

John D. Lee, First Trial

Jabez Sutherland Closing Argument

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<p><i>[The arrangement of source columns is distinct in Sutherland’s Closing Argument in order to highlight the similarities between the Rogerson and Patterson shorthands, the similarities between the Rogerson and Boreman transcripts, and the significant differences between shorthands and transcripts.]</i></p> <p><i>[[Bk 10 27]]</i>⁴³⁰ JG SUTHERLAND’S SPEECH TO JURY ON DEFENSE 4:03, ◀PM▶</p> <p>YOUR HONOR PLEASE GENTLEMEN OF THE JURY.</p>	<p><i>[[Bk 11 20 cont.]]</i></p> <p>SUTHERLAND [space]</p> <p>IF YOUR HONOR PLEASE AND GENTLEMEN OF THE JURY [space]</p>	<p><i>[[Bk 5 1]]</i>⁴³¹ IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT OF THE TERRITORY OF UTAH. COUNTY OF BEAVER. THE PEOPLE. VS JOHN D. LEE</p> <hr/> <p>TUESDAY, AUGUST 3RD 1875, 4:05 P.M. ARGUMENT OF JUDGE J. G. SUTHERLAND OF COUNSEL FOR DEFENSE TO THE JURY.</p> <p>GENTLEMEN OF THE JURY:</p>	<p><i>[Bk 8 1]</i> 1ST LEE TRIAL (BOOK 78) (BOOK 8)</p> <p>FR FIRST LEE TRIAL. ADDRESS OF JUDGE J. G. SUTHERLAND OF COUNSEL FOR THE DEFENSE, TO THE JURY, SECOND DISTRICT COURT U.T. AUG1875. GENTLEMEN OF THE JURY;</p>
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430. There is almost no ink in either the Rogerson or the Patterson Shorthand for Sutherland’s closing, nor any of Rogerson’s transcription marks.

431. Rogerson’s table of contents included at the beginning of book 5:

BOOK 5. (1ST COPY. FIRST TRIAL OF JNO. D. LEE.

PAGE 1. ARGUMENT OF JUDGE SUTHERLAND COUNSEL FOR DEFENSE, TO JURY.

—"**—33. ARGUMENT OF JUDGE HOGE. COUNSEL FOR DEFENSE.**

—"**—51. ARGUMENT OF W.W. BISHOP. COUNSEL FOR DEFENSE. REPORTED BY JOSIAH ROGERSON. AUGUST 3RD 1875.**

“**TRANSCRIBED IN FULL.**” is written in Rogerson’s longhand diagonally across the page. This is the only time Rogerson used this phrase—he wrote “**TRANSCRIBED**” on other documents. Sutherland’s closing is by far the least accurate portion of the transcripts: long sections of shorthand and transcripts have little relation to each other. The shorthand itself is the most difficult to transcribe.

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

<p>DEATH UNDER ANY CIRCUMSTANCES IS A SOLEMN EVENT. WE CAN'T WITNESS IT WITHOUT A SHADE OF MELANCHOLY. [space] THE NEARER WE APPROACH IT THE SADDER ARE OUR REFLECTIONS. THE DUTIES WE DISCHARGE AT THE BED SIDE OF THE EXPIRING AND THE RITES WE PERFORM AT THE BURIAL ARE ALWAYS ATTENDED TO WITH FEELINGS OF AWE. AS IN THE PRESENCE SOME MYSTERIOUS PRESENCE PRESENCE ≤VISITOR≥ EVERY HARBINGER OF ITS COMING EVERY WAIL WHICH BETOKEN THAT IT HAS COME, EVERY SOUVENIR</p>	<p>DEATH UNDER ANY CIRCUMSTANCE S IS A SOLEMN EVENT WE CAN NOT WITNESS IT WITHOUT A SHADE OF MELANCHOLY [space] THE NEARER WE APPROACH IT THE SADDER ARE OUR REFLECTIONS [space] THE DUTIES WE DISCHARGE AT THE BEDSIDE OF THE EXPIRING AND THE RITES WE PERFORM BEFORE THE BURIAL ARE ALWAYS ATTENDED TO WITH A FEELING OF AWE AS IN THE PRESENCE OF SOME MYSTERIOUS NQR/NKR[?] [space] EVERY HARBINGER OF ITS COMING EVERY WAIL WHICH BETOKENS THAT IT HAS COME EVERY SOUVENIR[?]</p>	<p>DEATH,UNDER ANY CIRCUMSTANCE S,IS A SOLEMN EVENT; WE CAN NEVER WITNESS IT WITHOUT A SHADE OF MELANCHOLY. THE NEARER WE ARE BROUGHT TO IT, THE SADDER ARE OUR REFLECTIONS. THE DUTIES WE DISCHARGE AT THE BED SIDE OF THE EXPIRING AND THE RITES WE PERFORM AT THE BURIAL, ARE ALWAYS ATTENDED TO WITH FEELINGS SUBDUED, AS BY AN AWFUL AND MYSTERIOUS PRESENCE. EVERY HARBINGER OF ITS COMING,EVERY WAIL WHICH BETOKENS THAT IT HAS COME,EVERY SOUVENIR</p>	<p>DEATH UNDER ANY CIRUMSTANCES IS A SOLEMN EVENT. WE CAN NEVER WITNESS IT WITHOUT A SHADE OF MELENCHOLY. THE NEARER WE ARE BROUGHT TO IT THE SADDER ARE OUTFR REFLECTIONS. THE DUTIES WE DISCHARGE AT THE BED-SIDE OF THE EXPIRING, AND THE RITES WE PERFORM ART THE BURIAL, ARE ALWAYS ATTENDED TO WITH FEELINGS SUBDUED AS BY AN AWFUL AND MYSTERIOUS PRESENCE. EVERY HARBINGER OF ITS COMING, EVERY WAIL WHICH BETOKENS THAT IT HAS C OME, EVERY SOUVENIR</p>
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<p>THAT PERPETUATES ITS MEMORY CHECKS THE FLOW OF</p> <p>CHEERFUL THOUGHT, DIMS</p> <p>BRIGHTNESS OF LIFE'S OUTLOOK AND CASTS A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR WHEN THOSE DIE WHOM WE ARE RELATED TO BY CONSANGUINEO US TIES, AND OFTEN NEARER WHEN FRIENDS SPIRITUALLY KINDRED TO US GO TO THAT BOURNE FROM WHICH NO TRAVELER RETURNS. DEATH ALWAYS WEARS A GRIM VISAGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHEN DISEASE</p>	<p>THAT PERPETUATES HIS MEMORY</p> <p>DIMS THE</p> <p><i>PRRS</i>[?] OF LIFE'S OUTLOOK AND CASTS A FUNERAL GLOOM OVER OUR PATHWAY IT SEEMS TO COME ESPECIALLY NEAR <i>TO/TOO</i>[?] WHEN THOSE WHO ARE RELATED BY CONSANGUINEO US [<i>space</i>] AND WHEN NEAR</p> <p>FRIENDS SPIRITUALLY NEARER TO US GO TO THAT BOURNE &C [<i>space</i>]</p> <p>DEATH ALWAYS BEARS A GRIM VISAGE THOSE WHO HAVE NEVER SEEN IT WHEN [<i>space</i>]</p>	<p>THAT PERPETUATSES ITS MEMORY, CHECK THE FLOW OF</p> <p>CHEERFUL THOUGHT, DIM THE BRIGHTNESS OF LIFE'S OUTLOOK, AND CAST A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR, WHEN THOSE DIE TO WHOM WE ARE RELATED BY CONSANGUINEO US TIES, AND OFTEN NEARER WHEN FRIENDS, SPIRIT UALLY KINDRED TO US, GO TO THAT BOURNE FROM WHENCE NO TRAVELER RETURNS. DEATH ALWAYS WEARS A GRIM VISAGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHERE DISEASE</p>	<p>THAT PERPETUATES ITS MEMORY, CHECKS THE FLOW OF CHEERFUL CHEERFUL THOUGHT, DIMS THE BRIGHTEST BRIGHTNESS LIFE'S OUTLOOK, AND CAWSETS A FUNERAL GLOOM OVER OUR PATHWAY. IT SEEMS TO COME ESPECIALLY NEAR WHEN THOSE DIE TO WHOM WE ARE RELATED BY CONSANGUINEO US TIES; AND OFTEN NEARER WHEN FRIENDS</p> <p>KINDRED TO US GO TO THAT, "BOURNE FROM WWHENCE NO TRAVELER RETURNS." DEATH ALWAYS WEARS A GRIM VISGAAGE. THOSE WHO HAVE NEVER SEEN IT EXCEPT WHERE DISEASE</p>
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<p>OR ACCIDENT HAS MARKED ITS VICTIM WHEN THE LAST HOURS OF THE DEPARTED HAVE BEEN SOOTHED BY</p> <p>MINISTERIAL AFFECTION HAVE SEEN IT IN ITS LEAST FORBIDDING ASPECT. BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME TO BE WITHDRAWN AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN LIFE HAS BEEN —[?] SACRIFICED TO THE WRATH OR THE AVARICE OF MAN AND THE SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE THE HEART IS SICK WITH HORROR AT THE APPALLING SPECTACLE. IT IS NO HOLIDAY</p>	<p>SOOTHED BY</p> <p>MINISTRATIONS HAVE SEEN IT IN LEAST FORBIDDING ASPECT BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME BEING TO HAVE BEEN WITHDRAWN AND THE ^{[[21]]} EARTH IS DREARY AND DESOLATE BUT WHEN LIFE HAS BEEN SACRIFICED TO THE WRATH OR THE AVARICE OF MAN AND THE SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE THE HEART IS SICK WITH HORROR AT THE APPALLING SPECTACLE IT IS NO HOLIDAY</p>	<p>OR ACCIDENT HAVE MARKED ITS VICTIM, WHEN THE LAST HOURS OF THE DEPARTED HAVE BEEN SOOTHED BY THE MINISTRATIONS OF AFFECTION, HAVE SEEN IT IN ITS LEAST FORBIDDING ASPECT <i>[space]</i> ; BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME</p> <p>WITHDRAWN AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN LIFE HAS BEEN SACRIFICED TO THE WRATH ^{[[2]]} OR AVARICE OF MAN, AND THE BRIEF SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE, THE HEART GROWS SICK WITH HORROR AT THE APPALLING SPECTACLE. IT IS NO HOLIDAY</p>	<p>OR ACCIDENT HAS MARKED ITS VICTIM, WHEN THE LAST HOURS OF THE DEPARTED HAVE BEEN SOOTHED BY THE MINISTRATIONS OF AFFECTION, HAVE SEEN ITS LEAST FORBIDDING ASPECT; BUT EVEN THEN THE SMILE OF PROVIDENCE SEEMS FOR THE TIME</p> <p>WITHDRAWN, AND THE EARTH IS DREARY AND DESOLATE. BUT WHEN LIFE LIVEE HAS BEEN SACRIFICED TO THE WRATH OF THE AVARICE OF MAN, AND THE BRIEF SPAN OF EXISTENCE HAS BEEN CURTAILED BY VIOLENCE, THE HEART GROWS SICK WITH HORROR AT THE APPOLLING ASPECTACE. IT IS NO HOLLIDAY</p>
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<p>AFFAIR TO INVESTIGATE OF BY WHAT MEANS MEAN DIABOLICAL</p> <p>AGENCY EVEN ONE MAN HAS COME TO AN UNTIMELY END ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE ~ THE DETAILS OF A WHOLESALÉ SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE AND TO DECIDE</p>	<p>AFFAIR TO INVESTIGATE BY WHAT</p> <p>DIABOLICAL HUMAN</p> <p>AGENCY EVEN ONE MAN HAS COME TO AN UNTIMELY END ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE THE DETAILS OF A WHOLESALÉ SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE DECIDE</p>	<p>AFFAIR TO INVESTIGATE BY WHAT</p> <p>DIABOLICAL HUMAN</p> <p>AGENCY, EVEN ONE MAN HAS COME TO AN UNTIMELY END, ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH ENQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE—THE DETAILS OF A WHOLESALÉ SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE, AND TO DECIDE</p>	<p>AFFAIR TO INVESTIGATE BY WHAT</p> <p>DIABOLICAL HUMAN</p> <p>AGENCY EVEN ONE MAN HAS COME TO AN UNTIMELY END, ESPECIALLY WHEN THE POSSIBLE ISSUE OF SUCH INQUIRY MAY BE TO REQUIRE ANOTHER DEATH BY WAY OF EXPIATION. THIS CASE INVOLVES STILL MORE—THE DETAILS OF A WHOLESALÉ SLAUGHTER. YOU HAVE BEEN SELECTED TO HEAR EVIDENCE, AND TO DECIDE</p>
<p>WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN WOMEN AND CHILDREN IN A COLD BLOODED MASSACRE. I KNOW YOU</p>	<p>WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN WOMEN AND CHILDREN IN A COLD BLOODED MASSACRE I KNOW YOU</p>	<p>WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO IMBRUE HIS HANDS IN THE BLOOD OF MEN, WOMEN AND CHILDREN, IN A COLD BLOODED MASSACRE. I KNOW YOU</p>	<p>WHETHER JOHN D. LEE IS SUCH A MORAL MONSTER AS TO EIMBRUE HIS HANDS IN ^[2] IN THE BLOOD OF MEN, WOMEN AND CHILDREN, IN A COLD BLOODED MASSACRE. I KNOW YOU</p>

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<p>CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF AWE WITH TREMBLING AND FEAR FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD WE ARE SEARCHING FOR THE BLOOD UNWORTHILY</p> <p>SPIILLED KILLED BY MURDEROUS HANDS,</p> <p>IN ORDER TO LAY IT OPEN AND UPON HEAD OF THE GUILTY. ITS TOUCH WHERE YOU PUT IT WILL BLAST WITHER DESTROY. FOR THAT TOUCH</p> <p>MARKS A MAN FOR A FELON'S DEATH. [<i>space</i>][<i>28</i>] IN THIS SOLEMN AND</p>	<p>CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF AWE WITH TREMBLING AND FEAR FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND WE ARE STIRRING THE ASHES OF THE DEAD WE ARE SEARCHING FOR THE BLOOD UNWORTHILY</p> <p>SPIILLED BY MURDEROUS HANDS</p> <p><i>IN ORDER</i>[?] TO LAY IT UPON THE HEAD OF THE GUILTY ITS TOUCH WHERE YOU PUT IT WILL BLAST WITHER AND DESTROY FOR THAT TOUCH</p> <p>MARKS A MAN FOR A FELONS DEATH IN THIS SOLEMN AND</p>	<p>CANNOT APPROACH THIS SUBJECT EXCEPT WITH FEELINGS OF AWE, WITH TREMBLING AND FEAR, FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD; WE ARE SEARCHING FOR THE BLOOD UNWORTHILY SPILLED — SPILLED BY MURDEROUS HANDS, THAT WE MAY</p> <p>LAY IT UPON THE GUILTY. ITS TOUCH, WHERE YOU PUT IT, WILL BLAST, WITHER AND DESTROY; HE WHOM YOU TOUCH IN THIS HOLY OFFICE WILL BE MARKED FOR A FELON'S DEATH. IN THIS SOLEMN AND</p>	<p>CANNOT APPROACH THIS SUBJECT WITHOUT FEELINGS OF AWE, WITH TREMBLING AND FEAR; FOR YOU AND I AND ALL OF US ARE TREADING UPON SACRED GROUND. WE ARE STIRRING THE ASHES OF THE DEAD. WE ARE SEARCHING FOR THE BLOOD; UNWORTHILLY SPILLED; SPIILLED BY MURDEROUS HAND S, THAT'S MAY LIVE UPON THE GUILTY. INTENDING TO LAY IT UPON THE HEADS OF THE GUILTY ITS TOUCH ; WHERE YOU PUT IT; WILL BALAST, WITHER AND DESTROY. HE WHOM YOU TOUCH; IN THIS HOLY OFFICE; WILL BE MARKESD FOR A FELLONS DEATH. IN THIS SOLEMN AND</p>
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RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE THAT ≠ EVER CHARACTERIZES > EARNEST CANDID MEN THAT YOU WILL FORM NO HASTY JUDGMENT THAT YOU WILL NOT SUFFER YOUR DECISION BE INFLUENCED BY ANY FANATICAL PARTY ZEAL; IN SHORT THAT YOU WILL BE GOVERNED BY NO MOODS BY NO SENTIMENTS ALIEN TO YOUR HIGH DUTY. AND I SAY TO YOU GENTLEMEN ANY MISTAKE WHICH YOU COMMIT BY PROCEEDING	RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE THAT EVER CHARACTERIZE S EARNEST AND CANDID MEN THAT YOU WILL FORM NO HASTY JUDGMENT THAT YOU WILL NOT SUFFER YOUR DECISION TO BE INFLUENCED BY ANY FANATICAL PARTY ZEAL IN SHORT THAT YOU WILL BE GOVERNED BY NO MOODS BY NO SENTIMENTS ALIEN TO YOUR HIGH DUTY AND I SAY TO YOU GENTLEMEN THAT ANY MISTAKE WHICH YOU COMMIT BY PROCEEDING	RESPONSIBLE FUNCTION I FEEL ASSURED YOU WILL PROCEED WITH THE CAUTION AND DIFFIDENCE WHICH EVER CHARACTERIZE S ALL EARNEST AND CANDID MEN; THAT YOU WILL FORM NO HASTY JUDGMENT; THAT YOU WILL NOT SUFFER YOUR DECISION TO BE INFLUENCED BY ANY FANATICAL PARTY OR ZEAL, AND IN SHORT, THAT YOU WILL BE GOVERNED BY NO CAPRICIOUS MOODS, BY NO SENTIMENTS THAT ARE ALIEN TO YOUR HIGH DUTY, AND I SAY TO YOU, GENTLEMEN, THAT ANY MISTAKE YOU COMMIT BY PROCEEDING	RESPONSIBLE FUNCTION; I FEEL ASSURED; YOU WILL PROCEED WITH A CAUTION AND DIFFIDENCE WHICH EVER CAHARACRTERI ZES EARNEST ANDD CANDED MEN; THAT YOU WILL FORM NO HASTY JUDGMENT;; THAT YOU WILL NOT SUFFER YOUR DEVCISION TO BE INFLUENCED BY ANY FANATICAL PARTY ;ZEAL; IN SHORT, THAT YOU WILL NOT BE GOVERNED BY NO CAPRICIOUS MMOODES, THAT BY NO SENTIMENTS THAT ARE ALIEN TO YOUR HIGH DUTY, AND I SAY TO YOU, GENTLEMEN, THAT ANY MISTAKE THAT YOU MAY COMMIT BY PROCEEDING
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<p>TOO HASTILY UPON PREJUDICE WITH VOLUNTARY BLINDNESS OF MIND ON INDICATIONS</p> <p>AFFORDED BY EVIDENCE ~ ANY MISTAKE I SAY THUS ARISING OR FROM AUGHT BUT THAT INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENTS \leqTHE BEST\gt MEN FROM COMING TO JUST CONCLUSIONS EVEN WHEN THEY ARE EARNESTLY DESIRING AND \leqENDEAVORING\gt TO DO SO WOULD EXPOSE YOU TO THE SAME MORAL CONDEMNATION AS THOUGH YOU HAD TAKEN HUMAN LIFE LIKE AN ASSASSIN</p>	<p>TOO HASTILY UPON PREJUDICE WHILE VOLUNTARY LISTENING TO ACCOUNT OF THE INDICATIONS</p> <p>OF THE EVIDENCE ANY MISTAKE THUS ARISING OUT FROM <i>AUGHT</i>[?] BUT THAT OF INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENT MEN FROM COMING TO <CORRECT> JUDGMENT [space]</p> <p>WOULD EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N AS THOUGH YOU HAD TAKEN HUMAN LIFE LIKE AN ASSASSIN</p>	<p>TOO HASTILY UPON PREJUDICE, WIT H VOLUNTARY BLINDNESS OF MIND TO THE INDICATIONS</p> <p>BY THE EVIDENCE— ANY MISTAKE, I SAY, THUS ARISING FROM AUGHT BUT THAT INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENTS THE BEST MEN FROM COMING TO JUST CONCLUSION, W HEN THEY ARE EARNESTLY EN- ^{[[3]]} DEAVORING TO DO SO, WILL EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N, AS THOUGH YOU HAD TAKEN LIFE LIKE AN ASSASSIN,</p>	<p>TOO HASTILY, UPON PREJUDICE, WITH VOLUNTARY BLINDNESS OF MIND TO THE INDICATIONS OFFERED AFFORDED BY THE EVIDENCE, — ANY MISTAKE, I SAY, THUS ARRISING FROM AUGHT BUT THAT OF INFIRMITY OF JUDGMENT WHICH SOMETIMES PREVENTS THE BEST MEN FROM ARRIVING AT JUST CONCLUSIONS WHEN THEY ARDE AEARNESTLY ENDEAVORING TO DO SO, WILL EXPOSE YOU TO THE SAME MORAL CONDEMNATIO N AS THOUGH YOU HAD TAKEN MENS LIEVES LIKE AN ASSASSIN</p>
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<p>INSTEAD OF</p> <p>BY A FALSE VERDICT. I BELIEVE THE PATIENT ATTENTION YOU HAVE GIVEN TO THE CASE</p> <p>DURING THE INTRODUCTION OF THE EVIDENCE OF THE WITNESSES. I ACCEPT AS AN EARNEST OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS</p> <p>THAT YOU WILL CAREFULLY WEIGH AND DECIDE UPON THE TESTIMONY.</p>	<p>INSTEAD OF</p> <p>BY A FALSE VERDICT [space] I BELIEVE THE PATIENT ATTENTION YOU HAVE GIVEN TO THE CASE</p> <p>DURING THE INTRODUCTION OF EVIDENCE OF WITNESSES</p> <p>THAT YOU WOULD CAREFULLY WEIGH AND DECIDE UPON THE TESTIMONY</p>	<p>INSTEAD OF THROUGH CRIMINAL NEGLIGENCE OR</p> <p>PERVERSITY BY A FALSE VERDICT. THE PATIENT ATTENTION YOU HAVE GIVEN TO THE PROCEEDINGS DURING THE INTRODUCTION OF THE EVIDENCE,</p> <p>I ACCEPT AS AN EARNEST OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS, AS A SIGNIFICANT SIGN THAT YOU WILL BRING TO THE CONSIDERATION OF THAT EVIDENCE, A ROBUST AND FEARFUL JUDGMENT. TO PROCEED WITH THE DESIRED THOROUGHNESS</p>	<p>INSTEAD OF; THROUGH; CRIMINAL NEGLIGENCE OR PERVER PERVERSITY BY A FALSE VERDICT. I BELIEVE THE PATIENT ATTENTION YOU HAVE GIVEN TO THE PROCEEDINGS DURING THE INTRODUCTION OF THE EVIDENCE</p> <p>I ACCEPT AS AN EARNESTNESS EARNEST OF YOUR DESIRE TO LEARN THE FACTS WITH JUDICIAL INTEREST AND FAIRNESS, AND AS A SIGNIFICANT SIGN THAT YOU WILL BRING TO THE CONSIDERATION OF THAT EVIDENCE A ROBUST AND FEARLESS JUDGMENT. TO PROCEED WITH THE DESIRED THOROUGHNESS THOROUGHNESS</p>
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		AND CAUTION, YOU ARE NOT PERMITTED TO GO OUT AND MAKE ENQUIRIES. YOU HAVE BEEN SWORN AND PLACED IN CONFINEMENT, UNDER CHARGE OF OFFICERS OF COURT; YOU HAVE BEEN SO SEQUESTERED THAT YOU COULD LEARN NOTHING ON THE IMPULSE OF YOUR OWN INTEREST OR CURIOSITY; YOU HAVE BEEN OBLIGED TO LIMIT YOUR ENQUIRIES TO SUCH FACTS AS HAVE BEEN BROUGHT BEFORE YOU, TO SO MUCH OF THE BLOODY TRANSACTION AS HAS BEEN SUBMITTED TO YOU. THE GOVERNMENT HAS MADE A DISTINCT CHARGE AGAINST THE PRISONER AT	S AND CAUTION, YOU ARE NOT PERMITTED TO GO OUTSIDE AND MAKE INQUIRIES. YOU HAVE BEEN SWORN AND PLACED IN CONFINEMENT UNDER ¹³⁷ UNDER OFFICERS OF COURT. YOU HAVE BEEN SO SEQUESTERED THAT YOU COULD LEARN NOTHING ON THE IMPULSE OF YOUR INTEREST OR CURIOSITY. YOU HAVE BEEN OBLIGED TO LIMIT YOUR INQUIRIES TO SUCH FACTS AS HAVE BEEN BROUGHT BEFORE YOU TO SO MUCH OF THE BLOODY TRANSACTION AS HAS BEEN SUBMITTED TO YOU. THE GOVERNMENT HAS MADE A DISTINCT CHARGE AGAINST THE PRISONER AT
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		THE BAR, AND IT ASSUMES TO GIVE YOU THE NECESSARY INFORMATION. THE GENIUS OF CRIME IS SO SECREIVE, THAT OFTEN THE GOVERNMENT IS OBLIGED TO SUBMIT CASES TO JURIES UPON MEAGER AND FRAGMENTARY TESTIMONY; THEN JURORS ARE PROPMTED BY A SENSE OF THE SITUATION,TO GIVE THE FULLEST CONSIDERATIO N TO FACTS SO BROUGHT TO LIGHT. THEY CAN INFER NOTHING AGAINST THE GOOD FAITH OF THE PROSECUTION, FROM THE PAUCITY OF THE EVIDENCE, IF EVERY CLUE TO NEW AND ADDITIONAL LIGHT HAS BEEN FOLLOWED,IF	THE BAR , AND IT ASSUMES TO GIVE YOU THE NECESSARY INFOR MATION. THE GENIU S OF CRIME IS SO SECREIVE THAT OFTEN THE GOVERNMENT IS AOBLIGED TO SUBMIT CASES TO JURIES UPON MEAGRE AND FRAGMENTARY TESTIMONY; THEN JURORS ARE PROMPTED BUY A SENSE OF THE SITUATION TO GIVE THE FULLEST CONSIDERATIO N TO FACTS SO BROUGHT TO LIGHT. THEY CAN INFER NOTHING AGAINST THE GOOD FATHH FAITH OF THE PROSECUTION FROM THE SCARCITY PAUCITY OF THE EVIDENCE, IF EVERY CLUE TO NEW AND ADDITIONAL LIGHT HAS BEEN FOLLOOWED, IF
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		EVERY SOURCE OF INFORMATION HAS BEEN EXPLORED AND EVERY AGENCY UTILIZED TO LIFT THE VEIL UNDER WHICH CRIME IS WONT TO HIDE ITSELF. IF, UNDER SUCH DISADVANTAGE , ENOUGH CAN BE SEEN TO WARRANT CONVICTION, ACCORDING TO THE STRICT AND HUMANE RULES THAT GOVERN, IN RESPECT TO ^{[[4]]} THE MEASURE AND PLENTITUDE OF PROOF, THE JURY PRONOUNCE THE VERDICT OF GUILTY, OTHERWISE THEY ACQUIT, UNL LESST THE INNOCENT SUFFER INSTEAD OF THE GUILTY. THE CRIME NOW UNDER INVESTIGATION WAS ONE OF UNPRECEDENTE	EVERY SOURCE OF INFORMATION HAS BEEN EXPLORED, AND EVERY AGENCY UTILIZED TO LIFT THE VEIL UNDER WHICH CRIME IS WONT TO HIDE ITSELF. IF, UNDER SUCH DISADVANTAGE , ENOUGH CAN BE SEEN TO WARRANT CONVICTION ACCORDING TO THE STRICT AND HUMANE RULES THAT GOVERN IN RESPECT TO THE MEASURE AND PLENTITUDE OF PROOF, THE JURY PRONOUNCE A THE VERDICT OF GUILTY, OTHERWISE THEY ACQUIT, LEST THE INNOCENT SUFFER INSTEAD OF THE GUILTY. THE CRIME NOW UNDER INVESTIGATION WAS ONE OF UNPRECEDENTE
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		<p>D WICKEDNESS. IT WILL GRATIFY THE SENSE OF RETRIBUTIVE JUSTICE WHICH EVERY MAN NOT AN ENEMY OF HIS KIND, FEELS TO DISCOVER THE PERPETRATORS AND HANG THEM. THEY SHOULD NOT BE PERMITTED TO LIVE! THAT CRIME SO SHOCKS US WAS COMMITTED WITH SUCH CIRCUMSTANCES OF ATROCITY, THAT NO PUNISHMENT SEEMS ADEQUATE. BUT, IN PROPORTION TO THE TURPITUDE OF THE CRIME CHARGED, AND THE SEVERITY OF THE PUNISHMENT, SHOULD BE OUR; DILIGENCE AND CIRCUMSPECTION IN LOOKING FOR AND</p>	<p>D WICKEDNESS. IT WILL GRATIFY THE SENSE OF RETRIBUTIVE JUSTICE WHICH EVERY MAN, NOT AN ENEMY OF HIS KIND, FEELS TO DISCOVER THE PERPETRATORS AND HANG THEM. THEY SHOULD NOT BE PERMITTED TO LIVE! THAT CRIME SO SHOCKS US, WAS COMMITTED WITH SUCH CIRCUMSTANCES OF ATROCITY THAT NO PUNISHMENT SEEMS ADEQUATE. BUT IN PROPORTION OF THE MAGNITUDE FORTURPITUDE OF THE THE CRIME, CHARGED, AND THE SEVERITY OF THE PUNISHMENT, SHOULD BE OUR DILIGENCE AND CIRCUMSPECIO N IN LOOKING FOR AND</p>
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		CONDEMNING THE FIENDS THAT PLANNED AND ENACTED THAT SCENE OF HORROR,WHO HAVE SINCE CURSED THE EARTH WITH THEIR BANEFUL PRESENCE FOR THE PERIOD OF EIGHTEEN YEARS. HAVE YOU BEEN FURNISHED WITH ADEQUATE EVIDENCE,TO SATISFY YOU THAT YOU HAVE BEEN MADE ACQUAINTED WITH THE BLOODY TRANSACTION ? DO YOU THINK IT HAS BEEN SO CIRCUMSTANTI ALLY DESCRIBED AND DETAILED TO YOU THAT NO OTHER PERSON EXISTS, WHO COULD BE BROUGHT BEFORE YOU AND COULD TELL YOU MORE OF IT ? HAS IT	CONDEMNING THE FIENDS THAT PLANNED AND ACTED THAT SCENE OF HORROR, WHO HAVE SINCE CURSED THE EARTH WITH THEIR BANEFUL PRESENCE FOR THE PERIOD OF 18 YEARS. ^[4] HAVE HAVE YOU BEEN FURNISHED WITH ADEQUATE EVIDENCE TO SATISFY YOU THAT YOU HAVE BEEN MADE ACQUAINTED WITH THE BLOODY TRANSACTION. ? DO YOU THINK IT HAS BEEN SO CIRCUMSTANTI ALLY DESCRIBED AND DETAILED TO YOU THAT NO OTHER PERSON EXISTS, WHO COULD BE BROUGHT BEFORE YOU AND COULD TELL MORE OF IT? HAS IT
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		BEEN SO DESCRIBED THAT YOU FEEL ASSURED IF OTHER DO EXIST WHO CAN TESTIFY ON THE SUBJECT THAT WHAT THEY WOULD SAY WOULD ADD NO NEW FACT TO WHAT YOU HAVE ALREADY LEARNED ? UNLESS YOU HAVE BEEN PERMITTED TO KNOW BY EVIDENCE, ALL THAT CAN BE LEARNED FROM WITNESSES, YOU CANNOT FEEL THAT ASSURANCE OF THE CORRECTNESS OF YOUR JUDGMENT THAT AMOUNTS TO A “MORAL CERTAINTY” OF THE DEFENDANTS GUILT—YOU CANNOT HAVE THAT ASSURANCE WHICH IS NOT BESET WITH THAT MISGIVING	BEEN SO DESCRIBED THAT YOU FEEL ASSURED IF OTHERS DO EXIST WHO CAN TESTIFY ON THE SUBJECT THAT WHAT THEY WOULD SAY WOULD ADD NO NEW FACT TO WHAT YOU HAVE ALREADY LEARNED? UNLESS YOU HAVE BEEN PERMITTED TO KNOW BY EVIDENCE ALL THAT CAN BE LEARNED FROM WITNESSES, YOU CAN NOT FEEL THAT ASSURANCE OF THE CORECTNESS OF YOUR JUDGMENT THAT AMOUNTS TO A, “MORAL CERTAINTY OF THE DEFENDANTS GUILT,” YOU CAN NOT HAVE THAT ASSURANCE WHICH IS NOT BESET WITH THAT MISGIVING
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RS

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RT

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<p>I APPROACH THE DISCUSSION OF THE SUBJECT FEELING THIS ASSURANCE AND IN THE OBSERVATIONS WHICH I SHALL OFFER TO YOU I SHALL DEEM IT MY PRIVILEGE AS WELL AS MY DUTY TO DISCUSS THE EVIDENCE FAIRLY IN THE INTEREST OF THE EXCHANGE[?] AND NOT ANY/IN[?] QUESTION[?] WE APPROVE ≤SUPPORT THE≥ FAIRNESS OF THE LAW AS THE COURT HAS GIVEN IT TO YOU. GENTLEMEN THE TESTIMONY HAS TENDED TO SHOW THAT SOMETIME IN SEPTEMBER 1857</p>	<p>AND I APPROACH THE DISCUSSION OF THE SUBJECT FEELING THIS ASSURANCE AND IN THE OBSERVATIONS WHICH I SHALL ^{[[22]]} OFFER TO YOU I SHALL DEEM IT MY PRIVILEGE AS WELL AS MY DUTY TO DISCUSS THE EVIDENCE FAIRLY IN THE INTEREST OF THE CASE AND[?] IN UNDERSTANDING OF TRUE FAIRNESS OF THE LAW AS THE COURT HAS GIVEN IT [space]. GENTLEMEN THE TESTIMONY HAS TENDED TO SHOW THAT SOMETIME IN SEPTEMBER 1857</p>	<p>WHICH, ACCORDING TO LAW ACQUITS, CALLED A “REASONABLE DOUBT” ^{[[5]]}</p>	<p>WHICH, ACCORDING TO LAW, ACQUITS, CALLED “A REASONABLE DOUBT”.</p>
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RS

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RT

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<p>A PARTY OF EMIGRANTS WAS DESTROYED. THAT THEY CAME TO A VIOLENT DEATH. THE TESTIMONY TENDS TO SHOW THAT THERE WERE WHITE MEN THERE THE TESTIMONY SHOWS THAT THERE WERE ALSO PRESENT A LARGE NUMBER OF INDIANS SO FAR THERE IS NO CONFLICT OF EVIDENCE NOBODY WILL GAINSAY THESE GENERAL STATEMENTS NOW LET'S HOW TESTIMONY REPORTS THEIR RELATIVE NUMBERS AND THERE ARE CONFLICT IN RESPECT TO NUMBER OF EMIGRANTS. THOUGH NUMBERS EXCEED A HUNDRED IN NUMBER OLD AND YOUNG OF BOTH SEXES.</p>	<p>A PARTY OF EMIGRANTS WAS DESTROYED THAT THEY CAME TO A VIOLENT DEATH THE TESTIMONY TENDS TO SHOW THAT THERE WERE WHITE MEN THERE THE TESTIMONY SHOWS THAT THERE WERE ALSO PRESENT A LARGE NUMBER OF INDIANS SO THERE IS NO CONFLICT OF EVIDENCE NOBODY WILL GAINSAY THESE GENERAL STATEMENTS [space] NOW LET'S SEE HOW THE TESTIMONY REPORTS THEIR RELATIVE NUMBER [space] ≤THEY ARE IN DISPUTE> NUMBER OF EMIGRANTS PERHAPS EXCEED A HUNDRED IN NUMBER OLD AND YOUNG OF BOTH SEXES</p>		
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RS

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<p>HOW MANY INDIANS WERE THERE THERE YOU HAVE HAD VARIOUS ESTIMATES BY WITNESSES NO TWO EXCEPT YOUNG AND POLLOCK AGREE. THEY ESTIMATE NUMBER AT FROM 4 TO 5 HUNDRED OTHERS ESTIMATE NUMBER LESS. NOW THIS TESTIMONY MAY BE RECONCILED AND I TAKE JURORS CANDIDLY INQUIRING INTO THE CASE WILL MAKE THE EFFORT TO MAKE THE TESTIMONY UPON[?] TESTIMONY AGREE HARMONIOUS AS FAR AS REASONABLE AND AS FAR AS IT CAN BE ACCOMPLISHED. NOW WHEN THE OTHER WITNESS</p>	<p>HOW MANY INDIANS WERE THERE THERE [space] YOU HAVE HAD VARIOUS ESTIMATES ABOUT INDIANS NO TWO EXCEPT YOUNG AND POLLOCK AGREE AND THEY ESTIMATE THE NUMBER AT FROM FOUR TO FIVE HUNDRED OTHERS ESTIMATE THE NUMBER LESS NOW ALL THIS TESTIMONY MAY BE RECONCILED AND I CAN TAKE IT THAT JURORS CANDIDLY INQUIRE INTO THE CASE WILL MAKE THE EFFORT TO HAVE THE TESTIMONY AGREE AND HARMONIOUS AS FAR AS REASONABLE AND AS FAR AS IT CAN BE ACCOMPLISHED [space] NOW WHEN THE OTHER WITNESS</p>		
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RS

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<p>SAY A LESS NUMBER IT IS POSSIBLE A LESS NUMBER WERE IN SIGHT AND <i>[space]</i> THAT WHEN THESE TWO WITNESSES SAW A LARGER NUMBER THEY WERE ^{<i>[[29]]</i>} IN A SITUATION TO OBSERVE THE NUMBER BETTER THAN OTHERS AND PERHAPS HAD OPPORTUNITY OTHERS DID NOT HAVE PERHAPS THAT SPECTACLE DID NOT COME IN THEIR OBSERVATION <i>FOR[?]</i> THIS IS SOLUTION OF THE DEFENSE AND I SAY NUMBER IS MORE THAN RELIABLE <i>[space]</i></p> <p>ONE THING THEY AGREE UPON NUMBER IS ESTIMATE NEITHER OF THEM ASSUME TO HAVE COUNTED NEITHER OF</p>	<p>SAY A LESS NUMBER IT IS POSSIBLE THAT A LESS NUMBER WERE IN SIGHT AND THAT ONLY THESE TWO WITNESSES SAW A LARGER NUMBER THEY WERE IN A SITUATION TO OBSERVE THE NUMBER BETTER THAN THE OTHERS</p> <p>PERHAPS THAT SPECTACLE DID NOT COME IN THEIR OBSERVATION <i>FOR[?]</i> THIS IS THE SOLUTION OF THE DEFENSE <i>AND/A[?]</i> THE HIGHEST IS THE MEASURE LESS LIKE TO BE <i>THEIR[?]</i> SUCCESSFULLY AGREED UPON NUMBER</p> <p>NEITHER OF THEM ASSUME TO HAVE COUNTED THEY AGREE TO κ</p>		
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<p>THEM ASSUMED TO BE CORRECT ALTHOUGH BOTH AGREE IN THEIR ESTIMATE THEY SAW BETWEEN 4 AND 5 HUNDRED THEREFORE I THINK IT IS FAIR TO PRESUME THAT THERE WERE AT LEAST 4 HUNDRED INDIANS THERE WARRIORS. HOW MANY WHITE MEN OTHER THAN THE EMIGRANTS. I HAVE KEPT WATCH OF ALL NAMES THAT HAVE BEEN CASUALLY OR PARTICULARLY MENTIONED BY WITNESSES I CAN ONLY MAKE 23[?] NAMES NOW ARE THOSE LIKELY TO BE ALL THAT WAS THERE IS IT LIKELY ≤THAT THE≥ SEVERAL WITNESSES ARE SPEAKING FROM PERSONAL OBSERVATION</p>	<p><i>PERHAPS ABIDE/PRECISE BODY[?] BUT/TO[?]</i> AGREE THAT THEY SAW FOUR OR FIVE HUNDRED THEREFORE I THINK IT IS FAIR TO PRESUME THAT THERE WERE AT LEAST 4 HUNDRED INDIANS THERE WARRIORS NOW HOW MANY WHITE MEN [<i>space</i>] OTHER THAN THE EMIGRANTS I HAVE KEPT WATCH OF ALL THE NAMES NAMES THAT HAVE BEEN CASUALLY OR PARTICULARLY MENTIONED BY WITNESSES AND I CAN ONLY MAKE 23 NAMES [<i>space</i>] NOW ARE THOSE LIKELY TO BE ALL THAT WAS THERE IS IT LIKELY ^{[[23]]} THAT THE SEVERAL WITNESSES ARE SPEAKING FROM PERSONAL OBSERVATION</p>	<p>THE TESTIMONY SUBMITTED TO YOU DISCLOSES THAT THERE WERE AT LEAST TWENTY FOUR EYE WITNESSES OF THE TRAGEDY;</p>	<p>THE TESTIMONY SUBMITTES TO YOU DISCLOSES THAT THERE WERE AT LEAST 24 EYE WITNESSES OF THE TRAGEDY:</p>
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BT

<p>ON THE GROUND AND COMING FROM THE DIFFERENT AREAS THAT THE TESTIMONY INFORMS THE JURY PEOPLE CAME FROM TO THE MEADOWS IS NOT[?] FAIR WE WE PRESUME THEY HAVE SUCCEEDED IN MENTIONING ALL THE NAMES OF THE PERSONS THAT WERE THERE I WILL REPEAT THESE NAMES IF ANY OTHER OCCUR TO JURY THEY WILL BE ABLE TO CORRECT ANY MISSTATEMENT I HAVE MADE IN MENTIONING THIS NUMBER [space] SMITH</p> <p>HIGBEE SHIRTS</p> <p>STEWART</p>	<p>ON THE GROUND AND COMING FROM THE DIFFERENT AREAS THAT THE TESTIMONY INFORMS THE JURY THAT PEOPLE CAME FROM TO THE MEADOWS IS IT NOT FAIR TO PRESUME THAT THEY HAVE SUCCEEDED IN MENTIONING ALL THE NAMES OF THE PERSONS THAT WERE THERE [space] NOW I WILL REPEAT THOSE NAMES THAT IF ANY OTHER OCCURRED TO THE JURY THEY WILL BE ABLE TO CORRECT ANY [space]</p> <p>SMITH</p> <p>HIGBEE SHIRTS</p> <p>STEWART</p>	<p>P. KLINGENSMITH, JOHN M. HIGBEE <HIGBEE> CARL SHIRTS, CHARLE S HOPKINS, WILLI AM C. STEWART, JOHN</p>	<p>P. KLINGENSMITH, JOHN M. HIGBEE, CARL SHIRTS, CHARLES HOPKINS, WILLIAM C . STEWART,</p>
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◀HOPKINS▶ LEE WHITEMAN ⁴³²	LEE WHITE	D. LEE,JOEL WHITE, ROBERT	JOHN D. LEE, JOEL WHITE, ROBERT
WILEY HOPKINS ALLEN MCMURDY	WILEY HOPKINS ALLEN MCMURDY	WILEY,IRA ALLEN,SAMUEL MC MURDY, THOMAS	WILEY, IRA ALLEN, SAMUEL MC MURDY, THOMAS
CARTWRIGHT	CARTWRIGHT	CARTWRIGHT, WILLIAM	CARTRIGHT, WILLIAM
BATEMAN CLARK ⁴³³	BATEMAN CLARK[?] ⁴³⁵	BATEMAN AND [space] CLARK, ⁴³⁷ EZRA	BATEMAN, — —CLARK, EZRA CURTIS, SAMUEL
CURTIS	CURTIS	CURTISS,SAMUE L	
POLLOCK	POLLOCK	POLLOCK,WILLI AM	POLLOCK, WILLIAM
YOUNG	YOUNG	YOUNG, HARRISON	YOUNG, HARRISON
2 PIERCES	2 PIERCES	PIERCE, JAMES PEIRCE,SAMUEL	PIERCE, JAMES PEACE PIERCE, SAMUEL NIGHT, RICHARD
KNIGHT	KNIGHT	KNIGHT,RICHAR D HARRISON,JOHN	HARRISON, JOHN
MANGRUM HARRISON SLADE ⁴³⁴ JACOBS	MANGRUM ⁴³⁶ SLADE JACOBS [space]	MANGRAM, [space] SLADE, SWEN JACOBS, AND JAMES WILLIAMSON;	MANGROHA M ⁴³⁸ MANGRAM, ——— SLADE, SWEN JACOBS AND JAMES WILLIAMSON.
THAT LIST DOESN'T INCLUDE 3 THAT ARE INDICTED IN THIS CASE. JUKES ADAIR	THAT LIST DOESN'T INCLUDE 3 THAT ARE INDICTED IN THIS CASE JUKES ADAIR		

432. Rogerson occasionally refers to Joel White as “Whiteman”.

433. Written: KLR.

434. Slade could be either William Rufus Slade or William Slade, Jr., his son. Both have been identified as being at the massacre.

