

the time the act took place; and also that previous thereto the murderer intended to commit the deed.^o

I desire in this opening to be very brief, and therefore shall not dwell farther upon mere definitions of law. This indictment contains two counts. The first charges the prisoner, Worrell, with being the principal, who committed the act, and that Bruff was aiding and abetting therein. The second count charges Bruff as principal, and Worrell as accessory. It makes no difference which did it, if both aided and were present. In such case the law considers them both equally guilty, as principals, and the result must be the same to each.

As far as I know the facts, they will be as follows:

Basil H. Gordon was an assistant engineer on the North Missouri Railroad. He was a young man from Virginia, the son of a widowed mother, and of a noble, lofty and generous character. In pursuance of his duty, he traveled with Major Walker, the chief engineer of the road, and Mr. Sturgeon, the president of the railroad company, to the point where its line intersects the Hannibal and St. Joseph Railroad. There they parted. Messrs. Walker and Sturgeon went away to Jefferson City. Mr. Gordon started to come back down the line of road. He did not, however, arrive home. The weather at the time was intensely cold. His friends finally became uneasy at his protracted absence. They then began to make inquiry. They found he had been seen at a certain point with two men. After that the two men were seen without him, mounted and leading a third horse. Search was then made. The neighboring county became aroused, and much excitement began to prevail. There was a general belief there had been foul play. In the main road a little dog began scratching, and under the upper covering of snow found the beneath discolored, as though by blood. Near this spot it was heard a new saddle had been found. One man, in searching, must have stepped on the body. It was found near them, covered with brush and snow, stiff and frozen. A coroner's inquest was held, when it was found he had been shot in the back of his head. The bullet lodged in the brow, having

^o Bower v. State, 5 Mo. 579.