

Comparison of George D. Watt's Shorthand Notes and Trial Account, State of Illinois v. Williams et al., 21–28 May 1845

<i>Shorthand Notes</i>	<i>Trial Account</i>
<p>/Which way did Alredge [Mark Aldrich]¹ [p. [O]]</p>	<p>Carthage Court Hancock County St of Illinois May 19th 1845. The court opened pursuant to adjournment Judge [Richard M.] Young of Quincy Adams County took the bench, the fore part of the day was spent in organizing the court, the court adjourned at Twelve O. clock. Court met at Two O'clock pursuant to adjournment Five men were held to bail in the sum of one thousand Dollars each, to make their appearance in court each day of the term, they were indited for murdering Joseph Smith at Carthage Jail on the twenty seventh day of June 1844, The names of the men indited and held to bail are as follows, viz Colonel Levi Williams, Thomas C Sharp editor of the Warsaw Signal, John Jacob Davis senator Mark oldridge [Aldrich], William N. Grover, each being cognizant for the other, after which the court decided that their case would be tried on Wednesday morning the Twenty first May— Accordingly the Sherif [Miner Deming] notified the witnesses for both parties to make their appearance on said morning at— seven O. clock, the Court then proceeded to other buisness.</p>

¹ ¹TEXT: Written in longhand.

Wednesday² morning the court opened according to adjournment. The murderers were all present this morning.

The law[◇◇] lawyer Colonel [William A.] Richardson observed that the case of [Levi] Williams and others could not go on because Thomas Ford was subpoenaed as a witn[ess] and was not present the judge wished time to consider it. Colonel Richardson³ wished the court to take up the subject of the trial of Williams and others immediately after dinner. The judge granted it. Court adjourned two o'clock p.m. Court opened accord[ing] to adjournment two o'clock. Full court of spectators. < Richardson> if the court please a plea from **Colonel Richardson.** [*1 illegible word*]⁴ if possible to have status defense for the gentlemen motions. If the court please we wish to enter motion one appoint triers for the process of electing jurors to try them [*1 illegible word*]⁵

Wednesday morning May 21st. Court met pursuant to adjournment,

The names of the council for the defence are as follows viz Josiah Lamburn [Lamborn] Esq^r for the people,

Colonel [William] Richardson

² TEXT: Wednesday, 21 May 1845.

³ TEXT: Shorthand reads "r-ch-s-n" or "r-ch-d-s-n"; Watt consistently spells Richardson's name this way.

⁴ TEXT: Shorthand is too faint to read.

⁵ TEXT: Shorthand reads "p-r-k-t-k" or "p-r-g-t-k"; intent was possibly "practically". The shorthand is very difficult to read. The longhand transcript differs significantly from the shorthand, suggesting whoever originally transcribed the shorthand had a difficult time making sense of it as well. Watt frequently omitted passages from his transcripts of sermons when his shorthand became very difficult to read.

affidavit made by the defense of these and under⁶ how no⁷ statute that they [*1 illegible word*]⁸ use to **force⁹ the array** which has been summoned and allow to set aside the folks there select triers if exhaust regular channels the affidavit. The thrust [of the] affidavit is as follows personally appeared¹⁰ in [*1 illegible word*]¹¹ the names¹² of the murderers. [Jacob] Davis and others for murder. Which will¹³ **prejudice** the jurors 2nd¹⁴ affidavit. [p. 1, bk. [1]]

Miner [R.] Deming and Robinson [Robison Goldham] claim it may have much **prejudiced** against the deputy so influenced¹⁵ against them sheriff and deputies so

presented before the Court, Two **Affidavits** (see Affidavits) [p. [1]] drawn out by the defendants to **quash the array,**

The charge of **prejudice**, consanguinity, and partiality, was preferred by these Affidavits, against the County Commissioners the **Sherif [Miner Deming]** and his Deputies, in the arrangement of the present panel of Jurors, that their design was to hurt, and **prejudice** the present trial, and thus endanger the lives of the defendants, on these grounds the defendants plead for the quashing of the array,

⁶ TEXT: Or “end”; intent was possibly “any”.

⁷ TEXT: Possibly “one”.

⁸ TEXT: Shorthand reads “n-t-l”; intent was possibly “intend”.

⁹ TEXT: Or “efforts”.

¹⁰ TEXT: Possibly “tried”; however affidavits usually start “personally appeared before me...”

¹¹ TEXT: Shorthand reads “p-n-t”, “b-n-t”, “b-ng”, “v-ng”, or “f-n-t”.

¹² TEXT: Or “enemies”.

¹³ TEXT: Shorthand reads “w-ch-r”; intent was likely “which will”. Watt frequently mixed up shorthand *r* and *l* hooks connected to another character.

¹⁴ TEXT: Numbers transcribed here as numerals are written as numerals in the shorthand; numbers written out are also written out in the shorthand.

¹⁵ TEXT: Shorthand reads “n-f-r-n-c-d”; intent was likely “influenced”.

discharged¹⁶ the duties [*1 illegible word*]¹⁷ unfair the path with regard to the summons and with[ess] in the cause. Was absent from the state of Illinois and not expect to be. Sworn to by 5 [*2 illegible words*].¹⁸ The doctrine and [*1 illegible word*]¹⁹ law as²⁰ laid as²¹ expressly begun²² and marginal 434. 437 marginal page. Array.

The way rests in the each²³ state to determine in it when and how it ought to be determined whether the -array to be quashed and sheriff set aside or not. That was to be settled by the court that the challenge²⁴ was for²⁵ the favor settled. The affidavit allege the county commissioner sheriff deputies alleged against them put²⁶ by the court and

After referring to the statute to show the provision made for such a proceeding, he submitted to the court,

¹⁶ ¹⁶TEXT: Shorthand reads “d-ch-j-r-d”; intent was likely “discharged”.

¹⁷ ¹⁷TEXT: Shorthand reads “n-p-r-sh-r” or possibly “n-p-r-sh-n”; intent was possibly “impartial”.

¹⁸ ¹⁸TEXT: Shorthand looks like “first the”, which does not make sense.

¹⁹ ¹⁹TEXT: Shorthand reads “t-k-m”; possibly the “t” was a mistake and intent was “common”.

²⁰ ²⁰TEXT: Possibly “has”.

²¹ ²¹TEXT: Possibly “has”.

²² ²²TEXT: Shorthand reads “b-g-n”; this could possibly be a name citing to a law book.

²³ ²³TEXT: Shorthand could be *t*, *d*, or *ch*.

²⁴ ²⁴TEXT: Shorthand reads “ch-r-n-j”; Watt usually writes “challenge” with “r” instead of “l”.

²⁵ ²⁵TEXT: Or “if”.

²⁶ ²⁶TEXT: Or “but”.

direct reason it common law was not that this thing must be sworn to array sworn affidavit it [1 illegible word]²⁷ the challenge²⁸ for favor need not be made in writing. Our statute provides for setting aside array he give to the colonel. Appointing power was by both of those grounds or either of them we have laid the matters how submitted to the court

[Josiah] **Lamborn**. This proceeding is [p. 2, bk. [1]] news to me first time in the state of Illinois never seen any thing of the kind attempted to my very great **novelty** in one in which was brought up as far as the sheriff is concerned by me as any good what if ever it will relieve the sheriff from the very great weight of responsibility for his. By the personal acts of the sheriff and his deputies consider²⁹ the whole duty may be³⁰ might³¹ the prisoners our wishes are follows in³² of not³³ a jury.³⁴ This evil is directed against

The Attorney for the people then arose and made the following observations viz. that the doctrine advanced by Colonel [William] Richardson, was a **novelty** to him, as the Affidavits of the defendants predicated no charge against the present panel of Jurors, either individually, or collectively; he endeavoured to show from the statue the array could not be quashed upon the above principle neither did he believe in the Officers being discharged upon a mere exparty Affidavit but the charges ought to be made, and Affidavits, <filed> and a trial had before the Court,

²⁷ ²⁷TEXT: Shorthand reads “[long i]-k” or “k-[long i]”; intent was possibly “come” or “came”, followed by a period.

²⁸ ²⁸TEXT: Shorthand reads “ch-r-n-j”.

²⁹ ²⁹TEXT: Possibly “said”.

³⁰ ³⁰TEXT: Or “by”.

³¹ ³¹TEXT: Or “meet”; possibly “beyond”.

³² ³²TEXT: Or “any”.

³³ ³³TEXT: Or “need”.

³⁴ ³⁴TEXT: Shorthand reads “j-l”; intent was likely “jury”.

any other court our law comports the selection of the juror³⁵ in a different mode that has to be changed by our state³⁶ the draw³⁷ of the case of the county commission and if he they were selected under our statute strange thing ex parte affidavit that this court shall do other to that those men have been corrupt in the performance of their duty if it is possible to set aside a panel of this kind in any way what ever by their evidence I doubt very much whether this course can be taken lawfully their grand jury³⁸ or petit jury if he can they were summoned out of partiality [p. 3, bk. [1]] then sufficient cause for a challenge. Who are they. Is there a charge made that there is one single [~~1 illegible word~~] juror name was not stated in there directly ~~nor~~ nor indirectly are prejudiced and officers themselves are who summoned these jurors and as far is as legal customs they are made up about equal of all these little folks³⁹ no one distinguished among men you may call them. And all treated [~~1 illegible word~~]⁴⁰ in the court of justice. That this court can not look on these things must treat all the citizens of this county as free men guarantee to them. And if you talk about prejudice in this case. Who has no prejudiced in this case impossible to find a man. And

he said it was the first time he had heard of such a proceeding to quash the array, at the sametime nothing alledged against it individually or collectively.

³⁵ ³⁵TEXT: Shorthand reads “j-r-r”; intent was either “jurors” or “jury”.

³⁶ ³⁶TEXT: Possibly “statute”.

³⁷ ³⁷TEXT: Shorthand reads “d-r”; intent was possibly “jury”.

³⁸ ³⁸TEXT: Shorthand reads “j-r-r”; intent was likely “jury” instead of “juror”.

³⁹ ³⁹TEXT: Shorthand reads “f-k-sh-s”; intent was likely “folks”.

⁴⁰ ⁴⁰TEXT: Shorthand reads “k”; intent was possibly “equal” or “equally”.

where a man that will say by his honor and conscience got prejudice. Was⁴¹ a many filling jury. Five going to trial upon one indictment and each one of these five entitled have 20. If I understand the law we have the privilege of 50 have⁴² 100 either of us have the privilege of challenge⁴³ for cause as though cause exist. Having to summon every man that we can if not the same privilege exists in reference to these trials every one [p. 4, bk. [1]] so far as our statute⁴⁴ is concerned I have seen no thing in that first section of the statute. [*1 illegible word*]⁴⁵

reference to **civil cases and not to criminal cases**. Quash a panel of a jury.⁴⁶ The gentleman say the challenge⁴⁷ must be made in writ[ing]. Opportunity sit

He shewed that the statue referred to by Colonel Richardson, applied to **Civil and not Criminal cases**, that although the present Officers of the Court, were willing to submit to such a proceeding, yet he could not suffer the idea of having the panel quashed, by the discharge of all the Officers, of the County,

⁴¹ ⁴¹TEXT: Possibly “see” or “so”.

⁴² ⁴²TEXT: Intent was possibly “or”.

⁴³ ⁴³TEXT: Shorthand reads “ch-r-n-j”.

⁴⁴ ⁴⁴TEXT: Or “state”.

⁴⁵ ⁴⁵TEXT: Shorthand reads “r-p-r-n-s”; intent was possibly “represents”, or Watt miswrote “reference” and then correctly wrote it without canceling his first attempt.

⁴⁶ ⁴⁶TEXT: Shorthand reads “j-r-r-[*long e*]”; intent was likely “jury” and not “juror”.

⁴⁷ ⁴⁷TEXT: Shorthand reads “ch-r-n-j”.

down here and write out a challenge⁴⁸ to the whole panel. Must be backed by some [*1 illegible word*]⁴⁹ of evidence. What would be the result any other jury⁵⁰ would have the same privilege. Lose ex parte affidavit discharge of the officers. I deny it can be done at all under our statute. To take the course attempted to be taken by this man. Some kind of evidence. Has the parties named any man for⁵¹ the jury. Not sworn against the jury by the officers of the county. The defense would have to file an affidavit and then bring in their affidavit. Statute. Page 446 Chitty's⁵² Criminal Law. ~~We have right~~ Of the parties themselves who are charged for murder they give us the privilege of a reply. The other party had a right to plead or⁵³ [*1 illegible word*]⁵⁴ and have a trial before the court. Not to be determined in this summary way. No precedent for a case of this kind. The court has no right what ever to dis[~~o~~]ge di[s]charge a panel of jurors. The jury is not a partial or prejudiced jury.⁵⁵ Not exempt from the weaknesses and of

upon a mere exparty Affidavit, and that too, made by Five men indited for murder,

He asked for a precedent, in all the experience of this state, or any other, in Criminal cases, he defied them to produce a single case. [p. [2]]

⁴⁸ ⁴⁸TEXT: Shorthand reads "ch-r-n-j".

⁴⁹ ⁴⁹TEXT: Intent was possibly "kind".

⁵⁰ ⁵⁰TEXT: Shorthand reads "j-l"; intent was likely "jury".

⁵¹ ⁵¹TEXT: Intent was possibly "of".

⁵² ⁵²TEXT: Shorthand reads "s-[short i]-t-[short i]-s". See Joseph Chitty, *A Practical Treatise on the Criminal Law*, Philadelphia: Edward Earle, 1819.

⁵³ ⁵³TEXT: Possibly "here".

⁵⁴ ⁵⁴TEXT: Shorthand reads "d-m"; intent was possibly "dismiss".

⁵⁵ ⁵⁵TEXT: Shorthand reads "j-r-r"; intent was likely "jury" instead of "juror".

other men [p. 5, bk. [1]] was possible some of those men may be. They are willing. I do not wish to honor it.

⟨**[Orville] Browning**⟩ The court please I wish to reply to Lamborn introducing this affidavit appears to be some confusion on his part law controlling this case I think Mr. Lam[born] is mistaken in the first place invalid to⁵⁶ from⁵⁷ says was to him it may be true no precedent in the state of a similar and I suppose it would be equally true to say no precedent in the state comes⁵⁸ as no other in court accusatory comes⁵⁹ marshall comes⁶⁰ should not have a considered favor the court has this impression. Was given impartial body what may be the prejudice and par[tiality?] there is existing in the county it allegedly⁶¹ condemn every person in the county of Hancock. ~~And therefore every one of because there is prejudice therefore the concentrated prejudice in those days~~ Treat all alike I respond a man.⁶² Not any have been alluded to. Having to guard all persons equally. That very moment the sheriff is prejudiced made

Mr. [Orville] Browning for the defence, replied and said, that although there had not been a precedent, in the united states for such a proceeding, the reason is, there has never been a case like this in the United states,

He showed that such a proceeding is fully warranted by the English statues and the statutes of the United States, that in a case like this, the County Commissioners, the Sherif [Miner Deming], and his Deputies, can be discharged, and in their place, can be appointed, Two Elizors, for the purpose of choosing another Jury,

⁵⁶ ⁵⁶TEXT: Intent was possibly “but”.

⁵⁷ ⁵⁷TEXT: Or “offer”.

⁵⁸ ⁵⁸TEXT: Or “accused”.

⁵⁹ ⁵⁹TEXT: Or “accused”.

⁶⁰ ⁶⁰TEXT: Or “accused”.

⁶¹ ⁶¹TEXT: Shorthand reads “l-j-j-r”; intent was likely “allegedly”.

⁶² ⁶²TEXT: Possibly “motion”.

the jury⁶³ without truth at all. The first rule Mr. Lamborn. Taking an objection to the affidavit [*1 illegible word*]⁶⁴ that is not the opinion on this ground as [p. 6, bk. [1]] now enough as this trusting may be as just as accessible to lawyers on this subject⁶⁵ enough to read all the light we have upon this subject but there is a condensation of it in Chitty's now the objection in this case is about the county ~~sh~~commissioner's court. Objection growing out of the [*1 illegible word*]⁶⁶ that it is about the county commissioner's court in this matter is one directed to the partiality of a jury⁶⁷ whether the jury is selected by a sheriff⁶⁸ [*1 illegible word*]⁶⁹ the objection exists against the array that where at the [*1 illegible word*]⁷⁰ and appoint to act in the inference in making the selection are⁷¹ bias of any kind that may be for for the court jury there for the law in some states in this state they agree where he was the selecting official you

⁶³ ⁶³TEXT: Shorthand reads "j-l"; intent was likely "jury".

⁶⁴ ⁶⁴TEXT: Possibly "therein" or "~~therein~~".

⁶⁵ ⁶⁵TEXT: Shorthand reads "object" because of the character's placement on the page; intent was likely "subject".

⁶⁶ ⁶⁶TEXT: Shorthand reads "f-oo".

⁶⁷ ⁶⁷TEXT: Shorthand reads "d-r"; intent was likely "jury" here and the second instance of "jury" on this line.

⁶⁸ ⁶⁸TEXT: Shorthand reads "sh-l-f"; intent was likely "sheriff". Watt frequently writes "sh-l" instead of "sh-r".

⁶⁹ ⁶⁹TEXT: Shorthand reads "k-r-n"; intent was possibly "wherein".

⁷⁰ ⁷⁰TEXT: Shorthand reads "sh-n" or possibly "sh-f"; intent was possibly "sheriff".

⁷¹ ⁷¹TEXT: Or "or".

cannot change the immutable principle of law that the selections were made a⁷² contaminated panel in this case the county commissioner's court and although that it supposed⁷³ of a sheriff as in Oregon. Not because he is the sheriff⁷⁴ sheriff how I say⁷⁵ the county commissioners in this state in the performance of that duty that the sheriff⁷⁶ or in Great Britain that he was enjoined the other matter to which I call the notice of the court that the affidavit alleges no thing against the jurors themselves all the challenge⁷⁷ or the cause of challenge⁷⁸ communicated here⁷⁹ [*2 illegible words*]⁸⁰ of [*1 illegible word*]⁸¹ with⁸² the array is

⁷² ⁷²TEXT: Or “and”.

⁷³ ⁷³TEXT: Intent was possibly “composed”.

⁷⁴ ⁷⁴TEXT: Shorthand reads “sh-l-f”; intent was likely “sheriff”.

⁷⁵ ⁷⁵TEXT: Intent was possibly “see”.

⁷⁶ ⁷⁶TEXT: Shorthand reads “sh-l-f”.

⁷⁷ ⁷⁷TEXT: Shorthand reads “ch-r-n-j”.

⁷⁸ ⁷⁸TEXT: Shorthand reads “ch-r-n-j”.

⁷⁹ ⁷⁹TEXT: Or “or”.

⁸⁰ ⁸⁰TEXT: Shorthand reads “j-r f”; intent was possibly “jury for”.

⁸¹ ⁸¹TEXT: Shorthand reads “th” or “t-n”.

⁸² ⁸²TEXT: Possibly “where”.

challenged⁸³ we have it may be [p. 7, bk. [1]] for⁸⁴ the selecting tribunal did not the cause is made out and the court will quash the panel here is the law. Chitty's Criminal Law 537 top page 537 marginal paging. The cause is directed against the officer who ever that officer may be challenged by array. Duty of the court to quash it when it can be shown. Read the affidavit. Ten⁸⁵ half dozen lives here be challenge for favor. Our statute has no application to this case what ever true to some extent. First squashing of the law alluding to coroners.⁸⁶ To quash the array appointing of an elisor for the choosing of another jury.

Judge jury prejudice in the sheriff deputies. To set whole aside that an impartial person may be selected for the select[ing] of another jury. Was the ~~subject~~ object [2 *illegible words*]⁸⁷ courts in this country and he protested for the principles of⁸⁸ was provided by our statute⁸⁹ in the criminal court that the proceeding in coroner cases in this

The **Judge [Richard M. Young]** after recapitulating the Law, upon the subject of **quashing the array**, recommended the appointment of Elizors, and said, the object of the court in this instance is to do strict justice to both parties, so that there may not be any cause of complaint. on either side, that justice has not be administered by this court.

⁸³ ⁸³TEXT: Shorthand reads "ch-r-n-j-d".

⁸⁴ ⁸⁴TEXT: Or "if".

⁸⁵ ⁸⁵TEXT: Or "do not".

⁸⁶ ⁸⁶TEXT: Shorthand reads "k-r-n-r-s".

⁸⁷ ⁸⁷TEXT: Shorthand looks like "part who".

⁸⁸ ⁸⁸TEXT: Possibly "for".

⁸⁹ ⁸⁹TEXT: Or "state".

situation because of the common law and as if⁹⁰ our new statute has not appointed we must now⁹¹ decide case common law it has caused⁹² [1 illegible word]⁹³ no⁹⁴ power to **quash the array** and consequently that it can be done in this sim[il]ar array by affidavit. Challenges⁹⁵ according to the common law are in the following cases for the [p. 8, bk. [1]] relief⁹⁶ by any different persons. If any exception arises to the coroners and those two are called elisors or electors. The object of the court in this instance to do strict justice as that they there may not be any cause. I believe was my **duty to quash the array**. From the affidavit hav[ing] been made. And to **appoint persons as elisors to select jury**. Be difficult for me to do stranger in this county. Appoint two elisors. For these two elisors to select jurymen. I would be glad if the parties themselves would agree upon the two persons for who shall be select[ed] for the elisors. **The judge di[s]charged the jury.**

I believe it is my **duty to quash the array** and to **appoint persons as Elizors, to select another Jury**, but it will be difficult, for me to do it, as I am a stranger in this country, I would be glad if the parties themselves would agree upon Two persons who shall be selected for the Elizors.

The Judge then started to the Jury. that there was no charge against them, but the charge was predicated against the Officers of the County only, (**he discharged the present Jury** from further service)
the Court then adjourned until Eight O. clock next morning.

⁹⁰ ⁹⁰TEXT: Possibly “have” or “for”.

⁹¹ ⁹¹TEXT: Possibly “not”.

⁹² ⁹²TEXT: Or “cast”.

⁹³ ⁹³TEXT: Shorthand looks like “l-m-m-p”, but could be something else.

⁹⁴ ⁹⁴TEXT: Or “one”.

⁹⁵ ⁹⁵TEXT: Shorthand reads “ch-r-n-j-s”.

⁹⁶ ⁹⁶TEXT: Shorthand can be read “r-l-f” or “sh-l-f”, the way Watt often writes “sheriff”.

M Owen Thomas Abernethy William. Himself been **acquainted for many years**. I am satisfied that these two men [are not] prejudiced or false.⁹⁷ Will while acting in this capacity they will act with impartial[ity]. They willing to act **Thomas H Owen William B F Abernethy**. Names of the attorneys. [William A.] Richardson [Orville] Browning. [Archibald] Williams. Selected and summoned them. Sheriff summoned them.⁹⁸

(Court met according to adjournment 2 o'clock.)

Names of jurors.⁹⁹ James Cain (Carr). Curtis Ingleson [Ingersoll] David Grove (Gore) Jeremiah Pearson James L Kimball Simeon Walton Jesse Griffiths John N Hewey John Slater William Robertson [p. 9, bk. [1]] James Welsh Daniel Prentiss William Smith Joseph Massey John F

Thursday morning May 22nd. Court met pursuant to adjournment the Judge took his seat and said, he came prepared with a list of names out of which to select or appoint Two Elizors, to select a full panel of Jurors, to sit on this Case, he was happy to state, that two men had been agreed upon, and more so. because they were old citizens of Hancock County, and men with whom he had been **acquainted with for many years**, he was satisfied [p. [3]] that these two men would act in this capacity, without prejudice or partial feelings on either side, in the selection of a panel of Jurors, to judge the case now before the court, The names of the Elizors are as follows viz **Thomas H. Owen, William B. F. Burnety**, the Elizors, were accordingly sworn, and proceeded to the selection of a full panel of Jurors, (consisting of twenty four men) the court then adjourned untill two O. clock,

Two O. clock, the Court met pursuant to adjournment

the Elizors came prepared with a full panel of Jurors, the parties on both sides immediately proceeded to examine them,

⁹⁷ ⁹⁷TEXT: Intent is that these men are not prejudiced or false.

⁹⁸ ⁹⁸TEXT: A circle is drawn around "Selected and summoned them. Sheriff selected them." A horizontal line is drawn between this and the next line, indicating a new section.

⁹⁹ ⁹⁹text: Watt would have written the names phonetically as he heard them; spelling has been standardized.

Wells [Weld]. Allen¹⁰⁰ McQuary Joseph Jones Samuel Minor (McConnell) (Uriah) Thompson George Wage (Wade) John Welsh Hezekiah Cain Hiram Woodworth Calvin D Simmon[s]. List of petit jurors.¹⁰¹ Saw James L Kimball crossed off on the list by the defense counsel.

The clerk asked the judge to have a table where my table was standing with the design to corner me out.¹⁰² The names of the jurors were **written upon paper and cut and thrown into a hat** and each party drew out.

The counsels of the defense wished the subpoenas to be of the [*1 illegible word*]¹⁰³ to be served after the trial had commenced. But J[osiah] Lamborn said I want them

The Elizors have authority to call twelve men each, from the bye standers, or from any part of the County, the names of these twenty four men, are given to the Clerk of the Court, who **writes each name upon a seperate piece of paper, and puts them (desposits them) in a hat**, he then draws out four names, calling them out as he draws them, these four men are immediately sworn, to give true and correct answers, to such questions as shall be put to them, they are questioned after the following names, one, by one, (have you formed or expressed an opinion relative to the guilt or innocence of these five indited, if they answer I have they are challenged for cause, or rejected as being not competent for Jury men, at the sametime either party can challenge peremptorily any whom they suppose would be prejudiced against their cause, though they may not have formed or expressed an opinion,) the above is a brief explanation of the manner of examining the Jurors,

¹⁰⁰ ¹⁰⁰text: Shorthand reads “a-l-u-m”; intent was likely “Allen”. Watt sometimes wrote “m” for “n”.

¹⁰¹ ¹⁰¹text: A horizontal line is drawn between this and the next line, indicating a new section.

¹⁰² ¹⁰²TEXT: A horizontal line is drawn between this and the next line, indicating a new section.

¹⁰³ ¹⁰³text: Shorthand reads “l-n” or possibly “j-l”; if Watt wrote “l” instead of “r”, intent was possibly “juror”. The word may be crossed out.

〈served〉 before you know who they are. By which a consternation seemed to cover the countenances of the lawyers. The names [of] the murderers were called for they answered to their names. Calvin D Simmons Isaac Cain Giffiths [Jesse Griffiths] [James] Welsh. [p. 10, bk. [1]]

Lamborn Simmons. Formed opinions of these things formed some opinion. Expressed that opinion no. Did you know anything personally about this matter no. Did you ever hear the party speak of it no. Did you ever speak any justification in the act of killing Joseph Smith. Was that a question bound to answer or not. Not bound to tell. We be subject to questions of that char[acter]. Have ever made up any opinion in reference to that company. I have formed some opinion as to one. Right to kill Smith as to that fact. I have. You have spoken of that opinion. I do not know that ever I particularly I do not know but I have to some few.

Will you say positively that I have not. I think actually I have I have talked a good deal about to good many. Part of county you live in. East part. Present day you live. I live in the [~~illegible word~~]. And you have formed an opinion more than probably expressed it. I have

Cain. Have you formed opinion guilt or innocence of these parties. I have formed opinion and expressed it frequently [p. 11, bk. [1]]

Griffiths. What do you say to the questions put to the other. I have not formed or expressed any. Part of the county live in south east Augusta Precinct 〈I think〉 . You think you have formed no opinion in reference to these matters 〈No〉 . Was not here at the time. No. Welsh. Do you say Mr.

Welsh I have formed and expressed my opinion from report. Where do you live. I live about 7 miles east of this Fountain Green precinct. Take Simmons and Welsh.¹⁰⁵ The other two are accepted. ⁺¹⁰⁶ Mr. Simmon will you state to the court what you said to this court here state what you said before. Yes I think I have guilty in the charge. Simmons and Welsh rejected.

⁺¹⁰⁷ Cain you have formed opinion. Yes I have. Cain go. ⁺¹⁰⁸ Griffith[s] understand you have not formed. No sir. Will take him and sustain the peremptory challenge. Swore Mr. Griffith.

Four more were called. William Robertson. John Welsh. George Wade. John Slater. Swore these four. Robertson. I ask you if you have formed opinion upon this [p. 12, bk. [1]] no sir. 3 miles half from Augusta. Any thing¹⁰⁹ do with the transaction. No. Know anything only from rumor. No. Formed any opinion. I have had some opinion upon it.¹¹⁰ I was not acquainted with the men that was said to have done it. Welsh How a bout you Mr. Welsh. I have formed and expressed an opinion I ask Wade. I have formed and

¹⁰⁵ ¹⁰⁵TEXT: Shorthand reads “w-l-l”; intent was likely “Welsh”.

¹⁰⁶ ¹⁰⁶TEXT: Watt uses a large “+” sign to indicate cross-examination. This sign is similar to the symbol Watt uses for “defense” or “defendant”, except that the cross bar is curved, indicating “d-n” for “defense” or defendant”. When both lines are straight, it has been transcribed as “+” in this document. Watt sometimes is sloppy in drawing characters; if either of the lines is curved and it is unclear whether “defense” or “cross-examination” was intended, that fact is noted.

¹⁰⁷ ¹⁰⁷TEXT: Cross-examination.

¹⁰⁸ ¹⁰⁸TEXT: Cross-examination

¹⁰⁹ ¹⁰⁹TEXT: Shorthand reads “d”; intent was likely “thing”.

¹¹⁰ ¹¹⁰TEXT: Period crossed out.

expressed opinion. Slater I have not formed or expressed any opinion In regard to expressing my opinion I cannot say I have or not. Welsh and Wade discharged. +¹¹² Slater what part of county reside in. South part. Did you reside in the county time of this occurrence. Yes. Have you ever conversed with reference to the matter. Yes. Have you ever expressed any opinion. No I do not think I have. ~~I do not know that~~ Robertson you say you have not formed or expressed an opinion. I think not sir. Slater excuse you. Robertson sworn. Peremptory challenge.¹¹³ <4 more>
Uriah Thompson Hiram Woodworth Jeremiah Pearson. Joseph Jones. [p. 13, bk. [1]] Lamborn. Thompson well what do you say about that question. I have formed opinion from what I have heard but not with regard to the trial not that I know of. You have spoken of it. I do not recollect. Fountain Green precinct. Live long in the county. Nine years. I have any¹¹⁴ thing here last summer that is all I have had to do with it. You have formed and expressed opinion upon hear say. Yes. Woodworth I have formed and expressed opinion. Pearson. I have not formed nor expressed opinion. Where do you live. Augusta. You have not formed nor expressed. I think not. Jones. I have formed and expressed opinion. Live in Fountain Green. Pearson

¹¹² ¹¹²TEXT: Cross-examination, or possibly “defense”.

¹¹³ ¹¹³TEXT: Shorthand reads “ch-r-n-j”.

¹¹⁴ ¹¹⁴TEXT: Possibly “no”.

challenge¹¹⁵ peremptory. Challenge¹¹⁶ Mr. Thompson for cause. +.¹¹⁷ Say you have formed-I and expressed an opinion. Say possibly I have. Have you any opinion remaining upon that subject now. Yes from what I have heard. Jones. Formed opinion ~~upon~~ the guilt or innocence of the defendants. I guess I have I do not know that I have. Woodworth you say you have unequivocal. Yes sir. [p. 14, bk. [1]] oseph M Jones. I live in the east part of this county. Excuse Woodworth for cause Jones may be sworn upon the ~~charge~~ jury. Sworn. 4 more Joseph Massey.¹¹⁸ Simon Walton.¹¹⁹ John Hewey. William Smith. Massey. Part live in have you formed opinion. By what reports I have heard. Never expressed it. No. How long lived in this county. About 8 years. How far live from this. 7¹/₂. I have talked a deal upon the murders I was in Nauvoo at ~~the time there was something said about I have had some~~ I have never expressed my opinion upon the guilt or innocence of these men. I have formed kind of opinion about them. Walton. I have formed and expressed my opinion lots of time. Hewey. I have formed and expressed opinion ~~off~~ often. I said some thing with respect to the guilt or innocence of two of them that is all. Live in this precinct. I ~~have~~ was in town when it

¹¹⁵ ¹¹⁵TEXT: Shorthand reads “ch-r-n-j”.

¹¹⁶ ¹¹⁶TEXT: Shorthand reads “ch-r-n-j”.

¹¹⁷ ¹¹⁷TEXT: Cross-examination, or possibly “defense”.

¹¹⁸ ¹¹⁸TEXT: Shorthand reads “m-a-th”.

¹¹⁹ ¹¹⁹TEXT: Shorthand reads “w-t-n”.

happened. Walton Hewey for cause. Accept Massey.¹²¹ +.¹²²
The counsel on the part of the defense thrown into a
consternation. [p. 15, bk. [1]] Swore Smith and Massey.

〈4 more〉 Daniel Prentiss. James L Kimball. Curtis
Ingleson [Ingersoll]. John F Weld. Sworn. 〈William〉
[Daniel] Prentiss. What do you say have you formed opinion
about these men. I do not know that I have sir. Live east part
of this county. You have formed no opinion. I do not know
that I have stalwart opinion. Kimball. I have formed and
expressed my opinion freely. Ingleson. I have not formed
nor expressed opinion. I live south east part of this live in
Augusta. Challenge¹²³ him peremptively. Weld. I have
formed and expressed opinion many times. Challenge¹²⁴
Prentiss take Kimball and Wells [John F. Weld]. +¹²⁵ Two
for cause. Samuel McConnell. David Grove. James Carr.
Allen McQuary. 4 more. [Mc]Connell. I have not expressed
or formed opinion. Fountain Green precinct. Groves. I have
not formed opinion concerning. I believe I have formed
opinion according to rumor. Expressed it. I can say I have
expressed. [Mc]Quary. I have formed and expressed an
opinion and probably expressed it. McConnell peremptory.
[p. 16, bk. [1]] [Mc]Quary for cause and take the other two.

¹²¹ ¹²¹TEXT: Shorthand reads “m-a-th-[long e]”.

¹²² ¹²²TEXT: Cross-examination, or possibly “defense”.

¹²³ ¹²³TEXT: Shorthand reads “ch-r-n-j”.

¹²⁴ ¹²⁴TEXT: Shorthand reads “ch-r-n-j”.

¹²⁵ ¹²⁵TEXT: Cross-examination.

+¹²⁶ [Mc]Quary. Did you say you have formed expressed opinion. I do not recollect he has expressed. Live in this town. And expressed any opinion. Pass him in the peremptory challenge. Mr. Carr. Six miles from here. In the various conversations you have have you never expressed upon the thing. I have particularly expressed opinion. Did you express your opinion that these five men were guilty or not guilty. No sir. All the conversations you have had you do not think you have given your opinion once at all. ~~I think~~ I have not expressed opinion. I have no recollection of it. Grove. I did not express opinion nor formed one I do not think I have given any opinion respecting this matter. We challenge¹²⁷ both of them <peremptory> . The panel is exhausted. Groves [David Grove] [William] Robertson [Joseph] Jones [Joseph] Massey.¹²⁸ I[ssachar] ~~Ray~~ A Jones. James Beard John McCauley Daniel Cain Erastus Austin. Silas Griffiths [Griffiths] D[aniel] B Chapman. James Cain. Simeon Pinnock Jonathan Foy. Thomas D Woolsey. John Horkins William [p. 17, bk. [1]] Printy Samuel Irwin William McKay Levi Doan Patrick Doyle D B Chapman. Thomas Ireland <Junior> James ~~<Junior>~~ Irvin Henry Chittenden Henry Garnett Samuel White Charles ~~Costock~~ Comstock. Aaron Griffiths [Griffiths].

4. Henry Garnett. William Printy. Thomas D Woolsey. D B Chapman. William. [Henry] Garnett. Question. Think I have not. Saint Mary's precinct. Heard good deal about. I

¹²⁶ ¹²⁶TEXT: Cross-examination, or possibly "defense".

¹²⁷ ¹²⁷TEXT: Shorthand reads "ch-r-n-j".

¹²⁸ ¹²⁸TEXT: Shorthand reads "m-a-th-[long e]".

have. Never ~~hear~~ ⟨heard⟩ enough to form opinion guilt or innocence of these men. No. Printy. I expressed and talked directly about the circumstances about the guilt or innocence¹²⁹ of these defendants here. I have not. I have not said they were right or wrong. 7 miles from here in town at the time. Never formed any opinion. No thing positive about these men. Woolsey. I do not think I have ever expressed any opinion. Live in Augusta. No. Chapman. I have form[ed] opinion from rumor. Never expressed any opinion. Woolsey. I object to these 4 in suspicion. ⟨4⟩ James Cain [p. 18, bk. [1]] James Beard. Patrick Doyle Samuel White. William [James] Beard first. I have never able to form any opinion or expressed. Cain. I do not know that I have concerning these gentlemen I have never heard any [*illegible word*]¹³⁰ against them. Mechanics Valley 14 miles south of this. Never have formed. I do not know that I have sir. Doyle. I have never expressed any opinion sir live in Nauvoo. I might have formed opinion from hear say. Never expressed opinion. From hear say. Was likely I have formed from hear say. Samuel White. I have not formed any opinion as to their guilt or innocence formed they are not calculated¹³¹ to serve on the jury I have expressed my opinion freely. You have formed opinions and expressed opinions in this matter to render an incompetent juror. We

¹²⁹ ¹²⁹TEXT: Shorthand reads “s-n-s-n-s”; intent was likely “innocence”.

¹³⁰ ¹³⁰TEXT: Shorthand looks like “t-r-v” or “t-r-t-n”.

¹³¹ ¹³¹TEXT: Shorthand reads “k-l-k-l-t-d”; intent was possibly “qualified”.

will take the first three and challenge¹³² this man. +¹³³
~~Samuel White~~. +¹³⁴ Doyle. You too say you have formed and
expressed opinion. I have. Expressed the opinion you have
formed. I probably have. Talk yourself upon the subject. I
might. Do not know you have. I have [p. 19, bk. [1]] in these
conversations expressed your opinion. Challenge¹³⁵ him for
cause. Judge have you heard any person who said at the
time. Flying report. You have not heard any statements
from persons present. No. ~~Press~~ Expressed opinion. No
thing more than what I have heard. I could not say they was
guilty. I know nothing about the murder¹³⁶ a[t]¹³⁷ all. If the
reports were true you heard. If the reports were true my
mind would be they were. Object to you on¹³⁸ suspicion. +¹³⁹
Cain live south 14 miles Mechanics Valley. Formed.¹⁴⁰ I do
not think I have heard any testimony about the subject to
express ~~opinion~~ <opinion> . Have you ever had any

132 ¹³²TEXT: Shorthand reads “ch-r-n-j”.

133 ¹³³TEXT: Cross-examination, or possibly “defense”.

134 ¹³⁴TEXT: Cross-examination, or possibly “defense”.

135 ¹³⁵TEXT: Shorthand reads “ch-r-n-j”.

136 ¹³⁶TEXT: Or “matter”.

137 ¹³⁷TEXT: Watt frequently used the sign for “a” or “and” to indicate “at”.

138 ¹³⁸TEXT: Or “in”.

139 ¹³⁹TEXT: Cross-examination.

140 ¹⁴⁰TEXT: Or “Farmed”.

conversation about these men indicted. I had conversations. Have you said in these conversations you believed them guilty or not guilty. Not to my recollection. You have heard other persons express their <opinion> . Think I have. You have withheld your own. I am not positive. ~~Is any~~ What your opinion upon the matter was. I might have. You have had opinion upon the subject. Probab[ly] you have expressed that opinion. Conversation I think you have. Challenge him for cause. Beard what part of the county reside in. In [p. 20, bk. [1]] Carthage Township. At the time of the disturbance. Yes. I have not formed any nor expressed. Have you frequently had conversations. I have. You have no recollections. You have had conversations about sheriff [Jacob] Davis and Colonel [Levi] Williams. Heard any said about either. [William] Grover indicted. Know Alredge [Mark Aldrich].¹⁴¹ Think I have. In the conversations was talking of. Have you heard their¹⁴² opinion expressed. I could not say it was or was not. Had an opinion and have none now. No. No opinion let you go. Silas Griffit[hs] Henry Chittenden. Levi Doan. Thomas Ireland. William Griffit [Silas Griffiths]. Formed. I do not know that I have. Twelve miles south east¹⁴³ of this. You think you have never said whether they were guilty or innocent.¹⁴⁴ I do not think I have. Had any opinion they were guilty or innocent. No. Any conversations

¹⁴¹ ¹⁴¹TEXT: Watt consistently writes “l-r-j” for “Aldrich”. On the front cover of this notebook, Watt spelled the name out in longhand as “Alredge”.

¹⁴² ¹⁴²TEXT: Or “other”.

¹⁴³ ¹⁴³TEXT: Shorthand reads “s-t”; it could be “east” or “west”.

¹⁴⁴ ¹⁴⁴TEXT: Shorthand looks like “s-k-v-t”; intent was likely “innocent”.

with your neighbors. You have made up any positive opinion about the matter. No. Doan. What do. I have formed and expressed opinion. Thomas Ireland. I have never formed nor expressed opinion. Augusta. Was not there at the time in the east at the time. ¹⁴⁵p. [20a], bk. [1]] Henry Stainer [Chittenden]. I have had an indefinite opinion. Live Warsaw in town here. I was in Warsaw at the time. [Levi] Williams. Indicted any one of those persons formed. I do not think I have. I have formed and expressed no opinion as about the guilt or innocence of¹⁴⁶ either of them. Take Mr. [Levi] Doan Griffit [Silas Griffiths]. Let the other two go The other two challenge¹⁴⁷ peremptory. +¹⁴⁸ [~~illegible word~~] swore. Griffit[hs]. Daniel Cain. Charles Comstock. Jonathan Foy. I[ssachar] A Jones. Lam [Josiah Lamborn].¹⁴⁹ Cain. Live. 12 ~~north~~ <south> east. I have I have formed no opinion or expressed about it. I ~~think~~ left this country after the act took place been absent more half the time. As for these gentlemen I do not know either of them. I had heard that [Thomas] Sharp [Levi] Williams was present for this as to balance I know no thing about. Formed any¹⁵⁰ opinion guilty or not. No. Foy. I cannot say whether I

¹⁴⁵ ¹⁴⁵TEXT: There is no page number on this page; pagination continues with next page.

¹⁴⁶ ¹⁴⁶TEXT: Shorthand reads “to”; intent was likely “of”.

¹⁴⁷ ¹⁴⁷TEXT: Shorthand reads “ch-r-n-j”.

¹⁴⁸ ¹⁴⁸TEXT: Cross-examination.

¹⁴⁹ ¹⁴⁹TEXT: Watt usually abbreviated Lamborn’s name to “Lam”.

¹⁵⁰ ¹⁵⁰TEXT: Or “no”.

have ever expressed any opinion upon the subject or not. Live of¹⁵¹ Fountain Green. Was you here I was not in town. I think not. You do not know whether you have or not.¹⁵² recollect of talking with any person. I know that I [p. 21, bk. [1]] say I ever formed any opinion upon the matter. How far do you live from town. 14 miles. Acquainted with any of these men. No I have seen Mr. Sharp only one I know of the company I never seed him until¹⁵³ last of the winter. Comstock. What do you say. I have formed some opinion. I live two miles east of La Harpe. Say probably I have expressed an opinion. I have frequently conversed about it. Have you formed any opinion and expressed any opinion guilt or innocence of either the men. I do not I have ever expressed opinion or said they were innocent or guilty. Ever formed any such opinion. Yes I had formed some opinion about it. I do not know I have. Yes I have formed some opinion whether you have or have not. I have. ~~Conversed~~ expressed some I might. As to whether they committed any crime or not. I know nothing about their being guilty of the offence I have heard no testimony. ~~I have~~ Whenever I read¹⁵⁴ or hear report I form some opinion. Whether they were guilty or not. [p. 22, bk. [1]] I had expressed and formed opinion. Challenge¹⁵⁵ him for cause. Jones. What

151 ¹⁵¹TEXT: Shorthand reads “of”; intent was possibly “in”.

152 ¹⁵²TEXT: Period is crossed out.

153 ¹⁵³TEXT: This shorthand character can be read “till” or “until”, depending on the placement of the character. It has been transcribed “until” in this transcript unless the placement is obvious as “till”.

154 ¹⁵⁴TEXT: Or “heard”.

155 ¹⁵⁵TEXT: Shorthand reads “ch-r-n-j”.

say. I do not know I have ever formed or expressed any opinion these men I live in Augusta. In the town. Lived in the town of Augusta at the time. Challenge¹⁵⁶ him peremptorily. And the other man for cause. Took [Daniel] Cain and [Jonathan] Foy. +¹⁵⁷ Comstock. Formed and expressed any opinion. I cannot say I have. Lam[born]. Heard Mr. Sharp name. I have. Have 〈Opinion〉 . I do not know I could say I never had my mind made up about it. The reports I have heard I formed some opinion about their talk. Do not names of these men connected with the report. As to these men killing Smith or having any a thing on I know nothing about. I guess you may stand aside. Cain +.¹⁵⁸ You had not formed. What precinct how long presiding¹⁵⁹ in this county. I do not not know how long. Excuse Mr. Cain. Foy.¹⁶⁰ Sworn. Aaron Griffiths [Griffiths] John Horkin Samuel Irvin. Erastus Austin. Horkins. Say about this. I do not know that ever I have formed or expressed opinion as to the guilt or innocence [p. 23, bk. [1]] 10 miles north of this La Harpe Pilot Grove precinct you think you have formed or expressed. I never have. Sit down. Samuel Irvin. Say. I have formed an opinion from what I have read and heard¹⁶¹ and

¹⁵⁶ ¹⁵⁶TEXT: Shorthand reads “ch-r-n-j”.

¹⁵⁷ ¹⁵⁷TEXT: Cross-examination, or possibly “defense”.

¹⁵⁸ ¹⁵⁸TEXT: Cross-examination, or possibly “defense”.

¹⁵⁹ ¹⁵⁹TEXT: Intent was likely “residing”.

¹⁶⁰ ¹⁶⁰TEXT: Shorthand reads “f-oi-l”; intent was likely “Foy”.

¹⁶¹ ¹⁶¹TEXT: Could also be “heard and read”; both words are written “r-d” in shorthand.

expressed it. Sit down too. Austin. Say. I expect I have formed some opinion upon the subject.¹⁶² I live at Augusta. Guilt or innocence. I have. Mr. Griffit [Aaron Griffiths]. Say. I have formed and expressed an. 〈opinion〉 ~~opinion as to~~ Griffit[hs] Austin too ~~for cause.~~ Take. Simeon ~~Tennock~~ 〈Pennock〉.¹⁶³ James Irvin. John McCauley. William McKay. [Irvin] Say. I have expressed some opinion about it. Not as to the guilt or innocence. Live south about ten mile. Do not you know any of these men. I know Mr. [Jacob] Davis when I see the rest I do not know. Have you formed any opinion whether they were parties to the killing of Joe Smith. I have not. McKay. Say I never have made ~~ø~~ up or expressed opinion about it yet. Live six miles north of this I do not not think I have. In any way¹⁶⁴ I have formed and may possibly 〈from hear say〉. Was not in town. Sit Down. McCauley. [p. 24, bk.[1]] I have not formed or expressed opinion ~~upon~~ from the reports I have heard. I have. That opinion was based upon what you saw and heard. Opinion of that kind pretty often. Pennock.¹⁶⁵ Say. I have talked ~~it~~ 〈about〉 a great deal live in this place lived here 〈and had¹⁶⁶

¹⁶² ¹⁶²TEXT: Shorthand reads “object” because of the character’s placement on the page; intent was likely “subject”.

¹⁶³ ¹⁶³TEXT: Shorthand reads “p-[short e]-n-t”; intent was likely “Pennock”.

¹⁶⁴ ¹⁶⁴TEXT: Possibly “Know no one”.

¹⁶⁵ ¹⁶⁵TEXT: Shorthand reads “p-n-t”.

¹⁶⁶ ¹⁶⁶TEXT: Or “at”.

the [1 illegible word]¹⁶⁷ at the time. I do not know I have ever formed or expressed perhaps I ~~may~~ have of some [of] them. As to their guilt or innocence. I cannot say that <I have> . ~~McCauley challenged for~~ ⁺¹⁶⁸ I understand you to say from a knowledge of the transaction expressed. Yes I did. He supposed he had in all ways said if. These men were innocent or guilty. I do not know that I have. ~~Have~~¹⁶⁹ opinion based upon supposed view. Yes I do not know. I have from what I have heard. You have opinion and expressed that opinion. Did you ever think of that [1 illegible word].¹⁷⁰ I do not know. I challenge¹⁷¹ him for cause. Had you more reason to believe those reports than other that are common in the neighborhood. They are all¹⁷² more¹⁷³ impressive larger than other reports. ⁺¹⁷⁴ did they make any more formed a bad expression.¹⁷⁵ I do not know they did.

¹⁶⁷ ¹⁶⁷TEXT: Shorthand reads “b-r”.

¹⁶⁸ ¹⁶⁸TEXT: Cross-examination, or possibly “defense”.

¹⁶⁹ ¹⁶⁹TEXT: Or “~~for~~” or “~~if~~”.

¹⁷⁰ ¹⁷⁰TEXT: Shorthand reads “f” or “v”; it is also a wordsign for “for”, “have”, or “of”.

¹⁷¹ ¹⁷¹TEXT: Shorthand reads “ch-r-n-j”.

¹⁷² ¹⁷²TEXT: Or “of”.

¹⁷³ ¹⁷³TEXT: Shorthand reads “s-m”; intent was likely “more”.

¹⁷⁴ ¹⁷⁴TEXT: Cross-examination, or possibly “defense”.

¹⁷⁵ ¹⁷⁵TEXT: Intent was possibly “impression”.

Challenge¹⁷⁶ you then ꝑꝛ. Irvin let the other two go challenge¹⁷⁷ them peremptorily. Irvin. Formed and expressed opinion. I have not. Challenge¹⁷⁸ Mr. Irvin. [p. 25, bk. [1]] Only two of the second panel of the jury sworn.

Friday [⚡]¹⁷⁹ met according to adjournment. 24 good and lawful men of the said county. Griffiths [Jesse Griffiths] [Joseph] Jones [William] Robertson [William] Smith Math [Joseph] Massey. 〈Second〉 panel. Silas Griffit[hs] Jonathan Foy. Venire [1 illegible word]¹⁸⁰ Court adjourned till one o'clock. P. M.¹⁸¹ Court opened according to adjournment. James Galloway. Jabez A Beebe. Solomon J Hill. Jacob Lionberger. Samuel Cogswell. Lionberger. Ask you if formed or expressed any opinion. I have formed opinion. And expressed it. 9 miles south. Cogswell. What say. I have never formed nor expressed. North east part 〈 of the county〉 . Not here at the time. Hill. What say. I have in part formed and expressed opinion as to some of them. From what heard. Galloway. What say. I have not made up opinion. Fountain Green. Relation to any of the parties indicted here. No. Acquainted with any of them. I know

¹⁷⁶ ¹⁷⁶TEXT: Shorthand reads “ch-r-n-j”.

¹⁷⁷ ¹⁷⁷TEXT: Shorthand reads “ch-r-n-j”.

¹⁷⁸ ¹⁷⁸TEXT: Shorthand reads “ch-r-n-j”.

¹⁷⁹ ¹⁷⁹TEXT: Friday, 24 May 1845.

¹⁸⁰ ¹⁸⁰TEXT: Shorthand reads “s-p-[long a]-r-[short u]-s”; intent was possibly “facias”. See “[venire facias](#)” in the legal glossary on josephsmithpapers.org.

¹⁸¹ ¹⁸¹TEXT: “P. M.” written in longhand.

them when I see them. Sit. Good for Lionberger jury.¹⁸²
Galloway jury¹⁸³ Take the other two. Defense¹⁸⁴ counsel.
North east part. How long. 8 years. You were residing¹⁸⁵ ¹⁸⁶
p. [25a], bk. [1]] there a[t] the time of this occurrence. ~~No~~
Yes. Have you talked about it yourself. I believe I have some.
On good many occasions. Yes sir. Have you generally taken
some part in those conversations. I do not know that I have.
You have all ways part of a listener. Not talked about it
yourself. Not openly. Expressed any opinion. Never heard
any testimony. You have heard reports. Yes upon those
rumors formed any opinion at all. No. We excuse Mr.
Cogswell Mr. Hill may be sworn.

<4 more> James Kimball. Samuel Steel. Thomas
Branham. James Gedding. Gedding. Say about this matter.
I have formed no opinion ~~nor~~ expressed one. 18 miles from
here near La Harpe. Not here at the time. On the Ohio River
when it happened. Sit. Samuel Steel. I have formed an
unaltered opinion. Expressed freely. Branham. Formed and
expressed opinion against those men [1 illegible word].¹⁸⁷ I
have formed and expressed probably. Has your opinion
extended to them. In part. [p. 26, bk. [1]] [1 illegible

¹⁸² ¹⁸²TEXT: “jury” has a line through it, which seems to indicate that Jacob Lionberger was crossed off the jury list.

¹⁸³ ¹⁸³TEXT: “jury” has a line through it, which seems to indicate that James Galloway was crossed off the jury list.

¹⁸⁴ ¹⁸⁴TEXT: This symbol looks more like the symbol Watt uses for “cross-examination”. Here it is likely “defense” because it is followed by “counsel”.

¹⁸⁵ ¹⁸⁵TEXT: Shorthand reads “n-s-d-ing”; intent was likely “residing”.

¹⁸⁶ ¹⁸⁶TEXT: There is no page number on this page; pagination continues with next page.

¹⁸⁷ ¹⁸⁷TEXT: Shorthand reads “th”; the character is also a word sign for “they” or “them”. Intent was possibly “there”.

word]¹⁸⁸ of when the Smiths was killed by whom by. How they ought to be treated found who they were. That is it. Mr. Steel is excused and take the other three. +¹⁸⁹ 〈Kimball〉 were spoken of in connection with their names. Generally. Perhaps I have reference to these men. Probably any one here have any idea who it was would tell. I venture there is not a man in Hancock but has formed opinion about it. Still have that opinion. Certainly. You think the probability is you have both formed and expressed opinion with regard to these men. We submit that for cause. I have formed opinion. And think it probable I have expressed. Discharged. Branham. I understand you to say you have formed and expressed opinion of this transaction. Yes. You have frequently heard it talked of. Yes. Frequent participated¹⁹⁰ in it your self. Yes Heard it frequently talked of in connection with the names of these men. I have. With relation to this. I have not formed opinion against any one of them. Some of these men that are not. I do not know that I have. I was not here. I do not know that I have. I have heard it spoken of against some of these men frequently. As to who the [p. 27, bk. [1]] perpetrators ~~had~~ have you had an opinion I can tell whether you have not. Excused you thank you sir. You are welcome sir. Jury.¹⁹¹ [James] Gedding. Sworn

¹⁸⁸ ¹⁸⁸TEXT: Shorthand character is a word sign for “with” or “were”; Watt also used it for “where”. Intent was possibly “aware”.

¹⁸⁹ ¹⁸⁹TEXT: Cross-examination, or possibly “defense”.

¹⁹⁰ ¹⁹⁰TEXT: Shorthand reads “n-t-s-p-t-d”; intent was likely “participated”.

¹⁹¹ ¹⁹¹TEXT: “Jury” has a line through it, which seems to indicate that Thomas Branham was crossed off the jury list.

Newton Cothern. Michael Hilderbrand. Joseph Lamborth. William Griffit[hs]. Cothern. 〈Lam [Josiah Lamborn]〉 What say. I have. Hilderbrand. I have never formed any opinion. North 12 miles. Lamborth. Never formed whether they ~~are~~ were guilty or innocent. Lived here 8 year. Southeast¹⁹² part of this county. Griffiths. I have formed any opinion upon these men. When I first heard of the thing I then formed opinion and the consequence of what would be done if they should be found out. Jury¹⁹³ Mr. Cothern. Hilderbrand Lamborth jury¹⁹⁴ Take Mr. Griffiths. ⁺¹⁹⁵ How long reside in this county. I presume 12 13 years. About 13 miles south east. They ran by my door the day they were killed. How far from Warsaw. You have heard the matter talked of. [Levi] Williams [Thomas] Sharp name frequent[ly]. I have. You think you have or have not frequent[ly] expressed. No opinion any one [of] them. Have you hear any different opinion part of the party who did it whether they were others. I never have. Part of the men that did it. From hear say [p. 28, bk. [1]] expressed opinion. I do not expect I have. You have talked about. I have. Expressed. I do not recollect I have or have not. Do you not think it likely¹⁹⁶ you have. Likely. And that opinion these men. You

¹⁹² ¹⁹²TEXT: Or “Southwest”.

¹⁹³ ¹⁹³TEXT: “Jury” has a line through it, which seems to indicate that William Griffiths was crossed off the jury list.

¹⁹⁴ ¹⁹⁴TEXT: “jury” has a line through it, which seems to indicate that Newton Cothern, Michael Hilderbrand, and Joseph Lamborth were crossed off the jury list.

¹⁹⁵ ¹⁹⁵TEXT: Cross-examination.

¹⁹⁶ ¹⁹⁶TEXT: Shorthand reads “k”; intent was likely “likely”.

have all ways believed they were. I have heard. Up here¹⁹⁷
you have. I have had no testimony. Excuse Griffiths jury.¹⁹⁸
Frederick M Walton. Francis Lofton Samuel A Stephenson.
Ami Clarke. Stephenson. I have formed my opinion and
expressed it. Walton. On the rumors I have formed and
expressed opinion. Do you put confidence in those rumors
[*1 illegible word*].¹⁹⁹ In section 20 near Augusta precinct.
~~How~~ I was here and left for home a little while before the
governor left for Nauvoo. You believe that rumor enough to
form firm opinion. I suppose it might be correct my opinion
is firm and publically expressed. Clarke. In relation²⁰⁰ to the
guilt or innocence of these men. I have not expressed nor
formed opinion. Near La Harpe lived in the county 3 years.
Lofton. No settled opinion. [p. 29, bk. [1]] I live north
[*illegible*]²⁰¹ precinct. Jury²⁰² Stephenson. Jury²⁰³ Clark. <
Take> Walton. Jury²⁰⁴ Francis Lofton. Who Frederick
Walton. Sworn. William Grubb. Joseph Lionberger. Jabez A

¹⁹⁷ ¹⁹⁷TEXT: Shorthand reads “p r”; intent was possibly “up here”.

¹⁹⁸ ¹⁹⁸TEXT: “jury” has a line through it, which seems to indicate that William Griffiths was crossed off the jury list.

¹⁹⁹ ¹⁹⁹TEXT: Shorthand reads “p-r-v-n”, “b-r-v”, or possibly “f-r-v”; intent was possibly “believe”.

²⁰⁰ ²⁰⁰TEXT: Shorthand reads “l-r-sh-n”; intent was likely “relation”.

