

John D. Lee, Trial 1

George W. Bradshaw and
Robert Kershaw Testimonies

RT

RS

BT

PS

<p><i>[Bk 2 246 cont.]</i></p> <p>GEORGE W. BRADSHAW , SWORN FOR THE PROSECUTION. EXAMINED BY BASKIN: Q.</p> <p>WHAT IS YOUR GIVEN NAME MR. DRAWSHAW ?</p> <p>A. JOHN W. Q. WHERE DO YOU RESIDE ? A. MINERSVILLE IN THIS COUNTY. Q. WHERE WERE YOU LIVING IN THE FALL OF 1857 ? A. CEDAR CITY, IRON COUNTY. Q. HOW LONG DID YOU LIVE THERE ? A. I LIVED THERE FROM THE FALL OF 1852 TO 1859. SUTHERLAND ASKED COUNSEL FOR PROSECUTION TO GIVE WAY FOR A MOMENT AS I WOULD LIKE TO REFER TO THE STATUTE BEARING ON THE REQUEST AND THE</p>	<p><i>[Bk 5 22 cont.]</i></p> <p>GEORGE W. BRADSHAW BISHOP BRADSHAW</p> <p>MR. BRADSHAW QWHAT IS YOUR GIVEN NAME</p> <p>A JOHN W. Q WHERE DO YOU RESIDE A MINERSVILLE THIS COUNTY. QWHERE YOU LIVING FALL OF 1857 ACEDAR CITY IRON COUNTY Q HOW LONG DID YOU LIVE THERE QA I LIVED THERE FROM FALL OF <18>52 TO 1859. BY SUTHERLAND COUNSEL WILL GIVE WAY FOR MOMENT I WOULD LIKE TO REFER TO THE STATUTE BEARING ON REQUEST</p>	<p><i>[Bk 4 7-3]</i></p> <p>JOHN W. BRADSHAW SWORN FOT THE PROSECUTION.. EXAMINED BY</p> <p>— Q. MR. BRADSHAW, WHAT IS YOUR GIVEN NAME?</p> <p>A. JOHN W. . Q. WHERE DO YOU RESIDE? A. MINERSVILLE, THIS COUNTY. Q. WHERE WERE YOU LIVING IN THE FALL OF 1857? A. CEDAR CITY, IN IRON COUNTY. Q. WHERE HOW LONG DID YOU LIVE THERE? A. I LIVED THERE FROM THE FALL OF '52, TO 1859. BYMR. SUTHERLAND: IF THE COUNSEL WILL JUST GIVE WAY FOR A MOMENT I WOULD LIKE TO REFER TO THE STATUTE BEARING ON THE REQUEST</p>	<p><i>[No extant PS, missing Notebook 6.]</i></p>
---	---	---	---

RT

RS

BT

PS

<p>ARGUMENT THAT I MADE BEFORE AND REFERRED TO SECTION 22 OF AN ACT REG-^[247]ULATING THE MODE OF PROCEDURE IN CRIMINAL CASES QUOTING “WHEN IT IS NOT REASONABLE THAT A WITNESS CAN BE PRESENT AT THE TRIAL HIS DEPOSITION MAY BE TAKEN BY A COMMISSIONER. I WISH TO MAKE A PROPER SHOWING THAT THEY ARE DISABLED BY SICKNESS AND UNABLE TO ATTEND, AND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE A COMMISSIONER IN SALT LAKE CITY. I DESIRE TO MAKE THE APPLICATION NOW THAT THEY MAY HAVE THE</p>	<p>I MADE BEFORE. [space] SECTION 22 OF THE CODE REGULATING MODE OF PROCEDURE IN CRIMINAL CASES; WHEN IT IS NOT REASONABLE WITNESS CAN BE PRESENT AT TRIAL HIS DEPOSITION MAY BE TAKEN BY COMMISSIONER I WISH TO MAKE PROPER SHOWING THAT THEY ARE DISABLED UNABLE ATTEND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE COMMISSIONER IN SALT LAKE CITY. I DESIRE TO MAKE APPLICATION NOW THAT THEY MAY HAVE THE</p>	<p>I MADE BEFORE. SECTION 22# OF THE CODE REGULATING THE MODE OF PROCEEDURE IN CRIMINAL CASES. WHEN IT IS NOT REASONABLE THAT A WITNESS CAN BE PRESENT AT A TRIAL HIS DEPOSITION MAY BE TAKEN BY A COMMISSIONER. WISH TO MAKE THE PROPER SHOWING, THAT THEY ARE DISABLED AND UNABLE TO ATTEND AND I ASK AN ORDER FOR THEIR EXAMINATION BEFORE THE COMMISSIONER IN SALT LAKE CITY. I DESI RE TO MAKE THE APPLICATION NOW, THAT THEY MAY HAVE THE</p>	
---	---	---	--

RT

RS

BT

PS

<p>REQUISITE TIME TO COMPLETE IT.</p> <p>COURT: LET ME SEE THAT POINT MR. SUTHERLAND. AFTER READING THE SECTION</p> <p>REFERRED TO THE COURT SAID: I WOULD NOT BE WILLING TO MAKE THE ORDER UNLESS THE PROSECUTION ARE WILLING TO HAVE IT MADE IN SALT LAKE CITY, THE COURT READING "HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF PARTIES. SUTHERLAND: I WILL MAKE THAT SHOWING, YOUR HONOR, THAT THEY ARE NOT ABLE TO MAKE THE JOURNEY. BASKIN: AND I WILL</p>	<p>REQUISITE TIME TO COMPLETE IT. BY [space] COURT LET ME SEE THAT POINT MR. SUTHERLAND. <COURT RULED></p> <p>BY COURT I WOULD NOT BE WILLING TO MAKE THE ORDER UNLESS THE PROSECUTION ARE WILLING ^{[[23]]} TO HAVE IT MADE IN SALT LAKE CITY. COURT ORDERED HIS DEPOSITION MAY BE TAKEN IN THE PRESENCE OF PARTIES. SUTHERLAND I WILL MAKE THAT SHOWING THAT THEY ARE NOT ABLE TO MAKE THAT JOURNEY. BASKIN. WE ARE ABLE TO</p>	<p>REQUISITE TIME TO ACCOMPLISH IT. BY COURT: LET ME SEE THAT THE STATUTE POINT, MR. SUTHERLAND. (HANDS COURT SECTION OF STATUTE HE REFERRED TO) COURT: I WOULD NOT BE WILLING TO MAKE THE ORDER UNLESS THE PROSECUTION IS WILLING TO HAVE ITMADE IN SALT LAKE CITY.</p> <p>BY MR. SUTHERLAND: I WILL MAKE A SHOWING THAT THEY ARE UNABLE TO MAKE THAT JOURNEY. BY MR. BASKIN: WE ARE ABLE TO</p>	
---	---	---	--

RT

RS

BT

PS

<p>MAKE THE SHOWING AND PROVE THAT THEY ARE ABLE TO MAKE THE JOURNEY. COURT: ON THAT POINT THE GOVERNMENT HAVE REGULAR ATTORNEYS AND EMPLOYED BY THE TERRITORY.</p> <p>SUTHERLAND: THE GOVERNMENT HAVE EMPLOYED THEIR ATTORNEYS HERE. COURT: THE TERRITORY HAVE THE RIGHT ALL POWER SO FAR AS I AM CONCERNED CAREY: WE WILL BE VERY GLAD TO HAVE THE TWO WITNESSES THAT THE GENTLEMAN SPEAKS OF</p>	<p>MAKE SHOWING</p> <p>THEY ARE ABLE TO. BY COURT. ON THAT POINT THE GOVERNMENT HAS REGULAR ATTORNEYS EMPLOYED BY TERRITORY. IF PROSECUTION ARE WILLING. BY SUTHERLAND GOVERNMENT HAVE EMPLOYED THEIR ATTORNEYS HERE BY COURT, {THE}^p TERRITORY HAVE THE RIGHT TO EMPLOY ALL {THE}^p POWER AS FAR AS I AM CONCERNED BY CAREY WE WOULD BE VERY GLAD TO HAVE TWO WITNESSES GENTLEMAN SPEAKS</p>	<p>MAKE THE SHOWING THAT THEY ARE ABLE. BY COURT: ON THIS POINT THE GOVERNMENT HAS REGULAR ATTORNEYS EMPLOYED BY THE TERRITORY. IF THE PROSECUTION ARE WILLINGF. M^R Q-SUTHERLAND: THE GOVERNMENT HAVES THEIR EMPLOYED ATTORNEYS HERE. COURT: THE TERRITORY HAS THE RIGHT TO EMPLOY ALL THE POWER NEEDED SO FAR AS I AM CONCERNED.. BY MR. CAREY: WE WOULD BE GLAD TO HAVE THE TWO WITNESSES I SUPPOSE, IF THEY COULD BE GOT HERE.</p>	
---	--	--	--

RT

RS

BT

PS

<p>BROUGHT IF THEY COULD BE GOT HERE. COURT: WE WISH TO MAKE THAT SHOWING NOW, JUDGE SUTHERLAND.</p> <p>SUTHERLAND: ANY TIME,</p> <p>IF YOUR HONOR PLEASE.</p> <p>Q. DID YOU SAY YOU KNEW OF THE EMIGRANT TRAIN CALLED THE ARKANSAS EMI- ^[248] GRANT TRAIN PASSING THROUGH CEDAR ? A. I HEARD OF THEM COMING SOMETIME BEFORE THEY ARRIVED, SOME THREE OR FOUR DAYS.</p>	<p>IF THEY COULD BE GOT HERE. DO YOU WISH TO MAKE THAT SHOWING NOW JUDGE SUTHERLAND</p> <p>ANY TIME. MAY IT PLEASE YOUR HONOR. {THAT IT MIGHT PLEASE YOUR HONOR}P [space] {<u>EXAMIN</u> <u>CONTINUED.</u> <u>GEO</u>}P <u>JNO.</u> {<u>W.</u> <u>BRADSHAW</u></p> <p><u>CONTD.</u>}P Q DID YOU SEE OR —[?] OF KNOW OF THE EMIGRANT TRAIN CALLED ARKANSAS EMIGRANT TRAIN PASSING THROUGH CEDAR A I HEARD OF THEM COMING SOMETIME BEFORE THEY ARRIVED SOME THREE OR FOUR DAYS</p>	<p># COMPILED LAWS OF '76. P. 655. ^[74] BY COURTZ: DO YOU WISH TO MAKE THAT SHOWING NOW, JUDGE SUTHERLAND? BY M^R SUTHERLAND: ANY TIME THAT IT MAY PLEASE YOUR HONOR.</p> <p>— EXAMINATION OF JOHN W. BRADSHAW BY M^R CAREY CONTINUED.— Q.DID YOU SEE OR DO YOU KNOW AOF AN EMIGRANT TRAIN CALLED THE ARKANSAS EMIGRANT TRAIN PASSING THROUGH CEDAR? A. I HEARD OF THEM FCOMING SOME TIME BEFORE THEY ARRIVED — SOME THREE OR FOUR DAYS..</p>	
--	--	--	--

RT

RS

BT

PS

<p>Q. DIDN'T YOU SEE THEM AS THEY PASSED THROUGH ? A. I ONLY SAW A FEW OF THEM</p> <p>WAGONS WHEN AT CEDAR, GETTING GRINDING DONE. Q. DID YOU KNOW OF ANY PARTIES BEING ORDERED OUT TO GO TO THE MOUNTAIN MEADOWS ? BISHOP FOR DEFENSE OBJECTED TO THE QUESTION BECAUSE OF ITS BEING LEADING IN ITS CHARACTER.</p> <p>CAREY: I WISH TO SHOW THAT ONE OF THE PARTY ORDERED OUT DIDN'T GO THERE. TO WHICH BISHOP OBJECTED AS TO WHAT HE WANTS TO SHOW WITH</p>	<p>DIDN'T YOU SEE THEM AS THEY PASSED THROUGH A I ONLY SAW FEW OF THEM WE MET WAGONS WHEN AT CEDAR GETTING GRINDING DONE. Q DID YOU KNOW OF ANY PARTIES BEING²⁵⁸ BEEN ORDERED OUT TO GO TO MOUNTAIN MEADOWS.</p> <p>OBJECTED TO BY BISHOP BECAUSE IT IS LEADING IN CHARACTER BY CAREY I WISH TO SHOW ONE PARTY WAS ORDERED OUT THAT DIDN'T GO BY BISHOP I OBJECT TO HIS STATING HE WANTS TO SHOW</p>	<p>Q. DIDN'T YOU SEE THEM AS THEY PASSED THROUHG? A- A. I ONLÛY SAW A FEW OF THEM. WE MET WAGONS THAT WENT OUT TO CEDAR TO GET GRINDING DONE . Q. DO YOU KNOW ANY PARTIES BEING ORDERED OUT TO GO TO THE MOUNTAIN MEADOWS ?? THAT DIDN'T GO? OBJECTED TO BY MR. BISHOP BECAUSE IT IS LEADING IN ITS CHARACTER. Q:BY MR. CAREY: I WISH TO SHOW THAT ONE PARTËY WAS ORDERED OUT THAT DIDN'T GO. BY MR. BISHOP: I OBJECT TO HIS STATING WHAT HE WANTS TO SHOW.</p>	
--	---	--	--

258. Word added later.

RT

RS

BT

PS

<p>THAT KIND OF A QUESTION. Q. DID YOU KNOW OF ANY ONE BEING ORDERED OR OF ANY OF THE PARTIES BEING CALLED TO THE MEADOWS BISHOP</p> <p>AGAIN OBJECTED TO THE INTRODUCTION OF SUCH TESTIMONY, AS TO WHO DID NOT GO THERE.</p> <p>Q. DID YOU KNOW OF ANY PARTIES LEAVING CEDAR FOR THE</p>	<p>Q DID YOU KNOW OF ANY CALL BEING MADE OF ANY PARTIES BEING CALLED TO MOUNTAIN MEADOWS BY BISHOP WITNESSES THAT ARE PLACED UPON THAT STAND ARE SUPPOSED TO BE FRIENDLY <i>BUT AS WE CONCERNED</i>[?] HAVE RIGHT TO HAVE GENTLEMEN CONFINE THEMSELVES TO RULES WELL ESTABLISHED GOVERNING INTRODUCTION OF TESTIMONY.</p> <p>QMR. BRADSHAW QDID YOU KNOW OF ANY PARTIES LEAVING CEDAR FOR</p>	<p>Q. DID YOU KNOW OF ANY CALL BEING MADE BY ANY PARTIES, BEING CALLED TO THE MOUNTAIN MEADOWS? BY MR. BISHOP: WITNESSES THAT ARE PLACED UPON THE SATAND ARE SUPPOSED TO BE FRIENDLY; AND AS FAR AS WE ARE CONCERNED , WE HAVE THE RIGHT TO ASK THEM TO BE CONFINED TO THE RULES ESTABLISHED GOVERNING THE INTRODUCTION OF TESTIMONY.</p> <p>Q. DO YOU KNOW OF ANY PARTIES LEAVING CEDAR FOR THE</p>	
---	---	--	--

RT

RS

BT

PS

<p>MOUNTAIN MEADOWS AND THAT</p> <p>WENT ? BISHOP OBJECTED TO THE QUESTION</p>	<p>MOUNTAIN MEADOWS AFTER EMIGRANTS WENT BY BISHOP I OBJECT TO THAT QUESTION THERE IS RULE TOO WELL ESTABLISHED AND FORTIFIED TO BE DOUBTED THAT PROSECUTOR OR PARTY INTRODUCING WITNESS HAS NO RIGHT TO ASK A QUESTION THAT CAN SIMPLY BE ANSWERED YES OR NO AND THAT ANSWER BE FULL COMPLETE ANSWER TO QUESTION. BY COURT NO <i>PARTICULAR LEGAL RIGHT[?]</i> BISHOP COURT GIVE US BENEFIT OF</p>	<p>MOUNTAIN MEADOWS AFTER THE EMIGRANTS WENT BY? BY MR. BISHOP: O OBJECT TO THAT QUESTION. THIS RULE IS TOO WELL ESTABLISHED AND FORTIFIED BY</p> <p>THE STSATUTES</p> <p>ARGUED BY COUNSEL ON</p>	
--	---	--	--

RT

RS

BT

PS

<p>WHICH OBJECTIONS THE COURT OVERRULED DEFENDANTS COUNSEL THAEN AND THERE DULY EXCEPTED TO THE RULING OF THE COURT. WIT.: I SHOULD SAY IT WAS SOMETIME — IT MAY BE ONE OR TWO OR THREE WEEKS; IT WAS TEN OR TWELVE DAYS AFTER</p> <p>THESE EMIGRANTS HAD PASSED THROUGH CEDAR.</p> <p>THERE WAS AN INDIAN ABOUT THAT TIME HAD BEEN SEEN ^[249] WE HAD SEEN LIVING</p>	<p>OBJECTION [space]</p> <p>I SAY SHOULD SAY BETWEEN</p> <p>2 OR 3 DAYS WEEKS IT WAS TEN OR TWELVE DAYS ≒ASSUME/SAME [?] SEEM IT MAY BE ONE TWO WEEKS</p> <p>THOSE EMIGRANTS PASS THROUGH CEDAR➤</p> <p>BEFORE SEEN ANYTHING. ABOUT THAT TIME WE HAD SON LIVED</p>	<p>BOTH SIDES. OBJECTION</p> <p>OVERRULED. M^R BISHOP: GIVE US THE BENEFEIT OF THE AN EXCEPTION.</p> <p>A. I SHOULD SAY SOMETIME, IT MAY BE ONE OR TWO WEEKS—</p> <p>THESE EMIGRANTS PASSED THROUGH CEDAR— BETWEEN TWO OR THREE WEEKS. ^[75] IT WAS TEN OR TWELVE DAYS BEFORE WE SEEN AN INDIAN. ABOUT THAT TIME WE HAD ONE SEEN SOME — LIVED</p>	
--	--	---	--

RT

RS

BT

PS

<p>THERE WITH US; HE CAME AND TOLD ——— —— BISHOP: HOLD. ON, DON'T STATE WHAT HE SAID OR WHAT MAY HAVE BEEN SAID TO HIM. PROSECUTION: GO ON A. THERE WAS ORDERS CAME OR WORD TO WHERE I LIVED TO MOST OF THE IN-MUSTER UP, THE INDIANS HAD KILLED THE EMIGRANTS OFF AND THEY WANTED US TO GO OUT TO BURY THEM. Q. DID YOU GO TO THE PLACE WHERE YOU WERE ORDERED ? A. I WENT, BUT THE. PLACE WAS NOT DESIGNATED. THIS WAS IN CEDAR CITY</p> <p>NEAR THE BLACKSMITH SHOP. Q. WHAT DID YOU TAKE WITH YOU —</p>	<p>THERE WITH US, HE CAME AND TOLD = BY BISHOP HOLD ON DON'T STATE WHAT YOUR SON SAID TO YOU</p> <p>GO ON ^{[[24]]} A THERE WAS ORDERS CAME FROM WHERE I LIVED TO MUSTER UP; INDIANS HAD KILLED EMIGRANTS OFF, THEY WANTED US TO GO OUT TO BURY THEM Q DID YOU GO TO THE PLACE WHERE YOU WERE ORDERED A I WENT {BUT THE} P PLACE WAS NOT DESIGNATED THIS WAS IN CEDAR CITY</p> <p>NEAR BLACKSMITH SHOP. Q WHAT DID YOU TAKE WITH YOU =</p>	<p>THERE WITH US/. HE CAME AND TOLD— BY MR. BISHOP: DON'T STATE WHATYOUR SON SOMEONE SAID TO YOU,</p> <p>BUT GO ON. A. THERE WAS ORDERS CAME FROM WHERE I LIVED TO ;MUSTER UP. THE INDIANS HAD ,KILLED THE EMIGRANTS OFF, THEY WANTED US TO GO OUT T O BUTRY THEM. Q. DIDYOU GO TO THE PLAYCE WHERE YOU WERE ORDERED? A. I WENT. THE PLACE WAS NOT DESIGNATED. THIS WAS NEAR IN CEDAR CITY WHERE THE OFRDRS CAME, NEAR THE BLACKSMIETH SHOP. Q. WHAT DID YOU TALKE WITH YOU—</p>	
--	---	---	--

RT

RS

BT

PS

<p>WHAT WAS IT YOU WERE ORDERED TO TAKE A. THEY HADN'T ORDERED ME TO DO ANYTHING, I WAS THERE AT THE PLACE OF RENDEZVOUS AND ISAAC C. HAIGHT AND SEVERAL OTHERS; I CAN'T RECOLLECT THE OTHERS. Q. WHEN YOU GOT THERE</p> <p>WITH YOUR SPADE WHAT DID HE SAY ? A. HE ASKED ME WHERE MY GUN WAS. I TOLD HIM I HADN'T ANY AND I SAID DID WE WANT A GUN TO BURY THE DEAD WITH</p> <p>HOGE FOR DEFENSE: GIVE US THE EXPRESSIONS OF MR. HAIGHT.</p> <p>Q. WHAT REPLY</p>	<p>WAS WHAT YOU WERE ORDERED TO TAKE A THEY DIDN'T ORDERED ME TO DO ANYTHING. I WAS THERE PLACE OF RENDEZVOUS, ISAAC C HAIGHT SEVERAL OTHERS. I CAN'T RECOLLECT THE OTHERS Q WHEN YOU GOT THERE</p> <p>WITH YOUR SPADE WHAT DID HE SAY A HE ASKED ME WHERE MY GUN WAS, I TOLD HIM I DIDN'T KNOW</p> <p>WE WANTED GUN TO BURY DEAD WITH. OBJECTION HOGE BECAUSE AN EXPRESSION OF MR. HAIGHT GOES UNDER OUR OBJECTIONS Q WHAT REPLY</p>	<p>WHAT WAS YOU ORDERED TO TAKE? A. THEY DIDN'T ORDER ME TO DO ANYTHING. I SAW THEIR PLACE OF RENDEZVOUS; AND ISAAC C. HAIGHT ANSD SEVERAL OTHERS. I CAN'T RECOLLECT THE OTHERWS. Q. WHEN YOU GOT THERE, WHAT DID THEY SAY WITH YOUR SPADE, WHAT DID HE SAY? A. HE ASKED ME WHERE MY GUN WAS; AND I TOLD HIM I DIDN'T KNOW</p> <p>WE WANTED A GUN TO BURY THE DEAD WITH</p> <p>BY M^R HOGE: WE OBJECT. IT IS AN EXPRESSION OF MR. HAIGHT AND COMES UNDER OUR OBJECTIONNS. OVERRULED. Q . WHAT REPLY</p>	
--	--	---	--

RT

RS

BT

PS

<p>DID HE MAKE ? A. I DO NOT KNOW, ONLY THAT HE TOLD ME THAT HE SAID I WAS A FOOL, AND I DIDN'T UNDERSTAND THINGS. I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMUNITON FOR IT; HE TOLD ME ALL RIGHT, AND THAT I COULD GO HOME. Q. DID YOU SAY WHETHER MR. HAIGHT HAD BEEN TO THE MOUNTAIN MEADOWS PREVIOUS TO THIS CONVERSATION ? BISHOP FOR DEFENSE OBJECTED TO THE QUESTION, BECAUSE IT IS LEADING. ^[250] WI NESSAND THE</p>	<p>DID HE MAKE A I DO NOT KNOW ONLY THAT HE TOLD ME THAT HE SAID I WAS A FOOL, I DIDN'T UNDERSTAND THINGS; I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMMUNITION FOR IT. HE TOLD ME ALL RIGHT ‡ THAT I WOULD GO <I CLD> HOME. Q DO YOU KNOW WHETHER MR. HAIGHT HAD BEEN TO MOUNTAIN MEADOWS PREVIOUS TO THIS CONVERSATIO N BY BISHOP I OBJECT TO THE QUESTION, BECAUSE IT IS LEADING QUESTION GENTLEMAN WISHES TO KNOW WHAT THIS WITNESS DOESN'T <KNOWS></p>	<p>DID HE MAKE? A. I DON'T KNOW ONLY HE TOLD ME; HE SAID I WAS A FLEOOL; I DIDN'T UNDERSTAND THINGS. —I TOLD HIM IF I HAD BROUGHT MY GUN I HAD NO AMMUNITION FOFR IT. HE TOLD ME ALL RIGHT THAT I COULD GO HOME. Q. DO YOU KNOW WHETHER MR. HAIGHT HAD BEEN TO THE MOUNTAIN MEADOWS PREVIOUS TO THIS CONVERSATION? BY MR. BISHOP : I OBJECT TO THE QUESTION BECAUSE IT IS LEQADING THE GENTLEMEN WISH TO KNOW WHAT THIS WITNESS DON'T KNOW.</p>	
--	---	---	--

