

Sheriff, Eddy, Foster, Reed, Keseberg, Mrs Keseberg, Sutter

getting about, no question. But that was mostly in the beginning. Before me and Foster took off with the Snowshoe Party.

REED. When both of you returned to the Lake in mid-March, this time as members of the Third Relief, was Mr. Keseberg still disabled?

EDDY. I believe he was all mended, just putting on a pretense.

REED. Then you judged him able-bodied enough to go back with you over the mountains.

EDDY. There was never any doubt in my mind. Four different Relief Parties came to the Lake over a period of months. He could've left with any one of them, if he'd wanted. It was clear he had private reason not to.

REED. Thank you, Mr. Eddy. Captain Sutter . . .

SUTTER. Mr. Keseberg, it's your turn with the witness. (*Keseberg studies Eddy for a moment.*)

KESEBERG. I have no questions for this man, just now.

SUTTER. You may go back, Mr. Eddy. (*Eddy returns to his former place.*)

REED. As our next witness, we call Bill Foster.

SHERIFF. Mr. Bill Foster! (*There is a subdued altercation between Foster and Eddy.*)

EDDY. What d'you mean, you won't?! You have to. You came here—

FOSTER. To show my support, not to give sworn testimony.

REED. Please Alcalde, we could use a moment here. (*He confers with the defendants.*) Bill, we need you to confirm Eddy's statement.

FOSTER. I'm not about to, so just drop it.

REED. Can we know why you refuse?

FOSTER. You press me any more, Mister, and I'll quit this trial!

I'm of a mind to, anyway. (*Eddy signals Reed to back off.*)

SUTTER. The court waits, gentlemen.

REED. Perhaps Mr. Keseberg has witnesses of his own to call.

KESEBERG. Ja, my wife.

EDDY. What's her testimony worth!

REED. The woman has a right to be heard.

SHERIFF. Mrs. Phillipine Keseberg! (*Enter Mrs. Phillipine Keseberg, an attractive young lady; German-born and in this country two years. She takes the stand and is sworn to oath.*)

KESEBERG. Since we are husband and wife, Pina, it would be natural for you to be my constant companion on the journey. And then afterward, in early November, when we were trapped at the

Lake camp. Tell the court something about our circumstances there.

MRS. KESEBERG. At the Lake we were sixty people. Once we saw that we would have to spend the winter there, everyone hurried to cut down trees and make shelter.

KESEBERG. How many shelters did we put up?

MRS. KESEBERG. Three.

KESEBERG. How were the families divided?

MRS. KESEBERG. The families of William Eddy and Bill Foster shared one place. Mrs. Reed and her children formed a temporary alliance with the Graves family. And the Patrick Breen family occupied the third.

SUTTER. Where did you and your family stay, Madam?

MRS. KESEBERG. Since my husband was not fit for such hard work, we begged a favor of the Breen family. They permitted us to use the outside of one wall. We put up animal hides on poles. How do they call it, Lewis?

KESEBERG. A lean-to.

MRS. KESEBERG. Ja, a lean-to. Without doors or windows. We lived like that in darkness—no better than animals. It is a miracle we are here at all.

SUTTER. Excuse me. Where did the Donner family stay?

MRS. KESEBERG. They were not with us at Lake Truckee.

KESEBERG. They decided to set up their family tents six miles away, at a place called Alder Creek.

SUTTER. Was there some reason for this move?

KESEBERG. They feared that others brought to starvation first would try to rob them of their food.

MRS. KESEBERG. Just so.

SUTTER. Then none of you tried to combine your provisions? So that you might deal with the crisis more charitably?

MRS. KESEBERG. What charity . . . ?

KESEBERG. From the first, Herr Sutter, it was each family for itself. (*Turning to his wife.*) Now, wife, I should like you to describe the condition of my injury.

MRS. KESEBERG. Your foot was red and swollen—infected. We tried to cure it by soaking the foot in hot water. At least one time each day, sometimes more often. One time I helped you cut open the wound with a knife. You were in much pain, always.

KESEBERG. To your knowledge, wife, was I able to walk or move about at all?