²⁰¹ ²⁰¹TEXT: Shorthand reads “p-aw-n-t-th-e”; Watt sometimes wrote “th” for “s”, so intent was possibly “Pontoosuc”, which is in [Hancock County](#).

²⁰² ²⁰²TEXT: “Jury” has a line through it, which seems to indicate that Samuel Stephenson was crossed off the jury list.

²⁰³ ²⁰³TEXT: “Jury” has a line through it, which seems to indicate that Ami Clarke was crossed off the jury list.

²⁰⁴ ²⁰⁴TEXT: “Jury” has a line through it, which seems to indicate that Francis Lofton was crossed off the jury list.

Beebe Jesse Gilman. Gilman. I have never²⁰⁵ formed expressed opinion. North east part of the county. Sit. Grubb I have formed and expressed opinion. Lionberger. I have heard great many but not about these men have²⁰⁶ nothing about [Jacob] Davis. Formed opinion expressed no opinion at all. No. Beebe. I have neither²⁰⁷ had any fixed opinion about. Fountain Green. Jury²⁰⁸ Grubb.²⁰⁹ Lionberger Gilman jury²¹⁰ and take [Jabez] Beebe <Sworn > . William Sailors Samuel Neff. Edward A Bedell.²¹¹

George C Waggoner. Waggoner. I do not know I have formed expressed opinion. Few miles north of this. Neff. I have formed expressed opinion as to these men. Sailors. I think I have formed and expressed my opinion several times. Bedell. I have. Warsaw. Take Bedell. Excuse him for cause. Excuse him. Sailor take <him> . Court < adjournment> for one hour. [p. 30, bk. [1]]

Court met according to adjournment. Names of the second panel. William Metcalf. Jesse W Tayl[or]. Larkins

²⁰⁵ ²⁰⁵TEXT: Or “neither”.

²⁰⁶ ²⁰⁶TEXT: Possibly “know”.

²⁰⁷ ²⁰⁷TEXT: Or “never”.

²⁰⁸ ²⁰⁸TEXT: “Jury” has a line through it, which seems to indicate that William Grubb was crossed off the jury list.

²⁰⁹ ²⁰⁹TEXT: Shorthand reads “g-l-b”; Watt often interchanged “r” and “l”.

²¹⁰ ²¹⁰TEXT: “jury” has a line through it, which seems to indicate that Joseph Lionberger and Jesse Gilman were crossed off the jury list.

²¹¹ ²¹¹TEXT: “Bedell” written as two words: “b d-e-l”.

Scott. Arthur Cannon. Edward Jones. Jonathan C Wright.
William W Handy. Lewis M Ray. Sherby²¹² Houston. Peter
Comer. Charles M Thompson. ~~James Beavers~~. 〈over aged
〉 Andrew Moore. Gilmore Callison. Derrick Fuller.
Richard Cannon. William D McCants.²¹³ Squire R Davis.
John Gilmore John MacKeemer.²¹⁴ James J Swan. John P
Haggard. James Clay.²¹⁵ Joseph Craven.

First 4. William D McCants. Peter Comer. William
Metcalf. John Gilmore. McCants. I have formed some and
probably may have expressed it. In reference to the guilt or
innocence of these men. Yes. Do think you have or have not
expressed. I think probably I have. Sufficient cause. Jury.²¹⁶
Comer. I have formed and expressed my opinion. Metcalf. I
have made up nor formed any opinion. South side of this
township. 9 years. 2 miles. In town. ~~No~~ 〈Yes〉 sir. [*1*
illegible word]²¹⁷ jury. Yes sir. Metcalf jury²¹⁸ Gilmore. I

²¹² ²¹²TEXT: Shorthand reads “sh-r-b-e”; intent was possibly “Shelby”.

²¹³ ²¹³TEXT: Shorthand reads “m-k-a-n-s”.

²¹⁴ ²¹⁴TEXT: Shorthand reads “m-k-[long e]/[short i]-m-r”.

²¹⁵ ²¹⁵TEXT: Shorthand reads “k-r-[long a]” corrected to “k-l-[long a]”.

²¹⁶ ²¹⁶TEXT: “Jury” has a line through it, which seems to indicate that William McCants was crossed off the jury list.

²¹⁷ ²¹⁷TEXT: Shorthand reads “f-r-n-r”; intent was possibly “former”.

²¹⁸ ²¹⁸TEXT: “jury” has a line through it, which seems to indicate that William Metcalf was crossed off the jury list.

think not ²¹⁹ p. [30a], bk. [1]] north part of this county. I left that morning. I have talked great deal about it. I have formed no opinion guilt or innocence of these men I have never heard the evidence. Jury.²²⁰ James Clay. Derrick Fuller Charles M Thompson. Andrew Moore. Clay. I do not know that I have. East nine miles Fountain Green. Two years. Jury.²²¹ Fuller. I cannot say I have [*1 illegible word*]²²² opinion. I was clear mile of town. Which way. South. Had any thing to do with the matter. No. Jury.²²³ Thompson. I have made up my opinion in part as it regards some of them perhaps I have from what evidence I have. 4 miles north west of this. ~~Stand~~ Jury.²²⁴ Morris [Andrew Moore]. I do not know I have formed opinion. Six miles south west. Jury.²²⁵ Arthur Cannon. Jonathan C Wright. John P Haggard. Sherby [Shelby?] Houston. Cannon. I have formed and expressed my opinion. ~~Stand~~ +²²⁶ for cause. Wright. Jury.²²⁷

²¹⁹ ²¹⁹TEXT: There is no page number on this page; pagination continues with next page.

²²⁰ ²²⁰TEXT: “Jury” has a line through it, which seems to indicate that John Gilmore was crossed off the jury list.

²²¹ ²²¹TEXT: “Jury” has a line through it, which seems to indicate that James Clay was crossed off the jury list.

²²² ²²²TEXT: Shorthand reads “p-l”.

²²³ ²²³TEXT: “Jury” has a line through it, which seems to indicate that Derrick Fuller was crossed off the jury list.

²²⁴ ²²⁴TEXT: “Jury” has a line through it, which seems to indicate that Charles Thompson was crossed off the jury list.

²²⁵ ²²⁵TEXT: “Jury” has a line through it, which seems to indicate that Andrew Moore was crossed off the jury list.

²²⁶ ²²⁶TEXT: Cross-examination, or possibly “defense”.

²²⁷ ²²⁷TEXT: “Jury” has a line through it, which seems to indicate that [Jonathan C. Wright](#) was crossed off the jury list.

Haggard. I have formed opinion about it. And I presume I have expressed it. Will take him. Stand aside for cause. Houston. I have formed and expressed it. For cause. [p. 31, bk. [1]]

Richard Cannon. Squire R Davis. Joseph Craven John MacKeemer. Cannon. I have formed ~~some~~ opinion and expressed as regards the act. Lived south seven miles. Will take him. Davis. I think I have formed and expressed opinion. I know I have formed one. Will take him. Go for cause. Craven. I do not know I have formed any opinion particularly [or] expressed either. 8 miles east. Go you shan't have him MacKeemen [John MacKeemer]. I have formed and expressed opinion. <Will take him.> You won't.

James J Swan. Lewis Ray. Edward Jones. Gilmore Callison. Swan. I have expressed as to D²²⁸ but the others I have not. Jury.²²⁹ Ray. I think I have formed an opinion and expressed it. Live six miles east. Will take him. +.²³⁰ You say you think you have. I am not certain. You have frequently talked. I have heard from others. You have talked to those persons. Actually I have expressed. More actually you have if not in talking. Probably. Jury²³¹ Jones. As to guilt or innocence of [p. 32, bk. [1]] these men I have never formed opinion I know nothing to form opinion upon. 6 from south east of this. Town at the time. No sir I

228 ²²⁸TEXT: An apparent reference to [Jacob Davis](#).

229 ²²⁹TEXT: "Jury" has a line through it, which seems to indicate that James Swan was crossed off the jury list.

230 ²³⁰TEXT: Cross-examination.

231 ²³¹TEXT: "Jury" has a line through it, which seems to indicate that Lewis Ray was crossed off the jury list.

was not. Lived in the county at the time. Yes sir. How long have you lived in the [*1 illegible word*].²³² 7 or 8 years. Jury.²³³ Callison. I have to some extent formed and expressed opinion to²³⁴ some of the gentlemen. I lived about 7 miles south east. Will take him try you again. Court consultation. Swear Mr. [Gilmore] Callison.

Names²³⁵ of the jury men. <Court adjourned & <7> morning>

~~Jabez A Beebe Fred M snrs~~ **Jabez A Beebe.** Frederick M Walton. Silas Griffiths [Griffiths]. **James Gedding. Jonathan Foy. Joseph Math Massey. William Smith. Joseph Jones. William Robertson.** Jesse Griffiths [Griffiths]. Solomon J Hill. And Gilmore Callison.²³⁶

Four Panels of twenty four men each, were thus examined out of which twelve were empanelled to sit as Jurors, on the case, viz. **Jabus. A. Bebee.** foreman of the Jury, **James Gedding, Jonathan Foy, Joseph M. Massie, William Smith, Joseph Jones, William Robertson,** [p. [4]] **Jessie Griffiths, Solomon J. Hill, Gilmore Callison,** Frederick M. Walton, Silas Griffiths, they were accordingly sworn,

The Elizors were then instucted by the Judge [Richard M. Young], to provide for the Jurors, a comfortable lodging, Meat and Drink and such other things necessary to their comfort, and not to suffer any person or persons to converse with them individually, or collectively, neither suffer them individually or collectively to converse with any person or persons, except through the Elizors, neither to converse with each other untill the trial is brought to a close, the empaneling of the Jury, consumed Thursday and

²³² ²³²TEXT: Shorthand reads “m-[long e]-r-t”, “m-[long e]-l-t”, or “k-[long e]-r-t”.

²³³ ²³³TEXT: “Jury” has a line through it, which seems to indicate that Edward Jones was crossed off the jury list.

²³⁴ ²³⁴TEXT: Possibly “about”.

²³⁵ ²³⁵text: Shorthand reads “m-n-s”; intent was likely “Names”.

²³⁶ ²³⁶text: Horizontal line drawn between this and the next line, marking a change in the proceedings.

Saturday morning court met pursuant to adjournment at 7 o'clock.

Lam [Josiah Lamborn].²³⁷ **Read the indictment** of this case. [p. 33, bk. [1]]

You are called up gentlemen to try **extraordinary** case was a case ext[r]aordinary on account²³⁸ of the peculiar²³⁹ celebracy of the persons killed. On account of the peculiar²⁴⁰ circumstances attend the killing attend the whole community through out the county the adjoining county through out the case one of e[◊]²⁴¹ peculiar with²⁴² such²⁴³ vast importance whole country. Public attention is direct[ed] every where the eyes of all the count[ry] are <is > upon us. We have to answer in a very great ~~tr~~ degree through out the people. Throughout the civilized world.

Friday, Court adjourned untill Saturday morning at Seven O'clock.

Saturday morning May 24th. Court opened pursuant to adjournment

M^r. Lamburn [Josiah Lamborn] **read the Inditement** [Indictment] to the Jury (see Inditements) after which he opened the case by the following speech.

M^r. Lamburn's opening speech to the Jury.—

You are here called upon to Judge a truly **extraordinary** case; it is extrordinary on account of the peculiar Celebracy of the person killed, and on account of the peculiar circumstances, attending the killing of this man, and that has attended the whole account throughout this County and the adjoining Country, the Case is one of peculiar interest, and vast importance to the whole Country, to it public attention is directed from every part, the eyes of the whole country is upon us, it has not only excited a feeling of considerable interest among the people of the united states, but throughout the civilized world, [p. [5]]

²³⁷ ²³⁷TEXT: Watt consistently abbreviates Lamborn's name to just "Lam".

²³⁸ ²³⁸TEXT: Shorthand reads "k-l-t" or possibly "k-l-n-t"; intent was likely "account".

²³⁹ ²³⁹TEXT: Shorthand reads "p-l-c-l-r"; intent was likely "peculiar".

²⁴⁰ ²⁴⁰TEXT: Shorthand reads "p-l-c-l-r".

²⁴¹ ²⁴¹TEXT: Canceled word was probably a false start for "peculiar".

²⁴² ²⁴²TEXT: Shorthand reads "were"; intent was likely "with". The difference between these two words in shorthand is the placement of the character.

²⁴³ ²⁴³TEXT: Shorthand reads "s-t", but it could be an awkward "s-ch".

I came here under the **direction of the governor** on the part of the government²⁴⁴ to assist the state's attorney. Alone.²⁴⁵ Not the champion of any party interest. Not²⁴⁶ to do with your parties politics or religion any of the prejudice troubles animosities which affect this community and render you an unhappy people.

Not to **court**²⁴⁷ **the [favor?]** of any man I. intend to act with becoming dignity in spite of the consequences the [*illegible word*]²⁴⁸ of the law. I have an array of learned counselor against.

I stand alone in this community to seek [p. 34, bk. [1]] to **vindicate the law of man** I stand here alone. Unaided by counsel I will do my duty and do it fearless[ly] with becoming respect not for the local prejudice with this community²⁴⁹ applause of my own conscience applause of heaven. A citizen of your county was confined in jail under the protection of the law plighted faith of the governor of

I came here under the **direction of the Governor**, on the part of the Government to assist the state's Attorney but I have to stand alone, I do not come here as the Champion of any party, or interest, neither do I wish to meddle, with you as parties, either in politics, or religion, or to entangle myself in any of the prejudices, troubles, and animosities, which effect this community, and render you a discontented and unhappy people,

I am not here, **to court the favour**, or smiles, of any men or party of men, but I intend to act, with becoming decision and firmness, in spite of the consequences, and vindicate the supremacy, and majesty, of the law, I have an array of learned counsellors against me, I was commanded to seek assistance, but it cannot be had, I therefore stand alone, in this trial, and in this community, unaided by council, to **vindicate the Law of Man**, but I will do my duty, and do it fearlessly, with becoming respect for the Laws of our country, and not for the Local prejudices and applause of this community, but for the applause of my own conscience, and for the applause of heaven. A citizen of your county, was confined in Jail under the protection of the Law, and plighted faith of the Governor, of the State, as to how far his offences, are true, or far they are false, he may have been guilty of

²⁴⁴ ²⁴⁴TEXT: Possibly "government on the part of the governor"; the two words are written nearly identically and could both be transcribed as "governor" or "government".

²⁴⁵ ²⁴⁵TEXT: Watt may have altered the period to be an exclamation mark.

²⁴⁶ ²⁴⁶TEXT: Possibly "naught".

²⁴⁷ ²⁴⁷TEXT: Shorthand reads "c-[*long o*]-t"; intent was likely "court".

²⁴⁸ ²⁴⁸TEXT: Shorthand reads "m-g-t-[*long e*]"; intent was possibly "majesty", misreading "g" as "j" and missing an "s".

²⁴⁹ ²⁴⁹TEXT: Shorthand reads "com-n-k"; intent was likely "community".

this state offenses here are too far²⁵⁰ false or vicious²⁵¹ crime about these things I know no thing he has suffered an awful atonement for any offense he may have committed before his God.

He being confined in the jail a reckless mob came here on these peaceable prairies took that man from jail and murdered him mobocracy and the laws²⁵² of God and men on the other side

we allege that these men were the men. Were the movers and the instigators of that mob who committed the crime bloodied up the soil of your soil here. If guilt ~~upon~~ [p. 35, bk. [1]] of that bloody murder rests upon the hands²⁵³ and the heads of these five men here arraigned.

Not as **necessary to prove** that these men charged shot a gun any those instruments by whom his death was accomplished. That the mob got his spirit impulse movement from the minds and disposition of these men. That they were the instigators of the mob gave credence to it and that they did we will be able fully substantiate to prove. And as is frequently the case where crime is committ[ed] to pass off a rude²⁵⁴ and belligerent²⁵⁵ act it

the basest crimes, or he may have been innocent of the charges alledged against him, about these things I know nothing, but he has suffered an awful atonement, for any offence he might have committed, and is gone to answer for it before his God.

He being confined in Jail, a wreckless mob, came here, on these peacable prairies, and took that man from Jail and murdered him, by the Laws of Mobocracy, not having the laws of God, and man, in their favour, [p. [6]]

We alledge that these men arraigned before you at the Bar, are the men who were the movers, and instigators, of that mob who committed the crime, and shed blood, upon the soil of your town, they were the cause of the spilling of that blood in consequence of which, murder, rests upon their hands, and hearts of these five men here arraigned,

It is not **necessary to prove** that these men, entered the Jail, or shot the Gun, or any of these instruments, by which his death was accomplished, in order to convict them, but that the mob, got its spirit, impulse, movements, and bloodthirstiness, from the minds, and dispositions of these men, and that they were the instigators of that mob, gave countenance to it and that they, did stir up others, to committ the murder we shall be able fully, and s[u]bstantially to prove, And it is frequently the case, when

²⁵⁰ ²⁵⁰TEXT: The shorthand supports the reading “here are too far”, though it is clear there are missing words and these words could say something else.

²⁵¹ ²⁵¹TEXT: Possibly “basest”.

²⁵² ²⁵²TEXT: Shorthand reads “s-l-aw-s”; intent was likely “laws”.

²⁵³ ²⁵⁴TEXT: Shorthand reads “and”; Watt often wrote “and” for “hand” or “hands”.

²⁵⁴ ²⁵⁵TEXT: Shorthand reads “l-d”. Watt frequently mixes up “r” and “l”; without any vowels, other readings are possible.

²⁵⁵ ²⁵⁶TEXT: Shorthand reads “b-l-g”; intent was likely “belligerent”.

has been committed by underlings. They direct[ed?] the ~~men~~ men²⁵⁶ did strike the fatal blow to the heart²⁵⁷ of that man.

Neighbors here **applaud you** and rejoice with your ~~v~~ verdict of not guilty against these men. As you respect you honor your God I call upon you to do justice this state of things cannot exist much longer the law must legitimately prevail. Mobs may triumph for a short time. The law must legitimately prevail.

Hangs over you as a blight and curse [p. 36, bk. [1]] destroying your great prosperity. Blood stain upon your character and the people proper vengeance and require to deal out the law as the law is

as you respect and fear God as you respect and fear God and not man do your duty was better²⁵⁸ that truth and righteousness prevail of the fine fellow²⁵⁹ Now it may be we come²⁶⁰ here the rule and law and we seek justice justice we seek and justice we expect to get. Who so sheddeth man's blood by man shall his blood be shed. Law of God higher than the law of man. To try and show

crime is committed, for the instigator of the crime to pass away, and let the blood be spilt, or the crime perpetrated, by underlings, they did direct the arm that did strike the fatal blow to the heart of the unfortunate victims.

There are hundreds here I have no doubt, are ready to **applaud you**, and rejoice with you, if you should return a verdict, of not guilty against these men, but as you respect your honour, your Country, and your God, I call upon you to do justice to this case, for this state of things cannot exist much longer, the law must prevail, mobs, may triumph for a short time, but the law, will ultimately prevail and triumph,

The guilt of this crime, **hangs over you**, as a blight, and curse, which is destroying your character, and gnawing at the root of your prosperity, it is a blood stain upon your character, and a foul blot, which cannot be erased, but with vengeance, and rigour, to deal out the law, as the law is

As you respect, and fear ~~<your>~~ God, as you respect, and fear God, and not man, do your duty, for it is better that [p. [7]] truth and righteousness prevail, and that even handed Justice, be dealt out to the full, than to suffer the guilty to go free, and escape the merited punishment due to their deeds. We have come here, to test, the power, and majesty of the law, and we ask Justice, Justice we ask, and Justice we expect to get, for whoso

²⁵⁶ ²⁵⁷TEXT: Possibly "man".

²⁵⁷ ²⁵⁸TEXT: Possibly "right".

²⁵⁸ ²⁵⁹TEXT: Shorthand looks like "was better"; there may be words missing.

²⁵⁹ ²⁶⁰TEXT: Shorthand reads "f-n f-l"; there may be other possible readings.

²⁶⁰ ²⁶¹TEXT: Shorthand could read "g", "k", or "k-m".

directly between the spirit of mob and the spirit of law or²⁶¹ will there again be no liberty in a peaceful agricultural [*1 illegible word*]²⁶² country²⁶³ this such a state of things should exist. Was not a[t] all surprising mobs rise up there. Community given²⁶⁴ this crime should exist. All together²⁶⁵ justify such a bla[tant?] crime as this will not heaven will frown and man will frown your institutions and [statutes?]²⁶⁶ [p. 37, bk. [1]]

that are **your laws here in this country** direction²⁶⁷ there are no wrong [*1 illegible word*]²⁶⁸ person if villains are to be communed²⁶⁹ as they have been you are not sure

sheddeth man's blood, by man shall his blood be shed, here is, the law of God, and the law of God, is higher than the law of man, the strife is between the spirit of Mobocracy, and the spirit of the law, for their can be no liberty, no equal rights, no— patriotism, in an agricultural country like this, where such things are permitted to exist, it is not at all surprising that Mobs. rise upon your community, when a crime like this should exist, and the people altogether justify the perpetration of such a deed. but while you justify will not heaven frown, and man will frown, if he possess the feeling of a man, upon abase, violation of the rights and liberties of others, and under the Just contempt, of the brave and the free, your institutions, will become, a stigma and will sink to rise no more,

Where, are **your Laws, here in this country**, where the protection, that ought to be thrown, around your persons, if such violations, are to be committed, as they have been, you are not

²⁶¹ ²⁶²TEXT: “or” is the most likely reading of the shorthand.

²⁶² ²⁶³TEXT: Shorthand reads “m-t-r”.

²⁶³ ²⁶⁴TEXT: Possibly “given”.

²⁶⁴ ²⁶⁵TEXT: Possibly “country”.

²⁶⁵ ²⁶⁶TEXT: Possibly “go”.

²⁶⁶ ²⁶⁷TEXT: The shorthand symbols go off the page and it is unclear what was intended. The visible shorthand reads “s-t-a-g” or “s-t-t-g”.

²⁶⁷ ²⁶⁸TEXT: “direction” is not the only possible reading of the shorthand.

²⁶⁸ ²⁶⁹TEXT: Shorthand reads “m-d” or “m-t”.

²⁶⁹ ²⁷⁰TEXT: Watt possibly intended to write “condemned”.

of all your lives have become [*1 illegible word*]²⁷⁰ you are instead²⁷¹ now in the welfare of your county and laws²⁷² of your country and entrusted²⁷³ in it. And so far as the name of liberty religion has in the heart. Read about the roots of conscience and the overriding power and a Divine Providence is interested in the examination of this. Be²⁷⁴ no considered by²⁷⁵ duty conscience and truth. These oaths are registered in heaven you will be called up to answer for the manner in which you have determined the case between the state and those individuals²⁷⁶ for taking the blood of that man against the laws of God and human laws under which you live.

[William] Richardson. Between the people we have to say we have not posed not guilty. That puts the people upon the belief of every thought [p. 38, bk. [1]] contained in the indictment.

sure, but that yourselves, may be the next victim, you are now interested in the welfare of your County, the laws of your Country, demands. such an interest, and you are not, the only ones, that feels this interest, but as far as the name, of Liberty, Religion, the rights of conscience, and the power of the divine providence is extended their will be interests manifested, in the examination of this case, therefore it is for you to know and consider well your duty, and make your decision, according, to the dictates of truth, and a pure conscience, remember that these oaths you have made is registered in heaven, <and> you will be called [p. [8]] upon to answer, the manner in which you have determined this case, between the state, and these individuals, for taking the blood of that man against the Laws of God and against your own human laws, that govern the Land in which you live

Colonel [William] Richardson for the defence then arose and addressed the Jury as follows.

You have heard the inditement read in which is contained the charge, alledged against these defendants, the case is one of

²⁷⁰ ²⁷¹TEXT: Shorthand reads “n-k-s-t” or “n-g-s-d”.

²⁷¹ ²⁷²TEXT: Watt possibly intended to write “interested”.

²⁷² ²⁷³TEXT: Shorthand reads “s-l-aw-s”; intent was likely “laws”.

²⁷³ ²⁷⁴TEXT: Or “interested”.

²⁷⁴ ²⁷⁵TEXT: Or “by”.

²⁷⁵ ²⁷⁶TEXT: Or “be”.

²⁷⁶ ²⁷⁷TEXT: Shorthand reads “j-u-l-s”; intent was likely “individuals”.

They will fail and fail most signally to produce before you such evidence to render verdict of guilty. Any measures throw at the spirit of violence turning²⁷⁷ to every attorney the law and state I have seen no manifestations but the as soon as indictment against them presented themselves to the bar of the court for trial according to law they have insisted upon a trial the last term of the court now to be tried for the law. They expected as they expect now all this clamor noise will be most signally refuted by the testimony and law.

vast importance inasmuch as it jepordizes the lives of these five individuals, you are set to judge this case and upon your decision hangs their destiny.

The prosecutor [Josiah Lamborn] for the people has endeavoured to work upon your feelings and as much as possible prejudice you against these men, but between the prosecutor for the people and these defendants we have to say that a verdict has not yet either for or against them, and that it can only be done after the case is tried, and the evidences heard on both sides, but M^r. Lamburn would have you believe that they are guilty of the charge contained in the inditement before they are tried, the people have that to prove yet, upon evidence, but **they will fail, and fail most signally**, to produce before you, such evidence, as to render a verdict of guilty, but if we may judge of the guilt or innocence of these defendants, by clamorous reports, or by their conduct, and deportment in general we have the most decided evidence of their innocence, we have seen no manifestations on their part to evade a trial, and escape from Justice but as soon as the inditement was found against them, they presented themselves to the bar of the Court for trial, that they might be acquitted from the charge according to law, they have also insisted [p. [9]] upon having a trial, the last term of the Court, and they are now come again voluntarily to be tried, and patiently wait the decision of the Law,

All this time, this charge has hung over their heads, their names, have gone to the world, carrying with them the alledged infamy, and crime, they have expected, as they still expect to hear all this clamours [clamorous] noise, go forth, but the complaintives, will be most signally refuted, and the public opinion corrected, by the testimony, that shall be adduced and by the Law,

²⁷⁷ ²⁷⁸text: Shorthand reads “t-r-n-r-ing”; intent was likely “turning”.

Gentleman has intimated [*1 illegible word*]²⁷⁸ us he intends to discharge his duty. We will favor these defendants gentleman to protect him justify him in honest discharge of his duty. We are now where we have been all the time necessity to ~~sh~~ shelter our selves from first to last all the charges they have preferred against when the testimony is heard we expect gentleman to discuss the testimony [p. 39, bk. [1]] and law that was given to [*1 illegible word*]²⁷⁹ you. It will be for to²⁸⁰ to render your verdict according to that testimony and that law. [p. 40, bk. [1]]

Report of the examination of witnesses.²⁸¹ [p. [0]]

Joseph Stanton Jonas Hobart. Timothy [*1 illegible word*]²⁸² Walter Bagby William N Daniels²⁸³ John. Peyton Benjamin Blackenbury [Brackenbury].²⁸⁴ Thomas Ford. Martin N Hamilton Thomas Dixon George W[alker]. John

The **gentleman** [Josiah Lamborn] has intimated that he was sent here by the Governor [Thomas Ford], of the State, to plead in behalf of the people and that he intends to discharge his duty without fear, in so doing, he will favour these defendants, and every effort, shall be made by the defence, to protect and justify him, in the honest discharge of the same, we are here where we have been all the time, and where we have sought (to) shelter ourselves, from first, to last, from all the charges, they have preferred against us; When the testimony is heard, we expect then to discuss the testimony and the law, and it will be for you to render you verdict, according to that testimony and that Law,

²⁷⁸ ²⁷⁹TEXT: Watt possibly intended “to”.

²⁷⁹ ²⁸⁰TEXT: Shorthand reads “p-th-r” or “b-th-r”; intent was possibly “before”.

²⁸⁰ ²⁸¹TEXT: Intent was likely “you”.

²⁸¹ ²⁸²TEXT: Shorthand title written in black ink in large characters. A graphite profile of an unidentified man appears below the title.

²⁸² ²⁸³TEXT: Shorthand reads “k-r-l”, “g-r-l”, “k-r-l-r”, “g-r-l-r”, “k-r-t-l”, “g-r-t-l” or possibly “m-r-l”, “m-r-l-r”, “m-r-t-l” or “m-r-t-l-r”.

²⁸³ ²⁸⁴TEXT: Shorthand has middle initial as “N”; other accounts have “M”.

²⁸⁴ ²⁸⁵Shorthand reads “b-l-k-n-b-r-y”; Watt occasionally miswrites “b-r” as “b-l”.

Taylor Eli H Walker William Houk.²⁸⁵ [*remainder of page blank*] [p. [1], bk. [2]]

Examination [of] Witnesses.²⁸⁶
Swear the witnesses.

⟨**Jonas**⟩ **Mr. Hobart.** Lam [Josiah Lamborn].

Mr. Hobart do [you] live in this town. Yes did you live in town on the day that Smith killed. I did. Will you state to the jury know about that transaction.²⁸⁷ Was it. 27 of June 1844. I know but little about it in fact. At the time transaction took place ~~I saw the man~~ I did not see the man killed I was there at the time of the transaction. I saw him after he was killed. What situation.²⁸⁸ The time man was killed I was at the jail among crowd of people. I heard the guns fired I was at home about hundred yards from jail. Did you see Smith fall out of the window. Was not in position to see. I was at the south side east side fell out. Did [you] examine things. I did he was shot in the right breast and in the left shoulder. Below the right pap. Was he entirely dead [when you] saw him. Yes sir I went to take hold of him dead.

The Examination of witnesses for the People

Mr. Jonas Hobbart sworn,

Mr. Hobbart do you live in this town. I do. did you live in town on the day that Smith was killed. I did.

Will you state to the Jury, what you know, about that transaction, What day of the month, did it occur.

It occurred on the 27th of June 1844. Was you there at the time, the transaction took place; I did not see the men killed. Was you there the time they were killed. No, but I saw him after he was killed. In what situation did you see him, At the time the men was killed [p. [10]] I was not at the Jail, among the crowd of people, I heard the Guns fired, where was you when you heard the Guns fired, I was at home about one hundred yards from the Jail. Did you see Smith fall out of the Window. I was not in a position to see. In what position was you, I was at the South side of the Jail and he fell from the East side. Did you examine his wounds. I did he was shot in the right breast, and on the left shoulder. Where did the ball enter his breast. Below the right pass. Was he entirley dead when you came to him. Yes when I went. to take hold of him.

²⁸⁵ ²⁸⁶TEXT: Shorthand reads “k-ow”. The initial “h” in Pitman is written as a diacritic, and is frequently omitted. The vowel “ow” is written beneath “k”, which places it after the consonant; this may be an error, as Watt sometimes misplaced vowels.

²⁸⁶ ²⁸⁷TEXT: Written in very large shorthand characters.

²⁸⁷ ²⁸⁸TEXT: Period may be crossed out.

²⁸⁸ ²⁸⁹TEXT: Word badly smudged; the longhand transcript has “situation”.

Shot through the breast. Where did it go out. I could [p. [2], bk. [2]] not tell large ball or not. I saw great crowd of people did not see any I knew. No man at all. No. I did not see any I knew I did not examine. How many there. Supposed 150. I did not see any disguised. ~~You are~~ You acquainted with any of these men on trial. Yes sir. I did not see any of these. Crowd leave. Afterwards. What talking about. My vicinity. I heard no thing told them to stand back. Was any about killing Joe Smith. I could not tell was so much noise. Was you acquaint[ed] with Joe Smith before that. I knew him by sight. You knew some²⁸⁹ person killed. Yes. How long was it from the time you went there until they retired. As near as I could judge two minutes. Did you hear any of those say as they retired up killed him. No. Examine him after dead. Did not see. How long after before you see. Two minutes. Blood still warm and fresh. Oh yes.²⁹⁰ Did the mob retreat pretty fast in going a way[p. [3], bk. [2]]. As fast as they could walk but I do not think they ran. Did the most of them seem to be armed. Yes sir. What sort of weapons. Muskets. A peculiar kind of rifle with a spring there.²⁹¹ Were knives could see²⁹² I saw a [knife?] in the hands of one man. Did any body seem to be giving any command to the mob. I did not see any orders given. Was there much noise upon the ground. Much

You say he was **shot through the right breast.** Yes. Where did the ball go out; I could not tell. Was it a large ball. I could not tell, whither it was, a large ball or not. Did you see anybody there beside yourself. I saw a great crowd of people there. Did you see any that you knew. I did not. Did you see any of those defendants there. No. How many people were there. I suppose about one hundred and fifty. Did you see any in disguise there. I did not. Are you acquaint with any of these men on trial. I am. Did you see any of them at the Jail. I did not. When did the crowd leave the Jail. A short time afterwards. Did you hear any talking, about the matter, in the immediate vicinity where you was. I heard nothing only some one told ~~that they~~ them ~~must~~ (to) stand back. Was any body killed but Joseph Smith. I could not tell there was so much noise. Were you acquainted with Joseph Smith, before that occurrence. I knew him by sight. You knew there was some person killed. Yes. How long was it from the time you went there till, the crowd retired. As near as I could judge, about two minutes. Did you hear any of them, say, anything about killing him as they retired. [p. [11]] No. Did you see any of them examine him after his was dead. I did not. How long was he dead before you saw him, was the blood still fresh and Warm. O. Yes. Did the mob retreat pretty fast in going away. As fast as they could walk. Did you not see any of them run. I dont think they ran. Did the most of them seem to be armed. Yes. What sort of weapons had they. Muskets. Had they any Rifels. Yes. Rifels of a peculiar kind with a spring.

289 ²⁹⁰TEXT: Shorthand could also be read "same".

290 ²⁹¹TEXT: Watt frequently put a period at the beginning of the next line, even when there was sufficient room on the previous line.

291 ²⁹²TEXT: "there" is written over the period.

292 ²⁹³TEXT: Or "say".

noise. How many guns fired together. 30 the best I could judge. +.²⁹³Retired.²⁹⁴

John Peyton. Lam [Josiah Lamborn]

Mr. Peyton where was you on the day that Joe Smith killed. I was part of the day at home. In ~~country~~. Was you Did [you] see Mr. [Thomas] Sharp. I did sir. See any other men. I saw them all. Where see them. I seed²⁹⁵ some of them in Warsaw some between here and Warsaw. [Jacob] Davis <and Alredge [Mark Aldrich]> in Warsaw early in morning. You did not recollect of seeing all of them in Warsaw that day. No sir. Well what were they doing [when you] saw them there. I we was tak[ing] up the line of march to go to Golden's Point. Encamped there as the governor's[p. [4], bk. [2]]. Did you go to Golden's Point. Part of the way and was discharged. Met Colonel [Levi] Williams and was discharged. Williams rode down and discharged. Was Sharp there where you was disch[arged]. I do not think he was. 5 or 6 miles from Warsaw where we were discharged. Davis Alredge²⁹⁶ Williams there where they were discharged. About that time. Was [William] Grover there. Some where there. Sharp also. I saw him

Had they any knives. I think I saw a knife in the hands of one man. Did anybody seem to be giving any command to the mob. I did not hear any orders given. Was there much noise upon the ground. Yes there was much noise. How many Guns fired together. About thirty, as far as I could Judge, he retired.

John Paton sworn.

M^r. Paton where was you on the day. that Joseph Smith was killed. I was part of the day at home in the country. Did you see M^r. [Thomas] Sharp that day. I did. Did you see any other of these men that day. Yes I saw them all. Where did you see them. I saw some of them in Warsaw, and some between here and Warsaw. Did you see [Jacob] Davis, and Oldridge [Mark Aldrich], in ~~Warsaw early, that morning.~~ and Sharp, [Levi] Williams and [William] Grover, in Warsaw early that morning. I dont recollect, of seeing all of them, there that day. You saw some of them there that day did you. Yes. What were they doing when you saw them. We was taking up the line of march to go to Golden point. Did you go to Golden point, We went part of the way, and was discharged. Who discharged you. We met Colonel Williams, and was discharged. Was Sharp there. when you was discharged. I don't think he was. How far from Warsaw when you was discharged. [p. [12]] We was five or six miles. Was [Jacob] Davis, Oldridge [Mark Aldrich], and [Levi] Williams, there, when the company, was discharged. I think they were. Was [William] Grover there, He was

²⁹³ ²⁹⁴TEXT: Cross-examination.

²⁹⁴ ²⁹⁵TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

²⁹⁵ ²⁹⁶TEXT: Possibly "sawed"; shorthand reads "s-d", without any vowels.

²⁹⁶ ²⁹⁷TEXT: Watt initially wrote "l-j", then added "r" before the "l", making "r-l-j"; intent was likely "Alredge".

there. What time of day discharged. Near 12 o'clock. Did you hear any of those men address the people about any thing. Yes I think Mr. Sharp made small speech. Say to them. I recollect some portion of it. Did say any thing about Joe Smith. Long delay.²⁹⁷ I he²⁹⁸ said that Joe Smith was now in custody the Mormons would elect the county officer by that means²⁹⁹ select his own jury. Say any thing about killing him. No. Say what should be done with. Say any thing. Advise them to go any where 〈he directs〉 . In the first place some of the officers Alredge say some of them volunteers says [p. [5], bk. [2]] and then it was Alredge in favor of going to Carthage. I do not know say what Alredge say some of them I know³⁰⁰ in³⁰¹ the crowd. Going to Carthage then.

What did the people there upon the ground in common³⁰² these men going a Carthage for. I could not tell [◇]³⁰³ sir what their intentions they did not say. Ten or fifteen miles 12 o'clock in the day. Did you see them start for Carthage. I

somewhere thereabouts. [Thomas] Sharp also. I did not see him there. What time of the day, was you discharged. Near twelve O. clock. Did you hear any of these men address the people upon anything. I did. Who addressed the people. I think M^r. Sharp made a small speech; Do you recollect any of the speech. I recollect some portion of it. Did he say anything about Joseph Smith (the witness ~~stated~~ waited some considerable time before he answered) I think he said that Joe Smith, was now in custody, and the mormons would elect the officers of the county, and by that means, Joe. would select his own, Jury, and get free. Was anything said, about killing, Joseph Smith. No. Did he say what should be done with him. No. Was there any thing said, about their coming in here, with the troops. Some of the Officers, I think Oldridge said something about it. Then it was Oldridge that was in favour of going to Carthage. I dont know that it was Oldridge, or some other of them, there was something said in the crowd of going to Carthage I think. What did the people there, upon the ground, in common with these men, say, they were going to Carthage, for, I could not tell, what their intention was, they did not say. How many miles was that from Carthage. Ten or Fifteen miles, What

²⁹⁷ ²⁹⁸TEXT: The longhand transcript reads “(the witness waited some considerable time before he answered)”.

²⁹⁸ ²⁹⁹TEXT: “he” written over an illegible character.

²⁹⁹ ³⁰⁰TEXT: The longhand transcript adds “[Joe](#) would” at this point.

³⁰⁰ ³⁰¹TEXT: Possibly “one” or “no”.

³⁰¹ ³⁰²TEXT: Possibly “not”.

³⁰² ³⁰³TEXT: Shorthand reads “com-n-n”; intent was likely “common”.

³⁰³ ³⁰⁴TEXT: This character might be crossed out; it appears to be a false start for “sir”.

see Williams among some of the men. I seed Mr. Sharp³⁰⁴ —] Grover Davis turn back. Did you see Davis after that any more that day. I did not. Davis say to the troops. He did not make any speech weaving around among troops.³⁰⁵ I do not know what he said. I asked Mr. Davis going back he said he was. Davis are you going. How many started to go over half. How many go. That is more [than I] can tell. Hundred start this way. I think there was. ~~From the trees~~ What time of day did they start for Carthage. 12 [o]. On foot. Some few on horseback.³⁰⁶ Williams Alredge Sharp on a horse. ~~Grover Grover was~~ Grover on horse back [p. [6], bk. [2]] after took the command. I could not tell you. Mr. Davis refused to go as captain. Colonel Williams whole concern. How far did you come with them. I did not sir rode left. Any more speeches. Alredge said some thing. Recollect what grievances of the people. The Mormons had the power themselves. Stop it some thing of that substance. Words Sharp used. The Mormons had the power elect the officers of the county there that Joe select his own jurors. Did he say any thing on³⁰⁷ a necessity in³⁰⁸ trial. Tell all I know. I do not recollect all Mr. Sharps³⁰⁹ speech. Select the

time of the day was it, It was about twelve O. clock of the day. Did you see them start for Carthage. I did. Did you see any of these five men among them. I saw Williams among them. Did you see any other of these men among them. I saw M^r. Sharp, and Grover, and Davis, turned back to Warsaw. Did you see Davis after that, any more that day. I did not. Did Davis say anything, to the troops. He did not [p. [13]] make any speech, he was round among the troops, I did not know what he said, I asked him, if he was going back, he said he was. How many started to come to Carthage. It is more than I can tell. Did a hundred start this way, I think there was. What time of the day did they start for Carthage. About twelve O.clock. Was there any on foot. Some few. Was [Levi] Williams, Oldridge [Mark Aldrich], [Thomas] Sharp, and [William] Grover, on horseback. Grover was not on horseback, the other three was. Who took the command. I could not tell. And M^r. [Jacob] Davis refused to go as Captain. Yes. Then I suppose Colonel Williams was over the whole concern. I do not know. How far, did you come, with them. I turned off to the left. Did you here any more speeches made. Oldridge said something. With regard to what. He spoke of the grievance of the people, and that the Mormons, had the power themselves, and they must do something to stop it, that was about

³⁰⁴ ³⁰⁵TEXT: Shorthand reads “sh-l-p”; Watt often confused “r” and “l” in his shorthand transcription. From this point on, Watt sometimes writes Sharp’s name as “sh-l-p” and sometimes as “sh-r-p”; later he pretty consistently writes it as “sh-l-p”.

³⁰⁵ ³⁰⁶TEXT: “troops” written after the period, but the intent seems to have been for the period to follow “troops”.

³⁰⁶ ³⁰⁷TEXT: Shorthand reads “r-s-b-r”; intent was likely “horseback”.

³⁰⁷ ³⁰⁸TEXT: Or “in”.

³⁰⁸ ³⁰⁹TEXT: Possibly “any”.

³⁰⁹ ³¹⁰TEXT: Shorthand reads “sh-l-p-s”.

officers of the county. The governor said what ever they do do quickly. I recollect that as long as talks it was never enough. How long spoke. Few moments. What grievances. Joe had violat[ed] the laws and trampled upon your rights. Did he speak before Alredge. No sir. Did not make a very fair start of it Mr. Sharp rose up and made it. Williams Grover. There at time was among the crowd Williams rose rode up about time Sharp's speech closing. [p. [7], bk. [2]] What Sharp said the governor said what you do do quickly. After they got through speaking what then. Some went Carthage some home. Those who came to Carthage going towards home. Some of them some lived south some south west. Mostly going from home. Yes. Grover Sharp Alredge Davis they did.

Davis went back. What say going back for. Going back home. No excuse for going back. Same I had to go and attend to his business. The reason did not operate upon every body it appears. Did Colonel Williams say any thing start for Carthage. I do not recollect of hear Williams say one word. What sort of a horse did Williams ride. Did not ride a black one nor white one. Do not recollect the color. It was not black nor white. Might have been sh[all] sorrel. How many baggage wagons. More I can tell. How many came this way. I saw one start. Know who was driving that. I think it was Mr. Fox. Whose team. His own [p. [[8], bk. [2]]] Was there others. There might have been two or three. Did they stack their arms in the wagons. I do not

the substance of what he said. What was the words Sharp used. He said the Mormons, had the power to elect the officers, of the County, and that Joe, would select his own Jurors, and be set free. Did he say anything more. Yes, but I dont recollect all his speech. He said Joe, would select the officers of the County did he. He did. Did he say any thing more that you remember. He said, the Governor [Thomas Ford] had said, whatever they did, to do it quickly How long did he speak. A few moments. what were the grievances Oldridge spoke about. He said that Joe, violated that Laws, and trampled upon your rights. Did Sharp speak before Oldridge. No. Oldridge Did not make a very fair start at it, and M^r. Sharp arose up, and made the speech. Was Williams and Grover, there at that time, Williams rode up, about the (time) Sharp was closing his speech. And Sharp said [p. [14]] the Governor [Thomas Ford] said what you do,— do— quickly. He did. After they had got through speaking, what then. Some went to Carthage, and some went home. Was those who came to Carthage, going towards home. Some of them some lived South, some South West. Then they were mostly going from home. They were. Did [William] Grover, [Thomas] Sharp, Oldridge [Mark Aldrich] and [Levi] Williams go with them. They did.

You say [Jacob] **Davis went back**, what did he say, he was going back for, He said he was going home. Had he no excuse, for going back. I suppose he was going back to attend to his business. Did Colonel Williams say anything as they started for Carthage. I dont recollect of hearing Williams say one word. What sort of a horse did Williams ride. He did not ride a black one or a white one. You dont recollect the colour, I suppose; it was neither black nor white you say. Neither Was it a sorrel. It might ~~be~~ a (have been a) Sorrel. How many baggage Waggons were there. It is more than I can tell. How many came this way. I saw one, start this way. Do you know who was driving it. I think it was M^r. Fox. Whose team was it. It was his own team. Were there any others coming this way, There might have been two or three. Did they sta[c]k their

recollect. All armed. We had our arms. Put their arms in the baggage wagons or not. No. Did see Alredge's team. I do not know whether had team was riding if recollect right. Might have had a wagon. Do not know whether had or not. Do you recollect the day of the month. I think 27 June 1844. Until after twelve. About twelve. # Was that near the railroad shanties. It was right at the place. Which direction did Williams leave from that. South west from that. Which way Alredge leave from that. Warsaw. Direction from Carthage from that. Easterly direction. +³¹⁰ Retired.³¹¹

George Walker.

I will get you tell the jury saw any of these five men June 27 1844 Joseph Smith murdered. I am not positive that the day was murdered 27 in the day saw some of these gentlemen. [Jacob] Davis <[William] Grover> [Levi] Williams. And I am not positive. Who see[p. [9], bk. [2]]. It was not place at Warsaw but the railroad and I saw them bound.³¹² Do you recollect of see[ing] [Thomas] Sharp³¹³ that day. Did [you] see Alredge [Mark Aldrich] that day. Cannot say. Did you hear Davis Williams Grover. Say any thing going to Carthage. I did. Williams say about it. Be impossible to identify the expressions he said. As near as

arms in the Waggon. ~~Were th~~ I dont recollect. Were they all armed. We had our arms. You dont know that they put their arms into the baggage Waggon or not. No. Did you see Oldridge's team there. I dont know that he had a team he was riding if I recollect right. He might have a Waggon there and you not know it. I dont know whither he had or not. Do you recollect the (day of the) month Smith was killed. I think it was 27th June 1844. Was it not a little after twelve when they started for Carthage It was about twelve. Was that near the Railroad shanties. It was right at that place. Which [p. [15]] direction did [Levi] Williams leave from that. A South west direction from that. ~~Which way did Oldridge [Mark Aldrich] leave from that retired—~~

George Walker Sworn—

M^r. Walker, I'll get you to tell the Jury, if you saw any of these five men, on June 27th 1844, the day that Joseph Smith, was murdered. I am not positive that I saw all of them, that day, though I think, I saw some of those gentlemen. that day, Who of them did you see that day. I think I saw [Jacob] Davis, [William] Grover, and [Levi] Williams, Where did you see them. I saw them at different places, I saw them at Warsaw, and at the Railroad shanties, Do you recollect of seeing [Thomas] Sharp, that day. I cant say. Do you recollect of seeing Oldridge that day. I cant say. Did you hear Davis, Williams, and Grover, say anything about, coming to Carthage. I did. What did Williams say about it; It

³¹⁰ ³¹¹TEXT: Possibly a canceled "t".

³¹¹ ³¹²TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

³¹² ³¹³TEXT: Shorthand reads "b-ou-n-d"; intent was possibly "around".

³¹³ ³¹⁴TEXT: Shorthand read "sh-l-p".

you can. I was in one of the advance companies that was spread for³¹⁴ mile there across in advance the rear companies Williams came up marched out we were returning to the rear companies and he stated that Governor [Thomas] Ford had done all he could do the law authorized him to go stated the position of Hancock in the then existing circumstances. ~~And whether the~~ Did he say any thing about going. He said some thing about going to. Some one said about him going along. Say any thing about volunteers. There was a call made. You recollect who made the call. I do not. You recollect any these men present was made. I do not recollect. Did Colonel Williams say any thing about the Mormons. Not to my recollection. He spoke of coming to Carthage. Yes [p. [10], bk. [2]] did you hear Davis say any if going that day. I heard him say that day some thing about not going. What say about not going. He be damned if he would go to kill a [man] that was confined in prison. Who talking to. To myself and others. Present besides yourself [◇] ~~would~~ I am not positive. Did you hear Grover say any about going no. Did you see these men start. I cannot say I did. +³¹⁵ ~~wrp~~³¹⁶ [Richard] Woodruff [Eli D.] Walker and Loften.³¹⁷ Was there any thing said publicly that day in the crowd. Said about the killing of the Smiths besides what you heard Davis. Probably I heard some thing said the jail at this time.

would be impossible for me to identify the expression he made. Well as near as you can. He stated that Governor [Thomas] Ford, had done all he could do, and ~~all~~ had ~~the~~ gone as far as the law authorize him to go. in the then existing circumstances. Did he say anything of coming to Carthage. He said something about it, Was there anything said about volunteers. Yes, there was a call made for volunteers. Do you recollect who made that call. I do not. Do you recollect if any of these men were present when it was made. I do not recollect. Did Colonel Williams say any thing about the Mormons. Not to my recollection Did he speak of coming to Carthage. He did. Did you hear Davis say anything of coming that day. I heard him say something of not coming. What did he say about not coming. He said he would be [p. [16]] damned if he would go to kill a man, that was confined in prison; Who was he talking to. to myself and others, Who was present beside yourself. I am not positive Did you hear [William] Grover say anything, about coming, No. Did you see these men start. I cannot say I did. Was there anything said, publicly that day in the crowd beside what you heard [Jacob] Davis say, about the killing of the Smiths, probably I heard something said by some individuals at this time. Did they talk publicly about coming to kill Smith. I did not say I heard any body. What were they going to Carthage for. That is beyond the extent of my knowledge. You was discharged, and went home about your business I suppose. I did. And Davis swore, he would not, go to Carthage, and kill a man in Jail. He did. What

314 ³¹⁵TEXT: Possibly “half”.

315 ³¹⁶TEXT: Or “t”.

316 ³¹⁷TEXT: An aborted attempt to write “Woodruff”.

317 ³¹⁸TEXT: A circle is drawn around “~~wrp~~ Woodruff Walker and Loften”.

People talk to kill Smith. I say I heard any body. What going to Carthage for. Beyond the extent of my knowledge. You was discharged and went home about your business. Davis swore he would not go to Carthage kill a man in jail horse Williams. Riding a bay mare. Did you know any thing baggage wagons. 8 6 at least. Man by the names of Backenbury [Benjamin Brackenbury]. No. Large wagons there. No [p. [11], bk. [2]] to my knowledge. Do know of a man by the name of Fuller having a baggage wagon there. I do not know. Retire.

[Franklin] Worrell.

Was you one of the guard at the jail that day. Was you in town that day. I was. Near the jail I was. Did you see some one killed. I did. See any of these five men there. I did not. How many men were there. I could not say suppose from 100 to 200. How [long] did they stay. I suppose 3 or³¹⁸ 4 minutes. What did do after first came. The first motion to up in front of the jail got formed there made a rush for the door. Did many go up stairs. I could not say. Was Smith shot in number of places. I cannot say I never examined the body. See any there you knew. After the deed was done. Good deal of confusion. ~~n~~ There³¹⁹ was. Any of them disguised. Some looked wet their hands with powder put it on their faces. Yes. How many. There might have been 30 or 40. Done in great hurry and confusion. Yes. Could not see three men from me. What was said I cannot say. The pieces going off all the time could not see nor hear any thing said. [p. [12], bk. [2]]

colour of a horse did [Levi] Williams ride. He was riding a bay mare. Do you know anything, about the baggage Waggon. I do. How many were there. Eight or six at least. Did you see a man of the name of Brakenberry [Benjamin Brackenbury] driving one of the waggons. I did not. Had Oldridge [Mark Aldrich] any Waggon, there. Not to my knowledge. Do you know a man of the name of Fuller having a baggage Waggon there. I do not know. Then retired

M^r. Worrel [Franklin Worrell] Sworn.

M^r. Worrel, was you one of the gaurd, at the jail, the day that Smith was killed. I was. Was you in town all that day. I was. Was you near the Jail. I was. Did you see Smith when he was killed. I did. Did you see any of these five men there. I did not. How many men were there at the time Smith was killed. I could not say, but I suppose from one, to two hundred. How long did they stay. I suppose [p. [17]] three or four minutes. What did they do, when they first came. The first motion was to come up in front of the Jail, and when they had got formed there, they made a rush for the door. Did many go up stairs, I could not say. Was Smith shot in a number of places. I can not say I never examined the body. Did you see any body there, you knew, after the deed was done. I did not. Was there a good deal of confusion. There was. Was any of them disguised. Some looked, as if they had wet there hands, ~~in powder, and put it on their faees.~~ and put powder on their faces. How many were disguised. In my opinion about thirty or forty. The thing was done in great hurry and confusion I suppose. It was.

³¹⁸ ³¹⁹TEXT: "or" written in longhand.

³¹⁹ ³²⁰TEXT: "There" written over *n*.

You stood³²⁰ in the door. Not at the time was sitting in the door step men came up. Changed position. 50 feet. Pushed and shoved in the crowd. Shouting³²¹ about the house. Suppose it was. Did any come in the yard. Fence yard at 15 feet from the door. Sm[ith] was killed in side of the yard. Larger portion in side of the fence some out some in. Did any stop to examine. I do not know I saw Smith that he died. Long after he fell. Not to exceed a minute after he struck the ground. Saw hang³²² in the window. I did not. Saw him die. I did. Died a minute after he struck the ground³²³ which way come. From the direction of Nauvoo. North western course. Down the fence. Was not that near the direction to Warsaw down that fence. No sir Nauvoo. Which direction fence run. Direct west. Warsaw road little south. What direction from here to Nauvoo. North of west. Could not they go to Warsaw and go that way. And go to Warsaw by quitting the road. What direction the shr³²⁴ shanties. Direct line [p. [13], bk. [2]] to Warsaw. Little south of west. Were there any on horse back. I do not recollect at the time. Men in town came up after the mob had retired. There were men had been on duty in the country some the cities.³²⁵ I think Mr. Alredge came up

Did you hear anything said. I cannot say, the pieces were going off all the time, so that I could not either see, nor hear, anything said. Where was you, when they made a rush to the door. I was at the door. Then you stood in the door. No I was sitting on the door, step, when the men came up. Did you change your position. I was pushed, and sh[o]ved, away, about fifty feet in the crowd. Did any go into the yard. There did. How far is the fence, from the door. It is about fifteen feet from the door. Smith was killed inside of the yard, I suppose. He was. How many of the Mob, was inside of the fence; The larger portion of them was inside of the fence, but there was some out and some in. Did any stop to examine his body. No. Did you see Smith when he died, I did. How long did he live after he fell. Not to exceed a minute after he struck the ground. Did you see him hanging in the window. I did not. You saw him die. I did. Which way did the Mob, come. from the direction of Nauvoo. a north westren course down the fence. Is not that the near direction to [p. [18]] Warsaw, down that fence. No. it is direct from Nauvoo. Which direction does the fence run. It runs directly west, the Warsaw road is a little South, What is the direction from here to Nauvoo. It is north of west. Could they not go to Warsaw and go that way. They can go to Warsaw, by quitting the road. In what direction is the Railroad shanties. They are in a direct line to

³²⁰ ³²¹TEXT: Shorthand reads “s-t-d”; possibly “stayed”.

³²¹ ³²²TEXT: Shorthand reads “sh-t-ing”; possibly “shooting”.

³²² ³²³TEXT: Possibly “hanging”.

³²³ ³²⁴TEXT: Shorthand reads “g-r-v”; intent was likely “ground”. A circle is drawn around “Died a minute after he struck the ground”.

³²⁴ ³²⁵TEXT: Possibly a false start for “shanties”, or an attempt to write “railroad”.

³²⁵ ³²⁶TEXT: Or “citizens”.

with them. Not on duty. You saw Mr. Alredge there. 15 minutes after the event. You saw him and [1 illegible word].³²⁶ I did. Not in town. What time in the evening was it. I cannot say 5 and 6 o'clock. Williams up there. I do not recollect. I am satisfied I did not see him there. [2 illegible words]³²⁷ in town. He was. Railroad shanties 12 miles. Grover Sharp.³²⁸ Not see him. Davis here. Not see him. Saw Williams Alredge both here that evening. I think I did. Cannot say that they were so [1 illegible word]³²⁹ could not see. I could not reach in greatest excitement there. Acquainted most every body in the county. ~~te~~ What there. 100. Not know single one. Done in such hurry hurry tell-³³⁰ who was there. Yes sir. Did not anticipate them you was scared I suppose. Very likely I was. [p. [14], bk. [2]] Retire.

Mr. Samuels <Baldwin> Samuels.

Warsaw, a little South of west. Were their any on horseback. I dont recollect of seeing any on horseback at the time. Did the men in town come up, after the Mob had retired. Their were men, who had been in on duty, from the country, and some of the citizens, came up. Did you see any of these five men come up with them. I think I saw M^r. Oldridge [Mark Aldrich] come up with them. How long after Smith was killed was it that you saw M^r. Oldridge there. About fifteen minutes after the event. What time in the evening was it. Between five and six O. clock. Did you see [Levi] Williams there. I do not recollect, I am satisfied I did not see him there. Was he in town. He was. How far is the Railroad Shanties from Carthage. Twelve Miles. Was, [William] Grover here. I did not see him. Was [Jacob] Davis here. I did not see him. You saw Williams and Oldridge, both here that evening. I think I did. You are acquainted with almost every body in the County I suppose, I am acquainted with about one third. And there was between one hundred to one hundred and fifty people there an you did not know a single one. No, there was such a hurry I could not tell who was there. he retired.

M^r. Baldwin Sworn

³²⁶ ³²⁷TEXT: Shorthand reads “f” or “v”, which could be word-signs for “if”, “for”, “ever”, or “have”, none of which make sense here.

³²⁷ ³²⁸TEXT: Shorthand reads “were with”, though intent was possibly to cancel “were” and insert “with” or vice versa. The longhand transcript has “Was he in town”; that is a possible reading of the shorthand characters.

³²⁸ ³²⁹TEXT: Shorthand reads “sh-l-p”.

³²⁹ ³³⁰TEXT: Shorthand reads “k-l-t”, “k-l-d”, “g-l-t”, or “g-l-d”; possibly an incorrect writing of “could”.

