John D. Lee, Trial 1

George W. Bradshaw and Robert Kershaw Testimonies

[Bk 2 246 cont.]	[[Bk 5 22 cont.]]	[Bk 4 7-3]	[No extant PS,
GEORGE W.	GEOJNO W.	JOHN W.	missing Notebook
BRADSHAW,	BRADSHAW	BRADSHAW	6.]
SWORN FOR THE	BISHOP	SWORN FOT THE	
PROSECUTION.	BRADSHAW	P L ROSECUTION	
EXAMINED BY		EXAMINED BY	
BASKIN: Q.			
	MR.	—— Q. MR.	
	BRADSHAW	BRADSHAW,	
WHAT IS	oWHAT IS	WHAT IS	
YOUR GIVEN	YOUR GIVEN	YOUR GIVEN	
NAME MR.	NAME	NAME?	
DRAWSHAW?			
A. JOHN W. Q.	_A JOHN W. _O	A. JOHN W Q.	
WHERE DO	WHERE DO	WHERE DO	
YOU RESIDE ? A.	YOU RESIDE A	YOU RESIDE? A.	
MINERSVILLE IN	MINERSVILLE	MINERSVILLE,	
THIS COUNTY.	THIS COUNTY.	THIS COUNTY.	
Q. WHERE WERE	OWHERE	Q. WHERE WERE	
YOU LIVING IN	YOU LIVING	YOU LIVING IN	
THE FALL OF	FALL OF	THE FALL OF	
1857 ? A. CEDAR	1857 ACEDAR	I857? A. CEDAR	
CITY, IRON	CITY IRON	CITY, IN IRON	
COUNTY. Q.	COUNTY o	COUNTY. Q.	
HOW	HOW	WHERE HOW	
LONG DID YOU	LONG DID YOU	LONG DID YOU	
LIVE THERE ? A.	LIVE THERE QA	LIVE THERE? A.	
I LIVED THERE	I LIVED THERE	I LIVED THERE	
FROM THE FALL	FROM FALL	FROM THE FALL	
OF 1852 TO	OF < 18 > 52 TO	OF '52, TO	
1859.	1859. BY	I859. BYMR.	
SUTHERLAND	SUTHERLAND	SUTHERLAND: IF	
ASKED		THE	
COUNSEL FOR	COUNSEL	COUNSEL	
PROSECUTION	WILL	WILL JUST	
TO GIVE WAY	GIVE WAY	GIVE WAY	
FOR A MOMENT	FOR MOMENT	FOR A MOMENT	
AS I WOULD	I WOULD	I WOULD	
LIKE TO REFER	LIKE TO REFER	LIKE TO REFER	
TO THE	TO THE	TO THE	
STATUTE	STATUTE	STATUTE	
BEARING ON	BEARING ON	BEARING ON	
THE REQUEST	REQUEST	THE REQUEST	
AND THE			

RT	RS	BT	PS

	1	1	T
REQUISITE	REQUISITE	REQUISITE	
TIME TO	TIME TO	TIME TO	
COMPLETE IT.	COMPLETE IT.	ACCOMPLISH IT.	
	BY [space]	BY	
COURT: LET ME	COURT LET ME	COURT: LET ME	
SEE THAT	SEE THAT	SEE TH AT E	
POINT	POINT	STATUTE POINT,	
MR.	MR.	MR.	
SUTHERLAND.	SUTHERLAND.	SUTHERLAND. (
AFTER READING	←COURT	HANDS COURT	
THE SECTION	RULED≻	SECTION OF	
		STATUTE HE	
REFERRED TO		REFERRED TO)	
THE COURT	BY COURT	COURT:	
SAID: I WOULD	I WOULD	I WOULD	
NOT BE	NOT BE	NOT BE	
WILLING TO	WILLING	WILLING TO	
MAKE THE	MAKE	MAKE THE	
ORDER UNLESS	ORDER UNLESS	ORDER UNLESS	
THE	THE	THE	
PROSECUTION	PROSECUTION	PROSECUTI O N	
ARE WILLING	ARE WILLING	IS WILLING	
TO HAVE	[[23]] TO HAVE	TO HAVE	
IT MADE IN	IT MADE IN	ITMADE IN	
SALT LAKE	SALT LAKE	SALT LAKE	
CITY, THE	CITY.	CITY.	
COURT	COURT		
READING "HIS	ORDERED HIS		
DEPOSITION	DEPOSITION		
MAY BE	MAY BE		
TAKEN IN THE	TAKEN IN THE		
PRESENCE OF	PRESENCE OF		
PARTIES.	PARTIES.	BY MR.	
SUTHERLAND: I	SUTHERLAND I	SUTHERLAND: I	
WILL MAKE	WILL MAKE	WILL MAKE A	
THAT	THAT		
SHOWING, YOUR	SHOWING	SHOWING	
HONOR, THAT	THAT	THAT	
THEY ARE NOT	THEY ARE NOT	THEY ARE	
ABLE TO	ABLE TO	UNABLE TO	
MAKE THE	MAKE THAT	MAKE THAT	
JOURNEY.	JOURNEY.	JOURNEY. BY	
BASKIN: AND I	BASKIN. WE	MR. BASKIN: WE	
WILL	ARE ABLE TO	ARE ABLE TO	

RT RS	ВТ	PS

MAKE THE	MAKE	MAKE THE	
SHOWING AND	SHOWING	SHOWING	
PROVE THAT	SHOWING		
_ :	THEX ADE	THAT	
THEY ARE	THEY ARE	THEY ARE	
ABLE TO MAKE	ABLE TO.	ABLE.	
THE JOURNEY.	BY	BY	
COURT: ON	COURT. ON	COURT: ON	
THAT POINT	THAT POINT	THIS POINT	
THE	THE	THE	
GOVERNMENT	GOVERNMENT	GOVERNMENT	
HAVE REGULAR	HAS REGULAR	HAS REGULAR	
ATTORNEYS	ATTORNEYS	ATTORNEYS	
AND EMPLOYED	EMPLOYED	EMPLOYED	
BY THE	BY	BY THE	
TERRITORY.	TERRITORY. IF	TERRITORY. IF	
	PROSECUTION	PROSECUTION	
	ARE WILLING.	ARE WILLI N G F .	
	BY	$\mathbf{M}^{\mathbf{R}}$	
SUTHERLAND:	SUTHERLAND	Q. SUTHERLAND:	
THE	S G TTIETEET II (E	THE	
GOVERNMENT	GOVERNMENT	GOVERNMENT	
HAVE	HAVE	HA VE S THEIR	
EMPLOYED	EMPLOYED	EMPLOYED	
THEIR	THEIR	EIVII EO I ED	
ATTORNEYS	ATTORNEYS	ATTORNEYS	
HERE.	HERE BY	HERE.	
COURT: THE	COURT, {THE} ^p	COURT: THE	
TERRITORY	TERRITORY	TERRITORY	
HAVE THE	HAVE THE	HAS THE	
RIGHT	RIGHT TO	RIGHT TO	
ALL	EMPLOY ALL	EMPLOY ALL	
POWER	{THE} ^p POWER	THE POWER	
SO FAR	AS FAR	NEEDED SO FAR	
AS I AM	ASIAM	AS I AM	
CONCERNED	CONCERNED	CONCERNED	
CAREY:	BY CAREY	BY MR. CAREY:	
WE WILL BE	WE WOULD BE	WE WOULD BE	
VERY GLAD TO	VERY GLAD TO	GLAD TO	
HAVE THE TWO	HAVE TWO	HAVE THE TWO	
WITNESSES	WITNESSES	WITNESSES I	
THAT THE	WIIINESSES	SUPPOSE, IF	
GENTLEMAN	GENTLEMAN	THEY COULD BE	
SPEAKS OF	SPEAKS	GOT HERE.	

BROUGHT IF	IF	# COMPILED	
THEY COULD	THEY COULD	LAWS OF '76. P.	
BE GOT HERE.	BE GOT HERE.	655. ^[74] BY	
COURT:	DO	COURT Z : DO	
WE WISH TO	YOU WISH TO	YOU WISH TO	
MAKE THAT	MAKE THAT	MAKE THAT	
SHOWING NOW,	SHOWING NOW	SHOWING NOW,	
JUDGE	JUDGE	JUDGE	
SUTHERLAND.	SUTHERLAND	SUTHERLAND?	
S G TTILLTELL II (B).		BY $M^{\underline{R}}$	
SUTHERLAND:		SUTHERLAND:	
ANY TIME,	ANY TIME.	ANY TIME	
THAT THATE,	MAY IT	THAT IT MAY	
IF YOUR	PLEASE YOUR	PLEASE YOUR	
HONOR PLEASE.	HONOR. {THAT	HONOR.	
HOTTOTT EETIGE.	IT MIGHT	Tiorvoit.	
	PLEASE YOUR		
	HONOR} ^p		
	[space]		
	{EXAMIN	EXAMINATION	
	CONTINUED.	OF	
	$\frac{\text{GEO}}{\text{GEO}}$ JNO.	JOHN	
	$\{\mathbf{W}.$	W.	
	BRADSHAW	BRADSHA¥W BY	
		M^{R} CAREY	
	CONTD.} ^p	CONTINUED.—	
Q. DID YOU SAY	ODID YOU SEE	Q.DID YOU SEE	
YOU	OR —[?] OF	OR DO YOU	
KNEW OF THE	KNOW OF THE	KNOW A O F AN	
EMIGRANT	EMIGRANT	EMIGRANT	
TRAIN CALLED	TRAIN CALLED	TRAIN CALLED	
THE ARKANSAS	ARKANSAS	THE ARKANSAS	
EMI- [248] GRANT	EMIGRANT	EMIGRANT	
TRAIN	TRAIN	TRAIN	
PASSING	PASSING	PASSING	
THROUGH	THROUGH	THROUGH	
CEDAR ? A. I	CEDAR AI	CEDAR? A. I	
HEARD OF	HEARD OF	HEARD OF	
THEM COMING	THEM COMING	THEM FCOMING	
SOMETIME	SOMETIME	SOME TIME	
BEFORE THEY	BEFORE THEY	BEFORE THEY	
ARRIVED,	ARRIVED	ARRIVED —	
SOME THREE	SOME THREE	SOME THREE	
OR FOUR DAYS.	OR FOUR DAYS	OR FOUR DAYS	

Q. DIDN'T YOU	DIDN'T YOU	Q. DIDN'T YOU	
SEE THEM AS	SEE THEM AS	SEE THEM AS	
THEY PASSED	THEY PASSED	THEY PASSED	
THROUGH?	THROUGH	THROUHG? A.	
A. I ONLY SAW	AI ONLY SAW	A. I ONL U Y SAW	
A FEW OF THEM	FEW OF THEM	A FEW OF THEM.	
	WE MET	WE MET	
WAGONS	WAGONS	WAGONS	
WHEN AT	WHEN AT	THAT WENT	
CEDAR,	CEDAR	OUT TO CEDAR	
GETTING	GETTING	TO GET	
GRINDING	GRINDING	GRINDING	
DONE. Q. DID	DONE. _Q DID	DONE . Q. DO	
YOU KNOW OF	YOU KNOW OF	YOU KNOW	
ANY PARTIES	ANY PARTIES	ANY PARTIES	
BEING	BEING ²⁵⁸ BEEN	BEING	
ORDERED OUT	ORDERED OUT	ORDERED OUT	
TO GO TO THE	TO GO TO	TO GO TO THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS?	MEADOWS.	MEADOWS ??	
BISHOP FOR		THAT DIDN'T	
DEFENSE		GO?	
OBJECTED TO	OBJECTED TO	OBJECTED TO	
THE QUESTION	BY BISHOP	BY MR. BISHOP	
BECAUSE OF ITS	BECAUSE IT IS	BECAUSE IT IS	
BEING LEADING	LEADING	LEADING	
IN ITS	IN	IN ITS	
CHARACTER.	CHARACTER	CHARACTER.	
	BY	Q. BY MR.	
CAREY: I. WISH	CAREY I WISH	CAREY: I WISH	
TO SHOW THAT	TO SHOW	TO SHOW THAT	
ONE OF THE	ONE	ONE	

BT

RS

PS

258. Word added later.

PARTY

DIDN'T

TO

ORDERED OUT

GO THERE. TO

OBJECTED AS

WHAT HE

WANTS TO

SHOW WITH

WHICH BISHOP

PARTY WAS

ORDERED OUT

THAT DIDN'T

BY BISHOP I

STATING HE

WANTS TO

OBJECT

TO HIS

SHOW

GO

RT

PARTEY WAS

THAT DIDN'T

GO.

OBJECT

TO HIS

SHOW.

ORDERED OUT

BY MR. BISHOP: I

STATING WHAT

HE WANTS TO

RT	RS	BT	PS

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

KI	KS	RI	PS

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

THERE WITH	THERE WITH	THERE WITH	
US; HE CAME	US, HE CAME	US/. HE CAME	
AND TOLD —	AND TOLD =	AND TOLD—	
—— BISHOP:	BY BISHOP	BY MR. BISHOP:	
HOLD. ON,	HOLD ON	BT WHE BISHOT.	
DON'T STATE	DON'T STATE	DON'T STATE	
WHAT HE	WHAT YOUR	WHATYOUR	
SAID OR WHAT	SON	SON SOMEONE	
MAY HAVE			
BEEN SAID TO	SAID TO YOU	SAID TO YOU,	
HIM.			
PROSECUTION:			
GO ON A.	GO ON [[24]] A	BUT GO ON. A.	
THERE WAS	THERE WAS	THERE WAS	
ORDERS CAME	ORDERS CAME	ORDERS CAME	
OR WORD TO	FROM	FROM	
WHERE I LIVED	WHERE I LIVED	WHERE I LIVED	
TO MOST OF THE	TO	TO	
IN- MUSTER UP,	MUSTER UP;	MUSTER UP.	
THE INDIANS	INDIANS	THE INDIANS	
HAD KILLED	HAD KILLED	HAD ,KILLED	
THE EMIGRANTS	EMIGRANTS	THE EMIGRANTS	
OFF AND THEY	OFF, THEY	OFF, THEY	
WANTED US TO	WANTED US TO	WANTED US TO	
GO OUT TO	GO OUT TO	GO OUT T O	
BURY THEM.	BURY THEM	BU T RY THEM.	
Q. DID YOU GO	oDID YOU GO	Q. DIDYOU GO	
TO THE PLACE	TO THE PLACE	TO THE PLA V CE	
WHERE YOU	WHERE YOU	WHERE YOU	
WERE	WERE WERE	WERE	
ORDERED ? A. I	ORDERED AI	ORDERED? A. I	
WENT, BUT	WENT {BUT	WENT.	
THE. PLACE	THE} ^p PLACE	THE PLACE	
WAS NOT	WAS NOT	WAS NOT	
DESIGNATED. THIS WAS	DESIGNATED THIS WAS	DESIGNATED. THIS WAS NEAR	
IN CEDAR CITY	IN CEDAR CITY	IN CEDAR CITY	
		WHERE THE	
NEAD THE	NE A D	OTRDERS CAME,	
NEAR THE	NEAR	NEAR THE	
BLACKSMITH	BLACKSMITH	BLACKSMIGTH	
SHOP. Q. WHAT	SHOP. Q WHAT	SHOP. Q. WHAT	
DID YOU TAKE	DID YOU TAKE	DID YOU TA L KE	
WITH YOU —	WITH YOU =	WITH YOU—	

RT	RS	BT	PS

TANKA TO TAKA CO ATT	WILL C WHILL TO	TYTT A TO TYTA C	T
WHAT WAS IT	WAS WHAT	WHAT WAS	
YOU WERE	YOU WERE	YOU	
ORDERED TO	ORDERED TO	ORDERED TO	
TAKE A. THEY	TAKE ATHEY	TAKE? A. THEY	
HADN'T	DIDN'T	DIDN'T	
ORDERED ME	ORDERED ME	ORDER ME	
TO DO	TO DO	TO DO	
ANYTHING, I	ANYTHING. I	ANYTHING. I	
WAS THERE AT	WAS THERE	SAW THEIR	
THE PLACE OF	PLACE OF	PLACE OF	
RENDEZVOUS	RENDEZVOUS,	RENDEZVOUS;	
AND ISAAC C.	ISAAC C	AND ISAAC C.	
HAIGHT AND	HAIGHT	HAIGHT ANS D	
SEVERAL	SEVERAL	SEVERAL	
OTHERS; I	OTHERS. I	OTHERS. I	
CAN'T	CAN'T	CAN'T	
RECOLLECT	RECOLLECT	RECOLLECT	
THE OTHERS.	<the< b="">≥ OTHERS</the<>	THE OTHER W S.	
Q. WHEN YOU	_Q WHEN YOU	Q. WHEN YOU	
GOT THERE	GOT THERE	GOT THERE,	
		WHAT DID THEY	
WITH YOUR	WITH YOUR	SAY WITH YOUR	
SPADE WHAT	SPADE WHAT	SPADE, WHAT	
DID HE SAY ? A.	DID HE SAY A	DID HE SAY? A.	
HE ASKED ME	HE ASKED ME	HE ASKED ME	
WHERE MY	WHERE MY	WHERE MY	
GUN WAS. I	GUN WAS, I	GUN WAS; AND I	
TOLD HIM I	TOLD HIM I	TOLD HIM I	
HADN'T ANY	DIDN'T KNOW	DIDN'T KNOW	
AND I SAID DID			
WE WANT A	WE WANTED	WE WANTED A	
GUN TO BURY	GUN TO BURY	GUN TO BURY	
THE DEAD WITH	DEAD WITH.	THE DEAD WITH	
	OBJECTION		
HOGE FOR	HOGE	BY M ^R HOGE: WE	
DEFENSE: GIVE	BECAUSE	OBJECT.	
US THE	AN	IT IS AN	
EXPERESSIONS	EXPRESSION	EXPRESSION	
OF MR. HAIGHT.	OF MR. HAIGHT	OF MR. HAIGHT	
	GOES	AND COMES	
	UNDER OUR	UNDER OUR	
	OBJECTIONS	OBJECTIOHNS.	
		OVERRULED.	
Q. WHAT REPLY	_Q WHAT REPLY	Q . WHAT REPLY	

