the day I alluded to, it was not steep. the path was steep & broken further on towards Mrs Dula's, but not towards Sally Foster

Here the State closed

The prisoner resumed his evidence

Rufus Horton (recalled by the prisoner) testified I know the General Character of Jesse Gilbert It is bad for stealing & lying

Here the prisoner closed

The prisoners counsel asks your Honor to charge

1st Circumstantial evidence, to authorize the Jury to convict upon it, must be at least as strong as the positive and direct testimony of one credible witness

2nd That the circumstances proved must exclude every other hypothesis,

3rd The evidence must convince the Jury of the prisoners guilt beyond a reasonable doubt,