

acquainted with either Wentz or Couzins. Wentz, it is true, consulted with one or two lawyers in Dover, but there is nothing to show that they communicated the fact to Worrell, and we are not to presume that they were treacherous to their client.

The learned counsel thinks if the prisoner were sane, he would not have acknowledged to Wentz and Couzins that the watch and saddlebags had belonged to Gordon; nor would he have stated to Sturgeon and Taylor that the deceased did not suffer after he was shot. If a confession of this character proves insanity, then a murderer has nothing to do but acknowledge his guilt and receive his discharge. Confessions sometimes afford the only means of punishing the guilty and thousands have been executed upon them. The acknowledgment that the watch and saddlebags were Gordon's was only made after Wentz had stated in the hearing of the prisoner, "that he knew the watch to be Gordon's." It was the admission of a fact, after the proof of the fact. It is also possible, and even probable, that he designed charging the murder upon Bruff, for you will recollect that in speaking of the cloak left at Vincennes he said, "That cloak would tell the tale." Also when asked at Smyrna why he did not state who committed the deed, he replied, "I do not like to talk about it as the other man is a Mason."

I have now answered the first proposition of the counsel upon this issue, and I think you will concur with me in the opinion that the conduct of the prisoner furnishes no evidence of such a want of mental capacity as to render him irresponsible for his acts.

Men, after the commission of high crimes, often demean themselves in a way that does not comport strictly with our notions of wisdom. They are much inclined to think that all men look upon them with suspicion, and in their efforts to guard against discovery, say and do things that in the end lead to their detection. This was strikingly illustrated in the case of Dr. Webster, who had a week to dispose of the body of Dr. Parkman, and yet left the thorax of the deceased in a tea chest, and a full set of mineral teeth, which