435. Written: CLR.

436. Written: MNGR.

437. John Wesley Clark.

438. John Mitchell Mangum.

RS

PS

RT

BT

<p>WILDEN. AND FOR THE REASON I AM UNABLE TO RECALL A PARTICLE OF GIVEN TESTIMONY WHAT ASSERTS OTHER PERSONS ON THE GROUND. [space] THE TESTIMONY HAS BEEN TAKEN BY REPORTERS. COUNSEL HAVE NOT TAKEN FULL «REPORT» I NATURALLY WATCH TO SEE WHICH ONE OF THOSE PARTIES COME OUT IN THE TESTIMONY AND WAS READY TO JOT IT DOWN I IF I DISCOVERED IT DISCOVERED NO SUCH TESTIMONY CONNECTED EITHER OF THESE 3 WITH THE TRANSACTION OR EVEN MENTIONING THEM AS THERE. NOW OF THESE WILEY HOPKINS</p>	<p>WILDEN AND FOR THE REASON THAT I AM UNABLE TO RECALL A PARTICLE OF TESTIMONY THAT ASSERTS THEIR PRESENCE ON THE GROUND THE TESTIMONY HAS BEEN TAKEN BY REPORTERS COUNSEL HAVE NOT TAKEN FULL MINUTES BUT I NATURALLY WATCH TO SEE WHICH ONE OF THOSE PARTIES GIVEN OUT IN THE TESTIMONY AND WAS READY TO JOT IT DOWN IF I DISCOVERED IT I DISCOVERED NO SUCH TESTIMONY CONNECTED EITHER OF THESE 3 WITH THE TRANSACTION TO EVEN MENTION THEM AS THERE [space] NOW OF THESE WILEY HOPKINS</p>		
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RS

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<p>CARTWRIGHT BATEMAN CLARK SLADE ADAIR [space] ONE TWO 3 4 5 6 THESE 6 OUT OF THE 25 ARE DEAD.</p> <p>LEAVING 17 WHO ARE LIVING WITNESSES INCLUDING THOSE WHO ARE IN THE INDICTMENT INCLUDING SIX THAT ARE INDICTED.</p>	<p>CARTWRIGHT — [?] BATEMAN CLARK AND SLADE ARE DEAD ONE FURTHER[?] 6 ARE/HERE[?] OUT OF 23 ARE DEAD</p> <p>LEAVING 17 LIVING WITNESSES INCLUDING THOSE WHO ARE IN THE INDICTMENT INCLUDING 6 THAT ARE INDICTED</p>	<p>SIX</p> <p>ARE DEAD; FOUR OF THE OTHERS AS MENTIONED,AR E DEFENDANTS IN THIS INDICTMENT,LE AVING FOURTEEN THAT MIGHT TESTIFY,DAME AND HAIGHT,WHO ARE INDICTED,WERE NOT AT THE SCENE OF THE MASSACRE; JUKES,ADAIR AND WILDEN,WHO ARE ALSO INDICTED, HAVE NOT BEEN MENTIONED IN THE TRANSACTION. OF THESE FOURTEEN WHO ARE ELIGIBLE TO TESTIFY, ONLY P. KLINGENSMITH, JOEL WHITE, SAMUEL POLLOCK,WILLI</p>	<p>SIZX</p> <p>ARE DEAD, FOUR OF THE OTHERS ARE MENTIONED AS DEFENDANTS IN THIS INDICTMENT, LEAVING I4 THAT MIGHT TESTIFY. DAME AND HAIGHT WHO ARE INDICTED WERE A NOT FAT THE SECENE OF THE MASSACRE. JUKES, ADAIR AND WILDEN, WHO ARE ALSO INDICTED HAVE NOT BEEN MENTIONED IN THE TRANSACTION. OF THESE I4, WHO ARE ELIGIBLE TO TESIFY ONLY P. KLINGENSMITH, JOEL WHITE, SAMUEL POLLOCK,</p>
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RS

PS

RT

BT

<p>11 THEREFORE WHO ARE NOT INDICTED WHO HAVE BEEN PROVED TO LIVE IN THIS TERRITORY ^{[[30]]} WHO ARE THEREFORE SUBJECT TO A SUBPOENA ESPECIALLY OF THAT VERY VERY PREEMPTORY SORT THAT WAS SERVED ON WHITE</p> <p>WHITE YOU WILL REMEMBER WAS SUBPOENAED BY ATTACHMENT HE WAS NOT REQUESTED TO COME HE WAS GIVEN ORDER OF THE PEOPLE AND THE PEOPLE CAME FIRST THAT IS HE HAD AN INVITATION HE WAS NOT AT LIBERTY <TO REFUSE> TO</p>	<p>11 THEREFORE WHO WERE NOT INDICTED WHO HAVE BEEN PROVED TO LIVE IN THIS TERRITORY WHO ARE THEREFORE SUBJECT TO A SUBPOENA AND ESPECIALLY TO/OFF[?] THAT VERY [space] PREEMPTORY SORT THAT WAS SERVED ON WHITE THAT WOULD BRING HIM/'EM[?]</p> <p>WHITE YOU WILL REMEMBER WAS SERVED WITH ATTACHMENT</p> <p>IT WAS THE RULE OF PEOPLE AND THE PEOPLE CAME FIRST [space] HE HAD AN INVITATION THAT HE WAS NOT AT LIBERTY TO REFUSE TO</p>	<p>AM YOUNG AND JAMES PIERCE,HAVE BEEN PUT ON THE WITNESS STAND,TEN OTHERS COULD HAVE BEEN CALLED BUT THEY HAVE NOT BEEN CALLED,THEY ARE ALL WITHIN THE JURISDICTION OF THIS COURT.</p>	<p>WILLIAM YOUNG, AND JAMES PIERCE HAVE BEEN PUT UP ON THE WITNESS STAND. TEN OTHERS COULD HAVE BEEN CALLED BUT HAVE NOT BEEN CALLED. THEY ARE ALL WITHIN THE JURISDICTION OF THIS COURT.</p>
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RS

PS

RT

BT

<p>COME HERE [space] AND AND A SIMILAR INVITATION WOULD HAVE BROUGHT EVERY ONE OF THOSE OTHER WITNESSES. HOW MANY OF 'EM HAVE YOU HEARD TESTIFY.</p> <p>YOU HAVE HEARD SMITH YOU HAVE HEARD WHITE. THEY WERE TURNED LOOSE IN THAT MEADOW AND REQUESTED TO TELL ALL THEY HEARD AND ALL THEY SAW AND THEY ARE ONLY TWO WITNESSES THAT WERE SWORN AND PERMITTED TO BY THE ASSENT OF COUNSEL TO TELL THE TRUTH AND THE</p>	<p>COME HERE NOW I TAKE IT THAT A SIMILAR INVITATION WOULD HAVE BROUGHT EVERY ONE OF THOSE OTHER WITNESSES NOW HOW MANY OF THEM HAVE YOU HEARD TESTIFY</p> <p>YOU HAVE HEARD SMITH [[24]] WHITE [space] THEY WERE TURNED LOOSE IN THAT MEADOW AND REQUESTED TO TELL ALL THEY HEARD AND ALL THEY SAW AND THEY ARE THE ONLY TWO WITNESSES THAT WERE SWORN AND PERMITTED TO BY THE CONSENT OF COUNSEL TO TELL THE TRUTH AND THE</p>	<p>NOW, A REMARK AS TO THE EXAMINATION OF THOSE WHO WERE CALLED TO THE STAND. SMITH AND WHITE WERE PUT UNDER OATH BY THE</p> <p>PROSECUTION, AND DIRECTED TO STATE ALL THEY HEARD AND</p>	<p>¶ NOW A REMARK AS TO THE EXAMINATION OF THOSE WHO WERE SAL CALLED TO THE STAND. SMITH AND WHITE WERE PUT UNDER OFATH BY THE [5] EXAMINATION PROSECUTION, AND DIRECTED TO STATE ALL THEY HEARD SAID AND SAW BEFORE GOING TO THE MEADOWS; ALL THEY HEARD</p>
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<p>WHOLE TRUTH [space]</p> <p>POLLOCK AND YOUNG AND YOUNG MR. PIERCE WHO UNFORTUNATEL Y HAD THE BOTS A LITTLE THEREFORE DID NOT HAVE AS FULL OBSERVATION AS THE OTHERS WERE PERMITTED TO TELL WHAT THEY SAW</p> <p>NOT WHAT THEY HEARD.</p>	<p>WHOLE TRUTH [space]</p> <p>POLLOCK AND YOUNG AND YOUNG MR. PIERCE WHO UNFORTUNATEL Y HAD THE BOTS ON THE FIELD AND THEREFORE DID NOT HAVE AS FULL OBSERVATION AS THE OTHERS WERE PERMITTED TO TELL WHAT THEY SAW</p> <p>AND NOT WHAT THEY HEARD</p>	<p>SAID AND SAW AT THAT PLACE, ON THE DAY OF THE SLAUGHTER AND ON ALL OF THE PRECEDING DAYS THAT THEY WERE THERE THEPROSECUTI ON ALSO CALLED POLLOCK, YOUN G AND PIERCE. THE</p> <p>DIRECTIONS TO THEM WERE “TELL ALL YOU SAW DURING THE SAME PERIOD, BUT DON’T REPEAT A WORD YOU MAY HAVE HEARD ANYBODY SAY” THOSE WITNESSES TESTIFIED ACCORDINGLY. THE PROSECUTION</p>	<p>ZSAID AND SAW AT THAT PLACE, ON THE DAY OF THE SLAUGHTER, AND ON ALL OF THE PRECEDING DAYS THZAT THEY WERE THERE. THE PROSECUTION ALSO CALLED POLLOCK, YOUNG AND PIERCE. THE</p> <p>DIRECTIONS TO THEM WERE, “TELL ALL YOU SAW DURING THE SAME PERIOD; BUT DONT REPEAT HX A WORD YOU MAY HAVE HEARD Z ANYBODY SAY.” TOHOSE WITNESSES TESTIFIED ACCORDINGLY. THE PROSCUTION</p>
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		DID NOT PERMIT THESE LATTER WITNESSES ON CROSS-EXAMINATION,N OR WHEN CALLED AS WITNESSES FOR THE DEFENSE, TO TRANSCEND THOSE INEXORABLE LIMITS. ^{[[7]]439} SMITH AND WHITE HAVE TESTIFIED ON QUESTIONS PUT BY THE PROSECUTION TO CONVERSATION S,TO RUMORS, TO ACTS,WHICH THEY SAID HAD OCCURRED AT CEDAR CITY AND AT OTHER PLACES BEFORE THE SLAUGHTER,AND PRIOR TO GOING TO THE MEADOWS. THEY LIKEWISE TESTIFIED TO CONVERSATION S,RUMORS AND ACTS AT THE MEADOWS. NOR WERE THEY CONFINED TO STATING	DID NOT PERMIT THESE LATTER WITNESSES ON CROSS-EXAMINATION, NOWR WHEN CALLED AS WITNESSES FOR THE EDEFENSE TO TRANSEND THOSE INEXORABLE LIMITS. SMITH AND WHITE HAVE TESTIFIED ON QUESTIONS PUT BY THE PROSECTUTION TO CONVERSATION S, TO RUMORS, TO ACTS, WHICH THEY SAID HAD OCCURRED AT CEDAR CITY, AND AT OTHER PLACES, BEFORE THE SLAUGHTER, AND PRIOR TO GOING TO THE MEADOWS. THEY LIKEWISE TESIFIED TO CONVERSTATIO NS , RUMORS, AND ACTS AT THE MEADOWS. NOR WERE THEY CONFINED TO STSATING
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439. There is no page 6.

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BT

		CONVERSATION SBETWEEN THOSE WHO WERE INDICTED OR BETWEEN THOSE PERSONS THAT ACTED IN CONCERT, OR THAT SEEMED TO BE BOUND TOGETHER BY SOME COMBINATION WITH EACH OTHER OR WITH LEE. ALL CONVERSATION S, NO MATTER BETWEEN WHOM, OR WHERE OCCURRING; ALL RUMORS NO MATTER HOW IMPERSONAL, ALL ACTS, NO MATTER BY WHOM DONE, OR HOW IRRELEVANT; WERE TESTIFIED TO BY THEM. THE DEFENSE INTERPOSED OBJECTIONS, BUT THEY WERE UNAVAILING TO EXCLUDE ANYTHING. THE TRANSACTION REALLY CONSISTED OF WHAT ALL THE	CONVERSATION S BETWEEN THOSE WHO ARE INDICTED OR BETWEEN THOSE PERSONS THAT ACTED IN CONCERT , OR THAT SEEMED TO BE BOUND TOGETHER BY SOME COMBINATION WITH EACH OTHER OR WITH LEE. ALL CONVERSATION S NO MATTER BETWEEN WHOM, OR WHERE OCCURING; ALL RUMORS, NO MATTER HOW VAGUE OR IM PERSONAL; ALL ACTS NO MATTER BY WHOM DONE OR HOW IRRELEVANT; WERE TESTIFIED TO BY THEM. THE DEFENSE INTERPOSED OBJECTIONS BUT THEY WERE UNAVAILING TO EXCLUDE ANYTHING. THE TRANSACTION REALLY CONSISTED OF WHAT ALL THE
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RS

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RT

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		<p>ACTORS AT THE MEADOWS SAID AND DID WHILE TOGETHER, BY THE WAY OF PREPARATION, BEFORE GOING, OF ALL THEY SAID AND DID ON THEIR WAY THITHER, AND ALL THEY SAID AND DID AFTER THEY ARRIVED. AFTER SOME EVIDENCE OF COMBINATION FOR GOING THERE, THE ACTS AND DECLARATIONS OF INDIVIDUALS BELONGING TO THE PARTY, IN THE ABSENCE OF THE OTHERS, WITHIN THE SAME SCOPE OF TIME AND PLACE, RELATING TO THE COMMON PURPOSE AND IN THE EXECUTION OF IT, WOULD ALSO BE INCLUDED IN THE TECHNICAL RES GESTAE —</p>	<p>ACTORS AT THE MEADOWS SAID AND DID WHILE TOGETHER, BY WAY OF PREPARATION AND BEFORE GOING; OF ALL THEY SAID AND DID ON THEIR WAY THITHER THITH R; AND ALL THEY SAID AND DID AFTER THEY ARRIVED. AFTER SOME EVIDENCE OF COMBINATION FOR GOING THERE, THE ACTS AND DECLARATIONS OF INDIVIDUALS BELONGING TO THE PARTY, IN THE ABSENCE OF THE OTHERS, WITHIN THE SAME SCOPE OF TIME AND PLACE, RELATING TO THE COMMON PURPOSE AND IN THE EXECUTION OF IT WOULD ALSO BE INCLUDED IN THE TECHNICAL RES REAS GESTAE. —</p>
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RS

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RT

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		<p>WOULD FORM PART OF THIS TRANSACTION, WHICH IS THE SUBJECT OF THIS ENQUIRY. SMITH AND WHITE RANGED OVER THIS FIELD WITHOUT THE LEAST CHECK, NO COMBINATION, HOWEVER, WAS SHOWN, BEYOND THIS— THAT THE PERSONS WHOSE NAMES HAVE BEEN MENTIONED WERE CALLED TO GO TO THE MEADOWS TO SAVE THE EMIGRANTS THAT HAD SURVIVED THE PROTRACTED ATTACKS OF THE INDIANS AND TO BURY THE DEAD. ON THIS OSTENSIBLY HUMANE ERRAND, MEN WENT SIMULTANEOUSLY ^{[[8]]} FROM CEDAR CITY, HARMONY AND</p>	<p>WOSULD FORM PART OF THIS TRANSACTION, WHICH IS THE SUBJECT OF THIS INQUIRY. SMITH AND WHITE ^[6] RANGED OVER THIS FIELD WITHOUT THE LEAST CHECK. NO COMBINATION, HOWEVER, WAS SHOWN, BEYOND THIS— THAT THE PERSONS WHOSE NAMES HAVE BEENEN MENTIONED WERE CALLED TO GO TO THE MEADOWS TO SAVE THE EMIGRANTS THZAT HAD HAD DSURVIVED THE PROTRACTED ATTACKS OF THE INDIANS AND TO BURY THE DEAD. ON THIS AOSTENSIBLYE HUMANE ERRAND MEN WENT SIMULTANEOUSLY FROM CEDAR CITY, HARMONY AND</p>
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RS

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RT

BT

<p>THEN GENTLEMEN YOU HAVE GOTTEN TESTIMONY OF SMITH AND WHITE IN FULL. [space] TAKEN IN CONNECTION WITH WHAT POLLOCK AND YOUNG SAW NO EXCEPTION WITH WHAT WAS SAID AT THE TIME.</p>	<p>THEN GENTLEMEN YOU HAVE GOTTEN TESTIMONY OF SMITH AND WHITE IN FULL [space] THIS TAKEN IN CONNECTION WITH WHAT POLLOCK AND YOUNG SAW NO EXCEPTION WITH WHAT WAS WAS SAID AT THE TIME [space]</p>	<p>WASHINGTON. THEY CARRIED IMPLEMENTS SUITABLE FOR INTERRING THE DEAD. THEY ALSO CARRIED FIRE- ARMS—THESE WERE ALWAYS IN DEMAND; THE FARMER SELDOM WENT EVEN TO HIS FIELDS WITHOUT HIS TRUSTY GUN. SMITH AND WHITE ARE THE ONLY WITNESSES WHO HAVE GIVEN FULL TESTIMONY. THE PROSECUTION IT IS TRUE CALLED POLLOCK, YOUNG AND PIERCE; BUT THEY WERE ONLY PERMITTED TO DESCRIBE THE TRANSACTION AS A PANTOMINE. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID IN CONNECTION WITH ANY ACT</p>	<p>WASHINGTON. THEY CARRIED IMPLEMENTS, SUITABLE FOR INTERRING THE DEAD. THEY ALSO CARRIED FIRE ARMS—THESE WERE ALWAYS IN DEMAND; THE FARMER SELDOM EVEN WENT TO THE FIELDS WITHOUT HIS TRUSTY GUN. SMITH AND WHITE ARE THE ONLY WITNESSES HWWHO HAVE GIVEN FULL TESTIMONY. THE PROSECUTION, IT IS TRUE, CALLED POLLOCK, YOUNG AND PIERCE; BUT THEY WERE ONLY PERMITTED TO DESCRIBE THE TRANSACTION AS A PANTOMIME; THEY WERE NOT PERMITTED TO STZATE WHAT SWAS SAID IN CONNECTION WITH ANY ACT</p>
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RS

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RT

BT

<p>AS I ABOVE REMARKED INSTEAD OF THESE BEING ONLY WITNESS TO TELL YOU ABOUT IT THERE ARE 11. POLLOCK WAS NOT IMMEDIATELY AT THE FRONT. WHEN THE LIVES WERE TAKEN WILLIAM YOUNG WAS AND CARRIED A GUN WHICH HE</p>	<p>INSTEAD OF THESE BEING ONLY WITNESSES TO TELL YOU ABOUT IT THERE ARE 11 POLLOCK WAS NOT IMMEDIATELY AT THE FRONT WHEN THE LIVES WERE TAKEN WILLIAM YOUNG WAS AND CARRIED A GUN WHICH HE</p>	<p>WHICH THEY MENTIONED. THEY WERE AT THE MEADOWS; THEY SAW ALL THAT ANYBODY SAW, AND HEARD MUCH SAID THAT WOULD EXPLAIN THOSE ACTS; BUT THEY WERE COMPELLED TO TESTIFY AS THOUGH THEY HAD BEEN DEAF, AND SAW THE TRANSACTION WITH THE SENSE OF HEARING ABOLISHED.</p>	<p>WHICH THEY MEANTIONED. THEY WEERE AT THE MEADOWS; THEY SAW ALL THAT ANHAYBODY SAW, AND HEARD MUCH SAID THAT WOULD EXPLAIN THOSE ACTS; BUT THEY WERE COMPELLED TO TESTIFY AS THOUGH THEY HAD BEEN DEF DEAF AND SAW THE TRANSACTION WITH THE SENSE OF HEARING ABOLISHED.</p>
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RS

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RT

BT

DID NOT FIRE [space] WHITE ALTHOUGH CAPTAIN; ALTHOUGH HE KNEW THERE WAS TREACHERY THERE; ALTHOUGH HE WAS PRESENT APPARENTLY COUNTENANCIN G THE AFFAIR; DID NOT CARRY ANY GUN AND DID NOT FIRE. SMITH CARRIED A GUN AND HE FIRED IT DID NOT FIRE IT OVER THEIR HEADS NOR OVER THEIR FEET BUT HE FIRED AT HIS MAN HE IS ONE OF THE MURDERERS BY HIS OWN CONFESSION LEE WAS NOT THERE. THERE WAS TREACHERY THERE THERE IS NO DOUBT[?] ABOUT THAT AND WE WANT TO FIND THOSE PERSONS WHO WERE GUILTY OF THAT WHOLE	DID NOT FIRE WHITE ALTHOUGH A CAPTAIN ALTHOUGH HE KNEW THERE WAS TREACHERY ALTHOUGH HE WAS PRESENT APPARENTLY COUNTENANCIN G THE AFFAIR DID NOT CARRY ANY GUN AND DID NOT FIRE SMITH CARRIED A GUN AND HE FIRED IT HE DID NOT FIRE OVER THEIR HEADS NOR UNDER THEIR FEET BUT HE FIRED AT HIS MAN HE IS ONE OF THE MURDERERS BY HIS OWN CONFESSION. LEE WAS NOT THERE. THERE WAS TREACHERY THERE THERE ABOUT IS NO DOUBT IT [space] AND WE WANT TO FIND THOSE PERSONS WHO ARE GUILTY OF THAT		
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<p>TREACHERY IT WILL BE SORT OF ELIXIR TO EVERY GOOD MAN IN CHRISTENDOM TO SEE HIS HEAD TAKEN OFF \LeftarrowYET HUNG SEE A[?] MAN HUNG\rightarrow IT SEEMS TO ME IT WOULD IMPROVE MY SENSE OF RETRIBUTIVE JUSTICE TO SEE PARTIES WHO ARE EQUALLY GUILTY OF THAT SLAUGHTER {AND}¹ <i>STRATEGY/STRET CHED</i>[?]. BUT THE SAME FEELING THAT PROMPTS ME TO SEE THOSE PUNISHED MAKES ME CAUTIOUS HOW I <i>PICK</i>[?] <i>OTHERWISE</i>[?] IT WOULD MAKE YOU CAUTIOUS GENTLEMEN BECAUSE SUCH A MEASURE OF SEVERITY NEVER OUGHT TO BE METED OUT UNTIL YOU</p>	<p>TREACHERY AND IT WOULD BE A SORT OF ELIXIR TO SEE THEIR HEAD TAKEN RIGHT OFF [space] IT WOULD IMPROVE MY SENSE OF RETRIBUTIVE JUSTICE GENTLEMEN TO SEE THE PARTIES WHO ARE EQUALLY GUILTY OF THAT SLAUGHTER <i>STRATEGY/STRET CHED</i>[?] [space] BUT THE SAME FEELING THAT PROMPTS ME TO SEE THOSE PUNISHED MAKES ME CAUTIOUS HOW I [space] IT WOULD MAKE YOU CAUTIOUS BECAUSE SUCH A MEASURE OF SEVERITY NEVER OUGHT TO BE METED OUT UNTIL YOU</p>		
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RS

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<p>ARE SURE YOU HAVE GOT THE MAN.</p>	<p>ARE SURE YOU HAVE GOT THE MAN</p>	<p>GENTLEMEN OF THE JURY, THE CHARGE AGAINST THE DEFENDANTS NAMED IN THIS INDICTMENT IS THAT THEY, BY AGREEMENT, AND CONCERT OF ACTION, KILLED AND MURDERED THE EMIGRANTS. AS BEFORE REMARKED, THEY DID NOT ALL GO FROM ONE PLACE; THEY DID NOT OCCUPY ONE CAMP AT THE MEADOWS; THEY WERE NOT CONTINUOUSLY TOGETHER. THEY WERE THERE TWO OR THREE DAYS BEFORE THE MASSACRE. DURING THAT INTERVAL THE EMIGRANTS WERE ENTRENCHED AND THE INDIANS FIRED UPON THEM. ON THE FATAL</p>	<p>GENTLEMEN OG OF THE JURY, THE CHARGE AGAINST THE DEFENDANTS NAMED IN THIS INDICTMENT IS THAT THEY BY AGREEMENT, AND CONSERT OF ACTION KLHILLED AND MURDERED THE EMIGRANTS. AS BEFORE REMARKED, THEY DID NOT ALL GO FROM ONE PLACE; THEY DID NOT AOCCUPY ONE CAMP AT THE MEADOWS; THEY WERE NOT CONTINUOUSLY TOGETHER. THEY WERE THERE TWO OR THREE DAYS BEFORE THE MASSACRE. DURING THAT INTERVAL THE EMIGRANTS WERE INTERENCED AND THE INDIANS FIRING UPON THEM. ON THE FATAL</p>
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RS

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<p>NOW JOHN D. LEE WAS NOT THERE. AT THE SLAUGHTER HE WENT DOWN THERE WITH THE FLAG OF TRUCE OR SOON AFTERWARDS AND ENGINEERED WHAT APPEARED TO BE A CAPITULATION. [space] ^[31] IF THAT WAS DONE IN GOOD FAITH NOW IF THE INDIANS HAD AGREED THAT IF</p>	<p>NOW JOHN D. LEE WAS NOT THERE AT THE SLAUGHTER HE WENT DOWN THERE WITH THE FLAG OF TRUCE OR SOON AFTERWARDS AND ENGINEERED WHAT APPEARED TO BE A CAPITULATION IF THAT WAS DONE IN GOOD FAITH [space] NOW IF THE INDIANS HAD AGREED THAT</p>	<p>DAY NO INDIANS WERE TO BE SEEN; THEY HAD IN FACT CONCEALED THEMSELVES IN THE SAGE BRUSH, THEY WERE IN AMBUSH, FROM WHICH THEY SALLIED OUT TO THE FINAL ASSAULT. ON THAT DAY THE EMIGRANTS CAME INTO COMMUNICATIO N WITH THE MORMONS</p> <p>UNDER A FLAG OF TRUCE,</p> <p>SURRENDERED THEIR ARMS,</p>	<p>DAY, NO INDIANS WERE TO BE SEEN; THEY HAD IN FACT CONCEALED THEMSELVES IN THE AGE SAGE BRUSH. THEY AR WERE IN AMBUSH, FROM WHICH THEY SALLEIED OUT TO THE FINAL ASSAULT. ON THAT DAY THE EMIGRANTS CAME INTO INTO COMMUNICATI ON WITH THE MORMONS</p> <p>UNDER A FLAG OF TRUCE,</p> <p>SURRENDERED THEIR ARMS,</p>
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RS**PS****RT****BT**

<p>THEY COULD HAVE THAT PROPERTY THEY WOULD SPARE THE LIVES OF THOSE EMIGRANTS IF THOSE WHITE MEN WHO <i>WERE</i>[?] WENT THERE AND TOGETHER NEGOTIATED BELIEVED</p> <p>INDIANS WOULD DO IT AND ENTERED INTO THE CAPITULATION WITH THAT UNDERSTANDIN G IT WAS A GOOD MOTIVE WAS NOT IT. NOW LET'S LOOK AT IT. CAREY SAYS THESE EMIGRANTS WERE 50 <6> INCLUDED 50 ABLE BODIED MEN THERE WAS CERTAIN NUMBER OF ABLE BODIED SETTLERS THERE THAT OUGHT TO HAVE JOINED FORCES AND FOUGHT YOU GENTLEMEN</p>	<p>IF THEY COULD HAVE THAT PROPERTY THEY WOULD SPARE THE LIVES OF THOSE EMIGRANTS AND IF THOSE WHITE MEN WHO WERE THERE AND WHO NEGOTIATED IT BELIEVED THAT THE INDIANS WOULD DO IT AND ENTERED INTO THEIR CAPITULATION WITH THAT UNDERSTANDIN G ^{[[25]]} IT WAS A GOOD MOTIVE WAS NOT IT [space] NOW LET'S LOOK [space] CAREY SAYS THESE EMIGRANTS</p> <p>INCLUDED 50 ABLE BODIED MEN AND CERTAIN NUMBER OF ABLE BODIED SETTLERS THAT OUGHT TO HAVE JOINED FORCES AND FOUGHT [space] NOW YOU GENTLEMEN</p>	<p>ABANDONED THEIR PROPERTY, AND PLACED THEMSELVES UNDER MORMON PROTECTION, TO BE CONDUCTED BACK TO CEDAR CITY.</p>	<p>ABANDONÆD THEIR PROPERTY AND PLACED THEMSELVEÐS UNDER MORMON ^[7] PSROTECTION, BE CONDUCTED BACK TO CEDAR CITY.</p>
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HAVE LIVED IN THIS COUNTRY LONG ENOUGH TO KNOW ABOUT HOW IT IS BEST TO CONDUCT YOURSELVES WITH THE NATIVE AMERICAN HAVE SOME CONCEPTION OF THE DISPARITY OF THE SETTLERS AS COMPARED WITH THE INDIANS AT THAT TIME. IF THESE SETTLERS HAD JOINED WITH THE EMIGRANTS TO FIGHT IT OUT WHEN WOULD THAT FIGHT HAVE ENDED? WOULD NOT THOSE INDIANS HAVE STARVED OUT THAT PARTY IN THIS ENTRENCHMENT IT APPEARS THEY HAD NO WATER THERE OTHER PROVISIONS WOULD HAVE BEEN LIMITED THEY HAD NO MEANS	HAVE LIVED IN THIS COUNTRY HOW LONG ENOUGH TO KNOW ABOUT HOW IT IS BEST FOR YOU TO CONDUCT YOURSELVES WITH THE INDIANS WE CAN HAVE SOME CONCEPTION THE DISPARITY OF THE SETTLERS COMPARED WITH INDIANS IF THESE SETTLERS HAD JOINED WITH THE INDIANS TO FIGHT IT OUT WHEN WOULD <i>THAT</i> [?] FIGHT HAVE <i>ENDED</i> [?] WOULD NOT THOSE INDIANS HAVE STARVED OUT THAT PARTY IN THIS ENTRENCHMEN T IT APPEARS THEY HAD NO WATER <i>THERE</i> [?] OTHER PROVISIONS WOULD HAVE BEEN LIMITED AMMUNITION HAD NO MEANS		
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<p>OF SUPPLYING THEMSELVES BUT THE MOMENT SUCH A CONJUNCTION HAD BEEN FORMED THE INDIANS <i>WERE</i>[?] AS HOSTILE TO THE MORMONS AS THEY WERE TO THE EMIGRANTS THEY COULD — [?] <i>NEGOTIATE</i>[?] —[?] TERRITORY <i>WERE</i>[?]</p> <p>ON <i>WAY</i>[?] WITH SAFETY IF WERE SIMPLE <i>ILLUSION</i>[?] OF THAT PROPERTY THEY COULD NEGOTIATE TO</p> <p>SAVE LIVES OF EMIGRANTS WOULD IT NOT BE MOST —[?] AND MOST HUMANE <i>ARRANGEMENT</i>[?]</p> <p>THAT COULD MAKE THEY WOULD SECURE THE PEACE OF THOSE PIONEER SETTLEMENTS IT WOULD TEND TO MAINTAIN THE</p>	<p>OF SUPPLYING THEMSELVES</p> <p>MOMENT SUCH A CONJUNCTION HAD BEEN FORMED INDIANS WOULD BE AS HOSTILE AS IF WERE THEY WERE TO THE MERICATS [<i>space</i>] <i>NEGOTIATE</i>[?] WITH TRUTH <i>AND</i>[?] <i>WHEN/WENT</i>[?] ON OUR WAY WITH SAFETY [<i>space</i>]</p> <p>IF THEY COULD NEGOTIATE WITH THE INDIANS AND SAVE THE LIVES OF THE EMIGRANTS WOULD NOT IT BE A MOST</p> <p>HUMANE ARRANGEMENT FOR EMIGRANTS IT</p> <p>WOULD SECURE PEACE</p> <p>TEND TO MAINTAIN THE</p>		
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<p>FRIENDLY RELATIONS UPON WHICH VERY EXISTENCE OF THOSE SETTLEMENT DEPENDS. WOULD NOT IT TO BE WISE YOU WILL ALL AGREE IT WAS <i>IT MUST</i> <i>APPEAR</i>[?] IF THERE WAS NO MISTAKE ABOUT IT THERE WAS NO MURDER IN IT IT WOULD BE SIMPLE TO <i>ALLOW</i>[?] <i>MEMBERS</i>[?] IN ALL THE PARTIES TO PASS EXPEDIENT TO PROCEED TO SAVE THEIR LIVES. THOUGH JOHN D. LEE WAS THE PARTY TO NEGOTIATION SUCH A TRUCE AND WAS HIMSELF SATISFIED THAT IT WOULD BE CARRIED OUT BY THE INDIANS</p>	<p>FRIENDLY RELATIONS ON WHICH VERY EXISTENCE OF THOSE SETTLEMENTS DEPENDED [<i>space</i>] YOU WILL ALL BELIEVE THAT IT WAS —[?] [<i>space</i>] THAT IT WAS FOR BEST TO <i>TRUCE</i>[?]</p> <p>EXPEDIENT TO <i>TRUCE</i>[?] SAVE THEIR LIVES KNOW THAT JOHN D. LEE WAS THE PARTY TO NEGOTIATE SUCH A TRUCE AND WAS HIMSELF SATISFIED THAT IT WOULD BE CARRIED OUT BY THE INDIANS</p>	<p>THE CHILDREN AND WOUNDED HAD BEEN PLACED IN WAGONS, PROVIDED BY</p>	<p>THE CHILDREN AND WOUNDED HAD BEEN PLACED IN WAGONS PROVIDED BY</p>
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<p>AND LED THESE EMIGRANTS OUT HE HEADING THE COLUMN IN CHARGE OF THE CHILDREN</p>	<p>AND LED THESE EMIGRANTS OUT HE HEADING COLUMN HAVING CHARGE OF THE CHILDREN</p>	<p>THE MORMONS; THESE WAGONS HAD STARTED TOWARDS CEDAR, UNDER THE LEAD OF JOHN D. LEE; NEXT MARCHED OUT THE WOMEN, LASTLY THE MEN. THIS ^{[[9]]} PROCESSION MARCHED FOR NEARLY THREE QUARTERS OF A MILE, THE MORMONS TRAVELING ABREAST, OR NEARLY SO OF THE MEN, BELONGING TO THE EMIGRANTS PARTY, WHEN THE MASSACRE COMMENCED. LEE HAD GONE WITH THE WAGONS OVER A RISE OF THE GROUND, AND WAS OUT OF SIGHT OF THE MEN. THAT WAS HIS FINAL DEPARTURE</p> <p>FROM THE FIELD. HE CONDUCTED THE CHILDREN IN SAFETY AWAY.</p>	<p>THE MORMONS; THESE WAGONS HAD STARTED TOWARDS CEDAR CITY UNDER THE LEAD OF JOHN D. LEE, \ NEXT MARCHED OUT THE WOMEN AND LASTLY THE MEN, THIS PROCESSION MARCHEED FOR NEARLY THREE QUARTERS OF A MILE, THE MORMONS TRAVELING ABREST OR NEARLY SO OF THE MEN BELONGING TO THE EMIGRANT PARTY WHEN THE MASSACRE COMMENCED. LEE HAD GONE WITH THE WAGONS OVER A RISE OF GROUND AND WAS OUT OF SIGHT OF THE MEN. THAT WAS HIS FINAL DEPARTURE</p> <p>FROM THE FIELD. HE CONDUCTED THE CHILDREN IN SAFETY AWAY.</p>
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<p>AND THE INDIANS AFTERWARD AND THE KLINGENSMITHS</p> <p>AMONG THE MORMONS AND SUCH OTHER MORMONS AS HAD INDIAN SOULS FULL OF TREACHERY AND UNWORTHY OF CONFIDENCE VIOLATED THAT TRUCE AND HE WAS NEVER RESPONSIBLE BECAUSE THERE WAS CONFUSION AND DISORDER AND A GENERAL FIGHT BY THE INDIANS WHO WAS TO BLAME IS[?]</p> <p>JOHN D. LEE WHO HAD ACTED FOR THE BEST WHO HAD LABORED AT THE TIME TO COMPLETE ONLY RECONCILIATION</p> <p>SITUATION SEEMED TO ADMIT OF ^{[[32]]} IS HE RESPONSIBLE FOR THE</p>	<p>AND THE INDIANS AFTERWARDS AND THE KLINGEN SMITHS</p> <p>AMONG THE MORMONS AND SUCH OTHER MORMONS AS HAD INDIAN SOULS FULL OF TREACHERY AND UNWORTHY OF CONFIDENCE VIOLATED THAT TRUCE AND HE NEVER RESPONSIBLE BECAUSE WAS CONFUSION DISORDER AND GENERAL FIGHT BY THE INDIANS WHO IS TO BLAME IS</p> <p>JOHN D. LEE WHO HAD ACTED FOR THE BEST WHO HAD LABORED AT THE TIME TO ACCOMPLISH THE ONLY THE RECONCILIATION THAT THE SITUATION SEEMED ^{[[26]]} TO ADMIT OF IS HE RESPONSIBLE FOR THE</p>		
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<p>DEFECTION AND THE TREACHERY OF EITHER THE INDIANS OR OF KLINGENSMITH. NOT SO [space] WELL NOW PERHAPS IT MAY BE SUGGESTED THAT IT DID NOT APPEAR HE HAD NEGOTIATION IN GOOD FAITH SUCH AN AGREEMENT THAT IS THE VERY POINT GENTLEMEN I WANT TO CALL YOUR ATTENTION TO.</p>	<p>DEFECTION AND THE TREACHERY OF EITHER THE INDIANS OR OF KLINGEN SMITH [space] NOT SO GENTLEMEN NOW PERHAPS IT MAY BE SUGGESTED THAT IT DID NOT APPEAR THAT HE HAD NEGOTIATED IN GOOD FAITH SUCH AN AGREEMENT [space] THAT IS THE VERY POINT I WANT TO CALL YOUR ATTENTION TO</p>	<p>TWO IMPORTANT AND VITAL QUESTIONS MUST BE DETERMINED, FIRST, DID THE MORMONS TAKE PART IN THE MASSACRE ? IF SO, WAS IT PREVIOUSLY AGREED ON WHEN LEE WAS PRESENT ? IF THERE WAS NO AGREEMENT OR CONCERT OF</p>	<p>TWO INPORTANT AND VITAL QUESTIONS MUST BE DETERMNINED —FIRST , DID THE MORMONS TAKE PART IN THE MASSACRE? IF SO WAS IT PREVIOUSLY AGREED ON WHEN LEE WAS PRESENT? IF THERE WAS NO AGREEMENT OR OR CONCERT OF</p>
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BT

		ACTION, EACH MAN, OF COURSE, WAS ONLY RESPONSIBLE FOR HIS OWN ACTS. WAS THERE ANYTHING SAID, DONE, OR AGREED UPON, WHICH SHOULD AFFECT LEE WITH NOTICE, WHEN HE HEADED THE RETREATING EMIGRANTS, THAT SUCH A BUTCHERY WAS TO BE EXECUTED WHEN THEY CAME OPPOSITE TO THAT MASKED BATTERY OF INDIANS. THAT ATTACK WAS EITHER MADE BY THE INDIANS ALONE, OR BY INDIANS AND INDIVIDUAL MORMONS THAT WERE MORE SAVAGE THAN INDIANS, OR IT WAS INITIATED BY MORMONS, OR ANIZED	ACTION; EACH MAN; OF COURSE; WAS ONLY RESPONSIBLE FOR HIS OWN ACTS. WAS THERE ANYTHING SAID, DONE; OR AGREE UPON, WHICH SHOULD EFFECT LEE WITH NOTICE, WHEN HE HEADED THE RETREATING EMIGRANTS, THAT SUCH A BUTCHERY WAS TO BE EXECUTED WHEN THEY CAME OPPOSITE TO THAT MASKED BATTERY OF INDIANS? THAT ATTACK WAS EITHER MADE BY THE INDIANS ALONE, OR BY INDIANS AND INDIVIDUAL MORMONS, THAT WERE MORE SAVAGE THAN INDIANS, OR IT WAS INITIATED BY MORMONS, ORGANIZED
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RS

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BT

		AND USING THE INDIANS AS ALLIES. IT WAS A SUDDEN ATTACK, UNLOOKED FOR ALIKE BY MORMONS AND EMIGRANTS,AN D ORIGINATED IN THE NATURAL FEROCITY AND TREACHERY OF THE INDIANS;;OR IT WAS PRECONCERTED BY MORMONS AS INDIVIDUALS, IOR AS A PARTY, ACTING UPON A LIKE IMPULSE OF TREACHERY AND FEROCITY. YOU MUST DECIDE,IN YOUR OWN MINDS,HOW IT TRANSPIRED. YOU CAN NOT CONVICT LEE UNLESS YOU FIND FROM THE EVIDENCE THAT THERE WAS SUCH PRECONCERTED PLAN, AND THAT HE WAS A PARTY TO THE DAMNABLE	AND USING USING THE INDIANS AS ALLIES. IT WAS A SUDDEN ATTACK, UNLOOKED FOR ALIKE BY MORMONS AND EMIGRANTS, AND ORIGINATED IN THE NATURAL FEROCITY AND TREACHERY OF THE INDIANS OR IT WAS PRECONCERTED BY MORMONS AS INDIVIDUALS OR AS A PARTY ACTING UPON A LIKE INPULSE OF TREACHERY AND FEROCITY. YOU MUST DICIDE IN YOUR OWN MINDS HOW IT R TRANSPIRED. YOU CANNOT CONVICT LEE UNLESS YOU FIND FROM THE EVIDENCE THAT THERE WAS SUCH PRECONCERTED PLAN&S AND THAT HE WAS A PARTY TO THE DAMNABLE
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		<p>COMPACT. AS LEE DID NOT PARTICIPATE IN THE SLAUGHTER, AND WAS NOT PRESENT OR IN VIEW OF IT, THE HYPOTHESIS IS THAT HE AND THE OTHERS PRE-ARRANGED THE ^[S9]440 DESTRUCTION, CANNOT BE ADOPTED, UNLESS THERE IS EVIDENCE OF IT. THERE MUST BE SUCH A STATE OF FACTS PROVED, BEYOND A REASONABLE DOUBT, AS ARE NOT ONLY CONSISTENT WITH, BUT SUCH FACTS AS PROVE THAT SUPPOSITION. THE FACTS PROVED MUST BE INCONSISTENT WITH ANY OTHER SUPPOSITION THAT CAN REASONABLY BE PROPOUNDED.</p>	<p>COMPACT. AS LEE DID NOT PARTICIPATE IN THE SLAUGHTER, AND WAS NOT PRESENT OR IN VIEW OF IT, THE HYPOTHESIS THAT HE AND THE OTHERS PREARRANGED THE DESTRUCTION, CAN NOT BE ADDOPTED, UNLESS THERE IS EVIDENCE OF IT. ^[8] THERE MUST BE SUCH A STATE OF FACTS PROVED BEYOND A REASONABLE DOUBT AS ARE NOT ONLY CONSISTENT WITH, BUT SUCH FACTS AS PROEVE THAT SUPPOSITION.. THE FACTS PROVED MUST BE INCONSISTENT WITH ANY OTHER SUPPOSITION THAT CAN BE RESASONABLEY PROPOUNDED</p>
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440. There are two pages in a row marked "9", which makes up for the missing page 6.

RS

PS

RT

BT

<p>IF YOU GENTLEMEN HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS AFFAIR WITH POWER TO SEND FOR PERSONS AND THE PAPERS AND YOU REALLY WANTED REMOVE THE LEAST DOUBT THAT COULD</p>	<p>IF YOU GENTLEMEN HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS AFFAIR WITH POWER TO SEND FOR PERSONS AND PAPERS AND YOU REALLY WANTED REMOVE THE LEAST DOUBT THAT COULD</p>	<p>IN OTHER WORDS, THE CONSPIRACY MUST BE PROVED; AND IT CAN ONLY BE ESTABLISHED, INDIRECTLY, BY PROOF OF SUCH FACTS AS EXCLUDE ALL POSSIBILITY THAT HE HAD NO NOTICE THAT SUCH AN ATTACK WAS CONTEMPLATED BY THOSE WHO MADE IT, WHOEVER THEY WERE. GENTLEMEN OF THE JURY, ARE YOU PREPARED TO DECIDE THAT QUESTION?</p>	<p>. IN OTHER WORDS THE CONSPIRACY MUST BE PROVED; AND IT CAN ONLE BE ESTABLISHED, INDIRECTLY, BY PROOF OF SUCH FACTS AS EXECLUDE ALL PROBABILITY THAT HE HAD NO NOTICE THAT SUCH SUCH AN ATTACK WAS CONTEMPLATED BY THOSE WHO MADE IT , WHOEVER THEY WERE. GENTLEMEN OF THE JURY, ARE YOU PREPARED TO DHEDECIDE THAT QUESTION?</p>
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<p>ARISE IN YOUR MIND AS TO WHO WERE RESPONSIBLE WOULD YOU CONTENT YOURSELVES WITH LISTENING TO K SMITH'S STORY AND WHITE MAN STORY WHEN THERE WERE 9 OTHER WITNESSES AND EYE WITNESSES OF <i>THIS</i>[?] THE TRANSACTION YOU HAD NOT TALKED WITH AT ALL NOW WOULD YOU [<i>space</i>] WHY GENTLEMEN AS A COMMITTEE YOU WOULD REQUIRE YOU HAD ASSEMBLED ENTIRETY OF YOUR WITNESSES INSTEAD OF COMING TO A CLOSE AND COMING TO A DECISION. WHY DO NOT THEY HAVE ALLEN HERE \LeftarrowALLEN\Rightarrow AND MCMURDY AND CURTIS</p>	<p>ARISE IN YOUR MIND AS TO WHO WERE RESPONSIBLE WOULD YOU CONTENT YOURSELVES WITH LISTENING TO KLINGEN SMITH'S STORY AND JOEL WHITE'S AS WELL AS STORY WHERE THERE WAS 9 OTHER EYE WITNESSES THAT YOU HAD NOT TALKED WITH AT ALL [<i>space</i>] NOW GENTLEMEN AS A COMMITTEE YOU WOULD REQUIRE THAT YOU HAD ASSEMBLED ENTIRETY OF THE TESTIMONY INSTEAD OF COMING TO A CLOSE AND COMING TO A DECISION [<i>space</i>] WHY DO NOT THEY HAVE ALLEN HERE MCMURDY AND CURTIS</p>	<p>YOU ARE INFORMED THAT FOURTEEN MEN WERE THERE, WHO ARE NOW WITHIN REACH, AND COULD GIVE YOU INFORMATION.</p>	<p>YOU ARE INFORMED THAT 14 MEN WERE THERE, WHO ARE NOW WITHIN REACH, AND COULD GIVE YOU INFORMATION.</p>
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RS

PS

RT

BT

HARRISON PIERCE SAM KNIGHT JOHN MANGRAM RICHARD HARRISON SLADE AND JACOBS WOULD YOU THINK YOU KNOW WHAT TOOK PLACE ON THE TESTIMONY BEEN SUBMITTED TO YOU ARE YOU WILLING TO SAY ANY MAN'S LIFE SHALL BE TAKEN ON LITTLE YOU KNOW? WHO HAD POWER TO GIVE YOU FULL INFORMATION. YOU WERE NOT SUCH A COMMITTEE YOU HAVE BEEN SELECTED SHUTTED UP LIKE SO MANY PRISONERS HERE NOT ALLOWED TO SPEAK TO ANYBODY AND IT DEVOLVED ON THE GOVERNMENT TO POUR INTO	HARRISON PIERCE SAM KNIGHT JOHN MANGRAM RICHARD HARRISON SLADE AND JACOBS DID THEY THINK YOU KNOW <i>ALL[?]</i> THAT TOOK PLACE THERE [<i>space</i>] ON THE TESTIMONY THAT BEEN SUBMITTED TO YOU ARE YOU WILLING TO SAY ANY MEN'S LIVES SHALL BE TAKEN ON THE LITTLE YOU KNOW [<i>space</i>] WHO HAD POWER TO GIVE YOU FULL INFORMATION YOU WERE NOT SUCH A COMMITTEE YOU HAVE BEEN SELECTED AND SHUT UP LIKE SO MANY PRISONERS HERE AND NOT ALLOWED TO SPEAK TO ANYBODY AND DEVOLVE UPON THE GOVERNMENT TO POUR INTO		
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<p>YOUR MINDS THE INFORMATION ON WHICH YOU WERE CALLED TO TO DECIDE AND THEY ASK YOU NOW ON THIS SLIM TESTIMONY ONE PERCENT WITH ALL TESTIMONY THAT EXISTS THEY ASK YOU TO DECIDE THIS CASE WHICH THEY SAY ALL</p> <p>CIVILIZED WORLD IS <i>AGAPED</i>[?] TO KNOW THE END OF IT. IF THE CIVILIZED WAS SO MUCH IN SUSPENSE ABOUT THIS CASE THEY HAD BETTER SEND SOMEBODY HERE BRING TESTIMONY THEY HAVE NO RIGHT TO ASK TWELVE INTELLIGENT MEN GENTLEMEN TO TAKE ANY MAN'S LIFE ON THE TESTIMONY</p>	<p>YOUR <i>MINDS</i>[?] THE INFORMATION UPON WHICH YOU WERE TO DECIDE THEY ASK YOU NOW ON THIS SELECT TESTIMONY <i>[space]</i></p> <p>TO DECIDE THIS CASE WHICH THEY SAY THE WHOLE CIVILIZED WORLD IS AGAPE TO KNOW THE END OF IT <i>[space]</i> IF THE CIVILIZED WORLD ARE SO MUCH IN SUSPENSE <i>[space]</i></p> <p>THEY HAD BETTER BRING SOMEBODY HERE TO BRING TESTIMONY THEY HAVE NO RIGHT GENTLEMEN TO ASK 12 INTELLIGENT MEN GENTLEMEN TO TAKE ANY MAN'S LIFE ON THE TESTIMONY</p>		
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RS

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RT

BT

<p>OF <i>ANY</i>[?] SUCH WITNESSES AS KLINGENSMITH AND JOEL WHITE WHEN THERE ARE 9 OTHER PERSONS WITNESSES OF THE SAME AFFAIR WHO COULD GIVE YOU FAIRER ACCOUNT OF IT</p>	<p>OF ANY SUCH WITNESSES AS KLINGEN SMITH OR JOEL WHITE WHEN THERE ARE 9 OTHER GENTLEMEN [space]</p>	<p>DO YOU FEEL SAFE IN DECIDING BEFORE YOU HAVE HEARD WHAT THEY HAVE TO SAY ? YOU CANNOT INFER, BEFORE-HAND, THAT ANY OF THESE WITNESSES ARE GUILTY. SUCH AN INFERENCE WOULD INVOLVE A DECISION OF THE VERY QUESTION ON WHICH THEIR TESTIMONY IS NECESSARY. ALL THE EYE WITNESSES WHO HAVE BEEN PRODUCED HAVE TESTIFIED. A WITNESS IS ALWAYS</p>	<p>DO YOU FEEL SAFE IN DECIDING BEFORE YOU HAVE HEARD WHAT THEY HAVE TO SAY? YYOU CANNOT INFER BEFORE HAND, THAT ANY OF THESE WITNESSES ARE GUILTY;; SUCH AN INFERENCE WOULD INVOLVE A DECISION OF THE VERY WQUESTION ON WHIVH THEIR TESTIMONY IS NECESSARY. ALL THE WITNESSES WHO HAVE BEEN PRODUCED HAVE TESTIFIED. A WITNESS IS ALWAYS</p>
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RS

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		PRIVILEGED TO DECLINE TO TESTIFY, WHEN, TO DO SO, WOULD, IN HIS OWN OPINION,HAVE A TENDENCY TO SUPPORT ANY CRIMINAL CHARGE THAT MIGHT BE BROUGHT AGAINST HIM, BUT, SO FAR, NONE OF THESE WITNESSES HAVE ASSERTED ANY SUCH PRIVILEGE. IF THE TRANSACTION, REPRESENTED CORRECTLY, WOULD NOT INCULPATE THE WITNESSES WHO WERE THEN ON THE GROUND,THEY WOULD NOT ONLY BE OBLIGED TO TESTIFY,BUT THEY WOULD FEEL MOST WILLING AND EAGER TO DO SO FOR THE SAKE OF JUSTICE TO THE INNOCENT, NO	PRIVILEGED TO DECLINE TO TESTIFY, WHEN TO DO SO WOULD IN HIS OWN OPINION, HAVE A TENDENCY TO SUPPORT ANY CRIMINAL CHARGE THAT MIGHT BE BROUGHT AGAINST HIM; BUT ;SO FAR, NONE OF THESE WITNESSES HAEVE ASSERTED ANY OF THESE PRIVILEAGRES. IF THE TRANSACTION, REPRESENTED CORRECTLY, WOULD NOT INCULPATE INCULCATE THE WITNESSES WHO WERE THEN ON THE GØROUND, THEY WOULD NOT NONLY BE OBLIGED TO TESTIFY, BUT THEY WOULD FEEL MOST WILLING AND EAGER TO DO SO FOR THE SAKE OF JUSTICE TO THE INNOCENT NO
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RS

PS

RT

BT

		LESS. THAN THE GUILTY. I COULD IMAGINE A CASE IN WHICH YOU WOULD BE JUSTIFIED IN JUDGING OF THE TRANSACTION, FROM THE TESTIMONY OF PART OF THE WITNESSES, ^{[[10]]} WITHOUT FEELING ANY HESITATION FROM THE ABSENCE OF THE OTHERS. IF THE WITNESSES, WHO ACTUALLY TESTIFIED, STATED WHAT WAS IN ITSELF CREDIBLE; IF THEY AGREED WITH EACH OTHER AND SO REPRESENTED THE CASE, BELIEVING IT AS STATED DID NOT INVOLVE THE CONCLUSION THAT THE WITNESSES WERE DESTITUTE OF ALL THE QUALITIES THAT ENTITLE WITNESSES	LESS THAN THE E GUILTY. I CAN IMAGINE A CASE IN WHICH YOU WOULD BE JUSTIFIED IN JUDGING OF THE TRANSACTION FROM PART OF THE WINESSES, WITHOUT FEELING ANY HESITATION FROM THE ABSENCE OF THE OTHERS. IF THE WITNESSES , WHO ACTUALLY TESTIFIED, STATES WHAT WAS IN ITSELF CREDIBLE; AIF THEY AGREED WITH EACH OTHER AND SO REPRESENTED THE CASE THAT , BELIEVING IT AS STATED, DID NOT INVOLVE A CONCLUSION THAT THE WITNESSES WERE DESTITUTE OF ALL THE QUALITIES THAT ENTITLE THE WITNESSES
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RS

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RT

BT

<p>LET'S <LOOK AT> THIS K SMITH</p> <p>NEARER WE FIND <i>I THINK</i>[?] VERY STRONG</p>	<p>LET'S LOOK AT THIS KLINGEN SMITH A LITTLE NEARER WE —[?] FIND <i>ONE OF</i> <i>THE</i>[?] VERY STRONG ^{[[2?]]}</p>	<p>TO RESPECT AND CONFIDENCE, A FEW OF THE MANY MIGHT PRODUCE A CONVICTION OF THE TRUTH, NOT LESS STRONG AND ABIDING THAN IF THE NUMBER TESTIFYING WERE MULTIPLIED A HUNDRED FOLD. ARE SMITH AND WHITE SUCH WITNESSES ? THEY ARE NOT LIKELY TO BE BETTER WITNESSES NOR BETTER MEN THAN THEY REPRESENT THEMSELVES. LET US CONTEMPLATE THEM, FOR A MOMENT, AS THEY HAVE EXHIBITED THEMSELVES.</p> <p>FIRST, PHILIP KLINGENSMITH.</p>	<p>TO RESPECT AND CONFIDENCE , A FEW OF THE MANY MIGHT PRODUCE A CONVICTION OF THE TRUTH NOT LESS STROJG ^[9] AND ABIDING THAN IF THE NUMBER TESTIFYING WERE MULTIPLIED A HUNDRED TIMES. ARE SMITH AND WHITE SUCH WITNESSES? THEY ARE NOT LIKELY TO BE BETTER WITNESSES, NOR BETTER MEN THAN THEY REPRESENT THEMSELVES. LET US CONTEMPLATE THEM FOR A MOMENT AS THEY HAVE EXHIBITED THEMSELVES;</p> <p>FIRST PHILIP KNINGENSMITH.</p>
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RS

