

A. Yes, sir.

Q. Do you know whether he has any other residence that he lives at except those you have described?

Defendant objects for the reason that the question implies that those are his residences.

Overruled by the court. Defendant takes exceptions.

Q. Do you know of any other residences at which he lives at Rexburg?

A. No, sir.

CROSS-EXAMINATION.

Q. Do you know where the defendant lives?

A. No, sir, I don't know.

Q. You speak about three houses or residences there at Rexburg. Do you know that the defendant lives at either of them or that he has since your acquaintance?

A. No, sir.

Q. You do not so testify?

A. No, sir, I don't know about it.

Q. When you spoke about having seen Jane Ricks were you at the house?

A. No, sir, I was passing by there.

Q. Where have you seen the defendant about that house?

A. I have seen him standing on the porch and around the house.

Q. Do you know when this was you saw him at Jane Ricks?

A. It was in the forepart of the summer or spring.

Q. What year?

A. This year, 1889.

Q. You saw him standing in front of the house there?

A. Yes, sir.

Q. How many times.

A. I don't know; I have not paid much attention; I have just passed there and have seen him there.

Q. About how many times have you seen him in front of that house?

A. I could not say, it was more than one occasion anyway.

Q. It was probably on two occasions?

A. Yes, sir.

Q. Do you know when Jane Ricks died?

A. I know somewhere about the time.

Q. Did you not see the defendant in front of that house after the death of Jane Ricks?

A. No, sir.

Q. You don't know about that?

A. No, sir, I only know I saw him there the last time about last June, about court time here.

Q. You don't know what his business was there?

A. No, sir.

Q. There are a great many people by the name of Ricks in Rexburg?

A. Yes, sir.

Q. How many families by the name of Ricks do you know there?

A. Nathan Ricks lives there.

Q. Does Thomas Ricks, Jr., live there?

A. Yes, sir.

Q. Heber Ricks?

A. Yes, sir.

Q. And is there not a Josiah Ricks?

A. Yes, sir.

Q. Are there not some twenty families by that name living there?

A. It is not short of that number.

Q. You know these different Ricks who have families there.

A. Yes, sir.

Q. There are in the neighborhood of twenty families by that name there?

A. Yes, sir.

Q. And most of them live in the vicinity of the co-op. store?

A. There is quite a number of them living close by.

Q. They are in that portion of town?

A. Yes, sir.

Q. These blocks that you speak of are really small farms?

A. They are ten acre blocks.

Q. And pretty nearly that whole community is settled by people of that name?

A. Yes, sir.

REDIRECT EXAMINATION.

Q. You say there are about twenty families by that name?

A. Yes, sir; I think so.

Q. To what family do Ellen, Jane and Tana belong, if you know?

A. They belong to the family of Thomas E. Ricks, Sr.

Q. That is the defendant in this case?

A. Yes, sir.

RE-CROSS-EXAMINATION.

Q. How do you know this; are you speaking of common repute or from your own knowledge?

A. Well, from common repute and observation.

Q. Of what did your observation consist and when did you acquire this knowledge?

A. Well I am acquainted with the children belonging to two of the ladies in question, they call Thomas Ricks father and according to that these women must be the wives of defendant.

Q. How old are some of these children?

A. Some of them are married.

Q. Part of them from that family are married?

A. Yes, sir.

Q. From the fact that you have heard these children call the defendant father you infer that these women have been his wives at one time?

A. Yes, sir.

Q. Don't you know that Heber Ricks' children call him father also?

A. Yes, sir.

Q. His son's children call him father also?

A. Not that I am aware of.

Q. Have you ever heard them address him?

A. I don't know that I have.

Q. Did you ever hear this defendant call these children by more than one women his children?

A. I don't know that I have ever heard him speak of his family.

Q. Then the only knowledge you have about the matter is what you have derived from statements made by other parties and not from the defendant?

A. Yes, sir.

Q. That these women had at some time been his wives?

A. Yes, sir; I never was in the gentleman's house.

Q. And you don't know where he lives?

A. Only from what I have seen.

Q. That was that you have seen him in front of Jane's house?

A. Yes, sir.

RE-DIRECT EXAMINATION.

Q. Upon what do you base your statement when you say that these three women are the family of Thomas E. Ricks; is it upon what you saw and heard and upon the common repute in that community?

A. Yes, sir.

Q. Just the same as you would the family of anybody else?

A. Yes, sir.

HEBER RICKS

being first duly sworn for the prosecution testifies as follows:

Q. Where do you reside?

A. I reside at Rexburg.

Q. Are you related to the defendant?

A. Yes, sir.

Q. In what way?

A. He is my father.

Q. What is your age?

A. I was 29 years old the 27th of last April.

Q. Where does your mother reside?

A. In Utah.

Q. Do you know where the defendant resides?

A. He lives down below part of the time and when he is at home he lives at Rexburg.

Q. He claims that as his home?

A. Yes, sir.

Q. Do you know where his residence is at Rexburg?

A. He has none.

Q. Do you know where Ellen Ricks lives?

A. Yes, sir.

Q. Is she related to you?

A. No, sir.

Q. Is she related to the defendant?

A. That I could not say.

Q. You don't know that?

A. No, sir.

Q. You don't know what relation he bears to her?

A. No, sir.

Q. Is she married?

A. I don't know.

Q. Has she a family?

A. Yes, sir.

Q. She has children?

A. Yes, sir.

Q. He is the reputed father of her children?

Objected to by defendant as immaterial, irrelevant and incompetent.

Overruled by the court. Defendant takes exceptions.

A. Yes, sir.

Q. That is Thomas E. Ricks?

A. Yes, sir.

Q. Do you know a woman by the name of Jane Ricks?

A. Yes, sir.

Q. When did she die?

A. Don't know exactly; it was the latter part of June last.

Q. Did she have a residence there before she died?

A. Yes, sir.

Q. Did she have any children?

A. Yes, sir.

Q. Who is the reputed father of her children?

Defendant objects as immaterial, irrelevant and incompetent.

Overruled by the court. Defendant takes exceptions.

A. The defendant.

Q. Do you know Tana Ricks?

A. Yes, sir.

Q. Where does she live?