She was going to the Bath Place. It was objected to the prisoner that the witness should state the ~~remarks~~ declarations of Laura Foster. The court overruled the objection. Prisoner excepted.

Afterwards in the progress of the argument the solicitor on the part of state stated that inasmuch as this testimony was objected to on the part of the prisoner he withdrew it and asked the court & jury to consider it. The prisoner's counsel in reply to the argument of the solicitor complained of this course on the part of the prosecution inasmuch as the evidence had been heard by the jury. The court in summing up the evidence did not notice these declarations of Laura Foster & treated them as withdrawn.

Another witness was examined on the part of the state was examined. A white woman by the name of Eliza Anderson. In the course of the cross examination prisoner's counsel proposed to ask witness if she was related to John Anderson. John Anderson was a ~~fine~~ ~~negro~~ a man of color. The object as stated was to ~~[illegible]~~ or discredit her. Upon objection the question was ruled out. Prisoner excepted.

The jury found the defendant guilty. Motion for new trial. Motion refused. Motion in arrest. Motion overruled. Judgment being pronounced. Defendant prayed an appeal to the Supreme Court which was granted.

W. M. Shipp Ellen