

Defendant objects as asking for the opinion of the witness and the presumption and assumption of the community.

Q. Who is the reputed father of those children in that community?  
Objected to by defendant as before.

Q. Who is the reputed father of those children in the community in which they live?

Defendant again objects.

Objection overruled. Defendant takes exceptions.

A. The defendant, Thomas E. Ricks.

Q. Do you know what the age of the youngest child of Ellen is?

A. No, sir.

Q. You have not seen it lately?

A. No, sir.

Q. Which one of these houses is it Jane lived in?

A. The lady known to me as Jane Ricks used to live right opposite the Co-op store.

Q. What is the name of the one residing opposite the tithing office?

A. That is Tana Ricks.

Q. And in this house here?

A. Ellen Ricks.

Q. You say you don't know which particular house the defendant lives in?

A. No, sir.

Q. You have seen him about two of the houses?

A. I have.

Q. If you were going to find him on business at either of these residences to which one would you go?

Defendant objects as immaterial, irrelevant and incompetent. Objection sustained.

#### CROSS-EXAMINATION.

Q. You say all these houses are situated on ten acre blocks?

A. Yes, sir; I so understand it.

Q. How far is it from the house marked "Ellen's" house to the one marked "Jane's" house?

A. I don't know the exact distance, the two houses stand on two corners of two blocks.

Q. Are they 200 yards apart?

A. The streets are eight rods wide, I believe.

Q. How do you know these women's names?

A. I said they were known to me by those names.

Q. Do you know the ladies personally?

A. Only from what others told me.

Q. You have never been introduced to them?

A. No, sir.

Q. Do you know Ellen?

A. No, sir.

Q. You don't know her name?

A. Only from hearsay.

Q. You have heard that there was a woman by the name of Ellen living in that house?

A. Yes, sir.

Q. You know nothing of your own knowledge?

A. No, sir; only by hearsay.

Q. You spoke about Tana; do you know her?

A. Yes, sir; I have been introduced to her.

Q. By what name?

A. Mrs. Ricks.

Q. When was that?

A. I could not say; I had some business in there.

Q. When was it?

A. I think it was about two years ago.

Q. It was not during this year?

A. No, sir.

Q. When were you introduced to Jane?

A. I have been there frequently; I used to be well acquainted with her.

Q. That was before this year?

A. Yes, sir.

Q. You know nothing of these ladies except by hearsay?

A. Not about Tana; I was just merely introduced to her.

Q. Where is Jane now?

A. I understand she is dead now.

Q. Then all the testimony you have given in regard to these different matters and names is mere hearsay?

A. I know their Christian names the same as I know yours, by hearing people speaking them.

Q. That is all you do know; it is common repute in that respect?

A. I know it by hearing people call them by that name, that is all.

#### RE-DIRECT EXAMINATION.

Q. They go by that name?

A. They do.

Q. When did Jane Ricks die?

A. I think it was in the latter part of June.

Q. Were you at the funeral?

A. No, sir.

Q. Were you at Rexburg at the time she died?

A. No, sir.

Samuel Swanner, being first duly sworn for the prosecution, testifies as follows:

Q. Are you acquainted with the defendant?

A. Yes, sir.

Q. How long have you known him?

A. I have known him quite a number of years.

Q. Where has he resided while you have known him?

A. A portion of the time he has been in Utah and for the rest in this Territory.

Q. How long has he been in Rexburg?

A. About three or four years.

Q. Do you know his residence in Rexburg?

A. Yes, sir.

Q. Where is it situated in Rexburg, if you know?

A. There is more than one.

Q. How are they situated as relates to each other, if you know?

A. I can locate them from the Co-op. store, that faces north; there is one house right opposite that, and there is one opposite the store east, and there is another one a block away.

Q. Does that last house lie near any public building?

A. The one furthest north is opposite the tithing office.

Q. Supposing this to be the Co-op. Store, is this what you mean by one of the houses?

A. Yes, sir; that is one.

Q. Where would the other be located?

A. This would be the one a block north from there.

Q. That map here then is about correct?

A. Yes, sir.

Q. Do you know who lives at these houses or who have lived there during the last year?

Defendant objects to any proof of any matters connected with this case prior to the first day of January, 1889.

Overruled by the Court. Defendant takes exceptions.

Q. State who they were?

A. There is a lady living in the house east of the Co-op store named Ellen.

Q. Who lives in the others?

A. The one opposite the Co-op north is occupied by Jane and the one in the block north of there is occupied by Tana.

Q. Have these women or either of them a family?

A. Yes, sir.

Q. Which ones?

A. All three of them have children.

Q. Do you know who is recognized or reputed to be the father of those children in that community?

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

A. Yes, sir.

Q. Who is it?

A. The defendant Ricks.

Q. Have you ever seen the defendant at either of those residences?

A. Yes, sir.

Q. Within the last year?

A. Yes, sir.

Q. Which one?

A. I have seen him at the house of Jane Ricks.

Q. Have you seen him at the other residences?

A. I think not.

Q. At what time was it you saw him at Jane Ricks' house?

A. I have seen him there several times.

Q. Do you know Ellen Ricks well?

A. I know her when I see her.

Q. You know her like you do anybody else?

A. Yes, sir.

Q. Has she any family?

A. Yes, sir.

Q. Do you know the age of her youngest child?

A. No I don't.

Q. Have you ever seen her with any children?

A. Yes, sir.

Q. When and where?

A. I have seen her a number of times a year ago. I have not seen her this last season or summer.

Q. Where did you see her then?

A. I saw her on her stoop.

Q. Do you know whether she has any younger child?

A. I don't remember whether I met her more than once; I saw her once a year ago last summer carrying a little baby.

Q. That was in Rexburg?

A. Yes, sir.

Q. Where has defendant resided during the last year?

A. He has been around the burg most of the time.

Q. He has his business there?