PS

RT

BT

<p>ASSURANCES OF THE TRUTH OF TESTIMONY FROM THE GOOD CHARACTER OF THE MAN WHO GAVE IT YOU PROBABLY HAVE IN YOUR MIND SOME [space] SWEAR ME ONE MAN AND HE TELL YOU UNDER OATH IT TRANSPIRED ^{[[33]]} GENTLEMAN IS K SMITH SUCH MORMON AS EITHER[?] OF YOU WOULD SELECT WOULD NOT BE RATHER A DETRIMENT TO FACT HE AFFIRMED IT. IF YOU KNEW IT WAS POSSIBLE TO TRANSPIRE WOULD NOT YOU BEGIN TO DOUBT IT DID TRANSPIRE IF HE TESTIFIED.</p> <p>GENTLEMEN I THINK I AM LITTLE PREJUDICED AGAINST HIM I WILL TELL YOU WHY I NEVER</p>	<p>ASSURANCE OF THE TRUTH OF TESTIMONY FROM THE GOOD CHARACTER OF THE MAN WHO GIVES [space] ≡MODEL MAN≡ [space]</p> <p>GENTLEMAN IS KLINGEN P SMITH IS SUCH A MODEL MAN AS EVERY[?] OF YOU WOULD SELECT [space] WOULD IT NOT RATHER BE A DETRIMENT TO THE FACT THAT HE AFFIRMED IT IF YOU KNEW IT WAS POSSIBLE TO TRANSPIRE WOULD NOT YOU BEGIN TO DOUBT THAT IT DID TRANSPIRE IF HE TESTIFIED TO IT.</p> <p>GENTLEMEN I THINK I AM A LITTLE PREJUDICED AGAINST HIM I WILL TELL YOU WHY I NEVER</p>		
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RS

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RT

BT

<p>SAW HIM UNTIL I CAME HERE AND I AM NOT PREJUDICE AGAINST HIM BECAUSE HE IS HANDSOME MAN NOR AM I PREJUDICE BECAUSE HE IS WAS NOT HANDSOME I AM PREJUDICED AGAINST HIM BECAUSE HE WORE HIS REVOLVER AND BUTCHER KNIFE WHEN HE CAME ONTO STAND TOOK IT <i>TOO/OFF[?]</i> WHEN HE TOOK WITNESS STAND —[?] <i>FINE</i> <i>THING[?]</i> [<i>space</i>] I WILL TELL YOU WHAT HE SAYS</p>	<p>SAW HIM UNTIL I CAME HERE AND I AM NOT PREJUDICE AGAINST HIM BECAUSE HE IS A HANDSOME MAN NOR BECAUSE HE IS NOT HANDSOME MAN [<i>space</i>] NOT PREJUDICED AGAINST HIM BECAUSE HE WORE HIS REVOLVER BUTCHER KNIFE AND TOOK IT TOO WHEN HE TOOK THE WITNESS STAND AND <i>BUT[?]</i> I WILL TELL YOU WHAT HE SAYS <i>[space]</i></p>	<p>HE INFORMS YOU THAT IN 187 1857 HE WAS A BISHOP OF THE MORMON CHURCH AT CEDAR, HAVING NO LOCAL SUPERIOR, EXCEPT ISAAC C. HAIGHT WHO WAS PRESIDENT OF THAT STAKE. AS BISHOP, HE WAS</p>	<p>HE INFORMS YOU THAT ISN '57, HE WAS A BISHOP OF THE MORMON CHURCH AT CEDAR, HAVING NO LOCAL SUPERIOR EXCEPT ISAAC C. HAIGHT WHO WAS PRESIDENT OF THAT STAKE. AS BISHOP HE WAS</p>
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RS

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RT

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<p>HE SEEMS TO BE ONLY ONE IN THIS CASE THAT TALKED OF THAT SUBJECT THERE WAS SOMETHING SAID IN CEDAR TO</p> <p>DESTROY THESE EMIGRANTS THAT IT WAS EVEN MENTIONED AT CHURCH IN SOME HIGH COUNCIL OF THE DIGNITARIES OF THE CHURCH ON SUNDAY THERE WERE SOME MEN THERE THAT THOUGHT THESE EMIGRANTS TO BE SO INIMICAL TO THE PEOPLE OF THIS TERRITORY. THEY HAD SOME</p>	<p>HE SAYS AND SEEMS TO BE ONLY ONE IN THIS CASE THAT THERE WAS SOMETHING SAID IN CEDAR ABOUT</p> <p>DESTROY THESE EMIGRANTS THAT IT WAS EVEN MENTIONED AT CHURCH IN SOME HIGH COUNCIL OF THE DIGNITARIES OF THE CHURCH ON SUNDAY THERE WERE SOME MEN THERE THAT THOUGHT THESE EMIGRANTS TO BE SO INIMICAL TO THE PEOPLE OF THIS TERRITORY THEY HAD</p>	<p>NOT ONLY A SPIRITUAL TEACHER, BUT A PATRIARCHAL ADVISER OF THE PEOPLE IN ALL THEIR TEMPORAL AFFAIRS. HE STATES HEARSAY, RESPECTING OPINIONS OF OTHER PERSONS THAN LEE EXPRESSED AT CEDAR, TO THE EFFECT THAT THESE EMIGRANTS OUGHT TO BE DESTROYED;</p>	<p>NOT ONLY A SPIRITUAL TEACHER BUT A PATRIARCHAL PATRIORCHAL ADVISER OF THE PEOPLE LE IN ALL THEIR TEMPORAL AFFAIRS. HE STATES HEARSAY HERESAY RESPECTING OPINIONS OPONIOS OF OTHER PERSONS THAN LEE, EXPRESSED AT CEDAR, TO THE EFFECT THAT THESE EMIGRANTS OUGHT TO BE DESTROYED;</p>
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RS

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RT

BT

<p>MADE SOME BOASTS THAT INDICATED THEY DID NOT LOVE THE MORMONS BEFORE THEY CAME HERE AND PARTICULARLY JOE SMITH. [space] THAT THEY HAD MADE BOASTS IN GOING THROUGH YOUR TERRITORY THAT WERE NOT VERY COMFORTABLE TO CONSIDER IN THE PRESENT STATE OF COUNTRY. NOW HOW DID HE K SMITH TREAT THIS SUBJECT. HE SAYS I OPPOSED IT. AND HE OPPOSED IT WITH SUCH ENERGY THAT CHURCH PARTY BROKE UP IN A ROW AND THE PRESIDING ECCLESIASTIC THAT WAS THERE ON THAT SUNDAY WAS MAD AT HIM.</p>	<p>MADE SOME BOASTS THAT INDICATED THEY DID NOT LOVE THE MORMONS BEFORE THEY CAME HERE AND PARTICULARLY JOE SMITH [space] THEY HAD MADE BOASTS IN GOING THROUGH THE TERRITORY THAT WERE NOT VERY COMFORTABLE TO CONSIDER IN THE PRESENT STATE OF THE COUNTRY [space] NOW HOW DID HE KLINGEN SMITH TREAT THIS SUBJECT HE SAYS I OPPOSED [space] AND OPPOSED IT WITH SUCH ENERGY THAT THAT CHURCH PARTY BROKE UP IN A ROW [space] AND THE <i>HIGHEST</i>[?] PRESIDING ECCLESIASTIC THAT WAS THERE ON THAT SUNDAY WAS MAD [space] THIS</p>		
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RS

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<p>WELL THAT IS PERHAPS NOTHING AGAINST HIS ECCLESIASTICAL CHARACTER BECAUSE WE READ EVEN MOSES GOT MAD <i>AND</i>[?] HE HAD TO GET SECOND EDITION OF LAW ON ACCOUNT OF HIS —[?] ACTION WHILE HE WAS <i>IN WRATH</i>[?] BUT THAT HE SHOULD HAVE PROPOSED DESTRUCTION OF THIS COMPANY IS REMARKABLE BUT SMITH SAYS HE OPPOSED IT</p>	<p>THAT IS PERHAPS NOTHING AGAINST HIS ECCLESIASTICA L CHARACTER FOR WE READ THAT EVEN MOSES GOT MAD [<i>space</i>]</p> <p><i>BUT</i>[?] THAT HE SHOULD HAVE PROPOSED THE DESTRUCTION IN THIS PARTY WAS IS A LITTLE REMARKABLE BUT SMITH SAYS HE OPPOSED IT [<i>space</i>]</p>	<p>THAT HE OPPOSED THE PROPOSITION TO MAKE WAR ON THEM, THAT ONLY BECAUSE IT WOULD BE BAD POLICY. B HIS VIEWS PREVAILED FOR A TIME, BUT HE WAS FINALLY OVERRULED, AN D THE DOOM OF THE EMIGRANTS WAS PRONOUNCED.</p>	<p>THAT HE OPPOSED THE PROPOSITION TO MAKE WAR ON THEM, BUT ONLY BECAUSE IT WOULD BE BAD POLICY. HIS VIEWS PREVAILED FOR A TIME, BUT HE WAS FINALLY OVERRULED AND THE DOOM OF THE EMIGRANTS WAS PROMNOUNCED,</p>
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<p>AND HE OPPOSED IT WITH SUCH ENERGY AND ZEAL THAT HE MET THE SAME DIGNITARY ON THE FOLLOWING DAY AND BROACHED SUBJECT AGAIN AND AGAIN MADE HIS PROTEST AGAINST IT. AND IT HAD SUCH WEIGHT THAT THERE UPON A MESSENGER WAS DISPATCHED TO PINTO IN THE INTEREST OF PEACE OF THESE <i>EMIGRANTS</i>[?] IT WOULD APPEAR THAT WHOEVER IT WAS THAT WAS DISPOSED TO HAVE THIS EMIGRANT PARTY PUNISHED DID NOT HAVE SUCH SET WRATH AGAINST —[?] AND THAT IT WAS EASILY OVERCOME BY [[34]] SMITH</p>	<p>OPPOSED WITH SUCH ENERGY AND ZEAL THAT HE MET THAT SAME CHURCH DIGNITARY AND AGAIN AND AGAIN MADE HIS PROTEST AGAINST IT AND IT HAD SUCH WEIGHT THAT THERE UPON A MESSENGER WAS DISPATCHED TO PINTO IN THE INTEREST OF THE PEACE OF THESE EMIGRANTS NOW IT WOULD APPEAR THAT WHOEVER IT WAS ^{[[28]]} THAT WAS DISPOSED TO <i>HAVE S</i>[?] THIS EMIGRANT PARTY PUNISHED DID NOT HAVE SUCH STELLAR WRATH AGAINST IT AND THAT IT WAS EASILY OVERCOME BY SMITH</p>		
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RS

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BT

<p>HIMSELF. IT WAS NOT ANYTHING LIKE SET ANTIPATHY OR LOVE OF VENGEANCE BECAUSE HAD COME HERE ON THIS PEACEABLE TALK BY SMITH AND HE ON THIS MONDAY VOLUNTEERED TO GO WITH WHITE WHO WAS OTHER MESSENGER TO CARRY LETTER TO BISHOP ROBINSON AT PINTO CREEK TO PACIFY INDIANS AND FACILITATE</p> <p>PEACEABLE EXIT OF THIS PARTY OUT OF TERRITORY. <i>HE SEEMED</i>[?] TO BE ENGAGED IN GOOD CAUSE IF ALL THAT WAS SO IT WAS PRETTY GOOD BOASTING ON HIS PART ALTHOUGH HE TELLS IT HIMSELF THERE WAS LITTLE <i>SKILL</i>[?] TO HIS CONDUCT THAT</p>	<p>HIMSELF IT WAS NOT ANYTHING LIKE STELLAR ANTIPATHY TO STELLAR VENGEANCE</p> <p>HE ON THIS MONDAY VOLUNTEERED TO GO WITH WHITE WHO WAS THE OTHER MESSENGER TO CARRY LETTER TO BISHOP ROBINSON AT PINTO TO PACIFY INDIANS FACILITATE <i>THE</i>[?]</p> <p>PEACEABLE PASSAGE OF EMIGRANTS OUT OF THE TERRITORY [<i>space</i>]</p> <p>IF ALL THAT WAS SO IT WAS PRETTY GOOD BOASTING ON HIS PART AND THOUGH HE TELLS IT HIMSELF <i>YET</i>[?] THERE WAS A LITTLE <i>SKILL</i>[?] TO HIS CONDUCT THAT</p>		
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BT

<p>STANDS IN VERY AWKWARD CONTRAST TO THIS SPECIFIC EVIDENCE.</p>	<p>STANDS IN VERY REMARKABLE CONTRAST WITH THIS [space]</p>	<p>HE ACQUIESCED. HE GIVES YOU TO UNDERSTAND THAT HE WAS INFORMED, BEFORE HE WENT TO THE MEADOWS, BY THE OMINOUS WORDS OF IRA ALLEN, SPOKEN TO HIM AND WHITE, ON THEIR RETURN FROM PINTO, THAT THE EMIGRANTS WERE TO BE SLAUGHTERED. HIS HEART REVOLTED AGAINST IT. THAT ON THE SUMMONS TO GO, HE MADE NO OPPOSITION.</p>	<p>HE ACQUIESSED. HE GIVES YOU TO UNDERSTAND BEFORE HE WENT TO THE MEADOWS BY THE OMINOUS WORDS OF IRA ALLEN SPOKEN TO HIM AND WHITE ON THEIR RETURN FROM PINTO, THAT THE EMIGRANTS WERE TO BE SLAUGHTERED. HIS HEART REVOLTED AGAINST IT, BUT ON THE SUMMONS TO GO HE MADE NO OPPOSITION.</p>
<p>WHEN HE COMES TO SLAUGHTER HE SKIPPED ALL THAT INTERVENES HE GOES DOWN THERE WITH THE PARTY AND</p>	<p>WHEN HE COMES TO THE SLAUGHTER ◀HE▶ SKIPS OVER ALL THE [space] GOES DOWN WITH THE PARTY</p>	<p>HE WENT, KNOWING THE PURPOSE OF</p>	<p>HE WENT KNOWING THE PURPOSE OF</p>

RS

PS

RT

BT

		<p>THE JOURNEY. HE MADE NO PROTEST AGAINST IT, EITHER BEFORE HE LEFT CEDAR, ON THE WAY, OR DURING THE TIME ^{[[1]]} THE BUTCHERY WAS BEING PLANNED AND EXECUTED ON THE FIELD, AND WHEN THE FATAL MOMENT CAME; WHEN, AS HE SAYS, THE EMIGRANTS WERE ABREAST OF THE SOLDIERS, SEPARATED FROM THEM ONLY BY A FEW FEET, AFTER HE HAD WALKED WITH THEM LONG ENOUGH TO READ THEIR SAD COUNTENANCES , IN THE LIGHT OF THEIR IMPENDING FATE; AFTER HE HAD HAD TIME TO GLANCE HIS EYE FORWARD, TO THE HELPLESS CHILDREN AND</p>	<p>THE JOURNEY. HE MADE NO PROTEST AGAINST IT EITHER BEFORE HE LEFT CEDAR ON THE WAY OR DURING THE TIME THE BUTCHERING WAS BEING PLANNED AND EXECUTED ON THE FIELD. AND WHEN THE FATAL MOMENT CAME, WHEN , AS HE SAYS, THE EMIGRANTS WERE ABREAST OF THE SOLDIERS, SEPARATED FROM THEM ONLY BY A FEW FEET; AFTER HE HAD WALKED WITH THEM LONG ENOUGH TO READ THEIR SAD COUNTENANCES IN THE LIGHT OF THEIR IMPENDING FATE; AFTER HE HAD HAD TIME TO GLANCE HIS EYE FORWARD, TO THE HELPLESS CHILDREN, AND</p>
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RS

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		<p>THE ANXIOUS MOTHERS, NEVER TO BE RE-UNITED, AND TO REFLECT WHAT AT ATROCITY WAS ABOUT TO BE PERPETRATED; AFTER HE HAD HAD TIME TO REMEMBER THAT HE HAD RAISED HIS FEEBLE VOICE AGAINST THE DAMNABLE “TAKING OFF”, AND WAS NOW AN UNWILLING WITNESS AND PARTICIPANT; WHEN IT MIGHT BE EXPECTED HE WOULD SHRINK FROM SUCH AN UNNATURAL CRIME, IF HE EVER HAD A THROB OF HUMANE FEELING; WHEN, AS WE MUST SUPPOSE, THERE WAS IN THE SPECTACLE BEFORE HIM MUCH TO EXCITE PITY FOR THESE DEVOTED PEOPLE, AND</p>	<p>THE ANXIOUS MOTHERS, NECEVER TO BE REUNITED, AND TO REFLECT WHAT AN ATTROCITY WAS ABOUT TO BE PERPETRATED; AFER HE HAD HAD TIME TO REMEMBER THAT HE HAD RAISED HIS FEBLE VOICE AGAINST THE DAMNABLE “TAKING OFF” AND WAS NOW AN UNWILLING WITNESS AND PARTICIPANT; ^[10] WHEN IT MIGHT BE EXPECTED HE WOULD SHRINK FROM SUCH AN UNNATURAL CRIME IF HE NEVER HAD A THROB OF MUNHUMZANE FEELING; WHEN AS WE MUST SUPPOSE THERE WAS IN THE SPECTACLE BEFORE HEIM MUCH TO EXCITE PITY FOR THOSE DEVOTED PEOPLE, AND</p>
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RS

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<p>WHEN THE WORD FIRE WAS GIVEN AND THOSE MORMONS WERE THERE</p> <p>ACCORDING TO HIS STATEMENT ARMED AND EQUIPPED ACCORDING TO LAW IF MR. SMITH HAD SO MUCH HUMANE</p> <p>FOR THESE EMIGRANTS HE HAD OPPOSED THEIR DESTRUCTION ALL THE WAY THERE WHEN THIS ORDER WAS GIVEN TO FIRE [space] THE SUPPOSITION OF TREACHERY PRESUPPOSES</p>	<p>WHEN THE WORD FIRE WAS GIVEN TO THOSE MORMONS WERE THERE MEN WHO[?]</p> <p>ACCORDING TO THIS STATEMENT ARMED AND EQUIPPED ACCORDING TO LAW [space] NOW IF MR. SMITH HAD SO MUCH HUMANE CONSIDERATION TO THESE EMIGRANTS THAT HE HAD OPPOSED THEIR DESTRUCTION ALL THE WAY THERE WHEN THIS ORDER WAS GIVEN TO FIRE NOW THE SUPPOSITION OF TREACHERY PRESUPPOSES</p>	<p>HEROISM TO SAVE THEM,OR AT LEAST HUMANITY ENOUGH NOT TO TAKE ANY PART IN THEIR DESTRUCTION — IN THIS PERDICAMENT WHAT DID SMMITH ≤SMITH≥ DO ?</p>	<p>HEORISM TO SAVE THEM, OR, AT LEAST, ∄HUMANITH ENOUGH NOT TO TAKE ANY PART IN THEIR DESTRUCTION — IN THIS THIS PREDICAMENT WHAT DID SMITH DO?</p>
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RS

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<p>THEY KNEW INDIANS WERE <i>RIGHT THERE</i>[?] BUT IT WAS MOMENT OF TREMENDOUS EXCITEMENT AND BECAUSE 24 OR 5 MEN PITTED AGAINST A LIKE NUMBER OF THEIR FELLOW BEINGS FOR THE FIRST TIME AND HAVING MURDER IN THEIR HEARTS</p> <p>AND WERE BEING IN THE ACT OF FIRST LEVELING A GUN AT THEM TO KILL</p>	<p>THAT INDIANS WERE RIGHT THERE BUT IT WAS MOMENT OF TREMENDOUS EXCITEMENT AND BECAUSE 24 OR FIVE MEN AND PITTED AGAINST LIKE NUMBER OF THEIR FELLOW MEN</p> <p>HAVING MURDER IN THEIR HEARTS</p> <p>BEING IN THE ACT OF FIRST LEVELING A GUN FIRST AT THEM [space]</p>	<p>DOES HE CONFESS THAT HE WAS APPALED BY THE THOUGHT OF SUCH INHUMANITY ? DOES HE INDICATE THAT HIS PHLEGMATIC NATURE WAS STIRRED BY ANY EMOTION WHATEVER ? WHEN THE ORDER TO FIRE WAS GIVEN, ACCORDING TO HIS TESTIMONY,</p>	<p>DOES THE CONFESS THAT HE WAS APPALLED BY THE THOUGHT OF SUCH INHUMANITY? DOES HE INDICATE THAT HIS FLEGMATIC NATURE WAS STIRRED BY ANY EMOTION WHATEVER? WHEN THE ORDER TO FIRE WAS GIVEN ACCORDING TO HIS TESTIMONY,</p>
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RS

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BT

<p>THEY WOULD NOT BE VERY LIKELY TO LOOK AROUND AND SEE WHETHER BROTHER SMITH</p> <p>WAS DOING LIKEWISE OR NOT WHY DID NOT HE JUST LIFT HIS PIECE A LITTLE JUST SO IT WOULD GO OFF OVER THEIR HEADS OR MAKE IT GO OFF ACCIDENTALLY INTO THE GROUND</p>	<p>WOULD NOT BE APT TO LOOK AROUND AT BROTHER SMITH TO SEE WHETHER HE WAS DOING IT OR NOT WHY DID NOT HE [space] LIFT HIS PIECE</p> <p>—/OR[?] MAKE IT GO OFF ACCIDENTALLY [space]</p>	<p>WHY DID HE NOT DISCHARGE HIS GUN IN THE AIR OR IN THE EARTH ? IT WAS NOT A MOMENT OF CHURCH</p> <p>SURVEILANCE, EVERY MAN PRESENT, IF SMITH'S TESTIMONY WAS TRUE, MUST HAVE BEEN TOO MUCH OCCUPIED WITH HIS OWN DESPERATE THOUGHTS TO HAVE BEEN WATCHING TO SEE IF EVERY OTHER PERFORMED AN EQUAL PART IN THIS FEARFUL WORK. IF HE WAS SHOCKED AT THE THOUGHT OF KILLING THE EMIGRANT PARTY, WHEN HE SAYS IT WAS MENTIONED AT CEDAR CITY, WHEN IT WAS BUT A FUTURE POSSIBILITY, HIS ARM WOULD HAVE</p>	<p>WHY DID HE NOT DISCHARGE HIS GUN IN THE AIR OR IN THE EARTH? IT WAS NOT A MOMENT OF CHURCH SERVILNESS SERVILLANCE ; EVERY MAN PRESENT, IF SMITHS TESTIMONY IS TRUE, MUST HAVE BEEN TOO MUCH OCCUPIED WITH HIS OWN DESPERATE THOUGHTS TO HAVE BEEN WATCHING TO SEE IF EVERY OTHER WPERFORM AN EQUAL PART IN THIS FEARFUL WORK. IF HE WAS SHOCKED AT THE THOUGHT OF KILLING THE EMIGRANT PARTY, WHEN HE SAYS IT WAS MAENTIONED AT CEDAR CITY, WHEN IT WAS BUT A FUTURE POSSIBL,ITY, HIS ARM WOULD HAVE</p>
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RS

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RT

BT

<p>SAYS HE DID NOT DO IT AND THAT HE DREW UP AND FIRED AT HIS MAN.</p>	<p>HE SAID HE DID NOT DO IT THAT HE DREW UP AND FIRED AT HIS MAN NOW</p>	<p>BEEN PARALYZED WHEN IT WAS A PRESENT [[12]] REALITY,AND THE DELUDED VICTIMS WERE ARRAYED BEFORE HIM. HE HAS DESCRIBED A SCENE WHICH SUGGESTS THESE ENQUIRIES. NOW,REMEMBE R,GENTLEMEN, WHAT HE SAYS THAT HE DID. <u>HE SHOT TO KILL ONE OF THE EMIGRANT PARTY.</u> THEN HE DID SO VOLUNTARILY, ON NO COMPULSION, WITH NO REPUGNANCE. WOULD NOT A JURY BE OBLIGED TO CONVICT HIM OF MURDER, AN AGGRAVATED MURDER IN THE FIRST DEGREE IF HE HAD BEEN PUT ON</p>	<p>BEEN PARALYSED, WHEN SHEN IT WAS A PRESENT REALITY AND THOSE FDELUDED VICTIMS WERE ARRAYED BEFORE HIM. HE HAS DESCRIBED A SCENE WHICH HAS SUGGESTS THESE INQUIRIES. NOW, REMEMBER, GENTLEMEN , WHAT HE SAYS HE DID. HE SHOT TO KILL ONE OF THE EMIGRANT PARTY. THEN HE DID SO VOLUNTARILY; ON NO COMPULSION; WITH NO REPUNGNANCE. WOULD NOT A JURY BE OBLIGED TO CONVICT HIM OF MURDER AND AN AGGRAVATED MURDER IN THE FIRST DEGREE IF HE HAD BEEN PUT UPON</p>
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RS

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RT

BT

<p>NOW GENTLEMEN IF HE DID SO ACCORDING TO MY BROTHER BASKIN HE IS NOT ENTITLED TO AVAIL HIMSELF OF ANY <i>TRRSM/TRTRSM[?]</i> EITHER OF THE CHARGE OR INDICTMENTS BECAUSE NO MAN HAS A RIGHT TO SLAY AN INNOCENT MAN IN DURESS THAT IS THE TALK OF THE PROSECUTION THERE DON'T APPEAR NOW TO HAVE BEEN IN <i>DURESS[?] [space]</i> IT WOULD HAVE BEEN EASIER FOR HIM TO HAVE FIRED HIS GUN SO IT WOULD TAKE OFF</p>	<p>GENTLEMEN IF HE DID SO ACCORDING TO MY BROTHER BASKIN HE IS NOT ENTITLED TO AVAIL HIMSELF OF ANY <i>TRRSM[?]</i> EITHER OF THE CHARGE OR THE EVIDENCE BECAUSE NO MAN HAS A RIGHT TO SLAY AN INNOCENT MAN IN DURESS THAT IS TALK OF THE PROSECUTION AND THEY DO NOT APPEAR NOW TO HAVE BEEN IN DURESS IT WOULD HAVE BEEN EASY FOR HIM TO FIRE HIS GUN SO THAT IT WOULD NOT HAVE EFFECT</p>	<p>TRIAL ON A PLEA OF NOT GUILTY, AND WHAT HE HAS SAID OF HIMSELF HAD BEEN PROVED BY OTHER WITNESSES AGAINST HIM ?</p>	<p>TRIAL, ON A PLEA OF NOT GUILTY, AND WHAT HE HAS AID SAID OF HIMSELF HAD BEEN PROVED BY OTHER WITNESSES AGAINST HIM?</p>
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RS

PS

RT

BT

<p>IF HE HAD REALLY OPPOSED DESTRUCTION OF THESE EMIGRANTS SO SINCERELY AND EARNESTLY AND ZEALOUSLY AND FORCEFULLY WHEN IT CAME TO FIRE ON AND MURDER OR NOT MURDER WHY DID NOT HE HAVE SOME ACCIDENT OCCUR TO HIS GUN SO HE WOULD NOT KILL MEN OR ANY [space] [[35]] AND HE DOES FRANKLY TELL YOU I SUSPECT BECAUSE MY BROTHER HERE PUT THE QUESTION SO CATEGORICALLY/ KRJRKL[?] TO HIM THAT HE FELL PAGE —[?] YOU WILL ASSUME TO HAVE IDEA WHAT SMITH WOULD NOT OWN UP ON THAT MATTER [space] SAYS HE YOU FIRED THAT GUN OVER</p>	<p>AND IF HE HAD REALLY OPPOSED THE DESTRUCTION OF THESE EMIGRANTS SO [space] ZEALOUSLY [space] MURDER OR NOT MURDER WHY DID NOT HE HAVE SOME ACCIDENT OCCUR [[29]] TO HIS GUN SO THAT HE WOULD NOT KILL MEN [space] HE DOES FRANKLY TELL YOU BECAUSE MY BROTHER PUT THE QUESTION SO DIRECTLY TO HIM THAT HE FELL [space] YOU FIRED THAT GUN OVER</p>		
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RS

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RT

BT

<p>HIS HEAD DID NOT AND NO SIR I DID NOT HE MEANT TO BE COUNTED [<i>space</i>]</p> <p>IF HE DID THAT HE IS A</p> <p>MURDERER IF HE LIED ABOUT IT HE IS PERJURER IN EITHER CASE HOW MUCH IS THIS TESTIMONY IF HE DID KILL THAT MAN HE IS MURDERS IF IT WAS NOT FOR ABSOLUTION WHICH HE HAS GOT AT THE HANDS OF THE PROSECUTION HERE WE SHOULD HAVE TO <i>ARRAIGN</i>[?] COUNCILS HERE AND HAVE HIM SHOT HE HAS DESERVED IT FOR LAST</p>	<p>HIS HEAD NO SIR I DID NOT</p> <p>IF HE DID THAT HE IS A</p> <p>MURDERER IF HE LIED ABOUT IT HE IS PERJURER IN EITHER CASE HOW MUCH IS HIS TESTIMONY [<i>space</i>] IF HE DID KILL THAT MAN HE IS A MURDERER IF IT HAD NOT BEEN FOR ABSOLUTION WHICH HE HAS RECEIVED AT THE HANDS OF THE PROSECUTION [<i>space</i>]</p> <p>HE HAS DESERVED IT FOR THE LAST</p>	<p>HE WOULD HAVE BEEN CONVICTED WITHOUT A DOUBT, AND EVERYBODY WOULD SAY AMEN! HE IS THEREFORE A SELF CONFESSED MURDERER.</p>	<p>HE WOULD HAVE HAVE BEEN CONVICTED WITHOUT A DOUBT, AND EVERYBODY WOULD SAY AMEN. HE IS THEREFORE A SELF CONFESSED MURDERER.</p>
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RS**PS****RT****BT**

18 YEARS IN THE EYE OF THE LAW	18 YEARS IN THE EYE OF THE LAW	ACCORDING TO THE LAWS OF THE WHOLE CIVILIZED WORLD, THERE IS NO GOOD IN HIM. HE SHOULD BE HANGED OR CONFINED TILL HE DIES, NOT SUFFERED TO MIX WITH HIS FELLOW MEN, NOT SUFFERED TO ENJOY ANY BLESSING OF LIFE. MURDER IS SUCH A CRIME AS IMPLIES ALL OTHER CRIMINAL INTENTS; SUCH PERFECT INSENSIBILITY TO ALL MORAL OBLIGATIONS, AND SUCH ABSENCE OF ALL HUMANE INSTINCTS, THAT HE IS NOT SAFE TO BE TRUSTED, IS UNWORTHY OF ANY CONFIDENCE. HE IS A	ACCORDING TO THE LAWS OF THE THEHE WHOLE CIVILIXED WORLD, THERE IS NO GOOD IN HIM; HE SHOULD BE HANGED OR CONFINED TILL HE DIES, NOT SUFFERED TO MIX WITH HIS FELLOW MAN NOT SUFFERED TO ENJOY THE AND-BLESSING OF LIFE. ^[11] MURDER IS SUCH CRIME AS IMPLIES ALL OTHER CRIMINAL INTENTS, SUCH PER PERFECT INSENSIBILITY TO ALL MORAL OBLIGATIONS, AND SUCH ABSENCE OF ALL HUMANE INSTINCTS THAT HE IS NOT SAFE TO BE TRUSTED — IS UNWORTHY OF ANY CONFIDENCE. HE IS A
HE IS USELESS MAN ENCUMBERER OF THE GROUND	HE IS A USELESS MAN <i>CUMBER</i> [?] TO THE <i>GROUND</i>	CUMBERER OF THE GROUND.	CUMBERER OF THE GROUND.

RS

PS

RT

BT

<p><i>LAW/WILL/L[?] BEFORE/BEAR/BARE[?] FR/THR[?] KRRL/ACCORDINGLY[?] IS WHEN A MAN IS GUILTY OF MURDER HE SHOULD DIE THERE DON'T SEEM TO BE ANY DOUBT ABOUT SMITH'S GUILT HE SAYS HIMSELF CAME UP PLEAD GUILTY BUT BY SWEARING THIS IS A GUILTY MAN THAT OUGHT TO HAVE BEEN HUNG</i></p> <p><i>ACCORDING TO OUR LAWS L/WELL[?] ANY ADVANTAGE[?] MEETS[?] HIM IS HUNG AS HE TALKS HERE[?] TO CONVICT JOHN D. LEE.</i></p>	<p><i>WHERE HE HAS WITHIN THAT/LAIN[?].</i></p> <p>BY SWEARING HE IS GUILTY A MAN THAT SHOULD BE HUNG AND THAT ACCORDING TO OUR LAWS HE HAS WITNESSED HERE</p> <p>TO CONVICT JOHN D. LEE</p>	<p>THE LAW SAYS, <u>CUT HIM DOWN</u>; PEOPLE EVERYWHERE, UTTERING THEIR ABHORRENCE OF HIS CRIME AND THEIR SENSE OF HIS MALIGNITY WITH ONE ACCORD, SAY <u>REMOVE HIM</u>,</p>	<p>THE LAW SZAYS, CUT HIM DOWN; PEOPLE EVERYWHERE, UTTERING THEIR ABHOORRENCE OF HIS CRIME AND RTHEIR SENCE OF HIS MALIGNITY WITH ONE ACCORD SAY, "REMOVE HIM,</p>
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RS

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RT

BT

		<p><u>LET HIM BE</u> <u>UTTER</u> <u>BLOTTED OUT.</u> WHAT CRIME IS JOHN D. LEE BEING TRIED FOR ? FOR AIDING IN THE DESTRUCTION OF THESE EMIGRANTS, NOT WITH HIS OWN HANDS, BUT FOR CONSENTING TO THE SLAUGHTER DONE BY OTHERS, IN PART BY THIS VERY WITNESS. WILL YOU FEEL WARRANTED IN ACCEPTING THE TESTIMONY OF P. KLINGENSMITH, LOADED, AS HE CONFESSES HE IS, WITH CRIME ? CAN YOU FEEL ANY ASSURANCE THAT HE IS TELLING THE TRUTH ? WILL HIS STATEMENTS SO AFFECT YOU, THAT, WITH OUT OTHER ^{[[13]]} TESTIMONY, YOU WILL</p>	<p>LET HIM BE UTTERLY BE BLOTTED OUT.” WHAT CRIME IS JOHN D. LEE BEING TRIED FOR? FOR AIDING IN THE DESTRUCTION OF THESE EMIGRANTS, NOT WITH HIS OWN HANDS, BUT FOR CONSENTING TO THE SLAUGHTER DONE BY OTHERS IN PART BY THIS VERY WITNESS. WILL YOU FEEL WARRANTED IN ACCEPTING THE TESTIMONY OF P. KLINGENSMITH, LOADED , AS HE CONFESSES HE IS, WITH CRIME? CAN YOU FEEL ANY ASSURANE THAT HE IS TELLING THE TRUTH? WILL HIS STATEMENTS STATEMENTS SO EFFECT YOU, THAT WITHOUT OTHER TESTIMONY, YOOU WILL</p>
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RS

PS

RT

BT

		<p>ENTERTAIN RNO REASONABLE DOUBT OR THEIR VERITY ? CAN YOU HAVE ANY CONVICTION, DERIVED FROM HIS TESTIMONY, WHICH RISES TO THE DIGNITY OF “A MORAL CERTAINTY ?” IF YOU CAN YOUR CREDULITY IS PITIABLE. WHENEVER THERE IS AN EXPOSURE IN SMITH’S TESTIMONY, AND HE TOUCHES A SUBJECT ON WHICH ANYBODY M ELSE HAS ANY KNOWLEDGE, HE IS CONTRADICTED. HE BLUNDERS AND FABRICATES IN RESPECT TO THE DISPOSITION OF THE PROPERTY AFTER THE SLAUGHTER, AS WELL AS IN REGARD TO THE CHILDREN. HE DID NOT TAKE THE CHILDREN</p>	<p>ENTERTAIN NO REASONABLE DOUBT OF THEIR VERITY VERUTY? CAN YOU HAVE ANY CONVICTION, DERIVED FROM HIS TESTIMONY, WHICH RISES TO THE DIGNITY OF MORAL CERTAINTY? IF YOU CAN YOUR CREDULITY IS PITIABLE. WHENEVER THERE IS AN EXPOSURE IN SMITHS TESTIMONY, AND HE TOUCHES A SUBJECT ON WHICH ANYBODY ELSE HAS ANY KNOWLEDGE IT IS CONTRADICTED. HE BLUNDERS AND FZABRICATES IN RESPECT TO THE DISTRIBUTION OF THE PROPERTY OAFTER THE SLAUGHTER AS WELL AS IN REGARD TO THE CHILDREN. HE DID NOT TAKE THE CHILDREN</p>
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RS

PS

RT

BT

		<p>TO CEDAR CITY, AS HE SAID HE DID; HE DID GO WITH THE WAGONS OF THE EMIGRANTS, AS HE SAID HE DID NOT DO. HEDID NOT HAVE CHARGE OF THE CHILDREN, AND HE DID ASSUME CONTROL OF THE WAGONS. JOHN WILLIS TOOK THE CHILDREN, AND POLLOCK WENT WITH SMITH AND THE WAGONS.</p> <p>OTHER MORE MATERIAL CONTRADICTION S WILL PRESENTLY BE POINTED OUT. HE HAS MADE HIS OWN RECORD OF CRIME. HAVING SHED INNOCENT BLOOD BY EMULATING THE FEROCIOUS EXAMPLE OF SAVAGES, HE COULD NOT RETURN TO THE</p>	<p>TO CEDAR CITY AS HE SAID HE DID; HE DID GO WITH THE WAGONS OF THE EMIGRANTS, AS HE SAID HE DID NOT DO. HE DID NOT HAVE CHARGE OFD THE CHILDREN AND HE DID ASSUME CONTROL OF THE WAGONS. JOHN WILLACE TOOK THE CHILDREN, AND POLLOCK WENT WITH SMITH AND THE WAGONS. OTHER MATERIAL CONTRADICTION S WILL PRESEN JOHN WILLACE OTHER MORE MATERIAL CONTRADICTION S WILL PRESENTLY BE POINTED OUT. HE HAS MADE HIS OWN RECORD OF CRIME. HAVING SHED INNOCENT BLOOD BY EMULATING THE FEROCIOUS EXAMPLE OF SAVAGES, HE COULDSNOT RETURN TO THE</p>
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RS

PS

RT

BT

<p>WHERE HAS THIS SMITH BEEN EVER SINCE HAS HE BEEN PREACHING HAS HE BEEN GOOD BISHOP EVER SINCE NO GENTLEMEN AS COUNSEL SAID IN THEIR OPENING MURDERER WOULD DIE HE COULD NOT PREACH THIS MURDER WAS SO HEAVY ON HIS SOUL HE RESIGNED</p> <p>WHERE DID HE GO THEN HE HAS BEEN ON WAR PATH EVERY SINCE OR RATHER HE HAS BEEN ON WING</p> <p>EVER SINCE</p> <p>BEEN UNEASY</p>	<p>WHERE HAS THIS SMITH BEEN TO EVER SINCE HAS HE BEEN PREACHING HAS HE BEEN A GOOD BISHOP EVER SINCE NO GENTLEMEN AS COUNSEL SAID IN THE OPENING MURDERER WILL DIE HE COULD NOT PREACH THIS MURDER WAS SO HEAVY ON HIS SOUL THAT HE RESIGNED [space]</p> <p>WHERE DID HE GO THEN</p> <p>HE HAS BEEN ON THE WING</p> <p>EVER SINCE</p> <p>UNEASY</p>	<p>DUTIES OF A CHRISTIAN TEACHER, AND,</p> <p>HE RESIGNED HIS OFFICE OF BISHOP,</p> <p>AND HE HAS BEEN A FUGITIVE ON THE EARTH EVER SINCE. HIS HANDS WERE COVERED WITH BLOOD, HIS CONSCIENCE WAS BURDENED WITH CRIME, TWO HEINOUS TO BE EXPIATED. HIS PERTURBED</p>	<p>^[12] DUTIES OF A CHRISTIAN TEACHER.</p> <p>HE RESIGNED HIS OFFICE OF BISHOP</p> <p>AND HAS BEEN A FUGITIVE ON THE EARTH EVER SINCE. HIS HANDS WERE COVERED WITH BLOOD, HIS CONSCIENCE WAS BURDENED WITH CRIME, TOO HEINOUS TO BE EXPIATED. HIS PERTURBED</p>
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RS

PS

RT

BT

<p>SPIRIT LIKE CAIN COULD NOT ABIDE IN ANY ONE PLACE</p> <p>HE HAS — /METAPHORICALL Y[?] AND LITERALLY MADE TRACKS EVER SINCE. AND THAT THIS THING WAS REALLY LABORING IN HIS MIND MAY BE INFERRED FROM ANOTHER CIRCUMSTANCE HE CAN'T STOP TALKING HE WANTS TO CONFESS IT HE WANTS TO CONFESS IT MORE PARTICULARLY AGAINST SOMEBODY ELSE IN 1871 SAYS HE MADE AFFIDAVIT CONFESSED THIS WHOLE THING FOR PEOPLE[?]</p>	<p>SPIRIT LIKE CAIN COULD NOT ABIDE IN ANY ONE PLACE</p> <p>HE HAS METAPHORICAL LY AND LITERALLY MADE TRACKS EVER SINCE AND THAT THIS THING WAS REALLY LABORING ON HIS MIND MAY BE INFERRED FROM[?] ANOTHER CIRCUMSTANCE HE CAN NOT STOP TALKING HE WANTS TO CONFESS IT [space] AGAINST SOMEBODY ELSE [space] 1871 [space] HE CONFESSED TOO FOR HIMSELF HE SAID IN THAT</p>	<p>SPIRIT COULD NOT REST. I N HIS DESPERATION HE HAS UNDERTAKEN TO DRAG OTHERS INTO HIS OWN INFAMY BY PERJURY.</p>	<p>SPIRIT COULD NOT REST; IN IN HIS DESPERATION HE HAS UNDERTAKEN INTO HIS OWN INFAMY BY PERJURY.</p>
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RS

PS

RT

BT

<p>CAME TO ME JUST⁴⁴² AT THAT MOMENT I FEEL <i>REPREHENSIBLE</i>[?] YOU SEE I AM CANDID AND I TAKE IT BACK —[?] [<i>space</i>] I DESIRE TO SAY WITH GREAT EARNESTNESS AND IF I THOUGHT I COULD SAY IT WITH MORE EMPHASIS</p> <p>I SHALL DO IT I DO NOT THINK YOU ALL BELIEVED K SMITH I DO NOT THINK HE <i>HAS/IS</i>[?] -<i>T</i>-[?] IN SUCH A WAY YOU OUGHT <i>TO</i>[?] BELIEVE HE HAS EITHER LIED WHEN HE CONFESSED THAT MURDER HE LIES HE IS MURDERER OUGHT TO BE HUNG INSTEAD OF TREATED AROUND HERE GIVING TESTIMONY HE OUGHT TO BE</p>	<p>CAME TO ME JUST AT THAT MOMENT [<i>space</i>]</p> <p>I AM CANDID YOU SEE I TAKE IT BACK [<i>space</i>] I DESIRE TO SAY WITH GREAT EARNESTNESS AND IF I THOUGHT I COULD SAY IT WITH MORE <i>EMPHASIS</i>[?] WITH MORE <i>FS/VS</i>[?] I SHOULD DO IT I DO NOT THINK YOU SHOULD BELIEVE KLINGEN SMITH [<i>space</i>]</p> <p>HE HAS EITHER LIED WHEN HE CONFESSES THAT MURDER OR ELSE HE IS A MURDERER AND SHOULD BE HUNG</p> <p>HE SHOULD BE</p>		
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442. Word apparently added later.