RT	RS	BT	PS

DID HE MAKE ?	DID HE MAKE	DID HE MAKE? A.	
A. I DO NOT	AI DO NOT	I DON'T	
KNOW, ONLY	KNOW ONLY	KNOW ONLY	
THAT HE TOLD	THAT HE TOLD	HE TOLD	
ME THAT HE	ME THAT HE	ME; HE	
SAID I WAS A	SAID I WAS A	SAID I WAS A	
FOOL, AND I	FOOL, I	F LL OOL; I	
DIDN'T	DIDN'T	DIDN'T	
UNDERSTAND	UNDERSTAND	UNDERSTAND	
THINGS. I	THINGS; I	THINGS.—I	
TOLD HIM IF I	TOLD HIM IF I	TOLD HIM IF I	
HAD BROUGHT	HAD BROUGHT	HAD BROUGHT	
MY GUN I HAD	MY GUN I HAD	MY GUN I HAD	
NO	NO	NO	
AMUNITON	AMMUNITION	AMMUNITION	
FOR IT; HE	FOR IT. HE	FO T R IT. HE	
TOLD ME ALL	TOLD ME ALL	TOLD ME ALL	
RIGHT, AND	RIGHT	RIGHT	
THAT I	₹ THAT I	THAT I	
COULD GO	WOULD GO ∢I	COULD GO	
HOME.	CLD≥ HOME.	HOME.	
Q. DID YOU	oDO YOU	Q. DO YOU	
SAY	KNOW	KNOW	
WHETHER MR.	WHETHER MR.	WHETHER MR.	
HAIGHT HAD	HAIGHT HAD	HAIGHT HAD	
BEEN TO THE	BEEN TO	BEEN TO THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS	MEADOWS	ME D ADOWS	
PREVIOUS TO	PREVIOUS TO	PREVIOUS TO	
THIS	THIS	THIS	
CONVERSATION	CONVERSATIO	CONVERSATION?	
? BISHOP FOR	N BY BISHOP	BY MR. BISH I OP :	
DEFENSE			
OBJECTED TO	I OBJECT TO	I OBJECT TO THE	
THE QUESTION,	THE QUESTION,	QUESTION	
BECAUSE IT IS	BECAUSE IT IS	BECAUSE IT IS	
LEADING. [250] WI	LEADING	LE Q ADING	
TNESSAND THE	QUESTION	THE	
	GENTLEMAN	GENTLEMEN	
	WISHES TO	WISH TO	
	KNOW WHAT	KNOW WHAT	
	THIS WITNESS	THIS WITNESS	
	DOESN'T	DON'T	
	≼KNOWS≻	KNOW.	

	T	1	
	WISHES TO;		
WITNESS SIAD	WITNESS SAYS	WITNESS SAIYS	
HE DID NOT	HE DID NOT	HE DIDN'T	
KNOW.	KNOW BY	KNOW.	
THE COURT	COURT GO		
OVERRULED	AHEAD MR.	OBJECTION	
THE OBJECTION.	BRADSHAW≥.	OVERRULED.	
Q. PREVIOUS TO	_Q PREVIOUS TO	Q. PREVIOUS TO	
THE PASSAGE	THE PASSAGE	THE PASSAGE	
OF THE	OF THE	OF THE	
EMIGRANTS	EMIGRANTS	EMIGRANTS	
	THROUGH	THROUGH	
WHAT	CEDAR, WHAT	CEDAR, WHAT	
DID YOU HEAR	DID YOU HEAR	DID YOU HEAR	
CONCERNING	CONCERNING	CONCERNING	
THEIR COMING?	THEIR COMING	THE COMPANY?	
A. IF YOU WILL	_{QA} IF YOU	A. IF YOUWILL	
LET ME STATE	LET ME STATE	LET ME STATE	
THE WAY I	THE WAY I	THE WAY I	
HEARD IT ——	HEARD STATE	HEARD IT.	
—WHICH WAS			
OBJECTED TO	OBJECTED TO	OBJECTED TO	
BY DEFENSE.	BY DEFENSE.		
	<obj hoge=""></obj>	.BY MR. HOGE.	
Q. DID YOU	oDID YOU	Q. DID YOU	
HEAR	HEAR	HEAR	
ANYTHING	ANYTHING	ANYTHING	
FROM MR.	FROM MR.	A FROM	
HAIGHT? A. NOT	HAIGHT NOT	HAIGHT	
BEFORE THEY	BEFORE THEY	BEFORE THEY	
CAME, NO SIR.	CAME	CAME	
Q. WELL	—[?] IN	IN?	
AFTERWARD?		[76]	
A. YES SIR. Q.	YES SIR	A. YE W S, SIR. Q.	
WHAT WAS IT?	WHAT WAS IT	WHAT WASIT?	
A. IT WAS	_A IT WAS	A. IT WAS	
FROM ISAAC	FROM ISAAC	THROUGH ISAAC	
C. HAIGHT.	C HAIGHT	C. HAIGHT.	
	BY	BY $M^{\underline{R}}$	
SUTHERLAND	SUTHERLAND	SUTHERLAND.	
FOR DEFENSE			
OBJECTED TO	WE OBJECT	WE OBJECT.	
HIS STATING.			
THERE HAS	THERE HAS	THERE HAS	

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

RT	RS	BT	PS
	110		

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

RT	RS	BT	PS

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

259. At the top of the page: $\{G.\ W\ BRADSHAW,\ CONT'D.\}^p$

RT	RS	ВТ	PS

FOR THE JURY.	FOR JURY	FOR THE JURY	
TOK THE JUKT.	TO WITHDRAW	TO WITHDRAW	
	HIS EVIDENCE	HIS EVIDENCE.	
	BY HOGE AS	BY M ^R HOGE:	
	THIS IS A	THIS IS THE	
	RULE OF LAW	RULE OF LAW,	
	YOUR HONOR	YOUR HONOR:	
	WHERE[?] A	WHERE A	
	PARTY HAS	PARTY IS	
	TOLD WHAT	TELLING WHAT	
	SOMEBODY	SOMEBODY	
	ELSE SAID, HE	ELSE SAID, HE	
	MUST TELL	MUST TELL	
	WHAT HE	WHAT HE	
	SAYS, AND	SAYS AND	
	NOT DRAWN	NOT DRAW HIS	
	HIS OWN	OWN	
	INFERENCES	INFERENCE . [77]	
COURT: HE	BY COURT HE	BY COURT : HE	
	OUGHT TO	OUGHT TO	
OUGHT TO	STATE IT AS	STATE IT AS	
STATE IT AS NEAR AS HE	NEAR AS HE	NEAR AS HE	
COULD. I	COULD I DON'T	COULD; I	
DON'T KNOW	KNOW	DON'T KNOW	
WHETHER HE	WHETHER HE	WHETHER HE	
HAD GOT	HAD GOT	HAD GOT	
DONE STATING	DONE STATING	DONE STATING	
THAT OR NOT.	THIS OR NOT	THIS OR NOT.	
HOGE: THAT	BY HOGE THIS	BY MR. HOGE:	
IS MERELY	IS A	THAT IS A	
CONCLUSION	CONCLUSION	CONCLUSION	
OF HIS.	OF HIS ≤HE	OF HIS ; HE	
Or ms.	SAYS≥ HAIGHT	SAYS HAIGHT	
	WAS TALKING	WAS TALKING	
	ABOUT BY	ABOUT —	
	COURT	ABOUT —	
	INTERRUPTED BY HOGE WE	WE	
	OBJECT TO	OBJE F CT E TO	
	OPINIONS	OPINIONS	
	GOING TO	GOING TO THE	
	JURY, AS	JURY AS	
	IRRELEVANT	IRRELEVANT	
	IMPROPER	AND IMPROPER	

RT RS BT PS

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

RT	RS	BT	PS

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

RT RS BT PS

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

RT	RS	BT	PS

		•	,
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS	MEADOWS	MEADOWS	
THAT WENT	THAT WENT	THAT WENT	
THERE FROM	THERE FROM	THERE FROM	
CEDAR ? A. NO	CEDAR ANO	CEDAR? A. NO,	
SIR. Q. DID YOU	SIR _Q DID YOU	SIR. Q. DID YOU	
SEE ANY	SEE ANY	SEE ANY	
PROPERTY	PROPERTY	PROPERTY	
THERE? A. ALL	THERE AALL	THERE? A. ALL	
I SAW WAS	I SAW WAS	I SAW WAS A	
WAGONS THAT	WAGON	WAGON COVER	
COMING	CAME	THAT CAME	
FROM THERE.	FROM THERE	FROM THERE.	
Q. IN WHOSE	_Q IN WHOSE	Q. IN WHOSE	
POSSESSION	POSSESSION	POSSESSION	
WAS THE	WAS THE	WAS THE	
WAGONS ? A.	WAGON? A	W Q AGON? A.	
IRA ALLEN, HE	IRA ALLEN; HE	IRA ALLEN'S; HE	
LIVED NEXT	LIVED NEXT	LIVED NEXT	
HOUSE TO ME	HOUSE TO ME	HOU R SE TO ME	
IN CEDAR. Q.	IN CEDAR o	IN CEDAR. Q.	
HOW DO YOU	HOW DID YOU	HOW DID YOU	
KNOW THAT	KNOW THAT	KNOW THAT	
THEY CAME	CAME	CAME	
FROM THERE?	FROM THERE	FROM THERE?	
A. THAT WAS	$\{_{\mathbf{A}}\}^{p}$ THAT WAS	A. THAT WAS	
WHAT WAS	WHAT WAS	WHAT WAS [78]	
		WHAT WAS	
TOLD ME; I	TOLD ME, I	TOLD ME. I	
KNEW IT BY	KNEW IT BY	KNEW IT BY THE	
BULLET HOLES	BULLET HOLES	BULLET HOLES	
THROUGH THE	THROUGH	THROUGH THE	
WAGONS.	WAGONS BOX	WAGON.	
	—[?] BY	BY M ^R	
SUTHERLAND	SUTHERLAND	SUTHERLAND:	
OBJECTED TO	OBJECT TO	WE OBJECT TO	
ALL THIS	THAT	THAT	
TESTIMONY	TESTIMONY,	TESTIMONY. I	
AND ASKED	AND ASKED	ASK	
THAT IT BE	IT BE	IT TO BE	
STRICKEN OUT	STRICKEN OUT	STRICK E N OUT	
AS IT WAS ALL	AS	AS	
HEARSAY AND	HEARSAY [[26]]	HEARSAY.	
ONLY	ONLY		

RT	RS	BT	PS

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

 RT RS BT	PS

	T	T	
WHO WAS	WHO WAS	WHO WAS	
THERE IN	THERE IN	THERE IN THE	
COMPANY	COMPANY	COMPANY,	
WHEN	WAS WHEN	WHEN	
YOU WERE	YOU WERE	YOU WERE	
TOLD OF IT A.; I	TOLD OF IT AI	TOLD OF IT? A. I	
COULD NOT	COULD NOT	COULD NOT	
SWEAR	SWEAR	SWEAR	
POSITIVELY, IT	POSITIVE = IT	POSITIVE—IT	
WAS ONLY	WAS ONLY	WAS ONLY	
JUST A MINUTE	JUST A MINUTE	JUST A MINUTE	
OR TWO. [253] Q.	OR TWO Q	OT OR TWO. Q.	
WHO	HE/WHO[?]	WHO	
WAS	WAS	WAS	
STANDING	STANDING	STANDING	
THERE WITH	THERE WHERE	THERE WITH	
YOU	YOU ATHERE	YOU. A. I WAS	
	NEAR	NEAR	
A. I	$HIM/ME[?]_AI$	HI J M; I	
WAS ON THE	WAS ON	WAS ON THE	
OTHER SIDE OF	OTHER SIDE OF	OTHER SAIDE OF	
THE WAGONS.	WAGON	THE WAGON	
Q. WHO	FROM HIM o	FROM HIM. Q.	
WAS THAT WITH	SO THAT HE	BUT SO THAT HE	
YOU — STATE IF	COULD HEAR	COULD HEAR	
YOU KNOW?	YOU YES/SO[?]	YOU? A. YES, HE	
A. I DO NOT FOR	KNEW	KNEW	
IWAS	I WAS	I WAS	
TALKING.	TALKING. BY	TALKING. BY MR	
SUTHERLAND:	SUTHERLAND,	SUTHERLAND:	
I ASK TO HAVE	I ASK TO HAVE	I W ASK THAT	
THAT	THAT	THAT	
STATEMENT	STATEMENT	STATEMENT BE	
STRICKEN OUT	STRICKEN OUT	STRICKEN OU;T;	
AND THAT THE	"THAT THAT	THAT THAT	
WAGONS CAME	WAGON CAME	WAGON CAME	
FROM THE	FROM	FROM THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS.	MEADOWS".	MEADOWS	
CAREY FOR	BY CAREY	BY M^{R} CAREY:	
PROSECUTION:			
THAT IS	THAT IS	THAT IS	
PROPER	PROPER	PROPER	
TESTIMONY AS	TESTIMONY.	TESTIMONY;	

THERE WERE	HERE ARE	HERE ARE	
THREE OR FOUR	3 OR FOUR	THREE OR FOUR	
NEIGHBORS	NEIGHBORS	NEIGHBORS	
STANDING	STANDING	STANDING	
WITH HIM. A.	WITH HIM $\{_{\mathbf{A}}\}^p$	WITH HIM. A.	
THEY SAID IT	THEY SAID IT	HE SAID IT	
CAME FROM	CAME FROM	CAME FROM	
THERE AND	THERE AND	THERE;	
THEY		HE	
ACQUIESCED	ACQUIESCED	ACQUIESSED	
IN IT. COUNSEL	IN IT.	IN IT.	
FOR DEFENSE:			
MR. BRADSHAW	oBRADSHAW	BY $M^{\underline{R}}$ CAREY;	
WE WOULD LIKE	Ĭ WOULD LIKE	I WOULD LIKE	
TO HAVE YOU	TO HAVE YOU	YOU TO	
KEEP STILL	KEEP STILL	KEEP STILL	
WHILE THERE	WHILE THERE	WHILE THERE	
IS A MATTER	IS MATTER	IS A MATTER	
PENDING	PENDING	PENDING	
BEFORE THE	BEFORE THE	BEFORE THE	
COURT WITH	COURT {WITH	COURT, WITH	
REGARD TO	REGARD	REGARD TO	
YOUR	YOUR	YOUR	
EVIDENCE.	EVIDENCE} ^p IF	EVIDENCE IF	
	YOU PLEASE	YOU PLEASE.	
COURT: I	BY COURT I	BY THE COURT: I	
WAS JUST	WAS JUST	WAS JU W ST	
GOING TO ASK	GOING _Q ASK	GOING TO ASK	
HIM THE	HIM A	HIM THE	
QUESTION.	QUESTION=	QUESTION,	
ASK HIM IN	ASK HIM IN	IN	
WHOSE	WHOSE	WHOSE	
POSSESSION IT	POSSESSION IT	POSSESSION IT	
WAS.	WAS. BY	WAS? BY M ^R	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
YOUR HONOR			
THAT IS A	THAT IS	THAT IS A	
CONCLUSION	CONCLUSION	CONCLUSION	
OF LAW.	AT LAW BY	A T F LAW.	
DOES	SUTHERLAND	DOES	
YOUR HONOR	YOUR HONOR	YOUR HONOR	
OVERRULE THE	OVERRULES	OVERRULE THE	
MOTION TO	MOTION TO	MO T NION TO	
STRIKE IT OUT?	STRIKE IT	STRIKE IT OUT.	

