS CAMP? A. THEY CAMPED JUST OVER THERE IN THE BRUSH. Q. ABOUT HOW FAR WAS IT FROM THE EMIGRANTS CORRAL TO WHERE YOU CAMPED? A. TO THE BEST OF MY KNOWLEDGE IT WAS SOME I2 TO 15 FIFTEEN RODS. Q. WHERE ABOUTS ON THAT MAP DID</p>	
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RT

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<p>DID THE OX LIE ? A. THE OX LAY ACROSS IN A NORTHWESTERN DIRECTION, A LITTLE COURSE NORTH FROM OUR CAMP. THE OX LAY SOME 10 TO 12 RODS. IT MIGHT JUST BE ABOUT IN THAT DIAGRAM BUT A LITTLE FURTHER FROM THE EMIGRANT CORRAL THAN FROM OUR CAMP, IN THE NEIGHBORHOOD OF FORTY RODS FROM THE EMIGRANT CAMP, SOMEWHERE IN THAT NEIGHBORHOOD, THAT IS THE BEST OF MY MEORY MEMORY. Q. WHEN YOU SAW THIS PARTY LOOKING AT THE OX WHAT WERE YOU DOING ? A. I WAS AROUND</p>	<p>DID THE OX LIE {A}ⁱTHE OX LAY ACROSS {THE}ⁱ ^[9] IN A NORTH WESTERN³⁸⁷ DIRECTION, A LITTLE COURSE NORTH[?] FROM OUR CAMP, // OX LAY SOME 10 {TO}ⁱ 12 RODS, IT LAY JUST ABOUT IN THAT DIAGRAM {BUT}ⁱ LAID FURTHER FROM EMIGRANT CORRAL THAN FROM OUR CAMP, {IN THE}ⁱ NEIGHBORHOOD OF 20 RODS FROM {THE}ⁱ EMIGRANT CAMP SOMEWHERE IN THAT NEIGHBORHOOD THAT IS {THE}ⁱ BEST {OF}ⁱ MY MEMORY. [<i>space</i>] {Q}ⁱWHEN YOU SAW THIS PARTY LOOK {ING}ⁱ AT OX WHAT WERE YOU DOING {A}ⁱI WAS AROUND</p>	<p>THE OX LIE? A. THE OX LAY ACROSS THERE IN A NORTH WESTERN DIRECTION, A LITTLE COURSE NORTH FROM OUR CAMP . THE OX LAY SOME IO OR I2 RODS. JUST ABOUT IN THAT DIAGRAM A LITTLE FARTHER FROM THE EMIGRANT CORRAL THAN FROM OUR CAMPP IN THE NEIGHBORHOOD OF 20 RODS FROM THE EMIGRANT CAMP , SOME HWHERE IN THAT NEIGHBORHOOD , THAT IS THE BEST OF MY NMEMORY. Q WHEN YOU SAW THIS PARTY LOOKING AT THE OX, WHAT WERE YOU DOING? A. I WAS AROUND</p>	
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387. "WESTERN" is written "RSTRN" in shorthand. In Pitman shorthand, "W" is usually written as a diacritic and, like vowels, often omitted. As written it could have been transcribed as "WESTERN" or "EASTERN".

RT

RS

BT

PS

<p>CAMP , COULD NOT TELL WHETHER I WAS SITTING DOWN OR STANDING UP. Q. HOW LONG WAS IT BEFORE YOU BROKE CAMP AND BEFORE YOU SAW THIS PARTY — AS NEAR AS YOU CAN GET AT IT ? A. IT WASN'T LONG. Q. DID YOU SEE THE TEAMS HITCHED TO THE WAGONS ?</p> <p>A. THAT MIGHT HAVE BEEN FIFTEEN OR TWENTY MINUTES — MIGHT HAVE BEEN HALF AN HOUR. Q. HOW LONG AFTER THAT OCCURRENCE WAS IT BEFORE THE EMIGRANTS WHEELED OUT ? A. I COULD NOT TELL CERTAIN WHETHER WE LIT OUT FIRST OR THEM,BUT THINK WE DID, AS WELL AS MY</p>	<p>CAMP , COULD NOT TELL WHETHER I WAS SITTING DOWN OR STANDING UP. {Q} HOW LONG WAS IT BEFORE YOU BROKE CAMP BEFORE YOU SAW THIS PARTY STATE ~ {Q} AS NEAR AS YOU CAN GET AT IT {eA} IT WASN'T LONG {Q} DID YOU SEE {THE} TEAMS HITCHED TO {THE} WAGON AND GO THERE</p> <p>A THAT MIGHT HAVE BEEN 15 20 MINUTES MIGHT HAVE BEEN HALF HOUR ~ Q HOW LONG AFTER OCCURRENCE WAS IT BEFORE EMIGRANTS WHEELED OUT {A} I COULD NOT TELL CERTAIN WHETHER WE LIT OUT FIRST OR THEM {BUT} I THINK WE DID, AS WELL AS MY</p>	<p>CAMP; I COULD NOT TELL WHETHE R I WAS SITTING DOWN OR STANDING UP. Q. HOW LONG WAS IT BEFORE YOU BROKE CAMP, BELOERE YOU SAW THIS € PARTY. STATE AS NEAR AS YOU CAN GET AT IT? A IT WASNIT LONG/ Q. DID YOU SEE THE TEAMS AND THE WAGONDS?</p> <p>A. THAT MIGHT HAVE BEEN 15 # OR 260 MINUTES, NMIGHT HAVE BEEN A HALF AN HOUR. Q. HOW LONG AFTER WAS IT BEFORE THE EMIGRANTS ROLLED OUT? A I COULD NOT TELL FOR CERTAIN WHETHER WE LED OUT FIRST OR THEM; BUT I THINK WE DID, AS WELL AS MY</p>	