³³⁰ ³³¹TEXT: Period is crossed out

Town the day Smith killed. I was. Was jail. No. Was after wards. Yes. When they were killed. On the way between the court house and jail. All alone.³³¹ Did see any of these five men that evening. I saw [Levi] Williams [Thomas] Sharp. It appears to my³³² I saw Alredge [Mark Aldrich] Sharp together.³³³ See [Jacob] Davis [William] Grover. I think not. What time did you [see] Sharp³³⁴ and Williams. Some time in the after³³⁵ noon I cannot tell again exactly what time. Before or after the killing. Before. How long before the kill[ing] took place. I think Mr. Williams was here at the time. How long before that did you see them. Some two or three hours. I am not sure how long. What was Williams doing before the killing took place. I cannot say. See make any arrangements the Carthage Greys. I did not. I was³³⁶ not very well did not stir about much till after the disturbance. What time did see Sharp with Williams. Here at the same time. Was Alredge. I am not positive I think he was. Alredge Sharp Williams all here before the mob came up. I think they were. [p. [15], bk. [2]]
You are sure of Sharp and Williams that all. Yes. When ~~they~~ the mob came to the jail immediately. Colonel

M^e Baldwin was you in town the day that Smith was killed. I was. Was you at the Jail, No. Was you there afterwards, I was. Where was you when they were killed [p. [19]] I was between the Court house, and the Jail, Did you see any of these five men in town that evening. I saw [Levi] Williams and [Thomas] Sharp, and it appears to me, I saw Oldridge [Mark Aldrich], and Sharp, together. Did you see [Jacob] Davis, and [William] Grover. I think not, What time did you see Sharp and Williams. Sometime in the afternoon, I cannot tell exactly what time. Did you see them before, or after the killing. I saw them before; How long before the killing took place. some two or, three hours, I am not sure how long, What was Williams doing before the killing took place, I cannot say. Did you see Williams making any arrangement with the Carthage Greys. I did not. I was not very well, and did not stir about much till after the disturbance. What time did you See Sharp, with Williams, Was he here at the same time you saw Oldridge, I am not positive, I think he was, Was Oldridge, Williams, and Sharp, all here, before the Mob, came up. I think they were. You are sure of Sharp and Williams, and they, are all you are sure of. Yes when the Mob came to the Jail, immediately after Colonel Williams, went down with the Greys. Did you go down too. I did. Did you hear, an alarm Gun fire. I

³³¹ ³³²TEXT: Possibly "left".

³³² ³³³TEXT: Shorthand reads "m-[long i]"; the intent may have been "me" or there could be a word missing after "my".

³³³ ³³⁴TEXT: Or "go".

³³⁴ ³³⁵TEXT: Shorthand reads "sh-l-p".

³³⁵ ³³⁶TEXT: Shorthand could also be read "for" or "fore"; context indicates "after".

³³⁶ ³³⁷TEXT: "was" written over "I".

Williams went down with the guard.³³⁷ Did you go down too. Yes sir. Did hear alarm given. I did not. Fired at the jail. Edge of the timber. Did not. In town. I was in and went out several. Before the Greys got there the men were dead. Colonel Williams with the Greys. Yes. To shoot the mobs I suppose. Go very fast. Yes prepared to fight very bravely. Yes. 150 <166> yards. Did they follow any after the mob. Yes. Found Smith killed³³⁸ The Greys left here guard the jail. Yes. Seven to stay around the jail at the time. Williams Sharp in town with the Greys. In town. I saw Williams Sharp in the street. Did Sharp go over with Greys too. I do not know. If <pretty> quick after the firing commenced. Pretty quick. Astonished them much. That the Smith was killed. I do not know. ~~Did you hear the~~ ~~[2 illegible words]~~³³⁹ Was Williams on horse back any time. I did not see him on [p. [16], bk. [2]] hor[se] back. In buggy. Or some sort vehicle. ~~You may~~ Retired.³⁴⁰

Backman [George Bachman]. Have sworn. Yes. Did you see any of these men in town that day. Yes. Colonel [Levi] Williams Alredge [Mark Aldrich]. What time first. Before the firing. I <How> long. Alredge some few minutes

did not. Did you hear any Gun fire at the Jail. or at the edge of the timber. I did not. Was you in town. I was in, and out, several times. Were the Smiths killed, when the the Greys, arrived at the Jail, Before the Greys got there the men were dead. Was Colonel Williams with the Greys, He was, He went with them to shoot the Mob, I suppose. I cannot say. Did the Greys go very fast to the Jail. Yes. I suppose they were prepared to fight, very bravely, Yes, How far were the Greys: from the Jail. About one Hundred and fifty yards; Did they follow in after the Mob. Yes and found Smith killed. Were the Greys left here to gaurd the Jail. They were. How many were appointed to gaurd the Jail at a time. Seven men. Was Williams, and Sharp [p. [20]] in town, with the Greys, I saw [Levi] Williams, and [Thomas] Sharp, in the street. Did Sharp go over with the Greys, to the Jail, I dont know. I suppose the Greys started for the Jail pretty quick, after the firing commenced. They did: Did it surprise them much, when they saw, that Smith was killed. I dont know. Was Williams on horseback. I did not see him on horseback. Was he in a Buggy or any sort of a vehicle. I believe not. he retired

Lawyer **Backman** [George Bachman] Sworn
M^r. Backman. Did you see any of these men in town, the day that Smith was killed. I did. I saw Colonel Williams and Oldridge [Mark Aldrich]. What time did you see them first. I saw them before the firing. How long before. I saw Oldridge afew minutes

³³⁷ ³³⁸TEXT: Longhand transcript reads "Greys"; a later typescript of the minutes reads "guard". There is no "s". The length and position of the character on the line indicate the word is "guard".

³³⁸ ³³⁹TEXT: A circle is drawn around "Found Smith killed".

³³⁹ ³⁴⁰TEXT: Shorthand reads "n-r s" or "k-r s".

³⁴⁰ ³⁴¹TEXT: Horizontal line drawn between this line and the line above, marking the change to a new witness.

before 15 or 20. Came down to get his dinner. How long before. You saw Mr. Williams. I saw Williams going in the march up to the jail. The Greys were ahead of us. Did you see Williams after return back from the jail. No I was called on jury inquest. Did you see Williams meet Lyman Wilson speak about the killing. No sir when we went up to the jail Williams on the corner of the square recollect. To refresh your memory about Mr. Williams said to Lyman Wilson [*1 illegible word*]³⁴¹ any one and honest. Alredge just arrived in town by self got up 45. Had he his horse at the door. Got his dinner stand by the step. Saw [Thomas] Sharp³⁴² that evening. No. [William] Grover. No. You did not see [Jacob] Davis *<evening>* . No sir. [p. [17], bk. [2]] Do you belong to the Carthage Greys. Rifle corps. Did your company go up as company. Yes sir Wesley Williams had command. Left here as a guard too.³⁴³ Two companies were left here. Not full neither of them. Recollect hear Alredge or Williams say any thing about that murder that evening. No. If they had³⁴⁴ No. Did they stay in town that³⁴⁵ night. Few persons stayed in town the governor he told us all to leave here. The same night. The same night. Retired. [John

before, some fifteen, or Twenty, he came down to get his dinner. How long was it before the firing that you saw M^r. Williams. I saw Williams going in the line of march up to the Jail. Did you see Williams after they returned from the Jail. No. I was called on as a Juryman, immediately after, Did you *<see>* Williams immediately after, with Wilson speaking about the killing. No Sir. Did you see Sharp there that evening after the killing. No. Did you see [William] Grover there that evening after the killing. No. Did you see [Jacob] Davis here that evening. No. Do you belong to the Carthage Greys. *<No, I belong to the Riflemen.>* I ~~do~~ Who was commander. Wesley Williams. had command. How many companies were left as a gaurd to gaurd the Jail. Two companies were left here. Did you hear Oldridge, or Williams, say any thing, about the matter, that evening. No, Did hear them say anything about it after that. No, Did they stay in town that evening. Few persons stayed in town that evening, for the Governor [Thomas Ford] told us, all to leave here, the same night Was you in Warsaw that night. No, Where was you. I cannot tell you exactly. Retired [p. [21]]

³⁴¹ ³⁴²TEXT: Shorthand reads “b-n-r”, “b-n-l”, “b-n-r-t”, or “b-n-l-t”.

³⁴² ³⁴³TEXT: Shorthand reads “sh-l-p”.

³⁴³ ³⁴⁴TEXT: Or “to” or “two”.

³⁴⁴ ³⁴⁵TEXT: Ambiguous shorthand character written below “they”; possibly “had”.

³⁴⁵ ³⁴⁶TEXT: “that” written over a period; intent was likely to cross out the period and complete the sentence.

D.] Mellen.³⁴⁶ In Warsaw that night. No. Where was you. I cannot tell you exactly. Was not here any. Summoned you at random. Got back first day of August from Massachusetts.³⁴⁷ To find out what time these gentlemen came to Warsaw that night.³⁴⁸

Canfield Hamilton.

You live in Warsaw yes. Keep tavern in Warsaw. At the time this thing took place. Yes. At home that night. I was. Did good many people that night for supper. Good many there for supper. Late at night. About dark. Some came late at night. 11 12 night. Not that night. [p. [18], bk. [2]] Do know of large number [Samuel] Fleming's tavern. Might be not see know it sir. [Thomas] Sharp³⁴⁹ in Warsaw. I bel[ieve] I did. What time. 7 or 8 o'clock. Did you see any these other men Warsaw that night. I believe I saw them in Warsaw. [William] Grover [Jacob] Davis. 8 o'clock. Alredge [Mark Aldrich] that evening. I think he was. [Levi] Williams I do not know that I did. Hear them say any thing about occurred in Carthage. Of the news town Joe and Hyrum killed. Every body talking about leave³⁵⁰ town. You

M^r. Camfield Hamilton. Sworn

M^r. Hamilton, do you live in Warsaw. I do, Did you keep a tavern in Warsaw at the time this affair took place. I did. Was you at home that night. I was. Did a good many people, that night, call at your tavern for Supper. There was a good many there for Supper. How late at night, About dark. Did some come late at night say about Eleven or Twelve O. clock that night. Not that night, Do you recollect of a large number getting a supper at [Samuel] Fleming's Tavern that night. It might have been and I not know it, Did you see [Thomas] Sharp, in Warsaw that night, I beleive I did. What time. About Seven, or Eight, O. clock. Did you see any of these other men in Warsaw that night. I beleive I saw them all in Warsaw that night. What time did you see them. I saw [William] Grover, and [Jacob] Davis, about Eight o. clock ~~Was~~ Did you see Oldridge [Mark Aldrich] there that evening. I think he was. Did you see [Levi] Williams there; I dont

³⁴⁶ ³⁴⁷TEXT: The longhand transcript omits Mellen's testimony.

³⁴⁷ ³⁴⁸TEXT: A line was drawn from start of "Got back first day" to "of August from Massachusetts." The latter phrase is circled. The intent was apparently to connect the next sentence—"To find out what time these gentlemen came to Warsaw that night."—with the previous phrase—"Summoned you at random."

³⁴⁸ ³⁴⁹TEXT: Horizontal line drawn between this line and the line above, marking the change to a new witness.

³⁴⁹ ³⁵⁰TEXT: Shorthand reads "sh-l-p".

³⁵⁰ ³⁵¹TEXT: Possibly "live" or "lived".

saw Shar[p]³⁵¹ Alredge. 7 8 o'clock. I think it was about nine. It was known all over town they were killed. Not say. Hear Sharp³⁵² Grover say any thing about. Went down³⁵³ myself. Did not see them in the road. Went in a carriage. Two or three other men with me. Did not see Sharp³⁵⁴ Alredge on the road. No. Alredge in town no Sharp³⁵⁵ in town. You see Williams in town here. I did not. Williams say any thing knew all about it. Not that I know of.³⁵⁶ Did you know of your own knowledge any thing about in that transaction [p. [19], bk. [2]] any of them say word about knowing already one way or the other. That is³⁵⁷ all we³⁵⁸ after [*1 illegible word*]³⁵⁹ Warsaw that night. We did³⁶⁰ we started. From Warsaw. He came out with me in carriage in

know that I did. Were they saying anything, about Smith being killed in Carthage, the news was all over the town about Joseph, and Hyrum [Smith], being killed, Was every body talking about it that lived in town. It was generally talked of. You say you saw Oldridge about Seven, or Eight, O. clock. I think it was about Nine. And it was known all over town, that the Smiths, were killed, I cannot say. Did you hear Sharp, and Grover, say anything about it. ~~I was not down myself.~~ (No.) Did you come to Carthage yourself that day. I did. Did you see them, on the road. I did not. How did you travel down to Carthage. In a Carriage. Was any one with you. Yes, there was two or three men, with me; Was Oldridge in town here, when you came in. I believe not. Was Sharp in town. I believe not. Did you see Williams, in town here. I did not. Did you ever hear Williams [p. [22]] say, he knew all about it. Not that I know

351 ³⁵²TEXT: Shorthand reads “sh-l”; intent was likely “Sharp”.

352 ³⁵³TEXT: Shorthand reads “sh-l-p”.

353 ³⁵⁴TEXT: Or “town”.

354 ³⁵⁵TEXT: Shorthand reads “sh-l-p”.

355 ³⁵⁶TEXT: Shorthand reads “sh-l-p”.

356 ³⁵⁷TEXT: The rest of Hamilton’s testimony is omitted from the longhand transcript, except a crossed out passage, noted below.

357 ³⁵⁸TEXT: Possibly “those”.

358 ³⁵⁹TEXT: Possibly “with”.

359 ³⁶⁰TEXT: Shorthand reads “p-r-v” or “b-r-v”.

360 ³⁶¹TEXT: Longhand transcript reads “~~Did you all start for [Warsaw](#), that night together? We did~~”.

the morning. Sharp³⁶¹ said it was the day before. You would not be sure. I do not think I am. Do not believe I am. You think he was not at the shanties. Came out with me in the morning did go back that day more than I know. Retired. Court adjourned until one o'clock.³⁶²

〈Court opened pursuant to adjournment.〉³⁶³

Eli H Williams.

Do [you] live in town. In town. In town on the day Smith killed. I was. Was up at the jail. I was. What time. I up few minutes after Smith killed. Fore³⁶⁴ the crowd left. After. Who did see there then. I do not recollect. Either³⁶⁵ of the companies. Carthage jail. Any body knew. Any body of the ~~een~~ company. See of these defendants on that day. Yes. Who see. [Levi] Williams Alredge [Mark Aldrich] [Thomas] Sharp. See [William] Grover or [Jacob] Davis. I did not. What time see them. Williams Alredge 3 4 minutes before the fir[ing]. [p. [20], bk. [2]] you ~~recollect~~ was William[s] Alredge there firing commenced. See Sharp 〈 about〉 that time. Short time before I do not recollect how long. Where see Alredge. In the west corner public square. See Williams. ~~Before~~ Direction of the jail. When company started where was Williams. I do not know. Was he in

of. ~~Did you all start for Warsaw, that night together. We did he~~ retired

Court adjourned until one O. clock P. M.

Court opened pursuant to adjournment—

Eli H. Wilson Sworn

Mr. Wilson do you live in town. I do. Was you in town on the day that Smith was killed. I was. Was you up at the Jail. I was. What time was you at the Jail. A few minutes after Smith was killed. Had the crowd left. No. Did any of the companies know, what was to be transacted at Carthage Jail. No body knew. Did you see any of these men, on that day. I did. Who did you see. I saw [Levi] Williams, Oldridge [Mark Aldrich], and [Thomas] Sharp, Did you see, [William] Grover, or [Jacob] Davis, I did not. What time did you see them. I saw Williams, and Oldridge, three or four minutes before the firing. Did you see Sharp, about that time. I am not sure, whither it was at time, or before it, I dont recollect. Where did you see Oldridge I saw him at the West corner of the public Square. Where did you see Williams. In the direction of the Jail, When the company started for the Jail. Where was Williams, I dont know. Was he not in Davis's. I did not see him there. What did Williams, and Oldridge

361 ³⁶²TEXT: Shorthand reads “sh-l-p”.

362 ³⁶³TEXT: A circle is drawn around “Court adjourned until one o'clock.”

363 ³⁶⁴TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

364 ³⁶⁵TEXT: Possibly “after”.

365 ³⁶⁶TEXT: Possibly “there”.

advance. I did not see him in advance of us. What was said firing commenced Williams Alredge. Say any thing. Was there any thing said about what the firing meant. Some thing said in the camp. About where those were. Those men were not in the camp. I saw Mr. Alredge pass along the square going east just before that time say any thing about the fir[ing]. How near Greys came to the jail. To the jail Williams along with you advance of you. I did not see him with us do not know went to jail. Any understand[ing] Smith killed that even[ing]. No such understand[ing]. Williams Alredge say any thing about. No. Did not the Carthage Greys halt for a short time before they went to jail. [p. [21], bk. [2]] I do not recollect some ~~scarn~~ scared. How long was you from the time first gun firing how long. Short time. 10 no. 5. No. All ready to go. Got ready quick. How far away were the men when you got over there. That killed Smith. Out of sight. No. ~~th[er]e~~ 300 yards more. How from this corner of the jail where you stood from. 4 or³⁶⁶ 500 yards. Do you think 300 yards public square to the jail. I think was. You saw Williams Alredge there before the firing commenced. I saw Alredge passing along north west of the square. Which way go. Across the square. Alarm given. I do not recollect. The firing I heard when the company called out. Who called the company out. I am sergeant of the company. Where the captain Evans asleep. Was any body on the court house giving signals. I believe I saw some on³⁶⁷ the court house. Court house when the firing commenced. I do not recollect. Who saw on the court house [p. [22], bk. [2]] I could not say. How many. I could

say, when the firing commenced. I did not hear them say anything. Was there anything said about it when the firing commenced. There was something said about it in the Camp. Was any of the men in the Camp. I think not, but I saw Mr. Oldridge, pass along the square going east, just before that time. Did you hear him say anything about the firing. I did not. How near did the Greys, come to the Jail. They came up to the Jail, [p. [23]] Was, [Levi] Williams, along with you, or in advance of you. I did not see him. Was it understood that Smith was to be killed that evening. There was no such understanding Did not Williams, and Oldridge [Mark Aldrich] say something about it. No. Did not the Carthage Greys halt, a short time, before they went up, to the Jail, I don't recollect, some were scared, How long was you from the time the first Gun, was fired till you got to the Jail, A short time. Was it Ten minutes. No. Was it five minutes, No, Were you all ready to go. We got ready pretty quick. How far away were the men that killed Smith when you got there were they out of sight. No, How many yards were they off, about three hundred Yards, and perhaps, a little more. How far from the corner of the Jail, where you stood, about four or five hundred Yards. Do you think it is three hundred Yards, from the public square to the Jail. I think it is, You say you saw Williams, and Oldridge there before the firing commenced, I saw Oldridge pass along the North West corner, of the Square, Did you hear an alarm Gun, I dont recollect any only the firing I heard, when the company was called out Who called out the company. I did I am the Sergeant of the company. Did you see any body on the Court House giving signals. I believe I saw some person on the Court house. Did you see that person on the court house, when the

³⁶⁶ ³⁶⁷TEXT: "or" written in longhand.

³⁶⁷ ³⁶⁸TEXT: Shorthand could also read "one"; intent was possibly "some one on".

not say that. There was one. I think there was. You saw³⁶⁸ in³⁶⁹ the square person on the court house. That was the person in the court house. Up at the cupola. Yes. How long was it from the time you heard the first gun beyond³⁷⁰ the square. I could not say how long. Was it as long take a person get on top court house. I do not know. You recollect you saw person on the court house before you heard guns fired at all. I do not. Williams doing saw about town. I saw him stand in the corner before Williams [William] Morrison's door. Talking to any body. Persons standing there. Said any thing to you. No. Did you command the Carthage Greys went out. No. Who did. The captain [Robert] Smith. Yes. Did you see Smith after were³⁷¹ killed. I saw them carry him in the house. Saw him fall. Yes sir. Where was you when he fell. Near the corner of the lane [p. [23], bk. [2]] how far from the jail. Very near half way from the square to the jail. ~~Yea~~ Which way did Williams go to the jail. I did not see him start at all. When you got to the jail those murderers the mob were about 300 off you say. I think so. Made any pursuit after them at all. No. How long did the mob stay after they killed Smith. I could not say how ~~H-~~³⁷² long. You can give some opinion stay 2 3

firing commenced, I dont recollect, Who did you see, on the court house. I could not say. How many did you see on the court house, I could not say. Was there more than one on the Court house. I think there was, Where was the person on the Court house. Was he upon the cuplo, He was. How long was it from the time you heard the first Gun, to the time you left the square was it as long as would take a person to get on the top of the court house. [p. [24]] I dont know. You recollect you saw a person upon the Court house, before you heard the Guns fire at all. I do not. What was [Levi] Williams doing, when you saw him about the town, I saw him stand in the Square, before William Morrison's door. Was he talking to anybody. There was some person standing there. Had he said anything to you. No, Did you command the Carthage Greys, when they went out. No, Who did. Captain [Robert] Smith. Did you see Smith after he was killed. I saw them, carry him into the house. Did you see him fall, from the Window, I did. Where was you when he fell. Near the corner of the lane. How far from the Jail. Not very near, for we could see, from the square to the Jail. Which way, did Williams, go to the Jail. I did not see him, start at all. When you got to the Jail, the Mob, was three hundred Yards, off you say. I think so. Did you make any pursuit after them at all. No, How long, did the Mob stay, after they killed Smith. I could not say how long. You

368 ³⁶⁹TEXT: Or "was".

369 ³⁷⁰TEXT: Or "on".

370 ³⁷¹TEXT: Possibly "up at".

371 ³⁷²TEXT: Or "he".

372 ³⁷³TEXT: This could be an abortive attempt to write "long".

minutes³⁷³ after Smi[th] fell. I think not. Firing after Smith fell. There was. Williams that evening after. I do not recollect. Say any thing about since. No. Hear any of those other men say any thing about. Do not recollect. How long had the colonel been in town that evening before you saw him. Do not know. Had seen any time before that. I do not recollect. You know any more about this matter than what you stated from any body from from any quarter. No. Know any other killing Smith. No. Only enough to know them. No. I should not have³⁷⁴ think³⁷⁵ body see any body there. Did see any body you knew. No. [p. [24], bk. [2]] On horse back. No. Did go out to where³⁷⁶ those robbers murderers went. No. Encampment. No. Warsaw that night. No. Retired.

~~[*illegible word*]~~ Worrell³⁷⁷ <Franklin> Worrell. < Captain of the guard> ³⁷⁸

can say something near, how long, did they stay two, or three, minutes after Smith fell. I think not. was there firing, after Smith fell. there was. Did you see Williams that evening after the occurrence. I dont recollect. Did you hear him say anything, about it since. No, Have you heard, any of these other, men say, anything about it since. I dont recollect. How long had Colonel Williams been in town that evening, before you saw him. I dont know. Do you recollect of seeing him any time before that. I dont recollect. Do you know anything more about this matter than what you have stated either directly or indirectly. No, Did you see anybody at the Jail that you knew. No, Did you see anybody on horseback. No, Did you go out on the way that these Murderers went, No, Where did the company go to [p. [25]] did they go to their encampment. No. Was you in Warsaw that night. No.

Retired

Franklin Worrel[1] Captain of the Gaurd, that was at the Jail, when the Mob, came up, was again called into the witness box by Squire Lamburn [Josiah Lamborn] to ask him questions that were before omitted, M^r. [Orville] Browning for the defence, stood up in opposition to his asking him any further questions, which caused an investigation of the Law upon the subject, which lasted some

³⁷³ ³⁷⁴TEXT: “opinion stay 2 3 minutes” underlined with a wavy line.

³⁷⁴ ³⁷⁵TEXT: Or “if” or “for”.

³⁷⁵ ³⁷⁶TEXT: or “they”.

³⁷⁶ ³⁷⁷TEXT: Possibly “way”.

³⁷⁷ ³⁷⁸TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

³⁷⁸ ³⁷⁹TEXT: The longhand transcript inserts a description of some legal proceedings that is not in shorthand; this description must have been taken from some other source, perhaps from the transcriber’s memory or interviews of others.

if the Carthage Greys that evening loaded their guns with blank cartridge. I will not answer that sir. I know no thing about the Carthage Greys only the six men I had to do with. Well as to those men. I will not answer it. Let it go to the country then in that way. Fear of implicating himself.³⁷⁹

[William] Daniels.

Mr. Daniels stand up there and tell the jury know about these 5 men Alredge [Mark Aldrich]. [Thomas] Sharp [Levi] Williams [Jacob] Davis and [William] Grover. Where you on the day of that occurrence. Warsaw and this place. On the morn[ing] before the murder meeting Warsaw ~~take~~. It was understand march that day to Nauvoo I understood from the governor's address I saw Williams there and Captain Davis. Grover Williams Alredge. Pointing to the men. I saw him that day. But not that morning.³⁸⁰ Could not be certain. What time the companies start. In the morn[ing] could not tell what time. [p. [25], bk. [2]] Where did they go to. Railroad shanties. What was done there. Disbanding troops by Colonel

time, but however it was finally decided by the Court, that M^r. Lamburn have the privilege with strict injunctions, upon the witness to ~~be sworn~~ not to answer any questions that would implicate himself—

M^r. Worrel, Do you know, **if the Carthage Greys**, that evening, loaded their Guns, with blank Ca[r]tridge, at this questin M^r. Browning and M^r. [Moses] Richardson spoke out to the witness saying, you need not answer, that question, the witness answered I will not answer that question, I know nothing about the Carthage Greys, only the six men that I had to do with, Well do those six men, load their Guns, with blank Cartridge that evening. I will not answer it. Let it go to the country then in that way. that he would not answer the question for fear of implicating himself. — Retired—

William M. Daniels Sworn

M^r. Daniels, stand up and tell the Jury, what you know, about these five men, [Levi] Williams, [Thomas] Sharp, Oldridge [Mark Aldrich], [William] Grover, and [Jacob] Davis, Where, was you on the day of that occurence, I was in Warsaw and Carthage. On the morning before the murder was there a meeting at Warsaw. It was understood, that we should march that day, to Nauvoo, I understood so from the Governor [Thomas Ford]'s address, I saw Williams there Captain Davis, and Grover, and Oldridge (pointing to each man as he named them) [p. [26]] Did you see [Thomas] Sharp, I saw him that day but not that morning. What time did the Company start. In the morning, I cannot tell what time, Where did they go to, To the railroad shanties. What was done there, Disbanding the troops, by Colonel

³⁷⁹ ³⁸⁰TEXT: A circle is drawn around "Fear of implicating himself." Horizontal line drawn between this line and the next, marking the change to a new witness.

³⁸⁰ ³⁸¹TEXT: Period appears to be crossed out.

Williams. What done after that. Sharp made speech to them. Any body else. Do not recollect of any body else. Recollect Alredge any hear any of those other men made speeches. 〈Williams〉 disbanding troops. Recollect any body else speeches by Sharp. Do not recollect. I see. Impossible to recollect the ~~sch~~ speech. Tell as much recollect. Necessity of getting rid of the Mormons. I do not I could tell the speech through. Did say any thing about the Smiths if so what. He pointed to the necessity of killing Smith to get [rid?] of the Mormons he wanted them to march through. He told the troops to go to Carthage. ~~Told~~ He wanted Captain Davis to go with his company. What did Captain Davis say. Would not do it. Told them if they wanted to go to Nauvoo go with them. But to go to Carthage would not do it. Did Davis say meet him here or come round another way. Davis said he go home and called them damned cowards. [p. [26], bk. [2]] And said they would never elect him captain again &c.³⁸¹ Did you hear Colonel Williams say any body going to Carthage. Do not recollect. Or Alredge. Do not recollect that I did. Grover. Grover said he would go alone if no body else ~~n~~ went. Did you hear any of these men say what they were going for. Impossible for me to recollect the rest they said. I came with in about four miles of Carthage with them. Was there a call made at the railroad for volunteers. Davis said he would not go and his company. I could not tell the exact words they said. Tell as near as you can. To kill Smith. How far was that from town. I do not know. 10 or 12 miles I do not know how far. How long was you coming from there until you left them. I cannot answer. Time [of] day at

[Levi] Williams. What was done after that. Sharp made a speech to them, did any body else make a speech, I dont recollect of any body else, making any speeches. Dont you recollect of any other of these men, making a speech beside, Sharp, No. only, Williams, read the disbanding orders. Then you dont recollect of any other making speeches, but Sharp. I dont recollect. What did Sharp say, It is impossible for me to recollect all the speech. but I will tell, as much as I recollect, He said that it was necessary to get rid of the Mormons. Did he say any thing about the Smiths, and if he did, what did he say. He pointed out the necessity of killed Smith to get rid of the Mormons, and he wanted them to march through to Carthage, He wanted Captain [Jacob] Davis to go with his company. What did Captain Davis say to that. He would not do it, and told them, if they wanted 〈him〉 to go to Nauvoo, he would go with them, but to go to Carthage he would not do it. Did Davis say he would meet them here, or he would come round, another way, No. Davis said he would go home, and called them damned Cowards, and said they would never, elect him Captain again. Did you hear Colonel Williams say any thing about coming to Carthage. I dont recollect Did you hear Oldridge [Mark Aldrich] say anything about coming to Carthage, I dont recollect that I did. Did you hear [William] Grover say any thing about coming to Carthage. Grover, said he would go alone if nobody else went. Did you hear any of these men say what they were going for, It is impossible for me, to recollect, the words they said. Did you come with them to Carthage. I came with them within four miles. of Carthage. Was there a call made at the railroad shanties for volunteers. There was, and Davis said he would not go and his company [p. [27]] Did they say what they were going to Carthage for. I cannot tell the exact words they said. Well tell as near as you can. Their object in going was to kill Smith. How far were they

381 ³⁸²TEXT: “&c” written in longhand.

the railroad. About noon. Did the men carry their arms. Some carried some put them in baggage wagons. On foot or on horse back. Most of them on foot. [p. [27], bk. [2]] Who on horse back. Mark Alredge. Colonel Williams traveling. I cannot tell. Sharp was on horse back. Grover on foot. How many did you think started this way. Between 60 and 100. Was How many baggage wagons. I cannot say. More than one. I should think 2 or³⁸² 3. Where did you leave them. Four miles from here. I should judge. All together then. No scattering along. Did they come to a halt four miles from here. Yes they halted. Did these go in town in [1 illegible word]³⁸³ <one> body. ~~if not to~~ Alredge left and came in first. Leave alone. I cannot say. Did Colonel Williams come with troops. I do not recollect seeing him after he left the railroad. Did Alredge remain with you until with in four miles of here before he left. I believe he did. ~~When~~³⁸⁴ did Mr. Sharp leave with the company. Never saw after he left the railroad. Grover. We came ~~with from the railroad about four miles~~ [p. [28], bk. [2]] saw Grover until with in four miles of Carthage. Was there any division of the companies at the four mile point. Wagons kept straight in the road. The men turned up a hollow. Well do you know whether Davis came to the baggage wagons again. Do not. How does that hollow go up there. ~~There~~ Through timber where they turned off. [1 illegible word].³⁸⁵ Is there

from Carthage at that time, were they ten or Twelve miles, I dont know how far. How long was you coming from there till you left them. I cannot say, what time of the day was it, when you was, at the railroad shanties. About noon. Did the men carry their arms. Some carried them, and some put them, in the Baggage wagons. Were they on foot or on horseback. They were mostly on foot. Who did you see on horseback. I saw Mark Oldridge [Aldrich] on horseback. Was Colonel [Levi] Williams on foot. I cannot say, [Thomas] Sharp, Was on horseback. [William] Grover was on foot. How many do you think started this way. I should think between sixty and one hundred. How many baggage waggons was there. I cannot say. Was there more than one. I should think there was two or three, where did you leave the company. about four Miles from Carthage I should judge. Were they altogether, when you left them. They were scattering along. Did they come to a halt four Miles from Carthage. They did. Did these men come into Town in advance of the body. Oldridge left and came in first. Did he leave alone. I cannot say. Did Colonel Williams come with the troops. I dont recollect of seeing him after we left the railroad shanties. Did Oldridge remain with you till within four miles of Carthage before he left you. I believe he did. Was Sharp along with the Company, I never saw him after we left the railroad shanties, Was Grover along with you. I did not see Grover, untill we came, within, four miles of Carthage. Was there any division, of the companies, at the four mile point. The waggons, kept straight on

382 ³⁸³TEXT: "or" written in longhand.

383 ³⁸⁴TEXT: Shorthand reads *d-v*.

384 ³⁸⁵TEXT: Or "Where".

385 ³⁸⁶TEXT: Shorthand reads *s-l-t-long a-r* or *s-t-r-long a-r*.

timber between here and there. Yes. Explain. Took a hollow left of the road. I came up the road. What became of you. Came in to Carthage. How did you travel. Foot. Had you any guns or any thing. I did had until disbanded. Did you get here before these men. I did. How long. I cannot say. Did you see any of these other men before that main company got. I think I did see any of these men before the company got up. Did you come down to the square. Went to the jail in the first place. Who was at the jail [p. [29], bk. [2]]. I do not know. Speak to any body. No. What did you go to the jail for in the first place. To see what they were going to do. Did you see any body at jail. Saw the guard. Did they speak to you. No they were marching round. Why did not you speak to them and tell them they³⁸⁶ were coming up. They knew as much about it as any body else. Did you hear it before you got up that the guard was to be loaded with blank cartridges. I understood so. How long did you say it was from the time ~~they~~ you came until they came. 5 and 15 minutes. Was there a signal gun fired before the troops came up. There was guns fired.³⁸⁷ How many. 2 or 3. How far were the troops from the jail when the guns fired. I cannot tell. Were the men came up disguised. Some of their faces were blackened with powder. Some black and some not. How many of that kind. I could not say. What done after got there[p. [30], bk. [2]]. Where did you stand. In front of the jail. Probably 15 or³⁸⁸ 20 feet from the jail out side of the yard. Any of them say

the road, and the men turned up a hollow. [p. [28]] Do you know whither [Jacob] Davis, Came to the baggage waggons again. I do not. How far does that hollow reach. From the timber to where they turned off on the prairies. Is there timber between here, and where they turned off. There is. Well explain it to us. They took that hollow to the left of the road, and that hollow led to the timber, and I came up the road. And what became of you then. I came into Carthage. How did you travel. On foot. Had you any Gun or any thing with you. I gave it up, when I was disbanded. Did you get here, before these men. I did. How long before them. I could not say. Did you see any of these men, before the main company, got here. I think I did not. When you came to Town, did you come to the Square. I went to the Jail in the first place. Who did you see at the Jail. I dont know. Did you speak to any body at the Jail. No, what did you go to the Jail for in the first place. To see what they were going to do. Did you see anybody at the Jail. I saw the gaurd. Did they speak to you. No, They were marching round. Why did not you speak to them, and tell them, the mob were coming up. Because they knew about it, as well as any body else. Did you hear before you got up, that the gaurd was to have their Guns loaded with blank cartridge. I understood so. How long do you say it was from the time you came to the Jail till the time the mob came. It was from five to fifteen minutes. Was there a signal Gun fired before the Mob came up, There was Guns fired. How many. Two, or Three, How far were the troops from the Jail when (the) Guns was fired. I cannot tell. Were the men that came up disguised. Some of their faces were blackened with powder,

³⁸⁶ ³⁸⁷TEXT: Longhand transcript reads “the mob”.

³⁸⁷ ³⁸⁸TEXT: *d* may have been added later.

³⁸⁸ ³⁸⁹TEXT: “or” written in longhand.

any thing to you when they came up. No. What did they do after they came there. Killed the Smiths. Tell how they approached the house. Came up with a single file³⁸⁹ in front of the jail did they surround the jail. Came up the fence. ~~Did any~~ 〈How many〉 got over the fence. I [could] not say. How many went up stairs. I could not say. How carry their guns. I could not say. Did you see Smith fall from the window. Yes. How far from him. I was out in the road east of the jail the crowd between him [and me]. Shot before he fell or not. He was not. I think he was not. How long after fell before left him. Short time. How many guns fired after fell. Could not tell how many. One know.³⁹⁰ Yes. More than two. 3 or 4 maybe more a consider[able] firing. Did you see Alredge there at the jail. I did not. [p. [31], bk. [2]] Sharp. No. Davis. No. Grover. Yes. And where was he and what doing. Running towards the door of the jail. ~~Before the~~ Before or after the death. Before. Did you see Williams jail that evening. I did. See him first went there. No. Which way Williams approach the jail first saw him.³⁹¹ I cannot say which way he came he was right there in the middle of the road. Where were the Carthage jail 〈Grey〉³⁹² This side of the jail. ~~Where Williams~~ 〈Where Williams〉 between the Carthage Greys and jail. At what time did

some were black, and some were not. How many were blackened. I could not say. Where did you stand. probably fifteen, or Twenty feet, off the Jail, outside of the yard [p. [29]] Did any of them, say any thing, to you when they came up. No. What did they do, after, they came their. Killed the Smiths. Tell us how they approached the house. They came up, with a single file in front of the Jail. Did they surround the Jail. No, In what direction did they come. They came up the fence, that runs from the Jail, to the timber How many got over the fence. I cannot say. How many went up stairs. I could not say. How did they carry their Guns, I could not say. Did you see Smith fall from the Window. I did. How far was you from him I was out on the road East of the Jail. the crowd was between me and him, Was he shot, before he fell, or not[.], I think He was not. How long, was it, after he fell before they left him. It was a short time. How many Guns were fired after he fell. I could not tell how many. Was their one fired. Yes there was more then two, Three or four, and may be more, there was a considerable firing. Did you see Oldridge [Mark Aldrich] there at the Jail. I did not. Did you see Sharp at the Jail. I did not. Did you see [Jacob] Davis there. I did not. Did you see [William] Grover there. I did. Where was he, and what was he doing. He was running towards, the door of the Jail. Before or after the death of Smith. Before. Did you see [Levi] Williams at the Jail, that evening. I did. Did you see him when you first went there No, Which way, did Williams, approach the Jail, when you first saw him. I cannot say which way he came,

389 ³⁹⁰TEXT: Shorthand reads *f-long i-r*; intent was likely “single file”.

390 ³⁹¹TEXT: Longhand reads “Was their one fired.”

391 ³⁹²TEXT: Shorthand reads “he” or “the”; intent was likely “him”.

392 ³⁹³TEXT: Shorthand reads *g-l-long a*; intent was likely “Grey”.

you first see Williams. Saw him before the firing. Had they gone in the house before you saw him. No. Just surrounded the jail before you saw him. Came up to the jail. Did you see Grover after during conflict. I saw [him] about the jail. Was he armed. A double barreled shot gun. ~~What did~~ Hear Grover say any thing. I do not know if I did. You did not see Alredge Sharp or Davis at jail that day. No. Williams say any thing. Yes he told them to ~~rush~~ rush on boys³⁹³ no³⁹⁴ danger. Hear him say any thing else. [p. [32], bk. [2]] during the conflict. Halloed for them to go³⁹⁵ round that side of the window. Saw³⁹⁶ when they came around. Told them to shoot the damned scoundrels. Did you see him after that. I do not recollect seeing him after. Where did you go that night. To Mr. [Larkin] Scott Bear Creek. Who with. Couple of men I do not know their names. Foot or in wagon. Foot. Were they in town. No. Did see Smith after he was dead. I saw him after he was shot. You supposed he was dead. Yes. Had they all retreated then. No. How long after you supposed Smith was entirely dead before the whole of them left. I could not say. Done in a great deal of confusion. Confusion. Drinking that day. Had liquor with them. I did not taste of it. They drank and acted as if they were drunk. Had whiskey as they sat drinking. Yes. Are you the author of that book. I did not write it sir. Who did. L[yman] O Littlefield. Did he write it from what

he was right there, in the middle of the road with one, of the Carthage Greys on the east side of the Jail. At what time did you first see Williams, I saw him before the firing. Had they gone, into the Jail, before you saw him. No. Had they just surrounded the Jail before you saw him. They had come up to the Jail before I saw him. Did you see Grover after, during the conflict, I saw him, about the Jail. Was he armed. He had a [p. [30]] double barrel shot Gun. Did you hear [William] Grover say any thing. I dont know that I did. You did not see Oldridge [Mark Aldrich], [Thomas] Sharp, and [Jacob] Davis at the Jail that day. No, Did you hear [Levi] Williams say any thing. Yes. he said rush on boys. their is no danger. Did you hear him say any thing else during the conflict Yes. he halloed for them to come round to that side of the Window. And what was done when they came round. He told them to shoot the damned scoundrel. Did you see him after that. I dont recollect seeing him after. Where did you go that night. To Mr [Larkin] Scott's Bear Creek. Who went with you. a couple of men whose names I do not know. Was you on foot, or in a waggon. On foot. Were these two men in Carthage. No, Did you see Smith after he was dead. I saw him after he was shot. You supposed he was dead. I did. Had the Mob ~~retired~~ retreated then. No. How long after, you supposed, that Smith was entirely dead, the whole of them left. I could not say. Did they retreat in a great deal of confusion. They did. Did you see any drinking that day. They had some liquor with them. Did you drink any of that liquor. I did not. but they drank,

³⁹³ ³⁹⁴TEXT: Shorthand reads *j-oi-s*; intent was likely "boys".

³⁹⁴ ³⁹⁵TEXT: Possibly "in".

³⁹⁵ ³⁹⁶TEXT: Possibly "come".

³⁹⁶ ³⁹⁷TEXT: Possibly "so".

a³⁹⁷ told him. Yes. [p. [33], bk. [2]] I told him the statement some several times after. I saw some before it was printed. ~~And some~~ Some light. I suppose astonish that I saw a light. Just explain it. Was represent[ed] in book different. You saw or fancied you saw a light. Yes. Might it not be a reflection <from musket> . I do not say what it might have been. Seen stand. I cannot tell. The whole composition of that book. Yes. Relate as you now relate the same. I think I did. Was you alarmed at the time. Yes consider[ably] excited. Did you belong to the Mormon church at that time. Do you now. Yes. Live in Nauvoo. Yes. Cooper by trade. Business now.³⁹⁸ Yes sir. For a living. From what state. New York. Age. 24. How long in Illinois. 7 or 8. Live up in Kane County. Father did. Mother did. Williams position between the Greys and the jail. Yes. Not very near the jail. No. You do not know [p. [34], bk. [2]] which way he came when he came there. No. How long was it after [*1 illegible word*]³⁹⁹ Smith killed. Carthage Greys came to jail. Not a great while. How far did the others get away before the Greys came. I could not say. Did you leave town after this occurrence immediately.⁴⁰⁰ I did. P~~401~~+⁴⁰²

and acted, as if they were drunk. Are you the author of that book, entitled, a correct account, of the Murder of General Joseph, and Hyrum Smith, at Carthage on the 27th day of June 1844, by William M. Daniels, an eye Witness, I did not write it Sir. Who did. M^r. L[yman] O. Littlefield. Did he write it from what you told him. Yes I told him the statements, ~~some~~ several times after it occurred. Did you see the manuscript before it was printed. I saw it sometime before it was printed. There is something said, in this book, about some light well tell us about it. ~~He says~~ I suppose it will astonish you, to tell you that, I saw a light. Well explain it to us. It is represented in the book rather different than what it was. But it is true that you saw light. [p. [31]] Yes. might it not have been the reflection of a musket. I dont say what it might have been. Was the light seen by any that was standing by except yourself. I cannot tell. Upon the whole is the composition of that book true did you relate the circumstances to [Lyman] Littlefield as you now relate them. I think I did; Was you alarmed at the time you saw the light. Yes I was considerably excited. Did you believe in the Mormon Church at that time. I did not. Do you now. I do. Do you live in Nauvoo. I do. What is your buisness. I am a Cooper by trade. Do you follow, that buisness now, for a living. Yes I do. In what State was you raised. In the state of New York. What is your age, I

³⁹⁷ ³⁹⁸TEXT: Intent was likely “you”.

³⁹⁸ ³⁹⁹TEXT: “now” written over period.

³⁹⁹ ⁴⁰⁰TEXT: Probably a crossed out *g* or *b*.

⁴⁰⁰ ⁴⁰¹TEXT: Shorthand reads *m*; intent was likely “immediately”.

⁴⁰¹ ⁴⁰²TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁴⁰² ⁴⁰³TEXT: Cross-examination.

By **[Orville] Browning**. Where were you living at the time. 3 miles from Augusta. How long lived there. About⁴⁰³ year before. You reside in Nauvoo now. Live there for last 6 or 8 weeks. When did you to go Warsaw. Before this occurrence. Two or 3 days. Had you been there all the time for 2 or 3 days prior to the killing of the Smiths. I think I had. Doing there. Not doing any thing. Purpose there. Going to St. Louis. 〈Got〉 and decline going. Yes sir. Have you any particular reason for abandoning your trip to St. Louis. I had. What was it. Person I expect[ed] in particular did not go.⁴⁰⁴ I stayed there. See what was going on. [p. [35], bk. [2]] I [*1 illegible word*]⁴⁰⁵ have coopered some there. Did you belong to any of the military companies. Not till morning of the murder. Prior that morning. Joined a company. Captain [Jacob] Davis. Furnished a gun. Bayonet. No. At the time you joined you report your self to. I do not know who it was. Did you know ~~kateh~~ Captain Davis. I had seen him. Was it

am Twenty four years of age. How long have you been in the state of Illinois. Seven or Eight years. Did you ever live up in [K]ane County. My father and mother did. Was [Levi] Williams position between the Greys, and the Jail. It was. He was not very near the Jail. No. You say, you dont know, which way he came, when he came there. No. How long was it, after Smith was killed, before the Carthage Greys, came to the Jail. Not a great while. How far had the Mob got away before the Greys came. I could not say. Did you leave town immediately after this occurence. I did.

Cross examined by Lawyer **[Orville] Browning** for the defence

M^r. [William] Daniels where were you living at the time the Smiths was killed, About three Miles from Augusta. How long did you live there before the murder. About one year before. Do you reside in Nauvoo. Now. I have lived there for the last six or Eight weeks, When did you go to Warsaw. Before this occurrence two or three days. Had you been there all the time for two, or three days prior to the killing of the Smiths. I think I had. What was you doing there. I was not doing anything. For what purpose was you there. I was there in [p. [32]] order to take a boat for St Louis. But I suppose you got disappointed and declined going. Yes. Have you any particular reason for abandoning your trip to St Louis. I had. What was that reason. The person, I expected to go in company with, one did not go, and I stayed there. Did you belong to any of the Military companies. Not until, the morning before the murder, on that morning I joined the Company. Who was the Captain of

⁴⁰³ ⁴⁰⁴text: False start stricken before “about” written.

⁴⁰⁴ ⁴⁰⁵text: Or “come”.

⁴⁰⁵ ⁴⁰⁶text: Shorthand reads *r-t* or *r-d*.

him. I do not recollect who it was. Who furnished you with gun. I [do not] recollect. At the time you joined that company and before you joined it. did⁴⁰⁶ you know. I knew intention to murder Smiths before that. Possessed of the knowledge. Night before. In what way. From the officers converse. I [William] Grover Alredge [Mark Aldrich] Davis. [Levi] Williams be certain about else. Who was speaking. They all said something. Tell substance of what they said. Send thirty men to Carthage to murder the Smiths. Agreed upon. Yes. . On the parade ground. Were any other persons present. I think they were more besides them. [p. [36], bk. [2]] Who there. I cannot say. How many were present all together officers and men. I cannot tell you. Do you think dozen. Half dozen. They were in close confident secret talk. They were. Where were you. I was there. Start towards Quincy and went up. Were all their backs towards you. No. Behind some facing others. Yes. When you came up they did not quit talking did [they]. No. Personally acquainted. Saw them before. At that time you were about Warsaw with out any business then joined the company. No. What time of the evening was it you heard this. Before dark. They were standing out open piece of ground. Yes. No bushes about them. Made no secret of it. No. Every body should hear. They were by themselves. What e companies the 20 men. They picked them out of. Davis and Grover. Present. Yes. In what way. Called them out and went some refused to go. Recall one or two Stevens [Henry Stephens]. They They went. Refused to go. I do not know. [p. [37], bk. [2]] Was you called up. No. At⁴⁰⁷ the time you joined Davis company

that company. Captain [Jacob] Davis. ~~Was you~~ (Did he) furnish you, with a Gun and Baynot. No, At the time you joined the Company, did you report yourself to the Captain. I did not know, who was the Captain. Did you know Captain Davis. I had seen him. Was it him you went to when you joined the Company. I dont recollect who it was. Who furnished you with a Gun. I dont recollect. At the time, you joined that Company, and before you joined it, ~~had you~~ (did you know of) any intention to Murder the Smiths. I knew of (their) intentions, to murder the Smiths, before that I joined, the Company. ~~How~~ When was you possessed, of the knowledge of such an intention. The night before I joined the Company. In what way was you possessed of that knowledge. From hearing the Officers the Officers converse. Who did you hear converse. I heard [William] Grover, Oldridge [Mark Aldrich], Davis, and [Levi] Williams, but I am not certain of any one else. Who of them was speaking. They all said something. Can you tell us the substance of what they said. They talked of sending thirty men to Carthage to Murder, the Smiths, Did they agree upon it. They did. Where were they talking. On the parade ground. Were their any other persons present, beside themselves. I think there were, Who was there beside them. I cannot say. How many were present to gether, officers, and men, I cannot tell you. Do you think there was, a dozen. I dont think there was. Was their half dozen. I think there was. And they were in close, confident, secret talk. [p. [33]] They were. Where were you. I was there. Were all their backs towards you. No. You was behind some, and facing others. Yes. When you came up did they quit talking. No, Were you personally acquainted with any of them. I had seen them before. What time of the evening was it when you heard this.

⁴⁰⁶ ⁴⁰⁷text: "did" written over the period.

⁴⁰⁷ ⁴⁰⁸text: From this point on, the longhand transcript is written in a different hand; the accuracy of the longhand transcript deteriorates from this point.

you [*1 illegible word*]⁴⁰⁸ to send a company to kill Smiths. Your object in joining company to go and tell Gover[nor] [Thomas] Ford. Yes. I did not think they let me go. You did not.

Belong to any of the companies with[out] any body knowing it. No. Prevent you from going to Warsaw. No sir. After you first went to Warsaw you did start to go to Quincy did any body stop you then. No. Gone.⁴⁰⁹ Put me under guard that night. Put me in tent. Who was guarding you. I do not know. They had arrested you keep me there. After the conversation. After they got through⁴¹⁰ they turned round. To talk to you. Grover talked to me. Alredge. Williams. Davis. I cannot tell. Did any one of those men speak to you upon that subject.⁴¹¹ No. How long was it after that before they had you arrested right after. Was there any body else put under guard[p. [38], bk. [2]]. I do not know. How many men guarding you. Could not tell. Fifty. Did not count. I

Before dark. They were standing out, on an open piece of ground, were they; Yes. There was no bushes about them, they made no secret of it. No. They did not care if every body should hear. They were by themselves. Out of what companies were the ~~thirty~~ (Twenty) men appointed. They appointed the, out of [Jacob] Davis, and [William] Grover's companies. Was Davis, and Grover, present. Yes. In what way, did they, appoint them. They called them out, some went, and some refused, to go. Was you called up. No, At the time you joined Davis company did you do it it with A veiw to go and kill the Smiths, no, what did you do it for, That I might find out there purposes, and inform the Governer [Thomas Ford].

Could you **belong to any of the companys** without any body knowing it. No. Did any body (try to) prevent you from going to Warsaw. No Sir. After you first went to Warsaw you had started to go to Quincy had you not? Yes. Did any body stop you then. No. When you came to ~~town~~ Warsaw what did you see do. I was put under guard, Where did they put you, I was put into a tent. Who was guarding you. I dont know. Did you know what they had arressted you for, To keep me there. Was this after the conversation, Yes. Then when they (had) got through they turned round and talked with you. Yes. Did Grover, Alridge [Mark Aldrich] [Levi] Williams or Davis talk with you I cannot tell, Did any one of these men speak to you upon the subject of the Murder. No. How long was it after that before they had you arressted.

⁴⁰⁸ ⁴⁰⁹text: Shorthand reads *n-n-t-s* or *n-n-th-s*.

⁴⁰⁹ ⁴¹⁰text: Or "Again".

⁴¹⁰ ⁴¹¹text: Or "there".

⁴¹¹ ⁴¹²text: Shorthand reads "object"; intent was likely "subject".

suppose the whole company would have watched me. Kept men up all night. At the door of the tent. You⁴¹² say this pamphlet contains substantially. I said that. You have read. I think I have. Is the account generally a true. Good many facts in it. I do not know. I do not know any fact. Is the account given here of your march from Warsaw. As you gave it to [Lyman O.] Littlefield. I think so. Did you ever take it to printing office to have it published.⁴¹³ Littlefield. Did. Did you go with him. Yes. Different one. Yes. New one made. Difference from the other. I have not compared. The facts the same purport. You came from Carthage up to the railroad. Troops there disbanded. Yes.

I see **advertisement with your name** signed. [p. [39], bk. [2]] it.⁴¹⁴ I did sir. Saw it until it came out. Pamphlets for sale as a true narratives of the facts. Yes. You advertised this. I told it. As a correct account of the murders. Facts your composition told Phelps.⁴¹⁵ When you came to the railroad. The troops disbanded Williams. Yes. After the troops disbanded volunteers were called for to go to Carthage. Yes. For the purpose of killing the Smiths. Yes. What time did you start out that morn[ing]. Noon. How far from Warsaw.

Wight off. Was there any body els put under guard. I dont know. How many men was there [p. [34]] Could not tell. Was there fifty & Did not Count. I suppose the whole Company would have watched me, they kept men up all night at the door of the tent. You say this Pamphlet contains substantially the scercumstances [circumstances] as they ocured. I said they where written by L[yman] O. Littlefield. You have read ~~this~~ it have you not. I think I have. Is the account generally A true one— There is A good meny facts in it. I dont know. Is the account given here of your march from Warsaw as you gave it to Littlefield. I think so. Did you ever take it to A printing Office to have it published. Littlefield did. Did you go with him. Yes. Is this the same account you took to get published, No. That one was lost. There this is A different one. Yes. You made A new one— is there any difference between the two. I have not compared them. Is the facts of the same purport. I think they are.

~~You came~~ I see an **advertisement with your name** signed to it. Did you make it. I did, but did not see it till it appeared in the paper. A Daniel's come for judgment. Pamphlets for sale as A true narrative of the facts conected with the Murder of the smiths. You advertised this. I told Mr. Felps [William W. Phelps], and he put it in the paper in that forum. When you came to the Rail Road the troops where disbanded by [Levi] Williams Yes. After the troops where disbanded Volenteres [Volunteers] where called upon to go to Carthage. Yes. For the purpose of killing the

⁴¹² ⁴¹³text: The longhand transcript of the following differs from the shorthand and contains text that is not in the shorthand.

⁴¹³ ⁴¹⁴text: Shorthand reads *b-l*; intent was likely “published”.

⁴¹⁴ ⁴¹⁵text: Word or words were apparently lost while Watt turned the page, as occasionally happened when reporting in shorthand.

⁴¹⁵ ⁴¹⁶text: Shorthand reads *f-long or short e-l-d-s*; intent was likely “Phelps”.

I do not know. How far think it was. No idea. What time in the morning was it that those 20 men go to Carthage murder. Early in morning. How long was it before you all left Warsaw detailed and sent off. Well little time. Early left Warsaw. Any late. Those men start before you did. Yes. After they got to the railroad as they had sent in 20 men why did they beat up to do the same thing.⁴¹⁶ Sent for the 20 men to stop. Did you know Daniel to⁴¹⁷ [p. [40], bk. [2]] did see one⁴¹⁸ on white horse.⁴¹⁹ Did not. Did he⁴²⁰ return to the railroad. I cannot say did or not. Did any of the 20 men sent off to Carthage go there. Met them at the crossing of the railroad. You all waited there until those 20 men returned. Yes. How long wait. Do not know how long. Did the man on the white horse did not come back. I do not know. When those 20 men returned did they make any report of what they had done. Did not hear them. Say what they had been doing.

Talked the matter all over came along. Substance of them talk. [blank] At the time you joined Davis companies. In the morning. Before the march. Yes were you under guard.

Smiths. Yes. What time did you set out that morning. About noon. How far is the railroad from Warsaw I dont know. How far do you think it is. I have no idea. What time in the morning was it that these 20 men started to go to the Carthage to murder the smiths. Early in the morning. How long was it before you all left Warsaw together. it was early when we left Warsaw. Those 20 men started before you did. Yes. After they had got to the Railroad, as they had sent on twenty men, why did they beat up for volunteres to do the same thing. they had sent after them to stop. Did you [p. [35]] see any on white horses. I did not. When did the 20 men sent to Carthage come there. We met them at the crossing of the Railroad. You all waited there until these twenty men returned. Yes. How long did you wait. I cannot tell how long. Did you see any among them riding A whit horse when they came back. I dont remmember When these 20 men returned did they make any report of what they had done. I did not hear them say what they had been doing

Did they not **talk the mater** all over when they came along. The greater part of them was talking. What time of the day did you join [Jacob] Davises company. It was in the morning Before the march. Yes. Was you under gaurd. Yes. Did they permit

⁴¹⁶ ⁴¹⁷text: The longhand transcript of this sentence reads: "After they had got to the Railroad, as they had sent on twenty men, why did they beat up for volunteers to do the same thing." The transcript differs in style, in the length of the sentence and in grammatical complexity from the shorthand, all of which are typical of George Watt's alterations in his transcripts of Brigham Young's sermons when compared to the original shorthand.

⁴¹⁷ ⁴¹⁸text: Or "too" or "two".

⁴¹⁸ ⁴¹⁹text: Possibly "any".

⁴¹⁹ ⁴²⁰text: Or "horses".

⁴²⁰ ⁴²¹text: The longhand transcript differs significantly here: Watt's shorthand contains information on a single man, "he", that is omitted from the longhand transcript.

Give⁴²¹ orders to let no man⁴²² pass. Did not give me any discharge. Did they permit you to go did not. Kept file of men. So that you were a prisoner when you joined the company yes. You stated while ago. That Alredge [p. [41], bk. [2]] [Thomas] Sharp on horse back. Yes. You stated also⁴²³ you saw no more of them after until you saw them here. Did not see either of them here. You stated also⁴²⁴ Williams until saw him at the jail. Do not recollect seeing. Were there any speeches made. One made. By whom.⁴²⁵ Sharp. Did any other. Did not hear any body. What⁴²⁶ was Mr. Sharp standing sitting. On his horse. You cannot recollect any part of that speech. Some parts of it. Repeat those parts you do remember. About the necessity of killing the Smiths and get rid of the Mormons. Was they angry. Get rid of the Smiths. I mean to say that he said kill the Smiths. The speech is repeated at length. I did not write that speech. Is this the speech Sharp made. Little[field] filled up the filling in it. Was any thing said about the governor. Yes. Tell it. News they had killed Smiths and few more. [p. [42], bk. [2]] Repeat now again what Sharp said about the governor. If they killed Smith the Mormons would kill [Thomas] Ford.

you to leave the tent. Yes and kept A file of men round me. So you where A prisoner when you joined the company. Yes. You stated while going that Alridge [Mark Aldrich] and [Thomas] Sharp where on horse back. Yes. You stated also you saw no more of them till you saw them here in Carthage. Yes. You stated you did not see [Levi] Williams till you saw him at the Jail. I dont recolect seeing him till then. Where there no speeches made. There was one made. By who Sharp. Did any other speak. I did not hear any body. Was M^r. Sharp standing or setting. He was setting on his horse. You cannot recollect any part of that speach. Some parts of it. Repeat those parts you remember. The purport of his speach was upon the necessity of killing the Smiths and get aid of the Mormons. Was it not to get rid of the smiths. I mean to say that he said kill the Smiths. ~~Let~~ (is) ~~us~~ hear (this) the speach as repeated at length. I do not know I did not write that speach (Referring to the speach in [William] Daniels Book) Is this the spech Sharp made. I told [Lyman] Littlefield the scercumstance and he put in the filling. Was any thing said about the Govener. Yes. Tell it. He said the Governer [Thomas Ford] while at Nauvoo would get the news that the Smiths where killed, and the Mormons would rise and kill him. Repeat now again what Sharp

⁴²¹ ⁴²²text: Or “given”.

