

back part of the head is more fatal than in front. Suppose this wound did not touch the spine, which would produce death, but judge from the description, it severed a diverging nerve, which would also produce death.

*William H. Pace.* Have seen the prisoner, on 24th of January last, at James Jones' first, in Montgomery County, on Boonslick road, ten miles west of Warrenton, two other gentlemen with him; did not know them. This prisoner was one. They came in to pay their bill to Mr. Jones. The third man I did not notice much. He seemed to be a tall, slim, slender man. Saw them two and a half miles from that place on horseback, going east towards St. Louis, where I was going. There were three men. They passed me. I stayed that night at Warrenton. Next saw them next morning at Hutchinson's.

One of the men came out of the gate next morning as I passed Mr. Hutchinson's, and remarked I had got a very early start. Mr. Harvey was with me. Saw one man appear to go towards the stable, but I did not see any horses out. Again saw these men about five miles from Hutchinson's. There were only two men, and they led a third horse. Thought they were the same men. They passed me. There was no saddle on the led horse. Did not pay any particular attention to the horse. It was snowing very fast. I afterwards again saw them. I supposed they had stopped upon the road. About five miles after they first passed me, they came up again about one-half mile from Mr. Kerwin's, and I think Worrell said it was a very unpleasant day.

*Cross-examined.* It commenced snowing, the evening I left Mr. Jones', 24th January. Jones' is fourteen miles from Hutchinson's. Stayed all night at Mr. Glenn's, a tavern formerly occupied by Mr. Harper, about four miles west of Hutchinson's. Jones' is ten miles from Warrenton. Breakfasted before I left Glenn's. My companion was Ford Harvey. We traveled in a two-horse wagon. One of these men, don't know which (I was in the wagon and only saw the glimpse of him), spoke to me as we passed Hutchinson's. About five miles below Hutchinson's we were overtaken by them on horseback, leading a horse. Five miles below there they overtake us again. Mr. Worrell, I think, said it was a bad day. It snowed tolerably fast all that day. Did not notice the horse the man was riding who spoke to me. I did not then see them afterwards; but have since—in September—seen him in jail. We did not speak to each other. Went to the jail with Mr. Harvey, Ferguson (witness) and the sheriff.

*Ford Harvey.* Have seen prisoner, January 24th, twelve months ago. Saw him at Jones', on Boonslick road about ten or twelve miles from Warrenton. Mr. Pace was with me, and we were going to St. Louis. Understood the two men with him then were Gordon and Bruff. Next time I saw him was on same day, about two or three miles east of Jones'. They were traveling on horseback. Next morning saw them again at Mr. Hutchinson's. Did not see all at Hutchinson's, I saw one of them on the porch, not far from the road, and the other near the stable. Mr. Pace