limits of the circuit, and some few beyond the limits of the State.

To have imposed therefore the preparation of the case upon the circuit attorney would necessarily have required him to traverse the whole country in search of testimony, at a heavy expense without any legal claim for reimbursement, and to the entire neglect of those duties which more legitimately belong to his office. But independently of all this, no injury is likely to result to the prisoner from the fact that Gen. Coalter and myself are here to aid the State, for he is represented by the ablest advocate in the West, and one who stands at the head of his profession in the criminal department of the law.

The accused has reason to be thankful to the State's counsel for many acts of indulgence on their part. Numerous depositions have been filed and read in his behalf, most of which could have been suppressed for irregularity. The acts, moreover, deposed to, are in many instances irrelevant, having no bearing upon the issue; and the evidence is chiefly hearsay; witnesses deposing to facts not within their personal knowledge; but gathered from idle rumor; yet we have permitted these depositions to be read in evidence and have given the prisoner the full benefit of them, simply reserving the right to comment upon their weight and character.

It would have been gratifying to us if in the course of this laborious investigation anything had been elicited to exculpate the prisoner; but we regret to say that every fact and circumstance detailed in evidence point with unerring certainty to Worrell and Bruff as the perpetrators of the murder; a murder committed solely for gain and under circumstances of the most cruel and barbarous nature.

The learned counsel who has just so eloquently addressed you has placed the defense of his client upon four grounds:

1st. That the evidence does not show to the exclusion of every other hypothesis that Worrell killed Gordon.

2d. That if the evidence does establish the fact that Worrell killed Gordon, it also shows that he did it in an attempt