to the mother of Ann Milton and borrowed a
Mattock he was seen with the same Mattock a
few hundred yards from where the grave was
found on the same evening. It was in evidence
that the Quart of liquor was brought by the messenger
to Ann Milton's house in the absence of the prisoner.
It was in evidence by the sister and mother of
Ann Milton that she came to their house when
the prisoner had borrowed the Mattock and that
she requested a little girl to go down to the prisoner's
Mathers and tell him to come up & get her liquor
but not to tell him if his sister Eliza was there but
to sew on her toes or to punch him & tell him "Mother
wanted to see him." The girl went down & did not
find him. He afterwards came & he and Ann Milton
had a private conversation and each went off
in opposite directions. It was in evidence that
Ann Milton did not return home on Thursday
night but that she came home on friday morning
before day with her dup and shoes wet. She remained
on bed the greater part of the day on friday.
There was evidence that Ann Milton & the prisoner
had been on most intimate terms for a number of
years & that an adulterous intercourse had been
kept up between them & that he visited the house daily.
It was also in evidence that Ann Milton had a sore
upon her mouth and that she had taken medicine
for it previous to the death of Sarah Foster.
It was further proven that Thomas Dulo came to
Ann Milton's house on Thursday morning & said
that he had met Ann Milton on the ridge