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RT

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<p>MEMORY SERVES ME, WE HITCHED UP AND ROLLED OUT. Q. HOW NEAR DID YOU GO TO THEIR CORRALL [463] A. WE DIDN'T GO NEARER THAN TEN OR TWELVE RODS. Q. WHAT IMPRESSED IT ON YOUR MIND THAT THEY MOVED OUT BEFORE YOU DID</p> <p>A. I AM NOT POSITIVE WHICH MOVED OUT? FIRST, I CANNOT SWEAR AS TO THAT WHO MOVED OUT FIRST. Q. WHAT IS YOUR IMPRESSION ABOUT IT ? A. MY IMPRESSION IS THAT WE MOVED OUT FIRST. Q. DID YOU SEE ANY DEAD OX WITHIN THE CIRCUIT OF THEIR CORRALL ? A. NO, I</p>	<p>MEMORY SERVES ME WE HITCHED UP AND ROLLED OUT FIRST. {Q}ⁱ HOW NEAR DID YOU GO TO THEIR CORRAL {A}ⁱWE DIDN'T GO NEARER THAN TEN OR TWELVE RODS. {Q}ⁱWHAT IMPRESSED IT ON YOUR MIND THAT THEY MOVED OUT BEFORE {YOU}ⁱ WE[?] DID</p> <p>{A}ⁱ I AIN'T POSITIVE WHICH MOVED OUT FIRST. I CANNOT SWEAR AS TO THAT WHO MOVED OUT FIRST. Q.WHAT IS YOUR IMPRESSION ABOUT IT {A}ⁱ MY IMPRESSION IS WE MOVED OUT FIRST. {Q}ⁱDID YOU SEE ANY DEAD OX WITHIN {THE}ⁱ CIRCUIT OF THEIR CORRAL {A}ⁱNO I</p>	<p>MEMORY SERVES ME WE HITCHED UP AND ROLLED OUT. Q. HOW NEAR DID YOU FGO TO THEIR CORRAL? A . WE DIDN'T GO NEARER THAN I0 OR I2 RODS. Q. WHAT IMPRESSED IT ON THEIR YOUR MIND THAT YOU THEY MOVED OUT BEFORE THEY DID? THEY YOU MOVED OUT BEFORE THEY DID? [304] A. I AIN'T POSITIVE WHICH MOVED OUT FIRST. I CAN'T SEWAR AS TO THAT WHO MOVED OUT FIRST? Q. WHAT IS YOUR IMPRESSION ABOUT IT? A. MY IMPRESSION WAS W WE MOVED OUT FIRST? Q . DID YOU SEE ANY DEAD OX WITHIN THE CIRCUIT OF THEIR CORRAL? A. NO, SIR, I</p>	
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RT**RS****BT****PS**

<p>DIDN'T. Q. WAS THERE ANY OX THERE ? A. I DON'T RECOLLECT OF SEEING IT. Q. DID YOU KNOW OF MORE THAN ONE DEAD OX ON THE GROUND ? A. I DID NOT NOTICE. Q. IN WHAT WAGON DID YOU AND MR. HOOPS RIDE—IN THE SAME WAGON—WHEN YOU STARTED OFF ? A. YES SIR. SUTHERLAND: I OBJECT TO ANY FURTHER CROSS- EXAMINATION AS TO THAT. BASKIN: THE OBJECT OF THIS IS, THIS PARTY HAS TESTIFIED TO HAVING SEEN AN OX THERE. COURT: I THINK IT IS PROPER TO SHOW THIS QUESTION. Q. WHO WAS THE DRIVER OF YOUR TEAM</p>	<p>DIDN'T {Q}ⁱ WAS THERE ANY OX THERE {A}ⁱDON'T RECOLLECT NOTICING IT {Q}ⁱDID YOU KNOW {OF}ⁱ ANY MORE THAN ONE DEAD OX ON THE GROUND ~ {A}ⁱI DID NOT NOTICE ~ [space] {Q}ⁱIN WHAT WAGON DID YOU AND MR. HOOPS RIDE IN THE SAME WAGON WHEN YOU STARTED OFF {A}ⁱYES SIR. SUTHERLAND I OBJECT TO ANY FURTHER EXAMINATION AS TO THAT. BASKIN OBJECT OF THIS IS THIS PARTY HAS TESTIFIED TO HAVING SEEN {AN}ⁱOX THERE. BY COURT I THINK IT IS PROPER {TO}ⁱ SHOW THIS QUESTION. {Q}ⁱ WHO WAS THE DRIVER OF THAT TEAM</p>	<p>DID NOT? Q. WAS THERE ANY OX THERE? A. I DON'T RECOLLECT NOTICING IT?. Q. DID YOU KNOW OF ANY MORE THA N ONE DEAD OX ON THE GROUND? A. IDID NOT NOTICE? A Q. IN WHAT WAGON DID YOU AND MR. HOOPS RIDE, IN THE SAME WAGON WHEN YOU STARTED OFF? A. YES, SIR . SUTHERLAND: I OBJECT TO ANY FURTHER EXAMINATION AS TO THA T. BASKIN: THE OBJECT OF THIS QUESTION IS THIS: THIS PARTY IS HAS TESTIFIED TO HAVING SEEN ONE OX THERE. THE COURT. I THINK IT IS PROPER. Q. WHO WAS THE DRIVER OF AT THAT TIME</p>	
