

try to defend himself at the trial; and now his present condition, as shown by the report of the impartial examining alienists.

The alienists find, among the important diagnostic facts, that common folks can grasp, that his mind is out of joint as to time, place and person; that he walks with decided limp on the right leg; right knee jerk absent; atrophy of muscles of right thigh, leg and foot; right leg short; constitutional psychopathic state, with instability (Webster says this means mental disease,--a functional mental disorder); residual of ~~polien-cephalo-myelitis~~ polien-cephalo-myelitis (here, we are obliged to call upon Mr. Webster again, who informs us that this means inflammation of the grey matter of the brain and spinal chord). (in American tongue, the terms mean the sequel of infantile paralysis, which ~~is an acute inflammation of the brain and chord, stirred up the sail and caused the seed to sprout~~ is an acute inflammation of the brain and chord, no doubt caused by the scarlet fever, in this case). The alienists remark that "the examination indicates that this man has labored through his entire life under a nervous and physical handicap", and that "with his inability to control himself during, particularly, moments of very severe stress and strain, a tragedy occurred resulting in his present predicament."

The examination by the alienists gives us the facts, but does not bind us by any conclusions of law. That is a function of this Board.

The question now is, what is insanity, as used in the laws of the State, which will excuse exiation for an otherwise criminal act? Of course, he is not a raving maniac; but the Board of alienists have doubt about his sanity, even from the viewpoint of alienists, and say that we ought to take the verdict of a jury.

The verdict of a jury, at the present time, goes only to his present insanity, but not to his insanity at the time of the commission of the act. The Board of pardons may, and should, gravely consider his status of mind at both times. The matter is fairly before the Board, and his next trial should not be required to bear the burden of presenting the matter to a jury by further trial. Whether this board acts, or refers the matter to a jury, the question is ever present, what is insanity within the meaning of the Statute?

The Statute (Sec. 2498, par. 16, C.L. 1907) defines "insane person" to include distracted persons", and persons of unsound mind". By Statute, the conclusion of law from the facts, unless we find contrary to all the