

was any blood on the cloak and said, "That cloak would tell the tale."

Mr. Morgan testifies that on the 13th of January, in St. Louis he let Mr. Gordon have a chestnut sorrel horse, to go up the line of the North Missouri railroad. The horse was fine looking and had a knot under the jaw about where the curb would come. He also took with him a saddle and bridle belonging to Mr. Signer, which was in my possession. Prior to this I had used the saddle, and on one occasion carried up on the pommel some iron hinges and tools which scratched the pommel and left on it a red spot. I put some blue ink on the spot. The bridle was nearly new, and I had taken out the bit, and put in its stead an old Snaffle bit. Some time after the murder of Gordon, Mr. Signer and myself went on to Vincennes, and there saw in possession of Mr. Gould the horse, saddle and bridle. I recognized them immediately.

Mr. Signer states that on the 13th of January, in St. Louis he loaned Mr. Gordon a saddle and bridle to take with him up the line of the North Missouri railroad. Some time after the murder of Gordon Mr. Morgan and myself went to Vincennes and I there saw the saddle and bridle in possession of Mr. Gould, and recognized them at once.

I have thus, gentlemen of the jury, brought together, stripped of their verbiage, the leading facts and circumstances connecting the prisoner with the charge in the indictment, and so conclusive are they of his participation in the homicide that the learned counsel has not ventured upon an argument to establish the possibility of the existence of any other hypothesis but the one involving his guilt. In lieu of it, however, he has opened his battery upon circumstantial evidence in general; denouncing it as uncertain and unreliable; tending to lead your minds to a wrong conclusion, and warning you against placing too much reliance upon it.<sup>12</sup>

But the learned counsel has endeavored to bias your minds

<sup>12</sup> Here *Mr. Bay* went into a lengthy description of the nature and character of circumstantial evidence, and the rules of law governing it; applying the rules to the case at bar; quoting largely from various authors, and the opinions of eminent jurists. This part of the speech occupied upwards of two hours.