## John D. Lee, First Trial

John Hamilton Sr., John Hamilton Jr., Richard S. Robinson, Samuel Jackson Sr., and John Macfarlane Testimonies

[Bk 4 468 cont.]	[Bk 9 13] <b>1<sup>ST</sup> LEE</b>	[Bk 5 308 cont.]	[Patterson
	TRIAL. [space]		[Patterson Shorthand is not
JOHN	JOHN	JOHN	extant for this
HAMILTON,	HAMILTON	HAMILTON,	material.]
SENIOR	SENR. I HAVE	SNR. BEING	material.
SWORN FOR THE	BEEN SWORN	CALLED AS A	
DEFENSE.	[space]	WITNESS ON	
DEI EI GE.		THE PART OF	
		THE DEFENSE	
		,WAS EXAMINED	
		AS FOLLOW <del>N</del> S	
		BY J.G.	
		SUTHERLAND:	
Q. WHERE DID	{ <sub>Q</sub> } <sup>i</sup> WHERE DID	Q. WHERE DI D	
YOU LIVE IN	YOU LIVE IN	YOU LIVE IN	
1857 ? A. AT	$1857 \{_{A}\}^{i}$	I857? A. IN	
WHAT WAS	WHAT WAS	WHAT WS	
CALLED	CALLED	CALLED	
HAMILTON'S	HAMILTON'S	HAMILTON'S	
FORT. Q.	FORT. $\{Q\}^i$	FFORT. Q.	
WHERE WAS	WHERE WAS	WHERE WAS	
THAT WITH	THAT WITH	THAT WITH	
REFERENCE TO	REFERENCE TO	REFERENCE TO	
CEDAR CITY ?	CEDAR CITY	CEDAR CITY?	
A. SOMETIMES	$\{A\}^1$ SOMETIMES	A. SOMETIMES	
IT WAS CALLED	IT WAS CALLED	IT WAS CALLED	
SIX MILES	6 MILES	SIX MILES AN D	
SOMETIMES	SOMETIMES	SOMETIMES	
SEVEN.	7.	SEVEN. [309]	
Q.	SOUTH $\{Q\}^1$	Q. SOUTH	
FROM CEDAR	FROM CEDAR	FROM CEDAR	
CITY ? A. YES.	CITY $\{A\}^1$ YES.	CITY? A. YES.	
Q. IN WHAT	{Q}¹IN WHAT	Q. IN WHAT	
DIRECTION ?	DIRECTION	DIRECTION?	
	[space]	SOUTHERLAND.	
BASKIN:	BASKIN {Q} <sup>1</sup>	390 BASKIN:	
HAVE YOU BEEN	HAVE YOU BEEN	HAVE YOU BEEN	

RS

PS

BT

RT

IN COURT

AND HEARD

THE

390. "SOUTHERLAND" is faint, possibly erased.

IN COURT

 $\{THE\}^i$ 

**≤**DURING THIS**≥** 

COURT {TRIAL

AND} HEARD

IN COURT

TRIAL

THE

**DURING THIS** 

AND HEARD

RT	RS	BT	PS

TESTIMONY	TESTIMONY	TESTIMONY	
HERE? A. NO	HERE NO { <sub>A</sub> } <sup>i</sup>	HERE? A. NO,	
SIR. Q. IN WHAT	SIR. {Q} <sup>i</sup> IN WHAT	SIR. Q. IN WHAT	
DIRECTION	DIRECTION	DIRECTION	
FROM CEDAR	FROM CEDAR	FROM CEDAR	
CITY WAS FORT	CITY WAS FORT	CITY WAS FORT	
HAMILTON? A.	HAMILTON ? $\{A\}^{i}$	HAMILTON? A.	
SOUTH FROM	SOUTH FROM	A. SOUTH FROM	
CEDAR. Q.	CEDAR. $\{_{O}\}^{i}$	CEDAR. Q.	
DID YOU HEAR	DID YOU HEAR	DIDYOU HEAR	
IN 1857 OF THE	IN 1857 OF THE	IN I857, OF THE	
SLAUGHTER	SLAUGHTER	SLAUTGHETER	
OF A PARTY OF	OF A PARTY OF	OF A PARTY OF	
EMIGRANTS	EMIGRANTS	EMIGRANT <del>SW</del>	
AT THE	AT	AT THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS ? A.	MEADOWS $\{A\}^{i}$	MEADOWS? A.	
NOT TILL	NOT TILL	N <b>O</b> T TILL	
AFTER.	AFTER,	AFTER. <del>Q.</del>	
HEARD MORE	HEARD MORE	HEARD MORE	
SINCE I CAME	SINCE I CAME	SI <del>M</del> NCE I CAME	
HERE THAN I	HERE THAN I	HERE THAN I	
HAVE HEARD IN	HAVE HEARD IN	EVER HEARD IN	
SOME TIME. Q.	SOME TIME. $\{0\}^i$	SOME TIME. Q.	
YOU HEARD OF	YOU HEARD OF	YOU HEARD OF	
A		THE	
CIRCUMSTANCE	CIRCUMSTANCE	CIRCUMSTANCE	
OF THAT KIND?	AT THAT TIME	AT THE TIME?.	
A. NOT TILL	{ <sub>A</sub> } <sup>i</sup> NOT TILL	A. NOT T ILL	
AFTER. Q. BUT	AFTER OTHE	AFTER. Q. BUT I	
YOU HAVE	CONFESSION[?]	ASK YOU IF	
OFTEN HEARD OF	YOU DID HEAR	YOU DID HEAR	
IT SINCE THE	OF IT AFTER	OF IT AFTER THE	
TRANSACTION?	TRANSACTION	TRANSACTION?	
A. YES. Q. HOW	$\{A\}^{i}$ YES. $\{Q\}^{i}$ HOW	A. YES . Q. HOW	
SOON AFTER?	SOON AFTER	SOON AFTER?	
A. I COULD NOT	AI COULD NOT	A. I COULD NOT	
TELL YOU — IT	TELL YOU, IT	TELL YOU IT	
HAS BEEN SO	HAS BEEN SO	HA <del>C</del> SE BEEN SO	
LONG AGO	LONG AGO, TOO	LONG AGO, IT IS	
FOR A	FOR A	HARD FOR A	
MAN OF MY	MAN OF MY	MAN OF MY	
YEARS TO	YEARS TO	YEARS TO	
RECOLLECT. Q.	RECOLLECT. Q	RECOLLECT. Q.	_

RT	RS	BT	PS

DO YOU	DO YOU	DO YOU	
REMEMBER	REMEMBER	REMEMBER	
SEEING ANY	SEEING ANY	SEEING ANY	
INDIANS THERE	INDIANS THERE	INDIANS THERE	
AT ANY	AT ANY	AT ANY AH	
TIME AT YOUR	TIME, AT YOUR	TIME AT YOUR	
PLACE	PLACE [space]	PLACE?	
A. NOT	YES I ANOT	A. NOT	
BEFORE THE	BEFORE THE	BEFORE THE	
MASSACRE. I	MASSACRE I	MASSACRE; I	
HEARD ABOUT	HEARD ABOUT	HEQARD ABOUT	
THE —	THE {—}i	THE—	
Q. I	$\{_{\mathbf{O}}\}^{i}$ DEFENSE I	Q. I	
AM	AM NOT	AM NOT	
INQUIRING	INQUIRING	INQUIRING	
BEFORE THE	BEFORE	BEFORE THE	
MASSACRE,OR	MASSACRE	MASSACRE, BUT	
William Teren, or	[space]	WINDSHELL, BUT	
IMMEDIATELY	IMMEDIATELY	IMMEDIATELY	
AFTERWARDS?	AFTERWARDS	AFTERWARDS?	
TH TERWINDS.	[space]	TH TERWINDS.	
A. THE SUNDAY	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ SUNDAY	A. ON SUNDAY	
MORNING	MORNING	MORNING	
AFTER WHAT	AFTER WHAT	AFTER—WHAT	
WAS SAID TO BE	WAS SAID TO BE	WAS SAID TO BE	
THE	THE	THE	
MASSACRE,TWO	MASSACRE =	MASSACRE,	
OR THREE	TWO OR THREE	TWO OR THREE	
DAYS—I	DAYS I	DAYS AFTER, I	
CAN'T STATE	CAN'T TELL	CANT STATE	
EXACTLY,IT	EXACTLY,	EXACTLY, BUT	
WAS ON THE	IT WAS ON A	IT WAS ON A	
SUNDAY	SUNDAY	SUNDAY	
MORNING—I	MORNING I	MORNING, I	
WAS GETTING	WAS GETTING	WAS GETTING	
READY FOR	READY FOR	READY TO	
GOING TO	GOING TO	GO TO	
CEDAR—A	CEDAR, AND	CEDAR—AND	
GENTLEMAN	GENTLEMAN	GENTLEMEN,	
TOLD	LET ME TELL	LET ME TELL	
THE THING AS IT	THE THING AS IT	THE THING AS IT	
IS. I THERE	IS ; I THERE	IS: I THERE	
HEARD,BUT I	HEARD I CAN'T	HEARD ,I CAN'T	
CANNOT STATE.	TELL BUT ON	TELL, BUT ON	

RT	RS	BT	PS

HE CEEN THAT	CIDIDANTILAT	CIDIDAN THAT	
HE SEEN THAT	SUNDAY THAT	SUNDAY, <del>THAT</del>	
THERE WAS	THERE WAS	THERE WERE	
INDIANS AND	INDIANS AND	INDIANS AND	
STOCK IN MY	STOCK IN MY	STOCK IN M Y	
FIELD.	FIELD AND	FIELD	
	<which td="" was<=""><td>WHICH WAS</td><td></td></which>	WHICH WAS	
	CLOSE BY	CLOSE BY	
	WHERE WE	WH ERE WE	
I	LIVED>, I	LIVED, AND I	
RUSHED UP	RUSHED UP	RU <del>C</del> SHED UP	
AND WENT OUT	AND WENT	AND WENT OUT	
TO DRIVE THEM	TO DRIVE THEM	TO DRIVE THEM	
OFF,BUT WHEN	OFF, BUT WHEN	OFF; BUT WHEN	
I WENT IN I	I WENT IN I	I WENT IN I	
SEEN THE	SEEN THE	SEEN THE	
HORSES THAT	HORSES THAT	HORSES THAT	
WAS THERE ,AND	WAS THERE TOO	WAS THERE,	
I	AND I	AND I	
NEVER SPOKE	NEVER SPOKE	NEVER SPOKE	
TO THE INDIANS.	TO ANYONE	OTO ANY ONE.	
IF YOU	IF YOU	NOW, IF YOU	
HAVE	HAVE	HAVÉ	
QUESTIONS TO	QUESTIONS TO	QUESTIONS TO	
ASK ——— [470]	ASK	ASK ——	
Q. DESCRIBE	$\{\mathbf{o}\}^{i}$ DESCRIBE	Q. DESCRIBE	
WHAT YOU	WHAT YOU	WHAT YOU	
SAW?	SAW [space]	SAW?	
A. WELL, I SEEN	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ WELL I SEEN	A. WELL, I SEEN	
BLANKETS,	BLANKETS,	BLANKETS,	
QUILTS,	QUILTS,	QUILTS,	
COOKING	COOKING	COOKING	
UTENSILS AND	UTENSILS, AND	UTENSILS, AND	
WOMEN'S	WOMEN'S	WOMEN'S	
SADDLES,	SADDLES	SADDLES AND	
MEN'S	MEN'S	MEN'S	
SADDLES	SADDLES,	SADDLES,	
AND	HORSES AN	HORSES AND AN	
AMOUNT OF	AMOUNT OF	AMOUNT OF	
CATTLE. I	CATTLE, I	CATTLE, I	
COULD NOT	COULD NOT	COULDNOT	
TELL HOW	STATE HOW	TELL HOW	
MANY.	MANY	MANY [310]	
DURING THE	DURING THE	DURING THE	
TIME I WAS	TIME I WAS	TIME I WAS	

THERE	THERE, THERE	THERE, THERE	
WAS TWO — HAD	WAS TWO HEAD	WAS TWO HEAD	
THE CATTLE	OF CATTLE	OF CATTLE	
SHOT DOWN.	SHOT DOWN	SHOT DOWN.	
Q. HOW MANY	{ <sub>0</sub> } <sup>i</sup> HOW MANY	Q. HOW MANY	
CATTLE WERE	CATTLE	CATTLE	
SHOT DOWN? A.	SHOT DOWN {A} <sup>i</sup>	SHOT DOWN? A.	
TWO HEAD —	TWO HEAD,	TWO HEAD;	
TWO GUNS	TWO GUNS	TWO GUNS	
WENT OFF. Q.	WENT OFF. $\{\mathbf{Q}\}^{i}$	WENT OFF. Q.	
ABOUT HOW	ABOUT HOW	ABOUT HOW	
MANY INDIANS	MANY INDIANS	MANY INDIANS	
WERE THERE ?	WERE THERE	WERE THERE?	
A. I COULD NOT	{ <sub>A</sub> } <sup>i</sup> I COULD NOT	A I COULDNOT	
ANSWER	ANSWER	ANSWER-	
THAT	THAT	ANSQWER THAT	
QUESTION	QUESTION	QUESTION	
CORRECTLY,BUT	CORRECTLY	CORRECTLY,	
I WOULD	BUT I WOULD	BUT I WOULD	
SUPPOSE—	SUPPOSE =	SUPPOSE—	
WELL I WOULD	WELL I WOULD	WELL, I WOULD	
SUPPOSE THERE	SUPPOSE THERE	SUPPOSE THE RE	
WAS MORE	WAS MORE	WERE MORE	
THAN	THAN	T <del>AH-</del> THAN	
FIFTY—I NEVER	50, I NEVER	FIFTY. I NEVER	
SAW———	WAS VERY	WAS VERY	
	CLOSE TO	CLOSE TO	
Q.	THEM. $\{\mathbf{Q}\}^{i}$	THEM? <del>A</del> Q.	
WHAT SORT OF	WHAT SORT OF	WHAT SORT OF	
A FIELD WAS IT	FIELD WAS	A FIELD WAS	
THEY	THEY	THAT TH EY	
WENT INTO ? A.	WENT INTO $\{A\}^{i}$	WENT INTO? A.	
IT WAS MY	IT WAS MY	IT WAS MY	
FIELD <del>K</del> —WHERE	FIELD WHERE	FIELD WHERE	
MY GRAIN WAS.	MY GRAIN WAS,	MY GRAIN WAS;	
THE SMALL	THE SMALL	THE SMAPLL	
GRAIN WAS CUT	GRAIN WAS CUT	GRAIN WAS CUT	
AND THE CORN	AND THE CORN	AND THE CORN	
AND	<sup>[14]</sup> AND	AND	
POTATOES	POTATOES	PORTATOES	
		WERE	
REMAINED. Q.	REMAINED. $\{Q\}^i$	REMAINED. Q.	
WAS THERE	WAS THERE	WAS THERE	
ANYTHING	ANYTHING	ANYTHING	

N I	RS	BT	PS

ABOUT THE	ABOUT THE	ABOUT THE	
QUILTS AND	QUILTS	QUILTS,	
		BLANKETS,	
		CLOTHES OR	
DRESSES THAT	DRESSES, THAT	DRESSES THAT	
YOU CAN SPEAK	YOU CAN SPEAK	YOU CAN SPEAK	
OF — CAN YOU	OF =	OF, ANY	
GIVE ANY MORE	ANY MORE	REMARKABLE	
DESCRIPTION OF	DESCRIPTION OF	DESCRIPTION OF	
THEM? A. THERE	THEM { <sub>Q</sub> } iTHEY	THEM? A. THEY	
WAS BLOODY	WAS BLOODY	WERE BLOODY	
CLOTHES—BOTH	CLOTHES, BOTH	CLOTHES, BOTH	
MENS AND	MENS AND	MEN'S AND	
WOMEN'S	WOMEN'S	WOME <del>S</del> N'S	
GARMENTS WITH	GARMENTS ON	GARMENTS IN	
THE PILE. Q.	A PILE $\sim \{\mathbf{o}\}^{i}$	A PILE. Q.	
WERE THERE	WERE THERE	WERE THERE	
ANY STAINS	ANY STAINS	ANY STAINS	
UPON ANY OF	UPON ANY OF	UPON ANY	
THEM, IF SO	THEM {IF SO} <sup>i</sup>	OFTHEM, IF SO	
DESCRIBE	DESCRIBE	DESCRIBE	
THEM? A. I	THEM $\{A\}^{i}I$	THEM? A. I	
COULD NOT.	COULD NOT. $\{0\}^i$	COULD NOT.	
Q. DID YOU SAY	DID YOU SEE	Q. DID YOU SEE	
THEY WERE	THERE WERE	THEY WERE	
BLOODY	BLOODY	BLOODY	
CLOTHES —	CLOTHES, IF SO	CLOTHES? IF SO	
GIVE SOME IDEA	GIVE SOME IDEA	GIVE SOME IDEA	
OF THE	OF	OF THE	
QUANTITY OF	QUANTITY OF	QUANTITY OF	
THE CLOTHING ;?	CLOTHING	THE CLOTHING?	
A. I COULD NOT	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I COULD NOT	A. I COULD NOT	
DO THAT — I	DO THAT $\{_{\mathbf{A}}\}^{i}$ I	DO THAT, I	
COULD NOT	COULD NOT	COULD NOT	
TELL,BUT	TELL, BUT	TELL, BUT	
THERE WAS A	THERE WAS A	THERE WAS A	
GREAT MANY.	GREAT MANY.	GREAT MANY .	
Q. HOW WERE	<sub>Q</sub> HOW WERE	Q. HOW WERE	
THEY —	THEY,	THEY PLACED	
HOW	HOW	OR LYING? HOW	
DID YOU SEE	DID YOU SEE	DIDYOU SEE	
THEM ON THE	THEM ON THE	THEM ON THE	
FIELD — IN	FIELD IN	FIELDS? IN	
PILES,	PILES,	PILES?, OR	

RT	RS	BT	PS

		,	
SCATTERED	SCATTERED	SCATTERED	
AROUND ON	AROUND ON	AROUND ON	
THE GROUND ?	{THE}1 GROUND	THE GROUND?	
A. BLOODY	ATHE BLOODY	A. THE BLOODY	
CLOTHING WAS	CLOTHING WAS	CLOTHES WERE	
PILED UP AND	PILED UP {AND} <sup>i</sup>	PILED <del>BU AD</del> UP	
KIND OF	KIND {OF} <sup>i</sup>	AND KIND OF HE	
OTHERS	OTHERS[?]	OTHERS	
STREWED	STREWED	STREWN	
OVER	OVER	STREWD OVER	
THEM. Q. HOW	THEM. $\{_{\mathbf{Q}}\}^{i}$ HOW	THEM. Q. HOW	
LARGE A PILE ?	LARGE A PILE	LARGE A PILE	
[471] A. I	≤WAS IT≥ AI	WAS IT? A. I	
SUPPOSE IT WAS	SUPPOSE IT WAS	SUPPOSE IT WAS	
THREE	4 ≤3≥	THREE	
FEET HIGH. Q.	FEET HIGH. $\{Q\}^i$	F <b>E</b> ET HIGH Q.	
YOU	YOU {HOW}	HOW IS IT	
STATED YOU	SAID YOU	YOU	
DIDN'T DRIVE	DIDN'T DRIVE	DIDN'T DRIVE	
THEM OFF—	THEM OFF	THEM OFF? WHY	
WHY DIDN'T	WHY DIDN'T	DIDN'T YOU	
YOU DRIVE	YOU DRIVE	DRIVE THEM	
THEM OFF—	THEM OUT <b>≤</b> OF	OUT OF YOUR	
I	YOUR FIELD <b>&gt;</b> AI	FIELD?I	
WANT YOU TO	WANT YOU	WANT YOU TO	
DESCRIBE THE	DESCRIBE THE	DESCRIBE THE	
INDIANS,IN	INDIANS IN	INDIANS AND IN	
RESPECT TO	RESPECT TO	RESPECT TO	
THE	THEIR	THEIR	
DISPOSITION	DISPOSITION	DISPOSITION	
THEY	THEY	THAT THEY	
MANIFESTED	MANIFESTED	MANAFESTED	
AT THAT	AT THAT	AT THAT	
TIME TOWARDS	TIME TOWARDS	TIME, TOWARDS	
YOU? A. YOU	YOU { <sub>A</sub> } <sup>i</sup> YOU	YOU? A. YOU	
MAY GUESS	MAY GUESS	MAY GUESS	
THAT, WHEN I	THAT WHEN I	THAT WHEN I	
WAS AFRAID OF	WAS AFRAID TO	WAS AFR <del>S</del> A <del>A</del> ID	
SPEAKING TO	SPEAK TO	TO APEAK <b>TO</b>	
THEM. I NEVER	THEM, I NEVER	THEM; I NEVER	
WAS AFRAID TO	WAS AFRAID TO	WAS AFRAID TO	
SPEAK TO A	SPEAK TO	SPEAK TO A	
WHITE MAN IN	WHITE MAN IN	WHITE MAN IN	
MY LIFE,BUT I	MY LIFE, BUT I	MY LIFE. Q. NOT	

RT	RS	BT	PS

WAS AFRAID	WAS AFRAID	AFRAID	
THEN. Q. TO	THEN. QTO	TO SDEAK TO A	
SPEAK TO A	SPEAK TO	SPEAK TO A	
WHITE MAN OR	WHITE MAN OR	WHITE MAN OR	
THE INDIANS ? A.	INDIANS A	INDIANS? A.	
THERE WAS	THERE WAS	THERE WAS [311]	
NO WHITE MEN	NO WHITE MEN	NO WHITE MEN	
THERE.	THERE <b>≤</b> AT	THERE AT	
	THAT TIME <b>≥</b>	THA T TIME.	
BASKIN: I	[space] BASKIN. I	BASKIN: I	
SUBMIT	SUBMIT	SUBMIT, YOUR	
THAT	THAT	HONOR, THAT	
THAT COURSE	THAT COURSE	THAT COURSE	
OF	OF	OF	
EXAMINATION	EXAMINATION	EXAMINATION	
IS ENTIRELY	IS ENTIRELY	IS	
WITHOUT A	WITHOUT $\{A\}^i$	WITHOUT A	
RULE,IT DON'T	RULE. IT DON'T	RULE; IT DON'T	
NEED ANY	NEED ANY	NEED ANY	
ARGUMENT.	ARGUMENT.	ARGUEMENT.	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
THE QUESTION I	QUESTION I	THE QUESTION, I	
SUBMIT IS	SUBMIT IS	SUBMIT IS	
BEFORE THE	BEFORE THE	BEFORE THE	
COURT.	COURT	COURT.	
COURT	{COURT		
OVERRULED THE	RULED ///}i		
OBJECTION OF	110222 111)		
THE			
PROSECUTION		THE COURT:	
AND SAID ASK	ASK	YOU CAN ASK	
YOUR	YOUR	Y <b>O</b> UR	
QUESTION.	QUESTION {///	QUESTION.	
Q. DID YOU GO	o}iDID YOU GO	Q. DID YOU GO	
TO CEDAR THAT	TO CEDAR THAT	TO CEDAR THAT	
DAY ? A. YES	DAY {A} <sup>i</sup> YES	DAY? A. YES,	
SIR. Q. DID YOU	$SIR. \{o\}^{i}DID YOU$	SIR. Q. DID YOU	
SEE ANY MORE	SEE ANY MORE	SEE ANY MORE	
OF THE INDIANS	OF INDIANS	OF THE INDIANS	
ON YOUR	ON YOUR	ON YOUR	
RETURN? A. I	RETURN $\{_{\mathbf{A}}\}^{i}$ I	RETURN? A. I	
DON'T	DON'T	DON''T	
RECOLLECT	RECOLLECT	RECOLLECT	
WHETHER THE	WHETHER THE	WHETHER THE	
WIIDTIIDK IIID	WHEIREKIRE	WIIDTIEK IIID	

RT	RS	BT	PS

INDIANS HAD	INDIANS HAD	INDIANS HAD	
LEFT MY	LEFT MY	LEFT MY	
FIELDS OR NOT,	FIELDS OR NOT	FIELD'S OR NOT,	
I RATHER	I RATHER	I RATHER	
SUPPOSE THEY	SUPPOSE THEY	SUPPOSED THEY	
HAD. Q.	HAD NOT. $\{\mathbf{o}\}^{i}$	HADN'T . Q.	
WERE YOU	WERE YOU	WERE YOU	
ACQUAINTED	ACQUAINTED	ACQUAINTED	
WITH ANY OF	WITH ANY OF	WITH ANY OF	
THOSE INDIANS?	THOSE INDIANS	THESE INDIANS?	
A. I DON'T	{ <sub>A</sub> } <sup>i</sup> I DON'T	A. I DON'T	
KNOW THAT I	KNOW THAT I	KNOW THAT I	
WAS. I	WAS, BUT I	WAS; BUT I	
KNEW THE	KNEW THE	KNEW THE	
INDIANS THAT	INDIANS THAT	INDIANS THAT	
BELONGED TO	BELONGED TO	BELONGED TO	
AND AROUND	AROUND	AND AROUND	
MY PLACE. Q.	MY PLACE. $\{\mathbf{o}\}^{i}$	MY PLACE. Q.	
STATE	STATE	STATE	
WHETHER OR	WHETHER OR	WHETHE R OR	
NOT THESE	NOT THESE	NOT THESE	
WERE OF	WERE OF	WERE ALL OF	
THAT KIND ? A.	THAT KIND $\{_{\mathbf{A}}\}^{i}$	THA T KIND? A.	
THEY WERE	THEY WERE	THEY WERE	
PAINTED UP SO	PAINTED UP	PAINTED UP	
YOU COULD	YOU COULD	AND I COULD	
NOT RECOGNIZE	NOT RECOGNIZE	NOT RECOGNISE	
THEM. Q.	THEM. $\{\mathbf{Q}\}^{i}$	THEM. Q.	
COULD YOU	COULD YOU	COULD YOU	
TELL OF WHAT	TELL OF WHAT	STATE WHAT	
BAND OR TRIBE	BAND OR TRIBE	BAND OR TRIBE	
THEY	THEY	THEY	
BELONGED	BELONGED	BELONGED	
TO ? [472] A. NO	{TO} <sup>i</sup> AYES <b>NO</b>	TO? A . A. NO,	
SIR, I NEVER	SIR Í NEVER	SIR, I NEVER	
WAS	WAS	WAS	
ACQUAINTED	ACQUAINTED	A <del>F</del> CQUAINTED	
THAT MUCH	THAT MUCH	THAT MUCH	
WITH THEM.	WITH THEM.	WITH THEM.	
Q. YOU	[space] $\{Q\}^{i}YOU$	Q. YOU	
SAY THEY WERE	SAY THEY WERE	SAY THEY WERE	
PAINTED? A.	PAINTED $\{A\}^{i}$	PAINTED? A.	
YES SIR. Q.	YES SIR. $\{\mathbf{Q}\}^{i}$	YES, SIR. Q.	
ARE YOU	ARE YOU	ARE YOU	

RT	RS	BT	PS
17.1	N.S		

	•		
FAMILIAR	FAMILIAR	FAMILIAR	
ENOUGH WITH	ENOUGH WITH	ENOUGH WITH	
THE INDIANS	THE INDIANS	THE INDIAN	
	< CHARACTER>	CHARACTER	
TO KNOW WHEN	TO KNOW WHEN	TO KNOW WHEN	
THEY WERE	THEY WERE	THEY WERE	
PAINTED FOR	PAINTED FOR	PAINTED FOR	
WAR OR	WAR OR	WAR OR	
PAINTED FOR	PAINTED FOR	PAINTED FOR	
SOME FESTIVAL	SOME FESTIVAL	SOME <b>FESTIVE</b>	
		FESTIVAL	
OCCASION ? A.	OCCASION { <sub>A</sub> } <sup>i</sup>	OCCASION? A .	
YES SIR. Q.	YES SIR.	YES, SIR . Q.	
WHICH WAY	{ <b>Q</b> } <sup>i</sup> WHICH WAY	WHICH WAY	
WERE THEY	WERE THEY	WERE THEY	
PAINTED ON	PAINTED ON	PAINTED UPON	
THAT	THIS OCCASION	THIS OCCASION?	
OCCASION ? A.	$\sim \{_{\mathbf{A}}\}^{\mathrm{i}}$	A. THEY WERE	
FOR	FOR	PAINTED FOR	
WAR.	WAR ~ THAT IS	WAR.	
	ALL [space]		
CROSS -	{CROSS	CROSS -	
EXAMINED	<b>EXAMINATION</b> }	EXAMINATION	
.Q.	<sup>1</sup> PROSECUTION	OF JAMES	
MR. HAMILTON,	MR. HAMILTON	HAMILTON, SNR	
		BY BASKIN:	
DID THEY	$\{Q\}^1$ DID THEY	Q.DID THEY	
COMMIT	COMMIT	<commit> <del>DO</del></commit>	
ANY OUTRAGE	ANY OUTRAGE	ANY OUTRAGE	
ON YOU ? A. NO.	ON YOU $\{A\}^1$ NO.	ON YOU, A. NO/	
Q. OR ON ANY OF	$\{_{\mathbf{Q}}\}^{\mathrm{i}}$ ON ANY OF	Q. OR ON ANY	
YOUR	YOUR	OF YOUR	
NEIGHBORS ? A.	NEIGHBORS (A)	NEIGHBORS? A.	
NO SIR. Q.	NO SIR. $^{[15]}$ $\{_{\mathbf{Q}}\}^{\mathrm{i}}$	NO, SIR. Q.	
HOW WERE	HOW WERE	HOW WERE	
THEY	THEY	THEY	
CARRYING	CARRYING	CARRIYING	
THEIR	THEIR	THEIR	
CLOTHING? A. I	CLOTHING $\{A\}^1$ I	CLOTHING? A. I	
DON'T KNOW.	DON'T KNOW.	DON'T KNOW, IT	
	:	WAS PILED UP.	
Q. YOU SAY	$\{Q\}^1$ YOU SAY	Q. YOU SAY	
THEY HAD	THEY HAD	THEY HAD	
COMMITTED A	SOME COOKING	COOKING	

RT	RS	BT	PS
17.1	N.S		

	1		
DISTURBANCE ?	UTENSILS	UTE <del>L</del> NSILS? [312]	
A. OH, I SAY	$\{A\}^1$ OH I SAY	A. OH, I SAY	
THEY WAS IN	THEY WAS IN	THEY WAS IN	
MY FIELD. Q.	MY FIELD. $\{Q\}^1$	MY FIELD. Q.	
WAS THERE	WAS THERE	WAS THERE	
ANY WAGONS	ANY WAGONS	ANY WAGONS	
WITH THEM ? A.	WITH THEM $\{A\}^{i}$	WITH THEM? A	
NO SIR, JUST	NO SIR, JUST	NO, SIR.	
HORSES AND	HORSES AND		
CATTLE.	CATTLE.		
	PROSECUTION		
	THAT IS ALL	THAT IS ALL.	
	[space] BY	THE	
COURT: DID	COURT DID	COURT: DID	
YOU SAY YOU	YOU SAY YOU	YOU SAY YOU	
WERE NOT	WERE NOT	WERE NOT	
VERY FRIENDLY	VERY FRIENDLY	VERY FRIENDLY	
TOWARDS THE	TOWARDS	TOWARDS THE	
INDIANS ? A. NO	INDIANS { <sub>A</sub> }¹NO	INDIANS? A. NO,	
SIR, I HAVEN'T	SIR, I HAVEN'T	SIR; I HAVN'T	
ANY ENMITY TO	ANY ENMITY TO	<b>AE</b> NMITY TO	
ANY MAN.	ANY MAN.	ANY MAN.	
	$[space] \{Q\}^1$		
SUTHERLAND:	$\leq$ DEFENSE $\geq \{Q\}^1$	SUTHERLAND:	
WE WILL ASK	I WILL ASK	I WILL ASK	
THE WITNESS	WITNESS	THIS WITNESS	
ANOTHER	ANOTHER	ANOTHER	
QUESTION,AND	QUESTION,	QUESTION AND	
PERHAPS YOUR	PERHAPS YOUR	PERHA <del>P</del> S YOUR	
HONOR WILL BE	HONOR WILL BE	HONOR WILL BE	
ANSWERED BY	ANSWERED BY	ANSWERED BY	
HIS ANSWER.	HIS ANSWER	HIS ANSWER?	
Q. ON WHAT	$\{_{\mathbf{Q}}\}^{1}$ ON WHAT	Q. ON WHAT	
TERMS WERE	TERMS	TERMS WERE	
THE INDIANS	INDIANS	THE INDANS	
THAT LIVED	THAT LIVED	THAT LIVED	
ABOUT FORT	ABOUT FORT	ABOUT FORT	
HAMILTON—	HAMILTON,	HAMILTON?	
STATE, WITH	STATE WITH	STATE WITH	
REFERENCE TO	REFERENCE TO	REFE-RENCE TO	
THE SETTLERS	THE SETTLERS	THE SETTLERS	
OF THAT	OF THAT	OF THAT	
PARTICULAR	PARTICULAR	PARTICULA <del>T</del> R	
PLACE ? [473]	PLACE BY	PLACE? THE	

