

fectly light, or good moonlight, the night of the homicide. One could see all objects around them when out that night. No one of the family, but Bud, saw any one. I don't know that I can think of any one at outs with the Doctor. Don't know of his having any difficulty with any one lately. Had not heard him speak of any difficulty of any kind. On the night of the homicide as soon as Bud came in and set down the gun, I sent him after the neighbors, and sent Wyatt after the Doctor. There are two shot guns and four revolvers about the house that belong to the family. These are all the firearms that I know of.

#### TESTIMONY OF ALBERT TALBOTT.

My age is twenty-one years. I was at home the night of the homicide. Had been at the fair that day, and got home about half past eight o'clock. All of the family were at home when I got there, except the Doctor (my father.) I learned he was down to see Leighty's child. I remained at home after I got there. The Doctor came home about fifteen minutes before nine. The boys were all asleep up stairs. I and ma were in the north room below. The Doctor came into the room, walked across it, and pulled off his coat, and hung it up on the east side of the room. He did not speak to me about putting up his mule, but I staid up for that purpose. I went out, put away the mule, and came back carrying a saddle, at which time pa was standing on the walk just in front of the house. He walked back into the hall, and, I think, went into the parlor, for he was standing in the parlor door as I came in at the west door with the saddle. There was no light in the parlor at that time. I put the saddle down at the east end of the hall, and then went into the north room, and sat down between the table and northwest window. The Doctor soon came into the room after I had been there. Ma was lying on the bed in the north room when I went into it, after laying down the saddle. I don't know what the Doctor was doing in the parlor door. After he came into the north room, he walked up to the drawer and took out a daybook and gave me an envelope, and said that it contained a copyright for a book he had written. He then went back to the bed, and sat down and was talking to ma. I was reading the letter. After I had read it, the Doctor got up and pulled off his coat, vest and hat, and hung them upon the bureau at the west end of the room. He then sat down on the side of the bed and pulled off his shoes. I was at that moment putting the copyright in the envelope when I heard a gun crack. The gun was shot off at the right side of me. My right elbow was resting on the window. I did not see the flash, but I saw and smelt the smoke. It came into the room. I heard the glass fly. The Doctor raised up and started toward me, saying: "I'm shot." He took hold of my shoulder. I took hold of him, and