

a degree as to deprive him of all capacity of resistance. The law widely distinguishes between the guilt of an act which is the result of criminal design, and one committed under the pressure of mental disorder and of its insane impulses. The one is regarded as a crime deserving of punishment, the other as a misfortune deserving of compassion; the one is regarded as the act of a free agent capable of reason and influenced by motives, the other as of a victim of disease and a slave of delusion.

In order to impart any guilty or criminal quality to an act done in violation of the law, it must appear that the person who commits it had at the time mind and intelligence sufficient to deliberate on its necessity and propriety, and to form criminal purposes. Such persons, and such only, are adjudged capable of crime and responsible for their acts. It were a perversion of law and incompatible with the dignity of public justice to inflict punishment on that unfortunate class of mankind, whose minds from disease have become so depraved and perverted as that they have no will, no conscience, no controlling power over their actions, and have become the unresisting slaves of false impressions and insane delusions.

The diseases of the mind are of so mysterious a nature, and manifest themselves in so many forms, and in such various degrees of intensity, that, were I otherwise able, it were impossible, in a charge to the jury, to attempt even any general account of them. The evidence relied on to prove, and to disprove its existence in the present case, is before the jury and demands at your hands the most careful and watchful examination. Confining myself within the limits of my legitimate duties, all that I propose to do to aid you in your inquiries is to present to your view the general principles of the law which excuses an act of homicide on the score of insanity, and exempts the unhappy agent who commits it, from any accountability.

1st. If the prisoner, at the time of committing the act charged against him, is found by the jury to have been laboring under such a defect of reason, from mental disorder, as