RT

RS

BT

PS

<p>WITNESS SIAD HE DID NOT KNOW. THE COURT OVERRULED THE OBJECTION. Q. PREVIOUS TO THE PASSAGE OF THE EMIGRANTS</p> <p>WHAT DID YOU HEAR CONCERNING THEIR COMING ? A. IF YOU WILL LET ME STATE THE WAY I HEARD IT ——— —WHICH WAS OBJECTED TO BY DEFENSE.</p> <p>Q. DID YOU HEAR ANYTHING FROM MR. HAIGHT ? A. NOT BEFORE THEY CAME, NO SIR. Q. WELL AFTERWARD ? A. YES SIR. Q. WHAT WAS IT ? A. IT WAS FROM ISAAC C. HAIGHT.</p> <p>SUTHERLAND FOR DEFENSE OBJECTED TO HIS STATING. THERE HAS</p>	<p>WISHES TO; WITNESS SAYS HE DID NOT KNOW BY COURT GO AHEAD MR. <BRADSHAW>. QPREVIOUS TO THE PASSAGE OF THE EMIGRANTS THROUGH CEDAR, WHAT DID YOU HEAR CONCERNING THEIR COMING Q. AIF YOU LET ME STATE THE WAY I HEARD STATE</p> <p>OBJECTED TO BY DEFENSE. <OBJ HOGE> QDID YOU HEAR ANYTHING FROM MR. HAIGHT NOT BEFORE THEY CAME —[?] IN</p> <p>YES SIR WHAT WAS IT AIT WAS FROM ISAAC C HAIGHT BY SUTHERLAND</p> <p>WE OBJECT</p> <p>THERE HAS</p>	<p>WITNESS SAAYS HE DIDN'T KNOW.</p> <p>OBJECTION OVERRULED. Q. PREVIOUS TO THE PASSAGE OF THE EMIGRANTS THROUGH CEDAR, WHAT DID YOU HEAR CONCERNING THE COMPANY? A. IF YOU WILL LET ME STATE THE WAY I HEARD IT.</p> <p>OBJECTED TO .BY MR. HOGE. Q. DID YOU HEAR ANYTHING AFROM HAIGHT BEFORE THEY CAME IN? [76]</p> <p>A. YEWS, SIR. Q. WHAT WASIT? A. IT WAS THROUGH ISAAC C. HAIGHT. BY M^R SUTHERLAND.</p> <p>WE OBJECT.</p> <p>THERE HAS</p>	
---	--	---	--

RT

RS

BT

PS

<p>BEEN NO COMBINATION SHOWN BETWEEN</p> <p>JOHN D. LEE AND HAIGHT. COURT: ; IT HAS BEEN SUFFICIENTLY SHOWN. TO WHICH RULING</p> <p>DEFENSE EXCEPTED. Q. GO ON AND STATE WHAT MR. HAIGHT SAID ? A. I BELIEVE IT WAS PREVIOUS TO IT THAT THE MEN WERE CALLED OUT, BUT I AM HARDLY SURE; IT WAS SUNDAY MEETING, AND IT WAS THE SUBJECT SPOKE OF; THOSE WHO HAD PASSED THROUGH THEN. THEY HAD BEEN PASSING THROUGH SOMETIME. HE SAID THAT</p>	<p>BEEN NO COMBINATION BETWEEN PARTIES SHOWN; BETWEEN HAIGHT AND LEE BY COURT IT HAS BEEN <u>SUFFICIENTLY SHOWN</u> BY SUTHERLAND <i>WE[?]</i> TAKE AN EXCEPTION Q. GO ON AND STATE WHAT MR. HAIGHT SAID A I BELIEVE = WHETHER IT WAS PREVIOUS TO THE TIME MEN WERE CALLED OUT; I AM NOT HARDLY SURE, BUT IT WAS SUNDAY MEETING, AND HAIGHT <HAIGHT> WAS SPEAKING OF THOSE WHO HAD PASSED HERE THEN THEY HAD BEEN PASSED THROUGH SOMETIME. HE SAID THAT</p>	<p>BEEN NO COMBINATION BETWEEN THE PARTIES SHOWN BETWEEN HAIGHT AND LEE. COURT: I THINK IT HAS BEEN SUFFICIENTLY SHOWN. BY MR. SUTHERLAND: WE TAKE AN EXCEPTION. Q. GO ON AND STATE WHAT MR. HAIGHT SAID? A. I BELIEVE — WHETHER IT WAS PREVIOUS TO THE TIME THE MEN WERE CALLED OUT, I AM HARDLY SURE; BUT IT WAS SUNDAY MEETING. HAIGHT WAS SPEAKING OF THOSE WHO HAD PASSED THROUGH; THEN † THERE THEY HAD BEEN A FUSS PASSED FOR SOMETIME. HE SAID THAT</p>	
--	--	---	--

RT

RS

BT

PS

<p>THERE HAD BEEN SOME OLD FELLOWS <FOOLS> HAD BEEN TAMPERING WITH THE INDIANS AND IF IT HADN'T BEEN FOR SOME OLD FOOLS TAMPERING WITH THE INDIANS THEY WOULD HAVE BEEN DEAD AND IN THEIR GRAVES AT THIS TIME.</p> <p>Q. REFERRING TO YOU ? ^[251]</p> <p>SUTHERLAND: WE OBJECT TO THAT.</p> <p>Q. WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD ?</p> <p>A. THE ARKANSAS EMIGRANTS.</p> <p>SUTHERLAND: NOW</p>	<p>THERE HAD BEEN SOME OLD FOOLS HAD BEEN TAMPERING WITH INDIANS. AND IF IT HADN'T BEEN FOR SOME OLD FOOLS TAMPERING WITH INDIANS THEY HAD BEEN DEAD AND IN THEIR GRAVES BY THIS TIME</p> <p>[space]</p> <p>THEY HAVE ONLY GOT FURTHER INTO <i>THE/TH</i>[?] NET</p> <p>Q. REFERRING TO YOU BY SUTHERLAND WE OBJECT TO THAT</p> <p>Q. WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD</p> <p>{A}^P ARKANSAS EMIGRANTS BY SUTHERLAND. YOUR HONOR</p>	<p>THERE HAD BEEN SOME OLD FOOLS HAD BEEN TAMPERING WITH THE THE INDIANS. "IF IT HADN'T BEEN FOR WSOME OLD FOOLS TAMPERING WITH THE INDIANS THEY WOULD HAVE BEEN DEAD AND IN THEIR GRAVES BY THIS TIME. NEVER MIND", HE SAID, "THEY HAVE ONLY FGOT FURTHER INTO THE NET." Q. REFERRING TO YOU? BY MR. SUTHERLAND: WE OBJECT TO THAT.</p> <p>SUSTAINED.</p> <p>Q. Q WHO WAS HE TALKING ABOUT WHEN HE SAID THEY WOULD HAVE BEEN DEAD?</p> <p>A. THE ARKANSAS EMIGRANTS. BY MR. SUTHERLAND: IF YOUR HONOR</p>	
--	---	--	--

RT

RS

BT

PS

<p>WE ASK, YOUR HONOR, TO STRIKE THAT OUT. COURT: HE ASKED HIM WHO HAIGHT WAS TALKING ABOUT . SUTHERLAND: AND HE HAD NO RIGHT TO ANSWER THAT, BECAUSE HAIGHT MENTIONED NO NAMES. PENDING MY OBJECTION I WAS ENDEAVORING TO MAKE THE OBJECTION UNDERSTOOD PREVIOUS TO THE QUESTION; I DESIRE TO SUGGEST TO YOUR HONOR THAT THAT IS A MATTER OF CONSTRUCTION; IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO, IF HE ONLY CONJECTURED IT IS PROPER</p>	<p>PLEASE WE ASK YOU TO STRIKE THAT OUT. BY COURT HE ASKED HIM WHOM HAIGHT WAS TALKING ABOUT BY SUTHERLAND. HE HAD NO RIGHT TO ANSWER THAT QUESTION PENDING MY OBJECTION I WAS ^{[[25]]/259} ENDEAVORING TO MAKE MY OBJECTION UNDERSTOOD PREVIOUS TO QUESTION. I DESIRE TO SUGGEST TO YOUR HONOR THAT IS MATTER OF CONSIDERATIO N IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO; IF HE ONLY CONJECTURED IT IS PROPER</p>	<p>PLEASE, WE ASK THAT THAT BE STRICKEN OUT. BY COURT: HE ASKED HIM WHO HAIGHT WAS TALKING ABOUT. BY SUTHERLAND: HE HAD NO RIGHT TO ANSWER THAT QUESTION PENDING MY OBJECTION . I WAS ENDEAVORING TO MAKE MY OBJECTION UNDERSTOOD PREVIOUS TO THE QUESTION. I SDESIRE TO SUGGEST TO YOUR HONOR THAT THAT IS A MATTER OF CONSTRUCTION. IF MR. HAIGHT SAID HE REFERRED TO THE EMIGRANTS IT IS PROPER FOR HIM TO SAY SO; IFHE ONLY CONJECTURED IT IT IS PROPER</p>	
---	--	--	--

259. At the top of the page: {G. W BRADSHAW, CONT'D.}P

RT

RS

BT

PS

<p>FOR THE JURY.</p> <p>COURT: HE OUGHT TO STATE IT AS NEAR AS HE COULD. I DON'T KNOW WHETHER HE HAD GOT DONE STATING THAT OR NOT. HOGE: THAT IS MERELY CONCLUSION OF HIS.</p>	<p>FOR JURY TO WITHDRAW HIS EVIDENCE BY HOGE AS THIS IS A RULE OF LAW YOUR HONOR <i>WHERE[?]</i> A PARTY HAS TOLD WHAT SOMEBODY ELSE SAID, HE MUST TELL WHAT HE SAYS, AND NOT DRAW HIS OWN INFERENCES BY COURT HE OUGHT TO STATE IT AS NEAR AS HE COULD I DON'T KNOW WHETHER HE HAD GOT DONE STATING THIS OR NOT BY HOGE THIS IS A CONCLUSION OF HIS \LeftarrowHE SAYS\Rightarrow HAIGHT WAS TALKING ABOUT BY COURT <u>INTERRUPTED</u> BY HOGE WE OBJECT TO OPINIONS GOING TO JURY, AS IRRELEVANT IMPROPER</p>	<p>FOR THE JURY TO WITHDRAW HIS EVIDENCE. BY M^R HOGE: THIS IS THE RULE OF LAW, YOUR HONOR: WHERE A PARTY IS TELLING WHAT SOMEBODY ELSE SAID, HE MUST TELL WHAT HE SAYS AND NOT DRAW HIS OWN INFERENCE . [77] BY COURT : HE OUGHT TO STATE IT AS NEAR AS HE COULD; I DON'T KNOW WHETHER HE HAD GOT DONE STATING THIS OR NOT. BY MR. HOGE: THAT IS A CONCLUSION OF HIS ; HE SAYS HAIGHT WAS TALKING ABOUT —</p> <p>WE OBJECTE TO OPINIONS GOING TO THE JURY AS IRRELEVANT AND IMPROPER</p>	
--	--	---	--

RT

RS

BT

PS

<p>OBJECTION OVERRULED. COUNSEL FOR DEFENDANT EXCEPTED TO THE RULING OF THE COURT Q. DID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME OR AFTERWARDS? A. THERE WAS MORE SAID ON THE SAME SUBJECT AND THAT WAS THE</p>	<p>DETAILING SERMON HE SHOULD HAVE PREACHED; LET HIM TELL WHAT HAIGHT SAID NOT WHAT HE CONJECTURED. BY COURT I DON'T THINK THAT WOULD EXCLUDE THIS STATEMENT IF I UNDERSTOOD HIM RIGHTLY IT IS NOT A MATTER OF CONJECTURE, ON THEIR PART. BY HOGE HE MAY SAY THAT BUT AT THE SAME TIME <i>STAND</i>[?]. ? [<i>space</i>]</p> <p>BY COURT GO AHEAD. Q DID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME OR AFTERWARDS A THERE WAS MORE SAID ON THE SAME SUBJECT, THAT WAS</p>	<p>TODETAILING SERMONS HE SHOULD HAVE PREACHED. LET HIM TELL WHAT HAIGHT SAID, NOT WHAT HE CONJECTURED. BY COURT: I DON'T THINK THAT WOULD EXCLUDE THIS STATEMENT IF I UNDERSTOOD HIM RIGHTLY., IT IS NOT A MATTER OF CONJECTURE IN THIS PARTICULAR.</p> <p>Q. DID YOU HEAR MR. HAIGHT SAY ANYTHING FURTHER AT THAT TIME? A. THERE WAS MORE SAID ON THE SAME SUBJECT, THAT WAS THE</p>	
---	--	---	--

RT

RS

BT

PS

<p>REASON I SAID I CONJECTURED IT. I DON'T RECOLLECT THE WORDS EXACTLY WHAT WAS SAID. HOGE FOR DEFENSE</p> <p>MOVED THE COURT TO STRIKE OUT THE WITNESSES ENTIRE ANSWER FOR THE REASON THAT IT IS SIMPLY HIS CONCLUSIONS</p> <p>DRAWN.</p>	<p>REASON I SAID I CONJECTURED IT, I DON'T RECOLLECT WORDS EXACTLY WHAT WAS SAID BY HOGE IF YOUR HONOR PLEASE WE MOVE TO STRIKE OUT THAT ANSWER, FOR THIS REASON; THAT IT IS A CONCLUSION HE HAS DRAWN FOR FROM MATTERS PASSING THROUGH</p> <p>HIS MEMORY = EVERY CONCLUSION HE DRAWS FROM WORDS PASSED FROM HAIGHT, HE CAN'T STATE OR RECOLLECT. BY COURT HE CAN'T STATE THAT MATTER BUT BALANCE OF IT</p>	<p>REASON I SAID I CONJECTURED IT. I DON'T RECOLLECT THE WORDS EXACTLY, WHAT WAS SAID. BY MR HOGE: IF YOUR HONOR PLEASE, WZE MOEVE TO STRIKE OUT THAT ANSWE R FOR FOR THIS REASON. THAT IT IS THE CONCLUSION WHICH IS DRAWN FROM</p> <p>KMATTERS PASSING THROUGH PASSING THROUGH HIS MEMORY ; THE FROM CONCLUSION HE DRAWS FROM WORBDS PAST BY HAIGHT, WHICH HE CANNOT STATE OR RECOLLECT. . BY COURT: HE CANNOT STATE THAT MATTER BUT THE BALANCE OF IT</p>	
--	---	---	--

RT

RS

BT

PS

<p>COURT RULED: HE MAY NOT BE ABLE TO GIVE THE EXACT WORDS, AND YET I WOULD NOT BE WILLING TO EXCLUDE IT.</p> <p>Q.</p> <p>I WISH TO ASK YOU IF YOU HEARD MR. HAIGHT AT THAT TIME OR AFTER- ^[252] WARDS PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER ? A. YES, HE USED TO SPEAK ABOUT IT IN THE MEETINGS. Q. WHAT DID HE SAY ? A. THERE WASN'T TO BE NOTHING SAID ABOUT IT. Q. DID YOU</p> <p>SEE THE PARTIES RETURN FROM THE</p>	<p>HE CAN STATE =SUBSTANCE OF IT BY COURT HE MAY NOT BE ABLE TO GIVE EXACT WORDS BUT I WOULD NOT BE WILLING TO EXCLUDE IT. MR. BRADSHAW Q I WISH NOW TO= I WISH TO ASK YOU IF YOU HAVE HEARD MR. HAIGHT = AT THAT TIME OF AFTERWARDS= PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER A YES, HE USED TO SPEAK ABOUT IT IN MEETINGS Q WHAT DID HE SAY A WASN'T TO BE ANYTHING SAID ABOUT IT —[?] Q DID YOU AFTER THE DID YOU YOU SEE PARTIES RETURN FROM THE</p>	<p>HE CAN STATE — THE SUBSTANCE OF IT.</p> <p>HE MAY NOT BE ABLE TO GIVE THE EXACT WORDS, BUT I WOULD NOT BEE WILLING TO EXCLUDE IT.</p> <p>Q. I WISH TO KNOW — I WISH TO ASK YOU IF YOU EVER HEARD MR. HAIGHT, AT THAT TIME OR AFTERWARDS PREACH ON THE SUBJECT OF NOT TALKING ABOUT THIS MATTER? A. YES; HE USED TO SPEAK ABOUT IT IN MEETINGS. Q. WHAT DID HE SAY? A. THERE WASN'T TO BE ANYTHING NOTHING SAID ABOUT IT. Q. DID YOU</p> <p>SEE THE PARTIES RETURN FROM THE</p>	
--	--	---	--

RT

RS

BT

PS

<p>MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR ? A. NO SIR. Q. DID YOU SEE ANY PROPERTY THERE ? A. ALL I SAW WAS WAGONS THAT COMING FROM THERE. Q. IN WHOSE POSSESSION WAS THE WAGONS ? A. IRA ALLEN, HE LIVED NEXT HOUSE TO ME IN CEDAR. Q. HOW DO YOU KNOW THAT THEY CAME FROM THERE ? A. THAT WAS WHAT WAS</p> <p>TOLD ME; I KNEW IT BY BULLET HOLES THROUGH THE WAGONS.</p> <p>SUTHERLAND OBJECTED TO ALL THIS TESTIMONY AND ASKED THAT IT BE STRICKEN OUT AS IT WAS ALL HEARSAY AND ONLY</p>	<p>MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR A NO SIR Q DID YOU SEE ANY PROPERTY THERE A ALL I SAW WAS WAGON CAME FROM THERE Q IN WHOSE POSSESSION WAS THE WAGON? A IRA ALLEN; HE LIVED NEXT HOUSE TO ME IN CEDAR Q HOW DID YOU KNOW THAT CAME FROM THERE {A}P THAT WAS WHAT WAS</p> <p>TOLD ME, I KNEW IT BY BULLET HOLES THROUGH WAGONS BOX —[?] BY SUTHERLAND OBJECT TO THAT TESTIMONY, AND ASKED IT BE STRICKEN OUT AS HEARSAY [[26]] ONLY</p>	<p>MOUNTAIN MEADOWS THAT WENT THERE FROM CEDAR? A. NO, SIR. Q. DID YOU SEE ANY PROPERTY THERE? A. ALL I SAW WAS A WAGON COVER THAT CAME FROM THERE. Q. IN WHOSE POSSESSION WAS THE WQAGON? A. IRA ALLEN'S; HE LIVED NEXT HOURSE TO ME IN CEDAR. Q. HOW DID YOU KNOW THAT CAME FROM THERE? A. THAT WAS WHAT WAS [78] WHAT WAS TOLD ME. I KNEW IT BY THE BULLET HOLES THROUGH THE WAGON. BY M^R SUTHERLAND: WE OBJECT TO THAT TESTIMONY. I ASK IT TO BE STRICKEN OUT AS HEARSAY.</p>	
---	--	--	--

RT

RS

BT

PS

<p>CONJECTURE. Q. WHO TOLD YOU MR. BRADSHAW ?</p> <p>SUTHERLAND: THAT IS ALREADY STATED. WIT.: A. IRE ALLEN. HE TOLD ME THAT THE WAGONS CAME FROM THERE. SUTHERLAND: HE SAID HE WAS TOLD, DIDN'T SAY WHO BY, THAT THE WAGONS CAME FROM THERE, THERE WAS TWO OR THREE STANDING AROUND AT THE TIME. Q. WAS MR. ALLEN THERE AT THE .TIME ?</p> <p>SUTHERLAND OBJECTED TO THE QUESTION AS LEADING WITNESS. COURT RULED: IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM. Q. DO YOU RECOLLECT</p>	<p>CONJECTURE Q WHO TOLD YOU MR. BRADSHAW BY</p> <p>SUTHERLAND HE HAS ALREADY STATED IRA ALLEN TOLD HIM THAT WAGON CAME FROM THERE. [space] HE SAID HE WAS TOLD DIDN'T SAY WHO BY THAT WAGON CAME FROM THERE THERE WAS 2 OR 3 STANDING AROUND AT THE TIME Q WAS MR. ALLEN THERE AT THE TIME OBJ TO BY SUTHERLAND;</p> <p>THAT IS LEADING WITNESS BY COURT IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM Q DO YOU RECOLLECT</p>	<p>Q. STATE HOW, MR. BRADSHAW, YOU — QBY</p> <p>SUTHERLAND: HE HAS ALREADY STATED-, IRA ALLEN TOLD HIM THAT THE WAGON CAME FROM THERE. BY M^R CAREY: HE SAID HE WAS TOLD; HE DIDN 'T SAY WHO BY—THAT THE WAGON CAME FROM THERE. A. THERE WAS TOWO OR THREE CAME STANDING AROUND AT THE TIME. Q. WAS MR. ALLEN THERE AT THE T IME? BY M^R</p> <p>SUTHERLAND: WE OBJECT . THAT IS LEADING THE WITNESS. BY COURT: IT WOULD NOT BE PROPER UNLESS HE KNOWS WHO TOLD HIM. Q. DO YOU RECOLLECT</p>	
--	--	--	--

RT

RS

BT

PS

<p>WHO WAS THERE IN COMPANY WHEN YOU WERE TOLD OF IT A. ; I COULD NOT SWEAR POSITIVELY, IT WAS ONLY JUST A MINUTE OR TWO. ^[253] Q. WHO WAS STANDING THERE WITH YOU</p> <p>A. I WAS ON THE OTHER SIDE OF THE WAGONS. Q. WHO WAS THAT WITH YOU — STATE IF YOU KNOW ? A. I DO NOT FOR I WAS TALKING. SUTHERLAND: I ASK TO HAVE THAT STATEMENT STRICKEN OUT AND THAT THE WAGONS CAME FROM THE MOUNTAIN MEADOWS. CAREY FOR PROSECUTION: THAT IS PROPER TESTIMONY AS</p>	<p>WHO WAS THERE IN COMPANY WAS WHEN YOU WERE TOLD OF IT ^AI COULD NOT SWEAR POSITIVE = IT WAS ONLY JUST A MINUTE OR TWO _Q <i>HE/WHO[?]</i> WAS STANDING THERE WHERE YOU ^ATHERE NEAR <i>HIM/ME[?]</i> ^AI WAS ON OTHER SIDE OF WAGON FROM HIM _Q SO THAT HE COULD HEAR YOU <i>YES/SO[?]</i> KNEW I WAS TALKING. BY SUTHERLAND, I ASK TO HAVE THAT STATEMENT STRICKEN OUT “THAT THAT WAGON CAME FROM MOUNTAIN MEADOWS”. BY CAREY</p> <p>THAT IS PROPER TESTIMONY.</p>	<p>WHO WAS THERE IN THE COMPANY, WHEN YOU WERE TOLD OF IT? A. I COULD NOT SWEAR POSITIVE—IT WAS ONLY JUST A MINUTE OR OR TWO. Q. WHO WAS STANDING THERE WITH YOU. A. I WAS NEAR HIM; I WAS ON THE OTHER SAIDE OF THE WAGON FROM HIM. Q. BUT SO THAT HE COULD HEAR YOU? A. YES, HE KNEW I WAS TALKING. BY M^R SUTHERLAND: I WASK THAT THAT STATEMENT BE STRICKEN OU_T; THAT THAT WAGON CAME FROM THE MOUNTAIN MEADOWS.. BY M^R CAREY:</p> <p>THAT IS PROPER TESTIMONY;</p>	
---	---	---	--

RT

RS

BT

PS

<p>THERE WERE THREE OR FOUR NEIGHBORS STANDING WITH HIM. A. THEY SAID IT CAME FROM THERE AND THEY ACQUIESCED IN IT. COUNSEL FOR DEFENSE: MR. BRADSHAW WE WOULD LIKE TO HAVE YOU KEEP STILL WHILE THERE IS A MATTER PENDING BEFORE THE COURT WITH REGARD TO YOUR EVIDENCE.</p> <p>COURT: I WAS JUST GOING TO ASK HIM THE QUESTION. ASK HIM IN WHOSE POSSESSION IT WAS. SUTHERLAND: YOUR HONOR THAT IS A CONCLUSION OF LAW. DOES YOUR HONOR OVERRULE THE MOTION TO STRIKE IT OUT ?</p>	<p>HERE ARE 3 OR FOUR NEIGHBORS STANDING WITH HIM {A}P THEY SAID IT CAME FROM THERE AND ACQUIESCED IN IT.</p> <p>QBRADSHAW I WOULD LIKE TO HAVE YOU KEEP STILL WHILE THERE IS MATTER PENDING BEFORE THE COURT {WITH REGARD YOUR EVIDENCE}P IF YOU PLEASE BY COURT I WAS JUST GOING QASK HIM A QUESTION= ASK HIM IN WHOSE POSSESSION IT WAS. BY SUTHERLAND</p> <p>THAT IS CONCLUSION AT LAW BY SUTHERLAND YOUR HONOR OVERRULES MOTION TO STRIKE IT</p>	<p>HERE ARE THREE OR FOUR NEIGHBORS STANDING WITH HIM. A. HE SAID IT CAME FROM THERE; HE ACQUIESSED IN IT.</p> <p>BY MR CAREY; I WOULD LIKE YOU TO KEEP STILL WHILE THERE IS A MATTER PENDING BEFORE THE COURT, WITH REGARD TO YOUR EVIDENCE IF YOU PLEASE. BY THE COURT: I WAS JUWST GOING TO ASK HIM THE QUESTION, IN WHOSE POSSESSION IT WAS? BY MR SUTHERLAND:</p> <p>THAT IS A CONCLUSION ATF LAW. DOES YOUR HONOR OVERRULE THE MOFNION TO STRIKE IT OUT.</p>	
--	---	--	--