RT	RS	BT	PS

A. YES	VEC	BY COURT: YES,	
SIR.	AYES SIR.	SIR. $^{[79]}$ BY $\mathbf{M}^{\mathbf{R}}$	
SUTHERLAND:	SIK.	SUTHERLAND.	
PLEASE NOTE			
		NOTE	
OUR	EVCEDTION	OUR	
EXCEPTI ON.	EXCEPTION.	EXCEPTION.	
Q. DID YOU	QDID YOU	Q. DID YOU	
EVER SEE ANY	EVER SEE ANY	EVER SEE ANY	
CHILDREN THAT	CHILDREN	CHILDREN THAT	
CAME FROM	CAME FROM	CAME FROM	
THE MOUNTAIN	MOUNTAIN	THE MOUNTAIN	
MEADOWS A.	MEADOWS A	MEADOWS? A.	
YES. Q. HOW	YES _Q HOW	YES. Q. HOW	
MANY ? A. I	MANY _A I	MANY? A. I	
GUESS I SAW	GUESS I SAW	GUESS I SAW	
FIVE OR SIX	5 OR 6 OF	FIVE OR SIX.	
	THEM ALL	ALL	
TOGETHER. Q.	TOGETHER o	TOGETHER. Q.	
WHERE WERE	WHERE WERE	WHERE WERE	
THEY?	THEY?I	THEY? A. BY $M^{\underline{R}}$	
SUTHERLAND: I	SUTHERLAND I	SUTHERLAND: I	
OBJECT TO THIS	OBJECT TO	OBJECT TO THIS	
MODE OF	THIS MODE OF	MODE OCF	
		CROSS-	
EXAMINATION,	EXAMINATION.	EXAMINATION.	
AS THIS	THIS	THIS	
WITNESS WAS	WITNESS WAS	WITNEWS WAS	
NOT AT THE	NOT AT	NOT AT THE	
MOUNTAIN	MOUNTAIN	MOUNT AIN	
MEADOWS AND	MEADOWS	MEADOWS.	
HE DON'T	HE DON'T	HE DON'T	
KNOW THAT	KNOW	KNOW	
THEY CAME	THEY CAME	THEY CAME	
FROM THERE,	FROM THERE	FROM THERE	
AND HE COULD	UNLESS FROM	UNLESS	
ONLY HAVE	THERE UNLESS	UNLLSS	
GOT IT BY	HE GOT IT BY	HE GOT IT BY	
HEARSAY AND	HEARSAY	HEARSAY A.ND	
COUNSEL	{COUNSEL} ^p	COUNSEL	
IS PUTTING [254]	HE IS PUTTING	IS PUTTING	
WORDS INTO	WORDS IN	WORDS INTO	
HIS MOUTH.	HIS MOUTH. BY	HIS MOUTH.	
COURT:	COURT	BY THE COURT:	
HE DIDN'T	HE DIDN'T	HE DIDN'T	

RT	K5	BT	PS

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

WITNESS.	WITNESS [[27]]	WITNESS. BY MR	
CAREY: I KNOW	CAREY I KNOW	CAREY: I KNOW	
IT IS	IT IS	IT IS	
IMPOSSIBLE TO	IMPOSSIBLE TO	IMPOSSIBLE TO	
PUT THE	PUT	PUT THE	
QUESTION IN	QUESTION IN	QUESTION IN	
SUCH	(0-2000)	SUCH A AA	
SHAPE AS TO	SHAPE	SHAPE AS TO	
SATISFY THE	TO SATISFY	SATISFY THE	
DEFENSE. Q.	DEFENSE o	DEFEN D SE. Q.	
MR.	MR.	MR.	
BRADSHAW,	BRADSHAW	BRADSHAW,	
WHO TOLD	WHO TOLD	WHO TOLD	
YOU ABOUT	YOU ABOUT	YOU ABOUT	
THESE	THOSE	THESE	
CHILDREN ?	CHILDREN	CHILDREN??	
DEFENDANTS		M^{R}	
COUNSEL		SUTHERLAND:	
OBJECTED TO	WE OBJECT TO	WE OBJECT TO	
THE QUESTION.	THAT BY	THAT.	
OBJECTION	DEFENSE		
OVERRULED.			
COURT SAID	BY COURT	BY THE COURT:	
YOU MAY	YOU CAN	YOU CAN	
STATE WHO	STATE WHO	STATE WHO	
TOLD YOU	TOLD YOU	TOLD YOU	
ABOUT THE	ABOUT	ABOUT THE	
CHILDREN. A.	CHILDREN $\{A\}^p$	CHILDREN. A.	
IT WAS A MAN	IT WAS MAN	IT WAS A MAN	
BY THE NAME	BY THE NAME	BY THE NAME	
OF HOPKINS.	OF HOPKINS	OF HOPKINS. BY	
		M^{R} CAREY,	
Q. WHO WAS	$_{\mathbf{Q}}$ WAS	Q. WHO WAS	
MR. HOPKINS	MR. HOPKINS	MR. HOPKINS;	
WHEN HE	ONE WHO	[80] ONE WHO	
WENT FROM	WENT FROM	WENT FROM	
CEDAR TO THE	CEDAR TO	CEDAR TO THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS [255]	MEADOWS	MEADOWS?	
A. THAT IS	A THAT IS	A. THAT IS	
WHAT	WHAT I	WHAT I	
I UNDERSTOOD.	UNDERSTOOD	UNDERSTOOD.	
		BY M^{R}	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	

RT	RS	BT	PS

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

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

RT

RS

BT

PS

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

RT	RS	BT	PS

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

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^{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

	T	T	
OF THEM. A.	OF THEM. _{QA}	OF THEM . A.	
THEY WERE	THEY WERE	THEY WERE	
GATHERED I	GATHERED I	GATHERED, I	
UNDERSTAND.	UNDERSTOOD	UNDERSTOOD	
AFTER	AFTER A	AFTER A	
WHILE SOME	WHILE; SOME	WHILE.	
OFFICERS	OFFICERS	SOMEOFFICERS	
CAME DOWN	CAME DOWN	CAME DOW S N	
FROM SALT	FROM SALT	FROM SALT	
LAKE TO	LAKE TO	LAKE TO	
GATHER	GATHER	GATHER THEM	
THEM UP.	THEM UP	UP.	
	BY	BY M ^R	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
THAT IS	THAT IS	THAT IS	
HEARSAY TOO.	HEARSAY TOO.	HEARSAY TOO.	
Q. HOW	oHOW	[81] Q. FOR HOW	
LONG A TIME	LONG TIME	LONG A TIME	
DID YOU SEE	DID YOU SEE	DID YOU SEE HIS	
THESE	THOSE	THESE	
CHILDREN	CHILDREN	CHILDREN	
AROUND	AROUND	AROUND	
CEDAR ? A.	CEDAR A	CEDAR? A.	
IT MUST	AND[?] IT MUST	IT MUST	
HAVE BEEN	HAVE BEEN	HAVE BEEN	
SOME WEEKS	SOME WEEKS	SOME WEEKS . ,	
AFTER BUT I	AFTER I	AFTER; I	
COULD NOT	COULD	COULD NOT	
TELL	STATE[?]	STATE	
	EXACTLY-HOW	EXACTLY	
HOW LONG IT	LONG IT WAS.	HOW LONG IT	
WAS. Q. WHAT	oWHAT	WAS. Q. WHAT	
BECAME OF	BECAME OF	BECAME OF	
THE CHILDREN	THE CHILDREN	THE CHILDREN	
THAT HIGBEE	THAT HIGBEE	THAT HIGBEE	
HAD? A. WELL I	HAD AWELL I	HAD? A. WELL, I	
EXPECT	EXPECT	EXPECT	
WHERE THE	WHERE THE	WHERE THE	
OTHERS WAS.	OTHERS WAS;	OTHERS WA W S.	
HE HAD ONE	HE HAD ONE	HE HAD ONE	
A	QUITE A	QUITE A	
WHILE; IT	WHILE, IT	WHILE. IT	
SEEMED THAT	SEEMED THAT	SEEMED THAT	
ONE OF THEM	ONE OF THEM	ONE OF THEM	

RT	RS	BT	PS

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

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

RT

RS

BT

PS

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

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

RT	RS	BT	PS

CITY AND THE SAME WINTER SAME WINTER I MOVED TO I MOVED TO I MOVED TO MINERSVILLE. MINERSVILLE MINERSVILLE Q. WHERE DID YOU LIVE YOU LIVE BEFORE YOU BEFORE YOU CAME TO CEDAR CITY? CI TY; THE SAME WINTER I MOVED TO MOVED TO MINERSVILLE Q. WHERE DID YOU LIVE YOU LIVE YOU LIVE BEFORE YOU CAME TO CEDAR CITY?
I MOVED TO MINERSVILLE. Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY? I MOVED TO MINERSVILLE Q. WHERE DID Q. WHERE DID YOU LIVE YOU LIVE YOU LIVE BEFORE YOU CAME TO CEDAR CITY?
MINERSVILLE. Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY? MINERSVILLE Q. WHERE DID YOU LIVE Q. WHERE DID YOU LIVE YOU LIVE BEFORE YOU CAME TO CEDAR CITY?
Q. WHERE DID YOU LIVE BEFORE YOU CAME TO CEDAR CITY? QWHERE DID YOU LIVE YOU LIVE BEFORE YOU BEFORE YOU CAME TO CEDAR CITY? Q. WHERE DID YOU LIVE CAME TO CAME TO CEDAR CITY
YOU LIVE YOU LIVE YOU LIVE BEFORE YOU BEFORE YOU CAME TO CAME CAME TO CEDAR CITY? CEDAR CITY?
BEFORE YOU BEFORE YOU CAME TO CEDAR CITY? BEFORE YOU CAME TO CEDAR CITY?
CAME TO CAME CAME TO CEDAR CITY?
CEDAR CITY ? CEDAR CITY CEDAR CITY?
A. I LIVED IN A. I LIVED IN A. I LIVED IN
SALT LAKE. SALT LAKE A
Q. AND $\{Q\}^{p}$ WELL $\{A\}^{p}_{A}$ WHILE. Q.
WHERE WHERE WHERE
DID YOU COME DID YOU GO DIDYOU COME
FROM TO SALT FROM TO SALT FROM TO SALT
LAKE ? A. LAKE CITY } LAKE CITY? A.
WELL I WAS I WAS WELL, I WAS
BORN IN BORN IN
ENGLAND, IN ENGLAND ENGLAND, IN
DEBRYSHIRE. DERBYSHIRE DERBYSHIRE.
Q. AND WHEN Q. AND WHEN
DID YOU COME DID YOU COME SDID YOU COME
TO AMERICA ? TO AMERICA FR TO AMERICA?
A. I CAME TO A I CAME TO A. I CAME TO
AMERICA IN AMERICA IN
THE FALL OF YEAR FALL OF
1849. Q. WHERE 49 { ₀ } ^p WHERE 49. Q. WHERE
DID YOU LAND? DID YOU LAND DID YOU LAND?
$A. \text{ NEW}$ $\{A\}^p \text{ NEW}$ $A. \text{ NEW}$
ORLEANS. Q. $ORLEANS \{Q\}^p$ ORLEANS. Q.
WHAT YEAR? WHAT YEAR?
A. IN THE $\{A\}^p$ IN THE A. IN THE
YEAR 1849. Q. YEAR 49 Q. YEAR '49. Q.
HOW LONG DID HOW LONG DID HOW LONG DID
YOU REMAIN YOU REMAIN
AFTER YOU
ARRIVED IN IN
NEW ORLEANS ? NEW ORLEANS NEW ORLEANS?
A. ABOUT $\{A^p\}$ ABOUT A. ABOUT
TWO WEEKS. TWO WEEKS.
Q. WHERE $\{o\}^p$ WHERE Q. WHERE
DID YOU GO DID YOU GO
FROM THERE? FROM THERE?
A. ST. LOUIS. Q. ST. LOUIS A. ST. LOUIS. Q.

RT	RS	BT	PS

	T		
HOW OLD WAS	HOW OLD WAS	HOW OLD WERE	
YOU WHEN	YOU WHEN	YOU WHEN	
YOU LANDED ?	YOU LANDED	YOU LANDED? A.	
A. I WAS	$\{A\}^p$ I WAS	I WAS	
ABOUT THIRTY	ABOUT 30	ABOUT 30	
YEARS OR	YEARS	YEARS—	
THIRTY ONE I	31 I	3I, I	
BELIEVE. Q.	BELIEVE Q	BELIEVE. Q.	
HOW OLD ARE	HOW OLD ARE	HOW OLD ARE	
YOU NOW ? A.	YOU NOW A	YOU NOW? A.	
FIFTY SEVEN. Q.	57	57. Q.	
HOW LONG DID	HOW LONG DID	HOW LONG DID	
YOU LIVE AT ST.	YOU LIVE ST.	YOU LIVE IN ST.	
LOUIS ? A. ONLY	LOUIS AONLY	LOUIS? A. ONLY	
A FEW MONTHS.	FEW MONTHS	A FEW MONTHS.	
^[258] Q. THEN	WHEN	Q. WHEN DID	
YOU CAME TO	YOU CAME	YOU COME TO	
UTAH?A.I	UTAH I	UTAH? A. I	
MOVED FROM	MOVED FROM	MOVED FROM	
THERE TO ST.	THERE TO	ST.	
LOUIS.	LOUIS[?]	LOUIS TO UTAH.	
Q. I DIDN'T ASK	I DIDN'T ASK	Q. I DIDN'T ASK	
YOU THAT, I	YOU _Q THAT	YOU THAT; I	
ASKED YOU		ASKED YOU	
WHEN YOU		WHEN YOU	
CAME TO		CAME TO	
UTAH. A.	_A I CAME	UTAH? A. I CAME	
	TO UTAH $\{_{\mathbf{A}}\}^p$	TO UTAH	
IN THE SPRING	IN SPRING	IN THE SPRING	
OF '52. Q.	OF 52 Q	OF '52. Q.	
WHERE DID	WHERE DID	WHERE DID	
YOU	YOU FIRST	YOU FIRST	
STAY WHEN	STAY WHEN	STAY WHEN	
YOU CAME TO	YOU CAME TO	YOU CAME TO	
UTAH?A.I	UTAH _A I	UTAH? A. I	
WENT AND	WENT AND	WENT TO	
LIVED IN SALT	LIVED IN SALT	LIVE IN SALT	
LAKE FIRST	LAKE, FIRST	LAKE FIRST	
WHEN I CAME	WHEN I CAME	WHEN I CAME	
HERE. Q. AND	HERE Q	HERE. Q.	
HOW LONG DID	HOW LONG DID	HOW LONG DID	
YOU LIVE	YOU LIVE	YOU LIVE	
THERE ? A. I	THERE AI	THERE? A. I	
CAME	CAME <salt< td=""><td>CAME TO SALT</td><td></td></salt<>	CAME TO SALT	

RT	RS	BT	PS

	LAKE CITY>	LAKE TO THE	
THE SAME	SAME AND	SAME	
FALL	FALL	FALL AND FROM	
DOWN TO	DOWN TO	THERE DOWN TO	
CEDAR CITY.	CEDAR CITY	CEDAR CITY.	
Q. WHAT WAS	WHAT WAS	Q. WHAT WAS	
YOUR	YOUR	YOUR	
BUSINESS IN	BUSINESS IN	BUSINESS IN	
	CEDAR CITY	CEDA T R	
CEDAR CITY DURING THE	DURING	DURING THE	
		YEAR '57? A.	
YEAR 1857 ? A. I WAS FOREMAN	YEAR 57 A		
	FARMING,	FARMING AND	
IN MAKING	MAKING	MAKING	
BRICKS, AND	BRICKS,	BRICKS —	
ONE THING	←ONE THING	ONE THING	
AND	AND	AND	
ANOTHER.	ANOTHER.>	ANOTHER.	
Q. WHAT IS	$\{Q\}^p$ WHAT IS	Q. WHAT IS	
YOUR DUGDIEGG NOW 9	YOUR	YOUR	
BUSINESS NOW?	BUSINESS NOW	BUSINESS NOW?	
A. IT USED TO	{ _A } ^p IT USED TO	A. IT USED TO	
BE FARMING,	BE FARMING	BE FARMING;	
BUT I HAVE	BUT I HAVE	BUT IT IGAHAVE	
GIVEN THAT	GIVEN THAT	GIVEN THAT	
UP. I HAVE NO	UP; I HAVE NO	UP. I HAVE NO	
BUSINESS NOW	BUSINESS	BUSINESS NOW,	
AT ALL TO TELL	TO TELL	TO TELL	
YOU THE	YOU	YOU THE	
TRUTH, ONLY I	TRUTH,	TRUTH. I	
AM	AM	AM	
INTERESTED IN	INTERESTED IN		
MINING NOW.	MINING NOW.	MINING NOW.	
Q. WHAT DAY	QWHAT DAY	Q. WHAT DAY	
OF THE MONTH	OF MONTH	OF THE MONTH	
WAS IT WHEN	WAS IT WHEN	WAS IT WHEN	
THE	THE	THE	
EMIGRANTS	EMIGRANTS	EMIGRANTS	
WENT	WENT	WENT	
THROUGH	THROUGH	THROUGH	
CEDAR CITY ?	CEDAR CITY	CEDAR CITY?	
A. I DON'T	{ _A } ^p I DON'T	A. I DON'T	
KNOW BUT I	KNOW, I	KNOW; BUT I	
GUESS ABOUT	GUESS ABOUT	GUESS ABOUT	
THE MIDDLE OF	MIDDLE OF	THE MIDDLE OF	

