before Laura Foster. as appeared he came from James Mellows - he asked to borrow a mattock; he got it & started off in the direction of his Mothers house I did not see the mattock again under 3 or 4 days I sent for it twice, and got it the second time I saw Dula again at my house on that Thursday. Ann Mellow was there also Dula came, after dinner - Ann was there before he got there. Both left about 3 Oclock P.M. The next day Friday morning Dula came again from direction of James Mellows - it was after breakfast. The boys had gone to their work He asked for milk & I gave him 1/2 gallon - he took it & left towards home. I saw him afterwards that day late in the evening going towards the Bates place. He did not speak on that occasion I noticed two places of a little digging on the pathway towards Dula's Mothers house - this was 200 yards from the grave. I raised Ann Mellow

2d Exception

It was here proposed by the state to prove acts of criminal intercourse between the prisoner & Ann Mellow - evidence objected to by the prisoner objections over ruled & evidence admitted as follows: The witness stated two years before the War. I saw Ann Mellow, after she was married in bed with Dula. I recognized him - he jumped out & got under the bed I ordered him out - he dec