RT

RS

BT

PS

<p>A. YES SIR. SUTHERLAND: PLEASE NOTE OUR EXCEPTION. Q. DID YOU EVER SEE ANY CHILDREN THAT CAME FROM THE MOUNTAIN MEADOWS A. YES. Q. HOW MANY ? A. I GUESS I SAW FIVE OR SIX</p> <p>TOGETHER. Q. WHERE WERE THEY ? SUTHERLAND: I OBJECT TO THIS MODE OF</p> <p>EXAMINATION, AS THIS WITNESS WAS NOT AT THE MOUNTAIN MEADOWS AND HE DON'T KNOW THAT THEY CAME FROM THERE, AND HE COULD ONLY HAVE GOT IT BY HEARSAY AND COUNSEL IS PUTTING ^[254] WORDS INTO HIS MOUTH. COURT: HE DIDN'T</p>	<p>A YES SIR. EXCEPTION. Q DID YOU EVER SEE ANY CHILDREN CAME FROM MOUNTAIN MEADOWS A YES Q HOW MANY A I GUESS I SAW 5 OR 6 OF THEM ALL TOGETHER Q WHERE WERE THEY ? I SUTHERLAND I OBJECT TO THIS MODE OF</p> <p>EXAMINATION. THIS WITNESS WAS NOT AT MOUNTAIN MEADOWS HE DON'T KNOW THEY CAME FROM THERE UNLESS FROM THERE UNLESS HE GOT IT BY HEARSAY {COUNSEL}^P HE IS PUTTING WORDS IN HIS MOUTH. BY COURT HE DIDN'T</p>	<p>BY COURT: YES, SIR. ^[79] BY M^R SUTHERLAND . NOTE OUR EXCEPTION. Q. DID YOU EVER SEE ANY CHILDREN THAT CAME FROM THE MOUNTAIN MEADOWS? A. YES. Q. HOW MANY? A. I GUESS I SAW FIVE OR SIX. ALL TOGETHER. Q. WHERE WERE THEY? A. BY M^R SUTHERLAND: I OBJECT TO THIS MODE OF CROSS- EXAMINATION. THIS WITNESS WAS NOT AT THE MOUNTAIN MEADOWS. HE DON'T KNOW THEY CAME FROM THERE UNLESS</p> <p>HE GOT IT BY HEARSAY AND COUNSEL IS PUTTING WORDS INTO HIS MOUTH. BY THE COURT: HE DIDN'T</p>	
---	--	---	--

RT

RS

BT

PS

<p>KNOW THESE CHILDREN CAME FROM THERE. SUTHERLAND: I THINK IT VERY LIKELY THIS WITNESS WILL COVER AS LARGE A PROPOSITION AS THE PROSECUTION WISH TO MAKE. Q. MR. BRADSHAW, HOW DID YOU LEARN THSE CHILDREN WERE FROM THE MOUNTAIN MEADOWS ?</p> <p>SUTHERLAND: I OBJECT AS IT DON'T APPEAR THEY CAME FROM THE MOUNTAIN MEADOWS AT ALL. COURT: HE MAY ASK THE QUESTION TO ASCERTAIN THAT FACT. HE SAW THE CHILDREN, AND HOW HE KNOWS IT HE MAY ASK. A. THE REASON I</p>	<p>KNOW THOSE CHILDREN CAME FROM THERE. BY SUTHERLAND I THINK IT IS VERY LIKELY THIS WITNESS WILL COVER AS LARGE PROPOSITION AS PROSECUTION WISH TO MAKE. QMR. BRADSHAW HOW DID YOU LEARN THESE CHILDREN WERE FROM MOUNTAIN MEADOWS ? BY SUTHERLAND I OBJECT, AS IT DON'T APPEAR THEY CAME FROM MOUNTAIN MEADOWS {AT ALL}^P BY COURT HE MAY ASK QUESTION TO ASCERTAIN THAT FACT; HE SAW THE CHILDREN= HOW HE KNOWS IT HE MAY ASK. {A}^P REASON I</p>	<p>KNOW THAT THESE CHILDREN CAME FROM THERE.. BY M^R SUTHERLAND: I THINK IT IS VERY LIKELY THIS WITNESS WILL COVER AS LARGE A PROPOSITION AS THE PROSEVCUTION WISH TO MAKE. BY M^R CAREY: Q. MR. BRADSHAW, HOW DID YOU LEARN THESE CHILDREN WERE FROM THE MOUNTAIN MEADOWS? BY M^R SUTHERLAND: I OBJECT, AS IT DON'T APPEAR THEY CAME FROM THE MOUNTAIN MEADOWS AT ALL. BY COURT: HE MAY ASK THE QUESTION-, TO ASCERTAIN THAT FACT; HE SAW THE CHILDREN, HOW HE KNOWS IT, HE MAY ASK HIM. A. THE REASON I</p>	
---	--	---	--

RT

RS

BT

PS

<p>KNOW IT BY THOSE WHO HAD BEEN THERE — TOLD ME SO. Q. HOW MANY OF THESE CHILDREN CAME FROM THERE ? OBJECTED TO BY SUTHERLAND</p> <p>AS HE DID NOT KNOW. THERE IS A PROPER WAY FOR HIM TO PUT THIS QUESTION, AND THIS IS A WILLING WITNESS — A VERY WILLING WITNESS, AND</p> <p>I ASK IT TO BE STRICKEN OUT.</p> <p>COURT TO BASKIN: PUT YOUR QUESTION IN SUCH A SHAPE AS NOT TO LEAD THE</p>	<p>KNOW IT BY THOSE WHO HAD BEEN THERE TOLD ME SO. Q. HOW MANY OF THOSE CHILDREN CAME FROM THERE OBJECTED TO BY SUTHERLAND</p> <p>AS HE DID NOT KNOW. THERE IS PROPER WAY FOR HIM TO PUT THIS QUESTION THIS IS A WILLING WITNESS= VERY WILLING WITNESS =YOUR HONOR HE IS VERY WILLING COUNSEL TO=I ASK STRICTEST RULES SHOULD BE APPLIED TO BOTH OF THEM</p> <p>BY COURT PUT YOUR QUESTION IN SUCH SHAPE AS NOT TO LEAD</p>	<p>KNOW IT, BY THOSE WHO HAD BEEN THERE, TOLD ME SO. Q. HOW MANY OF THESE CHILDREN CAME FFROM THERE?</p> <p>M^R SUTHERLAND: WE ONJECT AS HE DON'T KNOW. THERE IS A PROPER WAY FOR HIM TO PUT THIS QUESTION. THIS IS A WILLING WITNESS — VERY WILLING WITNESS,</p> <p>HE IS VERY WILLING THAT COUNSEL</p> <p>SHOULD GIVE HIM A CUE. BY THE COURT: PUT YOUR QUESTION IN SUCH A WAY AS NOT TO LEAD YOUR</p>	
--	---	--	--

RT

RS

BT

PS

<p>WITNESS. CAREY: I KNOW IT IS IMPOSSIBLE TO PUT THE QUESTION IN SUCH SHAPE AS TO SATISFY THE DEFENSE. Q. MR. BRADSHAW, WHO TOLD YOU ABOUT THESE CHILDREN ? DEFENDANTS COUNSEL OBJECTED TO THE QUESTION. OBJECTION OVERRULED. COURT SAID YOU MAY STATE WHO TOLD YOU ABOUT THE CHILDREN. A. IT WAS A MAN BY THE NAME OF HOPKINS.</p> <p>Q. WHO WAS MR. HOPKINS WHEN HE WENT FROM CEDAR TO THE MOUNTAIN MEADOWS ^[255] A. THAT IS WHAT I UNDERSTOOD.</p> <p>SUTHERLAND:</p>	<p>WITNESS ^[127] CAREY I KNOW IT IS IMPOSSIBLE TO PUT QUESTION IN SHAPE TO SATISFY DEFENSE Q MR. BRADSHAW WHO TOLD YOU ABOUT THOSE CHILDREN</p> <p>WE OBJECT TO THAT BY DEFENSE</p> <p>BY COURT YOU CAN STATE WHO TOLD YOU ABOUT CHILDREN {A} ^P IT WAS MAN BY THE NAME OF HOPKINS</p> <p>Q WAS MR. HOPKINS ONE WHO WENT FROM CEDAR TO MOUNTAIN MEADOWS A THAT IS WHAT I UNDERSTOOD</p> <p>SUTHERLAND</p>	<p>WITNESS. BY M^R CAREY: I KNOW IT IS IMPOSSIBLE TO PUT THE QUESTION IN SUCH A AA SHAPE AS TO SATISFY THE DEFENSE. Q. MR. BRADSHAW, WHO TOLD YOU ABOUT THESE CHILDREN?? M^R SUTHERLAND: WE OBJECT TO THAT.</p> <p>BY THE COURT: YOU CAN STATE WHO TOLD YOU ABOUT THE CHILDREN. A. IT WAS A MAN BY THE NAME OF HOPKINS. BY M^R CAREY, Q. WHO WAS MR. HOPKINS; ^[80] ONE WHO WENT FROM CEDAR TO THE MOUNTAIN MEADOWS? A. THAT IS WHAT I UNDERSTOOD. BY M^R SUTHERLAND:</p>	
---	---	---	--

RT

RS

BT

PS

<p>WE OBJECT TO THAT AS HEARSAY. COURT: WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS. Q. CAREY. : WHAT WAS THIS HOPKIN’S FIRST NAME ? A. I DON’T REMEMBER HIS FIRST NAME JUST NOW.</p> <p>Q. WAS IT CHARLEY HOPKINS— WOULD YOU KNOW THE NAME IF YOU WAS TO SEE IT ? A. YES SIR Q. HOW MANY OF THESE CHILDREN DID YOU SEE, AND IN WHOSE POSSESSION WERE THEY ?</p> <p>SUTHERLAND: WE DON’T WANT TO KNOW WHAT CHARLEY HOPKINS SAID;</p>	<p>WE OBJECT TO THAT ALSO IT IS ALL HEARSAY BY COURT WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS CAREY WHAT WAS THIS HOPKINS FIRST NAME {A}P I DON’T REMEMBER HIS FIRST NAME JUST NOW. WHEADON TOLD CAREY HIS FIRST NAME WAS IT CHARLES HOPKINS Q WOULD YOU KNOW THE NAME IF YOU WAS TO HEAR IT A YES SIR HOW Q MANY OF THESE CHILDREN DID YOU SEE AND IN WHOSE POSSESSION WERE THEY BY</p> <p>SUTHERLAND WE {DON’T}P WANT TO KNOW WHAT CHARLES HOPKINS SAID</p>	<p>WE OBJECT TO THAT ALSO. BY THE COURT: WE HAVE TESTIMONY IN REGARD TO ONE HOPKINS . Q. WHAT WAS THIS HOPKINS FIRST NAME? A. I DON’T REMEMBER HIS FIRST NAME JUST NOW. BY M^R SOUTHERLAND: I CAN TELL MR. CAREY: HIS FIRST NAME WAS CHARLEDS HOPKINS.. Q. WOULD YOU KNOW THE NAME IF YOU WAS TO HEAR IT? A. YES, SIR. Q. HOW MANY OF THESE CHILDREN DID YOU SEE, AND IN WHOSE POSSESSION WAS THEY? BY M^R</p> <p>SUTHERLAND: WE DON’T WANT TO KNOW WHAT CHARLES HOPKINS SAID.</p>	
---	---	--	--

RT

RS

BT

PS

<p>THERE WAS TWO CHILDREN LEFT THAT THEY BROUGHT TO HIS HOUSE, TWO OF THEM WERE LEFT WITH HIM. Q. IN THE FIRST PLACE WHAT DID HE SAY ? A. ONE DAY</p> <p>HE TOLD ME THEY HAD COME FROM THESE EMIGRANTS; HE TOLD ME THE CHILDREN WAS FROM THAT CAMP THAT HAD BEEN DESTROYED BY THE INDIANS Q. DO YOU REFER TO THIS ARKANSAS EMIGRANT TRAIN MR BRADSHAW ? A. YES SIR, I AM NOT REFERRING TO ANYTHING ELSE. Q. WERE THERE ANY OTHER CHILDREN THERE ? A.</p>	<p>^ATHERE WAS TWO LEFT CHILDREN LEFT THEM</p> <p>TO HIS HOUSE TWO OF THEM WERE LEFT WITH HIM. ^QIN THE FIRST PLACE WHAT DID HE SAY WHEN {HE}^P DID <i>YOUNGER</i>[?] HE TOLD ME THEY HAD COME FROM THOSE EMIGRANTS HE TOLD ME CHILDREN WAS FROM THAT CAMP HAD BEEN DESTROYED BY THE INDIANS ^Q{DO YOU}^P REFER TO THIS ARKANSAS EMIGRANT TRAIN MR. BRADSHAW ^AYES SIR I AM NOT REFERRING TO ANYTHING ELSE. ^QWERE THERE ANY OTHER CHILDREN THERE ^A</p>	<p>A. THERE WAS TWO CHILDREN LIVED WITH HIM</p> <p>TO HIS HOUSE— TWO OF THEM WHAT LIVED WITH HIM.²⁶⁰ Q. IN THE FIRST PLACE WHAT DID HE SAY?</p> <p>A. HE TOLD ME THAT THEY HAD COME FROM THESE EMIGRANTS; HE TOLD ME THE CHILDREN WAS FROM THAT CAMP THAT HAD BEEN DESTROYED BY THE INDIANS. Q. DID HE YOU REFER TO THIS ARKANSAS EMIGRANT TRAIN , MR. BRADSHAW? A. YES, SIR, I AM NOT REFERRING TO ANYTHING ELSE. Q. WERE THERE ANY OTHER CHILDREN THERE. A.</p>	
--	---	---	--

260. Sarah Frances Baker stayed with Hopkins and his wife.

RT

RS

BT

PS

<p>WILLIAM BURKBECK HAS ONE. Q. WHWHO ELSE HAD ONE ? A. JOHN M. HIGBEE HAD ONE OR TWO; DON'T REMEMBER WHICH. Q. HOW OLD WERE THEY? A. I BELIEVE JOHN M. HIGBEE HAD ONE, MUST BE FIVE OR SIX YEARS OLD. THERE WAS ONE YOUNGER. ^[256] Q. HAD HAIGHT ANY ? A. I DON'T RECOLLECT. Q. WHAT BECAME OF THESE CHILDREN ? A. THEY REMAINED THERE SOMETIME. HOGE FOR DEFENSE OBJECTED TO THE QUESTION BECAUSE IT IS SOMETHING HE DID NOT KNOW, NOR WHAT BECAME</p>	<p>WILLIAM BURKBECK HAD ONE Q WHO ELSE HAD ONE A J M HIGBEE HAD ONE OR TWO DON'T REMEMBER WHICH Q HOW OLD WERE THEY {A} P I BELIEVE J M HIGBEE HAD ONE MUST BE 5 OR 6 YEARS OLD OTHER WAS YOUNGER Q HAD HAIGHT ANY A I DON'T RECOLLECT Q WHAT BECAME OF THOSE CHILDREN THEY REMAINED THERE SOMETIME BY HOGE WE OBJECT TO THAT BECAUSE IT IS SOMETHING HE DID NOT KNOW {NOR} P WHAT BECAME</p>	<p>WILLIAM BURBECK HAD ONE ONE,²⁶¹ Q. WHO ELSE HAD ONE? A. JOHN M HIGBEE HAD ONE OR TWO.²⁶² I DON'T REMEMBER MUCH. Q. HOW OLD WERE THEY? A. I BELIEVE JOHN M. HIGBEE HAD ONE THAT MUST HAVE BEEN FIVE OR SIX YEARS ONLD-, THE OTHERS MUST BE YOUNGER . Q. HAD HAIGH ANY? A. I DON'T RECOLLECT WHAT BECAME OF THESE CHILDREN; THEY REMAINED THERE SOME TIME. BY M^R HOGE: WE OBJECT TO THAT-, BECAUSE THAT IS SOMETHING HE DIDN'T KNOW, NOT WHAT BECAME</p>	
--	---	---	--

261. It was actually Richard Birkbeck and Georgia Ann Dunlap who stayed with the Birkbecks. Georgia Ann Dunlap originally went with Klingensmith and then later moved to the Birkbeck's home.

262. One child was recovered from the Higbees in 1859, Emberson Milum Tackitt.

RT

RS

BT

PS

<p>OF THEM. A. THEY WERE GATHERED I UNDERSTAND. AFTER WHILE SOME OFFICERS CAME DOWN FROM SALT LAKE TO GATHER THEM UP.</p> <p>SUTHERLAND: THAT IS HEARSAY TOO. Q. HOW LONG A TIME DID YOU SEE THESE CHILDREN AROUND CEDAR ? A. IT MUST HAVE BEEN SOME WEEKS AFTER BUT I COULD NOT TELL</p> <p>HOW LONG IT WAS. Q. WHAT BECAME OF THE CHILDREN THAT HIGBEE HAD ? A. WELL I EXPECT WHERE THE OTHERS WAS. HE HAD ONE A WHILE; IT SEEMED THAT ONE OF THEM</p>	<p>OF THEM. ^{QA} THEY WERE GATHERED I UNDERSTOOD AFTER A WHILE; SOME OFFICERS CAME DOWN FROM SALT LAKE TO GATHER THEM UP BY SUTHERLAND THAT IS HEARSAY TOO. ^QHOW LONG TIME DID YOU SEE THOSE CHILDREN AROUND CEDAR _A <i>AND[?]</i> IT MUST HAVE BEEN SOME WEEKS AFTER I COULD <i>STATE[?]</i> EXACTLY-HOW LONG IT WAS. ^QWHAT BECAME OF THE CHILDREN THAT HIGBEE HAD _AWELL I EXPECT WHERE THE OTHERS WAS; HE HAD ONE QUITE A WHILE, IT SEEMED THAT ONE OF THEM</p>	<p>OF THEM . A. THEY WERE GATHERED, I UNDERSTOOD AFTER A WHILE . SOME OFFICERS CAME DOWSN FROM SALT LAKE TO GATHER THEM UP. BY ^{M^R} SUTHERLAND: THAT IS HEARSAY TOO. ^[8!] Q. FOR HOW LONG A TIME DID YOU SEE HIS THESE CHILDREN AROUND CEDAR? A. IT MUST HAVE BEEN SOME WEEKS-; AFTER; I COULD NOT STATE EXACTLY HOW LONG IT WAS. Q. WHAT BECAME OF THE CHILDREN THAT HIGBEE HAD? A. WELL, I EXPECT WHERE THE OTHERS WAWS. HE HAD ONE QUITE A WHILE. IT SEEMED THAT ONE OF THEM</p>	
--	--	--	--

RT

RS

BT

PS

<p>WENT SOMEWHERE AFTER WHILE BEFORE THE OTHERS WENT OFF. I DIDN'T HEAR ANY MORE OF THEM. Q. HOW LONG AFTER THE MOUNTAIN MEADOWS MASSACRE WAS THIS ONE YOU SAY WENT FIRST — HOW LONG BEFORE HE WAS MISSING.</p> <p>SUTHERLAND OBJECTED TO THE QUESTION.</p>	<p>WENT SOMEWHERE AFTER WHILE BEFORE OTHERS WENT OFF; I DIDN'T HEAR ANY MORE OF THEM Q HOW LONG AFTER MOUNTAIN MEADOWS MASSACRE WAS THIS ONE YOU SAY WENT FIRST=HOW LONG BEFORE HE WAS MISSING A I GUESS IT WAS A WEEK. Q DID YOU EVER KNOW WHAT BECAME OF THAT CHILD. CAREY WERE THE OTHERS ALL SENT OFF TOGETHER A I UNDERSTOOD SO BY SUTHERLAND WE OBJECT TO THAT. BY HOGE IT IS EVIDENTLY THIS WITNESS HAS NOT KNOWN ANYTHING OVER IT AND COMMENTS</p>	<p>WENT SOMEWHERE, AFTER—A WHILE BEFORE THE OTHERS WENT OFF; I DIDN'T HEAR ANY MORE OF THEM. Q. HOW LONG AFTER THE MOUNTAIN MEADOW MASSACRE WAS THIS ONE— THIS ONE YOU SAY WENT FIRST—HOW LONG BEFORE HE WAS MISSING? A. I GUESS IT WASN'T A WEEK. . Q. DID YOU EVER KNOW WHAT BECAME OF THAT CHILD? WERE THE OTHERS ALL SENT OFF TOGETHER? A. I UNDERSTOOD SO. BY M^R SOUTHERLAND: WE OBJECT TO THAT. IT IS EVIDENT THAT THIS WITNESS HASN'T KNOWN ANYTHING ABOUT IT, ONLY</p>	
---	--	---	--

RT

RS

BT

PS

<p>BISHOP MOVED TO STRIKE OUT ALL THE EVIDENCE RELATING TO ALL THE CHILDREN MENTIONED BY HIM UPON THE GROUND THAT IT IS IRRELEVANT AND IMMATERIAL AND NOT</p>	<p>EXCEPT WHAT PROSECUTION PUT IN HIS MOUTH BY COURT PUT QUESTION [[28]]²⁶³ SO WITNESS WILL NOT BE <i>HEARSAY</i>[?]. BY CAREY WE CAN'T NOT TRACE DISPOSITION OF THESE CHILDREN EXCEPT BY THEIR TESTIMONY TESTIMONY . BY CAREY YOU —[?] CAN TAKE THE WITNESS. BY BISHOP I NOW MOVE TO STRIKE OUT ALL THE EVIDENCE RELATING CHILDREN MENTIONED BY HIM, UPON THE GROUND THAT IT IS IRRELEVANT IMMATERIAL NOT</p>	<p>AS THE PROSECUTION PUT IT IN TO HIS MOUTH . BY THE COURT: PUT THE QUESTIONS TO THE WITNESS SO IF THAT HIS ANSWERS WILL NOT BE HEARSAY. BY M^R CAREY: I THINK I CAN FIND OUT THE DISPOSITION OF THESE CHILDRE N BY OTHER TESTIMONY. BY M^R CAREY: YOU CAN TAKE THE WITNESS. BY MR. BISHOP: I NOW MOVE TO STRIKE OUT ALL THE EVIDENCE RELATING TO THE CHILDREN MAENTIONED BY THIS WITNESS UPON THE GROUND THAT IT IS IRRELEVANT AND IMMATERIAL AND NOT</p>	
---	---	---	--

263. In longhand in the top margin of the page: **BARR_ELYAUGH BEFORE WHICH.**

RT

RS

BT

PS

<p>PROVING OR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE, AND NOT RELATING TO ANY MATTER CHARGED IN THE INDICTMENT COURT: WHAT DISPOSITION WAS MADE OF THE CHILDREN HAS SOMETHING TO DO WITH THE CASE. ^[257] DEFENDANT’S COUNSEL</p> <p>EXCEPTED TO THE RULING OF THE COURT.</p> <p>Q. YOU SAY YOU ARRIVED AT CEDAR IN 1857 ? A. YES SIR. Q. HOW LONG DID YOU REMAIN THERE ? A. I LIVED THERE TILL 1859. I MOVED FIRST TO BEAVER</p>	<p>PROVEN OR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE AND NOT RELATING TO ANY MATTER CHARGED IN THE INDICTMENT. BY COURT WHAT DISPOSITION WAS MADE OF THE CHILDREN SHOWS HAS SOMETHING TO DO WITH THE CASE BY DEFENSE</p> <p>NOTICE OUR OBJECTIONS {OBJECTIONS} ⁱ [space] X EXAMINATION BY BISHOP {Q} ^p YOU SAY YOU LIVED CEDAR IN ‘57 A YES SIR Q HOW LONG YOU REMAIN THERE A I LIVED UNTIL 1859, AND[?] I MOVED FIRST TO BEAVER</p>	<p>PROVING AOR TENDING TO PROVE ANY FACT NECESSARY TO BE PROVED IN THIS CASE AND NOT RELATING TO ANY MATTER CHARGED IN THE INDICTMENT . BY COURT: WHAT DISPOSITION IS MADE OF THE CHILDREN SHOWS IT HAS SOMETHING TO DO WITH THE CASE. BY BISHOP. YOUR HONOR WILL PLEASE NOTE OUR EXCEPTION.</p> <p>^[82] CROSS-EXAMINATION BY MR. W. W. BISHOP. Q. YOU SAY YOU LIVED IN CEDAR IN ‘57? A. YES, SIR. Q. HOW LONG DID YOU REMAIN THERE? A. I LEFT IT IN ‘59. I MOVED FIRST TO BEAVER</p>	
--	---	--	--

