

MR. GALE, FOR THE STATE.

Mr. Gale. Gentlemen of the jury: It becomes necessary for me, as the circuit attorney of this district, to say something to you in this important case. After the length of time you have been compelled to listen to the protracted details herein given, the calmness of your countenances shows me you are prepared to do justice to the State upon one side, and the prisoner at the bar upon the other. I conjure you, gentlemen, to throw away all outside influences. Approach this as a new case. In this age (newspapers in every house) you must have heard of it before. On your *voir dire*, you stated, you had heard of it. In all its phrases it is one of the most extraordinary cases in Missouri, or even in America. The parties concerned, the person murdered, the testimony detailed, are all extraordinary. In the course of the defense Judge Coalter seems to be put upon trial. This was as extraordinary an opening on the part of the defense as the tragedy itself was. We all know that Major Wright's reputation for talent and eloquence is co-extensive with the Union itself. Is it strange that Judge Coalter was employed at my request? What was there in his remarks to require the observations made by defendant's counsel? The only one I saw was that Judge Coalter told you it was your province that you should judge of circumstances constituting insanity. The Supreme Court of Missouri has decided that anyone can judge of it, and you must. The doctrines of insanity are now carried out to a great degree of refinement. There has been an effort to establish a mental stethoscope to gauge the brains, and measure the faculties. You have experience. Can you not judge of insanity? Is it not ridiculous to think of a person gauging a person's brain with so scientific an instrument as a mental stethoscope must be? Gauging is more like a carpenter measuring his work. Defendant's counsel says the defense of insanity is very uncommon; and that he has only known it in his personal practice in three cases, notwithstanding he has been in full practice for thirty