

all perish in the same way. The fate of the unhappy girl tells the whole story. If we cannot profit by it, the instructions of a wider experience would be useless. If the advocate in her case had supposed the actual truth of the transaction, would he have been heeded? Would not his suggestion have been dispatched by a sneer of the prosecution, or killed by three words: "This is far fetched"? Would the jury have given up the lie which seemed so plausible, for the truth which seemed so improbable? The law told them to give up; but they could not! The law told them so in the fourth rule, but they would not heed its mandate! Were they honest? Yes! in all probability honest and trying to do right; but fascinated, as all men are, by circumstantial evidence, they could not surrender the delusion which their own reasoning created. They could not feel and acknowledge their own fallibility, and because they could not, they murdered an innocent girl. The pride of intellect makes a conviction wrought by circumstantial evidence the strongest of all our convictions, and it is therefore the last which we are willing to surrender.

Do you not pity that jury? Did they sleep in peace after they knew the truth which they had rejected? How plainly they saw the truth "afterwards"! How easy it was to see the true hypothesis "afterwards"! But what word so sad as that word "afterwards"? The law of the fourth rule is intended to rob "afterwards" of its power to mourn. It is designed to put it out of the power of "afterwards," to disclose what "possibility" did not embrace. The fourth rule observed by juries will check these sad mistakes, this shedding of innocent blood. Have we not warning enough in history, in judicial annals, in daily life, to show us that circumstances can lie, do lie and will lie to the end of life?

They lied to Jacob. What but the lie of circumstantial evidence made the aged patriarch rend his garments, clothe his loins in sackcloth, and utter the wail of agony which would not be confessed, "I will go down into the grave, unto my son, mourning!" The case is instructive to show the power of falsehood told by circumstantial evidence. "It is my son's coat, an evil beast hath devoured him; Joseph is