

otherwise, or that he should escape with a lighter punishment. But it must be considered in every part. If the facts stated or any part of them are inconsistent with the other evidence, then these may be excluded. Gentlemen, what are the facts in corroboration? In answering this question you will consider the previous intimacy of the defendant with the wife of the deceased; the testimony showing illicit intercourse between them, the complaints frequently made by Stiles respecting the intimacy and intercourse, and the frequently expressed expectations of De Wolf, to get possession of the property of Stiles. How far, now is the confession corroborated by these circumstances. De Wolf admitted his expectation that the property would be his, alleging that it was \$700 or \$800, in amount, that he should receive it by the wife of Stiles. He frequently spoke of his expectation of having money by and by, that he should not always drive a truck team; and when asked by one of the witnesses how it was, he said "through Stiles," stating that he would not live a year, and that he had an understanding with his wife. These circumstances are corroborated by Flagg, Webber, Gates and Pierce, and taken in connection with his confession, have a very important bearing upon the case.

Then, gentlemen, you will look at the opportunity which the defendant had to commit the crime. It is not easy to determine how men would act under such circumstances. It is evident that there was a plan between the prisoner and Mrs. Stiles to entice the deceased, to go out to Cobleighs. This circumstance bears strongly upon the question, as it shows a singular relation between these parties. De Wolf went often to the house of Stiles, was an inmate of the family, yet as a reason for taking him (the deceased) to the stable on the night of his death, he said he would rather detain him there than carry him home on account of his wife. If Stiles was not accustomed to come home intoxicated and if his wife was not accustomed to have him at home in that condition, then the motive assigned was a good one.

Now as to the time. It is contended on the part of the de-