RS

PS

RT

BT

<p>ROTTING IN HIS GRAVE NOW I SAY THAT IS THE REASON I AM PREJUDICED AGAINST HIM I AM PREJUDICED AGAINST EVERY MAN IS NOT A GOOD MAN THAT MAY BE <i>SORT</i>[?] OF BIAS ON MY PART BUT EVEN MEN WHO DID NOT COME UP HIGHEST STANDARD THEMSELVES MAY BE PERMITTED TO RELISH THOSE WHO DO. I SAY I AM PREJUDICED AGAINST HIM. HOW WAS IT ABOUT THIS JOEL WHITE HE IS OTHER WITNESS THAT HAS <i>THE AWARENESS</i>[?] OF THE PEOPLE IT SEEMS THIS JOEL WHITEMAN THIS K SMITH HAD A JOINT MISSION BEFORE THE SLAUGHTER</p>	<p>ROTTING IN HIS GRAVE THAT IS THE REASON THAT I AM PREJUDICED AGAINST ^{[[30]]} EVERY MAN THAT I THINK IS NOT A GOOD MAN THAT MAY BE SORT OF A BIAS ON MY PART BUT EVEN MEN THAT DID NOT COME UP TO THE HIGHEST <i>—/STANDARD</i>[?] THEMSELVES MAY BE PERMITTED TO RELISH THOSE WHO DO I SAY I AM PREJUDICED AGAINST HIM [space] HOW IS IT ABOUT THIS JOEL WHITE HE IS THE OTHER WITNESS THAT HAS THE <i>AWARES</i>[?] OF THE PEOPLE IT SEEMS THAT THIS JOEL WHITE AND KLINGEN SMITH HAD A JOINT <i>INCIDENCE</i>[?] <i>COMMITTEE</i>[?] BEFORE THIS SLAUGHTER</p>	<p>NOW WHAT SHOULD BE SAID OF WHITE ? THIS WITNESS TAKES THE STAND FRESH FROM A CONFERENCE WITH SMITH.</p>	<p>NOW, WHAT SHOULD BE SAID OF WHITE? THIS WITNESS TAKES THE STAND FRESH FROM A CONFERENCE WITH SHIMTH.</p>
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RS

PS

RT

BT

<p>WHAT SIMPLE COINCIDENCE THEY SEEM TO BE JOINED AS WITNESSES HERE TOO IT DOES SO HAPPEN AND SOMETIMES <i>STRANGELY</i>[?] AND EVEN PROVIDENTIALL Y THAT MEN WHO HAVE WHO ARE SIMILAR IN THEIR FEELINGS AND PURPOSES AND AIMS <i>SOMEHOW</i>[?] OTHER GRAVITATE TOGETHER THEY SEEM TO GET MIXED UP ABOUT SOME WAY IN WHATEVER EITHER UNDERTAKES. WHEN JOEL WHITE SEEMS TO HAVE BEEN SELECTED ACCORDING TO THEIR JOINT TESTIMONY TO CARRY LETTER FROM CEDAR CITY TO PINTO IN ORDER TO <i>INTEREST/INCITE</i>[?] AUTHORITIES THERE ON</p>	<p><i>MORE</i>[?] GOOD <i>INCIDENCE</i>[?] <i>AFTER</i>[?] JOINT WITNESSES HERE BUT IT DOES SO HAPPEN SOMETIMES STRANGELY SOMETIMES AS A PROVIDENTIALL Y <WHO HAVE THE SAME THOUGHTS AND FEELINGS> —[?] SOMETIMES GRAVITATE TOGETHER. [<i>space</i>] JOEL WHITE SEEMS TO HAVE BEEN SELECTED ACCORDING TO THEIR JOINT TESTIMONY TO CARRY A LETTER FROM CEDAR CITY TO PINTO IN ORDER TO INCITE THE AUTHORITIES THERE ON</p>	<p>HE SAYS THAT HE WAS SENT FROM CEDAR TO PINTO BY HAIGHT, TO CARRY A LETTER TO ROBINSON, DIRECTING HIM TO ENDEAVOR TO PACIFY THE INDIANS, TO</p>	<p>HE SAYS THAT HE WAS SENT FROM CEDAT TO PIINTO BY HAIGHT TO CARRY A LETTER TO ROBINSIN, HIRECTING HINM TO INDEAVOR TO PACIFY THE INDIANÐS , TO</p>
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RS

PS

RT

BT

<p>BEHALF OF THESE EMIGRANTS AND GET THEM PEACEABLY OUT OF TERRITORY. SMITH VOLUNTEERED GO WITH HIM</p> <p>AND AFTERWARDS WHEN THE PROGRAM WAS CHANGED AS THEY SAY AND THEY DID NOT WANT EMIGRANTS TO GO OUT SAFELY THEY WENT BACK WITH THE OTHER PARTY TO DO SOMETHING ELSE AND</p>	<p>BEHALF OF THESE EMIGRANTS TO GET THEM PEACEABLY OUT OF THE TERRITORY SMITH <i>[space]</i> VOLUNTEERED GO WITH HIM</p> <p>AND AFTERWARDS WHEN THE PROGRAM WAS CHANGED AS THEY SAY AND THEY DID NOT WANT THE EMIGRANTS TO GO OUT SAFELY THEY WENT BACK WITH THE OTHER PARTY TO DO SOMETHING ELSE</p>	<p>FACILITATE THE SAFE EXIT OF THE EMIGRANTS</p> <p>FROM THE TERRITORY. SMITH VOLUNTEERED TO ACCOMPANY HIM; THEY SAY ^{[[14]]} THEY WENT TOGETHER, AND DELIVERED THE LETTER.</p> <p>THEY RETURNED TOGETHER.</p> <p>THEY CONCUR IN STATING THAT, WHEN GOING OUT THEY MET LEE, AND HE SAID JUST ENOUGH TO EXPLAIN HIS DISSENT TO ALLOWING THE EMIGRANTS</p>	<p>FACILITATE THE SAFE EXIT OF THE EMIGRANTS</p> <p>FROM THE TERRITORY. SMITH VOLUNTEERED TO ACCOMPANY HIM; THEY SAY THEY WÆNT TOGETHER AND DELIVERED THE LETRTER.</p> <p>THEY RETURNED TOGETHER,</p> <p>THE CONCUR THEY CONCUR IN STATING THAT WHEN GOING OUT, THEY MET LEE, AND HE SAID HECJÐ JUST ENOUGH TO EXPRESS TO HIS DISSENT TO ALLOWING THE EMIGRANTS</p>
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RS

PS

RT

BT

		TO PASS WITHOUT FURTHER INJURY FROM THE INDIANS. THEY ARE THE SOLD WITNESSES, WHITE DOES NOT REMEMBER MEETING IRA ALLEN. HE THINKS HE WOULD IF THE FACT HAD OCCURRED, AND ALLEN HAD SO SOLEMNLY PROCLAIMED THAT THE EMIGRANTS WERE TO BE KILLED. AS THE WITNESSES DID NOT HEAR EACH OTHERS TESTIMONY, HE, EVIDENTLY WAS NOT AWARE THAT SMITH HAD MENTIONED THAT MEETING, BUT IT WAS NECESSARY TO STATE THAT JOURNEY, TO SHOW THEIR SOLICITUDE TO SAVE THE EMIGRANTS THE OPPORTUNITY, A PART FROM OTHER	TO PASS WITHOUT FURTHER INJURY FROM THE INDIANS. THEY ARE THE SOLE WITNESSES. WHITE DOES NOT REMEMBER MEETING IRA ALLEN. HE THINKS HE WOULD IF THE FACT HAD OCCURRED, AND ALLEN HAD SO SOLEMNLY PROCLAIMED THAT THE EMIGRANTS WERE TO BE KILLED. AS THE WITNESSES DID NOT HEAR EACH OTHERS TESTIMONY, HE EVIDENTLY WAS NOT AWARE THAT SMITH HAD MENTIONED THAT MEETING. BUT IT WAS NECESSARY TO STATE THAT JOURNEY, TO SHOW THEIR SOLICITUDE TO SAVE THE EMIGRANTS, THE OPPORTUNITY, APART FROM OTHER
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RS

PS

RT

BT

<p>WHAT DOES WHITE SAY HE WAS ONLY SUMMONED TO</p>	<p>AND WHAT DOES WHITE SAY SAYS HE WAS ONLY SUMMONED TO</p>	<p>WITNESSES, TO MEET LEE; TO PUT HIS DECLARATION IN MARKED CONTRAST TO THEIR HUMANITY. BUT ROBINSON CONTRADICTS BOTH. THEY BROUGHT NO SUCH LETTER. HIS TESTIMONY WARRANTS US IN SAYING NO SUCH JOURNAEY WAS MADE. SMITH ZAND WHITE MET NEITHER LEE NOR ALLEN BUT THEY HAVE ASSOCIATED THEMSELVES BEFORE THE SLAUGHTER,AT THE SLAUGHTER,AN D NOW, IN THEIR TESTIMONY, AIMED AT THE LIFE OF ANOTHER,THEY TRY NOT TO BE DIVIDED. WHITE IS CAREFUL TO SAY HE CARRIED NO GUN WHEN SUMMONED TO</p>	<p>WINTNESSES, TO MEET LEE; TO PUT HIS DECLATARTION IN MARKED CONTRAST TO THEIR HUMANITY. BUT ROBINSON CONTRADICTS BOTH. THEY BROUGHT NO SUCH LETTER. HIS TESTIMONY WARRANTS US IN SAYING NO SUCH JOURNEY WAS MADE. SMITH AND WHITE MET NEITHER LEE NOR ALLEN. BUT THEY HAVE HAVEVE ASSOCIATED THEMSELVES BEFORE, THE SLAUGHTER, AT THE SLAUGHTER, AND NOFW, IN THEIR TESTIMONYM, AIMED AT THE LIFE OF ANOTHER, AND THEY TRUY NOT TO BE DIVIDED. WHITE IS CAREFUL TO SAY HE CARRIED NO GUN WHEN SUMMONED TO</p>
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RS

PS

RT

BT

<p>GO OUT THERE WITH BAGGAGE WAGON BECAUSE INDIANS HAD ATTACKED EMIGRANTS</p>	<p>GO OUT THERE WITH HIS BAGGAGE WAGON BECAUSE INDIANS HAD ATTACKED EMIGRANTS</p>	<p>THE MEADOWS.</p> <p>THOUGH THIS WAS KNOWN TO THE COMMANDER, HE WAS DIRECTED TO GO TO THE MASSACRE, TO MAKE ONE IN THE RANKS, AND HE DID SO. HOW FORTUNATE FOR HIS CONSCIENCE ! SMITH HAD SEEN THE MORMONS AT THEIR CAMP, MARSHALLED INTO COLUMNS, ARRANGED IN A HOLLOW SQUARE, UNDER COMMAND OF LEE, TO RECEIVE DIRECTIONS FOR ACTION ON THE EMIGRANTS, TO FIRE WHEN COMMANDED TO HALT. WHITE, NOT HAVING SUFFICIENTLY COMPARED NOTES WITH</p>	<p>THE MEADOWS.</p> <p>THOUGH THIS WAS KNOWN TO THE COMMANDER ^[13] HE WAS DIRECTED TO GO TO THE MASSACRE, TO KMAKE ONE IN THE RANKS, AND HE DID SO. HOW FORTUNATE FOR HIS CONSCIENCE?! SMITH HAD SEEN THE MORMONS AT GTHEIR CAMP, MARSHALLED INTO COLUMNMMNS, AARRANGED IN THE HOLLOW SQUARE UNDER COMMAND OF LEE, TO RECEIVE DIRECTIONS FOR ACTION ON THE EMIGRANTS, TO FIER WHEN COMMANDED TO HALT. WHITE, NOT HAVING SUFFICIENTLY COMPARED NOTES WITH</p>
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RS

PS

RT

BT

		<p>SMITH, CONTRADICTED SMITH IN REGARD TO THIS OCCURRENCE, BUT HE AFFIRMS THAT THE MORMONS WERE MARCHED ^{[[15]]} IN FILE FROM THEIR CAMP TO THIS BLOODY WORK. WHO BROUGHT WHITE TO COURT ? ⁴⁴³BILL HICKMAN SUBPOENAED HIM WITH AN <u>ATTACHMENT</u>, WHICH YOU HAVE HEARD THE COURT SAY WAS ISSUED UNDER NO MISAPPREHENSION. BILL HICKMAN HAD CHARGE OF HIM, KEPT HIM IN ACTUAL CUSTODY UNTIL HE HAD GIVEN HIS TESTIMONY. HE REFUSED TO TALK WITH US WITHOUT HICKMAN'S CONSENT, UNTIL THE COURT ORDERED HIS</p>	<p>SMITH IN REGARD TO THIS OCCURRENCE, BUT HE AFFIRMS THAT THE MORNMONS WERE MARCHED IN FILE FROM THEIR CAMP TO THIS BLDDOODDY WORK. WHO BROUGHT WHITE TO COURT? ⁴⁴⁴BILL HICKMAN SUBPOENAED HIM WITH AN ATTACHMENT WHICH YOU HAVE HEARD THE COURT SAY WAS ISSUED UNDER NO MISAPPREHENSION. BILL HICKAMMAN HAD CHARGE OF HIM—KEPT HIM IN ACTUAL CUSTODY UNTIL HE HAD GIVEN HIS TESTIMONY, HE REFUSED TO TALK WITH US WITHOUT HICKMANS CONSENT UNTIL THE COURT ORDERED HIS</p>
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443. The following section is mentioned in the shorthand, but in a different sequence. See Trial matrix, pp. 2363–2365.

444. The following section is mentioned in the shorthand, but in a different sequence. See Trial matrix, pp. 2363–2365.

RS

PS

RT

BT

<p>IT <i>WOULD/WAS</i>[?] NOT <i>INTIMATE</i>[?] TO HIM HE WAS EXPECTED TO FIGHT EMIGRANTS. HE WENT THERE</p>	<p>IT WAS NOT INTIMATED TO HIM THAT HE WAS EXPECTED TO FIGHT THE EMIGRANTS HE WENT THERE</p>	<p>DISCHARGE. WHITE HAS CONFESSED TO YOU THAT HICKMAN REFUSED TO ALLOW HIM ANY INTERVIEW WITH THE DEFENDANT'S ATTORNEYS. HERE YOU CAN SEE THE PECULIAR FITNESS OF THINGS. IF WHITE IS TO BE BROUGHT TO THE POINT OF CORROBORATING SMITH, AND TO BE KEPT IN THE MOOD TO DO SO, UNTIL HIS TESTIMONY IS FINISHED, WHO IS A BETTER KEEPER THAN BILL HICKMAN ? THE PROSECUTION HAS CONSUMMATE TACT IN ADAPTING MEANS TO ENDS. WHITE SAYS HE WAS NOT INFORMED OF THE PURPOSE OF GOING TO THE MEADOWS,</p>	<p>DISCHARGE. WHITE HAS CONFESSED TO YOU THAT HICKMAN REFUSED TO ALLOW HIM ANY INTERVIEW WITH THE DEFENDANTS ATTORNEYS. HERE YOU CAN SEE THE PECULIAR FITNESS OF THINGS. IF WHITE IS TO BE BROUGHT TO THE POINT OF CORROBERATING WSMITH, AND TO BE KEPT IN A MOODE TO DO SO, UNTIL HIS TESTIMONY IS FINISHED, WHO IS A BETTER KEEPER THAN BILL HICKMAN. THE PROSECUTION HAS CONSUMMATE TACT IN ADAPTING MEANS TO ENDS. WHITE WSAYS HE WAS NOT INFORMED OF THE PURPOSE OF GOING TO THE MEADOWS,</p>
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RS

PS

RT

BT

<p>AND WHEN HE BEEN MARCHED DOWN TOWARDS CAMP HE SAYS HE HEARD A RUMOR HE DID NOT KNOW WHERE IT CAME FROM^{[[37]]} HEARD ONE^[?] PERSONS SPEAK THE WORD THAT WHEN THE EMIGRANTS HAD BEEN MARCHED OUT WHEN THERE SHOULD BE A COMMAND TO HALT THEY WERE TO FIRE THAT IS THE FIRST HE HAD HEARD OF IT AND YET HE WENT RIGHT ALONG WITH THE PEOPLE STAYED THERE IN THE RANKS WITNESSED IT WITHOUT PROTEST DID NOT TRY TO DETER SINGLE MAN FROM GOING</p>	<p>AND WHEN THE COMPANY MARCHED DOWN TOWARDS THE CAMP HE SAYS HE HEARD A RUMOR HE DID NOT KNOW WHERE IT CAME FROM HEARD ONE PERSON SPEAK THE ORDER THAT WHEN THE EMIGRANTS HAD BEEN MARCHED OUT AND WHEN THERE SHOULD BE A COMMAND TO HALT THAT THEY WOULD FIRE THAT IS THE FIRST HE HAD HEARD OF IT AND YET HE WENT RIGHT ALONG WITH THE PEOPLE STAYED THERE IN THE RANKS AND WITNESSED IT WITHOUT TRYING TO DETER A SINGLE MAN FROM GOING</p>	<p>UNTIL ON THE MARCH FROM THE MORMON CAMP TOWARDS THE EMIGRANTS. HE DON'T KNOW FROM WHAT SOURCE THE RUMOR CAME, BUT HE HEARD THE RUMOR. IT WAS TO KILL THEM.</p> <p>HE WENT WITH THE REST AND STOOD BY WHILE THE SLAUGHTER WAS BEING ACCOMPLISHED. HE HAS NOT CONFESSED HIMSELF AN IMMEDIATE ACTOR IN THE SLAUGHTER; BUT HE CONFESSES HE WAS</p>	<p>UNTIL ON THE MARCH FROM THE MORMON CAMP TOWARDS THE EMIGRANTS HE DON'T KNOW FROM WHAT SOURCE THE RUMOR CAME WHEN HE HEARD THE RUMOR. IT WAS TO KILL THEM.</p> <p>HE WENT WITH THE REST AND STOOD BY WHILE THE SLAUGHTER WAS BEING ACCOMPLISHED. HE HAS NOT CONFESSED HIMSELF AN IMMEDIATE ACTOR IN THE SLAUGHTER. BUT HE CONFESSES HE WAS</p>
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RS

PS

RT

BT

<p>HE DID NOT LIFT HIS VOICE ON BEHALF OF THESE EMIGRANTS BY SPEAKING TO A SINGLE SOUL</p>	<p>DID NOT LIFT HIS VOICE IN FAVOR OF THESE EMIGRANTS BY SPEAKING TO A SINGLE SOUL [space]</p>	<p>THERE, AIDING, C OUNTENANCING, AND ABETTING IT. HE IS, THEREFORE, BY HIS CONFESSION, AN ACCOMPLICE; HE CONSENTED TO THAT DEED OF HORROR WHICH HAS BEEN EXECRATED BY EVERYBODY AS THE FOULEST AND MOST WICKED MURDER, THE MOST DEMONLIKE MASSACRE OF THE AGE. HE REMONSTRATED WITH NOBODY; HE DID NOT RAISE HIS VOICE OR HIS HAND ONCE TO STAY THE WICKEDNESS WHICH HE SAYS WAS THERE COMMITTED. HE, LIKE SMITH, IS INDEMNIFIED, AND DOUBTLESS HE TOOK SOME PART AT THE MEADOWS, LIKE SMITH; THAT HAS PREYED ON HIM</p>	<p>THERE, AIDING, COUNTENANCIN G AND ABETTING IT. HE IS THEREFORE BY HIS CONFESSION AN ACCOMPLICE; HE CONSENTED TO THAT DEED OF HORROR WWHICH HAS BEEN EXECRATED BY EVERY BODY AS THE FOULEST AND MOST WICKED MURDER, THE MOST DEMONKLKE MASSACRE OF THE AGE. ^[14] HE REMONSTRATED WITH NOBODY; HE DID NOT RAISE HIS VOIVCE OR H HIS HAND ONCE TO STAY THE WICKEDNESS WHICH HE SAYS WAS HTHERE COMMITTED.. HE, LIKE SMITH, IS INDEMNIFIED; AND DOUBTLESS HE TOOK SOME PART AT THE MEADOWS; LIKE SMITH; THAT HAS PRAYED ON HIS HIS MIND</p>
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RS

PS

RT

BT

<p>BUT FOR SOME REASON OR OTHER DID NOT HAVE ANY GUN DID NOT TAKE ANY GUN ALTHOUGH HE WAS CAPTAIN IN THE MILITIA. [space] HE KNEW THAT THAT TRUCE ACCORDING TO HIS OWN STATEMENT WAS TO BE A TREACHEROUS TRUCE. AND HE KNEW THAT THESE EMIGRANTS WERE BEING LED OUT TO THEIR DEATH MEN WOMEN AND CHILDREN. WHY DID HE NOT HE KNEW ALL THOSE PERSONS GAVE ALL THEIR NAMES THEY ARE ALL HIS NEIGHBORS WHY DID NOT HE SAY MY NEIGHBORS MY</p>	<p>BY SOME REASON DID NOT TAKE ANY GUN DID NOT TAKE ANY GUN ALTHOUGH HE WAS CAPTAIN IN THE MILITIA. HE KNEW THAT THAT TRUCE ACCORDING TO HIS OWN STATEMENT WAS TO BE A TREACHEROUS TRUCE [space] HE KNEW THAT THESE EMIGRANTS WERE BEING LED OUT TO THEIR DEATH MEN WOMEN AND CHILDREN NOW WHY DID HE NOT ^{[[31]]} KNEW ALL THOSE PERSONS KNEW ALL THEIR NAMES</p> <p>WHY DID NOT HE SAY MY NEIGHBORS MY</p>	<p>EVER SINCE, AND NOW HE TOO, ENDEAVORING TO SHARE HIS GUILT WITH THE INNOCENT.</p>	<p>EVER SINCE, AND NOW HE TOO ENDEAVORES TO SHARE HIS GUILT WITH THE INNOCENT.</p>
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RS

PS

RT

BT

<p>FRIENDS LET US PAUSE DO NOT LET US BE GUILTY OF THIS TREACHERY INSTEAD OF —[?] THAT HE WALKS HAND HAND WITH THEM STANDS THERE AT LAST MOMENT SILENT AND CONSENTED. DID NOT ACT A LIE DID NOT HE ASSENT TO THE MURDER OF THESE EMIGRANTS. ⁴⁴⁵HOW DOES HE COME HERE. HE COMES HERE SUBPOENAED WITH AN ATTACHMENT TO THE MAN THAT SUBPOENAES HIM AND KEEPS HIM <i>CONSCIOUS</i> [?] AND <i>BED</i>[?] IS BILL HICKMAN. BILL HICKMAN HAS HIM IN HIS PERSONAL</p>	<p>FRIENDS LET US <i>PAUSE</i>[?] OPPOSE DO NOT LET US BE GUILTY OF THIS BUTCHERY INSTEAD OF THAT THAT HE WALKS HAND IN HAND WITH THEM STANDS THERE AT THE LAST MOMENT SILENT AND CONSENTING DID NOT HE ACT <i>A LIE</i>[?] DID NOT HE ASSENT TO THE MURDER OF THESE EMIGRANTS ⁴⁴⁶HOW DOES HE EXPLAIN THAT <COME HERE> HE COMES HERE SUBPOENAED WITH AN ATTACHMENT TO THE MAN THAT SUBPOENAS HIM AND KEEPS HIM CONSCIENTIOUS AND <i>FED/BD</i>[?] IS BILL HICKMAN BILL HICKMAN HAS HIM IN HIS OWN PERSONAL</p>		
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445. The following section appears in the transcripts, but in a different sequence. See Trial matrix, pp. 2358–2359.

446. The following section appears in the transcripts, but in a different sequence. See Trial matrix, pp. 2358–2359.

RS

PS

RT

BT

<p>CUSTODY FROM THE TIME HE ARRIVED TILL HAS TOLD ALL HE KNOWS DID YOU DISCOVER ANY SIMILARITY BETWEEN BILL HICKMAN AND THE OTHER TWO IF A MAN HAS COME TO TELL SUCH A STORY AS WHITE <i>BID</i>[?] AND THIS MAN VOLUNTARILY AIDED AND ABETTED IN SUCH A MURDER WHO COULD GIVE HIM COURAGE TO DO IT LIKE BILL HICKMAN. [<i>space</i>] YOU HEARD ME ASK HIM IF BILL HICKMAN DID NOT REFUSE TO LET HIM TALK WITH ME AND HE SAID YES. [<i>space</i>] HOW DO THEY AGREE THESE 2 WITNESSES THEY HAD <i>HAVE</i>[?] THEM</p> <p>HAD 'EM IN GOOD <i>KEEPING</i>[?] ONE MAN WAS</p>	<p>CUSTODY FROM THE TIME HE ARRIVES AND UNTIL HE HAS TOLD ALL HE KNOWS DID YOU DISCOVER ANY SIMILARITY BETWEEN BILL HICKMAN AND THESE TWO [<i>space</i>] IF A MAN HAS COME TO TELL SUCH A STORY AS WHITE DID</p> <p>WHO COULD GIVE HIM COURAGE TO DO IT LIKE BILL HICKMAN YOU HEARD ME ASK HIM IF BILL HICKMAN DID NOT REFUSE TO LET HIM TALK WITH ME HE SAID YES HOW DO THEY AGREE THESE TWO WITNESSES THEY HAD <i>THEM</i> <i>TOGETHER</i>[?] THEY HAD THEM IN GOOD KEEP ONE MAN WAS</p>		
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RS

PS

RT

BT

<p>IMPORTED FROM HIS WANDERINGS IN CALIFORNIA AND THE OTHER ONE BILL HICKMAN BROUGHT HERE AND THEY HAD OPPORTUNITY TO COMPARE NOTES SMITH WAS READY TO ENTERTAIN ANYBODY PEOPLE WANTED HIM TO ENTERTAIN BILL HICKMAN HAD WHITE IN HIS CUSTODY I THINK IT IS REASONABLE TO SUPPOSE BILL HICKMAN AND JOEL WHITE HAD LONG INTERVIEW TOGETHER BEFORE WHITE TESTIFIED. THAT IS CONJECTURE AND BUT IT IS REASONABLE CONJECTURE HAS GOT MORE REASON IN IT TO SUPPORT IT THAN GREAT MANY OF THOSE THINGS MY BROTHER</p>	<p>IMPORTED FROM HIS WANDERINGS IN CALIFORNIA OTHER BILL HICKMAN BROUGHT HERE HAD THE OPPORTUNITY TO <i>COMPARE</i>[?] NOTES SMITH WAS READY TO ENTERTAIN ANYBODY THAT PEOPLE WANTED TO HAVE ENTERTAINED HICKMAN HAD WHITE IN HIS CUSTODY <i>TO</i>[?] THINK IT IS REASONABLE THAT BILL HICKMAN AND WHITE HAD LONG INTERVIEW BEFORE WHITE TESTIFIED [<i>space</i>] THAT IS CONJECTURE REASONABLE CONJECTURE <i>[space]</i> MORE REASON THAN THINGS THAT MR.</p>		
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RS

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RT

BT

<p>CAREY SAID <i>ESPECIALLY</i>[?] IS LAST ^{[[38]]} REMARK THAT HE SAID HE SAW THIS MURDER HE SAID HE SAW THIS WHOLE SLAUGHTER HE SAW IT IT SEEMED TO BE INTENTIONAL EVEN THE <i>CONSPIRITOR/PR</i> <i>TL</i>[?] EVEN HE DID IT</p> <p>OUR CLIENT. I CONJECTURE BEFORE WHITE TOOK THE STAND HE AND SMITH HAD AN INTERVIEW HOW DOES THAT TESTIMONY AGREE WHITE</p> <p>WHEN THEY RETURNED FROM CARRYING THAT LETTER TO PINTO THEY MET IRA ALLEN ON THE WAY AND THAT HE GAVE THEM <i>ONE</i>[?] VERY MYSTERIOUS</p>	<p>CAREY SAID [<i>space</i>]</p> <p>CAREY SAID HE SAW THIS WHOLE SLAUGHTER AND HE SAW IT SEEMED TO BE INTENTIONAL OR <i>CONSPIRITORIZIN</i> <i>G/—</i>[?] EVEN <i>AFTER</i>[?] HE DID TO BE <i>MERELY</i>[?] ACCUSING AT OUR CLIENT I SAY I CONJECTURE THAT BEFORE WHITE TOOK THE STAND HE AND SMITH HAD AN INTERVIEW INDEED HOW DOES THAT TESTIMONY AGREE [<i>space</i>] HE WHITE STATES [<i>space</i>] THAT WHEN RETURNED FROM CARRYING THAT LETTER [<i>space</i>]</p> <p>THAT HE GAVE THEM <i>ONE</i>[?] VERY MYSTERIOUS</p>		
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RS

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BT

<p>GOBLINESQUE SPEECH AND PROFESSES THAT THE EMIGRANTS WERE TO BE DESTROYED THEIR DOOM WAS CAST THEIR DIE WAS CERTAIN WORDS HAD THREATENING SOUND [space] I ASKED WHITE HOW ABOUT THIS IRA ALLEN DID YOU AND SMITH MEET HIM WHEN YOU WAS RETURNING HE SAYS NO DID NOT SEE ANY SUCH THING. SMITH SAYS THAT BEFORE THEY MARCHED AT THE MEADOWS DOWN TO THE ROAD PREPARATORY TO THEIR ATTACK ON THE EMIGRANTS THAT LEE TOOK COMMAND OF THIS PARTY OF MORMONS AND FORMED THEM INTO HOLLOW SQUARE AND TALKS ABOUT CLAIMS TALKS</p>	<p>GOBLINESQUE [[32]] SPEECH AND PROFESSED THAT THE EMIGRANTS WERE TO BE DESTROYED THEIR DOOM WAS CAST DIE WAS SOMETHING[?] WORDS HAD THREATENING SOMETHING[?] I ASKED WHITE HOW ABOUT THIS IRA ALLEN DID YOU AND SMITH MEET HIM WHEN YOU WAS RETURNING HE SAID NO I DO NOT REMEMBER ANY SUCH THING SMITH SAYS THAT BEFORE THEY MARCHED AT THE MEADOWS DOWN TO THE ROAD PREPARATORY TO THEIR ATTACK ON THE EMIGRANTS THAT TAKING COMMAND OF THIS PARTY OF MORMONS AND FORMED THEM INTO HOLLOW SQUARE AND TALKS ABOUT CLAIMS TALKS</p>		
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<p>ABOUT TROOPS PASSING THE COMMAND ALONG THE LINES JUST THEM WHAT LONG COLUMN 23 MEN WOULD MAKE STANDING DOUBLE FILE HE FORMED THEM INTO HOLLOW SQUARE AND HE TALKED TO THEM AMONG OTHER THINGS HE SAID WHEN YOU ARE CONDUCTED TO THE RIGHT PLACE ON THE FIELD THERE WILL BE COMMAND TO HALT NOW MIND YOU THAT MEANS TO FIRE. CONSIDERING JOEL WHITE WAS NEAR THESE VERY SOLDIERS AS THE COMMAND WAS GIVEN TO ALTHOUGH HE SAYS HE DID NOT HAVE ANY GUN IT ◀MIGHT YET▶ BE EXPECTED JOEL WHITE</p>	<p>ABOUT TROOPS PASSING COMMAND ALONG THE LINES JUST THEM WHAT A LONG COLUMN 23 MEN WOULD MAKE STAND DOUBLE FILE AND HE FORMED THEM INTO HOLLOW SQUARE AND TALKED TO THEM AMONG OTHER THINGS SAID WHEN YOU ARE CONDUCTED TO THE RIGHT PLACE ON THE FIELD YOU WILL BE COMMAND TO HALT [<i>space</i>] NOW MIND YOU THAT MEANS TO FIRE NOW CONSIDERING THAT JOEL WHITE WAS NEAR TO THESE SOLDIERS WHEN THE COMMAND WAS GIVEN TO [<i>space</i>] IT MIGHT BE EXPECTED THAT JOEL WHITE</p>		
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RS

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BT

<p>WOULD REMEMBER IT WHEN ASKED QUESTION HE SAYS DID NOT SEE LEE DID NOT SEE ANY HOLLOW SQUARE BUT GOT INTO LINE AND MARCHED DOWN UNDER HIGBEE. THESE MEN ARE CONTRADICTED IN RESPECT TO THAT JOURNEY FROM CEDAR TO PINTO WHEN THEY CARRIED THAT LETTER BY BISHOP ROBINSONS. WHITE TESTIFIED SMITH TOO THEY DELIVERED THAT LETTER WHITE MENTIONED ROBINSON'S NAME AS THE PERSON TO HIM THEY DELIVERED IT</p> <p>ROBINSONS DID NOT PUT ON STAND HERE SAYS DID NOT</p>	<p>WOULD REMEMBER IT</p> <p>JOEL WHITE SAID SAYS IT WAS NOT SO [space] DID NOT SEE ANY HOLLOW SQUARE BUT GOT INTO LINE THERE AND MARCHED DOWN UNDER HIGBEE. THESE MEN ARE CONTRADICTED IN RESPECT TO THAT JOURNEY FROM CEDAR CITY TO PINTO WHEN THEY CARRIED THAT LETTER BY BISHOP ROBINSON WHITE TESTIFIED AND SMITH TOO THAT THEY DELIVERED THAT LETTER WHITE MENTIONED ROBINSON NAME AS PERSON HE DELIVERED IT TO [space] ROBINSON</p> <p>DID NOT</p>		
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RS

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BT

<p>REMEMBER ANY SUCH THING. NOW THEY MET JOHN D. LEE THEY WAS ON THAT SAME ERRAND THAT SAME JOURNEY JUST BACK OF THE FIELDS AT CEDAR LEE WAS EVIDENTLY COMING UP FROM HARMONY TO CEDAR WHERE ARE YOU GOING LEE SAYS WE ARE GOING TO PINTO CARRY INSTRUCTIONS ASSIST EMIGRANT COMPANY TO GET OUT OF TERRITORY SAFELY SMITH LEE REPLIED I HAVE GOT SOMETHING TO SAY ABOUT THAT. WHITEMAN SAYS I DON'T BELIEVE IT. THESE TWO REMARKS DO NOT SEEM TO BE IN SAME DIRECTION</p> <p>BOTH HOWEVER ^{[[39]]} SAY THAT IN SOME WAY HE EXPRESSED HIS</p>	<p>REMEMBER ANY SUCH THING THEY MET JOHN D. LEE ON THAT SAME JOURNEY JUST BACK OF THE FIELDS AT CEDAR LEE WAS EVIDENTLY COMING UP FROM HARMONY TO CEDAR WHERE ARE YOU GOING LEE SAYS GOING OUT TO PINTO TO ~ [space]</p> <p>SAFELY [space] SMITH SAYS LEE REPLIED I HAVE GOT SOMETHING TO SAY ABOUT THAT WHITE SAYS I DO NOT BELIEVE IT THESE TWO REMARKS DO NOT SEEM TO BE IN THE SAME DIRECTION [space] THEY BOTH HOWEVER SAY THAT IN SOME WAY HE EXPRESSED HIS</p>		
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RS

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BT

<p>DISSENT TO THE EMIGRANTS GOING OUT OF THE TERRITORY BUT <i>THEY</i>[?] DO NOT AGREE ON HOW IT WAS DONE [<i>space</i>] HOW DOES IT COME ABOUT THEY ARE ABLE TO REMEMBER THAT LITTLE CIRCUMSTANCE THESE 18 YEARS WHEN THEY ARE NEITHER OF THEM ABLE TO GIVE NAMES FROM MEN THAT WENT OUT MEADOWS WITH THEM YOU WILL REMEMBER THAT SMITH HIMSELF COULD NOT NAME MORE THAN THREE OR 4 OF ALL PERSON THAT WERE THERE. THIS THING HE <i>CAN BE</i>[?] CONTRADICTED UPON THESE LITTLE TALKS HE IS</p> <p>IN THE CORNERS CAN'T BE CONTRADICTED</p>	<p>DISSENT TO THE EMIGRANTS GOING OUT OF THE TERRITORY BUT THEY DO NOT AGREE ON HOW IT WAS DONE [<i>space</i>] ^{[[33]]} NOW HOW DOES IT COME ABOUT THEY ARE ABLE TO REMEMBER ONE LITTLE CIRCUMSTANCE THESE 18 YEARS WHEN THEY ARE NEITHER OF THEM <i>ABLE</i>[?] TO GIVE THE VERY NAMES MEN OF THE VERY MEN THAT WENT OUT TO MEADOWS [<i>space</i>] WITH THEM YOU WILL REMEMBER THAT SMITH COULD NOT NAME MORE THAN 3 OR FOUR</p> <p>WHO WERE THERE [<i>space</i>] ≤THIS IS A THING HE COULD BE CONTRADICTED UPON ≥ THESE LITTLE TALKS THAT HE HAS THAT THEY HAD IN THE CORNER HE CAN'T BE CONTRADICTED</p>		
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RS

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RT

BT

<p>UPON WHEN HE IS ASKED TO NAME THEM WHO WERE THERE HIS MEMORY GIVES OUT</p> <p>ON/OR[?] 2 OR 3 WHEN WHAT HE DID WITH THE LETTER THAT MEMORY GIVES OUT WHEN HE TELLS 2 OR 3. IT IS <i>LIKELY</i>[?] THAT A MAN WHOSE MEMORY IS SO DEFECTIVE UPON MORE IMPORTANT FEATURES OF THE TRANSACTION COULD BE TRUSTED UPON THIS. SAME THING WITH WHITE [space] HE COULD NOT TELL WHAT WAS DONE FOR 2 OR 3 DAYS THOUGHT THEY ALL SLEPT IN CAMP. ADD TO THAT THAT THESE ARE BOTH ACCOMPLICES BOTH CONFESSED THEIR GUILTY</p>	<p>ON [space] WHEN HE IS ASKED WHAT PERSONS HE LEFT THE CHILDREN WITH HIS MEMORY GIVES OUT WHEN HE GIVES 3 2 OR 3 HE SAID</p> <p>IS IT LIKELY THAT A MAN WHOSE MEMORY IS SO DEFECTIVE UPON SOME IMPORTANT FEATURES OF THE TRANSACTION COULD BE TRUSTED UPON THIS AND SAME THING WITH WHITE [space] WHITE COULD NOT TELL WHAT WAS DONE DURING TWO OR 3 DAYS <i>THERE</i>[?] [space]</p> <p>ADD TO THIS THAT THESE ARE BOTH ACCOMPLICES BOTH CONFESSED THEIR GUILTY</p>		
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BT

<p>CONNECTION</p> <p>PURPOSE AND THIS TESTIMONY GIVING BY BOTH OF THEM IS TO FIX SAME CHARGE UPON SOMEBODY ELSE WHOSE CONNECTION <i>THIS[?] OTHERWISE[?] YOU WILL[?]</i> REMEMBER MOUTH OF THE OTHER TWO EYE WITNESS IS CLOSED</p> <p>RESPECT TO WHAT WAS SAID</p>	<p>CONNECTION IN THE KILLING OF THE EMIGRANTS AND THE PURPOSE OF THIS TESTIMONY IS TO</p> <p>FIX CHARGE UPON SOMEBODY ELSE WHOSE <i>CHARGE[?] HE HAS NOT REMEMBERED/PR [?] [space]</i> WHEN THE <i>MOUTH[?]</i> OF THE OTHER TWO EYE WITNESS <i>AS SAID/IS SET[?]</i> <i>[space]</i></p>	<p><i>[[16]]</i></p> <p>NOW, GENTLEMEN, I PAUSE TO REPEAT THE ENQUIRY THAT I PROPOUNDED BEFORE, ARE SMITH AND WHITE SUCH WITNESSES, OUT OF FOURTEEN, THAT YOU WOULD BE WILLING TO CONVICT A MAN OF A CAPITAL OFFENSE ON THEIR TESTIMONY, WITHOUT KNOWING WHAT</p>	<p>NOW, GENTLEMEN, I PAUSE TO REPEAT THE ENQUIRY I PROPOUNDED BEFORE. ARE SMITH AND WHITE SUCH WITNESSES, OUT OF FOURTEEN, THAT YOU WOULD BE WILLING TO CONVICT A MAN OF A CAPITAL OFFENSE ON THEIR TESTIMONY, WITHOUT KNOWING WHAT</p>
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RS

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BT

<p>THERE AND THE MOUTH OF THAT OTHER 9 EYE WITNESS ARE NOT BROUGHT BEFORE YOU AT ALL <i>DON'T</i> YOU[?] DOUBT SMITH GENTLEMEN DON'T WHITE</p> <p>WHEN YOU LAY YOUR HAND UPON YOUR HEART YOU FIND NO DOUBT NOT A RATIONAL DOUBT OF THE TRUTH OF SMITH'S TESTIMONY AND WHITE'S TESTIMONY. DO YOU FEEL A MORAL CERTAINTY THAT THEY HAVE TOLD THE TRUTH WHEN THEIR STATEMENTS IS CAPABLE OF SO MUCH</p> <p>CORROBORATION AND SO MUCH OVERWHELMING CONTRADICTION THAT WOULD</p>	<p>AND THE 9 OTHER EYE WITNESSES ARE NOT BROUGHT BEFORE YOU AT ALL DO NOT YOU DOUBT SMITH DO NOT YOU DOUBT WHITE CAN YOU SAY THAT YOU[?] YOU LAY YOUR HANDS UPON YOUR HEARTS THAT YOU HAVE NOT ANY DOUBT NOT A RATIONAL DOUBT OF THE TRUTH OF SMITH'S TESTIMONY OR WHITE'S TESTIMONY DO YOU FEEL A MORAL CERTAINTY THAT THEY HAVE TOLD THE TRUTH [space] WHEN THEIR STATEMENTS ARE <i>CAPABLE</i>[?] OF SO MUCH CONTRADICTION CORROBORATION AND OVERWHELMING CONTRADICTION</p>	<p>THE OTHERS WOULD SAY ? YOU KNOW THE PROSECUTION COULD HAVE BROUGHT BEFORE YOU ALL THE OTHERS. THEY HAVE BROUGHT THREE OF THEM BEFORE YOU.</p>	<p>THE OTHERS WOULD SAY? YOU KNOW THE PROSECUTION COULD HAVE BROUGHT THE OTHERS BEFORE YOU. THEY HAVE BROUGHT THREE OF THEM BEFORE YOU.</p>
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RS

PS

RT

BT

<p>NECESSARY FOLLOW FROM ALL THESE <OTHER> 9 WITNESSES.</p>		<p>ONE WAS A BOY AT THE TIME, OF ONLY FOURTEEN YEARS, AND SICK. THE OTHER TWO HAD GOOD OPPORTUNITIES TO KNOW VERY MUCH THAT IS IMPORTANT THAT YOU SHOULD KNOW. THEY BOTH WENT TO THE MEADOWS TO ASSIST THE EMIGRANTS AND NOT TO HURT THEM. THE PROSECUTION, IN EXAMINING THEM, DID NOT PERMIT THEM TO TELL ALL THEY KNEW; DID NOT PERMIT THEM TO DEPOSE IN RESPECT TO THE FACTS WHICH MUST PROVE OR DISPROVE A MURDEROUS COMBINATION. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID</p>	<p>ONE WAS A BOY AT THE TIME, OF ONLY FOURTEEN YEARS AND SICK. THE OTHER TWO HAD GOOD OPPORTUNITIES TO KNOW VERY MUCH THAT IT IS VERY IMPORTANT THAT YOU WOULD SHOULD KNOW. THEY BOTH WENT TO THE MEADOWS TO ASSIST THE EMIGRANTS AND NOT TO HURT THEM. THE PROSECUTION, IN EXAMINING THEM, DID NOT PERMIT THEM TO TELL ALL THEY KNEW; DID NOT PERMIT THEM TO DEPOSE WHICH MUST PROVE OR DISPROVE ANY MURDEROUS COMBINATION. THEY WERE NOT PERMITTED TO STATE WHAT WAS SAID</p>
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RS

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RT

BT

		<p>BETWEEN THE MORMONS NOR BETWEEN THE MORMONS AND THE INDIANS. THEY WERE NOT EXAMINED ON THE PART OF THE PEOPLE, AS SMITH AND WHITE HAD BEEN. THEY DID NOT TAKE PART IN THE SLAUGHTER, AND THEY DO NOT TESTIFY THAT THE MORMONS WERE IN FILE OR UNDER ANY COMMAND, NOR DID THEY TESTIFY THAT ANY MORMON PARTICIPATED IN THE SLAUGHTER. THEY SAW THE SLAUGHTER, AND THEIR TESTIMONY TENDS TO EXHONERATE THE MORMONS. THEY CONTRADICT BOTH SMITH AND WHITE, AND WHITE, AS TO THE MARSHALLING OF THE</p>	<p>BETWEEN THE MOR&MONS, NO&R BETWEEN THE MORMONS AND THE INDIANS. THEY WERE NOT EXAMINED</p> <p>AS W&SMITH AND WHITE HAD BEEN. THEY DID NOT TAKE PART IN THE SLAUT&GHTER, AND THEY DO NOT TESTIFY THAT THE MORMONS WERE IN FILE OR UNDER ANY COMMAND, NO&R DID THEY TESTIFY THAT ANY MORMON PARTICIPATED IN THE SLAOUTHGTER. THEY SAW THE SLAUGHTER, AND THEIR TESTIMONY TENDS TO EXHOMNERATE THE MORMONS;. THEY CONTRADICT BOTH SMITH AND WHITE;. AS TO THE MARSHALLING, OF THE</p>
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RS

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BT

		MORMONS AT THE CAMP, AND AS TO THEIR MARCH IN FILE OR BY COMMAND TO THE PLACE OF THE MASSACRE. BOTH YOUNG AND POLLOCK TESTIFY THAT THE MORMONS WERE NOT ADDRESSED IN CAMP OR ANYWHERE, TO THEIR KNOWLEDGE, BY LEE OR ANY OTHER LEADER, AND THE PART THEY WERE TO TAKE STATED; THEY BOTH DENY THAT THE MORMONS WERE PLACED IN FILE; THEY BOTH DENY THAT ANY ORDER WAS GIVEN TO MARCH DOWN TOWARDS THE EMIGRANTS. ACCORDING TO THEIR TESTIMONY THE MOR- ^{[[17]]} MONS WERE NOT AT THE MEADOWS UNDER MILITARY ORDERS, NOR;	MORMONS AT THE CAMP, AND AS TO THEIR MARCH IN FILE OR BY COMMAND TO THE PALCE OF THE MASSACRE. BOTH YOUNG AND POLLOCK TESTIFY, THAT THE MORMONGS WERE NOT ADDRESSED IN CAMP OR ANYWHERE TO THEIR KNOWLEDGE BY LEE; OR ANYOTHER LEADER, AND THE PART THEY WERE TO TAKE STATED; THEY BOTH DENY THAT THE MORMONS ^{[[15]]} WERE PLACED IN FILE; THEY BOTH DENY THAT ANY ORDER WAS GIVEN TO MARCH DOWN TOWARDS THE EMIGRANTS. ACCORNDING TO THEIR TESTIMONY, THE MORMONS WERE NOT AT THE MEADOS UNDER MILITARY ORDERS NOR
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RS

PS

RT

BT

		GOVERNED THERE BY ANY MILITARY DISCIPLINE. WHEN STEPS WERE TAKEN TO COMMUNICATE WITH THE EMIGRANT CAMP IN THE CHARACTER OF FRIENDS WITH A FLAG OF TRUCE A PART OF THE MORMONS FOLLOWED AT A DISTANCE, WALKING PROMISCUOUSLY, AS PEOPLE GO TO CHURCH, TO USE THE EXPRESSION OF THE WITNESSES. A PART REMAINED IN CAMP AND DID NOT GO AT ALL. THE INDIANS WERE SWARMING OVER THE EMIGRANTS WHEN THEY FIRST SAW THE SMOKE AND FIRE OF THE SLAUGHTER, AND THEY SAW NO MORMONS PARTICIPATE. THE INDIANS WERE ALL WARRIORS,	GOVERNED THERE BY ANY MILITARY DISIP DISCIPLINE. WHEN STEPS WERE TAKEN TO COMMUNICATE TO THE EMIGRANT CAMP, IN THE CHARACTER OF FRIENDS, WITH A FLAG OF TRUCE, A PART OF THE MORMONS FOLLOWED AT A DISTANCE; WALKING PROMISCUOUSLY, AS PEOPLE GO TO CHURCH, TO USES THE EXPRESSSION OF THE WITNESSES. A PART REMAINED IN CAMP ; AND DID NOT GO AT ALL. THE INDIANS WERE SWARMING OVER THE EMIGRANTS WHEN THEY FIRST SAW THE SMOKE AND FIRE OF THE SLAUGHTER, AND THEY SAW NO MORMONS PARTICIPATE. THE INDIANS WERE ALL WARRIORS,
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RS

PS

RT

BT

		ARMED WITH GUNS AND BOWS AND ARROWS. THEY NUMBERED FOUR TO ONE OF THE WHITE MEN, OF THE MORMON AND EMIGRANT PARTY; ARROWS IN GREAT PROFUSION WERE FOUND NEXT DAY ON THE GROUND WHEREVER THE DEAD BODIES WERE TAKEN FOR BURIAL. IF ANY IMPEACHMENT COULD IMPAIR, OR IS NEEDED TO DISPARAGE, THE TESTIMONY OF SUCH WITNESSES AS SMITH AND WHITE, IN ORDER TO UTTERLY DESTROY IT, TO MAKE MORE MANIFEST THAT IT IS WHOLLY UNRELIABLE— IF ANY FACTS COULD SUGGEST THE IMPORTANCE OF HEARING	ARMED WITH GUNS AND BOWS AND ARROWS; THEY NUMBERED FOUR TO ONE OF THE WHITE MEN OF THE MORMON AND EMIGRANT PARTY. ARROWS IN GREAT PROFUSION WERE FOUND NEXT DAY ON THE GROUND WHEREVER THE DEAD BODIES THERE WERE FOUND FOR BURIAL. IF AN IMPEACHMENT COULD IMPAIR, OR IS NEEDED TO DISPARAGE THE TESTIMONY OF SUCH WITNESSES AS SMITH AND WHITE, IN ORDER UTTERLY TO DESTROY IT, TO MAKE MORE MANIFEST THAT IT IS WHOLLY UNRELIABLE— IF ANY FACTS COULD SUGGEST THE IMPORTANCE OF FROM HEARING
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RS

PS

RT

BT

<p>YOUR HONOR SHALL WE PAUSE NOW UNTIL THE MORNING. 5 PM⁴⁴⁷ [space]</p> <p>[[40]]</p> <p>WEDNESDAY AUG 4 1875 [space]</p> <p>JUDGE SUTHERLAND RESUMED HIS REMARKS TO JURY 910 AM [space] YOUR HONOR PLEASE GENTLEMEN OF THE JURY I</p>	<p>YOUR HONOR SHALL WE PAUSE NOW UNTIL MORNING [space] COURT ADJOURNED TOMORROW⁴⁴⁸</p> <p>9 O’CLOCK [space] JURY CALLED [space] SUTHERLAND CONTINUED [space]</p> <p>IF YOUR HONOR GENTLEMEN OF THE JURY [space] I</p>	<p>FROM ALL THE OTHER WITNESSES BEFORE ANY PROPER DECISION COULD BE MADE, THESE VITAL CONTRADICTION S ARE ENOUGH.</p>	<p>FROM ALL THE OTHER WITNESSES BEFORE ANY PROPER DECISION COULD BE MADE, THESE VITAL CONTRADICTION S ARE ENOUGH.</p>
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447. Rogerson does not mention this break in his “transcript” of Sutherland’s speech, though he meticulously notes adjournments elsewhere. This suggests he wrote the transcript with very little reference to the shorthand, since the information on August 4 is written in very large longhand, and would, therefore, be noticed by anyone looking at the manuscript.

