

fense that there was no time when this offense could have been committed. When witnesses speak of a few minutes their testimony does not admit of a very great accuracy. If the prisoner committed this crime, he would have done it under such circumstances as would be the least likely to subject him to suspicion.

According to his confession he could not have done it at any other place than at the stable. One of the witnesses has stated that a much less degree of force would produce death while in a state of intoxication or debility from any cause. If then the defendant had no good motive to carry Stiles home but to keep him in his power, then it was a stronger circumstance. Another fact which bears strongly, is the contradiction made by the prisoner in the morning. He was advised not to tell where he had been, as it would not look well, but would operate to his prejudice. This may account for the fact that he did make a false representation. If a man gives a false account afterwards it shows that if he told the truth in the first instance his fears have either been excited, or that he has been advised to make a different statement.

A great number of witnesses have been called in this case whose testimony you will have before you. The evidence of one of them has been introduced to show an inclination on the part of the deceased to apply his hands to his neck for the purpose of committing suicide. This evidence, however, is not material. The testimony also of Drs. Woodward and Workman is entitled to great consideration. . . . I am reminded by my associates that there is one part of the evidence which it is more necessary to speak of. It is the second letter written by the prisoner while in confinement, which was carried out concealed in the sleeve of a person about leaving prison. I have remarked that it was not written under the influence of hope or fear. So far then as the contents of that letter are connected with the confession and testimony in this case, they go to show, that the prisoner had a criminal's sense of conscience, and you will bear in mind that he sought