9 int. What was the condition of his hands?
Ans. Well, they appeared to be nervous like, they were very feeble and hot, when I first spoke to him that morning; I did not take hold of his hands when I gave him the drink.
10 int. Was he able to hold the bowl himself when drinking?
Ans. I don't think he could have done it at that time, sir.
11 int. Who held the bowl for him; or assisted him with it, when drinking?
Ans. Why I done it at that time.
12 int. Was he at that time able to talk much?
Ans. Well, when I talked with him he talked very nicely and very short; I would not talk a great deal with him, be- I thought it would weaken him; and I shortly after left him.
13 int. You say he talked nicely and short that day; what do you mean by "short;" had it any reference to his breath?
Ans. He did talk short - short breath; he was very sick, and I would not talk much with him, on account I thought he would get better.
14 int. Was he at that time in any condition to transact business in your opinion?
Ans. I could not answer that question; that is a hard question for a man to answer.
15 int. The question is, in your opinion was he?
Ans. Well, he might, on account of his talking very sensible to me in what he did say at the time on Friday morning.
16 int. What kind of business do you think he was competent to transact, when as sick as you say he was; and have you not stated and sworn, that in your opinion he was not then in any condition to transact important business?
Ans. Well, I don't think he could attend to much business at that time; he was to sick; well, now here is the question; he talked sensible to me, I thought; you ask me that question, he talked sensible to me; I would not and could not answer the question, if a man could do any business in the state he was; he was very weak; when I left him I bid him good bye, and told him I would come back not later than the day after to-morrow morning sure; I thought he would get better; I could not answer that question; he might have been and he might not.

17 int. Have you not stated and sworn, that in your opinion he was not then in any condition to transact important business?
Ans. I could not answer that question; he might in one way, and might not in another; he was too weak to do any business then much, I thought.
18 int. You say you spoke to him when you left, saying that you hoped that he would soon be better, &c.; when he talked sensibly, what did he say in reply to what you said, and was not that the most of the talk you had with him, because of his illness?
Ans. He told me then to come back as soon as I could, and I told him that I would be back by Sunday morning; well, I thought he was very sick and weak, and I did not talk much to him, because I thought it might injure him still more.
Formal question by Examiner:
Ans. No, sir.

F. Gunther.

Defendants' Evidence.
(Filed June 30th, 1888.)

Jacob Crone, a witness of lawful age, produced on behalf of the defendants, having been first sworn in due form of