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

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

RT	RS	BT	PS

TELL EXACTLY	TELL EXACTIVE	TELL EXACTLY	
TELL EXACTLY.	TELL EXACTLY	TELL EXACTLY.	
THAT ORDER	THAT ORDER	Q. THAT ORDER	
CAME IN	CAME IN	CAME IN WITH	
WITHIN	LESS THAN	IN LESS THEN	
TWO WEEKS	2 WEEKS	TWO WEEKS	
AFTER THEY	AFTER THEY	AFTER THEY	
PASSED	PASSED	PASSED	
THROUGH, BUT	THROUGH	THROUGH.	
I COULD NOT	I COULD NOT	A. I COULD NOT	
SAY AS TO	SAY LESS =	SAY LESS; IT	
THAT, IT MIGHT	IT MIGHT	MIGHT	
BE A LITTLE	BE A LITTLE	BE A LITTLE	
MORE. Q. AFTER	MORE. _Q AFTER	MOR S E. Q.	
THE	THE	IF THE	
EMIGRANTS	EMIGRANTS	EMIGRANTS	
WENT	WENT	WENT	
THROUGH IN	THROUGH IN	THROUGH IN	
THE MIDDLE OF	MIDDLE OF	THE MIDDLE OF	
THE MONTH OF	MONTH <=≥	THE MONTH—	
SEPTEMBER	SEPTEMBER	SEPTEMBER	
WHICH IS		IS	
SUPPOSED TO	SUPPOSED TO	SUPPOSED TO	
HAVE THIRTY	HAVE THIRTY	HAVE 30	
DAYS IN IT—	DAYS IN IT =	DAYS IN IT—	
THAT WOULD	THAT WOULD	THAT WOULD	
BE FIFTEEN	BE 15;	BE THE I5TH. Q.	
DAYS — HOW	HOW	HOW	
DID YOU GET	DID YOU GET	DO YOU GET	
TWO WEEKS IN	TWO WEEKS IN	TWO WEEKS IN	
THE NEXT FI V E	THE NEXT FIVE	THE NEXT FIVE	
DAYS — HOW	DAYS, oHOW	DAYS? HOW	
DO YOU	DO YOU	DO YOU	
REASON THAT	REASON	REASON?	
OUT ? A. I DON'T	AI DON'T	A. I DON'T	
REASON ON	REASON ON	REASON ON	
THAT SCORE	THAT SCORE	THAT SCORE	
PARTICULARLY.	PARTICULARL	PARTICULAR A L	
Q. DO YOU	Y. oDO YOU	Y. Q. DO YOU	
KNOW ABOUT	KNOW ABOUT	KNOW ABOUT	
HOW MUCH OF	HOW MUCH	HOW MUCH OF	
THAT TIME	THAT TIME	THAT TIME	
WAS PASSED?	WAS PASSED	WAS PASSED?	
A. I THINK IT	AI SAY IT WAS	A. I SAY IT WAS	
WAS BETWEEN	BETWEEN ONE	BETWEEN ONE	

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

KI	K5	ВІ	P5

THEM. Q. YOU	THEM _Q YOU	THEM. Q. YOU	
CAN'T SAY	CAN'T SAY	CAN'T SAY	
IT	WHETHER ²⁶⁴ IT	WHETHER IT	
WAS BETWEEN	WAS BETWEEN	WAS BETWEEN	
ONE DAY OR	ONE DATE OR	ONE DAY OR	
TWENTY DAYS?	20	2 Q 0 .	
A. I THINK IT	AI THINK I SAY	A. I THINK IT	
WAS ONE		WAS	
ABOUT ONE	ABOUT ≤ ONE	ABOUT ONE	
OR TWO WEEKS;	OR > 2 WEEKS =	OR TWO WEEKS;	
I THINK IT WAS	I THINK IT WAS	I THINK IT WAS	
OVER A	OVER A	OVER A [84]	
WEEK' Q. DO	WEEK DO	WEEK. AQQ. DO	
YOU BELIEVE	YOU BELIEVE	YOU BELIEVE	
IT WAS TWO	IT WAS TWO	IT WAS TWO	
WEEKS? A. IT	WEEKS AIT	WEEKS? A. IT	
MIGHT BE	MIGHT BE	MAY BE	
THAT. Q. HOW	THAT oHOW	THAT. Q. HOW	
LONG WAS IT—	LONG WAS IT?	LONG WAS IT?	
IT WASN'T A	AIT WASN'T A	A. IT WASN'T A	
MONTH, WAS	MONTH WAS	MONTH. Q. WAS	
IT TWO WEEKS	IT TWO WEEKS	IT TWO WEEKS	
— WAS IT TEN	WAS TEN	— WAS IT TEN	
DAYS? A. I	DAYS AI	DAYS. A. I	
HAVE ALWAYS	HAVE ALWAYS	HAVE ALWAYS	
THOUGHT IN	THOUGHT IN	THOUGHT IN	
MY OWN MIND	MY OWN MIND	MY OWN MIND ,	
IT WAS	IT WAS	IT WAS	
BETWEEN ONE	BETWEEN ONE	BETWEEN ONE	
AND TWO	OR 2	AND TWO	
WEEKS AS	WEEKS AS	WEEKS AS	
NEAR AS I	NEAR AS I	HNEAR AS I	
COULD GET	COULD GIVE	COULD GET AT	
IT. Q. WHERE	IT WHERE WAS	IT. Q. WHERE	
WAS IT YOU	IT YOU SAY	WAS IT YOU	
SAY	HAIGHT	SAY HAIGHT	
	<haight></haight>		
WHEN	WAS WHEN	WAS-, WHWHEN	
THEY TOLD YOU	HE TOLD YOU	HE TOLD YOU	
TO GO TO THE	TO GO	TO GO TO THE	
RENDEZVOUS?	RENDEZVOUS	RENDEZVOUS?	
A. TO THE	A	A.	
	1.2	1	

264. Apparently added later.

RT	RS	BT	PS

CORNER OF	CORNER	COLONEL	
PUGMIRE'S	PUGMIRE'S	PUGMIRE'S	
HOUSE, THE	HOUSE,	HOUSE, ON THE	
PUBLIC	PUBLIC	PUBLIC	
SQUARE. Q.	SQUARE,	SQUARE. Q.	
WHAT WAS THE	WHAT WAS	WHAT WAS	
NUMBER OF	WERE YOU[?]	YOU	
THEM	DO —[?] THERE	DOING THERE?	
STANDING	ASTAND	A. STANDING	
AROUND —	AROUND	AROUND. Q.	
WAS IT A	WAS IT	ISN'T IS IT IA	
FACT THE MEN	FACT MEN	FACT THAT MEN	
WERE ALWAYS	WERE ALWAYS	WERE ALWAYS	
STANDING	STANDING	STANDING	
AROUND IN			
CEDAR—OR	AROUND IN CEDAR = IN	AROUND IN CEDAR?	
		CEDAK!	
WERE THERE	CITY		
ANY AT ALL	OF COLIDGE IT	A OF COURGE IT	
A. OF COURSE	AOF COURSE IT	A. OF COURSE IT	
THERE WAS; I	WAS, I HAVE	WAS; I HAVE	
SEED A GREAT	SEED GREAT	SEEN A GREAT	
MANY	MANY	MANY THERE-,	
ON THE	ON THE	ON THE	
SQUARE	SQUARE	SQUARE.	
THERE. Q. WHO	THERE WHO	Q. WHO	
HEARD HIM	HEARD HIM	HEARD HIM	
MAKE THE	GANES VOI	G A X X	
REMARK THEY	SAY TO YOU	SAY	
WAS TO MEET	TO GO MEET	TO GO	
TOGETHER	TOGETHER[?]	AND MICEPS	
AND MUSTER AT	AND MUSTER	AND MUSTER?	
THE MINUTE ?	_A I AM NOT	A. I COULD	
	D O GITTLE TOTAL	NOTNOT TELL	
	POSITIVE[?]	POSITIVELY;	
A. THERE WAS A	THERE WAS	THERE WAS A	
MAN BY THE	MAN BY	MAN BY THE	
NAME OF JIM	NAME OF JIM	NAME OF JIM	
WILLIAMSON	WILLIAMSON	WILLIAMSON, HE	
HEARD	HEARD	HEARD	
HAIGHT SAY	HAIGHT SAY	HAIGHT SAY	
THIS TO ME. Q.	THIS TO ME Q	THIS TO ME. Q.	
YOU KNOW	YOU KNOW	YOU KNOW	
WILLIAMSON	WILLIAMSON	WILLIAMSON	
HEARD IT ? A.	HEARD IT	HEARD IT? A.	

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

RT	RS	BT	PS

	1	1	ı
WANTED ME	WANTED ME	WANTED ME	
TO MUSTER. Q.	TO MUSTER Q	TO MUSTER. Q.	
HOW OLD	HOW OLD	HOW OLD DO	
IS	YOU SAY	YOU SAY WAS	
THAT BOY ?	THAT BOY	THAT BOY?	
A. HE WAS	WAS	A. HE WAS	
ABOUT	AABOUT	ABOUT	
FIFTEEN. Q. AND	15 WHEN	I5. Q. AND	
HE TOLD YOU	HE TOLD ME	HE TOLD YOU	
TO GO? A. HE	TO GO $\{A\}^p$ HE	TO GO? A. HE	
TOLD ME,	TOLD ME	TOLD ME	
PROBABLY	BROTHER	BROTHER	
HAIGHT	HAIGHT	HAIGHT	
WANTED ME.	WANTED {ME} ^p	WANTED ME.	
Q. THEN YOU	THEN YOU	Q. THEN YOU	
WASN'T	WASN'T	WASN'T	
ORDERED TO	ORDERED TO	ORDERED TO	
GO BY HAIGHT	GO BY HAIGHT	GO BY HAIGHT	
OR	NO OR	OR	
ANYBODY	ANYBODY	ANYONE	
ELSE	ELSE A	ELSE ? A.	
EXCEPT	EXCEPT	EXCEPT	
YOUR SON	{WHAT YOUR} ^p	WHAT MY SON	
TOLD YOU	TOLD ME	TOLD ME	
PROBABLY	BROTHER	BROTHER	
THAT HAIGHT	HAIGHT	HAIGHT	
WANTED YOU.	WANTED ME.	WANTED ME.	
A. YES, HE SAID			
PROBABLY			
HAIGHT			
WANTED ME. Q.	Q	Q.	
YOU APPEAR	YOU APPEAR	YOU APPEAR	
TO BE	TO BE	TO BE	
POSTED	POSITIVE	POSTED	
ABOUT HE	ABOUT	ABOUT	
MATTERS	MATTERS	MATTERS	
THERE. AS A	THERE. AS A	THERE. AS A	
MATTER OF	MATTER OF	MATTER OF	
INFORMATION	INFORMATION	INFORMATION	
		AND	
	GRATIFICATIO	GRATIFICATION	
TO YOU	N TO YOU	TO YOU, HE	
TELL ME	TELL ME	TOLD YOU?	
HOW LONG IT	HOW LONG	HOW LONG	

RT	RS	BT	PS

MIGHT HAVE		HAVE	
BEEN SINCE			
YOU HAVE BEEN	YOU BEEN	YOU BEEN	
CONNECTED	TOO BEEN	TOO DEEN	
WITH THAT	THAT	WITH THAT	
		PEOPLE? A.	
PEOPLE ? A.	PEOPLE { _A } ^p		
SINCE I CAME	SINCE I CAME	SINCE I CAME	
INTO UTAH	INTO UTAH	INTO UTA H ,	
AND	AND	AND	
BEFORE TOO.	BEFORE TOO	BEFORETOO.	
Q. BUT	QABOUT HOW	Q. ABOUT HOW	
	LONG AT ALL =	LONG ALL	
ALTOGETHER ?	ALTOGETHER	TOGETHER.?	
A. I HAVE BEEN	_A I HAVE BEEN	A. I HAVE BEN	
CONNECTED	CONNECTED	CONNECTED	
WITH THE	WITH	WITH THE	
MORMON'S	MORMONS	MORMONS	
SINCE 1847.	SINCE 1847.	SINCE '47. [85]	
Q. ARE YOU	$_{\mathbf{O}}\{ARE\ YOU\}^{p}$	Q. ARE YOU	
STILL	STILL	WTILL	
CONNECTED	CONNECTED	CONNECTED	
WITH THEM?	WITH THEM	WITH THEM?	
A. I AM NOT	$\{_{\mathbf{A}}\}^{\mathbf{p}}$ I AM NOT	A. I AM NOT	
CONNECTED	CONNECTED	CONNECTED	
WITH THEM	WITH THEM	WI T H THEM	
NOW. Q. WHEN	NOW oWHEN	NOW. Q. WHEN	
DID YOU	DID YOU	DID YOU DIVIDE	
DIVIDE ?	DIVIDE	SEPARATE	
A.	YOURSELF. A	YOURSELF? A.	
THEY CUT ME	THEY CUT ME	THEY CUT ME	
OFF. [262]	OFF BY	OFF. BY MR.	
BISHOP:	BISHOP	BISHOP.	
SERVE YOU	SERVE YOU	SERVE SD YOU	
RIGHT.	RIGHT BY	RIGHT. BY MR.	
BASKIN: MAY	BASKIN MAY	BASKIN: MAY	
IT PLEASE	IT PLEASE	IT PLEASE	
YOUR HONOR	YOUR HONOR	YOUR HONOR	
THERE IS A	THERE IS A	THERE IS A	
LATITUDE	LATITUDE	LATITUDE	
BEYOND	BEYOND	BEYOND	
		WHICH THE	
WHICH THE	WHICH		
GENTLEMAN	GENTLEMAN	GENTLEMAN	
MUST	MUST	MUST OUGHT	
NOT GO. THE	NOT GO. $\{*\}^p$	NOT TO GO. THE	

RT	RS	BT	PS

FULLEST	INSINUATIONS	UNSENSIOUS	
EXTENT HAS	COUNSEL HAS	COUNSEL HAS	
BEEN FIG GIVEN	BEEN	BEEN	
TO HIS	INDULGING	INDULG ED ING	
STATEMENTS			
AND I	AND I	AND I IN	
		MATTERS	
		ENTIRELY	
		FORCIGN TO	
		THE ISSUE AND I	
APPEAL TO	APPEAL TO	APPEAL TO	
THE COURT TO	THE COURT TO	THE FC OURT TO	
PROTECT THE	PROTECT	PROTECT THE	
WITNESS FROM	WITNESS FROM	WITNESS FROM	
ANSWERING	ANSWERING	ANSWERING	
ANY SUCH	ANY SUCH	ANY SUCH	
QUESTIONS.	QUESTIONS.	QUESTIONS.	
BISHOP: I	BY BISHOP I	BY MR. BISHOP: I	
BELIEVE I	BELIEVE I	BELIEVE I	
UNDERSTOOD	UNDERSTOOD	UNDERSTAND	
MY DUTY AS	MY DUTY AS	MY DUTY AS	
WELL AS THE	WELL AS	WELL AS THE	
WITNESS	WITNESS	WITNESS	
WHO	{WHO} ^p	WHO	
ANSWERS ME,	ANSWERS ME	ANSWERED ME;	
AND WHEN THE	WHEN	AND WHEN THE	
WITNESS	WITNESS	WITNESS	
ANSWERS	ANSWERS	ANSWERS	
SOMETHING	SOMETHING	SOMETHING	
OUTSIDE I	OUTSIDE I	OUTSIDE I	
HAVE THE	HAVE {THE} ^p	HAVE THE	
RIGHT TO	RIGHT TO	RIGHT TO	
FOLLOW HIM	FOLLOW HIM	FOLLOW HIM	
UP AND SHOW	UP SHOW	UP AND SHOW	
WHAT	<i>'EM</i> [?] WHAT	WHAT	
KIND OF A MAN	KIND OF MAN	KIND OF A MAN	
HE IS.	HE IS. [space]	HE IS.	
Q. YOU WAS	$\{_{\mathbf{Q}}\}^{p}$ WHO WAS	Q. WHO WAS	
PRESE T NT THAT	PRESENT WITH	PRESENT WITH	
DAY AT	HAIGHT AT	HAIGHT AT	
THE	THE	THE	
RENDEZVOUS	RENDEZVOUS	RENDEZVOUS	
AFTER YOUR	AFTER YOUR	AFTER YOUR	
SON TOLD YOU	SON TOLD YOU	SON TOLD YOU	

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

TYOTYD GOLY	TYOUTH GOLD	T
· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
I CAN SAY WAS	I CAN SAY	
I SAW THEM	I SAW T H ERE	
WAS < TWO>	WAS TWO OR	
BROTHER	THREE BROTHER	
HAIGHT	HAIGHT,	
JIMMY	JIM	
WILLIAMSON	WILLIAMSON	
AND	AND	
STODDARD	STODDARD	
THAT I	THAT I	
NOTICED	NOTICED	
PARTICULARL	PARTICULARLY.	
Y WAS	THERE WANSN'T	
ONLY THERE	ONLY A	
FEW MINUTES.	FEW MEN.	
oWHAT DID	Q. WHAT DID	
HAIGHT SAY	HAIGHT SAY	
TO YOU WHEN	TO YOU WHEN	
YOU GOT	YOU GOT	
THERE $\{_{\mathbf{A}}\}^{\mathbf{p}}\mathbf{I}$	THERE? A. I	
WENT WITH	WENT WITH	
MY SPADE TO	MY SPADE TO	
<i>THE/A</i> [?]	THE T HE	
	SHOULDER; HE	
ASKED WHERE	ASKED WHERE	
MY GUN WAS	MY GUN WAS,	
THAT IS ALL	THAT IS ALL.	
—[?] HAIGHT	AM	
AMITO	ITO	
ASK YOU	ASKED YOU	
WHAT MR.	WHAT MR.	
HAIGHT	HQIGHT	
	WAS <— TWO> BROTHER HAIGHT JIMMY WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARL Y WAS ONLY THERE FEW MINUTES. QWHAT 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.	GAVE YOU FURTHER INFORMATION, WHOM DID YOU FIND THERE PRESENT AT THE MUSTER ✓ON THE→ GROUND AALL I CAN SAY WAS I SAW THEM WAS <— TWO→ BROTHER HAIGHT JIMMY WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARL Y WAS ONLY THERE FEW MINUTES. QWHAT 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. WHO DID FURTHER FURTHER FRUSTER HAIGH GROUND? A. ALL I CAN SAY I SAW THERE WAS TWO OR THERE BROTHER HAIGHT, JIM WILLIAMSON AND STODDARD THAT I NOTICED PARTICULARL Y WAS ONLY THERE FEW MEN. Q. WHAT DID HAIGHT SAY TO YOU WHEN YOU GOT THERE {A}PI WENT WITH MY SPADE TO THE THE SHOULDER; HE ASKED WHERE MY GUN WAS THAT IS ALL —[?] HAIGHT AM I TO GO ON QI ASK YOU WHAT MR.

