

THE FULLER TRIAL.

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the street with Bethel who had started to his room, as some one said the men were going to attack him. On Monday Iryin Overbaugh said the colored man said he was going to 'set for us' and would get us. I got the knucks to be prepared to protect myself if he attacked me. The same day I rented the pistol. I showed the knucks to Dave Watkins during the week. On Friday, when I went to dinner—it was August 11th—and while I was eating dinner, I thought I saw Parker and somebody go by. I was about through dinner, and thought I would see Parker. Parker was boarding two houses above. I went to Mr. Walton's gate and asked Capt. Kingsbury if Parker was there. He said he would call him. I told him never mind, I would see him some other time. I left, as I was going hunting, having made an engagement to do so.

When I got to Mrs. Cook's house I thought I heard some young ladies talking, and thought I would talk with them, as I was well acquainted with them. I went on down and started in to see how Mr. John Steele's baby was (it was sick), but seeing no one I came on out and saw Capt. Kingsbury and Mr. Parker coming down the street. I walked on up to Mrs. Cook's piazza and sat down on the edge of the piazza with my left hand on the banister and my right hand resting on a board. I had nothing in my hand. Capt. Kingsbury said: 'How are you Ed?' I said: 'Parker I want to see you.' He said: 'What is it?' I said: 'I want to see you about that agreement between us. Let's sit on those steps, pointing at the same time to the steps a short distance about in front of Mrs. McKenzy's house. He said: 'No, I will go no where,' then said: 'What about it?' I said: 'Well according to the agreement you didn't have any right to say anything about the matter the other night. He said:

'I have got the same right to say about that that I have got to beat the damned stuff out of you,' and struck me in the face. When he struck me I backed up the street and he struck me again and I staggered. I couldn't tell whether he had anything in his hands or not. He struck me a very hard blow and it dazed me. He then grabbed me and threw me down, and fell on top of me. He got me by the throat with his left hand and was beating me in the face with his right hand. He struck me on the nose, head, forehead, etc. I think my nose was broken. My nose was broken after I was on the ground. He was on his knees over me. My right jaw has been broken in two places and he struck me on that jaw. He was beating me on the ground and was choking me, and I thought of my pistol and twisted around and pulled it out of my pocket, and he was still kneeling over me, beating me, and I put the pistol over his shoulder as well as I could gauge it, and tried to shoot him in the right arm, to keep him from killing me. I moved the pistol at first from his breast to his arm.

Something struck the pistol. I don't know whether it was his arm or not, but think it was and that must have moved the pistol. I pulled the trigger, but was so dazed I don't recollect hearing it fire. Parker then got down off his knees and put his knees on my side or stomach and tried to get the pistol out of my hand. He then began to weaken, I raised up and I pushed him, and, as well as I recollect, he got partially up on his feet and fell backward. I got up and fell partially back and on my knees.

Just at this time Mr. Henry Lilly Cook came up and asked me what

was the matter and who was that. I couldn't speak at first, but finally told him it was Ben Parker, and 'he jumped on me without a cause.' I then went on down the street to Henderson & Steven's barber shop and washed the blood off my face. I then went into the wash room of the Hotel LaFayette."

"I went out of the hotel and crossed over to the bank, and Mr. Rubison was there. I went in the back room of the bank, at his request. The wounds on me were very painful. The wounds on my side hurt when I would cough. All of them pained me very much for a long time. Dr. McDuffie gave me something for them. I can feel pain now in my head by a slight pressure where I was struck. It was about the latter part of the November term of court that I had fever. Dr. McDuffie attended me, and so did Dr. J. H. Marsh, the county physician. My sickness, especially pain in my head, was from the wounds. The pain in my head came from the head down to my nose. It was very painful. I was attacked with pain one night in my head, and got up and worked with my nostrils and got out a piece of congealed blood, which relieved me considerably. I did not use the knucks which were found at the place of the homicide. I made no attempt to use them. I don't know how they got there. They were, I think, in my pants pocket. I did not pull them out at all, if so I was not conscious of it. I did not strike Parker at all. At the time I pulled my pistol out I thought Parker would kill me if I did not shoot. I don't recollect seeing Parker's hands. He had an umbrella, but dropped it. I first heard of Parker's death in Mr. Rose's office, where I was talking to him, as I had employed him. Up to that time I supposed Parker was only wounded in the arm or shoulder somewhere. I did not tell anybody to tell Mr. Watkins about the knucks."

