

dle of the nineteenth century, devised by rampant guilt in fraud of the gallows and the penitentiary!

A man may smile at this folly as the senseless cry greets him on the street, or he reads it in the expression of thoughtless type, hastily put up to sustain a nine days' wonder, but he may not smile if he sees this stupidity come into court decently dressed, and taking its seat on the bench, at the bar or in the jury box.

Silly individuals sometimes lift the same hue and cry against the "plea of alibi," because "it has sheltered scoundrels," and hurried forward by a blind fury, they would deprive an innocent man of the only certain affirmative proof of his innocence, which can ever be made by evidence.

It may help these short-sighted ones to learn that "alibi" and "insanity" are not "pleas;" that the former is "proof" of the innocence of the accused, and the latter "proof" of his irresponsibility to human judgment; and this "proof" in each case, is directly within the legal issue made in every case of accusation. To illustrate: If one of these simplifiers should be charged with murder, it would be incumbent on the State to show he was present at the place of the homicide, at the time of the killing, and therefore it is within that issue for the simplifier to prove he was elsewhere at that time. That is the "plea of alibi," and if established by proof, the innocence of the short-sighted one is affirmatively established.

I trust that "alibi" will survive as a protection to the innocent, if for no larger reason, at least for the benefit of these inconsiderates; and as to that other plea, which goes to the question of human responsibility, I know of no class of men more deeply or personally interested in its maintenance.

Gentlemen, the learned counsel, aware that he could not keep you from entertaining the defense of insanity, if presented, resolved at last to simplify your labors. He suggests a method of investigation, which, if adopted, will relieve you at once of all analysis, all thought, all classification, all painstaking toil. You will be able to reach by a single bound, without a mental process, a conclusion, upon which may hang the destiny of a human being. You are to determine insanity