

duty of searching diligently, anxiously, honestly. If you reason badly, it is fatal. If you do not imagine well, it is fatal; and yet, circumstantial evidence is lauded as the guide of safety in the most awful of human inquiries!

Jurors, pour out the mass of victims sent to the scaffold by circumstantial evidence. I have neither time nor strength and I may add patience to wade through the melancholy records. Let me present to you the case of a poor girl in England, slaughtered, judicially slaughtered, though innocent; slaughtered, because a jury could not or would not search for another hypothesis! I read from Starkie:

"A lamentable case occurred some years ago, which strongly illustrates the necessity of exerting the utmost vigilance in negating satisfactorily every other possible hypothesis in a case of purely circumstantial evidence. A servant girl was charged with the murder of her mistress. The circumstantial evidence was very strong; no persons were in the house but the murdered mistress and the servant; the doors and windows were closed and secured as usual (inside). Upon this and some other circumstances the prisoner was convicted principally upon the presumption (i. e., hypothesis) from the state of the doors and windows, that no one could have had access to the house but herself, and she was accordingly executed."

I stop the narrative here. I do not yet wish you to hear what follows. I want you to sit as a jury on the case of the girl. I wish to show you what the fourth rule means. I desire to prove to you the fatal fascination of circumstantial evidence and its insidious treachery. These are the facts. What will you do with them? The house had but two tenants, one the dead mistress, the other the living girl. The doors and windows are closed, secured on the inside. Who could be the murderer but the girl? It is not a case of suicide. It is a case of assassination; and there is but one assassin! Beside other circumstances point to the girl and proclaim her guilt. Can such circumstances lie? Is not investigation ended? Why seek for any other hypothesis than her guilt? Can any supposition explain the circumstances, but the supposition of her guilt? Do you see any room for doubt? Can you imagine no state of facts which may save her life? Think,