

J. G. Sutherland Letter

J.G.Southerland,
Author of Treatise on Law of Damages etc.

Walter Murphy.

Law Office of

Southerland and Murphy,

120 to 123 Commercial Building,

Salt Lake City,Utah, Feb.5th, 1896.

Hon. John W. Christian.

My Dear Sir:-

You have been employed to procure dismissal of the indictment against John M. Higbee. I am employed too for the same purpose. I obtained from Judge Judd the enclosed letter which explains why he did not dismiss the case, nor bring it to trial. He shows reasons for not trying it—that he could not convict. When the prosecuting officer reaches such a conclusion, it follows as a legal consequence, that the prosecution should be dismissed. No requisition was ever obtained to bring Higbee as a fugitive from Arizona. 20 years ago a proposition was made to the District Co. at Beaver that Higbee and some others would voluntarily appear if the Court would fix an early day for ~~trial~~ trial. The Court would not entertain it, and actually punished the Attorney for contempt who proposed it. Baty was the Atty. punished, and I paid the fine of \$50. myself. The prosecution ~~ought~~ ought to be dismissed for this long neglect, and now especially since the District Attorney says there is no probability of ^{it} convicting; and it is against public policy to attempt ^{it}. Please show this letter to Judge Higgins; and also Judge Judd's letter. Higbee was never guilty as I know from talking personally with him. But for many years there was such popular prejudice over that massacre that he could not have had a fair trial. My idea is that Higbee is entitled to have a trial and to be personally vindicated by an acquittal. As his son and the friends of the accused are content with a dismissal, that order ought to be made.

Yours very truly,

(Signed) J.G. Southerland.