448. The transcripts do not note this adjournment, though they meticulously note adjournments elsewhere.

RS

PS

RT

BT

<p>GREET YOU THIS MORNING ON PROSPECT OF AN EARLY TERMINATION OF YOUR LABORS. BUT THIS CASE IS OF SUCH TRANSCENDENT IMPORTANCE TO THE PUBLIC AND TO THE ACCUSED THAT I PRESUME THAT YOU HAVE SERVED SO FAR IN THE TRIAL OF THIS CASE WITH NO SENSE OF THE LOSS AND FATIGUE TO YOURSELVES. IT HAS NOT OCCURRED TO ME THAT THERE IS SO MUCH LABOR SO MUCH SOLICITUDE CONNECTED WITH A TRIAL OF SUCH AN ACTION CONTINUING FOR NEARLY ≦FOR≧ TWO WEEKS. IF WE HAVE SENSE OF THE IMPORTANCE OF THE CASE WE CAN'T</p>	<p>CONGRATULATE YOU THIS MORNING ON THE PROSPECT OF AN EARLY TERMINATION OF YOUR LABORS [<i>space</i>] BUT THIS CASE IS OF SUCH TRANSCENDENT IMPORTANCE THAT TO THE PUBLIC AND TO THE ACCUSED THAT I PRESUME THAT YOU HAVE SERVED SO FAR IN THE TRIAL OF THIS CASE WITH NO SENSE OF THE LOSS AND FATIGUE TO YOURSELVES [<i>space</i>] IT HAS NOT OCCURRED TO ME THAT THERE IS SO MUCH LABOR SO MUCH SOLICITUDE CONNECTED WITH A TRIAL [[³⁴]] OF SUCH AN ACTION CONTINUING FOR NEARLY FOR TWO WEEKS IF WE HAVE A SENSE OF THE IMPORTANCE OF THE CASE WE CAN'T</p>		
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RS

PS

RT

BT

<p>WITHHOLD ANY EFFORT ON OUR PART HOWEVER FATIGUING IT MAY BE TO REACH THE TRUTH. A FEW MOMENTS REFERENCE TO THE SUBJECTS DISCUSSED YESTERDAY. I FIRST CALLED YOUR ATTENTION TO THE FACT THAT THERE WERE TWELVE EYE WITNESSES TO THE TRANSACTION AT THE MOUNTAIN MEADOWS BESIDES THOSE WHO WERE INDICTED ONE OTHER HAS OCCURRED TO ME SINCE JIMMY WILLIAMSON. THUS FROM WHAT I SAID ≦YESTERDAY≧ THERE WERE 11 I ADD THIS OTHER ONE THAT MAKES 12 AND I REMARKED UPON THE CIRCUMSTANCE S THAT THE</p>	<p>WITHHOLD NO EFFORT ON OUR OWN PART HOWEVER FATIGUING IT MAY BE TO REACH THE TRUTH A FEW MOMENTS REFERENCE TO THE SUBJECTS DISCUSSED YESTERDAY [space] I FIRST CALLED YOUR ATTENTION TO THE FACT THAT THERE WERE 12 EYE WITNESSES TO THE TRANSACTION AT THE MEADOWS BESIDES THOSE WHO ARE INDICTED ONE OTHER HAS OCCURRED TO ME SINCE JIM <i>WILLIAMS/WILLIA MSON[?]</i> I STATED YESTERDAY 11 I ADD THIS OTHER ONE THAT MAKES 12 AND I REMARKED UPON THE CIRCUMSTANCE S THAT THE</p>	<p>WHY HAVE THE</p>	<p>WHY HAVE THE</p>
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RS

PS

RT

BT

<p>PEOPLE IN GIVING YOU A HISTORY AND TESTIMONY OF THIS TRANSACTION HAVE LEFT OUT A LARGE PART OF THE PERSONS WHO WERE PRESENT AND COULD TELL YOU SOMETHING OF THAT TRANSACTION. OF THESE TWELVE ONLY 5 HAVE APPEARED UPON THE STAND TWO OF THEM WERE ALLOWED TO STATE TOUCHING WHAT THEY SAW AND WHAT THEY HEARD. ONE OF THE OTHERS SAW BUT LITTLE AND HEARD BUT LITTLE HE WAS THE LEAST INFORMED PERSON PERHAPS ON THE GROUND FOR REASONS EXPLAINED OTHER TWO WERE ONLY PERMITTED TO TELL YOU WHAT THEY SAW THEY</p>	<p>PEOPLE IN GIVING YOU A HISTORY AND TESTIMONY OF THIS TRANSACTION HAVE LEFT OUT A LARGE PART OF THE PERSONS WHO WERE PRESENT AND COULD TELL YOU SOMETHING OF THAT TRANSACTION OF THESE TWELVE ONLY FIVE HAVE APPEARED UPON THE STAND TWO OF THEM WERE ALLOWED TO STATE TOUCHING WHAT THEY SAW AND WHAT THEY HEARD ONE OF THE OTHERS SAW BUT LITTLE AND HEARD BUT LITTLE HE WAS THE LEAST INFORMED PERSON PERHAPS ON THE GROUND FOR REASONS WHICH HE EXPLAINED THE OTHER TWO WERE ONLY PERMITTED TO TELL YOU WHAT THEY SAW THEY</p>	<p>PEOPLE REFRAINED FROM CALLING OTHER WITNESSES ?</p>	<p>PEOPLE REFRAINED FROM CALLING OTHER WITNESSES?</p>
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RS

PS

RT

BT

<p>DESCRIBED TO YOU THE PANDEMONIUM OF THE FIELD. [space]</p>	<p>DESCRIBED TO YOU THE PANDEMONIUM OF THE FIELD [space]</p>	<p>IT IS FAIR TO CHARGE THAT THEY HAVE DONE IT FOR THE SAME REASON THAT PROMPTED THEM TO GARBLE THE TESTIMONY OF POLLOCK, YOUNG AND PEIRCE. THE PROSECUTION ALONE ARE RESPONSIBLE FOR WITHHOLDING FROM YOU THE ADDITIONAL LIGHT THESE WITNESSES COULD GIVE YOU. WE ASKED THESE WITNESSES TO STATE ALL THAT WAS SAID AND DONE AT THE MEADOWS. DID YOU NOT IN YOUR MIND SECOND THAT INQUIRY ? DID IT NOT PROMISE YOU ADDITIONAL AID TO A CORRECT</p>	<p>IT IS FAIR TO CHARGE THAT THEY HAVE DONE IT FOR THE SAME REASON THAT PROMPTED THEM TO GARBLE THE TESTIMONY OF POLLOCK, YOUNG AND PIERCE. THE PROSECUTION ALONE ARE RESPONSIBLE FOR WITHHOLDING FROM YOU THE ADDITIONAL LIGHT WHICH THESE WITNESSES COULD HAVE GIVEN YOU. WE ASK THESE WITNESSES TO STATE ALL THAT WAS SAID AND DONE AT THE MEADOWS. DID YOU NOT IN YOUR MIND SECOND THAT IN YOUR INQUIRY? DID IT NOT PROMISE YOU ADDITIONAL AID TO A ^[16] CORRECT</p>
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RS

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RT

BT

<p>NOW IF YOU DESIRE TO KNOW ALL THAT TOOK PLACE THERE YOU WOULD NATURALLY DESIRE TO HEAR FROM EVERY PERSON THAT WAS THERE AND COULD TELL YOU ANYTHING ABOUT IT IF YOU</p>	<p>NOW IF YOU DESIRE TO KNOW ALL THAT TOOK PLACE THERE YOU WOULD NATURALLY DESIRE TO HEAR FROM EVERY PERSON THAT WAS THERE AND COULD TELL YOU ANYTHING ABOUT IT IF YOU</p>	<p>DETERMINATION ? DID YOU NOT FEEL DISAPPOINTED WHEN THE PROSECUTION OBJECTED ? ^{[[18]]} DID YOU NOT INFER, AS WE DID, THAT THE PROSECUTION WAS UNWILLING THAT ALL THE FACTS SHOULD BE LAID BEFORE YOU ? IT IS AS MUCH THE DUTY OF THE PUBLIC PROSECUTOR TO PROTECT AN INNOCENT MAN AGAINST CONVICTION, AS TO BE DILIGENT AND ZEALOUS IN CONVICTING THE GUILTY. IF YOU, GENTLEME</p>	<p>DETERMINATION ? DID YOU NOT FEEL DISAPPOINTED WHEN THE PROSECUTION OBJECTED ? DID YOU NOT INFER, AS WE DID, THAT THE PROSECUTION WAS UNWILLING THAT ALL THE FACTS SHOULD BE LAID BEFORE YOU? IT IS AS MUCH THE DUTY OF THE PUBLIC PROSECUTOR TO PROTECT AN INNOCENT MAN AGAINST CONVICTION AS TO BE DILIGENT AND ZEALOUS IN CONVICTING THE GUILTY? IF YOU, GENTLEMEN,</p>
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RS

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RT

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<p>WERE A COMMITTEE</p> <p>WITH POWER OF YOUR OWN VOLITION TO SEEK TESTIMONY TO SEND FOR IT I THINK I HAVE A RIGHT TO INFER GENTLEMEN YOU WOULD NOT TERMINATE YOUR INQUIRIES UNTIL YOU HAD BROUGHT EVERY ONE OF THOSE MEN BEFORE YOU</p> <p>YOU WOULD TELL THEM TO TELL YOU ALL THEY SAW TO GIVE THE COURSE OF THE CONVERSATION AS WELL AS ACTION ON THE FIELD THERE YOU WOULD NOT SUPPRESS SINGLE INQUIRY WHY THE SUBJECT IS IMPORTANT IT IS</p>	<p>WERE A COMMITTEE</p> <p>WITH POWER OF YOUR OWN VOLITION TO SEEK TESTIMONY TO SEND FOR IT I THINK I HAVE A RIGHT TO INFER GENTLEMEN THAT YOU WOULD NOT TERMINATE YOUR INQUIRIES UNTIL YOU HAD BROUGHT EVERY ONE OF THOSE MEN BEFORE YOU AND WHEN YOU HAD THEM BEFORE YOU YOU WOULD HAVE THEM TELL THE</p> <p>COURSE OF THE CONVERSATION ◀AS WELL AS ACTION▶ ON THE FIELD THERE YOU WOULD NOT SUPPRESS SINGLE INQUIRY [space] WHY THE SUBJECT IS IMPORTANT IT IS</p>	<p>N,HAD BEEN APPOINTED A COMMITTEE TO INVESTIGATE THIS MASSACRE,WITH POWER</p> <p>TO SEND FOR PERSONS AND PAPERS,WOULD YOU HAVE CONTENTED YOURSELVES WITH THE TAKING OF SUCH TESTIMONY AS THE PEOPLE HAVE HERE SUBMITTED TO YOU ? I KNOW YOU WOULD NOT.</p>	<p>HAD BEEN APPOINTED A COMMITTE TO INVESTIGATE THIS MASSACRE, ◀WITH POWER POUR TO SEND FOR PERSONS AND PAPERS, 22 WOULD YOU HAVE CONTENTED YOURSELVES WITH TAKING SUCH TESTIMONY AS THE PEOPLE HAVE HERE SUBMITTED TO YOU? I KNOW YOU WOULD NOT.</p>
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RS

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<p>LIKELY TO LEAD TO VERY IMPORTANT RESULTS AND WHEN YOU HAD SWORN THE NUMBER THAT HAS BEEN SWORN ON THIS TRIAL YOU WOULD DEEM YOUR INQUIRIES JUST BEGUN I REMARKED UPON CHARACTER OF THE TWO WITNESSES THAT WERE PRODUCED BEFORE YOU GAVE THESE FULL PRIVILEGE OF TESTIFYING [space] ^{[[41]]} THEY WERE BOTH ACCOMPLICES. CONFESSED MURDERERS.</p>	<p>LIKELY TO LEAD TO VERY GREAT RESULTS AND WHEN YOU HAD SWORN THE NUMBER THAT HAVE BEEN SWORN ON THIS STAND YOU WOULD DEEM YOUR INQUIRIES JUST BEGUN I REMARKED TO THE CHARACTER OF THE TWO WITNESSES</p> <p>GAVE THESE FULL PRIVILEGE OF TESTIFYING THEY WERE BOTH ACCOMPLICES CONFESSED MURDERERS</p>	<p>YOU WOULD HAVE REGARDED YOUR LABORS AS JUST FAIRLY COMMENCED</p> <p>WHEN YOU HAD REACHED THE POINT WHERE THE PEOPLE STOPPED. YOU WOULD HAVE TAKEN ALL THAT POLLOCK, YOUNG AND PEIRCE COULD TELL YOU OF WHAT</p>	<p>YOU WOULD HAVE REGARDED YOUR LABORS AS JUST FAIRLY COMMENCED,</p> <p>WHEN YOU HAD REACHED THE POINT WHERE THE PEOPLE STOPPED. YOU WOULD HAVE KHSVE TSAKEN ALL THAT THE POLLOCK, YOUNG AND PEARCE COULD TELL YOU OF WHAT</p>
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RS

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RT

BT

<p>SMITH HAS BEEN FUGITIVE EVER SINCE. HE IS A MAN BY HIS OWN STATEMENT THAT UNDER THE</p>	<p>SMITH HAS BEEN A FUGITIVE EVERY SINCE HE IS A MAN BY HIS OWN STATEMENT THAT UNDER THE</p>	<p>TRANSPIRED AT THE MEADOWS. YOU WOULD HAVE SUMMONED BEFORE YOU IRA ALLEN, SAM MC CURDY, CARL SHIRTS, HARRISON PEIRCE,EZRA CURTIS, SWEN JACOBS, JAMES MANGRAM,</p> <p>RICHARD HARRISON AND SAM. KNIGHT. YOU WOULD HAVE VAILED YOURSELVES OF ALL THE INFORMATION THAT THEY COULD SEVERALLY IMPART, BUT THE INQUIRY OF A COMMITTEE IS ALWAYS SUPERFICIAL, COMPARE D WITH THAT WHICH IS MADE BY COURTS.</p>	<p>TRANSPIRED AT THE MEADOWS. YOU WOULD HAVE SUMMONED BEFORE YOU IRA ALLEN, SAM MC MURDY, CARL SHIRTS, HARRISON PEARCE, EZRA CURTIS, SWEN JACOBS, JAMES MANGRAHM MANGRAM, RICHARD HARRISON, AND SAM KNIGHT. YOU WOULD HAVE A€VAILED YOURSELF OF ALL THE INFORMATION, THEY THAY COULD SEVERALLY IMPART . BUT THE INQUIRY OF A COMMITTEESE IS ALWAYS SUPERFICIAL COMPARED WITH THAT WHICH IS MADE BY COURTS..</p>
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RS

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<p><i>VEIL/THEORY</i>[?] OF OUR CRIMINAL LAWS THE WORLD HAS NO USE FOR HIM. HE HAS ADMITTED TO BE SO DANGEROUS A MAN <i>AS TO BE</i>[?] NOT FIT TO LIVE [space] BUT WHOM HEREAFTER <i>NEVERTHELESS</i>[?] THAT CRIME AND WILL BE INDICTED BUT FOR THE ADVANTAGE OF <i>LIVING/LEAVING</i>[?] <i>BUT/TO</i>[?] THE PROSECUTION THEY HAVE HANDED ≤GIVEN≥ HIM ABSOLUTION AND BY PUTTING HIM UPON THAT STAND THEY HAVE GIVEN HIM IN THE NAME OF THE UNITED STATES AND TERRITORY AN INDEMNITY AGAINST ANY PROSECUTION FOR THAT MURDER WHICH HE CONFESSED</p>	<p><i>VEIL/THEORY</i>[?] OF OUR CRIMINAL LAWS THE WORLD HAS NO USE FOR HE HAS ADMITTED TO BE SO DANGEROUS A MAN IS NOT FIT TO LIVE [space] BUT WHOM HEREAFTER <i>WILL HE BE</i>[?] INDICTED BUT FOR THE PRIVILEGE OF THE PROSECUTION THEY HAVING GIVEN HIM ABSOLUTION BY PUTTING HIM UPON THAT STAND THEY HAVE THEY HAVE GIVEN HIM IN THE NAME OF THE UNITED STATES AND THE TERRITORY AN INDEMNITY FOR ANY PROSECUTION FOR THE MURDER WHICH HE CONFESSED</p>		
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<p>AND FOR ANY PARTICIPATION IN THIS TRANSACTION AT THE MEADOWS THEN HE IS UNDER NO RESTRAINT HE IS NOT TO EARN HIS PARDON HE HAS NO FEAR OF ANY PROSECUTION FOR ANY CRIME WHICH HE CONFESSES. ≤NOW WHAT IS≥ IMPLIED IN THAT [space] THIS IS TOO IMPORTANT A SUBJECT TO MAKE IT NECESSARY I SHOULD APOLOGIZE FOR RECURRING TO IT AGAIN THIS MN/MAN[?]. WHAT IS IMPLIED IN THE CONFESSION OF A MURDER PUNISHABLE WITH DEATH EVERYWHERE REGARDED AS THE MOST SERIOUS CRIME IMPLYING GUILTINESS OF ALL OTHER CRIMES</p>	<p><i>ALTHOUGH HAS[?] [space]</i> ^{[[35]]}</p> <p>THEN HE IS UNDER NO RESTRAINT HE HAS NOT TO EARN HIS PARDON HE HAS NOT ANY FEAR OF ANY PROSECUTION OF ANY CRIME WHICH HE CONFESSES NOW WHAT IS IMPLIED IN THIS CONFESSION NOW THAT IS TOO IMPORTANT A SUBJECT TO MAKE IT NECESSARY FOR ME TO APOLOGIZE FOR RECURRING TO IT AGAIN</p> <p>WHAT IS IMPLIED WHEN HE CONFESSES TO A MURDER PUNISHABLE WITH DEATH EVERYWHERE REGARDED AS THE MOST SERIOUS CRIME IMPLYING GUILTINESS OF ALL OTHER CRIMES</p>		
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<p>BECAUSE IT IS A CRIME MUCH LIKE —/<i>HARDENED</i>[?] ROAD SWALLOWS UP ALL OTHER CRIMES A MAN GUILTY OF MURDER IS CAPABLE OF ANY CRIME THERE IS NO OTHER CRIME YOU DO WHICH IN THE LINE OF PROGRESSION HE CAN REACH WHICH IS <i>GRATUITOUS</i>[?] IN INIQUITY AND THUS \leqIT IS\gt THEREFORE THE LAW PUTS ON THE RETIRED LIST BY TAKING OFF HIS HEAD. THE PROSECUTION HAS FORGIVEN HIM THAT CRIME IN ORDER TO MAKE HIM WITNESS WHEN THEY HAD TEN OTHER EYE WITNESSES TO PROVE SAME FACTS BY. NOW GENTLEMEN YOU THINK</p>	<p>BECAUSE IT IS CRIME WHICH LIKE <i>RNS</i>[?] ROAD SWALLOWS UP ALL OTHER CRIMES A MAN GUILTY OF MURDER IS CAPABLE OF ANY CRIME THERE IS NO OTHER CRIME BEYOND IT WHICH IN A LINE OF PROGRESSION HE CAN REACH WHICH IS <i>GRATUITOUS</i>[?] IN INIQUITY AND IT IS THEREFORE THAT THE LAW PUTS HIM ON THE RETIRED LIST BY TAKING OFF HIS HEAD THE PROSECUTION HAS FORGIVEN HIM THAT CRIME IN ORDER TO MAKE HIM A WITNESS WHEN THEY HAD TEN OTHER EYE WITNESS TO PROVE THE SAME FACTS BY NOW GENTLEMEN YOU THINK</p>		
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<p>PROSECUTION HAVE MANIFESTED THAT EAGERNESS FOR TRUTH TRUTH AS IT EXISTS WHOLE TRUTHS NOT <i>HALF</i> <i>TRUTHS</i>[?] NOT PERVERTED TRUTHS CONSISTING HALF LIE AND HALF FACT HAVE THEY SHOWN IN THIS CONDUCT TOWARDS SMITH IN THIS OMISSION TO BRING THOSE OTHER WITNESSES THAT EAGERNESS FOR TRUTH AS IT EXISTS IN ITS PURITY THAT SHOULD ALWAYS CHARACTERIZE A PROSECUTION. IT IS DUTY OF THE GOVERNMENT INSTEAD OF FORGIVING THAT SMITH TO HANG HIM AND IF IS NOT GUILTY IT IS JUST AS MUCH</p>	<p>THAT THE PROSECUTION HAVE MANIFESTED THAT EAGERNESS FOR TRUTH TRUTH AS IT EXISTS WHOLE TRUTH IS NOT PERVERTED TRUTHS ALLEGATION LIE AND HALF FACTS HAVE THEY SHOWN IT IN THIS CONDUCT TOWARDS SMITH IN THIS OMISSION TO BRING THOSE OTHER WITNESSES THAT EAGERNESS FOR TRUTH AS IT EXISTS IN ITS PURITY THAT SHOULD ALWAYS CHARACTERIZE A PROSECUTION IT IS THE DUTY OF THE GOVERNMENT INSTEAD OF FORGIVING THAT SMITH TO HANG HIM AND IF LEE IS NOT GUILTY IT IS JUST AS MUCH</p>		
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<p>THEIR DUTY TO</p> <p>SEE</p> <p>HE IS NOT CONVICTED AND IF IS THEY SHOULD SEE SMITH HANG. [space] IT IS NO PART OF THE MISSION AND JUDGE AND LEGISLATIVE COUNCILS ON THE <i>PART</i>[?] OF THE UNITED STATES OR OF THE TERRITORY <i>GETTING/GOING</i>[?] <i>PROSECUTE</i>[?] OR PUNISH THE INNOCENT [space] THESE COURTS ARE ORGANIZED FOR THE PURPOSE OF RETURNING THE TRUTH AND PUNISH WHEN THE TRUTH IS MADE MANIFEST [space] ^{[[42]]} THEY HAVE FORMS OF PROCEDURE DESIGNED FOR</p> <p>FAIR INVESTIGATION</p> <p>FOR GETTING TO THE BOTTOM</p>	<p>THEIR DUTY TO SEE THAT HE IS [space] SEE THAT LEE IS NOT CONVICTED AS IS TO SEE THAT HE IS HUNG [space] IT IS NO PART OF THE LEGITIMATE PRIVILEGE</p> <p>TO PROSECUTE TO PUNISH THE INNOCENCE THESE COURTS ARE ORGANIZED FOR THE PURPOSE OF [space] TRUTH AND PUNISHING WHEN THE TRUTH IS MADE MANIFEST THEY HAVE FORMS OF PROCEDURE DESIGNED FOR</p> <p>FAIR INVESTIGATION</p> <p>FOR GETTING TO THE BOTTOM</p>	<p>IT IS FOR THE PURPOSE OF THOROUGH INVESTIGATION, TO MAKE IT POSSIBLE, TO GO TO THE BOTTOM</p>	<p>FOR THE PURPOSE OF THOROUGH INVESTIGATION, TO MAKE IT POSSIBLE TO GO TO THE BOTTOM</p>
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<p>OF THINGS AND NOT FOR SKIMMING OVER THEM SUPERFICIALLY GUESSING AT <i>RESULTS</i>[?] OF THE RULES AND <i>GENTLEMEN</i>[?] THE COMPULSORY PROCESS FOR WITNESSES AND SOLEMN OATHS THAT YOU GENTLEMEN TOOK AND EVERY WITNESS TAKES THE HIGH CHARACTER OF THE JUDGE THAT THAT SITS UPON AND JUDGE THE LEARNING THAT HAS QUALIFIED AT THE BAR ARE ALL <i>INCLUDED/INTENDED</i>[?] COUNSELORS AND THE CONSTITUTION OF THE UNITED STATES TO REACH THE TRUTH GENTLEMEN</p>	<p>OF THINGS AND NOT FOR SKIMMING OVER THEM SUPERFICIALLY GUESSING AT THE RESULT OF THE RULES AND EVIDENCE</p> <p>COMPULSORY PROCESS FOR WITNESSES SOLEMN OATHS [<i>space</i>]</p> <p>HIGH CHARACTER OF JUDGE ON THE BENCH</p> <p>LEARNING QUALIFIED AT THE BAR ^{[[36]]} ARE ALL <i>CALCULATE/INTENDED</i>[?] AS COUNSELORS</p> <p>FOR REACHING TRUTH [<i>space</i>]</p>	<p>OF A CASE,</p> <p>THAT MEN OF THE HIGHEST CHARACTER ARE PLACED ON THE BENCH; THAT LEARNING IS CULTIVATED AT THE BAR;</p> <p>THAT RULES, COMPREHENSIVE AND EFFECTUAL, ARE PROVIDED BY LAW, FOR</p>	<p>OF A CASE ,</p> <p>THAT MEN OF THE HIGHEST CHARACTER ARE PLACED ON THE BENCH; THAT LEARNING IS CULTIVATED AT THE BAR;</p> <p>THAT RULES COMPREHENSIVE AND EFFECTUAL, ARE PROVIDED BY LAW FOR</p>
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RS

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RT

BT

		<p>EXAMINING AND COMPELLING A FULL DISCLOSURE BY WITNESSES; THAT THE JURY ARE SELECTED WITH SUCH</p> <p>INQUISITORIAL CAUTION, AND SWORN TO DO THEIR DUTY WITH SUCH SOLEMNITY; THAT WITNESSES ARE COMPELLED TO ATTEND, AND SWORN TO TELL THE TRUTH AND THE WHOLE TRUTH. AN INVESTIGATION, HOWEVER, CONDUCTED AS THIS TRIAL HAS BEEN, DOES NOT PROCEED ON THIS POLICY, NOR CAN IT BE EXPECTED TO REACH THE RESULT WHICH IS ^{[[19]]} ALWAYS AIMED AT BY COURTS AND SO GENERALLY ATTAINED. I COULD REASONABLY PAUSE HERE, AND ASK</p>	<p>EXAMING; AND COMPELLING A FULL DISCLOSURE BY WITNESSES; THAT THE JURY ARE SELECTED WITH SUCH CARE AND INQUISITORIAL CAUTION, AND SWORN TO DO THEIR DUTY WITH SUCH SOLEMNITY; THAT WITNESSES ARE COMPELLED TO ATTEND AND BE SWORN TO TELL THE TRUTH AND THE WHOLE TRUTH. AND AN INVESTIGATION, HOWEVER, CONDUCTED; AS THIS TRIAL HAS BEEN DOES NOT PROCEED ON THIS POLICY, NOR CAN IT BE EXPECTED TO REACH A RESULT WHICH IS ALWAYS AIMED AT BY COURTS AND SO GENERALLY ATTAINED. ^{[[7]]} I COULD REASONABLE PAUSE HERE; AND ASK</p>
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RS

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RT

BT

<p>BUT IF THE TRUTH IS TO BE SUPPRESSED IF WITNESSES THAT KNOW ALL ABOUT TRANSACTION ARE SUFFERED TO KEEP THEIR</p>	<p>AND IF TRUTH IS TO BE SUPPRESSED IF WITNESSES THAT KNOW ALL ABOUT THE TRANSACTION</p>	<p>YOU,GENTLEME N OF THE JURY, TO SAY BY YOUR VERDICT THAT IN THE ABSENCE OF SO. MUCH TESTIMONY WHICH IT IS APPARENT THE PEOPLE COULD PRODUCE, AND WHICH HAS BEEN WITHHELD, YOUR JUDGMENTS ARE SUSPENDED, AND IF OBLIGED TO DECIDE YOU ACQUIT THE PRISONER; BECAUSE YOU INFER EVERYTHING AGAINST THE PROSECUTION IN RESPECT TO THE TESTIMONY HELD BACK; THAT YOU TREAT SUCH ABSENCE OF FURTHER AVAILABLE PROOF AS A SUPPP SUPPRESSION OF EVIDENCE,WHIC H, IF PRODUCED,WOU LD BE CONTRADICTION Y OF SMITH AND</p>	<p>YOU, GENTLEMEN, TO SAY BY YOUR VERDICT, THAT IN THE ABSENCE OF SO MUCH TESTIMONY, WHICH IT IS APPARENT THE PEOPLE COULD PRODUCE {(AND WHICH HAS BEEN WITHHELD)} YOUR HJUDGMENTS ARE SUSPENDED, AND FIF OBLIGED TO DECIDE, YOU ACQUIT THE PRISONER; BECAUSE YOU INFER EVERYTHING AGAINST THE PROSECUTION IN RESPECT TO THE TESTIMONY HÆLD BACK; THAT YOU TREAT SUCH ABSENCE OF FURTHER AVAILABLE PROOF AS A SUPPRESSION OF EVIDENCE, WHICH , IF PRODUCED, WOULD BE CONTRADICTION Y OF SMITH AND</p>
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<p>KNOWLEDGE TO THEMSELVES</p> <p>IF MEN WHO OUGHT DIE ARE DRAGGED FORTH FORGIVENESS THRUST UPON THEM FOR SOME CONSIDERATION YET DECLARES <i>IT IS NO GOOD</i>[?] A CASE SUBMITTED SOLELY UPON SUCH TESTIMONY HAVE WE ANY EXAMPLE OF THAT THROUGH TRIAL OF THAT GOING TO THE DEPTHS OF THE CASE THAT THE WHOLE EVIDENCE AS THE CONSCIENCES OF CANDID JURORS WOULD DEMAND NO GENTLEMEN INSTEAD OF THE</p>	<p>IF MAN WHO OUGHT TO DIE [space] <i>AND</i>[?] FORGIVENESS THRUST UPON THEM</p> <p>AND CASE IS SUBMITTED SIMPLY ON THAT TESTIMONY THINK <i>≤YOU≥</i> THAT EXAMPLE OF THAT THOROUGH TRIAL THAT GOING TO THE DEPTHS OF THE CASE THAT THE WHOLE EVIDENCE <i>AS</i>[?] THE CONSCIENCES OF CANDID JURORS WOULD DEMAND NOW GENTLEMEN INSTEAD OF A</p>	<p>WHITE, AS WELL AS CONFIRMATORY OF EVERY UNFAVORABLE CONJECTURE IN REGARD TO THEM, BASED ON THEIR WANT OF MORAL CHARACTER.</p>	<p>WHITÆ, AS WELL AS CONFIRMATORY OF EVERY UNFAVORABLE CONJECTURE IN REGARD TO THEM, BASED ON THEIR WANT OF MORAL CHARACTER.</p>
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<p>TRIAL AT COURT BEING INTENDED TO BE <i>MORE</i>[?] SUPERFICIAL INQUIRY THAN WOULD BE INVESTIGATION OF A COMMITTEE AND WHEN THE TRIAL IN COURT IS NOT INTENDED TO BE AS MUCH MORE THOROUGH SUCH <i>LIBERAL</i>[?] MEANS ARE MORE CONDUCTIVE TESTIFY THE <i>MORE</i>[?] LIBERAL MEANS WHICH THE LAW PROVIDES ARE MORE CONDUCTIVE TO THAT THOROUGHNESS. [space] NOW BEAR IN MIND GENTLEMEN SOME OF THE MAXIMS WHICH THE LAW IN ITS TENDERNESS TO PARTIES ACCUSED OF CRIME HAS PROMULGATED AND UNIFORMLY APPLIES TO THE</p>	<p>TRIAL AT COURT BEING INTENDED TO BE MORE SUPERFICIAL INQUIRY THAN WOULD BE THE INVESTIGATION OF A COMMITTEE AND WHEN A TRIAL IN COURT IS INTENDED AS MUCH MORE THOROUGH AS THIS IS AND LIBERAL MEANS ARE MORE CONDUCTIVE THE MORE LIBERAL MEANS WHICH THE LAW PROVIDES ARE MORE CONDUCTIVE TO THAT THOROUGHNESS NOW BEAR IN MIND GENTLEMEN SOME OF THE MAXIMS WHICH THE LAW IN ITS TENDERNESS TO PARTIES ACCUSED OF CRIME HAS PROMULGATED AND UNIFORMLY APPLIES TO THE</p>		
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RS

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RT

BT

<p>EVIDENCE IN MEASURING ITS WEIGHT TO THE AMOUNT NECESSARY TO A CONVICTION [space] LAW PRESUMES THE PRISONER TO BE INNOCENT UNTIL SUCH A QUANTITY OF EVIDENCE HAS BEEN SUBMITTED TO JURY AS REMOVES ALL RATIONAL DOUBT. ALL REASONABLE DOUBT. SO THAT THE JURY FEEL A MORAL CERTAINTY WHAT IS MORAL CERTAINTY THESE WORDS ARE NOT CAPABLE OF A VERY EXACT SIGNIFICATION. BUT IT MEANS YOU ARE CERTAIN THAT IS VERY OBVIOUS MEANING. THERE MUST BE SUCH A QUANTITY OF EVIDENCE YOU FEEL SURE. YOU WANT TO</p>	<p>EVIDENCE IN MEASURING ITS WEIGHT TO THE AMOUNT NECESSARY TO A CONVICTION THE LAW PRESUMES A PRISONER BE INNOCENT UNTIL SUCH A QUANTITY OF EVIDENCE HAS BEEN SUBMITTED TO THE JURY AS REMOVES ALL RATIONAL DOUBT ALL REASONABLE DOUBT SO THAT THE JURY FEEL A MORAL CERTAINTY NOW WHAT IS A MORAL CERTAINTY THESE WORDS[?] ARE NOT CAPABLE OF VERY EXACT SIGNIFICATION BUT IT MEANS THAT YOU ARE CERTAIN AND THAT IS A VERY OBVIOUS MEANING THERE MUST SUCH A QUANTITY OF EVIDENCE THAT YOU FEEL SURE AND WANT TO</p>		
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<p>BE SURE ENOUGH SO THAT IF YOU BELIEVE <i>THINK[?]</i> HANGING IS DESERVED PUNISHMENT FOR MURDER YOU WANT TO BE <i>SO[?]</i> PRISONER SURE THE PERSON IS GUILTY YOU WOULD FEEL JUSTIFIED BEFORE GOD</p> <p>TO LAY —[?] YOUR OWN HANDS UPON THAT MAN IF SUCH WAS THE MANDATE OF THE LAW AND TAKE HIS LIFE AS PROPER EXPIATION OF THE CRIME.</p> <p>AS I SAID <BEFORE></p>	<p>FEEL SURE ENOUGH SO THAT IF YOU BELIEVE THAT A HANGING IS THE DESERVED PUNISHMENT FOR MURDER YOU WANT TO BE SO SURE THAT THE PRISONER IS GUILTY THAT YOU WOULD BE JUSTIFIED BEFORE GOD AND YOU COULD GO AND LAY YOUR OWN HANDS UPON THAT MAN IF SUCH WAS</p> <p>THE LAW & <i>[space]</i> AND TAKE HIS LIFE AS PROPER EXPIATION OF THE CRIME</p> <p>AS I SAID BEFORE</p>	<p>GENTLEMEN OF THE JURY, CONSIDER WHAT MUST HAVE OCCURRED AT THE MEADOWS, IF LEE IS GUILTY; I DRAW YOUR ATTENTION TO THE SUBJECT OF THIS INQUIRY, TO SHOW YOU</p>	<p>GENTLEMEN OF THE JURY: CONSIDER WHAT MUST HAVE OCCURRED AT THE MEADOWS IF LEE IS GUILTY. I DRAW YOUR ATTENTION TO THE SUBJECT OF THIS INQUIRY TO SHOW YOU</p>
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RS

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RT

BT

<p>THESE TWO WITNESSES ARE ACCOMPLICES ^{[[43]]} THEY ARE CONTRADICTOR Y THEY CONTRADICT EACH OTHER.</p>	<p>THESE TWO WITNESSES ARE ACCOMPLICES THEY ARE CONTRADICTOR Y THEY CONTRADICT EACH OTHER</p>	<p>THE TRANSCENDENT IMPORTANCE OF THE FACTS ON WHICH SMITH AND WHITE CONTRADICT EACH OTHER, AND ARE CONTRADICTED BY OTHER WITNESSES. I DRAW YOUR ATTENTION TO IT, ALSO, TO EXPOSE AND DENOUNCE THE PALPABLE FRAUD OF THE PROSECUTION IN CLOSING THE MOUTHS OF POLLOCK, YOUNG AND PEIRCE, IN RESPECT TO WHAT WAS SAID ON THE FIELD, TO THE VERBAL ACTS THAT ARE PART OF THE TRANSACTION IN QUESTION. YOU HAVE BEEN INSTRUCTED THAT IT WAS NOT UNLAWFUL FOR THE</p>	<p>THE TRANSCENDANT IMPORTANCE OF THE FACTS ON WHICH SMITH AND WHITE CONTRADICT WEACH OTHER, AND ARE CONTRADICTED BY OTHER WITNESSES. I DRAW YOUR ATTENTION TO IT, ALSO, TO EXPOSE AND DENOUNCE THE PROBABLE FRAUD FRAUDE INCLOSING THE IN CLOSING THE MOUTHS OF POLLOCK, YOUNG AN D PEAIERCE; IN RESPECT TO WHAT WAS SIAD ON THE FIELD; TO THE VERBAL ACTS; THAT ARE PART OF THE TRANSACTION IN QUESTION. YOU HAVE BEEN INSTRUCTED THAT IT WAS NOT UNLAWFUL FOR THE</p>
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RS

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BT

		<p>DEFENDANTS TO GO TO THE MEADOWS WHILE THE EMIGRANTS WERE ENCAMPED THERE; THAT IF THEY WENT TO PERSUADE THE INDIANS TO DESIST AND TO BURY THE DEAD, AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT, BUT LAUDABLE AND HUMANE. YOU HAVE BEEN INSTRUCTED THAT IF THE MORMON PARTY WENT AT THE REQUEST OF MEN OF INFLUENCE, OSTENSIBLY FOR A GOOD PURPOSE AND THEY TOOK ^{[[20]]} NO PART IN THE SLAUGHTER, AND DID NOT ABET IT, THE ACT OF GOING, AND THE FACT OF BEING THERE, IS NO EVIDENCE OF ANY OTHER INTENTION</p>	<p>DEFENDANTS TO DGO TO THE MEADOWS WHILE THE EMIGRANTS WERE ENCAMPED THERE; THAT IF THEY WENT TO PERSUADE THE INDIANS TO DESIST, AND TO BURY THE DEAD, AND FOR NO OTHER OBJECT, SUCH GOING WAS NOT ONLY INNOCENT BUT LAUDABLE AND HUMANE. YOU HAVE BEEN INSTRUCTED THAT IF THE MORMON PARTY WENT AT THE REQUEST OF MEN OF INFLUENCE, OSTENSIBLY FOR A GOOD PURPOSE, AND THEY TOOK NO PART IN THE SLAUGHT SLAUGHTER, AND DID NOT ABETT IT, THE ACT OF GOING, AND THE FACT OF BEING THERE, IS NO EVIDENCE OF ANY OTHER INTENTION</p>
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RS

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RT

BT

		<p>THAN TO ACCOMPLISH THE OSTENSIBLE OBJECT, UNLESS THEY HAD NOTICE THAT SOME OTHER PURPOSE WAS CONTEMPLATED ; THAT, IN THE ABSENCE OF PROOF, THE LAW PRESUMEZS NO GUILTY KNOWLEDGE OR INTENTION</p> <p>THE INDIANS HAD FIRED ON THE EMIGRANTS DURING THWE TWO OR THREE DAYS THE MORMONS WERE RESTING IN THEIR CAMPS. ON THE DAY OF THE MASSACRE THE INDIANS WERE NOT SEEN UNTIL THEY CAME SUDDENLY TO VIEW FROM CONCEALMENT TO COMMIT THIS SLAUGHTER. THEY HAD CONCEALED THEMSELVES NEAR THE ROAD, BETWEEN WHERE THE</p>	<p>THAN TO ACCOMPLISH THE OSTENSIBLE OBJECT, UNLESS THEY HAD NOTICE THAT SOME OTHER PURPOSE WAS CONTEMPLATED ; THAT IN THE ABSENCE OF PROOF, THE LAW PRESUMES NO GUILTY KNOWLEDGE OR INTENTION..</p> <p>[space] IMPERICAL ^[18]</p> <p>THE INDIANS HAD FIRED ON THE EMIGRANTS DURING THE TWO OR THREE DAYS THAT THE MOR&MONS WERE RESTING IN THEIR CAMP. ON THE DAY OF THE MASSACRE THE INDIANS WERE NOT SEEN UNTIL THEY CAME SUDDENLY TO VIEW FROOM CONCEALMENT TO COMMIT THIS SLAUGHTER. THEY HAD CONSEALED THEMSELVES NEAR THE ROAD BETWEEN WHERE THE</p>
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		<p>EMIGRANTS HAD BEEN CORRALLED AND CEDAR CITY. THESE FACTS INDICATE, UNMISTAKEABLE, THAT SOME COMMUNICATION HAD BEEN HAD WITH THEM, AND SOME ARRANGEMENT MADE. ARE WE NOT ENTITLED TO PROVE, AND ARE YOU NOT EAR EAGER TO KNOW WHAT IT WAS ? THEY ACTED AS THOUGH THEY KNEW THE EMIGRANTS WOULD LEAVE THEIR ENTRENCHMENTS, AS THOUGH THEY KNEW THE EMIGRANTS WOULD GO TOWARDS CEDAR CITY, AND NOT ON THEIR JOURNEY WESTWARD. ARE YOU NOT DESIROUS TO KNOW HOW THAT INFORMATION</p>	<p>EMIGRANTS HAD BEEN CORRALLED AND IN CEDAR CITY. THESE FACTS INDICATE UNMISTAKABLY UNMISTACKABLE, THAT SOME COMMUNICATION HAD BEEN HAD WITH THEM, AND SOME ARRANGEMENT MADE. ARE WE NOT ENTITLED TO PROVE, AND ARE WE NOT EAGER TO KNOW WHAT THAT WAS? THEY ACTED AS THOUGH THEY KNEW THE EMIGRANTS WOULD LEAVE THERE IN ENTRENCHMENTS; AS THOUGH THEY KNEW THE EMIGRANTS WOULD GO TOWARDS CEDAR CITY AND NOT ON THEIR JOURNEY WESTWARD. ARE YOU NOT DESIROUS TO KNOW HOW THAT INFORMATION</p>
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		<p>WAS COMMUNICATED ? THE TESTIMONY, MORE-OVER, SHOWS THAT A CAPITULATION WAS AGREED TO BETWEEN THE EMIGRANTS AND MORMONS, AFTER THE DISAPPEARANCE OR WITHDRAWAL OF THE INDIANS. THIS WAS EVIDENTLY A MEASURE OF SAFETY ON THE PART OF THE FORMER, AGAINST THE INDIANS. BY THE TERMS OF THAT CAPITULATION, THE EMIGRANTS ABANDONED THEIR PROPERTY, AND CONFIDED THEMSELVES UNARMED AND DEFENSELESS TO THE MORMONS. NOW, IS IT POSSIBLE THAT DURING THE TWO OR THREE DAYS, WHEN THE SUBORDINATES AMONG THE</p>	<p>WAS COMMUNICATED -? THE TESTIMONY, MOREOVER, SHOWS THAT A CAPITULATION WAS AGREED TO, BETWEEN THE EMIGRANTS AND THE MORMONS, AFTER SAFTER THE DISAPPEARANCE OR WITHDRAWAL OF THE INDIANS. THIS WAS EVIDENTLY A MEASURE OF SAFETY ON THE PART OF THE FORMER AGAINST THE INDIANS. BY THE TERMS OF THAT CAPITULATION, THE EMIGRANTS ABANDONED THEIR PROPERTY AND CONFIDEND THEMSELVES UNARMED AND DEFENSELELL TO THE MORMONS. NOW, IS IT NOT POSSIBLE THAT DURING THE TWO OR THREE DAYS WHEN THE SUBBORDINATES AMONG THE</p>
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RS

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		<p>MORMONS WERE RESTING IN CAMP AT THE MEADOWS, AND THE INDIANS WERE MAKING WAR OF THE EMIGRANTS, LEE AND OTHER PROM- ^{[[21]]} INENT PERSONS OF THE MORMON PARTY WERE ENDEAVORING TO PERSUADE THE INDIANS TO DESIST, THAT THEY AT LENGTH SUCCEDED AND OBTAINED THE AGREEMENT FROM THE INDIANS THAT THEY WOULD REFRAIN FROM ALL FURTHER ATTACK ON THE PERSONS OF THE EMIGRANTS, FOR A STIPULATED BONUS FROM THEIR STOCK AND TRAIN? THE PROSECUTION HAVE LAVISHED THEIR ANATHEMAS UPON THE MORMONS FOR DRAWING THE</p>	<p>MORMONS WERE RESTING IN CAMP AT THE MEADOWS , AND THE INDIANS WERE MAKING WAR ON THE EMIGRANTS, LEE AND OTHER PEOMINENT PERSONS OF THE MORMON PARTY WERE ENDEACVORING TO PERSUADE THE INDIANS TO DESIST; THAT THEY AT LENGTH SUCCEDED AND OBTAINED THE AGREEMENT FROM THE INDIANS THAT THEY WOULD REFRAIN FROM ALL FURTHER ATTACK ON THE PERSONS OF THE EMIGRANTS FOR A STIPULATED BONUS FROM THEIR STOCK AND PROPERTY? THE PROSECUTION HACVE LAVISHED THEIR ANATHEMAS ON THE MORMONS FOR DRAWING THE</p>
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		<p>EMIGRANTS OUT OF THEIR ENTRENCHMENTS BY MEANS OF A FLAG OF TRUCE, AND A CAPITULATION. THE PROSECUTION HAVE ASKED THE JURY TO FIND THAT THE MORMONS AND INDIANS, BY CONCERT, TOOK PART IN THE SLAUGHTER; THAT THE CAPITULATION AND SUBSEQUENT SLAUGHTER WERE PRE-ARRANGED. THE PEOPLE ASSUMED THE FACT OF SUCH AGREEMENT, AND ASKED THE JURY TO FIND IT SOLELY ON THE TESTIMONY OF SMITH AND WHITE, OF ACTS THEY TESTIFY WERE DONE AND THE LANGUAGE THEY PRETEND TO HAVE HEARD, TOGETHER WITH THE FACT OF THE SLAUGHTER.</p>	<p>EMIGRANTS OUT OF THEIR ENTRENCHMENT BY MEANS OF A FLAG OF TRUCE AND A CAPITULATION. THE PROSECUTION HAVE ASKED THE ^[19] JURY TO FINED THAT THE MORMONS AND INDIANS TOOK PART IN THE SLAUGHTER; THAT THE CAPITULATION AND SESUBSEQUENT SLAUGHTER WERE PREARRANGED. THE PEOPLE ASSUME THE FACT OF SUCH AGREEMENT; AND ASK THE JURY TO FIND IT SOLELY ON THE TESTIMONY OF SMITH AND WHITE, OF ACTS THEY TESTIFIED WERE DONE AND FOF LANGUAGE THEY PRETEND TO HAVE HEARD, TOGETHER WITH THE FACT OF THE SLAUGHTER .</p>
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RS

