

May 6 they had appealed to that court for a change of venue on the ground that the "inhabitants of this entire judicial circuit are so prejudiced against these defendants that a fair trial cannot be had in the same," which application was granted and the indictments transferred to the Franklin Circuit Court and the prisoners delivered to the sheriff of Franklin County, and at the September term of the Franklin Circuit Court the case was continued to a special term of the court to be held in January, 1857.

had and held at and against the said Basil H. Gordon, then and there feloniously, wilfully, deliberately and premeditatedly, and of his malice aforethought did shoot off and discharge, and that the said Edward D. Worrell, with the leaden bullet aforesaid, by means of shooting off and discharging the said pistol so loaded, to, at and against the said Basil H. Gordon as aforesaid did, then and there feloniously, wilfully, deliberately, premeditatedly, and of his malice aforethought, strike, penetrate and wound the said Basil H. Gordon, in and upon the back part of the head of him, the said Basil H. Gordon, giving to him the said Basil H. Gordon then and there with the leaden bullet aforesaid, by means of shooting off and discharging the said pistol so loaded to, at and against the said Basil H. Gordon, and by said striking, penetrating and wounding the said Basil H. Gordon as aforesaid, one mortal wound of the breadth of one inch and depth of six inches, in and through the head of him, the said Basil H. Gordon, of which said mortal wound the said Basil H. Gordon did then and there instantly die; and that the said William H. Bruff then and there feloniously, wilfully, deliberately, premeditatedly, and of his malice aforethought, was present, aiding, helping, abetting, comforting, assisting and maintaining the said Edward D. Worrell, the felony and murder aforesaid in manner and form aforesaid to do and commit—and so the jurors aforesaid, upon their oaths aforesaid do say that the said Edward D. Worrell and William H. Bruff, him, the said Basil H. Gordon, then and there in manner aforesaid, feloniously, wilfully, deliberately, premeditatedly, and of their malice aforethought, did kill and murder, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State. And the jurors aforesaid, on their oaths aforesaid, do further present that William H. Bruff and Edward D. Worrell, afterwards, to-wit: on the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and fifty-six, at the County of Warren, and State aforesaid, with force and arms in and upon one Basil H. Gordon, then and there being, feloniously, wilfully, deliberately, premeditatedly, and of their malice aforethought, did make an assault, and that the said William H. Bruff, a certain pistol then and there charged with gunpowder and a leaden bullet, which said pistol he, the said William H. Bruff, in his right hand then and there had and held at