

sider the inquiry, "Was Worrell a responsible being at the time of the homicide?"

I have already admitted the difficulty which meets me at this point. If the prejudice invoked by the opening speech of the prosecution did not rise at the call, or if rising it has since perished from your minds, under the force of the higher sense of justice, still I am met by difficulty in the investigation.

The form of mania which I have to treat, though complicated, is not the vulgar and palpable form of insanity. It is difficult of proof, for it does not strike the casual observer, and the more skillful are not here to aid us in the inquiry. The prisoner was forced into trial and is here in your charge, without the preparation which every process of this court was not able to bring. More than all, one phase of this mania so resembles crime as to be readily mistaken for it by the common mind; so that, to show him thus insane may be to press him with accumulated evidence of guilt. To these impediments the counsel of the prosecution would add another, by warning you against books which contain the light stricken out by long years of close and watchful contemplation of the disease of insanity. They would have you cut off from all supplies of knowledge exterior to yourselves, unless it be the knowledge which comes from the prosecution in such captivating simplicity. The knowledge which a glance inspires, the knowledge which men possess who have never seen the inside of a lunatic asylum, to whom insanity presents but the single phase of roaring madness, with the associate ideas of iron fetters, a straight jacket, periodical stripes and a dark prison! They would have you try this question by the rules and ideas which prevailed one hundred years ago in the courts of Great Britain, among men and judges, whose stupidity and profound ignorance of the subject of insanity have been pronounced throughout Continental Europe and our own country a reproach upon the English judiciary. They would make the law an exception out of the sciences, and deny to it the means of progress by which every other science advances. Jurors, there is a policy in this prosecution which is at war