

The Trial of Mr. Charles Ingalls (author unknown)

Issue: Mr. Charles Ingalls settled on Indian land in 1872, before the land was officially opened for white settlement. Did he recklessly and intentionally enter and trespass on Indian land?

Cast of Characters

Bailiff:

Judge:

Jury: at least 12 people

Prosecuting Attorney(s):

Defense Attorney(s):

Joseph Collins, Indian Agent:

Dr. Tan, employed by the US government to provide medical services in Indian Territory.

Jonathan Edwards, farmer:

Charles Ingalls, farmer:

Total: Eight characters plus the jury. You can add more lawyers and divide up their lines if you need more characters.

Background

During the years of settlement by white men of the Western part of the United States there were many conflicts between white men and Indians. Most of these conflicts resulted in wars instead of court proceedings. This mock trial was written to acquaint students with the reasons for some of these conflicts as well as to allow students to participate in learning experience on criminal court proceedings.

The authors have assumed that there was a territorial or federal Criminal Trespass Statute in effect on territory in 1872, similar to Utah Criminal Code 76-6-206 and used it as the basis for this trial. Charles Ingalls, Mr. Edwards and Dr. Tan were all real people. The incidents in this trial are mostly real and are recorded by Laura Ingalls Wilder in her book, *Little House on the Prairie*. Joseph Collins and the trial itself are purely imaginary.

The Story

During the late winter and spring of 1872 Charles Ingalls moved his family from Wisconsin to Indian Territory. The move was made after Mr. Ingalls heard from a friend in Washington D.C. that within the next few weeks the Indians would be moved from Indian Territory and that the Indian land would be opened to settlement. After selling on the prairie a few miles west of the Verdigris River, Mr. Ingalls built a house and a stable, dug a well, and cut and stocked hay. He plowed the prairie and planted potatoes and corn.

While living at their home on the prairie they were visited by Mr. Edwards and many Indians. Dr Tan came to the Ingalls' home to treat them when the family contracted malaria. The Indian agent, Mr. Collins, came to their home one day when the whole family was gone. After several Indians complained that many people were settling on their lands, Mr. Ingalls was charged with Criminal Trespass.

The Trial

Bailiff: All rise for the Honorable Judge _____. Federal Court is now in session. Please be seated. The court will now hear the case of the People vs. Charles Ingalls, Judge _____ presiding. Present in the courtroom are: Charles Ingalls, Defendant; Mr. Edwards, Witness for the People; _____, _____, _____ attorneys for the defense; _____ Court Recorder and _____ Bailiff.

Judge: Thank you. We will now seat the jury.

Bailiff: You and each of you do solemnly swear that you will well and truly try the case now at issue and a true verdict render according to the evidence?

Jury: I do.

Judge: Ladies and gentlemen of the jury, you have been called to serve today in a matter involving an alleged incident of criminal trespass. Your only duty will be to decide whether the Defendant did commit the crime of trespass according to Criminal Code 76-6-206. You will hear evidence given by the witnesses. It will be your privilege to give each witness' testimony the weight you think it deserves. Our system of justice depends on the civic responsibility of our citizens to serve as jurors and to fairly consider the case presented to you. Thank you for being here.

Attorney(s) for the people, are you ready to present your case?

Prosecuting Attorney: Yes, Your Honor.

Judge: Are the attorney(s) for the defense ready to proceed?

Defense Attorney: We are, Your Honor.

Judge: We will hear the opening statement from the prosecuting attorney.

Prosecuting Attorney: Ladies and Gentlemen of the jury, have you ever had something you ever had something you value taken from you just because someone else wanted it? My colleagues and I will prove by the evidence that the defendant, Charles Ingalls did, in the spring of 1872 enter into Indian Territory with *intent* to settle, claim land, and grow crops. He entered the lands *knowing* that his presence was *unlawful* on lands that are restricted by treaty for use by Indians only. We are aware that it has been common practice in the past for white settlers to trespass on Indian lands. These acts of trespass have led to war and death. This practice must stop here with this defendant.

Prosecuting Attorney (cont...): The evidence will show that Charles Ingalls did recklessly and intentionally enter and remained on land unlawfully, knowing this trespass would cause annoyance and fear among the lawful inhabitants. Thanks you.

