

peal to hurtful prejudices. His work was but half done; it remains for him to shape the defense, and crush it in advance.

"I know," he exclaims, "there is not human power enough to deny the guilt of Worrell—it will not be denied; but the plea of insanity will be set up. Everything now-a-days is insanity. Drunkenness is insanity; eccentricity is insanity; forgery is insanity. Huntingdon was insane. Insanity is the broad, common cloak spread to cover crime."

Jurors, I am sorry to see a man of talents and high moral position, like my friend, pander to a popular prejudice anywhere, but the regret is deepened to witness such misdirection of power in this place. He should have left such work to the thoughtless, inconsiderate, and irresponsible portions of the press, whose daily function it is to interfere with the tribunals of justice. They know no better, and are but little more responsible than the stripling boy who explodes a magazine with a random firecracker.

There is a want of historical accuracy in this compendious statement. Insanity is a rare plea in our judicial annals. In a practice of near thirty years, this is the third occasion on which I have presented insanity as any part of the defense. I claim to be somewhat familiar with judicial proceedings at St. Louis, and in fourteen years I do not believe ten cases of pleaded insanity can be culled out of all the homicides which have been there the subject of criminal adjudication.

But that is not the greatest error of the statement. The error is not statistical that I must find fault with—it is above any question of numbers, it is moral, philosophical, legal, judicial error. What if the plea of insanity had been put in in every trial of every homicide done in the state, since the criminal courts were first opened, and every plea found to be a false plea? Is insanity therefore no defense? Is the plea in this case therefore bad? Are you therefore to banish from your consideration all proof of mental disorder, and erase from the conscience the principle upon which the responsibility of man to government and to God is founded? How are you instructed in your duty by this sneering reference to past