RT	RS	BT	PS

COURT: THAT	COURT THAT	COURT: THAT	
WAS NOT THE	WAS NOT THE	WASN'T THE	
POINT I HAD	POINT I HAD	POINT I HAD	
REFERENCE TO.	REFERENCE TO	REFERENCE TO.	
BISHOP: IF THE	[space] BISHOP	BISHOP: IF THE	
COURT PLEASE I	COURT PLEASE I	COURT PLEASE I	
WISH TO SAVE	WISH TO SAVE	WISH TO SAVE	
THE EXCEPTION	THE EXCEPTION	AN EXCEPTION	
TO THE CROSS	TO THE COURT'S	TO THE COURT'S	
QUESTION.	QUESTION <b>←</b> BY	QUEXTION. THE	
COURT:	COURT> TO THE	COURT:	
AFTER	WITNESS AFTER	AFTER	
THE COUNSEL	THE COUNSEL	THE COUNSEL	
HAVE CLOSED —	HAVE CLOSED	HAVE GOT	
VERY	THOUGH	THROUGH	
WELL,THAT WILL	YOU	THEMN YOU	
BE ALL RIGHT.	MAY ANSWER	MAY ANSWER.	
	<by court=""></by>		
	VERY WELL		
	[space]		
BISHOP:	{BISHOP} <sup>i</sup>	BISHOP:	
MR.	$\{\mathbf{o}\}^{i}MR.$	MR.	
HAMILTON, ON	HAMILTON ON	HAMILTON, ON	
WHAT	WHAT	WHAT	
	RELATIONS OR	RELATIONS, OR	
TERMS,FRIENDLY	TERMS	TERMS,	
OR	FRIENDLY OR	FRIENDLY OR	
OTHERWISE,DID	OTHERWISE, DID	OTHERWISE, DID	
YOU AND YOUR	YOU AND YOUR	YOU OR YOUR	
NEIGHBORS	NEIGHBORS		
	←NEIGHBORHOO	NEIGHBORHOO <del>S</del>	
AT FORT	D <b>≥</b> AT FORT	DAT FORT	
HAMILTON LIVE	HAMILTON LIVE	HAMILTON LIVE	
WITH THE	WITH THE	WITH THE	
INDIANS ? A.	INDIANS. $\{A\}^{i}$	INDIANS? A.	
PERFECTLY	PERFECTLY	PERFECTLY	
PEACABLE,AS	PEACEABLY AS	PEACABLE, AS	
LONG AS WE	LONG AS WE	LONG AS WE	
FED	FED	FED	
THEM,BUT,OF	THEM, BUT OF	THEM, BUT OF	
COURSE,WE	COURSE WE	COURSE WE	
HAD TO FEED	HAD TO FEED	HAD TO FEED	
THEM.	THEM [space]	THEM.	
THEY WROUGHT	THEY WROUGHT	THEY WROUGHT	

RT	RS	BT	PS

FOR US AND	FOR US AND	FOR US AND	
DONE THE	DONE {THE} <sup>i</sup>	DONE THE	
BEST THEY	BEST THEY	BEST THEY	
COULD, AND	COULD AND	COULD, AND	
WE WERE	{WE}i WERE	WE WERE	
KIND TO THEM.	KIND TO THEM.	KIND TO THEM.	
Q. WAS THERE	<sub>O</sub> WAS THERE	Q: WAS THERE	
OCCASIONAL	OCCASIONAL	<del>A</del> OCCASIONAL	
INTERRUPTIONS	INTERRUPTIONS	INTERRUPTIONS	
OF YOUR	IN YOUR	OF YOUR	
FRIENDLY	FRIENDLY	FIRIENDLY	
RELATIONS	RELATIONS	RELATI <del>ON</del> S	
WITH THEM	WITH THEM		
BECAUSE YOU	BECAUSE YOU	BECAUSE YOU	
DIDN'T DO ALL	DIDN'T DO ALL	DIDN'T DO ALL	
THEY WANTED	THEY WANTED	THEY WANTED	
YOU TO DO FOR	YOU TO DO FOR	YOU TO DO FOR	
THEM A. I	THEM $\{_{\mathbf{A}}\}^{i}$ I	THEM? A. I	
DON'T KNOW	DON'T KNOW	DON'T KNOW	
THAT THERE	THAT THERE	THAT THE RE	
WAS	WAS	WAS	
PARTICULARLY.	PARTICULARLY.	PARTICULARL <del>U</del>	
Q. ABOUT	{oABOUT} <sup>i</sup>	Y. Q. ABOUT	
HOW MANY	HOW MANY	HOW MANY	
INDIANS WERE	INDIANS WERE	INDIANS WERE	
THERE THAT	THERE THAT	THERE THAT	
WERE	WERE	WERE	
ACCUSTOMED	ACCUSTOMED	ACCUSTO <del>N</del> MED	
TO BEING ABOUT	TO BE ABOUT	TO BE ABOUT	
FORT	FORT	FORT	
HAMILTON? A.	HAMILTON A	HAMILTON? A.	
THERE WERE	THERE WAS	THERE WERE	
NOT MORE	NO MORE	NOT MORE	
THAN ABOUT	THAN ABOUT	THAN ABOUT	
A DOZEN	$\{\mathbf{A}\}^{i}$ DOZEN	A DOZEN	
INDIANS THAT	INDIANS	INDIANS	
BELONGED TO	BELONGED TO	BELONGING TO	
THE CREEK	THE CREEK,	THQAT CREEK	
WHERE I	WHERE I	WHERE I	
BELONGED TO.	BELONGED TO	BELONGED TO	
Q. BUT AT THE	$\{_{\mathbf{Q}}\}^{\mathrm{i}}$ BUT AT THE	IT; BUT AT THE	
TIME — IN THE	TIME IN THE	TIME IN THE	
FIELD? A. I	FIELD { <sub>A</sub> } <sup>i</sup> I	FIELD, I	
SUPPOSE	SUPPOSE	SUPPOSED	

RT	RS	BT	PS
17.1	N.S		

THERE WAS	THERE WAS	THE RE WAS	
ABOUT FIFTY—I	ABOUT FIFTY I	ABOUT 50; I	
COULD NOT	COULD NOT	COULD NOT	
TELL — MORE OR	TELL, MORE OR	TELL. MORE OR	
LESS Q.	LESS. [space] $\{_{O}\}^{i}$	LESS. Q.	
AND	AND	AND HOW AND	
WHAT WERE	WHAT WERE	WHAT <del>E</del> WERE	
THEY IN	THEY IN	THEY IN	
REGARD TO	REGARD TO	REGARD TO <b>SEX</b>	
SEX—WERE	SEX, WERE	SECX? WERE	
THEY ALL	THEY ALL	THEY ALL	
WARRIORS A.	WARRIORS ? A	WARRIORS? A.	
ALL WARRIORS	ALL WARRIORS,	ALL WARIORS,	
—I SEEN	I SEEN	I SEE	
NOTHING ELSE	NOTHING ELSE	NOTHING ELSE,	
OR ANY OF	OR/AND[?] IN	ALL WERE IN	
THAT GARB.	THAT GARB.	THAT GARB.	
	{(} <sup>i</sup> BY DEFENSE		
	AND		
	PROSECUTION		
	THAT IS ALL{)} <sup>i</sup>	THAT IS ALL.	
<sup>[474]</sup> JOHN	[space] JOHN	<sup>[313]</sup> JOHN	
HAMILTON, JR.	HAMILTON JR	MAMILTON, JR	
SWORN FOR		BEING CALLED	
DEFENDANT.		ON THE PART OF	
		THE DEFENSE,	
		WAS EXAMINED	
		AS FOLLOWS BY	
		J <del>.G.</del>	
		SUTHERLAND:	
Q.	$\{\mathbf{Q}\}^{\mathrm{i}}$	BISHOP Q.	
WHERE DO YOU	WHERE DO YOU	WHERE DO YOU	
RESIDE ?	RESIDE	RESIDE, MR.	
A.	$\left\{\mathbf{A}\right\}^{\mathrm{i}}$	HAMILTON? A.	
DOWN AT	DOWN	DOWN IN	
HAMILTON'S	HAMILTON'S	HAMILTON'S	
FORT, IRON	IRON	FORT IN IRON	
COUNTY; Q.	COUNTY. $\{\mathbf{Q}\}^{i}$	COUNTY. Q.	
HOW FAR IS	HOW FAR IS	HOW FAR IS	
THAT FROM	THAT FROM	THAT FROM	
CEDAR CITY ? A.	CEDAR CITY $\{_{\mathbf{A}}\}^{i}$	CEDAR CITY? A.	
SEVEN MILES. Q.	7 MILES. $\{Q\}^i$	SEVEN MILES. Q.	
WHERE DID YOU	WHERE DID YOU	WHERE DID YOU	
RESIDE IN THE	RESIDE IN THE	RESIDE IN THE	

RT	RS	BT	PS

FALL OF 1857 ?	FALL OF 1857	FALL OF '57?	
A. AT THE	$\{_{\mathbf{A}}\}^{i}$ AT THE	A . AT THE	
SAME PLACE,	SAME PLACE,	SAME PLACE,	
ABOUT HALF A	ABOUT HALF	ABOUT A HALF	
MILE WEST OF	MILE WEST OF	A MILE WEST OF	
WHERE WE NOW	WHERE WE NOW		
	·		
LIVE. Q. WHAT	LIVE. {Q}¹WHAT	LIVE. Q. WHAT	
WAS THE PLACE	WAS PLACE	WAS THE PLACE	
THEN CALLED?	THEN CALLED	THEN CALLED?	
A. IT WAS	{ <sub>A</sub> }¹IT WAS	A. IT WAS	
CALLED	CALLED	CALLED	
SHIRT'S	SHIRT'S	SHIRTTZS'	
CREEK. Q.	CREEK $\{Q\}^1$	CREEK. Q.	
WHAT IS IT NOW	WHAT IS IT NOW		
CALLED ? A.	CALLED $\{A\}^1$	CALLED? A.	
HAMILTON'S. Q.	HAMILTON $\{Q\}^1$	HAMILTON'S. Q.	
IS THERE A	IS THERE	IS THERE A	
PLACE DOWN	PLACE DOWN	PLACE DOWN	
THERE CALLED	THERE CALLED	THERE CALLED	
HAMILTON'S	HAMILTON'S	HAMILTON'S	
FORT? A. THAT	FORT { <sub>A</sub> }¹THAT	FORT? A. THAT	
IS THE PLACE	IS THE PLACE	IS THE PLACE	
WE HAVE	WE HAVE	WE HAVE	
MOVED TO, OUT	MOVED TO OUT	MOVED TO, OUT	
OF THE	OF	OF THE	
FORT,INTO	FORT INTO	FORT INTO	
THE TOWN. THE	THE TOWN THE	THE TOWN. THE	
FORT WAS A	FORT WAS	FORT WAS A	
HALF A MILE	HALF MILE	HALF A MILE	
BELOW. Q.	BELOW <b>←</b> OF	BELOW. Q. OF	
WHAT WAS IT?	WHAT WAS IT	WHAT WAS IT	
	BUILT OR	BUILT OR	
	$MADE \ge \{Q\}^i$	MADE?	
	WHAT WAS IT		
A. AN	$\{_{\mathbf{A}}\}^{i}$ IT WAS $\{\mathbf{AN}\}^{i}$	A. IT WAS AN	
ADOBE FORT.	ADOBE FORT	ADOBIE FORT. Q.	
Q. WHEN WAS	$\{\mathbf{o}\}^{i}$ WHEN WAS	WHEN WAS	
IT BUILT?	IT BUILT	IT BUILT? .	
A. I REALLY	WELL I REALLY	WELL, I REALLY	
COULD NOT	COULD NOT	WCOULD NOT	
TELL YOU,	TELL THE	TELL YOU THE	
TELL 100,	YEAR. $^{[16]}$ $\{_{\mathbf{A}}\}^{\mathrm{i}}$	YEAR,	
BUT IT	BUT THINK≥ IT	BUT THINK IT	
WAS IN 1856 . Q.	WAS 1856 $\{Q^{1}\}$	WAS IN 1856 <del>,</del> . Q.	

RT	RS	BT	PS

WHAT WAS THE	WHAT WAS	AND THA T WAS	
YEAR IT WAS	YEAR IT WAS	THE YEAR IT	
BUILT IN —	BUILT	WAS BIUILT IN?	
	$\leq YES SIR \geq \{0\}^i$	A. YES, SIR.	
YOU HAD	YOU HAD	Q.AND YOU	
LIVED IN THE	LIVED IN	HAVE LIVED IN	
FORT	FORT	THE FORT,	
THEN—WHEN	THEN = WHEN	THEN; WHEN	
DID YOU MOVE	DID YOU MOVE	DID YOU MOVE	
OUT OF THE	OUT OF	OUT OF THE	
FORT ? A.	FORT { <sub>A</sub> } <sup>i</sup> WELL	FORT? A. WELL,	
WELL, SIX YEARS	SIX YEARS	IT IS SIX YEARS	
AGO,AND TO	AGO AND TO	AGO TO NOW;	
,		TWINCE WE	
		MOVED TO	
WHERE WE NOW	WHERE WE NOW	WHERE WE NOW	
LIVE. Q. YOU	LIVE { <sub>Q</sub> } <sup>i</sup> YOU	LIVE. Q . YOU	
WERE THERE IN	WAS THERE IN	WERE THERE IN	
1857 ? A. YES	57 { <sub>A</sub> } iYES	'57? A. YES,	
SIR,AT THE	SIR AT THE	SIR; AT THE	
FORT. [475] Q. DO	FORT { <sub>0</sub> } <sup>i</sup> DO	FORT. Q. DO	
YOU REMEMBER	YOU REMEMBER	YOU REMEMBER	
OF EVER SEEING	OF EVER SEEING	OF EVER SEEING	
THE TRAIN	THE TRAIN	A TRAIN	
THAT WAS	THAT WAS	THA T WAS	
KNOWN AS THE	KNOWN AS	NKNOWN AS	
ARKANSAS	ARKANSAS	THE ARKANSAS	
TRAIN PASSING	TRAIN PRESSING	TRAIN PASSING	
THROUGH THE	THROUGH	THROUGH THE	
COUNTRY? A. I	COUNTRY { <sub>A</sub> } <sup>i</sup> I	COUNTRY? A. I	
DO SIR. Q.	DO SIR $\{\mathbf{Q}\}^{i}$	DO, SIR. Q.	
WHERE	WHERE	WHEREEDO YO	
DID YOU SEE IT?	DID YOU SEE IT	DID YOU SEE IT?	
A. I SEEN 'EM	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I SEEN 'EM	A. I SEEN THEM	
RIGH THERE	RIGHT <b>≼</b> THERE <b>≥</b>	RIGHT THERE	
AT THE	AT SHIRT'S	AT THE	
CREEK. Q.	CREEK. $\{\mathbf{Q}\}^{i}$	CREEK. Q.	
WHAT WERE	WHAT WERE	WHAT WERE	
THEY DOING?	THEY DOING	THEY DOING?	
A. WELL THE	$_{\mathbf{A}}$ WELL $\{_{\mathbf{A}}\}^{\mathrm{i}}$ , THE	A. WELL, THE	
TRAIN CAME	TRAIN CAME	TRAIN	
AND PASSED	PASSED	PASSED	
THROUGH	THROUGH	THROUGH	
THERE AND	←THERE>, AND	THERE AND	

R I	N5	DI	F 5

THERE WAS A	THERE WAS	THE RE WAS A	
MAN AT	MAN AT	MA N AT	
PAROWAN HAD	PAROWAN HAD	PAROWAN HAD	
TRADED THEM	TRADED THEM	TRADED THEM	
A COW,	COW	THEM A COW,	
RUNNING DOWN	RUNNING DOWN	RUNNING DOWN	
AT OUR	AT OUR	AT <b>OUR</b> <del>OUT</del>	
PLACE, AND	PLACE	PLACE.	
THEY WANTED		I	
ME TO FETCH	FETCHED	FETCHED	
THEM THE	THEM $\{THE\}^i$	THEM THE	
COW. THEY	COW; THEY	COW, THEY	
CAME	CAME	CAME CAME	
DOWN THAT	DOWN THAT	DOWN THIS	
WAY TO GET	WAY TO GET	WA <del>T</del> Y TO GET	
THIS COW. Q.	THIS COW $\{\mathbf{Q}\}^{i}$	THIS COW. Q.	
THEY HAD LEFT	THEY HAD LEFT	THEY HAD LEFT	
CEDAR ? A. THEN	CEDAR THEN	CEDAR THEN, AS	
I UNDERSTOOD	I UNDERSTOOD	I UNDERSTA D	
_	YOU <del>THEN</del> HAD	YOU, HAD	
YES	THEY $\{A\}^{i}$ YES	THEY? A. YES,	
SIR, I	SIR, I	SIR, I	
SUPPOSE	SUPPOSE	SUPPOSEED,	
THEY HAD	THEY HAD	THEY HAD	
PASSED	PASSED	PASSED	
THROUGH	THROUGH	THROUGH	
THERE. Q.	$\prec$ THERE $\succ \{Q\}^{i}$	THE RE. [314] Q.	
WHICH WAY	WHICH WAY	WHICH WAY	
WERE	WERE	WERE	
THEY;MOVING	THEY MOVING	THEY MOVING	
THEN? A. THEY	THEN ATHEY	THEN? A. THEY	
WENT ACROSS	WENT ACROSS	WENT A <del>V</del> CROSS	
THE FLAT	VALLEY	THE VALLEY	
TO THE CREEK,	TO THE CREEK	TO A CREEK	
CALLED	CALLED [space]	CALLED <del>QUTT</del>	
QUEETSUPAH <sup>391</sup>	QUEETSUPAH[?]	QUEETSUPPAH,	
SSHITCREEK?			
AND CAMPED.	≤AND CAMPED≥	AND CAMPED.	
Q. HOW FAR IS	$\{Q\}^{i}$ HOW FAR IS	Q: HOW FAR IS	
THAT FROM	THAT FROM	THAT FROM	
	CEDAR CITY		
CEDAR ?	CEDAR FORT	CEDAR ?	

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	T i	1	
A. IT IS IN THE	$\{A\}^{1}$ IT IS IN THE	A IT IS IN THE	
NEIGHBORHOOD	NEIGHBORHOOD	NEIGHBORHOOD	
OF 6 MILES. Q.	OF 6 MILES $\{Q\}^1$	OF SIX MILES. Q.	
THIS TRADE	THIS TRADE	THIS TRADE	
THEY	THEY	<del>THA T</del> THEY	
MADE IN	{MADE} <sup>i</sup> IN	MADE IN	
CEDAR ? A.	CEDAR $\leq \{A\}^1$	CEDAR CITY? A.	
NO SIR, THEY	NO SIR≥ THEY	NO, SIR; THEY	
MADE IT	MADE	MADE THIS	
IN	IN	TRADE IN	
PAROWAN. Q.	PAROWAN $\{_{\mathbf{Q}}\}^{i}$	PAROWAN. Q.	
WHAT WAS IT	WHAT WAS IT	WHAT WAS IT?	
STATED THAT	TELL THAT	TELL <b>THAT</b> <del>TAT</del>	
THEY TRADED?	TRADE AGAIN	TRADE AGAIN?	
A. A GUN THEY	$\{_{\mathbf{A}}\}^{i}$ THEY	A. THEY	
HAD SOLD	HAD SOLD	HAD SOLD	
THEM FOR A	THEM	THEM A	
COW. THEY	COW = THEY	COW; THEY	
TRADED	TRADED, OR	TRADED—OR	
WITH A	THAT	<del>OT</del> THAT <del>MN</del>	
MAN BY THE	MAN BY THE	MAN BY THE	
NAME OF	NAME OF	NAME OF	
HADDEN,FOR	HADDEN <sup>392</sup>	HADDEN HAD	
		TRADED THEM	
A COW		A COW	
RUNNING AT	RUNNING AT	RUNNING AT	
OUR PLACE.	OUR PLACE.	OUR PLACE;	
THEY GAVE	THEY GAVE	AND HE GAVE	
THEM AN	THEM AN	THEM AN	
ORDER TO GET	ORDER TO GET	ORDER T O GET	
THE COW.	THE COW	THIS COW HERE.	
Q. HOW WAS	{ <sub>O</sub> } <sup>i</sup> HOW WAS	Q. HOW WAS	
THE		THE	
KNOWLEDGE OF	KNOWLEDGE OF	KNOWLEDGE OF	
THAT BROUGHT	THAT BROUGHT	THAT BROUGHT	
TO YOU?	HOME TO YOU	HOME TO YOU?	
A. THEY HAD A	{ <sub>A</sub> } <sup>i</sup> THEY HAD A	A. THEY HAD A	
LINE	LINE <b>←</b> OR NOTE <b>→</b>	LINE OR NOTE	
	{H} <sup>i</sup> ADDEN	FROM HADDEN	
TO ME. [476]	TOME	TO ME.	
BASKIN: I	BASKIN. I	BASK <del>J</del> IN: I	

<sup>392.</sup> Written "ND"; (the initial h is frequently omitted by Rogerson). Above the shorthand is inserted  $\{ \mathbf{HADDEN} \}^i$ .

RT	RS	BT	PS

SUPPOSE	SUPPOSED	SUPPOSED	
WHEN	WHEN {THE} <sup>i</sup>	WHEN THE	
COUNSEL	COUNSEL	COUNSEL	
STARTED OUT	STARTED OUT	STARTED OUT	
		WITH THIS	
		WITNESS THAT	
THIS	THIS	THESE	
QUESTION	QUESTION	QUESTIONS	
WAS	WAS	WERE	
RELEVANT.	RELEVANT.	RELE <del>C</del> V <del>S</del> ANT,	
		BUT I SEE NOT,	
IT IS	IT IS	THAT IT IS	
IMPOSSIBLE TO	IMPOSSIBLE	IMPOSSIBLE TO	
CONNECT THIS	CONNECT THIS	CONNECT THIS	
TESTIMONY	TESTIMONY	TESTIMONY	
WITH	WITH	WITH	
ANYTHING AT	ANYTHING AT	ANYTH <del>I</del> NG AT	
ISSUE IN THIS	ISSUE IN THIS	ISSUE IN THIS	
CASE. SPI <del>X</del> CER	CASE. SPICER	CASE. SPICER:	
REPLIED AS TO	IDEA IN	THE IDEA IN	
THE RELEVANCY	RELATION TO	RELATION TO	
AND PURPOSE OF	THIS IS YOUR	THIS, YOUR	
THE QUESTION	HONOR	HO NOR, IS	
AND	WE	THAT WE	
	HAVE NOT	HAVN'T	
	SHOWN	SHOWN	
	ANYTHING OF	ANYTHING OF	
	THE KIND.	THE KIND.	
	WE ARE NOW	WE ARE NOW	
	∠TRY>	TRY <del>NG</del> ING TO	
	SHOWING	<del>T</del> SHOW THE	
	CONNECTION,	CONNECTION	
	HOW HE	HOW HE	
	BECAME MORE	BECAME	
		CACAME	
	ACQUAINTED	ACQUAINTED	
	WITH THEM. IT	WITH THEM. IT	
	IS VERY	IS VERY	
	PERTINENT WE	PERTINENT WE	
	SHOULD	<del>C</del> SHOULD	
	CONNECT	CONNECT THE	
	KNOWLEDGE	KNOWLEDGE—	
THE COURT	{COURT	_	
RULED:	$\mathbf{RULED}$ BY		

RT	RS	BT	PS

	COLIDT	THE COURT: ID	
IE VOLID ODJECT	COURT IF YOUR OBJECT	THE COURT: <del>ID</del> <b>IF</b> YOUR IDEA	
IF YOUR OBJECT IS TO SHOW THE		IS TO SHOW A	
	IS TO SHOW A		
CONNECTION	CONNECTION	CONNECTION,	
YOU MAY GO	YOU MAY GO	FGO	
AHEAD.	AHEAD. [space]	AHEAD.	
Q. THE TRAIN	{Q}¹THE TRAIN	Q. THE TRAIN	
WAS MOVING,	WERE MOVING,	WAS MOVING	
WHICH WAY ?	WHICH WAY	WHICH WAY?	
A.	WESTWARD $\{A\}^1$	A.	
WESTWARD. Q.	WESTWARD	WESTWARD.	
ON WHAT	$ON \{Q\}^{i}WHAT$	Q. ON WHAT	
ROAD OR	ROAD OR	ROAD OR	
THOROUGHFARE	THOROUGHFAR	THOROUGHFAR	
OF THE	E OF {THE} <sup>1</sup>	E OF THE	
COUNTRY ? A. I	COUNTRY { <sub>A</sub> }¹I	COUNTRY? A . I	
SUPPOSED THEY	SUPPOSE THEY	SUPPOSED THEY	
WERE AIMING	WERE AIMING	WERE AIMING	
TO GO BACK	TO GO BACK	TO GO BACK	
ON THE	ON	ONTO THE	
CALIFORNIA	CALIFORNIA	CALIFORNIA	
ROAD AGAIN,	ROAD AGAIN,	ROAD AGAIN,	
BUT I NEVER	{BUT}¹ I NOT	BUT I NECVER	
ASKED THEM	ASK THEM	ASKED THEM	
ANY QUESTION	ANY QUESTION	ANY QUESTIONS	
AT ALL. Q.	S AT ALL. $\{Q\}^{i}$	AT ALL. Q.	
DOES THAT	DOES THAT	DOES THAT	
ROAD LEAD	ROAD LEAD	ROAD LEAD	
FROM THE	FROM	THROUGH THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS—	MEADOWS	MEADOWS? A.	
HOWEADWAG	≤ <sub>A</sub> YES SIR≥	YES, SIR Q.	
HOW FAR WAS	HOW FAR WAS	HOW FAR WAS	
THE MOUNTAIN	MOUNTAIN	THE MOUNTAIN	
MEADOWS	MEADOWS	MEADOWN	
FROM YOUR	FROM YOUR	FROM YOUR	
PLACE ? A. IN	PLACE (IN	PLACE? A. IN	
THE	THE A } i	THE	
NEIGHBORHOOD	NEIGHBORHOOD	NEIGHBORHOOD	
OF 30 MILES.	OF 30 MILES.	OF 30 MILES.	
O DEFORE	( )İDEROBE	SOUTHERLAND/	
Q. BEFORE	{Q}¹BEFORE	Q. BEFORE	
ANSWERING	ANSWERING	ANSWERING	
THIS QUESTION,	THIS QUESTION,	THIS QUESTION,	

RT	RS	BT	PS

MR. HAMILTON,	MR. HAMILTON	MR. HAMILTON	
Witt. In HVIIE 1 O11,	<that am<="" i="" td=""><td>THAT I AM</td><td></td></that>	THAT I AM	
	NOW GOING	NOW GOING TO	
YOU	ASK YOU> YOU	ASK YOU, YOU	
WILL WAIT FOR	WILL WAIT FOR	WILL WAIT FOR	
THE	THEIR	THE OTHER COU	
THE	THEIR	NSEL'S	
OBJECTION OF	OBJECTION =	OBJECTION.	
THE	OBJECTION	ODJECTION.	
PROSECUTION. Q.		[315] Q.	
WAS THIS LINE	WAS THIS LINE	WA <del>D</del> S THIS LINE	
WASTINGLINE	WASTIIISLINE	UYOU SPOKE OF	
FROM THE	FROM {THE}i	FROM THE	
MAN IN	MAN IN	MAN IN	
PAROWAN	PAROWAN,	PAROWAN	
IANOWAN	FAROWAN, ≤THE ONE≥	FROM THE ONE	
WHO HAD	WHO HAD	WHO WHO HAD	
TRADED FOR	TRADED FOR	TRADED THEM	
THE COW	THE COW = WAS	THE COW, WAS	
SHOWN TO	ITE COW = WAS	IT SHOWN TO	
YOU? A.	YOU? $^{[17]}$ $\{_{\mathbf{A}}\}^{\mathbf{i}}$	YOU? A.	
WELL SIR, I	WELL SIR I	WELL, SIR, I	
COULD NOT	COULD NOT	COULD NOT	
TELL TO	TELL TO	TELLYOU TO	
SAVE MY LIFE,	SAVE MY LIFE;	SAVE MY LI <del>V</del> FE;	
IT IS SO LONG	IT IS SO LONG	IT IS SO LONG	
AGO, BUT	AGO AND {BUT} <sup>i</sup>	AGO THAT	
I PRESUME IT	I PRESUME IT	I PRESUME IT	
WAS. Q. I	WAS. [space] $\{0\}^{i}$ I	WAS. Q. I	
WILL ASK YOU	WILL ASK	WILL ASK YOU	
THEN IF THEY	THEN IF THEY	THEN IF THEY	
GOT THE COW	GOT THEIR COW	GOT THEIR COW	
THAT THEY	{THAT} <sup>i</sup> THEY	THAT THEY	
TRADED FOR ?	TRADED FOR	TRADED FOR?	
A. NO SIR, THEY	$\{_{\mathbf{A}}\}^{i}$ NO SIR, THEY	A. NO, SIR, THEY	
COULD NOT	COULD NOT	COULD NOT	
FIND THEIR	FIND THEIR	FIND THEIR	
COW, BUT THEY	COW, BUT THEY	COW; BUT THEY	
TRADED THE	TRADED THE	TRADED THE	
COW÷TO A	$COW TO \{A\}^{i}$	COW TO A	
BROTHER OF	BROTHER OF	BROTHER OF	
MINE FOR A	MINE FOR $\{A\}^i$	MINE FOR A	
STEER	STEER	STEER STEAR,	
AND	${AND}^{i} {HE}^{i}$	AND	

AFTERWARDS HE	AFTERWARD HE	AFTERWARD HE	
FOUND HER	FOUND HER	FOUND HER	
DOWN AT OLD	DOWN AT OLD	DOWN AT OLD	
FORT	FORT	FORT	
HARMONY. Q.	$HARMONY \{_{0}\}^{i}$	HARMONY. Q.	
THEY GOT THAT	THEY GOT THAT	THEY GOT THAT	
STEER THEN ? [477]	STEER THEN	STEER THEN?	
A. YES SIR. Q.	$\{_{\mathbf{A}}\}^{i}$ YES SIR. $\{_{\mathbf{Q}}\}^{i}$	A. YES, SIR? Q.	
AT THE TIME	AT THE TIME	AT THE TIME	
THIS EMIGRANT	THIS EMIGRANT	THI S EMIGRANT	
TRAIN PASSED	TRAIN PASSED	TRAIN PASSED	
THROUGH	THROUGH,	THROUGHH,	
WERE THERE	WERE THERE	WERE THERE	
ANY INDIANS	ANY INDIAN S	ANY INDIANS	
IN THE	IN THE	IN THE	
COUNTRY? A.	COUNTRY { <sub>A</sub> } <sup>i</sup>	COUNTRY? A.	
THERE HAD	THAT HAD	THERE JHAD	
BEEN ON DAYS	BEEN ON DAYS	BEEN ON DAYS	
BEFORE. Q. HOW	BEFORE $\{o\}^i$	BEFORE <b>.</b> ON Q.	
LONG, IF	OR AFTER	OR AFTER THAT	
YOU	YOU	THAT YOU	
KNOW OF THEM?	KNOW OF	KNOW OF?	
A. WELL,THEY	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ WELL,	A. WELL,	
HAD	<they had=""></they>	THEY HAD	
ALSO	ALWAYS <sup>393</sup>	ALESO	
BEEN	BEEN A FEW	BEE₽N	
A FEW INDIANS	INDIANS	A FEW INDIANS	
AROUND THE	AROUND {THE} <sup>i</sup>	A <b>TR</b> OUND THE	
CREEK.	CREEK,	CREEK,	
WHETHER THEY	WHETHER	WHETHER	
WAS THERE	THERE WAS	THERE WAS	
THEN OR NOT I	THEN OR NOT I	THE N OR NOT, I	
COULD NOT	COULD NOT	COULD NOT	
SAY JUST WHEN	SAY JUST WHEN	SAY, JUST WHEN	
THEY PASSED	THEY PASSED	THEY PASSED	
THROUGH.	THROUGH.	THROUGH;	
A FEW	{CONDITION AQ}		
DAYS PREVIOUS	DAYS PREVIOUS	DAYS PREVIOUS	
THERE HAD	THERE HAD	THERE HAD	
BEEN INDIANS	BEEN INDIANS	BEEN INDIANS	
THERE. THERE	THERE THERE	THERE —	
TIAD ALWAYO	TIAD AT WAYO	ATXVAXZO	

RS

BT

PS

RT

HAD ALWAYS

HAD ALWAYS

ALWAYS

<sup>393.</sup> Vowels added later in ink render the word "ALSO".

