

“wilfully, deliberately and premeditatedly,” as laid in the indictment, there seems to be but one opinion. There can be but one. The crime, for wickedness and atrocity, is unexplained in this or any other civilized country.

There is but one inquiry. Does the evidence satisfy you that the prisoner did the acts charged upon him? If that inquiry be answered affirmatively, there can be but one result.

The evidence is presumptive. Direct and positive evidence cannot always be obtained. The law admits circumstantial or probable evidence. Presumptive proof is either violent or probable. A man should not be convicted on probabilities; but violent presumptions may amount to full and satisfactory proof. Violent presumptions are, when circumstances are proved which usually and necessarily attend the fact; and are, therefore, considered to be full proof, till the contrary appears. As if a man be found suddenly dead in a room, and another be found running out in haste with a bloody sword. This is a violent presumption that he is the murderer; for the blood, the weapon, and the hasty flight, are all the usual concomitants of such a horrid deed.

The next proof to the sight of the fact itself, is the proof of those circumstances which do necessarily attend such fact. Every presumption is more or less violent, according to the several circumstances proven; both more or less usually accompany the fact to be proved. It is difficult, nay, almost impossible, to lay down precise rules, which should govern the jury. We instruct you, that each particular case must depend upon its own nature; and circumstances and presumptions will become serious when the appearances are not accounted for by those whose power it is to account for them. So, if different or false accounts be given.

You, gentlemen of the jury, who have diligently attended to the evidence, will consider it carefully, and regard the rules we have stated, and will state to you. You have heard Brown's evidence. We state an outline of it. On the day the murders were committed, he left Matilda Furnace about 1 o'clock, with a griddle and sledge on his back, for his own