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<p>THAT MORNING — DID YOU DRIVE IT OUT ? A. I DROVE MY TEAM. I COULD NOT SWEAR POSITIVELY THAT HOOPS WENT AFTER THAT — AFTER WE WENT TO CORN CREEK OR WHETHER HE WAS IN MY WAGON OR NOT. MY IMPRESSION IS HE CONTINUED IN MINE. Q. ABOUT THE TIME YOU STARTED OFF THERE WAS THERE ANY TROUBLE</p> <p>WITH ^[464] YOUR TEAM ? SUTHERLAND: WE OBJECT TO THAT, WE HAVEN'T CALLED OUT ANY QUESTION RESPECTING THE TEAM. BASKIN ARGUED THE RELEVANCY OF THE QUESTION</p>	<p>THAT MORNING {Q}ⁱ YOU DROVE IT OUT A I DROVE MY TEAM I COULD NOT SWEAR POSITIVELY THAT HOOPS WENT AFTER WE WENT TO CORN CREEK WHETHER {HE}ⁱ WENT IN MY WAGON OR NOT. MY IMPRESSION IS HE CONTINUED IN MINE. {Q}ⁱ ABOUT {THE}ⁱ TIME YOU STARTED OFF THERE WAS THERE ANY TROUBLE OCCURRED</p> <p>WITH YOUR TEAM ? SUTHERLAND WE OBJECT ^[10] TO THAT, WE HAVEN'T CALLED OUT ANY QUESTION RESPECTING TO {THE}ⁱ TEAM. BASKIN <i>WE</i> <i>MEAN NO</i>—[?] SUTHERLAND RESPECTING RULE BEING ENFORCED HERE, WE</p>	<p>THE MORNING YOU DROVE OUT? A. I DROVE MY TEAM; I COULD NOT SWEAR POSITIVELY WHAT THAT HOOPS WENT WITH US AFTER WE WENT TO CORN CREEK. WHETHER HE WENT IN MY WAGON OR NOT. MY IMPRESSION IS W HE CONTINUED IN MINE. Q. ABOUT THE TIME YOU STARTED OFF FROM THERE, AWAS THE RE ANY TROUBLE</p> <p>WITH YOUR TEAM? SUTHERLAND. WE OBJECT TO THAT. WE HAVN'T CALLED OUT ANY WQUESTION WITH RESPECT TO THE TEAM. YOUR HONOR,</p> <p>WE EXPECT THE RULE TO BE ENFORCED HERE. WE</p>	
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	<p>DID NOT CALL ANY ATTENTION BY THIS WITNESS WHO STARTED IN WAGONS OR ANY ACCIDENT TO DETAIN THEM, CAN'T INTRODUCE THIS AT THIS TIME. [space] BY COURT. RULED OTHER DAY REGARD TO STATEMENT MADE BY <DEFENDANT>, TESTIMONY TO BE PROVEN IN HIS OWN DEFENSE WHEN PARTY WANTS TO PROVE PARTICULAR RES GESTAE HE MUST TAKE INTO CONSIDERATIO N ALL OTHER EVIDENCE THE RULE IS HERE MAY NOT GIVE ANY³⁸⁸ * TESTIMONY REGARD TO HIS OWN</p>	<p>DIDN'T CALL OUT ANYTHING ANY ATTENTION BY THIS WITNESS WHO STARTED IN THE WAGONS OR ANY ACCIDENT TO DETAIN THEM , AND THEY CAN'T INTRODUCE THIS AT THIS TIME THE COURT: I RULED THE OTHER IN REGARD TO STATEMENTS MADE BY DEFENDANT, DESIRING TO BE PROVEN IN HIS OWN DEFENSE,, WHEN A PARTY WANTS TO PROVE THE RES GESTE, HE MSUT TAKE INTO CONSIDERATIO N ALL THE OTHER EVIDENCE,AND THE RULE IS HERE THEY CANNOT GIVE ANY ^[305] TESTIMONY IN REGARD TO HIS OWN</p>	
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388. Rogerson's hand symbol is above "any"; "*" is below the hand symbol.

RT

RS

BT

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<p>AFTER WHICH THE COURT RULED THAT THE QUESTION MIGHT BE ASKED</p>	<p>STATEMENT THIS IS PART OF THE TRANSACTION TO WHICH YOU HAVE BEEN INQUIRING. SUTHERLAND WE HAVE DISCUSSED QUESTION OF RES GESTAE AS TO WHETHER IT DID CONSTITUTE \leqA PART OF IT OR NOT \geq YOU</p> <p>FORBORE TO DECIDE THAT — [?] QUESTION, AND ONLY DECIDED THAT IT WAS NOT SO CONNECTED.</p> <p>{COURT RULED}ⁱ</p> <p>BY COURT I MAY HAVE SAID SOMETHING TO THAT EFFECT. I MIGHT NOT HAVE GIVEN ALL REASONS FOR IT. THEY HAVE BEEN CALLED OUT = PART OF THESE SUBJECTS HAVE</p>	<p>STATEMENTS . THIS AIS A PART OF THE TRANSACTION ABOUT WHICH YOU HAVE BEEN ENQUIRING. SUTHERLAND: WE HAVE DISCUSSED THE QUESTION OF THE RES GESTE AS TO FWHETHER IT DID CONSTITUTE A P ART OF IT OR NOT. YOUR HONOR FORBORE TO DECIDE THAT QUESTION AND ONLY DECIDED THAT IT WAS NOT CONNECTED.</p> <p>THE COURT: I MAY HAVE SAID SOMETHING ABOUT THAT FACT. I MAY NOT HAVE GIVEN ALL THE REASONS FOR IT. THEY HAVE BE EN CALLED OUT—PART OF THIS COULD HAVE</p>	