Judge: Defense counsel, do you have an opening statement?

Defense Attorney: Seated here you see Charles Ingalls, a man recognized by his family and friends as a caring, helpful person who is always available when needed. A man who, while on the Verdigris River, not only befriended his white neighbors, but also many times fed hungry Indians who came to his house. The law on criminal trespass states that the actor must unlawfully and intentionally enter property. The law further says that notice against entry must be given by the owner to the actor. The evidence provided by my colleagues and myself will show that when Mr. Ingalls moved onto his homestead he had firm reason to believe that the lands were open for public settlement. The lands were not fenced or marked in any way to show that they were not public.

Mr. Ingalls made no attempt to hide the fact that he was on the land. He did no harm to the land. In fact, he improved the land. Mr. Ingalls brought his wife and three little girls to their new home. These are not the actions of a man who is intentionally breaking the law. Thank you.

Judge: Prosecution, please call your first witness.

Prosecuting Attorney: You honor, we call Joseph Collins.

Bailiff: Please raise your right hand. You do solemnly swear that your testimony in the case now at issue will be truth, the whole truth and nothing but truth?

Collins: I do.

Prosecuting Attorney: Please state your name.

Collins: Joseph Collins

Prosecuting Attorney: Where are you employed?

Collins: Fort Gibson

Prosecuting Attorney: What is your position?

Collins: I am an Indian agent stationed at the fort.

Prosecuting Attorney: What are your duties as an Indian agent?

Collins: I act as a liaison between the government agencies and the Indians in Indian Territory.

Prosecuting Attorney: How long have you held this position?

Collins: Six years.

Prosecuting Attorney: During June of this year did something occur which led you to believe there might be white men trespassing on Indian lands?

Defense Attorney: Objection. Counsel is leading the witness.

Judge: Counselor, please rephrase the question.

Prosecuting attorney: Do you remember where you were on June 23rd of this year?

Collins: Yes sir. I rode out to the Verdigris River area.

Prosecuting attorney: What had caused to go out there?

Collins: I had heard from some cowboys riding through that there might be white settlers living on Indian lands.

Prosecuting attorney: Tell the court what you saw.

Collins: I found a cabin with glass windows. When I got no answer to my calls or knocks I peered in a window. There was clothing of a child's size in the house.

Prosecuting Attorney: Did you ever speak to the inhabitants that day?

Collins: No. No one returned home while I was in the vicinity.

Prosecuting Attorney: When you returned to the fort did you make any attempt to find out who occupied the cabin?

Collins: Yes. The next time Dr. Tan came to the fort I asked him if he knew who lived there.

Prosecuting Attorney: What name did he give you?

Collins: Charles Ingalls and his family.

Prosecuting Attorney: Did you make any further attempts to contact Mr. Ingalls to tell him that you thought he was trespassing?

Collins: I had planned to ride out there again, but we started having trouble with the Indians and I was needed at the fort.

Prosecuting Attorney: What kind of trouble with the Indians?

Defense: Objection—Indian trouble is not relevant to Mr. Ingalls' alleged crime.

Prosecuting Attorney: Your Honor, if I may be granted some leeway, the court will see that there is a direct link between Mr. Ingalls' alleged crime and the Indian trouble referenced by Mr. Collins.

Judge: Overruled.

Collins: They were complaining that white people were moving on their lands and they wanted us to do something about it.

Prosecuting Attorney: Was the cabin built by Mr. Ingalls inside the boundaries of Indian Territory?

Collins: Yes, sir.

Prosecuting Attorney: Do you have a map showing the Indian Territories?

Collins: Yes. I have a large map on my office wall and some smaller ones I can carry with me.

Prosecuting Attorney: Can anyone come to look at your maps?

Collins: Yes, they are available to the public.

Prosecuting Attorney: Are yours the only maps in the area?

Collins: No, the forts and towns around Indian Territory all have maps available to the public.

Prosecuting Attorney: Are the descriptions of the Indian Territory boundaries available to the public?

Collins: Yes, they are public records and have been printed in many newspapers.

Prosecuting Attorney: So with a small effort a person could easily find information that tells where Indian Territory boundaries are?

Defense Attorney: Objection! Counsel is leading the witness.