RT	RS	BT	PS
17.1	N.S		

BEEN A FEW	BEEN FEW	BEEN A FEW	
LIVING THERE—	LIVING THERE,	LIVING THERE	
MADE THEIR	MADE THEIR	—MADE THEIR	
HOMES THERE.	HOMES THERE.	HOMES THERE,	
HOWLS THERE.	{CONDITION} <sup>i</sup>	AND	
A	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ WERE THERE		
FEW DAYS	FEW DAYS	FEW DAY	
PREVIOUS, BUT I	PREVIOUS I	PREVIOUS BUT I	
COULD NOT	COULD NOT	COULD NOT	
SAY.	SAY [space]	TELL YOU	
Q. WERE	$\{_{\mathbf{Q}}\}^{\mathrm{i}}$ WERE	WHEN. Q. WERE	
YOU	YOU	YOU	
ACQUAINTED	ACQUAINTED	ACQUAINTED	
OR HAD	OR HAD ≤YOU	OR HAD YOU A	
KNOWLEDGE OF	A≥ KNOWLEDGE	KNOWLEDGE OF	
THE INDIANS	OF INDIANS	THE INDIANS	
THAT	THAT	THAT	
PERMANENTLY	PERMANENTLY	PERMANENTLY	
REMAINED	REMAINED	REMAINED	
THERE? A. YES,	THERE $\{A\}^{i}$ YES,	THERE ? A. YES,	
THERE WAS	THERE WAS	THERE VAS	
TWO OR	TWO OR	TWO O <del>T</del> R	
THREE	3	THEREE	
FAMILIES I	FAMILIES I	FAMILIES I	
KNEW . Q. YOU	KNEW. {o} <sup>i</sup> YOU	KNEW. Q. YOU	
KNEW THE	KNEW THEM	KNEW THE	
INDIANS THAT	INDIANS THAT	INDIANS THA T	
LIVED THERE?	LIVED THERE	LI <del>C</del> VED THERE?	
A. YES SIR. Q.	$\{_{\mathbf{A}}\}^{i}$ YES SIR $\{_{\mathbf{O}}\}^{i}$	AA. YES, SIR. Q.	
TWO	TWO	YOU SAY TWO	
OR THREE	OR THREE	OR THREE	
FAMILIES ? A.	FAMILIES $\{A\}^i$	FAMILIES? A.	
YES SIR, THERE	YES SIR THERE	YES, SIR: THERE	
WAS THREE	WAS 3	WAS THREE	
FAMILIES THAT	FAMILIES THAT	FAMILIES THA T	
CLAIMED THIS	CLAIMED THIS	CLAIMED THIS	
CREEK. Q. DID	CREEK [space]	CREEK.	
YOU SEE ANY	$\{_{0}\}^{i}$ DID YOU SEE	Q. DI D YOU SEE	
	ANY OTHER	ANY OTHER	
STRANGE	STRANGE	STRANGE	
INDIANS THERE?	INDIANS THERE	INDIANS THERE?	
A. NO SIR, I	{ <sub>A</sub> } <sup>i</sup> NO SIR I	A NO, SIR, I	
COULD NOT SAY	COULD NOT SAY	COULD NOT SAY	
I DID.	I DID. I	THAT I DID. Q. I	

RT	RS	ВТ	PS

Q.	MEAN { <sub>Q</sub> } <sup>i</sup>	MEAN	
PREVIOUS TO	PREVIOUS TO	PREVIOUS TO	
THIS TRAIN	THIS TRAIN	THIS TRAIN	
· ·			
PASSING	PASSING	PASSING	
THROUGH? A. I	THROUGH { <sub>A</sub> } <sup>1</sup> I	THROUGH? A . I	
COULD NOT SAY	COULD NOT SAY	COULD NOT SAY	
I DID. Q. WAS	I DID [space] WAS	I DID. Q. WAS	
THERE ANY	THERE $\{Q\}^1$ ANY	THERE ANY <del>EXP</del>	
EXCITEMENT IN	EXCITEMENT IN	EXCITEMENT IN	
THE	{THE} <sup>i</sup>	THE	
COUNTRY AT	COUNTRY AT	COUNTRY AT	
THAT TIME IN	THAT TIME	THAT <b>TIME</b> IN	
RELATION TO	RELATION TO	RELA-TION TO	
WILD INDIANS—	WILD INDIANS,	WILD INDIANS	
STRANGE	STRANGE	—ST <del>A</del> RANGE	
INDIANS,BEING	INDIANS, BEING	INDIANS BEING	
IN THE	IN THAT	IN THAT	
COUNTRY,LARGE	COUNTRY	COUNTRY	
		TTHIHAT	
	∠[N≥	<del>COUNTYR</del> IN	
	LARGE	LARGE	
NUMBERS	NUMBERS {?}i	NEMBERS?	
CAREY, YOU	CAREY YOU	CAREY: YOU	
MAY ASK HIM IF	MAY ASK HIM IF	MAY ASK HIM IF	
HE HAD ANY	HE HAD ANY	HE HAD ANY	
FEARS ?	FEARS BASKIN	FEARS.	
	WOMEN BY		
	<i>HIM</i> [?] [ <i>space</i> ]		
BISHOP: TO	{BISHOP} <sup>i</sup> TO	[316] BISHOP: TO	
ACCOMMODATE	ACCOMMODATE	ACCOMMODATE	
THE	{THE} <sup>i</sup>	THE	
PROSECUTION I	PROSECUTION I	PROSECUTION I	
WILL PUT IT IN	WILL PUT IT IN	WILL PUT IT IN	
THAT	THAT SIZE[?]	THAT	
SHAPE. Q. WHAT	SHAPE { <sub>0</sub> } WHAT	SHA <del>PE</del> . <b>Q.</b> WHAT	
WAS	WAS	WAS	
THE	<u> ≤SUTHERLAND&gt;</u>	THE	
STATE OF THE	STATE OF	STATE OF THE	
COUNTRY	COUNTRY	<del>COMPA</del> COUNTR	
IN RELATION	IN RELATION	Y IN RELATION	
TO STRANGE	TO STRANGE	TO STRACNHGE	
INDIANS [478]	INDIANS	INDIANS	
AROUND	AROUND	AROUND	
THERE?	THERE	THERE? A.	

RT	RS	ВТ	PS

SPICER: I AM	SPICER <del>I AM</del>	SPICER:	
NOT	NOT-WE ARE	WE ARE	
ASKING	NOT ASKING	NOT ASKING,	
ASKING	YOUR HONOR	YOUR HONOR,	
THE QUESTION	THE QUESTION	THE QUESTION	
YOUR HONOR AS	AS	AS	
TO RIGHT	TO RIGHT	TO RIGHT	
THERE AT HIS	THERE AT HIS	THERE AT HIS	
PLACE, I AM	PLACE I AM	PLACE. I AM	
ASKING THE	ASKING	ASKING THE	
QUESTION	QUESTION	QUESTION,	
NOW, WHAT	NOW WHAT	NOW, WHAT	
WAS THE STATE	WAS STATE	WAS THE STATE	
OF THE	OF	OF THE	
COUNTRY IN	COUNTRY IN	COUNTRY IN	
GENERAL,NOT	≤GENERAL≥ NOT	GENERAL, AND	
ONLY AT HIS	ONLY AT HIS	THE FEELING AT	
RANCH,AS	RANCH AS	THIS RANC <del>K</del> H	
THERE WERE	THERE WAS	AS THERE WAS	
SEVERAL	SOME	SOME	
FAMILIES	FAMILIES	FAMILIES	
LIVED THERE.	LIVING <b>≤</b> THERE <b>≥</b>	LIVING THERE.	
Q. I	$?[space] \{o\}^i I$	I	
WILL ASK YOU	WILL ASK YOU	WILL ASK YOU	
THE QUESTION	QUESTION	THE QUESTION	
IN THAT FORM.	IN THAT FORM.	IN THAT FORM.	
DID YOU	DID YOU	<b>Q</b> DID YOU	
KNOW AT	KNOW AT	KNOW <del>KN O</del> AT	
THE TIME THE	THE TIME	THE T IME THE	
STATE OF THE	STATE OF <b>&lt;</b> THE <b>&gt;</b>	STATE OF THE	
COUNTRY?	COUNTRY?	COUNTRY??	
	[space] BISHOP		
	COURT PLEASE		
	DEFENDANT		
	FEELING VERY		
	POOR HEALTH		
	THIS MORNING I		
	WILL ASK		
	COURT TO		
	ADJOURN AS IT		
	IS TIME TO		
	ADJOURN NOW		
	[space]		
WITNESS: YES	$\{A\}^{1}$ WITNESS YES	A. YES,	

RT	RS	BT	PS

SIR,THERE WAS	SIR THERE WAS	SIR, THERE WAS	
CONSIDERABLE	CONSIDERABLE	CONSIDERABLE	
EXCITEMENT IN	EXCITEMENT IN	EXCITEMENT IN	
THE COUNTRY	THE COUNTRY	THE COUNTRY	
AT THAT	AT THAT	AT THAT	
TIME.	TIME.} <sup>i</sup> [space]	TIME. COURT	
RECESS	RECESS	ADJOURNED	
UNTIL HALF	UNTIL HALF	TILL 2:30 P.M.	
PAST TWO	AFTER TWO		
O'CLOCK P.M.	O'CLOCK [space]		
[space] TWO	[18] 2. PM.		
O'CLOCK P.M.	2. 1 IVI.		
SATURDAY	SATY.	SATURD¥AY,	
JULY 31ST 1875.	JULY 31. 1875.	JULY, 31ST?	
EXAMINATION	2.30 PM. [space]	1''M? 2:30, P.M.	
RESUMED.	<b>2.30 FM.</b> [ <i>space</i> ]	EQXAMINATION	
RESUMED.	JNO	OF JOHN	
	HAMILTON JR.	HAMILTON JR.	
	$\frac{\mathbf{HAMILTON JK.}}{2 40 \mathbf{P}\{\mathbf{M}\}^{i}}$	RESUMED.	
	WITNESS ON	RESUMED.	
Q. MR.		Q. MR.	
HAMILTON	STAND { <sub>Q</sub> }¹MR. HAMILTON	MHAMILTON	
DID YOU		DID YOU <del>SAY,</del>	
SEE SEE	QDID YOU SEE	DID YOU SAY, DID YOU SEE	
ANY INDIANS	ANY INDIANS	ANY INDIANS OF	
AT YOUR PLACE	AT YOUR PLACE	AT YOUR PLACE	
IMMEDIATELY		IMMEDIATELY	
AFTER THIS	IMMEDIATELY AFTER THIS	AFTER THIS	
CAMP	EMIGRANT	EMIGRANT	
HAD PASSED?	PARTY PASSED	PARTY PASSED?	
		A. YES, SIR. Q.	
A. YES SIR. Q. ABOUT HOW	{ <sub>Q</sub> }'YES SIR { <sub>Q</sub> }' ABOUT HOW	ABOUT HOW	
ABOUTHOW		ABOUTHOW	
MANY? A. I	TOGETHER MANY { <sub>0</sub> } <sup>i</sup> I	MANY? A. I	
COULD NOT	COULD NOT	COULD NOT	
SAY,QUITE A NUMBER—	SAY, QUITE A NUMBER	SAY, QUITE A NUMBER. I	
DIDN'T PAY	DIDN'T PAY	DID NOT PAY	
ANY	ANY	ANY	
PARTICULAR	PARTICULAR	PARTICULAR	
ATTENTION.	ATTENTION	ATTENTION.	
Q. I WISH YOU	{ <sub>O</sub> I} <sup>i</sup> WISH YOU	Q. I WISH YOU	
WOULD GET AT	WOULD GET AT	WOULD GET AT	
THE NUMBER AS	NUMBER AS	THE NUMBER AS	
THE NUMBER AS	NOMBER AS	THE NUMBER AS	

RT	RS	BT	PS

NEAR AS YOU	NEAR AS	NEAR AS YOU	
CAN—MAKE A	CAN MAKING	CAN. TRY AND	
ROUGH	ROUGH	REFRESH YOUR	
ESTIMATE—	ESTIMATE	MEMORY,	
	[space]	,	
ABOUT HOW	{ <sub>0</sub> } <sup>i</sup> ABOUT HOW	ABOUT HOW	
MANY? A. IT	$MANY \{A\}^{i}IT$	MANY? A. IT	
WOULD BE	WOULD BE	WOULD BE	
GUESS WORK	GUESS WORK	GUESS WORK	
WITH ME,	WITH ME,	WITH ME. THERE	
THERE WAS	THERE WAS	WAS	
THIRTY OR	30 OR	30 OR	
FORTY,	40 ABOUT	40	
,	{THERE} <sup>i</sup>		
PROBABLY,	PROBABLY AND	PROBABLY;	
MAY BE	MAYBE MORE	MAY BE MORE,	
MORE,MAY BE	MAYBE	MAY BE	
LESS. Q. WHERE	LESS { <sub>Q</sub> } <sup>i</sup> WHERE	LESS: Q. WHERE	
WERE THEY ? [479]	WERE THEY	WERE THEY?	
A. IN OUR	<sub>A</sub> IN ≤MY	A.IN MY	
	FATHER'S> OUR	FATHER'S	
FIELD. Q. TELL	FIELD OTELL	FIELD. Q. TELL	
US THE	US	US THE	
CIRCUMSTANCES	CIRCUMSTANCE	CIRCUMSTANCE	
HOW YOU	S HOW YOU	S <del>;</del> , HOW YOU	
CAME TO SEE	CAME TO SEE	CAME TO SEE	
THEM? A. ON	$\{THEM\}^i ? \{_A\}^iON$	THEM? A. ON	
SUNDAY	SUNDAY	SUNDAY	
MORNING, I	MORNING I	MORNING, I	
THINK IT	THINK IT WAS	THINK IT WAS,	
WAS,WE GOT UP	WE GOT UP	WE GOT UP	
AND SAW	{AND} <sup>i</sup> SAW	AND SAW	
CATTLE IN THE	CATTLE IN THE	CATTLE IN THE	
FIELD,WENT	FIELD, WENT	FIELD; WENT	
DOWN TO GET	DOWN TO {GET	DOWN TO GET	
THE CATTLE	THE} <sup>i</sup> CATTLE	THE CATTLE	
OUT. WHEN	OUT WHEN	OUT <del>.,</del> — WHEN	
WE FOUND THE	WE FOUND	WE FOUND THE	
INDIANS WAS IN	INDIANS WAS IN	INDIANS WAS IN	
THERE WE	THERE, WITH	THERE, <b>AND</b> WE	
SAW THE	THEM	THOUGHT SAW	
GROUND	GROUND	THE GROUND	
AROUND THEIR	AROUND THEIR	AROUND THERE	
CAMP WAS	CAMP WAS	WAS	

RT	RS	BT	PS

COVERED WITH	COVERED WITH	COVERED WITH	
GUNS THEY	GUNS THEY	GUNS, ITHEY	
HAD BROUGHT I	HAD BROUGHT I	HAD BROUGHT I	
SUPPOSED FROM	SUPPOSED FROM	SUPPOSE FROM	
THE	{THE}	THE MOUNTAIN	
MEADOWS.	MEADOWS	MEADOWS.	
Q. WHAT	[space] { <sub>Q</sub> } <sup>i</sup> WHAT	Q: WHAT	
PART OF THE	PART OF THE	PART OF THE	
FIELD WERE	FIELD WERE	FIELD WERE	
THEY IN?	THEY IN	THEY IN?	
A. WELL THEY	{ <sub>A</sub> } <sup>i</sup> WELL THEY	A. WELL, THEY	
CAMPED	WERE CAMPED	WERE CAMPED	
IN A KIND OF	IN A KIND OF	IN A KIND OF A	
GRASSY PLACE,	GRASSY PLACE	GRASSY PLACE,	
PROBABLY ONE	PROBABLY ONE	PROBABLY ONE	
THIRD OF THE	THIRD OF THE	THIRD OF THE	
WAY,SOUTH	WAY =	WAY, [317] <b>TO</b>	
,	SOUTH	THE SOUTH	
SIDE OF THE	SIDE OF	SIDE OF THE	
FIELD. Q. WAS	FIELD {Q} <sup>i</sup> WAS	FIELD. Q. WAS	
IT FENCED IN?	{IT} <sup>i</sup> FENCED IN	IT FENCED IN?	
A. YES SIR. Q.	$\{A\}^{i}$ YES SIR $\{Q\}^{i}$	A <del>I</del> YES, SIR. Q.	
HOW FAR FROM	HOW FAR FROM	HOW FAR FROM	
YOUR HOUSE	YOUR HOUSE	YOU	
WAS THIS ? A. IT	WAS THIS $\{A\}^{i}$ IT	WAS THIS? A. IT	
IS PROBABLY	WAS PROBABLY	WAS PROBABLY	
THREE	THREE	THREE	
HUNDRED	HUNDRED	HUNDRED	
YARDS,PROBABL	YARDS,	YARDS,	
Y	PROBABLY	PROBABLY	
FOUR.	400 [space]	FOUR OF THEM.	
Q. WHAT WERE	$\{Q\}^{1}$ WHAT WERE	Q. WHAT WERE	
THESE INDIANS	THESE INDIANS	THESE INDIANS	
AS TO SEX —	AS TO SEX	AS TO <del>C</del> S <del>W</del> EX,	
MALES OR	MALES OR	MALE OR	
FEMALES ? A.	FEMALES $\{A\}^1$	FEMALE? A.	
WELL I GUESS	WELL I GUESS	WELL, I GUESS	
THEY WAS	THEY WAS	THEY WERE	
BOTH,BUT	BOTH, BUT	BOTH; BUT	
MOSTLY MALE,	MOSTLY MALE =	MOSTLY MALES.	
THERE WAS	THERE WAS	THERE WAS	
SOME SQUAWS	SOME SQUAWS	SOME SQUAWS	
THERE. <del>THERE</del> I	THERE I	THERE; I	
THINK	THINK	THOUGHT	

RT	RS	BT	PS

THERE	THERE WAS,	THERE W AS.	
WAS,THERE	THEY	THEY	
GENERALLY	GENERALLY	GENERALLY	
IS, WHEN	ARE WHEN	ARE WHEN	
THEY STOP IN	THEY STOP IN	THEY STOP IN	
CAMP,	CAMP	CAMP <del>VA MP</del> ;	
BUT I COULD	I COULD	BUT I COULD	
NOT SAY	NOT SAY	NOT SAY	
WHETHER	WHETHER	WHETHER	
THERE WAS OR	THERE WAS OR	THERE WAS OR	
NOT.	WAS NOT [space]	WAS <b>NOT</b> . NOT	
Q. HAD THEY	{o} <sup>i</sup> HAD THEY	Q. HAD THEY	
WICKEUPS OR	WICKIUPS	WICKIUPS OR	
TENTS? A. THEY	TENTS ATHEY	TENTS? A. THEY	
HAD A KIND OF	HAD KIND OF	HAD A KIND OF	
SHANTY	SHANTY	SHANTY	
RIG, DON'T	RIGGED; DON'T	RIGGED, DON'T	
KNÓW EXACTLY	KNOW EXACTLY	KNOW EXACTLY	
HOW IT WAS	HOW IT WAS	HOW IT WAS	
RIGGED. THEY	RIGGED. THEY	RIGGED. THEY	
CAME IN	CAME IN	CAMPED IN	
THERE,	THERE	THERE;	
STRUCK THAT	STRUCK	STRUCHK A FIRE	
PLACE THERE	THERE TO	THERE TO	
AND STOPPED	STOP	START THE	
FOR BREAKFAST	FOR BREAKFAST	BREAKFAST	
OR SOMETHING.	OR SOMETHING.	OR SOMETHING.	
Q. THEY	$[space] \{_{\mathbf{Q}}\}^{i}$ THEY	Q. THEY	
WERE INSIDE OF	WERE INSIDE	WERE INSIDE OF	
THE FENCE OF	FENCE OF	THE FENCE, OF	
THE FIELD?	{THE} <sup>i</sup> FIELD	THE FIELD.	
A. YES SIR.	$\{A\}^{i}$ YES SIR.	A. YES, SIR .	
Q. WHAT	[space] WHAT	Q. WHAT	
WAS IN THE	WAS $\{_{\mathbf{Q}}\}^{i}$ IN THE	WAS IN THE	
FIELD AS TO	FIELD AS TO	FIELD AS TO	
CROPS OR	CROPS	CROPS OR	
ANYTHING OF	ANYTHING	ANYTHING <b>OF</b>	
THAT KIND?	THAT KIND	<del>OG</del> THAT KIND?	
A. YES,THERE	{ <sub>A</sub> } <sup>i</sup> YES THERE	A. YES, THERE	
WAS	WAS CROPS { <sub>A</sub> } <sup>i</sup>	WAS CROPS;	
CROPS,CORN	CORN CROPS,	CORN CROPS	
CROPS AND	AND	AND	
POTATOES STILL	POTATOES STILL	POTATOES STILL	
IN THE FIELD. [480]	IN FIELD.	IN THE FIELD.	

N I	RS	BT	PS

O DID VOII	( ) <sup>i</sup> DID VOII	O DID VOII	
Q. DID YOU	{Q}¹DID YOU	Q. DI D YOU	
HAVE ANY	HAVE ANY	HAVE ANY	
CONVERSATION	CONVERSATION	CONVERSATION	
OR	OR	OR	
TRANSACTION	CONTACTS	TALKES	
WITH THEM ? A.	WITH THEM $\{_{\mathbf{A}}\}^1$	WITH THEM? A.	
I DID NOT. Q.	I DID NOT. Q	I DID NO <del>T</del> . Q.	
HOW WERE	HOW WERE	HOW WERE	
THEY——	THEY	THEY,	
	←FRIENDLY OR➤	FRIENDLY OR	
	OTHERWISE	OTHERWISE?	
A. NO MORE	ANO MORE	A. NO, MORE	
THAN TOLD	THAN WE TOLD	THAN I <b>TOLD</b>	
THEM WE	THEM WE	TOLD YOU. WE	
DIDN'T WANT	DIDN'T WANT	DIDN'T WANT	
THE STOCK IN	THE STOCK IN	THEIR STOCK IN	
THE FIELD. Q.	THE FIELD. $\{Q\}^i$	THAT FIELD. Q.	
DID THEY TURN	DID THEY TURN	DID THEY TURN	
IT OUT ? A. YES	IT OUT $\{A\}^{i}$ YES	IT OUT? A. YES,	
SIR. Q. WHAT	SIR { <sub>Q</sub> } <sup>i</sup> WHAT	SIR. Q. WHAT	
STOCK DID	STOCK DID	STOCK DID	
THEY HAVE —	THEY HAVE,	THEY HAVE;	
WHAT KIND OF	WHAT KIND OF	WHAT KIND OF	
STOCK ? A.	STOCK { <sub>A</sub> } <sup>i</sup>	STOCK? A.	
CATTLE. Q.	CATTLE $\{\mathbf{o}\}^{i}$	CATTLE. Q.	
HAVE YOU ANY	HAVE YOU ANY	HAVE YOU ANY	
KNOWLEDGE	KNOWLEDGE OF	KNOWLEDGE	
OF WHERE	≤AS TO≥ WHERE	AS T O WHERE	
THE	THEM	THOSE THEM	
CATTLE CAME	CATTLE CAME	CATTLE CAME	
FROM? A. I	FROM AI	FROM? A. I	
HAVE NOT,TO	HAVE NOT	HAVE NOT.	
KNOW IT. Q.	<sub>Q</sub> <i>TO/BUT</i> [?] DO	Q. DO	
	YOU KNOW [19]	YOU KNOW	
WHAT KIND OF	WHAT KIND OF	WHAT KIND OF	
CATTLE MOSTLY	CATTLE	CATTLE	
WERE THEY ?	WERE THEY	THEY WERE?	
A.	AMOSTLY	A. MOSTLY	
THESE TEXAS	THESE TEXAS	THESE TEXAS	
CATTLE OR	CATTLE OR	CATTLE OR	
ARKANSAS. Q.	ARKANSAS $\{_{\mathbf{Q}}\}^{i}$	ARKANSAS . Q.	
	(4)	WHAT KIND OF	
WORK	WORK	CATTLE? WORK	
CATTLE OR	CATTLE OR	CATTLE OR	

RT	RS	BT	PS

		1	
STOCK CATTLE?	STOCK CATTLE	STOCK CATTLE?	
A. I DIDN'T GO	AI DIDN'T GO	A. I DIDN'T GO	
CLOSE TO THEM.	CLOSE TO THEM	CLOSE TO THEM.	
Q. AND	$[space] \{_{\mathbf{Q}}\}^{i} AND$	Q. WHAT	
WHAT OTHER	WHAT OTHER		
ARTICLES	ARTICLES	ARTICLE <del>D</del> S	
THEY HAD DID	THEY HAD DID	THEY HAD, DID	
YOU NOTICE	YOU NOTICE	YOU NOTICE	
THEM—THESE	THEM THOSE	THEM, THESE	
OTHER	OTHER	OTHER	
ARTICLES ? A.	ARTICLES $\{A\}^i$	ARTICLES? A.	
NO SIR.	NO SIR [space]	NO, SIR.	
Q. DID YOU	{o} <sup>i</sup> DID YOU	Q. DID YOU <del>HAV</del>	
NOTICE HOW	NOTICE HOW	NOTICE HOW	
THEY WERE	WERE THEY	THEY WERE	
KEEPING	KEEPING	KEEPING	
		PKEEPING	
THEM? A. THEY	THEM $\{_{\mathbf{A}}\}^{\mathrm{i}}$ THEY	THEM? A. THEY	
HAD THEM	HAD THEM	HAD <sup>[318]</sup> THEM	
KIND OF	KIND OF	KIND OF	
THROWN OUT	THROWN OUT	THROWN OUT	
TO DRIVE, SOME	TO DRY, SOME	TO DRY; SOME	
ON THE	ON {THE}i	ON THE	
GROUND, SOME	GROUND SOME	GROUND, SOME	
ON THE	ON {THE} <sup>i</sup>	ON THE	
BUSHES. Q. AS	BUSHES $\{Q\}^i$ AS	BUSHES. Q.AS	
TO THE	TO THE	TO	
QUANTITY, HOW	QUANTITY	QUA <del>J</del> NTITY,	
LARGE OR HOW	HOW	HOW	
MUCH WAS	MUCH WAS	MUCH WAS	
THERE OF	THERE OF	THERE THEY OF	
THEM? A. I	THEM $\{_{\mathbf{A}}\}^{\mathrm{i}}$ I	THEM? A. I	
COULD NOT	COULD NOT	COULD NOT	
SAY I AM SURE;	SAY I AM SURE,	SAY, I AM SURE,	
THERE WAS	THERE WAS	THERE WAS	
QUITE A LOT OF	QUITE A LOT OF	QUITE A LOT OF	
IT. Q. WHAT	$\overline{\text{IT.}} \{ \mathbf{Q} \}^{\text{i}} \text{WHAT}$	IT. WHAT	
DID IT MOSTLY	DID IT MOSTLY	DID IT MOSTLY	
CONSIST OF ? A. I	CONSIST OF $\{_A\}^iI$	CONSIST OF? A. I	
DIDN'T	DIDN'T	DIDN'T	
NOTICE, COULD	NOTICE, COULD	NOTICE; COULD	
NOT SAY	NOT SAY	NOT SAY	
EXACTLY, I	EXACTLY, I	EXACTLY. I	
SUPPOSE IT WAS	SUPPOSE IT WAS	SUPPOSED IT	
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RT	RS	BT	PS

CLOTHING OF	CLOTHING OF	WAS CLOTHING	
ALL KINDS. I	ALL KINDS, I	OF ALL KINDS. I	
SEEN	SEEN COATS	SEEN COATS/,	
	AND PANTS	PANTS	
COATS,PANTS AND SHIRTS. I			
	AND SHIRTS I	AND SHIRTS, I	
SUPPOSE IT	SUPPOSED IT	SUPPOSED IT	
WAS ALL THE [481]	WAS ALL	WAS ALL THE	
SAME. Q.	SAME $\{Q\}^1$	SAME. Q. WERE	
ANY	ANY	THERE ANY	
BLANKETS OR	BLANKETS OR	BLANKETS OR	
HATS? A. I	$HATS \{A\}^1$	HATS? A. I	
DON'T	DON'T	DON'T	
RECOLLECT	RECOLLECT	RECOLLECT	
ANYTHING OF	ANYTHING OF	ANYTHING OF	
THAT KIND. Q.	THAT KIND.	THAT KIND. Q.	
WERE	[space] WERE	WERE	
THESE INDIANS	THESE INDIANS	THESE INDIANS	
AT THE TIME	AT THE TIME	AT THE TIME	
DECORATED IN	DECORATED IN	DECORATED IN	
ANY WAY OR	ANY WAY , ANY	ANY WAY; ANY	
PARTICULAR	PARTICULAR	PARTICULAR	
STYLE,IF SO	STYLE, IF SO	STYLE; IF SO,	
HOW ? A. THEY	HOW ? ATHEY	HOW? A. THEY	
WERE,SOME	WERE <del>NOT,</del>	WERE.	
OF THEM	SOME OF THEM	SOME OF THEM	
MIGHT HAVE A	MIGHT HAVE	MIGHT HAVE A	
LITTLE BLACK	LITTLE BLACK	LITTLE BLACK	
ON THEIR	ON THEIR	ON THEIR	
FACES.	FACES BUT	FACES,	
	THAT IS ALL	THAT IS ABOUT	
Q. YOU SAY	$\{_{\mathbf{Q}}\}^{i}$ YOU SAY	ALL. Q. YOU SAY	
YOU WERE	YOU WERE	YOU ARE	
ACQUAINTED	ACQUAINTED	ACQUAINTED	
WITH THE	WITH THE	WITH THE	
INDIANS IN	INDIANS IN	INDIANS IN	
THAT	THAT	THAT	
NEIGHBORHOOD	NEIGHBORHOOD	NEIGHBORHOOD	
A. I WAS	$S \{_A\}^i I WAS$	? A. I WAS	
ACQUAINTED	ACQUAINTED	ACQUAINTED	
WITH THOSE	WITH THOSE	WITH THOSE	
WHO OWNED	WHO OWNED	WHO OWNED	
CLAIMS ON	CLAIMS ON	CLAIMS ON	
THAT CREEK.	THAT CREEK	THAT CREEK .	
Q. WERE THESE	$\{_{\mathbf{Q}}\}^{\mathrm{i}}$ WERE THESE	Q. WERE THESE	

