

circumstantial evidence this Court and Jury are as a single individual. All-together cannot judge more accurately than one man who faithfully notes the evidence with a just discrimination.

The process of eliciting certainty from uncertainty is one of fearful responsibility. The difference between what we know and do not know, of things not proved, may be almost infinite. And - before we proceed to analyse the case before us it becomes a solemn duty first to point out the characteristics of circumstantial evidence as furnished by spontaneous events in their natural order, - and of that show of evidence which comes from conspiracy.

Truthful evidence as indicated by real events not forced out of their proper relations is always characterized by the want of unity, the want of design. There is a unity of truth - but not of parts as making a whole. Each event speaks its own language independently, and each event is to be allowed an influence in proportion as it is proved, or confirmed by the independent language of concurrent events. The links of the chain may be said to exist, but they are not put together.

On the other hand, - Conspiracy systematizes. The design is always overwrought. The events are multiplied, and their concentration, or unity of design is made <sup>apparently</sup> overwhelming. The victim is surrounded by circumstance, & every circumstance seems to speak but one language and that in no way ambiguous. Everything is made certain. The links of the chain are put together, - and so far as events can be made to speak, - the evidence is complete. It is intended to be so. It is even redundant. It relies with confidence upon completeness & diversity of design, and