

must be guarded while he remains, during the queen's pleasure, under medical treatment.

"The defense raises a second question equally grave. It is an axiom that ignorance of the law excuseth no man; but, gentlemen, an axiom, like a diamond, may be hard, impure and flawed. How can we expect this savage to comprehend our statutes, obey our ordinances and enjoy our liberties? And yet, apart altogether from the customs of our people expressed in common law, deep down at the foundation of all human life, is that instinctive universal wisdom which proclaims that for the common good the slayer should be slain. Even the plea of native red Indian custom condemns this man, surrendered by his tribesmen to our justice.

"Next, we have to consider an appeal to something in us all more potent than our reason, a trait of man not human but divine, our sense of pity. You have, no doubt, been moved, as I was, swayed out of all reason, by the prisoner's fine sincerity, his perfect manliness, his unusual argument, the purity of his thought, the rare beauty of its expression. This man is not, as the Crown pleads, brutal or depraved, but, as our hearts claim, noble. We have to deal, not with a common felon convicted of mere outrage, but with a man, moved by barbaric warrior