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		THE PEOPLE, HOWEVE R, HAVE OBJECTED TO THE PROOF OF WHAT WAS SAID AND DONE IN THE NEGOTIATION WITH THE INDIANS, CONDUCTED BY L ALEE. WHY ? THEY COULD HAVE NO OBJECTION TO WHAT WAS SAID BETWEEN THEM, UNLESS THAT NEGOTIATION WOULD BE FAVORABLE TO LEE. THE PEOPLE DID OBJECT. IN BEHALF OF LEE WE HAVE LABORED TO BRING BEFORE YOU ALL THAT WAS SAID BETWEEN LEE AND THE INDIANS, AND ALL THAT WAS SAID BETWEEN THE MORMONS ON THE FIELD. ;IT CANNOT BE DOUBTED THAT IF A CONSPIRACY WAS THERE FORMED, OR WAS THERE	THE PEOPLE HOWEVER, HAVE OBJECTED TO THE PROOF OF WHAT WAS SAID AND DONE, IN THE NEGOTIATION WITH THE INDIANS; CONDUCTED BY LEE. WHY? THEY COULD HAVE HAD NO OBJEFTION TO WHAT WAS SAID BETWEEN THEM, UNLESS THAT NEGOTIATION WOULD BE FAVORABLE TO LEE. THE PEOPLE DID OBJECT, IN BEHALF OF LEE WE HACVE LABORED TO BRING BEFORE YOU ALL THAT WAS SAID BETWEEN LEE AND THE INDIZANS, AND ALL THEAT WAS SAID BETWEEN THE MORMONS ON THE FIELD. IT CAN NOT BE DOUBTED THAT IF A CONSPIRACY WAS THERE FORME D, OR WAS WAS THERE
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		<p>BEING WORKED OUT, SUCH EVIDENCE, THAT IS, THE COLLOQUIUM, ON THE FIELD, WOULD SHOW IT, IF THE WITNESSES TOLD THE TRUTH. IT WOULD BE THE VERY TESTIMONY BY WHICH SUCH A SCHEME WOULD BE EXPECTED TO BE ^{[[22]]} REVEALED, OR IF SUCH A SCHEME WERE EQUIVOCALLY SUGGESTED BY ANY OTHER FACTS, THE TESTIMONY OF WHAT WAS ACTUALLY SAID AND DONE DURING THE PERIOD WHEN IT IS ALLEGED TO HAVE BEEN CONCERTED AND CARRIED INTO EXECUTION WOULD BE THE DIRECT AND MOST SATISFACTORY</p>	<p>BEING WORKED OUT: SUCH EVIDENCE: THAT IS; THE COLLOQUY COLOQUIUM ON THE FIELD WOULD SHOW IT, IF THE WITNESSES TOLD THE TRUTH. IT WOULD BE THE VERY TESTIMONY BY WHICH A SCHEME WOULD BE EXPECTED WOULD BE REVEALED; OR IF SUCH A SCHEME SCHEAM WERE EQUIVOCALLY SUGGESTED BY ANY OTHER FACTS, THE TESIMONY OF WHAT WAS ACTUALLY SAID AND DONE DURING THE PERIOD WHEN IT IS ALLEGED TO HAVE BEEN CONCERTED AND CARREID INTO EXECUTION, WOULD BE THE DIRECT AND MOST SATISFACTORY</p>
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		<p>EVIDENCE TO REBUT THE CHARGE. INDEED IT IS THE ONLY EVIDENCE TO DENY THE PRISONER THE PRIVILEGE OF PUTTING SUCH FACTS BEFORE THE JURY, IS TO REFUSE HIM THE PRIVILEGE OF MAKING A DEFENSE. UNLESS LEE WAS A PARTY TO AN AGREEMENT WITH THE PERSONS WHO ACTUALLY COMMITTED THE SLAUGHTER BY WHICH HE WAS ADVISED OF IT BEFOREHAND, AND GAVE HIS CONSENT TO IT, HE IS NOT CHARGEABLE WITH ANY GUILTY KNOWLEDGE OR PARTICIPATION. LEE'S SOLICITUDE TO PUT ALL SUCH EVIDENCE BEFORE THE JURY EVINCES HIS CONFIDENCE THAT HE WILL BE</p>	<p>EVIDENCE TO REBUT THE CHARGE. INDEED IT IS THE ONLY EVIDENCE* TO DENY THE PRISONER THE PRIVILEGE OF PUTTING SUCH FACTS BEFORE THE JURY, IS TO REFUSE HIM THE PRIVILEGE OF MAKING A DEFENSÆ. UNLESS LEE WAS A PARTY TO AN AGREEMENT WITH THE PERSONS WHO ACTUALLY COMMITTED THE SLAUGHTER BY WHICH HE WAS ADVISED OF IT BEFORE HAND, AND GAVE HIS CONSENT TO IT, HE IS NOT CHARGABLE WITH ANY GUILTY KNOWLEDGE OR PARITICIPATION. LEE'S LEE'S SOLICITUDE TO PUT ALL EVIDENCE BEFORE THE JURY, EVINCES HIS CONFIDENCE THAT HE WOULD BE</p>
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		VINDICATED BY IT, OF ALL CHARGE OF COMPASSING THE DEATH OF THESE EMIGRANTS. YOU HAVE BEEN INSTRUCTED THAT THE HYPOTHESIS OF THE PEOPLE IS TO BE PROVED, AND THAT IT MUST BE ESTABLISHED BY PROOF BEYOND A REASONABLE DOUBT. THAT IS AN HYPOTHESIS OF GUILT—THAT IS THE HYPOTHESIS TO BE PROVED. IF THE DEFENDANT MAY BE INNOCENT, NOTWITHSTANDING ALL THE FACTS PROVED ON THE PART OF THE PEOPLE, AND ACCEPTED BY THE JURY, AS ESTABLISHED, THEN THE JURY MUST ACQUIT, FOR THE PRESUMPTION OF INNOCENCE IS NOT THE OVERTURNED. THERE IS NO	VINDICATED BY IT FROM ALL CHARGE OF COMPASSING THE DEATH OF THESE EMIGRANTS. ^[20] YOU HAVE BEEN INSTRUCTED THAT THE HYPOTHESIS OF THE PEOPLE IS TO BE PROVED, AND THAT IT MUST BE ESTABLISHED BY PROOF BEYOND A REASONABLE DOUBT. THAT IS AN HYPOTHECIS OF GUILT—THAT IT IS THE HYPOTHESIS TO PROVE. IF THE DEFENDANT <u>MAY BE</u> INNOCENT NOTWITHSTANDING ALL THE FACTS PROVED ON THE PART OF THE POEOPLE, AND ACCEPED BY THE JURY AS ESTABLISHED, THEN THE JURY MUST ACQUIT FOR THE PRÆSUMPTION OF INNOCENCE IS NOT OVERTURNED. THERE IS NO
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		<p>PROOF WHATEVER THAT HE ENCOURAGED THE INDIANS TO ATTACK THE EMIGRANTS WHILE THEY WERE MARCHING BACK TOWARDS CEDAR. THERE IS NO EVIDENCE WHATEVER, EXC EPT THE CONTRADICTED AND IMPEACHED AND WORTHLESS TESTIMONY OF SMITH, THAT LEE EVER DID ANY ACT OR UTTERED ^{[[23]]} ANY WORD EVINCING EVINCING KNOWLEDGE OF A PURPOSE TO KILL THE EMIGRANTS, OR THAT HE CONSENTED THERE TO. A TRUCE AND CAPITULATION WERE THE PROPER STEPS TO BE TAKEN FOR THE RELIEF OF THE EMIGRANTS. THEY COULD NOT HOLD OUT</p>	<p>PROOF WHATEFVER THAT HE ENCOURAGED THE INDIANS TO ATTACK THE EMIGRANTS WHILE THEY WERE MARCHING BACK TOWARDS CEDAR. THERE IS NO EVIDENCE WHATEVER, EXCEPT THE CONTRADICTED, AND INPEACHED AND WORTHLESS STESTIMONY OF SMITH THAT LEE EVEÐR DID NANY ACT OR UTTERED ANY WORD; EVINCING KNOWLEDGE OF A PURPOSE TO KNILL THE EMIGRANTS, OR THAT HE CONSENTED THERETO. A TRUCE AND CAPITULATION WERE THE PROPER STEPS TO BE TAKEN FOR THE RELIEF OF THE EMIGRANTS. THEY COULD NOT HOLD OUT</p>
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		<p>IN THEIR IMPROVISED ENTRENCHMENT AGAINST A PROLONGED ATTACK. A PERSEVERING SIEGE BY THE INDIANS WOULD INEVITABLY EVENTUATE IN THEIR EXTERMINATION . A JOINT RESISTENCE OF THE INDIANS BY THE EMIGRANTS AND MORMONS WOULD HAVE BEEN EQUALLY SUICIDAL AND FUTILE. THE INDIANS OUTNUMBERED THEM FOUR TO ONE. AND SUCH A CONTEST, EVEN IF IT COULD BE SUCCESSFUL, ON THE PART OF THE WHITES, COULD NOT FAIL TO EXPOSE ALL THE PIONEER SETTLEMENTS IN THE TERRITORY TO THE SAME DANGER THAT THEN THREATENED THESE HAPLESS EMIGRANTS. THE</p>	<p>IN THEIR IMPROVISED INTERNCHMENT S AGAINST A LONG ATTACK. A PERSEVERING SIEGE BY THE INDIANS WOULD INEVITABLEY EVENTUATE IN THEIR EXTERMINATION . A JOINT RESISTANCE OF THE INDIANS BY THE EMIGRANTS AND MORMONS WOULD HAVE BEEN EQUALLY SUICIDAL AND FUTILE. THE INDIANS OUTNUMBERED THEM ØFOUR TO ONE. AND SUCH A CONTEST EVEN IF IT COULD BE SUCCESSFUL ON THE PART OFTHE WHITES, COULD NOT FAIL TO EXPIOSE ALL THE PIONRREER SETTLEMENTS OF THE TERRITORY RTO THE SAME DANGER THAT THEN THREATENDE THESE HAPLESS EMIGRANTS. THE</p>
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		<p>SAFETY OF THE SETTLEMENTS HAS BEEN PRUDENTLY SECURED BY CULTIVATING FRIENDLY RELATIONS WITH THE SAVAGES. BEING MORE NUMEROUS, AND THEIR MODE OF WARFARE BEING THAT OF ASSASSINS,</p> <p>THEY WERE ABLE, AT ANY TIME, TO OVERWHELM AND DESTROY THEM. ALL THESE FACTS WERE IN THE DIRECTION OF SAFETY TO THE EMIGRANTS; THEY WERE ONLY MADE TO BEAR A DIFFERENT COMPLEXION BY SMITHS PERJURY, IN STATING CERTAIN LANGUAGE WHICH WAS NEVER SPOKEN, TO THE EFFECT THAT HIS PLAN</p>	<p>SAFETY OF THE SETTLEMENTS HAS BEEN PRUDENTLY SECURED BY CULTIVATING FRIENDLY RELATIONS WITH THE SAVAGES. BEING MORE NUMEROUS, AND THEIR MODE OF WARFARE BEING THAT OF ASSASSINATING ASSASSINOA, THING THEY WERE ABLE AT ANY TIME TO OVERWHELM AND DESTROY THEM. ALL LEE'S ACTS WERE IN THE DIRECTION OF SAFETY TO THE EMIGRANTS; THEY WERE ONLY MADE TO BEAR A DIFFERENT COMPLETION BY SMITHS PERJURY, IN STATING CERTAIN LANGUAGE WHICH WAS NEVER SPOKEDN, TO THE FE EFFECT THAT HIS PLADN</p>
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		<p>WAS TO DESTROY THEM. THIS TESTIMONY COULD ONLY BE CONTRADICTED BY OTHER VERBAL ACTS, AND THESE HE WAS DENIED THE PRIVILEGE OF PROVING ON THE OBJECTION OF THE PROSECUTION. THE ATTACK WHICH WAS MADE ON THE EMIGRANTS WAS A VIOLATION OF THE TRUCE. IT WAS A TREACHEROUS AND DASTARDLY DISREGARD OF THAT FAITH HAND HUMAN AND HUMANITY WHICH NONE BUT SAVAGES HAVE FAILED TO OBSERVE ^[S24] SINCE THE MOST BENIGHTED AGES OF THE PAST, WHO VIOLATED THE TRUCE ? WHO TOOK PART IN THAT BUTCHERY? DISRAGARD SMITH'S AND</p>	<p>^[21] WAS TO DESTROY THEM. TH IS TESTIMONY COULD ONLY BE CONTRADICTED BY OTHER VERBAL ACTS, AND THESE HWE WAS DENIED THE PRIVILEGE OF PROVING ON THE OBJECTION OF THE PROSECTUTION. THE ATTACK WHICH WAS MADE ON THE EMIGRANTS WAS A VIOLATION OF THE TRUCE. IT WAS A DASTARDLY AND TREACHEROUS DISTREGARD OF THAT FAITH AND HUMANITY WHICH NONE BUT SAVAGES HAVE FAILED TO OBSERVE SINCE THE MOST BENIGHTED AGES OF THE PAST. WHO VIOLATED THE TRUCE? WHO TOOK PART IN THAT V BUTCHERY? DISTREGARD SMITH'S AND</p>
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		WHITE'S TESTIMONY AND THERE WOULD BE NO SUSPICION THAT THE MORMONS DID ANYTHING OF THE KIND. THAT THE INDIANS DID TAKE PART FROM THE BEGINNING OF THAT SLAUGHTER IS PROVED BEYOND ALL QUESTION. SMITH AND WHITE ALONE STATE THAT THE WHITES TOOK PART, AND THEY DO NOT EVEN MENTION THE INDIANS, UNTIL EXPRESSLY INTERROGATED, AFTER THE MAIN NARRATIVE HAD BEEN GIVEN. THEY ARE MURDERERS, ON THEIR OWN STATEMENTS, FOR THEY SAY ON OATH THAT THEY TOOK PART IN THAT BUTCHERY. THEY DO NOT SAY WHO ELSE DID EXCEPT BY	WHITES TESTIMONY AND THERE WOULD BE NO SUSPICION THAT THE MORMONS DID ANYTHING OF THE KIND. THAT THE INDIANS DID TAKE PART FROM THE BEGINNING OF THAT SLAUGHTER IS PROVED BEYOND ALL QUESTION. SMITH AND WHITE ALONE STATE THAT THE WHITES TOOK PART, AND THEY DO NOT EVEN MENTION THE INDIANS UNTIL EXPRESSLY INTERROGATED, AFTER THE MAIN NARRATIVE HAD BEEN GIVEN. THEY ARE MURDERERS ON THEIR OWN STATEMENTS, FOR THEY SAY ON OATH THAT THEY TOOK PART IN THAT BUTCHERY. THEY DO NOT SAY WHO ELSE DID EXCEPT BY
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		<p>VAGUE IMPLICATION. A SUPPOSITION THAT LEE MADE, OR CONTRIBUTED TO THE MAKING OF A BONA FIDE ARRANGEMENT TO SAVE THE LIVES OF ALL THE EMIGRANTS, AS HE SAVED THE LIVES OF THE CHILDREN, BY THAT CAPITULATION, IS A SUPPOSITION IN FAVOR OF INNOCENCE, WHICH IS ALWAYS THE SUPPOSITION OR PRESUMPTION OF LAW, AND IT CONTINUES WHILE IT CAN STAND CONSISTENTLY WITH OTHER FACTS PROVED. IT IS, THEREFORE, A REASONABLE SUPPOSITION IN THIS CASE, BECAUSE THE PROOF DOES NOT OVERTURN IT, AND IT IS SUPPORTED BY</p>	<p>FVAGUE IMPLICATION. A SUPPOSITION THAT LEE MADE, OR CONTRIBUTED TO THE MAKING, OF A BONAFIDE BONIFIED ARRANGEMENT TO SAVE THE LIVES OF ALL THE EMIGRANTS AS HE SAVED THE LIVES OF THE VHILDREN BY THAT CAPITULATION, IS A SUPPOSITION IN FAVOR OF INNOCENCE, WHICH IS ALWAYS THE SUPPOSITION OR PRESUMPTION OF LAW, AND IT CONTINUES WHILE IT CSAN STAND CONSISTENTLY WITH OTHER FACTS PROVED. IT IS THEREFORE, SA REASONABLE SUPPOSITION IN THIS CASE, BECAUSE THE PROOF DOES NOT OVERTURN IT AND, IT IS SUPPORTED BY</p>
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		<p>COLLATERAL FACTS OF GREAT EVIDENTIARY FORCE. IF THAT SUPPOSITION IS ACCEPTED, LEE MUST BE ACQUITTED, FOR I REPEAT THAT IT IS AN HYPOTHESIS WHICH HARMONIZES WITH ALL THE FACTS WHICH THE JURY CAN FIND; IT HARMONIZES WITH EVERY LEGAL DEDUCTION FROM THOSE FACTS. IT IS AN HYPOTHESIS THAT THE FACTS PROVED DO NOT EXCLUDE OR REBUT, AND IT IS, MOREOVER, THE DIRECT FACT WHICH LEE OFFERED TO PROVE, AND IN CONSEQUENCE OF THE OBJECTION OF THE PROSECUTION, W AS PREVENTED FROM PROVING. THE COLLATERAL</p>	<p>COLLATERAL FACTS OF GREAT EVIDENTIARY FORCE. IF THAT SUPPOSITION IS ACCEPTED LEE MUST BE ACQUITTED, FOR I REPEAT IT IS AN HYPOTHESIS WHICH HARMONIZES WITH ALL THE FACTS WHICH THE JURY CAN FIND; IT HARMONIZES WITH EVERY LEGAL DEDUCTION FROM THOSE FACTS;. IT IS AN HYPOTHESIS THAT THE FACTS PROVED DO NOT EXCLUDE OR REBUT, AND IT IS, MOREOVER, THE DIRECT FACT WHICH LEE OFFERED TO PROVE, AND^[22] IN CONSEQUENCE OF THE OBJECTION OF THE PROSECUTION, WAS PREVENTED FROM PROVING. THE COLLATERAL</p>
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		<p>FACTS, BY WHICH THIS HYPOTHESIS IS SUPPORTED ARE ^[S25] THOSE ON WHICH SMITH AND WHITE HAVE BEEN CONTRADICTED. A DESTRUCTION OF THE EMIGRANTS PURSUANT TO A PREVIOUS PLAN NECESSARILY PRESUPPOSED SOME DISCUSSION BETWEEN THOSE WHO DO THE BLOODY DEED. SOME MEANS MUST BE PROVIDED, SOME MODE OF ACTION AGREED ON. SMITH HADS BEEN RELIED ON TO SUPPLY THIS EVIDENCE. HE SAYS LEE CALLED HIM ASIDE FOR CONSULTATION AT HAMBLIN'S RANCH, TOLD HIM WHAT WAS TO BE DONE; THAT THEREFORE, AND PURSUANT TO THE PLAN</p>	<p>FACTS BY WHICH THIS HYPOTHESIS IS SUPPORTED ARE THOSE ON WHICH SMITH AND WHITE HAVE BEEN CONTRADICTED. A DESTRUCTION OF THE EMIGRANTS PURSUANT TO A PREVIOUS PLAAN NECESSIARLY PRESUPPOSES SOME DISCUSSION BETWEEN THOSE WHO DID DO THE BLOODY DEED. SOME MEANS MUST BE PROVIDED, SOME MODE OF ACTION AGREED UPON. SMITH HAS BEEN RELIED ON TO SUPPØLY THIS EVIDENCE. HE WA SAYS LEE CALLED HIM ASIDE FOR CONSULTATION AT HAMBLINS RANCH; TOLD HIM WHAT WAS TO BE DONE ; THAT THEREFORE AND PURSUANT TO THE PLAN</p>
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<p>NOTICE THE FACT SMITH SAID HE MET ALLEN WHITE SAID HE DID NOT SMITH SAID</p> <p>LEE TOOK CHARGE OF THE MORMONS AT CAMP FORMED THEM IN HOLLOW SQUARE</p> <p>GAVE THEM DIRECTIONS</p>	<p>NOTICE THE FACT NOW THAT SMITH SAID HE MET ALLEN WHITE SAID HE DID NOT SMITH SAID [<i>space</i>]</p> <p>FORMED INTO HOLLOW SQUARE</p> <p>GAVE THEM DIRECTIONS</p>	<p>THEN ANNOUNCED, LEE TOOK COMMAND OF THE MORMON FORCES TO EXECUTE THE PLAN. TO THAT INTERVIEW HE IS CAREFUL TO SAY THERE WAAS NO OTHER WITNESS.</p> <p>SMITH PROCEEDS TO SAY THAT IMMEDIATELY AFTER THIS ANNOUNCEMENT OF THE OBJECT TO BE ACCOMPLISHED, AND THE PLAN OF OPERATIONS,LEE</p> <p>FORMED THE MORMONS INTO A HOLLOW SQUARE AT THE CAMP; THAT HE HERE, IN THE CHARACTER OF COMMANDER,AD DRESSED THEM, STATING</p>	<p>THEN ANNOUNCED, LEE TOOK COMMAND OF THE MORMON FORCES TO EXECUTE THE PLAN. TO THAT INTERVIEW HE IS CAREFUL TO SAY THERE WAS NO OTHER WITNES:S,.</p> <p>SMITH PROCEEDS TO SAY, THAT IMMEDIATELY AFTER THIS ANNOUNCEMENT OF THE OBJECT TO BE ACCMOMPLISHED AND THE PLAN OF OPERATIONS, LEE</p> <p>FORMED THE MORMONS INTO A HOLLOW SQUARE AT THE CAMP; THAT HE HERE IN THE CHARACTER OF A COMMANDER ADDRESSED THEM STATING</p>
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<p>PART THEY WERE TO PERFORM IN THIS BLOODY <i>STM/SEPTEMBER</i>[?]</p> <p>WHITE</p>	<p>PART THEY WERE [space]</p> <p>WHITE</p>	<p>WHAT THEY WERE TO DO TO ACCOMPLISH THE SLAUGHTER; THAT THEY WERE TO MARCH TO A DESIGNATED POINT, MARCH WITH THE EMIGRANTS FOR A SPACE, AND ON THE COMMAND TO HALT, THEY WERE TO PAUSE AND FIRE. THAT, ON THIS COMMAND BEING GIVEN, THE COURSE POINTED OUT WAS FOLLOWED. IF THIS OCCURRED, AND THE MORMONS, SO COMMANDED, MOVED TO THE POINT DESIGNATED, IT IS STRONG EVIDENCE TO CRIMINATE LEE. BUT, FORTUNATELY FOR THE DEFENSE, HE IS NOT SUPPORTED BY THE OTHER WITNESSES. EVEN WHITE</p>	<p>WHAT THEY WERE TO DO TO ACCOMPØLISH THE SLAUGHTER; THAT THEY WERE TO MARCH TO A DESIGNATED POINT, MARCH WITH THE EMIGRANTXS FOR A SPACE, AND ON THE COMMAND TO HALT, THEY WERE TO PAUSE AND FIÈRE; THAT ON THIS COMMAND BEING GIVEN THE COURSE POINTED OUT WAS FOLLOWED. IF THIS OCCURRED AND THE MORMONS SO COMMANDED, MOVED TO THE POINT DESIGNATED IT IS STRONG EVIDENCE TO CONVICT LEE, BUT, FORTUNATELY FOR THE DEFENÐSE, HE WAS NOT SUPPORTED ÑBY THE OTHER WITNESSES. EVEN WHITE</p>
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<p>SAYS NO SUCH THING TOOK PLACE.</p> <p><i>≪DID NOT SOMEBODY ELSE HAVE SOMETHING TO SAY≫</i></p> <p>YOUNG AND POLLOCK [<i>space</i>] THERE IS THREE WITNESSES</p> <p>UPON THAT VERY VITAL QUESTION I WISH YOU CONSIDER THAT ITEM OF TESTIMONY IN THIS CONNECTION WITH THE FALSE THEORY UNLESS THE TROOPS WERE FORMED AT THE CAMP UNLESS THEY WERE MARCHED TOWARDS THE <i>EMIGRANTS[?]</i> IN FILE UNDER</p>	<p>SAYS NO SUCH THING TOOK PLACE [<i>space</i>]</p> <p>DID NOT SOMEBODY ELSE HAVE SOMETHING TO SAY ON THAT SUBJECT [<i>space</i>]</p> <p>YOUNG AND POLLOCK THERE IS 3 WITNESS AGAINST SMITH ON THAT VERY VITAL QUESTION [<i>37</i>]</p> <p>I WISH YOU TO CONSIDER THAT ITEM OF TESTIMONY IN CONNECTION WITH THE FALSE THEORY UNLESS THE TROOPS WERE FORMED AT THE CAMP UNLESS THEY WERE MARCHED DOWN TO THE CAMP IN FILE UNDER</p>	<p>SAYS THERE WAS NO HOLLOW SQUARE FORMED AT THE CAMP OR ELSEWHERE, NO ADDRESS BY LEE TO THE MORMONS, NO COMMANDS LAID UPON THEM BY ANYBODY.</p> <p>POLLOCK AND YOUNG BOTH SAY</p> <p>THERE WAS NO FORMING OF THE MORMONS INTO RANK AND FILE TO MARCH TO THE ROAD WHERE THE EMIGRANTS</p>	<p>SAYS THERE WAS NO HOLLOW SQUARE FORMED AT THE CAMLP OR ELSEWHERE; NO ADDRESS BY LEE TO THE MORMONS; NO COMMANDS LAID UPON THEM BY ANYBODY.</p> <p>POLLOCK AND YOUNG BOTH SAY</p> <p>THERE WAS NO FORMING OF THE MORMONS INTO RANK AND FILE TO MARCH TO THE ROAD WHEREWHERE THE EMIGRANTS</p>
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RS

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RT

BT

<p>ORDERS THAT HAD NOT ANYTHING TO DO IN THE PLAN THAT WAS TO BE CARRIED OUT</p>	<p>ORDERS THAT HAVE NOT ANYTHING TO DO IN THE PLAN THAT WAS TO BE CARRIED OUT</p>	<p>WERE TO PASS, THAT THOSE WHO WENT , WENT VOLUNTARILY, AND THOSE WHO CHOSE NOT TO GO REMAINED AT THE CAMP; THAT THOSE WHO WENT WALKED PROMISCUOUSLY, AND NOT IN FILE. THE ^{[[26]]} PRESENCE OF SUCH MORMONS AS WERE NEAR THE EMIGRANTS WHEN THEY WERE ATTACKED, WAS ACCIDENTAL. THE FACT THAT THEY HAD NOT BEEN CALLED ON TO GO THERE, EITHER IN FILE OR UNDER OFFICERS, IS CONVINCING PROOF THAT THEY HAD NO PRECONCERTED PART TO PERFORM THERE. YOU MUST UNHESITATINGLY BELIEVE THAT IF ANY PART OF THE</p>	<p>WERE TO TO PASS.—THAT THOSE WHO WENT WENT VOLUNTARILY, AND THOSE WHO CHOSE NOT TO GO REMAINED AT THE NCAMOP; THAT WHOSE WHO WENT WALKED PROMISCUOUSLY, NOT IN FILE. THE PRESENCE OF SUCH MORMONS AS WERE NEAR, THE ^{[[23]]} EMIGRANTS WHEN THEY WERE ATTACKED, WAS ACCIDENTAL. THE FACT THAT THEAY HAD NOT BEEN CALLED ON TO GO THERE , EITHER IN FILE OR UNDER OFFICERS IS CONVINCING PROOF THAT THEY HAD NO PRECONCERTED PART TO PPERFORM THERE. YOU MUST UNHESITATINGLY BELIEVE - THAT IF ANY PART OF THE</p>
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		<p>MORMONS THERE HAD A FIXED PLAN, AND HAD DETERMINED TO DESTROY THE EMIGRANTS BY FIRST RENDEERING THEM DEFENSELESS, BY A PERFIDIOUS USE OF A FLAG TRUCE, OR OTHERWISE, THEY WOULD ALL HAVE BEEN MADE PARTIES TO THE HELLISH PLOT; ONE PART WOULD NOT HAVE PROCEEDED IN THE VIEW, AND UNDER THE OBSERVATION OF THE REST, WHO, REMAINING INNOCENT, COULD BE THEIR SUBSEQUENT ACCUSERS. IT IS IDLE TO TALK OF MEN, IN SUCH AN UNDERTAKING, D ESTROYING CHILDREN OF SUFFICIENT AGE TO</p>	<p>MORMONS THERE HAD A FIXED PLAN THE AND HAD DETERMINED TO DESTROY THE EMIGRANTS BY FIRST RENDERING THEM DEFENSELESS; BY A PERFIDEIOUS USE OF A FLAG OF TRUCE; OR OTHERWISE, THEY WOULD ALL HABVE BEEN WMADE PARTIES OF TO THE HELLISH PLOT; ONE PART WOULD NOT HAVE PROCEEDED IN OPEN VIEW; AND UNDER THE OBSERVATION OF THE REST, WHO REMAINING INNOCENT, COULD BE THEIR SUBSEQUENT ACCUSERS. IT IS IDLE TO TALK OF MEN IN SUCH AN UNDERTAKING —DESTROYING CHILDREN OF SUFFICIENT AEGE TO</p>
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<p>IF THEY <i>WERE LEFT</i>[?] TO GO DOWN THERE UPON PROMPTINGS OF THEIR OWN CURIOSITY</p> <p>THEY WERE AT LIBERTY TO STAY IN CAMP</p>	<p>IF THEY WERE LEFT TO GO DOWN THERE UPON THE PROMPTINGS OF THEIR⁴⁴⁹ OWN CURIOSITY</p> <p>THEY WERE AT LIBERTY TO GO</p>	<p>REMEMBER, AND YET BEING UNMINDFUL OF THE PRESENCE OF ADULT WITNESSES. IT IS ABSURD TO TALK OF AN ORGANIZED FORCE TO DESTROY THE EMIGRANTS,WHI LE IT APPEARS THAT THEY WERE NOT CALLED TOGETHER, THAT THERE WAS NO AGREEMENT TO GO, NOR ANY COMMAND TO GO; THAT ALL DID NOT GO TO THE PLACE OF SLAUGHTER; WHILE IT APPEARS THAT THOSE WHO WENT — WHEN AS IF PROMPTED BY INTEREST TO WITNESS THE DELIVERY OF THE MEN, WOMEN AND CHILDREN THEY HAD COME TO SAVE, AND THAT OTHERS</p>	<p>REMEMBER, AND YET BEING UNMINDFUL OF TYHE PRESENCE OF ADULT WITNESSES. IT IS ABSURD TO TALK OF AN ORGANIZED FORCE TO DESTROY THE EMIGRANTXS, WHILE IT APPEARS THAT THEY WERE NOT ACALLED TOGETHER, THAT THERE WAS ZWAS NO AGREEMENT TO GO NOR ANY COMMAND TO GO; THAT ALL DID NOT GO TO THE PLSACE OF THE SLAUGHTER. WHILE IT APPEARS THAT WTHOSE WHO WENT, WENT AS IF PROMPTED BY INTERST TO WITNESS THE DELIVERY OF THE MEN WOMEN SN AND CHILDREN THEY HAD COME TO SAVE, AND THAT OTHER S</p>
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449. Word apparently added later.

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<p>OR GO AT THEIR OPTION</p> <p>IF THERE WAS A PLAN CALCULATING DESTROY THE EMIGRANTS WITH⁴⁵⁰ THEIR GUNS THEN THEY CERTAINLY WERE MARCHED DOWN THERE⁴⁵¹ AND PUSHED FORWARD TO THE POINT WHERE THEY WERE TO PARADE. IF THEY WERE NOT MARCHED DOWN THERE THEN THEY KNEW PLAN WHICH WAS FORMED IF NO PLAN WAS FORMED HAD NO PART AND NO SUCH PLAN WAS FORMED.</p>	<p>TO STAY AT THEIR OPTION</p> <p>AND IF THERE WAS A[?] PLAN TO DESTROY THE EMIGRANTS WITH THEIR GUNS THEN THEY CERTAINLY WERE MARCHED DOWN THERE PUSHED FORWARD [space]</p> <p>IF NOT</p> <p>THEN THEY KNEW THE PLAN THAT WAS FORMED IF NO PLAN WAS FORMED HAD NO PART AND/OR[?] LAID[?] \LeftarrowNO\Rightarrow SUCH PLAN WAS FORMED [space]</p>	<p>REMAINED BY A LIKE VOLITION IN CAMP,CONTENT WITH THE ASSURANCE THAT THEIR MISSION WOULD BE A SUCCESS.</p> <p>THIS</p>	<p>REMAINE D BY A LIKE VOLITION IN CAMP CONTENT WITH THE ASSURANCE THAT THEIR MISSION WOULD BE A SUCCESS.</p> <p>THIS</p>
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450. Word apparently added later.

451. Word apparently added later.

RS

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RT

BT

		<p>CONTRADICTION BY YOUNG, POLLOCK AND PIERCE, OF SMITH'S STATEMENT THAT THE MORMONS WERE PUT IN RANK AND FILE AND MARCHED TO THE PLACE OF SLAUGHTER — , THEIR CONTRADICTION OF HIS STATEMENT THAT THE MORMONS THERE WERE SUCH MINIONS AND SERFS, THAT THEIR CONCURRENCE ^{[[27]]} IN SUCH A DEVELISH PLOT COULD BE TAKEN FOR GRANTED, OR THEIR PARTICIPATION IN ITS EXECUTION BE COMMANDED, WITHOUT CONSULTATION TO ASCERTAIN THAT THEY WERE WILLING TO INCUR THE GUILT OF MURDER, ON SUCH A GIGANTIC</p>	<p>CONTRADICTION BY YOUNG, POLLOCK AND PIERCE OF SMITH'S STATEMENT, THAT THE MORMONS WERE PUT IN RANK AND FILE AND MARCHED TO THE PLACE OF SLAUGHTER; THEIR THEIR CONTRADICTION OF A STATEMENT THAT THE THE MORMONES THERE WERE SUCH MINIONS AND SERFS, THAT THEIR CONCURRENCE IN SUCH A DEVLISH PLOT COULD BE TAKEN FOR GRANTED, OR THEIR PARTICIPATION IN ITS EXECUTION BE COMMANDED; WITHOUT CONSULTATION TO ASCERTAIN THAT THEY WERE WILLING TO INCUR THE GUILT OF MURDER ON SUCH A GIGANTIC</p>
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RS

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		<p>SCALE, COMMENDS ITSELF TO EVERY MAN'S COMMON SENSE. EVEN WITHOUT SUCH CONTRADICTION , SMITH'S TESTIMONY WOULD BE SET ASIDE AND PRONOUNCED PREPOSTEROUS BY EVERY PERSON OR ORDINARY INTELOIGENCE. THERE IS NO FACT IN THE CASE MORE CLEARLY ESTABLISHED, NOT EVEN THE MASSACRE ITSELF, THAN THE FACT THAT THE MORMONS, WHO WERE THE SPECTATORS OF THIS BUTCHERY, WENT TO THEIR POST OF OBSERVATION, VOLUNTARILY, AND WITHOUT ANY PREVIOUS HINT THAT THEY WERE TO WITNESS SUCH AN APPALLING SPECTACLE, THAN THE FACT THAT ALL DID</p>	<p>SCALE, COMMENDS ITSELF TO EVERY MAN'S COMMON SENSE. EVEN WITHOUT SUCH CONTRADICTION SMITH'S TESTIMONY WOULD BE STE SET ASIDE AND PRONOUNCED ^[24] PREPOSTEROUS BY EVERY PERSON OF ORDINARY INTELIGENCE. THERE IS NO FACT IN THE C ASE MORE CLEARLY ESTABLISHED, NOT EVEN THE THE MASSACRE ITSELF, THAN THE FACT THAT THE MORMONS, WHO WERE THE SPECTATORS OF THIS BUTCHERY, WENT TO THEIR POST OF OBSERVATION VOLUNTARILY, AND WWITHOUT ANY PREVOIOUS HINT THAT THEY WERE TO WITNESS SUCH AN APPOLLING SPECTACLE, — THAN THE FACT THAT ALL DDID</p>
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		<p>NOT GO, THAN THE FACT THAT THE INDIANS WERE SUPPOSED TO HAVE RETIRED OUT OF SIGHT, AND TO REMAIN SO UNTIL THE RETREAT HAD BEEN ACCOMPLISHED, AND THE FACT THAT THE FIRST SOUND OF A GUN WAS COINCIDENT WIT THE YELLS AND PORTENTIOUS PRESENCE OF THOSE DEVILS INCARNATE . IS NOT TREACHERY A UNIVERSAL TRAIT OF THE INDIAN CHARACTER.? OUGHT IT SO SURPRIZSE ANY PERSON WHO IS FAMILIAR WITH THE HISTORY OF OUR COUNTRY TO LEARN THAT SAVAGES HAVE VIOLATED A TRUCE AND SLAIN MEN, WOMEN AND CHILDREN ? HAS NOT THE INDICTMENT CONTAINED IN</p>	<p>NOT GO; AND THAN THE FACT THAT THE INDIANS WERE SUPPOSED TO HAVE RETIRED OUT OF SIGHT AND TO REMAIN DSO UNTIL THE RETREAT HAD BEEN ACCOMPLISHED AND THE FACT THAT THE FIRST SOUND OF A GUN WAS COINCIDENT WITH THE YELLS AND PORTENTIOUS <?> PRESENCE INCARNATE. IS NOT TREACHERY A UNIVERSAL TRAIT OF THE INDIAN CHARACTER? OUGHT IT TO SURPRISE ANY PERXSON FAMILIAR WITH THE HISTORY OF OUR COUNTRY TO LEARN THAT SAVAGES HAVE VIOLATED A TRUCE AND SLAIN MEN, WOMEN AND CHILDREN? HAS NOT THE INDICTMENT CONTAINED IN</p>
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		<p>ONE OF THE GREAT NATIONAL STATE PAPERS AGAIN AND AGAIN BEEN PROVED AGAINST THEM —THAT THEY ARE MERCILESS SAVAGES “WHOSE KNOWN RULE OF WARFARE IS AN UNDISTINGUISHED DESTRUCTION OF ALL AGES, SEXES AND CONDITIONS.” * HAVE ALL THE MELANCHOLY CONDITIONS OF MASSACRES IN EVERY STATE EAST AND WEST FADED FROM THE POPULAR MEMORY ? IS IT EASIER TO PRESUME</p> <p>UNDER THE BENIGN INFLUENCES OF CHRISTIANITY THAT A PARTY OF WHITE MEN COULD HAVE ACTED LIKE SAVAGES, THAN</p>	<p>ONE OF THE FIRST GREAT NATIONAL STATE PAPERS, AGAIN AND AGAIN BEEN PROVED AGAINST THEM —THAT THEY ARE MERCILESS SAVAGES, “WHOSE KNOWN RULE OF WRAREFARE IS AN UNDISTINGUISHED DESTRUCTION OF ALL AGES, SEXES, AND CONDITIONS.” HAVE ALL THE MELEANCHOLY TRADITIONS OF MASSACRES IN EVERY STATE EAST AND WEST, FADED FROM THE POPULAR MEMORY? IS IST EASIER TO PRESUME THAT A PARTY OF WHITE MEN NURTURED UNDER THE BENIGN INFLUENCES OF CHRISTIANITY, HAVE ACTED LIKE SAVAGES, THAN</p>
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<p>WHO SWEARS TO <i>THAT</i>[?] WHO SWEARS THAT THEY WERE FORMED INTO A BODY THERE LIKE SOLDERS AT THE CAMP AND THERE RECEIVED ORDERS WHAT THEY WERE TO DO ≪<i>CONSIDERING</i>[?] > SMITH HE SAYS THEY WERE FORMED INTO A HOLLOW SQUARE AND</p>	<p>WHO SWEARS THAT THEY WERE FORMED INTO A BODY THERE LIKE SOLDIERS AT THE CAMP AND THERE RECEIVED ORDERS WHAT THEY WERE TO DO SMITH HE SAYS THEY WERE FORMED INTO A HOLLOW SQUARE AND</p>	<p>THAT AN INFURIATED <ARMY OF> SAVAGES ACTUALLY ON [[28]] THE GROUND HAVE FOLLOWED THEIR OWN SAVAGE INSTINCTS ? THE INDIANS HAD A SUFFICIENT PROVOCATION, ACCORDING TO THEIR MEAGRE ETHICS, THEY HAD BEEN POISONED AND SOUGHT REVENGE. THE MORMONS HAD NO MOTIVE FOR SUCH CRUELTY.</p>	<p>THAT AN INFURIATED ARMY OF SAVAGES , ACTUALLY ON THE GROUND, HAVE FOLLOWED THEIR OWN SAVAGE INSTINCTS? THE INDIANS HAD A SUFFICIENT PROVOCATION,, ACCORDING TO THEIR MEAGRE ETHICS. THEY HAD BEEN POISONED AND SOUGHT REVENGE, THE MORMONS HAD NO MOTIVE \$ FOR SUCH CRUELTY.</p>
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<p>THAT DIRECTIONS WERE THERE</p> <p>THEY WERE TO MARCH DOWN TOWARDS THE EMIGRANT CAMP AND AT A CERTAIN COMMAND TO HALT THEY WERE TO FIRE. THAT IS EXCEEDINGLY IMPORTANT TESTIMONY AND IF LEE GAVE THAT DIRECTION YOU CAN SEE HOW <THAT> IT WOULD BE⁴⁵²</p> <p>HOW SIGNIFICANT OF A PART HE TOOK [space] AND THEY WHO DID SAY THAT THERE WAS AMONG US/MNS[?] NUMBER OF WITNESS TO PROVE IT SMITH WAS ONE OF THEM AS HE SAYS HIMSELF HE TOOK [space] PART IN EXECUTING IT AFTERWARDS KILLED HIS MAN</p>	<p>THAT DIRECTIONS WERE THERE GIVEN THAT THEY WERE TO MARCH DOWN TOWARDS THE EMIGRANT CAMP AND AT CERTAIN COMMAND TO HALT THEY WERE FIRE NOW THAT IS EXCEEDINGLY IMPORTANT TESTIMONY AND IF LEE GAVE THAT DIRECTION YOU CAN SEE</p> <p>HOW SIGNIFICANT OF A PART THAT HE TOOK IF HE DID SAY THAT THERE WAS AMONG US/MNS[?] NUMBER OF WITNESSES TO PROVE IT [space] SMITH WAS ONE OF THEM AS HE SAYS HIMSELF HE TOOK PART IN EXECUTING IT KILLED HIS MAN</p>		
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452. Apparently added later.

RS

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<p>SO HE IS NOT TO BE REGARDED AS MORE FAVORABLE WITNESS ON ACCOUNT OF HIS INNOCENCE AND CONNECTION THAN ANY OTHER THERE WAS ONE WHO WAS INFIRM WHO TOOK NO PART IN THE SLAUGHTER AND WHO IF HIS TESTIMONY IS TRUE ON THE SUBJECT WITHOUT ANY COULD CROSS IMPEACH HIM HE SAYS THERE WAS NO SUCH FORMING OF THE MEN INTO HOLLOW SQUARE OR ANY SUCH PUTTING THEM INTO FILE AND <i>THAT</i>[?] THERE WERE NO SUCH DIRECTIONS GIVEN WHITE SAYS HE DID NOT SEE LEE ^{[[44]]} ADDRESS THE COMPANY AT ALL AND YET HE SAYS HE WAS ONE THAT MARCHED</p>	<p>SO HE IS NOT BE TO REGARDED AS MORE FAVORABLE WITNESS BECAUSE HE IS INNOCENT <i>[space]</i></p> <p>THERE WAS ONE WHO WAS ARMED WHO TOOK NO PART IN THE SLAUGHTER AND WHO <i>[space]</i> AND IF HIS TESTIMONY WAS TRUE</p> <p>THERE WAS NO SUCH FORMING OF MEN INTO HOLLOW SQUARE</p> <p>AND NO SUCH DIRECTIONS GIVEN WHITE <i>SAYS</i>[?] HE DID NOT SEE LEE ADDRESS THE COMPANY AT ALL AND YET HE SAYS HE WAS ONE THAT MARCHED</p>		
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RS

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<p>DOWN <THERE>. THERE ARE 3 WITNESSES THEN AGAINST SMITH IN RESPECT TO THAT VITAL FACT. IF IT IS NECESSARY TO SAY A SINGLE WORD MORE TO COMPLETE THE IMPEACHMENT OF SMITH'S TESTIMONY WHEN YOU LOOK UPON HIM AS CONFESSED MURDERER. THEN TAKE THIS MAXIM WHICH IS ONE OF COMMON SENSE VERIFIED BY UNIVERSAL EXPERIENCE SAY THAT THE MORAL SENTIMENT OF A GENTLEMAN/RULE[?] IS CRYSTALIZED IN IT THAT A MAN WHO IS FOUND TO TESTIFY TO A FALSITY IN ONE THING OUGHT NOT TO BE BELIEVED IN ANY THING. THIS TRUISM WAS</p>	<p>DOWN THERE [space] THERE ARE 3 WITNESSES THEN AGAINST SMITH IN RESPECT TO THAT VITAL FACT NOW IF IT IS NECESSARY TO COMPLETE THE IMPEACHMENT OF SMITH'S TESTIMONY WHEN YOU LOOK UPON HIM AS CONFESSED MURDERER TAKE THIS MAXIM WHICH IS ONE OF COMMON SENSE VERIFIED BY UNIVERSAL EXPERIENCE SAY THAT THE MORAL SENTIMENT OF A GENTLEMAN/RULE[?] IS CRYSTALIZED IN IT THAT A MAN WHO IS FOUND TO TESTIFY TO A FALSITY IN ONE THING SHOULD NOT BE BELIEVED IN ANY [space] ^{[[38]]} THIS TRUISM WAS</p>		
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RS

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RT

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<p>DISCOVERED SO EARLY THAT EVEN THE LATINUS HAD <i>COUNT</i>[?] INTO A MAXIM INTO THEIR OWN LANGUAGE AND IT COMES DOWN TO <i>WE</i>[?] THOUSANDS OF YEARS IN A LANGUAGE THAT HAS SURVIVED THE PEOPLE WHO VERIFIED THIS EPITAPH. FALSUS IN <i>UNUS</i>[?] FALSUS IN OMNIBUS FALSE IN ONE THING FALSE IN ALL. THAT IS A UNIVERSAL EXPRESSION EVERYBODY COMES UPON IT IN EVERYDAY LIFE. THERE IS A LIAR IN ALMOST EVERY COMMUNITY WHO IS SO CONSPICUOUS HE <i>WEAVES</i>[?] ONE PECULIAR <i>KRTM</i>[?] DESCRIPTION AND THE FINE WORDS THAT HE APPROPRIATES TO HIMSELF PROPERTIES</p>	<p>DISCOVERED SO EARLY THAT EVEN THE LATINUS HAD <i>COUNTED/KN/MN</i> [?] IT INTO THEIR OWN LANGUAGE AND IT COMES DOWN TO US THOUSANDS OF YEARS IN A LANGUAGE THAT HAS SURVIVED AND PEOPLE WHO VERIFIED THIS SAYING FALSUS UNUS FALSUS IN OMNIBUS FALSE IN ONE THING FALSE IN ALL [<i>space</i>]</p> <p>EVERYBODY COMES UPON IT IN EVERYDAY LIFE THERE IS A LIAR IN ALMOST EVERY COMMUNITY WHO IS SO CONSPICUOUS HE WEAVES ONE PECULIAR THAT THROUGH <i>DESCRIPTION</i>[?] AND THE FINE WORDS THAT HE APPROPRIATES TO HIMSELF</p>		
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BT

<p>EVERYBODY GIVES HIM CREDIT FOR IT AS A LIAR EVERYBODY MAY LAUGH AT HIS INVENTIONS</p> <p>FABRICATIONS BUT WHEN IT COMES DOWN TO BELIEVING WHEN HE SWEARS OR BELIEVING WHEN HE ASSERTS HIMSELF HONESTLY ANYTHING THE BELIEF IS NOT THERE. DID SMITH HEAR LEE ADDRESS THE COMPANY IN A HOLLOW SQUARE THERE? IN ADDITION TO HIS WANT OF VERACITY TO HIS WANT OF MORAL CHARACTER TO BACK UP HIS STATEMENTS YOU HAVE TESTIMONY OF 3 WITNESSES THEY DID NOT OBSERVE ANY SUCH THING. NOW GENTLEMEN</p>	<p>GIVES HIM CREDIT AS A LIAR EVERYBODY MAY LAUGH AT HIS INVENTIONS AND FABRICATIONS BUT WHEN IT COMES DOWN TO BELIEVING WHEN HE SWEARS</p> <p>WHEN HE ASSERTS HIMSELF HONESTLY ANYTHING THE BELIEF IS NOT THERE NOW DID SMITH HEAR LEE ADDRESS THE COMPANY IN HOLLOW SQUARE [space] IN ADDITION TO HIS WANT OF VERACITY HIS WANT OF MORAL CHARACTER TO BACK UP HIS STATEMENT YOU HAVE TESTIMONY OF 3 WITNESSES THAT THEY DID NOT OBSERVE ANY SUCH THING [space] —[?] NOW GENTLEMEN IF</p>		
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RS

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<p>HAVE YOU BEEN CONVINCED BEYOND A REASONABLE DOUBT WILL YOU SAY THESE 3 OTHER WITNESSES HAVE ALL LIED AND THAT SMITH THIS MURDERER HAS TOLD THE TRUTH AND THAT YOU HAVE NOT A REASONABLE OF DOUBT OF IT? . NOW YOU MAY CALCULATE IF WAS ANY ORGANIZATION OF THE COMPANY AT THE CAMP AN ADDRESS TO THEM THERE POINTING OUT TO THEM WHAT THEY WERE TO DO AND UPON <i>SIGNAL</i>[?] BEING GIVEN TO HALT THEY WERE TO FIRE UNLESS THIS INFORMATION WAS GIVEN IN SOME FORM SOMEWHERE</p>	<p>YOU ARE CONVINCED BEYOND A REASONABLE DOUBT WILL SAY THAT THESE 3 OTHER WITNESSES HAVE ALL LIED AND THAT SMITHS <THIS> MURDERER HAS TOLD THE TRUTH AND YOU HAVE NOT A REASONABLE OF DOUBT OF IT [<i>space</i>] NOW YOU MAY CALCULATE THAT IF THERE WAS ORGANIZATION OF THE COMPANY AT THE CAMP AN ADDRESS TO THEM THERE POINTING OUT TO <i>THEM</i>[?] WHAT THEY WERE TO DO THAT UPON SIGNAL TO HALT THEY WERE TO FIRE UNLESS THIS INFORMATION WAS GIVEN TO THEM IN SOME FORM SOME WHERE</p>		
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RS

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<p>THE REST AND WAS TO BE EXECUTED WHEN THIS FLAG OF TRUCE WENT TO THE CAMP AND EMIGRANTS WERE TO BE IMMEDIATELY BROUGHT OUT UNLESS THAT INFORMATION WAS GIVEN BEFORE THAT TIME UNLESS THE JURY FINDS FROM THE TESTIMONY AT THAT POINT THOSE MORMONS THAT WERE THERE WERE PLACED UNDER OBLIGATION BY THOSE IN COMMAND ^{[[45]]} TO FALL IN AND GO DOWN THERE UNLESS THAT IS SO GENTLEMEN[?] SAY IT IS IMPOSSIBLE THAT ANY PLAN OR COMBINATION COULD EXIST BECAUSE THAT IS THE TIME TO CARRY</p>	<p>AND ALL[?] WERE TO BE EXECUTED WHEN THIS FLAG OF TRUCE WENT TO THE CAMP AND WHEN EMIGRANTS BROUGHT OUT [space] AND UNLESS JURY FIND FROM THE TESTIMONY THAT AT THAT POINT THOSE MORMONS THAT WERE THERE WERE PLACED UNDER AN OBLIGATION BY THOSE WHO WERE IN COMMAND TO FALL IN AND GO DOWN THERE UNLESS THAT IS SO GENTLEMEN I SAY IT IS IMPOSSIBLE THAT ANY PLAN OR COMBINATION COULD EXIST BECAUSE[?] THAT IS THE TIME TO CARRY</p>		
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RS

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RT

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<p>IT OUT. WITNESSES YOUNG AND POLLOCK SAY THE COMPANY HAD NOT BEEN NOTIFIED AND REQUIRED TO GO DOWN THERE AND ONLY SUCH WENT AS WERE DIRECTED THERE</p> <p>YOU MAY CALCULATE TO A CERTAINTY THERE HAD BEEN NO COMBINATION</p> <p>NO PLAN TO BE CARRIED OUT EXCEPT THAT CAPITULATION WHICH ONLY REQUIRED ENTRY INTO THE CAMP AND THE SURRENDER OF THE PROPERTY AND THE CONVOYING OF THE PERSONS BACK TO CEDAR. THE MORMONS WERE TO PERFORM NO PART IN WHAT WAS THEN CONTEMPLATED UNLESS THEY WERE BROUGHT</p>	<p>IT OUT. IF AS YOUNG AND POLLOCK SAY THE COMPANY HAD NOT BEEN NOTIFIED AND REQUIRED TO GO DOWN THERE AND ONLY SUCH WENT DOWN AS WERE DIRECTED BY WHAT WAS GOING ON[?] YOU MAY CALCULATE TO CERTAINTY THAT THERE WAS NO COMBINATION THAT THERE WAS NO PLOT TO BE CARRIED OUT EXCEPT</p> <p>CAPITULATION</p> <p>SURRENDER OF THE PROPERTY AND CONVOY OF THE PERSONS BACK TO CEDAR THE MORMONS WERE TO PERFORM NO PART IN WHAT WAS THEM CONTEMPLATED UNLESS THEY WERE BROUGHT</p>		
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RS

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<p>BY DIRECTION INTO LINE</p> <p>AND REQUIRED TO GO DOWN THERE [space] HAVE THEORIZED THOUGH THEIR BEING THERE WAS AN ACCIDENT NO IT WAS NOT PURSUANT TO ANYTHING DIRECTED BEFORE AND YES[?] POLLOCK AND YOUNG AGAINST SMITH SAYS THEIR BEING <THERE> WAS ACCIDENTAL THEY WERE NOT REQUIRED TO ALL WHO WENT WENT VOLUNTARILY THEY DID NOT ALL GO FOR POLLOCK DID NOT GO THERE SLADE DID NOT GO CLARK DID NOT GO JAMES PEARCE DID NOT GO —[?] HOW MANY MORE DID</p>	<p>BY DIRECTION AND SOME OF THE COMMUNITY MEN AND REQUIRED TO GO DOWN THERE BY <i>[[39]]453</i> THEORIZE THAT MAYBE THERE WAS AN ACCIDENT [space]</p> <p>YES[?] POLLOCK AND YOUNG AGAINST SMITH SAYS THR THEIR BEING THERE WAS ACCIDENTAL THEY WERE NOT REQUIRED TO GO THAT ALL WHO WENT WENT VOLUNTARILY AND DID NOT ALL GO FOR POLLOCK DID NOT GO SLADE DID NOT GO CLARK DID NOT GO PIERCE DID NOT GO AND HOW MANY MORE DID</p>		
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453. Page is badly torn around the edges, with parts folded over or missing.

