

They put great stress upon what they called sand at the east of the culvert. George Hall said part was light and part was like the dirt on the hill side. If you observed the dirt on the east side of the culvert you will know the dirt was not drawn there. A great deal of time was placed on the break of a sluicelot. He told the truth on the 14th, that the flood had cut across at the corners, and he told the truth in reference to the sluicelot.

Because this respondent did not detail to the officers what his defence was, is no evidence of his guilt. Kittle Ash heard talk there—it was not Young, ut James Rockwell, who had broken his wagon. The fact that he kept on digging is evidence that he did not think he had seriously injured the deceased. As soon as they got to the body they went right away after restoratives. A minute is an extreme length of time he was there.

Where is the burden of proof? The court will tell you it is on the people. They must prove their case beyond a reasonable doubt. He will charge you that if any member of the jury has a reasonable doubt, he should be allowed to use his individual judgment. Young did the deed in the dark. A comparatively light blow might have done all that was done. If he himself believe Allin had a revolver, he had a right to do what he did. The people don't want money; they don't want to incarcerate a man because simply a man is gone; but they want, and all they want, is justice. You don't lift your voice without a motive. It is harder for a married man to commit crime than a single man; it takes a more malignant man, a man who has none of these environments. How are murders committed? something grows upon them, the malignity, the fear even of damnation, the fear of punishment cannot control. He could not have formed the purpose of committing murder. He would forget his mother, his dear wife and his prattling boy. He had no intention of committing this crime.

We called your attention to the most salient facts, and now ask you to consider if he had a previous motive and determination, and whether this man should be convicted or not.

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