_	,	1	,
SAY TO YOU	SAID TO YOU	SAID TO YOU	
AT THAT TIME?	AT THAT TIME	AT THAT TIME?	
[263] A. HE ASKED	$\{A\}^p$ HE ASKED	A. HE ASKED	
ME IN THE	ME IN THE	ME IN THE	
FIRST PLACE	FIRST PLACE	FIRST PLACE,	
WHY I HADN'T	WHY I HADN'T	WHY I HADN'T	
MY GUN WITH	MY GUN WITH	MY GUN WITH	
ME. I TOLD HIM I	ME, I TOLD HIM	ME?. I TOLD HIM	
DIDN'T KNOW	I DIDN'T KNOW	I DIDN'T KNOW	
WITH	WE	THAT IT	
REGARD TO THE	REQUIRED	REQUIRED A	
GUN, BUT TO	GUN TO	GUN TO	
BURY DEAD	BURY DEAD	BURY DEAD	
PEOPLE I HAD A	PEOPLE THAT	PEOPLE AND	
SPADE AND	THAT	THAT	
THAT I HAD	I HAD	I HADN'T	
BROUGHT IT. HE	BROUGHT IT,	BROUGHT IT/	
SAID — HE	HE SAID AND	HE SAID —	
CALLED ME A	CALLED ME	CALLED ME A	
FOOL AND TOLD	FOOL TOLD	FOOL; TOLD	
ME I DIDN'T	ME I DIDN'T	ME I DIDN'T	
KNOW	KNOW	KNOW	
NOTHING	ANYTHING	ANYTHING	
ABOUT IT —	ABOUT IT	ABOUT IT,	
DIDN'T EXPLAIN	≼AND≥ DIDN'T	DIDN'T	
≤UNDERSTAND≥	UNDERSTAND	UNDERSTAND	
THINGS — THAT	THINGS,	THINGS — [86]	
I	ŕ	TOLD ME I	
DIDN'T KNOW	DIDN'T KNOW	DIDN'T KNOW	
BEANS AND	BEANS [[31]]	BEANS.	
THAT WAS	THAT WAS	THAT WAS HIS	
SURPRISING. I	EXPRESSION; I	EXPRESSION. I	
TOLD HIM I	TOLD HIM I	TOLD HIM I	
HAD NO	HAD NO	HAD NO	
AMUNITION	AMMUNITION	AMUNITION IF	
IF I HAD	IF I HAD	I HAD	
BROUGHT MY	BROUGHT MY	BROUGHT MY	
GUN. HE SAYS	GUN, HE SAYS	GUN. HE SAYS,	
YOU CAN GO	YOU CAN GO	"YOU CAN GO	
HOME, I HAVE	HOME I HAVE	HOME I HAVE	
NO FURTHER	NO FURTHER	NO FURTHER	
USE FOR YOU;	USE FOR YOU.	USE FOR YOU"	
THIS WAS A	THIS WAS	THIS WAS A	
LITTLE	LITTLE	LITTLE	

RT	RS	BT	PS

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

RT	RS	BT	PS

BEEN DEAD	BEEN DEAD	BEEN DEAD	
ALREADY AND	AND	AND	
IN THEIR	IN THEIR	IN THEIR	
GRAVES. Q.	GRAVES	GR Q A C VES". Q.	
		AT THIS TIME?	
AT THIS TIME,	AT THIS TIME	·=	
	AAT THIS TIME	A. AT THIS TIME.	
WAS THAT THE	QTHAT WAS	Q. THAT WAS	
SERMON HE	SERMON HE	THE SERMON HE	
PREACHED	PREACHED	PREACHED	
AFTER YOU	AFTER YOU	AFTER YOU	
WAS CALLED	WAS CALLED	WAS CALLED	
THERE WITH	THERE WITH	THERE WITH	
YOUR SPADE —	YOUR SPADE =	YOUR SPADE,	
ARE YOU	ARE YOU	ARE YOU	
CERTAIN OF	CERTAIN OF	CERTAIN OF	
THAT? A.	THAT $\{A\}^p$	THAT? A.	
THAT IS HOW I	THAT IS HOW I	THAT IS HOW I	
HAVE GOT IT	HAVE GOT IT	HAD GOT IT	
IN MY MIND — I	IN MY MIND, I	IN MY MIND. I	
COULD NOT BE	COULD NOT BE	COULD NOT BE	
CERTAIN — I	CERTAIN I	CERTAIN, I	
WOULDN'T	WOULDN'T	WOULD NOT BE	
SWEAR TO	SWEAR TO	CERTAIN ABOUT	
ANYTHING I	ANYTHING I	ANYTHING I	
AM DOUBTFUL	AM DOUBTFUL	AM DOUBTFULL	
ABOUT. Q.	ABOUT. o	ABOUT. Q.	
DIDN'T YOU	DIDN'T YOU	DIDN' Y T YOU	
SAY IN YOUR	SAY IN YOUR	SAY IN YOUR	
EXAMINATION	EXAMINATION	EXAMINATION	
IN CHIEF THAT	IN CHIEF THAT	IN CHIEF THAT	
THAT WAS THE	THAT WAS THE	THAT WAS THE	
SUNDAY	SUNDAY	SUNDAY	
BEFORE YOU	BEFORE YOU	BEFORE T YOU	
WAS CALLED	WAS CALLED	WAS CALLED	
OUT THAT HE	OUT HE	OUT, HE	
MADE THAT	MADE THAT	MADE THAT	
REMARK IN	REMAKE IN	REMARK IN	
HIS SERMON	HIS} ^p SERMON	HIS SERMON?	
A. IT MIGHT	$\{_{\mathbf{A}}\}^{\mathbf{p}}$ IT MIGHT	A. IT MIGHT	
BE	BE	HAVE BEEN	
BEFORE THAT.	BEFORE WE	BEFORE THAT. Q.	
Q. WAS THAT	WAS CALLED	WASN'T THAT	
`		IT? A. IT	
IT? A. IT	OUT $\{A\}^p$ IT		
WAS NOT FAR	WAS NOT FAR	WASN'T FAR	

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

THAT CAME	THAT CAME	THAT C Q AME	
FROM THERE.	FROM THERE.	FROM THERE.	
CAN YOU	CAN YOU	CAN YOU TRE	
TELL AS A	TELL AS	TELL ME AS A	
MATTER OF	MATTER OF	MATTER OF	
FACT WHERE	FACT WHERE	FACT WHERE	
THAT WAGON	THAT WAGON	THAT WAGON	
DID COME	HAD COME	DID COME	
FROM OF YOUR	FROM OF YOUR	FROM OF YOUR	
OWN	OWN	OWN	
KNOWLEDGE	KNOWLEDGE	KNOWLEDGE?	
A. NO SIR, I	$\{_{\mathbf{A}}\}^{p265}$ NO SIR I	A. NO, SIR, I	
CAN ONLY	CAN ONLY	CAN NOT ONLY	
CONJECTURE	CONJECTURE	CONJECTURE	
IT FROM WHAT	IT FROM WHAT	IT FROM WHAT	
THE PEOPLE	PEOPLE	PEOPLE	
SAID AROUND	SAID AROUND	SAID AROUND	
ME. Q. AND	ME _Q AND	ME. Q. AND	
THAT IS	THAT IS	THAT IS	
CONJECTURE?	CONJECTURE	CONJECTURE?	
A. I DON'T	_A I DON'T	A. I DON'T	
KNOW — DON'T	KNOW DON'T	KN W OW, DON'T	
KNOW	KNOW	KNOW	
WHETHER THE	WHETHER	WHETHER THE	
WAGON CAME	WAGON CAME	AWAGON CAME	
FROM THERE	FROM THERE	FROM THERE	
OR NOT Q. ARE	OR NOT. QARE	OR NOT Q. ARE	
YOU CERTAIN	YOU CERTAIN	YOU CERTAIN	
YOU WAS NOT	YOU WAS NOT	YOU WERN 'T	
AT THE	AT THE	AT THE	
		MOUNTAIN	
MEADOWS AT	MEADOWS AT	MEADOWS AT	
THE TIME OF	THE TIME OF	THE TIME OF	
THE		THE	
MASSACRE —	MASSACRE	MASSACRE?	
YOU	<yes>, YOU</yes>	A. YES. Q. YOU	
SAY YOU SAW	SAY YOU SAW	SAY YOU SAW	
SOME FIVE OR	5 OR	FIVE OR	
SIX CHILDREN	6 CHILDREN	SIX CHILDREN	
THAT CAME	THAT CAME	THAT CAME	
FROM THE	FROM	FROM THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	

265. Darker pencil over the purple pencil.

RT

RS

BT

PS

RT	RS	BT	PS

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

RT	RS	BT	PS

IT WAC A DOW	IT WAS DOW	IT WAS A DOW O	
IT WAS A BOY.	IT WAS BOY.	IT WAS A BOY. Q.	
Q. HOW OFTEN	QHOW OFTEN	HOW OFTEN	
DID YOU VISIT	DID YOU VISIT	DID YOU VISIT	
AT HIGBEE'S	AT HIGBEE'S	AT HIGBEE'S	
HOUSE ?	HOUSE AT	HOUSE AT	
	THAT TIME $\{A\}^p$	THAT TIME?	
A. I ONLY	I ONLY SAW	A. I ONLY	
SAW THE CHILD	CHILD	SAW THE CHILD	
TWICE.	THERE TWICE	THERE TWICE.	
Q. HOW LONG	_Q HOW LONG	Q. HOW LONG	
AFTER YOU	AFTER YOU	AFTER YOU	
SAW IT	SAW THEM	SAW THEM	
THERE THE	THERE AT	THERE AT THE	
LAST TIME	LAST TIME	LAST TIME,	
BEFORE YOU	BEFORE YOU	BEFORE YOU	
WENT BACK	WENT BACK	WENT BACK	
TO INQUIRE	TO INQUIRE	TO ENQUIRE	
ABOUT IT	ABOUT THEM	ABOUT THEM	
AGAIN? A. I	AGAIN $\{_{\mathbf{A}}\}^{\mathbf{p}}$ I	AGAIN? A. I	
DIDN'T GO TO	DIDN'T GO TO	DIDN'T GO TO	
INQUIRE	INQUIRE	ENQUIRE	
ABOUT THEM	ABOUT THEM	ABOUT THEM	
AT ALL. Q. THEN	AT ALL. O THEN	AT ALL. Q. THEN	
HOW DO YOU	HOW DID YOU	HOW DO YOU	
STATE IT WAS IN	STATE	STATE THE	
A ≤THE CHILD	CHILD WAS	CHILD WAS	
WAS MISSING	MISSING IN	MISSING IN	
THE NEXT≥	{A} ^p WEEK;	A WEEK ACFTER;	
WEEK OR SOBV	() ===,	,	
— DID YOU GO	DID YOU	DID YOU	
BACK IN A	GO BACK IN	GO BACK IN A	
WEEK TO	WEEK TO	WEEK TO	
INQUIRE ? A. I	INQUI{RE} ^p AI	ENQUIRE? A. I	
DIDN'T GO	DIDN'T GO	DIDN'T GO	
BACK IN A	BACK IN A	BACK IN A	
WEEK — I	WEEK I	WEEK; I	
DIDN'T BUSY	DIDN'T BUSY	DIDN'T BUSY	
MYSELF WITH	MYSELF WITH	MYSELF WITH	
SUCH THINGS	SUCH THINGS	SUCH THINGS OR	
TO INQUIRE	TO INQUIRE	ENQUIRE ABOUT	
ANYTHING OF	ANYTHING OF	ANYTHING OF	
THAT KIND. Q.	KIND $\{\mathbf{o}\}^p$	THE KIND. Q.	
DID YOU	DID YOU	DID YOU	
INQUIRE	INQUIRE	ENQUIRE	
INQUIKE	INQUIKE	ENQUIKE	

	RT	RS	BT	PS
--	----	----	----	----

WHERE THAT	WHERE THAT	WHERE THAT	
CHILD WAS	CHILD WAS	CHILD WAS	
A WEEK	$\{\mathbf{A}\}^{p}$ WEEK	A WEEK	
AFTER YOU	AFTER YOU	AFTER YOU	
SAW IT — HOW	SAW IT HOW	SAW IT,	
LONG BEFORE	LONG BEFORE	OR	
DID YOU	YOU DID	DID YOU	
INQUIRE?	INQUIRE	ENQUIRE ABOUT	
A. I	AI	IT BEFORE? A. I	
DIDN'T	DIDN'T	DIDN'T	
INQUIRE	INQUIRE	ENQUIRE	
ABOUT IT AT	ABOUT IT AT	ABOUT IT AT	
ALL. [266] Q. HOW	ALL oHOW	ALL. Q. HOW	
DO YOU KNOW	DO YOU KNOW	DO YOU KNOW	
THE CHILD WAS			
MISSING IN A	CHILD WAS MISSING IN A	THE CHILD WAS MISSING AIN A	
WEEK AFTER?			
1	WEEK	WEEK?	
A. BECAUSE IT	ABECAUSE IT	A. BECAUSE IT	
WAS OUT OF	WAS OUT OF	WAS OUT OF	
SIGHT. Q. IF	SIGHT IF	SIGHT. [88] Q. IF	
YOU DIDN'T	YOU DIDN'T	YOU DIDN'T	
LOOK FOR IT	LOOK FOR IT	LOOK FOR IT,	
HOW CAN YOU	HOW DID YOU	HOW DO YOU	
SAY IT WAS	SAY IT WAS	SAY IT WAS	
MISSING	MISSING	MISSING MISSED	
OR OUT OF	OR OUT OF	OR OUT OF	
SIGHT? A.	SIGHT { _A } ^p	SIGHT? A.	
BECAUSE I	BECAUSE I	BECAUSE I	
DIDN'T SEE IT	DIDN'T SEE IT	DIDN'T SEE IT.	
Q. DID YOU GO	QDID YOU GO	Q. DID YOU GO	
TO SEE ? A. I	{TO SEE} ^p ? AI	TO SEE? A. I	
SAW THE	SAW THE	SAW THE	
OTHER ONE. Q.	OTHER ONE Q	OTHER ONE. Q.	
DID YOU	DID YOU	DID YOU	
INQUIRE	INQUIRE	ENQUIRE	
ABOUT IT ? A.	ABOUT IT A	ABOUT IT? A.	
NO. Q. CAN YOU	NO _Q CAN YOU	NO. Q. CAN YOU	
STATE OF	STATE OF	STATE OF	
YOUR OWN	YOUR OWN	YOUR OWN	
KNOWLEDGE	KNOWLEDGE	KNOWLEDGE	
	ANYTHING	ANYTHING	
ABOUT THAT	ABOUT THAT	ABOUT THAT	
CHILD ? A. I	CHILD AI	CHIL E D? A. I	
CANNOT, ONLY	CANNOT ONLY	CANNOT ONLY	

RT	RS	BT	PS

	1		
I SAW IT	I SAW IT	I SAW IT	
THERE ONCE.	THERE ONCE	THERE ONCE.	
Q. DID YOU	$_{\mathbf{Q}}\{\text{DID YOU}\}^{p}$	Q. DID YOU	
EVER ASK	EVER ASK	EVER ASK	
HIGBEE	HIGBEE	HIGBEE	
WHERE THAT	WHERE	WHERE THE	
CHILD WAS ? A. I	CHILD WAS AI	CHILD WAS? A. I	
DID NOT. Q. DID	DID NOT QDID	DIDN'T. Q. DID	
YOU ASK ANY	YOU ASK ANY	YOU ASK ANY	
OF THE	OF THE	OF THE	
NEIGHBORS	NEIGHBORS	NEIGHBORS	
THAT YEAR OR	THAT YEAR OR	THAT YEAR OR	
NEXT YEAR?	NEXT YEAR	THE NEXT YEAR?	
A. I DID NOT	_A I DID NOT	A. I DIDN'T	
ASK THEM.	ASK {THEM} ^p	ASK THEM.	
Q. DID YOU	_Q DID YOU	Q. DID YOU	
TAKE ANY	TAKE ANY	TAKE ANY	
STEPS OR MAKE	STEPS MAKE	STEPS OR MAKE	
ANY EFFORT	ANY EFFORT	ANY EFFORT	
TO FIND OUT	TO FIND OUT	TO FIND OUT	
WHERE THAT	WHERE THAT	WHERE THAT	
CHILD WAS	CHILD WAS	CHILD WAS	
WITHIN TWO	WITHIN TWO	WITHIN TWO	
YEARS FROM	YEARS FROM	YEARS FROM	
THE TIME YOU	THE TIME YOU	THE TIME YOU	
LAST SAW IT	LAST SAW IT	LAST SAW IT?	
OUT THERE ?	OUT THERE		
A. I DID NOT.	I ADID NOT.	A. I DID NOT.	
Q. HOW MANY	_Q HOW MANY	Q. HOW MANY	
CHILDREN DID,	CHILDREN DID,	CHILDREN DID	
YOU SEE AT	YOU SEE AT	YOU SEE AT	
CEDAR THAT	CEDAR THAT	CEDAR THAT	
WERE	WERE	WERE	
	FIRST/AS[?]		
REPRESENTED	REPRESENTED	REPRESENTED	
AS COMING	FROM COMING	AS COMING	
FROM THE	FROM	FROM THE	
MOUNTAIN	MOUNTAIN	MOUNTAIN	
MEADOWS ? A. I	MEADOWS. I {I	MEADOWS? A. I	
THINK I CAN	THINK I} ^p ACAN	THINK I CA M N	
RECOLLECT	RECOLLECT	RECOLLECT	
SIX. Q.	THOSE SIX Q	THESE SIX. Q.	
GIVE THE	GIVE THE	GIVE THEIR	
AGES ? A. I	AGES I A	AGES? A. I	