RT	RS	BT	PS

THE SAME	SAME	ETHE SAME	
INDIANS ?	INDIANS <b>≤</b> OR	INDIANS, OR	
	SOME OF THEM≥	SOME OF THE	
A. I	$\{\mathbf{A}\}^{i}\mathbf{I}$	INDIANS? A. I	
DIDN'T SEE	DIDN'T SEE	DIDN'T SEE	
THEM,THOSE	THEM { <sub>A</sub> } <sup>i</sup> THESE	THEM. THESE	
WERE OLD MEN,	WERE OLD MEN	WERE OLD MEN	
CLAIMED	CLAIMED	THAT CLAIMED	
TO BELONG TO	TO BELONG TO	TO BELONG TO	
THE CREEK I	{THE} <sup>i</sup> CREEK. I	THE CREEK; I	
DIDN'T KNOW	DIDN'T KNOW	DIDN'T KNOW	
WHERE THOSE	WHERE THESE	WHERE THESE	
INDIANS	INDIANS	INDIANS	
BELONGED;	BELONGED,	BELONGED;	
I HAVE	BUT I HAVE	BUT I HAVÉ	
SEEN SOME OF	SEEN SOME OF	SEEN <del>D</del> SOME OF	
THEM AT	THEM AT	THEM AT	
CEDAR. Q.	CEDAR. $\{_{0}\}^{i}$	CR <del>E</del> DAR. Q.	
WERE THE	WERE THE	WERE THE	
INDIANS IN ANY	INDIANS IN ANY	INDIANS IN ANY	
TROUBLE AS TO	TROUBLE AS TO	TROUBLE AS TO	
SICKNESS, WOUN	SICKNESS,	SICKNESS,	
DS OR	WOUNDS (OR) <sup>i</sup>	<del>O</del> WOUNDS OR	
ANYTHING OF	ANYTHING {OF} <sup>i</sup>	ANYTHING OF	
THAT KIND? A. I	THAT KIND AI	THA T KINE? A. I	
THINK THERE	THINK THERE	THINK THERE	
WAS A COUPLE	WAS COUPLE	WAS A COUPLE	
OF WOUNDED	WOUNDED	OF INDIANS	
INDIANS. Q.	INDIANS. $\{\mathbf{Q}\}^{i}$	WOUNDED. Q.	
DID YOU	DID YOU	DID YOU	
NOTICE—CAN	NOTICE = CAN	NOTICE—CAN	
YOU TELL US	YOU TELL US	YOU TELL US	
ANYTHING	ANYTHING	ANYTHING	
ABOUT HOW	ABOUT HOW	ABOUT HOW	
MUCH STOCK	MUCH STOCK	MUCH STOCK	
THEY HAD? A. I	THEY HAD $\{_{\mathbf{A}}\}^{\mathrm{i}}$ I	THEY HAD? A. I	
CANNOT,	CANNOT,	CANNOT;	
BECAUSE THE	BECAUSE THE	BECAUSE THE	
STOCK,	STOCK {=}i	STOCK	
RUNNING	RUNNING	RUNNING	
STOCK, WAS ALL	STOCK WAS ALL	STOCK, WAS OFF	
RUNNING	RUNNING	RUNNING	
AROUND ON	AROUND ON	AROUND ON	
THE RANGE	RANGE,	THE RANGE	

RT	RS	BT	PS

THERE. I COULD	THERE. I COULD	THERE; I COULD	
NOT TELL	NOT TELL	NOT TELL	
ANYTHING	ANYTHING	ANYTHI <del>N</del> G	
ABOUT HOW	ABOUT HOW	ABOUT H <del>I</del> OW	
MUCH THEY	MUCH THEY	MUCH THEY	
HAD OR HOW	HAD OR HOW	HAD, OR HOW	
LITTLE.	LITTLE ~ [space]	LITTLE.	
Q. WHAT	OWHAT	Q. WHAT	
CONDITION WAS	CONDITION WAS	CONDITION WAS	
THIS CLOTHING	THIS CLOTHING	THIS CLOTHING	
IN YOU	IN YOU	IN THAT YOU	
SAW	SAW	SAW	
TOGETHER?	TOGETHER	TOGETHER	
A. IT	$\{\mathbf{A}\}^{i}$ IT	THERE? A. IT	
WAS	WAS	<del>WO</del> WAS	
STAINED WITH	STAINED WITH	STAINED WITH	
BLOOD.	BLOOD ~	BLOOD.	
Q. CAN YOU	{o}iCAN YOU	Q. CAN YOU	
TELL WHETHER	TELL WHETHER	TELL WHETHER	
IT WAS ALL	IT WAS ALL	IT WAS ALL	
MALE OR	MALE OR	MAIL OR	
FEMALE	FEMALE	FEMALE	
ATTIRE ? A. I	ATTIRE { <sub>A</sub> } <sup>i</sup> I	ATTIRE? A I	
COULD NOT	COULD NOT	COULD NOT	
TELL YOU, I	TELL YOU, I	TELLYOU; I	
SAW COATS,	SAW COATS,	SAW COATS,	
PANTS AND	PANTS AND	PANTS,	
SHIRTS Q. IN	SHIRTS. $\{o\}^{i}IN$	SHIRTS. [319] Q. IN	
RELATION TO	RELATION TO	RELATION TO	
THIS COW, YOU	THIS COW,	THIS CO <del>U</del> W,	
SAY THEY	YOU SAY THEY	YOU SAY THEY	
DIDN'T FIND IT?	DIDN'T FIND IT	DIDN'T FIND IT?	
<sup>[482]</sup> A. NO SIR. Q.	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ NO SIR $_{\mathrm{Q}}$	A. NO, SIR. Q.	
WAS ANY	WAS ANY	WAS ANY	
EFFORTS MADE	EFFORTS MADE	EFFORTS MADE	
TO FIND IT IF SO	TO FIND IT, IF SO	TO FIND IT, IF SO	
WHAT? A. THEY	WHAT $\{A\}^{i}$ THEY	WHAT? A. THEY	
<b>HUNTED FOR</b>	HUNTED FOR	HU <del>D</del> NTED FOR	
HER THAT	HER THAT	HER THAT	
EVENING, IT	EVENING; IT	EVENING; IT	
WAS ABOUT	WAS ABOUT	WAS ABOUT	
FOUR O'CLOCK.	4 O'CLOCK,	FOUR O'CLOCK	
WHEN THEY	WHEN THEY	WHEN THEY	
CAME THERE	CAME THERE,	CAMPED THERE.	

RT	RS	BT	PS

THE NEXT	NEXT	THE NEXT	
MORNING THEY	MORNING THEY	MORNING THEY	
CAME BACK	CAME BACK,	CAME BACK	
AND MY	MY	AND MY	
BROTHER	BROTHER	BROTHER	
HELPED THEM	HELPED THEM	HELPED THEM	
TO HUNT THAT	HUNT THAT	TO HUNT THAT	
DAY I DIDN'T	DAY. I DIDN'T	DAY. I DIDN'T	
HELP THEM	HELP THEM [20]	HELP THEM	
TO HUNT, THEY	TO HUNT. THEY	TO HUNT. THEY	
DIDN'T FIND THE	DIDN'T FIND	DIDN <del>I</del> T FIND	
COW;	COW.	THE COW. THE	
MEN WANTED	MEN WANTED	MEN WANTED	
TO KNOW IF	TO KNOW IF	TO KNOW IF	
WE HAD	WE {HAD} <sup>i</sup>	THEY HAD	
ANYTHING TO	ANYTHING TO	ANYTHING TO	
TRADE FOR HER	TRADE FOR HER	TRADE FOR HER.	
MY BROTHER	<my brother<="" td=""><td>MY BROTHER</td><td></td></my>	MY BROTHER	
SAID THERE IS A	SAID> THERE IS	SAID THERE IS A	
STEER	STEER	STEER	
EIGHTEEN	18	I8	
MONTHS OLD,	MONTHS OLD	MONTHS OLD,	
YOU CAN HAVE	YOU CAN HAVE	YOU CAN HAVE	
HIM.	HIM <for her="">.</for>	HIM FOR HER .	
	BY DEFENSE TO		
	THE		
	PROSECUTION		
	YOU CAN TAKE		
	WITNESS		
CROSS-	{CROSS	CROSS -	
EXAMINATION.	<b>EXAMINATION</b> }	EXAMINATION	
		OF JOHN	
		MAMILTON, JR.	
Q.	$\{\mathbf{Q}\}^1$	BY BASKIN: Q.	
ABOUT HOW	ABOUT HOW	ABOUT HOW	
MANY CATTLE	MANY CATTLE	MANY CATTLE	
HAD THESE	HAD THESE	HAD THESE	
EMIGRANTS ? A.	EMIGRANTS $\{A\}^1$	EMIGRANTS? A.	
THEY HAD A	THEY HAD	THEY HAD A	
PRETTY LARGE	PRETTY LARGE	PRETTY LARGE	
HERD. Q. YOU	HERD {Q} <sup>i</sup> YOU	HERD . Q. YOU	
CAN'T TELL	CAN'T TELL	CAN TELL	
WHETHER THEY	WHETHER THEY	WHETHER THEY	
HAD FOUR	HAD FOUR	HAD 400	

RT	RS	BT	PS
17.1	N.S		

**********		0.5	<u> </u>
HUNDRED OR	HUNDRED	OR	
FIVE HUNDRED	5 HUNDRED	500 HUNDERED	
,MORE OR LESS ?	MORE OR LESS	MORE OR LESS	
A. I THINK	$\{_{\mathbf{A}}\}^{1}$ I THINK	A. I THINK	
THEY HAD FAR	THEY HAD FOUR	THEY HAD FOUR	
ON TO FIVE	OR 500,	OR FI <del>C</del> VE	
HUNDRED, BUT I	I	HUNDRED, I	
COULD NOT SAY.	COULD NOT SAY	COULD NOT SAY	
THEY HAD	, AND THEY HAD	AND THEY HAD	
SOME HORSES.	SOME HORSES.	SOME HORSES.	
Q. HOW MANY	{ <sub>Q</sub> } <sup>i</sup> HOW MANY	Q. HOW MANY	
HEAD? A. I	$HEAD \{_{\mathbf{A}}\}^{i}I$	HEAD? A. I	
DON'T KNOW.	DON'T KNOW	DON'T KNOW.	
Q. WERE ALL	{₀} <sup>i</sup> WERE ALL	Q. WERE ALL	
THEIR CATTLE	THEIR CATTLE	THEIR CATTLE	
WORK CATTLE?	WORK CATTLE	WORK CATTLE?	
A. I THINK	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I THINK	A. I THINK	
THEY HAD A	THEY HAD {A} <sup>i</sup>	THEY HAD A	
BAND OF	BAND OF LOOSE	BAND OF LOOSE	
CATTLE. [space]	CATTLE. BY	CATTLE.	
	BASKIN THAT IS	THAT IS	
	ALL BY COURT	ALL.	
	CALL THE NEXT		
	WITNESS. [space]		
[483] RICHARD	RICHARD S	RICHARD S.	
ROBISON, SWORN	<b>ROBISON PINTO</b>	ROBINSON	
FOR DEFENDANT.	OATH	BEING CALLED	
	ADMINISTERED	AS A WITNESS	
	BY CLERK	ON ON THE	
	[space]	PART OF THE	
		DEFENSE WAS	
		EXAMINED AS	
		FOLLOWS BY	
		MR.	
		SUTHERLAND:	
Q. WHERE DO	<sub>O</sub> WHERE DO	Q. WHERE DO	
YOU LIVE MR.	YOU LIVE MR.	YOU LIVE, MR.	
ROBISON ? A. AT	ROBINSON AAT	ROBINSON-?-,? A.	
PINTO CREEK.	PINTO CREEK	PINTO CREEK.	
Q. HOW LONG	oHOW LONG	Q. HOW LONG	
HAVE YOU	HAVE YOU	HAVE YOU	
LIVED THERE?	LIVED THERE	LIVED THER3E?	
A. SINCE THE	ASINCE	A SINCE THE	
YEAR 1856 I	YEAR 1856 I	YEAR '56, I	

RT	RS	BT	PS

THINK. Q. HOW	THINK QHOW	THINK . Q. HOW	
LARGE A	LARGE	LAGRE A	
SETTLEMENT	SETTLEMENT	SE <del>E</del> TTLEMENT	
WAS THERE	WAS THERE	WAS THERE	
IN 1857 ?	IN 1857 ?	THERE IN 1857?	
A. I DON'T	AI DON'T	A. I DON'T	
	PERFECTLY		
REMEMBER	REMEMBER	REMEMBER;	
	≤NOT≥	PROBABLY NOT	
MORE THAN	MORE THAN	MORE THAN	
FOUR FAMILIES.	4 FAMILIES	FOUR FAMILIES.	
Q. HOW	OHOW	[320] <b>Q</b> . HOW	
MANY ABLE	MANY ABLE	MANY ABLE	
BODIED MEN	BODIED MEN	BODIED MEN	
ALTOGETHER	ALTOGETHER?	ALTOGETHER?	
ALL TOGETHER ?			
A. ABOUT SIX . I	AABOUT 6, I	A. ABOUT SIX. I	
THINK THERE	THINK THERE	THINK THERE	
WAS TWO MEN	WAS TWO MEN	WAS TWO MEN	
LIVED THERE	LIVED THERE	LIVED THERE	
WHO HAD NO	WHO HAD NO	THA T HAD NO	
FAMILIES—SIX	FAMILIES THOSE	FAMILES.	
MEN. Q.	TWO MEN $\{_{0}\}^{i}$	Q.	
DO YOU	DO YOU	DO YOU	
RECOLLECT AN	RECOLLECT	RECOLLECT THE	
EMIGRANT	EMIGRANT	EMIGRANT	
TRAIN PASSING	TRAIN PASSING	TRAIN PASSING	
THROUGH	THROUGH	THROUGH	
THERE THE	THERE	THERE THE	
FORE PART OF	FORE PART OF	FORE PART OF	
SEPTEMBER	SEPTEMBER	SEPTEMBER,	
1857 ? A. I	$1857 \{_{A}\}^{1}I$	I857? A. I	
RECOLLECT OF	RECOLLECT OF	RECOLL LECT	
HEARING OF	HEARING OF	OF HEARING OF	
THEM PASSING	THEM PASSING	THEM PASSING	
THROUGH.	THROUGH [space]	THROUGH.	
I WAS	$\{A\}^1$ I WAS	I WAS	
ABSENT AT	ABSENT AT	AB <del>L</del> SENT AT	
THE TIME.	THE TIME $\{Q\}^1$	THE TIME.	
Q. WHEN YOU	WHEN YOU	Q. WHEN YOU	
SPOKE AS TO THE	SPOKE	SPOKE OF THE	
NUMBER OF	NUMBER OF	NUMBER OF	
PERSONS DID	PERSONS , DID	PERSONS, DID	
YOU HAVE	YOU HAVE	YOU HAVE	

RT	RS	BT	PS

REFERENCE TOT	REFERENCE TO	REFERENCE TO	
HE YEAR	{THE} <sup>i</sup> YEAR	THE YEAR	
BEFORE OR '57?	BEFORE OR '57?	BEFORE OR '57?	
A. '57.	$\{A\}^{i}$ '57 [space]	A. '57.	
Q. WERE THESE	$\{\mathbf{o}\}^{i}$ WERE THESE	Q. WERE THESSE	
PERSONS ALL	PERSONS ALL	PERSONS ALL	
AT HOME IN 1857	AT HOME IN 1857	A¥T HOME IN	
WHEN THIS	WHEN THIS	'57, WHEN THIS	
TRAIN PASSED	TRAIN PASSED	TRAIN PASSED	
THROUGH? A.	THROUGH { <sub>A</sub> } <sup>i</sup>	THROUGH? A.	
NO SIR. Q. HOW	NO SIR $\{_{\mathbf{Q}}\}^{i}$ HOW	NO, SIR . Q. HOW	
MANY WERE	MANY WERE	MANY WERE	
THERE? A.	THERE { <sub>A</sub> } <sup>i</sup>	THERE? A.	
THERE WAS	THERE WAS	THERE WAS	
TWO THAT	TWO THAT	TWO	
WERE	{WERE} <sup>i</sup>	1 W O	
ABSENT THAT I	ABSENT I	ABSENT THAT I	
REMEMBER OF.	REMEMBER OF	REMEMBER OF.	
Q. WHERE	$\{_{0}\}^{\mathrm{i}}$ WHERE	Q. WHERE	
WERE THEY	WERE THE	WERE THE	
ABSENT,	ABSENT ONES	ABSENT ONES	
AS FAR AS YOU	SO FAR AS YOU	SO FAR AS YOU	
KNOW ? A. ONE	KNOW { <sub>A</sub> } <sup>i</sup> ONE	KNOW ? A. ONE	
WAS IN	WAS IN	WAS IN	
PAROWAN	PAROWAN	PAROWAN	
HARVESTING, I	HARVESTING, I	HARVESTING. I	
DON'T KNOW	DON'T KNOW	DON'T KNOW	
WHETHER	WHETHER	WHETHER	
THE OTHER	{THE} <sup>i</sup> OTHER	THE OTHER ONE	
WAS OR NOT, I	WAS OR NOT I	WAS OR NOT. Q.	
RATHER	RATHER THEN	THEN	
THINK HE WAS.	THINK HE WAS	HE WAS	
[484]	≤NOT AT HOME	NOT AT HOME?	
	NO HE WAS	A NO , <del>S</del> HE WAS	
	NOT AT HOME	NOT.	
	NO AHE WAS		
Q. DO	$NOT \ge (Q)^i DID$	Q. DO	
YOU KNOW	YOU KNOW	YOU KNOW	
JOEL WHITE ? A.	JOEL WHITE { <sub>A</sub> } <sup>i</sup>	JOEL WHITE? A.	
YES SIR. Q. DO	YES SIR $\{Q\}^{i}$ DID	YES, SIR. Q. DO	
YOU KNOW	YOU KNOW	YOU KNOW	
PHILIP	PHILIP	PHILIP	
KLINGENSMITH?	KLINGENSMITH	KLINGENSMITH?	
A. YES SIR. Q.	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ YES SIR $\{_{\mathbf{Q}}\}^{\mathrm{i}}$	A. YES, SIR. Q.	

RT	RS	BT	PS

STATE	STATE	STATE	
WHETHER IN	WHETHER IN	WHETHER IHN	
THE FORE PART	FORE PART	THE FORE PART	
OF SEPTEMBER	OF SEPTEMBER	OF SEPTEMBER,	
1857 <del>?</del> YOU	1857 { <sub>Q</sub> } <sup>i</sup> YOU	'57, YOU	
SAW THEM AT	SAW THEM AT	SAW THEM AT	
PINTO — JUST	PINTO <b>&lt;</b> JUST <b>&gt;</b>	PINTO JUST	
BEFORE THIS	BEFORE THIS	BEFORE YOU	
TRAIN PASSED	TRAIN PASSED	SAW THIS TRAIN	
THROUGH?	THROUGH	PASS THROUGH?	
A. I DON'T	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I DON'T	A. I DON'T	
REMEMBER	REMEMBER	REMEMBER	
SEEING THEM.	SEEING THEM	SEEING THEM.	
Q. WHAT DO	{₀} <sup>i</sup> WHAT DO	Q. WHAT DO	
YOU SAY TO	YOU SAY TO	YOU SAY TO	
THEIR HAVING	THEIR HAVING	THEIR HAVIN <b>FG</b>	
DELIVERED	DELIVERED	DELIVERED TO	
YOU	YOU	YOU <del>AN</del>	
OR	OR	<del>INTERVIEW</del> OR	
ONE OF THEM A	ONE OF THEM A	ON E OF THEM A	
LETTER	LETTER,	LETTER	
BROUGHT BY	BROUGHT BY	BROUGHT BY	
THEM FROM	THEM FROM	THEM BY FROM	
CEDAR,	CEDAR CITY, OR	CEDAR CITY OR	
PURPORTING TO	PURPORTING TO	PERPORTING TO	
COME FROM	COME FROM	COME FROM	
CEDAR AT THAT	CEDAR AT THAT	CEDAR AT THE	
TIME ? A. I	TIME $\{A\}^{i}I$	ATIME? A. I	
DON'T	DON'T	DON'T	
REMEMBER	REMEMBER	REMEMBER	
SUCH A	SUCH A	SUCH A	
CIRCUMSTANCE.	CIRCUMSTANCE.	CIRCUMSTANCE.	
Q. DID	[space] <sub>Q</sub> DID	Q. DID	
YOU SEE A	YOU SEE A	YOU SEE A	
LETTER ABOUT	LETTER ABOUT	LETTER ABOUT	
THAT TIME	THAT TIME, OR	THAT T IME OR	
A LITTLE AFTER	A LITTLE AFTER	A LITTLE AFTER	
THIS COMPANY	THIS COMPANY	THIS COMPANY	
HAD PASSED	HAD PASSED	HAD PASSED	
THROUGH	{THROUGH} <sup>i</sup> ,	THROUGH	
FROM HAIGHT	FROM HAIGHT	FROM HAIGHT	
TO LEE ?	TO LEE ? $\{A\}^{i}$ YES	TO LEE?	
A. YES SIR.	SIR. [space]	A. YES, SIR.	
DEFENSE:	<b>{COUNSEL FOR</b>	SUTHERLAND:	

RT	RS	BT	PS

		1	1
I PROPOSE	<b>DEF</b> } <sup>i</sup> I PROPOSE	WE PROPOSE	
TO ASK	TO ASK	NOW TO ASK	
THIS WITNESS	THIS WITNESS	THE WITNESS	
THE	${THE}^1$	FOR THE	
CONTENTS OF	CONTENTS OF	CONTENTS OF	
THAT LETTER.	THAT LETTER.	THAT LETT3ER.	
PROSECUTION:	PROSECUTION	BASKIN:	
WE OBJECT.	WE OBJECT	WE ONBJECT TO	
BASKIN: THE	[space]	THE	
QUESTION IS	QUESTION BE	CONTAENTS OF	
PENDING FOR	PENDING FOR	THE LETTER.	
THE PURPOSE	THE PURPOSE		
OF ANY	OF ANY		
DISCUSSION.	DISCUSSION [21]		
IT IS	BASKIN IT IS	IT IS	
THE SECOND	THE SECOND	THE SECOND	
QUESTION	QUESTION	QUESTION	
WHICH CAME UP	WHICH CAME UP	WHICH CAME UP	
WHEN A	WHEN WE HAD	WHEN WE	
PREVIOUS	WHAT'S	ASKED WHAT	
WITNESS WAS ON	HIS NAME {BE} <sup>i</sup>	HIS NAME WAS.	
THE STAND.	?		
SUTHERLAND:	SUTHERLAND.	SUTHERLAND:	
THE LETTER	LETTER	THE LETTER	
WAS OPEN	WAS {AN} <sup>i</sup> OPEN	WAS AN <del>E</del> OPEN	
LETTER FROM	LETTER FROM	LETTER FROM	
HAIGHT TO LEE	HAIGHT TO LEE	HAIGHT TO LEE,	
AND IN	IN	AND IN	
TRANSIT TO	TRANSIT TO	TRANSIT <del>,</del> TO	
HIM. WAS	HIM WAS	WHOM IT WAS	
WRITTEN AT THE	WRITTEN AT	WRITTEN AT	
TIME THE	THE TIME THE	THE T IME THE	
EMIGRANTS <del>WAS</del>	EMIGRANTS	EMIGRANTS	
WERE AT THE	WERE AT THE	WERE AT THE	
		MOUJNTAIN	
MEADOWS, I AS I	MEADOWS AS I	MEADOWS, AS I	
AM INFORMED.	AM INFORMED.	AM INFORMED.	
BASKIN: IT	BASKIN IT	[321] BASKIN: IT	
WAS THE	WAS	WAS <del>OME</del> THE	
SAME QUESTION	SAME QUESTION	SAME QUESTION	
THAT WAS UP	THAT WAS UP	THA T WAS UP	
WHEN WE HAD	WHEN WE HAD,	WHEN WE HAD	
	≤SOME	SOME	
	DISCUSSION	DISCUSSION,	

RT	RS	BT	PS

MR.	AND WHEN <b>&gt;</b> MR.	AND WHENMR.	
THOMPSON	THOMPSON	THOMPSON WAS	
ON THE STAND	ON THE STAND	ON THE STAND	
AND	AND	AND MRS. HOGE.	
MRS. HOGE. [485]	MRS. HOGE BY	& MRS HOGE.	
COURT:	COURT	THE COURT:	
ASK THE	ASK THE	ASK THE	
QUESTION	QUESTION	QUESTION	
AGAIN ABOUT	AGAIN ABOUT	AGAIN <del>.</del> ABOUT	
THE LETTER.	LETTER [space]	THE LETTER:	
SUTHERLAND:		SUTHERLAND:	
WITNESS	WITNESS	WITNESS	
SAID HE SAW	SAID HE SAW	STATED HE SAW	
A LETTER	A LETTER	A LETTER	
PURPORTING TO	PURPORTING TO	PERPORTING TO	
HAVE BEEN	HAVE BEEN	HAVE BEEN	
WRITTEN BY	WRITTEN BY	WRITTED BY	
ISAAC C.	ISAAC C	ISAAC C.	
HAIGHT TO	HAIGHT TO	HAIGHT TO	
JOHN D. LEE	D. LEE	JOHN D. LEE,	
AFTER THE	AFTER THE	AFTER THE	
EMIGRANT	EMIGRANT	EMIGRANTS	
PARTY HAD	PARTY HAD	HAD	
PASSED PINTO,	PASSED PINTO,	PASSED PINTO,	
AND I NOW ASK	AND I NOW ASK	AND I NOW ASK	
HIM TO STATE	HIM STATE	HIM TO STATE	
THE CONTENTS	THE CONTENTS	THE CONTENTS	
OF THAT	OF THAT	OF THAT	
LETTER.	LETTER?	LETTER.	
BASKIN: I AND	BASKIN	BASKIN:	
THAT IS THE	THAT IS	THAT IS THE	
POINT WE	POINT WE	POINT WE	
OBJECT <del>THE</del> TO.	OBJECT TO	OBJECT TO.	
	WHAT IS YOUR	THAT IS THE	
	GROUNDS OF	GROUNDS OF	
		OUR	
	OBJECTION,	OBJECTION.	
	YOU WILL	YOU	
WHEN	REMEMBER	REMEMBER MR.	
MR. THOMPSON	MR. THOMPSON	THOMP <b>AS</b> ON	
WAS	WHEN HE WAS	WHEN HE WAS	
ON THE	ON {THE} <sup>i</sup>	ON THE	
STAND HE WAS	STAND WAS	STAND WAS	
ASKED THE	ASKED	ASKED	

RT	RS	BT	PS

CAME	THECAME	THE CAME	
SAME	THE SAME	THE SAME	
QUESTION.	QUESTION I WAS	QUESTION. I	
	IN DOUBT	WAS IN DOUBT	
	WHETHER WE	WHETHER WE	
	COULD PROVE	COULD PROVE	
	CONTENTS	THE CONTENTS	
	OF IT [space]	OF IT, AND IT	
	CASE WAS HELD	WAS HELD	
	OVER FOR	O <del>V</del> VER FOR THE	
	INVESTIGATION	INVESTIGATION	
	OF	OF THE	
	QUESTION	QUESTION, AND	
	I CAME	I CAME TO THE	
	CONCLUSION	CONCLUSION	
	WE COULD NOT	WE COULD NOT	
	DO IT AND	DO IT,	
	THEREFORE IT	THEREFORE IF	
	PASSED AWAY	PASSED AWAY;	
	I WILL	AND I WILL	
	REFER YOUR	REFER YOUR	
	HONOR TO	HONOR TO THE	
	AUTHORITY ON	AUTHORITY ON	
	IT.	IT	
SUTHERLAND: I	SUTHERLAND I	SUTHERLAND: I	
THINK IF YOU	THINK IF YOU	THINK IF YOU	
WILL PERMIT	WILL PERMIT	WILL PERMIT	
JOHN D. LEE TO	JOHN D LEE TO	JOHND. LEE TO	
BE SWORN AS	BE SWORN AS	BE SWORN AS	
TO THE	TO	TO THE	
ORIGINAL HE	ORIGINAL HE	ORIGINAL, HE	
WILL SWEAR AS	WILL SWEAR TO	WILL SWEAR TO	
TO THE	IT AND ITS	IT AND ITS	
CONTENTS.	CONTENTS =	CONTENTS.	
	[space] A PARTY		
	OUGHT NOT TO		
	BE SWORN		
	WHEN WHEN HE		
	WAS NOT		
	COMPETENT		
	WITNESS TO		
	TESTIFY LAWS		
	OF PRIMARY		
	EVIDENCE IN		
	ORDER TO LAY		

KI	KS	BI	PS PS

_	1	T	T
	ANY		
	SECONDARY A		
	WITNESS		
	HOWEVER		
	INCOMPETENT		
	FOR PROOF ≤IN		
	THAT		
	INSTANCE≥ IS		
	ALSO NOT		
	COMPETENT		
	FOR EVIDENCE?		
AFTER FURTHER	10102 (1221 (02)		
ARGUMENT			
BETWEEN			
COUNSEL			
THE COURT	BY COURT	THE COURT:	
ASKED IF THEY	21 000111		
HAD ANY	HAVE YOU ANY	HAVE YOU ANY	
AUTHORITIES	AUTHORITIES	AUTHORITIES	
710 THORITIES	YOU CAN	THA T YOU CAN	
	REFER ME TO	REFER ME TO	
ON THE	ON THAT	ON THAT	
SUBJECT.	QUESTION?	WQUESTION?	
SUTHERLAND	SUTHERLAND	SUTHERLAND:	
SO THERE! II VE	I WILL	YES; I WILL	
READ	READ	READ TO YOUR	
TEL ID	TCE ID	HONOR NOW,	
FROM	FROM NOTE	FROM	
PAGE 517	PAGE 517	PAGE 515,	
PHILIPS ON	PHILIPS ON	PHILIPS ON	
EVIDENCE AS	EVIDENCE	EVIDENCE.	
RELEVANT TO	DESCRIPTIVE OF	( READ AND	
THE POINT IN	GENERAL RULE	ARGUED)	
THE CASE WHEN	POINT IS		
TILL CLISE WILLIAM	PERENNIAL AND		
	IN FACT SHALL		
	BE TRIED BY		
THE COURT SAID	JURY BY COURT	THE COURT:	
THAT IS THE	THAT IS THE	THAT IS THE	
RULE IN CIVIL	RULE IN CIVIL	RULE IN CIVIL	
CASES.	CASES [space]	CASES.	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
ARGUED THAT			
THE RULE WAS	RULE IS	THE RULE IS	