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<p>TO WHICH RULING JUDGE SUTHERLAND FOR DEFENSE EXCEPTED. Q. AFTER YOU STARTED OFF THAT MORNING WAS THERE ANYTHING OCCURRED THERE WHICH LED YOU TO HALT OR STOP THERE ? A. I DON'T RECOLLECT ANYTHING OF THAT KIND. Q. IF THERE HAD BEEN ANYTHING OF THAT KIND WOULD YOU NOT REMEMBER IT A. I DON'T REMEMBER ANYTHING OF THAT KIND. Q. WAS THERE A</p>	<p>BEEN CALLED OUT —[?] THERE WOULD NOT BE ANY SIMILARITY BETWEEN THE TWO THE BULK OF SUBJECTS HAVE BEEN CALLED OUT BASKIN</p> <p>SUTHERLAND NOTE OUR EXCEPTION {Q}ⁱ AFTER YOU STARTED OFF THAT MORNING WAS THERE ANYTHING OCCURRED THERE {WHICH}ⁱ LED YOU HALT OR STOP THERE {A}ⁱ DON'T RECOLLECT ANYTHING OF THAT KIND {Q}ⁱ IF THERE HAD BEEN ANYTHING OF THAT KIND WOULD YOU NOT REMEMBER IT {A}ⁱ DON'T REMEMBER ANYTHING OF THAT KIND. {Q}ⁱ WAS THERE</p>	<p>BEEN CALLED OUT—THERE WOULD NOT BE ANY SIMILARITY BETWEEN THE TWO AND THE BULK OF IT COULD HAVE BEEN CALLED OUT THERE AT THE TIME. OBJ OVERRULED. SUTHERLAND: NOTE OUR EXCEPTION.. BASKIN Q. AFERTER YOU START4ED ON THA T MORNING WAS THERE ANYTHING OCCURRED THERE WHICH CAUSED YOU TO HALT OR STOP THERE? A. I DON'T RECOLLECT ANYTHING OF THAT KIND. Q. IF THERE HAD BEEN ANYTHING OF THAT KIND ØWOULD YOU NOT HAVE REMEMBERED IT? A. I DON'T REMEMBER ANYTHING OF THAT KIND. Q. WAS THERE A</p>	
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<p>HARNESS BROKEN OF ANY TEAMS THERE AT THE TIME YOU WERE STARTING OFF ? A. I DON'T RECOLLECT, I COULD NOT SAY FOR CERTAIN, OR POSITIVE,NOTHIN G OF MYSELF, NEVER CALLED MY ATTENTION, I DON'T RECOLLECT ANYTHING ABOUT IT. Q. DID YOU HEAR ANYTHING SAID THERE ABOUT A DUTCH DOCTOR BEING AMONG THE TRAIN ? A. I HAVE NO RECOLLECTION. Q. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT ? DID YOU HEAR ANYTHING STATED ABOUT THE DUTCH DOCTOR BEING AMONG THE TRAIN ? A. I HAVE NO RECOLLECTION.</p>	<p>HARNESS BROKEN OF ANY TEAMS THERE AT THE TIME YOU WERE STARTING OFF {A}ⁱI DON'T RECOLLECT, I COULD NOT SAY CERTAIN OR POSITIVE, NOTHING OF IMPORTANCE, NEVER CALLED MY ATTENTION, I DON'T RECOLLECT ANYTHING ABOUT IT. [space] {Q}ⁱDID YOU HEAR ANYTHING SAID THERE ABOUT DUTCH {A}ⁱ DOCTOR BEING AMONG {THE}ⁱ TRAIN {A}ⁱI HAVE NO RECOLLECTION. YOU {Q}ⁱDON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT ? <A NO SIR>.</p>	<p>RHARNESS BROKE OFF ANY OF THE TEAMS TH ERE AT THE TIME YOU WERE STARTING OFF? A. I DO NOT RECOLLECT; I COULD NOT SAY FOR CERTAIN OR POSITIVE, NOTHING OF IMPORTANCE, NOTHING CALLED MY ATTENTION. I DON'T RECOLLECT ANYTHING AT ALL ABOUT IT. Q DID YOU HEAR ANYTHING SAID THERE ABOUT A DUTCH DOCTOR BEING AMOUG THE TRAIN? A. I HAVE NO RECOLLECTION. Q. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT? A. NO, SIR.</p>	
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<p>Q. YOU DON'T KNOW WHETHER IT WAS A DUTCH DOCTOR OR NOT. Q. DID YOU HEAR ANYTHING STATED ABOUT PERSONS BEING THERE HAVING THE CHOLERA, OR BEING ATTACKED WITH IT IN THE COMPANY ?</p> <p>[465] A. I DON'T RECOLLECT.</p> <p>SUTHERLAND: I DESIRE TO ASK ONE QUESTION. THE QUESTION WHICH I OUGHT TO HAVE ASKED BEFORE, I GAVE THE WITNESS OVER FOR CROSS EXAMINATION.</p> <p>SUTHERLAND:- Q. ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN CHARACTER</p>	<p>{Q} DID YOU HEAR ANYTHING STATED ABOUT PERSONS BEING THERE HAVING {THE} CHOLERA OR BEING ATTACKED WITH IT IN AT ANY POINT OF THEIR TRAVELS {A} I DON'T RECOLLECT THAT IS ALL SUTHERLAND I DESIRE TO ASK ONE QUESTION, THE QUESTION WHICH I OUGHT TO HAVE ASKED BEFORE I GAVE {THE} WITNESS OVER TO {THE} CROSS EXAMINATION BASKIN WE'LL WAIVE THE OBJECTION {SUTHERLAND Q} ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN CHARACTER</p>	<p>Q. DID YOU HEAR ANYTHING SAID ABOUT PERSONS BEING THERE, HAVING THE CHOLERA OR BEING ATTACKED WITH IT AT ANY POINT OF THEIR TRAVELS?. I DON'T RECOLLECT .</p> <p>SUTHERLAND: I DESIRE JUST TO ASK ONE QUESTION WHICH Q. [306] I OUGHT TO HAVE ASKED BEFORE BEFORE I GAVE THE WITNESS OVER TO THE FOR CROSS-EXAMINATION. BASKIN: WE HAVE NO OBJECTION.</p> <p>Q. ARE YOU PRETTY WELL ACQUAINTED WITH THE INDIAN CHARACTER</p>	
