

and said he did not know what injury he had done to the folks that they should kill off his family in that way; about ten or fifteen minutes before Brown came to alarm us, heard two shots go off; Brown said the man had a dark waistcoat and shirt sleeves rolled up above the elbows, and black hair.

*Cross-examined.* Should think it was near 5 o'clock when Brown came to us; he told me he found John under the bed; saw no marks of any thing being dragged on the floor.

*Wm. Atherton.* Brown several times over, stated that evening that he believed it was Robert McConaghy that shot at him; he said it was Robert McConaghy.

*Benjamin Bars.* The first account I had of the matter, Atherton asked me to go over to Brown's; said Brown had been to him and said he had been shot, and his son John had been killed in the house. Next day (Sunday) early, went again to Brown's; H. Ricketts and I agreed to search for the children; on the hill in the oat field we saw their tracks; accidentally came on the boy, he was partly covered up; and inside the field I saw the girl, she was covered with leaves; her head was mashed, as with a stone, the stone was there and bloody; we went back to the house and told the others what we had found; I saw McConaghy on Sunday, when we came down from the children; he had boots on; these boots would make a similar track; the ones McConaghy had on would have made such a track as those in the field and on the log.

*Cross-examined.* Brown did say on Sunday it was McConaghy; Brown was first suspected, and was taken on Sunday night by the people; I saw him tied in the house on Sunday; the reason that he was suspected was, that he was rough in his family; when I knew what time Brown came home I was satisfied he did not do it.

*R. Fisher.* Accompanied Brown from the river to near his house; proves Brown's statement, as to time, and swears that he heard two shots soon after he left Brown.

*Samuel Faust.* When Brown passed Brewster's it was half past 3 o'clock; I looked at the clock.

*Rebecca Cornelius.* Live half a mile from Brown's house; saw Brown going home; it was pretty well on to 5 o'clock; I looked at the clock; I heard the shots soon after he passed.

*Dr. J. G. Lightner.* About 9 o'clock on Sabbath morning went to Brown's; first examined Elizabeth Brown; her head presented a mass of bruises, a large incision through the scalp behind the head, two and a half or three inches long; another one on the forepart of the head, under the hair, about two inches long; one on each side, of smaller size; the skull was not fractured; there were no other marks of violence about her; I concluded she might have been murdered on Saturday, in the fore part of the day; her death was caused by the repetition of blows by a stone, or something on the head; the next examined was Jacob; his skull had the appearance of a ball passing from the back of his head and came out before, pass-