

derer," said his counsel. "The killing must be with malice aforethought, to make it murder. And can you, as an honest man, Mr. Douglass, affirm that?"

"No, I cannot," he replied, "but the law, I believe, construes it so, when the killing is induced by one's voluntary act in drinking to intoxication. Many a drunkard has been hung for killing with as little malice aforethought as I had. And why should I be made an exception? The sentence of death is upon me, and what matters it whether it be inflicted by the hand of man or the providence of God?"

"It matters much to your family, my dear," said Mrs. Douglass. "The wife and children of a man hung,—think of that! If you was really a murderer, then we ought to submit. But, my dear George, you are not; you know you are not. You have no more consciousness than I have of killing our dear Sammy. And, is it right for you to plead to a lie, because the law sometimes uses it as a pretext for hanging a man?"

"No, no, Mr. Douglass," added his lawyer, "drinking a glass of brandy, bad as it is, is not murder; and you know that act deprived you of your moral agency. And can a mere physical or animal agent be guilty of the crime of murder?"

"No, you mistake," said Mr. Douglass; "it was not the *drinking*, but the *contact* of the brandy, that made me insane. Had not madness been induced by this contact, I should not have drank at all."

These considerations induced him to plead *not* guilty. The state then proceeded to prove the facts of Samuel Douglass' death, just as they were; which they had no difficulty in doing. The defence set up the plea of insanity, and witnesses were adduced to prove that alcohol invariably deprived the prisoner at the bar of his reason, and that it was during the