⁴²² ⁴²³text: Or “men”.

⁴²³ ⁴²⁴text: Written as two words: “all so”.

⁴²⁴ ⁴²⁵text: Written as two words: “all so”.

⁴²⁵ ⁴²⁶text: Pitman shorthand uses the same symbol for “who” and “whom”; it is therefore impossible to determine from the shorthand which word was used. The longhand transcript reads “who”.

⁴²⁶ ⁴²⁷text: Possibly “whether”.

You do remember that Sharp⁴²⁷ in making that speech swore or used any oaths. I do not recollect. This report speech concludes in these words. ~~All things are~~ Read his (the) pamphlet. When the speech was concluded. Cheer him. Yes. They seemed pleased. Some did ~~and some~~ of them the troops cheered him. ~~They~~ There would [*1 illegible word*]⁴²⁸ to have failure in getting volunteers. Yes. Nobody seemed willing to start first Grover said he go by himself. No. How many were there who did volunteer to go and came. 70 or 80. I do not know the exact number. Did [you] count them. Ran them over came up to the jail. 84. After the troops disbanded still under guard. No. You stayed with the companies 4 miles Carthage with them. Yes. When did Mr. Alredge leave to go on. 4 miles from Carthage. When he left about 4 miles from here. Did any body leave with him. I do not know. See from that place at all. [p. [43], bk. [2]]

As you did not see him when he left how do you know he left you came on to Carthage. Last I saw of him. You did not see him leave. No. Did you see him start in the direction of Carthage.

I do not know. **I did not see him any more after.** I did not see riding off in direction of Carthage no. You did not know. Did not come with us. I do not know where he went. You did not see Williams after left the railroad saw him here. No. At this 4 mile place did any communication take place between the Carthage Greys. Mr. Alredge.

said about the Governor. He said that if they killed the smiths the Mormons would rise and kill Ford. Do you remember that Sharp in making that speech swore or used oaths. I do not recollect. [p. [36]] This speach concludes in these words (read the Pamphlet) “And we shall then be rid of the damned little Governor [Thomas Ford], and the Mormons too— (cheers)” When the speach was concluded they cheered him. Yes. They seemed pleased I suppose. Some did and some did not all the troops cheered him, There was likly to be A failour in getting up volunteres. Yes. Did any body seem willing to start first. [William] Grover said he would go alone if no one els would go. How meny where there who did voluntere and went 70 or 80. I dont know exactly the number. Did you count them. I ran them over when the[y] came up to the jail there was about 84. After the troops where disbanded where you still under guard. no. You staid with the companys till they arrived within 4 miles of Carthage. Yes. When did M^r. Olridge [Mark Aldrich] leave to go on. 4 miles from Carthage. Did any body leave with him. I dont know. I did not see him when he left that place at all. As you did not see him when he left how do you know he left you came on to Carthage. There was the last I saw of him. You did not see him leave. no. Did you see him start in the direction of Carthage

I dont know **I did not see him any more after**, for he did not go with us. When did he leave the company. I do not know when he went. You did not see [Levi] Williams after he left the railroad till you saw him here. No. At this 4 miles place did no conection take place between the Carthage Grays and M^r. Alridge. Yes A note was brought by one of the grays which was read by Oldridg.

⁴²⁷ ⁴²⁸text: Shorthand reads *sh-l-p*.

⁴²⁸ ⁴²⁹text: Shorthand reads *k-l*; intent was possibly “likely”.

Did Mr. Alredge read that aloud. Yes. You heard it read I heard him tell what it was. Read it all. Did it read as it reads in this [*1 illegible word*]⁴²⁹ in this book. I do not know how it reads there. Read pamphlet. Nigh the same. That was delivered to Alredge. Yes. 3 or 4 more lines pamphlet < partial > . I told him ~~th~~ things then probably I do not recollect now. Did you not make affidavit imputing these facts. You were⁴³⁰ mistaken when you said that. I did not recollect of saying at all stopped at the [p. [44], bk. [2]] and got some milk. I now remember and tell where was. 5 or six miles got some milk to dri[n]k. Some of the companies behind. When you came into Carthage did you come alone. No. Who came with you to Carthage. I did not know them. Know them if see their faces. As you came did you and they have conversation this matter. No. The troops permitted you quietly to step⁴³¹ you put under guard. Yes. Did you professed an alliance. Between the volunteers you marched out with them. Any of them not along did not march out. Had you a gun. Not after left the railroad. Put it in wagon. Did any of them know you were opposed to the murder of Smiths. Know did or not. Did you say any thing to dissuade them from it. If Augusta troops there it would not be so. Put off. Put off. Why did not you send in to Carthage to give the alarm. I told you before. Knew about it as any body. [p. [45], bk. [2]] That letter. 4 miles. Traveled as fast as I could. Flee. No I did not try. What made you suppose so in the first

Did M^r. Olridg read this note aloud. Yes. You heard him tell what it was. He read it off. Did it read as it reads in this Book. I dont know how it reads there. (read the pamphlet) Is it the same. ~~Is~~ Is (this.) nigh the same. ~~And~~ that was delivered to Alridge. Yes. When you came into Carthage did you come alone. no. Who came in with you to Carthage. I dont know them. Would you know them if you should see there faces. I cannot say. as you came did you and them have any conversation about this matter. No. And the troops permitted you quietly to step out without putting you under guard. Yes. Had you A gun when you left the Railroad. No I put it in the waggon. [p. [37]] Did any one of them know you was opposed to the (murder of) Smiths. (I do not) No wether they did or not. did you say any thing to dissuade them from it. No but if the Agusta troops had been their it would not have been so. Why did you not send in to Carthage to give them warning. I told you before, they knew about it as well as any body els.

⁴²⁹ ⁴³⁰text: Shorthand reads *b-l* or *p-l*; intent was possibly "pamphlet".

⁴³⁰ ⁴³¹text: Or "are".

⁴³¹ ⁴³²text: Or "stop".

place. Supposed so before that camp because of men in < 20> divisions. Had you heard the Carthage Greys spoken of 20 men went. Yes sir. ~~You said I⁴³² will go.~~ Carthage go to Nauvoo. Greys was in the plot. Explain why you stated to me. I do not know I said so.

When⁴³³ you got to Carthage you went directly to the jail. Did you go with in the enclosure. Out side of it. How far from the fence. Middle of the road. In what direction from the jail. Did not stand the same place. What was position to the jail went there. Front south. Did you see any thing of crowd there. I did. Were they inside or out side. In side.

How long was it after the troops came there before left again. I cannot tell. Was it as much as ten minutes. Could not say. No idea. Some little idea. 15 minutes could not say. [p. [46], bk. [2]]

1 book of examination.⁴³⁴ [p. [0]]

Was there any struggle with the guard. Yes. Tell us about that. They had scuffle. They [*1 illegible word*]⁴³⁵ them off. Saw them holding 2 of them. Did the guard fire at all. I believe they did. You kept your position in front of the jail from the time you went up front of the window. I was in front of the jail. Did you go inside enclosure at all. No. Could

When you got to Carthage you went directly to the Jail. Yes. Did you go within the enclosure out side of the Jail. No. How far was you from the fence. I was about the midle of the road. in what direction from the Jail. In what possition did you stand to the Jail when you first went there. In the front or south of the Jail. Did you see any thing of great account there. I did. What did you see. I saw the Mob. Where in side or out side the enclosure. Inside.

How long was it after the troops came their, before they left again. I cannot tell. Was it as much as ten minutes. I have no Idea.

Have you not some little Idea. It might have been 15 minutes I could not say.

Was there any struggle with the gaurd. Yes. Tell us about that. They had A ~~strugle~~ scuffle. Did the guard fire at all. I beleive they did. You kept your possition in front of the Jail from the time you went up in front of the window. I was in front of the Jail. Did you go inside of the enclosure at all. No. could A person get into the jail without first going through the enclosure. I believe not. About how

⁴³² ⁴³³text: Possibly "we".

⁴³³ ⁴³⁴text: Longhand transcript content begins again here.

⁴³⁴ ⁴³⁵text: Back cover of notebook; Watt turned the notebook over and wrote on the other sides of the pages from back to front.

⁴³⁵ ⁴³⁶text: Shorthand reads *k-l-n-sh*.

a person get into the jail with out first going enclosure. I believe not. About how far best judgment was it from the front of the jail to fence. Say 10 feet. How far out side of the fence until standing. Middle of the road. Were you as far from the fence on one side as the jail on the other. Yes. Nearer in front of the jail. Yes. Near the corner of the fence. Far from the jail door middle of the road. Yes.

Did you see any wounded men of the troops. Yes. How many. Two. Did you see more than two. I [p. [48], bk. [2]] I saw three. Did you see more than 3. No. Did you know any of them. One of them. Who was it. Wells [John Wills]. You did not know the other two. I did not. Did you hear any of these men say any thing about any shot. One said his arm shot to pieces. That was Wells. Were any of those men mortally wounded. I do not know. Saw the blood run out if his arm. Did you see the wounds of the other two. No I did not examine. How did you know the other two were wounded. I saw the blood. [~~illegible word~~]⁴³⁶ Other one⁴³⁷ hurt in the leg. Heard him say out side of the fence. He said the first one⁴³⁸ shot through the door. Was it before or after those men came down stairs go to the window. After. When the call was made to go to the window you rush round. I walked up. Where did those wounded men go to. Window round that side [of the] jail where did you see the other two. Saw them there. Do you know how they [p. [49], bk. [2]] got away from there. I do not know. I do not know how they

far to the best of your knowledge is it from the front of the Jail to the fence. About ten feet. How far out side of the fence to where you was standing. I was standing in the midle of the road. Where you as far from the fence on the out side as the jail is on the other. Yes. You stood not far from the jail door in the middle of the road. Yes.

Did you see any ~~appearanee~~ wounded men on the steps. Yes. How meny. Two. Did you see more than two. I saw three. did you see more than three. No. Did you know any of them. Yes one of them. Who was it. Wells. You did not know the other two. No. Did you hear these men say any thing about being shot. One said his arm was shot all to peices. This was Wells. Yes. Where any of these men mortaly wounded I do not know. Did you see the blood run out of his arm. Yes. Did you see the wounds of the other two. No I did not examin them. [p. [38]] How did you know the other two where wounded. I saw the blood one of them was hurt in the leg. Was it before or after these men came down stairs they went round to the window. After. When the call was mad to go round to the window you ran round. I walked up. Where did these wounded men go to. One of them went round to that side of the Jail. Where did you see the other two. I saw them there. Do you know how they got away from there. I do not. Where they the ones shot Smith. I think one was. Which one. The one that was shot in the arm I saw him shoot Smith.

⁴³⁶ ⁴³⁷text: Shorthand reads *t-r-n*.

⁴³⁷ ⁴³⁸text: Possibly "were".

⁴³⁸ ⁴³⁹text: Possibly "were".

went off. Were they the ones shot Smith. I think one was. Did not have the use of his arm. I saw him shoot Smith. I did not notice.

Did he hold his gun in both hand.⁴³⁹ Both. ~~Arm.~~ You saw the blood. Yes. I did not examine at all. You saw Smith fall out of the window. Yes. Tell us the manner. Fell out. What was his position saw <first> saw him in the window. Hands one side feet on the other. Body hanging. Out. I do not know how long little time. Was his head to the north or south. At north feet to south. Troops to the east of him. South and east of him.

Did any person shoot at him hang there. Know of. Any thing said hanging there. Told them shoot him. Colonel Williams. Fell lie motionless. Did not attempt. Back shoulder. You think at the time he fell out was not hurt. I think not. [p. [50], bk. [2]]

When he fell was there rush. One man. What did he do to him. Picked him up old Joe I know him. Sat⁴⁴⁰ him up. Held him up. Alive then. Do not know. Had not been shot. I suppose fainted however. Did Smith say anything. Oh⁴⁴¹

Did he hold the gun in both hands. Yes. You saw the blood run out of the wound. Yes but I did not examine it. You saw Smith fall out of the Window. Yes. Tell us the manner he fell out what was the possion [position] when you first saw him in the window. He held with his hands on one side and his feet on the other his body hanging out. How long did he hang there. I do not know how long or short A time he hung. Was his head to the North or to the South. His head was to the north and his feet to the South and the troops where South and East of him.

Did any person shoot at him while he hung in the window. No. Was there any thing said while he hung there. Col. [Levi] Williams told them to shoot him. When he fell did he lie motionless. He did not attempt to rise. You think at the time he fell he was not hurt. I think not. When he fell was there a rush to the place. Yes A Young man rushed up to him, and said while he picked him <up>, "this is old Jo I know him" and set him up against the well curb. Did he hold him up. No. Was he alive then I dont know. I suppose he had fainted in consequence of the fall. Did Smith say any thing. <as he hung in the wilderness window> Yes he said "O Lord my God". Was there A great deal of noise in the confusion. While he hung in the window all was still. After this man had set him up what hapened then. men was appointed to

⁴³⁹ ⁴⁴⁰text: Watt uses the symbol for "and" to represent "hand," dropping the initial *h*.

⁴⁴⁰ ⁴⁴¹text: Possibly "set".

⁴⁴¹ ⁴⁴²text: A small "x," which usueally represents a period, is written above "Oh."

Lord.⁴⁴² Before he fell⁴⁴³ there was a great deal of noise and confusion. While hung in the window still. After this man sat⁴⁴⁴ him up what happened. Shot him. Did the man who sat⁴⁴⁵ him up continue to hold him up until they shot him. No. By pump. Took him and sat⁴⁴⁶ him by the well and went off. Yes. Which side [of the] well [did he] set⁴⁴⁷ him. South side. Did the men who shot him stand in front of him or side. South easter[ly] direction. ⁴⁴⁸ ere they facing him. Not exactly. How many men shot him. 4 shot at him. How far were they from Smith. At the fence. 10 or 12 feet. All ~~four~~ 〈fired〉 ⁴⁴⁹ at the same time. Pretty much. [p. [51], bk. [2]] Had⁴⁵⁰ Smith his eyes open. I do not know. Did he give any sign of pain when shot. I did not see him give any ~~sth~~ sign of pain.

shoot him. Did the man who set him up continue to hold him up while they shot him. No. He took him and set him by the well and went off. Yes. Which side of the well did he set him. on the South side. Did the man who [p. [39]] shot him stand in front of him or on one side? They stood in A South Easterly direction. Where they facing him? not exactly. How meny men shot him? 4 shot at him. How far where they from Smith? They stood at the fence 10 or 12 feet from him. Did they all fire at the same time? Pretty much at the same time. Had Smith his open? I dont know. Did he show any sign of pain when he was shot? I did not see him give any sign of pain.

⁴⁴² ⁴⁴³text: Shorthand reads *l*, which is not commonly used to represent “Lord”.

⁴⁴³ ⁴⁴⁴text: A circle is drawn around “Before he fell”.

⁴⁴⁴ ⁴⁴⁵text: Or “set”.

⁴⁴⁵ ⁴⁴⁶text: Or “set”.

⁴⁴⁶ ⁴⁴⁷text: Or “set”.

⁴⁴⁷ ⁴⁴⁸text: Or “sat”.

⁴⁴⁸ ⁴⁴⁹text: The shorthand and transcript differ here.

⁴⁴⁹ ⁴⁵⁰text: Originally inscribed “four”, with an *o* vowel; then *d* added, changing “four” to “fired”.

⁴⁵⁰ ⁴⁵¹text: Possibly “did”.

In this book. This statement. That president. Is this true or false. Part true and part not. I do not know eyes shut up. I did not tell him so. The statement you told him so is false. I did not tell him so. One of the four men who shot at him wounded man Boras [William Voras].⁴⁵¹ ~~I think so.~~ 〈Yes〉

At what time was it that you saw this marvelous. light. At the pla[ce]. After he shot. How long after. ~~Short time~~ 〈 Short time〉 ~~minutes.~~ Tell us about that light. . It looked like a flash right there at the moment. Like a streak then. Like a flash. Was it about where his body lay. Passed right by his body at one side. ~~Before this happened~~ after he was shot did any person go to him. [Atte]mpt to get to him. Pewter flute in his hand. Had he bowie knife did not see any. What stopped him. That light. [p. [52], bk. [2]] How did affect him. Did not go any farther. Look frightened I do not know. I was frightened myself. I did not see him [be]come a pillar of salt. Read. The ruffian pamphlet.⁴⁵²

In this Book we have the following statement. “When Pres^r. Smith had been set up against the curb, and began to recover Col. [Levi] Williams ordered 4 men to shoot him, accordingly 4 men took an Eastern direction, about 8 feet from the curb Col. Williams standing partly at their rear, and made ready to execut the order, While they where making preparations, and the muskets raised to their faces, Pres^r. Smiths eyes rested upon them with A calm and quit resignation” Is this true or fauls [false]? [It] is partly true and partly not. I do not know if his eyes where shut or open I did not tell M^r. Littlefied as it is written in the Book. Then the statment is faulse? I did not tell him so. One of the men you say that shot at him was wounded

Yes. **At what time** did you see this marvolous light? I saw it at the place after the shooting. How long after? A short time after. Well tell us about that light? It was like A flash of lightening there at the Moment. It was not like A streak then? It was like a flash. Was it about where his body lay? It past right by his body at one side. When he was shot did any person go up to him? Yes A young man ~~went up~~ (atempted to get) to him. Had he any thing in his hand? He had A puter flute in his hand. Had he A bowey nife [bowie knife] in his hand? I did not see any. Did he get up to Smith? No. What stopt him? That light. How did it affect him? He did not go any further. Did he look frightened? I dont know. I was very much fightened my self. Then you did not see him stand like A Marble statute? No. (The Lawier read from the 15th page of [William] Daniels Book) “The ruffian of whom I have spoken who set him against the Well curb, now gathered bowie knife for the purpose of severing his head from his body. [p. [40]] He raised the

⁴⁵¹ ⁴⁵²text: The longhand transcript omits this name.

⁴⁵² ⁴⁵³text: I.e., the attorney read a passage from the pamphlet beginning “The ruffian”. The longhand transcript greatly expands what is in shorthand from this point.

Did not write that and did not tell it write nor any thing else. Mr. Daniel [William Daniels]. You say you did not write this or authorize it to be written. Did you ever correct these statements in it. I ~~k~~ told Little Field. Picked left⁴⁵³ as well as other facts. And you have note⁴⁵⁴ two⁴⁵⁵ persons. As I have told you before. Was further stated the arm of the ruffian 〈pamphlet〉 . Did they stand. They stood there. And Williams for God's sake take their men off. Did not move. No. Did men go and carry those 4 men off that shot Smith. Yes. Picked them up. Was there more than one man to carry one man. I could not tell. They had to be carried away certain. Yes. Hear of them⁴⁵⁶ go. No. Where did you go that night. ~~Sts~~⁴⁵⁷ 〈[Larkin] Scotts〉 . Had you ever been Scotts before. Yes. Do not know his first name. The night

knife and was in the attitude of striking when A light, so sudden and powerful, burst from the heavens upon the bloody scene (passing its vivid chain between Joseph and his murderers) that they where struck with terrified awe and filled with consternation. This light in its apearance and potency baffles all powers of discription. The arm of the ruffian, that held the knife fell powerless, the muskets of the four, who fired fell to the ground, and they all stood like marble statutes not having the power to move A single limb of their bodys.

I **did not write** that, neither did I autherise it to be written. M^r. [William] Daniels you say you did not write this or autherise it to be written, did you ever correct these statements in your Book? I told M^r. [Lyman] Littlefield it was not correct. It is stated “ The arm of the ruffian fell powerless, the muskets of the 4 who fired fell to the ground &c Did they stand ~~their~~ there? They stood there and [Levi] Williams called out to the men (who where retreating) for Gods sake to ~~eome~~ carry off there men. They still did not move? No. Did they return and carry off the 4 men that shot Smith? Yes. Was there more than one man to carry one man? I could not tell. Where did you go that night? I went to M^r. Scot [Larkin Scott]s. Had you ever been at scots before? Yes. What is M^r. Scot's first name? I dont know his first name. The night you staid there had you any conversation about the murder

⁴⁵³ ⁴⁵⁴text: Possibly “men”.

⁴⁵⁴ ⁴⁵⁵text: Intent was possibly “not”.

⁴⁵⁵ ⁴⁵⁶text: Or “to”.

⁴⁵⁶ ⁴⁵⁷text: Possibly “they”.

⁴⁵⁷ ⁴⁵⁸text: Apparently an aborted attempt to write “Scotts.” Watt occasionally interchanged *k* and *t*.

you stayed there. Do you know [p. [53], bk. [2]] conversation about this transaction. Told ~~[illegible word]~~ Scott about it. Did you tell Scott you had assisted in killing Smith. No. Where did you go the next day. To Augusta. Did any other person stay [at] Scotts that night but yourself. I do not know. Sleep with you. No. Was Derrick Fuller there. I do not know him. Did you tell any person there or any where else. You assisted in killing the Smiths. No. Did you ever tell any person assisted in holding the guard while the Smiths were killed. No. At Scotts you went to bed sleep. And do not know what happened after went sleep. No. Where did you stay next night. 〈night〉 . Home. While at Scotts any other conversation about this matter Scott himself. Not I know of. There is some account given in this book vision you had. Scotts were at home. It has no thing to do with it. I will ask you whether after this occurrence had vision saw Joseph Smith. Lam [Josiah Lamborn] got after it. Occurred whether imagined it. Tell the ~~jury~~ jury had after this occurrence Smith brought and handed [p. [54], bk. [2]] cup of water. No he never handed me cup of water. Scene of that kind. Dreamed so sir. How long did you remain in the neighborhood of Augusta before you went to Quincy. I got to Quincy about the sixth July. How long continue to reside in Quincy. With in six or eight weeks past. I was at court last fall. Did you ever state to any person about the speculation you could make by swearing to some persons about killing Smith. Lam[born] stop made it to any particular person. Acquainted Thomas English⁴⁵⁸ 〈Quincy〉 . Yes. Were you ever over in the bottom. Yes.

of Smith? I told Scot about it, Did you tell Scot you had asissted in killing Smith? No. Where did you go the next day? To Agusta. Did any other person stay at Scots that night but yourself? I dont know. Did you sleep with any body? No. Was Derrick Fouler there? I ~~did not~~ see (dont know) him. Did you tell any person there or any where els that you asissted in killing the smiths? No. Did you ever tell any body that you assisted in holding the guard while the Smiths where killed? No. At Scots you went to bed and want to sleep, and did not know what happened after you whent to sleep? No. Where did stay next night? I stayed at home. While at Scots did you hear any other person in conversation [p. [41]] about this matter with M^r. Scot [Larkin Scott] himself? Not that I know of. There is some account given in this Book about A vision you had Did you receive this vision at Scots or at home (Objections where made by the attorney [Josiah Lamborn] of the state to such questions as they where forign to the case) Well I will just ask you wether after this occurrence you saw Joseph Smith— Tell the jury about it, how he appeard to you and handed you A ~~cap~~ cup of water. He never handed me A cup of water. There is A scene of that kind spoken of in this book. I dreamed so Sir. How long did you remain in the neighborhood of Agusta before you went to Quincy? I got to Quincy about the 6th of July. How long did you continue to reside in Quincy? With in six or 8 weeks past. Did you ever state to any ~~body~~ person about the speculation you could make by swearing to some persons for killing the smiths (The states attorney objected to such questions being put) I made no such statement to any perticular person. Are you aquainted with; Thomas Norise of Quincy? Yes. Where you ever hunting with him in the bottom near Quincy. Yes. As you where going home did you not tell M^r. [blank] that you where to make A speculation by swaring against these men? I told him I

⁴⁵⁸ ⁴⁵⁹text: Shorthand reads *ng-l*, *ng-r*, *n-l*, or *n-r*. The longhand transcript reads “Thomas Norise”; other accounts have “Thomas English”.

We was going home. Did you tell Mr. English⁴⁵⁹ that you were to make a speculation swearing against those men. I told I for tending to it get 500 dollars. Did you not tell him you were to get 500 dollars. No. I told him I could. Did you not tell him 500 dollars had been offered me to swear against those men. No. Or to disclose who it was that murdered Smith. No. [p. [55], bk. [2]] A man came in told me I was fool file my affidavit make money out of it 450 for⁴⁶⁰ you chance. Who was Mr. Southwick. I do not know him. What hotel City Hotel. Does he live there now. I do not know. Do not know where he went. Ever renew the proposition. 500 clear out. You do not know who he was making propositions for. No. Who kept the tavern. Converse. He told me he'd leave⁴⁶¹ what suggestion allude to he thought they would kill me. Who kill you mob. You say positively you never told English.⁴⁶² For appearing against the Smiths. No. For tending to it. Talking about this case. Do you know George McLain. I think I do. Do you know George C b Seabold. I think I do. Did you ever tell them that you were to get any thing for swearing in this case. No. Did you ever have any conversation with them or either of them with this transaction. I presume I have. Did you ever tell them or either [p. [56], bk. [2]] of them you did not know who killed the Smiths. I do not think I did. Have you ever been offered 2500 dollars not to appeal

expected for attending to it to get 500 Dollars. Did you not tell him you where to get 500 Dollars? No. Did you not tell him that 500 Dollars had offered you to sware against these men? No. In your discourse did you say who it was that murdered Smith? No. Had you an offer made to at all? Yes A man came in to my house and told me I was A fool for filing my affidavit, as I might have made money out of it. he offered me 450 Dollars for my chance. Who was it? It was (A) Mr. [Edward] Southwick. Are you aquainted with him? No. Where does he stay? In one of the hotels. What Hotell? The City hotell. does he live there now? I dont know. You dont know where he went? No. Did he ever renew the proposition ? He offered me 500 Dollars to clear out. You dont know who he was making these propositions fo[r]? No. He told me it would be better for me to leave the country for he thought they would kill me. Who did he say would kill you? The Mob. [p. [42]] You say positivly you never told [blank] that you had an (where) offered of 5 \$ 500 much money for appearing against these smiths men? Yes. Had you ever any thing offered you to appear against the smiths? No I said I expected so much for attending to it. Do you know George McLean? I think I do. Do you know George. C. Seabold? I think I do. Did you ever tell them that you where to get any thing for swearing in this case? No. Did you ever have any conversation with them or eather of them about this transaction? I presume I have. did you ever tell them or either of them you did not know who killed the Smiths? I

⁴⁵⁹ ⁴⁶⁰text: Shorthand reads *g-l*.

⁴⁶⁰ ⁴⁶¹text: Or "if".

⁴⁶¹ ⁴⁶²text: A circle is drawn around "He told me he'd leave".

⁴⁶² ⁴⁶³text: Shorthand reads *g-l*. The longhand transcript leaves a blank space where name should be.

appear against these men. Yes sir. When made to you. Lived in Quincy. By whom. Men I do not know. Did you know them at the time. No I do not know I ever saw them before. Seen them since. Not that I know of. What time did you say this was. Living in Quincy. Before the last term of the court here. I think it was. By two men you do not know. Where was it in Quincy they came to you? Third street below Jersey. In third street below Jersey. Yes. They met you in the street. Ask your name. Asked who I was. You told them. What age men were they. You[ng?] men who I could not say how old. What size were they. Between 5 and six feet. Same size. I did not take notice. How long in conversation. Short time. What was the first thing said to you after asking ~~their~~ your name. I Told their business. [p. [57], bk. [2]] Ask me who I was told me what they would do. If I would not appear⁴⁶³ in this ~~court~~ court. They did not name any men. You turned away from them immediately. What time day. In the after noon. Not positive. I could not say what time it was. Make **serious** serious impression upon your mind. Did not worry me much. Just tell us whether you think it a usual occurrence or not. Think it unusual. But you paid so little attention to it. I did not know whether it was anything or not anything. I Dressed I did not take notice of their dress. Was it cold or warm weather. Not cold weather before court. Had they any hats or caps. I do not know. You made them no reply. I wheeled round and went off. They met you in the street. Yes. Stopped and talked to them. You did not stop at all then. Yes. You did not stop after passed them. No. Then they hailed you. Hailed before. After you moved off they called to you again. Money to me [p. [58], bk. [2]] looked

dont think I did. Have you ever been offered \$2500 not to appear against these men? Yes Sir. When was that offer made to you? When I lived in Quincy. By who? men I don't know. Did you then at the time? No I do not know that I ever saw them before. ~~th~~Have you ever seen them since? Not that I know of. What time do you say this was? while I was living in Quincy. Before the last term of Court here? I think it was. By two men you dont know? Yes. Where was it in Quincy they came to you? It was ~~in~~ on ~~the~~ (third) street ~~below~~ (on) Jersey Street. They met you in the street. Yes. What did they say when they first spoke to you? The[y] asked who I was. Did you tell them? Yes. What aged men where they? They where young men, but I could not say how old they are. What size where they? Between 5 and 6 feet. Where they of the same size? I did not take notice. How long where you in conversation? A short time. What was the first thing said to you after asking your name. They told there buisness they asked me who I was and told me what I would do if I would not appear in this Court. Did they name any man? no. What did you say? I turned away. from them imeadiatly. What time of the day was it, was it in the afternoon? I am not positive I cannot say what time it was did not their offer make A serious impression upon your mind? It did not worrie me much. Just tell us whether you thought it A usual occurrence or not? I thought it ~~(was not)~~ an unusual occurence. But you paid so little attention to it that you turned away? Yes. What time of the day was it? I do not know wether it was noon [p. [43]] or after noon. How where they dressed? I did not take notice of their dress. Was it cold or warm wether? It was not cold wether before Court. Had they on hats or caps? I dont know. And you made them no reply? No I weild round and went off. They met you in the street? Yes. And you stopt and talked with them? no. Then you did not stop at all

⁴⁶³ ⁴⁶⁴text: Shorthand reads *a-p-l*; intent was likely "appear".

like silver. Held it out to me. I do not know what pocket. Say to him then did not say any thing went off. Where was your house. Corner of Third and Jersey. West side of Third and north side of Jersey. Where met you. ~~Down Jersey~~ and I was going from Marry's⁴⁶⁴ cooper shop. They had been to your house to inquire after you. Yes. And met you in the street. Yes. Where did you first mention this occurrence after it happened. Told it to ou[r?] folks. Did you ever tell it to any other person. Pine wood. The same day. I do not know. Did not you ask these men where they came from. No. Ask them who they were. I do not recollect. And do not remember whether you asked them their names or not. No. Did you notice to see which [way] they went after they left you. No. You do not know whether they went down Third or returned. No. How long was it after the Smiths were killed. Before you joined the Mormon Church. [p. [59], bk. [2]] I forget. Joined them not great while before last court. Did you ever see that gentleman before Mellen [John D. Mellen]. ~~Do not~~ I think I have. Did you ever say it was Mellen. I might have said it was give Mellen size. Did you not say you think it was Mellen. I do not think I ever did.

⟨You⟩ have described him and say about the size of Mellen. Did you ever state. Tom English⁴⁶⁵ that you had [◊]⁴⁶⁶ written a book and got considerable sum of money. I do not know I ~~did not~~ ⟨did⟩ or did not. Did you ever tell him McLean Seabold or any of them make a great

then? Yes. You did not stop after you had past them? No. Then they held you? Yes before I past them. After you moved forward did they call to you again? Yes and held out money to me. What kind of money? It looked like silver. What pocket did they take it from? I do not know what poc[k]et he. What did you say to him then? I did not say any thing but went off. where was your house from where you stood? It stood on the corner of third and Jersey streets. Where were you going when they met you? I was coming from Marrins Cooper shop. Had they been at your house to inquire after you? Yes. And they met you in the street. Where did you mention this occurrence after it happened? I told it to our folks. Did you ever tell it to any other person? I dont know but I did. Did you tell other person on the same day? I do not know. Did you not ask these men where they came from? No. Did you ask them who they where? I do not recolect. You do not remember wether you asked their names or not? No. Did you notice to see which way they went after they left you? No. How long was it after the Smiths was killed? Do not know. Was it before you joined the Mormon Church? I forget I joined them not long before the last Court. Did you ever see that gentleman before ⟨M· Mellin⟩ (pointing to A man sitting in the Court) I think I have. Did you ever say it was Mellen? I might have said ⟨that⟩ he was like Mellin or about his size. Did you not say you thought it was Mellin? I do not think I ever did I might have discribed him saying about the size of Mellin. Did you ever state to Thomas that you had written A book and got A considerable sum of money? I dont know if I did or did not. Did you ever tell

⁴⁶⁴ ⁴⁶⁵text: Shorthand reads *m-long a-r-s* or *m-short e-r-s*. Longhand transcript reads "Marrin's", though there is no *n* in the shorthand.

⁴⁶⁵ ⁴⁶⁶text: Shorthand reads *g-l*.

⁴⁶⁶ ⁴⁶⁷text: Shorthand reads *g* or *r*.

speculation Nauvoo. ~~This~~ Do not know I did. This light
~~light~~ <like> fire. Like lightning. What time in the after
noon was this. In the evening in the east side of the house
and in the shade of the house. ~~No~~ Yes. No sun shine falling
in that place no. Have you been following your trade since
you went to Nauvoo. No. What did follow there. Not doing
any thing. [p. [60], bk. [2]] Have you painting engraving
representing the death and. There is one there. Have you
been exhibiting. Hanging in the room tell them of it. Not of
this light. Some thing. After it was painted you exhibited.
No body told me about. I told them that was wrong.
Lam[born]. You say did not have any thing to do with
painting no. By other people. Yes.

<Monday morning the court opened pursuant to
adjourn[ment].>

⁴⁶⁷ **Mr. John Wilson from <Carthage>** . Mr. Wilson
where was you on the day killed. I was in town until⁴⁶⁸ after
dinner and was sent off out on the prairie. Which way. On
the road to Nauvoo. What object. Captain [Thomas L.]
Barnes called for me. ~~Was~~ Which company belong to. After

him, M^c Lean or Seabold, that you would make A great
speculation in Nauvoo? I do not know that I did. This light was it
like fire? It was [p. [44]] like lightening. What time in the after
noon was it? It was in the evening. Was it in the east side of the
house or in the shade of the house? In the shade. There was no
sunshine falling in that place? no. Have you been following your
trade since you went to Nauvoo? No. What did you follow there?
I have not been doing any thing. Have you A painting or
engraving there representing the Death of the Smiths? There is
one there. Have you been exhibiting it? It was <hanging> in the
room, and the people wished me to tell them about it. They
wanted to know of this light I suppose. Yes some thing. And after
it was painted you exhibited it? Yes. Did you give instructions to
the painters? No body told them about it. I told them when
exhibiting it that the light was wrong. M^r. Lamburn [Josiah
Lamborn]. You say you did not have any thing to do with the
painting of it? I had nothing to do with it. it was done by other
people? Yes.

The court adjourned till manday morning 7 O clock.
Monday morning May 26th. 1845
Court met pursuant to agurnment [adjournment]

M^r. John Willson of Carthage sworn. M^r. Lamburn.
M^r. Willson where was you on the day smith was killed? I was in
town till after dinner and was sent out on the periary. Which way?
On the road to Nauvoo, What was your object in going on the
nauvoo road? To look out for the Mormons. Cap. [Thomas] Barns
called upon me. After dinner was over. I went up to Armon

⁴⁶⁷ ⁴⁶⁸TEXT: A circle is drawn around the insertion. Horizontal line drawn between this line and the next, marking the change to a new witness.

⁴⁶⁸ ⁴⁶⁹TEXT: "until" is written over a period.

dinner over I went up to Harmon⁴⁶⁹ [T.] Wilson's. Store and lay upon the counter for one hour.⁴⁷⁰ and I set out of the store in the street and Tom [Thomas] Morrison called my name.⁴⁷¹ and told me to get on his horse and go in his place and I asked him where to said he Captain Barnes⁴⁷² will tell you. I said to him I do not care where I went nor [p. [61], bk. [2]] what I done we started I went and got on his horse and we started. Doctor John W Morrison and Doctor Thomas L Barnes⁴⁷³ went with us. You called him captain what company. Captain of the ranging company. Where is Captain Barnes⁴⁷⁴ now. There he is. Whom did you see when went out four miles from here. No person. We was north of the Nauvoo <road> . Your company came here and killed Joe Smith. Did not. What go out for. I cannot tell you. I saw son⁴⁷⁵ of Mr. [Joel] Catlin of Augusta. Going to Nauvoo.⁴⁷⁶ Did any of the company with you leave you and go to another place. No I went with them all the

Willsons Store, and lay upon the ~~store~~ counter for one hour; I set out of the store into the street and [John] Morrison called upon me by my name and told me to get upon his horse and go in his place, I asked him where to, said he Cap. Barns will tell you; I said to him, I dont care where I went nor what I done; I went and got on his horse, and we started Docter John W. Morrison and Docter Thomas L. Barns went with us. You called him Cap. what company is he Cap of? He is Cap. of the ranging company. Where is Cap. Barns now? There he is (pointing to A man in the Court) How far did you go out on the pariary [prairie]? 4 miles. What did you see when you went out 4 miles? We did not see any persons. In what direction was you from the Nauvoo road? We was North of the Nauvoo road. Did you see any thing of A company that came here to kill Jo Smith? We did not. Did any of the company with you [p. [45]] leave you and go to another place? No I went with them all the way and came back with them. How long was you gone? We was gone from three to four hours. Did you get back before the smiths was killed? No. Did you see any of the men that killed the

⁴⁶⁹ ⁴⁷⁰TEXT: Shorthand reads *l-m-n*. Watt sometimes interchanged *l* and *r* in his shorthand.

⁴⁷⁰ ⁴⁷¹TEXT: Period is crossed out.

⁴⁷¹ ⁴⁷²TEXT: Period is crossed out.

⁴⁷² ⁴⁷³TEXT: Shorthand reads *b-l-n-s*; Watt often interchanged *b-l* and *b-r* in his shorthand.

⁴⁷³ ⁴⁷⁴TEXT: Shorthand reads *b-l-n-s*; Watt often interchanged *b-l* and *b-r* in his shorthand.

⁴⁷⁴ ⁴⁷⁵TEXT: Shorthand reads *b-l-n-s*; Watt often interchanged *b-l* and *b-r* in his shorthand.

⁴⁷⁵ ⁴⁷⁶TEXT: Shorthand reads *s-m*; intent was likely "son".

⁴⁷⁶ ⁴⁷⁷TEXT: A circle is drawn around "I saw some of Mr. Catlin of Augusta. Going to Nauvoo".

way and came back with them. How long gone. Gone from 3 to 4 hour. Get back before the Smiths killed. No. Did you see any of the men went back. I saw men coming from ~~this direction~~. Warsaw when I was on the mound. Tell us about seeing these men coming. I saw men in the direct route from Warsaw to this place. How many. I cannot tell. [p. [62], bk. [2]] 3 or 4 miles from them. ~~You think they were~~ Was there 50 or 100 men. I [✦] cannot tell. ~~Did they let~~ was there anything said among any of you object⁴⁷⁷ of going out there was. They said it was to see any suspicious character understood that Mormons driving stock. Did you see them pass up towards this place. In the direction this way when I saw them. Any on horse back. I saw some on horse back. Probably⁴⁷⁸ one carriage.⁴⁷⁹ ~~Did you see them separate~~. Barnes⁴⁸⁰ Morrison knew any 〈thing〉 about what that meant. You want the Mormons exterminate I did sir. Hell hounds. Was there any thing said in your company about the death of the Smiths at [all]. No. Stood not far from the Nauvoo road. Sta[n]ding as sentinals to surround the town. No. Not a word said. Did not know what you was doing at all. How far from town. Four miles [p. [63], bk. [2]] did they come up to edge of town to drive off stock I do not know. You three went out to see driving cattle to Nauvoo. I understood that was the object of Barnes's company. Know of conspiracy existing to kill

Smiths? I saw men coming from Warsaw when I was upon the mound. Tell us about seeing these men coming from Warsaw? I saw men on the direct rout from Warsaw to this place (Carthage) How meny where there? I cannot tell I was three or four miles from them. Was there 50 or 100 men? I cannot tell. Was there any thing said among any of you upon the subject of going out there? They said it was to see if there was any suspicious carracters round, as A rumer was in existence that the mormons was driving away stock. Did you see them pass up towards this place? It was in the direction of this place when I saw them. Was there any on horse back? I saw some on horse back, and probably one carriag. Did [Thomas] Barnes and [John] Morrison know any thing about what that ment? They thought it was A company to exterminate the Mormons. Did you want the mormons exterminated? I did Sir for they are Hell hounds. Was there any said in your company about the Death of the Smiths? No. Where did you stand? not far from the Nauvoo road. You was standing as sentinals to watch the Town I supose? no. You did not know what you was doing at all; how fare from Town was you? Four miles. Did the mormons come up to the edge of the town to drive off stock? I dont know. You three went out to see if the Mormons where off cattle to Nauvoo? I understood that was the object of Barnses company. Did you know any thing of A conspiracy existing to kill these mormons? No. Have you heard any body say any thing about is since? no and if any man had told me any thing I would not have heard it. On the

⁴⁷⁷ ⁴⁷⁸TEXT: Intent was possibly "subject".

⁴⁷⁸ ⁴⁷⁹TEXT: Shorthand reads *p-l-b-l*; intent was likely "probably".

⁴⁷⁹ ⁴⁸⁰TEXT: Shorthand reads *k-l-j*; intent was likely "carriage".

⁴⁸⁰ ⁴⁸¹TEXT: Shorthand reads *b-l-n-s*.

those Mormons. No. Indicted say since. No. ~~If know any~~ If any man told me any thing I would not have heard it. In the morning you was in town till dinner. I was. What going on in town in morning. I cannot say. See any of those men about town in morning. I did not. In the evening. I did not. You stayed on that mound 3 miles from here. The killing of Smiths took place. I know that [ϕ] was in the wind. What time start back immediately after we saw those men. I understood from the other two men [*1 illegible word*]⁴⁸¹ seen driving towards Nauvoo and rode down to stop them. After stopped him. Doctor Morrison Barnes.⁴⁸² Rode close up to me. I was little piece ahead and did not hear their [p. [64], bk. [2]] conversation. Very little⁴⁸³ of it until he commenced trying to get Doctor Morrison to go with him to Nauvoo because he was frightened to⁴⁸⁴ go. I then spoke to him and said he was a young lad and that I had no disposition to [*1 illegible word*]⁴⁸⁵ about him as the governor was there. Either before or since killing of Joe Smith hear Alredge [Mark Aldrich] say any conspiracy to kill Joe Smi[th]. Never had a wørd with him in my life. [Levi] Williams. I did not. [Jacob] Davis. I did not.

morning the Smiths was killed you was in town till dinner? I was. What was going on in town in the morning? I did not see any thing more than usual. And you staid on the mound 3 or 4 minls from here till the killing of the smiths took place? I did not know that was in the wind. What time did you start back? Imediately after we saw those men. Did you meet any one on the road? Yes we met A man going [p. [46]] towards Nauvoo. Did you stop him? Yes. what took place then? Doctor [John] Morrison and [Thomas] Barns road close up to him. Did you hear them convers about any thing? I was a little piece ahead and did not hear there there conversation very little of it till he comenced trieng to get Docter Morrison to go with him to Nauvoo because he was frightened to go alone. I then spoke to him and said he was A young man and that I had no disposition to supose any thing would happen him as the Govenor [Thomas Ford] was there. Have you seen that man since? I have not seen him either before or after the killing of Jo Smith. Did you ever hear Olridg [Mark Aldrich] say any thing about A conspiracy to kill Smith? I never had A word with him in my life. Did you ever have any talk with [Levi] Williams? I did not. With [Jacob] Davis? I did not. With [William] Grover? I did not. With [Thomas] Sharp? No. Might you not have had conversation with some of these individuals, and you might have forgot it ? No. Did you see that company returning when they went back? I think

⁴⁸¹ ⁴⁸²TEXT: Shorthand reads *k-th-r-n*.

⁴⁸² ⁴⁸³TEXT: Shorthand reads *b-l-n-s*.

⁴⁸³ ⁴⁸⁴TEXT: Shorthand reads *l-t-r*; intent was likely “little”.

⁴⁸⁴ ⁴⁸⁵TEXT: “to” is written over a period.

⁴⁸⁵ ⁴⁸⁶TEXT: Possibly “that”.

[William] Grover. I did not. [Thomas] Sharp.⁴⁸⁶ No. If you had might you not have remembered it. No. Did you see that company. Returning when they went back. I think I saw some men before I got home before I got home. How many. I do not know. Was there as many as 20. I think there was. You think it was not nothing⁴⁸⁷ thing at all. I paid no attention. There were going to pay a visit. And a short time you saw them go back again no thing to⁴⁸⁸ direct your attention. No. [p. [65], bk. [2]] not any thing 50 men should come to take dinner. No. I had been at Scott County and I made speech at every hollow. I expect to go again. What do expect to go again for. None of your business. I should like to know if there is going to be any more mobs here. I am determined to stick with the people⁴⁸⁹ and not unite with robbers. Did it astonish you that Smiths killed. I was astonished at time did not last long. What time get back to town. Sun down. Did see any of these men after. I do not know that I did. Beating up for volunteers to exterminate the Mormons and would do it again.⁴⁹⁰ Was there any thing said the day before about killing the Smiths. No not to me. I heard it said among the crowd by cowards had no confidence in them say they would kill him. They were headed and organized by these men did

I saw some men before I got home. How meny? I don't know. was there as meny as 20? I ~~don't know~~ think there was. And you thought it was no new thing at all? I paid no atention to it. I did not know but they was coming to pay us A visit. And in A short time you saw them go back and it was nothing to arouse your attention? No. It was not any thing new for 50 men to come and take dinner here? No for I had been at Scot County and I made A speach at every hollow and I expect to go again. What do you expect to go again for? It is none of your buisness I should like to know if there is going to be any more mobs here? I am determined to stick with the people and <not> be united with robers. (Note)¹ Did it astonish you when you heard that old Jo Smith was killed? I was astonished at the time but it did not last long. Did you see any of these men after the smiths where killed the same evening? I dont know that I did. Was there thing said the day before about killing the smiths? I did not hear any thing to my knowledge I heard it said among the crowd that they would kill them. And they where headed and orgonized by these men did you not know that fact? I did not know it. You think the credit of killing the Smiths belongs to Warsaw and not to the other Countys? I did not say so. Well these men where not of any county from the other counties? No [p. [47]] for they are not much better than the Mormons themselves no good neither to king or country. Do you

⁴⁸⁶ ⁴⁸⁷TEXT: Shorthand reads *sh-l-p*.

⁴⁸⁷ ⁴⁸⁸TEXT: Possibly “no any thing” or “not another new”.

⁴⁸⁸ ⁴⁸⁹TEXT: “to” is written over a period

⁴⁸⁹ ⁴⁹⁰TEXT: Or “principle”.

⁴⁹⁰ ⁴⁹¹TEXT: A circle is drawn around “Beating up for volunteers to exterminate the Mormons and would do it again”.

not you know that fact. I did not know. [p. [66], bk. [2]]
You think the credit of killing the Smiths belongs to
Warsaw and not to the other counties. I did not say so.
These men were not⁴⁹¹ of any account from the other
counties. Not much better than Mormons themselves no
good neither to king nor country. Do you know the guard
round the jail ~~round~~ had their guns loaded with blank
cartridges. I do not know. You are sure the one object you
had going out there was what you say. ~~It~~ 〈That〉 is all I
know about it. Persons will tell you I should just as well as
go one place as another. Willing to go blind.

You Retired.⁴⁹²

Captain 〈**Thomas [L.] Barnes.**

You was captain at that time. I was. Regular company. No.
What was the extent of your command. I do not now
recollect I think 20 or 30. Rangers. What was the object of
that company. The object of the company as I understood
it was to go over the prairies expresses from one point to
another. The morning the Smiths killed. [Thomas]
Sharp⁴⁹³ that morning. Do not recollect. Recollect
arrangements made in the morning Greys and mob. I
recollect no such [p. [67], bk. [2]] arrangements. What
time leave here in the after noon. I think about 3 o'clock.
Did Sharp⁴⁹⁴ get the town before you left I think he was.

know any of the gaurd that was round the jail? Yes. Had they there
guns loaded with blank cathrages [cartridges]? I dont know. You
are shure the only object you had in going out there was what you
say it was? That is all I know about it. I suppose you will do any
thing ~~any~~ (these) persons tell you? I should just as well as go one
place as another, and I am willing to go blind.

He retired

Thomas Barnes sworn, and examined by Lamburn [Josiah
Lamborn].

You was Cap. of the rangers at the time the smiths where
killed? I was. Was it A regular company? No. What was the
number of men at your command. I do not now recollect I think 20
or thirty. What was the name of the company? The Rangers. What
was the object of that company? The object of the company as I
understoot it was to go over the peraires [prairies] and carry
expresses from one point to another. Was you in Town the
morning (of) the day the smiths was killed? I was. Did you see
[Thomas] Sharp that morning? I do not recollect. Do you recollect
of any arrangements being made on that morning between the
Carthage Gra[y]s and the mob? I recollect of no such

⁴⁹¹ ⁴⁹²TEXT: Possibly "any" or "on".

⁴⁹² ⁴⁹³TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁴⁹³ ⁴⁹⁴TEXT: Shorthand reads *sh-l-p*.

⁴⁹⁴ ⁴⁹⁵TEXT: Shorthand reads *sh-l-p*.

Alredge [Mark Aldrich]. I think he was. [Levi] Williams. He was. [~~Jacob~~] Davis [William] Grover. I did not see him. About 3. I [think] it was. You saw Williams certain and those other two men. Yes. Say any thing to you about going out there keep guard. Not one word. Watch town Nauvoo anticipating passengers. It was intimated to me to watch that point of timber rescue the Smiths. We went to see any strangers in the point of timber. You did not leave town you are sure until after Williams came to town. I am sure⁴⁹⁵ I saw them before ~~f~~ we went. Who sent you out there. I went on my own responsibility. Did not you ~~company~~ send any express to those they had left behind in the prairie by you in your a⁴⁹⁶ direction. I did not did not. After they came to town you went out. Yes. Had not there been pledges given round among the front captains [◇]⁴⁹⁷ [p. [68], bk. [2]] to enter in a conspiracy to kill Smith. No. Lawyer stood up and objected to the course of improper examination of the witness. When you went out on the prairie you saw these men Mr. [John] Wilson saw [◇] coming from Warsaw. Yes sir I saw them. You knew at that time Smith was in jail. I knew he was in custody I knew not he was in jail. ~~You knew~~. Did you know whether those men or any of them pledged themselves to the governor or to the people ~~a~~ Smith should be protected in the custody of the people. I do not know either of those men made any to him. Williams Alredge Grover. Made pledges. I do not know. All I know there was pledges made. These men here

arrangements. What time did you leave hear? I think about three o clock in the after noon. Had sharp got in town before you left? I think he was. Was Alridge [Mark Aldrich] I think he was. Was [Levi] Williams? He was. Was [William] Grover? I did not see him. It was three o clock when you left town? I think it was about that time. You saw Williams scertain and these other two men? Yes. Did they say any thing to you about going there to keep gaurd? not A word. What was your object in going out ~~to~~ on the prerairy? It was intimated to me to wacth that point of timber lest the mormons should come and rescue the smiths, we went to see if there was any strangers in the point of timber. You did not leave town you are shure till after Williams came in town? I am shure I saw them before we went from town. Who sent you [p. [48]] out there? I went out upon my own responsiblity. Did you not send in expresses to those me[n] who you left behind in town? I did not. After they came to Town you went out? Yes. Had there not been pledges given round among the captains to enter into A conspiracy to kill the Smiths? No. (Lawer Browing [Orville Browning] stood up and objected to such A course of examination) When you went into the perairy [prairie] you saw these men [John] Willson saw coming from Warsaw? Yes I saw them. You knew at that time Smith was in Jail? I knew he was in custudoy I knew not that he was in Jail. Do you know wether these men or any of them pledged themselves to the Govener [Thomas Ford] or to the people that Smith should be protected while in Custudy? I do not know that either of these men made pledges, but I know pledges where made. Your object in going out to the perairy was to see if there

⁴⁹⁵ ⁴⁹⁶TEXT: Shorthand reads *sh-l*; intent was likely “sure”.

⁴⁹⁶ ⁴⁹⁷TEXT: Or “and”.

⁴⁹⁷ ⁴⁹⁸TEXT: Illegible character possibly crossed out.

I do not know. Troops pledged themselves to governor to protect the Smiths.⁴⁹⁸ Your object in go[ing] there to keep a look out suspicious in that neighborhood. Yes sir. Saw three groups of men from Warsaw. I believe we was letting our horses graze I think pretty soon I do not know how long time we got on to our horses and made our way towards Carthage. [p. [69], bk. [2]] Direction they might have got in that timber. I supposed they were on the Warsaw road. They could have turned in the timber. Near the Nauvoo road they Warsaw. ~~Were~~ We was north of the Nauvoo road and the Warsaw still further south. How far apart these three groups of companies.

Traveled **a miles**. They looked like distinct companies. Yes. Which of the roads main the main traveled road was the county road to Warsaw. They all run nearly together. How far was it were those men from you where you last saw them. I only could see few minutes. When you saw them at that time how far were they from town. Traveled equal distance with our selves. They were mostly [on] foot. I should judge they were on foot. You were on horse back. Still they came here and killed Smith before you could get here. How far had they got of a straight distance about half an hour. They were coming pretty rapidly this way, Where did you meet the information Smith was killed. Got [p. [70], bk. [2]] it first from the Constable Betterworth [David Bettisworth].⁴⁹⁹ How far from the town. Probably 2¹/₂ miles. Did you go any faster after you saw those men ~~saw~~ heard the Smiths killed. No rode along very slow all

was any suspicious carracters in that neighborhood? Yes. You saw three groops of men coming from Warsaw? I believe, Yes. How long did you stay on the perairy after you saw them? I believe we where leting our horses graze, I think pretty soon after. I do not know how long time we got on to our horses and made our way towards Carthage. Where they coming in the direction of that timber? I suposed they where on the Warsaw road. How far apart where these company^s traveling?

They apeared to be about **A mile** apart. They looked like ~~destiny~~ distinct? Yes. How far where these men from you when you last saw them? I only could see them A few minits. When you saw than at that time how far where they from town? about an equil distance with ourselves. They where mostly on foot? I should judge they where. You where on horse back? Yes. Could they have come here and kill Smith, before you could have got here? Yes. How far had they got off the straight distance? about half an hour. Where did you meet the information that the Smiths was killed? We got it first from the Constable. How far from the town probably two miles and A half. Did you ride any faster. after. you obtained the tidings that the smiths [p. [49]] where killed? No we road along very slow all three of us. Did you know of these companys coming up before you left town? I did not. You had no knowledge that there was A conspiracy on foot to kill the smiths that evening? I have told you all I know about it I had suposed

⁴⁹⁸ ⁴⁹⁹TEXT: A circle is drawn around "Troops pledged themselves to governor to protect the Smiths".

⁴⁹⁹ ⁵⁰⁰TEXT: Shorthand reads *d-t-r-s-r-th*.

three of us. Did not you receive information of be[ing] killed that evening. No no more than I had during the time of the excitement. Know those companies coming up before you left town. I did not. You had no knowledge that there was conspiracy under foot to kill Smiths that evening. I have told you all. I had supposed certain things but my suppose so is not going to hang. Had you any information of that kind before you left town. No sir. Do you know any more about this transaction told. Have you told all you know about that transaction. Until the time of the killing of the Smiths I believe I have. Have you heard any of these five men since the Smiths killed say they had any part conspiracy in the murder. No. [p. [71], bk. [2]] did you see any of those men here when you came back. I did not. When you left you saw Williams Sharp⁵⁰⁰ was here. Yes. Who was Williams with when you saw him. I am not able to answer I think he was in the north west corner of the square. Who talking with. I do not know. See him talking [John W.] Morrison. No. Did talk any with you. I have no recollect[ion]. Did he talk any to the captain of the guard. I do not. Know about it⁵⁰¹ all. I do not. Be in that direction north west corner Was the Carthage Greys pledged to protect Smith from violence.

You need not say any thing about that. **[Orville] Browning.** I think that is a proper question
You need not say any thing about that. [Orville] Browning.
I think that is a proper question

scertain things, but my suppose so is not going to hang these men. Had you any information of that sort before you left town? No Sir. Have you told all you know about that transaction Until the killing of the smiths I beleive I have. Have you heard any of these five men since the killing of the Smiths say they had no part in the conspiracy? No. Did you see any of these men here when you came back? I did not. When you left you saw [Levi] Williams and [Thomas] Sharp? Yes. Who was Williams with when you saw him? I am not able to answer I think he was in the north west Corner of the squar. Who was he talking with? I dont kow. Did you not see him talking with Morrison? No. Did you talk any with him yourself? I dont recolect. Did he talk any to the Cap. of the guard? I do not know. Was he talking to any body at all? I do not know. Was the Carthage Grays pledged to protect Smith from Voilense.

(**M. [Orville] Browning** arose and said it was an improper question to ask the witteness)

M. Browning for the Defence.

I will ask you wether it was not A usual thing for the rangers to go out every day? It was usual for them to be out every day.

⁵⁰⁰ ⁵⁰¹TEXT: Shorthand reads *sh-l-p*.

⁵⁰¹ ⁵⁰²TEXT: Or "at".

[Josiah] Lam[born]. +502

Whether it was or not usual thing for the rangers to go out every day. Be out every day. <Lam[born]> What time did go out there. Some times in morning and some times in the after noon. +503 Whether it was or not usual for groups and companies of men to come from Warsaw. Yes almost [p. [72], bk. [2]] hourly. As large groups as that coming every day. How large. I have seen 300. ~~How men~~ Companies come in 2 or⁵⁰⁴ 300 then. Daily groups 8 and 10 or 100. Did you know what they were coming for. I did not.⁵⁰⁵

Thomas

<**Eli [D.] Walker** sworn brother to George Walker. I will get you to tell the jury what you know about this transaction. Where was you the day Smith killed. I was in Warsaw and I was at the railroad and I was at home. Taken⁵⁰⁶ at Warsaw. What time⁵⁰⁷ in Warsaw. Morning.

What time did they go out there? Some times in the morning and some times in the afternoon.

