

the voices of law and fact, as determined by the evidence. Any juror who listens to any other voice dishonors his position, disgraces the state and destroys the purposes of trial by jury. The indictment charges Mrs. H. H. Hirsch and W. J. Cook with blackmail and of verbally accusing Asa G. Candler, Sr., of adultery with Mrs. Hirsch with intent to extort money. The second clause in the indictment charges them as guilty of verbal blackmail in that they did threaten to accuse Asa G. Candler, Sr., of adultery with Mrs. Hirsch with intent to extort money. The third count charges that W. J. Cook and Mrs. H. H. Hirsch on February 6, 1918, did verbally accuse and did threaten to accuse Asa G. Candler, Sr., with attempting to commit the crime of adultery and with the actual crime with said Mrs. H. H. Hirsch, and threatening to expose that crime unless that money was paid.

In substance these charges are simply blackmail. There are two ways to commit the crime of blackmail, either by direct accusation or by threats to charge with the crime.

Mrs. Hirsch is on trial alone. She has entered a plea of not guilty and the burden of proof of her guilt is upon the State to establish beyond a reasonable doubt.

In the first place, the proof of conspiracy, an agreement to violate the law between two or more persons devolves upon the State as the basis of their charge. Conspiracy is a subtle thing that cannot be seen as it exists in the mind and can only be determined by the conduct and declarations of the alleged conspirators.

If the jury believed such a conspiracy existed in this case and that this was part of the threat to expose, then, if the jury believed such conspiracy existed everything done and said by one principal is chargeable to the other and each is responsible for the other. If either one directly or indirectly threatens to accuse to get money and if the jury believes a conspiracy originated by them existed it is their duty to find Mrs. Hirsch guilty.

Mere suspicion is not sufficient for a verdict, there must be