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<p>HERE ? A. YES SIR. Q. STATE WHETHER OR WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE AN INJURY AND IN RESPECT TO ITS EFFECT UPON THE WHOLE TRIBE — HOW THEY REGARD IT ? BASKIN: THAT IS A LEADING QUESTION AND IS TOO SUGGESTIVE FOR THIS WILLING WITNESS — WHAT THEY WANT HIM TO ANSWER. SUTHERLAND: I WISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. COURT OVERRULED THE OBJECTION OF THE PROSECUTION. A. IT IS CUSTOMARY AMONG THE INDIANS</p>	<p>HERE {A}ⁱYES SIR. {Q}ⁱSTATE WHETHER WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE AN INJURY, RECEIVES AN INJURY {IN}ⁱ RESPECT TO ITS EFFECT UPON THE WHOLE TRIBE, HOW THEY REGARD IT BASKIN THAT IS LEADING QUESTION IT IS TOO SUGGESTING TO THIS WILLING WITNESS —[?] WHAT THEY WANT HIM TO ANSWER. ^[11] SUTHERLAND I WISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. BY COURT {COURT RULED}ⁱ YOU CAN ASK THE QUESTION {A}ⁱ IT IS CUSTOMARY AMONG INDIANS TO MY KNOWLEDGE</p>	<p>HERE? A. YES, SIR.. Q. STATE WHAT THEIR DISPOSITION IS WHERE THEY RECEIVE INJURIES, OR RECEIVE AN INJURY; STATE AS TO ITS EFFECT EFFECT UPON THE WHOLE TRIBE, HOW THEY REGARD IT? BASKIN THAT IS A LEADING QUESTION; IT IS TOO SUGGESTIVE TO THIS WILLING WITNESS AS TO WHAT THEY WANTED TO HIM TO ANSWER. SUBTHERLAND: I SWISH TO CALL HIS MIND DIRECTLY ON THAT SUBJECT. THE COURT: YOU CAN ASK THE QUESTION. A. IT IS CUSTOMARY AMONG THE INDIANS TO MY KNOWLEDGE</p>	
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<p>WHERE THERE IS AN INJURY; PERPAETRATED ON ONE OF THEIR PARTY BY A WHITE PERSON TO SEEK REVENGE ON THE FIRST PARTY THEY CAN GET, THE FIRST WHITE BLOOD THEY CAN GET AT. Q. HOW AS TO THE WHOLE TRIBE RESENTING THE INJURY ? A. YES SIR. Q. IS THAT PECULIAR TO ANY ONE TRIBE—OR IS IT PECULIAR TO ALL OF THEM ? A. IT IS PECULIAR TRAIT TO ALL THE INDIANS I HAVE BEEN ACQUAINTED WITH Q. HAVE YOU SEEN A GOOD MANY EXHIBITIONS DURING YOUR RESIDENCE HERE A. I HAVE SEEN SOME. SUTHERLAND:</p>	<p>WHERE THERE IS {AN}ⁱ INJURY PERPETRATED ON ONE OF THEIR PARTY BY WHITE BLOOD, TO SEEK REVENGE AND AT THE FIRST PARTY THEY CAN GET THE FIRST WHITE BLOOD THEY CAN GET AT. {QHOW}ⁱ AS TO WHOLE TRIBE RESEN{TING}ⁱ INJURY {A}ⁱ YES SIR THEY DO.³⁸⁹ {Q}ⁱ IS THAT PECULIAR TO ANY ONE TRIBE OR IS IT PECULIAR TO ALL OF THEM {A}ⁱ IT IS PECULIAR TRAIT TO ALL {THE}ⁱ INDIANS I HAVE BEEN ACQUAINTED WITH. {Q}ⁱ [space] HAVE YOU SEEN GOOD MANY EXHIBITIONS {OF}ⁱ THAT DURING YOUR RESIDENCE HERE {A}ⁱ I HAVE SEEN SOME.</p>	<p>WHERE T HERE IS AN INJURY PERPETRATED ON ONE OF THEIR PART Y BY TH3E WHITE BLOOD TO SEEK REVENGE AND ATTACK THE FIRST PARTY THEY CAN GET AT; THE FIRST WHI TE BLOOD THEY CAN GET AT. Q. HOW AS TO THE SWHOLE TRIBE RESENTING AN INJURY? A. YES SIR, THEY DO. Q. IS THAT PECULIAR TO OF ANY ONE TRUIBE, OR IS IT BPECULIAR TO ALL OF THEM? A. THAT IS A PEFCULIAR TRATE OF ALL THE INDIANS I HAVE BEEÑN ACQUAINTED WITH . Q. HAVE YOU SEEN A GOOD MANFY EXHIBITIONS OF THAT FDURING YOUR RESIDENCE HERE? A I HAVE SEEN SONME. SUTHERLAND:</p>	
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389. "THEY DO" was apparently added later.