KI	KS	BI	P5

ONE AND THE	ONE AND THE	THE	
ONE AND THE	ONE AND THE	THE	
SAME IN CIVIL	SAME IN	SAME IN	
AND CRIMINAL	CRIMINAL	CRIMINAL	
CASES AS TO	CASES AS TO	CASES AS TO	
THE FACTS TO	FACTS TO	THE FACTS TO	
BE TRIED BY	BE TRIED BY	BE TRIED BY	
A JURY. THE	JURY.	THE JURY. THE	
REASON OF THE	REASON <del>IS</del> OF	REASON OF THE	
RULE IS THE	RULE IS THE	RULE IS THE	
SAME,	SAME,	SAME	
OTHERWISE	OTHERWISE	OTH ERWISE	
		THE	
DEFENDANT	DEFENDANT	DEFENDANT	
MIGHT BE	MAY BE	M IGHT BE	
DEPRIVED OF	DEPRIVED OF	DEP <del>T</del> RIVED OF	
SECONDARY	SECONDARY	SECONDARY	
EVIDENCE FOR	EVIDENCE, FOR	EVIDE <del>NC</del> E FOR	
THE REASON	REASON	THE REASON	
·= - ·	·= - ·	HE WOULD	
THAT HE WOULD	HE WOULD NOT		
BE UNABLE TO	BE UNABLE TO	BE UNABLE TO	
SHOW THE	SHOW	SHOW THE	
REASON OF THE	NECESSARY	REASONS	
RESULT.	SITUATION	GOVERNI A DIG	
	COMPELLING>	COMPELLING	
	RESORT TO	THE RESULT,	
		THAT OF	
	SECONDARY	SECONDARY	
	EVIDENCE	EVIDENCE.?	
		ARGUED BY	
		COUNSEL ON	
		BOTH SIDES.	
BASKIN: THE			
PROSECUTION			
FOLLOWED			
JUDGE			
SUTHERLAND,			
ARGUING AS TO			
THE RELEVANCY			
OF THE			
QUESTION.			
HOGE:			
TO WHICH HOGE			
R PLIED AND			
ASKED THAT LEE			
ASKED THAT LEE			

RT	RS	ВТ	PS
BE PUT ON THE			
STAND TO			
SWEAR TO THE			
CONTENTS OF			
THAT LETTER,			
AND AS TO ITS			
GENUINENESS.	CHTHEDI AND I		
	SUTHERLAND <del>I</del> <del>DO NOT KNOW</del> I		
	DO NOT SEE		
	ANYTHING IN		
	THIS NOTE THAT		
	REFERS		
	ESPECIALLY TO		
	CRIMINAL		
	CASES MY		
	RECOLLECTION		
	IS THE SAME		
	REASON		
	READING IN		
	BISHOP RULES		
	ARE SET TO BE		
	THE SAME		
	EXCEPT WHERE		
	THEY ARE		
	VARIED BY		
	SOME SPECIAL		
	CIRCUMSTANCE		
	S WE ARE TO		
	GO/COME[?] TO		
	OTHER CASES		
	AND BY		
	STATUTE DEDCOME MIGHT		
	PERSONS MIGHT		
	TESTIFY IN CIVIL CASES		
	WITH VERY FEW		
	EXCEPTIONS		
	THERE IN		
	CRIMINAL		
	←CIVIL→ CASES		
	ARE GOVERNED		
	BY SAME RULES		
	AS IN CRIMINAL		

RT	RS	ВТ	PS
	CASES. BASKIN		
	MAY IT PLEASE		
	YOUR HONOR		
	THAT RULE		
	SAY/WAS[?] AND		
	IT IS NOT FOR		
	ANY REASON		
	AND I SHALL		
	SPEAK ABOUT IT		
	AND IF IF IT IS		
	THAT CRIMINAL CAN TESTIFY IN		
	CAN TESTIFT IN CASE PERSON		
	[22] CHARGED		
	WITH CRIME IN		
	THIS QUESTION		
	HERE FALLS		
	THERE		
	FOLLOWS		
	AUTHORITIES		
	[space] LET'S		
	LOOK AT THE		
	[space] THIS		
	CASE AS IT NOW		
	STANDS BEFORE		
	YOUR HONOR IT		
	DON'T APPEAR		
	THIS LETTER		
	EVER REACHED		
	JOHN D. LEE'S		
	HAND NOTHING OF THAT SORT		
	IS SHOWN [space]		
	IT PROVES IN		
	SOME		
	INDEFINITE		
	MANNER		
	LETTER CAME		
	INTO HIS HAND		
	AS HE SAYS		
	ADDRESSED BY		
	HAIGHT AND		
	SENT TO JOHN		
	D. LEE SIGNED		

RT	RS	ВТ	PS
	BY HAIGHT AND		
	ADDRESSED TO		
	JOHN D. LEE		
	NOW THEN		
	BEFORE THEY		
	CAN		
	INTRODUCE		
	LETTER OF		
	THAT KIND		
	THEY WILL		
	HAVE TO SHOW THAT LETTER		
	WAS FROM		
	HAIGHT WROTE		
	IT SIGNED IT		
	[space] HOGE		
	{TO} <sup>i</sup> MR.		
	BASKIN LET ME		
	REFER YOU TO		
	SAME		
	AUTHORITY ON		
	THIS QUESTION		
	JUDGE		
	SUTHERLAND		
	SUGGESTED		
	[space] REFER		
	YOU TO		
	BISHOP'S		
	CRIMINAL		
	PROCEDURE IT		
	HAS BEEN		
	SOLEMNLY		
	∠DECIDED≥		
	THERE IS NO		
	DIFFERENCE BETWEEN		
	RULES OF		
	EVIDENCE IN		
	CIVIL AND		
	CRIMINAL		
	CASES HOGE		
	PARTY IS		
	WITNESS IN		
	CIVIL CASES		

N.I		 
	[space] HE GOES	
	ON THEN AND	
	GIVES	
	DISTINCTION	
	THAT THERE IS	
	THIS MATTER	
	WILL BE	
	DISCUSSED	
	FURTHER ON	
	FOLLOWING	
	CHAPTER THIS	
	IS	
	PRINCIPALLY[?]	
	QUESTION TO	
	LET IN	
	SECONDARY	
	EVIDENCE ONLY	
	IT IS NOT	
	ADDRESSED TO	
	JURY AT ALL IT	
	IS QUESTION	
	THAT GOES TO YOUR HONOR	
	ENTIRELY THAT	
	SUBJECT	
	≤FACT≥ CAN'T	
	AFFECT	
	SUBJECT SAME	
	RIGHT CASE OF	
	THIS KIND	
	EXISTS	
	WHEREIN[?]	
	PARTY MAY	
	GIVE THIS	
	STATEMENT	
	UNDER OATH	
	LAYING	
	FOUNDATION	
	FOR	
	SECONDARY	
	EVIDENCE AS IT	
	WOULD BE FOR	
	HIM TO MAKE AFFIDAVIT.	
	ΑΓΓΙΔΑΥΙΙ.	

RS

BT

RT	RS	ВТ	PS
	THERE ARE		
	EXCEPTIONS TO		
	THIS RULE		
	WHEREIN		
	CRIMINAL		
	PRACTICE		
	DIFFERS FROM		
	CIVIL IN A		
	CRIMINAL CASE		
	USE OF PRIMA		
	FACIE CASE ETC. THESE ARE		
	EXCEPTIONS		
	PUT THROUGH		
	AS TO		
	ADMISSIBILITY		
	OF TESTIMONY		
	THIS IS NOT		
	TESTIMONY		
	ADDRESSED TO		
	JURY AT ALL IT		
	IS EVIDENCE TO		
	GO TO COURT		
	FOR PURPOSE		
	OF LAYING		
	FOUNDATION		
	FOR LEGAL		
	QUESTION IT		
	CAN'T POSSIBLY		
	GO TO JURY AT		
	ALL ADDRESSED		
	TO COURT		
	ENTIRELY IS TO		
	LAY		
	FOUNDATION		
	FOR		
	SECONDARY		
	EVIDENCE.		
	[space] BASKIN		
	WHETHER IN		
	CIVIL OR		
	CASES		
	CASES		
	SECONDARY		

RT	RS	ВТ	PS
	EVIDENCE IN		
	RELATION TO		
	INSTRUMENT		
	NOTHING[?] CAN		
	BE INTRODUCED		
	UNLESS		
	FOUNDATION		
	LAID FOR IT		
	SUPPOSE		
	DOCUMENT		
	ITSELF OF		
	WHICH THEY		
	PROPOSE NOW		
	HERE TO PROVE		
	WAS IN COURT		
	IN HANDS OF		
	ATTORNEY		
	WOULD HAVE		
	TO BE LAID ON		
	FOUNDATION		
	TO INTRODUCE		
	MAN CHARGED		
	NOT TESTIFIED		
	BUT THEY		
	WOULD HAVE		
	TO PROVE		
	GENUINENESS		
	OF LETTER BY		
	COURT I		
	UNDERSTAND		
	THAT IS WHAT		
	THEY PROPOSE		
	TO DO [space] BASKIN THEY		
	CAN'T PROVE		
	CANTENT		
	BEFORE THEY		
	LAY		
	FOUNDATION		
	[space] BY HOGE		
	WE PROPOSE TO		
	LAY THAT BY		
	MR. LEE [space]		
BASKIN ARGUED	BASKIN		

THAT; LEE WAS	MR. LEE IS	
NOT A	NOT A	
COMPETENT	COMPETENT	
WITNESS,AND	WITNESS IF YOU	
THAT IF LEE BE	ADMIT SUCH A	
PERMITTED TO	PROPOSITION	
GIVE THAT	AS THAT	
EVIDENCE IN A	IN	
CRIMINAL CASE	CRIMINAL CASE	
IT GIVES	IT GIVES	
HIM A CHANCE	PERSON WHO	
IIIWI A CHANCE	HAVE [23]	
	FORMED	
	INTENTION TO	
	COMMIT CRIME	
TO		
TO	TO MANUFACTURE	
MANUFACTURE A LETTER AND	LETTER LET IT	
·	LETTER LETTI	
THIS HAD	DACC	
PASSED THROUGH THE	PASS	
THROUGH THE HANDS [486] OF A	THROUGH	
	HANDS OF	
THIRD	3RD	
PARTY, AND TO	PARTY	
PERMIT HIM TO	COME HERE DI	
COME IN	COME HERE IN	
COURT AND	COURT	
PROVE THE	PROVE	
CONTENTS OF IT	CONTENTS OF IT	
WOULD ONLY BE		
FOR THE	FOR	
PURPOSE OF	PURPOSE OF	
COVERING UP	COVERING UP	
CRIME.	CRIME. WHEN	
	YOU COME TO	
	PROVE	
	CONTENTS OF	
	WRITTEN	
	INSTRUMENT	
	COURT WILL	
	NEVER ALLOW	
	IT UNTIL	
	FOUNDATION IS	
	LAID [space]	

RS

BT

	NOW QUESTION		
	TO WHICH WE		
	OBJECT IT IS		
	NOT SUFFICIENT		
	THE QUESTION		
	TO WHICH WE		
	NOW OBJECT IS		
	THEY ARE		
	SEEKING TO		
	PROVE A		
	WRITTEN		
	INSTRUMENT		
	WITHOUT		
	HAVING LAID		
	PROPER FOUNDATION		
	FOR THE		
	READING		
	WHEREIN		
	COURT HEARD		
	EVIDENCE		
	EMANATING		
	FROM THAT		
	SOURCE I DO		
	NOT THINK		
	THEY WOULD		
	HAVE RIGHT TO		
CLUTTIED LAND	PROVE.		
SUTHERLAND:	""SUTHERLAND		
	LET ME		
ALL B WE ASK IS	SUGGEST I ASK		
THAT THE	THAT		
WITNESS MAY BE	WITNESS		
PERMITTED TO			
STATE THE	STATE THE		
CONTENTS OF	CONTENTS OF		
IT. BASKIN: THE	IT"" [space]	THE COURT: THE	
	(,) <sup>i</sup> OHESTION		
QUESTION THEY ASK NOW	{ <sub>Q</sub> }'QUESTION THEY ASK NOW	QUESTION THEY ASK NOW	
IS WHETHER MR.	IS WHETHER MR.	IS WHETHER MR.	
LEE CAN BE PUT	LEE CAN BE PUT	LEE CAN BE PUT	
ON THE STAND	ON STAND	ON THE STQAND	
FOR THAT	FOR THAT	CFOR THAT	
TUKTHAT	TONTHAT	CI'UK ITIAI	

RS

BT

RT	RS	BT	PS

PURPOSE.	PURPOSE [space]	PURPOSE. [322]	
BASKIN: HE	BASKIN HE	BASKIN: HE	
MAY HAVE	MAY HAVE	MAY HAVE	
MANUFACTURED	MANUFACTURE	MANUFACTURE	
IT HIMSELF	D IT HIMSELF	D IT HIMSELF	
FOR THAT	FOR THAT	FOR THAT	
PURPOSE,BUT	PURPOSE [space]	PURPOSE;	
COULD	BUT COULD	BUT THEY	
THEY PROVE	THEY PROVE	CANNOT PROVE	
THAT IT EVER	THAT IT EVER	THAT E IT EVER	
CAME TO HIM.	CAME TO HIS	CAME TO HIS	
HIS HANDS	HAND?	HAND.	
FURTHER			
DISCUSSION			
ENSUED OF			
CONSIDERABLE			
LENGTH			
BETWEEN			
BASKIN AND			
SUTHERLAND.			
THE COURT			
OVERRULED THE			
PROPOSITION OF			
COUNSEL FOR			
DEFENSE.			
	AND THEN		
	AGAIN ON THE		
	MAIN QUESTION		
	STILL IT IS		
	GENERAL		
	PROPOSITION		
	RULES APPLY		
	ALIKE TO CIVIL		
	AND CRIMINAL		
	CASES BISHOP		
	≤MIGHT≥		
	SHOWS		
	APPLICATION OF		
	THE RULE		
	WHETHER IT BE		
	IN CIVIL CASE		
	OR CRIMINAL		
	CASE ANY		
	EVIDENCE		

RT	RS	ВТ	PS
	CIRCUMSTANCE		
	S ANY		
	TESTIMONY		
	WHICH TENDS		
	TO PROVE FACT		
	UNDER ISSUE		
	[space] SHOW		
	THE TRUTH IS		
	OBTAINED		
	BECAUSE THE		
	OBJECT OF		
	EVIDENCE ODJECT TO DE		
	OBJECT TO BE OBTAINED BY		
	TESTIMONY IS		
	TO PROVE THE		
	FACT AND		
	TRUTH AND		
	ANYTHING		
	THAT		
	LOGICALLY		
	NATURALLY		
	TENDS TO		
	ESTABLISH THE		
	TRUTH IS		
	PERTINENT TO		
	THAT QUESTION		
	RULES OF		
	EVIDENCE IN		
	ONE CASE		
	APPLIES TO		
	OTHER I		
	CHALLENGE GENTLEMAN		
	BRING IN THIS		
	COURT A CASE		
	IN WHICH IT		
	HAS EVER BEEN		
	DECIDED		
	WHERE		
	CRIMINAL		
	COULD BE PUT		
	ON THE STAND		
	INTRODUCE		

RT	RS	BT	PS

EVIDENCE		
BEFORE		
PERPETRATION		
OF CRIME AND		
[space]		
SUTHERLAND	SUTHERLAND:	
	IT CAN BE DONE	
TO PROVE THE	TO PROVE THE	
LOSS OF THE	LOSS OF THE	
ORIGINAL AS IT	ORIGINAL .	
WILL BE	ortion (in the control of the contro	
INFLUENCED BY		
OBJECTION	THE OBJECTION	
COUNSEL	THAT COUNSEL	
MAKES TO THE	MAKES TO THE	
LETTER	TLETTER OR TO	
ITSELF BEING	ITS BEING	
INTRODUCED IN	INTRODUCED	
EVIDENCE	AND ITS	
I	CONTENTS, I	
DESIRE	DESIRE TO	
MAKE	MAKE A	
SUGGESTION	SUGGESTION	
UPON THAT	UPON THAT	
SUBJECT; THE	SUBJECT. THE	
OBJECT OF	OBJECT OF	
INTRODUCING	INTR <del>U</del> ODUCING	
IT IS, TO SHOW	IT IS TO SHOW	
THAT AT THE	THA T AT THE	
VERY TIME =	VERY <b>TIME</b> <del>TIJE</del> ,	
WHEN	WHEN,	
ACCORDING TO	ACCORDING TO	
THEORY OF	THE THEORY OF	
	THE	
PROSECUTION,	PROSECUTION,	
HAIGHT WAS	HAIGHT WAS	
URGING THE	URGING ON THE	
DESTRUCTION	DESTRUFTION	
OF THE	OF THE	
EMIGRANTS, HE	EMIGRANTS. HE	
WAS IN FACT	WAS IN FACT	
WRITING BY	WRITING	
THIS LETTER	THIS VERY	
VERY	LETTER AND	

 -110		
DIFFERENT	GIVING OTHER	
DIRECTIONS, SO	DIRECTION S SO	
THAT IF THIS	THAT IF THE	
	CONTENTS OF	
LETTER	<del>T</del> HIS LETTER	
COMES IN, IT	COMES IN IT	
TENDS TO SHOW	TENDS TO SHOW	
HAIGHT'S	HAIGHT'S	
MIND TO BE	MIN <del>E</del> <b>D</b> TO BE	
ENTIRELY	ENTIRELY	
OPPOSED TO	OPPOSED TO	
THE	THE	
DESTRUCTION	DESTRUCTION	
OF THE	OF THE	
EMIGRANTS,	EMIGRANTS TO	
SHOWS SUCH A	SHOW SUCH A	
STATE OF MIND	STATE OF MIND	
AS IS	WHICH IS	
NOT/ENTIRELY[?]	ENTIRELY	
<sup>394</sup> WITH THE	DIFFERENTS TO	
COMBINATION	THAT	
WHICH THE	WHICH THE	
PROSECUTION	PROSECUTION	
CONTEND HAD	CONTEND FOR.,	
BEEN FORMED [24] IT		
CONTRADICTS		
THAT THEORY		
THEREFORE[?] IT		
IS IMPORTANT		
ITEM OF		
TESTIMONY IT		
WAS WRITTEN		
AT THE VERY		
PARTICULAR		
WHEN THEY		
CLAIM THERE		
WAS		
COMBINATION		
IT IS		
FACT/EFFECT[?]		

RS

BT

PS

RT

<sup>394.</sup> Written "NT", transcribed "NOT", through this word is rarely written this way; terminal "RL" apparently added later, would render the word "ENTIRELY".

RT	RS	BT	PS

			T
	CONSTITUTE		
	RES GESTAE		
	ONE WE THINK		
	WE ARE		
	ENTITLED TO		
	HAVE PUT IN		
	EVIDENCE		
	LETTER NOT		
	BEING WITHIN		
	REACH WE ARE	AND WE	
	REDUCED TO	HAVE A	
	NECESSITY OF	RIGHT TO	
	PROVING ITS	PROVE THE	
	CONTENTS	CONTENTS OF	
	CONTLINIS	THAT LETTER	
	BY SECONDARY	BY SECONDARY	
	EVIDENCE. BY	EVIDENCE THE	
	COURT WHEN	COURT: WHEN	
	AND WHERE	AND WHERE	
	WAS IT [space]	WAS IT	
	TO ROBINSON	WRITTE <del>D</del> N?	
	$\{Q\}^{l}ONE[?]$ IS	WITNESS:	
	THING I COULD	I COULD	
	NOT TELL	NOT TELL TELL	
	AT THAT TIME	AT THAT TIME.	
	[space]	Q.	
0. 07.4 77.7 77.77	( ) i am , mm	(SUTHERLAND:)	
Q. STATE THE	$\{Q\}^1$ STATE	STATE <del>AT</del> THE	
TIME YOU SAW	TIME YOU SAW	TIME YOU SAW	
THIS LETTER	THIS LETTER	THIS LETTER	
WITH	WITH	WITH	
REFERENCE TO	REFERENCE TO	REFERENCE TO	
THE	≤THE≥ TIME	THE TIME THE	
EMIGRANTS	EMIGRANTS	EMIGRANT	
THAT HAD	HAD	PARTY HAD	
PASSED PINTO,	PASSED PINTO,	PASSEDPINTO	
WAS IT BEFORE	BEFORE		
OR	OR	OR	
AFTERWARDS ?	AFTERWARDS	AFTERWARDS?	
A. IT WAS	$\{A\}^{1}IT WAS$	A. IT WAS	
AFTER THE	AFTER	AFTER THE	
EMIGRANTS	EMIGRANTS	EMIGRANTS	
HAD PASSED.	HAD PASSED{.	HAD PASSED.	
BASKIN:	$_{\mathbf{Q}}$ BY BASKIN:	BASKIN:	

HOWLONG	HOWLONG	HOWLLONG	
HOW LONG	HOW LONG	HOW LONG	
AFTER ?	AFTER	AFTER? A. (NO	
HOGE:	HOGE	ANSER) HOGE:	
BEFORE OR	BEFORE OR	BE <del>O</del> FORE OR	
AFTER THE	AFTER	AFTER THE	
MASSACRE ? A.	MASSACRE $\{A\}^1$	MASSACRE? A.	
BEFORE	IT WAS BEFORE	IT WAS BEFORE	
THE MASSACRE.	THE MASSACRE	THE MASSACRE.	
	[space] BY	THE	
COURT:	COURT [space]	COURT:	
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	
WHEN IT WAS	WHEN IT WAS	WHEN IT WAS	
WRITTEN ? A. I	WRITTEN ? $\{_{\mathbf{A}}\}^{i}$ I	WRITTEN? A. I	
COULD NOT	COULD NOT	COULD NOT	
TELL.	TELL. [space] BY	TEL <del>L</del> . THE	
COURT: UNLESS	COURT. UNLESS	COURT. UNLESS	
SOME	SOME	SOME	
<b>AUTHORITY IS</b>	AUTHORITY IS	AUTHORITY IS	
SHOWN ME	SHOWN <b>≤</b> ON	THROWN ON	
	THIS QUESTION>	THIS QUESTION,	
I WOULD NOT	I WOULD NOT	I WOULD NOT	
BE WILLING	BE WILLING	BE WILLIN <del>T</del> G	
FOR THE	≤FOR	FOR THE	
DEFENDANT'S	DEFENDANT➤	DEFENDANT'S	
WITNESS	FOR WITNESS	WITNESS	
TO TESTIFY.	TO TESTIFY BY	TO TESTIFY.	
COURT:	COURT TO		
THIS	DEFENSE THIS	THIS	
WITNESS	WITNESS	WITNESS	
CANNOT FIX	CANNOT FIX	CANNOT FIZX	
THE DATE	DATE	THE DATE	
ANYHOW.	ANY HOW	ANY HOW.	
SUTHERLAND: I	SUTHERLAND I	SUTHERLAND: I	
HAVE NOT YET	HAVE NOT YET	HAVN'T YET	
INQUIRED OF	INQUIRED OF	INQUIRED OF	
HIM SO AS	HIM SO AS	HIM HIS SO AS	
TO HAVE THE	TO HAVE	TO HAVE	
ADVANTAGE OF	ADVANTAGE OF	ADVANTAGE OF	
THAT LETTER.	THE WHOLE	THE WHOLE	
	MATTER BY	MATTER, BUT I	
	COURT ASK	WILL ASK HIM :	
Q. STATE THE	$\{_{0}\}^{i}$ STATE	Q. STATE THE	
DAY OR THE	DATE OF IT	DAY OR THE	
TIME WITH	WITH	TIME WITH	
111A1T AA 1 1 1 1	44 1 1 1 1	1 1141T7 AA 1 1 1 1	

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REFERENCE TO	REFERENCE TO	REFERENCE TO	
THE TIME OF	THE TIME OF	THE TIME	
YOUR SEEING	YOUR SEEING	OFYOUR SEEING	
THE LETTER ? [487]	THE LETTER	THE LETTER?	
BASKIN: HE	BASKIN HE	BASKIN: HE	
SAYS HE DON'T	SAYS HE DON'T	SAYS HE DON'T	
REMEMBER THE	REMEMBER THE	REMEMBER THE	
DAY.	DATE BY	DAY. THE	
COURT:	COURT, I SEE	CO URT: YES,	
HE SAYS HE	HE SAYS HE	HE SAYS HE	
DID NOT	DON'T	DOES NOT	
REMEMBER.	REMEMBER.	REMEMBER. [323]	
SUTHERLAND: I	SUTHERLAND I	SUTHERLAND: I	
ASK HIM WHAT	ASK HIM WHAT	ASK HIM WHAT	
DATE OR DAY IT	DATE OF IT	DATE IT	
WAS WITH	WAS WITH	WAS, WITH	
REFERENCE TO	REFERENCE TO	REDERENCE TO	
THE TIME	$\{THE\}^1 TIME$	THE TIME	
WHEN YOU SAW	WHEN YOU SAW	WHEN YOU SAW	
IT—THE DATE OF	IT = DATE OF	IT; THE DATE OF	
THE LETTER	LETTER	THE LETTER	
ITSELF—	ITSELF,	ITSELF;	
WHETHER IT	WHETHER IT	WHETHER IT	
WAS DATED	WAS DATED	WAS DATED	
IMMEDIATELY	<b>IMMEDIATELY</b>	IMMEDIATELY	
BEFORE OR A	BEFORE, OR	BERORE OR A	
LONG TIME	LONG TIME	LONG TIME	
BEFORE—	BEFORE $\{_{\mathbf{Q}}\}^{i}$	BEFORE? <b>Q.</b>	
WHAT WAS ITS	WHAT WAS ITS	WHAT WAS ITS	
DATE WITH	DATE WITH	DATE WITH	
REFERENCE TO	REFERENCE TO	REFERENCE T O	
YOUR SEEING IT?	YOUR SEEING IT	SEEING IT?	
A. I DON'T	{ <sub>A</sub> } <sup>i</sup> I DON'T	A . I DON'T	
REMEMBER THE	REMEMBER THE	REMEMBER THE	
DAY AT ALL.	DAY AT ALL.	DATE AT ALL.	
BASKIN: IT WAS	BASKIN IT WAS	BASKIN: IT WAS	
	PROSECUTION		
	ANOTHER		
ITSELF— WHETHER IT WAS DATED IMMEDIATELY BEFORE OR A LONG TIME BEFORE— WHAT WAS ITS DATE WITH REFERENCE TO YOUR SEEING IT? A. I DON'T REMEMBER THE	ITSELF, WHETHER IT WAS DATED IMMEDIATELY BEFORE, OR LONG TIME BEFORE {Q} <sup>i</sup> WHAT WAS ITS DATE WITH REFERENCE TO YOUR SEEING IT {A} <sup>i</sup> I DON'T REMEMBER THE	ITSELF; WHETHER IT WAS DATED IMMEDIATELY BERORE OR A LONG TIME BEFORE? Q. WHAT WAS ITS DATE WITH REFERENCE T O SEEING IT? A . I DON'T REMEMBER THE	

DEACON	DE A COM DV	DEACON THE	
REASON———	REASON BY	REASON . THE	
	COURT YES	COURT: YES,	
	AND UNLESS	AND UNLESS	
	SOME OTHER	SOME	
	<b>≤</b> COGENT	GOOD	
	REASON≥	REASON IS	
		SHOWN——	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
DOES YOUR	{DOES} <sup>i</sup> YOUR	DOES YOUR	
HONOR RULE	HONOR RULES	HONOR RULE	
AGAINST THE	AGAINST	AGAINST A	
PARTY BEING	PARTY BEING	PARTY BEING	
PERMITTED TO	PERMITTED TO	PERMITTED TO	
GIVE THE	GIVE	GIVE THE	
REASON ?	REASON BY	REASON? THE	
COURT: I RULED	COURT I RULE,	COURT: I RULE	
BECAUSE I	BECAUSE I	BECAUSE, I	
CANNOT CALL	CANNOT CALL	CANNOT CALL	
ANY	ANY	ANY	
AUTHORITY FOR	AUTHORITY FOR	AUTHORITY FOR	
IT?	IT.	IT.	
11 !	SUTHERLAND	SUTHERLAND:	
	THE LIBRARIES	THE LIBRARIES	
	ARE NOT VERY	ARE NOT VERY	
	LARGE HERE	LARGE HERE,	
	I HAVE NOT	AND I HAVN'T	
	HAD ACCESS,	HAD ACCESS;	
	HENCE I	HENCE I	
	CAN'T REFER	CA NNOT REFER	
	YOU TO	YOU TO ANY OF	
		THE	
	AUTHORITIES	AUTHORITIES	
	ON THE POINTS.	<del>L</del> ON THE POINT .	
	BY COURT	COURT: GO ON	
	PROCEED WITH	PROCEED WITH	
	THIS WITNESS =	THIS WITNESS.	
Q. STATE	$= \{_{\mathbf{Q}}\}^{i} STATE$	Q. STATE	[[Bk 11 1]]395 STATE
WHETHER YOU	WHETHER YOU	WHETHER YOU	WHETHER YOU
SAW ANY	SAW ANY	SAW ANY	SAW ANY
INDIANS ABOUT	INDIANS ABOUT	INDIANS ABOUT	INDIANS ABOUT

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<sup>395.</sup> The cover of the notebook includes a large 11 and "MCFARLANE'S TESTIMONY CHGE TO THE JURY SUTHERLAND'S ARGUMENT CAREYS ADDRESS" written at the top. Brigham Young's deposition and George A. Smith's affidavit are copied on the verso pages of this notebook.