Mr. Lamburn [Josiah Lamborn] for the people

I would ask you wether it was or not usual for groops (and companys) of men to come from Warsaw? Yes almost hourly. As large groops as that coming from Warsaw that do? Yes. How large A groop have you seen come in here? I have [p. [50]] seen three hundred, and daly groops of 8, 10, and 100. Did you know what they where coming for? I did not. Retired

Eli Walker sworn

I will get you to tell the jury what you know about this transaction; where was you the day the Smiths was killed? I was in Warsaw and I was at the railroad and I was at home. What time was you at Warsaw? In the morning Did you leave Warsaw with

502 ⁵⁰³TEXT: Cross-examination.

503 ⁵⁰⁴TEXT: Cross-examination.

504 ⁵⁰⁵TEXT: "or" written in longhand.

505 ⁵⁰⁶TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

506 ⁵⁰⁷TEXT: Shorthand reads *t-k-n* or *ch-k-n*.

507 ⁵⁰⁸TEXT: Shorthand reads *t-n*; intent was likely "time".

Did you leave Warsaw with the companies. Yes. What place leave to go to. To go to Golden's Point. Did see any of these persons there [Levi] Williams Alredge [Mark Aldrich] &c⁵⁰⁸ at Warsaw that morning. I think probably I saw part of them there. You came out with them. I came out with did ~~the~~ one companies. The railroad ~~sh~~ shanties. This on the same day Smith killed. I think it was. I was informed killed that day. What done at the railroad shanties. The troops were dispensed. Who disband them. I think Colonel Williams [p. [73], bk. [2]] read the order if I recollect. After the troops dispensed did you hear of these men hear persons say anything about volunteers come to⁵⁰⁹ Carthage hear make any ~~such~~ speeches. It would be impossible to tell what I did hear that day I do not recollect. Did Major Alredge make speech that day. I do not recollect call for volunteers to come to Cartha[ge]. Who called. I do not know. Did you see [William] Grover ~~that~~ < there > that day. I am not certain. See [Jacob] Davis. Yes. [Thomas] Sharp.⁵¹⁰ I think I did. Did you hear Sharp⁵¹¹ make speech ~~while~~ on horse back. If I did I do not recollect. You saw him there. I did. Do you know that the company started from there to come to this place. Volunteer company. I cannot say I know it. See them start this way. I may have saw some persons start this way.

the companys? Yes. Where did you understand you was going when you left Warsaw? Goldens point. Did you see any of these persons there, [Levi] Williams Alridge [Mark Aldrich] [Thomas] Sharp [William] Grover or [Jacob] Davis that morning? I think probably I saw part of them there. You came out with them? I came out with one of the company^s to the railroad Shanties. Was this on the same day the Smiths was killed? I think it was I was informed they where killed that day. What was done at the railroad Shanties? The troops where dispensed. Who disbanded them. I think Col. Williams read the order if I recollect. After the troops where disbanded did you hear any of these men say any thing about volenteers to come to Carthage here or did you ~~here~~ hear of them make any speeches It would be impossable for me to tell what I did hear that day for I do not recollect. Did Mark Alridge mak[e] a speach that day? I dont recollect. Was there A call made for volenteers to come to Carthage? I think there was. Who called? I dont recollect. Did you see Grover there that day? I am not scertain. Was Davis? Yes. <Was> Sharp <there>? Yes, I think he was. Did you hear Sharp make A speach on horse back? If I did I dont recollect. You saw him there? I did. Did you know that the company started from there to come to this place, that is the volenteer company? I cannot say I know it. Did you see them start this way I might have seen some persons start this way. What was stated to be the object for calling volenteers? I have not any recollection of hearing any person say. Did you hear any thing said

508 ⁵⁰⁹TEXT: "&c" written in longhand.

509 ⁵¹⁰TEXT: Shorthand reads "the"; intent was likely "to".

510 ⁵¹¹TEXT: Shorthand reads *s-l-p*.

511 ⁵¹²TEXT: Shorthand reads *sh-l-p*.

What was stated to be the object for calling volunteers. I have not any recollect[ion] of hearing any person saying. What were they to do go to [p. [74], bk. [2]] Nauvoo Carthage St. Louis. I do not know. I heard some person say that day they all⁵¹² going to Carthage. Generally spoken of among the crowd about⁵¹³ them all⁵¹⁴ going to Carthage. Yes it was spoken of. Did you hear any dispute among them about [who] would go and who would not. I did. Tell what they said. I cannot. Davis say any thing whether he would go or not. I heard him say that all those that were in favor of going to Warsaw and taking dinner at the tavern. He was for the Warsaw dinner. Yes. Do you recollect any thing of the substance of the dispute who should come to Carthage and who should not. He says as to the substance you mean the cause of the dispute of [*1 illegible word*]⁵¹⁵ I could give some in favor and others were not. 〈Said in the crowd〉 what were they going for. ~~It was understood design~~ Was not understood distinct some for one thing and some for another. Any thing put the Smiths in connection with it. I think there was some thing said about it but what was I do not know [p. [75], bk. [2]] do with the Smiths. About blowing the jail to hell I do not know who it was. No. What the reason of those opposed going to Carthage opposed it. The only reason that I had of going back

about coming to carthage? [p. [51]] I heard some person say that day they thought of going to Carthage. Was it generally spoken of among the crowd that the intention was to go to Carthage? Yes it was spoken of. Did you hear any dispute among them about who would go and who would not? I did. Tell what they said? I cannot. Did [Jacob] Davis say any thing whether he would go or not? I heard him say that all those that were in favour of going to Warsaw and taking dinner at the Tavernen would accompany him. He was in favour of the Warsaw Dinner? Yes. Do you recollect any thing of the substance of the disput about who should come to Carthage and who should not. The cause of the dispute I could give you; some was in favour of going to Carthage and some where not. Was it not said in the crowd what they where going fore? It was not understood distinctly some for one thing and some for another. Did they not put the smiths in conection with it? I think there was something said about it but what it was I do not know. Did they say what they would do with the smiths? There was something said about blowing the jail to Hell. Who said it? I dont know. What was the reason some oposed coming to Carthage? The only reason I had was because lawful authority had sceased and I wanted to go home. Did you hear the others say the they would not ingage in it? I could not say. Do you recolect who it was that was engaged in geting the volenteers what was [Levi] Williams doing 〈did you see him or hear him say〉 was he ~~doing~~ any thing about it at all? I ~~don't know that he was~~ think I did but what it was I cannot say.

512 ⁵¹³TEXT: Possibly “think all” or “think of”.

513 ⁵¹⁴TEXT: Possibly “to”.

514 ⁵¹⁵TEXT: Possibly “think all” or “think of”.

515 ⁵¹⁶TEXT: Possibly “cause”.

because the lawful authority had ceased and I wanted to go home. Did you hear others say the reason they would not engage in it. I could not say. Do you recollect who it was engaged in getting the volunteers what was Williams doing doing any about it at all. I think I did [ϕ] but what it was I cannot say. Did he say any thing in favor of the volunteers or was against it. Any I could recollect. You heard him speak of it. Was he talking with. That I do not know. Did you hear Alredge say any thing. I did not. Sharp.⁵¹⁶ Not that I recollect. Sharp⁵¹⁷ doing. I could not tell you. I think I saw him on horse back. What time of day that between⁵¹⁸ twelve one two later or earlier than that. As to the time of day I do not know probably between 10 and 12 [p. [76], bk. [2]] some place in the middle of the day. Yes. Was Williams on horse back also.⁵¹⁹ I think I saw him on horseback. Alredge. I do not recollect. I may have seen I might not. You only recollect Sharp⁵²⁰ Williams and Davis. That all I recollect. He on horse back. The last place I saw alone on the p^l prairie I was going home and he going to Warsaw. What sort of a horse Williams riding. Do not recollect. Was this volunteering business to come to

Did he say any thing in favour of the volenteers or was he against it? I do not recolect. You heard him speak about it who was he speaking with? I dont know Did you hear Alridge [Mark Aldrich] say anything about it? I did not. Did you hear [Thomas] Sharp say anything? not that I recolect. What was Sharp doing? I could not tell you I think I saw him on horse back. What time of the day was that? As to the time [p. [52]] of day I do not know probably between 10 and 12 o clock. It was some place in the middle of the day? Yes. Was [Levi] Williams on horsback also? I think I saw him on horse back. Was Alridge [Mark Aldrich]? I dont recolect. You only recolect [Thomas] Sharp Williams and [Jacob] Davis? They are all I recolect. Where was the last place you saw Davis on horse back? The last place I saw him he was alone on the perairy [prairie] I was going home and he was going to Warsaw. What sort of A horse was Williams riding? I dont recolect. Was this volunteering buisness s^p to come to Carthage spoken of so generally that every body in the crowd must have known of it? I beleive it was spoken of publicly. You heard Williams say something about the volunteering but you dont remember what it was? I recolect some thing that Williams said about it, (But) I wont mak any statements only what I recolect sensibly. You recolect hearing him say something but you dont know what it was he said cannot you give us something he said? I was sworn to act

⁵¹⁶ ⁵¹⁷TEXT: Shorthand reads *sh-l-p*.

⁵¹⁷ ⁵¹⁸TEXT: Shorthand reads *sh-l-p*.

⁵¹⁸ ⁵¹⁹TEXT: "between" is written over an illegible shorthand character.

⁵¹⁹ ⁵²⁰TEXT: Shorthand written as two words: "all so".

⁵²⁰ ⁵²¹TEXT: Shorthand reads *sh-l-p*.

Carthage spoken of so generally that every body in⁵²¹ the ~~erowd~~ 〈ground〉⁵²² must have known of it. I believe it was spoken of public[ly]. You heard Williams say some thing about a volunteer but know what it was. Recollect some thing that Williams said about it. I won't make any statements only what I recollect sensibly. You recollect hearing him say some thing but you do not know what it was he said cannot you give us some thing he said. I wish to act faithfully in this case. Well I believe you are honest man. I want to⁵²³ to state from the best of your your belief and recollection [p. [77], bk. [2]] what he said. Do you think you cannot remember any thing he said. I am not willing to say that I ~~cannot~~ cannot and yet 〈yes〉⁵²⁴ I cannot recollect distinctly to tell it to you. You can give the substance of what he said cannot you. Well sir I won't say it was him it was either him I think or the captain 〈Wiers〉 of the company. Those who would go to Carthage should advance ~~some some~~ in front. Did they advance in front. Yes. What else said. I do not know. Do you recollect Williams favor or against going to Carthage. What were his actions. Opposed again ~~for~~ from the defense party.⁵²⁵ I am

faithfully in this case. (Well I believe you are an honest man.) I want to state to the best of my recollection and beleif. Do you think you cannot remember something he said? I am not willing to say that I cannot and yet I do not recollect distinctly to tell it to you. You can give the substance of what he said cannot you? Well Sir I wont say it was him, it was either him or the captain of the company. Those who would go to Carthage did they advance in frunt? Yes. What els was there said I dont know. Do you recollect if Williams was in favour or against going to Carthage? (M^r. Lamburn [Josiah Lamborn] was oposed again from the defendents party) Was Williams on horse back? I think he was. When they called for Volenteers did they advance? Yes. Which side did Col. advance? no side. When they was called upon did they go round those who would not go to Carthage? they advanced in frunt places. Where was Williams then? Some distance as much as from 10 to A 100 feet from the Company. Who was with him off there? I could not tell not then. Where was he when the division ~~took~~ marched? I dont know. ~~Who gave~~ where was the captain that gave (the word of) command [p. [53]] after the volenteers had stept out from those who went with [Jacob] Davis? I think he was in frunt. Was [Levi] Williams in frunt also? I think he was. You dont know wether the Cap. or Williams gave (the word of) command? Yes. You say they where both in frunt? yes I think they where. When

521 ⁵²²TEXT: Or "on".

522 ⁵²³TEXT: Possibly ~~ground~~ 〈crowd〉 .

523 ⁵²⁴TEXT: Intent was possibly "you".

524 ⁵²⁵TEXT: Possibly "yes 〈yet〉".

525 ⁵²⁶TEXT: A circle is drawn around "Opposed again ~~for~~ from the defense party". The question was opposed by [Lamborn](#).

the only man has any management in this case about my self.⁵²⁶ Was Williams on horse back. I think he was. When they called for volunteers to ~~advance~~ advance. Which side did Colonel Williams advance. Side. We were all called in ring those who would go to Carthage advance in front places. Where Williams then. Some distance as much as 10 to 100. Feet from the company. Who was with him off there. I could not tell. Not then. [p. [78], bk. [2]] Where was he when the division took. I do not know. Where was the captain gave the command for them to step⁵²⁷ off to advance. I think he was in forward. Williams in front also.⁵²⁸ I think he was. You do not know captain or Williams gave the command. Yes. They were both in front. I think they were both in front. When the command was given they did advance all those go to Carthage. Yes. Others do. They were arguing about it. How many in the company order given to advance. Between 40 and 200. Was there more than one company there. ~~One~~ [~~1 illegible word~~] two companies. Whose companies. Wier Wier's and [Harrison P.] Crawford's. Before the order was given how did they stand in single or double file. Were they arranged along.⁵²⁹ I think they were. Williams superior officer. He read the order to disband. Who superior officer. I cannot say whether he or General Knox. You think Williams read disbanding order. Yes I think so. [p. [79], bk. [2]] Did you

the word of command was given all the Volenteers advanced for Carthage? Yes. What was the others doing? they where arguing upon it. How meny was there in the company who where to advance? between 40 and 200. Was there more than one company there? There was two companys. Before the order was given how did they stand did they stand in double or single file or where they arranged round? I think they where. Was Williams A supereior officer? He read the order to disband. Who was the supereior officer? I cannot so wether he or Generall Nocks [Knox] You think Williams read the disbanding order? Yes I think so. Did you see these men after they had stept out what kind of an organisation they made? I heard an observation made by A scertain individual that those who should go should follow the music. Where was Williams when the music march along? I dont know. Did those who would not go to Carthage go home? I was one of the first who started off home. You did not stay till the company started to Carthage? I recolect ~~se~~ being on the hill, and they where standing at the bottom on the creek and I think shooting at A mark. Who was it said they where going to blow the jail to hell? I dont know. Did you hear any of them say they where going to kill the Smiths? I culd not tell. Was there any cursing of the mormons going on? There was considerable of it done. Who was it that gave this command to advance was it an officer do you think? I think it was, But wether it was Williams or the Cap. of the Company you cannot recolect? No. Did you hear Williams raise any opposition to

⁵²⁶ ⁵²⁷TEXT: A circle is drawn around “only man has any management in this case about my self.”

⁵²⁷ ⁵²⁸TEXT: Crossed out period here.

⁵²⁸ ⁵²⁹TEXT: Shorthand is written as two words: “all so”.

⁵²⁹ ⁵³⁰TEXT: Possibly “round”.

see those men after they had stepped out that way what sort of organization they made after did they go separate organization. Observation made by certain individual should go ahead follow the music. Where was Williams when the music marched along. What became of the others did they go off home. I was one of the first started home. You did not stay until the companies started to Carthage. I recollect being on the hill standing at the bottom on⁵³⁰ the creek and I think they were shooting a mark. Who was it said they were go[ing] to blow the jail to hell. I do not know. Hear any of them people say there they were go[ing] to kill the Smiths. I could not tell. They were cursing the Mormons. Considerable of it done. Who ever it was gave this command to advance was an officer you think. I think it was. Whether Williams or the captain of the company you cannot recollect. No. Did you hear Williams raise any opposition to coming⁵³¹ up here. No sir I did not. [p. [80], bk. [2]] Do you think Sharp⁵³² was on horse back at the time this advance was made did you see him more than once that day on the ground. I could not say. When you did see him you think he was on horse back. Yes. How many volunteered following the fife and drum round there. I am not able to tell you what number there was. Retired.⁵³³

coming [p. [54]] up here? No Sir I did not. Do you think [Thomas] sharp was on horse back at the time this advance was made? I ~~could not say~~. Yes. Did you see him more than once that day on the ground? I could not say. When you did see him you think he was on horse back? Yes. How meny Volenteers following the fife and drum round there? I am not able to tell you what number there was.
Retired.

530 ⁵³¹TEXT: Or “in”.

531 ⁵³²TEXT: Or “going”.

532 ⁵³³TEXT: Shorthand reads *sh-l-p*.

533 ⁵³⁴TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

Object[ion] was made to the examination of a witness
which <who> was came in to the court house. The judge
swore [~~illegible word~~]⁵³⁴ <Lam[born]> out.⁵³⁵

<Thomas> Dixon.

Was you in town on the day Smith was killed. Yes. Was you
in all day. No. What time come to town. 10 or 11. Recollect
of seeing any of these men here on that day. There [are]
but few I am acquainted with. Who. All. <except>
[William] Grover. ~~What time that day~~ What ones see that
day. I saw [Levi] Williams [Thomas] Sharp⁵³⁶. What time.
I do not recollect. Forenoon. 11 I saw Sharp.⁵³⁷ In the west
side of the street in the square. Hear him say any thing
about the arrangements going on. [p. [81], bk. [2]] Was
you up at the jail time Smith was killed. I was. ~~Who see~~
How close was you at the jail killed. Between 10 and 20
feet. In the south east corner of the jail. Where was you
when first heard the firing. At the jail. There before. Yes.
What attracted your attention before the firing. I see some
men a way out west go⁵³⁸ towards this. Which way live.

Thomas. Dickson sworn.

Was you in town on the day the Smiths was killed? Yes. Was
you in all day? No. What time did you come to town? between 10
and 11 o clock A.M. Do you recollect of seeing any of these men
hear on that day? there is but few of them I am acquainted with
except [William] Grover. What ones did you see that day? I saw
[Levi] Williams and Sharp. What time of the day? I dont
recollect,— In the forenoon about 11 o clock I saw sharp on the west
sid of the Street ~~on~~ in the squair. Did you hear him say any thing
about the arrangments they where going into? I did not. Was you
up at the Jail at the time that smith was killed? I was. How close
was you at the jail when he was killed? Between ten and 20 feet on
the south east corner of the jail. Where was you when you first
heard the fire? At the jail. Was you there before? yes. What
attracted your attention before the firing? (as I was going home) I
saw some men men <coming away out west towards this

⁵³⁴ ⁵³⁵TEXT: Shorthand reads *j-n-t* or *ch-n-t*

⁵³⁵ ⁵³⁶TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁵³⁶ ⁵³⁷TEXT: Shorthand reads *sh-l-p*.

⁵³⁷ ⁵³⁸TEXT: Shorthand reads *sh-l-p*.

⁵³⁸ ⁵³⁹TEXT: "go" is written over a period, canceling the period.

Live north. Got out saw some men you came back. Came back. How near were you to them. ~~Half a mile~~ <and half > perhaps more I saw the glistening of some guns. That turned⁵³⁹ you back. Yes. How came you to go to the jail. When I got back I see some close to the jail. Left my horse [at the] tavern and ran in up to the jail. Did any body tell you. I met some men and said the Mormons coming to rescue the prisoners. You got there before they did. Yes. What did you see take place any fight guard and mob. Considerable scuffle. Any shooting. Yes. How many [p. [82], bk. [2]] of the guards shot. How many killed of the enemy. Did not see any dead or wounded. What sort of scuffling was you spoke of. I see them scuffle down on the ground and lay there. ~~How long did they~~ some of the mob took hold of the mob and keep them there how long that continue. Considerable time. Anybody hurt on either side. I cannot tell.⁵⁴⁰ I see one man shot in the arm. Was not that one of the men went in and Joe Smith shot him in the door. That was after it was all over you saw the man's arm bleeding. Yes. Who was it. I do not know. At the time of that scuffling did not see any hurt then. I cannot tell. Did you see the mob enter the house. I see some persons go in. Had they guns. Yes. How many went in. I cannot tell. Know any body. I think not. Half dozen went in. Perhaps there might be half dozen. [p. [83], bk. [2]] How long lived in this county. 10 or 11 years. Know most every body about. I know great many. Did you see Greys approach. Yes. How long you there before the Greys. The same time they did

place) and I went out and waited till they came towards this place Which way do you live? I live north. When you got out of town you saw some men coming and you turned back? Yes. . How near where you to them about a mile and a half prahaps more I saw the glisening of A gun. That turned you back? Yes. How came you to go to the jail? When I got back I saw some <men> close up to the jail I left my horse at the tavern and ran up to the jail. Did no body tell you what was going to happen? I met some men and the said the mormons where coming to rescue the prisoners. You got there before they did? Yes. What did you see take place any firing? There was A considerable scuffle. Was there any shooting in [p. [55]] in the scuffle? Yes. How meny of the guards fired? I cannot say. Was there any of the enemy killed? I did not see any killed or wounded. What sort of A scuffle is it you speak of? I saw them scuffling down on the ground and they lay there. How long did the scuffle continue? Some considerable time. Was there any body hurt on either side? I cannot tell; I see one man shot in the arm. Was not that one of ther men that went in and Jo Smith shot him the door it was after it was all over you saw the mans arm bloody? Yes. Who was the man? I dont know At the time of that scuffling did you see any hurt then? I cannot tell. Did you see the mob enter the house? I saw some persons go in. Had they guns? Yes. How meny went in? I cannot tell. Did you know any that went in? I think not. Was there half a dozen went in? Prahaps there might. be half a dozon. How long have you been in this county? 10 or 11 years. Then you will know every body about? I know A great meny Did you see the <Carthage> Grays approaching? Yes. How long was you there before the Carthage Grays approached? I was there some time

539 ⁵⁴⁰TEXT: Possibly "brung".

540 ⁵⁴¹TEXT: Period may be written over "you".

approach until after all over. There 5 minutes. Before the Greys made their approach. 5 or⁵⁴¹ 10 minutes. Did not the Greys halt. Before they came to the jail they was when I discovered [them]. How far was the mob gone then. 100 yards. When you saw them how far was you from town. Mile and half from you. You came back hitched your horse at [Artois] Hamilton's⁵⁴² and got there before they did. How long was it. Was it 15 minutes. I do not know it was that much. I came pretty⁵⁴³ quick back. You got there before the killing took place the Greys got until after the killing was all ~~there~~ 〈over〉 . And the men gone. Say any thing about to any body. No. ~~K~~ 〈See〉 Williams pass through the square. I did. Where was he [p. [84], bk. [2]] north west of the court house. Who with. Not any person. Was along with the Greys. He was north of the Greys. You saw Williams was in the square and went immediately to the jail and you got there before the killing took place. Stayed there until it was all over. How long last. I cannot tell you. Did you see any of these other men there. I think not. Did you see any person in the court house. No. Did you speak to⁵⁴⁴ Williams saw him. Shook hands with him. Did you mention to him you had seen people on the prairie. No. Was not there any man there you saw that you knew. There was not until after the death. Was there any

they; did not approach till after ~~the affray~~ all was over. Was you there 5 minutes before the Grays made there approach? I was there 5 or 10 minutes. Did not the Grays halt before they came to the Jail? The[y] had made an halt when I discovered them. How far was the mob gone then? About 100 yards. When you first saw them how far was you from town? About A mile and A half. You came back hitched your horse at Miltons Taveren and got there before they did? Yes. How long was you there before them, was it 15 minutes? I dont know if it was that much for I came pretty quick back. You got there before the killing took place, and the Grays did not get there till after it was all over, and the men all gone? Yes. Did you say any thing about it to any body? no. Did you see [Levi] williams that day? I did?. Where did you see him? I saw him north west of the Court house? Who with? not any person. [p. [56]] Was he along with the Grays? He was A little north of the Grays. You saw [Levi] Williams in the squar north of the Grays, and then went imeadiatly to the jail and you got there before the killing took place, and stood there till it was all over? Yes. How long did it last? I cannot tell you. Did you see any of these other men there? I think not. Did you see any presant that is now in the Court house? No. Did you speak to Williams when you saw him? I shook hands with him. Did you mention to him what you had seen in the perairy [prairie]? No. Did you not see any person at the Jail that you knew? There was not till after the De(a)th of the Smiths. Was there any on the Ground you reconized then? not any except the guard.

541 ⁵⁴²TEXT: "or" written over illegible shorthand or "o".

542 ⁵⁴³TEXT: Shorthand reads *m-l-t-n-s*; British shorthand reporters often omitted initial *h*.

543 ⁵⁴⁴TEXT: Shorthand reads *t-r-t-long e*; intent was likely "pretty".

544 ⁵⁴⁵TEXT: Symbol could be a period, or "to" written over another shorthand word.

body there on the ground you recognized then. Not except the guard. Recollect any with their faces black. No. How [many] think there were there all together. I think there was 20 or 30. Was not there more than 50. No was not. Do you think [1 illegible word]⁵⁴⁵ stayed⁵⁴⁶ out on the [p. [85], bk. [2]] prairie. Yes saw some in out distance from the jail. Which way went. Right west from the jail. They did not go through that lane. When you came back to town. See any of these men there. I made no halt in town left immediately. Do not you recollect the Carthage Greys halted by the fence until the killing was over. I saw them marching up. How long stay there until they returned. I returned before they did. They came back to town. Yes.

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Did you see Smith fall out of the window. Yes. Had he been shot before fell out. Shot or hurt some little. Fir[s]t came in the window blood on the pantaloons. Did you see him set⁵⁴⁸ up. I saw him arise up <him self against the well curve and died immediately> 4 men shot him. No. See any thing about marvelous light. No. 4 men paralyzed. No. You occupied the position from which you could see him [p. [86], bk. [2]] plainly 10 steps from me. I was round on the

Do you recollect seeing any with ~~there~~ their faces blackned? no. How many do you think there was at the Jail all together? I think there was 20 or 30. Was there not more than ~~30~~ 50? No there was not. Did you see any standing out on the perairy? Yes I saw some out on the perairy at some distance from the Jail. Which way went they, when they left the Jail? They went right west from the Jail. They did not go through that lane you came through when you returned to town? No. And they left imeadietly after the deed was done? Yes. Dont you recollect if the Cartage Grays halted beside the fence till the killing was over? I saw them marching up. How long did they stay there till they returned? I returned before they did Did they come back to town? Yes.

Cross examined for the defence by Lawier [Orville] Browning

Did you see Smith fall out of the window? Yes. Had he been shot before he fell out of the window? He was shot or hurt some little for when he first came into the window there was blood on his pantaloons. Did you see him set up againtst the well curb? I saw him raise up himself against the well curb and die imeadiatly. Did you see 4 men shoot him? No. Did you see any thing about A marvalous light? No. Did you see 4 men parallized? No. Did you occupiy A possition [p. [57]] from which you could see him plainly? He was about 10 steps from me I

⁵⁴⁵ ⁵⁴⁶TEXT: Shorthand reads *t-r-t*.

⁵⁴⁶ ⁵⁴⁷TEXT: Or "stood".

⁵⁴⁷ ⁵⁴⁸TEXT: Cross-examination.

⁵⁴⁸ ⁵⁴⁹TEXT: Possibly "sat".

south east corner. How long did he hang before he fell. Short time. What was his position in the window. His head out right arm and [~~1 illegible word~~]⁵⁴⁹ leg. [~~1 illegible word~~] No stopping and hanging there. No. Captain [Robert] Smith did not march his company there until all was over. No. If he had been there you would have seen them would you not. I think so. If there had been any miraculous light that illumined up Smith's body do you think you would have seen it. I think I would. I watched him until the last breath was out of him. If there had been 4 men paralyzed seen them. I think I would. And you are very confident no such thing occurred. I am pretty confident.

Lam [Josiah Lamborn]. Did not you know that day before the killing took place of a conspiracy. No. When you saw those men a⁵⁵⁰ load⁵⁵¹ of⁵⁵² their muskets. Yes. Might have been their⁵⁵³ lights. Yes. When you [p. [87], bk. [2]] saw those men on the prairie kill Joe Smith. No. Had you no idea nor knowledge. I had heard it talked that day about a mob coming to rescue them. When you saw those men did you think they were the Mormons coming. I did not think about. I supposed they were the Mormons. Afraid to stay there when they came up. No. Had any weapons your

stood on the South east corner of the Jail. How long did he hang before he fell? He hung but A short time. What was his position in the window? His head was out, right arm, and one leg. You say Cap. [Robert] Smith did not march his company to the Jail till after all was over? Yes. If he had been there you would have seen them, would you not? I think so. If there had been any miraculous light that moment by Smiths body dont you think you would have seen it? I think I would for I watched him take till he took his (the) last breath was out of him. If there had been 4 men parralized you think you wold have seen it? I think I would And you are very confident no such thing occured? I am pretty, confident.

Mr. Lamburn [Josiah Lamborn].

Did you not know that day before the killing took place of A conspiracy to kill the smiths? No. When you saw these men in the perairy [prairie] did you not know they where coming to kill the Smiths? no. Had you no idea nor knowledge of their object? I had heard it talked about that A mob was going to rescue them. When you saw these men did you thing they where the mormons coming? I did not think but I supposed they where the Mormons². Was you not afraid to stay at the Jail when they came up? No. Had you any weapons yourself? No. On what part

⁵⁴⁹ ⁵⁵⁰TEXT: Appears to be an aborted attempt to write "leg".

⁵⁵⁰ ⁵⁵¹TEXT: Or "and" or "who".

⁵⁵¹ ⁵⁵²TEXT: Possibly "light".

⁵⁵² ⁵⁵³TEXT: Possibly "in".

⁵⁵³ ⁵⁵⁴TEXT: Or "other".

self. No. Smith⁵⁵⁴ fell on his left side⁵⁵⁵ you do not think you saw every body and movement that occurred there. No. Was there not good many people went from the square with you. I did not see any rush from town [until?] after it was over. Did they all understand it perfectly well. I do not know but they did.

Court adjourned until 2 o'clock. P. M. Court met pursuant to adjourn[ment]⁵⁵⁶

Eliza Graham.

Where was you that night Smith killed. At Warsaw tavern. Warsaw House Mr. [~~illegible word~~] [Samuel] Fleming's house. Yes. Was Fleming at home. No sir in Boston. [p.[88], bk. [2]] Who was there at the time about the house besides your self. Adeline Garoute 〈Ash[bel] Genung and several others〉 . Where was Missus [Ann] Fleming.⁵⁵⁷ At home. Tell the jury jury⁵⁵⁸ [Thomas] Sharp⁵⁵⁹ came to the house. Water very dry came from Carthage in less than hour. Ask how came on in Carthage. We have finished the head leading man of the Mormon church. Was that before or after dark. About dark. Did he seem to be fatigued. Yes sir. Came

of the (his) body did Smith fall? He fell on his left side. Do you think you saw every body and every movement that occurred there? No. Was there not A good meny people went with you from the squar? I did not see any rush from town till after all was over. Did they all understand it perfectly well? I dont know but they did. Retired.

Court ajourned till 2 o clock P. M.

Court open persuent to ajournment.

Eliza Grame [Graham] sworn

Where was you the night smith was killed? I was at the Warsaw Tavern. The Warsaw house, [p. [58]] M^r. [Samuel] Fleming's? Yes. Was M^r. Fleming at home? Yes. No he was in Boston. Where was M^{rs}. [Ann] Fleming? At home. Tell the jury if M^r. [Thomas] Sharp came to Flemings house that night? M^r. Sharp came in and said he was very dry for he had come from Carthage in less than An hour; he was asked how they came on in Carthage, he answerd we have killed (finished) the head leading men of the mormon church. Was this before or after dark? It was about dark. Did he seem to be fategued? Yes Sir. Did he come in A carraige? Yes. Did he say they they had finished the leading men or the leading man? He said the leading man. How long did he

554 ⁵⁵⁵TEXT: A circle is drawn around "No. Smith".

555 ⁵⁵⁶TEXT: A circle is drawn around "fell on his left side".

556 ⁵⁵⁷TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

557 ⁵⁵⁸TEXT: Sometimes Watt wrote *m-s-s*—transcribed here as "missus"—and sometimes *m-r-s*—transcribed as "Mrs."

558 ⁵⁵⁹TEXT: Watt wrote *j-r* correctly, then crossed it out and wrote *j-l-y*; intent was likely "jury".

559 ⁵⁶⁰TEXT: Shorthand reads *sh-l-p*.

in carriage. Did he say he finished the leading men or man. The leading men.⁵⁶⁰ How long say be coming from Carthage. In less than hour. Asked for drink of water. Yes. That all he said. Yes. What take place that night. About 12 o'clock at night [Jacob] Davis and [William] Grover came together Mr. Key⁵⁶¹ came after and called for supper for about 30 men. What took place then. Did get supper. Yes. How long before the men came. Few minutes. Call for supper for more[p. [89], bk. [2]]. Yes about 15 minutes after for 20 more men. ~~Yœ~~ Was you and others cooking for them. Yes I and Mrs. Fleming got supper for them. How many got supper there. About 50. Any wounded men there. Yes I saw 2. One wounded in the arm and the [other] slightly wounded in the cheek. Did you see what they did with them. He asked if he could sit by the kitchen stove. We said he could. He sat by the kitchen stove. From 40 to 60 men to supper. About 60. Had they any thing to drink. Did not see them drink any thing at all. Did you see Alredge [Mark Aldrich] there. I do not know him. See S Sharp⁵⁶² after supper. No. Did see [Levi] Williams there. I do not know him. All that you saw there were the three you named. Davis and Grover all I knew. I did not see Sharp⁵⁶³ any more after he rode up for drink of water. [p. [90], bk. [2]]

Do you know good many people there. Knew good many of them living about Warsaw. What were they ~~k~~ talking

say they had been in coming from Carthage? Less than an hour. Did he ask for A drink of water? Yes. That was all he said? Yes. What took place that night? About twelve A clock at night [Jacob] Davis and [William] Grover came in together M^r. Key [Kay] came after them and called for supper for about 30 men. What took place then did you get supper? Yes. How long (was it) before the men came to eat it? A few minits. Was there A call made for super for any more men? Yes about 15 minits after for 20 more men?. And you and others where cooking for them? Yes myself and M^{rs}. Fleming got supper for them. How meny got super there? About 50. Did you see any wounded men there? Yes I saw two one of them was wounded in the arm, and the other slightly wounded in the ~~neek~~ cheek. Did you see what they did with them? He asked if he could have A seat by the kitchen stove we said he could. Who sat by the stove? The man that was wounded in the arm. How meny had you to super? From 40 to 60 men I think about 60. Had they any ~~think~~ thing to drink? I did not see them drink anything at all. Did you see Alridge [Mark Aldrich] there? I dont know him. Did you see Sharp there after supper? No. Did you see [Levi] Williams there? I do not know him. All that you saw there where the three you nam[ed] Davis, Grover, and Sharp? They are all I knew; I did not see sharp any more after he road up for A drink of water. [p. [59]] Do you know A good meny people about Warsaw? I knew A good meny of them about Warsaw. Did you hear the men talking about any

⁵⁶⁰ ⁵⁶¹TEXT: No vowel is given; shorthand could be read "man" or "men".

⁵⁶¹ ⁵⁶²TEXT: The vowel is ambiguous, either *long e* or *long a*; in other instances in this document the vowel placement is clearly *long e*.

⁵⁶² ⁵⁶³TEXT: Shorthand reads *sh-l-p*.

⁵⁶³ ⁵⁶⁴TEXT: Shorthand reads *sh-l-p*.

about. Some said ~~they~~ he had killed old Joe another made answer said I have. Grover said he killed old Joe. Made no secret of what they had been doing. No. Did you understand from Davis not been out to Carthage. That was what he said. But what they talking about. They meant the Smiths. Did they say it. Yes they said Joe Smith with an oath. Had they any arms with them did not see any. Where did the men go that night after through supper. Part stood guard and part went up stairs and went to bed. What time got up the next morning left. I do not know. There at breakfast next morning. Not near so⁵⁶⁴ many at breakfast. Were Grover and Davis there next morning. Yes. Board at the house. Yes [p. [91], bk. [2]] Sharp⁵⁶⁵ at breakfast. I did not see him. Was family gone to bed that night or up. All up. You say Grover Davis boarded there. Yes. Had they been about the house before they came to supper. No. Grover Davis there at regular supper time. Yes.⁵⁶⁶ Grover and Davis came little before Key⁵⁶⁷ called for supper. They were at the door ~~time~~ came⁵⁶⁸ in about the same time. Yes. What did Mr. Grover say about this wounded man.⁵⁶⁹ 〈Went〉 Ask him sit by the stove. He said he could. How long sit there. I do not

thing while at supper? I did. What where they talking about? Some said they had killed old Jo, another would make answer that he had [William] Grover said he killed old Jo ~~Smith~~. Then they made no secret of it at all? No. Did you understand from [Jacob] Davis that he had not been to Carthage? That was what he said. When they said old Jo did you know who they where talking about? Yes they ment Joseph Smith, Did they say it it out in full? Yes they said old Jo Smith with an oath. Had they any arms with them? I did not see any. Where did the men go after they had got through supper? Part stood gaurd, and and part went up sta[i]rs to bed. What time did they get up next morning and left the house? I do not know. Was they there at Breakfast next morning? There was not near so meny at Breakfast as was at supper. Did you see Grover and Davis there the next morning? Yes. Did they board at [Samuel] Flemings house. Yes. Was [Thomas] Sharp there to breakfast the next morning? I did not see him. Had the family gone to bed that night or where they all up? They where all up. You say Grover and Davis boarded there? Yes. Had they been about the house before they came to supper? No. Was Grover and Davis there at regular supper time? Yes. Did Grover and Davis come A little before M^r. Kay called for supper? They where at the door About the same time. What did

⁵⁶⁴ ⁵⁶⁵TEXT: Or “as”.

⁵⁶⁵ ⁵⁶⁶TEXT: Shorthand reads *sh-l-p*.

⁵⁶⁶ ⁵⁶⁷TEXT: The longhand minutes state they were not there.

⁵⁶⁷ ⁵⁶⁸TEXT: The vowel is ambiguous, either *long e* or *long a*; in other instances in this document the vowel placement is clearly *long e*.

⁵⁶⁸ ⁵⁶⁹TEXT: *m-long a-m* changed to *k-long a-m*.

⁵⁶⁹ ⁵⁷⁰TEXT: Shorthand could also read “these wounded men”; the context suggests “this wounded man”.

suppose sat there more than hour. Any come to talk with him while sat there. Yes No. Did you know the man wounded. Yes William Boras [Voras].⁵⁷⁰ You had seen him before. Yes sir I had seen him before. Did hear any of them say how Boras got wounded. No sir. Was there any thing said next morning about this matter. Did not hear any thing. [p. [92], bk. [2]]

How many was there on guard that night. I cannot say. Was there any alarm during the night. No alarm. What time night get to bed. About two o'clock. How many in that crowd think you have heard talking about killing Joe. It was the general talk. The general tenor was what they had been doing that evening. Yes. When did you next see Sharp.⁵⁷¹ Next day about breakfast time. Repeat that that remark giving information. It was not quite dark came. Wanted drink of water. Mrs. Fleming asked him how they had come on at Carthage. Said we have finished the leading men⁵⁷² of the Mormon church. Do you know what became of Boras after this. I do not. The other <was> a boy there. James Gregg⁵⁷³ in Garoute. [Mrs.] Fleming in the house that night that they came. Yes. [p. [93], bk. [2]]

For the Examination of Witnesses Carthage. [p. [0]]

M^r. Grover say about these wounded men? He went and asked the one wounded in the arm if he could sit by the stove? he said he could. How long did he sit there? I dont suppose he sat there more than one hour. Did any one come to talk with him while he sat there? no. Did you know the wounded man? Yes it was William Boarus. (Vorheis) [William Voras] You had seen him before? Yes Sir. Did [p. [60]] you hear any of them say how Boarus [William Voras] got wound? No. Was there any thing said next morning about this matter? I did not hear any thing said. How meny was there on gaurd that night? I cannot say. Was there any alarm <during> that night? I did not hear any alarm that night. What time did the family get to bed that night? About 2 o clock in the morning. How meny in that crowd did you hear talking about killing Jo smith? It was the generall talk. The generall tener <of their talk> was what they had ~~been~~ been doing that evening? Yes. When did you next see [Thomas] Sharp? Next day about breakfast time. Repeat that which Sharp said when he brought the information to Warsaw. It was not quit dark when he came, and wanted A drink of water, M^{rs}. [Ann] Fleming asked him how they had come on at Carthage, he said we have finished the head leading men of the mormon church. Do you know what became of Boarus after that night. I do not. Did you hear [Jacob] Davis say that night or after at any time that they had killed smith? I did. They all seamed to rejoyce over it ? Yes. Did you

⁵⁷⁰ ⁵⁷¹TEXT: Shorthand reads *b-long o-r-s* throughout; Watt is often careless in distinguishing between *b* and *v*—a straight line versus a curved line.

⁵⁷¹ ⁵⁷²TEXT: Shorthand reads *sh-l-p*.

⁵⁷² ⁵⁷³TEXT: Or “man”.

⁵⁷³ ⁵⁷⁴TEXT: Shorthand reads **g-r-short a or e-m**; intent was likely “Gregg”.

widow woman appointed to get supper also. Young man⁵⁷⁴ about 14 15 years of age⁵⁷⁵ see him before or since. No. Did Davis say they had killed him. He did. ~~Grøver~~ Were they all rejoicing over it. Yes. Tell what they say about the Mormons. I did not hear them say any thing else about them at all.⁵⁷⁶

+⁵⁷⁷

You saw Mr. Sharp⁵⁷⁸ drive up. Yes. Who did say ~~was~~ in the carriage with him. James Graham [Gregg].⁵⁷⁹ Two horse carriage or common buggy. No one in except James Graham [Gregg]. Did not see any. How many seats had it. Two seats. This was before dark. Just about dark. Mr. Sharp⁵⁸⁰ did not board at Fleming. No. How long did Sharp⁵⁸¹ remain in the house. What part of the town ~~fr~~ Fleming's house stand. On the hill. Where in Warsaw Sharp's house. Near [George] Rockwell. Which way was that from Fleming's. Across the street. Was ~~from~~ near the

hear them say anything (more) about Mormons? I did not hear them say any thing els about them at all.

Cross examined by [Orville] Browning.

You saw M^r. Sharp drive up? Yes. Was there any one in the cariage with him? Yes. Do you know who it was? Yes, it was James Grame [Graham]. Was it A two horsed caraige or A common bugie? It was A two horsed carraige. Was there any one in the carriage with him besides James Grame? No one that I saw. How meny seats had it? It had two seats. This was before dark? It was just about dark. M^r. Sharp did not board at [Samuel] flemings you say. No. How long did Sharp remain in the house? A very short time. What part of the Town does Flemings house stand? On the hill. Where abouts in Warsaw is Sharps house? It is across the

574 ⁵⁷⁵TEXT: A circle is drawn around "Young man".

575 ⁵⁷⁶TEXT: A circle is drawn around "about 14 15 years of age".

576 ⁵⁷⁷TEXT: Second period is written in darker graphite.

577 ⁵⁷⁸TEXT: Cross-examination.

578 ⁵⁷⁹TEXT: Shorthand reads *sh-l-p*.

579 ⁵⁸⁰TEXT: Shorthand reads *g-r-long a or short e-m*; other accounts have this name as "Gregg".

580 ⁵⁸¹TEXT: Shorthand reads *sh-l-p*.

581 ⁵⁸²TEXT: Shorthand reads *sh-l-p*.

river. Farther from the river. [p. [1], bk. [3]] He came in to Fleming's. Passed his own house. At the time Sharp⁵⁸² came heard any news. No. It was in the hall you saw him. Yes. You and Mrs. Fleming in the hall. I went to the dining room door. Did he see you. Yes. Did speak to you. No. ~~The~~ ^{<All>} that passed between him and Mr[s]. Fleming there.⁵⁸³ he asked for drink of water said he had come from Carthage in one hour and we have finished the leading men. Yes. What did you understand from what he said. I supposed they ~~had been~~ was killed. Had heard them make threats to kill. ~~Had they~~ Had you heard Sharp⁵⁸⁴ make any threats. Did you [and] Fleming have any conversation after he left. No. Any other persons by⁵⁸⁵ the house upon the subject.⁵⁸⁶ Yes I spoke to Mrs. Booses upon the subject.⁵⁸⁷ Where was it you heard Mr. Sharp⁵⁸⁸ make threats. A great many times I heard him say he would [p. [2], bk. [3]] kill the Smiths and drive the Mormons that day we went to Golden[']s] Point. Do not know who he was talking with. I

street from Flemings. Is it nearer the River? No it is further from the river. He came on to Flemings and passed his own house? Yes. At the time [p. [61]] [Thomas] Sharp came had you heard any news from Carthage? No. It was in the hall you saw him I suppose? Yes. Was you and M^{rs.} [Ann] Fleming in the hall? I went to the dining room door. Did he see you? Yes. Did he speak to you? No. Was that all that past between him and M^{rs.} Fleming asking for A drink of water? ~~No, he said also that~~ (and) he had come from Carthage in less than one hour and they had finished the head (leading) men of the Mormon Church? Yes. What did you understand from what he said? I supposed that Joseph and Hiram smith was killed. Had you heard them make threats to kill the Smiths? No. Had you heard Sharp make any threats? ~~No~~. Yes. Did you and M^{rs.} Fleming have any conversation on the matter, after he left? No. Did you talk about it to any other person in the house upon the subject? Yes I spoke to M^{rs.} Boos(es) upon the subject. Where was it you heard M^{r.} Sharp make threats? A great meny times I ~~have~~ heard him say he would kill the Smiths, and drive the mormons that day he went to Goldens point. Who was he talking with? I dont know who he was talking with. Who was he talking

582 ⁵⁸³TEXT: Shorthand reads *sh-l-p*.

583 ⁵⁸⁴TEXT: Period crossed out.

584 ⁵⁸⁵TEXT: Shorthand reads *sh-l-p*.

585 ⁵⁸⁶TEXT: Or "be"; intent was possibly "about".

586 ⁵⁸⁷TEXT: Shorthand reads "object"; intent was likely "subject".

587 ⁵⁸⁸TEXT: Shorthand reads "object"; intent was likely "subject".

588 ⁵⁸⁹TEXT: Shorthand reads *sh-l-p*.

heard Mr. Sharp⁵⁸⁹ and heard ~~them~~ him. Who was he talking to that morning before he left. Cannot name any one. At Fleming's before he⁵⁹⁰ start. ~~This~~ Yes that morning. Heard him make those threats early in the morning after breakfast. Did you see him when he⁵⁹¹ start for Carthage that day. Yes when he started for Golden. On horse back or carriage. A carriage. Two horsed carriage. Whose carriage was that. I do not know. Seen it a great many times in Warsaw. How far is from Warsaw to Carthage. About 18 miles. What at that time was the condition of the roads between here and Warsaw. I cannot tell you sir. Had there been much rain about that time. Yes. It was the same day that the Smiths were killed that you saw Sharp⁵⁹² start in the morning to **Golden Point**. Yes. The same evening returned in [p. [3], bk. [3]] the same carriage. Yes. About mid night Grover Davis came. Yes. Before they came had you heard any thing more about the killing [of the] Smiths than Sharp⁵⁹³ had said. No. Davis and Grover were regular boarders at Fleming's. Yes. Had you seen Grover before that day. Yes I saw him in the morning. What time. Brea[k]fasted. The morning of the day the Smiths killed. Yes. Did you see him after until he returned midnight. I did not. Had you seen Davis before on that day. Saw him at

with that morning before left? I could not name any one. What time in the morning was it you heard him make these threats. I heard him make those threats early in the morning soon after breakfast. Did you see him when he started for Carthage that day? Yes I saw him when he started for Golden point. Was he on horse back or in A carriage? He was in A carriage? Yes. Whose carriage Was that? I dont know but I have seen it A great meny tines in Warsaw. How meny miles is it from Warsaw to Carthage? About 18 miles. What at that time was the condition of the roads between hear? I cannot tell you. Had there been much rain about that time? Yes. It was the same day the smiths was killed [p. [62]] You saw [Thomas] Sharp start in the morning to **Goldenpoint**? Yes. The same evening he returned in the same carriage? Yes. Before they came (in the night) had you heard any thing more about the killing of the Smiths than what sharp had said? No. You say that [Jacob] Davis and [William] Grover where regular boarders at [Samuel] Flemings at that time? Yes. Had you seen Grover before, that day? Yes I saw him in the morning. What time in the morning? At Breakfast. On the (morning of) day the smiths was killed? Yes. Did you see him after till he returned at night? I did not. Had you seen Davis before on that day? I saw at Breakfast. After breakfast you did not see him till mid night? No. Will you repeat to me again what Davis said about this affair? When he came in he said we have

589 ⁵⁹⁰TEXT: Shorthand reads *sh-l-p*.

590 ⁵⁹¹TEXT: Possibly "the".

591 ⁵⁹²TEXT: Possibly "the".

592 ⁵⁹³TEXT: Shorthand reads *sh-l-p*.

593 ⁵⁹⁴TEXT: Shorthand reads *sh-l-p*.

brea[k]fast. After breakfast did not see him until mid night. No. Will you repeat to me again if please Davis said. About this affair. When he came in said we have killed the man.⁵⁹⁴ Grover said. He said he had killed old Joe. To present time this was said beside Davis and Grover. All passing back forwards through the dining room. You had not gone to bed when they came. No. Generally sat up [p. [4], bk. [3]] until midnight. Wait for the return of those men. No. No person had gone to bed about the house. Some of the children might have. What [time] did you get to bed that night. 4 o'clock. There was no preparation made for supper for them before they came. No. After they came did they go a way into the dining. Yes. State who came into the dining room. No. Grover and Davis go into the dining room yes. Did remain there until supper. No. Were you in the dining room all the time they were there. No. I was back and forwards getting supper. How was the kitchen situated by the dining room. It was joining. You think there were about 20 men came with Davis and Grover. I cannot say how many. Afterwards supper was called for for 20 more. Yes. Most of the persons took supper there that night. Were from the [p. [5], bk. [3]] Warsaw. Besides Grover and Davis. Name any one. I do not think I can. Your notice brought direct to them. Yes sir. Grover wounded man into the kitchen. Did you know him. Knew his name yes. What was his name. William Boras [Voras]. The company generally⁵⁹⁵ talking about the murder of the Smiths. Yes. Other persons talking about beside Grover Davis. Yes. You were most of the time in the

killed the man. Repeat what Grover said if you please? He said he had killed Old Jo. Was there any other person talking of the same subject at that time? They where all passing backward and forward through the (dining) room at the time. You had not gone to bed when they came? No. Was it A generall thing for you to sit up till mid night? No. No person had gone to bed about the house? some of the children might have gone to bed. What time did you get to bed that night? About 4 in the morning. There was no preperation made for supper for them before they came? No. After they came did they go at once into the dinning room? Yes. (could you) State who came into the dining room? No. Did Grover and Davis come into the dining room? Yes. Did they remain there till supper was ready? No. Where you in the dining room all the time they stayed there? No I was backwards and forwards getting supper. How was the the kitchen situated? It was joining in the dining room. You think there was about 20 men came with Davis and Grover? I cannot say how meny. Afterwards supper was called for 20 more? Yes. Most of the persons who took supper there that night where from the Warsaw inhabitants besides Grover and Davis? Yes. Name one of them [p. [63]] I dont think I can. Did [William] Grover bring A wounded man into the kitchen? He did. Did you know his name? Yes. What was his name? Williams Bourus [Voras]. The company was generally talking about the murder of the smiths? Yes. Was there any other persons talking about it besides Grover and [Jacob] Davis? Yes. You where most of the time in the kitchen? No. Who was cooking supper? I set the table and my haunt cooked supper. What was it that directed your atention so much of the time to Grover and Davis? I had no such an Idea that they would have done such A deed I was astonished

⁵⁹⁴ ⁵⁹⁵TEXT: Or "men".

⁵⁹⁵ ⁵⁹⁶TEXT: Or "were".

kitchen. No. Who cooking supper. I set the table aunt cooking. What was that directed your attention so much particularly to Grover and Davis. I had no such an idea they would done such a deed.⁵⁹⁶ Had you any idea the others done such a deed. No I had no idea any body would. ~~You just know them~~ who was at the house of the family besides your self. **Missus**⁵⁹⁷ **Black**. Was they there time Davis and Grover came. And remained there. No [p. [6], bk. [3]] he went out stand guard. He was in the house when they came. Which. arm was that man wounded in. I cannot tell. My mind was other wise engaged.

I heard Mr. Grover say so. Lamented his arm a great deal. Was there any physicians in to see him whilst there. No. Did he stay at the house that night. I cannot say. Did the wounded man eat any. I did not see him. Can you state what part. In the shoulder.⁵⁹⁸ I heard them say so. I heard Mr. Grover say so. Mrs. Fleming asked where he was wounded Grover ~~met~~ made answer in the shoulder.⁵⁹⁹ Did she ask who wounded. She did not. Did Missus Fleming ask whether he was shot. Mr. Grover said was shot in the arm. By whom. No. You are certain Grover break[fasted] there that morning. Yes I am. [p. [7], bk. [3]] Did you see Grover and Davis [*1 illegible word*]⁶⁰⁰ the night before the Smiths killed.

at them. Who was in the house with the family besides yourself? A young man by the name of **Moses Black**. Was they there at the time Davis and Grover came in, and remained there? No he went out to stand Gaurd. He was not in the house when they came? No. Which arm was that man wounded in? I cannot tell my mind was ~~any~~ otherwise ingaged then to see which arm he wounded in or that he was wounded at all.

How did you know that he was wounded then? **I heard Mr. Grover** say so. Did he lament his arm A great deal? No. Was there any Phisician in to see him? No. Did he stay at the house that night? I cannot tell. Did the wounded man eat any? I did not see him eat any. Can you state what of the arm he was wounded in? He was wounded ~~near~~ (in the) shoulder I heard them say so I heard M^r. Grover say so for M^{rs}. [Ann] Fleming asked where he was wounded and Grover made answer and said ~~near~~ (in) the shoulder. Did M^{rs}. Fleming ask who the wounded man was? she did not. Did she ask whither he was shot? Yes and M^r. Grover said he was shot in the arm. Did he say by whome? No. You are scertain Grover breakfasted there that morning? Yes I am scertain. Did you

⁵⁹⁶ ⁵⁹⁷TEXT: Watt's longhand transcript adds "I was astonished at them"; the transcript then omits the next two lines.

⁵⁹⁷ ⁵⁹⁸TEXT: Possibly "Moses".

⁵⁹⁸ ⁵⁹⁹TEXT: Shorthand reads *sh-r-d-r*.

⁵⁹⁹ ⁶⁰⁰TEXT: Shorthand reads *sh-r-d-r*.

⁶⁰⁰ ⁶⁰¹TEXT: Shorthand symbol usually means "but"; intent was possibly "on".

Yes sir. Where did you see them. I saw them at supper. Did they stay there the night before. Yes. Was the troops encamped in the neighborhood of the town. Some of them were. Did not Mr. Grover command troops yes. He might have stayed all night in the camp. Was it not a habit of Grover to take his meal at the tent too. He took them regular at home. Certain he brea[k]fasted th there that morning. Yes. Can you say whether Grover Davis stayed there the night the Smiths were killed all night. They stood guard. Part of them went to bed. Do you know whether Grover and Davis stayed there that night and all hour night. They were there when I went a way. Left them in the bar room when you went to bed. They were backwards and forwards when I left. You say the most of the persons took supper there that night speaking [p. [8], bk. [3]] about killing the Smiths one would say I killed old Joe another would say no you did not I did it. Yes. You can remember any one person except Grover and Davis. I did not hear Davis say. Grover the only person I can remember saying so. Were those persons armed. I did not see any. Did they come foot horse back or in wagons. I cannot say. Were there many persons at Fleming's at supper that evening <supper time> . Not a great many but a very few. Did you take supper before dark. Yes. Supper was over Sharp came. Yes. You are certain Davis was not there <supper time> . Yes sir. Davis say I have killed the men or we have or they have. We have finished the men. You do not know whom addressing himself to at that time. No. Did you hear not hear Davis say he had not been Carthage at all that day. I did not. Did you make any query of any of those persons Smiths dead or not. No. Did you know at that time the Smiths were dead. Only what I [p. [9], bk. [3]] heard them say. Any body else killed besides. No sir.

see Grover and Davis the night before the Smiths was killed? Yes Sir. Where did you see them? I saw them at supper. Did they stay there the night <before> the Smiths where killed? [p. [64]] Yes. Was the troops encamped in the neighbourhood of the town the night before the Smiths where killed? Some of them where. Did Did not. M^r. [William] Grover command the troops? Yes. Might he not have staid all night æ (in) the camp the night before the Smiths where killed? No Sir he staid at home. Was it not A habit of Grovers to take his meals at the tent too? No sir. he took them regular at home. Are you scertain he breakfasted there that morning? Yes Sir I am scertain. Can you say wether [Jacob] Davis and Grover staid there the night the Smiths where killed all night? They stood guard that night Sir. You say the most of the persons who took supper there that night where speaking about killing the Smiths one would say I killed old Jo another would say no you did not I did? Yes. You cannot remember any person who was talking so but Davis and Grover? I did not hear Davis say Grover is the only person I heard saying so. Where these persons armed? I did not see any arms. Did they come on foot or on horse back or in waggons? I cannot say. Where there meny person at supper that evening at supper time? not meny there was but A few Did you take supper before dark? Yes. When supper was over [Thomas] Sharp came? Yes. You are scertain Davis was not there at supper time? Yes Sir I am scertain. Did Davis say we (I) killed the men, or they have killed the men? He said we have finished the men. You Dont know who he was addressing himself to at that time? No. Did you not hear Davis say he had not been to carthage at all the day? I did not. Did you not make any inquiry of any of these persons if the Smiths where dead or not? No. Did you know at that time the Smiths where dead. I knew nothing only what I had heard them say. Did they say there was any body els killed besides? No. What made you suppose they where the only ones killed? I heard them say they had killed old Jo, and that they had finished the leading men of the mormon Church ~~Joseph and Hiram~~ [p. [65]] Who

What made you suppose only⁶⁰¹ killed. They had killed old Joe. Leading men⁶⁰² of the Mormon church. Who were the two leading men. Joseph Hyrum [Smith]. They were part of the council. I suppose sir. There was but two leading men at that time. Who was the third man in the council. I do not know. He was not the leading man. No. He followed. Yes sir. Was there any light in the hall ~~Davis~~ Davis Grover first came in. I do not know. Moon lit night or dark. I cannot say. Where was this youth wounded. Some wheres in ear. Do know which cheek. No. Any blood upon the wound. Plaster. How did you know. I heard him say so himself. Who say wounded him. Did not hear him say. Say what. No. He said I have been wounded in the cheek. You there to look and see patch. Yes. No sign of [p. [10], bk. [3]] blood. No. Did you hear any one whether there were some troops from Adams County that night. I do not know. See Captain Follard [George Pollard] and his company there. I did not that I knew of. Was there not some alarm given that night < Fleming house> . Not that I know. Have you any recollection of running into a yard calling upon Mr. Pea [Key].⁶⁰³ To protect you all. Call upon him or any other person. ~~Alarm~~ Not that night. There was on Friday evening. Stage driver said the Mormons ready to come down. Were you alarmed no. There was a great many ~~when~~ where I was but they were mistaken. I had no gun. I told aunt she need not be afraid the Mormons was not coming. I had said I

where the leading men of that Church? Joseph and Hirham Smith. How meny leading men have they? There is three that form the first council of the church. They where part of the Council? I suppose So Sir. Was there any but two leading men at that tim? Yes there ~~ther~~ was more. Who who was the third leading man? I dont know. Was there any lightin the hall when [Jacob] Davis and [William] Grover first came in ? I dont know. Was it A moon light or A dark night. I cannot say. Where was the young man wounded? Some where on the cheek. Do you know which cheek. no. Was there any blood upon the wound? There was A plaster on his cheek, How did you know he had been wounded at Carthage? I heard him say so my self. Who did he say wounded him? I did not hear him say. Did he say what with? No, he said I have been wounded in the cheek. And you looked there upon and saw the patch? Yes. Did you see any signs of Blood? No. Did you hear any one say wether there was any troops from Adams County that night? I do not know. Did you see Cap. Fallard and his company there? I did not that I knew of? Was ther not some alarm given that night at [Samuel] Flemings house? Not that I know of. Do you recolect running into the yard calling upon some person to propect you all? I neither called upon one one man or another to protect me. on that night, there was on friday evening an alarm given the stage driver have said the mormons where all ready to to come into Warsaw. Where you alarmed? no but there was a great meny that where expecting the mormons but they where mistaken, I had no ocasion to be alarmed. I had told haunt that she need not bee afraid for the mormons where not coming. I had

⁶⁰¹ ⁶⁰²TEXT: Possibly “one”.

