

fanity not considered a crime, I should suppose such scenes were quite common. Any person discovering a quarrel at his door would be likely to resort to harsh means to quell the disturbance. Mr. Cavendish also refers to the sickness of the prisoner, deposed to by Clark as having occurred in December, 1855. Witness saw him in bed and says he seemed to him evidently out of his mind; was pulling hair out of his head; had been very unwell for two or three days. While confined to his bed two women entered his room, and during their visit he pointed to a particular spot on the wall, and calling our attention to it, remarked: "Do you see that picture on the wall? I drew that picture today; how do you like it?" Witness says there was no picture on the wall.

The learned counsel did not display his usual shrewdness in introducing this deposition, for it occurred to me while he was reading the picture scene that it was one of those hallucinations that never occur in homicidal mania, but is a marked characteristic of another disease called *mania a potu*, or delirium tremens, and this led me to inquire a little further into the matter when Lane and Sergeant Clark were on the stand, and I think their evidence shows that my conjecture was well founded. It is evident from all the testimony that defendant had but one attack of sickness from the time he returned from the plains in November, till his desertion in January, and the sickness referred to by Lane, Sergeant Clark and Cavendish must be one and the same. Lane, who was introduced by the defense, says he does not think it resulted from excessive drinking, but cannot say and would not swear it did not. He knows prisoner kept liquor in his room, for he drank with him several times. Sergeant Clark says he saw prisoner every day at the fort, and that he was always on duty except when sick—recollects that he had an attack of sickness between November, 1855, and January, 1856, after he returned from the plains. The afternoon preceding, witness saw him riding into the fort from the direction of the town of Leavenworth—noticed that he was very much intoxicated; so much so that he reeled from one side of his saddle to the other, and with much difficulty kept his