

say nothing of each trying to convict the other. It would make no difference. Both are equally guilty. But, I know from depositions on file in this case, that the main effort in defense of this man will be to show that he is not responsible for his conduct by reason of insanity. After the evidence is before you it will be a hopeless task to endeavor to argue that the defendant did not commit the act charged against him. No human eloquence would suffice to throw a doubt on that point; but the effort will be to show that, although he did the act, he is not responsible, because of insanity. I therefore call your attention to this plea, at this time, and lay down certain legal principles in regard to it. I call your attention to it at this time, because I wish you to view all the circumstances of this case, as they are detailed before you, and from them judge whether the man was insane at the time of the commission of the act. For on this the question will turn: Was he insane at the time of the act done? It is not material how eccentric or even insane he may have been at a previous time, if he was of sound mind at the time of the act done. And I wish you, in judging of this matter, to use your own common sense and knowledge of the human mind. After all the learning which may be displayed the determination of the matter must rest in your common sense and judgment. The question is about the human mind, and every man having a mind is capable of forming some judgment on the subject. It is not sufficient that a man may have had eccentric ancestors or relations, or even crazy ones, or that he may himself have been eccentric and erratic. These things are admissible in evidence only as they bear upon the question as to what was the condition of his mind at the time of an act done. You may call an eccentric man crazy, but he is not. The depositions which the defendant will produce in this case do not prove that he was ever crazy. A drunken man may be said to be crazy, yet when was drunkenness ever held to be an excuse for crime? Men sometimes make themselves voluntary demons. Is this insanity? Is this an excuse for crime? A most convenient cloak for crime would this be for any man to make himself a voluntary demon for that purpose! Mere