RT

RS

BT

PS

<p>CITY AND THE SAME WINTER I MOVED TO MINERSVILLE. Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY ? A. I LIVED IN SALT LAKE. Q. AND WHERE DID YOU COME FROM TO SALT LAKE ? A. WELL I WAS BORN IN ENGLAND, IN DEBRYSHIRE. Q. AND WHEN DID YOU COME TO AMERICA ? A. I CAME TO AMERICA IN THE FALL OF 1849. Q. WHERE DID YOU LAND ? A. NEW ORLEANS. Q. WHAT YEAR ? A. IN THE YEAR 1849. Q. HOW LONG DID YOU REMAIN AFTER YOU ARRIVED IN NEW ORLEANS ? A. ABOUT TWO WEEKS. Q. WHERE DID YOU GO FROM THERE ? A. ST. LOUIS. Q.</p>	<p>CITY= SAME WINTER I MOVED TO MINERSVILLE Q. WHERE DID YOU LIVE BEFORE YOU CAME CEDAR CITY A. I LIVED IN SALT LAKE {Q}^P WELL {A}^P A {WHERE DID YOU GO FROM TO SALT LAKE CITY}^P I WAS BORN IN ENGLAND DERBYSHIRE {Q} AND WHEN DID YOU COME TO AMERICA A}^P I CAME TO AMERICA IN YEAR FALL OF 49 {Q}^P WHERE DID YOU LAND {A}^P NEW ORLEANS {Q}^P WHAT YEAR {A}^P IN THE YEAR 49 Q. HOW LONG DID YOU REMAIN IN NEW ORLEANS {A}^P ABOUT TWO WEEKS {Q}^P WHERE DID YOU GO FROM THERE ST. LOUIS</p>	<p>CITY; THE SAME WINTER I MOVED TO MINERSVILLE Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY? A. I LIVED IN SALT LAKE A WHILE. Q. WHERE DID YOU COME FROM TO SALT LAKE CITY? A. WELL, I WAS BORN IN ENGLAND, IN DERBYSHIRE. Q. AND WHEN DID YOU COME TO AMERICA? A. I CAME TO AMERICA IN '49. Q. WHERE DID YOU LAND? A. NEW ORLEANS. Q. WHAT YEAR? A. IN THE YEAR '49. Q. HOW LONG DID YOU REMAIN IN NEW ORLEANS? A. ABOUT TWO WEEKS. Q. WHERE DID YOU GO FROM THERE? A. ST. LOUIS. Q.</p>	
--	---	---	--

RT

RS

BT

PS

<p>HOW OLD WAS YOU WHEN YOU LANDED ? A. I WAS ABOUT THIRTY YEARS OR THIRTY ONE I BELIEVE. Q. HOW OLD ARE YOU NOW ? A. FIFTY SEVEN. Q. HOW LONG DID YOU LIVE AT ST. LOUIS ? A. ONLY A FEW MONTHS. [258] Q. THEN YOU CAME TO UTAH ? A. I MOVED FROM THERE TO ST. LOUIS. Q. I DIDN'T ASK YOU THAT , I ASKED YOU WHEN YOU CAME TO UTAH. A.</p> <p>IN THE SPRING OF '52. Q. WHERE DID YOU STAY WHEN YOU CAME TO UTAH ? A. I WENT AND LIVED IN SALT LAKE FIRST WHEN I CAME HERE. Q. AND HOW LONG DID YOU LIVE THERE ? A. I CAME</p>	<p>HOW OLD WAS YOU WHEN YOU LANDED {A}P I WAS ABOUT 30 YEARS 31 I BELIEVE Q HOW OLD ARE YOU NOW A 57 HOW LONG DID YOU LIVE ST. LOUIS A ONLY FEW MONTHS WHEN YOU CAME UTAH I MOVED FROM THERE TO LOUIS[?] I DIDN'T ASK YOU Q THAT</p> <p>A I CAME TO UTAH {A}P IN SPRING OF 52 Q WHERE DID YOU FIRST STAY WHEN YOU CAME TO UTAH AI WENT AND LIVED IN SALT LAKE, FIRST WHEN I CAME HERE Q HOW LONG DID YOU LIVE THERE AI CAME <SALT</p>	<p>HOW OLD WERE YOU WHEN YOU LANDED? A. I WAS ABOUT 30 YEARS— 31, I BELIEVE. Q. HOW OLD ARE YOU NOW? A. 57. Q. HOW LONG DID YOU LIVE IN ST. LOUIS? A. ONLY A FEW MONTHS. Q. WHEN DID YOU COME TO UTAH? A. I MOVED FROM ST. LOUIS TO UTAH. Q. I DIDN'T ASK YOU THAT; I ASKED YOU WHEN YOU CAME TO UTAH? A. I CAME TO UTAH IN THE SPRING OF '52. Q. WHERE DID YOU FIRST STAY WHEN YOU CAME TO UTAH? A. I WENT TO LIVE IN SALT LAKE FIRST WHEN I CAME HERE. Q. HOW LONG DID YOU LIVE THERE? A. I CAME TO SALT</p>	
---	--	--	--

RT

RS

BT

PS

<p>THE SAME FALL DOWN TO CEDAR CITY. Q. WHAT WAS YOUR BUSINESS IN CEDAR CITY DURING THE YEAR 1857 ? A. I WAS FOREMAN IN MAKING BRICKS, AND ONE THING AND ANOTHER . Q. WHAT IS YOUR BUSINESS NOW ? A. IT USED TO BE FARMING, BUT I HAVE GIVEN THAT UP. I HAVE NO BUSINESS NOW AT ALL TO TELL YOU THE TRUTH, ONLY I AM INTERESTED IN MINING NOW. Q. WHAT DAY OF THE MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY ? A. I DON'T KNOW BUT I GUESS ABOUT THE MIDDLE OF</p>	<p>LAKE CITY> SAME AND FALL DOWN TO CEDAR CITY WHAT WAS YOUR BUSINESS IN CEDAR CITY DURING YEAR 57 A FARMING, MAKING BRICKS, ONE THING AND ANOTHER.> {Q}P WHAT IS YOUR BUSINESS NOW {A}P IT USED TO BE FARMING BUT I HAVE GIVEN THAT UP; I HAVE NO BUSINESS TO TELL YOU TRUTH, AM INTERESTED IN MINING NOW. QWHAT DAY OF MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY {A}P I DON'T KNOW, I GUESS ABOUT MIDDLE OF</p>	<p>LAKE TOTHE SAME FALL AND FROM THERE DOWN TO CEDAR CITY. Q. WHAT WAS YOUR BUSINESS IN CEDATR DURING THE YEAR '57? A. FARMING AND MAKING BRICKS — ONE THING AND ANOTHER. Q. WHAT IS YOUR BUSINESS NOW? A. IT USED TO BE FARMING; BUT I IGAHAVE GIVEN THAT UP. I HAVE NO BUSINESS NOW, TO TELL YOU THE TRUTH. I AM INTERESTED IN MINING NOW. Q. WHAT DAY OF THE MONTH WAS IT WHEN THE EMIGRANTS WENT THROUGH CEDAR CITY? A. I DON'T KNOW; BUT I GUESS ABOUT THE MIDDLE OF</p>	
---	---	--	--

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

<p>THE MONTH, MAY BE A LITTLE PAST THAT. Q. WAS IT THE MONTH OF SEPTEMBER IN 1857 ? A. YES SIR. IT WAS A LITTLE PAST THE MIDDLE OF THE MONTH, BUT I COULD NOT SAY EXACTLY WHETHER IT WAS PAST THAT OR NOT. Q. YOU SAY IT WAS TWO WEEKS AFTER THAT BEFORE THIS ORDER WAS GIVEN FOR YOUR SON TO GO OUT ? A. MY SON WAS NOT ORDERED OUT, HE WAS TOO YOUNG; I HAND'T MY SON THERE THEN. Q. THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR SON WHERE IS HE NOW ? ^[259] A. HE IS DEAD. Q.</p>	<p>MONTH ≤MAYBE≥ LITTLE PAST WHAT MONTH SEPTEMBER QIN 1857 YES SIR QIT WAS LATE AS THE MIDDLE OF THE MONTH AI COULD NOT SAY EXACTLY WHETHER IT WAS AS LATE QYOU SAY IT WAS 2 WEEKS AFTER THAT, BEFORE THIS ORDER WAS GIVEN FOR YOUR SON TO GO OUT {A}P MY SON WAS NOT ORDERED OUT HE WAS TOO YOUNG = HE WASN'T MY SON THERE THEN THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR BLOOD. {WHERE IS HE NOW ? AHE IS DEAD}P . {Q}P</p>	<p>^[83] THE MONTH; MAY BE A LITTLE PAST THAT MONTH — SEPTEMBER. Q. IN 1857? A. YES, SIR. Q. WAS IT AS LATE AS THE MIDDLE OF THE MONTH? A. I COULD NOT SAY EXACTLY WHETHER IT WAS AS LATE? A. YOU SAY IT WAS TWO WEEKS AFTER THAT BEFORE THISORDER WAS GIVEN FOR YOUR SON TO GO OUT? A. MY SON WASN'T ORDERED OUT. HE WAS TOO YOUNG-, HE WASN'T MY SON. Q. THEN I DON'T WANT TO KNOW ANYTHING ABOUT HIM UNLESS HE WAS YOUR BLOOD. Q. WHERE W IS HE NOW? A. HE IS DEAD. Q.</p>	
---	---	---	--

RT

RS

BT

PS

<p>YOU ARE CERTAIN HE IS DEAD ? A. YES SIR; HE HAS PASSED AWAY ANY WAY. Q. YOU DON'T KNOW WHETHER HE IS DEAD OR NOT — YOU DON'T KNOW WHAT CONDITION HE IS IN ? A. WELL</p> <p>THAT IS WHAT PEOPLE GENERALLY TERM HE IS DEAD. COUNSEL: WE ARE DEALING WITH GENERAL FACTS NOW. Q. WHEN WAS IT THE ORDER CAME TO GO <TO MUSTER TO BURY THE > AND MUSTER THE EMIGRANTS ? A. IT MUST HAVE BEEN SOMETIME ABOUT THE 20TH 23RD OR 24TH SOMETHING LIKE THAT, BUT I COULD NOT</p>	<p>YOU ARE CERTAIN HE IS DEAD YES SIR, HE HAS PASSED AWAY ANY WAY I DON'T KNOW WHETHER HE IS DEAD —[?]. YOU DON'T KNOW WHAT CONDITION HE IS IN ? A. WELL,</p> <p>HE IS WHAT PEOPLE GENERALLY TERM HE IS DEAD WE ARE DEALING ^{[[29]]} IN GENERALITIES NOW WHEN WAS IT ORDER CAME TO GO MUSTER GO AND BURY</p> <p>EMIGRANTS IT MUST —[?] A IT MUST HAVE BEEN SOMETIME ABOUT 20TH 23 OR 24 SOMETHING LIKE THAT I COULD NOT</p>	<p>YOU ARE CERTAIN HE IS DEAD? A. YES, SIR. HE HAS PASSED AWAY PAST AWAY ANY WAY. Q. YOU DON'T KNOW WHETHER HE IS DEAD — YOU KNOW YOU DON'T KNOW WHAT CONDITION HE IS IN NOW? A. WELL, HE IS NOT DEAD BUT HE IS WHAT PEOPLE</p> <p>TERM, HE IS "DEAD." WE ARE DEALING WITH GENERALITIES NOW. Q. WHEN WAS IT THE ORDER ORDER CAME TO GO AND MUSTER — TO GO AND BURY THE</p> <p>EMIGRANTS? A. IT MUST HAVE BEEN SOME TIME ABOUT THE 20TH, 23D OR 24TH, SOMETHING LIKE THAT. I COULD NOT</p>	
---	--	--	--

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

<p>TELL EXACTLY. THAT ORDER CAME IN WITHIN TWO WEEKS AFTER THEY PASSED THROUGH, BUT I COULD NOT SAY AS TO THAT, IT MIGHT BE A LITTLE MORE. Q. AFTER THE EMIGRANTS WENT THROUGH IN THE MIDDLE OF THE MONTH OF SEPTEMBER WHICH IS SUPPOSED TO HAVE THIRTY DAYS IN IT— THAT WOULD BE FIFTEEN DAYS — HOW DID YOU GET TWO WEEKS IN THE NEXT FIVE DAYS — HOW DO YOU REASON THAT OUT ? A. I DON'T REASON ON THAT SCORE PARTICULARLY. Q. DO YOU KNOW ABOUT HOW MUCH OF THAT TIME WAS PASSED ? A. I THINK IT WAS BETWEEN</p>	<p>TELL EXACTLY THAT ORDER CAME IN LESS THAN 2 WEEKS AFTER THEY PASSED THROUGH I COULD NOT SAY LESS = IT MIGHT BE A LITTLE MORE. Q. AFTER THE EMIGRANTS WENT THROUGH IN MIDDLE OF MONTH \Leftrightarrow SEPTEMBER SUPPOSED TO HAVE THIRTY DAYS IN IT = THAT WOULD BE 15; HOW DID YOU GET TWO WEEKS IN THE NEXT FIVE DAYS, Q. HOW DO YOU REASON A. I DON'T REASON ON THAT SCORE PARTICULARLY. Q. DO YOU KNOW ABOUT HOW MUCH THAT TIME WAS PASSED A. I SAY IT WAS BETWEEN ONE</p>	<p>TELL EXACTLY. Q. THAT ORDER CAME IN WITH IN LESS THEN TWO WEEKS AFTER THEY PASSED THROUGH. A. I COULD NOT SAY LESS; IT MIGHT BE A LITTLE MORSE. Q. IF THE EMIGRANTS WENT THROUGH IN THE MIDDLE OF THE MONTH— SEPTEMBER IS SUPPOSED TO HAVE 30 DAYS IN IT— THAT WOULD BE THE 15TH. Q. HOW DO YOU GET TWO WEEKS IN THE NEXT FIVE DAYS? HOW DO YOU REASON? A. I DON'T REASON ON THAT SCORE PARTICULARLY. Q. DO YOU KNOW ABOUT HOW MUCH OF THAT TIME WAS PASSED? A. I SAY IT WAS BETWEEN ONE</p>	
---	--	---	--

RT

RS

BT

PS

<p>ONE OR TWO WEEKS, BUT IT MIGHT BE LESS THAN TWO WEEKS. Q. AIN'T IT A FACT YOU DON'T RECOLLECT NOTHING ABOUT IT, AS TO HOW LONG IT WAS ? A. WITH REGARDS TO THAT I DON'T KNOW OF NO DATES — DIDN'T KEEP THE</p> <p>DATES IN MY MEMORY. ALL I RECOLLECT ABOUT IT IS THAT THE OCCURRENCE TOOK PLACE. [260] Q. AND AINT ALL YOU RECOLLECT ABOUT THAT IS SIMPLY THE FACT THEY PASSED THROUGH AND YOU AFTERWARDS HEARD THEY WAS DEAD ? ∴ YES, AND I WAS TOLD TO GO AND BURY</p>	<p>OR TWO WEEKS = IT MIGHT BE LESS THAN TWO WEEKS. Q. AIN'T IT A FACT YOU DON'T RECOLLECT A THING ABOUT IT AS TO HOW LONG IT WAS {A}^P AS REGARDS THAT I DON'T PUT DIFFERENT DATES DOWN = DIDN'T KEEP D—[?] THESE DIFFERENT DATES IN MY MEMORY; ALL I RECOLLECT ABOUT IT IS, THAT THE OCCURRENCE TOOK PLACE AND AIN'T ALL YOU RECOLLECT ABOUT THAT IS THE SIMPLE FACT THEY PASSED THROUGH, AND YOU AFTERWARDS HEARD THEY WAS DEAD A {YES SIR}^P AND I WAS TOLD TO GO BURY</p>	<p>OR & TWO WEEKS; IT MIGHT BE LESS THAN TWO WEEKS. Q. ISN'T IT A FACT THAT YOU DON'T RECOLLECT A THING ABOUT IT, AS TO HOW LONG IT WAS? A. AS REGARSDS THAT I DON'T PUT NO DATES DOWN, DON'T KEEP</p> <p>DATES IN MY MEMORY. ALL I RECOLLECT ABOUT IT IS THAT THE OCCURRENCE TOOK PLACE. Q. ANI'NT ALL YOU RECOLLECT ABOUT THAT IS THE SHMPLE FACT THAT THEY PASSED THROUGH AND YOU AFTERWARDS HEARD THAT THEY WERE DEAD? A. YES, AND I WAS TOLD TO GO AND BURY</p>	
--	---	---	--

RT

RS

BT

PS

<p>THEM. Q. YOU CAN'T SAY IT WAS BETWEEN ONE DAY OR TWENTY DAYS ? A. I THINK IT WAS ONE ABOUT ONE OR TWO WEEKS; I THINK IT WAS OVER A WEEK' Q. DO YOU BELIEVE IT WAS TWO WEEKS ? A. IT MIGHT BE THAT. Q. HOW LONG WAS IT— IT WASN'T A MONTH, WAS IT TWO WEEKS — WAS IT TEN DAYS ? A. I HAVE ALWAYS THOUGHT IN MY OWN MIND IT WAS BETWEEN ONE AND TWO WEEKS AS NEAR AS I COULD GET IT. Q. WHERE WAS IT YOU SAY</p> <p>WHEN THEY TOLD YOU TO GO TO THE RENDEZVOUS ? A. TO THE</p>	<p>THEM _Q YOU CAN'T SAY WHETHER²⁶⁴ IT WAS BETWEEN ONE DATE OR 20 _AI THINK I SAY ABOUT ONE OR > 2 WEEKS = I THINK IT WAS OVER A WEEK DO YOU BELIEVE IT WAS TWO WEEKS _AIT MIGHT BE THAT _QHOW LONG WAS IT? _AIT WASN'T A MONTH WAS IT TWO WEEKS WAS TEN DAYS _AI HAVE ALWAYS THOUGHT IN MY OWN MIND IT WAS BETWEEN ONE OR 2 WEEKS AS NEAR AS I COULD GIVE IT WHERE WAS IT YOU SAY HAIGHT <HAIGHT> WAS WHEN HE TOLD YOU TO GO RENDEZVOUS _A</p>	<p>THEM. Q. YOU CAN'T SAY WHETHER IT WAS BETWEEN ONE DAY OR 2 OO . A. I THINK IT WAS ABOUT ONE OR TWO WEEKS; I THINK IT WAS OVER A ^[84] WEEK. AQQ. DO YOU BELIEVE IT WAS TWO WEEKS? A. IT MAY BE THAT. Q. HOW LONG WAS IT? A. IT WASN'T A MONTH. Q. WAS IT TWO WEEKS — WAS IT TEN DAYS. A. I HAVE ALWAYS THOUGHT IN MY OWN MIND ; IT WAS BETWEEN ONE AND TWO WEEKS AS HNEAR AS I COULD GET AT IT. Q. WHERE WAS IT YOU SAY HAIGHT</p> <p>WAS, WHWHEN HE TOLD YOU TO GO TO THE RENDEZVOUS? A.</p>	
--	---	---	--

264. Apparently added later.

RT

RS

BT

PS

<p>CORNER OF PUGMIRE’S HOUSE, THE PUBLIC SQUARE. Q. WHAT WAS THE NUMBER OF THEM STANDING AROUND — WAS IT A FACT THE MEN WERE ALWAYS STANDING AROUND IN CEDAR—OR WERE THERE ANY AT ALL A. OF COURSE THERE WAS; I SEED A GREAT MANY ON THE SQUARE THERE. Q. WHO HEARD HIM MAKE THE REMARK THEY WAS TO MEET TOGETHER AND MUSTER AT THE MINUTE ? A. THERE WAS A MAN BY THE NAME OF JIM WILLIAMSON HEARD HAIGHT SAY THIS TO ME. Q. YOU KNOW WILLIAMSON HEARD IT ? A.</p>	<p>CORNER PUGMIRE’S HOUSE, PUBLIC SQUARE, WHAT WAS <i>WERE YOU</i>[?] DO —[?] THERE [^]STAND AROUND WAS IT FACT MEN WERE ALWAYS STANDING AROUND IN CEDAR = IN CITY [^]OF COURSE IT WAS, I HAVE SEED GREAT MANY ON THE SQUARE THERE WHO HEARD HIM SAY TO <i>YOU TO GO MEET TOGETHER</i>[?] AND MUSTER [^]<i>I AM NOT POSITIVE</i>[?] THERE WAS A MAN BY NAME OF JIM WILLIAMSON HEARD HAIGHT SAY THIS TO ME Q YOU KNOW WILLIAMSON HEARD IT</p>	<p>COLONEL PUGMIRE’S HOUSE, ON THE PUBLIC SQUARE. Q. WHAT WAS YOU DOING THERE? A. STANDING AROUND. Q. ISN’T IS IT IA FACT THAT MEN WERE ALWAYS STANDING AROUND IN CEDAR? A. OF COURSE IT WAS; I HAVE SEEN A GREAT MANY THERE;, ON THE SQUARE. Q. WHO HEARD HIM SAY TO GO AND MUSTER? A. I COULD NOTNOT TELL POSITIVELY; THERE WAS A MAN BY THE NAME OF JIM WILLIAMSON, HE HEARD HAIGHT SAY THIS TO ME. Q. YOU KNOW WILLIAMSON HEARD IT? A.</p>	
--	---	--	--

RT

RS

BT

PS

<p>YES. Q. WHAT DID HAIGHT SAY TO YOU ? A. HE ASKED ME WHY I DIDN'T BRING MY GUN. ^[261] Q. YOU HAVE GOT THAT MIXED AGAIN; I WANT TO KNOW WHAT HAIGHT SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO OUT THERE ? A. HE DIDN'T TELL ME TO GET READY TO GO OUT THERE AT ALL. I TOLD HIM I HAD NO AMUNITION. I TOLD HIM I WOULD NOT DO TO GO OUT THERE. Q. YOU SAY YOU CAME TO GO TO THAT PLACE OF MEETING, WHY DID YOU GO THERE ? A. BECAUSE I WAS NOTIFIED TO GO. MY STEP SON TOLD ME THAT MG HAIGHT</p>	<p>YES _QWHAT DID HAIGHT SAY TO YOU _AHE ASKED WHETHER I DIDN'T BRING MY GUN _Q YOU HAVE GOT THAT MIXED AGAIN, I WANT TO KNOW WHAT HAIGHT {HAIGHT}^P SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO OUT THERE HE SAID HE DIDN'T TELL ME TO GET READY TO GO OUT THERE AT ALL, I TOLD HIM I HAD NO AMMUNITION I TOLD HIM I WOULD NOT DO TO GO OUT THERE YOU SAY YOU CAME TO GO TO THAT PLACE OF MEETING {WHY DID YOU GO THERE}^P {A}^P BECAUSE I WAS NOTIFIED TO GO MY STEP SON TOLD ME ^{[[30]]} THAT HAIGHT</p>	<p>YES. Q. WHAT DID HAIGHT SAY TO YOU? A. HE WASKED WHY I DIDN'T BRING MY GUN. Q. YOU HAVE GOT THAT MIXED AGAIN. I WANT TO KNOW WHAT HAIGHT SAID TO YOU WHEN HE TOLD YOU TO GET READY TO GO. A. HE DIDN'T TELL ME TO GET READY TO GO OUT AT ALL; I TOLD THEM I HAD NO AMUNITION.. I TOLD HIM I WOULDNOT DO TO GO OUT. Q. HOW WAS IT YOU CAME TO GO TO THAT PLACE, OR WHY DID YOU GO ? A. BECAUSE I WAS NOTIFIED TO GO; MY STEP SON TOLD ME THAT HAIGHT</p>	
--	--	--	--

RT

RS

BT

PS

<p>WANTED ME TO MUSTER. Q. HOW OLD IS THAT BOY ? A. HE WAS ABOUT FIFTEEN. Q. AND HE TOLD YOU TO GO? A. HE TOLD ME, PROBABLY HAIGHT WANTED ME. Q. THEN YOU WASN'T ORDERED TO GO BY HAIGHT OR ANYBODY ELSE EXCEPT YOUR SON TOLD YOU PROBABLY THAT HAIGHT WANTED YOU. A. YES, HE SAID PROBABLY HAIGHT WANTED ME. Q. YOU APPEAR TO BE POSTED ABOUT HE MATTERS THERE. AS A MATTER OF INFORMATION</p> <p>TO YOU TELL ME HOW LONG IT</p>	<p>WANTED ME TO MUSTER Q HOW OLD YOU SAY THAT BOY WAS AABOUT 15 WHEN HE TOLD ME TO GO {A}P HE TOLD ME BROTHER HAIGHT WANTED {ME}P THEN YOU WASN'T ORDERED TO GO BY HAIGHT OR ANYBODY ELSE A EXCEPT {WHAT YOUR}P TOLD ME BROTHER HAIGHT WANTED ME.</p> <p>Q YOU APPEAR TO BE POSITIVE ABOUT MATTERS THERE. AS A MATTER OF INFORMATION</p> <p>GRATIFICATIO N TO YOU TELL ME HOW LONG</p>	<p>WANTED ME TO MUSTER. Q. HOW OLD DO YOU SAY WAS THAT BOY? A. HE WAS ABOUT 15. Q. AND HE TOLD YOU TO GO? A. HE TOLD ME BROTHER HAIGHT WANTED ME. Q. THEN YOU WASN'T ORDERED TO GO BY HAIGHT OR ANYONE ELSE ? A. EXCEPT WHAT MY SON TOLD ME BROTHER HAIGHT WANTED ME.</p> <p>Q. YOU APPEAR TO BE POSTED ABOUT MATTERS THERE. AS A MATTER OF INFORMATION AND GRATIFICATION TO YOU, HE TOLD YOU? HOW LONG</p>	
---	--	---	--