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KI	NO	БІ	

DD ITTO A DOLLET	DD ITC A DOLLT		DD MEG A PERED
PINTO — ABOUT	PINTO ABOUT	PINTO AFTER	PINTO AFTER
THE TIME OF	THE TIME OF	THE TIME OF	THE TIME OF
RECEIVING THIS	RECEIVING THIS	RECEIVING THIS	RECEIVING THIS
LETTER ? A. I	LETTER $\{A\}^1I$	LETTER? A. I	LETTER I
SAW ABOUT,IF I	SAW <if i<="" td=""><td>SAW IF I</td><td>SAW THEM IF I</td></if>	SAW IF I	SAW THEM IF I
REMEMBER	REMEMBER	REMEMBER	REMEMBER
RIGHT AT	RIGHT> ABOUT	RIGHT ABOUT	RIGHT ABOUT
THAT TIME,	THAT TIME	THAT TIME—	THAT TIME
PERHAPS A DAY	PERHAPS A DAY	PERHAPS A DAY	PERHAPS A DAY
OR TWO	OR TWO	OR TWO	OR TWO
AFTERWARDS —	AFTERWARDS	AFTERWARDS—	AFTERWARDS
Q.	Q	Q.	
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	(INTERRUPTIN	
WHERE WERE	WHERE WERE	G) WHERE WERE	WHERE WERE
YOU DURING	YOU DURING	YOU DU <del>T</del> RING	YOU DURING
THE DAY	{THE} <sup>i</sup> DAY	THE DAY	THE DAY
TIME WITH	TIME WITH	TIME?WITH	TIME WITH
REFERENCE TO	REFERENCE TO	REFERENCE TO	REFERENCE TO
A	THE THROUGH	THE	THE
THROUGHFARE	FARE	THOROUGHFAR	THOROUGHFAR
TIMOCOTITALE	{= THE} <sup>i</sup> ROAD	E, THE ROAD	E THE ROAD
PASSING BY	PASSING BY	PASSING BY	PASSING FROM
PINTO TO THE	PINTO TO	PINTO TO THE	PINTO TO THE
MEADOWS —	MEADOWS	MEADOWS.	MEADOWS
WIEADOWS—	$[space] \leq ? \Rightarrow TRAIL$	WILADOWS.	WILADO W S
	$\begin{cases} space \end{bmatrix} = ! = TRAIL \\ \begin{cases} Q \end{cases}^i$		
WHERE DID YOU	WHERE DID YOU	WHERE DID YOU	WHERE DID YOU
SPEND YOUR	SPEND YOUR	SPEND YOUR	SPEND YOUR
TIME — ON	TIME ON	TIME ON	TIME WAS IT ON
THE ROAD	THE ROAD	THE ROAD,	THE ROAD
WHERE YOU	WHERE YOU	WHERE YOU	WHERE YOU
COULD SEE	COULD SEE	COULD SEE	COULD SEE
THEM?	THEM	THEM?	THEM IF THEY
I TIEIVI!			
			WERE TRAVELING THE
A NO SID O	( ) iNO SID	A NO SID O	
A. NO SIR. Q.	{ <sub>A</sub> }¹NO SIR <sub>Q</sub>	A . NO SIR. Q.	ROAD NO SIR
WERE YOU	WERE YOU	WERE YOU	WERE YOU
NEAR WHERE	NEAR WHERE	NEAR WHERE	NEAR WHERE
THEY USUALLY	THEY USUALLY	THEY USUALLY	THEY USUALLY
TRAVELLED	TRAVELED	RTRAVELLED	TRAVELED
WHEN THEY	WHEN THEY	WHEN THEY	WHEN
WERE GOING IN	WAS GOING IN	WERE GOING	GOING IN
THAT	THAT	THAT	THAT
DIRECTION ON	DIRECTION [[25]]	DIRECTION ON	DIRECTION

RT	RS	ВТ	PS

THE PUBLIC	PUBLIC	THE PUBLIC	
THOROUGHFARE	THOROUGHFAR	THOROUGHFAR	
			NO CID
? A. NO SIR.	E { <sub>A</sub> }¹NO SIR	E? A. NO, SIR.	NO SIR
Q. ON AN	$\{Q\}^1ON$	Q. OR ON ANY	AN
INDIAN TRAIL?	INDIAN TRAIL	INDIAN TRAIL?	INDIAN TRAIL IF
			THERE WAS
A. NO SIR.	{ <sub>A</sub> }¹NO SIR BY	A. NO, SI <del>T</del> R	ANY NO SIR
	THE DEFENSE		[space]
	THAT IS ALL		
	[space] BY		
	COURT TAKE		
	THE WITNESS		
	[space] BY		
	SUTHERLAND		
	THAT IS ALL		
	YOU CAN TAKE		
	THE WITNESS		
	{CROSS-		
	<b>EXAMINATION</b>		
[488] Q. I WILL ASK	Q} <sup>i</sup> I WILL ASK	Q. I WILL ASK	
YOU IF THERE IS	IF THERE	YOU IF THERE IS	IF THERE WAS
ANOTHER	ANY OTHER	ANY OTHER	ANY OTHER
GENTLEMAN AT	GENTLEMAN AT	GENTLEMAN AT	GENTLEMAN
PINTO OF YOUR	PINTO OF YOUR	PINTO OF YOUR	OF YOUR
NAME?	NAME	NAME?	NAME
			ROBINSON AT
A. NO SIR.	{ <sub>A</sub> } <sup>i</sup> NO SIR	A. NO, SIR.Q.	PINTO NO SIR
Q. WAS THERE	$\{\mathbf{Q}\}^{\mathrm{i}}$ WAS THERE	WAS THERE	WAS THERE
IN 1857 ? A. NO	IN '57 { <sub>A</sub> } iNO	IN '57? A . NO,	IN 1857 NO
SIR, NOT THAT I	SIR NOT THAT I	SIR, NOT THAT I	SIR NOT THAT I
CAN REMEMBER	CAN REMEMBER	CAN REMEMBER	CAN REMEMBER
OF. Q. WHAT	$OF \{Q\}^{1}WHAT$	OF. Q . WHAT	OF WHAT
OFFICE <del>DID</del> ≤DO≥	OFFICE DO	OFFICE DO	OFFICE DO
YOU HOLD	YOU HOLD	YOU HOLD	YOU HOLD
THERE IN THE	THERE IN THE	TH ERE IN THE	THERE IN THE
CHURCH	CHURCH [space]	CHURCH	CHURCH
NOW ? A. A	NOW { <sub>A</sub> } <sup>i</sup> THE	NOW, ? A.	NOW A
BISHOP. Q.	BISHOP $\{Q\}^1$	BISHO <del>P</del> . Q.	BISHOP
WHAT WERE	WHAT WERE	WHAT WERE	WHAT WERE
YOU THEN? A.	YOU THEN {A} <sup>1</sup>	YOU THEN? A.	YOU THEN I
AN ELDER.	AN ELDER BY	AN ELDER.	WAS AN ELDER.
	SUTHERLAND		[space]
GD 0 GG	THAT IS ALL.	[324] an a c c	ar o aa
CROSS -	{CROSS	[324] CROSS -	CROSS

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EXAMINED.	<b>EXAMINATION</b> }	EXAMINATION	EXAMINATION
EM HVIII (EB.	i	OF RICHARD S.	[space]
		ROBINSON BY	
Q.	BASKIN { <sub>Q</sub> } <sup>i</sup>	BASKIN: Q.	
HAVE YOU EVER	IF YOU EVER	STATE IF YOU	IF YOU EVER
HAVE HAD IN	HAD IN	HAVE HAD IN	HAD IN
YOUR	YOUR	<del>U</del> YOU <del>T</del> R	YOUR
POSSESSION	POSSESSION	POSSESSION	POSSESSION
SUCH A	SUCH A	SU <del>F</del> CH A	SUCH A
LETTER AS YOU	LETTER AS YOU	LETTER AS YOU	LETTER AS YOU
HAVE SPOKEN	HAVE SPOKEN	HAVE SPOKEN	HAVE SPOKEN
OF FROM	OF FROM	OF AND FROM	AND FROM
WHOM DID YOU	WHOM DID YOU	WHOM DID YOU	WHOM DID YOU
RECEIVE IT ?	RECEIVE IT ? BY	RECEIVE IT?	RECEIVE IT
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
WE OBJECT TO	WE OBJECT	WE OBJECT TO	
	[space]	THE FORM OF	
THE QUESTION.	BASKIN	THE QUESTION.	
Q. WHO	{o} <sup>i</sup> WHO	O. WHO	WHO
DELIVERED IT	DELIVERED IT	DELIVERED IT	DELIVERED IT
INTO YOUR	INTO YOUR	INTO YOUR	INTO YOUR
HANDS?	HANDS	HANDS?	HANDS
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
THE OBJECT OF	OBJECT OF	THE ONBJECT	OBJECTED TO
MY	MY	OF MY	BECAUSE
INTRODUCING IT	INTRODUCING	INTRODUCING	TESITMONY IN
WAS TO GET	WAS TO GET	IT WAS TO GET	REGARD TO
THE CONTENTS	CONTENTS	THE CONTENTS	THAT LETTER
OF IT BEFORE	OF IT BEFORE	OF IT BEFORE	HAS BEEN
THE JURY, AND	JURY	THE JURY AND	EXCLUDED. AND
AS WE CANNOT	AS WE CANNOT	AS WE CAN'T	TESTIMONY[?]
GET IT	GET IT	GET IT	NOT BEING[?]
BEFORE THE	BEFORE	BEFOERE THE	BEFORE[?] THE
JURY IT IS	JURY IT IS A	JURY, IT <del>A</del> IS	JURY AS IT IS
A SUBJECT WE	SUBJECT HE	A SUBJECT <del>WE</del>	A SUBJECT
		YOU	
CANNOT BRING	CANNOT BRING	CANNOR BRING	NOT
THEM BEFORE	BEFORE	BEFORE	BEFORE THE
THEM.	THEM. BY	THEM. THE	JURY
COURT: COURT: I	COURT	COURT:	<court> I DID</court>
ONLY			NOT ASK TO
UNDERSTOOD IT	IT	IT	EXCLUDE THE
WAS IN	WAS ONLY IN	WAS ONLY IN	TESTIMONY
REGARD TO	REGARD S TO	REGARD TO	THAT WAS

THE COLUMN	THE COLUMN	THE CONTENTS	PEROPE
THE CONTENTS.	THE CONTENTS	THE CONTENTS,	BEFORE
	ASI	ASI	<i>ANY/HOW</i> [?].>
	UNDERSTOOD	UNDERSTAND	
	IT HOGE THIS	IT.	
	QUESTION THAT		
	ONE/WE WANT[?]		
	IMPANELED[?]		
BASKIN: WE	BASKIN WE	BASKIN: WE	BASKIN
MAY BE ABLE TO	MAY BE {ABLE} <sup>1</sup>	MAY BE <del>A</del> ABLE	
PRODUCE	PRODUCE	TO PRODUCE	
THAT LETTERR <del>R</del>	THAT LETTER,	THAT LETTER;	
— MAY	OR MAY	<del>WE</del> OR WE MAY	WE MAY
BE ABLE TO	BE ABLE TO	BE ABLE TO	BE ABLE TO
SHOW NO	SHOW NO	SHOW NO	SHOW THAT NO
SUCH	SUCH MEN	SUCH MAN	SUCH MAN AS
<persons></persons>			THE MAN
EVER	EVER	EVER	NAMED [space]
DELIVERED YOU	DELIVERED YOU	DELIVE <del>D</del> RED	
SUCH A	SUCH	HIM <del>YOU</del> THE	
LETTER. Q.	LETTER. $\{\mathbf{Q}\}^{i}$	SAID LETTER. Q.	
WHO	WHO	WHO	WHO
DELIVERED YOU	DELIVERED YOU	DEL <del>O</del> IVERED	DELIVERED
THAT	THAT	YOU T <del>H</del> A T	YOU THAT
LETTER ?	LETTER →	LETTER? A. JOEL	LETTER
		WHITE.	
A. I AM NOT	{ <sub>A</sub> } <sup>i</sup> I AM NOT	A. I AM NOT	I AM NOT
POSITIVE. Q.	POSITIVE { <sub>Q</sub> } <sup>i</sup>	POSITIVE . Q.	POSITIVE [space]
DIDN'T JOEL	DIDN'T JOEL	DIDN'T JOEL	DIDN'T JOEL
WHITE DELIVER	WHITE DELIVER	WHITE DELIVER	WHITE DELIVER
IT TO YOU?—	IT TO YOU	IT TO YOU? A.	IT TO YOU
THE LETTER I	ALETTER I	THE LETTER I	THE LETTER I
HAVE	HAVE	HAVE	HAVE
REFERENCE TO ?	REFERENCE TO	REFERENCE TO,	REFERENCE TO
[489] A. I THINK	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I THINK	I THINK	I THINK
AMOS G.	AMOS G	AMOS G.	AMOS G
THORNTON	THORNTON	THORNTON	THORNTON
DELIVERED IT	DELIVERED IT	DELIVERED IT	DELIVERED
TO ME. [space]	TO ME BY	TO ME.	TO ME [space]
[Space]	PROSECUTION	TO MIL.	
	THAT IS ALL BY	THAT IS ALL.	
	COURT CALL	TIME IS ALL.	
	YOUR NEXT		
	WITNESS [space]		
	BY		
	וען		

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HAVE YOU ANY OBJECTIONS TO OF MR. ROBINSON LEAVING FOR HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION SAMUEL JACKSON, SWORN  SEN'R → OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  H. OBJECTIONS TO OF MR. ROBINSON MI LEAVING FOR LI HOME NOW BY PROSECUTION SAMUEL S	SUTHERLAND: HAVE YOU ANY OBJECTIONS TO MR. ROBINSON'S LEAVING FOR HOME NOW? BASKIN: NO. CAREY: : NO  SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	SAMUEL JACKSON SR. BEEN SWORN FOR THE PROSECUTION DEFENSE
OBJECTIONS TO MR. ROBINSON LEAVING FOR HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  TH  Q. HAVE YOU BEEN IN THE ROOM MR.  OD MR. ROBINSON ML LEAVING FOR LI HOME NOW BY HOME PROSECUTION SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  TH FOR RH BY SH	DBJECTIONS TO MR. ROBINSON'S LEAVING FOR HIOME NOW? BASKIN: NO. CAREY: : NO SAMUEL FACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
MR. ROBINSON LEAVING FOR HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  MR. ROBINSON MH. MY PROSECUTION BY PROSECUTION BY ANSWERED THE OUESTION  SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY ST	MR. ROBINSON'S LEAVING FOR HOME NOW? BASKIN: NO. CAREY: : NO  SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
LEAVING FOR HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  LH H H H H H H H H H H H H H H H H H	LEAVING FOR HOME NOW? BASKIN: NO. CAREY: : NO  SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
HOME NOW BY PROSECUTION NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.   Q. HAVE YOU BEEN IN THE ROOM MR.  HOME NOW BY PROSECUTION BY ANSWERED THE OUT COLUMN BEEN IN ROOM MR.  FOR THE OUT BEEN IN ROOM MR.  HOME NOW BY PROSECUTION BY BEEN IN ROOM MR.  HOME NOW BY BEEN IN BEEN IN ROOM MR.  HOME NOW BY BEEN IN BEEN IN ROOM MR.  HOME NOW BY BEEN IN BEEN IN ROOM MR.  ROOM MR.	HOME NOW? BASKIN: NO. CAREY: : NO  SAMUEL BACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
PROSECUTION NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  PROSECUTION BY NO SIR CAREY NO NO SIR CAREY NO NO SIR OA NO SIR OA NO SIR OA NO SAMUEL JACKSON, SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  OI FOR RH EN SIR OA BEEN IN FOR BEEN IN ROOM MR.  ROOM MR.	BASKIN: NO. CAREY: : NO  SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
PROSECUTION NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  PROSECUTION BY NO SIR CAREY NO NO SIR CAREY NO NO SIR OA NO SIR OA NO SIR OA NO SAMUEL JACKSON, SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  OI FOR RH EN SIR OA BEEN IN FOR BEEN IN ROOM MR.  ROOM MR.	BASKIN: NO. CAREY: : NO  SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
NO SIR CAREY ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.   Q. HAVE YOU BEEN IN THE ROOM MR.  NO SIR CAREY ANSWERED THE DUESTION  SAMUEL	SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
ANSWERED THE QUESTION  SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.   Q. HAVE YOU BEEN IN THE ROOM MR.  ANSWERED THE QUESTION  SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  GO RH SY	SAMUEL JACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
SAMUEL  JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.   Q. HAVE YOU BEEN IN THE ROOM MR.  QUESTION  SAMUEL  JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  OI  PO  RI  SU  Q. HAVE YOU BEEN IN THE ROOM MR.  QUESTION  SAMUEL  JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  AS  SU  RI  ROOM MR.	ACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
SAMUEL JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  TH  CONTROL  Q. HAVE YOU BEEN IN THE ROOM MR.  SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  OT FOR RI  SAMUEL JACKSON, SEN'R≥ OATH ADMINISTERED BY CLERK.  OT FOR RI  EN SU SU SU SU ROOM MR.  ROOM MR.	ACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
JACKSON, SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  THE  OIL  FOR THE DEFENSE.  Q. HAVE YOU BEEN IN THE ROOM MR.  JACKSON, SEN'R≥ OATH SN SN AS  OIL  AS  FOR THE OIL  FOR BH  FOR BH  FOR BH  ROOM MR.  JACKSON, SEN'R≥ OATH SN AS  SI  RI  FOR BH  ROOM MR.  JACKSON, SEN'R≥ OATH SN SN BH  ROOM MR.  JACKSON, SEN'R≥ OATH SN SN BH  ROOM MR.  JACKSON, SN SN SN BH  ROOM MR.  JACKSON, SN SN SN BH  ROOM MR.	ACKSON SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	JACKSON SR. BEEN SWORN SWORN FOR THE PROSECUTION DEFENSE
SWORN  SEN'R≥ OATH ADMINISTERED BY CLERK.  FOR THE DEFENSE.  TH  FO RH  Q. HAVE YOU BEEN IN THE ROOM MR.  SEN'R≥ OATH ADMINISTERED BY CLERK.  OI	SNR. HAVING BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	SR. BEEN SWORN FOR THE PROSECUTION DEFENSE
ADMINISTERED BY CLERK.  FOR THE DEFENSE.  THE THE POWNER PROOF THE POWNER	BEEN CALLED AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	SWORN FOR THE PROSECUTION DEFENSE
FOR THE DEFENSE.  BY CLERK.  OI OF THE DEFENSE.  THE DEFEN	AS A WITNESS ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	FOR THE PROSECUTION DEFENSE
FOR THE DEFENSE.  OTHER DEFENSE.  THER DEFENSE.  TH	ON THE PART OF THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	PROSECUTION DEFENSE
DEFENSE.  THE TREE TO THE TREE TREE TO THE TREE TREE TREE TREE TREE TREE TREE	THE DEFENSE TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	DEFENSE
Q. HAVE YOU BEEN IN THE ROOM MR.  TH FC RH	TESTIFIED AS FOLLOWS. RIREDT EXAMINATION BY MR.	
Q. HAVE YOU BEEN IN THE ROOM MR.  FO RH  E2 B2 St St St ROOM MR.  ROOM MR.  FO RH  FO	FOLLOWS. RIREDT EXAMINATION BY MR.	~DACVIN!~
Q. HAVE YOU BEEN IN THE ROOM MR.  RH EX BY SI SI BEEN IN BEEN IN BI ROOM MR.  ROOM MR.	RIREDT EXAMINATION BY MR.	~DACVINI~
Q. HAVE YOU $\{_{\mathbf{Q}}\}^{i}$ HAVE YOU $\{_{\mathbf{Q}}\}^{i}$ BEEN IN THE BEEN IN BIROOM MR. ROOM MR.	EXAMINATION BY MR.	~DACVIN\~
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	BY MR.	~DACVIN!~
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$		~DACVINI~
$ \begin{array}{cccccccccccccccccccccccccccccccccccc$		∠D V CK IVI~
BEEN IN THE BEEN IN BI ROOM MR. BI	SUTHERLAND:	≠D∀2KIN≠
ROOM MR. ROOM MR. RO	Q. HAVE YOU	HAVE YOU
	BEEN IN THE	BEEN IN THE
IACKSON IACKSON IA	ROO M, MR.	ROOM
JACKSON JACKSON JA	ACKSON,	
WHILE THE WHILE {THE} <sup>i</sup> W	WHILE THE	WHILE THIS
EXAMINATION EXAMINATION EX	EXAMINATI <del>O</del> N	<b>EXAMINATION</b>
HAS BEEN HAS BEEN HAS	HAS BEEN	BEEN
GOING ON ? A. GOING ON $\{A\}^i$ GO	GOIING ON? A.	GOING ON
	YES, SIR .	YES SIR
l · · · · · · · · · · · · · · · · · · ·	O. WERE YOU	WERE YOU
	SUBPOENAED?	SUBPOENAED
	A. NO, SIR. Q.	NO SIR
	DO YOU LIVE IN	DO YOU LIVE IN
·	ΓHIS TOWN? A.	THIS TOWN
YES SIR. YES SIR [space] YI		YES SIR
		BEEN IN
	A. BEEN IN	HERE
CONSIDERABLE. CONSIDERABLE CO	A. BEEN IN HERE	LILL'IN E
YES SIR. YES SIR [space] YI HO	YES, SIR. [325] Q. HOW MUCH FIME HAVE YOU BEEN IN HERE?	

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17.1	N.S		

Т	HOCELANANOT	HOCE, HE	[] HOOF HIG
	HOGE I AM NOT	HOGE: HE	[space] HOGE HIS
COURT, HE	HE HAD BEEN IN	IWSAS NOT ON	NAME WAS ON
COURT: HE	BY COURT HE	OUR LIST: I WAS	OUR LIST I WAS NOT AWARE
SWEARS HE	SWEARS HE	NOT AWARE	
WAS IN HERE,	WAS	THAT HE WAS	THAT HE WAS
BUT I DIDN'T	BUT I DIDN'T	IN, UNDER THE	IN UNDER THE
KNOW OF IT.	KNOW OF IT.	RULE THAT	RULE THAT
		THAT WE	WE
CHITCHEDI AND	CHEHEDI AND	ADOPTED.	ADOPTED.
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	∠SUTHERLAND>
HE WAS IN ON	HE WAS NOT ON	HE WAS NOT ON	HE WAS NOT ON
THE ORIGINAL	ORIGINAL	THE ORIGINAL	THE ORIGINAL
LIST OF	LIST AND SO	LIST. AND SO	LIST SO
WITNESSES.	WITNESS	THE WITNESS	THE WITNESS
COULD NOT	COULD NOT	COULD NOT	COULD NOT
BE	BE	HAVE BEEN	HAVE BEEN
UNDERSTOOD	INSIDE	INFORMED.	NOTIFIED [space]
WHEN	WHEN	WHEN	WHEN
KLINGENSMITH	SMITH	KLINGENSMITH	KLINGENSMITH
WAS ON THE	WAS ON	WAS ON THE	WAS ON THE
STAND. HE	STAND AND HE	STAND HE	STAND HE
MENTIONED	MENTIONED	MENTIONED	MENTIONED
HIM. I WAS	HIM, AND I WAS	HIM AND I WAS	IT [space]
INFORMED AT	INFORMED AT	INFORMED AT	
THE TIME	THE TIME	THE TIME THAT	
HE WAS IN THE	HE WAS IN THE	HE WAS IN THE	
ROOM.	ROOM [space]	ROOM;	
	AND HE WAS	AND HE WAS	HE WAS
	INFORMED	INFORMED AT	REQUESTED AT
	FROM THAT	THAT	THAT
	TIME.	T <del>O</del> IME TO	TIME TO
		A <del>M</del> BSENT	ABSENT
		HIMSELF.	HIMSELF [space]
			HAVE YOU BEEN
			IN SINCE THEN
			YES SIR
	I REQUESTED IT	I REQUESTED IT	I REQUESTED IT
	TO BE DONE BE	TO BE DONE; TO	TO BE DONE
	NOTIFIED NOT	NOTIFY HIM	AND TOOK FOR
	TO COME	NOT TO COME.	GRANTED THAT
	I	AN <del>S</del> D I	IT HAD BEEN
	SUPPOSED FROM	SUPPOSED FROM	DONE. [space]
	THAT TIME	T <del>H</del> A T TIME	
	FORWARD HE	ONWARD HE	

RT	RS	BT	PS
17.1	N.S		

	T	T	<del> </del>
	HAD NOT BEEN	HADN'T BEEN	
	IN HERE BY	IN.	
COURT:	COURT I HAVE	COURT: I HAVE	COURT I HAVE
	SEEN HIM IN	SEEN HIM IN	SEEN HIM IN
	HERE	HERE,	HERE THEN [[2]]
		BUT	BUT
I WAS NOT	I WAS NOT	I WASN'T	I WAS NOT
AWARE OF	AWARE OF	AWARE OF	AWARE THAT
HIS BEING HERE	HIS BEING	HIS BEING A	HE WAS A
OR	WITNESS OR	WITNESS, OR AZ	WITNESS
I WOULD HAVE	I WOULD HAVE	I WOULD HAVE	
CALLED	CALLED	CALLED HIS	
ATTENTION TO	ATTENTION TO	ATTENTION TO	
IT,	IT MYSELF[?]	IT MYSELF.	
-,	[.]	COURT: (TO	
		WITNESS) HAVE	
		YOU BEEN IN	
		SINCE THE N? A.	
		YES, SIR.	
		SUTHERLAND: I	
		FREQUESTED IT	
		TO BE DOMNE	
		AND TOOK IT	
		FOR GRANTED	
		THAT IT HAD	
		BEEN DONE	
	BY COURT	THE COURT:	
AND ON THE	THE	UNDER THE	UNDER THE
		RULE WE	
RULE WE ADOPTED THE	RULE WE ADOPTED		RULE WE
		ADOPTED THE	ADOPTED THE
OTHER DAY HE	OTHER DAY HE	OTHER DAY HE	OTHER DAY HE
WILL HAVE TO	WILL HAVE TO	WILL HAVE TO	WILL HAVE TO
BE EXCUSED.	BE EXCUSED	BE EXCUSED.	BE EXCLUDED.
SUTHERLAND	SUTHERLAND I	SUTHERLAND: I	[space] I
AND	INQUIRED ON	INQUIRED ON	INQUIRED AT
	TUESDAY	THE OUTSET	THE OUTSET
	WHAT HAD	WHAT HAD	
	BEEN	BEEN THE	
	PRACTICE BY	PRACTICE. THE	_
	COURT I	COURT: I	I
	STATED [[26]]	STATED THAT	STATED THAT
	THERE MAY BE	THERE MIGHT	THERE MIGHT
	PECULIAR	BE PECULIAR	BE PECULIAR
	CIRCUMSTANCE	CIRCUMSTANCE	CIRCUMSTANCE

	S IN THE	S IN THE	S
	CASE≤?≥	CASE AND	
		UNDER WHICH I	UNDER WHICH I
		WOULD	WOULD [space]
		SUTHERLAND:	
		BUT YOUR	I BELEIVE YOUR
		HONOR DIDN'T	HONOR DIDN'T
		MENTION ANY	MENTION ANY
		RULE T <del>H</del> A T	RULE THAT
		WOULD BE	WOULD BE
		ENFORCED.	ENFORCED. <del>I AM</del>
			[space]
HOGE APPEALED			
TO THE COURT			
AS TO THE			
NECESSITY OF			
WITNESSES'			
TESTIMONY FOR			
THE			
DEFENSE, AND			
THAT AS THE			
COURT AND			
COUNSEL HAD			
NOT BEEN			
AWARE OF HIS			
PRESENCE IN THE			
COURT, DESIRED			
THAT HE BE PERMITTED TO			
TESTIFY.			
LESTIF I.	DV COUDT I		
	BY COURT I SAID IF THERE		
	ARE SOME		
	CIRCUMSTANCE		
	S CHANCE		
	WHEREBY HE		
	MIGHT BE		
	EXCUSED		
	SOMETHING OF		
	THAT KIND BY		
	HOGE	Q. (GOGE)	<hoge></hoge>
	{o} <sup>i</sup> WERE YOU	WAS YOU	<sub>o</sub> WAS YOU
	NOTIFIED AT	NOTIFIED AT	NOTIFIED AT
	ANY TIME <b>≤</b> MR.	ANY TIME, MR.	ANY TIME MR.

RS

BT

RT	K5	BI	P3

		T	
	JACKSON <del>&gt;</del> TO	HJACKSON, TO	JACKSON TO
	LEAVE THE	LEAVE THE	LEAVE THE
	$ROOM \{A\}^{1}NO$	ROO <del>K</del> M? A. NO,	ROOM
	SIR	SIR, I WAS NOT.	I WAS NOT
	BY COURT I	THE COURT: I	[space] COURT I
	UNDERSTAND	UNDERSTOOD	UNDERSTOOD IT
	YOU TO SAY HE	YOU TO SAY HE	HE
	WAS	WAS.	WAS <del>&lt;</del> [?]≥
	≤SUTHERLAND≥	SUTHERLAND:	SUTHERLAND
	I SAID I	I SAID I	MADE THE
	NOTIFIED SOME	NOTIFIED SOME	REQUEST SOME
	OF MY	OFMY	OF MY
	PARTIES TO	PARTIE <del>D</del> S TO	ASSOCIATE
	HAVE HIM	HAVE HIM	COUNSEL
	NOTIFIED AND I	NOTIFIED; AND I	AND
	THOUGHT IT	THOUGHT IT	THOUGHT IT
	WAS	WAS	HAD BEEN
	DONE	DONE.	DONE ≤I DID
			NOT KNOW
			MYSELF➤
BASKIN:	BASKIN $\{\mathbf{Q}\}^{i}$	Q. (BASKIN)	<baskin></baskin>
DIDN'T YOU	DID NOT YOU	DON'T YOU	DIDN'T YOU
KNOW THERE	KNOW THERE	KNOW THERE	KNOW THERE
WAS SUCH A	WAS SUCH A	WAS SUCH A	WAS SUCH A
RULE OF THE	RULE OF THE	RULE OF THE	RULE OF THE
COURT MADE	COURT MADE	COURT MADE,	COURT MADE
AS TO [490]	AS TO	AS TO	AS TO
EXCLUDING	EXCLUDING	EXCLUDING	EXCLUDING
WITNESSES ? A.	WITNESSES { <sub>A</sub> } <sup>i</sup>	WITNESSES? A.	WITNESSES A
YES SIR,BUT I	YES SIR BUT I	YES, SIR, <del>I</del> BUT I	YES SIR BUT I
DIDN'T KNOW I	DIDN'T KNOW I	DIDN'T KNOW I	DIDN'T KNOW I
WAS WANTED	WAS WANTED	WAS WANTED,	WAS
	<b>≤</b> OR ONE OF	OR ONE OF HIS	ONE OF HIS
	HIS> .	WITNESSES. [326]	WITNESSES.
COURT: I	BY COURT I	THE COURT: I	COURT I
DON'T LIKE TO	DON'T LIKE TO	DON'T LIKE TO	DON'T LIKE TO
EXCLUDE	EXCLUDE	EXCLUDE	EXCLUDE
ANY ONE, BUT	ANYONE BUT	ANY ONE; BUT I	ANY ONE BUT I
, -	_	AM RATHER	AM RATHER
		INCLINED TO	INCLINED TO
		THINK	THINK FOR ONE
HE	HE	THAT H E	—[?] THAT HE
WILL HAVE TO	WILL HAVE TO	WILL HAVE TO	MAY HAVE TO
BE EXCUSED.	BE EXCUSED.	BE EXCLUDED.	BE EXCLUDED

BISHOP: IF YOU	BISHOP IF YOU	BISHOP: IF YOU	BISHOP YOUR
			HONOR WILL
RECOLLECT WE	RECOLLECT WE	RECOLLECT WE	RECOLLECT
STATED AT THE	STATED AT THE	STATED AT THE	THAT
TIME THAT OUR	TIME OUR	TIME OUR	
LIST WAS	LIST WAS	LIST WAS	
CALLED OVER	CALLED OVER	CALLED OVER,	
WE COULD NOT	WE COULD NOT	WE COULDNOT	WE COULD NOT
TELL WHAT	TELL WHAT	TELL ALL THE	TELL ALL THE
WITNESSES WE	WITNESS WE	WINTNESSES WE	WITNESSES WE
SHOULD	SHOULD THEN	SHOULD THEN	
WANT.	WANT [space]	WANT	WANT [space]
	THIS EVIDENCE	THIS EVIDENCE	THIS EVIDENCE
	IS UPON <b>←</b> A <b>≻</b>	AS	IS
	KIND WE		
	INTENDED TO	INTENDED TO	INTENDED TO
	BE INTRODUCED	BE INTRODUCED	BE INTRODUCED
	<del>AND IS</del> UPON	IS UPON A	UPON A
	POINT	POINT THAT	POINT THAT
		HAS B <del>R</del> EEN	HAS BEEN
	BROUGHT OUT	BROUGHT OUT	BROUGHT <sup>396</sup>
	BY	BY THE	OUT BY THE
	PROSECUTION	PROSECUTION,	PROSECUTION
		AND A POINT	AND A POINT
	WE COULD NOT	WE COULD NOT	WE COULD NOT
	ANTICIPATE.	ANTICIPATE,	ANTICIPATE
	NOT	AND NOT	AND NOT
	KNOWING THE	KNOWING THE	KNOWING THE
	WITNESS WE	FACTS WE	WITNESS WE
	SUPPOSED	SUPPOSED	SUPPOSED ALL
	OUR	OU <del>T</del> R	OUR
	WITNESSES	WITNESSES	WITNESSES
	WERE OUT AND	WERE OUT. I	WERE OUT. I
	THINK IT	THINK IT	THINK IT
	WOULD BE	WOULD BE A	WOULD BE A
	HARDSHIP ON	HARDSH <del>O</del> IP ON	HARDSHIP ON
		THE	THE
	DEFENSE	DEFENDANT	DEFENSE TO
	FOR US NOT	FOR US NOT TO	PREVENT OUR
	HAVE	HAVE THE	HAVING
	RIGHT	RIGHT TO	RIGHT TO

RS

BT

PS

RT

<sup>396.</sup> The shorthand from this point to the beginning of the testimony is smaller and written more closely together than other shorthand.