RS

PS

RT

BT

<p>NOT GO WE ARE UNABLE TO SAY THOSE MEN REMAINED IN CAMP THEY HAD NOT ANY DIRECTION TO GO THERE AND THEY SAY THOSE WHO DID GO WENT BECAUSE THEY WERE PREPARED TO GO WENT VOLUNTARILY DID NOT GO DOWN IN RANK AND FILE BUT PROMISCUOUSL Y LIKE A FLOCK OF SHEEP. IF THAT TESTIMONY IS TRUE IT EXPLODES WHOLE THEORY OF THE PROSECUTION IT EXPLODES THE THEORY THERE WAS ANY COMBINATION BEFORE THERE WAS ANY PROGRAM TO BE WORKED OUT REQUIRING PRESENCE OF ALL THOSE MEN. [space] AS BEARING UPON THIS QUESTION I WISH TO CALL YOUR</p>	<p>NOT GO WE ARE UNABLE TO SAY THEY HAD NOT ANY DIRECTION TO GO <i>YET/YES</i>[?] THEY SAY THAT THOSE WHO DID GO WENT BECAUSE THEY WERE PREPARED TO GO WENT VOLUNTARILY DID NOT GO DOWN IN RANK AND FILE BUT PROMISCUOUSL Y LIKE A FLOCK OF SHEEP IF THAT TESTIMONY IS TRUE IT EXPLODES WHOLE THEORY OF THE PROSECUTION IT EXPLODES THE THEORY THAT THERE WAS ANY ≪COMBINATION≫ PROGRAM TO BE WORKED OUT [space] NOW HAS BEARING UPON THIS QUESTION I WISH TO CALL YOU</p>		
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RS

PS

RT

BT

<p>ALL HAVE BEEN HERE AS WITNESSES AND WAS CALLED OUT THERE HAD AN INTIMATION THEY WERE EXPECTED TO DO AUGHT ELSE THAN ASSIST THE EMIGRANTS TO GET SAFELY OUT OF THE TERRITORY AND DRAW OFF [space] AND HERE GENTLEMEN THERE IS ONE THERE THAT IS SMITH.</p>	<p>ALL THAT HAVE BEEN HERE AS WITNESSES AND WAS CALLED OUT THERE HAD AN INTIMATION THAT THEY WERE EXPECTED TO DO AUGHT ELSE THAN ASSIST THE EMIGRANTS TO GO SAFELY THROUGH TERRITORY AND DRAW OFF INDIANS [space] NO[?] GENTLEMEN THERE IS ONE THERE THIS THAT IS SMITH [space]</p>	<p>HAVE BEEN SWORN AND WERE PRESENT AT THE MEADOWS, EXCEPT KLINGENSMITH, THAT THEY WENT THERE TO SAVE AND NOT TO HURT THE EMIGRANTS.</p> <p>BRADSHAW WAS REQUESTED TO GO ALSO. HE CAME TO THE RENDEZVOUS WITH A SPADE AND WITHOUT A GUN. HE HAD BEEN SUMMONED TO GO LIKE THE OTHERS, ON THE RUMOR THAT THE EMIGRANTS HAD BEEN ATTACKED AND NEARLY ALL KILLED, FOR THE PURPOSE OF BURYING THE DEAD AND SAVING THE</p>	<p>HAVE BEEN SWORN AND WERE PRESENT AT THE MEADOWS, EXCEPT KLINGENSMITH, THAT THEY WENT THERE TO SAVE AND NOT TO HURT THE EMIGRANTS.</p> <p>BRADSHAW WAS REQUESTED TO GO THERE ALSO. HE CAME TO THE RENDEZVOUS WITH A SPADE AND WITHOUT A GUN. HE HAD BEEN SUMMONED TO GO LIKE THE OTHERS, ON THE RUMOR THAT THE EMIGRANTS HAD BEEN ATTACKED AND NEARLY ^[25]ALL KILLED, FOR THE PURPOSE OF BURYING THE DEAD AND SAVING THE</p>
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RS

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		<p>SURVIVORS. ON HIS APPEARANCE TO JOIN THOSE THAT WERE GOING HE WAS ASKED WHERE HIS GUN WAS <u>HE SAID HE DID NOT KNOW AS A GUN WAS NECESSARY</u></p> <p><u>TO BURY THE DEAD</u>, HE SEEMED TO HAVE SO LITTLE COMPREHENSION OF THE SITUATION THAT HE WAS SENT HOME. HE SAYS HE WAS CALLED A FOOL FOR NOT THINKING A GUN NECESSARY, IN GOING ON SUCH AN ERRAND. HIS DISCHARGE HAD SUCH AN EFFECT ON THE OLD GENTLEMAN THAT HE HAS BACKSLIDEN AND FALLEN AWAY FROM THE MORMON FAITH, AND NOW TESTIFIES WITH</p>	<p>SURVIVORS. ON HIS APPEARANCE TO JOIN THOSE THAT WERE GOING HE WAS ASKED WHERE HIS GUN WAS. HE SAID THAT HE DID DEAD NOT KNOW AS A GUN WAS NECESSARY THAT A GUN WAS NECESSARY TO BURY THE DEAD. HE SEEMED TO HAVE SO LITTLE COMPREHENSION OF THE SITUATION THAT HE WAS SENT HOME. HE SAYS HE WAS CALLED A FOOL FOR NOT THINKING A GUN NECESSARY IN GOING ON SUCH AN ERRAND. HIS DISCHARGE THEN HAD HAS SUCH AN EFFECT ON THE OLD GENTLEMAN THAT HE HAS BEACK — SLIDED AND FALLEN AWAY FROM THE MORMON FAITH, AND TESTIFIES WITH</p>
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RS

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RT

BT

<p>YOU SEE HOW UNLIKE HE IS ALL OTHER WITNESSES IN CASE</p> <p>HE KNEW OR HAD SOME ^{[[46]]} SUSPICION THEY WERE GOING OUT THERE TO DO WRONG TO THOSE EMIGRANTS.</p> <p>BUT HE IS THE ONLY ONE AND</p>	<p>YOU SEE HOW UNLIKE HE IS TO ALL THE OTHER WITNESSES IN THE CASE</p> <p>HE KNEW OR HAD SOME SUSPICION THAT THEY WERE GOING OUT THERE TO DO WRONG TO THOSE EMIGRANTS</p> <p>HE IS THE ONLY ONE AND</p>	<p>THE BITTERNESS OF AN APOSTATE,BUT THE FOREGOING IS THE EXTENT OF HIS TESTIMONY.</p> <p>KLINGENSMITH WAS OPPOSED TO SHEDDING THE BLOOD OF THE EMIGRANTS. HE WAS SO PENETRATING THAT HE KNEW THE PLAN WAS MURDEROUS BEFORE HE LEFT CEDAR CITY</p> <p>AND YET HE WOULD GIVE YOU TO UNDERSTAND THAT HE DARED NOT ACTIVELY OPPOSE IT, BECAUSE OF A VAGUE FEAR THAT HE WOULD LOSE HIS OWN LIFE.</p>	<p>THE BITTERNESS OF AN APPOSTATE, THAT BUT THE THE FOREGOING IS THE EXTENT OF HIS TESTIMONY.</p> <p>KLINGINSMITH WAS OPPOSED TO THE SHEDDING OF THE EMIGRANTS BLOOD. HE WAS SO PENITRATING THAT HE KNEW THE PLAN WAS MURDEROUS BEFORE HE LEFT CEDAR CITY.</p> <p>AND YET HE WOULD GIVE YOU TO UNDERSTAND THAT HE DARED NOT ACTIVELY OPPOSE IT, BEECAUSE OF A VAGUE FEAR THAT HE WOULD LOOSE HIS OWN LIFE,</p>
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<p>MY JUDGMENT IS HE LIES WHEN HE SAYS HE WENT OUT FOR NO SUCH PURPOSE HE JOINED THOSE THAT WENT OUT THERE ANIMATED BY HUMANE FEELINGS AND WHAT HE DID AT LAST HE DID INSPIRED BY THE PRESENCE AND FEROCITY OF THE INDIANS. HE SAW WHAT THEY WERE DOING AND WAS FIRED BY A LIKE FEELING HE IS SAVAGE AT HEART I HAVE RIGHT TO SAY THAT BECAUSE HE SAYS IT HIMSELF HE DID WHAT INDIANS HE DID WHAT HE DID WITH THE INSPIRATION OF THE TIME HE WAS INSPIRED BY THE ATROCITY AND BRUTALITY</p>	<p>MY JUDGMENT IS THAT HE LIES WHEN HE SAYS HE WENT OUT THERE FOR ANY OTHER PURPOSE HE JOINED THOSE WHO WENT OUT THERE ANIMATED BY HUMANE FEELING AND WHAT HE DID AT LAST HE DID <i>INSPIRED[?] BY</i> THE <i>PRESENCE[?]</i> AND FEROCITY OF THE INDIANS HE SAW WHAT THEY WERE DOING AND HE WAS FIRED BY A LIKE FEELING HE IS A SAVAGE AT HEART I HAVE THE RIGHT TO SAY THAT BECAUSE HE SAYS IT HIMSELF I SAY HE DID WHAT HE DID ON THE INSPIRATION OF THE⁴⁵⁵ <i>[[Bk 12 1]]</i>⁴⁵⁶ HE WAS INSPIRED BY THE ATROCITY AND BRUTALITY</p>		
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455. Rogerson inserted transcripts for the Brigham Young deposition and George A. Smith affidavit here. See *MMMCLP*, chapter 36, “Documents Introduced into Evidence for John D. Lee’s Second Trial,” for the original criminal case file transcripts.

456. First page of notebook; page is torn in places and dirty, difficult to read.

RS

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RT

BT

<p>OF THE INDIAN AND ASSERTED HIS KINSHIP TO THEM BY DOING AS THEY DID. ALL THE OTHERS WENT THERE UPON A HUMANE ERRAND THAT IS THERE IN THE TESTIMONY WHAT WOULD BE THE⁴⁵⁷ TESTIMONY OF ALL THOSE OTHER TEN WITNESSES IF THE PROSECUTION HAD HAD THIRST ENOUGH FOR KNOWLEDGE TO HAVE BROUGHT THEM HERE HAVE NOT WE A RIGHT TO SAY BY WAY OF ASSERTING THEIR INNOCENCE BY WAY OF ASSERTING INNOCENCE OF LEE AND BY WAY OF —[?] VINDICATING HUMANITY ≤ITSELF≥ THEY</p>	<p>OF THE INDIANS HE ASSERTED HIS KINSHIP TO THEM BY DOING AS THEY NOW I SAY THAT ALL THE OTHERS WENT THERE UPON A HUMANE ERRAND THAT IS THERE IN EACH TESTIMONY NOW WHAT WOULD BE THE TESTIMONY OF ALL THOSE OTHER TEN WITNESSES IF THE PROSECUTION HAD HAD THIRST ENOUGH FOR KNOWLEDGE TO HAVE BROUGHT THEM HERE NOW HAVE NOT WE A RIGHT TO SAY BY WAY OF ASSERTING THEIR INNOCENCE A WAY OF ASSERTING THE INNOCENCE OF LEE AND BY WAY OF VINDICATING HUMANITY THAT THEY</p>		
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457. “BE THE” apparently added later.

RS

PS

RT

BT

<p>WENT THERE TO BE HUMANE TO ASSIST THE EMIGRANTS. IF THEY WENT THERE ON THAT ERRAND IT IS CONSISTENT WITH THAT PURPOSE THAT THEY SHOULD REMAIN IN THAT ATTITUDE OF FRIENDSHIP TOWARDS THE EMIGRANTS TO THE END THAT WOULD BE NATURAL IMPULSE OF HUMAN KIND DO YOU BELIEVE YOU COULD GO INTO AN INFANT SETTLEMENT ANYWHERE OR OLD SETTLEMENT AND TAKE ONE FRACTION OF <i>IT TERRITORIALY</i>[?] <i>AND IF COLLECTED UP</i>[?] THE PEOPLE AND FIND THEM ALL TO BE MURDERERS BUT MEN ARE NOT BORN IN THAT WAY. DO YOU HAVE KNOWLEDGE OF A PLACE</p>	<p>WENT THERE TO BE HUMANE TO ASSIST THE EMIGRANTS THAT THEY ALL WENT THERE ON THAT ERRAND IT IS CONSISTENT WITH THAT PURPOSE THAT THEY SHOULD REMAIN IN THAT ATTITUDE OF FRIENDSHIP TOWARDS THE EMIGRANTS TO THE END THAT WOULD BE THE NATURAL IMPULSE OF HUMAN KIND DO YOU BELIEVE YOU COULD GO INTO AN INFANT SETTLEMENT ANYWHERE OR OLD SETTLEMENT AND TAKE ONE FRACTION OF IT TERRITORIALY</p> <p>AND FIND THEM ALL TO BE MURDERERS MEN ARE NOT BORN IN THAT WAY DID YOU EVER KNOW A PLACE</p>		
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RS

PS

RT

BT

<p>GENTLEMEN THAT YOU COULD SAY WAS NATURALLY PEOPLED EXCLUSIVELY BY MURDERERS? AND YET IF THE THEORY OF THIS PROSECUTION IS CORRECT CEDAR CITY AND WASHINGTON WAS PEOPLED IN THAT WAY. THEY HAD EVERY ABLE BODIED MAN IN THE MILITIA BECAUSE THEY WERE SURROUNDED OF HOSTILE INDIANS THEY HAD TO CULTIVATE FRIENDLY RELATIONS WITH THEM IN ORDER TO PRESERVE THEIR EXISTENCE THAT ACCOUNTS FOR THEIR MILITARY ORGANIZATION VERY NECESSARY ORGANIZATION VERY USEFUL ORGANIZATION EVERY ABLE BODIED MAN</p>	<p>GENTLEMEN THAT YOU COULD SAY WAS NATURALLY PEOPLED EXCLUSIVELY BY MURDERERS AND YET IF THE THEORY OF THIS PROSECUTION IS CORRECT CEDAR CITY AND WASHINGTON WAS PEOPLED IN THAT WAY THEY HAD EVERY ABLE BODIED MAN IN THE MILITIA WAS <i>BECAUSE</i>[?] WERE SURROUNDED BY HOSTILE INDIANS THEY HAD TO CULTIVATE FRIENDLY RELATIONS WITH THEM TO PRESERVE THEIR EXISTENCE EVERY ABLE BODIED MEN</p>		
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RS

PS

RT

BT

<p>BELONGED TO IT. WHEN THIS PARTY WENT OUT TO MOUNTAIN MEADOWS THEY SELECTED ABLE BODIED MEN JUST AS THEY WERE</p> <p>ONLY</p> <p>FEW OF THE PROPER AGES TO BEAR THE FATIGUES OF A CAMPAIGN</p>	<p>BELONGED TO IT WHEN THIS PARTY WENT OUT TO THE MOUNTAIN MEADOWS THEY SELECTED ABLE BODIED MEN JUST AS THEY WERE IT WAS AN INFANT SETTLEMENT ONLY A FEW FAMILIES ONLY A FEW OF PROPER AGE TO BEAR FATIGUE OF CAMPAIGN</p> <p>[space]</p>	<p>IN NO CIVILIZED COMMUNITY IN THE WORLD WOULD A BISHOP OR A PRIVATE CITIZEN ENDANGER HIS LIFE BY OPPOSING SUCH A CRIME. ^{[[29]]} ANY MAN MUST HAVE BEEN BOLD INDEED WHO COULD PROPOSE THE MASSACRE OF ONE HUNDRED AND TWENTY MEN, WOMEN AND CHILDREN, AND DO IT IN A PUBLIC MANNER, TO MAKE SUCH A</p>	<p>IN NO CIVILIZED COMMUNITY IN THE WORLD WOULD A BISHOP OR A PRIVATE CITIZEN ENDANGER HIS LIFE BY OPPOSING SUCH A CRIME. ANY MAN MUST HAVE BEEN BOLD INDEED WHO COULD PROPOSE THE MASSACRE OF 120</p> <p>MEN WOMEN AND CHILDREN AND DO IT IS IN A PUBLIC MANNER. TO MAKE SUCH A</p>
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RS

PS

RT

BT

<p>THOSE MEN WERE BROUGHT IN PROMISCUOUSLY AND PROSECUTION ASK YOU BELIEVES ALL OF THOSE PEOPLE WERE MURDERERS. THAT IS GOOD DEAL TO BELIEVE</p>	<p>PROSECUTION ASK YOU TO BELIEVE THAT ALL OF THESE PEOPLE WERE MURDERERS NOW THIS IS A <i>GREAT</i>[?] DEAL TO BELIEVE</p>	<p>PROCLAMATION A CREDIBLE OCCURRENCE</p> <p>WE MUST ASSUME THAT IT WAS DONE IN A COMMUNITY OF ROBBERS AND MURDERERS, TO SAY THAT A RELIGIOUS COMMUNITY WAS SUCH, IS TO INSULT THE INTELLIGENCE OF EVERYBODY THAT HEARS; TO SAY THAT ANY MAN COULD SUMMON FOR A HUMANE PURPOSE A PROMISCUOUS PART OF A COMMUNITY, AND THEN THRUST THEM, WITHOUT CONSULTING THEIR WISHES, OR THEIR SCRUPLES, INTO A CRIME THAT WOULD SHOCK THE WHOLE CIVILIZED WORLD, IS A DEGREE OF</p>	<p>PROCLAMATION A CREDIBLE OCCURRENCE</p> <p>WE MUST ASSUME THAT IT WAS DONE IN A COMMUNITY OF ROBBERS AND MURDERERS. TO SAY THAT A RELIGIOUS COMMUNITY WAS SUCH, IS TO INSULT THE INTELLIGENCE OF EVERY BODY THAT HEARS IT. TO SAY THAT ANY MAN COULD SUMMON FOR A HUMANE PURPOSE A PROMISCUOUS PART OF A COMMUNITY, AND THEN THRUST THEM WITHOUT CONSULTING THEIR WISHES OR THEIR SCRUPLES INTO A CRIME THAT WOULD SHOCK THE WHOLE CIVILIZED WORLD, IS A DEGREE OF</p>
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RS

PS

RT

BT

		<p>TRIFLING THAT NO JURY OUGHT TO LISTEN TO WITH PATIENCE. COMMUNITIES IN WHICH SUCH A THING COULD BE DONE DO NOT EXIST. IF SOME HOTSPUT HAD MADE THE ATTEMPT AT EITHER OF THE TOWNS WHICH CONTRIBUTED MEN TO GO TO THE MEADOWS, THE HUMBLEST CITIZEN COULD HAVE DRIVEN HIM AT ONCE TO RETREAT OR TO EMIGRATE. A DENUNCIATION WOULD HAVE SUFFICED—THE POPULAR HEART IS ALWAYS TENDER AND HUMANE. NO MAN IN THE MORMON CHURCH WOULD HAVE SUPPORTED SUCH A PROPOSAL. IF, BY ANY FIENDISH CAPRICE OF INDIVIDUAL DEPRAVITY, SUCH A</p>	<p>TRIFLING THAT NO JURY OUGHT TO LISTEN TO WITH PATIENCE . COMMUNITIES IN WHICH SUCH A THING COULD BE DONE DO NOT EXIST. IF SOME HOTSPUR HAD MADE THE ATTEMPT AT EITHER OF THE TOWNS WHICH CONTRIBUTED MEN TO GO TO THE MEADOWS MEADOWS THE HUMBLEST CITIZEN COULD HAVE DRIVEN HIM AT ONCE TO RETREAT OER EMIGRATE. A DENUNCIATION WOULD HAVE SUFFICED—THE POPULAR HEART IS ALWAYS TENDER AND HUMANE. ^[26] NO MAN IN THE M ORMON CHURCH WOULD HAVE SUPPORTED SUCH A PROPOSAL. IF, BY ANY FIENDISH CAPRICE OF INDIVIDUAL DEPRAVITY, SUCH A</p>
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RS

PS

RT

BT

		<p>PROPOSITION HAD BEEN MADE, IN A PARTICULAR LOCALITY, A BISHOP'S BOLD STAND AGAINST IT WOULD HAVE SQUELCHED THE PROJECT AND THE PROJECTOR. SUCH A PROPOSITION IN SIGHT OF THE EMIGRANTS WOULD HAVE BEEN INDIGNANTLY REJECTED AND PROMPTLY DENOUNCED BY EVERY MAN WHO WENT THERE, EXCEPT BY KLINGENSMITH AND JOEL WHITE. WHY SHOULD THE MORMONS DESIRE THE DEATH OF THESE EMIGRANTS ?</p> <p>THOUGH THEY DID NOT BEHAVE THEMSELVES, THOUGH THEY DID MUCH TO EXASPERATE THE PEACABLE PEOPLE OF THIS</p>	<p>PROPOSITION HAD BEEN MADE IN A PARTICULAR LOCALITY, A BISHOP'S BOLD STAND AGAINST IT WOULD HAVE SQUELCHED THE PROJECT AND THE PROJECTOR. SUCH A PROPOSITION IN THE SIGHT OF THE EMIGRANTS WOULD HAVE BEEN INDIGNANTLY REJECTED AND PROMPTLY DENOUNCED BY EVERY MAN WHO WENT THERE EXCEPT P. KLINGENSMITH AND JOEL WHITE. WHY SHOULD THE MORMONS DESIRE THE DEATH OF THESE EMIGRANTS? THOUGH THOUGH THEY DID NOT BEHAVE THEMSELVES, THOUGH THOUGH THEY DID MUCH TO EXASPERATE THE PEOPLE OF THIS</p>
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RS

PS

RT

BT

<p>I CAN SUPPOSE THAT MAY WE HAVE VERY DIFFERENT VIEWS OF CERTAIN CLASSES OF PEOPLE I HAVE LIVED LONG ENOUGH IN THIS TERRITORY TO KNOW THERE ARE 2 CLASSES THAT DID NOT STAND IN PERFECT HARMONY WITH EACH OTHER</p>	<p>NOW I CAN SUPPOSE THAT MAY WE HAVE VERY GOOD VIEWS OF CERTAIN CLASSES OF PEOPLE I HAVE LIVED LONG ENOUGH IN THIS TERRITORY TO KNOW THAT THERE ARE TWO CLASSES THAT DO NOT STAND IN PERFECT HARMONY WITH EACH OTHER</p>	<p>TERRITORY WITH WHOM THEY CAME IN CON- ^{[[30]]} TACT THERE WAS NO DEADLY FUED FEUD. WHEN THEY HAD PASSED PINTO THEY HAD PASSED BEYOND THE MORMON SETTLEMENTS, AND EVERY ONE WAS READY TO EXCLAIM <u>GOOD</u> <u>RIDDANCE</u>. BUT IF IT CAN BE SUPPOSED THAT THE MORMONS DESIRED THEIR DESTRUCTION, THERE WAS NO NEED TO PURSUE THEM.</p>	<p>TERRITORY WITH WHOM THEY CAME IN COMNTACT, THERE WAS NO DEADLY FEUD. WHEN THEY HAD PASSED PINTO, THEY HAD PASSED BEYOND THE MORMON SETTLEMENTS AND EVERY ONE WAS READY TO EXCLAIM GOOD RIDDEANCE. BUT IF IT CAN BE SUPPOSED THAT THE MORMONS DESIRED THEIR DESTRUCTION, THERE WAS NO NEED TO PERSUE THEM .</p>
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RS

PS

RT

BT

<p>I DO NOT BELIEVE THERE IS MUCH WANT OF THAT CHARITY THAT ^{[[47]]} THEY THINK EVIL IN OTHER THAT THEY BELIEVE MOSTLY</p> <p>THAT THE OTHER IS COMPOSED EXCLUSIVELY OF MURDERERS. ^[space] I SAY THOSE MEN WERE ALL INTENDED GO OUT THERE SAVE EMIGRANTS YOUNG POLLOCK AND I MIGHT REPEAT ALL REST OF THOSE WHICH WOULD BROUGHT WOULD TESTIFY BECAUSE TWO OF THEM HAVE TESTIFIED THAT THEY MAINTAINED THAT FRIENDLY ATTITUDE TOWARDS EMIGRANTS TO DEATH. ^[space] NOW GENTLEMEN</p>	<p>AND I DO NOT BELIEVE ^[page torn] MUCH WANT OF THAT CHARITY THAT <i>THINKING</i>[?] ANY EVIL IN OTHER THEY BELIEVE <i>MOSTLY</i>[?] THAT THEY BELIEVE THAT THE OTHER IS COMPOSED EXCLUSIVELY ^[page torn] MURDERERS</p> <p>THOSE MEN WERE ALL INVITED TO GO OUT THERE TO SAVE THE EMIGRANTS YOUNG POLLOCK AND I MIGHT REPEAT REST OF THOSE THAT WERE BROUGHT WOULD TESTIFY BECAUSE TWO OF THEM HAVE TESTIFIED THAT THEY MAINTAINED THAT FRIENDLY ^{[[2]]} ATTITUDE TOWARDS EMIGRANTS ^[space]</p>		
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RS

PS

RT

BT

<p>THERE WAS CAPITULATION THERE THERE WAS AN AGREEMENT. LOOK AT THE CIRCUMSTANCE S THAT TEND TO SHOW THAT WHILE THESE EMIGRANTS WERE ENCAMPED OUT THERE INACTIVE AND AT REST THEY TESTIFIED WITH ONE ACCORD EXCEPT SMITH OVER IT HE SEEMS TO HAVE SUCH A REPUGNANCE TO TELLING THE TRUTH HE SWEARS TO A LIE IN EVERY PART OF TRANSACTION THAT IS SUCH AN EXCEPTIONAL THAT SOMEBODY ELSE HAS SEEN. HE SAID THEY HAD BEEN FIGHTING THERE FOR 3 OR 4 DAYS HE IS CONTRADICTED BY EVERY WITNESS IN THE CASE. ALL OTHER</p>	<p>THERE WAS A CAPITULATION THERE THERE WAS AN AGREEMENT LOOK AT THE CIRCUMSTANCE S THAT [space] SHOW THERE WHILE THESE EMIGRANTS WERE ENCAMPED OUT THERE INACTIVE AND AT REST THEY TESTIFIED WITH ONE ACCORD EXCEPT SMITH OVER IT [space] HE SEEMS TO HAVE SUCH A REPUGNANCE TO TELLING THE TRUTH THAT HE SWEARS TO A LIE ON EVERY PART OF THE TRANSACTION THAT IS SUCH AN EXCEPTIONAL THAT OTHERS —[?] HAVE SEEN IT ≤HE SAID THEY WERE FIRING 3 OR FOUR DAYS≥ CONTRADICTED BY EVERY OTHER WITNESS IN THE CASE [space]</p>		
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RS

PS

RT

BT

<p>WITNESSES SAY THERE WAS NO FIGHT [<i>space</i>] THEY ALL SAY WITH ONE ACCORD INDIANS DURING THIS TIME KEPT UP THEIR ATTACK ON THE EMIGRANTS. ON THAT LAST DAY THE DAY WHEN THEY WERE LED OUT OF CAMP INDIANS HAD DISAPPEARED THOSE WITNESSES WERE CALLED ON THE STAND. DON'T KNOW WHY THEY WERE NOT PERMITTED TO TELL WHAT WAS SAID THERE STATE WHAT COMMUNICATIO NS WITH INDIANS HAD BEEN THEY HAVE GIVEN YOU NO EXPLANATION WHY WERE THEY ABSENT. THERE ARE TWO SUSPICIONS ONE</p>	<p>THEY ALL SAY WITH ONE ACCORD THAT THE INDIANS DURING THIS TIME KEPT UP THEIR ATTACK ON THE EMIGRANTS BUT ON THE LAST DAY THE DAY THEY WERE LED OUT OF CAMP THE INDIANS HAD DISAPPEARED THOSE WITNESSES WERE CALLED ON THE STAND DO NOT KNOW WHY THEY WERE PERMITTED TO TELL WHAT WAS⁴⁵⁸ SAID WERE NOT PERMITTED TO TELL WHAT THE INDIANS SAID THERE WHY WERE THEY ABSENT [<i>space</i>] THERE ARE TWO SUSPICIONS ONE</p>		
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458. "WHAT WAS" apparently added later.

RS

PS

RT

BT

<p>IS THAT THEY HAD SO TERRIFIED EMIGRANTS THAT IN THE OPINION OF THE MEN GENTLEMEN THAT WENT THERE TO SAVE THEM⁴⁵⁹ EMIGRANTS COULD NOT BE LED OUT IN SIGHT OF THEM EMIGRANTS WOULD BE SO <i>TMLS</i>[?] SO TERROR STRICKEN THEY WOULD NOT DARE TO LEAVE THEIR ENTRENCHMENT IN FACE OF INDIANS. AND THEREFORE IT WAS DEEMED A NECESSARY MEASURE IN ORDER TO <i>ACCOMPLISH</i>[?] THEIR SALVATION BY LEADING THEM BACK CEDAR THAT THE INDIANS SHOULD DISAPPEAR. IF THAT WAS THE</p>	<p>IS THAT THEY HAD SO TERRIFIED THE EMIGRANTS IN THE OPINION OF THE MEN GENTLEMEN THAT WENT THERE TO SAVE THEM AND THE EMIGRANTS COULD NOT BE LED OUT IN SIGHT OF THEM THE EMIGRANTS WOULD BE SO <i>TMLS/TMPLS/DML</i> <i>S</i>[?] SO TERROR STRICKEN THEY WOULD NOT DARE TO LEAVE THEIR ENTRENCHMENT IN THE FACE OF INDIANS AND THEREFORE IT WAS DEEMED A NECESSARY MEASURE IN ORDER TO ACCOMPLISH THEIR SALVATION BY LEADING THEM BACK TO CEDAR THAT THE INDIANS SHOULD DISAPPEAR NOW IF THAT WAS THE</p>		
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459. Word apparently added later.

RS

PS

RT

BT

<p>AGREEMENT THAT THE INDIANS WERE TO HAVE PROPERTY AFTERWARDS NOT THREATEN EMIGRANTS SO THEY COULD BE INDUCED TO LEAVE THE CAMPS GO BACK TO CEDAR THAT EXPLAINS IT.</p> <p>IN FACT THEY WENT INTO AMBUSH CONCEALED THEMSELVES AND EVIDENTLY FOR DEADLY PURPOSE [space] DID THEY DO THAT ON THEIR OWN SAVAGE INTENTIONS OR DID THEY DO IT IN PURSUANCE</p> <p>FACT THEY WITHDREW T[?] INDICATE THEY HAD SOME NOTICE EMIGRANTS WERE GOING</p>	<p>AGREEMENT THAT THE INDIANS WERE TO HAVE THE PROPERTY AFTERWARDS AND THAT THEY WOULD DISAPPEAR SO THAT INDIANS WOULD LEAVE THEIR ENTRENCHMENT <i>WHAT IS NOT TO PRETEND/COMPREHEND</i>[?] [space] BUT THEY IN FACT WENT INTO AMBUSH THEY CONCEALED THEMSELVES <i>EVIDENTLY</i>[?] FOR A <i>DEADLY</i>[?] TO [space] PURPOSE [space] DID THEY DO THAT [space]</p> <p>OR PURSUANT TO AN AGREEMENT TO WHICH THEY <i>PURSUED</i>[?] [space] THE FACT THEY DID WITHDRAW AS IF THEY HAD SOME NOTICE THAT THE EMIGRANTS WERE COMING</p>		
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RS

PS

RT

BT

<p>OUT. WE CAN AVOID⁴⁶⁰ COMING TO THAT CONCLUSION THERE SEEMS TO BE SOME COMMUNICATIO N BETWEEN MORMONS THERE AND INDIANS TO GO IN VERY PATH THE INDIANS WERE GIVEN TO UNDERSTAND THAT THE EMIGRANTS WERE ^{[[48]]}461 COMING OUT. WAS THE AGREEMENT BONA FIDE MADE BY THE MORMONS THAT THEY WERE DISAPPEAR ENTIRELY AND COME AFTERWARDS FOR THE PROPERTY OR WAS IT AN AGREEMENT BY WHICH THEY WERE TO GO INTO AMBUSH AND TAKE THEIR</p>	<p>OUT WE CAN AVOW COMING TO THAT CONCLUSION THERE MUST HAVE BEEN SOME COMMUNICATIO N BETWEEN MORMONS AND INDIANS THERE BY WHICH THE INDIANS WERE GIVEN TO UNDERSTAND THAT THE INDIANS WERE COMING OUT NOW WAS IT AN AGREEMENT BONA FIDE MADE BY THE MORMONS THAT THEY WERE TO DISAPPEAR ENTIRELY AND COME AFTERWARDS FOR THE PROPERTY OR WAS IT AN AGREEMENT BY WHICH THEY WERE TO GO INTO AN AMBUSH AND TAKE THEIR</p>		
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460. Phrase could also be read: "WE CANNOT AVOID" or "WHO CANNOT AVOID".

461. Page is torn. A portion of the last three lines is missing.

RS

PS

RT

BT

<p>SATISFACTION AS SOON AS EMIGRANTS ALL LED OUT IN AN EXPOSED CONDITION YOU HAVE NOT GOT ANY TESTIMONY ON THAT SUBJECT [space] AND HERE ARE TWO HYPOTHESES TWO SUPPOSITIONS TWO MODES OF EXPLAINING FACT WHICH TOOK PLACE INDIANS KNEW OR AT LEAST HAD REASON TO ANTICIPATE</p> <p>EMIGRANTS WERE COMING OUT THEY WERE REQUESTED TO ABSENT THEMSELVES THEY DID ABSENT THEMSELVES THAT MUST BEEN IN</p> <p>SOME ARRANGEMENT WITH MORMONS WAS THAT ARRANGEMENT THEY WERE TO DISAPPEAR</p>	<p>SATISFACTION WHENEVER EMIGRANTS CAME IN GOOD POSITION ~ [space]</p> <p>HERE ARE TWO HYPOTHESES NO TESTIMONY ON THIS</p> <p>INDIANS KNEW OR AT LEAST HAD REASON ^{[[3]]} TO ANTICIPATE THAT THE EMIGRANTS WERE COMING OUT REQUESTED TO ABSENT THEMSELVES</p> <p>THAT MUST HAVE BEEN IN PURSUANCE OF SOME ARRANGEMENT WITH THE MORMONS AND WAS IT AN ARRANGEMENT BY WHICH</p>		
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RS

PS

RT

BT

<p>ONLY GO INTO AMBUSH AND WERE TO HAVE THEIR VENGEANCE AS SOON AS EMIGRANTS SHOULD MAKE THEIR APPEARANCE. [space] THERE IS A VERY IMPORTANT FEATURE OF THIS CASE YOU MUST EXERCISE YOUR JUDICIAL JUDGMENT. I WANT TO BRING TO THIS PRECISE JUDGMENT RULES OF LAW COURT HAS GIVEN YOU. FIRST IS WHATEVER YOUR CONCLUSION IS IT MUST BE ONE YOU BELIEVE UPON THE TESTIMONY WITHOUT ANY RATIONAL DOUBT. THAT IS THE END YOU ARE TO REACH IF YOU REACH PROPOSITION THE DEFENDANT IS</p>	<p>GO INTO AMBUSH HAVE THEIR VENGEANCE AS SOON AS EMIGRANTS SHOULD MAKE THEIR APPEARANCE THERE IS A VERY IMPORTANT FEATURE OF THIS CASE THAT YOU MUST EXERCISE YOUR JUDICIAL JUDGMENT UPON [space] I WANT TO BRING TO THIS PRECISE SUBJECT THE RULES OF LAW WHICH THE RULES HAVE [space] WHATEVER YOUR CONCLUSION IS IT MUST BE ONE THAT YOU BELIEVE UPON TESTIMONY WITHOUT ANY RATIONAL DOUBT THAT IS THE END YOU ARE TO REACH IF YOU REACH THE PROPOSITION THAT THE DEFENDANT IS</p>		
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RS

PS

RT

BT

<p>GUILTY. YOU CAN'T REACH</p> <p>THAT CONCLUSION UNLESS THERE IS SUCH A QUANTITY OF EVIDENCE AS REMOVES ALL RATIONAL DOUBT GIVES YOU SUCH CERTAINTY YOU COULD REPOSE UPON IT IN [<i>page torn</i>] OF VERY HIGHEST CONCERN ONE EVEN REFLECTING UPON</p> <p>YOUR OWN⁴⁶² LIVES. AND ANOTHER THING IS THE [<i>page torn</i>]</p> <p>YOU ADOPT TO EXPLAIN THE FACTS MUST BE ONE WHICH IS CONSISTENT WITH THE GUILT AND WHICH EXCLUDES</p>	<p>GUILTY YOU CAN'T REACH A REPOSE UPON THAT CONCLUSION UNLESS THERE IS SUCH A QUANTITY OF EVIDENCE AS REMOVES ALL RATIONAL DOUBT GIVES YOU SUCH CERTAINTY THAT YOU COULD REPOSE UPON IT IN A MATTER OF VERY HIGHEST CONCERN</p> <p>RELATING TO THIS <i>ONE/WHEN</i>[?] EVEN AFFECTING YOUR OWN LIFE [<i>space</i>] ANOTHER IS THAT THAT CONCLUSION THAT SUPPOSITION WHICH YOU ADOPT TO EXPLAIN THE FACTS MUST BE ONE WHICH IS CONSISTENT WITH THE GUILT AND WHICH EXCLUDES</p>		
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462. "YOUR OWN" apparently added later.

RS

PS

RT

BT

<p>EVERY OTHER <i>POSSIBILITY</i>[?] [<i>page torn</i>] [<i>space</i>]</p> <p>[[<i>Bk 11 1</i>]]⁴⁶³ 9:40 AM THOSE ARE <i>WORDS</i>[?] WE <i>EXPRESS</i>[?] HERE NOW TO YOUR EARS.</p> <p>I DESIRE TO ADDRESS YOU IN SUCH A⁴⁶⁴ AS LANGUAGE TO MAKE YOU CONFRONT COMPLETELY THIS POSITION OF LAW. AND I WILL DO SO BY SIMPLE ILLUSTRATION. I WAS SEATED AT A TABLE TO TAKE A MEAL ALL THE <i>FINITIES</i>[?] WERE PLACED BEFORE ME A LITTLE GIRL STOOD NEAR WITH A FLY BRUSH KEEP AWAY THOSE LITTLE</p>	<p>EVERY OTHER POSSIBLE AND REASONABLE HYPOTHESIS AND SUPPOSITION NOW THAT IS THE WORDS WE ADDRESS HERE AND NOW TO YOUR EARS AS GENTLEMEN FROM <i>THR</i>[?] <i>PRECEPTS/PRSTS</i>[?] AND I DESIRE TO ADDRESS YOU IN SUCH</p> <p>LANGUAGE AS TO MAKE YOU CONFRONT COMPLETELY THIS POSITION OF LAW I WILL DO SO BY A SIMPLE ILLUSTRATION [<i>space</i>] I WAS SEATED AT A TABLE TO TAKE A MEAL ALL THE <i>FINITIES</i>[?] WERE PLACED BEFORE ME A LITTLE STOOD NEAR WITH A FLY BRUSH KEEPING AWAY THOSE LITTLE</p>		
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463. Page is dirty. At the top of the page “**BOOK NO 11 WEDNESDAY, AUGUST 4, CONTINUATION JUDGE SUTHERLAND IN BEHALF OF LEE**” is written in longhand.

464. Word apparently added later.

RS

PS

RT

BT

<p>PESTS. OBSERVING I HAD NO FORK I SAID TO THE LITTLE GIRL PLEASE BRING ME A FORK THERE WERE NO OTHER PERSONS PRESENT. SHE AROUND THROUGH TO ADJOURNING ROOM PASSED TO THE LEFT AND BY MOTHER AS I COULD HEAR SEE IN THAT ROOM <i>OM</i>[?] THE RIGHT INSTANTLY THE LITTLE GIRL RETURNED WITH A FORK. BUT SHE CARRIED IT CONCEALED THAT IS SHE CONCEALED BY HER PERSON FROM HER MOTHER AND I DISCOVERED IT WAS NOT ACCIDENTAL BUT DONE PURPOSELY. IT EXCITED MY CURIOSITY THERE WAS THE SIMPLE FACT OF THE CONCEALMENT</p>	<p>PESTS OBSERVING THAT I HAD NO FORK I SAID TO THE LITTLE GIRL PLEASE BRING ME FORK THERE WERE NO OTHER PERSONS PRESENT SHE —[?] THROUGH TO AN ADJOURNING ROOM AND PASSED TO THE LEFT OF HER MOTHER AS I COULD HEAR SEE IN THAT ROOM TO THE RIGHT INSTANTLY THE LITTLE GIRL RETURNED WITH A FORK BUT SHE CARRIED IT CONCEALED THAT IS SHE CONCEALED IT BY HER PERSON FROM HER MOTHER AND I DISCOVERED IT WAS NOT ACCIDENTAL IT WAS DONE PURPOSELY IT EXCITED MY CURIOSITY THERE WAS THE SIMPLE FACT OF THE CONCEALMENT</p>		
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RS

PS

RT

BT

<p>OF THE FORK SEVERAL SUPPOSITION IMMEDIATELY OCCURRED TO ME TO ACCOUNT FOR THAT CONCEALMENT <i>AND/OF[?]</i> THAT CONCEALMENT WAS BECAUSE OF SOMETHING THAT HAD TRANSPIRED SOMETHING ELSE WHATEVER THAT CONCEALMENT EVIDENCE SUPPOSED TO BE FACT TO BE PROVED WHAT WAS. HAD HER MOTHER GIVEN HER DIRECTIONS NOT TO TAKE EATING UTENSILS TO THE TABLE FOR ANY CULINARY PURPOSE IN PREPARING THE MEAL THAT SUPPOSITION OCCURRED TO ME SHE HAD DISOBEYED HER SHE DESIRED TO CONCEAL THEREFORE THE RETURN OF IT. ANOTHER</p>	<p>OF THE FORK SEVERAL SUPPOSITIONS IMMEDIATELY OCCURRED TO ME TO ACCOUNT FOR THAT CONCEALMENT <i>NOW[?]</i> THAT CONCEALMENT WAS BECAUSE OF SOMETHING <i>≠ELSE≧</i> THAT HAD TRANSPIRED SOMETHING WHATEVER THAT CONCEALMENT EVIDENCE SUPPOSED TO BE FACT TO BE PROVED NOW WHAT WAS IT HAD HER MOTHER GIVEN HER DIRECTION <i>[[4]]</i> NOT TO TAKE EATING UTENSILS TO THE TABLE FOR ANY CULINARY PURPOSE <i>THEN[?]</i> HAD <i>SHE[?]</i> TAKEN THEM BEFORE AND NOT BROUGHT IT BACK [<i>space</i>] ANOTHER</p>		
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RS

PS

RT

BT

<p>SUPPOSITION WAS PERHAPS THERE WERE SEVERAL KINDS OF FORKS IN THE HOUSE SHE WAS IN SUCH A HURRY TO SUPPLY ME WITH FORK SHE TOOK FIRST ONE SHE CAME TO DID NOT HAPPEN TO BE THE KIND HER MOTHER PERMITTED TO BE USED ON THE TABLE THAT WOULD GIVE HER MOTIVE OF CONCEALMENT</p>	<p>SUPPOSITION WAS PERHAPS THERE WERE SEVERAL KINDS OF FORKS AND SHE WAS IN A IN A [<i>space</i>]</p> <p>DID NOT HAPPEN TO BE THE KIND HER MOTHER PERMITTED TO BE USED ON MY TABLE THAT WOULD GIVE HER A MOTIVE FOR CONCEALMENT 3</p>		
<p>POSSIBLY HER MOTHER TOLD HER [<i>ink blot</i>] SET THE TABLE SHE HAD BEEN CARELESS ENOUGH NOT TO PUT A FORK ON IT. INNOCENT CURIOSITY AND —[?] MERELY PLAYFUL ASKED THE GIRL IF SHE DID NOT TRY TO CONCEAL THAT FORK SO HER MOTHER WOULD NOT SEE IT YES</p>	<p>SUGGESTED ITSELF TO ME POSSIBLY HER MOTHER HAD TOLD HER TO SET THE TABLE AND BEEN CARELESS ENOUGH[?] TO NOT PUT HER FORK [<i>space</i>]</p> <p>I PLAYFULLY ASKED THE GIRL IF SHE DID NOT TRY TO CONCEAL THAT FORK SO HER MOTHER WOULD NOT SEE IT YES</p>		

RS

PS

RT

BT

<p>SAYS SHE I DID —[?] MADE A REMARK THEN THAT TOLD ME WHICH OF MY SUPPOSITIONS WERE CORRECT. I HAD ONLY THE FACT OF THE CONCEALMENT ^{[[2]]} AND ALL THE SUPPOSITION I HAD MADE SEEMED TO BE OF EQUAL PROBABILITY NEITHER OF THEM WERE SO MUCH MORE PROBABLE THAN ANOTHER THAT IT COULD BE ADOPTED WITHOUT HAVING <i>SOME</i> <i>EVIDENCE</i>[?] WHETHER IT WAS ONE OR THE OTHER. IT IS SAID THAT AGASSIZ ONE OF THE MOST LEARNED MEN <i>PRK</i>/—[?] WHILE YET A VERY YOUNG MAN MAN WAS ABLE TO ON BEING FURNISHED WITH A BONE WITH ONE OF THE BONES OF AN EXTINCT FISH</p>	<p>SAID SHE I DID SHE MADE A REMARK THEN THAT TOLD ME WHICH OF MY SUPPOSITIONS WAS CORRECT I HAD ONLY THE FACT OF THE CONCEALMENT AND ALL THE SUPPOSITIONS I HAD MADE SEEMED TO BE OF EQUALLY PROBABLE NEITHER OF THEM WAS SO MUCH MORE PROBABLE THAN ANY OTHER THAT IT COULD BE ADOPTED WITHOUT HAVING —/<i>SOME</i> <i>EVIDENCE</i>[?] WHETHER IT WAS ONE OR THE OTHER NOW IT IS SAID THAT AGASSIZ ONE OF THE MOST LEARNED MEN ← —[?] → WHILE YET A VERY YOUNG MAN WAS ABLE ON BEING FURNISHED WITH A ≤ONE OF THE≥ OF THE BONES OF AN EXTINCT FISH</p>		
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RS

PS

RT

BT

<p>TO BE ABLE TO REPRODUCE ALL THE OTHER BONES IN THAT FISH'S BODY ALTHOUGH NONE OF THE OTHER BONES WERE EXISTING AT THAT TIME. THERE IS SUCH A COMPARISON SUCH A SIMILARITY IN THE ANATOMY OF ALL ANIMALS AND ESPECIALLY OF ANIMALS OF THE SAME SPECIES THAT WHEN YOU SEE ONE BONE AND READ IT WELL YOUR MIND IS FORMED OF ALL PARTICULARS[?] OF EVERY OTHER BONE IN THE BODY HOW EACH ONE IS ADJUSTED TO ANOTHER ANY CHANGE IN ONE PRESUPPOSES MODIFICATION IN ANOTHER WHEN YOU HAVE ONE YOU</p>	<p>TO BE ABLE TO REPRODUCE ALL THE OTHER BONES IN THAT FISH'S BODY ALTHOUGH NO SUCH FISH WAS IN EXISTENCE AT THE TIME THERE IS A WHY THERE IS SUCH A COMPARISON SUCH A SIMILARITY IN THE ANATOMY OF ANIMALS AND ESPECIALLY OF ANIMALS OF THE SAME BONE[?] READ IT WELL YOUR[?] AS/IS[?] INFORMED OF ALL HOW EACH ONE IS ADJUSTED TO THE OTHER AND HOW THEY CHANGE IN ONE PRESUPPOSES/PRESUPPOSES[?] <CHANGE IN THE WHEN YOU > AND WHEN YOU</p>		
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RS

PS

RT

BT

<p>HAVE GOT A CLUE TO ALL OF THE OTHERS BUT SUPPOSE YOU SHOULD FIND A <i>GRID/GRD</i>[?] TAKEN OUT OF BUILDING DO YOU THINK YOU COULD PUT ALL THE REST OF THE BUILDING TO IT NO BECAUSE NO SUCH RULE EXISTS TWO <i>GRIDS/GRDS</i>[?]</p> <p>MIGHT BE PRECISELY ALIKE AS NEAR TWO <i>GRIDS/GRDS</i>[?] COULD BE MADE AND YET ONE MIGHT BE FIT INTO BUILDING SO UNLIKE THE OTHER THERE WOULD BE NO FEATURE IN COMMON AND SO IT IS WITH EVERY CONVERSATION OR REMARK THE SAME REMARK SAME ACT MIGHT BE A PART OF A</p>	<p>HAVE GOT ONE YOU HAVE <i>CLUE</i>[?] [<i>space</i>]</p> <p>SUPPOSE YOU SHOULD FIND A PART</p> <p>PUT ALL THE OTHER BUILDING TO IT NO BECAUSE NO SUCH RULE EXISTS A <i>GRID/GRD</i>[?] TWO <i>GRIDS/GRDS</i>[?] MIGHT BE PRECISELY ALIKE SINCE TWO <i>GRIDS/GRDS</i>[?] COULD BE MADE AND YET MIGHT BE PUT INTO A BUILDING SO UNLIKE THE OTHER THAT THERE WOULD BE NO FEATURE IN COMMON AND SO IT IS IN EVERY CONVERSATION THE SAME REMARK OR THE SAME ACT MIGHT BE PART OF A</p>		
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RS

PS

RT

BT

<p>GREAT MANY DIFFERENT COLLOQUIES. DON'T FOLLOW BECAUSE</p> <p>MADE REMARK PARTICULAR ACT IS MADE IT WILL BE FOLLOWED AND <i>SURROUNDED</i>[?] BY SAME ACTS AND SAME REMARKS IN EVERY INSTANCE THEREFORE I SHALL EXAMINE EACH OF MY SUPPOSITIONS SO WE'LL FIND OUT WHEN I MADE THIS INTERROGATIVE REMARK THERE YES SHE SAYS YES I DID CONCEAL I HAD</p> <p>FORGOTTEN TO PUT A FORK THERE WHEN SHE TOLD ME THAT IT CONFIRMED MY LAST REMARK ←FORK I HAD WOULD <i>REMEMBER</i>[?] —[?]▶</p>	<p>GREAT MANY DIFFERENT COLLOQUIES <i>BUT/IT</i>[?] SHALL FOLLOW THAT BECAUSE A PARTICULAR REMARK WAS MADE A PARTICULAR ACT [<i>space</i>]</p> <p>THEREFORE I SHALL EXPLAIN EACH SUPPOSITION SO WE'LL FIND OUT AND WHEN <i>I</i>[?] [<i>space</i>] MADE THESE INTERROGATIVE REMARK TO HER [<i>space</i>] MY MOTHER TOLD ME TO SET THE TABLE AND I FORGOT TO ^{[[5]]} PUT A FORK ON [<i>space</i>] WHEN SHE TOLD ME THAT THAT CONFIRMED MY LAST REMARK AND TAKEN IN CONNECTION WITH THE FACT THAT THE FORK</p>		
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RS

PS

RT

BT

<p>IT EXCLUDED FURTHER SUPPOSITION SHE TRIED TO CONCEAL THAT FORK BECAUSE SHE DID NOT LIKE TO HAVE HER MOTHER KNOW SHE HAD BEEN GUILTY OF THAT LITTLE CARELESSNESS I KNEW SHE HAD NOT TRIED TO CONCEAL BUT BECAUSE SHE WAS <i>PUTTING</i> ON DIFFERENT FORK [<i>space</i>] IT EXCLUDED SUPPOSITION SHE HAD PUT IT ON AND TAKEN IT OFF AGAIN. WHEN SHE MADE THAT REMARK I SAW IT WAS A SUPPOSITION I HAD NOT ANY DOUBT ABOUT ^[3] IT KILLED FURTHER SUPPOSITION IT WAS CARELESSNESS IN NOT PUTTING FORK ON</p>	<p>WAS EXACTLY LIKE THE FORK I HAD USED THAT IT EXCLUDED EVERY OTHER SUPPOSITION THAT SHE TRIED TO CONCEAL THAT FORK BECAUSE SHE DID NOT WANT HER MOTHER TO KNOW —[?] IT [<i>space</i>] I KNEW IT WAS [<i>space</i>] EXCLUDED SUPPOSITION THAT SHE THEREFORE WHEN SHE MADE THAT REMARK I SAW THAT IT WAS A SUPPOSITION THAT I HAD NOT ANY DOUBT ABOUT IT KILLED FURTHER SUPPOSITION IT WAS CARELESSNESS IN NOT PUTTING FORK ON THE</p>		
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RS

PS

RT

BT

<p>TABLE WHEN SHE HAD SET THE TABLE. [space] NOW GENTLEMEN THAT IS AN ILLUSTRATION OF THAT KIND OF CONFIRMING OF A HYPOTHESIS THAT IS REQUIRED IN ORDER TO CONVICT WHEN THERE IS NO DIRECT EVIDENCE IN ORDER TO CONVICT. YOU HAVE PROOF EMIGRANTS WERE IN DANGER FROM THE INDIANS; THEIR LIVES WERE THREATENED WHILE IN THEIR OWN ENTRENCHMENT S. THAT IS EVIDENT[?] [space] BY PROSECUTION[?]</p> <p>VERY MUCH IN THE EVIDENCE TO INDICATE IT IS</p>	<p>TABLE WHEN SHE SET THE TABLE THAT SHE HAD TRIED TO CONCEAL IT [space] THIS IS ILLUSTRATION OF THAT KIND OF CONFIRMATION OF A HYPOTHESIS THAT IS REQUIRED IN ORDER TO CONVICT WHERE THERE IS NO DIRECT EVIDENCE OF KILLING ITSELF NOW HERE YOU HAVE PROOF EMIGRANTS WERE IN DANGER THERE FROM THE INDIANS THEIR LIVES WERE THREATENED WHILE IN THEIR OWN ENTRENCHMENT S THAT IS EVIDENT BY THE CONVICTIONS[?] OF THE EMIGRANTS THEMSELVES THERE IS MUCH IN EVIDENCE TO [space]</p>		
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RS

