

spondent is a heavy man. What took place that night is not the result of disparagement in size, weight, or age. A few pounds greater weight is nothing, the respondent had a body-burst, and was wearing a truss: he was not so quick or active. There was comparatively little difference. Allin was in the full prime and vigor of his years; he had but one eye, but could see to fish, could see to shoot; it was the mere reason with his sore eye why he would be naturally more irritable. Geo. Blakesley knew that he was a strong man, had shoveled gravel and built bridges, and in an emergency he could stretch carpets.

You remember it was a dark night. You also remember the locality, between two banks, and off here was a high hill, the sun was sinking behind the hill; it would be darker there by several minutes than anywhere else. George Windidate came back, and just as he turned north he noticed it was cloudy, had begun to cloud up; it was dusk when he turned the corner. James Rockwell said it was 8:30 when he passed Hall's, at that time the respondent was at Hall's. Windidate and Kittle Ash passed Lucy on the hill and when she was passed she could not recognize them.

Rockwell said he saw Allin 8 or 10 rods away, he didn't recognize him until he got within 4 to 8 feet of him. Neither did he see any pipe, nor shovel, nor anything. He wouldn't have seen it if it hadn't been dark. The little boy 4 or 8 feet away did not see the pipe, but knew he was smoking, it was quite dark. The lady with them also saw Mr. Allin, they were neighbors, but she did not recognize him at the time; all that was said was something about turning the corner.

David Hagerman got home from fishing about 7:30 it was 8:30 when he got to the body, and there was light in the house. Mrs. Allin had gone for a little camphor. Would she have stopped to light a light if it had not been dark? Because Lucy had a newspaper, was no evidence that she was reading it, was more likely to have been flying in her lap.

Didn't see the body across the highway, he couldn't see it; didn't recognize it until he got clean to it. Didn't examine the wound within two feet, before he saw it. My brother makes a fishy argument out of the fact of their washing fish by twilight. Remember, gentleman of the jury, at top of hill it would be light five minutes longer than down at the bottom of the hill.

May Allin thought the man at the corners was John Leach; the mother said "where is he?" so dark they couldn't see him; didn't see the blood, until it was felt on her hands. She saw there was some