

not be continued in such an office. If the recruiting officer did his duty, a person so afflicted could not be enlisted.

*Charles T. Clark.* Reside at Fort Leavenworth; am quartermaster sergeant in U. S. Army. Know prisoner; knew him at Fort Leavenworth. He deserted on the evening of January 7; a sergeant of the name of Bruff, Company I, also deserted same time. Two horses were taken at same time. I know the horse Worrell was in the habit of riding was left behind. The one taken was far better; he was a noted horse for his appearance; it was certainly more valuable than his. The one he was then in the habit of using was in a poor condition. Soon after Worrell joined in August, 1855, he was made first sergeant. Saw him every day, when on duty; sometimes oftener. He was on duty unless sick or on leave. Saw him once, between November, 1855, and January, 1856, in liquor. He was riding on horseback and could not sit in the saddle. He used to keep liquor in his room. Have been there many times and found liquor there. There is no army regulation against it except against drunkenness. They all use liquor generally. It is according to the orders a sentry receives, if any person may pass or not. If ordered not to allow a person to pass, it is common for sentries to allow members of their own company to do so as long as they are satisfied there is no bad intention. Worrell bore a fair character in the camp. His character was that he was the best sergeant we had in the regiment. That continued until the day he left. No in-

sane man or idiot could hold such office; it is impossible. The duties are very complicated.

*Cross-examined.* Have no reason to doubt he was honest. Was never called to run to his room. Never saw him present a pistol loaded at a person to shoot him. A sentinel's duty is to shoot a person trying to force his way. If I know the sentinel he would not shoot me in time of peace. Since I have been in the regiment I have passed sentinels every night, often and often, from June, 1855, until now, without being stopped except two or three times when drunk. When I saw Worrell reeling in his saddle he did not fall. I don't know if it was from liquor or disease. Think he acted under liquor. Had not seen him drink. He was riding in company with another man who was staggering drunk. He was not an habitual drunkard. We have had men there who never drank. Worrell drank with me when at his room. The liquor was whisky. I never drank any brandy there that I know of.

*James A. Ferguson.* Have been examined before and said I bought a mare from the prisoner Jan. 24, 1856. The conversation between us was as follows: I asked him where he was from and where he was going. He said he had been to Kansas, but was going to Clark County, Ky., where he lived. He said his name was May. Bruff and Mr. Gordon were with him. The horse trade was in the usual form. The horse was taken away from me. The man described the nag so well, I gave it up without requiring him to prove it. The man took the horse; I gave