

evidence as upon direct evidence. Eminent authority shows that in many cases circumstantial evidence is more certain than direct evidence. Conviction can be established better by a large number of witnesses giving circumstantial evidence and incidents pointing to guilt than by the testimony of a few witnesses who may have been eye-witnesses to the actual deed.

In this case, we have both circumstantial evidence and admission. Hence, with reasonable doubt as a basis, the evidence shows such a consistency that a reasonable conclusion is all that is needed.

This thing of a reasonable doubt originated long ago, when the accused was not allowed to be represented by counsel to defend him. In time the reasonable doubt will drop out. Our people are getting better and better about this all the time. The state is handicapped in all sorts of ways by this reasonable doubt proposition, and has to more than prove a man's guilt often before a conviction can result.

You can't get at a verdict by mathematics, but you can get at it by a moral certainty.

People sometimes say that they will not convict on circumstantial evidence. That is the merest bosh. Authorities show that circumstantial evidence is the best evidence. People are improving about this. Yet juries are often reticent upon this point. But juries should not hesitate at lack of positive evidence. The almost unerring indication of circumstantial evidence should control. Otherwise society is exposed to freedom in the commission of all sorts of the most horrible crimes. Circumstances which would warrant a mere conjecture of guilt are not warranted as the basis for a conviction, but when the evidence is consistent with all the facts in the case only a conviction can result.¹

Now, let's examine this question of good character. I grant you, good character spells a whole lot, but first, let's establish

¹ Mr. Dorsey here told the graphic story of how W. H. T. Durant, upon circumstantial evidence, was convicted of the murder of Blanche Lamont in Emmanuel Baptist church in San Francisco.