RT

RS

BT

PS

<p>MIGHT HAVE BEEN SINCE YOU HAVE BEEN CONNECTED WITH THAT PEOPLE ? A. SINCE I CAME INTO UTAH AND BEFORE TOO. Q. BUT</p> <p>ALTOGETHER ? A. I HAVE BEEN CONNECTED WITH THE MORMON'S SINCE I847. Q. ARE YOU STILL CONNECTED WITH THEM ? A. I AM NOT CONNECTED WITH THEM NOW. Q. WHEN DID YOU DIVIDE ? A. THEY CUT ME OFF. ^[262] BISHOP: SERVE YOU RIGHT. BASKIN: MAY IT PLEASE YOUR HONOR THERE IS A LATITUDE BEYOND WHICH THE GENTLEMAN MUST NOT GO. THE</p>	<p>YOU BEEN THAT PEOPLE {A}P SINCE I CAME INTO UTAH AND BEFORE TOO QABOUT HOW LONG AT ALL = ALTOGETHER AI HAVE BEEN CONNECTED WITH MORMONS SINCE 1847. Q{ARE YOU}P STILL CONNECTED WITH THEM {A}PI AM NOT CONNECTED WITH THEM NOW QWHEN DID YOU DIVIDE YOURSELF. A THEY CUT ME OFF BY BISHOP SERVE YOU RIGHT BY BASKIN MAY IT PLEASE YOUR HONOR THERE IS A LATITUDE BEYOND WHICH GENTLEMAN MUST NOT GO. {*}P</p>	<p>HAVE YOU BEEN WITH THAT PEOPLE? A. SINCE I CAME INTO UTAH, AND BEFORETOO. Q. ABOUT HOW LONG ALL TOGETHER.? A. I HAVE BEN CONNECTED WITH THE MORMONS SINCE '47. ^[85] Q. ARE YOU WTILL CONNECTED WITH THEM? A. I AM NOT CONNECTED WITH THEM NOW. Q. WHEN DID YOU DIVIDE SEPARATE YOURSELF? A. THEY CUT ME OFF. BY MR. BISHOP. SERVESD YOU RIGHT. BY MR. BASKIN: MAY IT PLEASE YOUR HONOR THERE IS A LATITUDE BEYOND WHICH THE GENTLEMAN MUST OUGHT NOT TO GO. THE</p>	
---	--	--	--

RT

RS

BT

PS

<p>FULLEST EXTENT HAS BEEN FIG GIVEN TO HIS STATEMENTS AND I</p> <p>APPEAL TO THE COURT TO PROTECT THE WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BISHOP: I BELIEVE I UNDERSTOOD MY DUTY AS WELL AS THE WITNESS WHO ANSWERS ME, AND WHEN THE WITNESS ANSWERS SOMETHING OUTSIDE I HAVE THE RIGHT TO FOLLOW HIM UP AND SHOW WHAT KIND OF A MAN HE IS. Q. YOU WAS PRESENT THAT DAY AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU</p>	<p>INSINUATIONS COUNSEL HAS BEEN INDULGING</p> <p>AND I</p> <p>APPEAL TO THE COURT TO PROTECT WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BY BISHOP I BELIEVE I UNDERSTOOD MY DUTY AS WELL AS THE WITNESS {WHO}^P ANSWERS ME WHEN WITNESS ANSWERS SOMETHING OUTSIDE I HAVE {THE}^P RIGHT TO FOLLOW HIM UP SHOW 'EM[?] WHAT KIND OF MAN HE IS. [space] {Q}^P WHO WAS PRESENT WITH HAIGHT AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU</p>	<p>UNSENSIOUS COUNSEL HAS BEEN INDULGED INDULGING</p> <p>AND I IN MATTERS ENTIRELY FORCIGN TO THE ISSUE AND I</p> <p>APPEAL TO THE FCOURT TO PROTECT THE WITNESS FROM ANSWERING ANY SUCH QUESTIONS. BY MR. BISHOP: I BELIEVE I UNDERSTAND MY DUTY AS WELL AS THE WITNESS WHO ANSWERED ME; AND WHEN THE WITNESS ANSWERS SOMETHING OUTSIDE I HAVE THE RIGHT TO FOLLOW HIM UP AND SHOW WHAT KIND OF A MAN HE IS. Q. WHO WAS PRESENT WITH HAIGHT AT THE RENDEZVOUS AFTER YOUR SON TOLD YOU</p>	
--	--	--	--

RT

RS

BT

PS

<p>PROBABLY HAIGHT WANTED YOU AND THERE WAS ONLY TWO OR THREE WITH YOU A. I NOTICED BUT ONE, DAVID STEWART. Q. THEN YOU TOLD HIM ALL HAIGHT SAID WHEN HE WANTED YOU,</p> <p>HE SAID HE MIGHT GO AND CARRY A SPADE. A. HE SAID THE REASON WAS THAT THE EMIGRANTS WAS KILLED BY THE INDIANS Q. WHO WAS MUSTERED ON THE SQUARE TO GO AND BORY THEM; I ASK YOU IF YOU DID TELL THIS TO YOUR SON , I DON'T ASK YOU</p> <p>HOW YOU CAME TO CARRY THIS SPADE —</p>	<p>BROTHER HAIGHT WANTED YOU</p> <p>ONLY TWO OR 3 THAT I NOTICED {*}P PARTICULARL Y {*}P DAVID STODDARD Q HAVE YOU TOLD ME ALL HAIGHT SAID WHEN HE SENT TO YOU HE WANTED YOU HE SAID PARTICULARL Y TO YOU GO TO CARRY A SPADE HE SAID REASON</p> <p>EMIGRANTS WAS KILLED BY INDIANS Q.WHO WAS MUSTERED ON SQUARE TO GO AND BURY THEM, I ASKED YOU IF YOU DID TELL ALL TO YOUR SON AT CEDAR I ASK YOU NOTHING ABOUT HOW YOU CAME TO CARRY THIS SPADE YOU SAY NOW</p>	<p>BROTHER HAIGHT WANTED YOU? A. AMONG ONE TWO OR THREE THAT I NOTICED PARTICULARLY WAS DAVID STODDARD. Q. HAVE YOU TOLD ME ALL HAIGHT SAID WHEN HE SENT FOR YOU?</p> <p>A. HE SAID ,</p> <p>HOW DO YOU COME TO CARRY A SPADE. I SAID THE REASON WAS THE EMIGRANTS WAS KILLED BY THE INDIANS. Q. WHO WAS MUSTERED ON THE SQUARE TO GO AND BURY THEM I ASK YOU, IF YOU HAVE TOLD ALL YOUR SON HAD SAID? I ASK YOU KNOW</p> <p>HOW YOU CAME TO CARRY THIS SPADE? YOU SAY NOW,</p>	
---	---	---	--

RT

RS

BT

PS

<p>WHO DID YOU FIND THERE PRESENT AT THE MUSTER ?</p> <p>A. ALL I CAN SAY WAS I SAW SOME TWO MEN, ONE WAS BROTHER HAIGHT AND JIMMY WILLIAMSON, AND STODDARD THAT I NOTICED PARTICULARLY; I WAS ONLY THERE A FEW MINUTES.</p> <p>Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE ? A. I WENT WITH MY SPADE ON MY SHOULDER. HE ASKED WHERE MY GUN WAS. THAT IS ALL HAIGHT SAID.</p> <p>WITNESS: MAY I GO ON. Q. I ASK YOU WHAT MORE DID HAIGHT</p>	<p>YOUR SON GAVE YOU FURTHER INFORMATION, WHOM DID YOU FIND THERE PRESENT AT THE MUSTER</p> <p><ON THE> GROUND, ALL I CAN SAY WAS I SAW THEM WAS <— TWO> BROTHER HAIGHT JIMMY WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARLY WAS ONLY THERE FEW MINUTES.</p> <p>Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE {A}PI WENT WITH MY SPADE TO THE/A[?] SHOULDER; HE ASKED WHERE MY GUN WAS THAT IS ALL —[?] HAIGHT AM I TO GO ON QI ASK YOU WHAT MR. HAIGHT</p>	<p>YOUR SON GAVE YOU FURTHER INFORMATION; WHO DID YOU FIND THERE PRESENT AT THE MUSTER ON THE GROUND? A. ALL I CAN SAY I SAW THERE WAS TWO OR THREE BROTHER HAIGHT, JIM WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARLY. THERE WANSN'T ONLY A FEW MEN.</p> <p>Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE? A. I WENT WITH MY SPADE TO THE THE SHOULDER; HE ASKED WHERE MY GUN WAS, THAT IS ALL.</p> <p>AM I TO GO ON? Q. I ASKED YOU WHAT MR. HQIGHT</p>	
---	---	---	--

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

<p>SAY TO YOU AT THAT TIME ? ^[263] A. HE ASKED ME IN THE FIRST PLACE WHY I HADN'T MY GUN WITH ME. I TOLD HIM I DIDN'T KNOW WITH REGARD TO THE GUN, BUT TO BURY DEAD PEOPLE I HAD A SPADE AND THAT I HAD BROUGHT IT. HE SAID — HE CALLED ME A FOOL AND TOLD ME I DIDN'T KNOW NOTHING ABOUT IT — DIDN'T EXPLAIN ≪UNDERSTAND≫ THINGS — THAT I DIDN'T KNOW BEANS AND THAT WAS SURPRISING. I TOLD HIM I HAD NO AMUNITION IF I HAD BROUGHT MY GUN. HE SAYS YOU CAN GO HOME, I HAVE NO FURTHER USE FOR YOU; THIS WAS A LITTLE</p>	<p>SAID TO YOU AT THAT TIME {A}^P HE ASKED ME IN THE FIRST PLACE WHY I HADN'T MY GUN WITH ME, I TOLD HIM I DIDN'T KNOW WE REQUIRED GUN TO BURY DEAD PEOPLE THAT THAT I HAD BROUGHT IT, HE SAID AND CALLED ME FOOL TOLD ME I DIDN'T KNOW ANYTHING ABOUT IT ≪AND≫ DIDN'T UNDERSTAND THINGS, DIDN'T KNOW BEANS ^[31] THAT WAS EXPRESSION; I TOLD HIM I HAD NO AMMUNITION IF I HAD BROUGHT MY GUN, HE SAYS YOU CAN GO HOME I HAVE NO FURTHER USE FOR YOU. THIS WAS LITTLE</p>	<p>SAID TO YOU AT THAT TIME? A. HE ASKED ME IN THE FIRST PLACE, WHY I HADN'T MY GUN WITH ME?. I TOLD HIM I DIDN'T KNOW THAT IT REQUIRED A GUN TO BURY DEAD PEOPLE AND THAT I HADN'T BROUGHT IT/ HE SAID — CALLED ME A FOOL; TOLD ME I DIDN'T KNOW ANYTHING ABOUT IT , DIDN'T UNDERSTAND THINGS — ^[86] TOLD ME I DIDN'T KNOW BEANS. THAT WAS HIS EXPRESSION. I TOLD HIM I HAD NO AMUNITION IF I HAD BROUGHT MY GUN. HE SAYS, “YOU CAN GO HOME I HAVE NO FURTHER USE FOR YOU”.. THIS WAS A LITTLE</p>	
--	--	--	--

RT

RS

BT

PS

<p>BEFORE SUN-DOWN; IT WAS MORE THAN A WEEK BEFORE I SAW 'EM, AND I DON'T KNOW THAT I SAW HIM AT ALL NEXT MEETING. Q. HOW LONG AFTER THAT WAS IT THAT YOU HEARD IT PREACHED ABOUT ? A. IT WAS THE NEXT MEETING AFTER. Q. WHAT WAS IT THAT HAIGHT SAID AT THAT MEETING ? A. HE WAS SPEAKING ABOUT THE EMIGRANTS AND THE INDIANS, AND HE SAID — MADE THE REMARK LIKE THIS “SOME FOOLS HAVE BEEN TAMPERING WITH THE INDIANS” AND IF THEY HADN'T DONE THAT THEY WOULD HAVE</p>	<p>BEFORE SUNDOWN. IT WAS MORE THAN WEEK BEFORE I SAW HIM DON'T KNOW HHE SAW HIM UNTIL NEXT MEETING. Q HOW LONG AFTER THAT WAS IT THAT YOU HEARD HAIGHT PREACH {ABOUT A}^PIT WAS THE NEXT MEETING AFTER Q WHAT WAS IT HAIGHT SAID AT THAT MEETING A^HHE WAS SPEAKING ABOUT EMIGRANTS INDIANS AND HE SAID, MADE REMARK LIKE THIS, SAYS SOME FOOLS BEEN TAMPERING WITH INDIANS AND IF THEY HADN'T DONE THAT THEY WOULD HAVE</p>	<p>BEFORE SUNDOWN. IT WAS MORE THAN A WEEK BEFORE I SAW HIM ; I DIDN'T KNOW HE WAS AT HOME TILL NEXT MEETING. Q: HOW LONG WAS IT AFTER THAT YOU HEARD HAIGHT PREACH? A. IT WAS THE NEXT MEETING AFTER. Q. WHAT WASIT HAIGHT SAID AT THAT MEETING? A. HE WAS APEAKING ABOUT THE EMIGRANTS AND THE INDIANS — MADE THE REMARK LIKE THIS: HE SAYS, “SOME FOOLS HAVE BEEN TAMPERING WITH THE INDIANS , AND IF THEY HADN'T DONE THAT THEY WOULD HAFVE</p>	
--	---	---	--

RT

RS

BT

PS

<p>BEEN DEAD ALREADY AND IN THEIR GRAVES. Q. AT THIS TIME, WAS THAT THE SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE — ARE YOU CERTAIN OF THAT ? A. THAT IS HOW I HAVE GOT IT IN MY MIND — I COULD NOT BE CERTAIN — I WOULDN'T SWEAR TO ANYTHING I AM DOUBTFUL ABOUT. Q. DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE YOU WAS CALLED OUT THAT HE MADE THAT REMARK IN HIS SERMON A. IT MIGHT BE BEFORE THAT. Q. WAS THAT IT ? A. IT WAS NOT FAR</p>	<p>BEEN DEAD AND IN THEIR GRAVES AT THIS TIME A AT THIS TIME Q THAT WAS SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE = ARE YOU CERTAIN OF THAT {A}P THAT IS HOW I HAVE GOT IT IN MY MIND, I COULD NOT BE CERTAIN I WOULDN'T SWEAR TO ANYTHING I AM DOUBTFUL ABOUT. Q DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE YOU WAS CALLED OUT HE MADE THAT {REMAKE IN HIS}P SERMON {A}P IT MIGHT BE BEFORE WE WAS CALLED OUT {A}P IT WAS NOT FAR</p>	<p>BEEN DEAD AND IN THEIR GRAVES". Q. AT THIS TIME? A. AT THIS TIME. Q. THAT WAS THE SERMON HE PREACHED AFTER YOU WAS CALLED THERE WITH YOUR SPADE, ARE YOU CERTAIN OF THAT? A. THAT IS HOW I HAD GOT IT IN MY MIND. I COULD NOT BE CERTAIN, I WOULD NOT BE CERTAIN ABOUT ANYTHING I AM DOUBTFULL ABOUT. Q. DIDN'T YOU SAY IN YOUR EXAMINATION IN CHIEF THAT THAT WAS THE SUNDAY BEFORE † YOU WAS CALLED OUT, HE MADE THAT REMARK IN HIS SERMON? A. IT MIGHT HAVE BEEN BEFORE THAT. Q. WASN'T THAT IT? A. IT WASN'T FAR</p>	
---	---	---	--

RT

RS

BT

PS

<p>BETWEEN. ^[264] Q. DO YOU RECOLLECT WHAT YOU SAID ABOUT IT IN ANSWER TO JUDGE CAREY'S REMARKS ?</p> <p>A. I DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. Q. WELL SIR YOU SAY IN A SIDE REMARK WHEN JUDGE SUTHERLAND OBJECTED,</p> <p>THAT IT IS NOT A SUGGESTION ON YOUR PART, WHAT HAIGHT WAS TALKING ABOUT — NOT A CONJECTURE — TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO ?</p>	<p>BETWEEN. Q DO YOU RECOLLECT WHAT YOU SAID ABOUT {IT}^P IN ANSWER TO JUDGE CAREY'S REMARKS IN QUESTION A I DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. Q WELL SIR YOU SAY IN A SIDE REMARK PENDING OBJECTION OF ARGUMENT OF JUDGE SUTHERLAND THAT IT IS NOT <A> SUGGESTION ON YOUR PART WHAT HAIGHT WAS TALKING ABOUT = NOT A CONJECTURE, TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO ?</p>	<p>BETWEEN. Q. DO YOU RECOLLECT ABOUT WHAT YOU SAID ABOUT IT IN ANSWER TO JUDGE CAREYS REMARKS—IN THE QUESTION? A. I DON'T KNOW THAT I ANSWERED THAT QUESTION AS TO WHETHER IT WAS BEFORE OR AFTER. Q. WELL, SIR, YOU SAID IN YOUR SIDE REMARK PENDING AN OBJECTION AND ARGUEMENT OF JUDGE SUTHERLAND'S THAT IT IS NOT A SUGGESTION ON YOUR PART WHAT HAIGHT WAS TALKING ABOUT;—NOT A “CONJECTURE.” TELL ME WHAT HAIGHT SAID TO ENABLE YOU TO JUDGE WHAT EMIGRANTS HE REFERRED TO?</p>	
--	--	---	--

RT

RS

BT

PS

<p>A. I JUDGED FROM THE COURSE OF HIS REMARKS BEFORE THAT IN THE COURSE OF HIS SPEAKINGS ON THE THING HE REFERRED TO. Q. WAS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT SUMMER ?</p> <p>A. THAT WAS THE ONLY TRAIN TO MY RECOLLECTION OF OF ANY SIZE. THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. Q. HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS THAT FALL</p> <p>A. I DON'T KNOW AS I SAW</p> <p>ANY. Q. YOU SAY YOU SAW THE WAGONS</p>	<p>A I JUDGE FROM COURSE OF HIS REMARKS BEFORE THAT IN COURSE OF HIS SPEAKING AND THE LANGUAGE WHOM HE REFERRED TO</p> <p>Q WAS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT SUMMER</p> <p>QA THAT IS THE ONLY TRAIN TO MY RECOLLECTIO N OF ANY SIZE; THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. Q HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS THAT FALL</p> <p>{A} P I DON'T KNOW AS I SAW</p> <p>ANYTHING</p> <p>ANY. Q YOU SAY YOU SAW THE WAGONS</p>	<p>A. I JUDGED FROM THE COURSE OF HIS REMARKS BEFORE THAT IN THE COURSE OF HIS SPEAKING, AND THE LANGUAGE, WHO HE REFERRED TO. Q. WHAS THAT THE ONLY TRAIN OF EMIGRANTS THAT PASSED THROUGH THERE THAT LAST SUMMER? SUMMER? A . THAT ISTHE ONLY TRAIN TO MY RECOLLECTION OF ANY SIZE; THERE MIGHT HAVE BEEN SOME SMALL ONES BEFORE THAT. ^[87] Q. HOW MANY TRAINS DID YOU SEE GO THROUGH THERE AFTERWARDS, THAT FALL?</p> <p>A. I DON'T KNOW AS I SAW</p> <p>ANY. Q. YOU SAY YOU SAW A WAGONS</p>	
--	---	---	--

RT

RS

BT

PS

<p>THAT CAME FROM THERE. CAN YOU TELL AS A MATTER OF FACT WHERE THAT WAGON DID COME FROM OF YOUR OWN KNOWLEDGE A. NO SIR, I CAN ONLY CONJECTURE IT FROM WHAT THE PEOPLE SAID AROUND ME. Q. AND THAT IS CONJECTURE ? A. I DON'T KNOW — DON'T KNOW WHETHER THE WAGON CAME FROM THERE OR NOT Q. ARE YOU CERTAIN YOU WAS NOT AT THE MEADOWS AT THE TIME OF THE MASSACRE — YOU SAY YOU SAW SOME FIVE OR SIX CHILDREN THAT CAME FROM THE MOUNTAIN</p>	<p>THAT CAME FROM THERE. CAN YOU TELL AS MATTER OF FACT WHERE THAT WAGON HAD COME FROM OF YOUR OWN KNOWLEDGE {A}p265 NO SIR I CAN ONLY CONJECTURE IT FROM WHAT PEOPLE SAID AROUND ME Q. AND THAT IS CONJECTURE A I DON'T KNOW DON'T KNOW WHETHER WAGON CAME FROM THERE OR NOT. Q. ARE YOU CERTAIN YOU WAS NOT AT THE MEADOWS AT THE TIME OF MASSACRE <YES>, YOU SAY YOU SAW 5 OR 6 CHILDREN THAT CAME FROM MOUNTAIN</p>	<p>THAT CAME FROM THERE. CAN YOU TELL ME AS A MATTER OF FACT WHERE THAT WAGON DID COME FROM OF YOUR OWN KNOWLEDGE? A. NO, SIR, I CAN NOT ONLY CONJECTURE IT FROM WHAT PEOPLE SAID AROUND ME. Q. AND THAT IS CONJECTURE? A. I DON'T KNOW, DON'T KNOW WHETHER THE WAGON CAME FROM THERE OR NOT.. Q. ARE YOU CERTAIN YOU WERN 'T AT THE MOUNTAIN MEADOWS AT THE TIME OF THE MASSACRE? A. YES. Q. YOU SAY YOU SAW FIVE OR SIX CHILDREN THAT CAME FROM THE MOUNTAIN</p>	
---	--	---	--

265. Darker pencil over the purple pencil.

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

<p>MEADOWS — DO YOU KNOW OF YOUR OWN KNOWLEDGE THEY CAME FROM THE MOUNTAIN MEADOWS ? ^[265] A. WELL NO. Q. HOW CAN YOU STATE THEN ABOUT IT ? A. I WAS NOT THERE TO SEE. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE CHARLES HOPKINS WAS AT THE MOUNTAIN MEADOWS A. NO. Q. HOW DO YOU KNOW HIGBEE HAD CHILDREN AT HIS HOUSE FIVE OR SIX YEARS OLD ? A. I SAW IT THERE MYSELF. THAT IS NOT CONJECTURE. Q. DID YOU EVER HEAR THAT CHILD TALK ? A. YES SIR. Q. WAS IT A BOY OR A GIRL ? A.</p>	<p>THE MEADOWS DO YOU KNOW OF YOUR OWN KNOWLEDGE THEY CAME FROM MOUNTAIN MEADOWS A WELL NO YOU CAN STATE/SET[?] DOWN ABOUT SAME A I WAS NOT ^{[[32]]} THERE TO SEE. Q DO YOU KNOW OF YOUR OWN KNOWLEDGE CHARLES HOPKINS WAS AT MOUNTAIN MEADOWS A NO Q HOW DO YOU KNOW HIGBEE HAD CHILD AT HIS HOUSE 5 OR 6 YEARS OLD A I SAW IT THERE MYSELF THAT IS NOT CONJECTURE Q DID YOU EVER HEAR THAT CHILD TALK A YES SIR Q WHAT WAS IT BOY OR GIRL ? {A} P</p>	<p>MEADOWS. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT THEY CAME FROM THE MOUNTAIN MEADOWS? A. WELL, NO. Q. YOU KIND OF SET DOWN ABOUT THE SAME THING? A. I WASN'T THERE TO SEE . Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT CHARLES HOPKINS WAS AT THE MOUNTAIN MEADOWS MASSACRE ? A. NO. Q. HOW DO YOU KNOW THAT HIGBEE HAD A CHILD AT HIS HOUSE FIVE OR SIX YEARS OLD. A. I SAW IT THERE MYSELF. Q THAT IS NOT CONJECTURE. Q DID YOU EVER HEAR THAT CHILD TALK? A. YES, SIR. Q. WHAT WAS IT A BOY OR A GIRL? A.</p>	
---	--	---	--

