& James Melton until about 3 o'clock, Wilson Foster came to James Melton's about dark Friday night and left two or three hours in the night — Thomas Foster was also there, & stayed all night I set up with him until midnight On Saturday morning Dula came early — he and Ann Melton conversed together in a low tone for half an hour, he said he came for his fiddle & to get his shoes mended, I remarked to him 'I thought you had run away with Laura Foster' — he ~~left~~ laughed & said, 'I have no use for Laura Foster' he left for home, Dula came there again that night & stayed all night; he went to bed with James Melton. Dula was there every day or night after that as long as he remained in the settlement. He remained in the settlement some 4 weeks after the disappearance of Laura Foster, & then left for Tennessee.

4 exception

Here it was proposed by the State to offer in evidence the conduct of Ann Melton, the evening previous to the departure of the prisoner to Tennessee. This was objected to by the prisoner for the reason, that according to the theory of the State, the murder of Laura Foster was at that time an accomplished fact; which murder the State charged was perpetrated by the prisoner, incited thereto by Ann Melton