RT	RS	BT	PS

CANNOT Q.	CANNOT	COULDNOT.	
WELL OF THE	THAT WAS	THAT WAS	
	ABOUT	ABOUT SEVEN	
OLDEST	OLDEST	ELEVEN, THE	
ONE THAT YOU	ONE I	ONE I	
SPOKE ABOUT	SPOKE ABOUT	SPOKE ABOUT.	
—YOU SAY	YOU SAY	Q . YOU SAY	
THAT HAIGHT	THAT HAIGHT	THAT HAIGHT	
[267] PREACHED	PREACHED	SPOKE	
FREQUENTLY	FREQUENTLY	FREQUENTLY	
IN THE CHURCH	IN CHURCH	IN THE CHURCH	
AFTERWARDS	AFTERWARDS	AFTERWARDS,	
TO SAY	TO SAY	TO SAY	
NOTHING	NOTHING	NOTHING	
ABOUT IT A. I	ABOUT IT $\{_{\mathbf{A}}\}^p$ I	ABOUT IT? A. I	
DIDN'T SAY	DIDN'T SAY	DIDN'T SAY	
FREQUENTLY, I	FREQUENTLY I	FREQUENTLY; I	
SAID I HEARD	SAID I HEARD	SA W Y I HEARD	
HIM SPEAK	HIM SPEAK	HIM SPEAK	
OF IT, I	OF IT; I	ABO U T IT; I	
DIDN'T SAY	DIDN'T SAY	DIDN'T SAY	
HOW MANY	HOW MANY	HOW MANY	
TIMES. Q.	TIMES $\{o\}^p$	TIMES? Q.	
ABOUT HOW	ABOUT HOW	HOW	
OFTEN DID	OFTEN DID	OFTEN C DID	
YOU HEAR	YOU HEAR	YOU HEAR	
THAT? A. I	THAT $\{_{\mathbf{A}}\}^p$ I	HTHAT? A. I	
HEARD IT	HEARD IT	HEARD IT	
ONCE. Q. STATE	ONCE. _Q STATE	ON E CE Q. STATE	
WHETHER YOU	WHETHER YOU	WHETHER YOU	
DID OR DID	DID OR DID	DID OR DID	
NOT OBEY	NOT OBEY	NOT OBEY	
COUNSEL	COUNSEL	COUN S CIL	
THERE WITH	THERE WITH	THERE WITH	
REGARD TO	REGARD TO	REGARD TO	
THAT MATTER?	THAT MATTER	THAT MATTER?	
A. I DIDN'T AT	AI DIDN'T AT	A. I DID NOT AT	
THAT TIME. Q.	THAT TIME Q	THAT TIM E . Q.	
HOW LONG	HOW LONG	AND HOW LONG	
DID YOU	DID YOU	DID YOU	
REMAIN	REMAIN	REMAIN	
SILENT ? A.	SILENT A	SCSILENT? A.	
WELL I COULD	WELL I COULD	WELL, I COULD	
NOT TELL YOU	NOT TELL YOU	NOT TELL Y OU	

RT	RS	BT	PS

TITL CONT. II.	TITL CONT. II	TITLE CITY II	
EXACTLY. Q.	EXACTLY Q	EXACTLY. Q.	
HOW LONG	HOW LONG	HOW LONG	
WAS IT AFTER	WAS IT AFTER	WAS IT AFTER	
THIS	THIS	THIS	
TRANSACTION	TRANSACTION	TRANSACTION	
BEFORE YOU	BEFORE YOU	BEFORE YOU	
TOLD WHAT	TOLD WHAT	TOLD WHAT	
YOU HAVE	YOU HAVE	YOU HAVE	
SWORN TO	SWORN TO	SWORN TO	
HEAR ON THIS	HERE ON THIS	HERE ON THIS	
STAND? A. I	STAND AI	STAND? A. I	
GUESS IT WAS A	GUESS IT WAS	GUESS IT WAS A	
GOOD MANY	GOOD MANY	GOOD MANY	
YEARS —	YEARS	YEARS,	
SEVERAL	SEVERAL	SEVERAL	
YEARS. Q.	YEARS $[[33]]$ $\{_{\mathbf{Q}}\}^p$	YEARS. Q.	
DID YOU EVER	DID YOU EVER	DID YOU EVER	
TELL THIS	STATE	TELL IT UNTIL	
WITHIN THE	WITHIN	WITHIN THE	
LAST TWO	LAST TWO	LAST TWO	
YEARS? A. I	YEARS AI	YEARS? A. I	
DON'T KNOW	DON'T KNOW	DON'T KNOW	
THAT I HAVE.	AS I HAVE $\{A\}^p$	THAT I HAVE.	
Q. DID YOU	_Q DID YOU	Q. DID YOU EVER	
EVER TELL IT	EVER TELL AT	TELL IT TILL	
WITHIN THE	ALL WITHIN	WITHIN THE	
LAST YEAR ? A. I	LAST YEAR AI	LAST YEAR? A. I	
HAVE TOLD IT	HAVE TOLD	HAVE TOLD IT	
TO SOME THE	TO SOME	₩TO SOME THE	
LAST YEAR. Q.	LAST YEAR. Q	LAST YEAR. Q.	
WHO DID	WHOM DID	WHO DID	
YOU TELL THIS	YOU TELL THIS	YOU TELL THIS	
TO FIRST? A.	TO FIRST A	TO THE FIRST? A.	
I CAN'T	I CAN'T	I CAN&'T	
RECOLLECT	RECALL	RECOLLECT,	
WHEN I GOT	WHEN I GOT	ONLY I GOT	
TO	TO	ТО	
UNDERSTAND —	UNDERSTAND	UNDERSTAND—	
COUNSEL:	BY	—ВҮ М <u></u> ^{<u>R</u>}	
I	BISHOP I	BISH I OP: I	
DON'T CARE	DON'T CARE	DON'T CARE	
ABOUT ANY	ABOUT ANY	ABOUT ANY	
UNDERSTANDIN	UNDERSTANDI	UNDERSTANDIN	
G.	NG IF TELLING	G YOU HAVE.	

RT	RS	BT	PS

	TRUTH		
	BISHOP LEAD	RE-	
	ON.	EXAMINATION	
	BY	IN CHIEF Q.BY	
CAREY: Q.	CAREY.	M ^R CAREY: Q.	
HOW FAR DID	HOW FAR DID	HOW FAR DID	
YOU LIVE	YOU LIVE	YOU LIVE	
FROM	FROM	FROM	
HIGBEE'S ?	HIGBEE'S	HIGBEES? A. I	
	() n +	AM NOT	
A. I	$\{A\}^p$ I	CERTAIN. [89] A. I	
LIVE AT THE	LIVED AT THE	LIVED AT THE	
OLD FORT	OLD FORT	OLD FORT . ,	
WHEN HIGBEE	WHEN HIGBEE	WHEN HIGBEE	
WAS LIVING UP	WAS LIVING UP	WAS LIVING UP	
THERE IN	THERE IN	THERE . , IN	
WHAT IS	WHAT IS	WHAT IS	
CALLED THE	CALLED	CALLED THE	
NEW CITY. Q.	NEW CITY Q	NEW CITY. Q.	
DID YOU	DID YOU	DID YOU	
FREQUENTLY	FREQUENTLY	FREQUENTLY	
SEE HIS	SEE HIS	SEE HIS	
FAMILY? A.	FAMILY A	FAMILY? A.	
TWICE A WEEK.	TWICE A WEEK	TWICE A WEEK.	
Q. AND OF THIS	oIF THIS	Q . IF THOISE	
OLDEST	OLDEST	ELEVEN	
CHILD YOU	CHILD YOU	CHILDREN YOU	
SPOKE OF — DID	SPOKE OF HAD	SPOKE OF	
HE REMAIN	REMAINED	REMAINED	
THERE —	THERE.	THERE Q. IF THIS	
1112112	TILDICE.	SEVEN ELEVEN	
		YEAR OLD	
		CHILD YOU	
		SPOKE OF HAD	
		REMAIN R ED	
[268]		THERE	
AND DID YOU	oWOULD YOU	WOULD YOU	
EVER SEE IT	HAVE SEEN IT	HAVE SEEN IT	
AFTERWARDS?	AFTERWARDS	A T FTERWARDS?	
ALIEKWANDS!	BY	BY M ^R	
CUTUEDI AND.	SUTHERLAND	SUTHERLAND:	
SUTHERLAND:			
WE OBJECT TO	WE OBJECT TO	WE OBJECT TO	
HIS OPINION AS	HIS OPINION.	HIS OPINION.	
TO THAT			

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

RT	RS	BT	PS

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

ONLYONCE	ONI V ONCE	ONLY ONCE	
ONLY ONCE,	ONLY ONCE	ONLY ONCE	
BUT I SAW THE	AND I SAW THE	AND I SAW THE	
OTHER.	OTHER.	OTHER THERE	
Q. IF THAT IS	QIF	HIM THERE Q. IF	
THE ONLY ONE	THIS ONE	THIS ONE	
THAT	WOULD HAVE	WOULD HAVE	
REMAINED	REMAINED	REMAINED	
THERE WERE	THERE WERE	THERE WERE	
YOU IN A	YOU IN	YOU IN A	
SITUATION TO	SITUATION TO	SITUATION TO	
HAVE KNOWN?	HAVE KNOWN	HAVE KNOWN	
A. YES SIR, I	AYES SIR I	IT? A. YES, SIR, I	
	••	WOULD. BY M ^R	
WAS.	WOULD. BY		
	BISHOP HOLD	BISHOP: HOLD	
	ON THAT	ON—BUT THAT	
	IS ALL MR.	IS ALL MR.	
	BRADSHAW	BRADSHAW.	
		COURT	
		ADJOURNED.	
	BY COURT	JURY	
	GENTLEMAN	ADMONISHED	
	WANTS TO SEE	BY COURT.	
	ONE OF		
	JURORS.		
COURT	COURT	COURT	
COOKI	SHALL	COOKI	
ADJOURNED	ADJOURN	ADJOURNED	
UNTIL TO-	UNTIL TO	TILL TO—	
	UNTIL TO		
MORROW	MODNINIC)MORROW	
MORNING AT	MORNING	MORING AT	
NINE O'CLOCK.	9 O'CLOCK	9 O'CLOCK.	
	{ADJD TILL		
	TOMORROW		
	MORNING AT		
	9 AM. } ^p [space]		
	,		
	[[34]]	[90]	
WEDNESDAY,	WEDNESDAY,	WEDNESDAY,	
JULY 28TH	JULY 28TH	JULY 28TH,	
1875. 9	1875. 9.10	1875. 9 O' CLOCK	
A.M. [269]	AM. [space]	A.M.	
WEDNESDAY	Aivi. [space]	/ 1,1VI,	
JULY 28TH,			
1875. 9 O'CLOCK			

RT	RS	BT	PS

	CLERK READ		
	NAMES OF THE	HIDW CALLED	
	JURORS	JURY CALLED	
	ALL PRESENT.	ALL PRESENT.	
	920		
	PROSECUTION NOT IN COURT		
	NOT IN COURT		
	YET. COURT ORDERED		
	MARSHAL		
	CALL JUDGE		
	WHEADON		
	WILLIAM		
	CAREY. 922		
	PROSECUTORS		
	CAME INTO		
	COURT. BY		
	COURT CALL		
	THE NEXT		
	WITNESS.		
DODEDE		DODEDT	
	- 1		
′			
	_		
I ROBECTUION.			
	922 AM		
		BY MR. CAREY:	
		U. S. DIST.	
Q.	$\{\mathbf{Q}\}^{\mathrm{p}}$	ATTORNEY: Q.	
MR. KERSHAW	MR. KERSHAW	MR. KERSHAW	
WHERE DO	WHERE DO	WHERE F DO	
YOU RESIDE ? A.	YOU RESIDE A	YOU RESIDE? A.	
`		•	
MR. KERSHAW WHERE DO	CAREY≥ OUR NEXT WITNESS IS HERE WILL BE HERE IN MOMENT. [space] ROBERT KERSHAW OATH ADMINISTERE D BY CLERK. 922 AM {Q} ^P MR. KERSHAW WHERE DO	U. S. DIST. ATTORNEY: Q. MR. KERSHAW WHERE FDO	

A. EIGHTEEN	_A ABOUT 18	A. ABOUT I8	
YEARS. Q.	YEARS Q	YEARS. Q.	
STATE WHERE	STATE WHERE	STATE WHERE	
YOU WERE IN	YOU WERE	YOU WERE IN	
THE MONTH OF	MONTH OF	THE MONTH OF	
SEPTEMBER	SEPTEMBER	SEPTEMBER	
1857 ? A. I WAS	1857 AI WAS	'57? A. I WAS	
HERE IN	HERE IN	HERE IN	
BEAVER. Q.	BEAVER o	BEAVER. Q.	
STATE	STATE	STATE	
WHETHER	WHETHER YOU	WHETHER	
OR NOT YOU	≤ OR NOT ≥ YOU	OR NOT YOU	
SAW AN	SAW	REMEMBER AN	
EMIGRANT	EMIGRANT	EMIGRANT	
TRAIN CALLED	TRAIN CALLED	TRAIN CALLED	
THE ARKANSAS	ARKANSAS	THE ARKANSAS	
TRAIN PASS	TRAIN PASS	TRAIN PASSING	
THROUGH?	THROUGH	THROUGH	
A. I DID.	HERE AI DID	HERE?	
Q. STATE WHEN	Q≤TELL WHEN		
IT WAS IF	IT WAS IF		
YOU KNOW?	<i>YOU</i> [?] KNOW≥		
A. I THINK IT	_Q I THINK IT	A. I THINK IT	
WAS ABOUT	WAS ABOUT	WAS ABOUT	
THE FIRST	FIRST	THE FIRST	
OF THE MONTH.	OF THE MONTH	OFTHE MONTH,	
		BUT COULD NOT	
		TELL WHEN IT	
		WAS EXACTLY?	
Q. STATE ABOUT	_Q ABOUT	Q. ABOUT	
HOW LARGE A	HOW LARGE	HOW LARGE A	
TRAIN OF	TRAIN OF	TRAIN OF	
WAGONS ? A.	WAGONS $\{A\}^p$	WAGONS? A.	
THERE WAS	THERE WAS	THERE WAS	
THIRTY ONE.	31	3I 3 I/	
Q. DO YOU	_Q DO YOU	Q . DO YOU	
KNOW HOW	KNOW HOW	KNOW HOW	
MANY PEOPLE	MANY PEOPLE	MANY PEOPLE	
THERE WAS ? A.	THERE WERE A	THERE WERE? A.	
I DO NOT; I WAS	I DON'T I WAS	I DO NOT. I WAS	
OUT TO THE	OUT AT	OUT AT THEIR	
CAMP	CAMP	CAMP	
SOUTHWEST.	SOUTHWEST.	SOUTH WEST OF	
Q. TELL US	QTELL US	HERE. Q. TELL US	

	RT	RS	BT	PS
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SOMETHING	SOMETHING	SOMETHING	
AS TO THEIR	{AS TO THEIR} ^p	AS TO THE	
NUMBERS, AS	NUMBERS AS	NUMBERS AS	
NEAR AS YOU	NEAR AS YOU	NEAR AS YOU	
CAN	CAN	CAN	
REMEMBER, IF	REMEMBER IF	REMEMBER, IF	
YOU HAVE	YOU HAVE	Y O U HAVE	
ANY OPINION?	ANY OPINION	ANY OPINION?	
A. I SHOULD	$\{_{\mathbf{A}}\}^{p}$ I SHOULD	A. I SHOULD	
SUPPOSE	SUPPOSE	SUPPOSE	
THERE WAS ONE	THERE WAS	THERE WAS A	
HUNDRED	HUNDRED	HUNDRED	
OR MORE, BUT	≤100≥ OR MORE	OR MORE;	
IT IS	IT IS	IT IS	
SOMETHING I	SOMETHING I	SOMETHING I	
COULD NOT	COULD NOT	COULD NOT	
TELL	TELL	TELL	
ANYTHING	ANYTHING	ANYTHING	
ABOUT,	ABOUT	MUCH ABOUT:	
MEN, WOMEN	MEN WOMEN	MEN WOMEN	
AND	AND	AND	
CHILDREN	CHILDREN,	CHILDREN,	
MIDDLE AGED	MIDDLE AGED	MIDDLE AGED	
AND OLD	AND OLD	AND OLD	
PEOPLE. Q.	PEOPLE o	PEOPLE. Q.	
WHAT KIND OF	WHAT KIND OF	WHAT KIND OF	
TEAMS DID	TEAMS DID	TEAMS DID	
THEY HAVE?	THEY HAVE	THEY HAVE?	
A.	$\{\mathbf{A}\}^{p}$	A. PRI NCILAPP	
PRINCIPALLY	PRINCIPALLY	PRINCIPALLY	
OX TEAMS. Q.	OX TEAMS. o	OX TEAMS. Q.	
HOW MANY	HOW MANY	HOW MANY	
YOKE TO THE	YOKE TO	YOKE TO THE	
WAGON ? [270] A.	WAGON A	WAGON? A.	
TWO TO THREE	2 TO 3	TWO OR THEREE	
YOKE. Q. STATE	YOKE. oSTATE	YOKE. Q. STATE	
WHETHER	WHETHER	WHET HE R	
THERE WAS	THERE WAS	THERE WAS	
ANY OTHER	ANY OTHER	ANY OTH E R	
STOCK ? A.	STOCK $\{A\}^p$ YES	STOCK? A.	
YES, THEY	THEY HAD	YES, THEY	
HAD MULES	MULES AND	HAD MULES	
AND HORSES	HORSES,	AND HORSES	
AND THEY HAD	THEY HAD	AND THEY HAD	
AND THE LIAD	THETHAD	AND HILLHAD	