DEFENDANT CROSS-EXAMINED.

On cross examination the witness said: "I told Mr. Morris to tell Watkins not to tell what I showed him. I don't know that I had any special object in it. I just didn't want him to say anything about it. I had just been arrested. I was engaged to Miss Loula Steele at the time."

The State here offers to ask if his engagement met with the approval of the family. Upon objection it is ruled out and the witness continued:

"I did not have the conversation with Miss Chandler which she related. I did not know that Miss Chandler was not on good terms with Parker."

I did not tell Miss Loula to tell Miss Emma that I would whip her like I would a street nigger. I told only part of it. Miss Loula told me Miss Emma said somebody had told her to get a razor and kill me, and I said to her to tell Miss Emma if she fooled around me with a razor I would whip her myself. This was about all of it. I was not waiting for Parker. When I saw him coming I walked up as far as the house and suppose I waited for him. I went to Mr. Walton's to ask Capt. Kingsbury if Parker was there. I don't have far to walk. I thought if he was there it would be a good opportunity to see him about the agreement. I concluded as he was at dinner, I would not wait for him. I was not looking for him specially on Thursday. If I had known he was near I would have gone to see him. I have no recollection of telling Miss Loula Thursday that I had waited for Parker three hours that day, and if he had gone to dinner he went the back way. I was not on the lookout for him that day.

When I stopped the voices I heard come from the front to the rear. I then went half way in Mr. Steele's yard, to ask how his baby was, as I had often done, but hearing dishes rattling and supposing they were at dinner, turned round and went out, and saw Parker coming. While standing at the niche spoken of I did not step out on the walk and look up

the street. I got the pistol and knucks Monday before. I had the pistol in my pants rear pocket. I can't tell where I had the knucks. I was going to carry them in my pockets while hunting. I wasn't going to take them out. I wanted to see Parker about the agreement in regard to him and myself and had a proposition to make him. He said he had as much right to break it as beat my damned face off. I was standing in the niche of the fence when Parker first struck me. I sent to Dr. Marsh to come to see me after November court. Dr. Marsh came to see me to examine my wounds. I did not decline, but told him I preferred that he get my attorney, Mr. Rose, first.

It some days after the homicide, Dr. Marsh didn't come back. I did not strike or offer to strike Parker. It seemed to me that he struck me a hundred times, I did not have an opportunity to strike him. I tried to put the pistol against his arm to shoot him, and it was not my fault that he was shot in the breast. I don't know that I have had a fight in a good many years. My jaw was hurt by a man striking me. I was not in a fight with him. He struck me from the rear. I think I struck a man while I was staying at Mr. Rankin's store. I don't recollect his name. I did assault Colin MacRae a short time ago. We never had a difficulty and I did not draw my pistol on him.

On the re-direct examination the defendant said: "The difficulty in Mr. Rankin's was ten years ago, and was tried by a justice of the peace."

My jaw was broken fifteen years ago. I was standing on the street, and Mr. Banks said something to me, while on a wagon in a jubilee, and I made some remark to him, and he got down and struck me. I did not expect a difficulty with him." Dr. J. H. Marsh, recalled by the defendant said:

"Mr. Rose asked me to go and examine Fuller's wounds, and I would not examine him (that was on the day of the homicide) on account of having made a post mortem examination."

Several days afterwards Mr. Jones and Parker's brother asked me. Mr. Rose told me then to go. I did finally agree to go. I saw Fuller and he said he preferred me to see Mr. Rose. to get his permission or to bring him with me. I did not go back. I saw Dr. McDuffie and asked him to go.

It was not convenient for him to go. I then saw Mr. Shaw and Mr. Jones together, and asked them whether it was my duty to go and examined him as county physician and said that I would put aside personal feeling and do my duty. They told me to see Capt. Ray or Judge Buxton. I saw Judge Buxton and he advised me not to go."

While the trial closed last week, and Mr. Fuller being sentenced to be hanged on the 16th of March, we think it due the condemned man that as we published the full evidence for the State that we also publish the evidence for the defence, and therefore we will continue it in next week's issue.

Ed.

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