KI	K5	ВI	P5

EX	AMINE HIM	ESXAMINE HIM.	EXAMINE THEM.
	STIMONY	THE TESTIMONY	Emilyin (E million)
	E EXPECT TO	WE EXPECT TO	
	TRODUCE BY	INTRODUCE BY	
	IS WITNESS IS	THIS WITNESS IS	IS
	POINT	UPON A POINT	ON POINT ON
	HICH HAS	WHICH HAS	POINT THAT NO
BE		BHERETOFORE	PREVIOUS
	RETOFORE	BEEN	TESTIMONY
	ΓRODUCED	INTRODUCED	WOULD <i>FLTN</i> [?]
	OT UPON	AND NOT UPON	HIM ON IT IS
			NOT ABOUT
AN	Y FACT THAT	ANY FACT THAT	ANY FACT THAT
TR	ANSPIRED AT	TRANSPIRED	TRANSPIRED AT
	E SCENE BY	AFTER. THE	THE SCENE.
	URT WAS	COURT: WAS IT	[space] WAS IT
IN	REGARD TO	IN REGARD TO	IN REGARD TO
	Y OTHER	ANY	ANY
FA	CTS	FACTS	FACT THAT WAS
DE	TAILED	DETAILED	DETAILED
WI	HILE HE WAS	WHILE	WHILE HE WAS
IN	THE ROOM	IN THE ROOM?	IN THE ROOM.
BY	BISHOP I DO	BISHOP: I DO	≤I DO
NC	T KNOW.	NOT KNOW.	NOT KNOW <b>&gt;</b> IF
			HE WAS ON ANY
			POINT HE HAS
			NOT BEEN
			PARTY I WOULD
			NOT EXCLUDE
			HIM [space]
CA	REY {*} <sup>i</sup>	CAREY:	. I J
	HAT IS YOUR	<b>TW</b> HAT IS YOUR	
	INT <b>≤</b> MR.	POINT, MR.	
BIS	SHOP <del>&gt;</del>	BISHOP <del>TO</del>	
		<del>PROVE</del> YOU	
		EXPECT TO	
		PROVE? BISHOP:	
		THE POINT WE	
ТО	PROVE	WISH TO PROVE	
TH	AT HE	IS THAT HE	
TR	ADED	TRADED THE	
EM	IIGRANTS	EMIGRANTS	
SO	ME GRAIN	SOME GRAIN,	
[sp]	ace] IT IS THE	AND IT IS THE	THE

RT	RS	BT	PS

	ONII W DODJE WE	ONE W DODIE WE	ONII W DODJE WE
	ONLY POINT WE	ONLY POINT WE	ONLY POINT WE
	WISH TO	SWISHED TO	WISHED TO
	INTRODUCE	IMNTRODUCE	INTRODUCE
	HIM FOR IS	HIM FOR <del>;</del> , IS	HIM FOR
	TO SHOW HE	TO SHOW HE	SHOW THAT HE
	LIVED IN THE	LIVED IN THE	LIVED IN THIS
	COUNTRY AT	COU <del>L</del> NTRY AT	COUNTRY
	THAT TIME AND	THE TIME, AND	AND HAD
	TRADED WITH	TRADED WITH	TRADED WITH
	THE	THESE	THESE
	EMIGRANTS?	EMIGRANTS	EMIGRANTS
	$\{*\}^i$ AS $\leq$ THEY $\geq$	AS THEY	AS THEY
	PASSED	PASSED	PASSED
	THROUGH THE	THROUGH THIS	THROUGH.
	COUNTRY	COUNTR¥.	[space] <court≥ DOES THE</court≥ 
			PROSECUTION
			WITHDRAW
			THEIR
			OBJECTION
BASKIN: THEN	BY BASKIN	BASKIN:	BASKIN
WE WILL	WILL	WE WILL	WE WILL
WITHDRAW OUR	WITHDRAW OUR	WITHDRAW OUR	WITHDRAW OUR
OBJECTION.	OBJECTION	OBJECTION,	OBJECTION AS
OBJECTION.	OBJECTION	THEN.	TO THIS
		TIILIN.	WITNESS. [space]
	BY COURT	THE COURT:	WIINESS. [space]
	PROCEED	PRO CE <del>E</del> ED	
	WITH	WITH THE	
	WITNESS, AND	WITNESS, THE	
	HE	ORDER IS	
	пе WITHDREW	WITHDRAWSN	
	AS TO THIS	AS TO THIS	
	WITNESS OF	WITNESS, OF	
Q.	COURSE. $\{Q\}^1$	COURSE. Q.	WHERE DID VOIT
WHERE DID YOU	WHERE DID YOU	WHERE DID YIU	WHERE DID YOU
RESIDE IN 1857,	RESIDE MR. LACKSON	RESIDE,	RESIDE
MR. JACKSON?	MR. JACKSON	MT. JACKSON, IN	IN
A. IN CEDAR	57 { <sub>A</sub> }¹CEDAR	'57? A. CEDAR	1857 CEDAR
CITY,IN	CITY	CITY,	CITY
SEPTEMBER.	SEPTEMBER	S <del>S</del> EPTEMBER,	
o power	CEDAR CITY	CEDAR CITY .	DID WOW
Q. DO YOU	{Q}¹DID YOU	Q. DI <b>AD</b> YOU	DID YOU
KNOW	KNOW	KNOW	KNOW

ANYTHING	ANYTHING	ANYTHING	ANYTHING
ABOUT AN	ABOUT	ABOUT THE	ABUT THE
EMIGRANT	EMIGRANT	EMIGRANT	EMIGRANT
TRAIN	TRAIN	TRAIN PASSING	TRAIN PASSING
		THROU <del>G</del> H	THROUGH
KNOWN	KNOWN	KNOWN	THERE KNOWN
AS THE	AS	AS THE	AS
ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS
	TRAIN <b>≤</b> PASSING	TRAIN? <del>PASSING</del>	TRAIN
	THROUGH AND	THROUGH?	
	KNOWN AS THE		
	ARKANSAS		
A. I	$TRAIN \ge \{A\}^{i}I$	A. I	I
SAW SOME OF	SAW SOME OF	SAW SOME OF	SAW SOME OF
THE COMPANY	COMPANY	THE COMPANY	THE COMPANY
IN CEDAR CITY.	IN CEDAR	IN CEDAR CITY.	IN CEDAR CITY
Q. DID YOU	$\{\mathbf{o}\}^{i}$ DID YOU	Q . DID YOU	DID YOU
HAVE ANY	HAVE ANY	HAVE ANY	HAVE ANY
TRANSACTION	TRANSACTION	TRANSACTION	TRANSACTION
WITH THEM?	WITH THEM	WITH THEM?	WITH THEM
BASKIN: I	BASKIN I	BASKIN. WE	WE
OBJECT TO	OBJECT TO	OBJECT TO	OBJECTED TO
THAT.	THAT IF THEY	THAT. IF THEY	IF THEY
	INTEND TO	INTE <del>D</del> ND TO	INTEND TO
	PROVE WHAT	PROVE WHAT	PROVE WHAT
	THEY	THAT THEY	THEY
	FORESHADOWE	FORSHADOWED	FORSHADOWED
	D IN THEIR	IN THEIR	IN THEIR
	STATEMENT,	STATEMENTS	STATEMENT
	1	1	

BT

**BECAUSE THIS** 

WITNESS MAY

TRADED WI TH

V<del>O</del>IIOLATION OF

THIS GENERAL

ORDER. CAREY:

MADE HERE,

₩SHOW THE ANIMUS OF

**BUT THE** 

**CERTAIN** 

THE ORDER WAS

**OUESTION IS TO** 

HAVE [327]

THEM IN

PS

BECAUSE THIS

WITNESS MAY

TRADED WITH

**VIOLATION OF** 

THIS GENERAL

GRDER > [space]

**HAVE** 

THEM IN

RS

BECAUSE THIS

*STM*/—[?] MAY

TRADED WITH

VIOLATION OF

THIS GENERAL

**ORDER CAREY** 

MADE HERE,

**OUESTION IS** 

ANIMUS OF CERTAIN

**BUT THE** 

**SHOW** 

THE ORDER WAS

**HAVE** 

THEM IN

RT

RT	RS	ВТ	PS

	1	1	1
	PARTIES	PARTIES	
	COUPLING IT	COUPLING IT	
	WITH THIS	WITH THIS	
	CONSPIRACY	CONSPIRACY—	
	WORDS OF	WORDS OF	
	THOSE PARTIES	THESE PARTIES	
	IS TO SHOW	IS TO SHOW THE	
	ANIMUS OF	ANIMUS OF	
	THEIR MIND		
	AGAINST THIS	THIS	
	COMPANY	COMPANY.	
	ANYONE	ANY ONE	
	VIOLATING	VIOLATING	
	THAT ORDER	THAT ORDER	
	DOES NOT	DOESN'T	
	PROVE THEY	PROVE THEY	
	DID NOT MAKE	DIDN'T MAKE	
HOGE IN	IT. HOGE.	IT. HOGE:	HOGE
ANSWER: MR.	MR.	MR.	[space]
SMITH	SMITH	SMITH	SMITH
TESTIFIES	TESTIFIES	TESTIFIES,	TESTIFIED THAT
SUCH WERE	SUCH WAS	SUCH WERE	SUCH
THE ORDERS	{THE} <sup>i</sup> ORDERS	THE ORDERS,	ORDERS WERE
AND	AND	AND	MADE AND
THOSE THAT	THEN	THEN	THESE THAT
VIOLATED	VIOLATES	VIOLATES	VIOLATED
SUCH ORDERS	SUCH ORDERS	SUCH ORDERS.	THEM
WAS TO	THEY WAS TO	THEY WERE TO	
BE CUT	BE CUT	BE CUT OFF	CUT OFF
FROM THE	FROM THE	FROM THE	THE
CHURCH.	CHURCH. BY	CHURCH.	CHURCH.
	BASKIN IT		
	MIGHT NOT		
	HAVE BEEN		
	KNOWN [space]		
	HOGE MORE		
	THAN THAT HE		HE
	ATTENDED		ATTENDS
	MEETINGS		MEETINGS
	THERE		THERE AND
	NEVER HEARD		NEVER HEARD
	ORDERS NEVER		ORDER-
	ANY SUCH		ANY SUCH
	WAS DEALT		

RT	RS	BT	PS
17.1	N.S		

	T	1	1
	WITH BY THE		
	CHURCH [[27]]		
			I WANT TO
	THIS EVIDENCE		CONNECT IT
	WILL GO TO		WITH MR.
	DISPROVE		SMITH'S
	TESTIMONY		TESTIMONY
	HOAG [space]		BASKIN MR.
	MR. SMITH'S		SMITH
COURT	BY COURT	THE COURT:	COURT YOU
OVERRULED THE	YOU MAY ASK	YOU MAY ASK	MAY ASK HIM
OBJECTION OF	THE QUESTION	THE QUESTION	QUESTION
THE		ANY WAY.	`
	ANYWAY [space]	ANI WAI.	[space]
PROSECUTION.		O DID VOII	DID VOI
Q. DID YOU	{Q} <sup>i</sup> DID YOU	Q. DID YOU	DID YOU
HAVE ANY	HAVE ANY	HAVE ANY	HAVE ANY
		TRANSACTION	TRANSACTION
		WITH THESE	WITH THESE
		EMIGRANTS —	EMIGRANTS
BUSINESS	BUSINESS	B <del>S</del> USINESS	BUSINESS
TRANSACTIONS	TRANSACTIONS	TRANSACTIONS	TRANSACTIONS
WITH THESE	WITH THESE	WITH THESE	
EMIGRANTS? A.	EMIGRANTS { <sub>A</sub> } <sup>i</sup>	EMIGRANTS. A.	
I CAN'T	I CAN'T	I CAN'T	I CAN'T
REMEMBER IF I	REMEMBER IF I	REMEMBER IF I	REMEMBER
DID THEN.	DID THEN [space]	DID THEN, I	I
	[]	MIGHT HAVE	MIGHT HAVE
Q. DID	$\{_{\mathbf{O}}\}^{\mathrm{i}}\mathrm{DID}$	DONE. Q. DID	DONE. DID
YOU SEELL	YOU SELL	YOU SEELL	YOU SELL
THEM ANY	THEM ANY	THEM ANY	THEM ANY
WHEAT OR	WHEAT OR	WHEAT OR	WHEAT OR
BRAD STUFFS	PROVISIONS	PROVISIONS	PROVISIONS
THERE? A. I		THERE? A. I	I
	THERE $\leq ? \geq \{A\}^{1}I$		
CANNOT	CAN'T	CANNOT	CANNOT
REMEMBER	REMEMBER	REMEMBER,	REMEMBER
SIR.	SIR BY DEFENSE	SIR <del>,</del> .	SIR [space]
	THAT IS ALL	THAT IS ALL	
	[space] BY	NO CROSS-	
	PROSECUTION	EXAMINATION.	
	THAT IS ALL BY		
	COURT CALL		
	YOUR NEXT		
	WITNESS [space]		
BISHOP GAVE	BISHOP		BISHOP

	113	 
NOTICE TO THE	IF THE	IF THE
COURT THAT	COURT PLEASE	COURT PLEASE
THEY HAD	WE HAVE SENT	WE HAVE SENT
ONE	FOR ONE	FOR ONE
OR TWO MORE	OR TWO	OR TWO
WITNESSES THAT	WITNESSES	WITNESSES
THEY DESIRED	WHO	WHO
TO PUT ON THE		
STAND BUT THEY		
HAD NOT YET	HAVE NOT YET	HAVE NOT YET
ARRIVED AND	ARRIVED	ARRIVED
	TAKE <lose< td=""><td></td></lose<>	
	OUR> <and it<="" td=""><td>AND IT</td></and>	AND IT
	WILL NOT TAKE	WILL NOT TAKE
	MORE THAN AN	MORE THAN AN
	HOUR LONGER>	HOUR LONGER
		[[3]] WITNESSES[?]
		TO INTRODUCE
		SUCH
		TESTIMONY AS
		WE PROPOSE TO
		INTRODUCE
FOR THE	FOR	AND FOR
PURPOSE OF	PURPOSE OF	PURPOSE OF
SAVING OUR	SAVING OUR	SAVING OUR
RIGHTS TO THE	RIGHTS TO THE	RIGHTS TO THE
INTRODUCTION	INTRODUCTION	INTRODUCTION
OF THIS	OF CERTAIN	OF CERTAIN
TESTIMONY	TESTIMONY,	TESTIMONY
HE GAVE THE		
NOTICE THEN		
AND ASKED		
THAT WHEN		
THEY CAME IN		
THEY BE		
PERMITTED TO		
TESTIFY.		
	≤AS WE	
	PROPOSE TO	
	INTRODUCE	
	AND WE ASK	
	THE PRIVILEGE≥	PRIVILEGE
	OF OFFER	TO OFFER
	CERTAIN	CERTAIN

RS

BT

	TESTIMONY	TESTIMONY
	WE	THAT WE
	EXPECT TO	EXPECT TO
	HAVE HERE	HAVE HERE
	TONIGHT. WE	TONIGHT
	WOULD NOW	NOW
	ASK COURT TO	ASK THE COURT
	CONSENT TO AN	
	ADJOURNMENT	ADJOURN
	UNTIL MONDAY	UNTIL MONDAY
	MORNING, WE	MORNING AND
	WILL THEN	WILL THEN. I
	OFFER SUCH	THINK WE WILL
	TESTIMONY AS	CLOSE IN AN
	WILL COMPLETE	HOUR WE THINK
	OUR EVIDENCE	
	WE THINK SO	SO
	NOW [space] WE	NOW.
	MAY CHANGE	
	OUR OPINION.	
COURT:	BY COURT HAVE	COURT <sup>397</sup> HAVE
IF THE	THE	THE
ATTORNEYS	ATTORNEYS	ATTORNEYS
HAVE BEEN		
CONSULTED ON	CONSULTED ON	ON BOTH SIDES
BOTH SIDES AND	BOTH SIDES ≤AS	CONSULTED AS
ARE AGREED, IT	TO WHETHER	TO WHETHER
WILL BE ALL	THEY WISH≥	
RIGHT. [491]	THAT THEY	
	WISH TO HAVE	WISH THE
	RULE CHANGED,	RULE CHANGED
	WE HAVE A	
	RULE IN THIS	THE RULE
	TRIAL <court></court>	
	IN REGARD TO	IN REGARD TO
	GIVING	THE GIVING OF
	INSTRUCTIONS. I	INSTRUCTIONS
	HAVE NO	I HAVE NO
	OBJECTIONS SO	OBJECTION
	FAR AS I AM	
	CONCERNED TO	ТО
	WAIVING IT	WAIVE IT I

RS

BT

PS

397. Word is circled.

RT

UNLESS IT IS	WOULD NOT DO
CONSENTED TO	SO EXCEPT BY
BY PARTIES	CONSENT OF
FROM	ATTORNEYS ON
=	
BOTH SIDES	BOTH SIDES
[space]	[space] OUR
WHATEVER	RULE HERE IS
CHARGE I	TO GIVE
PROPOSE TO	WHATEVER
GIVE	DIRECTION[?] I
ALWAYS	HAVE ALWAYS
RESERVING	RESERVE
[space]	INSTRUCTION
	TNT/—[?] $DR$ [?]
FOR INSTANCE	FOR INSTANCE
IF HE DID NOT	IF HE DID NOT
RECESS	RECESS IF THE
COURT HAVE	COURT HAD
OVERLOOKED	OVERLOOK
ANY ARGUMENT	OVERLOOK
GIVING	
INSTRUCTIONS	INSTRUCTION
ON THAT POINT	
	ON THE POINT
[space] I WILL	DEAD UDONTO
READ ABOUT	READ UPON[?]
SUBSTANCE OF	SUBSTANCE OF
OUR RULES	THE RULE
HERE WE HAVE	WE HAVE
ALWAYS HAD	ALWAYS HAD
BASKIN I THINK	
THAT IS	
DECIDED BY	
PAST PRACTICE	
[space] THAT IS	THAT IS
THE RULE [space]	THE RULE
	WE HAVE
	GENERALLY
	HAD [space] <del>IF</del>
	THE COURT
BISHOP WE	BISHOP WE
UNDERSTAND	UNDERSTAND
THAT	THAT AND IF
111/11	THE
	GENTLEMEN

RS

BT

RT	RS	ВТ	PS
			FOR THE
			PROSECUTION
	WIE ARE		WERE WILLING
	WE ARE		WE ARE
	SATISFIED COURT		SATISFIED THAT THE COURT
	SHALL HAVE		SHALL HAVE
	UNTIL AFTER		UNTIL AFTER
	THE ARGUMENT		THE ARGUMENT
	CLOSES TO		CLOSES TO
	SUBMIT THE		SUBMIT
	INSTRUMENT		INSTRUCTION.
	[space] I WOULD		
	LIKE TO HAVE IT		
	SETTLED NOW		
	OTHERWISE IT		OTHERWISE IT
	WILL TAKE		WOULD TAKE
	OVER ANOTHER		OVER ANOTHER
	DAY OR		DAY
	PROBABLY		
	WE/HE[?] CAN		YOU CAN
	DECIDE IT		DECIDE ON
	MONDAY		MONDAY
	MORNING		MORNING [space]
	BISHOP MY ONLY		BISHOP MY ONLY
	OBJECTION IS		OBJECTION IS
	THIS IT WILL		THIS IT WILL
	TAKE US A DAY		TAKE A DAY TO
	TO PREPARE		SETTLE/STATE[?]
	OUR		THE
	INSTRUCTIONS		INSTRUCTIONS
	THAT CAN		AND THAT CAN
	AS WELL BE		AS WELL BE BE
	DONE ANY		DONE IN AN
	POINT		ARGUMENT
			UPON/POINT[?]
	ARGUING BY		ARGUMENT BY
	COUNSEL		
	SUBMITTING		SUBMITTING
	AUTHORITIES,		AUTHORITIES
	TO YOUR		TO YOUR
	HONOR AND IN		HONOR IN
	SUPPORT OF		SUPPORT OF

	2.	
INSTRUCTIONS THEY WILL ASK  IT WILL SAVE TIME I WOULD PREFER IT ≤TO BE≥ DONE THAT WAY IF GENTLEMAN ASKS TO SETTLE INSTRUCTIONS BEFORE WE ARE WILLING [space] BY COURT IF THERE IS  AGREEMENT DEFINITE IT WILL SAVE TIME [space] BY DEFENSE WE DO NOT CARE.  BASKIN I UNDERSTAND RULE IS FOR  COURT TO CHARGE		THE INSTRUCTIONS THEY SHALL GIVE I THINK THAT IS THE PRM/PRL[?] GENERALLY ADOPTED [space] I BELIEVE IT WOULD SAVE TIME I WOULD PREFER IT TO BE DONE YET IF THE GENTLEMAN [space]  COURT IF THERE IS IN/ANY[?] ARGREEMENT ABOUT IT THE INSTRUCTION SHALL BE SETTLED BEFORE[?] ARGUMENT. CAREY SETTLE CONSIDERATIO N IN THE FIRST PLACE. BASKIN I UNDERSTAND THAT THE PRLT[?] OF THE COURT IS TO CHARGE THE
COURT TO CHARGE JURY BEFORE INSTRUCTIONS BY DEFENSE WE ACCEPT THAT [space] WE DO		COURT IS TO
NOT WISH RULE		

RS

BT

RT	RS	ВТ	PS
	SUTHERLAND I WOULD LIKE TO MAKE AN INQUIRY BECAUSE I HAVE NO/ANY[?]		ANY ARGUMENT BECAUSE ATTORNEYS THEN MUST KEEP THEMSELVES WITHIN THE SCOPE OF THE INSTRUCTION [space] SUTHERLAND I WOULD LIKE TO MAKE AN INQUIRY
	OBJECTION. COURT READ ALL INSTRUCTIONS BE WRITTEN ON ONE SIDE OF PAPER ONLY [space] [[28]] BY HOGE I UNDERSTAND YOUR HONOR TO EXTENT THAT RULE WAS ALLOWS IF ANY COUNSEL WISH TO CHANGE RULE IF ANY COUNSEL WISH TO CHANGE THE YOU WILL PERMIT THEM TO DO SO.		∠COURT≥ READ ALL THE INSTRUCTION RULE WE HAVE. [space]
	10 ро 80.		COURT THE RULE WE HAVE BEEN GIVEN[?] I HAVE SOMETIMES

RT	RS	BT	PS
			ALLOWED THEM TO DO AFTERWARDS ←HOGE► TESTIMONY SOMETIMES ARISES THAT BOTH SIDES OVERRULE LIKE/LOOK[?]
	BY COURT PARTY THAT GOES TO JURY ON THAT POINT TAKES VIEW THAT THE		[space]  COURT THE PARTY THAT GOES TO THE JURY ON THAT POINT TAKES VIEW[?] [[4]]
	OPPOSITE SIDE CAN'T AGREE TO AND ASK THE COURT TO GIVE INSTRUCTION ON THAT POINT		ASK THE COURT ON GIVING INSTRUCTION ON THAT POINT AND THE COURT DOES IT [space]
	FOR THEY MAY ALL INTRODUCE PST/PASSED[?] POINT BEFORE THE CASE GOES		OR IS IT BETTER FOR THEM TO INTRODUCE BEFORE [space]
	TO JURY. BY COURT I SHALL CONFINE COUNSEL TO LAW AS GIVEN BY COURT. BY SUTHERLAND WILL HAVE TO THEY		YOU CONFINE COUNSEL TO THE LAW AS GIVEN BY THE COURT [space] EXPECT THEY WILL HAVE TO KTN/CONTAIN[?] IN IT AS FAR AS

RT	RS	BT	PS
	BE CONFINED TO THEM OR THEY MAY INDICT RULE UPON SOME ADDITIONAL PRINCIPLES BY COURT ANY ADDITIONAL PRINCIPLES WILL BE IN CONFLICT WITH		THEY GO HE HAD CONFINED TO THEM THAT THEY MAY RULE UPON SOME ADDITIONAL PRINCIPLES N THE COURT ANY ADDITIONAL [space]
	THIS BY COURT IF ANY OTHER POINT OF LAW IS REFERRED TO AND OTHER PARTIES DON'T AGREE THEY MAY GET UP AND ASK COURT TO ARGUE THAT QUESTION.		IF ANY OTHER POINT OF LAW IS REFERRED TO AND THE OPPOSITE PARTY DOES NOT AGREE TO IT THEY MAY GET UP AND ASK THE COURT TO HAVE THE INSTRUCTION ON THAT SUBJECT.
	BY BASKIN BEFORE AGREE COURT MUST FIRST SETTLE THE RULE. BY COURT IF INSTRUCTIONS IS GIVEN AFTERWARDS IT IS AN EXCEPTIONAL CASE.		IF THE INSTRUCTION IS GIVEN AFTERWARDS IT IS AN EXCEPTIONAL CASE THE GENERAL RULE NS/ONCE[?] GIVEN AFTERWARDS

RT	RS	ВТ	PS
	BASKIN IN		[space] THAT IS IN
	OTHER WORDS		OTHER WORDS THE
	ATTORNEYS		ATTORNEYS
	ARE CONFINED		ARE CONFINED
	IN THEIR		IN THEIR
	DISCUSSIONS OF		DISCUSSIONS OF
	LAW TO INSTRUCTIONS		LAW TO THE INSTRUCTION
	OF COURT IF		OF THE COURT
	ANY NEW		[space]
	QUESTION		
	ARISES THE		
	COURT SETTLES		
	IT AND THEY		
	MUST THEN CONFINE		
	THEMSELVES TO		
	JUDGMENT OF		
	COURT AS HE		
	SETTLES IT.		
	[space] BY		
	COURT. BISHOP I WILL ASK		ASK THE
	PROSECUTION IF		GENTLEMAN IF
	THEY		THE
			PROSECUTION
			FEEL NEED OR
	WISH TO		WISH TO
	RECALL ANY		RECALL ANY
	WITNESS THAT HAVE BEEN		WITNESS
	INTRODUCED		
	ON PART OF		ON THE PART OF
	DEFENSE? [space]		DEFENSE [space]
	THE REASON I		
	MAKE THIS SO		
	MANY THAT		
	ARE HERE MAY GO HOME		
	GO HOME ≤CAREY IN		CAREY <del>BISHOP</del>
	ANSWER TO		CHILL I DIDITOR
	BISHOP IF YOU		IF YOU

	DON'T EXPECT TO EXAMINE ANY MORE WITNESSES> [space] BY CAREY WE DO NOT KNOW WHAT WITNESSES WE EXPECT TO		DO NOT EXPECT TO EXAMINE ANY MORE WITNESSES WE DO NOT [space].
	EXAMINE WE CAN'T TELL [space] BY COURT WITNESSES MARSHAL HAD		CAREY WE OF COURSE CAN'T TELL. WITNESSES
	BETTER REMAIN UNTIL MONDAY, AS THE WHOLE MATTER WILL BE SETTLED ON MONDAY		BETTER REMAIN UNTIL MONDAY AND THE WHOLE MATTER BE SETTLED ON MONDAY [space] COURT WELL THEY HAD
ADJOURNED UNTIL MONDAY MORNING AT NINE O'CLOCK	ADJOURNED COURT UNTIL MONDAY MNG AT 9 OCLOCK [space]	COURT ADJOURNED TILL MONDAY  9 A.M. AUGUST 2ND2, 188785. — ———————————————————————————————————	BETTER STAY [space] COURT ADJOURNED UNTIL MONDAY MORNING 9 O'CLOCK [space]
MONDAY, AUGUST 2ND 1875. 9 O'CLOCK A.M.	M'NG JUL AUG 2ND 1875 9 15 AM. [space]	MONDAY , AUGUST 2ND?, NINE A.M.  COURT MET PURSUANT TO ADJOURNMENT.	MONDAY AUG 2ND 75 [space]

RS

BT

RT	RS	ВТ	PS
	CLERK READ		
	MINUTES OF		
	THE		
	PROCEEDINGS		
	MONDAY JULY		
	26 AND 27 <b>TH</b> ,		
	28 <b>TH</b> , 29 <b>TH</b> , &		
	30 <b>TH</b> TO WHERE		
	COURT		
	ADJOURNED		
	UNTIL MONDAY		
	MORNING 9		
	O'CLOCK.		
	SUTHERLAND		
	MADE REMARK		
	CORRECTING		
	CLERK WHO		
	WAS READING		
	ITEM		
	RESPECTING OBJECTION OF		
	DEFENSE TO		
	JURORS AND		
	CORRECTING IT		
	TO READ "SINCE		
	FIRST JANUARY		
	1875"		
	TO THE		
	PRESENT TIME.		
	MR.		
	SUTHERLAND		
	TOOK A SEALED		
	PACKAGE FROM		
	THE CLERK'S		
	DESK AND		
	ASKED		
	PERMISSION TO		
	OPEN AS IT WAS		
	ADDRESSED TO		
	[space] CLERK		
	CALLED NAMES	JURY	JURY
	OF THE JURORS	CALLED,	CALLED
	ALL PRESENT. 3	ALL PRESENT.	ALL PRESENT
	LETTERS WERE	_	[space]

N I	RS	BT	PS

	T	1	
	HANDED BY		
	JUDGE		
	BOREMAN TO		
	MR. DUFFIN ONE		
	OF WHICH		
	JUDGE HANDED		
	TO		
	PROSECUTION		
	FOR THEIR		
	PERUSAL. 9.30		
	AM COURT		
	REQUESTED		
	GENTLEMEN TO		
	PROCEED WITH		
	TRIAL [space]		
SUTHERLAND:	SUTHERLAND. I	SUTHERLAND: I	SUTHERLAND
ANNOUNCED TO	HAVE JUST	HAVE JUST	THERE HAS JUST
THE COURT THAT	ARRIVED	R <del>3</del> ECEIVED	ARRIVED
HE HAD JUST	DIRECTED TO	#DIRECTED TO	DIRECTED TO
RECEIVED THE	CLERK OPENED	THE CLERK AND	THE CLERK AND
RECEIVED THE	CLERK OF LIVED		NOW I WILL
	WITH YOUR	WITH YOUR	WITH YOUR
	HONOR'S	HONORS	HONORS
	CONSENT	CONSENT, THE	CONSENT THE
DEPOSITIONS OF	DEPOSITION OF	DEPOSITIONS OF	DEPOSITIONS OF
BRIGHAM	BRIGHAM	BRIGHAM	BRIGHAM
YOUNG AND	YOUNG	YOUN G AND	YOUNG AND
GEORGE A.	GEORGE A	GEORGE A.	GEORGE A
SMITH, THE	SMITH AN	SMITH, AN	SMITH AN
ORIGINAL	ORIGINAL	ORIGINAL	ORIGINAL
AFFIDAVITS,WHI	AFFIDAVIT	AFFIDAVIT	AFFIDAVIT
CH WERE	WHICH WAS	WHICH WAS	THAT WAS
FILED.	FILED IN THE	FILED IN THE	FILED IN THE
TILLD.	FORM OF A	FORM OF A	FORM OF A
	TELEGRAM	TELEGRAN	TELEGRAPHER
	OTHER	THE OTHER	THE OTHER
	DAY IS HERE	DA <del>U</del> Y <del>IF</del> HERE,	DAY IS HERE
WE HAVE	I HAD A	AND I HAD A	AND I HAVE A
SERVED A COPY	COPY OF THE	C <del>P</del> OPY OF THE	COPY OF THE
SERVED A COFT	NOTICE <that< td=""><td>NOTICE THAT</td><td>NOTICE THAT</td></that<>	NOTICE THAT	NOTICE THAT
	WAS> SERVED	WAS SERVED	WAS SERVED
ON THE	ON SERVED	ON THE	ON THE
OPPOSITE	OPPOSITE	OPPOSITE	OPPOSITE
PARTY,	PARTY FOR	PARTY FOR	PARTY FOR

	TAKING	TAKING THE	TAKING THE
	DEPOSITION	DEPOSITIONS	DEPOSITION
	CONTAINED	CONTAINING	CONTAINING
	ALSO OFFER TO	ALSO AN OFFER	ALSO AN OFFER
	PAY ≼ALL THE≥	TO PAY ALL THE	TO ALL THE
	CHARGE OF	CHARGE OF	CHARGES
	{AND} <sup>i</sup> OF		
	TELEGRAPHING	TELEGRAPHING,	
	ON THE PART OF	ON THE PART OF	ON THE PART OF
	THE PEOPLE	THE PEOPLE'S	THE PEOPLE FOR
	ATTORNEY AT	ATTORNEY AT	ATTENDING
	SALT LAKE	SALT LAKE	
	CITY	CITY, AND	
	ATTORNEYS TO	ATTORNEYS TO	ТО
	CROSS	CR <del>EOO</del> OSS	CROSS
	EXAMINE AND	EXAMINE, AND	EXAMINE AND
	ALSO THE	ALSO THE	ALSO THE
	DEPOSITIONS	DEPOSITIONS.	DEPOSITIONS
AND ASK THAT			
THEY BE			
ACCEPTED AS			
TESTIMONY			
WITH THE			
CERTIFICATES			
OF THE			
PHYS¥ICIANS			
ACCOMPANYING,			
THAT BRIGHAM			
YOUNG WAS NOT ABLE AT THAT			
TIME TO MAKE			
THE TRIP AND			
THAT GEORGE A.			
SMITH WAS			
SERIOUSLY ILL			
AND HAD BEEN			
FOR WEEKS PAST			
AND ASKED			
THAT THEY BE			
THEN READ AND			
OFFERED IN			
EVIDENCE.			
	WE DESIRE TO FILE THE	WE DESIRE TO FILE THE	I DESIRE TO FILE THE
		1	1

RS

BT

 113		
AFFIDAVIT OF	AFFIDAVIT OF A	AFFIDAVIT OF
THE PHYSICIAN	PHYSISIAN THER	THE PHYSICIAN
SHOWING THEIR	SHOWING THEIR	SHOWING THEY
INABILITY TO	INABILITY THO	ARE UNABLE TO
ATTEND	ATTEND	ATTEND
PERSONALLY	PERSONALLY	PERSONALLY
COPY OF	AND A COPY OF	AND COPY OF
NOTICE	THE NOTICE	THE NOTICE
SERVED [space]	<del>C</del> SERVED.	SERVED [space]
BY COURT FILE	C OURT: FIL <del>L</del> E	COURT FILE
ALL THE	ALL THE	ALL THE
PAPERS.	PAPERS. [328]	PAPERS [space]
≤SUTHERLAND≥	SUTHERLAND:	
I DESIRE TO FILE	I DESIRE TO FILE	I DESIRE THIS
THEM WITH	THEM WITH	TO BE FILED
	THE	WITH THE
DEPOSITIONS BY	DEPOSITIONS.	DEPOSITIONS
COURT	THE COURT:	[ <i>space</i> ] [[5]]398
YES. IF	YES, IF THE	[[5]]398
COUNSEL ON	COUNSEL ON	COUNSEL ON
OTHER SIDE	THE OTHER SIDE	THE OTHER SIDE
≤WISH≥ TO	WISH TO	DESIRE TO
EXAMINE THEM	EXAMINE THEM,	LOOK AT THE
IF THEY	LET THEM	DEPOSITIONS
		BEFORE
		MY/HIM[?] OFFER
	DO SO, IF THEY	THEY CAN DO
SEE PROPER	SEE PROPER.	SO [space]
[space]	SUTHERLAND:	
AFFIDAVIT	THE AFFIDAVIT	THE AFFIDAVIT
OF THE	OF THE	OF THE
PHYSICIAN	PHYSICIAN	PHYSICIAN
IS THE SAME AS	ISTHE SAME AS	IS THE SAME AS
CAME BY	CAME BY	CAME BY
TELEGRAPH.	TELEGRAM.	TELEGRAM.
SUTHERLAND		[space]
		DEPOSITION
		OFFERED IN
		EVIDENCE
HAND MOHANY	HAND MOH AND	[space]
HAVE YOU ANY	HAVE YOU ANY	
OBJECTIONS.	OBJECTIONS.	