RT

RS

BT

PS

<p>IT WAS A BOY. Q. HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE ?</p> <p>A. I ONLY SAW THE CHILD TWICE. Q. HOW LONG AFTER YOU SAW IT THERE THE LAST TIME BEFORE YOU WENT BACK TO INQUIRE ABOUT IT AGAIN ? A. I DIDN'T GO TO INQUIRE ABOUT THEM AT ALL. Q. THEN HOW DO YOU STATE IT WAS IN A THE CHILD WAS MISSING THE NEXT WEEK OR SO BY — DID YOU GO BACK IN A WEEK TO INQUIRE ? A. I DIDN'T GO BACK IN A WEEK — I DIDN'T BUSY MYSELF WITH SUCH THINGS TO INQUIRE ANYTHING OF THAT KIND. Q. DID YOU INQUIRE</p>	<p>IT WAS BOY. Q. HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE AT THAT TIME {A}P I ONLY SAW CHILD THERE TWICE Q. HOW LONG AFTER YOU SAW THEM THERE AT LAST TIME BEFORE YOU WENT BACK TO INQUIRE ABOUT THEM AGAIN {A}P I DIDN'T GO TO INQUIRE ABOUT THEM AT ALL. Q. THEN HOW DID YOU STATE CHILD WAS MISSING IN {A}P WEEK; DID YOU GO BACK IN WEEK TO INQUIRE? A. I DIDN'T GO BACK IN A WEEK I DIDN'T BUSY MYSELF WITH SUCH THINGS TO INQUIRE ANYTHING OF KIND {Q}P DID YOU INQUIRE</p>	<p>IT WAS A BOY. Q. HOW OFTEN DID YOU VISIT AT HIGBEE'S HOUSE AT THAT TIME? A. I ONLY SAW THE CHILD THERE TWICE. Q. HOW LONG AFTER YOU SAW THEM THERE AT THE LAST TIME, BEFORE YOU WENT BACK TO ENQUIRE ABOUT THEM AGAIN? A. I DIDN'T GO TO ENQUIRE ABOUT THEM AT ALL. Q. THEN HOW DO YOU STATE THE CHILD WAS MISSING IN A WEEK AFTER; DID YOU GO BACK IN A WEEK TO ENQUIRE? A. I DIDN'T GO BACK IN A WEEK; I DIDN'T BUSY MYSELF WITH SUCH THINGS OR ENQUIRE ABOUT ANYTHING OF THE KIND. Q. DID YOU ENQUIRE</p>	
--	---	---	--

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

<p>WHERE THAT CHILD WAS A WEEK AFTER YOU SAW IT — HOW LONG BEFORE DID YOU INQUIRE ? A. I DIDN'T INQUIRE ABOUT IT AT ALL. ^[266] Q. HOW DO YOU KNOW THE CHILD WAS MISSING IN A WEEK AFTER ? A. BECAUSE IT WAS OUT OF SIGHT. Q. IF YOU DIDN'T LOOK FOR IT HOW CAN YOU SAY IT WAS MISSING OR OUT OF SIGHT ? A. BECAUSE I DIDN'T SEE IT Q. DID YOU GO TO SEE ? A. I SAW THE OTHER ONE. Q. DID YOU INQUIRE ABOUT IT ? A. NO. Q. CAN YOU STATE OF YOUR OWN KNOWLEDGE ABOUT THAT CHILD ? A. I CANNOT, ONLY</p>	<p>WHERE THAT CHILD WAS {A}^P WEEK AFTER YOU SAW IT HOW LONG BEFORE YOU DID INQUIRE _AI DIDN'T INQUIRE ABOUT IT AT ALL _QHOW DO YOU KNOW CHILD WAS MISSING IN A WEEK _ABECAUSE IT WAS OUT OF SIGHT IF YOU DIDN'T LOOK FOR IT HOW DID YOU SAY IT WAS MISSING OR OUT OF SIGHT {A}^P BECAUSE I DIDN'T SEE IT _QDID YOU GO {TO SEE}^P ? _AI SAW THE OTHER ONE _Q DID YOU INQUIRE ABOUT IT _A NO _QCAN YOU STATE OF YOUR OWN KNOWLEDGE ANYTHING ABOUT THAT CHILD _AI CANNOT ONLY</p>	<p>WHERE THAT CHILD WAS A WEEK AFTER YOU SAW IT, OR DID YOU ENQUIRE ABOUT IT BEFORE? A. I DIDN'T ENQUIRE ABOUT IT AT ALL. Q. HOW DO YOU KNOW THE CHILD WAS MISSING AIN A WEEK? A. BECAUSE IT WAS OUT OF SIGHT. ^[88] Q. IF YOU DIDN'T LOOK FOR IT, HOW DO YOU SAY IT WAS MISSING MISSED OR OUT OF SIGHT? A. BECAUSE I DIDN'T SEE IT. Q. DID YOU GO TO SEE? A. I SAW THE OTHER ONE. Q. DID YOU ENQUIRE ABOUT IT? A. NO. Q. CAN YOU STATE OF YOUR OWN KNOWLEDGE ANYTHING ABOUT THAT CHILD? A. I CANNOT ONLY</p>	
---	---	--	--

RT

RS

BT

PS

<p>I SAW IT THERE ONCE. Q. DID YOU EVER ASK HIGBEE WHERE THAT CHILD WAS ? A. I DID NOT. Q. DID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR NEXT YEAR ? A. I DID NOT ASK THEM. Q. DID YOU TAKE ANY STEPS OR MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM THE TIME YOU LAST SAW IT OUT THERE ? A. I DID NOT. Q. HOW MANY CHILDREN DID, YOU SEE AT CEDAR THAT WERE</p> <p>REPRESENTED AS COMING FROM THE MOUNTAIN MEADOWS ? A. I THINK I CAN RECOLLECT SIX. Q. GIVE THE AGES ? A. I</p>	<p>I SAW IT THERE ONCE Q {DID YOU}P EVER ASK HIGBEE WHERE CHILD WAS AI DID NOT QDID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR NEXT YEAR AI DID NOT ASK {THEM}P QDID YOU TAKE ANY STEPS MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM THE TIME YOU LAST SAW IT OUT THERE I ADID NOT. QHOW MANY CHILDREN DID, YOU SEE AT CEDAR THAT WERE <i>FIRST/AS[?]</i> REPRESENTED FROM COMING FROM MOUNTAIN MEADOWS. I {I THINK I}P ACAN RECOLLECT THOSE SIX Q GIVE THE AGES I A</p>	<p>I SAW IT THERE ONCE. Q. DID YOU EVER ASK HIGBEE WHERE THE CHILD WAS? A. I DIDN'T. Q. DID YOU ASK ANY OF THE NEIGHBORS THAT YEAR OR THE NEXT YEAR? A. I DIDN'T ASK THEM. Q. DID YOU TAKE ANY STEPS OR MAKE ANY EFFORT TO FIND OUT WHERE THAT CHILD WAS WITHIN TWO YEARS FROM THE TIME YOU LAST SAW IT?</p> <p>A. I DID NOT. Q. HOW MANY CHILDREN DID YOU SEE AT CEDAR THAT WERE</p> <p>REPRESENTED AS COMING FROM THE MOUNTAIN MEADOWS? A. I THINK I CAN RECOLLECT THESE SIX. Q. GIVE THEIR AGES? A. I</p>	
--	---	--	--

RT

RS

BT

PS

<p>CANNOT Q. WELL OF THE</p> <p>OLDEST ONE THAT YOU SPOKE ABOUT —YOU SAY THAT HAIGHT [267] PREACHED FREQUENTLY IN THE CHURCH AFTERWARDS TO SAY NOTHING ABOUT IT A. I DIDN'T SAY FREQUENTLY, I SAID I HEARD HIM SPEAK OF IT, I DIDN'T SAY HOW MANY TIMES. Q. ABOUT HOW OFTEN DID YOU HEAR THAT ? A. I HEARD IT ONCE. Q. STATE WHETHER YOU DID OR DID NOT OBEY COUNSEL THERE WITH REGARD TO THAT MATTER ? A. I DIDN'T AT THAT TIME. Q. HOW LONG DID YOU REMAIN SILENT ? A. WELL I COULD NOT TELL YOU</p>	<p>CANNOT THAT WAS ABOUT OLDEST ONE I SPOKE ABOUT YOU SAY THAT HAIGHT PREACHED FREQUENTLY IN CHURCH AFTERWARDS TO SAY NOTHING ABOUT IT {A}P I DIDN'T SAY FREQUENTLY I SAID I HEARD HIM SPEAK OF IT; I DIDN'T SAY HOW MANY TIMES {Q}P ABOUT HOW OFTEN DID YOU HEAR THAT {A}P I HEARD IT ONCE. Q STATE WHETHER YOU DID OR DID NOT OBEY COUNSEL THERE WITH REGARD TO THAT MATTER A I DIDN'T AT THAT TIME Q HOW LONG DID YOU REMAIN SILENT A WELL I COULD NOT TELL YOU</p>	<p>COULDNOT . THAT WAS ABOUT SEVEN ELEVEN, THE ONE I SPOKE ABOUT. Q . YOU SAY THAT HAIGHT SPOKE FREQUENTLY IN THE CHURCH AFTERWARDS, TO SAY NOTHING ABOUT IT? A. I DIDN'T SAY FREQUENTLY; I SAW I HEARD HIM SPEAK ABOUT IT; I DIDN'T SAY HOW MANY TIMES? Q. HOW OFTEN DID YOU HEAR THAT? A. I HEARD IT ONCE Q. STATE WHETHER YOU DID OR DID NOT OBEY COUNCIL THERE WITH REGARD TO THAT MATTER? A. I DID NOT AT THAT TIME. Q. AND HOW LONG DID YOU REMAIN SILENT? A. WELL, I COULD NOT TELL Y OU</p>	
--	--	---	--

RT

RS

BT

PS

<p>EXACTLY. Q. HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HEAR ON THIS STAND ? A. I GUESS IT WAS A GOOD MANY YEARS — SEVERAL YEARS. Q. DID YOU EVER TELL THIS WITHIN THE LAST TWO YEARS ? A. I DON'T KNOW THAT I HAVE. Q. DID YOU EVER TELL IT WITHIN THE LAST YEAR ? A. I HAVE TOLD IT TO SOME THE LAST YEAR. Q. WHO DID YOU TELL THIS TO FIRST ? A. I CAN'T RECOLLECT WHEN I GOT TO UNDERSTAND — ——COUNSEL: I DON'T CARE ABOUT ANY UNDERSTANDIN G.</p>	<p>EXACTLY Q HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HERE ON THIS STAND AI GUESS IT WAS GOOD MANY YEARS SEVERAL YEARS ^{[[33]]} {Q}P DID YOU EVER STATE WITHIN LAST TWO YEARS AI DON'T KNOW AS I HAVE {A}P QDID YOU EVER TELL AT ALL WITHIN LAST YEAR AI HAVE TOLD TO SOME LAST YEAR. Q WHOM DID YOU TELL THIS TO FIRST A I CAN'T RECALL WHEN I GOT TO UNDERSTAND BY BISHOP I DON'T CARE ABOUT ANY UNDERSTANDI NG IF TELLING</p>	<p>EXACTLY. Q. HOW LONG WAS IT AFTER THIS TRANSACTION BEFORE YOU TOLD WHAT YOU HAVE SWORN TO HERE ON THIS STAND? A. I GUESS IT WAS A GOOD MANY YEARS, SEVERAL YEARS. Q. DID YOU EVER TELL IT UNTIL WITHIN THE LAST TWO YEARS? A. I DON'T KNOW THAT I HAVE. Q. DID YOU EVER TELL IT TILL WITHIN THE LAST YEAR? A. I HAVE TOLD IT WTO SOME THE LAST YEAR. Q. WHO DID YOU TELL THIS TO THE FIRST? A. I CAN&'T RECOLLECT, ONLY I GOT TO UNDERSTAND— —BY M^R BISHOP: I DON'T CARE ABOUT ANY UNDERSTANDIN G YOU HAVE.</p>	
---	--	--	--

RT

RS

BT

PS

<p>CAREY: Q. HOW FAR DID YOU LIVE FROM HIGBEE'S ?</p> <p>A. I LIVE AT THE OLD FORT WHEN HIGBEE WAS LIVING UP THERE IN WHAT IS CALLED THE NEW CITY. Q. DID YOU FREQUENTLY SEE HIS FAMILY ? A. TWICE A WEEK. Q. AND OF THIS OLDEST CHILD YOU SPOKE OF — DID HE REMAIN THERE —</p> <p>[268]</p> <p>AND DID YOU EVER SEE IT AFTERWARDS ?</p> <p>SUTHERLAND: WE OBJECT TO HIS OPINION AS TO THAT</p>	<p>TRUTH BISHOP LEAD ON. BY CAREY. HOW FAR DID YOU LIVE FROM HIGBEE'S</p> <p>{A} P I LIVED AT THE OLD FORT WHEN HIGBEE WAS LIVING UP THERE IN WHAT IS CALLED NEW CITY Q DID YOU FREQUENTLY SEE HIS FAMILY A TWICE A WEEK Q IF THIS OLDEST CHILD YOU SPOKE OF HAD REMAINED THERE.</p> <p>Q WOULD YOU HAVE SEEN IT AFTERWARDS BY SUTHERLAND WE OBJECT TO HIS OPINION.</p>	<p>RE- EXAMINATION IN CHIEF Q-BY M^R CAREY: Q. HOW FAR DID YOU LIVE FROM HIGBEES? A-I AM NOT CERTAIN. [89] A. I LIVED AT THE OLD FORT-, WHEN HIGBEE WAS LIVING UP THERE-, IN WHAT IS CALLED THE NEW CITY. Q. DID YOU FREQUENTLY SEE HIS FAMILY? A. TWICE A WEEK. Q-IF THOISE ELEVEN CHILDREN YOU SPOKE OF REMAINED THERE Q. IF THIS SEVEN ELEVEN YEAR OLD CHILD YOU SPOKE OF HAD REMAINED THERE</p> <p>WOULD YOU HAVE SEEN IT AFTERWARDS? BY M^R SUTHERLAND: WE OBJECT TO HIS OPINION.</p>	
---	---	---	--

RT

RS

BT

PS

<p>MATTER. CAREY: JUST WAIT A MOMENT AND WE WILL SEE WHETHER IT IS A MATTER OF HIS OPINION OR NOT. THE QUESTION IS THIS, THEY ATTEMPT TO SHOW</p> <p>HE DID NOT KNOW. IF THIS CHILD IS ON ENQUIRY I WISH TO QUESTION THE WITNESS IF HE FREQUENTLY SAW HIGBEE'S FAMILY, WHETHER IF HE HAD BEEN THERE OR NOT THAT HE WOULD HAVE SEEN IT. BISHOP: AND FOR THE FURTHER REASON WE HAVE SHOWN BY SOME TWO OR THREE WITNESSES THAT ALL OF</p>	<p>BY CAREY. JUST WAIT {A}^P MOMENT WE WILL SEE WHETHER IT IS OR NOT {A}^P MATTER OF OPINION. THE QUESTION IS THIS THEY ATTEMPT TO SHOW</p> <p>HE DID NOT KNOW. IF THIS CHILD HE INQUIRED ABOUT I WISH TO QUESTION WITNESS IF</p> <p>HE FREQUENTLY SAW HIGBEE'S FAMILY WHETHER IF HE HAD BEEN {THERE}^P HE WOULD HAVE SEEN IT. BY BISHOP {AND}^P FOR {THE}^P FURTHER REASON THEY HAVE —[?] SHOWN BY SOME TWO OR THREE WITNESSES THAT ALL OF</p>	<p>BY M^R CAREY: JUST WAIT A MOMENT. WE WILL SEE WHETHER IT IS OR NOT, A MATTER OF OPINION. THE QUESTION IS THIS: THEY ATTEMPT TO SHOW Q- THE DIDN'T THAT HE DID NOT KNOW. IF THIS CHILD HE ENQUIRED ABOUT— I WISH TO QUESTION WITNESS IF</p> <p>HE FREQUENTLY SAW HIGBEES FAMILY, WHETHER IF THE CHILD HAD BEEN THERE HE WOULD HAVE SEEN IT. BY M^R BISHOP: WE OBJECT FOR THE FURTHER REASON; THEY HAVE SHOWN BY SOME TWO OR THREE OF THEIR WITNESSES THAT ALL OF</p>	
---	--	---	--

RT

RS

BT

PS

<p>THE CHILDREN WERE TAKEN FROM THE SCENE OF THE TRAGEDY, AND WERE</p> <p>DELIVERED OVER TO DR. FORNEY, AND WE HAVE A QUESTION AT THIS TIME IN THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE IMPEACHING THEIR OWN WITNESS. CAREY: WE WISH TO SHOW THIS CHILD WAS SEEN THERE IMMEDIATELY AFTER THE TIME OF THE MASSACRE.</p> <p>COURT: YOU MAY STATE IF YOU WERE IN A SITUATION TO KNOW. A. I WAS OUT THERE THE FIRST TIME, BUT I DON'T RECOLLECT SEEING IT</p>	<p>THE CHILDREN TAKEN FROM THE SCENE OF THE TRAGEDY WERE AFTERWARD DELIVERED OVER TO DR. FORNEY</p> <p>AND THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE IMPEACHING THEIR OWN WITNESS. BY CAREY. WE WISH TO SHOW THIS CHILD WAS SEEN THERE IMMEDIATELY AFTER THE TIME OF MASSACRE AND WAS MISSED BY COURT YOU CAN STATE ^QIF YOU WERE IN A SITUATION TO SEE ^{A}^P I SAW IT THERE FIRST TIME AND I DON'T RECOLLECT SEEING IT</p>	<p>THE CHILDREN TAKEN FROM THE SCENE OF THE TRAGEDY WERE AFTERWARDS DELIVERED TO DR. FORNEY;</p> <p>AND THAT THEY CANNOT AT THIS TIME INTRODUCE EVIDENCE TO IMPEACH THEIR OWN WITNESS. BY ^M^R CAREY: WE WISH TO SHOW THAT THIS CHILD WAS SEEN THERE IMMEDIATELY AFTER THE TIME OF THE MASSACRE AND THEN WAS MISSED. THE COURT. BY COURT: Q. YOU CAN STATE IF YOU ARE WERE IN A SITUATION TO SEE. A. I SAW IT THERE THE FIRST TIME, AND I DON'T RECOLLECT SEEING IT</p>	
--	---	---	--

RT

RS

BT

PS

<p>ONLY ONCE, BUT I SAW THE OTHER. Q. IF THAT IS THE ONLY ONE THAT REMAINED THERE WERE YOU IN A SITUATION TO HAVE KNOWN ? A. YES SIR, I WAS.</p> <p>COURT</p> <p>ADJOURNED UNTIL TO- MORROW MORNING AT NINE O’CLOCK.</p> <p>WEDNESDAY, JULY 28TH 1875. 9 A.M. ^[269] WEDNESDAY JULY 28TH, 1875. 9 O’CLOCK</p>	<p>ONLY ONCE AND I SAW THE OTHER. Q^IF THIS ONE WOULD HAVE REMAINED THERE WERE YOU IN SITUATION TO HAVE KNOWN A YES SIR I WOULD. BY BISHOP HOLD ON THAT IS ALL MR. BRADSHAW</p> <p>BY COURT GENTLEMAN WANTS TO SEE ONE OF JURORS. COURT SHALL ADJOURN UNTIL TO MORNING 9 O’CLOCK {ADJD TILL TOMORROW MORNING AT 9 AM.}^p [space]</p> <p>^{[[34]]} WEDNESDAY, JULY 28TH 1875. 9.10 AM. [space]</p>	<p>ONLY ONCE AND I SAW THE OTHER THERE HIM THERE Q. IF THIS ONE WOULD HAVE REMAINED THERE WERE YOU IN A SITUATION TO HAVE KNOWN IT? A. YES, SIR, I WOULD. BY M^R BISHOP: HOLD ON—BUT THAT IS ALL MR. BRADSHAW. COURT ADJOURNED. JURY ADMONISHED BY COURT.</p> <p>COURT</p> <p>ADJOURNED TILL TO—)MORROW MORING AT 9 O’CLOCK.</p> <p>^[90] WEDNESDAY, JULY 28TH, 1875. 9 O’ CLOCK A.M.</p>	
---	--	---	--

RT

RS

BT

PS

<p>A. EIGHTEEN YEARS. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER 1857 ? A. I WAS HERE IN BEAVER. Q. STATE WHETHER OR NOT YOU SAW AN EMIGRANT TRAIN CALLED THE ARKANSAS TRAIN PASS THROUGH ? A. I DID. Q. STATE WHEN IT WAS IF YOU KNOW ? A. I THINK IT WAS ABOUT THE FIRST OF THE MONTH.</p> <p>Q. STATE ABOUT HOW LARGE A TRAIN OF WAGONS ? A. THERE WAS THIRTY ONE. Q. DO YOU KNOW HOW MANY PEOPLE THERE WAS ? A. I DO NOT; I WAS OUT TO THE CAMP SOUTHWEST. Q. TELL US</p>	<p>^ABOUT 18 YEARS Q STATE WHERE YOU WERE MONTH OF SEPTEMBER 1857 ^I WAS HERE IN BEAVER Q STATE WHETHER YOU ≤OR NOT≥ YOU SAW EMIGRANT TRAIN CALLED ARKANSAS TRAIN PASS THROUGH HERE ^I DID Q≤TELL WHEN IT WAS IF YOU[?] KNOW≥ QI THINK IT WAS ABOUT FIRST OF THE MONTH</p> <p>QABOUT HOW LARGE TRAIN OF WAGONS {A}^P THERE WAS 31 QDO YOU KNOW HOW MANY PEOPLE THERE WERE ^ I DON'T I WAS OUT AT CAMP SOUTHWEST. QTELL US</p>	<p>A. ABOUT 18 YEARS. Q. STATE WHERE YOU WERE IN THE MONTH OF SEPTEMBER '57? A. I WAS HERE IN BEAVER. Q. STATE WHETHER OR NOT YOU REMEMBER AN EMIGRANT TRAIN CALLED THE ARKANSAS TRAIN PASSING THROUGH HERE?</p> <p>A. I THINK IT WAS ABOUT THE FIRST OF THE MONTH, BUT COULD NOT TELL WHEN IT WAS EXACTLY? Q. ABOUT HOW LARGE A TRAIN OF WAGONS? A. THERE WAS 31 34 Q . DO YOU KNOW HOW MANY PEOPLE THERE WERE? A. I DO NOT. I WAS OUT AT THEIR CAMP SOUTH WEST OF HERE. Q. TELL US</p>	
--	---	--	--

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

<p>SOMETHING AS TO THEIR NUMBERS, AS NEAR AS YOU CAN REMEMBER, IF YOU HAVE ANY OPINION ? A. I SHOULD SUPPOSE THERE WAS ONE HUNDRED OR MORE, BUT IT IS SOMETHING I COULD NOT TELL ANYTHING ABOUT, MEN, WOMEN AND CHILDREN, MIDDLE AGED AND OLD PEOPLE. Q. WHAT KIND OF TEAMS DID THEY HAVE ? A. PRINCIPALLY OX TEAMS. Q. HOW MANY YOKE TO THE WAGON ? ^[270] A. TWO TO THREE YOKE. Q. STATE WHETHER THERE WAS ANY OTHER STOCK ? A. YES, THEY HAD MULES AND HORSES AND THEY HAD</p>	<p>SOMETHING {AS TO THEIR}^P NUMBERS AS NEAR AS YOU CAN REMEMBER IF YOU HAVE ANY OPINION {_A}^P I SHOULD SUPPOSE THERE WAS HUNDRED $\leq 100 \geq$ OR MORE IT IS SOMETHING I COULD NOT TELL ANYTHING ABOUT MEN WOMEN AND CHILDREN, MIDDLE AGED AND OLD PEOPLE Q WHAT KIND OF TEAMS DID THEY HAVE {_A}^P PRINCIPALLY OX TEAMS. Q HOW MANY YOKE TO WAGON _A 2 TO 3 YOKE. Q STATE WHETHER THERE WAS ANY OTHER STOCK {_A}^P YES THEY HAD MULES AND HORSES, THEY HAD</p>	<p>SOMETHING AS TO THE NUMBERS AS NEAR AS YOU CAN REMEMBER, IF YOU HAVE ANY OPINION? A. I SHOULD SUPPOSE THERE WAS A HUNDRED OR MORE; IT IS SOMETHING I COULD NOT TELL ANYTHING MUCH ABOUT: MEN WOMEN AND CHILDREN, MIDDLE AGED AND OLD PEOPLE. Q. WHAT KIND OF TEAMS DID THEY HAVE? A. PRINCILAPP PRINCIPALLY OX TEAMS. Q. HOW MANY YOKE TO THE WAGON? A. TWO OR THEREE YOKE. Q. STATE WHETHER THERE WAS ANY OTHER STOCK? A. YES, THEY HAD MULES AND HORSES AND THEY HAD</p>	
---	--	---	--

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

<p>LOOSE STOCK. Q. AS NEAR AS YOU CAN REMEMBER STATE HOW MANY ? A. WELL THEY HAD QUITE A GOOD LITTLE DROVE, MIGHT HAVE HAD FIFTY, MIGHT HAVE HAD A HUNDRED, MIGHT HAVE HAD THREE HUNDRED, THEY MIGHT HAVE HAD THAT BUT THAT IS A MATTER I DON'T REMEMBER EXACTLY, BUT THEY HAD LOTS OF LOOSE STOCK. Q. DID YOU HEAR OF THIS TRAIN BEFORE THEY ARRIVED HERE ? A. YES SIR. Q. TELL US WHAT YOU HEARD OF IT ? A. GEORGE A. SMITH WAS HERE, HE TOLD US THERE WAS A TRAIN COMING HERE IN A FEW DAYS FROM THE EAST, AND HE</p>	<p>LOOSE STOCK Q AS NEAR AS YOU CAN REMEMBER HOW MANY A WELL THEY HAD QUITE GOOD LITTLE DROVE, MIGHT HAVE HAD 50 MIGHT HAVE HAD HUNDRED MIGHT THEY NOT HAVE HAD 300 A MIGHT HAVE HAD <THAT IS> MATTER I DON'T REMEMBER EXACTLY BUT THEY HAD LOTS STOCK. Q DID YOU HEAR OF THIS TRAIN BEFORE THEY ARRIVED HERE A YES SIR Q TELL US HOW YOU HEARD OF IT A GEORGE A SMITH WAS HERE HE TOLD US THERE WAS COMPANY COMING HERE IN {A}^P FEW DAYS {AND}^P</p>	<p>LOOSE STOCK. Q. AS NEAR AS YOU CAN REMEMBER , HOW MANY? A. WELL, THEY HAD A GOGOOD LITTLE DROVE; THEY MIGHT HAVE HAD 50 — MIGHT HAVE HAD A HUNDRED. Q. MIGHT THEY NOT HAVE HAD 300 H? A. THEY MIGHT HAVE HAD; THAT IS A MATTER I DON'T REMEMBER EXACTLY; BUT THEY HAD LOOSE STOCK. Q. DID YOU HEAR OF THIS TRAIN BEFORE THEY ARRIVED HERE? A . YES, SIR. Q. TELL US HOW YOU HEARD OF IT? A. GEO. A. SMITH WAS HERE; HE TOLD US THERE WAS A COMPANY COMING HERE IN A FEW DAYS; AND</p>	
--	--	---	--