PS

RT

BT

<p>TRUE WERE POSSESSED OF VERY VALUABLE PROPERTY. THE EMIGRANTS HAD EXHIBITED A WILLINGNESS IN EXTREMITY OF THE DAY OF THE SLAUGHTER TO ABANDON ALL THAT PROPERTY IN ORDER TO SAVE THEIR LIVES. IS NOT <WAS NOT> THAT TRUE THEY WERE WILLING TO TRUST THEIR LIVES TO THE MORMONS. THEY DID DO IT. THAT WAS THEIR COMMENTARY ON THE SITUATION INDIANS HAD BEEN FIRING UPON THEM</p> <p>THEY HAD NO ACCESS TO WATER [space] THEIR WATER</p> <p>WAS LIMITED THEY KNEW IT WAS ONLY {A}ⁱ</p>	<p>WERE POSSESSED OF VERY VALUABLE PROPERTY NOW THE EMIGRANTS HAD EXHIBITED A WILLINGNESS IN EXTREMITY ON THE DAY OF THE SLAUGHTER TO ABANDON THAT PROPERTY IN ORDER TO SAVE THEIR LIVES IS NOT THAT TRUE AND THEY WERE WILLING TO TRUST THEIR LIVES TO THE MORMONS THEY DID DO IT THAT WAS THEIR COMMENTARY ON THE SITUATION THE INDIANS HAD BEEN FIRING UPON THEM HAD PUT THEM IN FEAR OF DESTRUCTION THEY HAD NO ACCESS TO WATER THEIR AMMUNITION AND PROVISIONS WERE LIMITED THEY KNEW IT WAS ONLY A</p>		
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RS

PS

RT

BT

<p>QUESTION OF TIME IF THEY DID NOT SURRENDER THEY WERE WILLING TO ABANDON TO THE INDIANS AND LOSE TO SACRIFICE ALL THEY HAD IN THIS WORLD'S GOODS IN ORDER TO SAVE THEIR LIVES. THAT IS EVIDENCE THEY WERE IN AN EXTREMITY THEY ADMIT THEIR CONDITION A PERILOUS ONE. THE INDIANS HAD DISAPPEARED. THE WHITES ENCOURAGED THEM TO MARCH OUT OF THEIR ENTRENCHMENT S TOWARDS THEIR OWN SETTLEMENTS TOWARDS THEIR OWN SETTLEMENTS NOT FOR THE PURPOSE OF ESCAPING OPPOSITE DIRECTION BUT TOWARDS THEIR</p>	<p>QUESTION OF TIME IF THEY DID NOT SURRENDER THEY WERE WILLING TO ABANDON TO THE INDIANS ALL THEY HAD OF THIS WORLD'S GOODS IN ORDER TO SAVE THEIR LIVES THAT IS EVIDENCE THEY WERE IN AN EXTREMITY THEY ADMIT THEIR CONDITION A PERILOUS ONE THE INDIANS HAD DISAPPEARED THE WHITES ENCOURAGED THEM TO MARCH OUT OF THEIR ENTRENCHMENT TOWARDS THEIR OWN SETTLEMENTS NOT NEED FOR PURPOSE TO ESCAPE IN THE OPPOSITE DIRECTION BUT TOWARDS THEIR</p>		
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RS

PS

RT

BT

<p>OWN SETTLEMENTS THAT SHOWS TRUST AND CONFIDENCE IN THE MORMONS. <NOW GENTLEMEN> WERE THE INDIANS BY THIS ARRANGEMENT WITH MORMONS TO GO INTO AMBUSH TO HAVE THEIR VENGEANCE BY SHOOTING DOWN THESE DEFENSELESS EMIGRANTS WAS THAT {A}ⁱ FEATURE OF THE ARRANGEMENT YOU HAVE NO PROOF OF IT THERE IS NO PROOF THAT THAT WAS ANY FEATURE OF {AN}ⁱ AGREEMENT IF YOU GOT IT OUT YOU MUST GET IT OUT BY INFERENCE. IF THESE MORMONS WERE PARTY TO AN ARRANGEMENT WITH THAT FEATURE IN IT THAT THE</p>	<p>OWN SETTLEMENTS THAT SHOWS TRUST AND CONFIDENCE IN THE MORMONS NOW GENTLEMEN WERE THE INDIANS BY THIS ARRANGEMENT WITH THE MORMONS GO INTO AMBUSH AND HAVE THEIR VENGEANCE BY SHOOTING DOWN THESE DEFENSELESS EMIGRANTS WAS THAT A FEATURE OF THE ARRANGEMENT</p> <p>THERE IS NO PROOF THAT IT WAS ANY FEATURE OF THE M[?]</p> <p>AGREEMENT IF YOU GET IT OUT YOU MUST GET IT OUT BY INFERENCE IF THESE MORMONS WERE A PARTY TO AN</p> <p><i>[[6]]</i></p> <p>ARRANGEMENT THAT HAD THAT FEATURE IN IT THE</p>		
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RS

PS

RT

BT

<p>INDIANS WERE TO GO INTO AMBUSH AND WHEN EMIGRANTS CAME OUT WERE TO SHOOT THEM THEY ARE GUILTY NO PUNISHMENT HUMAN INGENUITY <i>[space]</i> INGENUITY HAS TOO GOOD FOR THEM BEFORE YOU LEVEL YOUR MALEDICTION FOR ANY SUCH THING YOU WANT TO BE SURE THERE IS TESTIMONY TO WARRANT</p> <p>THAT CONCLUSION THERE IS NO TESTIMONY HERE <i>[space]</i> ^{[[4]]} THEY AGREED INDIANS SHOULD HAVE <i>THAT</i>[?] VENGEANCE AND YOU ARE ASKED YOU ASKED HERE BY PROSECUTION TO GIVE THAT CONCLUSION THEY SEEM TO</p>	<p>INDIANS GO INTO AMBUSH AND</p> <p>EMIGRANTS COME OUT TO SHOOT THEM THEY ARE ALL GUILTY NO PUNISHMENT HUMAN INGENUITY IS</p> <p>TOO BAD GOOD FOR THEM BEFORE YOU LEVEL YOUR MALEDICTION FOR ANY SUCH THING YOU WANT TO BE SURE THAT THERE IS TESTIMONY WARRANTS YOU IN FORMING THAT CONCLUSION <i>NO/IF</i>[?] TESTIMONY HERE THAT THEY AGREED THE INDIANS SHOULD HAVE THAT VENGEANCE AND NOW —[?] YOU ARE ASKED THAT IF YOU SHOULD <i>GUESS/GIVE US</i>[?] BE SO THEY SEEM TO</p>		
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RS

PS

RT

BT

<p>RULE ON CLAIM OF THE CIVILIZED WORLD FOR THE BLOOD OF THIS MAN TO INDUCE TO DRIVE YOU TO INTIMIDATE YOU BY ADOPT THIS MURDERER'S DESCRIPTION FOR EVIDENCE. I TELL YOU THERE IS NO SYLLABLE OF EVIDENCE THAT THAT WAS A FEATURE OF THE CASE. DO YOU THINK OF ANY THE CASE IS PERFECTLY <i>BALD/B-L[?]</i> UPON THAT SUBJECT. THIS RULE IN REGARD TO THEIR HAVING PROOF OF THEIR HYPOTHESIS IS SO CONCLUSIVE AS EXCLUDE EVERY OTHER CAUSE NO. IT IS FACT THAT THE EMIGRANTS WERE KILLED WITHOUT PARTICIPATION OF JOHN D. LEE</p>	<p>RULE UPON CLAIM OF THE CIVILIZED WORLD TO INDUCE YOU TO DRIVE AND INTIMIDATE YOU TO ADOPT THIS MURDERER'S DESCRIPTION FOR EVIDENCE [<i>space</i>] I TELL YOU THERE IS NOT A SYLLABLE OF EVIDENCE THAT THAT WAS A <i>FEATURE/FACTOR[?]</i> OF THE AGREEMENT DO YOU THINK OF ANY THE CASE IS PERFECTLY <i>BALD/BLT/BLD[?]</i> UPON THAT SUBJECT [<i>space</i>] NOW THIS RULE IN REGARD TO THEIR HAVING PROOF OF THE HYPOTHESIS SO CONCLUSIVE AS TO EXCLUDE EVERY OTHER CAUSE NO [<i>space</i>] NOW IT IS A FACT THAT THE EMIGRANTS WERE KILLED WITHOUT THE PARTICIPATION OF JOHN D. LEE</p>		
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RS

PS

RT

BT

<p>WHO BROUGHT THEM OUT DOES THAT PROVE THAT IT WAS AGREED ON BEFORE? DID THOSE MORMONS WHO SHOT AT THE EMIGRANTS WHO TESTIFIES TO THAT SMITH CARRIES THAT IDEA WHITE DID NOT KNOW WHO DID SHOOT HE IS CAREFUL TO SAY HE DID NOT YOUNG DIDN'T SEE MORMONS SHOOT. POLLOCK DID NOT SAY SO WHAT WOULD THOSE OTHER TEN SAY IF THEY WERE BROUGHT HERE I DO NOT CARE WHAT SMITH SAYS. AND IF YOU ARE CANDID MEN</p> <p>YOU DO NOT CARE WHEN YOU CONSIDER ALL THE SURROUNDING OF THIS SMITH CONSIDER ALL THAT HE HAS DONE HOW HE IS</p>	<p>WHO BROUGHT THEM OUT DOES THAT PROVE THAT IT WAS AGREED ON BEFORE DID THOSE MORMONS ALL SHOOT AT THE EMIGRANTS WHO TESTIFIES TO THAT SMITH CARRIES THAT IDEA WHITE DID NOT KNOW WHO DID SHOOT HE IS CAREFUL TO SAY HE DID NOT YOUNG DID NOT HE DID NOT SEE THE MORMONS SHOOT POLLOCK DID NOT SAY SO WHAT WOULD THESE OTHER TEN SAY IF THEY WERE BROUGHT HERE I DO NOT CARE WHAT SMITH SAYS AND IF YOU ARE ACQUAINTED WITH HIM GENTLEMEN YOU DO NOT CARE WHEN YOU CONSIDER ALL THE SURROUNDINGS OF THIS SMITH ALL THAT HE HAS DONE HOW HE IS</p>		
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RS

PS

RT

BT

<p><i>CONTRADICTED</i>[?] I CAN SAY AND I DO SAY WITH DELIBERATION THAT I PITY HIM</p> <p>THAT MAN'S JUDGMENT THAT CAN BE BROUGHT TO RAISE A VERDICT OF GUILTY THROUGH WHOLE OR IN PART UPON THE TESTIMONY OF THAT FELON. YOU DO NOT KNOW WHAT TOOK PLACE WHEN THAT FIRING OCCURRED YOU DO NOT KNOW WHETHER MORMONS GENERALLY FIRED OR NOT. STRIKES SMITH'S TESTIMONY OUT OF CASE AND THEN CONSIDER OTHER TESTIMONY HOW MEAGER IT IS HOW MUCH MORE TESTIMONY WAS WITHIN REACH AND NOT PRODUCED HOW POSSIBLE</p>	<p>CONTRADICTED I CAN SAY AND I DO SAY WITH DELIBERATION THAT I <i>≠N TO</i> <i>SEE/SAY THE</i>[?]⇒ [<i>space</i>] THAT MAN'S JUDGMENT THAT CAN BE BROUGHT TO RAISE A VERDICT UPON OF GUILTY EITHER WHOLLY OR IN PART UPON THE TESTIMONY OF THAT MAN YOU DO NOT KNOW WHAT TOOK PLACE WHEN THAT FIRING TOOK PLACE YOU DO NOT KNOW WHETHER THE MORMONS GENERALLY FIRED OR NOT STRIKE SMITH'S TESTIMONY OUT OF CASE AND THEN CONSIDER THE OTHER TESTIMONY HOW MEAGER IT IS HOW MUCH MORE TESTIMONY WAS WITHIN REACH AND NOT PRODUCED HOW POSSIBLE</p>		
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RS

PS

RT

BT

<p>IT IS EVEN THAT SOME OF THEM DID SHOOT SINCE IT IS PROVED MANY OF THEM DID NOT SHOOT THAT WAS DONE WAS DONE ON INDIVIDUAL IMPULSE AND NOT IN PURSUANCE OF ANY PREVIOUS UNDERSTANDIN G [space] IF IT IS REASONABLE HYPOTHESIS THAT JOHN D. LEE BY THIS CAPITULATION INTENDED TO SAVE LIFE RATHER THAN DESTROY IT THEN THAT HYPOTHESIS MUST BE ADOPTED PURSUANT TO LAW. THE LAW REQUIRES IT, HUMANITY REQUIRES IT, CHARITY REQUIRES IT, OUR OWN EXPERIENCE REQUIRES IT BECAUSE WE KNOW HOW EASY IT IS TO DO</p>	<p>IT IS THAT EVEN IF SOME OF THEM DID SHOOT SINCE IT IS PROVED MANY OF THEM DID NOT THAT THE SHOOTING THAT WAS DONE WAS DONE UPON INDIVIDUAL IMPULSE AND NOT IN PURSUANT TO ANY PREVIOUS UNDERSTANDIN G NOW IF IT IS REASONABLE HYPOTHESIS THAT JOHN D. LEE BY THIS CAPITULATION INTENDED TO SAVE LIFE RATHER THAN DESTROY IT THEN THAT HYPOTHESIS MUST BE ADOPTED PURSUANT TO LAW THE LAW REQUIRES HUMANITY REQUIRES IT [space] ^{[[7]]} CHARITY REQUIRES IT OUR OWN EXPERIENCE REQUIRES IT BECAUSE WE KNOW HOW EASY IT IS TO DO</p>		
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RS

PS

RT

BT

<p>GOOD ACTION AND HOW HARD IT IS TO COMMIT A MURDER THERE ARE VERY FEW MEN THAT CAN ^{[[5]]} COMMIT A MURDER THERE ARE FEWER THAT THEN COMPOUND IT BY TREACHERY BY PERFIDY. IT WILL {BE}ⁱ ARGUED TO YOU THESE MEN ALL WENT OUT THERE⁴⁶⁵ FOR THE PURPOSE OF KILLING THOSE MEN IT WAS A SORT OF MORMON PROJECT TO KILL THEM WHAT DID THE MORMONS WANT TO KILL THEM FOR THEY DID THE MORMONS NO WRONG THEY MAY HAVE EXCITED SOME REMARKS JUST AS LIKE PARTY WOULD IN GOING</p>	<p>A GOOD ACTION AND HOW HARD IT IS TO COMMIT A MURDER THERE ARE VERY FEW MEN THAT CAN COMMIT MURDER THERE ARE FEWER THAT CAN COMPOSE IT BY —[?] TREACHERY BY PERFIDY [space] IT WILL BE ARGUED TO YOU THAT THOSE MEN ALL WENT OUT THERE TO KILL THOSE MEN THAT IT WAS A SORT OF A MORMON PROJECT TO KILL THEM [space] WHAT DID THE MORMONS CHARGE[?] WANT TO KILL THEM FOR MAY HAVE GONE THROUGH THERE <i>POSSIBLY</i>[?] EXCITED[?] [space] MADE SOME REMARKS</p>		
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465. Apparently added later.

RS

PS

RT

BT

<p>CITY <i>SAY</i>[?] IT WAS <i>SM/SOME</i>[?] <i>FRGGDSH/PRGGD</i> <i>SH/—</i>[?] IT WOULD BE ONLY TOPIC OF SOME PLEASANTRY JUST SO IF THEY HAD GONE INTO AN AGRICULTURAL COMMUNITY THREATEN TO DRIVE OFF SOME OF THEIR STOCK ANYTHING ELSE DISTASTEFUL TO <i>THAT</i>[?] <i>PEOPLE</i>[?] IT MIGHT PROVOKE THEM OF HAVING THESE EXTRAVAGANT REMARKS SEEMS LIKE <i>VERY</i> <i>BEAUTIFUL LIE</i>[?] <i>ANNOUNCING/—</i> [?] WHO HEAR IT SPOKEN. IF THE MORMONS DID KILL THEM. SUPPOSE FOR A MOMENT MORMONS DID EXPRESS THEMSELVES</p>	<p>CITY —/<i>WELL</i>[?] <i>FRGDSH</i>[?] IT WOULD END IN A LAUGH IT WOULD BE ONLY THE TOPIC OF SOME <i>PLEASANTRY</i>[?] <i>JUST</i>[?] OR IF THEY HAD GONE INTO AGRICULTURAL <i>COMMUNITY</i>[?] DRIVE OFF STOCK DO ANYTHING ELSE DISTASTEFUL TO THAT PEOPLE IT MAY PROVOKE EXTRAVAGANT RUMORS THAT IT WOULD OVERRULE [<i>space</i>] WHAT DID THE MORMONS WANT TO KILL THEM FOR [<i>space</i>] SUPPOSE FOR A MOMENT THAT THE MORMONS DID WANT THEM TO BE KILLED BECAUSE KNEW SOME <i>VIEWS/VOICE</i>[?] GOING THROUGH THE</p>		
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RS

PS

RT

BT

<p>THEY WOULD NOT BE LIKELY TO PREACH ABOUT IT <i>WOULD</i>[?] NOT BE VERY LIKELY TO TALK IT ON THE STREET [space] NONE OF THE MEN WHO HAD MURDER IN THEIR OWN HEART</p> <p>WOULD T[?] ANYTHING ABOUT IT TO ANYBODY ELSE UNLESS HE HAD UTMOST CONFIDENCE IN THAT MAN BECAUSE CRIME IS VERY SECRETIVE CRIMINALS HAVE THEIR VERY FEW CONFIDANTS IT IS SIMPLY RIDICULOUS</p> <p>WHOLE COUNTRY WAS SO DESIROUS TO TAKE PART IN THIS MURDER THEY TALKED ABOUT</p>	<p>TERRITORY THEY WOULD NOT BE VERY LIKELY TO PREACH ABOUT IT WOULD NOT BE VERY LIKELY TO TALK IT ON THE STREET NONE OF THE MEN THAT HAD MURDER IN HIS OWN HEART AND INTENDED TO HAVE A LITTLE PART IN IT WOULD SAY ANYTHING ABOUT IT TO ANYONE ELSE</p> <p>BECAUSE CRIME IS VERY SECRETIVE CRIMINALS HAVE VERY FEW CONFIDANTS AND IT IS SIMPLY RIDICULOUS TO SAY THAT THE WHOLE COMMUNITY WERE DESIROUS OF TAKING PART IN THIS MURDER THEY WERE TAKING ABOUT</p>		
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RS

PS

RT

BT

<p>IT IN THEIR YARDS[?] AND IN THEIR CHURCH. THERE WERE INDIANS ENOUGH THERE TO KILL THEM WITHOUT THEIR ASSISTANCE THE DANGER TO THESE EMIGRANTS WAS FROM THE INDIANS THEY WERE THERE⁴⁶⁶ IN GREAT NUMBERS THEY SURROUNDED THEM THEY HAD CUT OFF THEIR WATER AND WOULD SOON EXHAUST ALL THEIR SUPPLIES IF THE MORMONS WANTED EMIGRANTS TO KILL THEM THEY HAD NOTHING TO DO BUT LET THEM ALONE</p>	<p>IT IN THEIR <i>CHURCHES</i>[?] AND <i>D</i>[?] HOW NECESSARY THE DANGER TO THESE EMIGRANTS WAS FROM THE INDIANS [<i>space</i>] GREAT NUMBERS SURROUNDED THEM <CUT OFF WATER> SOON EXHAUSTED ALL SUPPLIES MORMONS WANTED EMIGRANTS TO BE KILLED ALL THEY HAD TO DO WAS TO LET THEM ALONE [<i>space</i>]</p>	<p>THE INDIANS HAD SURROUNDED THEM AND COULD OVERWHELM THEM. MORMONS DESIRING THEIR DESTRUCTION NEEDED ONLY TO LET THEM ALONE. THEY WERE CLOSELY BESIEGED, THEIR STOCK COULD BE DRIVEN OFF, THEIR SUPPLIES AND WATER COULD BE CUT</p>	<p>THE INDIANS HAD SURROUNDED THEM AND COULD HAVE OVERWHELMED THEM. MORMONS DESIRING THEIR DESTRUCTION NEEDED ONLE TO LET THEM ALONE. THEY WERE CLOSELY BESIEGED., THEIR STOCK COULD BE DRIVEN OFF, THEIR SUPPLIES OF WATER COULD BE CUT</p>
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466. "WERE THERE" apparently added later.

RS

PS

RT

BT

	<p>INDIANS ^{[[8]]} WOULD NOT KILL YOU AND I</p>	<p>OFF AND A FEW DAYS WOULD SUFFICE TO MAKE THEM PERISH WITH THIRST. IT IS NOT A REASONABLE THEORY THAT THE PEOPLE OF THREE TOWNS WOULD GO THE MEADOWS TO TAKE PART IN THE SLAUGHTER OF A PARTY WHOSE DEATH WAS ALREADY ASSURED. NO MAN, IN HIS COMMON SENSES, WILL BELIEVE IT. NOW, IN CONCLUSION, I SAY THAT ON THE THEORY WHICH I HAVE ADVANCED, ALL THE FACTS WHICH THE JURY CAN FIND SATISFACTORY EVIDENCE TO HARMONIZE WITH THE PRESUMPTION OF THE DEFENDANTS INNOCENCE. THE EMIGRANTS HAD RASHLY</p>	<p>OFF. A FEW DAYS WOULD SUFFICE TO MAKE THEM PERISH WITH THIRST. IT IS NOT A REASONABLE THEORY THAT THE PEOPLE OF THREE TOWNS WOULD GO TO THE MEADOWS TO TAKE PART IN THE SLAUGHTER OF A PARTY WHOSE DEATH WAS ALREADY ASSURED. NO MAN IN HIS SENSES WILL BELIEVE IT. NOW, IN CONCLUSION I SAY, THAT, ON THE THEORY WHICH I HAVE ADVANCED, ALL THE FACTS WHICH THE JURY CAN FIND IS SATISFACTORY EVIDENCE TO HARMONIZE WITH THE PRESUMPTION OF WITH THE DEFENDANTS INNOCENCE, THE EMIGRANTS HAD RASHLY</p>
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RS

PS

RT

BT

<p>[[6]] YOU KNOW WHAT TEMPER OF THE INDIANS WAS THEN YOU KNOW WHAT THEIR PROVOCATION HAD BEEN AND YOU KNOW WHAT THE INDIAN TEMPER IS WHEN THEY HAVE HAD PROVOCATION TO HAVE AMASSED THEIR FORCES</p> <p>TO TAKE VENGEANCE</p> <p>DO YOU BELIEVE IF DESIRING DEATH OF THOSE EMIGRANTS AND KNOWING THE INDIANS WERE THERE IN NUMBERS SUFFICIENT TO COMPLETE IT MORMONS WERE</p>	<p>DO NOT NEED TO REMARK YOU KNOW WHAT THE TEMPER OF THE INDIANS WAS YOU KNOW WHAT THE PROVOCATION HAD BEEN YOU KNOW WHAT THE INDIAN TEMPER IS WHEN THEY HAVE HAD PROVOCATION AND WHEN THEY HAVE AMASSED THEIR FORCES</p> <p>TO TAKE REVENGE YOU[?] KNOW THAT[?] [space] DO[?] BUT THAT THE THE MOST MURDEROUS MEN COULD DESIRE DO YOU BELIEVE IF DESIRED THE DEATH OF THOSE EMIGRANTS KNOWING INDIANS WERE THERE IN NUMBERS TO ACCOMPLISH DO YOU BELIEVE THAT MORMONS</p>	<p>COURTED SUCH A FATE FROM THE INDIANS BY POISONING THEIR FOOD AND DRINK. THERE WAS A DEADLY PROVOCATION.</p> <p>THE INDIANS ACTED UPON IT. THEY PURSUED THE EMIGRANTS; THEY SUMMONED THEIR FRIENDS AND ALLIES TO JOIN THEM IN THEIR PURSUIT OF VENGEANCE.</p>	<p>COURTED SUCH A FATE FROM THE INDIANS BY POISONING THEIR FOOD AND DRINK. THERE WAS A DEADLY PROVOCATION.</p> <p>THE INDIANS ACTED UPON IT.</p> <p>THEY SUMMONED THEIR FRIENDS AND ALLIES TO JOIN THEM IN THEIR PURSUIT OF VENGEANCE.</p>
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RS

PS

RT

BT

<p>SO DESIROUS TO DISTINGUISH THEMSELVES IN THIS HELLISH WORK THEY WERE GOING OUT THERE TO HAVE BLOODY HAND IN IT ≤IN ORDER TO HAVE BLOODY HAND IN IT ≥ DOES THAT LOOK LIKELY THAT CONSIDERATION DON'T TEND TO SUPPORT VERY MUCH THEORY OF PROSECUTION IT IS A CONSIDERATION IN MY HUMBLE JUDGMENT OUGHT TO HAVE AT LEAST LITTLE INFLUENCE IN SUGGESTING THE THEORY WHICH I ADVANCE IS ONE THAT IS REASONABLE. YOU CAN SAY IT IS SO UNREASONABLE AS TO ADMIT OF NO/ANY[?] DOUBT</p>	<p>WOULD GO OUT THERE IN THESE LARGE NUMBERS IN ORDER TO KTSL[?] AND UNNECESSARILY</p> <p>TO HAVE A HAND IN IT [space] DOES THAT LOOK LIKELY THAT CONSIDERATION DON'T TEND TO SUPPORT VERY MUCH THE THEORY OF THE PROSECUTION AND IT IS A CONSIDERATION THAT IN MY HUMBLE JUDGMENT OUGHT TO HAVE AT LEAST A LITTLE INFLUENCE IN SUGGESTING THE THEORY THAT I ADVANCE IS ONE THAT IS REASONABLE YOU CAN SAY THAT IT IS SO UNREASONABLE AS TO ADMIT TO NO/ANY[?] DOUBT [space]</p>	<p>THEY WERE IMPLACABLE IN</p>	<p>THEY WERE IMPLACABLE IN</p>
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RS

PS

RT

BT

<p>IF THE MORMONS WENT OUT THERE FOR ANY PURPOSE AT ALL I SAY IT WAS NOT TO INJURE EMIGRANTS. BUT TO HELP THEM AND THEY WOULD NOT HAVE GONE</p>	<p>IF THE MORMONS WENT OUT THERE FOR ANY PURPOSE AT ALL I SAY IT WAS NOT [space] TO INJURE EMIGRANTS BUT TO HELP THEM</p>	<p>THEIR WRATH, AND THREATENED EVEN THE MORMONS, FOR THEIR EFFORTS TO PACIFY THEM IN BEHALF OF THEIR ENEMIES. THE MORMONS HAD NO MOTICE TO SLAY THEM. THE MORMONS WITH ONE HUMANE IMPULSE, RUSHED TO THE THEIR AID FROM CEDAR CITY, FROM HARMONY AND FROM WASHINGTON. THEY WENT ^{[[31]]} TO THE MEADOWS ON HEARING THAT THE EMIGRANTS WERE ATTACKED.</p>	<p>THEIR WRATH ^{[[27]]}⁴⁶⁷ AND THREATENED EVEN THE MORMONS FOR THEIR EFFORTS TO PACIFY THEM IN BEHALF OF THEIR ENEMIES. THE MORMONS HAD NO MOTIVE TO SLAY THEM. THE MORMONS WITH ONE HUMANE IMPULSE, RUSHED TO THEIR AID FROM CEDAR CITY, FROM HARMONY AND FROM WASHINGTON. THEY WENT TO THE MEADOWS ON HEARING THAT THE EMIGRANTS WERE ATTACKED.</p>
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467. Page 27 of Sutherland’s closing is considerably damaged around the edges.

RS

PS

RT

BT

<p>AT ALL IF THEY DESIRED THEM TO BE KILLED. THEY WENT OUT THERE FOR HUMANE PURPOSE</p> <p>TO ASSIST THE MORMONS THEY WOULD NOT HAVE DONE</p> <p>OTHERWISE ALL THAT SMITH HAS TESTIFIED TO THE CONTRARY IS A LIE IT STRIKES MY MIND SO IT STRIKES MY MIND SO WITH SUCH FORCE I CAN'T REPRESS THE EXPRESSION THAT HE LIES. SOME INFLUENCE COULD HAVE PUT THE LIES —[?] OF OUR OWN MIND</p> <p>FOR LIARS</p> <p>INFLUENCE EVERY OTHER MIND BRING US TO CONCLUSION AND FORCES US</p>	<p>THEY WENT OUT THERE FOR A HUMANE PURPOSE THEY WENT OUT THERE TO ASSIST THE MORMONS THEY WOULD NOT HAVE BEEN THERE OTHERWISE AND ALL THAT SMITH HAS TESTIFIED TO THE CONTRARY IS LIE [space] IT STRIKES MY MIND SO IT STRIKES MY MIND SO AND WITH SUCH FORCE THAT I CAN'T REPRESS THE EXPRESSION THAT HE LIES SOME INFLUENCE COULD HAVE PUT THE LIES PUT THEM IN MIND COULD HAVE PUT THE LIES THAT[?] WE HAVE OBSERVE INFLUENCE[?] ON[?] EVERY OTHER MIND BRING US TO CONCLUSIONS FORCES US</p>		
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RS

PS

RT

BT

<p>TO CERTAIN DECISIONS <i>WE CARRY</i>[?] THAT ARE BASED UPON CONVICTIONS AS STRONG AS WHEN WE SEE AND HEAR TO FEEL CONVICTIONS AS STRONG AS THOSE THAT ARE SUPPORTED BY EVIDENCE OF ALL OUR SENSES. THAT IS ONE. I FEEL MORAL CERTAINTY THAT SMITH LIED IN <i>HALF</i>[?] UTTERANCE HE GAVE THAT INDICATES <i>ANYBODY/NOBODY</i>[?] THERE DESIRED TO KILL THOSE</p> <p>EMIGRANTS BEFORE THEY LEFT CEDAR. <PROSECUTION> IT WOULD BE SUGGESTED PERHAPS THAT THE MORMONS AT</p>	<p>TO CERTAIN DECISIONS THAT ARE BASED UPON CONVICTIONS AS STRONG AS WHEN WE SEE AND HEAR AND FEEL AND CONVICTIONS AS STRONG AS THOSE THAT ARE SUPPORTED BY THE EVIDENCE OF ALL OUR SENSES THAT IS ONE I FEEL A MORAL CERTAINTY THAT THAT SMITH LIED IN EVERY UTTERANCE THAT HE GAVE THAT <i>INDICATES</i>[?] <i>ANY/NOT</i>[?] ANYBODY</p> <p>DESIRED TO KILL THOSE MORMONS THOSE EMIGRANTS BEFORE THEY <i>LEFT</i>[?] CEDAR YET IT WILL BE SUGGESTED <i>PROSECUTION</i>[?] THAT THE MORMONS AT</p>		
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RS

PS

RT

BT

<p>CEDAR HARMONY AND WASHINGTON HAD LOOKED UPON THIS RICH TRAIN AND COVETED IT AND WENT THERE IN A SPIRIT OF PLUNDER IS THAT ANY MORE REASONABLE HYPOTHESIS CAN YOU BELIEVE THREE MORMON AND INJUN COMMUNITY THEY THEN DESIRED TO GO BACK AS FAR AS PAROWAN <i>AS</i> <i>FAR AS</i>[?] —[?]</p> <p>HAD BEEN ALSO INFECTED WITH COVETOUS DESIRE FOR THESE WAGONS AND ANIMALS CAN YOU BELIEVE 4 TOWNS THREE TOWNS 2 TOWNS OR EVEN ONE TOWN OF MORMONS WOULD BE SO EXCITED IN VIEW OF THAT TRAIN ^{[[?]]} AS TO</p>	<p>CEDAR AND HARMONY AND WASHINGTON HAD LOOKED UPON THIS RICH TRAIN AND COVETED IT [<i>space</i>] WENT THERE IN A SPIRIT OF PLUNDER NOW IS THAT ANY MORE REASONABLE HYPOTHESIS CAN YOU BELIEVE THAT 3 MORMON AND INJUN COMMUNITIES EVEN DESIRE TO GO BACK AS FAR AS PAROWAN AND TO SUPPOSE THAT PAROWAN ALSO ^{[[9]]} HAD BEEN INFECTED WITH A COVETOUS DESIRE FOR THESE WAGONS AND ANIMALS CAN YOU BELIEVE THAT FOUR TOWNS 3 2 OR EVEN 1 TOWN OF MORMONS WOULD BE SO EXCITED IN VIEW OF THAT TRAIN AS TO</p>		
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RS

PS

RT

BT

<p>PLOT THE DESTRUCTION OF OVER HUNDRED PERSONS IN ORDER TO ENRICH THEMSELVES WITH THAT AMOUNT OF BOOTY. IT IS SIMPLY RIDICULOUS IT IS SIMPLY RIDICULOUS WHAT IS THE EVIDENCE THEY RULE UPON. THEY SAY THE PROPERTY WAS AFTERWARDS TAKEN CARE OF DISTRIBUTED TO THE INDIANS AND DISTRIBUTED AMONG THE MORMONS AND THEN PUT INTO THE TITHING FUND {TITHING OFFICE}ⁱ GENTLEMEN WHO WAS IT PUT IT IN THE TITHING FUND WHO WAS IT MARKED THESE ANIMALS WITH THE CHURCH MARK WHY IT WAS SMITH AND THIS LEADS ME CALL YOUR</p>	<p>PLOT THE DESTRUCTION OF OVER A HUNDRED PERSONS IN ORDER TO ENRICH THEMSELVES WITH THAT AMOUNT OF BOOTY IT IS SIMPLY RIDICULOUS NOW</p> <p>WHAT IS THE EVIDENCE THEY RULE UPON THEY SAY THE PROPERTY WAS AFTERWARDS TAKEN CARE OF DISTRIBUTED TO THE INDIANS AND WAS DISTRIBUTED AMONG THE MORMONS AND THEN PUT INTO THE TITHING FUND AND</p> <p>GENTLEMEN WHO WAS IT PUT IT INTO TITHING FUND WHO WAS IT MARKED THESE ANIMALS WITH THE CHURCH MARK IT WAS SMITH AND THIS LEADS ME CALL YOUR</p>		
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RS

PS

RT

BT

<p>ATTENTION TO ANOTHER LIE HIS IS GUILTY OF IN CONNECTION WITH THIS VERY SUBJECT IT STILL MORE CONFIRMS WHAT I SAID BEFORE WHEREVER HIS TESTIMONY HAS NO EXPOSURE SO THAT NO OTHER WITNESS HAS GIVEN ANYTHING UPON SUBJECT HE LIES A LIE <i>PRS</i>[?] HE SAYS WAGONS WERE LEFT THERE UNDER <i>SOMEBODY</i>[?] ELSE'S DIRECTIONS HE SENT TWO PERSONS TO TAKE THEM OUT TO <i>IRON</i> SPRINGS SAME WAGONS AFTER <i>IS THAT A FACT</i>[?] POLLOCK SAYS SMITH AND HE YOKED UP OXEN</p>	<p>ATTENTION TO ANOTHER LIE THAT HE IS GUILTY OF IN CONNECTION WITH THIS VERY SUBJECT AND STILL MORE AFFIRMS WHAT I SAID BEFORE THAT WHEREVER HIS TESTIMONY HAS NO EXPOSURE HE LIES A LIE <i>APPEARS/PRS</i>[?] [<i>space</i>] HE SAYS THE⁴⁶⁸ WAGONS WERE LEFT THERE AND UNDER SOMEBODY ELSE'S DIRECTIONS HE SENT TWO PERSONS TO TAKE THEM ON TO IRON SPRINGS SAME TWO WAGONS <i>SINCE/AS SOON AS</i>[?] [<i>space</i>] POLLOCK SAYS THAT <i>SMITH</i>—[?] AND HE YOKED UP THE OXEN</p>		
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468. "SAYS THE" apparently added later.

RS

PS

RT

BT

<p>AND <i>HE/THEY</i>[?] TOOK</p> <p>WAGONS RIGHT BACK TO MEADOWS FROM CEDAR CITY POLLOCK AND SMITH WENT DIRECT FROM MEADOWS TO CEDAR BY WAY OF IRON SPRING UNDOUBTEDLY IN ORDER TO AVOID MATTHEWS PARTY. SMITH DID THIS SMITH PUT THE CROSS ON THE ANIMALS SMITH TOOK THE WAGONS TO THE TITHING OFFICE. THIS IS NOT FIRST TIME THAT A ROBBER MURDERER LIKE SMITH HAS ATTEMPTED TO IN SOME WAY EXPIATE THEIR CRIMES AND ATONE FOR THEM BY DEVOTING THE PROCEEDS OF THEIR ROBBERIES TO PIOUS USES AND WHAT WAS DONE WHAT MIGHT BE</p>	<p>AND TOOK <i>OTHER/OVER</i>[?] WAGONS TO</p> <p>CEDAR SMITH AND POLLOCK WENT DIRECTLY TO CEDAR BY THE SPRINGS</p> <p>TO AVOID MATTHEWS PARTY [<i>space</i>] SMITH PUT THE CROSS ON THE ANIMALS SMITH TOOK WAGONS TO THE TITHING OFFICE THAT IS NOT THE FIRST TIME THAT A ROBBER MURDERER LIKE SMITH HAS ATTEMPTED TO IN SOME WAY EXPIATE THEIR CRIMES AND ATONE FOR THEM BY DEVOTING THE PROCEEDS OF THE CRIMES TO</p> <p>PIOUS USES AND WHAT WAS DONE AND WHAT MAY BE</p>		
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RS

PS

RT

BT

<p>EXPECTED TO BE DONE IF THIS TRAGEDY OCCURRED IN MANNER I HAVE SUPPOSED IT TO HAVE BEEN DONE THAT IT RESULTED FROM INDIAN TREACHERY ALONE THAT JOHN D. LEE DID NOT ANTICIPATE THEIR TREACHERY HE MADE THIS TREATY IN GOOD FAITH LEAD THEM OUT AS THE ONLY MEASURE IN SAFETY THAT WAS LEFT TO THEM THAT IT WAS STIPULATED</p> <p>INDIANS WERE TO ABSENT THEMSELVES GO AWAY TOGETHER HE WAS AS MUCH SURPRISED AS EMIGRANTS THEMSELVES</p> <p>WHEN THEY RETURNED AND SLEW EMIGRANTS</p>	<p>EXPECTED TO BE DONE IF THIS TRAGEDY OCCURRED IN THE MANNER I HAVE SUPPOSED IT TO IF IT HAD</p> <p>RESULTED FROM INDIAN TREACHERY ALONE THAT JOHN D. LEE DID NOT ANTICIPATE THAT TREACHERY HE MADE THIS TREATY IN GOOD FAITH LED THEM OUT AS AS THE ONLY MEASURE OF SAFETY THAT WAS LEFT TO THEM THAT IT WAS STIPULATED THAT THE INDIANS WERE TO ABSENT THEMSELVES AND THAT HE WAS AS MUCH SURPRISED AS THE EMIGRANTS THEMSELVES</p> <p>WHEN THEY RETURNED AND SLEW THE EMIGRANTS [space]</p>	<p>A CAPITULATION WAS AGREED ON; IT WAS NEGOTIATED BY LEE AND OTHER LEADERS AMONG THE MORMONS IN GOOD FAITH, AND ITS EVENTUAL VIOLATIONS WAS NOT FOR SEEN.</p> <p>THE INDIANS RETIRED BEFORE THE EMIGRANTS WERE MADE A PARTY TO IT. THEY HAD APPARENTLY LISTENED FAVORABLY TO MORMON INTERSESSION. THEY RETURNED WHEN THE EMIGRANTS WERE</p>	<p>A CAPITULATION WAS AGREED ON; IT WAS NEGOTIATED BY LEE AND OTHER LEADERS AMONG THE MORMONS IN GOOD FAITH AND ITS EVENTUAL VIOLATION WAS NOT FORESEEN.</p> <p>THE INDIANS RETIRED BEFORE THE EMIGRANTS WERE MADE A PARTY TO IT. THEY HAD APPARENTLY LISTENED TO MORMON INTERSESSION. THEY RETURNED WHEN THE EMIGRANTS WERE</p>
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RS

PS

RT

BT

<p>HE PERFORMED HIS PART SAFELY CONVEYED CHILDREN AWAY IF THAT HAD BEEN DECIDED IN THIS MANNER WAS NOT IT NATURAL</p> <p>PROPERTY THE</p>	<p>HE PERFORMED HIS PART HE CONVEYED THE CHILDREN AWAY IF IT HAD INDEED BEEN DECIDED IN THIS MANNER WAS NOT IT ^{[[10]]} NATURAL</p> <p>THE PROPERTY</p>	<p>DEFENSELESS, AND EXPOSED AND FELL UPON THEM WITH THE FURY OF DEAMONS, AND SPARED NEITHER AGE NOR SEX. THIS IS THE WAY INDIANS GENERALLY FULFILL THEIR AGREEMENTS.</p> <p>LEE SAVED THE CHILDREN AND WAS NOT EVEN A WITNESS OF THE SLAUGHTER THAT FOLLOWED HIS EXODUS FROM THE FIELD. SEVENTEEN CHILDREN WERE SAVED BY HIS COURAGE, ADDRESS AND DIPLOMACY.</p> <p>THE</p>	<p>DEFENÐSELESS AND EXPOSED AND FELL UPON THEM WITH THE FURY OF DEAMONS AND SPARED NEITHER AGE NOR SEX. THIS IS THE WAY INDIANS GENERALLY FULFILL THEIR AGREEMENTS.</p> <p>LEE SAVED THE CHILDREN AND WAS NOT EVEN A WITNESS OF THE SLAUGHTER THAT FOLLOWED HIS EXEODUS FROM THE FIELD. SEVENTEEN CHILDREN WERE SAVED BY HIS COURAGE, ADDRESS AND DEPLOMACY.</p> <p><SKILL TKSTRT/—[?] [space] ART OF CONDUCTING NEGOTIATIONS BETWEEN NATIONS. SKILL IN SACKING JUDGES>⁴⁶⁹ THE</p>
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469. “SKILL” is written in longhand and the rest of the insertion is in shorthand. The shorthand appears to be Rogerson’s.

RS

PS

RT

BT

<p>PROPERTY SO FAR AS IT COULD BE SAVED</p> <p>SHOULD BE HUSBANDED THESE 17 CHILDREN THAT WERE ORPHANS SHOULD HAVE BENEFIT OF IT. [space] ^{[[8]]} THESE CHILDREN WERE DISTRIBUTED AROUND AMONG MEMBERS OF CHURCH.</p> <p>TITHING FUNDS IS THE FOR ASSISTING THE POOR OF THAT CHURCH THAT WAS THE PROPER DISTRIBUTOR OF ALL PROCEEDS OF THIS PROPERTY IF IT WAS TO GO TO THIS PROPER USE.</p>	<p>PROPERTY</p> <p>SHOULD BE HUSBANDED THAT THESE 17 CHILDREN THAT WERE ORPHANS SHOULD HAVE THE BENEFIT OF IT [space] THESE CHILDREN WERE DISTRIBUTED AROUND AMONG THE MEMBERS OF THE CHURCH</p> <p>THE TITHING FUND IS THE FUND FOR ASSISTING THE POOR OF THAT CHURCH THAT WAS THE PROPER DEPOSITORY OF</p> <p>THE PROPERTY IF IT WAS TO GO TO ITS PROPER USE</p>	<p>PROPERTY SAVED FROM THE RAPACITY OF THE INDIANS MIGHT PROPERLY BE HUSBANDED FOR THE SUPPORT AND NURTURE OF THESE ORPHANS.</p> <p>THERE COULD BE NO MORE APPROPRIATE TRUSTEE OF THE PROCEEDS FOR THIS PURPOSE THAN THE CHURCH. THE TITHING FUND IS HER CHARITY FUND.</p> <p>SLENDER AS THE</p>	<p>PROPERTY SAVED FROM THE RAPACITY OF THE INDIANS MIGHT PROP [page torn] BE HUSBANDED FOR THE SUPPORT AND NURTURE OF THESE ORPHANS.</p> <p>THERE COULD BE NO MORE APPROPRIATE TRUSTEE OF THE PROCEEDS THAN THE CHURCH. THE TITHING FUND IS HER CHARITY FUND.</p> <p>SLENDER AS THE</p>
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RS

PS

RT

BT

<p>I HAVE DEVOTED GOOD DEAL MY TIME TO THIS SUPPOSITION I WOULD</p>	<p>I HAVE DEVOTED A GOOD DEAL OF MY TIME TO THIS SUPPOSITION AND I WOULD P</p>	<p>PROVISION DERIVED FROM THIS PROPERTY WOULD BE, FOR THE MAINTENANCE OF SO.MANY CHILDREN, THE CHURCH ASSUMED THE GUARDIANSHIP OF THEM AND SHE WAS PROPERLY ENTRUSTED WITH THE MEANS DESIGNED FOR SECONDING HER BENIGN AND MOTHERLY INTENTIONS. THE FORMER OWNERS HAVING BEEN MASSACRED, IT WAS FITTING THAT THE PROPERTY SHOULD GO TO THEIR USE AND THAT THEIR KIND GUARDIANS SHOULD ADMINISTER IT. [space]</p>	<p>PROVISION DERIVED FROM THIS PROPERTY WOULD BE FOR THE MAINTAINANCE OF SO MANY CHILDREN, THE CHURCH ASSUMED A GUARDIANSHIP OF THEM, AND SHE WAS PROPERLY INTRUSTED WITH THE MEANS DESIGNED FOR SECONDING HER BENIGN AND MOTHERLY INTENTIONS. THE FORMER OWNERS HAVING BEEN MASSACRED, IT WAS FITTING THAT IF THE PROPERTY SHOULD GO TO THE[page torn] THEIR KIND GUARDIAN SHOULD ADMINISTER IT..</p>
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RS

PS

RT

BT

<p>LIKE PAY MY RESPECTS TO MY BROTHER HOGE I FEEL SOME WORRIED AND FATIGUED WITH MY EFFORT SO FAR I FEEL SATISFIED I COULD NOT DO US JUSTICE UNLESS I WAS IN GOOD CONDITION I THINK I SHALL LEAVE HERE TURN YOU OVER TO MY FRIENDS AND THANKING YOU FOR YOUR ATTENTION TO MY REMARKS I LEAVE THE CASE. BUT IN DOING SO I MUST EXPRESS TO YOU MY ABIDING CONFIDENCE THAT IF YOU EXAMINE THIS SUBJECT CANDIDLY UNDER THE <i>ET/LD</i>[?] OF THE EVIDENCE AND REFUSE CONVICT UNLESS ALL DOUBT IS REMOVED OF THAT GUILT. IF YOU</p>	<p>LIKE TO M PAY MY RESPECTS TO MY BROTHER HOGE BUT I FEEL SOME WORRIED AND FATIGUED WITH MY EFFORT SO FAR I FEEL AS THOUGH I COULD NOT DO HER JUSTICE UNLESS I WAS IN GOOD CONDITION I THINK I SHALL TURN HER OVER TO MY FRIENDS THANKING YOU FOR YOUR ATTENTION TO MY REMARKS I LEAVE THE CASE BUT IN DOING SO I MUST EXPRESS TO YOU MY ABIDING CONFIDENCE THAT IF YOU EXAMINE THIS SUBJECT CANDIDLY UNDER THE <i>WHOLE OF THE</i>[?] EVIDENCE AND REFUSE TO CONVICT UNLESS ALL DOUBT IS REMOVED OF THAT GUILT THAT YOU</p>		
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RS

PS

RT

BT

<p>REFUSE TO ADOPT SUPPOSITION THAT HE IS GUILTY BECAUSE ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED I SAY YOU CAN'T ADOPT THAT SUPPOSITION FOR THE REASON ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED AND THAT THEREFORE WHILE YOU MAY LAMENT AS EVERYBODY DOES THIS DESTRUCTION THAT THE GUILTY PARTIES ARE NOT MADE MANIFEST I THINK THERE IS NO REASON WHY ANOTHER SHOULD BE ADDED TO THE LIST OF THE SLAIN IN ORDER TO APPEASE ANYBODY OR AS IN SATISFACTION TO PUBLIC CONSCIENCE FOR THAT</p>	<p>REFUSE TO ADOPT THE SUPPOSITION THAT HE IS GUILTY BECAUSE ALL OTHER SUSPICIONS ARE NOT EXCLUDED I SAY YOU CAN NOT ADOPT THAT SUPPOSITION FIRST FOR THE REASON THAT ALL OTHER SUPPOSITIONS ARE NOT EXCLUDED AND YOU THEREFORE WHILE YOU MAY LAMENT AS EVERYBODY DOES S[?] DESTRUCTION THAT THE GUILTY PARTIES ARE NOT MADE MANIFEST YET THERE IS NO REASON WHY ANOTHER SHOULD BE ADDED TO THE LIST OF THE SLAIN IN ORDER TO APPEASE ANYBODY OR AS IN SATISFACTION TO THE PUBLIC CONSCIENCE FOR THAT</p>		
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RS

PS

RT

BT

<p>DESTRUCTION YOU OUGHT TO BE AS CAREFUL OF THE LIFE OF JOHN D. LEE AS YOU WOULD OF ANY OTHER MAN'S LIFE YOU OUGHT NOT CONVICT HIM OF THIS MURDER BECAUSE THERE IS NOT QUANTITY OF EVIDENCE WHICH THE LAW REQUIRES. THE PEOPLE HAVE NOT GIVEN YOU ALL THE EVIDENCE WITHIN THEIR REACH AND THEY THEN SHOULD REMOVE THE REASONABLE DOUBT THAT NATURALLY AND NECESSARILY MUST EXIT IN EVERY CANDID MIND. 10 25. [space]</p>	<p>DESTRUCTION YOU SHOULD BE AS CAREFUL OF THE LIFE OF JOHN D. LEE AS YOU WOULD BE OF ANY OTHER MAN'S LIFE YOU SHOULD NOT TO CONVICT HIM OF THIS MURDER BECAUSE THERE IS NOT THE QUANTITY OF MURDER EVIDENCE WHICH THE LAW REQUIRES THE PEOPLE HAVE NOT GIVEN YOU ALL THE EVIDENCE WITHIN THEIR REACH AND THEY HAVE NOT REMOVED THE REASONABLE DOUBT AND NECESSARY AND MUST EXIST IN EVERY CANDID MIND. [space]</p>		
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