

WILLIAM H. DYER

being first duly sworn for the prosecution testified as follows;

Q. Where do you reside?
A. I reside at Rexburg.

Q. How long have you lived there?
A. I think three years in Rexburg.

Q. Do you know the defendant?
A. Yes, sir.

Q. Do you know where he lives?
A. Yes, sir.

Q. In what community or town does he live?
A. He lives at Rexburg.

Q. How long has he lived there within your knowledge?
A. I think it is five years this fall.

Q. Do you know a woman in Rexburg by the name of Ellen Ricks?
A. Yes, sir.

Q. Do you know one by the name of Jane Ricks?
A. Yes, sir; I do.

Q. Where did she live when you knew her?
A. North of and across the street from the co-op. store.

Q. Do you know at what time she died?
A. No, sir; I could not say as to the date.

Q. Do you know a woman by the name of Tana Ricks?
A. Yes, sir.

Q. Where does she live?
A. One block north of the co-op.

Q. Do you know what relation the defendant bears to all these women there?
A. I know it as I know other men's relations to their families.

Q. What is it?
Defendant objects as immaterial, irrelevant and incompetent. Overruled by the court. Defendant takes exceptions.

Q. You have seen these women within the last year?
A. Yes sir.

Q. What was the relation?
Defendant objects as immaterial, irrelevant and incompetent. Overruled by the court. Defendant takes exceptions.

A. The women have been known to me as Mrs. Ricks.

Q. What relation do they bear to the defendant?
A. Wives.

Q. Where do these two women live now and where have they lived during the last year?
A. In Rexburg.

Q. At these residences?
A. Yes, sir.

Q. Where did Jane Ricks live before her death?
A. Across the street and north from the Co-op store.

Q. Have you ever seen the defendant about the house of either of these women?
A. Yes, sir.

Q. At which house have you seen him?
A. I have seen him but once this summer at one of the houses; I saw him twice at Jane's this summer.

Q. He lives there in town?
A. Yes, sir, as far as anything I know.

Q. Do you know of any other resi-

dence he has outside of this Jane Ricks' residence?

A. He has three residences there; I don't know at which one he lives.

Q. By what name do these women go now?

Objected to by defendant as immaterial, irrelevant and incompetent.

Overruled by the court. Defendant takes exceptions.

A. They're known as Jane Ricks, Ellen Ricks and Tana Ricks.

Q. What official position, if any, did you occupy last fall?

A. I was deputy United States marshal.

Q. Did you serve any process upon either of these women?

A. I did not serve it, but I attempted to.

Q. Where did you go?

A. I went to their houses.

Q. Did you see the defendant at this time?

A. I did.

Defendant objects as not being covered by the time stated in the indictment.

Overruled by the court. Defendant takes exceptions.

Q. Where did you see him?

A. He was at Jane's when I was there.

Q. That was before her death?

A. Yes, sir.

Q. Where did you go from there?

A. I went to Tana's.

Q. Did you see anything more of him at this time?

A. He followed me over there; him and a son of his and Jane's.

Q. Did you have any conversation or talk with him at this time?

A. Yes, sir.

Q. State what it was?

A. As I was coming out of the house and going out he came through the gate; he came in with his son Willard and he says, "Look here, if you don't stop your dirty work I'll let your lights out."

Defendant objects and asks that the answer be stricken out. Overruled by the court. Defendant takes exceptions.

Q. Did you see him going into the house of Tana?

A. No, sir, I went on to Ellen's house.

Q. He went into that house?

A. Yes, sir, I did.

Q. You went there for the purpose of serving process?

A. Yes, sir.

Q. What case was the process served in?

A. In the Thomas E. Ricks case.

Q. Who is postmaster at Rexburg?

A. My wife.

Q. Who is assistant postmaster?

A. I am.

Q. Do you handle and distribute the mail?

A. Yes, sir, whenever I am at home.

Q. Did you ever handle or distribute any mail for these women?

A. Yes, sir,

Q. How was it addressed?

Defendant objects as immaterial, irrelevant and incompetent. Overruled by the court. Defendant takes exceptions.

A. By their given names.

Q. Who receives this mail?

A. For the last several months it has been received with the Co-op. mail, and the mail goes in a bundle for the Co-op. and his family.

Q. This mail is all put together, then?

A. Yes, sir.

Q. He accepts the mail as such, and it is delivered to him as such?

A. I never delivered it to him; it is called for by some one at the store.

Q. Do you know the first wife of the defendant?

A. No, sir.

CROSS-EXAMINATION.

Q. You never delivered any mail to defendant himself?

A. No, sir.

RE-DIRECT EXAMINATION.

Q. Are you acquainted with Ellen Ricks?

A. No, sir.

Q. Do you know whether she has any family or not?

A. I have seen some children there.

Q. How old is the youngest one?

Objected to by defendant.

Q. Whose children are they?

A. As far as I know, they belong to Ellen Ricks.

Q. Does she recognize them as her children?

A. I don't know how to answer that question; they live at that place.

Q. Who has control of them?

A. Ellen Ricks.

Q. Do you know how old her youngest child is?

A. I saw her about two years ago with a baby; I have seen a baby in the house; I don't know whether it is two years or two and a half years.

RE-CROSS-EXAMINATION.

Q. Do you know whether it was her baby?

A. No, sir.

Q. Do you know whether it was a grandchild or not?

A. I don't think any of her children are married.

Q. Really you don't know anything about that?

A. No, sir.

Q. This was about two and a half years ago?

A. Yes, sir.

Q. When did you see the child?

A. About two years ago.

Q. You saw a child then that would be about four years old by this time?

A. It was a baby then.

Q. Did you testify in this case before the grand jury yesterday?

A. No, sir.

Q. When were you before the grand jury last?

A. It was last term of court.

Q. You were not before the grand jury since the dismissal of this case?

A. I was a witness in this case before the grand jury this term, but not since the dismissal of this case.

Prosecution rests.

Defendant has no evidence and also rests.

CHARGE TO THE JURY.

By Judge Berry:

Gentlemen of the Jury:

This is an indictment against the defendant for unlawful cohabitation.