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<p>WE PROPOSE TO BASE,UPON THIS DECLARATION THE POINT ALLUDED TO BEFORE,AND WE ASK TO SHOW THE THREATS WHICH WERE MADE BY THE PAHVANTE INDIANS AND WHAT WAS THE CAUSE OF THIS PROVOCATION AND FOR ^[466] THESE THREATS.</p>	<p>Q-[?] BASED UPON THIS DECLARATION</p> <p>WE ASK TO SHOW THE THREATS WHICH WERE MADE BY PAHVANT INDIANS AND WHAT HE CONSIDERED THE PROVOCATION FOR THOSE THREATS</p>	<p>Q- BASED UPON THIS DECLARATION</p> <p>WE ASK TO SHOW THE THREATS THAT WERE MADE BY ON PAHVANT INDIANS, AND WHAT THEY SAID OF</p> <p>PROVOCATION, WITH THESE TRHREATS.</p>	
<p>COURT: IF THEY WERE IN THE MOUNTAIN MEADOW MASSACRE OCCURRENCE SHOW IT, IF THEY WERE NOT YOU CANNOT, THAT IS THE SAME QUESTION I RULED UPON.</p>	<p>{COURT RULED}ⁱ BY COURT IF THEY WERE IN THE MOUNTAIN MEADOW MASSACRE OCCURRENCE SHOW IT. IF THEY WERE NOT YOU CANNOT THAT IS {THE}ⁱ SAME QUESTION I RULED UPON</p>	<p>COURT: Q- IF THE INDIANS WERE IN THE MOUNTAIN MEADOW</p> <p>OCCURRENCE, YOU CAN SHOW IT; IT THEY WERE NOT YOU CAN NOT.</p>	
<p>SUTHERLAND: WE OFFER TO FOLLOW IT AND PROVE THAT CERTAIN MEMBERS OF</p>	<p>SUTHERLAND WE OFFER TO FOLLOW IT {AND PROVE THAT}ⁱ CERTAIN MEMBERS OF</p>	<p>SUTHERLAND: THE THEORY OF FOLLOWING IT UP IS TO PROVE THAT FRIENDS AMD MEMBERS OF</p>	

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<p>THE SAME TRIBE WERE AT THE MOUNTAIN MEADOWS AT THE TIME OF THE SLAUGHTER.</p> <p>WE UNDERTAKE TO SHOW THAT INDIVIDUALS OF THE SAME TRIBE WERE THERE. COURT</p> <p>SUSTAINED THE OBJECTION OF PROSECUTION,SU THERLAND EXCEPTING TO THE RULING. Q. CAN YOU TALK THE INDIAN LANGUAGE ? A. YES SIR. Q. HOW MANY DIFFERENT TRIBES OCCUPIED THIS PART OF THE TERRITORY AND ADJACENT PARTS AT THAT TIME, IN 1857 ? A. THE TERRITORY, IN 1857, WAS LARGE, PRETTY LARGE,</p>	<p>THE SAME TRIBE WERE AT MOUNTAIN MEADOWS AT THE TIME OF SLAUGHTER. BY COURT SUTHERLAND WE UNDERTAKE SHOW</p> <p>INDIVIDUALS OF SAME TRIBE WERE THERE.</p> <p><DEFENSE EXCEPTING> NOTE OUR EXCEPTION {Q}ⁱ CAN YOU TALK {THE}ⁱ INDIAN LANGUAGE {A}ⁱ YES SIR. {Q}ⁱ HOW MANY DIFFERENT TRIBES OCCUPY THIS PART OF TERRITORY AND ADJACENT PARTS AT THAT TIME = 1857 {A THE}ⁱ TERRITORY IN 1857 WAS LARGE, PRETTY LARGE,</p>	<p>THE SAME TRIBE WERE AT THE MOUNTAIN MEADOWS AT THE TIME OF THE SLAUGHTER AND</p> <p>WE UNDERTAKE ^[307] TO SHOW THAT INDIVIDUALS OF THE SAME TRIBE WERE THERE THE COURT: I DON'T THINK IT WOULD BE PROPER? SUTHERLAND: NOTE AN EXCEPTION. Q. CAN YOU TALK THE INDIAN LANGUAGE? A YES , SIR. Q. HOW MANY DIFFERENT TRIBES WERE OCCUPYING THIS PART OF THE TERRITORY OR ADJACENT PARTS OF IT AT THAT TIME, 1857? A THE TERRITORY IN '57 WAS LARGE — PRETTY LARGE</p>	
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<p>FAR EXTENDED, FARTHER THAN MY KNOWLEDGE; OF THE INDIANS HAD BEEN. Q. WELL, FROM CORN CREEK SOUTH ?</p> <p>A. THEY ARE PARTLY ONE TRIBE, YET DIVIDED UP INTO MANY DIFFERENT NAMES AND SPEAK THE SAME LANGUAGE, FROM THE UTES OF SAN PETE, PAHVANTES, PIEEDS PIUTES RUNNING CLEAR ON AS FAR AS THE MUDDY,</p> <p>ALL SPEAKING ONE LANGUAGE, THE DIALECT CHANGES A VERY LITTLE, BUT NOT ANY MORE SO THAN IN</p>	<p>FAR EXTENDED FARTHER THAN MY KNOWLEDGE OF INDIANS —[?] {Q}ⁱ FROM CORN CREEK SOUTH HOW MANY, GIVE US AN ESTIMATE {A}ⁱTHEY ARE BROADLY ONE TRIBE YET DIVIDED UP INTO MANY DIFFERENT NAMES AND SPEAK {THE}ⁱ SAME LANGUAGE EMBRACING UTES, SANDPITCHES, PAHVANTES PIEEDS, PIUTES RUNNING CLEAR ON AS FAR AS <NEAR> CALIFORNIA MOJAVE,</p> <p>ALL SPEAK ONE LANGUAGE. DIALECT CHANGES SOME {A}ⁱ VERY LITTLE, NOT ANY MORE SO THAN IN</p>	<p>— FAR EXTENDING, FARTHER THAN MY KNOWLEDGE OF THE INDIANS WAS. Q. WELL, FROM CORN CREEK SOUTH, HOW MANY, GIVE US AN ESTIMATE? A. THEY ARE PARTLY ONE TRIBE, YET DIVIDED UP INTO MANY DIFFERENT NAMES, EMBRACING THE UTES, SANDPITCHES, PAHVANTS, PIEEDS, PIUTES, AND RUNNING ✓CLEAR ON SOUTH AS AFAR AS THE MOHAVE ,NEAR SOUTHERN CALIFORNIA, ALL SPEAKING ONE LANGUAGE. Q. BUT THE DIALECT CHANGES SOME? A. VERY LITTLE, NOT ANY MORE SO THAN IN OTHER</p>	
