



Motion for New Trial, Whitman Trial

Transcription of 1850 Document (original document starts on page 2)

<http://sos.oregon.gov/archives/exhibits/highlights/Pages/whitman.aspx>

The United States vs. Telekite et al

Motion for a new Trial

The Defendent Telokite, Tomahas, Clockamas, Isiaaskelukas, Kiamiasumkin come and say that the court ought to grant them a new trial for the reasons following= to wit=

1st that the crime charged in the Indictment was not proved to have been committed within the County for Clackamas, the Territory of Oregon or the jurisdiction for the Court.

2nd that there is an error in the charge of the court to wit- "that there is no necessity to prove that the facts given in evidence occurred in the place alleged in the Indictment it is sufficient that they occurred within the County or other extent of the courts jurisdiction if the evidence raised a violent presumption that the offence which the prisoners were indicted (was?) committed in the District where they are tried it is sufficient"

And that that part of the charge of the Court in which the Court said "that the Jury might infer that the surrender of the Defendants

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by the Cayuse nation as the murderers the nation knowing best who those murderers were, as an official fact communicated by him to the Jury should go to the Jury, and be received by them as evidence of the identity of the accused the Honorable O.C. Pratt not having been sworn and stated the same in evidence and tat there was no evidence before this court that the Cayuse nation had surrender the Defendents as the murderers.

Teloquoit his mark

Tomahas his mark

Clokamas his mark

Isiaasheluckas his mark

Kiamasumkin

The United States }
vs } Motion for a new Trial
Telokite et al }

The Defendants Telokite, Tomahog
Clackamas, Isiahshelutka, ~~some~~ ^{& Kiamassum} and say that the
Court ought to grant them a new trial for the
reasons following - to wit -

1st That the crime charged in the Indictment
was not proved to have been committed within
the County of Clackamas, the Territory of Oregon
or the jurisdiction of the Court

2^d That there was error in the charge of the Court
to wit: - "That there is no necessity to prove that the
facts given in evidence occurred in the place
alleged in the Indictment: it is sufficient that
they occurred within the County or other extent
of the Courts jurisdiction. If the evidence raises
a violent presumption that the offence
which the prisoners were indicted, was com-
mitted in the District where they are tried,
it is sufficient"

And that that part of the Charge of the Court
in which the Court said "that the Jury might
infer that the ~~summaries~~ of the Defendants

" by the Cayuse nation as the murderers
" the nation knowing best who those
" murderers were, as an official fact
" communicated by him to the Jury should
" go to the Jury, and be received by them
" as evidence of the Identity of the accused
" The Honorable O. C. Pratt not having
" been sworn I stated the same in evidence
" and that there was no evidence before this
" Court that the Cayuse nation had carried
" out the Refordent as the murderers.

Yelaguit hi

Yanukon hi

Yanukon hi

Yelaguit hi

Yelaguit hi

Yelaguit hi

Yelaguit hi

Yelaguit hi

Yelaguit hi

Yelaguit hi