RT RS BT PS

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

RT	RS	ВТ	PS
FORBID US TO	FORBID US TO	FORBID US TO	
TO A DE ANIX	TID A DID A DIX	TED A DEL ANIXA	

FORBID US TO	FORBID US TO	FORBID US TO	
TRADE ANY	TRADE ANY	TRADE ANY	
	BREADSTUFF		
PRODUCE	<produce></produce>	PRODUCE	
WITH THEM	WITH THEM	WITH THEM	
WHATEVER,	WHAT EVER	WHATEVER	
		WHATEVER AND	
UNDER	UNDER	T UNDER	
PENALTY OF	PENALTY OF	PENALTY OF	
BEING CUT OFF	BEING CUT OFF	BEING CUT OFFF	
FROM THE	FROM THE	FROM THE	
CHURCH. Q.	CHURCH o	CHURCH. [91] Q.	
DID YOU	DID YOU	DID YOU	
KNOW	KNOW	KNOW	
WHETHER ANY	WHETHER ANY	WHETHER ANY	
ONE HAD	ONE HAD	ONE DID	
TRADED WITH	TRADED WITH	TRADE WITH	
THEM OR NOT?	THEM OR NOT	THEM OR NOT?	
A. THERE WAS	ATHERE WAS	A. THERE W I AS	
ONE MAN	ONE MAN	ONE MAN	
TRADED A	TRADED $\{A\}^p$	TRADED A	
SMALL CHEESE	SMALL CHEESE	SMALL CHEESE	
WITH THEM,	WITH THEM.	TO THEM. Q.	
HIS	≪WHAT IS HIS>	WHAT IS HIS	
NAME	HIS NAME A	NAME? A. HIS	
IS JOHN	IS JOHN	NAME IS JOHN	
MORGAN Q.	MORGAN. Q	MORGAN. Q.	
WHAT DO YOU	WHAT DO YOU	WHAT DO YOU	
KNOW OF	KNOW ABOUT	KNOW A B OUT	
THAT	THAT	THAT	
TRANSACTION?	TRANSACTION	TRANSACTION?	
A. HE	$\{A\}^{p}$ YES HE	A. YES, HE	
WAS CUT OFF	WAS CUT OFF	WAS CUT OFF	
THE CHURCH	CHURCH	THE CHURCH	
ABOUT TWO	ABOUT 2	ABOUT TWO	
WEEKS	WEEKS	WEEKS	
AFTERWARDS. ²⁶⁶	AFTER.	AFTER.	
Q. DID YOU	_Q DID YOU	Q. DID YOU	
EVER SEE ANY	EVER SEE ANY	EVER SEE ANY	
OF THOSE	OF THOSE	OF THOSE	
CHILDREN	CHILDREN	CHILDREN	
AFTER THE	AFTER THE	AFTER THE	

^{266.} John Morgan was not excommunicated.

RT RS BT PS

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

RT	RS	BT	PS

WHICH	WHICH	THEM? WHICH	
WAY DID HE	WAY DID HE	WAY DID HE	
GO FROM HERE?	GO FROM HERE	GO FROM HERE?	
A. HE WAS	$\{_{\mathbf{A}}\}^{p}$ HE WAS	A. HE WAS	
GOING SOUTH .	GOING SOUTH;	GOING SOUTH.	
Q. YOU ARE	≤ _O YOU ARE	Q. YOU ARE	
CERTAIN?	ČERTAIN≻		
A. PRETTY	PRETTY	PERETTY	
CERTAIN HE	CERTAIN HE	CERTAIN HE	
WAS; I HAVE	WAS AI HAVE	WAS? A. I HAVE	
NO	NO	NO	
RECOLLECTION	RECOLLECTIO	RECOLLECTION	
OF HIS	N OF HIS	OF HIS	
RETURNING AT	RETURNING AT	RETURNING AT	
ALL. Q. STATE	ALL. o STATE	ALL. Q. STATE	
WHETHER YOU	WHETHER YOU	WHETHER YOU	
KNOW OF ANY	KNOW OF ANY	KNOW OF ANY	
OTHER	OTHER	OTHER	
PERSON'S	PERSONS	PERSONS	
SELLING THEM	SELLING THEM	SELLING THEM	
ANYTHING —	ANYTHING.	ANYTHING?	
LET ME CALL	LET ME CALL	LET ME CALL	
YOUR	YOUR	YOUR	
ATTENTION TO	ATTENTION TO	ATTENTION TO	
THIS — DID	THIS $\{Q\}^p$ DID	THIS: DID	
YOU SELL	YOU SELL	YOU SELL	
THEM	THEM	THEM	
ANYTHING A.	ANYTHING A.	ANYTHING? A.	
NO SIR.	NO SIR ^{[[35]]}	NO, SIR,	
THEY APPLIED	THEY APPLIED	THEY APPLIED	
TO ME FOR	TO ME FOR	TO ME FOR	
PRODUCE,	PRODUCE,	PRODUCE,	
THE WHOLE	{THE} ^p WHOLE	THE WHOL D E	
COMPANY	COMPANY	COMPANY	
STOPPED	STOPPED	STOPPED	
RIGHT IN	RIGHT IN	RIGHT IN	
FRONT OF MY	FRONT OF MY	FROMNT OF MY	
HOUSE. I HAD	HOUSE I HAD	HOUSE; I HAD	
A VERY	$\{A\}^p$ VERY	A VERY	
GOOD GARDEN;	GOOD GARDEN	GOOD GARDEN.	
	{THE} ^p	THE	
THEY	COMPANY AS	COMPANY	
STOPPED IN	IT STOPPED IN	STOPPED IN	
FRONT OF THE	FRONT OF THE	FRONT OF THE	

RT	RS	BT	PS

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

RT	RS	BT	PS

DEGOT FORMAL	DEGOT LEGETO	DEGGT LEGETON	1
	RECOLLECTIO	RECOLLECTION	
	N SERVES ME	SERVES ME ,	
	IT WAS NOT	IT WASN'T	
-	MORE THAN	MORE THAN	
55-57	3 DAYS I	THREE DAYS, I	
KNOW [272] THEY	KNOW WE	KNOW WE	
	EXPECTED THE	EXPECTED THE	
COMPANY	COMPANY	COMPANY	
DAILY AFTER	DAILY AFTER	DAILY AFTER	
HE WAS HERE.	HE WAS HERE.	HE WAS HERE.	
Q.	Q	^[92] Q.	
	WHEREABOUT	WHERE ABOUTS	
DO YOU SAY	S YOU SAY	DO YOU SAY	
THEY CAMPED?	THEY CAMPED	THEMY CAMPED	
A. AFTER	AFTER	AFTER	
PASSING	PASSING	PASSING	
THROUGH	THROUGH	THROUGH	
TOWN THEY	TOWN	TOWN?	
CAMPED	CAMPED	A. CAMPED	
NEAR	$\{_{\mathbf{A}}\}^{\mathbf{p}}$ WENT	NEAR	
ABOUT HALF A	ABOUT HALF A	ABOUT A HALF A	
MILE BELOW	MILE BELOW	MILE BELOW	
HERE ON THE	HERE ON THE	HERE ON THE	
OTHER SIDE OF	OTHER SIDE	OTHER SIDE OF	
A LITTLE	A LITTLE	A LITTLE	
PLACE	CREEK	CREEK	
CALLED	CALLED	CALLED	
SPRING CREEK.	SPRING CREEK	SPRING CREEK	
Q. WHEN YOU	OWHEN YOU	Q. WHEN YOU	
•	WENT OUT	•	
	DID YOU	THERE DID YOU	
SEE ANY	SEE ANY	SEE ANY	
OTHER	OTHER	OTHER	
		CITIZEN OF	
	YES SIR THERE		
*		WAS O OTHERS	
`	*	DIDYOU SEE	
	· /		
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	HERE ON THE OTHER SIDE A LITTLE CREEK CALLED SPRING CREEK QWHEN YOU WENT OUT DID YOU SEE ANY OTHER CITIZENS OF BEAVER {A}	HERE ON THE OTHER SIDE OF A LITTLE CREEK CALLED SPRING CREEK Q. WHEN YOU WENT OUT THERE DID YOU SEE ANY OTHER CITIZEN OF BEAVER? A. YES, SIR, THERE WASO OTHERS THERE. Q.	

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

RT	RS	BT	PS

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

RT	RS	BT	PS

WITH SOME	WITH	WITH THE	
EMIGRANTS. [273]	EMIGRANTS.	EMIGRANTS.	
	BY	BY $\mathbf{M}^{\mathbf{R}}$	
SUTHERLAND:	SUTHERLAND	SUTHERLAND: IN	
IN THIS	IN THIS	THIS	
INDICTMENT	INDICTMENT	INDICTMENT	
THE MODE OF	MODE OF	THE MODE OF	
KILLING IS	KILLING IS	KILLING IS	
SPECIFIED	SPECIFIED	SPECIFIED	
WITH GUNS AND	WITH GUNS	WITH GUNS	
NOT BY	NOT BY	NOT WITH	
STARVATION.	STARVATION.	STARVATION.	
COURT:	BY COURT	BY THE COURT:	
THERE IS NO	THERE IS NO	THERE IS NO	
PROOF	PROOF	PROOF THAT	
THERE WAS	THERE WAS	THERE WAS	
ANY	ANY	ANY	
STARVATION.	STARVATION	STARVATION.	
IF THE OBJECT	IF OBJECT	IF THE OBJECT	
IS KILLING, IT IS	IS KILLING	WAS TO KILL	
NO MATTER	NO MATTER	NO MATTER	
WHETHER IT IS	WHETHER IT IS	WHETHER BY	
BY CLUBS,	BY CLUBS	CLUBS CLUDS	
GUNS, OR BY	GUNS OR	OR GUNS A OR	
ARROWS OR	ARROWS OR	ARROWS — NO	
WHAT T	WHAT	MATTER WHAT	
IT WAS. I	IT WAS. I	IT IS I	
DID NOT	DID NOT	ED ON'T	
DESIRE TO	DESIRE TO	DESIRE TO	
STATE BEFORE	STATE BEFORE	STATE BEFORE	
THE JURY	THE JURY	THE JURY	
WHETHER THE	WHETHER THE	WHETHER THE	
COMBINATION	COMBINATION	POINT	
WAS PROVED	WISH PROVED	IS PRO C VED;	
OR NOT, BUT I	I	I	
HAVE NO	HAVE NO	HAVE NO	
DOUBT ABOUT	DOUBT ABOUT	DOUBT ABOUT	
IT AT ALL. IT IS	AT ALL	IT AT ALL —	
SATISFACTORIL	SATISFACTORI	SATISFACTORILL	
Y PROVED TO	LY PROVED TO	Y PROOVED TO	
MY MIND.	MY MIND	MY MIND.	
	ANYTHING		
	THAT IS		
	FOUNDED ON		

	I	I	I I
	THAT WILL BE		
	ADMITTED		
	WHEREFORE[?]	DXX N/R	
CHEHEDI AND	BY	BY M ^R	
SUTHERLAND:	SUTHERLAND	SUTHERLAND:	
THERE OUGHT	THERE OUGHT	THERE OUGHT	
TO BE SOME	TO BE SOME	TO BE SOME	
PROOF OF	PROOF OF	PROOF OF THAT	
THAT KIND.	THAT KIND.	KIND.	
	{COURT} ^p	BY COURT: THAT	
	THAT WAS MY	WAS IS MY VIEW	
	VIEW IN	IN	
	REGARD TO	REGARD TO	
	THAT MATTER	TH AT E MATTER.	
	BY CAREY IF	BY M ^R CAREY: IF	
	COURT	THE COURT	
	PLEASE WE	PLEASE, WE	
	ARE THROUGH	ARE THROUGH	
	WITH THIS	WITH THIS	
	WITNESS I	WITNESS. I	
	DO NOT KNOW	DON'T KNOW	
	WHAT THEY	WHAT THEY	
	ARE	ARE	
	OBJECTING TO	OBJECTING TO.	
	BY COURT TO		
	DEFENSE TAKE		
	THE WITNESS		
	[space]		
	{BY SPICER	^[93] BY SPICER:	
CROSS-	XEXAMINATIO	CROSS-	
EXAMINED.	N} ^p SPICER	EXAMINATION	
	CROSS	BY MR. SPI V CER	
	EXAMINED MR.		
	KERSHAW		
Q. I	$\{\mathbf{Q}\}^{\mathbf{p}}$ I	Q. I	
UNDERSTOOD	UNDERSTOOD	UNDERSTOOD	
YOU TO SAY	YOU TO SAY	YOU TO SAY	
YOU WERE	YOU WERE	THAT W YOU	
RESIDING AT	RESIDING	WERE RESIDING	
BEAVER AT	BEAVER AT	AT BEAVER AT	
THAT TIME IN	THAT TIME	THAT TIME IN	
SEPTEMBER	SEPTEMBER		
1857 ? A. YES	_A 57 YES	'57? A. YES,	
SIR. Q. WERE	SIR _Q WERE	SIR. Q. WERE	

	RT	RS	BT	PS
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			1
YOU AT CEDAR	YOU AT CEDAR	YOU AT CEDAR	
CITY THAT	CITY THAT	CITY AT THAT	
MONTH OR	MONTH OR	MONTH OR	
THAT FALL?	THAT [[36]] FALL	THAT FALL?	
A. NO SIR, I	$\{_{\mathbf{A}}\}^{p}$ NO SIR I	A. NO, SIR, I	
WAS NOT. Q. I	WAS NOT $_{\mathbf{Q}}\{\mathbf{I}\}^{\mathbf{p}}$	WAS NOT. Q. I	
UNDERSTOOD	UNDERSTOOD	UNDERSTOOD	
YOU ALSO TO	YOU ALSO TO	YOU ALSO TO	
SAY THAT YOU	SAY YOU	SAY, YOU	
VISITED THIS	VISITED THIS	VISITED THIS	
CAMP OF	CAMP OF	CAMP OF	
EMIGRANTS	EMIGRANTS;	EMIGRANT S .	
WEREABOUTS	WEREABOUTS	WHEREABOUTS	
WERE THEY	WERE THEY	WERE THEY	
CAMPED ? A.	CAMPED $\{_{\mathbf{A}}\}^p$	CAMPED? A.	
ABOUT HALF A	ABOUT HALF	ABOUT A HALF A	
MILE BELOW	MILE BELOW	MILE BELOW	
THE CREEK	CREEK,	THE CREEK—	
THE OTHER SIDE	OTHER SIDE	THE OTHER SIDE	
OF THE CREEK	OF CREEK	OF THE CREEK—	
	SOUTH BELOW	SOUTH BELOW	
	CREEK	THE CREEK—	
BEAVER RIVER.	BEAVER RIVER	BEAVER RIVER.	
Q. HOW LONG	_o HOW LONG	Q. HOW LONG	
DID THEY	DID THEY	DID THEY	
CAMP THERE ?	CAMP THERE	CAMP THERE?	
A. CAMPED	$\{_{\mathbf{A}}\}^{p}$ CAME	A. CAME	
HERE ABOUT	HERE ABOUT	HERE ABOUT	
10 OR 11	10 OR 11	TEN OR ELEVEN	
O'CLOCK	O'CLOCK	O'CLOCK ON	
SATURDAY,	SATURDAY,	SATURDAY,	
LEFT SUNDAY	LEFT SUNDAY	LEFT SUNDAY	
ABOUT ONE	ABOUT TEN	ABOUT TWO	
O'CLOCK. Q.	O'CLOCK o	O'CLOCK. Q.	
WHERE WERE	WHERE WERE	WHERE WERE	
YOU LIVING?	YOU LIVING	YOU LIVING	
A. HERE IN	HERE IN	HERE IN	
TOWN, ON	TOWN $\{_{\mathbf{A}}\}^p$ ON	TOWN? A. ON IN	
THE LOWER	THE LOWER	THE LOWER	
PART OF THE	PART OF	PART OF	
TOWN A	TOWN	TOWN;	
QUARTER OF A	QUARTER OF	QUARTER OF A	
MILE	MILE	MILE	
PROBABLY. Q.	PROBABLY. Q	PROBABLY. Q.	