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<p>COUNTRIES AND DIFFERENT PARTS OF CIVILIZATION , IN THEIR BROGUE, HARDLY THE SAME LANGUAGE. AT THAT TIME THERE WASN'T</p> <p>LESS THAN TEN THOUSAND PEOPLE SPEAKING THAT LANGUAGE THAT WERE REALLY ONE TRIBE, IT WENT BY DIFFERENT NAMES. Q. DID THEY HAVE ONE COMMON CHIEF WHO HAD JURISDICTION OVER ALL OF ^[467] THEM ? A. THE PREVAILING CHIEF, THE CAPTAIN, WHEREVER HE WENT WAS WALKER — WALKER</p> <p>DIED BEFORE 1857. THE WALKER FAMILY WERE A FAMILY OF CHIEFS, A</p>	<p>COUNTRIES IN PARTS OF CIVILIZATION , IN THEIR BROGUE, HARDLY SAME LANGUAGE. AT THAT TIME THERE WASN'T {=} ⁱ ESTIMATE[?]</p> <p>TO BE LESS TEN THOUSAND PEOPLE SPOKE THAT LANGUAGE, WERE REALLY ONE TRIBE YET WENT BY DIFFERENT NAMES. [<i>space</i>]</p> <p>{Q} ⁱ DID THEY HAVE ANY COMMON CHIEF WHO HAD JURISDICTION OVER ALL OF THEM A PREVAILING CHIEF CAPTAIN[?]</p> <p>WHEREVER HE WENT WAS WALKER WALKER HAD</p> <p>DIED I THINK BEFORE '57 WALKER FAMILY WERE {A} ⁱ FAMILY OF CHIEFS [<i>space</i>]</p>	<p>GOVERNMENTS IN OTHER PARTS OF SCIVILIZATION IN THEIR BROGUES, ABOUT HARDLY THE SAME LANGUAGE. AT THAT TIME THERE WASN'T WOULDN'T BE LESS THAN TEN THOUSAND PEOPLE THAT SPOKE THAT LANGUAGE, REALLY FROM ONE TRIBE. IT WENT BY DIFFERENT NAMES. Q. DID THEY HAVE ANY COMMON CHIEF, WHO HAD JURISDICTION OVER A LL OF THEM? A. THE PREVAILING CHIEF AND CAPTAIN WHEREVER THEY WENT WAS WALKER; BUT WALKER, I THINK HAD DIED BEFORE '57. THE WALKER FAMILY WAS A FAMILY OGF CHIEFS. THERE WERE A</p>	
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<p>NUMBER OF BROTHERS; WHEREVER THEY WENT</p> <p>THE CHIEFS WERE HELD SO. THERE WERE SUB-CHIEFS OF DIFFERENT BANDS, KNOWN BY DIFFERENT NAMES.</p> <p>✓ Q. WHEN YOU SPEAK OF THE WHOLE TRIBE EMBRACING THE CAUSE OF ANY ONE MEMBER, HOW EXTENSIVE WAS THAT CAUSE EMBRACED BY THE TRIBE — DIDN'T DID IT EXTEND BEYOND THE MAN OR THIS COMBINATION OF MEN, <A> SO FAR AS THEY WERE INFORMED OF IT. IT WAS AS TO THE PROVOCATION,</p> <p>FROM</p>	<p>NUMBER OF BROTHERS WHEREVER ^[12] THESE WERE HELD WAS[?] UNDER HIS CHIEFS =</p> <p>THERE WAS SUBCHIEFS OF {DIFFERENT}ⁱ BANDS KNOWN BY DIFFERENT NAMES. [space] {Q}ⁱ WHEN YOU SPEAK OF WHOLE TRIBE EMBRACING THE CAUSE OF WRONG OF ANY ONE MEMBER OF IT, HOW EXTENSIVE WAS THAT CAUSE EMBRACED BY THE TRIBE, DID IT EXTEND BEYOND {THE}ⁱ MAN OR THIS COMBINATION OF MEN SO FAR AS THEY WERE INFORMED OF IT _A THE AMOUNT OF PROVOCATION <OFFEND THEM> <I AM ACQUAINTED> <i>FROM/THROUGH</i> [?]</p>	<p>NUMBER OF HIS BROTHERS, AND THESE WERE HELD HELD SO AS CHIEFS.</p> <p>THERE WAS SUB-CHIEFS OF DIFFERENT BANDS KNOWN BY DIFFERENT NAMES.</p> <p>Q. WHEN YOU SPEAK OF THE WHOLE TRIBE EMBRACING THE CAUSE, OR WRONG OF ANY ONE MEMBER OF OR IT, HOW WAS E EXTENSIVE WAS THAT CAUSE EMBRACED BY THE TRIBE? DID IT EXTEND BEYOND THE MAN OR THIS COMBINATION OF MEN SO FAR AS THEY WERE INFORMED OF IT? A. THE AMOUNT OF PROVOCATION TO OFFEND THEM I AM ACQUAINTED WITH, THROUGH</p>	
