

He is the man about whom it appeared that the whole fight would center. If he could convince you that Jim confessed the murder to him, that would let Frank out! Yet where is Mincey? Gentlemen, this has been a long testimony which you have had to sit through, and I do not wish to take up any more of your time than necessary.

Gentlemen, the only belief required of you is the same sort of belief that you would have upon the street, at your places of business, or in your homes, and on this belief you are to act. Simply use your common sense in the jury box. I thank you.

MR. ARNOLD, FOR THE PRISONER.

*Mr. Arnold.* Gentlemen of the Jury: We are all to be congratulated that this case is drawing to a close. We have all suffered here from trying a long and complicated case at the heated term of the year. It has been a case that has taken so much effort and so much concentration and so much time, and the quarters here are so poor, that it has been particularly hard on you members of the jury who are practically in custody while the case is going on. I know it's hard on a jury, to be kept confined this way, but it is necessary that they be segregated and set apart where they will get no impression at home nor on the street. The members of the jury are in a sense set apart on a mountain, where, far removed from the passion and heat of the plain, calmness rules them and they can judge a case on its merits.

My friend Hooper said a funny thing here a while ago. I don't think he meant what he said, however. Mr. Hooper said that the men in the jury box are not different from the men on the street. Your Honor, I'm learning something every day, and I certainly learned something today, if that's true.

*Mr. Hooper.* Mr. Arnold evidently mistakes my meaning, which I thought I made clear. I stated that the men in the jury box were like they would be on the street in the fact that in making up their minds about the guilt or innocence of the accused they must use the same common sense that they would if they were not part of the court.