RS

BT

PS

398. The verso of page 5 includes profiles of unidentified men.

N I	RS	BT	PS

OBJECTED TO BY			OBJECTED TO
PROSECUTION.			
AFTER FURTHER			[space]
ARGUMENT AS			
TO THE RELEVANCY			
THE OBJECTION			
WAS			
SUSTAINED EXCEPTION BY			
EXCEPTION BY DEFENDANT			
[space]	CAREY YES SIR	CADEV: VEC	
	WE HAVE	CAREY: YES, WE HAVE	
	DECIDED	DECIDED	
	OBJECTIONS	OBJECTIONS.	
	CAREY WE	WE	
	OBJECT TO THE	OBJECT TO THE	
	READING	REA <del>E</del> DING.	
	BASKIN THE	BASKIN: THE	BASKIN THE
	NOTICE HAS	NOTICE HAS	NOTICE HAS
	NOT BEEN	NOT BEEN	NOT BEEN
	CALLED TO	CALLED TO	CALLED TO
		YOUR HONORS	
	YOUR HONOR ATTENTION.	ATTENTION.	YOUR HONOR
	THEY GIVE US	THEY GAVE US	THEY GIVE US
	NOTICE TO	NOTICE TO	NOTICE ONE
	NOTICE TO	NOTICE TO	DAY 11
			O'CLOCK/AT 1
	TAKE	TAKE	O'CLOCK[?] TO TAKE
	DEPOSITIONS	DEPOSITIONS <del>T</del>	DEPOSITION AT
	250 MILES	250 MILES	SALT LAKE CITY
	AWAY AT	AWAY AT	SALT LAKE CITT
	TWELVE CLOCK	12 O'CLOCK THE	
	NEXT DAY. BY	NEXT DAY. THE	NEXT ≤12≥ DAY.
	COURT THEY	COURT: THEY	[space] COURT
	SAID IT	SAI D IT	[Space] COURT
	WOULD NOT BE	WOULDNOT BE	
	TAKEN UNTIL	TAKEN TILL THE	
	NEXT	ENEXT	
	MORNING. I	MORNING, I	Ι
	SUPPOSE	SUPPOSE THE	SUPPOSE THE
	OBJECT IS TO	OBJECT IS TO	OBJECT IS TO

KI	KS	RI	PS

	1	T	
	SAVE THEIR	SAVE THEIR	SAVE THEIR
	EXCEPTION	EXCEPTION.	EXCEPTION IT IS
	SAME	SAME	THE SAME
	RULING SAME	RULING, SAME	RULING SAME
	QUESTION	QUESTION	QUESTION THAT
	PASSED	PASSED	WAS PASSED
	<b>∠UPON&gt;</b>	UPON THE	UPON
	OTHER DAY BY	OTHER DAY .	OTHER DAY
	COURT		[space]
	OBJECTIONS OF	THE OBJECTION	OBJECTION
	THE	OF THE	
	PROSECUTION	PROSECUTION	
	WILL BE	WILL BE	
	SUSTAINED BY	SUSTAINED.	SUSTAINED.
	COURT JUST	JUST	EXCEPTION
	BRING ALL THE	BRING ALL THE	[space]
	PAPERS AND	PAPERS AND	[Space]
	FILE (AS	FILE THEM.	
	EVIDENCE.)	TIEL THEN.	
	9.51 <b>AM</b> THEY		
	WERE FILED. BY		
	COURT ARE YOU		
	READY TO		
	PROCEED IN		
	THIS CASE		
	SUTHERLAND A		
	MOMENT YOUR		
	HONOR.—		
IOINIM		IOINIMMO	IOHN M
JOHN M.	[space] JNO. M.	JOHN M.MC	JOHN M
MACFARLANE,	MACFARLANE	FARLANE BEING	MCFARLANE
SWORN FOR	BY CHELLEDI AND	CALLED AS A	RECALLED
DEFENSE	SUTHERLAND	WITNESS ON	[space]
	WILL YOU TAKE	THE PART OF	
	THE STAND.	THE DEFENSE	
		TESTIFIED AS	
		FOLLOWS.	
		DIRECT	
		EXAMINATION	
	( )i	BY CHELLEDI AND O	
Q.	$\{Q\}^1$	SUTHERLAND: Q	HOMTONG
HOW LONG	HOW LONG	. HOW LONG	HOW LONG
HAVE YOU	HAVE YOU	HAVE YOU	HAVE YOU
LIVED IN THIS	LIVED ≤IN≥ THIS	LIVED IN THIS	LIVED IN THIS
TERRITORY ?	TERRITORY?	TERRITORY?	TERRITORY

A. ABOUT	{ <sub>A</sub> } <sup>i</sup> ABOUT	A. ABOUT	ABOUT
TWENTY THREE	23	23	23
YEARS. Q. HOW	YEARS { <sub>Q</sub> } <sup>i</sup> HOW	YEARS. Q. HOW	YEARS HOW
MUCH OF THAT	MUCH THAT	MUCH OF THAT	MUCH OF THAT
TIME HAVE YOU	TIME HAVE YOU	TIME HAVE YOU	TIME HAVE YOU
LIVED IN	LIVED IN	LIVED IN	LIVED IN
SOUTHERN	SOUTHERN	SOUTHERN	SOUTHERN NG[?]
UTAH?A.	$UTAH \{_{\mathbf{A}}\}^{i}$	UTAH? A.	
ABOUT 22	ABOUT 22	ABOUT 22,	22
NEARLY. Q. DO	NEARLY {Q}iDO	NEARLY. Q. DO	NEARLY DO
YOU KNOW	YOU KNOW	YOU KNOW	YOU KNOW
JOHN	JOHN	JOHN	JOHN
MANGRANM? A.	MANGRAM $\{_{\mathbf{A}}\}^{i}$	MANGRAM? A.	MANGRAM
YES SIR. Q.	YES SIR $\{\mathbf{o}\}^{i}$	YES, SIR. Q.	YES SIR
WHERE DOES HE	WHERE DOES HE	WHERE DOES HE	WHERE DOES HE
LIVE ? A. HE	LIVE A	LIVE? A	LIVE
LIVES AT THE	LIVES AT THE	LIVES AT THE	LIVES AT THE
PAHREAH, <sup>399</sup>	PARIA	PAHREA	PARIA
NEAR THE	<i>≤</i> NEAR THE≥	NEAR THE	NEAR THE
<b>WESTERN</b>			
EASTERN	EASTERN	EASTERN	EASTERN
FRONTIER OF	FRONTIER OF	FRONTIER OF	FRONTIER OF
<del>Y</del> UTAH. <sup>[492]</sup> Q. DO	UTAH. $\{\mathbf{Q}\}^{i}$ DO	UTAH. Q. DO	UTAH DO
YOU KNOW IRA	YOU KNOW IRA	YOU KNOW IRA	YOU KNOW IRA
ALLEN? A. YES	ALLEN (A) YES	ALLEN? A YES,	ALLEN YES
SIR. Q. WHERE	$SIR \{_{\mathbf{Q}}\}^{i}WHERE$	SIR. Q. WHERE	SIR WHERE
DOES HE LIVE ?	DOES HE LIVE	DOES HE LIVE?	DOES HE LIVE
A. I BELIEVE HE	$\{_{\mathbf{A}}\}^{\mathrm{i}}$ I BELIEVE HE	A.	I BELIEVE
LIVES IN CACHE	LIVES IN CACHE	IN CASH	LIVES IN CACHE
VALLEY	VALLEY	VALLEY,	VALLEY
SOMEWHERE.	SOMEWHERE	SOMEWHERES, I	SOMEWHERE.
Q. DO	$\{_{\mathbf{Q}}\}^{\mathrm{i}}\mathrm{DO}$	BELIEVE. <del>Q</del> . DO	DO
YOU KNOW MC	YOU KNOW MC	YOU KNOW MC	YOU KNOW MC
MURDY ? A. YES	$MURDY \{A\}^{1}YES$	MURDY? A. YES,	MURDY YES
SIR. Q.	$SIR \{Q\}^{1}WHAT IS$	SIR. Q. WHAT IS	SIR WHAT IS
	HIS FIRST	HIS FIRST	HIS FIRST
	NAME [space]	NAME?	NAME
WHERE DOES HE	WHERE DOES HE	WHERE DOES HE	
LIVE ? A. IN	LIVE AIN	LIVE? A . IN	IN
CACHE VALLEY,	CACHE VALLEY	CASH VALLEY	CACHE VALLEY
	ALSO I THINK	ALSO; I THINK	ALSO I THINK
	✓ Λ T<	AT	ΛT

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399. Paria River.

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WELLSVILLE.	WELLSVILLE.	WELLS VILLE.	WELLSVILLE
WELLSVILLE.	WELLSVILLE.	WELLS VILLE. WELLSVILLE.	
Q. DO YOU	{₀} <sup>i</sup> DO YOU	Q. DO YOU	[space]
KNOW EXRA	KNOW EZRA	HKNOW EZRA	EZRA
CURTIS ? A.		CURTIS? [329] A:	CURTIS
	CURTIS { <sub>A</sub> }¹ YES SIR		CURTIS
YES SIR. Q.	1 ES SIK	YES, SIR. Q.	WHERE DOES HE
WHERE DOES HE LIVE ? A.	i i	WHERE DOES HE LIVE? A.	WHERE DOES HE LIVE
SOMEWHERE	SOMEWHERE	SOMEWHERE	SOMEWHERE
IN UTAH	IN UTAH	IN UTAH,	IN UTAH
COUNTY,	COUNTY	COUNTY,	COUNTY <what< td=""></what<>
IAM	≼I AM	I AM	TOWN I COULD
NOT CERTAIN	NOT CERTAIN	NOT CERTAIN	NOT SAY≥
AS TO THE	AS TO⇒ [[30]]	AS TO THE	
SETTLEMENT. Q.	SETTLEMENT Q	SETTLEMENT. Q.	
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	DO YOU KNOW
HARRISON	HARRISON	HARRISON	HARRISON
PIERCE ? A. YES	PEARCE YES	PEARCE? A. YES,	PEARCE YES
SIR. Q.	SIR [space]	SIR. Q.	SIR
WHERE DOES HE	WHERE DOES HE	WHERE DOES HE	WHERE DOES HE
LIVE ? A. ST.	LIVE AST.	LIVE? A. ST	LIVE ST.
GEORGE	GEORGE	GEORGE,	GEORGE
WASHINGTON	WASHINGTON	WASHINGTON	WASHINGTON
CO. Q.	COUNTY [space]	COUNTY. <del>Q</del> .	COUNTY
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	DO YOU KNOW
RICHARD	RICHARD	RI <del>G</del> CHARD	RICHARD
HARRISON ? A.	HARRISON	HARRISON? A.	HARRISON
YES SIR. Q.	YES SIR	YES, SIR. Q.	YES SIR
WHERE DOES HE	WHERE DOES HE	WHERE DOES HE	WHERE DOES HE
LIVE ? A. AT	LIVE AT	LIVE? A AT	LIVE AT
PINTO CREEK,	PINTO CREEK,	PINTO CREE <del>,</del> K,	PINTO CREEK
RECOGNIZED	RECOGNIZED	RECOGNISED AS	RECOGNIZED AS
IN	IN	IN	IN
WASHINGTON	WASHINGTON	WAS <del>QH.</del> INGTON	WASHINGTON
COUNTY ALSO.	COUNTY ALSO	COUNTY ALSO.	COUNTY ALSO
Q. DO YOU	[space] DO YOU	<del>Q</del> . DO YOU	DO YOU
KNOW CARL	KNOW CARL	KNOW CARL	KNOW CARL
SHIRTS ? A.	SHIRTS	SHIRT <del>Z</del> S? A.	SHIRTS
YES SIR. Q.	YES SIR	YES, SI <del>T</del> R. Q.	YES SIR
WHERE DOES HE	WHERE DOES HE	WHERE DOES HE	WHERE DOES HE
LIVE ? A.	LIVE	LIVE? A.	LIVE
SOMEWHERE ON	SOMEWHERE ON	SOMEWHERE ON	SOMEWHERE ON
THE <del>SV</del> SEVIER I	SEVIER I	THE SEVIER, I	THE SEVIER I
BELIEVE. Q. DO	BELIEVE DO	BELIEVE. Q. DO	BELIEVE DO

YOU KNOW	YOU KNOW	YOU KNOW	YOU KNOW
SAMUEL	SAMUEL	SAMUEL	SAMUEL
KNIGHTS ? A. YES	KNIGHT YES	KNIGHT? A. YES,	KNIGHT YES
SIR. [493] Q.	SIR	SIR. Q.	SIR
WHERE DOES	≤WHERE DOES	WHERE DOES	SIK
HE LIVE ? A. AT	HE LIVE≥ AT	HE LIVE? A . AT	AT
SANTA	SANTA	THE SANTA	SANTA
CLARA	CLARA	C <del>A</del> LARA	CLARA
SETTLEMENT	SETTLEMENT	SETTLEMENT,	SETTLEMENT
WASHINGTON	WASHINGTON	WASHINGTON:,	WASHINGTON,
COUNTY.	COUNTY	COUNTY.	COUNTY [space]
CROSS -	{BASKIN CROSS	CROSS –	CCROSS-
EXAMINED.	EXAMINED} <sup>i</sup>	EXAMINATION O	EXAMINATION≥
EXAMINED.	EXAMINED	O JOHN M.MC	EXAMINATION=
		FARLANE BY	
BASKIN: Q. HOW	BASKIN <sub>O</sub> HOW	BASKIN: Q. HOW	HOW
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	DO YOU KNOW
IRA	IRA	IRA	THAT IRA
ALLEN LIVES IN	ALLEN LIVES IN	ALLEN LIVES IN	ALLEN LIVES IN
CACHE CO. ?	CACHE VALLEY	CASH VALLEY?	CACHE VALLEY
A. I SAID I	AI SAID I	A. ISAID I	I SAID I
BELIEVED HE	BELIEVED HE	BELIEVE HE	BELIEVE HE
DID,THE LAST	DID LAST	DID, THE LAST	DID THE LAST
ACCOUNT I HAD	ACCOUNT I HAD	ACCOUNT I	ACCOUNTS HAD
HEARD OF HIM.	HEARD OF HIM	HEARD OF HIM.	HEARD OF HIM
Q. WHEN	OWHEN	Q. WHEN	
`	DID YOU LAST	DIDYOU LAST	[space]
DID YOU LAST HEAR FROM	HEAR FROM	HEAR FROM	
HIM? A. I DIDN'T	HIM AI DIDN'T	HIM? A. I DIDN'T	I HAVE NOT
HEAR FROM	HEAR FROM	HEAR FROM	HEARD FROM
_	HIM I \( SAID I	_	=
HIM, I SAID I		HIM, I SAID I	HIM I
HAD	HEARD≥ HAD	не урр Ое	HAVE HEADD OF
HEARD OF	HEARD OF HIM .	HEARD OF	HEARD OF
HIM.	ΠΙΙΝΙ .	HIM.	HIM[?] [space]
			YOU <del>KNOW</del> DON'T KNOW
			THAT HE
			LIVES IN CACHE
			VALLEY I SAID I
			BELIEVE HE

RT	RS	ВТ	PS
			LIVES IN C

			LIVES IN CACHE
Q. DO YOU	<sub>Q</sub> DO YOU	Q. DO YOU	[[6]]400 DO YOU
KNOW	KNOW	KNOW	KNOW
WHETHER HE	WHETHER HE	WHETHER HE IS	WHETHER HE
IS LIVING AT	IS ALIVE AT	LI <del>F</del> VING AT ALL,	IS ALIVE
ALL OR NOT —	ALL OR NOT =	OR NOT?	OR NOT
DO YOU KNOW	DO YOU KNOW		✓I BELIEVE HE
			IS≥ NO SIR I
			HAVEN'T SEEN
A. I DON'T, I	AI DON'T, I	A. I DON'T I	HIM [space]
HAVEN'T SEEN	HAVEN'T SEEN	HAVN'T SEEN	HAVEN'T SEEN
HIM FOR	HIM FOR	HIM FOR	HIM FOR
SEVERAL YEARS.	SEVERAL YEARS	SEVERAL YEARS	SEVERAL YEARS
Q. IF	<sub>Q</sub> HAVEN'T	. Q. HAVN'T	
YOU KNOW	YOU A KNOW	YOU? A. NO,	NO
SIR,DO	SIR DO	SIR. Q. DO	SIR [space] DO
YOU KNOW	YOU KNOW	YOU KNOW	YOU KNOW
WHERE EZRA	WHERE EZRA	WHERE EZRA	WHERE EZRA
CURSTIS LIVES ?	CURTIS <b>≼</b> LIVES <b>≥</b>	CURTISS LIVES?	CURTIS LIVES
A. NO SIR,BUT	NO SIR	A. NO, SIR,	≺NO SIR>
SOMEWHERE IN	SOMEWHERE IN	SOMEWHERE IN	SOMEWHERE IN
UTAH COUNTY.	UTAH COUNTY	UTAH, COUNTY,	UTAH COUNTY
	I HAVE HEARD	I HAVE HEARD.	I HAVE HEARD
Q. DON'T YOU	Q YOU DON'T	Q. BUT YOU	NOTHING BY
KNOW OF YOUR	KNOW OF YOUR	DON'T KNOW OF	OF YOUR
OWN	OWN	YOUR OWN	OWN
KNOWLEDGE ? A.	KNOWLEDGE A	KNOWLEDGE? A.	KNOWLEDGE
NO SIR. Q. DO	NO SIR <sub>Q</sub> DO	NO, SI <del>.</del> R. Q. DO	NO SIR DO
YOU KNOW	YOU KNOW	YOU KNOW	YOU KNOW
WHERE MC	WHERE MC	WHERE MC	WHERE MC
MURDY LIVES ?	MURDY <b>&lt;</b> LIVES <b>&gt;</b>	MURDY LIVES?	MURDY LIVES
A. ONLY ON THE	AONLY ON THE	A. ONLY ON THE	ONLY ON THE
SAME GROUNDS	SAME GROUNDS	SAME GRO <del>UN</del> D	SAME GROUND
AS THE LAST. Q.	AS ALLEN [space]	AS THE REST. Q.	AS LAST
ARE YOU	ARE YOU	ARE YOU	ARE YOU
	PERSONALLY		

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<sup>400.</sup> The verso of page 6 includes profiles of men, doodling, and the following in shorthand at odd angles around the page: HELL AND DAMNATION; JOSIAH ROGERSON OLD MOTHER HUBBARD SHE WENT TO THE CUPBOARD TO GIVE HER POOR DOG A BONE; ON THE OTHER HAND [written several times]; WHERE HE SAID IN HIS EXAMINATION IN CHIEF THAT THE ORDER TO HALT WAS TO INCLUDE THE ORDER TO FIRE WHETHER HE HEARD IT GIVEN OR WHETHER FROM RUMOR AND ALSO WHAT HE SAID ON CROSS EXAMINATION; REASONABLE DOUBT; YOU WILL THIS DAY HAVE REASONABLE DOUBT; HYPOTHESIS [written twice].

RT	RS	BT	PS
17.1	N.S		

ACQUAINTED	ACQUAINTED	ACQUAINTED	ACQUAINTED
WITH MC	WITH MC	WITH MC	WITH MC
MURDY ? A.	MURDY	MURDY ?	MURDY
YES SIR.	YES SIR	A. YES, SIR.	YES SIR
I ES SIK.	I ES SIK	A. TES, SIK.	PERSONALLY
Q. HOW	$_{ m O}{ m HOW}$	Q. HOW	YES SIR HOW
*	LONG HAS IT	LONG HAS IT	LONG
LONG HAS IT		BEEN SINCE	SINCE
BEEN SINCE YOU	BEEN SINCE		
SAW HIM?	YOU SAW HIM?	YOU SAW HIJM?	YOU SAW HIM
A. SEVERAL	∠A	A. A	NUMBER OF
VEADO	$NUMBER[?] \rightarrow OF$	NUMBER OF	NUMBER OF
YEARS	YEARS	YEARS. [330] I	YEARS
,CAN'T SAY	CAN'T SAY	CAN'T SAY	
EXACTLY, I	EXACTLY.	WHERE	D O VIII
DON'T	DON'T	HE LIVES; DON'T	DON'T
KNOW WHERE	KNOW WHERE	KNOW WHERE	KNOW WHERE
HE LIVES	HE LIVES ?	HE LIVES	HE LIVES I HAVE
ONLY	ONLY	ONLY	ONLY HEARD
BY	BY	BY	FROM HIM BY
NEIGHBORS. Q.	NEIGHBORS	NEIGHBORS.	NEIGHBORS OF
HOW	HOW	Q. H <b>O</b> W	HIS [space] HOW
LONG HAS IT	LONG HAS IT	LONG HAS IT	LONG
BEEN SINCE	BEEN SINCE	BEEN SINCE	SINCE
YOU HEARD OF	YOU HEARD OF	YOU HEARD OF	YOU HEARD OF
HIM BY	HIM BY	HIM BY	HIM BY
NEIGHBORS ?	NEIGHBORS	NEIGHBORS?	NEIGHBORS
A. THREE	3	THEREE	
MONTHS —	MONTHS [space]	MONTH? A	
ABOUT FIVE	ABOUT 5	ABOUT FIVE	<del>3</del> 5
MONTHS. Q.	MONTHS Q	MONTHS. Q.	MONTHS [space]
WHEN DID	WHEN DID	<del>Q</del> WHEN DIDYOU	WHEN HAVE
YOU LAST SEE	YOU LAST SEE	LAST SEE	YOU LAST SEEN
CARL SHIRTS ?	CARL SHIRTS	CARL SHIRT <del>Z</del> S?	CARL SHIRTS
A. HAVEN'T SEEN	HAVE NOT SEEN	THE A. NOT FOR	ANOT FOR
HIM FOR	HIM FOR	TWO OR THREE	2
SEVERAL	SEVERAL	OR THREE	OR 3
YEARS,HAVE	YEARS . HAVE	YEARS.; HAVE	YEARS
ONLY HEARD	←ONLY≥ HEARD	ONLY HEARD	
WHERE HE	WHERE HE	THAT HE	
LIVES, ON THE	LIVES ON	LIVES ON THE	
SEVIER	SEVIER.	SEVIER . Q. DO	DO
		YOU KNOW	YOU KNOW
		WHERE HE	WHERE HE
		LI VES NOW? A.	LIVES NOW?

	1	T	
		I OBNLY	I <i>ONLY</i> [?]
[404]		BELIEVE WHERE	BELIEVE WHERE
<sup>[494]</sup> Q.		HE LIVES <del>,</del> . Q.	HE LIVES [space]
IN THE	IN THE	NOW IN THE	NOW IN THE
CASE OF MR.	CASE OF MR.	CASE OF MR .	CASE OF MR.
PIERCE,	PEARCE		
HARRISON	HARRISON	HARRISON	≺HARRISON≻
PIERCE,	PEARCE	PEARSE <del>?X</del> .	PEARCE
DON'T YOU	≼DON'T≥ YOU	DON'T YOU	DON'T YOU
KNOW HE	KNOW HE	KNOW HE	KNOW THAT HE
IS OVER IN	IS OVER IN	IS OVER IN	IS OVER IN
ARIZONA? A. NO	ARIZONA NO	ARIZONA,	ARIZONA
SIR. Q. OVER	SIR OVER	OVER	OVER
SOME	SOME	SOME	SOME
MOUNTAIN	≤MOUNTAIN≥	MOUNTAIN	MOUNTAIN
WHERE	THERE WHERE	THERE WHERE	
THEY ARE	THEY ARE	THEY ARE	
SAWING	SAWING	SAWING	
TIMBER THERE?	TIMBER	TIMBER? A. HE	HE
A NO SIR.	NO SIR	HAS BEEN	HAS BEEN
		THERE	THERE
		OCCASIONALLY.	OCCASIONALLY
			AND HE HAS
			BEEN HOME
Q. DON'T	DON'T	Q. DON'T	[space] DON'T
YOU KNOW HE	YOU KNOW HE	YOU KNOW HE	YOU KNOW HE
SPENDS	SPENDS	SPENDS	SPENDS MOST
HIS TIME	HIS TIME	HIS TIME	HIS TIME AT MT.
IN	IN	IN	TREMBLE
ARIZONA ? A.	ARIZONA	ARIZONA? A.	ARIZONA
NO SIR,MY	NO SIR MY	NO, SIR. MY	NO SIR
ACQUAINTANCE	ACQUAINTANCE	ACQUAINTANCE	
WITH HIM HAS	WITH HIM HAS	WITH HIM HAS	
BEEN THE	BEEN	BEEN THE	
GREATER	GREATER	<del>R</del> GREATER	GREATER
PART OF THE	<pre>∠PART≥ OF IT</pre>	PART OF IT	PART
TIME IN ST.	IN ST.	IN ST	IN ST
GEORGE. Q.	GEORGE.	GEORRGEE Q.	GEORGE [space]
WHERE HAS HE	WHERE HAS	WHERE HAS BHE	
BEEN THE	<he> BEEN</he>	BEEN FOR THE	
LAST FEW	LAST FEW	LA <del>W</del> ST FEW	
MONTHS ? A. HE	MONTHS AHE	MONTHS. A. HE	HE
HAS BEEN	HAS BEEN	HAS BEEN	HAS BEEN
WORKING AT	WORKING AT	WORKING AT	WORKING AT

RT	RS	BT	PS
17.1	N.S		

THE LUMBER	LUMBER	THE LUMBER	THE LUMBER
MILLS FOR THE	MILLS FOR	MILLS FOR THE	MILLS THERE
THEES TOTE THE	WILLS I OIL		PART OF THE
			TIME[?] [space]
LAST FIVE	LAST 5	LAST FIVE	LAST FIVE
MONTHS. Q.	MONTHS	MONTHS. Q. HE	MONTHS HE
HAVE YOU BEEN	HAS BEEN	HAS <del>DONE</del> BEEN	HAS BEEN
OVER THERE ?	OVER THERE NO	OVER THERE? A.	OVER THERE NO
A. NO SIR. THE	SIR THE	NO, SIR, THE	SIR
LAST THREE	LAST <del>2</del> 3	LAST THEREE	LAST 3
MONTHS I	MONTHS I	MONTHS, I	MONTHS YES
GUESS HE HAS,	GUESS HE HAS	GUESS, HE HAS	SIR
IN		BEEN OVER IN	
THE	THE	ARIZONA THE	
LAST THREE	LAST THREE 23	LAST THREE	
MONTHS.	MONTHS	MONTHS. Q. IN	IN
		ARIZONA? A.	ARIZONA
		YES SIR.	YES SIR [space]
			SUTHERLAND
Q. STATE	STATE	Q.STATE	STATE
WHETHER HE	WHETHER HE	WHETHER HE	WHETHER HE
HAS BEEN ANY	HAS BEEN ANY	HASBEEN ANY	HAS BEEN ANY
PART OF THE	PART OF {THE} <sup>i</sup>	PART OF THE	PART OF THE
LAST THREE	LAST 3	LAST THREE	LAST 3
MONTHS AT	MONTHS AT	MONTHS AT	MONTHS AT
HOME ? A. YES	HOME AYES	HOME? A YES,	HOME YES
SIR.	SIR. BY COURT	SIR.	SIR [space]
	CALL YOUR		
	NEXT WITNESS.		
	PROSECUTION		
	ARE IN EARNEST		
	TO PROVIDE[?]		
	CONSULTATION		
	ABOUT SOME		
	ANSWERS OF		
	MACFARLANE		
	TO QUESTIONS		
	RELATIVE		
	WHEREABOUTS		
	PARTIES		
	INQUIRED		
	ABOUT OF BY		
	BASKIN. [space]		
	BISHOP COURT		

RT	RS	ВТ	PS
DEFENDANT RESTS. CASE CLOSED.	PLEASE THE DEFENSE WILL NOW REST {DEFENSE REST}	DEFENSE RESTS.	DEFENSE RESTS [space] TESTIMONY CLOSES [space]