

after the close of the evidence refer you to many authors. At present I read to you from Ray's Medical Jurisprudence of Insanity, section 381:

"To determine exactly the mental condition of an epileptic at the moment of his committing a criminal act is often a difficult task. It may have taken place in the absence of any observer, in a fit of fury that rapidly passed away, and which perhaps may not have followed any previous paroxysm; or the accused, though subject to the disease, may not have recently suffered an attack, and may have appeared perfectly rational to those around him. The suspicion that the accused was deprived of his moral liberty when committing the criminal act would be strengthened if the paroxysm had been recently frequent and severe; if one had shortly preceded or succeeded the act; if he had been habitually subject to mental irritability, or other symptoms of nervous disorders; and by those circumstances generally which would lead to the same conclusion were the supposed disease a form of moral mania instead of epilepsy. (See page 217.) Cases of this kind should be closely scrutinized, and where the accused has been undeniably subject to epilepsy he should have the benefit of every reasonable doubt that may arise respecting his sanity. Less than this common humanity could not ask; more even has sometimes been granted under the operation of milder codes than the English common law."

To show you the more general indications of that other form of insanity to which the author refers, and with which epilepsy is often complicated, I read section 217, Moral Insanity:

"In nearly all the criminal act has been preceded either by some well marked disturbance of the health, originating in the head, digestive system or uterus, or by an irritable, gloomy, dejected or melancholy state; in short, by many of the symptoms of the incubation of mania. The absence of particulars in some of the cases recorded leaves in doubt how general this change really is; but a careful examination would no doubt often, if not always, show its existence where apparently it has never taken place.

"II. The impulse to destroy is powerfully excited by the sight of murderous weapons, by favorable opportunities of accomplishing the act, by contradiction, disgust, or some other equally trivial and even imaginary circumstance.

"III. The victims of a homicidal monomania are mostly either entirely unknown or indifferent to him, or they are among his most loved and cherished objects; and it is remarkable how often they are children, and especially his own offspring.

"IV. While the greater number deplore the terrible propensity by which they are controlled and beg to be subjected to restraint,