

ant. In determining this point, you are to look at the motives, the time, and the circumstances.

It is proper, therefore, to look at circumstantial evidence. It is contrary to positive evidence. When it is introduced, it does not profess to be positive proof. It is therefore to connect one fact with another, and the inference which is drawn must be one which may be proved to be fact from the connection of all the circumstances. It has been said that a case of circumstantial evidence may be more plain than one asserted by positive evidence.

One witness may testify to one circumstance, another to another circumstance but both tending to establish the same fact.

A case may consist partly of both positive and circumstantial evidence, and this may be of that class. All the circumstances go to show that the prisoner had the motive to commit the crime charged in the indictment, and when you find the act done, you must investigate carefully all the circumstances connected with its commission. The confession of the defendant, is partly positive, and partly circumstantial. It is positive so far as it corroborates the circumstances, proved. It is circumstantial, so far as it reveals a great variety of circumstances connected with the act. But the question is now as to the confession made and the circumstances under which it is made. The party knows whether they are true or not. If then you have evidence that it was honest and sincere, then you may attach greater weight, to those circumstances. If there were facts or circumstances to excite hopes or expectations of escape then you are to look carefully at the confession itself. You are to inquire whether it was honest and sincere or whether any inducements were offered to entrap him into a confession. If it appears that a man has been seduced by his own feelings, or, that there have been other circumstances to draw out a confession under the anticipation of personal benefit or release, then, gentlemen, you must reject it as being untrue. But if he makes it in the absence of motives or inducements of such a nature, it