RT RS BT PS

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

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

	RT	RS	BT	PS
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SQUARE IN	SQUARE IN	SQUARE IN
PUBLIC. Q.	PUBLIC. $\{\mathbf{o}\}^{\mathbf{p}}$	PUBLIC. Q.
WAS THERE	WAS THERE	WAS THERE
ANY OTHER	ANY OTHER	ANY OTHER
CIRCUMSTANCE	CIRCUMSTANC	CIRCUMSTANCE
S TOOK	ES TOOK	TOOK
PLACE THAT	PLACE THAT	PLACE THAT
BROUGHT	BROUGHT TO	BROUGHT TO
YOUR	YOUR	YOUR
KNOWLEDGE TO	KNOWLEDGE	KNOWLEDGE
COMING OF	THE COMING	THE COMING OF
THIS	THIS	THIS
EMIGRANT	EMIGRANT	11115
TRAIN? A. I	TRAIN $\{_{\mathbf{A}}\}^{\mathbf{p}}$ I	TRAIN? A. I
HAVE NO	HAVE NO	HAVE NO
RECOLLECTION	RECOLLECTIO	RECOLLECTION
OF	N OF	OF
ANYTHING	ANYTHING	ANYTHING
ELSE. Q. WAS	ELSE WAS	ELSE. [94] Q. WAS
THERE ANY	THERE ANY	THERE ANY
INSTRUMENT,	INSTRUMENT	EXCITEMENT
CARD OR	CARD OR	OCCURRED
LETTER OF	LETTER	FROM
THEIR	OVER[?] THEIR	THEIR
COMING?	COMING	COMING?
A. NONE	$\{_{\mathbf{A}}\}^{p}$ NONE	A. NONE
THAT I KNOW	THAT I KNOW	THAT I KNOW
OF. Q. YOU	$OF \{_{0}\}^p YOU$	OF. Q. YOU
SAY THEN IT	SAY THEN IT	SAY THEN IT
WAS NOTHING	WAS NOTHING	WAS NOTHING
BUT THE	BUT THE	BUT THE
REMARKS OF	REMARKS OF	REMARKS OF
GEORGE A.	GEORGE A	GEORGE A.
SMITH THAT	SMITH	SMITH
BROUGHT THE	BROUGHT	BROUGHT THE
KNOWLEDGE	KNOWLEDGE	KNOWLEDGE
OF THEIR	OF THEIR	OF THEIR
COMING ? [275] A.	COMING $\{A\}^p$	COMING? A.
YES SIR. Q.	YES SIR.	YES , SIR Q.
I WILL	WELL QI WILL	WELL, I WILL
ASK YOU IF	ASK YOU IF	ASK YOU IF
YOU DIDN'T	YOU DIDN'T	YOU DIDN'T
HEAR OF THEM	HEAR OF THEM	HEAR OF THEM
THROUGH	THROUGH	THROUGH

RT	RS	BT	PS

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

RT	RS	BT	PS

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

RT	RS	BT	PS

	1	1	
CALLED	CALLED	CALLED THEM	
TOGETHER, BUT	TOGETHER.	TOGETHER.	
I DON'T KNOW	I DON'T KNOW	I DON'T KNOW	
THAT ON THIS	THAT ON THIS	THAT ON THIS	
OCCASION	OCCASION	OCCASION ,	
THEY WERE	THEY WERE	THEY WERE	
SPECIALLY	SPECIALLY	ESPECIALLY	
CALLED	CALLED	CALLED	
TOGETHER AT	TOGETHER AT	TOGETHER — AT	
THAT TIME.	THAT TIME	THAT TIME.	
Q. YOU SAY	_Q YOU SAY	Q. YOU SAY	
GEORGE A.	GEORGE	GEORGE A.	
SMITH	SMITH	SMITH	
DIRECTED	DIRECTED	DIRECTED,	
THAT THEY	THAT THEY	THAT THEY	
SHOULD NOT	SHOULD NOT	SHOULD NOT	
TRADE WITH	TRADE WITH	TRADE WITH	
THE EMIGRANT	EMIGRANT	THE EMIGRANT	
PEO PLE ? A. YES	PEOPLE AYES	PEOPLE? A. YES,	
SIR. [276] Q. WHAT	SIR $\{o\}^p$ WHAT	SIR. Q. WHAT	
REASON DID	REASON DID	REASON DID	
HE GIVE OR	HE GIVE AHE	HE GIVE? A. HE	
SPEAK OF ? A.	SPOKE {OF} ^p	SPOKE OF	
THAT			
JOHNSON'S	JOHNSTON'S	JOHNSON'S	
ARMY BEING ON	ARMY BEING	ARMY BEING	
THE ROAD	ON THE ROAD;	ON THE ROAD.	
WE	WE	AND THAT WE	
SHOULD WANT	SHOULD WANT	SHOULD WANT	
ALL THE	ALL THE	ALL THE	
GRAIN WE HAD	GRAIN WE HAD	GRAIN WE HAD	
HERE FOR	HERE FOR	HERE . , AND	
SUPPLIES AND	SUPPLIES	SUPPOSED THE	
THE PEOPLE	PEOPLE	PEOPLE PEOLLE	
MIGHT HAVE	MIGHT HAVE	MIGHT HAVE	
TO GO	TO GO ^{[[37]]}	TO GO	
INTO THE	INTO	INTO THE	
MOUNTAINS,	MOUNTAINS	MOUNTAINS;	
AND THE		THE	
PEOPLE MIGHT	PEOPLE MIGHT	PEOPLE MIGHT	
NOT BE ABLE TO	NOT BE ABLE	NOT BE ABLE TO	
RAISE ANY	TO RAISE ANY	RAISE ANY	
MORE BREAD	MORE BREAD	MORE GRAIN	
FOR YEARS;	FOR YEARS	FOR A YEARS;	

RT	RS	BT	PS

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

RT	RS	BT	PS

PROSECUTION	OBJECTED		
AGAIN	BY CAREY.	BY MR. CAREY:	
OBJECTED TO	DI CIMEI.	WE OBJECT TO	
THE QUESTION.		THE QUESTION	
NO RULING.		OBJECTION	
A.		OVERRULED. A.	
I COULD NOT	I COULD NOT	I COULD NOT	
TELL YOU.	TELL YOU	TELL YOU,	
PROSECUTION	{CAREY} ^p	$\mathbf{M}^{\mathbf{R}}$ CAREY:	
TO WITNESS:	(CARE I)	WI CARET.	
DON'T	DON'T	DON'T	
ANSWER ANY	ANSWER ANY	ANSWER ANY	
SUCH	SUCH	SUCH	
RIDICULOUS	RIDICULOUS	DRIDICULOUS	
QUESTIONS. BISHOP:	QUESTIONS BY CAREY { BP } ^p	QUESTIONS. BY M ^R BISHOP:	
	()		
WE WILL URGE	WE'LL URGE	WE WILL URGE	
THAT	THAT	THAT	
QUESTION,	QUESTION	QUESTION,	
YOUR HONOR,	YOUR HONOR	YOUR HONOR	
WITHOUT ANY	WITHOUT	WITHOUT	
ARGUMENT, AS	ARGUMENT AS	ARGUEMEN T , AS	
TO WHERE	TO WHERE	TO WHERE	
JOHNSON'S	JOHNSTON'S	JOHNSON'S	
ARMY WAS.	ARMY WAS?	ARMEY WAS.	
COURT:	BY COURT	BY THE COURT:	
HE ANSWERED	HE ANSWERED	W HE ANSWERED	
THAT	THAT	THAT	
QUESTION, HE	QUESTION HE	QUESTION. HE	
SAID HE	SAID HE	SAID HE	
DIDN'T KNOW.	DIDN'T KNOW.	DIDN'T KNOW.	
Q. ARE YOU	_Q ARE YOU	Q. ARE YOU	
ACQUAINTED	ACQUAINTED	ACQUAINTED	
WITH JOHN	WITH JOHN	WITH JOHN	
MORGAN? A.	MORGAN A	MORGAN? A.	
YES SIR. Q. HOW	YES SIR QHOW	YES, SIR. Q. HOW	
LONG AFTER	LONG AFTER	LONG AFTER	
THIS TIME YOU	THIS TIME YOU	THIS TIME YOU	
SAY IT WAS	SAY IT WAS	SAY IT WAS	
THAT HE WAS	HE WAS	HE WAS	
CUT OFF ? [277] A.	CUT OFF A	CUT OFF? A.	
I THINK ABOUT	I THINK ABOUT	I THINK A B OUT	
TWO WEEKS.	2 WEEKS	TWO WEEKS	
Q.	AFTER. Q	AFTER. Q.	

RT	RS	BT	PS

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

	RT	RS	BT	PS
--	----	----	----	----

	1	1	
TRADING WITH	TRADING WITH	TRADING WITH	
THE EMIGRANT	EMIGRANT	THE EMIGRANT	
TRAIN. Q. WAS	TRAIN _Q WAS	TRAIN. W Q. WAS	
THAT	THAT	THAT	
ANNOUNCED	ANNOUNCED	ANNOUNCED	
AS THE CAUSE ?	AS THE CAUSE	AS A CAUSE?	
A. IT WAS SAID	ASAID	A. SAID	
HE TRADED	HE TRADED	HE TRADED	
A CHEESE	$\{A\}^p$ CHEESE	A CHEESE	
WITH THEM	WITH THEM	WITH THEM	
FOR A	FOR A	FOR A	
BED-QUILT. Q.	BED QUILT. Q	BED QUILT. Q.	
WHO PRESIDED	WHO PRESIDED	WHO PRESIDED	
AT THAT	AT THAT	HERE AT THAT	
TIME ? A.	TIME $\{A\}^p$	TIME? A.	
BISHOP	BISHOP	BISHOP	
FARNSWORTH.	FARNSWORTH	FARNSWORTH.	
Q. WAS <it></it>	_Q WAS IT	Q. WAS IT IT	
BISHOP	BISHOP	BISHOP	
FARNSWORTH	FARNSWORTH	FARNSWORTH	
THAT	THAT	THAT	
FORMALLY	PROMULGATE	PROMULGATED	
ANNOUNCED	D ANNOUNCED	OR ANNOUNCED	
THE ORDER TO	ORDER	THE ORDER OF	
CUT HIM	CUTTING HIM	CUTTINGHIM	
OFF ? A. YES SIR.	OFF AYES SIR	OFF? A. YES, SIR.	
Q. DO YOU	$\{_{\mathbf{Q}}\}^{p}$ DO YOU	Q. DO YOU	
REMEMBER	REMEMBER	REMEMBER	
ANY ONE ELSE	ANY ONE ELSE	ANYONE ELSE	
PRESENT AT	PRESENT AT	PRESENT AT	
THAT TIME ?	THAT MEETING	THAT MEETING?	
A. I COULD NOT	AI COULD NOT	A. I COULD NOT	
REMEMBER	REMEMBER	REMEMBER	
WHO WAS	WHO WAS	WHO WAS	
THERE, BUT I	THERE I	THERE? I	
COULD TELL	COULD TELL	COULD TELL	
YOU WHO THEY	YOU THEY	YOU WHO THEY	
SAID WAS	SAID WAS	SAID WAS	
THERE	THERE	THERE	
AFTERWARDS.	AFTERWARDS.	AFTERWARDS. Q.	
Q. DO YOU	_Q DO YOU	DO YOU	
REMEMBER	REMEMBER	REMEMBER	
WHO THE	WHO	HWHO THE	
BISHOP'S	BISHOP'S	BISHIOPS	

	RT	RS	BT	PS
--	----	----	----	----

	T	T	
COUNSELORS	COUNSELORS	COUNCILLORS	
WERE AT THAT	WERE AT THAT	WERE AT THAAT	
TIME ? A. A MAN	TIME $\{A\}^p$ MAN	TIME? A. A MAN	
NAMED TYLER,	NAMED TYLER	NAMED TYLER	
AND A MAN	MAN	AND A MAN	
NAMED	NAMED	NAMED	
ROGERS,	ROGERS	ROGERS—	
ORSON TYLER.	ORSON TYLER.	ORSON TYLER.	
^[278] Q. WERE	AWERE	Q. WERE	
THEY PRESENT?	THEY PRESENT	THEY PRESENT?	
A. I COULD	$\{_{\mathbf{A}}\}^{p}$ I COULD	A. I COULDNOT	
NOT SAY,	NOT SAY	₩SAY,	
PROBABLY	PROBABLY	PROBABLE	
THEY WERE.	THEY WERE.	THEY WERE?	
Q. CAN YOU	$\{_{\mathbf{Q}}\}^{p}$ CAN YOU	Q. CAN YOU	
NAME ANY	NAME ANY	NAME S ANY	
ONE ELSE	ONE ELSE	ONE ELSE	
BESIDES	BESIDES	BESIDES	
YOURSELF	YOURSELF	YOURSELF	
PRESENT	PRESENT	BEING PRESENT	
AT THAT	AT THAT	AT THAT	
TIME ?	TIME	MEETING?	
A. I CAN	$\{_{\mathbf{A}}\}^{p}$ I CAN	A. I H CAVE CAN	
NAME PARTIES	NAME PARTIES	NAME PARTIES	
I HAVE HEARD	I HAVE HEARD	I HAVE HEARD	
TALK OF IT .	TALK OF IT	TALK OF IT. [96]	
Q. CAN YOU	<can td="" you<=""><td>Q. CAN YOU</td><td></td></can>	Q. CAN YOU	
NAME THE	NAME	NAME	
PARTIES OF	PARTIES OF	PARTIES OF	
YOUR OWN	YOUR OWN	YOUR OWN	
KNOWLEDGE	KNOWLEDGE	KNOWLEDGE	
PRESENT AT	PRESENT AT	YOU SEEN SAW	
THAT TIME	THAT TIME>	AT THAT TIME?	
		MEETING?	
A. I DON'T	DON'T	A. I DON'T	
KNOW ANY OF	KNOW ANY	KNOW ANY	
THE PARTIES OF	PARTIES OF	PARTIES OF	
MY OWN	MY OWN	MY OWN	
KNOWLEDGE	KNOWLEDGE	KNOWLEDGE	
THAT WAS	THAT WAS	AT	
PRESENT. Q.	PRESENT.	PRESENT. Q.	
WAS YOU A	WAS YOU A	WASERE YOU A	
MEMBER OF THE	MEMBER OF	MEMBER OF THE	
CHURCH AT	CHURCH AT	CHURCH AT	

RT	RS	BT	PS

TILL TO THE O		THE THE THE	
THAT TIME ?	THAT TIME	THAT TIME?	
A. I DON'T	${A}^1 I DON'T$	A. I DON'T	
KNOW THAT I	KNOW THAT I	KNOW THAT I	
AM OBLIGED	AM OBLIGED	AM OBLIGED	
TO ANSWER	TO ANSWER	TO ANSWER	
A QUESTION	{ A } ⁱ QUESTION	A QUESTION	
OF THAT KIND.	OF THAT KIND	OF TH AT KIN D .	
	BY WITNESS I		
	DO NOT KNOW	DON'T THINK	
	I AM OBLIGED	I AM OBLIGED	
	ANSWER OF	TO ANSWER	
	THAT	THAT	
CDICED I	KIND	QUESTION	
SPICER: I	<spicer></spicer>	BY M ^R SPICER:	
ENDORSE THE	HE HAS	HE HAS THE	
WITNESSES	RIGHT NOT TO	RIGHT NOT TO	
OBJECTION TO	ANSWER	ANSWER,	
ANSWERING.	QUESTIONS	QUESTIONS	
	ABOUT WOULD	THAT WOULD	
	CRIMINATE	CRIMINATE	
	HIMSELF. BY	HIMSELF. BY M ^R	
	CAREY	CAREY:	
	I WILL	WE WILL	
	ACCEPT THAT	ACCEPT THAT	
	AMENDMENT	AMENDMENT	
	OF SPICERS.	OF M^{R} SPICERS.	
WITNESS: I	—[?] [space] I	A. I	
WILL ANSWER	WILL ANSWER	WILL ANSWER	
WILLANSWER	ARE YOU	HE	
IE THE		IF	
IF THE	MEMBER <if< td=""><td></td><td></td></if<>		
GENTLEMEN	HE	HE	
WILL ASK ME	WILL ASK ME	WILL ASK ME	
IF I AM A	IF I AM	AS TO	
MEMBER OF THE			
CHURCH NOW.	NOW>	NOW?	
Q. ARE YOU A		Q. ARE YOU A	
MEMBER NOW?	YES SIR	MEMBER NOW?	
A. NO SIR. Q.	NO SIR. Q	A. NO, SIR. Q.	
WERE YOU	WAS YOU	WAS	
THEN? A.	THEN	YOU THEN? A.	
YES SIR, I WAS	YES SIR I WAS	YES, SIR, I WAS	
AT THAT TIME.	AT THAT TIME.	AT THAT TIME.	
[space]	BY DEFENSE	BY COURT: THAT	
WERE YOU THEN ? A. YES SIR, I WAS	WAS YOU THEN YES SIR I WAS AT THAT TIME.	WAS YOU THEN? A. YES, SIR, I WAS AT THAT TIME.	

RT	RS	ВТ	PS
	MR. KERSHAW		
	BY COURT.		
	CALL THE		
	NEXT		
	WITNESS.		
	[space]		