RT

RS

BT

PS

<p>FORBID US TO TRADE ANY</p> <p>PRODUCE WITH THEM WHATEVER,</p> <p>UNDER PENALTY OF BEING CUT OFF FROM THE CHURCH. Q. DID YOU KNOW WHETHER ANY ONE HAD TRADED WITH THEM OR NOT ? A. THERE WAS ONE MAN TRADED A SMALL CHEESE WITH THEM, HIS NAME IS JOHN MORGAN Q. WHAT DO YOU KNOW OF THAT TRANSACTION ? A. HE WAS CUT OFF THE CHURCH ABOUT TWO WEEKS AFTERWARDS.²⁶⁶ Q. DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE</p>	<p>FORBID US TO TRADE ANY BREADSTUFF <PRODUCE> WITH THEM WHAT EVER</p> <p>UNDER PENALTY OF BEING CUT OFF FROM THE CHURCH Q DID YOU KNOW WHETHER ANY ONE HAD TRADED WITH THEM OR NOT A THERE WAS ONE MAN TRADED {A}^P SMALL CHEESE WITH THEM. <WHAT IS HIS> HIS NAME A IS JOHN MORGAN. Q WHAT DO YOU KNOW ABOUT THAT TRANSACTION {A}^PYES HE WAS CUT OFF CHURCH ABOUT 2 WEEKS AFTER. Q DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE</p>	<p>FORBID US TO TRADE ANY</p> <p>PRODUCE WITH THEM WHATEVER WHATEVER AND UNDER PENALTY OF BEING CUT OFF FF FROM THE CHURCH. ^[91] Q. DID YOU KNOW WHETHER ANY ONE DID TRADE WITH THEM OR NOT? A. THERE WAS ONE MAN TRADED A SMALL CHEESE TO THEM. Q. WHAT IS HIS NAME? A. HIS NAME IS JOHN MORGAN. Q. WHAT DO YOU KNOW ABOUT THAT TRANSACTION? A. YES, HE WAS CUT OFF THE CHURCH ABOUT TWO WEEKS AFTER. Q. DID YOU EVER SEE ANY OF THOSE CHILDREN AFTER THE</p>	
--	--	--	--

266. John Morgan was not excommunicated.

RT

RS

BT

PS

<p>TIME THAT THEY WERE IN THE CAMP DOWN HERE ? A. I SAW THEM WHEN THEY WAS RETURNED. Q. HOW LONG AFTER THAT WAS IT ? A. IT MUST BE A YEAR AND A HALF. Q. IN WHOSE POSSESSION WERE THEY AT THAT TIME A. IN THE INDIAN AGENT'S ^[271] POSSESSION — FORNEY. Q. ABOUT HOW MANY CHILDREN DID YOU SEE ? A. WELL I SUPPOSE I SAW ALL THAT WAS THERE, ABOUT A DOZEN; I CAMPED OVER NIGHT WITH THE CHILDREN, AT BUCKHORN SPRINGS. Q. YOU SAY GEORGE A. SMITH WAS HERE AND PREACHED AGAINST SELLING THINGS —</p>	<p>TIME THEY WERE IN THE CAMP DOWN HERE A I SAW THEM WHEN THEY WAS RETURNED Q HOW LONG AFTER THAT WAS IT {A}P IT MUST BE YEAR AND HALF IN WHOSE POSSESSION WERE THEY AT THAT TIME A IN THE INDIAN AGENT POSSESSION FORNEY. Q ABOUT HOW MANY CHILDREN DID YOU SEE {A}P WELL I SUPPOSE I SAW ALL THAT WAS THERE <i>ABOUT/TWO[?]</i> DOZEN {I}P CAMPED OVER NIGHT WITH THE CHILDREN AT BUCK HORN SPRINGS. YOU SAID GEORGE A. SMITH WAS HERE AND PREACHED AGAINST SELLING THINGS,</p>	<p>TIME THAT THEY WERE IN CAMP DOWN HERE? A. I SAW THEM WHEN THEY WAS RETURNING. Q. HOW LONG AFTER THAT WAS IT? A. IT MUDST HAVE BEEN A YEAR AND A HALDF. Q. IN WHOSE POSSESSION WERE THEY AT THAT TIME. A. IN THE INDIAN AGENTS; POSSESSION, FORNEY. Q. HABOUT HOW MANY CHILDRED DIDYOU SEE? A. WELL, I SUPPOSE I SAW ALL THAT WAS THERE, ABOUT A DOZEN, I CAMPED OVER NIGHT WITH THE CHILDREN AT BUCK HORN SPRINGS. Q. YOU SAID GEO. A. SMITH WAS HERE AND PREACHED AGAINST - SELLING THINGS? TO</p>	
--	---	--	--

RT

RS

BT

PS

<p>WHICH WAY DID HE GO FROM HERE ? A. HE WAS GOING SOUTH . Q. YOU ARE CERTAIN ? A. PRETTY CERTAIN HE WAS; I HAVE NO RECOLLECTION OF HIS RETURNING AT ALL. Q. STATE WHETHER YOU KNOW OF ANY OTHER PERSON'S SELLING THEM ANYTHING — LET ME CALL YOUR ATTENTION TO THIS — DID YOU SELL THEM ANYTHING A. NO SIR. THEY APPLIED TO ME FOR PRODUCE, THE WHOLE COMPANY STOPPED RIGHT IN FRONT OF MY HOUSE. I HAD A VERY GOOD GARDEN; THEY STOPPED IN FRONT OF THE</p>	<p>WHICH WAY DID HE GO FROM HERE {A}^P HE WAS GOING SOUTH; ≤_Q YOU ARE CERTAIN > PRETTY CERTAIN HE WAS Δ I HAVE NO RECOLLECTIO N OF HIS RETURNING AT ALL. _Q STATE WHETHER YOU KNOW OF ANY OTHER PERSONS SELLING THEM ANYTHING. LET ME CALL YOUR ATTENTION TO THIS {Q}^P DID YOU SELL THEM ANYTHING A. NO SIR ^{[[35]]} THEY APPLIED TO ME FOR PRODUCE, {THE}^P WHOLE COMPANY STOPPED RIGHT IN FRONT OF MY HOUSE I HAD {A}^P VERY GOOD GARDEN {THE}^P COMPANY AS IT STOPPED IN FRONT OF THE</p>	<p>THEM? WHICH WAY DID HE GO FROM HERE? A. HE WAS GOING SOUTH. Q. YOU ARE PERETTY CERTAIN HE WAS? A. I HAVE NO RECOLLECTION OF HIS RETURNING AT ALL. Q. STATE WHETHER YOU KNOW OF ANY OTHER PERSONS SELLING THEM ANYTHING? LET ME CALL YOUR ATTENTION TO THIS: DID YOU SELL THEM ANYTHING? A. NO, SIR, THEY APPLIED TO ME FOR PRODUCE, THE WHOLÐE COMPANY STOPPED RIGHT IN FROMT OF MY HOUSE; I HAD A VERY GOOD GARDEN. THE COMPANY STOPPED IN FRONT OF THE</p>	
---	--	--	--

RT

RS

BT

PS

<p>HOUSE AND WANTED TO BUY PEAS, POTATOES, ONIONS, MELLONS; I TOLD THEM I HAD NOTHING TO SPARE. Q. WHAT REASON DID YOU SAY YOU HAD NOTHING TO SPARE ? A. I HAD BEEN FORBID TO TRADE. Q. BY WHOM WERE YOU FORBID ? A. GEORGE A. SMITH. Q. WHERE WAS IT HE MADE THAT SPEECH ? A. HERE ON THE PUBLIC SQUARE. Q. THAT WAS IN WHAT MONTH ? A. HE WAS HERE IT MUST HAVE BEEN IN THE EARLY PART OF SEPTEMBER. Q. ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN ? A. IF MY</p>	<p>HOUSE WANTED TO BUY PEAS POTATOES ONIONS MELONS. I TOLD THEM I HAD NOTHING TO SPARE {Q}P WHAT REASON DID YOU <GIVE FOR SAYING YOU HAD> NOTHING TO SPARE {A}P I HAD BEEN FORBID TO TRADE. Q BY WHOM WERE YOU FORBID TO TRADE {A}P GEORGE A SMITH {Q}P WHERE WAS IT HE MADE THAT SPEECH. {A}P HERE ON PUBLIC SQUARE. Q THAT WAS IN WHAT MONTH A HE WAS HERE IT MUST HAVE BEEN {IN THE}P EARLY PART OF SEPTEMBER. Q ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN {A}P IF MY</p>	<p>HOUSE AND WANTED TO BUY PEAS, POTATOES , MELLONS AND ONIONS. I TOLD HTE THEM I HAD NONE TO SPARE. Q. WHAT REASON DID YOU GIVE FOR SAYING YOU HAD NOTHING TO SPARE? A. I HAD BEEN FORBID TO TRADE. Q. BY WHOME WERE YOU FORBAIDEN TO TRADE? A. GEO. A. SMITH. Q. WHERE WAS IT HE MADE THAT SPEECH? A. ON THE PUBLIC SQUARE. Q. THAT WAS IN WHAT MONTH? A. HE WAS HERE — IT MUST HAEVE BEEH IN THE EARLY PART OF SEPTEMBER. Q. ABOUT HOW MANY DAYS WAS HE IN ADVANCE OF THE TRAIN? A. IF MY</p>	
---	---	---	--

RT

RS

BT

PS

<p>RECOLLECTION SERVES ME IT WAS NOT MORE THAN THREE DAYS. I KNOW ^[272] THEY EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. Q. WHEREABOUTS DO YOU SAY THEY CAMPED ? A. AFTER PASSING THROUGH TOWN THEY CAMPED NEAR ABOUT HALF A MILE BELOW HERE ON THE OTHER SIDE OF A LITTLE PLACE CALLED SPRING CREEK. Q. WHEN YOU WENT OUT DID YOU SEE ANY OTHER CITIZENS OF BEAVER ? A. YES SIR, THERE WAS OTHERS THERE. Q. DID YOU SEE ANY PERSON ACTING AS POLICEMAN ? A. SETH DODGE WAS</p>	<p>RECOLLECTIO N SERVES ME IT WAS NOT MORE THAN 3 DAYS I KNOW WE EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. Q WHEREABOUT S YOU SAY THEY CAMPED AFTER PASSING THROUGH TOWN CAMPED {A}P WENT ABOUT HALF A MILE BELOW HERE ON THE OTHER SIDE A LITTLE CREEK CALLED SPRING CREEK Q WHEN YOU WENT OUT DID YOU SEE ANY OTHER CITIZENS OF BEAVER {A}P YES SIR THERE WAS OTHERS THERE Q DID YOU SEE ANY PERSON ACTING AS POLICEMAN {A}P SETH DODGE WAS</p>	<p>RECOLLECTION SERVES ME , IT WASN'T MORE THAN THREE DAYS, I KNOW WE EXPECTED THE COMPANY DAILY AFTER HE WAS HERE. ^[92] Q. WHERE ABOUTS DO YOU SAY THEM Y CAMPED AFTER PASSING THROUGH TOWN? A. CAMPED NEAR ABOUT A HALF A MILE BELOW HERE ON THE OTHER SIDE OF A LITTLE CREEK CALLED SPRING CREEK.. Q. WHEN YOU WENT OUT T H E R E DID YOU SEE ANY OTHER CITIZEN OF BEAVER? A. YES, SIR, THERE WAS O T H E R S THERE. Q. DID YOU SEE ANY PERSON ACTING AS POLICEMAN? A.: SETH DOGDE WAS</p>	
--	---	--	--

RT

RS

BT

PS

<p>THERE. ————</p> <p>OBJECTED TO BY JUDGE SUTHERLAND FOR DEFENSE. TO WHICH OBJECTION THE COURT MADE NO RULING. Q. DID YOU SEE HIM DOING ANYTHING ? A. JUST WALKING AROUND. Q. DO YOU KNOW IF HE PREVENTED THE PEOPLE TRADING WITH THEM OR NOT — IF SO WHAT DID HE DO ? A. HE INTIMIDATED THE PEOPLE FROM TRADING THERE. SPICER FOR DEFENSE: THIS EVIDENCE IS</p> <p>POINTED TO SOME PERSON NOT IN THE INDICTMENT AND THIS MATTER CAN HAVE NO WEIGHT WHATEVER FOR OR IN</p>	<p>THERE.</p> <p>OBJECTED TO BY</p> <p>DEFENSE ←TO WHICH OBJECTION HE COURT MADE NO RULING→</p> <p>Q DID YOU SEE HIM DOING ANYTHING {A}P JUST WALKING AROUND. {Q}P DO YOU KNOW IF HE PREVENTED PEOPLES TRADING WITH THEM OR NOT IF SO WHAT DID HE DO A HE INTIMIDATED PEOPLE FROM TRADING THERE. BY SPICER THIS EVIDENCE IS DRIVING POINTING TO SOME PERSON NOT IN THE INDICTMENT</p> <p>MATTER CAN HAVE NO WEIGHT WHATEVER FOR OR IN</p>	<p>THERE. BY MR. BISHOP: OBJECTED TO.</p> <p>Q. DID HYOU SEE HIM DOING ANYTHING? A. JUST WALKING AROUND. Q. DO YOU KNOW IF HE PREVENTED PEOPLES TRADING WITH THEM OR NOT;? IF SO, WHAT DID HE DO? A. HE INTIMIDATED PEOPLE FROM TRADING THERE. BY M^R SPICER: THIS EVIDENCE IS DRIVING AROUND ABOUT TO SOME PERSON NOT IN THE INDICTMENT; AND THE MATTER CAN HAVE NO WEIGHT WHATEVER FOR OR IN</p>	
---	---	---	--

RT

RS

BT

PS

<p>BEHALF OF THIS DEFENDANT. GEORGE A. SMITH NOT BEING THE DEFENDANT, AND NOT BEING IN THE INDICTMENT CAN FORM NO CONNECTION AND NO ISSUE TO BE TRIED BY THIS JURY;</p> <p>IT IS NOT NECESSARY TO BE JOINTLY INDICTED. COURT: YES, SO LONG AS HE IS CONNECTED WITH THE COMMON OBJECT. SPICER: WE FURTHER MAKE THE OBJECTION THAT THIS IS NO PART OF A JOINT OBJECT. THIS TRANSACTION TOOK PLACE FAR BELOW HERE. THE DEFENDANT IS CHARGED WITH HAVING ENGAGED</p>	<p>BEHALF OF THIS DEFENDANT. GEORGE A SMITH NOT BEING DEFENDANT NOT BEING IN THE INDICTMENT CAN FORM NO CONNECTION AND TO ISSUE TRIED BY JURY.</p> <p>IT IS NOT NECESSARY TO BE JOINTLY INDICTED BY COURT SO LONG AS HE IS CONNECTED WITH THE COMMON OBJECT {SPICER}^P WE FURTHER MAKE THE OBJECTION THIS IS NOT PART OF JOINT OBJECT. THIS TRANSACTION TOOK PLACE FAR BELOW HERE. DEFENDANT {IS}^P CHARGED WITH HAVING BEEN ENGAGED</p>	<p>BEHALF OF THIS DEFENDANT. GEO. A. SMITH NOT BEING THE DEFENDANT, NOT BEING IN THE INDICTMENT, AND CAN FORM NO CONNECTION WITH THE ISSUE TRIED BY THE JURY?.</p> <p>BY THE COURT: IT IS NOT NECESSARY TO BE JOINTLY INDICTED — SO NLONG AS HE IS CONNECTED WITH A COMMON OBJECT. BY M^R SPICER: AND WE FURTHER MAKE THE OBJECTION. THA THIS IS NO PART OF THE JOINT OBJECT ; THIS TRANSACTION TOOK PLACE FAR BELOW HERE. THIS DEFENDANT IS CHARGED WITH HAVING BEEN ENGAGED</p>	
--	--	---	--

RT

RS

BT

PS

<p>WITH SOME EMIGRANTS. ^[273]</p> <p>SUTHERLAND: IN THIS INDICTMENT THE MODE OF KILLING IS SPECIFIED WITH GUNS AND NOT BY STARVATION. COURT: THERE IS NO PROOF THERE WAS ANY STARVATION. IF THE OBJECT IS KILLING, IT IS NO MATTER WHETHER IT IS BY CLUBS, GUNS, OR BY ARROWS OR WHAT † IT WAS. I DID NOT DESIRE TO STATE BEFORE THE JURY WHETHER THE COMBINATION WAS PROVED OR NOT, BUT I HAVE NO DOUBT ABOUT IT AT ALL. IT IS SATISFACTORILY PROVED TO MY MIND.</p>	<p>WITH EMIGRANTS. BY SUTHERLAND IN THIS INDICTMENT MODE OF KILLING IS SPECIFIED WITH GUNS NOT BY STARVATION. BY COURT THERE IS NO PROOF THERE WAS ANY STARVATION IF OBJECT IS KILLING NO MATTER WHETHER IT IS BY CLUBS GUNS OR ARROWS OR WHAT IT WAS. I DID NOT DESIRE TO STATE BEFORE THE JURY WHETHER THE COMBINATION WISH PROVED I HAVE NO DOUBT ABOUT IT AT ALL SATISFACTORILY PROVED TO MY MIND ANYTHING THAT IS FOUNDED ON</p>	<p>WITH THE EMIGRANTS. BY M^R SUTHERLAND: IN THIS INDICTMENT THE MODE OF KILLING IS SPECIFIED WITH GUNS NOT WITH STARVATION. BY THE COURT: THERE IS NO PROOF THAT THERE WAS A NY STARVATION. IF THE OBJECT WAS TO KILL NO MATTER WHETHER BY CLUBS CLUDS OR GUNS AOR ARROWS — NO MATTER WHAT IT IS.. I EDON'T DESIRE TO STATE BEFORE THE JURY WHETHER THE POINT IS PROEVED; I HAVE NO DOUBT ABOUT IT AT ALL — SATISFACTORILLY PROOVED TO MY MIND.</p>	
--	---	---	--

RT

RS

BT

PS

<p>SUTHERLAND: THERE OUGHT TO BE SOME PROOF OF THAT KIND.</p>	<p>THAT WILL BE ADMITTED <i>WHEREFORE</i>[?] BY SUTHERLAND THERE OUGHT TO BE SOME PROOF OF THAT KIND. {COURT}^P THAT WAS MY VIEW IN REGARD TO THAT MATTER BY CAREY IF COURT PLEASE WE ARE THROUGH WITH THIS WITNESS I DO NOT KNOW WHAT THEY ARE OBJECTING TO BY COURT TO DEFENSE TAKE THE WITNESS [<i>space</i>]</p>	<p>BY M^R SUTHERLAND: THERE OUGHT TO BE SOME PROOF OF THAT KIND. BY COURT: THAT WAS IS MY VIEW IN REGARD TO THATE MATTER. BY M^R CAREY: IF THE COURT PLEASE, WE ARE THROUGH WITH THIS WITNESS. I DON'T KNOW WHAT THEY ARE OBJECTING TO.</p>	
<p>CROSS- EXAMINED.</p>	<p>{BY SPICER XEXAMINATIO N}^P SPICER CROSS EXAMINED MR. KERSHAW</p>	<p>^[93] BY SPICER: CROSS- EXAMINATION BY MR. SPICER..</p>	
<p>Q. I UNDERSTOOD YOU TO SAY YOU WERE RESIDING AT BEAVER AT THAT TIME IN SEPTEMBER 1857 ? A. YES SIR. Q. WERE</p>	<p>{Q}^PI UNDERSTOOD YOU TO SAY YOU WERE RESIDING BEAVER AT THAT TIME SEPTEMBER A⁵⁷ YES SIR Q WERE</p>	<p>Q. I UNDERSTOOD YOU TO SAY THAT WYOU WERE RESIDING AT BEAVER AT THAT TIME IN '57? A. YES, SIR. Q. WERE</p>	

RT

RS

BT

PS

<p>YOU AT CEDAR CITY THAT MONTH OR THAT FALL ? A. NO SIR, I WAS NOT. Q. I UNDERSTOOD YOU ALSO TO SAY THAT YOU VISITED THIS CAMP OF EMIGRANTS WEREABOUTS WERE THEY CAMPED ? A. ABOUT HALF A MILE BELOW THE CREEK THE OTHER SIDE OF THE CREEK</p> <p>BEAVER RIVER. Q. HOW LONG DID THEY CAMP THERE ? A. CAMPED HERE ABOUT 10 OR 11 O’CLOCK SATURDAY, LEFT SUNDAY ABOUT ONE O’CLOCK. Q. WHERE WERE YOU LIVING ? A. HERE IN TOWN, ON THE LOWER PART OF THE TOWN A QUARTER OF A MILE PROBABLY. Q.</p>	<p>YOU AT CEDAR CITY THAT MONTH OR THAT ^{[[36]]}FALL {A}P NO SIR I WAS NOT Q{I}P UNDERSTOOD YOU ALSO TO SAY YOU VISITED THIS CAMP OF EMIGRANTS; WEREABOUTS WERE THEY CAMPED {A}P ABOUT HALF MILE BELOW CREEK, OTHER SIDE OF CREEK SOUTH BELOW CREEK BEAVER RIVER QHOW LONG DID THEY CAMP THERE {A}P CAME HERE ABOUT 10 OR 11 O’CLOCK SATURDAY, LEFT SUNDAY ABOUT TEN O’CLOCK Q WHERE WERE YOU LIVING HERE IN TOWN {A}P ON THE LOWER PART OF TOWN QUARTER OF MILE PROBABLY. Q</p>	<p>YOU AT CEDAR CITY AT THAT MONTH OR THAT FALL? A. NO, SIR, I WAS NOT. Q. I UNDERSTOOD YOU ALSO TO SAY, YOU VISITED THIS CAMP OF EMIGRANTS. WHEREABOUTS WERE THEY CAMPED? A. ABOUT A HALF A MILE BELOW THE CREEK— THE OTHER SIDE OF THE CREEK— SOUTH BELOW THE CREEK— BEAVER RIVER. Q. HOW LONG DID THEY CAMP THERE? A. CAME HERE ABOUT TEN OR ELEVEN O’CLOCK ON SATURDAY, LEFT SUNDAY ABOUT TWO O’CLOCK. Q. WHERE WERE YOU LIVING HERE IN TOWN? A. ON IN THE LOWER PART OF TOWN; QUARTER OF A MILE PROBABLY. Q.</p>	
---	--	---	--

RT

RS

BT

PS

<p>WILL YOU STATE WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRACTED YOU THERE, EXCEPT THAT THEY WERE STRANGERS ? ^[274] A. I WANTED TO GAIN INFORMATION FROM THEM. Q. WAS THERE NO OTHER REASON ? A. NO SIR. Q. DID YOU STAY WITH THEM AND TALK WITH THEM ? A. YES, I WAS THERE I GUESS ABOUT TWO OR THREE HOURS IN THE AFTERNOON. Q. WHEN THEY CAME INTO THE PLACE AND CAMPED WHICH WAY DID THEY COME IN ? A. FROM THE NORTH, THROUGH THE MAIN STREET. Q. YOU HAD HEARD OF THEM BEFORE ? A. YES SIR.</p>	<p>WILL YOU STATE {STATE}^P WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRACTED YOU THERE ^ABECAUSE THEY WAS STRANGERS {^A}^P I WANTED TO GAIN INFORMATION FROM THEM ^Q{WAS THERE}^I NO OTHER REASON NO ^ASIR. ^QDID YOU STAY WITH THEM {AND}^P TALK WITH THEM {^A}^P YES I WAS THERE I GUESS TWO OR 3 HOURS IN EVENING. ^Q WHEN THEY CAME INTO THE PLACE TO CAMP WHICH WAY DID THEY COME IN {^A}^P FROM THE NORTH THROUGH THE MAIN STREET. ^QYOU HAD HEARD OF THEM BEFORE ^AYES SIR</p>	<p>WILL YOU STATE WHETHER OR NOT THERE WAS ANYTHING IN PARTICULAR ATTRACTED YOU THERE? A. BECAUSE THEY WERE STRANGERS I WANTED TO GAIN INFORMATION FROM THEM. Q. WAS THERE NO OTHER REASON? A. NO, SIR. Q. DID YOU STAY WITH THEM AND TALK WITH THEM? A. YES, I WAS THERE I GUESS TWO OR THREE HOURS IN THE AFTERNOON. Q. WHEN THEY CAME INTO THE PLACE TO CAMP, WHICH WAY DID THEY CAOME IN? A. FROM THE NORTH THROUGH THE MAIN STREET. Q. YOU HAD BE HEARD OF THEM BEFORE? A. YES, SIR.</p>	
---	---	--	--

