

sertion of no memory of the act by the prisoner in court :

The first case is that of A, who was repeatedly arrested for horse stealing, and always claimed to be unconscious of the act. This defence was regarded with ridicule by the court and jury, and more severe sentences were imposed, until, finally, he died in prison. The evidence offered in different trials in defence was, that his father was weak-minded and died of consumption, and his mother was insane for many years, and died in an asylum. His early life was one of hardship, irregular living, and no training. At sixteen he entered the army, and suffered from exposure, disease, and sunstroke, and began to drink spirits to excess at this time. At twenty he was employed as a hack driver, and ten years later became owner of a livery stable. He drank to excess at intervals, yet during this time attended to business, acting sanely, and apparently conscious of all his acts, but often complained he could not recollect what he had done while drinking. When about thirty-four years of age he would, while drinking, drive strange horses to his stable, and claim that he had bought them. The next day he had no recollection of these events, and made efforts to find the owners of these horses and return them. It appeared that while under the influence of spirits, the sight of a good horse hitched up by the roadside alone, created an intense desire to possess and drive it. If driving his own horse, he would stop and place it in a stable, then go and take the new horse, and after a short drive put it up in his own stable, then go and get his own horse. The next day all this would be a blank, which he could never recall. On several occasions he displayed reasoning cunning, in not taking a horse when the owners or drivers were in sight. This desire to possess the horse seemed under control, but when no one was in sight all caution left him, and he displayed great boldness in driving about in the most public way. If the owner should appear and demand his property, he would give it up in a confused, abstracted way. No scolding or severe language made any impression on him. Often if the horse seemed weary he would place it in the nearest stable,

with strict orders to give it special care. On one occasion he joined in a search of a stolen horse, and found it in a stable where he had placed it many days before. Of this he had no recollection. In another instance he sold a horse which he had taken, but did not take any money, making a condition that the buyer should return the horse if he did not like it. His horse stealing was all of this general character. No motive was apparent, or effort at concealment, and on recovering from his alcoholic excess, he made every effort to restore the property, expressing great regrets, and paying freely for all losses. The facts of these events fully sustained his assertion of unconsciousness, yet his apparent sanity was made the standard of his mental condition. The facts of his heredity, drinking, crime, and conduct, all sustained his assertion of unconsciousness of these events. This was an alcoholic trance state, with kleptomaniac impulses.

The next case, that of B, was executed for the murder of his wife. He asserted positively that he had no memory or consciousness of the act, or any event before or after. The evidence indicated that he was an inebriate of ten years' duration, dating from a sunstroke. He drank periodically, for a week or ten days at a time, and during this period was intensely excitable and active. He seemed always sane and conscious of his acts and surroundings, although intensely suspicious, exacting, and very irritable to all his associates. When sober he was kind, generous, and confiding, and never angry or irritable. He denied all memory of his acts during this period. While his temper, emotions, and conduct were greatly changed during this time, his intellect seemed more acute and sensitive to all his acts and surroundings. His business was conducted with usual skill, but he seemed unable to carry out any oral promises, claiming he could not recollect them. But when not drinking his word and promise was always literally carried out. He broke up the furniture of his parlor when in this state, and injured a trusted friend, and in many ways showed violence from no cause or reason, and afterwards claimed no memory of it. After these attacks were over, he