Judge: Sustained.

Prosecuting Attorney: When these facts were printed in the newspaper did it state that those lands are closed to white settlers?

Collins: Yes

Prosecuting Attorney: Do the maps state that Indian Territory is closed to white settlers?

Collins: Yes.

Prosecuting Attorney: Why has the Indian Territory not been fenced?

Collins: The cost would be prohibitive.

Prosecuting Attorney: Why are there no signs to show the boundaries of Indian Territories?

Collins: The cost of replacing and maintaining signs would be extreme.

Prosecuting Attorney: No further questions.

Judge: Defense may cross examine the witness.

Defense Attorney: Mr. Collins, when you visited the cabin, did you leave any notes asking the occupants to contact you or telling them that they were unlawfully on the land?

Collins: No, I didn't.

Defense Attorney: Are there any signs or fences that show where Indian Territory begins and ends?

Collins: No.

Defense Attorney: Have you in the last year seen any newspaper accounts that say the government was going to open Indian Territory to settlement?

Collins: Yes, I have.

Defense Attorney: You said that signs and fences would be cost prohibitive. What exact figures do you have about the cost?

Collins: Well, actually.... I think that it is still being studied. I don't have any firm figures.

Defense Attorney: Thank you. No further questions.

Judge: Thank you, Mr. Collins. Pr. Prosecutor you may call your next witness.

Prosecuting Attorney: The people call Dr. Tan.

Bailiff: You do solemnly swear that your testimony in the case now at issue will be the truth the whole truth and nothing but the truth?

Tan: I do.

Bailiff: You may be seated.

Prosecuting Attorney: Please state your name.

Tan: Dr. Dan.

Prosecuting Attorney: Where are you employed?

Dr Tan: I am a doctor employed by the U.S. Government to provide medical services for Indians in the Indian Territory.

Prosecuting Attorney: Did you have an occasion to visit a cabin on the Verdigris river last summer?

Tan: Yes, I did.

Prosecuting Attorney: Who was living in the cabin?

Tan: A man named Ingalls, his wife, and three small daughters.

Prosecuting Attorney: Do you know where the boundary to Indian Territory is located?

Tan: Yes sir.

Defense Attorney: Objection—the witness is a medical doctor. How does he have certain knowledge of government boundaries?

Prosecuting Attorney: Dr. Tan travels in the area often.....

Judge: I'll overrule the objection for now. But confines your questions to those within the doctor's personal or professional knowledge.

Prosecuting Attorney: Was the Ingalls cabin inside these boundaries?

Tan: Yes.

Prosecuting Attorney: Did you try to do anything about this white family on Indian land?

Tan: No, at the time I visited the Ingalls' cabin he was too sick to bother him about it.

Prosecuting Attorney: In your role as a doctor to the Indians, do you spend much time around the Indians?

Tan: Yes. I spend a great deal of time with, and among the Indians in the area.

Prosecuting Attorney: As you have spent so much time with the Indians in the area have you felt a difference in their attitude during the last few weeks?

Defense Attorney: Objection. Counsel is asking the witness to speculate.

Judge: Sustained.

Prosecuting Attorney: I'll rephrase the question. What comments have you heard from the Indians about white men settling on their lands?

Tan: Many tribal leaders said they would attack and kill the settlers.

Prosecuting Attorney: No further questions.

Judge: Defense may cross examine the witness.

Defense Attorney: Dr. Tan, have you heard of any injury caused to any person specifically because Mr. Ingalls was on the land?

Tan: None.

Defense Attorney: Did there appear to be any damage done to the area where Mr. Ingalls was living?

Tan: Other than the buildings and plowed land, no sir. Actually, he increased the value and usefulness of the land.

Defense Attorney: What do the Indians use the land for?

Tan: Mostly hunting.

Defense Attorney: Does anything that Mr. Ingalls has done prevent the Indians from hunting on the land?

Prosecuting Attorney: Objection, Dr. Tan is a medical doctor he is being asked to give testimony regarding areas outside his area of specialty.

Judge: Sustained. Please keep your questions directed to Dr. Tan's medical expertise.

Defense Attorney: We have no further questions of this witness.

Prosecuting Attorney: That concludes the case for the People, Your Honor.