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<p>CIRCUMSTANCES . I AM ACQUAINTED FROM UTAH COUNTY THROUGH SAN PETE AND SOUTH AS FAR</p> <p>DOWN AS HERE.</p> <p>Q. WERE ALL THE INDIANS EVER JOINED IN A COMMON CAUSE TO REVENGE A PARTICULAR CAUSE ON ONE ?</p> <p>PROSECUTION: DON'T YOU KNOW THE SAME CUSTOM PREVAILS WITH REFERENCE TO THE INDIANS THAT ALSO PREVAILS AMONG THE MORMON PEOPLE OF THIS COUNTRY ?</p> <p>WITNESS: IF THAT IS A PROPER</p>	<p>CIRCUMSTANCE S</p> <p>FROM UTAH COUNTY THROUGH SAN PETE AND THE SEVIER</p> <p>DOWN HERE IN THIS SOUTHERN COUNTRY {Q}¹ WERE ALL THE INDIANS EVER JOINED IN COMMON CAUSE TO REVENGE ◀PARTICULAR▶ INJURY ON ◀ANY▶ ONE.</p> <p>{Q}¹PROSECUTIO N DON'T YOU KNOW {THE}¹ SAME CUSTOM THAT PREVAILS WITH REFERENCE TO INDIANS ALSO PREVAILS AMONG THE MORMONS OF THIS COUNTRY, AMONG {THE}¹ SIMPLE ◀AND IGNORANT▶ OF THIS COUNTRY A</p> <p>IF THAT IS PROPER</p>	<p>CIRCUMSTANCE S</p> <p>IN UTAH COUNTY, THROUGH SAN PETE AND THE SEVIER COUNTIESS, LAND DOWN HERE IN THIS SOUTHERN COUNTRY. [308] Q. WERE ALL THE INDIANS EVER JOINED IN A COMMON CAUSE TO RECVENGE A PARTICULAR INJURY ON ANY ONE? A- YES, FREQUENTLY. BASKIN: DON'T YOU KNOW THE SAME CUSTOM THAT PREVAILS WITH REFERENCE TO THE INDIANS ALSO PREVAILS AMONG THE MORMONS OF THIS COUNTRY, AND AMONG THE SIMPLE AND IGNORANT OF THIS COUENRY? A.</p> <p>IF THAT IS A PROPER</p>	
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<p>QUESTION I CAN ANSWER IT. IN ANSWERING IT I SHOULD LIKE TO——— HOGE: ANSWER MR. BASKIN'S QUESTION ? A. IT IS NOT SIR. I KNOW OF NO PEOPLE, AS FAR AS MY ACQUAINTANCE GOES THAT MORE STRICTLY HOLD EVERY MAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. Q. THEY HAVEN'T HELD IT TO THE EXTENT OF SHEDDING BLOOD ? A. YES SIR. ^[468] Q. IF HE COMMITS ADULTERY DON'T THEY KILL HIM ? A. NO SIR. Q. 'AINT IT A RULE OF THE MORMON CHURCH THAT THEY HAVE A RIGHT TO KILL A MAN OUT OF THE CHURCH WHENEVER THE</p>	<p>QUESTION I CAN ANSWER IT. IN ANSWER {ING}ⁱ IT I SHOULD LIKE TO "" HOGE ANSWER MR. BASKIN QUESTION IT IS NOT SIR {A}ⁱ IT IS NOT SIR {AI}ⁱ KNOW OF NO PEOPLE AS FAR AS MY ACQUAINTANCE <GOES> {THAT ARE}ⁱ MORE STRICTLY HOLD EVERY MAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. {Q}ⁱ THEY HAVEN'T HELD IT TO EXTENT OF SHEDDING BLOOD {A}ⁱ YES SIR {Q}ⁱ IF HE COMMITS ADULTERY DON'T THEY KILL HIM {A}ⁱ NO SIR. {Q}ⁱ 'AINT IT A RULE OF YOUR MORMON CHURCH THEY HAVE RIGHT TO KILL A MAN OUT OF CHURCH WHENEVER {THE}ⁱ</p>	<p>QUESTION I CAN ANSWER IT. IN ANSWERING IT I SHOULD LIKE TO——— HOGE: ANSWER MR. BASKIN'S QUESTION. A. IT IS NOT, SIR. I KNOW AOF NO PEOPLE AS FAR AS MY ACQUAINTANCE GOES THAT ARE MORE STRICTLY HOLD EVERY AMAN ACCOUNTABLE FOR HIS OWN ACTS THAN DO THE MORMON CHURCH. BASKIN: Q. THEY OFTEN HOLD IT TO THE EXTENT OF SHEDDING BLOOD? A. YES, SIR. Q. IF HE COMMITS ADULTERY DON'T THEY KILL HIM? A NO, SIR. Q. AINT IT A RULE OF THE MORMON C\HURCH THEY HAVE A RIGHT TO KILL A MAN OUT OF THE CHURCH WHENEVER THE</p>	
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<p>AUTHORITIES ORDER IT ?</p> <p>A. THAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE — AS QUICK — IN THIS AS IN ANY COUNTRY I HAVE LIVED IN. BASKIN: THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY WANT TO RECALL THIS WITNESS. COURT ADMONISHED THE WITNESS HE HAD BETTER REMAIN OUTSIDE DURING THE PENDENCY OF THE TRIAL. [space]</p>	<p>AUTHORITIES ORDER _A NO SIR = {_A}ⁱTHAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE AS WELL AS AS QUICK AS IN ANY COUNTRY I HAVE LIVED IN. BASKIN THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY WANT {TO}ⁱ RECALL THIS WITNESS BY COURT</p> <p>YOU HAD BETTER REMAIN OUTSIDE. [space]</p>	<p>AUTHORITIES ORDER IT? A. NO, SIR; AND THAT MAN WOULD BE AS PROMPTLY BROUGHT TO JUSTICE AS QUICK AS IN ANY COUNTRY I HAVE LIVED IN. BASKINP: THERE MAY BE CONTINGENCIES ARISING IN WHICH WE MAY QWANT TO RE-CALL THIS WITNESS. THE COURT: THEN</p> <p>YOU HAD BETTER REMAIN OUTSIDE OF THE COURT ROOM .</p>	
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