in that case are applicable to this, not excepting what is said; in reference to the publicity of cases made up for this court.

In speaking of the connexion, necessary to be proved between the prisoner & Ann Mattox as preliminary to the admissibility of her acts & declarations in furtherance of the common purpose, as evidence against him: I have used the word "agreement" to aid & assist each other to effect the death in preference to the word "conspiracy", for, altho they have the same meaning, yet the latter is apt to lead to a confusion of ideas — for, if parties are indicted for a conspiracy to murder or do some other unlawful act in that case, the issue joined on the plea of not guilty, is the fact of the conspiracy: the evidence to prove it, must of course be given to the jury & passed upon by them; otherwise, when the indictment is for the murder or other act, & the fact of an agreement to aid & assist, is only preliminary to the admissibility of the acts & declarations of one, against the other. This will be called re

Pearson