

a pony mare, a sorrel. "A man claimed the horse as stolen," (objected to and excluded by COURT). I identify Bruff, who is now brought in.

*Cross-examined.* Never saw Worrell before that day. Saw him soon after his arrest in St. Louis jail in a cell. Two cells were pointed out as containing them, but not discriminated. Have seen him about four times since I first saw him. I went to his cell about three times. Went to see him about the pony. The first time I saw him at my house. He hallowed to me to sell me the horse, and on my not agreeing he rode on, but in fifteen minutes they all came back, and I bought the horse and paid him. He looked like a very genteel man. He had whiskers, by which I mean beard on the face. Think he had mustache; don't recollect. His beard was long. When I saw him in the cell, he had been shaved, and he had a small beard which had not grown very long. When I traded with him, noticed him particularly, as I do every man I trade with. Knew Gordon. Not positive what sort of horse he or either of them rode.

*Re-examined.* There is no doubt in my mind that the prisoner is the one who sold me the pony. Saw nothing wrong with him; he appeared rational and shrewd in a trade.

The reason of my certainty is that I know him, by his features, and also by conversations between him and me of things nobody else knew. Memory, therefore, helps it, independent of which I think I would recognize him, but that strengthens it.

*George T. Camp.* Saw prisoner at Warrenton on the eve-

ning of January 24, 1856. He was in company with Gordon, and a man have since heard called Bruff. Was standing in the upper part of town talking, and saw three men riding up, one of whom I recognized as Gordon. He stopped and chatted with me about ten minutes. Urged him to stay all night, but he desired to go on to Mr. Hutchinson's, to make his ride easier next day. Identify Bruff.

*Cross-examined.* Both Worrell and Bruff attracted my particular attention because I thought they might be new contractors or engineers on the road. Am a contractor for ties to the Railroad.

*Wilson Hutchinson.* Live four miles east of Warrenton, on the Boonslick road. Am a farmer and entertain travelers. The first time I saw defendant was in January, 1856, at my house. He came there January 24th, about dark, and he and a man then called Gordon, and a man then called Bruff, remained there all night. Identify Bruff as the same man, and Worrell as the same man who were that night at my house. I have since seen them in St. Louis jail. They left my house between seven and eight o'clock next morning. They all came together, and went together eastward on the 25th. After they had come in that night, Worrell took out a pistol and loaded it.

*January 22.*

*Wilson Hutchinson.* There was a right smart but not a great deal of snow on January 25th. It was still snowing and quite cold. Next time, after Gordon left my house, that I saw Gordon, was when the body was found in the gully, and the snow taken off