⁶⁰² ⁶⁰³TEXT: Or “man”.

⁶⁰³ ⁶⁰⁴TEXT: Shorthand reads *p-long e*; other accounts have “Key” or “Kay”.

wished to be home in Nauvoo but to say I was afraid I was not. Missus Fleming went to Quincy. Yes. What time. They were killed on Thursday and we went on Friday night. [p. [11], bk. [3]] Not mistaken before dark. What boat Die Vernon. Went in consequence of the alarm. How long did remain in Quincy. Till Tuesday following. You cannot remember whether it was a moon light night or not nor whether there was any light in the hall. No. I saw them coming⁶⁰⁴ in to the dining room door. Who was it saw in the hall hall through the dining door. I did not. I stood in the kitchen. And saw them coming⁶⁰⁵ into the dining room door when⁶⁰⁶ I have not said it. When you left Warsaw and went to Quincy. Do you know whether the Quincy troops had arrived a Warsaw. They came up on Friday. Came on the Boreas. Were the Boreas and Die Vernon both up that day yes. They hired the Boreas to fetch after the troops. Was Whilst at Quincy we boarded. At Missus Dixon's. Did you not state there to some persons that you did not know any thing about who killed the Smiths. No. [p. [12], bk. [3]] I stated I knew no thing about it. You never stated a long time after you did know no thing about. Yes I did. To a great many people <to her father> . How long after the. 2 weeks. The question never was asked me after I left Quincy. If we owned it we should be called as witness and we did not want to appear. Did you not deny to Missus Fleming you knew no thing about it. Yes I did. Did you not say in the presence of Mr. Reynolds and [Calvin A.] Warren at Quincy you did not

said I wished to be at home in Nauvoo but to say I was afraid I was not. Moses Fleming went to quincy? Yes. What time? They where killed on thursday and we went on friday night. How long did you [p. [66]] remain in Quincy? Till tuesday following. You say you cannot remember wether it was A moons light or a dark night or whether there was A light in the Hall or not? no. Where did you first see them as they came in? I saw them going into the dining room door? When you left Warsaw and went to Quincy do you know wether the Quincy troops had left that place for Warsaw? They came up on Friday. on what boat did they come up? On the Boarus. Where not the Boarus and Dienernam both up that day? Yes. Whilst at Quincy where did you board? At Moses Dickson [Dixon]s. Did you not say there to some persons that you did not know any thing about the killing of the Smiths? No. Did you never state A long time after you did not know any thing about it? Yes I did to A great meny people. How long after the occurance? About 2 weeks after it. The question never was asked till after ~~we~~ (I) left Quincy for if I owned it I feard to be called up as A witteness and I did not want A to appear. Did you not deny to Moses Fleming you knew any thing about it? Yes I did. Did you not say in the presense of M^r. Ronalds and [Calvin] Warren at Quincy you did not know any thing about it? No <sir> I did not. Do you know M^r. Ronalds? I know him. Was he boarding at Dixsons with Warren? Yes he was. You never talked of it in their presense? No I never did. Who did you tell it to in Warsaw? To my Father. Did you tell it to any other person? No I did not to any person at all. Did you allways deny it after you left Warsaw? Yes but I was not

⁶⁰⁴ ⁶⁰⁵TEXT: Or "going".

⁶⁰⁵ ⁶⁰⁶TEXT: Or "going".

⁶⁰⁶ ⁶⁰⁷TEXT: Possibly "nor".

know any thing about. No sir I did not. Do you know Mr. ~~Kitchen~~ <Reynolds> . I know him. Was he boarding at Dixon's [with] Warren. Yes he was. I did not deny it before then at all. You never talked of it in their presence no I never did. Who did you tell it to any other besides your father. No person at all. But you always⁶⁰⁷ denied it after you left Warsaw. Yes. [p. [13], bk. [3]] I was not afraid when at home. I was independent. Did not that reason exist as [*1 illegible word*]⁶⁰⁸ after you went to Nauvoo as before. Denied it for fear of being called as a witness. Yes sir. Since you went to Nauvoo. No. Before you went there you always denied it. Did you not deny after you went to Nauvoo. No. No change in my statements at all. The question never asked me at Warsaw no occasion to deny. You said while ago you had told it to a great many. I told a great many but I did not mention no names. Grover and Davis about who were present. They knowed all about before. Had they heard that you had heard those men. My father was down a few weeks after and I told him. Father knew what I had heard them say know what else. I never told them I supposed my friend told them. [p. [14], bk. [3]] Was there ~~any~~ fire in the kitchen that night. No. Fire in the stove but not hot. Who make made fire in the stove Mr. Jenning [Ashbel Genung].⁶⁰⁹ How long were you getting supper ready <for 60> . About an hour.

afraid when I was at home for I was independant. Did not the reason exist for denying it after you went to Nauvoo as before? Yes for I denied it for fear of being <called> upon as A wittness. Have you denied it since you went to Nauvoo? No. Did you never at any time after you went to Nauvoo deny it? No. You change your statements. There is no change in my statements at all for the question was never asked me in Warsaw I had therefore no ocasion to deny it. You said you had told <it to> A great many persons [p. [67]] Yes I told it to A great meny but I did not mention any names Did [William] Grover and [Jacob] Davis know you where present when they where talking about it and that you belonged to the mormon church? Yes they knew all about <it> before. Had they heard that you had heard them talk among the other men that evening? My father was down A few weeks after and I told him, father knew what I had heard them say and no one els. <except my friend> I never told them I supose my freind had told them. Was there any fire in the kitchen that night? No There was fire in the stove but it was not hot. How long was you in getting supper ready for 60 men? About one hour. At that time how long had you been living at M^r. [Samuel] Flemings? I cannot exactly say. After that you went to Nauvoo? Yes about 6 weeks afterwards. You still reside at Nauvoo? Yes. Have you lived there ever since? Yes. Are you A member of the mormon church? Yes I am. Are you not afraid you will be murdered? No. How long is it since you joined the church? 5 years. Have you been A member all the time? Yes. Do you know what kind of horse and carriage [Thomas] Sharp came home in? No. Did James Grame

⁶⁰⁷ ⁶⁰⁸TEXT: The shorthand is written as two words: "all ways".

⁶⁰⁸ ⁶⁰⁹TEXT: Possibly "said" or "stated".

⁶⁰⁹ ⁶¹⁰TEXT: Shorthand reads *j-n-m*; Watt possibly intended to write *n* or *ng* instead of *m*. Later in the shorthand, Watt writes this name *j-n-ng*.

At that time how long been living a[t]⁶¹⁰ Mr. Fleming. I cannot exactly say. After that you went to Nauvoo. About six weeks. You still reside at Nauvoo. Yes. Lived there ever since. Yes. Member of the Mormon church. Yes I am. Ever been married. No. How long since joined the church. Six < 5> years. Been member all that time. Yes. Do you know what kind of horse on the carriage Sharp⁶¹¹ came home in. No. Did James Gregg come in the house. No not that I saw I saw him in the carriage. You saw the carriage had two seats and two horses. Did⁶¹² not notice the color of the horses. [2 *illegible words*]⁶¹³ one. When did you first learn [p. [15], bk. [3]] you be called as a witness. In this case. Last Wednesday. Did you ever have any conversation by any person what ever on being witness in this case. No. Had you had any conversation with any persons since last Wednesday what you to swear to in this case. Yes that gentleman Lam [Josiah Lamborn]. Tell what that was. I told ~~them~~ you to tell the truth and no thing but the truth. Before that time you have never had conversation person what ever. Be examined in this case. No. Have you had many conversations upon this subject.⁶¹⁴ Not a great many. Are you acquainted with **Mr. Daniel [William Daniels]**. I never saw him until ~~you~~ I saw him here in Carthage at. court. Your father resides in

[Graham] come into the house? No not that I saw of I saw him in the carriage. Where did you first learn you would first be called as A wittness in this case? Last wensday. Did you ever have any conversation with any person what ever on being A wittness in this case. No. Had you had any conversation with any persons since last Wensday what you where to sware to sw in this case? Yes that Gentleman pointing to M^r. Lamburn [Josiah Lamborn]. Tell what that was? He told me to tell the truth and nothing but the truth. Before that time you have never had A conversation with any person what ever have you been examined on this case? No. Have you had meny conversations upon this subject at all? Not A great meny. [p. [68]]

Are you aquainted with **M^r. [William] Daniels**? I never saw him. I never saw him till I saw him hear in Carthage Court. I

⁶¹⁰ ⁶¹¹TEXT: Shorthand reads *a*; Watt sometimes wrote “a” for “at”.

⁶¹¹ ⁶¹²TEXT: Shorthand reads *sh-l-p*.

⁶¹² ⁶¹³TEXT: *Did* written over the period.

⁶¹³ ⁶¹⁴TEXT: Shorthand is one or two words and reads *s-a-s long o-n*; the first word could be an incorrectly written “horses”.

⁶¹⁴ ⁶¹⁵TEXT: Shorthand reads “object”; intent was likely “subject”.

Nauvoo. Yes. You live with his family. Yes. Ever been an object⁶¹⁵ of conversation in your father's family. No not great deal. Said before last Wednesday being witness in this case. No. When you spoke to your father in Warsaw tell what you heard Grover Davis say. Yes. [p. [16], bk. [3]] Did you charge him not tell it. Yes. Did you tell your friend not to tell it. No. When did you first tell her. About 6 weeks ago. And up to with in the last six weeks never mentioned to any person on any occasion your father what heard Grover and Davis say. No. They ask you no questions. No. Not great deal talked about in Nauvoo. No sir not a great deal talked about. Do you know where Mr. Jennings [Genung] lives [n]ow. No. Did you and him ever have any conversation about this matter. No sir not particularly. Did you and him ever talk about what Grover and Davis said. No. You said as soon as called supper he went out to stand guard. I said he came and put the fire in the stove and then went out to stand guard. How did it happen you did not talk about it. He knew I did not want to hear any thing about the matter at all. [p. [17], bk. [3]] Afraid summoned as a witness. I did not want to hear any thing about and I did not care any thing about it. You sat up two hour. We had the things to clear away before we could go to bed after supper over. Were there any other persons went to Quincy on the same boat besides you as from Warsaw. No. I do not think there was. ~~They went down~~ Doctor Chipley's family go down they went down but not in that boat. Sharp⁶¹⁶ drove up that evening horses sweating very much. I did not notice. How long before day was it you went to bed. I said we went to bed 4 o'clock. . Course it was

suppose your father resides in Nauvoo? Yes. Do you live with his family? Yes. As it ever been an object s[u]bject of conversation in your fathers family? No not A great deal. When you spok to your father in Warsaw, did you tell what you heard [William] Grover and [Jacob] Davis say? Yes. Did you charge him not to tell it? Yes Did you tell your freind not to tell it ? No. When did you first tell her? About 6 weeks ago. And up to within the last 6 weeks you never mentioned to any person in any case except your father what you heard Grover and Davis say? No. Did they ask you any questions? No. Was there any great talk about it in Nauvoo? no Sir it was not a great deal talked about. Do you know one M. Joning? No. Did you and him ever have any conversation about this matter? No Sir not any. Did you and him ever talk about what Grover and Davis said? No. How did happen you did not talk about it to Moses Fleming? He knew I did not to hear any thing about the matter at all. You was afraid to be sumoned as A witteness I suppose? I did not want to hear any thing at all about it, and I did not hcare any thing about it. You say you sat up two hours after supper? Yes we had the things to move away before we could go to bed after supper was over. Where there any other persons went to Quincy on the same boat beside yourself from Warsaw. I dont think there was. When Sharp drove up that evening was his horses sweating very much? I did not notice. How long before day was it you said you went to bed? I said we went to bed about 4 oclock. Do you know what time you got up the next morning? It was day light Sir. How long had you been in bed? I went to bed at 4 o'clock and got up when it was day light. Was you in bed 2 hours? I supose we where prahaps more. It was the 27th of June? Yes Sir it was. Did you sleep any after you went to bed? [p.

⁶¹⁵ ⁶¹⁶TEXT: Shorthand reads "object"; intent was possibly "subject".

⁶¹⁶ ⁶¹⁷TEXT: Shorthand reads *sh-l-p*.

dark. Do you know about how long what time got up next morning. Day light. How long be in bed. I went to bed 4 o'clock and got up day light. Was you in bed two hours. I suppose we had perhaps longer. [p. [18], bk. [3]] It was the 27 of June. Yes sir it was. Did you sleep any after you went to bed. No. You can then form pretty good idea. I said 2 hours it might been more. Do you know [William W.] Phelps of Nauvoo. No sir I do not. Do know [John] Taylor. I know him by sight. <Brigham Young> Never had any conversation with them. No. Know [Lyman O.] Littlefield. No. Know [Stephen] Markham Pratt. I know him by sight. Parley [P.] Pratt.⁶¹⁷ Are you acquainted personally with any one of the Twelve. No. Know any one of them. I know them when I see them. Not acquainted with any of them. No. Do you know either of the Missus Smiths. I know them by sight. Not acquainted with them. No. Retired.

Benjamin Brackenbury.

Where was you on the day Sm[ith] killed. I was on the road between this and Carthage. Was you in Warsaw that morning. Yes. What time leave Warsaw that morning. About nine o'clock. [p. [19], bk. [3]] Did you leave in company with the troops. Yes. Where were they going to. When they left there I understood they were going to Nauvoo. What capacity was you. I drove baggage wagon. Whose wagon did you drive. I drove Fuller's. Where live Fuller. In ~~in~~ Warsaw. Whose company that wagon attached to. I believe [Jacob] Davis company. How many company along. Two or three. Who captains of them. Davis [William] Grover I do not know the other one name. And

[69]] No. You can then form A pretty good Idea how long you was in bed? I said 2 hours and it might be more. Do you know M^r. Fellps [William W. Phelps] of Nauvoo? No Sir I do not. Do you know [John] Taylor? I know him by sight. Do you know Brigham Young? (Yes.) I ~~never~~ had (you ever) had any conversation with him. No. Do you know M^r. [Lyman] Littlefield? No. Do you know Orson Pratt? I know him by sight. Are you aquainted personally with any of the Twelve? No. Do you know any one of them? I know them when I see them. And you are not aquainted with any of them? No. Do you know either of the Misses Smiths? I know them by sight. You are not aquainted with them? No. Retired

Benjeman Brackenberry [Benjamin Brackenbury]

sworn.

M^r. Lamburn [Josiah Lamborn]. Where was you on the day the Smiths where killed? I was on the road between this and Carthage. Was you in Warsaw that morning? Yes. What time did you leave Warsaw that morning? About nine oclock. Did you leave in A company with the troops? Yes. Where were they going to? When they left there I understood they where going to Nauvoo. In what capacity was you? I drove A Baggage Waggon. Whose waggon did you drive? It was M^r. Fullers waggon? Where did you live then I lived in Warsaw. Whose company was the waggon attached too. I believe [Jacob] Davises Company. How meny companys where there along? Two or three. Who was the Cap. of them. Davis and [William] Grover I do not know the other mans

⁶¹⁷ ⁶¹⁸TEXT: A circle is drawn around “. Parley Pratt.”

you was driving baggage wagon. Yes. Time get to the shanties.⁶¹⁸ About 12 o'clock. What was done there. Halt there and took dinner. Did you know [Levi] Williams. Yes. Was he along from Warsaw to the road⁶¹⁹ with you. I do not [know?] whether he did or not I saw him there. < Know > Alredge [Mark Aldrich]. Yes. Was he there. Yes. Did you see [Thomas] Sharp⁶²⁰ there. Yes. Grover was there suppose with his company. Yes. Was there any [p. [20], bk. [3]] Davis there too. Yes. Any thing said about the governor disband the troops. ~~D~~avis Williams read an order to disband the troops. Did you hear any of this man Alredge ~~to~~ make speech that day. No sir. ~~Did you see~~ Was Williams on horse back or foot. What sort of horse. < Sorrel mare > Sharp⁶²¹ horse back or foot. Horse back. Sort Sharp⁶²² riding. No. Alredge on horse back. Yes. The others Davis Grover. On horse back. They was on foot. You heard any speeches made. One. Did you hear any call made for vo[lu]nteers. Grover call. To go to Carthage to see governor what he dismissed the men for. ~~You all~~ You concluded come in.⁶²³ Yes. Whose employment was you in. Fuller's.

name. And you was driving A baggage waggon? Yes. What time was it when you got to the railroad shanties? About 12 o'clock. What was done there? We halted there and took dinner. Did you know [Levi] Williams? Yes. Was he along with you from Warsaw to the railroad? I do not know wether he was or not I saw him there. Do you know Alridge [Mark Aldrich]? Yes. Was he there? yes. Did you you see [Thomas] Sharp there. Yes. And Grover was there I supose with his company? Yes. Was there any thing said about the Governor [Thomas Ford] disbanding the troops? Williams read an Order to disband the troops. Did you hear any of these 5 men make [p. [70]] A speash that day. No Sir. Was [Levi] Williams on horse back on on foot? He was on horse back. What sort of A horse did he ride? He rode A surrel Mare. Was [Thomas] sharp on horse back or on foot? He was on horse back. Do you know what sort of A horse sharp rode? No. Was Alridge [Mark Aldrich] on horse back? Yes. Was [Jacob] Davis and [William] Grover on horse back. ~~Yes~~ No they was on foot. You say you heard no speaches made. no. Did you hear any call made for Volenteers? Yes Grover made A call for Volenteers to go to Carthage to see what the Governor [Thomas Ford] had disbanded the men for. So you concluded to come on? Yes. Whose employment was you in? I was in M. Fullers employment. Did he direct you to drive on to

⁶¹⁸ ⁶¹⁹TEXT: Shorthand reads *sh-r-n-t-s*; intent was likely "shanties".

⁶¹⁹ ⁶²⁰TEXT: Intent was possibly "railroad".

⁶²⁰ ⁶²¹TEXT: Shorthand reads *sh-l-p*.

⁶²¹ ⁶²²TEXT: Shorthand reads *sh-l-p*.

⁶²² ⁶²³TEXT: Shorthand reads *sh-l-p*.

⁶²³ ⁶²⁴TEXT: Or "on".

Did he direct you to go on. Yes. Any thing said about Joe or Hyrum Smith. No. Hear Williams Alredge Sharp⁶²⁴ say any thing [p. [21], bk. [3]] about going on. Did they make division. Yes some went back and some came on. How long after they made this before they started. They did not stay more than half hour. How many of those 5 men came along. I do not recollect seeing any only Mr. Grover until we got half way here. Who did you see when you got half way here. I see Alredge Williams Sharp.⁶²⁵ Did not see Davis. No. See him any more that day. Yes. Quarter of mile of the jail Davis came in in a wagon. What sort of wagon was it Davis 〈others〉 came in. Team belonged to Calvin Cole. Was there a place out here where a division made. Yes sir. 3 and 4 miles. Was any of these men there then. I saw Grover Sharp⁶²⁶ Williams. Do you know any of them left that point to come to town in advance of the company [p. [22], bk. [3]] I do not know where they went. Did you see any more of the troops after the baggage wagons left. I see them come out of the timber. Which way you came. I came down the road. Did you come in to the town no sir. Quarter of mile to the jail. Who directed you to go back to the company came to me. Was there any other baggage wagons there. Yes. Another that belonged to Fuller. The other belonged to [1 illegible word].⁶²⁷ While you was there did Davis over take you. Yes. Lumber wagon

Carthage? Yes. Was there Nothing said about Jo or Hiram Smith? No. Did you hear Williams, Alridge or sharp say any thing about going to Carthage or th-a or did they make any division in the company. Yes some went back and some went on to carthage. How long after they made this division before they started? They did not stay more than half an hour. How meny of these 5 Men came along to Carthage? I do not remember seeing any except M^r. Grover till we got half way hear. Who did you see when you got half way hear? I saw Alridg Williams and Sharp. Did you not see Davis? no. Did you see him any more that day? Yes about A quarter of A mile off the Jail Davis came on in A waggon in company with some others. What sort of A waggon was it that Davis and others came in? It belonged to A M^r. Coal. Was there A place out here where A division was made? Yes Sir 3 or 4 miles out on the Warsaw road. Was any of these men there then? I saw Grover Sharp and williams there. Do you know of them who left that point to come to town in advance of the company. I dont know when they went. Did you see any more of the troops after the baggage waggons left. Yes I saw them come out of the timber that is near Carthage. Which way did you come? I came down the Warsaw road. Did you come into town? No Sir I staid About A quarter of A mile from the Jail. 〈who directed you to ~~come~~ 〈go〉 back? The company came up some and some got in the waggon〉 Was there any other baggage Waggons there besides [p. [71]] the one you drove? Yes another one that belonged to

⁶²⁴ ⁶²⁵TEXT: Shorthand reads *sh-l-p*.

⁶²⁵ ⁶²⁶TEXT: Shorthand reads *sh-l-p*.

⁶²⁶ ⁶²⁷TEXT: Shorthand reads *sh-l-p*.

⁶²⁷ ⁶²⁸TEXT: Shorthand reads *long o-d-n*.

belonging to Cole. How many in with Davis. 4 or 5. Were they armed. I do not know. What did those men say they said they had killed Smith. I saw Mr. Grover come back. Grover [on] foot. Yes. He rode with me part of the way. Did he talk any thing about he kill Smith with 〈the men〉 .

Yes. He said they had [p. [23], bk. [3]] killed Smith and said he was a damned stout man Smith struck him in the face. Did he say he was that rushed by the guard. I heard him he was the first man in the house. You did not see any of these men on their return with the company. I see. I do not remember. Did you see any of the others before you got home. Yes I see Sharp⁶²⁸ Alredge Williams ride by on horse back they overtook. Did they say any thing [as they] went by. I forget. Was there a double buggy along that day. I do not recollect. How had those men been traveling before they came in that day. I do not know. ~~You do not recollect of any [illegible word] saying any thing about that.~~ Any body else in the wagon Grover talking about it. Yes. Did you know a man of the name of Boras [William Voras]. Yes. Was he wounded. Yes. Wells In the shoulder.⁶²⁹ Wells [John Wills] wounded in the arm. The boy in the face. [p. [24], bk. [3]] when they started to go up here did you hear any person say the object. No. Grover say they were going for. He say what the governor dismissed them for. For any other purpose. ~~I did not hear⁶³⁰ it until one of the Carthage Greys Burton told Missouri. Greys had letter. Had on the uniform. M Came~~

Fuller. While you was there Did [Jacob] Davis overtake you? Yes. How meny was there in the waggon with you when Davis came up? 4 or 5. Where they armed? I dont know. What did these men say? They said they had killed the Smiths Did you see [William] Grover come back? Yes Was Grover on foot? Yes, he road with me part of the way. Did he say any thing about killing Smith? Yes. He said they had killed Smith, and said he was A damned Stout man was 〈he and〉 Smith struck him in the face. Did he say he was one that rushed by the guard I heard him say he was the first man in the house. You did not see any other of these men on their return with the company I dont remember seeing them. Did you see them before you got home? Yes I saw [Thomas] Sharp Aldridge [Mark Aldrich] and [Levi] Williams ride by on horse back they over took us. Did they say any thing as they went by? I forget. Was there A carraige along that day? I dont recolect. Was there any body els in the waggon when Grover was talking about it? Yes. Did you know A man by the name of Brasus [William Voras]? Yes he was wounded in the ~~arm~~ shoulder, And Wells was wounded in the arm, and there was A boy wounded in the face. When they started to come up here did you hear any person say what was their object? No. Did you not hear Grover say what their object was? He said it was to see what the Governor [Thomas Ford] had dismissed them for, 〈I knew of no other purpose till one of the Carthage Grays brought A letter. Who did he give it to? He gave it to Alrdige. Did he read it? Yes and after that told us what our movements where to be.〉 Had you any orders given how you should approach the town? Yes Alrdige told us when we should go

⁶²⁸ ⁶²⁹TEXT: Shorthand reads *sh-l-p*.

⁶²⁹ ⁶³⁰TEXT: Shorthand reads *sh-r-d-l*; intent was likely "shoulder".

⁶³⁰ ⁶³¹TEXT: Shorthand reads *f-r* or "from"; intent was likely "hear".

out there with a letter to Alredge Alredge. He read it. Said after that what the movement was to be. Alredge told them not to go into town together go a little a part. Did they all go together or apart. They left me. Did you obey the orders and come stringing in that way. Some stopped and let the horses eat some grass. When you met the troops retreat after you had left the jail hurry. Yes. They were running. Who was it directed you to go back [Abram] Chittenden. How far did you go that night with your wagon. I went to Warsaw. Where did you go to at Warsaw. Fullers. What time got to Warsaw. 12 o'clock at night. [p. [25], bk. [3]] Where were those foot men about that time when you got to Warsaw. Some in Warsaw and some coming. Did Grover go to Warsaw where with you. Got out before. How go then. He went on foot. What business Fuller follow. Teams. Do you know where the men went that night to get their suppers. No sir I do not. Did you go by the Warsaw house when you went in. No I did not go by I drove up and unhitched my horses from the wagon let my horses stand. Did see any about the Warsaw house. Yes. Many. 20 or 30 you did not go in the house. No. Did you see Davis Grover after you got back. No. See Williams here in all those men that night. No. You never saw them after they passed you on the road. No. That was a short distance from here. Yes. Did you know a man by the name of Key. No. [p. [26], bk. [3]] Know man name of [James] Gregg. Yes. Where live. He lived in Warsaw then. I do not know where now. See him that day any place. Yes. Where see him along with them. There⁶³¹ brought the news Smiths killed. Did they tell you they were both killed. Yes. Tell any body else killed

into town to go A little apart. Did they obey the orders and come stringing in in that way? Yes Some stopt and let their horses eat some grass. When the troops returned from the jail did they return in A hurry? Yes. Was they running? Yes. How far did you go back that night with your waggon? I went to warsaw. Where did you go to at Warsaw? I went to Fullers. What time Did you get back to Warsaw that night? It was 12 o clock at Night. Where where the rest of the men about that time when you got to [p. [72]] Warsaw? Some where in Warsaw and some where coming. Did [William] Grover come to Warsaw with you? He got out of the waggon before he got to Warsaw? How did he go then he went on foot. What buisness does Fuller follow? He keeps teams. Do you know where the men went that night to get supper? No. Did you go by the Warsaw house that night when you went into Warsaw? No I did not drive by I drove up and unhitched my horses from the waggon and let my horses stand. Did you see any person in the Warsaw house. Yes. How meny. 20 or 30. Did you go in the house? No. Did you see [Jacob] Davis and Grover after you got back? No. Was Davis ([Levi] Williams) or any of these men there that night? No. You never saw them after they past you in the road? No. That was A short distance from Carthage? Yes. Did you know A man by the name of Kay? No. Did you know A man by the name of Greg? Yes. Where does he live? He lived in Warsaw then. Where does he live now? I do not know. Did you see him that day in this place? Yes. Where did you see him? I saw him along with the rest of the men, he was the first that brought the ~~kn~~ news to me of the Smiths being killed? Did he tell you they where both killed? yes. Did he tell of any body els being killed or hurt? No. Did you hear any of these five men say to any body that the Carthage Grays where in the conspiracy? No. You did not hear any other speak of their intention for coming hear except Grover? No. And he said

631 ⁶³²TEXT: Shorthand reads *th-r*; intent was possibly “they” or “they were”.

or hurt. No. Did you hear Grover⁶³² Alredge Sharp⁶³³ hear any b these men say any about the Carthage Greys company in the conspiracy. No you did not hear any body else speak upon the intent in come here except Grover. No. And he gave a reason to see the governor. Yes. Was you when the ~~company~~ companies drove up in file. When⁶³⁴ company Grover's. Heard⁶³⁵ from them. Know any thing about a call being made for them to step <volunteers> out. No. When they left the wagons out there which way go when left the wagons. They went to the left. Approach that timber⁶³⁶ yes. Did see them enter the timber⁶³⁷ see that far [p. [27], bk. [3]] could not see that far. I see them that they came out of the timber⁶³⁸ going to the jail. You did not know the intention then. No. You think they were going to take him to Missouri and hang him. Yes.

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the reason was to see the Governor [Thomas Ford]? Yes. When the companys left the wagons A few miles from Carthage which way did they go? They turned to the left. Did they approach that timber? Yes. Did you see them enter the timber? I could not see that far, I saw them when they came out of the timber going to the jail. Did you know their intention at that time? No; I thought they where going to tak him to Missourie and hang him.

Cross examined by M. [Orville] Browning.

632 ⁶³³TEXT: Shorthand reads *g-l-v-r*.

633 ⁶³⁴TEXT: Shorthand reads *sh-l-r-p*.

634 ⁶³⁵TEXT: Possibly "were" or "way".

635 ⁶³⁶TEXT: Possibly "rode" or "road".

636 ⁶³⁷TEXT: Shorthand reads *t-m-b-l*.

637 ⁶³⁸TEXT: Shorthand reads *t-m-b-l*.

638 ⁶³⁹TEXT: Shorthand reads *t-m-b-l*.

639 ⁶⁴⁰TEXT: Cross-examination. Horizontal line drawn between this line and the next, marking the change to the cross-examination.

You heard no speech made <crossing> . No. [Levi] Williams [Thomas] Sharp⁶⁴⁰ Alredge [Mark Aldrich] were all on horse back. Yes. Williams.⁶⁴¹ rode sorrel mare yes. ~~You saw~~ That was before any person came to Carthage. It was before I came. Those same three men passed you when you were on your way back to Warsaw after you left Carthage. All on horse back then riding the same horses. I do not know whether they were on the same horses or not.⁶⁴² they were riding.

Are you certain that Williams Alredge and Sharp⁶⁴³ passed you at all. I think they did. All to gether. Yes. If they were not all together how far apart. 2 or 3 yards. Which was foremost I do not know. Did they speak and have any conversation. I do not know. Was [William] Grover in [p. [28], bk. [3]] your wagon. He was at that time. Did any of those 3 men speak to Grover as he passed. I forget. How far from Carthage was it that they passed you. I think half to three quarters mile. At the rail road you say you heard Grover call volunteers. Needed to go to Carthage to see the governor. G[r]over had given security for those arms and was responsible for them. Yes I believe he did. That was the only reason you heard assigned for going to Carthage until you met the Carthage Grey. Yes. Any thing said about killing the Smiths. No. When this person as you took to be Carthage Grey came up with a note Alredge took and read it. Yes.

You heard no speach made at the crossing of the railroad? No. [p. [73]] [Levi] Williams. [Thomas] Sharp and Alridg [Mark Aldrich] you say where all on horse back? Yes. You say Williams rode a surral Mare? Yes. And that was before any person came to Carthage? I[t] was before I came. Those three men pased you when you where on you[r] way back to Warsaw after you left carthage all on horse back and then riding the same horses? I do not know wether they where on the same horses or not but they where riding.

Are you scertain that Williams Alridge and Sharp passed you at all? I think they did all together. Did they ride altogether in A breast? No. If they where not altogether how far did they ride apart? 2 or 3 yards. Which one of them was for most? I do not know. Was they conversing with each other as they past? I dont know. Was [William] Grover in your waggon at that time? He was. Did any of these three men speak to Grover as they passed? I forget wether they did or not. How far from Carthage was it that they passed you? I think between half and three quarters of A mile. At the railroad you say you heard Grover call volenteers to go to Carthage to see the Governor [Thomas Ford]? Yes. That was the only reason you heard assigned for coming to carthage (until you met the Carthage Gray). Yes. Was there any thing said about killing the Smiths? No. When this person as you took to be the Carthage Gray came up with A note Alridge took and read it? Yes. Did he read it loud? He read it that I could hear. How far did he

640 ⁶⁴¹TEXT: Shorthand reads *sh-l-p*.

641 ⁶⁴²TEXT: Period is crossed out.

642 ⁶⁴³TEXT: Period is crossed out.

643 ⁶⁴⁴text: Shorthand reads *sh-l-p*.

Read it aloud. Read that I could hear. 50 yards. You did not hear what was in that note. No. Did the Carthage Grey deliver the note to Alredge soon come up. I did not see him come up. [p. [29], bk. [3]]

Try recollect if you did not state before the grand jury⁶⁴⁴ that a Carthage Grey took Williams ~~Alredge~~ <Stevens [Henry Stephens]> ~~took the Grey~~ one side the Carthage Grey if you intend to do any thing now is the time. I heard him say that there was nobody in Carthage but what they could rely upon. Who was he talking to when said that. Talking to the men there with him. You were 50 yards distance. About that. You could not hear any thing Alredge said. No not that I recollect. Did any person make any reply. I do not recollect. That was all you ~~f~~ heard said. At that time. Who was that Grey. I do not know him. What size. ~~M~~ Middling sized man. A round face. Stouter than you are. Yes sir. What aged man. I should think about 30. Do you think you would know him see him. No I never see him before nor since. I recollect him to describe. Hat or a cap on. I do not recollect. What kind of coat on. [p. [30], bk. [3]] Grey coat. Short or long. Short. Skirts or round about. Skirts. Kind of pantaloons on. I do not recollect. How knew this was Carthage Grey. I said I was told he was a Carthage Grey. Was talking in loud voice. Not very loud. Was he talking as loud as I am now. About. What else say. I did not hear it. What say. Nobody in Carthage but what you can depend on. Now is the time for you to run on. Had you halted your driving. I was standing still at that time. Advance of you or ~~f~~ rear. ~~F~~ Left. Front or rear of the companies. About the middle. Who told you he was the Carthage Grey. I do not recollect. You

stand off you? About 50 yards. You Did not hear what was in that note? No. Did the Carthage Gray deliver the note to Alridge as soon as he came up? I did not see him come up.

Try to recolect if you did not state before the Grand jury, that the Carthage Gray took M^r. Williams to one side, and said if you want to do any thing now is your time? I heard him say there was no person in Carthage but what they could rely upon. Who was he talking too when he said that? He was talking to the men there with him [p. [74]] You were 50 yards distanse from him? Yes about that. You say you could not hear any thing Alridge [Mark Aldrich] said? No not that I recollect. Did any person make any reply? I do not recollect. And that was all you heard said at that time? Yes. Who was that Carthage Gray? I do not know him. What size of A man was he? He was A middling sized man. Was he A stout round fased man was he stouter than you are? Yes Sir. About what age might he be? I should think about 30 years of age. Do you think you would know him if you should see him? No I never saw him before nor since? How can you discribe him then? I recollect him so that I can describe him. Had he A hat or A cap on his head? I dont recollect. What kind of A coat had he on? He had A gray coat on. Was it A short coat or A long one? It was A short one. Had it short skirts or was it A round about? I had skirts upon it. What kind of pantaloons had he on? I dont recollect. How did you know this was A Carthage Gray? I was told ~~it~~ (he) was. Was he talking in A loud voice? Not very loud. Was he talking as loud as I am now? About as loud. What els did he say? I did not hear it. What did you hear him say? He said there was no body in Carthage but what we can depend upon, now is the time for you to rush on. Was you halted or driving on? I was standing still at that time. Did this happen in the frunt or rear of the companys? It took place

644 ⁶⁴⁵TEXT: Period is crossed out.

are ~~rs~~ certain you did not not state before the grand jury Williams and Stevens to talk to them. I do not think I did. You saw Grover talking with him. I do not know talking with him or the rest. [p. [31], bk. [3]] Where did that Grey go to. He came in this way. Came alone. Do not know. Was he on horse back. Yes. What kind of horse riding. I forget that. Did you ever state he was riding an iron Grey horse. I did say an iron Grey or roan. If it was not them it was some other color. Had any thing to drink that day. Yes sir. I had taken enough so that I felt pretty well. I do not know how nice I was I felt nice. You saw at that place all except [Jacob] Davis. Yes.⁶⁴⁵ I think I did. That was where the division took place. I think ~~it was~~ <forget later> before the Carthage Greys left or at the time. Did all the companies leave the road. Yes ~~all~~ most of them. Who was with you. I Hoten was⁶⁴⁶ riding in my wagon part of the time. You saw no more of the troops got near Carthage. No. We saw them after first separated there. In the timber.⁶⁴⁷ Driving forward. Driving forward [p. [32], bk. [3]] how far you say you halted to the jail. Quarter ~~time~~ mile. They were as near to you when they were at the jail as at any other time. Yes. You were from quarter to half mile distant from the jail. Yes. Do you think it was near say quarter⁶⁴⁸ or a half. More than a quarter and not quite half. Did you say you saw Grover go to the jail. He left the company 4 miles. Came from the jail he came back. Did you

about the middle. Who told you he was A Carthage Gray? I do not recollect. Did you see [William] Grover talking with him? I dont recollect wether he was talking to him or the rest of them. Where did that Gray go to? He came in this way. Where did he come from when he came to the company? I do not know. Was he on horse back? Yes. What kind of A horse was he riding? I forget. Did you ever state that he was riding upon an Iron gray horse? I think it was an iron gray or A rone, and it if was not that coulor it was some other couler. Had you any thing to drink that day? Yes Sir I had taken enough so that I felt pretty well. You felt pretty nice? Yes. How nice was you? [p. [75]] I dont know how nice I was but I felt ~~pretty~~ nice. You saw all at the place where the division took place except [Jacob] Davis? I think I did. Did all the companys leave the road? Yes the most of them. Who was with you? M^r. Hotten was riding in my waggon at <part of> the time. You saw no more of the troops till you got near Carthage. No. Where did you first see them after they first seperated? I saw them in the timber. Was you driving ~~Fultons~~ forward. Yes. How far do you say you halted from the jail? About A quarter of A mile. They where as near to you when at the jail as at any other time? Yes. You where from A quarter to A half A mile of the jail? Yes. Did you say you saw [William] Grover going to the jail? I said he left the company about 4 miles from Carthage and came from the jail when he came back. Did you see Davis at the jail? No. Did you see Alridge [Mark Aldrich] at the jail? No. Did you see [Thomas] Sharp at the jail?

⁶⁴⁵ ⁶⁴⁶TEXT: Period is crossed out.

⁶⁴⁶ ⁶⁴⁷TEXT: "was" is written over a period.

⁶⁴⁷ ⁶⁴⁸TEXT: Shorthand reads *t-m-b-l*.

⁶⁴⁸ ⁶⁴⁹TEXT: Shorthand reads *k-l-t-r*.

see Davis at the jail. No. Did you see Alredge at the jail. No Sharp.⁶⁴⁹ No. Did you see Williams there. No. Did you not state before the grand jury see Colonel Williams at the jail sitting on his horse all the time men were there. I do not ~~not~~ think I did. Did you not state before the grand jury that⁶⁵⁰ Williams came riding up from the jail to where your wagon was standing and passed right by you. I do not think I did. You stated that and ~~Graham~~ <[James] Gregg> rode up to your wagon and told of the killing of the Smiths [p. [33], bk. [3]] yes s sir he was the first man. Did you not state before the grand jury name was James Gregg. I do not know whether I did or not. Gregg was on horse back. Yes. Did pass right on <towards Warsaw> . Yes. Did you see any thing more of him that evening. No. How long was it after Gregg passed before Williams Alredge and Sharp⁶⁵¹ passed on horse back. I do not know. hour although perhaps half hour perhaps 3 quarters. As Sharp⁶⁵² passed say any to any person in your wagon. Not that I recollect of. Did you not state before the grand jury Sharp⁶⁵³ came up to your wagon the Smiths was both dead that he had hold of them before he left the jail. I do not recollect saying so some body said so that night. Did you not state that you could not be mistaken about having seen Williams at the jail. I do not think I did.

No. Did you see [Levi] Williams there? No. Did you not state to the Grand jury that you saw Williams at the jail sitting on his horse all the time the men where there? I dont think I did. Did you not state before the grand jury that Williams came riding up from the jail to where your waggon was standing and passed right by you? I dont think I did. You stated that A M^r. Cregg came riding up to your waggon and told of the killing of the Smiths? Did you not state before the grand jury that his name was James Greg? I dont know wether I did or not. Was Greg on horse back? Yes. Did he pass right on towards Warsaw? Yes. Did you see any thing more of him that evening? No. How long was it after Greg passed before Williams and Alridge and sharp passed by you on horse back? I do not know how long prahaps half an hour or three quarters. As Sharp passed you did he say any thing to any person in your waggon? not that I remember. Did you not state before the grand jury that Sharp came up to your waggon and said the Smiths [p. [76]] where both dead for he had hold of them before he left the jail. I dont recolect saying so but somebody said so that night. Did you not state before the Grand jury that you could not be mistaken about ~~being misstak~~ seeing [Levi] Williams at the jail? I dont think I did.

⁶⁴⁹ ⁶⁵⁰TEXT: Shorthand reads *sh-l-p*.

⁶⁵⁰ ⁶⁵¹TEXT: "that" is written over a period.

⁶⁵¹ ⁶⁵²TEXT: Shorthand reads *sh-l-p*.

⁶⁵² ⁶⁵³TEXT: Shorthand reads *sh-l-p*.

⁶⁵³ ⁶⁵⁴TEXT: Shorthand reads *sh-l-p*.

How was Grover dressed that day. I recollect no thing about his clothes but his ~~hat~~ cap and feathers. How many feathers had the [cap] [p. [34], bk. [3]] I do not know. 3 or 4. Were they [all in the same place]⁶⁵⁴ in⁶⁵⁵ his cap. All in the same place [I believe.] Did he wear them in front or at the side or [behind.] In front I believe. What color were those feathers. Black. All black. All black. Had any other person feathers in⁶⁵⁶ their caps or hats. Alredge had about all that had. What color Alredge's feathers. Black I believe. Did he wear those feathers on to Carthage. ~~Yes~~ ~~I~~ Had he them on when met the Grey. Yes I believe he had. Had you turned your wagon round to go back to Warsaw when Captain Grover came up to you. Cross way. Standing still. Who was the first to get in your wagon after the Smiths killed. I forget. Was it Grover. I do not know. Who⁶⁵⁷ first to come up and tell you to turn and go back [Abram] Chittenden. Did they get in the wagon. Yes. ~~B~~ [p. [35], bk. [3]]

Second book of examination.⁶⁵⁸ [p. [0]]

Before or after Grover came up. I do not know. Wells [John Wills] Gallyer Boras [William Voras] got in my wagon. When was you it you saw Boras or Gallyer. I saw them on the road going to Warsaw. How many got in your wagon. I do

How was [William] Grover dressed that day? I dont recollect his clothing only his cap and feathers. How meny feathers he in his cap? I dont recollect prahaps three or four. Where they all in the same place in his cap? They where all in the same place I believe. Did he ware them in the frunt or on one side or behind? In the frunt I believe. What colour was those feathers? Black. All Black? Yes they where all black. Had any others feathers in their caps or hats? Alridge [Mark Aldrich] was about all that had them. What colour was Allridge's feathers? Black I believe. Did he ware these feathers on to Carthage? Yes. Had he them in when he met the (Carthage) gray? Yes I beleive he had. Had you turned your wagon round to go back to Warsaw when Cap. Grover came up to you? Yes. Who was the first to get into your waggon after the Smiths where killed? I forget. Was it Grover? I do not know. Who was the first who came to tell you to turn and go back? I[t] was M. Chatendun (and some others). Did they get into your wagon? Yes.

Was it **before or after** Grover came up? I dont know. Wells Glew and Boarus [William Voras] got into my waggon. When was it you first saw Boarus and Glew? I saw them on the road going to Warsaw How meny got into your Waggon? 5 or 6.

⁶⁵⁴ ⁶⁵⁵TEXT: Corner of page missing, with lost text on this and the next two lines; text supplied from longhand transcript.

⁶⁵⁵ ⁶⁵⁶TEXT: Or "on".

⁶⁵⁶ ⁶⁵⁷TEXT: Or "on".

⁶⁵⁷ ⁶⁵⁸TEXT: Shorthand reads "to", "up", or "but"; intent was likely "who".

⁶⁵⁸ ⁶⁵⁹TEXT: Back cover of notebook; Watt turned the notebook over and wrote on the other sides of the pages from back to front.

not know about 5 or six.⁶⁵⁹ suppose. State who they were. Know⁶⁶⁰ I can Grover Wells. Did you not state before the grand jury that a number of persons came from the jail and got into your wagon among Chittendens Wells Grover. Where was it in Warsaw saw Gallyer. I saw him on Main Street. That night. No. Next day. When Grover got into your wagon. Conversing about the killing of the Smiths. Talking to Wells about it. Grover said he went into the jail. Yes sir first man in the jail. Joe Smith seized him and struck him twice in the face. Yes. Said⁶⁶¹ to them in the wagon. Did [he] say he saw Hyrum [Smith] in the jail. I did not hear say whether was or not. Spoke only of Joe. Yes. Say any thing [p. [36], bk. [3]] about Joe being armed. I do not know that he did I think he said he had a pistol. Did he say why Joe did not shoot him instead of striking him with his fist. No sir. What did he say that Smith did with his pistol. I did not hear him say. What was it you did hear him say about pistol. I forget now what it was I heard him say some thing about him being armed. You did not hear him say anything about pistol then. The first thing I heard him he was armed. You were mistaken then when you stated he said Joe had pistol. I am not sure what he said. He said pistol and arms both. Had Grover a sword on that day. I do not know. Had any of the officers swords. I have forgot whether they did or not. Your recollect[ion] is not very distinct about the events of

Did they state who they where? No. Did you not state before the grand jury that A number of persons came from the jail and got into your waggon among them was Chatenden Wells and Grover? I dont remember. Where was it in Warsaw you saw Glew? I saw him in Main street that night. When Grover got into your waggon was he conversing about the killing of the Smiths? He was talking to Wells about it. And Grover said he went into the jail? Yes Sir his said he was the first man in the jail, and Jo Smith seized him and struck him twice in the face. [p. [77]] Did he say he saw Hiram Smith in the jail? I did not hear him say wether he saw him or not. He spoke only of Jo? Yes. Did he say any thing about Jo being armed? I think he said he had a pistol. Did he say why Jo did not shoot him instead of strike him with his fist? No. What did he say about ~~Jo~~ Smith did with his pistol? I did not hear him say. What was it you did hear him say about the pistol? I forget now what it was I heard him say some thing about him being armed. You did not hear him say any thing about A pistol then? The first thing that I heard him say was that he was armed. You where mistaken then when you stated he said that Jo had A pistol? I am not shure what he said but I beleive he said pistol and arms both. Had [William] Grover A sword on that day? I do not know Had not all the officers swords? I forget wether they had or not. What you recollect is not very distinckt about the events of that day? Not very. You remember that you felt very nice yourself? Yes I should have remembered things better if I had not felt so, I think likly. Did you not state before the grand jury, that Grover said that Jo

⁶⁵⁹ ⁶⁶⁰TEXT: Period is crossed out.

⁶⁶⁰ ⁶⁶¹TEXT: Or “no”

⁶⁶¹ ⁶⁶²TEXT: “Said” is written over the period.

that day. Not very. I remember [*1 illegible word*]⁶⁶² vividly you felt very nice your self. I should have remembered things better if I had not felt that way. I think likely. [p. [37], bk. [3]]

Did you state before. That Grover said that Joe struck him twice in the face but got revenge upon him for he threw him out of the window. I do not remember.

Hear Grover say any thing about throwing out of the window. Not that I recollect of. What direction were you from the jail. South west across more west than south. From the position you occupied could you see window Smith fell from. No I could not. What time of day was it when you started back to Warsaw. Between 4 and 5 o'clock. Were you driving ox or horse team. A horse team. How many horses. Two. Common two horse wagon. Yes. How far as is from here to Warsaw. I do not know. I think about 18 miles. After you had stopped your wagon from a quarter to half miles from the jail you say Davis came past. Yes. Whose wagon was he in. I do not know. How [many] persons were in that wagon. 5 or six. [p. [38], bk. [3]] Who was driving that wagon. I ~~think~~ forget I think [Calvin] Cole was driving it but not sure. Did you know any other person in the wagon beside Cole and Davis. I forget I believe there was one of the name of Bob⁶⁶³ Johnson. Who else I cannot say. And I am not sure he was in. But I think he was.

Had any of the persons in that wagon been with troops when you left the rail road crossing I ~~do not~~ think not.

struck him twice in the face but got revenge upon him for he through him out of the window? I do not remember.

Did you hear Grover say any thing about throwing him out of the window? Not that I recollect. In what direction where you from the jail? South west A little more west than south. From the position you occupied could you see the window Smith fell from? I could not. What time of the day was it when you started back to Warsaw? Between 4 and five~~5~~ o'clock in the evening. Where you driving an ox or A horse teem? I was driving A horse teem. How many horses was in the teem? 2. It was A common to [two] horse waggon? Yes. How far is it from here to Warsaw? I think it is about 18 miles. After you had stopt your waggon from A quarter to A half mile from the jail you say [Jacob] Davis came past? Yes. Was he on foot? No he was riding in A waggon. What kind of A waggon was he riding in? I do not know. How meny persons where in that waggon? 5 or 6. Who was driving that waggon? [p. [78]] I forget. Did you know any other person in that waggon besides [Jacob] Davis? I forget but I beleive there was one of the name of Jo Johnson, but who els I cannot say I am not shure he was in the waggon but I think he was.

Had any of those in that waggon been with the troops when you left the rail road crossing? I think not. Did they stop when they

⁶⁶² ⁶⁶³TEXT: Word written over or crossed out.

⁶⁶³ ⁶⁶⁴TEXT: Or "Pop".

Did they stop when they came up to your wagon. They passed by two or three rods.⁶⁶⁴ and stopped. Did they make any inquiry as they passed. I do not know whether they did or not. They did not go to the jail. No sir. Had there been any firing at the time this wagon passed you. I believe they were firing at the time. The firing had commenced at the jail a[t]⁶⁶⁵ the time they passed. I believe it had. About how many persons came out of the wood and went to the jail. About 50. [p. [39], bk. [3]]

The firing commenced at the jail. The first I saw was at the jail. You saw them as they came up the fence from the timber⁶⁶⁶ to the jail. Yes. No ~~fire~~ firing along the fence. No. You heard no firing at all then. No. By what means did you ascertain they were firing when Davis passed you. I saw the ~~smoke~~ smoke of guns. The smoke inside or out side the jail. Out side. See any flash. I saw the smoke rise at the the knock of the gun. ~~P~~ Which side of the jail were the men saw firing. At the south end. Were they just firing at the jail. I do not know what firing at did Grover say how he got loose from Smith. ~~Hit him twice~~ No. Where abouts were wounds in Gallyer's⁶⁶⁷ face. In the cheek got a ball that took the skin off. What age was Gallyer. A boy between **14 and 18** I

came up to your waggon? They past by two or three rods south of us. Did they make any enquirys as they past? I dont know wether they did or not. Did they go to the jail? No. Had there been any firing at the time this waggon past? I beleive there was firing at the time they past. You think the firing had commenced at the jail at the time they past? I believe it had. About how meny persons came out of the town and went to the jail? About 50.

Did you hear any firing before you heard that at the jail? The first I saw was at the jail. Did you see the troops as they came up the fence side from the timber to the jail? Yes. Was there any firing as they came up the fence? No. You heard no firing at all then when they came up the fence? No. By what means did you ascertain they where fireing when Davis past you? I saw the smoke of the guns. Was the smok on the out side the jail on inside? It was on the out side. Did you see any flash? I saw the smoke rise at the knock of the gun. What side of the jail where the men that was firing? At the south end. Where they just firing at the jail? I do not know what they where firing at. Did [William] Grover say how he got loose from Smith? No. Where abouts was Glewer wounded in the face? In the cheek like as if ball had taken the skin off. What age was Glewer? He was A boy between **14 and 18** I should think.

⁶⁶⁴ ⁶⁶⁵TEXT: Period is crossed out.

⁶⁶⁵ ⁶⁶⁶TEXT: Shorthand reads "a"; intent was probably "at".

⁶⁶⁶ ⁶⁶⁷TEXT: Shorthand read *t-m-b-l*.

⁶⁶⁷ ⁶⁶⁸TEXT: Previous instances of this name are *g-r-oo*.

should think. How far from Warsaw was Grover got out of your wagon. Two or 3 miles. From here. [p. [40], bk. [3]] Or from where he got in. Did you see any thing more of him that night. I do not recollect. Who was in your wagon got to Warsaw. One or two men. Did Wells ride all the way. No. Chittendens did not ride more than half mile. You went last of the way then with an empty wagon except two or three men. I had not more than five I believe. Where do⁶⁶⁹ you reside. In Nauvoo. Are you member of the Mormon church. No. Have you a family. No. Who do you live with in Nauvoo. With David Durkie [Jabez Durfee] my step father. Is he member of the church. Yes. Your mother. Yes sir. What business do you follow. Loafering. How long have you followed that. Most of this winter. How long have you lived in Nauvoo. Six years this spring. You commenced the profession of loafer just after the last term of court. No a deal before. Do you know one William N Daniels. I have seen him. Is he of the same trade with yourself [p. [41], bk. [3]] I do not know what he follows. Have you and him ever had any conversation about this case. I have had a little with him. You have communicated to each other what you knew about the matter. Yes but not quite all. When did Daniels first tell you about seeing this marvelous light. Before the last term of court. How did he describe that light to you. Like lightning. You and him have talked about what your evidence be in this case. A little. I have told him what he saw and I told him what I saw. Are acquainted with Miss **Elizer [Eliza] Graham**. No. You never saw her while she lived in Warsaw. No. Have you and her had any conversation about this case. No. Who pays you for your attendance at court here. I have no thing. Did you get

How far from Warsaw was it where Grover got out of your ~~earriage~~ (waggon)? It was two or three miles from hear. Did you see any thing more of him that night? I do not recollect. Who was in your waggon when you got to Warsaw? (One or) ~~Two or three~~ (two) men. Did Wells ride all the way? No; and the Chatendens did not ride more than half a mile. You went most of the way then with an empty waggon except two or three men? I had not more than 5 I beleive. Where do you reside? A Nauvoo. Are you a member of the Mor[mon]² church? No. Have you A family? No. Who do you live with in Nauvo[o]³ I live with David Durkee my step father. Is he A member of the church? Yes. ~~His~~ Is your mother? Yes. What buisness do you follow? Loafering. [p. [79]] How long have you folowed that buisness? Most of this winter. How long have you lived in Nauvoo? Six years this spring. And you comensed the profession of loafering just after the last term of court? I had followed it A goo[d] deal before that time. Did you know that William N. Daniels? I have seen him. Is he of the same trade as yourself? I dont know what he follows. Have you and him ever had any conversation upon this case? I have had A little with him. You where conected with each other, to talk over what you knew about this matter or you have conected together what each of you knew about this matter? Yes but not quit[e] all. When did Daniels first tell you about ~~first~~ seeing this marvelous light? Before the last term of court. How did he discribe that light to you? He said it was like lightening. You and him have talked about what your would be upon this case? A little he told me what he saw and I told him what I saw. Are you aquainted with Miss **Eliza Grame [Graham]**? No. You never saw her while she lived in Warsaw? No. Have you and her ever had any conversation about this case? No. Who pays you for your attendance at court hear? I have no pay. Did you get any thing for attending last term?

⁶⁶⁹ ⁶⁷⁰TEXT: Possibly "did".

any thing for attending last term. No. Who pays your board here. I do not know who. You do not do it. I do not know whether I shall or not. Who paid your board last term. I do not know whether it is paid yet. [p. [42], bk. [3]] You have often conversed about this matter. Yes. ~~Ø~~ Subject of very general conversation at Nauvoo. Not very. Old⁶⁷⁰ story now. When did you first tell what you heard Grover say about this matter. Latter part of last summer. Before that time you had never told what you heard Grover say about. I do not know that I told any more than what he said. Who applied to you to⁶⁷¹ know what he said upon the subject. Squire Wood [James W. Woods]. Where call upon you at. Nauvoo Mansion. Who was with him. No body. Was you ever applied to by any other person. No. Did not you make an affidavit at Nauvoo as to what you knew about this transaction. No. Did you never state in affidavit that Colonel Williams came all the way from the rail road crossing to Carthage with you. I never made any affidavits upon the case at all. Did you not state then Williams came all the way with the troops. No. [p. [43], bk. [3]] 27 May. Clear day. Yes. Moon that night. I do not know. Did you not swear at Nauvoo there were only four or 5 guns fired. I think I did swear to 5 guns. Were there any men at jail before those came out of the woods. I do not recollect whether there was. I do not recollect seeing any Grey there. Do you know whether the guns you saw fired by the men from the woods was other persons. I do not know. It was in the front of the jail at the south end. Yes.

No. Who pays your board hear in Carthage? I dont know who. who paid your board the last term? I dont know that it is paid yet. I suppose you have often conversed about this matter? Yes. When did you first tell what you heard [William] Grover say About this matter? It was in the latter part of last sum(m)er. Before that time you (had) never told what you heard Grover say about this matter? I dont know that I did. Who applied to you to know what Grover said upon the subject? Squir Wood. Where did he call upon you at? At the Nauvoo Mansion. Who was with him? No body. Was you ever applied to by any other person? No. Did you not make an affidavit at Nauvoo as to what you knew about the killing of the Smiths? No. Did you not say in your affidavit that Col. [Levi] Williams came all the way from the railroad crossing to Carthage with you? I never made any (such) affidavits at nauvoo upon the case at all. Did you not state then that Williams came all the way with the troops? No. What day of the mounth was it that this scercumstance took place? It was the 27 of May. Was it A clear day? Yes. [p. [80]] Was the moon shining that night? I dont know. Did you not swear at at Nauvoo there where only 4 or 5 waggons guns fired? I think I did swear to 5 guns. Where there any men at the jail before before those men came out of the woods? I dont recollect that I ~~did~~ there was. It was at the frunt of the jail at the south end you saw the firing? Yes.

⁶⁷⁰ ⁶⁷¹TEXT: "Old" is written over the period.

⁶⁷¹ ⁶⁷²TEXT: Possibly "if".

Did you ever state that Williams gave the command for the firing at the jail no. Have you ever stated [if] they did not feed and clothe you better at Nauvoo you would quit them. No. Have you complained a little. I supposed they did not use me as well as they did Daniels. How old are you. 18. When Boras got out of your wagon did he walk. I believe he did. Wells shot in the arm. Yes.