Judge: The Defense may call its first witness.

Defense Attorney: We will call Mr. Edwards.

Bailiff: Do you solemnly swear that your testimony in the case at issue will be the truth, the whole truth, and nothing but the truth?

Edwards: I do.

Bailiff: You may be seated.

Defense Attorney: State your name and occupation.

Edwards: Jonathan Edwards. I'm a farmer.

Defense Attorney: Mr. Edwards do you have a home near the Verdigris River?

Edwards: I do.

Defense Attorney: Did you know when you settled on the land that it was Indian Territory?

Edwards: I knew it had been. However, I thought it was open for homesteading this spring.

Defense Attorney: Why did you think that?

Edwards: I read in the newspaper that the government was moving the Indians further west.

Defense Attorney: Did you think this was a good idea?

Prosecuting Attorney: Objection. Counsel is asking the witness to offer his opinion.

Judge: Sustained.

Defense Attorney: Do you know Charles Ingalls?

Edwards: Yes.

Defense Attorney: Have you visited his home?

Edwards: Many times.

Defense Attorney: What kind of person do you consider Charles Ingalls to be?

Edwards: Friendly. A good neighbor, always willing to help others.

Defense Attorney: You and he traded work?

Edwards: Yes

Defense Attorney: Have you ever seen or heard of him harming anyone, Indian or white?

Edwards: No, sir.

Defense Attorney: To your knowledge did Mr. Ingalls allow anyone (Indian or white) to ride through his land?

Edwards: Yes

Defense Attorney: To your knowledge, could they still have hunted on the land

Prosecuting Attorney: Objections, Counsel is asking the witness to speculate.

Judge: Sustained.

Defense Attorney: I will rephrase the question. To your knowledge did Indians still hunt on the land.

Edwards: I do not know. But they could have

Prosecuting Attorney: Your Honor! The witness is speculating.

Judge: Sustained. The witness will answer the question and refrain from speculating. The Jury is informed they are to disregard the last question.

Defense Attorney: Did anyone ever inform you that you were settled on Indian land?

Edwards: No, sir.

Defense Attorney: Were there any signs, marks, or fences that showed the land was Indian Territory?

Edwards: None I ever saw.

Defense Attorney: Thank you, Mr. Edwards.

Judge: Any questions for this witness, Mr. Prosecutor?

Prosecuting Attorney: Mr. Edwards, did you ever make any effort to find out whether you were on Indian lands?

Edwards: No sir, there was nothing to indicate that land was restricted. So I settled on it.

Prosecuting Attorney: Hadn't you heard of Indian Territory?

Edwards: Sure.

Prosecuting Attorney: Didn't you think you should find out if you were on Indian land?

Edwards: No. I knew if it wasn't open for settling now, it soon would be.

Prosecuting Attorney: How do you know that?

Edwards: Land is always opened for settling as soon as Indians move on.

Prosecuting Attorney: Why do you think the Indians will be moved.

Edwards: They don't use land, so white people have to move them so the land can be farmed, or used for grazing.

Prosecuting Attorney: Hunting on the land is not making it useful?

Defense Attorney: Objection. Asking for opinion.

Judge: Sustained.

Prosecuting Attorney: Did you hear the Indians had a big meeting on the river bottoms?

Edwards: Yes, sir.

Prosecuting Attorney: Did you fear for your safety and the safety of others during the time of the meeting?

Edwards: Yes, sir.

Prosecuting Attorney: Thank you, No further questions.

Defense Attorney: The defense calls Charles Ingalls.

Bailiff: Do you solemnly swear that your testimony on the case now at issue will be the truth, the whole truth, and nothing but the truth?

Ingalls: I do.

Defense Attorney: State your name and occupation.

Ingalls: Charles Ingalls. Farmer.

Defense Attorney: Do you have a place on the Verdigris River?

Ingalls: Yes, sir.

Defense Attorney: Why did you decide to move to your present home?

Ingalls: I got word from Washington that Indian Territory was going to be open to homesteading, so we decided to move west.

Defense Attorney: How long did the trip take you?

Ingalls: Several weeks.

Defense Attorney: During the trip, did you see a newspaper or see anyone who could give you news?

Ingalls: No, sir.

