

say whether there were two balls in the gun—the hole larger behind than before—but that it was immaterial, as such a wound would produce instant death.

He thinks these two were first killed, as fermentation had commenced in the wounds, and worms formed.

The next was John. He found a wound through the right breast. He first thought the ball entered the breast; but, on further examination, he thinks it entered near the spine, and came out at the breast, passing through the right lobe of the lungs. It was a mortal wound.

Next was the old lady. She was lying on the bed—had a wound above the right eye, between three and four inches in length, obliquely across the corner of the eye. The depth he could not tell. The wound above the eye done with an instrument like a dull axe. Her throat was cut with a dull instrument, and all the important blood vessels separated. He thinks animation was suspended before the throat was cut.

David he found laying on his face. He presented the appearance of having been strangled. His face was black—tongue swollen and hanging out. A ball had passed through his pantaloons; it just touched him slightly.

George had a small triangular fracture on the back part of his skull. The doctor could run his little finger into it. His right arm broken two inches above his wrist. The appearance of a severe contusion on his jaw bone—and, he thinks, his throat cut. He came to his death by violence. An animal had eaten the flesh off his head.

It is a settled law that if the party died by the same kind of death mentioned in the indictment, it is no ways material whether the right instrument be mentioned. If it is laid as done with a sword, and upon evidence it turns out to be a staff, hatchet, or any other weapons, it will support the indictment. The substance is, whether the party gave the wound which caused the death. It is not material as to the description of the weapon. It is better to describe it accurately.

That these several murders were committed by some one,