RT

RS

BT

PS

<p>Q. YOU LOOKED FOR THEIR COMING WHEN THEY DID COME ? A. NOT EXACTLY ON THE DAY, BUT WAS EXPECTING THEM COMING. Q. WELL DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM — WAS IT A WEEK ? A. I DON'T BELIEVE IT WAS THREE DAYS, BUT I THINK ABOUT THREE DAYS. Q. WHAT DID YOU SAY WAS THE FIRST YOU HEARD OF THEM OF YOUR OWN KNOWLEDGE AS TO THEIR COMING ?</p> <p>A. I HEARD GEORGE A. SMITH TELL IT ON THE</p>	<p>Q WAS YOU LOOKING FOR THEIR COMING WHEN THEY DID COME {A}P NOT EXACTLY HOUR OR DAY BUT WAS EXPECTING THEM</p> <p>Q WELL DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM WAS IT {A}P WEEK {A}P I DON'T BELIEVE IT WAS {3}P DAYS, I THINK ABOUT THREE DAYS. Q WHAT DID YOU SAY WAS {THE}P FIRST YOU HEARD OF THEM PRIOR[?]</p> <p>KNOWLEDGE OF THEIR COMING BROUGHT TO YOU {A}PI HEARD GEORGE A SMITH TELL IT ON THE</p>	<p>Q.DID YOU LOOK FOR THEIR COMING WHEN THEY DID COME? A. NOT EXACTLY THE HOUR OR THE DAY BUT WAS EXPECTING THEM.</p> <p>Q. WELL, DO YOU REMEMBER HOW MANY DAYS PRIOR TO THEIR COMING IT WAS WHEN YOU FIRST HEARD OF THEM? WAS IT A WEEK? A. I DON'T BELIEVE IT WAS THREE DAYS? A I THINK AB OUT THREE DAYS. Q. WHAT DO YOU SAY WAS THE FIRST YOU HEARD OF THEM, OF YOUR OWN KNOWLEDGE OF THEIR COMING — BROUGHT TO YOU? A. HEARD GEO. A. SMITH TELL IT ON THE</p>	
--	---	---	--

RT

RS

BT

PS

<p>SQUARE IN PUBLIC. Q. WAS THERE ANY OTHER CIRCUMSTANCES TOOK PLACE THAT BROUGHT YOUR KNOWLEDGE TO COMING OF THIS EMIGRANT TRAIN ? A. I HAVE NO RECOLLECTION OF ANYTHING ELSE. Q. WAS THERE ANY INSTRUMENT, CARD OR LETTER OF THEIR COMING ? A. NONE THAT I KNOW OF. Q. YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A. SMITH THAT BROUGHT THE KNOWLEDGE OF THEIR COMING ? [275] A. YES SIR. Q. I WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH</p>	<p>SQUARE IN PUBLIC. {Q}^P WAS THERE ANY OTHER CIRCUMSTANCES TOOK PLACE THAT BROUGHT TO YOUR KNOWLEDGE THE COMING THIS EMIGRANT TRAIN {A}^P I HAVE NO RECOLLECTION OF ANYTHING ELSE WAS THERE ANY INSTRUMENT CARD OR LETTER OVER[?] THEIR COMING {A}^P NONE THAT I KNOW OF {Q}^P YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A SMITH BROUGHT KNOWLEDGE OF THEIR COMING {A}^P YES SIR. WELL Q I WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH</p>	<p>SQUARE IN PUBLIC. Q. WAS THERE ANY OTHER CIRCUMSTANCES TOOK PLACE THAT BROUGHT TO YOUR KNOWLEDGE THE COMING OF THIS TRAIN? A. I HAVE NO RECOLLECTION OF ANYTHING ELSE. [94] Q. WAS THERE ANY EXCITEMENT OCCURRED FROM THEIR COMING? A. NONE THAT I KNOW OF. Q. YOU SAY THEN IT WAS NOTHING BUT THE REMARKS OF GEORGE A. SMITH BROUGHT THE KNOWLEDGE OF THEIR COMING? A. YES , SIR Q. WELL, I WILL ASK YOU IF YOU DIDN'T HEAR OF THEM THROUGH</p>	
---	--	---	--

RT

RS

BT

PS

<p>RUMORS OF TROUBLE WITH THE INDIANS ? A. NO SIR Q. WELL, IT WAS ON THE PUBLIC SQUARE GEORGE A. SMITH SPOKE OF THEM IN PUBLIC ? A. PRETTY MUCH OF THE PEOPLE WERE THERE Q. WAS THE PUBLIC MEETING GIVEN NOTICE OF, TO GATHER THERE ? A. WELL JUST ABOUT HALF OF THEM, BUT IT WAS A PUBLIC MEETING, MEN, WOMEN AND CHILDREN. Q. WAS THERE ANY ON THE OUTSIDE OF THE BUILDING — YOU SAY IT WAS ON THE PUBLIC SQUARE ? A. IT WAS INSIDE OF THE BUILDING, BUT I COULD NOT GIVE YOU THE DAY OF THE WEEK.</p>	<p>RUMORS OF TROUBLE WITH THE INDIANS {A}P NO SIR {Q}P WELL IT WAS ON THE PUBLIC SQUARE GEORGE SMITH SPOKE OF THEM IN PUBLIC PRETTY MUCH ALL THE PEOPLE WERE THERE WAS IT PUBLIC MEETING <i>NOTICE[?] GO THERE/GATHER ED[?] A</i> JUST HALF OF THEM IT WAS A PUBLIC MEETING MEN WOMEN AND CHILDREN {Q}P WAS IT IN OR OUTSIDE OF {THE}P BUILDING YOU SAY IT WAS ON PUBLIC SQUARE {A}P IT WAS <i>IN/NOT[?]</i> INSIDE OF BUILDING, I COULD NOT GIVE YOU {THE}P DAY OF THE WEEK</p>	<p>RUMORS OF TROUBLE TO WITH THE INDIANS? A. NO, SIR. Q. WELL, IT WAS ON THE PUBLIC SQUARE GEORGE A. SMITH SPOKE OF THEM IN PUBLIC — PRETTY MUCH OF THE PEOPLE WERE THERE — WAS IT A PUBLIC MEETING IN THIS GATHERING? A. JUST A FEW OF THEM. IT WAS A PUBLIC MEETING OF MEN, WOMEN AND CHILDREN. Q. WAS IT IN OR OUTSIDE OF THE BUILDING? YOU SAY IT WAS ON THE PUBLIC SQUARE? A. IT WAS INSIDE OF THE BUILDING.</p> <p>Q. WHAT DAY OF THE WEEK WAS IT? A. I</p>	
--	--	--	--

RT

RS

BT

PS

<p>Q. YOU DON'T REMEMBER THE DAY OF THE WEEK THEN ? A. NO SIR. ——— Q. IT WAS A PUBLIC MEETING CONVENED ON SUNDAY. Q. IT WAS USED TO BE CALLED ON SUNDAY — CALLED TOGETHER ON SUNDAY ? HAVE YOU ANY KNOWLEDGE OR REMEMBRANCE IT WAS NOT ON SUNDAY ? A. IT WAS NOT ON SUNDAY MEETING. IT WAS THE USUAL CUSTOM TO CALL THE PEOPLE TOGETHER THERE AT THIS PLACE,</p> <p>WHENEVER A PERSON OF NOTE CAME ALONG THEY WERE EASILY</p>	<p>Q DON'T REMEMBER DAY OF THE WEEK THEN A. {NO SIR.}^i IT WAS A PUBLIC MEETING CONVENED ON SUNDAY. Q —/AND[?] WAS CALLED TOGETHER</p> <p>HAVE YOU ANY KNOWLEDGE OR REMEMBRANCE IT WAS NOT ON SUNDAY A IT WAS NOT THE SUNDAY MEETING IT WAS WAS MATTER TO CALL FOR PEOPLE TO GATHER SAYS/SS[?] THIS PLACE WAS THAT TIME WHENEVER PERSON OF NOTE CAME ALONG THEY EASILY</p>	<p>COULD NOT GIVE YOU THE DAY OF THE WEEK? Q. DON'T REMEMBER THE DAY OF THE WEEK THEN? A. NO, SIR. IT WAS A PUBLIC MEETING CONVENED ON SUNDAY. Q. HOW WERE YOU CALLED TO GO</p> <p>HAVE YOU ANY KNOWLEDGE OR REMEMBERENCE THAT IT WASN'T ON SUNDAY? A. IT WAS A SUNDAY MEETING. IT WAS A MATTER OF CALLING HTHE P FOR THE PEOPLE TOGATHER. THEY. THIS WAS THE TIME WHEN EVER A PERSON OF NOTE CAME — IT EASILY</p>	
---	--	--	--

RT

RS

BT

PS

<p>CALLED TOGETHER, BUT I DON'T KNOW THAT ON THIS OCCASION THEY WERE SPECIALLY CALLED TOGETHER AT THAT TIME. Q. YOU SAY GEORGE A. SMITH DIRECTED THAT THEY SHOULD NOT TRADE WITH THE EMIGRANT PEOPLE ? A. YES SIR. ^[276] Q. WHAT REASON DID HE GIVE OR SPEAK OF ? A. THAT JOHNSON'S ARMY BEING ON THE ROAD WE SHOULD WANT ALL THE GRAIN WE HAD HERE FOR SUPPLIES AND THE PEOPLE MIGHT HAVE TO GO INTO THE MOUNTAINS, AND THE PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE BREAD FOR YEARS;</p>	<p>CALLED TOGETHER. I DON'T KNOW THAT ON THIS OCCASION THEY WERE SPECIALLY CALLED TOGETHER AT THAT TIME Q YOU SAY GEORGE SMITH DIRECTED THAT THEY SHOULD NOT TRADE WITH EMIGRANT PEOPLE A YES SIR {Q}P WHAT REASON DID HE GIVE A HE SPOKE {OF}P JOHNSTON'S ARMY BEING ON THE ROAD; WE SHOULD WANT ALL THE GRAIN WE HAD HERE FOR SUPPLIES PEOPLE MIGHT HAVE TO GO ^{[[37]]} INTO MOUNTAINS PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE BREAD FOR YEARS</p>	<p>CALLED THEM TOGETHER. I DON'T KNOW THAT ON THIS OCCASION ; THEY WERE ESPECIALLY CALLED TOGETHER — AT THAT TIME. Q. YOU SAY GEORGE A. SMITH DIRECTED, THAT THEY SHOULD NOT TRADE WITH THE EMIGRANT PEOPLE? A. YES, SIR. Q. WHAT REASON DID HE GIVE? A. HE SPOKE OF JOHNSON'S ARMY BEING ON THE ROAD. AND THAT WE SHOULD WANT ALL THE GRAIN WE HAD HERE, AND SUPPOSED THE PEOPLE PEOPLE MIGHT HAVE TO GO INTO THE MOUNTAINS; THE PEOPLE MIGHT NOT BE ABLE TO RAISE ANY MORE GRAIN FOR A YEARS ;</p>	
---	--	--	--

RT

RS

BT

PS

<p>THAT IS THE ONLY REASON HE STATED. Q. DID HE STATE ANY OTHER REASON ? A. I DON'T BELIEVE HE DID. Q. WHAT WAS IT HE SAID ABOUT JOHNSON'S ARMY ? A. JOHNSON'S ARMY WAS COMING INTO THE TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL THE BREAD WE HAD AND THE EXPECTATION WAS WE WERE GOING TO FIGHT THEM. Q. DID YOU UNDERSTAND THEN THAT THIS COUNCIL WAS GIVEN AS A WAR; MEASURE ? PROSECUTION OBJECTED TO THE QUESTION. Q. WHEREABOUTS WAS JOHNSON'S ARMY AT THE THIS TIME?</p>	<p>THAT IS THE ONLY REASON HE STATED {Q}DID HE}P STATE ANY OTHER REASON {A}P I DON'T BELIEVE HE DID. QWHAT WAS IT HE SAID ABOUT JOHNSTON'S ARMY {A}P JOHNSTON'S ARMY WAS COMING INTO TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL BREAD WE HAD EXPECTATION WAS WE WAS GOING TO FIGHT THEM. QDID YOU UNDERSTAND THEN THIS WAS GIVEN AS {A}P WAR MEASURE. OBJECTED BY CAREY. Q WHEREABOUTS WAS JOHNSTON'S ARMY AT THIS TIME</p>	<p>THAT IS THE ONLY REASON HE SAID. Q. DID HE STATE ANY OTHER REASON? A. I DON'T BELIEVE HE DID. Q. WHAT WAS IT HE SAID ABOUT JOHNSON'S ARMY? A. THAT JOHNSONS ARMY WAS COMING INTO THE TERRITORY HERE AND PROBABLY WE SHOULD WANT ALL THE BREAD WE HAD; THE EXPECTATION WAS WE WAS GOING TO FIGHT. [95] Q. DID YOU UNDERSTAND THEN THAT THIS WAS GIVEN AS A WAR MEASURE? BY MR. CAREY: WE OBJECT TO THE QUESTION. Q. WHERE ABOUTS WAS JOHNSON'S ARMY AT THIS TIME?</p>	
--	---	---	--

RT

RS

BT

PS

<p>PROSECUTION AGAIN OBJECTED TO THE QUESTION. NO RULING. A. I COULD NOT TELL YOU. PROSECUTION TO WITNESS: DON'T ANSWER ANY SUCH RIDICULOUS QUESTIONS. BISHOP: WE WILL URGE THAT QUESTION, YOUR HONOR, WITHOUT ANY ARGUMENT, AS TO WHERE JOHNSON'S ARMY WAS. COURT: HE ANSWERED THAT QUESTION, HE SAID HE DIDN'T KNOW. Q. ARE YOU ACQUAINTED WITH JOHN MORGAN? A. YES SIR. Q. HOW LONG AFTER THIS TIME YOU SAY IT WAS THAT HE WAS CUT OFF ? [277] A. I THINK ABOUT TWO WEEKS. Q.</p>	<p>OBJECTED BY CAREY. I COULD NOT TELL YOU {CAREY}P DON'T ANSWER ANY SUCH RIDICULOUS QUESTIONS BY CAREY {BP}P WE'LL URGE THAT QUESTION YOUR HONOR WITHOUT ARGUMENT AS TO WHERE JOHNSON'S ARMY WAS? BY COURT HE ANSWERED THAT QUESTION HE SAID HE DIDN'T KNOW. Q. ARE YOU ACQUAINTED WITH JOHN MORGAN A YES SIR Q. HOW LONG AFTER THIS TIME YOU SAY IT WAS HE WAS CUT OFF A I THINK ABOUT 2 WEEKS AFTER. Q</p>	<p>BY MR. CAREY: WE OBJECT TO THE QUESTION OBJECTION OVERRULED. A. I COULD NOT TELL YOU, M^R CAREY: DON'T ANSWER ANY SUCH RRIDICULOUS QUESTIONS. BY M^R BISHOP: WE WILL URGE THAT QUESTION, YOUR HONOR WITHOUT ARGUMENT, AS TO WHERE JOHNSON'S ARMEY WAS. BY THE COURT: WHE ANSWERED THAT QUESTION. HE SAID HE DIDN'T KNOW. Q. ARE YOU ACQUAINTED WITH JOHN MORGAN? A. YES, SIR. Q. HOW LONG AFTER THIS TIME YOU SAY IT WAS HE WAS CUT OFF? A. I THINK ABOUT TWO WEEKS AFTER. Q.</p>	
--	---	---	--

RT

RS

BT

PS

<p>WAS YOU PRESENT WHEN HE WAS CUT OFF ? A. YES SIR. Q. WHEREABOUTS WAS THIS DONE ? A. IN THE MEETING HOUSE HERE. Q. WHO PRESIDED AT THAT TIME ?</p> <p>CAREY FOR PROSECUTION: I DON'T KNOW THAT THAT HAS ANYTHING TO DO WITH THE MATTER.</p> <p>THE COURT OVERRULED THE OBJECTION AND RULED THAT HE MIGHT ANSWER THE QUESTION.</p> <p>Q. WHAT CAUSE WAS GIVEN AT THAT TIME FOR HIS BEING CUT OFF ? A. FOR</p>	<p>WAS YOU PRESENT WHEN HE WAS CUT OFF A YES SIR. {Q}P WHEREABOUTS WAS THIS DONE AIN MEETING HOUSE HERE WHO PRESIDED AT THAT TIME</p> <p>BY CAREY I DON'T KNOW THAT HAS ANYTHING TO DO WITH MATTER</p> <p>BY COURT</p> <p>LET HIM ANSWER BY HOGE I THINK IT HAS SOMETHING TO DO WITH IT. {Q}PWHAT CAUSE WAS GIVEN AT THE TIME-AT THE TIME FOR HIS BEING CUT OFF {A}P FOR</p>	<p>WASERE YOU PRESENT WHEN HE WAS CUT OFF? A. YES, SIR/ Q. WHERE ABOUTS WAS THIS DONE? A. AT THE MEETING HOUSE HERE. Q. WHO PRESIDED AT THAAAT TIME? AND WHAT CAUSE WAS GIVEN FOR CUTTING HIM OFF? BY M^R CAREY: I DON'T KNOW THAT THAT HAS ANYTHING TO DO WITH THE MATTER BY M^R HOGE: I THINK IT HAS SOMETHING TO DO WITH IT. BY COURT:</p> <p>LET HIM ANSWER THE QUESTION.</p> <p>Q. WHAT CAUSE WAS GIVEN AT THE TIME FOR BEING CUT OFF? A. FOR</p>	
--	--	--	--

RT

RS

BT

PS

<p>TRADING WITH THE EMIGRANT TRAIN. Q. WAS THAT ANNOUNCED AS THE CAUSE ? A. IT WAS SAID HE TRADED A CHEESE WITH THEM FOR A BED-QUILT. Q. WHO PRESIDED AT THAT TIME ? A. BISHOP FARNSWORTH. Q. WAS <IT> BISHOP FARNSWORTH THAT FORMALLY ANNOUNCED THE ORDER TO CUT HIM OFF ? A. YES SIR. Q. DO YOU REMEMBER ANY ONE ELSE PRESENT AT THAT TIME ? A. I COULD NOT REMEMBER WHO WAS THERE, BUT I COULD TELL YOU WHO THEY SAID WAS THERE AFTERWARDS. Q. DO YOU REMEMBER WHO THE BISHOP'S</p>	<p>TRADING WITH EMIGRANT TRAIN Q WAS THAT ANNOUNCED AS THE CAUSE A SAID HE TRADED {A}P CHEESE WITH THEM FOR A BED QUILT. Q WHO PRESIDED AT THAT TIME {A}P BISHOP FARNSWORTH Q WAS IT BISHOP FARNSWORTH THAT PROMULGATED ANNOUNCED ORDER CUTTING HIM OFF A YES SIR {Q}P DO YOU REMEMBER ANY ONE ELSE PRESENT AT THAT MEETING AI COULD NOT REMEMBER WHO WAS THERE I COULD TELL YOU THEY SAID WAS THERE AFTERWARDS. Q DO YOU REMEMBER WHO BISHOP'S</p>	<p>TRADING WITH THE EMIGRANT TRAIN. WQ. WAS THAT ANNOUNCED AS A CAUSE? A. SAID HE TRADED A CHEESE WITH THEM FOR A BED QUILT. Q. WHO PRESIDED HERE AT THAT TIME? A. BISHOP FARNSWORTH. Q. WAS H IT BISHOP FARNSWORTH THAT PROMULGATED OR ANNOUNCED THE ORDER OF CUTTINGHIM OFF? A. YES, SIR. Q. DO YOU REMEMBER ANYONE ELSE PRESENT AT THAT MEETING? A. I COULD NOT REMEMBER WHO WAS THERE? I COULD TELL YOU WHO THEY SAID WAS THERE AFTERWARDS. Q. DO YOU REMEMBER HWHO THE BISHOPS</p>	
--	---	---	--

RT

RS

BT

PS

<p>COUNSELORS WERE AT THAT TIME ? A. A MAN NAMED TYLER, AND A MAN NAMED ROGERS, ORSON TYLER. ^[278] Q. WERE THEY PRESENT ? A. I COULD NOT SAY, PROBABLY THEY WERE. Q. CAN YOU NAME ANY ONE ELSE BESIDES YOURSELF PRESENT AT THAT TIME ? A. I CAN NAME PARTIES I HAVE HEARD TALK OF IT . Q. CAN YOU NAME THE PARTIES OF YOUR OWN KNOWLEDGE PRESENT AT THAT TIME</p> <p>A. I DON'T KNOW ANY OF THE PARTIES OF MY OWN KNOWLEDGE THAT WAS PRESENT. Q. WAS YOU A MEMBER OF THE CHURCH AT</p>	<p>COUNSELORS WERE AT THAT TIME {A}^P MAN NAMED TYLER MAN NAMED ROGERS ORSON TYLER. A WERE THEY PRESENT {A}^P I COULD NOT SAY PROBABLY THEY WERE. {Q}^P CAN YOU NAME ANY ONE ELSE BESIDES YOURSELF PRESENT AT THAT TIME {A}^P I CAN NAME PARTIES I HAVE HEARD TALK OF IT <CAN YOU NAME PARTIES OF YOUR OWN KNOWLEDGE PRESENT AT THAT TIME></p> <p>DON'T KNOW ANY PARTIES OF MY OWN KNOWLEDGE THAT WAS PRESENT. WAS YOU A MEMBER OF CHURCH AT</p>	<p>COUNCILLORS WERE AT THAAAT TIME? A. A MAN NAMED TYLER AND A MAN NAMED ROGERS— ORSON TYLER. Q. WERE THEY PRESENT? A. I COULDN'T SAY, PROBABLE THEY WERE? Q. CAN YOU NAME SANY ONE ELSE BESIDES YOURSELF BEING PRESENT AT THAT MEETING? A. I HCAVE CAN NAME PARTIES I HAVE HEARD TALK OF IT. ^[96] Q. CAN YOU NAME PARTIES OF YOUR OWN KNOWLEDGE YOU SEEN SAW AT THAT TIME? MEETING? A. I DON'T KNOW ANY PARTIES OF MY OWN KNOWLEDGE AT PRESENT. Q. WAS WERE YOU A MEMBER OF THE CHURCH AT</p>	
---	--	--	--

RT

RS

BT

PS

<p>THAT TIME ? A. I DON'T KNOW THAT I AM OBLIGED TO ANSWER A QUESTION OF THAT KIND.</p> <p>SPICER: I ENDORSE THE WITNESSES OBJECTION TO ANSWERING.</p> <p>WITNESS: I WILL ANSWER</p> <p>IF THE GENTLEMEN WILL ASK ME IF I AM A MEMBER OF THE CHURCH NOW. Q. ARE YOU A MEMBER NOW ? A. NO SIR. Q. WERE YOU THEN ? A. YES SIR, I WAS AT THAT TIME. [space]</p>	<p>THAT TIME {A}ⁱ I DON'T KNOW THAT I AM OBLIGED TO ANSWER {A}ⁱ QUESTION OF THAT KIND BY WITNESS I DO NOT KNOW I AM OBLIGED ANSWER OF THAT KIND <SPICER> HE HAS RIGHT NOT TO ANSWER QUESTIONS ABOUT WOULD CRIMINATE HIMSELF. BY CAREY I WILL ACCEPT THAT AMENDMENT OF SPICERS. —[?] [space] I WILL ANSWER ARE YOU MEMBER <IF HE WILL ASK ME IF I AM NOW> YES SIR NO SIR. Q WAS YOU THEN YES SIR I WAS AT THAT TIME. BY DEFENSE THAT IS ALL</p>	<p>THAT TIME? A. I DON'T KNOW THAT I AM OBLIGED TO ANSWER A QUESTION OF TH AT KIND.</p> <p>DON'T THINK I AM OBLIGED TO ANSWER THAT QUESTION.. BY M^R SPICER: HE HAS THE RIGHT NOT TO ANSWER, QUESTIONS THAT WOULD CRIMINATE HIMSELF. BY M^R CAREY: WE WILL ACCEPT THAT AMENDMENT OF M^R SPICERS. A. I WILL ANSWER HE IF HE WILL ASK ME AS TO NOW? Q. ARE YOU A MEMBER NOW? A. NO, SIR. Q. WAS YOU THEN? A. YES, SIR, I WAS AT THAT TIME. BY COURT: THAT IS ALL.</p>	
--	---	--	--

RT

RS

BT

PS

	MR. KERSHAW BY COURT. CALL THE NEXT WITNESS. <i>[space]</i>		
--	--	--	--