Defense Attorney: When you settled on the Verdigris River, did you know you were on Indian lands?

Ingalls: I knew they had been Indian lands, but I thought they had been opened to public settlement.

Defense Attorney: Did you see any Indians after settling?

Ingalls: Not for several weeks.

Defense Attorney: So there was no reason for you to think this might still be Indian lands?

Ingalls: One day two Indians came to our home. My wife fed them and gave them tobacco.

Defense Attorney: Did you do anything that might cause injury to any Indian?

Ingalls: Not that I'm aware of.

Defense Attorney: Did the Indians in any way show that your presence was annoying or caused them fear.

Ingalls: No, sir.

Defense Attorney: Thank you.

Judge: Prosecution may cross examine.

Prosecuting Attorney: Mr. Ingalls, did you ever go into town or fort to find out if Indian Territory had been opened for settlement and where it was?

Ingalls: No, sir.

Prosecuting Attorney: Was it a long trip to town or would checking on Indian/ white men boundaries have been a hardship?

Ingalls: I go into town every two weeks, but I would have had to make an effort to find and read the government maps.

Prosecuting Attorney: Have you ever had occasion to be afraid for your family since you moved to Indian Territory?

Ingalls: Yes.

Prosecuting Attorney: Was this fear related to Indian trouble?

Ingalls: Yes, sir.

Prosecuting Attorney: No further questions.

Judge: The witness may return to his seat, we will proceed with closing arguments. Mr. Prosecutor.

Prosecuting Attorney: Ladies and gentlemen of the jury, thank you for your time and attention. This is a complex case. Mr. Ingalls obviously feels he has done no wrong. However, you must base your decision on the law. Mr. Ingalls moved onto land that was set aside for exclusive use by the Indian Peoples. He intentionally settled on the land and he intended to stay and make it his home. From testimony of Mr. Collins we see that

Prosecuting Attorney (cont)... With a single visit to town or the fort Mr. Ingalls could have determined whether the lands were open to the public. Don't forget, when he started on his journey the lands were not open. From Dr. Tan's testimony we can clearly see that Mr. Ingalls' trespass was an annoyance to the persons lawfully on the land. From Ingalls' own testimony we see that his presence on the land did cause fear for others, namely his own family. Although the land was not fenced nor signs put all around this huge area, the United States did give reasonable notice that this land belonged to the Indians by having the information printed in nearly every newspaper in the land. Charles Ingalls entered and remained on the land that was not his. Criminal Trespass has been shown by the evidence. Charles Ingalls is a likeable man; however, under the law you must find Charles Ingalls guilty.

Judge: Let us hear closing arguments from the defense.

Defense Attorney: Ladies and gentlemen of the jury, the law on Criminal Trespass states that notice against entering must be given. Evidence shows that no notice was ever given to Charles Ingalls. There was no personal communication, no fences, no markings or signs saying that people were not to enter the property. It would be unreasonable and unfair to expect him to personally dig out his information. Additionally, the law says that the trespasser must intend to cause injury, fear or annoyance. Mr. Ingalls did not intend any of these things. Mr. Ingalls' presence has in no way interfered with the Indians use of the land. He has, in fact, improved the land. According to testimony, and the law, you must find Charles Ingalls not guilty.

Judge: Ladies and gentlemen of the jury, it is your duty to weigh the issues of fact as presented in this case. You must decide the case according to the law. The burden of the proof is upon the State throughout the trial to establish guilt beyond a reasonable doubt. If you feel the State has established guilt of trespass beyond a reasonable doubt you should find the Defendant guilty. The Defendant is presumed innocent until proven guilty. If the case has not been proved, the Defendant should be found not guilty. We shall await your verdict. Bailiff, you may remove the jury for deliberations.

(The jury leaves the room to discuss the verdict. A jury foreman is chosen to conduct the discussion and take a vote by members of the jury. The foreman will write the verdict on a paper that he will hand the bailiff when the jury re-enters the courtroom.)

Judge: Has the jury reached a verdict.

Foreman: We have your honor. (The bailiff will collect the verdict and hand the verdict to the Judge. The Judge reads the verdict and the bailiff will return the paper to the foreman)

Judge: In the case of the State vs. Charles Ingalls how do you find?

Foreman: We the jury find the defendant..