Arm in sling. I forget sling had kerchief tied. [p. [44], bk. [3]] Boras was not shot when I saw him. He had been riding in your wagon at all. No.

Lam[born] I meant June. Do you say whether you paid any for swearing. No offered or paid any thing at. all. No. You do not know whether your bill paid this court or last. No. Retired. ~~You have been~~

+⁶⁷² Acting for your self. Yes. Have had any money since the last court of term. No sir nor any then. I have had a little for driving a team.

Court adjourned until 7 o'clock Tuesday morning.—

<Court open pursuant adjourn[ment]. Tuesday 27 May.>

Did you ever say that [Levi] Williams gave the command for the firing at the jail? No. Have you ever stated that if they did not feed you and cloth you better at Nauvoo you would quit them? No. Have you not complained A little? I supposed they did not use me as well as they did [William] Daniels. How old are you? 18 years. When Boarus [William Voras] got out of your waggon did he walk? I beleive he did. You say wells was shot in the arm? Yes.

Had he his arm in A sling? I forget if his arm was in A sling but I think he had A handkerchief tied round it Boarus was on foot when I saw him. He had not been riding in your waggon at all? No.

M^r. [Josiah] Lamborn. You said the smiths where killed on the 27th. of may Did you not mean June? I meant June. Was you ever offered any thing or paid any thing for swaring?

No I was never offered or paid any thing for swearing at all.

You do not not wether your board was paid for attending the court here last fall? No.

Mr. [Orville] Browning. Have you had any money since the last term of Court? I have had A little now and then. How did you come by it? For driving A team.

Court ajourned till 7 o'clock tuesday morning.

Court opened persuant to ajournment tuesday morning May 27th. 1845.

⁶⁷² ⁶⁷³TEXT: Cross-examination.

Canfield Hamilton.⁶⁷³ I stated that [Thomas] Sharp⁶⁷⁴ came up with me that morning. It was the morning before. In that statement mistaken. Yes. Mr. Bradshaw and Wiley came up with us as well as a couple of strangers.⁶⁷⁵ ~~You~~⁶⁷⁶ stated came back that day or remained in Carthage. I wrote them he stayed here all night. Do hear or not remember of see[ing] Sharp⁶⁷⁷ here in the morning of the day the murder. I think he was. I think I saw him in conversation with the governor.⁶⁷⁸ [p. [45], bk. [3]]

Will⁶⁷⁹ drove⁶⁸⁰ it by a design⁶⁸¹ he came up here next morning for the purpose of making arrangement with the Greys and rangers. <contradict your former witness that he was in Carthage that morning saying he would exterminate the Smiths.> ⁶⁸²

⁶⁷³ ⁶⁷⁴TEXT: The longhand transcript completely omits Canfield Hamilton's testimony for the morning of 27 May 1845; it begins again with Lamborn's recall of Worrell.

⁶⁷⁴ ⁶⁷⁵TEXT: Shorthand reads *sh-l-p*.

⁶⁷⁵ ⁶⁷⁶TEXT: Horizontal line drawn between this line and the next, marking the change to the cross-examination.

⁶⁷⁶ ⁶⁷⁷TEXT: Cross-examination

⁶⁷⁷ ⁶⁷⁸TEXT: Shorthand reads *sh-l-p*.

⁶⁷⁸ ⁶⁷⁹TEXT: Horizontal line drawn beneath this line.

⁶⁷⁹ ⁶⁸⁰TEXT: Possibly "wall".

⁶⁸⁰ ⁶⁸¹TEXT: Possibly "draft".

⁶⁸¹ ⁶⁸²TEXT: The first half of this line seems garbled; there is not enough context to figure out what was intended.

⁶⁸² ⁶⁸³TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness. The longhand transcript begins again at this point.

Called [Franklin] Worrell to ~~for~~ answer to some more questions. Was opposed by the counsel of on the side of the defense. Lam[born] complained on the way of which he has been disappointed in the getting of his witnesses.⁶⁸⁴

Recalled Worrell. Ask you if during that forenoon you saw [Levi] Williams before⁶⁸⁵ the mob came in. Yes. Hear him say any in reference to the killing. I did not. See any of these other men before. I do not recollect I think I saw Mr. [Thomas] Sharp. Whether saw Williams that after noon. Where Williams stayed. Spoke to him yourself. I think not. You know of any Carthage Grey sent out that day. No sir I do not believe any Grey went out.

+⁶⁸⁶ What time in the morning saw Sharp.⁶⁸⁷ About 8 o'clock about⁶⁸⁸ the time the orders given to disband the troops. Do you know whether he had not stayed in town the night before. I do not know. Retired. The end of Lam[born's] examination.⁶⁸⁹ [p. [46], bk. [3]]

(M^r. Lamborn called upon Worrel [Franklin Worrell] (again) to answer A few more questions, it was opposed by the Defendents Counsel. M^r. Lamborn complained of the manner he had been disapointed in the geting of his wittenesses, it was desided he should examin Worrel again.) M^r. Worrell I would ask you if during that forenoon you saw Williams before the mob came on? Yes. [p. [81]] Did you hear him say any thing in reference to the killing? I did not. Did you see any of these other men before the mob came up? I did not recollect but I think I saw M^r. [Thomas] Sharp. Where was [Levi] Williams that afternoon? In the street. Did you speak to him at ~~Ca~~ yourself?

I think not. Did you know of any Carthage Gray sent out that day? No I do not think any Gray went out that day.

Cross examined by M^r. [Orville] Browning.

What time in the morning did you see Sharp? About 8 o'clock the time the orders where given to disband the troops. Do you know wether he had staid in town the night before? I do not know.

He retired. End of the examination of witteness ~~for~~ on the side of the complainant.

⁶⁸⁴ TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁶⁸⁵ ⁶⁸⁶TEXT: "before" is written over a period.

⁶⁸⁶ ⁶⁸⁷TEXT: Cross-examination.

⁶⁸⁷ ⁶⁸⁸TEXT: Shorthand reads *sh-l-p*.

⁶⁸⁸ ⁶⁸⁹TEXT: "about" is written over a period.

⁶⁸⁹ ⁶⁹⁰TEXT: Horizontal line drawn below this line, marking the change to a new witness.

Witnesses for the defense.

James Reynolds. William Smith. Larkin Scott. E[dward] A Bedell. E W Gould. James Goil. John Pike Pike. John Carlisle. Coleman Garrett. Thomas L Gill. William S More. George Seabold. Charles Andrews. George McLean. J W Williams. Timothy Reynolds. John W Williams. Miles B Mann. Ebenezer Rand. Ann Fleming. Abram I Chittenden. Derrick Fuller. Lam [Josiah Lamborn] asked for an attachment against Mr. [Samuel] Fleming.⁶⁹⁰

⟨one of their witness was on the jury⁶⁹¹⟩

Squire ⟨**William**⟩ **Smith**. Get you to inform the jury whether you were on the grand jury the indictment against these defendant[s] was found. I was. Whether a witness by the names of Benjamin⁶⁹³ Brackenbury examined before you on that day. There was. Have you ever seen him since. Not until yesterday. The same man examined before you in the finding of this indictment last term. I should think it was. Will you state what he said on that occasion in relation to [Levi] Williams being present at the jail killing of the Smiths. He stated [p. [47], bk. [3]] he stated that Williams was at the jail. That he rode on a dark bay or sorrel horse rather think a sorrel. Just state as near as you can the

Rebuting testemoney.
(examined by M^r. Browning)

William Smith sworn. I will get you to inform the jury whether you were in the Grand jury when the indictment was found against these defendants. I was. Was there a witness by the name of Benjamin [Benjamin] Brackenbury examined before you that day? There was. Have you ever seen him since? Not till yesterday. ~~He was~~ (Was it) the same man examined before you on the finding of this indictment last term? I think it was. Will you relate what he said on that occasion in relation to Williams being present at the jail (at the) killing of the Smiths. He stated that Williams was at the jail, that he rode on a dark bay or sorrel horse he rather thought a sorrel. Just state as near as you can the substance of his evidence on that occasion as relates to these 5

⁶⁹⁰ ⁶⁹¹TEXT: A circle is drawn around "Lam[born] asked for an attachment against Mr. Fleming." Horizontal line drawn between this line and the next, marking the change to a new witness.

⁶⁹¹ ⁶⁹²TEXT: A circle is drawn around "one of their witness was on the jury".

⁶⁹³ ⁶⁹⁴TEXT: Shorthand reads *j-n-j-m-n*.

substance of his evidence on that occasion Williams presence. He stated that [he] was riding along with a man by the name of **Fuller** and they came up with in quarter or half mile from the jail he stated Williams on horse back at the jail.⁶⁹⁴ he was asked by some of the jury whether he was acquainted with Williams and knew it to be him.⁶⁹⁵ he said he could not be mistaken. I think he stated Williams rode out from the jail towards Carthage. I do not know that I recollect any other circumstances.

Do recall whether or not **Brackbury [Benjamin Brackenbury]** made any statement as to what [Thomas] Sharp⁶⁹⁶ made Smith's⁶⁹⁷ being dead. I think he stated on his return to Warsaw that Mr. Sharp⁶⁹⁸ over took him and stated that the two Smiths were dead that Joe and Hyrum [Smith] were dead. For he had had hold of them since the men left the jail.

Lam [Josiah Lamborn] +⁶⁹⁹ do you state what occurred before the grand [jury] from your recollection. From both.⁷⁰⁰ Have you got your own memorandum.

individuals. He stated that he was riding with A man by the name of **Fuller** and they came up within A quarter or half A mile of (from) the jail, and that he saw Williams on horse back at the jail. He was asked by some of the jury if he was acquainted with Williams and knew it to be him upon which he said he could not be mistaken I think he said also that Williams rode out from the jail towards Carthage; I dont know that I ~~kan~~ recollect any other scercumstance.

Do you recollect wether or not **Brackenberry** made any statement as to what Sharp said about the Smiths being dead? I think he stated [p. [82]] on his return to Warsaw that M^r. [Thomas] Sharp overtook him and stated that Jo and Hiram where dead for he had hold of them since the men left the jail.

Cross examined by **M^r. Lamburn [Josiah Lamborn]**.

Do you state what occured before the grand jury from you recollection? or from A memorandum? From both. Have you got A memorandum? There was some little memorandum kept by

⁶⁹⁴ ⁶⁹⁵TEXT: Period is crossed out.

⁶⁹⁵ ⁶⁹⁶TEXT: Period is crossed out.

⁶⁹⁶ ⁶⁹⁷TEXT: Shorthand reads *sh-l-p*.

⁶⁹⁷ ⁶⁹⁸TEXT: Or "Smiths".

⁶⁹⁸ ⁶⁹⁹TEXT: Shorthand reads *sh-l-p*.

⁶⁹⁹ ⁷⁰⁰TEXT: Cross-examination.

⁷⁰⁰ ⁷⁰¹TEXT: Shorthand reads *d-th*; intent was likely "both".

There was some little memo taken by **James Reynolds** I copied [p. [48], bk. [3]] myself after we returned. Was there a copy of the evidence taken down at the time. There was. Who took it down. John J Hitcock [Hancock].⁷⁰¹ That record⁷⁰² would show the correct state of the matters as they were then. It was read once or twice. You think that contains a correct statement the paper⁷⁰³ [Murray] McConnel⁷⁰⁴ took away. Yes. That paper contains a correct statements. Yes it did. <Then> ~~Do you~~ ~~recollect~~ if was to see that paper⁷⁰⁵ ou know if it was correct now. I do not know that I am well acquainted with the a writing of Hitcock [Hancock].⁷⁰⁶ Do you recollect of what [Benjamin] Brackenbury said in⁷⁰⁷ that day. I do not know that I do. Stated he was at the rail[road] shanties. I do. Recollect what he said occurred there. I do not recollect of. Did you hear his statement yesterday what occurred there ~~in~~. I heard part of it. Did that correspond said before the grand [jury]. Part. What part of it differed. I do not [know] from what he stated what part different. I do not know it

James Renolds. Was there A copy of the evidence taken down at the time? There was. Who took it down? John. J. Hitcock [Hitchcock] that would show the correct state of the matters as they where then. Did you hear it read after it was written? It was read once or twice. You think that that document contained A true statement of the evidence given? Yes it did then. If you was to see that paper would you know if it was correct now? I dont know that I am well enough aquainted with the hand writing of Hitcock. Do you recollect all that Brackenberry [Benjamin Brackenbury] said on that day? I dont know that I do. Did you hear him state that he was at the railroad Shanties? I did. Do you recollect what he said occured there? I do not recollect all. Did you ~~ever~~ ~~read~~ (hear) his statements ~~or~~ ~~history~~ (Yesterday) of what occured there? I ~~read~~ (heard) part of it. Did that curespond with what he said before the Grand jury? Part of it. What part (of it) differed? I dont know that it was different. Did he state before the grand jury as he stated yesterday that he came along with them driving A baggage waggon? He did. Did he state (that) he drove Fullers waggon? Yes. Did he state any thing about Eliot [John Elliot]? I think not. Did he say any thing about Eliot being in the company? Not that I

⁷⁰¹ ⁷⁰²TEXT: Shorthand reads *short i-t-k-o-k*.

⁷⁰² ⁷⁰³TEXT: Shorthand reads *r-k-l-d*; intent was likely “record”.

⁷⁰³ ⁷⁰⁴TEXT: Shorthand originally written as *p-p-l*, then corrected to *p-p-r*.

⁷⁰⁴ ⁷⁰⁵TEXT: Shorthand reads *m-k-n-r*.

⁷⁰⁵ ⁷⁰⁶TEXT: Shorthand originally written as *p-p-l*, then corrected to *p-p-r*.

⁷⁰⁶ ⁷⁰⁷TEXT: Shorthand reads *short i-t-k-o-k*.

⁷⁰⁷ ⁷⁰⁸TEXT: Or “on”.

was different. Did he state before the jury as he stated yesterday came along with them driving the baggage. He did. State drove Fuller's wagon. Yes. [p. [49], bk. [3]] Did he state-⁷⁰⁸any thing about [John] Elliott. I think not. Say anything about Elliott being [in] the company. Not that I recollect. You do not recollect said any thing about Elliott or not. I have rather the impression he did not but not certain my memory is rather weak. Did he say any about meeting a man by the name of Smith. He said he saw a man by that name. He said saw <man> Smith as they came up. Yes. Did say they sep[arat]ed <wagons one way company another> . I think he ~~they~~ did. ~~I think he did.~~

Where did he say those men left the company to come into town at what point. He said some thing about their being met by a Carthage Grey and his testimony went to show Alredge [Mark Aldrich] [Levi] Williams were with them at the time the Carthage Grey came soon after that Williams Alredge left but how I think he did not state. ~~So is his evidence the same yesterday~~ about the Carthage Grey. I think he stated that the man came out that was said to be a Carthage Grey-⁷⁰⁹not from the knowledge he had but was told by some other person-⁷¹⁰[p. [50], bk. [3]] I think he stated that he saw Williams and Stevens [Henry Stephens] conversing with the man.

recollect. You dont recollect wether he said any thing about Eliot or not? I have rather an impression he did not but I am not scertain my memory is rather weak. Did he say any thing about meeting A man by the name of Smith? He said he saw A man by that name. He said he saw A man by the name of Smith as they came up? Yes. Did he say they seperated the waggons going one way and the company another? I think he did. At What (point) did he say those men left the company to come into town? He said something about being met by A Carthage Gray and his testimony went to show that Alridge [Mark Aldrich] and [Levi] Williams where with them as the time [p. [83]] the Carthage Gray came up soon after that Williams and Alridge left but how I think he did not state. Was his evidence the same Yesterday about the Carthage Gray? I think he stated that the man came out that was said to be the carthage Gray not from A knowledg he had for himself but was told by some other person I think he stated that he saw Williams and Steavens conversing with the man.

708 ⁷⁰⁹TEXT: Period is crossed out.

709 ⁷¹⁰TEXT: Period is crossed out.

710 ⁷¹¹TEXT: Period is crossed out.

You recollect that he said before those men passed him on his way back in his wagon they passed him on horse back. I do not recollect. What sort of a horse you say he said Williams was riding. I think a bay or sorrel rather think sorrel. Did he say he had seen Williams on a bay or sorrel that day before the killing of Smith. I do not recollect that he did. Was not this the way he stated about Williams rid[ing] that horse that evening that he had seen him riding a bay and⁷¹¹ sorrel at the shanties and that he saw him coming back that evening riding the same horse do not you think he stated that was his ~~opinion~~ <opinion> . I did not understand him so. You think he stated positively he was there on horse back. According to my best recollection. He did not state it inferentially any thing seen before or after. No. How far did he say he was from the jail [when] the killing took place. I think he stated about half mile he was then interrogated by some of the jury how he know about the transaction going on at the jail [p. [51], bk. [3]] so great a distance he then stated it was within about quarter to half a mile. Who did he say before brought in the first intelligence that Smith was killed. I think he stated that some of the men from the jail came out and got into his wagon. I think [William] Grover was one I think Wells [John Wills] was one I think Boras [William Voras] was one and Gallyer. Did he say any⁷¹² about man name of [James] Gregg before the grand jury. I think there was some thing said about that man. Did he say Gregg passed him on horse back and told him Smiths killed. I do not recollect. Did he say a man by the name of [Abram]

Do you recollect that he said before the Grand jury that these men past him on his way back in his waggon on horse back? I dont recollect. What sort of A horse do you say he said williams was riding? I think A bay or surrel but I rather think A surrel. Did he say he had seen Williams or A bay or surrel that day before the killing of the Smiths? I dont think he did. Was not this the way he stated about Williams riding that horse that evening; that he ~~shall~~ had seen him riding A bay or A surrel at the shanties and that he saw him coming back that evening riding the same horse; Dont you think he stated that (it) was his opinion? I did not understand him so. You think he stated positivly he was there on horse back? Yes he said so according to my best knowledge <recolection>. He did not state it inferentially any thing seen before or after? No. How far did he say Williams was from the jail when the killing took place? I think he said about half a mile he was then interogated by some of the jury how he knew about the transaction going on at the jail at so great A distance he then stated it was then about a quarter to half a mile. Who did he say before the grand jury brought on the first intelligence that Smith was killed? I think that he stated that some of the men from the jail came out and got into his waggon, I think he said [William] Grover was one of them and Wells and I think Boarus [William Voras] was one and Gallier. Did he say anything about A man of the name of Greg before the Grand jury? I think he said something about that man. Did he say Greg past him on horse back and told him the smiths where killed? I dont recollect. Did he say A man by the name of Chatenden told him to turn the waggons and go back? I think he said that some individual told him to put out some of the baggag and return back. This memorandum from which you

⁷¹¹ ⁷¹²TEXT: Intent was possibly “or”.

⁷¹² ⁷¹³TEXT: Or “thing”; intent may have been “anything”.

Chittenden told him to turn the wagons back and go back. I think he stated that some such told him to put out some of the baggage and return back. This memoran[dum] from which you refresh your memory was made after you was at home not when the witness was before [the grand jury] we made it from the past recollection we had of the case and hearing the evidence given. Was not his evidence the same as was before. Generally. Williams did not correspond I think the balance was ~~not~~ the same in substance. [p. [52], bk. [3]] When⁷¹³ was it this evidence given before. Last fall.

+⁷¹⁴

Did you hear any yesterday what he said person got into his wagon. I think he stated he stated there was five. Recollect **Boras [William Voras] and Gallyer**. I think he stated that Boras and Gallyer did not get. Did this differ from his evidence before. I think he [said] to the best of my recollection Boras and Gallyer got <in> Loaded too heavy some got out. Stated his name was James Gregg. Yes. ~~Did~~ Do you recollect or did you hear what he said in⁷¹⁵ yesterday ~~baek~~ <about> the Grey when he came up. I do not know that I did. You recollect before that the Carthage Grey held conversation [Levi] Williams and Stevens [Henry Stephens]. I did. What became of the written evidence last term of the court before the grand jury. It was said to be taken away by Mr. [Murray] McConnel.

refresh your memory was it made when the wittness [p. [84]] was before the Grand jury? We made it from the best recollection we had of the case, and hearing the evidence again. Was not his evidance the same as before? Generally; I think the evidance was the same in substance. When was it this evidence was given before the Grand jury? Last fall.

M^r. [Orville] Browning

Did you hear <him say> on Yesterday how meny got into his waggon? I think he stated there was 5. Do you recollect that he said **Boarus [William Voras] and Gallier** got into his waggon? I think he state[d] that Boarus and Gallier did not get in to his waggon. Did this differ from his evidence before the Grand jury? I think to the best of my recollection he said Boarus and Gallier got into his waggon but being loaded too heavy some <one> got out. Did he state his name that got out? He stated his name was James Greg. Do you recollect or did you hear what he said on yesterday about the Gray when he came up? I dont know that I did. You recollect that he s[t]ated before the Grand jury that the Carthage Gray held conversation with [Levi] Williams and Steavens? I do. What became of the written evedance that was taken last term of Court before the Grand jury? It was said to be taken away by M^r. M^cNeal—

⁷¹³ ⁷¹⁴TEXT: “When” is written over a crossed-out period.

⁷¹⁴ ⁷¹⁵TEXT: Cross-examination.

⁷¹⁵ ⁷¹⁶TEXT: Or “on”.

Do you or not know Lam [Josiah Lamborn] has seen that. I do not. Did you converse with him. I have had some conversation with him. Written testimony sent for by the mail. Did he state before [p. [53], bk. [3]]~~[4]~~ what he heard this Grey say in conversation with those men. I do not recollect. Was there a Miss Elizer [Eliza] Graham called and examined before. There was not. Retired.⁷¹⁶

James Reynolds. Mr. Reynolds I get you to inform the jury⁷¹⁷ whether you were on the grand [jury]. I was. Was there a witness examined before [the jury] by the name of Benjamin [Brackenbury]. Yes sir. Will you state what Brackenbury said on that occasion as to [Levi] Williams presence at the jail time after the killing. He said he saw him at the jail at the time of the transaction on a bay or sorrel horse. He said he saw him at the jail during the whole time of the transaction sitting on a horse. Yes. What did he state before in relation to the Grey met them some 4 miles from here. He said there was a person met them a person represented to him to be a Grey. From what saw of him was in conversing with Williams and Stevens [Henry Stephens] on one side. Did he state he heard any thing the Grey said to Williams and Stevens. He heard the Grey say now was the time for any [p. [54], bk. [3]] shooting to be done or words to that import. What account give of the horse the Grey was riding. <The witness here drew from his pocket a memoran[dum] of the proceeding of the grand

Do you or not know if M^r. [Josiah] Lamborn has seen that written evidence? I do not. Had you no conversation with him? I have had some conversation with him. Do you know if that written testimony was sent for by him through the mail? No. Did he say what he heard the Gray say in conversation with these men? I dont recollect. Was there A Miss Eliza Grame [Graham] called and examined before the Grand jury? There was not. Retired.

James Reynolds sworn.

M^r. Reynolds I will get you to inform the jury wether you where not in the Grand jury? I was. Was there A witteness examined before the Grand jury by the name of Benjamin Brackenberry [Brackenbury]? There was. Will you state what Brackenberry said on that occasion as to William's presense at the jail at the time of the killing of the Smiths? He said he [p. [85]] saw him at the jail at the time of the transaction setting on A horse? What did he state before the Grand jury in relation to A Carthage Gray who met them some 4 miles from hear? He said there was A person met them who appeared to him to be A Carthage Gray and from what he saw of them he was in conversation with [Levi] Williams and Steavens or one side. Did he state he heard any thing the Gray said to Williams and Steavens? He said he heard the Gray say "Now is the time for any thing you want to do in town" or words to that import. What account did he give of the horse the Carthage Gray was riding? (The witteness here drew from his pocket A memorandom of the proceedings of the Grand jury and said) I made this memorandom the day after the evidance was taken. Have you read the testimony

⁷¹⁶ ⁷¹⁷TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷¹⁷ ⁷¹⁸TEXT: Shorthand reads *j-l-long e*; intent was likely "jury".

[jury]› I made this memorandum day after ~~this~~ it was taken. Read the testimony from our memorandum from the witness. Mr. [Murray] McConnel took the manuscript and I never got it [*1 illegible word*].⁷¹⁸ Immediately on going home you wrote this from recollection. Yes.

Lam [Josiah Lamborn]

Who wrote out that record.⁷¹⁹ I think it was written by Hitcock [John J. Hancock]⁷²⁰ the clerk of the grand [jury]. You would know it again if you saw it. I think I should for I wrote part of it. Retired.⁷²¹

Larkin Scott.

Mr. Scott where do you reside. I live 8½ south of this on the Quincy Road. Do you know a man by the name of [William] Daniels. I do sir. Did you ever have any conversation with him or hear him make any statements with regard to the killing of the Smiths. The night that the report came to my house he came to my house about dark or a little after there was a considerable quantity of people there for some little time afterwards.⁷²² his company was John Pike and Derrick Fuller when they arrived there after a short time I [p. [55], bk. [3]] thought it was possible they were tired I told the gentlemen to go up stairs and go to

or memorandum as it was taken from the mouth of the wittness? No M^r. McNeal took it away. So imeadietly on going home you wrote this memorandum from recolection? Yes.

Cross examined by M^r. [Josiah] Lamborn.

Who wrote out the memorandum McNeal took away? I think it was written by M^r. Hitcock [James Hitchcock] the clerk of the Grand jury. Would you know it again if you saw it? I think I should for I wrote part of it myself. Retired.

Larken Scot[t] sworn.

Mr. Scot ~~what~~ (where) do you ~~know~~ reside? I live 8½ miles from this on the Quincy road. Do you know A man by the name of [William] Daniels? I do. Did you ever have any conversation with him or hear him make any statements with regard to the killing of the Smiths? The night after the report came to us he came to my house about dark or A little after dark there was A considerable quantity of people there for some little time afterwards among the company was John Pike and Derock Fullar After A short time I said I thought that it was possable they where tired and told the Gentlemen to go up stairs and go to bed; about two oclock in the morning there was A considerable [p. [86]] quantity of people

⁷¹⁸ ⁷¹⁹TEXT: Shorthand reads *s-b-l* or *s-p-l*; intent was possibly “back”.

⁷¹⁹ ⁷²⁰TEXT: Shorthand reads *r-k-l-d*; intent was likely “record”.

⁷²⁰ ⁷²¹TEXT: Shorthand reads *short i-t-k-o-k*.

⁷²¹ ⁷²²TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷²² ⁷²³TEXT: Period is crossed out.

bed about two o'clock in the night there was considerable of people gathering in of the neighbors as I termed obeying the orders of the governor before they got them making in the dark to Augusta I went up stairs about two o'clock hearing Mr. Daniels say he was tired wanted to go to his family that Mr. Anderson had not gone yet he had better get up and go ~~that~~ <with> them he accordingly got up:⁷²³ and we went down to Andersons but they had not got up:⁷²⁴I supposed they were gone but have understood since they did not go until next day the conversing then that arose was that the report that the Missourians had murdered those men I [~~1 illegible word~~]⁷²⁵ asked Daniels if they were all Missourians but the reply was they were not Missourians. He then stated that he knew all about it for I was in the company. There was some [conversation] then arose in regard to this guard situated round the jail he said Franklin Worrell was very [p. [56], bk. [3]] hard to manage it took two or 3 to hold him down. He waved his sword very much made considerable efforts I am the man took the sword from him and threw it over the fence I replied then to Daniel how did you feel in seeing this act done his reply was that he did not regret⁷²⁶ it it did not ~~mm~~ move him for they justly deserved it he then commenced to tell me some ~~men~~ names and made a start and I said stop it keep ~~this~~ that to your self Mr. Daniels and the conversation on

gathering in of the neighbours as I termed to obey the orders of the Governor [Thomas Ford] before they had got them. I went up stairs about two o'clock on hearing [William] Daniels say that he was tired and wanted to go home to his family, and as M^r. Henderson had not gone he thought he had better get up and go with them he accordingly got up and <we> went down to hendersons but they had not got up I supposed they where gone but have understood since they did not go till next day. In conversing with them that rose that morning upon this matter the Generall feelling was that the Missourians had murdered these men, I asked Daniels if they where all Missiorians the reply was they where not missorians he then stated that he knew all about it "for I was in the company" he also stated in the conversation that Francklin Worrel [Franklin Worrell] was hard to manage for it took two or three to hold him down <that> he waved his sword very much and made strong efforts then he said "I am the man who took the sword from him and ~~throw~~ threw it over the fence" I then replied to Daniels in these words how did you feel in seeing this man shot down his reply was that he did not regret it that it did not moov him for they justly d[e]served it. He then comenced to tell me some names but I said stop it keep that to yourself M^r. Daniels and the conversation upon that subject was at an end. Did he tell you any thing about A light? Not any thing. Did he tell you about seeing 4 men shoot Smith after he fell out of the window? I dont recollect any conversation of that kind with

723 ⁷²⁴TEXT: Period is crossed out.

724 ⁷²⁵TEXT: Period is crossed out.

725 ⁷²⁶TEXT: Possibly "knew".

726 ⁷²⁷TEXT: Shorthand reads *r-g-l-t*; intent was likely "regret".

that subject was at an end. Did he tell you any thing about light. Not no thing. Did he tell you about see some men after Smith fell out of the window and few others shot him. I do not recollect any ~~thing~~ conversation of that kind with Daniels. Did he tell you of four men who were so paralyzed had to be carried off the ground. No sir.

+⁷²⁷ He did not tell you the part of the murder at all. He told me just what he stated to me. What you told is what he told you. Yes. [p. [57], bk. [3]]

[page [58] blank] [p. [58], bk. [3]]

He thought the officer of the court was hard to hold down. Yes. When he commenced naming names who did he name. He spoke of Jacob Davis that he is a man was a back out and then called him a coward and he turned back to Warsaw and used his ~~in~~ influence to get others to. And perhaps named another man by the name of [Edward] Bedell. Damned him for going back. No thing else named about the other men indicted. I did. He was trying to make myself a great [1 illegible word].⁷²⁸ Taking the sword from him. Why did you stop him. Because I did not want to know the men that did it. Why did you. I felt I did not want to know any thing about. You stop before he mentioned any [of] the others yes. He termed Davis a coward. Retired.⁷²⁹

Daniels. Did he tell you that these 4 men where so parrallized they had to carry them off the ground? No.

Cross examined by M^r. [Josiah] Lamborn.

He did not tell you the perticulars of the scercumstance [circumstance] at all? He told me just what I have stated to you. What you told is just what he told you? Yes. He said the officer of the Gaurd was hard to hold down? Yes. When he comenced naming names who did he name? He spoke of Jacob Davis that he as a man was a back out and then called him A ~~coward~~ coward and said he turned back to Warsaw and used his influence to get others to turn, He named another [p. [87]] man by the name of Bedell and damned him for going back. Why did you stop him from telling the names of those engaged in killing the Smiths? Because I did not want to know ~~any~~ (the) ~~more~~ men that did it. Why did you not want to know the men that did it? Because I felt that I did not want to know any thing more about, You stopt him before he mentioned any others? Yes. And he termed [Jacob] Davis A coward? Yes.

Retired

⁷²⁷ ⁷²⁸TEXT: Cross-examination.

⁷²⁸ ⁷²⁹TEXT: Shorthand reads *g-l-long i*.

⁷²⁹ ⁷³⁰TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

Derrick Fuller. Mr. Fuller. Where do you reside. In the direction to Quincy. Do you know a man by the name of Daniel [William Daniels]. I have seen him. Did you ever have any conversation with him about the killing of the Smiths. I have had some. [p. [59], bk. [3]] Did Inform the jury when met him⁷³⁰ that and what that was in your own way. He said the night the Smiths was killed I was on my ride home and told me the Smiths were killed I do not know that I can tell the conversation. Tell as near as you can what ~~said~~ he [said] of the manner of kill[ing] how he knew &⁷³¹ He told me there was a company of men came up to the jail guard fired on them as he came the company and the guard clenched in the struggle he spoke about what [Franklin] Worrell and said he took his sword from him that two or three men had hold of him he came up and struck him in the hand and took the sword and threw it over the fence into the garden he k requested me if I saw Worrell before he did to tell him where the sword lay. Where did he say it was. He said he threw [it] over the fence in the garden. Did Mr. Daniel tell you on this occasion any thing about marvelous light. No. Did he tell you about some men⁷³² taking Smi[th] after fell out of the window and four other shooting. He told me about setting up against the well curve but do not [p. [60], bk. [3]] recollect about four others I am not certain but it was

Derrick Fullar sworn. M^r. Fullar where do you reside? In the dirreciton of Quincy. Do you know A man by the name of [William] Daniels? I have seen him. Did you ever have any conversation with him about the killing of the Smiths? I have had some. Where did you see him? I ~~met him~~ met him (He overtook me) on the road. Will you inform the jury when you met him and where and what was said, tell it in your own way? The night the Smiths was killed I was on my way home he told me the Smiths where killed I dont know that I can tell the conversation. Well tell us as near as you can what he said of the manner of the killing and how he knew &c. He told me there was A company of men came up to the jail, the guard fired on them as they came up the guard clinched in the struggle he said he took Worrel [Franklin Worrell]s sword from him that two or three men had hold of him he said he came up and struck him on the hand and took the sword and through it over the fence into the Garding [Garden?] he requested me that that if I saw Worrel before he did to tell him where the sword lay. Did M^r. Daniels tell you on this occasion any thing about A Marvelous light? No. Did he tell you about some man taking Smith after he fell through the window and setting him up for 4 other men to shoot him? He told me about setting him up against the well curb but I do not recollect him saying any thing about 4 others shooting him I am not scertain but he said they placed him up against the wall of the house. Did he tell you about 4 men who where so much terrified that they [p. [88]] where parrallized and had to be carried away? No.

730 ⁷³¹TEXT: A circle is drawn around “ met him ”.

731 ⁷³²TEXT: “&” written in longhand.

732 ⁷³³TEXT: Or “man”.

against the wall of the house. Tell you no thing about 4 men who were so much paralyzed had to be carried off. No.

Lam [Josiah Lamborn]. +733 Had you been in town that day. Yes. At the jail. No. In town the time Smith killed. I was out quarter of mile. Did you know when heard the guns fire what firing for. ~~Guard~~ No. Had you heard any [from] anybody the intention. No. Had you seen any of these men. I did not know [Thomas] Sharp.⁷³⁴ I saw [Levi] Williams. Was you [on] foot or horse back. Foot. [William] Daniels [on] foot. Yes. Hear Daniels statements here. Yes. Tell you the whole of it then. Yes. Did his statement told here the other day correspond. I think it did. Did he say [Franklin] Worrell killed any body with sword. No. Kill any elephants say any thing that sword. No. ~~He was~~ He said a guard was shooting at the crowd. Yes. Say any was hurt. No. Say any thing about Mr. [Orville] Browning marvelous light and paralytic stroke. [p. [61], bk. [3]] No. You say that the general statement what occurred that day during the day is the same. Did he tell you was down there. He named [Levi] Williams being at the jail no. Say any thing about it being planned down there. No. Say any thing about it. No. What say occurred from the time disband till they came up there. I cannot tell. Told about coming up to the timber⁷³⁵ told about some remark.⁷³⁶ What about the ravine. He said

Cross examined by M^r. **[Josiah] Lamborn.**

Had you been in town that day? Yes. Was you at the jail? No. Was you in town at the time the Smiths were killed? I was out of town about a quarter of a mile. Did you know when you heard the guns firing what they where firing for? No. Had you heard any thing about what was the intention of the people with regard to the Smiths? No. Had you seen any of these men that day? I saw [Levi] Williams [Thomas] Sharp I did not know. Was he on foot or on horse back? he was on foot. Was [William] Daniels on foot? Yes. Did you hear Daniels statements before this Court? Yes. Did his statements told hear the other day correspond with what he told you? I think they did. Did he say Worrel [Franklin Worrell] carried any thing but his sword? No. Did he say any thing about what the rest of the gaurd was doing Did he say the gaurd was Shooting at the crowd? Yes. Did he say that any of them was hurt? No. Did he say any thing about M^r. [Orville] Browings marvolous light and parraletic strok [paralytic stroke]? No. Did he tell you [who] was there at the killing? I think he named Williams Did he say anything about (it) being pland between the gaurd and and the mob how they should accomplish the killing of the Smiths(?) No. What did he say occurred from the time they where disbanded till they came up there to the jail? I cannot tell. Your recollection is

733 ⁷³⁴TEXT: Cross-examination.

734 ⁷³⁵TEXT: Shorthand reads *sh-l-p*.

735 ⁷³⁶TEXT: Shorthand reads *t-m-b-l*.

736 ⁷³⁷TEXT: Possibly "smoke".

they got up to the ravine. Recollect any specific. I recollect what I have stated. You only recollect about the sword business and the light. You are sh sure⁷³⁷ he said there was no lightning. He did not say any thing about it. You think the balance of his statement here⁷³⁸ here is about the same as stated to you. Yes. ~~Do~~ Did he tell you whether he went up the ravine with those men or left them and came by himself. I cannot recollect. The tenor of his state[ment] was that he was with them. Yes. Any thing about his being up on guard. No. Tell about Smith hanging out of the window. No. ~~Retired~~ [p. [62], bk. [3]] Did you understand from him in that conversation whether he was in the inside of the jail. No. Retired.⁷³⁹

John Pike. Mr. Pike are you acquainted with a man by the name of William Daniels. I know him when I see him. Have any conversation killing of the Smiths. Yes sir I have. I get you to state to the jury when and where that conversation. I know but little about it but what little I do know I got from the man's own mouth. The evening the Smiths was <before they were killed.> killed I was just leaving Carthage for home and Mr. Daniels catched up with me and Mr. Foot⁷⁴⁰ caught up near the corner of a ~~field short distance from Carthage~~ Widow Hawley's field a little beyond the corner. Mr. Daniels caught up with me

not very perfect I think? I recollect what I have stated. You only recollect about the sword buisness and the light. You are shure he said there was no lightening? He did not say any thing about it. You think the balance of his statement's (here) is about what he stated to you. Yes. Did he tell you wether he turned from the road with the mob or came on by himself? I cannot recollect. I suppose the tenor of his statements was that he was with them? Yes. Did he say any thing about his being up on guard? No. Did he tell you about Smith hanging out of the window? No. Did you understand from him in that conversation wether he was [p. [89]] in the inside of the jail? No. Retired

John Pike sworn.

M^r. Pike are you aquainted with A man by the name of William Daniels? I know him when I see him. Have you had any conversation with him about the killing of the Smiths? I have. I will get you to state to the jury when and where that conversation took place. I know but little about it but what little I do know I got from the mans own Mouth; On the evening the Smiths ~~where~~ (was) killed just before they ~~where~~ were killed I was leaving Carthage for home, and M^r. Daniels ketchd up with me and M^r. ~~Foot~~ (Fullar) We had got up near widow Hallys field A little round the corner M^r. Daniels got up with me and M^r. Fullar when he got up to us he seemed to be in a considerable bluster and

⁷³⁷ ⁷³⁸TEXT: Shorthand reads *sh-l*; intent was likely "sure".

⁷³⁸ ⁷³⁹TEXT: Or "hear".

⁷³⁹ ⁷⁴⁰TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷⁴⁰ ⁷⁴¹TEXT: Period is crossed out.

and Mr. Fuller. He went from there out to Bear Creek. Where he caught up with us he seemed to be in a considerable bluster and complained of being I⁷⁴¹ and and I asked he what was the matter:⁷⁴² I asked him what had tired him and he said he was in the first section of the men that jumped the fence and caught the guard. And said he had a scuffle with [p. [63], bk. [3]] [Franklin] Worrell and Mr. Water the time what a stout man Worrell was for it took four of them to hold him down and then he got up and drew sword he said he caught the sword with one of his hands and struck his wrist⁷⁴³ with the other hand and he let the sword go and he then threw the sword over the fence into the garden in the north west corner of it. The garden across the street and told me and Mr. Fuller to tell me where the sword lay if any of them should see me before he did. Cannot⁷⁴⁴ I cannot tell you what he said at that time he did observe something I believe about Mr. [Jacob] Davis taking his company back to Warsaw and said I believe they would ride him on a rail because he would not come to Carthage. He did say no thing as I recollect about any of the rest of the men:-

complained of being tired I asked him what had tired him he said he was among the first section of men that jumped the fence and attacked the gaurd and said he had A scuffle with Worrel [Franklin Worrell] sa[y]ing what A stout man Worrel was “for it took four of them to hold him down and then he got up and drew his sword but I caught the sword with one of my hands and struck his rist with my other hand and he let the sword go I then threw the sword over the fence into the gardeng in the north west corner of the garden across the street” he told me and M^r. Fullar to tell him where the sword lay if any of ~~them~~ (us) should see him before he did. I cannot tell you all that he said at that time I beleive he stated something about [Jacob] Davis taking back his company to Warsaw and said (I beleive) that he would ride hime on A rail because he would not come to Carthage; He did not say any thing as I recollect about any of the rest of the men.

741 ⁷⁴²TEXT: Shorthand reads *long i*; the longhand transcript has “tired”.

742 ⁷⁴³TEXT: Period is crossed out.

743 ⁷⁴⁴TEXT: Shorthand reads *r-short i-t-s-t*; intent was likely “wrist”.

744 ⁷⁴⁵TEXT: “Cannot” is written over the period.

+⁷⁴⁵ Did he say any thing about a **marvelous flash of light**. Yes. What tell you about. He said there was a flash of lightning came down there. The same night. Yes. He say any thing about their setting⁷⁴⁶ him up against the well curve. Not that I recollect. He did [p. [64], bk. [3]] say some thing about a flash of light. Yes. Was he scared when Joe was killed. Yes he appeared very scared. You was not at the jail your self. No. I saw smoke of the guns. Did you ever see Worrell after and told him about the sword. No. Retired.⁷⁴⁷

John Carlisle. Are acquainted with William M Daniels. I have seen him. Did you ever have any conversation with him about the kill[ing] of the Smiths. I have.⁷⁴⁸ When and where. At Mr. Stott's [Larkin Scott's].⁷⁴⁹ When it was the night of the same day Smiths killed. Did Mr. Daniels sleep at Stott's [Scott's]⁷⁵⁰ that night. He was there part of the night I do not know whether he slept. Was he in bed. Yes. Who. I was my self. Tell the jury what he stated to you

Cross examinded by M^r. [Josiah] Lamborn Did he say any thing about A **marvolous flash light**? Yes. What did he tell you about it? He said there was a flash of lightening came down there at the time. Did he say any thing about there setting him up against the well curb? Not that I recollect. You say he did say something about A flash of light? Yes. Was he scared when Jo was killed? Yes he appeared very much scared. [p. [90]] You [w]as not at the jail yourself? No but I saw the smoke of the guns. Did you ever see worrel [Franklin Worrell] after to tell him about [h]is sword? No.

Retired

John Carlisle sworn.

Are you aquainted with William M. Daniels? I have seen him. Did you ever have any conversation with him about the killing of the Smiths? I have. When and where? at M^r. ~~Stots~~. (Scot [Larkin Scott]s) When? It was the night of the same day the Smiths was killed Did Daniels sleep at scots that night? He was there part of the night I dont know if he slept there. Was he in bed there? Yes. Who with? with myself. Tell the jury what he said to you upon the subject of the killing of the Smiths Did he state any thing about wether he had any thing to do with it? He said he was

⁷⁴⁵ ⁷⁴⁶TEXT: Cross-examination.

⁷⁴⁶ ⁷⁴⁷TEXT: *short e* is indicated in the shorthand.

⁷⁴⁷ ⁷⁴⁸TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷⁴⁸ ⁷⁴⁹TEXT: Possibly "think".

⁷⁴⁹ ⁷⁵⁰TEXT: Shorthand reads *s-t-aw-t-s*.

⁷⁵⁰ ⁷⁵¹TEXT: Shorthand reads *s-t-aw-t-s*.

upon the subject⁷⁵¹ of kill[ing] of the Smiths. He told that orders came from Carthage for the troops to disband and go home that the two Smiths were killed. Did [he] state any thing about he had any thing to do with it. He was not satisfied they were killed <he> came [~~1 illegible word~~] <from Prince's to see> there to see. [p. [65], bk. [3]] Did he state whether present when they were killed. He did not state to me that he was he came from there to see because he was not satisfied they were dead.

+⁷⁵² What time did he say they were killed. He did not tell me. What time of night. It was then late bed time. Yes. He did not say what time was when they were killed. He did not tell what time they were killed. Tell who killed them. He said they were shot. Any thing about the particulars. No. He said he did not personally see them killed. No. Was you at the shanties that day. No. Along with the companies that day. No. Where was you that day. I was here in the morning. What doing here. No particular business. What time leave to go home. In the fore noon. Smith was not killed when you left. I suppose not. Hear any thing about to be killed. No sir. What time did [William] Daniels get to the house where you stayed. I cannot tell. How many did Daniels say came up from the shanties. Did not tell me. [p. [66], bk. [3]] I only asked him one question. What was that. What his name was. And he told me. That he heard at the shanties the Smiths were killed. And came up to see to satisfy himself. Had you heard that the Smiths dead before

not satisfied that they where killed and he only came there to be A spectator. Did he state wether he was present when they where were killed? He did not state to me that he was all that he said to me was that he was not satisfied they where killed.

Cross examined by M^r. [Josiah] Lamborn.

What time did he say they where were killed? <He did not tell me.> what time of night was when you had this conversation? It was late bed time. He did not say what time it was when they were killed? No. Did he tell who killed them? He said they where were shot. Did he say anything about the guards? No. Was you at the rail road shanties that day? No. Was you along with the companys that day? No. Where was you that day? I was in Carthage in the morning. What was you doing in Carthage that morning? I was here on perticular buisness. What time did you leave to go home? In the forenoon. Was Smith killed when you left? I supose not. Did you hear any thing that they where were about to be killed? No. What time did Daniels get to the house that you staid in that night? I cannot tell. How meny did Daniels say came up from the shanties? He did not tell me. I only asked him one question. What was that? I asked him what his name was, and he told me that he heard at the shanties the Smiths where to be killed and he came up to see to satisfie himself. Had you heard the

⁷⁵¹ ⁷⁵²TEXT: Shorthand reads "object"; intent was likely "subject".

⁷⁵² ⁷⁵³TEXT: Cross-examination.

he told you. I had. This was at Larkins Scott's. Yes. Hear him talk to Scotts. No. Who present when [he] told you. No person. When stated to you being a witness in this case. Last Saturday. Week. Told any body about it. No yes I told Thomas Dall. Who called on you for a witness. Thomas said called on for a witness. To prove that Daniels heard the Smiths were dead and he came to town to see if it was so. Daniel told me he was at the Prince's shanties when they were murdered. He went to see. How long since you told Dalls that about a week. Was it before ~~it~~ he interview you to be a witness or since you told him what Daniels said. I do not recollect. ~~When~~ Why was you to be a witness without somebody knowing about it. I told before I was going to be [p. [67], bk. [3]] witness I spoke too fast before I recollect. When first told. It was Thursday night after he came from Warsaw. How long ago that. I cannot recollect. How many weeks ago. I cannot tell you. [~~2 illegible words~~] Year ago two months ago. No. Tell some thing about. In the boundaries of a month. Tell any body else about it before. No. ~~He~~ Was he asking you what you knew about. I do not know. How came he to ask you. I cannot state. He came to you and asked you what you knew about. Yes. And then he said you was to be a witness. Yes.

+753 **[Orville] Browning.** It was in the same conversation he told ~~h~~⁷⁵⁴ it was in the same conversation. It all came in conversation together. Was it the same time ~~then~~ before or after knew when was it. In the neighborhood of a month. When was it notified you [that] you was to be witness. I recollect the very time. When was

Smiths ~~where~~ were dead before he told you? I had. This was at Larkin Scots? Yes. Who was present when he told you? Not any perso[n] [p. [91]] Was any thing stated as to you being A wittness in this case? I did not know that I should have to be A wittness till last saterday week. Have you told any body about it since then? Yes I told Thomas Dall Who called on you for A wittness? Thomas Dalls. You ~~(were)~~ called upon to proove I supose that ~~([William] Daniels heard)~~ the smiths were dead and he came to town to see if it was so? Daniels told me that he was at the princes shanties when the Smiths were murdered and he went to see if the report was true. ~~Was it before you informed~~ ~~(How long (is) it since you told)~~ ~~Dallass~~ Dalls of what Daniels said to you? ~~(About A week. Was).~~ that ~~(before)~~ you was called upon to be A wittness? I do not recollect. How long ago is it since you told him? I cannot tell. How meny weeks ago? I cannot tell you. Is it two mounths ago? No. Did you tell any body els about ~~(it)~~ before? No. Was he asking you what you knew about it? I dont know. How came he to ask you to be A wittness. I cannot tell. Did he not come to you and ask you what you knew about it? Yes.

Cross examined by **[Orville] Browning.**

Was it not in the same conversation that he told you to be a wittness? Yes it was in the same conversation it all came in conversation together. Retired.

⁷⁵³ ⁷⁵⁴TEXT: Cross-examination.

⁷⁵⁴ ⁷⁵⁵TEXT: Possibly "believe", not canceled.

it. I think it was about month. Was it the same time had this conversation. That was the time I [p. [68], bk. [3]] have to be a witness. All was in the conversation.⁷⁵⁵

Coleman Garrett. Where ~~do you~~ do you reside. I live in Tyler County. Do you know a man by the name of [William] Daniels. I do. Did you ever hear him say any thing upon the ~~object~~ subject of his being witness in this case against these men. I have. Tell the jury. He stated he was getting pretty well paid;⁷⁵⁶ I asked him what doing at that time he said he had quit cooeping and never expected to do any more hard work he said he could make money easier than cooeping it was either five or six hundred dollars the Mormons had to give him at that time he had got some I got 50 cents of it myself self for some butter. Did he say what they were to give him this for ~~for~~. Yes. It was for going as evidence against these men. Where was this conversation in Quincy last winter. ~~Have~~ Had you known Daniels before that time. I have known him about two years. You were at Quincy marketing. Yes. Purchased any thing of you. No thing at that time [p. [69], bk. [3]] you say you once got money from him he said got from the Mormons. He did not tell me that time but told me after it was some of the money got from the Mormons. Bought some butter from you and told you that some money got from the Mormons. Yes. Know a man by the name of William Garrett. I know two or three men of that name. [*2 illegible words*]⁷⁵⁷ No. After Daniels talking

Coalman Garrat sworn

Where do you reside? I live in Taylor County. Do you know A man by the name of Daniels? I do. Did you ever hear him say any thing upon the subject of his being A witteness on this case against these men? I have. Tell the jury. He stated he was getting pretty well paid, I asked him what he was doing at that time he said he had quit Cooeping and never expected to do any more hard work he said he could make money easier than with cooeping I think it was either 5 or 6 hundred dollars the Mormons had to give him and at that time he had got some for I got 50 cents of it myself for some butter. Did he say what they where to give him this money for? Yes it was for giving his evedence against these men. Where was this conversation? In Quincy last winter. Had you known Daniels before that time? I have known him about two years. You ~~where~~ were at Quincy marketing? Yes. Did he purchas any thing of you? no not at that time. You say you once got money from him and he said he got it from the [p. [92]] mormons? He did not tell me at that time but he told me afterward. it was some of the money he had got from the mormons. He bought some butter from you and told you that was some money he had got from the mormons as he paid you? Yes. When [William] Daniels was talking with you about this 500 dollars Did he say the mormons was paying him. that to come hear

⁷⁵⁵ ⁷⁵⁶TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷⁵⁶ ⁷⁵⁷TEXT: Period is crossed out.

⁷⁵⁷ ⁷⁵⁸TEXT: Shorthand reads *b-ah-r-long o-long e k-n-t*.

to you about these 500 dollars did he say they were paying him that to come here and swear a lie. Did not say what. It was to come here and swear. Did Daniels say any thing about the Mormons getting any body else. No. Did not say going to hire some of those anti-Mormons to tell the truth. No. He told me the governor was to pay him **300 dollars**. He was just romancing then neither the governor nor the Mormons paid him a cent. Was you here at the time. I was in Nauvoo. Know any thing about this matter I do not. [p. [70], bk. [3]]

For the examination of witnesses. [p. [0]]
Know any thing about the guard having their guns loaded with blank cartridges. No I do not. Time speaking to Daniel was he Mormon. Yes. Did not he tell you he had contemplated to go a way if the state paid for his time. No. Govern[or] [Thomas] Ford was to give him three hundred dollars and the 12 500. He said 5 or 600.

The court adjourned till half after one o'clock.⁷⁵⁸
Court met pursuant⁷⁵⁹

Thomas L English.⁷⁶⁰

Where do you reside. Quincy. Are you acquainted with the man by the name of [William] Daniels. Yes. Where did you become acquainted with him. In Quincy. Have you ever had any conversation with him about his being witness. Yes. About three times. I get you to state to the jury what

and swear A lie? He did not say a "lie" but to come hear and swear against these men. Did Daniels say any thing about the mormons getting anybody else? No. Did he not say they where going to hire of who are not Mormons to tell the truth? No. He told me the Governor [Thomas Ford] was to pay him **three hundred dollars** I thought he was just roamansing then and did not believe the Governor or the Mormons either had paid him A cent. (Cross examined by [Josiah] Lamborn) Was you here at the time the Smiths were killed? No I was at (in) Nauvoo. Did you know any thing about this matter before it happened? I did not. Did you know any thing about the having their guns loaded with blank caterage [blank cartridge]? I did not. At the time you was speaking to Daniels was he A mormon? Yes. Did he not tell you he had contemplated to go away for the state paid (him) for his time? No. He said Governor Ford was to give him three hundered dollars and the Twelve at Nauvoo 500? He said 5 or 6 hundered.

Court ajourned till half past 1 P. M.
Court Met persuant to ajournment

James L. Gill sworn.

where do you reside? In Quincy. Are you aquainted with A man by the name of Daniels? Yes. Where did you become aquainted with him? In Quincy. Have you ever had any conversation with him about his being a witteness? Yes about three times. I will get you to state to the jury what Daniels said in

⁷⁵⁸ ⁷⁵⁹TEXT: A circle is drawn around "The court adjourned till half after one o'clock."

⁷⁵⁹ ⁷⁶⁰TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷⁶⁰ ⁷⁶¹TEXT: Shorthand reads *g-l*. Other accounts give the name Thomas L. English.

Daniels said in relation being witness. The first time he came from Quincy he said he came from **Augusta**. I asked did hear⁷⁶¹ hear the particulars of the killing of the Smiths he knew no thing about it he wished all the Mormons in this state were driven out we had not any great talk with after he [p. [1], bk. [4]] to Nauvoo and stopped a while and came back and told me he had made a great speculation in writing the book. I ask him what book he told me he was going to write a book upon his proceeding as appointed in Carthage I said you told me you knew no thing about but said he say no thing about as soon I can make a speculation of some dollars I will make it I as[ke]d⁷⁶² him if he had got any money and he said no he had got 100 dollars in trade I told him I thought he had not intelligence enough to write a book and he asked me why I thought that I said I knew he was not a man of a very great figure for I had tried he he told me then he had friends to aid him I do not want to work hard he said and if I get along with out working I mean to do it. I showed him my hands and told [him] I expected to work hard for my living. ~~That same time~~ Once persuaded me go hunting with him October or the first of November we went to hunt in ou[r] travel he told that he was to get 500 dollars [p. [2], bk. [4]] if he could make out to swear against some people there was a man in a city hotel that offered him the 500 dollars did not say who to swear against he did not know whether he would take the money or not and he said if he could raise it he would pocket the money and go away if he could raise it he did not care about any side he would put it in his pocket

relation to his being A wittness. The first time he came to Quincy he said he came from **Agusta** I asked him if he had heard the reports of the killing of the Smiths he said he new nothing about it and wished all the mormons in this state were driven out after that I had not a great deal of talk with him till after he came from Nauvoo for after he had stoped there a while he came back and told me [p. [93]] he had made A great speculation in writting A book I asked (him) what what kind of A book he told me he was going to write A book upon the proceedings as they happened in Carthage I said you told me you knew nothing about it but said he say nothing about it as soon as I can make speculation of some dollars I will make it I asked him if he had got any money he said no but he had got 100 dollars in trade I told him I thought he had not generall knowledge enough to write A Book he asked me why I thought that I said I know he was not A man of A very great figure for I had tried him he told me then that he had freinds to aid him he said he did not want to work hard and if he could get along without working he meant to do so. I showed him my hands and said I expected to work hard for my living. After that some time I proposed to go a hunting with him it was in the latter end of October or the first of November we went to hunt and on our travel he told me that he was to get 500 dollars if he could make out to swear against some people he also told me that there was A man in the city hotell that offered him 500 dollars. Did he say who he was to swear against? No. He (said he) did not know if he would take the money or not he said if he could raise it he would pocket the money and go away he said if he could receive it he did not care about any side he would put it in his pocket and leave them all. I told him he was getting into A curious buisness he said he did

⁷⁶¹ ⁷⁶²TEXT: Shorthand reads r; intent was possibly "ever".

⁷⁶² ⁷⁶³TEXT: Shorthand reads s-t; intent was likely "asked".

and go and leave them all. Go to his own place Rochester or Buffalo.⁷⁶³ I told he he was getting in to a curious business he said he did not know much about it now but he could get to after a while with this ou[r] conversation ended.

Lam [Josiah Lamborn]. ⁺⁷⁶⁴When was he told you about getting that 100. When he came down from Nauvoo. What month. I think it was in the month of August. Get it for. For writing a book. Do you know when that book of Daniel [William Daniels] was written. I never saw it. It was not later than September. I cannot tell you I do not suppose it was. He told you had got the 100 dollars for the [p. [3], bk. [4]] he did. Who say spoke to him about that 500 dollars no. Did not you hear him say some thing about it here the other day. I did not notice. 500 for being a witness. He said he was going to get 500 dollars if he could swear⁷⁶⁵ against the Smiths. If he could raise it he would not do it. ⁷⁶⁶e said if he could raise the 500 he would go to New York he would go there for he was born there. Did he get it. I do not know you will have to ask himself I am not agent to him. Did speak to any one about it. No. Did you ever tell it to any body. I might have talked about it. How came you to be here as a witness if you never talked about

not know much about it now but he could get to know after a while. With this our conversation ended.

Cross examination by **Mr. [Josiah] Lamborn.**

When was it he told you about getting 500 (the 100) dollars? It was after he came down from Nauvoo. In what Mounth I think it was in the mounth of August What was he to get it for? For writting A book. Do you know when that Book of Daniel [William Daniels] was written? I never saw it. He told you he had got the 100 dollars? He did. Who did he say spoke to him about the 500 dollars? He did not say. Did you not hear him say something about it here in this court the other day? I did not notice. Did he say he was to get 500 dollars for being A witteness? He said he was going to get 500 Dollars if he could swear against the smiths. Did he say if he could raise it he would not do it? He said if he could raise the 500 dollars he would go to new [p. [94]] York he would go there for he was born there. Well did he get the money? I dont know you will have to ask himself I am not agent [agent] to him. Did you speak to ~~him~~ (any) one about it? No. Did you ever tell it to any body? I may have talked about it. How came you to be hear as A witteness if you never talked about it to any

⁷⁶³ ⁷⁶⁴TEXT: A circle is drawn around "Go to his own place Rochester or Buffalo".

