agreement, overruled the objection. The Court instructed the Jury that the evidence offered to the Court of the acts &c of Ann Melton were admitted by the Court for its information as to whether there was an agreement, between her & the prisoner to commit the homicide but that this opinion of the Court was to have no weight with them when they came to decide upon the prisoners guilt or innocence upon all the evidence, prisoner excepts
Various declarations of Ann Melton previous to the alleged murder threating vengeance against Laura Foster were proved. declarations of hers on the Thursday previous to the day on which she was killed stating that she had contracted a venereal disease from the prisoner & that he had got it from Laura Foster & that she intended to have her revenge or that she intended to kill her or have her killed were proved by a Witness—
There was evidence of a secret & private conference between them, prisoner & Ann Melton on Thursday morning on the ridge between Ann Melton's & her mothers the canteen in which the liquor had been brought to her house by the messenger on Thursday was found by a witness on friday morning under a tree where Ann Melton told her it was There was a very small quantity of liquor left in the canteen It was in evidence to the Jury that the prisoner said he had received the canteen of liquor by a witness who saw him that evening on his way up the River, There was a mass of circumstantial testimony in evidence before the Jury tending to show the prisoners connection with the alleged homicide all this evidence was submitted to the Jury under a charge from the Court to which no exception was taken. Among other witness's Mrs Scott was examined who swore that she saw Laura Foster on friday morning riding on her father's mare with a bundle of clothes