

ciple than that of alienation of mind." I gave the gentleman's argument my closest attention, and so far from satisfying my mind of the truth of his proposition, he led me to the conclusion that the prisoner was a man of more decided intellect than I had attributed to him. The first act to which I shall call your attention relates to what transpired on the day of his desertion.

As first orderly-sergeant it was his duty, and his alone, to detail every day a man to assist in the stable, and one in the kitchen. The proof is that on that morning he detailed a man for the stable who owned a very fine bay horse, one of the fleetest in the stable. During the day he went to him and told him that he had made a mistake; that he had intended to place him in the kitchen and the other man in the stable, and directed the change accordingly. That night he deserted, taking with him the bay horse, which he could not have readily done had the owner remained in the stable.

I leave you, gentleman, to judge whether this fact indicated mental disorder. The prisoner crossed the river on the ice, and the next morning his cap was found at the edge of a large hole made in the ice for the purpose of watering horses belonging to the fort. This was done to elude pursuit by creating the belief that in attempting to water his horse, both he and the horse had fallen in and drowned. This ruse was eminently successful, for Dr. Worrell tells you that shortly afterwards he received a letter from Sergeant Clark, announcing the death of his son, and the officers at the fort did not learn to the contrary until they heard that he was arrested for the murder of Mr. Gordon. Dr. Worrell remained in the same belief until the arrival of his son in Dover. Here you have evidence of a mind capable of reasoning, of drawing conclusions from facts, and I question very much if either Major Wright or myself would have managed it half as adroitly.

We next find him at Ferguson's busily engaged endeavoring to sell a horse—succeeds in making the sale. Ferguson tells you that although he was conversing with him half an hour, he discovered nothing wrong in relation to his mind;