⁷⁶⁴ ⁷⁶⁵TEXT: Cross-examination mark canceled. Horizontal line drawn between this line and the next, marking the change to the cross-examination.

⁷⁶⁵ ⁷⁶⁶TEXT: Shorthand reads *s-k-r*; intent was likely "swear".

⁷⁶⁶ ⁷⁶⁷TEXT: Left side of page torn, with possible missing text for five lines. The extant text makes sense on its own, so it is possible the page was torn before being inscribed.

to any body I wrote to Mr. [Thomas] Sharp⁷⁶⁷ in Warsaw. Did Sharp⁷⁶⁸ give you 500 dollars for coming here. No sir. When did you write to Sharp⁷⁶⁹ about it. Month ago. Had not you been consulted about before you wrote to Sharp.⁷⁷⁰ No. What did you write to Sharp.⁷⁷¹ I could not recollect [p. [4], bk. [4]] And that you would come up and swear for him. I did not say I would come up to swear I said I would come and testify. Did no body talk to you about what you would swear for here. No. You thought it was your duty to write to Sharp.⁷⁷² Yes. How did you come to know that Daniels be witness at all. I knew he was indicted. And you got nothing for coming here. Not a cent sir. Who pays your expenses. No body it all paid my self. I suppose you thought it was right to kill Joe Smith. I do not think it was right to kill any man. What made you so peculiar anxious in volunteering your services. I thought I was in duty bound. ~~He told me~~ He said he was not here at all. Yes sir he told me he came from Augusta. Did he say he was not at Carthage time Smith was killed. No. Did he tell you he had been at Warsaw. Yes he did. Did he tell you he was there the morning kill Smith. No. [p. [5], bk. [4]] He did not say he was not at Carthage. No. How long have you been in

body? I wrote to M^r. [Thomas] Sharp in Warsaw. Did Sharp give you 500 dollars for coming here? No Sir. When did you write to sharp about it? About one mounth ago. had you not been consulted about it before you wrote to Sharp? No. What did you write to Sharp? I could not recollect. I suppose you wrote you would come up and swear for him? I did not say I would come up and swear I said I would come and testify. Did no body ~~say~~ talk to you about what you would swear for here? No. You thought it was your duty to write to Sharp? Yes: How did you come to know that [William] Daniels was to be A witteness at all? I knew he was indicted. And you get nothing for coming here? Not A cent Sir. Who pays your expenses? No one but myself. I suppose you thought it ~~is~~ right to kill Jo Smith? I dont think it right to kill any man. What mad[e] you so peculiar ancious in volenteering your servises? I thought I was in duty bound to do so. Daniels said he was not here (in Carthage) at. at all? Yes Sir he told me he (had) come from Agusta. Did he say he was not at Carthage at the time the Smiths was killed? No. Did he tell you he had been at Warsaw? Yes. Did he tell you he was there (on) the morning of the day the Smiths was killed? No. You say he did not say he was not at Carthage? Yes. How long have you been in Quincy? Better than

⁷⁶⁷ ⁷⁶⁸TEXT: Shorthand reads *sh-l-p*.

⁷⁶⁸ ⁷⁶⁹TEXT: Shorthand reads *sh-l-p*.

⁷⁶⁹ ⁷⁷⁰TEXT: Shorthand reads *sh-l-p*.

⁷⁷⁰ ⁷⁷¹TEXT: Shorthand reads *sh-l-p*.

⁷⁷¹ ⁷⁷²TEXT: Shorthand reads *sh-l-p*.

⁷⁷² ⁷⁷³TEXT: Shorthand reads *sh-l-p*.

Quincy. Better than two year. Where did you live before you went to Quincy. In Alton. What part of Alton. I live in upper town.⁷⁷³

George Seabold. You tell the jury where you live. In Quincy. What trade do you follow. Coopering. Are you acquainted with [William] Daniels. Yes. Where did you get acquainted with him. In Quincy. Work in the same shop. Yes. In what shop. Chapman's. Opposite the City Hotel. Yes. Did you ever have any conversation upon the subject of his being a witness in this case. Yes. Tell the jury what Daniels said. He told me he could make 500 from the way of speculation. I ask what the speculation was not at that time after he told me again after that he said it was some thing he did not to under take and there was a man in the City Hotel that had offered it to him. Lam [Josiah Lamborn] +⁷⁷⁴ He said he had certain way of making speculation who would give him **500 dollars**. Yes he said it was for the prosecution of these men [p. [6], bk. [4]] ⁷⁷⁵ hat men did he name. He did not mention names he said for the pro[se]cution of the men thought to be the murderers of the Smiths. Retired.⁷⁷⁶

Charles Andrews.

Are you acquainted [William] Daniels. Yes. How long have you known him. I have known him for the last two years.

two years. Where did you live before you went to Quincy? In Alton. What part of Alton? I lived in the upper town. Retired.

George Seabole sworn.

Will you tell the jury where you live? I live in Quincy. What trade do you follow? I follow coopering. Are you acquainted with Daniels? Yes. Where did you get acquainted with him? In Quincy. Did he work in the same shop with you? Yes. In What shop? In Chatmans. Is it oposit the City hotel? [p. [95]] Yes. Did you ever have any conversation with him upon the subject of his being a wittness in this case? Yes. I will get you to tell the jury what [William] Daniels said? He told me he could make 500 dollars in the way of speculation I asked him what the speculation was but he did not tell me at that time he told me again afterwards when he said it was A thing he did not wish to undertake that there was A man in the City hotel that had offered it to him. Cross examined by Mr. [Josiah] Lamborn He said he had A scertain way of making A speculation Did he say what this man would give him this **500 dollars** for? Yes, he said it was for the prosecution of these men. What men did he name? He did not mention names he said for the prosecution of the men that where said to be the Murderers of the smiths. Retired.

Charles Andrews sworn

Are you acquainted with Daniels? Yes. How long have you known him? For the last two years. Did you ever have any

⁷⁷³ ⁷⁷⁴TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁷⁷⁴ ⁷⁷⁵TEXT: Cross-examination.

⁷⁷⁵ ⁷⁷⁶TEXT: Upper right corner of page torn off; no text appears to be missing.

⁷⁷⁶ ⁷⁷⁷TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

Did you ever have any conversation with him about his being a witness in the case against the men supposed to murder the Smiths. He has said some things. State to the jury. He came to my house 5 or sixth of July and told me he was just from Nauvoo. I asked him then what had been going on and he said had seen Joseph and Hyrum Smith both of them killed.⁷⁷⁷ he told me that he had got some money from Emmett⁷⁷⁸ to bear his expenses he then took out hand from out of his pocket I think there was no thing more said at that time. Some time afterwards he told me he was offered 500 dollars to go away. He asked me what I thought of it at [p. [7], bk. [4]] the time. I answered to him if I was him I would devilish quick go. I asked he who offered it to him I understood him by Mr. [Edward] Bedell of Warsaw 500 dollars to go away he said he should stay and he said he could get 1000 from the state well says I supposing they kill you which I am afraid they will some one said he if they do my wife get the money and that is just as well. Did you have any other conversation. Not that I can remember. Has <Is> [~~1 illegible word~~] <Mr.> Daniels family connected with you. My wife and his are sisters. Do you know Eliza Graham. I do not know her sir her countenance is very familiar to me I think I have heard Daniels speak of her.⁷⁷⁹

conversation with him about his being a wittness in the case against the men supposed to be the Murderers of the Smiths? He has said some things to me about it. State to the jury what he said. He came to my house on the 5th or 6th of July and told me he was just from Nauvoo I then asked him what had been going on he said he had seen Joseph and Hiram Smith both of them killed. He also told me he had got some money from Emit to bear his expenses he then took out A hand full from his pocket I believe there was nothing more said at that time. Some time afterwards he told me he was offerd 500 dollars to go away He asked me what I thought of it, I answered him that if I was him I would Devilish quick go, I asked him who offered it to him the answer was it was offered to me by M^r. Bedell of Warsaw, he offered him 500 Dollars to go away but if he should stay he said he could 1000 dollars from the state. Well says I suppose they ~~call upon~~ <kill you> you which I am afraid they will; some one; said he if they do my Wife will get the money and that is just as well. Did you have any other conversation with him not that I can remember. Is M^r. Daniels family conected with yours? My wife and his wife are sisters. Do you know Eliza Grame [Graham]? I do not know her but her countenance is very famieliar to me I think I have Daniels speak of her.

⁷⁷⁷ ⁷⁷⁸TEXT: Period is crossed out.

⁷⁷⁸ ⁷⁷⁹TEXT: Shorthand reads *short e-m-short i-t*; the *t* is very distinct. Intent was possibly "Emma Smith".

⁷⁷⁹ ⁷⁸⁰TEXT: Horizontal line drawn between this line and the next, marking the change to the cross-examination.

Lam [Josiah Lamborn] +⁷⁸⁰ What did he come down from Nauvoo to Quincy for. He came down to see his mother in law with me at the time. Gover[nor] there at that time. Not that I know of. Do not you know he went down there to see the [go]vneror to give the information on this measure. I do not remember. Do not you recollect that [Thomas] Ford was there then. I do not ~~think~~ thought he was there. ~~Do not~~ And never hear⁷⁸¹ [William] Daniels speak of hav[ing] intercourse with ~~Daniels~~ with the ~~b~~ governor. I do not recollect [p. [8], bk. [4]] ~~but~~ <did not> Missus

[Emma] Smith give him money⁷⁸² I remember him saying he was particular friend of the governor. Emma Smith gave he⁷⁸³ money. Yes. How much 10 dollars. Offers he said [Edward] Bedell ~~gave~~ offered 10 dollars. And the state 1000. Yes. ~~You~~ Did you not look upon it in the light of being mere romance. I supposed it was. You thought it was a fact of is his being offered this amount. I did not place much confidence in it. ~~You~~ You told [him?] you was afraid he would get killed. I told him so. Why did you think so. Because if he came out against those murderers they would kill him. You thought if they had killed other men they would kill him too. Yes.⁷⁸⁴

Cross examined by **M. Lamborn.** [p. [96]]

What did [William] Daniels come down from Nauvoo to Quincy for? He came down to see his Mother in law as she was with him at that time. Was the Governor [Thomas Ford] there at that time? Not that I know of. Did you not know that he came down there to see the Governor to give (the) information on this matter? I do not remember. Dont you recollect that ford was there then? I dont think he was there. Did you never hear Daniels speak of having intercourse with the Governor? I dont recollect I remember him saying that he was A perticular freind of the Governor's. Did he say that **Emie [Emma Hale] Smith** gave him any money? Yes. How much did he say she gave him? 10 dollars he said he had had many offers he said that Bedell offered him 500. And the state 1000? Yes. Did you not look upon it in the light of being mere roamanse? I supposed it was. You thought it was not A fact of his being offered this amount? I did not place much confidence in it. You told him you was afraid he would be ~~called upon for~~ A (killed by some one) ~~witteness~~? I told him so. Why did you think so. Because if he came out against those Murderers they would kill him. You thought if they had killed the other men they would kill him too? Yes.

⁷⁸⁰ ⁷⁸¹TEXT: Cross-examination.

⁷⁸¹ ⁷⁸²TEXT: Or "heard".

⁷⁸² ⁷⁸³TEXT: A circle is drawn around "~~but~~ <did not> not [Missus Smith](#) give him money". Upper left corner of page torn off; no text appears to be missing.

⁷⁸³ ⁷⁸⁴TEXT: Possibly "the". Intent was possibly "him".

⁷⁸⁴ ⁷⁸⁵TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

George McLean.

Tell the jury where you live. In Quincy. What follow. Follow cooperating. Know man by the name [William] Daniels. Did you ever work in the same shop. No. Did you ever have any conversation with Daniels upon the subject of his being witness against the men supposed killed the Smiths. I can say I had any he had with him. [p. [9], bk. [4]] He came where I was at work 27 of July last the first time I had ever seen him.⁷⁸⁵I as[ke]d⁷⁸⁶ him if he was not a son of the old man Daniels he said he was we had considerable talk about the Smiths ~~I have not out~~ I as[ked]⁷⁸⁷ he if he knew any thing about it how the death occurred he said he did not he told me he was in Augusta the night it occurred. And had remained there until the 27 of July he then came to Quincy I think he told me in company with the governor but I thought the governor came in before he after that I suppose some months 2 months after that we got in conversation again he wanted to know the reason why I worked so hard no use of a man working when he could make plenty of money without working he said he had the prospect in view did not tell me what it was. And he could make money plenty without work and had received some money a day or two before that. That is about all he ever told me. I thought he told me he had received 20 dollars in a letter.

George McLean sworn.

Mr. McLean tell the jury where you live? I live in Quincy. What is your trade? I am a cooper. Do you know A man by the name of Daniels? I am a little acquainted with him. Did you ever work in the same shop with him? No. Did you ever have any conversation with Daniels upon the subject of his being a witness against the men who is supposed to have killed the Smiths. I can say that I did in the conversation I had with him; he came where I was at work on the 27th of July last and that was the first time I had ever seen him, I asked him if he was not A son of the old man Daniels he said he was. We had considerable talk about the Smiths I asked him if he knew any thing about it how the the Death occurred &c. He said he did not and told me he was in Augusta the night it occurred and had remained there until the 27th of July he then came to Quincy I think he told me in company with the Governor but I thought the governor came on before him; After that I suppose some months I think two months after we got in conversation again he wanted to know the reason why I worked so hard said he there is no use of A man working so hard when he could make plenty of money without working he said he had a good prospect [p. [97]] in view but he did not tell me what it was he said he could make money plenty without working and he had received some money A day or two before that, that is about all he ever told me, I think he told me he had received 20 dollars in A letter

⁷⁸⁵ ⁷⁸⁶TEXT: Period is crossed out.

⁷⁸⁶ ⁷⁸⁷Shorthand reads *t-n* or possibly *t-s*; intent was likely "asked".

⁷⁸⁷ ⁷⁸⁸TEXT: Shorthand reads *a-s*; intent was likely "asked".

+⁷⁸⁸ You never knew him before he went to Quincy. No never before. When you first saw him you as[ke]d him if was a son of the **old man Daniel** [p. [10], bk. [4]] ⁷⁸⁹ es. He told you he came with the governor. The 27 of July. He came the night before and I saw he the next day the 27th. He said he had been in Augusta night of the murder. Yes. He did not know any thing at all about it. You are sure 27 July. Yes. Keep memo of it. No. Recollect the date. Yes. You ~~think~~ thought he had not been in town many days before that. His brother in law told me he came in the night before. After he spoke of the speculation did not tell you what it was. No. He spoke of mak[ing] 4 or 500 dollars did not specify any number. And he got 20 dollars of it in letter. Yes. Did you see the money. No I only had his word for it. Who did he say got it from. Did not say. Only he received it a letter in the post office. Retired.⁷⁹⁰

Squire <**Abram I**> **Chittenden**. Do you remember the day Smiths killed in Carthage. I recollect the day it was said they were killed. [p. [11], bk. [4]] I will get you to inform the jury when time that day. I saw he in the morning. Where. My house. Near Warsaw Did he breakfast with you that morning. He breakfasted in my son's room. He did not eat

Cross examined by M^r. [Josiah] Lamborn

Did you never know him before he went to Quincy? no never before. When you first saw him you asked him if he was the son of the **old man Daniels**? Yes. He told you he came with the Governor [Thomas Ford] on the 27th. of July? He came the night before and I saw him on the next day the 27th. of July. He said he was in Agusta the night of the murder? Yes. And he did not know any any thing at all about it on the 27th. of July you are shure? Yes. Did you keep A memorandom of it? No. You recollect that he said so? Yes. You thought he had not been in town meny days before that? His Brotherinlaw told me he came on the night before. After he spoke to you of the speculation did he not tell you what it was? No. He spoke of making 4 or 500 dollars and did not specefie any number? No. And he had got 20 dollars of it already? Did you see the money? No I only had his word for it? Who did he say he got it from? He did not say only he received it in A letter through the post office. Retired.

Abraham Chatenden sworn.

Do you remember the day on which the Smiths where killed in Carthage? I recollect the day it was said they where killed. I will get you to inform the jury what time of the day you saw M^r. [William] Grover? I saw him on the morning the smiths where killed?. Where? I saw him at my house near Warsaw. Did he breakfast at your house that morning? He Breakfasted in my sons room. He did not eat breakfast at the taveren unless he eat two breakfasts? I was not at the tavern. Did you ~~recei~~ve <see> James Gregg the night the Smiths ~~where~~ were killed? I saw him go on

788 ⁷⁸⁹TEXT: Cross-examination.

789 ⁷⁹⁰TEXT: Top right corner of page is torn off; no text appears to be missing.

790 ⁷⁹¹TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

breakfast at the tavern⁷⁹¹ unless he eat two.⁷⁹² I was not at the tavern⁷⁹³ sir. ~~+794 Lam [Josiah Lamborn]~~ Did you see James Gregg the night the Smiths was killed. I saw him go on past my house and spoke to him. In what way was he riding. On horse back. Did he ride by your house. Yes. What kind of horse. I thought it was a light grey steed. He was just from Carthage. I believe so. Was there any person in company with him. I should thought⁷⁹⁵ not. If⁷⁹⁶ there was any with him I do not recollect now. You are certain he was not riding a two horse buggy with Mr. [Thomas] Sharp in company with him. I know he was not. How far was it from your house to where [Samuel] Fleming then kept tavern. It is supposed to be half mile from my house to the river and one half mile to Mr. Fleming

+797 what was Mr. [William] Grover over at your since⁷⁹⁸ for that morning. The troops were in camp. ~~Was your son~~ [p.

past my house and spoke to him. In what way was he riding? On horse back. Did he ride by your house? Yes. I think it was A light Gray steed. He was just from Carthage? I believe so. Was there any person in company with him? If there was I do not recollect now. You are scertain he was not riding A two horse bugie in company with Mr. [Thomas] Sharp? I know he was not. How far was it to your house to where [Samuel] Fleming then kept tavern? It is supposed to be half a mile from [p. [98]] my house to the river and near half a mile to [Samuel] Flemings tavern.

Cross examined by Mr. [Josiah] Lamborn.

Was Mr. [William] Grover ever at your house since that morning the troops ~~where~~ were in camp? I think not. Did you ever

791 ⁷⁹²TEXT: Shorthand reads *t-r-v-r-n*.

792 ⁷⁹³TEXT: Horizontal line drawn between this line and the next.

793 ⁷⁹⁴TEXT: Shorthand reads *t-r-v-r-n*.

794 ⁷⁹⁵TEXT: Cross-examination.

795 ⁷⁹⁶TEXT: Possibly "think".

796 ⁷⁹⁷TEXT: "If" is written over the period.

797 ⁷⁹⁸TEXT: Cross-examination.

798 ⁷⁹⁹TEXT: Shorthand reads *s-n-s*; intent was possibly "house".

[12], bk. [4]]⁷⁹⁹ id you ever hear Grover say any thing about it since no. Was not your son absent that day. He was not at home. Was none of your sons out here that day. I do not know. They were not at home. They were not. ~~Gregg~~ What did [James] Gregg say. He told me the Smiths were dead. The governor had not **whipped** us yet we have killed the Smiths. Where is Gregg now. I think he is in Warsaw. How long was that before night. I should think half hour before night. See Gregg any more that evening. I do not think I did. Was you down in town that night or at home. Down in town. What time that night see [Thomas] Sharp.⁸⁰⁰ After candle light again. Where did you see he. I saw him [George] Rockwell's postmasters. Did say any thing about the Smith being killed. No. See Alredge [Mark Aldrich] that night. I do not think I saw him. See [Levi] Williams in town that night. No. See Grover. I do not think [p. [13], bk. [4]] I did. Did you see a lot of men go in in the night did not. See any thing of them. No. Retired.⁸⁰²

Mr. [Edward] Bedell.

Where do you reside. In Warsaw. Did you live there time the Smiths killed. Yes. Were you there on the night Smiths killed. Yes I was there on 27 June. Did you see [Thomas]

hear M^r Grover say any thing about it since? No. Was he absent that day? He was not at home. What did James Gregg say when you spoke to him? He told me the Smiths where dead and the Governor [Thomas Ford] has not **wipt** us yet for we have killed the Smiths.

Where is Gregg now? I think he is in Warsaw. How long was it before night when this conversation took place? I should think (it was) about half an hour before night. Did you see Gregg any more that evening? I dont think I did. Was you down in town that night? I was. What time did you see [Thomas] Sharp that night? Af[t]er candle lighting. Where did you see him? I saw him near the post Masters. Did he say any thing about the Smiths being killed? No. Did you see Aldridge [Mark Aldrich] that night? I dont think I did! Did you see [Levi] Williams in town that night? No. Did you see Grover? I dont think I did. Did you see A lot of men come into town the night the Smiths was killed? I did not. Did you hear any thing of them No. Retired.

Mr. Bedell sworn.

Where do you reside? In Warsaw. Did you live there at the time the Smiths where killed? I did. Where you there on the night the Smiths where killed? Yes I (was) there on the 27th of June. 1845 Did you see Sharp there that day? I saw him come into town in the evening A little before Sun set. Who was in company with him? I dont recollect seeing any one in company with him. How

⁷⁹⁹ ⁸⁰⁰TEXT: Top right corner of page is torn off; no text appears to be missing.

⁸⁰⁰ ⁸⁰¹TEXT: Shorthand reads *sh-l-p*.

⁸⁰² ⁸⁰³TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

Sharp⁸⁰³ there that day. I saw he came into town in the evening a little before sun down. Who in company with him. Recollect seeing any in company with him. How traveling. Horse back. You are certain he did not come in in a two horse buggy. I saw he came in town ride a cream colored horse. Where did Sharp⁸⁰⁴ stop when he came in. ~~About~~ A little above his own dwelling in the same building. Dismounted there. I think he did. How far was that from [Samuel] Fleming tavern.⁸⁰⁵ 40 yards. Tell us about that 500 dollars offered to [William] Daniels. I did not not offer it to him or any thing else.

+⁸⁰⁶ Do you know there was an express sent out that night from **Warsaw to Quincy**. I ~~do~~ know a great many persons went to Quincy in⁸⁰⁷ the Boreas. [p. [14], bk. [4]]

Did you see [Thomas] Sharp⁸⁰⁸ or [James] Gregg any place about dark. I did not. Before sun down you saw him come in. No. You do not pretend to say Sharp and Gregg was not in a buggy together an hour or two after that. No sir. Were you at the shanties that day. I was not at the shanties. Any pleas put up for ~~va~~ volunteers to come to Carthage. I was

was he traveling? On horse back. You are scertain he did not come into town in A two horse Buggy? I saw him come into town riding upon A cream collard horse. Where did Sharp stop when he came in? A little above his own dwelling in the same dwelling. He dismounted there? I think he did. How far was that from [Samuel] Fleming's taveron? About 40 Yards. Will you tell us about that 500 dollars you offered to [William] Daniels? I did not offer it to him, ~~nor~~ or any thing els.

Cross examined by M^r Lamborn. [p. [99]]

Did you know there was an express sent out that night from **Warsaw to Quincy**? I know A great meny persons went to Quincy in the Boarus. Did you see [Thomas] Sharp or [James] Gregg in the place about dark? I did not. I[t] was A little before sun down you saw sharp come into Warsaw? Yes. You do not pretend to say that Sharp and Gregg was not in A buggy an hour or two after that? No Sir. Where you at the shanties that day? I was not. Was you in any place beating up for Volenteers to come to Carthage? I was not. Was [William] Grover or any of these men about in Warsaw on the forenoon the Smiths were killed? I did not

803 ⁸⁰⁴TEXT: Shorthand reads *sh-l-p*.

804 ⁸⁰⁵TEXT: Shorthand reads *sh-l-p*.

805 ⁸⁰⁶TEXT: Shorthand reads *t-r-v-r-n*.

806 ⁸⁰⁷TEXT: Cross-examination.

807 ⁸⁰⁸TEXT: Or "on".

808 ⁸⁰⁹TEXT: Shorthand reads *sh-l-p*.

not. Was [William] Grover any⁸⁰⁹ of these men about town that fore noon. I did not see them. Did [Jacob] Davis start back with you. Yes. He asked me to get off the horse and I refused to let him have him. But I did let him have him as he was going to see some friends he asked me for him a second time but I refused to let him go and he told me to go and tell them not to go to Carthage. You saw him 5 or six miles from Warsaw. Yes. What time got to Warsaw. I [p. [15], bk. [4]] am not positive that I saw him after that.

+⁸¹⁰

How was **Davis** traveling. There was a wagon in company when I saw him he was on foot. Whose wagon was it. I do not know.

⟨Court adjourned 7 morning⟩⁸¹¹ Court opened pursuant to adjournment. May 28th.

John W Williams. State to jury whether you⁸¹² were in Carthage on the morning of the day Smiths was killed. I was in Carthage 27 June last in the morning. Did you see

see them. ⟨Where⟩ Did you ⟨see⟩ [Jacob] Davis go that day? 5 or 6 miles from Warsaw. Did he start back with you? Yes, He asked me to get off my hores and let him have it. but I refused to let him go suposing he wanted him to go to Carthage but I did let him go as he ⟨(Davis)⟩ was going to see some freinds; He asked me for him A second time but I refused to let go if he was going to Carthage with him. and he told me to go and tell them not to go to Carthage. What time did you get into Warsaw? Early in the afternoon. Did you see Davis after that? I am not positive that I saw him after that.

Cross examind by [Orville] Browning.

How was **Davis** traveling? there was A waggon in the company but when I saw him he was on foot. Whose waggon was it? I dont know.

Court ajourned till 7 o'clock next morning.

Court opened persuant to ajurnment on the 28th. day of May in the year 1845

John. W. Williams sworn

Will you state to jury wether you where in Carthage on the morning of the day the Smiths were killed? I was in Carthage on the 27th. of June last in the morning. Did you see Sharp here that morning? Yes imeadiately after breakfast. Who was he in company with he was in company with Governor [Thomas] Ford.

809 ⁸¹⁰TEXT: Shorthand looks like “no”; intent was likely “any”.

810 ⁸¹¹TEXT: Cross-examination.

811 ⁸¹²TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

812 ⁸¹³TEXT: Shorthand reads “where”, “were”, or “when”; intent was likely “you”.

[Thomas] Sharp⁸¹³ here that morning. Yes.⁸¹⁴ Immediately after breakfast. Who was he in company with. Company with Governor [Thomas] Ford. Where were they at. In the governor's room when I first saw them and Sharp⁸¹⁵ invited the governor out into another room they went out.⁸¹⁶ <the > room was at [Artois] Hamilton's. About ~~when~~ what time in the morning was that. I think it was before 8 in the morning. It⁸¹⁷ was previous to the governor's convening in council with the officers.⁸¹⁸ <to> consider whether he would countermand the order given [~~to~~] to march to Nauvoo.

+⁸¹⁹ **Lam [Josiah Lamborn]**. Was he [Thomas] Sharp⁸²⁰ present when that council was held in town. I do not know I saw he immediately before. ~~The council order the governor~~ the other troops were [p. [16], bk. [4]] to disband and the

Where were they at? They where in the Governors room where I first saw them, and Sharp envited the Governor out into another room and they went out, this was in Hamiltons tavern. About what time in the morning was that? I think it was before 8 o'clock in the morning, it was previous to the Governors convening in council with the officers to consider wether he would countermand the order given to march to Nauvoo. [p. [100]]

Cross examined by **M^r. [Josiah] Lamborn.**

Was [Thomas] Sharp present when that council convened and was held? I dont know I saw him present imeadietly before. What was the result of the dilberations of that council? The Governor [Thomas Ford] was to take one company to Nauvoo and

813 ⁸¹⁴TEXT: Shorthand reads *sh-l-p*.

814 ⁸¹⁵TEXT: Period possibly crossed out.

815 ⁸¹⁶TEXT: Shorthand reads *sh-l-p*.

816 ⁸¹⁷TEXT: Period is crossed out.

817 ⁸¹⁸TEXT: "It" is written over the period.

818 ⁸¹⁹TEXT: Period is crossed out.

819 ⁸²⁰TEXT: Cross-examination.

820 ⁸²¹TEXT: Shorthand reads *sh-l-p*.

governor took another company to Nauvoo. The Carthage Greys stayed here and another. What for. To guard. Joe was in custody. Yes. Had been a great excitement. Yes. The excitement against the Mormons great about Warsaw. I cannot say. Great deal of bitterness with the old citizens against the Mormons at that time. Yes. ~~Did you hear it spoken of any do you recollect that at all seeing a~~ Did you see a man go out on a dun pony. I saw a man go out. Do not ~~mn~~ remember the horse. I saw persons go. Was not **Doctor [Thomas L.] Barnes**. No. ~~I saw~~ The defense interrupted Lam[born] when he asked certain questions to [◇] gain more wind up the case.⁸²¹ What was Sharp⁸²² doing that morning. What saying. He was trying to persuade the governor not to disband but to march directly to Nauvoo. What he say was his object for that. I do not remember that he had any particular object in view. How many troops were there here at that time. About 600 exclusive of those at Warsaw.

First Starkie k page 133⁸²³ Philips Evidence 211⁸²⁴ third Starkie 1751⁸²⁵ [p. [17], bk. [4]] Ro[s]coe evidence 157 note

the rest where to be disbanded except the Grays who staid hear in town. What did they stay hear here for? To Gaurd the jail. Was Jo in custody then? Yes. Had there been A great exitement? Yes. Was the exitement about the Mormons great about Warsaw? I cannot say. There was A great deal of bitterness manifested by the “old cityzens”against the mormons at that time? Yes. Did you see a man going out of town that day on a dun pony? I saw A man going out but do not remember the couler [color] of the horse. Do you know the man that went out? Yes I saw M^r. Barns go out. Was it **Doctor [Thomas] Barns**. No. What was Sharp doing doing that morning what was he saying to the Governor? He was trying to persuade the Governor not to disband the troops but proceed imeaditely to Nauvoo. What did he say was his object for that? I dont remember that he had any perticular object in view. How meny troops where there in Carthage at that time? About 600 exclusive of those which were at Warsaw. Retired.

821 ⁸²²TEXT: The previous sentence does not appear in the longhand transcript; Watt often omitted passages from his transcription that were very difficult to read.

822 ⁸²³TEXT: Shorthand reads *sh-l-p*.

823 ⁸²⁴TEXT: A circle is drawn around “First Starkie page 133”.

824 ⁸²⁵TEXT: A circle is drawn around “Philips Evidence 211”.

825 ⁸²⁶TEXT: A circle is drawn around “Starkie 1751”.

one.⁸²⁶ Seargeant Ramble⁸²⁷ 77⁸²⁸ third Wash[ing]ton secret courts reports 580⁸²⁹ Lam[born] argued that such a proceeding is repeating evidence.⁸³⁰ First Starkie 131⁸³¹ [Orville] Browning replied by saying the witness before his evidence can be termed repeating must be adopted as is the witness for the side of the people.⁸³² The judge decided in favor of the defense opinion⁸³³

Captain [E. W.] Gould. E double W Gould⁸³⁴ were you in Warsaw in⁸³⁵ the evening and night of the day Smiths killed last summer. I was there. Did you or not see [Thomas]

Captain Gold sworn

Where you in Warsaw on the evening and night of the day the smiths where killed last sumer? I was there. Did you or did you not see Sharp when he came into town that evening? I saw him. How was he traveling? He was riding A dark bay horse it might

826 ⁸²⁷TEXT: A circle is drawn around “Ro[s]coe evidence 157 note one.”

827 ⁸²⁸TEXT: Shorthand reads *r-a-r*.

828 ⁸²⁹TEXT: A circle is drawn around “Seargeant Ramble 77”.

829 ⁸³⁰TEXT: A circle is drawn around “third Wash[ing]ton secret courts reports 580”.

830 ⁸³¹TEXT: A circle is drawn around “[Lam]born] argued that such a proceeding is repeating evidence.”

831 ⁸³²TEXT: A circle is drawn around “First Starkie 131”.

832 ⁸³³TEXT: A circle is drawn around “[Orville] Browning replied by saying the witness before his evidence can be termed repeating must be adopted as is the witness for the side of the people.”

833 ⁸³⁴TEXT: A circle is drawn around “The judge decided in favor of the defense opinion”.

834 ⁸³⁵TEXT: A circle is drawn around “E double W Gould”.

835 ⁸³⁶TEXT: Or “on”.

Sharp⁸³⁶ when he came in to Warsaw that evening. I saw him. How traveling.⁸³⁷ He was riding a dark bay horse it might have been a sorrel but I think it was bay. I think the horse belonged to Mr. [John] Dedman of Missouri. Was any person in company with him. When I first saw I think James Gregg was in company with him some person on a white horse. Turned off where I was. Where did Sharp⁸³⁸ stop when he came in. Stopped at his own house. How far from [Samuel] Fleming tavern. I think 40 yards on this⁸³⁹ side on the opposite side of the street. He did not go in to Fleming and stopped there. No. Was not traveling in a two horse buggy. No. [p. [18], bk. [4]] I took his horse myself he stopped before the road close to the door I think I took he myself and hitched. I know I stood by the horse when he jumped off. What time was it in the evening. I think about sun down I am not certain the sun was quite down yet. Where did Gregg and Sharp⁸⁴⁰ separate and which way did Gregg go. About 50 yards from his own house Gregg turned to the right to the stable <or his own house> . Separate about 100 yards from Fleming. Did you see any thing more between that time and dark. I saw he from his window after he went in to his house I saw he no more that night. Were

have been a surral but I think it was A bay I think the horse belonged to Mr. Deadman of Missorie. Was any person in company with him? When I first saw him I think James Gregg was in company with him. Where did Sharp stop when he came into town? He stopt at his own house. How far from [Samuel] Fleming's Tavern is that? About 40 yards this side on the oppisit side of the street He did not go into Flemings and stop there? No. He was not traveling in A two horse buggy. No, for I took his horse myself he stopt before the road close to the door I think I took it myself and [h]itched it. I know I stood by the horse when he jumped off. What time was it in the evening? I think it was about sun down but I am not scertain if the sun was quit down yet. Where did Gregg and Sharp seperate and which way did Gregg go? About 50 yards from Sharps house Gregg turned to the right to go the stables or to his own house they seperated about 100 yards from Flemings. Did you see any thing more of them between that time and dark? I saw him from his window after he went into his own house I saw him no more that night. [p. [101]] Where you about [Samuel] Flemings Tavern about dark that evening? Yes I was there near all the evening. Do you know if [Thomas] Sharp and Gregg rode up in a two horsed buggy? They did not. Dont you think you would have seen them if they had rode up? Yes I know I should have seen them if they had arrived before dark but if they

836 ⁸³⁷TEXT: Shorthand reads *sh-l-p*.

837 ⁸³⁸TEXT: Shorthand reads *t-l-v-l-ing*.

838 ⁸³⁹TEXT: Shorthand reads *sh-l-p*.

839 ⁸⁴⁰TEXT: "this" is written over "on", possibly intending to cancel "on".

840 ⁸⁴¹TEXT: Shorthand reads *sh-l-p*.

you about Fleming tavern⁸⁴¹ towards dark that evening. Yes I was there near all the evening. If Sharp⁸⁴² and Gregg ridden up there in two horse buggy do not you think you would have seen them. Yes I know I should have seen them.⁸⁴³ If they had arrived ~~after dark~~ before dark if they had arrived after dark I might not have seen them. How was your house situated in relation to Fleming tavern.⁸⁴⁴ Immediately opposite no thing between the two houses. [p. [19], bk. [4]] Were you keeping store in the house right opposite Fleming. Yes I was. How was your store doors open. Two large doors in the front and they kept open in warm weather. So as that they was no thing to obstruct me seeing they were opened that day all the day. Until what time that night did you remain about Fleming tavern. I think about 11 o'clock that I left the house after that I was called out on guard went ~~there~~ from there I boarded at Fleming.

Did some men arrive there some time in the night for whom supper was prepared. Yes the extra supper was over before I left. Some time in the night. Yes in the fore part of the night. Explain perfectly well when you speak of the evening you mean from dark until mid night. Yes I think a⁸⁴⁵ time of the supper commenced was nine o'clock continued on until

arrived after dark I might not have seen them. How was your house situated in relation to Flemings tavern? Imeadietly opposit, there is nothing between the two houses. (where you keeping store in the house oposit fleming's? I was.) How was your ~~street~~ (Store) doors oppened? They opened with two larg doors in front of the street and they where kept open all day in warm wether, so that there was nothing to obstruct my seeing the doors where opened that day all the day. Till what time that night did you remain about Flemings tavern? I think it was about 11 o'clock when I left the house after that I was called out on gaurd I went from there for I boarded at Fleming

Did some men arrive there some time in the night for whome supper was prepared? Yes the extra supper was prepared (and over) before I left. This was some time in the night? Yes in the after part of the night. When you speak of the evening you mean from dark till mid night? Yes I think the time of supper was nine o'clock which continued till 11 o'clock before they had

841 ⁸⁴²TEXT: Shorthand reads *t-r-v-r-n*.

842 ⁸⁴³TEXT: Shorthand reads *sh-l-p*.

843 ⁸⁴⁴TEXT: Period is crossed out.

844 ⁸⁴⁵TEXT: Shorthand reads *t-r-v-r-n*.

845 ⁸⁴⁶TEXT: Shorthand reads "a" or "and"; intent was likely "the".

11 before they had done eating it may have been later but I think not. You were there when the men commenced arriving and remained while they were all eating and all over. Yes. You waited upon the table. I did. Did you see any thing of [William] Grover there[p. [20], bk. [4]]. No I did not see Grover that night ~~here~~ I have no recollect[ion] of seeing that day. Were you at that time well acquainted with Grover. Yes. Do you think that Grover could have been with the company arrived that night without you seeing it. I think he could not have eaten supper there without my noticing. He.⁸⁴⁶

Lam [Josiah Lamborn]. +⁸⁴⁷You say you think it was before sun down [Thomas] Sharp⁸⁴⁸ arrived. Yes I think. Had you been in Warsaw all day. Yes. Sharp⁸⁴⁹ stopped and you took his horse. I think I took his horse. What say to you. Some one halloed out what the news. Joe and Hyrum [Smith] are no more. The first time I heard of his death. What did you do after you put a way his horse. I went back into the ranks. Where was the ranks. Right front of Sharp's⁸⁵⁰ house. You

done eating it might have been later but I think not. You was there when the men comenced arriving and remained while they ~~where~~ were all done eating and supper was all over? Yes. You waited upon the table did you not? I did. Did you see any thing of [William] Grover there? No I did not see Grover that night? No I did not see Grover that night I do not recollect of seeing him that day. Where you at that time well aquainted with Grover? Yes. Do you think Grover could have been with the company when they arrived that night without you seeing him? I think he could not have eaten supper there without my seeing him.

Cross examined by **[Josiah] Lamborn.**

You think it was before sun down when Sharp arrived? Yes I think it was. Had you been in Warsaw all that day? Yes. You say Sharp stopt and you took his horse? I think I took his horse. What did you say to him? Some one hollowed out "what's the news the answer was "Jo and Hiram are no more, this was the first time I heard of their deaths What did you do after you took away his horse? I went back into the ranks. Where was the ranks? Right in frunt of Sharps house. You was in the ranks there that evening? I

⁸⁴⁶ ⁸⁴⁷TEXT: Or "The".

⁸⁴⁷ ⁸⁴⁸TEXT: Cross-examination.

⁸⁴⁸ ⁸⁴⁹TEXT: Shorthand reads *sh-l-p*.

⁸⁴⁹ ⁸⁵⁰TEXT: Shorthand reads *sh-l-p*.

⁸⁵⁰ ⁸⁵¹TEXT: Shorthand reads *sh-l-p-s*.

was in the ranks there that even[ing]. Yes. How many in company. I think dozen. Do you recollect of see[ing] [James] Gregg any more that evening. I do not. Recollect⁸⁵¹ during the evening or night [p. [21], bk. [4]] did you know there was a two horse buggy got up that evening to send an express. I think not. How long stay in the ranks. 10 minutes. ~~Where go to then~~ Where did you go then. We went where we had a mind to stay⁸⁵² part time came in part of the time a[t]⁸⁵³ the store and part time in the street. ~~Did~~ Do you know how many carriages called at that tavern that day. I do not. Many people in town that day. Not many till even[ing]. Where was you at dark. I cannot say the exact place in the store or tavern I think I was in the street between the tavern or the store. Do you know whether you one of those places all the time. I know I was in some of those three places. Did you see that company come in the night. I sat⁸⁵⁴ sat on my own step or at the tavern door ~~in~~ or in the street. Did you see [William] Grover in some of those wagons. I did not. Where was you when Key called for supper. I do not know. Where is that man Key. I have not seen he for a few days I think he has gone to [p. [22], bk. [4]] Tennessee. Where is Gregg. At Warsaw. Live there. Yes. You say you was not present when Key called for supper. No. How many eat supper. I guess there was 45 perhaps 50 perhaps 60 as near as I could guess. See any wounded men there. I saw one in

was. How meny was there in company [p. [102]] I think about 12. Do you recollect of seeing [James] Gregg any more that evening? I do not. Do you know if there was a two horse buggy got up that evening to send an express? I think not. How long did you stay in the ranks? About 10 minits [minutes]. Where did you go then? We went where we had a mind to we was part of the time in the store and part of the time in the street. Do you know how meny carriages ~~where~~ were called out that day? I do not. Was there meny people in town that day? There was not meny till evening. Where was you at dark? I cannot say exactly I was either in the store or the tavern I think I was in the street between the store and the tavern. Do you know wether you was in this place all the time? I dont know but I know I was in on of these three places ~~all the time~~. Did you see that company come in the night? Yes. Where was you then? I was sat on my own step or at the tavern door or in the street. Did you (not) see [William] Grover in some of those companys? I did not. Where was you when Key [Kay] called for supper? I dont know. Where is that man key? I have not seen him for A few days. Dose he live at Warsaw? Yes. You say you was not present when they called for supper? No. How meny ~~where~~ were there at supper? I guess there was 45 prahps 50 or 60 as near as I ~~can~~ (could) guess. Did you see any wounded men there? I saw one in the street but I saw none in the house to the best of my recollections. Did you see Captain [Jacob] Davis along with the company? I did not. Were there others waiting on the

851 ⁸⁵²TEXT: "Recollect" is written over the period, possibly intending to cancel the period.

852 ⁸⁵³TEXT: Shorthand reads *s-t*.

853 ⁸⁵⁴TEXT: Shorthand reads "a" or "and"; Watt sometimes used "a" to mean "at".

854 ⁸⁵⁵TEXT: Shorthand looks like *s-t* or *s-t-l*.

the street none in the house to my recollections. Was Captain [Jacob] Davis along with the company. I did not see him. Were there others waiting on the table besides you. Key⁸⁵⁵ and myself did the principle part of the waiting. Did you wait on every body your self. Mr. Key and myself did the waiting. Was not some in the bar room part of the time. I presume there was. I do not recollect being in the bar. If Davis and Grover had been in the bar room and I not see him. He might have been in the dining room and you not see him. He might have been there and I not see him. What was said among them. I do not recollect. You was not in the kitchen where the [p. [23], bk. [4]] ⁸⁵⁶ ounded man sat by the fire. I was in the kitchen but did not see him he might have been there and I not see him. I do not pretend to say Grover did not take him in there. I do not. See Miss [Eliza] Graham:⁸⁵⁷there. I did. She was about in the house. Yes she and two other ladies were in pouring the coffee. Where was you when the men first went into the house. I do not know if I went in with them or not. You were all walking about before supper was ready. Yes I. was not in the house before supper was ready. And then you waited on the table. Yes. Did hear he say anything about having come from Carthage that evening in hurry. I knew they came from Carthage but no they did not say⁸⁵⁸ any thing about it. Did you know

table besides you? Key and myself did the principle part of the waiting. Was there not some in the bar room part of the time. I presume there was I dont recollect being in the bar room. Could not Davis or Grover have been in the barr room and you not see ~~the~~ him? I think not. They might have been in the dining room and you not see them? They might have been there and I not see them. What was said among the men while at supper or after? I dont recollect. You was not in the kitchen when the wounded man sat by the fire? I was in the kitchen but did not see him he might have been there and I not see him. You dont pretend to say that Grover did not take him in there? I do not. Did you see Miss Grame [Eliza Graham] there? I did. She was about in the house was she? Yes she and two other ladys was in poring the coffy. Where was you when the men first went into the house? I dont know if I went in with them or not. [p. [103]] You was all walking about before supper was ready? Yes I was not in the house before the supper was ready. And then you waited on the table? Yes. Did you hear them say any thing about (having) ~~coming~~ come from Carthage that evening in a hurry? I knew they (had) ~~came~~ come from carthage but I did not hear them say any thing about it. Do you know the wounded man you said you saw out of doors? I think it was wells. Where was he wounded he said he was wounded in the rist I did not see the wound. Did Wells say anything abou[t] who wounded him? I dont think he did. You was there at the usual supper time did you see [Jacob] Davis and [William] Grover then?

⁸⁵⁵ ⁸⁵⁶TEXT: The vowel is ambiguous, either *long e* or *long a*; in other instances in this document the vowel placement is clearly *long e*.

⁸⁵⁶ ⁸⁵⁷TEXT: Top left corner of page is torn off; no text appears to be missing.

⁸⁵⁷ ⁸⁵⁸Period is crossed out.

⁸⁵⁸ ⁸⁵⁹TEXT: “say” is written over “not”; it is unclear if “not” was intended to be canceled.

the wounded man you⁸⁵⁹ said you saw out door. I think it was Wells [John Wills]. [p. [24], bk. [4]] Where wounded. Said he was wounded in the wrist. I did not ~~see~~ see the wound. Did Wells say any thing about who wounded him. I do not think he did. You was there a[t] supper usual⁸⁶⁰ time eve[ning] see Davis and Grover. No. There at dinner. No. See them that day at all. No. I⁸⁶¹ have no recollect[ion] of having seen either of them during the day or night.

+⁸⁶² Did the table at which the **coffee** poured out stand in the kitchen or dining room. I think the dining room. Did you brea[k]fast a[t] [Samuel] Fleming that morning. ~~Did~~ Yes. Did [William] Grover and [Jacob] Davis breakfast there. I think not. The encampments were by Squire [Abram] Chittenden's. Yes. I did not see them brea[k]fast there they might have eaten breakfast at an other time from you did at the tavern. Yes. Where did Grover lodge generally. I am not certain. I think he lodged at his office. I never knew he lodge at the tavern. ~~Retired~~. Any alarm in Warsaw that night. There was during the latter part of the night. +⁸⁶³ What followed the alarm. There was some consternation. Was

No. Have you any recollection of seeing either of them during the course of the day or night? No. ~~Did the~~

Cross examined by [Orville] Browning.

Did the table at which the **coffy** was poured out stand in the kitchen or dining room? I think the dining room. Did you breakfast at [Samuel] Flemings that morning? Yes. Did Grover and Davis breakfast there that morning? I think not. Where did Grover lodge generally? I am not scertain I think he lodged at his office I never knew him lodge at the tavern. Was there any alarm in Warsaw that night? There was during the latter part of that night. What followed the alarm? There was some consternation Was there any in the house among the women? I dont know.

859 ⁸⁶⁰TEXT: "you" is written over a canceled period.

860 ⁸⁶¹TEXT: Shorthand reads *zh-r*; intent was likely "usual".

861 ⁸⁶²TEXT: "I" is written over the period; it is unclear if the period was intended to be canceled.

862 ⁸⁶³TEXT: Cross-examination.

863 ⁸⁶⁴TEXT: Cross-examination.

there any [p. [25], bk. [4]]⁸⁶⁴ n the house among the women. I do not know.

+⁸⁶⁵ Any alarm the next night. No.

+⁸⁶⁶ Next night that the Mormons coming down. <The Mormons were the one that⁸⁶⁷ were afraid> ⁸⁶⁸ I not. Did [Eliza] Graham and [Ann] Fleming going on⁸⁶⁹ steam boat. I did not see them go I know they were gone in the morning.⁸⁷⁰ Both tables were in the dining room I think the table the coffee was poured out upon was sitting as a side table.⁸⁷¹

Mrs. Fleming.

Cross examined by [Josiah] Lamborn. Was there any alarm the next night? No.

Cross examined by Browning.

Was there not A an alarm the next night that the mormons coming down to Warsaw? I think not. Did Grame [James Graham] and Fleming go in A steam boat? I did not see them go but I knew they where were gone in the morning. Retired.

M^{rs.} [Ann] Fleming sworn.

⁸⁶⁴ ⁸⁶⁵TEXT: Top left corner of page is torn off; no text appears to be missing.

⁸⁶⁵ ⁸⁶⁶TEXT: Cross-examination.

⁸⁶⁶ ⁸⁶⁷TEXT: Cross-examination.

⁸⁶⁷ ⁸⁶⁸TEXT: Or "they".

⁸⁶⁸ ⁸⁶⁹TEXT: There is no insertion mark to indicate the intended location of the insertion.

⁸⁶⁹ ⁸⁷⁰TEXT: Or "in".

⁸⁷⁰ ⁸⁷¹TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

⁸⁷¹ ⁸⁷²TEXT: Horizontal line drawn between this line and the next, marking the change to a new witness.

Mr[s].⁸⁷² Fleming will you state if you please whether you recollect the day on which the Smiths were said to have been killed in Carthage. Yes. Where were you residing at that time. In Warsaw. Was your husband keeping tavern in Warsaw. Yes. You were at home all that evening and night. Yes. <You recollect> ⁸⁷³ Where were you when you first received the news of the death of the Smiths. I was in my room. Did you see [Thomas] Sharp⁸⁷⁴ and [James] Gregg ride up to your door about dark that evening. No- <not that > ⁸⁷⁵ I remember. Had you any conversation that evening about the murder of the Smiths. No. Had you any conversation in your house [p. [26], bk. [4]] that even[ing] of any kind with Mr. Sharp.⁸⁷⁶ None at all. You have no recollection of him and Gregg⁸⁷⁷ coming into to hall and calling on you for some water. They did not do so. Do you remember the circumstance of a number of men coming there after night and taking supper. I remember it. Were you at that time well acquainted with [William] Grover. Yes. Did you see him among the number who came there and eat supper that night. Did not see he. Did Grover bring a

M^s. Fleming will you state if you please wether you recollect the day on which the Smiths where killed in Carthage? Yes. Where ~~where~~ were you residing at that time? In Warsaw. Was your husband keeping tavern in Warsaw at that time? Yes. You where at home all that evening and night? Yes. Where were you when you first received the news of the death of the Smiths? I was in my room. Did you see [Thomas] Sharp and [James] Gregg ride up to your door about dark that evening? Not that I remember. Had you any conversation that evening [p. [104]] about the murder of the Smiths? No. Had you any conversation that evening of any kind with M^r. [Thomas] Sharp? None at all. Have you any recollection of him and [James] Gregg coming into the Hall and calling on you for a drink of water? They did not do so. Do you remember the scercumstans of a number of men coming there after night and taking supper? I remember it. Where you at that time well aquainted with [William] Grover? Yes. Did you see ~~any~~ (him) among the number who came there and eat supper that night? I did not see him. Did Grover bring A wounded man to the kitchen that night and ask your permission to let him sit by the fire? No. Was there a wounded man sitting by the fire that night? Yes Sir. Do you know who he was? No. You are shure Grover did

⁸⁷² ⁸⁷³TEXT: Shorthand reads *m-r*; intent was likely *m-r-s*.

⁸⁷³ ⁸⁷⁴TEXT: Inserted text is written below this line; there is no insertion mark to indicate the intended location of the insertion.

⁸⁷⁴ ⁸⁷⁵TEXT: Shorthand reads *sh-l-p*.

⁸⁷⁵ ⁸⁷⁶TEXT: “not that” is written over the period, likely intended to cancel the period.

⁸⁷⁶ ⁸⁷⁷TEXT: Shorthand reads *sh-l-p*.

⁸⁷⁷ ⁸⁷⁸TEXT: Shorthand reads *g-l-g*; intent was likely “Gregg”.

wounded man to the kitchen that night and ask your permission to let he sit by the fire. No. Was there a wounded man sitting by the the kitchen fire that night. Yes sir. Do you know who he was. No. You know Grover did not bring him there and ask your permission to let he sit by the fire. Yes.

Lam [Josiah Lamborn] +⁸⁷⁸ Did you see the wounded man when he first came there. Yes. Do you know who went in the kitchen with he. I might have known then I do not recollect now who it was. Might it not have been [William] Grover and you have forgotten it. It was not ~~be~~ Grover. Might not Grover and [Jacob] Davis been there that night and you have forgotten. ~~There~~ They might. How many took supper that night. [p. [27], bk. [4]] more than 4[0] or 50. Did you hear them say any thing about what they had been doing. No. No talk about them being at Carthage no. Say any thing about the Mormons or the Smiths or any thing. ~~Th~~ No. Did not talk any thing about the Smiths or Mormons. ~~Th~~ Not in my hearing. Did you see [Thomas] Sharp⁸⁷⁹ any time that evening. Not that I recollect. It has been near a year ago might it not have been that you have forgotten. Could you recollect and tell circumstance. I think I could. Who told you first about the death of Smith. I believe it was one of my own brothers but not sure. What time that evening told of his death of Smiths. About sun down. I am not sure who told me but ~~not~~ sure it was not Sharp told me. Did see [James] Gregg that even[ing]. Do not recollect. Good many people passing about that even[ing]. A ~~god~~ good many there late in the evening. Not a great many about there before dark. No.

not bring him there and ask and ask your permission to let him sit by the fire that night? Yes.

Cross examined by [Josiah] Lamborn.

Did you see the wounded man when he first came there? Yes. Do you know who went into the kitchen with him? I might have known then but I dont recollect now who it was. Might it not have been Grover and you have forgotten it? It was not grover. Might not [Jacob] Davis and Grover have been there that night and you have forgotten? They might. How meny took supper there that night? More than 40 or 50. Did you hear them say anything about what they had been doing? No. Did they not talk about their being at Carthage? No. Did they say any thing about the mormons or the smiths or any thing else? No. They did not say any thing in my hearing. Did you see Sharp any time that after noon? Not that I recollect. It has been near A year ago might it not have been that you have forgotten. I think not. Who told you first about the Death of the smiths? I believe it was one of my own Brother's. What time that evening was you told of the Death of the Smiths? About sun down I am not shure who told me but I am shure it was not Sharp that told me. Did you see Gregg that evening? I dont recollect. Was there A good meny passing about that evening? There was a good meny ~~of~~ (there) late in the evening. Was there not A great meny about there before dark? no. What time of night did they come for supper? According to the best of my recollection it was about nine o'clock. What time was it before they got through? It was as much

⁸⁷⁸ ⁸⁷⁹TEXT: Cross-examination.

⁸⁷⁹ ⁸⁸⁰TEXT: Shorthand reads *sh-l-p*.

Time of night came there to supper. Best of⁸⁸⁰ my recollection about nine o'clock. What time got through. As as much as two o'clock before they got through eat[ing] all together. [p. [28], bk. [4]]⁸⁸¹ ou did not hear Sharp⁸⁸² say any thing about that murder that even[ing] you are certain. No I did not.

+⁸⁸³ **[Orville] Browning** Missus do you recollect any thing about ~~an~~ alarm that⁸⁸⁴ night. Not any particular alarm there was some little.

+⁸⁸⁵ Was it that night the alarm was. Yes. What sort of ~~alarm~~ ~~was it~~. What time was that alarm. Near day light. When did you go to Quincy. Thursday night. What time of night did you go. I do not remember. Did you know any body at all that was there that night. I do not recollect many of them. Do you recollect Key there. Yes. Remember the wounded man was. Blanket for him. Yes. Who put that upon him. I do not recollect if I knew then I do not recollect now. Was [E. W.] Gould there that night. Yes. There all the even[ing]. Was there commenced supper and until they got through. Who was there besides you in the house Eliza Graham and

as 2 o'clock in the morning. [p. [105]] You did not hear [Thomas] sharp say anything about the murder that evening you are scertain? I did not.

Cross examined by **[Orville] Browning**. Do you recollect any thing about an alarm that night? There was not any perticular alarm there was A little.

[Josiah] Lamborn. Was it that night the Smiths where killed the alarm was? Yes. What time was that alarm? near day light. When did you go to Quincy? On thursday night. What time of night did you go? I do not remember. Did you know any body at all that was there that night? I dont recollect meny of them. Do you recollect of seeing key [Kay] there? Yes. Do you remember who the wounded man was? No. Had he a blanket upon him. Yes. Who put that upon him? If you know then I dont recollect now. Was it cold that night? Yes. Was he there all that evening when they comenced supper and till they got through? I dont recollect. Who was in the house besids you? Eliza Grame [Graham] and my motherinlaw and another lady. Was there not A woman there by

880 ⁸⁸¹TEXT: Possibly "in".

881 ⁸⁸²TEXT: Top right corner of page is torn off; no text appears to be missing.

882 ⁸⁸³TEXT: Shorthand reads *sh-l-p*.

883 ⁸⁸⁴TEXT: Cross-examination.

884 ⁸⁸⁵TEXT: "that" is written over a period, cancelling the period.

885 ⁸⁸⁶TEXT: Cross-examination

<p>mother in law and Mrs. Dearborn. [p. [29], bk. [4]]⁸⁸⁶ as there not a woman there by the name of [Adeline] Garoute. Yes. Man there by the name of Jonning [Ashbel Genung]. Yes. Key in⁸⁸⁷ Warsaw yes. Live there. Yes. [James] Gregg. Live there. Yes. Who called for supper that night. Key.⁸⁸⁸ Who did he ask for supper me. Retired. This closes the evidence on both sides.</p> <p>Court adjourned until two.⁸⁸⁹ Court met pursuant to adjournment [<i>1/2 page blank</i>]⁸⁹⁰ [p. [30], bk. [4]]</p>	<p>the name of Gerrat? Yes. Is Key living in Warsaw? Yes. Dose [James] Gregg live there. Yes. Who called for supper that night? Key. Who did he ask for supper? Me. Retired.</p> <p>This closes the evedences of the witteness on both sides.</p> <p>Court ajourned till two o'clock P. M. [<i>Lower half of page blank.</i>] [p. [106]]</p>
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⁸⁸⁶ ⁸⁸⁷TEXT: Top left corner of page is torn off; no text appears to be missing.

⁸⁸⁷ ⁸⁸⁸TEXT: "in" is written over a period, cancelling the period.

⁸⁸⁸ ⁸⁸⁹TEXT: The vowel is ambiguous, either *long e* or *long a*; in other instances in this document the vowel placement is clearly *long e*.

⁸⁸⁹ ⁸⁹⁰TEXT: Horizontal line drawn between this line and the next, marking the change to the next court session.

⁸⁹⁰ TEXT: This concludes Watt's shorthand record of the trial. The next page of notebook records a church meeting on 8 June 1845. If Watt recorded the closing arguments, his shorthand is not extant.