

"Q. Then what? A. Then I called him, and he kind of opened his eyes a little brighter; they were opened all the time, but to my intents (sic) he seemed quite a bit brighter, and I spoke and said, 'What is the matter, Andy?' and I said, 'Somebody cut you?' No, I said, 'Who cut you?' And he says, 'Hello, Billy, no cut, Jake shoot.'

"Q. What next happened? A. I asked him if he was badly hurt, and he did not answer me, and, realizing that he was, I said to him, 'Andy, now lie down and we send for a doctor.' And he said, 'No doctor, Billy, me die.'

"Q. Did you put him down again on the bed? A. I pulled his left arm from in under him and put him on his back and let him lie down easily.

"Q. What next did you do? A. I went out of the room."

He found the prisoner still sitting at the table with his head down upon his arms as if he were sleeping, but he did not speak, and in answer to a question, "But you had no further conversation at that time either with Radzig or the prisoner?" he said, "I never said another word to either of them."

Upon cross-examination he said he did not think the prisoner could hear what the deceased said, for the simple reason that he spoke just above a whisper. He further stated that, although he had been told there had been shooting at the house, he did not at first, when he saw the deceased lying there, think he had been shot; his impression was that he had been knifed. He was then asked:—

"Q. Repeat again the conversation that took place between you and Andrew Radzig, the Pole. A. I asked Radzig, I says, 'Hello, Andy, who cut you?' He says, 'Hello, Billy, no cut, Jake shoot.' I says, 'Well, Andy, better lie down, I will send for a doctor for you.' He said, 'No good doctor, Billy, me die.'

"Q. Did you put him down then? A. I put my hand to his back and let him go over easily, and his feet were towards the foot of the bed, and his body towards the middle of the bed towards the wall. That was the last position I saw him in.